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

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

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.
AGENDA Thursday, February 8, 2018

A. ROLL CALL

B. MINUTES
   B.1 Approval of Minutes of the City Council meeting of January 25, 2018. (MOTION)

C. PRESENTATIONS AND PROCLAMATIONS
   C.1 Introduction of promoted employees.

D. WRITTEN COMMUNICATIONS
   D.1 An Architectural and Site Plan Review, to demolish and replace an existing restaurant, Ray's Sushi, with a new restaurant, Lazy Dog, located at 3100 Newpark Mall – from Associate Planner Mangalam. (RESOLUTION)
   D.2 Notice of Planning Commission approval of a Conditional Use Permit to allow two special events, the Bay Area Night Market, at 300 Newpark Mall – from Deputy Community Development Director Interiano. (REVIEW OPTIONAL)

E. PUBLIC HEARINGS

F. CITY MANAGER REPORTS
   (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 Authorization for the purchase of two (2) 2018 Harley Davidson Enforcement Electra Glides as replacement motorcycles for the Police Department from Oakland Harley Davidson with outfitting by Metro Mobile and Classic Graphics – from Maintenance Supervisor Connolly. (RESOLUTION)
NONCONSENT

F.2 Update on preliminary designs of dog parks at Newark Community Park and Birch Grove Park - from Public Works Director Fajeau and Recreation and Community Services Director Zehnder. (INFORMATIONAL)

G. CITY ATTORNEY REPORTS

H. ECONOMIC DEVELOPMENT CORPORATION

I. CITY COUNCIL MATTERS

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

K. ORAL COMMUNICATIONS

L. APPROPRIATIONS

Approval of Audited Demands for the City Council meeting of February 8, 2018. (MOTION)

M. CLOSED SESSION

N. ADJOURNMENT

Pursuant to Government Code 54957.5: Supplemental materials distributed less than 72 hours before this meeting, to a majority of the City Council, will be made available for public inspection at this meeting and at the City Clerk’s Office located at 37101 Newark Boulevard, 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.
A. ROLL CALL

Mayor Nagy called the meeting to order at 7:34 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 January 11, 2018.

MOTION APPROVED

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

C. PRESENTATIONS AND PROCLAMATIONS

C.1 Introduction of employees.

Mayor Nagy introduced Jessica Gurule who was recently hired as an Administrative Support Specialist II at the Clark W. Redeker Newark Senior Center.

C.2 Proclaiming February as Teen Dating Violence Awareness month.

Mayor Nagy presented the proclamation to members of Safe Alternatives to Violent Environments (SAVE).

D. WRITTEN COMMUNICATIONS

E. PUBLIC HEARINGS

F. CITY MANAGER REPORTS

Council Member Freitas moved, Council Member Collazo seconded, to approve Consent Calendar Items F.1 through F.3, that the resolutions be numbered consecutively, and that reading of the titles suffice for adoption of the resolutions and ordinance. The motion passed, 5 AYES.
CONSENT

F.1 Second reading and adoption of an ordinance to repeal and replace Title 17 ("Zoning") of the Newark Municipal Code and rezone properties by adopting the Official Zoning Map.

ORDINANCE NO. 503

F.2 Authorization for the submittal of applications for funding through the Land and Water Conservation Fund Grant-In-Aid Program for the Newark Skate Park and All-Weather Turf Fields at Sportsfield Park projects.

RESOLUTION NO. 10735 -10736

F.3 Approval to reclassify three Associate Civil Engineer positions to two Senior Civil Engineer positions and one Assistant/Junior Engineer position and to adjust the salary range of the Chief Building Official/City Architect position by amending the Employee Classification Plan, the Compensation and Benefit Plan for City Officials and the Management, Supervisory, and Professional Employee Group and the 2016-2018 Biennial Budget.

RESOLUTION NO. 10737-10739

G. CITY ATTORNEY REPORTS

H. ECONOMIC DEVELOPMENT CORPORATION

I. CITY COUNCIL MATTERS

I.1 Resolution establishing the City of Newark Transactions and Use (Sales) Tax Oversight Committee and authorizing the City Clerk to advertise for Committee applications.

RESOLUTION NO. 10740

MOTION APPROVED

Mayor Nagy gave the report recommending approval.

Council Member Bucci moved, Council Member Collazo seconded to by resolution, establish the City of Newark Transactions and Use (Sales) Tax Oversight Committee and by motion, authorize the City Clerk to advertise for Committee applications. The motion passed, 5 AYES.
I.2 Approving 2 percent merit increase for City Manager John Becker.

RESOLUTION NO. 10741

Mayor Nagy gave the report recommending approval.

John Henneberry spoke against the merit increase.

In response to Nadja Adolf McClary, Mayor Nagy confirmed that a salary survey was completed for the City Manager.

Council Member Collazo moved, Council Member Freitas seconded to by resolution, approve a 2 percent merit increase for John Becker as City Manager. The motion passed, 5 AYES.

Vice Mayor Hannon stated that debate on the issues needs to be in a respectful manner.

Council Member Collazo welcomed the Boy Scouts attending the meeting. She also spoke of the need for respectful debate at City Council meetings. She encouraged the public to Shop Newark.

Council Member Bucci stated that the Boy Scouts received a tour of the police department before the meeting. He encouraged them to work towards the Eagle Scout achievement.

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

K. ORAL COMMUNICATIONS

Nadja Adolf McClary requested a revision of the animal code to allow up to 15 Bantams, a type of fowl. Mayor Nagy referred this suggestion to staff for review.

Francisco Gonsalves asked if his property at 37069 Ash Street, would be impacted with the new Zoning Code. He stated that he received the notice, dated December, this week.

Assistant City Manager Grindall stated that the existing use may continue as long as the current building stayed in place.

John Henneberry stated that governments are monopolies and that comparing salaries does not create a market. He requested that funding be taken from the Police Department to allow the library to be open 7 days a week.

Vice Mayor Hannon noted that the City increased library service from 5 to 6 days last year.
Michael McClary stated that the City Council needs to set a salary to attract and retain employees.

In response to Mr. McClary's questions regarding the Zoning Code, Assistant City Manager Grindall stated that only those properties that had a land use change were mailed a notice. Notices were also published in the newspaper.

L. APPROPRIATIONS

Approval of Audited Demands for the City Council meeting of January 25, 2018.

MOTION APPROVED

City Clerk Harrington read the Register of Audited Demands: Check numbers 113339 to 113454.

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

M. CLOSED SESSION

N. ADJOURNMENT

Mayor Nagy adjourned the meeting at 8:23 p.m.
C.1 Introduction of promoted employees.

Background/Discussion – Trang Tran and Diana Cangco have each been promoted to the position of Senior Civil Engineer in the Public Works Department. They will be at the meeting to have their promotions announced to the City Council.
D.1 An Architectural and Site Plan Review, to demolish and replace an existing restaurant, Ray’s Sushi, with a new restaurant, Lazy Dog, located at 3100 Newpark Mall – from Associate Planner Mangalam. (RESOLUTION)

Background/Discussion – Lazy Dog Restaurants LLC has filed an application to demolish and replace an existing restaurant, Ray’s Sushi with a new restaurant, Lazy Dog, located at 3100 Newpark Mall.

Lazy Dog restaurant is an upscale American casual dining restaurant chain. At present it operates 26 restaurants across California, Colorado, Nevada and Texas. Lazy Dog restaurant will be a unique freestanding building with its architectural style inspired by the Rocky Mountains. As the name suggests, artwork and playful touches influenced by man’s best friend will be woven throughout the interior and exterior of the building. The restaurant will also include two dog-friendly patios with ample seating and fire-pits. Lazy Dog’s ambiance will be rustic and inviting and will have a lodge-like feeling including cozy fireplaces, a massive chandelier grafted from aspen logs, with a rustic décor.

The existing Ray’s Sushi restaurant is approximately 16,463 square foot and is located at the corner of Alpenrose Court and Mowry Avenue. The subject site is zoned CR (Regional Commercial District) with a Regional Commercial General Plan land use designation. As per Section 17.20.120 (G) of Newark Municipal Code, all new buildings that add over ten thousand square feet of new space or that are located along major arterials such as Mowry Avenue requires Architectural and Site Plan Review.

