



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, December 14, 2017

CITY COUNCIL:

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

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:

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

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

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

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

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



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City Administration Building
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AGENDA

Thursday, December 14, 2017

- A. ROLL CALL
 - B. MINUTES
 - B.1 Approval of Minutes of the City Council meetings of November 7 and 9, 2017. (MOTION)
 - C. PRESENTATIONS AND PROCLAMATIONS
 - C.1 Commending Volunteer Reserve Police Officer Bruce Howcroft for 40 years of volunteer service. (COMMENDATION)
 - D. WRITTEN COMMUNICATIONS
 - D.1 An Architectural and Site Plan Review, for 3 new advanced manufacturing buildings located at 7200, 7300, and 7400 Gateway Boulevard and finding that an additional environmental review is not required – from Assistant Planner Bowab. (RESOLUTIONS-2)
 - E. PUBLIC HEARINGS
 - F. CITY MANAGER REPORT

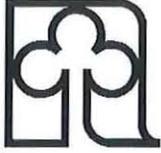
(It is recommended that Items F.1 through F.7 be acted on simultaneously unless separate discussion and/or action is requested by a Council Member or a member of the audience.)
- CONSENT
- F.1 Second reading and adoption of an Ordinance amending Chapter 2.16 (Disaster Council) of the Newark Municipal Code to conform with the California Office of Emergency Services requirements – from City Manager Becker and City Attorney Benoun. (ORDINANCE)

- F.2 Approval of an agreement for participation in the Alameda County Operational Area Emergency Management Organization – from City Manager Becker. (RESOLUTION)
- F.3 Approval of the 2018 Local Appointments List – from City Clerk Harrington. (MOTIONS-3)
- F.4 Authorization for the purchase a 2018 Dodge Caravan SE as replacement vehicle for the Police Department from Fremont CDJR and outfitting by Telepath – from Maintenance Supervisor Connolly. (RESOLUTION)
- F.5 Approval of partial release of security for Tract 8212 (Classic 36120 Ruschin, L.P.), a residential subdivision at 36120 Ruschin Drive – from Public Works Director Fajeau. (RESOLUTION)
- F.6 Recalculation of the Fiscal Year 2017-2018 Appropriations Limit – from Accounting Manager Lee. (RESOLUTION)
- F.7 Acceptance of the Annual Report on Newark Development Impact Fees for Fiscal Year 2016-2017 in accordance with Government Code Section 66006(b) – from Assistant City Manager Grindall. (MOTION)
- G. CITY ATTORNEY REPORTS
- G.1 Authorizing the creation of the Pooled Liability Assurance Network Joint Powers Authority (“PLAN JPA”) for Risk Management Services and execution of the joint powers agreement– from City Attorney Benoun. (RESOLUTION)
- H. ECONOMIC DEVELOPMENT CORPORATION
- I. CITY COUNCIL MATTERS
- I.1 Reappointment of Eric Hentschke to the Alameda County Mosquito Abatement District – from Mayor Nagy. (RESOLUTION)
- I.2 Approving 2 percent merit increase for City Attorney David J. Benoun – from Mayor Nagy. (RESOLUTION)

- I.3 Appointment of Mayor Pro Tempore and authorization for the Mayor Pro Tempore to sign and endorse checks, warrants, and other instruments – from Mayor Nagy. (MOTION)(RESOLUTION)**
- I.4 Appointments of City Council Members to agencies, boards, commissions, and committees – from Mayor Nagy. (RESOLUTION)**
- J. CITY COUNCIL ACTING AS THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY**
- K. ORAL COMMUNICATIONS**
- L. APPROPRIATIONS**
- Approval of Audited Demands for the City Council meeting of December 14, 2017. (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.



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City Administration Building
6:00 p.m.
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Minutes

Special Meeting

Tuesday, November 7, 2017

A. ROLL CALL

Mayor Nagy called the meeting to order at 6:10 p.m. Present were Council Members Hannon, Collazo, and Vice Mayor Bucci. Council Member Freitas was noted absent.

B. **Work Session to discuss the Draft Zoning Ordinance to replace Title 17 of the City of Newark Municipal Code.**

Martha Miller, consultant, provided a presentation on the Draft Zoning Ordinance (copy on file with City Clerk).

Council comments included: consider a requirement for increased garbage service where needed, the proposed in-lieu fee for parking is a concern, have a future City Council discussion on marijuana dispensaries, consider expanding public noticing range, review the proposed setback requirements in Employment Districts to ensure buildings are not too close to the street, consider a provision for development agreements with building permit timelines that would allow for future review if the deadlines are not met.

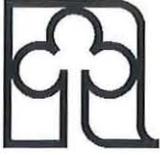
Mayor Nagy stated that letters for this item were received from Cox Castle & Nicholson LLP and MacKenzie and Albritton LLP (on file with City Clerk)

Christian Cebrian, Cox Castle & Nicholson LLP, stated that his firm represents DCT Industrial Trust owners of 38503-38507 Cherry Street. They requested that their comments about warehouses becoming nonconforming uses be incorporated into the Zoning Ordinance. Assistant City Manager Grindall stated that the spirit of the comments may be incorporated.

In response to Mayor Nagy, Assistant City Manager Grindall stated that the building permits process is separate from the Zoning Ordinance. Staff will review the process to see if it can be streamlined.

C. **ADJOURNMENT**

Mayor Nagy adjourned the meeting at 7:56 p.m.



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Minutes

Thursday, November 9, 2017

A. ROLL CALL

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

B. MINUTES

B.1 Approval of Minutes of the City Council meeting of October 26, 2017.

MOTION APPROVED

Vice Mayor Bucci moved, Council Member Hannon seconded, to approve the Minutes of the regular City Council meeting. The motion passed, 4 AYES, 1 ABSENT.

C. PRESENTATIONS AND PROCLAMATIONS

C.1 Introduction of employees.

Mayor Nagy introduced newly hired Police Officers Marc Palacio, Jenna Quinonez, and Anthony Piquette.

D. WRITTEN COMMUNICATIONS

E. PUBLIC HEARINGS

E.1 Public Hearing and tabulation of ballots for annexation of Tract 8098 to Zone 4 – Glass Bay Landscaping and Lighting District No. 19 and, if no majority protest exists, approve the Final Engineer’s Report and the annexation of Tract 8098 to Zone 4 – Glass Bay of Landscaping and Lighting District No. 19.

RESOLUTION NO. 10714

Public Works Director Fajeau gave the staff report recommending approval if a majority protest does not exist after the ballots are tabulated.

Mayor Nagy opened the public hearing at 7:40 p.m.

No one came forward to speak.

Mayor Nagy closed the public hearing at 7:41 p.m.

City Clerk Harrington opened the ballot and announced that the property owner voted in favor of the special assessments.

Vice Mayor Bucci moved, Council Member Collazo seconded to, by resolution, approve the Final Engineer’s Report and approve the annexation of Tract 8098 to Zone 4 – Glass Bay of Landscaping and Lighting District No. 19. The motion passed, 4 AYES, 1 ABSENT.

F. CITY MANAGER REPORT

John Henneberry requested the removal of agenda item F.3 for separate consideration.

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

CONSENT

- F.1 Introduction of an Ordinance amending Chapter 2.16 (Disaster Council) to conform with California Office of Emergency Services requirements; and (2) Adoption of a Resolution pertaining to Workers Compensation Benefits for Disaster Service Worker Volunteers.**

**INTRODUCTION OF ORDINANCE
RESOLUTION NO. 10715**

- F.2 Approval of plans and specifications, acceptance of bid and award of contract to Western Water Features, Inc. for Silliman Aquatic Center Improvements, Project 1114 and amendment of the 2016-2018 Biennial Budget and Capital Improvement Plan for Fiscal Year 2017-2018.**

**MOTION APPROVED
RESOLUTION NO. 10716
CONTRACT NO. 17048**

NONCONSENT

- F.3 Approval of the Final Map and Subdivision Improvement Agreement for Tract 8270 - Sanctuary, a large-lot subdivision in General Plan Area 3 at the intersection of Cherry Street and Stevenson Boulevard.**

RESOLUTION NO. 10717

CONTRACT NO. 17049

John Henneberry requested that the City Council vote no on this item and maintain the property as open space.

Council Member Hannon moved, Council Member Collazo seconded to, by resolution, approve the Final Map and Subdivision Improvement Agreement for Tract 8270 - Sanctuary, a large-lot subdivision in General Plan Area 3 at the intersection of Cherry Street and Stevenson Boulevard. The motion passed, 4 AYES, 1 ABSENT.

NONCONSENT

- F.4 Approval of solid waste collection and recycling services maximum rates for 2018 with an increase of 3.9% over 2017 and approval of the Second Amendment to the Franchise Agreement to establish a Commercial Organics Collection Program.**
- RESOLUTION NO. 10718**
CONTRACT NO. 13002

Administrative Services Director Woodstock stated that the franchise agreement with Republic Services allows for annual rate adjustments. For 2018 a maximum of 3.9 percent was recommended. She noted that an organics collection program would be added as a service option for commercial customers

Council Member Hannon requested that the City newsletter include an article on this matter in the future.

In response to Diane Bonbright's questions, Administrative Services Director Woodstock stated that the organics program would be available to schools and there was not a rate reduction for residents who choose to have two recycling containers.

Council Member Hannon moved, Council Member Collazo seconded, by resolution, to establish the maximum limit for rates for solid waste collection and recycling services for Calendar Year 2018 and direct the Mayor to sign the Second Amendment to the Franchise Agreement to add Commercial Organic Collection Services. 4 AYES, 1 ABSENT

In response to Vice Mayor Bucci, Emily Phillips of Republic Services stated that the recycling fee for the second recycling container reflected the true cost of the service. She suggested that residential customers consider a smaller trash container.

G. CITY ATTORNEY REPORTS

- G.1 Claim of Allstate Insurance.**

MOTION APPROVED

City Attorney Benoun gave the staff report recommending denial of the claim.

Vice Mayor Bucci moved, Council Member Hannon seconded to, by motion, deny the claim and authorize staff to inform the claimant of such denial. The motion passed, 4 AYES, 1 ABSENT.

H. ECONOMIC DEVELOPMENT CORPORATION

I. CITY COUNCIL MATTERS

I.1 Reappointment of Bernie Nillo to the Planning Commission.

RESOLUTION NO. 10719

Mayor Nagy stated that Planning Commissioner Bernie Nillo's term will expire in December. He recommended a four year reappointment.

Council Member Hannon moved, Council Member Collazo seconded to, by resolution, approve the reappointment of Bernie Nillo to the Planning Commission, for a term to expire on December 31, 2021. The motion passed, 4 AYES, 1 ABSENT.

Council Member Collazo stated that she was grateful for her blessings and completed her Christmas shopping. She wished everyone a Happy Thanksgiving.

Council Member Hannon recognized a county program that saves money in an escrow account for low income tenants. Their rent stayed the same and the difference was placed in the escrow account that they received after a five year period.

Mayor Nagy stated that a new Veterans Memorial would be dedicated at Veterans Memorial Park in Union City on Saturday. Vice Mayor Bucci commended Union City for the Memorial and shared details on the ceremony.

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

K. ORAL COMMUNICATIONS

Diane Bonbright stated a cat was trapped and relocated by a neighbor who admitted to the actions. She requested that the City Council have the neighbor show them where the cat was placed and adopt an ordinance prohibiting traps.

John Henneberry expressed his displeasure with City leadership, the Police Department, City retirees, and executive compensation.

L. APPROPRIATIONS**Approval of Audited Demands for the City Council meeting of November 9, 2017. MOTION APPROVED**

City Clerk Harrington read the Register of Audited Demands: Check numbers 112687 to 112803.

Council Member Collazo moved, Vice Mayor Bucci seconded, to approve the Register of Audited Demands. The motion passed, 4 AYES, 1 ABSENT.

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: 2****M.2 Conference with Labor Negotiator
Government Code Section 54957.6
Agency Designated Representative: Mayor Nagy
Unrepresented employee: City Attorney**

At 8:19 p.m. the City Council recessed to closed sessions.

At 8:34 p.m. the City Council convened in closed sessions.

At 9:40 p.m. the City Council reconvened in open session with all Council Members present.

City Attorney Benoun announced for item M.1, that although the Brown Act expressly authorizes withholding of otherwise public information upon initiation of litigation [See Cal. Gov. Code Section 54957.1(a)(2)], the Newark City Council would like to release the following information in the interests of full transparency:

Since July of this year, Newark Police have been actively investigating over a dozen individuals for drug related crimes at a residence located at 6559 Normandy Drive. In the past few months, Newark Police have authored 24 reports, taken 12 individuals into custody on non-citable offenses, and issued 10 citations. On a 4-0 vote with Councilmember Freitas absent, the Newark City Council authorized initiation of legal action against the occupants inside the property as well as all legal entities that may have a recorded interest against the property. The legal action includes a request for appointment of a Receiver under Health and Safety Code Section 17980 et seq., as well as civil prosecution under the Drug House Abatement Act (Cal. Health and Safety Code Section 11570 et seq.).

City Attorney Benoun announced that there was no reportable action for item M.2.

N. ADJOURNMENT

At 9:40 p.m., Mayor Nagy adjourned the City Council meeting.

**C.1 Commending Volunteer Reserve Police Officer Bruce Howcroft for 40 years of
volunteer service. (COMMENDATION)**

Background/Discussion – Bruce Howcroft has volunteered thousands of hours since 1977 as a Volunteer Reserve Police Officer for the Newark Police Department. A commendation will be presented at the City Council meeting to honor Mr. Howcroft's 40 years of volunteer service.

D.1 An Architectural and Site Plan Review, for 3 new advanced manufacturing buildings located at 7200, 7300, and 7400 Gateway Boulevard and finding that an additional environmental review is not required – from Assistant Planner Bowab. (RESOLUTIONS-2)

Background/Discussion -Panattoni Development Company, Inc. has submitted an application for a 3 building advanced manufacturing project located at 7200, 7300, and 7400 Gateway Boulevard. The project area is approximately 23.1 acres and is bounded by Gateway Boulevard to the north, Industrial Park to the east, High Technology Park to the west, and Jarvis Avenue to the south. The subject site is zoned MT-1 (High Technology Park) with a SI (Special Industrial) General Plan land use designation.

The two-story advanced manufacturing project will consist of 3 buildings that will include 249,919 square feet of manufacturing, 135,408 square feet (33% maximum) of warehousing, and 26,000 square feet of office area. The proposed project will total 410,327 square feet of floor area and be approximately 38 feet in height. The site provides adequate parking for the proposed uses.

The architectural design and layout of the project was carefully designed with office areas to the front and rear of the project while locating the loading dock areas in between each building. The 3 concrete tilt-up buildings include various types of glass, window, and cement design elements. There is an existing fountain and moat that will remain at the front of the site.

Extensive landscaping will be provided along the perimeter of the site, including a 25 foot wide landscape easement along Gateway Boulevard and a 50 foot landscape easement along the southerly property line of Jarvis Avenue. The existing meandering sidewalk and mature trees along Jarvis Avenue within the landscape easement will remain.

Due to the proximity of the residential homes to the south of the proposed project, a condition was included to require a sound wall to buffer any loading activities if noise levels become a problem in the future. This will ensure the project will not be a nuisance to residents.

On October 16, 2017, representatives of Panattoni Development Company, Inc. held a neighborhood meeting to introduce the project to nearby property owners. Letters were sent to all property owners located within 400 feet of the project site. Community Development staff attended the meeting at which no citizens attended.

Environmental Review

In December 1994, the City Council certified a full project Environmental Impact Report (EIR) for the Cargill project (now the Pacific Research Center) which includes the subject property, the existing Pacific Research Center campus on the north and south side of Gateway Boulevard, and the site at the northwest corner of Jarvis Avenue and Kiote Drive. The EIR contains a comprehensive assessment of the environmental impacts of developing this area. Also, as considered by the trip generation assessment conducted by Fehr and Peer on August 21, 2017, the traffic impacts of the proposed project are consistent with findings of the amended 1997 EIR.

Given that, including this proposed advanced manufacturing project, the previous environmental analysis and the trip generation assessment adequately addressed the potential impacts of the project. A resolution containing the findings required per the California Environmental Quality Act (CEQA) is attached for the Commission's consideration.

Staff believes this project will be beneficial for the City by providing employment opportunities and tax revenue and recommends approval of the proposed 3 building advanced manufacturing project, subject to the conditions of approval listed in the attached resolutions.

Update – At its November 28, 2017 meeting, the Planning Commission: (1) recommended that the City Council approve Resolution No. 1949 which finds that the proposed project does not require additional environmental review as provided for in Section 21166 of the California Environmental Quality Act; and (2) approve Resolution 1950 with Exhibit A, pages 1 through 17, for ASR-17-14, an Architectural and Site Plan Review for 3 new advanced manufacturing buildings at 7200, 7300, and 7400 Gateway Boulevard (APNs 537-853-54, 537-853-55, 537-853-56).

Attachments

Action – It is recommended that the City Council, by resolutions: (1) find that ASR-17-14, an Architectural and Site Plan Review, submitted by Panattoni Development Company, Inc., to allow for 3 new advanced manufacturing buildings at 7200, 7300, and 7400 Gateway Boulevard (APNs 537-853-54, 537-853-55, 537-853-56) does not require additional environmental review as provided for in Section 21166 of the California Environmental Quality Act; and (2) approve ASR-17-14, an Architectural and Site Plan Review for 3 new advanced manufacturing buildings at 7200, 7300, and 7400 Gateway Boulevard (APNs 537-853-54, 537-853-55, 537-853-56).

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWARK FINDING THAT ASR-17-14, AN ARCHITECTURAL AND SITE PLAN REVIEW, SUBMITTED BY PANATTONI DEVELOPMENT COMPANY, INC., TO ALLOW FOR 3 NEW ADVANCED MANUFACTURING BUILDINGS AT 7200, 7300, AND 7400 GATEWAY BOULEVARD (APNs: 537-853-54, 537-853-55, 537-853-56) DOES NOT REQUIRE ADDITIONAL ENVIRONMENTAL REVIEW AS PROVIDED FOR IN SECTION 21166 OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

WHEREAS, Panattoni Development Company, Inc. has filed with the City Council of the City of Newark an application for ASR-17-14, an Architectural and Site Plan Review, for a 3 building advanced manufacturing project to be located at 7200, 7300, and 7400 Gateway Boulevard; and

WHEREAS, on December 1, 1994, the City Council of the City of Newark approved and certified a full Environmental Impact Report (EIR) for the Gateway Technology Centre, including a statement of Overriding Considerations and a Mitigation Monitoring Program; and

WHEREAS, on May 8, 1997, the City Council of the City of Newark approved and certified an addendum to the 1994 Environmental Impact Report (EIR) for the Gateway Technology Centre which determined the change to a mixed-use, high-tech industrial, office complex is consistent with the description of the environmental setting, environmental impacts and mitigation measures as set forth in the originally certified Gateway EIR; and

WHEREAS, on December 14, 2017, the City Council will consider ASR-17-14, an Architectural and Site Plan Review, for a 3 building advanced manufacturing project to be located at 7200, 7300, and 7400 Gateway Boulevard; and

WHEREAS, ASR-17-14 is consistent with the project as defined by the 1997 addendum to the EIR for the Gateway Technology Centre approved and certified by the City Council on December 1, 1994; and

WHEREAS, the City Council considered said application at 7:30 p.m. on December 14, 2017 at the City Administration Building, 37101 Newark Boulevard, Newark, California.

NOW, THEREFORE, BE IT RESOLVED that the City Council does hereby approve this application and finds as provided for in Section 21666 of the California Environmental Quality Act that no additional environmental analysis is needed for ASR-17-14, an architectural and site plan review for 3 new advanced manufacturing buildings, given that:

(1) No substantial changes are proposed in the project which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

(2) No substantial changes have occurred with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

(3) There is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete, that shows any of the following:

(A) The project will have one or more significant effects not discussed in the previous EIR;

(B) Significant effects previously examined will be substantially more severe than shown in the previous EIR:

(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

(D) Mitigation measures or alternatives which are considerable different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measures or alternatives.

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWARK APPROVING ASR-17-14, AN ARCHITECTURAL AND SITE PLAN REVIEW, TO ALLOW FOR 3 NEW ADVANCED MANUFACTURING BUILDINGS AT 7200, 7300, AND 7400 GATEWAY BOULEVARD (APNs: 537-853-54, 537-853-55, 537-853-56)

WHEREAS, Panattoni Development Company, Inc. has filed with the City Council of the City of Newark an application for ASR-17-14, an Architectural and Site Plan Review, a 3 building advanced manufacturing project to be located at 7200, 7300, and 7400 Gateway Boulevard; and

WHEREAS, the City Council considered said application at 7:30 p.m. on December 14, 2017 at the City Administration Building, 37101 Newark Boulevard, Newark, California.

NOW, THEREFORE, BE IT RESOLVED that the City Council does hereby approves this application as shown on Exhibit A, pages 1 through 17, subject to compliance with the following conditions:

Planning Division

- a. This project is subject to the conditions of approval in Planning Commissions Resolutions Nos. 1493 and 1494 and City Council Resolutions Nos. 6978 and 6979, unless otherwise amended herein.
- b. No refuse, garbage or recycling shall be stored outdoors except within approved trash and recycling enclosure.
- c. Unless a building permit is issued within 24 months of project approval, the entitlements expire unless extended by Community Development Director.
- d. 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 public streets, Highway 84 (Dumbarton Freeway), and freeway overpasses. All equipment shall be fully screened within the context of the building's architecture, as approved by the Community Development Director. 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. If screening panels are used, they shall not exceed six feet in height unless the screens are part of the integral design elements of the building, as determined by the Community Development Director.

- 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. There shall be no outdoor vending machines other than 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.
- g. In the event of disruption to the nearest residential neighborhood, the Community Development Director may require the developer to build a wall(s) in the landscape border area that blocks the loading aisle(s) from residential areas , or, may require, at the Director's discretion, some other noise mitigation while still allowing deliveries. Parking lot cleaning with sweeping or vacuum equipment shall not be permitted between 8:00 p.m. and 8:00 a.m.
- h. All lighting shall be directed on-site so as not to create glare off-site, as required by the Community Development Director.
- i. 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.
- j. 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.
- k. The applicant has submitted colored elevations for the review and approval of the Planning Commission and City Council along with this application. The building elevations reflect all architectural features and projections such as roof eaves, bay windows, greenhouse windows, chimneys and porches. A site plan showing the building location with respect to property lines also shows the projections. Said elevations specify exterior materials. Prior to the issuance of a building permit, final color elevations shall be submitted for the review and approval of the Community Development Director.
- l. The applicant has submitted the floor plans for the review and approval of the Planning Commission and City Council along with this application.
- m. Prior to the issuance of a building permit, the location and screening design for centralized garbage, refuse, organics and recycling collection areas for the project shall be submitted for the review and approval of Republic Services, Inc. and the Community Development Director, in that order.

