

# CITY OF NEWARK CITY COUNCIL

37101 Newark Boulevard, Newark, CA 94560-3796 • 510-578-4266 • E-mail: [city.clerk@Newark.org](mailto:city.clerk@Newark.org)

City Administration Building  
7:30 p.m.  
City Council Chambers

## AGENDA

Thursday, September 12, 2019

### CITY COUNCIL:

Alan L. Nagy, Mayor  
Sucy Collazo, Vice Mayor  
Luis L. Freitas  
Michael K. Hannon  
Mike Bucci

### CITY STAFF:

David J. Benoun  
City Manager  
Michael Carroll  
Police Chief  
Soren Fajeau  
Public Works Director  
David Zehnder  
Recreation and Community  
Services Director  
Helen Que-Garcia  
Acting Human Resources Dir.  
Kristopher J. Kokotaylo  
Interim City Attorney  
Krysten Lee  
Finance Manager  
Arturo Interiano  
Acting Community Dev. Dir.  
Sheila Harrington  
City Clerk

*Welcome* to the Newark City Council meeting. The following information will help you understand the City Council Agenda and what occurs during a City Council meeting. Your participation in your City government is encouraged, and we hope this information will enable you to become more involved. The Order of Business for Council meetings is as follows:

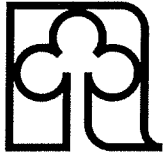
- |                                     |                         |
|-------------------------------------|-------------------------|
| A. ROLL CALL                        | I. COUNCIL MATTERS      |
| B. MINUTES                          | J. SUCCESSOR AGENCY     |
| C. PRESENTATIONS AND PROCLAMATIONS  | TO REDEVELOPMENT AGENCY |
| D. WRITTEN COMMUNICATIONS           | K. ORAL COMMUNICATIONS  |
| E. PUBLIC HEARINGS                  | L. APPROPRIATIONS       |
| F. CITY MANAGER REPORTS             | M. CLOSED SESSION       |
| G. CITY ATTORNEY REPORTS            | N. ADJOURNMENT          |
| H. ECONOMIC DEVELOPMENT CORPORATION |                         |

Items listed on the agenda may be approved, disapproved, or continued to a future meeting. Many items require an action by motion or the adoption of a resolution or an ordinance. When this is required, the words *MOTION*, *RESOLUTION*, or *ORDINANCE* appear in parenthesis at the end of the item. If one of these words does not appear, the item is an informational item.

The attached *Agenda* gives the *Background/Discussion* of agenda items. Following this section is the word *Attachment*. Unless "none" follows *Attachment*, there is more documentation which is available for public review at the Newark Library, the City Clerk's office or at [www.newark.org](http://www.newark.org). Those items on the Agenda which are coming from the Planning Commission will also include a section entitled *Update*, which will state what the Planning Commission's action was on that particular item. *Action* indicates what staff's recommendation is and what action(s) the Council may take.

**Addressing the City Council:** You may speak once and submit written materials on any listed item at the appropriate time. You may speak once and submit written materials on any item **not** on the agenda during *Oral Communications*. To address the Council, please seek the recognition of the Mayor by raising your hand. Once recognized, come forward to the lectern and you may, but you are not required to, state your name and address for the record. Public comments are limited to five (5) minutes per speaker, subject to adjustment by the Mayor. Matters brought before the Council which require an action may be either referred to staff or placed on a future Council agenda.

No question shall be asked of a council member, city staff, or an audience member except through the presiding officer. No person shall use vulgar, profane, loud or boisterous language that interrupts a meeting. Any person who refuses to carry out instructions given by the presiding officer for the purpose of maintaining order may be guilty of an infraction and may result in removal from the meeting.



