

**F.1 Accepting the bid of Cyber Computers Inc. for the purchase of two Hewlett-Packard DL160 Servers for Public Works Department's CRW Trakit permitting software system, Project No. CIP1043 – from Information Systems Manager Towne. (RESOLUTION)**

**Background/Discussion** – Two Hewlett-Packard (HP) DL160 servers are necessary for the successful implementation of the Public Works Department's CRW Trakit permitting software system, Capital Improvement Project #1043.

In April Information Systems staff developed a Request for Quotes (RFQ), Project No. CIP1043, with a specification for the server equipment required. This RFQ was distributed to a number of HP resellers. As of the deadline of April 24, 2014, five vendors had responded with quotes – CDW Government; Computerland; Cyber Computers Inc.; Howard Technologies; and Genisys.

The total cost of each quote is reflected in the table below.

CDWG	Computerland	Cyber	Howard	Genisys
\$10,496	\$11,200	\$10,360	\$10,490	\$12,341

It is recommended that the lowest total cost bid, provided by Cyber Computers Inc. for the HP server equipment, be accepted as the lowest responsible bid. The Cyber Computers Inc. quote was for \$10,360, which is available through the Capital Improvement Project #1043 budget.

**Attachment**

**Action** - It is recommended that the City Council, by resolution, accept the bid of Cyber Computers Inc. for the purchase of two Hewlett-Packard DL160 Servers, Project No. CIP1043.

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
NEWARK ACCEPTING THE BID OF CYBER COMPUTERS  
INC FOR THE PURCHASE OF TWO HEWLETT-PACKARD  
DL160 SERVERS, PROJECT NO. CIP1043

BE IT RESOLVED that the City Council of the City of Newark does hereby find that Cyber Computer Inc. was the lowest responsible bidder for provision of two Hewlett-Packard DL160 Servers, Project No. CIP1043, in the City of Newark;

BE IT FURTHER RESOLVED that the City Council does hereby accept said bid of said company and does hereby authorize the purchase of two Hewlett-Packard DL160 Servers in the amount not to exceed \$10,361, Project No. CIP1043, according to the plans, specifications, and terms of said bid.

**F.2 Acceptance of work with Rosas Brothers Construction for 2013 Curb, Gutter and Sidewalk Replacement, Project 1042 – from Senior Civil Engineer Fajeau.  
(RESOLUTION)**

**Background/Discussion** – On April 11, 2013, the City Council awarded a contract to Rosas Brothers Construction, Inc. for 2013 Curb, Gutter and Sidewalk Replacement, Project 1042. This project provided replacement concrete curb, gutter and sidewalk on various City streets.

The project was completed on time and within budget using Measure B Local Streets and Roads Program funds and Measure B Bicycle and Pedestrian Program funds.

**Attachment**

**Action** - It is recommended that the City Council, by resolution, accept the work with Rosas Brothers Construction for 2013 Curb, Gutter and Sidewalk Replacement, Project 1042.

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
NEWARK ACCEPTING THE WORK WITH ROSAS  
BROTHERS CONSTRUCTION FOR 2013 CURB, GUTTER  
AND SIDEWALK REPLACEMENT, PROJECT 1042

WHEREAS, the City of Newark has entered into a contract with Rosas Brothers Construction, pursuant to Resolution No. 10079, for 2013 Curb, Gutter and Sidewalk Replacement Program, Project 1042, in the City of Newark, in accordance with plans and specifications for the contract; and

WHEREAS, said work has been completed in conformance with the plans and specifications of the contract hereinabove referred to and the conditions thereof;

NOW, THEREFORE, BE IT RESOLVED that said work is hereby accepted and the City Council does hereby authorize the release of bonds guaranteeing completion of the work, the filing of a Notice of Completion, and payment to the contractor pursuant to the contract.

**F.3 Acceptance of work with VSS International, Inc. for 2013 Street Microsurfacing Program, Project 1041 – from Associate Civil Engineer Tran. (RESOLUTION)**

**Background/Discussion** – On June 27, 2013, the City Council awarded a contract to VSS International, Inc. for 2013 Street Microsurfacing Program, Project 1041. This project provided microsurfacing application of sand, aggregate, and asphalt emulsion mixture and pavement re-striping on various City streets.

This project was completed on time and within the original budget using Alameda County Measure B Sales Tax funds, Alameda County Vehicle Registration Fee funds, and the Traffic Congestion Relief Fund.

**Attachment**

**Action** - It is recommended that the City Council, by resolution, accept the work with VSS International, Inc. for 2013 Street Microsurfacing Program, Project 1041.

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
NEWARK ACCEPTING THE WORK WITH VSS  
INTERNATIONAL, INC. FOR 2013 STREET  
MICROSURFACING PROGRAM, PROJECT 1041

WHEREAS, the City of Newark has entered into a contract with VSS International, Inc., pursuant to Resolution No. 10117, for 2013 Street Microsurfacing Program, Project 1041, in the City of Newark, in accordance with plans and specifications for the contract; and

WHEREAS, said work has been completed in conformance with the plans and specifications of the contract hereinabove referred to and the conditions thereof;

NOW, THEREFORE, BE IT RESOLVED that said work is hereby accepted and the City Council does hereby authorize the release of bonds guaranteeing completion of the work, the filing of a Notice of Completion, and payment to the contractor pursuant to the contract.

