



CITY OF NEWARK

CITY COUNCIL

City Administration Building, City Council Chambers

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Minutes

Thursday, June 24, 2021
7:00 P.M.

A. ROLL CALL

Mayor Nagy called the meeting to order at 7:04 p.m. Present were Council Members Hannon, Collazo, Freitas, and Bucci.

B. PRESENTATIONS

C. PUBLIC COMMENT

Mary Paglieri speaking on behalf of the Citizen Coalition for a Fireworks Free Newark, stated that legal fireworks should be banned for public safety. They pose serious health risks to people and animals. Community nonprofits could use other forms of fund raising. She requested that the City Council place fireworks on the City Council agenda for discussion after the Fourth of July.

D. CONSENT CALENDAR

Council Member Hannon and City Manager Benoun requested the removal of item F.10 for separate discussion.

Council Member Collazo moved, Council Member Bucci seconded, to approve Consent Calendar Items D.1 through D.9, that the resolutions be numbered consecutively, and that reading of the titles suffice for adoption of the resolutions. The motion passed, 5 AYES.

1. Approval of Audited Demands
2. Approval of June 10, 2021, special and regular meeting minutes

3. Adopt a resolution approving the Investment Policy for FY 2021-22
Resolution No. 11213
4. Adopt a resolution accepting a bid and awarding a contract to Watsonville Fleet Group for the purchase of one Toyota Camry for the Newark Police Department and outfitting by Lehr
Resolution No. 11214
5. Adopt a resolution accepting bid and award of contract to Elk Grove Auto Group for the purchase of one Dodge Charger for the Newark Police Department and outfitting by Lehr
Resolution No. 11215
6. Approval to amend the Compensation and Benefit Plan for City Officials and the Management, Supervisory, and Professional Employee Group to add the classification of Recreation and Community Services Manager
Resolution No. 11216
7. Adopt a resolution establishing the Fiscal Year 2021-2022 Tax Appropriations Limit
Resolution No. 11217
8. Adopt a resolution authorizing the City Attorney to annually execute a Certification and Mutual Indemnification Agreement with the County of Alameda
Resolution No. 11218
Contract No. 21029
9. Resolution confirming the continued existence of a local emergency due to the COVID-19 Pandemic
Resolution No. 11219

Pulled for separate consideration.

10. Adopt a Resolution Approving and Authorizing the City Manager to Execute a Lease with Alameda County for the Alan L. Nagy Library
Resolution No. 11220
Contract No. 21030

Council Member Hannon asked when the library would open. City Manager Benoun stated that he did not anticipate it opening for several months. The County of Alameda needs to acquire bookshelves, other materials, and to execute a lease with the City.

Council Member Hannon stated that after the City budget improves, he would like the City Council to consider funding Sunday hours at the library.

City Manager Benoun stated that after the posting of the agenda, staff learned that the County may request that the City acquire certain materials to be installed in the library with the County reimbursing the expenses. He requested that the resolution be amended to allow staff to revise the lease agreement for this purpose.

Assistant City Manager Hovorka shared her screen with the proposed revisions to the resolution. The last paragraph would be:

“BE IT FURTHER RESOLVED that the City Manager is authorized to take any actions necessary to effectuate the intent of this Resolution, ~~and~~ make any non-substantive revisions to the Lease Agreement, and make any revisions to the Lease Agreement to include any additional work to prepare the Alan L. Nagy Library for occupancy for which the City will be fully reimbursed, subject to approval of the City Attorney as to form.”

Council Member Hannon requested that City Manager Benoun report the changes made to the Council Members. He also suggested that City Council consider increasing the City Manager’s authorization limit for reimbursement matters in the future.

No one from the public requested to speak.

Council Member Hannon moved, Council Member Collazo seconded to approve the resolution, as revised, authorizing the City Manager to execute a lease agreement with County of Alameda for library services. The motion passed 5 AYES.

E. PUBLIC HEARINGS

1. Hearing to consider adopting a resolution for annual levy of assessment in conjunction with Landscaping and Lighting District No. 1 Resolution No. 11221

City Manager Benoun stated that due to property ownership within Landscaping and Lighting Districts 10 and 11, Council Member Collazo will recuse from public hearings E.12 and E.13 and he will recuse from hearing E.13. He suggested that the City Council consider public hearings E.1-E.11 concurrently. The City Council agreed with this suggestion. He gave the staff report recommending approval.

At 7:22 p.m. Mayor Nagy opened public hearings E.1 through E.11 Landscaping and Lighting District Nos. 1, 2, 4, 6, 7, 13, 15, 16, 17, 18, and 19 simultaneously.

No one requested to speak.

At 7:23 p.m. Mayor Nagy closed public hearings E.1 through E.11, Landscaping and Lighting District Nos. 1, 2, 4, 6, 7, 13, 15, 16, 17, 18, and 19 simultaneously.

Council Member Freitas moved, Council Member Bucci seconded to, to approve the diagram and assessment and levy the annual assessment for Landscaping and Lighting District Nos. 1, 2, 4, 6, 7, 13, 15, 16, 17, 18, and 19 for the 2021-2022 fiscal year. The motion passed, 5 AYES.

