



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, April 26, 2018

- A. ROLL CALL
- B. MINUTES
 - B.1 Approval of Minutes of the City Council meeting of April 12, 2018. (MOTION)
- C. PRESENTATIONS AND PROCLAMATIONS
 - C.1 Presentation by the Farmers and Farmerettes Square Dance Club. (PRESENTATION)
 - C.2 Proclaiming May as National Water Safety Month. (PROCLAMATION)
 - C.3 Proclaiming May 3, 2018, as National Day of Prayer. (PROCLAMATION)
 - C.4 Proclaiming April 2018 as Fair Housing Month in Newark. (PROCLAMATION)
- D. WRITTEN COMMUNICATIONS
- E. PUBLIC HEARINGS
 - E.1 Hearing to consider property owners' objections to the 2018 Weed Abatement Program and instruction to the Superintendent of Streets to abate the public nuisances - from Deputy Fire Marshal Lee/Maintenance Supervisor Hornbeck. (MOTION)
 - E.2 Hearing to consider approval of the NewPark Place Specific Plan and an Addendum to the General Plan Tune Up Draft Program Environmental Impact Report addressing and disclosing the Environmental Impacts of the NewPark Place Specific Plan - from Assistant City Manager Grindall. (RESOLUTIONS-2)

F. CITY MANAGER REPORT

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

CONSENT

- F.1 Authorizing the replacement of three Automatic License Plate Recognition (ALPR) systems and declaration of Neology as the single source vendor – from Lieutenant Kimbrough. (RESOLUTION)**

NONCONSENT

- F.2 Authorizing the Mayor to sign a Contractual Services Agreement with Rhoades Planning Group to conduct the Old Town Specific Plan, Streetscape Design and Project Schematic Design and approval of a budget amendment – from Assistant City Manager Grindall. (RESOLUTION)**
- F.3 Update on the Draft 2018-2020 Capital Improvement Plan with project funding recommendations – from Public Works Director Fajeau. (INFORMATIONAL)**
- F.4 Consider opposing a potential State Ballot Measure known as the Tax Fairness, Transparency, and Accountability Act of 2018 – City Manager Becker. (RESOLUTION)**

G. CITY ATTORNEY REPORTS

- G.1 Claim of James Ferris – from City Clerk Harrington. (MOTION)**

H. ECONOMIC DEVELOPMENT CORPORATION

I. CITY COUNCIL MATTERS

I.1 Appointment to the Senior Citizen Standing Advisory Committee – from Mayor Nagy. (RESOLUTION)

I.2 Consideration of City Council’s summer meeting recess during the month of August 2018 – from Mayor Nagy. (MOTION)(RESOLUTION)

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

K. ORAL COMMUNICATIONS

L. APPROPRIATIONS

Approval of Audited Demands for the City Council meeting of April 26, 2018. (MOTION)

M. CLOSED SESSION

**M.1 Conference with Legal Counsel – Anticipated Litigation
Government Code Section 54956.9(d)(4) (Initiation of Litigation)
Number of Potential Cases: 1**

N. ADJOURNMENT

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

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



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City Administration Building
7:30 p.m.
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AGENDA

Thursday, April 26, 2018

CITY COUNCIL:

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

CITY STAFF:

John Becker
City Manager

Terrence Grindall
Assistant City Manager

Susie Woodstock
Administrative Services Director

Sandy Abe
Human Resources Director

Soren Fajeau
Public Works Director

Michael Carroll
Police Chief

David Zehnder
Recreation and Community
Services Director

David J. Benoun
City Attorney

Sheila Harrington
City Clerk

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

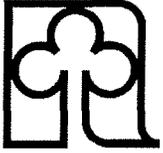
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|-------------------------------------|-------------------------|
| A. ROLL CALL | I. COUNCIL MATTERS |
| B. MINUTES | J. SUCCESSOR AGENCY |
| C. PRESENTATIONS AND PROCLAMATIONS | TO REDEVELOPMENT AGENCY |
| D. WRITTEN COMMUNICATIONS | K. ORAL COMMUNICATIONS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

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

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

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

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



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

Minutes

Thursday, April 12, 2018

A. ROLL CALL

Mayor Nagy called the meeting to order at 7:30 p.m. Present were Council Members Collazo, Freitas, Bucci and Vice Mayor Hannon.

B. MINUTES

B.1 Approval of Minutes of the City Council meeting of March 22, 2018.

MOTION APPROVED

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

C. PRESENTATIONS AND PROCLAMATIONS

C.1 Introduction of employee.

Mayor Nagy introduced Chela Presley the new Office Assistant II in the Public Works Department.

D. WRITTEN COMMUNICATIONS

E. PUBLIC HEARINGS

E.1 Hearing to consider an amendment to the Master Fee Schedule to add a Property/Business Owner Sponsored Concrete Repair by City Contractor within the Public Right-of-Way fee. **RESOLUTION NO. 10762**

City Manager Becker recommended approval of a ten percent administrative fee to be added to the actual total cost of concrete repair work when residents and business owners request concrete repairs fronting their property within the public right-of-way. The resident or business owner would pay the City for the concrete repair work per the City's contract unit prices received for that year's Curb, Gutter and Sidewalk Replacement Project and the work would be performed by the City contractor.

Council Member Bucci stated that ten percent sounded high and asked a number of questions regarding the proposed fee.

Public Works Director Fajeau explained the program details and the need to be cost covering.

Vice Mayor Hannon suggested that staff prepare a table showing a comparison of costs for these services versus the cost of private work.

Mayor Nagy opened the public hearing at 7:52 p.m.

No one came forward to speak

Mayor Nagy closed the public hearing at 7:53 p.m.

Vice Mayor Hannon moved, Council Member Collazo seconded to, by resolution, amend the 2017-2018 Master Fee Schedule to add a Property/Business Owner Sponsored Concrete Repair by City Contractor within the Public Right-of-Way fee. The motion passed, 4 AYES, 1 NO (Bucci).

F. CITY MANAGER REPORT

Council Member Bucci requested the removal of item F.3.

Council Member Bucci moved, Council Member Collazo seconded, to approve Consent Calendar Items F.1, F.2 and F.4 through F.6, that the resolutions be numbered consecutively, and that reading of the titles suffice for adoption of the resolutions. The motion passed, 5 AYES.

CONSENT

- F.1 Resolution authorizing the Annual Program Submittal for Measures B and BB funding of paratransit services. RESOLUTION NO. 10763**
- F.2 Establishing the number of residents in the City of Newark for the purpose of determining the voluntary expenditure ceiling for the November 6, 2018, Municipal Election. RESOLUTION NO. 10764**
- F.4 Adoption of the Five-year Forecast 2018-2023. RESOLUTION NO. 10765**
- F.5 Authorization for the Public Works Director to renew the contract with Rosas Brothers Construction for 2018 Curb, Gutter, and Sidewalk Replacement, Project 1181. RESOLUTION NO. 10766
CONTRACT NO. 17009**

- F.6 Approval of the Road Repair and Accountability Act of 2017 (Senate Bill 1) Fiscal Year 2018-19 Project List. RESOLUTION NO. 10767**

NONCONSENT

- F.3 Approval of the Long-Range Recycling Plan, Amendment to the Abbe & Associates Agreement for Additional Recycling Consultant Services and Amendment of the 2016-2018 Biennial Budget for Fiscal Year 2017-2018. RESOLUTION NO. 10768 CONTRACT NO. 17004**

Council Member Bucci thanked staff for changing the special event recycling from a medium term priority to a short term priority.

Council Member Bucci moved, Vice Mayor Hannon seconded to, by resolution, adopt the Long-Range Recycling Plan, approve the First Amendment to the Agreement with Abbe & Associates for Additional Recycling Consultant Services and Amend the 2016-2018 Biennial Budget for Fiscal Year 2017-2018. The motion passed, 5 AYES.

G. CITY ATTORNEY REPORTS

H. ECONOMIC DEVELOPMENT CORPORATION

I. CITY COUNCIL MATTERS

- I.1 Resolution appointing members to the City of Newark Transactions and Use (Sales) Tax Oversight Committee. RESOLUTION NO. 10769**

Mayor Nagy stated that he interviewed ten candidates for the Committee. He recommended appointing Michael Marzano, Elizabeth Macris and Jacinta Arteaga to four year terms, and Geminiano (Jim) Lola and Roy Patrick Pereira to three year terms.

Cary Knoop stated that he was happy that ten people applied. He suggested a meeting schedule for the committee based on his experience on a School District Committee.

Council Member Freitas moved, Council Member Bucci seconded to, by resolution, approve the Mayor's appointments to the City of Newark Transactions and Use (Sales) Tax Oversight Committee. The motion passed, 5 AYES.

Vice Mayor Hannon encouraged the un-appointed applicants to consider serving on other committees.

Council Member Collazo thanked the citizens for volunteering their time on the Tax Oversight Committee. She stated that the Alameda County Library Advisory Commission has new members including Newark resident Karen Bridges. She highlighted programs and circulation rates at the library.

Council Member Freitas stated there is a vacancy on Alameda County Transportation Commission's Paratransit Advisory and Planning Committee. Newark residents who use transportation that supports seniors and people with disabilities are eligible to apply. He noted that the pool at the Silliman Center has reopened.

Council Member Bucci thanked Cary Knoop for applying to serve on the Tax Oversight Committee. He encouraged Mr. Knoop to re-apply if a vacancy occurs. He stated that the Annual Fishing Derby will be held on Saturday at the Lake.

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

K. ORAL COMMUNICATIONS

Michael Marzano complimented the Police Department for their response to an act of vandalism at the Presbyterian Church.

Satya requested that the City Council consider lowering the decibel level allowed after 9 p.m. He stated that the 60 decibel level still allowed a high level of noise for events at Swiss Park which disturbed his sleep and his neighbors' sleep.

Mayor Nagy stated that this would be referred to staff for review.

L. APPROPRIATIONS

Approval of Audited Demands for the City Council meeting of April 12, 2018.
MOTION APPROVED

City Clerk Harrington read the Register of Audited Demands: Check numbers 113942 to 114140.

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

M. CLOSED SESSION

N. ADJOURNMENT

At 8:20 p.m. Mayor Nagy adjourned the City Council meeting.

C.1 Presentation by the Farmers and Farmerettes Square Dance Club.

(PRESENTATION)

Background/Discussion – The Farmers and Farmerettes Square Dance Club is a Newark-based group that does exhibition and entertainment square dancing and is also involved with local charities. Don Baker and representatives from the Farmers and Farmerettes will be at the City Council meeting to present a contribution to the Newark Betterment Corporation.

C.2 Proclaiming May as National Water Safety Month.

(PROCLAMATION)

Background/Discussion – In recognition of the popularity of swimming and other water-related recreational activities, and the resulting need for ongoing public education on safer water practices, the month of May 2017 has been designated as National Water Safety Month.

Recreation and Community Services staff will be at the meeting to accept the proclamation.

C.3 Proclaiming May 3, 2018, as National Day of Prayer.

(PROCLAMATION)

Background/Discussion – May 3, 2018, has been designated as National Day of Prayer in Newark. Pastor Emeritus Ed Moore will be at the meeting to accept the proclamation.

C.4 Proclaiming April 2018 as Fair Housing Month in Newark. (PROCLAMATION)

Background/Discussion – In honor of the 50th anniversary of the passing of the Fair Housing Act, April 2018 has been proclaimed National Fair Housing Month.

Tim Ambrose, president, and Will Doerlich, 2017 past president, representing the Bay East Association of REALTORS®, will accept the proclamation at the meeting.

E.1 Hearing to consider property owners' objections to the 2018 Weed Abatement Program and instruction to the Superintendent of Streets to abate the public nuisances - from Deputy Fire Marshal Lee/Maintenance Supervisor Hornbeck.

(MOTION)

Background/Discussion - On March 22, 2018, the City Council adopted Resolution No. 10756 initiating the 2018 Weed Abatement Program and setting a public hearing for April 26, 2018. The annual weed abatement program abates weeds on vacant commercial and industrial properties not maintained by the property owners as directed by the Fire Marshal. Property owners may object in person by attending this hearing or by letter. As of April 19, 2018, no written objections have been received. Several owners have notified staff that they will perform the work themselves. If the weeds on these parcels are not abated in a timely manner, the City's contractor will perform the work in May. This will provide these owners ample time to complete the abatement.

The property owners, as listed on the County Assessor's roll, have been given the required notice of the public hearing date. If objections are received prior to or during the public hearing, the Council should consider the objections; and then, by motion, allow or overrule the objections. The Council may then instruct the Superintendent of Streets to abate the public nuisance on the parcels remaining in the program.

Attachment - None

Action - It is recommended that the City Council, by motion, act upon any objections by property owners to the 2018 Weed Abatement Program, and instruct the Superintendent of Streets to abate the public nuisances.

E.2 Hearing to consider approval of the NewPark Place Specific Plan and an Addendum to the General Plan Tune Up Draft Program Environmental Impact Report addressing and disclosing the Environmental Impacts of the NewPark Place Specific Plan - from Assistant City Manager Grindall. (RESOLUTIONS-2)

Project Description - The NewPark Place Specific Plan focuses on revitalizing the Greater NewPark area into a vibrant, active and thriving mixed-use destination. The Specific Plan's Land Use Plan translates this vision into an arrangement of land uses and amenities. The existing NewPark Mall remains the retail focus but residential development up to 1,519 apartment units, hotel development of up to 367 rooms, and up to 500,000 square feet of office development is enabled by the Specific Plan. The Specific Plan includes guidance in the form of plans, policies, development standards, and design guidelines. The Specific Plan covers 115 acres located between Mowry Avenue, Cedar Boulevard, Balentine Drive and Interstate 880. The Specific Plan serves as an extension of the General Plan policies and is both a policy document and a regulatory document. The City Council, Planning Commission, City staff, developers, and the community will use the Specific Plan as a basis to evaluate the merits of individual projects proposed within the Specific Plan boundary.

Background - NewPark Mall opened in 1980 and was, at its height, the key generator of retail sales in Newark and a major sales tax generator for the City. In the past 15 years, regional competition, notably from Union Landing, Fremont Hub, and Pacific Commons, as well as changes in retail shopping trends toward discount stores and online purchases have contributed to a severe decline in sales. Retail sales that were over \$200 Million in 2006 had fallen 35% to \$130 Million by 2012.

In 2013, the City in partnership with mall ownership began the transformation and modernization of the Mall, leading to the AMC Movie Theater, restaurant pavilion, and interior upgrades. This \$100 million dollar investment is showing substantial progress in mall vibrancy. However, retail is evolving and single purpose enclosed malls are continuing to face serious challenges. Fortunately, the mall property owners are ready to invest in evolving to meet the trends. They have approached the City with a vision of reviving the area as a vibrant mixed-use destination that would include restaurants, entertainment and residential uses to complement the retail space. In order to guide this project, the City embarked on a Specific Plan process. The vision behind the Specific Plan is to transform the Greater NewPark Mall into a premier vibrant urban place through thoughtful land use design, which includes modern, inviting pedestrian-oriented streets, generous retail opportunities, dining venues, residential areas, community spaces, enhanced sidewalks, bicycle lanes, and transit facilities. Creating a premier Bay Area and local destination will rejuvenate the regional retail uses within the mall itself and in the surrounding area.

Specific Plan Process - Numerous meetings with property owners were held to develop the Specific Plan vision and land plan which balanced the community vision with market realities. In May of 2017 a Public Workshop with the Planning Commission and City Council was held to review the land plan and development vision. After Council and Commission review, the detailed Specific Plan was prepared. On February 12, 2018 the Draft Plan was provided to the

Planning Commissioners and City Council Members and made available on the City's website and social media. On March 1, 2018, a public work session with the Planning Commission and City Council was held to review the detailed Draft Specific Plan. At the March 1st work session the City Council raised some questions and requested additions and clarifications to the document in response to comments. These changes included:

- A discussion of design guidelines for parking garages was added.
- A recommendation that the housing units should use high quality finishes was included.
- A recommendation that parking technology to indicate vacant space locations was added.
- A discussion of lighting was added.
- The discussion of the parking standards was clarified to make clear that residential parking would meet zoning standards and would be separated from retail parking.
- A discussion of potential options for the provision of affordable housing was included.

Environmental Analysis - An Addendum to the General Plan Tune Up EIR was prepared to provide information regarding: the history of the project; the description of the proposed project; standards for adequacy under the California Environmental Quality Act (CEQA) and State CEQA Guidelines; and a description of the format, content and processing of the Addendum. In December of 2013, the City of Newark certified an Environmental Impact Report (EIR) for the General Plan Update. (State Clearinghouse Number. 2013012052).

The Proposed Specific Plan is an implementation of the General Plan. An Initial Study (IS) was conducted to determine whether the Specific Plan would result in any new or more substantial impacts from those identified in the prior adopted General Plan Tune Up EIR. The Initial Study is attached. Consistent with the General Plan vision for the Greater NewPark Focus Area, the Specific Plan focuses on revitalization of the Greater NewPark area into a vibrant, active and thriving mixed-use destination. The Specific Plan Land Use Plan translates this vision into an arrangement of land uses and amenities. Both Specific Plan, and the existing General Plan, enable up to 1,519 housing units, hotel development of up to 367 rooms, and up to 500,000 square feet of office development. The proposed Specific Plan, because it is consistent with the envisioned development in the approved EIR, would have similar impacts than the approved General Plan Update. It will not introduce new or more significant impacts that were not previously disclosed in the General Plan Update EIR. Based on the conclusions of the Initial Study, an Addendum to the approved EIR is the appropriate CEQA-compliance document for the Specific Plan.

On March 27, 2018, the Newark Planning Commission recommended that the City Council approve the NewPark Place Specific Plan and the Addendum to the General Plan Tune Up EIR addressing the impacts of the NewPark Place Specific Plan. After that meeting, staff met with Rouse Properties and agreed to an addition to the Specific Plan to encourage local hiring and apprenticeship programs. The following paragraph will be added to page 12 of Appendix B: NewPark Place Specific Plan Policies:

Category: Economic and Workforce Development – Measure ED-1, In order to gain further economic development benefits from the Specific Plan, it is suggested that developers make reasonable attempts to: (1) Provide career opportunities for area youth in the construction industry by employing local apprentices enrolled in a California State Certified Apprenticeship Program; (2) To pay area standard wages to construction workers employed on projects enabled by the Specific Plan; and (3) Strive toward a goal of a minimum of 30% of the construction work force from the local Tri- City Region. Developers/Builders will offer to meet with representatives of the Construction Trade Unions, prior to submitting a Specific Project to the City of Newark, to discuss how best to meet these objectives.

Based on the information presented in the staff report and the attached documents, staff believes that the NewPark Place Specific Plan will benefit the City by revitalizing this area and recommends approval of the Addendum to the General Plan Tune Up Draft Program EIR, with the addition of Measure ED-1, and the NewPark Place Specific Plan.

Attachments

Action – It is recommended that the City Council by resolutions: (1) approve an Addendum to the General Plan Tune Up Draft Program Environmental Impact Report addressing and disclosing the Environmental Impacts of the NewPark Place Specific Plan and (2) approve the NewPark Place Specific Plan.

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
NEWARK APPROVING AN ADDENDUM TO THE GENERAL
PLAN TUNE UP DRAFT PROGRAM ENVIRONMENTAL
IMPACT REPORT ADDRESSING AND DISCLOSING THE
ENVIRONMENTAL IMPACTS OF THE NEWPARK PLACE
SPECIFIC PLAN

WHEREAS, on December 12, 2013, the City of Newark certified that the General Plan Tune Up Program EIR (State Clearinghouse Number 2013012052) assessed the potential environmental impacts of the proposed Newark General Plan update; and

WHEREAS, the Environmental Impact Report consists of a Draft Environmental Impact Report document as well as the Final Environmental Impact Report document, which in turn consists of all comments received by the City of Newark regarding the Draft Environmental Impact Report during the mandatory public review period, and responses to those comments; and

WHEREAS, An Initial Study (IS) was conducted to determine whether the NewPark Place Specific Plan would result in any new or more substantial impacts from those identified in the prior adopted General Plan Tune Up Program EIR.

WHEREAS, the NewPark Place Specific Plan is consistent with the level of development analyzed in the General Plan Tune Up Program EIR; and

WHEREAS, based on the findings in an initial study; an Addendum to the Newark General Plan Tune Up Program Environmental Impact Report was prepared and made available to the public.

WHEREAS, the Planning Commission held a duly noticed public hearing on March 27, 2018 regarding NewPark Place Specific Plan and Addendum to the Newark General Plan Tune Up Program Environmental Impact Report; and

WHEREAS, the Planning Commission has recommended unanimously that the City Council approve the Addendum to the Newark General Plan Tune Up Program Environmental Impact Report; and

WHEREAS, the City Council held a duly noticed public hearing on April 26, 2018 regarding the NewPark Place Specific Plan and Addendum to the Newark General Plan Tune Up Program Environmental Impact Report; and

WHEREAS, the members of the City Council have read, reviewed, and considered the information contained in the Addendum to the Newark General Plan Tune Up Program Environmental Impact Report and staff report, and have conducted a public hearing on the subject of the Newpark Place Specific Plan, and have discussed, evaluated, analyzed, reviewed and considered the information presented at said hearing, as well as all of the printed matter in the Addendum, Initial Study and General Plan Tune Up and Program Environmental Impact Report; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Newark hereby approve the Addendum to the Newark General Plan Tune Up Program Environmental Impact Report.

**ADDENDUM TO THE NEWARK GENERAL PLAN TUNE UP PROGRAM
ENVIRONMENTAL IMPACT REPORT (SCH 2013012052) FOR THE NEWPARK
PLACE SPECIFIC PLAN.**

INTRODUCTION

The City of Newark (City) certified a Environmental Impact Report (EIR) for the General Plan Update (State Clearinghouse No. 2013012052, December 2013). The Proposed Specific Plan is an implementation of the General Plan. An Initial Study (IS) was conducted to determine whether the specific Plan would result in any new or more substantial impacts from those identified in the prior adopted General Plan Tune Up EIR. The Initial Study is attached.

This Addendum has been prepared to provide information regarding: (1) the history of the project; (2) the proposed project implementation; (3) standards for adequacy under the California Environmental Quality Act (CEQA) and State CEQA Guidelines; (4) a description of the format and content of this Addendum; and (5) the applicable CEQA processing requirements for the proposed Specific Plan.

BACKGROUND

The Newark General Plan, as updated in 2013 includes a focus area “Greater NewPark Focus Area” located in the southern portion of the City adjacent to interstate 880 and Mowry Avenue. The focus area contains NewPark Mall and surrounding commercial properties. The General Plan included a vision for a revitalized commercial area with a mix of supporting residential, hotel and office development.

Consistent with the general plan vision for the Greater NewPark Mall/Greater NewPark Focus Area, the specific plan vision focuses on revitalization of the Greater NewPark area into a vibrant, active and thriving mixed-use destination. The specific plan land use plan translates this vision into an arrangement of land uses and amenities. The existing NewPark Mall remains the retail focus but residential development up to 1519 housing units, hotel development of up to 367 rooms, and up to 500,000 square feet of office development is enabled by the Specific Plan.

PROJECT DESCRIPTION

The General Plan Update included the “Greater NewPark Focus Area” that is located south of Mowry Avenue. The Specific Plan includes an area of 125 acres. The new development capacity assumed for the specific plan boundary is a subset of the total new development capacity assumed in the general plan and evaluated in the general plan EIR for the Greater NewPark Focus Area as described previously. Since the general plan was adopted in 2013, a 281-unit high density residential project on approximately 9.5 acres located on the north side of Mowry Avenue between Cedar Boulevard and Mowry Avenue within the Focus Area has been

approved and developed. Therefore, of the 1,800 new residential unit development capacity assigned to the Greater NewPark Focus Area, 281 units are no longer available resulting in a balance of 1,519. Also 333 of the assumed 700 hotel rooms have been approved in the area thus reducing the capacity in the specific plan area to 367 rooms. Thus the development enabled by the Specific Plan is completely consistent with the development capacity identified in the General Plan and its environmental document.

BASIS FOR AN ADDENDUM

The State CEQA Guidelines environmental review procedures allow for the updating and use of a previously adopted Environmental Impact Report for projects that are different from the previous project or the conditions under which the project was analyzed. Section 15164 of the State CEQA Guidelines states the following with respect to an addendum to an adopted EIR:

- a) *An addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.*
- b) *An addendum need not be circulated for public review but can be included in or attached to the final EIR or adopted negative declaration.*
- c) *The decision making body shall consider the addendum with the final EIR or adopted negative declaration prior to making a decision on the project.*

In accordance with State CEQA Guidelines Section 15164, this Addendum has been prepared to document that the proposed project modifications do not require preparation of a subsequent environmental document under Section 15162.

The proposed modified project is substantially similar to the project evaluated in the adopted 2013 EIR. Like the approved project, the proposed modified project involves constructing a mixed-use commercial development on the project site which is consistent in area and intensity with development analyzed in the 2013 EIR. As supported in the analysis contained in the accompanying Initial Study, there are no substantial changes proposed in the project which would result in any new significant environmental effects or a substantial increase in the severity of previously identified significant effects. There is no new information of substantial importance which was not known for the 2013 EIR, and no new mitigation measures are necessitated by new impacts.

None of the circumstances listed in State CEQA Guidelines Section 15162 requiring the preparation of a subsequent environmental Document are present, and only minor technical

changes or additions are necessary to update the previously adopted 2013 EIR; therefore, an addendum may be prepared.

A. FORMAT, CONTENT, AND CONCLUSIONS OF THIS ADDENDUM

The accompanying CEQA Initial Study (IS) comprises the Addendum to the General Plan Tune Up EIR.

An IS has been prepared to determine whether the proposed amendments to the approved project analyzed in the adopted EIR would require major revisions to the EIR due to any new or more severe significant environmental impacts as compared to those analyzed in the prior adopted EIR.

The proposed Specific Plan, because is it consentient with the envisioned development in the approved EIR would have similar impacts than the approved General Plan Update. It will not introduce new or more significant impacts that were not previously disclosed in the General Plan Update EIR. Based on the conclusions of the IS, an Addendum to the approved EIR is the appropriate CEQA-compliance document for the Specific Plan.

B. ADDENDUM PROCESSING

The City of Newark Community Development Department directed and supervised the preparation of this addendum, which has been reviewed and determined to be complete and accurate by the Community Development Department. The City has concluded based on the accompanying IS, that an Addendum is the appropriate CEQA compliance document for the proposed NewPark Place Specific Plan project.