**F.4 Second reading and adoption of an ordinance amending Title 17 (Zoning) of the Newark Municipal Code by rezoning all that real property shown on Vesting Tentative Map 8157 (APN 092-0115-11, 12 & 13) from MT-1 (High Technology Park District) to MDR-FBC (Medium Density Residential – Form Based Codes), HDR-FBC (High Density Residential – Form Based Code), and R-FBC (Commercial Retail – Form Based Code) – from City Clerk Harrington. (ORDINANCE)**

**Background/Discussion** – On April 24, 2014, the City Council introduced an ordinance amending Title 17 (Zoning) of the Newark Municipal Code and Section 17.44.010 “Zoning Map” by rezoning all that real property shown on vesting tentative map 8157 (APN 092-0115-11, 12 & 13) from MT-1 (High Technology Park District) to MDR-FBC (Medium Density Residential – Form Based Codes), HDR-FBC (High Density Residential – Form Based Code), and R-FBC (Commercial Retail – Form Based Code). This applies to the development of townhomes, affordable housing units and a commercial building along Enterprise Drive and Willow Street within the Dumbarton Transit Oriented Development Specific Plan.

**Attachment**

**Action** - It is recommended that the City Council adopt the ordinance amending Title 17 (Zoning) of the Newark Municipal Code being the City of Newark Zoning ordinance by changing the zoning of a specified area in the City of Newark.

ORDINANCE NO.

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
NEWARK AMENDING TITLE 17 (ZONING) OF THE  
NEWARK MUNICIPAL CODE BEING THE CITY OF  
NEWARK ZONING ORDINANCE BY CHANGING THE  
ZONING OF A SPECIFIED AREA IN THE CITY OF NEWARK

The City Council of the City of Newark does ordain as follows:

Section 1: Pursuant to Section 17.80.070 of Title 17 (Zoning) of the City of Newark Municipal Code, the City Council of the City of Newark does hereby find that the zoning change embodied in this ordinance is necessary and desirable to achieve the purposes of Title 17 (Zoning) of the Newark Municipal Code; is consistent with the policies, goals, and objectives of the General Plan; and promotes the public health, safety, morals, comfort, convenience, and general welfare of the residents of the City of Newark.

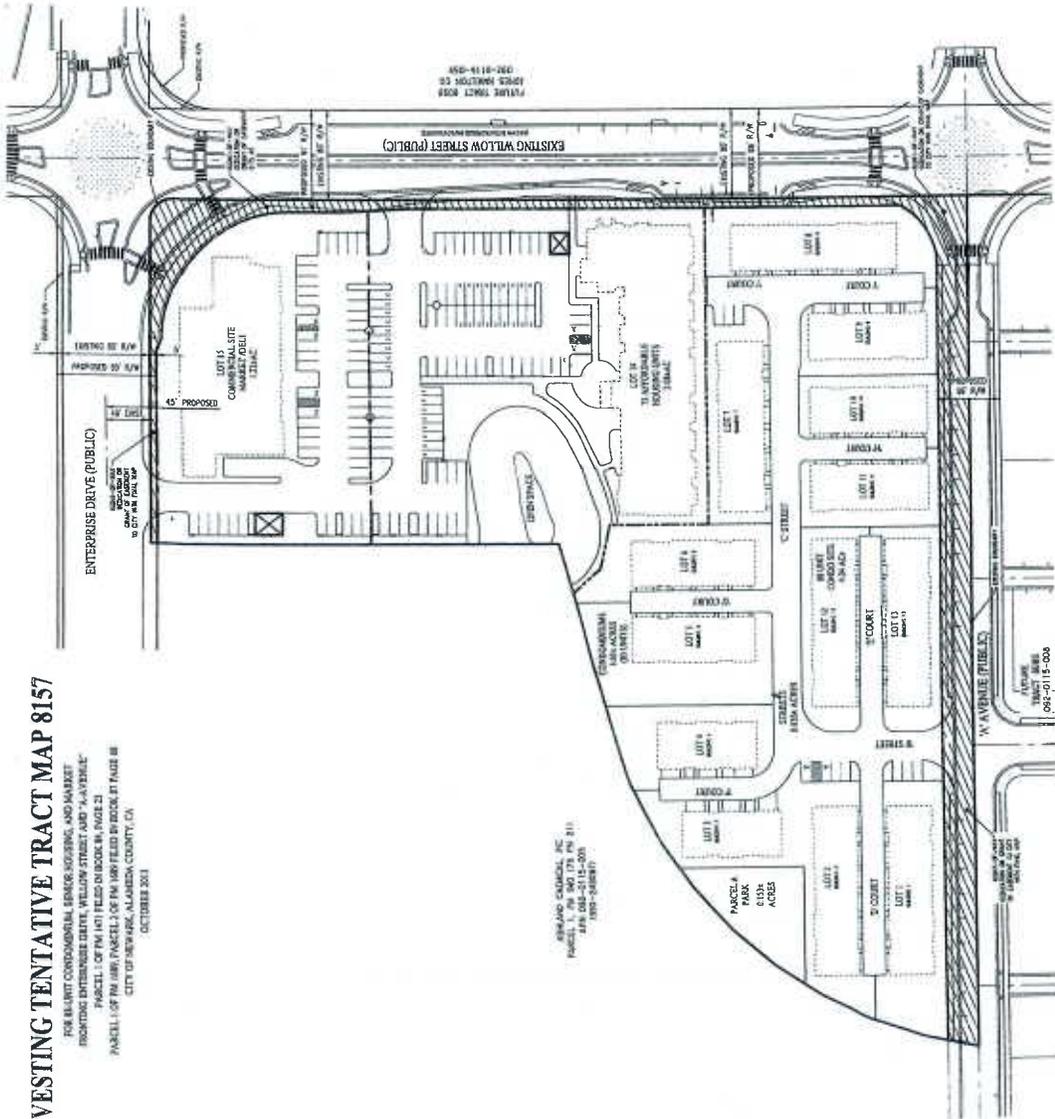
Section 2: Title 17 (Zoning) and Section 17.44.010 "Zoning Map" thereof, being the City of Newark Zoning Regulations, are hereby amended by rezoning and redistricting the territory in the City of Newark, County of Alameda, State of California, from MT-1 (High Technology Park District) to MDR-FBC (Medium Density Residential – Form Based Codes), HDR-FBC (High Density Residential – Form Based Codes), and R-FBC (Commercial Retail – Form Based Codes) hereinafter described as follows:

