CITY OF NEWARK
CITY COUNCIL

City Administration Building, City Council Chambers

37101 Newark Boulevard, Newark, CA 94560 | (510) 578-4266 | E-mail: city.clerk@newark.org

AGENDA

Thursday, October 23, 2025
7:00 P.M.

Michael K. Hannon, Mayor
Eve Marie Little, Vice Mayor
Matthew Jorgens, Council Member
Terrence Grindall, Council Member
Julie Del Catancio, Council Member

A. ROLL CALL

B. PRESENTATIONS

1. Senator Dr. Aisha Wahab California legislative update
2. Commending Newark Days Committee
3. Proclaiming Filipino American History Month
4. Proclaiming Hispanic and Latino Heritage Month
5. Proclaiming October as Promotores Month
6. Proclaiming National Arts and Humanities Month

C. PUBLIC COMMENT

The public is invited to address the City Council on any item not listed on the agenda. Public Comments are generally limited to 5 minutes per speaker. Please note that State law prohibits the Council from acting on non-agenda items.

D. CONSENT CALENDAR

Consent Calendar items are considered to be routine and may be approved by one motion. There will be no separate discussion on these items unless there is a request by a Council Member, a staff member, or a member of the public to remove an item for separate discussion and action.

1. Approval of Audited Demands

2. Approval of October 9, 2025, minutes

3. Adopt Resolution authorizing the City Manager to submit an allocation request to the Metropolitan Transportation Commission from the Regional Measure 3 Dumbarton Corridor Improvements Program and accepting Alameda County Transportation Commission's designation of the City of Newark as implementing agency for the Thornton Avenue Multimodal Complete Streets Project.

E. PUBLIC HEARINGS

1. Conduct a public hearing, waive further reading and adopt an Ordinance to repeal and replace certain chapters of Title 15 of the Newark Municipal Code in order to adopt by reference, with modification to address unique local conditions, the 2025 California Building Standards Code

F. OTHER BUSINESS

1. Adopt a Resolution authorizing the City Manager to enter a subscription agreement to allow for continued service with Flock Group, Inc. for Automated License Plate Readers (ALPR)

2. Waive full reading and introduce by title only an ordinance adding Chapter 12.36, Art in Public Places and Private Development and an ordinance adding Chapter 2.14, Public Art Committee, to the Newark Municipal Code

G. CITY MANAGER UPDATES

H. CITY COUNCIL MATTERS

City Council Members report on attendance at intergovernmental agency meetings, conferences, and seminars since the last meeting. City Council Members may also announce upcoming events and coordinate attendance; report on local events attended since the last meeting; and make brief comments on issues of concern.

I. CLOSED SESSION

J. ADJOURNMENT

MEETING INFORMATION

Members of the public may attend the meeting in person, watch online, or watch on Cable Channel 26. The ability to observe online or Cable Channel 26 is predicated on those technologies being available and functioning without technical difficulties. Should those platforms not be available, or become non-functioning, or should the City Council otherwise encounter technical difficulties that make those platforms unavailable, the City Council will proceed with business in person unless otherwise prohibited by law.

How to view the meeting remotely:
Livestream online at YouTube: https://www.youtube.com/@cityofnewark3077/streams
Copy/paste the YouTube URL into your browser if the link does not automatically open.

Cable Channel 26 - if the meeting does not broadcast live, please contact your service provider and request the City of Newark channel lineup.

Zoom will no longer be available for public participation unless required by Assembly Bill 2449. Should a Council Member or the Mayor attend the meeting via Zoom.com pursuant to Assembly Bill 2449, then the Webinar ID 852 7463 6107 will be activated. The Mayor will make an announcement at the beginning of the meeting that the City will be allowing public comment via Zoom. Raise your virtual hand to notify the City Clerk that you would like to speak during the item that you wish to speak on.

How to submit written Public Comment:
Send an email to City Clerk by 3:00 p.m. the day of the meeting. Please identify the agenda item number in the subject line of your email. Emails will be compiled into one file and will be distributed to the City Council before the meeting.

No question shall be asked of a council member, city staff, or an audience member except through the Mayor. No person shall interrupt the meeting. Any person who refuses to carry out instructions given by the Mayor for the purpose of maintaining order may be guilty of an infraction and may result in removal from the meeting.

Council Meeting Access/Materials:
The agenda packet is available for review at Agendas and Minutes. The packet is typically posted to the City website the Friday before the meeting, but no later than 72 hours before the meeting.

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 will be posted at https://www.newarkca.gov/departments/city-manager-s-office/agendas-minutes and will concurrently be made available for public inspection during regular business hours at the David W. Smith City Hall, 37101 Newark Boulevard, Newark CA. 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 who require special accommodations, please contact the City Clerk at least two days prior to the meeting at City Clerk or 510-578-4266.

Mission Statement
It is our mission to serve and partner with our community to continually enhance the quality of life of everyone in Newark.

Executive Team Members

David J. Benoun City Manager	**Lenka Hovorka** Assistant City Manager
Kristopher J. Kokotaylo City Attorney	**Steven Turner** Community Development Director
Jonathan Arguello Police Chief	**Edwin Miranda** CIO/Information Technology Director
Howard Young Public Works Director	**Brittney Frye** Human Resources Director
Krysten Lee Finance Director	**Ryan Nishimoto** ACFD Deputy Chief
Nicholas Cuevas, Recreation and Community Services Director	

STAFF REPORT

Item B. 1.

DATE	10/23/2025
TO	Honorable Mayor and City Council Members
FROM	Kathy Slafter, Deputy City Clerk
SUBJECT	Senator Dr. Aisha Wahab California legislative update

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California State Senator Dr. Aisha Wahab represents the 10th District, which includes the City of Newark. Senator Wahab will give a California legislative presentation at the City Council meeting.

STAFF REPORT

Item B. 2.

DATE	10/23/2025
TO	Honorable Mayor and City Council Members
FROM	Kathy Slafter, Deputy City Clerk
SUBJECT	Commending Newark Days Committee

Newark Days celebrated the City's 70th birthday during the weekend of September 18 - 21, 2025. Members of the Newark Days Committee (Committee) volunteer their time and efforts throughout the year to ensure a successful event. Members of the Committee will accept a commendation at the City Council meeting.

Attachments

Commendation

COMMENDING

NEWARK DAYS COMMITTEE

WHEREAS, the NEWARK DAYS COMMITTEE annually celebrates the birthday of our City during the month of September; and

WHEREAS, this year's Newark Days Celebration was once again a great success; and

WHEREAS, the NEWARK DAYS COMMITTEE is made up of talented and dedicated residents who work tirelessly to make this event happen and who reflect the values so succinctly stated in our Newark Days Celebration motto, "People, Pride, and Progress";

NOW, THEREFORE, I, Michael K. Hannon, Mayor of the City of Newark, on behalf of the Newark City Council, do hereby commend

Jason Biser	Matthew Jorgens	Kelli Rada
Jane Burns	Sharon Keelen	Donna Sisk
Aaron Fink	Tamie Limtiaco	June Smith
David Fink	Libby Macris	Shawn Smith
Gil Fletcher	Ramona McMaster	Valarie Smith
Laurie Gratz	Mary Ann Mellons	Nick Valencia
Kristen Harvey	Cheri Neaylon	Tony Vargas
Kat Jones	Filip Nowak	Glorianne Wong

for another successful Newark Days celebration and thank them for their commitment to making this event one that the entire City looks forward to with anticipation and pride.

IN WITNESS THEREOF, I have hereunto set forth my hand and caused the Official Seal of the City of Newark, State of California, to be affixed this Twenty-third Day of October, Two Thousand Twenty-five.

Michael K. Hannon
Mayor

STAFF REPORT

Item B. 3.

DATE	10/23/2025
TO	Honorable Mayor and City Council Members
FROM	Kathy Slafter, Deputy City Clerk
SUBJECT	Proclaiming Filipino American History Month

Filipino American History Month (FAHM) is celebrated every October to commemorate the contributions and history of Filipino Americans in the United States. A proclamation has been prepared and community members will be at the meeting to accept it.

Attachments

Proclamation No. 1956

PROCLAMATION NO. 1956

PROCLAIMING FILIPINO AMERICAN HISTORY MONTH

WHEREAS, California is proud to be home to the largest Filipino American population in the nation that contributes greatly to shaping, advancing, and enriching our community. Nearly 100,000 Filipinos live in Alameda County, representing 6% of its total population; and

WHEREAS, Filipino Americans are the third largest Asian American group in the United States and the second largest Asian American Group in the State of California; and

WHEREAS, the Filipino American National Historical Society recognizes the year 1763 as date of the first permanent Filipino settlement in the United States in Saint Malo, Louisiana; and

WHEREAS, in November 2009, the United States Congress passed a resolution to officially recognize October as Filipino American History Month; and

WHEREAS, Filipino men and women have made valuable contributions to all areas of life throughout California and the United States, including government, business, education, arts and sciences, medicine and healthcare, law enforcement, and the military; and

WHEREAS, Filipino Americans have a long history of engaging in social justice movements across the nation including, but not limited to, the United Farmworkers Movement and the Hawaii Sugar Plantation; and

WHEREAS, the Filipino American communities have shared their rich culture and traditions with neighbors and friends while setting examples of model citizens and public servants;

NOW, THEREFORE, I, Michael K. Hannon, Mayor of the City of Newark, on behalf of the Newark City Council, do hereby proclaim October 2025 as

FILIPINO AMERICAN HISTORY MONTH

in Newark and encourage all members of the community to engage in efforts to learn and respect the history of the Filipino American community.

IN WITNESS THEREOF, I have hereunto set forth my hand and caused the Official Seal of the City of Newark, State of California, to be affixed this Twenty-third Day of October, Two Thousand Twenty-five.

MICHAEL K. HANNON
Mayor

STAFF REPORT

Item B. 4.

DATE	10/23/2025
TO	Honorable Mayor and City Council Members
FROM	Kathy Slafter, Deputy City Clerk
SUBJECT	Proclaiming Hispanic and Latino Heritage Month

National Hispanic and Latino Heritage Month is annually observed from September 15 to October 15 in the United States for recognizing the contributions and influence of Hispanic and Latino cultures to the nation's achievements, culture, and history. A proclamation has been prepared and community members will be at the meeting to accept it.

Attachments

Proclamation No. 1957

PROCLAMATION NO. 1957

PROCLAIMING HISPANIC AND LATINO HERITAGE MONTH

WHEREAS, each year, Americans observe National Hispanic Heritage Month by celebrating the histories, cultures, and contributions of American citizens whose ancestors came from Spain, Mexico, the Caribbean, and Central and South America; and

WHEREAS, Hispanic Heritage Month began as Hispanic Heritage Week under President Lyndon B. Johnson in 1968 and was expanded by President Ronald Reagan in 1988 to a month starting on September 15th and ending on October 15th; and

WHEREAS, Hispanic and Latino Americans have had a profound and positive influence on our country through their strong commitment to family, faith, hard work, and service and have enhanced and shaped our national character with centuries-old traditions that reflect the multi-ethnic and multi-cultural customs of their community; and

WHEREAS, 68 million people are of Hispanic or Latino origin today, making them the second-largest ethnic group in the United States. This represents a significant increase from the year 2000 when the Hispanic and Latino population registered at 35.3 million; and

WHEREAS, there are over 15.7 million Hispanic and Latino Americans in California and 13,500 in Newark, making them 28.6 percent of our population; and

WHEREAS, Hispanic and Latino Americans have contributed to the development and success of California by playing major roles in building this state through agriculture, medicine, science, military and armed forces, entertainment, business, education, civil rights, politics, and sports;

NOW, THEREFORE, I, Michael K. Hannon, Mayor of the City of Newark, on behalf of the Newark City Council, do hereby proclaim September 15 to October 15, 2025, as

HISPANIC AND LATINO HERITAGE MONTH

in Newark and encourage all members of the community to share in this annual event by learning about and celebrating the generations of Hispanic and Latino Americans who have positively influenced and enriched our society.

IN WITNESS THEREOF, I have hereunto set forth my hand and caused the Official Seal of the City of Newark, State of California, to be affixed this Twenty-third Day of October, Two Thousand Twenty-five.

MICHAEL K. HANNON
Mayor

STAFF REPORT

Item B. 5.

DATE	10/23/2025
TO	Honorable Mayor and City Council Members
FROM	Kathy Slafter, Deputy City Clerk
SUBJECT	Proclaiming October as Promotores Month

The Promotores Network plays an invaluable role in making the City of Newark a more welcoming place to live. Promotores are Spanish-speaking members of our community who are trained to be advocates in the community and to identify solutions to community needs. A proclamation declaring October as Promotores Month has been prepared and will be presented to representatives from Promotores at the City Council meeting.

Attachments

Proclamation No. 1954

PROCLAMATION NO. 1954

PROCLAIMING OCTOBER 2025
PROMOTORES MONTH

WHEREAS, Promotores are Spanish-speaking community members who are trained to be advocates who create solutions to community needs; and

WHEREAS, the Promotores Network plays an invaluable role in making the City of Newark a more welcoming place; and

WHEREAS, the Newark Promotores Network acts as intermediaries between healthcare, social services, and educational institutions and the Latino community. They provide information, referrals, and training to ensure access to these vital services; and

WHEREAS, the Newark Promotores Network's work is grounded in strong cultural values, including a deep appreciation for personal relationships and an eagerness to help and support each other in a new community; and

WHEREAS, as they learn to navigate a new culture and community, the Newark Promotores Network becomes guides to other families new to our City. The Newark Promotores Network is like an extended family providing social and emotional support to each other; and

WHEREAS, October 2025 has been designated as Promotores Month.

NOW, THEREFORE, I, Michael K. Hannon, Mayor of the City of Newark, on behalf of the Newark City Council, do hereby proclaim October 2025 as

PROMOTORES MONTH

in Newark and thank the Newark Promotores Network for the compassion and commitment they show to the Newark community. They are role models for all of us on how to nurture the health, safety, and educational and financial well-being of the most underserved families.

IN WITNESS THEREOF, I have hereunto set forth my hand and caused the Official Seal of the City of Newark, State of California, to be affixed this Twenty-Third Day of October, Two Thousand Twenty-five.

MICHAEL K. HANNON
Mayor

STAFF REPORT

Item B. 6.

DATE	10/23/2025
TO	Honorable Mayor and City Council Members
FROM	Kathy Slafter, Deputy City Clerk
SUBJECT	Proclaiming National Arts and Humanities Month

National Arts and Humanities Month (NAHM) is a month-long celebration held every October to recognize the importance of arts and culture in America. A proclamation has been prepared and Recreation Supervisor I Jessennia Taimani will be at the meeting to accept it.

Attachments

Proclamation No. 1953

PROCLAMATION NO. 1953

NATIONAL ARTS AND HUMANITIES MONTH
OCTOBER 2025

WHEREAS, the City of Newark strongly supports National Arts and Humanities Month in October, the largest annual celebration for the arts and humanities in the nation, recognized by states, counties, and cities throughout the United States for three decades; and

WHEREAS, the City of Newark celebrates the arts and humanities as important parts of our lives that create connections, promote well-being, and make our society healthier and stronger; and

WHEREAS, the arts and humanities tell our stories, encouraging freedom of expression that empowers everyone to think and speak creatively for the collective good; and

WHEREAS, businesses focusing on the arts and humanities are among the most vital sectors of our local, state, and national economy, supporting thriving communities by creating opportunities and jobs; and

WHEREAS, the City of Newark adopted its first Public Art Master Plan in 2001, establishing a vision and framework for how public art can enliven the city and reflect its diverse culture; and

WHEREAS, following a highly successful community outreach process, the updated Public Art Master Plan was adopted by the Newark City Council in June 2024, reinforcing the City's commitment to integrating art into public spaces and enhancing civic life; and

WHEREAS, the Public Art Master Plan vision is that all residents and visitors in Newark experience public art as part of their daily lives and throughout all neighborhoods, celebrating the City's history, people, natural environment, and culture; and

WHEREAS, the City of Newark supports the arts and humanities together with the Alameda County Arts Commission and the Alameda County City-Level Arts Partnership Network, which includes city arts commissions and councils throughout the County.

