

CITY OF NEWARK CITY COUNCIL

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

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

AGENDA

Thursday, February 23, 2017

CITY COUNCIL:

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

CITY STAFF:

John Becker
City Manager

Terrence Grindall
Assistant City Manager

Susie Woodstock
Administrative Services Director

Sandy Abe
Human Resources Director

Soren Fajeau
Public Works Director

Jim Leal
Police Chief

David Zehnder
Recreation and Community
Services Director

David J. Benoun
City Attorney

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:

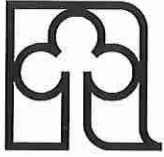
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|-------------------------------------|-------------------------|
| A. ROLL CALL | I. COUNCIL MATTERS |
| B. MINUTES | J. SUCCESSOR AGENCY |
| C. PRESENTATIONS AND PROCLAMATIONS | TO REDEVELOPMENT AGENCY |
| D. WRITTEN COMMUNICATIONS | K. ORAL COMMUNICATIONS |
| 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. 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, February 23, 2017

A. ROLL CALL

B. MINUTES

- B.1 Approval of Minutes of the regular City Council meeting of Thursday, February 9, 2017. (MOTION)**

C. PRESENTATIONS AND PROCLAMATIONS

C.1 Introduction of employees.

Background/Discussion – Police Officer Jason Germano, Public Safety Dispatcher Bridget Gregory, and Public Safety Dispatcher Julie Sugimura will be at the meeting to be introduced to the City Council.

D. WRITTEN COMMUNICATIONS

E. PUBLIC HEARINGS

F. CITY MANAGER REPORT

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

- F.1 Authorization for the Mayor to sign a contractual services agreement with Abbe & Associates for preparation of a Long Term Recycling Plan, assistance with implementing a Commercial Organics Collection Program and audit of Material Stream Reporting – from Administrative Services Director Woodstock. (RESOLUTION)**

Background/Discussion – In December 2016, the Alameda County Waste Management Authority (Stopwaste.org) and the City of Newark agreed upon an Expenditure Plan for

the Measure D (recycling) money that the City receives. The Expenditure Plan included hiring a consultant to prepare a long-term recycling plan, assist the City with implementing a commercial organics collection program, and audit the material stream reporting.

A request for proposals (RFP) was issued for these services. Two proposals were submitted in response to the RFP. The proposals were evaluated based on the criteria listed in the RFP of credentials, ability to perform the needed services, ability to provide future services, price, references, and responsiveness to the RFP. Abbe & Associates was selected because they submitted a proposal that demonstrated their qualifications, their proposal most aligned with the expectations for this project, and they are highly recommended.

The total cost of the contract is \$63,440 and is within the existing budget available for this project.

Attachment

Action - It is recommended that the City Council, by resolution, authorize the Mayor to sign a contractual services agreement with Abbe & Associates to prepare a long-term recycling plan, assist with implementing a commercial organics collection program and audit the material stream reporting.

NONCONSENT

F.2 Approval of the Newark Pedestrian and Bicycle Master Plan – from Assistant City Manager Grindall and Public Works Director Fajeau. (RESOLUTION)

Background/Discussion – The City Council previously approved a grant funding agreement with the Alameda County Transportation Commission to fund preparation of the Newark Pedestrian and Bicycle Master Plan. The Master Plan is a long-range planning document that will provide a vision of Newark’s future biking and walking environment and is also a necessary tool that will allow the City to compete for discretionary local, state, and federal funding for future bicycle and pedestrian improvements. The City entered into a contract with Fehr & Peers Transportation Consultants for preparation of the plan. The plan addresses all Alameda County Transportation Commission Bicycle Master Plan Guidelines and Caltrans Active Transportation Program Guidelines.

The Pedestrian and Bicycle Master Plan has five primary goals:

1. Create a connected bicycle and pedestrian network.
2. Increase the number of people walking and bicycling.
3. Improve safety for pedestrians and bicyclists.
4. Develop a comprehensive Safe Routes to School program and supporting infrastructure plan.
5. Establish Citywide design guidelines for bicycle and pedestrian facilities.

A number of detailed policies are included in the Master Plan document to address these primary goals. Additionally, the Master Plan identifies a variety of relevant local, regional, state, and federal planning and policy documents to help ensure a consistent approach to future bicycle and pedestrian improvements. Among these documents are the Transportation Element of the City of Newark's General Plan, the City's Complete Streets Policy, the Newark-Fremont Bay Trail Feasibility Study, and various bicycle and pedestrian plans from other nearby jurisdictions as well as Alameda County.

In addition to the goals and policy context, the plan includes chapters for both a Bikeway Element and a Pedestrian Element. These chapters identify needs, examine existing conditions, discuss types of facilities, and include specific recommendations for improvements. A chapter is also dedicated to needs and recommendations for improvements in and around Newark's public schools to address the Safe Routes to Schools component. Recommended support programs for biking and walking to supplement existing programs are also identified. The Master Plan document includes criteria for prioritizing both bicycle and pedestrian projects and provides recommendations for funding and implementation of all identified projects. The plan is supplemented with appendixes that incorporate additional policies, project listings, and detailed design guidelines.

Development of the Pedestrian and Bicycle Master Plan included an extensive outreach process. A local Bicycle and Pedestrian Advisory Committee (BPAC) was formed and several workshops and meetings were held where input was obtained from the BPAC and the community at large. On February 2, 2017, the City's BPAC voted unanimously to recommend that the City Council approve the Master Plan. The Master Plan was presented as an informational item to the Alameda County Transportation Commission BPAC on February 9, 2017. The City of Newark Planning Commission voted unanimously to recommend approval of the Master Plan at its February 14, 2017 meeting.

