

# CITY OF NEWARK CITY COUNCIL

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

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

## AGENDA

Thursday, October 12, 2017

- A. ROLL CALL
  
- B. MINUTES
  - B.1 Approval of Minutes of the City Council meeting of September 28, 2017.  
(MOTION)
  
- C. PRESENTATIONS AND PROCLAMATIONS
  - C.1 Introduction of employees.
  
  - C.2 Proclaiming October 25, 2017 as Unity Day. (PROCLAMATION)
  
  - C.3 Proclaiming October as National Domestic Violence Awareness Month and Presentation from Shelter Against Violent Environments.  
(PROCLAMATION/PRESENTATION)
  
- D. WRITTEN COMMUNICATIONS
  
- E. PUBLIC HEARINGS

**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 Second reading and adoption of an Ordinance adding Chapter 5.40 (Special Event Permit) to Title 5 (Business Licenses and Regulations) of the Newark Municipal Code to require a permit for special events held in the City of Newark (Continued from September 28, 2017) – from City Manager Becker and City Attorney Benoun. (ORDINANCE)
- F.2 Amending City of Newark Records Retention Schedule – from City Clerk Harrington. (RESOLUTION)
- F.3 Approval of the Senate Bill 1 Road Repair and Accountability Act of 2017 Fiscal Year 2017-18 Project List, and amendment of the 2016-2018 Biennial Budget for Fiscal Year 2017-18 – from Assistant City Engineer Imai. (RESOLUTION)
- F.4 Approval of an amendment to the Biennial Budget and Capital Improvement Plan 2016 – 2018 to reclassify one part-time Community Preservation Specialist to full-time – from Deputy Community Development Director Interiano. (RESOLUTION)

**G. CITY ATTORNEY REPORTS**

**H. ECONOMIC DEVELOPMENT CORPORATION**

**I. CITY COUNCIL MATTERS**

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

**K. ORAL COMMUNICATIONS**

**L. APPROPRIATIONS**

**Approval of Audited Demands for the City Council meeting of October 12, 2017. (MOTION)**

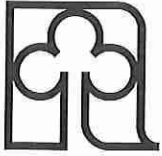
**M. CLOSED SESSION**

- M.1 Closed Session - Liability Claims  
Government Code Section 54956.95  
Claimants: Lagina Lillard-Marks, Minor 1, Minor 2, Minor 3, Robinetta Varner, Tina Howard, and Lisa Standley  
Agency claimed against: City of Newark**

**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, 5<sup>th</sup> 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.



# CITY OF NEWARK CITY COUNCIL

37101 Newark Boulevard, Newark, CA 94560-3796 • 510-578-4266 • E-mail: [city.clerk@Newark.org](mailto:city.clerk@Newark.org)

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

## AGENDA

**Thursday, October 12, 2017**

### CITY COUNCIL:

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

### CITY STAFF:

John Becker  
City Manager  
  
Terrence Grindall  
Assistant City Manager  
  
Susie Woodstock  
Administrative Services Director  
  
Sandy Abe  
Human Resources Director  
  
Soren Fajeau  
Public Works Director  
  
Michael Carroll  
Police Chief  
  
David Zehnder  
Recreation and Community  
Services Director  
  
David J. Benoun  
City Attorney  
  
Sheila Harrington  
City Clerk

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

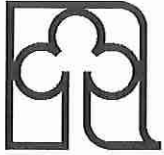
- |                                     |                         |
|-------------------------------------|-------------------------|
| A. ROLL CALL                        | I. COUNCIL MATTERS      |
| B. MINUTES                          | J. SUCCESSOR AGENCY     |
| C. PRESENTATIONS AND PROCLAMATIONS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

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

The attached *Agenda* gives the *Background/Discussion* of agenda items. Following this section is the word *Attachment*. Unless "none" follows *Attachment*, there is more documentation which is available for public review at the Newark Library, the City Clerk's office or at [www.newark.org](http://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

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

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

## Minutes

Thursday, September 28, 2017

### A. ROLL CALL

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

### B. MINUTES

#### B.1 Approval of Minutes of the regular City Council meeting of September 14, 2017 and the special City Council meeting of September 19, 2017.

**MOTION APPROVED**

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

### C. PRESENTATIONS AND PROCLAMATIONS

#### C.1 Presentation on the Newark Library.

Branch Manager Joe Stoner stated that in the last fiscal year, 174,000 people visited the Newark Library and 256,000 items were checked out. He shared examples of the evolving resource needs at the library and the types of spaces in the new library that would accommodate their various programs.

In response to Council questions, Mr. Stoner stated that City funded Sunday afternoons are as busy as Saturday afternoons and that he would highlight different programs in future reports.

### D. WRITTEN COMMUNICATIONS

### E. PUBLIC HEARINGS

### F. CITY MANAGER REPORT

Council Member Hannon requested the removal of item F.1 for separate consideration.

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

## CONSENT

- F.2 Acceptance of work with Rosas Brothers Construction for 2016 Curb, Gutter and Sidewalk Replacement, Project 1118. RESOLUTION NO. 10709**

## NONCONSENT

- F.1 Second reading and adoption of an Ordinance adding Chapter 5.40 (Special Event Permit) to Title 5 (Business Licenses and Regulations) of the Newark Municipal Code to require a permit for special events held in the City of Newark. CONTINUED TO NEXT MEETING**

Council Member Hannon recommended changes to the ordinance that included: adding the posted occupancy load to the “Special Event” definition in Section 5.40.020, adding property owners as a responsible party under Section 5.40.030, including property owner contact information and the proposed location of amplified music under Section 5.40.040, adding evidence of food and alcohol permits at least 72 hours before the event under Section 5.40.060. He also requested that the Police Chief solicit input from other City Departments to ensure appropriate conditions for events.

Joel Lewdol requested that the ordinance address events held in backyards. He stated that he has called the Police Department 5 times in last 2 years over live music being played until 2 a.m. at a house on Indian Wells Drive. The City does not have a noise ordinance and needs one to protect residents.

Sara Gara concurred with the previous speaker. She stated the particular resident who has the live music knows there is not a noise ordinance. She stated that live music should stop at 10 p.m. and Newark needs a noise ordinance.

Margaret Cruise stated that she gets up at 4 a.m. The volume of the music is excessive and occurs on a regular basis starting in the afternoon until the morning hours. The noise vibrates throughout her house and is not acceptable.

In response to Mayor Nagy, City Manager Becker stated that this particular ordinance does not address noise, but staff is preparing a noise ordinance for future consideration.

Council Member Hannon moved, Vice Mayor Bucci seconded, to continue this item to the next meeting to allow staff to incorporate the amendments made at the meeting to the ordinance. The motion passed, 4 AYES, 1 ABSENT (Collazo).

**G. CITY ATTORNEY REPORTS**

**H. ECONOMIC DEVELOPMENT CORPORATION**

**I. CITY COUNCIL MATTERS**

Mayor Nagy extended his condolences to the family of Council Member Collazo on the death of her brother-in-law Ricardo Guzman.

Council Member Bucci stated that a ribbon cutting was held for the new CERT trailer. He thanked Cargill for their financial support. He commended Boy Scout Ryan Koski in the audience for attending the meeting.

Council Member Freitas extended his sympathy to Council Member Collazo's family. He thanked Mr. Stoner for the library presentation.

Council Member Hannon thanked all of Newark's volunteers. He invited everyone to the annual festival at St. Edward on Sunday.

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

**K. ORAL COMMUNICATIONS**

David Libby thanked the Mayor, Council Members and City Staff for the CERT Trailer that will be used for disaster response and education. He thanked Cargill for funding the trailer. He encouraged attendance at CERT or PEP classes for disaster preparedness training.

Sara Gara requested that the City honor the Lincoln Elementary School employees for their heroism when a man trespassed on the field outside of the school. She thanked the school employees and the Newark Police Department for their response.

Ryan Koski stated that the Boy Scouts could assist with the CERT program. Mayor Nagy suggested he speak with David Libby after the meeting.

**L. APPROPRIATIONS**

**Approval of Audited Demands for the City Council meeting of September 28, 2017. MOTION APPROVED**

City Clerk Harrington read the Register of Audited Demands: Check numbers 112281 to 112410.

Council Member Freitas moved, Council Member Hannon seconded, to approve the Register of Audited Demands. The motion passed, 4 AYES, 1 ABSENT.

**M. CLOSED SESSION**

**N. ADJOURNMENT**

Mayor Nagy adjourned the meeting at 8:26 p.m. in memory of Ricardo Guzman.



**C.1 Introduction of employees.**

**Background/Discussion** – Newly hired Police Officer Travis Lenz and recently promoted General Maintenance Worker Hernan Flores will be at the meeting to be introduced to the City Council.

**C.2 Proclaiming October 25, 2017 as Unity Day.**

**(PROCLAMATION)**

**Background/Discussion** – October 25, 2017 is Unity Day, a day that promotes bullying awareness and prevention. A proclamation has been prepared and members of the Silliman Activity and Family Aquatic Center will accept it at the City Council meeting.

**C.3 Proclaiming October as National Domestic Violence Awareness Month and Presentation from Shelter Against Violent Environments.  
(PROCLAMATION/PRESENTATION)**

**Background/Discussion** – October is National Domestic Violence Awareness Month. A proclamation has been prepared and members of Shelter Against Violent Environments (SAVE) will accept it at the City Council meeting. Dr. Yasi Safinya-Davies, Executive Director of SAVE will be giving a presentation in conjunction with the proclamation.

