



CITY OF NEWARK CITY COUNCIL

37101 Newark Boulevard, Newark, CA 94560-3796 • 510-578-4266 • E-mail: city.clerk@newark.org

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

AGENDA

Thursday, December 12, 2019

- A. ROLL CALL

- B. MINUTES
 - B.1 Approval of Minutes of the City Council meeting of November 14, 2019.
(MOTION)

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

- D. WRITTEN COMMUNICATIONS

- E. PUBLIC HEARINGS
 - E.1 Approval to make a finding that City modifications to the State codes identified below are reasonably necessary because of local climatic, geological, or topographical conditions and hearing to consider adopting an ordinance amending the Newark Municipal Title 15 (Building and Construction), Article I (Building Regulations), Chapters 15.08 (California Building Code), 15.09 (California Residential Code), 15.10 (California Mechanical Code), 15.12 (California Electrical Code), 15.16 (California Plumbing Code), 15.17 (California Fire Code), 15.18 (California Referenced Standards Code), 15.20 (California Historical Building Code), 15.21 (California Existing Building Code), 15.22 (California Energy Code), 15.23 (California Green Building Standards Code) – from Chief Building Official / City Architect Collier and Fire Marshal Terra. (MOTION) (ORDINANCE)

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 Approval of the Final Map and Subdivision Improvement Agreement for Tract 8436 – Bridgeway Phase II (Lennar Homes of California, Inc.), a 243-unit residential subdivision within the Bayside Newark Specific Plan project area – from Assistant City Engineer Imai. (RESOLUTION)
- F.2 Approval of the 2020 Local Appointments List – from City Clerk Harrington. (MOTIONS-3)
- F.3 Authorizing the City Manager to execute a Side Letter Agreement with the City Officials and the Management, Supervisory, and Professional Employee Group to reinstate the classification Assistant Planner – from Acting Human Resources Director Que-Garcia. (RESOLUTION)
- F.4 Authorization for the City Manager to execute change orders with Tyler Technologies New World and related implementation services and to execute future change orders within the project budget – Finance Manager Lee. (RESOLUTION)

NONCONSENT

- F.5 Approval of the cost-based adjustment increase of 6.51% to solid waste collection, recycling, and organics services maximum rates for Calendar Year 2020 – from Senior Administrative Analyst Khuu-Seeman. (RESOLUTION)
- F.6 Approval of an Exception to the 180-Day Waiting Period for Post-Retirement Employment for Michael Carroll to serve as Interim Police Chief – from City Manager Benoun and Interim City Attorney Kokotaylo. (RESOLUTION)

G. CITY ATTORNEY REPORTS

H. ECONOMIC DEVELOPMENT CORPORATION

I. CITY COUNCIL MATTERS

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

- I.2 Appointment of Vice Mayor and authorization for the Vice Mayor to sign and endorse checks, warrants, and other instruments – from Mayor Nagy. (MOTION)(RESOLUTION)**

- I.3 Appointments of City Council Members to agencies, boards, commissions, and committees – from Mayor Nagy. (RESOLUTION)**

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

K. ORAL COMMUNICATIONS

L. APPROPRIATIONS

Approval of Audited Demands. (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, December 12, 2019

CITY COUNCIL:

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

CITY STAFF:

David J. Benoun
City Manager
Michael Carroll
Police Chief
Soren Fajeau
Public Works Director
David Zehnder
Recreation and Community
Services Director
Helen Que-Garcia
Acting Human Resources Dir.
Kristopher J. Kokotaylo
Interim City Attorney
Krysten Lee
Finance Manager
Steven M. Turner
Community Development Dir.
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:

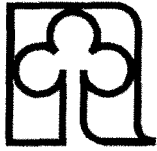
- | | |
|-------------------------------------|-------------------------|
| A. ROLL CALL | I. COUNCIL MATTERS |
| B. MINUTES | J. SUCCESSOR AGENCY |
| C. PRESENTATIONS AND PROCLAMATIONS | TO REDEVELOPMENT AGENCY |
| D. WRITTEN COMMUNICATIONS | K. ORAL COMMUNICATIONS |
| E. PUBLIC HEARINGS | L. APPROPRIATIONS |
| 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.



CITY OF NEWARK CITY COUNCIL

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

Draft

Thursday, November 14, 2019

A. ROLL CALL

Mayor Nagy called the meeting to order at 7:35 p.m. Present were Council Members Hannon, Collazo, Freitas, and Bucci.

Mayor Nagy suggested that the City Council change the order of business to allow the Consent Calendar to be considered before the Public Hearing. This would allow those only interested in the Consent Calendar the option to leave before the public hearing.

The City Council concurred with the agenda reorder.

B. MINUTES

B.1 Approval of Minutes of the City Council meeting of October 24, 2019.

MOTION APPROVED

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

C. PRESENTATIONS AND PROCLAMATIONS

C.1 Introduction of employees.

Mayor Nagy introduced Accountant Ivan Quon and Aquatics Coordinator Nick Darnell.

C.2 Proclaiming November 17 to 23, 2019 as United Against Hate Week.

Mayor Nagy presented the proclamation to Ray Yep.

C.3 Commending Newark Days Committee members.

Mayor Nagy presented commendations to Shirley Sisk and the Newark Days Committee

D. WRITTEN COMMUNICATIONS

F. CITY MANAGER REPORTS

Council Member Hannon moved, Council Member Bucci seconded, to approve Consent Calendar Items F.1 through F.7, that the resolutions and ordinances be numbered consecutively, and that reading of the titles suffice for adoption. The motion passed, 5 AYES.

CONSENT

- F.1 Second reading and adoption of an ordinance authorizing the implementation of a Community Choice Aggregation Program pursuant to California Public Utilities Code Section 366.2. ORDINANCE NO. 517**
- F.2 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. RESOLUTION NO. 10998**
- F.3 Cancellation of the November 28 and December 26, 2019 City Council meetings. MOTION APPROVED**
- F.4 Amending City of Newark Records Retention Schedule. RESOLUTION NO. 10999**
- F.5 Introduction of an ordinance and setting a hearing date of December 12, 2019, to amend the Newark Municipal Code Title 15 (Buildings and Construction), Article I (Building Regulations), Chapters 15.08 (California Building Code), 15.09 (California Residential Code), 15.10 (California Mechanical Code), 15.12 (California Electrical Code), 15.16 (California Plumbing Code), 15.17 (California Fire Code), 15.18 (California Referenced Standards Code), 15.20 (California Historical Building Code), 15.21 (California Existing Building Code), 15.22 (California Energy Code), and 15.23 (California Green Building Standards Code).
MOTION APPROVED to set Public Hearing
ORDINANCE INTRODUCED**
- F.6 Approval of the Final Map and Subdivision Improvement Agreement for Tract 8459 – Compass Bay (TH-HW Enterprise, LLC), a 138-unit residential subdivision within the Bayside Newark Specific Plan project area. RESOLUTION NO. 11000
CONTRACT NO. 19059**
- F.7 Approval of partial release of security bonds for Tracts 8270, 8417, 8418, 8419 and 8420, Sanctuary Village (Arroyo Capp III, LLC). RESOLUTION NO. 11001**

E. PUBLIC HEARINGS

- E.1 Hearing to consider “Sanctuary West”, a 469-unit residential project on an approximately 430-acre site within Area 4 of the “Areas 3 and 4 Specific Plan” located at the south western edge of the City of Newark. The City Council will consider approval of: (1) proposed findings based on the Compliance Checklist prepared pursuant to Sections 15164 and 15168 of the California Environmental Quality Act (CEQA) Guidelines that the environmental effects of the proposed Sanctuary West Residential Project (Project) in Area 4 are within the scope of the previously-certified 2015 Recirculated Environmental Impact Report (REIR) for the Areas 3 and 4 Specific Plan (State Clearinghouse No. 2007052065), that the REIR adequately describes the Project in Area 4 and retains substantial relevance and informational value to consideration of the Project and the environmental effects of the Project were sufficiently analyzed under the REIR and that there are no new substantial changes to the Project or to the circumstances surrounding the Project, nor new information of substantial environmental significance, nor other events since that REIR was certified in 2015 that require supplemental or subsequent CEQA review and that the Project is consistent with and implements the Specific Plan and therefore exempt from further CEQA review pursuant to California Government Code Section 65457; (2) approving Vesting Tentative Tract Map 8495; and (3) approving a Conditional Use Permit and a Planned Unit Development to allow for construction of a 469-unit residential project located at the south western edge of the City of Newark.**

RESOLUTION NOS. 11002-11003

Senior Planner Mangalam (presentation on file with City Clerk) stated that the Sobrato Organization applied for a 469-lot single family dwelling subdivision on a 430-acre site located within Area 4. The site has a Low Density Residential General Plan land use designation and Residential Single Family Zoning. The development consists of four villages, each village characterized by the minimum size of the residential lots. There would be 1,876 off-street and 863 on-street parking spaces. There would be three parks, four boardwalk overlooks, an overpass bridge at Stevenson Boulevard to separate vehicle and pedestrian traffic from rail traffic, an easement for emergency vehicle access and a multi-use trail.

Senior Planner Mangalam noted that the previously approved Development Agreement provided the developer vested rights to proceed with the Project in accordance with the City’s land use rules, regulations and policies in effect when the Development Agreement was approved. She noted that staff added conditions of approval to address pedestrian and bicycle safety at the Union Pacific rail road tracks and Mowry Avenue crossing and the Alameda County Water District comments for project-level design and construction. She stated that the Planning Commission recommended that the City Council approve the application at their October 22, 2019 meeting.

Judy Shandley, CEQA consultant for the City, provided background on the CEQA review for the project. She concluded that the proposed project was consistent with the adopted Areas 3 and 4 Specific Plan, that none of the events list in Public Resources Code Section 2116 nor CEQA Guidelines Section 15162 have occurred, and that the proposed project would not result in any new or more significant environmental impacts beyond those in the Recirculated Environmental Impact Report. The comments received have been reviewed and have not raised any new issues.

Senior Planner Mangalam stated that before the meeting, comments were received from East Bay for Everyone, Dan Ondrasek, Stuart Flashman, Paul W Rea, Josh Sonnenfield, the Sierra Club, Evelyn Cormier, Julia Foote, and a telephone call indicating opposition to the project from Sister Mary to the City Clerk.

Senior Planner Mangalam recommended approval of the project.

Mayor Nagy opened the public hearing at 8:11 p.m.

Tim Steele representing Sobrato Organization and Newark Partners, provided a history of land and actions taken to date. He stated that the previous approvals allowed up to 1260 single family lots. If the 469 homes were approved (phase 2), it would bring phase 1 and 2 into combined a total of 855 lots built and a quarter of the total acreage used. He requested approval of the project.

Nadja Adolph McClary stated her concern for the endangered species in the area, keeping invasive species out, and property values declining due to increased traffic. She requested that the City survey residents to see if they are happy living in Newark. (Speaker notes on file with the City Clerk.)

Jana Sokale Citizens Committee to Complete the Refuge stated her concern that the infrastructure would fragment the wetlands. She stated that the development did not address climate change, sea level rise, flooding, nor the destruction of the marsh. She requested that the site be preserved. (Presentation on file with the City Clerk.)

Carin High stated that the Citizens Committee to Complete the Refuge (CCCR) submitted comments. She requested that the City Council not approve the project. She stated that new development should not be approved that needs protection from the rising seas. She cited Foster City as an example of a city that has environmental ramifications to deal with.

Stewart Flashman CCCR attorney stated that he received the peer review documents today and requested that the City Council continue the hearing. He stated that he disagreed with Ms. Shanley's environmental assessment, that the Checklist was incomplete, and that more is known about sea level rise and flooding since 2105.

Mari Miller CCCR stated that there is new evidence of environmental impacts. She suggested postponing the decision to see if the Federal Government would make an offer for the land. She requested that the City preserve the land.

Gayle Robee CCCR requested a Supplemental EIR for the project. Stated that the Sobrato Organization did the right thing for Coyote Valley in San Jose, but this was reckless plan. She noted that Redwood City does not allow development in the salt ponds. She requested that the City Council not approve the project.

Dan Ondrasek, stated that flooding kills more Americans than any other natural disaster. He stated that sea level was predicted to inundate this site, and the City would be sued if the homes were flooded. He suggested delaying action to work towards another option such as a land purchase to preserve the site.

Josh Sonnenfeld stated that he was speaking on behalf of 13 organizations, representing 100,000 Bay Area residents. He requested the rejection of the Compliance Checklist and for the preparation of a Supplemental EIR for this project. He stated that the regional scientific community recommended protection and preservation of the area.

Bob Regeski stated that the plans to develop Area 4 were not in the best interest of the City. He cited rapid growth, traffic, ecological threats to plants and animals, and lack of public safety as reasons not to approve the project.

Alex Slate, San Jose resident, stated that there is a housing and climate crisis. He stated that the natural environment would be sacrificed and there was not adequate transit to this area. He suggested a project in a different area with more density and closer to transit.

Zoe Seagull, Greenbelt Alliance, stated they support smart growth that protects existing and future residents. She stated that Foster City plans to invest \$1 billion to protect their shoreline. She stated that residents will not be able to resell if the homes flood.

William Uregea, stated that he was a member of the Sierra Club and cofounder of the Mission Peak Conservancy. He disagreed with City position to approve the project based on the Development Agreement. He expressed concern with ingress/egress if the bridge was damaged. He suggested that the Sobrato Organization sell the land.

Maria Ramirez, Tri City resident, stated that the Ohlone were the original owners of the land and they made decisions thinking about the impact to future generations. She requested that the City Council protect the City and prepare a Supplemental Environmental Impact Report.

Wayne Miller stated that he previously submitted documents to the City Council. He objected to the Area 4 development. He stated that recent science impacts were not

included in the recent documents. He requested that the City Council postpone the decision to allow all interested parties to read all of the documents and requested a Supplemental EIR.

Laurie Price, Sierra Club, stated that there was substantial, new, and additional information on the adverse environmental impacts to the area. She cited carbon based climate change, ocean acidification, global plant and animal extinction, ocean level rise, and storm severity as examples. She requested a Supplemental EIR be prepared.

Lisa Balanki, Center for Biological Diversity, stated the need for additional CEQA review. She stated that new information regarding sea level rise and changes in project design puts the area at risk. There was no escape habitat for the species during floods and sea level rise. She requested that the project be denied.

Eileen McLaughlin CCCR, highlighted projects in Bay Area cities (Palo Alto, San Jose, Mountain View, Foster City) that are addressing sea level rise because they believe that significant risks exist. She requested that the City commission an independent study of Area 4 about anticipated risks and financial liability.

Margaret Lewis, CCCR stated her concerns with the two points of ingress/egress, the lack of public transit, shopping, and recreation in the neighborhood, the pedestrian access bridge and people potentially crossing over/under rail traffic. She questioned the 50 year life of the development.

Larry Edelson Fremont, suggested water activities if there was flooding in Area 4.

Eric Hentschke, Alameda County Mosquito Abatement District, requested that home owners be advised through real estate disclosures that the development was near a breeding area for salt marsh mosquitos and midges.

Isabel Bronstein stated her concern that the development will cause increased traffic and crime. She expressed her concern with the potential flooding.

Olga Borjon stated that Newark needs to focus on the needs of its residents. She stated the City needs good restaurants, more business, shopping and things to do.

Linda Patterson stated that she was opposed to this development and wanted the City to support open space and wildlife. She stated that protection of Area 4 would make Newark a more desirable place to live.

At 9:48 pm the Mayor closed the public hearing.

Judy Shandley CEQA consultant, Janet Khan, Geotechnical consultant, Chuck Anderson civil engineer consultant responded to City Council questions.

Mayor Nagy reopened the public hearing.

Carin High and Josh Sonnenfeld responded to Council Member Bucci’s questions.

Mayor Nagy closed the public hearing

Council Member Bucci made a motion to call for a Supplemental Environmental Impact Report. The Motion failed for lack of second.

Council Member Bucci made a motion to table this item until January 2020 to allow time for further review. The Motion failed for a lack of second.

Council Member Hannon moved, Vice Mayor Collazo seconded to:

(1) Make findings based on E-19-4, the Compliance Checklist/Addendum prepared pursuant to Sections 15164 and 15168 of the California Environmental Quality Act (CEQA) Guidelines and other information in the record that the environmental effects of the proposed Sanctuary West Residential Project (Project) in Area 4 were sufficiently analyzed under and are within the scope of the previously-approved 2015 Recirculated Environmental Impact Report (REIR) for the Areas 3 and 4 Specific Plan (State Clearinghouse No. 2007052065), and retains substantial relevance and informational value to consideration of the Project, and that the REIR adequately describes the Project in Area 4, and that there are no new substantial changes to the Project or to the circumstances surrounding the Project, nor new information of substantial environmental significance, nor other events since that REIR was certified in 2015 that require supplemental or subsequent CEQA review and that the Project is also exempt from CEQA pursuant to California Government Code Section 65457;

(2) by resolution, approve TTM-19-5, Vesting Tentative Tract Map 8495; and

(3) by resolution, approve U-19-6, a Conditional Use Permit and P-19-7, a Planned Unit Development to allow for construction of a 469-unit residential project located at the south western edge of the City of Newark. The motion passed, 4 AYES, 1 NO (Bucci).

Mayor Nagy called for a recess.

Mayor Nagy called the meeting back to order.

NONCONSENT

- F.8 Authorizing the City Manager to execute a contract amendment with Rhoades Planning Group for additional planning services for the Newark Old Town Specific Plan and amend the 2018-2020 Biennial Budget and Capital Improvement Plan. RESOLUTION NO. 11004**

Vice Mayor Collazo and Council Member Freitas announced that they would recuse because they each own property within the Specific Plan. They left the City Council Chambers.

Deputy Community Development Director Interiano recommended that the scope of work with the Rhoades Planning Group be amended to add additional public outreach

and an analysis of changes to development standards for the Old Town Specific Plan, Streetscape, and Project Schematic Design. A budget amendment of \$29,980 was requested.

Council Member Hannon moved, Council Member Bucci seconded to, by resolution authorize the City Manager to execute the amendment to the contractual services agreement with Rhoades Planning Group for the Newark Old Town Specific Plan and amend the 2018-2020 Biennial Budget and Capital Improvement Plan. The motion passed, 3 AYES, 2 RECUSED.

F.9 Authorizing Application for, and, subject to subsequent City Council approval, receipt of Senate Bill 2 Planning Grants Program Funds for the Historic Newark District Specific Plan. RESOLUTION NO. 11005

Vice Mayor Collazo and Council Member Freitas returned to the City Council Chambers and announced that they would recuse because they each own property within the Specific Plan. They left the City Council Chambers.

Deputy Community Development Director Interiano gave the staff report requesting permission to apply for the Senate Bill 2 Planning Grant for the Historic Newark District Specific Plan. If approved, the City may be awarded up to \$160,000.

Council Member Hannon moved, Council Member Bucci seconded to, by resolution, authorize application for, and, subject to subsequent City Council approval, receipt of, Senate Bill 2 Planning Grants Program Funds for the Historic Newark District Specific Plan. The motion passed, 3 AYES, 2 RECUSED.

Vice Mayor Collazo and Council Member Freitas returned to the City Council Chambers.

G. CITY ATTORNEY REPORTS

H. ECONOMIC DEVELOPMENT CORPORATION

I. CITY COUNCIL MATTERS

I.1 Reappointment of William Fitts and Debbie Otterstetter to the Planning Commission. RESOLUTION NO. 11006

Mayor Nagy recommended the reappointments of William Fitts and Debbie Otterstetter to the Planning Commission for a four year term each.

Council Member Bucci moved, Council Member Hannon seconded to, by resolution, approve the reappointment of William Fitts and Debbie Otterstetter to the Planning Commission, for terms to expire on December 31, 2023. The motion passed, 5 AYES.

Mayor Nagy wished everyone a Happy Thanksgiving.

Council Member Bucci stated that the League of Volunteers Newark was collecting donations for their annual Thanksgiving Meal.

Vice Mayor Collazo stated that the annual tree lighting ceremony would be at the Silliman Center on December 2. She stated there was a Go Fund Me fundraiser to help the Newark Junior High School Marching Band participate in the 2020 National Memorial Day Parade in Washington, D.C. She stated that some Newark Library after school activities have been moved to the Solid Rock Church due to the limited Civic Center parking.

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

K. ORAL COMMUNICATIONS

L. APPROPRIATIONS

Approval of Audited Demands.

MOTION APPROVED

City Clerk Harrington read the Register of Audited Demands: Check numbers 119252 to 119453.

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

M. CLOSED SESSION

N. ADJOURNMENT

Mayor Nagy adjourned the meeting at 11:16 p.m.

C.1 Introduction of employees.

Background/Discussion – General Laborers Josue Lopez-Duenas, Miguel Sanchez-Casillas, and Public Safety Clerk Laura Da Silva will be at the City Council meeting to be introduced to the City Council.

- E.1 Approval to make a finding that City modifications to the State codes identified below are reasonably necessary because of local climatic, geological, or topographical conditions and hearing to consider adopting an ordinance amending the Newark Municipal Title 15 (Building and Construction), Article I (Building Regulations), Chapters 15.08 (California Building Code), 15.09 (California Residential Code), 15.10 (California Mechanical Code), 15.12 (California Electrical Code), 15.16 (California Plumbing Code), 15.17 (California Fire Code), 15.18 (California Referenced Standards Code), 15.20 (California Historical Building Code), 15.21 (California Existing Building Code), 15.22 (California Energy Code), 15.23 (California Green Building Standards Code) – from Chief Building Official / City Architect Collier and Fire Marshal Terra.**
(MOTION) (ORDINANCE)

Background/Discussion – On November 14, 2019, the City Council set a public hearing and introduced an ordinance to amend various state construction codes. The State of California has adopted new construction codes that will become effective January 1, 2020. These codes include building, residential building, mechanical, electrical, plumbing, fire, reference standards, historical, existing, energy, and green building. As required by State law, applications for a building permit made after December 31, 2019 will be subject to the new codes. Local jurisdictions have the opportunity to make limited amendments to the new State codes. For local amendments to be enforceable, local jurisdictions must formally adopt the State Codes along with local amendments. The Government Code requires that a public hearing be held before the codes are amended and adopted locally. If the ordinance is adopted by the City Council, the codes will become effective thirty days after adoption by City Council.

Of the eleven construction codes staff is recommending modifications to six, specifically Building, Residential, Mechanical, Electrical, Plumbing, and Fire Prevention. Of the remaining five construction codes: Reference Standards, Historical, Existing, Energy and Green Building - staff is recommending adoption without any modifications. All of the proposed amendments to the six construction codes involve administration standards or technical changes that are carried over from the previous ordinance. There are no new technical changes being recommended.

State Health and Safety Code Sections 17958.7 and 18941.5 allows local jurisdictions to amend the State construction codes provided the local jurisdiction files with the Building Standards Commission express findings demonstrating the local modifications are reasonably necessary because of local climatic, geological, or topographical conditions. Attachment 'A' is the list of findings for the proposed code modifications that, if approved by City Council, will be provided to the Building Standards Commission.

Action – Staff recommends that the City Council, conduct a public hearing, and by motion, make a finding that City modifications to the State codes are reasonably necessary because of local climatic, geological, or topographical conditions and adopt an ordinance to amend Newark Municipal Code Title 15 (Buildings and Construction), Article I (Building Regulations), Chapters 15.08 (Building Code), 15.09 (Residential Code), 15.10 (Mechanical Code), 15.12

(Electrical Code), 15.16 (Plumbing Code), 15.17 (Fire Code), 15.18 (California Referenced Standards Code), 15.20 (California Historical Building Code), 15.21 (California Existing Building Code), 15.22 (California Energy Code), and 15.23 (California Green Building Standards Code).

Attachment "A"

**STATEMENT OF FINDINGS
LOCAL AMENDMENTS TO 2016 STATE CONSTRUCTION CODES
CITY OF NEWARK
December 12, 2019**

California Building Code

1. Deletion of Exceptions in Section 1.8.4.3.1, Retention of plans;
Finding: The City retains all plans and therefore, exceptions to not apply.
2. Deletion of Section 101.4, Referenced Codes
Finding: The City has developed its own consolidated administrative standards covering all the construction codes. The City standards are similar to those found in the administrative chapters of the various State Construction Code precluding the need for a finding.
3. Deletion of Section 104.10.1, Flood Hazard Areas
Finding: The City has developed its own flood hazard ordinance which is in compliance with Federal standards precluding the need for a finding.
4. Deletion of Section 105.3.2, Time Limitation of Application
Finding: The City has developed its own consolidated administrative standards covering all the construction codes. The City standards are similar to those found in the administrative chapters of the various State Construction Codes precluding the need for a finding.
5. Amendment of Section 402.5, 404.3, 407.6, 410.7, 419.2, 509.7, 903 and 1029.6.2.3, Fire Sprinklers
Finding: To provide modified standards to better serve the public interest by reducing the risk to life and property of the citizens of the City of Newark resulting from the following conditions:

The City of Newark is traversed by railroad tracks across the major arterials: Thornton Avenue, Central Avenue, Jarvis Avenue, Cedar Boulevard, Cherry Street, and Sycamore Street. Entrance to the City is limited by the 880 overpass and the traffic coming from Highway 84, the Dumbarton Bridge. This configuration effectively divides the City in such a manner that a major accident on any one of these streets at any one time will prevent access to fire service within a reasonable response time. Present response time is often in excess of five minutes due to traffic conditions. Traffic throughout the City is channeled into several major thoroughfares that must ultimately cross railroad tracks and freeways by means of bridges and overpasses, creating a significant barrier to fire and emergency equipment responding in less than five minutes. In the event of an accident or other emergency at one of the key points of intersection between a highway and the railroad tracks or a freeway entrance to the City, the City could be isolated and the response time would be sufficiently slowed so as to increase the risk of substantial injury or damage.

The City of Newark is directly impacted by earthquakes from the Hayward Fault and is subjected to fault activity from the San Andreas and Calaveras faults, among others. The largest recorded earthquakes in the Newark area occurred during a sequence of earthquakes in January and February 1980. They reached magnitudes that ranged between 5.5 and 5.9 on the Richter scale. In August 1989 a trembler was recorded with a magnitude in excess of 5.0 on the Richter scale. These potential earthquakes influence fire protection planning in several ways. First, a major seismic event would create a citywide demand on fire protection service that would be beyond response capability of the Fire Department without sprinklerization. This potential problem could be mitigated by requiring the initial fire control be provided throughout the City by the installation of automatic fire sprinkler protection systems. Structural damage to overpasses connecting cities of various areas will seriously delay emergency vehicle access through the City. At present the City is not able to reach all existing areas within five minutes or less due to traffic congestion during peak hours. Fire Station #1 is blocked by railroad tracks leaving the Newark Boulevard overpass as the only way to get through in the event trains are on the track. Based on the following general findings, the amendments herein contained providing a modified standard for fire extinguishing systems are necessary to serve the public interest by reducing risk of life and property of the citizens of the City of Newark. The following are the general findings:

- A. Nationwide and local experience and records have proven that early warning and detection and built-in fire protection are essential in saving lives and reducing property loss from fire.
 - B. There are fire problems reflected in the records of the Fire Department.
 - C. The growth patterns of the City indicate a high level of need for protection.
 - D. There are limitations of Fire Department manpower and equipment.
 - E. Legislative economic restraints adversely affect the ability of the Fire Department to greatly expand its manpower and equipment.
 - F. Early detection, warning, and built-in fire protection will greatly assist the Fire Department in saving lives and property.
6. Deletion of Section 501.2, Address Identification
Finding: The City has its own security code which covers address identification precluding the need for a finding.
7. Amendment to Sections 901.7 and 903.2, Automatic Sprinkler Systems
The City of Newark has developed a Fire Sprinkler Ordinance that requires the installation of automatic fire sprinklers in most all new construction over 1,000 square feet.
Finding: Please refer to Item 5 above.

California Residential Code

1. Delete Section R105.3.1.1, Flood Hazard Areas
Finding: The City has developed its own flood hazard ordinance which is in compliance with Federal standards precluding the need for a finding.
2. Amendment to Section 301.1.3.2.1, Design Professional Required
Finding: Change in code merely declares a practice allowed by state law precluding the need for a finding.
3. Amendment to Section R313, Automatic Fire Sprinkler System
Finding: The California Residential Code requires automatic fire sprinkler systems in all new one and two dwellings and townhouses, regardless of floor area, but does not require sprinklers for any size addition or remodel. For one and two family dwellings and townhomes, the NMC currently requires fire sprinklers be installed in existing dwellings when additions and/or repairs exceed 80 percent of the value of the existing dwelling prior to the additions and/or repairs. Please refer to Item 5 above under California Building Code.
4. Amendment to Section R322, Flood Hazard Areas
Finding: The City has developed its own flood hazard ordinance which is in compliance with Federal standards precluding the need for a finding.
5. Addition of Section R326.1, Swimming Pools
Finding: No actual change in code standards. Pool construction standards from the California Building Code are utilized precluding the need for a finding.
6. Addition to Section R1000, Wood Burning Fireplaces
Finding: This section was added to confirm with San Francisco Bay Area restrictions on solid wood burning fireplaces precluding the need for a finding.
7. Adoption of Appendix H, Patio Covers
Finding: Finding not required for adoption of an appendix.
8. Adoption of Appendix K, Sound Transmission
Finding: Finding not required for adoption of an appendix.

California Mechanical Code

1. Amendment of Section 1.8.4.3.1, Retention of Plans
Finding: The City retains all plans and therefore, exceptions to not apply.
2. Deletion of Sections 104.4.3 and 104.4.4, Expiration and Extension of Permit.
Finding: The City has developed its own consolidated administrative standards covering all the construction codes. The City standards are similar to those found in the

administrative chapters of the various state construction codes precluding the need for a finding.

3. Addition of NMC Title 15.10.030, Connection of Natural Gas Utilities
Finding: Finding not required.

California Electrical Code

1. Article 89.108.4.3.1, Retention of Plans
Finding: The City retains all plans and therefore, exceptions to not apply.
2. Article 310.106(B), Conductor material
Finding: Modification prohibits the use of aluminum conductors except for service entrance conductors. The connections of aluminum wire have a high rate of failure in the Bay Area atmosphere.
3. Addition of NMC Title 15.12.090, Connection of Electrical Utilities
Finding: Finding not required.

California Plumbing Code

1. Deletion of Section 1.8.4, 104.3.2, 104.3.3, 104.4.3, and 104.4.4, Permits, Fees, Applications, and Inspections
Finding: The City has developed its own consolidated administrative standards covering all the construction codes. The City standards are similar to those found in the administrative chapters of the various state construction codes precluding the need for a finding.
2. Deletion of Sections 104.3.2 and 104.3.3, Limitation of Applications
Finding: The City has developed its own consolidated administrative standards covering all the construction codes. The City standards are similar to those found in the administrative chapters of the various state construction codes precluding the need for a finding.
3. Amendments to Sections 422.10.1 and 422.10.2, Plumbing Fixtures
Finding: Minor modification that merely clarifies the existing code requirements precluding the need for a finding.
4. Amendment to Section 713, Sewer Required
Finding: The entire City is adjacent to the San Francisco Bay and has a high water table which makes private septic systems inappropriate. No finding required.
5. Amendment to Section 1102.12, Roof Drains
Finding: Roof drainage provisions have been modified to conform with Bay Area Storm Water Quality Control requirements. No finding required.

California Fire Code

1. Amendment to Sections 903, Automatic Sprinkler Systems
The City of Newark has developed a Fire Sprinkler Ordinance that requires the installation of automatic fire sprinklers in most all new construction over 1,000 square feet.
Finding: Please refer to item #5 under California Building Code.
2. Amendment to Section 907, Fire Alarms
The City has added standards for false alarms.
Finding: This is an administrative and fee standard which does not affect construction requirements of the Fire Code. Therefore, no finding is needed.
3. Amendment to Chapter 56, Fireworks
The City allows for the sale and use of safe and sane fireworks
Finding: Enhancement of the Fire Code to deal with the sale and use of fireworks has been added to mitigate potential fire danger not experienced in Cities that prohibit safe and sane fireworks.

California Referenced Standards Code

No local amendments.

California Energy Code

No local amendments.

California Historical Code

No local amendments.

California Existing Building Code

No local amendments

California Green Building Standards Code

No local amendments.

ORDINANCE NO.

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEWARK AMENDING THE NEWARK MUNICIPAL CODE TITLE 15 (BUILDINGS AND CONSTRUCTION), ARTICLE I (BUILDING REGULATIONS), CHAPTERS 15.08 (CALIFORNIA BUILDING CODE), 15.09 (CALIFORNIA RESIDENTIAL CODE), 15.10 (CALIFORNIA MECHANICAL CODE), 15.12 (CALIFORNIA ELECTRICAL CODE), 15.16 (CALIFORNIA PLUMBING CODE), 15.17 (CALIFORNIA FIRE CODE), 15.18 (CALIFORNIA REFERENCED STANDARDS CODE), 15.20 (CALIFORNIA HISTORICAL BUILDING CODE), 15.21 (CALIFORNIA EXISTING BUILDING CODE), 15.22 (CALIFORNIA ENERGY CODE), 15.23 (CALIFORNIA GREEN BUILDING STANDARDS CODE)

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

Section 1: That the following are amended as attached and will become effective on January 12, 2019:

Title 15 (Buildings and Construction), Article I (Building Regulations)
Chapter 15.08 (California Building Code)
Chapter 15.09 (California Residential Code)
Chapter 15.10 (California Mechanical Code)
Chapter 15.12 (California Electrical Code)
Chapter 15.16 (California Plumbing Code)
Chapter 15.17 (California Fire Code)
Chapter 15.18 (California Referenced Standards Code)
Chapter 15.20 (California Historical Building Code)
Chapter 15.21 (California Existing Building Code)
Chapter 15.22 (California Energy Code)
Chapter 15.23 (California Green Building Standards Code)

Section 2: Effective date. This ordinance shall take effect thirty (30) days from the date of its adoption. Before expiration of fifteen (15) days after its passage, this ordinance or a summary of the 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 in accordance with California Government Code Section 36933.

Chapter 15.08

BUILDING CODE

Sections

15.08.010	California Building Code adopted by reference.
15.08.020	Amendments.
15.08.042	Licensed professional.
15.08.060	Drainage disposal.

15.08.010 California Building Code adopted by reference.

A certain document, entitled "~~2016~~ 2019 California Building Code, Volumes 1 and 2," including Appendix Chapter F relating to rodent proofing, published by the International Code Council and amended and adopted by the state of California as the ~~2016~~ 2019 edition California Building Code, is adopted by reference as the building code of the city pursuant to the provisions of Government Code Section 50020 et seq., state of California, except as modified in this chapter.

15.08.020 Amendments.

The construction code adopted by reference in this chapter is amended by the following additions, deletions and amendments thereto set forth in this chapter.

A. Section 1.8.4.3.1 dealing with retention of plans is amended by deleting exceptions 1 through 4.

~~B. Section 101.4 dealing with referenced codes is deleted.~~

~~B.~~ Section 104.10.1 dealing with flood hazard areas is deleted. Refer to Chapter 15.40, Construction In Flood Hazard Areas, of the Newark Municipal Code.

~~D.C.~~ Sections 105.3.2 dealing with time limitation of applications and Section 105.5 dealing with expiration of permits are deleted. Refer to Chapter 15.04.180, Expiration of Plan Review, and Chapter 15.04.190, Expiration of Permits, of the Newark Municipal Code.

~~E.D.~~ Section 402.5 dealing with automatic fire sprinkler systems in malls is amended by deleting the exception.

~~F.E.~~ Section 404.3 dealing with automatic fire sprinkler systems in atriums is amended by deleting all exceptions.

~~G.F.~~ Section 407.6 dealing with automatic fire sprinkler systems in certain care facilities is amended by replacing Section 407.6 in its entirety with the following:

407.6 Automatic sprinkler system. Every facility as specified herein, regardless of floor area, wherein more than six clients or patients are housed or cared for on a 24-hour per-day-basis shall have installed and maintained in an operable condition throughout the entire building an automatic sprinkler system of a type approved by the state fire marshal. The provisions of this subsection shall apply to every person, firm or corporation establishing, maintaining or operating a hospital, children's home, children's nursery or institution, or a home or institution for the care of aged or persons with dementia or other cognitive impairments, or any institution for persons with mental illness or persons with developmental disabilities and any nursing or convalescent home.

~~H.I.~~ Section 410.7 dealing with automatic sprinkler systems at stages is **amended by deleting all exceptions.** ~~deleted.~~

~~H.J.~~ Section 419.5 dealing with fire alarms in live/work units is amended by replacing Section 419.5 in its entirety with the following:

419.5 Fire Protection. The live/work unit shall be provided with a monitored fire alarm system where required by Section 907.2.9.

~~J~~K. Section 441.2 dealing with automatic fire sprinkler systems for pet kennels is amended by deleting the exception.

~~K~~L. Section 509.4.2.1 dealing with automatic fire sprinkler systems in incidental use areas is deleted.

~~L~~M. Section 1029.6.2.3 dealing with automatic fire sprinkler systems smoke protected assembly seating areas is amended by deleting the exceptions.

~~M~~N. Section 501.2, which deals with address identification, is amended in its entirety to read as follows:

501.2 Address identification. All buildings shall be identified with address numbers assigned by the City and as required in Chapter 15.06.110 of the Newark Municipal Code.

~~N~~O. Section 901.7, which deals with dividing a building into separate fire areas to preclude the installation of fire sprinkler systems, is deleted. Refer to Chapter 15.04.08.020G for the City's fire sprinkler ordinance.

~~O~~P. Section 903 dealing with the requirement for fire sprinkler systems is amended by replacing subsection [F]903.2 in its entirety with the following:

903.2 Where required. Approved automatic fire sprinkler systems shall be installed in buildings under the following conditions:

903.2.1 All new construction, except one and two family dwellings and townhouses and H occupancies, which exceeds 1,000 square feet in floor area, or if exterior walls are not present, then 1,000 square feet of projected roof area.

903.2.2 All existing buildings except one and two family dwellings and townhouses when there is a change in the occupancy group, except for H occupancies, as defined by Chapter 3 when such change in occupancy group exceeds 50 percent of the total building area in square feet or 12,000 square feet, whichever is the lesser, in any five year period.

903.2.3 All existing buildings and additions to existing buildings, except for one and two family dwellings and townhouses and H occupancies, when such additions are more than 50 percent of the existing building measured in square feet of floor area, or if exterior walls are not present, then measured in square feet of projected roof area, or 12,000 square feet of additional floor area, whichever is the lesser, provided that there is no occupancy group change. Such added area shall be the accumulated square foot of floor area occurring over any five year period.

903.2.4 Existing buildings except one and two family dwellings and townhouses and not currently equipped with an automatic fire extinguishing system in which a change in occupancy, or new floor area, resulting in the creation of a Group H occupancy or any division within a Group H occupancy.

903.2.5 Newly constructed detached structures accessory to one and two family dwellings and townhouses in excess of 1,000 square feet of floor area, or if exterior walls are not present, then 1,000 square feet of projected roof area, shall be equipped with an automatic fire sprinkler system as required in Section R309.6 of the California Residential Code modified by the Newark Municipal Code.

903.2.6 Additions to existing buildings currently equipped with an automatic fire extinguishing system.

903.2.7 Areas of modifications to existing buildings currently equipped with an automatic fire extinguishing system. The extent of the modifications to the existing automatic fire extinguishing system shall be determined by the building official based upon

the extent of the modifications to the existing structure. Modifications to the structure can include a change in the fire load.

903.2.8 Automatic residential fire sprinkler systems shall be installed in new one and two family dwellings and townhouses in accordance with Section R313.3 of the California Residential Code or NFPA 13D.

903.2.9 An automatic residential fire sprinkler system shall be installed in existing one and two family dwellings and townhouses in accordance with Section R313.3 of the California Residential Code or NFPA 13D where any repair, reconstruction, addition, alteration, or improvement, or any combination thereof, when the construction value of which exceeds 80 percent of the market value of the dwelling structure either before the improvement or repair is started, or, if the dwelling has been damaged and is being restored, before the damage occurred. Construction value shall include all permitted improvements which have occurred within the five previous years of the most recently issued building permit. Damage includes damage resulting from fire, flood, earthquake, or demolition.

903.2.10 Existing one and two family dwellings and townhouses not currently equipped with an automatic fire extinguishing system in which a change in occupancy resulting in the creation of a Group Occupancy other than R.

