



CITY OF NEWARK CITY COUNCIL

City Administration Building, City Council Chambers

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Minutes

Thursday, December 9, 2021
7:00 P.M.

A. ROLL CALL

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

B. PRESENTATIONS

1. Commending Planning Commissioner Karen Bridges

Mayor Nagy presented a commendation to Karen Bridges for her 28 years of service on the Planning Commission.

2. Presentation of Certificates of Appreciation to Judy Tokubo, Charlie Mensinger, and Elwood "Woody" Ballard

Mayor Nagy presented Certificates of Appreciation to: Judy Tokubo for her volunteer service with the Newark Optimist Club and Newark Library League; Charlie Mensinger for creating COVID-19 charts specific to the City of Newark; and Elwood "Woody" Ballard for 60 years of service as a Scout Leader, School Board Member, and community volunteer.

3. Presentation of commendations to retiring city employees

Mayor Nagy presented retirement commendations to Police Sergeant Samuel Ackerman, Communications Supervisor Matthew Breen, Police Captain Chomnan Loth, and Recreation and Community Services Director David Zehnder.

C. PUBLIC COMMENT

No one requested to speak

D. CONSENT CALENDAR

Council Member Hannon requested that item D.9 be pulled for separate consideration.

Vice Mayor Bucci moved, Council Member Hannon seconded, to approve Consent Calendar items D.1 through D.8 and D.10 through D.18, that the resolutions be numbered consecutively, and that reading of the titles suffice for adoption. The motion passed, 5 AYES.

1. Approval of Audited Demands
2. Approval of minutes of November 18, 2021
3. Adopt a Resolution confirming the continued existence of a local emergency due to the COVID-19 Pandemic
Resolution No. 11281
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 December 9 Pursuant to AB 361
Resolution No. 11282
5. Motion approving the 2022 Local Appointments List and distribution
Motion Approved
6. Adopt resolutions establishing the City Council meeting calendar for 2022 and authorizing the City Manager to take administrative actions during the August Recess
Resolution No. 11283 Calendar
Resolution No. 11284 August Recess
7. Adopt a resolution reappointing John Becker to the Planning Commission
Resolution No. 11285
8. Adopt two resolutions for (1) class specification changes for the Building inspector series and (2) a personnel allocation change from two (2) Building Inspector I and one (1) Building Inspector II to three (3) Building Inspector I-II in the 2020-2022 Biennial Budget and Capital Improvement Plan
Resolution No. 11286 Class Specifications
Resolution No. 11287 Biennial Budget
9. PULLED FOR SEPARATE CONSIDERATION
10. Adopt a Resolution authorizing the City Manager to execute Task Order No. 24 to the Joint Powers Agreement with the City of Fremont for Case Management Services
Resolution No. 11288
Contract No. 09044

11. Adopt a resolution authorizing the City Manager to execute a five-year contract with Syserco, Inc. for energy management systems program support at the Silliman Center and the Civic Center, declaration of Syserco, Inc. as the single source vendor, and amendment of the 2020-2022 Biennial Budget and Capital Improvement Plan
Resolution No. 11289
Contract No. 21059
12. Adopt a resolution authorizing the City Manager to execute Task Order No. 25 to the Joint Powers Agreement with the City of Fremont for Paratransit Services
Resolution No. 11290
Contract No. 09044
13. Adopt a resolution authorizing a 3.3% increase to the solid waste collection, recycling and organics services maximum rates for Calendar Year 2022
Resolution No. 11291
14. Adopt two resolutions initiating proceedings for annexation of Tract 8453 to Zone 7 – Harbor Pointe of Landscaping and Lighting District No. 19, ordering and approving the preliminary Engineer’s Report, declaring intent to order annexation of Tract 8453 to the assessment district, and setting public hearing date on January 27, 2022
Resolution No. 11292 Initiate Proceedings
Resolution No. 11293 Preliminary Engineer’s Report
15. Consideration of claims of Lenika Howard, Khaylum Richard-Howard, Terry Franklin, Rameria Appleton, and Rameria Appleton for Ta’Meia Franklin
Motion approved
16. Adopt a resolution Authorizing the City Manager to Execute the Third Amendment to the Contractual Services Agreement with Metropolitan Planning Group to Provide Project Review Services Associated with the proposed development referred to as FMC Willow
Resolution No. 11294
Contract No. 20025
17. Adopt a resolution accepting Annual Impact Fee Reports for Fiscal Years 2018-2021
Resolution No. 11295
18. Adopt a Resolution Approving a Contractual Services Agreement with R.L. Banks & Associates, Inc. for Professional Consultant Services for Railroad Quiet Zone Study, Project 1276
Resolution No. 11296
Contract No. 21060

PULLED FOR SEPARATE CONSIDERATION

- D.9 Adopt a resolution 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 classifications, and revoking the previous resolution.
Resolution No. 11297

In response to Council Member Hannon’s question, Assistant City Manager Hovorka stated that the annual review of the hourly wages for the Exempt Service Employee Group ensures

compliance with minimum wage increases and commensurate increases to related classifications and supervisory wage relationships.

No one from the public requested to speak.

Council Member Hannon moved, Council Member Freitas seconded to adopt a resolution 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 classifications, and revoking the previous resolution. The motion passed, 5 AYES.