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
NEWARK APPROVING THE NEWPARK PLACE SPECIFIC
PLAN

WHEREAS, the existing City of Newark General Plan envisions the transformation of the NewPark Place Specific Plan Area to a vibrant mixed use area; and

WHEREAS, the existing City of Newark General Plan land use diagram designates the proposed NewPark Place project area as Regional Commercial; and

WHEREAS, the Newpark Place Specific Plan proposes to allow development of 1,519 apartment units, hotel development of 367 rooms, and 500,000 square feet of office development; and

WHEREAS, the Regional Commercial General Plan designation will allow for the development of the mixed use project; and

WHEREAS, residents and other community members have had opportunities to provide comments and suggestions throughout the development of the NewPark Place Specific Plan through two public workshops from 2017 and 2018 and by commenting on information posted on the City's website and made available at City Hall and the Library, and by commenting on the Addendum the General Plan Tune Up EIR which was been available on the City's website since March 6, 2018; and

WHEREAS, public comments have been used to shape and revise the land use plan for the Project; and

WHEREAS, the Addendum to the General Plan Tune Up EIR documents all the environmental Impacts of the Proposed Specific Plan; and

WHEREAS, the Planning Commission held a duly noticed public hearing on March 27, 2018 regarding NewPark Place Specific Plan and Addendum to the Newark General Plan Tune Up Program Environmental Impact Report; and

WHEREAS, the Planning Commission has recommended unanimously that the City Council approve the NewPark Place Specific Plan; and

WHEREAS, the members of the City Council have read, reviewed, and considered the information contained in the Addendum to the Newark General Plan Tune Up Program Environmental Impact Report and staff report, and have conducted a public hearing on the subject of the Newpark Place Specific Plan, and have discussed, evaluated, analyzed, reviewed and considered the information presented at said hearing, as well as all of the printed matter in the Specific Plan, Addendum, Initial Study and General Plan Tune Up and Program Environmental Impact Report; and

WHEREAS, the City Council held a Public Hearing on the NewPark Place Specific Plan on April 26, 2018 and has read, reviewed, and considered the NewPark Place Specific Plan and Addendum the General Plan Tune Up EIR, staff report and public comment; and

WHEREAS, pursuant to California Government Code Sections 6061, 65090, 65091, 65094, and 65353, a public notice of a public hearing was published in the Tri-City Voice and the City Council held a public hearing on the NewPark Place Specific Plan, at 7:30 p.m. on April 26, 2018 at the City Administration Building, 37101 Newark Boulevard, Newark, California.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Newark resolves approves the NewPark Place Specific Plan.

The Specific Plan would be amended to include a new category of Specific Plan Policies on page 12 of Appendix B: NewPark Place Specific Plan Policies;

Category: **Economic and Workforce Development:**

Measure **ED-1**, In order to gain further economic development benefits from the Specific Plan, it is suggested that developers make reasonable attempts to:

- (1) Provide career opportunities for area youth in the construction industry by employing local apprentices enrolled in a California State Certified apprenticeship program;
- (2) To pay area standard wages to construction workers employed on projects enabled by the Specific Plan; and
- (3) Strive toward a goal of a minimum of 30% of the construction work force from the local Tri-City Region. Developers/Builders will offer to meet with representatives of the Construction Trade Unions, prior to submitting a Specific Project to the City of Newark, to discuss how best to meet these objectives.

Attachments posted as separate documents on the website.

F.1 Authorizing the replacement of three Automatic License Plate Recognition (ALPR) systems and declaration of Neology as the single source vendor – from Lieutenant Kimbrough. (RESOLUTION)

Background/Discussion- The 2016-2018 Biennial Budget includes funding for the replacement of three Automatic License Plate Recognition (ALPR) systems. The current ALPR systems are mounted on patrol vehicles and used to locate and identify stolen vehicles and wanted persons utilizing optical characters recognition technology. The average life cycle for this type of equipment is 5-7 years based on its 24/7 use and exposure to the elements. The existing systems were purchased in 2013 and have recently experienced software and camera failures. Staff is recommending that Neology be declared a single source vendor for this purchase.

In accordance with the Single Source Exemption in the City's Purchasing Ordinance, formal bidding procedures are not required in the event the City Council, by resolution, makes certain findings and declarations that:

1. Formal bids would work in incongruity and would be unavailing in affecting the final results; and
2. Formal bids would not produce any advantage to the City; or,
3. It is practically impossible to obtain what is required through the formal bidding process; or,
4. The product sought or a significant portion thereof is the subject of a patent and cannot be purchased from any source other than the holder of the patent.

The single source exemption is appropriate for this purchase under paragraphs 1 and 2. There is only one vendor that can provide a system compatible with our existing equipment. Since that is the case, it is incongruous, or not appropriate, to require a formal bid for the purchase since only one manufacturer could bid and it would be useless (unavailing), failing to achieve the desired result (i.e. competitive, multiple bids assuring the best use of public funds). Formal bids would not produce any advantage to the City, but would instead result in an extraneous use of public funds to lead to the same result. It is impossible, in a practical sense, to obtain competitive bids through a formal bidding process since only a single manufacturer could meet the City's needs for replacement of the ALPR systems.

The City has received a proposal from Neology in the amount of \$59,989.06 (including tax) to provide three (3) ALPR systems and full on-site warranty repair for all equipment and software for the next five years. This purchase is on the current equipment replacement list for Fiscal Year 2017-2018; therefore, no additional funding is required.

Action – It is recommended that the City Council, by resolution, authorize the replacement of three Automatic License Plate Recognition (ALPR) systems and declare Neology as the single source vendor.

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
NEWARK AUTHORIZING THE REPLACEMENT OF THREE
AUTOMATIC LICENSE PLATE RECOGNITION (ALPR)
SYSTEMS AND DECLARATION OF NEOLOGY AS THE
SINGLE SOURCE VENDOR

WHEREAS, the 2016–2018 Biennial Budget includes funding for replacement of three Automatic License Plate Recognition (ALPR) systems, and

WHEREAS, the average life cycle for this type of equipment is 5-7 years based on its 24/7 use and exposure to the elements; and

WHEREAS, the current systems were purchased in 2013 and have recently experienced software and camera failures; and

WHEREAS, Neology is the sole vendor that can provide the equipment compatible with the existing systems; and

WHEREAS, per the City Purchasing Ordinance, formal bidding procedures shall not apply in the event that the City Council makes certain findings and declarations; and

WHEREAS, the City Council, having reviewed and considered the facts related to the purchase of three ALPR systems, finds and declares, as set forth below, and as required by Resolution No. 9816 which modified the Single Source Exemption Regulations in Resolution 7053, Purchasing Rules and Regulations that:

1. Formal bids would work an incongruity and would be unavailing in affecting the final results since there is one manufacturer to provide a suitable and cost-effective replacement light control board and therefore there is no comparable competitive product for which a competitive bid could be provided; and
2. Formal bids would not produce any advantage to the City since, as stated above, a formal bid would produce only a single bid from one manufacturer for the desired product.

NOW, THEREFORE, BE IT RESOLVED that the City Council does hereby authorize the purchase of three Automatic License Plate Recognition (ALPR) systems in the amount of \$59,989.06 and declare Neology as the single source vendor for this purchase.



ALPR Sales Agreement

Vince Kimbrough
 Newark Police Department
 37101 Newark Blvd.
 Newark, CA 94560

March 28, 2018

RE: SX4 Upgrade Program w 5YR Extended Warranty - Newark CA Police Department

Qty	Item	Description	List Unit Cost	Discount Percentage	Extended Cost
3	75-0302-5542-8	Mobile 3-CAMP634-950-25-25-08VPSX4	\$12,000.00		\$36,000.00
3	75-0302-1824-4	3 CAM VALOR MOUNTING ASSEMBLY	\$1,125.00		\$3,375.00
3	75-0302-3694-9	Mob/Port Installation Service per car BO	\$1,200.00		\$3,600.00
12	75-0302-3683-2	3CAM 5 Year Extended Warranty BO	\$1,200.00	-20%	\$11,520.00
1	75-0302-3692-3	Onsite Technical Service for Extended Warranty	\$1,400.00		\$1,400.00
		Subtotal:			\$55,895.00
		Estimated Tax:			\$3,839.06
		Shipping:			\$255.00
		Total:			\$59,989.06

NOTES:

- 1) SX4 Upgrade Program Pricing.
- 2) Customer to deliver vehicles to authorized local installation facility.
- 3) 5 Year Extended Warranty. Customer to provide remote access to systems for Support. Onsite service provided in queue as needed for warranty service.

Questions / Concerns? Contact Technical Services (833) PIPS-LPR or (833) 747-7577



Newark Police Department
37101 Newark Blvd.
Newark, CA 94560

By: _____

Name: _____

Title: _____

Terms: Net 30 days

F.O.B. Freight will be prepaid by Neology and billed to customer

Shipping Costs: Neology to prepay and add to invoice

Warranty: One year return-to-depot included with purchase

Conditions of This Sale:

Prices quote herein are firm fixed prices for your project and are valid for 90 days, unless otherwise specified.

Pricing is based on supplying the designated item(s) shown. Any changes in quantities or item descriptions will require new pricing to evaluate the Quotation without written consent from Neology.

The prices quoted exclude any applicable taxes and duties, including local sales taxes

Neology reserves the right to revise this Quotation in the event that any of the terms and conditions set forth are varied.

An estimated delivery date range will be provide for all non-budgetary quotes. Due to resourcing requirements and the nature of the identity management business the delivery estimates are subject to change.

Additional Neology terms and Conditions of Sales are attached.

Information for PO:

Provide your corporate Tax ID number or Tax Exempt Certificate 'Ship To', 'Bill To', Deliver to Contact Name and Phone Number

Acknowledgement of shipping and handling to be added to Invoice at time of shipment and/or charge freight collect against customer's account (provide account #)

Terms and Conditions of Sale

These Terms and Conditions of Sale ("Terms") apply to every order ("Order") of products or services ("Products") by Neology. Neology's acceptance of each Order is expressly conditioned on the Buyer's acceptance of all the Terms. If any Neology proposal is construed as an offer, that offer is expressly limited by these Terms. Any notice of different or additional terms, including, without limitation, any terms on a Buyer's purchase order, or any Buyer notice of rejection of the Terms, is hereby rejected. If any Neology action regarding a proposal from Buyer, including Neology's shipment of Products, is construed as an acceptance of Buyer's offer, such acceptance is expressly conditioned on Buyer's acceptance of these Terms.

1. Pricing and Shipping: Pricing is as provided in the Neology quotation or applicable Neology price page ("Quotation"). Prices quoted by Neology are valid for 90 days after the date of the Quotation. Any changes in quantity or release dates may result in a change in pricing. Prices are F.O.B. point of shipment and exclude shipping, taxes, and any applicable duties.
2. Payment Terms: Payment terms are net 30 days from the date of Neology invoice.
3. Credit: Neology may, in its sole discretion at any time, change or limit the amount or duration of credit extended to the Buyer. Neology may cancel any Orders or delay shipment of an Order, if the Buyer fails to meet payment schedules or other credit or financial requirements established by Neology.
4. Lead Times: Delivery lead times will be quoted at the time of Order. Neology will use reasonable efforts to ship within quoted lead times, but is not liable for delivery delays.
5. Returned Goods Policy: Returns are subject to Neology's then current Returned Goods Policy. In all instances, authorization must be received from your Neology customer service representative before any returns will be accepted.

Questions / Concerns? Contact Technical Services (833) PIPS-LPR or (833) 747-7577



6. **Export Control Compliance:** Products are delivered within the United States. The ultimate destination of any Products purchased for export or re-export must be disclosed to Neology at the time of order. Buyer is responsible for complying with all applicable export control laws.
7. **Product Selection and Use:** The technical information, recommendations and other statements relating to the Products are based upon tests or experience that Neology believes are reliable, but the accuracy or completeness of such information is not guaranteed. Many factors beyond Neology's control and uniquely within Buyer's knowledge and control can affect the use and performance of a Product in a particular application. Given the variety of factors that can affect the use and performance of a Product, Buyer is solely responsible for evaluating the Neology product and determining whether it is fit for a particular purpose and suitable for Buyer's method of application.
8. **Confidentiality:** Any information supplied by Neology in response to Buyer's request for quotation will not be used for any purpose other than to evaluate Neology's proposal and, except as required by law, may be not be disclosed or used for any other purpose.
9. **Warranty and Limited Remedy:** THE FOLLOWING IS MADE IN LIEU OF ALL WARRANTIES, EXPRESS OR IMPLIED, INCLUDING THE IMPLIED WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE. Neology warrants that its PIPS TECHNOLOGY products will meet Neology's written specifications at the time of shipment. Neology's obligation and your exclusive remedy shall be, at Neology's option, to replace or repair the Neology product or refund the purchase price of the Neology product. IN NO EVENT WILL Neology BE LIABLE FOR ANY INDIRECT, INCIDENTAL, SPECIAL OR CONSEQUENTIAL DAMAGES INCLUDING, BUT NOT LIMITED TO LOSS OF PROFITS, IN ANY WAY RELATED TO THE PRODUCTS REGARDLESS OF THE LEGAL THEORY ASSERTED.
10. **Federal Contracts:** Neology is selling commercial items as defined in FAR 2.101. If an Order is issued under a Federal Government contract or higher-tier subcontract, the following additional terms and conditions apply to the extent that the terms and conditions are applicable based on their FAR or DFARS prescriptions for commercial item procurements, as of the date of the Order: FAR 52.212-5(e) when the buyer's government contract is for commercial items or services, FAR 52.244-6 when the buyer's government contract is for noncommercial items/services, and additionally, DFARS 252.212-7001(c) when the buyer's contract is with the Department of Defense. The FAR and DFARS specify that for the acquisition of commercial items, prime contractors (Buyer) are not required to flow down any FAR clauses other than those listed above. Therefore, acceptance of any order placed by Buyer does not constitute acceptance by Neology of any other government contract provision other than those listed above, regardless of terms and conditions included on Buyer boilerplate order documents, and any such provisions are expressly rejected as a condition of these Terms.
11. **Changes:** Neology reserves the right to amend, modify, or supplement these Terms as to future orders or shipments. No action by Buyer may amend, modify, reject, supplement, or waive these Terms in any manner whatsoever (including course of dealing or of performance or usage of trade) except as agreed upon in a writing signed by an authorized representative of Neology.
12. **Waiver:** Any failure or delay by either Party in exercising any right or remedy provided by or relating to the Quotation or these Terms in one or more instances does not constitute a waiver and shall not prohibit a Party from exercising such right or remedy at a later time or from exercising any other right or remedy available.
13. **Severability:** If any provision of the Quotation or these Terms shall, for any reason, be held invalid, illegal, or unenforceable by a court or tribunal of competent jurisdiction, such provision shall be deemed severable and such invalidity, illegality, or unenforceability shall not affect any other provision of the Quotation or these Terms which shall be enforced in accordance with the intent of this Agreement.
14. **Complete Agreement:** The Quotation and these Terms constitute the entire agreement between the Parties and supersede and terminate any and all prior agreements and understandings, whether written or oral, between the Parties with respect to the subject matter of the Order.
15. Each Party agrees that it has not relied on any representation, warranty, or provision not expressly stated herein and that no oral statement has been made to either Party in any way tends to waive any of the these terms. The UN Convention on the International Sale of Goods shall not apply.

Questions / Concerns? Contact Technical Services (833) PIPS-LPR or (833) 747-7577

F.2 Authorizing the Mayor to sign a Contractual Services Agreement with Rhoades Planning Group to conduct the Old Town Specific Plan, Streetscape Design and Project Schematic Design and approval of a budget amendment – from Assistant City Manager Grindall. (RESOLUTION)

Summary – Staff is proposing to contract for professional services to conduct the Old Town Specific Plan, Streetscape Design, and Project Schematic Design project. This project will develop a Specific Plan to guide the transformation of the Old Town area into a vibrant mixed use area with attractive ground floor retail with residential above. The plan would address unique development challenges of fragmented ownership and the need to blend with surrounding single family neighborhoods. Specialized development standards to guide development would be identified. Schematic designs for the Old Town Streetscape Improvements would also be included. Streetscape improvements are a key to improving the area and catalyzing development.

Background/Discussion – Old Town is the historic heart of Newark. Its street grid pattern reflects the original design of the Town Plan from 1878. Its land use pattern was already well-established by the time Newark incorporated in 1955. The area includes a diversity of uses, including detached housing units, retail stores, restaurants, service businesses, light industry, public buildings, and churches. Old Town includes important and treasured businesses but much of it is underutilized or vacant.

The core of the Old Town area was rezoned to mixed use on the recommendations of the Infill Housing Study in 2008. However, small lots with disparate ownership have prevented any implementation of the zoning regulation. Old Town Newark was designated as a Priority Development Area by the Association of Bay Area Governments (ABAG) in 2007, enhancing its competitive position for attracting regional transportation dollars for improvements. Several specific properties in Old Town have been identified as Housing Opportunity Sites in the Newark Housing Element. Further consolidation of these properties is encouraged to create more viable development sites. New housing on such sites should enhance the existing mix of units in the area and should include market-rate and affordable units.

This Specific Plan will be project focused with a significant level of architectural detail to demonstrate the feasibility of potential projects. Identified key development sites should include a schematic level design and financial analysis. Regulations will need to be carefully crafted to encourage lot consolidation and to streamline the development process for projects that fulfil the Specific Plan vision while imposing barriers to the development of incompatible development.

Community input from previous planning efforts showed an interest in new development following architectural styles that are common in Old Town, such as Victorian, Craftsman and Mission Revival. This idea is the starting point for the design.

Streetscape improvements could include improved street lighting, new street furnishings such as benches, seating areas, trees, landscaping, and an entrance element. The streetscape improvements would follow a historic theme and help strengthen the definition of the area.

Parking and circulation improvements will also be studied. This could include the development of a shared parking lot for use by area businesses, and opportunities to calm traffic on Thornton Avenue. Crosswalks and bike lanes would be included to make the area safer and more inviting for pedestrians and bicyclists.

This planning effort would include significant community outreach, in particular to business owners and property owners in Old Town. There would be public meetings with the City Council and a public open house to show the draft plan and receive community input.

The key element of this project is to extend beyond traditional planning studies to analyze and advance the actual design of private development as well as to create a design for public improvements that is detailed enough to allow the City to be highly competitive for grant funds to complete the improvements. A robust stakeholder and community input process is also an important element. The detailed work scope and consultant qualifications are attached.

A Request for Qualifications (RFQ) was published seeking a consultant to prepare a Specific Plan and prepare documentation to disclose environmental impacts of the Specific Plan. Nine architectural and planning firms responded, after interviewing the most qualified firms, three firms were invited to submit a proposal to provide these professional services. Rhoades Planning Group was the most responsive and cost competitive proposal.

It is anticipated that the work would begin in May and will require 12 months to complete. The total contract cost is \$351,040. The 2016- 2018 Biennial Budget includes \$160,000 for this effort; a budget amendment would be needed to transfer \$191,040 dollars from unallocated reserves to the project in the Capital Improvement Plan. The City collects a development impact fee, known as the the Community Development Maintenance Fee, to support the updating and implementation of the General Plan and Zoning Ordinance. This project was identified in the General Plan and is eligible for these funds.

Attachment

Action- It is recommended that the City Council, by resolution, authorize the Mayor to sign a Contractual Services Agreement with Rhoades Planning Group, and amending the 2016-2018 Biennial Budget for Fiscal Year 2017-2018.

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
NEWARK AUTHORIZING THE MAYOR TO SIGN A
CONTRACT SERVICES AGREEMENT WITH RHOADES
PLANNING GROUP AMENDING THE 2016-2018 BIENNIAL
BUDGET FOR FISCAL YEAR 2017-2018

BE IT RESOLVED by the City Council of the City of Newark that the Mayor of the City of Newark be and is hereby authorized to sign a contract services agreement with Rhoades Planning Group to provide assistance in the completion of the Old Town Specific Plan, Streetscape and Project Schematic Design with a contract not exceed an amount of \$351,040, said agreement on file in the Office of the City Clerk.

BE IT FURTHER RESOLVED that the City Council of the City of Newark does hereby amend the 2016-2018 Biennial Budget for Fiscal Year 2017-2018 as follows:

From:

025-0000-3865	Community Development Maintenance	\$191,040
401-5600-5280-1150	Capital Funds-Old Town PDA Specific Plan	\$160,000

To:

025-5600-5280-1150	Old Town PDA Specific Plan & Development	\$351,040
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**CONTRACTUAL SERVICES AGREEMENT
CONSULTANTS**

This Service Agreement (hereinafter "Agreement") is made and entered into this _____ day of _____, 2018 by and between the **CITY OF NEWARK**, a municipal corporation ("City"), and Rhoades Planning Group an S-Corporation ("Consultant"), collectively the "Parties".

WITNESSETH:

WHEREAS, City requested proposals to perform the services generally including: Old Town Specific Plan, Streetscape and Project Schematic Design.

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 as Exhibit "A".

WHEREAS, in reliance upon Consultant's documentation of its qualifications, as set forth in Exhibit "A", 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 three hundred fifty one thousand and forty dollars and No/100 Dollars (\$351,040) 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 “A” 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 “A”, 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, unless already included in submitted invoices, 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 “B”, 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 "A". Therefore, Consultant shall not replace its Authorized Representative, or any of the designated personnel or Subconsultants identified in Exhibit "A", 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

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.

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: (1) immediately defend, and (2) indemnify City, its, officers, officials, directors, employees, and volunteers from and against liabilities resulting from Consultant's performance of Services, or any negligent or wrongful act or omission of Consultant or Consultant's officers, employees, agents, or subconsultants. Liabilities subject to the duties to defend and indemnify include, without limitation all claims, losses, damages, penalties, fines, and judgments; associated investigation and administrative expenses; defense costs, including

but not limited to reasonable attorneys' fees; court costs; and costs of alternative dispute resolution. Consultant's obligation to indemnify applies unless it is adjudicated that its liability was caused by the sole active negligence or sole 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 duty to defend is a separate and distinct obligation from Consultant's duty to indemnify. Consultant shall be obligated to defend, in all legal, equitable, administrative, or special proceedings, with counsel approved by City immediately upon tender to Consultant of the claim in any form or at any stage of an action or proceeding, whether or not liability is established. An allegation or determination of comparative active negligence or willful misconduct by an indemnified party does not relieve the Consultant from its separate and distinct obligation to defend City. The obligation to defend extends through final judgment, including exhaustion of any appeals. The defense obligation includes an obligation to provide independent defense counsel if Consultant asserts that liability is caused in whole or in part by the negligence or willful misconduct of the indemnified party. If it is finally adjudicated that liability was caused by the sole active negligence or sole willful misconduct of an indemnified party, Consultant may submit a claim to City for reimbursement of reasonable attorneys' fees and defense costs.

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 or defense 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 defense and indemnity obligations shall survive the termination or completion of this Agreement for the full period of time allowed by law. The defense and 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 to:

For CONSULTANT:

Mark Rhoades
Rhoades Planning Group
46 Shattuck Square, Berkeley CA, 94704

For CITY OF NEWARK

Terrence Grindall
City of Newark
37101 Newark Boulevard
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

Rhoades Planning Group
an S Corporation

By _____
City of Newark

By _____
Consultant

Date _____

Date _____

Attest:

City Clerk

Date _____

Approved as to form:

City Attorney

Date _____

EXHIBIT A

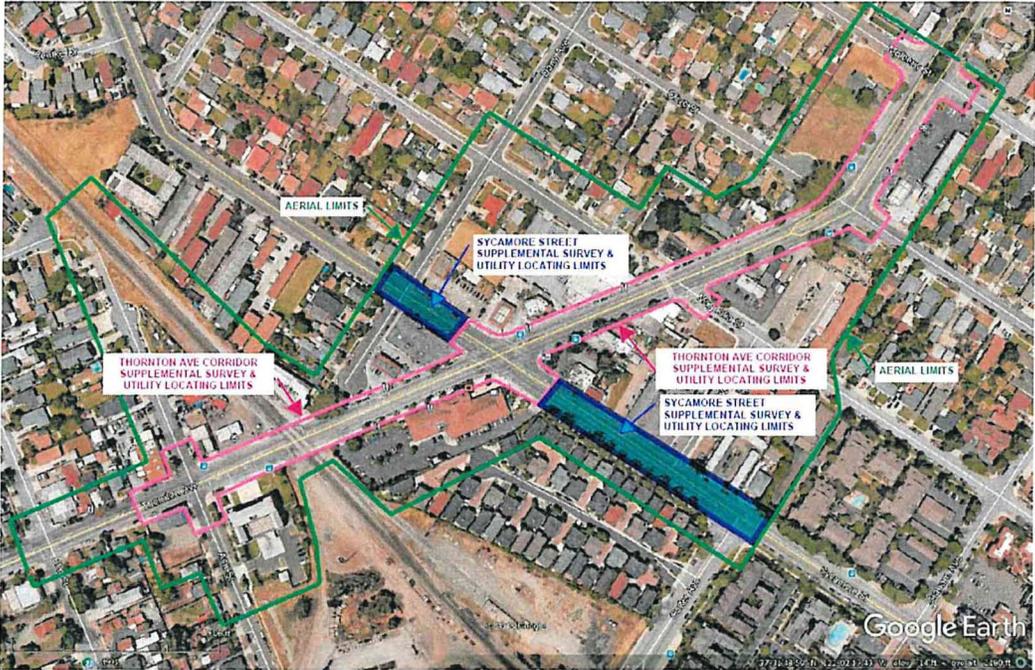
SCOPE OF SERVICE, PAYMENT, QUALIFICATIONS

Scope of Work

Task 1– Project Initiation

Project initiation, including efficient background research of economic and physical conditions, and infrastructure, and interviews with key development stakeholders; site tour and kickoff meeting with City staff to clarify expectations; street and streetscape survey work.

- A. **Kickoff Meeting and Site Tour (Team/City):** Initial kickoff meeting and site tour with the consultant team and staff to verify roles, responsibilities, communication protocols, key issues, timeline, and the community outreach program.
- B. **Market Snapshot and Stakeholder Interviews (RPG/LEX):** Compile data to understand key issues, and identify the set of assumptions that would guide the development of proformas and the alternatives in Task 2. Data collection would include:
 - Interviews with brokers, property owners, developers, and City staff
 - Economic factors (e.g., land sales comps, land prices, rent/lease rate comps, occupancy rates)
 - Entitlement processes, fees, and timelines
 - Essential physical and environmental data to determine the key issues, incentives, and disincentives to development in Old Town under existing conditions
- C. **Infrastructure Assessment (BKF):** Assess infrastructure facilities and capacity (i.e., wastewater, water, stormwater, gas, electric, and communication facilities) and the physical constraints of these facilities, such as proximity to transmission systems and easements to aid in land planning.
- D. **Survey (BKF):** Complete research and field surveys to prepare base maps illustrating the existing conditions along the right-of-way corridors of Thornton Avenue, Sycamore Street, and cross street intersections within the limits of the Old Town Specific Plan Area. As part of the base budget, the survey would include the following:
 - i. **Control Survey:** Vertical control based on the City of Newark benchmark, located at the intersection of Thornton Avenue & Cherry Street, to serve as the base for the Aerial Survey & Supplemental Topographic Survey control.
 - ii. **Base Map Aerial:** Compile a base map of the project area using aerial photography and incorporating detailed topographic features including curbs, gutters, sidewalks, striping and signage, trees, street features, and surface utility appurtenances. Reflect elevation data using contours at 1-foot intervals and spot elevations on hardscape. Digital mapping (see green boundaries below) would be provided at 1"=20' scale.
 - iii. **Right of Way:** Plot the Thornton Corridor and Sycamore Street right-of-way lines based on record data. The boundary information will be based on record maps and Alameda County documents. This does not include ordering or using title reports for all of the properties along the project streets.



- iv. Thornton Avenue and/or Sycamore Street Supplemental Topographic Survey: Establish a conventional survey and high definition scanning network of select spot check locations (assumes 2 days of survey time). This work would collect up to 1,000,000 points per second, which provides large amounts of data for increased accuracy and speed. This technique extracts building features such as doors, windows, and roof overhangs. We would conventionally survey surface utilities and dip the gravity structures for inverts and pipe sizes.
- v. Thornton Avenue and/or Sycamore Street Utility Location Survey: Perform utility investigation services using industry acceptable methods to determine the approximate horizontal position and depth of existing utilities within the designated area (see limit of work boundaries above). We would compare any available utility record information, provided by the City, with the results of field investigation services to attempt to map all underground utilities. (This scope does not include utility locating on railroad property, sewer and storm drain laterals, irrigation, or pedestrian lighting.)

