

CITY OF NEWARK CITY COUNCIL

37101 Newark Boulevard, Newark, CA 94560-3796 • 510-584-2600 • E-mail: city.clerk@newark.org

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

AGENDA

Thursday, February 11, 2016

- A. ROLL CALL

- B. MINUTES
 - B.1 Approval of Minutes of the special and regular City Council meetings of Thursday, January 28, 2016. (MOTION)

- C. PRESENTATIONS AND PROCLAMATIONS
 - C.1 Proclaiming February Teen Dating Violence Awareness and Prevention Month. (PROCLAMATION)

- D. WRITTEN COMMUNICATIONS
 - D.1 Planning Commission referral of a minor conditional use permit, to establish a large family day care home at 36632 Port Anchorwood Place – from Assistant City Manager Grindall. (REVIEW OPTIONAL)

 - D.2 Planning Commission referral of a minor conditional use permit, to establish a large family day care home at 36353 Shorehaven Place – from Assistant City Manager Grindall. (REVIEW OPTIONAL)

 - D.3 Planning Commission referral of a minor conditional use permit, to establish a large family day care home at 36475 Christine Street – from Assistant City Manager Grindall. (REVIEW OPTIONAL)

- E. PUBLIC HEARINGS

F. CITY MANAGER REPORTS

(It is recommended that Items F.1 through F.3 be acted on simultaneously unless separate discussion and/or action is requested by a Council Member or a member of the audience.)

CONSENT

- F.1 Approval of the allocation of anticipated Community Development Block Grant jurisdiction improvement project funds for Fiscal Year 2016-2017 – from Assistant City Manager Grindall. (MOTION)**

- F.2 Approval to reclassify the Information Systems Manager position to Senior Information Systems Manager by amending the Employee Classification Plan, the Compensation and Benefit Plan for City Officials and the Management, Supervisory, and Professional Employee Group and the 2014-2016 Biennial Budget to add the position and funding for the position of Senior Information Systems Manager and to delete the position and funding of Information Systems Manager – from Human Resources Director Abe. (RESOLUTIONS -3)**

- F.3 Amendment of the 2014-2016 Biennial Budget and Capital Improvement Plan for Fiscal Year 2015-2016 for General Revisions – from Administrative Services Director Woodstock. (RESOLUTION)**

NONCONSENT

- F.4 Authorization for the Mayor to sign a Contractual Services Agreement with RRM Design Group, to complete a Zoning Ordinance update and amending the 2014-2016 Biennial Budget – from Assistant City Manager Grindall. (RESOLUTION)**

- F.5 Status Report on emergency expenditure for replacement of heater for Lazy River at Silliman Activity and Family Aquatic Center – from Maintenance Supervisor Connolly. (INFORMATIONAL)**

G. CITY ATTORNEY REPORTS

H. ECONOMIC DEVELOPMENT CORPORATION

I. CITY COUNCIL MATTERS

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

K. ORAL COMMUNICATIONS

L. APPROPRIATIONS

Approval of Audited Demands for the City Council meeting of February 11, 2016. (MOTION)

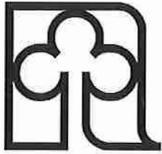
M. CLOSED SESSION

- M.1 Closed session for conference with Legal Counsel pursuant to Government Code Section 54956.9(b), Anticipated Litigation: One case – from Human Resources Director Abe and City Attorney Benoun.**

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.



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, February 11, 2016

CITY COUNCIL:

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

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:

- | | |
|-------------------------------------|-------------------------|
| 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.



CITY OF NEWARK CITY COUNCIL

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

SPECIAL MEETING

Minutes

Thursday, January 28, 2016

**City Administration Building
5:30 p.m.
City Council Chambers**

A. ROLL CALL

Mayor Nagy called the meeting to order at 5:39 p.m. Present were Council Members Hannon, Freitas, and Vice Mayor Collazo. Council Member Bucci arrived at 6:50 p.m.

B. STUDY SESSION

B.1 Study Session to review the Operating Section of the Biennial Budget for 2016-2018.

City Manager Becker stated that the State budget, PERS Rates, and new residential and commercial development, that place a higher demand on city services, will impact the City's budget.

Administrative Services Director Woodstock reviewed the current operating budget. She stated that staff would be seeking approval to amend the budget at the next City Council meeting. The total revenue amendment would include increases to: Property Tax, Sales Tax, Transient Occupancy Tax, Increase in Development, one time end to triple flip and other. The total revenue amendment was an increase of \$3.1 million.

The total expenditure amendments of \$700,000 included police staffing and training, legal fees, Human Resources staffing and workers compensation oversight, and increase in utility and technology costs.

City Manager Becker reviewed the department budget priorities for 2016-2018.

Police Department: fill existing vacancies and anticipated retirements, utilize retired annuitants and reserves, team policing staffing model, new technology, community engagement, improve public relations, increase public outreach.

Fire Department (Alameda County): complete local hazard mitigation plan, finalize contract extension, continue to support CERT Program, and expand emergency preparedness efforts.

Public Works Department: Building Division will continue to support residential and commercial construction. Engineering Division: support development activity, implement Capital Improvement Plan, complete the Central Avenue Overpass design,

and meet regulatory requirements. Maintenance Division: improve street and parking landscaping, maintain public buildings and equipment.

Community Development Department: Comprehensive Zoning Code update, study civic center renovation/relocation, complete Bicycle and Pedestrian Strategic Plan, conduct Citywide Parks Master Plan, and monitor Dumbarton Corridor Study.

Community Preservation: Receivership program to address blighted and abandoned properties, and proactively address public nuisances.

Council Member Hannon stated that he would like staff to compile data on rental units. Specifically he was looking for the number of rental units (3 units or greater) and the types of complaints received by staff. The information would be used to determine if they want to pursue a proactive approach of inspection of rental units in the city. He envisioned the property owners paying for the service, if it was pursued.

Council Member Bucci arrived at 6:50 p.m.

Recreation and Community Services: marketing to promote programs and services, promote healthy communities, partner with local agencies to enhance senior services.

Administrative Services: Finance Division: new funding opportunity for redevelopment activity, implement new finance software, update policy and procedure documents, explore alternative investment options. Information Systems: implement new finance software, support the expanded use of social media, increase web based self serve options for the public.

Council Member Hannon suggested advertising the small loan program through the county for home repairs in the Newark News.

Mayor Nagy requested that staff research what other communities do to enhance internet connectivity for their residents.

Human Resources Department: negotiate new labor agreements and update compensation and benefit plans, implement federal mandates of the Affordable Health Care Act, develop employee wellness program, reduce workers compensation costs, and support recruiting efforts of city departments.

Administrative Services Director Woodstock stated that she expected revenue would increase by \$1.5 million in fiscal year 2016-2017 and by \$1.7 million in fiscal year 2017-2018. The proposed adjustments to the expenditures would include: increased library hours for Sunday's, budget methodology change, PERS Annual increases, fire contract annual adjustment, additional police annuitants, Total projected supplements \$1.6 million for fiscal year 2016-2017 and \$2.5 million for fiscal year 2017-2018.

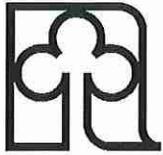
City Manager Becker stated that the Capital Improvement Plan Work Session would be held on February 11.

ORAL COMMUNICATIONS

No one came forward to speak.

C. ADJOURNMENT

At 7:26 p.m. Mayor Nagy adjourned the special meeting.



CITY OF NEWARK CITY COUNCIL

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

Minutes

Thursday, January 28, 2016

A. ROLL CALL

Mayor Nagy called the meeting to order at 7:40 p.m. Present were Council Members Hannon, Freitas, Bucci, and Vice Mayor Collazo.

B. MINUTES

B.1 Approval of Minutes of the special and regular City Council meetings of Thursday, January 14, 2016.

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

C. PRESENTATIONS AND PROCLAMATIONS

C.1 Commending Public Works Director Claassen on her retirement.

Mayor Nagy presented the commendation to Public Works Director Peggy Claassen who is retiring after 12 years of dedicated service to the City of Newark.

C.2 Presentation by the Newark Library.

Branch Manager Adina Aguirre presented a report covering the last quarter of 2015 at the Newark Library.

C.3 Presentation by the Newark Soccer Club.

Ryan Medrano Director of Coaching for the Newark Soccer Club gave a presentation on their growing soccer programs and their need for more fields.

D. WRITTEN COMMUNICATIONS

E. PUBLIC HEARINGS

F. CITY MANAGER REPORTS

Council Member Collazo moved, Council Member Bucci seconded, to approve Consent Calendar Items F.1 through F.4, that the resolutions and ordinances be numbered consecutively, and that reading of the titles suffice for adoption of the resolutions and ordinances. The motion passed, 5 AYES.

CONSENT

- F.1 Second reading and adoption of an ordinance amending Chapter 17.04 (General Provisions) of Title 17 (Zoning) by adding Section 17.04.050 (Permissive Code) to the Newark Municipal Code. ORDINANCE NO. 490**
- F.2 Second reading and adoption of an ordinance amending Chapter 5.36 (Medical Marijuana Dispensaries) of Title 5 (Business Licenses and Regulations) of the Newark Municipal code to clarify and affirm the prohibition of commercial cultivation of medical marijuana. ORDINANCE NO. 491**
- F.3 Designation of New Depository for City Funds. RESOLUTION NO. 10454**
- F.4 Authorization for the Mayor to sign Contractual Services Agreements with CSG Consultants, Inc., MNS Engineers, Inc., and Kier & Wright Civil Engineers & Surveyors, Inc. for on-call engineering services.
RESOLUTION NO. 10455
CONTRACT NO. 16004-16006**

NONCONSENT

- F.5 Status Report on emergency expenditure for replacement of heater for Lazy River at Silliman Activity and Family Aquatic Center. INFORMATIONAL**

City Manager Becker stated that staff is currently working with Knorr Systems to replace the heater at a cost of \$30,000; and anticipate additional cost due to plumbing and installation conditions.

G. CITY ATTORNEY REPORTS**H. ECONOMIC DEVELOPMENT CORPORATION**

I. CITY COUNCIL MATTERS

Council Member Bucci stated that the AMC movie theatre opened today and he looked forward to seeing a movie there.

Council Member Collazo stated that the Newark Rotary Club had a fantastic crab feed.

Council Member Hannon stated that the money raised from the crab feed is used for the community.

Vice Mayor Freitas thanked Public Works Director Claassen for her service to the City.

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 January 28, 2016. MOTION APPROVED

City Clerk Harrington read the Register of Audited Demands: Check numbers 106664 to 106838.

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

M. CLOSED SESSION

N. ADJOURNMENT

At 8:22 p.m., Mayor Nagy adjourned the City Council meeting.

**C.1 Proclaiming February Teen Dating Violence Awareness and Prevention Month.
(PROCLAMATION)**

Background/Discussion – Safe Alternatives to Violent Environments (SAVE) has requested a proclamation to raise awareness on teen dating violence and prevention. A representative from SAVE will accept the proclamation at the meeting.

D.1 Planning Commission referral of a minor conditional use permit, to establish a large family day care home at 36632 Port Anchorwood Place – from Assistant City Manager Grindall. (REVIEW OPTIONAL)

Background/Discussion – Ms. Sonia Landa has submitted an application for a minor conditional use permit to establish a large family day care home (a facility for up to 14 children) at 36632 Port Anchorwood Place.

The subject site is located on a cul-de-sac and is zoned R-6,000 (Low-Density Residential – 6,000 District). Ms. Landa currently operates a small family day care home (a facility for up to eight children) at site. City staff sent a notice of this application to the 15 property owners within a 100-foot radius of the subject site. Staff received one objection letter from a neighboring resident who expressed concern over potential noise, traffic, and parking impacts. Immediately after this letter was received, staff sent a letter back to the neighboring resident informing him that if he wished to provide additional input before the decision on the application was made, he could either request a hearing before the Zoning Administrator or he could contact the Zoning Administrator for an informal meeting. Staff did not receive any further communication from the neighbor and after careful review, approved the application with the attached conditions of approval.

The Zoning Administrator (ZA) has approved SFD2015-001, a minor conditional use permit, with Exhibit A, pages 1 through 2, to establish a large family day care home at 36632 Port Anchorwood Place, subject to the conditions in the attached ZA letter.

Environmental Review

This request to establish a large family day care home is statutorily exempt from the California Environmental Quality Act (CEQA) per Section 15274(a).

Attachment

Update – At its January 26, 2016 meeting, the Planning Commission chose not to review this “review optional” item.

Action – City Council review of this item is optional.

FACILITY SKETCH (Yard)

The yard sketch should show all buildings in the yard including the home (with no detail), garage and storage building. Include walks, driveways, play area, fences, gates. Show any potential hazardous areas such as pools, garbage storage, animal pens, etc. Show the overall yard size. Try to keep the sizes close to scale. Use the space below.

FACILITY NAME: Sonia Landa

ADDRESS: 36632 Port Anchorwood PL. Newark.
94560

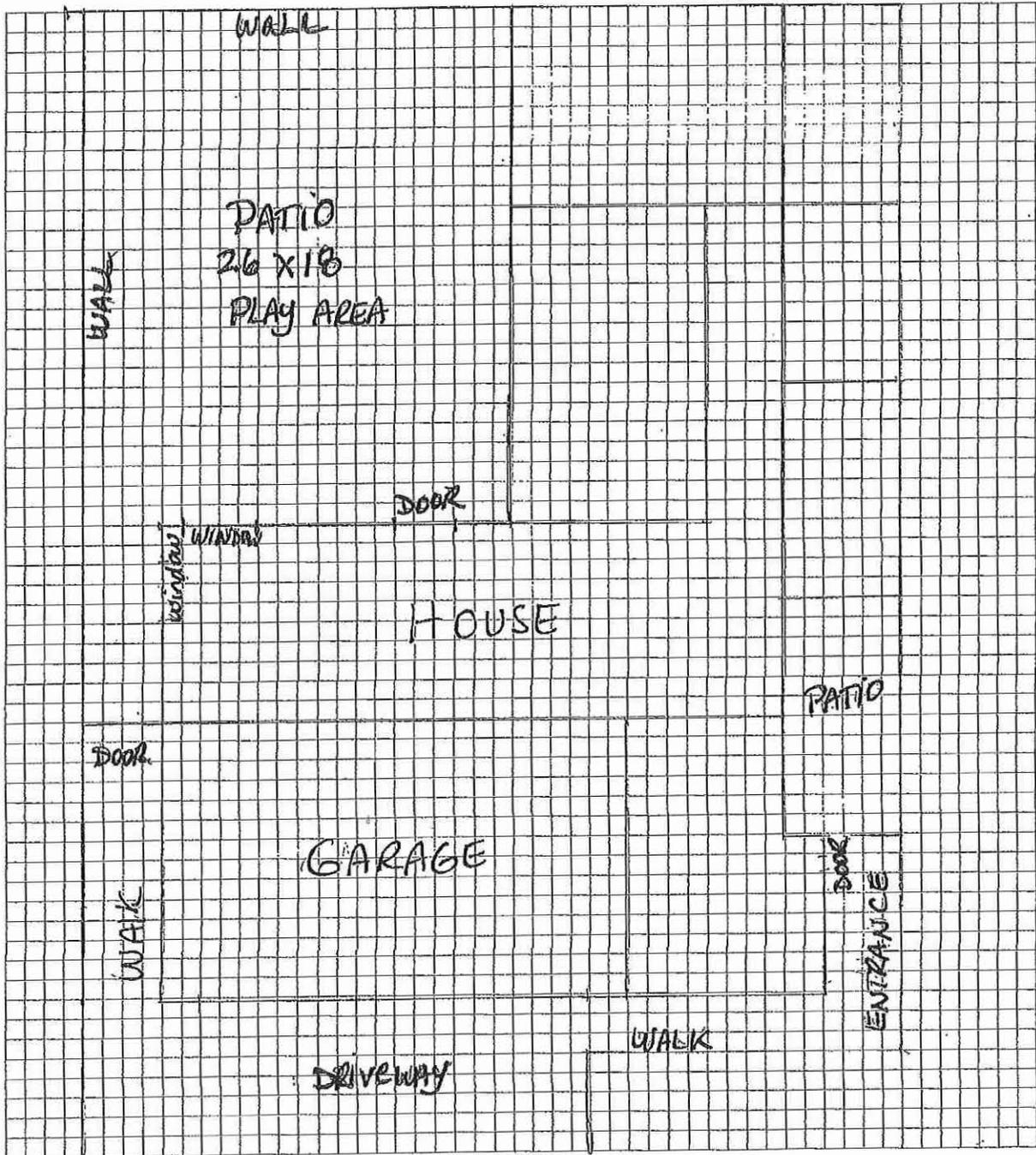
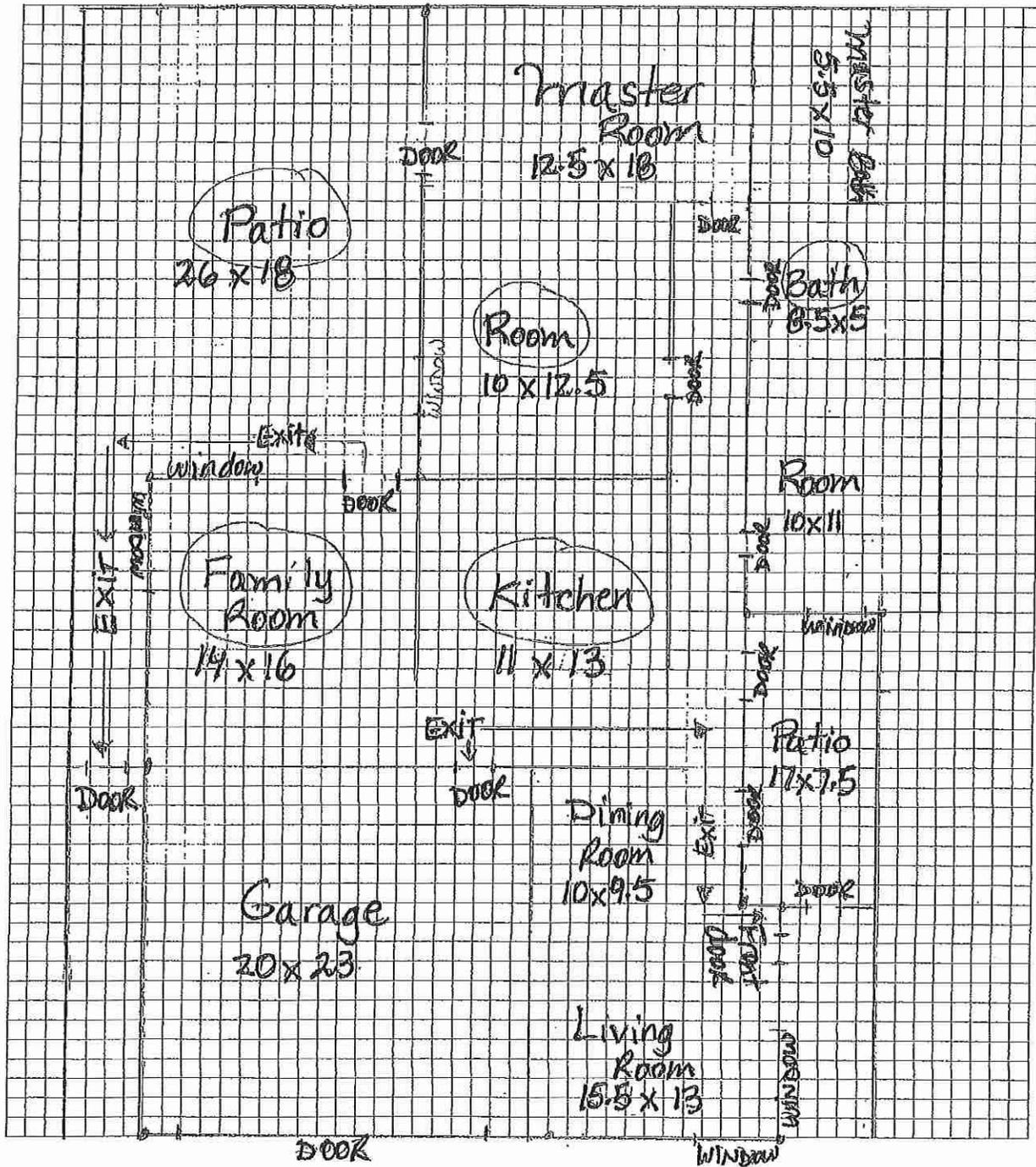


EXHIBIT Ap. 1 (Site Plan)

FACILITY SKETCH (Floor Plan)

Applicants are required to provide a sketch of the floor plan of the home or facility and outside yard. The floor sketch must label rooms such as the kitchen, bath, living room, etc. Circle the names of the rooms that will be used by staff/residents/clients/children. Door and window exits from the rooms must be shown in case of an emergency (see Emergency Disaster Plan). Show room sizes (e.g. 8.5 x 12). Keep close to scale. Use the space below. See back for yard sketch.

FACILITY NAME: Sonia Landa ADDRESS: 36632 Port Anchorwood PL Newark, CA.
94560





CITY OF NEWARK, CALIFORNIA

37101 Newark Boulevard • Newark, California 94560-3796 • (510) 578-4000 • FAX (510) 578-4306

January 22, 2016

Ms. Sonia Landa
36632 Port Anchorwood Place
Newark, CA 94560

Dear Ms. Landa,

SUBJECT: ZONING ADMINISTRATOR APPROVAL TO ESTABLISH A LARGE FAMILY DAY CARE HOME AT 36632 PORT ANCHORWOOD PLACE -- CITY FILE NO. MUP2015-001

The Zoning Administrator has conditionally approved your application to establish a large family day care home (up to 14 children at any one time) at 36632 Port Anchorwood Place. The conditions of approval are:

1. The large family day care home shall comply with the requirements of Section 17.16.040.A.5.c through e of the Newark Municipal Code, with "c.ii." amended to reflect that the garage shall be utilized for the parking of vehicles for the facility operator and/or attendant:
 - c. Each facility shall maintain the required amount of off-street parking spaces on-site as specified in Chapter 17.60 of the zoning ordinance. The parking spaces shall be located in a manner to be readily and safely utilized by the customers of the facility. Parking spaces designated under this section shall serve only one facility at a time. Acceptable parking areas include guest parking spaces reserved for the use of the dwelling unit or a private driveway exclusively serving a single dwelling unit. When a dwelling unit has a private driveway and/or garage, the following limitations shall apply:
 - i. If the driveway is specified as the parking area for the facility, the driveway shall remain clear and available for customers during the hours of operation of the facility.
 - ii. The garage shall be utilized for the parking of vehicles for the owners of the residence (or, when applicable, the facility operator and/or attendant).
 - d. The use and location of any outdoor recreation areas for the proposed facility shall not significantly impact abutting properties by generating noise that causes excessive

discomfort for adjacent residents or property owners. To limit noise, use of outdoor recreation areas shall be limited to the hours between 9:00 a.m. to 6:00 p.m., and all outdoor recreational activities shall be supervised by the facility operator or attendant.