The existing restaurant will be removed and rebuilt with a completely new structure comprising of building area of 9,792 square feet and two patios of 2,910 square feet, thus totaling to 12,702 square feet. The new restaurant will have a total capacity of 394 seats including 270 interior and 124 patio seats. It will be constructed at the same location as the existing restaurant and the existing parking area will be resurfaced and restripped. 141 parking spaces are proposed for the new restaurant which exceeds current zoning parking requirement of 114 parking spaces. The proposed restaurant will be approximately 27 feet high with the tower feature extending up to 38 feet.

There will be extensive new planting around the proposed patios and the building with the addition of 15 Birch and 15 Spruce trees. In addition, all the existing planting areas in and around the parking area will be enhanced to improve the quality of the landscaping. 18 Madrone trees will be added to the perimeter landscaping.

Proposed signage consists of five building wall signs, one unique paw logo sign and refacing of two existing monument signs.

Environmental
The proposed project is categorically exempt from the California Environmental Quality Act per Section 15302, Class 2, “replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced.”
Update – At its January 23, 2018 meeting, the Planning Commission approved Resolution No.1955, with Exhibit A, pages 1 through 14, approve ASR-17-17, an Architectural and Site Plan Review, to demolish and replace an existing restaurant, Ray’s Sushi, with a new restaurant, Lazy Dog, located at 3100 Newpark Mall (APN 901-0111-017).

Attachments

Action – It is recommended that the City Council, by resolution, approve an Architectural and Site Plan Review to demolish and replace an existing restaurant, Ray’s Sushi, with a new restaurant, Lazy Dog, located at 3100 NewPark Mall (APN: 901-0111-017).
RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWARK APPROVING AN ARCHITECTURAL AND SITE PLAN REVIEW TO DEMOLISH AND REPLACE AN EXISTING RESTAURANT, RAY'S SUSHI, WITH A NEW RESTAURANT, LAZY DOG, LOCATED AT 3100 NEWPARK MALL (APN: 901-0111-017)

WHEREAS, Lazy Dog Restaurants LLC. has filed with the City of Newark an application for ASR-17-17, an Architectural and Site Plan Review, to demolish and replace an existing restaurant, Ray’s Sushi, with a new restaurant, Lazy Dog, located at 3100 Newpark Mall; and

WHEREAS, the Planning Commission considered and approved said application at 7:30 p.m. on January 23, 2018 at the City Administration Building, 37101 Newark Boulevard, Newark, California; and

WHEREAS, at its meeting of January 23, 2018, the Planning Commission recommended that the City Council approve this application.

NOW, THEREFORE, BE IT RESOLVED that the City Council does hereby approve this application as shown on Exhibit A, pages 1 through 14, subject to compliance with the following conditions:

Planning Division

a. There shall be no outdoor vending machines other than for the sale of newspapers. There shall be no outdoor storage of any materials for sale, display, inventory, or advertisement without the review and approval of the Community Development Director.

b. No refuse, garbage, or recycling shall be stored outdoors except within the approved trash and recycling enclosures.

c. The drive aisles shall not be used by delivery trucks between the hours of 11:00 p.m. and 7:00 a.m. Parking lot cleaning with sweeping or vacuum equipment shall be operated in such a way that it does not disrupt adjacent residential neighborhood.

d. All lighting shall be directed on-site so as not to create off-street glare.

e. Construction site trailers and buildings located on-site shall be used for office and storage purposes and shall not be used for living or sleeping quarters. Any vehicle or portable building brought on the site during construction shall remain graffiti free.
f. The site and its improvements shall be maintained in a neat and presentable condition to the satisfaction of the Community Development Director. This shall include, but not be limited to, repainting surfaces damaged by graffiti and site cleanup. Graffiti removal/repainting and site cleanup shall occur on a continuing, as needed basis. Any vehicle or portable building brought on the site during construction shall remain graffiti free.

g. All exterior utility pipes and meters shall be painted to match and/or complement the color of the adjoining building surface, as approved by the Community Development Director.

h. The color elevations submitted with this application have been reviewed and approved by the Planning Commission and the City Council. Prior to the issuance of a building permit, the Community Development Director shall review and approve final elevations for consistency with approved plans.

i. All trash enclosures shall provide signage that states that the dumpsters shall remain in the enclosure(s) and that the enclosure's doors shall be closed immediately after use. The enclosure(s) shall be sited such that the enclosure's doors, when open, do not extend into drive aisles/back-up areas.

j. Prior to the issuance of a building permit, a screening design shall be submitted to and approved by the Community Development Director. Roof equipment shall not be visible from the adjacent public street. All equipment shall be fully screened within the context of the buildings' architecture. Said screening design shall be maintained to the satisfaction of the Community Development Director. The building owner shall paint the roof equipment and the inside of its screening wall within the context of the building's color scheme and maintain the painted areas to the Community Development Director's satisfaction. Screening panels shall not exceed six feet in height unless the screens are part of the integral design elements of the building.

k. The signage as submitted with this application have been reviewed and approved by the Planning Commission and the City Council. Prior to the issuance of a building permit, the Community Development Director shall review and approve signage for consistency with approved plans.

l. Prior to the issuance of a Certificate of Occupancy, all on-site parking facilities shown on the approved plans shall be installed and striped. This shall include, but not be limited to, identifying compact parking spaces and providing directional arrows as required by the Community Development Director.

m. Prior to their installation, mailbox locations and designs shall be approved by the Community Development Director and Newark Postmaster. The mailbox compartments of centralized mailboxes shall identify the individual units with permanent, easily legible lettering.

Engineering Division
n. The project must be designed to minimize the pollution or contamination of stormwater runoff from the site. Examples of control measures include, but are not limited to: no uncovered trash enclosures or storage of products and materials; minimization of impervious surfaces; separation of all car wash activities from the storm drain system; routing of pavement and roof runoff through vegetated swales or landscaped areas in-lieu of direct connections to the storm drain system; treatment controls for runoff from paved areas used for vehicle parking, repair and/or storage such as storm drain inlet filters, interceptors, separators or other acceptable treatment devices; installation of vegetated or turfed areas around storm water inlets, and other Best Management Practices to address the requirements of the NPDES permit issued to the City of Newark by the Regional Water Quality Control Board. The use of structural treatment controls for runoff quality requires the submittal of a maintenance agreement prior to the issuance of a Certificate of Occupancy.

o. Prior to the issuance of a building permit for this project, the applicant shall submit a Storm Water Quality Plan for the review and approval of the City Engineer. The plan shall include sufficient details to show how storm water quality will be protected during both: (1) the construction phase of the project and (2) the post-construction, operational phase of the project. The construction phase plan shall include Best Management Practices from the California Storm Water Quality Best Management Practices Handbook for Construction Activities. The specific storm water pollution prevention measures to be maintained by the contractor shall be printed on the plans. The operational phase plan shall include Best Management Practices appropriate to the uses conducted on the site to effectively prohibit the entry of pollutants into storm water runoff from this site including, but not limited to, trash and litter control, pavement sweeping, periodic storm water inlet cleaning, landscape controls for fertilizer and pesticide applications, labeling of storm water inlets with the wording "No Dumping - Drains to Bay," and other applicable practices.

p. The project must be designed to include appropriate source control, site design, and stormwater treatment measures to prevent stormwater runoff pollutant discharges and increases in runoff flows from the site in accordance with Provision C.3 of the Municipal Regional Stormwater NPDES Permit (MRP), Order R2-2009-0074, revised November 28, 2011, issued to the City of Newark by the Regional Water Quality Control Board, San Francisco Bay Region. Examples of source control and site design requirements include, but are not limited to: properly designed trash storage areas, trash compactors, minimization of impervious surfaces, and treatment of all runoff with Low Impact Development (LID) treatment measures. The stormwater treatment design shall be completed by a licensed civil engineer with sufficient experience in stormwater quality analysis and design. The design is subject to review by the Regional Water Quality Control Board. The applicant shall modify the site design to satisfy all elements of Provision C.3 of the MRP. The use of treatment controls for runoff requires the submittal of a Stormwater Treatment Measures Maintenance Agreement prior to the issuance of any Certificates of Occupancy.
q. All stormwater treatment measures are subject to review and approval by the Alameda County Mosquito Abatement District. The applicant shall modify the grading and drainage and stormwater treatment design as necessary to satisfy any imposed requirements from the District.

