



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, September 28, 2017

A. ROLL CALL

B. MINUTES

- B.1 Approval of Minutes of the regular City Council meeting of September 14, 2017 and the special City Council meeting of September 19, 2017. (MOTION)

C. PRESENTATIONS AND PROCLAMATIONS

- C.1 Presentation on the Newark Library. (PRESENTATION)

D. WRITTEN COMMUNICATIONS

E. PUBLIC HEARINGS

F. CITY MANAGER REPORT

(It is recommended that Items F.1 through F.2 be acted on simultaneously unless separate discussion and/or action is requested by a Council Member or a member of the audience.)

CONSENT

- F.1 Second reading and adoption of an Ordinance adding Chapter 5.40 (Special Event Permit) to Title 5 (Business Licenses and Regulations) of the Newark Municipal Code to require a permit for special events held in the City of Newark – from City Manager Becker and City Attorney Benoun. (ORDINANCE)
- F.2 Acceptance of work with Rosas Brothers Construction for 2016 Curb, Gutter and Sidewalk Replacement, Project 1118 – from Public Works Director Fajeau. (RESOLUTION)

G. CITY ATTORNEY REPORTS

H. ECONOMIC DEVELOPMENT CORPORATION

I. CITY COUNCIL MATTERS

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

K. ORAL COMMUNICATIONS

L. APPROPRIATIONS

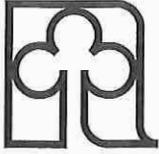
Approval of Audited Demands for the City Council meeting of September 28, 2017. (MOTION)

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
7:30 p.m.
City Council Chambers

AGENDA

Thursday, September 28, 2017

CITY COUNCIL:

Alan L. Nagy, Mayor
Mike Bucci, Vice Mayor
Luis L. Freitas
Socy 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.

reviewing all comments with the possibility of going back to the SamTrans Board in November to present final recommendations.

Mayor Nagy stated that Ms. Chan did not mention anything about the “Park and Ride” lots and said the one in Fremont at 84 fills up quickly and is out of space. Ms. Chan said that in their recommendations for 2025 they are looking at additional “Park and Ride” lots and are recommending improvements and expansion of the Ardenwood lot.

D. WRITTEN COMMUNICATIONS

D.1 Planning Commission referral of a minor conditional use permit, to establish a large family day care home at 6271 Brittany Avenue.

City Manager Becker gave the staff report noting it was review optional.

The Council did not call this up for review.

D.2 Zoning Administrator referral of an Administrative Special Civic Review, for an accessory structure addition to a single-family residence at 38244 Aralia Drive.

City Manager Becker gave the staff report noting it was review optional.

The Council did not call this up for review.

D.3 Advice of Planning Commission approval of a conditional use permit for a haunted house attraction to be held from September 28 through November 1, 2017 at 5530 Newpark Plaza.

City Manager Becker gave the staff report noting it was review optional.

The Council did not call this up for review.

E. PUBLIC HEARINGS

E.1 Approval of Revised Preliminary Engineer’s Report, Public Hearing and tabulation of ballots for annexation of Tract 8157 to Zone 2 – Lighthouse of Landscaping and Lighting District No. 19 and, if no majority protest exists, approve the Final Engineer’s Report and approve the annexation of Tract 8157 to Zone 2 – Lighthouse of Landscaping and Lighting District No. 19.

**RESOLUTION NO. 10691
RESOLUTION NO. 10692**

Assistant City Engineer Imai gave the staff report.

He stated that because corrections were made to the previously approved Preliminary Engineer's Report, the City Council must first consider whether or not to approve the Revised Preliminary Engineer's Report.

No one from the public spoke.

Council Member Hannon moved, Council Member Collazo seconded, that the City Council, by resolution, approve the Revised Preliminary Engineer's Report. The motion passed, 5 AYES.

Mayor Nagy opened the public hearing at 8:12 p.m. No one spoke.

Mayor Nagy closed the public hearing at 8:13 p.m.

In response to Council Member Hannon, Assistant City Engineer Imai stated that the total assessment would be \$3,923.68. At 88 units, the individual assessment would be \$45.59 per condo unit.

Deputy City Clerk Slafter tabulated the ballots. A single ballot was opened – one yes vote. No majority protest exists.

Council Member Hannon moved, Council Member Collazo seconded, that the City Council, by resolution, approve the Final Engineer's Report and approve the annexation of Tract 8157 to Zone 2 – Lighthouse of Landscaping and Lighting District No. 19. The motion passed, 5 AYES.

E.2 Approval of Revised Preliminary Engineer's Report, Public Hearing and tabulation of ballots for annexation of the Senior Housing Project to Zone 3 – Senior Housing of Landscaping and Lighting District No. 19 and, if no majority protest exists, approve the Final Engineer's Report and approve the annexation of the Senior Housing Project to Zone 3 – Senior Housing of Landscaping and Lighting District No. 19.

**RESOLUTION NO. 10693
RESOLUTION NO. 10694**

Assistant City Engineer Imai gave the staff report.

He stated that because corrections were made to the previously approved Preliminary Engineer's Report, the City Council must first consider whether or not to approve the Revised Preliminary Engineer's Report.

No one from the public spoke.

Council Member Hannon moved, Council Member Collazo seconded, that the City Council, by resolution, approve the Revised Preliminary Engineer's Report. The motion passed, 5 AYES.

In response to Council Member Hannon, Assistant City Engineer Imai stated that the total assessment would be \$2,720.25. At 75 units, the individual assessment would be \$36.27 per apartment.

Mayor Nagy opened the public hearing at 8:19 p.m. No one spoke.

Mayor Nagy closed the public hearing at 8:20 p.m.

Deputy City Clerk Slafter tabulated the ballots. A single ballot was opened – one yes vote. No majority protest exists.

Vice Mayor Bucci moved, Council Member Collazo seconded, that the City Council, by resolution, approve the Final Engineer's Report and approve the annexation of the Senior Housing Project to Zone 3 of Landscaping and Lighting District No. 19. The motion passed, 5 AYES.

**E.3 Hearing to consider approval of a General Plan Amendment to incorporate by reference the Union City/Newark Local Hazard Mitigation Plan: Volume 1 and Newark's portion of Volume 2 into the General Plan.
RESOLUTION NO. 10695**

City Manager Becker gave the staff report.

Mayor Nagy opened the public hearing at 8:23 p.m. There were no speakers.

Mayor Nagy closed the public hearing at 8:24 p.m.

Council Member Freitas moved, Vice Mayor Bucci seconded, that the City Council, by resolution, approve a General Plan Amendment (GP-17-13) to incorporate the Union City/Newark Local Hazard Mitigation Plan: Volume 1 and Newark's portion of Volume 2 into the Newark General Plan Environmental Hazards Element by reference. The motion passed, 5 AYES.

**E.4 Hearing to consider a planned unit development, an environmental determination, vesting tentative tract map 8387, a conditional use permit, and a waiver of certain fees for a proposed eight-lot, sixteen-unit, multi-family residential townhome-style subdivision at 37243 and 37257 Filbert Street.
RESOLUTION NO. 10696
RESOLUTION NO. 10697
MOTION APPROVED**

Assistant City Manager Grindall gave the staff report.

The City Council discussed the historical marker, the fee waiver and the train tracks near the project.

Mayor Nagy opened the public hearing at 8:38 p.m.

The applicant, Singhi Pindarium, principal at BKBC Architects of Walnut Creek, said he read and agrees with the conditions contained in the resolution for approval.

Mayor Nagy closed the public hearing at 8:40 p.m.

Vice Mayor Bucci stated his concerns for three-story projects and minimum parking.

