



# CITY OF NEWARK CITY COUNCIL

City Administration Building, City Council Chambers

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## Minutes

Thursday, June 22, 2023  
7:00 P.M.

### A. ROLL CALL

Mayor Hannon called the meeting to order at 7:00 p.m. Vice Mayor Collazo, Council Members Freitas, and Jorgens were present. Council Member Bucci was noted absent.

### B. PRESENTATIONS

#### 1. Introduction of employee

Mayor Hannon introduced Siobhan Henderson, Accounting Assistant I.

#### 2. Alameda County Fire Department Presentation

Fire Chief McDonald gave the presentation (on file with City Clerk).

### C. PUBLIC COMMENT

Milind Shyani stated that he and his wife recently moved to the city of Newark and noted the lack of trees on Newark Boulevard after Cedar Boulevard. He requested additional trees be planted.

Assistant City Manager Hovorka stated that at the last City Council meeting, the City Council approved a contract budget amendment with the intention to plant more trees around the City.

**D. CONSENT CALENDAR**

Council Member Freitas requested the removal of D.9.

Mayor Hannon requested the removal of D.5 and D.8.

Council Member Jorgens moved, Vice Mayor Collazo seconded, to approve Consent Calendar Items D.1 through D.4, D.6 through D.7 and D.10 through D.19, that the resolutions and ordinances be numbered consecutively, and that reading of the titles suffice for adoption. The motion passed, 4 AYES, 1 ABSENT.

1. Approval of Audited Demands
2. Approval of June 8, 2023 minutes
3. Adopt a resolution amending the 2022-2024 Biennial Budget and Capital Improvement Plan for Fiscal Year 2024 to fund a CivicSpark Fellow to assist with the development of an update to the City's Climate Action Plan  
Resolution No. 11513
4. Adopt a resolution related to Newark Police Department wellness program to approve agreements with Public Safety Family Counseling Group and Sigma Tactical Wellness, to authorize sole-source exemptions for Sigma Tactical Wellness and Mindbase LLC, and to approve an amendment to the 2022-2024 Biennial Budget and Capital Improvement Plan for Fiscal Year 2024  
Resolution No. 11514
5. Adopt a resolution to authorize the City Manager to submit a proposal on behalf of the City Council to the Board of State and Community Corrections for the Organized Retail Theft Prevention Grant Program  
Removed from Consent Calendar for separate consideration.
6. Adopt a resolution accepting a grant of up to \$40,000 through the California Automated Permit Processing Program for implementation of an automated solar permitting program (SolarAPP+) and approving an amendment to the 2022-2024 Biennial Budget and Capital Improvement Plan for Fiscal Year

2024

Resolution No. 11515

7. Adopt a resolution authorizing the City Manager to execute a three-year cooperation agreement for fiscal years 2024-2026 with Alameda County for participation in the Alameda County Urban County for the Community Development Block Grant (CDBG) Program  
Resolution No. 11516  
Contract No. 23040
8. Adopt a resolution authorizing the City Manager to execute a Contractual Equipment and Services Agreement with Owen Equipment for the purchase of a Vactor catch basin cleaner, authorization for outfitting by Classic Graphics and amending the 2022-2024 Biennial Budget and Capital Improvement Plan for Fiscal Year 2024  
Removed from Consent Calendar for separate consideration.
9. Approve the 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 FY 2022-2023 Rubberized Cape Seal and Slurry Seal Program, Project No. 1301 and amending the 2022-2024 Biennial Budget and Capital Improvement Plan; Exempt from CEQA review per CEQA Guidelines Section 153013  
Removed from Consent Calendar for separate consideration.
10. Adopt a resolution approving the second amendment to the Contractual Services Agreement with Orion Security and amend the 2022-2024 Biennial Budget and Capital Improvement Plan for Fiscal Year 2024  
Resolution No. 11517  
Contract No. 22041
11. Adopt a resolution authorizing the City Manager to enter into a Contractual Services Agreement with Cintas Corporation for uniform rental and laundry services  
Resolution No. 11518  
Contract No. 23041

