

CITY OF NEWARK CITY COUNCIL

37101 Newark Boulevard, Newark, CA 94560-3796 • 510-578-4266 • E-mail: city.clerk@newark.org

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

AGENDA

Thursday, October 13, 2016

A. ROLL CALL

B. MINUTES

- B.1 Approval of Minutes of the regular City Council meeting of Thursday, September 22, 2016. (MOTION)

C. PRESENTATIONS AND PROCLAMATIONS

- C.1 Proclaiming October 19, 2016 as Unity Day. (PROCLAMATION)

- C.2 Proclaiming October as National Domestic Violence Awareness Month. (PROCLAMATION)

- C.3 Presentation of Relay for Life check to the American Cancer Society. (PRESENTATION)

D. WRITTEN COMMUNICATIONS

E. PUBLIC HEARINGS

F. CITY MANAGER REPORTS

(It is recommended that Items F.1 through F.2 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 Introduction of an ordinance and setting a hearing date of November 10, 2016 to amend and add to the Newark Municipal Code Title 15 (Buildings and Construction), Article I (Building Regulations), Chapters 15.08 (Building Code), 15.09 (Residential Code), 15.10 (Mechanical Code), 15.12 (Electrical Code), 15.16 (Plumbing Code), 15.17 (Fire Code), 15.18 (California Referenced Standards Code), 15.20 (California Historical Building Code), 15.21 (California Existing Building Code), 15.22 (California Energy Code), and 15.23 (California Green Building Standards Code) – from Chief Building Official/City Architect Collier and Fire Marshal Terra. (MOTION)(INTRODUCTION OF ORDINANCE)

F.2 Approval of Community Development Department reorganization and addition of Deputy Community Development Director and Economic Development Manager positions – from Assistant City Manager Grindall. (RESOLUTIONS- 5)

G. CITY ATTORNEY REPORTS

H. ECONOMIC DEVELOPMENT CORPORATION

I. CITY COUNCIL MATTERS

I.1 Reappointment of Faye Hall to the Tri-City Elder Coalition Volunteer Community Board – from Mayor Nagy. (RESOLUTION)

I.2 Reappointment of Council Member Hannon to the Housing Commission of the Housing Authority of the County of Alameda – from Mayor Nagy. (RESOLUTION)

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

K. ORAL COMMUNICATIONS

L. APPROPRIATIONS

Approval of Audited Demands for the City Council meeting of October 13, 2016. (MOTION)

M. CLOSED SESSION

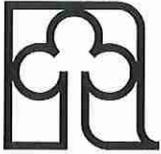
M.1 Closed session for conference with Legal Counsel pursuant to Government Code Section 54956.9(d)(2), Anticipated Litigation: Two cases – from Human Resources Director Abe and City Attorney Benoun.

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

N. ADJOURNMENT

Pursuant to Government Code 54957.5: Supplemental materials distributed less than 72 hours before this meeting, to a majority of the City Council, will be made available for public inspection at this meeting and at the City Clerk's Office located at 37101 Newark Boulevard, 5th Floor, during normal business hours. Materials prepared by City staff and distributed during the meeting are available for public inspection at the meeting or after the meeting if prepared by some other person. Documents related to closed session items or are exempt from disclosure will not be made available for public inspection.

For those persons requiring hearing assistance, please make your request to the City Clerk two days prior to the meeting.



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

AGENDA

Thursday, October 13, 2016

CITY COUNCIL:

Alan L. Nagy, Mayor
Luis L. Freitas, Vice Mayor
Sucy Collazo
Michael K. Hannon
Mike Bucci

CITY STAFF:

John Becker
City Manager

Terrence Grindall
Assistant City Manager

Susie Woodstock
Administrative Services Director

Sandy Abe
Human Resources Director

Soren Fajeau
Public Works Director

Jim Leal
Police Chief

David Zehnder
Recreation and Community Services Director

David J. Benoun
City Attorney

Sheila Harrington
City Clerk

Welcome to the Newark City Council meeting. The following information will help you understand the City Council Agenda and what occurs during a City Council meeting. Your participation in your City government is encouraged, and we hope this information will enable you to become more involved. The Order of Business for Council meetings is as follows:

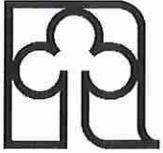
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|--|--------------------------------|
| A. ROLL CALL | I. COUNCIL MATTERS |
| B. MINUTES | J. SUCCESSOR AGENCY |
| C. PRESENTATIONS AND PROCLAMATIONS | TO REDEVELOPMENT AGENCY |
| D. WRITTEN COMMUNICATIONS | K. ORAL COMMUNICATIONS |
| E. PUBLIC HEARINGS | L. APPROPRIATIONS |
| F. CITY MANAGER REPORTS | M. CLOSED SESSION |
| G. CITY ATTORNEY REPORTS | N. ADJOURNMENT |
| H. ECONOMIC DEVELOPMENT CORPORATION | |

Items listed on the agenda may be approved, disapproved, or continued to a future meeting. Many items require an action by motion or the adoption of a resolution or an ordinance. When this is required, the words **MOTION**, **RESOLUTION**, or **ORDINANCE** appear in parenthesis at the end of the item. If one of these words does not appear, the item is an informational item.

The attached *Agenda* gives the *Background/Discussion* of agenda items. Following this section is the word *Attachment*. Unless "none" follows *Attachment*, there is more documentation which is available for public review at the Newark Library, the City Clerk's office or at www.newark.org. Those items on the Agenda which are coming from the Planning Commission will also include a section entitled *Update*, which will state what the Planning Commission's action was on that particular item. *Action* indicates what staff's recommendation is and what action(s) the Council may take.

Addressing the City Council: You may speak once and submit written materials on any listed item at the appropriate time. You may speak once and submit written materials on any item **not** on the agenda during **Oral Communications**. To address the Council, please seek the recognition of the Mayor by raising your hand. Once recognized, come forward to the lectern and you may, but you are not required to, state your name and address for the record. Public comments are limited to five (5) minutes per speaker, subject to adjustment by the Mayor. Matters brought before the Council which require an action may be either referred to staff or placed on a future Council agenda.

No question shall be asked of a council member, city staff, or an audience member except through the presiding officer. No person shall use vulgar, profane, loud or boisterous language that interrupts a meeting. Any person who refuses to carry out instructions given by the presiding officer for the purpose of maintaining order may be guilty of an infraction and may result in removal from the meeting.



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

Minutes

Thursday, September 22, 2016

A. ROLL CALL

Mayor Nagy called the meeting to order at 7:35 p.m. Present were Council Members Hannon, Collazo, Bucci, and Vice Mayor Freitas.

B. MINUTES

B.1 Approval of Minutes of the special and regular City Council meetings of September 8, 2016. **MOTION APPROVED**

Council Member Hannon 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 Commending Julia M. DeLipski.

Mayor Nagy presented a commendation to Julia M. DeLipski who earned the Girl Scout Gold Award.

C.2 Commending the 30th Anniversary of the National Community Emergency Response Team (CERT).

Mayor Nagy presented the commendation to members of the Newark Community Emergency Response Team.

D. WRITTEN COMMUNICATIONS

E. PUBLIC HEARINGS

F. CITY MANAGER REPORTS

Vice Mayor Freitas moved, Council Member Collazo seconded, to approve Consent Calendar Item F.1 and that reading of the title suffice for adoption of the resolutions. The motion passed, 5 AYES.

CONSENT

- F.1 Approval to reclassify one Building Inspector/Zoning Enforcement Officer position to Senior Building Inspector by amending the Employee Classification Plan, the Memorandum of Understanding Between the City of Newark and the Newark Association of Miscellaneous Employees, and the 2016-2018 Biennial Budget. RESOLUTION NO. 10550 - 10552**

NONCONSENT

- F.2 Approval of Resolutions authorizing membership in Property Assessed Clean Energy (PACE) Programs to allow property owners the option to finance clean energy improvements. RESOLUTION NO. 10553 – 10558
CONTRACT NO. 16044-16045**

Senior Accountant Djurovic stated that Property Assessed Clean Energy programs allow property owners to finance clean energy improvements through a debt obligation that runs with their property. All transactions are voluntary and City Council authorization is necessary for the programs to conduct business in the City of Newark.

Council Member Bucci moved, Council Member Hannon seconded to by resolutions:

- 1). Approve associate membership in the California Home Finance Authority doing business as Golden State Finance Authority;
- 2). Authorize the inclusion of properties within the City's jurisdiction in the California Home Finance Authority Community Facilities District No. 2014-1 (Clean Energy) to finance distributed generation renewable energy sources, energy or water efficiency improvements and electric vehicle charging infrastructure (SB 555 PROGRAM);
- 3). Authorize the inclusion of properties within the City's jurisdiction in the California Home Finance Authority AB 811 PACE Program to finance distributed generation renewable energy sources, energy or water efficiency improvements and electric vehicle charging infrastructure;
- 4). Authorize the inclusion of properties within the City's jurisdiction in the California Statewide Communities Development Authority ("CSCDA") Open Pace Programs; authorizing the California Statewide Communities Development Authority to accept applications from property owners, conduct contractual assessment proceedings and levy contractual assessments within the territory of the City of Newark; and authorizing related actions;
- 5). Approve the amendment to the Western Riverside Council of Governments Joint Powers Agreement;

6). Authorize the inclusion of properties within the City’s jurisdiction in the California HERO Program to finance distributed generation renewable energy sources, energy or water efficiency improvements and electric vehicle charging infrastructure.

The motion passed, 5 AYES.

F.3 Authorization and Direction to the City Manager to: (1) Terminate the City’s Existing Contract with JT2 Integrated Resources for Workers’ Compensation Third Party Claims Administration; and (2) Negotiate and Enter Into an Agreement With York Risk Management Services to Serve as the Third Party Administrator of the City of Newark’s Workers’ Compensation Program. RESOLUTION NO. 10559

Human Resources Director Abe recommended York Risk Management Services for the Third Party Administrator for the City’s Workers’ Compensation Program.

Council Member Bucci noted that the current contract was awarded in 2001. He suggested establishing a policy that contracts go out to bid within a certain time frame.

Council Member Bucci moved, Council Member Collazo seconded to recommend that the City Council, by resolution, authorize and direct, the City Manager to: (1) terminate the City’s existing contract with JT2 Integrated Resources for Workers’ Compensation Third Party Claims Administration; and (2) negotiate and enter into an agreement with York Risk Management Services to serve as the Third Party Administrator of the City of Newark’s Workers’ Compensation Program. The motion passed, 5 AYES.

G. CITY ATTORNEY REPORTS

H. ECONOMIC DEVELOPMENT CORPORATION

I. CITY COUNCIL MATTERS

Mayor Nagy stated he would adjourn the meeting in memory of James Roy Davis, Jr.

Mayor Nagy thanked the Newark Days Celebration Committee.

Vice Mayor Freitas commended Julia DeLipski and the CERT Team.

Council Member Hannon commented on the contributions of volunteers to the community.

Council Member Collazo complimented Newark Days. She noted that it was National Ice Cream Cone Day. She stated that the City was funding Sunday hours at the Newark Library.

Council Member Bucci announced that the Chamber of Commerce Oktoberfest Event would be on Saturday at Swiss Park.

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

K. ORAL COMMUNICATIONS

No one came forward to speak.

L. APPROPRIATIONS

Approval of Audited Demands for the City Council meeting of September 22, 2016. MOTION APPROVED

City Clerk Harrington read the Register of Audited Demands: Check numbers 108877 to 108969.

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

M. CLOSED SESSION

City Attorney Benoun stated that after the agenda was posted, the need to take action on the following matter arose:

Closed Session for Conference with Legal Counsel pursuant to Government Code Section 54956.9, Anticipated Litigation.

City Attorney Benoun stated that the Brown Act allows the item to be added to the agenda if two-thirds of the City Council determines that the need to take action arose subsequent to the agenda being posted and votes to add it to the agenda.

Council Member Bucci moved, Council Member Collazo seconded to add to the agenda item M.1 Closed Session for Conference with Legal Counsel pursuant to Government Code Section 54956.9, Anticipated Litigation. The motion passed, 5 AYES.

At 8:10 p.m. the City Council recessed to a closed session.

At 8:18 p.m. the City Council convened in closed session.

At 9:03 p.m. the City Council reconvened in open session with all Council Members present.

N. ADJOURNMENT

At 9:03 p.m. Council Member Hannon moved, Council Member Collazo seconded, to adjourn the meeting in memory of James Roy Davis, Jr. The motion passed, 5 AYES.

C.1 Proclaiming October 19, 2016 as Unity Day.

(PROCLAMATION)

Background/Discussion – October 19, 2016 is Unity Day, a day that promotes bullying awareness and prevention. A proclamation has been prepared and members of the Silliman Activity and Family Aquatic Center will accept it at the City Council meeting.

**C.2 Proclaiming October as National Domestic Violence Awareness Month.
(PROCLAMATION)**

Background/Discussion – October is National Domestic Violence Awareness Month. A proclamation has been prepared and members of Shelter Against Violent Environments (SAVE) will accept it at the City Council meeting.

**C.3 Presentation of Relay for Life check to the American Cancer Society.
(PRESENTATION)**

Background/Discussion – The Newark chapter of Relay for Life will present a check of the donations raised this year to the American Cancer Society. The American Cancer Society puts these donations to work, investing in cancer research and providing free information and services to cancer patients and their caregivers.

F.1 Introduction of an ordinance and setting a hearing date of November 10, 2016 to amend and add to the Newark Municipal Code Title 15 (Buildings and Construction), Article I (Building Regulations), Chapters 15.08 (Building Code), 15.09 (Residential Code), 15.10 (Mechanical Code), 15.12 (Electrical Code), 15.16 (Plumbing Code), 15.17 (Fire Code), 15.18 (California Referenced Standards Code), 15.20 (California Historical Building Code), 15.21 (California Existing Building Code), 15.22 (California Energy Code), and 15.23 (California Green Building Standards Code) – from Chief Building Official/City Architect Collier and Fire Marshal Terra. (MOTION)(INTRODUCTION OF ORDINANCE)

Background/Discussion – The State of California has adopted new editions of existing construction codes which will become effective January 1, 2017. These codes include building, residential building, mechanical, electrical, plumbing, reference standards, historical, energy, existing, green building, and fire prevention.

As required by state law, applications for a building permit made after December 31, 2016 will be subject to the new codes. Local jurisdictions have the opportunity to make limited amendments to the new state codes provided the local jurisdiction makes a finding that such modifications are reasonably necessary because of local climatic, geological or topographical conditions. Staff is recommending modifications to some of the state codes.

A large portion of the recommended local amendments relate to the administrative portion of the codes. These administrative amendments will allow the City to carry forward the same administrative standards the City is currently using. Some of the changes merely accommodate new numbering systems. Staff is recommending technical changes to the Building, Residential, Plumbing, Electrical and Fire codes. There are no technical changes recommended to the Mechanical, Reference Standards, Historical Building, Energy, Existing, and Green Building Standards codes. The recommended technical changes to the codes are listed below. Some of the technical changes were incorporated into the Newark Municipal Code (NMC) in previous code cycles, so they are not new to the Ordinance.

California Building Code

Section 104.10.1, Construction in Flood Hazard Areas.

This section is deleted. The City has its own ordinance for construction in flood hazard areas that is in compliance with Federal standards.

