

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, November 8, 2018

- A. ROLL CALL
- B. MINUTES
 - B.1 Approval of Minutes of the City Council meetings of October 17 and 25, 2018. (MOTION)
- C. PRESENTATIONS AND PROCLAMATIONS
 - C.1 Commending Roxanne Müller on her retirement. (COMMENDATION)
 - C.2 Commending Newark Days Committee members. (COMMENDATION)
 - C.3 Introduction of employee.
- D. WRITTEN COMMUNICATIONS
- E. PUBLIC HEARINGS
 - E.1 Hearing to consider Compass Bay, a 138-unit residential project on a 9.97-acre site located at 8610 Enterprise Drive. The City Council will consider approval of: (1) rezoning a 9.97-acre portion of Vesting Tentative Tract Map 8459 from Business and Technology Park (BTP) to Residential Medium Density with Form Based Code (RM-FBC) and Planned Development Overlay District (PD) (APN 092-0115-005-02); (2) Vesting Tentative Tract Map 8459; (3) Planned Development Plan for construction of 138 residential units; (4) addendum to the Dumbarton Transit Oriented Development Specific Plan Environmental Impact Report and certifying that the previously approved EIR (State Clearinghouse Number 2010042012) addresses all the impacts of the proposed development; and (5) Authorizing the Mayor to sign a Community Financing Agreement with TH Willow Newark Investors, LLC – from Associate Planner Mangalam. (ORDINANCE)(RESOLUTIONS-4)

F. CITY MANAGER REPORTS

(It is recommended that Items F.1 through F.4 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 Cancellation of the November 22 and December 27, 2018 City Council meetings – from City Clerk Harrington. (MOTION)**

- F.2 Acceptance of work with Western Water Features, Inc. for Silliman Aquatic Center Improvements, Project 1104 – from Public Works Director Fajeau. (RESOLUTION)**

- F.3 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 the previous Compensation Plan – from Human Resources Director Abe. (RESOLUTION)**

- F.4 Approval of partial release and replacement of security bonds for Tract 8098, Glass Bay (TH-HW Newark LLC) a 217-unit residential subdivision at 8400 Enterprise Drive – from Senior Civil Engineer Cangco. (RESOLUTION)**

NONCONSENT

- F.5 Approval of the solid waste collection, recycling, and organics services maximum rates for Calendar Year 2019 with an increase of 3.2% over 2018, and updates to the program – from Administrative Analyst Khuu-Seeman. (RESOLUTION)**

G. CITY ATTORNEY REPORTS

H. ECONOMIC DEVELOPMENT CORPORATION

I. CITY COUNCIL MATTERS

- I.1 Reappointment of Jeff Aguilar to the Planning Commission – from Mayor Nagy. (RESOLUTION)**

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

K. ORAL COMMUNICATIONS

L. APPROPRIATIONS

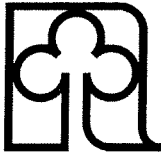
- Approval of Audited Demands. (MOTION)**

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, November 8, 2018

CITY COUNCIL:

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

CITY STAFF:

John Becker
City Manager

Terrence Grindall
Assistant City Manager

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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SPECIAL MEETING

City Administration Building
5:00 p.m.
City Council Chambers

Minutes

Wednesday, October 17, 2018

A. ROLL CALL

Mayor Nagy called the meeting to order at 5:00 p.m. Present were Council Members Collazo, Freitas, Bucci and Vice Mayor Hannon.

B. CLOSED SESSION

- B.1 Closed session pursuant to Government Code Section 54957
Public Employment
Title: City Manager**

C. ADJOURNMENT

At 8:30 p.m. Vice Mayor Hannon moved, Council Member Bucci seconded, to adjourn the meeting. The motion passed, 5 AYES.



CITY OF NEWARK CITY COUNCIL

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

Minutes

Thursday, October 25, 2018

A. ROLL CALL

Mayor Nagy called the meeting to order at 7:32 p.m. Present were Council Members Collazo, Freitas, Bucci, and Vice Mayor Hannon.

B. MINUTES

B.1 Approval of Minutes of the City Council meeting of October 11, 2018.

MOTION APPROVED

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

C. PRESENTATIONS AND PROCLAMATIONS

C.1 Introduction of employee.

Mayor Nagy introduced Police Officer Corey Swadener.

C.2 Commending Newark Days Committee members.

This item will be rescheduled for the next City Council meeting.

C.3 Proclaiming October 25, 2018 as Unity Day.

Mayor Nagy presented the proclamation to Recreation Coordinator Katie Dennis and Administrative Support Specialist II Jessenia Taimani.

D. WRITTEN COMMUNICATIONS

E. PUBLIC HEARINGS

F. CITY MANAGER REPORTS

Vice Mayor Hannon requested the removal of F.1 for separate consideration.

Council Member Bucci moved, Council Member Collazo seconded, to approve Consent Calendar Items F.2 through F.4, 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.2 Authorization for the purchase of two (2) 2019 Dodge Chargers as replacement vehicles for the Police Department from Elk Grove Auto Group and outfitting by Lehr. RESOLUTION NO. 10849**
- F.3 Amendment to Resolution No. 10755, Police Recruiting Incentive Program, adding a lateral leave incentive and approving a budget amendment. RESOLUTION NO. 10850**
- F.4 Award of contract to Law Dogs for Police Canine services for the Newark Police Department and approving an amendment to the 2018-2020 Biennial Budget. RESOLUTION NO. 10851
CONTRACT NO. 18038**

NONCONSENT

- F.1 Second reading and adoption of an ordinance amending Newark Municipal Code Chapter 6.32 (“Regulations - Domestic Animals”), to modify the number of bantam chickens that can be kept as pets and to make other changes to clarify and update this section. ORDINANCE NO. 508**

Vice Mayor Hannon asked when the changes requested at the previous meeting would be brought back for City Council consideration. City Manager Becker stated in January.

Vice Mayor Hannon moved, Council Member Bucci seconded to, by ordinance, amend Title 6 Animals, Chapter 6.32 Regulations – Domestic Animals, Section 6.32.010 Domestic Pets – Animal Fanciers Permit Required When of the Newark Municipal Code. The motion passed, 5 AYES.

- F.5 Update on the new Newark Civic Center and approval of a Stipend Agreement in the Request for Proposals for Design-Build Services for the new Civic Center. MOTION APPROVED**

Chief Building Official/City Architect Collier gave a presentation of the status of the Civic Center project (on file with City Clerk). He reviewed the design-build model, the parking plan, and the communication tower. He stated that the Request for Proposals for design-build services would be issued on October 26, 2018 and proposals were due in January. He noted that the design-build model requires a considerable investment from proposers and requested a \$50,000 stipend for each unsuccessful proposer.

In response to Vice Mayor Hannon, Chief Building Official/City Architect Collier will provide the City Council with a list of projects that the potential bidders have worked on.

Vice Mayor Hannon suggested looking at a clock for the communication tower.

Council Member Collazo stated that the communication tower should have the City logo on all sides.

Council Member Bucci requested that contractors and subcontractors have an Experience Modification Rate (EMR safety record) at a maximum of 1.25 and include a local contractor preference. He also questioned offering a stipend.

Namit Saksena asked about the intellectual property rights of the unsuccessful bidders. He suggested purchasing new broadcast equipment and incorporating the City of Newark logo wall from the current chambers in the new chambers.

Chief Building Official/City Architect Collier clarified that the City could use any information from unsuccessful bidders in the project, but the City could not sell that information.

Vice Mayor Hannon moved, Council Member Collazo seconded to, by motion, approve the \$50,000 stipend in the Request for Proposal for Design-Build Services for the Newark Civic Center and authorize the City Manager to execute the Stipend Agreement and issue the stipend to the two unsuccessful proposers that submit responsible and responsive proposals. The motion passed, 4 AYES, 1 NO (Bucci).

F.6 Declaration of opposition to Proposition 6, the Voter Approval for Future Gas and Vehicle Taxes and 2017 Tax Repeal Initiative, on the November 2018 ballot. RESOLUTION NO. 10852

Public Works Director Fajeau stated Newark would receive over \$800,000 annually from this revenue source for streets and roads. He requested that the City Council formally oppose Proposition 6.

Vice Mayor Hannon stated that he supports Proposition 6 and that tax changes should be approved by voters.

Council Member Bucci moved, Council Member Collazo seconded to by resolution, declare opposition to Proposition 6, the Voter Approval for Future Gas and Vehicle Taxes and 2017 Tax Repeal Initiative, on the November 2018 ballot. The motion passed, 4 AYES, 1 NO (Hannon).

G. CITY ATTORNEY REPORTS

H. ECONOMIC DEVELOPMENT CORPORATION

I. CITY COUNCIL MATTERS

Council Member Bucci wished everyone a Happy Halloween

Council Member Freitas stated that the employee barbeque and the Citizen Police Academy Graduation were held this week.

Council Member Collazo thanked Lieutenant Kimbrough for the Police Explorers assistance at the Dia de los Muertos event. She commended Recreation Coordinator Katie Dennis and Administrative Support Specialist II Jessenia Taimani for organizing Unity Day. Shop Newark.

Mayor Nagy reminded the public to vote on Election Day, November 6.

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

K. ORAL COMMUNICATIONS

Faz Benash stated he was real estate agent representing Raj Salwan. He requested that the city approve the use of a property at 6625 Thornton Avenue for a daycare. Mayor Nagy referred the matter to staff for follow up.

Dan Kostenbauder, Silicon Valley Leadership Group Foundation invited the City Council to participate in the Turkey Trot on Thanksgiving Day.

L. APPROPRIATIONS

Approval of Audited Demands.

MOTION APPROVED

City Clerk Harrington read the Register of Audited Demands: Check numbers 115858 to 115993.

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

M. CLOSED SESSION

N. ADJOURNMENT

Mayor Nagy adjourned the meeting at 8:42 p.m.

C.1 Commending Roxanne Müller on her retirement.

(COMMENDATION)

Background/Discussion – Administrative Support Specialist II Roxanne Müller is retiring after 22 years of dedicated service to the City. A commendation will be presented to Ms. Müller at the City Council meeting.

C.2 Commending Newark Days Committee members.

(COMMENDATION)

Background/Discussion – Newark Days was held September 20-23, 2018, and celebrated the City’s 63nd birthday. Members of the Newark Days Committee (Committee) volunteer their time and efforts to ensure a successful event. Members of the Committee will accept a commendation at the City Council meeting.

C.3 Introduction of employee.

Background/Discussion – Public Works Administrative Support Specialist II Mirna Padilla will be at the meeting to be introduced to the City Council.

- E.1 Hearing to consider Compass Bay, a 138-unit residential project on a 9.97-acre site located at 8610 Enterprise Drive. The City Council will consider approval of: (1) rezoning a 9.97-acre portion of Vesting Tentative Tract Map 8459 from Business and Technology Park (BTP) to Residential Medium Density with Form Based Code (RM-FBC) and Planned Development Overlay District (PD) (APN 092-0115-005-02); (2) Vesting Tentative Tract Map 8459; (3) Planned Development Plan for construction of 138 residential units; (4) addendum to the Dumbarton Transit Oriented Development Specific Plan Environmental Impact Report and certifying that the previously approved EIR (State Clearinghouse Number 2010042012) addresses all the impacts of the proposed development; and (5) Authorizing the Mayor to sign a Community Financing Agreement with TH Willow Newark Investors, LLC – from Associate Planner Mangalam.**

(ORDINANCE)(RESOLUTIONS-4)

Background/Discussion – TH Willow Newark, LLC., has submitted an application to develop Compass Bay, a 138-unit residential development on property owned by Ashland LLC. The site was previously used as a chemical packaging and distribution facility. The project site is vacant and consists of leveled industrial pads and road embankments. The surrounding properties are actively being developed in accordance with the Dumbarton Transit Oriented Development (TOD) Specific Plan, approved in 2011. Residential units planned within the Specific Plan area have been constructed or are under construction. Enterprise Drive borders the project site to the north, and Hickory Street borders the project site to the west. Vacant land and industrial uses occur north/northwest of the project site, across Enterprise Drive. To the east, commercial and residential developments are under construction. To the south and west of the project site, residential developments are under construction. The surrounding land uses are characterized by existing and former industrial parcels and commercial and residential developments constructed and/or under construction such as William Lyons Bayshores, Trumark Glass Bay, Lennar Lighthouse, as part of the Dumbarton TOD area.

Project Benefits - The vision of the Specific Plan was to create a unique and memorable community by integrating key elements of community design into the plan, including: a future Transit Station; a Neighborhood Center; up to 2,500 new residential units; necessary infrastructure; contribution towards the construction of an overpass on Central Avenue over the Union Pacific Railroad right-of-way; more than 16-acres of parks including a community (public) park and a Bayside Trail; and a project that is fiscally beneficial to the City of Newark. The proposed project is in line with the vision of the Specific Plan, and will provide the following benefits:

Community Identification – Monument Signs

Community identification monument signs form an important element of urban landscapes which helps both the inhabitants and visitors to identify a place. Bayside is a new neighborhood in the City and will benefit from sense of place. The applicant for this project proposes to install monument signs on existing and proposed roundabouts to provide neighborhood identification. Each roundabout will have two to four monument signs installed with a uniform design reflecting the theme of the Bayside neighborhood.

Contribution towards improvement of 5-acre public park

One of the main elements of the Specific Plan was to provide for a public park to best serve the active and/or passive recreational needs of the community. There is a 5-acre park that will be developed by the applicant of proposed FMC Parcel C project. The applicant/developer for Compass Bay will contribute approximately \$2.9 million in Park Impact Fees towards the improvement of the public park.

Fiscal Impact Fee

The Dumbarton TOD Specific Plan contains critical elements necessary for its implementation. To ensure that the city's fiscal health is sustained, developers are required to contribute to the provision of public improvements and city services in the Plan area. As such, the applicant has agreed to enter into a Community Financing Agreement. Under the terms of the agreement, a contribution of \$2,500 per dwelling unit is required. The applicant will pay \$345,000 towards the Fiscal Impact Fee. This fund can be allocated by the Council in a future action.

Development Impact and other fees

The project will also provide significant impact fee revenue including: approximately \$4.2 million in Affordable Housing fees; \$369,009 in Public Safety fees; \$226,908 in Community Services/Facilities fees; and \$540,439 in Transportation Impact fees and Art in Public Places fee of \$37,260. Collectively, the estimated total of impact fee revenue is \$5.3 million (excluding park impact fee). These fees can be utilized Citywide to improve the Newark community. The project will also pay \$1.13 million in school fees to the Newark Unified School District.

Overview – The applicant proposes to construct 138 homes consisting of 53 detached single-family and 85 attached townhomes with a density of 14-units to an acre. The residential development would be accessible directly from Enterprise Drive and Seawind Way and would be oriented along a few internal roadways serving the neighborhood. The project includes two north/south oriented roadways, off Seawind Way and off Enterprise Drive, that would function as the main arterials through the neighborhood. Both streets provide access to two east/west oriented roadways. Fourteen courts are provided throughout the residential development.

Single-family homes: The applicant proposes to construct 53 detached single family homes. Five different floor plans ranging from approximately 2,000 to 2,600 square feet are proposed to provide diversity of styles and configurations. The project proposes three different architectural styles, Farmhouse, Craftsmen and Victorian and within those styles, there are variations in architectural elements, color and material schemes to add diversity. Plan types 1, 2, 2X and 3 are two-stories high; and Plan 3X is three-stories high.