- n. The maximum sound level radiated by any activity on a site shall not exceed 55 dBA between 7 a.m. and 10 p.m., and shall not exceed 45 dBA between 10 p.m. and 7 a.m. at the property plane adjoining an A, O or R district or any residential site. The maximum sound level radiated by any activity on a site at the property plane adjoining other districts shall not increase the ambient noise level by more than 6 dBA.
- o. During project construction, should archeological or paleontological artifacts or remains be discovered, work in the vicinity of the find shall stop immediately until a qualified archeologist or paleontologist, as appropriate, can evaluate the site and determine the significance of the find. Project personnel shall not collect or alter cultural resources. Identified cultural resources shall be recorded on forms DPR 422 (archeological sites) and/or DPR 523 (historic resources). If human remains are found, the County Coroner shall be contacted immediately.
- p. 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.
- q. 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.
- r. Prior to the issuance of a sign permit, all signs, other than those referring to construction, sale, or future use of this site, shall be submitted to the Community Development Director for review and approval.
- s. All construction within the project area shall be limited to 7:00 a.m. to 6:00 p.m. Monday through Friday, unless alternative hours are approved by the Newark Building Official. Construction equipment, including compressors, generators and mobile equipment shall be fitted with heavy duty mufflers designed to reduce noise impacts.
- t. The applicant shall contract with a qualified, licensed geotechnical engineering firm to identify appropriate materials and methods for soil compaction and the construction of building foundations to ensure compliance with the Uniform Building Code. All recommendations contained in the geotechnical reports shall be followed by the applicant and the City of Newark during construction phases of the project.
- u. If 3 months passes subsequent to rough grading, the applicant shall hire a qualified biologist to: (1) determine if Burrowing Owl habitat(s) exist on the site, and (2) implement a plan to protect the owls and to excavate the site around any active burrows using hand tools to assure that the owls are not buried during grading in the event Burrowing Owl habitat(s) is found on the site. The Burrowing Owl habitat(s), if found, shall not be disturbed during the nesting season. The Burrowing Owl study shall be conducted not more than 30 days prior to the time site grading activities will commence.

- v. Prior to the issuance of a building permit, the applicant shall pay the following fees: public safety impact fee (\$0.25 per square foot), community service and facilities impact fee (\$0.18 per square foot), transportation impact fee (\$2.41 per square foot), non-residential development housing impact fee (\$0.69 per square foot), art in public places impact fee (\$0.41 per square foot), and the community development maintenance fee (0.5% of construction valuation).

Engineering Division

- w. Prior to the issuance of a building permit, the construction plan set must incorporate any recommendations and requirements stated in the required traffic study and geotechnical investigation report for liquefaction for review and approval by the City Engineer.
- x. Prior to the issuance of a building permit on any parcel, utility easements shall be created where public utilities serving a parcel are partially located on an adjoining property within the division of land. Public utilities include, but not necessarily limited to telephone, communication, gas, and electrical services. Separate easements for storm drain, sanitary sewer, water, fire lines, and irrigation shall also be created when such lines serve a parcel and are partially located on an adjoining property within the division of land.
- y. Prior to the issuance of a building permit, the applicant shall create easements for emergency vehicle access and reciprocal access for approval by the City Engineer and City Attorney. An agreement for parking shall also be submitted for approval by the City Engineer and City Attorney. The project civil engineer shall prepare all required documents related to new easements, modified easements, and easements to be quit claimed.
- z. Prior to the issuance of a building permit, the applicant shall quit claim, remove, or modify any existing easements on the property that are no longer required or conflicts with the proposed site layout.
- aa. Prior to the issuance of a building permit, the project civil engineer must submit an existing/proposed easement exhibit for review and approval by the City.
- bb. Prior to the issuance of a Certificate of Occupancy or release of utilities for any building, common vehicle access ways and parking facilities serving the proposed buildings shall be paved in accordance with the recommendation of the project geotechnical engineer based on a Traffic Index of 6.0 for drive aisles and a Traffic Index of 5.0 within parking areas.
- cc. Prior to issuance of a Certificate of Occupancy, the on-site drive aisle and uncovered parking facilities shall be installed and striped as shown on the approved site plan. All on-site uncovered parking facilities and drive aisles shall be drained at a minimum slope

of 1.0% for asphalt surfaces, 1% for bare earth, and 0.3% for Portland cement concrete surfaces.

- dd. This site is subject to the State of California National Pollutant Discharge Elimination System (NPDES) Program General Permit for Storm Water Discharges Associated with Construction Activity. Prior to issuance of a grading permit or a building permit, the applicant needs to provide evidence that the proposed site development work is covered by said General Permit for Construction Activity. This will require confirmation that a Notice of Intent (NOI) and the applicable fee were received by the State Water Resources Control Board and the submittal of the required Storm Water Pollution Prevention Plan (SWPPP) for review and approval by the City Engineer. In addition the grading plans need to state: "All grading work shall be done in accordance with the approved Storm Water Pollution Prevention Plan prepared by the applicant pursuant to the Notice of Intent on file with the State Water Resources Control Board."
- ee. Prior to the issuance of a grading or any building permits for this project, the applicant shall submit a Stormwater Pollution Prevention Plan (SWPPP) 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 SWPPP shall be prepared by a Qualified SWPPP Applicant (QSD) in the State of California. 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. A detailed dewatering plan shall be submitted for the construction of any culverts required for new driveways crossing the existing vegetated swale along Gateway Boulevard. Additional erosion and sediment control shall be provided within the existing vegetated swale along the Gateway Boulevard frontage during the construction phase at the request of the City Engineer. 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 stormwater runoff from the project site including, but not limited to, low impact development stormwater treatment measures, trash and litter control, pavement sweeping, periodic storm water inlet cleaning, loading/unloading dock maintenance, landscape controls for fertilizer and pesticide applications, labeling of storm water inlets with a permanent thermoplastic stencil with the wording "No Dumping - Drains to Bay," and other applicable practices.
- ff. 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 R2-2015-0049, revised November 19, 2015, 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 with roof and sanitary sewer connection, sanitary sewer connections for all non-stormwater discharges, roof over loading/unloading truck dock areas, sloping of loading/unloading truck dock area to

prevent run-on, prohibiting roof downspout drainage to the loading/unloading truck dock area, loading dock design recommendations from the California Stormwater Quality BMP Handbook, Sheet SC-30, 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.

- gg. The proposed stormwater treatment design must comply with Provision C.3.d.i of the MRP for either volume based, flow-based, or combination volume and flow approach. The proposed stormwater treatment area provided must be equal to or greater than the stormwater treatment area required. The construction plan set must provide a cross-sectional detail of the proposed stormwater treatment measures based on the current version of the C.3. Technical Guidance Manual provided by the Alameda County Cleanwater Program. The proposed landscaping, bioretention soil mix, permeable rock, minimum depths, and all design features related to the bioretention areas shall be based on the current C.3 Technical Guidance Manual requirements. The bioretention areas must be inspected by the City (during all phases of construction) and approved by the project civil engineer and landscape architect prior to the issuance of a Certificate of Occupancy. A written acknowledgement letter must be submitted to the City Engineer as evidence of approval by the project civil engineer and landscape architect.
- hh. The applicant shall install full trash capture devices in all existing and proposed on and off-site storm drain inlets, including overflow catch basins within bioretention areas, on the project site and along the Gateway Boulevard and Jarvis Avenue street frontages. These trash capture devices shall be selected from a list of devices approved by the Regional Water Quality Control Board as meeting full trash capture requirements under the MRP. These devices shall be regularly cleaned and maintained by the property owner as part of the required Stormwater Treatment Measures Maintenance Agreement.
- ii. Applicant shall enter into an Agreement with the City of Newark that guarantees the property owner's perpetual maintenance obligation for all stormwater treatment and trash capture measures installed as part of the project. Said Agreement is required pursuant to Provision C.3 of the Municipal Regional Stormwater NPDES Permit, Order No. R2-2015-0049. Said permit requires the City to provide verification and assurance that all treatment measure and trash capture devices will be properly operated and maintained. The Agreement shall be recorded against the property and shall run with the land.
- jj. 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.

- kk. Prior to the issuance of a building permit, the plan set must show a new City of Newark Type S driveway (City Standard Detail SD-106-4) for the main driveway approach. The existing driveway approach at the northeast corner of the site must be upgraded to comply with current Caltrans Plan No. A88A. Any work within the public right-of-way and adjacent landscape, public utility, and storm drain easement shall require the issuance of a City of Newark Encroachment Permit.
- ll. Prior to the issuance of a Certificate of Occupancy, the applicant shall vacuum clean and hydro flush the on and off-site storm drain system. The applicant shall submit a narrated video inspection with report, from an accredited company specializing in underground construction and video inspection. The video must stop and pan around all joints, damages, etc. The storm drain pipes within the new and existing culverts in the vegetated swales shall be included in the video inspection. The video and detailed report must be submitted to the City Engineer for review and approval.
- mm. Prior to the issuance of a Certificate of Occupancy, the applicant must apply for a Notice of Intent (NOI) with the State Water Resources Control Board to verify if post-construction stormwater discharges from the site are required to be permitted under the State Industrial General Permit. The applicant or tenant must coordinate regular business inspections with City Engineering Staff on a yearly basis. The required Storm Water Pollution Prevention Plan (SWPPP) as part of the NOI needs to be prepared, reviewed, and implemented year around by a Qualified Industrial Storm Water Practitioner (QISP) or Qualified Stormwater Pollution Prevention Plan Applicant (QSD). The applicant or tenant must coordinate application for a NOI with Mr. Regan Morey, State Water Resources Control Board Engineer.
- nn. 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.
- oo. 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).
- pp. 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.

- qq. The applicant shall submit a detailed soils report prepared by a qualified engineer, registered with the State of California. The report shall address in-situ and import soils in accordance with the City of Newark Grading and Excavation Ordinance, Chapter 15.50. The report shall include recommendations regarding pavement sections for all public and private streets. Grading operations shall be in accordance with recommendations contained in the soils report and shall be completed under the supervision of an engineer registered in the State of California to do such work.
- rr. 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.
- ss. All new utilities including, but not limited to, electric, telephone and cable television services shall be provided underground for all buildings in the development in accordance with the City of Newark Subdivision Standards.
- tt. The applicant shall obtain approval from the Alameda County Fire Department for any modifications to the existing private fire service easement and emergency vehicle access easement as shown on Parcel Map 9361.
- uu. The applicant shall obtain approval from the Alameda County Water District, San Francisco Water District, and Shell Oil Company for any work within their existing easements as shown on Parcel Map 9361.
- vv. Prior to the issuance of a building permit, the applicant must obtain approval from Republic Services for the proposed location, size, and design of the proposed trash enclosures. The proposed trash enclosures must have a watertight roof and be connected to the sanitary sewer system.
- ww. Prior to the issuance of a building permit, the applicant must obtain approval from the Union Sanitary District for the proposed tie-in to the existing 24-inch sanitary sewer main along Jarvis Avenue. The work to tie-in to the existing 24-inch sanitary sewer main will require the issuance of a City of Newark Encroachment Permit.
- xx. The applicant shall obtain approval from the Planning Division, adjoining property owner to the west, and the Gateway Technology Centre Property Owner's Association, Inc. for the modification of the existing water fountain and moat. The applicant shall be responsible for any required modifications to the existing water fountain and moat due to the project scope as required by the Planning Division and the property owner's association. The applicant shall submit an approval letter from the adjoining property owner to the west and the property owner's association approving any proposed layout changes to existing improvements prior to the issuance of a building permit.

- yy. Prior to the issuance of a building permit, the plan set shall include the construction of a culvert/headwalls consisting of multiple twenty-four inch diameter high density polyethylene (HDPE) pipes, rip-rap, etc. A detailed dewatering plan shall be submitted to the City Engineer for review and approval prior to the issuance of a building permit.
- zz. The applicant shall obtain a structural engineer for the design of a culvert for any proposed driveways crossing the existing vegetated swale. Prior to the issuance of any permits, the applicant's structural engineer shall submit structural calculations and cross-sectional details for the proposed culverts for review and approval of the City Engineer.
- aaa. The applicant shall repair and replace any damaged vegetation, soil, rock, etc. within or adjacent to the existing vegetated swale along the Gateway Boulevard frontage of the site to the satisfaction of the City Engineer.
- bbb. Any proposed utility connections and/or underground work within structurally sound street pavement must be bored or jacked. Multiple open street cuts are not permitted across Gateway Boulevard or Jarvis Avenue unless the affected area is scheduled for a pavement overlay or slurry seal concurrent with the site development. The applicant must utilize any existing utility stub outs to the maximum extent possible.
- ccc. The applicant shall repair and/or replace any private or public improvements damaged as a result of construction activity to the satisfaction of the City Engineer.
- ddd. 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.
- eee. The applicant shall implement the following measures for the duration of all construction activity to minimize air quality impacts:
 - 1. Watering should be used to control dust generation during demolition of structures and break-up of pavement.
 - 2. All trucks hauling demolition debris from the site shall be covered.
 - 3. Dust-proof chutes shall be used to load debris into trucks whenever feasible. Watering should be used to control dust generation during transport and handling of recycled materials.
 - 4. All active construction areas shall be watered at least twice daily and more often during windy periods; active areas adjacent to the existing land uses shall be kept damp at all times or shall be treated with non-toxic stabilizers or dust palliatives.
 - 5. All trucks hauling soil, sand, and other loose materials shall be covered or require all trucks to maintain at least 2 feet of freeboard.
 - 6. All unpaved access roads, parking areas, and staging areas at construction sites shall be paved, watered three times daily, or treated with (non-toxic) soil stabilizers.

7. All paved access roads, parking areas, and staging areas at construction sites shall be swept daily with water sweepers; water sweepers shall vacuum up excess water to avoid runoff-related impacts to water quality.
8. Limit traffic speeds on unpaved roads to 15 mph.
9. Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
10. Replant vegetation in disturbed areas as quickly as possible.
11. Minimize idling time (5 minutes maximum).
12. Maintain properly tuned equipment.

Landscape/Parks Division

- fff. Prior to the issuance of any building or grading permits, the developer shall enter into a Landscape Maintenance Agreement with the City of Newark. The Agreement shall cover all landscaped areas contiguous to the site's public street frontage and all visible on-site landscaping. All landscape maintenance on-site and along the project frontage shall be the responsibility of the property owner. 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 owner'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.
- ggg. The developer shall retain a licensed landscape architect to prepare working drawings for both off-site and 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 associated Landscape Documentation Package must be approved by the City Engineer prior to the issuance of a building permit.
- hhh. The developer 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 developer shall provide sufficient information to detail the environmentally-conscious landscape practices to be used on the project.
- iii. Prior to installation by the developer, 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. The applicant shall be required to install any additional landscaping along the Gateway Boulevard and Jarvis Avenue frontages of the property at the request of the City Engineer.

- jjj. 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.
- kkk. Prior to issuance of Certificate of Occupancy or release of utilities, the developer shall guarantee all trees for a period of 6 months and all other plantings and landscape for 60 days after completion thereof. The developer 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.

Fire Department

- lll. A PIV and FDC shall be provided per building. Where there are more than one fire sprinkler system in a building a separate shutoff valve shall be provided for each ASR.
- mmm. Coordinate with ACFD for sectional valve placement.
- nnn. A fire hydrant shall be within 20' – 50' from FDC.
- ooo. Fire utilities shall terminate outside building foundation.
- ppp. A fire pump will be provided for the project.

Building Division

- qqq. 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.
- rrr. The proposed building shall be equipped with a fully automatic fire sprinkler system as required by the Newark Municipal Code.
- sss. The structure has the capacity to accommodate high pile combustible storage. As such, it would be subject to the standards of Chapter 32 of the California Fire Code should a future tenant wish to install high pile combustible storage. One of the required features of the standards for high pile combustible storage buildings is fire department access doors spaced no further than 100 feet along the perimeter of the building.

Police Department

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

General

- vvv. 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.
- www. 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.
- xxx. 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.
- yyy. 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.
- zzz. 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 developer 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.

aaaa. 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.



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OWNER:
 CLARION PARTNERS
 PANATTONI

Project:
 Newark Gateway Blvd

Newark, NJ 07102

Consultants:
 M & W
 NEWARK

Project Number: 17219
Drawn By: V.L.
Date: 11/07/17
Revision:

THESE ELEVATIONS

GENERAL NOTES - ELEVATIONS

KEYNOTES - ELEVATIONS

GENERAL NOTES - ELEVATIONS

COLOR SCHEDULE - ELEVATIONS

GLAZING LEGEND

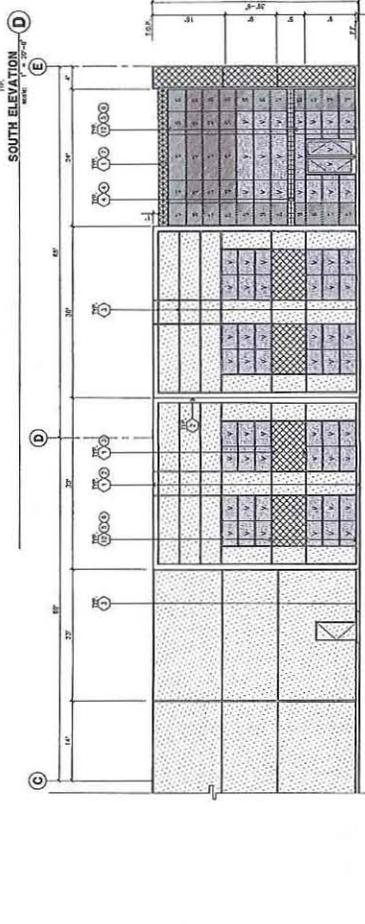
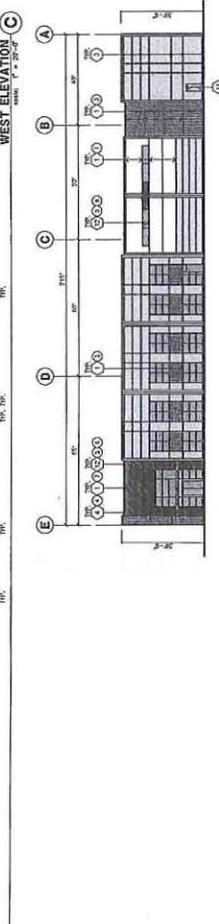
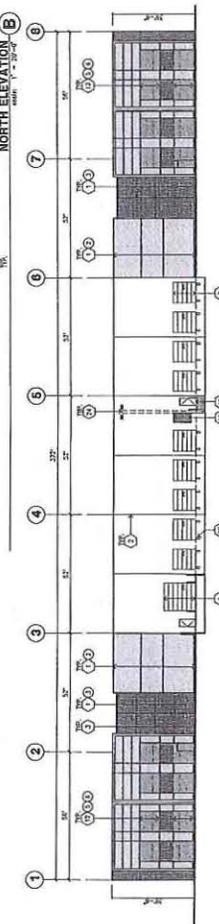
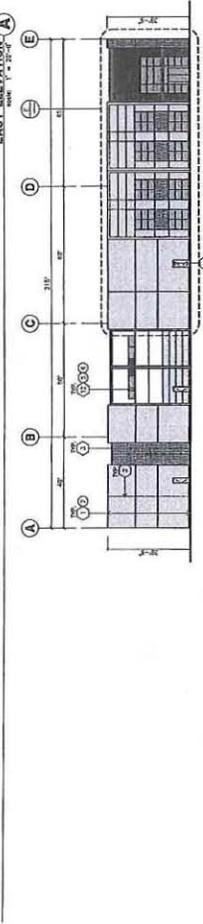
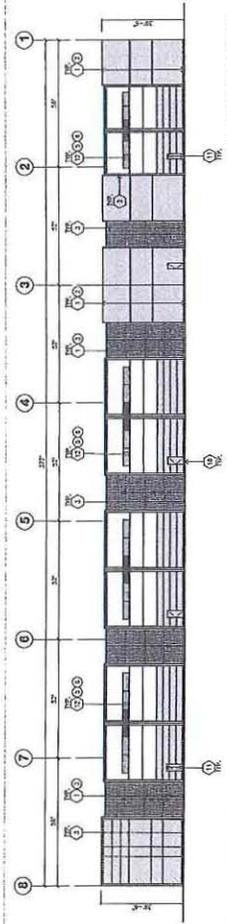


EXHIBIT A-10

ENLARGE NORTH ELEVATION

3-DAB-3.1

HPA
architectural

1801 Burbank Avenue - Ste. 4102
Burbank, CA 91506
Tel: 818.333.4400
Fax: 818.333.4402
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Owner:
CLARION PARTNERS
P.A.S.A.T.T.O.N.I.I.

Project:
Newark
Gateway Blvd

Architect:
Hensel CLAYCO

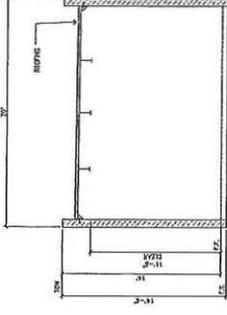
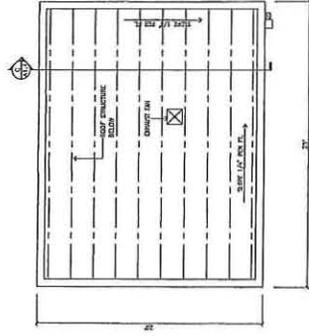
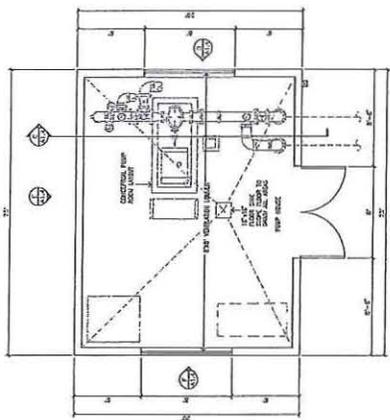
Consultants:
K&W
General: K&W
Electrical: K&W
Mechanical: K&W
Structural: K&W
Landscape: K&W
Fire Protection: K&W
Risk Engineering: K&W

Title: PUMP ROOM

Project Number: 1703
Drawn By: Y.L.
Date: 11/20/17
Revision:

Sheet: _____

DATE: _____



KEYNOTES - PUMP HOUSE

1. SEE GENERAL NOTES FOR ALL NOTES.
2. SEE GENERAL NOTES FOR ALL NOTES.
3. SEE GENERAL NOTES FOR ALL NOTES.
4. SEE GENERAL NOTES FOR ALL NOTES.
5. SEE GENERAL NOTES FOR ALL NOTES.