Sections 402.5, 404.3, 407.6, 410.7, 419.5, 441.2, 509.4.2.1, and 1029.6.2.3, Automatic Fire Sprinkler Systems.

These various code sections have been modified to complement the City’s fire sprinkler ordinance.

Sections 901.7 and 903.2, Automatic Fire Sprinkler Systems.

This item is a continuation of existing NMC standards added in previous code cycles. The City has its own standards for when automatic fire sprinkler systems must be

installed in a building. Basically, the City has required sprinklers in new construction when the floor area exceeds 1,000 square feet for a number of years. For single family dwellings, the NMC currently requires fire sprinklers be installed in existing dwellings when additions and/or repairs exceed 80 percent of the value of the existing dwelling prior to the additions and/or repairs. The recommended changes to the NMC are editorial in nature and do not change the actual standards.

Section 1510.7, Spark Arrestors.

This modification of the Building Code is being eliminated. Adding spark arrestors to existing fire place chimneys is no longer necessary. No new wood burning fire place are allowed in the Bay Area, existing wood burning fireplaces are seldom used, and roofs are now, for the most part, fire resistant.

Section 1805.5, Rodent Proofing.

This condition is being removed from the Ordinance and will be replaced by the adoption of Appendix F of the Building Code.

California Residential Code

Sections R105.3.1.1 and R322, Construction in Flood Hazard Areas.

These sections are deleted. The City has its own ordinance for construction in flood hazard areas that is in compliance with Federal standards.

Section R301.1.3.2.1, Engineering Required.

This item is a continuation of existing NMC standards added in previous code cycles. The California Residential Code allows the Building Official to require drawings for dwellings taller than two stories be designed by an licensed professional. The recommended NMC change is to increase the standard to capture dwellings taller than one story. This is the standard the City has been using for years.

R313, Automatic Fire Sprinkler Systems.

This item is a continuation of existing NMC standards added in previous code cycles. The California Residential Code requires automatic fire sprinkler systems in all new one and two dwellings and townhouses, regardless of floor area, but does not require sprinklers for any size addition or remodel. For one and two family dwellings and townhomes, the NMC currently requires fire sprinklers be installed in existing dwellings when additions and/or repairs exceed 80 percent of the value of the existing dwelling prior to the additions and/or repairs. Newly proposed is the requirement that new structures accessory to one and two family dwellings and townhouses be equipped with fire sprinklers when the area exceeds 1,000 square feet.

R326.1 Swimming Pools.

The Residential Code does not adequately address the construction of swimming pools so a section has been added to the Residential Code referencing the California Building Code for the standards governing swimming pools.

R1000, Wood Burning Fireplaces

This section was added to complement existing Bay Area wide prohibition on new wood burning fire places.

California Plumbing Code

Section 412.3, Privacy in Public Multiple Accommodation Toilet Rooms.

This item is a continuation of existing NMC standards added in previous code cycles. It is generally understood that persons using water closets or urinals in multiple accommodation toilet rooms be afforded some degree of privacy. The current California Plumbing Code and California Building Code do not specifically address this issue. Some designers have in the past proposed designing multiple accommodation toilet rooms without privacy partitions around water closets or placing urinals in full view of persons outside the toilet room. It is being recommended that minimum standards be added to the code to provide privacy to users of water closets and urinals in multiple accommodation toilet rooms.

Section 713.0, Connection to Public Sewer Systems.

The plumbing code provides a number of exceptions to having to connect waste lines to a public sewer. The code allows for private septic systems. The recommended change does not allow for private septic systems. All waste lines must connect to Union Sanitary District sewer system mains.

Section 1101.12, Roof Drainage.

This section is being added to complement requirements in the City's storm water permit.

California Fire Code

Formatting:

This portion of the ordinance is currently located Chapter 15.32, Article II, Miscellaneous Regulations. A more appropriate location is in Chapter 15.17 under Article I which covers adoption of the various construction codes. As such, the chapter on Fire Prevention has been renamed "Fire Code" and moved to Chapter 15.17.

Section 5614, Safe and Sane Fireworks.

This item is a continuation of existing NMC standards added in previous code cycles. Because of a major change to the California Fire Code it was appropriate to reformat the City's fireworks ordinance. The City's safe and sane fireworks ordinance remains unchanged except for minor editing and numbering changes. No technical changes are being recommended.

Appendix D, Fire Department Access.

Appendix D has been a part of the ordinance for several code cycles. The Fire Department is recommending adopting the appendix without modifications. The current ordinance includes larger turn-around dimensions which are no longer needed because of the actual equipment used in the City.

California Electrical Code

Article 310.106(B), Conductor Material.

This item is a continuation of existing NMC standards added in previous code cycles. Aluminum wire used for circuit wiring has been removed. Aluminum house wiring has a history of starting fires if not installed properly.

Chapter 15.12.140, Maintenance Permits.

The standard is being removed because no maintenance permits have been obtained in the last two decades.

California Existing Building Code

This code has not been formally adopted in previous code cycles by the City Council. It is a code that the City is obligated to enforce. Staff is recommending adoption of this code along with some appendices and amendments. All the appendices relate to seismic upgrading to existing structures. The amendments relate to flood hazard areas which are covered in the City's Flood Ordinance.

Attachments

Action – It is recommended that the City Council, by motion, set a public hearing date of November 10, 2016, for adoption of the codes and introduce an ordinance to amend the Newark Municipal Code Title 15 (Buildings and Construction), Article I (Building Regulations), 15.08 (Building Code), 15.09 (Residential Code), 15.10 (Mechanical Code), 15.12 (Electrical Code), 15.16 (Plumbing Code), 15.17(Fire Code), 15.18 (California Reference Standards Code), 15.20 (California Historical Building Code), 15.21 (California Existing Building Code), 15.22 (California Energy Code), and 15.23 (California Green Building Standards Code).

ORDINANCE NO.

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEWARK AMENDING THE NEWARK MUNICIPAL CODE TITLE 15 (BUILDINGS AND CONSTRUCTION), ARTICLE I (BUILDING REGULATIONS), CHAPTERS 15.08 (BUILDING CODE), 15.09 (RESIDENTIAL CODE), 15.10 (MECHANICAL CODE), 15.12 (ELECTRICAL CODE), 15.16 (PLUMBING CODE), 15.17 (FIRE CODE), 15.18 (CALIFORNIA REFERENCED STANDARDS CODE), 15.20 (CALIFORNIA HISTORICAL BUILDING CODE), 15.21 (CALIFORNIA EXISTING BUILDING CODE), 15.22 (CALIFORNIA ENERGY CODE), 15.23 (CALIFORNIA GREEN BUILDING STANDARDS CODE)

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

Section 1: That the following are amended as attached and will become effective on January 1, 2017:

Title 15 (Buildings and Construction), Article I (Building Regulations)
Chapter 15.08 (Building Code)
Chapter 15.09 (Residential Code)
Chapter 15.10 (Mechanical Code)
Chapter 15.12 (Electrical Code)
Chapter 15.16 (Plumbing Code)
Chapter 15.17 (Fire Code)
Chapter 15.18 (California Referenced Standards Code)
Chapter 15.20 (California Historical Building Code)
Chapter 15.21 (California Existing Building Code)
Chapter 15.22 (California Energy Code)
Chapter 15.23 (California Green Building Standards Code)

Section 2: Effective date. This ordinance shall take effect on January 1, 2017. Before expiration of fifteen (15) days after its passage, this ordinance shall be published in The Tri City Voice, a newspaper of general circulation published and printed in the County of Alameda and circulated in the City of Newark.

Title 15

BUILDINGS AND CONSTRUCTION

Chapters

Article I. Building Regulations

15.04	General Provisions
15.06	Security Code
15.08	Building Code
15.09	Residential Code
15.10	Mechanical Code
15.12	Electrical Code
15.16	Plumbing Code
<u>15.17</u>	<u>Fire Code</u>
15.18	California Referenced Standards Code
15.20	California Historical Building Code
<u>15.21</u>	<u>California Existing Building Code</u>
15.22	California Energy Code
15.23	California Green Building Standards Code
15.24	Miscellaneous Provisions
15.28	Violation – Penalty

Article II. Miscellaneous Regulations

15.32	Fire Prevention Code
15.40	Construction in Flood Hazard Areas
15.44	Green Building and Construction and Demolition Debris recycling
15.50	Grading and Excavation

Chapter 15.08

BUILDING CODE

Sections

- 15.08.010 California Building Code adopted by reference.
- 15.08.020 Amendments.
- 15.08.042 Licensed professional.
- 15.08.060 Drainage disposal.

15.08.010 California Building Code adopted by reference.

A certain document, entitled “~~2013~~ 2016 California Building Code, Volumes 1 and 2,” including Appendix Chapter F relating to rodent proofing, ~~I, relating to Patio Covers, and Appendix Chapter A-1 relating to unreinforced masonry buildings~~, published by the International Code Council and amended and adopted by the state of California as the ~~2013~~ 2016 edition California Building Code, is adopted by reference as the building code of the city pursuant to the provisions of Government Code Section 50020 et seq., state of California, except as modified in this chapter.

15.08.020 Amendments.

The construction code adopted by reference in this chapter is amended by the following additions, deletions and amendments thereto set forth in this chapter.

~~A. Section 1.8.4 dealing with permits, fees, applications, and inspections is deleted. Refer to Chapter 15.04, General Provisions, of the Newark Municipal Code.~~

A. Section 1.8.4.3.1 dealing with retention of plans is amended by deleting exceptions 1 through 4.

~~B. Section 1.8.8 dealing with appeals board is deleted. Refer to Chapter 15.04.030, Interpretation of the Uniform Codes and Board of Appeals, of the Newark Municipal Code.~~

~~€ B. Section 101.4 dealing with referenced codes is deleted.~~

~~Ɔ C. Section 104.10.1 dealing with flood hazard areas is deleted. Refer to Chapter 15.40, Construction In Flood Hazard Areas, of the Newark Municipal Code.~~

~~Ǝ D. Sections 105.3.2 dealing with time limitation of applications and Section 105.5 dealing with expiration of permits are deleted. Refer to Chapter 15.04.180, Expiration of Plan Review, and Chapter 15.04.190, Expiration of Permits, of the Newark Municipal Code.~~

E. Section 402.5 dealing with automatic fire sprinkler systems in malls is amended by deleting the exception.

F. Section 404.3 dealing with automatic fire sprinkler systems in atriums is amended by deleting all exceptions.

G. Section 407.6 dealing with automatic fire sprinkler systems in certain care facilities is amended by replacing Section 407.6 in its entirety with the following:

407.6 Automatic sprinkler system. Every facility as specified herein, regardless of floor area, wherein more than six clients or patients are housed or cared for on a 24-hour per-day-basis shall have installed and maintained in an operable condition throughout the entire building an automatic sprinkler system of a type approved by the state fire marshal. The provisions of this subsection shall apply to every person, firm or corporation establishing, maintaining or operating a hospital, children’s home, children’s nursery or institution, or a home or institution for the care of aged or persons with dementia or other cognitive impairments, or any institution for persons

with mental illness or persons with developmental disabilities and any nursing or convalescent home.

H. Section 410.7 dealing with automatic sprinkler systems at stages is deleted.

I. Section 419.5 dealing with fire alarms in live/work units is amended by replacing Section 419.5 in its entirety with the following:

419.5 Fire Protection. The live/work unit shall be provided with a monitored fire alarm system where required by Section 907.2.9.

J. Section 441.2 dealing with automatic fire sprinkler systems for pet kennels is amended by deleting the exception.

K. Section 509.4.2.1 dealing with automatic fire sprinkler systems in incidental use areas is deleted.

L. Section 1029.6.2.3 dealing with automatic fire sprinkler systems smoke protected assembly seating areas is amended by deleting the exceptions.

~~F~~ M. Section 501.2, which deals with address identification, is amended in its entirety to read as follows:

501.2 Address identification. All buildings shall be identified with address numbers assigned by the City and as required in Chapter 15.06.110 of the Newark Municipal Code.

~~G~~ N. Section 901.7, which deals with dividing a building into separate fire areas to preclude the installation of fire sprinkler systems, is deleted. Refer to Chapter 15.04.08.020G for the City's fire sprinkler ordinance.

~~H~~ O. Section 903 dealing with the requirement for fire sprinkler systems is amended by replacing subsection [F]903.2 in its entirety with the following:

903.2 Where required. Approved automatic fire sprinkler systems shall be installed in buildings under the following conditions:

903.2.1 All new construction, except one and two family dwellings and townhouses and H occupancies, which exceeds 1,000 square feet in floor area, or if exterior walls are not present, then 1,000 square feet of projected roof area.

903.2.2 All existing buildings except one and two family dwellings and townhouses when there is a change in the occupancy group, except for H occupancies, as defined by Chapter 3 when such change in occupancy group exceeds 50 percent of the total building area in square feet or 12,000 square feet, whichever is the lesser, in any five year period.

903.2.3 All existing buildings and additions to existing buildings, except for one and two family dwellings and townhouses and H occupancies, when such additions are more than 50 percent of the existing building measured in square feet of floor area, or if exterior walls are not present, then measured in square feet of projected roof area, or 12,000 square feet of additional floor area, whichever is the lesser, provided that there is no occupancy group change. Such added area shall be the accumulated square foot of floor area occurring over any five year period.

903.2.4 Existing buildings except one and two family dwellings and townhouses and not currently equipped with an automatic fire extinguishing system in which a change in occupancy, or new floor area, resulting in the creation of a Group H occupancy or any division within a Group H occupancy.

903.2.5 ~~Newly constructed and existing one and two family dwellings and townhouses~~ and detached structures accessory to one and two family dwellings and townhouses in excess of 1,000 square feet of floor area, or if exterior walls are not present, then 1,000 square feet of projected roof area, shall be equipped with an automatic fire sprinkler system

as required in Section R309.6 of the California Residential Code modified by the Newark Municipal Code.

903.2.6 Additions to existing buildings ~~except one and two family dwellings and townhouses,~~ currently equipped with an automatic fire extinguishing system.

903.2.7 Areas of modifications to existing buildings, ~~except one and two family dwellings and townhouses,~~ currently equipped with an automatic fire extinguishing system. The extent of the modifications to the existing automatic fire extinguishing system shall be determined by the building official based upon the extent of the modifications to the existing structure. Modifications to the structure can include a change in the fire load.

903.2.8 Automatic residential fire sprinkler systems shall be installed in new one and two family dwellings and townhouses in accordance with Section R313.3 of the California Residential Code or NFPA 13D.

903.2.9 An automatic residential fire sprinkler system shall be installed in existing one and two family dwellings and townhouses in accordance with Section R313.3 of the California Residential Code or NFPA 13D where any repair, reconstruction, addition, alteration, or improvement, or any combination thereof, when the construction value of which exceeds 80 percent of the market value of the dwelling structure either before the improvement or repair is started, or, if the dwelling has been damaged and is being restored, before the damage occurred. Construction value shall include all permitted improvements which have occurred within the five previous years of the most recently issued building permit. Damage includes damage resulting from fire, flood, earthquake, or demolition.

903.2.10 Existing one and two family dwellings and townhouses not currently equipped with an automatic fire extinguishing system in which a change in occupancy resulting in the creation of a Group Occupancy other than R.