Multifamily homes/Townhomes: There will be 85 townhomes proposed in 3-plex, 4-plex, 5-plex, 6-plex and 7-plex buildings. Three different townhome floor plans range from approximately 1,885 square feet to 2,060 square feet. The townhome buildings will be three-stories tall and alley loaded. Buildings will have different colors and materials schemes.

A small park with a lawn area and playground is located to the east of the site. The proposed development would include walkways that would connect to off-site sidewalks along Enterprise Drive/Hickory Street and adjacent residential projects. The distinct feature of this proposed development is that all the homes front to major streets- Enterprise Drive, Hickory Street and Seawind Way instead of backing on them, thus enhancing pedestrian activity.

The Specific Plan requires that 2.5 on- and off-street parking spaces per unit be provided for single- and multifamily residential developments. The proposed project would construct 53 single-family residential units and 85 multi-family residential units, requiring 345 parking spaces. A total of 350 parking spaces would be provided for the residential development, out of which 276 spaces would be private garage spaces and 74 spaces would be on-street surface parking for guests. With a planned supply of 350 spaces, the proposed parking supply would meet the Specific Plan's requirements.

The proposed residential project is consistent with the objectives, policies, and vision of the Dumbarton Transit-Oriented Development Specific Plan and requires the approval of the following actions to allow the construction of proposed residential project:

Rezoning: The site is currently zoned as Business and Technology Park (BTP) which allows advanced technology research and development, manufacturing, and related support facilities. This project requires rezoning to a residential district. The applicant proposes a density of 14 units per acre (138 units on 9.68 net acres) and requires Residential Medium Density (RM) which allows residential densities from 14 to 30 units per net acre. Further, Dumbarton TOD Specific Plan included the concept of Form Based Code to set guidelines for developments within the TOD to create a vibrant, thriving and special community. Thus, the site will require a rezoning of approximately 9.97- acre from Business and Technology Park (BTP) to Residential Medium Density with Form Based Code (RM-FBC). As per Section 17.12.050 of Newark Zoning Ordinance, a Planned Development (PD) Overlay District must be adopted for the approval of a PD Plan, which provides greater flexibility in the design of the development.

Vesting Tentative Tract Map: The applicant has submitted Vesting Tentative Tract Map 8459 to construct 138 units comprising of 53 single-family and 85 townhomes on an approximately 9.97-acre site. The tract will consist of the following land uses: single family lots (3.33 acres), multi-family lots (2.84 acres), private streets (2.36 acres), park (0.18), water quality (0.22 acres) and open space (1.04 acres). The project requires two off-street covered spaces and 0.5 guest spaces per unit, thus requiring total of 345 parking spaces. The project will provide a total of 350 spaces including 276 private garage spaces and 74 guest parking spaces.

Planned Development (PD) Plan: The project proposes the development of a previously analyzed and approved project with minor deviations from the City's Form Based Code for the TOD Specific Plan area. These deviations require the approval of a planned development plan. The proposed deviations from the Newark Zoning Ordinance are: (1) Single-family homes will be setback at minimum 4 feet from the front property line in lieu of the minimum 8 feet (building face) and 6 feet (porch/stoop) as set in Section 17.13.040.A; (2) Section 17.13.040.B requires multi-family buildings to be a minimum of 30 feet from non-street property line of a detached

lot. In the proposed development, townhomes do not meet this requirement and are set at a distance ranging from 8 feet to 12.8 feet; (3) Multi-family buildings should be at minimum 15 feet from non-property line of a multi-unit lot as included in Section 17.13.040.B. However, one of the 3-plex building (townhomes) is setback at 10 feet from Lennar Lighthouse residential project; and (4) Multi-family buildings shall be at minimum 5 feet from on-site drive lane as required per Section 17.13.040.B of Newark Zoning Ordinance, however the proposed buildings are set at 4 feet with an overhang of two-feet on the second and third floor, thus only providing two-feet setback in lieu of five feet.

Per Newark Zoning Code Section 17.12.060, a PD Plan shall only be approved if certain findings are made. The findings given in the draft resolution of approval contains language that comes from the Newark Zoning Ordinance and is supported by application materials on file. The findings are as follows:

- a. *The proposed development is consistent with the General Plan and any applicable specific plan, including the density and intensity limitations that apply.*

The 9.97-acre Compass Bay Project site is proposed for medium density residential development. The total number of proposed housing units is 138 on 9.68 net acres of the site to achieve a density of approximately 14 housing units per acre.

Land use in the project area is regulated by the City of Newark through various plans and ordinances, including the City of Newark 2013 General Plan and the City of Newark Zoning Ordinance. Further, the Compass Bay Project is included in the Dumbarton Transit Oriented Development (TOD) Specific Plan (Specific Plan).

The City of Newark zoning designation for the site is Business and Technology Park (BTP), which is inconsistent with the proposed land uses for the Compass Bay Project. Implementation of the project would require a rezone of the project site from BTP to medium density residential for the residential development project. City approval of the rezone would resolve this conflict.

The Dumbarton TOD Specific Plan identifies the project property as medium/high-density residential, and the project is proposed for medium-density residential. However, the Specific Plan allows for an adjustment of land uses within the Specific Plan area without necessitating a Specific Plan Amendment. Additionally, the Specific Plan identifies a maximum number of units that may be developed on each parcel within the Dumbarton TOD area, and the maximum number of units allowed on APN 092-0115-005-02 is 243, which is 105 units less than the maximum number of units allowed.

- b. *Adequate transportation facilities and public services exist or will be provided in accord with the conditions of development plan approval, to serve the proposed development; and the approval of the proposed development will not result in a reduction of traffic levels of service or public services so as to be a detriment to public health, safety, or welfare.*

The proposed residential development would be accessible directly from Enterprise Drive and

Seawind Way and would be oriented along a few internal roadways serving the neighborhood. The project includes two north/south oriented roadways, "A" Street, off Seawind Way, and "C" Street, off Enterprise Drive, that would function as the main arterials through the neighborhood. Both streets provide access to two east/west oriented roadways, "D" Way and "B" Avenue, and "C" Street provides access to an east/west oriented roadway, "E" Lane, embedded in the residential development. Fourteen courts are provided throughout the residential development and are accessible via "A" Street, "C" Street, "B" Avenue, and "E" Lane. The proposed project would not require additional modification to the roadways (e.g. re-alignment) other than already identified in the Program Environmental Impact Report (PEIR) prepared for the Dumbarton TOD Specific Plan.

New vehicular trips generated by the Compass Bay Project, in combination with other approved projects within the Specific Plan area, are below the total number of daily, a.m. peak hour, and p.m. peak hour trips that were assumed in the Specific Plan PEIR and would not conflict with the City's operational standards as projected under those plans.

Sidewalks would be provided along at least one side of each neighborhood street and would connect to sidewalks along Enterprise Drive and Seawind Way. The residential development would include walkways and crosswalks that would connect to off-site sidewalks along Enterprise Drive and the adjacent Tract 8099 – Bridgeway Lennar project, west of the project site.

The future sidewalk and roundabout at the Enterprise Drive and Hickory Street would be constructed by the project applicant and other Dumbarton TOD developers per a pending developer agreement. Additionally, the proposed project would include the construction of the sidewalk and landscaping strip along the Hickory Street project frontage from Seawind Way to Enterprise Drive and the Seawind Way project frontage.

The project site would provide 350 parking spaces, including three for disabled persons, 276 spaces in private garage spaces, and 71 on-street parking spaces. With a planned supply of 350 spaces, the proposed parking supply would exceed the minimum parking required by Specific Plan with a surplus of 5 spaces.

The project proposes to construct 105 fewer units than allocated to the parcel in the Specific Plan and would not result in a significant increase in service demands or render the current service levels to be inadequate, as service demands for the medium-density residential land use would be similar to or less than those envisioned under the medium/high-density residential land use. Further, the applicant is required to pay development impact fees for fire protection, police protection, and schools.

- c. *The proposed development will not have a substantial adverse effect on surrounding land uses and will be compatible with the existing and planned land use character of the surrounding area.*

The project site is vacant and consists of leveled industrial pads and road embankments, and the surrounding properties are actively being developed in accordance with the Dumbarton TOD

Specific Plan. Residential units planned within the Specific Plan area east, south, and west of the project site have been constructed or are under construction.

Enterprise Drive borders the project site to the north, and Hickory Street borders the project site to the west. Vacant land and industrial uses occur north/northwest of the project site, across Enterprise Drive, although a combination of residential, commercial, park and transit uses are planned for this area. To the east, commercial and residential developments are under construction. To the south and west of the project site, residential developments are under construction. The surrounding land uses are characterized by existing and former industrial parcels and commercial and residential developments constructed or under construction as part of the Dumbarton TOD Specific Plan.

- d. *The development generally complies with applicable adopted design guidelines.*

Chapter 5 of the Dumbarton TOD Specific Plan has established design guidelines to govern development of a planned community which offers a variety of residential housing types. Several building styles are recommended to be used throughout the Plan area including Agrarian Rural/Contemporary, Farmhouse, Arts & Crafts – Prairie/ Craftsman and French Country. The proposed project would incorporate a mix of Farmhouse, Modern Prairie, and Contemporary Agrarian residential units.

The site planning and layout of the Specific Plan area is encouraged to have a strong pedestrian orientation. The Circulation Design Guidelines in the Specific Plan provide recommendations for the streets and other circulation areas throughout the Plan area. The street hierarchy is intended to create a pedestrian network through and around the Plan area and into the adjacent community. The proposed residential development would be accessible directly from Enterprise Drive and Seawind Way and would be oriented along a few internal roadways serving the neighborhood. The project includes two north/south oriented roadways, “A” Street, off Seawind Way, and “C” Street, off Enterprise Drive, that would function as the main arterials through the neighborhood. Both streets provide access to two east/west oriented roadways, “D” Way and “B” Avenue, and “C” Street provides access to an east/west oriented roadway, “E” Lane, embedded in the residential development. Fourteen courts are provided throughout the residential development and are accessible via “A” Street, “C” Street, “B” Avenue, and “E” Lane. Sidewalks would be provided along at least one side of each neighborhood street and would connect to sidewalks along Enterprise Drive and Seawind Way. The residential development would include walkways and crosswalks that would connect to off-site sidewalks along Enterprise Drive and the adjacent Tract 8099 – Bridgeway Lennar project, west of the project site.

- e. *The proposed development is demonstratively superior to the development that could occur under the standards applicable to the underlying base district, and will achieve superior community design, environmental preservation and/or substantial public benefit.*

A Planned Development approval will allow for greater connectivity between the Planning Area neighborhoods and also the greater Specific Plan area. As mentioned under finding b), the

proposed project would construct walkways and crosswalks that would connect to off-site sidewalks along Enterprise Drive and the adjacent Tract 8099 – Bridgeway Lennar project and Tract 8157- Lennar Lighthouse/Senior Housing. Additionally, the future sidewalk and roundabout at the Enterprise Drive and Hickory Street would be constructed by the project applicant and other Dumbarton TOD developers per the pending developer agreement. The proposed project would also include the construction of the sidewalk and landscaping strip along the Hickory Street project frontage from Seawind Way to Enterprise Drive and the Seawind Way project frontage.

The proposed project would provide community members with varied housing options. The applicant proposes to construct 53 single-family residential units, with four different floor plan options, and 85 multi-family attached townhomes, with four different floor plan options.

Addendum to Program Environmental Impact Report (PEIR):

The City of Newark (City) certified a Program Environmental Impact Report (PEIR) for the Dumbarton Transit Oriented Development (TOD) Specific Plan (State Clearinghouse No. 2010042012, July 2011). The State CEQA Guidelines environmental review procedures allow for the updating and use of a previously adopted PEIR for projects that are different from the previous project or the conditions under which the project was analyzed. In accordance with State CEQA Guidelines Section 15164, an Addendum has been prepared to document that the proposed project modifications do not require preparation of a subsequent EIR or Negative Declaration under Section 15162.

The proposed project is substantially similar to the project evaluated in the adopted 2011 PEIR. Similar to the approved project, the proposed project involves constructing medium density residential on the project site which is substantially similar to the development area analyzed in the 2011 PEIR, which involved constructing medium-high density residential. The analysis contained in the Initial Study demonstrated that there are no substantial changes proposed in the project which would result in any new significant environmental effects or a substantial increase in the severity of previously identified significant effects. There is no new information of substantial importance which was not known for the 2011 PEIR, and no new mitigation measures are necessitated by new impacts. The applicant will remain obligated to comply with all applicable mitigation measures and conditions of approval contained within the EIR.

Recommendation

The proposed project is in line with the vision of the Specific Plan by proposing to create a livable residential development designed with connectivity to existing and proposed developments in the neighborhood of Bayside Newark. Thus, staff recommends approval of this proposed residential development.

Update – On August 28, 2018, the Planning Commission approved Resolution Numbers 1966, 1967, 1968, and 1969 which recommended that the City Council approve the Rezoning, Vesting Tentative Tract Map 8459, the Planned Development Plan, and the addendum to the Dumbarton Transit Oriented Development Specific Plan Environmental Impact Report and certifying that the previously approved EIR addresses all the impacts of the proposed development.

Action – It is recommended that the City Council, via motion, approve the following:

- (1) Introduce an ordinance amending Title 17 (Zoning) of the Newark Municipal Code Section 17.03.020 “Official Zoning Map And District Boundaries” by rezoning all that real property shown on the Vesting Tentative Map 8459 from Business and Technology Park (BTP) to Residential Medium Density with Form Based Code (RM-FBC) and Planned Development Overlay District (PD) APN 092-0115-005-02
- (2) By resolution approve, TTM-18-19, a Vesting Tentative Tract Map 8459 to allow construction of a 138-unit residential project on a 9.97-acre site located at 8610 Enterprise Drive (APN 092-0115-005-2);
- (3) By resolution approve, P-18-20, a Planned Development Plan to allow construction of a 138-unit residential project on a 9.97-acre site located at 8610 Enterprise Drive (APN 092-0115-005-2);
- (4) By resolution approve, E-18-18, an addendum to the Dumbarton Transit Oriented Development Specific Plan Environmental Impact Report and certifying that the previously approved EIR (State Clearinghouse Number 2010042012) addresses all the impacts of the proposed Compass Bay development (138 residential units);
- (5) By resolution, authorize the Mayor to sign a Community Financing Agreement TH Willow Newark Investors, LLC regarding provision of certain public facilities and services for the Dumbarton Transit Oriented Project Specific Plan.

Attachments

- Exhibit A: Initial Study/Addendum to the Dumbarton Transit Oriented Development Specific Plan Environmental Impact Report (State Clearinghouse Number 2010042012)
- Exhibit B: Plan Set for proposed residential development
- Exhibit C: Plan Set for proposed monument signs
- Exhibit D: Community Financing Agreement

ORDINANCE NO.