r. The entire site shall be equipped with full trash capture devices approved by the Regional Water Quality Control Board – San Francisco Bay Region, for 100% trash capture at all on-site and adjoining off-site storm drain inlets. All on-site trash capture devices shall be permanently maintained by the property owner.

s. The applicant shall submit a grading and drainage plan for review and approval by the City Engineer and the Alameda County Flood Control and Water Conservation District. This plan must be based upon a City benchmark and needs to include pad and finish floor elevations of each proposed structure, proposed on-site property grades, proposed elevations at property line, and sufficient elevations on all adjacent properties to show existing drainage patterns. All on-site pavement shall drain at a minimum of one percent. The applicant shall ensure that all upstream drainage is not blocked and that no ponding is created by this development. Any construction necessary to ensure this shall be the applicant’s responsibility.

t. Hydrology and hydraulic calculations shall be submitted for review and approval by the City Engineer prior to approval of the final map. The calculations shall show that the City freeboard requirements will be satisfied (0.75 feet to grate or 1.25 feet to the top of curb under a 10-year storm duration).

u. Where a grade differential of more than a 1-foot is created along the boundary parcel lines between the proposed development and adjacent property, the applicant shall install a masonry retaining wall unless a slope easement is approved by the City Engineer. Said retaining wall shall be subject to review and approval of the City Engineer. A grading permit is required by the Building Inspection Division prior to starting site grading work.

v. Prior to issuance of a building permit, the applicant shall submit a pavement maintenance program for the drive aisles and parking areas on the project site. The maintenance program shall be signed by the property owner and the property owner shall follow the maintenance program at the City Engineer's direction.

w. Prior to the issuance of a building permit, the construction drawings shall show a 2-inch grind and overlay or pavement reconstruction within the entire parking lot within the project boundaries. The applicant shall contact the adjoining properties to the south and southwest to determine if they want to repair and replace their existing damaged asphalt as part of this project.

x. The applicant shall upgrade the existing curb ramp at the southwest corner of the Mowry Avenue and Newpark Mall Rd intersection in accordance with Curb Ramp Detail No. A88A from the Caltrans Standard Plans, dated July 2015.
y. Prior to the issuance of a building permit, the applicant shall evaluate the entire on-site storm drain system. The existing storm drain system shall be video inspected and the project civil engineer shall determine whether any improvements to the system need to be made. The project civil engineer shall submit to the City Engineer a list of any required repairs to the existing storm drain system based on the video inspection and analysis of the storm drain system. Any repairs or changes to the existing storm drain system shall be incorporated into the required grading and drainage plan.

z. The applicant shall replace any damaged street improvements along the Mowry Avenue frontage, including but not limited to, raised sidewalk, curb and gutter, concrete, tree well, etc. Any work within the public right-of-way and adjacent easement area will require the issuance of a City of Newark Encroachment Permit.

aa. Prior to the issuance of a Certificate of Occupancy, the applicant must hydroflush and vacuum the entire storm drain system.

bb. Any new utilities including, but not limited to, electric, telephone and cable television services shall be provided underground.

cc. Any proposed utility connections and/or underground work within structurally sound street pavement must be bored or jacked. Open street cuts will not be permitted across Mowry Avenue.

dd. The applicant shall repair and/or replace any public and private improvements damaged as a result of construction activity to the satisfaction of the City Engineer and adjoining property owners.

ee. The applicant shall trim or remove landscaping (trees, shrubs, groundcover, etc.) at the southeast corner of the site to improve visibility for pedestrians and motorists. The applicant shall coordinate with the adjoining property owner any required landscape trimming/removals or walkway repairs/replacement within the McDonald’s property.

ff. The applicant shall ensure that a water vehicle for dust control operations is kept readily available at all times during construction at the City Engineer’s direction.

Landscape Division

gg. Prior to the issuance of a building permit, the property owner shall dedicate a minimum 10-foot wide landscape easement along the Mowry Avenue frontage of the property, directly adjacent to the right-of-way limit. The easement shall be extended to cover all contiguous landscaped areas along Mowry Avenue project frontage.

hh. The applicant shall retain a licensed landscape architect to prepare working drawings for on-site landscape plans in accordance with City of Newark requirements, the approved Conceptual Landscape Plan, and the State of California Model Water Efficient Landscape Ordinance. The landscape plans shall be included with construction plan set. The
associated Landscape Documentation Package must be approved by the City Engineer prior to the issuance of a building permit.

ii. The applicant shall implement Bay Friendly Landscaping Practices in accordance with Newark Municipal Code, Chapter 15.44.080. Prior to the issuance of a building permit, the applicant shall provide sufficient information to detail the environmentally-conscious landscape practices to be used on the project.

jj. The plant species identified for any proposed biotreatment measures are subject to final approval of the City Engineer.

kk. All maintenance associated with the landscape-based stormwater treatment measures shall be the responsibility of the property owner. The applicant shall enter into a Landscape Maintenance Agreement prior to the issuance of a building permit. This agreement shall run with the land and be binding to the homeowners association as successors. Landscape maintenance of these areas by the City under the terms of the Agreement would occur only in the event that City Council deems the homeowners association's maintenance to be inadequate. Any project perimeter walls and adjoining landscape areas shall be included in a dedicated landscape easement to guarantee adequate maintenance of the walls. Any work other than routine maintenance, including but not necessarily limited to, tree removal, tree pruning, or changes to the approved planting palette shall be approved in advance by the City Engineer. All tree pruning shall be performed by or under the direction of a certified arborist.

ll. Prior to installation by the applicant, plant species, location, container size, quality, and quantity of all landscaping plants and materials shall be reviewed and approved by the City Engineer. All plant replacements shall be to an equal or better standard than originally approved subject to approval by the City Engineer.

mm. Prior to the release of utilities or issuance of any Certificate of Occupancy, all landscaping and irrigation systems shall be completed or guaranteed by a cash deposit deposited with the City in an amount to cover the remainder of the work.

nn. Prior to issuance of Certificate of Occupancy or release of utilities, the applicant shall guarantee all trees for a period of 6 months and all other plantings and landscape for 60 days after completion thereof. The applicant shall insure that the landscape shall be installed properly and maintained to follow standard horticultural practices. All plant replacements shall be to an equal or better standard than originally approved subject to approval of the City Engineer.

Building Division

oo. Construction for this project, including site work and all structures, can occur only between the hours of 7:00 AM and 6:00 PM, Monday through Friday. The applicant may make a written request to the Building Official for extended working hours and/or days. In granting or denying any request the Building Official will take into consideration the nature
of the construction activity which would occur during extended hours/days, the time duration of the request, the proximity to residential neighborhoods and input by affected neighbors. All approvals will be done so in writing.

pp. The new building shall be equipped with a fully automatic fire sprinkler system.

qq. The removal of the existing building will require a demolition permit issued by the City Building Inspection Division. Prior to the issuance of a demolition permit the applicant will need to provide written clearances from the Bay Area Air Quality Control Board, PG&E, Alameda County Water District, and Union Sanitary District.

Fire Division

rr. The installation of the exterior fire pit shall comply with CMC933.0. For unlisted equipment it shall be installed in accordance with the manufacturer’s installation instructions and with clearances to combustible material of not less than 36” from the sides. In no case shall the appliance be located under overhead combustible construction.

ss. Provide the Alameda County Water District hydrant flow data from the nearest fire hydrant.

Police Division

tt. The development shall comply with Chapter 15.06, Security Code, of the Newark Municipal Code and Section 5.10 of the California Fire Code for radio reception.

uu. Prior to building being occupied security cameras should be installed for both interior and exterior of the building.