- e. Outdoor recreation areas shall be located and recreational activities shall be conducted so as to be visually screened from the street and adjacent properties at grade by property line fences, landscaping or structures. Playground apparatus shall only be placed in the rear yard or interior side yard; in no case shall it be visible from a public street.
2. Operation of the large family day care home shall be limited to Monday through Friday.
 3. It is the responsibility of the facility operator or attendant to keep the noise generated by the children to a minimum.
 4. The facility operator or attendant shall, as often as necessary, inform and advise the parents of the children to: (a) minimize noise such as honking of car horns and slamming of car doors during drop-off and pick-up of children; and (b) obey all traffic laws, including speed limits at all times.
 5. The facility operator or attendant shall coordinate with the parents of the children to stagger the drop-off and pick-up times as much as possible to minimize traffic congestion, and to use the subject site's driveway and curb area for the drop-off and pick-up of children.
 6. The large family day care home shall comply with all applicable requirements of the most recent edition of the Building Code and Fire Code adopted by the City of Newark, and the Newark Municipal Code, including the provision of smoke alarms.
 7. Prior to the issuance of the State permit, a Fire Department inspection of the residence will be required to verify it complies with minimum safety standards.

The Zoning Administrator's decision will be presented to the Planning Commission on Tuesday, January 26, 2016 and to the City Council on Thursday, February 11, 2016, unless an appeal is received.

If the decision of the Zoning Administrator is appealed to the Planning Commission, the Commissions may do one of the following:

1. Refer the matter back to the Zoning Administrator for further consideration, in which case the Zoning Administrator shall conduct a further investigation as he shall deem advisable; and report his conclusion back to the Planning Commission.
2. If the fact stated in or ascertainable from the record transmitted by the Zoning Administrator do not, in the opinion of the Planning Commission, warrant future hearing, the Planning

Commission may affirm the decision of the Zoning Administrator and dismiss the appeal.

3. If, in the opinion of the Planning Commission, the facts warrant future hearing, the Planning Commission shall set the matter for hearing. The Planning Commission may reverse or affirm, wholly or partly, or modify any decision, determination or requirement of the Zoning Administrator, and may make decisions or determinations or may impose such conditions as the facts warrant.

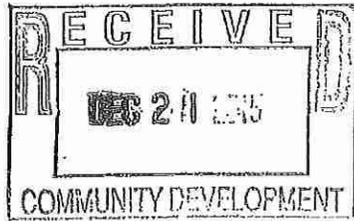
Please also be advised that, in the event that two or more complaints are received by the City from neighbors, a hearing shall be scheduled before the Zoning Administrator to consider the complaints and add conditions to the minor conditional use permit as appropriate. Further, the minor conditional use permit can be revoked if it is determined that the conditions of approval are not being complied with.

Thank you very much. Please contact me if you have any questions. My phone number is (510) 578-4208, and email address is terrence.grindall@newark.org.

Sincerely,



Terrence Grindall
Zoning Administrator



Michael Revell
36582 Port Anchorwood Pl
Newark, CA 94560

City of Newark
37101 Newark Blvd
Newark, CA 94560
ATTN: Planning Division, City of Newark

RE: Proposed Large Family Day Care Home at 36632 Port Anchorwood Place (MUP2015-001)

Greetings,

I received notice of a proposed "Large Family Day Care Home" at 36632 Port Anchorwood Place, three doors down from my home at 36582 Port Anchorwood Place, and, as noted, within 100 ft of the applicant. I am uncomfortable with a number of aspects of this proposed use, specific among them the potential traffic, parking and noise impacts that might affect me and my household, my fellow neighbors and the peace and character of our quiet cul-de-sac. I do not believe this use permit as detailed in the notice would be compatible with this particular location, and I would urge it's rejection.

Therefore I request a hearing on the matter and a chance to voice these concerns.

My property is at the bottom of our cul-de-sac, while the subject parcel would be in the bottle-neck. Per your notice, this *business* could become "up to 14 children", potentially transported by up to 14 vehicles, potentially every day of the week, every one of which would circle past my driveway each trip, dropping off in the morning, picking up in the afternoon or evening, perhaps parking while waiting to pick up, taking up already scarce street parking while also narrowing access uncomfortably for me and the other residents.

That's potentially an additional twenty-five to thirty vehicle trips per day. So even before considering the possible noise and other impacts that "up to 14 children", and perhaps additional employees, could create, this proposed use is problematic.

I look forward to the opportunity to review these concerns among others I have, and will await contact or notice regarding a hearing before the Zoning Administrator in the near future.

Regards,

-Michael Revell

D.2 Planning Commission referral of a minor conditional use permit, to establish a large family day care home at 36353 Shorehaven Place – from Assistant City Manager Grindall. (REVIEW OPTIONAL)

Background/Discussion – Ms. Stacy Kelly has submitted an application for a minor conditional use permit to establish a large family day care home (a facility for up to 14 children) at 36353 Shorehaven Place.

The subject site is located on a cul-de-sac and is zoned R-8,000 (Low-Density Residential – 8,000 District). Ms. Kelly has been operating a small family day care home (a facility for up to eight children) at the site since 2003 and she now wishes to expand the daycare operation to allow for more children. Per the Newark Municipal Code, the Zoning Administrator is the approval authority of large family day care homes. City staff sent a notice of the application to the 17 property owners within a 100-foot radius of the subject site. Staff did not receive any comments on the proposal. The application was approved by the Zoning Administrator with the attached conditions of approval.

The Zoning Administrator (ZA) has approved MUP-15-34, a minor conditional use permit, with Exhibit A, pages 1 through 2, to establish a large family day care home at 36353 Shorehaven Place, subject to the conditions in the attached ZA letter.

Environmental Review

This request to establish a large family day care home is statutorily exempt from the California Environmental Quality Act (CEQA) per Section 15274(a).

Attachment

Update – At its January 26, 2016 meeting, the Planning Commission chose not to review this “review optional” item.

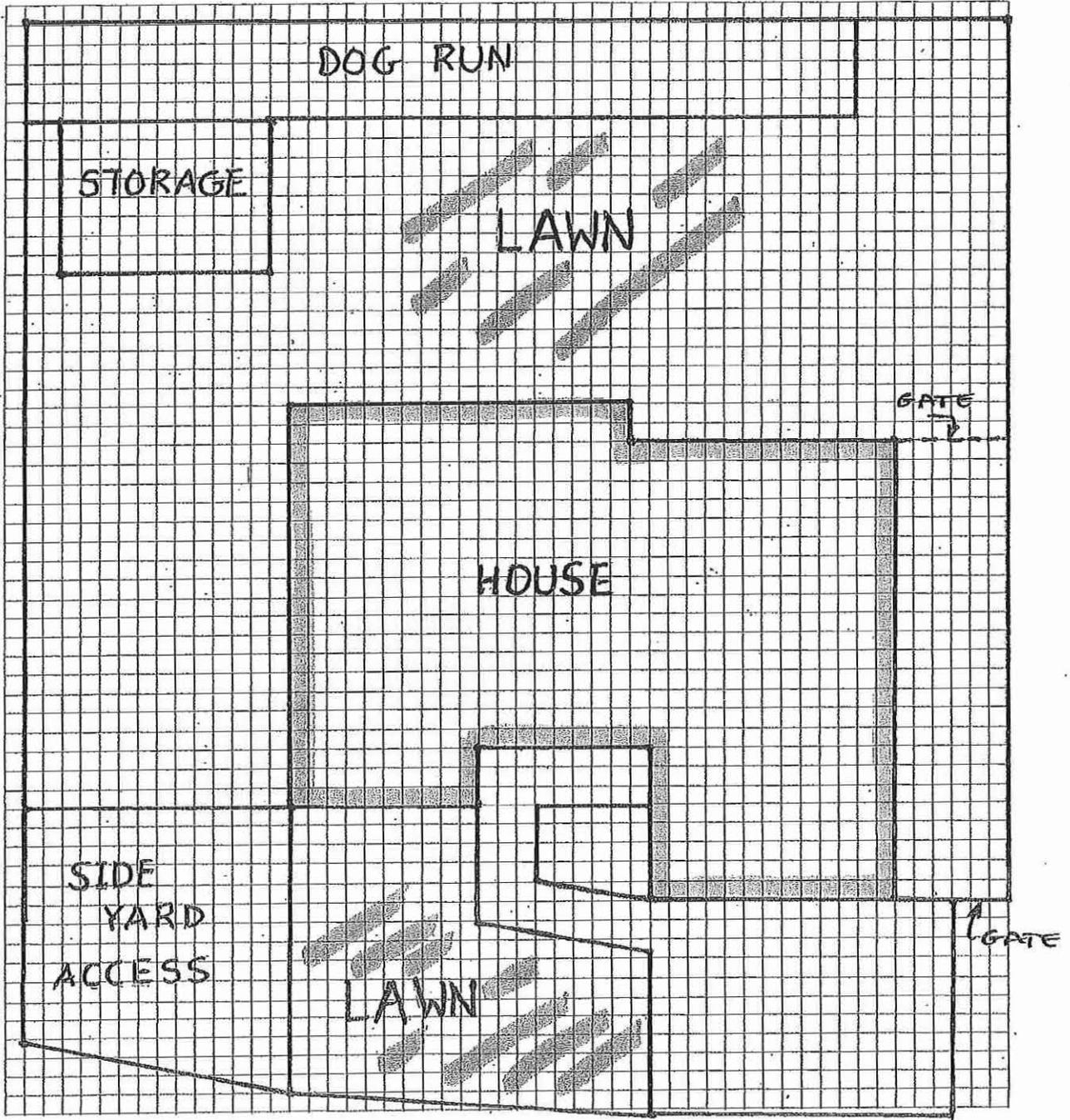
Action – City Council review of this item is optional.

FACILITY SKETCH (Yard) - Family Child Care Home

The yard sketch should show all buildings in the yard including the home (with no detail), garage and storage building. Include walks, driveways, play area, fences, gates. Please identify areas which will be "off limits" to children. Show any potential hazardous areas such as pools, garbage storage, animal pens, etc. Show the overall yard size. Try to keep the sizes close to scale. Use the space below.

FACILITY NAME:
STACY KELLY

ADDRESS:
**36353 SHOREHAVEN PL. NEWARK CA.
94560**



FACILITY SKETCH (Floor Plan) - Family Child Care Home

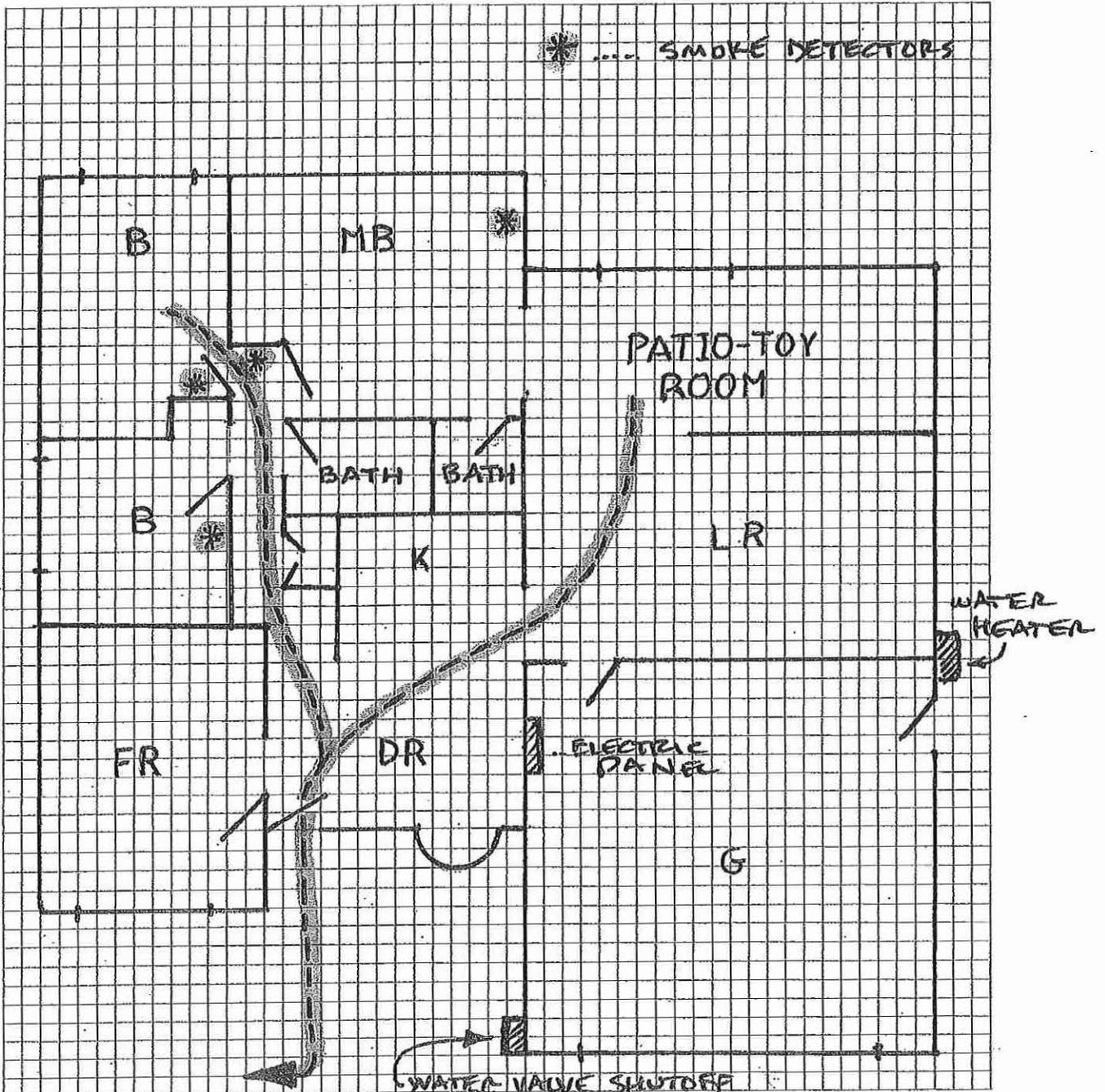
Applicants are required to provide a sketch of the floor plan of the home or facility and outside yard. The floor sketch must label rooms such as the kitchen, bath, living room, etc. Please identify areas which will be "off limits" to children. Door and window exits from the rooms must be shown in case of an emergency (see Emergency Disaster Plan). Show room sizes (e.g. 8.5 x 12). Keep close to scale. Use the space below. See back for yard sketch.

FACILITY NAME:

STACY KELLY

ADDRESS:

36353 SHOREHAVEN PL., NEWARK, CA.
94560



MEETING PLACE:
36399 SHOREHAVEN PL.

EXHIBIT Ap2 (Floor Plan)



CITY OF NEWARK, CALIFORNIA

37101 Newark Boulevard • Newark, California 94560-3796 • (510) 578-4000 • FAX (510) 578-4306

January 22, 2016

Ms. Stacy Kelly
36353 Shorehaven Place
Newark, CA 94560

Dear Ms. Kelly

**SUBJECT: ZONING ADMINISTRATOR APPROVAL TO ESTABLISH A LARGE
FAMILY DAY CARE HOME AT 36353 SHOREHAVEN PLACE – CITY
FILE NO. MUP-15-34**

The Zoning Administrator has conditionally approved your application to establish a large family day care home (up to 14 children at any one time) at 36353 Shorehaven Place. The conditions of approval are:

1. The large family day care home shall comply with the requirements of Section 17.16.040.A.5.c through e of the Newark Municipal Code, with "c.ii." amended to reflect that the garage shall be utilized for the parking of vehicles for the facility operator and/or attendant:
 - c. Each facility shall maintain the required amount of off-street parking spaces on-site as specified in Chapter 17.60 of the zoning ordinance. The parking spaces shall be located in a manner to be readily and safely utilized by the customers of the facility. Parking spaces designated under this section shall serve only one facility at a time. Acceptable parking areas include guest parking spaces reserved for the use of the dwelling unit or a private driveway exclusively serving a single dwelling unit. When a dwelling unit has a private driveway and/or garage, the following limitations shall apply:
 - i. If the driveway is specified as the parking area for the facility, the driveway shall remain clear and available for customers during the hours of operation of the facility.
 - ii. The garage shall be utilized for the parking of vehicles for the owners of the residence (or, when applicable, the facility operator and/or attendant).
 - d. The use and location of any outdoor recreation areas for the proposed facility shall not significantly impact abutting properties by generating noise that causes excessive

discomfort for adjacent residents or property owners. To limit noise, use of outdoor recreation areas shall be limited to the hours between 9:00 a.m. to 6:00 p.m., and all outdoor recreational activities shall be supervised by the facility operator or attendant.

- e. Outdoor recreation areas shall be located and recreational activities shall be conducted so as to be visually screened from the street and adjacent properties at grade by property line fences, landscaping or structures. Playground apparatus shall only be placed in the rear yard or interior side yard; in no case shall it be visible from a public street.
2. Operation of the large family day care home shall be limited to Monday through Friday.
 3. It is the responsibility of the facility operator or attendant to keep the noise generated by the children to a minimum.
 4. The facility operator or attendant shall, as often as necessary, inform and advise the parents of the children to: (a) minimize noise such as honking of car horns and slamming of car doors during drop-off and pick-up of children; and (b) obey all traffic laws, including speed limits at all times.
 5. The facility operator or attendant shall coordinate with the parents of the children to stagger the drop-off and pick-up times as much as possible to minimize traffic congestion, and to use the subject site's driveway and curb area for the drop-off and pick-up of children.
 6. The large family day care home shall comply with all applicable requirements of the most recent edition of the Building Code and Fire Code adopted by the City of Newark, and the Newark Municipal Code, including the provision of smoke alarms.
 7. Prior to the issuance of the State permit, a Fire Department inspection of the residence will be required to verify it complies with minimum safety standards.

The Zoning Administrator's decision will be presented to the Planning Commission on Tuesday, January 26, 2016 and to the City Council on Thursday, February 11, 2016, unless an appeal is received.

If the decision of the Zoning Administrator is appealed to the Planning Commission, the Commissions may do one of the following:

1. Refer the matter back to the Zoning Administrator for further consideration, in which case the Zoning Administrator shall conduct a further investigation as he shall deem advisable; and report his conclusion back to the Planning Commission.
2. If the fact stated in or ascertainable from the record transmitted by the Zoning Administrator do not, in the opinion of the Planning Commission, warrant future hearing, the Planning

Commission may affirm the decision of the Zoning Administrator and dismiss the appeal.

3. If, in the opinion of the Planning Commission, the facts warrant future hearing, the Planning Commission shall set the matter for hearing. The Planning Commission may reverse or affirm, wholly or partly, or modify any decision, determination or requirement of the Zoning Administrator, and may make decisions or determinations or may impose such conditions as the facts warrant.

Please also be advised that, in the event that two or more complaints are received by the City from neighbors, a hearing shall be scheduled before the Zoning Administrator to consider the complaints and add conditions to the minor conditional use permit as appropriate. Further, the minor conditional use permit can be revoked if it is determined that the conditions of approval are not being complied with.

Thank you very much. Please contact me if you have any questions. My phone number is (510) 578-4208, and email address is terrence.grindall@newark.org.

Sincerely,

A handwritten signature in cursive script that reads "Terrence Grindall". The signature is written in black ink and is positioned above the printed name.

Terrence Grindall
Zoning Administrator

D.3 Planning Commission referral of a minor conditional use permit, to establish a large family day care home at 36475 Christine Street – from Assistant City Manager Grindall. (REVIEW OPTIONAL)

Background/Discussion – Ms. Alicia Reed has submitted an application for a minor conditional use permit to establish a large family day care home (a facility for up to 14 children) at 36475 Christine Street.

The subject site is located near the intersection of Christine Street and Mayhews Landing Road and is zoned R-6,000 (Low-Density Residential – 6,000 District). Ms. Reed has been operating a small family day care home (a facility for up to eight children) at this home since January 2015, after obtaining State licensing for the small daycare in December 2014. City staff sent a notice of this application to the 12 property owners within a 100-foot radius of the subject site. A neighboring resident contacted staff and expressed concern over the safety of children and potential traffic congestion. After meeting with both the applicant and the concerned neighbor, the Zoning Administrator approved the application with some project-specific conditions of approval. In addition to leaving the driveway available to parents for the drop-off and pick-up of children, a condition was added to prohibit the applicant or any of her employees from parking at the curb in front of the home, in order to provide an additional parking space for parents' vehicles. Other conditions of approval for the project include having the applicant stagger the drop-off and pick-up of children and to advise parents to obey all traffic laws, including speed limits.

The Zoning Administrator (ZA) has approved MUP-14-53, a minor conditional use permit, with Exhibit A, pages 1 through 2, to establish a large family day care home at 36475 Christine Street, subject to the conditions in the attached ZA letter.

Environmental Review

This request to establish a large family day care home is statutorily exempt from the California Environmental Quality Act (CEQA) per Section 15274(a).

Attachment

Update – At its January 26, 2016 meeting, the Planning Commission chose not to review this “review optional” item.

Action – City Council review of this item is optional.