Meetings: Kickoff Meeting and Site Tour; Stakeholder Interviews

Deliverables: Economic Data & Market Snapshot Memo; Infrastructure Assessment Memo; Survey

Task 2 – Land Plan

Concurrent with streetscape design in Task 3, exploration of land use alternatives, based on the General Plan vision, to visualize options and test economic viability and community desirability. Selection of a preferred alternative to clarify priorities for streetscape design and direction for the specific plan.

- A. **Alternatives Land Plans (RPG/LEX, UFS):** Explore up to three conceptual land use and urban design scenarios, within the bounds of the vision for the planning area considered in the General Plan. Alternatives may range from residential and retail mixed use to stronger retail development options, with corresponding differences in the physical configuration of the retail and housing mix, node concepts (e.g., focus at the Sycamore intersection), urban design, parking, and massing.
 - UFS team would prepare conceptual diagrams to communicate land use and design choices
 - RPG would analyze the economic feasibility of each scenario (e.g., financing and construction costs) and develop a matrix that illustrates the major tradeoffs of each scenario (i.e., the community, economic, and physical factors)
- B. **Stakeholder Meeting (RPG/LEX, UFS):** Prepare materials for and conduct targeted outreach with neighborhood stakeholders (e.g., business owners, community groups, residents in the corridor) in a community forum. Streetscape concepts developed in Task 3 would also be presented at this forum.
- C. **Planning Commission/City Council Work Session (RPG/LEX):** Solicit feedback from decision-makers to identify a preferred Conceptual Land Plan.
- D. **Preferred Conceptual Land and Infrastructure Plan (RPG/LEX, UFS, BKF):** Develop a preferred plan framework that incorporates the comments from subtasks B and C. This diagrammatic plan would serve as the foundation of the Specific Plan (Task 4). BKF would develop water, stormwater, wastewater and other utility generation rates, as well as potential improvements based on this plan.

Meetings: Stakeholder Outreach Meeting; Planning Commission/City Council Work Session

Deliverables: Conceptual Alternative Land Plans; Preferred Conceptual Land Plan

Task 3 – Schematic Streetscape and Public Facilities Design

Concurrent with Task 2 and working with a technical advisory group of City staff, develop a streetscape plan that fulfills the vision of the General Plan, addresses infrastructure needs, provides a detailed concept for further funding, and provides a catalyst for future development.

- A. **Streetscape Schematics (BDP, BKF):** Illustrate recommended street and streetscape improvements to Thornton Avenue, including bicycle routes and lanes through the planning area (as assumed in the General Plan), transit stop improvements, extension of the sidewalks, and lane reconfiguration to accommodate these improvements. The plan would indicate locations and/or extent of public spaces, sidewalks, crosswalks, parklets, bulb-outs, street trees, street furniture, and street lights. Consultants would coordinate with City department representatives (e.g., Fire, Public Works, Planning) during the course of the streetscape design process.
- BDP would develop a model of the project area using photos of existing buildings, StreetView, proposed development illustrations/renderings, and/or other sources as available. The 3D model would allow design options to be viewed from a variety of angles, and would be used for all subsequent design work and preparation of illustrations and renderings for design studies, and meetings with staff and stakeholders.
 - BKF would assess the utility improvements needed to construct the streetscape, including stormwater treatment opportunities, storm drainage improvements where bulbouts or changes to the gutters are needed, and opportunities for lighting improvements and gateway features. This level of 35% streetscape planning would set cross sections and horizontal geometry, and provide programmatic-level detail, including approximate locations and elevations of grading and utilities design. The scope does not include modeling hydraulics that would identify sizing for utilities.
- B. **Cost Estimates (BDP, BKF):** BKP would develop an Engineer's Forecast of Potential Costs (based on a per lineal foot cost of roadways and utilities) for utility infrastructure improvements, roadway and traffic improvements. BDP would develop conceptual level costs of street furniture, landscape, and other streetscape elements. These estimate will be used to identify the level of public funding needed to implement the proposed designs and to integrate into the City's CIP.
- C. **Traffic Assessment (AA):** If the streetscape plan includes a road diet and/or reconfiguration of the roadway that would affect traffic capacity, Abrams Associates would evaluate potential impacts on traffic conditions and determine consistency with the General Plan EIR.

Deliverables: Streetscape Schematic Plans, Costs Estimates; Traffic Assessment

Task 4 – Prepare Specific Plan Document

Develop a succinct specific plan, based on the preferred plan in Task 2, which combines the General Plan's vision for Old Town and street and streetscape improvements in Task 3, with the economic reality determined in Task 1.

- A. **Specific Plan (RPG/LEX, BKF):** Prepare a Specific Plan that has been tested for physical and economic feasibility based on the outcomes of the preceding tasks. The Plan would be

succinct, with clear and concise policy and implementation measures. It would provide clear direction and certainty for potential developers, outlining the entitlement process, timeline, and requirements. It would also provide guidance for City staff, decision-makers, and community members about how to evaluate individual development projects, what types of public investments will be necessary to catalyze private development, and how they may be financed.

- a. Key Topics: The Plan would address land use, urban design, open space and public facilities, utilities and infrastructure, financing, phasing, and streamlined project review.
 - b. Drafts: RPG/LEX would prepared an Administrative draft for City staff review. Based on a consolidated set of comments, we would prepare a Public Review Draft. Following decision maker hearings in subtask B, we would prepare a final (adopted) plan.
 - c. Zoning Amendments: If necessary, RPG/LEX would identify a list of recommended zoning amendments for the City to codify.
- B. **Community Meeting (Team)**: Present evolving plan and streetscape ideas during one community meeting. This event could take the form of a pop-up event in the planning area, involving local merchants, or a more traditional community meeting. The scope assumes that the City would manage meeting logistics and invitations.
- C. **Planning Commission & City Council Hearings (Team) (2)**: Meet with the Planning Commission and City Council to present the public review draft Specific Plan and EIR Addendum.

Meetings: Community Meeting; Planning Commission Hearing; City Council Hearing

Deliverables: Specific Plan (Administrative Draft; Public Review Draft; Adopted Plan)

Task 5 – Environmental Analysis and Documentation

Prepare an EIR Addendum that allows for CEQA streamlining for individual projects in the future.

- A. **EIR Addendum (RPG/LEX)**: Prepare an Addendum to the General Plan EIR to efficiently review the potential environmental effects of the Old Town Specific Plan, and to enable exemptions of individual development projects in the future. The Addendum would evaluate whether the Specific Plan proposes any changes to the approved General Plan that would result in any new or substantially more adverse significant effects or require any new mitigation measures not identified in the General Plan EIR. To the extent feasible, any new mitigation measures would be written as policy measures in the Specific Plan to streamline plan implementation. While all topic areas would be evaluated, the most substantive topic areas that would be addressed are anticipated to include: Aesthetics, Air Quality, Noise, Transportation/Traffic (see Task 3-D), and Utilities/Service Systems (see Task 2-D). Since no new development beyond what was accommodated in the General Plan, General Plan EIR, and Zoning Ordinance update is expected, no new or additional impacts are anticipated. The Addendum would identify noise and air quality sources in and adjacent to

the planning area and determine mitigation measures and uniformly applicable development policies, as appropriate. Additional noise and air quality studies are not anticipated to be necessary and therefore not included in the scope. However, individual projects would need to analyze and meet Title 24 noise and air quality requirements during the building permit process, as is required for any development project in the State.

If at any time, the need for a Subsequent EIR is potentially triggered due to a significant impact that was not discussed in the General Plan EIR or if new technical analyses are required, we would consult with City staff immediately. If a Subsequent EIR or technical studies are ultimately determined to be necessary, a revised scope and fee estimate may be required.

Deliverables: Addendum to the General Plan EIR (Administrative Draft and Public Review Draft)

Task 6 – Project Schematic Design

Test the feasibility of development on key opportunity sites and prepare a marketing brochure that demonstrates the viability of development on the corridor.

- A. **Development Feasibility (UFS, RPG):** Identify up to three opportunity sites (with the option of additional sites) on which to develop more detailed design and proforma models. A memo outlining the following items would be prepared to review with staff prior to initiating subtask B:
 - UFS would develop conceptual project designs that take into account use, programming, parking, and development standards requirements of a realistic project proposal.
 - RPG would develop proforma models to test the financial feasibility of the three scenarios from the perspective of a private developer. The proforma model would evaluate both market rate and affordable housing scenarios.
- B. **Development Concept Brochure (RPG/LEX, UFS):** Create a brochure (or web-based product), based on the work in subtask A, that illustrates the desired and tested development scenarios that developers—and their own teams of architects—can further develop into development applications. The brochure would include key economic data, such as rents, occupancy rates, and market data based on the market snapshot in Task 1-B, to present a clear picture of the types of development that are financially and physically feasible.

Deliverables: Development Feasibility Memo; Development Concept Brochure (Administrative and Final Draft)

Schedule

We anticipate a 12-month schedule to complete the Specific Plan, Streetscape Design, and Schematic Design scope of work.

	Month 1	Month 2	Month 3	Month 4	Month 5	Month 6	Month 7	Month 8	Month 9	Month 10	Month 11	Month 12
Task 1 Project Initiation												
1.A Kick off Meeting and Site Tour	█											
1.B Market Snapshot and Stakeholder Interviews	█	█										
1.C Infrastructure Assessment	█	█										
1.D Survey	█	█										
Task 2 Land Plan												
2.A Alternative Land Plans (3)			█	█	█							
2.B Stakeholder Meeting					█							
2.C Planning Commission/Council Work Session						█						
2.D Preferred Conceptual Land Plan and Infrastructure Plan							█	█				
Task 3 Schematic Streetscape and Public Facility Design												
3.A Streetscape Schematics			█	█	█	█						
3.B Cost Estimates						█	█					
3.C Traffic Assessment					█	█						
Task 4 Prepare Specific Plan Documents												
4.A Draft Specific Plan								█	█	█	█	
4.B Community Meeting								█				
4.C Specific Plan Planning Commission/City Council Hearing (2)											█	█
Task 5 Environmental Analysis and Documentation												
5.A EIR Addendum										█	█	
Task 6 Project Schematic Design												
6.A Development Feasibility								█	█	█		
6.B Development Concept Brochure										█	█	

February 9, 2018

Terrence Grindall, Assistant City Manager

Via Email: Terrence.grindall@newark.org

RE: Newark Old Town Specific Plan, Development Strategy, and Schematic Design

Dear Mr. Grindall,

I am excited to introduce you to the team that can help Newark envision and implement the development and placemaking potential of the City's Old Town. Newark is an historic East Bay community with deep roots and an excellent location. At the same time, Old Town has an existing community context that can be celebrated and recently approved General Plan policies and updated zoning standards that can help unlock the potential of new development. Our team brings actual development experience as well as strong urban planning, engineering, and design expertise to bridge the gap between vision and implementation.

Our team, and this statement of qualifications likely represent a departure from the typical approach of most planning and urban design firms. The Request for Qualifications uses language like development feasibility, pro forma, and market analysis, which inspired our team to propose research, analysis, and product delivery that will focus on implementation of the Newark's already terrific investment with respect to land use policy, zoning, and CEQA analysis. We believe that the tools that are needed from those perspectives are already in place and that our team can develop a specific plan and related implementation measures that focus on development potential, urban design, infrastructure, and streetscape design. We bring our experience developing, entitling, and building projects to help you and your community think well beyond a planning exercise.

The unique qualities and experience of our team would provide Newark with a useful, easily understandable, and short specific plan document that directly addresses the most important element that you have requested – development implementation. We are also confident that the resourcefulness of our team members will keep control over the scope and budget of this project as described herein and to be further developed through conversations with you. We are composed primarily of small and nimble firms that work collaboratively to solve big issues. Our planning team operates much like a project development team and using knowledge gained from working directly on development projects in the Bay Area. Our team and their roles include:

- **Rhoades Planning Group (RPG)** – Project and strategy lead, development feasibility, community outreach, and land use approach based on extensive urban planning,

development consulting and development project experience – including yield, pro forma and feasibility analysis.

- **Lexington Planning (LEX)** – Project management, land use analysis, outreach, Specific Plan development, and CEQA review with significant urban planning policy, and project implementation experience.
- **Urban Field Studio (UFS)** – Urban design conceptual plans and community outreach with significant urban design policy and architecture experience, and some of the Bay Area’s most innovative community outreach efforts.
- **Bottomley Design and Planning (BDP)** – Public facilities and streetscape design with deep experience in urban design integrated with land use policy development.
- **BKF Engineers (BKF)** – Infrastructure analysis and forecasting, and cost estimate preparation, bringing significant experience with utilities, transportation, and infrastructure analysis and estimating.

Thank you for the opportunity to share our Statement of Qualifications with you. We look forward to helping Newark’s Old Town balance and preserve the best of what it is while spurring new growth and development to accommodate Newark’s future. We firmly believe that our team can prepare the highest quality product, as you have described it, because of our unique experience and approach. We also welcome any discussion to further refine our scope or add to our team so our work is best tailored to meet the needs of city staff.

If you have any questions or require additional information, please do not hesitate to contact me directly at 510.545.4341 or at mark@rhoadesplanninggroup.com. We look forward to working with you.

Sincerely,



Mark A. Rhoades, AICP
Rhoades Planning Group
President and Chief Executive Officer

Approach and Methodology

Project Understanding

The City of Newark has set the stage for Old Town along Thornton Avenue to become a vibrant corridor for community members to access and enjoy ground-floor retail, public open spaces, and opportunities for new housing. This vision is articulated in the City’s General Plan, analyzed in the Old Town Infill Housing Study, and codified in the recent Zoning Ordinance update that allows high-density residential housing and prioritizes ground-floor commercial development in the Commercial Mixed Use (CMU) zoning district.

The Old Town Specific Plan and related implementation measures would translate this vision and the existing zoning framework into a realistic template for private development and public investment.

Approach

Our intention is to create a Specific Plan that is clear, concise, and user-friendly to provide certainty to the development community and to guide City staff, decision-makers, and community members during individual project review. The Specific Plan, its accompanying urban design, public facilities and infrastructure plans, and an EIR Addendum, would bridge the gap between the City’s policies and individual development projects, in order to streamline future land use and transportation decisions, and subsequent CEQA review.

Our team’s approach will focus on developing and testing the physical and economic feasibility of land use and urban design from the perspective of a developer. We are not a typical planning firm. We will lend our experience as developers and consultants for developers who have built the very types of retail, residential, and mixed use mid-rise development that Newark is considering, to provide you with accurate and realistic proforma models.

Our team will apply a development lens to concept plans and the Specific Plan with special consideration on market and development feasibility factors such as current rents, land availability and sales comparisons, development yield, and construction and finance costs. The team will also make recommendations, as deemed necessary, on particular zoning or entitlement process hurdles to increase feasibility over time. Although the recently adopted zoning provides a great foundation, we will suggest modifications to better facilitate the City’s development vision.



Figure 1: RPG managed the entitlement of Parker Place, an infill development in the City of Berkeley, which includes approximately 50% of the original auto sales building facade, a new gym on the ground floor, and 155 apartments in a 5-story building.

We will also consider the incentives, disincentives, and necessary public improvements—to streetscapes, infrastructure, and the public realm—to enable the evolution of Old Town into a vibrant community for existing and future residents and visitors.

CEQA Streamlining

The General Plan includes policies (LU-1.2 and LU-4.3) that anticipated the development envisioned in the Old Town Specific Plan. This level of development was considered part of the project in the General Plan Tune-up EIR (General Plan EIR) and codified in the recent CMU zoning district. Our scope assumes that the Old Town Specific Plan would be consistent with the General Plan and the amount of development assumed in the General Plan EIR. As recommended in the RFQ and consistent with our review of the proposed project, we would prepare an Addendum to the General Plan EIR to efficiently review the potential environmental effects of the Old Town Specific Plan, and to allow for streamlined review of individual projects that are consistent with the Plan.

Such a CEQA document will allow most, if not all, projects within the specific plan area to proceed with determinations of consistency (typically exemption under Government 65457 for residential and other qualifying projects) instead of lengthier Initial Study/(Mitigated) Negative Declaration or EIR process.

Urban Design and Streetscapes

Streetscape and urban design work will integrate the City of Newark's existing land use and transportation policies, promoting 2013 *General Plan* Arterial Beautification polices and 2017 *Bicycle & Pedestrian Master Plan* improvement recommendations as part of the conceptual plan and urban design/infrastructure work tasks. Our team will evaluate and prepare 3D illustrations of options to improve the interface between private development and the public realm, as well as sidewalk/streetscapes, bikeway facilities, and district gateways. Trade-offs related to curbside parking, through-traffic, amenities, and overall district character will be depicted. Together, the design and development guidelines, map graphics, concept design-level plans, and illustrations will clarify expectations for future development and streetscape improvement projects and support potential grant funding applications.

To further detail key opportunity sites, our team would prepare a brochure illustrating desired and tested development scenarios that developers—and their own teams of architects—can further develop into development applications.

Task 1– Opportunities/Constraints Analysis

Led by RPG, the team would compile current adopted policies for Old Town; development standards from the CMU district; economic factors (e.g., land sales comps, rent/lease rate comps); entitlement processes, fees, and timelines; and essential physical and environmental data to determine the key issues, incentives, and disincentives to development in Old Town under existing conditions. As part of this task, BKF would review infrastructure facilities and capacity (i.e., wastewater, water, stormwater, gas, electric, and communication facilities) and the physical constraints of these facilities, such as proximity to transmission systems and easements to aide in land planning.



Figure 2: The Tortilla Factory provides manufacturing, wholesale, retail, and food service uses, acting as a community hub in the neighborhood.

The Opportunities and Constraints analysis would be a succinct map- and graphics based report to identify a set of assumptions that will guide the development of alternatives in Task 2. The scope and budget assume an initial kickoff meeting and site tour with the consultant team and staff.

Meetings: Kickoff Meeting and Site Tour

Deliverables: Opportunities/Constraints Report

Task 2 – Conceptual Land Plan

Up to three conceptual land use and urban design scenarios would be explored based on the opportunities and constraints identified in Task 1, within the bounds of the vision for the planning area considered in the General Plan. For example, alternatives may range from residential and retail mixed use to stronger retail development options, with corresponding differences in urban design, parking, and massing configurations.

UFS team would prepare visualizations to communicate land use and design choices, and RPG would analyze the economic feasibility of each scenario (e.g., financing and construction costs) and develop a matrix that illustrates the tradeoffs of each scenario (i.e., the social, economic, and physical benefits to the City and community).

Our team would prepare materials for and conduct targeted outreach with stakeholders in a community forum and solicit feedback from decision-makers to identify a preferred Conceptual Land Use Plan that would serve as the foundation of the detailed urban design and infrastructure plan (Task 3) and the Specific Plan (Task 5).

Meetings: Stakeholder Outreach Meeting; Planning Commission Meeting

Deliverables: Conceptual Land Use Alternatives (3); Conceptual Land Use Plan

Optional: Video coordination with Bay Area Video Coalition (BAVC) to prepare video visualization

Task 3– Develop Detailed Urban Design/Infrastructure Plan

BDP and BKF would develop a conceptual level urban design and infrastructure plan to illustrate private and public improvements including streetscape, transportation, utilities, and infrastructure to support the land uses described in the Conceptual Land Use Plan in Task 2. UFS would develop a 3D massing fly-through in SketchUp to illustrate the preferred urban realm plan, including streetscapes, open spaces and the interface between the public and private realms. BKF would develop water, stormwater, wastewater and other utility generation rates and potential improvements. (Cost estimates would be provided as part of Task 7.)

The scope of work would consider basic transportation improvements, including bicycle routes and lanes through the planning area (as assumed in the General Plan) that warrant restriping, and extension of the sidewalk along the south side of Thornton Avenue to create an ADA-compliant sidewalk (at minimum). If more robust transportation improvements beyond what was contemplated in the General Plan—such as those that require lane reconfiguration or trigger a traffic study—a transportation consultant would be retained to analyze and prepare these reports.



Figure 3: Sidewalks are narrow and often disrupted by driveway curb cuts, making walking a less comfortable way of getting around the corridor.

Meetings: Planning Commission and/or City Council Meeting

Deliverables: Urban Design and Infrastructure Plan

Optional: Video coordination with BAVC; Additional Stakeholder Meeting; Additional Transportation Analysis and Traffic Studies

Task 4 – Environmental Analysis and Documentation

LEX would prepare an Addendum to the General Plan EIR to efficiently review the potential environmental effects of the Old Town Specific Plan, and to pave the way for exemptions of individual development projects in the future.

The Addendum would evaluate whether the Specific Plan proposes any changes to the approved General Plan that would result in any new or substantially more adverse significant effects or require any new mitigation measures not identified in the General Plan EIR. To the extent feasible, any new mitigation measures would be written as policy measures in the Specific Plan to streamline plan implementation. While all topic areas would be evaluated, the most substantive topic areas that would be addressed are anticipated to include: Aesthetics, Transportation/Traffic, and Utilities/Service Systems.

If at any time, the need for a Subsequent EIR is potentially triggered due to a significant impact that was not discussed in the previous EIR or if new technical analyses are required, we would consult

with City staff immediately. If a Subsequent EIR or technical studies are ultimately determined to be necessary, a revised scope and fee estimate may be required.

Deliverables: Addendum to the General Plan EIR

Optional: Technical studies, such as noise, traffic, and air quality (if needed)

Task 5 – Prepare Specific Plan Document

RPG/LEX would prepare a Specific Plan, consistent with the requirements of Government Code Section 65451, that has been tested for physical and economic feasibility based on the outcomes of the preceding tasks. The Plan would be succinct, with clear and concise policy and implementations measures. It would provide clear direction and certainty for potential developers, outlining the entitlement process, timeline, and requirements. It would also provide guidance for City staff, decision-makers, and community members about how to evaluate individual development projects, what types of public investments will be necessary to catalyze private development, and how they may be financed. The Plan would address land use, urban design, open space and public facilities, utilities and infrastructure, financing, phasing, and streamlined project review.

Meetings: Planning Commission Hearing; City Council Hearing

Deliverables: Specific Plan

Task 6 – Project Schematic Design

Our team would identify up to three opportunity sites (with the option of additional sites) on which to develop more detailed design and proforma models. UFS would develop conceptual project designs that take into account use, programming, parking, and development standards requirements of a realistic project proposal. RPG would develop proforma models to test the financial feasibility of the three scenarios from the perspective of a private developer. The proforma model would evaluate both market rate and affordable housing scenarios.

Our team would create a brochure illustrating desired and tested development scenarios that developers—and their own teams of architects—can further develop into development applications.

Deliverables: Concept Design Brochure



Figure 4: Owners of underutilized sites will need the incentive to develop in order to overcome existing lease rates and land values. The Specific Plan and related implementation measures, along with the City's zoning regulations can help to identify and fulfill these incentives.



Figure 5: Transitions to single-story homes at the edge of the planning area will be a key factor in the success and viability of the higher density development that the City envisions.

Task 7 – Schematic Streetscape and Public Facilities Design

BDP and BKF Engineers would coordinate to prepare a schematic layout plan and cost estimates for recommended improvements to Thornton Avenue and adjacent streets. The plan would include an aerial photo and/or utility map underlay, and indicate locations and/or extent of proposed improvements, including sidewalks, crosswalks, bulb-outs, street trees, street lights, etc. Our scope assumes that City staff would facilitate review of the streetscape components by City traffic, fire department, and other staff.

BKF would assess the utility improvements needed to construct the streetscape, including stormwater treatment opportunities, storm drainage improvements where bulbouts or changes to the gutters are needed, and working with BDP, opportunities for lighting improvements and gateway features. BKF would develop an Engineer’s Forecast of Potential Costs (based on a per lineal foot cost of roadways and utilities) for utility infrastructure improvements, roadway and traffic improvements. This estimate will be used to identify the level of public funding needed to implement the proposed designs and to integrate into the CIP.

As described in the preceding tasks, infrastructure to serve the Specific Plan would consider supply, generation, and distribution of water, wastewater, stormwater, gas, electricity, and communication facilities.

Deliverables: Streetscape and Public Facilities Design Plan (including costs estimates)

Schedule

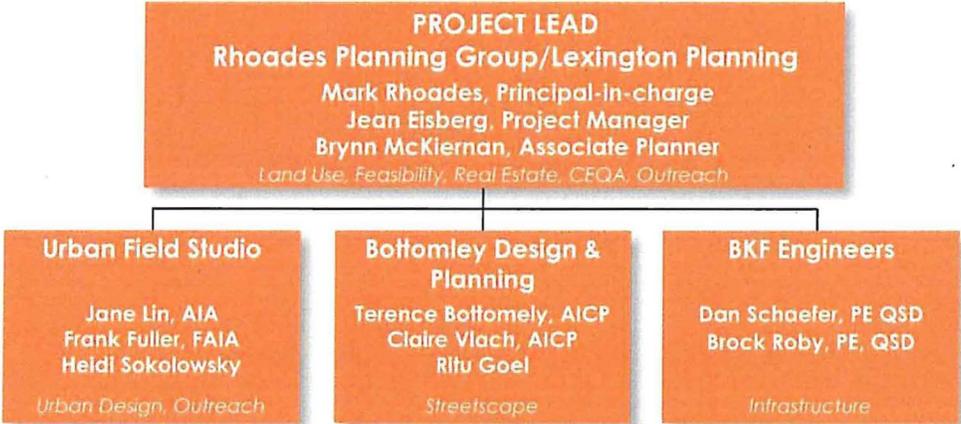
Our nimble team understands the ever-present time demands on both planning and development projects. We anticipate a 12-month schedule to complete the specific plan and urban design scope.

Task	Month 1	2	3	4	5	6	7	8	9	10	11	12
1 Opportunities/Constraints Analysis	█	█	█									
2 Conceptual Land Plan				█	█	█						
3 Develop Detailed Urban Design/Infrastructure Plan			█	█	█	█						
4 Environmental Analysis and Documentation							█	█	█			
5 Prepare Specific Plan Document												
6 Project Schematic Design										█	█	█
7 Schematic Streetscape and Public Facilities Design												

General Qualifications & Organization

Our team is led by a firm that both represents developers and develops projects itself. Rhoades Planning Group will act as the developer on your behalf—preparing and testing the land use and urban design scenarios for their feasibility. Furthermore, our team assembles firms of specialists in their fields--spanning development, urban design, streetscape design, and engineering and cost estimation.

The organization chart below illustrates our team composition and reporting structure.



Rhoades Planning Group (RPG) would be the prime consultant, and responsible for the proforma preparation, development strategy, financial feasibility analysis, and quality control/document production. President and Principal-in-charge Mark Rhoades would oversee the project, lending his experience as the former City of Berkeley Planning Manager and as a current development consultant and developer. He would lead the project strategy and economic feasibility analysis, and would participate in milestone meetings. Brynn McKiernan would help to coordinate the project team, and manage data, mapping, and document production. Jean Eisberg of Lexington Planning would serve as Project Manager. Jean has been working closely with RPG for over 2 years contributing 35% of her time to RPG projects and sharing office space and server access. Our working relationship is therefore seamless. Jean would lead preparation of the specific plan, community outreach efforts, environmental review, and manage the team and final deliverables.