903.11 Any new building of any size containing a Group H Occupancy.

15.08.042 Licensed professional.

While the nature of the work applied for affects the safety of a building or its occupants, design documents shall be prepared by an engineer or architect licensed by the state to practice as such as required by State of California Business and Professions Code Sections 5500 and 6700. In other buildings the Building Official is authorized to require plans, computations, and specifications to be prepared and designed by an engineer or architect licensed by the state to practice as such.

Chapter 15.10

MECHANICAL CODE

Sections:

- 15.10.010 California Mechanical Code adopted by reference.**
- 15.10.020 Amendments.**
- 15.10.030 Temporary connection of natural gas utilities.**

15.10.010 California Mechanical Code adopted by reference.

A certain document entitled, "~~2016~~ 2019 California Mechanical Code," including Appendix B and C, published by the International Association of Plumbing and Mechanical Officials and amended and adopted by the state of California as the ~~2016~~ 2019 edition California Mechanical Code, is adopted by reference as the Mechanical Code of the City pursuant to the provisions of Government Code Section 50020 et seq., state of California, except as modified in this chapter.

15.10.020 Amendments – General.

The California Mechanical Code, adopted by reference in this chapter, is amended by the following additions, deletions, and amendments thereto set forth in this chapter.

A. Section 1.8.4.3.1 dealing with the retention of plans is amended by deleting exceptions 1 through 4.

B. Sections 104.4.3 and 104.4.4 dealing with expiration and extension of permits are deleted. Refer to Chapter 15.04 of the Newark Municipal Code.

15.10.030 Temporary connection of natural gas utilities.

The Building Official may authorize temporary connection of natural gas utilities for a construction project prior to final inspection approval and issuance of the Certificate of Occupancy. The request for such connection shall be in writing on a form provided by the City. The request shall include the reason the temporary connection is necessary, the length of time the connection is needed, and a statement, signed by the property owner and tenant of the premises, authorizing the City to disconnect the natural gas utilities if final inspection approval and Certificate of Occupancy have not been issued by the expiration date of the request.

Chapter 15.12

ELECTRICAL CODE

Sections:

- 15.12.010 California Electrical Code adopted by reference.**
- 15.12.020 Amendments.**
- 15.12.090 Temporary connection of electric utilities.**
- 15.12.120 Building official authority.**
- 15.12.140 Maintenance Permit.**
- 15.12.190 Connection to installation.**

15.12.010 California Electrical Code adopted by reference.

A certain document, entitled "~~2016~~ 2019 California Electrical Code," published by the National Fire Protection Association amended and adopted by the state of California as the ~~2016~~ 2019 edition California Electrical Code, is adopted by reference as the electrical code of the city pursuant to the provisions of Government Code Section 50020 et seq., state of California, except as modified in this chapter.

15.12.020 Amendments.

The California Electrical Code adopted by reference in this chapter is amended by the following additions, deletions and amendments thereto set forth in this chapter.

- A. Article 89.108.4.3.1 dealing with the retention of plans is amended by deleting all exceptions. ~~1 through 4.~~
- B. Article 310.106(B) Conductor Material, is amended by replacing the first paragraph in its entirety with the following:
 - (B) Conductor Material. Except for service entrance conductors, all conductors shall be copper. Service entrance conductors shall be of copper, aluminum, or copper-clad aluminum.

15.12.090 Temporary connection of electric utilities.

The building official may authorize temporary connection of electric utilities for a construction project prior to final inspection approval and issuance of the certificate of occupancy. If required by the Building Official the request for such connection shall be in writing. The request shall include the reason the temporary connection is necessary, the length of time the connection is needed and a statement, signed by the property owner, tenant of the premises, or contractor, authorizing the city to disconnect the electric utilities if final inspection approval and certificate of occupancy have not been issued by the expiration date of the request.

15.12.120 Building official authority.

- A. The building official is authorized to disconnect or order discontinuance of electrical service to any electric wiring, devices, appliances or equipment found to be in violation of this chapter under any of the following conditions:
 1. Failure of the owner or his agent to secure the required electrical permit;
 2. Hazardous electrical work found to be dangerous to life or property due to defective

wiring, devices, appliances or equipment;

3. Electrical work connected to service without the approval of the building official.

B. Any order issued pursuant to this section may be made either to the person using and maintaining the condition or to the person responsible for its use and maintenance, and shall specify the date or time for compliance with its terms.

15.12.190 Connection to installation.

A. ~~It~~ It is unlawful for any person, firm or corporation to make connection from a source of electrical energy or to supply electric service to any electric wiring, devices, appliances or equipment for the installation of which a permit is required, unless such person, firm or corporation has obtained a certificate of approval issued by the building official.

B. It is unlawful for any person, firm or corporation to make connections from a source of electrical energy or to supply electric service to any electric wiring, devices, appliances or equipment which has been disconnected or ordered to be disconnected by the building official or the use of which has been ordered by the building official to be discontinued until a certificate of approval has been issued by authorizing the reconnection and use of such wiring, devices, appliances or equipment. The building official shall notify the serving utility of the order to discontinue use.

C. When electrical service to a commercial occupancy or place of employment is de-energized for any reason, approval of the building official must be secured by the serving utility prior to re-energizing of said service. "Commercial occupancy" or "place of employment," for the purposes of this chapter, shall include dwellings used as model homes and/or tract offices.

D. Any order issued pursuant to this section shall be in writing and shall be made to the person, firm or corporation using and maintaining the condition or to the person, firm or corporation responsible for its use and maintenance, and to the utility company providing the service. Delivery of the order shall be accomplished upon deposit in the United States mail or written notice directed to the person, firm or corporation using, maintaining or responsible for the use and maintenance of the condition at the last known address of the person, firm or corporation. Failure to comply with the order of the building official, as set out above, is a misdemeanor subject to the penalties as set out in Chapter 15.28 of this title.

Chapter 15.16

PLUMBING CODE

Sections:

- 15.16.010** Uniform Plumbing Code adopted by reference.
- 15.16.020** Amendments.

15.16.010 Uniform Plumbing Code adopted by reference.

A certain document entitled, "~~2016~~ 2019 California Plumbing Code," including all Appendix Chapters published by the International Association of Plumbing and Mechanical Officials and adopted by the state of California as the ~~2016~~ 2019 edition California Plumbing Code, is adopted by reference as the Plumbing Code of the City pursuant to the provisions of Government Code Section 50020 et seq., state of California, except as modified in this chapter.

15.16.020 Amendments.

The California Plumbing Code adopted by reference in this chapter is amended by the following additions, deletions and amendments thereto set forth in this chapter.

A. Section 1.8.4 dealing with permits, fees, applications, and inspections is deleted. Refer to Chapter 15.04 of the Newark Municipal Code.

B. Sections 104.3.2 and 104.3.3 dealing with plan review fees and time limitation of applications is deleted. Refer to Chapter 15.04 of the Newark Municipal Code.

C. Sections 104.4.3 and 104.4.4 dealing with expiration and extension of permits is deleted. Refer to Chapter 15.04 of the Newark Municipal Code.

D. Section 422.2 dealing with separate toilet facilities is amended by adding the following.

~~422.2.2~~ **422.10.1** In public multiple accommodation toilet rooms water closets shall be enclosed by a screening partition with an operable door. The bottom of the screen and door shall not be more than 12 inches above finish floor and the top shall not be less than 69 inches above finish floor. Screens and doors shall be constructed of materials in compliance with Section 1210 of the California Building Code.

Exception: When approved by the building official screens may be omitted from toilet rooms used only by children attending a day care center when state licensing requires full time supervision of children.

~~422.2.3~~ **422.10.2** In public multiple accommodation toilet rooms urinals shall be located so the urinal and the person using the urinal can not be viewed from outside the toilet room.

E. Section 612 dealing with residential fire sprinkler systems is deleted. Refer to Chapter 15.09 of the Newark Municipal Code.

F. Section 713.0 dealing with access to public sewers is replaced in its entirety with the following:

713.0 Where Required. All plumbing fixtures that have a waste connection, such as toilets, water closets, urinals, sinks, lavatories, drinking fountains and industrial equipment shall have their waste lines connected to the public sewer system.

G. Section 1101.12 dealing with roof drains is amended by adding the following:

1101.12.3 Roof Drainage Discharge. Roof drainage shall not drain directly into storm drain piping unless first approved by the City Engineer.

Chapter 15.17

FIRE CODE

Sections

15.17.010 California Fire Code adopted by reference.

~~15.17.020 Fire Department duties — Fire Prevention Bureau established.~~

Amendments.

~~15.17.030 Definitions.~~

~~15.17.040 Chapter 9 amended — Fire protection systems.~~

~~15.17.050 Chapter 56 amended — Explosives and fireworks.~~

~~15.17.190 Permit fees.~~

~~15.17.200 Violation deemed infraction.~~

15.17.010 California Fire Code adopted by reference.

A certain document, entitled “~~2016~~ **2019** California Fire Code” including Sections 103, ~~104.6, 105.6.34, 105.6.37, 105.6.43, 106, 108, 112~~ **113, 307, and 308**, Appendix Chapter D relating to fire apparatus access roads, and ~~Appendix Chapter N dealing with temporary haunted houses, ghost walks, and similar amusement uses,~~ published by the International Code Council and amended and adopted by the state of California as the ~~2016~~ **2019** edition California Fire Code, is adopted by reference as the fire code of the city pursuant to the provisions of Government Code Section 50020 et seq., state of California, except as modified in this chapter.

15.17.020 ~~Fire department duties — Fire prevention bureau established.~~ Amendments.

A. Chapter 2, Definitions is amended by adding the following definitions:

Fire Department. The City of Newark Fire Department or a duly authorized fire department as contracted by the City of Newark.

Alarm User. An alarm user means any person of whose premises an alarm system is maintained within the City.

B. Chapter 2, Definitions is amended by replacing the following definitions:

False Alarm. A false alarm means the activation of an alarm system through mechanical failure, malfunction, improper installation, maintenance or operation or the negligence of the owner, lessee, or their employees or agents. Such terminology does not include, for example, alarm activation caused by earthquakes, violent storms, power fluctuations, or other violent uncontrollable acts or nature.

Fire Code Official. The Fire Code official shall be appointed by the Fire Chief of the jurisdiction.

~~A. The California Fire Code shall be enforced by the fire department of the city or a duly authorized outside fire prevention agency and shall be operated under the supervision and direction of the fire chief.~~

~~B. The officer in charge of the fire prevention bureau and activities of the fire department shall be known as the fire marshal and shall be appointed by the Fire Code Official.~~

~~C. The Fire Code Official may detail such members of the fire department to fire prevention activities as the fire chief deems necessary. (Ord. 381 [part], 2002; Ord. 340 § 1 [part], 1998)~~

15.17.030 Definitions.

~~Whenever the following words are used in the code adopted by reference in this chapter they shall have the meanings ascribed to them as follows:~~

~~A. "Fire Department" means the City of Newark Fire Department or a duly authorized fire prevention agency.~~

~~B. All reference to the International Fire Code means the current adopted edition of the California Fire Code.~~

~~C. "Zoning ordinance" means the ordinance as defined in Title 17, Zoning, of the Newark Municipal Code. (Ord. 381 [part], 2002; Ord. 352 § 8 [part], 1998; Ord. 340 § 1 [part], 1998)~~

~~(Ord. 381 [part], 2002)~~

15.17.040 Chapter 9 amended — Fire protection systems.

- C. Chapter 9, Section 901 of the California Fire Code is amended by addition of Section 901.2.2 Plans, as follows:

901.2.2 Plans. Complete plans and specifications for fire, smoke, and hazardous materials alarm systems; fire-extinguishing systems, including automatic sprinklers, wet and dry standpipes; halon systems and other special types of automatic fire-extinguishing systems; basement pipe inlets; and other fire protection systems and appurtenances thereto shall be submitted to the fire department for review and approval prior to system installation. Plans and specifications for fire, smoke, and hazardous materials alarm systems shall include, but not be limited to, a floor plan; location of all alarm initiating and alarm signaling devices, alarm control and trouble signaling equipment; annunciation; power connection; battery calculations; and manufacturer, model numbers, and listing information for all equipment, devices, and materials.

- D. ~~B~~Chapter 9, Section 903 is amended by replacing section 903.2 with the following: Section 903.2 is deleted in its entirety. Refer to Section 903.2 of the California Building Code as amended by Chapters 15.08.020 and 15.09.020 of the Newark Municipal Code which reads as follows:

~~Section 903 dealing with the requirement for fire sprinkler systems is amended by replacing subsection 903.2 in its entirety with the following:~~

903.2 Where required. Approved automatic fire sprinkler systems shall be installed in buildings under the following conditions:

903.2.1 All new construction, except one- and two-family dwellings and townhouses H, I and L occupancies, which exceeds 1,000 square feet in floor area, or if exterior walls are not present, then 1,000 square feet of projected roof area.

903.2.2 All existing buildings except one- and two-family dwellings and townhouses and when there is a change in the occupancy group, except for H occupancies, as defined by Chapter 3 when such change in occupancy group exceeds 50 percent of the total building area in square feet or 12,000 square feet, whichever is the lesser, in any five year period.

903.2.3 All existing buildings and additions to existing buildings, except for one- and two-family dwellings and townhouses and H occupancies, when such additions are more than 50 percent of the existing building measured in square feet of floor area, or if exterior walls are not present, then measured in square feet of projected roof area, or 12,000 square feet of additional floor area, whichever is the lesser, provided that there is no occupancy group change. Such added area shall be the accumulated square foot of floor area occurring over any five year period.

903.2.4 Existing buildings except one- and two-family dwellings and townhouses not currently equipped with an automatic fire extinguishing system in which a change in occupancy resulting in the creation of a Group H, I or L occupancy.

903.2.5 Newly constructed detached structures accessory to one- and two-family dwellings and townhouses shall be equipped with an automatic fire sprinkler system as required in Section R309.6 of the California Residential Code modified by the Newark Municipal Code.

903.2.6 Additions to existing buildings except one- and two-family dwellings and townhouses, currently equipped with an automatic fire extinguishing system.

903.2.7 Automatic residential fire sprinkler systems shall be installed in new one- and two-family dwellings and townhouses in accordance with Section R313.3 of the California Residential Code or NFPA 13D.

903.2.8 An automatic residential fire sprinkler system shall be installed in existing one- and two-family dwellings and townhouses in accordance with Section R313.3 of the California Residential Code or NFPA 13D when the construction value of any repair, reconstruction, addition, alteration, or improvement, or any combination thereof, exceeds 80 percent of the market value of the dwelling structure either before the improvement or repair is started, or, if the dwelling has been damaged and is being restored, before the damage occurred. Construction value shall include all permitted improvements which have occurred within the five previous years of the most recently issued building permit. Damage includes damage resulting from fire, flood, earthquake, or demolition.

903.2.9 Any building housing H, I, and L occupancies of any size.

903.2.10 Throughout existing buildings not currently protected by an automatic fire sprinkler system when any portion of the building is converted to an H, I, or L occupancy of any size or when an addition to such building is made which contains an H, I, or L occupancy of any size.

903.2.11 Throughout existing buildings not currently protected by an automatic fire sprinkler system when high pile combustible storage is installed or utilized.

903.2.12 In ducts conveying hazardous materials, or flammable material or vapors, in buildings not currently protected by an automatic fire sprinkler system.

903.2.13 Any dwelling utilized as a residential care facility where any client incapable of self-preservation is housed on any floor other than the ground floor or where there are four or more clients incapable of self-preservation housed in the dwelling.

- E. Section 903.6 dealing with the requirement for fire sprinkler systems in existing buildings and structures is amended by replacing subsection 903.6 in its entirety with the following:

903.6 Where Required. An automatic sprinkler system shall be provided in existing buildings and structures where required by Chapters 15.08.020 and 15.09.020 of the Newark Municipal Code.

~~C. Section 907 Fire Alarm and Detection Systems is amended by adding the following:~~

~~907.1.6 Definitions~~

~~ALARM/ALARM SYSTEM means any device or system designated to signal the activation of a fire suppression system, fire, smoke, or hazardous materials detection system, or manual fire alarm system by emitting a signal which can be perceived on the premises and outside of the protected premises and/or at a remote location with subsequent notification of such signal to which the Fire Department is dispatched on an emergency response.~~

~~ALARM USER means any person on whose premises an alarm system is maintained within the City.~~

~~FALSE ALARM means the activation of an alarm system through mechanical failure; malfunction; improper installation, maintenance or operation; or the negligence of the owner, lessee, or their employees or agents. Such terminology does not include, for example, alarm activation caused by earthquakes, violent storms, power fluctuations, or other violent uncontrollable acts of nature.~~

- F. ~~D.~~Section 907 Fire Alarm and Detection Systems is amended by adding the following:

~~907.10~~ **907.11** False Alarms

~~907.10.1.~~**907.11.1** Malfunctions of any sprinkler alarm, or other fire protection or emergency alarm system resulting in an alarm and emergency dispatch of the Fire Department will be subject to a “false alarm” fee as established by resolution of the City Council.

~~907.10.2.~~**907.11.2** During the thirty days following any new alarm installation, the Fire Code Official shall determine if the false alarms emanating from such new installation are excessive.

~~907.10.3.~~**907.11.3** After the initial thirty day period following a new alarm installation, more than three false alarms within a calendar year are excessive and will be charged as false alarms.

- G. ~~E.~~ Section ~~904.2~~ **914.2** dealing with automatic fire sprinkler system in malls is amended by deleting the exception.

- H. ~~F.~~ Section ~~904.4.1~~ 914.4.1 dealing with automatic fire sprinkler systems in atriums is amended by deleting all exceptions.
- I. ~~G.~~ Section 914.6.1 dealing with automatic fire sprinkler systems at stages is deleted.
- J. ~~H.~~ Section 914.11 dealing with automatic fire sprinkler systems in certain care facilities is amended by replacing Section 914.11.1 in its entirety with the following:

914.11.1 Automatic sprinkler system. Every facility as specified herein, regardless of floor area, wherein more than six clients or patients are housed or cared for on a 24-hour per-day-basis shall have installed and maintained in an operable condition throughout the entire building an automatic sprinkler system of a type approved by the state fire marshal. The provisions of this subsection shall apply to every person, firm or corporation establishing, maintaining or operating a hospital, children's home, children's nursery or institution, or a home or institution for the care of aged or persons with dementia or other cognitive impairments, or any institution for persons with mental illness or persons with developmental disabilities and any nursing or convalescent home.

(Ord. 381 [part], 2002: Ord. 352 § 8 [part], 1999: Ord. 340 § 1 [part], 1998)

~~15.17.050 Chapter 56 amended – Explosives and fireworks.~~

- K. Chapter 56 is amended by adding Section 5614 as follows.

~~SECTION 5601 – GENERAL~~

5614 Fireworks

5614.1 Definitions. For the purpose of this Chapter the phrases “fireworks,” “dangerous fireworks,” and “safe and sane fireworks” shall have the meanings ascribed to them in Sections 12511, 12505, and 12529 of the Health and Safety Code of the state of California.

5614.2 Storage of safe and sane fireworks:

5614.2.1 Safe and sane fireworks in excess of five pounds shall not be stored at any one location in the City of Newark.

EXCEPTIONS:

1. A maximum of one day's sales supplies of safe and sane fireworks, per stand, may be stored in a safe and sane fireworks stand for which a permit has been issued, or in a tamper resistant metal container approved by the Fire Code Official, pursuant to this Article.
2. If the stand closes at any time, the safe and sane fireworks, in excess of five pounds, may be stored in the booth with an adult guard, 18 years or older on the premises at all times.
3. Safe and sane fireworks stands shall not be located in areas zoned residential or General Industrial.
4. The City Community Development Director shall determine that the locations of the safe and sane fireworks stands do not have unsightly, undesirable, or obnoxious qualities that are not harmonious with, or are not properly related to

their sites, surroundings and traffic circulation in the vicinity, or which would not meet the specific intent of the Zoning Code.

5614.3 Prohibition

5614.3.1 The manufacture, sale, or discharge of safe and sane fireworks within the jurisdictional area is prohibited except under special permits as are required by local and state regulations.

EXCEPTIONS

1. A permit is not required for the discharge of safe and sane fireworks as described in Section 12529 of the Health and Safety Code.
2. Nothing in this section shall be construed to prohibit the discharge of safe and sane fireworks by railroads or other transportation agencies for signal purposes of illumination, or discharge of blank cartridges for a show or theater, or for use by military organizations.

5614.4 Sale of safe and sane fireworks

5614.4.1 Annual permit required: any organization desiring to sell or to offer for sale safe and sane fireworks shall annually make application to the Fire Code Official for a permit to sell safe and sane fireworks.

5614.4.2 Application for Permit:

1. Shall be made in writing at the office of the Fire Marshal of the City of Newark, accompanied by the permit fee.
2. Shall be made during regular office hours, between the fifteenth day of April and the fifteenth day of May of each year.
3. Shall set forth the proposed location of the safe and sane fireworks stand applied for.
4. Shall be accompanied by an assurance that if the permit is issued to the applicant, applicant shall, at the time of receipt of such permit, deliver to the Fire Code Official a general liability insurance policy or endorsement adding or specifying the City, its officers, employees, and volunteers as “insureds” and within the scope and limits as set by the Fire Chief.

5614.5 Annual Permit. An annual permit shall only be issued to any organization meeting the following requirements:

5614.5.1 Nonprofit organization organized primarily for veteran, patriotic, welfare, youth activity, civic betterment, or charitable purpose within the City of Newark.

5614.5.2 The organization shall have its principal place of business and permanent meeting place within the City limits of the City of Newark.

5614.5.3 The organization shall have been organized for a minimum of one (1) year continuously preceding the filing of the application for the permit.

5614.5.4 The organization shall have at least twenty (20) regular and active participants, volunteers, or members with a minimum of fifty percent (50%) of those regular and active participants, volunteers, or members being bona fide residents of the City of Newark. For purposes of this section, a “member” need not be a “member” as defined by California Corporations Code Section 5056.

5614.5.5 The organization shall obtain a business license from the City of Newark.

5614.6 Operation of Stand

5614.6.1 No person other than the permittee organization shall operate the stand for which the permit is issued or share or otherwise participate in the profits of the operation of such stand.

5614.6.2 No person other than individuals who are members, regular and active participants, volunteers, or other persons supportive of the activities of the permittee organizations, or a spouse or adult child of such a person, shall sell or otherwise participate in the sale of safe and sane fireworks at such stand.

5614.6.3 No person shall be paid any money or other consideration for selling or otherwise participating in the sale of safe and sane fireworks at such stand.

5614.6.4 All retail sales of safe and sane fireworks shall be permitted only from within a temporary safe and sane fireworks stand. The sale from any other building or structure is hereby prohibited.

5614.7 Temporary Safe and Sane fireworks Stands

5614.7.1 No safe and sane fireworks stand shall be located within 25 feet of another building or within 100 feet of any flammable liquid or gas storage or dispensing unit.

5614.7.2 All safe and sane fireworks stands shall be erected in a manner approved by the Fire Marshal in order to reasonably ensure the safety of attendants and patrons.

5614.7.3 No stand shall have a floor area in excess of 300 square feet.

5614.7.4 Each stand shall have at least two remote exits three feet in width and not less than six feet eight inches in height. All doors shall swing out.

5614.7.5 Each stand shall be provided with two 2-A rated fire extinguishers bearing a valid inspection tag and in good working order. Extinguishers shall be easily accessible for use in case of fire.

5614.7.6 "No smoking" signs shall be conspicuously posted at the stand.

5614.7.7 Merchandise shall be displayed in such a manner that it cannot be handled by patrons reaching over the selling counter or through other openings in the stand.

5614.7.8 All electrical wiring will require a permit from the City Building Inspection Division prior to any installation.

5614.7.9 Decorative material, canvas tops, screening, etc., shall be flame retardant or rendered to the satisfaction of the Fire Code Official.

5614.7.10 All weeds and combustible material shall be cleared from within a 25 foot minimum area surrounding the stand.

5614.7.11 Each stand shall be located only at those locations in compliance with the City Zoning Ordinance.

5614.7.12 A maximum of one day's sales supplies of safe and sane fireworks, per stand, may be stored in a safe and sane fireworks stand for which a permit has been issued, or in a tamper resistant metal container approved by the Fire Code Official, pursuant to this Chapter.

5614.7.13 If the stand closes at any time, the safe and sane fireworks, in excess of five pounds, may be stored in the booth with an adult guard, 18 years or older on the premises at all times.

5614.7.14 Safe and sane fireworks stands shall not be located in areas zoned residential or General Industrial.

5614.7.15 The Fire Code Official shall determine that the locations of the safe and sane fireworks stands do not have unsightly, undesirable, or obnoxious qualities that are not

harmonious with, or are not properly related to their sites, surroundings and traffic circulation in the vicinity, or which would not meet the specific intent of the Zoning Code.

5614.8 General Requirements

5614.8.1 The sale of safe and sane fireworks shall be from 12:00 noon to 9:00 p.m. on the 28th day of June and 8:00 a.m. to 9:00 p.m. June 29 through July 4. The use of safe and sane fireworks shall be from midnight June 30 to midnight July 4.

5614.8.2 All unsold stock and accompanying litter shall be removed from the location by 12 Noon on the sixth day of July.

5614.8.3 The safe and sane fireworks stand shall be removed from the location by the twelfth of July.

5614.8.4 The sale of safe and sane fireworks shall not be made to any person or persons under the age of 18.

5614.8.5 Prior to the sale, in the event that a prospective purchaser appears or would appear to a reasonable person to be under the age of thirty (30), the permittee shall require the prospective purchaser to show proof of age by displaying a motor vehicle operator's license, a registration certificate issued by the Federal Selective Service Act, an identification card issued to a member of the Armed Forces, or a similar document bearing the picture or likeness of the purchaser. Any permittee that sells safe and sane fireworks to any person under the age of 18 or, in the event that a prospective purchaser appears or would appear to a reasonable person to be under the age of thirty (30), fails to require the prospective purchaser to show proof of age as required herein, shall be guilty of an infraction. Pursuant to Title 7 of the Newark Municipal Code, an Administrative Citation may be issued for the violation. Each sale to any person under the age of 18 shall be deemed a separate violation. In addition the sale of safe and sane fireworks to any person under the age of 18 is declared a public nuisance subject to abatement pursuant to Title 7 of this Code subjecting the permittee to administrative penalties up to \$1,000 per day per violation to a maximum of \$100,000, and to recovery of all costs of abatement and enforcement as provided in Title 7.

5614.8.6 In addition to the foregoing, in the event of multiple violations or other evidence of a course of conduct in conscious or reckless disregard of the requirements of this section, the permittee may be deemed ineligible for a safe and sane fireworks booth permit in subsequent years. The Fire Code Official shall make the decision of ineligibility. The permittee may appeal that decision by requesting an administrative hearing to be held by the City Manager's designated Hearing Officer. The hearing shall be conducted pursuant to the rules of procedure set forth in Chapter 7.22 of the Newark Municipal Code. The Hearing Officer's decision shall be the final decision of the City of Newark. (Ord. 403 § 1, 2004; Ord. 388 § 1, 2003; Ord 384 § 1, 2003; Ord. 381 [part], 2002; Ord. 340 § 1 [part], 1998)

5614.9 Fireworks Display

5614.9.1 General. Outdoor fireworks displays, use of pyrotechnics before a proximate audience and pyrotechnic special effects in theatrical and group entertainment productions shall comply with California Code of Regulations, Title 19, Division 1, Chapter 6 Fireworks.

5614.9.2 Scope. Fireworks and temporary storage, use, and handling of pyrotechnic special effects material used in motion pictures, television, and theatrical and group entertainment productions shall be in accordance with California Code of Regulations, Title 19, Division 1, Chapter 6 Fireworks.

5614.9.3 Permits Required. The permittee shall furnish a general liability insurance policy of endorsement adding the City, its officers, employees, and volunteers as “insureds” and within the scope and limits as set by the Community Development Director. Said policy is to cover payments for all damages, which may be caused to a person or persons or to property by reason of the permitted display and arising from any acts of the permittee, his agents, employees, or subcontractors.

5614.9.4 Fireworks other than safe and sane fireworks prohibited.

Except as provided in this section, it is unlawful for any person, corporation, or entity to possess, store, offer for sale, expose for sale, sell at retail or wholesale, use, discharge, or explode any fireworks except “safe and sane fireworks” as described in Section 12529 of the Health and Safety Code. Violation of this section is punishable as an infraction. (Ord. 370 § 1, 2001)

~~**15.17.190 Permit fees.**~~

~~Whenever a permit is required pursuant to the California Fire Code as adopted by this chapter or any amendment thereto, the city council may establish fees for the issuance of the required permit by resolution. (Ord. 340 § 1 [part], 1998)~~

~~**15.17.200 Violation deemed infraction.**~~

~~Violation or failure to comply with any provision of this chapter constitutes an infraction. (Ord. 340 § 1 [part], 1998)~~

Chapter 15.18

CALIFORNIA REFERENCED STANDARDS CODE

Sections:

15.18.010 California Referenced Standards Code adopted by reference.

15.18.010 California Referenced Standards Code adopted by reference.

A certain document entitled, "~~2016~~ 2019 California Referenced Standards Code," published by the International Code Council is adopted by reference pursuant to the provisions of Government Code Section 50020 et seq., State of California.

Chapter 15.20

CALIFORNIA HISTORICAL BUILDING CODE

Section:

15.20.010 California Historical Building Code adopted by reference.

15.20.010 California Historical Building Code adopted by reference.

A certain document entitled, "~~2016~~ 2019 California Historical Building Code," published and adopted by the state of California is adopted by reference pursuant to the provisions of Government Code Section 50020 et seq., state of California.

Chapter 15.22

CALIFORNIA ENERGY CODE

Section:

15.22.010 California Energy Code adopted by reference.

15.22.010 California Energy Code adopted by reference.

A certain document entitled, "~~2016~~ 2019 California Energy Code," published and adopted by the state of California is adopted by reference pursuant to the provisions of Government Code Section 50020 et seq., state of California.

Chapter 15.23

CALIFORNIA GREEN BUILDING STANDARDS CODE

Sections

15.22.010 California Green Building Standards Code adopted by reference.

15.22.010 California Green Building Standards Code adopted by reference.

A certain document, entitled "~~2016~~ 2019 California Green Building Standards Code", published and adopted by the state of California, is adopted by reference pursuant to the provisions of Government Code Section 50020 et seq., state of California.

F.1 Approval of the Final Map and Subdivision Improvement Agreement for Tract 8436 – Bridgeway Phase II (Lennar Homes of California, Inc.), a 243-unit residential subdivision within the Bayside Newark Specific Plan project area – from Assistant City Engineer Imai. (RESOLUTION)

Background/Discussion – On February 25, 2016, the City Council approved Vesting Tentative Tract Map 8099, a 589-unit residential subdivision within the Bayside Newark Specific Plan project area (formerly known as the “Dumbarton Transit-Oriented Development”). The project was originally proposed to be developed in three phases. Tract 8099 – Bridgeway Phase 1, a 333-unit residential subdivision approved on October 11, 2018 (Resolution No. 10,848), was the first of the three planned phases. The Final Map for Tract 8436 – Bridgeway Phase II will combine the second and third planned phases of Vesting Tentative Tract Map 8099. Tract 8436 will include an additional 243 residential units, bringing the total number residential units within the Bridgeway development to 576. The developer, Lennar Homes of California, Inc., has submitted the required fees, bonds, and other documents for approval of the Final Map for Tract 8436.

The Final Map dedicates public street rights-of-way for the further extension of Seawind Way west of Hickory Street. The developer has executed a Subdivision Improvement Agreement and has posted a Performance Bond in the amount of \$4,539,000 and a Materials Bond in the amount of \$2,269,500. The bonds will guarantee the construction of private streets internal to the subdivision and public improvements on Seawind Way.

Staff reviewed the Final Map for Tract 8436 and found it to be in conformance with Vesting Tentative Tract Map 8099 and the Conditions of Approval, and it is now ready for City Council approval. Recording of the Final Map and issuance of subsequent permits and approvals for construction activity will be at the discretion of the City Engineer.

Financial Impact – The estimated annual cost for maintenance of the public street improvements associated with Tract 8436 is \$6,800 for street sweeping and pavement maintenance. The street lights and landscaping along Seawind Way will be maintained by Landscaping and Lighting District No. 19 and the Homeowners Association.

Attachments – Resolution, Final Map for Tract 8436, Subdivision Improvement Agreement

Action – Staff recommends that the City Council, by resolution, approve the Final Map and Subdivision Improvement Agreement for Tract 8436 – Bridgeway Phase II (Lennar Homes of California, Inc.), a 243-unit residential subdivision within the Bayside Newark Specific Plan project area.

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
NEWARK APPROVING THE FINAL MAP AND
SUBDIVISION IMPROVEMENT AGREEMENT FOR TRACT
8436 – BRIDGEWAY PHASE II (LENNAR HOMES OF
CALIFORNIA, INC.), A 243-UNIT RESIDENTIAL
SUBDIVISION WITHIN THE BAYSIDE NEWARK SPECIFIC
PLAN PROJECT AREA

WHEREAS, on February 25, 2016, with Resolution No. 10,463, the City Council of the City of Newark approved Vesting Tentative Tract Map 8099, a 589-unit residential subdivision on an approximately 41-acre project site within the Bayside Newark Specific Plan Project Area; and

WHEREAS, City staff and the City Engineer have reviewed the submissions of the subdivider, including the proposed Final Map, and have found that all conditions of approval for the Tentative Map have been satisfied, with the exception of the completion of required public improvements; and

WHEREAS, the subdivider wishes to enter into a Subdivision Improvement Agreement and record the Final Map. The Subdivision Improvement Agreement will require the subdivider to complete the public improvements in a timely manner, and the improvements will be subject to a security as required by the Subdivision Improvement Agreement; and

WHEREAS, upon completion of all improvements, the City will accept the improvements and accept all offers of dedication of public right-of-way at that time.

NOW THEREFORE, BE IT RESOLVED BY THE City Council of the City of Newark that the City Council does hereby approve the final map and improvement plans for Tract 8436, City of Newark, County of Alameda, State of California, and that the Mayor is authorized and hereby directed to execute an agreement between the City of Newark and Lennar Homes of California, Inc., for the improvements of said tract.

BE IT FURTHER RESOLVED that the City Council does hereby accept, subject to improvement, all parcels of land offered for public use in conformity with the terms of offer of dedication as shown on the final map for Tract 8436.

BE IT FURTHER RESOLVED that the City Council does hereby approve the Performance Bond in the amount of \$4,539,000 and the Materials Bond in the amount of \$2,269,500 posted by the developer to secure the installation of improvements in accordance with the plans and specifications and the Subdivision Improvement Agreement.

BE IT FURTHER RESOLVED that the recording of the final map and final approval for the start of construction activity for Tract 8436, including issuance of all related construction permits, shall be at the discretion of the City Engineer.

TRACT 8436

CITY OF NEWARK, ALAMEDA COUNTY, CALIFORNIA
FOR RESIDENTIAL PURPOSES
CONSISTING OF 14 SHEETS

BEING A MERGER AND RESUBDIVISION OF PARCELS II, III, KX, LL, MM,
AND OO SHOWN ON THE MAP OF TRACT 8099, FILED IN BOOK 357 OF
MAPS, AT PAGES 53 THROUGH 73, ALAMEDA COUNTY RECORDS

Carlson, Barbee & Gibson, Inc.

CIVIL ENGINEERS & SURVEYORS & PLANNERS
SAN RAMON, CALIFORNIA
NOVEMBER 2019

OWNER'S STATEMENT

WE, THE UNDERSIGNED, LENAR HOMES OF CALIFORNIA, INC., A CALIFORNIA CORPORATION DO HEREBY STATE THAT WE ARE THE OWNERS OF ALL THE LAND DELINEATED AND EMBODIED WITHIN THE EXTERIOR BOUNDARY LINES OF THE HEREIN EMBODIED MAP, ENTITLED "TRACT 8436, CITY OF NEWARK, ALAMEDA COUNTY, CALIFORNIA," CONSISTING OF FOURTEEN (14) SHEETS, THIS STATEMENT BEING UPON SHEET ONE (1) THEREOF. THAT WE ACQUIRED TITLE TO SAID LAND BY WRITING OF THAT GRANT DEED RECORDED DECEMBER 9, 2018 AS INSTRUMENT NO. 2018121535, OFFICIAL RECORDS OF ALAMEDA COUNTY, THAT WE ARE THE ONLY PERSONS WHOSE CONSENT IS NECESSARY TO PASS A CLEAR TITLE TO SAID REAL PROPERTY; AND THAT WE HEREBY CONSENT TO THE PREPARATION AND RECORDATION OF THIS MAP AND SUBDIVISION.

THE REAL PROPERTY DESCRIBED BELOW IS DEDICATED IN FEE FOR PUBLIC STREET AND PUBLIC UTILITY PURPOSES:

THE AREAS DESIGNATED AS SEAMING WAY.

THE REAL PROPERTY DESCRIBED BELOW IS DEDICATED AS EASEMENTS FOR PUBLIC PURPOSES:

1. WE HEREBY DEDICATE AN EASEMENT FOR PUBLIC UTILITY PURPOSES, THE AREAS OVER, UNDER AND UPON THOSE CERTAIN STRIPS OF LAND DESIGNATED AS "PUC" (PUBLIC UTILITY EASEMENT) FOR THE PURPOSE OF CONSTRUCTION, OPERATION AND MAINTENANCE OF APPLICABLE STRUCTURES AND APPURTENANCES THERETO, INCLUDING BUT NOT LIMITED TO SANITARY SEWERS, WATER, ELECTRICAL, GAS AND COMMUNICATION FACILITIES. SAID AREAS OR STRIPS OF LAND ARE TO BE KEPT OPEN AND FREE FROM BUILDINGS AND STRUCTURES OF ANY KIND, EXCEPT APPLICABLE UTILITY STRUCTURES AND APPURTENANCES THERETO, LAWN, FENCES AND LAWN UNASSORTED OVERHANGS.
2. WE ALSO HEREBY DEDICATE AN EASEMENT FOR EMERGENCY VEHICLE ACCESS PURPOSES, THE AREAS OVER AND UPON THOSE CERTAIN STRIPS OF LAND DESIGNATED AND DELINEATED AS "EVA" (EMERGENCY VEHICLE ACCESS EASEMENT) FOR THE PURPOSE OF INGRESS AND EGRESS OF EMERGENCY VEHICLES.
3. WE ALSO HEREBY DEDICATE AN EASEMENT FOR SANITARY SEWER PURPOSES, THE AREAS OVER, UNDER AND UPON THOSE CERTAIN STRIPS OF LAND DESIGNATED AND DELINEATED AS "SS" (SANITARY SEWER EASEMENT) FOR THE PURPOSE OF CONSTRUCTION AND MAINTENANCE OF APPLICABLE SANITARY SEWER LINES, STRUCTURES AND APPURTENANCES THERETO. SAID AREAS OR STRIPS OF LAND ARE TO BE KEPT OPEN AND FREE FROM BUILDINGS AND STRUCTURES OF ANY KIND, EXCEPT SANITARY SEWER SYSTEMS AND APPURTENANCES THERETO.
4. WE ALSO HEREBY DEDICATE AN EASEMENT FOR STORM DRAINAGE PURPOSES, THE AREAS OVER, UNDER AND UPON THOSE CERTAIN STRIPS OF LAND DESIGNATED AND DELINEATED AS "SD" (STORM DRAIN EASEMENT) FOR THE PURPOSES OF INGRESS AND EGRESS, CONSTRUCTION, AND MAINTENANCE OF STORM DRAINAGE FACILITIES INCLUDING STORM DRAIN LINES AND APPURTENANCES THERETO.
5. WE ALSO HEREBY DEDICATE AN EASEMENT FOR WATER LINE PURPOSES, THE AREAS OVER, UNDER AND UPON THOSE CERTAIN STRIPS OF LAND DESIGNATED AND DELINEATED AS "WLE" (WATER LINE EASEMENT) FOR THE PURPOSE OF CONSTRUCTION AND MAINTENANCE OF APPLICABLE WATER LINES, STRUCTURES AND APPURTENANCES THERETO. SAID AREAS OR STRIPS OF LAND ARE TO BE KEPT OPEN AND FREE FROM BUILDINGS AND STRUCTURES OF ANY KIND, EXCEPT WATER LINE SYSTEMS AND APPURTENANCES THERETO.
6. WE ALSO HEREBY DEDICATE AN EASEMENT TO THE PUBLIC FURNISH TO CONSTRUCT, RECONSTRUCT, AND MAINTAIN THE TRAILS INTENDED FOR PUBLIC ACCESS ON AND OVER THOSE CERTAIN STRIPS OF LAND SHOWN UPON SAID MAP AS "TR" (TRAIL EASEMENT) TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS OF THE PUBLIC FOR PEDESTRIAN USE OVER AND ALONG THE PUBLIC TRAIL THEREON.