All that real property designated as Vesting Tentative Map 8157 in the City of Newark, County of Alameda, State of California as shown on Exhibit A attached hereto and incorporated herein by reference

Section 3: Effective Date. This ordinance shall take effect thirty (30) days from the date of its passage. Before expiration of fifteen (15) days after its passage, this ordinance shall be published in The Argus, a newspaper of general circulation published and printed in the County of Alameda and circulated in the City of Newark.

# VESTING TENTATIVE MAP 8157

FOR SEVERAL CONDOMINIUM UNITS, SWIMMING, AND MARKET  
 TRADING ENTERPRISE DRIVE, WILLOW STREET AND "LA VITELLE"  
 PARCEL, LOT 101 (M) TELESCOPE BL. WAGE 23  
 PARCEL, LOT 101 (M) TELESCOPE BL. WAGE 23  
 CITY OF NEWARK, ALAMEDA COUNTY, CA  
 OCTOBER 2011



## GENERAL NOTES:

1. SEE SHEET TM-1 FOR THE CITY OF NEWARK, ALAMEDA COUNTY, CALIFORNIA.
2. THE CITY OF NEWARK, ALAMEDA COUNTY, CALIFORNIA, IS THE APPLICANT FOR THIS TENTATIVE MAP.
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## VICINITY MAP

## SHEET INDEX

TENTATIVE MAP  
 SHEET NUMBER  
 SHEET TOTAL

## VESTING TENTATIVE MAP TRACT 8157

SHH & FMC PROPERTIES  
 ALAMEDA COUNTY CALIFORNIA

CITY OF NEWARK  
 ALAMEDA COUNTY  
 CALIFORNIA

DATE: 10/11/11  
 SCALE: 1" = 40'

DATE: 10/11/11

SCALE: 1" = 40'



**F.5 Endorsement of Measure AA the Alameda County Healthcare Services Tax on the June 3, 2014 ballot – from City Clerk Harrington. (RESOLUTION)**

**Background/Discussion** – At the April 24, 2014 City Council meeting, Kuwaza Imara of the Committee for a Healthy Alameda County gave a presentation on Measure AA the Alameda County Healthcare Services Tax. In 2004, Measure A authorized Alameda County to impose a half-cent sales and use tax to “provide for additional financial support for emergency medical, hospital inpatient, outpatient, public health, mental health and substance abuse services to indigent, low-income, and uninsured adults, children, families, seniors and other residents of Alameda County.” The Alameda County Board of Supervisors has placed Measure AA on the June 3, 2014 ballot to maintain the half-cent sales tax as originally approved by Measure A with an extension of 15 more years upon the expiration of the current measure.

**Attachments**

**Action** - It is recommended that the City Council, by resolution, endorse Measure AA the Alameda County Healthcare Services Tax.

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
NEWARK ENDORSING MEASURE AA – THE ALAMEDA  
COUNTY HEALTHCARE SERVICES TAX

WHEREAS, Measure A, approved in 2004, authorized Alameda County to impose a one-half of one percent (0.5%) sales and use tax to be used for the public health care system over a 15-year period; and

WHEREAS, Measure A has generated more than \$1.02 billion in tax revenues, which have been allocated to the county's health care organizations to provide for the critical and urgent medical needs of thousands of residents; and

WHEREAS, in 2013, the Alameda County Board of Supervisors formed a Blue Ribbon Task Force to consider options for obtaining voter approval for the renewal of Measure A prior to the scheduled sunset date in 2019; and

WHEREAS, the Task Force unanimously agreed that the preservation of Measure A is critical to continue providing long-term stability to the County's system of safety net providers; and

WHEREAS, the Alameda County Board of Supervisors deemed it necessary and essential to approve a 15-year extension of the Health Care Services Tax and has placed it on the June 3, 2014 ballot for voter consideration; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Newark does hereby endorse Measure AA – the Alameda County Healthcare Services Tax.

**F.6 Approval of an agreement for participation in the Alameda County Operational Area Emergency Management Organization – from City Manager Becker.  
(RESOLUTION)**

**Background/Discussion** – As a result of the 1991 East Bay Hills firestorm, State Senator Nicholas Petris sponsored legislation that established a standardized emergency management system, or SEMS, in California. An important component of SEMS is the Operational Area which is defined as:

An intermediate level of the state emergency services organization consisting of a county and all political subdivisions within the county area [California Government Code, section 8559 (b)].

State regulations assigned responsibility for developing the Operational Area Emergency Management Organization to local boards of supervisors'. In January 1995, the Alameda County Board of Supervisors implemented an "Operational Area" in Alameda County and approved an agreement for cities, special districts, and other public benefit non-profit corporations to participate in the Alameda County Operational Area Emergency Management Organization. In February 2005, the Board of Supervisors approved a revised version of the Operational Area Emergency Management Agreement.

Staff was recently contacted by the Alameda County Office of Emergency Services and advised that as a result of an oversight, the 2005 Operational Area Emergency Management Agreement was never formally approved by a number of cities in Alameda County including Newark. It is important that the City Council formally approve the participation agreement and that the Alameda County Office of Emergency Services has an approval resolution on file. There is no fiscal impact associated with the agreement.