903.11 Any new building of any size containing a Group H Occupancy.

~~H. Section 1510 dealing with reroofing is amended by adding the following:~~

~~1510.7 Spark Arrestors. Whenever a roof covering is applied to an existing roof, spark arrestors complying with section 2113.9.2 shall be installed on all existing chimneys serving a solid fuel burning appliance or fireplace.~~

~~I. Section 1805 dealing with foundation dampproofing and waterproofing is amended by adding the following:~~

~~1805.5 Rodent Proofing. Buildings intended for human habitation and not provided with a continuous foundation shall be provided with protection against entry to the under floor area by rodents.~~

15.08.042 Licensed professional.

While the nature of the work applied for affects the safety of a building or its occupants, design documents shall be prepared by an engineer or architect licensed by the state to practice as such as required by State of California Business and Professions Code Sections 5500 and 6700. In other buildings the Building Official ~~may~~ **is authorized to** require plans, computations, and specifications to be prepared and designed by an engineer or architect licensed by the state to practice as such.

Chapter 15.09

RESIDENTIAL CODE

Sections

- 15.09.010 California Residential Code adopted by reference.**
15.09.020 Amendments.

15.09.010 California Residential Code adopted by reference.

A certain document, entitled ~~2013~~ **2016** California Residential Code published by the International Code Council and amended and adopted by the state of California as the ~~2013~~ **2016** edition California Residential Code, is adopted by reference as the residential code of the city pursuant to the provisions of Government Code Section 50020 et seq., state of California, except as modified in this chapter.

15.09.020 Amendments.

The construction code adopted by reference in this chapter is amended by the following additions, deletions and amendments thereto set forth in this chapter.

~~A. Section 1.8.4 dealing with permits, fees, applications, and inspections is deleted. Refer to Chapter 15.04, General Provisions, of the Newark Municipal Code.~~

~~B. Section 1.8.8 dealing with appeals board is deleted. Refer to Chapter 15.04.030, Interpretation of the Uniform Codes and Board of Appeals, of the Newark Municipal Code.~~

~~C. A. Section R105.3.1.1 dealing with determining substantial improvements in flood hazard zones is deleted. Refer to Chapter 15.40, Construction in Flood Hazard Areas, of the Newark Municipal Code.~~

~~D. Section R112 dealing with appeals board is deleted. Refer to Chapter 15.04.030, Interpretation of the Uniform Codes and Board of Appeals, of the Newark Municipal Code.~~

~~E. B. Section R301.1.3.2 is amended by replacing it in its entirety with **adding** the following **section**;~~

R301.1.3.2.1 Woodframe structures two ~~or more~~ stories in height. The building official is authorized to require the structural portions of construction documents to be prepared, stamped and signed by a California licensed architect, civil engineer, or structural engineer for all dwellings with two ~~or more~~ stories.

~~F. C. Section R313 dealing with automatic fire sprinkler systems is amended by replacing Sections R313.1 and R313.2 in their entirety with the following;~~

R313.1 Where required in new construction. **Automatic fire sprinkler systems in compliance with Section R313.3 or NFPA 13D shall be installed in the following new construction.** ~~Automatic residential fire sprinkler systems shall be installed in new one and two family dwellings and townhouses in accordance with Section R313.3 or NFPA 13D.~~

R313.1.1 One and two family dwellings and townhouses.

R313.1.2 Detached structures accessory to one and two family dwellings and townhouses when the floor area exceeds 1,000 square feet in area or, when there are no exterior walls then 1,000 square feet of projected roof area.

R313.1.3 Additions to one and two family dwellings and townhouses when the existing structure is equipped with an automatic fire sprinkler system.

R313.2 Where required in existing construction. An automatic residential fire sprinkler system shall be installed in existing one and two family dwellings and townhouses

in accordance with Section R313.3 or NFPA 13D when the construction value of any repair, reconstruction, addition, alteration, or improvement, or any combination thereof, exceeds 80 percent of the market value of the dwelling structure either before the improvement or repair is started, or, if the dwelling has been damaged and is being restored, before the damage occurred. Construction value shall include all permitted improvements which have occurred within the five previous years of the most recently issued building permit. Damage includes damage resulting from fire, flood, earthquake, or demolition.

~~G~~ D. Section R322 dealing with flood resistant construction is deleted. Refer to Chapter 15.40, Construction in Flood Hazard Areas, of the Newark Municipal Code.

E. Section R326 dealing with swimming pools is replaced in its entirety with the following:

R326.1 General. The design and construction of pools and spas for single family dwellings shall comply with Section 3109 of the California Building Code and for two family dwellings and townhomes with Chapter 31B of the California Building Code.

F. Chapter 10 dealing with chimneys and fireplaces is amended by adding the following section:

R1000 Prohibited Fireplaces. Open hearth masonry and factory built wood burning fireplaces are prohibited. Prohibition applies to new construction, additions, and existing fireplace replacements.

~~H~~ G. Appendix H, Patio Covers, is adopted.

~~I~~ H. Appendix K, Sound Transmission, is adopted.

Chapter 15.10

MECHANICAL CODE

Sections:

- 15.10.010 California Mechanical Code adopted by reference.**
- 15.10.020 Amendments.**
- 15.10.030 Temporary connection of natural gas utilities.**

15.10.010 California Mechanical Code adopted by reference.

A certain document entitled, “~~2013~~ **2016** California Mechanical Code,” including Appendix B and C, published by the International Association of Plumbing and Mechanical Officials and amended and adopted by the state of California as the ~~2013~~ **2016** edition California Mechanical Code, is adopted by reference as the Mechanical Code of the City pursuant to the provisions of Government Code Section 50020 et seq., state of California, except as modified in this chapter.

15.10.020 Amendments – General.

The California Mechanical Code, adopted by reference in this chapter, is amended by the following additions, deletions, and amendments thereto set forth in this chapter.

~~A. Section 1.8.4 dealing with permits, fees, applications, and inspections is deleted.~~

A. Section 1.8.4.3.1 dealing with the retention of plans is amended by deleting exceptions 1 through 4.

~~B. Section 108 dealing with board of appeals is deleted.~~

B. Sections 104.4.3 and 104.4.4 dealing with expiration and extension of permits are deleted. Refer to Chapter 15.04 of the Newark Municipal Code.

~~C. Section 114 dealing with fees is deleted.~~

15.10.030 Temporary connection of natural gas utilities.

The Building Official may authorize temporary connection of natural gas utilities for a construction project prior to final inspection approval and issuance of the Certificate of Occupancy. The request for such connection shall be in writing on a form provided by the City. The request shall include the reason the temporary connection is necessary, the length of time the connection is needed, and a statement, signed by the property owner and tenant of the premises, authorizing the City to disconnect the natural gas utilities if final inspection approval and Certificate of Occupancy have not been issued by the expiration date of the request.

Chapter 15.12

ELECTRICAL CODE

Sections:

- 15.12.010 California Electrical Code adopted by reference.
- 15.12.020 Amendments.
- 15.12.090 Temporary connection of electric utilities.
- 15.12.120 Building official authority.
- 15.12.140 Maintenance Permit.
- 15.12.190 Connection to installation.

15.12.010 California Electrical Code adopted by reference.

A certain document, entitled "~~2013~~ 2016 California Electrical Code," published by the National Fire Protection Association amended and adopted by the state of California as the ~~2013~~ 2016 edition California Electrical Code, is adopted by reference as the electrical code of the city pursuant to the provisions of Government Code Section 50020 et seq., state of California, except as modified in this chapter.

15.12.020 Amendments.

The California Electrical Code adopted by reference in this chapter is amended by the following additions, deletions and amendments thereto set forth in this chapter.

A. Article 89.108.4.3.1 dealing with the retention of plans is amended by deleting exceptions 1 through 4.

~~A. Article 89.108.10.2 is amended by adding the following paragraph: "Except for apartment houses and dwellings, as allowed for in Section 17958.9 of the California Health and Safety Code, all electrical work existing in buildings moved into or within the city shall be made to comply with the requirements of this chapter."~~

B. Article 310.106(B) Conductor Material, is amended by replacing the first paragraph in its entirety with the following:

(B) Conductor Material. Except for service entrance conductors, all conductors shall be copper. Service entrance conductors shall be of copper, aluminum, or copper-clad aluminum.

~~C. Article 89.108.4.3.1 dealing with retention of plans is amended by deleting all four exemptions.~~

15.12.090 Temporary connection of electric utilities.

The building official may authorize temporary connection of electric utilities for a construction project prior to final inspection approval and issuance of the certificate of occupancy. If required by the Building Official the request for such connection shall be in writing ~~on a form provided by the city~~. The request shall include the reason the temporary connection is necessary, the length of time the connection is needed and a statement, signed by the property owner, tenant of the premises, or contractor, authorizing the city to disconnect the electric utilities if final inspection approval and certificate of occupancy have not been issued by the expiration date of the request.

15.12.120 Building official authority.

A. The building official is authorized to disconnect or order discontinuance of electrical service to any electric wiring, devices, appliances or equipment found to be in violation of this chapter under any of the following conditions:

1. Failure of the owner or his agent to secure the required electrical permit;
2. Hazardous electrical work found to be dangerous to life or property due to defective wiring, devices, appliances or equipment;
3. Electrical work connected to service without the approval of the building official.

B. Any order issued pursuant to this section may be made either to the person using and maintaining the condition or to the person responsible for its use and maintenance, and shall specify the date or time for compliance with its terms.

~~15.12.140 Maintenance Permit.~~

~~In lieu of an individual permit for each installation or alteration, an annual permit shall, upon application therefore, be issued to any person, firm, or corporation regularly employing one or more employees for the installation and maintenance of electric wiring, devices, appliances and equipment upon premises owned or occupied by the applicant for the permit. The application shall be made on forms furnished by the building official. Within not more than fifteen days following the end of annual permit period, the person, firm or corporation to which a maintenance permit is issued, shall transmit to the building official, a report of all the electrical work done under the maintenance permit during the preceding annual period. The building official shall visit all premises where work has been done under an annual permit and shall inspect all electric wiring, devices, appliances and equipment installed under such a permit since the date of his last previous inspection, and shall issue a certificate of approval for such work as is found to be in conformity with the provisions of this article. (Ord. 410 § 1 (part), 2005)~~

15.12.190 Connection to installation.

A. ~~Except where work is done under an annual permit,~~ It is unlawful for any person, firm or corporation to make connection from a source of electrical energy or to supply electric service to any electric wiring, devices, appliances or equipment for the installation of which a permit is required, unless such person, firm or corporation has obtained a certificate of approval issued by the building official.

B. It is unlawful for any person, firm or corporation to make connections from a source of electrical energy or to supply electric service to any electric wiring, devices, appliances or equipment which has been disconnected or ordered to be disconnected by the building official or the use of which has been ordered by the building official to be discontinued until a certificate of approval has been issued by authorizing the reconnection and use of such wiring, devices, appliances or equipment. The building official shall notify the serving utility of the order to discontinue use.

C. When electrical service to a commercial occupancy or place of employment is de-energized for any reason, approval of the building official must be secured by the serving utility prior to re-energizing of said service. "Commercial occupancy" or "place of employment," for the purposes of this chapter, shall include dwellings used as model homes and/or tract offices.

D. Any order issued pursuant to this section shall be in writing and shall be made to the

person, firm or corporation using and maintaining the condition or to the person, firm or corporation responsible for its use and maintenance, and to the utility company providing the service. Delivery of the order shall be accomplished upon deposit in the United States mail or written notice directed to the person, firm or corporation using, maintaining or responsible for the use and maintenance of the condition at the last known address of the person, firm or corporation. Failure to comply with the order of the building official, as set out above, is a misdemeanor subject to the penalties as set out in Chapter 15.28 of this title.

Chapter 15.16

PLUMBING CODE

Sections:

- 15.16.010** Uniform Plumbing Code adopted by reference.
15.16.020 Amendments.

15.16.010 Uniform Plumbing Code adopted by reference.

A certain document entitled, “~~2013~~ **2016** California Plumbing Code,” including all Appendix Chapters published by the International Association of Plumbing and Mechanical Officials and adopted by the state of California as the ~~2013~~ **2016** edition California Plumbing Code, is adopted by reference as the Plumbing Code of the City pursuant to the provisions of Government Code Section 50020 et seq., state of California, except as modified in this chapter.

15.16.020 Amendments.

The California Plumbing Code adopted by reference in this chapter is amended by the following additions, deletions and amendments thereto set forth in this chapter.

A. Section 1.8.4 dealing with permits, fees, applications, and inspections is deleted. Refer to Chapter 15.04 of the Newark Municipal Code.

B. Sections 104.3.2 and 104.3.3 dealing with plan review fees and time limitation of applications is deleted. Refer to Chapter 15.04 of the Newark Municipal Code.

C. Sections 104.4.3 and 104.4.4 dealing with expiration and extension of permits is deleted. Refer to Chapter 15.04 of the Newark Municipal Code.

~~B. Section 103.3.3 dealing with expiration of permits is deleted. Refer to Chapter 15.04 of the Newark Municipal Code.~~

~~C. Section 103.4 dealing with fees is deleted. Refer to Chapter 15.04 of the Newark Municipal Code.~~

D. Section 422.2 dealing with separate toilet facilities is amended by adding the following.

422.2.2 In public multiple accommodation toilet rooms water closets shall be enclosed by a screening partition with an operable door. The bottom of the screen and door shall not be more than 12 inches above finish floor and the top shall not be less than 69 inches above finish floor. Screens and doors shall be constructed of materials in compliance with Section 1210 of the California Building Code.

Exception: When approved by the building official screens may be omitted from toilet rooms used only by children attending a day care center when state licensing requires full time supervision of children.

422.2.3 In public multiple accommodation toilet rooms urinals shall be located so the urinal and the person using the urinal can not be viewed from outside the toilet room.

E. Section 612 dealing with residential fire sprinkler systems is deleted. Refer to Chapter 15.09 of the Newark Municipal Code.

~~F.~~ F. Section 713.0 dealing with access to public sewers is replaced in its entirety with the following:

713.0 Where Required. All plumbing fixtures that have a waste connection, such as toilets, water closets, urinals, sinks, lavatories, drinking fountains and industrial equipment shall have their waste lines connected to the public sewer system.

G. Section 1101.12 dealing with roof drains is amended by adding the following:
1101.12.3 Roof Drainage Discharge. Roof drainage shall not drain directly into storm drain piping unless first approved by the City Engineer.

~~Title 15~~ Chapter 15.17

~~FIRE PREVENTION~~ FIRE CODE

~~Chapter~~

Sections

- ~~15.32.010~~ 15.17.010 California Fire Code adopted by reference.
~~15.32.020~~ 15.17.020 Fire Department duties – Fire Prevention Bureau established.
~~15.32.030~~ 15.17.030 Definitions.
~~15.32.040~~ 15.17.040 Chapter 9 amended – Fire protection systems.
~~15.32.050~~ 15.17.050 Chapter 56 amended – Explosives and fireworks.
~~15.32.060~~ ~~Appendix D amended – Fire apparatus access roads.~~
~~15.32.142~~ ~~Fireworks other than safe and sane fireworks prohibited.~~
~~15.32.190~~ 15.17.190 Permit fees.
~~15.32.200~~ 15.17.200 Violation deemed infraction.

~~15.32~~17.010 California Fire Code adopted by reference.