Urban Field Studio would develop conceptual designs of land use mixes and massing options for key opportunity sites, formulate an urban design strategy for the corridor, and help to lead community outreach efforts. Bottomley Design & Planning would prepare streetscape designs to illustrate opportunities to improve the building-to-street interface. BKF Engineers would analyze existing infrastructure capacity and future needs, and estimate costs of public facilities and utilities.

If during the planning process, the need arises for more detailed engineering for transportation improvements (e.g., reconfiguring lanes, signals) or technical analyses to support environmental

review (e.g., traffic, noise analyses), Rhoades Planning Group would engage specialists to fulfill these roles. Rhoades Planning Group has relationships with all of the leading environmental and transportation firms.

RhoadesPlanningGroup

Rhoades Planning Group.

Rhoades Planning Group (RPG)

combines planning and development technical expertise for complex infill and affordable mixed-use development projects and land use planning for the private, non-profit and public sectors. RPG has in-depth knowledge of the real estate development, policy, zoning and economic realities of designing and building sustainable mixed-use projects – the current wave of urban investment. RPG offers a unique combination of development and urban planning know-how for an integrated, forward-thinking and reality-based approach to planning and development for private investors and public agencies.

Rhoades Planning Group
Office Location: Berkeley, CA
Contact: 510-545-4341
Years in Business: 6
Areas of expertise: Planning, zoning, entitlements, feasibility
www.rhoadesplanninggroup.com



Lexington Planning. Lexington Planning (LEX) is a planning and development consulting practice in the San Francisco Bay Area. Services include long-range planning, specific and area plans, zoning ordinances, community outreach and facilitation, development project review, entitlement assistance, and environmental

review. Clear communication, thoroughness, and adaptability are the firm’s top priorities to achieve an efficient process and an effective outcome. Led by Principal and owner Jean Eisberg, Lexington Planning collaborates with clients and stakeholders to enhance communities and improve quality of life for all people.

Lexington Planning
Office Location: Berkeley, CA
Contact: 415-841-3539
Years in Business: 3
Areas of expertise: Long-range planning, development project review, entitlement assistance, environmental review

URBAN FIELD

Urban Field Studio. Urban Field Studio’s (UFS) expertise in urban

design comes through an architectural perspective and understanding of design criteria for development. The team takes abstract ideas and turn them into a design that will function in real world conditions. Urban Field Studio’s services include site feasibility studies, urban design for the public realm, community engagement, and supporting agencies with the development process.

Urban Fields Studio
Office Location: San Francisco
Contact: 415-754-9304
Years in Business: 4
Areas of expertise: Urban Design/Architecture

Urban Field Studio is a small firm made of three partners, Jane Lin, Heidi Sokolowsky, and Frank Fuller. UFS formed in 2014 after years of working together as the urban design studio in a previous firm. The team uses their skills as architects, experience as planners, and ability to communicate as educators to put forward ideas that establish more complete communities and make the most of the space available. They are passionate about designing active places that people will treasure. UFS specializes in long-term revitalization of mixed use districts like Old Town Newark.



Bottomley Design & Planning. Bottomley

Design & Planning (BDP) specializes in transit- and pedestrian-oriented policy planning and capital improvements projects. BDP focuses on creating walkable, bikeable cities, and includes development master plans, regulatory/zoning standards, design and development guidelines, and detailed designs and construction drawings for streets and public spaces. Recent projects include the *East Santa Clara Street and Winchester Boulevard Urban Village Plans* for the City of San Jose, the *Mountain View Transit Center Master Plan*, *Downtown Redwood City Transit Center/Streetcar Study*, and *The Grand Boulevard Multimodal Transportation Corridor Plan and Complete Streets Case Studies Project* for SamTrans, Caltrans, VTA, and the cities of Daly City, South San Francisco, San Bruno, and San Carlos. BDP projects for Fruitvale Avenue in Oakland, and El Camino Real in Menlo Park and Redwood City, have incorporated Class IV protected bike lanes as part of revitalization-oriented development policy plans.

Bottomley Design & Planning
Office Location: Oakland CA
Contact: 510-663-3808
Years in Business: 19
Areas of expertise: Urban design, city planning, landscape architecture

All BDP work is related to infill development in existing cities and towns, and promotes TOD, complete street, and green street design principles. The majority of projects involve community participation and facilitation, and BDP has extensive experience working with neighborhood and merchants associations, property owners, real estate developers, elected officials, state and local agencies, and the public-at-large.



BKF Engineers. For more 100 years, BKF Engineers has been delivering inspired

infrastructure to its clients. Their client-oriented approach to services has resulted in ongoing customer relationships and satisfaction. BKF has worked diligently to help clients achieve their goals and bring their projects across the finish line. Through Their network of 13 offices in California, BKF has developed extensive local knowledge that provides their staff with a keen understanding of issues relating to feasibility, permitting, and entitlement approvals. BKF has built a reputation on its ability to successfully create master plan projects for its clients.

BKF
Office Location: Walnut Creek
Contact: 925-940-2200
Years in Business: 103
Areas of expertise: civil engineering, land surveying, land planning, water resources, transportation, and entitlement support

BKF’s role is civil engineering. BKF has completed a number of specific plan studies throughout the Bay Area, including the Dumbarton Rail Specific Area Plan in the City of Newark. Because of BKF’s vast experience with specific planning and local experience within the City of Newark, not just for the TOD plan, but for numerous other civil engineering projects within the City, BKF is well-qualified to provide services for this project.

Key Staff

Mark A. Rhoades, AICP. Principal & CEO, Rhoades Planning Group. Mark Rhoades will serve as Principal-in-charge for the project team. Mark founded Rhoades Planning Group in 2012 and has more than twenty-five years of experience as a public and private sector land use planner, developer and development consultant. Mark's unique understanding of real estate development and bureaucratic environments will bring a critical lens to the Newark Old Town Specific Plan. Mark also has a deep understanding of the California Environmental Quality Act and State laws such as Density Bonus and the Permit Streamlining Act. He contributes to State policy and the planning profession as a member of the California Planning Roundtable.

Brynn McKiernan, LEED AP-ND. Associate Planner, Rhoades Planning Group. Brynn's brings her land use planning and real estate development expertise to the project team. She has worked on specific plans, general plans, planning elements, and health development guidelines throughout California driving sustainable land use policies that cities can easily implement. Her experience includes low-tech and high-tech outreach strategies and meeting facilitation. Brynn's work leading developers through the entitlement process and gives her a deep understanding of the challenges and incentives developers face to get good projects on the ground.

Jean Eisberg, AICP. Project Manager, Lexington Planning. Jean has over fifteen years of experience in the public, private, and non-profit planning and urban policy sectors. She has extensive experience as a project manager, facilitating complex multi-stakeholder planning assignments for municipal clients throughout California and the western United States. Her work spans general plans, corridor and station area plans, housing elements, design guidelines, environmental review, zoning ordinances, community outreach, and development project review and inspection, giving her an understanding of the planning and development project process from conception to operation. Jean is an AICP-certified planner, skilled facilitator and presenter, winner of several APA awards for comprehensive plans, and a recurring guest lecturer at the University of California, Berkeley and San Jose State University.

Jane Lin, Founding Partner, AIA. Principal-in-charge, Urban Field Studio. Jane Lin is a licensed architect and urban designer with over fifteen years of experience working with municipalities and agencies in the San Francisco Bay Area and beyond. Her expertise is revitalizing mixed-use districts and development strategy. Jane is the project manager for the Irvington BART Station Area Plan, Coliseum Study, and supports Specific Plans with feasibility testing for projects throughout the Bay Area including Belmont, Santa Cruz, Santa Clara, San Jose, and Pleasanton. Jane is on the ULI TAP Panel for the City of Dublin (CA) to study the regeneration of large commercial areas to mixed-use development. Jane teaches architecture to K-12 students in public schools, regularly facilitates in Bay Area high schools with ULI's UrbanPlan, serves on the Facilities Steering Committee for Piedmont Unified School District, and is the President of an art education non-profit.

Frank Fuller, FAIA. Partner, Urban Field Studio. Frank Fuller brings over thirty-years of architecture and urban design experience transforming downtowns, towns, and campus centers into active pedestrian-oriented places. Frank believes that downtowns, Main Streets, and urban neighborhoods are at the core of a new humane American urbanism. Frank blends his understanding of the perspectives of public agencies and private developers in building and revitalizing communities and in designing framework to create vital downtowns through transit-based development. He has lectured widely at regional and national conferences, and has served as an advisor to many cities all over the Western United States.

Terence Bottomley, AICP, RLA. Owner/Principal, Bottomley Design & Planning. Terence founded BDP in 1999, and has over twenty-five years of experience in urban design and urban planning consulting, mostly in the San Francisco Bay Area. Projects range from small-scale open space design to street design and improvement projects, infill- and TOD-oriented development master plans, form-based zoning standards, and large-scale master planning for new town developments in western China. He will assist with the *Newark Old Town Specific Plan's* Conceptual Land Plan and Urban Design/Infrastructure elements.

Claire Vlach, AICP. Associate, Bottomley Design & Planning. Ms. Vlach has been an Associate at BDP since 2007, focusing on policy planning for infill development and capital improvements-related projects. Her work has included preparation of master development plans and regulatory documents, transportation- and streetscape-related urban design, mapping, 3D imaging, and public outreach/communications graphics. She will assist with the *Newark Old Town Specific Plan's* public realm planning and streetscape illustrations. Ms. Vlach is a member of the American Institute of Certified Planners, AICP.

Dan Schaefer, PE, QSD, LEED AP. Principal, BKF Engineering. As a Principal and Vice President at BKF, Dan Schaefer specializes in facilitating sustainable communities. His twenty-eight years of joint public and private experience provide a unique perspective to projects. In working with clients to create a shared vision, Mr. Schaefer implements those ideals into practical design solutions and straightforward construction. His insightful contributions during the feasibility, alternative analysis, planning and entitlement/environmental review of projects ensures that a project's viability (e.g. financial, regulatory, and constraints) is considered early in the process.

Brock Roby, PE, QSD, LEED AP. BKF Engineering. Mr. Roby's twenty-five years of management and administrative experience in the non-profit sector provide effective coordination of the design team with public and governmental entities, utility agencies, and private interests. His experience allows him to be positioned on complex projects where quick and clear communication is vital. Mr. Roby has a focus in sustainable design, becoming BKF's first LEED Accredited Professional in 2007. Today's complicated entitlement processes, layered agency reviews, and evolving stormwater regulations demand current knowledge and innovative design to meet aggressive project schedules. His expertise in this area, along with ADA compliance, traffic flow, utility design, and pedestrian experience, contributes to successful project completions.

References

Rhoades Planning Group

Project	Location	Reference Contact
Project Name: Mayfair Parcels, El Cerrito Date: 2017 Key Staff: Mark Rhoades, Brynn McKiernan	City of El Cerrito, CA	Name: Margaret Kavanaugh- Lynch Development Services Manager MKavanaugh-Lynch@ci.el- cerrito.ca.us (510) 215-4332
Project Name: Multiple City of Berkeley Projects Date: 2010-2016 Key Staff: Mark Rhoades	City of Berkeley, CA	Lawrence Capitelli Principal/Owner Red Oak Realty of Berkeley. Former member of Berkeley City Council, Planning Commission, Zoning Adjustments Board Laurie@redoakrealty.com (510) 593-9178
Project Name: Industrial Land Use and Zoning Feasibility and in-house staffing Date: 2010-2012 Key Staff: Mark Rhoades	City of Benicia, CA	Charlie Knox Former Public Works Director and Community Development Director cknox@placeworks.com (510) 848-3815

Lexington Planning

Project	Location	Reference Contact
University Village Mixed Use Project Date: May 2014 - Present Key Staff: Jean Eisberg	City of Albany, CA	Jeff Bond Community Development Director jbond@albanyca.org (510) 528-5769
Retail Protection Ordinance; Comprehensive Plan Implementation July 2016 - Present Key Staff: Jean Eisberg	City of Palo Alto, CA	Jonathan Lait Assistant Director, Planning and Community Environment Department jonathan.lait@cityofpaloalto.org (650) 329-2679
Commercial/Imperial Corridor Master Plan April 2011 - March 2013 Key Staff: Jean Eisberg	City of San Diego, CA	Karen Bucey Development Project Manager kbucey@sandiego.gov (619) 446-5049

Urban Field Studio

Project	Location	Reference Contact
Project Name: Oakland Coliseum Study Date: 2016-2017 Key Staff: Jane Lin, Frank Fuller	City of Oakland, CA Assistant City Administrator, Mayor, NFL, AC Transit, and BART	Claudia Cappio Assistant City Administrator ccappio@oaklandnet.com (510) 238-6654
Project Name: Fremont Irvington BART Station Area Plan Date: 2017-ongoing Key Staff: Jane Lin, Frank Fuller, Heidi Sokolowsky	City of Fremont, CA and BART	Jeff Schwob Community Development Director jschwob@gremont.gov (510) 494-4527
Project Name: Anaheim Urban Design Date: 1980 -ongoing Key Staff: Frank Fuller, Heidi Sokolowsky, Jane Lin	City of Anaheim, CA Community and Economic Development	John Woodhead Director of Community and Economic Development jwoodhead@anaheim.net (714) 765-4332

Bottomley Design & Planning

Project	Location	Reference Contact
Project Names: - Downtown Plaza Corridor Concept Plan - Downtown Riverfront Urban Design Master Plan - Napa River Parkway Master Plan - Tannery Bend Development & Design Guidelines - Downtown Napa Riverfront/ Riverside Drive Vision Plan - Soscol Avenue Corridor & Downtown Riverfront Development & Design Guidelines Dates: 1998-2016 Key Staff: Bottomley, Vlach, Goel, Zhang, Conrad	City of Napa, CA	Robin Klingbeil Economic Development Projects Manager RKlingbe@cityofnapa.org (707) 257-9502
Project Names: - Latham Square Plaza Project - Inner Telegraph Avenue/ Uptown Streetscape Improvement Project - 18th Street Streetscape Improvement Project - Telegraph Avenue Pedestrian Streetscape Improvement Plan - 14th Avenue Streetscape Improvement Plan - Downtown Streetscape Master Plan - Hegenberger Road Urban Design Improvements	City of Oakland, CA	George Durney ONI Projects Manager GCDurney@oaklandnet.com (510) 238-6150

- Airport Gateway Urban Design Plan
 - Lincoln Square/Alice Street Neighborhood
 Park
 Dates: 1998-2018
 Key Staff: Bottomley, Vlach, Goel, Zhang,
 Yocke

Project Names: - Downtown Streetscape Master Plan - Downtown Streetscape Improvements Project Dates: 2007-2012 Key Staff: Bottomley, Zhang, Vlach, Song	City of Brentwood, CA	Kwame Reed Community Development Manager kreed@brentwoodca.gov (925) 516-5304
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BKF Engineers

Project	Location	Reference Contact
Project Name: Tasman East Focus Area Plan Date: 2016-2017 Key Staff: Dan Schaefer, PE	City of San Jose, Tasman Area	Geeti Silwal Project Manager geeti.silwal@perkinswill.com (415) 546-2943
Alameda Landing Master Plan Date: 2006-2017 Key Staff: Dan Schaefer, PE Brock Roby, PE	City of Alameda, Alameda Landing	Debbie Potter Community Development Director DPotter@alamedaca.gov (510) 747-6800
Oakland Coliseum Specific Plan Date: 2012-2013 Key Staff: Dan Schaefer, PE Brock Roby, PE	City of Oakland, Oakland Coliseum	Larry Gallegos Development Manager LGallegos@oaklandnet.com (510) 238-6174

Cost and Rates

Estimated Total Contract Cost

The following table represents an estimated fee, by task, for our team to accomplish the scope of work outlined above. We look forward to working with you to adjust the scope and budget to meet your needs.

Task	Fee
Task 1 Opportunities/Constraints Analysis	\$ 29,000
Task 2 Conceptual Land Plan	\$ 45,000
Task 3 Develop Detailed Urban Design/Infrastructure Plan	\$ 59,000
Task 4 Environmental Analysis and Documentation	\$ 11,500
Task 5 Prepare Specific Plan Document	\$ 38,250
Task 6 Project Schematic Design	\$ 28,500
Task 7 Schematic Streetscape and Public Facilities Design	\$ 38,500
Total	\$ 249,750

At present, our budget assumptions are as follows:

- A reasonable number of meetings with City staff by phone, video-call, or in person.
- Consolidated comments from City staff
- 1 Admin Draft and 1 Final Draft for deliverables identified above
- Fee includes reimbursable expenses

Team Billing Rates

Staff	Hourly Rate
Rhoades Planning Group	Overhead 10%
Mark Rhoades, AICP	\$250
Brynn McKiernan, LEED AP-ND	\$160
Lexington Planning	Overhead: N/A
Jean Eisberg, AICP	\$175
Urban Fields Studio	Overhead 15%
Jane Lin, AIA	\$185
Frank Fuller, FAIA	\$235
Heidi Sokolowosky	\$150
Bottomley Design & Planning	Overhead: N/A
T Bottomley	\$200
R Goel/ C Vlach	\$100
N Bott	\$90
BKF Engineering	Overhead: N/A
Principal	\$237-\$260
Project Manager	\$206
Engineer IV	\$182
Engineer I, II, III	\$129; \$148; \$168
Engineering Assistant	\$79

Mark Rhoades, AICP

Mark founded Rhoades Planning Group in 2012 and has more than 25 years of experience as a public and private sector land use planner, developer and development consultant.

Over the past ten years Mark has worked with private-sector clients to design, manage and entitle mixed-use development projects with close to 2,000 dwelling units in RPG's consulting portfolio. Mark's understanding of both the bureaucratic and the political environments in cities and his ability to manage both in tandem sets RPG apart from other consultants. This includes a deep understanding of the California Environmental Quality Act and state laws such as Density Bonus and the Permit Streamlining Act.

Principal & CEO, Rhoades Planning Group 2012-Present

Mark leads development and planning consulting services specializing in infill development, local agency process, CEQA and land use zoning and policy. Mark works with private-sector clients to design, manage and entitle mixed-use development projects. His projects include two of the largest development projects in Berkeley's history.

Principal, Citycentric Investments 2007-2012

Founder of development consulting firm focused on creating transit-oriented infill development projects that model AB 32 and SB 375 legislation using various state law tools combined with local agency processes.

Planning Manager, City of Berkeley 1997-2007

Served as City Planning Manager with 28 staff and support for five boards or commissions. Mr. Rhoades established a "tool box" for transit-oriented infill development that utilized state laws including CEQA and density bonus, and local policies and standards to help generate 1,300 new units and 1,400 pipeline units in a political environment that had only allowed 400 net new dwelling units in the previous 25 years.

Senior Planner, Pacific Municipal Consultants 1994-1997

Senior Planner/Associate providing project and employee management for a variety of planning consulting projects for local agencies and for private sector clients.

Project Experience

Mayfair Transit Village (Del Norte Plaza), El Cerrito, CA

Mill Valley Lumber Yard, Mill Valley, CA

Parker Place, Berkeley, CA

Industrial Park Tech Zoning & In-house staffing, City of Benicia, CA

RhoadesPlanningGroup

Education

Bachelor of Science in Political Science, University of California, Riverside

Graduate work, Master in City and Regional Planning, California State Polytechnic University, Pomona

Professional Affiliations

Member, Urban Land Institute

Member, American Planning Association

Elected Member, California Planning Roundtable

Board Member, Berkeley Design Advocates

Board Member, Berkeley Chamber of Commerce

Board member, NSCCAPA 1994 to 2002 (including Director), American Planning Association

Co-Chair, 2005 APA National Conference, San Francisco Non-Profit Housing of Northern California

Brynn McKiernan, LEED AP-ND

Brynn brings a high level of skill and enthusiasm in urban planning and environmental stewardship to Rhoades Planning Group. Brynn has worked throughout California on projects that create low impact development, foster healthy equitable communities and advance environmental justice. Brynn's knowledge of both public and private-sector planning reinforces her ability to find triple-bottom-line solutions for the community, clients, and the environment. Brynn continues to use her technical planning knowledge to plan, design and entitle sustainable and socially responsible development projects at Rhoades Planning Group.

Associate Planner, Rhoades Planning Group 2016-Present

Mark leads development and planning consulting services specializing in infill development, local agency process, CEQA and land use zoning and policy. Mark works with private-sector clients to design, manage and entitle mixed-use development projects. His projects include two of the largest development projects in Berkeley's history.

Raimi + Associates 2013-2016

Worked implementation-focused planning projects that promoted health, sustainability, and equity in the built environment. Brynn also assisted in the planning, coordination, and facilitation of community outreach meetings for both widely supported and contentious development and infrastructure projects. She has experience working with Bay Area jurisdictions on planning projects for housing and office development, active transportation projects, and climate action and adaptation plans.

Project Experience

Mayfair Transit Village (Del Norte Plaza), El Cerrito, CA
North Bayshore Precise Plan (Mountain View, CA)*
Treasure Island/Yerba Buena Island LEED-ND Documentation (San Francisco, CA)*
East State Route-60 Corridor Development Study (Moreno Valley, CA)*
San Bruno transportation health assessment (San Bruno, CA)*
Oakland Health Development Guidelines (Oakland, CA)*
City of Richmond Climate Action Plan (Richmond, CA)*
Bay Fair BART TOD Specific Plan (San Leandro, CA)*
San Bruno transportation health assessment (San Bruno, CA)*
City of Palm Desert General Plan Update (Palm Desert, CA)*
General Plan Update and Climate Action Plan (Coachella, CA)*

**Denotes Brynn's experience at previous firms.*

RhoadesPlanningGroup

Education

Bachelor of Science in Urban and Regional Planning, Minor Certificate in Regenerative Studies California State Polytechnic University, Pomona

Associate in Arts in Architectural Technology, MiraCosta College, Oceanside, CA

Professional Affiliations

Member, Urban Land Institute

Member, SPUR

Member, American Planning Association

Member, Berkeley Design Advocates

Parker Place



Rendering by: LPAS Design + Architecture

Parker Place is an exceptional architecture asset located at Shattuck Avenue and Parker Street. The project includes 155 dwelling units and over 30,000 square feet of ground floor commercial space. The project spans across Parker Street with two mixed-use 5-story buildings at 2598 and 2600 Shattuck as well as one 3-story building comprised of 4 townhomes at 2037 Parker Street. Parker Place's architecture and design and pedestrian-scaled frontage makes this a polished and elegant building for display along Shattuck Avenue. The project prioritizes community needs, inclusionary housing, and place-making strategies. Sustainable elements of Parker Place include LEED equivalent design elements, unbundled parking, electric vehicle parking, a bike work room. The project was a pilot project for TransForm's GreenTRIP program. During the entitlement process, Parker Place gained the endorsement from neighbors, Greenbelt Alliance, and Berkeley Design Advocates.

Location

Downtown Berkeley, California

Client

Lennar Multifamily

Size

22,000 SF Retail/Restaurant
139,200 GSF

Units

155
(31 affordable units)
(4 townhomes)

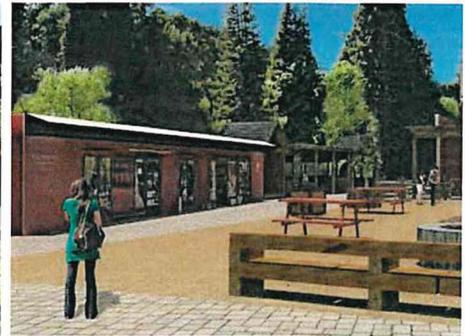
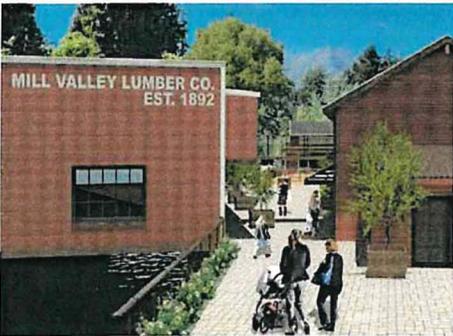
Status

Entitled 2014
Occupied June 2017

Project Type

Transit-Oriented Development

Mill Valley Lumber Yard



Rendering by: Raker Architects

Rhoades Planning Group led the entitlement process for the adaptive reuse and historic revitalization of the Mill Valley Lumber Yard. Once a key processing site for Marin County-sourced lumber, the lumber yard will now serve the community through a collection of commercial spaces designed to achieve the City's goals for walkable destinations. The project establishes a Historic Overlay zone to maintain the integrity of the structures. The existing buildings will be re-purposed to adapt to new community-serving uses while preserving existing structures and highlighting the architectural character of the lumber yard. The Mill Valley Lumber Yard is located just south of Mill Valley's town center between the Arroyo Corte Madera del Presidio stream and single-family residential properties. This project preserves old structures that were once threatened by redevelopment to harbor new uses and a new hub of activity for Mill Valley.

Location

Mill Valley, CA

Client

MV Heritage Properties, Inc.

Size

9,467 Retail SF
4,569 SF Office/Work Studio
1,500 SF Café
15,837 Gross Tenant Space

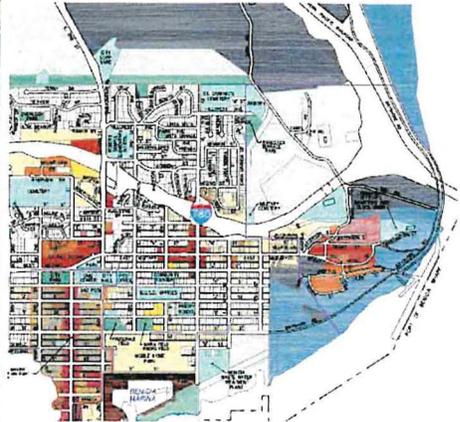
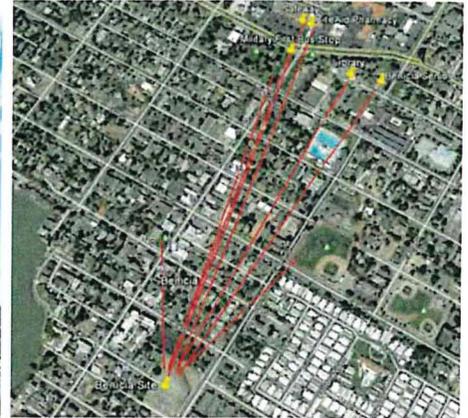
Status

February 2016

Project Type

Repurpose & Historic
Rehabilitation

City of Benicia



Rhoades Planning Group provided in-house staffing services for the City of Benicia. Planning services were provided to fulfill temporary roles as Community Development Director and Planning Manager. RPG staff managed the City of Benicia planning department and led a series of initiatives including an overhaul of the process for project review to improve timeliness and clarity for applicants and city staff and an in-depth analysis of the City's industrial area land uses and rezoning feasibility.