General

vv. Prior to the submittal for building permit review, all conditions of approval for this project, as approved by the City Council, shall be printed on the plans.

ww. All proposed changes from approved exhibits shall be submitted to the Community Development Director who shall decide if they warrant Planning Commission and City Council review and, if so decided, said changes shall be submitted for the Commission’s and Council’s review and decision. The applicant shall pay the prevailing fee for each additional separate submittal of project exhibits requiring Planning Commission and/or City Council review and approval.

xx. If any condition of this Architectural and Site Plan Review be declared invalid or unenforceable by a court of competent jurisdiction, this Architectural and Site Plan Review shall terminate and be of no force and effect, at the election of the City Council on motion.
yy. The applicant hereby agrees to defend, indemnify, and save harmless the City of Newark, its Council, boards, commissions, officers, employees and agents, from and against any and all claims, suits, actions, liability, loss, damage, expense, cost (including, without limitation, attorneys’ fees, costs and fees of litigation) of every nature, kind or description, which may be brought by a third party against, or suffered or sustained by, the City of Newark, its Council, boards, commissions, officers, employees or agents to challenge or void the permit granted herein or any California Environmental Quality Act determinations related thereto.

zz. In the event that any person should bring an action to attack, set aside, void or annul the City’s approval of this project, the applicant shall defend, indemnify and hold harmless the City and/or its agents, officers and employees from any claim, action, or proceeding against the City and/or its agents, officers and employees with counsel selected by the developer (which shall be the same counsel used by developer) and reasonably approved by the City. Developer’s obligation to defend, indemnify and hold harmless the City and/or its agents, officers and employees shall be subject to the City’s compliance with Government Code Section 66474.9.

aaa. The Conditions of Project Approval set forth herein may include certain fees, dedication requirements, reservation requirements and other exactions. Pursuant to Government Code Section 66020(d)(1), these Conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations and other exactions. The applicant is hereby further notified that the 90-day approval period in which the applicant may protest these fees, dedications, reservations and other exactions, pursuant to Government Code Section 66020(a), has begun. If the applicant fails to file a protest within this 90-day period complying with all of the requirements of Section 66020, the applicant will be legally barred from later challenging such exactions.
BUILDING TABULATIONS

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PARKING SPACES: 141

CONSTRUCTION LIMITS SITE PLAN

CONSTRUCTION LIMITS SITE PLAN
NORTH ELEVATION
SCALE: 3/16" = 1'-0"

EAST ELEVATION
SCALE: 3/16" = 1'-0"

EXHIBIT A011
EXISTING ELEVATION

PROPOSED ELEVATION

EXISTING ELEVATION

PROPOSED ELEVATION
EXISTING ELEVATION

PROPOSED ELEVATION

EXHIBIT Ap14
RESOLUTION NO. 1955

RESOLUTION APPROVING ASR-17-17, TO DEMOLISH AND REPLACE AN EXISTING RESTAURANT, RAY'S SUSHI, WITH A NEW RESTAURANT, LAZY DOG, LOCATED AT 3100 NEWPARK MALL (APN: 901-0111-017)

WHEREAS, Lazy Dog Restaurants LLC. has filed with the Planning Commission of the City of Newark an application for ASR-17-17, an Architectural and Site Plan Review, to demolish and replace an existing restaurant, Ray's Sushi, with a new restaurant, Lazy Dog, located at 3100 Newpark Mall; and

WHEREAS, the Planning Commission considered said application at 7:30 p.m. on January 23, 2018 at the City Administration Building, 37101 Newark Boulevard, Newark, California.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby approves this application and recommends the City Council approve this application as shown on Exhibit A, pages 1 through 14, subject to compliance with the following conditions:

Planning Division

a. There shall be no outdoor vending machines other than for the sale of newspapers. There shall be no outdoor storage of any materials for sale, display, inventory, or advertisement without the review and approval of the Community Development Director.

b. No refuse, garbage, or recycling shall be stored outdoors except within the approved trash and recycling enclosures.

c. The drive aisles shall not be used by delivery trucks between the hours of 11:00 p.m. and 7:00 a.m. Parking lot cleaning with sweeping or vacuum equipment shall be operated in such a way that it does not disrupt adjacent residential neighborhood.

d. All lighting shall be directed on-site so as not to create off-street glare.

e. Construction site trailers and buildings located on-site shall be used for office and storage purposes and shall not be used for living or sleeping quarters. Any vehicle or portable building brought on the site during construction shall remain graffiti free.

f. The site and its improvements shall be maintained in a neat and presentable condition to the satisfaction of the Community Development Director. This shall include, but not be limited to, repainting surfaces damaged by graffiti and site cleanup. Graffiti removal/repainting and site cleanup shall occur on a continuing, as needed basis. Any
vehicle or portable building brought on the site during construction shall remain graffiti free.

g. All exterior utility pipes and meters shall be painted to match and/or complement the color of the adjoining building surface, as approved by the Community Development Director.

h. The color elevations submitted with this application have been reviewed and approved by the Planning Commission and the City Council. Prior to the issuance of a building permit, the Community Development Director shall review and approve final elevations for consistency with approved plans.

i. All trash enclosures shall provide signage that states that the dumpsters shall remain in the enclosure(s) and that the enclosure's doors shall be closed immediately after use. The enclosure(s) shall be sited such that the enclosure's doors, when open, do not extend into drive aisles/back-up areas.

j. Prior to the issuance of a building permit, a screening design shall be submitted to and approved by the Community Development Director. Roof equipment shall not be visible from the adjacent public street. All equipment shall be fully screened within the context of the buildings' architecture. Said screening design shall be maintained to the satisfaction of the Community Development Director. The building owner shall paint the roof equipment and the inside of its screening wall within the context of the building's color scheme and maintain the painted areas to the Community Development Director's satisfaction. Screening panels shall not exceed six feet in height unless the screens are part of the integral design elements of the building.

k. The signage as submitted with this application have been reviewed and approved by the Planning Commission and the City Council. Prior to the issuance of a building permit, the Community Development Director shall review and approve signage for consistency with approved plans.

l. Prior to the issuance of a Certificate of Occupancy, all on-site parking facilities shown on the approved plans shall be installed and striped. This shall include, but not be limited to, identifying compact parking spaces and providing directional arrows as required by the Community Development Director.

m. Prior to their installation, mailbox locations and designs shall be approved by the Community Development Director and Newark Postmaster. The mailbox compartments of centralized mailboxes shall identify the individual units with permanent, easily legible lettering.

Engineering Division

n. The project must be designed to minimize the pollution or contamination of stormwater runoff from the site. Examples of control measures include, but are not limited to: no uncovered trash enclosures or storage of products and materials; minimization of
impervious surfaces; separation of all car wash activities from the storm drain system; routing of pavement and roof runoff through vegetated swales or landscaped areas in-lieu of direct connections to the storm drain system; treatment controls for runoff from paved areas used for vehicle parking, repair and/or storage such as storm drain inlet filters, interceptors, separators or other acceptable treatment devices; installation of vegetated or turfed areas around storm water inlets, and other Best Management Practices to address the requirements of the NPDES permit issued to the City of Newark by the Regional Water Quality Control Board. The use of structural treatment controls for runoff quality requires the submittal of a maintenance agreement prior to the issuance of a Certificate of Occupancy.

o. Prior to the issuance of a building permit for this project, the applicant shall submit a Storm Water Quality Plan for the review and approval of the City Engineer. The plan shall include sufficient details to show how storm water quality will be protected during both: (1) the construction phase of the project and (2) the post-construction, operational phase of the project. The construction phase plan shall include Best Management Practices from the California Storm Water Quality Best Management Practices Handbook for Construction Activities. The specific storm water pollution prevention measures to be maintained by the contractor shall be printed on the plans. The operational phase plan shall include Best Management Practices appropriate to the uses conducted on the site to effectively prohibit the entry of pollutants into storm water runoff from this site including, but not limited to, trash and litter control, pavement sweeping, periodic storm water inlet cleaning, landscape controls for fertilizer and pesticide applications, labeling of storm water inlets with the wording "No Dumping - Drains to Bay," and other applicable practices.