A certain document, entitled “~~2013~~ 2016 California Fire Code” including Sections 103, 108, 112 and 503, ~~Appendix Chapter B relating to fire flow requirements of buildings, Appendix Chapter C relating to fire hydrant locations and distribution, Appendix Chapter D relating to fire apparatus access roads, and Appendix Chapter K-N dealing with temporary haunted houses, ghost walks, and similar amusement uses, published by the International Code Council and amended and adopted by the state of California as the ~~2013~~ 2016 edition California Fire Code, is adopted by reference as the fire code of the city pursuant to the provisions of Government Code Section 50020 et seq., state of California, except as modified in this chapter.~~

~~15.32~~17.020 Fire department duties - Fire prevention bureau established.

A. The California Fire Code shall be enforced by the fire department of the city or a duly authorized outside fire prevention agency and shall be operated under the supervision and direction of the fire chief.

B. The officer in charge of the fire prevention bureau and activities of the fire department shall be known as the fire marshal and shall be appointed by the Fire Code Official.

C. The Fire Code Official may detail such members of the fire department to fire prevention activities as the fire chief deems necessary. (Ord. 381 [part], 2002; Ord. 340 § 1 [part], 1998)

~~15.32~~17.030 Definitions.

Whenever the following words are used in the code adopted by reference in this chapter they shall have the meanings ascribed to them as follows:

A. “Fire Department” means the City of Newark Fire Department or a duly authorized fire prevention agency.

B. All reference to the International Fire Code means the current adopted edition of the California Fire Code.

C. "Zoning ordinance" means the ordinance as defined in Title 17, Zoning, of the Newark Municipal Code. (Ord. 381 [part], 2002; Ord. 352 § 8 [part], 1998; Ord. 340 § 1 [part], 1998)

(Ord. 381 [part], 2002)

15.3217.040 Chapter 9 amended—Fire protection systems.

A. Chapter 9, Section 901 of the California Fire Code is amended by addition of Section 901.2.2 Plans, as follows:

901.2.2 Plans. Complete plans and specifications for fire, smoke, and hazardous materials alarm systems; fire-extinguishing systems, including automatic sprinklers, wet and dry standpipes; halon systems and other special types of automatic fire-extinguishing systems; basement pipe inlets; and other fire protection systems and appurtenances thereto shall be submitted to the fire department for review and approval prior to system installation. Plans and specifications for fire, smoke, and hazardous materials alarm systems shall include, but not be limited to, a floor plan; location of all alarm initiating and alarm signaling devices, alarm control and trouble signaling equipment; annunciation; power connection; battery calculations; and manufacturer, model numbers, and listing information for all equipment, devices, and materials.

B. Chapter 9, Section 903 is amended by replacing section 903.2 with the following:

Section 903.2 is deleted in its entirety. Refer to Section 903.2 of the California Building Code as amended by Chapters 15.08.020 and 15.09.020 of the Newark Municipal Code which reads as follows:

Section 903 dealing with the requirement for fire sprinkler systems is amended by replacing subsection 903.2 in its entirety with the following:

~~§~~903.2 Where required. Approved automatic fire sprinkler systems shall be installed in buildings under the following conditions:

~~§~~903.2.1 All new construction, except one- and two-family dwellings and townhouses and ~~H, I and L~~ occupancies, which exceeds 1,000 square feet in floor area, or if exterior walls are not present, then 1,000 square feet of projected roof area.

~~§~~903.2.2 All existing buildings except one- and two-family dwellings and townhouses and when there is a change in the occupancy group, except for H occupancies, as defined by Chapter 3 when such change in occupancy group exceeds 50 percent of the total building area in square feet or 12,000 square feet, whichever is the lesser, in any five year period.

~~§~~903.2.3 All existing buildings and additions to existing buildings, except for one- and two-family dwellings and townhouses and H occupancies, when such additions are more than 50 percent of the existing building measured in square feet of floor area, or if exterior walls are not present, then measured in square feet of projected roof area, or 12,000 square feet of additional floor area, whichever is the lesser, provided that there is no occupancy group change. Such added area shall be the accumulated square foot of floor area occurring over any five year period.

~~§~~903.2.4 Existing buildings except one- and two-family dwellings and townhouses and not currently equipped with an automatic fire extinguishing system in which a change in occupancy resulting in the creation of a Group H, ~~I or L~~ occupancy ~~or any division within a Group H occupancy.~~

~~§~~903.2.5 Newly constructed ~~and existing one- and two-family dwellings and townhouses~~ and detached structures accessory to one- and two-family dwellings and townhouses shall be equipped with an automatic fire sprinkler system as required in Section R309.6 of the California Residential Code modified by the Newark Municipal Code.

~~§~~903.2.6 Additions to existing buildings except one- and two-family dwellings and townhouses, currently equipped with an automatic fire extinguishing system.

~~§~~903.2.7 ~~Areas of modifications to existing buildings, except one- and two-family dwellings and townhouses, currently equipped with an automatic fire extinguishing system. The extent of the modifications to the existing automatic fire extinguishing system shall be determined by the Building Official based upon the extent of the modifications to the existing structure. Modifications to the structure can include a change in the fire load.~~

~~§~~903.2.8 Automatic residential fire sprinkler systems shall be installed in new one- and two-family dwellings and townhouses in accordance with Section R313.3 of the California Residential Code or NFPA 13D.

~~§~~903.2.9 An automatic residential fire sprinkler system shall be installed in existing one- and two-family dwellings and townhouses in accordance with Section R313.3 of the California Residential Code or NFPA 13D when the construction value of any repair, reconstruction, addition, alteration, or improvement, or any combination thereof, exceeds 80 percent of the market value of the dwelling structure either before the improvement or repair is started, or, if the dwelling has been damaged and is being restored, before the damage occurred. Construction value shall include all permitted improvements which have occurred within the five previous years of the most recently issued building permit. Damage includes damage resulting from fire, flood, earthquake, or demolition.

903.2.9 Any building housing H, I, and L occupancies of any size.

903.2.10 Throughout existing buildings not currently protected by an automatic fire sprinkler system when any portion of the building is converted to an H, I, or L occupancy of any size or when an addition to such building is made which contains an H, I, or L occupancy of any size.

903.2.11 Throughout existing buildings not currently protected by an automatic fire sprinkler system when high pile combustible storage is installed or utilized.

903.2.12 In ducts conveying hazardous materials, or flammable material or vapors, in buildings not currently protected by an automatic fire sprinkler system.

903.2.13 Any dwelling utilized as a residential care facility where any client incapable of self-preservation is housed on any floor other than the ground floor or where there are four or more clients incapable of self-preservation housed in the dwelling.

Section 903.6 dealing with the requirement for fire sprinkler systems in existing buildings and structures is amended by replacing subsection 903.6 in its entirety with the following:

903.6 Where Required. An automatic sprinkler system shall be provided in existing buildings and structures where required by Chapters 15.08.020 and 15.09.020 of the Newark Municipal Code.

C. Section 907 Fire Alarm and Detection Systems is amended by adding the following:

907.1.6 Definitions

ALARM/ALARM SYSTEM means any device or system designated to signal the activation of a fire suppression system, fire, smoke, or hazardous materials detection system, or manual fire alarm system by emitting a signal which can be perceived on the premises and

outside of the protected premises and/or at a remote location with subsequent notification of such signal to which the Fire Department is dispatched on an emergency response.

ALARM USER means any person on whose premises an alarm system is maintained within the City.

FALSE ALARM means the activation of an alarm system through mechanical failure; malfunction; improper installation, maintenance or operation; or the negligence of the owner, lessee, or their employees or agents. Such terminology does not include, for example, alarm activation caused by earthquakes, violent storms, power fluctuations, or other violent uncontrollable acts of nature.

D. Section 907 Fire Alarm and Detection Systems is amended by adding the following:

907.10 False Alarms

907.10.1. Malfunctions of any sprinkler alarm, or other fire protection or emergency alarm system resulting in an alarm and emergency dispatch of the Fire Department will be subject to a “false alarm” fee as established by resolution of the City Council.

907.10.2. During the thirty days following any new alarm installation, the Fire Code Official shall determine if the false alarms emanating from such new installation are excessive.

907.10.3. After the initial thirty day period following a new alarm installation, more than three false alarms within a calendar year are excessive and will be charged as false alarms.

E. Section 904.2 dealing with automatic fire sprinkler system in malls is amended by deleting the exception.

F. Section 904.4.1 dealing with automatic fire sprinkler systems in atriums is amended by deleting all exceptions.

G. Section 914.6.1 dealing with automatic fire sprinkler systems at stages is deleted.

H. Section 914.11 dealing with automatic fire sprinkler systems in certain care facilities is amended by replacing Section 914.11.1 in its entirety with the following:

914.11.1 Automatic sprinkler system. Every facility as specified herein, regardless of floor area, wherein more than six clients or patients are housed or cared for on a 24-hour per-day-basis shall have installed and maintained in an operable condition throughout the entire building an automatic sprinkler system of a type approved by the state fire marshal. The provisions of this subsection shall apply to every person, firm or corporation establishing, maintaining or operating a hospital, children’s home, children’s nursery or institution, or a home or institution for the care of aged or persons with dementia or other cognitive impairments, or any institution for persons with mental illness or persons with developmental disabilities and any nursing or convalescent home.

(Ord. 381 [part], 2002: Ord. 352 § 8 [part], 1999: Ord. 340 § 1 [part], 1998)

15.3217.050 Chapter 56 amended - Explosives and fireworks.

Chapter 56 is amended by ~~replacing it in its entirety with the following~~ adding Section 5614 as follows.

SECTION 5601 - GENERAL

~~5601.1 Scope. For explosives requirements see California Code of Regulations, Title 19, Division 1, Chapter 10. For fireworks requirements see California Code of Regulations, Title 19, Division 1, Chapter 6.~~

~~Exceptions:~~

- ~~1. The Armed Forces of the United States, Coast Guard or National Guard.~~
- ~~2. Explosives in forms prescribed by the official United States Pharmacopoeia.~~
- ~~3. The possession, storage and use of small arms ammunition when packaged in accordance with DOT packaging requirements.~~
- ~~4. The use of explosive materials by federal, state and local regulatory, law enforcement and fire agencies acting in their official capacities.~~
- ~~5. Items preempted by federal regulations.~~

~~5601.1.1 Explosives. The possession, manufacture, storage, sale handling, and use of explosives are prohibited~~

~~EXCEPTION: Possession, storage, handling, and use of explosives for test and research purposes are allowed when approved by the fire code official.~~

~~5602~~ **5614** Fireworks

~~5602.1~~ **5614.1** Definitions. For the purpose of this Chapter the phrases “fireworks,” “dangerous fireworks,” and “safe and sane fireworks” shall have the meanings ascribed to them in Sections 12511, 12505, and 12529 of the Health and Safety Code of the state of California.

~~5602.2~~ **5614.2** Storage of safe and sane fireworks:

~~5602.2.1~~ **5614.2.1** Safe and sane fireworks in excess of five pounds shall not be stored at any one location in the City of Newark.

EXCEPTIONS:

1. A maximum of one day’s sales supplies of safe and sane fireworks, per stand, may be stored in a safe and sane fireworks stand for which a permit has been issued, or in a tamper resistant metal container approved by the Fire Code Official, pursuant to this Article.
2. If the stand closes at any time, the safe and sane fireworks, in excess of five pounds, may be stored in the booth with an adult guard, 18 years or older on the premises at all times.
3. Safe and sane fireworks stands shall not be located in areas zoned residential or General Industrial.
4. The ~~Fire Code Official~~ **City Community Development Director** shall determine that the locations of the safe and sane fireworks stands do not have unsightly, undesirable, or obnoxious qualities that are not harmonious with, or are not properly related to their sites, surroundings and traffic circulation in the vicinity, or which would not meet the specific intent of the Zoning Code.

~~5602.3~~ **5614.3** Prohibition

~~5602.3.1~~ **5614.3.1** The manufacture, sale, or discharge of safe and sane fireworks within the jurisdictional area is prohibited except under special permits as are required by local and state regulations.

EXCEPTIONS

1. A permit is not required for the discharge of safe and sane fireworks as described in Section 12529 of the Health and Safety Code.
2. Nothing in this section shall be construed to prohibit the discharge of safe and sane fireworks by railroads or other transportation agencies for signal purposes of illumination, or discharge of blank cartridges for a show or theater, or for use by military organizations.

~~5602.4~~ **5614.4** Sale of safe and sane fireworks

~~5602.4.1~~ **5614.4.1** Annual permit required: any organization desiring to sell or to offer for sale safe and sane fireworks shall annually make application to the Fire Code Official for a permit to sell safe and sane fireworks.

~~3302.4.2~~ **5614.4.2** Application for Permit:

1. Shall be made in writing at the office of the Fire Marshal of the City of Newark, accompanied by the permit fee.
2. Shall be made during regular office hours, between the fifteenth day of April and the fifteenth day of May of each year.
3. Shall set forth the proposed location of the safe and sane fireworks stand applied for.
4. Shall be accompanied by an assurance that if the permit is issued to the applicant, applicant shall, at the time of receipt of such permit, deliver to the Fire Code Official a general liability insurance policy or endorsement adding or specifying the City, its officers, employees, and volunteers as “insureds” and within the scope and limits as set by the Fire Chief.

~~5602.5~~ **5614.5** Annual Permit. An annual permit shall only be issued to any organization meeting the following requirements:

~~5602.5.1~~ **5614.5.1** Nonprofit organization organized primarily for veteran, patriotic, welfare, youth activity, civic betterment, or charitable purpose within the City of Newark.

~~5602.5.2~~ **5614.5.2** The organization shall have its principal place of business and permanent meeting place within the City limits of the City of Newark.

~~5602.5.3~~ **5614.5.3** The organization shall have been organized for a minimum of one (1) year continuously preceding the filing of the application for the permit.

~~5602.5.4~~ **5614.5.4** The organization shall have at least twenty (20) regular and active participants, volunteers, or members with a minimum of fifty percent (50%) of those regular and active participants, volunteers, or members being bona fide residents of the City of Newark. For purposes of this section, a “member” need not be a “member” as defined by California Corporations Code Section 5056.

~~5602.5.5~~ **5614.5.5** The organization shall obtain a business license from the City of Newark.

~~5602.6~~ **5614.6** Operation of Stand

~~5602.6.1~~ **5614.6.1** No person other than the permittee organization shall operate the stand for which the permit is issued, or share or otherwise participate in the profits of the operation of such stand.

~~5602.6.2~~ **5614.6.2** No person other than individuals who are members, regular and active participants, volunteers, or other persons supportive of the activities of the permittee

organizations, or a spouse or adult child of such a person, shall sell or otherwise participate in the sale of safe and sane fireworks at such stand.

~~5602.6.3~~ 5614.6.3 No person shall be paid any money or other consideration for selling or otherwise participating in the sale of safe and sane fireworks at such stand.

~~5602.6.4~~ 5614.6.4 All retail sales of safe and sane fireworks shall be permitted only from within a temporary safe and sane fireworks stand. The sale from any other building or structure is hereby prohibited.

~~5602.7~~ 5614.7 Temporary Safe and Sane fireworks Stands

~~5602.7.1~~ 5614.7.1 No safe and sane fireworks stand shall be located within 25 feet of another building or within 100 feet of any flammable liquid or gas storage or dispensing unit.