Location

Benicia, CA

Client

City of Benicia

Dates

2010-2012

Project Type

In-house staffing



Jean Eisberg, AICP • Principal
jean@lexingtonplanning.com • (415) 516-4479

WORK HISTORY

Principal, **Lexington Planning** • Berkeley, CA, 2014 – Present

Principal Planner, **Urban Planning Partners** • Oakland, CA, 2013 – 2014

Senior Associate, **Dyett & Bhatia** • San Francisco, CA, 2007 – 2013

Project Assistant, **City of Oakland Redevelopment Agency** • Oakland, CA, 2006 – 2007

Research Analyst, **MDRC** • Oakland, CA, 2002 – 2005

REPRESENTATIVE PROJECTS

General Plans and Housing Elements

City of Carlsbad Housing Element

City of Emeryville General Plan

City of Lodi General Plan and Housing Element

Area Plans

City & County of Honolulu (HI) Downtown & Kalihi Neighborhood Transit-Oriented Development Plans

City of San Diego Commercial/Imperial Corridor Master Plan

City of San Diego Southeastern & Encanto Neighborhoods Community Plans

Zoning Ordinances & Design Guidelines

City of Emeryville Citywide Design Guidelines

City of Emeryville Parking, Community Benefits, and Sign Ordinance

City of Hayward Industrial District Regulations Update (with RRM Design Group)

City of Palo Alto Downtown Retail Protection Ordinance

City of Palo Alto Comprehensive Plan Implementation/Zoning Ordinance Update

City of Santa Monica Community Benefits and Bonus Density Ordinance

Marin County Multi-Family Residential Design Guidelines

Development & Entitlements

Rhoades Planning Group Development Entitlement Applications in Berkeley, El Cerrito, Emeryville, and Oakland

Stuart Alexander and Associates Central Richmond Rent Study

City of Richmond Chevron Refinery Project: Community Benefits Outreach

City of San Francisco Public Utilities Commission Real Estate Strategy Consulting

Contract Planning

City of Albany UC Village Mixed Use Project (175 senior housing units, 45,000 sq. ft. of retail development, new sidewalk, cycletrack, and reduced travel lanes in Caltrans ROW)

City of Berkeley Bayer HealthCare (80,000 sq. ft. testing facility)

City of Foster City Foster Square Senior Housing and Retail Contract Planning (420 senior housing units, 30,000 sq. ft. retail, new town center)

City of Foster City Chess Hatch Office Development (600,000 sq. ft. office)

City of Lafayette Various

City of Pleasanton Various

Environmental Review

City of El Cerrito Active Transportation Plan Initial Study/MND

City of El Cerrito Urban Greening Plan Initial Study/MND

City of Emeryville General Plan EIR

City of Lafayette Downtown Creeks Master Plan EIR Addendum (with Gates & Associates)

City of Lodi General Plan EIR

City of Richmond Central Avenue Multifamily Housing Initial Study/MND

Bay Area Rapid Transit District (BART) Livermore Extension Project EIR

EDUCATION

Master of City and Regional Planning, University of California, Berkeley.

Bachelor of Arts, History and Asian Studies, Dartmouth College.

City of San Diego – Commercial/Imperial Corridor Master Plan

The Commercial/Imperial corridor is located in one of San Diego’s oldest and most diverse neighborhoods, with a primarily Hispanic population and a range of residential, commercial, and light industrial uses. With her previous employer, Jean Eisberg managed a team of economists, architects, and transportation engineers and was the primary author of the master plan. Jean designed, facilitated, and summarized regular meetings with an advisory committee that shepherded the planning process and organized community workshops in English and Spanish to solicit input on proposed policies and programs. The master plan included a transit-oriented development strategy for the two light rail stations and policies for improving the impacts of collocation of residential and industrial uses.



City & County of Honolulu (HI) – Downtown & Kalihi TOD Plans

The City & County of Honolulu is developing a 20-mile passenger rail through the city. As part of this effort, (and with her previous employer), Jean Eisberg contributed to the development of two neighborhood transit-oriented development plans (spanning six stations) to support the rail.



Jean managed a team of consultants, the budget, schedule, and work plan, and was the primary author of the neighborhood plans. She designed a community outreach program that included advisory committees and workshops with the community at-large, and interviews with over 50 stakeholders. Jean helped to develop a plan that supports housing near transit, improves job training and employment opportunities, expands workforce and affordable housing availability, and seeks to improve quality of life.

Rhoades Planning Group – Entitlement Assistance Services

Since 2015, Jean Eisberg has provided entitlement assistance services to Rhoades Planning Group, with development projects in Berkeley, Oakland, Emeryville, and El Cerrito. Jean prepares entitlement applications for multi-family infill residential projects; rezoning analyses; land use and housing yield analyses; and live/work and group living accommodation use changes. Responsibilities include preparation of use permit applications, CEQA analysis, coordination with project architects and engineers, and project representation to City staff.

City of Albany - UC Village Mixed Use Project Contract Planning

In partnership with the University of California, a development team is completed a 175-unit assisted living facility for seniors and 45,000 square feet of grocery and retail development on a vacant site on San Pablo Avenue. During the design review phase, I prepared staff reports, conditions of approval, and findings for decision-maker hearings, and coordinated with the applicants to guide them through the planning process. In the building permit review phase, I led plan checks on behalf of the Planning Division and managed the City's third-party engineering and building reviewers. The project opened in Summer 2017.



City of Palo Alto – Retail Protection Ordinance

As a consequence of the City's vibrant Downtown, convenient transit and freeway access, and reputation for hosting start-up companies and major employers, the City of Palo Alto has come under increased pressure to accommodate additional workers and employers. In recent years, this demand has been felt acutely Downtown, where office users have taken



over former ground floor retail spaces, installing curtains and opaque window films to maintain their privacy. To the dismay of residents and decision-makers, this transition has replaced active retail uses, reduced sales tax revenues, and detracted from the vibrant shopping experience Downtown.

In response, I worked with staff to develop a Retail Protection Ordinance that restricts ground-floor retail conversions, adds design standards that promote visibility and transparency, and requires ground-floor retail in key locations. The project included substantial outreach to property owners, retailers, brokers, business owners, community members, and decision-makers. The Ordinance went into effect in April 2017.

URBAN FIELD STUDIO



JANE LIN /

FOUNDING PARTNER, AIA

Jane is a licensed architect and urban designer with over ten years of experience working with municipalities and agencies in the San Francisco Bay Area and beyond. Her work includes urban design for transit area planning, revitalizing mixed-use districts, and development guidelines and strategies.

EDUCATION

University of California, Berkeley
Master of City Planning with
Concentration in Land Use, 2005

University of California, Berkeley
Master of Science in Architecture
with Concentration in Building
Science, 2005

University of California, Berkeley
Bachelor of Arts in Architecture,
1999

CERTIFICATIONS

Licensed Architect in California
LEED AP - ND Leadership in
Energy and Environmental Design
Accredited Professional with a
Specialty in Neighborhood Design

ASSOCIATIONS

American Institute of Architects
(AIA) East Bay Member
Rose Center for Public
Leadership, National League of
Cities and ULI, Faculty (2018)
SPUR Member
ULI Associate Member

SELECT PROJECTS

DEVELOPMENT STRATEGIES

- Coliseum Development Study, City of Oakland CA
- Envisioning Fremont Boulevard, City of Fremont CA
- Anaheim Greater Downtown Plan, Anaheim CA
- Centerville Framework Plan, City of Fremont CA

FEASIBILITY STUDIES

- Vermont/Santa Monica Station Feasibility Study, Metro
Joint Development CA
- Belmont Specific Plan, City of Belmont CA

PUBLIC OUTREACH AND EDUCATION

- Santa Clara Downtown Community Vision, City of Santa
Clara CA
- Santa Cruz Corridors Planning, City of Santa Cruz CA
- Irvington BART Station Area Plan, Fremont, CA

PROFESSIONAL AWARDS

Artist-In-Residence Educator with LEAP Arts in Education
NAIOP Challenge Cal Team Member
Eisner Prize in City Planning, UC Berkeley

COMMUNITY ACTIVITIES

ULI Urban Plan Juror, Facilitator, and Curriculum Contributor
Board President for the nonprofit PAINTS (Promote Arts in
the Schools)

URBAN FIELD STUDIO



FRANK L. FULLER / PARTNER, FAIA

Frank Fuller is an architect and urban designer who has practiced in the United States for over thirty-five years. In addition to architectural commissions, he has helped to transform downtowns, towns, and campus centers into active, pedestrian-oriented places. Frank understands the perspectives of public agencies and private developers in building and revitalizing communities. By using a consensus-oriented approach, he integrates multiple interests to create strong public and private realms.

EDUCATION

University of California, Berkeley
Master of City & Regional
Planning, 1976
Master of Architecture, 1973

Princeton University, NJ
Bachelor of Arts in Architecture,
1968

CERTIFICATIONS

Licensed Architect in California,
Nevada, and Arizona
Accreditation by NCARB

ASSOCIATIONS

Fellow, American Institute of
Architects
AIA East Bay Chapter President
(2000)
AIACC, Urban Design Committee
Chair (2009-14)
Rose Center for Public
Leadership, National League of
Cities and ULI, Faculty (2017)
ULI Urban Revitalization Council,
Member

SELECT PROJECTS

LAND USE STRATEGY

- Anaheim Civic Center Area Study, City of Anaheim
CA
- Diridon Station Area Plan, City of San José, CA
- Flagstaff Downtown Development Strategy,
Flagstaff, AZ
- Envision Fremont Boulevard, Fremont, CA

DESIGN GUIDELINES

- Centerville Framework Plan, City of Fremont CA
- Long Beach Design District Implementation Plan,
City of Long Beach, CA
- North San José Design Guidelines, City of San José,
CA

PROFESSIONAL AWARDS

- APA NC Honor Award for Santa Clara Station Area
Plan
- APA California Merit Award for North San José
Neighborhoods Plan
- AIACC Presidential Citation

COMMUNITY ACTIVITIES

- AIA National Urban and Regional Design Awards
Jury Chair
- AIACC Urban Design Committee Chair
- AIACC|CCASLA Urban Design Awards Chair
- California Redevelopment Association Awards Jury

URBAN FIELD STUDIO



HEIDI SOKOLOWSKY / FOUNDING PARTNER, ASSOC. AIA

Heidi Sokolowsky is a passionate urban designer who has been practicing for more than twenty years in the Bay Area and in Europe. Heidi has managed small and large projects, ranging from the implementation of public art to the preparation of site studies, design guidelines, and district plans.

EDUCATION

University of Technology
Darmstadt, Germany
Dipl. Ing. Arch. (Masters of
Science in Architecture), with
concentration in Urban Design,
1996

University of Technology
Darmstadt, Germany
Vordiplom Architektur, (Bachelor
of Science in Architecture), 1990

CERTIFICATIONS

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

CMSP Certified Motorcycle
Instructor

ASSOCIATIONS

SPUR Member
ULI Associate Member

SELECT PROJECTS

URBAN DESIGN PLANS AND GUIDELINES

- Diridon Station Area Plan, City of San José, CA
- North San José Design Guidelines, City of San José, CA
- Anaheim Greater Downtown Plan, Anaheim CA
- Bergamot Area Plan, Santa Monica, CA

FEASIBILITY STUDIES

- San Jose Urban Villages, City of San Jose CA
- El Camino Real/ Chestnut Avenue Plan, City of South
San Francisco CA

PUBLIC OUTREACH AND EDUCATION

- Public Charrettes in Woodbridge and Purcellville VA
- Santa Clara Downtown Community Vision, City of Santa
Clara CA
- Waldport Open Space Charrettes, Waldport OR
- Gilroy High-Speed Train Station Visioning Project, City of
Gilroy CA

PROFESSIONAL AWARDS

AIA Award in Urban Design for "Zipper" Neighborhood Plan,
Oldham, UK
EUROPAN 8 European Urbanity Award, Dordrecht,
Netherlands
AIA Award in Urban Design for Harvey Milk Memorial Plaza
Design, SF

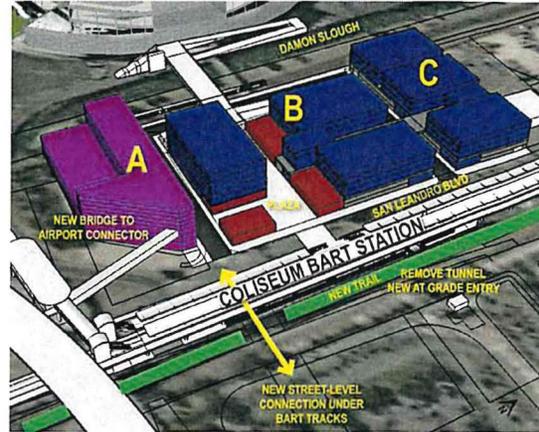
COMMUNITY ACTIVITIES

Panel Discussion Organizer for the San Francisco Urban
Film Fest
ULI Hines Competition Advisor to San Jose State Team
Presenter and Committee Member at San Francisco
Planning and Urban Research Association (SPUR)

URBAN FIELD STUDIO

OAKLAND COLISEUM STUDY

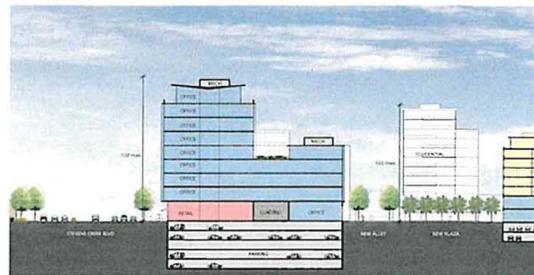
Urban Field Studio generated development alternatives and tested build-outs of several sites at the Coliseum Transit Hub in Oakland to support an economic feasibility study in conjunction with the bid to keep the Raiders in 2016-2017. A fly through illustrating each component of the project and phasing was presented to the NFL. The development strategy, led by Keyser Marston Associates, included infrastructure feasibility and collaboration with BKF Engineers.



Oakland Coliseum Transit Hub Study

WINCHESTER BLVD AND VALLEY FAIR/ SANTANA ROW URBAN VILLAGES

Urban Field Studio created site layout concepts, digital massing models, and street perspectives for nine opportunity sites as part of the Winchester Blvd and Valley Fair/ Santana Row Urban Village Plans. Led by Dyett & Bhatia, UFS integrated the urban development concepts with streetscapes by Terry Bottomley and Associates.



Winchester Blvd and Valley Fair/ Santana Row Urban Villages Plans in San José

METRO (LA) - VERMONT SANTA MONICA STATION

Urban Field Studio explored the feasibility of developing a site at the Vermont/ Santa Monica Blvd Metro Station in Los Angeles for Metro's Joint Development Program. UFS worked with Bay Area Economics to test the feasibility of the mixed use development with infrastructure costs associated with integrating a station portal.



Vermont/ Santa Monica Blvd Station Feasibility Site Study, Los Angeles

URBAN FIELD STUDIO

IRVINGTON BART STATION AREA PLAN

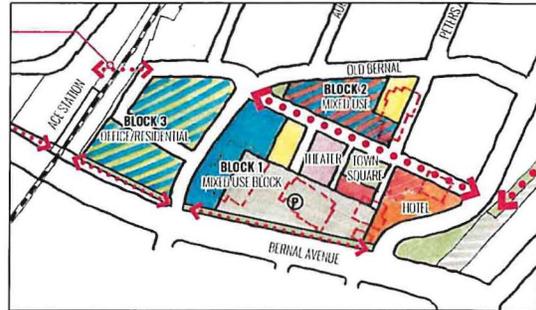
Urban Field Studio is currently working on the Irvington BART Station Area Plan in Fremont. Urban Field Studio has significantly contributed to the public outreach and workshop component for this project by developing a video, graphics, and 3-D modeling of the station site and surrounding area.



Irvington Station Area Plan in Fremont

PLEASANTON DOWNTOWN SPECIFIC PLAN - CIVIC CENTER ALTERNATIVES

Urban Field Studio developed alternatives for the existing Civic Center site in Downtown Pleasanton that included a mix of uses and a new focal point for the community. The Specific Plan was led by Dyett & Bhatia. Concept alternatives were used for an economic feasibility study by Economic Planning Systems and helped to shape the vision and goals for the Specific Plan.



Pleasanton Downtown Specific Plan - Civic Center Alternatives

SANTA CLARA DOWNTOWN VISION WORKSHOPS

Urban Field Studio conducted a series of public workshops to articulate a vision for the redevelopment of Downtown Santa Clara that was demolished by urban renewal in the 1960s. Scale models were used to help the community develop a preferred plan.



Downtown Santa Clara Visioning Workshops

TERENCE BOTTOMLEY

Background

Terence Bottomley has over twenty-five years of experience in urban design and city planning consulting in the San Francisco Bay Area. His work focuses on urban infill conditions, specifically revitalization-related development plans and capital improvement projects. Products include land use and redevelopment area master plans, zoning standards and design guidelines, and design and construction drawings for streetscapes and public spaces. Projects typically involve a public engagement process, and Mr. Bottomley has extensive experience facilitating community meetings and workshops.

Bottomley Associates Urban Design & City Planning, Oakland, CA 1999 - present.

Selected Recent Projects

- Mountain View Transit Center Master Plan, City of Mountain View/VTA/Kimley-Horn
- East Santa Clara Street Urban Village Plan, City of San Jose
- Downtown Redwood City Transit Center Master Plan/Broadway Streetcar Study, City of Redwood City/CDM Smith
- Belmont Village Specific Plan, City of Belmont/Dyett & Bhatia
- Fruitvale Alive Gap Closure Streetscape Project, City of Oakland/AECOM
- Downtown Millbrae PDA Specific Plan, City of Millbrae/Mintier-Harnish
- Winchester Boulevard/Santana Row Urban Village Plan, City of San Jose/Dyett & Bhatia
- Grand Boulevard Initiative: El Camino/Arroyo Complete Street Improvements, City of San Carlos/Mark Thomas & Co.
- Latham Square Permanent Plaza Design, City of Oakland
- El Camino Real PDA Plan, City of Redwood City/Dyett & Bhatia

Freedman Tung & Bottomley Urban Design, San Francisco, CA, 1988 - 1999. Conducted or participated in over sixty land use and design-related projects, including the following:

Registrations/Certifications

Member, American Institute of Certified Planners, AICP
Registered Landscape Architect, State of California # 3031

Professional Affiliations

American Planning Association
American Society of Landscape Architects
American Institute of Architects, Associate
Urban Land Institute

Education

Master of City Planning: Economic Development/Urban Design, University of California, Berkeley, 1986; *Eisner Prize in the Fine Arts for Urban Design 1985*, *College of Environmental Design Scholarship 1984*

Bachelor of Science in Environmental Planning/Landscape Architecture, Rutgers University, 1979

CLAIRE VLACH, AICP

Background

Ms. Vlach focuses on policy planning for development and capital improvements-related projects. Her work has included preparation of master development plans and regulatory documents, as well as transportation- and streetscape-related urban design, mapping, computer imaging, and communications graphics.

Experience

Associate, Bottomley Associates Urban Design & City Planning, Oakland, CA, 2007 - present

- Mountain View Transit Center Master Plan, City of Mountain View/VTA/Kimley-Horn
- East Santa Clara Street Urban Village Plan, City of San Jose
- Downtown Redwood City Transit Center Master Plan/Broadway Streetcar Study, City of Redwood City/CDM Smith
- Grand Boulevard Initiative: El Camino Real Complete Street Improvements, Samtrans/City of South San Francisco/Mark Thomas & Co.
- Carolan Avenue Complete Street Improvements, City of Burlingame/Kimley-Horn
- Fruitvale Alive Gap Closure Streetscape Project, City of Oakland/AECOM
- Grand Boulevard Initiative: El Camino/Arroyo Complete Street Improvements, City of San Carlos/Mark Thomas & Co.
- Latham Square Permanent Plaza Design, City of Oakland
- Bellevue Drive/Lakeside Park Entry Improvements, City of Oakland
- Grand Boulevard Initiative: Complete Street Case Studies Project, SamTrans/Caltrans, Cities of Daly City, South San Francisco, San Bruno, San Carlos
- Lake Merritt BART Station Area Master Plan, City of Oakland/Dyett & Bhatia
- SR 29 Gateway Corridor Improvement Plan, County of Napa/Dyett & Bhatia
- Grand Boulevard Initiative: Multimodal Access Strategy & Design Guidelines, SamTrans/ VTA/Caltrans
- Stanford in Redwood City Campus Precise Plan, City of Redwood City
- Downtown Alleys Access Project, City of Winters
- Downtown Streetscape Improvement Project, City of Brentwood
- Oakley Downtown Specific Plan, City of Oakley
- Winchester Boulevard Master Plan, City of Campbell
- Silicon Valley Rapid Transit (SVRT) Station Areas Vision Plan, Santa Clara VTA
- Oakland International Airport Curbside Renovations, Port of Oakland
- 14th Avenue Streetscape Design Project, City of Oakland
- 18th Street Streetscape Improvements, City of Oakland
- Monument Boulevard Gateway Treatment, City of Pleasant Hill
- Downtown Plaza Design, City of Pleasant Hill

Research Assistant, Urban Planning Department, University of Michigan, Ann Arbor, MI, 2004-2007

Education

Master of Urban Design, University of Michigan, Ann Arbor, 2007

Master of Urban Planning, University of Michigan, Ann Arbor, 2007

B.A. in Urban Studies, Vassar College, Poughkeepsie, NY, 2004

RITU GOEL, CDT, CSI

Background

Ms. Goel has varied experience in architectural design with a background in urban design principles and master planning. She specializes in detailed design and production of construction documents for projects ranging from urban brownfield redevelopment and campus planning to small neighborhood infill developments. Her work involves design & graphic representation, written reports, including design guidelines, master plans & streetscape and plaza designs.

Experience

Associate Urban Designer, Bottomley Associates Urban Design & City Planning, Oakland, CA, 2015 – present

- Downtown Millbrae PDA Specific Plan, City of Millbrae/Mintier-Harnish
- Mountain View Transit Center Master Plan, City of Mountain View/VTA/Kimley-Horn
- East Santa Clara Street Urban Village Plan, City of San Jose
- Belmont Village Specific Plan, City of Belmont/Dyett & Bhatia
- Downtown Redwood City Transit Center Master Plan/Broadway Streetcar Study, City of Redwood City/CDM Smith
- Winchester Boulevard/Santana Row Urban Village Plan, City of San Jose/Dyett & Bhatia
- Grand Boulevard Initiative: El Camino Real Complete Street Improvements, Samtrans/City of South San Francisco/Mark Thomas & Co.
- Downtown Plaza and Corridor Design Plan, City of Napa
- Latham Square Permanent Plaza Design, City of Oakland
- El Camino Real PDA Plan, City of Redwood City/Dyett & Bhatia
- Fruitvale Alive Gap Closure Streetscape Project, City of Oakland/AECOM
- Grand Boulevard Initiative: El Camino Real Complete Street Improvements, Samtrans/City of South San Francisco/Mark Thomas & Co.

Job Captain, Price Studios, Architecture, Urban Design & Interior Design, Richmond, VA, 2013-2015

- Healthcare Building Projects for Centra Medical Group and Lingerfelt Group, VA
- Space Planning and Prototype Design for Entertainment Venues, VA, MA, NY and China

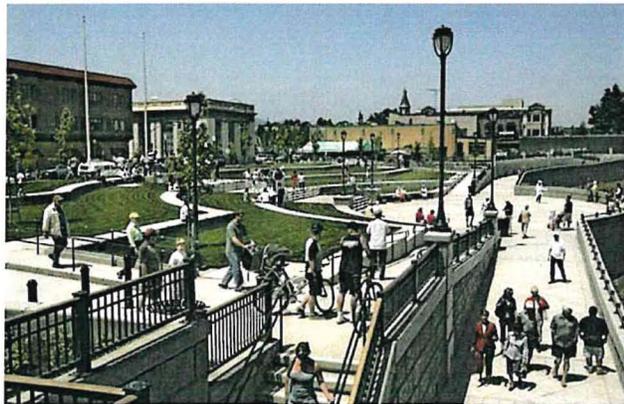
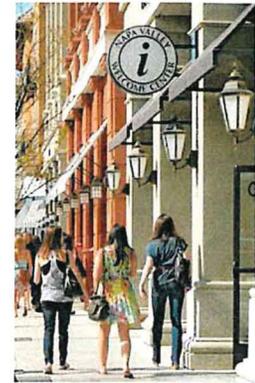
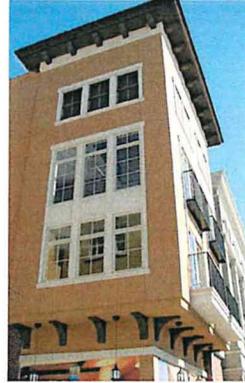
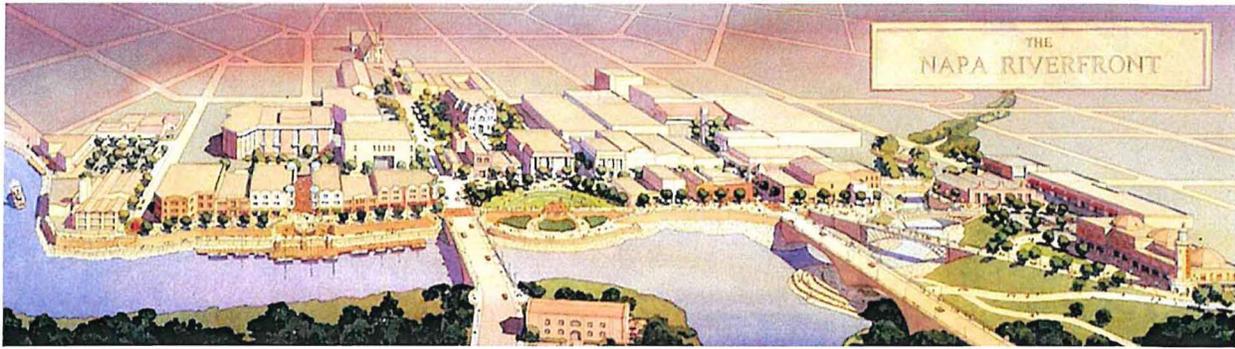
Architectural Designer & Asst. PM, Marcellus Wright Cox & Architects, Architecture, Planning & Interior Design, Richmond, VA, 2006-2013

- GTR Cedar Mixed-use Brownfield Redevelopment Project, Department of Community Development, Richmond, VA
- First Baptist Church Infill Development Project, Richmond VA
- St. James's Episcopal Church Adaptive Reuse and Infill Development Project, Richmond, VA

Education

Master of Urban Design, University of Michigan, Ann Arbor, 2006

Bachelor of Architecture, National Institute of Technology Regional Engineering College, Tiruchirapalli, India, 2000



The Downtown Napa Riverfront

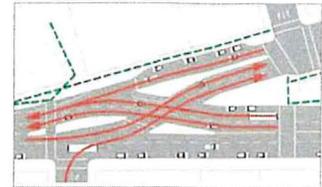
Napa, California

Project Description: Community visioning, site planning, and schematic design plans for the downtown reach of the Napa River Flood Protection Project. Improvements include river-oriented mixed-use development, three new bridges, an 8-acre river bypass channel/park, 2 miles of public access trails including a riverfront promenade, and reconstruction of a river-edge community green. The work involved a series of community workshops, coordination with City departments, the Napa County Flood Control District, US Army Corps of Engineers, bridge engineering firms and community design advisory panels, and ongoing design and development review. Work products included the *Downtown Riverfront Design and Development Guidelines*, *Downtown Riverfront Urban Design Master Plan*, and *Napa River Parkway Master Plan*. To date, the still-underway riverfront revitalization effort has received the 2010 Award of Excellence from the California Redevelopment Association, and the 2009 Public Works Project of the Year Award from the American Public Works Association.