**Attachment**

**Action** - It is recommended that the City Council, by resolution, approve an agreement for participation in the Alameda County Operational Area Emergency Management Organization.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
NEWARK ADOPTING AN AGREEMENT FOR  
PARTICIPATION IN THE ALAMEDA COUNTY  
OPERATIONAL AREA EMERGENCY MANAGEMENT  
ORGANIZATION

WHEREAS, the potential for a major catastrophe due to natural or human-caused disaster causes all government entities within Alameda County to be prepared to share resources and information among themselves, as well as with the State of California in order to protect public welfare; and

WHEREAS, greater efficiency and disaster preparedness, response, recovery, and mitigation can be achieved by joining the efforts of the County of Alameda, other cities, special districts, and other public benefitted non-profit corporations together in pre-disaster agreements; and

WHEREAS, the California Emergency Services Act makes reference to the "operational area" and defines it as "an intermediate level of the State Emergency Services Organization" created to perform extraordinary functions for local governments within a county area such as strengthening mutual coordination, providing a focal point and conduit for disaster information, and assisting in the efficient management of resources;

WHEREAS, the sharing of resources in an emergency among public agencies is coordinated under the auspices of the California Master Mutual Aid Agreement;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Newark adopts the Agreement for Participation in the Alameda County Operational Area Emergency Management Organization, as it was approved by the Alameda County Board of Supervisors on February 15, 2005.

BE IT FURTHER RESOLVED, that the City Manager designates in writing the following:

1. Three persons who will be provided training and orientation to the policies and procedures so that they may represent the City to the Operational Area Emergency Management Organization; and
2. A line of succession of officials (minimum of three persons) who are empowered to represent the City to the Operational Area Emergency Management Organization.

BE IT FURTHER RESOLVED, that the City Manager provide these two lists to the Alameda County Operational Area Emergency Management Organization within (30) days of adoption of this resolution.

**AGREEMENT FOR PARTICIPATION  
IN ALAMEDA COUNTY  
OPERATIONAL AREA  
EMERGENCY MANAGEMENT ORGANIZATION**

This Agreement is made this 15<sup>th</sup> day of February 2005 by and between the County of Alameda and the cities, special districts, and other public benefit non-profit corporations that are parties to this Agreement.

**WHEREAS**, the potential for a major catastrophe due to natural or manmade disaster requires all government entities within Alameda County to be prepared to share resources and information among themselves as well as with the State of California in order to protect public welfare; and

**WHEREAS**, greater efficiency and disaster preparedness, response, recovery, and mitigation can be achieved by joining the efforts of the County of Alameda, the Cities, Special Districts, and other public benefit non-profit corporations together in pre-disaster agreements; and

**WHEREAS**, the California Emergency Services Act makes reference to the "operational area" and defines it as "an intermediate level of the state emergency services organization" created to perform extraordinary functions for local governments within a county area such as strengthening mutual coordination, providing a focal point and conduit for disaster information, and assisting in the efficient management of resources;

**THE COUNTY, CITIES, SPECIAL DISTRICTS, AND OTHER PUBLIC BENEFIT NON-PROFIT CORPORATIONS AGREE AS FOLLOWS:**

**1. RECOGNITION OF AND PARTICIPATION IN AN OPERATIONAL AREA EMERGENCY MANAGEMENT ORGANIZATION**

The parties to this Agreement recognize an Operational Area, as the term is defined in the California Emergency Services Act (California Government Code §8550 *et seq.*) which designates an intermediate level of organization, cooperation, and planning between public entities within Alameda County boundaries.

The County of Alameda, cities, special districts, and other public benefit non-profit corporations that are parties to this Agreement shall participate in this organizational structure which is a partnership for a systematic approach for exchanging disaster intelligence, mutual aid requests, and resource requests in emergencies and also to provide emergency preparedness on a day-to-day basis through cooperative training and exercise activities.

The Operational Area Emergency Management Organization will be the primary contact point during an emergency in Alameda County for sharing disaster intelligence among local agencies and between the Operational Area Emergency Management Organization and state and federal agencies requesting information.

The Operational Area Emergency Management Organization will assist parties to this agreement share resources before, during, and after an emergency to prepare, respond, and recover from disasters that strike Alameda County. The Operational Area Emergency Management Organization will prioritize competing needs according to the policies and procedures approved by the Operational Area Council.

C-2005-32

Each of the parties to this Agreement will designate individuals to be trained to represent their agency in the Operational Area Emergency Management Organization. The training will be an orientation on the policies and procedures of the Operational Area Emergency Management Organization. Each party to this Agreement will also designate, in writing, a line of succession of officials who are empowered to represent the party to the Operational Area Emergency Management Organization.

## 2. CONSIDERATION

The consideration under this Agreement is the mutual advantage of protection afforded to each of the parties to this Agreement. There shall not be any monetary compensation required from any to another party as a condition of assistance provided under the agreement, except for reimbursement of direct costs as designated in mutual aid agreements. Nothing in this agreement shall be construed as altering any pre-existing disaster response agreements between the parties.

## 3. STANDARDIZED EMERGENCY MANAGEMENT SYSTEM

The Operational Area Emergency Management Organization and its policies and procedures will be regulated by the Standardized Emergency Management System as stated in *California Government Code §8607*, and its implementing regulations, *California Code of Regulations, Title 19, Division 2, Office of Emergency Services, Standardized Emergency Management System*, and guidelines. The incident command system and a multi-agency coordination system, as described in those regulations and guidelines, will be used for coordination and direction of the parties to this agreement participating in emergency efforts. The *Alameda County Emergency Operations Plan* shall be the primary method and criteria used to conduct Operational Area Emergency Operations Center activities.

