



CITY OF NEWARK

CITY COUNCIL

City Administration Building, City Council Chambers

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Minutes

Thursday, April 13, 2023

A. ROLL CALL

Mayor Hannon called the meeting to order at 7:02 p.m. Council Members Bucci, Jorgens and Vice Mayor Collazo were present. Council Member Freitas was noted absent.

B. PRESENTATIONS

1. Commending the City of Newark Maintenance Division for their outstanding storm response efforts

Mayor Hannon presented commendations to the Maintenance Division staff.

2. Proclaim April as Fair Housing Month

Mayor Hannon presented the proclamation to members of the Bay East Association of REALTORS Bill Espinola and Barbara Clemons.

3. Proclaim April 23rd to April 29th as National Crime Victims' Rights Week

Mayor Hannon presented the proclamation to Victims Advocate Celina Amezcua.

C. PUBLIC COMMENT

The public is invited to address the City Council on any item not listed on the agenda. Public Comments are generally limited to 5 minutes per speaker. Please note that State law prohibits the Council from acting on nonagenda items.

No one requested to speak.

D. CONSENT CALENDAR

Mayor Hannon requested the removal of Items D.4 and D.9 for separate consideration.

Council Member Bucci moved, Council Member Collazo seconded, to approve Consent Calendar Items D.1 through D.3 and D.5 through D.8, that the resolutions be numbered consecutively, and that reading of the titles suffice for adoption. The motion passed, 4 AYES, 1 ABSENT (Freitas).

1. Audited Demands
2. Approval of March 23, 2023, minutes
3. Adopt a Resolution Approving a First Amendment to Contractual Services Agreement with Metropolitan Planning Group for On-Call Planning Services
RESOLUTION NO. 11481
CONTRACT NO. C20066
4. Removed from Consent Calendar for separate consideration
5. Adopt a resolution accepting work with Rosas Brothers Construction for FY 2021-2022 Curb, Gutter and Sidewalk Replacement, Project 1279. Exempt from CEQA Review per CEQA Guidelines Section 15301 (Existing Facilities)
RESOLUTION NO. 11482
6. Adopt a Resolution authorizing the City Manager to execute the first amendments to the Contractual Services Agreements with Baird + Driskell Community Planning (Community Planning Collaborative) and Environmental Sciences Associates, Inc. and authorizing amendment of the 2022-2024 Biennial Budget for Fiscal Year 2023 to provide funding for consultant services related to the 2023-2031 Housing Element
RESOLUTION NO. 11483
CONTRACT NO. C22011
RESOLUTION NO. 11484
CONTRACT NO. 22001

7. Approval of plans and specifications and adopt a resolution accepting the bid and awarding the contract for the Base Bid and Additive Alternate Bid No. 1 to VSS International, Inc. for Cherry Street Class IV Separated Bikeways, Project 1254 and amending the 2022-2024 Biennial Budget for Fiscal Year 2023; Exempt from CEQA Review per CEQA Guidelines Section 1530
RESOLUTION NO. 11485
CONTRACT NO. 23015
8. Approval of the plans and specifications and adopt a resolution accepting the bid and awarding the contract for the total bid to Contract Decor, Inc. for Window Coverings for Newark Civic Center, Project 1353 and amending the 2022-2024 Biennial Budget for Fiscal Year 2024; Exempt from CEQA Review per CEQA Guidelines Section 15301 (Existing Facilities)
RESOLUTION NO. 11486
CONTRACT NO. 23016
9. Removed from Consent Calendar for separate consideration

NONCONSENT

4. Adopt a Resolution approving an agreement with the County of Alameda for participation in the County of Alameda Strategic Vision Initiative – VISION 2026 Community Grant program and amending the 2022-2024 Biennial Budget and Capital Improvement Plan for Fiscal Year 2023
RESOLUTION NO. 11487
CONTRACT NO. 23017
9. Adopt a resolution authorizing the City Manager to execute an Agreement with Alameda County to restore library service hours and amend the Fiscal Year 2024 budget
RESOLUTION NO. 11488
CONTRACT NO. 23018

Vice Mayor Collazo moved, Council Member Jorgens seconded, to approve Items D.4 and D.9 that the resolutions be numbered consecutively, and that reading of the titles suffice for adoption. The motion passed, 4 AYES, 1 ABSENT (Freitas).

