**CITY OF NEWARK**

**CITY COUNCIL**

City Administration Building, City Council Chambers

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Minutes

Thursday, December 10, 2020

7:00 P.M.

1. **ROLL CALL**

Mayor Nagy called the meeting to order at 7:00 p.m. Present were Council Members Hannon, Collazo, Freitas, and Bucci. All participated via virtual teleconference.

1. **PRESENTATIONS**

B.1 Declaring the results of the November 3, 2020, General Municipal Election.

RESOLUTION NO. 11143

MOTION APPROVED

ORDINANCE NO. 526

City Clerk Harrington gave the staff report recommending approval. Mayor Nagy, Council Member Freitas, and Council Member Collazo were each re-elected to their respective seats. Measure PP was approved extending the Utility Users Tax until December 31, 2029.

Council Member Hannon moved, Council Member Bucci seconded to, by resolution, declare the results of the General Municipal Election of November 3, 2020 and by motion, authorize the Mayor to sign the initiative ordinance of the voters of the City of Newark to levy a local transactions and use (sales) tax to be administered by the State Board of Equalization. The motion passed, 5 AYES.

City Clerk Harrington administered the Oath of Office to Mayor Nagy, Council Member Collazo, and Council Member Freitas.

B.2 Commending Police Officers Torres and Swadener for their life saving actions.

Mayor Nagy commended Police Officers Torres and Swadener, whose combined actions saved a life.

B.3 Presentation on the Newark Library.

Library Manager Stoner gave a presentation on library services and equipment replacement during the pandemic. (Copy on file with City Clerk.)

Council Member Collazo suggested displaying the historical quilts, referenced in Mr. Stoner’s presentation, when the new library opens.

1. **PUBLIC COMMENT**

No one requested to speak.

1. **CONSENT CALENDAR**

Council Member Freitas moved, Council Member Bucci seconded, to approve Consent Calendar Items D.1 through D.12 that the resolutions be numbered consecutively, and that reading of the titles suffice for adoption of the resolutions. The motion passed, 5 AYES.

D.1 Approval of Register of Audited Demands.

D.2 Approval of minutes November 12 and November 19, 2020.

D.3 Motion accepting the Measure GG Transaction and Use Tax Oversight Committee Annual Report for Fiscal Year 2018-2019. MOTION APPROVED

D.4 Approval of the 2021 Local Appointments List. MOTION APPROVED

D.5 Approval of City Council meeting dates for calendar year 2021. RESOLUTION NO. 11144

D.6 Confirmation of the Continued Existence of a Local Emergency due to COVID-19. RESOLUTION NO. 11145

D.7 Approval of the Final Map and Subdivision Improvement Agreement for Tract 8387 – Filbert Villas (SRAJ Development, LLC), an 8-lot, 16-unit townhome-style residential subdivision at 37243 and 37257 Filbert Street. RESOLUTION NO. 11146, CONTRACT NO. 20069

D.8 Approval of the solid waste collection, recycling, and organics services maximum rates for Calendar Year 2021 with an increase of 2.8% over 2020. RESOLUTION NO. 11147

D.9 Approval of allocation of $75,000 of Measure B COVID-19 Rapid Response Bicycle and Pedestrian Grant Program funds to the Jarvis Avenue Class II Buffered Bike Lanes, Project No. 1294. MOTION APPROVED

D.10 Authorizing the City Manager to Execute the First Amendment to the Contractual Services Agreement with EMC Planning Group Inc. to Provide Environmental and Design Review Services Associated with the Implementation of the NewPark Place Specific Plan. RESOLUTION NO. 11148, CONTRACT NO. 20051

D.11 Approving an amendment to the City’s salary schedule for certain positions in the Exempt Service Employee Group to amend the Hourly Wage Rate Schedule for Part-Time, Seasonal, and Temporary (PST) classifications, and revoking the previous resolution. RESOLUTION NO. 11149

D.12 Acceptance of the Annual Report on Newark Development Impact Fees for Fiscal Year 2019‑2020 in accordance with Government Code Section 66006(b). MOTION APPROVED

1. **PUBLIC HEARINGS**
2. **OTHER BUSINESS**

F.1 Adoption of an Urgency Ordinance of the City of Newark to Establish a Temporary 15% Limit on Third-Party Delivery Fees on Food Delivery Service Providers. URGENCY ORDINANCE NO. 527

Council Member Collazo stated that she had an economic conflict of interest because the Mexico Tortilla Factory would be impacted by the proposed ordinance. She announced that she would recuse herself from participation. City Clerk Harrington placed Council Member Collazo’s teleconference access on hold.

City Manager Benoun gave the staff report recommending approval. He noted that based on a suggestion from Council Member Hannon, the ordinance was revised to add administrative fines.

No one requested to speak.

Council Member Bucci moved, Council Member Hannon seconded to adopt an urgency ordinance that establishes a temporary limit of fifteen percent (15%) on fees by third-party food delivery services to restaurants in Newark during the COVID-19 Pandemic. The motion passed, 4 AYES, 1 RECUSED.

Council Member Collazo rejoined the meeting.

F.2 Update on the 2020-2022 Biennial Budget.

City Manager Benoun and Finance Director Lee gave the presentation (on file with City Clerk).

No one requested to speak.

