



CITY OF NEWARK CITY COUNCIL

City Administration Building, City Council Chambers

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Minutes

Thursday, October 28, 2021
7:00 P.M.

A. ROLL CALL

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

B. PRESENTATIONS

1. Adopt a resolution to accept the work with Webcor Construction, LP, DBA Webcor Builders for design/build contract for the New Civic Center, Project 1188
Resolution No. 11264

City Manager Benoun thanked everyone associated with the New Civic Center Project. He noted that this was the first City Council meeting in the new City Council Chambers.

City Architect Collier gave the staff report recommending approval. He thanked everyone associated with the project, highlighting the contributions from Administrative Analyst Gonzalez. He noted that the project was completed under budget, on time, and during the pandemic. Presentation on file with the City Clerk.

Each Council Member expressed their thoughts on the new buildings, the Civic Center Team, and Mr. Collier's project management skills.

No one from the public requested to speak.

Council Member Freitas moved, Council Member Bucci seconded to adopt a resolution accepting the work with Webcor Construction, LP, DBA Webcor Builders for the design/build contract for the new Civic Center, Project 1188. The motion passed, 5 AYES.

2. Commending Ray Collier on his retirement

Mayor Nagy presented a commendation to City Architect Collier and wished him well in retirement.

C. PUBLIC COMMENT

Namit Saksena spoke in support of Consent Calendar item C.6 Cherry Street Class IV Separated Bikeways and suggested additional bikeways for accessibility. For Consent Calendar item C. 8 Organics Reduction, he suggested that the City work with Republic Services to provide SB 1383 compliant trash cans to allow trash sorting at the source.

D. CONSENT CALENDAR

Council Member Collazo moved, Council Member Buccì seconded, to approve Consent Calendar Items D.1 through D.11, that the resolutions be numbered consecutively, and that reading of the titles suffice for adoption of the resolutions and ordinance. The motion passed, 5 AYES.

1. Approval of Audited Demands

2. Approval of minutes for the October 7, 2021, special meeting and October 14, 2021, regular meeting

**3. Adopt a Resolution Confirming the Continued Existence of a Local Emergency Due to the COVID-19 Pandemic
Resolution No.11265**

**4. Adopt a Resolution Finding That There is a Proclaimed State of Emergency; Finding That Meeting in Person Would Present Imminent Risks to the Health or Safety of Attendees as a Result of the State of Emergency; and Authorizing Continued Remote Teleconferenced Meetings of the Legislative Bodies of the City of Newark for the 30 Day Period Beginning October 28 Pursuant to AB 361
Resolution No.11266**

**5. Approval of a resolution authorizing an amendment to the Contractual Services Agreement with GeoCon Consultants, Inc.
Resolution No.11267
Contract No. 17014**

6. Adopt a resolution approving the allocation of \$453,000 of Measure B and Transportation Fund for Clean Air funds to the Cherry Street Class IV Separated Bikeways, Project No. 1254 and authorizing the City Manager to execute a Project Funding Agreement with the Alameda County Transportation Commission
Resolution No. 11268
7. Approval of a resolution allocating \$43,000 of Measure B Safe Routes to Schools Mini Grant Program funds to Safe Routes to Schools Improvements, Project No. 1280, and authorizing the City Manager to execute a Project Funding Agreement with the Alameda County Transportation Commission.
Resolution No.11269
8. Introduction of an Ordinance of the City Council of the City of Newark adding Chapter 8.40, Organics Reduction and Recycling, to the Newark Municipal Code to incorporate an Ordinance of the Alameda County Waste Management Authority to reduce the amount of organic and recyclable materials deposited in landfills
Ordinance Introduced
9. Adopt a resolution approving an amendment to the 2020-2022 Biennial Budget and Capital Improvement Plan to delete one full-time equivalent position of Human Resources Manager and add one full-time equivalent position of Human Resource Director.
Resolution No. 11270
10. Adopt a resolution for approval of Classification Specification changes to the Communications Supervisor classification.
Resolution No. 11271
11. Adopt a resolution approving of and authorizing the City Manager to execute an agreement with Motorola, Inc. for an Advanced Encryption Standard (AES) encryption package including over-the-air rekeying software
Resolution No. 11272

E. PUBLIC HEARINGS

1. A public hearing to consider approval of the Timber Senior Affordable Housing Project, an ordinance amending the zoning map from Residential Medium Density (RM) to Residential High Density (RH), and a resolution to adopt a Mitigated Negative Declaration supported by an Initial Study in accordance

with the California Environmental Quality Act (CEQA), a Conditional Use Permit, and Design Review to allow a 79-unit residential development. The subject site is zoned RM: Residential Medium Density and has a General Plan Land-Use designation of Medium Density Residential.