E. PUBLIC HEARINGS

1. Public hearing pursuant to Government Code Sections 4217.10, et seq. to adopt certain findings and to adopt a resolution authorizing the City Manager to

execute an energy services agreement with Syserco Energy Solutions (SES) in an amount not to exceed \$1,598,265 and approving an amendment to the biennial budget and to adopt a resolution authorizing the City Manager to apply for the Energy Conservation Assistance Act (ECAA) loan from the California Energy Commission and to execute any necessary loan documents. Exempt from CEQA pursuant to Section 15301 of the CEQA Guidelines

Administrative Analyst Gonzalez gave the staff report recommending approval.

In an effort to reduce the City's carbon footprint, reduce energy consumption and maintenance costs City staff began looking into upgrading the City's streetlights in 2022. The City owns and maintains approximately 2,800 streetlights, most of which are high-pressure sodium. Switching to LED will reduce power consumption by 67%, reduce maintenance costs, and improve lighting. The new lights will have a longer useful life.

In response to Vice Mayor Collazo's question, Administrative Analyst Gonzalez stated that only the lights will be replaced, not the poles.

Council Member Jorgens asked how many lights will be replaced?

Administrative Analyst Gonzalez responded that with the exception of the lights in Old Town, all others will be replaced. Because of the pending plan for Old Town it was determined that it would not be efficient to replace them at this time.

Mayor Hannon opened the public hearing at 7:37 p.m. There was no public testimony and Mayor Hannon closed the public hearing at 7:37 p.m.

Council Member Bucci moved, Vice Mayor Collazo seconded, to adopt resolutions authorizing the City Manager to execute an energy services agreement with Syserco Energy Solutions (SES) in an amount not to exceed \$1,598,265 and approving an amendment to the biennial budget and to adopt a resolution authorizing the City Manager to apply for the Energy Conservation Assistance Act (ECAA) loan from the California Energy Commission and to execute any necessary loan documents. Exempt from CEQA pursuant to Section 15301 of the CEQA Guidelines. The motion passed, 4 AYES, 1 ABSENT.

RESOLUTION NO. 11489

CONTRACT NO. 23019

RESOLUTION NO. 11490

CONTRACT NO. 23020

F. OTHER BUSINESS

1. Adopt a Resolution amending the 2022-2024 Biennial Budget and Capital Improvement Plan for Fiscal Year 2023 for Capital Improvement Plan budget rollovers

Vice Mayor Collazo announced she would recuse due to ownership of various properties.

Vice Mayor Collazo exited the City Council Chambers.

City Manager Benoun explained this item is ordinarily placed on the Consent Calendar as it involves a simple rollover of existing CIP projects. Because of the conflict of interest, it was moved to Other Business.

No one spoke.

Council Member Bucci moved, Council Member Jorgens seconded, to adopt a Resolution amending the 2022-2024 Biennial Budget and Capital Improvement Plan for Fiscal Year 2023 for Capital Improvement Plan budget rollovers. The motion passed 3 AYES, 1 RECUSED (Collazo), 1 ABSENT (Freitas)
RESOLUTION NO. 11491

2. Adopt a resolution approving a ten-year extension to the Franchise Agreement with Allied Waste Services of North America LLC (Republic Services) for collection of solid waste and collection and processing of source separated recyclable material, organic materials, and construction and demolition debris and revising the maximum limit for rates for solid waste collection, recycling, organics, and construction and demolition debris services starting on June 1, 2023

Environmental Services Manager Scanlin gave the staff report.

Rose Radford, R3 Consulting Group, gave a presentation on the Republic Services Franchise Agreement Extension.