GENERAL NOTES - PUMP HOUSE

1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE IBC AND ALL APPLICABLE CODES.
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COLOR SCHED. - PUMP HOUSE

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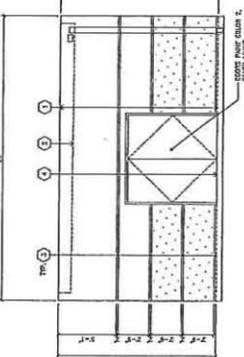
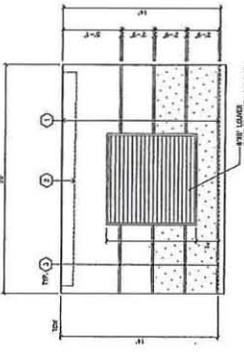
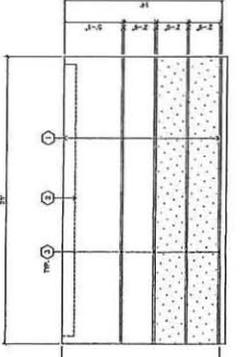
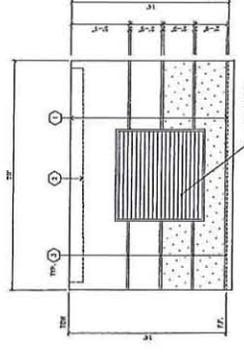


EXHIBIT April

A-D.1



HPA, Inc.
1001 Linden Avenue, Ste. 100
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Tel: 408.955.1770
Fax: 408.955.1771
email: hpa@hpa.com

Contract

CLARION PARTNERS
PANATIONAL

Project
Newark
Gateway Blvd

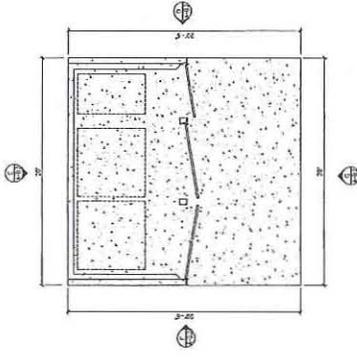
Irving, CA 94601

Consultants
K&W
New York

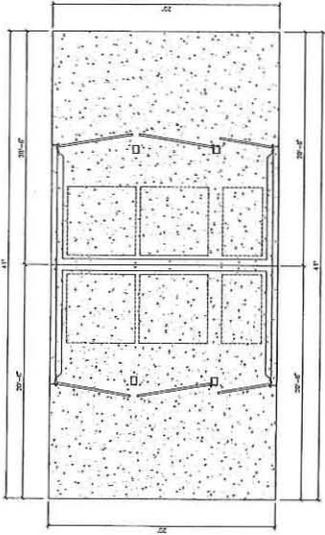
Task
TRASH ENCLOSURE
PLAN ELEVATION

Project Number: 0725
Drawing No.: 11
Date: 1/20/17
Revision:

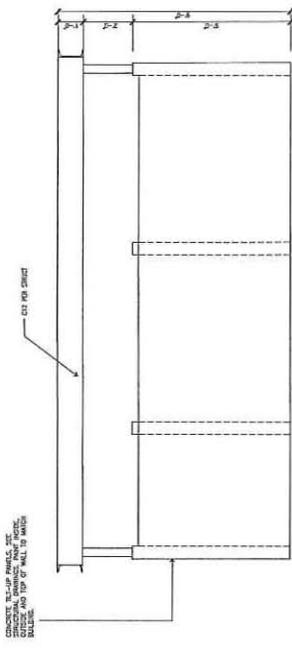
Sheet
A-D.2



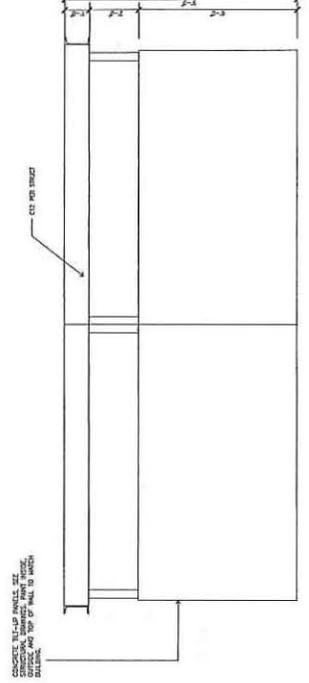
TRASH ENCLOSURE FLOOR PLAN (A)



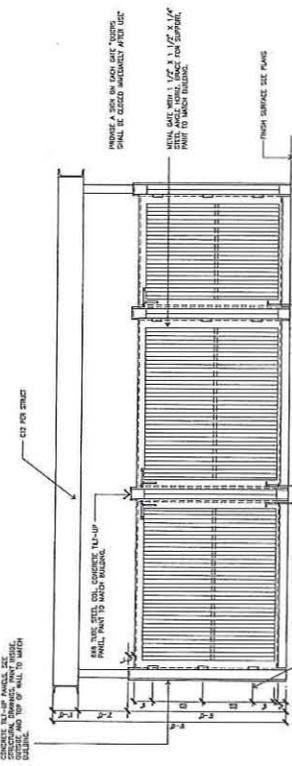
TRASH ENCLOSURE FLOOR PLAN (B)



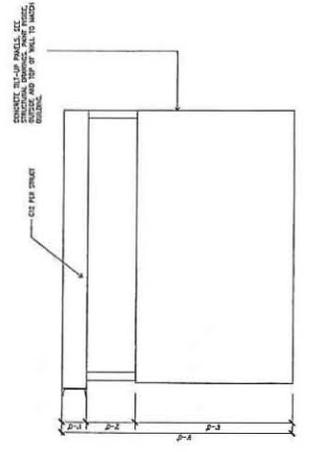
NORTH ELEVATION (E)



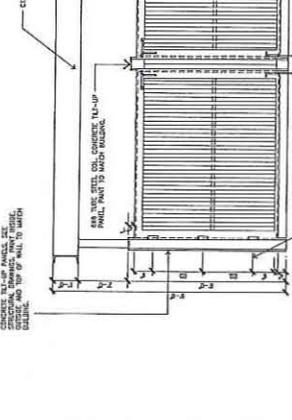
SOUTH ELEVATION (C)



SOUTH ELEVATION (G)

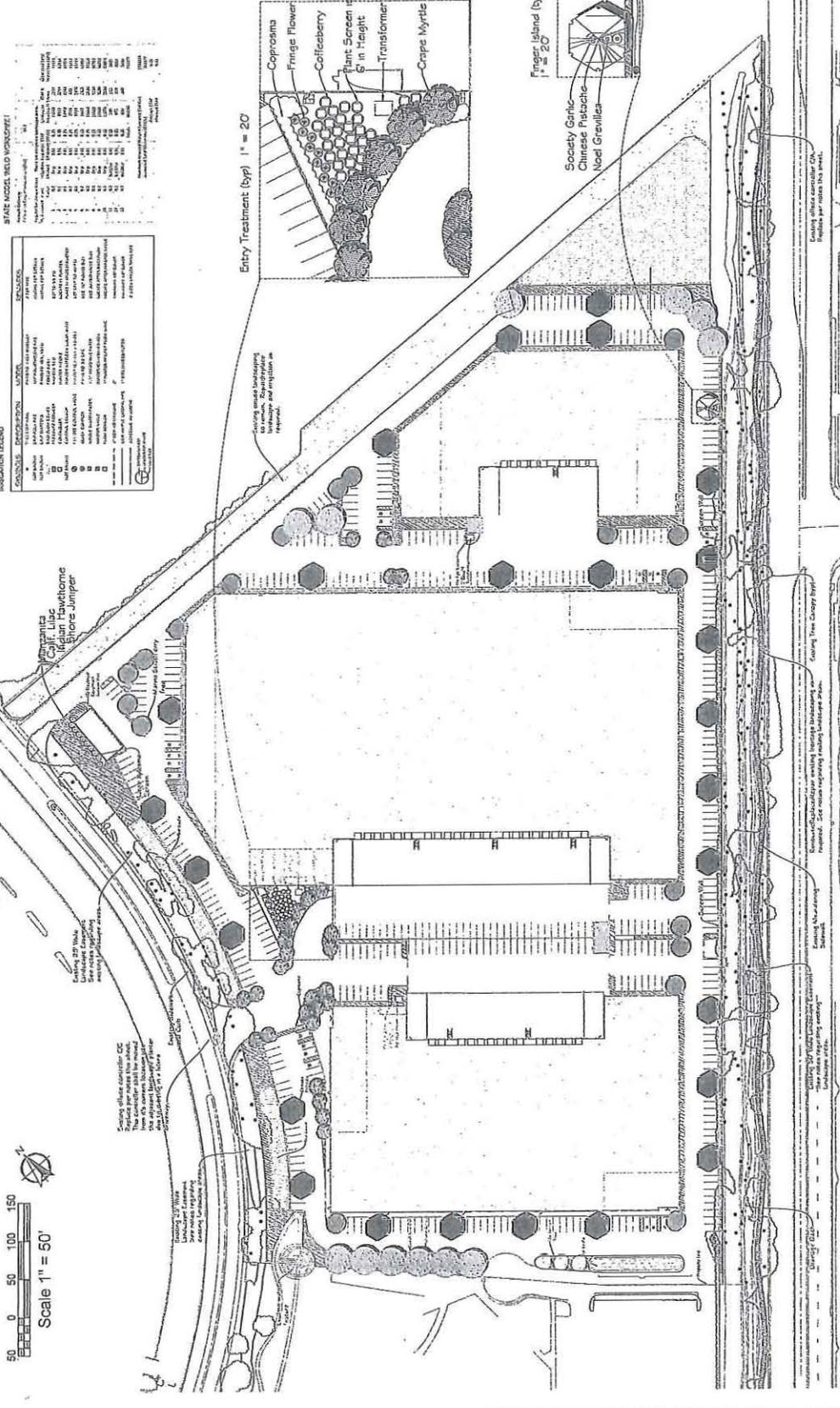


EAST ELEVATION (D)



WEST ELEVATION (F)

EXHIBIT A-D.2



EXISTING LANDSCAPE NOTES

1. THE EXISTING LANDSCAPE SHALL BE MAINTAINED AND ENHANCED AS REQUIRED.
2. THE EXISTING LANDSCAPE SHALL BE MAINTAINED AND ENHANCED AS REQUIRED.
3. THE EXISTING LANDSCAPE SHALL BE MAINTAINED AND ENHANCED AS REQUIRED.
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8. THE EXISTING LANDSCAPE SHALL BE MAINTAINED AND ENHANCED AS REQUIRED.
9. THE EXISTING LANDSCAPE SHALL BE MAINTAINED AND ENHANCED AS REQUIRED.

PRELIMINARY IRRIGATION NOTES

1. IRRIGATION SHALL BE PROVIDED FOR ALL PLANTINGS...
 2. IRRIGATION SHALL BE PROVIDED FOR ALL PLANTINGS...
 3. IRRIGATION SHALL BE PROVIDED FOR ALL PLANTINGS...
 4. IRRIGATION SHALL BE PROVIDED FOR ALL PLANTINGS...
 5. IRRIGATION SHALL BE PROVIDED FOR ALL PLANTINGS...

NEWARK BAY FRIENDLY LANDSCAPE GUIDE

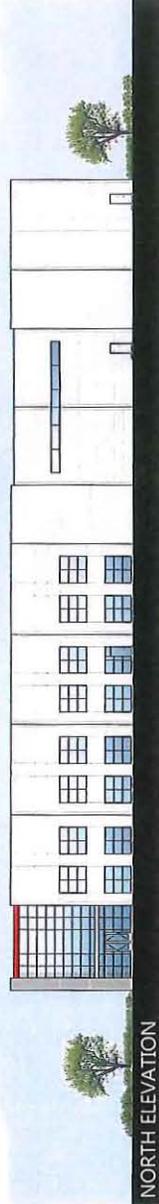
1. THE LANDSCAPE SHALL BE MAINTAINED AND ENHANCED AS REQUIRED.
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9. THE LANDSCAPE SHALL BE MAINTAINED AND ENHANCED AS REQUIRED.
10. THE LANDSCAPE SHALL BE MAINTAINED AND ENHANCED AS REQUIRED.

SHRUBS	SPACING	CONTAINER	WATER	WIND	SHADE	GROUND COVER	GROUND COVER	BIO SWALE FLOOR
1. 2' x 2' x 2'	15 Gallon	Low	Low	Low	Low	15 Gallon	15 Gallon	15 Gallon
2. 3' x 3' x 3'	20 Gallon	Low	Low	Low	Low	20 Gallon	20 Gallon	20 Gallon
3. 4' x 4' x 4'	25 Gallon	Low	Low	Low	Low	25 Gallon	25 Gallon	25 Gallon
4. 5' x 5' x 5'	30 Gallon	Low	Low	Low	Low	30 Gallon	30 Gallon	30 Gallon
5. 6' x 6' x 6'	35 Gallon	Low	Low	Low	Low	35 Gallon	35 Gallon	35 Gallon
6. 7' x 7' x 7'	40 Gallon	Low	Low	Low	Low	40 Gallon	40 Gallon	40 Gallon
7. 8' x 8' x 8'	45 Gallon	Low	Low	Low	Low	45 Gallon	45 Gallon	45 Gallon
8. 9' x 9' x 9'	50 Gallon	Low	Low	Low	Low	50 Gallon	50 Gallon	50 Gallon
9. 10' x 10' x 10'	55 Gallon	Low	Low	Low	Low	55 Gallon	55 Gallon	55 Gallon
10. 11' x 11' x 11'	60 Gallon	Low	Low	Low	Low	60 Gallon	60 Gallon	60 Gallon

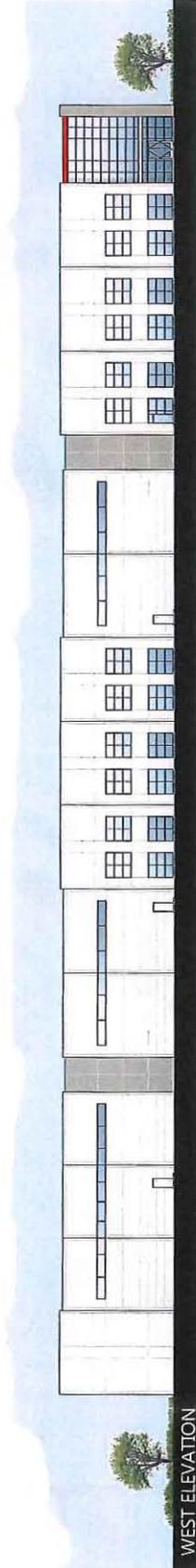
PRELIMINARY PLANT LEGEND

TREES	BOUNDS	WINDS	SHADE	GROUND COVER	BIO SWALE FLOOR
1. 12" x 12" x 12"	15 Gallon	Low	Low	15 Gallon	15 Gallon
2. 18" x 18" x 18"	20 Gallon	Low	Low	20 Gallon	20 Gallon
3. 24" x 24" x 24"	25 Gallon	Low	Low	25 Gallon	25 Gallon
4. 30" x 30" x 30"	30 Gallon	Low	Low	30 Gallon	30 Gallon
5. 36" x 36" x 36"	35 Gallon	Low	Low	35 Gallon	35 Gallon
6. 42" x 42" x 42"	40 Gallon	Low	Low	40 Gallon	40 Gallon
7. 48" x 48" x 48"	45 Gallon	Low	Low	45 Gallon	45 Gallon
8. 54" x 54" x 54"	50 Gallon	Low	Low	50 Gallon	50 Gallon
9. 60" x 60" x 60"	55 Gallon	Low	Low	55 Gallon	55 Gallon
10. 66" x 66" x 66"	60 Gallon	Low	Low	60 Gallon	60 Gallon

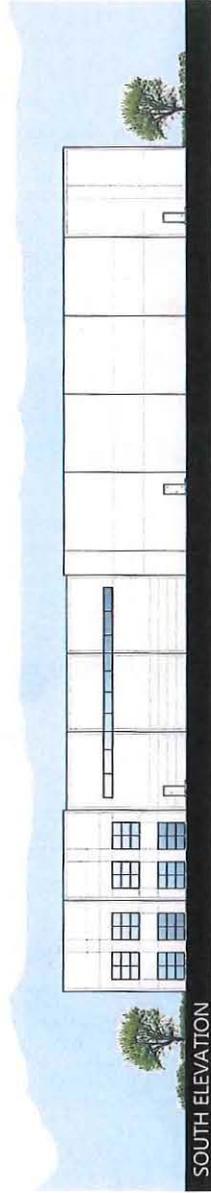
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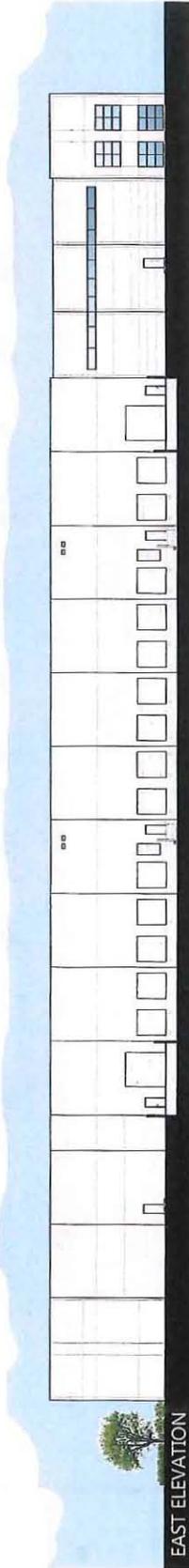
NORTH ELEVATION



WEST ELEVATION



SOUTH ELEVATION

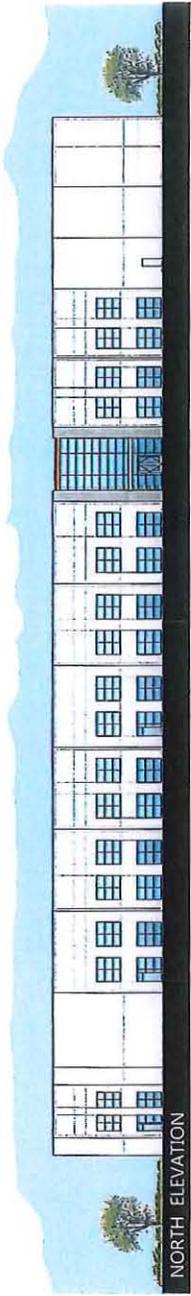


EAST ELEVATION

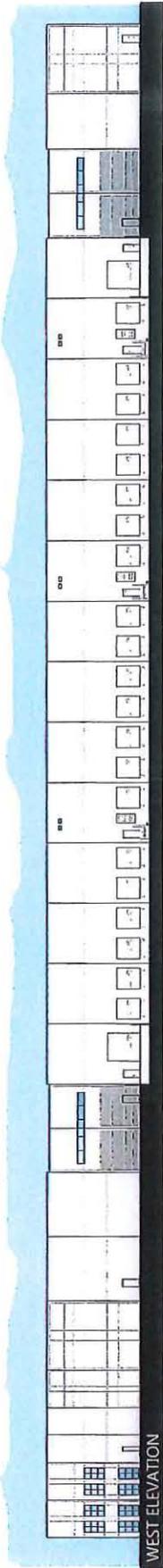
BLDG. 1
7200 Gateway Boulevard
NEWARK, CA

EXHIBIT *Ap14*
PANATTONI®





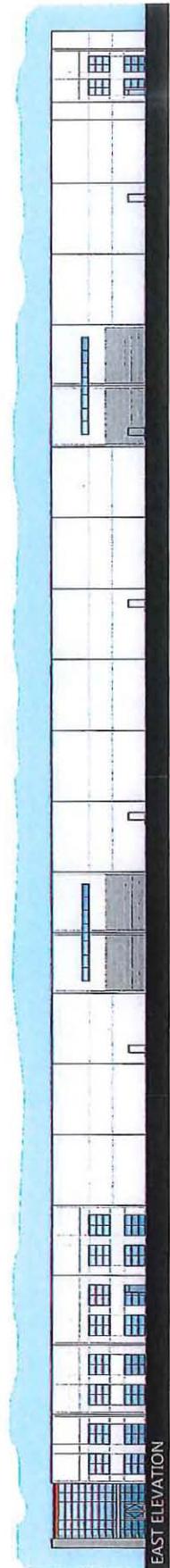
NORTH ELEVATION



WEST ELEVATION



SOUTH ELEVATION



EAST ELEVATION

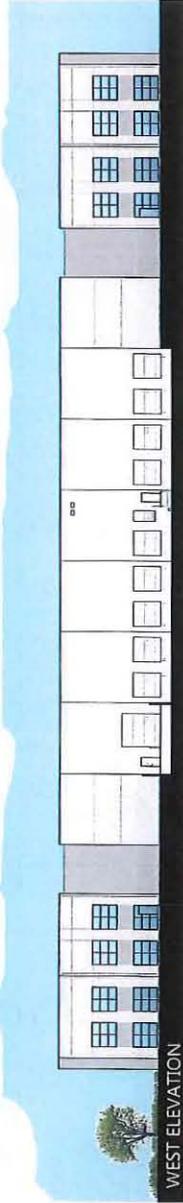
BLDG. 2
 7300 Gateway Boulevard
 NEWARK, CA

EXHIBIT *App 15*
 PANATTONI®





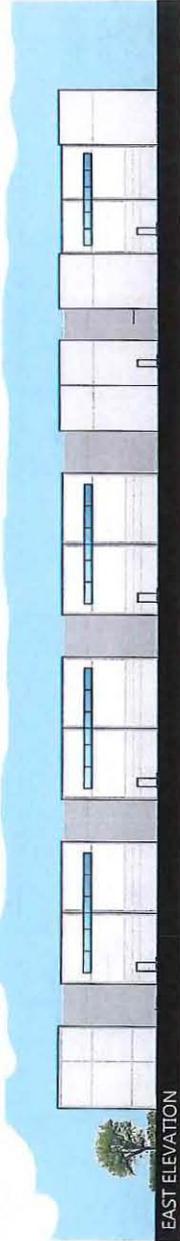
NORTH ELEVATION



WEST ELEVATION



SOUTH ELEVATION

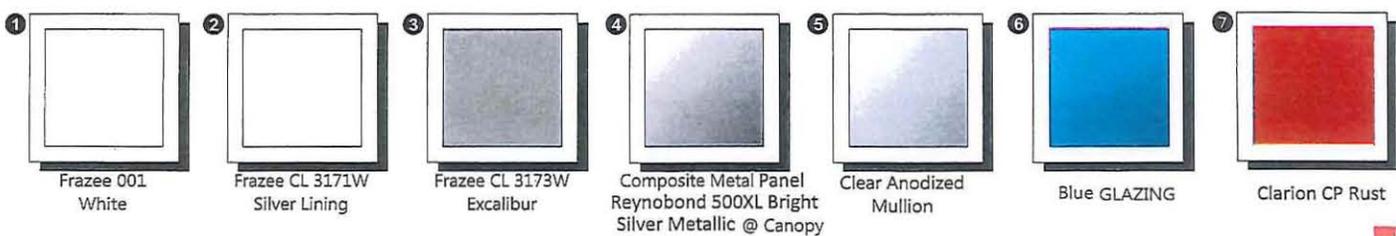
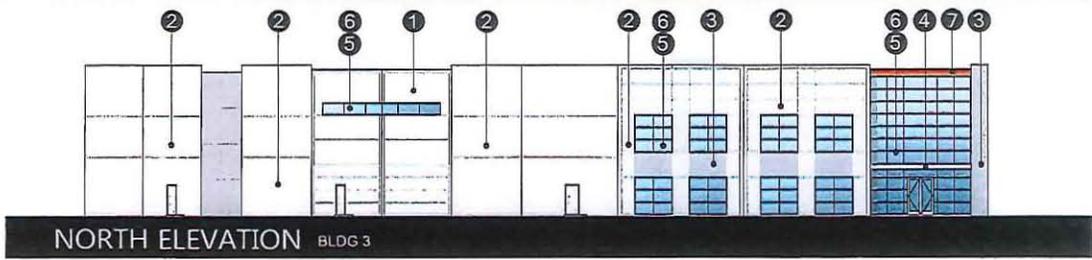
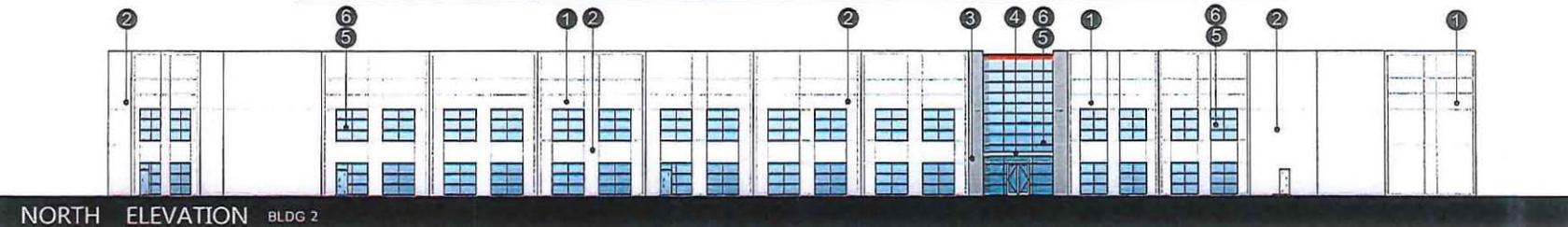
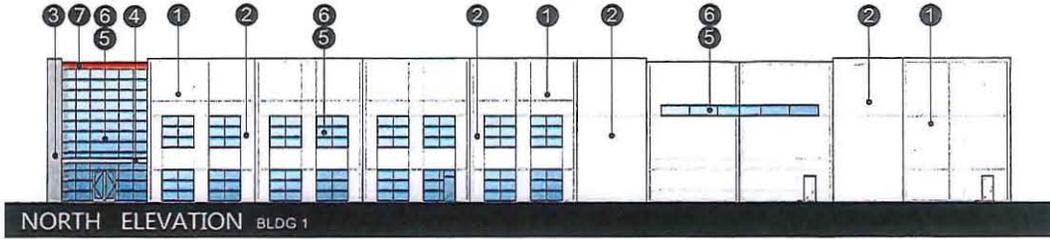


EAST ELEVATION



BLDG. 3
7400 Gateway Boulevard
NEWARK, CA





Gateway Boulevard
 NEWARK, CA



F.1 Second reading and adoption of an Ordinance amending Chapter 2.16 (Disaster Council) of the Newark Municipal Code to conform with the California Office of Emergency Services requirements – from City Manager Becker and City Attorney Benoun. (ORDINANCE)

Background/Discussion – On November 9, 2017 the City Council introduced an ordinance amending Chapter 2.16 (Disaster Council) of the Newark Municipal Code. The proposed update includes minor revisions and clarifications to the current language and ensures that the Ordinance conforms to the latest State law and regulations issued by California Office of Emergency Services. The proposed ordinance is attached with the specific changes redlined.