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## AGENDA

Thursday, September 12, 2019

**A. ROLL CALL**

**B. MINUTES**

- B.1 Approval of Minutes of the City Council meeting of July 25, 2019. (MOTION)**

**C. PRESENTATIONS AND PROCLAMATIONS**

- C.1 Proclaiming September as Pain Awareness Month. (PROCLAMATION)**

**Background/Discussion** – An estimated 50 million Americans live with some form of chronic pain. The U.S. Pain Foundation (Foundation), a 501(c)(3) nonprofit organization for people living with chronic pain, has requested that the Mayor proclaim September as Pain Awareness Month. The Foundation assists individuals living with chronic illness that causes pain, as well as their caregivers and clinicians. Michele Rice Ambassador-Advocate with the Foundation will accept the proclamation at the City Council meeting.

- C.2 Commending the First Presbyterian Church of Newark on their 125<sup>th</sup> anniversary. (COMMENDATION)**

**Background/Discussion** – The First Presbyterian Church of Newark was established on September 17, 1894, 61 years before the City of Newark incorporated. A commendation has been prepared in recognition of the 125<sup>th</sup> Anniversary of the Church, also known as the quasiquicentennial. Reverend Garrett Yamada will accept the commendation at the City Council meeting.

- C.3 Proclaiming September 19-22, 2019, as Newark Days. (PROCLAMATION)**

**Background/Discussion** – Newark Days, celebrating Newark's 64<sup>th</sup> birthday, will be held September 19-22, 2019. A proclamation has been prepared and members of the Newark Days Committee will accept it at the City Council meeting.

**D. WRITTEN COMMUNICATIONS**

**E. PUBLIC HEARINGS****E. 1 Hearing to consider text amendments to the Newark Municipal Code Zoning Ordinance to revise sections: 17.07.020, 17.07.030, 17.07.040(D)(5), 17.07.040(E), 17.08.020, 17.13.040(B), 17.26.090(E) and 17.26.280, generally affecting land uses, pedestrian walkways, landscaping, design standards, public notice requirements and other development standards – from Acting Community Development Director Interiano. (ORDINANCE)**

**Background/Discussion** – Upon adoption of the 2018 Zoning Ordinance, staff began an ongoing process to monitor and improve the zoning regulations. Specifically, staff has identified areas that contain either vague or inconsistent language or areas where design standards could be improved. Staff anticipated the need to consider such corrections after the Zoning Ordinance was adopted. The current proposed ordinance is the second set of amendments. The previous changes were approved by the City Council in July 2018.

Most of the recommended changes are minor, with a few needing further explanation:

- Tutoring and Instructional Services are allowed through a Minor Use Permit. Tutoring uses are those in a classroom setting where an adult accompanies a minor. Instructional uses are specialized programs that include music, martial arts, vocal, fitness or dance instruction. Staff recommends that these types of uses require a 300 foot distance separation between locations. Traditionally, these uses are found in Office Professional zoning districts and in a limited basis in other commercial zoning districts. Recently, a large number of these businesses have located in commercial shopping centers, which are causing an overconcentration of non-retail uses and reduce the number of available retail spaces in the City's shopping centers. In order to maintain a healthy balance of retail uses in shopping centers that support the City's tax base, staff recommends limiting the impact of these uses in commercial zoning districts.
- Government Offices and Public Safety Facilities are a permitted use in most of the City's zoning districts. Staff is recommending these uses also be allowed in the Residential Medium Density (RM) and Residential High Density (RH) zoning districts. City owned lands may be used for various government purposes that may include administrative offices and public safety buildings that are compatible with the RM and RH zoning districts. These uses were previously allowed prior to the 2018 Zoning Ordinance and the fact that they were not included in the new zoning regulations was simply an oversight.
- Large Family Daycares are currently allowed through a Minor Use Permit. If approved, a MUP has no notification or appeal process which applies to the surrounding neighbors. Due to large family daycares being located in residential neighbors, staff believes it is best to gather community input due to the potential impacts such as noise and traffic to the neighborhood. As such, staff is recommending a notice and appeal requirement to all neighbors within 200 feet of