THE REAL PROPERTY DESCRIBED BELOW IS RESERVED FOR PRIVATE PURPOSES AND IS NOT DEDICATED TO THE PUBLIC:

WE ALSO HEREBY DECLARE AN EASEMENT FOR PRIVATE STORM DRAIN PURPOSES, THE AREAS OVER, UNDER, AND UPON THOSE CERTAIN STRIPS OF LAND DESIGNATED AND DELINEATED AS "PDC" (PRIVATE STORM DRAIN EASEMENT) FOR THE PURPOSES OF INGRESS AND EGRESS, CONSTRUCTION, AND MAINTENANCE OF PRIVATE STORM DRAINAGE FACILITIES INCLUDING PRIVATE STORM DRAIN LINES AND APPURTENANCES THERETO. SAID EASEMENT TO BE CONVEYED TO THE HOMEOWNERS ASSOCIATION OF TRACT 8099 BY SEPARATE INSTRUMENT SUBSEQUENT TO THE FINAL MAP.

WE ALSO HEREBY DECLARE THAT THE STRIPS OF LAND DESIGNATED AS "PAC" (PRIVATE ACCESS EASEMENT) ARE RESERVED AS AN EASEMENT FOR THE PURPOSE OF PEDESTRIAN INGRESS AND EGRESS IN ACCORDANCE WITH THE DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS GOVERNING TRACT 8436. SAID EASEMENTS ARE NOT OFFERED FOR DEDICATION TO THE PUBLIC; IF THERE IS ANY CONFLICT BETWEEN THE LOCATION OF SAID EASEMENT AS SHOWN ON THIS MAP AND THE LOCATION OF THE EASEMENT AS SET BY THE FENCES AND BUILDINGS ENCLOSED THE EASEMENT AREA INSTALLED AS PART OF THE ORIGINAL CONSTRUCTION OF THE RESIDENCES, THE EASEMENT LOCATION AS DEFINED BY THE FENCES AND BUILDINGS WILL CONTROL.

WE ALSO HEREBY DECLARE THAT THE AREAS DESIGNATED AS PRIVATE STREETS: PARCEL PP (COURT 13), PARCEL OO (COURT 14), PARCEL RR (COURT 17), PARCEL SS (COURT 18), PARCEL TT (COURT 19), PARCEL UU (COURT 20), PARCEL VV (COURT 21), PARCEL WW (COURT 22), PARCEL XX (COURT 23), PARCEL YY (BARTERIAL WAY), PARCEL ZZ (PONTON WAY), PARCEL BBB (BOWLINE ROAD, SALT GRASS ROAD AND WINDJAMMER WAY), PARCEL OOO (COURT 14), PARCEL PPP (COURT 13), PARCEL QQQ, PARCEL RRR AND PARCEL LLL ARE RESERVED FOR THE USE OF THE HOME OWNERS AND RESIDENCES OF TRACT 8436 AND PORTIONS OF THIS SUBDIVISION FOR PRIVATE INGRESS, EGRESS, PRIVATE UTILITIES AND IMPROVEMENTS. SAID PARCELS SHALL BE CONVEYED TO THE HOMEOWNERS ASSOCIATION OF TRACT 8099 SUBSEQUENT TO THE FILING OF THIS MAP. MAINTENANCE OF SAID PARCELS AND IMPROVEMENTS TO BE THE RESPONSIBILITY OF THE HOMEOWNERS ASSOCIATION OF TRACT 8436.

OWNER'S STATEMENT CONTINUED

WE ALSO HEREBY DECLARE THAT THE AREAS DESIGNATED AS PARCELS AAA, CCC, DDD, EEE, FFF, GGG, HHH, I, J, LL, KKK, LLL, MMM, NNN, SSS, AND TTT ARE FOR LANDSCAPING PURPOSES TO BE FURTHER DEFINED BY THE APPROPRIATE COVENANTS, CONDITIONS AND RESTRICTIONS GOVERNING TRACT 8436. SAID PARCELS ARE TO BE CONVEYED TO THE HOMEOWNERS ASSOCIATION OF TRACT 8436 SUBSEQUENT TO THE FILING OF THIS MAP.

WE ALSO HEREBY STATE LOTS 248 THROUGH 264 AND LOTS 323 THROUGH 332, INCLUSIVE, ARE FOR CONDOMINIUM PURPOSES.

THIS MAP SHOWS OR NOTES ALL THE EASEMENTS EXISTING OR OF RECORD, WITHIN THE BOUNDARY LINES OF THE HEREIN EMBODIED MAP.

LENAR HOMES OF CALIFORNIA, INC., A CALIFORNIA CORPORATION

BY: _____ DATE: _____
NAME: _____ TITLE: _____

OWNER'S 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 _____ SS
COUNTY OF _____

ON _____ BEFORE ME, _____, A NOTARY PUBLIC, PERSONALLY APPEARED _____, 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:
SIGNATURE: _____
NAME (PRINT): _____
PRINCIPAL COUNTY OF BUSINESS: _____
MY COMMISSION NUMBER: _____
MY COMMISSION EXPIRES: _____

TRUSTEE'S STATEMENT

THE UNDERSIGNED, DUMBARTON AREA 2, LLC, A DELAWARE LIMITED LIABILITY COMPANY, AS TRUSTEE UNDER THAT CERTAIN SUBSTITUTION OF TRUSTEE AND DEED OF PARTIAL RECONVEYANCE, RECORDED ON DECEMBER 11, 2018 AS SERIES NO. 2018029414 OF OFFICIAL RECORDS, ALAMEDA COUNTY, CALIFORNIA, DOES HEREBY CONSENT TO THE PREPARATION AND RECORDATION OF THIS FINAL MAP AND JOINS IN ALL DEDICATIONS THEREON.

IN WITNESS WHEREOF, THE UNDERSIGNED HAVE EXECUTED THIS STATEMENT ON THE _____ DAY OF _____, 20____.

DUMBARTON AREA 2, LLC, A DELAWARE LIMITED LIABILITY COMPANY

BY: _____
NAME: _____
TITLE: _____

TRUSTEE'S 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 _____ SS
COUNTY OF _____

ON _____ BEFORE ME, _____, A NOTARY PUBLIC, PERSONALLY APPEARED _____, 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:
SIGNATURE: _____
NAME (PRINT): _____
PRINCIPAL COUNTY OF BUSINESS: _____
MY COMMISSION NUMBER: _____
MY COMMISSION EXPIRES: _____

COUNTY RECORDER'S STATEMENT

FILED FOR RECORD THIS _____ DAY OF _____, 20____, AT _____, CA,
IN BOOK _____ OF MAPS, AT PAGES _____ UNDER SERIES NO. _____ AT THE
REQUEST OF NORTH AMERICAN TITLE COMPANY, IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF
ALAMEDA, STATE OF CALIFORNIA.

FEES: _____ PO. MELISSA WALK
COUNTY RECORDER IN AND FOR THE COUNTY
OF ALAMEDA, STATE OF CALIFORNIA
BY: _____
DEPUTY COUNTY RECORDER

TRACT 8436

CITY OF NEWARK, ALAMEDA COUNTY, CALIFORNIA
FOR RESIDENTIAL PURPOSES
CONSISTING OF 14 SHEETS
BEING A MERGER AND RESUBDIVISION OF PARCELS II, III, K, L, M,
AND OO SHOWN ON THE MAP OF TRACT 8699, FILED IN BOOK 357 OF
MAPS, AT PAGES 53 THROUGH 73, ALAMEDA COUNTY RECORDS.

Carlson, Barbee & Gibson, Inc.

CIVIL ENGINEERS • SURVEYORS • PLANNERS
SAN FRANCISCO, CALIFORNIA

NOVEMBER 2019

CITY CLERK'S STATEMENT

I, SHEILA HARRINGTON, CITY CLERK AND CLERK OF THE COUNCIL OF THE CITY OF NEWARK, ALAMEDA COUNTY, STATE OF CALIFORNIA, DO HEREBY STATE THAT THE HEREIN ENCLOSED MAP ENTITLED "TRACT 8436, CITY OF NEWARK, ALAMEDA COUNTY, CALIFORNIA," CONSISTING OF FOURTEEN (14) SHEETS, THIS STATEMENT BEING ON SHEET TWO (2) THEREOF, WAS PRESENTED TO SAID COUNCIL OF THE CITY OF NEWARK AS PROVIDED BY LAW AT A REGULAR MEETING HELD ON THE _____ DAY OF _____, 2019, AND THAT SAID COUNCIL OF THE CITY OF NEWARK DID THEREUPON BY RESOLUTION NO. _____, DULY PASSED AND ADOPTED AT SAID MEETING, APPROVE SAID MAP AND DID ACCEPT, SUBJECT TO IMPROVEMENT, ON BEHALF OF THE PUBLIC, ALL PARCELS OF LAND AND EASEMENTS OFFERED FOR DEDICATION, FOR PUBLIC USE, IN CONFORMITY WITH THE TERMS OF THE OFFERS OF DEDICATION AS SHOWN ON SAID MAP.

IN WITNESS WHEREOF, I HAVE HERETO SET MY HAND THIS _____ DAY OF _____, 2019.

SHEILA HARRINGTON _____ DATE _____
CITY CLERK AND CLERK OF THE COUNCIL OF THE
CITY OF NEWARK, COUNTY OF ALAMEDA, CALIFORNIA

CLERK OF THE BOARD OF SUPERVISORS STATEMENT

I, ANIKA CAMPBELL-BELTON, CLERK OF THE BOARD OF SUPERVISORS FOR THE COUNTY OF ALAMEDA, STATE OF CALIFORNIA, DO HEREBY STATE, AS CHECKED BELOW, THAT:

- AN APPROVED BOND HAS BEEN FILED WITH THE BOARD OF SUPERVISORS OF SAID COUNTY AND STATE IN THE AMOUNT OF \$ _____ CONDITIONED FOR THE PAYMENT OF ALL TAXES AND SPECIAL ASSESSMENTS COLLECTED AS TAXES WHICH ARE NOW A LIEN AGAINST SAID LAND OR ANY PART THEREOF BUT NOT YET PAYABLE AND WAS DULY APPROVED BY SAID LOCAL BOARD IN SAID AMOUNT.
- ALL TAXES AND SPECIAL ASSESSMENTS COLLECTED AS TAXES HAVE BEEN PAID AS CERTIFIED BY THE TREASURER-TAX COLLECTOR OF THE COUNTY OF ALAMEDA.

IN WITNESS WHEREOF, I HAVE HERETO SET MY HAND THIS _____ DAY OF _____, 20 _____.

ANIKA CAMPBELL-BELTON
CLERK OF THE BOARD OF SUPERVISORS
COUNTY OF ALAMEDA, STATE OF CALIFORNIA

BY: _____
DEPUTY COUNTY CLERK

TRACT 8436

SHEET 2 OF 14

SURVEYOR'S STATEMENT

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION, AT THE REQUEST OF LENDAR HOMES OF CALIFORNIA, INC. A CALIFORNIA CORPORATION AND IS BASED UPON A FIELD SURVEY PERFORMED BY ME OR UNDER MY DIRECTION IN JUNE 2017, IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE, AND IS TRUE AND COMPLETE AS SHOWN. I HEREBY STATE THAT THIS TRACT MAP SUBSTANTIALLY CONFORMS TO THE CONDITIONALLY APPROVED TENTATIVE MAP (IF ANY), THAT ALL MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED, OR THAT THEY WILL BE SET IN THOSE POSITIONS ON OR BEFORE DECEMBER 2020 OR PRIOR TO THE ACCEPTANCE OF THE IMPROVEMENTS, AND THAT SAID MONUMENTS ARE, OR WILL BE, SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED. THE GROSS AREA WITHIN THE TRACT IS 15.14 ACRES, MORE OR LESS.

MARK H. WEBER, P.L.S.
L.S. NO. 7960
REGISTRATION EXPIRES: MARCH 31, 2020



SOILS REPORT

A PRELIMINARY GEOTECHNICAL EXPLORATION WAS PREPARED BY ONZD INCORPORATED, DATED JULY 29, 2016, PROJECT NO. 12004.001.000.

SIGNATURE OF OMISSIONS

IN ACCORDANCE WITH SECTION 86436 OF THE SUBDIVISION MAP ACT, THE SIGNATURES OF THE FOLLOWING HOLDERS OF RIGHTS OF WAY OR EASEMENTS, WHICH CANNOT REPLY INTO THE, HAVE BEEN OMITTED:

- PACIFIC GAS AND ELECTRIC EASEMENT FOR ELECTRIC TRANSMISSION LINE AND FOR TELEPHONE AND TELEGRAPH PURPOSES, RECORDED OCTOBER 27, 1911 BOOK 1988 OF DEEDS, PAGE 233, ALAMEDA COUNTY RECORDS.
- EAST BAY DESCHAMBERS AUTHORITY, FOR WASTEWATER UNDERGROUND PIPES AND PIPELINES, RECORDED JULY 14, 1978, INSTRUMENT NO. 78-1333899 REEL 5485, PAGE 77, ALAMEDA COUNTY RECORDS.

CITY ENGINEER'S STATEMENT

I, SOREN FJALEAL, CITY ENGINEER FOR THE CITY OF NEWARK, ALAMEDA COUNTY, CALIFORNIA, DO HEREBY STATE THAT I HAVE EXAMINED THE HEREIN ENCLOSED FINAL MAP ENTITLED "TRACT 8436, CITY OF NEWARK, ALAMEDA COUNTY, CALIFORNIA," CONSISTING OF FOURTEEN (14) SHEETS, THIS STATEMENT BEING UPON SHEET TWO (2) THEREOF, THAT THE SUBDIVISION AS SHOWN UPON SAID MAP IS SUBSTANTIALLY THE SAME AS SAID SUBDIVISION APPEARED ON THE TENTATIVE MAP, IF REQUIRED, AND ANY APPROVED ALTERATION THEREOF; AND THAT ALL PROVISIONS OF THE SUBDIVISION MAP ACT OF THE STATE OF CALIFORNIA, AND ANY LOCAL ORDINANCES APPLICABLE AT THE TIME OF APPROVAL OF THE TENTATIVE MAP, IF REQUIRED, HAVE BEEN COMPLIED WITH.

IN WITNESS, I HAVE HERETO SET MY HAND THIS _____ DAY OF _____, 2019.

SOREN FJALEAL, PE #6454
REGISTRATION EXPIRES: JUNE 30, 2020
CITY ENGINEER FOR THE CITY OF NEWARK
COUNTY OF ALAMEDA, CALIFORNIA



I, MITCHELL L. MOUGHON, SPECIAL ASSISTANT FOR THE CITY OF NEWARK, ALAMEDA COUNTY, CALIFORNIA, DO HEREBY STATE PURSUANT TO SECTION 86436(a)(4) OF THE GOVERNMENT CODE THAT I HAVE EXAMINED THE HEREIN ENCLOSED MAP ENTITLED "TRACT 8436, CITY OF NEWARK, ALAMEDA COUNTY, CALIFORNIA," CONSISTING OF FOURTEEN (14) SHEETS, THIS STATEMENT BEING UPON SHEET TWO (2) THEREOF; AND THAT I AM SATISFIED THAT THIS MAP IS TECHNICALLY CORRECT.

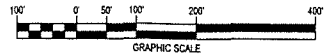
IN WITNESS, I HAVE HERETO SET MY HAND THIS _____ DAY OF _____, 2019.

MITCHELL L. MOUGHON, REC. 29509
REGISTRATION EXPIRES: MARCH 31, 2021
SPECIAL ASSISTANT FOR THE CITY OF NEWARK
COUNTY OF ALAMEDA, CALIFORNIA



TRACT 8436

CITY OF NEWARK, ALAMEDA COUNTY, CALIFORNIA
 FOR RESIDENTIAL PURPOSES
 CONSISTING OF 11 SHEETS
 BEING A MERGER AND RESUBDIVISION OF PARCELS JJ, KK, LL, MM,
 AND OO SHOWN ON THE MAP OF TRACT 8099, FILED IN BOOK 131 OF
 MAPS, AT PAGES 53 THROUGH 73, ALAMEDA COUNTY RECORDS.
Carlson, Barbee & Gibson, Inc.
 CIVIL ENGINEERS • SURVEYORS • PLANNERS
 SAN FRANCISCO, CALIFORNIA
 SCALE: 1" = 100' NOVEMBER 2019



BASIS OF BEARINGS:

THE BASIS OF BEARINGS FOR THIS SURVEY IS THE CENTERLINE OF HICKORY STREET BETWEEN TWO FOUND IRON PIPES AS NORTH 21°48'56" WEST AS SHOWN ON PARCEL MAP 10301 (130 PM 83). THE BEARINGS SHOWN HEREON ARE BASED ON THE CALIFORNIA COORDINATE SYSTEM ZONE 3 (NAD 83). MULTIPLY THE DISTANCES SHOWN BY 0.9999378 TO OBTAIN GRID DISTANCES.

LEGEND

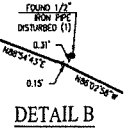
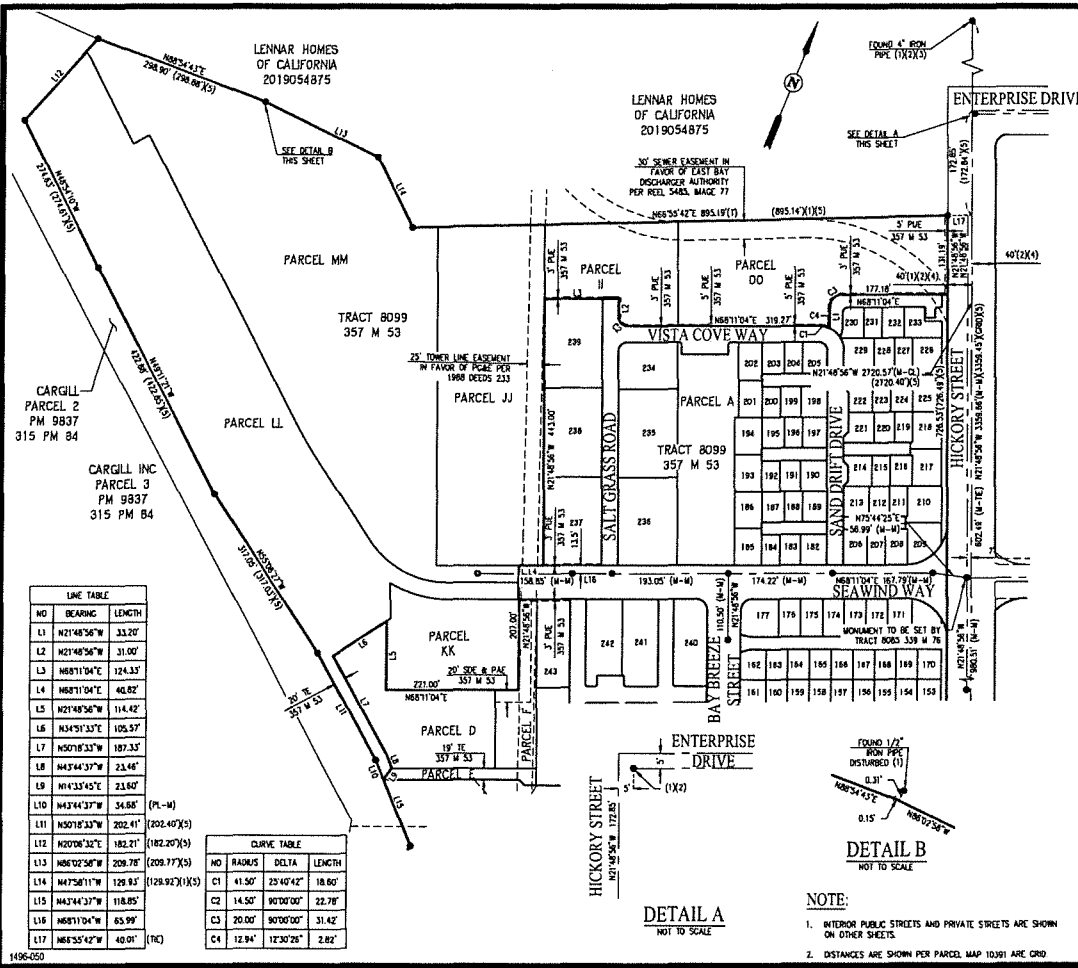
- SUBDIVISION BOUNDARY LINE
- POINT OF WAY LINE
- EXISTING LOT LINE
- CENTERLINE
- EASEMENT LINE
- MONUMENT LINE
- RADIAL
- (M-M) MONUMENT TO MONUMENT
- (M-PL) MONUMENT TO PROPERTY LINE
- (M-CL) MONUMENT TO CENTERLINE
- (PL-PL) PROPERTY LINE TO PROPERTY LINE
- (T) TOTAL
- STANDARD STREET MONUMENT TO BE SET PER TRACT 8099 UNLESS OTHERWISE NOTED
- SET STANDARD STREET MONUMENT
- FOUND 5/8" REBAR AND CAP OR NAIL TAG, 1/2" DIAMETER, PER (6) UNLESS OTHERWISE NOTED
- EVAC EASEMENT VEHICLE ACCESS EASEMENT
- PAE PRIVATE ACCESS EASEMENT
- PSDR PRIVATE STORM DRAIN EASEMENT
- PUE PUBLIC UTILITY EASEMENT
- SSE SANITARY SEWER EASEMENT
- TE TRAIL EASEMENT
- WLE WATER LINE EASEMENT

REFERENCES:

- (J) INDICATES REFERENCE NUMBER
- (1) PARCEL MAP 9837 (315 PM 84)
- (2) PARCEL MAP 7505 (252 PM 81)
- (3) PARCEL MAP 1130 (105 PM 92)
- (4) MAP OF THE TOWN OF NEWARK (17 M 10)
- (5) PARCEL MAP 10391 (130 PM 83)
- (6) TRACT 8099 (357 M 53)

TRACT 8436

SHEET 3 OF 14



NO	BEARING	LENGTH
L1	N21°48'56\"	33.20'
L2	N21°48'56\"	31.00'
L3	N88°11'04\"	124.33'
L4	N88°11'04\"	40.82'
L5	N21°48'56\"	114.42'
L6	N34°51'33\"	105.57'
L7	N50°18'33\"	187.33'
L8	N43°44'37\"	23.44'
L9	N14°33'45\"	23.60'
L10	N43°44'37\"	34.68' (PL-M)
L11	N50°18'33\"	202.41' (102.40')(S)
L12	N20°04'32\"	182.21' (182.20')(S)
L13	N88°02'58\"	209.78' (209.77')(S)
L14	N47°58'11\"	129.83' (129.82')(X)(S)
L15	N43°44'37\"	118.85'
L16	N88°11'04\"	63.99'
L17	N82°55'42\"	40.01' (TC)

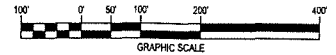
NO	RADIUS	DELTA	LENGTH
C1	41.50'	23°40'42\"	18.60'
C2	14.50'	90°00'00\"	22.78'
C3	20.00'	90°00'00\"	31.42'
C4	12.94'	12°30'28\"	2.82'

TRACT 8436

CITY OF NEWARK, ALAMEDA COUNTY, CALIFORNIA
 FOR RESIDENTIAL PURPOSES
 CONSISTING OF 14 SHEETS
 BEING A MERGER AND RESUBDIVISION OF PARCELS JJ, KK, LL, MM,
 AND OO SHOWN ON THE MAP OF TRACT 8099, FILED IN BOOK 357 OF
 MAPS, AT PAGES 53 THROUGH 73, ALAMEDA COUNTY RECORDS.

Carlson, Barbee & Gibson, Inc.
 CIVIL ENGINEERS & SURVEYORS & PLANNERS
 SAN FRANCISCO, CALIFORNIA

SCALE: 1" = 100' NOVEMBER 2019



BASIS OF BEARINGS:

THE BASIS OF BEARINGS FOR THIS SURVEY IS THE CENTERLINE OF HICKORY STREET BETWEEN TWO FOUND IRON PIPES IS TAKEN AS NORTH 21°46'58" WEST AS SHOWN ON PARCEL MAP 10391 (330 PM 83). THE BEARINGS SHOWN HEREON ARE BASED ON THE CALIFORNIA COORDINATE SYSTEM ZONE 3 (NAD 83). MULTIPLY THE DISTANCES SHOWN BY 0.99999378 TO OBTAIN GRID DISTANCES.

LEGEND

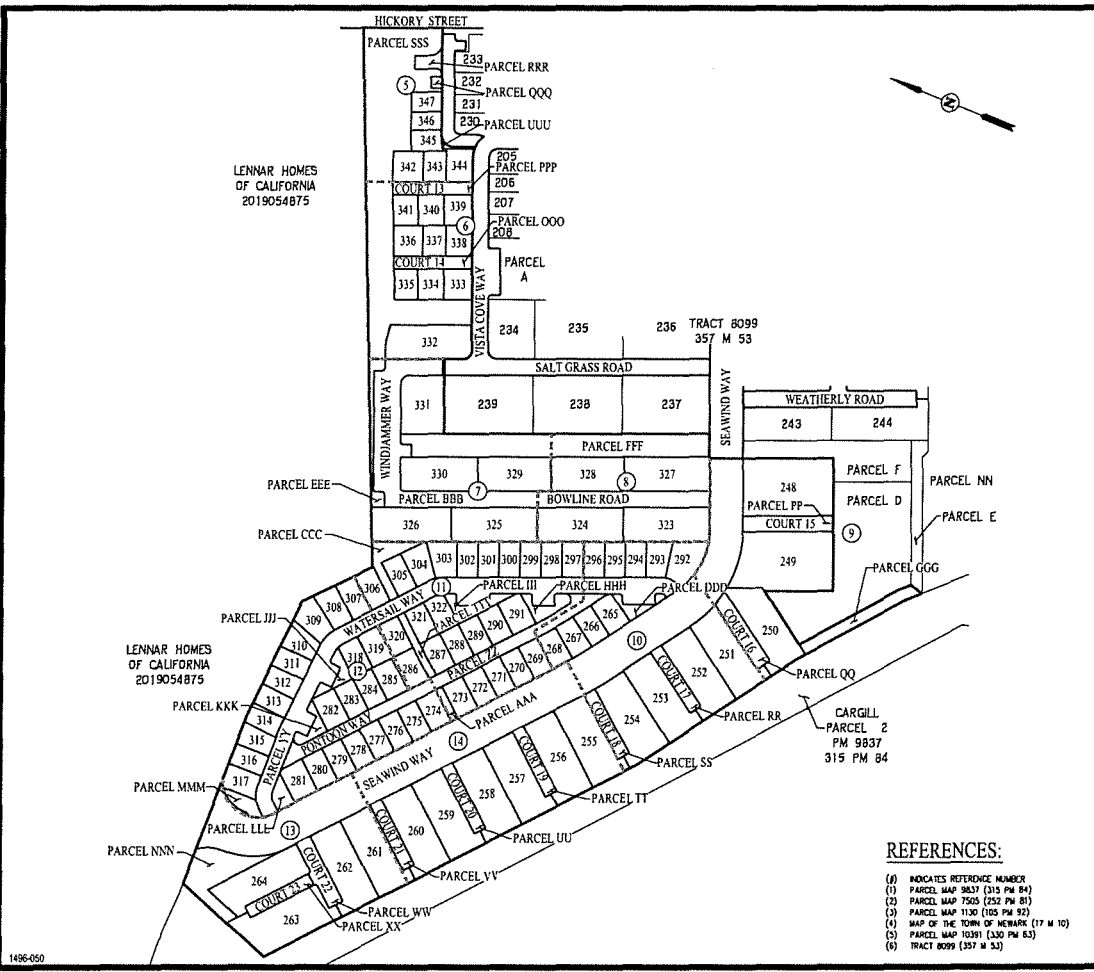
	SUBDIVISION BOUNDARY LINE
	RIGHT OF WAY LINE
	EXISTING LOT LINE
	CENTERLINE
	EASEMENT LINE
	MONUMENT LINE
	RADIAL
	MONUMENT TO MONUMENT
	MONUMENT TO PROPERTY LINE
	MONUMENT TO CENTERLINE
	PROPERTY LINE TO PROPERTY LINE
	TOTAL
	STANDARD STREET MONUMENT TO BE SET PER TRACT 8099 UNLESS OTHERWISE NOTED
	SET STANDARD STREET MONUMENT FOUND 5/8" REBAR AND CAP, LS 8164, PER (5)
	FOUND 5/8" REBAR AND CAP OR HAZ TAG, LS 1980, PER (6) UNLESS OTHERWISE NOTED
	EMERGENCY VEHICLE ACCESS EASEMENT
	PRIVATE ACCESS EASEMENT
	PRIVATE STORM DRAIN EASEMENT
	PUBLIC UTILITY EASEMENT
	SANITARY SCENERY EASEMENT
	TRAIL EASEMENT
	WATER LINE EASEMENT
	SHEET LIMIT
	SHEET NUMBER

REFERENCES:

- (R) INDICATES REFERENCE NUMBER
- (1) PARCEL MAP 9837 (319 PM 84)
- (2) PARCEL MAP 7505 (252 PM 81)
- (3) PARCEL MAP 1130 (105 PM 82)
- (4) MAP OF THE TOWN OF NEWARK (17 M 10)
- (5) PARCEL MAP 10391 (330 PM 83)
- (6) TRACT 8099 (357 M 53)

TRACT 8436

SHEET 4 OF 14



LENNAR HOMES OF CALIFORNIA
 2019054875

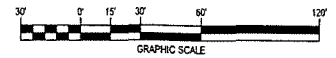
LENNAR HOMES OF CALIFORNIA
 2019054875

TRACT 8436

CITY OF NEWARK, ALAMEDA COUNTY, CALIFORNIA
 FOR RESIDENTIAL PURPOSES
 CONSISTING OF 14 SHEETS
 BEING A MERGER AND RESUBDIVISION OF PARCELS II, JJ, KK, LL, MM,
 AND OO SHOWN ON THE MAP OF TRACT 8099, FILED IN BOOK 1357 OF
 MAPS, AT PAGES 53 THROUGH 73, ALAMEDA COUNTY RECORDS.

Carlson, Barbee & Gibson, Inc.
 CIVIL ENGINEERS • SURVEYORS • PLANNERS
 SACRAMENTO, CALIFORNIA

SCALE: 1" = 30' NOVEMBER 2019



NO	BEARING	LENGTH
L1	N21°48'56"W	16.00'
L2	N88°11'04"E	4.31'
L3	N88°11'04"E	19.00'
L4	N21°48'56"W	16.00'
L5	N88°11'04"E	3.31'
L6	N88°11'04"E	28.68'
L7	N88°11'04"E	23.01'
L8	N88°11'04"E	10.00'
L9	N21°48'56"W	54.77'
L10	N66°48'56"W	33.94' (M-W)
L11	N21°48'56"W	8.00' (M-PL)
L12	N21°48'56"W	10.00' (M-PL)
L13	N21°48'56"W	7.42'
L14	N88°11'04"E	4.00'

NO	RADIUS	DELTA	LENGTH
C1	18.00'	90°00'00"	29.85'
C2	9.50'	90°00'00"	14.92'
C3	2.50'	90°00'00"	3.93'
C4	2.50'	90°00'00"	3.93'
C5	20.00'	90°00'00"	31.42'
C6	250.00'	7°36'39"	33.21'
C7	12.94'	12°30'26"	2.82'
C8	41.50'	47°0'33"	3.17'
C9	41.50'	21°21'09"	15.47'
C10	41.50'	22°40'42"	18.60'

BASIS OF BEARINGS:

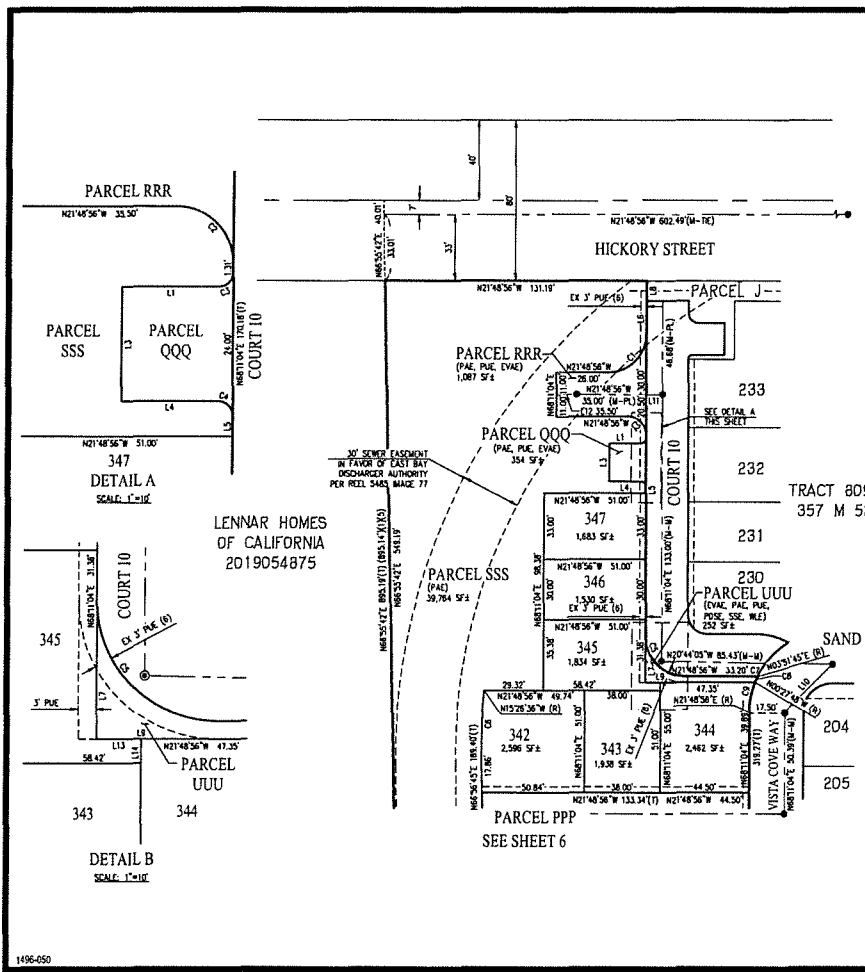
THE BASIS OF BEARINGS FOR THIS SURVEY IS THE CENTERLINE OF HICKORY STREET BETWEEN TWO FOUND IRON PIPES IS TAKEN AS NORTH 21°48'56" WEST AS SHOWN ON PARCEL MAP 10391 (330 PM 63). THE BEARINGS SHOWN HEREON ARE BASED ON THE CALIFORNIA COORDINATE SYSTEM ZONE 3 (NAD 83). MULTIPLY THE DISTANCES SHOWN BY 0.9999378 TO OBTAIN GRID DISTANCES.

LEGEND

- SUBDIVISION BOUNDARY LINE
- RIGHT OF WAY LINE
- EXISTING LOT LINE
- CENTERLINE
- EASEMENT LINE
- MONUMENT LINE
- THE LINE
- (R) RADIAL
- (M-W) MONUMENT TO MONUMENT
- (M-PL) MONUMENT TO PROPERTY LINE
- (M-CL) MONUMENT TO CENTERLINE
- (PL-PL) PROPERTY LINE TO PROPERTY LINE
- (T) TOTAL
- STANDARD STREET MONUMENT TO BE SET PER TRACT 8099 UNLESS OTHERWISE NOTED
- SET STANDARD STREET MONUMENT
- FOUND 5/8" REBAR AND CAP, LS 8154, PER (5)
- FOUND 5/8" REBAR AND CAP OR HAIL TAG, LS 7960, PER (6) UNLESS OTHERWISE NOTED
- E—E— EASEMENT
- P—P— PRIVATE ACCESS EASEMENT
- P—D— PRIVATE STORM DRAIN EASEMENT
- P—U— PUBLIC UTILITY EASEMENT
- S—S— SANITARY SEWER EASEMENT
- T—T— TRAIL EASEMENT
- W—E— WATER LINE EASEMENT

REFERENCES:

- (R) INDICATES REFERENCE NUMBER
- (1) PARCEL MAP 9837 (315 PM 84)
- (2) PARCEL MAP 7505 (252 PM 81)
- (3) PARCEL MAP 1130 (105 PM 82)
- (4) MAP OF THE TOWN OF NEWARK (17 M 10)
- (5) PARCEL MAP 10391 (330 PM 63)
- (6) TRACT 8099 (337 M 53)



TRACT 8436

CITY OF NEWARK, ALAMEDA COUNTY, CALIFORNIA

FOR RESIDENTIAL PURPOSES

CONSISTING OF 14 SHEETS

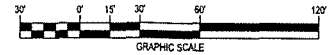
BEING A MERGER AND RESUBDIVISION OF PARCELS H, J, K, LL, MM, AND OO SHOWN ON THE MAP OF TRACT 8099, FILED IN BOOK 357 OF MAPS, AT PAGES 53 THROUGH 73, ALAMEDA COUNTY RECORDS.

Carlson, Barbee & Gibson, Inc.

CIVIL ENGINEERS • SURVEYORS • PLANNERS

SAN FRANCISCO, CALIFORNIA

SCALE: 1" = 30' NOVEMBER 2019



BASIS OF BEARINGS:

THE BASIS OF BEARINGS FOR THIS SURVEY IS THE CENTERLINE OF HICKORY STREET BETWEEN TWO FOUND IRON PIPES IS TAKEN AS NORTH 27°48'56" WEST AS SHOWN ON PARCEL MAP 10391 (330 PM 63). THE BEARINGS SHOWN HEREON ARE BASED ON THE CALIFORNIA COORDINATE SYSTEM ZONE 3 (NAD 83). MULTIPLY THE DISTANCES SHOWN BY 0.9999378 TO OBTAIN GRID DISTANCES.