p. The project must be designed to include appropriate source control, site design, and stormwater treatment measures to prevent stormwater runoff pollutant discharges and increases in runoff flows from the site in accordance with Provision C.3 of the Municipal Regional Stormwater NPDES Permit (MRP), Order R2-2009-0074, revised November 28, 2011, issued to the City of Newark by the Regional Water Quality Control Board, San Francisco Bay Region. Examples of source control and site design requirements include, but are not limited to: properly designed trash storage areas, trash compactors, minimization of impervious surfaces, and treatment of all runoff with Low Impact Development (LID) treatment measures. The stormwater treatment design shall be completed by a licensed civil engineer with sufficient experience in stormwater quality analysis and design. The design is subject to review by the Regional Water Quality Control Board. The applicant shall modify the site design to satisfy all elements of Provision C.3 of the MRP. The use of treatment controls for runoff requires the submittal of a Stormwater Treatment Measures Maintenance Agreement prior to the issuance of any Certificates of Occupancy.

q. All stormwater treatment measures are subject to review and approval by the Alameda County Mosquito Abatement District. The applicant shall modify the grading and drainage and stormwater treatment design as necessary to satisfy any imposed requirements from the District.
r. The entire site shall be equipped with full trash capture devices approved by the Regional Water Quality Control Board – San Francisco Bay Region, for 100% trash capture at all on-site and adjoining off-site storm drain inlets. All on-site trash capture devices shall be permanently maintained by the property owner.

s. The applicant shall submit a grading and drainage plan for review and approval by the City Engineer and the Alameda County Flood Control and Water Conservation District. This plan must be based upon a City benchmark and needs to include pad and finish floor elevations of each proposed structure, proposed on-site property grades, proposed elevations at property line, and sufficient elevations on all adjacent properties to show existing drainage patterns. All on-site pavement shall drain at a minimum of one percent. The applicant shall ensure that all upstream drainage is not blocked and that no ponding is created by this development. Any construction necessary to ensure this shall be the applicant's responsibility.

t. Hydrology and hydraulic calculations shall be submitted for review and approval by the City Engineer prior to approval of the final map. The calculations shall show that the City freeboard requirements will be satisfied (0.75 feet to grate or 1.25 feet to the top of curb under a 10-year storm duration).

u. Where a grade differential of more than a 1-foot is created along the boundary parcel lines between the proposed development and adjacent property, the applicant shall install a masonry retaining wall unless a slope easement is approved by the City Engineer. Said retaining wall shall be subject to review and approval of the City Engineer. A grading permit is required by the Building Inspection Division prior to starting site grading work.

v. Prior to issuance of a building permit, the applicant shall submit a pavement maintenance program for the drive aisles and parking areas on the project site. The maintenance program shall be signed by the property owner and the property owner shall follow the maintenance program at the City Engineer's direction.

w. Prior to the issuance of a building permit, the construction drawings shall show a 2-inch grind and overlay or pavement reconstruction within the entire parking lot within the project boundaries. The applicant shall contact the adjoining properties to the south and southwest to determine if they want to repair and replace their existing damaged asphalt as part of this project.

x. The applicant shall upgrade the existing curb ramp at the southwest corner of the Mowry Avenue and Newpark Mall Rd intersection in accordance with Curb Ramp Detail No. A88A from the Caltrans Standard Plans, dated July 2015.

y. Prior to the issuance of a building permit, the applicant shall evaluate the entire on-site storm drain system. The existing storm drain system shall be video inspected and the project civil engineer shall determine whether any improvements to the system need to be made. The project civil engineer shall submit to the City Engineer a list of any required repairs to the existing storm drain system based on the video inspection and analysis of the
storm drain system. Any repairs or changes to the existing storm drain system shall be incorporated into the required grading and drainage plan.

z. The applicant shall replace any damaged street improvements along the Mowry Avenue frontage, including but not limited to, raised sidewalk, curb and gutter, concrete, tree well, etc. Any work within the public right-of-way and adjacent easement area will require the issuance of a City of Newark Encroachment Permit.

aa. Prior to the issuance of a Certificate of Occupancy, the applicant must hydroflush and vacuum the entire storm drain system.

bb. Any new utilities including, but not limited to, electric, telephone and cable television services shall be provided underground.

c. Any proposed utility connections and/or underground work within structurally sound street pavement must be bored or jacked. Open street cuts will not be permitted across Mowry Avenue.

dd. The applicant shall repair and/or replace any public and private improvements damaged as a result of construction activity to the satisfaction of the City Engineer and adjoining property owners.

e. The applicant shall trim or remove landscaping (trees, shrubs, groundcover, etc.) at the southeast corner of the site to improve visibility for pedestrians and motorists. The applicant shall coordinate with the adjoining property owner any required landscape trimming/removals or walkway repairs/replacement within the McDonald’s property.

ff. The applicant shall ensure that a water vehicle for dust control operations is kept readily available at all times during construction at the City Engineer's direction.

Landscape Division

gg. Prior to the issuance of a building permit, the property owner shall dedicate a minimum 10-foot wide landscape easement along the Mowry Avenue frontage of the property, directly adjacent to the right-of-way limit. The easement shall be extended to cover all contiguous landscaped areas along Mowry Avenue project frontage.

hh. The applicant shall retain a licensed landscape architect to prepare working drawings for on-site landscape plans in accordance with City of Newark requirements, the approved Conceptual Landscape Plan, and the State of California Model Water Efficient Landscape Ordinance. The landscape plans shall be included with construction plan set. The associated Landscape Documentation Package must be approved by the City Engineer prior to the issuance of a building permit.

ii. The applicant shall implement Bay Friendly Landscaping Practices in accordance with Newark Municipal Code, Chapter 15.44.080. Prior to the issuance of a building permit,
limitation, attorneys’ fees, costs and fees of litigation) of every nature, kind or description, which may be brought by a third party against, or suffered or sustained by, the City of Newark, its Council, boards, commissions, officers, employees or agents to challenge or void the permit granted herein or any California Environmental Quality Act determinations related thereto.

aaa. In the event that any person should bring an action to attack, set aside, void or annul the City’s approval of this project, the applicant shall defend, indemnify and hold harmless the City and/or its agents, officers and employees from any claim, action, or proceeding against the City and/or its agents, officers and employees with counsel selected by the developer (which shall be the same counsel used by developer) and reasonably approved by the City. Developer’s obligation to defend, indemnify and hold harmless the City and/or its agents, officers and employees shall be subject to the City’s compliance with Government Code Section 66474.9.

bbb. The Conditions of Project Approval set forth herein may include certain fees, dedication requirements, reservation requirements and other exactions. Pursuant to Government Code Section 66020(d)(1), these Conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations and other exactions. The applicant is hereby further notified that the 90-day approval period in which the applicant may protest these fees, dedications, reservations and other exactions, pursuant to Government Code Section 66020(a), has begun. If the applicant fails to file a protest within this 90-day period complying with all of the requirements of Section 66020, the applicant will be legally barred from later challenging such exactions.

This Resolution was introduced at the Planning Commission’s January 23, 2018 meeting by Commissioner Nillo, seconded by Chairperson Fitts, and passed as follows:

AYES: Aguilar, Bridges, Fitts, Nillo and Otterstetter.

NOES: None.

ABSENT: None.

s/Terrence Grindall
TERRENCE GRINDALL, Secretary

s/William Fitts
WILLIAM FITTS, Chairperson
Notice of Planning Commission approval of a Conditional Use Permit to allow two special events, the Bay Area Night Market, at 300 Newpark Mall— from Deputy Community Development Director Interiano. (REVIEW OPTIONAL)

Background/Discussion - Ms. Ria Albellera has submitted an application to hold two outdoor special events at the Newpark Mall. The first event on February 24, 2018 will be a Lunar New Year celebration and the second event on July 13 and 14, 2018 will be the Annual Bay Area Night Market.

