



CITY OF NEWARK

CITY COUNCIL

City Administration Building, City Council Chambers

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Minutes

Thursday, May 26, 2022

A. ROLL CALL

Mayor Nagy called the meeting to order to 7:18 p.m. Present were Council Members Collazo, Freitas, Bucci, and Vice Mayor Hannon.

B. PRESENTATIONS

1. Commending Courtney Jo Bond

Mayor Nagy presented the commendation to Courtney Jo Bond, the first female Cub Scout in the City of Newark to have earned the Arrow of Light Award.

2. Commending Newark Memorial High School Rocketry Team

Mayor Nagy presented the commendation to the Newark Memorial High School Rocketry Team in honor of qualifying for the 2022 American Rocketry Challenge National Finals.

3. Proclamation designating May 15 to 21, 2022, as Emergency Medical Services Week

Mayor Nagy presented the proclamation to Alameda County Fire Division Chief Luepke.

C. PUBLIC COMMENT

Mike Marzano representing the First Presbyterian Church, stated that they reached out to Republic Services for solutions to prevent illegal dumping of garbage on their property. Republic Services suggested padlocks for the dumpsters. He was surprised that padlocks in the City of Fremont are \$8 each and in the City of Newark they are \$24 each.

Manaal Shafi of Bloom Energy invited everyone to participate in the Stars and Strides Run on July 2, 2022, to benefit the Valley Medical Center Foundation.

D. CONSENT CALENDAR

Council Member Collazo moved, Council Member Bucci seconded, to approve Consent Calendar items D.1 to D.4, that the resolutions be numbered consecutively, and that reading of the titled suffice for adoption. The motion passed, 5 AYES.

1. Approval of Audited Demands
2. Approval of May 12, 2022, special and regular meeting minutes
3. Approval of plans and specifications, and adopt a resolution for acceptance of bid, and award of contract for the Total Bid to Rosas Brothers Construction for FY 2021-2022 Citywide Accessible Pedestrian Curb Ramps (TDA Article 3 FY21/22), Project 1277
Resolution No.11352
Contract No. 22025
4. Adopt a Resolution Accepting work with Chrisp Company for 2020 Citywide Thermoplastic Street Striping, Project 1242
Resolution No. 11353

E. PUBLIC HEARINGS

1. Hearing to consider property owners' objections to the 2022 Weed Abatement Program and instruction to the Superintendent of Streets to abate the public nuisances

Motion approved

City Manager Benoun gave the staff report recommending approval.

Mayor Nagy opened the public hearing at 7:34 p.m.

Mike Marzano, First Presbyterian Church, stated his support of the weed abatement program but questioned the accuracy of the current list.

Mayor Nagy closed the public hearing at 7:37 p.m.

Council Member Freitas moved, Council Member Collazo seconded, to act upon any objections by property owners to the 2022 Weed Abatement Program, and instruct the Superintendent of Streets to abate the public nuisances. The motion passed, 5 AYES.

2. Hearing to consider adoption of resolution approving the Master Fee Schedule for Fiscal Year 2023
Resolution No. 11354

City Manager Benoun gave the staff report highlighting new fees for services for violations of Fireworks Ordinance No. 535, building permits, charging stations at City Hall, and rentals of the Skatepark and Tennis Court.

Mayor Nagy opened the public hearing at 7:40 p.m.

No one requested to speak.

Mayor Nagy Closed the public hearing at 7:41p.m.

Council Member Bucci noted that some of the fees were lowered.

In response to Council Member Collazo's suggestion to lower the rental fees for the soccer and softball fields, City Manager Benoun stated that staff would analyze the usage and fee.

Vice Mayor Hannon suggested tracking the skatepark rentals and report back to the City Council next year if the rental days should be limited to ensure resident access.

Council Member Bucci moved, Council Member Collazo seconded, to adopt a resolution amending the Master Fee Schedule for Fiscal Year 2023. The motion passed, 5 AYES.

3. Public Hearing to Receive Input on Military Equipment Policy and Introduce an Ordinance Adding Chapter 2.50 entitled, "Military Equipment Use Policy" to the Newark Municipal Code in compliance with Assembly Bill 481
Ordinance Introduced

Captain Macias gave a presentation on the new requirement for the City Council to review and approve the Military Equipment Policy, per Assembly Bill 481. She noted that Section 709.7 Use in Exigent Circumstances was amended, after the meeting packet was distributed, as follows:

In exigent circumstances and with the approval of the Chief of Police or designee, the department may ~~acquire~~, borrow and/or use military equipment that is not included in the military equipment inventory section of this policy.

In accordance with this section, if the department ~~acquires~~, borrows, and/or uses military equipment in exigent circumstances, it must take all of the following actions.

- Make all efforts to pProvide written notice of the ~~acquisition or~~ use to the City Council within 14 days, and in no event provide written notice in no more than 30 days, following commencement of such exigent circumstance, unless such information is confidential or privileged under local, state or federal law.
- If it is anticipated that the use will continue beyond the exigent circumstance, submit a proposed amended military equipment policy to the City Council within 90 days following the borrowing, ~~acquisition~~ and / or use, and receive approval for continued use.