LEGEND

- SUBDIVISION BOUNDARY LINE
- RIGHT OF WAY LINE
- EXISTING LOT LINE
- CENTERLINE
- EASEMENT LINE
- MONUMENT LINE
- TIE LINE
- (R) RADIAL
- (M-M) MONUMENT TO MONUMENT
- (M-PL) MONUMENT TO PROPERTY LINE
- (M-CL) MONUMENT TO CENTERLINE
- (PL-PL) PROPERTY LINE TO PROPERTY LINE
- (T) TOTAL
- STANDARD STREET MONUMENT TO BE SET PER TRACT 8099 UNLESS OTHERWISE NOTED
- SET STANDARD STREET MONUMENT
- ⊕ FOUND 5/8" REBAR AND CAP, LS 8164, PER (5)
- FOUND 5/8" REBAR AND CAP OR NAIL TAG, LS 7966, PER (6) UNLESS OTHERWISE NOTED
- EVAE EMERGENCY VEHICLE ACCESS EASEMENT
- PAE PRIVATE ACCESS EASEMENT
- PSDE PRIVATE STORM DRAIN EASEMENT
- PUE PUBLIC UTILITY EASEMENT
- SSC SANITARY SEWER EASEMENT
- TE TRAIL EASEMENT
- WLE WATER LINE EASEMENT

NO	BEARING	LENGTH	
L1	N21°48'56"W	21.53'	(M-PL)
L2	N21°48'56"W	18.87'	(M-PL)
L3	N68°11'04"E	10.50'	
L4	N68°11'04"E	10.50'	
L5	N68°11'04"E	10.50'	
L6	N68°11'04"E	10.50'	
L7	N66°56'45"E	10.50'	
L8	N66°56'45"E	10.50'	
L9	N66°56'45"E	10.50'	
L10	N66°56'45"E	10.50'	
L11	N21°48'56"W	17.50'	(M-PL)
L12	N21°48'56"W	17.50'	(M-PL)

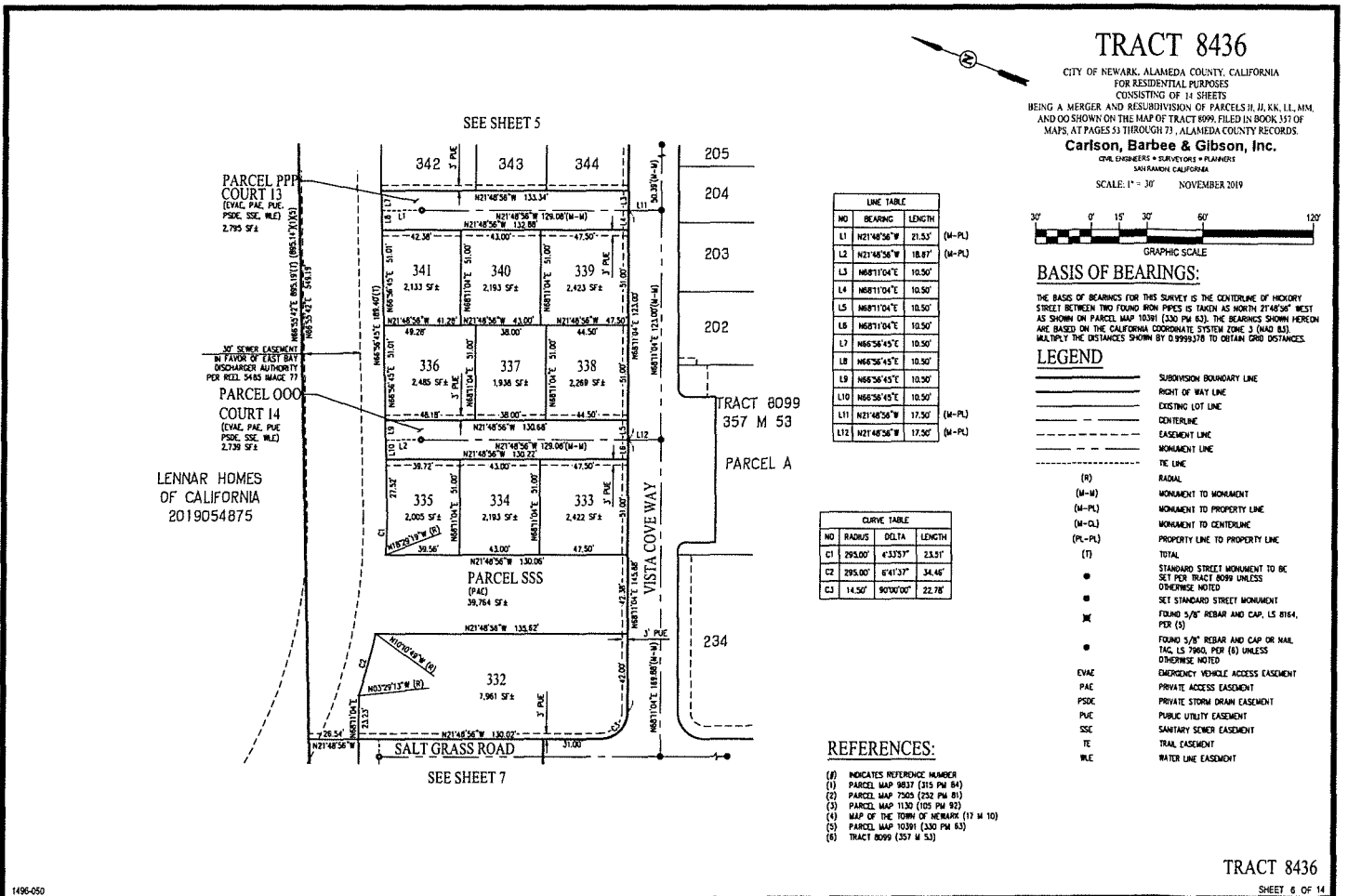
NO	RADIUS	DELTA	LENGTH
C1	295.00'	4°33'37"	23.51'
C2	295.00'	6°41'37"	34.46'
C3	14.50'	90°00'00"	22.78'

REFERENCES:

- (#) INDICATES REFERENCE NUMBER
- (1) PARCEL MAP 9837 (315 PM 84)
- (2) PARCEL MAP 7203 (252 PM 81)
- (3) PARCEL MAP 1130 (105 PM 92)
- (4) MAP OF THE TOWN OF NEWARK (17 M 10)
- (5) PARCEL MAP 10391 (330 PM 63)
- (6) TRACT 8099 (357 M 53)

TRACT 8436

SHEET 6 OF 14



PARCEL PPP
COURT 13
(EVAC, PAE, PUE,
PSDE, SSC, WLE)
2,795 SF±

30" SEWER EASEMENT
IN FAVOR OF EAST BAY
DISCHARGER AUTHORITY
PER REEL 3485 PAGE 75

PARCEL OOO
COURT 14
(EVAC, PAE, PUE,
PSDE, SSC, WLE)
2,738 SF±

LENNAR HOMES
OF CALIFORNIA
2019054875

SEE SHEET 5

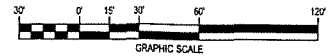
SEE SHEET 7

TRACT 8436

CITY OF NEWARK, ALAMEDA COUNTY, CALIFORNIA
 FOR RESIDENTIAL PURPOSES
 CONSISTING OF 14 SHEETS
 BEING A MERGER AND RESUBDIVISION OF PARCELS JJ, KK, LL, MM,
 AND OO SHOWN ON THE MAP OF TRACT 8099 FILED IN BOOK 357 OF
 MAPS, AT PAGES 33 THROUGH 73, ALAMEDA COUNTY RECORDS.

Carlson, Barbee & Gibson, Inc.
 CIVIL ENGINEERS • SURVEYORS • PLANNERS
 SAFFORD, CALIFORNIA

SCALE: 1" = 30' NOVEMBER 2019



GRAPHIC SCALE

BASIS OF BEARINGS:

THE BASIS OF BEARINGS FOR THIS SURVEY IS THE CENTERLINE OF HISTORY STREET BETWEEN TWO FOUND IRON PIPES IS TAKEN AS NORTH 21°48'56" WEST AS SHOWN ON PARCEL MAP 10391 (330 PM 83). THE BEARINGS SHOWN HEREON ARE BASED ON THE CALIFORNIA COORDINATE SYSTEM ZONE 3 (NAD 83). MULTIPLY THE DISTANCES SHOWN BY 0.9999376 TO OBTAIN GRID DISTANCES.

LEGEND

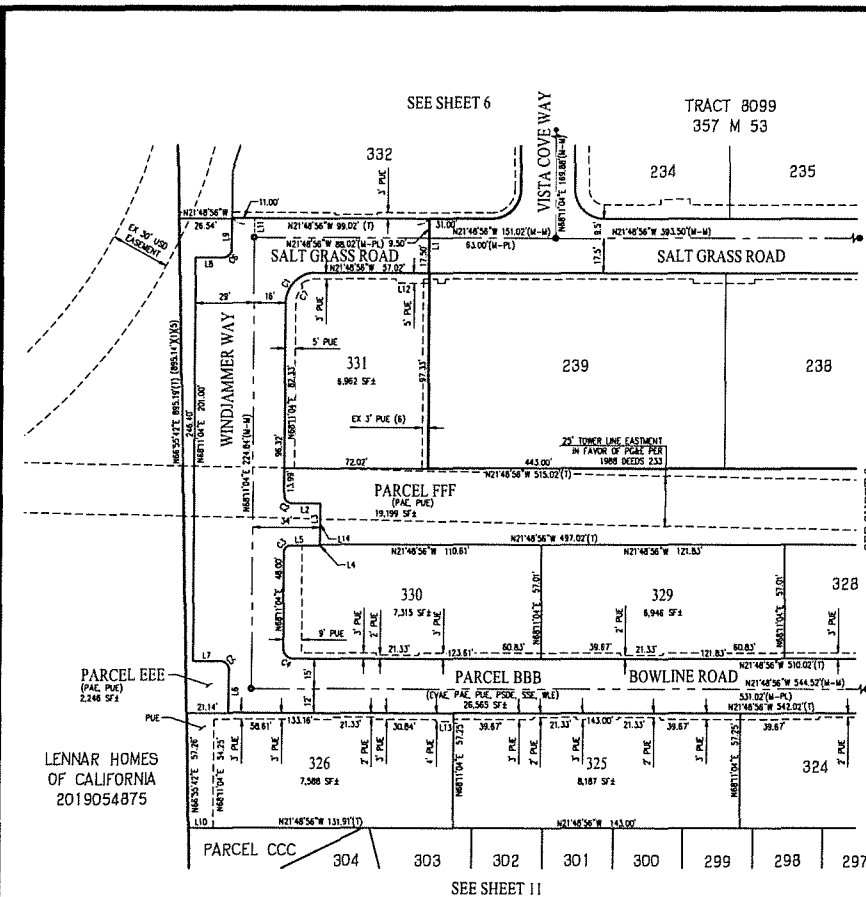
- SUBDIVISION BOUNDARY LINE
- RIGHT OF WAY LINE
- EXISTING LOT LINE
- CENTERLINE
- EASEMENT LINE
- MONUMENT LINE
- TIE LINE
- (R) RADIAL
- (M-W) MONUMENT TO MONUMENT
- (M-PL) MONUMENT TO PROPERTY LINE
- (M-CL) MONUMENT TO CENTERLINE
- (PL-PL) PROPERTY LINE TO PROPERTY LINE
- (T) TOTAL
- STANDARD STREET MONUMENT TO BE SET PER TRACT 8099 UNLESS OTHERWISE NOTED
- SET STANDARD STREET MONUMENT
- FOUND 5/8" REBAR AND CAP OR NAIL TAG, L.S. 7960, PER (6) UNLESS OTHERWISE NOTED
- EAVE EASEMENT
- PAVE EASEMENT
- PSRK EASEMENT
- PUE EASEMENT
- SSE EASEMENT
- TE EASEMENT
- WLE EASEMENT

NO.	BEARING	LENGTH
L1	N88°11'04"E	27.02'
L2	N21°48'56"W	14.50'
L3	N88°11'04"E	21.01'
L4	N88°11'04"E	0.51'
L5	N21°48'56"W	14.50'
L6	N88°11'04"E	21.34'
L7	N21°48'56"W	13.50'
L8	N21°48'56"W	13.50'
L9	N88°11'04"E	15.00'
L10	N21°48'56"W	12.30'
L11	N88°11'04"E	9.50'
L12	N21°48'56"W	18.82'
L13	N21°48'56"W	8.82'
L14	N88°11'04"E	20.50'

NO.	RADIUS	DELTA	LENGTH
C1	15.00'	90°00'00"	23.56'
C2	3.50'	90°00'00"	5.50'
C3	3.50'	90°00'00"	5.50'
C4	5.00'	90°00'00"	7.85'
C5	4.50'	90°00'00"	7.07'
C6	4.50'	90°00'00"	7.07'
C7	10.00'	51°25'23"	8.98'

REFERENCES:

- (R) INDICATES REFERENCE NUMBER
- (1) PARCEL MAP 9837 (315 PM 84)
- (2) PARCEL MAP 7505 (252 PM 81)
- (3) PARCEL MAP 1130 (105 PM 82)
- (4) MAP OF THE TOWN OF NEWARK (17 M 10)
- (5) PARCEL MAP 10391 (330 PM 83)
- (6) TRACT 8099 (357 M 52)



TRACT 8436

CITY OF NEWARK, ALAMEDA COUNTY, CALIFORNIA
 FOR RESIDENTIAL PURPOSES
 CONSISTING OF 14 SHEETS
 BEING A MERGER AND RESUBDIVISION OF PARCELS R, JI, KK, LL, MM,
 AND OO SHOWN ON THE MAP OF TRACT 8099, FILED IN BOOK 337 OF
 MAPS, AT PAGES 53 THROUGH 73, ALAMEDA COUNTY RECORDS.

Carlson, Barbee & Gibson, Inc.
 CIVIL ENGINEERS • SURVEYORS • PLANNERS
 SAN FRANCISCO, CALIFORNIA

SCALE: 1" = 30' NOVEMBER 2019



BASIS OF BEARINGS:

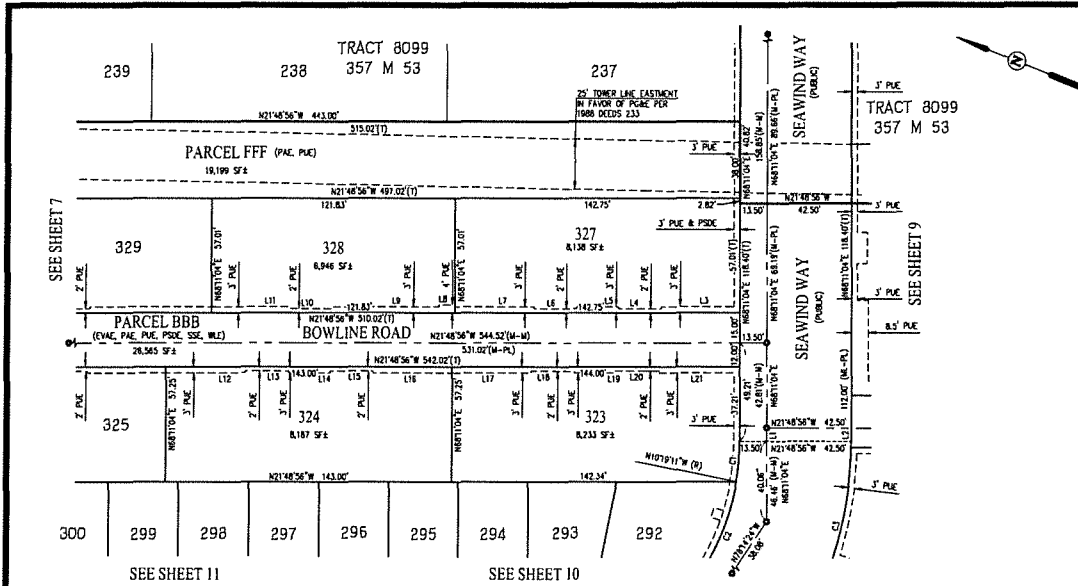
THE BASIS OF BEARINGS FOR THIS SURVEY IS THE CENTERLINE OF HICKORY STREET BETWEEN TWO FOUND IRON PIPES IS TAKEN AS NORTH 21°48'56" WEST AS SHOWN ON PARCEL MAP 10391 (330 PM 63). THE BEARINGS SHOWN HEREON ARE BASED ON THE CALIFORNIA COORDINATE SYSTEM ZONE 3 (NAD 83). MULTIPLY THE DISTANCES SHOWN BY 0.9999378 TO OBTAIN GRID DISTANCES.

LEGEND

- SUBDIVISION BOUNDARY LINE
- FRONT OF WAY LINE
- EXISTING LOT LINE
- CENTERLINE
- EASEMENT LINE
- MONUMENT LINE
- TIE LINE
- (R) RADIAL
- (M-M) MONUMENT TO MONUMENT
- (M-PL) MONUMENT TO PROPERTY LINE
- (M-C) MONUMENT TO CENTERLINE
- (PL-PL) PROPERTY LINE TO PROPERTY LINE
- (T) TOTAL
- STANDARD STREET MONUMENT TO BE SET PER TRACT 8099 UNLESS OTHERWISE NOTED
- SET STANDARD STREET MONUMENT
- FOUND 5/8" REBAR AND CAP OR NAIL TAG, LS 1960, PER (B) UNLESS OTHERWISE NOTED
- EMERGENCY VEHICLE ACCESS EASEMENT
- EVAE EMERGENCY VEHICLE ACCESS EASEMENT
- PAE PRIVATE ACCESS EASEMENT
- PSDE PRIVATE STORM DRAIN EASEMENT
- PU E PUBLIC UTILITY EASEMENT
- SSE SANITARY SEWER EASEMENT
- TE TRAIL EASEMENT
- WLE WATER LINE EASEMENT

REFERENCES:

- (1) INDICATES REFERENCE NUMBER
- (2) PARCEL MAP 9837 (315 PM 84)
- (3) PARCEL MAP 7505 (282 PM 81)
- (4) PARCEL MAP 1130 (105 PM 87)
- (5) MAP OF THE TOWN OF NEWARK (17 M 10)
- (6) PARCEL MAP 10391 (330 PM 63)
- (7) TRACT 8099 (337 M 53)



NO	BEARING	LENGTH
L1	N68°11'04"E	6.40'
L2	N68°11'04"E	6.40'
L3	N21°48'56"W	36.42' (PUC)
L4	N21°48'56"W	21.33' (PUC)
L5	N21°48'56"W	21.00' (PUC)
L6	N21°48'56"W	21.33' (PUC)
L7	N21°48'56"W	39.67' (PUC)
L8	N21°48'56"W	8.00' (PUC)
L9	N21°48'56"W	52.83' (PUC)
L10	N21°48'56"W	21.33' (PUC)
L11	N21°48'56"W	39.67' (PUC)

NO	BEARING	LENGTH
L12	N21°48'56"W	39.67' (PUC)
L13	N21°48'56"W	21.33' (PUC)
L14	N21°48'56"W	21.00' (PUC)
L15	N21°48'56"W	21.33' (PUC)
L16	N21°48'56"W	39.67' (PUC)
L17	N21°48'56"W	39.67' (PUC)
L18	N21°48'56"W	21.33' (PUC)
L19	N21°48'56"W	21.00' (PUC)
L20	N21°48'56"W	21.33' (PUC)
L21	N21°48'56"W	37.87' (PUC)

NO	RADIUS	DELTA	LENGTH
C1	122.00'	92°7'18"	20.13' (T)
C2	122.00'	56°42'29"	120.87' (T)
C3	191.32'	56°42'29"	189.25' (T)

TRACT 8436

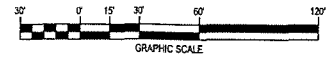
CITY OF NEWARK, ALAMEDA COUNTY, CALIFORNIA

FOR RESIDENTIAL PURPOSES
CONSISTING OF 14 SHEETS
BEING A MERGER AND RESUBDIVISION OF PARCELS II, JJ, KK, LL, MM,
AND OO SHOWN ON THE MAP OF TRACT 8099, FILED IN BOOK 337 OF
MAPS, AT PAGES 53 THROUGH 73, ALAMEDA COUNTY RECORDS.

Carlson, Barbee & Gibson, Inc.

CIVIL ENGINEERS & SURVEYORS & PLANNERS
SAN FRANCISCO, CALIFORNIA

SCALE: 1" = 30' NOVEMBER 2019



BASIS OF BEARINGS:

THE BASIS OF BEARINGS FOR THIS SURVEY IS THE CENTERLINE OF HICKORY STREET BETWEEN TWO FOUR INCH PIPES IS TAKEN AS NORTH 21°46'56" WEST AS SHOWN ON PARCEL MAP 10391 (330 PM 63). THE BEARINGS SHOWN HEREON ARE BASED ON THE CALIFORNIA COORDINATE SYSTEM ZONE 3 (NAD 83). MULTIPLY THE DISTANCES SHOWN BY 0.9999378 TO OBTAIN GRID DISTANCES.

LEGEND

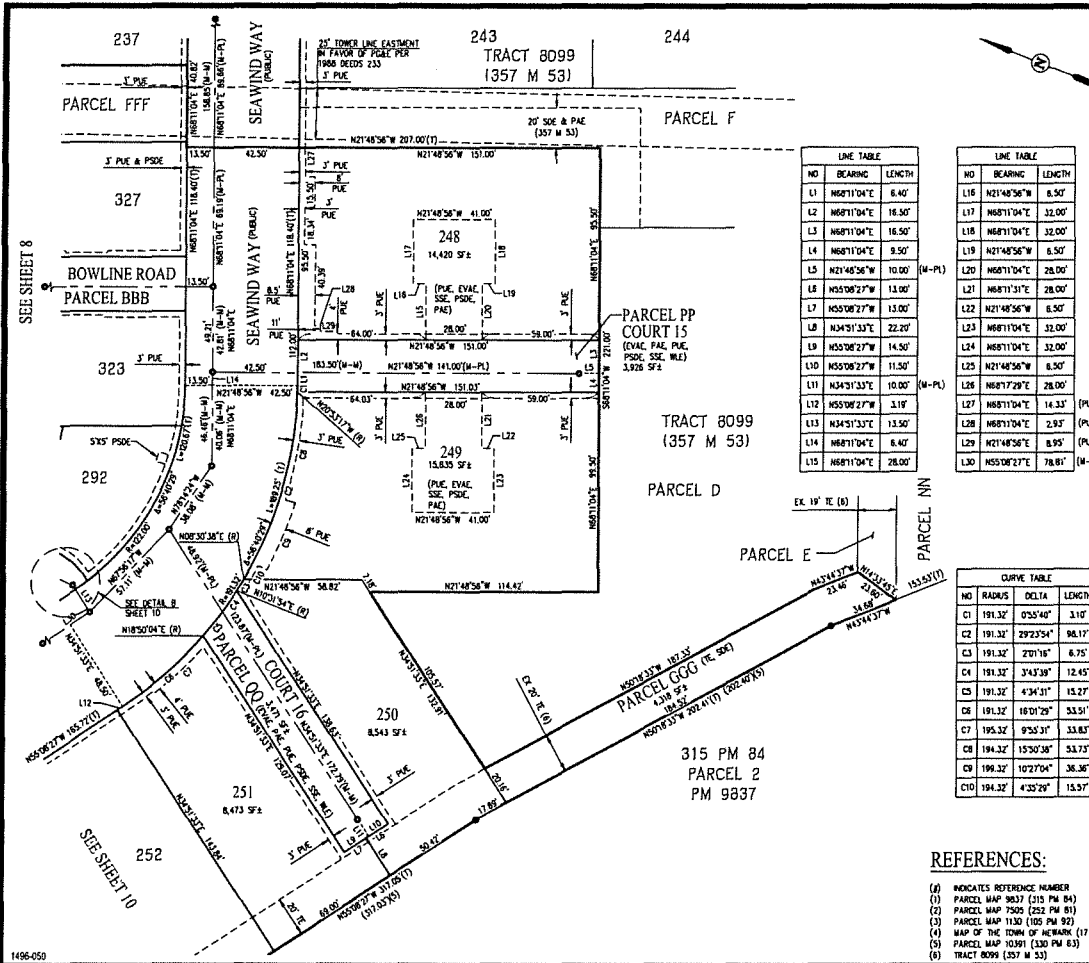
---	SUBDIVISION BOUNDARY LINE
---	RIGHT OF WAY LINE
---	EXISTING LOT LINE
---	CENTERLINE
---	EASEMENT LINE
---	MONUMENT LINE
---	TE LINE
---	RADIAL
(M-W)	MONUMENT TO MONUMENT
(M-P)	MONUMENT TO PROPERTY LINE
(M-CL)	MONUMENT TO CENTERLINE
(M-PL)	PROPERTY LINE TO PROPERTY LINE
(T)	TOTAL

- STANDARD STREET MONUMENT TO BE SET PER TRACT 8099 UNLESS OTHERWISE NOTED
- SET STANDARD STREET MONUMENT FOUND 5/8" REBAR AND CAP, LS 8164, PER (5)
- FOUND 5/8" REBAR AND CAP OR NAL TAG, LS 1960, PER (6) UNLESS OTHERWISE NOTED
- EYAE EMERGENCY VEHICLE ACCESS EASEMENT
- PAE PRIVATE ACCESS EASEMENT
- PSDE PRIVATE STORM DRAIN EASEMENT
- PUE PUBLIC UTILITY EASEMENT
- SSE SANITARY SENER EASEMENT
- TE TRAIL EASEMENT
- WLE WATER LINE EASEMENT

NO	RADIUS	DELTA	LENGTH
C1	191.32'	0°55'40"	3.19'
C2	191.32'	2°22'54"	86.17'
C3	191.32'	2°01'16"	6.75'
C4	191.32'	3°43'39"	12.45'
C5	191.32'	4°34'31"	15.27'
C6	191.32'	16°01'29"	53.51'
C7	195.32'	9°53'31"	33.83' (PUE)
C8	194.32'	15°50'38"	53.73' (PUE)
C9	196.32'	10°27'04"	36.36' (PUE)
C10	194.32'	4°35'29"	15.57' (PUE)

REFERENCES:

- (0) INDICATES REFERENCE NUMBER
- (1) PARCEL MAP 9837 (215 PM 84)
- (2) PARCEL MAP 7500 (252 PM 81)
- (3) PARCEL MAP 1130 (155 PM 82)
- (4) MAP OF THE TOWN OF NEWARK (17 M 10)
- (5) PARCEL MAP 10391 (330 PM 63)
- (6) TRACT 8099 (357 M 53)



TRACT 8436

CITY OF NEWARK, ALAMEDA COUNTY, CALIFORNIA
 FOR RESIDENTIAL PURPOSES
 CONSISTING OF 14 SHEETS
 BEING A MERGER AND RESUBDIVISION OF PARCELS JJ, KK, LL, MM,
 AND OO SHOWN ON THE MAP OF TRACT 8099, FILED IN BOOK 357 OF
 MAPS, AT PAGES 53 THROUGH 73, ALAMEDA COUNTY RECORDS.

Carlson, Barbee & Gibson, Inc.
 CIVIL ENGINEERS - SURVEYORS - PLANNERS
 SAN FRANCISCO, CALIFORNIA

SCALE: 1" = 30' NOVEMBER 2019



GRAPHIC SCALE

BASIS OF BEARINGS:

THE BASIS OF BEARINGS FOR THIS SURVEY IS THE CENTERLINE OF HICKORY STREET BETWEEN TWO FOUND IRON PIPES IS TAUCH AS NORTH 21°46'56" WEST AS SHOWN ON PARCEL MAP 10091 (130 PM 83). THE BEARINGS SHOWN HEREON ARE BASED ON THE CALIFORNIA COORDINATE SYSTEM ZONE 3 (NAD 83). MULTIPLY THE DISTANCES SHOWN BY 0.9999378 TO OBTAIN GRID DISTANCES.

LEGEND

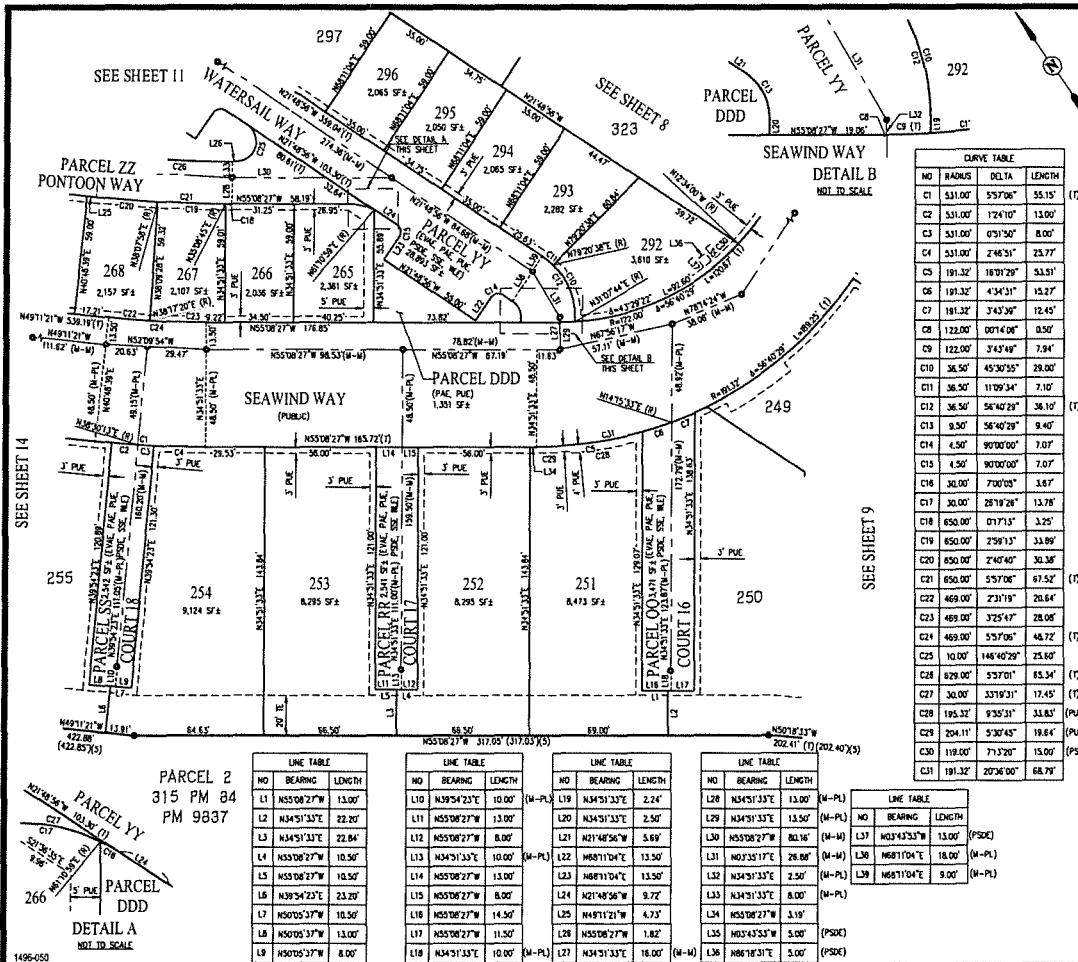
- SUBDIVISION BOUNDARY LINE
- RIGHT OF WAY LINE
- EXISTING LOT LINE
- CENTERLINE
- EASEMENT LINE
- MONUMENT LINE
- TIE LINE
- (R) RAOUL
- (M-W) MONUMENT TO MONUMENT
- (M-PL) MONUMENT TO PROPERTY LINE
- (M-CL) MONUMENT TO CENTERLINE
- (PL-PL) PROPERTY LINE TO PROPERTY LINE
- (T) TOTAL
- STANDARD STREET MONUMENT TO BE SET PER TRACT 8099 UNLESS OTHERWISE NOTED
- SET STANDARD STREET MONUMENT
- ✱ FOUND 5/8" REBAR AND CAP, LS R16A, PER (S)
- FOUND 5/8" REBAR AND CAP OR NAIL TAG, LS 7960, PER (S) UNLESS OTHERWISE NOTED
- EVAC EMERGENCY VEHICLE ACCESS EASEMENT
- PAE PRIVATE ACCESS EASEMENT
- PSDE PRIVATE STORM DRAIN EASEMENT
- PUE PUBLIC UTILITY EASEMENT
- SSE SANITARY SEWER EASEMENT
- TE TRAIL EASEMENT
- WLE WATER LINE EASEMENT

REFERENCES:

- (1) INDICATES REFERENCE NUMBER
- (2) PARCEL MAP 9837 (315 PM 84)
- (3) PARCEL MAP 7305 (252 PM 81)
- (4) PARCEL MAP 1150 (105 PM 82)
- (5) MAP OF THE TOWN OF NEWARK (17 M 10)
- (6) PARCEL MAP 10391 (130 PM 83)
- (7) TRACT 8099 (357 M 83)

TRACT 8436

SHEET 10 OF 14



CURVE TABLE			
NO	RADIUS	DELTA	LENGTH
C1	531.00'	579°00'	55.15'
C2	531.00'	124°10'	13.00'
C3	531.00'	075°50'	8.00'
C4	531.00'	2°46'51"	25.77'
C5	191.32'	18°17'29"	33.51'
C6	191.32'	4°34'51"	15.27'
C7	191.32'	7°43'39"	12.45'
C8	122.00'	00°14'06"	0.50'
C9	122.00'	7°43'49"	7.94'
C10	36.50'	45°30'55"	28.00'
C11	36.50'	11°29'34"	7.10'
C12	36.50'	56°42'29"	36.10'
C13	9.50'	56°40'29"	9.40'
C14	4.50'	90°00'00"	7.07'
C15	4.50'	90°00'00"	7.07'
C16	30.00'	7°00'00"	3.87'
C17	30.00'	28°19'28"	13.78'
C18	850.00'	0°17'15"	3.25'
C19	850.00'	2°58'15"	33.89'
C20	850.00'	2°40'40"	30.38'
C21	850.00'	5°57'06"	87.52'
C22	469.00'	2°31'19"	20.64'
C23	469.00'	3°25'47"	28.08'
C24	469.00'	5°57'06"	64.72'
C25	10.00'	146°40'29"	25.60'
C26	828.00'	5°37'01"	85.34'
C27	30.00'	33°19'31"	17.45'
C28	195.32'	9°35'31"	33.83'
C29	204.11'	5°30'45"	19.84'
C30	119.00'	7°15'20"	15.00'
C31	191.32'	20°36'00"	68.79'

LINE TABLE		
NO	BEARING	LENGTH
L1	N55°08'27"W	13.00'
L2	N34°51'33"E	22.20'
L3	N34°51'31"E	22.84'
L4	N55°08'27"W	10.50'
L5	N55°08'27"W	13.00'
L6	N39°54'23"E	23.20'
L7	N50°05'37"W	10.50'
L8	N50°05'37"W	13.00'
L9	N50°05'37"W	8.00'

1496-050

LENNAR HOMES
OF CALIFORNIA
2019054875

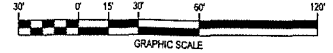
TRACT 8436

CITY OF NEWARK, ALAMEDA COUNTY, CALIFORNIA
FOR RESIDENTIAL PURPOSES
CONSISTING OF 14 SHEETS
BEING A MERGER AND RESUBDIVISION OF PARCELS H, J, K, L, M, N,
AND O SHOWN ON THE MAP OF TRACT 8099, FILED IN BOOK 337 OF
MAPS, AT PAGES 53 THROUGH 73, ALAMEDA COUNTY RECORDS.

Carlson, Barbee & Gibson, Inc.

CIVIL ENGINEERS • SURVEYORS • PLANNERS
SAN FRANCISCO, CALIFORNIA

SCALE: 1" = 30' NOVEMBER 2019

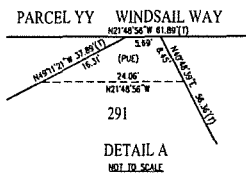
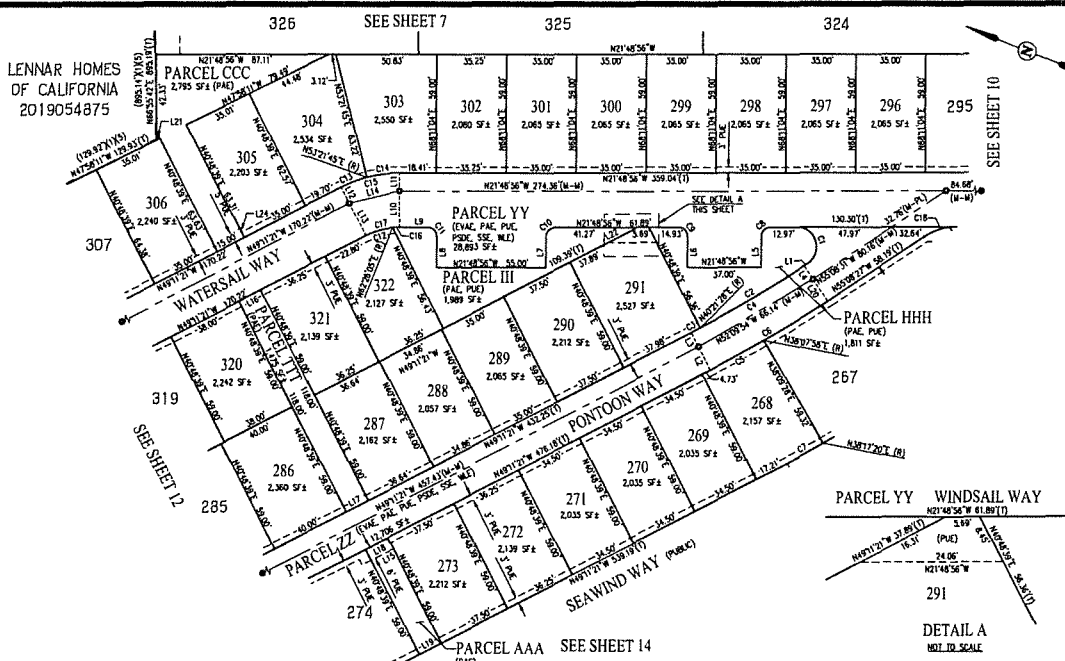


BASIS OF BEARINGS:

THE BASIS OF BEARINGS FOR THIS SURVEY IS THE CENTERLINE OF HICKORY STREET BETWEEN TWO FOUND IRON PIPES IS TAKEN AS NORTH 21°48'58" WEST AS SHOWN ON PARCEL MAP 10391 (330 PM 63). THE BEARINGS SHOWN HEREON ARE BASED ON THE CALIFORNIA COORDINATE SYSTEM ZONE 3 (NAD 83). MULTIPLY THE DISTANCES SHOWN BY 0.9999178 TO OBTAIN GRID DISTANCES.

LEGEND

- SURVEYS BOUNDARY LINE
- RIGHT OF WAY LINE
- EXISTING LOT LINE
- CENTERLINE
- EASEMENT LINE
- MONUMENT LINE
- TIE LINE
- (R) RADIAL
- (M-W) MONUMENT TO MONUMENT
- (M-PL) MONUMENT TO PROPERTY LINE
- (M-CL) MONUMENT TO CENTERLINE
- (PL-PL) PROPERTY LINE TO PROPERTY LINE
- (T) TOTAL
- STANDARD STREET MONUMENT TO BE SET PER TRACT 8099 UNLESS OTHERWISE NOTED
- SET STANDARD STREET MONUMENT FOUND 5/8" REBAR AND CAP, LS 8164, PER (3)
- FOUND 5/8" REBAR AND CAP OR NAIL, 1/4" LS 7986 PER (6) UNLESS OTHERWISE NOTED
- EVAC EASEMENT VEHICLE ACCESS EASEMENT
- PAE PRIVATE ACCESS EASEMENT
- PSDE PRIVATE STORM DRAIN EASEMENT
- PUE PUBLIC UTILITY EASEMENT
- SSE SANITARY SEWER EASEMENT
- TE TRAIL EASEMENT
- WLE WATER LINE EASEMENT



LINE TABLE			LINE TABLE			
NO	BEARING	LENGTH	NO	BEARING	LENGTH	
L1	N55°04'27"W	1.82'	L13	N40°48'39"E	18.00'	
L2	N40°48'39"E	13.00'	(M-PL)	L14	N35°30'09"W	25.79'
L3	N40°48'39"E	8.00'	(M-PL)	L15	N49°11'21"W	17.50'
L4	N34°31'33"E	8.00'	(M-PL)	L16	N49°11'21"W	12.50'
L5	N68°11'04"E	13.50'	L17	N49°11'21"W	12.50'	
L6	N68°11'04"E	15.50'	L18	N49°11'21"W	12.48'	
L7	N68°11'04"E	15.50'	L19	N49°11'21"W	12.48'	
L8	N68°11'04"E	15.50'	L20	N34°51'33"E	13.00'	
L9	N21°48'58"E	14.17'	L21	N47°58'11"W	1.53'	
L10	N68°11'04"E	18.00'	(M-PL)	L22	N49°11'21"W	16.31'
L11	N68°11'04"E	9.00'	(M-PL)	L23	N21°48'58"W	24.06'
L12	N40°48'39"E	8.00'	(M-PL)	L24	N49°11'21"W	5.00'

CURVE TABLE			
NO	RADIUS	DELTA	LENGTH
C1	10.00'	146°40'29"	25.60'
C2	629.00'	5°29'55"	60.37'
C3	629.00'	0°27'10"	4.97'
C4	629.00'	5°57'06"	85.34'
C5	630.00'	2°40'40"	30.36'
C6	830.00'	5°57'06"	67.52'
C7	469.00'	2°31'19"	20.84'
C8	4.50'	90°00'00"	7.07'
C9	4.50'	90°00'00"	7.07'

CURVE TABLE			
NO	RADIUS	DELTA	LENGTH
C10	4.50'	90°00'00"	7.07'
C11	4.50'	90°00'00"	7.07'
C12	36.50'	27°32'26"	13.76'
C13	83.50'	12°33'06"	13.91'
C14	63.50'	14°19'19"	16.43'
C15	83.50'	27°22'25"	30.34'
C16	36.50'	5°44'59"	1.86'
C17	36.50'	27°22'25"	17.44'
C18	30.00'	26°19'28"	17.45'

REFERENCES:

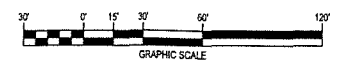
- (R) INDICATES REFERENCE NUMBER
- (1) PARCEL MAP 9837 (315 PM 84)
- (2) PARCEL MAP 7505 (232 PM 81)
- (3) PARCEL MAP 1130 (135 PM 82)
- (4) MAP OF THE TOWN OF NEWARK (17 M 10)
- (5) PARCEL MAP 10391 (330 PM 63)
- (6) TRACT 8099 (337 M 53)

TRACT 8436

CITY OF NEWARK, ALAMEDA COUNTY, CALIFORNIA
 CONSISTING OF 14 SHEETS
 BEING A MERGER AND RESUBDIVISION OF PARCELS II, JJ, KK, LL, MM,
 AND OO SHOWN ON THE MAP OF TRACT 8099, FILED IN BOOK 337 OF
 MAPS, AT PAGES 53 THROUGH 73, ALAMEDA COUNTY RECORDS.
Carlson, Barbee & Gibson, Inc.
 CIVIL ENGINEERS & SURVEYORS & PLANNERS
 SAN FRANCISCO, CALIFORNIA
 SCALE: 1" = 30' NOVEMBER 2019

REFERENCES:

- (0) INDICATES REFERENCE NUMBER
- (1) PARCEL MAP 9837 (315 PM 84)
- (2) PARCEL MAP 7505 (232 PM 81)
- (3) PARCEL MAP 1130 (105 PM 82)
- (4) MAP OF THE TOWN OF NEWARK (17 M 10)
- (5) PARCEL MAP 10391 (330 PM 83)
- (6) TRACT 8099 (357 M 53)



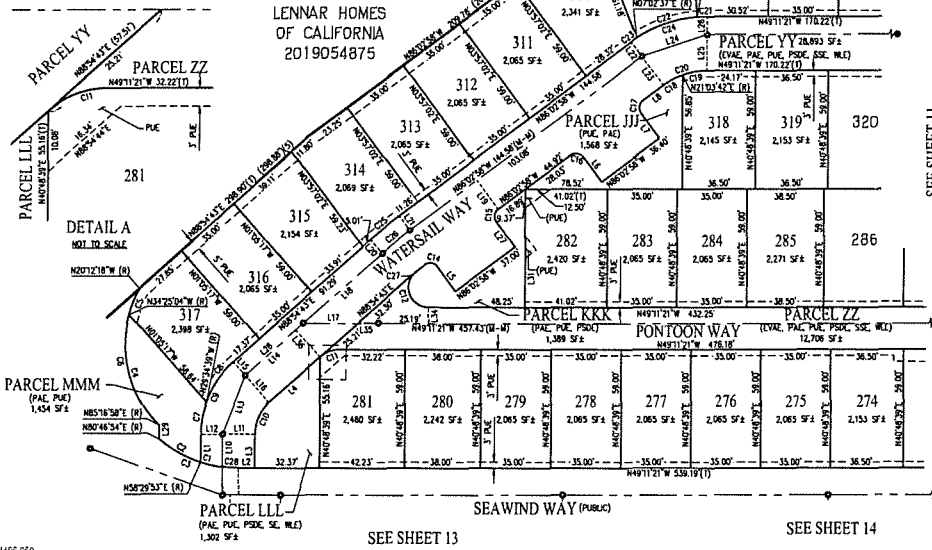
BASIS OF BEARINGS:

THE BASIS OF BEARINGS FOR THIS SURVEY IS THE CENTERLINE OF HICKORY STREET BETWEEN TWO FOUND IRON PIPES IS TAKEN AS NORTH 21°48'56" WEST AS SHOWN ON PARCEL MAP 10391 (330 PM 83). THE BEARINGS SHOWN HEREON ARE BASED ON THE CALIFORNIA COORDINATE SYSTEM ZONE 3 (NAD 83). MULTIPLY THE DISTANCES SHOWN BY 0.99999376 TO OBTAIN GRID DISTANCES.