The Lunar New Year celebration will be a one-day event having carnival games, music, food (including food trucks) and retail vendors during the hours of 2 p.m.-9 p.m. The Bay Area Night Market is a two-day event consisting of an open market concept which includes local food vendors and small retail businesses. The market celebrates the vibrant and diverse communities of the bay area through the sales of cultural foods, arts and crafts, and goods. There will be live music, karaoke, and arcade games. The market event will be held on July 13 and 14 between the hours of 4 p.m.-11 p.m. This will be the second year that the Bay Area Night Market will be held at this location. Both events will not be selling alcoholic beverages.

The events have the potential to bring up to 7,500 attendees per day. Therefore, staff monitors these events very closely. The event areas shall be fenced off and staff has approved of the Traffic Circulation Plan for the designated parking areas surrounding the event. The Police and Fire Department have reviewed and approved of the event layout and operations with conditions of approval as attached per the resolution. There were no major issues with the previous Bay Area Night Market which occurred last year in July.

CEQA - This project is categorically exempt from the California Environmental Quality Act (CEQA) per section 15304, Class 4(e), minor temporary use of land having negligible or no permanent effects on the environment.

Update - On January 23, 2018, the Planning Commission held a Public Hearing to consider Conditional Use Permit U-17-12, and unanimously approved of the use permit with conditions of approval as stated in Resolution.

Attachments

Action – This item is review optional.
RESOLUTION NO. 1954

RESOLUTION APPROVING U-17-12, A CONDITIONAL USE PERMIT, TO ALLOW TWO OUTDOOR SPECIAL EVENTS TO BE HELD AT 300 NEWPARK MALL. (APN: 901-0111-0222-00).

WHEREAS, MS. Ria Abellera has filed with the Planning Commission of the City of Newark application for U-17-12, a conditional use permit, to allow two special events to be held at 300 Newpark Mall, specifically on the parking lot of the Burlington retail store; and

PURSUANT to the Municipal Code Section 17.72.060, a public hearing notice was published in The Tri City Voice on January 9, 2018 and mailed as required, and the Planning Commission held a public hearing on said application at 7:30 p.m. on January 23, 2018 at the City Administration Building, 37101 Newark Boulevard, Newark, California; and

WHEREAS, the public hearing was scheduled for January 23, 2018; and

WHEREAS, pursuant to Chapter 17.72 (Use Permits), Section 17.72.070 (Action by Planning Commission), the Planning Commission hereby makes the following findings:

1. That the proposed location of the conditional use is in accord with the purposes of the zoning title and the purposes of the district in which the site is located.

2. That the proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.

3. That the proposed conditional use will comply with each of the applicable provisions of this Chapter 17.72 (Use Permits).

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission hereby approves this application as shown on Exhibit A, subject to compliance with the following conditions:
Planning Division

a. This approval shall be for the Lunar New Year celebration on February 24, 2018 from 2 p.m.-9 p.m. Also, approval for the Bay Area Night Market special event on July 13 and 14, 2018 between the hours of 4pm and 11pm, with a reasonable amount of time for set-up prior to opening and for clean-up after closing, as determined by the Community Development Director.

b. The volume levels of all sound equipment and speakers associated with this project shall not exceed levels determined to be acceptable by the Community Development Director.

c. All lighting shall be directed on-site so as not to create glare off-site.

d. Parking lot cleaning with sweeping or vacuum equipment shall not be permitted between 11:00 p.m. and 7:00 a.m.

e. Garbage and recycling pick-up shall be coordinated with Republic Services, Inc. of Alameda County so that a sufficient number of dumpsters are available on-site and picked-up to ensure no refuse, garbage or recycling is stored outdoors except within the approved trash and recycling dumpsters. Prior to the event openings, the applicant shall submit written evidence of Republic Services, Inc.'s approval.

f. The site and its improvements shall be maintained in a neat and presentable condition, to the satisfaction of the Community Development Director. This shall include, but not be limited to, repainting surfaces damaged by graffiti and site clean-up. Graffiti removal/repainting and site clean-up shall occur on a continuing, as needed basis. Any vehicle or portable building brought on the site shall remain graffiti free.

g. The event staff shall direct patrons to park their vehicles in the NewPark Mall parking lot.

h. The event staff shall submit evidence of approval from the County Health Department for the proposed food and beverage sales. There shall be no alcoholic beverage sales.

i. Construction equipment, including compressors, generators and mobile equipment shall be fitted with heavy-duty mufflers designed to reduce noise impacts.

j. Within 24 hours of each event, all structures and improvements brought to the subject site associated with this event shall be removed and the NewPark Mall parking lot returned to.
its original, pre-event condition, to the satisfaction of the Community Development Director. The New Park Mall will be responsible for the clean-up after the event.

Fire Department

General comments:

k. Since the Lunar New Year Celebration (2/24/17) and the Summer Festival (7/13/17-7/14/17) are two different events with different dates, two separate fire special event permits (not planning permit) are required. Each special event permit will only be valid for 180 days. Please apply for the Summer Festival event permit in February 2018.

l. Crowd managers are required based on the maximum anticipated number of people. The number of crowd managers shall be 1 crowd manager per the first 1000 people and a ratio of one crowd manager for every 250 people after. Provide minimum number of crowd managers per the formula. Crowd managers need to be certified. One way to obtain such certification is to visit https://crowdmanagers.com/training/

Site Plans for Fire permit:

m. Provide a north arrow.

n. Adequate fire truck turning radius shall be provided outside the fenced in area.

o. Confirm the area between the open flame cooking and the tents to be fenced off from the public.

p. Clearly show all the vehicular gates. Additional gates may be required.

q. If the vendors are providing their own tents these tents will also be California State Fire Marshal Registered Flame Resistant Product. Recommendation: event management to provide all CA State Fire Material registered tents.

r. Provide dimensions for all tents.

s. Generators shall be barricaded or fenced off from the public.

t. Provide 2A10BC rated fire extinguishers and no smoke signs for the tents.

u. Temporary air-supported and air-inflated membrane structure shall comply with CFC310.10. No less than 2 blowers, each of which has adequate capacity to maintain full
inflation pressure shall be provided. CFC3103.10.3. Since there are more than 200 occupants and auxiliary inflation system is required. CFC3103.10.4.

v. Emergency lights with battery backup shall be provided.

w. Electrical wiring shall be concealed or bridged to avoid tripping hazard.

x. July event site plan: The fire access road between the Retail Vendor Tents and the 20x40 open tent appear to be less than 20 feet wide. Recommend moving the 20x40 tent toward the open dining area.

    Tent Layouts:
    February event only:
    y. Two exits are required. Provide two illuminated exit signs and emergency lights at two remote ends of the open side.

    z. Provide specs for the infrared heater lamps. In general infrared heater lamps within close proximity of the tent material are not allowed due to its high heat producing capacity.

    aa. Show maximum load capacity, fire extinguisher(s) and no smoke signs.

    July event only:
    bb. Provide emergency lights.

    cc. Show maximum load capacity, fire extinguisher(s) and no smoke signs.

Building Department

dd. Restrooms for event shall include facilities that are accessible to persons with disabilities. Facilities shall include a suitable hand wash station.

ee. Generators shall be placed such that cords do not interfere with the accessible path of travel.

Engineering Department

ff. The event staff shall implement all applicable Best Management Practices (BMPs) from the California Best Management Practice Handbook for Construction Activities to prevent the pollution or contamination of stormwater runoff from the project area. Additional BMPs may be required by the City Engineer, as necessary, to minimize the
pollution of stormwater runoff from the project area. The following notes shall be added to the final plans:

a. Any stockpiled materials with the potential to pollute stormwater runoff shall be properly contained and covered to prevent any such pollution.

b. The parking lot and drive aisles shall be cleaned daily or as required by the City Engineer to remove accumulated trash and debris generated from the project area. Migration of trash and debris into the public right-of-way is prohibited and will be strictly enforced.

c. Water-tight waste receptacles shall be placed around the site as necessary to minimize litter, to the satisfaction of the City Engineer.

d. Any liquid spills associated with the proposed project must be cleaned immediately and prevented from entering the storm drain system.

e. Temporary sanitary facilities shall be managed and maintained at all times, placed away from drainage facilities and traffic circulation, and secured to prevent overturning.

f. Tallow bins appropriately sized to collect used cooking oil from the cooking area must be provided and disposed of by a licensed grease hauler. Used cooking oil is prohibited in any storm drain, garbage container, and paved surface.

g. Food truck grey water or liquid waste shall be prohibited from being discharged to the on-site storm drain system. All grey water or liquid waste shall be off-hauled to a licensed facility that accepts the waste or discharged to the sanitary sewer system, subject to approval by Union Sanitary District.

h. All applicable Best Management Practices from the California Stormwater Quality Best Management Practices Handbook for Construction Activities shall be implemented, as necessary, to minimize stormwater pollution to the satisfaction of the City Engineer.