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEWARK AMENDING TITLE 17 (ZONING) OF THE NEWARK MUNICIPAL CODE SECTION 17.03.020 "OFFICIAL ZONING MAP AND DISTRICT BOUNDARIES" BY REZONING ALL THAT REAL PROPERTY SHOWN ON THE VESTING TENTATIVE MAP 8459 FROM BUSINESS AND TECHNOLOGY PARK (BTP) TO RESIDENTIAL MEDIUM DENSITY WITH FORM BASED CODE (RM-FBC) AND PLANNED DEVELOPMENT OVERLAY DISTRICT (PD) APN 092-0115-005-02

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

Section 1: Pursuant to Section 17.39.080 of Title 17 (Zoning) of the City of Newark Municipal Code, the City Council of the City of Newark does hereby find that the zoning change embodied in this ordinance is necessary and desirable to achieve the purposes of Title 17 (Zoning) of the Newark Municipal Code; is consistent with the policies, goals, and objectives of the General Plan; and promotes the public health, safety, morals, comfort, convenience, and general welfare of the residents of the City of Newark.

Section 2: Title 17 (Zoning) and Section 17.03.020 "Official Zoning Map and District Boundaries" thereof, being the City of Newark Zoning Ordinance, are hereby amended by rezoning and redistricting the territory in the City of Newark, County of Alameda, State of California:

From Business and Technology Park (BTP) to Residential Medium Density with Form Based Code (RM-FBC) and Planned Development Overlay District (PD) hereinafter described as follows:

All that portion of real property shown on Vesting Tentative Map 8459 in the City of Newark, County of Alameda, State of California as shown on Exhibit B, attached hereto and incorporated herein by reference;

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.

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
NEWARK APPROVING TTM-18-19, VESTING TENTATIVE
TRACT MAP 8459 TO ALLOW CONSTRUCTION OF A 138-
UNIT RESIDENTIAL PROJECT ON A 9.97-ACRE SITE
LOCATED AT 8610 ENTERPRISE DRIVE (APN 092-0115-005-
2)

WHEREAS, TH Willow Newark Investors LLC has submitted TTM-18-19, Vesting Tentative Tract Map 8459, to the City of Newark with subdivision and zoning variances covered by P-18-20, a Planned Development Plan, to allow construction of a 138-unit residential project (Compass Bay) on an approximately 9.97-acre site within the Dumbarton Transit Oriented Development Specific Plan area located at 8610 Enterprise Drive (APN: 092-0115-005-02).

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Newark does hereby approve TTM-18-19, Tentative Tract Map 8459 covered by P-18-20, Planned Development Plan, as shown on Exhibit B, pages 1 through 62 and made part hereof by reference, subject to the following conditions:

- a. Approval of TTM-18-19, a Vesting Tentative Tract Map 8459 shall be effective at such time RZ-18-17, the Rezoning of the property within the boundary of the Vesting Tentative Tract Map 8459, takes effect.
- b. All lighting shall be directed on-site so as not to create glare off-site, as required by the Community Development Director.
- c. Construction site trailers and buildings located on-site shall be used for office and storage purposes only, 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.
- d. Measures to respond to and track complaints pertaining to construction noise shall include: (1) a procedure and phone numbers for notifying the City of Newark Building Inspection Division and Newark Police Department (during regular construction hours and off-hours); and (2) a sign posted on-site pertaining to the permitted construction days and hours and complaint procedures and who to notify in the event of a problem. The sign shall also include a listing of both the City and construction contractor's telephone numbers (during regular construction hours and off-hours).
- e. AC units shall not be placed in front or street side yard and if placed in any other location that makes it visible to public view, shall be properly screened with solid material.
- f. The project shall be subject to the environmental mitigation measures as described in the Dumbarton TOD Specific Plan Environmental Impact Report.
- g. The site and its improvements shall be maintained in a neat and presentable condition, to

the satisfaction of the Community Development Director. This shall include, but not be limited to, repainting surfaces damaged by graffiti and site clean-up. Graffiti removal/repainting and site cleanup shall occur on a continuing, as needed basis. Any vehicle or portable building brought on the site during construction shall remain graffiti free.

- h. 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.
- i. Color elevations shall be submitted by the applicant as part of this application to be reviewed and approved by the Planning Commission and City Council. The building elevations shall reflect all architectural projections such as roof eaves, bay windows, greenhouse windows, chimneys and porches. A site plan showing the building locations with respect to property lines shall also show the projections. Said elevations shall specify exterior materials. Any minor changes shall be submitted for the review and approval of the Community Development Director to assure consistency with the approved project.
- j. Prior to the issuance of a building permit, any change to the floor plans as submitted by the applicant as part of this application shall be reviewed and approved by the Planning Commission and City Council. Any minor changes shall be submitted for the review and approval of the Community Development Director to assure consistency with the approved project.
- k. Prior to the issuance of a building permit, the roof material as submitted by the applicant as part of this application shall be reviewed and approved by the Community Development Director. All roof material shall consist of fire retardant shake roof, concrete tile, or a roof of similar noncombustible material. Mansard roofs with the above material may be used to screen tar and gravel roofs. All roofs shall be of Class C fire resistant construction or better. Composition shingles shall be Presidential-style or of comparable quality, subject to the review and approval of the Community Development Director.
- l. Prior to the issuance of a building permit, the project shall be submitted for the review and approval of Republic Services and the Community Development Director, in that order. The appropriate garbage, refuse and recycling service shall be approved prior to the issuance of a Certificate of Occupancy, as required by the Community Development Director. No refuse, garbage or recycling shall be stored outdoors except within the approved trash and recycling containers.
- m. 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. 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.

- n. Prior to issuance of a grading permit, the applicant shall hire a qualified biologist to: (1) determine if occupied 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 occupied 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.
- o. During project construction, if historic, archeological or Native American materials or artifacts are identified, work within a 50-foot radius of such find shall cease and the City shall retain the services of a qualified archeologist and/or paleontologist to assess the significance of the find. If such find is determined to be significant by the archeologist and/or paleontologist, a resource protection plan conforming to CEQA Section 15064.5 shall be prepared by the archeologist and/or paleontologist and approved by the Community Development Director. The plan may include, but would not be limited to, removal of resources or similar actions. Project work may be resumed in compliance with such plan. If human remains are encountered, the County Coroner shall be contacted immediately and the provisions of State law carried out.
- p. There shall be no Accessory Dwelling Units (including Standard Accessory Dwelling Units or Junior Accessory Dwelling Units) allowed.
- q. There shall be no short term rentals allowed.
- r. There shall be no individual swimming pools allowed.
- s. Prior to their installation, mailbox locations and designs shall be approved by the Community Development Director and Newark Postmaster, in that order. The mailbox compartments of centralized mailboxes shall identify the individual dwelling units with permanent, easily legible lettering.
- t. The covenants, conditions and restrictions (CC&Rs) filed for this development shall include a provision requiring that garages shall only be used for automobile parking.
- u. Prior to the issuance of a Certificate of Occupancy, roll-up garage doors with automatic garage door openers shall be provided for each unit.
- v. Prior to final inspection and utility release for each unit, the applicant shall pre-wire each

unit for satellite and cable television connections, as required by the Community Development Director. The exterior connections for the pre-wire shall be made to the roof and not on the side elevation walls of the units.

- w. 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 for the review and approval of the Community Development Director.
- x. Prior to the issuance of a building permit, any proposed fence details shall be submitted for the review and approval of the Community Development Director. This shall also include the proposed fence along the perimeter of southern easement on railroad property.
- y. Prior to the issuance of a Certificate of Occupancy, the parking areas, aisles and access drives shall be installed and striped as shown on the approved site plan. Guest parking spaces shall be clearly marked as reserved for guests, as approved by the Community Development Director.
- zu. Parking lot cleaning with sweeping or vacuum equipment shall not be permitted between 7:00 p.m. and 8:00 a.m.
- aa. Prior to the issuance of a building permit, details of the outdoor recreational amenities such as play structures shall be submitted to the Community Development Director for review and approval.
- bb. Prior to the 100th certificate of occupancy, four (4) community identification monument signs consentient with Exhibit C, pages 1 and 2, will be constructed at each roundabout in the Bayside Area If, in the judgment of the Community Development Director, construction any of the signs is infeasible, fewer signs can be provided.
- cc. Prior to issuance of the first building permit, applicant shall satisfy the Park Impact Fee requirement for this project by demonstrating to the satisfaction of the Community Development Director that it has entered into an appropriate joint park development agreement with the developer of the adjacent property known as "FMC Parcel C" providing for a reimbursement of costs expended for the construction of the 5-acre public park improvements and dedication of the park site. The reimbursement shall be at least equal to the required Park Impact Fee (presently \$25,700 per detached residential unit and \$18,504 per Multifamily Unit) in effect at the time. If in the judgment of the Community Development Director the "FMC Parcel C" project will not be able to construct the 5-acre public park, the amount of the Park Impact Fees must be paid directly to the City.
- dd. Prior to the issuance of each building permit, the applicant shall pay all other applicable Community Development Impact Fees in effect at the time including Public Safety;

Community Services/Facilities; Transportation; Housing; Art in Public Places and Private Development; and Community Development Maintenance Fee.

- ee. Prior to the issuance of the first building permit, Glass Bay Park located at 8333 Enterprise Drive (APN 092 014000500) shall be completed and open for public use.
- ff. Prior to the issuance of a building permit, the developer shall enter into an agreement with the City Council to address Community Services fiscal support of \$2,500 per unit for the Map Area specific to this project.
- gg. Prior to the transfer of title, the applicant shall provide disclosure notices to buyers of individual dwellings in the subdivisions as to all of the conditions of project approval and environmental determination approved for this project. This information shall include, but is not limited to the anticipated commuter rail, as well as the presence of loud train horns using the railroad tracks to the north of the property.
- hh. Prior to the transfer of title for any lot in the development, the applicant shall provide disclosures notices to the buyer as to the possibility of ground borne vibration from trains using the railroad tracks on the north of the subdivision. The method of disclosure shall be subject to review and approval of Community Development Director.
- ii. Prior to occupancy, the applicant shall provide clearance for residential occupancy from Californian Regional Water Quality Board San Francisco Region.

Engineering Division

- jj. The project shall conform to Vesting Tentative Map – Tract 8459, sheets TM-1 through TM-7, and all conditions of approval set forth herein. Approval of the Vesting Tentative Map shall expire according to the provisions of the State Subdivision Map Act and any amendments thereto and applicable provisions of the Newark Municipal Code consistent with the State Subdivision Map Act.
- kk. The development will require approval of final tract maps filed in accordance with the State Subdivision Map Act and the City of Newark Subdivision Ordinance. The final map shall be approved prior to the issuance of any building permits.
- ll. The final map shall designate and/or dedicate emergency vehicle access ways, private vehicle access ways, open space/recreational easements, public utility easements, and other easement as may be required over the common area.
- mm. The final map and complete tract improvement plans shall be submitted to the Engineering Division for review to ensure conformance with relevant codes, policies, and other requirements of the Newark Municipal Code and City of Newark street improvement standards. Prior to approval of the final map, the applicant shall guarantee

all necessary public and private street improvements and other infrastructure improvements within the subdivision and beyond the map boundary as required by the City of Newark Subdivision Ordinance. On-site common areas and all private streets in the development shall be designed and constructed to City standards and shall be included with the tract improvement plans.

- nn. The applicant shall dedicate right-of-way and install complete street improvements for Enterprise Drive, Hickory Street, Seawind Way, and Hickory/Enterprise Roundabout as shown on the Vesting Tentative Map exhibits and as described below:

Enterprise Drive

- i. Enterprise Drive is considered an arterial street with a traffic index of 9.0. During the final map and improvement plan review, the applicant shall submit a detailed geotechnical report providing pavement recommendations for the section between Willow Street and Hickory Street. If the report concludes that the existing pavement section between Willow Street and Hickory Street is adequate for a traffic index of 9.0, then the applicant shall provide a 0.25' thickness of pavement grind and an asphalt pavement overlay over the entire width of Enterprise Drive for that segment. If the report concludes that the existing pavement section between Willow Street and Hickory Street is deficient for a traffic index of 9.0, the project geotech engineer shall provide recommendations for pavement rehabilitation and/or replacement of structural sections on Enterprise Drive to meet the traffic index of 9.0.

If, at the time of final map approval for Tract 8459, another applicant has already provided guarantee(s) or other appropriate improvement security for the full width pavement rehabilitation and/or grind and overlay, the applicant will not be required to perform that portion of the pavement work.

- ii. The applicant shall install complete street improvements for Enterprise Drive between Willow Street and Hickory Street consistent with the improvements shown in the Dumbarton TOD Specific Plan. Improvements include, but are not limited to, installation of 2-12' travel lanes and 5' bike lanes in each direction, a 10' landscape median, curb and gutter, street lights, fire hydrants, sidewalk along the project frontage and landscaping. Installation of the complete street improvements, including any pavement rehabilitation and/or replacement of structural sections for Enterprise Drive, shall be completed prior to the first occupancy of the project.

If, at the time of final map approval for Tract 8459, another applicant has already provided guarantee(s) or other appropriate improvement security for all or a portion of the Enterprise Drive improvements, the applicant will not be required to perform the improvements guaranteed by the other applicant.

Hickory Street

- i. The applicant shall install sidewalk and landscaping improvements along the project frontage on Hickory Street. Sidewalk and landscaping improvements shall be completed prior to the first occupancy of the project.

Seawind Way

- i. The applicant shall abandon the Seawind roadway easement and dedicate the Seawind right-of-way in-fee title on the final map. The applicant shall install sidewalk and landscaping improvements along the project frontage on Seawind Way. Sidewalk and landscaping improvements shall be completed prior to the first occupancy of the project.

Hickory/Enterprise Roundabout

- i. The applicant shall dedicate and construct the ultimate configuration of the Hickory/Enterprise roundabout as shown on the Vesting Tentative Map exhibits. The right-of-way dedication shall be granted to and accepted by the City or an executed Agreement from FMC ensuring future right-of-way dedication shall be provided prior to the Final Map approval. The Hickory/Enterprise roundabout improvements shall be completed prior to the first occupancy of the project.
- oo. The applicant shall repair and/or replace any public and private improvements damaged as a result of construction activity to the satisfaction of the City Engineer.
- pp. A signpost with a sign having an area of at least 15-inches by 21-inches shall be installed at or near each private street entrance. The name of each private street shall be placed on this sign in clearly legible 4-inch letters. The signs shall have painted, in at least 1-inch letters, "Private Property. Not dedicated for public use."
- qq. The connection between private streets and public street shall be by a City of Newark standard driveway or a City-approved modified driveway.
- rr. Prior to the issuance of the initial grading or any building permits for this project, the applicant shall submit a Storm Water Pollution Prevention Plan for the review and approval of the City Engineer. The plan shall include sufficient details to show how storm water quality will be protected during both: (1) the construction phase of the project and (2) the post-construction, operational phase of the project. The construction phase plan shall include Best Management Practices from the California Storm Water Quality Best Management Practices Handbook for Construction Activities. The specific storm water pollution prevention measures to be maintained by the contractor shall be printed on the plans. The operational phase plan shall include Best Management Practices appropriate to the uses conducted on the site to effectively prohibit the entry of

pollutants into storm water runoff from this site including, but not limited to, trash and litter control, pavement sweeping, periodic storm water inlet cleaning, landscape controls for fertilizer and pesticide applications, labeling of storm water inlets with a permanent thermoplastic stencil with the wording “No Dumping - Drains to Bay,” and other applicable practices.

