



CITY OF NEWARK CITY COUNCIL

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

Minutes

Thursday, January 22, 2015

A. ROLL CALL

Mayor Nagy called the meeting to order at 7:34 p.m. Present were Council Members, Hannon, Freitas, Bucci, and Vice Mayor Collazo.

B. MINUTES

B.1 Approval of Minutes of the regular City Council meeting of Thursday, January 8, 2015.

Vice Mayor Collazo moved, Council Member Bucci seconded, to approve the Minutes of the regular City Council meeting. The motion passed, 5 AYES.

C. PRESENTATIONS AND PROCLAMATIONS

C.1 Proclaiming February Teen Dating Violence Awareness and Prevention Month.

Mayor Nagy presented the proclamation to Dr. Yasi Safina-Davis of Safe Alternatives to Violent Environments (SAVE).

C.2 Presentation by Safe Alternatives to Violent Environments (SAVE).

Dr. Yasi Safina-Davis of Safe Alternatives to Violent Environments (SAVE) discussed the mission and services provided by SAVE.

D. WRITTEN COMMUNICATIONS

E. PUBLIC HEARINGS

F. CITY MANAGER REPORTS

Council Member Freitas moved, Vice Mayor Collazo seconded, to approve Consent Calendar Items F.1 through F.2, that the resolutions be numbered consecutively, and

that reading of the titles suffice for adoption of the resolutions. The motion passed, 5 AYES.

CONSENT

- F.1 Approval of a Retention of Services Agreement with Renne Sloan Holtzman Sakai LLP to provide labor negotiation consulting services.**
RESOLUTION NO. 10308
CONTRACT NO. 15002
- F.2 Approval of sponsorship of the Chamber of Commerce's 2015 Summerfest, Octoberfest, and Tri-City Motor Rally to promote recycling in Newark and amendment to the 2014-2016 Biennial Budget for Recycling Promotion Sponsorships.**
RESOLUTION NO. 10309

NONCONSENT

- F.3 Amendment of the 2014-2016 Biennial Budget and Capital Improvement Plan and Update to the Year-end Fund Balance Policy and Procedures.**
RESOLUTION NO. 10310-10311

Administrative Services Director Woodstock outlined the amendments for both years of the Biennial Budget, the change to the Fund Balance Policy and an updated 5-Year Forecast.

In response to Council Member Hannon, Administrative Services Director Woodstock stated that the equipment replacement needs vary from year to year.

Vice Mayor Collazo moved, Council Member Hannon seconded to by two separate resolutions, 1. Amend the 2014-2016 Biennial Budget and Capital Improvement Plan for Fiscal Years 2014-2015 and 2015-2016; and 2. Approve the Year-End Fund Balance Policy and Procedures. The motion passed 5, AYES.

- F.4 Authorization to fund the Other Post-Employment Benefits Trust Fund.**
RESOLUTION NO. 10312

Administrative Services Director Woodstock stated that the City Council previously approved the California Employers' Retiree Benefit Trust Fund (CERBT) contract. This contract allowed for the creation of a trust fund for the future liabilities of the costs of Other Post-Employment Benefits (OPEB).

Administrative Services Director Woodstock recommended that the City Council begin funding the Annual Required Contribution, to deposit a one-time lump sum of

one million dollars (\$1,000,000), and to opt to invest in an Asset Allocation Strategy. This offers the best rate of return and the OPEB future liability will be approximately 35 percent funded.

In response to Council Member Bucci, Administrative Services Director Woodstock stated that each year the rate of return on the account will be calculated and will be added to the trust.

Mayor Nagy complimented staff for addressing the OPEB liabilities.

Vice Mayor Collazo moved, Council Member Bucci seconded to, by resolution, authorize funding the California Employers' Retiree Benefit Trust Fund in an amount equal to the Annual Required Contribution plus a one-time lump sum deposit of one million dollars, and to opt to invest in Asset Allocation Method (Strategy 1). The motion passed, 5 AYES.

F.5 Approval of Draft Housing Element Update and authorization to transmit the Draft Housing Element Update to the State Department of Housing and Community Development for their review and approval.

MOTION APPROVED

Assistant City Manager Grindall stated that the Housing Element of the General Plan is updated periodically and certified by the State of California. The Housing Element purpose is to support the vision of assuring the provision of safe, decent, affordable housing for Newark residents.

After the State Department of Housing and Community Development reviews the Draft Housing Element, the Element will be presented to the Planning Commission and City Council for approval in March.

Assistant City Manager Grindall noted that the Housing Element does not require the construction of affordable housing; the State requires that the City have room should someone want to build affordable housing.

In response to Council Member Bucci, Assistant City Manager Grindall stated that zoning changes would occur as projects are brought to the City Council for consideration.

Council Member Bucci stated that he attended a housing presentation that showed a ratio of low wage workers to housing units available and Newark ranked last in Alameda County. He stated he would like to see that improve.

Vice Mayor Collazo stated that she hoped more affordable housing for seniors would be developed.