Attachment

Action – Staff recommends that the Council, by motion: adopt an ordinance amending Chapter 2.16 (Disaster Council) to conform with the California Office of Emergency Services requirements.

ORDINANCE NO.

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
NEWARK AMENDING TITLE 2 (ADMINISTRATION AND
PERSONNEL), CHAPTER 2.16 (DISASTER COUNCIL) OF
THE NEWARK MUNICIPAL CODE TO CONFORM WITH
THE CALIFORNIA OFFICE OF EMERGENCY SERVICES
REQUIREMENTS

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

Section 1: Chapter 2.16 (Disaster Council) of the Newark Municipal Code is hereby amended as shown on Exhibit A.

Section 2: Severability and Validity. If any section, subsection, sentence, clause, or phrase or word of this ordinance is for any reason held to be unconstitutional, unlawful, or otherwise invalid by a court of competent jurisdiction, then such decision shall not affect the validity of the remaining portions of this ordinance. The City Council of the City of Newark hereby declares that it would have passed and adopted this ordinance and each and all provisions thereof irrespective of the fact that any one or more of said provisions be declared unconstitutional, unlawful or otherwise invalid.

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

CHAPTER 2.16 – DISASTER COUNCIL

2.16.010 – Purpose.

2.16.020 – Emergency defined.

2.16.030 – Membership.

2.16.040 – Powers and duties.

2.16.050 – Director and assistant director of emergency services—Offices created.

2.16.060 – Director and assistant director of emergency services—Powers and duties.

2.16.070 – Emergency organization.

2.16.080 – ~~Emergency plan.~~ Compliance with the California Emergency Services Act.

2.16.090 – ~~Expenditures.~~ Emergency plan.

2.16.100 – ~~Violation—Penalty.~~ Expenditures.

2.16.110 – ~~Violation—Penalty.~~

2.16.010 Purpose.

The declared purposes of this chapter are to provide for the preparation and carrying out of plans for the protection of persons and property within this city in the event of an emergency; the direction of the emergency organization; and the coordination of the emergency functions of this city with all other public agencies, corporations, organizations, and affected private persons.

2.16.020 Emergency defined.

As used in this chapter, "emergency" means the actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property within this city caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, or earthquake, or other conditions, including conditions resulting from war or imminent threat of war, but other than conditions resulting from a labor controversy, which conditions are or are likely to be beyond the control of the services, personnel, equipment, and facilities of this city, requiring the combined forces of other political subdivisions to combat.

2.16.030 Membership.

The city disaster council is created and shall consist of the following:

- A. The mayor, who shall be chair~~man~~;
- B. The director of emergency services, who shall be vice chair~~man~~;
- C. The assistant director of emergency services;
- D. Such chiefs of emergency services as are provided for in a current emergency plan of this city, adopted pursuant to this chapter;

- E. Such representatives of civic, business, labor, veterans, professional, or other organizations having an official emergency responsibility, as may be appointed by the director with the advice and consent of the city council.

2.16.040 Powers and duties.

It shall be the duty of the city disaster council, and it is empowered, to develop and recommend for adoption by the city council, emergency and mutual aid plans and agreements and such ordinances and resolutions and rules and regulations as are necessary to implement such plans and agreements. The disaster council shall meet at least once per year, upon call of the chairman or, ~~in his absence from the city or inability to call such meeting, upon call of the vice chairman.~~ upon call of the vice chair (in the absence of the chair).

2.16.050 Director and assistant director of emergency services—Offices created.

- A. There is created the office of director of emergency services. The city manager shall be the director of emergency services.
- B. There is created the office of assistant director of emergency services, who shall be appointed by the director.

2.16.060 Director and assistant director of emergency services—Powers and duties.

- A. The director of emergency services is empowered to:
1. Request the city council to proclaim the existence or threatened existence of a "local emergency" if the city council is in session, or to issue such proclamation if the city council is not in session. Whenever a local emergency is proclaimed by the director, the city council shall take action to ratify the proclamation within (7) seven days thereafter or the proclamation shall have no further force or effect;
 2. Request the Governor to proclaim a "state of emergency" when, in the opinion of the director, ~~the locally available resources are inadequate to cope with the emergency; the circumstances are beyond the city's capacity to adequately respond to or recover from the emergency.~~
 3. Control and direct the effort of the emergency organization of this city for the accomplishment of the purposes of this chapter;
 4. Direct cooperation between and coordination of services and staff of the emergency organization of this city, and resolve questions of authority and responsibility that may arise between them;
 5. Represent the city in all dealings with public or private agencies on matters pertaining to emergencies as defined ~~in Section 2.16.020; herein.~~
 6. In the event of the proclamation of a "local emergency" as provided in this chapter, the proclamation of a "state of emergency" by the Governor ~~or the Director of the State Office of Emergency Services~~, or the existence of a "state of war emergency," the director is hereby empowered:
 - a. To make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency; provided, however, such rules and regulations must be confirmed at the earliest practicable time by the city council;
 - b. To obtain vital supplies, equipment, and such other properties found lacking and needed for the protection of life and property, and to bind the city for the fair value thereof and, if required immediately, to commandeer the same for public use;
 - c. To require emergency services of any city officer or employee and, in the event of the proclamation of a "state of emergency" in the county in which this city is located or the existence of a "state of war emergency", to command the aid of as many citizens of this community as ~~he deems~~ deemed necessary in the execution of ~~his~~ duties; such persons

shall be entitled to all privileges, benefits, and immunities as are provided by state law for registered disaster service workers;

- d. To requisition necessary personnel or material of any city department or agency; and
 - e. To execute all ~~of his~~ ordinary power as city manager, all of the special powers conferred ~~upon him~~ by this chapter or by resolution or emergency plan pursuant hereto adopted by the city council, all powers conferred ~~upon him~~ by any statute, by any agreement approved by the city council, and by any other lawful authority.
- B. The director of emergency services shall designate the order of succession to that office, to take effect in the event the director is unavailable to attend meetings and otherwise perform ~~his~~ duties during an emergency. Such order of succession shall be approved by the city council.
- C. The assistant director shall, under the supervision of the director and with the assistance of emergency service chiefs, develop emergency plans and manage the emergency programs of this city; and shall have such other powers and duties as may be assigned by the director.

2.16.070 Emergency organization.

All officers and employees of this city, together with those volunteer forces enrolled to aid them during an emergency, and all groups, organizations, and persons who may, by agreement or operation of law, including persons impressed into service under the provisions of Section 2.16.060(A)(6)(c) of this chapter, be charged with duties incident to the protection of life and property in this city during such emergency, shall constitute the emergency organization of the city.

2.16.080 ~~_____~~ —Emergency plan—Compliance with the California Emergency Services Act.

The city disaster council shall at all times comply with the "California Emergency Services Act", California Government Code Section 8550 et seq.

2.16.090 Emergency plan.

The city disaster council shall be responsible for the development of the city emergency plan, which plan shall provide for the effective mobilization of all of the resources of this city, both public and private, to meet any condition constituting a local emergency, state of emergency, or state of war emergency; and shall provide for the organization, powers and duties, services, and staff of the emergency organization. Such plan shall take effect upon adoption by resolution of the city council.

2.16.~~090~~100 Expenditures.

Any ~~expenditures~~ expenditure made in connection with emergency activities, including mutual aid activities, shall be deemed conclusively to be for the direct protection and benefit of the inhabitants and property of the city.

2.16.~~100~~110 Violation—Penalty.

It shall be a misdemeanor, punishable by a fine of not to exceed ~~five hundred one thousand~~ dollars (\$1,000), or by imprisonment for not to exceed ~~six~~ (6) months, or both, for any person, during an emergency, to:

- A. Wilfully obstruct, hinder, or delay any member of the emergency organization in the enforcement of any lawful rule or regulation issued pursuant to this chapter, or in the performance of any duty imposed upon him by virtue of this chapter;
- B. Do any act forbidden by any lawful rule or regulation issued pursuant to this chapter, if such act is of such a nature as to give or be likely to give assistance to the enemy or to imperil the lives or property of inhabitants of this city, or to prevent, hinder, or delay the defense or protection thereof;

- C. Wear, carry, or display, without authority, any means of identification specified by the ~~e~~Emergency ~~a~~Agency of the ~~S~~State.

**F.2 Approval of an agreement for participation in the Alameda County Operational Area Emergency Management Organization – from City Manager Becker.
(RESOLUTION)**

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

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

State regulations assigned responsibility for developing the Operational Area Emergency Management Organization to local boards of supervisors'. In February 1995, the Alameda County Board of Supervisors implemented an "Operational Area" in Alameda County and approved the initial agreement for cities, special districts, and other public benefit non-profit corporations to participate in the Alameda County Operational Area Emergency Management Organization. As a result of a County oversight, the 2005 Operational Area Emergency Management Agreement was never formally approved by a number of cities in Alameda County including Newark. In May 2014, the City Council approved the agreement for participation in the Alameda County Operational Area Emergency Management Organization.

That agreement has expired and the Alameda County Office of Emergency Services has requested that all cities within the "Operational Area" approve a new agreement. The new agreement contains all of the same provisions as the original agreement and has been approved by the Alameda County Board of Supervisors.

Attachment

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

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

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

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

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

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

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

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

This Agreement is made this 10th day of May, 2016 by and between the County of Alameda and the cities, special districts, and other public benefit non-profit corporations that are parties to this Agreement.

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

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

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

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

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

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

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

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

C-2016-45

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

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

2. CONSIDERATION

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

3. STANDARDIZED EMERGENCY MANAGEMENT SYSTEM

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

4. OPERATIONAL AREA COORDINATOR

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

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

5. COUNCIL

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

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

Including, but not limited to:

1. Auditor-Controller
 2. Fire Department
 3. General Services Agency
 4. Health Care Services
 5. Human Resource Services
 6. Public Works Agency
 7. Sheriff's Office
 8. Social Services Agency
- e. The President of the **Alameda County Emergency Managers' Association**, or his/her designated alternate;
 - f. The President of the **Alameda County Fire Chiefs' Association**, or his/her designated alternate;
 - g. The President of the **Alameda County Chiefs of Police and Sheriff's Association**, or his/her designated alternate;
 - h. A City Manager of a **North County City**, or his/her designated alternate, chosen annually by the cities of Alameda, Albany, Berkeley, Emeryville, Oakland, and Piedmont to represent them in the Council;
 - i. A City Manager of a **South County City**, or his/her designated alternate, chosen annually by the cities of Fremont, Hayward, Newark, San Leandro, and Union City to represent them in the Council;
 - j. A City Manager of an **East County City**, or his/her designated alternate, chosen annually by the cities of Dublin, Livermore, and Pleasanton to represent them in the Council;

- k. A General Manager of a **Regional District** based in Alameda County, or his/her designated alternate, chosen annually by participating regional districts, defined as a special district having service areas in more than one county, to represent them in the Council;
- l. A General Manager of a **Special District**, or his/her designated alternate, chosen annually by participating special districts having their entire service area within the boundaries of Alameda County to represent them in the Council;
- m. The **Alameda County Superintendent of Schools**, or his/her designated alternate, to represent the school districts of Alameda County;
- n. A Director of a **Public Benefit Non-profit Corporation**, or his/her designated alternate, chosen annually by the Alameda County Voluntary Organizations Active in Disaster executive committee to represent them in the Council;
- o. A Chief Executive Officer or President, or his/her designated alternate, of a **private sector company** doing business in this county that is an active member of the Emergency Managers' Association of Alameda County and is selected annually by the Operational Area Coordinator; and
- p. Such representatives of **other organizations**, either civic, business, labor, veterans, professional or other organizations having an official group or organization having disaster responsibility and may be appointed by the Operational Area Coordinator.

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

6. PROVISION OF FACILITIES AND SUPPORT

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

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

7. TERM OF AGREEMENT

This Agreement shall be effective from the date executed by all parties until December 31, 2025. This Agreement may be terminated prior to the conclusion of the term by mutual agreement of a majority of the member parties.

8. WITHDRAWAL OF PARTY

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

9. ADDITIONAL PARTIES

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

10. INDEMNIFICATION AND HOLD HARMLESS

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

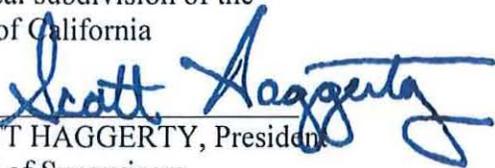
It is the intent of the parties that, where negligence is determined to have been contributory, principles of comparative fault will be followed and each party shall bear the proportionate costs of any loss, damage, expense, and liability attributable to the party's negligence.

11. SALARIES, EMPLOYMENT AND WORKERS COMPENSATION BENEFITS

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

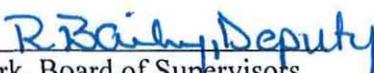
IN WITNESS WHEREOF THE PARTIES HERETO HAVE EXECUTED THIS AGREEMENT AS FOLLOWS:

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

By 
SCOTT HAGGERTY, President
Board of Supervisors

I hereby certify under penalty of perjury that the President of the Board of Supervisors was duly authorized to execute this document on behalf of the County of Alameda by a majority vote of the Board on May 10, 2016; and that a copy has been delivered to the President as provided by Government Code section 25163.

ATTEST: ANIKA CAMPBELL-BELTON
Clerk, Board of Supervisors
Alameda County, California

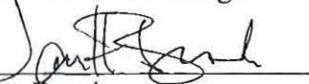
By 
R. Bailey, Deputy
Clerk, Board of Supervisors

APPROVED AS TO FORM AND CONTENT:

DONNA ZEIGLER
County Counsel

By 
L. David Nefouse
Deputy County Counsel

BARBARA LUBBEN
Director of Risk Manager

By 
Janette Brook

Alameda County Sheriff's Office

Lakeside Plaza, 1401 Lakeside Drive, 12th Floor, Oakland, CA 94612-4305



Gregory J. Ahern, Sheriff

Director of Emergency Services
Coroner - Marshal

AGENDA ITEM NO. _____ May 10, 2016

May 3, 2016

Honorable Board of Supervisors
County Administration Building
1221 Oak Street
Oakland, CA 94612

SUBJECT: APPROVE AN AGREEMENT FOR PARTICIPATION IN THE ALAMEDA COUNTY OPERATIONAL AREA EMERGENCY MANAGEMENT ORGANIZATION

Dear Board Members:

RECOMMENDATION:

Approve an agreement for participation in the Alameda County Operational Area Emergency Management Organization with cities, special districts and other public benefit non-profit corporations to provide foundational policies and procedures that define how Alameda County will effectively prepare for, respond to, recover from and mitigate natural or human-caused disasters.

DISCUSSION/SUMMARY:

The preservation of life, property and the environment is the responsibility of local, state and federal government. Alameda County, in cooperation with the cities of Alameda, Albany, Berkeley, Dublin, Emeryville, Fremont, Hayward, Livermore, Newark, Oakland, Piedmont, Pleasanton, San Leandro, Union City, special districts and other public benefit non-profit corporations has decided to enter into an agreement for the purpose of ensuring a unified and coordinated effort between state and local government agencies to facilitate mutual aid and to ensure the effective and efficient use of regional and local resources in the event of a catastrophe.

The Alameda County Operational Area is an intermediate level of the state emergency services organization, consisting of a county and all political subdivisions within the County area.

The agreement incorporates and coordinates available facilities and personnel of the County into an efficient and effective organization by establishing tasks, specific policies and general procedures using the Standardized Emergency Management System. This will provide for the most effective and economical allocation of resources.

Honorable Board of Supervisors
Page 2 of 2
May 3, 2016

This agreement provides a foundation for that relationship and addresses key issues such as communications, equipment use, medical services, budgetary transactions and resources related to environmental, ecological, recreational and economic issues.

This agreement has been approved as to form by County Counsel and Risk Management.

FINANCING:

No additional appropriation is required. This request will not impact the net County cost in FY 2015-16 or subsequent years.

Respectfully submitted,


Gregory J. Ahern
Sheriff-Coroner

GJA:MMM:mmm

**F.3 Approval of the 2018 Local Appointments List – from City Clerk Harrington.
(MOTIONS-3)**

Background/Discussion – Section 54970 et. seq. of the Government Code is commonly known as the Maddy Act or Local Appointments List. Section 54972 requires that on or before December 31 of each year, each legislative body in the state shall cause to be prepared and posted a Local Appointments List of all regular and ongoing boards, commissions, and committees, which are appointed by the legislative body of the local agency. The Local Appointments List is to be made available to the public and must contain the following information:

- A list of all appointive terms, which will expire during the calendar year, with the names of the incumbent appointee, the date of the appointment, and the date the term expires.
- A list of all boards, commissions, and committees whose members serve at the pleasure of the legislative body and the necessary qualifications for each position.

Legislation also requires that the City Council designate the public library with the largest service population within its jurisdiction to receive a copy of the list.

Members of the City’s Planning Commission and the Senior Citizen Standing Advisory Committee are appointed by the City Council and should be listed on the Local Appointments List. Those terms that expire in 2018 are:

Planning Commission

Jeff Aguilar, term expires December 2018

Senior Citizen Standing Advisory Committee

Rick Arellano, term expires April 2018

Faye Hall, term expires April 2018

Elwood Ballard, term expires April 2018

Sandra Arellano, term expires April 2018

Dolores Powell, term expires April 2018

Attachment

Action - It is recommended that the City Council, by motions: (1) approve the 2018 Local Appointments List, (2) designate the Newark Public Library as the library to receive a copy of the list, and (3) direct staff to post the Local Appointments List.

CITY OF NEWARK 2018 LOCAL APPOINTMENT LIST*

Appointive Terms Expiring in 2018

Planning Commission

Jeff Aguilar, term expires December 2018, appointed February 2014

Senior Citizen Standing Advisory Committee

Rick Arellano, term expires April 2018, appointed January 2011

Faye Hall, term expires April 2018, appointed April 2012

Elwood Ballard, term expires April 2018, appointed April 2012

Sandra Arellano, term expires April 2018, appointed April 2014

Dolores Powell, term expires April 2018, appointed July 2014

Qualifications for appointment to City commissions, committees, and boards: Appointees to the Planning Commission, Senior Citizen Standing Advisory Committee, and the Community Development Advisory Committee must be registered voters of the City of Newark. In addition appointees to the Senior Citizen Standing Advisory Committee must be at least 55 years of age at the time of appointment.

**Approved by the Newark City Council 12/14/2017 pursuant to Section 54972 of the California Government Code, the Maddy Act. DO NOT REMOVE UNTIL 2019.*

F.4 Authorization for the purchase a 2018 Dodge Caravan SE as replacement vehicle for the Police Department from Fremont CDJR and outfitting by Telepath – from Maintenance Supervisor Connolly. (RESOLUTION)

Background/Discussion – The Newark Police Department is in need of a replacement vehicle that has reached the end of its useful life and has determined that a 2018 Dodge Caravan SE is the appropriate replacement vehicle. The 2016-2018 Biennial Budget and Capital Improvement Plan includes funding for vehicle replacement in the amount of \$40,000 as part of the Equipment Replacement Budget.

Staff previously requested a quote from the current intergovernmental account holder for this vehicle and this dealership was non-responsive. Staff also requested formal bids for the replacement vehicle and no bids were submitted. Staff then compared the base cost for the desired vehicle among three local dealerships with the following results:

Dealership	Amount
Fremont CDJR	\$29,935
Boardwalk Chrysler Dodge Jeep Ram	\$31,395
Stevens Creek Chrysler Jeep Dodge	\$31,500

Staff recommends that a contract be awarded to Fremont CDJR as the local dealership with the lowest base cost. The purchase cost does not include outfitting of the vehicle which is estimated not to exceed \$5,000. The outfitting is based on specialized vendor quotes for the installation of lights, sirens, window tinting, speakers, antennas, and specialized wiring.

Action - It is recommended that the City Council, by resolution, authorize the purchase a 2018 Dodge Caravan SE as replacement vehicle for the Police Department from Fremont CDJR and outfitting by Telepath.