~~5602.7.2~~ 5614.7.2 All safe and sane fireworks stands shall be erected in a manner approved by the Fire Marshal in order to reasonably ensure the safety of attendants and patrons.

~~5607.3~~ 5614.7.3 No stand shall have a floor area in excess of 300 square feet.

~~5602.7.4~~ 5614.7.4 Each stand shall have at least two remote exits three feet in width and not less than six feet eight inches in height. All doors shall swing out.

~~5602.7.5~~ 5614.7.5 Each stand shall be provided with two 2-A rated fire extinguishers bearing a valid inspection tag and in good working order. Extinguishers shall be easily accessible for use in case of fire.

~~5602.7.6~~ 5614.7.6 "No smoking" signs shall be conspicuously posted at the stand.

~~5602.7.7~~ 5614.7.7 Merchandise shall be displayed in such a manner that it cannot be handled by patrons reaching over the selling counter or through other openings in the stand.

~~5602.7.8~~ 5614.7.8 All electrical wiring will require a permit from the City Building Inspection Division prior to any installation.

~~5602.7.9~~ 5614.7.9 Decorative material, canvas tops, screening, etc., shall be flame retardant or rendered to the satisfaction of the Fire Code Official.

~~5602.7.10~~ 5614.7.10 All weeds and combustible material shall be cleared from within a 25 foot minimum area surrounding the stand.

~~5602.7.11~~ 5614.7.11 Each stand shall be located only at those locations in compliance with the City Zoning Ordinance.

~~5602.7.12~~ 5614.7.12 A maximum of one day's sales supplies of safe and sane fireworks, per stand, may be stored in a safe and sane fireworks stand for which a permit has been issued, or in a tamper resistant metal container approved by the Fire Code Official, pursuant to this Chapter.

~~5602.7.13~~ 5614.7.13 If the stand closes at any time, the safe and sane fireworks, in excess of five pounds, may be stored in the booth with an adult guard, 18 years or older on the premises at all times.

~~5602.7.14~~ 5614.7.14 Safe and sane fireworks stands shall not be located in areas zoned residential or General Industrial.

~~5602.7.15~~ 5614.7.15 The Fire Code Official shall determine that the locations of the safe and sane fireworks stands do not have unsightly, undesirable, or obnoxious qualities that are not harmonious with, or are not properly related to their sites, surroundings and traffic circulation in the vicinity, or which would not meet the specific intent of the Zoning Code.

~~5602.8~~ 5614.8 General Requirements

~~5602.8.1~~ 5614.8.1 The sale of safe and sane fireworks shall be from 12:00 noon to 9:00 p.m. on the 28th day of June and 8:00 a.m. to 9:00 p.m. June 29 through July 4. The use of

safe and sane fireworks shall be from midnight June 30 to midnight July 4.

~~5602.8.2~~ 5614.8.2 All unsold stock and accompanying litter shall be removed from the location by 12 Noon on the sixth day of July.

~~5602.8.3~~ 5614.8.3 The safe and sane fireworks stand shall be removed from the location by the twelfth of July.

~~5602.8.4~~ 5614.8.4 The sale of safe and sane fireworks shall not be made to any person or persons under the age of 18.

~~5602.8.5~~ 5614.8.5 Prior to the sale, in the event that a prospective purchaser appears or would appear to a reasonable person to be under the age of thirty (30), the permittee shall require the prospective purchaser to show proof of age by displaying a motor vehicle operator's license, a registration certificate issued by the Federal Selective Service Act, an identification card issued to a member of the Armed Forces, or a similar document bearing the picture or likeness of the purchaser. Any permittee that sells safe and sane fireworks to any person under the age of 18 or, in the event that a prospective purchaser appears or would appear to a reasonable person to be under the age of thirty (30), fails to require the prospective purchaser to show proof of age as required herein, shall be guilty of an infraction. Pursuant to Title 7 of the Newark Municipal Code, an Administrative Citation may be issued for the violation. Each sale to any person under the age of 18 shall be deemed a separate violation. In addition the sale of safe and sane fireworks to any person under the age of 18 is declared a public nuisance subject to abatement pursuant to Title 7 of this Code subjecting the permittee to administrative penalties up to \$1,000 per day per violation to a maximum of \$100,000, and to recovery of all costs of abatement and enforcement as provided in Title 7.

~~5602.8.6~~ 5614.8.6 In addition to the foregoing, in the event of multiple violations or other evidence of a course of conduct in conscious or reckless disregard of the requirements of this section, the permittee may be deemed ineligible for a safe and sane fireworks booth permit in subsequent years. The Fire Code Official shall make the decision of ineligibility. The permittee may appeal that decision by requesting an administrative hearing to be held by the City Manager's designated Hearing Officer. The hearing shall be conducted pursuant to the rules of procedure set forth in Chapter 7.22 of the Newark Municipal Code. The Hearing Officer's decision shall be the final decision of the City of Newark. (Ord. 403 § 1, 2004; Ord. 388 § 1, 2003; Ord 384 § 1, 2003; Ord. 381 [part], 2002; Ord. 340 § 1 [part], 1998)

~~SECTION 5608—FIREWORKS DISPLAY~~ 5614.9 Fireworks Display

~~5608.1~~ 5614.9.1 General. Outdoor fireworks displays, use of pyrotechnics before a proximate audience and pyrotechnic special effects in theatrical and group entertainment productions shall comply with California Code of Regulations, Title 19, Division 1, Chapter 6 Fireworks.

~~5608.1.1~~ 5614.9.2 Scope. Fireworks and temporary storage, use, and handling of pyrotechnic special effects material used in motion pictures, television, and theatrical and group entertainment productions shall be in accordance with California Code of Regulations, Title 19, Division 1, Chapter 6 Fireworks.

~~5608.2~~ 5614.9.3 Permits Required. The permittee shall furnish a general liability insurance policy of endorsement adding the City, its officers, employees, and volunteers as "insureds" and within the scope and limits as set by the ~~Fire Code Official~~ Community Development Director. Said policy is to cover payments for all damages, which may be caused

to a person or persons or to property by reason of the permitted display and arising from any acts of the permittee, his agents, employees, or subcontractors.

~~15.32.060 Appendix D amended – Fire apparatus access roads.~~

~~Appendix D, Figure D103.1 dealing with dead end fire apparatus access road turnarounds is amended by changing the 60 foot dimensions on the 60’ “Y” and 120’ Hammerhead diagrams to 70 feet and changing the 70 foot dimension on the “Acceptable Alternative” diagram to 80 feet.~~

~~15.32.142~~ **5614.9.4** Fireworks other than safe and sane fireworks prohibited.

Except as provided in this section, it is unlawful for any person, corporation, or entity to possess, store, offer for sale, expose for sale, sell at retail or wholesale, use, discharge, or explode any fireworks except “safe and sane fireworks” as described in Section 12529 of the Health and Safety Code. Violation of this section is punishable as an infraction. (Ord. 370 § 1, 2001)

~~15.32~~ **17.190** Permit fees.

Whenever a permit is required pursuant to the California Fire Code as adopted by this chapter or any amendment thereto, the city council may establish fees for the issuance of the required permit by resolution. (Ord. 340 § 1 [part], 1998)

~~15.32~~ **17.200** Violation deemed infraction.

Violation or failure to comply with any provision of this chapter constitutes an infraction. (Ord. 340 § 1 [part], 1998)

Chapter 15.18

CALIFORNIA REFERENCED STANDARDS CODE

Sections:

15.18.010 California Referenced Standards Code adopted by reference.

15.18.010 California Referenced Standards Code adopted by reference.

A certain document entitled, "~~2013~~ 2016 California Referenced Standards Code," published by the International Code Council is adopted by reference pursuant to the provisions of Government Code Section 50020 et seq., State of California.

Chapter 15.20

CALIFORNIA HISTORICAL BUILDING CODE

Section:

15.20.010 California Historical Building Code adopted by reference.

15.20.010 California Historical Building Code adopted by reference.

A certain document entitled, "~~2013~~ 2016 California Historical Building Code," published and adopted by the state of California is adopted by reference pursuant to the provisions of Government Code Section 50020 et seq., state of California.

Chapter 15.21

CALIFORNIA EXISTING BUILDING CODE

Sections:

15.21.010 California Existing Building Code adopted by reference.

15.21.020 Amendments.

15.21.010 California Existing Building Code adopted by reference.

A certain document entitled, "2016 California Historical Building Code," including Appendix Chapter A1, relating to unreinforced masonry buildings, Appendix Chapter A3, relating to anchorage of wood framed residential buildings, and Appendix Chapter A4, relating to risk reduction in soft story wood framed buildings, published by the International Code Council and amended and adopted by the state of California is adopted by reference pursuant to the provisions of Government Code Section 50020 et seq., state of California, except as modified in this chapter.

15.21.020 Amendments.

The construction code adopted by reference in this chapter is amended by the following additions, deletions and amendments thereto set forth in this chapter.

A. Section 104.10.1 dealing with flood hazard areas is deleted. Refer to Chapter 15.40.

B. Section 403.2 dealing with flood hazard areas is deleted. Refer to Chapter 15.40.

Chapter 15.22

CALIFORNIA ENERGY CODE

Section:

15.22.010 California Energy Code adopted by reference.

15.22.010 California Energy Code adopted by reference.

A certain document entitled, "~~2013~~ 2016 California Energy Code," published and adopted by the state of California is adopted by reference pursuant to the provisions of Government Code Section 50020 et seq., state of California.

Chapter 15.23

CALIFORNIA GREEN BUILDING STANDARDS CODE

Sections

15.22.010 California Green Building Standards Code adopted by reference.

15.22.010 California Green Building Standards Code adopted by reference.

A certain document, entitled "~~2013~~ 2016 California Green Building Standards Code", published and adopted by the state of California, is adopted by reference pursuant to the provisions of Government Code Section 50020 et seq., state of California.

**F.2 Approval of Community Development Department reorganization and addition of Deputy Community Development Director and Economic Development Manager positions – from Assistant City Manager Grindall.
(RESOLUTIONS- 5)**

Background/Discussion – The Community Development Department has had extremely limited staffing for more than a decade. There has only been three planning professionals: a Community Development Director, a Planning Manager, and a Planner. The limited planning staffing has left the Department extremely vulnerable to an illness or vacant position. The bare bones staffing has meant slower responses to the public, and slower processing of development applications. The Department has also been unable to devote the appropriate attention to economic development, community marketing, and housing issues. Newark has not had a position devoted to economic development activity for many years; these important activities were conducted by department management when time was available.

Recently, due to difficulties in finding qualified staff and urgent workload issues, the Community Development Department under-filled the vacated Planning Manager position with an Associate Planner. This left the direct supervisory role for all staff being with the Assistant City Manager/Community Development Director. This approach was intended as an interim solution to address the backlog in planning activity. It was envisioned at that time that a more permanent solution would be developed.

It is proposed that the Community Development Department be reorganized to provide increased service, resilience, and succession opportunities. A new Deputy Community Development Director position would be created to directly supervise planning, community preservation, and administrative staff. An Economic Development Manager position would be created to work directly with the Assistant City Manager/Community Development Director to advance economic development activities and community marketing.

This additional staffing would respond to the heavy workload, allow for major General Plan Zoning Code initiatives such as the ongoing zoning update, and the Old Town Specific Plan. The added staffing would allow for faster processing times, allow for more proactive affordable housing efforts, and expand community marketing and business retention/attraction efforts. These positions will allow the Director to focus on high level projects/plans and economic development and community marketing. The Deputy Community Development Director position provides succession for the director level and would serve as the Director in his/her absence.

The City collects a developer impact fee, entitled Community Development Maintenance Fee, which is intended to support the update and implementation of the General Plan and Zoning Ordinance. It has been used for consultant activities but the fee also allows support for City staff's efforts to maintain and implement these documents. An adjustment

would be made in the activity codes of existing staff to separate out the activities that are eligible for impact fee funding. Impact fee funds would be used to support the eligible activities of existing and proposed staff. A budget amendment would be needed to adjust activity codes for planning staff to reflect the level of activity on General Plan and Zoning maintenance and implementation. As a result of the adjustment in activities by position, there would only be a nominal net increase in General Fund resources required.

Attachments

Action – It is recommended that the City Council approve, by resolutions: (1) amending Resolution No. 2505, Employee Classification Plan, to add one new classification entitled Deputy Community Development Director; (2) amending Resolution No. 10401, the Compensation and Benefit Plan for City Officials and The Management, Supervisory, and Professional Employee Group to add one new classification, entitled Deputy Community Development Director; (3) amending Resolution No. 2505, Employee Classification Plan, to add one new classification entitled Economic Development Manager, (4) amending Resolution No. 10401, The Compensation And Benefit Plan For City Officials And The Management, Supervisory, And Professional Employee Group to add one new classification, entitled Economic Development Manager; (5) amending the 2016-2018 Biennial Budget to revise the planning activity, add the Community Development Maintenance activity, add one Economic Development Manager position and one Deputy Community Development Director position, revise activity allocations of existing community development staff and amend the budget for the activities.

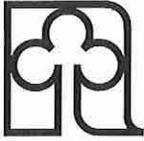
RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWARK AMENDING RESOLUTION NO. 2505, EMPLOYEE CLASSIFICATION PLAN, TO ADD ONE NEW CLASSIFICATION ENTITLED DEPUTY COMMUNITY DEVELOPMENT DIRECTOR

BE IT RESOLVED by the City Council of the City of Newark that Resolution No. 2505, adopting an Employee Classification Plan, be amended as set forth in the following, effective October 13, 2016:

ADD

Classification Title	Classification Code
DEPUTY COMMUNITY DEVELOPMENT DIRECTOR	137



Class Code: 137
WP Code: Dep Com Dev Dir
Established: 09/16
Revised: _____
EEO Code: PROF

CLASS SPECIFICATION

City of Newark, California

Deputy Community Development Director

DEFINITION – Under direction of the Community Development Director, administers specified Community Development activities including, and community preservation; complex professional planning activities, such as serving as project manager for complex development and land use applications; provides professional information and assistance to the Director, the Planning Commission, the City Council, developers, contractors and general public; performs a variety of studies and prepares and presents staff reports; serves on review committees; and performs related work as required. Position directly supervises all Planning, Community Preservation and administrative staff and serves as Community Development Director in his/her absence.

DISTINGUISHING CHARACTERISTICS – This class is the management level in the professional planning classification series with responsibilities spanning the full spectrum of planning functions encountered by a developing City, including planning, code enforcement, Community Development block Grants (CDBG) and Housing. Performance of the work requires an extensive professional background as well as skills in coordinating assignments with those of other City departments and public agencies. The class is distinguished from the Director in that the latter has responsibility for economic Development and overall Community Development functions and for developing, implementing and interpreting public policy. The Deputy Community Development Director is direct supervisor of both professional and administrative staff.

EXAMPLES OF ESSENTIAL DUTIES - Duties may include but are not limited to the following:

Supervise both professional and administrative staff.

Provide timely, accurate and thorough Performance Reviews for supervised employees.

Guide staff in the review of applications for residential, commercial and industrial development; evaluation of alternatives and conformance with City policies, ordinances, the General Plan and state and federal laws; preparation and present staff reports to the Planning Commission and City Council regarding such applications.

Provide direction to staff and consultants regarding compliance with the California Environmental Quality Act (CEQA).