## 4. OPERATIONAL AREA COORDINATOR

The Sheriff/Director of Emergency Services is the Operational Area Coordinator. It is the responsibility of the Operational Area Coordinator to oversee the operation of the Operational Area Emergency Management Organization and to reasonably interpret the terms of this agreement.

It is the responsibility of the Operational Area Coordinator to encourage equal representation by parties to the agreement on a day-to-day basis and to include representatives of affected parties to this agreement and mutual aid coordinators in the operational decision making before, during, and after a disaster strikes Alameda County.

## 5. COUNCIL

An Operational Area Council is hereby established consisting of a representational membership of the party jurisdictions to this Agreement. The Council shall include one voting representative from each of the following:

- a. The President of the **Board of Supervisors**, or his/her designee;
- b. The **Sheriff/Director of Emergency Services**, or his/her designated alternate;
- c. The **Alameda County Administrator**, or his/her designated alternate;
- d. The **County Agency Heads** having primary functional responsibilities in a disaster, or their designated alternates;

- e. The President of the **Emergency Managers' Association of Alameda County**, or his/her designated alternate;
- f. The President of the **Alameda County Fire Chiefs' Association**, or his/her designated alternate;
- g. The President of the **Alameda County Sheriff and Police Chiefs' Association**, or his/her designated alternate;
- h. A City Manager of a **North County City**, or his/her designated alternate, chosen annually by the cities of Alameda, Albany, Berkeley, Emeryville, Oakland, and Piedmont to represent them in the Council;
- i. A City Manager of a **South County City**, or his/her designated alternate, chosen annually by the cities of Fremont, Hayward, Newark, San Leandro, and Union City to represent them in the Council;
- j. A City Manager of an **East County City**, or his/her designated alternate, chosen annually by the cities of Dublin, Livermore, and Pleasanton to represent them in the Council;
- k. A General Manager of a **Regional District** based in Alameda County, or his/her designated alternate, chosen annually by participating regional districts, defined as a special district having service areas in more than one county, to represent them in the Council;
- l. A General Manager of a **Special District**, or his/her designated alternate, chosen annually by participating special districts having their entire service area within the boundaries of Alameda County to represent them in the Council;
- m. The **Alameda County Superintendent of Schools**, or his/her designated alternate, to represent the school districts of Alameda County;
- n. A Director of a **Public Benefit Non-profit Corporation**, or his/her designated alternate, chosen annually by the Collaborating Agencies Responding to Disasters to represent them in the Council;
- o. A Chief Executive Officer or Present, or his/her designated alternate, or his/her designee, of a **private sector company** doing business in this county that is an active member of the Emergency Managers' Association of Alameda County and is selected annually by the Sheriff/Director of Emergency Services; and
- p. Such representatives of **other organizations**, either civic, business, labor, veterans, professional or other organizations having an official group or organization having disaster responsibility and may be appointed by the Operational Area Coordinator.

It is the responsibility of the Operational Area Council to set the policies and procedures for the governing of the Operational Area Emergency Management Organization and to review and approve recommendations for changes to these policies and procedures on an annual basis. The Operational Area Council will also serve as the Alameda County Civil Defense and Disaster Council, as described in the *Alameda County Administrative Code, Chapter VI*. The County of Alameda will supply staff support for the Operational Area Council.

#### **6. PROVISION OF FACILITIES AND SUPPORT**

The County of Alameda shall provide its emergency operations center as the site for the Operational Area Emergency Management Organization. The County of Alameda will provide support staff for the emergency operations center and all reasonable supplies for the Operational Area Emergency Management Organization during actual activations, drills, and exercises. All parties to this Agreement may provide representatives for decision making and liaison to operational elements of the Operational Area Emergency Management Organization when activated.

The Operational Area Emergency Management Organization will facilitate the mutual aid systems used by local agencies to assist each other in a disaster with the resources necessary to save lives, mitigate property loss, and meet the basic needs of the people.

#### **7. TERM OF AGREEMENT**

This Agreement shall be effective from the date executed by all parties until December 31, 2015. This Agreement may be terminated prior to the conclusion of the term by mutual agreement of a majority of the member parties.

#### **8. WITHDRAWAL OF PARTY**

Any party to this Agreement may withdraw as a party to this Agreement prior to the termination of the term of this Agreement upon giving thirty (30) days prior written notice to all other parties.

#### **9. ADDITIONAL PARTIES**

Additional parties, who are public entities within the geographical boundaries of Alameda County, may join in this Agreement and become a member party upon execution of an Exhibit to this Agreement in which the entity agrees to be subject to the conditions and terms of this Agreement. The executed Exhibit shall become a part of this Agreement automatically after the expiration of thirty (30) days following notification by the new party to all other parties to the execution of the exhibit. Thereafter, the entity shall be considered to be a party of this Agreement unless the entity withdraws as provided herein. Provided however, in the event any existing party to the Agreement gives all other parties notice of its objection to the addition of the particular entity becoming a member to this Agreement within the thirty (30) day notice period, the addition of such party to this Agreement shall require the consent of a two-thirds majority to the then member parties.

#### **10. INDEMNIFICATION AND HOLD HARMLESS**

Each of the parties agree to indemnify and hold the other parties harmless and waives all claims for compensation for any loss, damage, personal injury, or death incurred in consequences of the acts or omissions of the indemnifying parties' own employees and agents in the performance of this Agreement.

**11. SALARIES, EMPLOYMENT AND WORKERS COMPENSATION BENEFITS**

The salaries, employment and workers compensation benefits of each employee participating in the Operational Area Emergency Management Organization shall be the responsibility of the party employing the individual. It is understood that each party's employees have no rights, benefits, or special employment status conferred by reason of this agreement.

