



# 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, January 10, 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*  
*Terrence Grindall*  
*Assistant City Manager*  
*Sandy Abe*  
*Human Resources Director*  
*Soren Fajeau*  
*Public Works Director*  
*Michael Carroll*  
*Police Chief*  
*David Zehnder*  
*Recreation and Community Services Director*  
*Kristopher J. Kokotaylo*  
*Interim 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:

- |                                     |                        |
|-------------------------------------|------------------------|
| A. ROLL CALL                        | I. COUNCIL MATTERS     |
| B. MINUTES                          | J. SUCCESSOR AGENCY    |
| C. PRESENTATIONS AND PROCLAMATIONS  | K. ORAL COMMUNICATIONS |
| D. WRITTEN COMMUNICATIONS           | L. APPROPRIATIONS      |
| E. PUBLIC HEARINGS                  | M. CLOSED SESSION      |
| F. CITY MANAGER REPORTS             | N. ADJOURNMENT         |
| G. CITY ATTORNEY REPORTS            |                        |
| 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, January 10, 2019

**A. ROLL CALL**

**B. MINUTES**

- B.1 Approval of Minutes of the City Council meeting of December 13, 2018.  
(MOTION)**

**C. PRESENTATIONS AND PROCLAMATIONS**

**C.1 Introduction of employees.**

**Background/Discussion** – The following Public Works employees will be introduced at the City Council meeting: Maintenance Superintendent Tonya Connolly, General Laborer Thomas Curtis, General Laborer Gabriel Bedolla, and Administrative Support Specialist II Mirna Padilla.

- C.2 Presentation from the Alameda County Mosquito Abatement District.  
(PRESENTATION)**

**Background/Discussion** – It is the overall goal of the Alameda County Mosquito Abatement District (District) to provide for the public's health and comfort by carrying on a program of mosquito control and source reduction. District Manager Ryan Clausnitzer and Board Trustee Eric Hentschke will provide an update on the District's activities.

**D. WRITTEN COMMUNICATIONS**

**E. PUBLIC HEARINGS**

**F. CITY MANAGER REPORTS**

**(It is recommended that Items F.1 through F.5 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 Approval to add one classification of Recreation Supervisor to the Compensation and Benefit Plan for City Officials, Management, Supervisory and Professional Employees – from Human Resources Director Abe and Recreation and Community Services Director Zehnder.  
(RESOLUTION)**

**Background/Discussion** – After nearly 30 years of distinguished City service, a Senior Recreation Supervisor has announced her plans to retire in the spring of 2019. The Department of Recreation and Community Services is recommending a staffing transition plan to afford a career development opportunity at a significant cost savings.

The staffing transition plan allocates one of two existing Senior Recreation Supervisor positions to Recreation Supervisor. The selected incumbent would begin at the Recreation Supervisor level and would have the opportunity to be considered for a Senior Recreation Supervisor level if their skills and experience grow.

Reporting to the Recreation and Community Services Director, the Recreation Supervisor will have administrative oversight of the Newark Senior Center with supervisory responsibility for a Recreation Coordinator and a part-time Administrative Support Specialist II. In addition, one Child Care Lead Instructor and four Child Care Instructors would report directly to this position. Major responsibilities will include:

- Senior Center budget development, monitoring and tracking of expenditures and revenues.
- Staff support for the Standing Senior Citizens Advisory Committee.
- Supervision of direct reports as listed above to include annual evaluations, goal setting, mentoring, professional development and scheduling.
- Approval of requisitions, refunds, payroll, Visa statements and petty cash statements.
- Chair the Family Day at the Park committee.
- Supervise the Community Center rental program to include PST staff schedules, facility maintenance requests and liaison with Newark Chamber of Commerce.
- Manage Licensed Child Care weekly rosters and payments, communicate with parents, liaison with California State Licensing, and conduct program marketing and community outreach.
- Plan, program and implement Summer Ash Street and Summer Day Care programs.

The proposed salary is Range 10 (\$7,054 - \$10,230), and is set 10% below the salary for Senior Recreation Supervisor. Budget savings associated with restructuring this position would be approximately \$10,000.