**F.1 Second reading and adoption of an Ordinance adding Chapter 5.40 (Special Event Permit) to Title 5 (Business Licenses and Regulations) of the Newark Municipal Code to require a permit for special events held in the City of Newark (Continued from September 28, 2017) – from City Manager Becker and City Attorney Benoun. (ORDINANCE)**

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

On September 28, 2017, during the second reading of the ordinance, Council Member Hannon requested a number of changes to the ordinance including: adding the posted occupancy load to the “Special Event” definition in Section 5.40.020, adding property owners as a responsible party under Section 5.40.030, including property owner contact information and the proposed location of amplified music under Section 5.40.040, adding evidence of food and alcohol permits at least 72 hours before the event under Section 5.40.060.

The City Council continued the adoption of the ordinance to the October 12, 2017 City Council meeting and directed staff to incorporate the requested changes to the ordinance. The ordinance is attached and is redlined to show the specific amendments.

**Attachments**

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

## EXHIBIT "A"

### Chapter 5.40 SPECIAL EVENT PERMIT

#### Sections:

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

#### **5.40.010 Purpose and Findings.**

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

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

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

#### **5.40.020 Definitions.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**5.40.030 Permit required – unlawful conduct.**

It is unlawful for:

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

**5.40.040 Application for permit.**

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



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

C. The application for a special event shall provide all of the following information:

1. The name, address, telephone number, and date of birth of applicant. If the applicant is not a natural person, then the name, address, and telephone number of a duly authorized representative of the organization who is primarily responsible for hosting or sponsoring the event shall be provided;
2. The name, address, and telephone number of the person who will be present at and in charge of the event;
- ~~3.~~ 3. The name, address, and telephone number of the property owner if the property owner is not the host of the event;
- ~~3.4.~~ 4. The nature and purpose of the event;
- ~~4.5.~~ 5. The proposed date, location, and estimated start time and end time of the event;
- ~~5.6.~~ 6. Estimated number of persons attending the event;
- ~~6.7.~~ 7. Description and location of any sound amplification equipment that will be used and a plan for control of noise, including, but not limited to, the noise generated by the amplification equipment, motors, and other equipment, that may affect nearby premises, with special attention to prevention of noise nuisance to nearby residences, if any;
- ~~7.8.~~ 8. Number of bands and/or other musical units and the nature of any equipment to be used to produce sounds or noise;
- ~~8.9.~~ 9. Any lighting equipment and its proposed location;
- ~~9.10.~~ 10. Whether alcoholic beverages will be sold or offered to event attendees;
- ~~10.11.~~ 11. Whether any food will be prepared and/or sold at the event and, if so, the type of cooking equipment that will be used to prepare such food, including any equipment that emits an open flame;
- ~~11.12.~~ 12. Whether security persons will be present at the event;
- ~~12.13.~~ 13. Anticipated parking needed and a parking plan that is designed to minimize negative impacts of the event parking on adjacent properties;
- ~~13.14.~~ 14. Number and location(s) of portable sanitation facilities;
- ~~14.15.~~ 15. Provisions for first aid and/or emergency medical services based on the risk factors of the event;
- ~~15.16.~~ 16. A detailed floor plan and site plan of the premises showing the building(s) interior and exterior grounds, including parking spaces, amusement ride locations, eating arrangements, dance floor area, bar location, fire exits, and the dimension of each portion with the layout of the special event, when applicable;
- ~~16.17.~~ 17. A trash and litter collection and off-site disposal plan;

- ~~17.18.~~ The manner of providing notice of the permit conditions to permit participants and those businesses or residents who may be directly affected by the conduct of the event;
- ~~18.19.~~ A statement as to whether the applicant will have insurance and/or surety bond coverage and, if so, reasonable proof of such coverage;
- ~~19.20.~~ If the applicant is not the registered owner of the facility where the event is to occur, then a copy of the rental agreement between the applicant and the facility owner, or their respective agents, shall be attached to the application;
- ~~20.21.~~ A copy of the tax exemption letter issued for any applicant claiming to be a tax-exempt, non-profit organization with a principal place of business in the City of Newark;
- ~~21.22.~~ Copies of any application to and/or permits received from any other governmental agency having jurisdiction over the event, including, but not limited to, Alameda County Fire Department and/or Alameda County Health Department; and
- ~~22.23.~~ Any such further information pertaining to public health and safety that the Chief of Police shall find reasonably necessary to review and consider the application.

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

#### **5.40.050 Issuance of permit.**

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

#### **5.40.060 Conditional approval.**

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

- A. Requiring the applicant to retain or hire one or more licensed, bonded, and insured security guards to attend and provide security at and during the event;
- B. Requiring the applicant to be personally present at all times during the event;
- C. Conditions concerning accommodation of pedestrian or vehicular traffic;

- D. Restrictions on the use of sound amplification equipment and restrictions on the amount of noise generated by motors and other equipment used in the course of the event;
- E. Requiring compliance with any relevant ordinance or law;
- F. Conditions pertaining to the manner of providing notice of the permit conditions to permit participants and those businesses or residents who may be directly affected by the conduct of the event;
- G. Requiring that the applicant, prior to the start of the event, tender payment to the city of a refundable deposit toward the costs of city staff costs and/or extraordinary police services and/or cost to of damages to public facilities that may be associated and reasonably foreseen with such event. The Chief of Police, in his or her reasonable discretion, shall determine the amount of the deposit and may consider all known factors, including, but not limited to, the use of police and/or city resources at previous events hosted by the same applicant or sponsor or such other similar events that occurred at the facility in the past;
- H. ~~If~~ food is served at the event, requiring that the applicant, at least seventy-two (72) hours prior to the start of the event, ~~to~~ obtain appropriate permit(s) from the Alameda County Health Department and provide proof of such permit(s) to the Police Chief;
- I. If alcohol is served at the event, requiring that the applicant, at least seventy-two (72) hours prior to the start of the event, ~~to~~ obtain appropriate permit(s) from the California Department of Alcoholic Beverage Control and provide proof of such permit(s) to the Police Chief;
- J. If the event takes place on city owned property, requiring that the applicant provide, prior to the start of the event, proof of liability insurance naming the city as an additional insured in an amount and form acceptable to the city attorney; and/or
- ~~J.~~K. \_\_\_\_\_ The posted occupancy as authorized by the Fire Marshall of any facility hosting the event shall not be exceeded; and/or
- ~~K.~~L. \_\_\_\_\_ Requiring such other additional conditions as are reasonably necessary to protect the public health, safety, welfare and order, and to minimize adverse impacts upon the surrounding neighborhood and general community.

**5.40.070 Grounds for denial.**

- A. The Chief of Police shall deny a permit if there exists reasonable evidence that:
  - 1. Information contained in the application, or supplementary information requested from the applicant, is false, incomplete, or intentionally misleading in any material respect;
  - 2. The site is physically inadequate for the type, density, or intensity of use being proposed;
  - 3. The security arrangements that have been made are inadequate;

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

**5.40.080 Denial of permit—right to appeal.**

- A. Any applicant whose application is denied may appeal such decision to the city manager by filing a written notice of such appeal with the city clerk within ten (10) calendar days of receiving the notice of denial. The appeal shall provide the name, address, and

telephone number of the applicant, a description of the specific grounds for the appeal, and request the relief sought.

- B. The city manager, or his/her designee, shall set the matter for hearing within fourteen (14) calendar days of the filing of said notice. Written notice of the time and place of such hearing shall be served upon the applicant at least five days prior to the date set for such hearing. Notice may be given by personal delivery, or by depositing in the U.S. mail in a sealed envelope, postage prepaid, addressed to the person identified in the appeal.
- C. Within five (5) calendar days after the hearing, the city manager, or his/her designee, shall send written notice to the applicant either granting the permit or containing a statement on the grounds relied upon for denying the permit.
- D. The decision of the city manager, or his/her designee, is the final decision of the city.

#### **5.40.090 Indemnification**

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

#### **5.40.100 Revocation of permit.**

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

#### **5.40.110 Violation – penalty.**

Any person who violates any provision of this chapter, including, but not limited to, any person who holds or sponsors an event without obtaining a permit as required under section 5.40.030 or any person who refuses to terminate an event for violation of event conditions as required under section 5.40.080, shall be guilty of a misdemeanor punishable by a fine not exceeding one thousand dollars, or imprisonment in the county jail for a period not exceeding six months, or both. Each day, or portion thereof, that such violation continues or reoccurs shall be a new and separate violation.

#### **5.40.120 Public Nuisance.**

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

#### **5.40.130 Alternative remedies.**

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

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

- A. All city staff costs and/or extraordinary police costs shall be recovered from any or all persons responsible for the event, including the event sponsors, promoters, facility operators, and/or facility owners, who shall all be jointly and severally liable. The city shall submit bills to the responsible persons, which shall be due within thirty (30) days of the date the bill is deposited in the mail.
- B. If a deposit is made by the permittee as a condition to the issuance of the permit as authorized in subsection 5.40.060(G) and the actual cost for city staff costs and/or extraordinary police response costs exceed the deposit, then any costs that exceed the deposit shall be billed to those persons responsible for the event and shall be due within thirty (30) days of the date the bill is deposited in the mail.
- C. If the actual cost for city staff costs and/or extraordinary police response fees is less than the deposit amount imposed as a condition of the permit as authorized in subsection

5.40.060(G), then the city shall promptly issue to the permittee a refund of the difference. In the event the permittee desires to host another special event within forty-five (45) days of the event, then permittee, at permittee's election, may ask the City to apply the difference towards a deposit for the next event. This provision shall in no way be construed so as to limit or constrain the ability of the Chief of Police to determine the amount of the deposit, taking into account all known factors in accordance with section 5.40.060(G).