2. Hearing to consider a resolution approving an annual levy of assessment in conjunction with Landscaping and Lighting District No. 2
Resolution No. 11222
3. Hearing to consider a resolution approving an annual levy of assessment in conjunction with Landscaping and Lighting District No. 4
Resolution No. 11223
4. Hearing to consider a resolution approving an annual levy of assessment in conjunction with Landscaping and Lighting District No. 6
Resolution No. 11224
5. Hearing to consider a resolution approving an annual levy of assessment in conjunction with Landscaping and Lighting District No. 7
Resolution No. 11225
6. Hearing to consider a resolution approving an annual levy of assessment in conjunction with Landscaping and Lighting District No. 13
Resolution No. 11226
7. Hearing to consider a resolution approving an annual levy of assessment in conjunction with Landscaping and Lighting District No. 15
Resolution No. 11227
8. Hearing to consider a resolution approving an annual levy and assessment in conjunction Landscaping and Lighting District No.16
Resolution No. 11228

- 9.** Hearing to consider a resolution approving an annual levy of assessment in conjunction with Landscaping and Lighting District No. 17
Resolution No. 11229
- 10.** Hearing to consider a resolution approving an annual levy of assessments inconjunction with Landscaping and Lighting District No. 18
Resolution No. 11230
- 11.** Hearing to consider a resolution approving an annual levy of assessments in conjunction with Landscaping and Lighting District No. 19
Resolution No. 11231
- 12.** Hearing to consider a resolution approving an annual levy of assessment in conjunction with Landscaping and Lighting District No. 10
Resolution No. 11232

Council Member Collazo and City Manager Benoun each announced that they would recuse from the next two public hearings due to property ownership conflicts of interest. City Clerk Harrington placed them on hold, disabling their audio and video access.

Public Works Director Fajeau gave the staff report recommending approval.

At 7:26 p.m. Mayor Nagy opened public hearings E.12 through E.13 Landscaping and Lighting District Nos. 10 and 11 simultaneously.

No one requested to speak.

At 7:27 p.m. Mayor Nagy closed public hearings E.12 through E.13, Landscaping and Lighting District Nos. 10 and 11 simultaneously.

Council Member Bucci moved, Council Member Hannon seconded to, to approve the diagram and assessment and levy the annual assessment for Landscaping and Lighting District Nos. 10 and 11 for the 2021-2022 fiscal year. The motion passed, 4 AYES, 1 RECUSED (Collazo).

Council Member Collazo and City Manager Benoun returned to the City Council meeting.

- 13.** Hearing to consider a resolution approving an annual levy of assessment in conjunction with Landscaping and Lighting District No. 11
Resolution No. 11233

F. OTHER BUSINESS

- 1. Adopt a Resolution authorizing a one-time exception to the systematic decrease in the maximum allowable number of safe and sane fireworks booths permits due to global supply chain shortages
Resolution No. 11234**

City Manager Benoun gave the staff report recommending approval. Nonprofits that choose not to operate a fireworks booth this year would still be allowed to request a permit next year.

In response to Council Member Hannon, City Manager Benoun stated that at least one nonprofit would like the one-time exception.

No one requested to speak.

Council Member Bucci moved, Council Member Collazo seconded to approve a resolution authorizing a one-time exception to the systematic decrease in the maximum allowable numbers of safe and sane fireworks booths due to global supply chain shortages. The motion passed, 5 AYES.

- 2. Year-end Budget Review and Amendment of the 2020-2022 Biennial Budget and Capital Improvement Plan for Fiscal Year 2021
Resolution No. 11235**

Finance Director Lee gave the staff report recommending approval. (Presentation on file with City Clerk).

Council Member Hannon requested that in the future, the tables have a column with anticipated numbers for the next fiscal year for a comprehensive review of the budget.

No one requested to speak.

Council Member Collazo moved, Council Member Hannon seconded to approve a resolution amending the 2020-2022 Biennial Budget and Capital Improvement plan for Fiscal Year 2021. The motion passed 5 AYES.

G. CITY COUNCIL MATTERS

Mayor Nagy stated that he would adjourn the meeting in memory of Vivien Larsen. The entire City Council extended their condolences to the Larsen family.

Mayor Nagy stated that only Safe and Sane Fireworks are allowed on the Fourth of July.

Council Member Hannon wished his wife Kathleen a happy 43rd wedding anniversary.

Council Member Freitas requested that people be careful with their Safe and Sane fireworks on the Fourth of July.

Council Member Collazo congratulated Administrative Assistant/Marketing Coordinator Edda Rivera who was named Employee of the Year at the Employee Service Awards. She stated that it is difficult to catch people using illegal fireworks and that communities that have banned fireworks have the same issues. She stated that she anticipates the fireworks booths selling out early due to the Safe and Sane Fireworks shortage. Shop Newark.

Council Member Bucci congratulated Ms. Rivera and wished everyone a safe Fourth of July.

H. CLOSED SESSION

1. Closed session for conference with Labor Negotiators pursuant to California Government Code Section 54957.6. Agency designated representatives: City Manager Benoun, Interim City Attorney Kokotaylo and Assistant City Manager Hovorka. Employee Groups: the Newark Police Association, the Newark Police Management Association; City Officials and the Management, Supervisory, and Professional Employee Group; and the Confidential Employee Group

At 8:10 p.m. the City Council recessed to a closed session.

At 8:23 p.m. the City Council convened in closed session.

At 9:07 p.m. the City Council reconvened in open session with all Council Members present.

I. ADJOURNMENT

At 9:07 p.m. Mayor Nagy adjourned the meeting in memory of Vivien Larsen.

Sheila Harrington, City Clerk