12. Adopt a resolution authorizing the City Manager to execute the Fourth Amendment to the Contractual Services Agreement with 4Leaf Inc. to provide temporary professional planning services  
Resolution No. 11519  
Contract No. 21045
13. Adopt a resolution authorizing the City Manager to execute Contractual Services Agreements for on-call support services with 4Leaf, Inc., BPR Consulting Group, LLC., Bureau Veritas North America, Inc., CSG Consultants, Inc., and True North Compliance Services, Inc. for the Building Inspection Division and amendment of the 2022-2024 Biennial Budget and Capital Improvement Plan for Fiscal Year 2024  
Resolution No. 11520  
Contract No. 23042-23046
14. Adopt a resolution establishing the Fiscal Year 2024 Tax Appropriations Limit  
Resolution No. 11521
15. Adopt a resolution approving an amendment to the Contractual Services Agreement with Gachina Landscape Management, Inc. to increase the contractual not-to-exceed amount for additional landscape maintenance services and amendment of the 2022-2024 Biennial Budget and Capital Improvement Plan for Fiscal Year 2024  
Resolution No. 11522  
Contract No. 21011
16. Adopt a resolution authorizing the City Attorney to execute a Certification and Mutual Indemnification Agreement with the County of Alameda for Fiscal Year 2024  
Resolution No. 11523  
Contract No. 23047
17. Adopt a resolution approving the City's Investment Policy  
Resolution No. 11524
18. Adopt a resolution authorizing the continued investment of monies into the Local Agency Investment Fund (LAIF) and designating officers authorized to

sign on the account  
Resolution No. 11525

19. Year-end Budget Review and approval of a resolution amending the 2022-2024 Biennial Budget and Capital Improvement Plan for Fiscal Year 2023  
Resolution No. 11526

### **Items removed from the Consent Calendar**

5. Adopt a resolution to authorize the City Manager to submit a proposal on behalf of the City Council to the Board of State and Community Corrections for the Organized Retail Theft Prevention Grant Program  
Resolution No. 11527

Mayor Hannon highlighted that this grant proposal was specific to catalytic convertors. He thanked Captain Macias and the Police Department for applying for the grant.

No one requested to speak.

Council Member Freitas moved, Council Member Jorgens seconded to adopt the resolution authorizing the City Manager to submit a proposal on behalf of the City Council to the State of California Board Of State And Community Corrections for the Organized Retail Theft Prevention Program. The motion passed, 4 AYES, 1 ABSENT.

8. Adopt a resolution authorizing the City Manager to execute a Contractual Equipment and Services Agreement with Owen Equipment for the purchase of a Vactor catch basin cleaner, authorization for outfitting by Classic Graphics and amending the 2022-2024 Biennial Budget and Capital Improvement Plan for Fiscal Year 2024  
Resolution No. 11528  
Contract No. 23048

Mayor Hannon stated this equipment was used to clean storm drains and the current equipment was over 20 years old. He thanked Maintenance staff for their efforts to acquire the new equipment.

No one requested to speak.

Vice Mayor Collazo moved, Mayor Hannon seconded to adopt a resolution authorizing the City Manager to execute a contractual equipment and services agreement with Owen Equipment for the purchase of a vector catch basin cleaner, authorization for outfitting by Classic Graphics, and amending the 2022-2024 Biennial Budget and Capital Improvement Plan for Fiscal Year 2024. The motion passed, 4 AYES, 1 ABSENT.

9. Approve the 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 FY 2022-2023 Rubberized Cape Seal and Slurry Seal Program, Project No. 1301 and amending the 2022-2024 Biennial Budget and Capital Improvement Plan; Exempt from CEQA review per CEQA Guidelines Section 153013  
Resolution No. 11529  
Contract No. 23049

Council Member Freitas stated that a specific location on Cherry Street was swept on a daily basis resulting in the diminishment of the seal. He asked if that location would be addressed with this project.