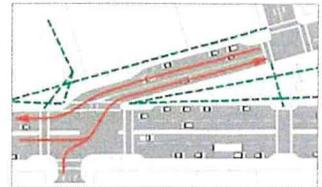
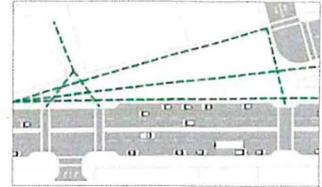
Client: City of Napa
 Cassandra Walker, Redevelopment/Community Development Director
 Jennifer LaLiberte, Economic Development Director



View South to Plaza & Restored Fountain



Existing Intersection



Reconfiguration Options



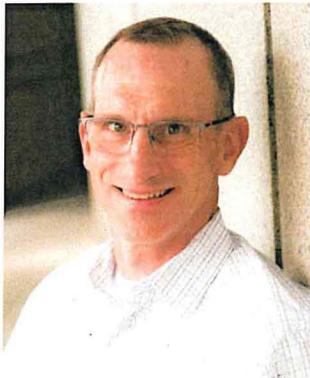
Illustrative Plan



Latham Square Oakland, California

Project Description: Existing conditions analysis, concept alternatives, community and staff design workshop process, 3D modeling, and construction plans for the intersection of Telegraph Avenue and Broadway in Downtown Oakland. Project includes intersection reconfiguration, traffic calming, and plaza expansion of a National Register Historic District, linking adjacent landmark Rotunda and Cathedral buildings with the Uptown district and Oakland City Hall. Design elements include restoration of the 1913 Latham Fountain, brick and stone replacement paving, rain garden planters, additional seating and lighting, and historic/art panel installations. A series of community, staff steering committee, and public hearing meetings were conducted to evaluate options, trade-offs, and materials recommendations. Streetscape construction plans prepared in conjunction with Kimley Horn & Associates, Inc., civil and traffic engineers, and a team of specialty subconsultants; construction to be completed Summer 2016.

Client: City of Oakland
Rachel Flynn, Director, Planning & Building Department
Nick Cartagena PE, Project Manager



DANIEL SCHAEFER, PE | LEED AP, QSD
 CIVIL PRINCIPAL-IN-CHARGE

"I trust wholeheartedly that experience + shared vision = value. Through utilizing BKF's problem solving abilities, and understanding and aligning our clients' interests with our firm's interests, BKF leverages our efforts to maximize value. I enjoy working with my clients during the feasibility, alternative analyses, and planning process to ensure that the project's viability is considered early and throughout implementing the project." Dan's 28 years of joint public and private experience provide a unique perspective to projects. In working with clients to create a shared vision, Mr. Schaefer implements those ideals into practical solutions with clear intent.

SELECT PROJECT EXPERIENCE

EDUCATION

B.S., Civil Engineering,
 California Polytechnic State
 University, San Luis Obispo

REGISTRATION

Professional Civil Engineer, CA
 No. 51158

Qualified SWPPP Developer
 (QSD)/ Qualified SWPPP
 Practitioner (QSP)

AFFILIATIONS

LEED Accredited Professional
 U.S. Green Building Council

TOTAL YEARS EXPERIENCE

28 years, 28 with firm

- | | |
|--|---|
| Dumbarton TOD Specific Plan
Newark | Mount Eden Master Plan Improvements
Hayward |
| South Fremont/Warm Springs Area Studies
Fremont | West Dublin BART TOD
Dublin |
| Hayward Downtown Specific Plan
Hayward | Walnut Creek BART TOD
Walnut Creek |
| Downtown San Mateo Specific Plan
San Mateo | Bailey Road Pedestrian and Bicycle
Improvements Conceptual Planning
Bay Point |
| Menlo Park El Camino/Downtown
Specific Plan
Menlo Park | Coliseum Area Specific Plan & EIR
Oakland |
| Mission Blvd Corridor Specific Plan
Hayward | Antioch eBART Specific Plan
Antioch |
| Downtown San Mateo Specific Plan
San Mateo | Alameda Landing Master Plans
Alameda |
| Foster City Civic Center Master Plan
Foster City | Alameda Point Master Infrastructure Plan
Alameda |
| Diridon Station Area Specific Plan
San Jose | Tasman East Focus Area Plan
Santa Clara |
| Concord Specific Plan
Concord | Development Plan, Entitlement, Design &
Construction
Port of Richmond |
| Livermore Isabel/BART Specific Plan
Livermore | VTA BART Phase II Corridor TOD Study
Santa Clara County |
| Lawrence Station Area Plan, Phase 1 & 2
Sunnyvale | Mare Island Master Plan, Design
Touro University, Vallejo |
| Santa Clara Lawrence Station Area Plan
Santa Clara | Treasure Island
San Francisco |
| Mission Blvd Corridor Specific Plan & EIR
Hayward | Sonoma Mountain Village
Rohnert Park |
| Larkspur SMART Station Area Plan/EIR
Larkspur | Hercules Waterfront Development
Hercules |
| Hillcrest Station Area Specific Plan
Antioch | |



BROCK ROBY, PE | LEED AP, QSD/P
PROJECT MANAGER

Mr. Roby's 25 years of management and administrative experience in the non-profit sector provides effective coordination of the design team with public and governmental entities, utility agencies, and private interests. His experience allows him to be positioned on complex projects where quick and clear communication is vital. Mr. Roby has a focus in sustainable design, becoming BKF's first LEED Accredited professional in 2007.

Mr. Roby provides leadership and coordination for the design team with regard to site development. Today's complicated entitlement processes, layered agency reviews, and evolving stormwater regulations demand current knowledge and innovative design to meet aggressive project schedules. His expertise in this area, along with ADA compliance, traffic flow, utility design and pedestrian experience, contributes to successful project completions.

EDUCATION

B.S., Civil Engineering,
Princeton University
M.S. Civil Engineering,
Stanford University

REGISTRATION

Professional Civil
Engineer, CA No. 71062

AFFILIATIONS

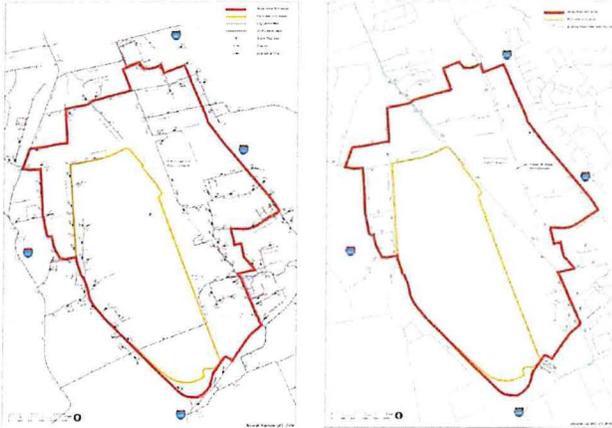
LEED Accredited
Professional
U.S. Green Building
Council
Qualified SWPPP
Developer
Qualified SWPPP
Practitioner

**TOTAL YEARS
EXPERIENCE**

14 years, 12 with firm

SELECT PROJECT EXPERIENCE

- | | |
|--|---|
| Oakland Coliseum Specific Plan
Oakland | East 14th Street
Hayward |
| Alameda Landing Master Plan (Formerly
Alameda Naval Air Station)
Alameda | Contra Costa Blvd. Corridor
Improvements
Pleasant Hill |
| Concord Specific Plan
Concord | Ivy Drive & Coral Drive Sidewalk
Improvements
Orinda |
| Mission Boulevard Corridor Specific Plan
Hayward | Lewelling Blvd Improvement Project
Hayward |
| Hayward Downtown Specific Plan
Hayward | Macdonald Avenue Streetscape
Richmond |
| Warm Springs/South Fremont
Community Plan
Fremont | Miller Ave. Streetscape Implementation
Plan
Mill Valley |
| Menlo Park El Camino Downtown
Specific Plan
Menlo Park | Pleasanton Engineering On Call Services
Pleasanton |
| Alameda County Redevelopment
Agency On-Call Services
Alameda County | Railroad Ave. Widening and Realignment
Project
Suisun City |
| Alameda County Public Works Agency
On-Call Services
Alameda County | Nevin Avenue Pedestrian Improvements
Richmond |
| Castro Valley Blvd Streetscape
Castro Valley | Richmond Transit Village Bicycle &
Pedestrian Linkages
Richmond |
| Hampton Road Traffic Calming
Cherryland District | San Miguel Sidewalk Improvement
Castro Valley |
| Golden Gate Drive Streetscape
Dublin | Second and Pine Street Intersection
Improvement
Brentwood |
| Grove Way Street Improvement
Hayward | |



Warm Springs Area Studies, Fremont

The Warm Springs area study was an 850-acre reuse and revitalization study, inclusive of the 212-acre Tesla Factory site (formerly NUMMI), Union Pacific Rail Yard, and Warm Springs BART Station, intended to guide future land use, public investment and economic development actions, and creation of new jobs.

BKF's role was to analyze the impacts of the proposed land use alternatives on the existing roadway and utility infrastructure and to recommend mitigation measures to support the various alternatives. The scope included existing and proposed utility load analyses, roadway widening, and stormwater quality LID/BMP implementation.

BKF worked directly with the City and consultant team to identify opportunities, constraints, and implementation costs for each alternative. The infrastructure cost analyses BKF prepared were utilized by the economics consultants to determine financial viability and financing strategies to encourage development and job growth.

Downtown Concord BART Specific Plan

Working with the City of Concord's Community and Economic Development Department, the consultant team is developing a Specific Plan for the Downtown Concord BART Priority Development Area. Located within a roughly 15-minute walking distance to the Concord BART station, the plan's goal is to review, evaluate and determine opportunities for intensified land use. The plan considers creating multi-modal options within and through the plan to increase walking, bicycling, ride-sharing and public transit usage.

BKF's work included evaluating the existing infrastructure to determine its suitability for reuse and to determine the impacts of the specific plan on the infrastructure.

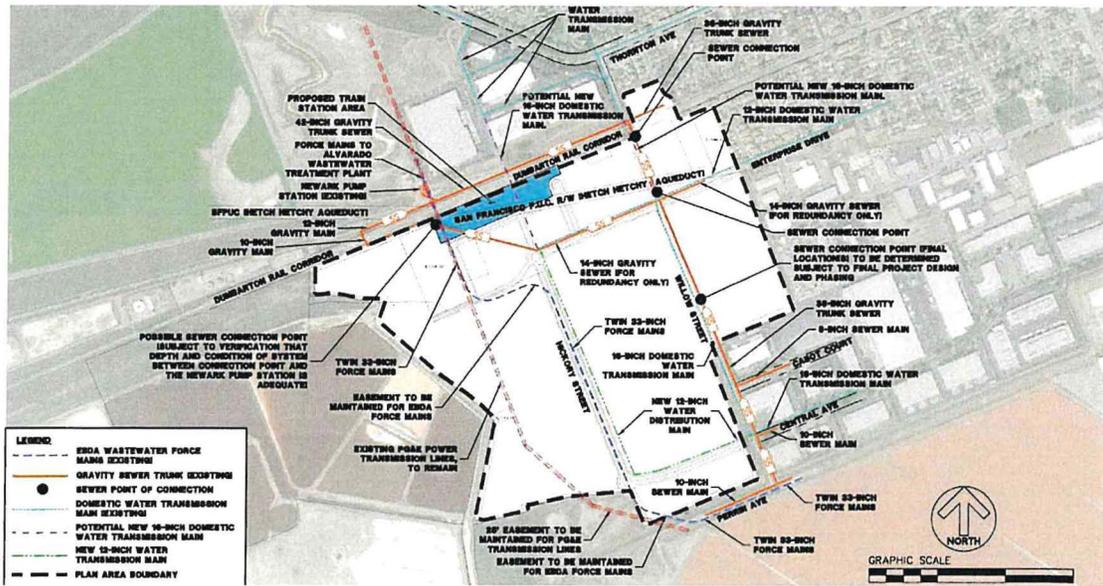


Oakland Coliseum Area Specific Plan

BKF Engineers was responsible for infrastructure planning and cost analysis for the 750-acre Oakland-Alameda County Coliseum Complex plan area. The "Coliseum City" and the Oakland Airport Business Park specific plan represents one of the most exciting development opportunities in the Bay Area. BKF is working with the City of Oakland as part of the consultant team selected to prepare both the specific plan and the EIR. Infrastructure impacts within the planning area include maintaining the 63-inch EBMUD sewer trunk, relocating 230kV PGE lines, creek renovations, and wetland mitigation.

BKF developed an infrastructure master plan showing the demolition, as well as the utility infrastructure to serve the development area. Additionally, BKF worked to prepare the overall site improvement estimate based on:

- Regional transit improvements to BART, railroad, and Caltrans facilities;
- Relocation of existing infrastructure to accommodate reuse and development including the 230kV overhead transmission lines; creek; storm drainage; and wastewater pipelines;
- Backbone improvements to improve roadway circulation;
- Demolition and site leveling;
- Coliseum site improvements; and
- Development parcels including local streets and utilities to serve them.



DUMBARTON RAIL SPECIFIC AREA PLAN

Newark, CA

Owner

City of Newark
Terrence Grindall
Community
Development Director
510.578.4208
terrence.grindall@
newark.org

Project Dates

2009 to 2011 with EIR
Certification

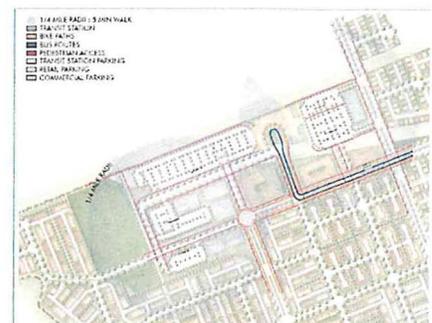
Reference

Lauri Moffet-Fehlberg,
AIA
Dahlin Group
Architecture
5865 Owens Drive
Pleasanton, CA
925.251.7200

The Dumbarton TOD Specific Plans project intends to redevelop 233 acres into a mixed-use transit-oriented development within the city of Newark. The plan will transform current industrial, manufacturing, chemical processing, and salt production facilities into a mix of uses with emphasis on housing around the future Dumbarton Rail Corridor. Elements of the plan include:

- A regional transit station serving the neighboring residents, City, and community.
- A **neighborhood center** with retail, commercial, and community services.
- Up to 2,500 new residential units with a wide range of types and affordability.
- Infrastructure to support the development including a transit, roadway, bicycle, and pedestrian network and utilities including potable water, wastewater, dry utilities, and storm drainage systems.
- Grade separation at Central Avenue over the Union Pacific Railroad right-of-way east of the area Plan.
- More than 16 acres of parks including a community park and Bayside Trail.

BKF's role concentrated on evaluating the existing and new infrastructure needed to support the build-out of the project area. Additionally BKF helped solidify implementation strategies and worked with the CEQA environmental review consultant to determine impacts and mitigation related to the infrastructure.



F.3 Update on the Draft 2018-2020 Capital Improvement Plan with project funding recommendations – from Public Works Director Fajeau. (INFORMATIONAL)

Background/Discussion – As part of the 2018-2020 Biennial Budget and Capital Improvement Plan preparation, the Public Works Department is coordinating the development of the Capital Improvement Plan (CIP) budget component. The CIP development process commenced in November with a call for projects to all City departments. During the February 22, 2018 City Council meeting, staff provided a summary of the proposed projects submitted, prioritization criteria for project selection, available funding sources, and recommended modifications with respect to ongoing maintenance projects. This informational item is intended to be an overview of staff recommendations for actual project funding in the CIP. The projects have been grouped by funding source.

Gas Tax funded projects. The estimated budget for the City’s various gas tax funds in the 2018-2020 biennial budget period is approximately \$9.12 million. Staff is recommending \$4.71 million for ongoing street pavement, concrete repair, street tree maintenance, and other ongoing street maintenance programs that are funded with outside gas tax resources. The Lindsay Tract Street and Storm Drainage Improvements project is estimated at \$3.5 million. The remaining funds are recommended for street and landscape projects. The total list of projects recommended for funding are as follows:

<u>Project Title</u>	<u>Estimated Cost</u>
Street Asphalt Concrete Overlay Program (2019 and 2020)	\$ 3,000,000
Curb, Gutter and Sidewalk Replacement (2019 and 2020)	\$ 800,000
Street Tree Maintenance (2019 and 2020)	\$ 600,000
Citywide Accessible Pedestrian Ramps (2019 and 2020)	\$ 120,000
Traffic Calming Measures (2019 and 2020)	\$ 100,000
Traffic Signals – LED Lamp/Accessory Replacement (2019 and 2020)	\$ 60,000
Thermoplastic Street Striping (2019 and 2020)	\$ 30,000
Lindsay Tract Street and Storm Drainage Improvements	\$ 3,500,000
Thornton Avenue Pavement Overlay (Federal funding = \$592,000)	\$ 308,000
Citywide Traffic Signal Street Name Signs	\$ 75,000
Mowry Avenue Median Landscaping	\$ 260,000
Cedar Boulevard Landscape Improvements	<u>\$ 120,000</u>
Total	\$ 8,973,000

This project list for gas tax funded projects would total approximately \$8,973,000. This would leave a balance of \$150,000. The Mowry Avenue Backup Wall and Landscape Improvements, which was considered for \$900,000 funding, would not be recommended at this time.

Capital Fund projects. The estimated Capital Fund balance for the 2018-2020 Biennial Budget is \$8.2 million. Staff is recommending a variety of building, park and vehicle new purchase projects for funding. This includes a significant investment in the roof and mechanical systems

at the Community Center and Annex to ensure preservation of these existing assets. The complete recommended list of projects is as follows:

<u>Project Title</u>	<u>Estimated Cost</u>
Community Center/Annex Roof Replacement	\$ 1,660,000
Community Center Annex HVAC System	\$ 232,000
Community Center HVAC System Overhaul	\$ 800,000
Fire Station No. 27 Cherry Street – Painting	\$ 32,000
Fire Station No. 27 Cherry Street – Roofing	\$ 55,000
Fire Station No. 29 Ruschin Drive – Painting	\$ 23,000
Service Center – Rear Garage Overhang Repairs	\$ 75,000
Service Center Buildings – Painting	\$ 80,000
Silliman Activity Center – Carpet Replacement	\$ 45,000
Virtual History Museum	\$ 60,000
Citywide Work Station Replacement	\$ 20,000
Lakeshore Park Tree Project	\$ 50,000
Mayhews Landing Park and Bridgepoint Park Tree Project	\$ 50,000
Newark Boulevard Overpass Tree Project	\$ 48,000
Lakeshore Park Well Rehabilitation and Pump Replacement	\$ 75,000
Birch Grove Park Tennis Court Resurfacing	\$ 95,000
Jerry Raber Ash Street Park Basketball Court Resurfacing	\$ 40,000
Citywide Trash Capture Devices (Phase 3)	\$ 230,000
Community Development New Vehicle	\$ 25,000
Police Department Captain Vehicle	\$ 48,000
Police Department – Patrol Vehicles (3)	\$ 180,000
Public Works Service Center Vehicles (2)	\$ 68,000
	<u>\$ 3,991,000</u>
	Total

The total estimated cost for all projects funded with Capital Funds would be \$3,991,000. This would leave a Capital Fund balance of approximately \$4.2 million. The following projects were considered but are not proposed for funding at this time:

<u>Project Title</u>	<u>Estimated Cost</u>
Citywide Bus Shelters	\$ 2,400,000
Fire Station No. 27 Cherry Street – Fencing	\$ 75,000
Fire Station No. 29 Ruschin Drive – Fencing	\$ 65,000
Silliman Activity Center Energy Conservation Measures	\$ 200,000

Park Impact Fees. The estimated fund balance for Park Impact Fees beginning July 1, 2018 is approximately \$5.7M. The following park improvement projects which were identified in the Citywide Parks Master Plan as high-priority projects, are recommended for funding:

<u>Project Title</u>	<u>Estimated Cost</u>
Skate Park at Sportsfield Park - Phase 2 (Construction)	\$ 1,141,000
Sportsfield Park All-Weather Turf Fields, etc. – Phase 2 (Construction)	<u>\$ 4,791,000</u>
Total	\$ 5,932,000

The total cost for these two identified high-priority projects is slightly above the projected fund balance. This can be resolved with additional Park Impact Fee revenue that is anticipated to be received during the 2018-2019 Fiscal Year in advance of project construction, or supplemented with unallocated Capital Funds.

The Dog Park at Newark Community Park is currently under design and is anticipated to be funded entirely with Measure WW Grant Program Funds through the East Bay Regional Park District. The following park projects were in consideration in the approved Citywide Parks Master Plan but are recommended for funding at this time:

<u>Project Title</u>	<u>Estimated Cost</u>
Cedar Boulevard Linear Park 2	\$ 850,000
Civic Center Park Restroom	\$ 300,000
Community Park Updated Restroom	\$ 321,000
Dog Park at Birch Grove Park – Phase 2 (Construction)	\$ 505,000
Jerry Raber Ash Street Park Sport Facilities Improvements	\$ 96,000
Shirley Sisk Gove Improvements	\$ 2,079,000

The following large-scale projects, while listed in the CIP, are anticipated to be funded with alternative sources and will not impact Capital Fund resources:

<u>Project Title (with funding source)</u>	<u>Estimated Cost</u>
Central Avenue Railroad Overpass (Measure B, Measure BB)	\$ 29.3M
New Civic Center (Measure GG)	\$ 74.0M
Bayside TOD Transit Station and Overcrossing, Design (Impact Fees)	\$ 0.7M
Bayside TOD Transit Station and Overcrossing, Construction (Measure BB)	\$ 11.5M

A work session to present the draft Capital Improvement Plan as part of the overall 2018-2010 Biennial Budget document is scheduled for May 24, 2018.

Attachment - None

Action – This item is informational only.

F.4 Consider opposing a potential State Ballot Measure known as the Tax Fairness, Transparency, and Accountability Act of 2018 – City Manager Becker. (RESOLUTION)

Background/Discussion – The Tax Fairness, Transparency, and Accountability Act of 2018 (Initiative) is currently under circulation for signatures and may be considered as a State ballot measure at the November election. The Initiative would change how state and local governments impose taxes, fees, and other charges. If approved, the Initiative would be applied retroactively to January 1, 2018 and may void any local measures that do not meet the new regulation.

The Initiative is sponsored by the California Business Roundtable (CBRT), an organization that claims membership from some of the state’s largest companies including: Wells Fargo, KB Homes, 7-11, Albertsons, and others. Since January 1, 2018, the CBRT has received over \$4 million in contributions towards this effort. The American Beverage Association Political Action Committee has been a top contributor.

Currently, there must be a two-thirds vote of the City Council to place a tax initiative on the ballot. General taxes, which is any tax levied by a local government for any purpose requires a majority vote of the electorate. Special taxes, which is any tax levied by a local government for a specified purpose, requires a two-thirds vote of the electorate. Fee increases, generally may be approved by a majority of the City Council and do not require voter approval. (Exceptions include Proposition 218 property related fees which require voter approval.)

This Initiative broadens the definition of what taxes and fees would require approval by a two-thirds supermajority vote of the City Council for new revenue measures. It would also require two-thirds approval of the electorate to raise new taxes or of the City Council to raise new fees.

Key elements of the Initiative regarding taxes include:

- Requiring two-thirds approval of the City Council before a tax can be placed on the ballot;
- Eliminating local authority to impose a tax for general purposes by majority vote;
- Expanding the definition of a tax to include payments voluntarily made in exchange for a benefit received, which may include local franchise fees;
- Prohibiting any tax to be placed on the ballot unless it either specifically identifies by binding and enforceable limitation how it can be spent, with any change requiring re-approval by the electorate, or states in a separate stand-alone segment of the ballot that the tax revenue is intended for “unrestricted revenue purposes”;
- Requiring tax measures to be consolidated with the regularly scheduled general election for members of the City Council, unless an emergency is declared by a unanimous vote of the City Council.

Key elements of the Initiative restricting the ability of the City to impose fees or charges, other than those subject to Proposition 218, by:

- Prohibiting a fee or charge from being imposed, increased or extended unless approved by two-thirds vote of the City Council;

- Requiring a fee or charge proposed by initiative to be subject to a two-thirds vote of the electorate.
- Narrows the legal threshold from “reasonable” to “actual” costs for fees applied to local services, permits, licenses, etc. The measure authorizes new avenues to challenge “actual” costs by enabling a payor to also second-guess in court whether they are “reasonable.” Opens up further litigation and debate by replacing the existing standard that fees and charges bear a “fair and reasonable relationship to the payors burdens and benefits” with a more rigorous “proportional to the costs created by the payor” standard.
- Increases the legal burden of proof for the City from “preponderance of evidence” (more likely than not) to “clear and convincing evidence” (high probability) to establish that a levy, charge or other exaction is: (1) not a tax, (2) the amount is no more than necessary to cover the actual costs, and (3) the revenue is not being used for other than its stated purpose.

The League of California Cities opposes this Initiative and is requesting cities to adopt resolutions in opposition of the Initiative. There would be significant negative fiscal impact on the City because of increased restrictions on opportunities to raise revenue. The Initiative would also add significant complexity to the City’s process for implementing fees.

Attachment

Action - It is recommended that the City Council, by resolution, oppose The Tax Fairness, Transparency, and Accountability Act of 2018.

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
NEWARK OPPOSING THE TAX FAIRNESS,
TRANSPARENCY, AND ACCOUNTABILITY ACT OF 2018

WHEREAS, California's cities, counties and special districts follow strict guidelines and existing state law regarding the establishment of reasonable fees and the required voter approval of all local taxes; and

WHEREAS, there is a signature-gathering campaign for a state ballot measure currently sponsored by the California Business Roundtable that would severely harm the ability of local governments to continue to provide quality services by imposing onerous roadblocks to raising local revenue to address community needs, services and infrastructure improvements; and

WHEREAS, it is important for local community members, in concert with their duly-elected officials—rather than a special interest group in Sacramento--to determine the services and funding levels appropriate for their own cities; and

WHEREAS, the proposed ballot measure would allow businesses to escape from their existing obligations to pay the full cost of services that they request and receive from local agencies and benefit from; and

WHEREAS, the proposed ballot measure would shift the burden of these uncovered costs from business interests to local general funds supported by taxpayers, and thereby reduce general funds available to support police, fire, park, planning, public works, and other community services.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NEWARK does hereby resolve as follows:

SECTION 1. The City of Newark hereby opposes the Tax Fairness, Transparency and Accountability Act of 2018 sponsored by the California Business Roundtable on the grounds that this measure would harm the ability of local communities to adequately fund services; and

SECTION 2. The City Clerk is hereby directed to email a copy of this adopted resolution to the League of California Cities at cityletters@cacities.org

Summary from the California League of Cities

Tax Fairness, Transparency and Accountability Act of 2018

Summary:

This measure (AG 1700-50 Amd #1), currently under circulation for signatures and proposed for the November ballot, would drastically limit local revenue authority, while making comparatively minor modifications to state authority. For cities and other local agencies, it applies retroactively and voids any local measure approved by local voters on or after January 1, 2018, but prior to the effective date of this act, that does not comply with the provisions of the act, and:

Restricting Local Tax Authority:

- a) Eliminates local authority to impose a tax for general purposes by majority vote and instead requires all local proposed tax increases subject to a two-thirds vote. This proposal also requires two-thirds approval of all members of the local legislative body before a tax can be placed on the ballot.
- b) Requires a two-thirds vote to "extend" a tax to new territory, a new class of payor, or expanded base. For cities, this would limit all future annexations by requiring a separate two-thirds vote of the affected residents prior to applying any existing city tax. Other limitations may apply to a local interpretation that an existing local tax applies to a business or product.
- c) Expands the definition of a tax to include payments voluntarily made in exchange for a benefit received, which may cover local franchise fees.
- d) Prohibits any tax to be placed on the ballot unless it either specifically identifies by binding and enforceable limitation how it can be spent, with any change requiring reapproval by the electorate, or states in a separate stand-alone segment of the ballot that the tax revenue is intended for "unrestricted revenue purposes."
- e) Requires tax measures to be consolidated with the regularly scheduled general election for members of the governing body, unless an emergency is declared by a unanimous vote of the governing body.
- f) Expands the application of this act to include actions and "legal authority" that may be "enforced" or "implemented" by a local government.
- g) Requires a tax imposed by initiative to also be subject to a two-thirds vote, to address concerns over the *Upland* decision.
- h) Clarifies a levy, charge, or exaction retained by and payable to a non-governmental entity is a tax, if the local agency limits in any way the use of the proceeds, to address concerns over the *Schmeer* decision.
- i) Exempts existing school bond (55% vote) construction authority from the application of the bill.

