



# CITY OF NEWARK CITY COUNCIL

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

## AGENDA

Thursday, January 8, 2015

**A. ROLL CALL**

**B. MINUTES**

- B.1 Approval of Minutes of the regular City Council meeting of Thursday, December 11, 2014. (MOTION)**

**C. PRESENTATIONS AND PROCLAMATIONS**

**C.1 Introduction of employees.**

**Background/Discussion** – Recently hired Building Inspector George Emmett, Jr. will be at the meeting to be introduced to the City Council.

**D. WRITTEN COMMUNICATIONS**

**E. PUBLIC HEARINGS**

**F. CITY MANAGER REPORTS**

**NONCONSENT**

- F.1 Authorization for the Mayor to sign certain trust documents in connection with the establishment of a trust to fund Other Post-Employment Benefits and authorize and direct certain actions with respect thereto – from Administrative Services Director Woodstock.**

**(RESOLUTIONS - 2)**

**Background/Discussion** – In addition to a retirement pension, the City of Newark offers an Other Post-Employment Benefit (OPEB) of a modest supplement towards the cost of medical insurance. This OPEB is determined by the Public Employee Medical and Hospital Care Act (PEMHCA). Employees who vest in the CalPERS system, retire from the City of Newark and enroll in CalPERS retiree medical benefits are eligible for this OPEB. In 2014, the PEMHCA benefit was \$119 per month for each retiree.

Like most public agencies, the City is on the Pay-As-You-Go plan which means a monthly bill is paid to CalPERS for the OPEB provided to our current retirees. The future OPEB liabilities are 0% funded. The Unfunded Actuarial Accrued Liability on June 30, 2014 was \$5.5 million.

The Affiliate Program Services Division of CalPERS offers a California Employers' Retiree Benefit Trust Fund (CERBT) program. This program allows local agencies to establish a trust for funding future OPEB liabilities. The trust assets are managed by the CalPERS investment division.

Once the trust is established, the City can deposit lump sum amounts or make monthly contributions. The funds in the trust can be used to pay the OPEB liability at any time.

The CERBT has provided the documentation necessary to establish the trust, which consists of an agreement and the Delegation of Authority to Request Disbursements form. Staff will work with the City's actuarial consultant to provide CERBT with all necessary actuarial information. At this time, Staff is recommending establishing a trust and will recommend funding alternatives to the City Council on a future agenda.

#### **Attachments**

**Action** - It is recommended that the City Council, by resolution, authorize the Mayor to sign the CERBT Contract Agreement and direct Staff to provide all actuarial information necessary to establish the CERBT Trust Fund and by separate resolution sign the Delegation of Authority to Request Disbursements.

### **G. CITY ATTORNEY REPORTS**

### **H. ECONOMIC DEVELOPMENT CORPORATION**

### **I. CITY COUNCIL MATTERS**

#### **I.1 Approval of reappointments to the Dumbarton Rail Corridor Citizen Advisory Panel – from Mayor Nagy. (RESOLUTION)**

**Background/Discussion** – The Dumbarton Rail Corridor Policy Advisory Committee (DRCPAC) approved the creation of a Citizen Advisory Panel in 2006. There are two representatives from each of the corridor communities (Newark, Fremont, Union City, Menlo Park, East Palo Alto, Redwood City, Santa Clara County, and the Town of Atherton). The goal of the Citizen Advisory Panel is to receive updates from staff of

project studies and environmental reviews, receive public input on project effects and progress, and provide formal input on actions pending before the DRCPAC.

The terms of Newark's representatives Mark Gonzales and Eric Hentschke will expire on January 31, 2015. Mr. Gonzales and Mr. Hentschke have each submitted requests for reappointment.

**Attachment**

**Action** - It is recommended that the City Council, by resolution, approve the reappointment of Mark Gonzales and Eric Hentschke as the representatives to the Dumbarton Rail Corridor Citizen Advisory Panel for a term expiring January 31, 2017.

**I.2 Approval of appointment of Planning Commissioner Bernie Nillo to the Community Development Advisory Committee – from Mayor Nagy.  
(RESOLUTION)**

**Background/Discussion** – The Community Development Advisory Committee (CDAC) is an appointed committee that provides recommendations to the City Council for the use of Community Development Block Grant funds and to the Community Development Director on priorities for the use of Housing funds.

The CDAC consists of two City Council Members, two Planning Commissioners and the balance from the community. Michael Hannon assuming the office of City Council and resignation from the Planning Commission created the need for a new Planning Commission representative. Mayor Nagy recommends the appointment of Planning Commissioner Bernie Nillo to the Community Development Advisory Committee.

**Attachment**

**Action** - It is recommended that the City Council, by resolution, appoint Planning Commissioner Bernie Nillo to the Community Development Advisory Committee.

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

**K. ORAL COMMUNICATIONS**

**L. APPROPRIATIONS**

**M. CLOSED SESSION**

- M.1 Closed session for conference with Legal Counsel on existing litigation Henneberry v. City of Newark, et al. United States District Court, Northern District of California Case No. C13-5238 MEJ pursuant to Section 54956.9(a) of the California Government Code: – from City Attorney Benoun.**

**Background/Discussion** – The City Attorney has requested a closed session to discuss existing litigation: *Henneberry v. City of Newark, et al.*; United States District Court, Northern District of California Case No. C13-5238 MEJ.

- M.2 Closed session pursuant to Government Code Section 54957 Public Employee Performance Evaluation Title: City Manager.**

**Background/Discussion** – City Manager Becker has requested that the City Council convene in closed session pursuant to Government Code Section 54957 for a performance evaluation.

**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.