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
NEWARK AUTHORIZING THE PURCHASE OF A 2018
DODGE CARAVAN SE AS A REPLACEMENT VEHICLE FOR
THE POLICE DEPARTMENT FROM FREMONT CDJR AND
OUTFITTING BY TELEPATH

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

WHEREAS, the Police Department has determined that a new 2018 Dodge Caravan SE is needed as a replacement vehicle; and

WHEREAS, the State of California intergovernmental account holder was nonresponsive and no bids were received following a request for formal bids; and

WHEREAS, Fremont CDJR was determined to have the lowest base price among local dealerships for the desired vehicle.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Newark authorizes the purchase of a 2018 Dodge Caravan SE as a replacement vehicle for the Police Department from Fremont CDJR and outfitting by Telepath.

F.5 Approval of partial release of security for Tract 8212 (Classic 36120 Ruschin, L.P.), a residential subdivision at 36120 Ruschin Drive – from Public Works Director Fajeau. (RESOLUTION)

Background/Discussion – On December 10, 2015, Classic 36120 Ruschin, L.P., entered into a Subdivision Agreement with the City of Newark to construct improvements associated with Tract 8212. Classic 36120 Ruschin, L.P., provided a Performance Bond in the amount of \$4,106,000 and a Materials Bond in the amount of \$2,053,000, both issued by The Guarantee Company of North America USA, to guarantee the tract improvements. The improvements are more than 80% complete and, in accordance with authority contained in §66499.7 of the Government Code, these bonds may be reduced. Classic 36120 Ruschin, L.P., has provided bond riders issued by The Guarantee Company of North America USA for both the Performance and Materials bonds in the amounts of \$822,000 and \$411,000, respectively, to guarantee the construction of remaining improvements. The amounts of the bond riders are equal to twenty percent (20%) of the original bond amounts.

The replacement bonds will be adequate to guarantee the construction of remaining improvements of Tract 8212. Ownership of the improvements will remain with Classic 36120 Ruschin, L.P., until acceptance of the improvements by the City.

Attachment

Action – It is recommended that the City Council, by resolution approve the partial release of security for Tract 8212, a residential subdivision at 36120 Ruschin Drive.

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF NEWARK APPROVING THE PARTIAL RELEASE
OF SECURITY FOR TRACT 8212, A RESIDENTIAL
SUBDIVISION AT 36120 RUSCHIN DRIVE

WHEREAS, Classic 36120 Ruschin, L.P., the developer of Tract 8212, previously entered into a Subdivision Agreement with the City of Newark dated December 10, 2015 (Resolution No. 10,431) to improve said Tract in accordance with plans on file with the City Engineer; and

WHEREAS, the improvements for Tract 8212 are more than 80% complete in accordance with said plans, and any approved modifications thereto, to the satisfaction of the City Engineer; and

WHEREAS, the Performance Bond and the Materials Bond can be partially released, in accordance with the authority contained in §66499.7 of the Government Code of the State of California;

NOW THEREFORE, BE IT RESOLVED BY THE City Council of the City of Newark that the City Council does hereby approve the release and replacement of the original Performance Bond issued by The Guarantee Company of North America USA, in the amount of \$4,106,000 for tract improvements (Bond No. 12125846) with a bond rider issued by The Guarantee Company of North America USA in the amount of \$822,000.

BE IT FURTHER RESOLVED that the City Council does hereby approve the release and replacement of the original Materials Bond issued by The Guarantee Company of North America USA, in the amount of \$2,053,000 for tract improvements (Bond No. 12125846) with a bond rider issued by The Guarantee Company of North America USA in the amount of \$411,000.

F.6 Recalculation of the Fiscal Year 2017-2018 Appropriations Limit – from Accounting Manager Lee. (RESOLUTION)

Background/Discussion – State law requires the adoption of the Appropriations Limit by resolution prior to the beginning of each fiscal year and a recorded vote of the Council regarding which of the annual adjustment factors have been selected to calculate the Appropriations Limit each fiscal year. On June 22, 2017, the City Council adopted Resolution No. 10667 establishing the Fiscal Year 2017-2018 Appropriations Limit to \$346,345,094. Due to rounding, the calculation previously presented incorporated a lower population adjustment factor.

For the population adjustment factor, it is recommended that the County's percentage change in population of 1.04 percent be updated to 1.05 for Fiscal Year 2017-2018 since the higher percentage change in the County's population is most advantageous to the City.

Based on the above information, the proposed recalculation to the Fiscal Year 2017-2018 Appropriations Limit is now \$348,992,523. The 2017-2018 Biennial Budget appropriations (\$54.4 million) subject to the limit are well below either limit.

Attachment

Action - It is recommended that the City Council, by resolution, amends Resolution No. 10,667 to update the Appropriations Limit and annual adjustment factors for Fiscal Year 2017-2018.

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
NEWARK AMENDING RESOLUTION NO. 10,667 BY
UPDATING THE APPROPRIATIONS LIMIT AND ANNUAL
ADJUSTMENT FACTORS FOR FISCAL YEAR 2017-2018

WHEREAS, pursuant to Article XIII-B of the Constitution of the State of California, the City Council of the City of Newark has established an "Appropriations Limit" for Fiscal Year 2017-2018; and

WHEREAS, an Appropriations Limit has been determined in accordance with the Uniform Guidelines for implementation of Article XIII-B of the California Constitution prepared by the League of California Cities dated April 1980 and as revised March 1991, and pursuant to the provision of Chapter 1205 of the statutes of 1980 and modified by Proposition 111 and SB 88, Chapter 60 of the Statutes of 1990; and

WHEREAS, Proposition 111 requires a recorded vote of the Council regarding which of the annual adjustment factors have been selected;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Newark, hereby amends Resolution No. 10,667 to establish the County of Alameda's population change of 1.05 percent and the California per capita personal income change of 3.69 percent as the factors in calculating the Appropriations Limit for Fiscal Year 2017-2018;

BE IT FURTHER RESOLVED that the City Council of the City of Newark hereby establishes the amount of \$348,992,523 as the Appropriations Limit for Fiscal Year 2017-2018.

F.7 Acceptance of the Annual Report on Newark Development Impact Fees for Fiscal Year 2016-2017 in accordance with Government Code Section 66006(b) – from Assistant City Manager Grindall. (MOTION)

Background/Discussion – Government Code Section 66006(b) requires that any city that has adopted impact fees provide an annual report on fees collected, interest earned, and the status of planned public improvements to be funded with the fees.

Staff has completed an Annual Report on Newark Impact Fees for Fiscal Year 2016-2017. The report contains all information required by Government Code Section 66006(b) and has been noticed and distributed accordingly.

It should be noted that the Public Safety Facilities, Transportation and the Community Service Facilities fees were updated on May 25, 2017. All other fees remained constant from previous year.

Attachment

Action - It is recommended that the City Council, by motion, accept the Annual Report on Newark Development Impact Fees for Fiscal Year 2016-2017 in accordance with Government Code Section 66006(b).

Annual Report on Newark Impact Fees

July 2016 – June 2017

State law requires that the city annually publish summary information regarding each fee account established. This annual report was prepared in accordance with these state requirements, as set forth in Government Code Section 66006(b)(1), et seq.

TYPE OF FEE (SEC. 66006(B)(1)(A))

The City of Newark had seven development impact accounts during the 2016-2017 fiscal year, as described below:

1. **Public Safety Facilities Fee:** This fee provides funding for additional or improved police and fire services for which the need is generated by new development within the city. Adopted on July 27, 2000 by Resolution No.8051. Last revised on May 25, 2016 by Resolution No. 10,633.
2. **Community Service Facilities Fee:** This fee provides funding for additional or improved governmental, social, and cultural facilities for which the need is generated by new development within the city. Adopted on July 27, 2000 by Resolution No.8051. Last revised on May 25, 2016 by Resolution No. 10,634.
3. **Transportation Facilities Fee:** This fee provides funding for additional or improved traffic signal, operational, and infrastructure improvements for which the need is generated by new development within the city. Adopted on July 27, 2000 by Resolution No.8051. Last revised on May 25, 2016 by Resolution No. 10,635.
4. **Park Impact Fee:** This fee provides funding for park land and new improvements. Adopted on September 26, 2013 by Ordinance No. 470.
5. **Non-Residential Development Housing Impact Fee:** This fee provides funding to increase and improve the supply of housing affordable to households of very low, low, and moderate incomes for which the need is generated by new commercial and industrial development within the city. Adopted on May 27, 2004 by Ordinance No.404.
6. **Residential Housing Impact Fee:** This fee provides funding to increase and improve the supply of housing affordable to households of very low, low, and moderate incomes for which the need is generated by new residential development within the city. Adopted on April 24, 2014 by Ordinance No.473.
7. **Community Development Maintenance Fee:** This fee provides funding to update and implement the Newark General Plan and Zoning Ordinance, which is needed by all new development within the city. Adopted on May 27, 2010 by Ordinance No.441.

AMOUNT OF FEE (SEC. 66006(B)(1)(B))

The amounts in effect at the time this report was conducted are shown in the table below.

<i>Land Use Category</i>	<i>Amount of Fee</i>				
	Public Safety Facilities	Community Service Facilities	Transportation Facilities	Park Impact	Total
Single-Family Residential (per unit)	\$3,451.00	\$2,311.00	\$4,974.00	\$25,000.00	\$35,736.00
Multi-Family Residential (per unit)	\$2,071.00	\$1,156.00	\$3,084.00	\$18,000.00	\$24,311.00
Townhome (per unit)	\$3,451.00	\$2,311.00	\$2,586.00	n/a	\$8,348.00
Office/Commercial (per sq. ft.)	\$0.60	\$0.86	\$4.41	n/a	\$5.87
Manufacturing/Research and Development (per sq. ft.)	\$0.25	\$0.18	\$2.41	n/a	\$2.84
Warehousing/Distribution (per sq. ft.)	\$0.50	\$0.36	\$4.82	n/a	\$5.68

The amounts of the Non-residential Development Housing Impact fee were established in Resolution No. 8802 and are adjusted each year by the percentage change in the Engineering News-Record's Building Cost Index, or a similar index designated by the City Manager. The fee amounts for FY16-17 are shown in the table below.

<i>Land Use Category</i>	<i>Amount of Non-Residential Development Housing Impact Fee</i>
Commercial (per sq. ft.)	3.59
Industrial (per sq. ft.)	0.69

The Residential Housing Impact Fee was established by Ordinance No. 473 and is set at \$20/square foot for the first 1,000 square feet of floor area per dwelling unit and \$8/square foot for all square footage over 1,000 square feet per dwelling unit.

The amount of the Community Development Maintenance Fee was established by Ordinance No. 441 and is set at 0.5% of the construction valuation as determined for a building permit.

BEGINNING AND ENDING BALANCES OF FUNDS (SEC. 66006(B)(1)(C))

The beginning and ending balances of each of the fee accounts are shown in the table below. The ending balance was arrived at by adding the fees collected and interest earned to each account, and then subtracting the expenditures. Information on fees collected, interest earned and expenditures for each account is presented in later sections of this report.

Balances	Public Safety Facilities	Community Service Facilities	Transport. Facilities	Park Impact	Non-Res. Housing	Res. Housing Impact*	Comm'ty Dev't Maint.*
Beg. Bal. (7/1/16)	(\$353,184)	\$1,231,567	\$2,253,051	\$2,790,072	\$538,923	\$5,716,795	\$1,121,323
End. Bal. (6/30/17)	\$1,251,152	\$2,601,050	\$3,628,995	\$5,654,712	\$539,664	\$9,241,857	\$1,906,634

*Beginning balance updated from last year's ending balance.

FEES COLLECTED AND INTEREST EARNED (SEC. 66006(B)(1)(D))

The table below shows the amount of fees collected and interest earned.

Balances	Public Safety Facilities	Community Service Facilities	Transp. Facilities	Park Impact	Non-Res Housing	Res. Housing Impact	Comm'ty Dev't Maint.
Fees Collected	\$1,597,422	\$1,270,757	\$1,382,798	\$2,864,640	\$0	\$3,475,217	\$1,226,995
Interest Earned	\$6,913	\$13,827	\$19,445	\$0	\$3,024	\$49,844	\$10,500

EXPENDITURES (SEC. 66006(B)(1)(E))

For this section, state law requires an identification of each public improvement on which fees were expended and the amount of the expenditures on each improvement, including the total percentage of the cost of the public improvement that was funded with fees. This information is provided in the table below.

Improvement	Fee Used	Amount of Fees Expended	Percent of Cost Funded by Fees to Date
Homeless Mgmt. Information System	Housing	\$2,284	100%
Zoning Code	CD Maint.	\$177,152	100%

CONSTRUCTION COMMENCEMENT DATE (SEC. 66006(B)(1)(F))

For this section, state law requires an identification of an approximate date by which the construction of the public improvement will commence if the local agency determines that sufficient funds have been collected to complete financing on an incomplete public improvement, as identified in paragraph (2) of subdivision (a) of Section 66001, and the public improvement remains incomplete.

Sufficient funds have been collected to commence certain projects. The following projects have commenced or are expected to commence during the current fiscal year:

Public Safety Facilities

- Given the deficit in this fund, no projects are planned

Community Service Facilities

- None anticipated this year. Fund money being saved for Civic Center Replacement project anticipated to begin in 2018.

Transportation Facilities

- None anticipated at this time.

Park Impact Fee

- Design Dog Parks, Skate Park, and All-Weather Turf Field.

Housing (Residential & Non-Residential)

- Acquisition of housing sites
- Mortgage Credit Certificate Program fee

- Homeless Management Information System support fee
- In accordance with Ordinance No. 404, the Community Development Advisory Committee reviews potential projects and determines priorities for this fund. The CDAC approved the use of this fund for ongoing housing expenditures as necessary.

Community Development Maintenance

- Zoning Ordinance Update anticipated this year

INTERFUND TRANSFERS AND LOANS (SEC. 66006(B)(1)(G))

None at this time.

AMOUNT OF REFUNDS (SEC. 66006(B)(1)(H))

No refunds of any of these fees were made during fiscal year 2016-2017.

G.1 Authorizing the creation of the Pooled Liability Assurance Network Joint Powers Authority (“PLAN JPA”) for Risk Management Services and execution of the joint powers agreement– from City Attorney Benoun. (RESOLUTION)

Summary – The City of Newark is self-insured for general liability through a pooled network consisting of 27 other public agencies, commonly known as the ABAG PLAN. As a result of the merger of ABAG and MTC and a desire amongst the members of the pool to reduce costs, the ABAG PLAN will need to form a new Joint Powers Authority so that another source can provide administration services for the pool. This proposed transition should not impact any of the City’s risk insurance policies or risk management programs. Once the transition is complete the pooled network should enjoy the same benefits of pooled insurance while, at the same time, realize economic savings as a result of the transition.

Background/Discussion – The Association of Bay Area Governments Pooled Liability Assurance Network (“ABAG PLAN”) was established by ABAG in 1986 as a non-profit corporation in order to provide a stable, cost-effective self-insurance, risk sharing and risk management program option for ABAG members. Since the program’s inception, the City has obtained coverage and risk management services related to liability, property, automobile physical damage and other ancillary lines of coverage through the ABAG PLAN.

As a result of the merger of ABAG and MTC, the ABAG PLAN is now administered by the Metropolitan Transportation Commission (“MTC”) instead of ABAG. Over the course of the last year, the Board of Directors of the ABAG PLAN has been exploring various options to disengage from MTC in order to reduce costs. The Board of Directors of ABAG PLAN issued an RFP during the past fiscal year and the results indicated significant savings to the pool members by contracting pool administration services through another source. In fact, an independent consultant study revealed a savings in pool administrative costs of approximately \$3 million over the next five years which would be spread amongst the participating member agencies. ABAG PLAN Board of Directors voted unanimously at their annual board meeting in June to contract with Bickmore Risk Services. A detailed transition plan has been developed to transfer pool administrative services to the new pool administrator by the end of the year.

In order to complete the transition of pool administrative services from ABAG/MTC and achieve the significant savings in administrative cost to the existing program, both ABAG General Counsel and ABAG PLAN Counsel have recommended a Joint Powers Authority (“JPA”) be formed to exclusively manage the existing and future risk management and coverage needs of the members. The new JPA would be required to act as fiscal agent and manage the transfer of all of the current assets and liabilities from the ABAG PLAN non-profit corporation to the new PLAN JPA. The new PLAN JPA would no longer be directly affiliated with MTC but will continue to provide a stable, cost-effective self-insurance, risk sharing and risk management program for the pool members.

This separate JPA model would align the City of Newark and other PLAN JPA members with pooling industry best practices, allow for program continuity, and provide for a seamless transition to the new administrator.

A draft resolution has been prepared and is attached for Council's review. By adopting the proposed resolution, the City of Newark would agree to conditionally participate in the newly established PLAN JPA. Once all current ABAG PLAN members have approved and signed their respective resolutions, the PLAN JPA will become officially active and all assets and liabilities would be transferred from the prior ABAG PLAN to the new PLAN JPA.

The draft resolution would also authorize the Mayor to sign the Joint Powers Agreement if there are any minor, non-substantive changes to the attached JPA. This is being recommended because MTC has requested that ABAG PLAN and MTC separate by the end of 2017 and there may be difficulty, logistically speaking, in having 27 public agencies approve the agreement within such a narrow timeframe.

Additionally, the draft resolution would continue the existing practice of the City Manager appointing a Director and Alternative Director to serve as the City's representative to the PLAN JPA.

Finally, it should be noted that there are potential adverse consequences by not adopting the proposed resolution. Any delay in joining the JPA could jeopardize Newark's participation in the PLAN program and would have an adverse financial impact on the PLAN members. It would also be problematic for the City of Newark in terms of finding an alternative solution for general liability and property insurance, as well as risk management services.

Attachment

Action - It is recommended that the City Council, by resolution, approve and authorize the execution of the Pooled Liability Assurance Network ("PLAN) Joint Exercise of Powers Agreement.

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
NEWARK APPROVING AND AUTHORIZING THE
EXECUTION OF THE POOLED LIABILITY ASSURANCE
NETWORK ("PLAN") JOINT EXERCISE OF POWERS
AGREEMENT

WHEREAS, the City of Newark is a member of the Association of Bay Area Governments Pooled Liability Assurance Network, a California non-profit corporation ("PLAN Corporation") comprised of twenty-eight (28) member agencies pooling their property and liability risk in conjunction with the Association of Bay Area Governments ("ABAG") Joint Exercise of Powers Authority ("JPA"), established pursuant to California Government Code §6500 et seq., and

WHEREAS, in 1986 ABAG and PLAN Corporation entered into an Agency Agreement which irrevocably assigned the risk management duties and obligations of ABAG to PLAN Corporation; and

WHEREAS, the member agencies of PLAN Corporation have entered into a Risk Coverage Agreement with each other and ABAG to provide for pooled liability services through PLAN Corporation; and

WHEREAS, within the past year ABAG merged with the Metropolitan Transportation Commission ("MTC"), which now provides administration services for PLAN Corporation; and

WHEREAS, the members of PLAN Corporation seek to separate from the current model of service and structure of governance in order to reduce costs by switching administration from ABAG/MTC to Bickmore Risk Services; and

WHEREAS, this desire to separate and switch administrators will require formation of a new Joint Powers Authority to be called Pooled Liability Assurance Network ("PLAN JPA"); and

WHEREAS, the new PLAN JPA would be able to provide pooled risk coverage for its member agencies, with immediate acceptance and admittance of existing members of PLAN, under a new risk coverage agreement within the new PLAN JPA; and

WHEREAS, the new PLAN JPA will act as fiscal agent and manage the transfer and assignment of all of the current assets and liabilities from PLAN Corporation to the new PLAN JPA; and

WHEREAS, as part of the transition, the PLAN Corporation's rights and responsibilities under the contract with Bickmore Risk Services will be assigned from the PLAN Corporation to the new PLAN JPA, so that all programs and services can continue in a seamless manner.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Newark does hereby authorize the Mayor to execute the attached Pooled Liability Assurance Network (PLAN) Joint Exercise of Powers Agreement (“JPA”), pursuant to California Government Code §6500 et seq., including the powers delegated therein, conditioned on the transfer of the assets and liabilities of PLAN Corporation to the new PLAN JPA, in substantially the form attached to this Resolution (minor technical or clerical corrections, if any, to be included in the authority granted herein).

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the City of Newark’s PLAN Corporation current representative is authorized to approve of the assignment of assets from PLAN Corporation to the new PLAN JPA, and also to approve the assignment of risk management services from PLAN Corporation to the new PLAN JPA.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the City Council of the City of Newark does hereby authorize the City Manager to appoint a Director and Alternate Director(s), including himself/herself, as the representative(s) of the City of Newark to the PLAN JPA.

JOINT POWERS AGREEMENT

CREATING THE

POOLED LIABILITY ASSURANCE NETWORK [PLAN] JOINT POWERS AUTHORITY

adopted

November , 2017

**JOINT POWERS AGREEMENT
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**POOLED LIABILITY ASSURANCE NETWORK [PLAN] JOINT POWERS
AUTHORITY**

JOINT POWERS AGREEMENT

This Agreement is made by and among the public entities listed in Appendix A (“Member Entities”), all of which are public entities organized and operating under the laws of the State of California and each of which is a local public entity as defined in California Government Code Section 989, as it may be amended from time to time.

RECITALS

- I. The following state laws, among others, authorize the Member Entities to enter into the Pooled Liability Assurance Network Joint Powers Authority [PLAN] Joint Powers Agreement (“Agreement”):
1. Labor Code Section 3700 allowing a local public entity to fund its own workers’ compensation claims;
 2. Government Code Sections 989 and 990 permitting a local public entity to insure itself against liability and other losses;
 3. Government Code Section 990.4 permitting a local public entity to provide insurance and self-insurance in any desired combination;
 4. Government Code Section 990.8 permitting two or more local public entities to enter into an agreement to jointly fund such expenditures under the authority of Government Code Sections 6500-6515; and
 5. Government Code Sections 6500-6515 permitting two or more local public entities to jointly exercise under an agreement any power which is common to each of them.
- II. The governing board of each Member Entity has determined that it is in the Member Entity’s best interest and in the public interest that this Agreement be executed and that it shall participate as a member of the public entity created by this Agreement.

Now, therefore, the Member Entities, by, between, and among themselves, in consideration of the mutual benefits, promises, and agreements set forth below, hereby agree as follows:

ARTICLE I

**CREATION OF THE “POOLED LIABILITY ASSURANCE NETWORK [PLAN] JOINT
POWERS AUTHORITY”**

Pursuant to Article 1, Chapter 5, Division 7, Title 1 of the Government Code of the State of California (commencing with Section 6500), the Member Entities create a public agency, separate and apart from the Member Entities, to be known as the “Pooled Liability Assurance Network [PLAN] Joint Powers Authority” (the “Authority”). Pursuant to Government Code Section 6508.1, the debts, liabilities, and obligations of this Authority shall not constitute debts, liabilities, or obligations of the Member Entities.