F.3 Approving and Authorizing the City Manager to execute Side Letters between the City of Newark and the Newark Association of Miscellaneous Employees (NAME), Newark Police Association (NPA), and Newark Police Management Association (NPMA) and to execute Compensation and Benefit Plan Modifications for Employees participating in the Compensation and Benefit Plans for City Officials and the Management, Supervisory and Professional Employee Group and the Confidential Group to provide a one-time opportunity to receive pay for accrued vacation, compensatory time earned, or accrued general leave, as applicable.

RESOLUTION NO. 11150 NAME

RESOLUTION NO. 11151 NPA

RESOLUTION NO. 11152 NPMA

RESOLUTION NO. 11153 CITY OFFICIALS

RESOLUTION NO. 11154 CONFIDENTIAL

City Manager Benoun stated that the City is transitioning to a biweekly payroll system. Due to the transition the first payroll period of 2021 will consist of one week of pay. He requested authorization to allow employees the option to use cashable leave to supplement the first check.

No one requested to speak.

Council Member Freitas moved, Council Member Collazo seconded to, by resolutions, approve and authorize the City Manager to execute the Side Letter Agreements between the City of Newark and NAME, NPA and NPMA and approve and authorize the City Manager to execute the compensation and benefit plan modifications for the Confidential and City Officials and the Management, Supervisory, and Professional Employee Groups to provide a one-time opportunity to receive pay for accrued vacation, compensatory time earned, and/or accrued general leave, as applicable. The motion passed, 5 AYES.

F.4 Authorization for the Mayor to sign a five-year agreement with the Alameda County Fire Department for fire and emergency response services. RESOLUTION NO. 11155

City Manager Benoun gave the staff report recommending approval.

Sean Burrows, President Alameda County Firefighters Local 55 sent an email in support of the agreement. Clerk Harrington read the email aloud into the record.

Council Member Bucci moved, Council Member Collazo seconded to by resolution, authorize the Mayor to execute a five-year agreement between the City of Newark and the Alameda County Fire Department for fire and emergency response services. The motion passed, 5 AYES.

1. **CITY COUNCIL MATTERS**

G.1 Reappointment of Karen Bridges to the Planning Commission. RESOLUTION NO. 11156

Mayor Nagy recommended the reappointment of Karen Bridges to the Planning Commission.

Council Member Freitas moved, Council Member Collazo seconded to, by resolution, approve the reappointment of Karen Bridges to the Planning Commission, for a term to expire on December 31, 2024. The motion passed, 5 AYES.

G.2 Appointment of Vice Mayor and authorization for the Vice Mayor to sign and endorse checks, warrants, and other instruments. MOTION APPROVED, RESOLUTION NO. 11157

Council Member Freitas moved, Council Member Hannon seconded to, by motion, appoint Mike Bucci as Vice Mayor. The motion passed, 5 AYES.

Council Member Freitas moved, Council Member Hannon seconded to, by resolution, authorize Vice Mayor Bucci to sign and endorse checks, warrants, and other instruments. The motion passed, 5 AYES.

G.3 Appointments of City Council Members to agencies, boards, commissions, and committees. RESOLUTION NO. 11158 Council appointments

RESOLUTION NO. 11159 Housing Authority nomination

Mayor Nagy asked if there was any interest in changing the current council assignments. None of the City Council Members requested changes. The assignments remained the same for the 2021 calendar year.

Alameda County Fire Advisory Council Members Bucci and

Commission Collazo – delegate and alternate

Alameda County Library Advisory Council Member Collazo and Mayor

Commission Nagy – delegate and alternate

Alameda-Contra Costa Transit District Council Members Bucci and

Policy Advisory Committee Hannon – delegates

Alameda County Transportation Council Members Freitas and

Commission Collazo – delegate and alternate

Alameda County Waste Management Council Members Hannon and

Authority Board/Stopwaste.org Freitas – delegate and alternate

Association of Bay Area Governments Council Member Bucci and Mayor

(ABAG) Nagy – delegate and alternate

Community Development Advisory Mayor Nagy and Council Member

Committee Freitas – delegates

Dumbarton Rail Policy Advisory Mayor Nagy and Council Member

Committee Bucci – delegate and alternate

East Bay Community Energy Council Member Hannon and Mayor

Board of Directors Nagy – delegate and alternate

Newark City Council –Board of Education Council Members Hannon and

Liaison Committee Collazo – delegates

Tri-City Elder Coalition Mayor Nagy – delegate

Senior Citizen Standing Advisory Mayor Nagy

Committee delegate and chairperson

Southern Alameda County Geographic Mayor Nagy and Council Member

Information System Authority Bucci – delegate and alternate

Tri-City Waste Facility Financing Mayor Nagy and Council Member

Hannon – delegates

Council Member Hannon requested a four-year reappointment to the Housing Commission of the Alameda County Housing Authority.

Kurt Wiest, Executive Director, Housing Authority of the County of Alameda (HACA) submitted an email in support of the reappointment of Council Member Hannon to HACA. City Clerk Harrington read the email into the record.

Moved by Council Member Hannon, seconded by Vice Mayor Bucci to by resolutions: 1) approve the appointments to the various agencies, boards, commissions, and committees; and 2) reappoint Council Member Hannon to the Housing Commission of the Alameda County Housing Authority. The motion passed 5 AYES.

1. **CLOSED SESSION**
2. **ADJOURNMENT**

Mayor Nagy adjourned the meeting at 9:16 pm.

SHEILA HARRINGTON

City Clerk