Serve as project manager for complex planning projects, including analyzing and evaluating site and architectural plans, performing technical review for project plans and applications and making recommendations; manage consultant contacts including determining scope of work and budgets, tracking budgets and approving contract payments.

Deputy Community Development Director

Update and create long-range planning documents such as the City's General Plan and other assigned plans; prepare modifications to specific General Plan elements, and Zoning Ordinance Update.

Review applications for zoning variances and other occupancies for conformance to applicable ordinances and policies.

Prepare written project analysis including identifying appropriate land use policy, design issues and environmental requirements; makes recommendations for action.

Serve as staff liaison for review boards, ad-hoc committees and elected officials, including providing technical advice and giving presentations.

Confer with and provide information to property owners, contractors, developers, engineers, architects and the public regarding conformance to standards, plans specifications and codes; explains codes, requirements and procedures and evaluates alternatives.

Manage affordable housing efforts including the acquisition of property and coordination with non-profit and for profit affordable housing providers.

Prepared and implement affordable housing programs.

Conduct site inspections, including determining if projects are in compliance with laws, regulations, and ordinances, makes recommendations on changes.

Perform other duties of similar nature or level.

MINIMUM QUALIFICATIONS

Knowledge of: (at entry)

Principles, practices and procedures related to City and regional planning and zoning administration, including applicable laws and regulations.

Comprehensive plans and current planning and the development process.

Principles, practices and procedures of environmental regulations including the California Environmental Quality Act (CEQA).

Computer applications related to the work.

Supervisory techniques.

Practices of researching planning issues, evaluating alternatives, making sound recommendations, and preparing and presenting effective staff reports.

Deputy Community Development Director

Project management techniques.

Techniques for effectively representing the City with governmental agencies, community groups, business, professional and regulatory bodies and with property owners, developers, contractors and the general public.

Ability to: (at entry)

Administer complex current and advanced planning and zoning conformance activities in an independent and effective manner.

Conduct complex planning research projects, evaluate alternatives, make sound recommendations and prepare effective technical staff reports.

Manage projects and conduct site inspections.

Interpret, apply and explain complex laws, codes, regulations and ordinances.

Effectively represent the department and the City in meetings with governmental agencies, community groups and various business, professional and regulatory organizations, and in meetings with individuals.

Conduct zoning studies and interpret City zoning laws, regulations and codes.

Read blueprints and site plans and conduct site inspections.

Communicate effectively with officials, co-workers, subordinates, the general public, representatives of organizations and others sufficient to exchange or convey information and receive work direction.

Experience and Training

Any combination of experience and training that would provide the required knowledge and abilities is qualifying. A typical way to obtain the required knowledge and abilities would be:

Experience:

Six years of planning related experience, this includes three years supervisory experience.

Training:

Equivalent to a Bachelor's degree from an accredited college or university with major coursework in city, urban or environmental planning, architecture or a field related to the area of assignment.

Deputy Community Development Director

License or Certificate

At the option of the appointing authority or the City, persons hired into this class may be required either to possess at entry or obtain within specified time limits designated licenses, professional registration, certification or specialized education and training related to the area of assignment.

Must possess and maintain a valid Class C California driver's license and a satisfactory driving record.

Physical Requirements and Working Conditions

Must possess mobility to work in a standard office setting and to use standard office equipment, including a computer, and to attend meetings days and evening, at various sites within and away from the City and to inspect various work, building or construction sites; strength to lift and carry materials and equipment up to 25 pounds.

Probationary Period: 12 Months

FLSA: Exempt

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWARK AMENDING RESOLUTION NO. 10401, THE COMPENSATION AND BENEFIT PLAN FOR CITY OFFICIALS AND THE MANAGEMENT, SUPERVISORY, AND PROFESSIONAL EMPLOYEE GROUP TO ADD ONE NEW CLASSIFICATION, ENTITLED DEPUTY COMMUNITY DEVELOPMENT DIRECTOR

BE IT RESOLVED by the City Council of the City of Newark that Resolution No. 10401, The Compensation and Benefit Plan for City Officials and the Management, Supervisory, and Professional Employee Group, be amended to add one new classification as follows, effective October 13, 2016:

ADD

Add Classification Title	Salary Range
Deputy Community Development Director	17

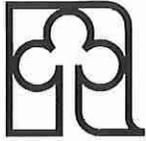
RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWARK AMENDING RESOLUTION NO. 2505, EMPLOYEE CLASSIFICATION PLAN, TO ADD ONE NEW CLASSIFICATION ENTITLED ECONOMIC DEVELOPMENT MANAGER

BE IT RESOLVED by the City Council of the City of Newark that Resolution No. 2505, adopting an Employee Classification Plan, be amended as set forth in the following, effective October 13, 2016:

ADD

Classification Title	Classification Code
ECONOMIC DEVELOPMENT MANAGER	118



Class Code: 118
WP Code: Econ Dev Mgr
Established: 10/16
Revised: _____
EEO Code: PROF

CLASS SPECIFICATION

City of Newark, California

Economic Development Manager

DEFINITION: Under general direction from the Community Development Director, performs complex professional level assignments for the Community Development Department involving research, design, implementation, and monitoring of programs encouraging economic development in the City of Newark. Work includes but is not limited to developing and administering plans and programs related to commercial and industrial business attraction, retention and expansion; marketing; basic financial and economic analysis; branding and event coordination; and other duties related to the administration of programs and projects, as well as related work as assigned.

Reports to the Community Development Director and is expected to work independently and with minimal supervision. May exercise indirect supervision of consultants, support, technical and professional staff.

DISTINGUISHING CHARACTERISTICS: This class performs a variety of professional, administrative duties in managing the City's economic development program. The incumbent in this class will be expected to develop a close relationship with other City officials and with other governmental, civic and business groups.

EXAMPLES OF ESSENTIAL DUTIES: Duties may include but are not limited to the following:

Administer economic development projects and programs from conception, design, budget development, implementation, and general financial overview, to final effectiveness evaluation.

Act as liaison between developers and businesses in the evaluation of real estate developments, and landlords/brokers and potential tenants in pursuing leasing of commercial vacancies.

Plan, schedule and coordinate real estate, marketing, site development, and business development programs, including developing marketing strategy and materials and preparing public information materials.

Utilize social media to promote the community.

In consultation with the City Attorney, assist in the resolution of legal, financial, environmental and technical real estate issues involved in development projects and commercial leasing opportunities.

Encourage and facilitate development by communicating with citizens groups, individuals, and public and private organizations.

Conduct field investigations of development sites.

Economic Development Manager

Collect, compile, organize, and analyze data for use in economic development programs and development objectives.

Prepare comprehensive reports, proposals, and studies related to economic development opportunities and implementation activities.

Represent the City at a wide variety of community meetings.

Make written and verbal presentations to the City Council, Planning Commission, outside organizations and community meetings.

Monitor legislation related to economic development and make recommendations concerning policy and procedural improvements.

Develop contracts, retain and coordinate the work of engineers, appraisers, architects, etc. for economic development projects.

Identify and prepare applications for grants and other outside funding sources.

Perform other related duties as assigned.

MINIMUM QUALIFICATIONS

Knowledge of (at entry):

Economic development programs and principles including business recruitment, expansion and retention, demographic research, and basic analysis of market conditions and public relations.

Retail recruitment strategies.

Real estate principles, the development process, and project management.

Marketing and promotional practices and strategies, especially related to municipal and community promotions.

Federal, state, and other resources for economic development and business assistance.

Computer applications related to the work.

Techniques for effectively representing the City with governmental agencies, community groups, business, professional and regulatory bodies and with property owners, developers, contractors and the general public.

Economic Development Manager

Ability to (at entry):

Administer complex current and advanced economic development activities in an independent and effective manner.

Effectively apply the principles of economic development to projects and programs.

Effectively manage project assignments, operate within budget allocations, meet deadlines, and hire and manage consultants.

Write clearly and concisely for a variety of audiences, communicate effectively orally, prepare public presentations for a variety of audiences in the business community, including the Chamber of Commerce.

Establish effective relationships with those contacted in the course of work.

Develop and maintain administrative databases, and work with graphics design software.

Effective use of spreadsheets, developing PowerPoint presentations, and generating maps and information from other data sources.

Communicate clearly and concisely, orally and in writing.

Skill in public and interpersonal relations in a group setting or in a one-to-one situation.

Effectively represent the department and the City in meetings with governmental agencies, community groups and various business, professional and regulatory organizations, and in meetings with individuals.

Communicate effectively with officials, co-workers, subordinates, the general public, representatives of organizations and others sufficient to exchange or convey information and receive work direction.

Experience and Training

Sufficient education and experience to satisfactorily perform the duties of this classification. A typical qualifying background would be:

Experience

Two (2) years of experience in economic development, real estate, marketing or planning. Graduate degree in an appropriate field may be substituted for one (1) year of experience.

Training

Equivalent to a Bachelor's degree in Economics, Public Administration, Marketing or Planning.

Economic Development Manager

License or Certificate

At the option of the appointing authority or the City, persons hired into this class may be required either to possess at entry or obtain within specified time limits designated licenses, professional registration, certification or specialized education and training related to the area of assignment.

Must possess and maintain a valid Class C California driver's license and a satisfactory driving record.

Physical Requirements and Working Conditions

Must possess mobility to work in a standard office setting and to use standard office equipment, including a computer, and to attend meetings days and evening, at various sites within and away from the City and to inspect various work, building or construction sites; strength to lift and carry materials and equipment up to 25 pounds.

Probationary Period: 12 Months

FLSA: Exempt

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWARK AMENDING RESOLUTION NO. 10401, THE COMPENSATION AND BENEFIT PLAN FOR CITY OFFICIALS AND THE MANAGEMENT, SUPERVISORY, AND PROFESSIONAL EMPLOYEE GROUP TO ADD ONE NEW CLASSIFICATION, ENTITLED ECONOMIC DEVELOPMENT MANAGER

BE IT RESOLVED by the City Council of the City of Newark that Resolution No. 10401, The Compensation and Benefit Plan for City Officials and the Management, Supervisory, and Professional Employee Group, be amended to add one new classification as follows, effective October 13, 2016:

ADD

Add Classification Title	Salary Range
Economic Development Manager	13

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWARK AMENDING THE 2016-2018 BIENNIAL BUDGET TO REVISE THE PLANNING ACTIVITY, ADD THE COMMUNITY DEVELOPMENT MAINTENANCE ACTIVITY, ADD ONE ECONOMIC DEVELOPMENT MANAGER POSITION AND ONE DEPUTY COMMUNITY DEVELOPMENT DIRECTOR POSITION, REVISE ACTIVITY ALLOCATIONS OF EXISTING COMMUNITY DEVELOPMENT STAFF AND AMEND THE BUDGET FOR THE ACTIVITIES

BE IT RESOLVED by the City Council of the City of Newark that the 2016-2018 Biennial Budget is hereby amended as follows:

1. Revise the description of the 2010 Planning activity as follow:

The Planning activity oversees the orderly physical development of the community. Review of applications for development approvals, communication with citizens and property owners regarding development regulations and requirements conducting community outreach and meetings regarding development projects, and support for the work of the Planning Commission.

2. Add the activity of 2025 Community Development Maintenance with the description as follows:

This activity pertains to the updating and implementation of the General Plan and Zoning Ordinance. In order to allow development, a legally adequate General Plan and Zoning Ordinance is required. This activity also includes Housing Elements updates in compliance with State Law and implementation of planning activities as identified in the General Plan. This activity is fully funded by the Community Development Maintenance Fee.

3. Effective October 13, 2016, add one position of Economic Development Manager, add one position of Deputy Community Development Director, modify the activity allocation of the positions Assistant City Manager and Assistant Planner and delete the position of Planning Manager as follows:

Add New Classification Title	Add New Allocation (Activity Code/%)
(1.0) Economic Development Manager	1050 – 100%
(1.0)	2010-30%

Deputy Community Development Director	2013-20% 2025-50%
(1.0) Associate Planner	2010-70% 2025-30%

Existing Classifications	Revised Allocation (Activity Code/%)
(1.0) Assistant City Manager	1020-35% 1050-15% 2010-15% 2025-35%
(1.0) Assistant Planner	2010-70% 2025-30%

Delete Existing Classification	Allocation (Activity Code/%)
(1.0) Planning Manager	1050-20% 2010-60% 2013-20%

4. Add funding to the Community Development Maintenance and amend the Economic Development and Planning activities as follows:

FROM

010-0000-2991	Unallocated General Fund	\$ 49,000
020-2010-4100	Planning Staff	\$ 23,000
025-0000-2991	Building Inspection Professional and Special Services	\$303,000

TO

025-2025-4100	Community Development Maintenance Staff	\$303,000
010-1050-4100	Economic Development Staff	\$ 72,000

I.1 Reappointment of Faye Hall to the Tri-City Elder Coalition Volunteer Community Board – from Mayor Nagy. (RESOLUTION)

Background/Discussion – The Tri-City Elder Coalition Volunteer Community Board (TCEC) is appointed with representation from senior services providers, non-profit organizations, cultural and faith groups, government, and business. The Board meets 4 times a year and oversees TCEC’s mission and initiatives. The appointment of Faye Hall to the Tri-City Elder Coalition Volunteer Community Board will expire in November. Ms. Hall has requested a two year reappointment.

Attachment

Action - It is recommended that the City Council, by resolution, reappoint Faye Hall to the Tri-City Elder Coalition Volunteer Community Board.

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
NEWARK REAPPOINTING FAYE HALL TO THE TRI-CITY
ELDER COALITION VOLUNTEER COMMUNITY BOARD

WHEREAS, Faye Hall, has served as the City of Newark's representative on the Tri-City Elder Coalition Volunteer Community Board since 2014, and;

WHEREAS, Faye Hall's appointment to the Tri-City Elder Coalition Volunteer Community Board will expire on November 13, 2016, and;

WHEREAS, the Mayor of the City of Newark has reappointed Faye Hall to said position on the Tri-City Elder Coalition Volunteer Community Board for a term expiring November 13, 2018;

NOW, THEREFORE, BE IT RESOLVED that said appointment is hereby approved by the City Council of the City of Newark.

I.2 Reappointment of Council Member Hannon to the Housing Commission of the Housing Authority of the County of Alameda – from Mayor Nagy. (RESOLUTION)

Background/Discussion – Council Member Michael Hannon is the City’s representative on the Housing Commission of the Housing Authority of the County of Alameda (Housing Authority). Council Member Hannon’s term expires on December 31, 2016 and he has requested a four-year reappointment.

The Alameda County Housing Authority administers a number of federal programs that provide low-cost rental housing or rental assistance for low-income families, the elderly, people with disabilities and veterans. The Alameda County Board of Supervisors (Supervisors) is the Housing Authority’s Governing Board and the reappointment of Council Member Hannon will require final approval by the Supervisors.

Attachment

Action - It is recommended that the City Council, by resolution, reappoint Council Member Hannon to the Housing Commission of the Alameda County Housing Authority.

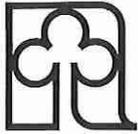
RESOLUTION NO. 10,303

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
NEWARK REAPPOINTING COUNCIL MEMBER
HANNON TO THE HOUSING COMMISSION OF THE
ALAMEDA COUNTY HOUSING AUTHORITY

WHEREAS, on December 11, 2014, the City Council nominated Council Member Hannon to serve as the City of Newark's representative to the Housing Commission of the Alameda County Housing Authority; and

WHEREAS, the Alameda County Board of Supervisors confirmed the appointment for a term ending on December 31, 2016; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Newark hereby nominates Council Member Hannon to another term on the Housing Commission of the Alameda County Housing Authority ending on December 31, 2021.