FACILITY SKETCH (Floor Plan) - Family Child Care Home

Applicants are required to provide a sketch of the floor plan of the home or facility and outside yard. The floor sketch must label rooms such as the kitchen, bath, living room, etc. Please identify areas which will be "off limits" to children. Door and window exits from the rooms must be shown in case of an emergency (see Emergency Disaster Plan). Show room sizes (e.g. 8.5 x 12). Keep close to scale. Use the space below. See back for yard sketch.

FACILITY NAME: ALICIA REED	ADDRESS: 36475 CHRISTINE STREET, NEWARK, CA 94560
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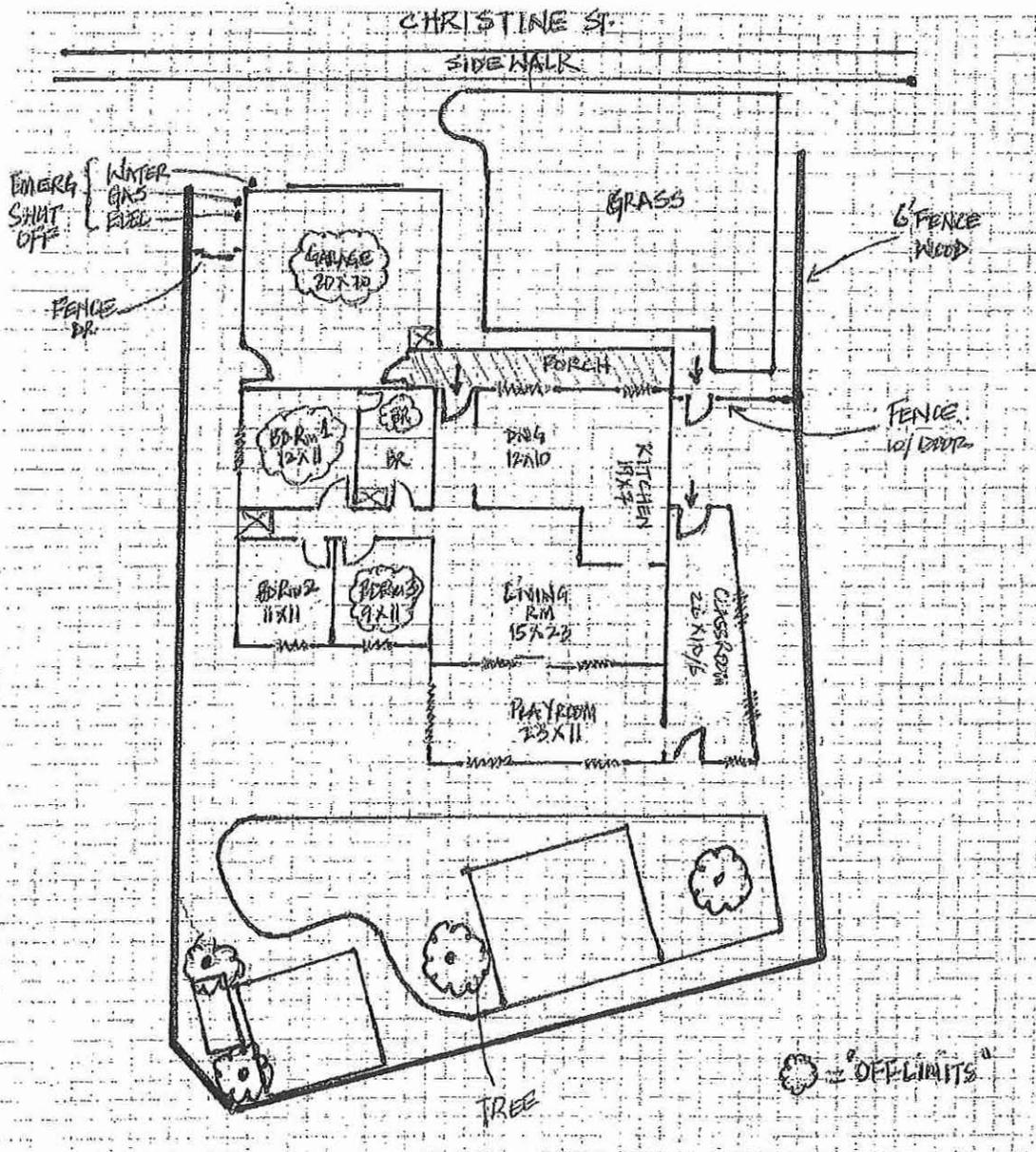
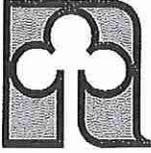


EXHIBIT A.2 (Floor plan)



CITY OF NEWARK, CALIFORNIA

37101 Newark Boulevard • Newark, California 94560-3796 • (510) 578-4000 • FAX (510) 578-4306

January 21, 2016

Mrs. Alicia Reed
36475 Christine Street
Newark, CA 94560

Dear Mrs. Reed,

SUBJECT: ZONING ADMINISTRATOR APPROVAL TO ESTABLISH A LARGE FAMILY DAY CARE HOME AT 36475 CHRISTINE STREET – CITY FILE NO. MUP-14-53

The Zoning Administrator has **conditionally** approved your application to establish a large family day care home (up to 14 children at any one time) at 36475 Christine Street. The conditions of approval are:

1. The large family day care home shall comply with the requirements of Section 17.16.040.A.5.c through e of the Newark Municipal Code, with "c.ii." amended to reflect that the garage shall be utilized for the parking of vehicles for the facility operator and/or attendant:
 - c. Each facility shall maintain the required amount of off-street parking spaces on-site as specified in Chapter 17.60 of the zoning ordinance. The parking spaces shall be located in a manner to be readily and safely utilized by the customers of the facility. Parking spaces designated under this section shall serve only one facility at a time. Acceptable parking areas include guest parking spaces reserved for the use of the dwelling unit or a private driveway exclusively serving a single dwelling unit. When a dwelling unit has a private driveway and/or garage, the following limitations shall apply:
 - i. If the driveway is specified as the parking area for the facility, the driveway shall remain clear and available for customers during the hours of operation of the facility.
 - ii. The garage shall be utilized for the parking of vehicles for the owners of the residence (or, when applicable, the facility operator and/or attendant).
 - d. The use and location of any outdoor recreation areas for the proposed facility shall not significantly impact abutting properties by generating noise that causes excessive

discomfort for adjacent residents or property owners. To limit noise, use of outdoor recreation areas shall be limited to the hours between 9:00 a.m. to 6:00 p.m., and all outdoor recreational activities shall be supervised by the facility operator or attendant.

- e. Outdoor recreation areas shall be located and recreational activities shall be conducted so as to be visually screened from the street and adjacent properties at grade by property line fences, landscaping or structures. Playground apparatus shall only be placed in the rear yard or interior side yard; in no case shall it be visible from a public street.
2. Operation of the large family day care home shall be limited to Monday through Friday.
3. It is the responsibility of the facility operator or attendant to keep the noise generated by the children to a minimum.
4. The facility operator or attendant shall, as often as necessary, inform and advise the parents of the children to: (a) minimize noise such as honking of car horns and slamming of car doors during drop-off and pick-up of children; and (b) obey all traffic laws, including speed limits at all times.
5. The facility operator or attendant shall coordinate with the parents of the children to stagger the drop-off and pick-up times as much as possible to minimize traffic congestion, and to use the subject site's driveway and curb area for the drop-off and pick-up of children.
6. The large family day care home shall comply with all applicable requirements of the most recent edition of the Building Code and Fire Code adopted by the City of Newark, and the Newark Municipal Code, including the provision of smoke alarms.
7. Prior to the issuance of the State permit, a Fire Department inspection of the residence will be required to verify it complies with minimum safety standards.
8. No daycare owner or employee shall park at the curb in front of the home.
9. Signage on the premises shall comply with the Newark Municipal Code.
10. The applicant must reside at the home in which the daycare is operated.

The Zoning Administrator's decision will be presented to the Planning Commission on Tuesday, January 26, 2016 and to the City Council on Thursday, February 11, 2016, unless an appeal is received.

If the decision of the Zoning Administrator is appealed to the Planning Commission, the Commission may do one of the following:

1. Refer the matter back to the Zoning Administrator for further consideration, in which case

the Zoning Administrator shall conduct a further investigation as he shall deem advisable; and report his conclusion back to the Planning Commission.

2. If the fact stated in or ascertainable from the record transmitted by the Zoning Administrator do not, in the opinion of the Planning Commission, warrant future hearing, the Planning Commission may affirm the decision of the Zoning Administrator and dismiss the appeal.
3. If, in the opinion of the Planning Commission, the facts warrant future hearing, the Planning Commission shall set the matter for hearing. The Planning Commission may reverse or affirm, wholly or partly, or modify any decision, determination or requirement of the Zoning Administrator, and may make decisions or determinations or may impose such conditions as the facts warrant.

Please also be advised that, in the event that two or more complaints are received by the City from neighbors, a hearing shall be scheduled before the Zoning Administrator to consider the complaints and add conditions to the minor conditional use permit as appropriate. Further, the minor conditional use permit can be revoked if it is determined that the conditions of approval are not being complied with.

Thank you very much. Please contact me if you have any questions. My phone number is (510) 578-4208, and email address is terrence.grindall@newark.org.

Sincerely,



Terrence Grindall
Zoning Administrator

F.1 Approval of the allocation of anticipated Community Development Block Grant jurisdiction improvement project funds for Fiscal Year 2016-2017 – from Assistant City Manager Grindall. (MOTION)

Background/Discussion – The City of Newark’s anticipated allotment of Community Development Block Grant (CDBG) funds for Fiscal Year 2016-2017 is still unknown. In order to meet the deadlines for approval by HUD, Newark needs to allocate the funds at this time. Staff is using an estimate of \$106,857 for planning purposes. This estimate is based on the most recent information from HUD. Actual funding could be greater or smaller than this amount. Newark’s CDBG funds are allocated by formula into three primary categories—General Administration (\$7,800), Housing Rehabilitation (\$36,873), and Jurisdiction Improvement Projects (\$106,857).

The General Administration funds are used to reimburse the city for the expense of administering the CDBG funds. The Housing Rehabilitation funds are dedicated to two county-run programs that assist qualified homeowners with repairs to their homes (the Minor Home Repair Program and the Owner Rehabilitation Program). The Jurisdiction Improvement Project funds are available to the city for qualifying projects.

The Community Development Advisory Committee (CDAC) met on January 27, 2016 to review the status of CDBG projects and to determine the recommended allocation of Jurisdiction Improvement Project funds for Fiscal Year 2016-2017. The CDAC voted unanimously to recommend that the City Council allocate all of the funds to the City’s Park Pathways Resurfacing for ADA Access Project No. 1109. This project will improve accessibility in City parks by removing ADA tripping hazards on City park pathways.

Action – It is recommended that the City Council, by motion, approve the allocation of anticipated CDBG jurisdiction improvement project funds for Fiscal Year 2016-2017 to the City’s Park Pathways Resurfacing for ADA Access Project No. 1109.

F.2 Approval to reclassify the Information Systems Manager position to Senior Information Systems Manager by amending the Employee Classification Plan, the Compensation and Benefit Plan for City Officials and the Management, Supervisory, and Professional Employee Group and the 2014-2016 Biennial Budget to add the position and funding for the position of Senior Information Systems Manager and to delete the position and funding of Information Systems Manager – from Human Resources Director Abe. (RESOLUTIONS -3)

Background/Discussion – The Administrative Services Department has proposed the reclassification of the Division Chief for Information Systems (IS) to a Senior Manager level. The proposed reclassification reflects the position’s independent leadership, highly technical and rapidly evolving expertise, and the scope and magnitude of services provided to all employees citywide.

With the rapid pace of technological advances and new systems requirements, the level and scope of IS Manager responsibilities have evolved to a Senior Manager level. The IS Division Chief serves as the City’s top technical expert and liaison. Due to the ever increasing technical expertise required and the unique demands of such rapidly evolving technology, the position must lead the IS Division with a high level of independence and timeliness. As proposed, the Senior Information Systems Manager position independently plans, directs, and administers the City’s technology and telecommunications infrastructure, equipment, applications and services. The position’s responsibility level is further distinguished by the scope and magnitude of services provided to all employees citywide. The IS Division provides and supports the tools and infrastructure necessary for optimizing customer service delivery, transparent communications, community access, and participation.

Based on the distinguishing characteristics and internal salary relationships, the recommended monthly salary range for Senior Information Systems Manager is \$8,912 to \$12,920 (Range 17), ten percent above the salary range for Information Systems Manager.

Attachments

Action - It is recommended that the City Council approve by resolutions: (1) amending Resolution No. 2505, the Employee Classification Plan, to create one new class specification entitled Senior Information Systems Manager; (2) amending Resolution No. 10401, the Compensation and Benefit Plan for City Officials, and the Management, Supervisory and Professional Group, to add one new classification entitled Senior Information Systems Manager; and (3) amending Resolution 10235, the 2014-2016 Biennial Budget to add one Senior Information Systems Manager position and delete one Information Systems Manager position.

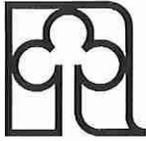
RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWARK AMENDING RESOLUTION NO. 2505, THE EMPLOYEE CLASSIFICATION PLAN, TO CREATE ONE NEW CLASS SPECIFICATION, ENTITLED SENIOR INFORMATION SYSTEMS MANAGER

BE IT RESOLVED by the City Council of the City of Newark that Resolution No. 2505, adopting an Employee Classification Plan, is amended as set forth in the following, effective February 11, 2016:

ADD

New Classification Code	New Classification Title
69.0	Senior Information Systems Manager



Class Code: 69.0
WP Code: Sr IS Mgr
Established: 02/2016
Revised: _____
EEO Code: P

CLASS SPECIFICATION

City of Newark, California

SENIOR INFORMATION SYSTEMS MANAGER

DEFINITION - Under general direction, plans, directs, and supervises the activities of the Information Systems Division; performs advanced technical, professional, and administrative work in the area of information systems and telecommunications; leads and executes special projects; recommends and authors municipal policies and procedures with an emphasis on information systems and telecommunications requirements and use; conducts complex and comprehensive analysis of a wide range of programs, products and services; evaluates and recommends technology solutions; and performs related work as assigned.

CLASS CHARACTERISTICS - This class has division head status and independently performs a variety of professional, administrative and managerial duties in leading the Information Systems Division. The employee in this class confers with other management personnel and employees on a variety of information systems and telecommunication issues.

Following general guidelines and applying professional and/or administrative standards, incumbents manage and administer the City's technology infrastructure, equipment, applications, and services; develop, administer and monitor budgets and inventories; and conduct analyses on programs, projects and operations.

As the City's information systems specialist, the employee is expected to continually evaluate the City's information systems and telecommunications solutions and agreements and is responsible for recommending and implementing technologies, systems and/or services that are appropriate to the City's needs and resources.

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

Plan, organize, supervise and perform professional and managerial duties relating to information systems and telecommunications;

Exercise direct supervision over assigned Information Systems personnel; participate in the selection of staff; plan and prioritize workloads and staff assignments; select, train, motivate, and evaluate assigned staff; conduct performance evaluations; work with employees to correct deficiencies; and implement discipline procedures.

Manage and administer assigned information systems and telecommunications operations to achieve goals within available resources;

Prepare information systems and telecommunications project plans; lead implementation of technology solutions;

Assist in the development of short and long range information systems plans;

Senior Information Systems Manager

Gather, interpret, and prepare data for evaluations, reports and recommendations;

Prepare a variety of studies, reports and related information for decision-making purposes such as organizational change, communications, information flow, and information systems' needs;

Make presentations to supervisors, managers, City Council, civic groups and the general public;

Consult with departments to determine information systems requirements and priorities;

Serve as network, server, and contract administrator;

Lead technology project teams;

Author requests for quotes (RFQs) and proposals (RFPs), negotiate agreements, and executes purchases;

Maintain equipment and software inventories and replacement schedules; coordinate the City's Geographic Information System (GIS) and web presence;

Conduct training programs; and

Perform related duties as assigned.

MINIMUM QUALIFICATIONS

Knowledge of:

Principles and practices of modern public administration.

Principles and practices of information technology.

Principles of information technology security including requirements for law enforcement and payment systems.

Principles and practices of supervision, training, and staff development.

Principles of budget monitoring.

Principles and practices of customer support management.

Project planning and management techniques.

Record-keeping, report writing, and business communication using proper English spelling and grammar.

Senior Information Systems Manager

Digital records management.

Network hardware: cabling, routers, switches, firewalls, etc.

Desktop and network operating systems and applications.

Email and database applications.

Voice-over-IP (VoIP).

Local and wide area networks (LAN/WAN)

Geographic Information Systems (GIS).

Web services and social media.

Mobile and wireless computing, including networking and security.

Mobile device management.

Applicable Federal, State and local laws, rules, and regulations pertaining to local government operations.

Thorough knowledge of applications, functions and programs for municipal operations.
Telecommunication practices and services.

Ability to:

Plan, organize and administer programs and or projects; conduct organizational, operational, and statistical analyses.

Prepare and analyze a variety of complex reports, studies and related information for decision making purposes.

Maintain efficient and effective information and telecommunications systems.

Install and troubleshoot information systems.

Establish and maintain effective working relationships with employees, city officials, contractors and the general public.

Communicate effectively both orally and in writing in order to present written and oral reports.

Supervise, train, and evaluate assigned personnel.

Senior Information Systems Manager

Develop goals and objectives for assigned area.

Coordinate, direct or provide for training programs.

On a continuous basis, sit at desk for long periods of time; intermittently twist to reach equipment surrounding desk; perform simple grasping and fine manipulation; use telephone, and write and use a keyboard to communicate through written means; lift or carry heavy weights.

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:

Four years of progressively responsible experience in management information systems and telecommunications systems, including two years of lead responsibility.

Training:

Equivalent to graduation from an accredited four-year college or university with major course work in Information Systems Technology or a related field.

Training may be substituted with experience on a year for year basis to a maximum of four years.

License or Certificate

Possession of, or ability to obtain, a valid California Class C Driver's License and a satisfactory driving record.

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 SENIOR INFORMATION SYSTEMS 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 February 11, 2016:

ADD

Add Classification Title	Salary Range
Senior Information Systems Manager	17

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWARK AMENDING RESOLUTION NO. 10235 THE 2014-2016 BIENNIAL BUDGET TO ADD ONE SENIOR INFORMATION SYSTEMS MANAGER POSITION AND DELETE ONE INFORMATION SYSTEMS MANAGER POSITION

BE IT RESOLVED by the City Council of the City of Newark that the 2014-2016 Biennial Budget was adopted by Resolution No. 10235 and is hereby amended to add one position of Senior Information Systems Manager effective February 11, 2016 and to delete one position of Information Systems Manager effective March 1, 2016 as follows:

Delete Classification Title	Delete Allocation (Activity Code/%)	Add New Classification Title	Add New Allocation (Activity Code/%)
(1.0) Information Systems Manager	1024 – 100%	(1.0) Senior Information Systems Manager	1024 – 100%

BE IT FURTHER RESOLVED that the 2014-2016 Biennial Budget for the Fiscal Year 2015-2016 is hereby amended as follows:

FROM:

010-0000-2991 Unallocated Fund Balance \$7,800

TO:

010-1024-4100 Information System Staff \$7,800

F.3 Amendment of the 2014-2016 Biennial Budget and Capital Improvement Plan for Fiscal Year 2015-2016 for General Revisions – from Administrative Services Director Woodstock. (RESOLUTION)

Background/Discussion – Fiscal Year 2015-2016 is the second year in the City’s two-year budget cycle. As part of the mid-cycle budget review, a number of revisions are proposed to the annual budget. These revisions have been identified where changes have occurred since the adoption of the budget document on June 22, 2014.

The budget amendment includes significant increases to several of the major revenue sources including property tax, sales tax, transient occupancy tax, and fees from development and construction services. These increases are based on last year’s performance and the economic trends.

The expenditure modifications to the General Fund operating budget for Fiscal Year 2015-2016 include:

- increases in technology/telecommunications costs
- increases in legal fees
- a marketing consultant to create outreach material
- adding positions or increasing hours to existing positions for Police, Human Resources, Recreation, and Public Works.
- increase in the cost of utilities
- increase in training and software costs in Police and Public Works.

In other funds, expenditure modifications are all offset by fund balance in each of those funds. The adjustments to those funds include:

- increase in Workers Compensation Costs
- increase in rent for the use of Hetch Hetchy property at the Maintenance Yard.
- year-end transfer station contract reconciliation.

The last item on the amendment is to transfer \$2,000,000 from the unallocated fund balance into the unrestricted Capital Reserve Fund. At this time there are sufficient funds in the unallocated fund balance to allow for the rebuilding of the Capital Reserve Fund.

Exhibit A lists the adjustments to the budget revenues, expenditures and transfer. Exhibit B lists the adjustments to the budget position table.

Attachments

Action - It is recommended that the City Council, by resolution, amend the 2014-2016 Biennial Budget and Capital Improvement Plan for Fiscal Year 2015-2016.

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
NEWARK AMENDING THE 2014-2016 BIENNIAL BUDGET
AND CAPITAL IMPROVEMENT PLAN FOR FISCAL YEAR
2015-2016

BE IT RESOLVED by the City Council of the City of Newark that the certain document entitled "2014-2016 Biennial Budget and Capital Improvement Plan of the City of Newark" for Fiscal Year 2015-2016 adopted by Resolution No. 10235 on June 22, 2014, and amended by Resolutions: No. 10252 (June 30, 2014), No. 10280 (October 19, 2014), No. 10294 (November 13, 2014), No. 10309 (January 22, 2015), No. 10310 (January 22, 2015), No. 10332 (March 26, 2015), No. 10343 (April 23, 2015), No. 10364 (May 28, 2015), No. 10386 (June 25, 2015), No. 10415 (September 10, 2015), No.10422 (October 8, 2015), No. 10424 (October 22, 2015), No. 10427 (November 12, 2015), No. 10435 and 10436 (December 10, 2015), and No. 10447 (January 14, 2016) is hereby amended as set forth in Exhibits A and B attached.