- the subject property, similar to a Single Family Design Review application.
- Multifamily Landscape standards, similar to single-family zoning districts, currently require 25% of the project area to be landscaped and half of that amount needs to be along the right-of-way. The current standards are better designed for single family homes which are designed to have a uniform appearance within the same street and internal cohesion within the same subdivision, however these standards are not as practical for multifamily projects. The regulations applied to multifamily projects have varying results and on narrow lots can push buildings deeper into the lot instead of closer to the road which maybe preferred depending on the location. Staff is supportive of the 25% lot landscape requirement but would recommend removing the requirement of half of the landscaping along the roadways. The change would allow staff flexibility to better design projects with developers and provide larger continuous landscaped areas where applicable.
  - Guest house standards were previously allowed prior to the 2018 Zoning Ordinance and are being requested to be re-introduced into the new zoning code. A guest house, similarly to what was allowed in the past, would be allowed in residential zoning districts but not be available for rental purposes and be limited to 275 square feet. Staff also recommends slightly larger setbacks than previously allowed to provide a buffer to adjacent neighbors and creating space that is more open. (A guest house is distinct from an Accessory Dwelling in that it is not meant for permanent living purposes, is not allowed to have a kitchen, is limited in size [275 sq. ft. compared to 600 sq. ft. for an ADU] and is not allowed to be rented. Also, a property is not allowed to have an ADU and a guest house simultaneously.)

**Summary of Changes:**

<b>Subject</b>	<b>Zoning Section</b>	<b>Proposed Change</b>
Guesthouse	<i>17.07.020 (Table) &amp; 17.26.280</i>	Reintroduce standards. Unintentionally removed during 2018 overhaul of Zoning Ordinance.
Government Offices	<i>17.07.020 (Table)</i>	Add Use to RM and RH zoning districts
Public Safety Facilities	<i>17.07.020 (Table)</i>	Change to Permitted Use in RM and RH zoning districts instead of CUP
Lodging House	<i>17.07.020 (Table)</i>	Add as Permitted use in Zoning Tables to be consistent with definition.
Landscape Standards	<i>17.07.030 (Table)</i>	Clarify that 25% landscaping along ROW only applies to SF Zoning districts.
Pedestrian Walkways	<i>17.07.040(D)(5)</i>	Reduce the walkway width to 4 feet instead of 6 feet.
SF Design Guidelines	<i>17.07.040(E)</i>	Adding reference to guidelines. Existing guidelines have been in effect since 2007.
Tutoring Center and Instructional Service	<i>17.08.020 (Table)</i>	Add distance separation between uses of 300ft. within CMU, CR, NC, CC, and RC zoning districts.
Form-Based Code	<i>17.13.040(B)</i>	Change distance separation of buildings in the

		Form Based Code from 16ft to 19ft. for better spatial design
Large Family Daycare	17.26.090(E)	Establish a notification and appeal process to the surrounding neighbors within 200 ft.

The proposed amendments discussed above will make the regulations clearer and more effective. They will ultimately save staff time, minimize confusion, improve project designs, and improve customer service.

The Planning Commission held a public hearing to review the proposed amendments on August 13, 2019 and unanimously approved them via Resolution No. 1981.

**CEQA**-The proposed text amendment is categorically exempt from the California Environmental Quality Act (CEQA) under section 5060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and Section 1506(b)(3) (General Rule that CEQA only applies to project which have the potential to cause a significant effect on the environment) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3.

**Attachments** - Draft Ordinance, Exhibit A, Zoning Text Amendments

**Action** – Staff recommends that the City Council introduce an ordinance amending Title 17 (Zoning) of the Newark Municipal Code to revise sections 17.07.020, 17.07.030, 17.07.040(D)(5), 17.07.040(E), 17.08.020, 17.13.040(B), 17.26.090(E) and 17.26.280, generally affecting land uses, pedestrian walkways, landscaping, design standards, public notice requirements and other development standards.