Council Member Freitas moved, Council Member Collazo seconded, that the City Council, by resolutions: (1) approve P-17-05, a planned unit development, E-17-06, environmental determination, and U-17-08, a conditional use permit to allow for a proposed eight-lot, sixteen-unit, multi-family residential townhome-style subdivision at 37243 and 37257 Filbert Street (APN(s) 092-0131-001-09, 092-0131-002-04 AND 092-0131-003; (2) approving vesting tentative tract map 8387 and subdivision and zoning variances thereto; and (3) by motion, waive the Art in Public Places and Private Development impact fee. The motion passed, 4 AYES, 1 NO (Vice Mayor Bucci).

E.5 Hearing to consider a planned unit development, a conditional use permit, an addendum to the Dumbarton Transit Oriented Development (TOD) Specific Plan Program Environmental Impact Report (PEIR) (SCH No. 2010042012) and the subsequent Initial Study/Mitigated Negative Declaration (IS/MND) for the SHH/FMC project (SCH No. 2014012056), for a proposed five-story mixed-use hotel and retail space at 37445 Willow Street.

RESOLUTION NO. 10698
RESOLUTION NO. 10699

Assistant City Manager Grindall gave the staff report.

Vice Mayor Bucci stated he was concerned that with 147 rooms, 34 employees and retail space, that staff was recommending 119 parking spaces. He stated that parking will be an issue and asked staff to expand on the plan. Assistant City Manager Grindall stated there will be shuttle service, car sharing, bicycles for use of the residents, and transit reductions in prices for employees. Also, parking will be evaluated on an annual basis to address any issues.

Mayor Nagy opened the public hearing at 8:56 p.m.

Henry Cord, representing the applicant, Tony and Raya Bank, said he read all the conditions and agrees.

BJ Minelli asked if the City included parking for the restaurant or bars in the project. Assistant City manager Grindall said they were analyzed as part of the parking demand. Mr. Minelli said lack of parking will be detrimental to the project and customers will park in the adjacent neighborhoods.

Satia Dimopoli said parking is an issue at hotels. He would like to see the option of a valet.

Assistant City Manager said a valet is a likely measure if parking becomes an issue.

Mayor Nagy closed the public hearing at 9:01 p.m.

Council Member Hannon would like to include the Oakland Airport in the shuttle service and to extend service an hour longer than the airport hours. He requested that Assistant City Manager Grindall present to Council, after the first year of operation, a brief summary of the TDM status and whether additional mitigation measures would be needed.

Mayor Nagy recalled the applicant for an additional condition. Council Member Hannon asked the applicant about language in the parking analysis about shuttle service; it does not specify the hours of the shuttle service. He wanted to know 1) Can the Oakland Airport be added to the service? and 2) Can the shuttle hours be consistent with the airport hours plus one so that travelers would have the opportunity to take a shuttle to the hotel? The applicant said that would not be a problem. Assistant City Manager Grindall said this could be replaced with free Uber or Lyft service, not necessarily a shuttle.

Vice Mayor Bucci reiterated his concerns about minimum parking and the long-term effects.

Council Member Hannon moved, Council Member Collazo seconded, that the City Council, by resolutions: (1) approve P-17-01, a planned unit development, and U-17-02, a conditional use permit to allow for a proposed five-story mixed-use hotel and retail space at 37445 Willow Street (APN 092-0115-011-03); and (2) making certain findings and adopting an addendum to the Dumbarton Transit Oriented Development (TOD) Specific Plan Program Environmental Impact Report (PEIR) (SCH No. 2010042012) and the subsequent Initial Study/Mitigated Negative Declaration (IS/MND) for the SHH/FMC project (SCH No. 2014012056), to allow for a proposed five-story mixed-use hotel and retail space at 37445 Willow Street (APN 092-0115-011-03). The motion passed, 4 AYES, 1 NO (Vice Mayor Bucci).

E.6 Public Hearing to Consider: (1) Introduction of an Ordinance Adding Chapter 5.40 (Special Event Permit) to Title 5 (Business Licenses and Regulations) of the Newark Municipal Code to Require a Permit for Special Events Held in the City of Newark; and (2) Adoption of a Resolution to Amend the Master Fee Schedule to Include a Special Event Permit Processing Fee.

**ORDINANCE INTRODUCED
RESOLUTION NO. 10700**

City Manager Becker gave the staff report.

Mayor Nagy opened the public hearing at 9:17 p.m.

There were no speakers, and Mayor Nagy closed the public hearing at 9:18 p.m.

Vice Mayor Bucci moved, Council Member Collazo seconded, that the Council open a public hearing, receive testimony from the public, and consider staff's recommendation to: (1) introduce an ordinance adding Chapter 5.40 (Special Event Permit) to Title 5 (Business Licenses and Regulations) of the Newark Municipal Code to require a permit for special events held in the City of Newark and (2) adopt a resolution to amend the Master Fee Schedule to include a special event permit processing fee. The motion passed, 5 AYES.

F. CITY MANAGER REPORT

Vice Mayor Bucci moved, Council Member Collazo seconded, to approve Consent Calendar Items F.1 through F.9, that the resolutions be numbered consecutively, and that reading of the titles suffice for adoption of the resolutions. The motion passed, 5 AYES.

CONSENT

- F.1 Report on administrative actions during August recess.**
MOTION APPROVED
- F.2 Authorization for the purchase of a 2018 Ford F-250 Truck as a replacement vehicle for the Maintenance Division of the Public Works Department through Downtown Ford Sales with outfitting by Classic Graphics – from Maintenance Supervisor Connolly.**
RESOLUTION NO. 10701
- F.3 Authorization for the purchase of a 2018 Ford F-350 Cab/Chassis with a Scelzi Utility Body as a replacement vehicle for the Maintenance Division of the Public Works Department through Downtown Ford Sales with outfitting by Classic Graphics.**
RESOLUTION NO. 10702
- F.4 Authorization for the Mayor to sign a Memorandum of Understanding with developers in the Dumbarton Transit Oriented Development Specific Plan Area regarding future reimbursement of waterline extension costs.**
RESOLUTION NO. 10703
CONTRACT NO. C17040
- F.5 Authorization for the Mayor to sign an agreement with Alameda County for participation in the Alameda County Urban County Community Development Block Grant Program for Fiscal Year 2017-2018.**
RESOLUTION NO. 10704
CONTRACT NO. C17041

- F.6 Initiation of proceedings for annexation of Tract 8098 to Zone 4 – Glass Bay of Landscaping and Lighting District No. 19, approval of the Preliminary Engineer’s Report, declaration of intention to order annexation of Tract 8098 to the assessment district, and setting of public hearing date on November 9, 2017. RESOLUTION NO. 10705**
- F.7 Adopting a Compensation Plan for Certain Positions in the Exempt Service Employee Group to amend the Hourly Wage Rate Schedule for Part-Time, Seasonal, and Temporary (PST) Classifications, and Revoking Resolution No. 10,570. RESOLUTION NO. 10706**
- F.8 Amendment of the 2016-2018 Biennial Budget and Capital Improvement Plan for Fiscal Year 2017-2018 for Capital Improvement Plan Budget Rollover and Budget Revisions. RESOLUTION NO. 10707**
- F.9 Authorization for the purchase of a replacement pool slide at the Silliman Family Aquatic Center, declaration of Whitewater West Industries, Ltd. as the single source manufacturer, and amendment of the 2016-2018 Biennial Budget and Capital Improvement Plan for Fiscal Year 2017-2018. RESOLUTION NO. 10708**

G. CITY ATTORNEY REPORTS

H. ECONOMIC DEVELOPMENT CORPORATION

I. CITY COUNCIL MATTERS

Mayor Nagy reminded everyone that the City is celebrating Newark Days this weekend and to come out and enjoy all the fun including the cutting of the birthday cake on Sunday, September 17.

Council Member Collazo wished everyone a happy weekend and invited all to come out for the parade, hay stack, and other entertainment. She reminded everyone that Saturday, September 16, is Mexican Independence Day.