Exhibit A**Fiscal Year 2015/16 Mid-Year Budget Amendments****General Fund Operating Budget:**

Fund/Dept Description	To:	From:
010-0000 Property Tax (Increase revenue)	\$ -	\$ 451,000
010-0000 Sales Tax (Increase revenue)	-	262,000
010-0000 Transient Occupancy Tax (Increased revenue)	-	859,000
020 Development/Construction Fee Revenue (Increased revenue)	-	800,000
010-0000-3990 One Time Increase due to End of Triple Flip	-	700,000
010-0000 Transfer Tax		250,000
010-0000 Fines and Foreitures		(150,000)
010-0000 Use of Money		(50,000)
010-1024 Citywide technology costs	30,000	-
010-1012 Legal Fees	50,000	-
010-1050 Marketing Consultant	15,000	-
010-1021 Administrative Analyst - Human Resources	50,000	-
010-1032 Add Dispatcher Position	64,000	-
010-1030 Add Police Officer Overhire	203,000	-
010-1030 Police training and supplies	98,000	-
010-1032 Police technology cost increases	14,000	-
010-1030 Change Officer Position to Sergeant	38,000	-
Various Utility Costs	102,000	-
020 Public Works Training and software costs	5,000	-
030 Administrative Support Specialist Recreation- .25 FTE	10,000	-
010-0000-2991 Fund Balance	1,735,770	(707,230)
	2,414,770	2,414,770

Other Funds:

703-9210 Workers Compensation Consultant Services	30,000	-
703-9210 LAWX Premium	54,000	-
703-0000-2991 703 Fund Balance		84,000
709-9410 Hetch Hetchy Rent	3,000	
709-0000-2991 709 Fund Balance		3,000
701-9310 Add .25 FTE Equipment Mechanic I	16,000	
701-0000-2991 701 Fund Balance		16,000
023 Year End Transfer Station Contractual Reconciliation	72,890	
023-0000-2991 Waste Augmentation Fund Balance		72,890
037-2014 Increase cost of technology	2,000	
037-000-2991 037 Fund Balance		2,000

Transfer To Reserves:

401 Capital Improvement Fund	2,000,000	
010-0000-2991 Unallocated Fund Balance		2,000,000

Exhibit B
Fiscal Year 2015/16 Position Amendments

Position Amendments:

Add:

	<u>Position</u>	<u>Activity</u>	<u>Percentage</u>	<u>FTE</u>
	Administrative Analyst	1021	100%	.75
	Additional FTE Administrative Support Specialist	3030	100%	.25
	Over Hire Officer	1030	100%	1
	Dispatcher	1032	100%	1
	Police Sergeant	1030	100%	1
	Additional FTE Equipment Mechanic I	9310	100%	.25

Delete:

	<u>Position</u>	<u>Activity</u>	<u>Percentage</u>	<u>FTE</u>
	Police Officer	1030	100%	-1

F.4 Authorization for the Mayor to sign a Contractual Services Agreement with RRM Design Group, to complete a Zoning Ordinance update and amending the 2014-2016 Biennial Budget – from Assistant City Manager Grindall. (RESOLUTION)

Background/Discussion – Staff is proposing to conduct a comprehensive “overhaul” of the Zoning Ordinance which would result in a modern, intuitive, and more effective document. The ordinance includes regulations for setbacks, height, landscaping, signage, parking, hazardous materials storage, form based codes, transition overlay districts, and historical resources. Newark’s existing Zoning Ordinance was originally adopted in 1965 and has been amended numerous times over the years. It has never received a comprehensive review and update since the original adoption. The current zoning ordinance contains 24 separate zoning districts that regulate uses throughout the community. Each district’s regulations describe the intent of each district, the uses permitted by right or conditional use, and the development standards for each district.

The scope of the project will include complete replacement of Title 17 (Zoning) of the Newark Municipal Code with a modern user-friendly code, as well as modifications to the Zoning Map to bring each property’s zoning designation into conformance with the General Plan. An electronic, printable, internet friendly and amendable Zoning Map would be created. Graphics would be used to clearly demonstrate concepts.

The following are major components of the Zoning Ordinance that are to be incorporated into the update:

- Restructure and consolidate zoning districts into a more concise set of districts.
- Review permitted and conditional uses for appropriateness.
- Divide conditional uses into Major and Minor Use Permits, with the Minor Use Permits approved on a staff level.
- Procedures would be revised to more efficiently guide development to desired outcomes.
- The development standards for each district would be evaluated and revised as necessary.
- Specific site design standards based on the location of development and the desired character of development would be developed. This is most critical in the Old Town Area.
- All definitions would be reviewed and revised accordingly.
- Consistency would be ensured throughout the zoning ordinance.
- Parcels would be rezoned, as needed, to the appropriate zoning district based on equivalency of the old and new districts and consistency with the General Plan.

Community Involvement: Three public Planning Commission work sessions and a community meeting would be held to gather input from residents, property owners and businesses. Property owners whose zoning designation was proposed to be modified would be notified by mail. Prior to formal adoption there would be a Public Hearing before the Planning Commission and a Public Hearing before the City Council.

In November of 2015, the City initiated a Request for Qualification (RFQ) process to develop a list of potential consultants who could conduct the Zoning Update. Seven submissions were received and five teams were interviewed by staff. After interviewing consultants, the City determined that RRM Design Group was most qualified and had the clearest vision of what the Zoning Update should encompass.

The attached contract includes a detailed work plan. The not-to-exceed cost for the effort is \$197,560. The update process is expected to require 8 months to complete.

This effort would help to maintain effective planning regulations and thus the cost is appropriately to be funded from the Community Development Maintenance Fee. This impact fee was established in 2010 to fund Community Development activities that promote the orderly development of Newark. No General Fund resources would be used for the Zoning Update contract. A budget amendment is necessary to transfer the Community Development Maintenance Fee Unallocated Fund Balance to the Consulting Services account.

Attachment

Action - It is recommended that the City Council, by resolution, authorize the Mayor to sign a Contractual Services Agreement with RRM Design Group to complete a Zoning Ordinance Update and amending the 2014-2016 Biennial Budget.

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
NEWARK AUTHORIZING THE MAYOR TO SIGN A
CONTRACTUAL SERVICES AGREEMENT WITH RRM
DESIGN GROUP TO COMPLETE A ZONING ORDINANCE
UPDATE AND AMENDING THE 2014-2016 BIENNIAL
BUDGET

WHEREAS, the City of Newark Zoning Ordinance was adopted in 1965 and has been amended numerous times over the years; and

WHEREAS, a comprehensive update to the Zoning Ordinance will result in a modern and effective document; and

WHEREAS, city staff has determined that the RRM Design Group is the most qualified consultant to prepare the Zoning Ordinance Update; and

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Newark that Mayor Nagy is hereby authorized to sign the contractual services agreement with RRM Design Group to complete a Zoning Ordinance Update.

BE IT FURTHER RESOLVED that the 2014-2016 Biennial Budget (Resolution No. 10235) for the Fiscal Year 2015-2016 is hereby amended as follows:

From:
025-0000-2991 Community Development Maintenance Fee Unallocated Fund Balance \$250,000

To:
025-2010-5271 Consulting Services \$250,000

**CONTRACTUAL SERVICES AGREEMENT
CONSULTANTS**

This Service Agreement (hereinafter "Agreement") is made and entered into this day of _____, 20____ by and between the **CITY OF NEWARK**, a municipal corporation ("City"), and RRM DESIGN GROUP, a California Corporation ("Consultant"), collectively the "Parties".

WITNESSETH:

WHEREAS, City requested proposals to perform the services generally including: ZONING ORDINANCE UPDATE.

WHEREAS, in response to City's request, Consultant submitted a proposal and, after negotiations, Consultant agreed to perform the Services more particularly described in Exhibit "A" ("Services"), in return for the compensation described in this Agreement and Exhibit "A".

WHEREAS, in reliance upon Consultant's documentation of its qualifications, as set forth in Exhibit "B", City finds that Consultant has demonstrated the requisite qualifications, experience, training, and expertise to perform the requested Services.

NOW, THEREFORE, the Parties hereto agree as follows:

1. CONSULTANT'S SERVICES. Consultant shall perform Services described, and in the time, place, and manner specified in Exhibit "A" in accordance with the terms and conditions of this Agreement. In the event of a conflict in or inconsistency between the terms of this Agreement and Exhibit "A", the Agreement shall control.

2. TIME FOR PERFORMANCE. Time is of the essence in the performance of Services under this Agreement and Consultant shall generally adhere to the schedule set forth in Exhibit "A"; provided, that City shall grant reasonable extensions of time for the performance of such Services occasioned by governmental reviews of Consultant's work product or other unavoidable delays occasioned by circumstances, provided, further, that such unavoidable delays shall not include strikes, lockouts, work stoppages, or other labor disturbances conducted by, or on behalf of, Consultant's officers or employees. Any Services for which times for performance are not specified in this Agreement shall be commenced and completed by Consultant in a reasonably prompt and timely manner based upon the circumstances and direction communicated to Consultant.

Consultant acknowledges the importance to City of City's performance schedule and agrees to put forth its best professional efforts to perform its Services under this Agreement in a manner consistent with that schedule. City understands, however, that Consultant's performance must be governed by sound professional practices.

3. COMPENSATION.

A. **“Not to Exceed” Compensation.** City shall compensate Consultant for all Services performed by Consultant hereunder in an amount based upon Consultant’s hourly or other rates set forth in Exhibit “A”. The payments specified in Exhibit “A” shall be the only payments to be made to Consultant for Services rendered pursuant to this Agreement.

Notwithstanding the foregoing, the combined total of compensation and costs payable hereunder shall not exceed the sum of One hundred ninety-seven thousand, five hundred and sixty dollars and No/100 Dollars (\$197,560.00) unless the performance of services and/or reimbursement of costs and expenses in excess of said amounts have been approved in advance of performing such services or incurring such costs and expenses by City, evidenced in writing authorizing such additional amount.

B. **Method of Billing.** To request payment, Consultant shall submit monthly invoices to City identifying Services performed and the charges therefore (including an identification of personnel who performed Services, hours worked, hourly rates, and reimbursable expenses), based upon Consultant’s billing rates (set forth on Exhibit “B” hereto).

Consultant shall submit all billings for said Services to City in the manner specified in Exhibit “B”; or, if no manner is specified in Exhibit “B”, then according to the usual and customary procedures and practices which Consultant uses for billing clients similar to City.

Invoices shall be sent to:

City of Newark
Attn: Finance Department
37101 Newark Blvd.
Newark, CA 94560

Upon completion of Services, City shall sign off and acknowledge that all terms and conditions have been satisfactorily met; upon which, unless waived by City in writing, Consultant shall prepare an itemized statement, briefly describing by task and/or labor category the items billed.

C. **Payment.** Upon receipt of an invoice, City shall make payments to Consultant on a monthly basis, or at such other times as may be specified in Exhibit “A”, for Services, which are performed in accordance with this Agreement to the satisfaction of City.

D. **Consultant’s Failure to Perform.** In the event that Consultant performs Services that do not comply with the requirements of this Agreement, Consultant shall, upon receipt of written notice from City, re-perform the services (without additional compensation to Consultant). If Consultant’s failure to perform in accordance with this Agreement causes damages to City, Consultant shall reimburse City for the damages incurred (which may be charged as an offset to Consultant’s payment).

4. **ADDITIONAL SERVICES.** In the event City desires the performance of additional services not otherwise included within Services, such services shall be authorized by

written task order approved in advance of the performance thereof. Such task order shall include a description of the services to be performed thereunder, the maximum compensation and reimbursement of costs and expenses payable therefore, the time of performance thereof, and such other matters as the Parties deem appropriate for the accomplishment of such services. Except to the extent modified by a task order, all other terms and conditions of this Agreement shall be deemed incorporated in each such task order.

5. INDEPENDENT CONSULTANT. At all times during the term of this Agreement, Consultant shall be, and is an independent consultant and shall not be an employee or agent of City. Consultant shall not be entitled to any benefit, right, or compensation other than that provided in this Agreement. City shall have the right to control Consultant only insofar as the results of Consultant's Services; however, City shall not have the right to control the means by which Consultant accomplishes Services rendered pursuant to this Agreement.

Except as City may specify in writing, Consultant shall have no authority, express or implied, to act on behalf of City in any capacity whatsoever as an agent. Consultant shall have no authority, express or implied, pursuant to this Agreement to bind City to any obligation whatsoever.

6. PERSONNEL. Consultant understands that, in entering into this Agreement, City has relied upon Consultant's ability to perform in accordance with its representations regarding the qualifications of Consultant, including the qualifications of its Authorized Representative, its designated personnel, and its Subconsultants, if any, identified in Exhibit "C". Therefore, Consultant shall not replace its Authorized Representative, or any of the designated personnel or Subconsultants identified in Exhibit "C", without the prior written consent of City. All Services shall be performed by, or under, the direct supervision of Consultant's Authorized Representative.

Consultant agrees to include with all Subconsultants in their subcontract the same requirements and provisions of this Agreement including the indemnity and Insurance requirements to the extent they apply to the scope of the Subconsultant's work. Subconsultants hired by Consultant agree to be bound to Consultant and City in the same manner and to the same extent as Consultant is bound to City under this Agreement. Subconsultant further agrees to include these same provisions with any Sub-subconsultant. A copy of this Agreement's Indemnity and Insurance provisions will be furnished to the Subconsultant upon request. The Consultant shall require all Sub-subconsultants to provide a valid certificate of insurance and the required endorsements included in this Agreement prior to commencement of any Services and will provide proof of compliance to the City.

In the event that City, in its sole discretion, at any time during the term of this Agreement, desires the removal of any of Consultant's designated personnel or Subconsultants, Consultant shall, immediately upon receiving notice from City of such desire of City, cause the removal of such person or persons.

7. FACILITIES AND EQUIPMENT. Consultant shall, at its sole cost and expense, furnish all facilities and equipment which may be required for furnishing Services.

8.

9. INFORMATION AND DOCUMENTATION.

A. Information from City. City has made an effort to provide Consultant with all information necessary for Consultant's performance of Services. If Consultant believes additional information is required, Consultant shall promptly notify City and City will provide to Consultant all relevant non-privileged information in City's possession.

B. Consultant's Accounting Records. Consultant shall maintain all accounting records related to this Agreement in accordance with generally accepted accounting principles and state law requirements, and in no event for less than four (4) years. Consultant's accounting records shall include, at a minimum, all documents which support Consultant's costs and expenses related to this Agreement, including personnel, subconsultants' invoices and payments, and reimbursable expenses. Consultant's accounting records shall be made available to City within a reasonable time after City's request, during normal business hours.

C. Ownership of Work Product. All original documents prepared by Consultant (including its employees and subconsultants) for this Agreement ("Work Product"), whether complete or in progress, are the property of City and shall be given to City at the completion of Consultant's Services, or upon demand of City. Consultant shall have a right to make and keep copies of the Work Product except for any confidential information. Consultant shall not reveal the Work Product or the confidential information contained in the Work Product, or make it available, to any third party without the prior written consent of City.

10. CONFLICTS OF INTEREST PROHIBITED. Consultant (including its employees, agents, and subconsultants) shall not maintain or acquire any direct or indirect interest that conflicts with the performance of this Agreement. Consultant shall comply with all requirements of the Political Reform Act (California Government Code Section 81000, *et seq.*) and other laws relating to conflicts of interest, including: (a) Consultant shall not make or participate in a decision made by City if it is reasonably foreseeable that the decision may have a material effect on Consultant's economic interest, and (b) if required by law, Consultant shall file financial disclosure forms with the City Clerk. If Consultant maintains or acquires a conflicting interest, any contract with City (including this Agreement) involving Consultant's conflicting interest may be terminated by City.

11. NONDISCRIMINATION. Consultant shall comply with all applicable federal, state, and local laws regarding nondiscriminatory employment practices, whether or not said laws are expressly stated in this Agreement. Consultant shall not discriminate against any employee or applicant because of race, color, religious creed, national origin, physical disability, mental disability, medical condition, marital status, sexual orientation, sex, age, or any other basis, as defined in California Civil Code Section 51.

12. COMPLIANCE WITH LAW AND STANDARD OF CARE. Consultant shall comply with all applicable legal requirements including all federal, state, and local laws (including ordinances and resolutions), whether or not said laws are expressly stated in this Agreement. Consultant shall perform Services using a standard of care equal to, or greater than, the degree of skill and diligence ordinarily used by reputable professionals, with a level of experience and training similar to Consultant, performing under circumstances similar to those required by this Agreement.

13. **INSURANCE.** Consultant shall procure and maintain for the duration of this Agreement insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder by the Consultant, his agents, representatives, subconsultants, or employees.

A. Verification of Coverage.

Consultant shall furnish City with original certificates of insurance and amendatory endorsements or copies of the applicable policy language effecting coverage required by this clause. The certificates and endorsements for each insurance policy are to be signed by a person authorized by that insurer to bind coverage on its behalf. All certificates and endorsements are to be received and approved by City before work commences.

Proof of Insurance shall be mailed to the following address or any subsequent address as may be directed in writing by the City Risk Manager:

CITY OF NEWARK
Attn: Risk Manager
37101 Newark Boulevard
Newark, CA 94560

City reserves the right to require and obtain complete, certified copies of all required insurance policies and endorsements at any time. Failure to exercise this right at any time shall not constitute a waiver of right to exercise later. Consultant shall immediately furnish City with certificates of renewal for each policy that is renewed during the term of this Agreement.

B. Minimum Scope of Insurance.

Coverage shall be at least as broad as:

1. Insurance Services Office Form Number CG 00 01 covering Commercial General Liability on an occurrence basis, including products and completed operations, property damage, bodily injury, and personal and advertising injury; and
2. Insurance Services Office Form Number CA 00 01 covering Code 1, (any auto), or Code 8 (hired) and Code 9 (non-owned) if consultant has no owned autos; and
3. Workers' Compensation insurance as required by the State of California, with Statutory Limits, and Employer's Liability Insurance; and
4. Errors and Omissions Liability insurance appropriate to the Consultant's profession. Architects' and Engineers' coverage is to be endorsed to include contractual liability.

C. Minimum Limits of Insurance.

It shall be a requirement under this Agreement that any available insurance proceeds broader than or in excess of the specified minimum Insurance coverage requirements and/or limits shall be available to the Additional Insured. Furthermore, the requirements for coverage and limits shall be (1) the minimum coverage and limits specified in this Agreement; or (2) the broader coverage and maximum limits of coverage of and Insurance policy or proceeds available to the named Insured; whichever is greater.

Consultant shall maintain limits no less than:

1. General Liability: **\$2,000,000** per occurrence for bodily injury, personal injury, and property damage. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit.
(including products and completed operations, property damage, bodily injury, and personal and advertising injury)
2. Automobile Liability: **\$1,000,000** per accident for bodily injury and property damage.
3. Employer's Liability: **\$1,000,000** per accident for bodily injury or disease.
4. Errors and Omissions Liability: **\$1,000,000** per occurrence or claim; **\$2,000,000** aggregate.

D. Deductibles and Self-Insured Retentions.

Any deductibles or self-insured retentions must be declared to and approved by the City Risk Manager. At the option of City, either: (1) the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects to City, its officers, officials, directors, employees, contractors, agents, and volunteers, or (2) Consultant shall provide a financial guarantee satisfactory to City guaranteeing payment of losses and related investigations, claim administration, and defense expenses in an amount specified by the City Risk Manager or designee.

E. Claims Made Policies.

For all "claims made" coverage, in the event that Consultant changes insurance carriers Consultant shall purchase "tail" coverage or otherwise provide for continuous coverage covering the Term of this Agreement and not less than five (5) years thereafter. Proof of such "tail" or other continuous coverage shall be required at any time that the Consultant changes to a new carrier.

F. Wasting Policies.

No policy required by this paragraph 12 shall include a “wasting” policy limit (ie. limit that is eroded by the cost of defense).

G. Remedies.

In addition to any other remedies City may have if Consultant fails to provide or maintain any insurance policies or policy endorsements to the extent and within the time herein required, City may, at its sole option exercise any of the following remedies, which are alternatives to other remedies City may have and are not the exclusive remedy for Consultant’s breach:

1. Obtain such insurance and deduct and retain the amount of the premiums for such insurance from any sums due under the Agreement;
2. Order Consultant to stop work under this Agreement or withhold any payment that becomes due to Consultant hereunder, or both stop work and withhold any payment, until Consultant demonstrates compliance with the requirements hereof; and/or
3. Terminate this Agreement.

H. Acceptability of Insurers.

Insurance is to be placed with insurers with a current A.M. Best’s rating of no less than A:VII, unless otherwise acceptable to the City Risk Manager. All insurance companies providing coverage to Consultant shall be insurance organizations authorized by the Insurance Commissioner of the State of California to transact the business of insurance in the State of California.

I. Other Insurance Provisions.

The general liability and automobile liability policies are to contain, or be endorsed to contain, the following provisions:

1. Additional Insureds. City, its officers, officials, directors, employees and volunteers (“Additional Insureds”) are to be covered as insureds with respect to liability arising out of work or operations performed by or on behalf of Consultant; including materials, parts or equipment furnished in connection with such work or operations.
2. Primary Coverage. For any claims related to Services, Consultant’s insurance coverage shall be primary insurance as respects City, its officers, officials, directors, employees, and volunteers. Any insurance or self-insurance maintained by City, its officers, officials, directors, employees, or volunteers shall be excess of Consultant’s insurance and shall not be contribute with it. Consultant’s policy will not seek contribution from the City’s insurance or self insurance.

3. Notice of Cancellation. Each insurance policy required above shall provide that coverage shall not be canceled during the term of this Agreement without notice to City.

4. Civil Code § 2782. Coverage shall not extend to any indemnity coverage for the active negligence of the additional insured in any case where an agreement to indemnify the additional insured would be invalid under Subdivision (b) of Section 2782 of the California Civil Code.

5. Deductibles and Self-Insured Retentions (SIR). All deductibles and self-insured retentions must be disclosed to the City Risk Manager for approval and shall not reduce the limits of liability. Policies containing any SIR provision shall provide or be endorsed to provide that the SIR may be satisfied by either the named Insured or the City.

6. Subconsultants. Consultant shall include all subconsultants as insureds under its policies or shall require and verify separate certificates and endorsements have been obtained for each subconsultant. All coverages for subconsultants shall be subject to all of the requirements stated herein.