**F. CITY MANAGER REPORTS**

**(It is recommended that Items F.1 through F.8 be acted on simultaneously unless separate discussion and/or action is requested by a Council Member or a member of the audience.)**

**CONSENT**

**F.1 Report on administrative actions during August recess – from City Manager Benoun. (MOTION)**

**Background/Discussion** – At the June 13, 2019, meeting the City Council adopted Resolution No. 10,935 authorizing the City Manager, or Acting City Manager, to act on certain administrative matters, which should not be deferred until the next regularly scheduled meeting of the City Council. The City Council also directed the City Manager to report to the City Council after the recess on all such actions.

Administrative matters on which action was taken during the recess are noted in Exhibit A.

### **Attachment**

**Action** - It is recommended that the City Council, by motion, affirm the City Manager's, or Acting City Manager's, action on the matters listed in Exhibit A.

## **F.2 Authorization for the City of Newark to accept a State of California Office of Traffic Safety (OTS) Selective Traffic Enforcement Program (STEP) grant and amendment to the 2018-2020 Biennial Budget– from Police Chief Carroll. (RESOLUTION)**

**Background/Discussion** – The State of California Office of Traffic Safety (OTS) is providing funds to local law enforcement agencies through its Selective Traffic Enforcement Program (STEP). The goal is to reduce the number of persons killed and injured in traffic collisions involving alcohol and other primary collision factors.

The City of Newark's population continues to rise due to the tremendous growth in the housing and employment market in the Bay Area. An increase in vehicular and pedestrian traffic will undoubtedly continue to follow suit. In 2016 the Newark Police Department investigated 119 injury accidents with no fatalities. Two years later 115 injury accidents were investigated, of which two were fatalities. Pedestrian and bicyclist safety, as well as speed and stop sign violations have been a major citizen concern over the past several years. Unfortunately these issues have not been adequately addressed due to past staffing shortages; however, the Police Department anticipates being fully staffed in the near future and currently have a Traffic Sergeant and two Traffic Officers on the street. With this grant funding the Police Department will be able to continue to focus its priorities on high-visibility enforcement operations with an emphasis on speeding, impaired driving, and pedestrian/bicycle safety.

Program objectives include:

- Participation in national OTS campaigns such as Bicycle and Pedestrian Safety Month, Distracted Driving Awareness Month, and National Click It or Ticket Mobilizations;
- Maintain a "HOT Sheet" program to notify patrol and traffic officers to be on the lookout for identified repeat DUI offenders;
- Send officers to Standard Field Sobriety Testing (SFST) and Advanced Roadside Impaired Driving Enforcement (ARIDE) training; and
- Conduct highly publicized Distracted Driving, Click It or Ticket, DUI/Driver's License Checkpoints, DUI saturation, traffic enforcement, and pedestrian/bicycle enforcement operations.

OTS has awarded the City funding in the amount of \$67,000 that will be utilized for: 1) overtime required to conduct operations/enforcement; 2) DUI checkpoint supplies; 3) two LIDAR (Light Detection and Ranging) devices to measure the speed of motor vehicles – LIDAR emits a narrow, targeted beam versus Radar which uses a wide signal radio beam; and 4) two traffic data collection boxes that record the volume of traffic, speed, and direction of travel – statistics gathered can be used to address residents' traffic concerns at any given location. A budget amendment is necessary to accept the funds and place them in the appropriate accounts. The project period is October 1, 2019 through September 30, 2020.

**Attachments** – Resolution, Grant Agreement

**Action** - Staff recommends that the City Council, by resolution, authorize the City of Newark to accept a State of California Office of Traffic Safety (OTS) Selective Traffic Enforcement Program (STEP) grant and amend the 2018-2020 Biennial Budget.

**F.3 Authorizing the City Manager to execute a Side Letter Agreement with the Newark Police Management Association “NPMA” to reinstate the \$100 per month health allowance – from Acting Human Resources Director Que-Garcia. (RESOLUTION)**

**Background/Discussion** – With the formation of the Newark Police Management Association “NPMA”, seven employees that were previously subject to the Compensation and Benefit Plan for City Officials and the Management, Supervisory, and Professional Group “Management Plan” are now subject to the NPMA Memorandum of Understanding “MOU”.