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

#### **5.40.150 Severability.**

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

**F.2 Amending City of Newark Records Retention Schedule – from City Clerk Harrington. (RESOLUTION)**

**Background/Discussion** –The main purpose of the Records Retention Schedule is to ensure that City records are maintained in accordance with federal, state and local codes. The schedule provides regulations and guidelines for records management and ensures that records are not destroyed prematurely.

The current schedule was adopted in 2008 and has been amended three times. Staff is once again recommending changes to the schedule. The detailed changes are attached to the resolution; underline font show additions, strikethrough font show deletions. The major proposed changes include:

Finance

Utility Users Tax Exemption records have been added. The records will be maintained for the life of the exemption plus two years.

Police

Ride Along requests and volunteer record categories have been added.

City Manager

In 2002, the City acquired Laserfiche for the electronic retention of important documents. Prior to the implementation of Laserfiche, the City Clerk had an extensive paper filing system that is no longer maintained. Those categories of records have been removed. Additionally records of the same type have been combined into simpler categories.

Recreation and Community Services

Records related to programs that are no longer offered have been removed. The records associated with the registration process have been combined into one general category instead of a separate category for each step of the process. A new security camera system was installed at the Silliman Center last year and those recordings have been added to the schedule.

Records will be maintained and destroyed in accordance with the approved retention schedule. The destruction of records is subject to the review and consent of the City Clerk, City Attorney, and Department Head.

**Attachment**

**Action** - It is recommended that the City Council, by resolution, amend the City of Newark Records Retention Schedule.



RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
NEWARK AMENDING THE CITY OF NEWARK RECORDS  
RETENTION SCHEDULE

WHEREAS, California Government Code 34090 provides guidelines for destroying records that have served their purpose and are no longer required; and

WHEREAS, the City Council of the City of Newark by Resolution No. 9434 established a Records Retention Schedule that set the retention periods for various categories of City records; and

WHEREAS, the Records Retention Schedule was revised by Resolution No. 9710, 9899 and 10135; and

WHEREAS, City staff has reviewed the Records Retention Schedule again and recommends certain amendments, additions, and deletions in order to update the schedule with current legal citations and records practices;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Newark that the City of Newark Records Retention Schedule, adopted by Resolution No. 9434, is hereby amended as set forth in Exhibit A, attached hereto and incorporated herein as though set forth at length;

BE IT FURTHER RESOLVED, that the City Council authorizes the destruction of records in accordance with the approved retention schedule, subject to the review and consent of the City Clerk, City Attorney, and Department Head.

Dept. of Record	RECORD TITLE AND DESCRIPTION (if applicable)	RETENTION/DISPOSITION				VITAL RECORD	HISTORY RECORD	STATUTORY REFERENCE
		Office	R.S.A	Electronic options	Total Retention			
CM	ABAG Credit Pool (1980-1991)	P	0		P	Y	N	GC 34090 is 2 yrs; Permanent Dept. policy
CM	ABAG Plan Program (Self-Insurance Program)	P	0		P	Y	N	GC 34090 is 2 yrs; Permanent Dept. policy
<del>CM</del>	<del>Abatement of Dangerous Buildings -- Recorded Document</del>	<del>10</del>	<del>0</del>	<del>MF02 LF(I/D)</del>	<del>P</del>	<del>N</del>	<del>N</del>	<del>GC 34090 is 2 yrs; Permanent Dept. policy</del>
CM	Adjourned Meeting Notices (filed with minutes)	P	0	LF (I/P)	P	Y	Y	GC 34090 is 2 yrs; Permanent Dept. policy
CM	Administrative Hearing	CL+2	0		CL + 2	Y	Y	GC 34090 is 2 yrs.
CM	Administrative Regulations	S +2	0		S+2	Y	N	GC 34090 is 2 years
CM	Affidavits of Posting Agendas and Notices	C+2	0		C+2	N	N	GC 34090 is 2 yrs.
CM	Affidavits of Publication	C+4	0		C+4	N	N	GC 34090 is 2 yrs. 4 years Dept. policy
CM	Agenda Reports/Packet Scan packet immediately, maintain hard copy 2 years then destroy	C+2	0	LF (I/D)	15	N	N	GC 34090 is 2 yrs. 15 years Dept. policy
<del>CM</del>	<del>Agendas</del>	<del>C+2</del>	<del>0</del>		<del>C+2</del>	<del>N</del>	<del>N</del>	<del>GC 34090 is 2 yrs.</del>

Dept. of Record	RECORD TITLE AND DESCRIPTION (if applicable)	RETENTION/DISPOSITION				VITAL RECORD	HISTORY RECORD	STATUTORY REFERENCE
		Office	R.S.A	Electronic options	Total Retention			
CM	Agreements – includes leases, equipment, services, or supplies	CL+5	0	LF (I/P)	CL+5 or P*	N	N	GC 34090 is 2 yrs; State Guidelines 5 yrs. 5 yrs. Dept. policy
CM	Agreements- Franchise	P	0	LF(I/P)	P	Y	Y	GC 34090 is 2 yrs; State Guidelines permanent. Permanent Dept. policy
CM	Agreements- Joint Powers	P	0	LF(I/D)	P	N	Y	Permanent Dept. policy
CM	Agreements/Contracts- Capital Improvement Projects	P	0	LF(I/D)	P	Y	Y	GC 34090(a) permanent
<del>CM</del>	<del>Agriculture Preserve (Williamson Act)</del>	<del>P</del>	<del>0</del>		<del>P</del>	<del>N</del>	<del>Y</del>	<del>Permanent Dept. policy</del>
CM	Alameda County Grand Jury	2	2		2	N	N	GC 34090 is 2 yrs;
CM	Annexations/Detachments	2	P		P	N	Y	GC 34090 Permanent Dept. policy
CM	Biennial Budget	2	P	LF (I/D)	P	Y	N	GC 34090 is 2 yrs; Permanent Dept. policy
CM	Annual Reports (Audits/CAFR)	2	P	LF (I/D)	P	N	Y	GC 34090 is 2 yrs; Perm. Dept. policy

\*Agreements/Contracts that could result in liability to the City should be maintained permanently.

Dept. of Record	RECORD TITLE AND DESCRIPTION (if applicable)	RETENTION/DISPOSITION				VITAL RECORD	HISTORY RECORD	STATUTORY REFERENCE
		Office	R.S.A	Electronic options	Total Retention			
CM	Application for Commissions, Committees, Boards (Appointed)	2	T+5		T+5	N	N	GC 34090 is 2 yrs; State guidelines termination +5 years
CM	Application for Commissions, Committees, Boards (Unappointed)	2	0		2	N	N	GC 34090 is 2 yrs
<del>CM</del>	<del>Area Improvement Districts</del>	<del>2</del>	<del>5</del>	<del>MF02 LF(I/D)</del>	<del>P</del>	<del>N</del>	<del>Y</del>	<del>GC 34090 is 2 yrs; Permanent Dept. policy</del>
CM	Capital Improvement Plan	2	0	LF (I/D)	P	Y	Y	GC 34090 is 2 yrs; Permanent Dept. policy
CM	City Newsletters	2	P		P	N	Y	GC 34090 is 2 yrs; Permanent Dept. policy
CM	City Seal and Logo	P	0		P	Y	Y	GC 34090 is 2 yrs; Permanent Dept. policy
CM	City Treasurer Appointments	2	0		2	N	<del>NY</del>	GC 34090 is 2 yrs;
CM	Claims, Filed	CI+2	0		CI+2	N	N	GC 34090
CM	Claims—Incident Reports	CI	7		CI+7	N	N	GC 34090

Dept. of Record	RECORD TITLE AND DESCRIPTION (if applicable)	RETENTION/DISPOSITION				VITAL RECORD	HISTORY RECORD	STATUTORY REFERENCE
		Office	R.S.A	Electronic options	Total Retention			
CM	Commission/Committee/Board Minutes (City)	P	0	LF(I/P)	P	Y	N	GC 34090 is 2 yrs; Permanent Dept. policy
CM	Community Emergency Response Team Volunteer Files	2	Yes		End of Volunteer Service + 2 years	Y	N	GC 34090 is 2 years
<del>CM</del>	<del>Conflict of Interest Codes (filed with Resolution)</del>	<del>P</del>	<del>0</del>		<del>P</del>	<del>N</del>	<del>N</del>	<del>GC 34090 is 2 yrs; Permanent Dept. policy</del>
<del>CM</del>	<del>Council Meeting Procedures</del>	<del>P</del>	<del>0</del>		<del>P</del>	<del>Y</del>	<del>Y</del>	<del>GC 34090 is 2 yrs; Permanent Dept. policy</del>
<del>CM</del>	<del>Deeds Recorded</del>	<del>10</del>	<del>0</del>	<del>MF02 LF(I/P)</del>	<del>P</del>	<del>N</del>	<del>Y</del>	<del>GC 34090 is Permanent</del>
CM	Deputy City Clerk Appointments	P	0		P	Y	N	GC 34090 is 2 yrs; Permanent Dept. policy
<del>CM</del>	<del>Easements Recorded</del>	<del>10</del>	<del>0</del>	<del>MF02 LF(I/P)</del>	<del>P</del>	<del>N</del>	<del>Y</del>	<del>GC 34090 is 2 yrs; Permanent Dept. policy</del>
CM	Election — Proposition 218 Ballots	P	0		P	N	Y	Constitution Article XIII
CM	Election — Candidate Handbook	S	0		S	N	N	Department policy
CM	Election — Correspondence	CI+2	0		CI+2	N	N	GC 34090 is 2 yrs
CM	Election — FPPC Campaign Disclosure Statements - Committees	2	0	LF (I/D)	CU +7	N	N	GC 81009(e)