**Attachment**

**Action** - It is recommended that the City Council approve by resolution an amendment to Resolution No. 10678, the Compensation and Benefit Plan for City Officials, Management, Supervisory and Professional Employees to add the classification, entitled Recreation Supervisor.

**F.2 Acceptance of work with G. Bortolotto & Company, Inc. for Park Pathways Resurfacing for ADA Access, Projects 1109 and 1175 – from Senior Civil Engineer Cangco. (RESOLUTION)**

**Background/Discussion** – On April 13, 2017, the City Council awarded a contract to G. Bortolotto & Company, Inc. for Park Pathways Resurfacing for ADA Access, Projects 1109 and 1175. The project removed tripping hazards and made pathways ADA accessible at Newark Community Park and Birch Grove Park.

The project was completed on time and within budget using Capital funds and Community Development Block Grant Program (CDBG) funds.

**Attachment**

**Action** - It is recommended that the City Council, by resolution, accept the work with G. Bortolotto & Company, Inc. for Park Pathways Resurfacing for ADA Access, Projects 1109 and 1175.

**F.3 Approval of partial release and replacement of security bonds for Tract 8085, Bayshores Phase I (CDCG Group Holdings Bayshores LP and William Lyon Homes, Inc.), a 213-unit residential subdivision at 37555 Willow Street – from Senior Civil Engineer Cangco. (RESOLUTION)**

**Background/Discussion** – On April 28, 2016, CDCG Group Holdings Bayshores LP, entered into a Subdivision Agreement with the City of Newark to construct improvements associated with Tract 8085, Bayshores Phase I. As allowed by the Subdivision Agreement, William Lyon Homes, Inc., the project contractor, provided a Performance Bond in the amount of \$6,510,300 and a Materials Bond in the amount of \$3,255,150, both issued by Philadelphia Indemnity Insurance Company, to guarantee the tract improvements. The improvements are more than 80% complete and, in accordance with authority contained in §66499.7 of the Government Code, these bonds may be reduced. William Lyon Homes, Inc. has provided bond riders issued by Philadelphia Indemnity Insurance Company for both the Performance and Materials bonds in the amounts of \$1,302,060 and \$651,030, respectively, to guarantee the construction of remaining improvements. The amount of the bond riders is equal to twenty percent (20%) of the original bond amounts.

The replacement bonds will be adequate to guarantee the construction of remaining improvements of Tract 8085 Bayshores Phase I, which are limited to minor punchlist items including the replacement of damaged curb, gutter, sidewalk, and paving, installation of trash capture inlet filters, reapplication of striping and signing, and replacement of dead landscaping.

Ownership of all tract improvements will remain with CDCG Group Holdings Bayshores LP until acceptance of the improvements by the City.

**Attachment**

**Action** – It is recommended that the City Council, by resolution approve the partial release and replacement of security bonds for Tract 8085, Bayshores Phase I.

**F.4 Approval of partial release and replacement of security bonds for Tract 8310, Bayshores Phase II (CDCG Group Holdings Bayshores LP and William Lyon Homes, Inc.), an 86-unit residential subdivision at 37555 Willow Street – from Senior Civil Engineer Cangco. (RESOLUTION)**

**Background/Discussion** – On May 25, 2017, CDCG Group Holdings Bayshores LP, entered into a Subdivision Agreement with the City of Newark to construct improvements associated with Tract 8310, Bayshores Phase II. As allowed by the Subdivision Agreement, William Lyon Homes, Inc., the project contractor, provided a Performance Bond in the amount of \$1,484,000 and a Materials Bond in the amount of \$742,000, issued by Philadelphia Indemnity Insurance Company, to guarantee the tract improvements. The improvements are more than 80% complete and, in accordance with authority contained in §66499.7 of the Government Code, these bonds may be reduced. William Lyon Homes, Inc. has provided bond riders issued by Philadelphia Indemnity Insurance Company for both the Performance and Materials bonds in the amounts of \$296,800 and \$148,400, respectively, to guarantee the construction of remaining improvements. The amount of the bond riders is equal to twenty percent (20%) of the original bond amounts.