**IN WITNESS WHEREOF THE PARTIES HERETO HAVE EXECUTED THIS AGREEMENT AS FOLLOWS:**

COUNTY OF ALAMEDA, a  
political subdivision of the  
State of California

By Keith Carson  
KEITH CARSON, President  
Board of Supervisors

I hereby certify under penalty of perjury that the President of the Board of Supervisors was duly authorized to execute this document on behalf of the County of Alameda by a majority vote of the Board on February 15, 2016; and that a copy has been delivered to the President as provide by Government Code section 25103.

ATTEST: CRYSTAL K. HISHIDA  
Clerk, Board of Supervisors  
Alameda County, California

By R. Bailey, Deputy

APPROVED AS TO FORM AND CONTENT:  
RICHARD E. WINNIE  
County Counsel

By Harvey Fentler  
County Counsel

BETH KILIAN  
County Risk Manager

By Beth Kilian  
County Risk Manager

**F.7 Direction to file Annual Reports and intention to order improvements for Landscaping and Lighting District Nos. 1, 2, 4, 6, 7 and 10 and setting date of public hearing – from Senior Civil Engineer Fajeau. (RESOLUTIONS-2)**

**Background/Discussion** – The City Council has previously created Landscaping and Lighting District Nos. 1, 2, 4, 6, 7 and 10 to provide for the operation and maintenance of certain landscaping and lighting improvements. These districts are as follows:

Landscaping and Lighting District No. 1: Central Avenue between Filbert Street and Willow Street - Provides for the maintenance of median landscaping on Central Avenue between Filbert Street and Willow Street and buffer landscaping adjacent to the Alameda County Flood Control channel immediately west of Filbert Street, and for the maintenance and operation of median street lights along this portion of Central Avenue.

Landscaping and Lighting District No. 2: Jarvis Avenue and Newark Boulevard adjacent to Dumbarton Technology Park and Four Corners shopping centers - Provides for the maintenance of Jarvis Avenue and Newark Boulevard median island and in-tract buffer landscaping and landscape irrigation systems adjacent to and within the boundaries of Tract 5232, the Dumbarton Industrial Park, and the Four Corners shopping centers.

Landscaping and Lighting District No. 4: Stevenson Boulevard and Cherry Street adjacent to New Technology Park - Provides for the maintenance of Stevenson Boulevard median island landscaping from the Nimitz Freeway to the railroad tracks west of Cherry Street and maintenance of median island and up to 50 feet of greenbelt landscaping adjacent to Cherry Street and the future interior loop streets within the boundaries of New Technology Park, and the maintenance of landscaping across the Newark Unified School District property on Cherry Street.

Landscaping and Lighting District No. 6: Cedar Boulevard, Duffel Redevelopment Area No. 2 - Provides for the maintenance of all street landscaping within the public right-of-way, and landscaping and landscape irrigation systems within easement areas and developed properties in Redevelopment Area No. 2 at Cedar Boulevard and Stevenson Boulevard plus the Stevenson Station Shopping Center.

Landscaping and Lighting District No. 7: Newark Boulevard, Rosemont Square Shopping Center - Provides for the maintenance of buffer landscaping and the landscape irrigation system within the public right-of-way and easement areas for Rosemont Square Shopping Center.

Landscaping and Lighting District No. 10: Consolidated District - Provides for the maintenance of landscaping and landscape irrigation systems within the right-of-way and easement areas for all of the Inactive Subdistricts.

In the opinion of bond counsel, Brown Act amendments requiring two hearings for increasing assessments do not apply to the annual budget hearings unless there is an addition to the improvements or a change in the formula for allocating the cost among benefited properties.

Neither of these cases applies for each of the above districts and the annual public hearings are simply to adopt a budget for the upcoming year.

Upon conclusion of the annual public hearings, the assessments for the cost of the work are added to the tax bills for those property owners included within the boundaries of the particular Landscaping and Lighting District. Excess funds, or funds collected for which no work was done, can be carried over from one year to the next.

### **Attachment**

**Action** - It is recommended that the City Council, by resolutions, direct the filing of annual reports for Landscaping and Lighting District Nos. 1, 2, 4, 6, 7 and 10 in accordance with the provisions in the Landscaping and Lighting Act of 1972 and confirm the intent to order the improvements by setting the date for the annual public hearings for these districts for June 26, 2014.

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
NEWARK OF INTENTION TO ORDER IMPROVEMENTS

ASSESSMENT DISTRICT NOS. 1, 2, 4, 6, 7 and 10  
(Pursuant to the Landscaping and Lighting Act of 1972)

The City Council of the City of Newark resolves:

1. The City Council intends to levy and collect assessments within Assessment District Nos. 1, 2, 4, 6, 7 and 10 during Fiscal Year 2014-2015. The area of land to be assessed is located in the City of Newark, Alameda County.
2. The improvements to be made in these assessment districts are generally described as follows:

Landscaping and Lighting District No. 1: Central Avenue between Filbert Street and Willow Street - Provides for the maintenance of median landscaping on Central Avenue between Filbert Street and Willow Street and buffer landscaping adjacent to the Alameda County Flood Control channel immediately west of Filbert Street, and for the maintenance and operation of median street lights along this portion of Central Avenue.

Landscaping and Lighting District No. 2: Jarvis Avenue and Newark Boulevard adjacent to Dumbarton Technology Park and Four Corners shopping centers - Provides for the maintenance of Jarvis Avenue and Newark Boulevard median island and in-tract buffer landscaping and landscape irrigation systems adjacent to and within the boundaries of Tract 5232, the Dumbarton Industrial Park, and the Four Corners shopping centers.