Restricting Local Fee Authority:

Restricts the ability of a local government to impose fees or charges, other than those subject to Prop. 218, by:

- a) Prohibiting a fee or charge from being imposed, increased or extended unless approved by two-thirds vote of the legislative body.
- b) Authorizing a referendum on decisions of a legislative body to impose, increase or extend a fee or charge triggered by petitions signed by 5% of affected voters.
- c) Requiring a fee or charge proposed by initiative to be subject to a two-thirds vote of the electorate.
- d) Narrows the legal threshold from "reasonable" to "actual" costs for fees applied to local services, permits, licenses, etc. Further, the measure authorizes new avenues to challenge "actual" costs by enabling a payor to also second-guess in court whether they are "reasonable." Opens up further litigation and debate by replacing the existing standard that fees and charges bear a "fair and reasonable relationship to the payors burdens and benefits" with a more rigorous "proportional to the costs created by the payor" standard.
- e) Increases the legal burden of proof for local agencies from "preponderance of evidence" (more likely than not) to "clear and convincing evidence" (high probability) to establish that a levy, charge or other exaction is: (1) not a tax, (2) the amount is no more than necessary to cover the actual costs, and (3) the revenue is not being used for other than its stated purpose.

Provisions Applicable to State Actions:

- a) Requires a tax contained in a regulation adopted by a state agency must be approved by two-third vote of the Legislature (unless the Legislature adopted a state tax that authorized the action of the state agency). This change is responsive to the recent *Chamber of Commerce* decision on cap and trade revenues.
- b) Unlike the retroactive provisions that apply to local government, the application of this Act to the state is only prospective.
- c) Requires a fee contained in a regulation adopted by a state agency to be approved by majority vote of the Legislature.
- d) Imposes the same burden of proof changes applied to local governments.

Background: This initiative is sponsored by the California Business Roundtable, an organization that claims membership from some of the state's largest companies including, Wells Fargo, Albertsons, KB Home, Blackstone Group, Chevron, Farmers Insurance, Granite Construction and others. <http://www.cbrt.org/members/>.

The initiative contains over three pages of findings and statements maintaining that the state's tax burden is high compared to other states, including state revenue growth of

68 percent since 2009. Concerns are also raised over employee pensions increasing costs and other issues affecting the economy and business climate.

One paragraph among the three pages declares one of the purposes of the measure is to overturn "loopholes" created by *Cannabis Coalition v. City of Upland* (concern that voters could enact special taxes via initiative by majority vote); *Chamber of Commerce v. Air Resources Board* (a recent case lost by the Chamber which alleged that the state Cap and Trade Program was an illegal tax) and *Schmeer v. Los Angeles* (which held that a locally imposed-grocer retained bag fee was not a tax). This measure, however, has much broader impacts than such fixes.



January 11, 2018

RECEIVED

JAN 11 2018

Hon. Xavier Becerra
Attorney General
1300 I Street, 17th Floor
Sacramento, California 95814

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

Attention: Ms. Ashley Johansson
Initiative Coordinator

Dear Attorney General Becerra:

Pursuant to Elections Code Section 9005, we have reviewed the proposed constitutional initiative concerning state and local government taxes and fees (A.G. File No. 17-0050, Amendment No. 1).

BACKGROUND

State Government

Taxes and Fees. The state levies various taxes to fund over 80 percent of the state budget. The remainder of the budget is funded through various fees and other charges. Examples include: (1) charges for a specific government service or product, such as a driver's license; (2) charges relating to regulatory activities; (3) charges for entering state property, such as a state park; and (4) judicial fines, penalties, and other charges.

Vote Thresholds for Changing State Taxes and Fees. Under the State Constitution, state tax increases require approval by two-thirds of each house of the Legislature. The Legislature needs approval by only a majority of each house in order to levy fees and other charges. Voters, on the other hand, can levy state taxes or fees via initiative by a majority vote of the statewide electorate. The Legislature can reduce or change taxes with a majority vote of each house, provided the change does not increase taxes on any taxpayer. If a bill increases a tax on any taxpayer, the bill requires a two-thirds vote of both houses of the Legislature—even if the bill results in an overall state revenue loss.

Local Governments

Taxes and Fees. The largest local government tax is the property tax, followed by local sales taxes, utility taxes, hotel taxes, and other taxes. In addition to these taxes, local governments levy a variety of fees and other charges. Examples include parking meter fees, building permit fees, regulatory fees, and judicial fines and penalties.

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California Legislature
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Vote Threshold for Changing Local Taxes and Fees. In order to increase taxes, the State Constitution generally requires that local governments secure a two-thirds vote of their governing body—for example, a city council or county board of supervisors—as well as approval of the electorate in that local jurisdiction. “General taxes”—that is, taxes levied by cities and counties for any purpose—may be approved by a majority vote of the electorate. On the other hand, “special taxes”—that is, any taxes levied by schools or special districts or taxes levied by cities and counties for specified purposes—require a two-thirds vote of the electorate. Citizen initiatives that increase taxes must secure the same vote of the electorate—majority vote for general taxes and two-thirds vote for special taxes—as those placed on the ballot by local governing bodies.

Fee increases, on the other hand, generally may be approved by a majority vote of the local governing body and do not require voter approval. (Exceptions include certain property-related fees which require voter approval.) Citizen initiatives changing fees must be approved by a majority vote of the electorate.

PROPOSAL

This measure amends the State Constitution to change the rules for how the state and local governments can impose taxes, fees, and other charges.

Taxes

Expands Definition of Tax. The measure amends the State Constitution to expand the definition of taxes to include some charges that state and local governments currently treat as nontax levies. As a result, the measure would increase the number of revenue proposals subject to the higher state and local vote requirements for taxes. Specifically, regulatory fees and fees charged for a government service or product would have to more closely approximate the payer’s actual costs in order to remain fees. Certain charges retained by or payable to nongovernmental entities would also be considered taxes under the measure. In addition, certain charges imposed for a benefit or privilege granted the payer but not granted to those not charged would no longer be considered fees.

Increases Vote Thresholds for Some Local Taxes. The measure increases the vote thresholds for increasing some local taxes. Specifically, the measure requires that increases in local general taxes be approved by a two-thirds vote of the electorate whether sought by local governments or by citizen initiative. Any local government tax approved between January 1, 2018 and the effective date of this measure would be nullified unless it complies with the measure’s new vote threshold and other rules described below.

Allowable Uses of Revenues Must Be Specified in Certain Cases. The measure requires tax measures to include a statement of how the revenues can be spent. If the revenue is to be used for general purposes, the law must state that the revenue can be used for “unrestricted general revenue purposes.” These requirements would apply to increases in state and local taxes. In the case of local government taxes, the measure requires that a statement of allowable uses be included in the ballot question presented to voters. Any change to the statement of allowable uses of revenue would have to be passed by (1) a two-thirds majority of both houses of the

Legislature in the case of state taxes, (2) a two-thirds vote of the local governing body and two-thirds vote of the electorate in the case of local government taxes, or (3) a two-thirds vote of the electorate in the case of local citizen initiative taxes.

Local Government Fees

Increases Vote Thresholds for Certain Local Government Fees. The measure requires that increased fees and other charges be approved by either a two-thirds vote of a local governing body in the case of local government fees or a two-thirds vote of the electorate in the case of local citizen initiative fees. The measure also provides that fees and other charges levied by a local governing body may be overturned via referenda. (The measure would not change vote thresholds and rules for developer fees and property assessments imposed on parcels.)

Other Provisions

State Regulations Containing Tax or Charge Must Be Approved by Legislature. Under the measure, state regulations containing increased taxes or fees would not take effect unless the Legislature passes a law approving the regulation. (This requirement would not apply to regulations implementing laws that were already approved by the Legislature.) If the regulation contains a tax, the bill allowing the regulation to remain in place must be passed by a two-thirds majority of both houses of the Legislature. The measure allows emergency regulations to take effect for up to 120 days without approval of the Legislature.

FISCAL EFFECTS

Reduced State Tax Revenue. By increasing the number of revenue measures subject to a two-thirds vote of both houses of the Legislature, the measure makes it harder for the Legislature to increase certain state revenues. The amount of reduced state revenue under the measure would depend on various factors, including future court decisions that could change the number of revenue measures subject to the higher vote requirements. The fiscal effects also would depend on future decisions made by the Legislature. For example, requirements for legislative approval of regulations that increase taxes or fees could result in reduced revenue depending upon future votes of the Legislature. That reduced revenue could be particularly notable for some state programs largely funded by fees. Due to the uncertainty of these factors, we cannot estimate the amount of reduced state revenue but the fiscal effects on state government likely would be minor relative to the size of the state budget.

Reduced Local Government Tax and Fee Revenue. By expanding the definition of taxes and increasing vote thresholds for certain taxes and fees, the measure makes it harder for local governments and initiative proponents to increase local revenues. The amount of reduced local government revenues would also depend on various factors, including the extent to which local governments would substitute developer fees and other majority-vote revenue sources for the revenue sources subject to a higher vote threshold under the measure. Roughly half of recently enacted sales, business, hotel, and utility general tax measures would have failed if the measure's increased vote threshold requirements were in effect, suggesting that the reduction in local tax revenue could be substantial.

Summary of Fiscal Effects

- Likely minor decrease in annual state revenues and potentially substantial decrease in annual local revenues, depending upon future actions of the Legislature, local governing bodies, voters, and the courts.

Sincerely,



to Mac Taylor
Legislative Analyst



for Michael Cohen
Director of Finance

December 22, 2017

VIA PERSONAL DELIVERY

Hon. Xavier Becerra
Attorney General of California
1300 I Street, 17th Floor, P.O. Box 944255
Sacramento, CA 95814

RECEIVED

DEC 22 2017

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

Attention: Ashley Johansson, Initiative Coordinator

Re: Request for Title and Summary for Initiative Constitutional
Amendment (A.G. No. 17-0050) - Amended Language

Dear Ms. Johansson:

Pursuant to Section 9002(b) of the California Elections Code, please find attached hereto amendments to the above-captioned initiative measure. I hereby request that a title and summary be prepared for the initiative measure using the amended language. My address as a registered voter, the required proponent affidavits pursuant to Sections 9001 and 9608 of the California Elections Code, and a check for \$2,000.00 were included with the original submission.

All inquires or correspondence relative to this initiative should be directed to Nielsen, Merksamer, Parrinello, Gross & Leoni, LLP, 1415 L Street, Suite 1200, Sacramento, CA 95814, (916) 446-6752, Attention: Kurt Oneto (telephone: 916/446-6752).

Thank you for your assistance.

Sincerely,



Robert Lapsley, Proponent

Enclosure: Proposed Initiative Constitutional Amendment

[Deleted codified text is denoted in ~~strikeout~~. Added codified text is denoted by *italics and underline*.]

Section 1. Title.

This Act shall be known, and may be cited as, the Tax Fairness, Transparency and Accountability Act of 2018.

Section 2. Findings & Declarations.

(a) State and local governments' appetite for new revenue adds to the rapidly rising costs of living that Californians face for housing, childcare, gasoline, food, energy, healthcare, and education. Compared to 2009, state revenues from taxes and other sources are set to grow by 68 percent— \$72 billion, or the equivalent of more than an additional \$7,200 annually for a family of four. Comparable growth in local government charges such as employee pensions adds considerably more to this total. This growing burden of taxes and other charges is hurting hardworking Californians who find themselves living paycheck to paycheck, and being forced to make tough choices between paying for housing, food, or healthcare.

(b) Californians are already among the highest taxed people in the country and already pay among the highest tax rates in the nation for the state personal income tax, sales taxes, and gasoline tax. From the most recent data from the US Census Bureau, California state and local government general revenues collected in 2015 from taxes, fees, charges, and other non-utility local sources were the highest in the nation at \$419 billion, making them the 9th highest on a per capita basis at \$8,385 per person. With 12 percent of the national population, US Census Bureau data shows that Californians in 2016 paid 17 percent of all taxes collected by the states including 13 percent of all general sales taxes, 15 percent of all vehicle license fees, 16 percent of all property taxes, 22 percent of all corporation taxes, 23 percent of all personal income taxes, and 29 percent of all occupation and business license fees.

(c) Californians have tried repeatedly to force greater accountability upon government before revenues can be increased. Voter-approved ballot measures such as Proposition 13 (1978), Proposition 62 (1986), Proposition 218 (1996), and Proposition 26 (2010) required state and local governments to make their case to the voters on the need for increased government revenues.

(d) Through these measures, voters also tried to keep government honest and transparent about why new revenues and charges are needed and how they will be used. For too long, politicians, state and local governments, and special interests have promised that taxpayer money will be spent for a specific purpose, only to divert its use once the money starts coming in. Revenues that were supposed to improve education instead have been diverted to general salary and benefit increases. Revenues that were promised to improve and expand government services were instead diverted to pay down debts created by past government decisions. Recent major transportation improvements have seen cost overruns more than double their original estimate. Polling by the nonpartisan Public Policy Institute of California showed 88 percent of Californians believe state government wastes a lot or some of the money we pay in taxes and charges.

(e) Contrary to the voters' intent, voter approval of government revenue increases and spending accountability measures have been weakened by the Legislature, the courts, and special interests, making it easier to raise government revenues in a myriad of ways by only a simple majority of the Legislature or with no vote by the public who is expected to pay the costs.

(f) Worse, court-created loopholes have enabled governments and their surrogates to become less transparent about how the funds taken from taxpayers are raised and spent. Loopholes have been created which are used by the Legislature, local governments and even special interest groups to: (1) pass vaguely-worded statutes allowing unelected bureaucrats to impose new fees and other charges on their own that increase the costs of goods and services in the state; (2) impose new taxes and other charges by hiding them and simply calling them by another name or even using the term "something else;" (3) shelter the revenues from voter approval by running the revenues through a nonprofit organization or another third party; and (4) encourage "divide and tax" by making it easier to raise taxes or charges on only a part of the population through simple majority votes in low turnout elections.

Section 3. Statement of Purpose.

(a) In enacting this measure, the voters reassert their right to require a two-thirds vote of the Legislature at the state level, and two-thirds of voters at the local level, for increases in state and local taxes, no matter how they are labeled nor how or by whom they are proposed. The

voters also intend that government remain accountable to the voters for how the taxes, fees, charges, and other government revenues extracted from Californians are spent.

(b) Furthermore, the purpose and intent of the voters in enacting this measure is to clarify that any new or increased form of state revenue, by any name or manner of extraction paid directly or indirectly by Californians, shall be authorized only by a two-thirds vote of the Legislature to ensure that the purposes for such tax, fee, or other charge are broadly supported and transparently debated.

(c) Furthermore, the purpose and intent of the voters in enacting this measure is also to ensure that taxpayers have the right and ability to effectively balance new or increased taxes, fees, charges, or other government revenues with the rapidly increasing costs Californians are already paying for housing, food, gasoline, energy, healthcare, education, and other basic costs of living.

(d) Furthermore, the purpose and intent of the voters in enacting this measure is to force transparency and accountability on how state and local revenues are utilized, so that revenues are used for their promised purposes, and not diverted to other uses.

(e) Furthermore, the purpose and intent of the voters in enacting this measure is to require that the public be allowed to vote on any and all local taxes that were created or increased by regulation or other bureaucratic action.

(f) In enacting this measure, the voters also additionally intend to reverse loopholes in the legislative two-thirds vote and voter approval requirements for government revenue increases created by the courts including, but not limited to, *Cannabis Coalition v. City of Upland*, *Chamber of Commerce v. Air Resources Board*, and *Schmeer v. Los Angeles County*.

Section 4. Section 3 of Article XIII A of the California Constitution is amended, to read:

SECTION 3.

(a) Every levy, charge, or exaction of any kind imposed, adopted, created, or established by state law is either a tax or an exempt charge.

(b) (a) Any change in state statute law which results in any taxpayer paying a higher tax must be imposed by an act passed by not less than two-thirds of all members elected to each of the two houses of the Legislature, except that no new ad valorem taxes on real property, or sales or transaction taxes on the sales of real property, may be imposed.

~~(c) (b)~~ As used in this section, "tax" means every any levy, charge, or exaction of any kind imposed, adopted, created, or established by the State state law that is not an exempt charge. ~~except the following:~~

~~(d)~~ As used in this section, "exempt charge" means only the following:

~~(1)~~ A charge imposed for a specific benefit conferred or privilege granted directly to the payor that is not provided to those not charged, and which does not exceed the reasonable costs to the State of conferring the benefit or granting the privilege to the payor.

~~(1)~~ ~~(2)~~ A reasonable charge imposed for a specific government service or product provided directly to the payor that is not provided to those not charged, and which does not exceed the reasonable actual costs to the State of providing the service or product to the payor.

~~(2)~~ ~~(3)~~ A reasonable charge imposed for the reasonable not to exceed the actual regulatory costs to the State incident to for issuing licenses and permits, performing investigations, inspections, and audits, enforcing agricultural marketing orders, imposing assessments on a business by a tourism marketing district, and the administrative enforcement and adjudication thereof.

~~(3)~~ ~~(4)~~ A charge imposed for entrance to or use of state property, or the purchase, rental, or lease of state property, except charges governed by Section 15 of Article XI.

~~(4)~~ ~~(5)~~ A fine, or penalty, or other monetary charge including any applicable interest for nonpayment thereof, imposed by the judicial branch of government or the State, as a result of a state administrative enforcement agency pursuant to adjudicatory due process, to punish a violation of law.

~~(e)~~ Any tax adopted after January 1, 2010, but prior to the effective date of this act, that was not adopted in compliance with the requirements of this section is void 12 months after the effective date of this act unless the tax is reenacted by the Legislature and signed into law by the Governor in compliance with the requirements of this section.

~~(e)~~ As used in this section, "state law" includes, but is not limited to, any state statute, state regulation, state executive order, state resolution, state ruling, state opinion letter, or other legal authority or interpretation adopted, enacted, enforced, issued, or implemented by the legislative or executive branches of state government. Because subdivision (f) of Section 9 of Article IX of this Constitution requires that the University of California shall be entirely

independent of all political or sectarian influence, "state law" does not include acts of the Regents of the University of California.

(f)(1) A levy, charge, or exaction of any kind imposed, adopted, created, or established by state law and which is retained by or payable to a non-government entity remains subject to this section if a state law also limits in any way how the non-government entity can use the levy, charge, or exaction.

(2) The characterization of a levy, charge, or exaction of any kind imposed, adopted, created, or established by state law as being voluntary, or paid in exchange for a benefit, privilege, allowance, authorization, or asset, shall not be a factor in determining whether the levy, charge, or exaction is a tax or an exempt charge.

(g) No new, increased, or extended tax shall be valid or given any effect unless:

(1) The state law creating, increasing, or extending the tax contains a specific and legally binding and enforceable limitation on how the revenue from the tax can be spent. If the revenue from the tax can be spent for unrestricted general revenue purposes, then a statement that the tax revenue can be spent for "unrestricted general revenue purposes" shall be included in the separate, stand-alone section required by paragraph (2).

(2) A true and impartial statement of facts explicitly and affirmatively identifying each tax and the specific limitation on how the revenue therefrom can be spent is set forth in the state law as a separate, stand-alone section containing no other information.

(3) The revenue from the tax is not used for any purpose other than those identified pursuant to this subdivision.

(h) The specific and legally binding and enforceable limitation on how the revenue from a tax can be spent shall only be changed by a state law which is adopted by a separate act that is passed by not less than two-thirds of all members elected to each of the two houses of the Legislature.

(i) (d) The State bears the burden of proving by a preponderance of the clear and convincing evidence that a levy, charge, or other exaction of any kind is an exempt charge and is not a tax, that the amount is reasonable and no more than necessary to cover the reasonable actual costs of the governmental activity service or product or regulatory task, that an exempt charge is not used for any purpose other than its stated purpose, and that the manner in which those costs are allocated to a payor bear a fair or reasonable relationship to the payor's burdens

on, or benefits received from, the governmental activity is proportional based on the service or product provided to the payor as described in paragraph (1) of subdivision (d), or is proportional to the costs to the State created by the payor for performing the regulatory tasks described in paragraph (2) of subdivision (d).

Section 5. Section 3.1 is added to Article XIII A of the California Constitution, to read:

SECTION 3.1.

(a) No new, increased, or extended levy, charge, or exaction of any kind that is contained in, or authorized by, a new or amended regulation shall be given any force or effect unless and until the Legislature by statute approves the levy, charge, or exaction as provided in this section.

(b) If the levy, charge, or exaction is a tax as defined in Section 3 of this article, then it must be approved by not less than two-thirds of all members elected to each of the two houses of the Legislature. If the levy, charge, or exaction is an exempt charge as defined in Section 3 of this article, then it must be approved by not less than a majority of all members elected to each of the two houses of the Legislature.

(c) The Legislature shall not vote to approve any levy, charge, or exaction of any kind subject to this section until after the regulation containing the levy, charge, or exaction is approved in its final form by the Office of Administrative Law or any alternative or successor agency. No regulation containing or authorizing a levy, charge, or exaction subject to this section shall be filed with the Secretary of State or published in the California Code of Regulations, or any alternative or successor publication, until the levy, charge, or exaction is approved by the Legislature in compliance with this section.

(d) An emergency regulation, including any readoption thereof, that contains or authorizes any new, increased, or extended levy, charge, or exaction of any kind shall not remain in effect longer than 120 days without approval of the levy, charge, or exaction by the Legislature pursuant to this section.

(e) This section shall not apply to any new, increased, or extended levy, charge, or exaction of any kind that is contained in, or authorized by, a new or amended regulation promulgated pursuant to a state tax that was adopted in compliance with Section 3.

(f) For purposes of this section, "regulation" has the same meaning as found in Section 11342.600 of the Government Code, and "emergency" has the same meaning as found in Section 11342.545 of the Government Code, as those sections read on January 1, 2017.

(g) Nothing in this section shall be interpreted as a grant of authority to tax to any executive branch agency or department.

Section 6. Section 1 of Article XIII C of the California Constitution is amended, to read:

SECTION 1.

Definitions. As used in this article:

(a) "Article XIII D assessment, fee, or charge" means an assessment, fee, or charge subject to Article XIII D. "General tax" means any tax imposed for general governmental purposes.

(b) "Local government" means any county, city, city and county, including a charter city or county, any special district, or any other local or regional governmental entity, or the electorate of any of the preceding entities when exercising the initiative power.

(c) "Special district" means an agency of the State, formed pursuant to general law or a special act, for the local performance of governmental or proprietary functions with limited geographic boundaries including, but not limited to, school districts and redevelopment agencies.

~~(d) "Special tax" means any tax imposed for specific purposes, including a tax imposed for specific purposes, which is placed into a general fund.~~

~~(d) (e)~~ As used in this article, "tax" means every any levy, charge, or exaction of any kind imposed, adopted, created, or established by a local government law that is not an exempt charge or Article XIII D assessment, fee, or charge., ~~except the following:~~

(e) "Exempt charge" means only the following:

~~(1) A charge imposed for a specific benefit conferred or privilege granted directly to the payor that is not provided to those not charged, and which does not exceed the reasonable costs to the local government of conferring the benefit or granting the privilege.~~

(1) (2) A reasonable charge imposed for a specific local government service or product provided directly to the payor that is not provided to those not charged, and which does not exceed the reasonable actual costs to the local government of providing the service or product.

~~(2)~~ ~~(3)~~ A reasonable charge imposed for the reasonable not to exceed the actual regulatory costs to the a local government for issuing licenses and permits, performing investigations, inspections, and audits, enforcing agricultural marketing orders, and the administrative enforcement and adjudication thereof.

~~(3)~~ ~~(4)~~ A charge imposed for entrance to or use of local government property, or the purchase, rental, or lease of local government property.

~~(4)~~ ~~(5)~~ A fine, or penalty, or other monetary charge including any applicable interest for nonpayment thereof, imposed by the judicial branch of government or a local government administrative enforcement agency pursuant to adjudicatory due process, as a result of to punish a violation of law.

~~(5)~~ ~~(6)~~ A charge imposed as a condition of property development, or an assessment imposed upon a business by a tourism marketing district.

~~(6)~~ ~~(7)~~ An Article XIII D assessment, fee, or charge Assessments and property-related fees imposed in accordance with the provisions of Article XIII D.

~~(f)~~ "Local law" includes, but is not limited to, any ordinance, resolution, regulation, ruling, opinion letter, or other legal authority or interpretation adopted, enacted, enforced, issued, or implemented by a local government.

~~(g)~~ "Extend" includes, but is not limited to, doing any of the following with respect to a tax, exempt charge, or Article XIII D assessment, fee, or charge: lengthening its duration, delaying or eliminating its expiration, expanding its application to a new territory or class of payor, or expanding the base to which its rate is applied.

~~(h)~~~~(1)~~ A levy, charge, or exaction of any kind imposed, adopted, created, or established by a local law and which is retained by or payable to a non-government entity remains subject to this section and Section 2 if a local law also limits in any way how the non-government entity can use the levy, charge, or exaction.

~~(2)~~ The characterization of a levy, charge, or exaction of any kind imposed, adopted, created, or established by a local law as being voluntary, or paid in exchange for a benefit, privilege, allowance, authorization, or asset, shall not be factors in determining whether the levy, charge, or exaction is a tax or an exempt charge.

~~(i)~~ The local government bears the burden of proving by a preponderance of the clear and convincing evidence that a levy, charge, or other exaction of any kind is an exempt charge and

not a tax, that the amount is reasonable and no more than necessary to cover the reasonable actual costs of the governmental activity service or product or regulatory task, that an exempt charge is not used for any purpose other than its stated purpose, and that the manner in which those costs are allocated to a payor is proportional based on the service or product provided to the payor as described in paragraph (1) of subdivision (e), or is proportional to the costs to the local government created by the payor for performing the regulatory tasks described in paragraph (2) of subdivision (e) bear a fair or reasonable relationship to the payor's burdens on, or benefits received from, the governmental activity.

Section 7. Section 2 of Article XIII C of the California Constitution is amended, to read:

SECTION 2.