- ss. 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, sanitary sewer connections for all non-stormwater discharges, minimization of impervious surfaces, and treatment of all runoff with Low Impact Development (LID) treatment measures. A properly engineered and maintained biotreatment system will only be allowed if it is infeasible to implement other LID measures such as harvesting and re-use, infiltration, or evapotranspiration. 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.
- tt. 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.
- uu. In accordance with Provision C.10 of the Regional Water Quality Control Board’s Municipal Regional Permit, storm drain inlet filters shall be installed in all on-site and adjacent off-site storm drain inlets. The storm drain inlet filters shall meet the full trash capture requirements of the San Francisco Bay Regional Water Quality Control Board and shall comply with maintenance and performance requirements of the Mosquito Abatement District. Alternative full trash capture devices such as hydrodynamic separators or pipe screens that meet the requirements of the Regional Water Quality Control Board and Mosquito Abatement District may also be used if approved by the City Engineer.
- vv. Prior to approval of the final map, the applicant's engineer shall submit a pavement maintenance program for the drive aisles and parking areas for the review and approval of the City Engineer. The applicant shall incorporate the program into the required Storm Water Pollution Prevention Plan and Storm Water Treatment Measures Maintenance Agreement.

- ww. The applicant shall submit detailed grading and drainage plans for review and approval by the City Engineer and the Alameda County Flood Control and Water Conservation District. These plans must be based upon a City benchmark and need 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.

Hydrology and hydraulic calculations shall be submitted for review and approval by the City Engineer and the Alameda County Flood Control District prior to approval of the final map(s). The calculations shall show that the City and County freeboard requirements will be satisfied.

- xx. Where a grade differential of more than a 1-foot is created along the boundary lot 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.
- yy. 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.
- zz. Prior to the final map approval or early subdivision grading approval for the project, whichever comes first, the applicant shall submit a supplemental geotechnical report or a design-level geotechnical report further evaluating the liquefaction-induced ground-surface disruption and liquefaction-induced settlement potential. The report shall be reviewed and approved by the City selected peer review consultant. The review fee shall be paid by the applicant per the City's Master Fee Schedule.
- aaa. The type of mitigation measures and/or ground improvement addressing ground-surface disruption potential and/or seismic-induced settlement shall be subject to review and approval by the City Engineer.
- bbb. Prior to final map approval, the applicant shall apply for and receive approval of a conditional letter of map revision based on fill (CLOMR-F) from the Federal Emergency Management Agency. The CLOMR-F shall be based upon the grading plan for the

project and shall conclude that lots proposed to have structures for human occupancy will be removed from the special flood hazard area.

- ccc. Prior to occupancy of any buildings within the special flood hazard area, the applicant shall apply for and receive approval of a letter of map revision based on fill (LOMR-F) from the Federal Emergency Management Agency. The LOMR-F shall be based upon the as-built grades of the building pads and shall determine that the pads are no longer within the special flood hazard area.
- ddd. The Preliminary Utility Plan includes a water supply system and sanitary sewer system layout that are subject to review and approval by Alameda County Water District (ACWD) and Union Sanitary District (USD), respectively. Any necessary site and utility design changes necessary to satisfy ACWD and USD design requirements shall be the applicant's responsibility.
- eee. As a benefited property within the Dumbarton TOD for the waterline extension on Willow Street, the applicant shall pay its pro-rata benefit cost as outlined in the Waterline Agreement prior to final map approval. If the applicant pays its pro-rata benefit cost based on the waterline extension estimated cost, the applicant shall pay a supplemental reimbursement for the difference between actual cost and estimate cost after receipt of the actual cost is provided.
- fff. All existing overhead utilities within the development and along the fronting street rights-of-way to the centerline of the street shall be undergrounded to the nearest riser beyond the development's limits in accordance with the City of Newark Subdivision Standards. Undergrounding shall include all existing and proposed service drops.
- ggg. Any proposed utility connections and/or underground work within structurally sound street pavement must be bored or jacked. Open street cuts will not be permitted unless a pavement overlay is proposed for the disturbed area as directed by the City Engineer.
- hhh. 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. Electrical transformers shall be installed in underground vaults with an appropriate public utility easement or within the public right-of-way.
- iii. Dry utility boxes, with the exception of street light boxes, shall not be placed in the landscape planter strips adjacent to the roadway.
- jjj. The joint trench plan shall be submitted by the applicant with the first tract improvement plan check and approved prior to final map approval.
- kkk. The applicant shall request Pacific, Gas & Electric Co. to commence with the design of

the underground utility improvements for the proposed development immediately following approval of the tentative map.

- lll. Street lighting for public and private streets shall have sufficient power and spacing to provide a minimum maintained foot-candle level of 0.12.
- mmm. Prior to issuance of a Certificate of Occupancy or release of utilities for any building, vehicle access ways and parking facilities serving said building shall be paved in accordance with the recommendation of a licensed engineer based on a Traffic Index of 5.0 and striped as shown on the approved plans.
- nnn. Prior to issuance of a Certificate of Occupancy or release of utilities for each dwelling unit, the on-site drive aisles 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 and 0.3% for Portland cement concrete surfaces.
- ooo. The applicant shall incorporate a Homeowner's Association consisting of all property owners of lands in the development at the time of incorporation and in the future for the purpose of maintaining the association's property, common drive aisles, parking facilities, stormwater treatment facilities, and landscaping, including landscaping in adjacent public rights-of-way, and for paying for security lighting, any common garbage collection services, any security patrol services, if provided, and other functions of a Homeowner's Association. All common areas within the development shall be owned and maintained by the Homeowner's Association. Each property owner shall automatically become a member of the association and shall be subject to a proportionate share of the maintenance expenses. The Homeowner's Association shall be incorporated prior to the sale of any individual lots and/or prior to acceptance of tract improvements, whichever occurs first.
- ppp. Prior to City Council approval of the final map(s), the bylaws governing the property owners' association(s) and any declaration of covenants, conditions and restrictions (CC&Rs) filed for this development shall be reviewed and approved by the City Council at its discretion after mandatory review and recommendations by the City Attorney. Said covenants, conditions and restrictions shall be prominently displayed in the project sales office at all times. Approval of the covenants, conditions and restrictions shall not make the City a party to enforcement of same. The CC&Rs shall apply equally to both owners and renters. The CC&Rs shall be written to require renters to comply with the regulations of the CC&Rs, and a copy of the CC&Rs shall be given to each renter. The CC&Rs shall be written to allow less than a majority of owners to have pavement or landscape maintenance done and the cost thereof assessed to all owners in the project. The CC&Rs shall include a pavement maintenance program for on-site pavement.
- qqq. The Homeowner's Association CC&Rs shall prohibit the on-site parking of non-self-

propelled recreational vehicles, including boats, and any self-propelled recreational vehicles not used for transportation unless separate storage facilities are provided. The CC&Rs shall regulate the provision of any on-site parking of self-propelled recreational vehicles used for transportation.

- rrr. The applicant shall also assist the Homeowner's Association by having a management consultant firm review the maintenance and operating functions of the association. The management consulting firm shall be responsible to prepare a written report with recommendations to the association for managing the association's obligations and setting initial monthly assessment costs for each lot in the development. Membership and assessment cost shall be mandatory for all property owners of property in the development and shall run with the land. The applicant shall pay all costs of incorporation and initial management review and reports.
- sss. The Homeowner's Association shall be responsible for trash and litter control and sweeping of all private streets within the development. All private storm drain systems and all associated trash capture devices shall be cleaned on a regularly scheduled basis as detailed in the required Stormwater Treatment Measures Maintenance Agreement.
- ttt. The Homeowner's Association shall be required to contract with a professional management firm to handle all necessary maintenance operations. Documentation of such contract shall be submitted to the City of Newark. All commonly owned facilities shall be properly maintained in a manner consistent with the CC&Rs and project requirements.
- uuu. The following language shall be included in the CC&Rs:

Rights of City: Notwithstanding anything to the contrary in this Master Declaration, no amendment hereto which deals with any of the following matters shall be effective without the prior written consent of the Director of the City's Community Development Department, such consent not to be unreasonably withheld: (i) Any amendment, the design or purpose of which is to eliminate an obligation of the Association to maintain, manage and repair the Master Common Property all Improvements therein or to lower the standards for maintaining and repairing such Master Common Property and Improvements; (ii) Any amendment with regard to the fundamental purpose for which the Project was created (e.g., a change from residential use to a different use);(iii) Any amendment to Sections...(list sections required by condition of approval), and all defined terms therein, each of which were required as a condition of approval for the Project.(note: will need to define "Project.")

Enforcement by City: If the Association or any Owner (as the case may be) fails to Maintain the Common Area or any Improvement, or if the Association fails to enforce any of the provisions, listed in Section XXX (Rights of City), the City, as an intended third party beneficiary of the provisions of this Master Declaration, shall have the right,

but not the duty, to compel performance of such provisions in any manner provided by law or in equity and in any manner provided in this Master Declaration.

- vvv. The applicant shall ensure that a water vehicle for dust control operations and a pick-up or vacuum type street sweeper to remove tracked dirt and debris from adjacent streets is kept readily available at all times during construction at the City Engineer's direction.
- www. 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.

These measures shall be incorporated into the grading specifications as well as the best management practices of the storm water pollution prevention plan, and shall be implemented to the satisfaction of the City Engineer.

- xxx. The applicant shall enter into a Landscape Maintenance Agreement to ensure the perpetual maintenance of all common front yard, side yard, back-up area landscaping, and adjacent roadway planter strips within the development by the Homeowner's Association. This agreement shall run with the land and be binding upon all future owners or assigns. Any and all necessary easements shall be dedicated over individual lots to allow for the perpetual access and maintenance of landscaping. The full extent of landscape

maintenance shall be determined with the future landscape improvements plans and detailed in said agreement. Landscaping by the City at the expense of the Homeowner's Association in these areas will only occur in the event the City Council deems the Homeowner's Association maintenance to be inadequate. Project perimeter walls and adjoining landscaped areas shall be included in a dedicated landscape easement to guarantee adequate maintenance of the walls.

The City of Newark shall be provided with subordinate agreements to ensure that the position of the landscaping maintenance lien shall be superior to any liens or encumbrances other than taxes.

- yyy. Prior to the approval of the final map, the applicant shall petition the City Council to participate in an active Landscaping and Lighting District for the perpetual maintenance of median landscaping and lighting systems on Enterprise Drive, roundabout landscaping, any public stormwater treatment and storm drain delivery systems including trash capture devices, all public street trees, and all street lighting systems. Maintenance activities will be performed by the City of Newark or its contractors through the Landscaping and Lighting District. All property owners within the tentative map boundary shall be assessed annually in accordance with requirements established with the Landscaping and Lighting District. The applicant shall deposit sufficient funds for the City to hire a consultant to prepare the Engineer's Report, which shall be approved by the City Council. Prior to issuance of a Certificate of Occupancy, the City Council shall adopt a resolution for the annexation into an assessment district. The applicant shall record an indenture advising all prospective property owners in the project that their properties are included in a Landscaping and Lighting District for maintenance of landscaping, lighting, and related improvements installed as part of the project.
- zzz. Prior to Final Map approval, street names shall be reviewed, approved, and shown on the Final Map. The street names shall be unique and in keeping with the theme of the development. A unique street name is defined as one which does not duplicate or is similar (i.e. such as in pronunciation or spelling) to any existing/reserved street names located in the Cities of Newark, Fremont, and Union City.
- aaaa. During the final phases of the Final Map review and prior to Building Permit submittal for the individual lots, including submittals for the construction of model homes, subdivision site addresses shall be reviewed and issued.
- bbbb. The applicant shall provide digital submittals of final maps and improvement plans in a format approved by the City prior to Final Map approval. The CAD work must be prepared consistent with the City of Fremont Digital Submittal Requirements.
- cccc. The applicant shall provide electronic copies and one mylar set of as-built tract improvement plans prior to tract acceptance.

Landscape Division

- dddd. All maintenance of common areas, common area facilities, site frontage areas, and all red curbing within the development shall be maintained by the required homeowner's association. The applicant shall enter into a Landscape Maintenance Agreement prior to approval of the final map. The agreement shall run with the land and be binding to the homeowners association as successors.
- eeee. The applicant shall retain a licensed landscape architect to prepare working drawings for all frontage area and common area landscape improvements in accordance with City of Newark requirement and the State of California Model Water Efficient Landscape Ordinance. The landscape plans shall be included with the first tract improvement plan set. The landscape plans shall be concurrently approved with the tract improvement plans and Final Map.
- ffff. The applicant shall implement Bay Friendly Landscaping Practices in accordance with Newark Municipal Code, Chapter 15.44.080. Prior to the approval of the final map, the applicant shall provide sufficient information to detail the environmentally-conscious landscape practices to be used on the project.
- gggg. All street trees shall be a minimum of 24-inch box specimens. All plant replacements shall be an equal or better standard than originally approved subject to approval by the City Engineer.
- hhhh. Landscaping and irrigation systems shall be installed on Enterprise Drive and the roundabouts prior to the first occupancy of the project.
- iiii. Prior to the release of utilities or issuance of any Certificate of Occupancy, all landscaping and irrigation systems on the lot and the lot frontage areas shall be complete. Cash deposit to guarantee remainder of the work can be accepted subject to the City Engineer approval.
- jjjj. Stormwater treatment facilities and associated infrastructure shall be installed and operational prior to the first occupancy of the project. A certification by a licensed civil engineer and/or licensed landscape architect certifying that the stormwater treatment facilities and associated infrastructure were installed and are operating properly shall be submitted to the City and approved by the City Engineer.

Building Division

- kkkk. Construction for this project, including site work and all structures, can occur only between the hours of 8:00 AM and 7:00 PM, Monday through Saturday and between the hours of 10:00 AM and 6:00 PM on Sundays and holidays. 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.

llll. Each building shall be equipped with a fully automatic fire sprinkler system.

mmmm. This project will require the payment of school developer fees. School developer fees are assessed and collected by the Newark Unified School District

Fire Division

nnnn. All the homes shall be equipped with automatic fire sprinkler system.

oooo. The proposed trees shall not impede into fire access roads and in case of any event where it does, the applicant shall work with County fire to relocate any trees that impede the fire access roads.

pppp. Since building 69 will be over 30 feet high at least one of the required access routes shall be located within a minimum of 15 feet and a maximum of 30 feet to one entire side of the building. The designated fire access route on Enterprise Drive shall be between 15 feet to 30 feet of building 69.

General

qqqq. 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.

rrrr. If any condition of this Vesting Tentative Tract Map be declared invalid or unenforceable by a court of competent jurisdiction, this planned unit development and conditional use permit shall terminate and be of no force and effect, at the election of the City Council on motion.

ssss. 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.

- tttt. In the event that any person should bring an action to attack, set aside, void or annul the City's approval of RZ-18-17, TTM-18-19, P-18-20, and E-18-18, the applicant shall defend, indemnify and hold harmless the City and/or its agents, officers and employees from any claim, action, or proceeding against the City and/or its agents, officers and employees with separate counsel reasonably selected by the City and reasonably approved by the applicant. Applicant's obligation to defend, indemnify and hold harmless the City and/or its agents, officers and employees shall be subject to the City's compliance with Government Code Section 66474.9.

- uuuu. 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.