NOW, THEREFORE, BE IT RESOLVED, that I, Michael K. Hannon, Mayor of the City of Newark, on behalf of the Newark City Council, do hereby proclaim October as

NATIONAL ARTS AND HUMANITIES MONTH

and encourage our community members to celebrate and promote the arts and humanities throughout our city and the region.

IN WITNESS THEREOF, I have hereunto set forth my hand and caused the Official Seal of the City of Newark, State of California, to be affixed this Twenty-third Day of October, Two Thousand Twenty-five.

MICHAEL K. HANNON
Mayor

STAFF REPORT

Item D. 1.

DATE	10/23/2025
TO	Honorable Mayor and City Council Members
FROM	
SUBJECT	Approval of Audited Demands

Attachments

Audited Demands 09.25.25
Audited Demands 10.02.25

LIVE Newark CA LIVE

Payment Batch Register

Bank Account: AP - ZBA ACCOUNTS PAYABLE

Batch Date: 09/25/2025

Type	Date	Number	Source	Payee Name	EFT Bank/Account	Transaction Amount
Bank Account: AP - ZBA ACCOUNTS PAYABLE						
Check	09/25/2025	15064	Accounts Payable	4LEAF INC		28,671.22
	Invoice	Date	Description		Check Sort Code	Amount
	J1118A62	09/16/2025	BI FIELD INSPECTION AND RELATED PROFESSIONAL SERVICES 08/25			28,671.22
Check	09/25/2025	15065	Accounts Payable	PRINTS CHARLES REPROGRAPHICS		769.71
	Invoice	Date	Description		Check Sort Code	Amount
	120389	09/05/2025	SPECIAL EVENT SIGNS			769.71
Check	09/25/2025	15066	Accounts Payable	HEALTH AND HUMAN RESOURCE CENTER, INC		247.86
	Invoice	Date	Description		Check Sort Code	Amount
	E0353361	09/03/2025	EMPLOYEE ASSISTANT PROGRAM (EAP) - OCTOBER 2025			247.86
Check	09/25/2025	15067	Accounts Payable	AIRGAS USA, LLC		112.04
	Invoice	Date	Description		Check Sort Code	Amount
	5519148353	08/31/2025	CYL ACETYLENE RENTAL 08/31/25			112.04
Check	09/25/2025	15068	Accounts Payable	ALAMEDA COUNTY FIRE DEPARTMENT		1,274,757.66
	Invoice	Date	Description		Check Sort Code	Amount
	2025-26-029	09/02/2025	CONTRACT FIRE SERVICES - 09/25			1,227,143.08
	2024-25-352	06/18/2025	FIRE TRUCK REPAIR 242N 04/07-06/18/25			47,614.58
Check	09/25/2025	15069	Accounts Payable	TREASURER OF ALAMEDA COUNTY		2,641.00
	Invoice	Date	Description		Check Sort Code	Amount
	AUG 25	09/05/2025	CRIME LAB FEES AUGUST 2025			2,641.00
Check	09/25/2025	15070	Accounts Payable	ALL CITY MANAGEMENT SERVICES, INC.		9,208.80
	Invoice	Date	Description		Check Sort Code	Amount
	102981	09/03/2025	SCHOOL CROSSING GUARD SVCS 08/17-08/30/25			9,208.80
Check	09/25/2025	15071	Accounts Payable	ALTA LANGUAGE SERVICES, INC.		207.00
	Invoice	Date	Description		Check Sort Code	Amount
	IS797746	07/31/2025	LISTENING & SPEAKING TEST - 07/25			207.00
Check	09/25/2025	15072	Accounts Payable	STALKER RADAR		930.13
	Invoice	Date	Description		Check Sort Code	Amount
	463522	07/21/2025	LIDAR REPAIR 07/21/25			287.23
	456820	07/01/2025	LIDAR REPAIR 04/28/25			642.90

Check	09/25/2025	15073 Accounts Payable	ARUP		804.52
	Invoice	Date	Description	Check Sort Code	Amount
	5006-2502903	09/18/2025	SEA LEVEL RISE VULNERABILITY 08/25		804.52
Check	09/25/2025	15074 Accounts Payable	AT&T		101.79
	Invoice	Date	Description	Check Sort Code	Amount
	2300-09012025	09/01/2025	CAPTION LISTING - 09/01-09/30/2025		101.79
Check	09/25/2025	15075 Accounts Payable	AXON ENTERPRISE, INC		66,116.10
	Invoice	Date	Description	Check Sort Code	Amount
	INUS372952	09/01/2025	IN-CAR CAMERAS FOR PATROL VEHICLES - FLEET 3		66,116.10
Check	09/25/2025	15076 Accounts Payable	BEHAVIOUR ANALYSIS TRAINING		575.00
	Invoice	Date	Description	Check Sort Code	Amount
	2165	01/06/2025	INVESTIGATION INTERVIEW & INTERROGATION - C. TORRES 1/6-1/10/25		575.00
Check	09/25/2025	15077 Accounts Payable	BELKORP AG, LLC		3,156.66
	Invoice	Date	Description	Check Sort Code	Amount
	1094134	05/30/2025	JOHN DEERE LEAK REPAIR 05/30/25		3,156.66
Check	09/25/2025	15078 Accounts Payable	BLAISDELL'S BUSINESS PRODUCTS		654.81
	Invoice	Date	Description	Check Sort Code	Amount
	AUG 25	09/01/2025	OFFICE SUPPLIES 08/06-08/28/25 (APS #26-31)		654.81
Check	09/25/2025	15079 Accounts Payable	LUZ BORJA		1,115.12
	Invoice	Date	Description	Check Sort Code	Amount
	0902-090525EXP	09/09/2025	WLLE SAN DIEGO 09/02-09/05/25		1,115.12
Check	09/25/2025	15080 Accounts Payable	BRYAN CABECEIRA		480.00
	Invoice	Date	Description	Check Sort Code	Amount
	091725EXP	09/17/2025	EXPENSE REIMBURSEMENT- ICC E2 EXAM 07/21/25 & B2 EXAM 09/16/25		480.00
Check	09/25/2025	15081 Accounts Payable	STATE DISBURSEMENT UNIT		1.38
	Invoice	Date	Description	Check Sort Code	Amount
	PPE 9.13.25	09/18/2025	GARNISH - CASE 200000002128365 - 8/31/25-9/13/25		1.38
Check	09/25/2025	15082 Accounts Payable	CENTRAL TOWING & TRANSPORT LLC		327.25
	Invoice	Date	Description	Check Sort Code	Amount
	9676401-1	08/04/2025	TOWING SERVICES - 2019 FORD EXPLORER 08/04/25		85.00
	9679982-1	08/11/2025	TOWING SERVICES - JOHN DEERE TRACTOR 08/11/25		50.00
	9682042-1	08/14/2025	TOWING SERVICES - 2019 DODGE CHARGER 08/14/25		85.00
	9684358-1	08/19/2025	TOWING SERVICES - DODGE CHARGER 08/19/25		107.25
Check	09/25/2025	15083 Accounts Payable	APRO LLC		540.00
	Invoice	Date	Description	Check Sort Code	Amount
	070125-073125	08/31/2025	CAR WASH 07/01-07/31/25		290.00
	080125-083125	08/31/2025	CAR WASH 08/01-08/31/25		250.00
Check	09/25/2025	15084 Accounts Payable	FREMONT CHEVROLET		1,938.88
	Invoice	Date	Description	Check Sort Code	Amount
	1169823	08/28/2025	2020 CHEVY TAHOE DIAGNOSTIC 08/07-08/28/25		1,938.88

Check	09/25/2025	15085	Accounts Payable	COMCAST BUSINESS	1,557.28

Invoice	Date	Description	Check Sort Code	Amount
249517970	09/01/2025	CALNET ACCT 963534957 | 08/01-08/31/25		414.42
249518157	09/01/2025	CALNET ACCT 932687073 | 08/01-08/31/25		1,142.86

Check	09/25/2025	15086	Accounts Payable	CONSOR NORTH AMERICA, INC.	82,220.44

Invoice	Date	Description	Check Sort Code	Amount
N16N131CA.00-55	08/14/2025	CENTRAL AVE OVERPASS DESIGN SERVICES, PRJ 1014 07/01-07/31/25		29,074.25
N16N131CA.00-54	06/30/2025	CENTRAL AVE OVERPASS DESIGN SERVICES, PRJ 1014 06/01-06/30/25		29,235.25
N16N131CA.00-52	04/30/2025	CENTRAL AVE OVERPASS DESIGN SERVICES, PRJ 1014 04/01-04/30/25		23,910.94

Check	09/25/2025	15087	Accounts Payable	CORELOGIC SOLUTIONS, LLC	547.31

Invoice	Date	Description	Check Sort Code	Amount
30798950	08/31/2025	INVESTIGATIVE REAL ESTATE INFO RESEARCH - SVCS THRU 8/25		547.31

Check	09/25/2025	15088	Accounts Payable	ALAMEDA COUNTY INFORMATION TECHNOLOGY DEPARTMENT	2,314.78

Invoice	Date	Description	Check Sort Code	Amount
112-2508030	09/15/2025	AWS ACCESS FEE AUGUST 2025		2,314.78

Check	09/25/2025	15089	Accounts Payable	CSG CONSULTANTS, INC.	7,928.40

Invoice	Date	Description	Check Sort Code	Amount
B251186	09/02/2025	BI FIELD INSPECTION AND RELATED PROFESSIONAL SVCS 08/01-08/31/25		7,928.40

Check	09/25/2025	15090	Accounts Payable	DELL MARKETING L.P.	143,383.59

Invoice	Date	Description	Check Sort Code	Amount
10831421195	08/18/2025	MICROSOFT EA AGREEMENT YEAR 1 OF 3 | FY26		143,383.59

Check	09/25/2025	15091	Accounts Payable	DISCOUNT SCHOOL SUPPLY	843.90

Invoice	Date	Description	Check Sort Code	Amount
P43579930101	09/03/2025	MOBILE EASEL FOR CHILDCARE		843.90

Check	09/25/2025	15092	Accounts Payable	ECAMSECURE	28,808.99

Invoice	Date	Description	Check Sort Code	Amount
1436320	08/31/2025	MOBILE SURVEILLANCE TRAILER #4 SS		28,808.99

Check	09/25/2025	15093	Accounts Payable	F. J. KENNEDY AND ASSOCIATES, INC	147.00

Invoice	Date	Description	Check Sort Code	Amount
25-150	09/03/2025	TRACT 8665 08/20/25		147.00

Check	09/25/2025	15094	Accounts Payable	FAMA TECHNOLOGIES, INC	66.00

Invoice	Date	Description	Check Sort Code	Amount
8431	08/31/2025	SOCIAL MEDIA SCREENS 08/31/25		66.00

Check	09/25/2025	15095	Accounts Payable	FEDEX	21.90

Invoice	Date	Description	Check Sort Code	Amount
8-989-45788	09/12/2025	PACKAGE DELIVERY 9/4/25		21.90

Check	09/25/2025	15096	Accounts Payable	FREMONT FORD	3,003.86

Invoice	Date	Description	Check Sort Code	Amount
451180	08/22/2025	VEH 1903 DIAGNOSTIC 06/26-08/22/25		3,003.86

Check	09/25/2025	15097	Accounts Payable	GACHINA LANDSCAPE MANAGEMENT, INC.	31,707.49

Invoice	Date	Description	Check Sort Code	Amount
E 231833	09/01/2025	MAINTENANCE CONTRACT SEPTEMBER 2025		29,780.60
E 230947	07/31/2025	LLD4-STEVENSON BLVD MAINLINE REPAIR 07/31/25		1,074.17
E 232390	09/18/2025	LLD4-STEVENSON BLVD VALVE REPAIR 09/18/25		852.72

Check	09/25/2025	15098	Accounts Payable	GRAINGER	290.18

Invoice	Date	Description	Check Sort Code	Amount
9629069627	09/03/2025	SPORTSFIELD BATHROOM AIR CONTROL PUSH BUTTON AND DIAPHRAGM		67.91
9631985695	09/05/2025	CITYWIDE WATER SUPPLY STOP BRASS, FIRE EXTINGUISHER CABINET & CO		222.27

Check	09/25/2025	15099	Accounts Payable	HOME DEPOT CREDIT SERVICES	2,971.62

Invoice	Date	Description	Check Sort Code	Amount
AUG'25	08/13/2025	HOME DEPOT CC PURCHASE 07/13-08/12/25		2,971.62

Check	09/25/2025	15100	Accounts Payable	DEEPA IYER	189.96

Invoice	Date	Description	Check Sort Code	Amount
EXPREIMB-09/25	09/17/2025	PRIDE IN WELLNESS FAIR GIFT HAMPERS		189.96

Check	09/25/2025	15101	Accounts Payable	JEFF'S MOBILE GLASS INC.	385.00

Invoice	Date	Description	Check Sort Code	Amount
IJMG-0721-85943	07/21/2025	GLASS REPLACEMENT VEH 169 07/21/25		385.00

Check	09/25/2025	15102	Accounts Payable	J4 SYSTEMS	380.00

Invoice	Date	Description	Check Sort Code	Amount
21700	09/04/2025	INTUNE SETUP - JORGE ARANDA 09/02/25		380.00

Check	09/25/2025	15103	Accounts Payable	LEXISNEXIS RISK DATA MANAGEMENT INC.	2,162.50

Invoice	Date	Description	Check Sort Code	Amount
1100186357	08/31/2025	ACCURINT SEARCH TOOL AUGUST 2025		1,081.25
1100172503	07/31/2025	ACCURINT SEARCH TOOL JULY 2025		1,081.25

Check	09/25/2025	15104	Accounts Payable	LEXISNEXIS RISK SOLUTIONS FL INC	50.63

Invoice	Date	Description	Check Sort Code	Amount
1300171637	08/31/2025	INVESTIGATIVE INFO RESEARCH - 8/31/25		50.63

Check	09/25/2025	15105	Accounts Payable	LPC SERVICES, INC.	267.00

Invoice	Date	Description	Check Sort Code	Amount
82751	09/05/2025	PEST SERVICES - CITY HALL #102699 9/5/25		267.00

Check	09/25/2025	15106	Accounts Payable	MAGNUM ELECTRONICS, INC	428.12

Invoice	Date	Description	Check Sort Code	Amount
INV/2025/10223	08/06/2025	MOTOROLA CORD		428.12

Check	09/25/2025	15107	Accounts Payable	METRO MOBILE COMMUNICATIONS	4,999.16

Invoice	Date	Description	Check Sort Code	Amount
50100	05/29/2025	MOTORCYCLE SAFETY SUPPLIES		4,270.42
50168	08/28/2025	MOTORCYCLE SAFETY SUPPLIES		728.74

