



# CITY OF NEWARK CITY COUNCIL

City Administration Building, City Council Chambers

37101 Newark Boulevard, Newark, CA 94560 | (510) 578-4266 | E-mail: [city.clerk@newark.org](mailto:city.clerk@newark.org)



## Minutes

Thursday, November 10, 2022  
7:00 P.M.

### A. ROLL CALL

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

### B. PRESENTATIONS

#### 1. Introduction of employees

Mayor Nagy introduced Alexis Cross, Accounting Assistant II, Brett Oeverndiek, Administrative Analyst, and Alex Tat, Senior Civil Engineer.

### C. PUBLIC COMMENT

Namit Saksena requested that the City Council direct staff to redesign the Cherry Street at Mowry Avenue bulb out to improve the flow of traffic. (Presentation on file with City Clerk.)

### D. CONSENT CALENDAR

Council Member Collazo moved, Vice Mayor Hannon seconded, to approve Consent Calendar Items D.1 through D.19, that the resolutions and ordinance 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 October 27, 2022 minutes
3. Adopt a resolution confirming the continued existence of a local emergency due to the COVID-19 Pandemic  
Resolution No. 11420
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 November 10 Pursuant to AB 361  
Resolution No. 11421
5. Motion accepting the Measure GG Transaction and Use Tax Oversight Committee Annual Report for Fiscal Year 2020-2021  
Motion approved
6. Adopt a resolution reappointing Jeff Aguilar to the Planning Commission  
Resolution No. 11422
7. Adopt a resolution accepting public subdivision improvements for Tract 8310 – Bayshores Phase II, an 86-unit residential subdivision generally located on the southeast corner of Hickory Street and Seawind Way in Bayside Newark  
Resolution No. 11423
8. Adopt a resolution accepting public subdivision improvements for Tract 8085 – Bayshores Phase I, a 213-unit residential subdivision generally located on the west side of Willow Street between Central Avenue and Seawind Way in Bayside Newark  
Resolution No. 11424
9. Adopt a resolution authorizing the City Manager to execute Task Order No. 27 to the Joint Powers Agreement with the City of Fremont for Paratransit Services  
Resolution No. 11425  
Contract No. 09044

10. Adopt a resolution adopting a compensation plan for certain positions in the exempt service employee group to amend the Part-Time, Seasonal and Temporary (PST) Classifications Schedule of Hourly Wage Rates, and revoking the previous resolution in conformance with California Code of Regulations, Title 2, Section 570.5  
Resolution No. 11426
11. Adopt a resolution approving the Measure D Expenditure Plan and amend the 2022-2024 Biennial Budget and Capital Improvement Plan for Fiscal Years 2022-2023 and 2023-2024  
Resolution No. 11427
12. Adopt a resolution approving and authorizing the City Manager to execute the annual Sun Ridge Systems, Inc., Software Support Services Agreement  
Resolution No. 11428  
Contract No. 13013
13. Adopt resolutions to (1) approve an amendment to the classification plan to add the class specification of Principal Civil Engineer; (2) approve an amendment to the 2022-2024 Biennial Budget and Capital Improvement Plan to replace one full-time equivalent Senior Civil Engineer with one full-time equivalent Principal Civil Engineer and authorization for one additional full-time equivalent Associate Civil Engineer; and (3) approve an amendment to the City of Newark Compensation and Benefit Plan for the Management, Supervisory and Professional Employee Group to add the classification of Principal Civil Engineer and assign salary range 17  
Resolution No. 11429 Classification Plan  
Resolution No. 11430 Biennial Budget  
Resolution No. 11431 Compensation and Benefit Plan
14. Adopt a resolution authorizing the City Manager to execute a Software as a Service Agreement with Axero Holdings LLC. to provide annual cloud hosting, security, backup, upgrades and maintenance support services for an intranet, and amending the 2022-2024 Biennial Budget and Capital Improvement Plan to appropriate \$29,353.50 in FY2022-2023 for the implementation cost (one-time fee) and year one of the agreement and \$21,356.25 in FY2023-2024 for year two of the agreement