ARTICLE II

PURPOSES

This Agreement is entered into by Member Entities under California Government Code Sections 990, 990.4, 990.8, and 6500, et. seq. and Labor Code Section 3700 in order to do one or more of the following:

1. Develop effective risk management programs to reduce the amount and frequency of losses;
2. Share the risk of self-insured losses;
3. Jointly purchase insurance either with or without any self-insured portion underlying the insurance, and administrative and other services including, but not limited to claims adjusting, data processing, risk management, loss prevention, accounting services, actuarial services, and legal services in connection with the Programs;
4. Provide administrative and other services including, but not limited to, claims adjusting, data processing, risk management, loss prevention, treasury, investment management, accounting services, audit, actuarial services, and legal services in connection with the various programs;
5. Assume the assets, liabilities and obligations of the ABAG PLAN CORPORATION (a California non-profit corporation), also known as Association of Bay Area Governments Pooled Liability Assurance Network on the basis of each Member Entity’s responsibilities under those previously binding documents, including the Memorandum of Coverage, and Risk Coverage Agreement, as amended to reflect the formation of this JPA and its policies and procedures; and

These purposes shall be accomplished through the exercise of the powers of the Member Entities jointly in the creation and operation of the Authority.

It is also the purpose of this Agreement to provide, to the extent permitted by law, procedures for the addition, at subsequent date, of public entities to become parties to this Agreement and members of the Authority, subject to Article XVIII, and to provide for the removal of Member

Entities for cause or upon request, subject to Articles XIX and XX.

ARTICLE III

DEFINITIONS

In this Agreement unless the context otherwise requires:

1. **Board or Board of Directors** is the governing body of the Authority constituted as set forth in Article X of this Agreement;
2. **Governing Documents** include this Agreement, the Bylaws of the Authority, and any other document identified as a Governing Document in the Bylaws.
3. **Member Entity** includes each public agency which is a party to this Agreement.
4. **Program** is the specific method used to provide coverage for a risk, scope, type, or area of insurance services, including, without limitation, the funding of loss reserves, where applicable, as prescribed in a Governing Document for a specific type of coverage, and may encompass such specific areas as general liability (including errors and omissions), property, automobile, workers' compensation, or employee benefits.

ARTICLE IV

PARTIES TO THE AGREEMENT

Each Member Entity certifies that it intends to and does contract with every other Member Entity who is a signatory to this Agreement and, in addition, with such other Member Entity as may later be added as a Member Entity under Article XVIII. Each Member Entity also certifies that the deletion of any Member Entity from this Agreement does not affect this Agreement nor each Member Entity's intent to contract with the Member Entities then remaining.

ARTICLE V

TERM OF AGREEMENT

This Agreement will become effective as of January 1, 2018 and continues in full force until terminated in accordance with Article XXI.

ARTICLE VI

POWERS OF THE AUTHORITY

The Authority, through its Board of Directors, is authorized, in its own name, to do all acts necessary to fulfill the purposes of this Agreement referred to in Article II including, but not limited to, each of the following:

1. Make and enter into contracts, including but not limited to revision to the Risk Coverage Agreement and Memorandum of Coverage;
2. Incur debts, liabilities, and obligations; but no debt, liability, or obligation of the Authority is a debt, liability, or obligation of a Member Entity;
3. Acquire, hold, or dispose of real and personal property;
4. Receive contributions and donations of property, funds, services, and other forms of assistance from any source;
5. Sue and be sued in its own name;
6. Employ agents and employees;
7. Acquire, construct, manage, and maintain buildings;
8. Lease real or personal property, including that of a Member Entity;
9. Receive, collect, invest, and disburse monies;
10. Issue revenue bonds or other forms of indebtedness, as provided under Government Code Sections 6500, et. seq.; and
11. Carry out other duties as required to accomplish other responsibilities as set forth in this Agreement.
12. Hire attorneys, accountants, auditors and other professionals.

These powers shall be exercised in the manner provided by applicable law and as expressly set forth in this Agreement.

ARTICLE VII

MEMBERSHIP

Membership shall be restricted to public agencies located within the State of California as set forth in the Bylaws.

Upon a Member Entity organization or re-organization, including dissolution, merger, or

consolidation, which results in extinguishment or dissolution of the legal existence of a Member Entity, the rights, obligations, and liabilities of such Member Entity under this Agreement, the Bylaws, or other Governing Documents or resolutions of the Board shall be the rights, obligations, and liabilities of the successor public entity.

ARTICLE VIII

MEMBER ENTITY RESPONSIBILITIES

Each Member Entity has the obligations and responsibilities set forth in the Governing Documents as defined in the Bylaws and any resolution of the Board of Directors. Such responsibilities and obligations may include, but are not limited to, the following:

1. Cooperate with the Authority in determining the cause of losses and in the settlement of claims;
2. Pay all premiums, assessments, penalties, interest, and other charges promptly to the Authority when due;
3. Provide the Authority with statistical and loss experience, data, and other information as may be necessary;
4. Cooperate with and assist the Authority and any insurer, claims adjuster, or legal counsel retained by the Authority in matters relating to this Agreement, the Authority Bylaws, any other Governing Documents, and policies and procedures adopted by the Board;
5. Except for any new Member Entities as allowed for in Article XVIII, agree the Authority will assume the assets, liabilities and obligations of ABAG PLAN CORPORATION (a California non-profit corporation) also known as the Association of Bay Area Governments Pooled Liability Assurance Network, on the basis of its documents, including but not limited to the Memorandum of Coverage, and Risk Coverage Agreement, as amended to reflect the formation of this JPA and its policies and procedures; and

ARTICLE IX

POWERS RESERVED TO THE MEMBERSHIP

The Member Entities retain the following powers:

1. The designation of the Board of Directors as specified in Article X; and
2. Approval of amendments to this Agreement as specified in Article XXVI.

ARTICLE X

BOARD OF DIRECTORS

There shall be a Board of Directors to govern the affairs of the Authority. The Board shall be comprised of one director, and one alternate director, from each Member Entity who shall have the authority to bind the Member Entity on any and all matters relating to the business of the Authority. Each director has one vote. Each director shall be appointed by the governing body of the Member Entity. The alternate director shall be appointed by and serve at the pleasure of the Member Entity. The alternate director may cast a vote as a member of the Board of Directors only in the absence of the director.

ARTICLE XI

POWERS RESERVED TO THE BOARD

The powers of the Board are the powers of the Authority not specifically reserved to the Member Entities by this Agreement. The Board has authority to delegate its powers and authority. However, the Board shall retain unto itself the power to change the Bylaws, to expel a member by a two-thirds vote, and to establish a Program.

ARTICLE XII

COMMITTEES

EXECUTIVE COMMITTEE

The Board may create an Executive Committee comprised of members of the Board and delegate one or more of its powers to the Executive Committee except those powers not delegable. An appointment to the Executive Committee, if any, is by an election of the Board of Directors.

OTHER COMMITTEES

Other committees may be created by, or in accordance with, the procedures described in the Bylaws.

ARTICLE XIII

BOARD AND COMMITTEE MEETINGS

The Board shall hold at least one regular meeting each year. The Board shall fix the date, hour, and place at which each regular meeting is to be held. A special meeting may be called upon written request by the President or at least one-third of the Board members.

Each regular, adjourned regular and special meeting of the Board, the Executive Committee, or any other Standing Committee shall be called, noticed, held, and conducted in accordance with the Ralph M. Brown Act (Section 54950 et. seq. of the Government Code).

The Secretary shall keep or have kept minutes of each regular or special meeting of the Board and any Committee. As soon as possible after each meeting, the Secretary shall have a copy of those minutes forwarded to each member of the Board.

No business may be transacted by the Board or a Committee without a quorum of members being present. A quorum consists of a majority of the members.

ARTICLE XIV

OFFICERS AND EMPLOYEES

The Officers of the Authority are the President, Vice President, Administrator, Secretary, Treasurer, and others as may be declared in the Bylaws or resolution of the Board. The Officers are elected or appointed in accordance with the procedures described in the Bylaws. The Officers shall have the authorities and responsibilities as defined in the Bylaws.

The Board may appoint such officers and employees and may contract with such persons or firms as it considers necessary to carry out the purposes of this Agreement.

Any Member Entity which provides or performs assigned duties pursuant to this Article may be reimbursed by the Authority for services rendered on the Authority's behalf.

ARTICLE XV

ANNUAL AUDITS AND AUDIT REPORTS

The Treasurer shall cause an annual financial audit to be made by an independent Certified Public Accountant with respect to all Authority receipts, disbursements, other transactions and entries into the books. A report of the financial audit shall be filed as a public record with each Member Entity. The audit shall be conducted in accordance with Government Code Section 6505 and filed with the County Auditor or others as required by the laws of California. The Authority shall pay the cost of the financial audit and charge the cost against the Member Entities in the same manner as other administrative costs.

ARTICLE XVI

INDEMNIFICATION OF DIRECTORS, OFFICERS, AND EMPLOYEES

The members of the Board of Directors and the officers and employees of the Authority shall

act in good faith and in the best interests of the Authority in the performance of their duties hereunder. The members of the Board of Directors and the officers and employees of the Authority shall be liable for any act or omission within the scope of their office or employment by the Authority as a public entity only in the event that they act or fail to act because of actual fraud, corruption, or actual malice or willfully fail or refuse to conduct the defense of a claim or action in good faith or to reasonably cooperate in good faith in the defense conducted by the Authority. No member of the Board shall be liable for any action taken or omitted by any other member of the Board. No member of the Board, officer, or employee shall be required to deposit premium on a bond or other security to guarantee the faithful performance of his or her duties hereunder, although the Authority may provide such bonds. Funds of the Authority shall be used to defend and to indemnify members of the Board, officers, and employees of the Authority for any act or omission pursuant to the provisions of Government Code Sections 910 to 996.6. The Authority may purchase insurance to provide coverage for acts or omissions of directors, officers, and employees.

The Authority shall indemnify, protect, defend, and hold harmless each and all of the Member Entities, and their officers and employees, for and from any and all liability, claims, causes of action, damages, losses, judgments, costs, or expenses (including attorney's fees) resulting from an injury caused by a negligent or wrongful act or omission occurring in the performance of this Agreement by the Authority, by one or more of the Member Entities, or any of their officers, employees, agents, or independent contractors. This indemnification provision is intended to supplant and supersede the pro rata right of contribution formula set forth in Government Code Section 895.6.

ARTICLE XVII

SELF-INDEMNIFICATION AMONG THE MEMBER ENTITIES

Section 895.2 of the California Government Code imposes certain tort liability jointly upon entities solely by reason of such entities being parties to an agreement as defined in Section 895 of said Code. Therefore, the Member Entities hereto, as between themselves, pursuant to the authorization contained in Sections 895.4 and 895.6 of the California Government Code, each assumes the full liability imposed upon it for any of its officers, agents, or employees by law for injuries caused by a negligent or wrongful act or omission occurring in the performance of this Agreement to the same extent that such liability would be imposed in the absence of Section 895.2 of said Code. To achieve this purpose, each Member Entity indemnifies and holds harmless all other Member Entities for any loss, cost, or expense that may be imposed upon such other Member Entities solely by virtue of Section 895.2 of the California Code.

ARTICLE XVIII

NEW MEMBERS

A public agency may be admitted as a Member Entity only upon a two-thirds vote of the Board of Directors. The application of any Member Entity to participate in any Program shall be determined under the Program's Governing Documents. Notwithstanding the above, members of

ABAG Plan Corporation in good standing as of July 1, 2017 shall be automatically admitted upon adoption of a resolution by its governing body authorizing the execution of this Joint Powers Agreement, provided that said action occurs by June 30, 2018.

Each applicant for membership shall pay all fees and expenses set by the Board.

ARTICLE XIX

WITHDRAWAL

A Member Entity may withdraw from the Authority only at the end of a fiscal year, provided it has given the Authority at least six months written notice of its intent to withdraw. A notice of intent to withdraw shall be final and irrevocable upon its receipt by the Authority unless the Board authorizes it to be rescinded by the Member Entity. A Member Entity joining after June 30, 2018 may only withdraw from the Authority after three (3) consecutive fiscal years following commencement of membership.

The withdrawal of a Member Entity from membership in the Authority shall not terminate its responsibility, as defined by any of the Governing Documents of the Authority, to contribute its share of premiums or funds to any fund or coverage program created by the Authority in which the withdrawing Member Entity has participated.

ARTICLE XX

EXPULSION

The Authority may expel a Member Entity from membership in the Authority by a two-thirds vote of the Board of Directors for a breach of any of the Governing Documents determined by the Board to be a material breach. Such expulsion shall automatically, and simultaneously, terminate the Member Entity's participation in any and all Programs in which it may be a Program participant. The procedure for hearing and notice of expulsion of a Member Entity shall be as provided in the Authority Bylaws.

The expulsion procedures from any Program shall be defined in the Governing Documents for that Program.

The expulsion of a Member Entity from membership in the Authority shall not terminate its responsibility, as defined by any of the Governing Documents of the Authority, to contribute its share of premiums or funds to any fund or coverage Program created by the Authority in which the expelled Member Entity has participated.

ARTICLE XXI

TERMINATION AND DISTRIBUTION

This Agreement may be terminated by the written consent of two-thirds of the Member

Entities. However, this Agreement and the Authority shall continue to exist after termination for the purpose of disposing of all claims, debts and other obligations, distribution of assets, and all other functions necessary to conclude the obligations and affairs of the Authority.

Upon termination of this Agreement, after disposition of all claims debts and other obligations, the remaining assets of the Authority shall be distributed and apportioned among the Member Entities that have been participants in its Programs, including those Member Entities which previously withdrew or were expelled pursuant to Articles XIX and XX of this Agreement, as provided in the Authority Bylaws.

ARTICLE XXII

NOTICES

Notice to each Member Entity under this Agreement is sufficient if mailed to its respective address on file with the Authority.

ARTICLE XXIII

BINDING EFFECT OF BYLAWS AND OTHER GOVERNING DOCUMENTS

Each party to this Agreement by its execution agrees to be bound by and to comply with all of the terms and conditions of the Governing Documents, and any Resolution adopted by the Board of Directors as they now exist or may hereafter be adopted or amended.

ARTICLE XXIV

ENFORCEMENT

The Authority is hereby granted authority to enforce this Agreement. In the event action is instituted by the Authority to enforce any term of any of the Governing Documents of any Program or otherwise against any Member Entity, the prevailing party shall be entitled to reasonable attorney fees and costs incurred because of said action, in addition to other appropriate relief.

ARTICLE XXV

PROHIBITION AGAINST ASSIGNMENT

No Member Entity may assign a right, claim, or interest it may have under this Agreement. No creditor, assignee, or third-party beneficiary of a Member Entity has a right, claim, or title to any part, share, interest, fund, premium, or asset of the Authority.

ARTICLE XXVI

AMENDMENTS

This Agreement may be amended if at least 2/3rds of the total Member Entities vote in favor of the amendment. A proposed amendment must be submitted to each Member Entity at least thirty (30) days prior to the date the amendment is considered by the Authority. An amendment will be effective immediately unless otherwise specified. Appendix A to the Agreement may be amended to correctly list current Member Entities without separate action by the Member Entities or the Board.

ARTICLE XXVII

SEVERABILITY

If a portion, term, condition, or provision of this Agreement is determined by a court to be illegal or in conflict with a law of the State of California, or is otherwise rendered unenforceable or ineffectual, the validity of the remaining portions, terms, conditions, and provisions is not affected.

In witness whereof, the following parties have each executed this Agreement as amended on the dates set forth below and acknowledge their membership in the Authority:

Entity:

Date: _____

Title:

APPENDIX A

MEMBER ENTITIES

City of American Canyon
Town of Atherton
City of Benicia
City of Burlingame
City of Campbell
Town of Colma
City of Cupertino
City of Dublin
City of East Palo Alto
City of Foster City
City of Half Moon Bay
Town of Hillsborough
Town of Los Altos Hills
Town of Los Gatos
City of Millbrae
City of Milpitas
City of Morgan Hill
City of Newark
City of Pacifica
Town of Portola Valley
Town of Ross
City of San Bruno
City of San Carlos
City of Saratoga
City of South San Francisco
City of Suisun City
Town of Tiburon
Town of Woodside

I.1 Reappointment of Eric Hentschke to the Alameda County Mosquito Abatement District – from Mayor Nagy. (RESOLUTION)

Background/Discussion – Eric Hentschke was appointed to serve as Newark’s representative to the Alameda County Mosquito Abatement District on January 14, 2016. Mr. Hentschke’s appointment expires in January and he has requested a two year reappointment.

Attachment

Action - It is recommended that the City Council, by resolution, approve the reappointment of Eric Hentschke to the Alameda County Mosquito Abatement District, for a term to expire on January 31, 2020.

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
NEWARK APPROVING THE REAPPOINTMENT OF ERIC
HENTSCHKE TO THE ALAMEDA COUNTY MOSQUITO
ABATEMENT DISTRICT

WHEREAS, Eric Hentschke's term on the Alameda County Mosquito Abatement District expires in January; and

WHEREAS, Eric Hentschke has requested a two year reappointment to serve as the City of Newark's representative on the Alameda County Mosquito Abatement District;

WHEREAS, the Mayor of the City of Newark has reappointed Eric Hentschke to the Alameda County Mosquito Abatement District for a term expiring on January 31, 2020;

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

I.2 Approving 2 percent merit increase for City Attorney David J. Benoun – from Mayor Nagy. (RESOLUTION)

Background/Discussion – David J. Benoun has served as City Attorney for the City of Newark since April of 2012. The City Council as the hiring authority for the City Attorney needs to determine appropriate compensation.

The City Attorney is an exempt employee subject to the City’s Compensation and Benefit Plan for City Officials and the Management, Supervisory, and Professional Employee Group. Employees in this Compensation and Benefit Plan, who are not at the top of the salary range for their position, are eligible to receive a merit increase of up to 2 percent upon “meritorious service”. (Section IIID of Attachment “A” to the Plan.) The City Council conducted a performance evaluation of the City Attorney on October 26, 2017, during a duly noticed closed session. Pursuant to Government Code Section 54957.6, the City Council met again in closed session on November 9, 2017 to give directions to its labor negotiator, Mayor Nagy, regarding a compensation adjustment. The Mayor directed staff to place this matter for open discussion at the December 14, 2017 meeting.

There has not been a merit increase since his hire date in 2012. A 2 percent salary increase would increase his salary by \$345.49 per month. The City Attorney’s new monthly base salary will be \$17,619.89.

The compensation for the City Attorney is included in the current budget and the proposed merit increase will go into effect on December 16, 2017.

Attachment

Action - It is recommended that the City Council, by resolution, approve a 2 percent merit increase for David J. Benoun as City Attorney.

RESOLUTION NO.

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
NEWARK APPROVING A 2 PERCENT MERIT INCREASE
FOR CITY ATTORNEY DAVID J. BENOUN**

WHEREAS, David J. Benoun has served as City Attorney for the City of Newark since April of 2012; and

WHEREAS, the City Council as the hiring authority for the City Attorney needs to determine appropriate compensation; and

WHEREAS, the City Attorney is subject to the City's Compensation and Benefit Plan for City Officials and the Management, Supervisory, and Professional Employee Group. Employees in this Compensation and Benefit Plan, who are not at the top of the salary range for their position, are eligible to receive a merit increase of up to 2 percent upon "meritorious service". (Section IIID of Attachment "A" to the plan.) The City Council conducted a favorable performance evaluation of the City Attorney during a Closed Session on October 26, 2017; and

WHEREAS, the City Council has determined that the City Attorney's performance is meritorious and deserving of such salary increase; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Newark, that the salary of the City Attorney shall be increased 2 percent, from \$17,274.40 to 17,619.89 per month, effective December 16, 2017.

**I.3 Appointment of Mayor Pro Tempore and authorization for the Mayor Pro Tempore to sign and endorse checks, warrants, and other instruments – from Mayor Nagy.
(MOTION)(RESOLUTION)**

Background/Discussion – During the latter part of the year, the City Council reorganizes by appointing one of its members to serve as Mayor Pro Tempore. After the Mayor Pro Tempore has been selected, a resolution authorizing the Mayor Pro Tempore to sign and endorse checks, warrants, and other instruments will need to be approved by the City Council.

Attachment

Action - It is recommended that the City Council: (1) by motion, appoint one of its members as Mayor Pro Tempore; and (2) by resolution, authorize the new Mayor Pro Tempore to sign and endorse checks, warrants, and other instruments.

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
NEWARK AUTHORIZING SIGNING AND ENDORSING
CHECKS, WARRANTS, AND OTHER INSTRUMENTS

WHEREAS, the US Bank, Newark Office, is heretofore selected as a depository of the City's funds;

NOW, THEREFORE, BE IT RESOLVED that checks or warrants withdrawing funds from said depositories must have two signatures and may be signed by Alan L. Nagy, Mayor of the City of Newark; or by _____, Mayor Pro Tempore; or by John Becker, City Manager of the City of Newark; or by Susie Woodstock, Treasurer of the City of Newark; or by David Zehnder, Recreation and Community Services Director of the City of Newark;

BE IT FURTHER RESOLVED that the US Bank, Newark Office, and Fremont Bank, Fremont Office, are authorized to honor and pay all the checks and warrants to the City of Newark, signed as provided herein, whether or not payable to the person or persons signing them; and that checks, warrants, drafts, bills of exchange and other evidence of indebtedness may be endorsed and deposited to the account of the City of Newark, by and of the foregoing or any other employee or agent of the City of Newark, and may be endorsed in writing or by stamp, with or without the designation of the person so endorsing;

BE IT FURTHER RESOLVED that the Protectograph Certifier signature impression of the Mayor, Alan L. Nagy; the Mayor Pro Tempore, _____, the City Manager, John Becker; the Treasurer, Susie Woodstock; and the Recreation and Community Services Director, David Zehnder shall be deemed their manual signatures for the purposes specified in this resolution;

BE IT FURTHER RESOLVED that all previous resolutions authorizing persons to sign checks on behalf of the City are hereby rescinded and no persons other than those set forth in this resolution are authorized to sign checks or other evidence of indebtedness on behalf of the City of Newark after said date.

I.4 Appointments of City Council Members to agencies, boards, commissions, and committees – from Mayor Nagy. (RESOLUTION)

Background/Discussion – On a yearly basis, the Mayor appoints City Council Members to various agencies, boards, commissions, and committees. The current appointments are listed for reference. The City Council should review the assignments and decide if they would like to make any changes for the upcoming year.