Landscaping and Lighting District No. 4: Stevenson Boulevard and Cherry Street adjacent to New Technology Park - Provides for the maintenance of Stevenson Boulevard median island landscaping from the Nimitz Freeway to Cherry Street and maintenance of median island and up to 50 feet of greenbelt landscaping adjacent to Cherry Street and the future interior loop streets within the boundaries of New Technology Park, and the maintenance of landscaping across the Newark Unified School District property on Cherry Street.

Landscaping and Lighting District No. 6: Cedar Boulevard, Duffel Redevelopment Area No. 2 - Provides for the maintenance of all street landscaping within the public right-of-way, and landscaping and landscape irrigation systems within easement areas and developed properties in Redevelopment Area No. 2 at Cedar Boulevard and Stevenson Boulevard plus the Stevenson Station Shopping Center.

Landscaping and Lighting District No. 7: Newark Boulevard, Rosemont Square Shopping Center - Provides for the maintenance of buffer landscaping and the landscape irrigation system within the public right-of-way and easement areas for Rosemont Square Shopping Center.

Landscaping and Lighting District No. 10: Consolidated District - Provides for the maintenance of landscaping and landscape irrigation systems within the right-of-way and easement areas for all of the Inactive Subdistricts.

3. In accordance with this Council's resolution directing the filing of an Annual Report, the City Engineer, Engineer of Work, has filed with the City Clerk the report required by the Landscaping and Lighting Act of 1972. All interested persons are referred to that report for a full and detailed description of the improvements, the boundaries of the assessment district, and the proposed assessments upon assessable lots and parcels of land within the assessment district.
4. On Thursday, the 26<sup>th</sup> of June 2014, at the hour of 7:30 p.m., the City Council will conduct a public hearing on the question of levy of the proposed annual assessment. The hearing will be held at the meeting place of the City Council located in the City Administration Building, 37101 Newark Boulevard, Newark, California.
5. The City Clerk is authorized and directed to give the notice of hearing required by the Landscaping and Lighting Act of 1972.

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
NEWARK DIRECTING FILING OF ANNUAL REPORT

LANDSCAPING AND LIGHTING DISTRICT NOS. 1, 2, 4, 6, 7 and 10  
(Pursuant to the Landscaping and Lighting Act of 1972)

The City Council of the City of Newark resolves:

1. The City Engineer, the person designated by this Council as the Engineer of Work for Landscaping and Lighting District Nos. 1, 2, 4, 6, 7 and 10 and is hereby directed to file an Annual Report in accordance with the provisions of the Landscaping and Lighting Act of 1972.
2. This resolution is adopted pursuant to Section 22622 of the Streets and Highways Code.

**F.8 Direction to file Annual Reports and intention to order improvements for Landscaping and Lighting District Nos. 11, 13, 15, 16, and 17 and setting date of public hearing – from Senior Civil Engineer Fajeau. (RESOLUTIONS-2)**

**Background/Discussion** – The City Council has previously created Landscaping and Lighting District Nos. 11, 13, 15, 16, and 17 to provide for the operation and maintenance of certain landscaping and lighting improvements. These districts are as follows:

Landscaping and Lighting District No. 11: Edgewater Drive medians - Provides for the maintenance of landscaped medians on Edgewater Drive.

Landscaping and Lighting District No. 13: Citation Homes and Bren Development/ Thornton Avenue - Provides for maintenance of the landscaping and lighting irrigation systems for Thornton Avenue, Cedar Boulevard, Willow Street, and other streets within these subdivisions. This district was relieved from the responsibility for maintenance of median landscaping on Thornton Avenue in May 1997. This district is therefore now an inactive district.

Landscaping and Lighting District No. 15: Robertson Avenue at Iris Court - Provides for the maintenance of the landscaping and irrigation systems on Robertson Avenue at Iris Court.

Landscaping and Lighting District No. 16: Kiote Drive in Tract 6671 - The maintenance of landscaping and the landscape irrigation system within the public right-of-way and adjacent easement along the street frontage of Kiote Drive in Tract 6671 and the landscaping, irrigation system, recreation facilities, and storm drainage pump station and filtration system for the mini-park common area.

Landscaping and Lighting District No. 17: Newark Boulevard and Mayhews Landing Road in Tract 7004 – The maintenance of landscaping and the landscape irrigation system within the public right-of-way of the Newark Boulevard and Mayhews Landing Road frontages of Tract 7004.

In the opinion of bond counsel, Brown Act amendments requiring two hearings for increasing assessments do not apply to the annual budget hearings unless there is an addition to the improvements or a change in the formula for allocating the cost among benefited properties. Neither of these cases applies for each of the above districts and the annual public hearings are simply to adopt a budget for the upcoming year.

Upon conclusion of the annual public hearings, the assessments for the cost of the work are added to the tax bills for those property owners included within the boundaries of the particular Landscaping and Lighting District. Excess funds, or funds collected for which no work was done, can be carried over from one year to the next.

**Attachment**

**Action** - It is recommended that the City Council, by resolutions, direct the filing of annual reports for Landscaping and Lighting District Nos. 11, 13, 15, 16, and 17 in accordance with the provisions in the Landscaping and Lighting Act of 1972 and confirm the intent to order the improvements by setting the date for the annual public hearings for these districts for June 26, 2014.