Check	09/25/2025	15108	Accounts Payable	MIKE YORKS INVESTIGATIONS	23,400.00

Invoice	Date	Description	Check Sort Code	Amount
2025-38	09/14/2025	BACKGROUND INVESTIGATIONS 08/25-09/14/25		3,000.00
2025-31	09/14/2025	BACKGROUND INVESTIGATIONS 07/16-09/14/25		525.00
2025-35	08/21/2025	BACKGROUND INVESTIGATIONS 06/26-08/21/25		3,075.00
2025-27	08/22/2025	BACKGROUND INVESTIGATIONS 07/01-08/30/25		825.00
2025-29	08/18/2025	BACKGROUND INVESTIGATIONS 07/23-08/18/25		1,125.00
2025-32	08/18/2025	BACKGROUND INVESTIGATIONS 07/25-08/17/25		1,350.00
2025-33	08/14/2025	BACKGROUND INVESTIGATIONS 07/25-08/12/25		2,125.00
2025-34	08/13/2025	BACKGROUND INVESTIGATIONS 08/11-08/14/25		2,125.00
2025-30	08/08/2025	BACKGROUND INVESTIGATIONS 06/27-07/17/25		550.00
2025-28	07/30/2025	BACKGROUND INVESTIGATIONS 07/25-08/30/25		3,150.00
2025-26	07/25/2025	BACKGROUND INVESTIGATIONS 07/01-07/30/25		3,225.00
2025-25	09/18/2025	BACKGROUND INVESTIGATIONS 06/05-06/30/25		2,325.00

Check	09/25/2025	15109	Accounts Payable	NETWORK CONTRACTING LLC	1,375.00

Invoice	Date	Description	Check Sort Code	Amount
4937	08/31/2025	NETWORK CONSULTING SERVICES 08/28/25		495.00
4917	08/09/2025	NETWORK CONSULTING SERVICES 08/04-08/08/25		880.00

Check	09/25/2025	15110	Accounts Payable	NICHOLS CONSULTING ENGINEERS, CHTD	1,141.25

Invoice	Date	Description	Check Sort Code	Amount
123095501	03/31/2025	SLURRY SEAL STREET LIST DEVELOPMENT FY25 03/25		1,141.25

Check	09/25/2025	15111	Accounts Payable	KIDZ LOVE SOCCER	2,977.20

Invoice	Date	Description	Check Sort Code	Amount
072025-08102025	08/28/2025	KIDZ LOVE SOCCER CLASSES 07/20-08/10/25		2,977.20

Check	09/25/2025	15112	Accounts Payable	AT&T	857.39

Invoice	Date	Description	Check Sort Code	Amount
000024002654	09/01/2025	BAN 9391056598 - 08/01-08/31/25		857.39

Check	09/25/2025	15113	Accounts Payable	PACIFIC GAS & ELECTRIC	120,985.18

Invoice	Date	Description	Check Sort Code	Amount
7578-090825	09/08/2025	CITYWIDE ELECTRICAL 09/08/25		120,985.18

Check	09/25/2025	15114	Accounts Payable	PAKPOUR CONSULTING GROUP, INC.	51,006.38

Invoice	Date	Description	Check Sort Code	Amount
4780	06/05/2025	CENTRAL AVE OVERPASS 06/01-06/30/25		26,239.50
4761	06/05/2025	CENTRAL AVE OVERPASS 05/01-05/31/25		24,766.88

Check	09/25/2025	15115	Accounts Payable	PEREGRINE TECHNOLOGIES, INC.	100,000.00

Invoice	Date	Description	Check Sort Code	Amount
INV-0253	09/17/2025	PEREGRINE SOFTWARE LICENSE FY25/26		100,000.00

Check	09/25/2025	15116	Accounts Payable	PERMITIUM LLC	3,780.00

Invoice	Date	Description	Check Sort Code	Amount
PER00042344	09/05/2025	PERMIT APPLICATIONS - CCW 9/15/25-9/14/26		3,780.00

Check	09/25/2025	15117	Accounts Payable	PET BENEFIT SOLUTION	79.00

Invoice	Date	Description	Check Sort Code	Amount

	217916	09/18/2025	TOTAL PET PLAN - SEPTEMBER 2025 PREMIUMS		79.00
Check	09/25/2025	15118 Accounts Payable	PREFERRED ALLIANCE INC		70.00
	Invoice	Date	Description	Check Sort Code	Amount
	0206248-IN	08/31/2025	NON-RANDOM DRUG TESTING - 08/25		70.00
Check	09/25/2025	15119 Accounts Payable	REDFLEX TRAFFIC SYSTEMS, INC.		34,800.00
	Invoice	Date	Description	Check Sort Code	Amount
	INV0106825	08/31/2025	REDLIGHT CAMERA MONITORING AUGUST 2025		17,400.00
	INV0104991	07/31/2025	REDLIGHT CAMERA MONITORING JULY 2025		17,400.00
Check	09/25/2025	15120 Accounts Payable	REDWOOD TOXICOLOGY LABORATORY, INC		860.80
	Invoice	Date	Description	Check Sort Code	Amount
	8006186	09/04/2025	LAB TESTS 09/04/25		860.80
Check	09/25/2025	15121 Accounts Payable	WILLE ELECTRIC SUPPLY CO., INC		762.79
	Invoice	Date	Description	Check Sort Code	Amount
	S2255461.004	09/03/2025	CLEAR HIGH LUMEN LED FILIMENT LAMP		762.79
Check	09/25/2025	15122 Accounts Payable	YORK RISK SERVICE GROUP, INC. A SEDGWICK COMPANY		3,852.50
	Invoice	Date	Description	Check Sort Code	Amount
	400000259104	09/02/2025	WORKERS COMPENSATION ADMIN FEES -09/01/25-09/30/25		3,852.50
Check	09/25/2025	15123 Accounts Payable	SHOBNA SHARMA		595.11
	Invoice	Date	Description	Check Sort Code	Amount
	0902-090525EXP	09/18/2025	WLLE SAN DIEGO 09/02-09/05/25		595.11
Check	09/25/2025	15124 Accounts Payable	ST. FRANCIS ELECTRIC, LLC		10,125.00
	Invoice	Date	Description	Check Sort Code	Amount
	24054520	08/31/2025	TRAFFIC SIGNAL & STREET LIGHT MAINTENANCE - 08/31/25		10,125.00
Check	09/25/2025	15125 Accounts Payable	STAPLES		590.75
	Invoice	Date	Description	Check Sort Code	Amount
	7006719220	08/31/2025	OFFICE SUPPLIES 08/11-08/27/25		590.75
Check	09/25/2025	15126 Accounts Payable	STEVE G. HOOS		130.00
	Invoice	Date	Description	Check Sort Code	Amount
	37502	08/25/2025	FREEZER SERVICE 08/25/25		130.00
Check	09/25/2025	15127 Accounts Payable	SUN RIDGE SYSTEMS INC		4,400.00
	Invoice	Date	Description	Check Sort Code	Amount
	8829	09/01/2025	RIMS CROSSROAD IMPORT LINK SOFTWARE FY 25/26		3,200.00
	8830	08/13/2025	RIMS TECHNICAL SERVICES SWITCH TO CROSSROAD FY 25/26		1,200.00
Check	09/25/2025	15128 Accounts Payable	SURF TO SNOW ENVIRONMENTAL RESOURCE		49,180.82
	Invoice	Date	Description	Check Sort Code	Amount
	14245	07/15/2025	MUNICIPAL STORMWATER INSPECTION SERVICES (03/01-06/30/25) FINAL		49,180.82
Check	09/25/2025	15129 Accounts Payable	SYSERCO, INC		9,876.75
	Invoice	Date	Description	Check Sort Code	Amount

	17475	07/01/2025	ENERGY MANAGEMENT SERVICES 07/25-09/25		9,876.75
Check	09/25/2025	15130 Accounts Payable	FREMONT ALARM		877.56
	Invoice	Date	Description	Check Sort Code	Amount
	41448	07/22/2025	2ND CHANCE FIRE PANEL BATTERY REPLACEMENT 07/14/25		95.66
	41450	07/23/2025	ASH ALARM PANEL INSTALL 07/23/25		781.90
Check	09/25/2025	15131 Accounts Payable	TURF STAR, INC.		943.95
	Invoice	Date	Description	Check Sort Code	Amount
	INV111261	09/03/2025	TORO BELT, SCALP, BOLT, & FUSE		943.95
Check	09/25/2025	15132 Accounts Payable	UNION PACIFIC RAILROAD COMPANY		24,960.95
	Invoice	Date	Description	Check Sort Code	Amount
	90148882	08/15/2025	QUIET ZONE PRJ 1276- NEWARK-NILES/COAST SUBS 08/25		24,960.95
Check	09/25/2025	15133 Accounts Payable	UNIVERSAL BUILDING SERVICES & SUPPLY CO		126,057.91
	Invoice	Date	Description	Check Sort Code	Amount
	538543	08/31/2025	JANITORIAL SERVICES - LIBRARY DAY PORTER AUGUST 2025		1,485.04
	538542	08/31/2025	JANITORIAL SERVICES - LIBRARY AUGUST 2025		4,680.85
	2025-0801	08/31/2025	JANITORIAL SERVICES - CITYWIDE AUGUST 2025		38,228.66
	2025-0601	06/30/2025	JANITORIAL SERVICES - CITYWIDE JUNE 2025		37,268.81
	538437	07/31/2025	JANITORIAL SERVICES - LIBRARY JULY 2025		6,165.89
	2025-0701	07/31/2025	JANITORIAL SERVICES - CITYWIDE JULY 2025		38,228.66
Check	09/25/2025	15134 Accounts Payable	U.S. BANK CORPORATE PAYMENT SYSTEMS		54,377.55
	Invoice	Date	Description	Check Sort Code	Amount
	092225STMT	09/22/2025	CC PAYMENT 09/22/25		54,377.55
Check	09/25/2025	15135 Accounts Payable	VERDE DESIGN INC		1,560.00
	Invoice	Date	Description	Check Sort Code	Amount
	13-2319400	06/02/2025	NEWARK PARK SIGNAGE & DOCUMENTATION TASK ORDER # 2 05/25		1,560.00
Check	09/25/2025	15136 Accounts Payable	VORTEX INDUSTRIES, LLC		1,385.44
	Invoice	Date	Description	Check Sort Code	Amount
	43-2074169	08/31/2025	LIBRARY DOOR SERVICE 8/31/25		1,385.44
Check	09/25/2025	15137 Accounts Payable	WASHINGTON HEALTH		150.00
	Invoice	Date	Description	Check Sort Code	Amount
	0825-NPD-LB	08/04/2025	LAB TESTS AUGUST 2025		150.00
Check	09/25/2025	15138 Accounts Payable	ORION SECURITY		1,110.08
	Invoice	Date	Description	Check Sort Code	Amount
	133325	09/13/2025	UNARMED, UNIFORMED SECURITY GUARD 09/08/25-09/11/25		1,110.08
Check	09/25/2025	15139 Accounts Payable	ZUMAR INDUSTRIES		4,869.82
	Invoice	Date	Description	Check Sort Code	Amount
	53764	08/29/2025	STREET SIGNS		4,869.82
Check	09/25/2025	15140 Accounts Payable	LUNARDI , ANGELA		3.50
	Invoice	Date	Description	Check Sort Code	Amount

	762722	09/18/2025	REFUND FOR DAY TRIP BUS			3.50
Check	09/25/2025	15141 Accounts Payable	VARMA , N. KARTHIK			7.00
	Invoice	Date	Description		Check Sort Code	Amount
	762787	09/19/2025	REFUND FOR DAY TRIP BUS			7.00
Check	09/25/2025	15142 Accounts Payable	VARMA , N. KARTHIK			7.00
	Invoice	Date	Description		Check Sort Code	Amount
	762788	09/19/2025	REFUND FOR DAY TRIP BUS			7.00
EFT	09/25/2025	1712 Accounts Payable	CLIENTFIRST TECHNOLOGY CONSULTING	122037760 / 001064667052		4,363.81
	Invoice	Date	Description		Check Sort Code	Amount
	18670	08/31/2025	TELECOM COST REVIEW 08/01-08/31/25			780.00
	18726	08/31/2025	SECURITY CAMERAS BLDG ACCESS MGMT 08/01-08/31/25			3,583.81
EFT	09/25/2025	1713 Accounts Payable	HALEY & ALDRICH, INC	011301798 / 601014525		3,041.75
	Invoice	Date	Description		Check Sort Code	Amount
	9058907	07/18/2025	UST REMOVAL AT SVC PRJ 1310 THROUGH 06/30/25			2,735.00
	9056120	05/09/2025	PROFESSIONAL SERVICES THROUGH 05/02/25			306.75
EFT	09/25/2025	1714 Accounts Payable	REDWOOD PUBLIC LAW, LLP	122105980 / 8595354209		51,855.24
	Invoice	Date	Description		Check Sort Code	Amount
	16411	07/31/2025	LEGAL SVCS/SANCTUARY WEST/ACQ. OF PROPERTY - SVCS THRU 07/31/25			1,485.00
	16412	07/31/2025	LEGAL SERVICES THROUGH JULY 31, 2025			1,265.00
	16413	07/31/2025	LEGAL SERVICES THROUGH JULY 31, 2025			6,197.30
	16414	07/31/2025	LEGAL SERVICES THROUGH JULY 31, 2025			2,205.00
	16415	07/31/2025	LEGAL SERVICES THROUGH JULY 31, 2025			18,108.00
	16416	07/31/2025	LEGAL SERVICES THROUGH JULY 31, 2025			5,732.10
	16419	07/31/2025	LEGAL SERVICES THROUGH JULY 31, 2025			6,482.80
	16421	07/31/2025	LEGAL SERVICES THROUGH JULY 31, 2025			5,310.00
	16422	07/31/2025	LEGAL SERVICES THROUGH JULY 31, 2025			4,624.00
	16423	07/31/2025	LEGAL SERVICES THROUGH JULY 31, 2025			446.04

AP ZBA ACCOUNTS PAYABLE Totals:		Transactions: 82	$2,404,449.52
	Checks:	79	$2,345,188.72
	EFTs:	3	$59,260.80

LIVE Newark CA LIVE

Payment Batch Register

Bank Account: AP - ZBA ACCOUNTS PAYABLE

Batch Date: 10/02/2025

Type	Date	Number	Source	Payee Name	EFT Bank/Account	Transaction Amount
Bank Account: AP - ZBA ACCOUNTS PAYABLE						
Check	10/02/2025	15143	Accounts Payable	BPR CONSULTING GROUP, INC		8,105.36
	Invoice		Date	Description	Check Sort Code	Amount
	3305		09/10/2025	BI FIELD INSPECTION AND RELATED PROFESSIONAL SVCS 08/01-08/31/25		8,105.36
Check	10/02/2025	15144	Accounts Payable	BURTON'S FIRE INC		47.62
	Invoice		Date	Description	Check Sort Code	Amount
	S 69385		09/11/2025	FIRE TRUCK STANCHION		47.62
Check	10/02/2025	15145	Accounts Payable	CIRCLEUP EDUCATION		5,835.00
	Invoice		Date	Description	Check Sort Code	Amount
	4239		07/25/2025	DEI TRAINING FACILITATION - MINDTRENCH MIRAGE TRAINING 07/25/25		5,835.00
Check	10/02/2025	15146	Accounts Payable	COOKE AND ASSOCIATES INCORPORATED		1,717.50
	Invoice		Date	Description	Check Sort Code	Amount
	197261		09/07/2025	BACKGROUND INVESTIGATIONS - 09/07/25		1,717.50
Check	10/02/2025	15147	Accounts Payable	EAST BAY LAWN MOWER		130.12
	Invoice		Date	Description	Check Sort Code	Amount
	42582		09/24/2025	FRONT BELT GUARD & MIX		130.12
Check	10/02/2025	15148	Accounts Payable	EQUIFAX INFORMATION SVCS LLC		52.82
	Invoice		Date	Description	Check Sort Code	Amount
	2067559521		09/07/2025	CREDIT BUREAU REPORT FEES - 9/7/25		52.82
Check	10/02/2025	15149	Accounts Payable	EWING IRRIGATION PRODUCTS INC.		2,007.08
	Invoice		Date	Description	Check Sort Code	Amount
	27490463		09/03/2025	IRRIGATION SPEARS, PVC & BUSHING		241.40
	27564147		09/09/2025	IRRIGATION GRISWOLD SPRING CAP & GUARDSHACK-POS		721.97
	27731575		09/23/2025	IRRIGATION HUNTER BOX		1,043.71
Check	10/02/2025	15150	Accounts Payable	FEHR & PEERS		4,958.07
	Invoice		Date	Description	Check Sort Code	Amount
	189065		09/16/2025	TASK ORDER #1 - CENTRAL AVE TRAFFIC STUDY 07/26-08/29/25		4,958.07
Check	10/02/2025	15151	Accounts Payable	FREMONT CDJR		788.30
	Invoice		Date	Description	Check Sort Code	Amount