Dept. of Record	RECORD TITLE AND DESCRIPTION (if applicable)	RETENTION/DISPOSITION				VITAL RECORD	HISTORY RECORD	STATUTORY REFERENCE
		Office	R.S.A	Electronic options	Total Retention			
CM	Election — FPPC Campaign Disclosure Elected	2	0	LF (I/D)	P	N	N	GC 81009(b)
CM	Election — FPPC Campaign Disclosure Not Elected	2	0	LF (I/D)	CU+5	N	N	GC 81009(b)
CM	Election — Nomination Papers Elected	T+4	0		T+4	N	N	EC 17100
CM	Election — Nomination Papers Not Elected	E+5	0		E+5	N	N	GC 81009(C)
CM	Election — Petitions for Initiatives, Measures, Recalls, or Referendums	8mos	0		8mos	Y	Y	EC 17200 and 17400-8 months after the election or the city clerk's final examination
CM	Election — Sample Ballot	P	0		P	N	Y	State of California Guideline
<del>CM</del>	<del>Emergency Services — Response Plan</del>	<del>P</del>	<del>0</del>		<del>P</del>	<del>Y</del>	<del>N</del>	<del>GC 34090 is 2 yrs; Perm. Dept. policy</del>
CM	Ethics Training Certificates	5	0	LF (I/P)	5 years	N	N	GC 53235.2 (b) 5 years from date of training
CM	Equipment	CI+2	0		CI+2	N	N	GC 34090 is 2 yrs; C+2 is Dept. policy
<del>CM</del>	<del>Federal Advocate</del>	<del>5</del>	<del>0</del>		<del>5</del>	<del>N</del>	<del>N</del>	<del>GC 34090 is 2 yrs; 5 yrs. is Dept. policy</del>
CM	Five Year Plans/Forecasts	2	0	(I/D)	P	Y	Y	GC 34090 is 2 yrs; Permanent Dept. policy

Dept. of Record	RECORD TITLE AND DESCRIPTION (if applicable)	RETENTION/DISPOSITION				VITAL RECORD	HISTORY RECORD	STATUTORY REFERENCE
		Office	R.S.A	Electronic options	Total Retention			
CM	FPPC Agency Report of Public Official Appointment Form 806	C+2	0		C+2	No	No	GC 34090 is 2 yrs
CM	Functional Subject Files	2	0		2	N	N	GC 34090 is 2 yrs;
<del>CM</del>	<del>General Plan</del>	<del>P</del>	<del>0</del>	<del>LF(I/D)</del>	<del>P</del>	<del>Y</del>	<del>Y</del>	<del>GC 34090 is 2 yrs; Permanent Dept. policy</del>
<del>CM</del>	<del>Grant Deeds Recorded</del>	<del>10</del>	<del>0</del>	<del>MF02 LF(I/P)</del>	<del>P</del>	<del>N</del>	<del>Y</del>	<del>GC 34090 Permanent Dept. policy</del>
<del>CM</del>	<del>Grants</del>	<del>2</del>	<del>0</del>	<del>(I/D)</del>	<del>Closed + 5 years</del>	<del>N</del>	<del>Y</del>	<del>GC 34090 is 2 yrs; Closed + 5 years Dept. policy</del>
<del>CM</del>	<del>HCD Block Grant Administration</del>	<del>2</del>	<del>3</del>		<del>5</del>	<del>N</del>	<del>N</del>	<del>GC 34090 is 2 yrs; 5 yrs. is Dept. policy</del>
<del>CM</del>	<del>Highways, Freeways and Interchanges</del>	<del>2</del>	<del>9</del>		<del>11</del>	<del>N</del>	<del>N</del>	<del>GC 34090 is 2 yrs; 11 yrs. is Dept. policy</del>
CM	Historical Preservation Program, Buildings, Sites, Guidelines	2	P		P	N	Y	GC 34090 is 2 yrs; Permanent Dept. policy
<del>CM</del>	<del>Housing Bond Program - 1990</del>	<del>2</del>	<del>0</del>		<del>2</del>	<del>N</del>	<del>N</del>	<del>GC 34090 is 2 yrs;</del>
<del>CM</del>	<del>Housing Mortgage Credit Certificate Program</del>	<del>2</del>	<del>3</del>		<del>5</del>	<del>N</del>	<del>N</del>	<del>GC 34090 is 2 yrs; 5 yrs. is Dept. policy</del>

Dept. of Record	RECORD TITLE AND DESCRIPTION (if applicable)	RETENTION/DISPOSITION				VITAL RECORD	HISTORY RECORD	STATUTORY REFERENCE
		Office	R.S.A	Electronic options	Total Retention			
CM	Incorporation	P	0		P	Y	Y	GC 34090 is 2 yrs; Permanent Dept. policy
<del>CM</del>	<del>Industrial Development Authority</del>	<del>P</del>	<del>0</del>		<del>P</del>	<del>Y</del>	<del>N</del>	<del>GC 34090 is 2 yrs; Permanent Dept. policy</del>
CM	Insurance (Certificates/Policies)	2	<u>0</u>		<u>2</u>	N	N	GC 34090 is 2 yrs;
CM	Insurance (Project)	2	P	LF (I/D)	P	Y	N	GC 34090 is 2 yrs; Permanent Dept. policy
CM	Investments (Reports/Cashflow)	2	<u>PO</u>		<u>P2</u>	<u>YN</u>	N	GC 34090 is 2 yrs; Permanent Dept. policy
CM	Lead Environmental Abatement District L.E.A.D. Program	2	7		9	N	N	GC 34090 is 2 yrs; 9 yrs. is Dept. policy
CM	Legal –Subpoenas/Summons served on City	2	0		Closed + 2	N	N	GC 34090 is 2 yrs; Closed + 2 yrs. is Dept. policy
<del>CM</del>	<del>Local Improvement Districts</del>	<del>2</del>	<del>5</del>	<del>MF02</del>	<del>P</del>	<del>N</del>	<del>Y</del>	<del>GC 34090 is 2 yrs; Permanent Dept. policy</del>
<del>CM</del>	<del>Mandated Costs</del>	<del>5</del>	<del>0</del>	<del>MF02</del>	<del>5</del>	<del>N</del>	<del>N</del>	<del>GC 34090 is 2 yrs;</del>
CM	Minutes	P	0		P	Y	Y	GC 34090 is perm.



Dept. of Record	RECORD TITLE AND DESCRIPTION (if applicable)	RETENTION/DISPOSITION				VITAL RECORD	HISTORY RECORD	STATUTORY REFERENCE
		Office	R.S.A	Electronic options	Total Retention			
				LF (I/P)				
<del>CM</del>	<del>Mortgage Revenue Bond Issue Bound Volumes</del>	<del>P</del>	<del>0</del>		<del>P</del>	<del>N</del>	<del>N</del>	<del>GC 34090 is 2 yrs; Permanent Dept. policy</del>
CM	Mortgage Revenue Bond Issues Working Files	2	9		11	N	N	GC 34090 is 2 yrs; 11 yrs. Dept. policy
CM	Memorandums of Understanding for bargaining groups (original with resolution)	P	0		P	Y	Y	GC 34090 is 2 yrs; Permanent Dept. policy
CM	Municipal Code	P	0		P	Y	Y	Permanent Dept. policy
<del>CM</del>	<del>NewPark Motel Redevelopment Agency</del>	<del>2</del>	<del>P</del>		<del>P</del>	<del>N</del>	<del>N</del>	<del>GC 34090 is 2 yrs; Permanent Dept. policy</del>
CM	Oath of Office- City Council, Planning Commission	2	0	LF(I/D)	T+6	N	Y	29 USC 1113
CM	Ordinances	P	0	LF( I/P)	P	Y	Y	GC 34090
CM	Personnel Administrative Hearings	5	0		5	N	N	GC 34090 is 2 yrs; 5 yrs. is Dept. policy
CM	Petitions - General	2	0		2	N	N	GC 34090 is 2 yrs;
<del>CM</del>	<del>Pleasanton Newark Home Financing</del>	<del>P</del>	<del>0</del>		<del>P</del>	<del>N</del>	<del>N</del>	<del>GC 34090 is 2 yrs; Perm. Dept. policy</del>