It was the intent of the parties that these employees would continue to receive the same benefits that they received under the Management Plan. However, the MOU between the City and the NPMA approved by the City Council in July did not include the \$100 per month per employee health allowance. This was an inadvertent omission. This benefit is included in the current budget so there is no additional fiscal impact.

Staff is recommending a side letter agreement to reinstate this benefit. It would be in effect from July 1, 2019 through June 30, 2022, the same time period of the NPMA Memorandum of Understanding. The following is a summary of the health allowance provision provided in the proposed side letter:

All regular full-time employees are eligible for allowance of up to per month towards the cost of health care premiums, long-term disability premiums, or reimbursement for medical, dental, vision, and prescription expenses.

All regular part-time employees working 30-35 hours are eligible for allowance of up to \$75 per month towards the cost of health care premiums, long-term disability premiums, or reimbursement for medical, dental, vision, and prescription expenses.

All regular part-time employees working 20-25 hours are eligible for allowance of up to \$50 per month towards the cost of health care premiums, long-term disability premiums, or reimbursement for medical, dental, vision, and prescription expenses.

After meeting and conferring with NPMA, staff has prepared a side letter that would include this particular benefit. All other provisions of the MOU would remain unchanged.

**Attachments** – Side Letter, Resolution

**Action** – Staff recommends that the City Council, by resolution, approve and authorize the City Manager to execute a Side Letter Agreement between the City of Newark and the Newark Police Management Association (NPMA) amending the health and welfare provisions of the Memorandum of Understanding between the City of Newark and the NPMA to add a health allowance.

**F.4 Approval of an amendment to the Employee Classification Plan Public Safety Dispatcher classification to increase the probationary period – from Police Lieutenant Kimbrough and Human Resources Technician Huynh. (RESOLUTION)**

**Background/Discussion** – The Police and the Human Resources Departments are recommending an amendment to the Employee Classification Plan to extend the probationary period from 12 months to 18 months for the Public Safety Dispatcher position.

The current probationary requirement for a Public Safety Dispatcher is 12 months. Due to the lengthy training requirements of the position (nearly nine months), staff recommends that the probationary period be extended to 18 months. This extension allows the Police Department the time necessary to thoroughly evaluate newly hired dispatchers who have completed their training and are assigned to a patrol team.

**Attachments** – Employee Class Specification (Public Safety Dispatcher), Resolution

**Action** – Staff recommends that the City Council, by resolution, amend Resolution No. 2505, Employee Classification Plan, to update the classification entitled Public Safety Dispatcher.

**F.5 Authorization to issue a no-fee encroachment permit to Newark Days Celebration, Inc. for the Newark Days Parade and Newark Mile Race, provide police services for traffic control and waive fees related to the parade and race, and waive fees for use of the Community Center and MacGregor Playfields, with the exception of the fees required for the building attendant and janitorial services – from Assistant Engineer Carmen and Police Sergeant Simon. (MOTIONS-3)**



**Background/Discussion** – The annual Newark Days Parade and Newark Mile Race will be held on Saturday, September 21, 2019. Newark Days Celebration, Inc. has requested that the City: (1) issue a no-fee encroachment permit for the parade and race; (2) provide police services for traffic control and waive fees related to the parade and race; and (3) waive fees for use of the Community Center and MacGregor Playfields, with exception of the fees required for the building attendant and janitorial services.

The routes for the parade and race will be the same as in previous years, but there will be an adjustment to the parade staging area and other traffic control modifications, due in part to the construction activity associated with the New Civic Center.

**Action** – Staff recommends that the City Council, by motions: (1) authorize staff to issue a no-fee encroachment permit to Newark Days Celebration, Inc. for the Newark Days Parade and Newark Mile Race; (2) provide police services for traffic control and waive fees related to the parade and race; and (3) waive fees for use of the Community Center and MacGregor Playfields, with the exception of the fees required for the building attendant and janitorial services.