	5214	09/10/2025	RADIATOR, HOSE & ANTIFREEZE			788.30
Check	10/02/2025	15152 Accounts Payable	FREMONT FORD			354.01
	Invoice	Date	Description		Check Sort Code	Amount
	239279	09/09/2025	BRAKE LINING AND PADS			263.63
	239335	09/10/2025	GASKET			21.71
	239334	09/09/2025	SWITCH ASY			68.67
Check	10/02/2025	15153 Accounts Payable	FRONTIER BUILDING PRODUCTS PACIFIC, INC			419.00
	Invoice	Date	Description		Check Sort Code	Amount
	9-9-1178934	09/09/2025	FIRE STATION 2 ROLLING DOOR SERVICE 9/9/25			419.00
Check	10/02/2025	15154 Accounts Payable	HDL SOFTWARE, LLC			3,569.80
	Invoice	Date	Description		Check Sort Code	Amount
	SIN054391	08/31/2025	UUT SUPPORT / RETURNS - AUG 2025			3,569.80
Check	10/02/2025	15155 Accounts Payable	HILLYARD			3,010.72
	Invoice	Date	Description		Check Sort Code	Amount
	605938231	09/09/2025	TOWELS & TISSUE PAPER			3,010.72
Check	10/02/2025	15156 Accounts Payable	HOME DEPOT CREDIT SERVICES			2,647.16
	Invoice	Date	Description		Check Sort Code	Amount
	SEPT'25	09/12/2025	HOME DEPOT CC PURCHASE 08/13-09/09/25			2,647.16
Check	10/02/2025	15157 Accounts Payable	IAPE			425.00
	Invoice	Date	Description		Check Sort Code	Amount
	220520	09/15/2025	PROPERTY AND EVIDENCE MGMT CLASS- DEANGELO REYES 11/04-11/05/25			425.00
Check	10/02/2025	15158 Accounts Payable	JOCELYN E. ROLAND			1,000.00
	Invoice	Date	Description		Check Sort Code	Amount
	24316	09/12/2025	PRE-EMPLOYMENT PSYCHOLOGICAL SCREENING -09/12/25			500.00
	24294	09/09/2025	PRE-EMPLOYMENT PSYCHOLOGICAL SCREENING -09/09/25			500.00
Check	10/02/2025	15159 Accounts Payable	J4 SYSTEMS			285.00
	Invoice	Date	Description		Check Sort Code	Amount
	21729	09/11/2025	INTUNE SETUP - JORGE ARANDA 09/10/25			285.00
Check	10/02/2025	15160 Accounts Payable	KNORR SYSTEMS INTERNATIONAL			1,769.40
	Invoice	Date	Description		Check Sort Code	Amount
	280759	08/21/2025	SILLIMAN SPA AND ACTIVITY POOL ALARM SERVICE 08/21/25			1,769.40
Check	10/02/2025	15161 Accounts Payable	LYNCH ELECTRIC & SONS INC			2,076.15
	Invoice	Date	Description		Check Sort Code	Amount
	2025.440	09/11/2025	TROUBLESHOOT LIGHTING CONTROL RELAY-FS27 08/08/25			2,076.15
Check	10/02/2025	15162 Accounts Payable	BRICK TECH			171.00
	Invoice	Date	Description		Check Sort Code	Amount
	0920-092025	09/23/2025	BRICK TECH WORKSHOP 9/20/25			171.00
Check	10/02/2025	15163 Accounts Payable	NETWORK CONTRACTING LLC			495.00
	Invoice	Date	Description		Check Sort Code	Amount

	4945	09/06/2025	NETWORK CONSULTING SERVICES 09/03/25			495.00
Check	10/02/2025	15164 Accounts Payable	NAVIA BENEFIT SOLUTIONS CLIENT PAY			200.00
	Invoice	Date	Description		Check Sort Code	Amount
	11015188	09/29/2025	FY 25/26 COBRA ADMINISTRATION FEES - 09/01/25 TO 09/30/25			200.00
Check	10/02/2025	15165 Accounts Payable	NEWARK VALERO #7117			2,287.65
	Invoice	Date	Description		Check Sort Code	Amount
	082424-082825	09/01/2025	VALERO FUEL 08/24/24-08/28/25			2,287.65
Check	10/02/2025	15166 Accounts Payable	O'REILLY AUTO PARTS			37.06
	Invoice	Date	Description		Check Sort Code	Amount
	3464-147862	09/11/2025	HAZ FLASHER			37.06
Check	10/02/2025	15167 Accounts Payable	PLAN JPA			72,683.96
	Invoice	Date	Description		Check Sort Code	Amount
	PLAN-0405	09/11/2025	GENERAL LIABILITY CLAIMS FY25/26 - AUGUST 2025			72,683.96
Check	10/02/2025	15168 Accounts Payable	QUICKSCORES LLC			119.00
	Invoice	Date	Description		Check Sort Code	Amount
	251961	09/09/2025	SOFTWARE SERVICES FOR TEAM SCORES, STANDINGS AND UPDATES 09/25			119.00
Check	10/02/2025	15169 Accounts Payable	SFPUC			4,113.23
	Invoice	Date	Description		Check Sort Code	Amount
	80184	09/22/2025	SFPUC RENT WATER AC#3642 10/01/25			1,049.34
	80215	09/22/2025	SFPUC RENT WATER AC#2866 10/01/25			3,063.89
Check	10/02/2025	15170 Accounts Payable	JAMES SCANLIN			1,469.03
	Invoice	Date	Description		Check Sort Code	Amount
	0914-091725EXP	09/19/2025	EXPENSE REIMBURSEMENT- CASQA CONFERENCE 09/14-09/17/25			1,469.03
Check	10/02/2025	15171 Accounts Payable	SHUTE, MIHALY & WEINBERGER LLP			9,297.32
	Invoice	Date	Description		Check Sort Code	Amount
	292893	08/25/2025	LEGAL SERVICES - SANCTUARY WEST - SVCS THRU 07/31/25			9,297.32
Check	10/02/2025	15172 Accounts Payable	SIEMENS INDUSTRY, INC.			1,114.00
	Invoice	Date	Description		Check Sort Code	Amount
	5332084367	09/10/2025	PD ALARM SERVICE 9/10/25			1,114.00
Check	10/02/2025	15173 Accounts Payable	SIERRA INSTALLATIONS INC			3,008.00
	Invoice	Date	Description		Check Sort Code	Amount
	250062	08/25/2025	INSTALL NEWARK DAYS AND 70TH ANNIVERSARY BANNERS 09/25			3,008.00
Check	10/02/2025	15174 Accounts Payable	STEVE G. HOOS			283.91
	Invoice	Date	Description		Check Sort Code	Amount
	37524	09/08/2025	APPLIANCE DRAINING ISSUE 09/08/25			283.91
Check	10/02/2025	15175 Accounts Payable	SUN RIDGE SYSTEMS INC			925.00
	Invoice	Date	Description		Check Sort Code	Amount
	RIMS-092025-0432	09/15/2025	RIMSCON ANNUAL USER CONFERENCE - JEREMY BECK 10/15-10/17/25			925.00
Check	10/02/2025	15176 Accounts Payable	TIREHUB, LLC			141.14

	Invoice	Date	Description	Check Sort Code	Amount
	51925041	08/11/2025	TIRES - GY WRL WORKHRSE HT BW		141.14
Check	10/02/2025	15177 Accounts Payable	VERIZON WIRELESS		15,323.34
	Invoice	Date	Description	Check Sort Code	Amount
	6123810987	09/18/2025	WIRELESS SERVICE 08/19-09/18/25		15,323.34
Check	10/02/2025	15178 Accounts Payable	WEST COAST ARBORISTS INC		1,198.08
	Invoice	Date	Description	Check Sort Code	Amount
	234276	09/15/2025	PARK TREE MAINTENANCE 09/01/25-09/15/25		1,198.08
Check	10/02/2025	15179 Accounts Payable	DAILY JOURNAL CORPORATION		85.00
	Invoice	Date	Description	Check Sort Code	Amount
	B3969801	09/23/2025	PH NOTICE - MOWRY VILLAGE PROJECT 9/23/25		85.00
Check	10/02/2025	15180 Accounts Payable	ORION SECURITY		1,444.00
	Invoice	Date	Description	Check Sort Code	Amount
	133369	09/20/2025	UNARMED, UNIFORMED SECURITY GUARD 09/15/25-09/19/25		1,444.00
Check	10/02/2025	15181 Accounts Payable	LITTLE , EVE M		1,114.00
	Invoice	Date	Description	Check Sort Code	Amount
	763328	09/26/2025	REFUND FOR AN EVENT - REPUBLIC SERVICES WILL SPONSOR THE EVENT		1,114.00
Check	10/02/2025	15182 Accounts Payable	VIRI , LORENZO		500.00
	Invoice	Date	Description	Check Sort Code	Amount
	763658	09/29/2025	COMMUNITY CENTER RENTAL DEPOSIT REFUND		500.00
EFT	10/02/2025	1723 Accounts Payable	REDWOOD PUBLIC LAW, LLP	122105980 / 8595354209	34,842.80
	Invoice	Date	Description	Check Sort Code	Amount
	16954	08/31/2025	LEGAL SERVICES THROUGH AUGUST 31, 2025		325.50
	16724	08/31/2025	LEGAL SERVICES THROUGH AUGUST 31, 2025		2,460.00
	16727	08/31/2025	LEGAL SERVICES THROUGH AUGUST 31, 2025		2,051.60
	16730	08/31/2025	LEGAL SERVICES THROUGH AUGUST 31, 2025		2,555.00
	16731	08/31/2025	LEGAL SERVICES THROUGH AUGUST 31, 2025		10,992.00
	16732	08/31/2025	LEGAL SERVICES THROUGH AUGUST 31, 2025		7,179.70
	16735	08/31/2025	LEGAL SERVICES THROUGH AUGUST 31, 2025		4,664.00
	16737	08/31/2025	LEGAL SERVICES THROUGH AUGUST 31, 2025		2,660.00
	16738	08/31/2025	LEGAL SERVICES THROUGH AUGUST 31, 2025		1,680.00
	16739	08/31/2025	LEGAL SERVICES THROUGH AUGUST 31, 2025		275.00

AP ZBA ACCOUNTS PAYABLE Totals: Transactions: 41 $190,050.63

Checks:	40	$155,207.83
EFTs:	1	$34,842.80

STAFF REPORT

Item D. 2.

DATE	10/23/2025
TO	Honorable Mayor and City Council Members
FROM	Kathy Slafter, Deputy City Clerk
SUBJECT	Approval of October 9, 2025, minutes

Attachments

Draft Minutes

CITY OF NEWARK
CITY COUNCIL
City Administration Building, City Council Chambers

37101 Newark Boulevard, Newark, CA 94560 | (510) 578-4266 | E-mail: city.clerk@newark.org

DRAFT Minutes

Thursday, October 9, 2025

A. ROLL CALL

Mayor Hannon called the meeting to order at 7:04 p.m. Council Members Jorgens, Grindall, Catancio and Vice Mayor Little were present.

B. PRESENTATIONS

1. Commending Urban Forest Friends

Mayor Hannon presented the commendation to Urban Forest Friends Project Lead Yoo-Yoo Yeh and volunteers.

2. Proclaiming National Manufacturing Week

Mayor Hannon presented the proclamation to Management Analyst I Morgan Pedersen and members of the business community.

3. Proclaiming October as Cybersecurity Awareness Month

Mayor Hannon presented a commendation to Chief Information Officer and IT Director Ed Miranda and the IT team.

4. Washington Health's Community Plan for the City of Newark

Angus Cochran, Ph.D., Chief, Community Support Services Washington

Health, gave the presentation. The presentation is on file with the City Clerk.

C. PUBLIC COMMENT

Stephen Cassidy, Newark Chamber of Commerce CEO, encouraged everyone to vote for Measure B to support the healthcare district. He thanked the City Council for honoring the manufacturers of the community and the program the City has for bringing manufacturers into the schools to encourage students to develop careers in manufacturing. He announced an upcoming mixer at BMO bank on October 22, 5:30-7:30 pm. Also, at the end of the month, in partnership with Ohlone College, State Senator Dr. Aisha Wahab will speak about legislative updates.

D. CONSENT CALENDAR

No one from the audience requested to speak.

Vice Mayor Little asked that Item D.3 pulled for discussion.

Council Member Jorgens moved, Council Member Grindall seconded, to approve Consent Calendar items D.1, D.2, and D.4 and that reading of the titles suffice for adoption. The motion passed, 5 AYES.

1. Approval of Audited Demands

2. Approval of September 25, 2025, minutes

3. Adopt a Resolution Authorizing the City Manager to Execute a Fourth Amendment to the Contractual Services Agreement with Good City Company for Professional Planning Services
   ITEM PULLED FOR DISCUSSION

4. Adopt a resolution approving amendments to the Salary Schedule in effect July 1, 2025, and July 11, 2025.
   RESOLUTION NO. 11779

NONCONSENT

3. Adopt a Resolution Authorizing the City Manager to Execute a Fourth Amendment to the Contractual Services Agreement with Good City Company for Professional Planning Services

Vice Mayor Little wanted the responsibilities of Good City Company clarified.

Community Development Director Turner explained the company provides a wide range of services for the Planning Department such as policy and program development, design review, use permits, and building permit review. They provide additional staffing capacity that improves customer service levels.

Council Member Grindall moved, Council Member Catancio seconded, to approve adopting a resolution authorizing the City Manager to execute a fourth amendment to the Contractual Services Agreement with Good City Company for Professional Planning Services. The motion passed, 4 AYES, 1 ABSTAIN. (Little).
RESOLUTION NO. 11780

E. PUBLIC HEARINGS

F. OTHER BUSINESS

1. Adopt a resolution approving an amendment to the Compensation and Benefit Plan for Management, Supervisory, and Professional Employees updating the executive compensation for the Police Chief by incorporation of General Leave and retirement formula provisions

Because this item involves compensation for a City executive, State law SB1436 requires an oral report. City Attorney Kokotaylo gave the report summarizing the proposed revisions.

No one from the audience requested to speak.