7. Waiver of Subrogation. With respect to Workers' Compensation and Employer's Liability Coverage, the insurer shall agree to waive all rights of subrogation against City, its officers, officials, directors, employees, and volunteers for losses arising from work performed by Consultant for City.

8. Coverage is Material Element. Maintenance of proper insurance coverage in conformity with the provision of this paragraph 12 is a material element of this Agreement and failure to maintain or renew coverage or to provide evidence of coverage or renewal may be treated by City as a material breach of this Agreement.

9. Variation. The City Risk Manager may approve a variation in these insurance requirements upon a determination that the coverage, scope, limits, and form of such insurance are either not commercially available or that City's interests are otherwise fully protected. Any variation granted shall be done in writing and shall be made a part of this Agreement as Appendix "A".

13. REPORTING DAMAGES. If any damage (including but not limited to death, personal injury or property damage) occurs in connection with the performance of this Agreement, Consultant shall immediately notify the City Risk Manager's office by telephone at 510-578-4428, and Consultant shall promptly submit to the City's Risk Manager and the City's Administrator (see paragraph 18, hereinbelow) a written report (in a form acceptable to City) with the following information: (a) name(s) and address(es) of the injured or deceased person(s), (b) name(s) and address(es) of witnesses, (c) name(s) and address(es) of Consultant's insurance company(ies), and (d) a detailed description of the damage(s) and whether any City property was involved.

14. INDEMNIFICATION/SAVE HARMLESS. To the fullest extent permitted by law, the Consultant shall indemnify City, its, officers, officials, directors, employees, and volunteers from and against all liabilities regardless of nature or type arising out of or resulting

from Consultant's performance of Services, to the extent caused by any negligent or wrongful act or omission of Consultant or Consultant's officers, employees, agents, or subconsultants. Liabilities subject to the duties to indemnify include, without limitation all losses, damages, ; associated investigation and administrative expenses; reimbursement of reasonable defense costs and reasonable attorneys' fees; court costs; and costs of alternative dispute resolution. Consultant's obligation to indemnify shall not apply to liability caused by the negligence or willful misconduct of an indemnified party. If it is finally adjudicated that liability is caused by the comparative active negligence or willful misconduct of an indemnified party, Consultant's indemnification obligation shall be reduced in proportion to the established comparative liability of the indemnified party.

The review, acceptance or approval of Consultant's work or work product by any indemnified party shall not affect, relieve or reduce Consultant's indemnification obligations. This paragraph survives completion of Services or the termination of this contract. The provisions of this paragraph are not limited by and do not affect the provisions of this contract relating to insurance.

Consultant/Subconsultant's responsibility for such indemnity obligations shall survive the termination or completion of this Agreement for the full period of time allowed by law. The indemnification obligations of this Agreement are undertaken in addition to, and shall not in any way be limited by, the insurance obligations contained in this Agreement.

15. LICENSES, PERMITS, ETC. Consultant represents and warrants to City that it has all licenses, permits, qualifications, and approvals of whatsoever nature that are legally required for Consultant to practice its profession. Consultant represents and warrants to City that Consultant shall, at its sole cost and expense, keep in effect at all times during the term of this Agreement any licenses, permits, and approvals which are legally required for Consultant to practice its profession. In addition to the foregoing, Consultant shall obtain and maintain during the term hereof a valid City of Newark Business License.

16. TERM/TERMINATION.

A. The term of this Agreement shall commence upon the date first hereinabove written and shall expire upon completion of performance of Services hereunder by Consultant.

B. Notwithstanding the provisions of paragraph 16 Section A above, either party may terminate this Agreement without cause by giving written notice thereof not less than ten (10) days prior to the effective date of termination, which date shall be included in said notice. In the event of such termination, City shall compensate Consultant for Services rendered and reimburse Consultant for costs and expenses incurred, to the date of termination, calculated in accordance with the provisions of paragraph 3. In ascertaining the Services actually rendered to the date of termination, consideration shall be given both to completed work and work in process of completion. Nothing herein contained shall be deemed a limitation upon the right of City to terminate this Agreement for cause, or otherwise to exercise such rights or pursue such remedies as may accrue to City hereunder.

17. **CONTRACT ADMINISTRATION.** This Agreement shall be administered by **TERRENCE GRINDALL** of the City of Newark (“Administrator”). All correspondence shall be directed to or through the Administrator or his/her designee.

18. **NOTICES.** Written notices required or convenient hereunder shall be delivered personally or by depositing the same with the United States Postal Service, first class (or equivalent) postage prepaid and addressed, in the case of Consultant, to:

RRM DESIGN GROUP

CITY OF NEWARK

DEBBIE RUDD

TERRENCE GRINDALL

Consultant

Administrator

Address: RRM Design Group
3765 S. Higuera Suite 102,
San Luis Obispo, CA 93401

City of Newark
Attn: Terrence Grindall
37101 Newark Blvd.
Newark, CA 94560

19. **PARAGRAPH HEADINGS.** Paragraph headings used herein are for convenience only and shall not be deemed to be a part of such paragraphs and shall not be construed to change the meaning thereof.

20. **EXHIBITS.** All exhibits referred to herein are attached hereto and are by this reference incorporated herein.

21. **SEVERABILITY.** If any term of this Agreement (including any phrase, provision, covenant, or condition) is held by a court of competent jurisdiction to be invalid or unenforceable, the Agreement shall be construed as not containing that term, and the remainder of this Agreement shall remain in full force and effect; provided, however, this paragraph shall not be applied to the extent that it would result in a frustration of the Parties’ intent under this Agreement.

22. **GOVERNING LAW, JURISDICTION, AND VENUE.** The interpretation, validity, and enforcement of this Agreement shall be governed by and interpreted in accordance with the laws of the State of California. Any suit, claim, or legal proceeding of any kind related to this Agreement shall be filed and heard in a court of competent jurisdiction in the County of Alameda.

23. **ATTORNEY’S FEES.** In the event any legal action is commenced to enforce this Agreement, the prevailing party is entitled to reasonable attorney’s fees, costs, and expenses incurred.

24. **ASSIGNABILITY.** Neither Consultant nor City shall subconsult, assign, sell, mortgage, hypothecate, or otherwise transfer their respective interests or obligations in this Agreement without the express prior written consent of the non-transferring party.

25. **MODIFICATIONS.** This Agreement may not be modified orally or in any manner other than by an agreement in writing signed by both Parties.

26. **WAIVERS.** Waiver of breach or default under this Agreement shall not constitute a continuing waiver of a subsequent breach of the same or any other provision of this Agreement.

27. **ENTIRE AGREEMENT.** This Agreement, including all documents incorporated herein by reference, comprises the entire integrated understanding between the Parties concerning the Services. This Agreement supersedes all prior negotiations, agreements, and understandings regarding this matter, whether written or oral. The documents incorporated by reference into this Agreement are complementary; what is called for in one is binding as if called for in all.

28. **SIGNATURES.** The individuals executing this Agreement represent and warrant that they have the right, power, legal capacity, and authority to enter into and to execute this Agreement on behalf of the respective legal entities of Consultant and City. This Agreement shall inure to the benefit of and be binding upon the Parties hereto and their respective successors and assigns.

29. **COVENANT AGAINST CONTINGENT FEES.** Consultant hereby warrants that Consultant has not employed or retained any company or person, other than a *bona fide* employee working for Consultant, to solicit or secure this Agreement, and Consultant has not paid or agreed to pay any company or person, other than a *bona fide* employee, any fee, commission, percentage, brokerage fee, gift, or any other consideration contingent upon or resulting from the award or formation of this Agreement. For breach or violation of this warranty, City shall have the right to annul this Agreement without liability or, at City's discretion, to deduct from the Agreement price or consideration, or otherwise recover, the full amount of such fee, commission, percentage, brokerage fee, gift or contingent fee.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement the day and year first hereinabove written.

CITY OF NEWARK,
a municipal corporation

RRM Design Group
a California Corporation

By _____
City of Newark

By _____
Consultant

Date _____

Date _____

Printed Name

Attest:

City Clerk

Date _____

Approved as to form:

City Attorney

Date _____

EXHIBIT A

SCOPE OF SERVICES and PAYMENT



NEWARK ZONING ORDINANCE UPDATE

Scope of Services

SCOPE OF SERVICES

TASK 1: Technical Analysis and Policy Direction

Subtask 1.1: Kickoff Meeting and City Tour

Meet with City staff and others as appropriate to discuss their ideas and aspirations for the project, policy issues to be resolved, and clarify roles and responsibilities. We will also discuss problems and issues with the current regulations. Tour the City with City staff.

Subtask 1.2: Technical Review.

Conduct a technical review of the City's existing zoning regulations, General Plan, and other applicable ordinances, plans, and policy documents. If available, it is helpful to review a list of technical zoning issues and a summary of the types of variances granted and standard conditions imposed on various types of projects for the past two to three years, based on a sample of applications reflecting conditions in different geographic areas of the City. The technical review will identify conflicts with the General Plan and applicable requirements of State and Federal law. Review issues identified by staff.

Subtask 1.3: Project Introduction and Policy Direction Staff Report.

Based on technical review of the City's zoning regulations and City staff comments, prepare a Staff Report for a Planning Commission Study Session that introduces the Zoning Update project and distills "big ideas" and key choices for the update. An administrative draft will be prepared for City staff review and then revised based on staff comments.

Subtask 1.4: Planning Commission Study Session #1.

Attend, prepare materials for, and make formal presentation at a Planning Commission Study Session introducing the project and soliciting policy direction on "big ideas" for the Zoning Ordinance Update.

Deliverables:

- *Project Introduction and Policy Direction Staff Report*

Meetings:



- *Kickoff Meeting and City Tour*
- *One (1) Planning Commission Study Session*

TASK 2: Outline

Subtask 2.1: Zoning Ordinance Outline

Prepare a working outline reflecting the framework for a new Zoning Ordinance. The outline will provide a recommended framework for the new regulations, designed for clarity and user-friendliness. Chapters and sections will be organized to flow logically. As a general rule, the most frequently consulted provisions should come before provisions less frequently consulted. Prepare a draft Outline for staff review and revise, based on staff comments.

Deliverables:

- *Zoning Ordinance Outline*

TASK 3: Draft Ordinance

The Zoning Ordinance will be drafted based on the Zoning Ordinance Outline and presented in groups of related standards to facilitate review and consideration of the comprehensive update.

Subtask 3.1: Citywide Standards and Administrative Provisions.

Prepare Draft Citywide Standards and Administrative Provisions. Analyze current Citywide standards and identify new and revised standards and performance requirements for implementing the General Plan. These provisions will address City staff concerns about "problem" uses, general development standards, and inconsistencies with State and federal law. Evaluate existing administrative provisions for all zoning decisions, and identify opportunities for streamlining, standardizing, and clarifying provisions. Include provisions for Minor Use Permits approved on a staff level and amortization provisions for detrimental nonconforming uses. The amortization provisions will be prepared by Meyers Nave with support from RRM. Review Draft Citywide Standards and Administrative Provisions with City staff and revise, based on staff comments.

Subtask 3.2: Planning Commission Study Session #2.

A Planning Commission Study Session will be held to present and review draft Citywide Regulations and Administrative Provisions. The purpose of the study session is to gather comments and get feedback on the draft regulations for incorporation into the Public Review Draft Ordinance.



Subtask 3.3: District Regulations and Zoning Map.

Prepare Draft District Regulations and Zoning Map, including district use regulation tables and development standards. Use tables will specify the level of review required, list any limitations on permitted uses, and provide cross-references to other sections of the Ordinance where additional regulations apply. The usefulness of each zoning district will be confirmed. The total number of zones will be minimized and zones that are no longer needed will be removed. Use regulations and development standards will be revised to reflect current and future development outcomes and for consistency with the General Plan and other City development goals. Parcels will be rezoned as needed for General Plan consistency. The Zoning Map will be prepared using GIS mapping software, a digital parcel base map provided by the City, and the City's GIS database of General Plan Land Use Designations and the current zoning designations. Accuracy of current zoning designations will be verified. Review the Draft District Regulations and Zoning Map with City staff and revise, based on staff comments.

Subtask 3.4: Planning Commission Study Session #3.

A Planning Commission Study Session will be held to present and review draft District Regulations and Zoning Map. The purpose of the study session is to gather comments and get feedback on the draft regulations for incorporation into the Public Review Draft Ordinance.

Subtask 3.5: Public Review Draft Zoning Ordinance and Map.

Review comments on draft District Regulations, Citywide Standards, Administrative Provisions, and Zoning Map and prepare the Public Review Draft Zoning Ordinance and Map. Prepare an administrative draft for City staff review and revise based on a consolidated set of comments.

Subtask 3.6: Community Workshop.

Conduct a community workshop to present and review the Public Review Draft Zoning Ordinance and Map.

Subtask 3.7: Public Hearing Draft Zoning Ordinance and Map.

Review comments on Public Review Draft Zoning Ordinance and Map and prepare the Public Hearing Draft. Prepare an administrative draft for City staff review and revise based on a consolidated set of comments.



Deliverables:

- Draft Regulations:
 - Citywide Standards and Administrative Provisions
 - District Regulations and Zoning Map
- Public Review Draft Zoning Ordinance and Map
- Public Hearing Draft Zoning Ordinance and Map

Meetings:

- Two (2) Planning Commission Study Sessions
- One (1) Community Workshop

TASK 4: Hearings and Adoption

Subtask 4.1: Public Review Process Preparation

Assist City staff in preparing for the public review and adoption process.

Subtask 4.2: Public Hearings

Attend, prepare materials for, and make formal presentations at one Planning Commission hearing and one City Council hearing on the Zoning Ordinance and Map update.

Subtask 4.3: Final Documents

Based on City Council action and final text changes provided by staff, prepare the final Zoning Ordinance and Map.

Deliverable(s):

- Public Hearing Materials
- Final Zoning Ordinance in Word and PDF format
- Final Zoning Map in GIS and PDF format

Meeting(s):

- One (1) Planning Commission Hearing
- One (1) City Council Hearing



BUDGET

Newark Zoning Code Update

Fee Schedule
 January 22, 2016

		TASK 1		TASK 2		TASK 3		TASK 4	
		Technical Analysis and Policy Direction		Outline		Draft Ordinance		Hearings and Adoption	
RRM	\$ per hour								
Principal	185	24	\$4,440	8	\$1,480	60	\$11,100	8	\$1,480
Principal Planner	160	120	\$19,200	40	\$6,400	240	\$38,400	40	\$6,400
Architect/Urban Designer	135	40	\$5,400	0	\$0	80	\$10,800	32	\$4,320
Senior Planner	125	24	\$3,000	12	\$1,500	140	\$17,500	24	\$3,000
Planner/Designer	95	40	\$3,800	24	\$2,280	240	\$22,800	12	\$1,140
Intern	40	24	\$960	12	\$480	80	\$3,200	12	\$480
Meyers Nave - Subconsultant	N/A						\$22,000		
		\$ 36,800		\$ 12,140		\$ 125,800		\$ 16,820	

Subtotal	\$ 191,560
Reimbursable Expenses	\$ 6,000
Estimated Project Total	\$ 197,560

Fee Footnotes

Tasks will be billed as the work progresses until the task is completed and the total amount stated in the contract for the task is invoiced.

Reimbursable Expenses

Incidental expenses incurred by RRM Design Group or any subconsultant it may hire to perform services for this project are reimbursed by the client at actual cost plus 10% to cover its overhead and administrative expenses.

Adjustment to Hourly Billing Rates

RRM reserves the right to adjust hourly rates on an annual basis.

BUDGET ASSUMPTIONS

Our budget is based on the following assumptions:

- **Documents**
 We assume the City will provide relevant planning and zoning materials and ordinances, any un-codified ordinances related to zoning, and any pertinent reports, as well as GIS files of zoning, land use, and other pertinent maps.
- **Meeting Attendance**
 The project budget includes attendance at meetings identified in the scope of services. The costs of additional meeting attendance would be on a time and materials basis if requested; such costs are not included within the fee.
- **Consolidated Comments and Direction**
 City staff will provide a single set of consolidated comments on the review drafts of all documents.



- **Final Documents**
We will provide camera-ready copy and digital files of documents in an editable electronic format (MS Word) and Adobe PDF formats. The budget assumes that the City will be responsible for additional printing and distributing of public review and adopted documents, and any mailings to outside parties and agencies.
- **Travel Expenses, Mailing Costs, and Other Direct Costs**
The budget includes direct costs related to the project, including travel expenses, mailing costs, in-house printing costs, and other similar reimbursable expenses. Such items will be itemized on billing statements.

Reimbursable Expenses

Incidental expenses incurred by RRM Design Group, or any subconsultant it may hire to perform services for this project, are reimbursed by the Client at actual cost plus 10% to cover its overhead and administrative expenses. Reimbursable expenses include, but are not limited to reproduction costs, postage, shipping and handling of drawings and documents, long-distance communications, fees paid to authorities having jurisdiction over the project, the expense of any additional insurance requested by Client in excess of that normally carried by RRM Design Group or its subconsultants, travel expenses (transportation/automobile/lodging/meals), renderings and models. Reimbursable automobile travel mileage will be billed at the current IRS business standard mileage rate.

Adjustment to Hourly Billing Rates

RRM reserves the right to adjust hourly rates on an annual basis.

SCHEDULE

An eight-month timeframe is anticipated for the project with work commencing in February 2016 and concluding in September 2016. The schedule may be adjusted to meet City needs. (See attached project schedule).

LIMITATIONS OF SCOPE AND EXCLUSIONS

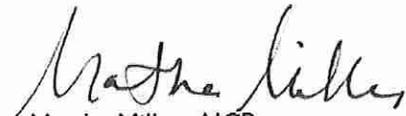
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If you have any questions or require clarification of the scope of services or fees outlined above, please do not hesitate to call us. Thank you again for this opportunity.

Sincerely,

RRM DESIGN GROUP

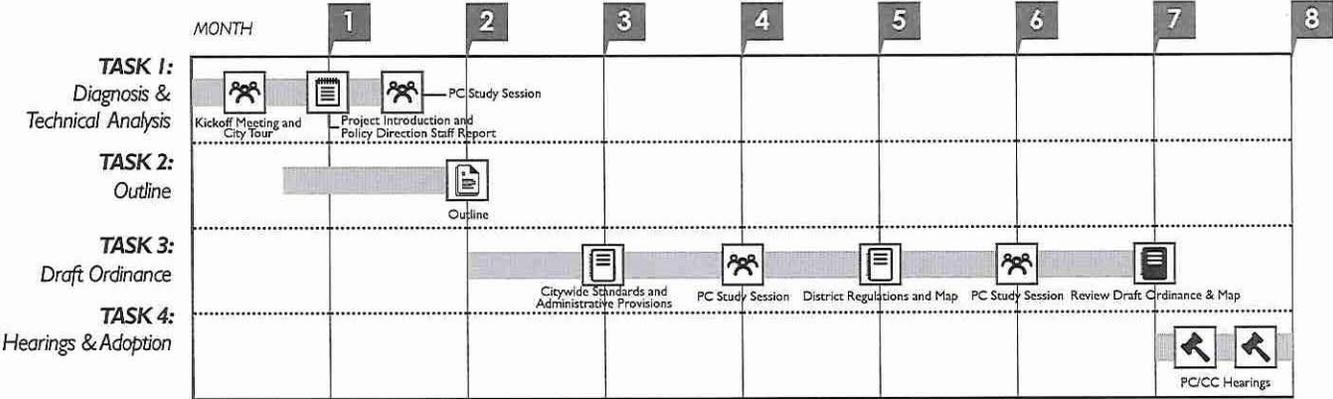

Martha Miller, AICP
Principal Planner


Debbie L. Rudd, LEED AP
Principal

Attachment: Project Schedule

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Project Schedule





NEWARK ZONING ORDINANCE UPDATE

Scope of Services

SCOPE OF SERVICES

TASK 1: Technical Analysis and Policy Direction

Subtask 1.1: Kickoff Meeting and City Tour

Meet with City staff and others as appropriate to discuss their ideas and aspirations for the project, policy issues to be resolved, and clarify roles and responsibilities. We will also discuss problems and issues with the current regulations. Tour the City with City staff.

Subtask 1.2: Technical Review.

Conduct a technical review of the City's existing zoning regulations, General Plan, and other applicable ordinances, plans, and policy documents. If available, it is helpful to review a list of technical zoning issues and a summary of the types of variances granted and standard conditions imposed on various types of projects for the past two to three years, based on a sample of applications reflecting conditions in different geographic areas of the City. The technical review will identify conflicts with the General Plan and applicable requirements of State and Federal law. Review issues identified by staff.

Subtask 1.3: Project Introduction and Policy Direction Staff Report.

Based on technical review of the City's zoning regulations and City staff comments, prepare a Staff Report for a Planning Commission Study Session that introduces the Zoning Update project and distills "big ideas" and key choices for the update. An administrative draft will be prepared for City staff review and then revised based on staff comments.

Subtask 1.4: Planning Commission Study Session #1.

Attend, prepare materials for, and make formal presentation at a Planning Commission Study Session introducing the project and soliciting policy direction on "big ideas" for the Zoning Ordinance Update.

Deliverables:

- *Project Introduction and Policy Direction Staff Report*

Meetings:

3765 S. Higuera St., Ste. 102 • San Luis Obispo, CA 93401

p: (805) 543-1794 • f: (805) 543-4609

www.rrmdesign.com

a California corporation • Lenny Grant, Architect C26973 • Jerry Michael, PE 36895, LS 6276 • Jeff Ferber, LA 2844



- *Kickoff Meeting and City Tour*
- *One (1) Planning Commission Study Session*

TASK 2: Outline

Subtask 2.1: Zoning Ordinance Outline

Prepare a working outline reflecting the framework for a new Zoning Ordinance. The outline will provide a recommended framework for the new regulations, designed for clarity and user-friendliness. Chapters and sections will be organized to flow logically. As a general rule, the most frequently consulted provisions should come before provisions less frequently consulted. Prepare a draft Outline for staff review and revise, based on staff comments.