Vice Mayor Bucci invited everyone to participate in the Newark Days festivities especially movie night Friday, September 15.

Council Member Hannon wanted to thank all public safety officers. Many agencies sent volunteers to help the victims of the hurricanes, and he reminded everyone that during times of need Americans rally around each other.

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

K. ORAL COMMUNICATIONS

Greg Lemos thanked Public Works Director Fajeau for the sign at the pedestrian and school crossing. He said there is a lot of broken concrete between Smith Avenue and Moore Avenue and suggested utilizing the Boy Scouts to document problem areas. He also asked if the City could get an app for reporting problems like that.

Satia and his neighbor, Vakit, live in the new Prima development and are experiencing high levels of noise from events held at Swiss Park. There is no noise ordinance and calls to the Police Department are left to the discretion of the dispatcher or officer.

Mayor Nagy advised them that staff is working on a noise ordinance and City Manager Becker said the Special Event Permit should help.

Mayor Nagy explained that the City Council cannot take action at the council meetings and would refer the matter to staff for review.

Satia said he would like to see the noise ordinance expedited.

L. APPROPRIATIONS

Approval of Audited Demands for the City Council meeting of September 14, 2017. MOTION APPROVED

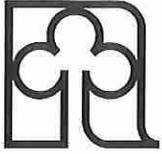
Deputy City Clerk Slafter read the Register of Audited Demands: Check numbers 111760 to 112280.

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

M. CLOSED SESSION

N. ADJOURNMENT

Mayor Nagy adjourned the meeting at 9.42 p.m.



CITY OF NEWARK CITY COUNCIL

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City Administration Building
6:00 p.m.
City Council Chambers

Minutes

Tuesday, September 19, 2017

A. ROLL CALL

Mayor Nagy called the meeting to order at 6:00 p.m. Present were Council Members Hannon, Collazo, Freitas, and Vice Mayor Bucci.

B. Presentation of design proposal for the new Civic Center.

Chief Building Official/City Architect Collier provided a history of the existing structures and the steps that were taken to date that led to the conceptual design of the new Civic Center. He noted that the current budget is \$74,000,000 due to a more detailed cost estimate and double digit construction cost escalation since the completion of the Feasibility Study.

Heller Manus Architects will oversee the entire Civic Center design, the City Hall design, and the exterior of the Police Department. McClaren, Wilson and Lawrie will design the floor plan for the Police Department. Safdie, Rabines Architects, Inc. will design the floor plan and exterior of the Library. Thuilot Associates will design the landscaping. Representatives from each firm presented their proposed designs (presentation on file with the City Clerk).

Major changes to the site plan include moving the new library to the corner of Newark Boulevard and Thornton Avenue, repurposing the existing library for Police Department and community uses, and a pedestrian path from the new library towards Civic Center Park.

Council comments included: consider a curved facade for the library, ensure the stained glass in the current city hall is incorporated as a feature in the new building, consider moving the library closer to the corner to expand the plaza, include a stage and seating in the plaza similar to the City of Hayward's city hall, include space on the first floor of City Hall for historical displays, the community room in the library should be large enough to hold meetings, ensure appropriate signage throughout the site, consider solar panels, a meeting room adjacent to the council chambers with a moveable wall could add seating space to the chambers when necessary, include restrooms near the council chambers, consider incorporating the design elements of the entrance to the Silliman Center into the design of and use durable materials.

Dan Cianciarulo stated that he liked the idea of an amphitheater in the plaza. He stated the pocket park at the corner of Thornton Avenue and Newark Boulevard would be difficult to maintain.

C. ADJOURNMENT

At 7:43 p.m. Mayor Nagy adjourned the City Council meeting.

C.1 Presentation on the Newark Library.

(PRESENTATION)

Background/Discussion – Branch Manager Joe Stoner will provide an oral report covering statistics and special programs at the Newark Library.

F.1 Second reading and adoption of an Ordinance adding Chapter 5.40 (Special Event Permit) to Title 5 (Business Licenses and Regulations) of the Newark Municipal Code to require a permit for special events held in the City of Newark – from City Manager Becker and City Attorney Benoun. (ORDINANCE)

Background/Discussion – On September 14, 2017 the City Council introduced an ordinance adding Chapter 5.40 (Special Event Permit) to Title 5 (Business Licenses and Regulations) of the Newark Municipal Code to require a permit for special events held in the City of Newark. The ordinance would require special event hosts to obtain a permit from the City before the event begins so that these events can be better planned and regulated.

Attachments

Action – Staff recommends that the City Council adopt an ordinance adding Chapter 5.40 (Special Event Permit) to Title 5 (Business Licenses and Regulations) of the Newark Municipal Code to require a permit for special events held in the City of Newark.

ORDINANCE NO.

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
NEWARK ADDING CHAPTER 5.40 (SPECIAL EVENT
PERMIT) TO TITLE 5 (BUSINESS LICENSES AND
REGULATIONS) OF THE NEWARK MUNICIPAL CODE TO
REQUIRE A PERMIT FOR SPECIAL EVENTS HELD IN THE
CITY OF NEWARK

WHEREAS, the City of Newark (“City”) has experienced the occurrence of several large special events within the City that, due to the lack of proper planning by the event organizers, have led to numerous citizen complaints to the Newark Police Dispatch Center for parking and noise issues related to the events and have resulted in extraordinary police responses;

WHEREAS, a recent example of such an event is the Holi Festival, which was held in March, 2017, at the Newark Junior High School, in which over one thousand (1,000) people attended the event, which triggered fifteen (15) telephone calls from citizens within the vicinity, complaining about noise and parking issues and resulted in the towing of one vehicle that was blocking a residential driveway;

WHEREAS, another example is the Ganesh Festival that was held in the fall of 2015 at NewPark Mall, in which over seven thousand (7,000) people attended this four-day event, and that resulted in extreme traffic congestion on and around Mowry Avenue, resulted in overflow parking into surrounding neighbors, and caused nearly thirty (30) calls from Newark residents to the Newark Police Dispatch Center complaining about loud music emanating from the event;

WHEREAS, another example is the Nicaraguan Festival that was also held in the fall of 2015, which drew an estimated crowd of over eight hundred (800) attendees and concluded with intoxicated attendees getting into fights, which required mutual aid from the Fremont Police Department to quell the fights and disperse the crowd;

WHEREAS, these examples illustrate that the lack of proper planning by event organizers has resulted in circumstances requiring an extraordinary public safety response for the immediate protection of public health, welfare, and property;

WHEREAS, these examples further illustrate that special events that are not properly planned may result in unanticipated costs, divert critical city resources, and may leave other areas of the City with inadequate public safety protection;

WHEREAS, the City recognizes that, when planned correctly, special events do play an important role in the life of a healthy and vibrant community;

WHEREAS, the City Council desires to regulate special events and require that they undergo a permitting process so as to ensure that events are planned correctly, minimize negative impacts on surrounding neighborhoods, and to assure the safety and protection of the public that attends the event; and

WHEREAS, the City is authorized by California Constitution, Article XI, Section 7 to make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NEWARK DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Addition to the Newark Municipal Code. Chapter 5.40 (“Special Event Permit”) is hereby added to Title 5 (Business Licenses and Regulations) of the Newark Municipal Code, a true and correct copy of said Chapter is attached hereto as EXHIBIT “A” and incorporated as though fully set forth herein.

SECTION 2. Severability. The provisions of this Ordinance are severable and if any provision, clause, sentence, word or part thereof is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstances, such illegality, invalidity, unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, sections, words or parts thereof of the Ordinance or their applicability to other persons or circumstances.

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 Tri-City Voice, a newspaper of general circulation published and printed in the County of Alameda and circulated in the City of Newark.