Vice Mayor Little moved, Council Member Jorgens seconded, to approve adopting

a resolution approving an amendment to the Compensation and Benefit Plan for Management, Supervisory, and Professional Employees updating the executive compensation for the Police Chief by incorporation of General Leave and retirement formula provisions. The motion passed, 5 AYES.
RESOLUTION NO. 11781

G. CITY MANAGER UPDATES

City Manager Benoun announced:

- Faith & Blue Community Dialogue, Wednesday, October 15, 2025, 6:00 p.m. - 7:30 - p.m., Newark Police Department, hosted by Cedars Church and Molino Foundation
- Advancing Housing Solutions Training Session, Thursday, October 23, 2025, from 12:30 p.m. - 4:30 p.m., at the Shannon Community Center, Dublin
- Howl-O-Ween, Saturday, October 18, ,10:00 a.m. - 12:30 p.m., NewBark Dog Park
- Floating Pumpkin Patch, Friday, October 24, 2025, 6:30 p.m. - 8:00 p.m. at Silliman Family Aquatic Center
- Adaptive Floating Pumpkin Patch, Friday, October 24, 2025, 4:30 p.m. - 6:00 p.m. at Silliman Family Aquatic Center
- Community Cleanup Event, Saturday, October 18, 2025, 7:00 a.m. - 11:00 a.m. at Newark Service Center, 37440 Filbert Street

H. CITY COUNCIL MATTERS

Council Member Grindall attended the League of California Cities (LOCC) Annual Conference. It was informative and interesting, and he encouraged all council members to attend next year.

Council Member Grindall raised the issue of agendizing the preservation of the six-acre school site at the Sanctuary development. He would like to formally request that the developer grant an extension to give the school district time to complete their asset management process and determine the best path forward.

Council Member Catancio attended Heroes in the Community and thanked Vice Mayor Little for organizing the wonderful event. She also attended the LOCC conference where she was able to take classes and have discussions with colleagues from other cities. Next weekend she will attend the Itliong-Vera Cruz celebration honoring Filipino American History Month.

Vice Mayor Little thanked everyone for the success of the Heroes in the Community event. She is currently working on three events for next spring: Mission Peak Yoyo Day, a Don Edwards Wildlife Refuge fundraiser, and an international food festival – "Around the World in 80 Bites".

Mayor Hannon announced that October is National Pedestrian Safety Month and urged drivers to take the time to look out for pedestrians and follow the speed limit and other precautionary measures.

Mayor Hannon discussed the revitalization of NewPark Mall, Brookfield's subsequent decision not to go forward with the project, and their vision for the future of the property. He will reach out to Brookfield to re-engage them in discussions for the future of NewPark Mall.

Mayor Hannon announced an event October 10, 2025, 6:00 p.m., at the City of Milpitas, recognizing former Council Member Sucy Collazo.

Mayor Hannon stated that the Newark way is when a decision is made by the City Council, the decision is accepted, and the City Council moves on for the betterment of the community.

I. CLOSED SESSION

No one from the public requested to speak.

Mayor Hannon recessed to Closed Session at 8:39 p.m.

At 8:50 p.m., the City Council convened in Closed Session.

At 11:40 p.m., the City Council reconvened in Open Session.

J. ADJOURNMENT

Mayor Hannon adjourned the meeting at 11:40 p.m.

STAFF REPORT

Item D. 3.

DATE	10/23/2025
TO	Honorable Mayor and City Council Members
FROM	Jerrald Yang, Associate Civil Engineer
SUBJECT	Adopt Resolution authorizing the City Manager to submit an allocation request to the Metropolitan Transportation Commission from the Regional Measure 3 Dumbarton Corridor Improvements Program and accepting Alameda County Transportation Commission's designation of the City of Newark as implementing agency for the Thornton Avenue Multimodal Complete Streets Project.

SUMMARY AND RECOMMENDATION

Staff recommends that the City Council adopt a resolution to authorize the City Manager to submit an allocation request to Metropolitan Transportation Commission (MTC) from the Regional Measure 3 (RM 3) Dumbarton Corridor Improvements Program and accept Alameda County Transportation Commission (ACTC) designation of the City of Newark as Implementing Agency for the Thornton Avenue Multimodal Complete Streets Project.

BACKGROUND

The MTC is a regional planning agency and has been designated as the federal Metropolitan Planning Organization (MPO) and the state Regional Transportation Planning Agency (RTPA) for the San Francisco Bay Area. At designated times, MTC receives available regional, state and federal funds as an MPO and RTPA, and, in turn, provides these funds to local agencies for planning and programming transportation, transit, land use, or other projects relevant to MTC or its statutory purposes.

To help address the Bay Area's growing traffic congestion problems, voters in 2018 approved RM 3 to finance $4.45 billion for highways and transit improvements through a one-dollar increase in tolls for the region's seven (7) state-owned toll bridges, including the San Francisco-Oakland Bay Bridge, the San Mateo-Hayward Bridge, the Dumbarton Bridge, the Richmond-San Rafael Bridge, the Benicia-Martinez Bridge, the Carquinez Bridge and the Antioch Bridge. The previous toll measures approved by voters in the nine Bay Area counties - Alameda, San Francisco, San Mateo, Santa Clara, Contra Costa, Napa, Marin, Solano and Sonoma -- included Regional Measure 1 (RM 1) in 1988 and Regional Measure 2 (RM 2) in 2004. The Dumbarton Express, which provides regional transit service for the residents of Alameda County to the jobs

in San Mateo County, has received operating and capital improvement funds through these past toll measure programs. However, there has not been significant funding for local projects to improve the east-west commute along the Dumbarton Corridor or Thornton Ave from these past toll measures.

DISCUSSION/ANALYSIS

In 2023, the southern Alameda County cities of Fremont and Newark, as well as AC Transit and ACTC, began identifying potential capital improvement projects along or parallel to the Dumbarton Road corridor that were ready for construction within the next five years. In February 2024, the City of Newark submitted the initial project report form to ACTC and MTC requesting $15 million for Thornton Avenue.

In June 2024, the MTC programmed $15 million of the RM 3 funds to the City of Newark for use towards the construction of projects within the Dumbarton Corridor, which includes projects that are currently included in the Capital Improvement Plan (CIP). This additional regional funding would allow the City to minimize the use of Gas Tax funds as matching requirements for larger projects and therefore create more opportunities for the completion of pavement maintenance on local streets and other local standalone projects. The proposed projects on Thornton Avenue within the Dumbarton Corridor with the RM 3 allocation are composed of multiple projects: Old Town Streetscape Improvements, Thornton Avenue Rehabilitation Phase 1 & Phase 2, and improvements to railroad crossings.

The funding requirements of the RM 3 Dumbarton Corridor Improvement Program dictate that all the projects be approved for funding by the cities, ACTC, and MTC before December 31, 2025, followed by construction in the following years. Project funding signs also must be placed at the limits of the project area during construction. This $15 million allocation will be distributed among these projects on Thornton Avenue and the City of Newark is required to submit an Allocation Request package to ACTC and MTC for RM 3 funds by the deadline.

Attached to this staff report is a proposed draft resolution that authorizes an allocation request of these funds under MTC RM 3 requirements. Funds will be allocated towards the proposed projects on Thornton Avenue. The adopted resolution will then be sent to MTC as required under their project funding requirements.

FISCAL IMPACT

The MTC, through the RM 3 Dumbarton Corridor Improvements Program, has programmed up to $15 million for the Thornton Avenue Multimodal Complete Streets Project.

Upon approval of the allocation request and execution of the Project Funding Agreement, the RM 3 funds will be deposited into a designated special revenue fund and programmed through future Council-approved CIP budget amendments.

Any required local match will be funded from existing appropriations within SB 1 RMRA – Road Maintenance and Rehabilitation Account (Fund 202) and ACTC Measure BB – Local Streets and Roads (Fund 284) already included in the adopted FY 2024–2026 Biennial Budget. Acceptance of the allocation will allow the City to leverage regional funding for major corridor improvements, preserving local transportation funds for pavement maintenance and other high-priority projects.

REVIEW AND APPROVAL

Prepared by - Jerrald Yang, Associate Civil Engineer
Reviewed by - Miki Tsubota, City Engineer
Reviewed by - Howard Young, Public Works Director
Reviewed by - Krysten Lee, Finance Director
Reviewed by - Kristopher J. Kokotaylo, City Attorney
Approved by - David J. Benoun, City Manager

Attachments

Resolution
Exhibit A - Initial Project Report Form
Exhibit B - IPR Funding Plan
Exhibit C - Allocation Request
Exhibit D - Cash Flow Plan

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWARK AUTHORIZING THE CITY MANAGER TO SUBMIT AN ALLOCATION REQUEST TO THE METROPOLITAN TRANSPORTATION COMMISSION FROM THE REGIONAL MEASURE 3 DUMBARTON CORRIDOR IMPROVEMENTS PROGRAM AND ACCEPTING ALAMEDA COUNTY TRANSPORTATION COMMISSION'S DESIGNATION OF THE CITY OF NEWARK AS IMPLEMENTING AGENCY FOR THE THORNTON AVENUE MULTIMODAL COMPLETE STREETS PROJECT

Implementing Agency:	City of Newark
Sponsor Agency:	Alameda CTC
Project Title:	Dumbarton Corridor Improvements
Subproject Title:	Thornton Avenue Multimodal Complete Streets

WHEREAS, SB 595 (Chapter 650, Statutes 2017), commonly referred as Regional Measure 3, identified projects eligible to receive funding under the Regional Measure 3 Expenditure Plan; and

WHEREAS, the Metropolitan Transportation Commission (MTC) is responsible for funding projects eligible for Regional Measure 3 funds, pursuant to Streets and Highways Code Section 30914.7(a) and (c); and

WHEREAS, MTC has established a process whereby eligible transportation project sponsors may submit allocation requests for Regional Measure 3 funding; and

WHEREAS, allocation requests to MTC must be submitted consistent with procedures and conditions as outlined in Regional Measure 3 Policies and Procedures (MTC Resolution No. 4404; and

WHEREAS, the Alameda County Transportation Commission (Alameda CTC) is the sponsor of Dumbarton Corridor Improvement Program project in the Regional Measure 3 Expenditure Plan; and

WHEREAS, the Dumbarton Corridor Improvement Program - Thornton Avenue Multimodal Complete Streets project is eligible for consideration in the Regional Measure 3 Expenditure Plan, as identified in California Streets and Highways Code Section 30914.7(a); and

WHEREAS, the Alameda CTC desires to designate City of Newark as an entity that is eligible to request Regional Measure 3 funds for the Thornton Avenue Multimodal Complete Streets project; and

WHEREAS, the Regional Measure 3 updated Initial Project Report (IPR) and allocation request, attached hereto and incorporated herein as though set forth at length, lists the project, purpose, schedule, budget, expenditure and cash flow plan for which City of Newark is requesting that MTC allocate Regional Measure 3 funds.

NOW, THEREFORE, BE IT RESOLVED BY THE City Council of the City of Newark that City accepts Alameda CTC's designation as implementing agency for the project; and be it further

RESOLVED that City of Newark accepts Alameda CTC's delegation of responsibility for certifying the project and allocation request(s) comply with the requirements of the Metropolitan Transportation Commission's Regional Measure 3 Policies and Procedures; and be it further

RESOLVED, that City of Newark, and its agents shall comply with the provisions of the Metropolitan Transportation Commission's Regional Measure 3 Policies and Procedures); and be it further

RESOLVED, that City of Newark certifies that Thornton Avenue Multimodal Complete Streets is consistent with the Regional Transportation Plan (RTP); and be it further

RESOLVED, that the year of funding for any design, right-of-way and/or construction phases has taken into consideration the time necessary to obtain environmental clearance and permitting approval for the project; and be it further

RESOLVED, that the Regional Measure 3 phase or segment is fully funded, and results in an operable and useable segment; and be it further

RESOLVED, that City of Newark approves the allocation request and updated IPR, attached to this resolution; and be it further

RESOLVED, that City of Newark approves the cash flow plan, attached to this resolution; and be it further

RESOLVED, that City of Newark has reviewed the project needs and has adequate staffing resources to deliver and complete the project within the schedule set forth in the allocation request and updated IPR, attached to this resolution; and, be it further

RESOLVED, that City of Newark is authorized to submit an allocation request for Regional Measure 3 funds for Thornton Avenue Multimodal Complete Streets in accordance with California Streets and Highways Code 30914.7(a); and be it further

RESOLVED, that City of Newark certifies that the projects and purposes for which RM3 funds are being requested is in compliance with the requirements of the California

Environmental Quality Act (Public Resources Code Section 2l000 et seq.), and with the State Environmental Impact Report Guidelines (l4 California Code of Regulations Section l5000 et seq.) and if relevant the National Environmental Policy Act (NEPA), 42 USC Section 4-1 et. seq. and the applicable regulations thereunder; and be it further

RESOLVED, that there is no legal impediment to City of Newark making allocation requests for Regional Measure 3 funds; and be it further

RESOLVED, that there is no pending or threatened litigation which might in any way adversely affect the proposed project, or the ability of City of Newark to deliver such project; and be it further

RESOLVED, that City of Newark indemnifies and holds harmless MTC, BATA, and their Commissioners, representatives, agents, and employees from and against all claims, injury, suits, demands, liability, losses, damages, and expenses, whether direct or indirect (including any and all costs and expenses in connection therewith), incurred by reason of any act or failure to act of City of Newark, its officers, employees or agents, or subcontractors or any of them in connection with its performance of services under this allocation of RM3 funds. City of Newark agrees at its own cost, expense, and risk, to defend any and all claims, actions, suits, or other legal proceedings brought or instituted against MTC, BATA, and their Commissioners, officers, agents, and employees, or any of them, arising out of such act or omission, and to pay and satisfy any resulting judgments. In addition to any other remedy authorized by law, so much of the funding due under this allocation of RM3 funds as shall reasonably be considered necessary by MTC may be retained until disposition has been made of any claim for damages, and be it further

RESOLVED, that City of Newark shall, if any revenues or profits from any non-governmental use of property (or project) that those revenues or profits shall be used exclusively for the public transportation services for which the project was initially approved, either for capital improvements or maintenance and operational costs, otherwise the Metropolitan Transportation Commission is entitled to a proportionate share equal to MTC's percentage participation in the projects(s); and be it further

RESOLVED, that assets purchased with RM3 funds including facilities and equipment shall be used for the public transportation uses intended, and should said facilities and equipment cease to be operated or maintained for their intended public transportation purposes for its useful life, that the Metropolitan Transportation Commission (MTC) shall be entitled to a present day value refund or credit (at MTC's option) based on MTC's share of the Fair Market Value of the said facilities and equipment at the time the public transportation uses ceased, which shall be paid back to MTC in the same proportion that Regional Measure 3 funds were originally used; and be it further

RESOLVED, that City of Newark shall post on both ends of the construction site(s) at least two signs visible to the public stating that the Project is funded with Regional Measure 3 Toll Revenues; and be it further

RESOLVED, that City of Newark authorizes its City Manager (or his designee) to execute and submit an allocation request for the construction phase with MTC for Regional Measure 3 funds in the amount of $15 million, for the project, purposes and amounts included in the allocation request attached to this resolution; and be it further

RESOLVED, that the City Manager, or his designee is hereby delegated the authority to make non-substantive changes or minor amendments to the allocation request or IPR as he/she deems appropriate; and be it further

RESOLVED, that a copy of this resolution shall be transmitted to MTC in conjunction with the filing of the City of Newark allocation request referenced herein.