**F.6 Authorizing the City Manager to execute a Contractual Services Agreement with Consolidated Engineering Laboratories, Inc. to provide materials testing and special inspection services for the New Civic Center, Project 1188 and amending the 2018-2020 Biennial Budget and Capital Improvement Plan for fiscal year 2019-2020 – from Chief Building Official/City Architect Collier. (RESOLUTION)**

**Background/Discussion** – The New Civic Center, Project 1188, will require material testing and special inspection services during construction. On-site testing and inspection will address concrete, bolted connections, anchors, and field welding. The structural frame for all three buildings is steel which will be fabricated in Idaho. Inspection of the structural frame fabrication will require continuous inspections by an inspection agency utilizing appropriately certified inspectors working in Idaho.

The City issued a Request for Proposals (RFP) and received six responses. The responses included a not-to-exceed cost. Services will be on an as-needed basis as requested by the on-site construction manager. The six respondents are:

<u>Respondent</u>	<u>Not-to-Exceed Cost</u>
Achievement Engineering Corp	\$74,435.00
Ninyo & Moore	\$129,702.00
Construction Testing Services, Inc.	\$248,477.00
Consolidated Engineering Labs, Inc.	\$279,903.28
Smith-Emery San Francisco	\$342,245.50
MatriScope Engineering Lab, Inc.	\$423,083.00

Staff evaluated the six proposals in detail for responsiveness to the RFP. Consolidated Engineering Laboratories, Inc. demonstrated their ability to provide the best service to

the City and their pricing was appropriate for the scope of work requested. The three firms with lower not-to-exceed prices did not demonstrate that they fully understood the project and did not adequately address the level of inspection work needed during the out-of-state steel fabrication. Consolidated Engineering Laboratories, Inc. further demonstrated that they have experienced staff to perform all requested inspections, the equipment to conduct in-housing testing, and the experience with projects similar to Newark's New Civic Center project. Their proposal demonstrates a clear understanding of the scope of work along with their ability to perform steel fabrication inspections in Idaho. It is recommended that Consolidated Engineering Laboratories, Inc. be selected to provide Materials Testing and Special Inspection Services for the New Civic Center project.

It is further recommended that Capital Improvement Fund Reserves be utilized to fund the proposed agreement with a \$279,903.28 adjustment to the Project 1188 budget for fiscal year 2019-2020.

#### **Attachments – Resolution, Contractual Services Agreement**

**Action** – Staff recommends that the City Council, by resolution, authorize the City Manager to execute a Contractual Services Agreement with Consolidated Engineering Laboratories, Inc. to provide materials testing and special inspection services for the New Civic Center, Project 1188 and amend the 2018 -2020 Biennial Budget and Capital Improvement Plan for fiscal year 2019-2020.

**F.7 Authorizing the City Manager to execute a Contractual Services Agreement with Mission Critical Partners, LLC, to provide a Public Safety Answering Point (PSAP) Technology Needs Assessment, Cost Estimate and Detailed Migration Plan for the New Civic Center, Project 1188, and amending the 2018-2020 Biennial Budget and Capital Improvement Plan for fiscal year 2019-2020 – from Chief Building Official/City Architect Collier. (RESOLUTION)**

**Background/Discussion** – The New Civic Center, Project 1188, includes a new Public Safety Answering Point (PSAP) in the new Police Department building. The critical systems used to operate a PSAP are highly specialized and require a consultant's expertise to provide a technology needs assessment, cost estimate, and detailed migration plan. The City participates in the East Bay Regional Communications System Authority (EBRCSA), an area wide communication infrastructure. PSAP development will require close collaboration with EBRCSA personnel. The detailed migration plan will be required to ensure the switch over to the new facility is accomplished in the shortest time possible.