Deliverables:

- *Zoning Ordinance Outline*

TASK 3: Draft Ordinance

The Zoning Ordinance will be drafted based on the Zoning Ordinance Outline and presented in groups of related standards to facilitate review and consideration of the comprehensive update.

Subtask 3.1: Citywide Standards and Administrative Provisions.

Prepare Draft Citywide Standards and Administrative Provisions. Analyze current Citywide standards and identify new and revised standards and performance requirements for implementing the General Plan. These provisions will address City staff concerns about “problem” uses, general development standards, and inconsistencies with State and federal law. Evaluate existing administrative provisions for all zoning decisions, and identify opportunities for streamlining, standardizing, and clarifying provisions. Include provisions for Minor Use Permits approved on a staff level and amortization provisions for detrimental nonconforming uses. The amortization provisions will be prepared by Meyers Nave with support from RRM. Review Draft Citywide Standards and Administrative Provisions with City staff and revise, based on staff comments.

Subtask 3.2: Planning Commission Study Session #2.

A Planning Commission Study Session will be held to present and review draft Citywide Regulations and Administrative Provisions. The purpose of the study session is to gather comments and get feedback on the draft regulations for incorporation into the Public Review Draft Ordinance.



Subtask 3.3: District Regulations and Zoning Map.

Prepare Draft District Regulations and Zoning Map, including district use regulation tables and development standards. Use tables will specify the level of review required, list any limitations on permitted uses, and provide cross-references to other sections of the Ordinance where additional regulations apply. The usefulness of each zoning district will be confirmed. The total number of zones will be minimized and zones that are no longer needed will be removed. Use regulations and development standards will be revised to reflect current and future development outcomes and for consistency with the General Plan and other City development goals. Parcels will be rezoned as needed for General Plan consistency. The Zoning Map will be prepared using GIS mapping software, a digital parcel base map provided by the City, and the City's GIS database of General Plan Land Use Designations and the current zoning designations. Accuracy of current zoning designations will be verified. Review the Draft District Regulations and Zoning Map with City staff and revise, based on staff comments.

Subtask 3.4: Planning Commission Study Session #3.

A Planning Commission Study Session will be held to present and review draft District Regulations and Zoning Map. The purpose of the study session is to gather comments and get feedback on the draft regulations for incorporation into the Public Review Draft Ordinance.

Subtask 3.5: Public Review Draft Zoning Ordinance and Map.

Review comments on draft District Regulations, Citywide Standards, Administrative Provisions, and Zoning Map and prepare the Public Review Draft Zoning Ordinance and Map. Prepare an administrative draft for City staff review and revise based on a consolidated set of comments.

Subtask 3.6: Community Workshop.

Conduct a community workshop to present and review the Public Review Draft Zoning Ordinance and Map.

Subtask 3.7: Public Hearing Draft Zoning Ordinance and Map.

Review comments on Public Review Draft Zoning Ordinance and Map and prepare the Public Hearing Draft. Prepare an administrative draft for City staff review and revise based on a consolidated set of comments.



Deliverables:

- *Draft Regulations:*
 - *Citywide Standards and Administrative Provisions*
 - *District Regulations and Zoning Map*
- *Public Review Draft Zoning Ordinance and Map*
- *Public Hearing Draft Zoning Ordinance and Map*

Meetings:

- *Two (2) Planning Commission Study Sessions*
- *One (1) Community Workshop*

TASK 4: Hearings and Adoption

Subtask 4.1: Public Review Process Preparation

Assist City staff in preparing for the public review and adoption process.

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Newark Zoning Code Update

Fee Schedule January 22, 2016

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RRM DESIGN GROUP


Martha Miller, AICP
Principal Planner


Debbie L. Rude, LEED AP
Principal

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Project Schedule

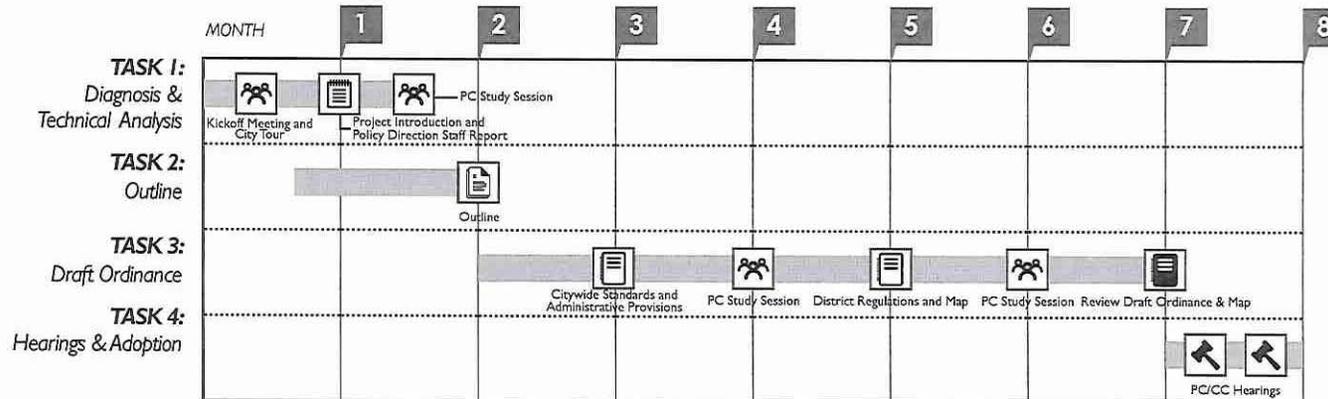
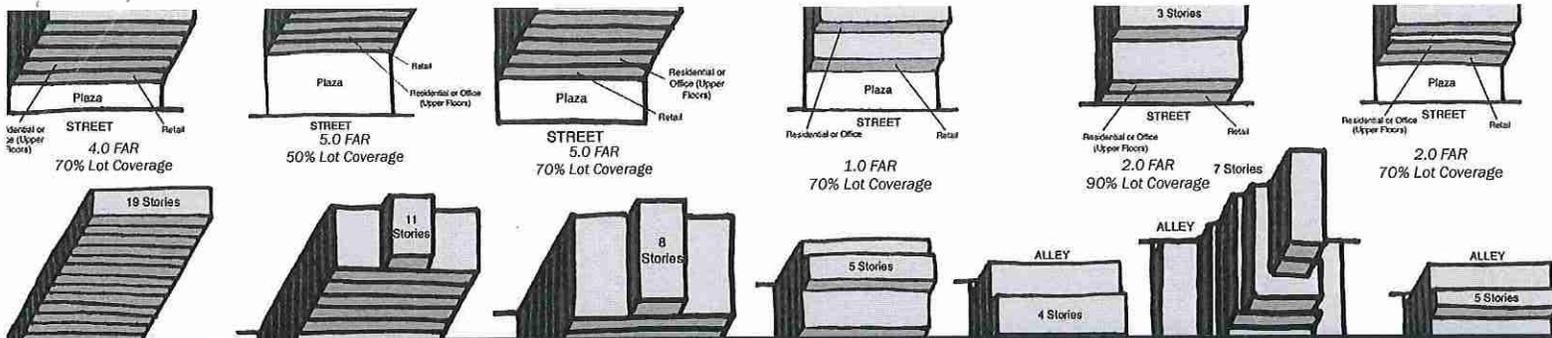


EXHIBIT B
QUALIFICATIONS



Statement of Qualifications Prepared for the City of Newark

NEWARK ZONING ORDINANCE UPDATE

DECEMBER 23, 2015



- 1 General Qualifications
- 4 Key Staff
- 10 Approach and Methodology
- 12 References
- 15 Billing Ranges



December 23, 2015

Terrence Grindall, Assistant City Manager
City of Newark
37101 Newark Blvd
Newark, CA 94560

RE: City of Newark Zoning Ordinance Update

Dear Mr. Grindall,

We are pleased to submit this Statement of Qualifications for the City of Newark Zoning Ordinance Update. This project interests us tremendously because of the opportunity to help the City comprehensively update the zoning regulations and map, creating a modern, intuitive, and effective ordinance in accordance with the goals and policies of the City's General Plan and consistent with State and federal law. The update will provide for greater certainty and finality in decision-making, based on findings and objective criteria, while also allowing for flexibility in development where appropriate—to let Newark say “yes” to what it wants and “no” to what it does not.

The RRM team is uniquely suited to help the City accomplish its goals. We offer:

- **Zoning experience.** Martha Miller, AICP, Project Manager, brings a wealth of zoning experience to the RRM team. She specializes in zoning and development codes, particularly preparing responsive, user-friendly development regulations that are easy to use and understand. She has worked in a wide array of diverse settings, including urban centers, small towns, coastal communities, and rural counties, giving her a depth of understanding that allows her to focus quickly on solutions for various community objectives, whether the focus is to create vibrant, mixed-use centers, natural resource protection and agricultural preservation, and everything in between.
- **Strength in developing comprehensive, user-friendly ordinances.** We recognize that zoning ordinances must be understandable to all interested persons and, with a minimum of reading, should provide clear answers to questions such as: “What regulations apply to this lot, or to this use?” All of our ordinances are drafted in a user-friendly format that consolidates similar provisions, with cross-references where needed, provides high-quality illustration of concepts, and easily interfaces with the web.
- **Architecture and urban design expertise.** RRM's architectural and urban design practice bring a high level of design capacity to the project. Our team also has experience on all sides of the development process, from public sector development review to architects and designers building real projects. We understand how to write regulations that respond to local conditions and result in high quality design.



- **Exceptional experience in implementing sustainability principles.** We understand how to craft policies and implementation measures to promote sustainability without hampering economic development. Martha Miller worked on the San Gabriel “Greening the Code” project which won awards from the Los Angeles APA and SCAG.

- **Consensus building and public outreach skills.** We have proven expertise in making public participation successful, enabling changes to the zoning ordinance to be embraced by the community, staff, and decision makers alike.

If selected, we will commit senior staff to this assignment. Debbie Rudd, Principal-in-Charge, will provide overall project direction. Martha Miller, AICP, will be the Project Manager and day-to-day project contact. Ms. Miller has successfully provided this service for a number of similar assignments, including zoning and development codes for San Carlos, South San Francisco, Fresno, Redwood City, Mammoth Lakes, Porterville, and Placer and Yuba counties; and is currently leading the firm’s Code update efforts for the cities of Santa Barbara, Goleta, and Pomona.

Our breadth and depth of planning, design, and zoning experience positions us to provide the City with best practices and work with the City to determine the most appropriate strategies. Our work utilizes the whole menu of zoning approaches, including form-based, performance-based, and Euclidean approaches. Our team also has experience on all sides of the development process, from public sector development review to architects and designers building real projects. We understand how to write regulations that respond to local conditions and produce results. We will provide the City of Newark a clear, concise, user-friendly Zoning Ordinance and corresponding Zoning Map that will implement the City’s vision established in the General Plan and stand the test of time.

We urge reviewers to ask our references about the innovative quality of our work, our collaborative efforts with staff, our responsiveness and ability to meet time schedules, and our thoroughness. We look forward to this opportunity to work with the City of Newark.

Sincerely,

RRM DESIGN GROUP

A handwritten signature in blue ink that reads "Martha Miller".

Martha Miller, AICP, Principal Planner
Project Manager
(805) 543-1794
mlmiller@rrmdesign.com
Point-of-Contact

A handwritten signature in blue ink that reads "Debbie Rudd".

Debbie Rudd, Principal
Principal-in-Charge
(805) 543-1794
dlrudd@rrmdesign.com
Authorized to Contractually Obligate RRM

3765 S. Higuera St., Ste. 102 • San Luis Obispo, CA 93401
p: (805) 543-1794 • f: (805) 543-4609

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a California corporation • Lenny Grant, Architect C26973 • Jerry Michael, PE 36895, LS 6276 • Jeff Ferber, LA 2844

GENERAL QUALIFICATIONS



San Juan Capistrano

32332 Camino Capistrano Ste. 205
San Juan Capistrano, CA 92675
p: (949) 361-7950

San Luis Obispo

3765 South Higuera St., Ste. 102
San Luis Obispo, CA 93401
p: (805) 543-1794

Santa Barbara

10 East Figueroa St., Ste. 1
Santa Barbara, CA 93101
p: (805) 963-8283

San Leandro

123 Estudillo Ave., Ste. 200
San Leandro, CA 94577
p: (510) 751-4910

Field Offices

San Diego, Palm Desert,
El Segundo, Fresno

Firm Size

Total staff of 114

Website

www.rrmdesign.com

Firm Profile

Creating environments people enjoy.®

RRM exists because we love creating environments people enjoy. That is what got us into the business over 40 years ago, and it is why we continue to thrive today. Our architects and landscape architects, engineers, surveyors, and planners work with our clients and their communities to create the parks our children play in, the roads we drive down on our way to work, the neighborhoods we come home to, and the fire stations that keep our communities safe. Innovation. Collaboration. Respect. Whether your project is public or private, commercial or residential, we listen, we design, and we deliver. **On time. On budget. Since 1974.**

Personnel by Discipline

15 California Licensed Architects

8 California Licensed Civil Engineers

1 California Licensed Structural Engineer

8 California Licensed Landscape Architects

5 Certified Planners

4 Licensed Surveyors

21 LEED® Accredited Professionals

22 Architecture Designers

1 Congress for New Urbanism Accredited Professional

8 Engineering Designers

19 Planning and Landscape Architecture Designers

2 Survey Technicians

1 Construction Services Staff

24 Administrative Staff

Recent Relevant Projects

Below is a sampling of our projects most relevant to the Newark Zoning Ordinance Update:

- Santa Barbara New Zoning Ordinance
- Goleta New Zoning Ordinance
- San Carlos Zoning Ordinance Update*
- Fresno Development Code Update*
- South San Francisco Zoning Ordinance Update*
- Yuba County Development Code Update*
- Porterville Development Code Update*
- Placer County Area Plan and Implementing Ordinance*
- Beverly Hills Zoning Code Reorganization*
- Redwood City Hillside Regulations, Planned Development Provisions, and Community Benefits Program*
- Azusa TOD General Plan and Development Code Update
- Downtown Colton Development Code
- Tehachapi Downton Master Plan and Zoning
- Fullerton Downtown Core and Corridors Specific Plan
- Downtown Colton Development Code and Design Manual
- Thousand Oaks Boulevard Specific Plan
- Long Beach Urban Design Element
- San Ysidro TOD Specific Plan
- Balboa Avenue Station Area Specific Plan, San Diego
- San Gabriel "Greening the Code" *
- Orange County "From Orange to Green" *
- Los Gatos North 40 Specific Plan
- Shadelands Gateway Specific Plan
- Fremont Design Guidelines and Design Review Services
- Plan Princeton: San Mateo County General Plan, Zoning, and Local Coastal Plan Update*

* Project completed by Martha Miller while employed by Dyett & Bhatia, Urban and Regional Planners

Expertise & Experience

Zoning and Development Codes

RRM offers expertise in preparing zoning ordinances and subdivision codes in a wide variety of settings, including urban centers, small towns, and rural counties. RRM is an industry leader in developing mixed-use and downtown development regulations that support and facilitate infill development and the creation of vibrant, pedestrian-and transit-oriented centers.

Martha Miller, AICP, has prepared numerous comprehensive zoning and subdivision ordinances and studies throughout California. She has development codes, area-specific regulations, and special purpose ordinances for topics such as hillside development, sustainability, parking, landscaping, planned development, and community benefits. She utilizes the whole menu of zoning approaches, including form-based, performance-based, and Euclidean – to devise a strategy tailored to the unique needs of each community. All codes and ordinances are prepared to be responsive, user-friendly, and are easy to use and understand, including cross references, graphic illustrations, and web-interfacing abilities.

The RRM team brings experience from all sides of the development process, from public sector development review to architects and designers building real projects. We understand how to write regulations and ordinances that work.

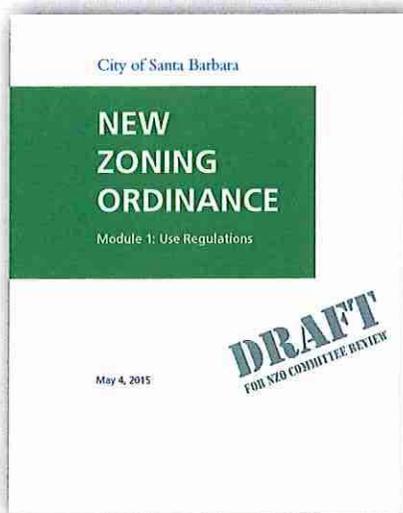
GIS Services

A successful project entails more than sound planning strategies and design. Maps are an integral and essential tool to both inform the planning process and convey the desired information to decision-makers. RRM Design Group maintains leading ArcGIS capabilities and a highly-skilled technical staff so tasks related to mapping and spatial analysis are completed efficiently.

Selected Projects

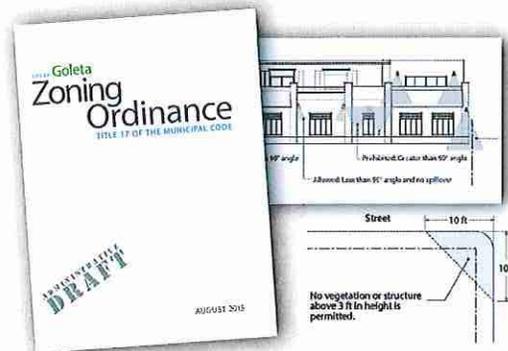
SANTA BARBARA NEW ZONING ORDINANCE

In partnership with Dyett & Bhatia, Urban and Regional Planners, Martha Miller is leading a comprehensive update of the City of Santa Barbara's Zoning Ordinance. The Santa Barbara New Zoning Ordinance (NZO) effort was initiated to update Santa Barbara's regulation of land use and development included in the Zoning Ordinance, bringing it up to date to reflect best practices and make the ordinance easier to use and understand by all users.



GOLETA NEW ZONING ORDINANCE

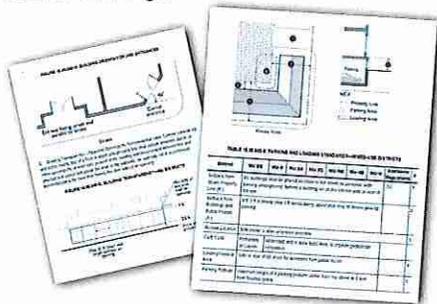
RRM Design Group is working with the City of Goleta to create a new Zoning Ordinance to implement General Plan policies and the Local Coastal Program, replacing the Santa Barbara County Zoning Ordinance that the City has been using since they incorporated in 2002. The inherited ordinance does not reflect best zoning and planning practices that are appropriate for a growing city. It is not effective in implementing the land use and design goals in Goleta's General Plan and other City policies. The purpose of the new Zoning Ordinance is to create an innovative, integrated code that shapes future growth according to the community's vision, is clear and easy to use, and provides objective, standards and criteria for use in the development review and permitting process that will result in high quality development.



SAN CARLOS COMPREHENSIVE ZONING ORDINANCE UPDATE*

Martha was the project manager for a comprehensive update of San Carlos' zoning ordinance and map to implement the General Plan's vision of a safe, beautiful, and livable community, a robust local economy, and a vibrant Downtown in a village atmosphere.

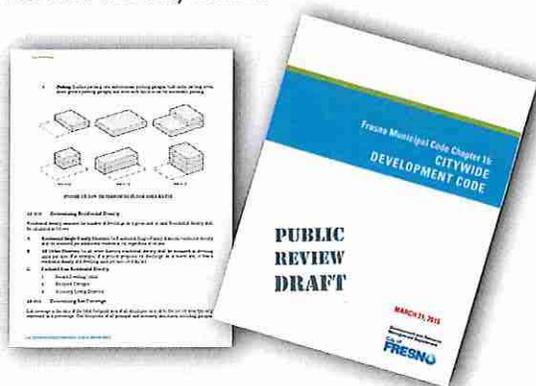
The new ordinance implements the City's General Plan through a concise and user-friendly set of regulations. Innovative approaches were incorporated, including a framework to accommodate a diverse range of housing types, establishment of neighborhood hubs with small scale retail and service uses in residential areas, and reservation of areas for incubator businesses and small-scale industrial, artisan, and manufacturing with standards to encourage development of small-plate industrial buildings and facilitate the re-use of older buildings.



FRESNO DEVELOPMENT CODE UPDATE*

Martha was the project manager for the Fresno Citywide Development Code Update, a collaborative effort with City staff. The 2014 General Plan represents a shift in focus from suburban style, auto oriented development patterns that characterize much of Fresno today to infill development and compact activity centers with walkable, pedestrian and transit oriented development. To implement this new vision, the City's Development Code was updated to be user-friendly, context-sensitive, and transformative.

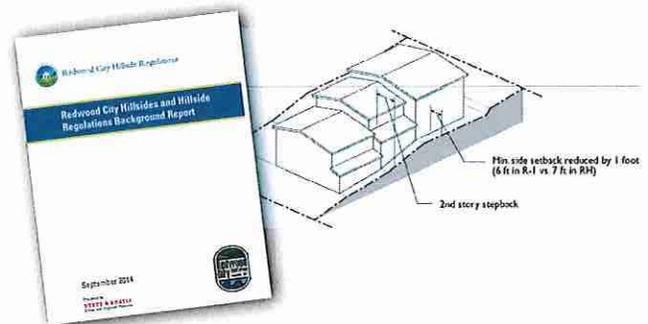
The new regulations are written to be predictable, understandable, and enforceable. A streamlined approval process is established for conforming projects. The development standards are based on real examples of desirable development and tailored to the distinct characteristics of neighborhoods and districts to foster context-sensitive development. New use allowances and form-based regulations support infill and pedestrian- and transit-oriented development along transit corridors and in activity centers.



REDWOOD CITY HILLSIDE REGULATIONS, COMMUNITY BENEFITS, AND PLANNED DEVELOPMENT PERMITS*

Martha Miller was the project manager for three separate projects with the City of Redwood to conduct zoning studies and prepare zoning regulations. While the General Plan identified Hillside Neighborhoods as a key neighborhood typology, zoning regulations were not comprehensive when dealing with issues specific to hillside construction, such as slope stability, grading, relationship of building size to slope, and terracing. The Hillside Regulation project established standards for hillside areas so that development would have minimal impact on the character-defining features of the City while preserving its natural resources.