Attachments:

1. Exhibit A – Initial Project Report Form
2. Exhibit B – IPR Funding Plan
3. Exhibit C – Allocation Request
4. Exhibit D – Cash Flow Plan

Regional Measure 3

Initial Project Report

Project/Subproject Details

Basic Project Information

Project Number	17
Project Title	Dumbarton Corridor Improvements
RM3 Funding Amount	$130,000,000

Subproject Information

Subproject Number	
Subproject Title	Thornton Avenue Multimodal Complete Streets
RM3 Funding Amount	$15,000,000

I. Overall Subproject Information

a. Project Sponsor / Co-sponsor(s) / Implementing Agency

Project Sponsor:
City of Newark
Project Co-Sponsor(s):
N/A
Implementing Agency:
City of Newark

b. Detailed Project Description *(include definition of deliverable segment if different from overall project/subproject)*

The Thornton Avenue Multimodal Complete Streets project includes multiple phases of projects to significantly improve multimodal access on Thornton Avenue between State Route 84 and Interstate 880 in Newark, a critical connection in the Dumbarton Corridor. These projects will include bicycle and pedestrian accessibility improvements on Thornton Avenue and will include design principles based on the All Ages and Abilities guidance as required under MTC Resolution 4493. The projects include the improvements between I-880 and Ash St. as well as safety improvements for rail crossings.

Phase 1 Projects. The first project phase will include the *Old Town Streetscape and Complete Streets Improvements*, the *Thornton Avenue Alternate Route Corridor Pavement Rehabilitation - Phase 1*

(Interstate 880 to Olive Street) project and the *Thornton Avenue Alternate Route Corridor Pavement Rehabilitation – Phase 2 (Ash Street to Spruce Street), all* scheduled for construction in 2026.

The Old Town Streetscape and Complete Streets Improvements project is located between Olive Street and Ash Street and is a key component of the City's Old Town Specific Plan's coordinated land use, economic development, and transportation strategy to inspire reinvestment and revitalization of the Old Town area. The goal of the Old Town Streetscape and Complete Streets project is to improve access, safety, and connections for pedestrians, bicyclists and transit users while also serving as a catalyst for private investment in buildings and uses. The project will reduce the number of travel lanes on Thronton Avenue from three to two, thereby providing the necessary area for wider sidewalks and new bicycle facilities where only an unmarked bicycle route currently exists. Ensuring a design that meets All Ages and Abilities requirements is an important objective for the entirety of the Thornton Avenue corridor. However, this will present a challenge in some specific areas where street parking is retained. New bicycle facilities may be limited to buffered bicycle lanes . Additional safety and connectivity improvements include new high visibility crosswalks, curb extensions, bus stop amenities, and landscaping to improve the convenience and comfort of alternative travel modes.

The Thornton Avenue Alternate Route Corridor Pavement Rehabilitation (Phase 1) project will provide a much-needed pavement overlay between Interstate 880 and Olive Street and will include improved multimodal access with pedestrian facility improvements and separated bicycle lanes where vehicle parking is prohibited. In locations where street curb parking must remain, buffered bicycle lanes will again be provided as a minimum improvement. *The Thornton Avenue Alternate Route Corridor Pavement Rehabilitation – Phase 2* project will provide a critical pavement overlay on the segment between Ash Street and Spruce Street, effectively closing a gap between the proposed Old Town Streetscape and Complete Streets project and existing improvements between Spruce Street and Willow Street. Similar to the Rehabilitation (Phase 1) effort, this project will enhance multimodal access with buffered bike lanes and pedestrian facility improvements. Together, these projects would complete approximately 1.9 miles of multimodal improvements on Thornton Avenue. Final design is underway on these projects for scheduled construction in 2026.

Phase 2 Projects: The project proposed in Phase 2 will include the *Thornton Avenue Area Quiet Zones and Pedestrian Improvements*. The Thornton Avenue Area Quiet Zones will provide Federal Railroad Administration Quiet Zone improvements at various at-grade crossings along with pedestrian improvements. This project will construct improvements at the crossings in the vicinity of Thornton Avenue, including the Mayhews Landing Road, Carter Avenue, Sycamore Street, Cherry Street and Cedar Boulevard, Haley Street, and Jarvis Street crossings. Design is underway with construction scheduled for 2026.

c. Impediments to Project Completion

No significant project issues or impediments have been identified to date for the project phases as proposed. Each project phase is entirely within City of Newark right-of-way with no additional right-of-way requirements or significant environmental concerns.

d. Risk Management *(describe risk management process for project budget and schedule, levels of contingency and how they were determined, and risk assessment tools used)*

The project budgets and schedules established for each project phase have been coordinated with retained design consultants. Construction contingency is set at 15% for all project phases and all budgets were established based on the planned year of construction. Design consultants have been retained and are working on the final design for the Phase 1 and Phase 2 work with construction targeted for 2026. The projects are expected to be a categorical exclusion for NEPA and categorically exempt under CEQA as these are largely improvements to existing facilities within existing right-of-way. Phase 1 projects include federal funds and required NEPA clearance. Phase 2 work will only require CEQA clearance. The environmental assessment work is underway for all projects. Risk management principles will continue to be applied to all project phases.

e. Operability *(describe entities responsible for operating and maintaining project once completed/implemented)*

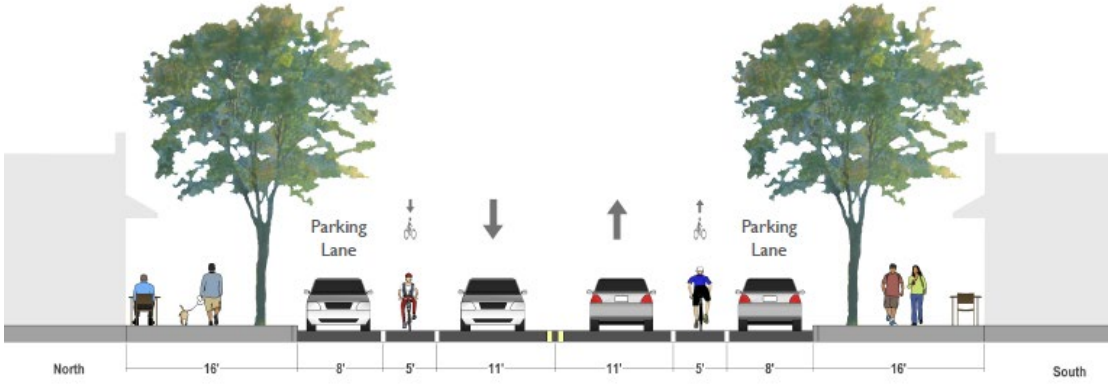
The entire proposed scope of improvements are within the City of Newark and all improvements will be owned and maintained by the City of Newark.

f. Project Graphic(s) *(include below or attach)*

Below: The Old Town Streetscape and Complete Streets Project, Olive Street to Ash Street



1. Gateway Sign
2. Improved Street Lighting
3. Stormwater Planters
4. Bulbouts
5. High-Visibility Crosswalk
6. Bike Lanes
7. Narrowed Travel Lanes


Parking Lane
Parking Lane
North
16'
8'
5'
11'
11'
5'
8'
16'
South

II. Project Phase Description and Status

a. **Environmental/Planning**

Does NEPA apply?

Phase 1 Yes ☒ No☐

Phase 2 Yes ☐ No☒

NEPA applies to the projects with federal funding, including the Phase 1 projects on Thornton Avenue between I-880 and Ash Street.The NEPA and CEQA environmental review process is underway for all Phase 1 projects. The NEPA clearance will be coordinate with Caltrans Local Assistance. The Phase 2 project does not require NEPA clearance. Target completion dates are provided in the following tables.

b. Design

Design work is underway for the all the projects. The Old Town Streetscape and Complete Streets Project is at 90% design. The other components of the Phase 1 project (I-880 to Olive St and Spruce Street to Ash Street) are at over 60% design. The Phase 2 design work for the *Thornton Avenue Area Quiet Zones and Pedestrian* Improvements component is at 30% design.

c. Right-of-Way Activities / Acquisition

It is not anticipated that any right-of-way acquisition will be needed. All improvements are currently proposed within existing right-of-way. The improvements related to the *Thornton Avenue Area Quiet Zones and Pedestrian* Improvements will be in in the area that does not require UPRR

d. Construction / Vehicle Acquisition / Operating

Construction is anticipated to begin in Summer 2026 for Phase 1 and Phase 2 work.

III. Project Schedule

Phase-Milestone – Phase 1 - Old Town Streetscape and Complete Streets Improvements, Pavement Rehab Ph 1 (Thornton – 880 to Olive St), Pavement Rehab Ph 2 (Thornton – Ash to Spruce)	**Planned**	
	Start Date	Completion Date
Environmental Studies, Preliminary Eng. (ENV / PE / PA&ED)	3/2024	11/2025
Final Design - Plans, Specs. & Estimates (PS&E)	6/2024	12/2025
Right-of-Way Activities /Acquisition (R/W)	9/2025	12/2025

Construction (Begin – Open for Use) / Acquisition (CON)	7/2026	1/2028

Phase-Milestone – Phase 2 - Crossing Improvements (Carter / Mayhews Landing / Sycamore / Cherry / Cedar / Hayley / Jarvis)	**Planned**	
	Start Date	Completion Date
Environmental Studies, Preliminary Eng. (ENV / PE / PA&ED)	6/2022	10/2022
Final Design - Plans, Specs. & Estimates (PS&E)	9/2023	12/2025
Right-of-Way Activities /Acquisition (R/W)	9/2023	12/2025
Construction (Begin – Open for Use) / Acquisition (CON)	6/2026	1/2028

I. Project Budget

Capital

Deliverable Segment Budget (if different from Project budget) **– Phase 1 - Old Town Streetscape and Complete Streets Improvements, Pavement Rehab Ph 1 (Thornton – 880 to Olive St), Pavement Rehab Ph 2 (Thornton – Ash to Spruce)**	**Total Amount - Escalated to Year of Expenditure (YOE)- (Thousands)**
Environmental Studies & Preliminary Eng (ENV / PE / PA&ED)	$80
Design - Plans, Specifications and Estimates (PS&E)	$1,530
Right-of-Way Activities /Acquisition (R/W)	
Construction / Rolling Stock Acquisition (CON)	$23,446
Total Project Budget (in thousands)	$25,056

Deliverable Segment Budget (if different from Project budget) **Phase 2 - Crossing Improvements (Carter / Mayhews Landing / Sycamore / Cherry / Cedar / Hayley / Jarvis)**	**Total Amount - Escalated to Year of Expenditure (YOE)- (Thousands)**
Environmental Studies & Preliminary Eng (ENV / PE / PA&ED)	$20

Design - Plans, Specifications and Estimates (PS&E)	$200
Right-of-Way Activities /Acquisition (R/W)	
Construction / Rolling Stock Acquisition (CON)	$1,200
Total Project Budget (in thousands)	$1,420

II. Project Funding

Please provide a detailed funding plan in the Excel portion of the IPR. Use this section for additional detail or narrative as needed and to describe plans for any "To Be Determined" funding sources, including phase and year needed.

For Phase 1, the City has secured $5.14M in One Bay Area Grant funding (OBAG3), $1.0M in State funding for the Old Town Streetscape and Complete Streets project and about $440K for improvements in the vicinity of the railroad. The City has also secured $3.0M in Federal funding through the FY23 and FY 24 Community Project Funding (CPF) program for the Thornton Avenue Alternate Route Corridor Pavement Rehabilitation work of the Phase 1 project. The City is requesting $13.8M in Regional Measure 3 funding for this project phase.

For Phase 2, the City has secured State earmark funding for the Thornton Avenue Are Quiet Zones and Pedestrian Improvements project and will use these funds to design the project. Under Regional Measure 3, the City is seeking an additional $1.2M for these projects.

III. Contact/Preparation Information

Contact for Project Sponsor
Name: Howard Young
Title: Public Works Director
Phone: (510) 578-4286
Email: howard.young@newarkca.gov
Mailing Address: 37101 Newark Boulevard, Newark CA 94560

Person Preparing Initial Project Report (if different from above)
Name: Jerrald Yang
Title: Associate Civil Engineer
Phone: (510) 578-4293
Email: jerrald.yang@newarkca.gov
Mailing Address: 37101 Newark Boulevard, Newark CA 94560

Regional Measure 3
Intitial Project Report - Subproject Report
Funding Plan

Project Title:	Dumbarton Corridor Improvements
Subproject Title	Thornton Avenue Multimodal Complete Streets
Project/Subproject Number:	17.X
Total RM3 Funding:	$ 15,000,000

(add rows as necessary)

CAPITAL FUNDING

Funding Source	Committed? (Yes/No)	Total Amount ($ thousands)	Amount Expended ($ thousands)	Amount Remaining ($ thousands)
ENV				
				$ -
Local Gas Tax funds (HUTA) - Old Town Streetscape	Y	$ 25		$ 25
Local Gas Tax funds (HUTA)- Pavement Rehab Ph 1	Y	$ 35		$ 35
Local Gas Tax funds (HUTA)- Pavement Rehab Ph 2	Y	$ 20		$ 20
State Earmark - Rail Crossing Imp.	Y	$ 20		$ 20
				$ -
ENV Subtotal		$ 100	$ -	$ 100
PSE				
				$ -
Local Gas Tax funds (HUTA) - Old Town Streetscape	Y	$ 965		$ 965
Local Gas Tax funds (HUTA)- Pavement Rehab Ph 1	Y	$ 385		$ 385
Local Gas Tax funds (HUTA)- Pavement Rehab Ph 2	Y	$ 180		$ 180
State Earmark - Rail Crossing Imp.	Y	$ 200		$ 200
				$ -
PSE Subtotal		$ 1,730	$ -	$ 1,730
ROW				
				$ -
				$ -
				$ -
				$ -
				$ -
				$ -
ROW Subtotal		$ -	$ -	$ -
CON				
RM3 - Old Town Street scape	Y	$ 10,430		$ 10,430
RM3 - Pavement Rehab 1	Y	$ 2,070		$ 2,070
RM3 - Pavement Rehab 2	Y	$ 1,300		$ 1,300
RM3 - Rail Crossing Imp.	Y	$ 1,200		$ 1,200
OBAG - Old Town Streetscape	Y	$ 5,141		$ 5,141
State Earmark - Old Town Streetscape	Y	$ 1,437		$ 1,437
TFCA - Old Town Streetscape	Y	$ 68		$ 68
Fed Earmark - Pavement Rehab 1	Y	$ 2,000		$ 2,000
Fed Earmark - Pavement Rehab 2	Y	$ 1,000		$ 1,000
				$ -
				$ -
CON Subtotal		$ 24,646	$ -	$ 24,646
Capital Funding Total		$ 26,476	$ -	$ 26,476

OPERATING FUNDING (Annual)

Funding Source	Phase	Committed? (Yes/No)	Total Amount ($ thousands)
	Operating		
Operating Funding Total			$ -

Regional Measure 3
Intitial Project Report - Subproject Report
Funding Plan - Deliverable Segment - Fully funded phase or segment of total project

Project Title:	Dumbarton Corridor Improvements
Subproject Title	Thornton Avenue Multimodal Complete Streets
Project/Subproject Number:	17.X
Total RM3 Funding:	$ 15,000,000

(add rows as necessary)