Alameda County Fire Advisory Commission	Council Members Bucci and Collazo – delegate and alternate
Alameda County Library Advisory Commission	Council Members Collazo and Mayor Nagy – delegate and alternate
Alameda-Contra Costa Transit District Policy Advisory Committee	Council Members Bucci and Hannon – delegates
Alameda County Transportation Commission	Council Members Freitas and Collazo – delegate and alternate
Alameda County Waste Management Authority Board/Stopwaste.org	Council Members Hannon and Freitas – delegate and alternate
Association of Bay Area Governments (ABAG)	Council Member Bucci and Mayor Nagy – delegate and alternate
Community Development Advisory Committee	Mayor Nagy and Council Member Freitas – delegates
Dumbarton Rail Policy Advisory Committee	Mayor Nagy and Council Member Bucci – delegate and alternate
Newark City Council –Board of Education Liaison Committee	Council Members Hannon and Collazo – delegates
Tri-City Elder Coalition	Mayor Nagy - delegate
Senior Citizen Standing Advisory Committee	Mayor Nagy delegate and chairperson
Southern Alameda County Geographic Information System Authority	Mayor Nagy - delegate Council Member Bucci - alternate

Tri-City Waste Facility Financing

Mayor Nagy and Council Member Hannon –
Authority delegates

In addition to these assignments, Council Member Hannon is the City's representative to the Housing Authority of Alameda County. This multi-year appointment, made by the Alameda County Board of Supervisors, expires in 2021 and is not included on the annual list.

Attachment

Action - It is recommended that the City Council, by resolution, approve the appointments to the various agencies, boards, commissions, and committees.

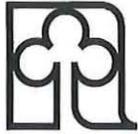
RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
NEWARK CONFIRMING THE MAYOR'S APPOINTMENTS
TO VARIOUS AGENCIES, BOARDS, COMMISSIONS, AND
COMMITTEES

WHEREAS, the Mayor of the City of Newark has appointed representatives to the following agencies, boards, commissions, and committees:

Alameda County Fire Advisory Commission	delegate and alternate
Alameda County Library Advisory Commission	delegate and alternate
Alameda-Contra Costa Transit District Policy Advisory Committee	delegates
Alameda County Transportation	delegate and alternate
Alameda County Waste Management Authority Board/Stopwaste.org	delegate and alternate
Association of Bay Area Governments (ABAG)	delegate and alternate
Community Development Advisory Committee	delegates
Dumbarton Rail Policy Advisory Committee	delegate and alternate
Newark City Council –Board of Education Liaison Committee	delegates
Tri-City Elder Coalition	delegate
Senior Citizen Standing Advisory Committee	delegate and chairperson
Southern Alameda County Geographic Information System Authority	delegate and alternate
Tri-City Waste Facility Financing	delegates

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Newark hereby approves the Mayor's appointments.



City of Newark

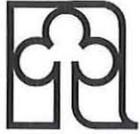
MEMO

DATE: December 4, 2017
TO: City Council
FROM: Sheila Harrington, City Clerk *A.H.*
SUBJECT: Approval of Audited Demands for the City Council Meeting of Dec. 14, 2017.

REGISTER OF AUDITED DEMANDS

US Bank General Checking Account

<u>Check Date</u>		<u>Check Numbers</u>	
November 02, 2017	Page 1-2	112804 to 112861	Inclusive
November 09, 2017	Page 1-2	112862 to 112931	Inclusive
November 16, 2017	Page 1-2	112932 to 113004	Inclusive
November 22, 2017	Page 1-2	113005 to 113051	Inclusive
November 27, 2017	Page 1	113052 to 113052	Inclusive
November 30, 2017	Page 1-2	113053 to 113130	Inclusive



City of Newark

MEMO

DATE: December 4, 2017
TO: Sheila Harrington, City Clerk
FROM: Susie Woodstock, Administrative Services Director *SWW*
SUBJECT: Approval of Audited Demands for the City Council Meeting of Dec. 14, 2017.

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

1

Final Disbursement List. Check Date 11/02/17, Due Date 11/13/17, Discount Date 11/13/17. Computer Checks.

Bank 1001 US BANK

MICR Check#	Vendor Number	Payee	Check Date	Check Amount	Description
112804	10449	AFLAC ATTN: REMITTANCE PROCESSING SERVIC	11/02/17	1,485.96	PAYROLL - SHORT TERM DISABILITY PREMIUM
112805	7743	ALL AMERICAN RENTALS LLC.	11/02/17	36.50	EQUIPMENT RENTALS
112806	11572	AMERICAN SOCIETY OF CONSULTING ARBORISTS	11/02/17	1,245.00	ASCA ANNUAL CONFERENCE
112807	8414	ANDRE'S MECHANICAL & GENERAL ENGINEERING	11/02/17	990.00	SEWER PUMP MAINTENANCE
112808	11408	APPLIED AIR FILTERS	11/02/17	1,589.64	AIR FILTERS
112809	348	AT&T	11/02/17	113.63	AT & T MONTHLY TELECOM
112810	1085	AT&T	11/02/17	40.56	TELECOM LONG DISTANCE
112811	4603	CENTER FOR SPECIALIZED VETERINARY CARE B	11/02/17	300.00	VET SVCS
112812	11366	BLAIR SLAVAZZA	11/02/17	2,500.00	EXPENSE REIMBURSEMENT
112813	6630	BOUNDTREE MEDICAL LLC	11/02/17	1,842.49	GLOVES
112814	9150	CAL-WEST LIGHTING & SIGNAL MAINTENANCE I	11/02/17	2,814.54	TRAFFIC SIGNAL MAINTENANCE
112815	7898	CALIFORNIA DIESEL & POWER	11/02/17	577.00	GENERATOR REPAIR
112816	10845	CEB ATTN: ACCOUNTS RECEIVABLE	11/02/17	249.33	LEGAL LIBRARY RESOURCES
112817	6304	CLASSIC GRAPHICS T & J LEWIS INC	11/02/17	302.25	FLEET SUPPLIES AND MAINT
112818	10970	COCA COLA REFRESHMENTS UNION CITY SALES	11/02/17	389.60	CAFE SUPPLIES
112819	11549	CSG CONSULTANTS, INC.	11/02/17	451.50	ENGINEERING PLAN CHECK AND INSPECTION SE
112820	10793	ALLEN BLAZICK	11/02/17	114.00	MEMBERSHIP REFUND
112821	10793	RUCHI MEHRA	11/02/17	200.00	RENTAL DEPOSIT REFUND
112822	10793	MEENAKSHI GURUMOORTI	11/02/17	100.00	RENTAL DEPOSIT REFUND
112823	10793	RACHELLE LINGAD	11/02/17	200.00	RENTAL DEPOSIT REFUND
112824	10677	DAILY JOURNAL CORPORATION CALIFORNIA NEW	11/02/17	176.25	LEGAL ADS
112825	10794	DUKE DE LEON	11/02/17	150.00	VIDEO RECORDING SERVICES
112826	184	DEPARTMENT OF TRANSPORTATION CASHIER HQ	11/02/17	935.98	FY17-18 SHARED ENERGY AND MAINTENANCE CO
112827	11404	ALHAMBRA	11/02/17	1,115.92	WATER SERVICE
112828	4731	EWING IRRIGATION PRODUCTS INC	11/02/17	903.97	PROJECT 1133 PARKS IRRIGATION
112829	7663	FIDELITY SECURITY LIFE INSURANCE/EYEMED	11/02/17	794.06	VISION PREMIUM
112830	10642	FASTENAL COMPANY	11/02/17	20.70	MISC PARTS
112831	1120	FORENSIC ANALYTICAL SCIENCES, INC	11/02/17	280.00	LAB TESTS
112832	5106	CITY OF FREMONT REVENUE DIVISION	11/02/17	345.31	SHARED TRAFFIC SIGNAL COSTS
112833	11112	FREMONT CHRYSLER DODGE JEEP RAM	11/02/17	4,459.17	FLEET SUPPLIES AND MAINT
112834	11465	FRONTIER BUILDING PRODUCTS PACIFIC	11/02/17	1,475.00	DOOR REPAIR
112835	10983	G BORTOLOTTO & CO INC	11/02/17	274,956.55	TRAFFIC CALMING PROJECTS
112836	10707	GYM DOCTORS	11/02/17	236.04	GYM MAINTENANCE
112837	1457	HOME DEPOT CREDIT SERVICES DEPT. 32 - 25	11/02/17	3,392.93	BUILDING SUPPLIES
112838	11169	EDDY HSU	11/02/17	1,820.70	LEGAL CONSULTING SRVCS
112839	3866	JAM SERVICES INC	11/02/17	7,951.39	CIP #1161 TRAFFIC SIGNAL ACCESSORY REPLA
112840	7964	KNORR SYSTEMS INC	11/02/17	229.92	SILLIMAN POOL REPAIRS
112841	6124	BRIAN LEWIS	11/02/17	235.93	EXPENSE REIMBURSEMENT
112842	80	LYNN PEAVEY COMPANY	11/02/17	304.18	EVIDENCE SUPPLIES
112843	11482	MARCI MARINO	11/02/17	305.00	PAYROLL DEDUCTION - SS PAYMENTS FOR PR10
112844	11271	MASAKOS MUSIC STUDIO MASAKO YAMAMOTO	11/02/17	1,644.00	RECREATION CONTRACT
112845	4313	ANGELA MONTEZ	11/02/17	128.40	EXPENSE REIMBURSEMENT
112846	7335	MUNICIPAL MAINTENANCE EQUIPMENT INC	11/02/17	396.31	FLEET SUPPLIES AND MAINT
112847	1738	NEWARK BETTERMENT CORPORATION	11/02/17	38.24	NBC CREDIT CARD REIMBURSEMENT FOR HEALTH
112848	324	NEWARK CHAMBER OF COMMERCE	11/02/17	5,370.99	CHAMBER EXPENSES
112849	11322	PAPA JOHNS PIZZA	11/02/17	407.85	FOOD FOR THE CAFE
112850	78	PERFORMANCE PEST MANAGEMENT LPC SERVICES	11/02/17	607.00	PEST CONTROL
112851	11376	QUINCY ENGINEERING INC	11/02/17	72,989.71	PROFESSIONAL ENGINEERING SERVICES FOR CE
112852	11547	RLSAFETY, INC.	11/02/17	2,186.22	RISK MANAGEMENT SUPPLIES
112853	2752	SSDTTF	11/02/17	529.00	PATROL POST TRAINING
112854	112	WILLE ELECTRICAL SUPPLY CO INC	11/02/17	179.79	LIGHT BULBS

Final Disbursement List. Check Date 11/02/17, Due Date 11/13/17, Discount Date 11/13/17. Computer Checks.

Bank 1001 US BANK

MICR Check#	Vendor Number	Payee	Check Date	Check Amount	Description
112855	5164	SAN MATEO REGIONAL NETWORK INC SMRN.COM	11/02/17	270.00	SMRN SPAM FILTERING/WEB HOSTING - 10/17
112856	11533	ST. FRANCIS ELECTRIC. LLC.	11/02/17	8,600.00	STREETLIGHT MAINTENANCE
112857	676	SUMMIT UNIFORMS CORP	11/02/17	840.13	VEST EQUIP REPL; APPROVAL #2017-13
112858	10968	UTILITY TELEPHONE	11/02/17	16,319.30	NETWORK/PHONE SERVICES 10/17
112859	5623	VERIZON WIRELESS	11/02/17	1,903.93	VERIZON ANNUAL CELL SERVICE
112860	5050	WEST COAST ARBORISTS INC	11/02/17	9,632.60	PROJECT 1196 BIRCH GROVE PARK TREE
112861	143	WILCO SUPPLY P O BOX 3047	11/02/17	846.28	BUILDING SUPPLIES
Total				438,520.75	

1

Final Disbursement List. Check Date 11/09/17, Due Date 11/20/17, Discount Date 11/20/17. Computer Checks.
Bank 1001 US BANK

MICR Check#	Vendor Number	Payee	Check Date	Check Amount	Description
112862	10	ABC FIRE PROTECTION INC	11/09/17	732.40	FLEET SUPPLIES
112863	332	ADAMSON POLICE PRODUCTS	11/09/17	2,385.45	POLICE TRAINEE UNIFORMS
112864	1396	ALAMEDA COUNTY FIRE DEPARTMENT ATTN: ACC	11/09/17	812,480.83	FIRE SERVICES
112865	14	ALPINE AWARDS	11/09/17	1,211.76	T-SHIRT/AWARDS/PROMOS
112866	11362	ANNETTE PAREDES	11/09/17	33.37	EXPENSE REIMBURSEMENT
112867	10990	BADAWI & ASSOCIATES	11/09/17	27,093.15	AUDITING SERVICES FY16/17
112868	9680	BAY CENTRAL PRINTING	11/09/17	63.78	BUSINESS CARD IMPRINTING
112869	1131	BAY ISLAND OFFICIALS ASSOCIATION ATTN FR	11/09/17	948.00	SPORTS OFFICIATING
112870	11563	CENTRAL VALLEY TOXICOLOGY, INC.	11/09/17	38.00	LAB TESTS
112871	1743	CLARK'S U-SAVE ROCKERY	11/09/17	913.12	SUPPLIES FOR TURF REPAIR
112872	10060	COMCAST	11/09/17	203.12	CABLE BILL
112873	1109	CAPITAL ONE COMMERCIAL	11/09/17	362.78	SUPPLIES
112874	3664	CALIFORNIA SOCIETY OF MUNICIPAL FINANCE	11/09/17	110.00	MEMBERSHIP DUES - 2018
112875	1258	CSULB FOUNDATION	11/09/17	316.00	PATROL POST TRAINING
112876	10650	BOSCO VEGA VIVA NICARAGUA FESTIVAL	11/09/17	1,000.00	DANCE PERMIT REFUND
112877	10649	WILLIAM LYON HOMES CHRISTINA JONES	11/09/17	1,032.00	OVERTIME INSPECTION REFUND SFD2017-0028
112878	10649	LENNAR HOMES OF CALIFORNIA	11/09/17	6,275.16	COLLECTION ERROR REFUND SFD2017-0354
112879	10793	NEWARK BETTERMENT CORPORATION	11/09/17	27.00	REFUND SCHOLARSHIP ACCOUNT
112880	10677	DAILY JOURNAL CORPORATION CALIFORNIA NEW	11/09/17	42.50	LEGAL ADS
112881	41	DALE HARDWARE	11/09/17	104.08	FLEET SUPPLIES
112882	63	THE GOODYEAR TIRE & RUBBER CO.	11/09/17	1,175.48	FLEET TIRES
112883	7631	DELTA DENTAL	11/09/17	7,628.56	DENTAL PREMIUM NOV'17
112884	7641	DELTA DENTAL INSURANCE COMPANY ATTN: ACC	11/09/17	462.87	DENTAL PREMIUM NOV'17
112885	11259	KATHRYN DENNIS	11/09/17	165.53	EXPENSE REIMBURSEMENT
112886	9511	DWYS LLC DBA RENAISSANCE TOTS, LLC ATTN	11/09/17	753.00	RECREATION CONTRACT
112887	4731	EWING IRRIGATION PRODUCTS INC	11/09/17	1,571.36	PROJECT 1133 PARKS IRRIGATION
112888	11431	EXTENDED STAY AMERICA	11/09/17	2,853.05	ACADEMY TRAINEE HOTEL
112889	522	FEDEX	11/09/17	8.93	PACKAGE DELIVERY
112890	1733	FIRST BAPTIST CHURCH	11/09/17	80.00	PAYROLL DEDUCTION - DONATION OCT17
112891	5106	CITY OF FREMONT REVENUE DIVISION	11/09/17	1,250.00	NEWARK CASE MGMT
112892	11112	FREMONT CHRYSLER DODGE JEEP RAM	11/09/17	176.31	FLEET SUPPLIES AND MAINT
112893	60	FREMONT FORD/AUTOBODY OF FREMONT ATTN: P	11/09/17	277.59	FLEET SUPPLIES
112894	550	FREMONT RUBBER STAMP CO INC	11/09/17	108.11	"APPROVED" RUBBER STAMP
112895	2215	FREMONT WHEEL & BRAKE	11/09/17	228.43	FLEET MAINTENANCE
112896	11553	HELLER MANUS ARCHITECTS	11/09/17	173,397.28	SCHEMATIC DESIGN FOR NEWARK CIVIC CENTER
112897	263	INTELLI-TECH INTELLIGENT TECHNOLOGIES AN	11/09/17	460.00	CHEMICAL SUPPRESSION SERVICE
112898	579	ALICE M KROPA	11/09/17	50.48	WATERING OF EASEMENT
112899	277	LAKESHORE LEARNING MATERIALS	11/09/17	546.01	CONSTRUCTION PAPER FOR CHILDCARE/PRESCHO
112900	711	MATTHEW BENDER & CO. INC. ATTN: RENEWALS	11/09/17	3,738.31	LEGAL LIBRARY RESOURCE
112901	7618	METLIFE SBC	11/09/17	1,794.48	PAYROLL - LONG TERM DISABILITY PREMIUM
112902	11357	MISSION UNIFORM SERVICE	11/09/17	1,425.90	UNIFORMS, MATS, AND TOWELS
112903	6	KAREN MORAIDA	11/09/17	20.28	EXPENSE REIMBURSEMENT
112904	11569	NORCAL SOFTBALL	11/09/17	96.00	USA SOFTBALL REGISTRATION
112905	349	PACIFIC GAS & ELECTRIC	11/09/17	12.80	CITY ELECTRIC & GAS
112906	11322	PAPA JOHNS PIZZA	11/09/17	229.67	FOOD FOR THE CAFE
112907	78	PERFORMANCE PEST MANAGEMENT LPC SERVICES	11/09/17	307.00	PEST CONTROL
112908	329	PHOENIX GROUP INFORMATION SYSTEMS	11/09/17	205.40	PARKING CITATION PROGRAM
112909	1282	EDDA RIVERA	11/09/17	31.92	EXPENSE REIMBURSEMENT
112910	11074	RUTAN & TUCKER LLP	11/09/17	5,194.00	LITIGATION & LEGAL CONSULTING SRVCS
112911	654	SFPUC-WATER DEPARTMENT CUSTOMER SERVICE	11/09/17	3,152.26	RENT/WATER
112912	112	WILLE ELECTRICAL SUPPLY CO INC	11/09/17	2,235.53	BULBS FOR EXTERIOR LIGHTS

Final Disbursement List. Check Date 11/09/17, Due Date 11/20/17, Discount Date 11/20/17. Computer Checks.

Bank 1001 US BANK

MICR Check#	Vendor Number	Payee	Check Date	Check Amount	Description
112913	11098	SILVER & WRIGHT LLP	11/09/17	654.30	LITIGATION & LEGAL CONSULTING SRVCS
112914	1741	SIRCHIE FINGER PRINT LABORATORIES	11/09/17	228.31	EVIDENCE SUPPLIES
112915	11223	SOUTHERN COMPUTER WAREHOUSE	11/09/17	4,342.08	24 HP 27 LCD MONITORS #2018-9
112916	40	STAPLES ADVANTAGE DEPT LA	11/09/17	1,741.60	OFFICE SUPPLIES
112917	11396	SWA SERVICES GROUP INC	11/09/17	25,953.06	JANITORIAL SERVICE 10/17
112918	10883	THE TACTICAL ADVANTAGE POLICE SUPPLY	11/09/17	5,484.22	VEST EQUIP REPL #2018-12
112919	5463	MARY TEIXEIRA	11/09/17	9.64	EXPENSE REIMBURSEMENT
112920	1765	TEMPERATURE TECHNOLOGY INC.	11/09/17	3,780.00	PROJECT 1144 HVAC REPLACEMENT
112921	11395	TETRA TECH INC.	11/09/17	2,290.02	PROFESSIONAL SERVICES
112922	135	TURF & INDUSTRIAL EQUIPMENT CO	11/09/17	293.19	FLEET PARTS AND MAINT
112923	3930	UNION BANK UNION BANK TRUST DEPARTMENT -	11/09/17	52,996.75	2002 COP - INTEREST
112924	688	UNION SANITARY DISTRICT ATTENTION ACCOUN	11/09/17	38,377.81	ANNUAL SEWER FEES
112925	363	UNITED STATES POSTMASTER	11/09/17	2,940.00	WINTER/SPRING GUIDE MAILING
112926	8751	PROVIDENT LIFE & ACCIDENT INSURANCE COMP	11/09/17	261.24	PAYROLL PREMIUM - E0246926
112927	5623	VERIZON WIRELESS	11/09/17	4,406.97	IPHONE SVC
112928	5050	WEST COAST ARBORISTS INC	11/09/17	9,441.96	PROJECT 1119C STREET TREE MAINT
112929	11252	WHITE NELSON DIEHL EVENS LLP 2017 GOVERN	11/09/17	395.00	2017 GOVERNMENT TAX SEMINAR
112930	8723	WHITWATER WEST INDUSTRIES LTD	11/09/17	95,047.50	PROJECT 1114 SILLIMAN CNTR IMPROVEMENTS
112931	143	WILCO SUPPLY P O BOX 3047	11/09/17	592.10	BUILDING SUPPLIES
Total				1,314,244.79	

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Final Disbursement List. Check Date 11/16/17, Due Date 11/27/17, Discount Date 11/27/17. Computer Checks.
 Bank 1001 JS BANK