General

gg. All proposed changes from approved exhibits shall be submitted to the Community Development Director who shall decide if they warrant Planning Commission and City Council review and, if so decided, said changes shall be submitted for the Commission’s and Council’s review and decision. The applicant shall pay the prevailing fee for each
additional separate submittal of project exhibits requiring Planning Commission and/or City Council review and approval.

hh. If any condition of this conditional use permit be declared invalid or unenforceable by a court of competent jurisdiction, this conditional use permit shall terminate and be of no force and effect, at the election of the City Council on motion.

ii. The applicant hereby agrees to defend, indemnify, and save harmless the City of Newark, its Council, boards, commissions, officers, employees and agents, from and against any and all claims, suits, actions, liability, loss, damage, expense, cost (including, without limitation, attorneys' fees, costs and fees of litigation) of every nature, kind or description, which may be brought by a third party against, or suffered or sustained by, the City of Newark, its Council, boards, commissions, officers, employees or agents to challenge or void the permit granted herein or any California Environmental Quality Act determinations related thereto.

jj. In the event that any person should bring an action to attack, set aside, void or annul the City's approval of this project, the applicant shall defend, indemnify and hold harmless the City and/or its agents, officers and employees from any claim, action, or proceeding against the City and/or its agents, officers and employees with counsel selected by the applicant (which shall be the same counsel used by applicant) and reasonably approved by the City. Applicant's obligation to defend, indemnify and hold harmless the City and/or its agents, officers and employees shall be subject to the City's compliance with Government Code Section 66474.9.

kk. The Conditions of Project Approval set forth herein may include certain fees, dedication requirements, reservation requirements and other exactions. Pursuant to Government Code Section 66020(d)(1), these Conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations and other exactions. The applicant is hereby further notified that the 90-day approval period in which the applicant may protest these fees, dedications, reservations and other exactions, pursuant to Government Code Section 66020(a), has begun. If the applicant fails to file a protest within this 90-day period complying with all of the requirements of Section 66020, the applicant will be legally barred from later challenging such exactions.

The Commission makes the findings prescribed in Newark Municipal Code Section 17.72.070, and directs a Notice of Decision be mailed to the applicant and filed with the City Clerk pursuant to Newark Municipal Code Section 17.72.080.
This Resolution was introduced at the Planning Commission’s January 23, 2018 meeting by Commissioner Nillo, seconded by Commissioner Bridges, and passed as follows:

AYES: Aguilar, Bridges, Fitts, Nillo and Otterstetter.

NOES: None.

ABSENT: None.

s/Terrence Grindall
TERRENCE GRINDALL, Secretary

s/William Fitts
WILLIAM FITTS, Chairperson
Traffic Circulation Plan:
North side lot will be
closed off with a-frames
and line barriers to
restrict parking. Red lines
indicate a barrier. Yellow
arrows indicate traffic
flow in direction of
current drive aisles
directions. Signs will be
posted to assist vehicle
access and exits.

Yellow Lines= String lights
Blue triangles- Trash cans
= generator and fire
extinguisher
Traffic Circulation Plan: North side lot will be closed off with a-frames and line barriers to restrict parking. Red lines indicate a barrier. Yellow arrows indicate traffic flow in direction of current drive aisles directions. Signs will be posted to assist vehicle access.
F.1 Authorization for the purchase of two (2) 2018 Harley Davidson Enforcement Electra Glides as replacement motorcycles for the Police Department from Oakland Harley Davidson with outfitting by Metro Mobile and Classic Graphics – from Maintenance Supervisor Connolly. (RESOLUTION)

Background/Discussion – The Newark Police Department is in need of two (2) replacement motorcycles that have reached the end of their useful lives. The 2016-2018 Biennial Budget and Capital Improvement Plan includes funding for vehicle replacements in the amount of $68,600 as part of the Equipment Replacement Budget. Authorization is requested to participate in an intergovernmental procurement process for the purchase of two (2) 2018 Harley Davidson Enforcement Electra Glides.

An intergovernmental procurement process (also known as a “piggybacking”) is an alternative option to Newark’s formal bidding process. By piggybacking onto another agency’s contract, the City would save the cost and time associated with the formal bid process but be able to be assured of competitive set prices established by another agency’s formal bidding process. Upon completion of a formal bidding process, the State of California entered into a master contract and a procurement contract with Oakland Harley Davidson for the purchase of new motorcycles. This contract is in effect through May 1, 2019, and includes a provision to allow other agencies to participate.

The competitive process used by the State of California has been reviewed by the Public Works Department and satisfies the City’s requirements for the proposed vehicle purchases.

Based upon the State of California contract with Oakland Harley Davidson, the combined purchase cost for the two (2) motorcycles will be $66,000. The purchase cost does not include outfitting of the vehicles which is estimated not to exceed $2,600 combined for both motorcycles. The outfitting is based on specialized vendor quotes for the programming of radios, antennas, wiring, and City logos.

Action - It is recommended that the City Council, by resolution, authorize the purchase of two (2) 2018 Harley Davidson Enforcement Electra Glides as replacement motorcycles for the Police Department from Oakland Harley Davidson with outfitting by Metro Mobile and Classic Graphics.
RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWARK AUTHORIZING THE PURCHASE OF TWO (2) 2018 HARLEY DAVIDSON ENFORCEMENT ELECTRA GLIDES AS REPLACEMENT MOTORCYCLES FOR THE POLICE DEPARTMENT FROM OAKLAND HARLEY DAVIDSON WITH OUTFITTING BY METRO MOBILE AND CLASSIC GRAPHICS

WHEREAS, the 2016–2018 Biennial Budget and Capital Improvement Plan includes funding for replacement of police motorcycles that have reached the end of their useful lives; and

WHEREAS, the City of Newark will be participating in an intergovernmental procurement process (also known as “piggybacking”) with Oakland Harley Davidson as the holder of the State of California procurement contract to purchase two (2) new 2018 Harley Davidson Enforcement Electra Glides at a total combined cost of $66,000; and

WHEREAS, the two (2) proposed replacement motorcycles will require additional equipment outfitting not to exceed an additional combined total cost of $2,600.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Newark authorizes the purchase of two (2) 2018 Harley Davidson Enforcement Electra Glides as replacement motorcycles for the Police Department from Oakland Harley Davison with outfitting by Metro Mobile and Classic Graphics.
DOG PARK PROGRAM ELEMENTS
FROM MASTER PLAN AND CITY STAFF

1) FENCED WITH DOUBLE GATE ENTRY
2) LARGE DOG AREA
3) SMALL DOG AREA
4) SOCIAL PLAZA AREA
5) IDENTITY/RULES SIGNAGE
6) SCREEN PLANTING

- PREPARED SCHEMATIC OPTIONS 'A' AND 'B'
COMMUNITY MEETING #1

THE CITY OF NEWARK
WANTS YOUR INPUT ON THE PROPOSED
DOG PARKS
AT
NEWARK COMMUNITY PARK AND BIRCH GROVE PARK

Saturday, December 9, 2017
Community Workshop at Silliman Activity Center Meeting Room
6800 Mowry Ave, Newark, CA 94560

10am - 11:30pm: Dog Park at Birch Grove Park
11:30pm - 1pm: Dog Park at Newark Community Park
COMMUNITY MEETING OVERVIEW

1) GAVE BRIEF OVERVIEW OF CITY PARKS MASTER PLAN
2) EXPLAINED DESIGN PROCESS
3) DISCUSSED EXISTING CONDITIONS/OPPORTUNITIES AND CONSTRAINTS OF EACH PARK
4) PRESENTED OVERVIEW OF TWO SCHEMATIC DESIGN OPTIONS FOR EACH PARK
5) SUGGESTED DOG PARK ELEMENTS
6) COMMUNITY MEMBERS WERE ASKED FOR INPUT
NEWARK COMMUNITY PARK SCHEMATIC DESIGN
OPTION ‘A’

NEWARK COMMUNITY PARK - BUBBLE SKETCH 'A'

SCALE: 1’ = 20'-0"  3/2/2017  12/6/2017
COMMUNITY MEETING SUMMARY:

1) THE COMMUNITY AT LARGE DID NOT WANT DOG PARK AT BIRCH GROVE PARK.