The community benefits program, *Partnership Redwood City*, was developed to ensure specific benefits or amenities are provided to the community by developers, as part of their future development projects. The Planned Development Permit project updated the City's permitting regulations for planned development to incorporate the principles and policies of the Urban Form and Land Use Element of the General Plan into a user-friendly, legally adequate, and effective set of regulations and guidelines.



SOUTH SAN FRANCISCO COMPREHENSIVE ZONING ORDINANCE UPDATE*

Martha was the project manager for a comprehensive update of South San Francisco's zoning ordinance and map. While the General Plan was prepared in 1999, the Zoning Ordinance Update languished, creating implementation problems. In 2008, the City embarked on a comprehensive update to create a concise and user-friendly set of regulations that implement the 1999 General Plan and subsequently adopted area and specific plans. The updated ordinance was adopted unanimously by the City Council in 2010.

The updated Zoning Ordinance effectively implements the General Plan's vision, removes ambiguities, and corrects technical deficiencies, increasing efficiency and predictability in the process. It incorporates a combination of use-based, form-based, and performance-based standards suitable to the unique needs of the City and different sub-districts rather than a rigid, "one size fits all" approach.

* Project completed by Martha Miller while employed by Dyett & Bhatia, Urban and Regional Planners

KEY STAFF

Team Overview

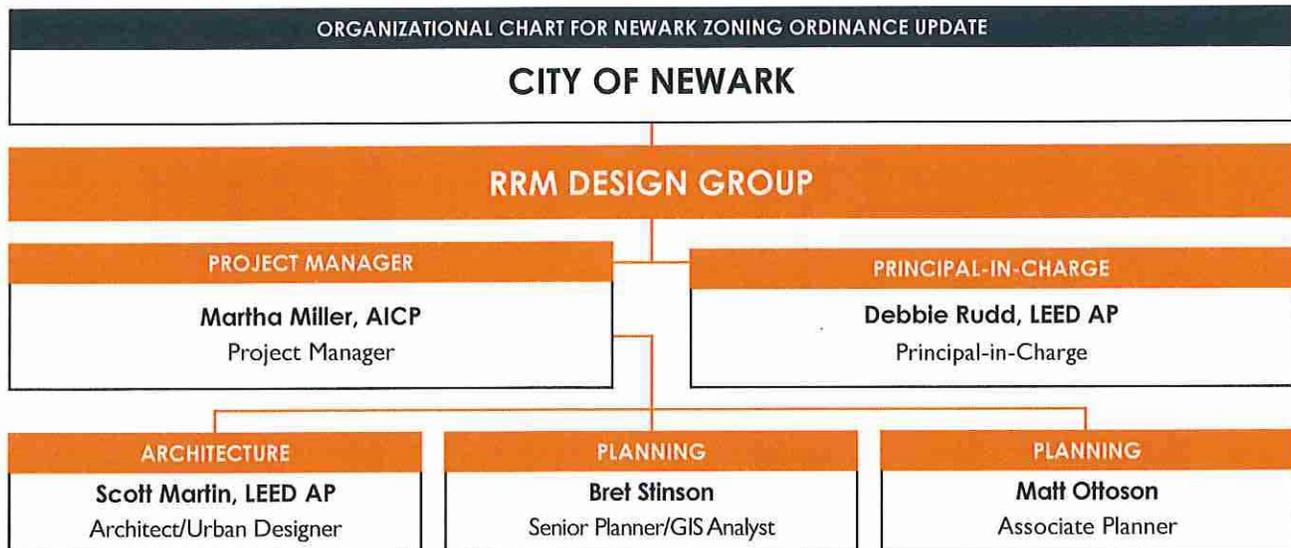
We have assembled a team for Newark that brings a strong expertise in the areas of zoning code, development regulations, and form-based codes; urban design and architectural practice. This expertise enables us to achieve the City's goals successfully, respond to community concerns, and prepare a Zoning Ordinance Update that is useful, easy to implement, and valuable over time. Our team is available and excited about the Newark Zoning Ordinance Update opportunity.

Debbie Rudd, LEED AP, as principal-in-charge will support project strategies, community engagement, and implementation. Debbie has over 20 years of experience helping communities implement their vision through standards and policies.

Martha Miller, AICP, is a principal planner and will serve as your project manager, overseeing the Zoning Ordinance Update. Martha brings over 15 years of zoning code experience in private firms and public agencies, having prepared zoning code updates throughout California, including projects in the cities of Redwood City, Santa Barbara, South San Francisco, San Carlos, and Goleta. She will provide overall project management, craft regulations, and attend all project meetings. Martha will be the key point of contact for the City.

Scott Martin, LEED AP, will contribute architecture expertise to the project. As an architect with a keen eye for urban design, Scott will be instrumental in translating community aspirations and ideas for community design into an implementable and well-illustrated set of regulations.

They will be assisted by **Bret Stinson**, senior planner, and **Matt Ottoson**, associate planner, who will bring their considerable planning, zoning and GIS expertise to the project.





Debbie Lagomarcino Rudd **LEED AP**

Debbie Rudd brings over 25 years of California planning and waterfront experience, writing and implementing policy, taking projects from the early visioning and policy stages through construction. Debbie is well-versed in Coastal Commission process, sustainable design principles, and implementing projects on the California coastline. She excels in public outreach, identifying public concerns and preferences, and translating user needs and preferences into well supported plans that can be easily understood by the public and implemented by the lead agency.

Principal-in-Charge

27 Years of Experience

Education

- Bachelor of Science, Interior Architecture/Space Planning, Kansas State University, Manhattan, KS

Accreditations

- Leadership in Energy and Environmental Design Accredited Professional (LEED AP)

Affiliations

- American Planning Association (APA) No. 124878
- LEED-ND Corresponding Committee
- Economic Vitality Corporation (EVC) - Building, Design and Construction Cluster

Relevant Project Experience

1. North 40 Specific Plan, Los Gatos, CA
2. Shadelands Gateway Specific Plan, Walnut Creek, CA
3. Gilroy Downtown Visioning Charrette, Specific Plan, and Design Guidelines, Gilroy, CA
4. Huntington Beach Downtown Specific Plan, Huntington Beach, CA
5. Margarita Area Specific Plan, San Luis Obispo, CA
6. Camarillo General Plan Community Design Element Update, Camarillo, CA
7. Santa Maria Downtown Specific Plan and Design Guidelines, Santa Maria, CA
8. Scotts Valley Town Center Specific Plan and EIR, Scotts Valley, CA
9. Monterey North Fremont Specific Plan Outreach Program, Monterey, CA
10. Port San Luis Master Plan and LCP Amendment, San Luis Obispo, CA





Martha Miller AICP

Martha is a land use planner specializing in community planning, development regulations, sustainability planning, coastal planning, and community outreach with a particular emphasis on preparing zoning codes and development regulations for local governmental agencies. Her prior experience as a public sector planner, where she managed comprehensive community plan updates, subdivisions, and development projects, provides a solid foundation for this work. She has prepared numerous comprehensive zoning ordinances and development codes and area-specific regulations, as well as special purpose ordinances for topics such as landscaping, hillsides, parking, sustainability, planned development, and community benefits. All projects are tailored to each client's needs, incorporating best practices from form-based, performance-based, and Euclidian approaches.

Project Manager

15 Years of Experience

Education

- Masters in City and Regional Planning; California Polytechnic University; San Luis Obispo, CA
- Bachelor of Science, Industrial Engineering; Purdue University; West Lafayette, IN

Certifications

- American Institute of Certified Planners (AICP)

Awards

- 2014 American Planning Association Los Angeles Section Award, San Gabriel "Greening the Code"
- 2014 SCAG Sustainability Award, San Gabriel "Greening the Code"

Relevant Project Experience

1. Redwood City Hillside Regulations, Planned Development Provisions, and Community Benefits Program, Redwood City, CA *
2. San Carlos Zoning Ordinance Update, San Carlos, CA *
3. South San Francisco Zoning Ordinance Update, South San Francisco, CA *
4. Santa Barbara New Zoning Ordinance, Santa Barbara, CA
5. Goleta New Zoning Ordinance, Goleta, CA
6. Fresno Development Code Update, Fresno, CA *
7. San Gabriel "Greening the Code," Santa Gabriel, CA *
8. Yuba County Development Code Update, Yuba County, CA *
9. Porterville Development Code Update and Downtown Design Guidelines, Porterville, CA *
10. Beverly Hills Zoning Code Reorg., Beverly Hills, CA *

** Performed while with Dyett & Bhatia, prior to joining RRM Design Group*





Scott Martin ^{LEED AP}

Scott is a talented architect with a keen ability to be simultaneously innovative and sensitive to clients' needs. His project focus and experience is wide ranging; from illustration, crafting development standards, urban design, needs assessments, design review, to developing production documents and managing construction of facilities. Scott is a LEED Accredited Professional and has a high level of expertise in design and implementation of sustainable solutions. Scott blends cohesive design solutions with his strong technical skills to bring the vision of a project to reality.

Architect/Urban Designer

13 Years of Experience

Education

- Bachelor of Architecture, California Polytechnic State University, San Luis Obispo, CA

Licenses

- Architect, CA, C32348

Accreditations

- Leadership in Energy and Environmental Design Accredited Professional (LEED AP)

Affiliations

- United States Green Building Council, California Central Coast Chapter (C4), Regional Council Board, 2008 - Present
- Architecture for Humanity, Board Member, 2009 - Present
- Atascadero Main Street Association, Design Committee Member, 2008 - Present

Relevant Project Experience

1. Azusa TOD General Plan/ Development Code Update and Specific Plan, Azusa, CA
2. Calabasas General Plan Update, Calabasas, CA
3. Calapatria General Plan and Zoning Ordinance Update, Calapatria, CA
4. Downtown Colton Development Code and Design Manual, Colton, CA
5. Fullerton Downtown Core & Corridors Specific Plan, Fullerton, CA
6. Gilroy Downtown Visioning Charrette, Specific Plan, and Design Guidelines, Gilroy, CA
7. Huntington Beach Downtown Specific Plan, Huntington Beach, CA
8. Long Beach Urban Design Element, Long Beach, CA
9. Santa Clarita Community Character & Design Guidelines, Santa Clarita, CA
10. Yorba Linda Housing Element Implementation, Yorba Linda, CA





Senior Planner/ GIS Analyst



Bret Stinson

Bret is a senior planner who has been collaborating on urban planning and design projects at RRM for almost 20 years. He is responsible for preparing all GIS database maps and exhibits. Bret has extensive GIS experience and has been able to establish an expanded GIS service for RRM. Bret is skilled at developing informative and easy-to-use exhibits and has incorporated mapping skills in his work through creation of a comprehensive hierarchal mapping structure and robust geodatabase management.

22 Years of Experience

Education

- Bachelor of Science, Landscape Architecture, California Polytechnic University; San Luis Obispo, CA

Relevant Project Experience

- Avila Point Specific Plan & LCP Amendment, Avila Beach, CA
- Hearst Ranch Conservation Easement and Coastal Trail Plan, San Simeon, CA
- Long Beach Urban Design Element and On-Call Planning Services, Long Beach, CA
- Monterey Bay Sanctuary Scenic Trail Network Master Plan, Santa Cruz, CA
- Oxnard Bicycle and Pedestrian Master Plan, Oxnard, CA
- Pismo Preserve
- Port of Los Angeles Community Consensus Process, San Pedro and Wilmington, CA
- Port San Luis Master Plan and Local Coastal Program Amendment
- Santa Monica Bike Path, Santa Monica, CA
- Venice Beach Oceanfront Walk and Bike Path, Los Angeles, CA
- Azusa TOD General Plan/ Development Code Update and Specific Plan, Azusa, CA
- Downtown Colton Development Code and Design Manual, Colton, CA



Matt Ottoson

Since joining RRM in 2014, Matt has focused his efforts on writing clear and concise plans, designing high-quality, easy-to-understand maps and graphics, and providing exceptional client service. With a wide breadth of past experience working as a planner in the public sector, Matt's knowledge of local governmental agencies' approach to plans and policy documents, in conjunction with his ability to translate project needs into usable work products ensures delivery of workable plans that help communities achieve their goals.

Associate Planner

4 Years of Experience

Education

- Masters, Urban and Regional Planning, Emphasis in Land Use and Design, California Polytechnic State University, Pomona, CA
- Bachelor of Arts, Geography, Emphasis in Environmental Analysis, CSU Fullerton, Fullerton, CA

Associations

- American Planning Association (APA)
- Director, US Green Building Council (USGBC), Central Coast Chapter

Relevant Project Experience

- Goleta Zoning Ordinance and Local Coastal Program Update, Goleta, CA
- Long Beach Urban Design Element and On-Call Planning Services, Long Beach, CA
- Malibu Downtown Specific Plan for Whole Foods Development, Malibu, CA
- San Ysidro Community Plan Update, San Diego, CA
- Santa Clarita Design Review, Santa Clarita, CA
- Agoura Village Specific Plan Study Session, Agoura Hills, CA
- Alhambra General Plan Update 2015, Alhambra, CA
- Avila Point Specific Plan & LCP Amendment, Avila Beach, CA
- Azusa TOD General Plan/ Development Code Update and Specific Plan, Azusa, CA
- Downtown Colton Development Code and Design Manual, Colton, CA
- Fullerton Downtown Core & Corridors Specific Plan, Fullerton, CA



APPROACH AND METHODOLOGY

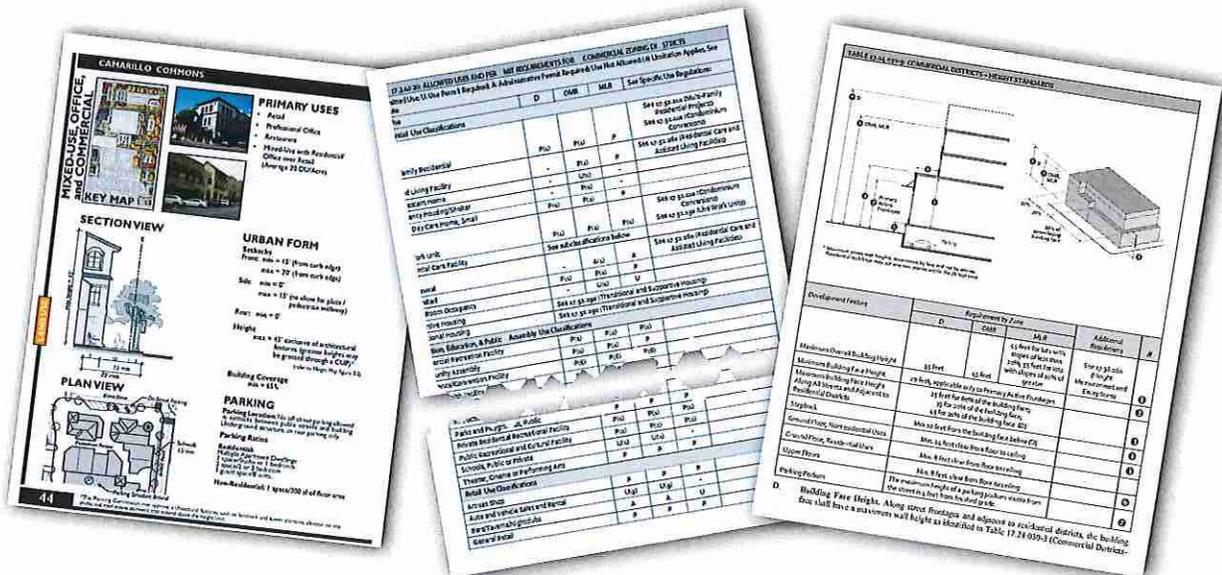
Project Understanding

The ultimate objective for this project is to produce a state of the art, user-friendly Zoning Ordinance and Zoning Map that reflects current planning practice and will serve as an effective tool to achieve the community's vision for the future expressed in the General Plan.

The update provides an opportunity to repurpose the Zoning Ordinance as a more effective tool to provide the kind of development that Newark wants, consistent with the General Plan. A focus of the update will be to make it easier to use and understand. Ordinance users should be able to find out, with a minimum of reading, the rules that apply to a particular situation and the procedures that must be followed. Important features the update should incorporate follow:

- **Logical organization.** The ordinance should be organized to reflect the sequence in which users most commonly need to find specific information.
- **Clear language and readability.** It should be clearly written. The simplest terms possible should be used to describe requirements. Redundancies and duplication should be avoided.
- **Consistent expression.** The ordinance should express the same provisions in the same way and use different language when provisions are different.
- **Navigation tools.** Clear titles, cross-references, headers and footers, and a detailed table of contents help users find their way around the ordinance and readily identify provisions that apply to their project.
- **Extensive use of graphics.** Illustrations clearly convey expectations, often in a way that is far more effective than text alone.
- **Organized to accommodate changes.** Chapters and sections should be organized and numbered to accommodate amendments over time.

The updated Zoning Ordinance should clearly communicate and effectively implement the General Plan's policies and incorporate its carefully crafted development, design, and performance standards. The focus will be on portions of the Ordinance that are outdated and in need of revisions, correction of technical deficiencies identified by City staff and stakeholders, and updates to meet current State and federal law. The revision should increase efficiency and predictability in the project development process, and it also should be designed using clear, web-ready graphics to illustrate key concepts.



Technical Approach and Methodology

Zoning updates are significant undertakings for any community. Proceeding with discrete, digestible groups of specific sections make the project more approachable. Our approach to the comprehensive update of the Newark Zoning Ordinance includes the phases listed below. Meetings with staff would occur throughout the project. One community meeting is anticipated to be held. This could occur in the beginning of the project or after release of the Draft Ordinance.

Phase I: Diagnosis & Technical Analysis. Kickoff meeting and background studies, including review of current regulations and General Plan policies, and stakeholder interviews.

Phase II: Outline. Preparation of an outline reflecting the framework for a new, user-friendly Zoning Ordinance that will implement the General Plan.

Phase III: Draft Ordinance. The Zoning Ordinance is first drafted and reviewed in groups of related standards, which may include the following:

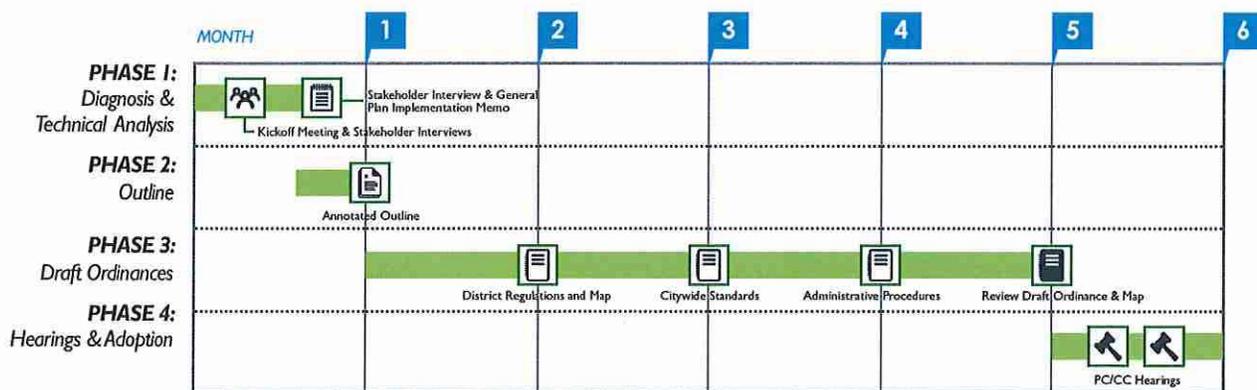
- **District Regulations and Map.** The usefulness of each zoning district will be confirmed. The total number of zones will be minimized and zones that are no longer needed will be removed. Use regulations and development standards will be revised to reflect current and future development outcomes and for consistency with the General Plan and other City development goals. Parcels will be rezoned as needed for General Plan consistency.
- **Citywide Standards.** Standards that apply to some or all districts, including standards for specific uses.
- **Administrative Procedures.** Provisions for all zoning decisions, including provisions for Minor Use Permits approved on a staff level and other opportunities for streamlining, standardizing, and clarifying provisions.

After review of the preliminary regulations, a public review draft will be prepared.

Phase IV: Hearings and Adoption. Public review and adoption, including hearings before the Planning Commission and City Council.

In preparing new plans and ordinances, we work closely with staff, decision-makers, and the community to provide vital, form-giving regulations for carrying out the goals and objectives of the community. Martha Miller, Project Manager, has completed similar efforts in San Carlos and South San Francisco, among others.