The City issued a Request for Proposals (RFP) for a Public Safety Answering Point Technology Needs Assessment, Cost Estimate and Detailed Migration Plan in July 2019 and received two responses. The submitted responses were required to include a

lump sum cost for all required services. The two proposers and respective proposed lump sum costs through the RFP are:

<u>Proposer</u>	<u>Lump Sum Cost</u>
CSI Telecommunication, Inc.	\$77,700.00
Mission Critical Partners, LLC	\$103,753.00

Both proposers demonstrated their experience and qualifications in radio and microwave communication systems. However, only Mission Critical Partners addressed the 9-1-1 dispatch phone system, computer aided dispatch, dispatch console requirements and the funding opportunities for the PSAP, all of which were requested in the RFP. Mission Critical Partners' proposal clearly outlined an approach to the project that demonstrated a complete understanding of the scope of work. Mission Critical Partners has impressive project experience and staff qualifications.

It is recommended that Mission Critical Partners, LLC be selected as the consultant to provide the Public Safety Answering Point Technology Needs Assessment, Cost Estimate, and Detailed Migration Plan for the New Civic Center project.

It is further recommended that Capital Improvement Fund Reserves be utilized to fund the proposed agreement with a \$103,753 adjustment to the Project 1188 budget for fiscal year 2019-2020.

**Action** – Staff recommends that the City Council, by resolution, authorize the City Manager to execute a Contractual Services Agreement with Mission Critical Partners, LLC to provide a Public Safety Answering Point Technology Needs Assessment, Cost Estimate and Detailed Migration Plan for the New Civic Center, Project 1188, and amend the 2018-2020 Biennial Budget and Capital Improvement Plan for fiscal year 2019-2020.

#### **F.8 Adoption of the City of Newark's Green Stormwater Infrastructure Plan – from Assistant City Engineer Imai. (RESOLUTION)**

**Background/Discussion** – The San Francisco Bay Regional Water Quality Control Board (RWQCB) regulates the discharge of stormwater collected in public storm drain systems through the issuance of a National Pollutant Discharge Elimination System (NPDES) Permit to the various cities and counties. In November 2015, the RWQCB reissued the Municipal Regional Stormwater NPDES Permit (MRP) to jurisdictions within the Bay Area, including the City of Newark. Under the MRP, the City of Newark is required to develop and adopt a Green Infrastructure Plan outlining planned or potential green infrastructure measures throughout the City. In order to comply with the MRP and demonstrate the City's commitment to Green Infrastructure implementation, the City of Newark must adopt and submit this Green Infrastructure Plan to the RWQCB by September 30, 2019.

The term “Green Infrastructure,” or “Green Stormwater Infrastructure” (GSI), refers to engineered structures or features that are designed to retain stormwater runoff, promoting pollutant removal or groundwater infiltration, before reaching receiving waters in local creeks and bays. Examples include landscape features such as grassy bioswales or bioretention areas, as well as modified hardscape such as permeable pavement or curb bulb-outs to contain swales. The Green Infrastructure Plan, as mandated by the RWQCB and hereinafter referred to as the Green Stormwater Infrastructure Plan (GSI Plan), must demonstrate how green infrastructure features will be incorporated into both public and private storm drain systems in order to reduce the impacts urbanization has on our creeks and the San Francisco Bay. The implementation of GSI facilities may contribute to additional environmental and social benefits such as reducing heat island effects, improving bike lane quality and pedestrian safety, and carbon sequestration potentials, among other benefits.

The City of Newark’s GSI Plan establishes targets for the amount of impervious surfaces to be retrofitted through GSI by 2020, 2030, and 2040 benchmarks, in accordance with mercury and polychlorinated biphenyls load reduction requirements in Provisions C.11 and C.12 of the MRP. In addition to the requirement to reduce pollutant loading from stormwater runoff, the MRP requires construction of GSI facilities to mitigate long-term adverse water quality impacts of urbanization and urban stormwater runoff on receiving waters to the maximum extent practicable.

As a milestone in the development of the GSI Plan, all permittees were required to approve a Framework for the development of the GSI Plan by June 30, 2017. The City Council adopted Resolution No. 10,660 on June 22, 2017 approving a Framework for Green Infrastructure Plan Development (Attachment A).