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
NEWARK APPROVING P-18-20, A PLANNED
DEVELOPMENT PLAN TO ALLOW CONSTRUCTION OF A
138-UNIT RESIDENTIAL PROJECT ON A 9.97-ACRE SITE
LOCATED AT 8610 ENTERPRISE DRIVE (APN 092-0115-005-
02)

WHEREAS, TH Willow Newark, LLC., has filed with the City of Newark an application for a Planned Development Plan for a 138-unit residential project on a 9.97-acre site located at 8610 Enterprise Drive; and

PURSUANT to the Newark Zoning Ordinance Section 17.31.060, a public hearing notice was published in The Tri-City Voice on October 23, 2018 and mailed as required, and the City Council held a public hearing on said application at 7:30 p.m. on November 8, 2018 at the City Administration Building, 37101 Newark Boulevard, Newark, California; and

WHEREAS, pursuant to Chapter 17.12 (Planned Development Overlay District), Section 17.12.060 (Required Findings) of Newark Zoning Ordinance, the City Council hereby makes the following findings:

- A. The proposed development is consistent with the General Plan and any applicable specific plan, including the density and intensity limitations that apply;
- B. Adequate transportation facilities and public services exist or will be provided in accord with the conditions of development plan approval, to serve the proposed development; and the approval of the proposed development will not result in a reduction of traffic levels of service or public services so as to be a detriment to public health, safety, or welfare;
- C. The proposed development will not have a substantial adverse effect on surrounding land uses and will be compatible with the existing and planned land use character of the surrounding area;
- D. The development generally complies with applicable adopted design guidelines;
- E. The proposed development is demonstratively superior to the development that could occur under the standards applicable to the underlying base district, and will achieve superior community design, environmental preservation and/or substantial public benefit.

NOW, THEREFORE, BE IT RESOLVED that the City Council does hereby recommends the City Council approve this application as shown on Exhibit B, pages 1 through 62, subject to compliance with the following conditions:

Planning Division

- a. All applicable conditions listed in City Council Resolution No. _____, dated November 8, 2018, approving TTM-18-19, a Vesting Tentative Tract Map 8459 for a 138-unit residential development (Compass Bay) on a 9.97-acre site located at 8610 Enterprise Drive.
- b. If any condition of this Planned Development Plan be declared invalid or unenforceable by a court of competent jurisdiction, this planned unit development and conditional use permit shall terminate and be of no force and effect, at the election of the City Council on motion.

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWARK APPROVING AN ADDENDUM TO THE DUMBARTON TRANSIT ORIENTED DEVELOPMENT SPECIFIC PLAN ENVIRONMENTAL IMPACT REPORT AND CERTIFYING THAT THE PREVIOUSLY APPROVED EIR (STATE CLEARINGHOUSE NUMBER 2010042012) ADDRESSES ALL THE IMPACTS OF THE PROPOSED 'COMPASS BAY' DEVELOPMENT (138-RESIDENTIAL UNITS)

WHEREAS, the City of Newark certified the Dumbarton Transit-Oriented Development Specific Plan Environmental Impact Report (State Clearinghouse Number 2010042012) (Specific Plan EIR), adopted a statement of overriding considerations for the significant and unavoidable impacts identified therein, and approved a mitigation monitoring and reporting program on September 8, 2011; and

WHEREAS, the proposed Rezoning (RZ-18-17), Planned Development Plan (P-18-20), Vesting Tentative Tract Map (TTM-18-19) concerning the development of property within Dumbarton Transit-Oriented Development Specific Plan, and the proposed development is within the residential density limit analyzed by the Environmental Impact Report (State Clearinghouse Number 2010042012); and

WHEREAS, pursuant to the requirements of the California Environmental Quality Act (CEQA), an initial study and an Addendum to the Dumbarton Transit Oriented Development (TOD) Specific Plan Program Environmental Impact Report (PEIR) (SCH No. 2010042012) has been prepared for the Project, pursuant to Section 15070 *et seq.* of the CEQA Guidelines, to analyze and mitigate the Project's potentially significant environmental impacts; and

WHEREAS, through this study, it has been determined that the Project does not result in any new significant impacts and the conclusions in the 2011 Environmental Impact Report remain unchanged; and

WHEREAS, on November 8, 2018 the City Council of the City of Newark conducted a duly noticed public hearing to consider the Initial Study and Addendum of environmental impacts for the proposed Project, considered all public testimony, written and oral, presented at the meeting; and received and considered the written information and recommendation of the staff report for the November 8, 2018 meeting related to the proposed Project.

NOW, THEREFORE, the City Council of the City of Newark finds and resolves the following:

1. The Initial Study and corresponding Addendum of environmental impacts and said mitigation measures contained within the same would avoid the effects or mitigate the effects to a point where clearly no significant effect on the environment would occur; and
2. There is no substantial evidence in light of the whole record before the City of Newark that the project may have a significant effect on the environment; and
3. The City Council has read and considered the Initial Study and the Addendum and the comments thereon, and has determined the Initial Study and the Addendum reflect the independent judgment of the City and were prepared in accordance with CEQA; and
4. The Initial Study and the Addendum (including any revisions developed under 14 C.C.R § 15070(b)), all documents referenced in the same, and the record of proceedings on which the City Council decision is based is are located in the Community Development Department at City Hall for the City of Newark, located at 37101 Newark Blvd, California, and are available for public review.

NOW, THEREFORE, based on the evidence and oral and written testimony presented at the public meeting, and based on all the information contained in the Community Development Department's files on the project, the City Council approve an addendum to the Dumbarton Transit Oriented Development Specific Plan Environmental Impact Report and certifying that the previously approved EIR addresses all the impacts of the proposed 'Compass Bay' development (138 residential units). The City Council certifies in accordance with CEQA guidelines that:

1. The Initial Study/Addendum (Exhibit A) was prepared in compliance with CEQA and CEQA guidelines;
2. The City Council has reviewed and considered the information contained in the Initial Study/Addendum prior to approving the project;
3. The Initial Study/Addendum adequately describe the project, its environmental impacts, reasonable alternatives and appropriate mitigation measures; and
4. The Initial Study/Addendum reflect the independent judgment and analysis of the City Council.

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
NEWARK AUTHORIZING THE MAYOR TO SIGN A
COMMUNITY FINANCING AGREEMENT WITH TH
WILLOW NEWARK, LLC REGARDING PROVISION OF
CERTAIN PUBLIC FACILITIES AND SERVICES FOR THE
DUMBARTON TRANSIT ORIENTED PROJECT SPECIFIC
PLAN

BE IT RESOLVED by the City Council of the City of Newark that the Mayor of the City of Newark be and is hereby authorized to sign a Community Financing Agreement with TH Willow Newark, LLC., regarding provision of certain public facilities and services for the Dumbarton Transit Oriented Project Specific Plan, said agreement on file in the Office of the City Clerk.

Due to the large size of the files, Item E.1 exhibits will be posted separately.

**F.1 Cancellation of the November 22 and December 27, 2018 City Council meetings –
from City Clerk Harrington. (MOTION)**

Background/Discussion – Newark Municipal Code Section 2.08.010 provides that when a regular meeting of the City Council falls on a day designated by law as a legal or national holiday, there shall be no meeting. The November 22, 2018 regular meeting falls on the Thanksgiving holiday. The December 27, 2018 meeting occurs during the winter furlough. Formally canceling these meetings will allow the City Clerk to notify the public in a timely manner.

Action - It is recommended that the City Council, by motion, cancel the November 22 and December 27, 2018, City Council meetings.

F.2 Acceptance of work with Western Water Features, Inc. for Silliman Aquatic Center Improvements, Project 1104 – from Public Works Director Fajeau. (RESOLUTION)

Background/Discussion – On November 9, 2017, the City Council authorized award of a contract to Western Water Features, Inc. for Silliman Aquatic Center Improvements, Project 1104. The scope of work included replacement of the activity pool play structure, replacement of the open-flume slide, and re-plastering of the lazy river pool, activity pool and lap pool. The project also included related tile, drain, and accessibility improvements as well as extensive electrical and mechanical system infrastructure upgrades. All work on this project is now complete.

Attachment

Action - It is recommended that the City Council, by resolution, accept the work with Western Water Features, Inc. for Silliman Aquatic Center Improvements, Project 1104.

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
NEWARK ACCEPTING THE WORK WITH WESTERN
WATER FEATURES, INC. FOR SILLIMAN AQUATIC
CENTER IMPROVEMENTS, PROJECT 1104

WHEREAS, the City of Newark has entered into a contract with Western Water Features, Inc., pursuant to Resolution No. 10,716, for Silliman Aquatic Center Improvements, Project 1104, in the City of Newark, in accordance with the plans and specifications for the contract; 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.

F.3 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 the previous Compensation Plan – from Human Resources Director Abe. (RESOLUTION)

Background/Discussion – The Schedule of Part-time, Seasonal, and Temporary (PST) Classifications provides a list of hourly wage rates for temporary positions. Due to a scheduled increase in the California minimum wage, this schedule was reviewed to identify recommendations for minimum wage compliance.

As proposed, effective January 1, 2019, the rates for Activity Coordinator, Aquatics Instructor I and II, Customer Service Representative (CSR) and Senior CSR, General Maintenance Worker I, Lifeguard I and Senior Lifeguard, Police Services Aide I, and Recreation Leader I and II will increase by either 50 cents or one dollar per hour. In addition to state minimum wage compliance, these adjustments serve to maintain internal salary relationships based on increasing levels of responsibility and required knowledge. The top of the range for Police Service Aide II is recommended for an adjustment from \$20 to \$25 dollars per hour in recognition of the technical skills, training and extensive background process required. The hourly rate changes are highlighted in yellow in Exhibit A.

Café Worker I and II are renamed to Customer Service Representative and Senior Customer Service Representative. The attached resolution also revokes the previously adopted resolution that established the existing pay schedule (Resolution 10,706).

Action - It is recommended that the City Council, by resolution, adopt the Compensation Plan for certain positions in the Exempt Service Employee Group to amend the Schedule of Hourly Wage Rates for Part-Time, Seasonal, and Temporary (PST) Classifications effective January 1, 2019, and revoke Resolution No. 10,706.

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWARK ADOPTING A COMPENSATION PLAN FOR CERTAIN POSITIONS IN THE EXEMPT SERVICE EMPLOYEE GROUP TO AMEND THE SCHEDULE OF HOURLY WAGE RATES FOR PART-TIME, SEASONAL, AND TEMPORARY (PST) CLASSIFICATIONS EFFECTIVE JANUARY 1, 2019 AND REVOKING RESOLUTION NO. 10,706

BE IT RESOLVED, that the City Council of the City of Newark hereby adopts the Compensation Plan, as attached, for certain positions in the Exempt Service.

EXEMPT SERVICE

Exempt Service for the purposes of this resolution includes Part-Time, Seasonal, and Temporary (PST) Employees.

Employees appointed to exempt positions listed on the PST Schedule of Hourly Wage Rates shall receive an hourly rate between the top and bottom of the range based on the qualifications of the appointee.

BE IT FURTHER RESOLVED that Resolution Number 10,706 is hereby revoked effective January 1, 2019, and if any provisions contained herein are found to be in conflict with provisions of any other resolutions, the provisions herein shall prevail.

EXHIBIT A
City of Newark, CA
PART-TIME, SEASONAL, and TEMPORARY (PST) CLASSIFICATIONS
Schedule of Hourly Wage Rates Effective January 1, 2019

Position	Hourly Rate Range	
	<u>Bottom</u>	<u>Top</u>
Activity Coordinator	13.00	21.00
Aquatics Instructor I	13.50	18.00
Aquatics Instructor II	14.50	25.00
Customer Service Representative	12.00	14.00
Engineering Aide	24.50	34.00
Equipment Operator	21.00	28.00
General Maintenance Worker I	12.00	19.00
General Maintenance Worker II	12.50	22.00
General Maintenance Worker III	20.00	25.00
Inspector	25.00	45.00
Intern	13.00	25.00
Lifeguard I	12.50	16.00
Office Assistant I	15.00	24.00
Office Assistant II	16.50	26.00
Plan Checker	33.50	46.00
Planning Commissioner	75.00 per meeting	
Police Services Aide I*	12.00	15.00
Police Services Aide II*	15.00	25.00
Police Officer Trainee	30.00	
Pool Service Technician	15.00	25.00
Preschool Aide	12.00	17.00
Preschool Instructor	16.50	23.00
Professional Services Specialist	50.00	125.00
Recreation Instructor	13.50	30.00
Recreation Leader I	12.00	14.00
Recreation Leader II	12.50	16.00
Red Light Photo Enforcement Technician	31.62	38.43
Senior Customer Service Representative	13.00	17.00
Senior Lifeguard	16.00	24.00
Special Assistant	15.00	75.00
Sports Official	13.00	30.00

**The Police Services Aide positions receive a yearly \$100 uniform allowance. The allowance is paid in two payments of \$50 each on January 31 and July 31.*

F.4 Approval of partial release and replacement of security bonds for Tract 8098, Glass Bay (TH-HW Newark LLC) a 217-unit residential subdivision at 8400 Enterprise Drive – from Senior Civil Engineer Cangco. (RESOLUTION)

Background/Discussion – On December 8, 2016, TH-HW Newark LLC (Trumark Homes), entered into a Subdivision Agreement with the City of Newark to construct improvements associated with Tract 8098, Glass Bay. Glass Bay is a 217-unit residential subdivision at 8400 Enterprise Drive east of Willow Street. TH-NW Newark LLC provided a Performance Bond in the amount of \$7,302,000 and a Materials Bond in the amount of \$3,651,000, both issued by Philadelphia Indemnity Insurance Company, 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. TH-HW Newark LLC has provided bond riders issued by Philadelphia Indemnity Insurance Company for both the Performance and Materials bonds in the amounts of \$1,460,400 and \$730,200, respectively, to guarantee the construction of remaining improvements. The amount of the bond riders is 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 8098, which are limited to minor improvements including the installation of decorative pavement on alleyway pavement within the development, application of striping on roadways within the development as well as the adjacent right-of-way Enterprise Drive, and the installation of street trees and irrigation along roadways within the development and Enterprise Drive.

Ownership of all tract improvements will remain with TH-HW Newark LLC until acceptance of the improvements by the City.

Attachment

Action – It is recommended that the City Council, by resolution approve the partial release and replacement of security bonds for Tract 8098, Glass Bay.

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF NEWARK APPROVING THE PARTIAL RELEASE
AND REPLACEMENT OF SECURITY BONDS FOR
TRACT 8098, GLASS BAY

WHEREAS, TH-HW Newark LLC, the developer of Tract 8098, previously entered into a Subdivision Agreement with the City of Newark dated December 8, 2016 (Resolution No. 10575) to improve said Tract in accordance with plans on file with the City Engineer; and

WHEREAS, the improvements for Tract 8098 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 Philadelphia Indemnity Insurance Company, in the amount of \$7,302,000 for tract improvements (Bond No. PB01798100152) with a bond rider issued by Philadelphia Indemnity Insurance Company in the amount of \$1,460,400.

BE IT FURTHER RESOLVED that the City Council does hereby approve the release and replacement of the original Materials Bond issued by Philadelphia Indemnity Insurance Company, in the amount of \$3,651,000 for tract improvements (Bond No. PB01798100152) with a bond rider issued by Philadelphia Indemnity Insurance Company in the amount of \$730,200.