Resolution No.11273
Ordinance Introduced

Deputy Community Development Director Interiano gave the staff report recommending approval. Presentation on file with City Clerk.

Jared Nolan, project developer for Eden Housing and Rick Williams, architect with VMWP LLP gave a presentation (on file with City Clerk).

Mayor Nagy opened the public hearing at 7:59 p.m.

Jessica Seto spoke in support of the project. She stated that the City had a duty to help older residents stay in the community.

Mayor Nagy closed the public hearing at 8:02 p.m.

Council Member Hannon requested multilingual outreach efforts when the units are available for rent.

Council Member Bucci expressed his desire for a local live/work preference for the rental units.

Community Development Director Turner stated that he thought a live/work preference would be possible and that extensive marketing/outreach efforts would be made within the City.

Council Member Bucci moved, Council Member Collazo seconded to adopt a resolution Adopting a mitigated negative declaration, amending the Newark General Plan, approving a conditional use permit, and design review to allow a 79-unit affordable housing development (timber street senior housing) at 37600 Timber Street (APN 92A-2125-10-2) and introduce an Ordinance amending the Zoning Map From RM: Residential Medium Density To RH: Residential High Density for the property located at 37660 Timber Street (APN 92a-2125-10-2). The motion passed, 5 AYES.

F. OTHER BUSINESS

1. Adoption of Resolutions approving the City of Newark American Rescue Plan Act (“ARPA”) Recovery Plan
Resolution No. 11274 Old Town
Resolution No. 11275 ARPA

City Manager Benoun gave the staff report recommending approval (presentation on file with City Clerk).

Council Members Freitas and Collazo each announced that they would recuse themselves from voting on the first resolution approving ARPA funding for projects within the Old Town Area because they each owned property in the Old Town area.

Council Members Freitas and Collazo exited the City Council Chambers.

Council Member Hannon moved, Council Member Bucci seconded to adopt a resolution Approving the American Rescue Plan Act (ARPA) Recovery Plan for Old Town Newark Projects and amending the 2020-2022 Biennial Budget and Capital Improvement Plan for Fiscal Year 2022. The motion passed, 3 AYES, 2 RECUSED.

Council Members Freitas and Collazo returned to the City Council Chambers.

Council Member Hannon Moved, Council Member Collazo seconded to adopt a resolution Approving the American Rescue Plan Act (ARPA) Recovery Plan and amending the 2020-2022 Biennial Budget and Capital Improvement Plan for Fiscal Year 2022. The motion passed, 5 AYES.

G. CITY COUNCIL MATTERS

Mayor Nagy stated that he would adjourn the meeting in memory of Robert Souza.

Council Member Collazo wished everyone a happy Halloween, Dia de los Muertos, and shop Newark.

Council Member Freitas stated that he was proud to make the motion to accept the Civic Center project. He asked Public Works Director Fajeau for the status on a number of paving and landscaping projects around the City.

Council Member Hannon complimented the new City Council Chambers. He encouraged

everyone to get a flu shot.

Council Member Bucci congratulated recreation staff on the recent dog park event. He stated that it was good to have a City Council meeting in person. He announced that the Alan L. Nagy Library is open.

H. CLOSED SESSION

1. Conference with legal counsel - Existing Litigation
Pursuant to California Government Code Section 54956.9(d)(1)
Name of Case: Kovach, Adeceli v. City of Newark (Workers' Compensation Appeals Board Numbers ADJ11999350, ADJ11999328, ADJ11999368)

At 8:54 p.m. the City Council recessed to a closed session.

At 9:08 p.m. the City Council convened in closed session.

At 9:31 p.m. the City Council reconvened in open session with all Council Members present.

I. ADJOURNMENT

At 9:31 p.m., Mayor Nagy adjourned the City Council meeting, in memory of Robert Souza.

Sheila Harrington, City Clerk