EXHIBIT "A"

Chapter 5.40 SPECIAL EVENT PERMIT

Sections:

- 5.40.010 Purpose and Findings.**
- 5.40.020 Definitions.**
- 5.40.030 Permit required – unlawful conduct.**
- 5.40.040 Application for permit.**
- 5.40.050 Issuance of permit.**
- 5.40.060 Conditional approval.**
- 5.40.070 Grounds for denial.**
- 5.40.080 Denial of permit—right to appeal.**
- 5.40.090 Indemnification**
- 5.40.100 Revocation of permit.**
- 5.40.110 Violation – penalty.**
- 5.40.120 Public Nuisance.**
- 5.40.130 Alternative remedies.**
- 5.40.140 City staff and extraordinary police response costs – collection and appeal.**
- 5.40.150 Severability.**

5.40.010 Purpose and Findings.

- A. The city council hereby finds and declares that special events, such as fairs, carnivals, festivals, public dances, shows, and concerts, are an important part of the life of a healthy and vibrant community. Such events, however, may have a negative effect on surrounding residents and businesses if the person or organization sponsoring the event fails to take appropriate measures for security, traffic control, crowd control, parking and other health and safety impacts. At times, lack of proper planning by event organizers has resulted in circumstances requiring an extraordinary public safety response for the immediate protection of public health and welfare. Such incidents result in unanticipated costs, divert critical city resources, and may leave other areas of the city with inadequate public safety protection during the event.
- B. The purpose and intent of this chapter is to ensure that the city receives adequate notice of special events that are likely to result in a need for extraordinary public safety services or other city services and to establish standards and procedures for the issuance, conditional issuance, and denial of a permit for such events. This chapter is further intended to create a mechanism for cost recovery for planned events that result

in a need for extraordinary police responses. It is not intended to supplant or repeal Chapter 7.10, "Multiple Responses to Events".

- C. It is also the intent of the city council to protect the rights of its citizens to engage in protected free speech expression activities. Consequently, it is not the intent of this chapter to regulate conduct, the sole or principal object of which is the expression, dissemination or communication by verbal, visual, literary or auditory means of opinion, views or ideas which are protected by the First Amendment of the United States Constitution or Article 1, Section 2 of the California Constitution.

5.40.020 Definitions.

As used in this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

"Applicant" means any person, firm, association, corporation, organization, club or ad hoc committee who or which seeks a special event permit from the city, through the Chief of Police, to conduct or host a special event governed by this chapter. An applicant, or duly authorized representative if the applicant is not a person, must be eighteen (18) years of age or older. The applicant shall be the individual who is directly responsible for organizing and/or conducting the event and/or the facility manager.

"Chief of Police" means the Chief of the Newark Police Department or his or her designee.

"City staff costs" means those costs for non-police City employees needed to perform work at the special event, including, but not limited to, public works staff performing road closures and/or traffic control, pursuant to the master fee schedule as may be amended from time to time.

"Entertainment" means providing to the public food and/or beverages; live or recorded music; dancing; mechanical, animal or carnival rides; games of chance; car shows; performances and/or plays; audiovisual presentations; amplified sound; competitive or sporting events; and/or promotional events.

"Extraordinary police services" means responsive police services which are in addition to and in excess of the normal police services provided to the facility or off-site as a direct result of the special event at the facility.

"Extraordinary police costs" means those costs for extraordinary police services relating to personnel and administration pursuant to the master fee schedule as may be

amended from time to time, equipment, mutual aid, damages to city property and/or costs incurred due to any injuries to city personnel.

"Facility" means the building, room or place where the special event is to take place.

"Special event" (hereinafter "event") means, for the purposes of this chapter, any activity on public or private property that, due to the anticipated amount of attendees or the nature of the event, is not compatible with the generally intended use of the property for which it is proposed and is characterized by any of the following:

1. Requires city services to ensure compliance with state or local laws; for example, temporary licenses issued by the California Department of Alcoholic Beverage Control, or temporary structure permits;
2. Involves use of city owned or managed property such as public streets, sidewalks, parking lots, plazas or other city owned or managed open spaces;
3. Involves closure, or partial closure, of any public right-of-way, or requires traffic control procedures necessitating the involvement of police or street maintenance personnel;
4. Impairs emergency vehicle access;
5. Requires extraordinary police services in order to protect public safety, health, and/or welfare; or
6. Results in impacts to adjacent public or private property because of, for example, the use of live or amplified entertainment or the anticipated impacts on parking.

Exclusions. The following activities shall not be considered a "special event" within the meaning of this chapter and therefore they do not require a special event permit:

- A. An event sponsored by the city, including, but not limited to "Newark Days celebration" as defined and described in chapter 8.34 of this code;
- B. An event held at a city facility pursuant to a facility rental agreement and it is reasonably foreseeable in the opinion of the Chief of Police that no extraordinary police services are required;
- C. An event held in a private residence where no admission is charged, the event is not open or advertised to the public, and it is reasonably foreseeable in the opinion of the Chief of Police that no extraordinary police services are required;

- D. An event held in a members-only facility at which the only participants are the members (and their invited nonpaying guests) and it is reasonably foreseeable in the opinion of the Chief of Police that no extraordinary police services are required;
- E. Events sponsored by religious entities held in the religious entity's facility that only members by permission attend and it is reasonably foreseeable in the opinion of the Chief of Police that no extraordinary police services are required;
- F. Events that are authorized by and consistent with existing use permits and licenses governing the establishment, unless that person, entity, or business holds an event that, in the opinion of the Chief of Police, will foreseeably result in impacts on public safety, health, welfare, and police resources; and
- G. Any entertainment for which other special permits have been obtained, such as, but not limited to, parade permits, dance permits, fireworks permits, use permits, and short-term encroachment permits and it is reasonably foreseeable that no extraordinary police services will be required.

5.40.030 Permit required – unlawful conduct.

It is unlawful for:

- A. Any person, group, organization or entity to sponsor or conduct an event unless a special event permit as may be required under this chapter has been issued for the special event; or
- B. Any person, group, organization or entity to participate in an event with the knowledge that the sponsor of the event has not been issued the required permit; or
- C. The permittee or event sponsor, or any person with knowledge of the permit, to violate the terms and conditions of the permit.

5.40.040 Application for permit.

- A. An application for a special event permit shall be made to the Newark Police Department at least forty-five (45) calendar days prior to the event and shall be fully and truthfully completed by the applicant.
- B. Upon application, the applicant shall pay a nonrefundable fee as established by the master fee schedule as adopted by the city council and as may be amended from time to time. The fee shall cover the actual costs of processing and investigating special event applications. However, the Chief of Police shall waive the fee upon proof that the applicant is a nonprofit organization duly organized under Federal law primarily for

veteran, patriotic, welfare, youth activity, civic betterment, or charitable purpose and that has its principal place of business in the City of Newark or provides services to or benefits to residents of the City of Newark.