Project Schedule



REFERENCES



Danny Kato, Zoning and Enforcement Supervisor

Contact: (805) 564-5670 | dkato@santabarbara.gov

Client: City of Santa Barbara Community Development Dept.
630 Garden Street, Santa Barbara, CA 93102
(805) 564-5670

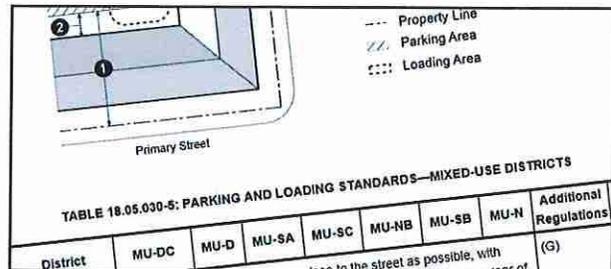
Project: Santa Barbara New Zoning Ordinance

Date: October 2014 – Ongoing

Description: *In partnership with Dyett & Bhatia, Urban and Regional Planners, Martha Miller is leading a comprehensive update of the City of Santa Barbara's Zoning Ordinance to update Santa Barbara's regulation of land use and development included in the Zoning Ordinance, bringing it up to date to reflect best practices and make the ordinance easier to use and understand by all users.*

Cost: \$200,000

Key Personnel: Martha Miller



Al Savay, Community Development Director

Contact: (650) 802-4209 | asavay@cityofsancarlos.org

Client: City of San Carlos Community Development Dept.
600 Elm Street, San Carlos, CA 94070
(650) 802-4209

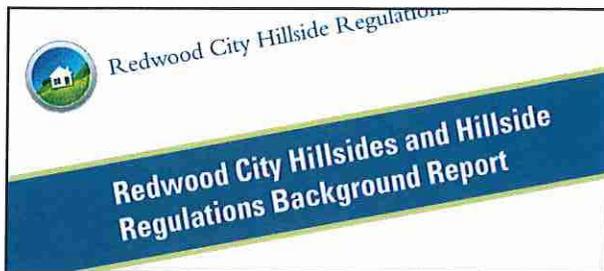
Project: San Carlos Zoning Ordinance Update

Date: June 2010 – December 2011

Description: *Martha was the project manager for a comprehensive update of San Carlos' zoning ordinance and map to implement the General Plan's vision of a safe, beautiful, and livable community, a robust local economy, and a vibrant Downtown in a village atmosphere. Development standards were included to facilitate infill development, support a variety of housing types and small lot single family development, and promote transit-oriented development.*

Cost: \$210,000

Key Personnel: Martha Miller (completed by Martha Miller while employed by Dyett & Bhatia, Urban and Regional Planners)



Diana O'Dell, Principal Planner

Contact: (650) 780-7236 | dodell@redwoodcity.org

Client: Redwood City Community Development Dept.
1017 Middlefield Road, Redwood City, CA 94063
(650) 780-7000

Project: Redwood City Hillside Regulations, Planned Development Provisions, and Community Benefits Program

Date: June 2014 – May 2015

Description: *Martha Miller was the project manager for three separate projects with the City of Redwood City to conduct zoning studies and prepare zoning regulations. The Hillside Regulation project established standards for hillside areas so that development would have minimal impact on the character-defining features of the City while preserving its natural resources. The "Community Benefits" program was developed to ensure specific benefits or amenities are provided to the community by developers, as part of development projects. The Planned Development Permit project updated the City's permitting regulations for planned development into a user-friendly, legally adequate, and effective set of regulations and guidelines.*

Cost: \$240,000

Key Personnel: Martha Miller (completed by Martha Miller while employed by Dyett & Bhatia, Urban and Regional Planners)



Gerry Beaudin, Community Development Director

Contact: (925) 931-5600 | gbeaudin@cityofpleasantonca.org (formerly with the City of South San Francisco)

Client: City of South San Francisco
400 Grand Avenue, South San Francisco, CA 94080
(650) 877-8500

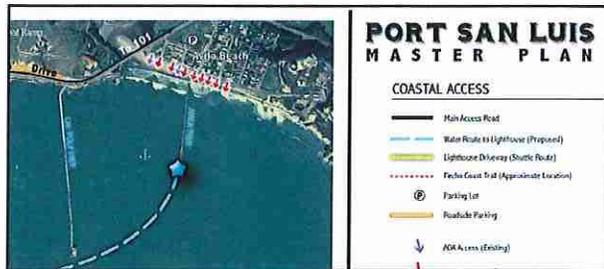
Project: South San Francisco Zoning Ordinance Update

Date: 2008-2010

Description: *Martha was the project manager for a comprehensive update of South San Francisco's zoning ordinance and map. While the General Plan was prepared in 1999, the Zoning Ordinance Update languished, creating implementation problems. In 2008, the City embarked on a comprehensive update to create a concise and user-friendly set of regulations that implement the 1999 General Plan and subsequently adopted area and specific plans. The updated ordinance was adopted unanimously by the City Council in 2010.*

Cost: \$260,000

Key Personnel: Martha Miller (completed by Martha Miller while employed by Dyett & Bhatia, Urban and Regional Planners)



Steve McGrath, General Manager

Contact: (605)583-4962 | smcgrath@sanmateoharbor.com
(formerly Port San Luis Harbor District Manager)

Client: Port San Luis Harbor District
3950 Avila Beach Dr., Avila Beach, CA 93424
(805) 595-5400

Project: Port San Luis Master Plan and LCP Amendment
Date: 2004-2007

Description: *With a series of Coastal Conservancy grants, RRM Design Group prepared the Port Master Plan for the Port San Luis Harbor District. Debbie Rudd and Bret Stinson with RRM provided a facilities needs assessment, a focused user survey, public workshops, a coastal access and implementation plan as a new policy chapter inserted into the Local Coastal Plan, and schematic design with an evaluation of existing resources and services on Harford Pier. The final phase of the project included shepherding the CEQA draft document through the environmental review and adoption by the Harbor Commission, and processing the Local Coastal Program Amendment through the County and Coastal Commission. The plan was approved by the Coastal Commission in November 2006.*

Cost: \$133,000

Key Personnel: Debbie Rudd, Bret Stinson



**Erwin Ordoñez, AICP, EDFP
Community Development Director**

Contact: (408) 868-1231 | eordonez@saratoga.ca.us
(formerly Senior Planner at Town of Los Gatos)

Client: Town of Los Gatos
110 E. Main St., Los Gatos, CA 95030
(408) 354-6834

Project: North 40 Specific Plan and Advisory Committee and Community Outreach
Date: 2010-2015

Description: *Debbie Rudd, Jami Williams, and Matt Ottoson at RRM Design Group worked with the Town of Los Gatos to guide a community-based process for the North 40 Specific Plan. The North 40 is an approximately 40-acre site within the charming town of Los Gatos. RRM facilitated two interactive community workshops, over twenty Advisory Committee meetings, Town Council, and Planning Commission meetings to help shape the vision for this important piece of property. The Specific Plan lays out a vision, development standards, design guidelines and an implementation plan for a mixed-use district that has strong pedestrian and multi-modal connections to the surrounding neighborhoods, downtown and Vasona Light Rail Station.*

Cost: \$634,800

Key Personnel: Debbie Rudd, Jami Williams, Matt Ottoson

BILLING RANGES



EXHIBIT A-1: SCHEDULE 1

Bill Rate Ranges

Subject to change effective March 1st each year

Architect	\$ 100 - \$ 150
Assistant Designer	\$ 70 - \$ 95
Assistant Planner	\$ 70 - \$ 95
Associate Planner	\$ 75 - \$ 115
Civil Engineer	\$ 100 - \$ 145
Designer I	\$ 40 - \$ 100
Designer II	\$ 55 - \$ 110
Designer III	\$ 75 - \$ 145
Landscape Architect	\$ 90 - \$ 140

Engineer I	\$ 75 - \$ 100
Engineer II	\$ 90 - \$ 115
Intern	\$ 35 - \$ 65
Principal	\$ 155 - \$ 250
Principal Landscape Architect	\$ 120 - \$ 190
Principal Planner	\$ 120 - \$ 190
Senior Architect	\$ 125 - \$ 185
Senior Planner	\$ 100 - \$ 145

F.5 Status Report on emergency expenditure for replacement of heater for Lazy River at Silliman Activity and Family Aquatic Center – from Maintenance Supervisor Connolly. (INFORMATIONAL)

Background/Discussion – At the January 14, 2016 City Council meeting, the City Council made a finding and adopted a resolution declaring an emergency existed as a result of heater failure for the Lazy River at Silliman Activity and Family Aquatic Center and the public interest and necessity demanded the immediate expenditure of public money to safeguard life, health or property. The heater failure impacted the ability to control the temperature of the Lazy River, creating a public safety concern.

The California Public Contract Code Section 22050 requires that a report be provided to the City Council after the emergency declaration reporting on the status of the actions related to the expenditure. Following is a current status report for the heater replacement.

The heater has been order from the manufacturer, Lochinvar, and the vendor (Knorr Systems) estimates the installation to occur the week of February 15, 2016.

Action – Informational only.



City of Newark

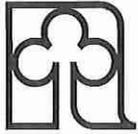
MEMO

DATE: February 1, 2016
TO: City Council
FROM: Sheila Harrington, City Clerk *S.H.*
SUBJECT: Approval of Audited Demands for the City Council Meeting of February 11, 2016.

REGISTER OF AUDITED DEMANDS

Bank of America General Checking Account

<u>Check Date</u>		<u>Check Numbers</u>	
January 22, 2016	Page 1-2	106839 to 106891	Inclusive
January 29, 2016	Page 1	106892 to 106937	Inclusive



City of Newark

MEMO

DATE: February 1, 2016
TO: Sheila Harrington, City Clerk
FROM: Susie Woodstock, Administrative Services Director *SW*
SUBJECT: Approval of Audited Demands for the City Council Meeting of February 11, 2016.

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

Final Disbursement List. Check Date 01/22/16, Due Date 02/01/16, Discount Date 02/01/16. Computer Checks.
Bank 1001 BANK OF AMERICA

MICR Check#	Vendor Number	Payee	Check Date	Check Amount	Description
106839	10658	4LEAF INC	01/22/16	10,800.00	BLDG INSPECTION SERVICES
106840	149	ABAG PLAN CORPORATION	01/22/16	12,596.19	DEDUCTIBLE COSTS (PROPERTY/LIABILITY) FO
106841	10223	LEXISNEXIS RISK SOLUTIONS ACCT# 1415640	01/22/16	428.40	BACKGROUND CHECKS
106842	11094	ACME AUTO LEASING, LLC	01/22/16	1,909.44	ARMORED RESCUE VEH LEASE
106843	1129	ALAMEDA COUNTY CLERK RECORDER'S OFFICE	01/22/16	50.00	EXEMPTION FILING (ALAMEDA COUNTY CLERK H
106844	1129	ALAMEDA COUNTY CLERK RECORDER'S OFFICE	01/22/16	50.00	EXEMPTION FILING (ALAMEDA COUNTY CLERK H
106845	3853	COUNTY OF ALAMEDA INTERNAL AUDIT UNIT RI	01/22/16	1,395.50	CITATION PROCESSING FEES
106846	10222	AM/PM TOWING	01/22/16	130.00	TOWING
106847	11349	BRAD L. WALTON, CPA	01/22/16	300.00	PAYROLL ERROR - TAX RETURN AMENDMENT
106848	9150	CAL-WEST LIGHTING & SIGNAL MAINTENANCE I	01/22/16	4,822.37	FY15-16 TRAFFIC SIGNAL AND STREETLIGHT M
106849	9125	CATO	01/22/16	355.00	SWAT TRAINING
106850	11076	CRIME SCENE CLEANERS INC	01/22/16	70.00	OFFICER UNIFORM DAMAGE
106851	10677	DAILY JOURNAL CORP CALIFORNIA NEWSPAPER	01/22/16	310.00	TRI-CITY VOICE NOTICE TO CONTRACTORS/BID
106852	10794	DUKE DE LEON	01/22/16	195.00	VIDEO RECORDING SERVICES
106853	528	MANUEL DE SERPA	01/22/16	266.75	EXPENSE REIMBURSEMENT
106854	7183	DEMARAY'S GYMNASTICS ACADEMY	01/22/16	254.80	RECREATION CONTRACT
106855	3728	DEPARTMENT OF JUSTICE ACCOUNTING OFFICE	01/22/16	422.00	ANNUAL PO FOR FINGERPRINTING FEES
106856	11081	DIVISION OF THE STATE ARCHITECT CASp CER	01/22/16	500.00	CASP CERTIFICATION RENEWAL - RAY COLLIER
106857	11081	DIVISION OF THE STATE ARCHITECT ATTN: SB	01/22/16	291.87	CA STATE CASP FEES
106858	10725	CHRISTINA GENDREAU	01/22/16	805.49	EE COMPUTER LOAN PROGRAM
106859	310	EQUIFAX INFORMATION SVCS LLC	01/22/16	50.84	ANNUAL PO FOR CREDIT REPORTS
106860	11132	SEAN ERIKSEN	01/22/16	750.00	EDUCATIONAL REIMBURSEMENT
106861	11348	FLORENCE GARCIA	01/22/16	139.25	RECREATION CONTRACT
106862	313	FREMONT URGENT CARE CENTER	01/22/16	458.00	ANNUAL PO FOR PRE-EMPLOYMENT/DOT PHYSICA
106863	10819	FTF TACTICS LLC	01/22/16	550.00	SWAT TRAINING
106864	4845	HINDERLITTE DELLAMAS & ASSOCIATES	01/22/16	4,506.21	SALES TAX CONSULTING/AUDIT SERVICES
106865	11189	HELMETS R US	01/22/16	839.00	TOW FUND PURCHASE
106866	9246	DAVID HIGBEE	01/22/16	1,173.45	SLI SESSION #6
106867	6009	JT2 INTEGRATED RESOURCES CORPORATE ACCOU	01/22/16	34,536.75	ANNUAL PO FOR WORKER'S COMP ADMINISTRATI
106868	6690	KELLY-MOORE PAINT COMPANY INC	01/22/16	88.92	PAINT FOR SENIOR CENTER SIGN
106869	5069	KIDZ LOVE SOCCER	01/22/16	1,289.40	RECREATION CONTRACT
106870	293	LANGUAGE LINE SERVICES INC	01/22/16	312.31	INTERPRETATION SVCS
106871	3644	LEXISNEXIS	01/22/16	160.00	ONLINE LEGAL RESEARCH SUBSCRIPTION
106872	711	MATTHEW BENDER & CO INC	01/22/16	2,693.84	LEGAL LIBRARY RESOURCE
106873	7189	LINCOLN EQUIPMENT INC	01/22/16	619.52	POOL CHEMICALS AND EQUIPMENT
106874	10298	MANAGED HEALTH NETWORK BANK OF AMERICA	01/22/16	372.00	ANNUAL PO FOR CITY EMPLOYEE ASSISTANCE P
106875	11329	MISSION GOLD JAZZ	01/22/16	300.00	SENIOR CENTER ENTERTAINMENT
106876	349	PACIFIC GAS & ELECTRIC	01/22/16	58,292.42	FY15-16 GAS/ELECTRIC CHARGES
106877	3429	PEARSON EQUIPMENT & MAINTENANCE	01/22/16	3,543.29	SERVICE RELATED EQUIP/PARTS
106878	10580	PEELLE TECHNOLOGIES INC	01/22/16	3,360.00	LASERFICHE MAINTENANCE RENEWAL
106879	329	PHOENIX GROUP INFORMATION SYSTEMS	01/22/16	150.80	PARKING CITATION PROGRAM
106880	1935	PREFERRED ALLIANCE INC ATTN: ACCOUNTS RE	01/22/16	1,344.48	ANNUAL FEE FOR DOT TESTING PROGRAM
106881	9811	REDFLEX TRAFFIC SYSTEMS	01/22/16	18,800.00	REDLIGHT CAMERA MONITORING
106882	7885	RENNE SLOAN HOLTZMAN SAKAI PUBLIC LAW GR	01/22/16	10,588.00	LEGAL CONSULTING AND LITIGATION
106883	4234	SALVATION ARMY	01/22/16	150.00	15 YEAR SERVICE AWARD DONATION BY LAURA
106884	3752	STATE HUMANE ASSOC OF CALIFORNIA	01/22/16	124.00	MISC A/C SUPPLIES
106885	132	TRI-CITY ROCK INC	01/22/16	121.00	PLAYGROUND CHIPS
106886	5623	VERIZON WIRELESS	01/22/16	3,375.16	GPS TRACKER/IPHONE SVC
106887	10484	MATTHEW WARREN	01/22/16	645.52	EXPENSE REIMBURSEMENT
106888	339	WASHINGTON HOSPITAL GENERAL ACCOUNTING	01/22/16	500.00	VICTIM MEDICAL EXAMS
106889	5050	WEST COAST ARBORISTS INC	01/22/16	36,682.75	FY15-16 TREE WORK

Final Disbursement List. Check Date 01/22/16, Due Date 02/01/16, Discount Date 02/01/16. Computer Checks.

Bank 1001 BANK OF AMERICA

MICR Check#	Vendor Number	Payee	Check Date	Check Amount	Description
106890	143	WILCO SUPPLY P O BOX 3047	01/22/16	24.47	FY15-16 KEYS/LOCKS
106891	340	WITMER-TYSON IMPORTS	01/22/16	555.85	K9 TRAINING/SUPPLIES
Total				223,050.04	

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Final Disbursement List. Check Date 01/29/16, Due Date 02/08/16, Discount Date 02/08/16. Computer Checks.

Bank 1001 BANK OF AMERICA

MICR Check#	Vendor Number	Payee	Check Date	Check Amount	Description
106892	10658	4LEAF INC	01/29/16	1,289.85	BOX CULVERT STRUCTURAL REVIEW FOR TRACT
106893	10736	ABACUS PRODUCTS INC	01/29/16	546.26	PRINTING SVCS
106894	876	ABLE SEPTIC TANK SERVICE	01/29/16	675.00	PUMP OUT PUMP STATION
106895	10027	AD SERVICES	01/29/16	95.00	LEGAL RECORDING AND COURIER SERVICE
106896	332	ADAMSON POLICE PRODUCTS PROFESSIONAL POL	01/29/16	8,052.21	AMMUNITION
106897	1774	AIRGAS USA, LLC	01/29/16	52.64	FY15-16 WELDING SUPPLIES
106898	1139	COUNTY OF ALAMEDA OFFICE OF ASSESSOR - A	01/29/16	200.00	REPLENISH FUNDS
106899	886	ALAMEDA COUNTY MAYORS CONFERENCE CITY OF	01/29/16	3,405.00	ANNUAL DUES
106900	287	ALAMEDA COUNTY SHERIFF'S OFFICE GREGORY	01/29/16	387.50	CRIME LAB FEES
106901	344	ALAMEDA COUNTY WATER DISTRICT	01/29/16	28,446.01	FY15-16 WATER USAGE
106902	284	INFORMATION TECHNOLOGY DEPARTMENT ATTN:	01/29/16	3,221.32	AWS ACCESS FEES
106903	348	AT&T	01/29/16	293.57	ANNUAL TELECOM FY2015-16
106904	1085	AT&T	01/29/16	78.20	LONG DISTANCE TELECOM FY2015-16
106905	4534	BAY AREA BARRICADE SERVICE INC	01/29/16	1,818.80	FY15-16 STEEL POSTS AND SIGNS
106906	9680	BAY CENTRAL PRINTING	01/29/16	70.23	1 BUSINESS CARDS FOR K.LEE
106907	23	FRANK BONETTI PLUMBING INC	01/29/16	312.50	WATER HEATER LINE ISSUE
106908	9888	BUREAU VERITAS NORTH AMERICA INC	01/29/16	385.51	BLDG PLAN REVIEW
106909	33	CENTRAL TOWING & TRANSPORT LLC	01/29/16	330.00	FY15-16 TOWING
106910	214	CENTRAL VETERINARY HOSPITAL	01/29/16	934.02	VET SVCS
106911	6304	CLASSIC GRAPHICS T & J LEWIS INC	01/29/16	473.88	FY15-16 AUTOBODY REPAIRS
106912	10793	MICHELLE FRANCIS	01/29/16	115.50	RENTAL DEPOSIT REFUND
106913	10677	DAILY JOURNAL CORPORATION CALIFORNIA NEW	01/29/16	67.50	PH NOTICE
106914	11015	EAST BAY LAWN MOWER	01/29/16	366.16	FY15-16 SMALL ENGINES AND TOOLS
106915	10904	EAST BAY REFRIGERATION	01/29/16	562.09	REFRIGERATOR MAINT
106916	5137	FOUR SEASONS POOL SERVICE	01/29/16	225.00	Maintenance repairs
106917	10035	TERRENCE GRINDALL	01/29/16	530.00	EXPENSE REIMBURSEMENT
106918	11307	GROUP 4 ARCHITECTURE, RESEARCH & PLANNIN	01/29/16	4,625.00	CONTRACT COSTS
106919	11123	I PIZZA	01/29/16	812.50	PIZZAS FOR CAFE & PARTIES
106920	7841	INTERNATIONAL CODE COUNCIL INC ATTN: MEM	01/29/16	135.00	MEMBERSHIP DUES FOR RAY COLLIER
106921	73	THE ED JONES CO INC	01/29/16	674.48	BADGES & INSIGNIA
106922	10865	NEW IMAGE LANDSCAPE	01/29/16	11,679.00	PROJECT 1007C LANDSCAPE MAINTENANCE
106923	327	OCCU-MED LTD	01/29/16	40.00	ANNUAL PO FOR PRE-EMPLOYMENT PHYSICALS
106924	4603	OHLONE VETERINARY EMERGENCY CLINIC	01/29/16	110.87	VET SVCS
106925	3429	PEARSON EQUIPMENT & MAINTENANCE	01/29/16	291.45	UST SERVICE CONTRACT
106926	7816	PRECISION CONCRETE CUTTING	01/29/16	1,519.95	CITYWIDE CONCRETE REPAIR
106927	11098	SILVER & WRIGHT LLP	01/29/16	1,584.90	RECEIVERSHIP AND LITIGATION SERVICES
106928	11171	SSP DATA, INC	01/29/16	3,238.00	BARRACUDA 690 EU RENEWAL (QTY 2)
106929	40	STAPLES ADVANTAGE DEPT LA	01/29/16	749.94	OFFICE SUPPLIES
106930	2778	STATE OF CALIFORNIA FRANCHISE TAX BOARD	01/29/16	150.00	PAYROLL DEDUCTION - GARNISHMENT
106931	2778	STATE OF CALIFORNIA FRANCHISE TAX BOARD	01/29/16	440.00	PAYROLL DEDUCTION - GARNISHMENT
106932	2778	STATE OF CALIFORNIA FRANCHISE TAX BOARD	01/29/16	475.66	PAYROLL DEDUCTION - GARNISHMENT
106933	1765	TEMPERATURE TECHNOLOGY INC	01/29/16	1,893.70	REPLACED BLOWN FUSES AND INDUCER FAN
106934	11311	TRAFFIC DATA SERVICE	01/29/16	960.00	24 HOUR MACHINE TRAFFIC SPEED COUNT
106935	5623	VERIZON WIRELESS	01/29/16	342.09	FY15-16 SERVICE FOR IPADS
106936	5623	AMERICAN MESSAGING	01/29/16	17.10	PAGER SVC
106937	7308	WINGFOOT COMMERCIAL TIRE DBA GOODYEAR CO	01/29/16	217.64	FY15-16 TIRES
Total				82,891.03	

M.1 Closed session for conference with Legal Counsel pursuant to Government Code Section 54956.9(b), Anticipated Litigation: One case – 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: one case.