PHILADELPHIA INSURANCE COMPANIES

A Member of the Tokio Marine Group

Bond Number : **PB01798100152**

ENDORSEMENT

To be attached to and form a part of **Performance and Materials** Bond, issued by the undersigned company, as Surety on behalf of **TH-HW Newark LLC** as Principal, in favor of **City of Newark** as Obligee,

Effective **October 23, 2018**, the Principal and the Surety hereby agree to amend the attached bond as follows:

Performance Bond Reduced to from \$7,302,000 to \$1,460,400
Materials Bond reduced from \$3,651,000 to \$730,200

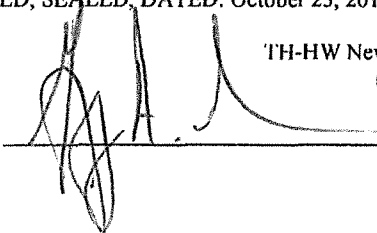
All else remains the same.

Provided that the liability under this endorsement shall be part of, and not in addition to, the liability under the attached Bond, and in no event shall be cumulative.

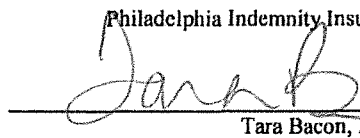
Nothing herein contained shall vary, alter or extend any of the provisions, conditions, or other terms of this bond except as above stated.

SIGNED, SEALED, DATED: October 23, 2018

By:


TH-HW Newark, LLC
(Principal)

By:


Philadelphia Indemnity Insurance Company
(Surety)
Tara Bacon, Attorney In Fact

City of Newark
(Obligee)

By: _____

Obligee: Please sign endorsement and return to our office.

Endorsement Number: **01**

DIRECT CORRESPONDENCE TO:

Philadelphia Insurance Companies, 251 S. Lake Ave., Suite 360, Pasadena, CA 91101
PHONE (626) 639-1326

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT
CIVIL CODE § 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of San Diego)

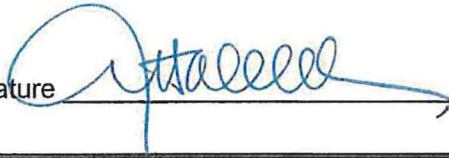
On October 23, 2018 before me, Maria Hallmark, Notary Public
(insert name and title of the officer)

personally appeared Tara Bacon,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing
paragraph is true and correct.

WITNESS my hand and official seal.

Signature



(Seal)



PHILADELPHIA INDEMNITY INSURANCE COMPANY
One Bala Plaza, Suite 100
Bala Cynwyd, PA 19004-0950

Power of Attorney

KNOW ALL PERSONS BY THESE PRESENTS: That PHILADELPHIA INDEMNITY INSURANCE COMPANY (the Company), a corporation organized and existing under the laws of the Commonwealth of Pennsylvania, does hereby constitute and appoint Dale Harshaw, John R. Qualin, Kyle King, Tara Bacon, Patrick M. Stroud, Minna Huovila of BB&T Insurance Services of California, Inc., its true and lawful Attorney-in-fact with full authority to execute on its behalf bonds, undertakings, recognizances and other contracts of indemnity and writings obligatory in the nature thereof, issued in the course of its business and to bind the Company thereby, in an amount not to exceed \$25,000,000.00.

This Power of Attorney is granted and is signed and sealed by facsimile under and by the authority of the following Resolution adopted by the Board of Directors of PHILADELPHIA INDEMNITY INSURANCE COMPANY on the 14th of November, 2016.

RESOLVED: That the Board of Directors hereby authorizes the President or any Vice President of the Company: (1) Appoint Attorney(s) in Fact and authorize the Attorney(s) in Fact to execute on behalf of the Company bonds and undertakings, contracts of indemnity and other writings obligatory in the nature thereof and to attach the seal of the Company thereto; and (2) to remove, at any time, any such Attorney-in-Fact and revoke the authority given. And, be it

FURTHER RESOLVED: That the signatures of such officers and the seal of the Company may be affixed to any such Power of Attorney or certificate relating thereto by facsimile, and any such Power of Attorney so executed and certified by facsimile signatures and facsimile seal shall be valid and binding upon the Company in the future with respect to any bond or undertaking to which it is attached.

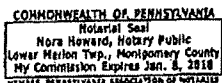
IN TESTIMONY WHEREOF, PHILADELPHIA INDEMNITY INSURANCE COMPANY HAS CAUSED THIS INSTRUMENT TO BE SIGNED AND ITS CORPORATE SEAL TO BE AFFIXED BY ITS AUTHORIZED OFFICE THIS 14TH DAY OF NOVEMBER, 2016.



(Seal)

Robert D. O'Leary Jr., President & CEO
Philadelphia Indemnity Insurance Company

On this 14th day of November, 2016, before me came the individual who executed the preceding instrument, to me personally known, and being by me duly sworn said that he is the therein described and authorized officer of the PHILADELPHIA INDEMNITY INSURANCE COMPANY; that the seal affixed to said instrument is the Corporate seal of said Company; that the said Corporate Seal and his signature were duly affixed.



Notary Public:

residing at:

Bala Cynwyd, PA

(Notary Seal)

My commission expires:

January 8, 2018

I, Edward Sayago, Corporate Secretary of PHILADELPHIA INDEMNITY INSURANCE COMPANY, do hereby certify that the foregoing resolution of the Board of Directors and this Power of Attorney issued pursuant thereto on this 14th day of November, 2016 are true and correct and are still in full force and effect. I do further certify that Robert D. O'Leary Jr., who executed the Power of Attorney as President, was on the date of execution of the attached Power of Attorney the duly elected President of PHILADELPHIA INDEMNITY INSURANCE COMPANY,

In Testimony Whereof I have subscribed my name and affixed the facsimile seal of each Company this 23rd day of October, 2018.



Edward Sayago, Corporate Secretary
PHILADELPHIA INDEMNITY INSURANCE COMPANY

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Contra Costa)

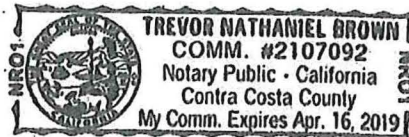
On October 26, 2018 before me, Trevor Nathaniel Brown, Notary Public
(insert name and title of the officer)

personally appeared Gregg Nelson
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Trevor Nathaniel Brown (Seal)



F.5 Approval of the solid waste collection, recycling, and organics services maximum rates for Calendar Year 2019 with an increase of 3.2% over 2018, and updates to the program – from Administrative Analyst Khuu-Seeman. (RESOLUTION)

Background/Discussion – Republic Services, Inc. provides the City of Newark’s solid waste collection, recycling, and organic collection services and BLT Enterprises provides the City’s waste transfer services. The City’s agreements with Republic Services and BLT Enterprises include an annual rate adjustment provision. This annual adjustment is called the index-based adjustment and involves applying prescribed formulas to calculate rate adjustments due to changes in specific indices. These indices include: (1) A Consumer Price Index (CPI) for Garbage and Trash Collection, which was 2.73% for the period between August 2017 and August 2018; (2) A Compressed Natural Gas Service Index, which was -6.10% for the same period; and (3) An increase on the disposal costs at the Fremont Transfer Station (BLT), which is estimated at approximately 2.8% for this rate period.

Maximum rate limits are set annually by the City using the index-based adjustment methodology, with final rates determined by Republic Services. The total proposed rate increase, after applying the current rate indices listed above, is 3.2%. This proposed rate will be effective January 1, 2019. Last year’s rate increase was 3.9%.

The attachment, “New Exhibit L,” shows all of the proposed rates for 2019. The majority of residential households (approximately 75%) subscribe to the 32-gallon cart size and will see an increase of \$1.01 per month. Approximately 33% of commercial customers use a 3-yard bin. For once-a-week pick-up service, the proposed increase is \$10.82 a month. Below is a sample of the difference between the 2018 and 2019 rates:

Service	2018 Rates	2019 Rates	Proposed Increase
Residential 32-Gallon Cart	\$31.55	\$32.56	\$1.01
Residential 64-Gallon Cart	\$55.89	\$57.68	\$1.79
Commercial 3 Yd/ 1 per week	\$338.28	\$349.10	\$10.82
Commercial 2 Yd/ 2 per week	\$488.10	\$503.72	\$15.62

Organics Collection Program. In November 2017, as a result of Assembly Bill 1829 and the Alameda County Waste Management Authority Ordinance 2012-01 Mandatory Commercial Recycling Ordinance which requires that commercial customers divert organic material from the landfill, the City of Newark entered into a Second Amendment to the City’s Franchise Agreement with Republic Services to add commercial organic collection services. Effective January 1, 2018, businesses/institutions that generate food waste (such as restaurants and grocery stores) and multi-family properties (properties with five or more units) were required to sort organic materials (food scraps, compostable paper, etc.) separately from garbage and recycling. Enforcement of this requirement began on July 1, 2018. City staff continues to work closely with Republic Services to discuss program implementation, monthly status updates and enforcement issues.

China's National Sword/Blue Sky Policies. The majority of the United States' recycled material is purchased by China. However, in the last year, the Chinese government has enacted policies that establish extremely low thresholds for contamination of recycled materials. China will no longer accept recycled materials that are deemed contaminated, citing public health and environmental concerns. In essence, this policy has substantially decreased the market for mixed paper and post-consumer plastics. Across the United States, in response to China's policies, some jurisdictions have reduced or even suspended their recycling programs. Due to State (and County) waste diversion requirements, this is not an option for California cities. Locally, Alameda County jurisdictions are working closely with waste haulers/processors to determine the financial impacts of China's new policies.

In addition to the annual index-based rate adjustment, the City of Newark's contract with Republic Services also outlines a cost-based rate adjustment and an extraordinary rate adjustment procedure. The cost-based adjustment involves review of Republic Service's actual cost of operations and operational statistics (such as staffing levels, routes, route hours, etc.) to determine costs and fees. The last five rate adjustments to the City's garbage rates have been part of the annual index-based rate adjustments. However, due to the recent policy changes enacted by the Chinese government, City staff and Republic Services will be analyzing the current recycling rates and the financial impacts to the recycling program as well as exploring a potential cost-based rate adjustment for 2020. Republic Services is obligated under the contract to notify the City of any desired cost-based rate adjustment by March 2019.

Attachments

Action - It is recommended that the City Council, by resolution, establish the maximum limit for rates for solid waste collection, recycling and organics services for Calendar Year 2019 with an increase of 3.2% over 2018.

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
NEWARK ESTABLISHING THE MAXIMUM LIMIT FOR
RATES FOR SOLID WASTE COLLECTION, RECYCLING
AND ORGANICS SERVICES FOR CALENDAR YEAR 2019
WITH AN INCREASE OF 3.2% OVER 2018

WHEREAS, the Agreement between the City of Newark and Allied Waste Services of North America (Republic Services) for the collection of solid waste and recycling services dated January 15, 2013 provides for an annual rate adjustment effective January 1 of each year; and

WHEREAS, the City of Newark entered into an agreement with BLT Enterprises of Fremont, LLC (BLT) on September 27, 2007, for transfer services, which includes provisions for annual rate adjustments effective July 1 of each year; and

WHEREAS, these rate adjustments include a factor for collection costs and disposal costs;

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Newark that, in accordance with the Agreement between the City of Newark and Republic Services for solid waste collection and recycling services dated January 2013 and the Second Amendment dated November 9, 2017 for organics collection, and pursuant to Chapters 8.04 and 8.08, Title 8, of the Newark Municipal Code, and, further, in accordance with the First Amendment to the Service Agreement dated June 30, 2014 and Second Amendment dated July 2018 between the City of Newark and BLT Enterprises of Fremont, LLC., fees and rates for solid waste collection, recycling and organics services shall not exceed that established in Exhibit L attached hereto and incorporated herein by reference, which is made a part hereof as though set forth at length;

BE IT FURTHER RESOLVED that any portion of Resolution No. 10,718 setting maximum for fees and rates for solid waste collection, recycling and organics services is hereby rescinded and that if any provisions contained herein are found to be in conflict with provisions of Resolution No. 10,718 or any other previous resolution, the provisions herein shall prevail.

NEW EXHIBIT L
Maximum Rates Approved by City for Rate Period Six
(Effective January 1, 2019)

All references to Contractor and the Maximum Rates established herein are as a result of City's contract for collection of garbage, recyclables, and organic materials and shall be deemed Maximum Rates as established by City effective January 1, 2018.

A. SINGLE-FAMILY CART SERVICE

Single-Family Customers include single-family premises and each unit of a duplex, triplex, townhouse or condominium which receives individual Cart collection services.

CURBSIDE SERVICES	CONTAINER SIZE			
	20 GAL	32 GAL	64 GAL	96 GAL
(A) Basic Service	\$29.30	\$32.56	\$57.68	\$82.77
(B) Lifeline/Senior Rate	\$24.91	\$27.69	\$49.02	\$70.34
(C) Extra Solid Waste Cart	n/a	\$19.54	\$34.58	\$49.62
(D) Extra Yardwaste Cart	n/a	n/a	\$8.15	n/a
(E) Extra Recyclables Cart	n/a	n/a	\$4.89	n/a

*BACKYARD SERVICES	CONTAINER SIZE			
	20 GAL	32 GAL	64 GAL	96 GAL
(A) Basic Service	\$43.95	\$48.84	\$86.51	\$124.14
(B) Lifeline/Senior Rate	\$37.36	\$41.52	\$73.53	\$105.51
(C) Extra Solid Waste Cart	n/a	\$29.31	\$51.88	\$74.43
(D) Extra Yardwaste Cart	n/a	n/a	\$29.31	n/a
(E) Extra Recyclables Cart	n/a	n/a	\$29.31	n/a

(A) Basic Service

Weekly curbside collection of refuse, recyclables and yard waste in containers provided by the Contractor. Customers may select their level of refuse service according to the container options available. All customers will be issued a 64-gallon container for yardwaste and food scraps collection and a 64-gallon container for recyclables collection.

(B) Lifeline and Senior Rates

Weekly curbside collection of refuse, recyclables and yard waste in containers provided by the Contractor. Customers may select their level of refuse service according to the container options available. All customers will be issued a 64-gallon container for yardwaste and food scraps collection and a 64-gallon container for recyclables collection. These rates will be available for eligible, low-income customers demonstrating that they receive assistance under PG&E's Low Income Rate Payer Assistance program. These rates will also be available for senior citizens, age 65 and above.

(C,D,E) Additional Containers

Customers may subscribe to additional weekly refuse, yard waste or recycling service by requesting one or more extra Carts in the sizes listed above.

*Backyard services are available for an additional cost. Drivers cannot services containers behind locked gates or structures. Disabled residents may apply for an exemption from the additional fee.

NEW EXHIBIT L

Maximum Rates Approved by City for Rate Period Six

B. MULTI-FAMILY CART SERVICE

Multi-Family Customers include any Residential premises (other than Single-Family Premises), which have centralized collection services. Each unit of a duplex, triplex, townhouse or condominium that receives individual collection services is considered a Single-Family Premises and charged Single-Family Rates.