Dept. of Record	RECORD TITLE AND DESCRIPTION (if applicable)	RETENTION/DISPOSITION				VITAL RECORD	HISTORY RECORD	STATUTORY REFERENCE
		Office	R.S.A	Electronic options	Total Retention			
CM	Policies and Procedures	2	7	MF02	P	Y	N	GC 34090 is 2 yrs; C+9 yrs. is Dept. policy
CM	Proclamations, Commendations, Awards	2	0		2	N	N	GC 34090 is 2 yrs;
CM	Property Acquisition/Disposition	5	0	MF02	P	Y	Y	GC 34090 Permanent Dept. policy.
CM	Property Rentals/Leases	5	0	MF02 LF(I/D)	P	Y	Y	GC 34090 is 2 yrs; Permanent Dept. policy.
<del>CM</del>	<del>Reapportionment</del>	<del>2</del>	<del>9</del>		<del>11</del>	<del>N</del>	<del>N</del>	<del>GC 34090 is 2 yrs; 11 yrs. Dept. policy</del>
CM	Recorded Documents	P	0	LF (I/P)	P	Y	Y	Perm. Dept. Policy
CM	Records - Destruction Certificates and Retention Schedule	2	0	LF (I/D)	P	N	N	GC 34090 is 2 yrs; Perm. Dept. policy
<del>CM</del>	<del>Recreation -- Golf Course</del>	<del>2</del>	<del>9</del>		<del>11</del>	<del>N</del>	<del>Y</del>	<del>GC 34090 is 2 yrs; 11 yrs. is Dept. policy</del>
<del>CM</del>	<del>Recreation -- School Playfields</del>	<del>2</del>	<del>3</del>		<del>5</del>	<del>N</del>	<del>N</del>	<del>GC 34090 is 2 yrs; 5 yrs. is Dept. policy</del>
<del>CM</del>	<del>Redevelopment Administration</del>	<del>2</del>	<del>7</del>		<del>9</del>	<del>N</del>	<del>N</del>	<del>GC 34090 is 2 yrs; 9 yrs. is Dept. policy</del>
<del>CM</del>	<del>Redevelopment -- Main Street Program</del>	<del>2</del>	<del>9</del>		<del>11</del>	<del>N</del>	<del>N</del>	<del>GC 34090 is 2 yrs;</del>

Dept. of Record	RECORD TITLE AND DESCRIPTION (if applicable)	RETENTION/DISPOSITION				VITAL RECORD	HISTORY RECORD	STATUTORY REFERENCE
		Office	R.S.A	Electronic options	Total Retention			
								<del>11 yrs. is Dept. policy</del>
CM	Redevelopment Agency – Minutes, Resolutions	P	0		P	N	N	GC 34090 is 2 yrs; Permanent Dept. policy
<del>CM</del>	<del>Regionalism</del>	<del>2</del>	<del>7</del>	<del>MF02</del>	<del>9</del>	<del>Y</del>	<del>Y</del>	<del>GC 34090 is 2 yrs; 9 years Dept. policy</del>
CM	Register of Audited Demands	2	0	LF(I/D)	AU+5	Y	N	GC 34090 is 2 yrs; Audit + 5 years is Dept. policy
CM	Resolutions	P	0	LF (I/P)	P	Y	Y	GC 34090.7
CM	Rosters - Council	P	0	LF(I/D)	P	N	Y	GC 34090 is 2 yrs; Permanent Dept. policy
CM	Senior Citizen Housing (Newark Gardens)	2	P		P	N	Y	GC 34090 is 2 yrs; Permanent Dept. policy
CM	Statements of Economic Interest – Designated Employees	2	0	LF (I/D)	7	N	N	GC 81009(d)
CM	Statements of Economic Interest – Officials 87200 Filers (FPPC retains originals)	2	0	LF(I/D)	4	N	N	GC 81009(e)
<del>CM</del>	<del>Street Improvements and Vacations – Recorded Documents</del>	<del>P</del>	<del>0</del>	<del>LF (I/P)</del>	<del>P</del>	<del>N</del>	<del>Y</del>	<del>GC 34090 is 2yrs; Perm. Dept. policy</del>

Dept. of Record	RECORD TITLE AND DESCRIPTION (if applicable)	RETENTION/DISPOSITION				VITAL RECORD	HISTORY RECORD	STATUTORY REFERENCE
		Office	R.S.A	Electronic options	Total Retention			
<del>CM</del>	<del>Surplus Property</del>	<del>2</del>	<del>0</del>	<del>MF02</del>	<del>P</del>	<del>N</del>	<del>N</del>	<del>GC 34090 is 2 yrs.; Permanent Dept. policy</del>
CM	Recordings, Audio/Video, City Council Meetings	1	0		1	N	N	GC 34090.7 is 90 days 1 yr is Dept. Policy
CM	Tax Anticipation Notes	2	3		5	N	N	GC 34090 is 2 yrs; 5 yrs. is Dept. policy
CM	Tax Defaulted Property	5	0		5	N	N	GC 34090 is 2 yrs; 5 yrs. is Dept. policy
CM	Taxes - Measure B Funds	2	0	MF02	P	Y	Y	GC 34090 is 2 yrs; Permanent Dept. policy
CM	Volunteer of the Year Program	3	0		P	N	N	GC 34090 is 2 yrs.; Permanent Dept. policy
CM	Waste Management Authority	2	5		7	Y	N	GC 34090 is 2 yrs; 7yrs. is Dept. policy
<del>CM</del> <del>-</del>	<del>Wildlife Refuge/Wetlands</del>	<del>2</del>	<del>20</del>		<del>22R</del>	<del>N</del>	<del>Y</del>	<del>GC 34090 is 2 yrs.; 22 yrs. is Dept. policy</del>

Dept. of Record	RECORD TITLE/ AND DESCRIPTION (is applicable)	Retention/Disposition				VITAL RECORD	HISTORY RECORD	STATUTORY REFERENCE
		Office	R.S.A	Electronic	Total Retention			
Fin	Surplus Property – Auction/Disposal	2	3		5	N	N	CCP is 4 yrs; 5 yrs is department policy
Fin	Tax- Property Tax – Assessed Valuation and Collections Information	5	P		P	Y	N	GC 34090 is 2yrs.; Permanent is Dept. policy
Fin	Tax - Sales Tax Reports (HDL Consultants)	7	0		7	Y	N	GC 34090 is 2 yrs.; 10 years is Dept. policy
Fin	Tax - Transient Occupancy Tax – Returns, Collections, and Audits	10	0		10	N	N	GC 34090 is 2 yrs.; 10 yrs. is Dept. policy
Fin	Tax - Annual Tax Roll and Special Assessments – Paramedic, Garbage Liens, Weed Abatement; L& L and Area Improvement Districts	3	5		5	N	Y	GC 34090 is 2 yrs; 5 yrs is dept. policy
<u>Fin</u>	<u>Utility Users Tax</u>	<u>1</u>	<u>CL + 2</u>	<u>I/P</u>	<u>Life of Exemption + 2 years</u>	<u>N</u>	<u>N</u>	<u>Department Policy</u>
Fin	Vehicle Registration Slips	Life of Vehicle	0		Life of Vehicle	N	N	VC 9900 life of vehicle

Dept. of Record	RECORD TITLE AND DESCRIPTION (if applicable)	RETENTION/DISPOSITION				VITAL RECORD	HISTORY RECORD	STATUTORY REFERENCE
		Office	R.S.A	Electronic Options	Total Retention			
PS	<u>Ride Along Requests</u>	C+2	0		C+2	N	N	GC34090
PS	Secondhand Dealer Licenses (expired)	2	0		2	N	N	GC 34090
PS	Stored/Impound Vehicle Reports	C+7	0		C+7	N	N	GC 34090; 7 yrs is Dept. policy
PS	Traffic Accident Logs	2	0		2	N	N	GC 34090
PS	Traffic Citations	2	0		2	N	N	GC 34090
PS	Vehicle Abatement – Towed and stored <ul style="list-style-type: none"> <li>• Request for Cooperation</li> <li>• Correspondence</li> <li>• Photographs</li> </ul>	CL+3	0		CL+3	N	N	GC 34090
PS	Vehicle Abatement - Towed and destroyed Includes related documentation	CL+3	P		P	N	N	GC 34090
PS	<u>Volunteer Files</u> <u>Denied Applications</u>	<u>T+2</u> <u>C+2</u>	<u>0</u> <u>0</u>			<u>N</u> <u>N</u>	<u>N</u> <u>N</u>	<u>GC 34090,</u> <u>GC 12946 &amp;</u> <u>State</u> <u>Guidelines</u>
PS	Warrant Transmittals, Logs, and Teletypes (cleared & recalled warrants)	2	0		2	N	N	GC 34090

Dept. of Record	RECORD TITLE AND DESCRIPTION (if applicable)	RETENTION/DISPOSITION				VITAL RECORD	HISTORY RECORD	STATUTORY REFERENCE
		Office	R.S.A	Electronic	Total Retention			
RCS	Activity Guide Advertising	2	0		2	N	N	GC 34090 is 2 yrs.
RCS	Activity Guides	P	0		P	N	Y	Permanent is Dept. policy
RCS	Activity Registration Forms	2	0		2	Y	N	GC 34090 is 2 yrs.
<del>RCS</del>	<del>Building Security Recordings</del>	<del>1</del>	<del>0</del>		<del>1</del>	<del>N</del>	<del>N</del>	<del>GC 34090.6 is 1 yr.</del>
RCS	California Parks and Recreation Society Awards	P	0		P	N	N	GC 34090; Permanent is Dept. policy
RCS	Child Care/State Licensing	3	0		3	N	N	GC 34090 is 2 yrs; 3 yrs. is Dept. policy
RCS	City/School District Collaborations	2	0		2	N	N	GC 34090 is 2 yrs.
RCS	Major Purchases	2	0		2	N	N	GC 34090 is 2 yrs.
RCS	Rental Agreements	2	0		2	N	N	GC 34090 is 2 yrs.
<del>RCS</del>	<del>Camp Sign-in and Emergency Cards</del>	<del>2</del>	<del>0</del>		<del>2</del>	<del>N</del>	<del>N</del>	<del>GC 34090 is 2 yrs.</del>
RCS	Contract Employees Agreements	2	0		2	N	N	GC 34090 is 2 yrs.
<del>RCS</del>	<del>Corporate Games</del>	<del>2</del>	<del>0</del>		<del>2</del>	<del>N</del>	<del>N</del>	<del>GC 34090 is 2 yrs.</del>
RCS	Facilities Equipment—Manuals and Warranties	C+2	0		C+2	N	N	GC 34090 is 2 yrs.
RCS	Field Permits	2	0		2	N	N	GC 34090 is 2 yrs.
RCS	Fund Raising Programs	2	0		2	N	N	GC 34090 is 2 yrs.