City of Newark

MEMO

DATE: September 30, 2016
TO: City Council
FROM: Sheila Harrington, City Clerk *SH*
SUBJECT: Approval of Audited Demands for the City Council Meeting of October 13, 2016.

REGISTER OF AUDITED DEMANDS

Bank of America General Checking Account

<u>Check Date</u>		<u>Check Numbers</u>	
September 16, 2016	Page 1-2	108970 to 109057	Inclusive
September 22, 2016	Page 1-2	109058 to 109132	Inclusive
September 27, 2016	Page 1	109133	Inclusive
September 30, 2016	Page 1-2	109134 to 109186	Inclusive



City of Newark

MEMO

DATE: September 30, 2016

TO: Sheila Harrington, City Clerk

FROM: Susie Woodstock, Administrative Services Director *SW*

SUBJECT: Approval of Audited Demands for the City Council Meeting of October 13, 2016.

The attached list of Audited Demands is accurate and there are sufficient funds for payment.

Final Disbursement List. Check Date 09/16/16, Due Date 09/26/16, Discount Date 09/26/16. Computer Checks.

Bank 1001 US BANK

MICR Check#	Vendor Number	Payee	Check Date	Check Amount	Description
108970	332	ADAMSON POLICE PRODUCTS PROFESSIONAL POL	09/16/16	4,621.33	MISCELLANEOUS PURCHASES
108971	332	ADAMSON POLICE PRODUCTS	09/16/16	455.45	MISCELLANEOUS PURCHASES
108972	1396	ALAMEDA COUNTY FIRE DEPARTMENT ATTN: ACC	09/16/16	783,770.75	FIRE SERVICES
108973	3703	ALAMEDA COUNTY HOUSING AND COMMUNITY DEV	09/16/16	2,284.00	INHOUSE HMIS 2016/2017
108974	11430	ALLTECH PETRO INC.	09/16/16	2,212.50	ANNUAL TESTING/OPERATOR INSPECTION
108975	11362	ANNETTE PAREDES	09/16/16	34.18	EXPENSE REIMBURSEMENT
108976	11433	AUTOWISE	09/16/16	2,128.85	AUTO PARTS/SERVICE/REPAIR
108977	4534	BAY AREA BARRICADE SERVICE INC	09/16/16	104.99	SIGNS & SIGN HARDWARE
108978	3665	BRUCE'S TIRE	09/16/16	238.14	TIRE PURCHASE/REPAIR
108979	1816	CA SURVEYING & DRAFTING SUPPLY	09/16/16	25.36	PLOTTER SUPPLIES - FREIGHT CHARGES
108980	9150	CAL-WEST LIGHTING & SIGNAL MAINTENANCE I	09/16/16	6,587.42	FY2016-2017 STREETLIGHT AND TRAFFIC SIGN
108981	33	CENTRAL TOWING & TRANSPORT LLC	09/16/16	254.00	TOWING SVCS
108982	214	CENTRAL VETERINARY HOSPITAL	09/16/16	303.85	VET SVCS
108983	6304	CLASSIC GRAPHICS T & J LEWIS INC	09/16/16	2,402.80	AUTO BODY REPAIRS/DECALS
108984	10970	COCA COLA REFRESHMENTS UNION CITY SALES	09/16/16	281.09	CAFE PURCHASES
108985	7633	CONTRA COSTA CO SHERIFF	09/16/16	1,396.00	PATROL POST TRAINING
108986	1109	CAPITAL ONE COMMERCIAL	09/16/16	3,974.78	SUPPLIES
108987	10649	JENNY SOARES AND ERIC L. JOHNSON	09/16/16	1,000.00	PERFORMANCE BOND RTN EP# 2015-310
108988	10649	D.R. HORTON	09/16/16	1,800.00	PERFORMANCE BOND RTN EP# 2015-150
108989	10793	LADAYO MITCHELL	09/16/16	156.00	CLASS REFUND
108990	10793	ZAKIYYAH STUBBS	09/16/16	300.00	RENTAL DEPOSIT REFUND
108991	10793	RIVERDALES AFTER SCHOOL	09/16/16	50.00	RENTAL DEPOSIT REFUND
108992	10793	CAROL SCOTT-WANG	09/16/16	77.55	RENTAL DEPOSIT REFUND
108993	2135	DEPARTMENT OF INDUSTRIAL RELATIONS PAYME	09/16/16	292.50	ANNUAL QSI INSPECTION RECORD
108994	11436	MICHAEL DJUROVIC	09/16/16	51.44	EXPENSE REIMBURSEMENT
108995	11166	ELESCO	09/16/16	787.50	TESTING/CALIBRATION OF LIFE SAFETY SYSTE
108996	309	EMBLEM ENTERPRISES, INC.	09/16/16	601.07	PATCHES
108997	10642	FASTENAL COMPANY	09/16/16	329.35	HARDWARE & FASTENERS
108998	11421	JOEL FAY	09/16/16	1,500.00	PATROL NON-POST TRAINING
108999	522	FEDEX	09/16/16	39.29	PAYMENT FOR PACKAGE DELIVERED TO CALPERS
109000	2986	FIRESTONE PHOTOGRAPHY	09/16/16	383.25	PHOTOGRAPHY SERVICES
109001	11112	FREMONT DEL GRANDE INC	09/16/16	84,989.77	DEALERSHIP INCENTIVES 01/01-03/31/16
109002	11112	FREMONT CHRYSLER DODGE JEEP RAM	09/16/16	946.08	AUTO REPAIRS/SERVICE
109003	60	FREMONT FORD/AUTOBODY OF FREMONT ATTN: P	09/16/16	497.46	AUTO REPAIR/SERVICE
109004	11157	JASON GERMANO	09/16/16	200.00	RESERVE UNIF ALLOWANCE
109005	4845	HDL COREN & CONE	09/16/16	645.00	CAFR STATISTICAL PKG 15/16
109006	2270	KELLY HESS	09/16/16	28.57	EXPENSE REIMBURSEMENT
109007	7563	HILLYARD / SAN FRANCISCO	09/16/16	254.46	CLEANING PRODUCTS
109008	1591	PHILIP H HOLLAND	09/16/16	200.00	RESERVE UNIF ALLOWANCE
109009	10663	HOSE & FITTING ETC	09/16/16	214.23	HYDRAULIC HOSES, PARTS & REPAIRS
109010	7593	BRUCE HOWCROFT	09/16/16	1,123.06	RESERVE UNIF ALLOWANCE
109011	69	HULBERT LUMBER & SUPPLY	09/16/16	86.55	LUMBER
109012	11123	I PIZZA	09/16/16	759.00	Pizzas for cafe and parties
109013	6009	JT2 INTEGRATED RESOURCES CORPORATE ACCOU	09/16/16	3,573.03	WORKER'S COMP ADMIN COSTS
109014	11130	DANIEL KHAIRY	09/16/16	2,031.04	EXPENSE REIMBURSEMENT
109015	5069	KIDZ LOVE SOCCER	09/16/16	7,953.60	RECREATION CONTRACT
109016	1469	KING KOVERS OF FREMONT	09/16/16	415.20	UPHOLSTERY REPAIR
109017	8276	LEHR AUTO	09/16/16	17,622.43	OUTFITTING FOR PD UTILITY VEHICLE REPLAC
109018	7189	LINCOLN EQUIPMENT INC	09/16/16	870.01	CHEMICALS AND POOL EQUIPMENT
109019	11360	MIKE DAVIS LANDSCAPE SERVICES	09/16/16	11,097.77	PARK & LANDSCAPE SERVICE
109020	6	KAREN MORAIDA	09/16/16	40.95	EXPENSE REIMBURSEMENT

MICR Check#	Vendor Number	Payee	Check Date	Check Amount	Description
109021	10886	MUNISERVICES, LLC ATTN: BILLING DEPT.	09/16/16	1,450.00	CAFR STATISTICAL PACKAGE
109022	11434	NHANCE WOOD RENEWAL	09/16/16	2,570.00	PROJECT 1071 - CITYWIDE BUILDING UPGRADE
109023	2027	PACHECO BROTHERS GARDENING, INC.	09/16/16	5,158.00	LANDSCAPE REPAIRS
109024	349	PACIFIC GAS & ELECTRIC	09/16/16	107.81	FY16-17 PG&E COSTS FOR STREETLIGHTS AND
109025	10766	PEAK SOFTWARE SYSTEMS, INC	09/16/16	3,301.00	COMPUTER LICENSE FEE
109026	78	PERFORMANCE PEST MANAGEMENT LPC SERVICES	09/16/16	415.00	PEST CONTROL LOCATION# 102710
109027	10729	PETTY CASH CUSTODIAN-POLICE INVESTIGATIO	09/16/16	870.00	POLICE INVESTIGATION BUY FUND REPLENISHM
109028	10729	PETTY CASH CUSTODIAN-POLICE BEVERLY RYAN	09/16/16	644.51	PETTY CASH REPLENISHMENT
109029	329	PHOENIX GROUP INFORMATION SYSTEMS	09/16/16	221.00	PARKING CITATION PROGRAM
109030	3674	PRIORITY 1 PUBLIC SAFETY EQUIPMENT INSTA	09/16/16	667.92	CRUISER CHANGE OVER AND RADIO REPAIRS
109031	8813	PROFORCE LAW ENFORCEMENT	09/16/16	505.04	TSR TACT PERFORMANCE POWER MAG
109032	4346	QUALITY SIGN & BANNER	09/16/16	133.59	TRASH BANNERS FOR NEWARK DAYS
109033	4176	MICHAEL QUEBEC	09/16/16	916.50	RECREATION CONTRACT
109034	11234	RAY MORGAN COMPANY	09/16/16	2,916.18	COPIER LEASE AGREEMENT
109035	11369	REBECCA HIBBS	09/16/16	44.71	EXPENSE REIMBURSEMENT
109036	1282	EDDA RIVERA	09/16/16	26.73	EXPENSE REIMBURSEMENT
109037	11373	RRM DESIGN GROUP	09/16/16	11,490.00	NEWARK ZONING CODE UPDATE
109038	11074	RUTAN & TUCKER LLP	09/16/16	117.00	LITIGATION & CONSULTING 15/16
109039	10116	SAFETY COMPLIANCE MANAGEMENT	09/16/16	495.00	LOCKOUT-TAGOUT TRAINING
109040	654	SFPUC-WATER DEPARTMENT CUSTOMER SERVICE	09/16/16	1,849.16	RENT/WATER
109041	11277	SHRED-IT USA	09/16/16	75.00	SHREDDING SVCS
109042	1683	S.B.R.P.S.T.C.	09/16/16	50.00	PATROL POST TRAINING
109043	40	STAPLES ADVANTAGE DEPT LA	09/16/16	1,267.80	OFFICE SUPPLIES
109044	2778	STATE OF CALIFORNIA FRANCHISE TAX BOARD	09/16/16	150.00	PAYROLL DEDUCTION - GARNISHMENT
109045	2778	STATE OF CALIFORNIA FRANCHISE TAX BOARD	09/16/16	440.00	PAYROLL DEDUCTION - GARNISHMENT
109046	10804	STONERIDGE CJD	09/16/16	154.92	DODGE PARTS & SERVICE
109047	11396	SWA SERVICES GROUP INC	09/16/16	701.16	JANITORIAL SERVICES
109048	11426	TACTICAL K9 LLC	09/16/16	705.00	PATROL NON-POST TRAINING
109049	679	TARGET SPECIALTY PRODUCTS	09/16/16	1,136.74	PARTS/SERVICE/REPAIR
109050	5463	MARY TEIXEIRA	09/16/16	10.80	EXPENSE REIMBURSEMENT
109051	6797	US BANK CORPORATE PAYMENT	09/16/16	12,563.89	US BANK CC PAYMENT 08/22/16
109052	7517	U S FOODS INC SAN FRANCISCO	09/16/16	635.30	FOOD FOR CAFE
109053	11425	UNIQUE AUTO GLASS	09/16/16	297.10	AUTO GLASS REPAIR
109054	5623	VERIZON WIRELESS	09/16/16	189.88	GPS TRACKERS
109055	11339	VOLER STRATEGIC ADVISORS	09/16/16	7,500.00	MARKETING BROCHURE
109056	5050	WEST COAST ARBORISTS INC	09/16/16	5,700.00	EMERGENCY TREE PRUNING AND/OR REMOVAL
109057	340	WITMER-TYSON IMPORTS	09/16/16	2,429.39	K9 TRAINING/SUPPLIES 06/16
Total				1,019,897.78	

Final Disbursement List. Check Date 09/22/16, Due Date 10/03/16, Discount Date 10/03/16. Computer Checks.