- C. The application for a special event shall provide all of the following information:
1. The name, address, telephone number, and date of birth of applicant. If the applicant is not a natural person, then the name, address, and telephone number of a duly authorized representative of the organization who is primarily responsible for hosting or sponsoring the event shall be provided;
 2. The name, address, and telephone number of the person who will be present at and in charge of the event;
 3. The nature and purpose of the event;
 4. The proposed date, location, and estimated start time and end time of the event;
 5. Estimated number of persons attending the event;
 6. Description of any sound amplification equipment that will be used and a plan for control of noise, including, but not limited to, the noise generated by the amplification equipment, motors, and other equipment, that may affect nearby premises, with special attention to prevention of noise nuisance to nearby residences, if any;
 7. Number of bands and/or other musical units and the nature of any equipment to be used to produce sounds or noise;
 8. Any lighting equipment and its proposed location;
 9. Whether alcoholic beverages will be sold or offered to event attendees;
 10. Whether any food will be prepared and/or sold at the event and, if so, the type of cooking equipment that will be used to prepare such food, including any equipment that emits an open flame;
 11. Whether security persons will be present at the event;
 12. Anticipated parking needed and a parking plan that is designed to minimize negative impacts of the event parking on adjacent properties;
 13. Number and location(s) of portable sanitation facilities;
 14. Provisions for first aid and/or emergency medical services based on the risk factors of the event;
 15. A detailed floor plan and site plan of the premises showing the building(s) interior and exterior grounds, including parking spaces, amusement ride locations, eating arrangements, dance floor area, bar location, fire exits, and the dimension of each portion with the layout of the special event, when applicable;
 16. A trash and litter collection and off-site disposal plan;
 17. The manner of providing notice of the permit conditions to permit participants and those businesses or residents who may be directly affected by the conduct of the event;

18. A statement as to whether the applicant will have insurance and/or surety bond coverage and, if so, reasonable proof of such coverage;
19. If the applicant is not the registered owner of the facility where the event is to occur, then a copy of the rental agreement between the applicant and the facility owner, or their respective agents, shall be attached to the application;
20. A copy of the tax exemption letter issued for any applicant claiming to be a tax-exempt, non-profit organization with a principal place of business in the City of Newark;
21. Copies of any application to and/or permits received from any other governmental agency having jurisdiction over the event, including, but not limited to, Alameda County Fire Department and/or Alameda County Health Department; and
22. Any such further information pertaining to public health and safety that the Chief of Police shall find reasonably necessary to review and consider the application.

D. Within twenty-one (21) days of receiving an application, the Chief of Police shall act on the application and shall either approve, conditionally approve, or deny the application.

5.40.050 Issuance of permit.

The Chief of Police shall approve the application if it is timely, complete, there are no grounds for denial under section 5.40.070, and the applicant has paid all required fees. The permit granted herein shall be nontransferable. A copy of the permit shall be posted in a conspicuous place at the facility where the event is held and at all times during the event.

5.40.060 Conditional approval.

The Chief of Police shall impose conditions to the permit that are reasonably required to assure the protection of the public health, the safety of persons attending the event and local residents near the event, and the safety of property at or near the event. The conditions shall be in writing and shall be attached to the permit. The conditions may include, but are not limited to, the following:

- A. Requiring the applicant to retain or hire one or more licensed, bonded, and insured security guards to attend and provide security at and during the event;
- B. Requiring the applicant to be personally present at all times during the event;
- C. Conditions concerning accommodation of pedestrian or vehicular traffic;
- D. Restrictions on the use of sound amplification equipment and restrictions on the amount of noise generated by motors and other equipment used in the course of the event;
- E. Requiring compliance with any relevant ordinance or law;

- F. Conditions pertaining to the manner of providing notice of the permit conditions to permit participants and those businesses or residents who may be directly affected by the conduct of the event;
- G. Requiring that the applicant, prior to the start of the event, tender payment to the city of a refundable deposit toward the costs of city staff costs and/or extraordinary police services and/or cost to of damages to public facilities that may be associated and reasonably foreseen with such event. The Chief of Police, in his or her reasonable discretion, shall determine the amount of the deposit and may consider all known factors, including, but not limited to, the use of police and/or city resources at previous events hosted by the same applicant or sponsor or such other similar events that occurred at the facility in the past;
- H. In food is served at the event, requiring that the applicant, prior to the start of the event, to obtain appropriate permits from the Alameda County Health Department;
- I. If alcohol is served at the event, requiring that the applicant, prior to the start of the event, to obtain appropriate permits from the California Department of Alcoholic Beverage Control;
- J. If the event takes place on city owned property, requiring that the applicant provide, prior to the start of the event, proof of liability insurance naming the city as an additional insured in an amount and form acceptable to the city attorney; and/or
- K. Requiring such other additional conditions as are reasonably necessary to protect the public health, safety, welfare and order, and to minimize adverse impacts upon the surrounding neighborhood and general community.

5.40.070 Grounds for denial.

- A. The Chief of Police shall deny a permit if there exists reasonable evidence that:
 - 1. Information contained in the application, or supplementary information requested from the applicant, is false, incomplete, or intentionally misleading in any material respect;
 - 2. The site is physically inadequate for the type, density, or intensity of use being proposed;
 - 3. The security arrangements that have been made are inadequate;
 - 4. The event will have adverse impacts to a residential area;
 - 5. The applicant previously had a permit revoked for violation of permit conditions or for unlawful conduct relating thereto and it is reasonably foreseeable that similar violations or unlawful conduct will again occur;
 - 6. The time or size of the event is likely to substantially interrupt the safe and orderly movement of pedestrian or vehicular traffic in the immediate vicinity of

- the event, or disrupt the use of a street at a time when it is usually subject to significant traffic congestion;
7. Given the size and nature of the event, the reasonably available number of city public safety officers and other personnel is not sufficient to ensure the safety of participants or attending public;
 8. The size or duration of the event will require diversion of so great of an amount of city police services that providing for the minimum level of police services to other areas in the city is jeopardized;
 9. An application for another event to be held on the same date as that requested has been previously filed or approved, and the other event is so close in time and location to the event proposed as to cause undue traffic or congestion or to place the city in a position of being unable to meet the needs for public safety and other city services for both events;
 10. The application was submitted so close in time to the event that there is insufficient time to investigate and process the application;
 11. The applicant refuses to acknowledge in writing that he/she will comply with all terms and conditions of the permit;
 12. The applicant has unpaid extraordinary police costs or outstanding and unpaid debts to the city;
 13. The proposed activity is prohibited by any applicable law;
 14. The applicant, his or her agent or employees, or any person who exercising managerial authority on behalf of the applicant, has engaged in misconduct or has been convicted of, or pled no contest to, a crime substantially related to the qualifications, functions or duties of a permittee, including, but not limited to, violent crimes, crimes against children, and drug-related crimes; or
 15. The granting of the permit will have a substantial, adverse impact upon public health, safety, or order.
- B. The Chief of Police shall state, in writing, all reasons for denial of the permit.

5.40.080 Denial of permit—right to appeal.

- A. Any applicant whose application is denied may appeal such decision to the city manager by filing a written notice of such appeal with the city clerk within ten (10) calendar days of receiving the notice of denial. The appeal shall provide the name, address, and telephone number of the applicant, a description of the specific grounds for the appeal, and request the relief sought.
- B. The city manager, or his/her designee, shall set the matter for hearing within fourteen (14) calendar days of the filing of said notice. Written notice of the time and place of such hearing shall be served upon the applicant at least five days prior to the date set for such hearing. Notice may be given by personal delivery, or by depositing in the U.S.

mail in a sealed envelope, postage prepaid, addressed to the person identified in the appeal.

- C. Within five (5) calendar days after the hearing, the city manager, or his/her designee, shall send written notice to the applicant either granting the permit or containing a statement on the grounds relied upon for denying the permit.
- D. The decision of the city manager, or his/her designee, is the final decision of the city.

5.40.090 Indemnification

To the extent authorized by law, the permittee shall defend, indemnify and hold harmless the city, its officers, agents, employees, and volunteers from any and all claims, causes of action, penalties, losses, expenses (including reasonable attorneys' fees) and any other liability for injuries or damage to persons or property resulting from the event that were caused by the omissions or authorized acts of permittee's officers, agents or employees.

5.40.100 Revocation of permit.

- A. A police officer with the rank of Lieutenant or above may revoke the permit at any time during the event if any of the following occurs:
 - 1. Violation of any of the imposed permit conditions;
 - 2. The permit is being used to conduct an activity that is different than that for which it was issued;
 - 3. Failure to obtain and post any permit required by any governmental authority having jurisdiction over the event, including, but not limited to the California Department of Alcoholic Beverage Control and/or the Alameda County Health Department; or
 - 4. The occurrence of any unlawful or criminal activity during the event.
- B. Revocation shall be immediately effective upon public announcement of the revocation by any police officer present at the event.