Captain Macias requested that the City Council adopt the Policy including the proposed amendment. Presentation on file with the City Clerk.

Mayor Nagy opened the public hearing at 7:48 p.m.

No one requested to speak.

Mayor Nagy closed the public hearing at 7:49 p.m.

Council Member Collazo moved, Council Member Bucci seconded, to introduce an ordinance approving and adopting a Military Equipment Policy and adding Chapter 2.50,

“Military Equipment Policy” to Title 2, “Administration and Personnel” of the Newark Municipal Code in compliance with Assembly Bill 481, with the requested amendments to Section 709.7 USE IN EXIGENT CIRCUMSTANCES of the policy. The motion passed, 5 AYES.

F. OTHER BUSINESS

1. Adopt Resolutions for approval of Annual Engineer's Reports, intention to levy and collect assessments and setting a public hearing on June 23, 2022, for Landscaping and Lighting District Nos. 1, 2, 4, 6, 7, 10, 11, 13, 15, 16, 17, 18 and 19 for fiscal year 2022-2023 in accordance with the provisions of the Landscaping and Lighting Act of 1972
Resolution Nos. 11355-11356

Council Member 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 real property interest in Landscaping and Lighting District No. 11.

Council Member Collazo and City Manager Benoun exited the City Council Chambers.

Public Works Director Fajeau gave the staff report recommending approval.

No one requested to speak.

Vice Mayor Hannon moved, Council Member Freitas seconded to adopt resolutions: (1) Approving 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 2022-2023 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 2022-2023 and setting the public hearing date for June 23, 2022, in accordance with the provisions of the Landscaping and Lighting Act of 1972. The motion passed, 4 AYES, 1 RECUSED.

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

2. Adopt Resolutions Approving the addition of the classifications of Chief Information Officer/Information Technology Director, Information Technology Analyst, Senior Information Technology Analyst, and Information Technology Technician I/II and the deletion of the classifications of Information Systems Manager, Information Systems Specialist, and Information Systems Technician by (1) amending the Employee Classification Plan; (2) amending the Compensation and Benefit Plan for the City Officials and the Management, Supervisory, and Professional Employee Group; and the Memorandum of Understanding between the City of Newark and the Newark Association of Miscellaneous Employees (NAME) and (3) approving an amendment to the City's Salary Schedule in conformance with California Code of Regulations, Title 2, Section 570.5
Resolution Nos. 11357-11359

Assistant City Manager Hovorka gave the staff report outlining the Information Technology staffing needs of the City and the salary and benefits associated with the Chief Information Officer/Information Technology Director position.

No one requested to speak.

Vice Mayor Hannon moved, Council Member Bucci seconded to adopt resolutions: (1) Authorizing an amendment to the Classification Plan adding the class specifications of Chief Information Officer/ Information Technology Director, Senior Information Technology Analyst, Information Technology Analyst, and Information Technology Technician I/II; and deleting the positions of Information Systems Manager, Information Systems Specialist, and Information Systems Technician; and (2) Amending Resolution No. 10,962, the Compensation and Benefit Plan For The City Officials and The Management, Supervisory, and Professional Employee Group To add three classifications, entitled Chief Information Officer/ Information Technology Director, Senior Information Technology Analyst, and Information Technology Analyst; and delete one classification, entitled Information Systems Manager; and approving an amendment to the City's Salary Schedule in conformance with California Code Of Regulations, Title 2, Section 570.5; and (3) Amending Resolution No. 10,958, the Memorandum Of Understanding Between The City Of Newark And The Newark Association of Miscellaneous Employees to add a classification, entitled Information Technology Technician I/II; and delete classifications, entitled information Systems Specialist and Information Systems Technician; and approving an amendment to the City's Salary Schedule in conformance with California Code Of Regulations, Title 2, Section 570.5. The motion passed, 5 AYES.

G. CITY COUNCIL MATTERS

Mayor Nagy thanked Finance Director Lee and her staff for the budget presentation given at the work session. He reminded everyone that Memorial Day recognizes those who gave the ultimate sacrifice so we can be the home of the free.

Council Member Bucci mentioned the Robb Elementary School shooting in Uvalde, Texas that resulted in 21 deaths and the subsequent fatal heart attack of the husband of one of the teachers. He stated his frustration that nothing changes after these tragedies. He shared that he is gun owner and that it was time for action to prevent further tragedies. He requested that the City Council adjourn the meeting in memory of the victims.

Council Member Freitas stated that he agreed with Council Member Bucci's comments.

Vice Mayor Hannon stated that he agreed with the previous comments. He stated that society cannot get used to these shootings and the need to address the issues so other families do not suffer.

Council Member Collazo agreed with the previous comments. She added that the NRA bought the Senators and they do not protect citizens anymore.

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, Assistant City Manager Hovorka, and Human Resources Director Solito; Employee Groups: the Newark Association of Miscellaneous Employees; the Newark Police Management Association; the Newark Police Association; the Confidential Employee Group; and City Officials and the Management, Supervisory, and Professional Employee Group

Mayor Nagy announced that the closed session would not be held.

I. ADJOURNMENT

Mayor Nagy adjourned the meeting at 8:18 p.m. in memory of the Robb Elementary School victims.

Sheila Harrington, City Clerk