The replacement bonds will be adequate to guarantee the construction of remaining improvements of Tract 8310 Bayshores Phase II, which are limited to minor punchlist items including the replacement of damaged curb, gutter, sidewalk, and paving, installation of trash capture inlet filters, reapplication of striping and signing, and replacement of dead landscaping.

Ownership of all tract improvements will remain with CDCG Group Holdings Bayshores LP until acceptance of the improvements by the City.

**Attachment**

**Action** – It is recommended that the City Council, by resolution approve the partial release and replacement of security bonds for Tract 8310, Bayshores Phase II.

**F.5 Authorization for the Mayor to sign an agreement with GHA/Nutanix Technology Solutions to provide new server hardware and virtualize the City and Police Department computer networks – from Information Systems Manager Kezar. (RESOLUTION)**

**Background/Discussion** – The City's network server hardware is outdated and requires the City to pay for extended warranties, which are becoming more expensive. The implementation of a new virtual server solution will enable the City to take advantage of high availability failover solutions in the event that a server goes down. A 10 GIG solution

will be implemented which will increase the server LAN bandwidth from 1 GIG to 10 GIG.

The City distributed a Request for Proposals (RFP) inviting prospective vendors to provide a complete virtualization/disaster recovery solution, including full Microsoft Server 2019 licensing for all deployed servers. The goal of this project is to remove all older physical servers with new server hardware which will house the servers in a virtual environment. The new hardware will include a 5 year warranty thus eliminating the on-going yearly extended warranty costs on the physical servers.

The City received qualifying proposals from six vendors, all including the five year warranty, as follows:

<b>Vendor</b>	<b>Total Cost</b>
Dell EMC	\$275,059.63
GHA/Nutanix Technology Solutions	\$199,996.99
Ritsnet	\$296,581.03
SHI	\$277,108.36
Element 4	\$223,900.00
Headlands	\$165,123.00

Following a review of the proposals by the City's evaluation team, GHA/Nutanix Technology Solutions was selected as the vendor to best meet the needs of the project. The evaluation team determined that the GHA/Nutanix Technology Solutions solution was within the budget as well as had the complete solution with licensing, backup/disaster recovery solution, virtualization and the required 5 year hardware warranty.

While the cost is greater than the Headlands Associates proposal, the evaluation team found that GHA/Nutanix Technology Solutions provided a stronger solution should a server go down. GHA/Nutanix Technology Solutions provides a redundant cluster (failover plan) which staff will run off-site in case of building failure due to natural disaster or fire while Headlands Associates did not provide a disaster recovery solution. Funding for the project is included in the Fiscal Year 2018-2019 budget.

For the reasons listed above, staff recommends entering into an agreement with GHA/Nutanix Technology Solutions.

### **Attachment**

**Action** - It is recommended that the City Council, by resolution, authorize the Mayor to sign an agreement with GHA/Nutanix Technology Solutions for the implementation of a new virtual network solution including all hardware and programming of new hardware.

**NONCONSENT**

- F.6 Adoption of an Urgency Ordinance of the City of Newark amending Chapter 12.08 of Title 12 of the Newark Municipal Code amending encroachment requirements relating to Small Cell Wireless Telecommunications Facilities to become effective immediately; and approval of a Master License Agreement for Small Cell Pole Attachment Installation and Use of City Associated Facilities standard template and authorization for the City Manager to execute future agreements – from Interim City Attorney Kokotaylo and Public Works Director Fajeau.  
(URGENCY ORDINANCE) (RESOLUTION)**

**Background/Discussion** – On September 26, 2018, the Federal Communications Commission (“FCC”) issued a new Declaratory Ruling and Third Report and Order (“FCC Ruling”) that will significantly impact local jurisdiction regulation of wireless telecommunications infrastructure placement, particularly with future small cell wireless facilities. The FCC Ruling interprets provisions of the Telecommunication Act of 1996 (“the Act”) in a manner that limits local government discretion over small cell deployments and includes a requirement that cities allow access to City-owned poles for such installations. The FCC ruling also establishes certain deadlines, commonly referred to as “shot clocks,” for local governments to act on applications for small cell permits and other approvals.