Resolution No. 11432  
Contract No. 22066

15. Adopt a resolution approving Used Oil Payment Program expenditures for Fiscal Year 2022  
Resolution No. 11433
16. Adopt a resolution authorizing the purchase of three vehicles for the Newark Police Department directly from auto dealerships with single-source findings  
Resolution No. 11434
17. Adopt a resolution authorizing the purchase of four Ford Interceptors for the Newark Police Department from Folsom Lake Ford and adopt a resolution authorizing increased not-to-exceed amounts to \$136,000 for Lehr Auto Electric and to \$20,000 for Classic Graphics under their respective Fiscal Year 2023 Annual Purchase Agreements  
Resolution No. 11435 Folsom Lake Ford  
Resolution No. 11436 Lehr Auto Electric
18. Adopt a resolution approving and authorizing the City Manager to execute an agreement with Lehr Auto Electric to purchase twenty Police Department mobile data computers and installation of five of the computers  
Resolution No. 11437
19. Adoption of a resolution authorizing the City Manager to negotiate and enter into a Contractual Services Agreement, in a form approved by the City Attorney, with Universal Building Services and Supply Company for janitorial services for City buildings and amendment of the 2022-2024 Biennial Budget and Capital Improvement Plan  
Resolution No. 11438  
Contract No. 22067

**E. PUBLIC HEARINGS**

1. Conduct a public hearing and waive second reading and adopt an ordinance to repeal and replace certain chapters of Title 15 of the Newark Municipal Code in order to adopt by reference, with modification to address unique local conditions, the 2022 California Building Standards Code  
Ordinance No. 539

Chief Building Official Farrell gave the staff report recommending approval.

Mayor Nagy opened the public hearing 7:24 p.m.

No one from the public requested to speak.

Mayor Nagy closed the public hearing 7:25 p.m.

Moved by Council Member Freitas, seconded by Vice Mayor Hannon to adopt an ordinance repealing and replacing Chapters 15.02, 15.08, 15.09, 15.10, 15.12, 15.16, 15.17, 15.18, 15.20, 15.22, AND 15.23 of Title 15 “Buildings and Construction” of the Newark City Municipal Code in order to adopt by reference, with modifications to address unique local conditions, the 2022 Editions of the California Building Code, The California Administrative Code, The California Residential Code, The California Green Building Standards Code, The California Mechanical Code, The California Plumbing Code, The California Fire Code, The Electrical Code, The California Historical Building Code, The California Energy Code, and The California Referenced Standards Code. The motion passed, 5 AYES.

## **F. OTHER BUSINESS**

1. Adopt a resolution authorizing the City Manager to execute a Contractual Services Agreement with Group 4 Architecture Research + Planning, Inc. (Group 4) for the development of a Citywide Facilities Master Plan and approving an amendment of the 2022-2024 Biennial Budget and Capital Improvement Plan  
Resolution No. 11439  
Contract No. 22068

Administrative Analyst Gonzalez gave the staff report recommending approval. (Presentation on file with City Clerk).

Andrea Gifford, Group 4 stated that the Citywide Facilities Master Plan would be a collaborative effort with input from the community.

No one from the public requested to speak.

Mayor Nagy suggested that a community event center be considered.

Moved by Vice Mayor Hannon with the caveat that the Community Center be included in any reuse or new construction of facilities in the City, seconded by Council Member Collazo to approve a resolution authorizing the City Manager to execute a contractual services agreement with Group 4 Architecture Research + Planning, Inc. and approving an amendment of the Biennial Budget and Capital Improvement Plan to provide additional funding for the Citywide Facilities Master Plan, Project 1274. The motion passed, 5 AYES.

2. Adopt a resolution authorizing the City Manager to execute a Contractual Services Agreement with Gail M. Goldman Associates for the update of the 2001 Public Art Master Plan and approving an amendment of the 2022-2024 Biennial Budget and Capital Improvement Plan  
Resolution No. 11440  
Contract No. 22069

Administrative Analyst Gonzalez gave the presentation recommending approval. (Presentation on file with City Clerk).

Barbara Goldstein, Art Builds Community, described the art project used at local events to capture community input.

No one from the public requested to speak.

Moved by Council Member Collazo, seconded by Vice Mayor Hannon to adopt a resolution authorizing the City Manager to execute a contractual services agreement with Gail M. Goldman Associates and authorizing an amendment of the 2022-2024 Biennial Budget and Capital Improvement Plan to provide funding for the Public Art Master Plan Update. The motion passed, 5 AYES.

3. Adopt a resolution authorizing the City Manager to execute a contract amendment with R3 Consulting Group, Inc. to assist staff with negotiations for a potential extension of the Franchise Agreement with Republic Services Inc. for solid waste collection services  
Resolution No. 11441  
Contract No. 22044

Environmental Services Manager Scanlin gave the staff report recommending approval.