Public Works Director Fajeau stated that he was aware of the problematic location and that it was a stormwater compliance issue. He stated that staff would monitor and could increase enforcement.

No one requested to speak.

Council Member Freitas moved, Council Member Jorgens seconded, to the accept the bid and by resolution award the contract for the base bid and additive alternate bid no. 1 to VSS International, Inc. for the FY 2022-2023 Rubberized Cape Seal and Slurry Seal Program, Project No. 1301 and amendment of the 2022-2024 Biennial Budget and Capital Improvement Plan. The motion passed, 4 AYES, 1 ABSENT.

## **E. PUBLIC HEARINGS**

1. Hearing (continued from June 8, 2023) to consider approval of DR2021-006, a Resolution approving Design Review and Vesting Tentative Map for an 8-unit for-sale condominium residential development comprised of (4) two-unit dwellings located at 36952 Mulberry Street (APNs 92-29-21 and 92-29-22) Resolution No. 11530

Associate Planner Balatbat gave the staff report recommending approval. Presentation on file with City Clerk.

Mayor Hannon opened the public hearing at 8:01 p.m.  
No one requested to speak.

Mayor Hannon closed the public hearing at 8:01 p.m.

Council Member Freitas moved, Vice Mayor Collazo seconded to adopt the resolution approving DR2021-006, a Design Review and Vesting Tentative Map for an 8-unit for-sale condominium residential development comprised of (4) two-unit dwellings located at 36952 Mulberry Street (APNs 92-29-21 and 92-29-22). The motion passed, 4 AYES, 1 ABSENT.

## **F. OTHER BUSINESS**

1. Adopt resolutions for approval of Annual Engineer's Reports, intention to levy and collect assessments and setting a public hearing for July 13, 2023, for Landscaping and Lighting District Nos. 1, 2, 4, 6, 7, 10, 11, 13, 15, 16, 17, 18 and 19 for Fiscal Year 2024 in accordance with the provisions of the Landscaping and Lighting Act of 1972  
Resolution No. 11531 Reports  
Resolution No. 11532 Public Hearing

Vice Mayor Collazo announced that she would recuse from participating in this item due to real property interests in Landscaping and Lighting District Nos. 10 and 11.

City Manager Benoun announced that he would recuse from this item due to a real property interest in Landscaping and Lighting District No. 11.

Vice Mayor Collazo and City Manager Benoun each exited the City Council Chambers.

Assistant City Manager Hovorka gave the staff report recommending approval.

No one requested to speak.

Council Member Jorgens moved, Council Member Freitas seconded to adopt the resolutions: 1) the Annual Engineer's Reports for Landscaping and Lighting District Nos. 1, 2, 4, 6, 7, 10, 11, 13, 15, 16, 17, 18 and 19, for Fiscal Year 2024 in accordance with the provisions of the Landscaping and Lighting Act of 1972; and 2). Declaring intention to levy and collect assessments for Landscaping and Lighting District Nos. 1, 2, 4, 6, 7, 10, 11, 13, 15, 16, 17, 18 And 19, for Fiscal Year 2024 and setting the annual public hearing date for July 13, 2023 in accordance with the provisions of the Landscaping And Lighting Act Of 1972. The motion passed, 3 AYES, 1 RECUSED, 1 ABSENT.

Vice Mayor Collazo and City Manager Benoun returned to the City Council Chambers.

2. Adopt a resolution for approval of the Road Repair and Accountability Act of 2017 (Senate Bill 1) Fiscal Year 2023-2024 Project List Resolution No. 11533

Vice Mayor Collazo announced that she would recuse from participating in this item due to real property and business interests.

Assistant City Manager Hovorka gave the staff report recommending approval.

No one requested to speak.

Council Member Freitas moved, Council Member Jorgens seconded to adopt the resolution Approving the Road Repair and Accountability Act of 2017 (Senate Bill 1) Fiscal Year 2023-2024 project list. The motion passed, 3 AYES, 1 RECUSED, 1 ABSENT.

Vice Mayor Collazo returned to the City Council Chambers.