The FCC Order was incorporated into the Federal Register on October 15, 2018 which established a date of January 14, 2019 for the order to take effect. Staff is recommending adoption of an urgency ordinance to immediately revise Chapter 12.08 of the Newark Municipal Code to specifically require carriers to obtain an encroachment permit prior to deploying small cell wireless facilities and ancillary equipment in the public right-of-way and to require that all work or use pertaining to the deployment, installation or location of small cell wireless facilities conform with applicable general guidelines and specific design criteria set forth in the Newark Municipal Code, and administrative guidelines established by the City. In addition, staff is recommending approval of a standard template for a Master License Agreement for Small Cell Pole Attachment Installation and Use of City Associated Facilities to establish a regulatory framework that imposes licensing fees, deployment, construction, and removal requirements consistent with the FCC Order.

The FCC’s stated intent with this ruling is to facilitate the spread, growth and accumulation of small cell facilities over a short period of time in order to enable new deployment technology with claims that it will help increase competition in healthcare, facilitate the use of smart device and cell phone applications, and foster job creation. The FCC Ruling further claims that there is a possibility of increasing the United States economy by as much as \$100 billion by speeding up deployment by one full year. In order to effectuate this policy, the FCC Ruling will:

- Significantly shorten the time period local jurisdictions have to process applications for small cell installations to either 60 or 90 days, depending on whether they are being mounted on existing or new structures;
- Limit fees for small cell installations on City property within the public rights-of-way to a reasonable approximation of the City’s costs that are objectively reasonable; and
- Limit aesthetic review and requirements, including undergrounding and historic/environmental requirements, to those that are reasonable, comparable requirements for other public rights-of-way users, and published in advance.

The League of California Cities has opposed the FCC Ruling along with many national organizations. Governor Brown vetoed similar legislation, SB649, in 2017 after a large California coalition voiced serious concerns that the bill would harm local communities with concerns about shifting authority away from local residents, businesses and communities over to a for-profit industry whose shareholder returns potentially outweigh their considerations for the health, safety, aesthetic and public benefits of communities. The determinations in this FCC Ruling are a broad and aggressive interpretation of the Act and a number of cities have filed a lawsuit in the Federal 10<sup>th</sup> Circuit Court of Appeals to prohibit its enforcement. It is possible that a stay will be issued to prevent enforcement of the FCC Ruling while the merits of the lawsuit are determined (no stay has been issued as of publication date of this agenda). However, staff is proceeding forward with recommendations for adoption of an urgency ordinance and a Master License Agreement standard template to ensure that the processes and procedures are in place to provide the City with control over the installations of small cell facilities to the extent permitted by the FCC Ruling.

#### Urgency Ordinance

In recent years, technological developments and expanded usage in mobile telecommunication services have prompted wireless service providers to deploy small cell facilities in place of traditional macro towers and antennas. “Small wireless facilities”, as most recently defined by the FCC, are facilities that include an antenna of no more than 3 cubic feet and equipment totaling no more than 28 cubic feet, placed on a structure that is either no more than 50 feet in height, no more than 10 percent taller than adjacent structures, or no more than 10 percent taller than the structure’s preexisting height after the new antenna is placed. Small cell facilities are deployed by carriers to adopt the upcoming “5G” technology that surpasses the current “4G” systems by providing higher system and data capacity and expands device connectivity. These facilities are often affixed to light poles and other smaller, lower utility poles within the public right-of-way.

Public Utilities Code section 7901 authorizes wireless telecommunication service providers to construct telephone or telegraph lines in the public right-of-way in a manner that will not inconvenience the public use of the right-of-way. Section 7901.1 of the Public Utilities Code, on the other hand, provides that municipalities retain control over the time, place, and manner in which the public right-of-way is accessed. This authority permits local governments to exercise reasonable authority to regulate



wireless telecommunication facilities in the public right-of-way, including the authority to impose discretionary permit requirements and require reasonable compensation. This exercise of municipal authority, however, is subject to the federal preemption under the Act that local governments cannot enact regulations that would prohibit or effectively prohibit telecommunication services.

