



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, March 9, 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:

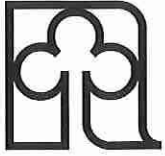
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|-------------------------------------|-------------------------|
| A. ROLL CALL | I. COUNCIL MATTERS |
| B. MINUTES | J. SUCCESSOR AGENCY |
| C. PRESENTATIONS AND PROCLAMATIONS | TO REDEVELOPMENT AGENCY |
| D. WRITTEN COMMUNICATIONS | K. ORAL COMMUNICATIONS |
| 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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Thursday, March 9, 2017

A. ROLL CALL

B. MINUTES

- B.1 Approval of Minutes of the regular City Council meeting of Thursday, February 23, 2017. (MOTION)**

C. PRESENTATIONS AND PROCLAMATIONS

- C.1 Proclaiming March 9, 2017, as Arbor Day in Newark. (PROCLAMATION)**

Background/Discussion – In recognition of our continued dedication and commitment to the management of tree resources, the City of Newark has been named a Tree City U.S.A. for the thirtieth consecutive year by the National Arbor Day Foundation. An effective urban tree management program requires an on-going maintenance program, along with a program of renewal that includes planting new trees. In celebration of Arbor Day, a public tree planting will be held before the City Council meeting at the entrance to Civic Center Park at the end of Civic Terrace Drive.

Maintenance Supervisor Neal Hornbeck will accept the proclamation at the meeting.

D. WRITTEN COMMUNICATIONS

E. PUBLIC HEARINGS

- E.1 Public Hearing for the proposed issuance of revenue bonds by the California Municipal Finance Authority (CMFA), in an amount not to exceed \$14,750,000 for the Newark Station Senior Apartments, a 75 unit multifamily, rental housing facility, located at 37433 Willow Street in the City of Newark – from Assistant City Manager Grindall. (RESOLUTION)**

Background- The City of Newark has approved a 75 unit senior housing project in the Dumbarton Transit Oriented Development area. In order to finance this affordable housing project the developer, USA Properties Fund, Inc. requested that the California Municipal Finance Authority (CMFA) serve as the municipal issuer of the tax-exempt revenue bonds. The proceeds of the bonds will be used for the acquisition,

construction, improvement, and equipping of a 75-unit multifamily rental housing facility to be owned and operated by the USA Housing, Inc.

In order to facilitate the issuance of the bonds, the City of Newark must hold a Tax and Equity Fiscal Responsibility Act hearing and approve the financing within one year of the issuance. A similar action was taken by the City Council on March 24, 2016. Since delays in site preparation have occurred, the closing of the issuance will not be possible within the one year time frame. Therefore the action by the City Council must be repeated.

The bonds to be issued by the CMFA for the project will be the sole responsibility of the borrower, and the City will have no liability or responsibility for the project or the repayment of the bonds for the financing of the project. All financing documents with respect to the issuance of the bonds will contain clear disclaimers that the bonds are not obligations of the City or the State of California, but are to be paid for solely from funds provided by the borrower.

The CMFA shares a portion of the issuance fees it receives with its member communities and donates a portion of these issuance fees to support local charities. With respect to this issuance, it is expected that a portion of the issuance fee will be granted by the CMFA to the general fund of the City. Such grant may be used for any lawful purpose of the City.

Action – It is recommended that the City Council:

- 1) Conduct the public hearing under the requirements of TEFRA and the Internal Revenue Code of 1986, as amended.
- 2) Adopt a resolution approving the issuance of the revenue bonds by the California Municipal Finance Authority for the purpose of financing or refinancing the acquisition, construction, improving, and equipping of certain facilities at 37433 Willow Street for the benefit of Newark 618, L.P., or another limited partnership established by USA Properties Fund, Inc. or an affiliate thereof

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 Second reading and adoption of an ordinance committing funds for the California Public Employee Retirement System plan and Other Post-Employment Benefit unfunded accrued liabilities – from City Clerk Harrington and Administrative Services Director Woodstock. (ORDINANCE)**

Background/Discussion – On February 23, 2017 the City Council adopted Resolution No. 10597 approving a Pension and Other Post-Employment Benefit (OPEB) Reserve Policy. The Policy authorized the transfer of \$5,000,000 from the General Fund into the Pension and OPEB Reserve Fund. An ordinance was also required to commit the funds for this designated purpose. A second reading is required for the ordinance.

Attachment

Action –Staff recommends that the City Council adopt an ordinance committing funds for the California Public Employee Retirement System plan and Other Post-Employment Benefit unfunded accrued liabilities.

G. CITY ATTORNEY REPORTS

H. ECONOMIC DEVELOPMENT CORPORATION

I. CITY COUNCIL MATTERS

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 March 9, 2017. (MOTION)

M. CLOSED SESSION

- M.1 Closed session for conference with Legal Counsel pursuant to Government Code Section 54956.9(d)(1), Existing Litigation, Name of Case: Valencia et al. v. City of Newark et al.; United States District Court, Northern District of California, Case No. 4:16-CV-04811-SBA – from City Attorney Benoun.**

Background/Discussion – City Attorney Benoun has requested that the City Council convene in closed session pursuant to Government Code Section 54956.9(d)(1), Existing

Litigation, Case: *Valencia et al. v. City of Newark et al.*; United States District Court, Northern District of California, Case No. 4:16-CV-04811-SBA.

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.