Local Government Tax Limitation. Notwithstanding any other provision of this Constitution:

(a) ~~All taxes imposed by any local government shall be deemed to be either general taxes or special taxes. Special purpose districts or agencies, including school districts, shall have no power to levy general taxes.~~

(b) ~~No local government may impose, extend, or increase any general tax unless and until that tax is submitted to the electorate and approved by a majority vote. A general tax shall not be deemed to have been increased if it is imposed at a rate not higher than the maximum rate so approved. The election required by this subdivision shall be consolidated with a regularly scheduled general election for members of the governing body of the local government, except in cases of emergency declared by a unanimous vote of the governing body.~~

(c) ~~Any general tax imposed, extended, or increased, without voter approval, by any local government on or after January 1, 1995, and prior to the effective date of this article, shall continue to be imposed only if approved by a majority vote of the voters voting in an election on the issue of the imposition, which election shall be held within two years of the effective date of this article and in compliance with subdivision (b).~~

(a) Every levy, charge, or exaction of any kind imposed, adopted, created, or established by local law is either a tax, an exempt charge, or an Article XIII D assessment, fee, or charge.

(b) (d) No local government may impose, extend, or increase any special tax unless and until that tax is submitted to the electorate and approved by a two-thirds vote. A special tax shall

not be deemed to have been increased if it is imposed at a rate not higher than the maximum rate so approved.

(c) The governing body of a local government shall only submit a tax to the electorate of the local government by an act passed by not less than two-thirds of all members elected to the governing body. Any tax so submitted shall be consolidated with a regularly scheduled general election for members of the governing body of the local government, except in cases of emergency declared by a unanimous vote of the governing body.

(d) The governing body of a local government shall not impose, extend, or increase any exempt charge unless and until the act containing the exempt charge is passed by not less than two-thirds of all members elected to the governing body. An exempt charge imposed, extended, or increased by a governing body shall be subject to referendum pursuant to the same signature requirement applicable to statewide referendum measures.

(e) No initiative in any local government may impose, extend, or increase any exempt charge unless and until the exempt charge is submitted to the electorate and approved by a two-thirds vote.

(f) No new, increased, or extended tax shall be valid or given any effect unless:

(1) The act creating, increasing, or extending the tax contains a specific and legally binding and enforceable limitation on how the revenue from the tax can be spent. If the revenue from a tax can be spent for unrestricted general revenue purposes, then a statement that the tax revenue can be spent for "unrestricted general revenue purposes" shall be included in the separate, stand-alone section required by paragraph (2), and included in the ballot question presented to voters.

(2) A true and impartial statement of facts explicitly and affirmatively identifying each tax and the specific limitation on how the revenue therefrom can be spent is set forth in the act as a separate, stand-alone section containing no other information.

(3) The revenue from the tax is not used for any purpose other than those specifically identified pursuant this subdivision.

(g) A change in how the revenue from a tax can be spent shall be treated as a new tax and shall be approved in accordance with the requirements of this section.

(h) An Article XIII D assessment, fee, or charge can be extended, imposed, or created pursuant to Article XIII D.

(i) In order to preserve the right of voters to vote on all local taxes as provided for in this section, all of the following shall apply:

(1) Any imposition, increase, or extension of a local government tax that was voted on by the electorate of the local government after January 1, 2018, but prior to the effective date of this subdivision, and which does not satisfy all of the requirements of paragraph (2), shall cease to be imposed, extended, increased, or collected unless and until the tax is approved in strict compliance with all the requirements of paragraph (2).

(2)(A) The tax imposition, increase, or extension was approved by two-thirds of the local government's electorate.

(B) The act imposing, increasing, or extending the tax strictly complies with subdivision (f).

(C) The ballot question presented to voters for the tax imposition, increase, or extension strictly complies with subdivision (f).

Section 8. Section 5 is added to Article XIII C of the California Constitution, to read:

SECTION 5.

(a) This article and Section 4 of Article XIII A shall apply to all local lawmaking power, whether exercised by a governing body or by the electorate acting through the initiative power.

(b) Nothing in this article or Section 3 of Article XIII A shall be interpreted as altering the voter approval requirements for bonded indebtedness described in paragraph (3) of subdivision (b) of Section 1 of Article XIII A.

Section 9. Section 3 of Article XIII D of the California Constitution is amended, to read:

SECTION 3.

Property Taxes, Assessments, Fees and Charges Limited.

(a) No tax, assessment, fee, or charge shall be assessed by any agency upon any parcel of property or upon any person as an incident of property ownership except:

(1) The ad valorem property tax imposed pursuant to Article XIII and Article XIII A.

(2) Any ~~special~~ non-ad valorem tax receiving a two-thirds vote pursuant to Section 4 of Article XIII A.

(3) Assessments as provided by this article.

(4) Fees or charges for property related services as provided by this article.

(b) For purposes of this article, fees for the provision of electrical or gas service shall not be deemed charges or fees imposed as an incident of property ownership.

Section 10. Liberal Construction.

This Act shall be liberally construed in order to effectuate its purposes.

Section 11. Conflicting Measures.

(a)(1) In the event that this initiative measure and another initiative measure or measures relating to state or local vote requirements for the imposition, adoption, creation, or establishment of taxes, charges, and other revenue measures shall appear on the same statewide election ballot, the other initiative measure or measures shall be deemed to be in conflict with this measure. In the event that this initiative measure receives a greater number of affirmative votes, the provisions of this measure shall prevail in their entirety, and the provisions of the other initiative measure or measures shall be null and void.

(2) Notwithstanding paragraph (1), this initiative measure shall not be deemed to be in conflict with any other initiative measure that requires statewide voter approval of the creation, increase, extension, or continued imposition of any tax.

(b) If this initiative measure is approved by the voters but superseded in whole or in part by any other conflicting initiative measure approved by the voters at the same election, and such conflicting initiative is later held invalid, this measure shall be self-executing and given full force and effect.

Section 12. Severability.

The provisions of this Act are severable. If any portion, section, subdivision, paragraph, clause, sentence, phrase, word, or application of this Act is for any reason held to be invalid by a decision of any court of competent jurisdiction, that decision shall not affect the validity of the remaining portions of this Act. The People of the State of California hereby declare that they would have adopted this Act and each and every portion, section, subdivision, paragraph, clause, sentence, phrase, word, and application not declared invalid or unconstitutional without regard to whether any portion of this Act or application thereof would be subsequently declared invalid.

Section 13. Legal Defense.

If this Act is approved by the voters of the State of California and thereafter subjected to a legal challenge alleging a violation of state or federal law, and both the Governor and Attorney General refuse to defend this Act, then the following actions shall be taken:

(a) Notwithstanding anything to the contrary contained in Chapter 6 of Part 2 of Division 3 of Title 2 of the Government Code or any other law, the Attorney General shall appoint independent counsel to faithfully and vigorously defend this Act on behalf of the State of California.

(b) Before appointing or thereafter substituting independent counsel, the Attorney General shall exercise due diligence in determining the qualifications of independent counsel and shall obtain written affirmation from independent counsel that independent counsel will faithfully and vigorously defend this Act. The written affirmation shall be made publicly available upon request.

(c) A continuous appropriation is hereby made from the General Fund to the Controller, without regard to fiscal years, in an amount necessary to cover the costs of retaining independent counsel to faithfully and vigorously defend this Act on behalf of the State of California.

Section 14. Effective Date.

Notwithstanding any other provision of the California Constitution, this act shall take effect the day after its approval by the voters.

The Attorney General of California has prepared the following title and summary of the chief purpose and points of the proposed measure:

EXPANDS REQUIREMENT FOR SUPERMAJORITY APPROVAL TO ENACT NEW REVENUE MEASURES. INITIATIVE CONSTITUTIONAL AMENDMENT. For new revenue measures, broadens definition of state taxes that would require approval by two-thirds supermajority vote of Legislature. For local governments, requires two-thirds approval of electorate to raise new taxes or governing body to raise new fees. Requires that state and local laws enacting new taxes specify how revenues can be spent. Heightens legal threshold for state and local governments to prove that fees passed without two-thirds approval are not taxes. Invalidates local taxes imposed in 2018, unless taxes meet criteria adopted by this measure. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local government: **Likely minor decrease in annual state revenues and potentially substantial decrease in annual local revenues, depending upon future actions of the Legislature, local governing bodies, voters, and the courts.** (17-0050.)

G.1 Claim of James Ferris – from City Clerk Harrington.

(MOTION)

Background/Discussion – On March 22, 2018, the City received a claim from James Ferris in the amount of \$3,000.00 alleging damage to property as a result of police action.

The claim and all relevant information were forwarded to Bickmore Risk Services, the City's insurance administrator, who recommends that it be denied.

Attachment – None

Action - It is recommended that the City Council, by motion, deny the claim and authorize staff to inform the claimant of such denial.

I.1 Appointment to the Senior Citizen Standing Advisory Committee – from Mayor Nagy. (RESOLUTION)

Background/Discussion –Faye Hall recently stepped down from the Newark Senior Citizen Standing Advisory Committee (Committee). Mayor Nagy will be recommending the appointment of Stanley Keiser to a two year term on the Committee.

Attachment

Action - It is recommended that the City Council, by resolution, appoint Stanley Keiser to a two year term on the Senior Citizen Standing Advisory Committee.

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
NEWARK APPROVING THE APPOINTMENT OF STANLEY
KEISER TO THE SENIOR CITIZEN STANDING ADVISORY
COMMITTEE

WHEREAS, Faye Hall has recently stepped down from the Senior Citizen Standing Advisory Committee; and

WHEREAS, the Mayor of the City of Newark has appointed Stanley Keiser to the Senior Citizen Standing Advisory Committee for terms expiring April 14, 2020;

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

I.2 Consideration of City Council's summer meeting recess during the month of August 2018 – from Mayor Nagy. (MOTION)(RESOLUTION)

Background/Discussion – Since 1994 the City Council has approved a summer meeting recess during the month of August. Mayor Nagy would like the City Council to consider a summer recess again this year during August.

The City Council may authorize the City Manager, or his designee, to approve any administrative matters that might occur during the month of August that cannot be deferred until September for City Council action. The general types of administrative matters that might require action are:

- Acceptance of completion of work on City projects
- Approval of agreements as needed for budgeted projects and services
- Approval of plans and specifications
- Award of contracts for budget projects
- Denial of claims

The City Manager would report all such actions taken during the month of August to the City Council at the first regular meeting in September.

Attachment

Action - It is recommended that the City Council, by motion, approve a City Council summer meeting recess during the month of August 2018 and, by resolution, authorize the City Manager, or his designee, to take action on certain administrative matters on behalf of the City of Newark during the recess.

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
NEWARK AUTHORIZING THE CITY MANAGER, OR HIS
DESIGNEE, TO ACT UPON CERTAIN ADMINISTRATIVE
MATTERS ON BEHALF OF THE CITY OF NEWARK DURING
THE CITY COUNCIL SUMMER MEETING RECESS
AUGUST 2018

WHEREAS, the City Council of the City of Newark will be in recess during the month of August 2018; and

WHEREAS, during said City Council recess, certain administrative matters must be acted upon;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Newark hereby authorizes the City Manager, or his authorized designee, to act upon these administrative matters during the City Council's meeting recess August 2018, which should not be deferred until the next regularly scheduled meeting of the City Council on September 11, 2018, administrative matters such as:

- Acceptance of completion of work on City projects
- Approval of agreements as needed for budgeted projects and services
- Approval of plans and specifications
- Award of contracts for budgeted projects
- Denial of claims

BE IT FURTHER RESOLVED that all actions taken by the City Manager, or his authorized designee, pursuant to this resolution, shall be reported to the City Council after the recess.



City of Newark

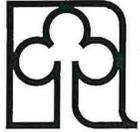
MEMO

DATE: April 16, 2018
TO: City Council
FROM: Sheila Harrington, City Clerk *J.H.*
SUBJECT: Approval of Audited Demands for the City Council Meeting of Apr. 26, 2018.

REGISTER OF AUDITED DEMANDS

US Bank General Checking Account

<u>Check Date</u>		<u>Check Numbers</u>	
April 05, 2018	Page 1-2	114141 to 114183	Inclusive
April 13, 2018	Page 1-2	114184 to 114259	Inclusive



City of Newark

MEMO

DATE: April 16, 2018
TO: Sheila Harrington, City Clerk
FROM: Susie Woodstock, Administrative Services Director *SW*
SUBJECT: Approval of Audited Demands for the City Council Meeting of Apr. 26, 2018.

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

Final Disbursement List. Check Date 04/05/18, Due Date 04/16/18, Discount Date 04/16/18. Computer Checks.
Bank 1001 US BANK

MICR Check#	Vendor Number	Payee	Check Date	Check Amount	Description
114141	1396	ALAMEDA COUNTY FIRE DEPARTMENT ATTN: ACC	04/05/18	15,074.97	FLEET SUPPLIES AND MAINT
114142	5821	ALL CITY MANAGEMENT SERVICES, INC	04/05/18	3,878.10	CROSSING GUARD SVCS
114143	134	BATTERY SYSTEMS INC ATTN: ACCOUNTS RECEI	04/05/18	388.60	FLEET PARTS
114144	9680	BAY CENTRAL PRINTING	04/05/18	63.78	BUSINESS CARD IMPRINTING
114145	11607	ENGINEERING NEWS RECORD	04/05/18	39.00	SUBSCRIPTION
114146	10261	CARBONIC SERVICE	04/05/18	340.01	POOL CHEMICALS
114147	10060	COMCAST	04/05/18	75.89	CABLE SVCS
114148	10650	XIAONAN WANG	04/05/18	50.00	REFUND FOR CLEARANCE LETTER
114149	10649	WILLIAM LYON HOMES	04/05/18	59.42	REFUND FOR OVERPAYMENT OF PERMIT# SFD201
114150	63	THE GOODYEAR TIRE & RUBBER CO	04/05/18	520.50	TIRES
114151	10794	DUKE DE LEON	04/05/18	480.00	VIDEO RECORDING SERVICES
114152	11015	EAST BAY LAWN MOWER	04/05/18	105.38	FLEET SUPPLIES AND MAINT
114153	309	EMBLEM ENTERPRISES, INC.	04/05/18	631.11	PATCHES
114154	4731	EWING IRRIGATION PRODUCTS INC	04/05/18	774.84	PROJECT 1133 PARK IRRIGATION
114155	10642	FASTENAL COMPANY	04/05/18	36.59	SIGN RIVETS & MISC SUPPLY
114156	153	FOLGERGRAPHICS, INC	04/05/18	1,784.26	PUBLISH CITY NEWSLETTER
114157	7351	KARL FREDSTROM	04/05/18	170.26	EXPENSE REIMBURSEMENT
114158	11112	FREMONT CHRYSLER DODGE JEEP RAM	04/05/18	781.80	FLEET PARTS
114159	11157	JASON GERMANO	04/05/18	200.00	RESERVE UNIF ALLOWANCE
114160	10707	GYM DOCTORS	04/05/18	150.00	GYM MAINTENANCE
114161	11595	SALVADOR HERNANDEZ	04/05/18	260.40	EXPENSE REIMBURSEMENT
114162	11594	JUAN HERRERA	04/05/18	180.94	EXPENSE REIMBURSEMENT
114163	1591	PHILIP H HOLLAND	04/05/18	200.00	RESERVE UNIF ALLOWANCE
114164	7593	BRUCE HOWCROFT	04/05/18	200.00	RESERVE UNIF ALLOWANCE
114165	11365	IRONHORSE VET CARE	04/05/18	347.78	CANINE PROGRAM
114166	11602	KIM TURNER, LLC	04/05/18	160.00	REC/COMM POST TRAINING
114167	11393	KRYSTEN LEE	04/05/18	1,505.98	EXPENSE REIMBURSEMENT
114168	7189	LINCOLN AQUATICS	04/05/18	908.22	POOL SUPPLIES
114169	10907	MICHAEL YORKS	04/05/18	975.00	BACKGROUND INVESTIGATIONS
114170	11357	MISSION UNIFORM SERVICE	04/05/18	1,575.76	UNIFORMS, MATS, AND TOWELS
114171	718	NEWARK ASSOCIATION OF MISC EMPLOYEES N A	04/05/18	175.00	REJECTED NAME DUES - CLOSED ACCOUNT
114172	349	PACIFIC GAS & ELECTRIC	04/05/18	13.68	CITY ELECTRIC & GAS
114173	11555	PACKAGING CORPORATION OF AMERICA	04/05/18	442.50	STORAGE BOXES FOR PROP/EVID
114174	11062	PCD	04/05/18	6,017.00	LEITRONIX SUBSCRIPTION RENEWAL
114175	329	PHOENIX GROUP INFORMATION SYSTEMS	04/05/18	524.90	PARKING CITATION PROGRAM
114176	112	WILLE ELECTRICAL SUPPLY CO INC	04/05/18	1,056.34	LIGHT BULBS
114177	7885	RENNE SLOAN HOLTZMAN SAKAI PUBLIC LAW GR	04/05/18	1,990.50	LEGAL ADVICE FEES
114178	4876	PATRICK SMITH	04/05/18	91.78	EXPENSE REIMBURSEMENT
114179	40	STAPLES ADVANTAGE DEPT LA	04/05/18	1,581.36	OFFICE SUPPLIES
114180	679	TARGET SPECIALTY PRODUCTS	04/05/18	65.69	PESTICIDES
114181	11278	UNITED SHIELD INTERNATIONAL LLC	04/05/18	4,904.00	UB BALLISTIC HELMETS
114182	5623	VERIZON WIRELESS	04/05/18	4,862.89	IPHONE SVC
114183	340	WITMER-TYSON IMPORTS	04/05/18	761.95	K9 TRAINING/SUPPLIES
Total				54,406.18	

1
 Final Disbursement List. Check Date 04/13/18, Due Date 04/23/18, Discount Date 04/23/18. Computer Checks.
 Bank 1001 US BANK

MICR Check#	Vendor Number	Payee	Check Date	Check Amount	Description
114184	149	ABAG PLAN CORPORATION	04/13/18	12.00	DEDUCTIBLE COSTS
114185	149	ABAG PLAN CORPORATION C/O BICKMORE	04/13/18	800.00	DEDUCTIBLE COSTS
114186	11518	FRANCISCO AGUIRRE	04/13/18	164.60	EXPENSE REIMBURSEMENT
114187	1396	ALAMEDA COUNTY FIRE DEPARTMENT ATTN: ACC	04/13/18	701,319.34	FIRE SERVICES
114188	344	ALAMEDA COUNTY WATER DISTRICT	04/13/18	1,582.99	CITY WATER USE
114189	5821	ALL CITY MANAGEMENT SERVICES, INC	04/13/18	3,487.50	CROSSING GUARD SVCS
114190	12	ALLIED AUTO STORES INC	04/13/18	257.48	FLEET PARTS
114191	14	ALPINE AWARDS	04/13/18	5,192.24	T-SHIRT/AWARDS/PROMOS
114192	11362	ANNETTE PAREDES	04/13/18	38.67	EXPENSE REIMBURSEMENT
114193	11511	AQUATIC DESIGN GROUP, INC.	04/13/18	575.37	PROJECT 1114 AQUATIC CENTER DESIGN
114194	348	AT&T	04/13/18	177.82	AT & T T1, LONG DISTANCE
114195	134	BATTERY SYSTEMS INC ATTN: ACCOUNTS RECEI	04/13/18	693.34	FLEET PARTS
114196	9680	BAY CENTRAL PRINTING	04/13/18	211.09	BUSINESS CARDS
114197	1131	BAY ISLAND OFFICIALS ASSOCIATION ATTN FR	04/13/18	1,587.00	SPORTS OFFICIATING
114198	7275	PETER BEIREIS	04/13/18	157.31	EXPENSE REIMBURSEMENT
114199	11083	BURKE, WILLIAMS & SORENSEN, LLP	04/13/18	1,298.31	LITIGATION & LEGAL CONSULTING
114200	1513	BURTON'S FIRE INC	04/13/18	118.88	FLEET SUPPLIES AND MAINT
114201	9150	CAL-WEST LIGHTING & SIGNAL MAINTENANCE I	04/13/18	1,439.34	TRAFFIC SIGNAL MAINTENANCE
114202	1521	MICHAEL CARROLL	04/13/18	427.64	EXPENSE REIMBURSEMENT
114203	7439	CENTERVILLE LOCKSMITH	04/13/18	6.42	FLEET KEYS
114204	6304	CLASSIC GRAPHICS T & J LEWIS INC	04/13/18	3,288.30	FLEET SUPPLIES AND MAINT
114205	5697	CMRTA C/O CITY OF MENLO PARK	04/13/18	100.00	ANNUAL MEMBERSHIP DUES
114206	10060	COMCAST	04/13/18	27.20	CABLE TV
114207	7633	CONTRA COSTA CO SHERIFF	04/13/18	347.00	PATROL POST TRAINING
114208	10650	GARY Q. RICHMOND	04/13/18	5.00	DOG LICENSE REFUND
114209	10793	FLYING FISH SWIM SCHOOL	04/13/18	100.00	RENTAL DEPOSIT REFUND
114210	10793	JOSHUA SAECHAO	04/13/18	300.00	RENTAL DEPOSIT REFUND
114211	10793	TERESA NAVARRO	04/13/18	53.00	CLASS REFUND
114212	10793	SHERYLE WALLACE	04/13/18	300.00	RENTAL DEPOSIT REFUND
114213	10677	DAILY JOURNAL CORPORATION CALIFORNIA NEW	04/13/18	80.00	LEGAL ADS
114214	41	DALE HARDWARE	04/13/18	739.55	FLEET SUPPLIES
114215	3728	DEPARTMENT OF JUSTICE ACCOUNTING OFFICE	04/13/18	322.00	FINGERPRINTING FEES
114216	310	EQUIFAX INFORMATION SVCS LLC	04/13/18	50.86	CREDIT BUREAU REPORTS
114217	4731	EWING IRRIGATION PRODUCTS INC	04/13/18	167.72	LANDSCAPE TOOLS
114218	11496	JOSE ROJAS	04/13/18	550.00	MECHANICAL BULL RENTAL
114219	10642	FASTENAL COMPANY	04/13/18	44.73	SIGN RIVETS & MISC SUPPLY
114220	153	FOLGERGRAPHICS, INC	04/13/18	8,349.91	FALL, WINTER/SPRING, SUMMER GUIDE
114221	11112	FREMONT CHRYSLER DODGE JEEP RAM	04/13/18	831.32	FLEET PARTS
114222	313	FREMONT URGENT CARE CENTER	04/13/18	116.00	PRE-EMPLOYMENT/DOT PHYSICALS
114223	2215	FREMONT WHEEL & BRAKE	04/13/18	80.00	FLEET MAINTENANCE
114224	3638	MARK GOTHARD	04/13/18	3,906.50	RECREATION CONTRACT
114225	11553	HELLER MANUS ARCHITECTS	04/13/18	163,759.93	DESIGN SERVICES FOR CIVIC CENTER
114226	11595	SALVADOR HERNANDEZ	04/13/18	260.40	EXPENSE REIMBURSEMENT
114227	10663	HOSE & FITTING ETC	04/13/18	68.02	FLEET PARTS
114228	187	INDUSTRIAL SAFETY SUPPLY CORPORATION	04/13/18	1,583.51	RAIN GEAR AND SAFETY SUPPLIES
114229	10777	RYAN JOHNSON	04/13/18	1,562.06	EXPENSE REIMBURSEMENT
114230	73	THE ED JONES CO INC	04/13/18	85.01	BADGES & INSIGNIA
114231	8670	JOELLA KAPU	04/13/18	132.44	EXPENSE REIMBURSEMENT
114232	10486	SHAKATI KHALSA	04/13/18	314.50	RECREATION CONTRACT
114233	5069	KIDZ LOVE SOCCER	04/13/18	4,012.80	RECREATION CONTRACT
114234	3644	RELX INC. DBA LEXISNEXIS	04/13/18	176.00	ONLINE LEGAL RESOURCE SUBSCRIPTION

Final Disbursement List. Check Date 04/13/18, Due Date 04/23/18, Discount Date 04/23/18. Computer Checks.
 Bank 1001 US BANK

MICR Check#	Vendor Number	Payee	Check Date	Check Amount	Description
114235	11482	MARCI MARINO	04/13/18	305.00	PAYROLL DEDUCTION - SS PAYMENTS FOR PR04
114236	11378	MNS ENGINEERS INC	04/13/18	23,657.50	ENGINEERING PLAN CHECK AND INSPECTION SE
114237	6	KAREN MORAIDA	04/13/18	39.46	EXPENSE REIMBURSEMENT
114238	7335	MUNICIPAL MAINTENANCE EQUIPMENT INC	04/13/18	11,660.01	SWEEPER REPAIR
114239	611	KKR AUTOMOTIVE DBA NAPA AUTO PARTS	04/13/18	669.60	FLEET PARTS
114240	11064	NEWARK VALERO #7117 SAM ANDARY	04/13/18	567.97	FUEL
114241	349	PACIFIC GAS & ELECTRIC	04/13/18	103.25	STREETLIGHTS AND TRAFFIC SIGNALS
114242	78	PERFORMANCE PEST MANAGEMENT LPC SERVICES	04/13/18	142.00	PEST CONTROL
114243	11346	PHAN'S SMOG STATION	04/13/18	40.00	SMOG SERVICE
114244	3674	PRIORITY 1 PUBLIC SAFETY EQUIPMENT INSTA	04/13/18	3,239.53	FLEET MAINTENANCE
114245	11234	RAY MORGAN COMPANY	04/13/18	2,653.01	COPIER LEASE AGREEMENT
114246	9710	RC CYCLES	04/13/18	684.98	MAINT MOTORCYCLES
114247	5228	HOLLY RISNER-PEREZ	04/13/18	79.94	EXPENSE REIMBURSEMENT
114248	9547	ROSAS BROTHERS CONSTRUCTION	04/13/18	39,417.41	RETENTION PAYMENTS FOR PRJ 1143
114249	9381	SCHINDLER ELEVATOR CORPORATION	04/13/18	1,440.93	ELEVATOR SERVICE
114250	11533	ST. FRANCIS ELECTRIC. LLC.	04/13/18	3,278.00	STREETLIGHT MAINTENANCE COSTS
114251	2778	STATE OF CALIFORNIA FRANCHISE TAX BOARD	04/13/18	1,167.25	PAYROLL DEDUCTION - GARNISHMENT
114252	9476	YSERCO INC	04/13/18	76.95	PROJECT 1152 SILLIMAN HVAC
114253	5463	MARY TEIXEIRA	04/13/18	5.45	EXPENSE REIMBURSEMENT
114254	146	THYSSENKRUPP ELEVATOR CORPORATION	04/13/18	3,796.22	ELEVATOR SERVICE
114255	5623	VERIZON WIRELESS	04/13/18	615.65	CELL SVC FOR MDT'S
114256	10822	WEE HOOP INC C/O DINAH SHAH	04/13/18	864.00	RECREATION CONTRACT
114257	11581	FRANK WILKERSON	04/13/18	601.68	EXPENSE REIMBURSEMENT
114258	7308	THE GOODYEAR TIRE & RUBBER COMPANY	04/13/18	1,539.08	FLEET TIRES
114259	3245	ZUMAR INDUSTRIES INC	04/13/18	1,231.65	SIGNS AND HARDWARE
Total				1,009,137.62	

**M.1 Conference with Legal Counsel – Anticipated Litigation
Government Code Section 54956.9(d)(4) (Initiation of Litigation)
Number of Potential Cases: 1**

Background/Discussion – The City Attorney has requested that the City Council convene in closed session pursuant to Government Code Section 54956.9(d)(4).