The City currently regulates wireless telecommunication facilities pursuant to Section 17.26.250, “Telecommunication”, of Chapter 17.26 of the Newark Municipal Code. Section 17.26.250 imposes a number of requirements for such facilities, including use permit and site development review, location, height, design, and operational and maintenance requirements. Section 17.26.250, however, does not specifically focus on small cell wireless facilities. Similarly, the City requires all construction, excavation, installation and other encroachments into the public right-of-way to obtain an encroachment permit pursuant to Chapter 12.08 of the Municipal Code. Likewise, Chapter 12.08 does not specifically define installation or deployment of small cell wireless facilities as an act that requires an encroachment permit, nor does it impose any standards of work that is tailored to the nature of such deployment.

The proposed urgency ordinance is intended to revise Chapter 12.08 of the Municipal Code to specifically require carriers to obtain an encroachment permit prior to deploying small cell wireless facilities and their ancillary equipment in the public right-of-way. The proposed ordinance will further require all small cell wireless facility applications to provide proof of the legal right to use the new or existing structure upon which they will be located in the right-of-way. If small cells will be located on the City’s property in the right-of-way, including light poles and traffic poles, the carriers will be required to show that they have been properly licensed to locate on such poles or property. This requirement can be satisfied by entering into a master license or lease agreement with the City. Additionally, the proposed ordinance would require that all work pertaining to the deployment of small cells in the right-of-way must conform with the applicable design, operational standards and general guidelines that govern telecommunication facilities set forth in Chapter 17.26.250.

The proposed amendments to Chapter 12.08 are being adopted as an urgency ordinance pursuant to Government Code Section 36937(b). Under this statute, ordinances adopted to protect the health, safety, and welfare of the public with a four-fifths vote of the City Council become effective immediately. As the City is unlikely to be able to adopt an interim moratorium prohibiting the deployment of small cell wireless facilities given the federal preemption under the Act, it is essential that the City update its encroachment regulations to specifically include small cell wireless facilities and impose permit and standard of work requirements when they are deployed on new or existing structures in the right-of-way. City staff will continue to establish permanent regulations after the proposed ordinance becomes effective. The permanent regulations will be reviewed by the Planning Commission and adopted by the City Council pursuant to noticed public hearings prior to becoming effective.

Master License Agreement

As previously noted, the proposed Master License Agreement for Small Cell Pole Attachment Installations and Use of City Associated Facilities (“MLA”) standard template would establish a regulatory framework that imposes licensing fees, deployment, construction, and removal requirements consistent with the FCC Order. For City-owned poles, the MLA would satisfy this requirement by allowing carriers to obtain individual pole licenses and licenses for City-owned conduits, panels, and other associated structures before they can utilize these facilities to deploy small cells.

Staff has drafted a MLA standard template in order to establish the legal relationship and framework under which a carrier or licensee may apply to the City for and obtain a revocable, non-possessory privilege to use the License Area identified in Pole and Associated Facilities Licenses. The MLA is Exhibit A to the associated resolution.

The MLA outlines design and noise requirements to protect community aesthetics, health, safety and welfare in the public right-of-way, consistent with the City’s goals, while conforming to the limitations set by state and federal law. It further specifies approved locations and any site constraints and installation, operation, and maintenance requirements specific to those pole locations. Moreover, the MLA would permit the City to retain oversight with regard to aesthetics and potential noise issues. The MLA requires carriers to obtain a Pole License to attach small cells on City-owned poles in the public right-of-way, and to obtain an Associated Facilities License to obtain access to City-owned conduits, pull-boxes, power circuits, panels, and other related facilities located in the right-of-way that may be necessary for deploying and operating the small cell facilities located upon associated poles. Carriers that do not obtain an Associated Facilities License will not be able to access such City-owned facilities and must install their own pull boxes and conduits.