5.40.110 Violation – penalty.

Any person who violates any provision of this chapter, including, but not limited to, any person who holds or sponsors an event without obtaining a permit as required under section 5.40.030 or any person who refuses to terminate an event for violation of event conditions as required under section 5.40.080, shall be guilty of a misdemeanor punishable by a fine not exceeding one thousand dollars, or imprisonment in the county jail for a period not exceeding six

months, or both. Each day, or portion thereof, that such violation continues or reoccurs shall be a new and separate violation.

5.40.120 Public Nuisance.

The holding or conducting of any special event subject to the provisions of this chapter without issuance of a valid permit or holding or conducting an event in violation of the provisions of its permit, is hereby declared a public nuisance that is subject to abatement under this code.

5.40.130 Alternative remedies.

The provisions of this chapter are in addition to the authority of the police or other city officials to regulate events or enforce this code or other applicable law, and shall supplement, and not supplant, the exercise of any the power available to the city or the enforcement of any other law within the jurisdiction of the city. Any remedies may be pursued by the city individually, consecutively, or in conjunction with each other.

5.40.140 City staff and extraordinary police response costs – collection and appeal.

- A. All city staff costs and/or extraordinary police costs shall be recovered from any or all persons responsible for the event, including the event sponsors, promoters, facility operators, and/or facility owners, who shall all be jointly and severally liable. The city shall submit bills to the responsible persons, which shall be due within thirty (30) days of the date the bill is deposited in the mail.
- B. If a deposit is made by the permittee as a condition to the issuance of the permit as authorized in subsection 5.40.060(G) and the actual cost for city staff costs and/or extraordinary police response costs exceed the deposit, then any costs that exceed the deposit shall be billed to those persons responsible for the event and shall be due within thirty (30) days of the date the bill is deposited in the mail.
- C. If the actual cost for city staff costs and/or extraordinary police response fees is less than the deposit amount imposed as a condition of the permit as authorized in subsection 5.40.060(G), then the city shall promptly issue to the permittee a refund of the difference. In the event the permittee desires to host another special event within forty-five (45) days of the event, then permittee, at permittee's election, may ask the City to apply the difference towards a deposit for the next event. This provision shall in no way be construed so as to limit or constrain the ability of the Chief of Police to determine the

amount of the deposit, taking into account all known factors in accordance with section 5.40.060(G).

- D. Any monies that are owed under this chapter that have not been paid within the thirty (30) days of the date the bill is deposited in the mail shall be a debt owed to the city. The city may collect the debt in any manner prescribed by law, including but not limited to, placement of a property lien and/or initiation of a judicial action and/or collection process.
- E. Any person or entity that has been assessed police response costs may appeal the costs using the procedures contained in chapter 7.22 of this code.

5.40.150 Severability.

If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this chapter or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this chapter or any part thereof. The city council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof irrespective of the fact that any one or more subsections, subdivisions, paragraphs, sentences, clauses, or phrases be declared unconstitutional, invalid, or ineffective.

**F.2 Acceptance of work with Rosas Brothers Construction for 2016 Curb, Gutter and Sidewalk Replacement, Project 1118 – from Public Works Director Fajeau.
(RESOLUTION)**

Background/Discussion – On April 11, 2013, the City Council authorized award of a contract to Rosas Brothers Construction for the 2013 Curb, Gutter, and Sidewalk Replacement, Project 1042 with options to renew annually for up to three additional years. On June 6, 2016, the Public Works Director exercised renewal of the contract with Rosas Brothers Construction for the third and final time under 2016 Curb, Gutter and Sidewalk Replacement, Project 1118. The scope of work included replacement of damaged curb and gutter, damaged sidewalk, and other concrete repairs on a Citywide basis. All work on this project is now complete.

Attachment

Action - It is recommended that the City Council, by resolution, accept the work with Rosas Brothers Construction 2016 Curb, Gutter, and Sidewalk Replacement, Project 1118.

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
NEWARK ACCEPTING THE WORK WITH ROSAS
BROTHERS CONSTRUCTION FOR 2016 CURB, GUTTER,
AND SIDEWALK REPLACEMENT, PROJECT 1118

WHEREAS, the City of Newark has entered into a contract with Rosas Brothers Construction, pursuant to Resolution No.10,079, for 2013 Curb, Gutter, and Sidewalk Replacement, Project 1042, in the City of Newark, in accordance with the plans and specifications for the contract; and

WHEREAS, pursuant to the specifications approved by the City Council for Project 1042, the Public Works Director was authorized to renew the contract annually for up to three additional years; and

WHEREAS, pursuant to Resolution No. 10,508, renewal was exercised by the Public Works Director for a third and final time on June 9, 2016 for the 2016 Curb, Gutter, and Sidewalk Replacement, Project 1118; and

WHEREAS, said work has been completed in conformance with the plans and specifications of the contract hereinabove referred to and the conditions thereof;

NOW THEREFORE, BE IT RESOLVED that said contract is hereby accepted and the City Council does hereby authorize the release of bonds guaranteeing the completion of the work, the filing of a Notice of Completion, and payment to the contractor pursuant to the contract.



City of Newark

MEMO

DATE: September 18, 2017
TO: City Council
FROM: Sheila Harrington, City Clerk *A.H.*
SUBJECT: Approval of Audited Demands for the City Council Meeting of Sept 28, 2017.

REGISTER OF AUDITED DEMANDS

US Bank General Checking Account

<u>Check Date</u>		<u>Check Numbers</u>	
September 07, 2017	Page 1-2	112281 to 112339	Inclusive
September 15, 2017	Page 1-2	112340 to 112410	Inclusive



City of Newark

MEMO

DATE: September 18, 2017

TO: Sheila Harrington, City Clerk

FROM: Susie Woodstock, Administrative Services Director *SW*

SUBJECT: Approval of Audited Demands for the City Council Meeting of Sept 28, 2017.

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

Final Disbursement List. Check Date 09/07/17, Due Date 09/18/17, Discount Date 09/18/17. Computer Checks.