RM3 Deliverable Segment Funding Plan - Funding by planned year of allocation

Funding Source	Prior	2024-25	2025-26	2026-27	2027-28	2028-29	2029-30	2030-31	Future committed	Total Amount ($ thousands)	Amount Expended ($ thousands)	Amount Remaining ($ thousands)
ENV												
RM-3										$ -		$ -
Local Gas Tax funds (HUTA) - Old Town Streetscape	$ 25									$ 25		$ 25
Local Gas Tax funds (HUTA)- Pavement Rehab Ph 1		$ 35								$ 35		$ 35
Local Gas Tax funds (HUTA)- Pavement Rehab Ph 2		$ 20								$ 20		$ 20
State Earmark - Rail Crossing Imp.	$ 20									$ 20		$ 20
										$ -		$ -
ENV Subtotal	$ 45	$ 55	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 100	$ -	$ 100
PSE												
RM-3										$ -		$ -
Local Gas Tax funds (HUTA) - Old Town Streetscape	$ 965									$ 965		$ 965
Local Gas Tax funds (HUTA)- Pavement Rehab Ph 1		$ 385								$ 385		$ 385
Local Gas Tax funds (HUTA)- Pavement Rehab Ph 2		$ 180								$ 180		$ 180
State Earmark - Rail Crossing Imp.	$ 200									$ 200		$ 200
										$ -		$ -
PSE Subtotal	$ 1,165	$ 565	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 1,730	$ -	$ 1,730
ROW												
RM-3										$ -		$ -
										$ -		$ -
										$ -		$ -
										$ -		$ -
										$ -		$ -
										$ -		$ -
ROW Subtotal	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
CON												
RM-3 - Old Town Streetscape			$ 10,430							$ 10,430		$ 10,430
RM3 - Pavement Rehab 1			$ 2,070							$ 2,070		$ 2,070
RM3 - Pavement Rehab 2			$ 1,300							$ 1,300		$ 1,300
RM3 - Rail Crossing Imp.			$ 1,200							$ 1,200		$ 1,200
OBAG - Old Town Streetscape			$ 5,141							$ 5,141		$ 5,141
State Earmark - Old Town Streetscape			$ 1,437							$ 1,437		$ 1,437
TFCA - Old Town Streetscape			$ 68							$ 68		$ 68
Fed Earmark - Pavement Rehab 1			$ 2,000							$ 2,000		$ 2,000
Fed Earmark - Pavement Rehab 2			$ 1,000							$ 1,000		$ 1,000
										$ -		$ -
										$ -		$ -
CON Subtotal	$ -	$ -	$ 24,646	$ -	$ -	$ -	$ -	$ -	$ -	$ 24,646	$ -	$ 24,646
RM-3 Funding Subtotal	$ -	$ -	$ 15,000	$ -	$ -	$ -	$ -	$ -	$ -	$ 15,000	$ -	$ 10,430
Capital Funding Total	$ 1,210	$ 620	$ 24,646	$ -	$ -	$ -	$ -	$ -	$ -	$ 26,476	$ -	$ 26,476

Regional Measure 3
Allocation Request
Funding Plan - Deliverable Segment - Fully funded phase or segment of total project

Project Title:	Dumbarton Corridor Improvements
Subproject Title	Thornton Avenue Multimodal Complete Streets - Ph.1
Project/Subproject Number:	17.X
Total RM3 Funding:	$ 13,800,000

(add rows as necessary)

RM3 Deliverable Segment Funding Plan - Funding by planned year of allocation

Funding Source	Phase	Prior	2024-25	2025-26	2026-27	2027-28	2028-29	2029-30	2030-31	Future committed	Total Amount ($ thousands)	Amount Expended ($ thousands)	Amount Remaining ($ thousands)
RM3	ENV										$ -		$ -
Local Gas Tax funds (HUTA) - Old Town	ENV	$ 25									$ 25		$ 25
Local Gas Tax funds (HUTA)- Pavement	ENV		$ 35								$ 35		$ 35
Local Gas Tax funds (HUTA)- Pavement	ENV		$ 20								$ 20		$ 20
											$ -		$ -
											$ -		$ -
ENV Subtotal		$ 25	$ 55	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 80	$ -	$ 80
RM 3	PSE										$ -		$ -
Local Gas Tax funds (HUTA) - Old Town	PSE	$ 965									$ 965		$ 965
Local Gas Tax funds (HUTA)- Pavement	PSE		$ 385								$ 385		$ 385
Local Gas Tax funds (HUTA)- Pavement	PSE		$ 180								$ 180		$ 180
											$ -		$ -
											$ -		$ -
PSE Subtotal		$ 965	$ 565	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 1,530	$ -	$ 1,530
RM 3	ROW										$ -		$ -
	ROW										$ -		$ -
											$ -		$ -
											$ -		$ -
											$ -		$ -
											$ -		$ -
ROW Subtotal		$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
RM-3 - Old Town Streetscape	CON			$ 10,430							$ 10,430		$ 10,430
RM3 - Pavement Rehab 1	CON			$ 2,070							$ 2,070		$ 2,070
RM3 - Pavement Rehab 2	CON			$ 1,300							$ 1,300		$ 1,300
OBAG - Old Town Streetscape	CON			$ 5,141							$ 5,141		$ 5,141
State Earmark - Old Town Streetscape	CON			$ 1,437							$ 1,437		$ 1,437
TFCA - Old Town Streetscape	CON			$ 68							$ 68		$ 68
Fed Earmark - Pavement Rehab 1	CON			$ 2,000							$ 2,000		$ 2,000
Fed Earmark - Pavement Rehab 2	CON			$ 1,000							$ 1,000		$ 1,000
											$ -		$ -
											$ -		$ -
											$ -		$ -
CON Subtotal		$ -	$ -	$ 23,446	$ -	$ -	$ -	$ -	$ -	$ -	$ 23,446	$ -	$ 23,446
RM 3 Funding Subtotal		$ -	$ -	$ 13,800	$ -	$ -	$ -	$ -	$ -	$ -	$ 13,800	$ -	$ 13,800
Capital Funding Total		$ 990	$ 620	$ 23,446	$ -	$ -	$ -	$ -	$ -	$ -	$ 25,056	$ -	$ 25,056

Regional Measure 3
Allocation Request
Funding Plan - Deliverable Segment - Fully funded phase or segment of total project

Project Title:	Dumbarton Corridor Improvements
Subproject Title	Thornton Avenue Multimodal Complete Streets - Ph.2
Project/Subproject Number:	17.X
Total RM3 Funding:	$ 1,200,000

(add rows as necessary)

RM3 Deliverable Segment Funding Plan - Funding by planned year of allocation

Funding Source	Phase	Prior	2024-25	2025-26	2026-27	2027-28	2028-29	2029-30	2030-31	Future committed	Total Amount ($ thousands)	Amount Expended ($ thousands)	Amount Remaining ($ thousands)
RM3	ENV										$ -		$ -
State Earmark - Rail Crossing Imp.	ENV	$ 20									$ 20		$ 20
											$ -		$ -
											$ -		$ -
											$ -		$ -
											$ -		$ -
ENV Subtotal		$ 20	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 20	$ -	$ 20
RM 3	PSE										$ -		$ -
State Earmark - Rail Crossing Imp.	PSE	$ 200									$ 200		$ 200
											$ -		$ -
											$ -		$ -
											$ -		$ -
											$ -		$ -
PSE Subtotal		$ 200	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 200	$ -	$ 200
RM 3	ROW										$ -		$ -
	ROW										$ -		$ -
											$ -		$ -
											$ -		$ -
											$ -		$ -
											$ -		$ -
ROW Subtotal		$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
RM3 - Rail Crossing Imp.	CON			$ 1,200							$ 1,200		$ 1,200
											$ -		$ -
											$ -		$ -
											$ -		$ -
											$ -		$ -
											$ -		$ -
											$ -		$ -
											$ -		$ -
											$ -		$ -
											$ -		$ -
											$ -		$ -
CON Subtotal		$ -	$ -	$ 1,200	$ -	$ -	$ -	$ -	$ -	$ -	$ 1,200	$ -	$ 1,200
RM 3 Funding Subtotal		$ -	$ -	$ 1,200	$ -	$ -	$ -	$ -	$ -	$ -	$ 1,200	$ -	$ 1,200
Capital Funding Total		$ 220	$ -	$ 1,200	$ -	$ -	$ -	$ -	$ -	$ -	$ 1,420	$ -	$ 1,420

Regional Measure 3
Allocation Request

RM3 Project Information

Project Number	17
Project Title	Dumbarton Corridor Improvements
RM3 Funding Amount	$130,000,000

Subproject Information

Subproject Number	
Subproject Title	Thornton Avenue Multimodal Complete Streets
RM3 Funding Amount	$15,000,000

RM3 Allocation History (Add lines as necessary)

	MTC Approval Date	Amount	Phase
#1:			
#2			
#3			
Total:		**$**	

Current Allocation Request:

Request submittal date	Amount	Phase
10/13/25	$15,000,000	CON

I. RM3 Allocation Request Information

a. **Describe the current status of the project, including any progress since the last allocation request or IPR update, if applicable.**

The Phase 1 and 2 subprojects are at the these design levels: Old Town Streetscape and Complete Streets Improvements-90%; Thornton Avenue Alternate Route Corridor Pavement Rehabilitation - Phase 1 (Interstate 880 to Olive Street)- over 60%; Thornton Avenue Alternate Route Corridor Pavement Rehabilitation – Phase 2 (Ash Street to Spruce Street)- over 60%, and the Thornton Avenue Area Quiet Zones and Pedestrian Improvements- 30%. The overall project funding plan has been updated since the last IPR submittal (in February 2024) with adjustments to the funding plan included to reflect an increase in Phase 1 costs, a rescoping of Phase 2 work (and associated cost revisions), and overall schedule revisions. All phases are in the process of securing environmental clearance and design in underway. The delivery schedule aligns with the federal OBAG and earmark funding sources.

b. **Describe the scope of the allocation request. Provide background and other details as necessary. The scope must be consistent with the RM3 statute. If the scope differs from the most recent IPR for this project, please describe the reason for any changes here; a revised IPR may be necessary.**

The RM3 funds are requested to be used in the Phase 1 and Phase 2 components of the Newark project as detailed in the revised IPR submitted with this allocation request.

The scope of Phase 1 work is consistent with the IPR initially submitted. This phase of the project includes the *Old Town Streetscape and Complete Streets Improvements*, the *Thornton Avenue Alternate Route Corridor Pavement Rehabilitation - Phase 1 (Interstate 880 to Olive Street)* project and the *Thornton Avenue Alternate Route Corridor Pavement Rehabilitation – Phase 2 (Ash Street to Spruce Street), all* scheduled for construction in 2026.

The Old Town Streetscape and Complete Streets Improvements project is located between Olive Street and Ash Street and is a key component of the City's Old Town Specific Plan's coordinated land use, economic development, and transportation strategy to inspire reinvestment and revitalization of the Old Town area. The goal of the Old Town Streetscape and Complete Streets project is to improve access, safety, and connections for pedestrians, bicyclists and transit users while also serving as a catalyst for private investment in buildings and uses. The project will reduce the number of travel lanes on Thronton Avenue from three to two, thereby providing the necessary area for wider sidewalks and new bicycle facilities where only an unmarked bicycle route currently exists. Ensuring a design that meets All Ages and Abilities requirements is an important objective for the entirety of the Thornton Avenue corridor. However, this will present a challenge in some specific areas where street parking is retained. New bicycle facilities may be limited to buffered bicycle lanes . Additional safety and connectivity improvements include new high visibility crosswalks, curb extensions, bus stop amenities, and landscaping to improve the convenience and comfort of alternative travel modes.

The Thornton Avenue Alternate Route Corridor Pavement Rehabilitation (Phase 1) (part of the overall Phase 1 work) project will provide a much-needed pavement overlay between Interstate 880 and Olive Street and will include improved multimodal access with pedestrian facility improvements and separated bicycle lanes where vehicle parking is prohibited. In locations where street curb parking must remain, buffered bicycle lanes will again be provided as a minimum improvement. *The Thornton Avenue Alternate Route Corridor*

Pavement Rehabilitation – Phase 2 project (part of the overall Phase 1 work) will provide a critical pavement overlay on the segment between Ash Street and Spruce Street, effectively closing a gap between the proposed Old Town Streetscape and Complete Streets project and existing improvements between Spruce Street and Willow Street. Similar to the Rehabilitation (Phase 1) effort, this project will enhance multimodal access with buffered bike lanes and pedestrian facility improvements. Together, these projects would complete approximately 1.9 miles of multimodal improvements on Thornton Avenue. Final design is underway on these projects for scheduled construction in 2026.

The scope of Phase2 work is consistent with the IPR initially submitted. The project proposed in Phase 2 will include the *Thornton Avenue Area Quiet Zones and Pedestrian Improvements*. The Thornton Avenue Area Quiet Zones will provide Federal Railroad Administration Quiet Zone improvements at various at-grade crossings along with pedestrian improvements. This project will construct improvements at the crossings in the vicinity of Thornton Avenue, including the Mayhews Landing Road, Carter Avenue, Sycamore Street, Cherry Street and Cedar Boulevard, Haley Street, and Jarvis Street crossings (7 crossings total). Design is underway with construction scheduled for 2026.

Additional RM3 funds are included in the Phase 1 scope (relative to the prior IPR), with the funds coming from what was previously a Phase 3 component. The amount of RM3 funds requested for Phase 2 has also been reduced, with additional RM3 funds proposed for Phase 1. The City intends to fund the projects included in the prior IPRs Phase 3 scope with non RM3 funds in the future. Phase 1 and 2 improvements all have independent utility and do not require the completion of the prior IPRs Phase 3 scope. The total RM3 request is consistent with the initially submitted IPR.

c. Deliverable segment budget – please fill out attached Excel file. If the budget differs from the most recent IPR for this project, please describe the reason for any changes here; a revised IPR may be necessary.

The budget has been revised based on the latest design work completed and the funding required to deliver the projects that will be ready to begin construction in 2026. A revised IPR is included.

d. Schedule – what is the expected completion date of the phase for this allocation? Describe any significant milestones.