Council Member questioned the CPI metric being changed; there is a separate one for refuse (water, sewer, trash – based on industry costs). The five-year comparison showed the industrial index was lower than the all-consumer price index.

In answer to Vice Mayor Collazo's question, Ms. Radford explained that backyard service means the driver picks up the trash receptacle from where the homeowner keeps it, not curbside. Vice Mayor Collazo also commented on multi-family bulk waste pickups and more recycling education for residents.

Mike Di Bene, a driver for Republic Services, thanked the City Council for the chance to serve the community the last 10 years and hopes to continue.

Joe Chu, Republic Services General Manager, also thanked the City Council for the chance to serve the City for another 10 years.

Council Member Bucci is happy to see that the lock fees were reduced. He was also glad to see the issue of delinquent accounts going in a new direction and teaming up with Code Enforcement to reach out to those with delinquent accounts.

Mayor Hannon congratulated Republic Services on a 77% approval rating. He also said he experienced outstanding customer service and likes the multi-family bulky waste program. He also asked about electric garbage trucks in the future.

Mayor Hannon thanked Republic Service for the organics container they will distribute. He also stated that SB1383 was not welcomed by most jurisdictions. There was little direction provided to governmental agencies as far as what their expectations were. The City received \$0 to implement a significant program.

Council Member Bucci moved, Council Member Jorgens seconded, to adopt a resolution approving a ten-year extension to the Franchise Agreement with Allied Waste Services of North America LLC (Republic Services) for collection of solid waste and collection and processing of source separated recyclable material, organic materials, and construction and demolition debris and revising the maximum limit for rates for solid waste collection, recycling, organics, and construction and demolition debris services starting on June 1, 2023. The motion passed, 4 AYES, 1 ABSENT.

RESOLUTION NO. 11492

CONTRACT NO. C13002

G. CITY COUNCIL MATTERS

City Council Members report on attendance at intergovernmental agency meetings, conferences, and seminars since the last meeting. City Council Members may also announce upcoming events and coordinate attendance; report on local events attended since the last meeting; and make brief comments on issues of concern.

Council Member Bucci stated that Ohlone Wildlife Rehabilitation Center Executive Director Kelly Di Bene has been working to re-open the center. The center relies on volunteers, and he thanked local boy scout troops for all the work they have done over the past two months to get the center running again.

Council Member Jorgens stated that he had fun at Family Day at the Park. He thanked the Recreation Department for sponsoring an event that many families enjoy and said he is looking forward to future events.

Vice Mayor Collazo stated that she was informed at the Alameda County Library Advisory Commission that in 2022 there were 1,269 attempts by organized groups to ban some literature from our libraries. She urged citizens to unite against the book bans. Shop Newark!

Mayor Hannon recognized the HERS Breast Cancer Foundation's 25th Anniversary of community service.

City Manager Benoun thanked the Recreation Department for hosting Family Day at the Park. He announced that from OBAG 3 MTC the City received approval for the \$5.14M requested for Old Town streetscape improvements. There will be an item on the next City Council agenda approving the funds. Lastly, immediately prior to the next City Council meeting on April 27 Mayor Hannon will deliver his first State of the City address at 5:00 pm in the Council Chambers. A reception will immediately follow in the lobby and the City Council meeting will commence at 7:00 pm.

H. CLOSED SESSION

1. Conference with legal counsel - Existing Litigation
Pursuant to California Government Code Section 54956.9(d)(1)
Name of Case: In re National Prescription Opiate Litigation, Northern District of Ohio (National opioid litigation involving Teva, Allergan, CVS, Walgreens, and Walmart)
Case No. 1:17-MD-2804

At 8:33 pm the City Council recessed to a closed session.

At 8:43 pm the City Council convened in closed session, with the exception of Council Member Freitas.

At 8:56 pm the City Council reconvened in open session will all Council Members present, with the exception of Council Member Freitas.

I. ADJOURNMENT

At 8:56 pm Mayor Hannon adjourned the meeting.

Kathleen L. Slafter
Deputy City Clerk