The City of Newark Green Stormwater Infrastructure Plan (Attachment B) accomplished the following in accordance with the MRP:

- Includes a mapping and prioritization mechanism to identify and prioritize private and public GSI project opportunities;
- Identifies locations and timeframes for implementing GSI, including numeric targets for retrofitting impervious areas to achieve mandated pollutant load reductions;
- Utilizes a regionally consistent process for tracking and mapping completed projects to ensure progress towards meeting the pollutant load reduction targets;
- Includes and references design and construction standard and typical details for GSI facilities;
- Integrates with other planning efforts, including updating relevant Newark planning documents, to incorporate GSI for stormwater management and support the implementation of project opportunities; and
- Evaluates funding options for the design, construction, and on-going operations and maintenance of GSI projects.

Financial Impact – The Green Stormwater Infrastructure Plan is an unfunded state mandate. As such, the financial impact of adopting the GSI Plan is not fully known. Approval of the GSI Plan by the City Council does not immediately obligate the City to incur costs related to the development or construction of GSI projects. The City Council will have the opportunity to consider and approve the implementation of all future GSI projects similar to all other Capital Improvement Plan (CIP) projects. However, additional staff time and resources will be required to implement the City’s GSI Plan over the next 23-plus years. Consultants will also likely be required to augment City staff and provide needed technical expertise. To date, all funds for GSI Plan development have come from the City’s General Fund. As noted above, the GSI Plan evaluates various funding options, including grants and public-private partnerships. Staff will continue to explore a variety of these funding options as the GSI Plan is implemented.

**Attachments** – Resolution; City of Newark Resolution No. 10,660 and Framework for Green Infrastructure Plan Development (Attachment A); City of Newark Green Stormwater Infrastructure Plan (Attachment B)

**Action** – Staff recommends that the City Council, by resolution, adopt the City of Newark’s Green Stormwater Infrastructure Plan.

**G. CITY ATTORNEY REPORTS**

**H. ECONOMIC DEVELOPMENT CORPORATION**

**I. CITY COUNCIL MATTERS**

**I.1 Presentation of the Measure GG Transaction and Use Tax Oversight Committee Annual Report – City Clerk Harrington.**

**Background/Discussion** – The City of Newark Transactions and Use Tax Ordinance was approved at the November 8, 2016 election and took effect on April 1, 2017. An Oversight Committee was appointed by the City Council to review revenues and expenditures and to provide the City Council with an annual report on whether the revenues were expended in an appropriate manner and to provide recommendations, if any, of ways to ensure that future revenues are expended appropriately.

The Oversight Committee has prepared the first annual report for fiscal years 2016-2017 and 2017-2018. The Committee’s conclusion is that there are no findings to comment on or recommendations for future expenditures. Since this is the first report from the Oversight Committee, Chair Jim Lola will give an oral presentation at the City Council meeting.

**Attachment** – Measure GG Oversight Committee Annual Report.

**Action** – This is a presentation item, no action is necessary.

**J. CITY COUNCIL ACTING AS THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY**

**K. ORAL COMMUNICATIONS**

**L. APPROPRIATIONS**

**Approval of Audited Demands.**

**(MOTION)**

**M. CLOSED SESSION**

**M.1 Closed session pursuant to Government Code Section 54957  
Public Employee Performance Evaluation  
Title: City Manager.**

**N. ADJOURNMENT**

Pursuant to Government Code 54957.5: Supplemental materials distributed less than 72 hours before this meeting, to a majority of the City Council, will be made available for public inspection at this meeting and at the City Clerk's Office located at 37101 Newark Boulevard, 5<sup>th</sup> Floor, during normal business hours. Materials prepared by City staff and distributed during the meeting are available for public inspection at the meeting or after the meeting if prepared by some other person. Documents related to closed session items or are exempt from disclosure will not be made available for public inspection.

For those persons requiring hearing assistance, please make your request to the City Clerk two days prior to the meeting.