Council Member Hannon requested the following changes to the Housing Element:

- Page H20 broaden the definition of rooms.
- Page H31 clarify the market rate housing versus the affordable housing units for the SHH Project.
- Page H42 clarify that when the Second Chance shelter reaches capacity, the homeless are referred to other local services.

Richard Dominguez stated that affordable housing is a nationwide problem. He did not think that there was a solution to save all the homeless and that the City could not handle it alone.

Angela Akridge stated that she read in the Housing Element the need to add large homes for diversity. She also referenced the table on page H32 showing an above moderate greater than 120% need for 423 homes. She requested clarification on these two matters.

Assistant City Manager Grindall stated that diversity refers to a diverse mix of housing types, not ethnicity. He noted that the City is not required to meet any obligations, even in terms of accommodating anything higher than low income housing. Staff supports a balanced approach with a wide range of housing types.

Council Member Freitas moved, Vice Mayor Collazo seconded to, by motion, approve the Draft Housing Element Update and authorize staff to transmit the Draft Housing Element Update to the State Department of Housing and Community Development for their review and approval. The motion passed, 5 AYES.

G. CITY ATTORNEY REPORTS

H. ECONOMIC DEVELOPMENT CORPORATION

I. CITY COUNCIL MATTERS

- I.1** Mayor Nagy announced that the February 12 City Council meeting will be held at the Newark Pavilion, to accommodate the anticipated large turnout.

Mayor Nagy requested that people pray for Planning Commissioner Janet Drews. The entire City Council wished Ms. Drews well.

- I.2** Vice Mayor Collazo encouraged the public to shop in Newark.

I.3 Council Member Freitas congratulated the Police Department for the recent pedestrian safety operation. Mayor Nagy noted that the operation resulted in 52 citations and 40 warnings. He stated that there was no excuse for not stopping.

I.4 Council Member Bucci announced that the Newark Relay for Life planning committee will meet at 6:30 p.m. on the second Wednesday of each month at the Newark library. He encouraged anyone who would like to participate, to attend the meetings.

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

K. ORAL COMMUNICATIONS

K.1 Richard Dominguez stated that he loves the new development on Cedar Boulevard. He requested residential only parking for the existing homes. He stated that the businesses on Cedar Boulevard are an eyesore and need to be cleaned up.

K.2 Angela Akridge asked if there have been any improvements as a result of the Police Department pedestrian safety operation. She questioned the cost of operation. She shared her experiences walking and bicycling in the City.

Mayor Nagy stated that public safety was the most important part of the operation.

L. APPROPRIATIONS

City Clerk Harrington read the Register of Audited Demands: Check numbers 103519 to 103693.

Council Member Freitas moved, Vice Mayor Collazo seconded, to approve the Register of Audited Demands. The motion passed, 5 AYES.

M. CLOSED SESSION

M.1 Closed Session for Conference with Legal Counsel pursuant to Government Code Section 54956.9(d)(1), Existing Litigation, Citizens Committee to Complete the Refuge v. City of Newark et al., Alameda County Superior Court Case No. RG10530015 – from City Attorney Benoun and Assistant City Manager Grindall.

At 8:43 p.m. the City Council recessed to closed session.

At 8:52 p.m. the City Council convened in closed session.

At 10:32 p.m. the City Council reconvened in open session with all Council Members present.

No reportable actions were taken by the City Council for items M.1 through M.4.

For Closed Session M.5, the City Council gave direction to staff to initiate four actions. City Attorney Benoun advised that the actions, the defendants, and the other particulars will be disclosed once litigation is formally commenced, to any person upon inquiry, unless to do so would jeopardize the City's ability to effectuate service of process on one or more unserved parties or if disclosure at that time would jeopardize the City's ability to conclude settlement negotiations, if any.

- M.2 Closed Session for Conference with Legal Counsel pursuant to Government Code Section 54956.9(d)(1), Existing Litigation, Citizens Committee to Complete the Refuge v. City Council of the City of Newark et al., Alameda County Superior Court Case No. RG14709701 – from City Attorney Benoun and Assistant City Manager Grindall.**
- M.3 Closed Session for Conference with Legal Counsel pursuant to Government Code Section 54956.9(d)(1), Existing Litigation, City of Newark v. Olga E. Mullins, Alameda County Superior Court Case No. RG14729095 – from City Attorney Benoun and Assistant City Manager Grindall.**
- M.4 Closed Session for Conference with Legal Counsel pursuant to Government Code Section 54956.9(d)(1), Existing Litigation, City of Newark v. Adeline Caldeira et al., Alameda County Superior Court Case No. RG14729098 – from City Attorney Benoun and Assistant City Manager Grindall.**
- M.5 Closed Session for Conference with Legal Counsel pursuant to Government Code Section 54956.9(a), Anticipated Litigation (4 cases) – from City Attorney Benoun and Assistant City Manager Grindall.**

N. ADJOURNMENT

At 10:32 p.m. Council Member Bucci moved, Council Member Hannon seconded, to adjourn the regular City Council meeting. The motion passed, 5 AYES.