CART SIZE	MATERIAL	COLLECTIONS PER WEEK					
		1X	2X	3X	4X	5X	6X
32-Gallons	Refuse	\$24.79	\$50.57	\$77.34	\$105.10	\$133.87	\$163.61
64-Gallons	Refuse	\$43.87	\$89.51	\$136.89	\$186.05	\$236.95	\$289.59
96-Gallons	Refuse	\$62.96	\$128.45	\$196.46	\$266.98	\$340.01	\$415.58
32-Gallons	Recyclables	\$12.38	\$25.28	\$38.69	\$52.55	\$66.93	\$81.81
64-Gallons	Recyclables	\$21.93	\$44.76	\$68.46	\$93.02	\$118.48	\$144.81
96-Gallons	Recyclables	\$31.49	\$64.23	\$98.24	\$133.50	\$170.00	\$207.78
32-Gallons	Yardwaste	\$18.60	\$37.93	\$58.00	\$78.84	\$100.39	n/a
64-Gallons	Yardwaste	\$32.90	\$67.14	\$102.67	\$139.54	\$177.70	n/a
96-Gallons	Yardwaste	\$47.23	\$96.35	\$147.34	\$200.23	\$255.03	n/a

C. MULTI-FAMILY FRONT-LOAD BIN AND COMPACTOR SERVICE

Multi-Family Customers include any Residential premises (other than Single-Family Premises), which have centralized collection services. Each unit of a duplex, triplex, townhouse or condominium that receives individual collection services is considered a Single-Family Premises and charged Single-Family Rates.

REFUSE BINS*	COLLECTIONS PER WEEK					
	1X	2X	3X	4X	5X	6X
1 cubic yard container	\$131.95	\$269.11	\$411.70	\$559.32	\$712.53	\$870.68
2 cubic yard container	\$246.93	\$503.72	\$674.84	\$1,046.95	\$1,333.39	\$1,629.70
3 cubic yard container	\$349.10	\$650.49	\$952.03	\$1,396.36	\$1,745.44	\$2,094.52
4 cubic yard container	\$457.44	\$859.39	\$1,261.52	\$1,829.75	\$2,287.19	\$2,744.61
6 cubic yard container	\$683.56	\$1,286.66	\$1,889.64	\$2,734.22	\$3,417.78	\$4,101.33
7 cubic yard container	\$784.14	\$1,487.70	\$2,352.40	\$3,136.54	\$3,920.66	\$4,704.80

RECYCLING BINS**	COLLECTIONS PER WEEK					
	1X	2X	3X	4X	5X	6X
1 cubic yard container	\$52.78	\$107.65	\$164.68	\$223.74	\$285.02	\$348.28
2 cubic yard container	\$98.77	\$201.49	\$269.93	\$418.78	\$533.35	\$651.87
3 cubic yard container	\$139.63	\$260.19	\$380.81	\$558.54	\$698.16	\$837.80
4 cubic yard container	\$182.98	\$343.76	\$504.61	\$731.90	\$914.88	\$1,097.84
6 cubic yard container	\$273.43	\$514.66	\$755.85	\$1,093.68	\$1,367.12	\$1,640.53
7 cubic yard container	\$313.67	\$595.07	\$940.96	\$1,254.61	\$1,568.27	\$1,881.92

YARD WASTE BINS**	COLLECTIONS PER WEEK					
	1X	2X	3X	4X	5X	6X
1 cubic yard container	\$98.96	\$201.84	\$308.76	\$419.50	\$534.40	\$0.00
2 cubic yard container	\$185.20	\$377.79	\$506.12	\$785.21	\$1,000.03	\$0.00
3 cubic yard container	\$261.82	\$487.89	\$714.02	\$1,047.26	\$1,309.07	\$0.00

*Customer owned front-load refuse compactors will be charged 2 times the refuse bin rates listed in the above table.

**Customer owned front-load recycling compactors will be charged 50% of the refuse bin rates listed the above table.

NEW EXHIBIT L
Maximum Rates Approved by City for Rate Period Six

D. COMMERCIAL CART SERVICE

CART SIZE	MATERIAL	COLLECTIONS PER WEEK					
		1X	2X	3X	4X	5X	6X
32-Gallons	Refuse	\$24.79	\$50.57	\$77.34	\$105.10	\$133.87	\$163.61
64-Gallons	Refuse	\$43.87	\$89.51	\$136.89	\$186.05	\$236.95	\$289.59
96-Gallons	Refuse	\$62.96	\$128.45	\$196.46	\$266.98	\$340.01	\$415.58
32-Gallons	Recyclables	\$12.38	\$25.28	\$38.69	\$52.55	\$66.93	\$81.81
64-Gallons	Recyclables	\$21.93	\$44.76	\$68.46	\$93.02	\$118.48	\$144.81
96-Gallons	Recyclables	\$31.49	\$64.23	\$98.24	\$133.50	\$170.00	\$207.78
32-Gallons	Yardwaste	\$18.60	\$37.93	\$58.00	\$78.84	\$100.39	n/a
64-Gallons	Yardwaste	\$32.90	\$67.14	\$102.67	\$139.54	\$177.70	n/a
96-Gallons	Yardwaste	\$47.23	\$96.35	\$147.34	\$200.23	\$255.03	n/a

E. COMMERCIAL FRONT-LOAD BIN AND COMPACTOR SERVICE

REFUSE BINS*	COLLECTIONS PER WEEK					
	1X	2X	3X	4X	5X	6X
1 cubic yard container	\$131.95	\$269.11	\$411.70	\$559.32	\$712.53	\$870.68
2 cubic yard container	\$246.93	\$503.72	\$674.84	\$1,046.95	\$1,333.39	\$1,629.70
3 cubic yard container	\$349.10	\$650.49	\$952.03	\$1,396.36	\$1,745.44	\$2,094.52
4 cubic yard container	\$457.44	\$859.39	\$1,261.52	\$1,829.75	\$2,287.19	\$2,744.61
6 cubic yard container	\$683.56	\$1,286.66	\$1,889.64	\$2,734.22	\$3,417.78	\$4,101.33
7 cubic yard container	\$784.14	\$1,487.70	\$2,352.40	\$3,136.54	\$3,920.66	\$4,704.80

RECYCLING BINS**	COLLECTIONS PER WEEK					
	1X	2X	3X	4X	5X	6X
1 cubic yard container	\$52.78	\$107.65	\$164.68	\$223.74	\$285.02	\$348.28
2 cubic yard container	\$98.77	\$201.49	\$269.93	\$418.78	\$533.35	\$651.87
3 cubic yard container	\$139.63	\$260.19	\$380.81	\$558.54	\$698.16	\$837.80
4 cubic yard container	\$182.98	\$343.76	\$504.61	\$731.90	\$914.88	\$1,097.84
6 cubic yard container	\$273.43	\$514.66	\$755.85	\$1,093.68	\$1,367.12	\$1,640.53
7 cubic yard container	\$313.67	\$595.07	\$940.96	\$1,254.61	\$1,568.27	\$1,881.92

YARD WASTE BINS**	COLLECTIONS PER WEEK					
	1X	2X	3X	4X	5X	6X
1 cubic yard container	\$98.96	\$201.84	\$308.76	\$419.50	\$534.40	\$0.00
2 cubic yard container	\$185.20	\$377.79	\$506.12	\$785.21	\$1,000.03	\$0.00
3 cubic yard container	\$261.82	\$487.89	\$714.02	\$1,047.26	\$1,309.07	\$0.00

*Customer owned front-load refuse compactors will be charged 2 times the refuse bin rates listed in the above table.

**Customer owned front-load recycling compactors will be charged 50% of the refuse bin rates listed the above table.

NEW EXHIBIT L
Maximum Rates Approved by City for Rate Period Six

F. COMMERCIAL ORGANIC SERVICES & RATES

REFUSE BINS*	COLLECTIONS PER WEEK					
	1X	2X	3X	4X	5X	6X
1 cubic yard container	\$127.02	\$259.06	\$396.32	\$538.43	\$685.91	\$838.15
2 cubic yard container	\$237.70	\$484.90	\$649.62	\$1,007.84	\$1,283.57	\$1,568.82
32 or 64 Gallon Commercial	\$42.23	\$86.16	\$131.78	\$179.10	\$228.09	\$278.77

G. DROP BOX CONTAINERS AND COMPACTOR SERVICES

DROP BOX SIZES	Tonnage Limit Per Pick-Up*	REFUSE	RECYCLING	YARDWASTE
6 cubic yard Drop Box	2.0	\$464.01	n/a	n/a
14 cubic yard Drop Box	2.0	\$464.01	\$232.00	\$348.00
20 cubic yard Drop Box	3.0	\$586.50	\$293.25	\$439.88
30 cubic yard Drop Box	5.0	\$831.49	\$415.75	\$623.62
40 cubic yard Drop Box	6.0	\$953.99	\$477.00	\$715.50
Excess Tonnage Rate	n.a.	\$122.51	\$73.44	\$73.44

CUSTOMER-OWNED COMPACTORS	Tonnage Limit Per Pick-Up*	REFUSE	RECYCLING	YARDWASTE
6 cubic yard Compactor	1.2	\$403.97	\$202.00	\$302.97
15 cubic yard Compactor	3.0	\$807.96	\$403.97	\$605.97
20 cubic yard Compactor	4.0	\$1,077.27	\$538.63	\$807.96
25 cubic yard Compactor	5.0	\$1,346.58	\$673.30	\$1,009.94
30 cubic yard Compactor	6.0	\$1,615.90	\$807.96	\$1,211.93
35 cubic yard Compactor	7.0	\$1,885.23	\$942.63	\$1,413.91
40 cubic yard Compactor	8.0	\$2,154.55	\$1,077.27	\$1,615.90
Excess Tonnage Rate	n.a.	\$122.51	\$73.44	\$73.44

If tonnage collected is greater than the tonnage limit listed in the above table, contractor may charge for tonnage in excess of the tonnage limit at the per-ton rate specified.

H. CONSTRUCTION AND DEMOLITION DEBRIS BOX SERVICE

DROP BOX SIZES	MATERIAL	BASE RATE PER PICK-UP	PER TON RATE*
6 cubic yard Drop Box	Dirt	\$292.54	\$48.63
6 cubic yard Drop Box	Concrete	\$292.54	\$48.63
14 cubic yard Drop Box	Wood	\$292.54	\$69.48
20 cubic yard Drop Box	Wood	\$292.54	\$69.48
30 cubic yard Drop Box	Wood	\$292.54	\$69.48
40 cubic yard Drop Box	Wood	\$292.54	\$69.48
14 cubic yard Drop Box	Recyclable C&D	\$292.54	\$97.24
20 cubic yard Drop Box	Recyclable C&D	\$292.54	\$97.24
30 cubic yard Drop Box	Recyclable C&D	\$292.54	\$97.24
40 cubic yard Drop Box	Recyclable C&D	\$292.54	\$97.24

*Contractor will charge customer for actual tonnage collected at the per-ton rate listed in the above table.

NEW EXHIBIT L
Maximum Rates Approved by City for Rate Period Six

I. ADDITIONAL SERVICES & RATES

ADDITIONAL SERVICES	RATE
Cost of pre-paid solid waste overage bags	\$11.74
Cost of pre-paid yardwaste overage bags	\$11.74
Extra On-Call Bulky Cleanup (more than three per year)	\$88.12
Cart replacement cost (more than once per year)	\$88.12
Cart delivery/pick-up (more than once per year)	\$58.74
Lost lock per container, per occurrence	\$35.24
Steam cleaning Bin/Cart (charge per visit)	\$146.86
Hourly Trip Charge (if driver must return due to Customer/Generator error, such as failure to place Container at point of Collection before Collection time, overfilled Container, incorrect Container placement, contaminated materials)	\$99.87
Push/pull charge (Per- Mo, Per-50 Ft, Per Cart, Per Pick-up)	\$23.50
Lock/unlock charge (Per- Mo, Per-50 Ft, Per Cart, Per Pick-up)	\$23.50
Extra refuse bin collection (per cubic yard rate per pick-up)	\$29.26
Extra recycling bin collections (per cubic yard rate per pick-up)	\$14.62
Extra yard waste bin collections (per cubic yard rate per pick-up)	\$21.94
Bin Lock Installation (new lock) per container, per occurrence	\$35.24
Overage charges Per-Cubic-Yard Rate, per occurrence	\$11.74
Container relocation charge per container, per occurrence	\$99.87
Push/pull charge (Per- Mo, Per-50 Ft, Per Cart, Per Pick-up)	\$23.50
Lock/unlock charge (Per- Mo, Per-50 Ft, Per Cart, Per Pick-up)	\$23.50
Daily drop box demurrage charge (rental charge if customer keeps Box longer than 7-days without pick-up or return)	\$27.71
Drop box placement charge	\$76.38
Drop box relocation charge	\$99.87
Drop box cancellation service	\$99.87
Drop box overage charge - Refuse (For Each Ton In Excess of Limits)	\$122.51
Drop box overage charge - Recyclables (For Each Ton In Excess of Limits)	\$73.44
Drop box overage charge - Yardwaste (For Each Ton In Excess of Limits)	\$73.44
Restart charge after 120-days late and service reduction	\$35.24
Late charge after 60-days past due	1.50%
Insufficient funds charge	\$35.24

**I.1 Reappointment of Jeff Aguilar to the Planning Commission – from Mayor Nagy.
(RESOLUTION)**

Background/Discussion – Planning Commissioner Jeff Aguilar’s term will expire in December. Commissioner Aguilar has requested a four year reappointment.

Attachment

Action - It is recommended that the City Council, by resolution, approve the reappointment of Jeff Aguilar to the Planning Commission, for a term to expire on December 31, 2022.

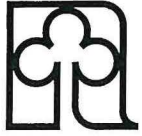
RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
NEWARK APPROVING THE REAPPOINTMENT OF JEFF
AGUILAR TO THE PLANNING COMMISSION

WHEREAS, Jeff Aguilar, hereto appointed members of the Planning Commission, has a term expiring December 31, 2017; and

WHEREAS, the Mayor of the City of Newark has reappointed Jeff Aguilar to said position on the Planning Commission for a term expiring December 31, 2022;

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



City of Newark

MEMO

DATE: October 30, 2018
TO: City Council
FROM: Sheila Harrington, City Clerk *S.A.*
SUBJECT: Approval of Audited Demands for the City Council Meeting of November 08, 2018.

REGISTER OF AUDITED DEMANDS

US Bank General Checking Account

<u>Check Date</u>		<u>Check Numbers</u>	
October 18, 2018	Page 1-2	115994 to 116054	Inclusive
October 26, 2018	Page 1-2	116055 to 116113	Inclusive



City of Newark

MEMO

DATE: October 30, 2018

TO: Sheila Harrington, City Clerk

FROM: Krysten Lee, Finance Manager

A handwritten signature in blue ink, likely belonging to Krysten Lee, Finance Manager.