3. Waive full reading, conduct second reading by title only, and adopt an ordinance adding Chapter 8.44, "Sustainable Foodware", to the Newark Municipal Code  
Ordinance No. 543

Vice Mayor Collazo announced that she would recuse from participating in this item due to economic conflict of interest related to a business.

Assistant City Manager Hovorka gave the staff report recommending approval.

No one requested to speak.

Council Member Jorgens moved, Council Member Freitas seconded to adopt the ordinance adding Chapter 8.44, "Sustainable Foodware", to the Newark Municipal Code To Regulate The Use Of Disposable Foodware To Improve The Health And Safety Of The Newark Community And Environment. The motion passed, 3 AYES, 1 RECUSED, 1 ABSENT.

Vice Mayor Collazo returned to the City Council Chambers.

4. Adopt a resolution approving a fund balance and reserve policy  
Resolution No. 11534

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

No one requested to speak.

Vice Mayor Collazo moved, Council Member Freitas seconded to adopt the resolution approving the Fund Balance and Reserve Policy. The motion passed, 4 AYES, 1 ABSENT.

5. Waive full reading and, by title only, introduce ordinances repealing and replacing Chapter 3.04, "Purchasing System" of Title 3 "Revenue and Finance" of the Newark Municipal Code in its entirety and adding Chapter 3.05, "Informal Bid Procedures" to Title 3 "Revenue and Finance" of the Newark Municipal Code; adopt a resolution electing to become subject to the Uniform Public Construction Cost Accounting Act; and adopt a resolution

establishing expenditure authority  
Ordinances (2) Introduced  
Resolution No. 11535 UPCCAA  
Resolution No. 11536 Expenditure Authority

Finance Director Lee and City Attorney Kokotaylo gave the presentation recommending approval. Presentation on file with the City Clerk.

No one requested to speak.

Vice Mayor Collazo moved, Council Member Freitas seconded to introduce the ordinances: 1) repealing and replacing Chapter 3.04, "Purchasing System" of Title 3 "Revenue and Finance" of the Newark Municipal Code in its entirety and 2) adding Chapter 3.05, to the Newark Municipal Code to provide informal bidding procedures under the Uniform Public Construction Cost Accounting Act (Section 22000, Et Seq. of the Public Contract Code; and adopted the resolutions: 1) Electing to become subject to the Uniform Public Construction Cost Accounting Act; and 2) establishing expenditure authority. The motion passed, 4 AYES, 1 ABSENT.

**G. CITY COUNCIL MATTERS**

6.

Council Member Jorgens stated that he attended the Groovin at the Grove concert. It was well organized.

Council Member Freitas wished everyone a happy and safe Fourth of July Holiday.

Vice Mayor Collazo stated there will be a mix of cultures at the next Groovin at the Grove concert. She invited everyone to participate in Ice Coffee with a Cop on June 27. She thanked McDonalds for donating the coffee. She encouraged support of the local nonprofits selling the fireworks. Shop Newark.

Mayor Hannon stated that the Arbor Day Foundation named Newark as a 2022 Tree City USA®. He congratulated his wife on their 45th wedding anniversary.

City Manager Benoun stated that staff is prepared for the Fourth of July and he

thanked staff for their work that night to keep the community safe. Happy Birthday to Information Technology Director Ed Miranda.

#### **H. CLOSED SESSION**

1. Closed Session pursuant to Government Code Section 54957, Public Employee Performance Evaluation, Title: City Manager
2. Closed session for conference with Labor Negotiator pursuant to California Government Code Section 54957.6. Agency Designated Representative: Mayor Hannon, Unrepresented employee: City Manager Benoun

At 8:51 p.m. the City Council recessed to a closed session.

At 9:00 p.m. the City Council convened in closed session.

At 9:32 p.m. the City Council reconvened in open session with all Council Members present, with the exception of Council Member Bucci.

#### **I. ADJOURNMENT**

Mayor Hannon adjourned the meeting at 9:32 p.m.

Sheila Harrington, City Clerk