Bank 1001 US BANK

MICR Check#	Vendor Number	Payee	Check Date	Check Amount	Description
109058	7922	AARP ATTN ANNETTE PAREDES	09/22/16	85.00	AARP SMART DRIVER SAFETY PROGRAM
109059	10223	LEXISNEXIS RISK SOLUTIONS ACCT# 1415640	09/22/16	428.40	BACKGROUND CHECKS
109060	11094	ACME AUTO LEASING, LLC	09/22/16	1,909.44	ARMORED RESCUE VEH LEASE 09/16
109061	332	ADAMSON POLICE PRODUCTS PROFESSIONAL POL	09/22/16	102.45	POLICE SUPPLIES
109062	8895	ALAMEDA COUNTY ENVIRONMENTAL HEALTH	09/22/16	634.00	POOL/CAFE CUPA FEES
109063	3853	COUNTY OF ALAMEDA INTERNAL AUDIT UNIT RI	09/22/16	1,673.00	CITATION PROCESSING FEES -AUG'16
109064	287	ALAMEDA COUNTY SHERIFF'S OFFICE GREGORY	09/22/16	308.75	CRIME LAB FEES
109065	11137	AL CO TRAINING & EDUCATION CENTER	09/22/16	175.00	TRAINING
109066	5821	ALL CITY MANAGEMENT SERVICES, INC	09/22/16	718.20	CROSSING GUARD SVCS 08/14-08/27/16
109067	12	ALLIED AUTO STORES INC	09/22/16	746.38	AUTO SUPPLIES
109068	1000	ASCE/MEMBERSHIP	09/22/16	280.00	ASCE MEMBERSHIP DUES
109069	348	AT&T	09/22/16	357.46	MONTHLY TELECOM SEP16
109070	3665	BRUCE'S TIRE	09/22/16	285.39	TIRE PURCHASE/REPAIR
109071	7898	CALIFORNIA DIESEL & POWER	09/22/16	4,696.11	EMERGENCY GENERATOR SERVICE & REPAIR
109072	1380	CHRISP COMPANY	09/22/16	278.58	RETENTION PAYMENT FOR 14/15 CITYWIDE THE
109073	6304	CLASSIC GRAPHICS T & J LEWIS INC	09/22/16	40.53	AUTO BODY REPAIRS/DECALS
109074	11429	CLEAR STREAM RECYCLING INC	09/22/16	440.00	CLEAR STREAM RECYCLING LIDS
109075	3751	BRYAN COBB	09/22/16	65.29	EXPENSE REIMBURSEMENT
109076	10970	COCA COLA REFRESHMENTS UNION CITY SALES	09/22/16	480.66	CAFE PURCHASES
109077	10650	CITY OF FREMONT POLICE S.A.C.N.E.T.	09/22/16	1,027.00	REFUND OF MONEY
109078	10793	TAMEKIA EUGENE	09/22/16	100.00	DEPOSIT REFUND
109079	10793	ARAMESHA BURRELL	09/22/16	100.00	DEPOSIT REFUND
109080	10793	CIERRA MOSES	09/22/16	100.00	DEPOSIT REFUND
109081	10793	RACHEL CORTEZ	09/22/16	54.00	CLASS CANCELLED - REFUND
109082	10793	MARY C CAMPBELL	09/22/16	24.00	CLASS CANCELLED - REFUND
109083	10793	LORY OBENZA	09/22/16	100.00	DEPOSIT REFUND
109084	10793	UPASINI JAYARAMAN	09/22/16	78.00	RENTAL DEPOSIT REFUND MINUS 2 GUESTS
109085	10793	MARK TRINIDAD	09/22/16	300.00	RENTAL DEPOSIT REFUND
109086	11208	CYBER COMPUTERS INC	09/22/16	3,911.68	EQUIPMENT REPLACEMENT ENGINEERING WORKST
109087	41	DALE HARDWARE	09/22/16	383.78	MISC. MAINTENANCE PARTS/SUPPLIES
109088	3728	DEPARTMENT OF JUSTICE ACCOUNTING OFFICE	09/22/16	322.00	FINGERPRINTING FEES
109089	11404	ALHAMBRA	09/22/16	2,055.61	WATER SERVICE
109090	11015	EAST BAY LAWN MOWER	09/22/16	282.97	SMALL ENGINES AND TOOLS
109091	310	EQUIFAX INFORMATION SVCS LLC	09/22/16	150.84	CREDIT BUREAU REPORTS
109092	10642	FASTENAL COMPANY	09/22/16	11.61	HARDWARE & FASTENERS
109093	1120	FORENSIC ANALYTICAL SCIENCES, INC	09/22/16	95.00	LAB TESTS
109094	5137	FOUR SEASONS POOL SERVICE	09/22/16	711.75	SWIMMING POOL PARTS AND SERVICE
109095	11112	FREMONT DEL GRANDE INC	09/22/16	86,389.73	DEALERSHIP INCENTIVES 04/01-06/30/16
109096	60	FREMONT FORD/AUTOBODY OF FREMONT ATTN: P	09/22/16	763.73	FORD PARTS AND SERVICE
109097	313	FREMONT URGENT CARE CENTER	09/22/16	114.00	PRE-EMPLOYMENT/DOT PHYSICALS
109098	275	GOVERNMENT FINANCE OFFICERS ASSOCIATION	09/22/16	305.00	GFOA MEMBERSHIPS/SUBSCRIPTIONS
109099	167	HARRIS COMPUTER SYSTEMS	09/22/16	3,078.36	SELECT FINANCIALS ERP MAINTENANCE
109100	2268	HORTSCIENCE INC	09/22/16	871.06	TREE INSPECTION
109101	6009	JT2 INTEGRATED RESOURCES ATTN: CLAIMS AC	09/22/16	55,706.15	WORKER'S COMP CLAIMS
109102	7964	KNORR SYSTEMS INC	09/22/16	325.48	SWIMMING POOL PARTS & REPAIRS
109103	293	LANGUAGE LINE SERVICES INC	09/22/16	188.23	INTERPRETATION SVCS
109104	1452	MISA LEAL	09/22/16	85.89	EXPENSE REIMBURSEMENT
109105	8276	LEHR AUTO ELECTRIC INC	09/22/16	3,894.45	PROJECT 2016-9 / EQUIPMENT REPLACEMENT
109106	3644	RELX INC. DBA LEXISNEXIS	09/22/16	176.00	ONLINE LEGAL RESOURCE SUBSCRIPTION
109107	7189	LINCOLN EQUIPMENT INC	09/22/16	216.81	CHEMICALS AND POOL EQUIPMENT
109108	11246	LOOMIS ARMORED	09/22/16	265.91	ARMORED CAR SERVICE

Final Disbursement List. Check Date 09/22/16, Due Date 10/03/16, Discount Date 10/03/16. Computer Checks.
 Bank 1001 US BANK

MICR Check#	Vendor Number	Payee	Check Date	Check Amount	Description
109109	11357	MISSION UNIFORM SERVICE	09/22/16	1,882.80	TOWEL MAT AND UNIFORM SERVICE
109110	11378	MNS ENGINEERS INC	09/22/16	21,290.00	ENGINEERING CONSULTANT SERVICES
109111	611	KKR AUTOMOTIVE DBA NAPA AUTO PARTS	09/22/16	3,661.14	AUTO PARTS
109112	11399	OMAR PACHECO	09/22/16	1,430.07	EXPENSE REIMBURSEMENT
109113	349	PACIFIC GAS & ELECTRIC	09/22/16	60,648.16	GAS & ELECTRIC CHARGES
109114	10729	PETTY CASH CUSTODIAN-CASHIER RAQUEL THOM	09/22/16	240.05	PETTY CASH REPLENISHMENT
109115	10683	PITNEY BOWES GLOBAL FINANCIAL SRVCS	09/22/16	1,741.05	MAILING MACHINE LEASE AGREEMENT / POSTAG
109116	3674	PRIORITY 1 PUBLIC SAFETY EQUIPMENT INSTA	09/22/16	4,209.73	CRUISER CHANGE OVER AND RADIO REPAIR
109117	11234	RAY MORGAN COMPANY	09/22/16	9,197.86	STAPLE UNIT AND REFILLS FOR COLOR COPIER
109118	9811	REDFLEX TRAFFIC SYSTEMS	09/22/16	18,800.00	REDLIGHT CAMERA MONITORING
109119	11296	SIGNATURE CARPET ONE	09/22/16	150.00	REPAIR "RIPPED BUBBLED" IN WORKOUT ROOM
109120	377	SIMON & COMPANY INC	09/22/16	1,739.40	LEGISLATIVE SERVICES
109121	220	SONITROL	09/22/16	1,059.00	ALARM MONITORING
109122	40	STAPLES ADVANTAGE DEPT LA	09/22/16	1,522.26	OFFICE SUPPLIES
109123	3846	SUN BADGE COMPANY	09/22/16	187.57	CAP PIECES FOR MOTORS
109124	11396	SWA SERVICES GROUP INC	09/22/16	32,096.74	JANITORIAL SERVICES
109125	2024	WILL TOWNE	09/22/16	1,299.00	EXPENSE REIMBURSEMENT
109126	688	UNION SANITARY DISTRICT ATTENTION ACCOUN	09/22/16	688.02	SEWER & STORM DRAIN SERVICES
109127	10968	UTILITY TELEPHONE	09/22/16	16,426.36	MONTHLY TELECOM
109128	853	VALLEY OIL COMPANY DEPT# 35101	09/22/16	72.27	OIL & LUBRICANTS
109129	10998	GARY M SHELDON VBS SERVICES	09/22/16	150.00	BLOOD WITHDRAWAL SVC
109130	11437	JOYCE WANG	09/22/16	330.56	EXPENSE REIMBURSEMENT
109131	5050	WEST COAST ARBORISTS INC	09/22/16	33,193.00	STREET TREE MAINTENANCE
109132	340	WITMER-TYSON IMPORTS	09/22/16	650.00	K9 TRAINING/SUPPLIES - 07/16
Total				388,558.72	

Final Disbursement List. Check Date 09/27/16, Due Date 09/27/16, Discount Date 09/27/16. Computer Checks.
 Bank 1001 US BANK

MICR Check#	Vendor Number	Payee	Check Date	Check Amount	Description
109133	11431	EXTENDED STAY AMERICA	09/27/16	2,818.68	PATROL POST TRAINING
		Total		2,818.68	

Final Disbursement List. Check Date 09/30/16, Due Date 10/10/16, Discount Date 10/10/16. Computer Checks.

Bank 1001 US BANK

MICR Check#	Vendor Number	Payee	Check Date	Check Amount	Description
109134	3979	DYNIA S SMITH DBA ACCURACY INTERNATIONAL	09/30/16	400.00	FOREIGN LANUAGE TRANSLATION
109135	332	ADAMSON POLICE PRODUCTS PROFESSIONAL POL	09/30/16	21.79	POLICE SUPPLIES
109136	287	ALAMEDA COUNTY SHERIFF'S OFFICE GREGORY	09/30/16	515.87	LATENT PRINTS
109137	344	ALAMEDA COUNTY WATER DISTRICT	09/30/16	86,654.55	WATER USAGE
109138	7743	ALL AMERICAN RENTALS INC	09/30/16	2,633.00	PROJECT 1112 - TRAFFIC CALMING
109139	348	AT&T	09/30/16	114.84	MONTHLY TELECOM SEP16
109140	1085	AT&T	09/30/16	39.67	LONG DISTANCE SEP16
109141	1106	ROBERT SCOTT BASWELL	09/30/16	5,428.33	ADPP - 09/28/16
109142	9680	BAY CENTRAL PRINTING	09/30/16	63.66	BUSINESS CARD IMPRINTING
109143	1131	BAY ISLAND OFFICIALS ASSOCIATION ATTN FR	09/30/16	1,208.00	SPORTS OFFICIATING
109144	7275	PETER BEIREIS	09/30/16	45.77	EXPENSE REIMBURSEMENT
109145	23	FRANK BONETTI PLUMBING INC	09/30/16	4,849.86	PROJECT 1071 - CITYWIDE BUILDING UPGRADE
109146	923	CALIFORNIA DEPARTMENT OF HEALTH SERVICES	09/30/16	2,467.00	ANNUAL RADIOACTIVE MATERIALS LICENSE FEE
109147	33	CENTRAL TOWING & TRANSPORT LLC	09/30/16	460.00	TOWING SERVICES
109148	458	CHEVRON AND TEXACO BUSINESS CARD SERVICE	09/30/16	1,373.93	FUEL CHARGES
109149	10060	COMCAST	09/30/16	232.77	CABLE TV
109150	11211	ROBERT COSTA	09/30/16	91.88	EXPENSE REIMBURSEMENT
109151	10793	LORENZO VIRI	09/30/16	300.00	RENTAL DEPOSIT REFUND
109152	11400	DAN FRANKE	09/30/16	1,571.08	EXPENSE REIMBURSEMENT 07/18-07/29/16
109153	10725	JEFF REVAY	09/30/16	1,184.32	EE COMPUTER LOAN PROGRAM
109154	10642	FASTENAL COMPANY	09/30/16	152.60	HARDWARE & FASTENERS
109155	522	FEDEX	09/30/16	158.27	ICC RETURN PACKAGE
109156	10852	FEHR & PEERS	09/30/16	8,438.06	CIP PROJECT 953: BICYCLE AND PEDESTRIAN
109157	2986	FIRESTONE PHOTOGRAPHY	09/30/16	431.16	PHOTOGRAPHY SERVICES
109158	3284	ANTHONY HECKMAN	09/30/16	807.34	EXPENSE REIMBURSEMENT
109159	11123	I PIZZA	09/30/16	601.50	PIZZAS FOR CAFE AND PARTIES
109160	7311	INTERNATIONAL CODE COUNCIL, INC	09/30/16	3,994.86	2016 CA CODE BOOKS
109161	11402	JESSICA RIVAS	09/30/16	804.80	EXPENSE REIMBURSEMENT 08/08-08/19/16
109162	73	THE ED JONES CO INC	09/30/16	66.75	BADGES FY 15/16
109163	6009	JT2 INTEGRATED RESOURCES CORPORATE ACCOU	09/30/16	9,468.12	SPECIAL PAYMENT REQUEST FOR R. HOGAN
109164	11170	KEYSER MARSTON ASSOC, INC	09/30/16	1,350.00	CONTRACT SERVICES
109165	939	KARL LEBHERZ	09/30/16	150.00	SENIOR CENTER ENTERTAINMENT
109166	11360	MIKE DAVIS LANDSCAPE SERVICES	09/30/16	10,595.02	PARK & LANDSCAPE SERVICE
109167	11374	MONTE MARTINEZ	09/30/16	380.13	SWAT SUPPLIES
109168	10920	MOUNTAIN MIKE'S PIZZA	09/30/16	274.90	SPECIAL EVENT FOOD
109169	10961	BRETT OEVERNDIEK	09/30/16	27.05	EXPENSE REIMBURSEMENT
109170	349	PACIFIC GAS & ELECTRIC	09/30/16	17,818.52	PG&E COSTS FOR STREETLIGHTS AND TRAFFIC
109171	11440	PACIFIC INSTITUTE OF DEFENSIVE TACTICS	09/30/16	1,075.00	PATROL POST TRAINING
109172	78	PERFORMANCE PEST MANAGEMENT LPC SERVICES	09/30/16	529.00	PEST CONTROL
109173	10891	ADONAI PERAZIM INC. dba PRINTS CHARLES R	09/30/16	97.19	PLOTTER SUPPLIES
109174	11412	PROSHRED SFBA	09/30/16	105.00	SHREDDING SVCS - 09/16
109175	4346	QUALITY SIGN & BANNER	09/30/16	149.43	CLEAN HAY BANNER FOR NEWARK DAYS
109176	112	WILLE ELECTRICAL SUPPLY CO INC	09/30/16	514.14	ELECTRICAL SUPPLIES
109177	11296	SIGNATURE CARPET ONE	09/30/16	4,993.00	PROJECT 1097 - CITYWIDE BUILDING FLOOR C
109178	676	SUMMIT UNIFORMS CORP	09/30/16	433.91	MOTOR OFFICER SUPPLIES
109179	11142	SUN RIDGE SYSTEMS INC	09/30/16	2,380.00	RIMS CONFERENCE
109180	10318	SHANNON TODD	09/30/16	333.38	EXPENSE REIMBURSEMENT
109181	7517	U S FOODS INC SAN FRANCISCO	09/30/16	707.05	FOOD FOR CAFE
109182	5623	VERIZON WIRELESS	09/30/16	418.11	SERVICE FOR IPADS
109183	10484	MATTHEW WARREN	09/30/16	2,538.90	EXPENSE REIMBURSEMENT
109184	5050	WEST COAST ARBORISTS INC	09/30/16	47,100.75	STREET TREE MAINTENANCE

Final Disbursement List. Check Date 09/30/16, Due Date 10/10/16, Discount Date 10/10/16. Computer Checks.
 Bank 1001 US BANK

MICR Check#	Vendor Number	Payee	Check Date	Check Amount	Description
109185	11417	WHOLESALE DISTRIBUTION ALLIANCE	09/30/16	159.81	RETAIL MERCHANDISE
109186	340	WITMER-TYSON IMPORTS	09/30/16	1,043.65	K9 TRAINING/SUPPLIES
Total				227,753.72	

M.1 Closed session for conference with Legal Counsel pursuant to Government Code Section 54956.9(d)(2), Anticipated Litigation: Two cases – from Human Resources Director Abe and City Attorney Benoun.

Background/Discussion – City Attorney Benoun has requested that the City Council convene in closed session pursuant to Government Code Section 54956.9(b), Anticipated Litigation: two cases.

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

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