Specifically, the key terms and conditions of the MLA are as follows:

- The term of the MLA is five (5) years, and automatically renews for subsequent one (1)-year intervals, subject to each party’s option to not renew upon notice to the other party.
- Pursuant to the MLA, licensees are required to obtain individual licenses for every pole and associated facilities where small cell facilities are proposed.
- Individual Pole and Associated Facilities licenses require the licensees to obtain all applicable and necessary regulatory approvals prior to becoming effective.
- The term for each Pole License is coterminous with the initial MLA term or subsequent renewal terms of the Master License. In other words, each Pole License and Associated Facilities License will remain effective as long as the Master License remains in effect. If the Master License is terminated or not renewed, all Pole and Associated Facilities License granted pursuant to the Master License will terminate regardless of their effective dates.

- Annual License Fee per City-owned pole would be \$500 each, and the fee per City Associated Facility would be \$1,000 each, both subject to an annual 3% increase or as modified by the City Council. The MLA further reserves the City's right to adjust the License Fee for each fiscal year, subject to approval of the City Council.
- The MLA also imposes additional requirements of installation guidelines and design review compliance.

With these guidelines in place, the City is striving to minimize aesthetic impacts and visual clutter with the installation of potentially scores of small cell wireless facilities throughout the City while simultaneously exercising control over City owned structures within the public right-of-way. The City's intent is to require carriers to comply with the specific design and installation guidelines set forth in the MLA. Further, the carriers are required to obtain any applicable third party approval, including design review, in order to be permitted to install and operate small cell facilities in the licensed areas. The MLA also imposes maintenance and repair obligations for damages to City property, and includes removal requirements in the event that a carrier discontinues the operation of a particular pole location and the attached small cell facility. The MLA further reserves the City's rights to remove poles that are no longer necessary for its street light or for reasons of public health, safety, utilities, or other municipal services reasons.

Thus, the MLA would establish a regulatory framework by requiring individual licenses for the use of City property and the ability for the City to impose design, aesthetics, operation and maintenance, and other related requirements in reviewing and approving small cell wireless deployments on City-owned poles in the right-of-way.

### **Fiscal Impact**

There is no fiscal impact associated with the proposed urgency ordinance. Small cell deployments will be required to obtain an encroachment permit and pay all applicable permit fees already established in Section 12.08.120 of Newark Municipal Code.

The adopted MLA would implement two types of deposits and an annual rental or attachment fee relating to the permitting of small cell wireless facilities. Small cell wireless facility applicants would be subject to pay a Right-of-Way Pole Usage Fee, which would be based on one or more of the following rates: (1) A Master Licensing Agreement Deposit in the amount of \$4,000; (2) an annual attachment rate of \$500 per Pole and \$1000 per Associated Facilities for the total usable space that would be occupied by small cell wireless facility on a City-owned light pole and its associated conduits, panels, or other facilities necessary for the deployment or operation of small cells; (3) an initial deposit of \$1,865 to cover the cost of processing each Pole or Associated Facilities license. The carriers will be required to make subsequent payments to cover the administrative costs that exceed these monetary amounts.

**Environmental Review**

Adoption of the urgency ordinance and approval of a MLA standard template will not result in any new environmental impact since the additions, refinements and clarifications set forth in the proposed ordinance and MLA standard template, as related to small cell wireless communication facilities, are minor in nature. The proposed ordinance and MLA standard template are not subject to the requirements of the California Environmental Quality Act (CEQA) pursuant to California Code of Regulations Title 14, Chapter 3, Section 15303, Class 3, “New Construction or Conversion of Small Structures”. If the City sees an incremental increase in number of applications and small cell wireless facilities, it may consider doing additional CEQA analysis on a case by case basis.

**Attachments**

**Action** - It is recommended that the City Council adopt an Urgency Ordinance amending Chapter 12.08 of Title 12 of the Newark Municipal Code amending encroachment requirements relating to small cell wireless telecommunications facilities to become effective immediately, and, by resolution, approve a Master License Agreement for Small Cell Pole Attachment Installation and Use of City Associated Facilities standard template and authorization for the City Manager to execute future agreements.

**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.****(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, 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.