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
NEWARK OF INTENTION TO ORDER IMPROVEMENTS

ASSESSMENT DISTRICT NOS. 11, 13, 15, 16, and 17  
(Pursuant to the Landscaping and Lighting Act of 1972)

The City Council of the City of Newark resolves:

1. The City Council intends to levy and collect assessments within Assessment District Nos. 11, 13, 15, 16, and 17 during Fiscal Year 2014-2015. The area of land to be assessed is located in the City of Newark, Alameda County.

2. The improvements to be made in these assessment districts are generally described as follows:

Landscaping and Lighting District No. 11: Edgewater Drive medians - Provides for the maintenance of landscaped medians on Edgewater Drive.

Landscaping and Lighting District No. 13: Citation Homes and Bren Development/ Thornton Avenue - Provides for maintenance of the landscaping and lighting irrigation systems for Thornton Avenue, Cedar Boulevard, Willow Street, and other streets within these subdivisions. This district was relieved from the responsibility for maintenance of median landscaping on Thornton Avenue in May 1997. This district is therefore now an inactive district.

Landscaping and Lighting District No. 15: Robertson Avenue at Iris Court - Provides for the maintenance of the landscaping and irrigation systems on Robertson Avenue at Iris Court.

Landscaping and Lighting District No. 16: Kiote Drive in Tract 6671 - The maintenance of landscaping and the landscape irrigation system within the public right-of-way and adjacent easement along the street frontage of Kiote Drive in Tract 6671 and the landscaping, irrigation system, recreation facilities, and storm drainage pump station and filtration system for the mini-park common area.

Landscaping and Lighting District No. 17: Newark Boulevard and Mayhews Landing Road in Tract 7004 - The maintenance of landscaping and the landscape irrigation system within the public right-of-way of the Newark Boulevard and Mayhews Landing Road frontages of Tract 7004.

3. In accordance with this Council's resolution directing the filing of an Annual Report, the City Engineer, Engineer of Work, has filed with the City Clerk the report required by the Landscaping and Lighting Act of 1972. All interested persons are referred to that report for a full and detailed description of the improvements, the boundaries of the assessment

district, and the proposed assessments upon assessable lots and parcels of land within the assessment district.

4. On Thursday, the 26<sup>th</sup> of June 2014, at the hour of 7:30 p.m., the City Council will conduct a public hearing on the question of levy of the proposed annual assessment. The hearing will be held at the meeting place of the City Council located in the City Administration Building, 37101 Newark Boulevard, Newark, California.
5. The City Clerk is authorized and directed to give the notice of hearing required by the Landscaping and Lighting Act of 1972.

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
NEWARK DIRECTING FILING OF ANNUAL REPORT

LANDSCAPING AND LIGHTING DISTRICT NOS. 11, 13, 15, 16, and 17  
(Pursuant to the Landscaping and Lighting Act of 1972)

The City Council of the City of Newark resolves:

1. The City Engineer, the person designated by this Council as the Engineer of Work for Landscaping and Lighting District Nos. 11, 13, 15, 16, and 17 and is hereby directed to file an Annual Report in accordance with the provisions of the Landscaping and Lighting Act of 1972.
2. This resolution is adopted pursuant to Section 22622 of the Streets and Highways Code.

**F.9 Presentation by Godbe Research on the results of public opinion sampling and evaluation of possible public support for an extension of the existing City of Newark Utility User Tax – from City Manager Becker. (MOTION)**

**Background/Discussion** – On February 13, 2014, a City Council Work Session was held to discuss the 2014-2016 Biennial Budget and to review budget projections for subsequent years. Budget projections indicate that there will be significant operating budget deficits in the years following the December 31, 2015 expiration of the City’s Utility User Tax (UUT) which was approved by Newark voters in November 2010.

The UUT supports a number of critical programs and services in the City including public safety staffing, parks and street maintenance, the Senior Center, programs for at-risk youth, community preservation, and school crossing guards. Despite the recent improvement in the economy, the UUT revenue continues to make up a vital portion of the City’s operating revenue. The UUT generated \$3.2 million in revenue in fiscal year 2012-2013. This represents approximately nine percent (9%) of the City’s total operating revenue.

Despite the City’s continued conservative budget balancing measures, revenue growth is not projected to keep up with projected expenditures. In order to balance future budgets it is anticipated that reductions or elimination of programs and services would have to be made. Projections also indicate that the City’s operating budget reserve funds, which were built after the passage of the UUT, would be quickly exhausted bridging the projected budget deficits. A continued need for the UUT revenue appears necessary to avoid long-term deficit without additional significant cuts in services to the community.

As a result of this information, the City Council directed staff to commission a public opinion poll to evaluate possible public support for an extension of the existing City of Newark Utility User Tax to address the projected operating budget deficits.

On March 13, 2014, the City Council authorized the Mayor to sign an agreement with Godbe Research for consultant services for public opinion sampling and evaluation of possible public support for the extension of the existing City Utility User Tax. Godbe Research, is a recognized leader in revenue measure feasibility polling services. The scope of work included:

- Reviewing voter and resident information and developing a stratified and clustered sample of Newark voters.
- Designing a survey instrument to determine issues of importance to the community and to identify resident’s service priorities.
- Conduct a set of telephone interviews using a strict interview protocol.
- Analyze the survey results and prepare a comprehensive report of findings to be presented to City staff and the Newark City Council.

Godbe Research has completed their work and will be presenting the survey results to the City Council during the meeting. At the end of the presentation, staff will be asking the City Council

for direction on whether or not to return at a future City Council meeting with the necessary actions to place a measure on the November 4, 2014 ballot to extend the City of Newark Utility User Tax beyond the current sunset date.

**Action** - It is recommended that the City Council, by motion, accept the results of the public opinion polling and provide direction to staff regarding an extension of the existing City of Newark Utility User Tax to address the projected operating budget deficit.