City of Newark

RETENTION SCHEDULE Recreation and Community Services

Dept. of Record	RECORD TITLE AND DESCRIPTION (if applicable)	RETENTION/DISPOSITION				VITAL RECORD	HISTORY RECORD	STATUTORY REFERENCE
		Office	R.S.A	Electronic	Total Retention			
Dept. of Record	RECORD TITLE AND DESCRIPTION (if applicable)	Office	R.S.A	Electronic	Total Retention	VITAL RECORD	HISTORY RECORD	STATUTORY REFERENCE
RCS	<del>Incident Reports</del>	<del>2</del>	<del>0</del>		<del>2</del>	<del>N</del>	<del>N</del>	<del>GC 34090 is 2 yrs.</del>
RCS	Homeless — Second Chance	2	0		2	N	N	GC 34090 is 2 yrs.
PW	Lakeshore Park - Fishing and Boating	P	0		P	N	N	Permanent is Dept. policy
RCS	Music at the Grove	2	0		2	N	N	GC 34090 is 2 yrs.
RCS	Newark Unified School District Facility Permits for recreation programs	2	0		2	N	N	GC 34090 is 2 yrs.
PW	Parks Rules and Regulations	P	0		P	N	N	Permanent is Dept. policy
RCS	Measure B and ACIA Annual Reports	2	0		2	N	N	GC 34090 is 2 yrs.
RCS	Scholarship Program	2	0		2	N	N	GC 34090 is 2 yrs.
RCS	<del>Senior Center Programs</del>	<del>2</del>	<del>0</del>		<del>2</del>	<del>N</del>	<del>N</del>	<del>GC 34090 is 2 yrs.</del>
RCS	Senior Citizen Advisory Committee Agendas	2	0		2	N	N	GC 34090 is 2 yrs.
RCS	Senior Citizen Advisory Committee Minutes (Originals sent to City Clerk, scanned into Laserfiche)	P	0	LF(1/P)	P	Y	Y	GC 34090 is permanent
RCS	Senior Center Monthly Reports	<del>P2</del>	0		<del>P2</del>	<del>YN</del>	<del>YN</del>	<del>GC 34090 is 2 yrs. Permanent is Dept. policy</del>
RCS	<del>Senior Center Trips</del>	<del>2</del>	<del>0</del>		<del>2</del>	<del>N</del>	<del>N</del>	<del>GC 34090 is 2 yrs.</del>
RCS	Sports Team Rosters	2	0		2	N	N	GC 34090 is 2 yrs.



City of Newark

RETENTION SCHEDULE Recreation and Community Services

RCS	<del>Summer Day Care Sign-in and Emergency Cards</del>	<del>2</del>	<del>0</del>		<del>2</del>	<del>N</del>	<del>N</del>	<del>GC 34090 is 2 yrs.</del>
RCS	Vending Machine Agreements	2	0		2	N	N	GC 34090 is 2 yrs.
RCS	Volunteer Files <del>Denied Applications</del>	<del>T+2</del> <del>C+2</del>	0 <u>0</u>		<del>T+2</del>	N	N	GC 34090 <del>is 2 yrs.</del> , <u>12946 &amp; State</u> <u>Guidelines</u>
RCS	<del>Wading Pool Guidelines</del>	<del>2</del>	<del>0</del>		<del>2</del>	<del>N</del>	<del>N</del>	<del>GC 34090 is 2 yrs.</del>

**F.3 Approval of the Senate Bill 1 Road Repair and Accountability Act of 2017 Fiscal Year 2017-18 Project List, and amendment of the 2016-2018 Biennial Budget for Fiscal Year 2017-18 – from Assistant City Engineer Imai. (RESOLUTION)**

**Background/Discussion** – In April 2017, the State Legislature passed and Governor Brown approved Senate Bill 1 (SB1), the Road Repair and Accountability Act of 2017. SB1 established the Road Maintenance and Rehabilitation Program and provides a significant, stable and ongoing increase in state transportation funding to address deferred maintenance on the state highway and local streets and road systems. Funds for the program are deposited into the State Transportation Fund, Road Maintenance and Rehabilitation Account (RMRA). The RMRA receives funds through increased gasoline excise taxes, diesel fuel sales taxes, and vehicle registration fees.

SB1 is projected to generate over \$5 billion annually for state and local transportation improvements. Cities and counties are slated to receive \$1.5 billion at full implementation of SB1. Allocations of funds to cities will be based upon population.

It is projected that the City of Newark will receive approximately \$758,000 of RMRA funds each year. However, because SB1 tax increases will not take effect until November 1, 2017, for Fiscal Year 2017-18 it is projected that the City of Newark will receive \$252,746 of RMRA funds. This funding is in addition to the Highway Users Tax Account (or Gas Tax) funds the City receives annually.

In order to receive RMRA funds from the state, SB1 requires the City to submit to the California Transportation Commission each year a list of projects proposed to be funded with RMRA funds, pursuant to an adopted budget. RMRA funds are required to be used towards projects which include, but are not limited to:

- Road maintenance and rehabilitation
- Safety improvements
- Railroad grade separations
- Traffic control devices
- Complete Street components, which include active transportation elements, pedestrian and bicycle safety improvements, transit facilities, and drainage and storm-water capture measures in conjunction with other allowable projects

For Fiscal Year 2017-18, staff recommends that City Council approve the following RMRA project list:

<b>City Project No.</b>	<b>Project Title</b>
1130	Citywide Accessible Pedestrian Ramps
1135	Citywide Street Signs
1159	Thermoplastic Street Striping
1178	2018 Street Patch Paving Program
1179	2018 Asphalt Concrete Overlay Program
1180	2018 Street Slurry Seal Program
1181	2018 Sidewalk, Curb and Gutter Replacement
1182	Traffic Calming Measures

This project list is neither binding nor inclusive. Including a project on the list does not obligate the City to complete the project nor does it limit the flexibility of the City to use RMRA funds toward projects not originally included on the list, so long as the project meets the eligibility criteria listed above.

A budget amendment is necessary to include the \$252,746 of anticipated RMRA funds for Fiscal Year 2017-18 in the 2016-2018 Biennial Budget, deposited into Account No. 201-000-3431. RMRA funding in future years will be included as part of the City's Biennial Budget and Capital Improvement Plan adoption process.

**Attachments**

**Action** – It is recommended that the City Council, by resolution: 1) approve the Road Repair and Accountability Act of 2017 Senate Bill 1 Fiscal Year 2017-18 Project List; and amend the 2016-2018 Biennial Budget for Fiscal Year 2017-18.

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
NEWARK APPROVING THE ROAD REPAIR AND  
ACCOUNTABILITY ACT OF 2017 SENATE BILL 1 FISCAL  
YEAR 2017-18 PROJECT LIST AND AMMENDING THE 2016-  
2018 BIENNIAL BUDGET FOR FISCAL YEAR 2017-18

WHEREAS, Senate Bill 1 (SB1), the Road Repair and Accountability Act of 2017 was passed by the Legislature and signed into law by the Governor in April 2017 in order to address the significant multi-modal transportation funding shortfalls statewide; and

WHEREAS, SB1 includes accountability and transparency provisions that will ensure the residents of our City are aware of the projects in our community that are proposed for SB1 funding and which projects are completed each fiscal year; and

WHEREAS, the City must provide a list each year to the California Transportation Commission of all projects proposed to receive funding from the Road Maintenance and Rehabilitation Account (RMRA), created by SB1; and

WHEREAS, the City will receive an estimated \$252,746 in RMRA funding in Fiscal Year 2017-18 from SB1; and

WHEREAS, the City used the adopted Capital Improvement Plan to develop the SB1 project list to ensure revenues are being used on the most high-priority and cost-effective projects that also meet the community's priorities for transportation investment; and

WHEREAS, the funding from SB1 will help the City maintain and rehabilitate streets, sidewalks and traffic control devices, and help add active transportation infrastructure throughout the City this year and into the future;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Newark does hereby approve the following list of projects to be funded in Fiscal Year 2017-18 by Senate Bill 1, the Road Repair and Accountability Act of 2017:

<b>City Project No.</b>	<b>Project Title</b>
1130	Citywide Accessible Pedestrian Ramps
1135	Citywide Street Signs
1159	Thermoplastic Street Striping
1178	2018 Street Patch Paving Program
1179	2018 Asphalt Concrete Overlay Program
1180	2018 Street Slurry Seal Program
1181	2018 Sidewalk, Curb and Gutter Replacement
1182	Traffic Calming Measures

BE IT FURTHER RESOLVED that the City Council does hereby amend the 2016-2018 Biennial Budget for Fiscal Year 2017-18 by allocating an estimated \$252,746 of RMRA funds to project account 201-000-3431.

**F.4 Approval of an amendment to the Biennial Budget and Capital Improvement Plan 2016 – 2018 to reclassify one part-time Community Preservation Specialist to full-time – from Deputy Community Development Director Interiano. (RESOLUTION)**

**Background/Discussion** – The Community Development Department is looking to improve code enforcement services. The Community Preservation division, which is one of the City’s tools to deal with various nuisances which may affect residential neighborhoods and commercial developments, is increasingly not meeting workload demands and therefore is requesting an upgrade to one of the existing positions. The division is also going through a reorganization of internal policies, implementing cross-training opportunities, and re-calibration of reporting methods to more clearly track the effectiveness of the division overall. The division currently has one full-time position and one part-time position which limit the effectiveness of the proposed strategies.