MICR Check#	Vendor Number	Payee	Check Date	Check Amount	Description
112932	10736	ABACUS PRODUCTS INC	11/16/17	407.49	PRINTING SVCS
112933	332	ADAMSON POLICE PRODUCTS	11/16/17	116.32	MISCELLANEOUS PURCHASES
112934	1396	ALAMEDA COUNTY FIRE DEPARTMENT ATTN: ACC	11/16/17	2,940.00	FLEET SUPPLIES AND MAINT
112935	3853	COUNTY OF ALAMEDA INTERNAL AUDIT UNIT RI	11/16/17	1,825.00	CITATION PROCESSING FEES - OCT'17
112936	3835	TREASURER OF ALAMEDA COUNTY PUBLIC WORKS	11/16/17	2,413.32	CIP #1141 AC CONCRETE OVERLAY PROGRAM, T
112937	5821	ALL CITY MANAGEMENT SERVICES, INC	11/16/17	3,906.00	CROSSING GUARD SVCS
112938	348	AT&T	11/16/17	176.86	AT & T MONTHLY TELECOM
112939	4534	BAY AREA BARRICADE SERVICE INC	11/16/17	521.32	PROJECT #1135 STREET SIGNS
112940	9680	BAY CENTRAL PRINTING	11/16/17	405.59	BUSINESS CARD IMPRINTING
112941	5122	JEREMY BECK	11/16/17	1,037.63	EXPENSE REIMBURSEMENT
112942	23	FRANK BONETTI PLUMBING INC	11/16/17	206.84	PLUMBING REPAIR
112943	6630	BOUNDTREE MEDICAL LLC	11/16/17	153.55	GLOVES
112944	9888	BUREAU VERITAS NORTH AMERICA INC.	11/16/17	214.34	PLAN CHECK SERVICES
112945	11083	BURKE, WILLIAMS & SORENSEN, LLP	11/16/17	2,791.61	LITIGATION & LEGAL CONSULTING SRVCS
112946	1521	MICHAEL CARROLL	11/16/17	3,136.74	EXPENSE REIMBURSEMENT
112947	11541	CEL CONSULTING, INC.	11/16/17	1,718.35	PLAN CHECK SERVICES
112948	33	CENTRAL TOWING & TRANSPORT LLC	11/16/17	100.00	TOWING
112949	11032	CUBE SOLUTIONS	11/16/17	501.90	CIP #1136 CITYWIDE WORK STATION REPLACEM
112950	10649	MAINE ELECTRIC	11/16/17	193.60	CONTRACT WAS CANCELED ELEC2016-0255
112951	10649	PARMINDER SINGH	11/16/17	193.60	BUILDING PERMIT REFUND ELEC2017-0106
112952	63	THE GOODYEAR TIRE & RUBBER CO.	11/16/17	1,465.54	FLEET TIRES
112953	3728	DEPARTMENT OF JUSTICE ACCOUNTING OFFICE	11/16/17	372.00	FINGERPRINTING FEES
112954	11392	DIANA CANGCO	11/16/17	125.00	EXPENSE REIMBURSEMENT
112955	10904	EAST BAY REFRIGERATION	11/16/17	411.83	REFRIGERATOR MAINTENANCE
112956	904	EMPLOYMENT DEVELOPMENT DEPT.	11/16/17	1,558.00	UNEMPLOYMENT INSURANCE
112957	310	EQUIFAX INFORMATION SVCS LLC	11/16/17	50.42	CREDIT BUREAU REPORTS
112958	11431	EXTENDED STAY AMERICA	11/16/17	2,644.20	ACADEMY TRAINEE HOTEL
112959	10642	FASTENAL COMPANY	11/16/17	62.84	MISC PARK SUPPLIES
112960	522	FEDEX	11/16/17	142.91	FY17-18 SEPT/OCT FEDEX CHARGES
112961	8273	FRANCISCO & ASSOCIATES INC	11/16/17	8,250.00	17/18 CONSULTING SERVICES
112962	11400	DAN FRANKE	11/16/17	130.00	RESERVE UNIF ALLOWANCE
112963	5106	CITY OF FREMONT REVENUE DIVISION	11/16/17	8,514.37	SHELTER OPERATING EXPS
112964	313	FREMONT URGENT CARE CENTER	11/16/17	1,164.00	PRE-EMPLOYMENT/DOT PHYSICALS
112965	11157	JASON GERMANO	11/16/17	400.00	RESERVE UNIF ALLOWANCE
112966	4845	HINDERLITTER DELLAMAS & ASSOCIATES	11/16/17	13,073.00	SALES TAX CONSULTING/AUDIT SERVICES
112967	9246	DAVID HIGBEE	11/16/17	376.68	EXPENSE REIMBURSEMENT
112968	1591	PHILIP H HOLLAND	11/16/17	200.00	RESERVE UNIF ALLOWANCE
112969	7593	BRUCE HOWCROFT	11/16/17	200.00	RESERVE UNIF ALLOWANCE
112970	3866	JAM SERVICES INC	11/16/17	466.44	STREETLIGHT PARTS
112971	11494	KANEN TOURS, INC.	11/16/17	1,848.00	GUIDE DOGS FOR THE BLIND 11/08/17
112972	6786	STACEY KENISON	11/16/17	85.73	EXPENSE REIMBURSEMENT
112973	11253	LARRY KEZAR	11/16/17	100.12	EXPENSE REIMBURSEMENT
112974	9904	CYNTHIA M KIRBY	11/16/17	3,000.00	POLYGRAPH TESTS
112975	7964	KNORR SYSTEMS INC	11/16/17	146.00	POOL CHEMICALS AND MTC.
112976	6713	DAVID LEE	11/16/17	413.33	EXPENSE REIMBURSEMENT
112977	11246	LOOMIS ARMORED	11/16/17	270.59	ARMORED CAR SERVICE
112978	11482	MARCI MARINO	11/16/17	305.00	PAYROLL DEDUCTION - SS PAYMENTS FOR PR11
112979	11378	MNS ENGINEERS INC	11/16/17	23,795.00	ENGINEERING PLAN CHECK AND INSPECTION SE
112980	5046	MOTOROLA SOLUTIONS, INC	11/16/17	2,410.04	PORTABLE RADIO BATTERIES
112981	10865	NEW IMAGE LANDSCAPE	11/16/17	13,973.00	LANDSCAPE MAINTENANCE
112982	11272	NICHOLAS CUEVAS	11/16/17	287.56	EXPENSE REIMBURSEMENT

Final Disbursement List. Check Date 11/16/17, Due Date 11/27/17, Discount Date 11/27/17. Computer Checks.
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MICR Check#	Vendor Number	Payee	Check Date	Check Amount	Description
112983	5681	OMNI-MEANS LTD	11/16/17	24,202.97	CIP #1184 CITYWIDE SPEED SURVEY AND FY17
112984	349	PACIFIC GAS & ELECTRIC	11/16/17	56,296.87	PG&E COSTS FOR STREETLIGHTS AND TRAFFIC
112985	11479	DAWN PAIGE	11/16/17	565.59	EXPENSE REIMBURSEMENT
112986	11322	PAPA JOHNS PIZZA	11/16/17	451.13	FOOD FOR THE CAFE
112987	78	PERFORMANCE PEST MANAGEMENT LPC SERVICES	11/16/17	277.00	PEST CONTROL
112988	10729	PETTY CASH CUSTODIAN-HR PHALATSAMY HUYNH	11/16/17	283.43	PETTY CASH REPLENISHMENT 10/18/16-08/28/
112989	11346	PHAN'S SMOG STATION	11/16/17	120.00	SMOG SERVICE
112990	11234	RAY MORGAN COMPANY	11/16/17	10,238.82	COPIER LEASE AGREEMENT
112991	11347	CITY & COUNTY OF SAN FRANCISCO (CCSF) TR	11/16/17	750.00	PATROL POST TRAINING
112992	112	WILLE ELECTRICAL SUPPLY CO INC	11/16/17	93.55	LIGHT BULBS
112993	4418	SMITH & SONS ELECTRICAL CONTRACTORS INC	11/16/17	346.95	ELECTRICAL REPAIR
112994	10318	SHANNON TODD	11/16/17	1,138.73	EXPENSE REIMBURSEMENT
112995	6797	US BANK CORPORATE PAYMENT	11/16/17	14,849.70	US BANK CC PAYMENT 10/23/17
112996	7517	U S FOODS INC SAN FRANCISCO	11/16/17	512.72	FOOD FOR THE CAFE
112997	853	VALLEY OIL COMPANY LOCKBOX# 138719	11/16/17	20,609.36	FUEL
112998	10998	GARY M SHELDON VBS SERVICES	11/16/17	150.00	BLOOD WITHDRAWAL SVC
112999	1010	MICHELLE VERANDES	11/16/17	80.00	EXPENSE REIMBURSEMENT
113000	5623	VERIZON WIRELESS	11/16/17	93.62	GPS TRACKERS
113001	11416	VISION TECHNOLOGY SOLUTIONS LLC DBA VISI	11/16/17	6,500.00	WEBSITE PROJECT
113002	11304	WENDY WALKER	11/16/17	614.22	EXPENSE REIMBURSEMENT
113003	10484	MATTHEW WARREN	11/16/17	90.00	EXPENSE REIMBURSEMENT
113004	5050	WEST COAST ARBORISTS INC	11/16/17	622.80	PROJECT 1129 BUILDING UPGRADES
Total				248,089.12	

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Final Disbursement List. Check Date 11/22/17, Due Date 12/04/17, Discount Date 12/04/17. Computer Checks.

Bank 1001 US BANK

MICR Check#	Vendor Number	Payee	Check Date	Check Amount	Description
113005	10736	ABACUS PRODUCTS INC	11/22/17	585.12	PRINTING SVCS
113006	149	ASSOCIATION OF BAY AREA GOVERNMENTS	11/22/17	56,062.04	DEDUCTIBLE COSTS
113007	11539	ACCESS INFORMATION HOLDINGS, LLC.	11/22/17	80.00	SHREDDING SVCS 17/18
113008	10223	LEXISNEXIS RISK SOLUTIONS ACCT# 1415640	11/22/17	428.40	BACKGROUND CHECKS
113009	11094	ACME AUTO LEASING, LLC	11/22/17	1,909.44	ARMORED RESCUE VEH LEASE
113010	332	ADAMSON POLICE PRODUCTS	11/22/17	118.79	MISCELLANEOUS PURCHASES
113011	1774	AIRGAS USA, LLC	11/22/17	58.92	FLEET SUPPLIES
113012	287	ALAMEDA COUNTY SHERIFF'S OFFICE GREGORY	11/22/17	665.00	CRIME LAB FEES
113013	9144	MICHAEL ALLUM	11/22/17	600.72	EXPENSE REIMBURSEMENT
113014	14	ALPINE AWARDS	11/22/17	445.04	ONGOING T-SHIRT/AWARDS/PROMOS
113015	1513	BURTON'S FIRE INC	11/22/17	48.37	FLEET SUPPLIES AND MAINT
113016	10261	CARBONIC SERVICE	11/22/17	203.97	POOL CHEMICALS
113017	458	CHEVRON AND TEXACO BUSINESS CARD SERVICE	11/22/17	564.23	FUEL
113018	3751	BRYAN COBB	11/22/17	125.65	EXPENSE REIMBURSEMENT
113019	10793	ERIC CHEN	11/22/17	300.00	RENTAL DEPOSIT REFUND
113020	10793	ANNIE AMBOY	11/22/17	300.00	RENTAL DEPOSIT REFUND
113021	10793	DANIEL MUNOZ	11/22/17	300.00	RENTAL DEPOSIT REFUND
113022	10793	KATE HUANG	11/22/17	37.80	OVERCHARGE REFUND
113023	10793	TROYNISHA COBB	11/22/17	300.00	RENTAL DEPOSIT REFUND
113024	7183	DEMARAY'S GYMNASTICS ACADEMY	11/22/17	1,589.90	RECREATION CONTRACT
113025	11461	EMC PLANNING GROUP INC.	11/22/17	12,016.57	CONTRACTUAL SERVICES
113026	2986	FIRESTONE PHOTOGRAPHY	11/22/17	1,999.16	PROFESSIONAL SERVICES
113027	6437	FOREMOST PROMOTIONS	11/22/17	290.00	UB PROMO ITEMS
113028	10663	HOSE & FITTING ETC	11/22/17	62.79	FLEET PARTS
113029	11562	JEFF'S MOBILE GLASS INC.	11/22/17	166.46	FIRE TRUCK WINDOW REPAIR
113030	10486	SHAKATI KHALSA	11/22/17	168.00	RECREATION CONTRACT
113031	293	LANGUAGE LINE SERVICES INC	11/22/17	197.63	INTERPRETATION SVCS
113032	3644	RELX INC. DBA LEXISNEXIS	11/22/17	176.00	ONLINE LEGAL RESOURCE SUBSCRIPTION
113033	611	KKR AUTOMOTIVE DBA NAPA AUTO PARTS	11/22/17	418.44	FLEET PARTS
113034	327	OCCU-MED LTD	11/22/17	180.00	PRE-EMPLOYMENT PHYSICALS
113035	11350	P.F. PETTIBONE & CO	11/22/17	440.80	MINUTE BOOK COVERS
113036	349	PACIFIC GAS & ELECTRIC	11/22/17	1,883.35	PG&E COSTS FOR STREETLIGHTS AND TRAFFIC
113037	11509	MARC PALACIO	11/22/17	294.72	EXPENSE REIMBURSEMENT
113038	11322	PAPA JOHNS PIZZA	11/22/17	347.61	FOOD FOR THE CAFE
113039	9811	REDFLEX TRAFFIC SYSTEMS	11/22/17	18,800.00	REDLIGHT CAMERA MONITORING
113040	5068	SAFEWAY SIGN COMPANY	11/22/17	1,249.39	REGULATORY AND STREET SIGNS
113041	377	SIMON & COMPANY INC	11/22/17	1,731.80	LEGISLATIVE SERVICES
113042	220	SONITROL	11/22/17	2,106.00	QUARTERLY MONITORING 12/17-2/18
113043	9476	YSERCO INC	11/22/17	8,954.75	PROJECT 1152 SILLIMAN HVAC
113044	363	UNITED STATES POSTMASTER	11/22/17	2,500.00	DELIVERY OF CITY NEWSLETTER
113045	11417	WHOLESALE DISTRIBUTION ALLIANCE	11/22/17	416.64	RETAIL MERCHANDISE
113046	340	WIMMER-TYSON IMPORTS	11/22/17	912.85	K9 TRAINING/SUPPLIES
113047	11466	YORK	11/22/17	2,955.08	WORKERS' COMPENSATION ADMINISTRATION FEE
113048	3245	ZUMAR INDUSTRIES INC	11/22/17	2,275.94	PROJECT 1173 STREET SIGNS
Total				125,267.37	

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MICR Check#	Vendor Number	Payee	Check Date	Check Amount	Description
113049	11025	ETHAN KATZ	11/22/17	2,863.35	ADPP - 11/17
113050	5681	OMNI-MEANS LTD	11/22/17	12,249.00	CIP #1184 CITYWIDE SPEED SURVEY AND FY17
113051	349	PACIFIC GAS & ELECTRIC	11/22/17	17,999.48	PG&E COSTS FOR STREETLIGHTS AND TRAFFIC
Total				33,111.83	

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MICR Check#	Vendor Number	Payee	Check Date	Check Amount	Description
113052	11385	BBVA COMPASS	11/27/17	376,397.42	2012 RFND COP PRINCIPAL & INTEREST
		Total		376,397.42	

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MICR Check#	Vendor Number	Payee	Check Date	Check Amount	Description
113053	10736	ABACUS PRODUCTS INC	11/30/17	697.72	PRINTING SVCS
113054	11534	ABBE & ASSOCIATES LLC	11/30/17	37,945.25	CONSULTANT SERVICES
113055	10027	AD SERVICES	11/30/17	65.00	COURIER SRVCS
113056	332	ADAMSON POLICE PRODUCTS	11/30/17	48.18	MISCELLANEOUS PURCHASES
113057	10449	AFLAC ATTN: REMITTANCE PROCESSING SERVIC	11/30/17	1,485.96	PAYROLL - SHORT TERM DISABILITY PREMIUM
113058	413	AIR EXCHANGE INC	11/30/17	428.08	PLYMOVENT REPAIRS
113059	1396	ALAMEDA COUNTY FIRE DEPARTMENT ATTN: ACC	11/30/17	1,084.62	FLEET SUPPLIES AND MAINT
113060	218	ALAMEDA CO LIBRARY ATTN: FINANCIAL SERVI	11/30/17	26,250.00	CITY/COUNTY AGREEMENT ADDT'L LIBRARY SER
113061	344	ALAMEDA COUNTY WATER DISTRICT	11/30/17	92,618.07	CITY WATER USE
113062	284	INFORMATION TECHNOLOGY DEPARTMENT ATTN:	11/30/17	3,370.04	AWS ACCESS FEES
113063	5821	ALL CITY MANAGEMENT SERVICES, INC	11/30/17	3,906.00	CROSSING GUARD SVCS
113064	14	ALPINE AWARDS	11/30/17	34.57	DEPARTMENT AWARDS
113065	11511	AQUATIC DESIGN GROUP, INC.	11/30/17	1,252.25	PROJECT 1114
113066	348	AT&T	11/30/17	113.63	AT & T MONTHLY TELECOM
113067	1085	AT&T	11/30/17	40.56	TELECOM LONG DISTANCE
113068	11580	MATTHEW AVILA	11/30/17	250.00	EXPENSE REIMBURSEMENT
113069	6900	BARTEL ASSOCIATES LLC	11/30/17	1,200.00	ACTUARIAL CONSULTING SERVICES - CALPERS
113070	9680	BAY CENTRAL PRINTING	11/30/17	63.78	BUSINESS CARD IMPRINTING
113071	3046	BEELINE GLASS CO INC	11/30/17	21.95	WINDOW AND DOOR REPAIR
113072	33	CENTRAL TOWING & TRANSPORT LLC	11/30/17	65.00	TOWING SVCS
113073	11563	CENTRAL VALLEY TOXICOLOGY, INC.	11/30/17	192.00	LAB TESTS
113074	11413	CINDY K. HULL & ASSOCIATES FORENSIC CONS	11/30/17	462.50	LATENT PRINTS
113075	6304	CLASSIC GRAPHICS T & J LEWIS INC	11/30/17	217.31	FLEET SUPPLIES AND MAINT
113076	160	CPOA CALIFORNIA PEACE OFFICERS' ASSOCIAT	11/30/17	1,500.00	CPOA DEPT MEMBERSHIP
113077	10650	ELIZABETH PAGENDARM	11/30/17	4.22	UUT REFUND
113078	10677	DAILY JOURNAL CORPORATION CALIFORNIA NEW	11/30/17	48.75	LEGAL ADS
113079	7631	DELTA DENTAL	11/30/17	7,829.66	DENTAL PREMIUM DEC'17
113080	7641	DELTA DENTAL INSURANCE COMPANY ATTN: ACC	11/30/17	462.87	DENTAL PREMIUM DEC'17
113081	11404	ALHAMBRA	11/30/17	649.00	WATER SERVICE
113082	11100	DU-ALL SAFETY	11/30/17	1,950.00	FORKLIFT CERT CLASS
113083	11574	E. MCGUIRE INVESTIGATIONS	11/30/17	5,450.00	BACKGROUND INVESTIGATIONS
113084	11015	EAST BAY LAWN MOWER	11/30/17	1,318.49	FLEET SUPPLIES AND MAINT
113085	11343	ENVIRONMENTAL LOGISTICS, INC.	11/30/17	9,294.42	CONTRACT 17043 HAZARDOUS WASTER E-WASTER
113086	10478	EUGENE'S HOME APPLIANCE SERVICE	11/30/17	6,765.00	APPLIANCE REPAIR
113087	7663	FIDELITY SECURITY LIFE INSURANCE/EYEMED	11/30/17	794.97	VISION PREMIUM
113088	10642	FASTENAL COMPANY	11/30/17	22.39	MISC PARK SUPPLIES
113089	1733	FIRST BAPTIST CHURCH	11/30/17	80.00	PAYROLL DEDUCTION - DONATION NOV'17
113090	11112	FREMONT CHRYSLER DODGE JEEP RAM	11/30/17	922.68	FLEET SUPPLIES AND MAINT
113091	60	FREMONT FORD/AUTOBODY OF FREMONT ATTN: P	11/30/17	257.14	FLEET SUPPLIES
113092	3416	GAMETIME	11/30/17	1,718.18	PROJECT 1176 PARK RENOVATION
113093	11361	GEORGE EMMETT	11/30/17	245.78	EXPENSE REIMBURSEMENT
113094	10707	GYM DOCTORS	11/30/17	150.00	GYM MAINTENANCE
113095	167	HARRIS COMPUTER SYSTEMS	11/30/17	3,232.28	SELECT ERP MAINTENANACE 12/17
113096	1457	HOME DEPOT CREDIT SERVICES DEPT. 32 - 25	11/30/17	670.55	FLEET SUPPLIES
113097	10663	HOSE & FITTING ETC	11/30/17	29.15	FLEET PARTS
113098	11501	INFORMATION TECHNOLOGY DEPT. ALAMEDA COU	11/30/17	36.28	RADIO REPAIR/MAINT
113099	11504	JOHN'S INCREDIBLE PIZZA COMPANY	11/30/17	1,349.67	ALAMEDA COUNTY MAYORS' CONFERENCE
113100	7964	KNORR SYSTEMS INC	11/30/17	742.55	SILLIMAN POOL REPAIRS
113101	10943	KRONOS INC	11/30/17	973.00	TELESTAFF ACCESS
113102	8276	LEHR AUTO	11/30/17	2,560.40	LIGHT FOR FIRE TRUCK
113103	10298	MANAGED HEALTH NETWORK BANK OF AMERICA	11/30/17	391.84	EMPLOYEE ASSISTANCE PROGRAM

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MICR Check#	Vendor Number	Payee	Check Date	Check Amount	Description
113104	11482	MARCI MARINO	11/30/17	305.00	PAYROLL DEDUCTION - SS PAYMENTS FOR PR11
113105	4312	NICK MAVRAKIS	11/30/17	526.28	EXPENSE REIMBURSEMENT
113106	7618	METLIFE SBC	11/30/17	1,747.83	PAYROLL - LONG TERM DISABILITY PREMIUM
113107	9029	MEYERS NAVE RIBACK SILVER & WILSON	11/30/17	1,282.50	LITIGATION & LEGAL CONSULTING SRVCS
113108	5681	OMNI-MEANS LTD	11/30/17	3,393.96	CIP #1184 CITYWIDE SPEED SURVEY AND FY17
113109	11322	PAPA JOHNS PIZZA	11/30/17	291.37	FOOD FOR THE CAFE
113110	78	PERFORMANCE PEST MANAGEMENT LPC SERVICES	11/30/17	749.00	PEST CONTROL
113111	10932	PETERSON HOLDING COMPANY	11/30/17	1,481.63	PARTS FOR LOADER
113112	11346	PHAN'S SMOG STATION	11/30/17	160.00	SMOG SERVICE
113113	3674	PRIORITY 1 PUBLIC SAFETY EQUIPMENT INSTA	11/30/17	2,400.00	FLEET PARTS AND MAINT
113114	7885	RENNE SLOAN HOLTZMAN SAKAI PUBLIC LAW GR	11/30/17	469.00	LEGAL ADVICE FEES
113115	112	WILLE ELECTRICAL SUPPLY CO INC	11/30/17	70.57	LIGHT BULBS
113116	5164	SAN MATEO REGIONAL NETWORK INC SMRN.COM	11/30/17	270.00	SMRN SPAM FILTERING/WEB HOSTING 11/17
113117	503	STANDARD INSURANCE COMPANY	11/30/17	687.07	EMPLOYEE LIFE INSURANCE AND AD&D COVERAG
113118	40	STAPLES ADVANTAGE DEPT LA	11/30/17	2,068.27	OFFICE SUPPLIES
113119	9476	SYSERCO INC	11/30/17	11,156.80	PROJECT 1152 SILLIMAN HVAC
113120	7744	T-MOBILE USA, INC.	11/30/17	51.00	CALL DETAIL RECORDS
113121	2342	TELEPATH CORPORATION	11/30/17	2,940.10	NPD CAR REPLACEMENT #2017-28
113122	1765	TEMPERATURE TECHNOLOGY INC.	11/30/17	5,206.76	HVAC REPAIR Reinstated from claim# 12787
113123	10968	UTILITY TELEPHONE	11/30/17	16,319.30	NETWORK/PHONE SERVICES 11/17
113124	853	VALLEY OIL COMPANY LOCKBOX# 138719	11/30/17	1,104.76	FUEL
113125	5623	VERIZON WIRELESS	11/30/17	1,238.07	WIRELESS SERVICE FOR IPADS
113126	10470	WESTERN TRUCK FAB INC	11/30/17	23,980.36	#2017-8 FABRICATION OF TWO DUMP TRUCKS
113127	143	WILCO SUPPLY P O BOX 3047	11/30/17	637.03	BUILDING SUPPLIES
113128	11581	FRANK WILKERSON	11/30/17	561.11	EXPENSE REIMBURSEMENT
113129	7308	THE GOODYEAR TIRE & RUBBER COMPANY	11/30/17	5,330.51	TIRES
113130	1640	ZAP MANUFACTURING INC	11/30/17	661.42	MISC REFURBISHED SIGNS
Total				306,351.44	