LEGEND

- SUBDIVISION BOUNDARY LINE
- RIGHT OF WAY LINE
- COASTING LOT LINE
- CENTERLINE
- EASEMENT LINE
- MONUMENT LINE
- TIE LINE
- (R) RADIAL
- (M-W) MONUMENT TO MONUMENT
- (M-PL) MONUMENT TO PROPERTY LINE
- (M-CL) MONUMENT TO CENTERLINE
- (PL-PL) PROPERTY LINE TO PROPERTY LINE
- (1) TOTAL
- STANDARD STREET MONUMENT TO BE SET PER TRACT 8099 UNLESS OTHERWISE NOTED
- SET STANDARD STREET MONUMENT
- ⊕ FOUND 5/8" REBAR AND CAP, LS 8164, PER (5)
- ⊕ FOUND 5/8" REBAR AND CAP OR NAL TAG, LS 7962, PER (6) UNLESS OTHERWISE NOTED
- ⊕ EMERGENCY VEHICLE ACCESS EASEMENT
- EVAE PRIVATE ACCESS EASEMENT
- PAC PRIVATE STORM DRAIN EASEMENT
- PSDE PUBLIC UTILITY EASEMENT
- SSE SANITARY SEWER EASEMENT
- TE TRAIL EASEMENT
- WLE WATER LINE EASEMENT

LINE TABLE		LINE TABLE		CURVE TABLE		CURVE TABLE		CURVE TABLE	
NO	BEARING LENGTH	NO	BEARING LENGTH	NO	RADIUS DELTA LENGTH	NO	RADIUS DELTA LENGTH	NO	RADIUS DELTA LENGTH
L1	N41°05'50"E 13.92'	L19	N03°57'02"E 18.00'	C1	62.00' 1074'52" 11.27'	C11	15.00' 4153'56" 10.97'	C21	63.50' 4350'55" 5.06'
L2	N49°11'21"W 8.15'	L20	N01°05'17"W 9.00'	C2	62.00' 2271'00" 24.11'	C12	10.00' 14070'10" 24.44'	C22	63.50' 2910'53" 32.34'
L3	N41°05'50"E 16.71'	L21	N03°57'02"E 9.00'	C3	62.00' 3958'15" 43.25'	C13	186.50' 1'42'12" 5.54'	C23	63.50' 3705'35" 3.43'
L4	N88°54'43"E 33.78'	L22	N03°57'02"E 9.00'	C4	57.00' 6071'58" 59.99'	C14	4.50' 9123'01" 7.16'	C24	63.50' 3651'37" 40.85'
L5	N03°57'02"E 15.44'	L23	N03°57'02"E 18.00'	C5	57.00' 1472'46" 14.14'	C15	4.50' 9070'00" 7.07'	C25	213.50' 3702'19" 16.70'
L6	N03°57'02"E 15.50'	L24	N87°37'11"W 34.46'	C6	57.00' 7430'44" 74.13'	C16	4.50' 8070'00" 7.07'	C26	204.50' 3702'19" 17.80'
L7	N03°57'02"E 15.50'	L25	N40°48'39"E 18.00'	C7	48.50' 1919'32" 16.36'	C17	4.50' 8070'00" 7.07'	C27	186.50' 1750'08" 6.24'
L8	N88°54'36"W 12.77'	L26	N40°48'39"E 9.00'	C8	48.50' 2829'21" 24.11'	C18	36.50' 1770'41" 10.90'	C28	62.00' 716'23" 7.87'
L9	N40°48'39"E 8.00'	L27	N03°57'02"E 15.50'	C9	48.50' 4748'53" 40.47'	C19	36.50' 1944'56" 12.58'		
L10	N40°48'39"E 16.29'	L28	N88°54'43"E 36.92'	C10	21.50' 4748'54" 17.94'	C20	36.50' 3651'37" 23.48'		
L11	N48°54'10"W 16.00'	L29	N39°56'43"E 8.84'						
L12	N48°54'10"W 11.00'	L30	N88°52'34"W 15.83'						
L13	N81°39'04"E 31.26'	L31	N40°48'39"E 59.00'						
L14	N88°54'43"E 33.78'	L32	N88°52'34"W 8.73'						
L15	N01°05'17"W 9.00'	L33	N03°57'02"E 8.97'						
L16	N01°05'17"W 18.00'	L34	N40°48'39"E 8.00'						
L17	N49°11'21"W 26.83'	L35	N49°11'21"W 10.00'						
L18	N88°54'43"E 52.36'	L36	N01°05'17"W 18.00'						

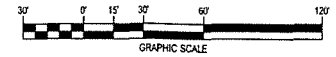


TRACT 8436

CITY OF NEWARK, ALAMEDA COUNTY, CALIFORNIA
 FOR RESIDENTIAL PURPOSES
 CONSISTING OF 14 SHEETS
 BEING A MERGER AND RESUBDIVISION OF PARCELS II, III, KK, LL, MM, AND OO SHOWN ON THE MAP OF TRACT 8099, FILED IN BOOK 157 OF MAPS, AT PAGES 53 THROUGH 73, ALAMEDA COUNTY RECORDS.

Carlson, Barbee & Gibson, Inc.

CIVIL ENGINEERS • SURVEYORS • PLANNERS
 SAN FRANCISCO, CALIFORNIA
 SCALE: 1" = 30' NOVEMBER 2019



GRAPHIC SCALE

BASIS OF BEARINGS:

THE BASIS OF BEARINGS FOR THIS SURVEY IS THE CENTERLINE OF HICKORY STREET BETWEEN TWO FOUND IRON PIPES IS TAKEN AS NORTH 21°48'56" WEST AS SHOWN ON PARCEL MAP 10391 (130 PM 63). THE BEARINGS SHOWN HEREON ARE BASED ON THE CALIFORNIA COORDINATE SYSTEM ZONE 3 (NAD 83). MULTIPLY THE DISTANCES SHOWN BY 0.9999378 TO OBTAIN GRID DISTANCES.

LEGEND

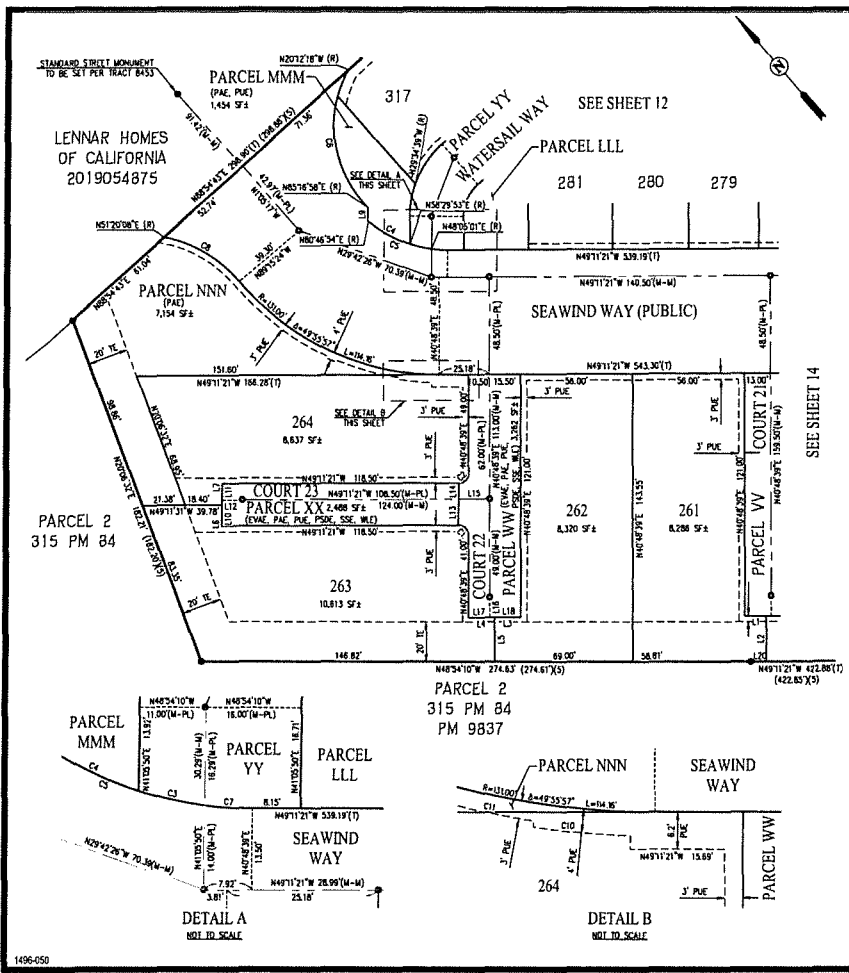
- SUBDIVISION BOUNDARY LINE
- RIGHT OF WAY LINE
- EXISTING LOT LINE
- CENTERLINE
- EASEMENT LINE
- MONUMENT LINE
- TIC LINE
- (R) RADIAL
- (M-M) MONUMENT TO MONUMENT
- (M-PL) MONUMENT TO PROPERTY LINE
- (M-CL) MONUMENT TO CENTERLINE
- (PL-PL) PROPERTY LINE TO PROPERTY LINE
- (T) TOTAL
- STANDARD STREET MONUMENT TO BE SET PER TRACT 8099 UNLESS OTHERWISE NOTED
- SET STANDARD STREET MONUMENT FOUND 5/8" REBAR AND CAP, LS 6164, PER (5)
- FOUND 5/8" REBAR AND CAP OR NAIL TAG, LS 7060, PER (6) UNLESS OTHERWISE NOTED
- EMERGENCY VEHICLE ACCESS EASEMENT
- EVAC PRIVATE ACCESS EASEMENT
- PAC PRIVATE STORM DRAIN EASEMENT
- PSDC PUBLIC UTILITY EASEMENT
- PUC PRIVATE UTILITY EASEMENT
- SSE SANITARY SEWER EASEMENT
- TE TRAIL EASEMENT
- WLE WATER LINE EASEMENT

NO.	BEARING	LENGTH
L1	N49°11'21"W	10.50'
L2	N40°48'39"E	22.84'
L3	N49°11'21"W	13.00'
L4	N49°11'21"W	13.00'
L5	N40°48'39"E	22.20'
L6	N40°48'39"E	10.50'
L7	N40°48'39"E	10.50'
L8	N41°25'50"E	15.92'
L9	N39°56'45"E	6.84'
L10	N40°48'39"E	13.00'
L11	N40°48'39"E	8.00'
L12	N49°11'21"W	10.00'
L13	N40°48'39"E	13.00'
L14	N40°48'39"E	8.00'
L15	N49°11'21"W	15.50'
L16	N40°48'39"E	10.00'
L17	N49°11'21"W	10.50'
L18	N49°11'21"W	15.50'
L19	N49°11'21"W	15.89'
L20	N49°11'21"W	7.70'

NO.	RADIUS	DELTA	LENGTH
C1	3.00'	90°00'00"	7.85'
C2	5.00'	90°00'00"	7.85'
C3	62.00'	107°24'52"	11.27'
C4	62.00'	221°7'00"	24.11'
C5	62.00'	39°58'15"	43.25'
C6	57.00'	74°50'44"	74.13'
C7	62.00'	77°22'28"	7.87'
C8	65.00'	39°24'28"	44.71'
C9	135.00'	8°54'24"	18.27'
C10	135.00'	8°54'24"	18.27'
C11	134.00'	14°08'50"	33.07'

REFERENCES:

- (R) INDICATES REFERENCE NUMBER
- (1) PARCEL MAP 9837 (315 PM 84)
- (2) PARCEL MAP 7505 (252 PM 81)
- (3) PARCEL MAP 1150 (105 PM 82)
- (4) MAP OF THE TOWN OF NEWARK (17 M 10)
- (5) PARCEL MAP 10391 (130 PM 63)
- (6) TRACT 8099 (257 M 53)



DETAIL A NOT TO SCALE

DETAIL B NOT TO SCALE

TRACT 8436

CITY OF NEWARK, ALAMEDA COUNTY, CALIFORNIA
 FOR RESIDENTIAL PURPOSES
 CONSISTING OF 14 SHEETS
 BEING A MERGER AND RESUBDIVISION OF PARCELS II, JJ, KK, LL, MM,
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Carlson, Barbee & Gibson, Inc.
 CIVIL ENGINEERS • SURVEYORS • PLANNERS
 SAN FRANCISCO, CALIFORNIA

SCALE: 1" = 30' NOVEMBER 2019

CURVE TABLE			
NO	RADIUS	DELTA	LENGTH
C1	531.00'	075°16'	8.38'



LINE TABLE		
NO	BEARING	LENGTH
L1	N40°48'30"E	22.84'
L2	N49°17'21"W	10.50'
L3	N49°17'21"W	8.00'
L4	N49°17'21"W	13.00'
L5	N42°48'30"E	10.00'
L6	N49°17'21"W	13.00'
L7	N49°17'21"W	8.00'
L8	N42°48'30"E	22.84'
L9	N49°17'21"W	10.50'
L10	N49°17'21"W	10.50'
L11	N49°17'21"W	13.00'
L12	N49°17'21"W	8.00'
L13	N42°48'30"E	13.50'
L14	N42°48'30"E	10.00'
L15	N49°17'21"W	13.00'
L16	N49°17'21"W	8.00'
L17	N42°48'30"E	22.84'
L18	N49°17'21"W	10.50'
L19	N49°17'21"W	10.50'
L20	N49°17'21"W	13.00'
L21	N49°17'21"W	8.00'
L22	N42°48'30"E	10.00'
L23	N49°17'21"W	13.00'
L24	N49°17'21"W	8.00'
L25	N39°54'23"E	23.20'
L26	N52°05'37"W	10.50'

BASIS OF BEARINGS:

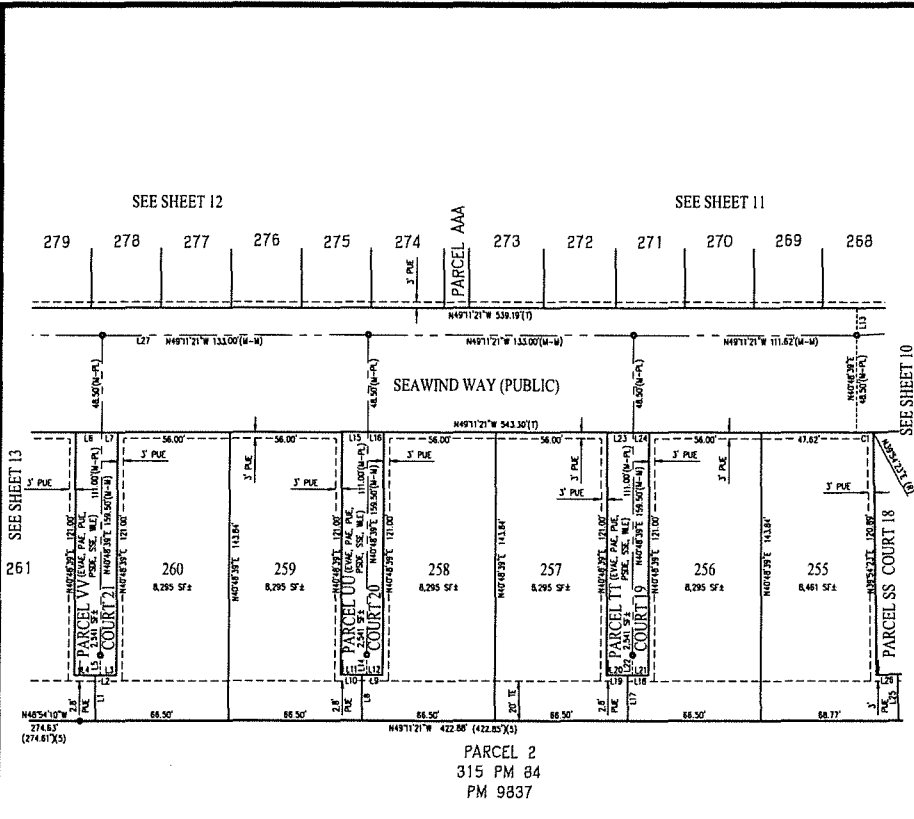
THE BASIS OF BEARINGS FOR THIS SURVEY IS THE CENTERLINE OF HICKORY STREET BETWEEN TWO FOUND IRON PIPES IS TAKEN AS NORTH 21°48'56" WEST AS SHOWN ON PARCEL MAP 10391 (330 PM 63). THE BEARINGS SHOWN HEREON ARE BASED ON THE CALIFORNIA GEODESIC SYSTEM ZONE 3 (NAD 83). MULTIPLY THE DISTANCES SHOWN BY 0.9999378 TO OBTAIN GRID DISTANCES.

LEGEND

- SUBDIVISION BOUNDARY LINE
- RIGHT OF WAY LINE
- EXISTING LOT LINE
- CENTERLINE
- EASEMENT LINE
- MONUMENT LINE
- TIE LINE
- (R) RADIAL
- (M-W) MONUMENT TO MONUMENT
- (M-P) MONUMENT TO PROPERTY LINE
- (M-CL) MONUMENT TO CENTERLINE
- (M-PL) MONUMENT TO PROPERTY LINE
- (PL-PL) PROPERTY LINE TO PROPERTY LINE
- (T) TOTAL
- STANDARD STREET MONUMENT TO BE SET PER TRACT 8099 UNLESS OTHERWISE NOTED
- SET STANDARD STREET MONUMENT FOUND 5/8" REBAR AND CAP, 15 RIBS, PER (5)
- FOUND 5/8" REBAR AND CAP OR NAIL TAG, 15 RIBS, PER (6) UNLESS OTHERWISE NOTED
- EMERGENCY VEHICLE ACCESS EASEMENT
- PRIVATE ACCESS EASEMENT
- PRIVATE STORM DRAIN EASEMENT
- PRIVATE UTILITY EASEMENT
- SANITARY SEWER EASEMENT
- TIE EASEMENT
- WATER LINE EASEMENT

REFERENCES:

- (R) INDICATES REFERENCE NUMBER
- (1) PARCEL MAP 9837 (315 PM 84)
- (2) PARCEL MAP 7505 (233 PM 61)
- (3) PARCEL MAP 1130 (105 PM 92)
- (4) MAP OF THE TOWN OF NEWARK (17 M 10)
- (5) PARCEL MAP 10391 (330 PM 63)
- (6) TRACT 8099 (337 M 53)



CITY OF NEWARK
SUBDIVISION IMPROVEMENT AGREEMENT
TRACT 8436

This Subdivision Improvement Agreement (hereinafter "Agreement") is made and entered into by and between the CITY OF NEWARK, a municipal corporation (hereinafter "City"), and LENNAR HOMES OF CALIFORNIA, INC., a California corporation (hereinafter "Developer"). City and Developer may be collectively referred to herein as the "parties."

RECITALS

- A.** In accordance with the Subdivision Map Act (California Government Code Sections 66410, *et seq.*), and the Subdivision Ordinance (Newark Municipal Code, Title 16, Chapters 16.04, 16.08, 16.12, 16.16, 16.20, and 16.32), and the Street Ordinance (Newark Municipal Code, Title 12, Chapters 12.04 and 12.08), the Developer has submitted to the City a Final Map (hereinafter "Final Map") for the Project known as Tract 8436 Bridgeway Phase II, Newark (hereinafter "Project").
- B.** The Project is geographically located within the boundaries of the Tentative Tract Map known as "Tentative Map 8099". The Tentative Map is on file with the City Engineer, and is incorporated herein by reference.
- C.** The City's approval of the Tentative Map was subject to specified conditions of approval (hereinafter "Conditions"). The Conditions are on file with the City Engineer, and are incorporated herein by reference.
- D.** Improvement Plans and Specifications have been prepared on behalf of the Developer, and approved by the City Engineer, which describe the improvements which are required to be constructed by the Developer. The term "Plans and Specifications" shall include _____ (____) sheets of improvement plans titled "Bridgeway Phase II Tract 8436 Improvement Plans," approved by the City Engineer on _____. The Plans and Specifications are on file with the City Engineer, and are incorporated herein by reference.

NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL COVENANTS AND CONDITIONS IDENTIFIED HEREIN, THE PARTIES HEREBY AGREE AS FOLLOWS:

- 1. SCOPE OF WORK.** The Developer shall perform, or cause to be performed, the Work described in the Plans and Specifications and the Conditions (hereinafter "Work"), to the satisfaction of the City Engineer. The Work shall be performed, and all materials and labor shall be provided, at the Developer's sole cost and expense. No change shall be

**CITY OF NEWARK – SUBDIVISION IMPROVEMENT AGREEMENT
TRACT 8436**

made to the Scope of Work unless authorized in writing by the City Engineer.

2. **PERMITS, LICENSES, AND COMPLIANCE WITH LAW.** The Developer shall, at the Developer's expense, obtain and maintain all necessary permits and licenses for the performance of the Work. The Developer shall comply with all local, state, and federal laws, whether or not said laws are expressly stated in this Agreement.
3. **DEVELOPER'S AUTHORIZED REPRESENTATIVE.** At all times during the progress of the Work, Developer shall have a competent foreperson or superintendent (hereinafter "Authorized Representative") on site with authority to act on behalf of the Developer. The Developer shall, at all times, keep the City Engineer informed in writing of the name and telephone number of the Authorized Representative. The Developer shall, at all times, keep the City Engineer informed in writing of the names and telephone numbers of all contractors and subcontractors performing the Work.
4. **IMPROVEMENT SECURITY.** The Developer shall furnish faithful performance and labor and material security concurrently with the execution of this Agreement by the Developer, and prior to the commencement of any Work. The Developer shall furnish warranty security prior to the City's acceptance of the Work. The form of the security shall be as authorized by the Subdivision Map Act (including Government Code Sections 66499, *et seq.*) and the Newark Municipal Code, and as set forth below:
 - 4(a). **Faithful Performance.** Performance Bonds in the amount of \$4,539,000.00 to secure faithful performance of this Agreement (until the date on which the City Council accepts the Work as complete) pursuant to Government Code Sections 66499.1, 66499.4, and 66499.9.
 - 4(b). **Labor and Material.** Materials Bonds in the amount of \$2,269,500.00 to secure payment by the Developer to laborers and materialmen pursuant to Government Code Sections 66499.2, 66499.3, and 66499.4.
 - 4(c). **Warranty.** Performance Bonds in the amount of \$453,900.00 to secure faithful performance of this Agreement (from the date on which the City accepts the Work as complete until one year thereafter) pursuant to Government Code Sections 66499.1, 66499.4, and 66499.9.
5. **BUSINESS LICENSE.** The Developer shall apply for and pay the business license fees, in accordance with Newark Municipal Code Title 5, Chapter 5.04.

**CITY OF NEWARK – SUBDIVISION IMPROVEMENT AGREEMENT
TRACT 8436**

6. INSURANCE. Developer shall, throughout the duration of this Agreement, maintain insurance to cover Developer (including its agents, representatives, contractors, subcontractors, and employees) in connection with the performance of services under this Agreement. This Agreement identifies the minimum insurance levels with which Developer shall comply; however, the minimum insurance levels shall not relieve Developer of any other performance responsibilities under this Agreement (including the indemnity requirements), and Developer may carry, at its own expense, any additional insurance it deems necessary or prudent. Concurrently with the execution of this Agreement by the Developer, and prior to the commencement of any services, the Developer shall furnish written proof of insurance (certificates and endorsements), in a form acceptable to the City. Developer shall provide substitute written proof of insurance no later than 30 days prior to the expiration date of any insurance policy required by this Agreement.

6(a). Minimum Insurance Levels. Developer shall maintain insurance at the following minimum levels:

6(a)(1). Commercial General Liability (with coverage at least as broad as ISO form CG 00 01 01 96) coverage in an amount not less than \$5,000,000 general aggregate and \$2,000,000 per occurrence for general liability, bodily injury, personal injury, and property damage.

6(a)(2). Automobile Liability (with coverage at least as broad as ISO form CA 00 01 07 97, for “any auto”) coverage in an amount not less than \$1,000,000 per accident for bodily injury and property damage.

6(a)(3). Workers’ Compensation coverage as required by the State of California.

6(b). Minimum Limits of Insurance. It shall be a requirement under this Agreement that any available insurance proceeds broader than or in excess of the specified minimum Insurance coverage requirements and/or limits shall be available to the Additional Insured. Furthermore, the requirements for coverage and limits shall be (1) the minimum coverage and limits specified in this Agreement; or (2) the broader coverage and maximum limits of coverage of any Insurance policy or proceeds available to the named Insured; whichever is greater.

6(c). Endorsements. The insurance policies shall be endorsed as follows:

6(c)(1). For the commercial general liability insurance, the City (including its elected officials, employees, volunteers, and agents)

**CITY OF NEWARK – SUBDIVISION IMPROVEMENT AGREEMENT
TRACT 8436**

shall be named as additional insured, and the policy shall be endorsed with a form at least as broad as ISO form CG 20 10 11 85.

6(c)(2). Developer's insurance is primary to any other insurance available to the City with respect to any claim arising out of this Agreement. Any insurance maintained by the City shall be excess of the Developer's insurance and shall not contribute with it.

6(c)(3). Developer's insurance will not be canceled, limited, or allowed to expire without renewal until after 30 days written notice has been given to the City. During the term of this Agreement, Consultant will not materially alter any of the policies or reduce any of the levels of coverage afforded by its insurance policies.

6(c)(4). Maintenance of proper insurance coverage in conformity with this Section 6 is a material element of this Agreement and failure to maintain or renew coverage or to provide evidence of coverage or renewal may be treated by City as a material breach of this Agreement.

6(d). Qualifications of Insurers. All insurance companies providing coverage to Developer shall be insurance organizations authorized by the Insurance Commissioner of the State of California to transact the business of insurance in the State of California, and shall have an A.M Best's rating of not less than "A:VII."

7. REPORTING DAMAGES. If any damage (including death, personal injury or property damage) occurs in connection with the performance of this Agreement, Developer shall immediately notify the City Engineer's office by telephone at 510-578-4290, and Developer shall promptly submit to the City's Risk Manager and the City's Authorized Representative, a written report (in a form acceptable to the City) with the following information: (a) a detailed description of the damage (including the name and address of the injured or deceased person(s), and a description of the damaged property), (b) name and address of witnesses, and (c) name and address of any potential insurance companies.

8. INDEMNIFICATION. To the fullest extent permitted by law, Developer shall indemnify, hold harmless, and defend the City (including its elected officials, officers, volunteers, agents and employees) from and against any and all claims (including all litigation, demands, damages, liabilities, costs, and expenses, and including court costs and attorney's fees) resulting or arising from performance, or failure to perform, under this Agreement (with the exception of the sole negligence or willful misconduct of the City).

**CITY OF NEWARK – SUBDIVISION IMPROVEMENT AGREEMENT
TRACT 8436**

- 9. TIME OF PERFORMANCE.** Time is of the essence in the performance of the Work, and the timing requirements set forth herein shall be strictly adhered to unless otherwise modified in writing in accordance with this Agreement. The Developer shall submit all requests for extensions of time to the City, in writing, no later than ten (10) days after the start of the condition which purportedly caused the delay, and not later than the date on which performance is due.
- 9(a). Commencement of Work.** No later than fifteen (15) days prior to the commencement of Work, the Developer shall provide written notice to the City Engineer of the date on which the Developer shall commence Work. The Developer shall not commence Work until after the notice required by this section is properly provided, and the Developer shall not commence Work prior to the date specified in the written notice.
- 9(b). Schedule of Work.** Concurrently with the written notice of commencement of Work, the Developer shall provide the City with a written schedule of Work, which shall be updated in writing as necessary to accurately reflect the Developer's prosecution of the Work.
- 9(c). Completion of Work.** The Developer shall complete all Work by no later than three hundred sixty-five (365) days after the City's execution of this Agreement.
- 10. INSPECTION BY THE CITY.** In order to permit the City to inspect the Work, the Developer shall, at all times, provide to the City proper and safe access to the Project site, and all portions of the Work, and to all shops wherein portions of the Work are in preparation.
- 11. DEFAULT.** If either party ("demanding party") has a good faith belief that the other party ("defaulting party") is not complying with the terms of this Agreement, the demanding party shall give written notice of the default (with reasonable specificity) to the defaulting party, and demand the default to be cured within ten days of the notice. If: (a) the defaulting party fails to cure the default within ten days of the notice, or, (b) if more than ten days are reasonably required to cure the default and the defaulting party fails to give adequate written assurance of due performance within ten days of the notice, then (c) the demanding party may terminate this Agreement upon written notice to the defaulting party.
- 11(a).** The Developer shall be in default of this Agreement if the City Engineer determines that any one of the following conditions exist:

**CITY OF NEWARK – SUBDIVISION IMPROVEMENT AGREEMENT
TRACT 8436**

11(a)(1). The Developer is insolvent, bankrupt, or makes a general assignment for the benefit of its creditors.

11(a)(2). The Developer abandons the Project site.

11(a)(3). The Developer fails to perform one or more requirements of this Agreement.

11(a)(4). The Developer fails to replace or repair any damage caused by Developer or its agents, representatives, contractors, subcontractors, or employees in connection with performance of the Work.

11(a)(5). The Developer violates any legal requirement related to the Work.

11(b). In the event that the Developer fails to cure the default, the City may, in the discretion of the City Engineer, take any or all of the following actions:

11(b)(1). Cure the default and charge the Developer for the costs therefor, including administrative costs and interest in an amount equal to seven percent (7 %) per annum from the date of default.

11(b)(2). Demand the Developer to complete performance of the Work.

11(b)(3). Demand the Developer's surety (if any) to complete performance of the Work.

12. ACCEPTANCE OF WORK. Prior to acceptance of the Work by the City Engineer, the Developer shall be solely responsible for maintaining the quality of the Work, and maintaining safety at the Project site. The Developer's obligation to perform the Work shall not be satisfied until after the City Engineer has made a written determination that all obligations of the Agreement have been satisfied and all outstanding fees and charges have been paid, and the City Engineer has accepted the Work as complete.

13. WARRANTY PERIOD. The Developer shall warrant the quality of the Work, in accordance with the terms of the Plans and Specifications, for a period of one year after acceptance of the Work by the City. In the event that (during the one year warranty period) any portion of the Work is determined by the City Engineer to be defective as a result of an obligation of the Developer under this Agreement, the Developer shall be in default.

14. RELATIONSHIP BETWEEN THE PARTIES. Developer is, and at all times shall remain, an independent contractor solely responsible for all acts of its employees, agents, contractors, or subcontractors, including any negligent acts or omissions. Developer is not City's agent, and shall have no authority to act on behalf of the City, or to bind the City to any

**CITY OF NEWARK – SUBDIVISION IMPROVEMENT AGREEMENT
TRACT 8436**

obligation whatsoever, unless the City provides prior written authorization to Developer.

- 15. CONFLICTS OF INTEREST PROHIBITED.** Developer (including its employees, agents, contractors, and subcontractors) shall not maintain or acquire any direct or indirect interest that conflicts with the performance of this Agreement. If Developer maintains or acquires a conflicting interest, any contract with the City (including this Agreement) involving Developer's conflicting interest may be terminated by the City.
- 16. NONDISCRIMINATION.** Developer shall comply with all applicable federal, state, and local laws regarding nondiscriminatory employment practices, whether or not said laws are expressly stated in this Agreement. Developer shall not discriminate against any employee or applicant because of race, color, religious creed, national origin, physical disability, mental disability, medical condition, marital status, sexual orientation, or sex.
- 17. NOTICES.** All notices required or contemplated by this Agreement shall be in writing and shall be delivered to the respective party as set forth in this section. Communications shall be deemed to be effective upon the first to occur of: (a) actual receipt by a party's Authorized Representative, or (b) actual receipt at the address designated below, or (c) three working days following deposit in the United States Mail of registered or certified mail sent to the address designated below. The Authorized Representative of either party may modify their respective contact information identified in this section by providing notice to the other party.

TO: City of Newark
Attn: City Engineer
37101 Newark Boulevard
Newark, CA 94560

To: Lennar Homes of California, Inc.
Attn: Brian Olin, Vice President
2603 Camino Ramon
Suite 525
San Ramon, CA 94583

- 18. HEADINGS.** The heading titles for each paragraph of this Agreement are included only as a guide to the contents and are not to be considered as controlling, enlarging, or restricting the interpretation of the Agreement.
- 19. SEVERABILITY.** If any term of this Agreement (including any phrase, provision, covenant, or condition) is held by a court of competent jurisdiction to be invalid or unenforceable, the Agreement shall be construed as not containing that term, and the remainder of this Agreement shall remain in full force and effect; provided, however, this

**CITY OF NEWARK – SUBDIVISION IMPROVEMENT AGREEMENT
TRACT 8436**

paragraph shall not be applied to the extent that it would result in a frustration of the parties' intent under this Agreement.

- 20. GOVERNING LAW, JURISDICTION, AND VENUE.** The interpretation, validity, and enforcement of this Agreement shall be governed by and interpreted in accordance with the laws of the State of California. Any suit, claim, or legal proceeding of any kind related to this Agreement shall be filed and heard in a court of competent jurisdiction in the County of Alameda.
- 21. ATTORNEY'S FEES.** In the event any legal action is commenced to enforce this Agreement, the prevailing party is entitled to reasonable attorney's fees, costs, and expenses incurred.
- 22. ASSIGNMENT AND DELEGATION.** This Agreement, and any portion thereof, shall not be assigned or transferred, nor shall any of the Developer's duties be delegated, without the written consent of the City. Any attempt to assign or delegate this Agreement without the written consent of the City shall be void and of no force or effect. A consent by the City to one assignment shall not be deemed to be a consent to any subsequent assignment.
- 23. MODIFICATIONS.** This Agreement may not be modified orally or in any manner other than by an agreement in writing signed by both parties.
- 24. WAIVERS.** Waiver of a breach or default under this Agreement shall not constitute a continuing waiver or a waiver of a subsequent breach of the same or any other provision of this Agreement.
- 25. CONFLICTS.** If any conflicts arise between the terms and conditions of this Agreement and the terms and conditions of the attached exhibits or any documents expressly incorporated, the terms and conditions of this Agreement shall control.
- 26. ENTIRE AGREEMENT.** This Agreement, including all documents incorporated herein by reference, comprises the entire integrated understanding between the parties concerning the Work described herein. This Agreement supersedes all prior negotiations, agreements, and understandings regarding this matter, whether written or oral. The documents incorporated by reference into this Agreement are complementary; what is called for in one is binding as if called for in all.

**CITY OF NEWARK – SUBDIVISION IMPROVEMENT AGREEMENT
TRACT 8436**

27. SIGNATURES. The individuals executing this Agreement represent and warrant that they have the right, power, legal capacity, and authority to enter into and to execute this Agreement on behalf of the respective legal entities of the Developer and the City. This Agreement shall inure to the benefit of and be binding upon the parties hereto and their respective successors and assigns.

IN WITNESS WHEREOF, the City and Developer do hereby agree to the full performance of the terms set forth herein.

LENNAR HOMES OF CALIFORNIA, INC.,
a California corporation

CITY OF NEWARK,
a municipal corporation

By: 

Brian Olin, Vice President

By: _____
Alan L. Nagy, Mayor

ATTEST:

Sheila Harrington, City Clerk

APPROVED AS TO FORM:

Kristopher Kokotaylo, City Attorney

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 November 13, 2019 before me, Lisa McRae, Notary Public
(here insert name and title of the officer)

personally appeared Brian Olin,

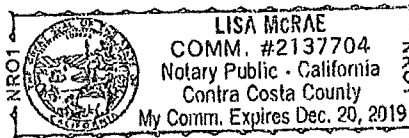
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s),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

Lisa McRae
Signature

(SEAL)



**F.2 Approval of the 2020 Local Appointments List – from City Clerk Harrington.
(MOTIONS-3)**

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

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

On October 12, 2019, California Senate Bill No. 225 amended Government Code Sections 241 and 1020 to allow all residents, whether citizens or not, to serve on public boards and commissions. City Staff will return at a future City Council with recommendations to formally remove the registered voter requirements from the resolutions, ordinances, and/or bylaws that established the requirement for each appointed group. The Local Appointments List has been revised to remove the reference to the registered voter requirement.

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

The Measure GG Tax Oversight Committee and the Community Development Advisory Committee do not have term expirations in 2020 and are not included on the 2020 Local Appointments List. Members of the City’s Planning Commission and Senior Citizen Standing Advisory Committee are appointed by the City Council and are on the Local Appointments List. Those terms that expire in 2020 are:

Planning Commission

Karen Bridges, term expires December 2020, appointed January 1993

Senior Citizen Standing Advisory Committee

Dolores W. Powell, term expires April 2020, appointed July 2014

Sandra Arellano, term expires April 2020, appointed April 2014

Rick Arellano, term expires April 2020, appointed January 2011

Stanley Keiser, term expires April 2020, appointed April 2018

Elwood Ballard, term expires April 2020, appointed April 2012.

Attachment – 2020 Local Appointment List

Action - It is recommended that the City Council, by motions: (1) approve the 2020 Local Appointments List, (2) designate the Newark Public Library as the library to receive a copy of the list, and (3) direct staff to post the Local Appointments List.