The Community Preservation Specialist is responsible for administrative tasks and field duties required to inspect, assign citations, and continually track various code infractions for a multitude of properties. The administrative duties can take a significant amount of time, especially with more involved cases which take several months if not more. A part-time position responsible for these cases creates difficulties for the City and management of limited time. If approved, the additional staff time will assist to meet essential workload demands with speed, effectiveness, and responsiveness. Also, the upgrade to the Community Preservation Specialist position will also strengthen our supervision and organizational changes.

The proposed change will require a budget amendment of \$30,000. Funding will be transferred from the Unallocated General Fund to the Community Preservation Division.

**Attachments**

**Action** - It is recommended that the City Council approve by resolution: an amendment to the Biennial Budget and Capital Improvement Plan 2016 – 2018 to reclassify one part- time Community Preservation Specialist to full-time.

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
NEWARK AMENDING THE BIENNIAL BUDGET AND  
CAPITAL IMPROVEMENT PLAN 2016 - 2018 TO  
RECLASSIFY THE PART-TIME COMMUNITY  
PRESERVATION SPECIALIST TO A FULL-TIME

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Newark that the Biennial Budget and Capital Improvement Plan 2016 – 2018 is hereby amended as follows: Adding funding to the Community Preservation Division and amend the status of one Community Preservation Specialist from part-time to full-time.

BE IT FURTHER RESOLVED, that the certain document entitled “Biennial Budget and Capital Improvement Plan 2016-2018” is hereby amended for Fiscal Year 2017-2018 to add funding to the account associated with the amounts designated for Transportation and Public Safety and Community Facilities, respectively:

From		
<u>Account</u>	<u>Description</u>	<u>Amount</u>
010-0000-2991	Unallocated General Fund	\$30,000
To		
<u>Account</u>	<u>Description</u>	<u>Amount</u>
020-2013-4110	Community Preservation Division	\$30,000



City of Newark

MEMO

**DATE:** October 2, 2017  
**TO:** City Council  
**FROM:** Sheila Harrington, City Clerk *SH*  
**SUBJECT:** Approval of Audited Demands for the City Council Meeting of Oct. 12, 2017.

**REGISTER OF AUDITED DEMANDS**

US Bank General Checking Account

<u>Check Date</u>		<u>Check Numbers</u>	
September 21, 2017	Page 1-2	112411 to 112465	Inclusive
September 29, 2017	Page 1-2	112466 to 112524	Inclusive





**City of Newark**

**MEMO**

**DATE:** October 2, 2017

**TO:** Sheila Harrington, City Clerk

**FROM:** Susie Woodstock, Administrative Services Director *SKW*

**SUBJECT:** Approval of Audited Demands for the City Council Meeting of Oct. 12, 2017.

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

Final Disbursement List. Check Date 09/21/17, Due Date 10/02/17, Discount Date 10/02/17. Computer Checks.  
Bank 1001 US BANK

MICR Check#	Vendor Number	Payee	Check Date	Check Amount	Description
112411	149	ASSOCIATION OF BAY AREA GOVERNMENTS	09/21/17	380,530.65	ANNUAL INSURANCE PREMIUM FY17/18 (PROPER
112412	11539	ACCESS INFORMATION HOLDINGS, LLC.	09/21/17	150.00	SHREDDING SVCS
112413	10223	ACCURINT	09/21/17	428.40	BACKGROUND CHECKS
112414	11094	ACME AUTO LEASING, LLC	09/21/17	1,909.44	ARMORED RESCUE VEH LEASE
112415	332	ADAMSON POLICE PRODUCTS	09/21/17	1,642.25	OFFICER UNIFORM PURCHASE
112416	1774	AIRGAS USA, LLC	09/21/17	58.92	FLEET SUPPLIES
112417	8895	ALAMEDA COUNTY ENVIRONMENTAL HEALTH	09/21/17	834.00	POOL INSPECTIONS/FEES
112418	3853	COUNTY OF ALAMEDA INTERNAL AUDIT UNIT RI	09/21/17	1,807.50	CITATION PROCESSING FEES - AUG'17
112419	5821	ALL CITY MANAGEMENT SERVICES, INC	09/21/17	781.20	CROSSING GUARD SVCS
112420	14	ALPINE AWARDS	09/21/17	143.35	T-SHIRT/AWARDS/PROMOS
112421	11511	AQUATIC DESIGN GROUP, INC.	09/21/17	26,040.87	PROJECT 1114
112422	100	ARC DOCUMENT SOLUTIONS	09/21/17	372.82	NEWARK DAYS NO PARKING SIGNS
112423	11227	GUSTAVO ARROYO	09/21/17	1,856.64	EXPENSE REIMBURSEMENT
112424	3046	BEELINE GLASS CO INC	09/21/17	230.00	WINDOW AND DOOR REPAIR
112425	23	FRANK BONETTI PLUMBING INC	09/21/17	195.00	PLUMBING REPAIR
112426	33	CENTRAL TOWING & TRANSPORT LLC	09/21/17	97.50	TOWING SVCS
112427	10369	DAN CIANCITARULO	09/21/17	165.98	EXPENSE REIMBURSEMENT
112428	10970	COCA COLA REFRESHMENTS UNION CITY SALES	09/21/17	288.17	CAFE SUPPLIES
112429	3728	DEPARTMENT OF JUSTICE ACCOUNTING OFFICE	09/21/17	226.00	FINGERPRINTING FEES
112430	2135	DEPARTMENT OF INDUSTRIAL RELATIONS PAYME	09/21/17	146.25	POOL INSPECTIONS/FEES
112431	11461	EMC PLANNING GROUP INC.	09/21/17	29,248.14	CONTRACTUAL SERVICES
112432	10642	FASTENAL COMPANY	09/21/17	3.29	MISC PARTS
112433	1120	FORENSIC ANALYTICAL SCIENCES, INC	09/21/17	830.00	LAB TESTS
112434	11112	FREMONT DEL GRANDE INC	09/21/17	95,331.67	DEALERSHIP INCENTIVES 04/01-06/30/17
112435	4845	HINDERLITTER DELLAMAS & ASSOCIATES	09/21/17	645.00	CAFR STATISTICAL PKG
112436	10192	SITEONE LANDSCAPE SUPPLY	09/21/17	2,029.83	IRRIGATION SUPPLIES
112437	11532	KELLY SERVICES	09/21/17	264.00	KELLY SERVICES TEMP AGENCY
112438	7964	KNORR SYSTEMS INC	09/21/17	288.00	SILLIMAN POOL REPAIRS
112439	293	LANGUAGE LINE SERVICES INC	09/21/17	221.13	INTERPRETATION SVCS
112440	7189	LINCOLN EQUIPMENT INC	09/21/17	426.54	POOL SUPPLIES
112441	11246	LOOMIS ARMORED	09/21/17	263.45	ARMORED CAR SERVICE
112442	11565	PATRICIA LOPEZ	09/21/17	79.57	EXPENSE REIMBURSEMENT
112443	80	LYNN PEAVEY COMPANY	09/21/17	140.53	EVIDENCE SUPPLIES
112444	11344	MEDCOM	09/21/17	2,425.00	2017 ACA REPORTING
112445	7618	METLIFE SBC	09/21/17	1,720.84	PAYROLL - LONG TERM DISAILITY PREMIUM
112446	611	KKR AUTOMOTIVE DBA NAPA AUTO PARTS	09/21/17	1,551.74	FLEET PARTS
112447	11509	MARC PALACIO	09/21/17	558.28	EXPENSE REIMBURSEMENT
112448	11322	PAPA JOHNS PIZZA	09/21/17	68.24	FOOD FOR THE CAFE
112449	10766	PEAK SOFTWARE SYSTEMS, INC	09/21/17	3,341.79	ANNUAL MAINTENANCE FEE
112450	10683	PITNEY BOWES GLOBAL FINANCIAL SRVCS	09/21/17	1,690.33	MAILING MACHINE LEASE AGREEMENT / POSTAG
112451	11510	JENNA QUINONEZ	09/21/17	309.23	EXPENSE REIMBURSEMENT
112452	9811	REDFLEX TRAFFIC SYSTEMS	09/21/17	18,800.00	REDLIGHT CAMERA MONITORING
112453	112	WILLE ELECTRICAL SUPPLY CO INC	09/21/17	1,035.11	LAMPS FOR SILLIMAN
112454	377	SIMON & COMPANY INC	09/21/17	1,752.36	LEGISLATIVE SERVICES
112455	4418	SMITH & SONS ELECTRICAL CONTRACTORS INC	09/21/17	5,327.18	PROJECT 1129 BUILDING UPGRADE
112456	220	SONITROL	09/21/17	1,059.00	ALARM MONITORING
112457	40	STAPLES ADVANTAGE DEPT LA	09/21/17	2,958.40	OFFICE SUPPLIES
112458	1765	TEMPERATURE TECHNOLOGY INC.	09/21/17	397.44	HVAC REPAIR
112459	7517	U S FOODS INC SAN FRANCISCO	09/21/17	1,523.22	FOOD SUPPLIES FOR THE CAFE
112460	3930	UNION BANK UNION BANK TRUST DEPARTMENT -	09/21/17	110.00	AID 34 #6711679600 01/01/17-12/31/17
112461	10968	UTILITY TELEPHONE	09/21/17	16,266.79	NETWROK/PHONE SERVICES 09/17

Final Disbursement List. Check Date 09/21/17, Due Date 10/02/17, Discount Date 10/02/17. Computer Checks.