Due to the fact that the Master Plan is a planning document with no specific projects evaluated for immediate implementation, the plan is not subject to the California Environmental Quality Act.

Attachment

Action - It is recommended that the City Council, by resolution, approve the Newark Pedestrian and Bicycle Master Plan.

F.3 Acceptance of the Comprehensive Annual Financial Report (CAFR) for the period ending June 30, 2016 – from Administrative Services Director Woodstock. (MOTION)

Background/Discussion – As part of the year-end closing process, staff presents the audited Comprehensive Annual Financial Report (CAFR) for the fiscal year ending June 30, 2016. The financial statements included in this report provide information on the City's year-end financial condition and the results of operation for the Fiscal Year 2015-2016. The report was audited by our independent auditors, Badawi & Associates, who have issued an unqualified opinion on the report.

The City's financial statements were prepared according to the requirements of the Government Accounting Standards Board (GASB). The two government-wide financial statements provide a broad view of the City's financial position and activities in a manner similar to the private sector business reporting. The Statement of Net Position provides information about the financial position of the City, including all assets and liabilities. The Statement of Activities provides information about the City's revenues and expenses. In the Transmittal Letter and Management Discussion and Analysis, the Administrative Services Director provides a narrative overview and analysis of the City's financial activities and performance during the fiscal year.

Copies of the CAFR have been provided to the City Council. A copy has also been placed in the Newark Library.

Attachment

Action - It is recommended that the City Council, by motion, accept the Comprehensive Annual Financial Report (CAFR) for the period ending June 30, 2016.

F.4 Establishment of a Pension and Other Post-Employment Benefits Policy – from Administrative Services Director Woodstock. (INTRODUCTION OF ORDINANCE)(RESOLUTION)

Background/Discussion – The California Public Employees' Retirement System (CalPERS) continues to experience less than projected investment returns and take actions that affect the rates the City pays into the system. In December 2016, the CalPERS Board of Administration took action to reduce the discount rate from 7.5% to 7.0%. This action will take place in steps over a three year period. At the end of the implementation it is estimated that this will increase the City's rates by over \$1.7 million per year.

To prepare for the impacts of this action and future actions which CalPERS is discussing, a Pension and Other Post-Employment Benefit Reserve Policy has been prepared. The Reserve Policy establishes a reserve fund, allows the City Manager to direct future surpluses realized because of salary savings to be deposited into the reserve fund and commits the funds in the reserve to be used for paying the unfunded liability in the pension or other post-employment benefit (OPEB) plans. Specifically related to the CalPERS plan, the policy directs staff to evaluate the use of 20-year, level percent amortization schedules when the reserve balance allows.

The funds in the reserve will be committed for the purpose of paying pension or OPEB unfunded liabilities. The Government Accounting Standards Board's committed classification is an accounting tool that allows the City Council to obligate funds for a certain purpose perpetually. An ordinance is required to commit the funds and funds may be uncommitted at a future time by another ordinance.

There are sufficient resources in the General Fund unallocated fund balance to transfer an initial lump sum of five million dollars (\$5,000,000) into the Pension and OPEB Reserve Fund. This initial amount will allow the City to opt into the 20-year, level percent

amortization schedule for the current unfunded liabilities in the Miscellaneous and Classic Safety plans. The \$5 million is a sufficient amount to cover the increased payments for the first 17 years of the 20 year schedule. Changing to this alternate amortization schedule will save a little over \$14 million in the payoff of this unfunded liability.

Attachments

Action – It is recommended that the City Council, by resolution, approve the Pension and Other Post-Employment Benefit Reserve Policy and, by introduction of an ordinance, commit funds for the purpose reserves being held for future payments toward the City’s CalPERS and OPEB Unfunded Accrued Liabilities.

G. CITY ATTORNEY REPORTS

H. ECONOMIC DEVELOPMENT CORPORATION

I. CITY COUNCIL MATTERS

I.1 Consideration of a resolution declaring the City of Newark a Welcoming City – from Vice Mayor Bucci. (RESOLUTION)

Background/Discussion – Vice Mayor Bucci requests that the Newark City Council consider adopting a resolution declaring the City of Newark as a Welcoming City in order to show that Newark is committed to enhancing its cultural fabric by supporting and celebrating its multi-ethnic diversity, which includes newcomers and immigrants.

A proposed resolution has been prepared by Vice Mayor Bucci in consultation with the City Attorney. The resolution declares that the City of Newark is committed to building an inclusive community that welcomes immigrants and newcomers to participate in civic, cultural, and economic life. In addition, the proposed resolution affirms the Newark Police Department’s policy related to immigration enforcement; specifically that Newark Police Officers focus their time on responding to and investigating high-priority crimes and not enforcing federal immigration laws as this would undermine community trust and could deter law-abiding individuals from reporting crimes or coming forward as witnesses

The Newark community is diverse. Recent United States Census figures report that 37.2% of Newark’s population is foreign born and that 52.6% percent of Newark residents speak a language other than English at home. The proposed resolution indicates that the City values the social and cultural contributions of immigrants and recognizes that they are critical to the overall prosperity of the City.

The City of Newark has a history of commitment towards inclusiveness. Ten years ago, the City of Newark joined the National League of Cities Inclusive Communities Partnership Program. As part of this program the City put up signs and banners

throughout the community with the message: “We are building an Inclusive Community.” The proposed resolution would further develop this commitment.

Attachment

Action – Vice Mayor Bucci requests that the City Council consider adopting a resolution declaring the City of Newark a Welcoming City.

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

K. ORAL COMMUNICATIONS

L. APPROPRIATIONS

Approval of Audited Demands for the City Council meeting of February 23, 2017. (MOTION)

M. CLOSED SESSION

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, 5th 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.