CITY OF NEWARK 2020 LOCAL APPOINTMENT LIST*

Appointive Terms Expiring in 2020

Planning Commission

Karen Bridges, term expires December 2020, appointed January 1993

Senior Citizen Standing Advisory Committee

Dolores W. Powell, term expires April 2020, appointed July 2014

Sandra Arellano, term expires April 2020, appointed April 2014

Rick Arellano, term expires April 2020, appointed January 2011

Stanley Keiser, term expires April 2020, appointed April 2018

Elwood Ballard, term expires April 2020, appointed April 2012

Qualifications for appointment to City commissions, committees, and boards: Appointees to the Planning Commission, Senior Citizen Standing Advisory Committee, Community Development Advisory Committee and the Measure GG Tax Oversight Committee must be at least 18 years old and reside in the City of Newark. Appointees to the Senior Citizen Standing Advisory Committee must be at least 55 years of age at the time of appointment.

**Approved by the Newark City Council 12/12/2019 pursuant to Section 54972 of the California Government Code, the Maddy Act. DO NOT REMOVE UNTIL 2021.*

F.3 Authorizing the City Manager to execute a Side Letter Agreement with the City Officials and the Management, Supervisory, and Professional Employee Group to reinstate the classification Assistant Planner – from Acting Human Resources Director Que-Garcia. (RESOLUTION)

Background/Discussion – During the preparation of the July 1, 2019 – June 30, 2022 Memorandum of Understandings and Compensation and Benefit Plans for the City’s various employee groups, there were numerous revisions to all of the previously approved labor agreements as a result of the recent negotiations.

The Assistant Planner classification was previously in the Compensation and Benefit Plan for the City Officials and the Management, Supervisory, and Professional Employee Group. However, when the final Compensation and Benefit Plan was approved in July, the classification of Assistant Planner was inadvertently removed.

Staff recommends that the City Council authorize the City Manager to execute a Side Letter Agreement to reinstate the Assistant Planner classification. It would be in effect from July 1, 2019 through June 30, 2022, which is the same time period of the City Officials and the Management, Supervisory, and Professional Employee Group Compensation and Benefit Plan.

The proposed side letter is attached to the staff report.

Attachments – Side Letter, Resolution

Action – Staff recommends that the City Council, by resolution, approve and authorize the City Manager to execute the Side Letter Agreement between the City of Newark and the City Officials and the Management, Supervisory, and Professional Employee Group amending the Compensation and Benefit Plan to reinstate the classification entitled Assistant Planner.

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWARK APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE A SIDE LETTER AGREEMENT BETWEEN THE CITY OF NEWARK AND THE CITY OFFICIALS AND THE MANAGEMENT, SUPERVISORY, AND PROFESSIONAL EMPLOYEE GROUP AMENDING THE COMPENSATION AND BENEFIT PLAN TO REINSTATE THE CLASSIFICATION ENTITLED ASSISTANT PLANNER

WHEREAS, the City of Newark Compensation and Benefit Plan for City Officials and the Management, Supervisory, and Professional Employee Group was approved by Resolution No. 10,962 and is in effect between July 1, 2019 and June 30, 2022; and

WHEREAS, Section II. Compensation, subsection Classification lists the compensation in management, supervisory and professional classifications; and

WHEREAS, Section II. Compensation, subsection Classification was approved without the classification Assistant Planner; and

WHEREAS, the classification Assistant Planner was inadvertently removed and was an administrative oversight; and

WHEREAS, the City seeks to adopt a side letter agreement between the City of Newark and the City Officials and the Management, Supervisory, and Professional Employee Group to reinstate the classification Assistant Planner to the Compensation and Benefit Plan; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Newark hereby:

1. Approve the Side Letter of Agreement attached to this Resolution as Exhibit A.
2. Authorizes the City Manager to execute the Side Letter Agreement attached hereto as Exhibit A.



CITY OF NEWARK, CALIFORNIA

TO: City Officials and the Management, Supervisory, and Professional Employee Group

FROM: David J. Benoun, City Manager
Kris Kokotaylo, Interim City Attorney
Helen Que-Garcia, Acting Human Resources Director

DATE: December 12, 2019

This will serve as a side letter to the City Of Newark and the City Officials and the Management, Supervisory, and Professional Employee Compensation and Benefit Plan Group to reinstate the classification Assistant Planner, as of July 1, 2019, the effective date of the City Officials and the Management, Supervisory, and Professional Employee Compensation and Benefit Plan (the Plan).

Due to an administrative error, the classification of Assistant Planner was inadvertently omitted when the City Council adopted the Plan via Resolution No. 10,962. The City agrees to amend the Compensation and Benefit Plan Section II, Compensation, Subsection Classification to reinstate classification, Assistant Planner as of the effective date of the Plan.

The amended classification list is attached, with the addition of the Assistant Planner underlined.

Dated: _____

David J. Benoun, City Manager

Exhibit A

<u>Classification</u>	<u>Range</u>
Accountant	9
Accounting Manager	15
Administrative Analyst	9
Assistant to the City Manager	12
Assistant City Engineer	19
Assistant City Manager (Dept. Head)	24
Administrative Services Director (Dept. Head)	24
Assistant Engineer-Civil	9
Assistant Maintenance Superintendent	14
* <u>Assistant Planner</u>	<u>8</u>
Associate Civil Engineer	13
Associate Planner	10
Chief Building Official/City Architect	18
City Attorney (Exempt Service)	24
City Clerk	15
City Manager (Exempt Service)	28
Community Development Director (Dept. Head)	24
Deputy Community Development Director	17
Economic Development Manager	13
Finance Manager	18
Human Resources Director (Dept. Head)	24
Information Systems Manager	15
Junior Engineer - Civil	7
Maintenance Superintendent	16
Plan Check Engineer	13
Planning Manager	15
Police Chief (Dept. Head)	24
Public Works Director (Dept. Head)	24
Recreation and Community Services Director (Dept. Head)	24
Recreation Supervisor	10
Senior Accountant	12
Senior Administrative Analyst	12
Senior Center Supervisor	9
Senior Civil Engineer	15
Senior Planner	13
Senior Recreation Supervisor	12

F.4 Authorization for the City Manager to execute change orders with Tyler Technologies New World and related implementation services and to execute future change orders within the project budget – Finance Manager Lee.
(RESOLUTION)

Background/Discussion – On July 25, 2019, the City Council approved a contract with Tyler Technologies (Tyler) for the New World Enterprise Resource System (ERP) to replace the City’s obsolete financial software. After starting the implementation of the core financial module and after further discussions with departments, staff determined that there is a need to adjust the modules being purchased to better meet the City’s current and future needs. The proposed change orders total \$63,163. No additional funding is needed because these proposed changes are within the project budget.

Software Modules

As part of the City’s contract with Tyler, staff anticipated that the following modules would be needed: Financial Management (General Ledger, Purchasing, Accounts Payable and Receivable, and Projects Ledger), Human Resources and Payroll, Licensing, and Cashiering. After further reviewing the modules and the needs of the City departments, staff has determined that it would be more cost-effective to continue to contract with HdL Companies for business license software and support services and to use the savings to purchase a new Parks and Recreation module for the Recreation Department. That module would replace the current Sportsman Recreation Management software and provide improved community access to services, online access to real-time class registration, streamline facility rentals, and have the added benefit of seamless integration into the Tyler’s General Ledger.

In addition, staff believes that it would be efficient to purchase the Tyler Content Management (TCM) tool. That module will allow staff to store supporting financial documents (invoices, purchase orders, agreements, resolutions, and other pertinent backup items) in PDF format directly in the Tyler system.

In summary, staff is requesting change order authority within the existing ERP project budget to adjust the modules being purchased to better meet the City’s current and future needs.

It is typical for projects of this complexity to have unforeseen developments arise during implementation. In order to help facilitate the efficient implementation of this project, staff further recommends that the Council authorize the City Manager to execute future change orders, if needed and if the orders are within the current project budget.

Fiscal Impact

These change orders total \$63,163 and can be made within the current ERP project budget already approved by the City Council. There is currently sufficient funding for this implementation.

Attachments – Resolution

Action – Staff recommends that the City Council, by resolution, authorize the City Manager to execute change orders with Tyler Technologies New World for a Parks And Recreation and a Tyler Content Management Module as part of an Enterprise Resource Planning Software Package (ERP); and execute future change orders within the total ERP project budget

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWARK AUTHORIZING THE CITY MANAGER TO EXECUTE CHANGE ORDERS WITH TYLER TECHNOLOGIES NEW WORLD FOR A PARKS AND RECREATION MODULE AND A TYLER CONTENT MANAGEMENT MODULE AS PART OF AN ENTERPRISE RESOURCE PLANNING SOFTWARE PACKAGE (ERP); AND EXECUTE FUTURE CHANGE ORDERS WITHIN THE TOTAL ERP PROJECT BUDGET

WHEREAS, an effective and efficient Enterprise Resource Planning system (ERP) integrates many core functions such as financial management, budgeting, accounts payable, payroll, cash receipting and personnel management, into a single solution, providing a central location of information and is essential in streamlining functions and automating workflow; and

WHEREAS, on July 25, 2019 the City Council approved a contract with Tyler Technologies for Tyler's New World ERP software; and

WHEREAS, after starting the implementation of the core financial module and further discussions with departments, staff determined that there is a need to adjust the modules being purchased to better meet the City's current and future needs; and

WHEREAS, from time to time it is possible change orders may be needed in the future with Tyler Technologies; and

WHEREAS, sufficient budget has been allocated to the ERP Software project to fund change orders for a Parks and Recreation module and a Tyler Content Management module; and

WHEREAS, whereas it will be efficient to authorize the City Manager to execute change orders with Tyler Technologies within the current project budget as needs are further defined.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Newark hereby authorizes the City Manager to execute change orders for the Parks and Recreation and Content Manager Modules within the current ERP project budget that are approved as to form by the City Attorney; and

NOW, THEREFORE, BE IT FURTHER RESOLVED that the City Council of the City of Newark hereby authorizes the City Manager to execute additional change orders with Tyler Technology within the current City Council authorized ERP project budget that are approved as to form by the City Attorney.

F.5 Approval of the cost-based adjustment increase of 6.51% to solid waste collection, recycling, and organics services maximum rates for Calendar Year 2020 – from Senior Administrative Analyst Khuu-Seeman. (RESOLUTION)

Background/Discussion – In 2013, the City of Newark entered into a ten-year Franchise Agreement with Allied Waste Services of North America LLC (Republic Services) for the Collection of Solid Waste and Collection and Processing of Source Separated Recyclable Materials, Organic Materials, and C&D (Franchise Agreement). Per the Franchise Agreement, there are three potential methods to adjust maximum rates:

- 1) An annual index-based adjustment, which involves applying changes in specific indices to a prescribed formula;
- 2) A cost-based adjustment, which involves an in-depth review of Republic Services' actual cost of operations and operational statistics (such as staffing, routes, route hours, customer numbers, revenue, capital assets, etc.) to determine costs and fees; and
- 3) An extraordinary rate review, which includes changes in law, force majeure events limited to acts of nature or war, or City-directed changes in scope.

Since the start of the Franchise Agreement, Newark has adjusted rates as part of the annual index-based rate adjustments. Index-based increases have ranged from 1.6% to 3.9%. This year, Republic Services requested a cost-based rate adjustment for Rate Period 7 (effective January 1, 2020). This is the first time that rates will be adjusted using the cost-based rate review method. The intent of performing the cost-based adjustment is to examine the actual impacts of changes in inflation or deflation, the number of customers, and the service level of customers as well as to review the actual cost of operations and operational statistics.

The City of Newark solicited assistance with the cost-based analysis through a Request for Proposals and has been working with R3 Consulting Group, Inc. (R3 Consulting) on reviewing and analyzing Republic Services' financial records and cost-based rate request.

Main Factors Driving the Rate Request Increase

Republic Services requested a 9.03% rate increase for the upcoming rate period through its initial cost-based rate application. Republic Services later revised this to request a 9.4% increase. After a detailed review and thorough assessment of Republic Services' financial documents, R3 Consulting determined that a rate increase of 6.51% is appropriate. Republic Services agrees with this increase amount.

Although a number of adjustments (both positive/negative and major/minor) were made to Republic Services' financial data, the main factors for Republic Services' rate request increase through the cost-based request were:

- 1) Increased Recycling Costs due to National Sword/Blue Sky;
- 2) Additional costs due to City growth over the years (request to add more trucks and staff); and

3) Bad Debt (debt due to aging accounts).

Increased Recycling Costs Due to National Sword/Blue Sky

In 2018, the Chinese government—the main buyer of recycled material from the United States—enacted policies (National Sword/Blue Sky) that established extremely low thresholds for contamination and began rejecting recycled materials that were deemed contaminated.

In response to China's policies, some jurisdictions nationwide have reduced or suspended their recycling programs. This is not an option for California cities due to State (and County) waste diversion requirements. Since waste management and recycling varies from jurisdiction to jurisdiction, responses to National Sword/Blue Sky have been wide-ranging. In California, responses include:

- Rate increases (San Leandro)
- Recycling processing fees due to processing changes such as added labor and slowing down the sorting line (Fremont, Union City, Hayward)
- Contamination fees (Livermore, Oakland)
- Recycling reward programs (Vallejo offers a year of free garbage service or discount for properly sorted materials)
- Expanded public outreach and education
- Changes to accepted recyclable materials (Emeryville has eliminated coated paper, Fremont has eliminated film plastic, Hayward has eliminated milk cartons)
- Waste reduction efforts (such as plastic straw bans and single-use food ware ordinances)

In Alameda County, StopWaste coordinates National Sword Task Force meetings in order to encourage information sharing and to coordinate messaging amongst jurisdictions. City of Newark staff regularly attends these meetings.

Locally, jurisdictions have been receiving requests from haulers to review and increase rates in response to National Sword/Blue Sky. As of September 2018, the City of Fremont added a residential recycling processing fee of \$1.50 per month per household. The fee is an 18-month fee, with a 6-month potential extension. Similarly, the City of Union City implemented a recycling processing fee of approximately \$1.08 - \$2.00 per month for residential and commercial accounts serviced by Tri-Ced. This fee will be in effect for FY19-20 and will be re-evaluated for FY20-21. These recycling processing fees are in addition to the regular annual rate increases.

At the Newby Material Recovery Facility, Republic has slowed processing speeds and hired new sorting staff to meet the new contamination thresholds. Additionally, Republic Services' material marketing team is also exploring new international and domestic markets. Republic believes that this market change is a permanent shift in commodity rates and that a rate adjustment is necessary to capture revenue shortfall (around \$320,000) due to these changes. These efforts translate into unavoidable increased recycling costs for all customers. R3 Consulting reviewed Republic Services' recycling processing fees and agrees that labor expenses and commodity

revenues are affected by the changing recycling market. R3 Consulting recommends that these costs be allowed as a reasonable increase.

Additional Capital Costs due to City Growth

Republic Services requested additional capital costs, specifically two additional trucks, to meet the increased solid waste service due to Newark’s recent growth at a total cost of \$69,474.10 annually (depreciated over 10 years). Along these lines, Republic Services also requested that labor expenses be allowed to accommodate for a 15% growth increase. R3 Consulting agrees with a 1.7 headcount (personnel) increase and a 2.0 truck increase.

Bad Debt

According to Republic Services, customer accounts in Newark constitute the majority of the delinquent accounts over 90 days for the Tri-City area. Per the cost-based methodology in the Franchise Agreement, bad debt is capped at 2% of gross receipts (anything above that is a non-allowable cost and shall be deducted from actual costs). Republic Services has agreed to a bad debt expense of \$151,023 based upon 2018 actuals, which is lower than the 2% cap.

Since the bad debt will be accounted for in the cost-based rate increase, the City and Republic Services will explore incorporating a method to add any credits into future index-based rate increases as a result of efforts to recover bad debt.

Proposed Maximum Rates Effective January 1, 2020

The attachment, “New Exhibit L,” shows the proposed rates for 2020. The majority of residential households (approximately 75%) subscribe to the 32-gallon cart size and will see an increase of \$2.12 per month. Approximately 33% of commercial customers use a 3-yard bin. For once-a-week pick-up service, the proposed increase is \$22.73 a month. Below is a sample of the difference between the 2019 and 2020 rates:

Service	<u>2019 Rates</u>	<u>2020 Rates</u>	<u>Proposed Increase</u>
Residential 32-Gallon Cart	\$32.56	\$34.68	\$2.12
Residential 64-Gallon Cart	\$57.68	\$61.43	\$3.75
Commercial 3 Yd/ 1 per week	\$349.10	\$371.83	\$22.73
Commercial 2 Yd/ 2 per week	\$503.72	\$536.51	\$32.79

By comparison, the 2020 rates for the City of Union City for a residential 35-gallon cart are \$52.10 (\$50.10 + \$2 recycling processing fee) for residential and \$401.39 if serviced by Republic and \$403.39 (\$401.39 + \$2 recycling processing fee if serviced by Tri-Ced) for commercial 3-yard container pulled once per week.

The City of Fremont’s current 2019 rates for a residential 32-gallon cart are \$36.27 (\$34.77 + \$1.50 recycling processing fee) for residential and \$226.39 for commercial 3-yard container

pulled once per week. These rates are scheduled for a rate increase effective January 1, 2020. The proposed rate increase amounts are not yet available.

Construction and Demolition (C&D) Increase

In accordance with the Franchise Agreement, maximum rates for C&D services are adjusted using an index rate adjustment method rather than cost-based adjustment. Applying Garbage and Trash CPI and the Fuel Index, R3 Consulting recommends a maximum 4.72% rate increase for C&D rates.

Attachments: R3 Consulting Report: Review of 2020 (RY 7) Cost-Based Rate Application from Republic Services, Exhibit L (2019 and 2020), Resolution, draft presentation

Action - Staff recommends that the City Council, by resolution, authorize the cost-based adjustment increase of 6.51 % to the solid waste collection, recycling and organics services maximum rates for Calendar Year 2020.

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
NEWARK AUTHORIZING THE COST-BASED ADJUSTMENT
INCREASE OF 6.51% TO THE SOLID WASTE COLLECTION,
RECYCLING AND ORGANICS SERVICES MAXIMUM
RATES FOR CALENDAR YEAR 2020

WHEREAS, the Franchise Agreement between the City of Newark and Allied Waste Services of North America (Republic Services) for the collection of solid waste, recycling and organics 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, Republic Services sought a cost-based adjustment, which involves an in-depth review of Republic Services' actual cost of operations and operational statistics (such as staffing, routes, route hours, customer numbers, revenue, capital assets, etc.) to determine costs and fees; and

WHEREAS, Staff evaluated Republic Services' cost-based adjustment request and determined an appropriate fee increase of the maximum rates of 6.51% over 2019 maximum rates for the services provided pursuant to the Franchise Agreement.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Newark that, in accordance with the Franchise Agreement, dated January 15, 2013, and subsequent amendments, between the City of Newark and Republic Services for solid waste collection, recycling and organics services, and pursuant to the Newark Municipal Code, and, further, in accordance with the Agreement dated September 27, 2007 between the City of Newark and BLT Enterprises of Fremont, LLC., and subsequent amendments, 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. 10,860 setting a 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. 10,860 or any other previous resolution, the provisions herein shall prevail.

NEW EXHIBIT L
Maximum Rates Approved by City for Rate Period Seven
(Effective January 1, 2020)

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, 2020.

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	\$31.21	\$34.68	\$61.43	\$88.16
(B) Lifeline/Senior Rate	\$26.53	\$29.49	\$52.21	\$74.92
(C) Extra Solid Waste Cart	n/a	\$20.81	\$36.83	\$52.85
(D) Extra Yardwaste Cart	n/a	n/a	\$8.68	n/a
(E) Extra Recyclables Cart	n/a	n/a	\$5.21	n/a

*BACKYARD SERVICES	CONTAINER SIZE			
	20 GAL	32 GAL	64 GAL	96 GAL
(A) Basic Service	\$46.81	\$52.02	\$92.14	\$132.22
(B) Lifeline/Senior Rate	\$39.79	\$44.22	\$78.32	\$112.38
(C) Extra Solid Waste Cart	n/a	\$31.22	\$55.26	\$79.28
(D) Extra Yardwaste Cart	n/a	n/a	\$31.22	n/a
(E) Extra Recyclables Cart	n/a	n/a	\$31.22	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 Seven

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	\$26.40	\$53.86	\$82.37	\$111.94	\$142.58	\$174.26
64-Gallons	Refuse	\$46.73	\$95.34	\$145.80	\$198.16	\$252.38	\$308.44
96-Gallons	Refuse	\$67.06	\$136.81	\$209.25	\$284.36	\$362.14	\$442.63
32-Gallons	Recyclables	\$13.19	\$26.93	\$41.21	\$55.97	\$71.29	\$87.14
64-Gallons	Recyclables	\$23.36	\$47.67	\$72.92	\$99.08	\$126.19	\$154.24
96-Gallons	Recyclables	\$33.54	\$68.41	\$104.64	\$142.19	\$181.07	\$221.31
32-Gallons	Yardwaste	\$19.81	\$40.40	\$61.78	\$83.97	\$106.93	n/a
64-Gallons	Yardwaste	\$35.04	\$71.51	\$109.35	\$148.62	\$189.27	n/a
96-Gallons	Yardwaste	\$50.30	\$102.62	\$156.93	\$213.26	\$271.63	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	\$140.54	\$286.63	\$438.50	\$595.73	\$758.92	\$927.36
2 cubic yard container	\$263.01	\$536.51	\$718.77	\$1,115.11	\$1,420.19	\$1,735.79
3 cubic yard container	\$371.83	\$692.84	\$1,014.01	\$1,487.26	\$1,859.07	\$2,230.87
4 cubic yard container	\$487.22	\$915.34	\$1,343.64	\$1,948.87	\$2,436.09	\$2,923.28
6 cubic yard container	\$728.06	\$1,370.42	\$2,012.66	\$2,912.22	\$3,640.28	\$4,368.33
7 cubic yard container	\$835.19	\$1,584.55	\$2,505.54	\$3,340.73	\$4,175.89	\$5,011.08

RECYCLING BINS**	COLLECTIONS PER WEEK					
	1X	2X	3X	4X	5X	6X
1 cubic yard container	\$56.22	\$114.66	\$175.40	\$238.31	\$303.57	\$370.95
2 cubic yard container	\$105.20	\$214.61	\$287.50	\$446.04	\$568.07	\$694.31
3 cubic yard container	\$148.72	\$277.13	\$405.60	\$594.90	\$743.61	\$892.34
4 cubic yard container	\$194.89	\$366.14	\$537.46	\$779.55	\$974.44	\$1,169.31
6 cubic yard container	\$291.23	\$548.16	\$805.06	\$1,164.88	\$1,456.12	\$1,747.33
7 cubic yard container	\$334.09	\$633.81	\$1,002.22	\$1,336.29	\$1,670.36	\$2,004.43

YARD WASTE BINS**	COLLECTIONS PER WEEK					
	1X	2X	3X	4X	5X	6X
1 cubic yard container	\$105.40	\$214.98	\$328.86	\$446.81	\$569.19	n/a
2 cubic yard container	\$197.26	\$402.38	\$539.07	\$836.33	\$1,065.13	n/a
3 cubic yard container	\$278.86	\$519.65	\$760.50	\$1,115.44	\$1,394.29	n/a

*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 Seven

D. COMMERCIAL CART SERVICE

CART SIZE	MATERIAL	COLLECTIONS PER WEEK					
		1X	2X	3X	4X	5X	6X
32-Gallons	Refuse	\$26.40	\$53.86	\$82.37	\$111.94	\$142.58	\$174.26
64-Gallons	Refuse	\$46.73	\$95.34	\$145.80	\$198.16	\$252.38	\$308.44
96-Gallons	Refuse	\$67.06	\$136.81	\$209.25	\$284.36	\$362.14	\$442.63
32-Gallons	Recyclables	\$13.19	\$26.93	\$41.21	\$55.97	\$71.29	\$87.14
64-Gallons	Recyclables	\$23.36	\$47.67	\$72.92	\$99.08	\$126.19	\$154.24
96-Gallons	Recyclables	\$33.54	\$68.41	\$104.64	\$142.19	\$181.07	\$221.31
32-Gallons	Yardwaste	\$19.81	\$40.40	\$61.78	\$83.97	\$106.93	n/a
64-Gallons	Yardwaste	\$35.04	\$71.51	\$109.35	\$148.62	\$189.27	n/a
96-Gallons	Yardwaste	\$50.30	\$102.62	\$156.93	\$213.26	\$271.63	na

E. COMMERCIAL FRONT-LOAD BIN AND COMPACTOR SERVICE

REFUSE BINS*	COLLECTIONS PER WEEK					
	1X	2X	3X	4X	5X	6X
1 cubic yard container	\$140.54	\$286.63	\$438.50	\$595.73	\$758.92	\$927.36
2 cubic yard container	\$263.01	\$536.51	\$718.77	\$1,115.11	\$1,420.19	\$1,735.79
3 cubic yard container	\$371.83	\$692.84	\$1,014.01	\$1,487.26	\$1,859.07	\$2,230.87
4 cubic yard container	\$487.22	\$915.34	\$1,343.64	\$1,948.87	\$2,436.09	\$2,923.28
6 cubic yard container	\$728.06	\$1,370.42	\$2,012.66	\$2,912.22	\$3,640.28	\$4,368.33
7 cubic yard container	\$835.19	\$1,584.55	\$2,505.54	\$3,340.73	\$4,175.89	\$5,011.08

RECYCLING BINS**	COLLECTIONS PER WEEK					
	1X	2X	3X	4X	5X	6X
1 cubic yard container	\$56.22	\$114.66	\$175.40	\$238.31	\$303.57	\$370.95
2 cubic yard container	\$105.20	\$214.61	\$287.50	\$446.04	\$568.07	\$694.31
3 cubic yard container	\$148.72	\$277.13	\$405.60	\$594.90	\$743.61	\$892.34
4 cubic yard container	\$194.89	\$366.14	\$537.46	\$779.55	\$974.44	\$1,169.31
6 cubic yard container	\$291.23	\$548.16	\$805.06	\$1,164.88	\$1,456.12	\$1,747.33
7 cubic yard container	\$334.09	\$633.81	\$1,002.22	\$1,336.29	\$1,670.36	\$2,004.43

YARD WASTE BINS**	COLLECTIONS PER WEEK					
	1X	2X	3X	4X	5X	6X
1 cubic yard container	\$105.40	\$214.98	\$328.86	\$446.81	\$569.19	n/a
2 cubic yard container	\$197.26	\$402.38	\$539.07	\$836.33	\$1,065.13	n/a
3 cubic yard container	\$278.86	\$519.65	\$760.50	\$1,115.44	\$1,394.29	n/a

*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 Seven

F. COMMERCIAL ORGANIC SERVICES & RATES

REFUSE BINS*	COLLECTIONS PER WEEK					
	1X	2X	3X	4X	5X	6X
1 cubic yard container	\$135.29	\$275.92	\$422.12	\$573.48	\$730.56	\$892.71
2 cubic yard container	\$253.17	\$516.47	\$691.91	\$1,073.45	\$1,367.13	\$1,670.95
32 or 64 Gallon Commercial	\$44.98	\$91.77	\$140.36	\$190.76	\$242.94	\$296.92

NEW EXHIBIT L

Maximum Rates Approved by City for Rate Period Seven

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	\$494.22	n/a	n/a
14 cubic yard Drop Box	2.0	\$494.22	\$247.10	\$370.65
20 cubic yard Drop Box	3.0	\$624.68	\$312.34	\$468.52
30 cubic yard Drop Box	5.0	\$885.62	\$442.82	\$664.22
40 cubic yard Drop Box	6.0	\$1,016.09	\$508.05	\$762.08
Excess Tonnage Rate	n.a.	\$130.49	\$78.22	\$78.22

CUSTOMER-OWNED COMPACTORS	Tonnage Limit Per Pick-Up*	REFUSE	RECYCLING	YARDWASTE
6 cubic yard Compactor	1.2	\$430.27	\$215.15	\$322.69
15 cubic yard Compactor	3.0	\$860.56	\$430.27	\$645.42
20 cubic yard Compactor	4.0	\$1,147.40	\$573.69	\$860.56
25 cubic yard Compactor	5.0	\$1,434.24	\$717.13	\$1,075.69
30 cubic yard Compactor	6.0	\$1,721.10	\$860.56	\$1,290.83
35 cubic yard Compactor	7.0	\$2,007.96	\$1,004.00	\$1,505.96
40 cubic yard Compactor	8.0	\$2,294.81	\$1,147.40	\$1,721.10
Excess Tonnage Rate	n.a.	\$130.49	\$78.22	\$78.22

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	\$306.35	\$50.93
6 cubic yard Drop Box	Concrete	\$306.35	\$50.93
14 cubic yard Drop Box	Wood	\$306.35	\$72.76
20 cubic yard Drop Box	Wood	\$306.35	\$72.76
30 cubic yard Drop Box	Wood	\$306.35	\$72.76
40 cubic yard Drop Box	Wood	\$306.35	\$72.76
14 cubic yard Drop Box	Recyclable C&D	\$306.35	\$101.83
20 cubic yard Drop Box	Recyclable C&D	\$306.35	\$101.83
30 cubic yard Drop Box	Recyclable C&D	\$306.35	\$101.83
40 cubic yard Drop Box	Recyclable C&D	\$306.35	\$101.83

*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 Seven

I. ADDITIONAL SERVICES & RATES

ADDITIONAL SERVICES	RATE
Cost of pre-paid solid waste overage bags	\$12.50
Cost of pre-paid yardwaste overage bags	\$12.50
Extra On-Call Bulky Cleanup (more than three per year)	\$93.86
Cart replacement cost (more than once per year)	\$93.86
Cart delivery/pick-up (more than once per year)	\$62.56
Lost lock per container, per occurrence	\$37.53
Steam cleaning Bin/Cart (charge per visit)	\$156.42
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)	\$106.37
Push/pull charge (Per- Mo, Per-50 Ft, Per Cart, Per Pick-up)	\$25.03
Lock/unlock charge (Per- Mo, Per-50 Ft, Per Cart, Per Pick-up)	\$25.03
Extra refuse bin collection (per cubic yard rate per pick-up)	\$31.16
Extra recycling bin collections (per cubic yard rate per pick-up)	\$15.57
Extra yard waste bin collections (per cubic yard rate per pick-up)	\$23.37
Bin Lock Installation (new lock) per container, per occurrence	\$37.53
Overage charges Per-Cubic-Yard Rate, per occurrence	\$12.50
Container relocation charge per container, per occurrence	\$106.37
Push/pull charge (Per- Mo, Per-50 Ft, Per Cart, Per Pick-up)	\$25.03
Lock/unlock charge (Per- Mo, Per-50 Ft, Per Cart, Per Pick-up)	\$25.03
Daily drop box demurrage charge (rental charge if customer keeps Box longer than 7-days without pick-up or return)	\$29.51
Drop box placement charge	\$81.35
Drop box relocation charge	\$106.37
Drop box cancellation service	\$106.37
Drop box overage charge - Refuse (For Each Ton In Excess of Limits)	\$130.49
Drop box overage charge - Recyclables (For Each Ton In Excess of Limits)	\$78.22
Drop box overage charge - Yardwaste (For Each Ton In Excess of Limits)	\$78.22
Restart charge after 120-days late and service reduction	\$37.53
Late charge after 60-days past due	1.50%
Insufficient funds charge	\$37.53

OLD 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, 2019.

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.

OLD 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	n/a
2 cubic yard container	\$185.20	\$377.79	\$506.12	\$785.21	\$1,000.03	n/a
3 cubic yard container	\$261.82	\$487.89	\$714.02	\$1,047.26	\$1,309.07	n/a

*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.

OLD 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	n/a
2 cubic yard container	\$185.20	\$377.79	\$506.12	\$785.21	\$1,000.03	n/a
3 cubic yard container	\$261.82	\$487.89	\$714.02	\$1,047.26	\$1,309.07	n/a

*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.

OLD 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

OLD EXHIBIT L

Maximum Rates Approved by City for Rate Period Six

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.

OLD 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

FINAL REPORT

**Review of 2020 (RY 7) Cost-Based Rate
Application from Republic Services**



SUBMITTED TO:

City of Newark

November 27, 2019

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Tel: 916-782-7821 | Fax: 916-782-7824

2600 Tenth Street, Suite 424, Berkeley, CA 94710
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November 27, 2019

Ms. Myvan Khuu-Seeman
City of Newark – Public Works Department
Newark City Hall
37101 Newark Boulevard
Newark, CA 94560-3796

Subject: Review of 2020 (RY 7) Cost-Based Rate Application from Republic Services

Dear Ms. Khuu-Seeman:

R3 Consulting Group, Inc. (R3) is pleased to submit this report detailing the results of our review of Republic Services, Inc.'s (Republic) 2020 Rate Application for the City of Newark (City). Republic's application was submitted in accordance with the Franchise Agreement between the City of Newark and Allied Waste Services of North America, LLC (dba Republic) for Collection of Solid Waste and Collection and Processing of Source-Separated Recyclable Materials, Organic Materials, and C&D (Agreement). Republic requested a cost-based rate review this year, the first such review that has been completed under this contract. This rate-setting process is for Rate Year 7.

Background

Republic submitted a rate adjustment application for a 9.03% rate increase to its solid waste rates, to be effective January 1, 2020. After a competitive procurement process, R3 was engaged by the City to conduct a detailed review of the application, which included a thorough assessment of relevant documents for completeness and compliance with the procedures agreed upon by Republic and the City, and verification of the mathematical accuracy and logical consistency of the supporting documents.

Findings

Based on our review of Republic's application, we have determined that a rate increase of 6.51% is appropriate to compensate Republic for providing solid waste services. We have reviewed our findings with Republic, and they are in agreement with the proposed adjustments to their rate application and the recommended 6.51% rate increase for 2020.

The recommended 2020 rate adjustments by category (including R3's adjustments) are further described in the table on the next page, with more specifics included in Sections 1 and 2 of this report.

Table 1: Rate Adjustment Summary

Category	Republic 2020 Projected	R3 Adjustments to 2020	R3 Adjustment Net Change	R3 Adjustment Number
Cost of Operations				
Labor-Related Costs	\$3,263,198	\$3,144,969	(\$118,228)	1
Fuel Costs	\$135,255	\$135,903	\$648	2
Net Processing Costs	\$876,703	\$895,806	\$19,102	3
Direct Depreciation	\$730,728	\$730,728	(\$0)	
Total Allocated Costs - Labor, Vehicle, Fuel & Other	\$2,488,177	\$2,384,383	(\$103,795)	4
Total Allocated Costs - Depreciation & Start-Up	\$34,000	\$34,000	\$0	
Total Cost of Operations	\$7,528,061	\$7,325,789	(\$202,273)	
Profit	\$806,722	\$785,047	(\$21,676)	
Pass-Through Costs				
Disposal Cost	\$3,329,930	\$3,315,195	(\$14,736)	5
Interest Expense	\$165,865	\$165,865	(\$0)	
Rate Review Consulting Fees - Estimate	\$90,000	\$34,000	(\$56,000)	6
Total Pass-Through Costs	\$3,585,795	\$3,515,060	(\$70,736)	
Total Costs before City Fees	\$11,920,579	\$11,625,895	(\$294,685)	
City Fees				
Franchise Fee	\$2,980,145	\$2,906,474	(\$73,671)	
Total Required Revenue	\$14,900,724	\$14,532,368	(\$368,356)	
Actual Revenue	\$13,619,948	\$13,643,981	\$24,032	7
Rate Adjustment	9.40%	6.51%	2.89%	

In summary, R3 recommends the following main adjustments to Republic's rate increase request (numbering corresponds to the R3 Adjustment Numbers in Table 1, above):

1. An adjustment to the CPI indices used for the rate adjustment, and a deduction of C&D-related expenses in alignment with the reduction in C&D-related revenue;
2. Adjusting CPI index used for fuel adjustment and correcting allocations for fuel;
3. Using the most recent 12-month period for recycling and organics tons, allowing some but not all of the recycling tipping fee increase requested by Republic, and applying the CPI increase to organics tipping fee;
4. Capping General and Administrative Expenses at CPI increases from 2014 figures, after deducting Bad Debt; and adding actual, escalated Bad Debt for Newark to 2020 projected expenses;
5. Adjusting Republic's estimate with an estimate of the disposal tipping fee provided by the City, and adjusting tons to the most recent 12-month period for disposal tons;
6. Reducing rate review consulting fees in alignment with actual costs for rate review; and
7. Using most recent 12-month period and actual cash receipts for revenue, and deducting C&D-related revenue in alignment with C&D-related revenue rather than that associated with labor hours.

More detail on these recommended adjustments is provided in Section 2 to this report.

For the next indexed rate review for rates effective January 1, 2021, the City should be aware of the following additional adjustments:

- Removal of Rate Review Consulting Fees from Republic's expenses; and
- Potential adjustment of Bad Debt expenses, if expenses are below the \$151,023 baseline.

Table 2, below, shows current (2019) rates and proposed (2020) rates for standard container sizes.

Table 2: Rates for Selected Container Sizes

	Original Rate, 2019	Republic's Requested, 2020	R3 Adjusted, 2020
Single-Family Residential			
20-gallon	\$29.30	\$31.95	\$31.21
32-gallon	\$32.56	\$35.50	\$34.68
64-gallon	\$57.68	\$62.89	\$61.43
96-gallon	\$82.77	\$90.25	\$88.16
Multi-Family and Commercial, Selected			
32-gallon	\$24.79	\$27.03	\$26.40
Refuse - 1 yard / 1x	\$131.95	\$143.88	\$140.54
Refuse - 2 yards / 1 x	\$246.93	\$269.25	\$263.01
Recycling - 2 yard / 1x	\$98.77	\$107.70	\$105.20
Commercial Organics - 2 yard / 1x	\$237.70	\$259.19	\$253.17

* * * * *

We appreciate the opportunity to submit this report to the City. Should you have any questions regarding this report or need any additional information, please contact me by phone at (510) 292-0853 or by email at gschultz@r3cgi.com.

Sincerely,

R3 CONSULTING GROUP



Rose Radford | Project Manager



Garth Schultz | Principal

Attachments:

- Review of Republic Services 2020 Rate Application
- 1 Cost-Based Rate Adjustment Methodology and Republic's Application
- 2 RY 7 Cost-Based Rate Application with R3 Adjustments

City of Newark
Review of Republic Services 2020 Rate Application
November 27, 2019
Cover Letter Page 4 of 4

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Rate Review Approach

2020 Rate Application from Republic Services

Republic submitted a rate adjustment application for a 9.03% rate increase (before adjustment for C&D) to its solid waste rates, to be effective January 1, 2020. The application is for a cost-based adjustment, which involves review of Republic's actual cost of operations and operational statistics (staffing levels, routes, route hours, customers and their service levels, etc.). The intent of performing the cost-based adjustment is to examine the actual impact of changes in inflation or deflation, the number of customers, and the service level of customers. Republic has also submitted a request for additional capital costs to be included on the rates to address the increased solid waste service needs of Newark's growing community.

In projecting the 2020 costs, Republic included the direct costs for the City's garbage, organics and recycling collection, costs for transfer, processing and disposal of garbage, organics and recycling, and costs of administering diversion programs including outreach, education and technical assistance. Costs are allocated between agencies and lines of business served by the same hauling division of Republic based on a variety of allocation methodologies. For example, facility maintenance costs (parts and supplies) are allocated 17.55% to Newark and 82.45% to the other cities and lines of business served by the Republic hauling division based upon the proportional number of hours spent by Republic's staff performing collection operations in Newark. R3 reviewed and recommended adjustments to allocation methodologies as part of this review, with the results reflected in the next section of this report.

It should be noted that Republic's original rate application to the City included C&D revenue and expenses. Unless specifically called out, the descriptions in Section 2 and Appendix 1 refer to Republic's application *after removal of C&D*, in alignment with the methodology described in Exhibit D-2. More details on the Cost-Based Rate Application Methodology and Republic's approach is provided as Appendix 1 to this report.