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

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

1

Final Disbursement List. Check Date 10/18/18, Due Date 10/29/18, Discount Date 10/29/18. Computer Checks.
Bank 1001 US BANK

MICR Check#	Vendor Number	Payee	Check Date	Check Amount	Description
115994	3703	ALAMEDA COUNTY HOUSING AND COMMUNITY DEV	10/18/18	750.00	MCC ADMIN FEE 2018
115995	284	ALAMEDA CO. ITD FINANCE	10/18/18	685.82	RADIO REPAIR/MAINT
115996	5821	ALL CITY MANAGEMENT SERVICES, INC	10/18/18	7,960.05	CROSSING GUARD SVCS
115997	14	ALPINE AWARDS	10/18/18	697.34	DEPARTMENT AWARDS
115998	11445	ASPEN ENVIRONMENTAL GROUP	10/18/18	800.00	PROFESSIONAL SRVCS
115999	348	AT&T	10/18/18	177.33	ATT TELECOM & T1 TO FS
116000	7275	PETER BEIREIS	10/18/18	57.72	EXPENSE REIMBURSEMENT
116001	23	FRANK BONETTI PLUMBING INC	10/18/18	325.00	PLUMBING MAINTENANCE
116002	6630	BOUND TREE MEDICAL LLC	10/18/18	1,228.34	GLOVES
116003	9888	BUREAU VERITAS NORTH AMERICA INC.	10/18/18	10,700.04	BUILDING INSPECTION PLAN REVIEW SERVICE
116004	11483	CAMPWAY'S TRUCK ACCESSORY WORLD	10/18/18	1,786.82	CAMPER SHELL ALCO
116005	10261	CARBONIC SERVICE	10/18/18	170.45	CARBON DIOXIDE
116006	11541	CEL CONSULTING, INC.	10/18/18	5,763.53	BUILDING INSPECTION PLAN REVIEW SERVICES
116007	11633	COMMERCIAL TREE CARE	10/18/18	425.00	EMERGENCY TREE WORK
116008	11549	CSG CONSULTANTS, INC.	10/18/18	17,145.00	ENGINEERING PLAN CHECK AND INSPECTION SE
116009	10650	ELIZABETH PAGENDARM	10/18/18	6.74	UUT REFUND
116010	10793	LYDIA RAMIREZ	10/18/18	6.50	CLASS REFUND
116011	10793	SARAH HALOG	10/18/18	20.46	CLASS REFUND
116012	10677	DAILY JOURNAL CORPORATION CALIFORNIA NEW	10/18/18	195.00	PUBLISH LEGAL ADS
116013	3728	DEPARTMENT OF JUSTICE ACCOUNTING OFFICE	10/18/18	418.00	FINGERPRINTING FEES
116014	10904	EAST BAY REFRIGERATION	10/18/18	314.59	REFRIGERATOR MAINT
116015	10452	ELECTRONIC INNOVATIONS INC	10/18/18	1,017.94	REPAIR OF PD GATE
116016	310	EQUIFAX INFORMATION SVCS LLC	10/18/18	52.24	CREDIT BUREAU REPORTS
116017	10642	FASTENAL COMPANY	10/18/18	221.87	SIGN RIVETS AND SUPPLIES
116018	153	FOLGERGRAPHICS, INC	10/18/18	1,975.50	PUBLISH CITY NEWSLETTER
116019	313	FREMONT URGENT CARE CENTER	10/18/18	117.00	PRE-EMPLOYMENT/DOT PHYSICALS
116020	11157	JASON GERMANO	10/18/18	200.00	RESERVE UNIF ALLOW
116021	3228	GRAINGER	10/18/18	25.31	BUILDING SUPPLIES
116022	1591	PHILIP H HOLLAND	10/18/18	200.00	RESERVE UNIF ALLOW
116023	7593	BRUCE HOWCROFT	10/18/18	200.00	RESERVE UNIF ALLOW
116024	11130	DANIEL KHAIRY	10/18/18	212.99	EXPENSE REIMBURSEMENT
116025	11301	MYVAN KHUV-SEEMAN	10/18/18	119.74	EXPENSE REIMBURSEMENT
116026	76	LN CURTIS & SONS	10/18/18	246.95	U/B CMT UNIFORMS
116027	80	LYNN PEAVEY COMPANY	10/18/18	227.54	EVIDENCE SUPPLIES
116028	11357	MISSION UNIFORM SERVICE	10/18/18	1,321.27	MATS, TOWELS AND UNIFORMS
116029	11217	ANDREW MUSANTRY	10/18/18	820.03	EXPENSE REIMBURSEMENT
116030	349	PACIFIC GAS & ELECTRIC	10/18/18	2,202.20	STREETLIGHTS AND TRAFFIC SIGNALS
116031	11322	PAPA JOHNS PIZZA	10/18/18	245.00	PIZZAS FOR PARTIES
116032	8813	PROFORCE LAW ENFORCEMENT	10/18/18	1,430.05	TASER SUPPLIES
116033	9337	ELIZABETH DANSIE, M.A., M.F.C.C. PSYCHOL	10/18/18	900.00	PATROL NON POST TRAINING
116034	11573	REYES COCA-COLA BOTTLING LLC.	10/18/18	118.72	CAFE AND PARTY DRINKS
116035	11635	RHOADES PLANNING GROUP, INC.	10/18/18	17,922.19	OLD TOWN SP
116036	5068	SAFEWAY SIGN COMPANY	10/18/18	2,966.21	REGULATORY AND STREET SIGNS
116037	112	WILLE ELECTRICAL SUPPLY CO INC	10/18/18	475.28	LIGHT BULBS
116038	4723	SIERRA DISPLAY INC	10/18/18	2,861.18	PATCHES-NEWARK DAYS BANNERS
116039	10676	SIERRA INSTALLATIONS INC	10/18/18	2,205.00	INSTALL BANNERS - NEWARK DAYS
116040	377	SIMON & COMPANY INC	10/18/18	1,954.28	LEGISLATIVE SERVICES
116041	11660	JESSENNIA TAIMANI	10/18/18	12.86	EXPENSE REIMBURSEMENT
116042	10950	THIRD DEGREE COMMUNICATIONS, INC	10/18/18	525.00	PATROL POST TRAINING
116043	10263	TRACKER SOFTWARE CORP	10/18/18	3,788.00	PUBWORKS SOFTWARE ANNUAL FEE
116044	10948	TRAINING FOR SAFETY, INC.	10/18/18	327.00	REC/COMM POST TRAINING; CLASSES AS1803,

ICS.AP Accounts Payable Release 8.3.0 R*APZCKREG*FDL

By BRETT OEVERNDIEK (BRETT)

Final Disbursement List. Check Date 10/18/18, Due Date 10/29/18, Discount Date 10/29/18. Computer Checks.

Bank 1001 US BANK

MICR Check#	Vendor Number	Payee	Check Date	Check Amount	Description
116045	3930	MUFG UNION BANK, N.A.	10/18/18	50,424.58	2002 COP - INTEREST
116046	688	UNION SANITARY DISTRICT ATTENTION ACCOUN	10/18/18	40,345.99	SEWER SERVICE ANNUAL CHARGE
116047	10998	GARY M SHELDON VBS SERVICES	10/18/18	550.00	BLOOD W/DRAWAL SVC
116048	11651	VERDE DESIGN INC	10/18/18	59,920.75	DESIGN SERVICES FOR CIP #1192 SPORTSFIEL
116049	5623	VERIZON WIRELESS	10/18/18	93.62	GPS TRACKERS
116050	11416	VISION TECHNOLOGY SOLUTIONS LLC HSBC BAN	10/18/18	6,825.00	WEBSITE PROJECT
116051	11629	VICKIE WESCOTT	10/18/18	363.00	RECREATION CONTRACT
116052	5050	WEST COAST ARBORISTS INC	10/18/18	810.00	EMERGENCY TREE WORK
116053	11417	WHOLESALE DISTRIBUTION ALLIANCE	10/18/18	745.80	GOGGLES FOR RETAIL SALES
116054	3245	ZUMAR INDUSTRIES INC	10/18/18	117.11	SIGNS AND HARDWARE
Total				254,720.93	

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Final Disbursement List. Check Date 10/26/18, Due Date 11/05/18, Discount Date 11/05/18. Computer Checks.

Bank 1001 US BANK

MICR Check#	Vendor Number	Payee	Check Date	Check Amount	Description
116055	11539	ACCESS INFORMATION HOLDINGS, LLC.	10/26/18	80.00	SHREDDING SVCS
116056	10223	LEXISNEXIS RISK DATA MANAGEMENT INC BILL	10/26/18	424.20	BACKGROUND CHECKS
116057	11094	ACME AUTO LEASING, LLC	10/26/18	1,909.44	ARMORED VEH LEASE
116058	1774	AIRGAS USA, LLC	10/26/18	62.95	RENTAL TANKS AND EQUIPMENT
116059	3853	COUNTY OF ALAMEDA INTERNAL AUDIT UNIT RI	10/26/18	2,172.50	CITATION PROCESSING FEES - SEPT'18
116060	344	ALAMEDA COUNTY WATER DISTRICT	10/26/18	81.44	CITY WATER USE
116061	284	ALAMEDA CO. ITD FINANCE	10/26/18	1,743.70	RADIO REPAIR/MAINT
116062	9680	BAY CENTRAL PRINTING	10/26/18	70.36	BUSINESS CARDS FOR JR ENGINEER
116063	1513	BURTON'S FIRE INC	10/26/18	150.92	FLEET PARTS FIRE
116064	7898	CALIFORNIA DIESEL & POWER	10/26/18	425.00	GENERATOR REPAIRS
116065	33	CENTRAL TOWING & TRANSPORT LLC	10/26/18	260.00	FLEET TOWING
116066	11563	CENTRAL VALLEY TOXICOLOGY, INC.	10/26/18	422.00	LAB TESTS
116067	9572	ELSA CERVANTES	10/26/18	817.94	EXPENSE REIMBURSEMENT
116068	10649	SCOTT GREEN	10/26/18	1,800.00	APPLICATION REFUND
116069	10793	DANA NARNOLA	10/26/18	300.00	RENTAL DEPOSIT REFUND
116070	10793	NEIL GENTELIZO	10/26/18	1,135.00	RESERVATION REFUND
116071	7183	DEMARAY'S GYMNASTICS ACADEMY	10/26/18	1,078.35	RECREATION CONTRACT
116072	11404	DS SERVICES OF AMERICA, INC. ATTN: CORPO	10/26/18	637.48	WATER SERVICE
116073	11015	EAST BAY LAWN MOWER	10/26/18	436.32	FLEET SUPPLIES
116074	11654	EDWARDS & SONS EQUIPMENT SERVICE, INC.	10/26/18	619.51	LIFT MAINTENANCE
116075	11112	FREMONT CHRYSLER DODGE JEEP RAM	10/26/18	5,168.92	FLEET PARTS
116076	60	FREMONT FORD/AUTOBODY OF FREMONT ATTN: P	10/26/18	2,436.87	FLEET PARTS
116077	11646	GACHINA LANDSCAPE MANAGEMENT, INC.	10/26/18	765.00	LANDSCAPE REPAIR
116078	167	HARRIS COMPUTER SYSTEMS	10/26/18	7,907.34	ANNUAL HARRIS SELECT SUPPORT
116079	10777	RYAN JOHNSON	10/26/18	1,153.37	EXPENSE REIMBURSEMENT
116080	865	JOINT VENTURE SILICON VALLEY	10/26/18	3,350.00	DUES 2018-2019
116081	11494	KANEN TOURS, INC.	10/26/18	1,870.00	GIZDICH RANCH TRIP 09/20/18
116082	11577	KBA DOCUSYS INC.	10/26/18	284.14	COPIER LEASE AGREEMENT (COPIES)
116083	1469	KING KOVERS OF FREMONT	10/26/18	715.26	FLEET REPAIRS
116084	7964	KNORR SYSTEMS INC	10/26/18	280.97	POOL CHEMICALS
116085	293	LANGUAGE LINE SERVICES INC	10/26/18	129.95	INTERPRETATION SVCS
116086	11246	LOOMIS ARMORED	10/26/18	319.79	ARMORED CAR SERVICE
116087	10298	MANAGED HEALTH NETWORK BANK OF AMERICA	10/26/18	389.36	EMPLOYEE ASSISTANCE PROGRAM
116088	11271	MASAKOS MUSIC STUDIO MASAKO YAMAMOTO	10/26/18	1,204.80	RECREATION CONTRACT
116089	10907	MICHAEL YORKS	10/26/18	4,500.00	BACKGROUND INV
116090	7335	MUNICIPAL MAINTENANCE EQUIPMENT INC	10/26/18	228.14	FLEET SUPPLIES
116091	1409	LAWRENCE E MURPHY PHD CONSULTING PSYCHOL	10/26/18	700.00	PSYCHOLOGICAL EVALUATIONS
116092	327	OCCU-MED LTD	10/26/18	60.00	PRE-EMPLOYMENT PHYSICALS
116093	11322	PAPA JOHNS PIZZA	10/26/18	630.50	PIZZAS FOR PARTIES
116094	10729	PETTY CASH CUSTODIAN-RECREATION JESSICA	10/26/18	686.50	PETTY CASH REPLENISHMENT
116095	8813	PROFORCE LAW ENFORCEMENT	10/26/18	11,896.90	TASERS - RISK MGMT GRANT APPR# 2019-12
116096	9811	REDFLEX TRAFFIC SYSTEMS	10/26/18	18,800.00	REDLIGHT CAMERA
116097	11296	SIGNATURE CARPET ONE	10/26/18	225.00	CARPET REPAIR
116098	11098	SILVER & WRIGHT LLP	10/26/18	2,911.59	LITIGATION & LEGAL CONSULTING SRVCS
116099	11181	BRIAN SIMON	10/26/18	980.81	EXPENSE REIMBURSEMENT
116100	1741	SIRCHIE FINGER PRINT LABORATORIES	10/26/18	69.75	EVIDENCE SUPPLIES
116101	7885	SLOAN SAKAI YEUNG & WONG LLP	10/26/18	6,285.88	LEGAL ADVICE FEES
116102	503	STANDARD INSURANCE COMPANY	10/26/18	678.18	EMPLOYEE LIFE INSURANCE AND AD&D COVERAG
116103	40	STAPLES ADVANTAGE DEPT LA	10/26/18	2,273.09	OFFICE SUPPLIES
116104	10921	MICHAEL TAYLOR	10/26/18	1,500.00	EDUCATIONAL REIMBURSEMENT
116105	11642	TIAA COMMERCIAL FINANCE, INC.	10/26/18	432.92	COPIER LEASE AGREEMENT (KBA)

Final Disbursement List. Check Date 10/26/18, Due Date 11/05/18, Discount Date 11/05/18. Computer Checks.

Bank 1001 US BANK

MICR Check#	Vendor Number	Payee	Check Date	Check Amount	Description
.16106	11542	TRB + ASSOCIATES, INC.	10/26/18	132.02	PLAN REVIEW SERVICES
.16107	5246	TURF STAR, INC.	10/26/18	169.46	FLEET SUPPLIES
.16108	7517	U S FOODS INC SAN FRANCISCO	10/26/18	988.86	CAFE FOOD
.16109	10968	UTILITY TELEPHONE	10/26/18	17,196.43	UTILITY TELEPHONE PHONE AND WAN SERVICE
.16110	5623	VERIZON WIRELESS	10/26/18	418.11	CELL SERVICE FOR TRAKIT IPADS
.16111	140	VISTA UNIVERSAL INC	10/26/18	792.05	LIGHTING REPAIR
.16112	11466	YORK	10/26/18	3,028.92	WORKERS COMPENSATION ADMINISTRATION FEES
.16113	3245	ZUMAR INDUSTRIES INC	10/26/18	1,755.04	SIGNS AND HARDWARE
Total				117,943.03	