2) THE DOG PARK AT NEWARK COMMUNITY PARK WAS WELL RECEIVED.

3) BUBBLE DIAGRAM 'A' FOR NEWARK COMMUNITY DOG PARK WAS OVERWHELMLY MORE POPULAR.
REFINED PRELIMINARY MASTER PLAN

NEW PARK IDENTITY

SIGNAGE

SEATING AREA WITH
SECONDARY ENTRANCE AND
SHADE STRUCTURE

PINE TREES TO BE
REMOVED (2 EA.)

18'-0" WIDE
MAINTENANCE ENTRANCE/GATE

6'-0" HT.
METAL FENCE
WITH 2'-0"
MOW BAND
(TYP.)

RAISED SEATING PLATFORM
WITH SHADE STRUCTURE

PRECAST CONCRETE
IDENTITY COLUMNS (TYP.)

2'-0" TALL (MAX) COLORED AND
TEXTURED CMU RETAINING/SEAT WALL

LARGE DOG
AREA 18,868 S.F.

SMALL
DOG AREA 5,802 S.F.

SOCIAL PLAZA WITH SEATING

DOUBLE GATED ENTRY WITH
ENHANCED PAVING AND IDENTITY
SIGNAGE & RULES

TRASH RECEPTABLES (TYP.) 2 EA.

DRINKING FOUNTAIN WITH DOG BOWL
(TYP.) 2 EA.

PRECAST CONCRETE IDENTITY COLUMNS
(TYP.)

EXISTING RESTROOM

CANVAS SHADE STRUCTURES (TYP.)

6 EA.

CUSTOM TRIANGULAR BENCHES (2 EA.)

6'-0" HT. METAL FENCE WITH 2'-0"
MOW BAND (TYP.)

2'-0" TALL (MAX) COLORED AND
TEXTURED CMU RETAINING/SEAT WALL

TREES TO BE REMOVED (3EA.)
POSSIBLE ELEMENTS

VINYL COATED WIRE FENCE

RETAINING WALL

COLUMNS

WROUGHT IRON FENCE

SEAT WALL

SIGNAGE

PERIMETER FENCING, WALLS, COLUMNS, ETC.
POSSIBLE ELEMENTS

SOCIAL PLAZA FEATURES

- Drinking Fountain
- Benches
- Canvas Shade Structure
- Trash Receptacles
- Picnic Tables
- Metal Shade Structure
POSSIBLE ELEMENTS

STICK JUMP

A-FRAME

PLATFORM

HOOP JUMP

TUNNEL

CUSTOM

DOG AGILITY EQUIPMENT
POSSIBLE ELEMENTS

PET WASTE STATIONS

BOULDERS

CUSTOM PLAY

LEASH RACK

MOUNDS

OTHER?

OTHER ACCESSORIES
POSSIBLE ELEMENTS

- LARGE SHADE TREES
- SCREENING HEDGE
- SMALL SHADE TREES
- GREEN SCREEN
- FLOWERING/COLORFUL

PLANTING
NEXT STEPS

1) COMMUNITY MEETING #2: TUESDAY, FEBRUARY 27TH, 7:00PM AT NEWARK COMMUNITY CENTER

2) FINALIZE ‘MASTER PLAN’

3) STAFF WILL PRESENT MASTER PLAN TO COUNCIL FOR REVIEW AND APPROVAL IN LATE MARCH

4) ANTICIPATE CONSTRUCTION STARTING SUMMER 2018
F.2 Update on preliminary designs of dog parks at Newark Community Park and Birch Grove Park - from Public Works Director Fajeau and Recreation and Community Services Director Zehnder. (INFORMATIONAL)

Background/Discussion – The Citywide Parks Master Plan was adopted by the City Council in June 2017 and identified new dog parks at Newark Community Park and Birch Grove Park as high priority projects. The City Council approved a Contractual Services Agreement with Robert Mowat Associates for professional design services for these dog parks in October 2017. An initial Community Workshop took place on Saturday, December 9, 2017 with preliminary design alternatives presented for each park based on the specific site locations identified in the Citywide Parks Master Plan. The preliminary designs for both parks included separated fence-enclosed areas with double-gated entries for both small and large dogs, shaded seating areas, and other potential amenities.

The Community Workshop was conducted with separate sessions for each dog park, both of which were well attended. Residents in attendance at the workshop were largely opposed to installation of a dog park at the northwest corner of Birch Grove Park (near the intersection of Birch Street and Robertson Avenue) as identified in the master plan. The primary reason cited for opposition was concern over the loss of existing prime open park space for ongoing passive uses. Based on the number of comments and feedback received from residents prior to and at the workshop, staff has suspended any further design development of the dog park at Birch Grove Park until alternative locations can be properly analyzed. In contrast, the dog park site location at Newark Community Park and the preliminary design alternatives presented were strongly supported by workshop attendees.

Robert Mowat Associates will provide a conceptual design of the Newark Community Park Dog Park based on the input received during the initial Community Workshop and further discussions with staff. The conceptual design will include a proposed site plan layout for the large dog and small dog areas along with potential park amenities. A second Community Workshop is tentatively scheduled for late February or early March prior to completion of a final recommended design for the City Council’s consideration.

Attachments

Action – This item is informational only.
DATE: January 29, 2018

TO: City Council

FROM: Sheila Harrington, City Clerk

SUBJECT: Approval of Audited Demands for the City Council Meeting of Feb. 08, 2018.

REGISTER OF AUDITED DEMANDS

US Bank General Checking Account

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City of Newark

DATE: January 29, 2018

TO: Sheila Harrington, City Clerk

FROM: Susie Woodstock, Administrative Services Director

SUBJECT: Approval of Audited Demands for the City Council Meeting of Feb. 08, 2018.

The attached list of Audited Demands is accurate and there are sufficient funds for payment.
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- CROSSING GUARD SVCs
- FLEET PARTS
- FUEL PUMP MAINT AND SERVICE
- DECORATIVE LIGHTING
- BUSINESS CARD IMPRINTING
- LITIGATION & LEGAL CONSULTING SRVCS
- TOWING SVCs
- PETTY CASH REPLENISHMENT
- RECREATION CONTRACT
- EXPENSE REIMBURSEMENT
- EXPENSE REIMBURSEMENT
- EXPENSE REIMBURSEMENT
- SHELTER OPERATING EXPs
- DEALERSHIP INCENTIVES 07/01-09/30/17
- FLEET SERVICE & PARTS
- BUILDING SUPPLIES
- EXPENSE REIMBURSEMENT
- RECREATION CONTRACT
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- ARMORED CAR SERVICE
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- ENGINEERING PLAN CHECK AND INSPECTION SE
- FLEET PARTS
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- STREETLIGHT PARTS
- VET SVCs
- MARKETING FUNDS FY 2017-2018
- YEARLY FEES-GAS TAX
- CELL SVC FOR MDT'S
- LAB TESTS
- STREET TREE MAINT
- EXPENSE REIMBURSEMENT

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By BRETT OEVERNDIEK (BRETTO)
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## Disbursement List

Check Date 01/25/18, Due Date 02/05/18, Discount Date 01/25/18. Computer Checks.

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<th>Check#</th>
<th>Vendor</th>
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Total: 672,535.34