Scope of Review

The City engaged R3 to perform a review of the application in accordance with the current adopted rate adjustment methodology. These procedures included the following activities:

- Reviewing the rate application to determine its compliance with the terms and conditions of the Agreement, mathematical accuracy and logical consistency;
- Comparing Republic's reported expenses to Republic's General Ledger of actual expenses;
- Reviewing the appropriateness of Republic's classification of expenses into the various expense categories – analyzing costs for reasonableness and alignment with industry standards;
- Reviewing Republic's allocations of actual costs to the City and requesting additional documentation for those allocations, including a detailed review of tonnage reporting;

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Section 1

Rate Review
Approach

- Reviewing Republic’s calculation of 2020 expenses and comparing them to the calculated expenses for 2019 and reported actuals for 2018;
- Conducting a detailed review of the special areas of concern, listed in the cover letter to this report and in “Summary of Adjustments,” below.
- Reviewing Republic’s rate components for compliance with Exhibit D-2 Cost-Based Rate Setting Methodology, including but not limited to:
 - Total Annual Cost of Operations
 - Labor-Related Costs
 - Vehicle-Related Costs
 - Fuel Costs
 - Net Processing Costs
 - Other Costs
 - Direct Depreciation
 - Total Allocated Costs – Labor, Vehicle, Fuel & Other
 - Total Allocated Costs – Depreciation & Start-up
 - Profit
 - Pass-Through Costs
 - Disposal Cost
 - Interest Expense
 - Rate Review Consulting Fees
 - Direct Lease Costs
 - Total Allocated Costs – Lease
 - City Fees
 - Revenue Requirement
- Assessment of the provision for a carry-over from a prior rate period, if applicable;
- Reviewing Republic's actual achievement of gross receipts for the most recently completed 12-month period, ending September 2019;
- Verifying the rate adjustment factor using the total required revenue and actual revenue to determine the appropriate 2020 rate adjustment; and
- Preparing this report that documents findings and recommendations.

Limitations

Our conclusions are based in part on the review of Republic’s projections of its financial results of operations. Actual results of operations will usually differ from projections because events and circumstances frequently do not occur as expected, and the difference may be significant.

Findings below are based upon the procedures described above. Procedures are intended to meet the City's objectives at a minimum cost. However, they do not constitute an audit in accordance with auditing standards generally accepted in the United States of America. Furthermore, had we performed additional procedures, other matters might have come to our attention that would have been reported to you, and those matters may have been material.

This report is intended solely for the use of the City of Newark and should not be used by those who have not agreed to the procedures and taken responsibility for the sufficiency of the procedures for their purposes.

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Rate Review
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Section 1

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Rate Review
Approach

R3

Adjustments to Republic Rate Application

Summary of Findings

Special areas of focus evaluated during R3's review include:

- Treatment of new organics program, which began in 2018 and for which Republic has represented rates as equal to the cost of providing service;
- Route productivity statistics, given that increased route costs are non-allowable if current route productivity is lower than that given in Republic's original proposal to the City;
- Republic's request to include two new trucks in the rates paid by Newark residents and businesses, which would (if approved in full) increase Direct Depreciation as set by Agreement at \$606,747 by \$123,981 for a total of \$730,728;
- Labor-related costs, given the inclusion of labor-related costs for personnel and equipment costs for vehicles not included in the original proposal forms attached as Exhibit N are considered non-allowable per Exhibit D-2;
- Treatment of recyclable materials processing at Newby Island Material Recovery Facility (MRF); the blended tip fee (including cost and rebates) paid by Republic to Newby Island, an affiliated facility, went from \$22.40 per ton in 2018 to \$77.29 per ton projected for 2020;
- Treatment of C&D rates, which are required to be calculated outside of the cost-based rate review, and C&D revenue and expenses, which are required to be removed from the cost-based rate review;
- Treatment of General and Administrative Expenses, which are not allowed to be increased above CPI;
- Use of year-to-date cash receipts, which is calculated to exceed projected 2020 revenue based upon 2018 actual revenue by approximately \$130,000; and
- Treatment of bad debt, which is capped by Exhibit D-2 of the Agreement at 2% of Gross Revenue.

Summary of Adjustments

The adjustments made by R3 are outlined in the table on the next page. Each adjustment is numbered. A description of the associated adjustments is provided on the following page.

R3

Section 2

Adjustments to Republic Rate Application

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Table 1: Summary of Adjustments

Category	Republic 2020 Projected	R3 Adjustments to 2020	R3 Adjustment Net Change	R3 Adjustment Number
Cost of Operations				
Labor-Related Costs	\$3,263,198	\$3,144,969	(\$118,228)	1
Vehicle-Related Costs	\$0	\$0	\$0	
Fuel Costs	\$135,255	\$135,903	\$648	2
Net Processing Costs	\$876,703	\$895,806	\$19,102	3
Other Costs	\$0	\$0	\$0	
Direct Depreciation	\$730,728	\$730,728	(\$0)	
Total Allocated Costs - Labor, Vehicle, Fuel & Other	\$2,488,177	\$2,384,383	(\$103,795)	4
Total Allocated Costs - Depreciation & Start-Up	\$34,000	\$34,000	\$0	
Total Cost of Operations	\$7,528,061	\$7,325,789	(\$202,273)	
Profit	\$806,722	\$785,047	(\$21,676)	
Pass-Through Costs				
Disposal Cost	\$3,329,930	\$3,315,195	(\$14,736)	5
Interest Expense	\$165,865	\$165,865	(\$0)	
Rate Review Consulting Fees - Estimate	\$90,000	\$34,000	(\$56,000)	6
Direct Lease Costs	\$0	\$0	\$0	
Total Allocated Costs - Lease	\$0	\$0	\$0	
Total Pass-Through Costs	\$3,585,795	\$3,515,060	(\$70,736)	
Total Costs before City Fees	\$11,920,579	\$11,625,895	(\$294,685)	
City Fees				
Franchise Fee	\$2,980,145	\$2,906,474	(\$73,671)	
Other	\$0	\$0	\$0	
Total City Fees	\$2,980,145	\$2,906,474	(\$73,671)	
Total Required Revenue	\$14,900,724	\$14,532,368	(\$368,356)	
Actual Revenue	\$13,619,948	\$13,643,981	\$24,032	7
Rate Adjustment	9.40%	6.51%	2.89%	

Adjustment #1

Schedule B Garbage and Trash CPI

At the time that R3 ran the CPI report for Schedule B, the last three months of that index had been adjusted slightly. R3 has replaced the CPI figures in Schedule B with the most-updated figures, resulting in a reduction in the Schedule B CPI from 4.88% to 4.74%. The net effect of this reduction is \$8,706 on Labor-Related Costs.

C&D Expenses Adjustment

As described in Attachment 1 to this report, Republic initially submitted a rate application for costs including C&D service. Republic submitted a revision to its original application by removing some C&D related revenue and expenses. R3 recommends that the C&D related revenue should be set equal to the total C&D revenue reported to the City, which includes some C&D revenue that is coded differently from Republic's initial analysis. The C&D revenue deduction is higher than Republic's initial estimate, which was based upon labor hour revenue.

R3 recommends corresponding deduction in Republic's expenses of similar magnitude as the adjustment in C&D-related revenue in the amount of \$109,522. This adjustment is "held" in labor-related costs, although actual C&D-related expenses would be distributed among all the expense line items.

Adjustment #2

Fuel Costs

R3 reviewed and recommends adjustments to Republic's proposed fuel expenses. Republic proposed \$135,255 in fuel expenses and R3 recommends fuel expenses of \$135,903. This \$648 increase results from:

- Verifying and updating projected CPI data points with actuals;
- Correcting the allocation for Fuel Hedge; and
- Making further adjustment to the calculation of fuel costs such that Republic's "actual" fuel cost figures were replaced by CPI-adjusted and allocated fuel costs for conformance with Exhibit D-2 methodology.

Adjustment #3

Net Processing Costs – Source Separated Recyclable Materials Processing Cost

Republic has slowed processing speeds and hired new sorting staff at its material recovery facility (MRF), located at the Newby Island location, to meet the new contamination thresholds due to China's National Sword policy. Its material marketing team is exploring other international and domestic markets. These new international commodity market conditions have resulted in higher processing costs and recyclables now bring in a significantly reduced or negative price as other markets are flooded by the industry shift away from China.

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Section 2

Adjustments to
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Application

The closing of other MRFs has also placed additional strain on Republic's infrastructure. Republic believes this is a permanent break in recycling commodity prices and requested a rate adjustment to assist in capturing the revenue shortfall due to the changes in the commodity markets. Republic has represented the impacts to its expenses, above what would otherwise have been covered by CPI, at around \$320,000 per year.

Republic has provided a recyclable materials characterization based on its Newby Island single stream recyclables studies (which are conducted on an annual basis for Newark), annual recycling tonnage, and historic vs. 2019 YTD commodity sales revenue (calculated on a per-ton basis). R3 met with Republic and reviewed financial back-up and the line-by-line per ton basis of the 2019 tip fee charged at Newby Island. We also reviewed and validated the basis of the 2017 tip fee charged.

The rebate provided to haulers delivering material to Newby Island is based upon the recycling revenue actually collected each month less the cost of disposing the residual, with 20% of that revenue retained by Newby Island. This revenue is allocated among contributing jurisdictions based upon their proportional contribution in that month to the total inbound tons, and reduced or increased if the annual waste characterizations of that material conducted by Newby Island show poor quality or good quality material, respectively.

R3 agrees that the labor expense and commodity revenues are impacted by the recycling market shift and may reasonably be allowed under this rate application. This would be a departure from a strict application of the rate adjustment methodology described in Exhibit D-2, which reads:

Forecasted Source Separated Recyclable Materials Processing Cost shall be calculated for the coming Rate Period as follows: Annual Forecasted Recyclable Materials Processing Cost = (Projected Per-Ton Processing Fee at Approved Recyclable Materials Processing Facility) x (total Tons of Source Separated Recyclable Materials Collected for the most-recently completed twelve- (12-) month period). For the purposes of this calculation and if determining Maximum Rates for Rate Period Four (for example), the **Projected Per-Ton Processing Fee shall equal the proposed per-Ton Processing Cost (or net revenue) per Form 7 of Exhibit N multiplied by the average of the June 2014 through April 2015 CPI indices divided by the average of the June 2013 through April 2014 CPI indices.**

In other words, Exhibit D-2 would not allow any increase in the recyclable materials tipping fee above CPI, which would be a tipping fee of \$25.24 per ton rather than the fee Republic requested, \$77.29 (for single-family). R3 is recommending adjustments of the tipping fee requested by Republic, described in more detail below; however, we do recommend that the City accept the adjustment in recycling tipping as an extraordinary increase which is reasonably allowable.

R3 reviewed and validated a selection of these line items against Republic's accounting records during an on-site visit. R3 allowed the increase in labor costs from 2017 to 2019 to be included as an expense in Republic's rate increase request. Republic provided a report that estimates recyclable revenue on the basis of the waste characterization data and commodity sales revenue, which R3 has reviewed and agrees that the estimate matches, within reason, the actual rebates reported by Republic from Newby Island. R3 took recycling processing cost line items for 2017, which was before the effects of the China National Sword and increased those items by the Garbage and Trash CPI for three years to estimate the increases on those line

R3

items for the 2020 rate year. Elements that did not increase or decreased from 2017 to 2019 were set to the 2019 amount.

The adjustment described above resulted in a decrease in the tip fee component of the recycling rate, from \$134.00 to \$128.09. With the rebate for recycling sales, which R3 has accepted, the R3-recommended tipping fee is \$71.10 for 2020, a net decrease of \$6.19 per ton from Republic's requested recycling tipping fee.

Republic's scale reports for recycling tons did not match the reported total recycling tonnages, because Republic did not include Multi-Family (MFD) recycling. R3 has added multi-family recycling to the rate application, resulting in an increase of total commercial/multi-family/city/school tons of 212 for a total annual tonnage based on 2018 actuals of 2,017 tons. The adjustments described above resulted in a net reduction in the recyclable material processing expense of \$15,681.

Net Processing Costs – Source Separated Organic Materials Processing Cost

Organics processing cost is calculated based on the number of tons collected for composting, and the cost per ton for processing those tons. Republic proposed \$367,140 in organics processing expense and R3 recommends organics processing expense of \$377,610. The \$10,470 difference is due to adjusting the tip fee calculation such that the tip fee is increased by CPI from the 2014 tip fee (rather than using actual, a reduction from \$58.26 to \$55.54 per ton) and using the most recently completed 12-month period to calculate the annual tonnage amount per the Agreement which increases the organics tonnages.

Net Processing Costs

The net effect of the adjustments in tonnage and tipping fees for processing expenses (recycling and organics) resulted in an increase of \$19,102 in processing expenses.

Adjustment #4

General and Administrative Expenses

R3 reviewed and recommends adjustment for General and Administrative (G&A) Expenses. Exhibit D-2, Section 2 "Calculate Allowable Costs" specifies that administrative costs greater than the administrative costs presented in Republic's proposal adjusted annually by the annual percentage change in the CPI are non-allowable (i.e., growth in administrative costs are capped by CPI). Republic proposed \$1,250,254 for SG&A costs.

R3 applied CPI to Republic's proposed administrative expense and calculated the cap. Republic requested that Bad Debt be removed from the SG&A cap, resulting in a cap of \$998,698. This is a reduction of \$251,556 from Republic's application.

Bad Debt Expense

Bad Debt is capped at 2% of Gross Revenue via Exhibit D-2. The City and Republic agreed to some adjustments to treatment of Bad Debt:

- Use actual Bad Debt at \$137,663 in 2018, rather than an allocation of Bad Debt, escalated by CPI (totaling \$151,023 for 2020 expenses);
- Remove Bad Debt from the G&A expenses cap, as described above; and

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Republic Rate
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- Add escalated Bad Debt as an expense on top of the G&A cap for this category.

The 2% cap does not apply to Bad Debt. The City and Republic agreed to re-evaluate Bad Debt in future indexed rate years. The City would add a Bad Debt credit to future indexed rate increases, thereby reducing future rate increases, if Bad Debt is reduced below the baseline of **\$151,023** established via this rate adjustment process.

The net effect of the G&A and Bad Debt adjustments is a \$103,785 reduction in the “Total Allocated Costs - Labor, Vehicle, Fuel & Other” expenses line item.

Adjustment #5

Disposal Costs

The disposal contract with BLT Transfer Station is held by the City. The City received an update on the BLT tipping fee, and has estimated a January 2020 increase which is set by the City of Fremont, and a July 2021 increase by CPI which is requested by BLT Transfer Station at that time (the City took the average of the pre-July 2020 and post-July 2020 tipping fees). R3 has replaced Republic’s estimate for the 2020 tipping fee at \$110.84 with the estimate provided by the City, \$112.11.

In addition, R3 utilized the most recent 12-month period to calculate the annual tonnage amount in keeping with the approved methodology; in its rate application Republic used calendar year 2018 tons. The net effect of these adjustments is a reduction of \$14,736 in the disposal expense, which is less than 1% of the disposal cost.

Adjustment #6

Rate Review Consulting Fees

Republic estimated \$90,000 in consulting fees to conduct this 2020 rate review. R3 has updated this to a not-to exceed amount of \$34,000, a difference of \$56,000.

This cost is a “pass through” to cover City expenses for reviewing rate adjustments and as such it is not subject to profit. Please do note that the Rate Review Consulting Fee should be deducted from next year’s indexed rate review’s expense calculation.

Adjustment #7

Revenue

Exhibit D-2 requires that the most recently completed 12-month period of revenue be used. R3 pulled Republic’s report of cash receipts (Gross Receipts) for the last three months of 2018 and the first nine months of 2019. This report includes a separate report of C&D revenue, which R3 deducted from the total. This adjustment resulted in Gross Receipts of \$13,643,980, \$24,032 higher than the projected calendar year 2018 revenue provided by Republic in its original application.

Other Findings Not Resulting in Adjustments

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Adjustments to
Republic Rate
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Route Productivity

R3 requested and validated route productivity statistics through an update to Form 2 of Exhibit N. Route productivity is higher in 2019 than it was proposed in Republic's rate application based upon number of accounts served per labor hour for single-family, and number of lifts per labor hour for multi-family and commercial. Therefore, increased route costs are allowable.

Labor-Related Costs

R3 completed a detailed review of the increases in head count from Republic's initial application, and the current head count. Exhibit D-2 lists as a non-allowable expense:

A.2.a. Labor and equipment costs for personnel and vehicles that are not specified in the proposal forms contained in Exhibit N.

Republic's head count increased by 4.7 route personnel. Republic provided actual route hour data for 2014 and 2019, substantiating an increase of 15% in actual route hours. If allowed, which R3 recommends due to known increases in actual services provided due to growth, this 15% increase would accommodate an increase in head count of 1.7.

Republic stated as follows:

- Drop box drivers should be excluded from the head count application as their utilization was not included in the actual route hours (it was only residential and commercial), and because debris boxes include C&D service, which is excluded from the rate review process. **R3 agrees.**
- Commercial organics is a program which did not exist in 2014. Republic has needed to add 0.2 driver to serve the Newark commercial organics base, and that 0.2 driver should be allowed as an explained increase above the base growth. **R3 agrees.**
- Exhibit N included 0.5 drivers for the residential bulky waste collection program in 2014. The basis of this estimate is not known. The actual provisioning of this service was not included in the actual route hours, and two drivers 5 days a week are required to provide the service. **R3 agrees.**

The net result of these adjustments to head count is an increase of head count within the expected 15% growth. Therefore, labor expenses are allowed, and no adjustment to Labor-Related Costs was made for increases in head count.

Organics Program

R3 conducted a review of the basis of the organics program rates, which became effective in 2018. At the time of the organics rates implementation, Republic represented the organics rates proposed as cost-of-service. R3 requested back-up for the basis of the organics rate-setting and received information that was insufficient to fully support the components of the organics rates. However, Republic acknowledged that the organics rates proposal included support for purchase of a portion of a solid waste collection truck.

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R3 has determined that the organics rates were set at cost-of-service, so growth in organics subscription will correspond to growth in associated revenues. We do not recommend special adjustments in this rate application associated with the new organics program.

Direct Depreciation and Interest Expense

Republic requested purchase of two additional trucks due to growth in Newark, mainly in the commercial base. R3 has reviewed documentation validating the growth in Newark. In alignment with the explanation provided under “Labor-Related Costs,” above, R3 recommends allowing the 2-truck increase, which represents an increase of 18% from the 11 trucks originally proposed, generally in alignment with the growth represented by Republic’s report of labor hours. The City should note the following:

- The proposed trucks would be either side-loaders or front-loaders, and not the Curotto Cans currently in operation in Newark. Republic has requested that the City allow for the use of those trucks, as Republic believes that they will be easier to perform maintenance on than the Curotto Cans trucks originally proposed.
- The trucks would be purchased new and on the road by the second quarter of 2020.
- The ratepayers would pay 1/10 of the cost of both trucks each rate year, for a total depreciation of the trucks over 10 years.
- The two trucks that are purchased should be used exclusively for services in the City, and not any other neighboring jurisdictions.

2020 Rate Increase Calculation – C&D

R3 calculated the 2020 rate increase **to be applied to C&D rates only at 4.72%**. This rate adjustment is described in Exhibit D-2 as aligning with the methodology followed in Exhibit D-1, and is comprised of the Garbage and Trash CPI (at 95% of the total) and the Fuel Index (at 5% of the total).

R3

Appendix 1: Cost-Based Rate Adjustment Methodology

Forecast Annual Cost of Operations

Labor-Related Costs

Republic projected its 2020 expenses (less non-allowable costs) for each Labor-Related expense category by starting with 2018 actual costs and escalating twice by the Consumer Price Index, Garbage and Trash Collection, in accordance with the requirements of Exhibit D-2. The projection was then allocated by the most-appropriate metrics. The following expense items were allocated by the proportional number of hours spent by collection staff in Newark, at 17.55%:

- Operating labor (**Labor-Related**); and
- Supervisory labor (**Labor-Related**).

Vehicle-Related Costs

Vehicle-Related Costs were not separately represented in Republic's rate application; costs that were not labor or fuel were reported under Total Allocated Costs – Labor, Vehicle, Fuel & Other. R3 agrees that vehicle-related costs may be allocated among the divisions served according to Republic's methodology.

Fuel Costs

Republic largely used actual fuel costs, which are recorded by line of business, in its rate application.

Net Processing Costs

Republic calculated processing costs, which are not pass-through costs, by taking 2018 tonnages and applying a projected per-ton rate to those 2018 tonnages. R3 adjusted as described below. The projection methodology differed by material type (details on next page):

- C&D was initially included in disposal, but in Republic's revised application C&D was removed from the disposal calculation;
- Single-family and commercial organics are subject to the same tipping fee as represented by Republic;
- Single-family recyclables cost per ton for 2019 at \$73.69 per ton was increased by CPI for the 2020 rates;
- Commercial and City/NUSD recyclables cost per ton for 2019 at \$89.41 per ton was increased by CPI for the 2020 rates;
- Multi-family recycling tons were not included in Republic's initial application (R3 adjusted as described below).

R3

Appendix 1

Cost-Based
Rate
Adjustment
Methodology

Other Costs

Other Costs are set to \$0 per the methodology in Exhibit D-2.

Direct Deprecation

Direct Depreciation is set to \$606,747 per Exhibit D-2.

Total Allocated Costs - Labor, Vehicle, Fuel & Other

Republic projected its 2020 expenses (less non-allowable costs) for each Total Allocated Cost – Labor, Vehicle, Fuel & Other costs expense category by starting with 2018 actual costs and escalating twice by the Consumer Price Index, Garbage and Trash Collection, in accordance with the requirements of Exhibit D-2. The projection was then allocated by the most-appropriate metrics.

The following expense items were allocated by the proportional number of hours spent by collection staff in Newark, at 17.55%:

- Truck Shop;
- Container Shop;
- Gasoline costs and some other equipment operating costs such as licensing and taxes;
- Equipment and container maintenance costs;
- Insurance costs;
- Occupancy/Facility costs such as utilities, rent, and parts/supplies; and
- Property taxes, permit fees, and other operating expenses.

The following expense items were allocated by the proportion of total revenue represented by customers served under Newark’s contract, at 15.27%:

- Sales expenses, including office supplies and phone equipment; and
- G&A expenses, including other overhead expenses and the fee charged to Republic’s division for outside management.

G&A Payroll and Sales Payroll expenses were both allocated by head count of employees serving Newark, at 20%. Fuel and CNG related expenses were recorded by Line Of Business and therefore no allocation was applied; direct costs were included in Republic’s application.

Total Allocated Costs - Depreciation & Start-Up

Depreciation & Start-Up costs were set at \$34,000 per the methodology in Exhibit D-2.

Forecast Profit

Republic calculated its 2020 profit by applying the Agreement-required 90.321% pre-tax operating ratio to its 2020 total projected expenses that are eligible for profit.

Forecast Pass-Through Costs

Disposal Costs

Republic calculated disposal costs by taking 2018 tonnages and applying a projected per-ton rate to those 2018 tonnages. R3 adjusted as described below. For garbage/MSW, Republic projected tipping fees by CPI. R3 adjusted as described below.

R3

Interest Expense

Interest Expense was set to \$137,723 in accordance with Exhibit D-2 of the Agreement. Republic requested to include an additional \$28,142 to cover interest expense for the additional capital (trucks and containers).

Rate Review Consulting Fees

Republic estimated rate review consulting fees at \$90,000.

Direct Lease and Total Allocated Costs – Lease

Direct Lease and Total Allocated Costs – Lease were both set to \$0 in accordance with the methodology described in Exhibit D-2.

Forecast City Fees

City fees (i.e., franchise fees) are calculated as 20% of the forecasted annual cost. R3 found that the calculation example in Exhibit D-2 does not correctly estimate the amount of franchise fees to be recovered through the adjusted rates. Republic has presented an alternative calculation with which R3 agrees. The alternative calculation is Total Costs Before City Fees divided by 80%, minus Total Costs Before City Fees, resulting in the correct franchise fee payment amount.

Total Required Revenue

Republic's application included estimated revenue based upon 2018 revenue, to which the approved indexed rate increase was applied. To remove C&D-related revenue, Republic removed revenue based upon an item-by-item analysis undertaken by Republic staff to identify drop-box accounts attributable to C&D, resulting in a reduction in the allocation of drop-box revenue to Newark. The analysis was not undertaken for the other lines of business served by Republic's hauling division serving Newark, meaning that the reduction in the allocation might have been excessive. The overall reduction in rate revenue via this analysis was \$100,000, and revenue was calculated at \$13,619,948.

Republic's Calculated Rate Adjustment Factor

The projected revenues for 2019 net of fees was \$1,280,775.88 less than the calculated revenue requirement), which is the basis for the 9.4% rate adjustment request.

The Rate Adjustment Factor equals the Total Contractor's Revenue Requirement for the coming Rate Year divided by the Gross Rate Revenues. Gross Rate Revenues mean the statements of charges for services rendered by Contractor, to owners or occupants of property, including residential and commercial premises, for the collection of materials pursuant to the Agreement. Republic calculated the 2020 Rate Adjustment to be a 9.4% increase.

R3



CONSULTING GROUP, INC.

RESOURCES · RESPECT · RESPONSIBILITY

Cost-Based Rate Review of Republic



PRESENTATION TO:

Newark City Council

December 12, 2019

R3
CONSULTING
GROUP, INC.

Agenda

- ▶ Introduction
- ▶ Scope of Review
- ▶ Main Considerations
- ▶ Recommended Rate Increase



R3
CONSULTING
GROUP, INC.

SLIDE 1

Introduction



- ▶ Republic Services
 - ▶ Began service June 1, 2013
 - ▶ Curbside garbage, recycling and organics collection for residents, businesses, gov.
 - ▶ Recyclables sorting and sale, organics composting
- ▶ Compensation for services via rates
 - ▶ Contract describes rate adjustment process
 - ▶ This is the first cost-based rate review



Scope of Review



- ▶ R3 Reviewed and Verified Republic's:
 - ▶ Compliance with the terms and conditions of the Agreement (Exhibit D-2), mathematical accuracy and logical consistency
 - ▶ Reporting & classification of expenses
 - ▶ Allocations of actual costs to the City
 - ▶ Actual gross receipts for the most recently completed 12-month period
- ▶ R3 verified rate adjustment factor
 - ▶ Republic requested 9.4%
 - ▶ R3 adjusted 6.51%



Main Considerations



- ▶ Main Considerations for this review:
 - ▶ Treatment of new organics program, which began in 2018
 - ▶ Route productivity statistics
 - ▶ Request to purchase two new trucks
 - ▶ Labor-related costs
 - ▶ Treatment of recyclable materials processing
 - ▶ Treatment of C&D rates
 - ▶ Treatment of G&A Expenses
 - ▶ Use of year-to-date cash receipts
 - ▶ Treatment of bad debt



Category	Republic 2020 Projected	R3 Adjustments to 2020	R3 Adjustment Net Change	R3 Adjustment Number
Cost of Operations				
Labor-Related Costs	\$3,263,198	\$3,144,969	(\$118,228)	1
Fuel Costs	\$135,255	\$135,903	\$648	2
Net Processing Costs	\$876,703	\$895,806	\$19,102	3
Direct Depreciation	\$730,728	\$730,728	\$0	
Total Allocated Costs - Labor, Vehicle, Fuel & Other	\$2,488,177	\$2,384,383	(\$103,795)	4
Total Allocated Costs - Depreciation & Start-Up	\$34,000	\$34,000	\$0	
Total Cost of Operations	\$7,528,061	\$7,325,789	(\$202,273)	
Profit	\$806,722	\$785,047	(\$21,676)	
Pass-Through Costs				
Disposal Cost	\$3,329,930	\$3,315,195	(\$14,736)	5
Interest Expense	\$165,865	\$165,865	\$0	
Rate Review Consulting Fees - Estimate	\$90,000	\$34,000	(\$56,000)	6
Total Pass-Through Costs	\$3,585,795	\$3,515,060	(\$70,736)	
Total Costs before City Fees	\$11,920,579	\$11,625,895	(\$294,685)	
City Fees				
Franchise Fee	\$2,980,145	\$2,906,474	(\$73,671)	
Total Required Revenue	\$14,900,724	\$14,532,368	(\$368,356)	
Actual Revenue	\$13,619,948	\$13,643,981	\$24,032	7
Rate Adjustment	9.40%	6.51%	2.89%	





	Original Rate, 2019	Republic's Requested, 2020	R3 Adjusted, 2020
Single-Family Residential			
20-gallon	\$29.30	\$31.95	\$31.21
32-gallon	\$32.56	\$35.50	\$34.68
64-gallon	\$57.68	\$62.89	\$61.43
96-gallon	\$82.77	\$90.25	\$88.16
Multi-Family and Commercial, Selected			
32-gallon	\$24.79	\$27.03	\$26.40
Refuse - 1 yard / 1x	\$131.95	\$143.88	\$140.54
Refuse - 2 yards / 1 x	\$246.93	\$269.25	\$263.01
Recycling - 2 yard / 1x	\$98.77	\$107.70	\$105.20
Commercial Organics - 2 yard / 1x	\$237.70	\$259.19	\$253.17

THANK YOU FOR YOUR TIME

For additional questions, contact:

Garth Schultz	or	Rose Radford
R3 Principal		R3 Project Manager
(510) 292-0853		(510) 647-9674
gschultz@r3cgi.com		rradford@r3cgi.com

 **CONSULTING GROUP, INC.**
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F.6 Approval of an Exception to the 180-Day Waiting Period for Post-Retirement Employment for Michael Carroll to serve as Interim Police Chief – from City Manager Benoun and Interim City Attorney Kokotaylo. (RESOLUTION)

Background/Discussion – Police Chief Michael Carroll recently announced his retirement from the City of Newark effective December 30, 2019.

In response to Chief Carroll’s decision to retire, the City retained the services of Bob Murray and Associates to assist with a competitive recruitment process. At the time of publication of this staff report, a recruitment brochure has been finalized and the recruitment is being advertised. The recruitment closes January 17, 2020, and interviews will occur thereafter. Staff anticipates that the recruitment process may take approximately four months.

Under Government Code section 21221(h), California Public Employees Retirement System (PERS) benefit recipients can work up to 960 hours per fiscal year as an interim serving in a vacant position during recruitment for a permanent appointment if the position is deemed by the governing body to require specialized skills. The Police Chief is a critical position because it directs activities of the Police Department; develops plans, goals, and objectives to improve departmental services; advises the City Manager on matters pertaining to departmental programs and law enforcement; participates as a member of the City Manager's Executive Team in the consideration of general City policies, programs and concerns; and performs other related tasks. Once Chief Carroll retires, the City will not have someone in place that can perform these critical duties.

Generally, a benefit recipient must wait 180 days before he or she is eligible for post-retirement employment. However, Government Code section 7522.56 provides an exception to the 180-day waiting period if the City Council certifies the nature of the employment and that the appointment is necessary to fill a critically-needed position before 180 days have passed and approves the appointment in a public meeting.

PERS rules and regulations are fiscal-year based. Chief Carroll may contract for a total of no more than 960 hours through June 30, 2020. Staff anticipates appointing a permanent Chief in March, 2020. A professional services agreement between the City and Michael Carroll has been drafted and is attached to the resolution. The cost for Michael Carroll to serve as Interim Police Chief is less than the cost associated with a full time benefitted Police Chief.

Attachments – Resolution for an Exception to 180-Day Waiting Period for Post-Retirement Employment; Employment Agreement with Michael Carroll

Action – Staff recommends that the City Council adopt a resolution to approve an exception to the 180-day waiting period for post-retirement employment for Michael Carroll to serve as Interim Police Chief pursuant to Government Code sections 7522.56 and 21221(h).

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF NEWARK APPROVING AN EXCEPTION TO THE
180-DAY WAITING PERIOD FOR POST-
RETIREMENT EMPLOYMENT FOR MICHAEL
CARROLL TO SERVE AS INTERIM POLICE CHIEF
PURSUANT TO GOVERNMENT CODE SECTIONS
7522.56 AND 21221(h)

WHEREAS, in compliance with Government Code section 7522.56 of the Public Employees' Retirement Law, the City Council of the City of Newark ("City Council") must provide CalPERS this certification resolution when hiring a retiree before 180 days has passed since his or her retirement date; and

WHEREAS, Michael Carroll will retire from the City of Newark in the position of Police Chief, effective December 30, 2019; and

WHEREAS, Government Code section 7522.56 requires that post-retirement employment commence no earlier than 180 days after the retirement date, which is December 30, 2019 plus 180 days, without this certification resolution; and

WHEREAS, Government Code section 7522.56 provides that this exception to the 180 day wait period shall not apply if the retiree accepts any retirement incentive; and

WHEREAS, the City Council of the City of Newark, the City of Newark, and Michael Carroll certify that Michael Carroll has not and will not receive a Golden Handshake or any other retirement-related incentive; and

WHEREAS, the City Council of the City of Newark authorizes the appointment of Michael Carroll as an interim appointment retired annuitant to the vacant position of Police Chief for the City of Newark under Government Code section 21221(h), effective December 31, 2019; and

WHEREAS, an appointment under Government Code section 21221(h) requires an active, publicly posted recruitment for a permanent replacement; and

WHEREAS, the current status of this recruitment is that it is open; and

WHEREAS, this Government Code section 21221(h) appointment shall only be made once and therefore will end on April 30, 2020, or the date of hire of the new Police Chief, whichever occurs first; and

WHEREAS, the entire employment agreement, contract or appointment document between Michael Carroll and the City of Newark has been reviewed by this body and is attached herein; and

WHEREAS, no matters, issues, terms or conditions related to this employment and appointment have been or will be placed on a consent calendar; and

WHEREAS, the compensation paid to retirees cannot be less than the minimum nor exceed the maximum monthly base salary paid to other employees performing comparable duties, divided by 173.333 to equal the hourly rate; and

WHEREAS, the maximum base salary for this position is \$20,557 and the hourly equivalent is \$118.60, and the minimum base salary for this position is \$14,179 and the hourly equivalent is \$81.80; and

WHEREAS, the hourly rate paid to Michael Carroll will be \$99; and

WHEREAS, Michael Carroll has not and will not receive any other benefit, incentive, compensation in lieu of benefit or other form of compensation in addition to this hourly pay rate.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of Newark hereby certifies the nature of the employment of Michael Carroll as described herein and detailed in the attached appointment document and that this appointment is necessary to continue the critically needed position of Police Chief for the City of Newark by April 30, 2020, because the City of Newark is currently in the process of recruiting a Police Chief and does not presently have the staffing resources to replace Michael Carroll in light of the requisite skills and project management experience that the Police Chief position requires at this time.

**PROFESSIONAL SERVICES AGREEMENT BETWEEN
THE CITY OF NEWARK AND MICHAEL CARROLL TO
SERVE AS INTERIM POLICE CHIEF**

This Professional Services Agreement ("**Agreement**") is entered into this _____ day of December, 2019, by and between the City of Newark ("**City**") and Michael Carroll ("**Michael Carroll**" or "**Annuitant**") collectively referred to as "**Parties**".

RECITALS

WHEREAS, the City requires an individual with the knowledge, skills and abilities to serve as Interim Police Chief while the City engages in recruitment to serve as Police Chief; and

WHEREAS, Annuitant, by virtue of having previously served as the City's Police Chief, is uniquely qualified and has the requisite specialized skills, training and experience to serve as Interim Police Chief; and

WHEREAS, the City desires to employ the specialized services of Annuitant as Interim Police Chief for the City in consideration of and subject to the terms and conditions of this Agreement; and

WHEREAS, Annuitant desires to accept temporary employment as Interim Police Chief in consideration of and subject to the terms and conditions of this Agreement; and

WHEREAS, under Government Code section 21221(h), California Public Employees Retirement System (CalPERS) retirees with specialized skills may perform work of a limited duration without reinstating into CalPERS; and

WHEREAS retired annuitants hired pursuant to Government Code section 21221(h) may work no more than 960 hours per fiscal year where the retiree has specialized skills needed to perform work of a limited duration; and

WHEREAS, the City desires by this Agreement to set forth the terms and conditions of Annuitant's duties and services as Interim Police Chief for an interim period as set forth in this Agreement.

AGREEMENT

The Parties hereby agree as follows:

1. **SCOPE OF SERVICE.** Annuitant shall perform his duties to the best of his ability in accordance with the highest professional and ethical standards of the profession. Annuitant shall comply with the City's rules and regulations and he shall obey the laws of the State of California and the United States of America as they apply to the performance of his duties.

2. **TERM.** The term of this Agreement shall be from December 31, 2019, through April 30, 2020, or until Annuitant has worked a total of 960 hours in the fiscal year for any CalPERS employer or until the hire date of a new Police Chief, whichever comes first. It shall be Annuitant's responsibility to monitor his hours and ensure that total hours worked during the fiscal year for the City of Newark and for any other CalPERS agency do not exceed 960. Further, as agreed upon by the Parties, Annuitant shall not work more than forty (40) hours per week, nor shall the City be financially responsible for paying Annuitant for work performed in excess of forty (40) hours per week.
3. **EFFECTIVE DATE.** This Agreement shall become effective after:
 - i. This Agreement is approved and executed by Annuitant; and
 - ii. This Agreement is approved and executed by the City Manager.
4. **RETIRED ANNUITANT STATUS.** It is intended that at all times Michael Carroll's post-retirement employment shall be in compliance with all laws governing employment of CalPERS retired annuitants, including without limitation Government Code sections 7522.56 and 21221(h) annuitants. Michael Carroll understands that he is solely responsible for monitoring his hours worked and ensuring that he does not work more than 960 hours in a fiscal year (including work performed prior to execution of this agreement and work performed for other employers participating in CalPERS).
5. **SERVICES TO BE PERFORMED BY ANNUITANT – INTERIM POLICE CHIEF.** Annuitant shall perform the duties of Police Chief as provided in Exhibit A, attached herein and incorporated by reference.
6. **COMPENSATION.** City shall pay Annuitant for his services hereunder as Interim Police Chief and Annuitant shall accept, as full and complete compensation for said services, the sum of ninety-nine dollars (\$99) per hour. Annuitant shall receive no other payment, benefit, or remuneration other than his hourly wage for his services. There shall be no deductions from his wages for health insurance (including medical, dental, vision care, life, disability), overtime, vacation, or any other similar benefits of whatever kind or nature.
7. **INDEMNIFICATION.** City agrees, in the event Annuitant is named as a defendant in a civil action arising from or as a result of his performance of duties as Interim Police Chief, to provide Annuitant such indemnification benefits as are required to be provided to an employee of the City under the laws of the State of California, including the provisions of Government Code Section 825, 995, 95.2 995. This provision shall not apply with respect to any intentional tort or crime committed by Annuitant, or any actions outside the course and scope of the performance of his job duties pursuant to this Agreement.

8. **WORKERS COMPENSATION.** Annuitant shall be covered as Interim Police Chief by the City's Workers Compensation coverage in the event of an accident or injury.
9. **INSURANCE.** With the exception of workers compensation coverage, Annuitant understands and agrees that City will not provide any other insurance coverage for his work as a retired annuitant. Annuitant shall continue to receive retiree medical coverage, which he receives based on his prior service with the City.
10. **UNEMPLOYMENT INSURANCE.** Annuitant certifies that he has not received any unemployment insurance payments in the past 12 months.
11. **ENTIRE AGREEMENT.** This Agreement supersedes any and all other agreements, either oral or in writing, between the Parties hereto with respect to the subject matter hereof, and no other agreement, statement or promise relating to the subject matter of this Agreement which is not contained herein shall be valid or binding unless in writing and signed by both Parties.
12. **GOVERNING LAW.** The validity of this Agreement and of any of its terms or provisions, as well as the rights and duties of the Parties hereunder, shall be governed by the laws of the State of California and leave for any action concerning the terms of this Agreement shall be in the Superior Court of the County of Alameda.
13. **SEVERABILITY.** Should any part, term or provision of this Agreement be declared invalid, void or unenforceable, all remaining parts, terms and provisions hereof shall remain in full force and shall in no way be invalidated, impaired, or affected thereby.
14. **ASSIGNMENT.** The Parties agree that the expertise and experience of Annuitant are material considerations for this Agreement. Annuitant shall not assign, transfer, or subcontract any interest in this Agreement, nor the performance of any of Annuitant's obligations hereunder.
15. **TERMINATION.** Annuitant understands that he is an at-will employee and that the employment may be terminated by Annuitant or City at any time, for any reason, or for no reason at all. The City's right of termination shall be in addition to all other remedies available under law to the City.
16. **WAIVER.** Waiver by City of any breach or violation of any term or condition of this Agreement shall not be deemed to be a waiver of any other term or condition contained herein or a waiver of any subsequent breach or violation of the same or any other term or condition. The acceptance by City of the performance of any work or services by Annuitant shall not be deemed a waiver of any term or condition of this Agreement.

IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be executed on the dates hereinafter respectively set forth.