E. PUBLIC HEARINGS

F. OTHER BUSINESS

1. Adopt a resolution authorizing the City Manager to execute Task Order No. 2 with Quincy Engineering, Inc. for additional design services for the Central Avenue Overpass, Project 1014 Resolution No. 11298 Contract No. 15044

Public Works Director Fajeau and Assistant City Engineer Imai gave the staff report recommending approval. Presentation on file with City Clerk.

No one from the public requested to speak.

Council Member Freitas moved, Vice Mayor Bucci seconded to adopt a resolution authorizing the City Manager to execute Task Order No. 2 with Quincy Engineering, Inc. for additional design services for the Central Avenue Overpass, Project 1014. The motion passed, 5 AYES

2. Presentation on Local Preference for Affordable Housing

Consultant Paul Peninger recommended that the City create a live/work policy to apply to all projects receiving city support, Create a policy that will apply to 100% of available units, subject to regulatory and legal limitations and study findings, Implement a lottery-based selection process to equalize all households within each preference category to be managed by developer consistent with city guidelines, and require developers to establish and manage a wait list for each property.

Mr. Peninger stated that the next steps would be to prepare a displacement and disparate impact study, based on study findings and partner agency review, design a live/work policy, and then present to the City Council for review and adoption

No one from the public requested to speak.

Mr. Peninger responded to Council questions regarding the study timeline, the lottery model, eligibility requirements/verification, and potential litigation concerns.

This item was Informational only – no action was requested.

G. CITY COUNCIL MATTERS

- 1. Approval of Motion appointing Vice Mayor and Resolution authorizing the Vice Mayor to execute financial documents
Resolution No. 11299

Mayor Nagy thanked Vice Mayor Bucci for his service as Vice Mayor. Mayor Nagy nominated Council Member Hannon as Vice Mayor.

No one from the public requested to speak.

Vice Mayor Bucci moved, Council Member Collazo seconded to appoint Michael Hannon as Vice Mayor and to adopt a resolution authorizing the Vice Mayor to execute financial documents. The motion passed, 4 AYES, 1 ABSTENTION (Bucci).

- 2. Adopt a resolution confirming the Mayor's appointments to various agencies, boards, commissions, and committees
Resolution No. 11300

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 2022 calendar year.

No one from the public requested to speak.

Council Member Hannon moved, Council Member Collazo seconded to adopt the resolution confirming the Mayor's appointments to various agencies, boards, commissions, and committees. The motion passed, 5 AYES.

The 2022 Council Assignments:

Alameda County Fire Advisory Commission	Council Members Bucci and Collazo – delegate and alternate
Alameda County Library Advisory Commission	Council Members Collazo and Mayor Nagy – delegate and alternate
Alameda-Contra Costa Transit District Policy Advisory Committee	Council Members Bucci and Hannon – delegates
Alameda County Transportation Commission	Council Members Freitas and Collazo – delegate and alternate
Alameda County Waste Management Authority Board/Stopwaste.org	Council Members Hannon and Freitas – delegate and alternate
Association of Bay Area Governments (ABAG)	Council Member Bucci and Mayor Nagy – delegate and alternate
Community Development Advisory Committee	Mayor Nagy and Council Member Freitas – delegates
Dumbarton Rail Policy Advisory Committee	Mayor Nagy and Council Member Bucci – delegate and alternate

East Bay Community Energy Board of Directors	Council Member Hannon and Mayor Nagy – delegate and alternate
Newark City Council –Board of Education Liaison Committee	Council Members Hannon and Collazo – delegates
Tri-City Elder Coalition	Mayor Nagy - delegate
Senior Citizen Standing Advisory Committee	Mayor Nagy delegate and chairperson
Southern Alameda County Geographic Information System Authority	Mayor Nagy – delegate Council Member Bucci - alternate
Tri-City Waste Facility Financing	Mayor Nagy and Council Member Hannon – Authority delegates

The entire City Council wished everyone a happy and safe holiday season and thanked the retirees who were honored earlier in the meeting.

Mayor Nagy announced that he would adjourn the City Council meeting in memory of Vincent and Maureen Dobson, they were instrumental in the formation of the Newark of the World Organization. He stated that there would be a DUI checkpoint in Newark.

Vice Mayor Hannon commended city staff for the tree lighting ceremony.

Council Member Freitas thanked Judy Tokubo, Charlie Mensinger and Woody Ballard for their service to the community.

Council Member Bucci thanked Karen Bridges for her 28 years of service on the Planning Commission.

Council Member Collazo thanked everyone who gives their time to our great city. Shop Newark.

H. CLOSED SESSION

1. Conference With Legal Counsel - Anticipated Litigation - Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9: 2 cases.

At 8:57 p.m. the City Council recessed to a closed session.

At 9:07 p.m. the City Council convened in closed session.

At 9:47 p.m. the City Council reconvened in open session with all Council Members present.

Interim City Attorney Kokotaylo announced that the City Council voted unanimously to initiate litigation in two matters. The first matter was moved by Councilmember Bucci and seconded by Councilmember Collazo. The second matter was moved by Councilmember Bucci and seconded by Vice-Mayor Hannon. Once litigation is formally commenced, the action, the defendants, and other particulars will be disclosed to any person upon inquiry unless doing so would jeopardize effective service of process or settlement negotiations.

I. ADJOURNMENT

At 9:47 p.m., Mayor Nagy adjourned the meeting in memory of Vincent and Maureen Dobson.

Sheila Harrington, City Clerk