Bank 1001 US BANK

MICR Check#	Vendor Number	Payee	Check Date	Check Amount	Description
112462	8714	WESTERN PACIFIC SIGNAL LLC	09/21/17	819.38	TRAFFIC SIGNAL PARTS
112463	11466	YORK RISK SERVICES GROUP	09/21/17	27,322.42	WORKERS' COMPENSATION CLAIMS #NEWA-0566
112464	11466	YORK RISK SERVICES GROUP ATTN: CLIENT TR	09/21/17	26,950.70	WORKERS' COMPENSATION CLAIMS
112465	11466	YORK	09/21/17	2,955.08	WORKERS' COMPENSATION ADMINISTRATION FEE
Total				666,618.62	

1  
 Final Disbursement List. Check Date 09/29/17, Due Date 10/09/17, Discount Date 10/09/17. Computer Checks.  
 Bank 1001 US BANK

MICR Check#	Vendor Number	Payee	Check Date	Check Amount	Description
112466	332	ADAMSON POLICE PRODUCTS	09/29/17	2,666.93	EQUIP REPL APPROVAL #2018-2
112467	10449	AFLAC ATTN: REMITTANCE PROCESSING SERVIC	09/29/17	1,485.96	PAYROLL - SHORT TERM DISABILITY PREMIUM
112468	287	ALAMEDA COUNTY SHERIFF'S OFFICE GREGORY	09/29/17	138.25	CRIME LAB FEES
112469	344	ALAMEDA COUNTY WATER DISTRICT	09/29/17	119,378.65	CITY WATER USE
112470	10662	ALLIANT INSURANCE SERVICES ATTN: ACCOUNT	09/29/17	9,468.00	SPECIAL EVENT INSURANCE
112471	11289	ALTA LANGUAGE SERVICES	09/29/17	180.00	BILINGUAL LANGUAGE TESTING
112472	11294	AMERICAN TECHNOLOGIES, INC CORPORATE OFF	09/29/17	1,559.50	PROJECT 1144 HVAC REPLACEMENTS
112473	348	AT&T	09/29/17	113.63	AT & T MONTHLY TELECOM
112474	7275	PETER BEIREIS	09/29/17	35.58	EXPENSE REIMBURSEMENT
112475	11541	CEL CONSULTING, INC.	09/29/17	1,166.54	PLAN CHECK SERVICES
112476	458	CHEVRON AND TEXACO BUSINESS CARD SERVICE	09/29/17	383.91	FUEL
112477	3751	BRYAN COBB	09/29/17	50.61	EXPENSE REIMBURSEMENT
112478	10060	COMCAST	09/29/17	113.59	CABLE BILL
112479	11462	TONYA CONNOLLY	09/29/17	2,200.00	EDUCATION REIMBURSEMENT FOR TONYA CONNOL
112480	11554	CORODATA SHREDDING INC.	09/29/17	416.50	SHRED DOCUMENTS, 37440 FILBERT STREBT, 8
112481	10649	SHAMCO INVESTMENTS	09/29/17	174.26	DEPOSIT REFUND
112482	10649	SHAH & ASSOCIATES	09/29/17	276.26	DEPOSIT REFUND
112483	10649	FERMA CORPORATION	09/29/17	1,413.13	DEPOSIT REFUND
112484	10649	TURNKEY ENGINEERING TEAM INC.	09/29/17	605.63	DEPOSIT REFUND
112485	10649	APEX ENVIROTECH, INC.	09/29/17	1,000.00	PERFORMANCE BOND RTN EP# 2017-0063
112486	10649	ABOVE ALL PLUMBING	09/29/17	1,000.00	PERFORMANCE BOND RTN EP# 2016-0196
112487	10649	RAUL B. SALAMANCA	09/29/17	1,000.00	PERFORMANCE BOND RTN EP# 2016-0091
112488	10793	LORENZO VIRI	09/29/17	300.00	RENTAL DEPOSIT REFUND
112489	10677	DAILY JOURNAL CORPORATION CALIFORNIA NEW	09/29/17	310.00	LEGAL AD FOR CIP #1114: SILLIMAN AQUATIC
112490	7631	DELTA DENTAL	09/29/17	7,628.56	DENTAL PREMIUM OCT'17
112491	7641	DELTA DENTAL INSURANCE COMPANY ATTN: ACC	09/29/17	462.87	DENTAL PREMIUM OCT'17
112492	7183	DEMARAY'S GYMNASTICS ACADEMY	09/29/17	900.25	RECREATION CONTRACT
112493	11404	ALHAMBRA	09/29/17	624.36	WATER SERVICE
112494	310	EQUIFAX INFORMATION SVCS LLC	09/29/17	50.84	CREDIT BUREAU REPORTS
112495	522	FEDEX	09/29/17	122.36	FY17-18 AUGUST-SEPTEMBER FEDEX CHARGES
112496	1733	FIRST BAPTIST CHURCH	09/29/17	80.00	DONATION
112497	5259	FOLSOM LAKE FORD	09/29/17	159,336.46	2017-25 INTERCEPTOR SUVS
112498	11465	FRONTIER BUILDING PRODUCTS PACIFIC	09/29/17	2,973.00	PROJECT 1129 BUILDING UPGRADES
112499	11566	PHALATSAMY HUYNH	09/29/17	19.37	EXPENSE REIMBURSEMENT
112500	11494	KANEN TOURS, INC.	09/29/17	1,920.00	HIGH HILL RANCH TRIP 09/20/17
112501	11025	ETHAN KATZ	09/29/17	7,158.38	ADPP - 07/17(HALF)-09/17
112502	6713	DAVID LEE	09/29/17	603.17	EXPENSE REIMBURSEMENT
112503	80	LYNN PEAVEY COMPANY	09/29/17	109.29	EVIDENCE SUPPLIES
112504	11309	MANUEL FERNANDEZ CONSTRUCTION	09/29/17	746.90	PROJECT 1163 FLOOR COVERING
112505	11482	MARCI MARINO	09/29/17	305.00	PAYROLL DEDUCTION - SS PAYMENTS FOR PRO9
112506	7618	METLIFE SBC	09/29/17	1,770.27	PAYROLL - LONG TERM DISABILITY PREMIUM
112507	11357	MISSION UNIFORM SERVICE	09/29/17	2,110.18	UNIFORMS, MATS, AND TOWELS
112508	10865	NEW IMAGE LANDSCAPE	09/29/17	747.50	MISC IRRIGATION REPAIR
112509	6135	OSBORNE LUMBER COMPANY INC	09/29/17	273.63	LUMBER
112510	349	PACIFIC GAS & ELECTRIC	09/29/17	86,233.20	CITY ELECTRIC & GAS
112511	11322	PAPA JOHNS PIZZA	09/29/17	372.50	FOOD FOR THE CAFE
112512	11551	PAVEMENT COATINGS CO.	09/29/17	196,038.40	CIP PROJECT 1142: SLURRY SEAL AND CIVIC
112513	11567	HELEN QUE-GARCIA	09/29/17	226.94	EXPENSE REIMBURSEMENT
112514	11510	JENNA QUINONEZ	09/29/17	305.49	EXPENSE REIMBURSEMENT
112515	6952	SAN DIEGO REGIONAL TRAINING CENTER	09/29/17	576.00	INVESTIGATIONS POST TRAINING
112516	503	STANDARD INSURANCE COMPANY	09/29/17	668.02	EMPLOYEE LIFE INSURANCE AND AD&D COVERAG

Final Disbursement List. Check Date 09/29/17, Due Date 10/09/17, Discount Date 10/09/17. Computer Checks.  
 Bank 1001 US BANK

MICR Check#	Vendor Number	Payee	Check Date	Check Amount	Description
112517	2778	STATE OF CALIFORNIA FRANCHISE TAX BOARD	09/29/17	440.00	PAYROLL DEDUCTION - GARNISHMENT
112518	1765	TEMPERATURE TECHNOLOGY INC.	09/29/17	1,148.86	HVAC CONTRACTOR Reinstated from claim# 1
112519	7517	U S FOODS INC SAN FRANCISCO	09/29/17	859.10	FOOD FOR THE CAFE
112520	8751	PROVIDENT LIFE & ACCIDENT INSURANCE COMP	09/29/17	261.24	PAYROLL PREMIUM - E0246926
112521	11487	VANIR CONSTRUCTION MANAGEMENT, INC.	09/29/17	1,500.00	PROJECT 1129 BUILDING UPGRADES
112522	5623	VERIZON WIRELESS	09/29/17	418.11	WIRELESS SERVICE FOR IPADS
112523	11304	WENDY WALKER	09/29/17	952.46	EXPENSE REIMBURSEMENT
112524	10822	WEE HOOP INC C/O DINAH SHAH	09/29/17	735.00	RECREATION CONTRACT
Total				624,114.64	

**M.1 Closed Session - Liability Claims**

**Government Code Section 54956.95**

**Claimants: Lagina Lillard-Marks, Minor 1, Minor 2, Minor 3, Robinetta Varner, Tina Howard, and Lisa Standley**

**Agency claimed against: City of Newark**

**Background/Discussion** – The City Attorney has requested a closed session to discuss Liability Claims for claimants: Lagina Lillard-Marks, Minor 1, Minor 2, Minor 3, Robinetta Varner, Tina Howard, and Lisa Standley.

**Action** - It is recommended that the City Council hold a closed session to discuss the liability claims.