City of Newark
A California Municipal Corporation

DATED: _____

By: _____

David J. Benoun
City Manager

Approved as to Form: _____

Kristopher J. Kokotaylo
Interim City Attorney

Annuitant

DATED: _____

By: _____

Michael Carroll

|

EXHIBIT "A" – SCOPE OF SERVICES ATTACHED

(Police Chief Job Specification)



Class Code: 331.1
WP Code: Police Chief
Established: 6-91
Revised: 6-98, 1-2008
EEO Code: Official

CLASS SPECIFICATION

City of Newark, California

POLICE CHIEF

DEFINITION – Under administrative direction of the City Manager, the Police Chief directs activities of the Police Department; develops plans, goals, and objectives to improve departmental services; advises the City Manager on matters pertaining to departmental programs and law enforcement; participates as a member of the City Manager's Executive Team in the consideration of general City policies, programs and concerns; and performs related work as assigned.

This single position class is responsible for planning, organizing, directing, and coordinating patrol, traffic regulation, investigation, records and other activities of the Police Department. The Police Chief has overall responsibility for managing the department and optimizing resource utilization.

EXAMPLES OF ESSENTIAL DUTIES – Duties may include, but are not limited to, the following:

Plan, organize, and direct all activities of the Police Department including development of the department budget and development and implementation of department policies, procedures, rules, and regulations for all departmental field and administrative work.

Selection of officers for special assignments and training; review department personnel performance through timely performance evaluations for all department employees; institutes disciplinary action;

Review and analyze criminal statistics, City growth patterns, legislation, court decisions, developments in the field of crime prevention and detection, police organization and management techniques and related matters.

Prepare or direct the preparation of proposals and reports concerning department activities.

Resolve citizen complaints or problems; and work with local schools and community groups to promote law enforcement programs and to develop lines of communication with various segments of the community.

Represent the Department and the City at a variety of meetings; coordinate collaborative activities with other law enforcement agencies, speak before public and professional groups, appear before the City Council and other municipal boards and commissions; and serve as technical and policy advisor to the City Council, the City Manager and civic groups.

Police Chief

MINIMUM QUALIFICATIONS

Knowledge of:

Theories, principles and practices of police administration in a municipal organization.

Laws and court decisions affecting police departments.

Principles, practices, methods, and techniques of public administration and management of a Police Department

Department policies, rules and regulations, and of controlling laws and ordinances.

Organization and function of county, state, and federal enforcement, regulatory, and licensing agencies.

Use of police records and their application to the solution of police cases and problems.

Principles and practices of supervision and motivation

Peace Officers Bill of Rights

Personal computer applications.

Ability or Skill to:

Plan, schedule, supervise and review the work of professional, technical and clerical employees in a manner conducive to full performance and high morale.

Select, train, motivate and evaluate assigned staff.

Develop plans to satisfy future needs for police services within the community.

Express ideas clearly and concisely, orally and in writing.

Establish and maintain effective working relationships with public law enforcement officials, other employees, and the general public.

Prepare and direct the preparation of comprehensive reports, budgets, departmental materials, and correspondence.

Make persuasive presentations of ideas concepts and recommendations.

Develop, implement and interpret goals, objectives, policies, procedures, work standards and internal controls.

Police Chief

Represent the City effectively in meetings with others.

Experience and Education:

Any combination of education and experience which demonstrates knowledge, skills, abilities and competency in all major phases of public agency police work. A typical way to obtain the knowledge, skills, abilities and competencies are:

Experience:

Broad and extensive experience in progressively responsible management activities or in a command staff capacity involved in all phases of police work.

Experience in a variety of departmental areas i.e. patrol, investigations, technical services is desirable.

Education:

Equivalent to a Bachelor's degree from a college or university with major study in Police Science, Administration of Justice, Public or Business Administration or a related field.

College degree and graduate degree desirable. Conform to the guidelines established by the California Commission on Peace Officers Standards and Training.

License or Certificate

Must possess an appropriate, valid California driver's license and have a satisfactory driving record.

Probationary Period: 12 Months

FLSA: Exempt

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

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

Attachment - Resolution

Action - It is recommended that the City Council, by resolution, approve the reappointment of Eric Hentschke to the Alameda County Mosquito Abatement District, for a term to expire on January 31, 2024.

RESOLUTION NO.

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

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

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

WHEREAS, the Mayor of the City of Newark has reappointed Eric Hentschke to the Alameda County Mosquito Abatement District for a term expiring on January 31, 2024;

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

**I.2 Appointment of Vice Mayor and authorization for the Vice Mayor to sign and endorse checks, warrants, and other instruments – from Mayor Nagy.
(MOTION)(RESOLUTION)**

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

Attachment - Resolution

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

RESOLUTION NO.

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

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

NOW, THEREFORE, BE IT RESOLVED that checks or warrants withdrawing funds from said depositories must have two signatures and may be signed by Alan L. Nagy, Mayor of the City of Newark; or by _____, Vice Mayor; or by David J. Benoun, City Manager; or by Krysten Lee, Treasurer of the City of Newark; or by David Zehnder, Recreation and Community Services Director of the City of Newark;

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

BE IT FURTHER RESOLVED that the Protectograph Certifier signature impression of the Mayor, Alan L. Nagy; the Vice Mayor, _____, the City Manager, David J. Benoun; the Treasurer, Krysten Lee; and the Recreation and Community Services Director, David Zehnder shall be deemed their manual signatures for the purposes specified in this resolution;

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

I.3 Appointments of City Council Members to agencies, boards, commissions, and committees – from Mayor Nagy. (RESOLUTION)

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

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

Tri-City Waste Facility Financing

Mayor Nagy and Council Member Hannon –
Authority delegates

In addition to the annual assignments, Mayor Nagy will appoint a delegate and alternate to the East Bay Community Energy Board of Directors. The City of Newark recently joined East Bay Community Energy, a Community Choice Aggregation (CCA) program. Those meetings are held on the first and third Wednesday of the month at 6 pm in the Hayward City Hall Council Chambers. Board Directors receive a stipend of \$100 per meeting with a maximum of \$200 per month. The appointed delegate would likely get seater on the CCA Board of Directors in the Spring.

It should also be noted that Council Member Hannon serves as the City's representative to the Housing Authority of Alameda County. This multi-year appointment, made by the Alameda County Board of Supervisors, expires in 2021 and is not included on the annual list.

Attachment - Resolution

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

RESOLUTION NO.

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

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

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

Tri-City Waste Facility Financing

delegates

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



City of Newark

MEMO

DATE: December 3, 2019
TO: City Council
FROM: Sheila Harrington, City Clerk *S.H.*
SUBJECT: Approval of Audited Demands for the City Council Meeting of December 12, 2019.

REGISTER OF AUDITED DEMANDS


US Bank General Checking Account

<u>Check Date</u>		<u>Check Numbers</u>	
November 08, 2019	Page 1-2	119454 to 119530	Inclusive
November 14, 2019	Page 1	119531 to 119575	Inclusive
November 22, 2019	Page 1-2	119576 to 119656	Inclusive
November 27, 2019	Page 1	119657 to 119704	Inclusive



City of Newark

MEMO

DATE: December 3, 2019
TO: Sheila Harrington, City Clerk
FROM: Krysten Lee, Finance Manager 
SUBJECT: Approval of Audited Demands for the City Council Meeting of December 12, 2019.

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

Final Disbursement List. Check Date 11/08/19, Due Date 11/18/19, Discount Date 11/18/19. Computer Checks.
Bank 1001 US BANK

MICR Check#	Vendor Number	Payee	Check Date	Check Amount	Description
119454	10449	AFLAC ATTN: REMITTANCE PROCESSING SERVIC	11/08/19	1,338.80	SHORT TERM DISABILTY PREMIUM
119455	1396	ALAMEDA COUNTY FIRE DEPARTMENT ATTN: ACC	11/08/19	877,330.42	FIRE SERVICES
119456	3703	ALAMEDA COUNTY HOUSING AND COMMUNITY DEV	11/08/19	750.00	MCC FEES FOR FY19-20
119457	14	ALPINE AWARDS	11/08/19	1,733.51	TSHIRTS AND UNIFORMS
119458	11782	ANIMAL CARE EQUIPMENT & SERVICES, LLC	11/08/19	221.69	ANIMAL CONTROL SUPPLIES
119459	11362	ANNETTE PAREDES	11/08/19	17.73	EXPENSE REIMBURSEMENT
119460	11433	AUTOWISE	11/08/19	169.00	FLEET SERVICES
119461	1933	AUTREY SUPPLY CO INC	11/08/19	139.66	WHITE FIELD MARKING PAINT
119462	9680	BAY CENTRAL PRINTING	11/08/19	127.56	BUSINESS CARDS
119463	3473	BEHAVIORAL ANALYSIS TRAINING, INC.	11/08/19	1,443.00	PATROL POST TRAINING
119464	23	FRANK BONETTI PLUMBING INC	11/08/19	1,797.00	PLUMBING REPAIRS
119465	9150	CAL-WEST LIGHTING & SIGNAL MAINTENANCE I	11/08/19	2,272.54	TRAFFIC SIGNAL MAINTENANCE
119466	10261	CARBONIC SERVICE	11/08/19	40.00	REIMBURSE CHECK PROCESSING FEE
119467	214	CENTRAL VETERINARY HOSPITAL	11/08/19	174.50	VET SVCS
119468	10369	DAN CIANCARULO	11/08/19	76.79	EXPENSE REIMBURSEMENT
119469	1743	CLARK'S U-SAVE ROCKERY	11/08/19	3,380.30	ROCK/SAND/GRAVEL/SOIL MIXES
119470	6304	CLASSIC GRAPHICS T & J LEWIS INC	11/08/19	515.83	REPAIRS
119471	10060	COMCAST	11/08/19	101.36	CABLE SERVICE
119472	10793	BERTHA A BUENROSTRO	11/08/19	300.00	RENTAL DEPOSIT REFUND
119473	10677	DAILY JOURNAL CORPORATION CALIFORNIA NEW	11/08/19	100.00	LEGAL ADS
119474	10451	EAST BAY REGIONAL COMMUNICATIONS SYSTEM	11/08/19	79,380.00	800MHZ ACCESS FEES 19/20
119475	11587	ECS IMAGING, INC.	11/08/19	813.31	DOCUMENT IMAGING
119476	904	EMPLOYMENT DEVELOPMENT DEPT.	11/08/19	4,050.00	UNEMPLOYMENT INSURANCE
119477	4731	EWING IRRIGATION PRODUCTS INC	11/08/19	3,351.80	SUPPLIES AND PESTICIDES
119478	10642	FASTENAL COMPANY	11/08/19	385.55	MISC SUPPLIES
119479	5106	CITY OF FREMONT REVENUE DIVISION	11/08/19	1,250.00	FY CASE MANAGEMENT SERVICES
119480	11112	FREMONT CHRYSLER DODGE JEEP RAM	11/08/19	108.97	PARTS
119481	550	FREMONT RUBBER STAMP CO INC	11/08/19	45.18	STAMPERS/DESK SIGNS
119482	11465	FRONTIER PACIFIC	11/08/19	1,122.50	DOOR/GATE MAINTENANCE
119483	11571	GEOCON CONSULTANTS, INC.	11/08/19	2,054.80	GEOTECHNICAL SERVICES FOR CIVIC CENTER P
119484	10999	GURUS EDUCATIONAL SERVICES RITU KHURANA	11/08/19	1,005.00	RECREATION CONTRACT
119485	4572	JOHN HERSCHEL	11/08/19	75.06	EXPENSE REIMBURSEMENT
119486	10663	HOSE & FITTING ETC	11/08/19	68.99	PARTS AND SUPPLIES
119487	11494	KANEN TOURS, INC.	11/08/19	3,013.00	SAFARI WEST TRIP 10/24/19
119488	11681	KBA DOCUMENT SOLUTIONS, LLC.	11/08/19	268.07	COPIER LEASE AGREEMENT
119489	11253	LARRY KEZAR	11/08/19	456.83	EXPENSE REIMBURSEMENT
119490	7189	LINCOLN AQUATICS	11/08/19	393.71	MURIATIC ACID
119491	80	LYNN PEAVEY COMPANY	11/08/19	151.12	EVIDENCE SUPPLIES
119492	11736	MANAGEMENT PARTNERS INC.	11/08/19	7,986.32	MANAGEMENT SERVICES
119493	10907	MICHAEL YORKS INVESTIGATIONS	11/08/19	3,075.00	BACKGROUND INVESTIGATIONS
119494	5046	MOTOROLA SOLUTIONS CREDIT COMPANY LLC	11/08/19	133,693.03	RADIO LEASE ANNUAL PAYMENT 1 OF 5
119495	11698	KRISTIN TRAN	11/08/19	75.60	RECREATION CONTRACT
119496	611	KKR AUTOMOTIVE DBA NAPA AUTO PARTS	11/08/19	1,866.55	FLEET PARTS
119497	11690	NEOFUNDS	11/08/19	1,000.00	NEOPOST POSTAGE
119498	10091	NOWDOCS ATTN:NOWDOCS ACCOUNTING	11/08/19	803.78	CHECK STOCK/TAX SUPPLIES
119499	11325	OFFICE RELIEF, INC.	11/08/19	419.31	ERGO OFFICE CHAIR FOR JADA CHIU (PD)
119500	349	PACIFIC GAS & ELECTRIC	11/08/19	62.34	STREETLIGHTS/TRAFFIC SIGNALS
119501	11322	PAPA JOHNS PIZZA	11/08/19	896.50	BIRTHDAY AND CAFE FOOD
119502	78	PERFORMANCE PEST MANAGEMENT LPC SERVICES	11/08/19	412.00	PEST CONTROL SERVICES
119503	11789	KAILEY PETERSON	11/08/19	1,052.47	EXPENSE REIMBURSEMENT
119504	11346	PHAN'S SMOG STATION	11/08/19	80.00	SMOG TEST SERVICES

Final Disbursement List. Check Date 11/08/19, Due Date 11/18/19, Discount Date 11/18/19. Computer Checks.
Bank 1001 US BANK

MICR Check#	Vendor Number	Payee	Check Date	Check Amount	Description
119505	329	PHOENIX GROUP INFORMATION SYSTEMS	11/08/19	664.75	PARKING CITATION PROGRAM
119506	11709	POLICEONE.COM	11/08/19	495.00	TASER TRAINING
119507	8813	PROFORCE LAW ENFORCEMENT	11/08/19	28,584.94	EQUIPMENT REPLACEMENT TASERS & ACCESSORI
119508	9337	ELIZABETH DANSIE, M.A., M.F.C.C. PSYCHOL	11/08/19	300.00	PATROL NON-POST TRAINING
119509	4346	QUALITY SIGN & BANNER	11/08/19	83.19	NEW CONSTRUCTION BANNERS FOR CIVIC CENTE
119510	10911	BEVERLY RYANS	11/08/19	109.72	EXPENSE REIMBURSEMENT
119511	5068	SAFENWAY SIGN COMPANY	11/08/19	2,281.04	REGULATORY AND STREET SIGNS
119512	1603	CITY OF SAN LEANDRO FINANCE DEPT. ATTN:	11/08/19	1,050.00	ALAMEDA COUNTY LEADERSHIP ACADEMY Reinst
119513	4723	SIERRA DISPLAY INC	11/08/19	2,861.18	NEWARK DAYS BANNERS 2019
119514	11098	SILVER & WRIGHT LLP	11/08/19	4,451.38	LITIGATION & LEGAL CONSULTING SRVCS FY 1
119515	4876	PATRICK SMITH	11/08/19	119.06	EXPENSE REIMBURSEMENT
119516	11533	ST. FRANCIS ELECTRIC. LLC.	11/08/19	828.00	STREETLIGHT MAINTENANCE SERVICES
119517	40	STAPLES ADVANTAGE DEPT LA	11/08/19	1,630.76	OFFICE SUPPLIES
119518	5217	STATE OF CALIFORNIA DEPARTMENT OF CONSUM	11/08/19	115.00	PROFESSION LICENSE RENEAL FOR JAYSON IMA
119519	11744	SYSCO - SAN FRANCISCO	11/08/19	389.95	FOOD ITEMS FOR CAFE AND PARTIES
119520	7744	T-MOBILE	11/08/19	552.43	TMOBILE CELL SERVICE
119521	146	THYSSENKRUPP ELEVATOR	11/08/19	3,920.73	SERVICE CONTRACT CITY HALL ELEVATOR Reinst
119522	11644	TIREHUB, LLC.	11/08/19	2,220.58	TIRES
119523	6797	US BANK CORPORATE PAYMENT	11/08/19	18,452.22	CC PAYMENT 10/22/19
119524	11708	UNIVERSAL BUILDING SERVICES & SUPPLY CO.	11/08/19	31,979.75	JANATORIAL SERVICES
119525	11585	V5 SYSTEMS INC.	11/08/19	643.68	TECH NEEDS/MAINT
119526	853	VALLEY OIL COMPANY LOCKBOX# 138719	11/08/19	689.88	FUEL ORDER
119527	11790	CHRISTI WAYBRIGHT	11/08/19	2,082.62	EXPENSE REIMBURSEMENT
119528	7308	THE GOODYEAR TIRE & RUBBER COMPANY	11/08/19	5,182.46	TIRES
119529	11693	WEX BANK	11/08/19	805.89	FUEL CREDIT CARDS
119530	11466	YORK RISK SERVICES GROUP ATTN: CLIENT TR	11/08/19	25,653.87	WORKERS COMPENSATION CLAIMS
Total				1,277,594.56	

Final Disbursement List. Check Date 11/14/19, Due Date 11/25/19, Discount Date 11/25/19. Computer Checks.
Bank 1001 US BANK

MICR Check#	Vendor Number	Payee	Check Date	Check Amount	Description
119531	10736	ABACUS PRODUCTS INC	11/14/19	345.22	PRINTING SVCS
119532	332	ADAMSON POLICE PRODUCTS	11/14/19	978.67	TRAINEE UNIFORMS
119533	218	ALAMEDA CO LIBRARY ATTN: FINANCIAL SERVI	11/14/19	28,940.00	CITY/COUNTY AGREEMENT - ADDT'L LIBRARY S
119534	4214	ALAMEDA COUNTY PUBLIC HEALTH LAB ATTN: A	11/14/19	126.00	RABIES EXAMS
119535	177	ALAMEDA COUNTY TRANSPORTATION COMMISSION	11/14/19	22,936.00	FY19-20 MEMBER AGENCY FEES
119536	5821	ALL CITY MANAGEMENT SERVICES, INC.	11/14/19	9,803.57	CROSSING GUARD SVCS
119537	12	ALLIED AUTO STORES INC	11/14/19	302.81	FLEET SUPPLIES AND PARTS
119538	348	AT&T	11/14/19	177.34	CIRCUITS, WHITE PAGES
119539	11364	BVTS, INC.	11/14/19	7,000.00	EMERGENCY TREE WORK
119540	10261	CARBONIC SERVICE	11/14/19	228.32	CO2 BULK DELIVERY
119541	11254	CENTRAL MEDICAL LAB INC	11/14/19	160.00	BLOOD WITHDRAWAL SVC
119542	6304	CLASSIC GRAPHICS T & J LEWIS INC	11/14/19	1,110.34	REPAIRS
119543	7183	DEMARAY'S GYMNASTICS ACADEMY	11/14/19	1,186.80	RECREATION CONTRACT
119544	3728	DEPARTMENT OF JUSTICE ACCOUNTING OFFICE	11/14/19	245.00	FINGERPRINTING FEES
119545	10725	KARL FREDSTROM	11/14/19	2,259.31	EE COMPUTER LOAN PROGRAM
119546	550	FREMONT RUBBER STAMP CO INC	11/14/19	11.36	STAMPERS/DESK SIGNS
119547	1591	PHILIP H HOLLAND	11/14/19	200.00	RESERVE UNIF ALLOWANCE
119548	11490	LORENZO HOULE	11/14/19	276.05	EDUCATIONAL REIMBURSEMENT FOR LORENZO HO
119549	7593	BRUCE HOWCROFT	11/14/19	200.00	RESERVE UNIF ALLOWANCE
119550	10486	SHAKATI KHALSA	11/14/19	160.00	RECREATION CONTRACT
119551	5069	KIDZ LOVE SOCCER	11/14/19	7,254.00	RECREATION CONTRACT
119552	8276	LEHR AUTO	11/14/19	5.24	REPAIRS
119553	11246	LOOMIS ARMORED	11/14/19	395.34	ARMORED CAR SERVICE
119554	80	LYNN PEAVEY COMPANY	11/14/19	644.92	EVIDENCE SUPPLIES
119555	7114	METRO MOBILE COMMUNICATIONS	11/14/19	1,656.13	EQUIPMENT REPLACEMENT MOTOR HELMET #2020
119556	10907	MICHAEL YORKS INVESTIGATIONS	11/14/19	3,075.00	BACKGROUND INVESTIGATION
119557	11357	MISSION UNIFORM SERVICE	11/14/19	2,003.75	MATS, TOWELS, AND UNIFORMS
119558	10865	NEW IMAGE LANDSCAPE	11/14/19	14,279.89	PROJECT 1186C PARK AND LANDSCAPE SERVICE
119559	11711	NUTRIEN AG SOLUTIONS	11/14/19	5,421.65	PESTICIDES
119560	349	PACIFIC GAS & ELECTRIC	11/14/19	58.99	STREETLIGHTS/TRAFFIC SIGNALS
119561	11346	PHAN'S SMOG STATION	11/14/19	90.00	SMOG TEST SERVICES
119562	11376	QUINCY ENGINEERING INC	11/14/19	36,023.06	PROFESSIONAL ENGINEERING SERVICES FOR CE
119563	279	S & S WORLDWIDE, INC. ACCOUNTS RECEIVABL	11/14/19	1,363.49	CRAFT SUPPLIES FOR PRESCHOOL, CHILDCARE,
119564	11675	S&L BREWER ENTERPRISES, INC. DBA LAW DOG	11/14/19	250.00	K9 TRAINING/SUPPLIES
119565	10676	SIERRA INSTALLATIONS INC	11/14/19	4,830.00	NEWARK DAYS BANNERS-INSTALL/REMOVAL
119566	4876	PATRICK SMITH	11/14/19	144.02	EXPENSE REIMBURSEMENT
119567	676	SUMMIT UNIFORMS CORP	11/14/19	332.12	TRAINEE UNIFORMS
119568	10883	THE TACTICAL ADVANTAGE POLICE SUPPLY	11/14/19	1,889.17	VEST REPLACEMENT #2020-09
119569	5463	MARY TEIXEIRA	11/14/19	11.02	EXPENSE REIMBURSEMENT
119570	11644	TIREHUB, LLC.	11/14/19	746.33	TIRES
119571	11776	TYLER TECHNOLOGIES, INC.	11/14/19	2,241.09	ERP IMPLEMENTATION
119572	363	UNITED STATES POSTMASTER	11/14/19	3,220.00	WINTER/SPRING ACTIVITIES GUIDE POSTAGE
119573	5623	VERIZON BUSINESS SERVICES	11/14/19	625.14	CELL SVC FOR MDTs
119574	339	WASHINGTON HOSPITAL GENERAL ACCOUNTING	11/14/19	400.00	LAB TESTS
119575	3245	ZUMAR INDUSTRIES INC	11/14/19	1,244.02	SIGNS AND HARDWARE
Total				164,851.16	

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 Final Disbursement List. Check Date 11/22/19, Due Date 12/02/19, Discount Date 12/02/19. Computer Checks.
 Bank 1001 US BANK

MICR check#	Vendor Number	Payee	Check Date	Check Amount	Description
19576	10	ABC FIRE PROTECTION INC	11/22/19	646.92	EXTINGUISHER SERVICING
19577	11539	ACCESS INFORMATION HOLDINGS, LLC.	11/22/19	90.00	SHREDDING SVC
19578	10223	LEXISNEXIS RISK DATA MANAGEMENT INC BILL	11/22/19	424.20	BACKGROUND CHECKS
19579	11094	ACME AUTO LEASING, LLC	11/22/19	1,909.44	ARMORED VEH LEASE
19580	1774	AIRGAS USA, LLC	11/22/19	66.49	RENTAL TANKS AND EQUIPMENT
19581	3853	COUNTY OF ALAMEDA INTERNAL AUDIT UNIT RI	11/22/19	2,287.50	CITATION PROCESSING FEES - OCT'19
19582	344	ALAMEDA COUNTY WATER DISTRICT	11/22/19	99,490.74	CITY WATER USE
19583	5821	ALL CITY MANAGEMENT SERVICES, INC.	11/22/19	4,464.99	CROSSING GUARD SVCS
19584	8414	ANDRE'S MECHANICAL & GENERAL ENGINEERING	11/22/19	36,720.30	LAKESHORE PARK WELL AND PUMP WORK
19585	134	BATTERY SYSTEMS INC ATTN: ACCOUNTS RECEI	11/22/19	872.76	BATTERIES
19586	11756	MARK LEE & YONG KAY, INC. DBA BAY CONSTR	11/22/19	103,589.14	CIP #1208 NEWBARK DOG PARK
19587	1131	BAY ISLAND OFFICIALS ASSOCIATION ATTN FR	11/22/19	1,170.00	SPORTS OFFICIATING
19588	5122	JEREMY BECK	11/22/19	737.72	EXPENSE REIMBURSEMENT
19589	23	FRANK BONETTI PLUMBING INC	11/22/19	15,817.00	PLUMBING REPAIRS
19590	6630	BOUND TREE MEDICAL LLC	11/22/19	410.23	MEDICAL SUPPLIES
19591	9888	BUREAU VERITAS NORTH AMERICA INC.	11/22/19	26,397.09	BUILDING PLAN CHECK SERVICES
19592	11083	BURKE, WILLIAMS & SORENSEN, LLP	11/22/19	324.50	LITIGATION & LEGAL CONSULTING SVCS
19593	11794	STACY BURTON	11/22/19	296.38	EXPENSE REIMBURSEMENT
19594	1816	CA SURVEYING & DRAFTING SUPPLY	11/22/19	1,115.00	2 YEAR SERVICE WARRANTY FOR PLOTTER Z540
19595	1521	MICHAEL CARROLL	11/22/19	2,807.86	EXPENSE REIMBURSEMENT
19596	11541	CEL CONSULTING, INC.	11/22/19	572.25	SPECIAL INSPECTION SERVICES FOR CIVIC CE
19597	7439	CENTERVILLE LOCKSMITH	11/22/19	25.19	LOCK AND KEY SUPPLIES
19598	214	CENTRAL VETERINARY HOSPITAL	11/22/19	585.02	K9 VET SVCS
19599	11462	TONYA CONNOLLY	11/22/19	1,287.33	EXPENSE REIMBURSEMENT
19600	11121	CONSTRUCTION TESTING SERVICES	11/22/19	3,534.84	CIP #1245 ASPHALT CONCRETE OVERLAY
19601	4915	CUMMINS SALES AND SERVICE	11/22/19	2,263.66	REPAIRS
19602	10650	JUDITH TANNER	11/22/19	58.62	UUT REFUND
19603	10649	FRANCISCO NEPACENA	11/22/19	1,000.00	PERFORMANCE BOND RTN EP# 2018-0118
19604	10649	ARTHUR RIVERA	11/22/19	1,000.00	PERFORMANCE BOND RTN EP# 2019-0126
19605	11793	LAURA DA SILVA	11/22/19	401.32	EXPENSE REIMBURSEMENT
19606	10904	EAST BAY REFRIGERATION	11/22/19	4,437.94	EQUIP REPL REFRIGERATOR FOR PROPERTY/EVI
19607	522	FEDEX	11/22/19	34.09	PACKAGE DELIVERY
19608	924	FREMONT BANK PRIVATE BANKING ATTN: HELEN	11/22/19	47,562.27	O.C. JONES & SONS RETENTION PAYMENT ACCT
19609	11112	FREMONT CHRYSLER DODGE JEEP RAM	11/22/19	15.40	PARTS
19610	60	FREMONT FORD/AUTOBODY OF FREMONT ATTN: T	11/22/19	1,106.23	PARTS
19611	313	FREMONT URGENT CARE CENTER	11/22/19	117.00	PRE-EMPLOYMENT DOT PHYSICALS
19612	11326	GOLDEN GATE TRUCK CENTER	11/22/19	1,274.00	SWEEPER REPAIR WORK
19613	7563	HILLYARD / SAN FRANCISCO	11/22/19	1,113.71	SUPPLIES
19614	11494	KANEN TOURS, INC.	11/22/19	2,736.00	ALCATRAZ TRIP - 11/05/19
19615	11681	KBA DOCUMENT SOLUTIONS, LLC.	11/22/19	2,942.25	COPIER LEASE AGREEMENT
19616	293	LANGUAGE LINE SERVICES INC	11/22/19	314.19	INTERPRETATION SVC
19617	8276	LEHR AUTO	11/22/19	1,369.21	REPAIRS
19618	11082	STEVEN LOSIER	11/22/19	1,512.70	EXPENSE REIMBURSEMENT
19619	11673	MAILFINANCE DEPT 3682	11/22/19	415.11	MAILING MACHINE LEASE AGREEMENT & SUPPLI
19620	10865	NEW IMAGE LANDSCAPE	11/22/19	9,354.50	2019 WEED ABATEMENT
19621	3452	NEWARK PAVILION	11/22/19	4,500.00	PARKING AGREEMENT DURING CONSTRUCTION
19622	10639	NEWARK TRAVEL SERVICES	11/22/19	1,978.95	TRAVEL EXPS
19623	11731	O.C. JONES & SONS, INC.	11/22/19	903,683.09	CIP #1192 SPORTSFIELD PARK AND SKATE PAR
19624	327	OCCU-MED LTD	11/22/19	60.00	PRE-EMPLOYMENT PHYSICALS
19625	349	PACIFIC GAS & ELECTRIC	11/22/19	2,215.92	STREETLIGHTS/TRAFFIC SIGNALS
19626	11479	DAWN PAIGE	11/22/19	603.87	EXPENSE REIMBURSEMENT

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

By BRETT OEVRNDIEK (BRETTO)

Final Disbursement List. Check Date 11/22/19, Due Date 12/02/19, Discount Date 12/02/19. Computer Checks.
 Bank 1001 US BANK

MICR Check#	Vendor Number	Payee	Check Date	Check Amount	Description
19627	78	PERFORMANCE PEST MANAGEMENT LPC SERVICES	11/22/19	142.00	PEST CONTROL SERVICES
19628	10729	PETTY CASH CUSTODIAN-POLICE BEVERLY RYAN	11/22/19	729.44	PETTY CASH REPLENISHMENT V#3086-3111
19629	11346	PHAN'S SMOG STATION	11/22/19	240.00	SMOG TEST SERVICES
19630	10874	PIVOT INTERIORS, INC.	11/22/19	6,233.44	CHAIRS FOR GREAT ROOM
19631	11777	R3 CONSULTING, INC	11/22/19	10,046.25	COST-BASED RATE REVIEW CONSULTING SERVIC
19632	9811	REDFLEX TRAFFIC SYSTEMS	11/22/19	18,800.00	REDLIGHT CAMERA MONITORING
19633	11074	RUTAN & TUCKER LLP	11/22/19	14,297.00	LEGAL CONSULTING SRVCS PURSUANT TO C1902
19634	279	S & S WORLDWIDE, INC. ACCOUNTS RECEIVABL	11/22/19	442.72	CRAFT SUPPLIES FOR PRESCHOOL, CHILDCARE,
19635	10916	SAN MATEO COUNTY FORENSIC LAB ATTN: FISC	11/22/19	248.85	CRIME LAB FEES
19636	9381	SCHINDLER ELEVATOR CORPORATION	11/22/19	1,066.00	CONTRACTUAL SERVICES
19637	11098	SILVER & WRIGHT LLP	11/22/19	621.60	LITIGATION & LEGAL CONSULTING SRVCS
19638	377	SIMON & COMPANY INC	11/22/19	1,720.00	LEGISLATIVE SERVICES
19639	7885	SLOAN SAKAI YEUNG & WONG LLP	11/22/19	547.50	LEGAL ADVICE FEES
19640	503	STANDARD INSURANCE COMPANY	11/22/19	610.16	EMPLOYEE LIFE INSURANCE AND AD&D COVERAG
19641	40	STAPLES ADVANTAGE DEPT LA	11/22/19	1,438.85	OFFICE SUPPLIES
19642	11744	SYSCO - SAN FRANCISCO	11/22/19	217.16	FOOD ITEMS FOR CAFE AND PARTIES
19643	9476	SYSERCO INC	11/22/19	20,076.60	PROJECT 1154 SILLIMAN AIR HANDLER
19644	11760	TERRABOUND SOLUTIONS	11/22/19	10,022.00	RECYCLED CONTENT DOG AGILITY EQUIPMENT F
19645	11642	TIAA COMMERCIAL FINANCE, INC.	11/22/19	432.92	COPIER LEASE AGREEMENT
19646	11670	TRI-VALLEY STRIPING	11/22/19	3,260.00	CIP #1168 CITYWIDE PARKING LOT REPAIR Re
19647	928	UNDERGROUND SERVICE ALERT OF NORTHERN CA	11/22/19	3,360.93	MEMBERSHIP FEES FOR 2019
19648	11708	UNIVERSAL BUILDING SERVICES & SUPPLY CO.	11/22/19	215.00	JANITORIAL SERVICES
19649	11758	U. S. BANK NATIONAL ASSOCIATION TFM ESCRO	11/22/19	127,756.47	RETENTION PAYMENT - ACCT# 260108010
19650	10968	UTILITY TELEPHONE	11/22/19	13,828.80	UTILITY TELEPHONE YEARLY VOIP/WAN SERVIC
19651	5623	VERIZON WIRELESS	11/22/19	1,313.17	CELL SVC FOR MDTs
19652	11718	WEBCOR CONSTRUCTION, LP	11/22/19	2,427,373.11	DESIGN BUILD SERVICES FOR NEWARK CIVIC C
19653	11417	WHOLESALE DISTRIBUTION ALLIANCE	11/22/19	1,155.00	RETAIL ITEMS
19654	143	IDN WILCO	11/22/19	256.34	SUPPLIES
19655	11693	WEX BANK	11/22/19	1,359.46	FUEL CREDIT CARDS
19656	11466	YORK	11/22/19	3,104.67	WORKERS COMPENSATION ADMINISTRATION FEES
Total				3,968,628.36	

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 Final Disbursement List. Check Date 11/27/19, Due Date 12/09/19, Discount Date 12/09/19. Computer Checks.
 Bank 1001 US BANK

MICR check#	Vendor Number	Payee	Check Date	Check Amount	Description
19657	11783	JQC, INC.	11/27/19	543.50	COMMISSIONING SERVICES FOR THE NEWARK CI
19658	10	ABC FIRE PROTECTION INC	11/27/19	445.31	FIRE SUPPLIES/SERVICES/MAINTENANCE
19659	1396	ALAMEDA COUNTY FIRE DEPARTMENT ATTN: ACC	11/27/19	5,399.32	MAINTENANCE
19660	287	ALAMEDA COUNTY SHERIFF'S OFFICE GREGORY	11/27/19	1,748.75	CRIME LAB FEES
19661	284	ALAMEDA COUNTY INFORMATION TECHNOLOGY DE	11/27/19	3,643.20	AWS ACCESS FEES
19662	10691	APPLIED CONCEPTS INC	11/27/19	3,900.00	PROJECT 2020-10 VEHICLE PURCHASE-HARLEY
19663	10691	APPLIED CONCEPTS INC	11/27/19	7,800.00	PROJECT 2018-11 RADAR
19664	348	AT&T	11/27/19	113.95	CIRCUITS, WHITE PAGES
19665	1963	BAILEY FENCE COMPANY INC	11/27/19	2,141.00	FENCE REPAIRS
19666	4534	BAY AREA BARRICADE SERVICE INC	11/27/19	137.19	SIGNS AND HARDWARE
19667	9680	BAY CENTRAL PRINTING	11/27/19	127.56	BUSINESS CARD IMPRINTING
19668	5122	JEREMY BECK	11/27/19	686.83	EXPENSE REIMBURSEMENT
19669	3046	BEELINE GLASS CO INC	11/27/19	922.74	REPAIRS
19670	11563	CENTRAL VALLEY TOXICOLOGY, INC.	11/27/19	707.00	LAB TESTS
19671	11769	JADA CHIU	11/27/19	692.58	EXPENSE REIMBURSEMENT
19672	5331	DESILVA GATES CONSTRUCTION	11/27/19	851,878.68	CIP #1227 AND #1245 ASPHALT CONCRETE OVE
19673	1778	DISCOUNT SCHOOL SUPPLY	11/27/19	772.91	CHILDCARE PAPER ORDER
19674	11404	ALHAMBRA	11/27/19	711.68	WATER SERVICE
19675	11342	EAGLE CANYON CAPITAL	11/27/19	161.00	PATROL VEHICLE CLEANING
19676	11015	EAST BAY LAWN MOWER	11/27/19	356.24	LAWN MOWER SUPPLIES AND MAINTENANCE
19677	5106	CITY OF FREMONT REVENUE DIVISION	11/27/19	10,215.14	SHELTER OPERATING EXPS
19678	60	FREMONT FORD/AUTOBODY OF FREMONT ATTN: T	11/27/19	3,930.39	REPAIRS
19679	10707	GYM DOCTORS	11/27/19	288.26	FITNESS EQUIPMENT
19680	3284	ANTHONY HECKMAN	11/27/19	4,281.19	EXPENSE REIMBURSEMENT
19681	7563	HILLYARD / SAN FRANCISCO	11/27/19	72.26	SUPPLIES
19682	11795	HURST/HARRIGAN ASSOCIATES	11/27/19	7,500.00	NEWARK MALL CONSULTANT SERVICES
19683	10319	NICK ICASIANO	11/27/19	626.44	EXPENSE REIMBURSEMENT
19684	11546	INDUSTRIAL PLUMBING SUPPLY, LLC.	11/27/19	61.54	SUPPLIES
19685	11681	KBA DOCUMENT SOLUTIONS, LLC.	11/27/19	518.86	COPIER LEASE AGREEMENT
19686	11736	MANAGEMENT PARTNERS INC.	11/27/19	8,207.62	MANAGEMENT SERVICES
19687	11309	MANUEL FERNANDEZ CONSTRUCTION	11/27/19	832.12	MISC. PROJECTS
19688	11671	MECHANICAL SERVICES LLC	11/27/19	56,974.17	PROJECT 1154 SILLIMAN AIR HANDLER
19689	9029	MEYERS NAVE RIBACK SILVER & WILSON	11/27/19	51,724.50	LEGAL CONSULTING SRVCS PURSUANT TO C1902
19690	11698	KRISTIN TRAN	11/27/19	57.00	RECREATION CONTRACT
19691	1925	NATIONAL BUSINESS FURNITURE	11/27/19	4,614.26	SENIOR CENTER CHAIRS
19692	11062	PCD	11/27/19	1,200.00	PEG, COUNCIL CHAMBER VIDEO RECORDING REP
19693	78	PERFORMANCE PEST MANAGEMENT LPC SERVICES	11/27/19	702.00	PEST CONTROL SERVICES
19694	11640	ELAN JPA	11/27/19	6,067.40	DEDUCTIBLE COSTS
19695	104	DAVID J POWERS & ASSOCIATES INC	11/27/19	6,473.76	CEQA REIMBURSEMENT #C19022
19696	10891	ADONAI PERAZIM INC. dba PRINTS CHARLES R	11/27/19	453.66	PRINTING SERVICES FOR CIVIC CENTER
19697	279	S & S WORLDWIDE, INC. ACCOUNTS RECEIVABL	11/27/19	60.93	CRAFT SUPPLIES FOR PRESCHOOL, CHILDCARE,
19698	112	WILLE ELECTRICAL SUPPLY CO INC	11/27/19	383.27	LIGHT BULBS
19699	11744	SYSKO - SAN FRANCISCO	11/27/19	722.57	FOOD ITEMS FOR CAFE AND PARTIES
19700	11487	VANIR CONSTRUCTION MANAGEMENT, INC.	11/27/19	38,504.50	CONSTRUCTION MANAGEMENT SERVICES FOR THE
19701	5623	VERIZON WIRELESS	11/27/19	1,141.69	IPAD-CONFERENCES/INSPECTIONS
19702	11796	TREVOR WARE	11/27/19	507.02	EXPENSE REIMBURSEMENT
19703	5050	WEST COAST ARBORISTS INC	11/27/19	58,345.00	PROJECT 1248 STREET TREE WORK
19704	7308	THE GOODYEAR TIRE & RUBBER COMPANY	11/27/19	196.01	TIRES
Total				1,147,951.00	