Rose Radford R3 Consulting Group stated that the Republic Services contract will expire in 2023, based on a survey, the current rates are competitive and customer satisfaction is at 75%. She recommended negotiating with Republic Services, Inc. for a contract extension. (Presentation on file with City Clerk.)

No one from the public requested to speak.

Joe Chui General Manager of the local Republic Services stated that he was looking forward to negotiating a long-term deal with the City.

Mayor Nagy requested that staff investigate the lack of trash containers outside of fast-food locations and overflowing bins in commercial areas.

Council Member Collazo requested a call back option when contacting Republic Services customer service.

In response to Vice Mayor Hannon's questions, staff will review lien options for uncollected debts, and construction and demolition debris deposits

Vice Mayor Hannon requested that Republic Services notify the City of bins that require additional service and proactive replacement or clean-up of containers.

Council Member Bucci requested a cost analysis to open the contract up for bid, he questioned the container lock fees in comparison to the City of Fremont, and stated that customers should not be responsible for illegal dumping if the Republic Services driver failed to lock the bin.

Moved by Vice Mayor Hannon, seconded by Council Member Collazo to adopt a resolution authorizing the City Manager to execute the first amendment to the contractual services agreement with R3 Consulting Group, Inc. for Waste Hauler Franchise Agreement Negotiating Services and amendment of the 2022-2024 Biennial Budget and Capital Improvement Plan The motion passed, 5 AYES

4. Adopt a resolution approving the Newark Community Nonprofit Service Organization Grant Program and authorizing an amendment to the 2022-2024 Biennial Budget for FY 2022 to provide American Rescue Plan Act (ARPA) funding of \$300,000 for the Community Nonprofit Grant Program Resolution No. 11442

Recreation and Community Services Manager Cuevas gave the presentation (Presentation on file with City Clerk).

No one from the public requested to speak.

Vice Mayor Hannon suggested a 60-day application period for the grants.

Moved by Council Member Collazo, seconded by Vice Mayor Hannon to adopt a resolution approving the Newark Community Non-Profit Services Organization Grant Program for Newark Based or Newark Serving Nonprofits and Authorizing a Budget Adjustment To The Biennial Budget 2022-2024 For Fiscal Year 2023 To Fund The Nonprofit Grant Program From The American Recovery Plan Act (ARPA) Revenue. The motion passed, 5 AYES.

5. Transient Occupancy Tax (TOT) Informational Report

Finance Director Lee reviewed the Transient Occupancy Tax (TOT) rate of 10%, its history, and impact on the City budget.

Community Development Director Turner highlighted new hotels, the Marriot AC Hotel at Balentine Drive and Mowry School Road and the Hyatt Place Hotel at John Muir Drive facing Highway 880. He noted that entitlements for the Bayside Willow Hotel expired and a preliminary application for condominiums was submitted.

Sondra Storm and Mark Keller of the Embarcadero Hospitality Group, provided an analysis of the hotel market in Newark. (Presentation on file with City Clerk.)

No one from the public requested to speak.

Council Member Collazo stated that more soccer fields were needed to attract tournaments.

Vice Mayor Hannon requested that future presentations include the hotel room volume in comparison communities. He also requested that new hotels consider putting Newark on their building signs.

This item was informational only.

**G. CITY COUNCIL MATTERS**

Council Member Bucci noted that this was Mayor Nagy's last full meeting. He thanked the voters for re-electing him and congratulated Council Member Hannon who was elected Mayor.

Council Member Freitas thanked Mayor Nagy for his years of service.

Council Member Collazo congratulated Council Members Hannon and Bucci on their election. She thanked Mayor Nagy for his mentorship. She said shop Newark.

Vice Mayor Hannon stated that he was proud of Mayor Nagy's elected and volunteer service. He thanked veterans and current military members for their service, congratulated Council Member Bucci for his re-election, and shop Newark.

Mayor Nagy congratulated everyone who ran for office. He thanked the veterans noting that we are the home of the free because of the brave. The entire City Council wished everyone a Happy Thanksgiving Holiday.

**H. CLOSED SESSION**

**I. ADJOURNMENT**

Mayor Nagy adjourned the meeting at 9:45 p.m.

Sheila Harrington, City Clerk