Bank 1001 US BANK

MICR Check#	Vendor Number	Payee	Check Date	Check Amount	Description
112281	332	ADAMSON POLICE PRODUCTS	09/07/17	571.81	VEST EQUIP REPL; APPROVAL #2017-13
112282	1396	ALAMEDA COUNTY FIRE DEPARTMENT ATTN: ACC	09/07/17	1,080.00	FLEET SUPPLIES AND MAINTENANCE
112283	1396	ALAMEDA COUNTY FIRE DEPARTMENT ATTN: ACC	09/07/17	812,480.83	FIRE SERVICES
112284	14	ALPINE AWARDS	09/07/17	23.60	DEPARTMENT AWARDS
112285	1085	AT&T	09/07/17	39.57	TELECOM LONG DISTANCE
112286	8025	BIDDLE CONSULTING GROUP INC	09/07/17	245.00	OPAC PLUS MAINTENANCE RENEWAL
112287	9888	BUREAU VERITAS NORTH AMERICA INC.	09/07/17	7,400.89	PLAN CHECK SERVICES
112288	11083	BURKE, WILLIAMS & SORENSEN, LLP	09/07/17	1,994.70	LITIGATION & LEGAL CONSULTING SRVCS
112289	11550	CAL ENGINEERING & GEOLOGY, INC.	09/07/17	2,531.25	GEOTECHNICAL CONSULTING SERVICES
112290	7898	CALIFORNIA DIESEL & POWER	09/07/17	2,800.00	FLEET MAINTENANCE
112291	10060	COMCAST	09/07/17	89.57	CABLE TV
112292	10793	MASOUD BOLOURCHI	09/07/17	1.00	PARTIAL REFUND FOR POOL CLOSURE
112293	10793	DENISE AGATEP	09/07/17	17.50	PARTIAL REFUND FOR POOL CLOSURE
112294	10793	DENISE AGATEP	09/07/17	17.50	PARTIAL REFUND FOR POOL CLOSURE
112295	10793	MICHAEL A SILVA	09/07/17	10.25	PARTIAL REFUND FOR POOL CLOSURE
112296	10793	ELISIA VALDEZ	09/07/17	9.00	PARTIAL REFUND FOR POOL CLOSURE
112297	10793	VALENTINA LEDESMA	09/07/17	8.75	REFUND FOR ONE CLASS CANCELLATION
112298	10793	VISHAL NARAYAN	09/07/17	10.00	PARTIAL REFUND FOR POOL CLOSURE
112299	10793	VISHAL NARAYAN	09/07/17	10.00	PARTIAL REFUND FOR POOL CLOSURE
112300	10793	NISREEN IBRAHIM	09/07/17	9.00	PARTIAL REFUND FOR POOL CLOSURE
112301	10793	NISREEN IBRAHIM	09/07/17	9.00	PARTIAL REFUND FOR POOL CLOSURE
112302	10793	YOUNIS OSMANI	09/07/17	10.00	PARTIAL REFUND FOR POOL CLOSURE
112303	10793	TRANNNHI NGUYEN	09/07/17	13.63	PARTIAL REFUND FOR POOL CLOSURE
112304	10793	TRANNNHI NGUYEN	09/07/17	13.63	PARTIAL REFUND FOR POOL CLOSURE
112305	10677	DAILY JOURNAL CORPORATION CALIFORNIA NEW	09/07/17	178.75	LEGAL ADS
112306	41	DALE HARDWARE	09/07/17	136.16	MISC SUPPLIES
112307	10794	DUKE DE LEON	09/07/17	180.00	VIDEO RECORDING SERVICES
112308	380	DEPARTMENT OF SOCIAL SERVICES	09/07/17	484.00	CHILD CARE ANNUAL LICENSE FEE
112309	11132	SEAN ERIKSEN	09/07/17	510.69	EXPENSE REIMBURSEMENT
112310	10642	FASTENAL COMPANY	09/07/17	9.45	SIGN RIVETS & MISC SUPPLY
112311	5137	FOUR SEASONS POOL SERVICE	09/07/17	341.06	POOL MAINTENANCE
112312	5106	CITY OF FREMONT REVENUE DIVISION	09/07/17	8,751.37	SHELTER OPERATING EXPS
112313	11112	FREMONT CHRYSLER DODGE JEEP RAM	09/07/17	1,151.75	FLEET SUPPLIES AND MAINT
112314	550	FREMONT RUBBER STAMP CO., INC.	09/07/17	62.00	STAMPERS/DESK SIGNS
112315	10983	G BORTOLOTTO & CO INC	09/07/17	3,535.62	PARK PATHWAYS PROJECT (CIP #937,969,1030
112316	3638	MARK GOTHARD	09/07/17	3,911.05	RECREATION CONTRACT
112317	167	HARRIS COMPUTER SYSTEMS	09/07/17	3,232.28	SELECT ERP MAINTENANACE 09/17
112318	11553	HELLER MANUS ARCHITECTS	09/07/17	138,810.67	SCHEMATIC DESIGN FOR NEWARK CIVIC CENTER
112319	11271	MASAKOS MUSIC STUDIO MASAKO YAMAMOTO	09/07/17	814.20	RECREATION CONTRACT
112320	11378	MNS ENGINEERS INC	09/07/17	27,857.50	ENGINEERING PLAN CHECK AND INSPECTION SE
112321	11543	OPTICSPLANET, INC.	09/07/17	1,330.00	EQUIP REPL 40MM LAUNCHER SIGHTS #2018-2
112322	11322	PAPA JOHNS PIZZA	09/07/17	336.61	FOOD FOR THE CAFE
112323	10729	PETTY CASH CUSTODIAN-RECREATION CHERYL G	09/07/17	603.32	PETTY CASH REPLENISHMENT
112324	329	PHOENIX GROUP INFORMATION SYSTEMS	09/07/17	166.40	PARKING CITATION PROGRAM
112325	4176	MICHAEL QUEBEC	09/07/17	927.18	RECREATION CONTRACT
112326	112	WILLE ELECTRICAL SUPPLY CO INC	09/07/17	39.33	LIGHT BULBS
112327	40	STAPLES ADVANTAGE DEPT LA	09/07/17	1,804.51	OFFICE SUPPLIES
112328	7744	T-MOBILE USA, INC.	09/07/17	1,632.00	CALL DETAIL RECORDS
112329	5463	MARY TEIXEIRA	09/07/17	11.24	EXPENSE REIMBURSEMENT
112330	1765	TEMPERATURE TECHNOLOGY INC.	09/07/17	8,703.05	REPLACEMENT UNIT FOR VIOLA BLYTHE
112331	7517	U S FOODS INC SAN FRANCISCO	09/07/17	1,130.20	FOOD SUPPLIES FOR THE CAFE

Final Disbursement List. Check Date 09/07/17, Due Date 09/18/17, Discount Date 09/18/17. Computer Checks.
 Bank 1001 US BANK

MICR Check#	Vendor Number	Payee	Check Date	Check Amount	Description
112332	11556	ULINE, INC.	09/07/17	1,207.29	SHELVING
112333	688	UNION SANITARY DISTRICT ATTENTION ACCOUN	09/07/17	1,471.91	TV STORM DRAIN
112334	9541	UNITED SITE SERVICES	09/07/17	236.73	PORTABLE TOILET FOR BUILDING CLOSURE
112335	5623	VERIZON WIRELESS	09/07/17	5,178.43	IPHONE SVC
112336	1914	VIOLA BLYTHE COMMUNITY SERVICE CENTER	09/07/17	200.00	SOREN FAJEAU SERVICE AWARD DONATION TO V
112337	339	WASHINGTON HOSPITAL GENERAL ACCOUNTING	09/07/17	50.00	LAB TESTS
112338	5050	WEST COAST ARBORISTS INC	09/07/17	88,058.72	PROJECT 1119C STREET TREE MAINTENANCE
112339	3245	ZUMAR INDUSTRIES INC	09/07/17	122.97	SIGNS AND HARDWARE
Total				1,132,572.92	

Final Disbursement List. Check Date 09/15/17, Due Date 09/25/17, Discount Date 09/25/17. Computer Checks.

Bank 1007 US BANK

MICR Check#	Vendor Number	Payee	Check Date	Check Amount	Description
112340	10736	ABACUS PRODUCTS INC	09/15/17	331.35	PRINTING SVCS
112341	332	ADAMSON POLICE PRODUCTS	09/15/17	1,033.62	MISCELLANEOUS PURCHASES
112342	413	AIR EXCHANGE INC	09/15/17	46,400.37	EXHAUST SYSTEM RUSCHIN FIRE #2017-31
112343	12	ALLIED AUTO STORES INC	09/15/17	788.88	FLEET SUPPLIES
112344	11430	ALLTECH PETRO INC.	09/15/17	812.47	FUEL PUMP MAINT AND SERVICE
112345	11294	AMERICAN TECHNOLOGIES, INC CORPORATE OFF	09/15/17	7,747.20	PROJECT 1126
112346	11362	ANNETTE PAREDES	09/15/17	36.02	EXPENSE REIMBURSEMENT
112347	348	AT&T	09/15/17	176.86	AT & T MONTHLY TELECOM
112348	134	BATTERY SYSTEMS INC ATTN: ACCOUNTS RECEI	09/15/17	2,048.28	FLEET SUPPLIES
112349	9680	BAY CENTRAL PRINTING	09/15/17	338.65	BUSINESS CARD IMPRINTING
112350	1131	BAY ISLAND OFFICIALS ASSOCIATION ATTN FR	09/15/17	1,246.00	SPORTS OFFICIATING
112351	11561	BAYSIDE HEATING & AIR CONDITIONING, INC.	09/15/17	27,062.00	PROJECT 1152 SILLIMAN HVAC
112352	10261	CARBONIC SERVICE	09/15/17	195.33	POOL CHEMICALS
112353	2050	CCUG	09/15/17	750.00	CLETS TRAINING SEMINAR
112354	11541	CEL CONSULTING, INC.	09/15/17	169.69	PLAN CHECK SERVICES
112355	214	CENTRAL VETERINARY HOSPITAL	09/15/17	538.75	VET SVCS
112356	163	CHILDREN'S HOSPITAL - OAKLAND	09/15/17	630.00	VICTIM MEDICAL EXAMS
112357	11413	CINDY K. HULL & ASSOCIATES FORENSIC CONS	09/15/17	375.00	LATENT PRINTS
112358	6304	CLASSIC GRAPHICS T & J LEWIS INC	09/15/17	306.60	FLEET SUPPLIES AND MAINT
112359	10970	COCA COLA REFRESHMENTS UNION CITY SALES	09/15/17	1,256.06	CAFE SUPPLIES
112360	2544	RAY COLLIER	09/15/17	158.40	EXPENSE REIMBURSEMENT
112361	1109	CAPITAL ONE COMMERCIAL	09/15/17	2,597.86	SUPPLIES
112362	10650	ELIZABETH PAGENDARM	09/15/17	9.25	UUT REFUND
112363	10650	AXIS CONSTRUCTION	09/15/17	46.53	REFUND FOR OVERPAYMENT FOR PERMITS SFD20
112364	10649	STAR ROOTER AND PLUMBING	09/15/17	1,000.00	PERFORMANCE BOND RTN EP# 2016-0272
112365	10649	WILLIAM LYON HOMES	09/15/17	180.00	REFUND FOR OVERPAYMENT OF PERMITS MFD201
112366	10793	JAMES BOSUEGO	09/15/17	285.00	CANCELLED RESERVATION REFUND
112367	10793	DASHANIQUE SMITH	09/15/17	100.00	RENTAL DEPOSIT REFUND
112368	10793	ANNAMALAI MUTHUKARUPPAN	09/15/17	100.00	RENTAL DEPOSIT REFUND
112369	10793	LAURA AMEZCUA	09/15/17	100.00	RENTAL DEPOSIT REFUND
112370	10677	DAILY JOURNAL CORPORATION CALIFORNIA NEW	09/15/17	65.00	LEGAL ADS
112371	11259	KATHRYN DENNIS	09/15/17	65.27	EXPENSE REIMBURSEMENT
112372	11431	EXTENDED STAY AMERICA	09/15/17	2,817.60	ACADEMY TRAINEE HOTEL
112373	5259	FOLSOM LAKE FORD	09/15/17	81,550.98	PD CAR REPLACEMENT - PRJ# 2017-28
112374	11400	DAN FRANKE	09/15/17	200.00	RESERVE UNIF ALLOWANCE
112375	11112	FREMONT CHRYSLER DODGE JEEP RAM	09/15/17	41.98	FLEET SUPPLIES AND MAINT
112376	60	FREMONT FORD/AUTOBODY OF FREMONT ATTN: P	09/15/17	130.59	FLEET SUPPLIES
112377	11157	JASON GERMANO	09/15/17	200.00	RESERVE UNIF ALLOWANCE
112378	1591	PHILIP H HOLLAND	09/15/17	200.00	RESERVE UNIF ALLOWANCE
112379	7593	BRUCE HOWCROFT	09/15/17	200.00	RESERVE UNIF ALLOWANCE
112380	11501	ALAMEDA CO. ITD FINANCE	09/15/17	875.40	RADIO REPAIR/MAINT
112381	524	JOHNSON ROBERTS & ASSOCIATES	09/15/17	60.00	BACKGROUND INV QUESTIONNAIRES
112382	11532	KELLY SERVICES	09/15/17	1,142.63	KELLY SERVICES TEMP SERVICES
112383	6690	KELLY MOORE PAINTS	09/15/17	490.59	PAINT
112384	7964	KNORR SYSTEMS INC	09/15/17	5,633.20	POOL CHEMICALS AND MTC.
112385	3644	RELX INC. DBA LEXISNEXIS	09/15/17	176.00	ONLINE LEGAL RESOURCE SUBSCRIPTION
112386	11309	MANUEL FERNANDEZ CONSTRUCTION	09/15/17	6,609.12	CONCRETE WORK
112387	11482	MARCI MARINO	09/15/17	305.00	PAYROLL DEDUCTION - SS PAYMENTS FOR PR09
112388	11536	MADISYN MCCANE	09/15/17	4.82	EXPENSE REIMBURSEMENT
112389	9029	MEYERS NAVE RIBACK SILVER & WILSON	09/15/17	579.98	LITIGATION & LEGAL CONSULTING SRVCS
112390	6	KAREN MORAIDA	09/15/17	45.08	EXPENSE REIMBURSEMENT

Final Disbursement List. Check Date 09/15/17, Due Date 09/25/17, Discount Date 09/25/17. Computer Checks.

Bank 1001 US BANK

MICR Check#	Vendor Number	Payee	Check Date	Check Amount	Description
112391	11217	ANDREW MUSANTRY	09/15/17	90.00	EXPENSE REIMBURSEMENT
112392	10865	NEW IMAGE LANDSCAPE	09/15/17	17,173.00	EMERGENCY REPAIR CHERRY BACKFLOW
112393	11272	NICHOLAS CUEVAS	09/15/17	47.80	EXPENSE REIMBURSEMENT
112394	349	PACIFIC GAS & ELECTRIC	09/15/17	122.52	STREETLIGHTS AND TRAFFIC SIGNALS
112395	78	PERFORMANCE PEST MANAGEMENT LPC SERVICES	09/15/17	142.00	PEST CONTROL
112396	4346	QUALITY SIGN & BANNER	09/15/17	473.02	BANNER FOR NEW CIVIC CENTER
112397	11234	RAY MORGAN COMPANY	09/15/17	2,922.84	COPIER LEASE AGREEMENT
112398	9710	RC CYCLES	09/15/17	611.12	MAINT MOTORCYCLES
112399	11373	RRM DESIGN GROUP	09/15/17	3,325.00	NEWARK ZONING CODE UPDATE
112400	112	WILLE ELECTRICAL SUPPLY CO INC	09/15/17	91.40	LIGHT BULBS
112401	11296	SIGNATURE CARPET ONE	09/15/17	5,508.00	FLOORING FOR VIOLA BLYTHE
112402	11098	SILVER & WRIGHT LLP	09/15/17	4,708.75	LITIGATION & LEGAL CONSULTING SRVCS
112403	11533	ST. FRANCIS ELECTRIC. LLC.	09/15/17	1,110.00	STREETLIGHT MAINTENANCE
112404	2778	STATE OF CALIFORNIA FRANCHISE TAX BOARD	09/15/17	440.00	PAYROLL DEDUCTION - GARNISHMENT
112405	11396	SWA SERVICES GROUP INC	09/15/17	26,417.96	JANITORIAL SERVICE 08/17
112406	135	TURF & INDUSTRIAL EQUIPMENT CO	09/15/17	2,897.33	FLEET PARTS AND MAINT
112407	6797	US BANK CORPORATE PAYMENT	09/15/17	19,944.12	US BANK CC PAYMENT 08/22/17
112408	363	UNITED STATES POSTMASTER	09/15/17	2,500.00	POSTAGE FOR NEWARK NEWSLETTER
112409	5623	VERIZON WIRELESS	09/15/17	93.62	GPS TRACKERS
112410	5623	VERIZON BUSINESS SERVICES	09/15/17	611.69	CELL SVC FOR MDT'S
Total				287,443.58	