Phase 1 Construction Component ($13.8 M of RM3)

12/2025	Complete design Request obligation of federal funds
1/2026	Receive approval of obligation of federal funds
2/2026	Receive RM3 funding agreement

3/2026	Advertise Construction Contract
4/2026	Open Bids
5/2026	Award Contract
6/2026	City issues NTP
7/2026	Start Construction
1/2028	Construction Completed

Phase 2 Construction Component ($1.2 M of RM3)

1/2026	Complete design
2/2026	Receive RM3 funding agreement
3/2026	Advertise Construction Contract
4/2026	Open Bids
5/2026	Award Contract
6/2026	City issues NTP
7/2026	Start Construction
1/2028	Construction Completed

e. If the project received an RM3 Letter of No Prejudice, how much has been spent against the approved RM3 LONP amount? (Note: the scope and RM3 amount for this allocation request should match the approved LONP)

NA

f. Request Details

Amount being requested	$15,000
Project phase being requested	CON
Are there other fund sources involved in this phase?	☒ Yes ☐ No
Date of anticipated Implementing Agency Board approval of RM3 Allocation Request resolution for the allocation being requested	10/25
Month/year being requested for MTC commission approval of allocation	1/26

Note: Allocation requests are recommended to be submitted to MTC staff for review sixty (60) days prior to action by the Implementing Agency Board

g. List any other planned bridge toll allocation requests in the next 12 months

NA

Regional Measure 3
Intitial Project Report - Subproject Report
Cash Flow Plan

Project Title:	Dumbarton Corridor Improvements
Subproject Title	Thornton Avenue Multimodal Complete Streets
Project/Subproject Number:	17.X
Total RM3 Funding:	$ 15,000,000

(please include all planned funding, add rows as necessary)

RM3 Cash Flow Plan for Deliverable Segment - Funding by planned year of expenditure

Funding Source	Prior	2024-25	2025-26	2026-27	2027-28	2028-29	2029-30	2030-31	Future committed	Total Amount ($ thousands)
ENV										
RM 3										$ -
Local Gas Tax funds (HUTA) - Old Town	$ 25									$ 25
Local Gas Tax funds (HUTA)- Pavement Rehab Ph 1		$ 35								$ 35
Local Gas Tax funds (HUTA)- Pavement Rehab Ph 2		$ 20								$ 20
State Earmark - Rail Crossing Imp.	$ 20									$ 20
										$ -
ENV Subtotal	$ 45	$ 55	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 100
PSE										
RM 3										$ -
Local Gas Tax funds (HUTA) - Old Town Streetscape		$ 700	$ 265							$ 965
Local Gas Tax funds (HUTA)- Pavement Rehab Ph 1			$ 385							$ 385
Local Gas Tax funds (HUTA)- Pavement Rehab Ph 2			$ 180							$ 180
State Earmark - Rail Crossing Imp.		$ 100	$ 100							$ 200
										$ -
PSE Subtotal	$ -	$ 800	$ 930	$ -	$ -	$ -	$ -	$ -	$ -	$ 1,730
ROW										
RM 3										$ -
										$ -
										$ -
										$ -
										$ -
										$ -
ROW Subtotal	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
CON										
RM-3 - Old Town Streetscape				$ 6,049	$ 4,381					$ 10,430
RM3 - Pavement Rehab 1				$ 1,201	$ 869					$ 2,070
RM3 - Pavement Rehab 2				$ 754	$ 546					$ 1,300
RM3 - Rail Crossing Imp.				$ 600	$ 600					$ 1,200
OBAG - Old Town Streetscape				$ 2,982	$ 2,159					$ 5,141
State Earmark - Old Town Streetscape				$ 834	$ 603					$ 1,437
TFCA - Old Town Streetscape				$ 39	$ 29					$ 68
Fed Earmark - Pavement Rehab 1				$ 1,160	$ 840					$ 2,000
Fed Earmark - Pavement Rehab 2				$ 580	$ 420					$ 1,000
										$ -
										$ -
CON Subtotal	$ -	$ -	$ -	$ 14,199	$ 10,447	$ -	$ -	$ -	$ -	$ 24,646
RM 3 Funding Subtotal	$ -	$ -	$ -	$ 8,604	$ 6,396	$ -	$ -	$ -	$ -	$ 15,000
Capital Funding Total	$ 45	$ 855	$ 930	$ 14,199	$ 10,447	$ -	$ -	$ -	$ -	$ 26,476

Regional Measure 3
Allocation Request
Cash Flow Plan

Project Title:	Dumbarton Corridor Improvements
Subproject Title	Thornton Avenue Multimodal Complete Streets - Ph.1
Project/Subproject Number:	17.X
Total RM3 Funding:	$ 13,800,000

(please include all planned funding, add rows as necessary)
Please update the columns below based on your allocation month. The first six months of cash flow are monthly, followed by quarterly, then annually as long as you can reasonably estimate projected expenditures

RM3 Cash Flow Plan for Deliverable Segment - Funding by requested expenditure period

Funding Source(s) List all funding sources besides RM3	Phase	Prior	2026 Q1 (July- Sept 2025)	2026 Q2 (Oct - Dec 2025)	2026 Q3 (Jan - March 2026)	2026 Q4 (April - June 2026)	2027 Q1 (July- Sept 2026)	2027 Q2 (Oct - Dec 2026)	2027 Q3 (Jan - March 2027)	2027 Q4 (April - June 2027)	2028 Q1 (July- Sept 2027)	2028 Q2 (Oct - Dec 2027)	2028 Q3 (Jan - March 2028)	Future committed (if applicable)	Total Amount ($ millions)	Amount Expended ($ millions)	Amount Remaining ($ millions)
RM 3	ENV														$ -		$ -
Local Gas Tax funds (HUTA) - Old Town	ENV	$ 25													$ 25		$ 25
Local Gas Tax funds (HUTA)- Pavement	ENV	$ 35													$ 35		$ 35
Local Gas Tax funds (HUTA)- Pavement	ENV	$ 20													$ 20		$ 20
															$ -		$ -
															$ -		$ -
ENV Subtotal		$ 80	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 80	$ -	$ 80
RM 3	PSE														$ -		$ -
Local Gas Tax funds (HUTA) - Old Town	PSE	$ 700	$ 265												$ 965		$ 965
Local Gas Tax funds (HUTA)- Pavement	PSE		$ 385												$ 385		$ 385
Local Gas Tax funds (HUTA)- Pavement	PSE		$ 180												$ 180		$ 180
															$ -		$ -
															$ -		$ -
PSE Subtotal		$ 700	$ 830	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 1,530	$ -	$ 1,530
RM 3	ROW														$ -		$ -
															$ -		$ -
															$ -		$ -
															$ -		$ -
															$ -		$ -
															$ -		$ -
ROW Subtotal		$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
RM-3 - Old Town Streetscape	CON						$ 1,043	$ 1,669	$ 1,669	$ 1,669	$ 1,669	$ 1,669	$ 1,043		$ 10,430		$ 10,430
OBAG - Old Town Streetscape	CON						$ 514	$ 823	$ 823	$ 823	$ 823	$ 823	$ 513		$ 5,141		$ 5,141
State Earmark - Old Town Streetscape	CON						$ 144	$ 230	$ 230	$ 230	$ 230	$ 230	$ 143		$ 1,437		$ 1,437
TFCA - Old Town Streetscape	CON						$ 7	$ 11	$ 11	$ 11	$ 11	$ 11	$ 7		$ 68		$ 68
															$ -		$ -
RM3 - Pavement Rehab 1	CON						$ 207	$ 331	$ 331	$ 331	$ 331	$ 331	$ 207		$ 2,070		$ 2,070
Fed Earmark - Pavement Rehab 1	CON						$ 200	$ 320	$ 320	$ 320	$ 320	$ 320	$ 200		$ 2,000		$ 2,000
															$ -		$ -
RM3 - Pavement Rehab 2	CON						$ 130	$ 208	$ 208	$ 208	$ 208	$ 208	$ 130		$ 1,300		$ 1,300
Fed Earmark - Pavement Rehab 2	CON						$ 100	$ 160	$ 160	$ 160	$ 160	$ 160	$ 100		$ 1,000		$ 1,000
															$ -		$ -
															$ -		$ -
CON Subtotal		$ -	$ -	$ -	$ -	$ -	$ 2,345	$ 3,752	$ 3,752	$ 3,752	$ 3,752	$ 3,752	$ 2,343	$ -	$ 23,446	$ -	$ 23,446
RM 3 Funding Subtotal		$ -	$ -	$ -	$ -	$ -	$ 1,380	$ 2,208	$ 2,208	$ 2,208	$ 2,208	$ 2,208	$ 1,380	$ -	$ 13,800	$ -	$ 13,800
Capital Funding Total		$ 780	$ 830	$ -	$ -	$ -	$ 2,345	$ 3,752	$ 3,752	$ 3,752	$ 3,752	$ 3,752	$ 2,343	$ -	$ 25,056	$ -	$ 25,056

Notes: RM3 funds should be drawn down approximately propotionately with other funding sources in the same phase. The allocation expiration date will be the end of the final fiscal year in which RM3 funds are planned to be expended for the requested phase.

Regional Measure 3
Allocation Request
Cash Flow Plan

Project Title:	Dumbarton Corridor Improvements
Subproject Title	Thornton Avenue Multimodal Complete Streets - Ph.2
Project/Subproject Number:	17.X
Total RM3 Funding:	$ 1,200,000

(please include all planned funding, add rows as necessary)
Please update the columns below based on your allocation month. The first six months of cash flow are monthly, followed by quarterly, then annually as long as you can reasonably estimate projected expenditures

RM3 Cash Flow Plan for Deliverable Segment - Funding by requested expenditure period

Funding Source(s) List all funding sources besides RM3	Phase	Prior	2026 Q2 (Oct - Dec 2025)	2026 Q3 (Jan - March 2026)	2026 Q4 (April - June 2026)	2027 Q1 (July- Sept 2026)	2027 Q2 (Oct - Dec 2026)	2027 Q3 (Jan - March 2027)	2027 Q4 (April - June 2027)	2028 Q1 (July- Sept 2027)	2028 Q2 (Oct - Dec 2027)	2028 Q3 (Jan - March 2028)	Future committed (if applicable)	Total Amount ($ millions)	Amount Expended ($ millions)	Amount Remaining ($ millions)
RM 3	ENV													$ -		$ -
State Earmark - Rail Crossing Imp.	ENV	$ 20												$ 20		$ 20
														$ -		$ -
														$ -		$ -
														$ -		$ -
														$ -		$ -
ENV Subtotal		$ 20	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 20	$ -	$ 20
RM 3	PSE													$ -		$ -
State Earmark - Rail Crossing Imp.	PSE	$ 150	$ 50											$ 200		$ 200
														$ -		$ -
														$ -		$ -
														$ -		$ -
														$ -		$ -
PSE Subtotal		$ 150	$ 50	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 200	$ -	$ 200
RM 3	ROW													$ -		$ -
														$ -		$ -
														$ -		$ -
														$ -		$ -
														$ -		$ -
														$ -		$ -
ROW Subtotal		$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
RM3 - Rail Crossing Imp.	CON						$ 150	$ 225	$ 225	$ 250	$ 250	$ 100		$ 1,200		$ 1,200
														$ -		$ -
														$ -		$ -
														$ -		$ -
														$ -		$ -
														$ -		$ -
														$ -		$ -
														$ -		$ -
														$ -		$ -
														$ -		$ -
														$ -		$ -
CON Subtotal		$ -	$ -	$ -	$ -	$ -	$ 150	$ 225	$ 225	$ 250	$ 250	$ 100	$ -	$ 1,200	$ -	$ 1,200
RM 3 Funding Subtotal		$ -	$ -	$ -	$ -	$ -	$ 150	$ 225	$ 225	$ 250	$ 250	$ 100	$ -	$ 1,200	$ -	$ 1,200
Capital Funding Total		$ 170	$ 50	$ -	$ -	$ -	$ 150	$ 225	$ 225	$ 250	$ 250	$ 100	$ -	$ 1,420	$ -	$ 1,420

Notes: RM3 funds should be drawn down approximately propotionately with other funding sources in the same phase. The allocation expiration date will be the end of the final fiscal year in which RM3 funds are planned to be expended for the requested phase.

STAFF REPORT

Item E. 1.

DATE	10/23/2025
TO	Honorable Mayor and City Council Members
FROM	Matthew Farrell, Chief Building Official
SUBJECT	Conduct a public hearing, waive further reading and adopt an Ordinance to repeal and replace certain chapters of Title 15 of the Newark Municipal Code in order to adopt by reference, with modification to address unique local conditions, the 2025 California Building Standards Code

SUMMARY AND RECOMMENDATION

The California Building Standard Commission has adopted the 2025 California Building Standards Code which includes various building construction codes that will become effective in all California jurisdictions on January 1, 2026. The California Health and Safety Code requires local jurisdictions to adopt the building standards contained in the uniform statewide codes, but allows modification of the codes to reflect local conditions.

On September 25, 2025, the City Council adopted a resolution approving findings regarding the need for local amendments to provisions in the California Building Standards Code as adopted by the State of California, in the California Code of Regulations, Title 24, to be adopted by reference in the Newark Municipal Code and introduced the proposed ordinance. Also on September 25, 2025, the City Council set October 23, 2025, as the date for a public hearing to be conducted in advance of adoption of the 2025 California Building Standards Code.

Staff recommends that the City Council take the following action: Conduct a public hearing and waive second reading and adopt the proposed Ordinance, by title only, repealing and replacing Chapters 15.02, 15.08, 15.09, 15.10, 15.12, 15.16, 15.17, 15.18, 15.20, 15.21, 15.22 and 15.23 of Title 15 "Buildings and Construction" of the Newark Municipal Code in order to adopt by reference, with modifications to address unique local conditions pursuant to the findings under City Council Resolution No. 11,778, the 2025 editions of the California Administrative Code, the California Building Code, the California Residential Code, the California Mechanical Code, the California Electrical Code, the California Plumbing Code, the California Fire Code, the California Referenced Standards Code, the California Historical Building Code, the California Existing Building Code, the California Energy Code, and the California Green Building Standards Code, collectively the 2025 California Building Standards Code.

BACKGROUND

The State of California, through the California Building Standards Commission, has adopted new editions of existing building construction codes under a new Title 24 of the California Code of Regulations, referred to collectively as the 2025 California Building Standards Code (CBSC). This process typically takes place every three years and new codes will become effective January 1, 2026. The City previously incorporated and modified the 2022 CBSC which is currently in use. The sections included in the 2025 CBSC are the California Administrative Code, the California Building Code, the California Residential Code, the California Mechanical Code, the California Electrical Code, the California Plumbing Code, the California Fire Code, the California Reference Standards Code, the California Historical Building Code, the California Energy Code, the California Existing Building Code, and the California Green Building Standards Code.

As required by state law, applications for a building permit made after December 31, 2025 will be subject to the new codes. Section 17922 of the California Health and Safety Code requires local agencies to adopt the building standards contained in the 2025 CBSC. Under Section 17958.7 of the California Health and Safety Code, local jurisdictions have the opportunity to make limited amendments to the new state codes provided the local jurisdiction makes appropriate findings such modifications are reasonably necessary because of local climatic, geologic, or topographic conditions.

DISCUSSION/ANALYSIS

Currently, Title 15 "Buildings and Construction" Article I "Building Regulations" of the Newark Municipal Code (NMC) includes the building standards contained in the 2022 edition of the CBSC. Staff is recommending a repeal and replacement of certain chapters of Title 15, Article I, in order to adopt, by reference, with modifications to appropriately address unique local conditions, the 2025 edition of the CBSC.

Staff is recommending technical changes to the Building, Residential, Plumbing, Electrical, Mechanical, and Fire codes. There are no technical changes recommended to the Administrative, Reference Standards, Historical Building, Energy, Existing Building, and Green Building Standards codes. Many of the proposed technical changes were incorporated into the NMC in previous code cycles and/or as clarification for safety measures added to certain code sections. A significant portion of the recommended local amendments relate to language location changes. These amendments will allow the City to carry forward the same standards currently in use. Some of the other proposed changes merely accommodate new numbering systems or align our current municipal code to the updated CBSC.

The proposed modifications to the 2025 CBSC with the recommended repeal and replacement of Title 15, Article I are summarized as follows:

Chapter 15.02 - California Administrative Code
There are no proposed changes to the California Administrative Code.

Chapter 15.04 - General Provisions

Section 15.04.030 to be repealed and held in reserve as the building and fire code now specify within the document the interpretation body and appeal process.

Chapter 15.08 - California Building Code

Sections 402.5, 404.3, 407.6, 410.6, 903.2, 903.2.1, 903.2.1.2, 903.2.2, 903.2.4, 903.2.7, 903.2.8, 903.2.9, 903.2.10, and 903.2.22 Automatic Fire Sprinkler Systems. These various code sections should be modified to provide consistency with the City's fire sprinkler and alarm ordinance.
Section 501.1, Site Addressing.
This modification should be made to provide consistency with other sections of the current NMC.
15.08.042 Licensed professional.
The modification should be continued from prior local code adoptions to preserve minimum safety standards.

Chapter 15.09 - California Residential Code

Section R301.1.3.2.1, Engineering Required.
This recommended modification is a continuation of existing NMC standards added in previous code cycles. The California Residential Code allows the Building Official to require drawings for dwellings taller than two stories be designed by a licensed professional. The recommended NMC change is to increase the standard to include dwellings taller than one story. This is the standard the City has been using for many years.
Section R313, Automatic Fire Sprinkler Systems.
This recommended modification is also a continuation of existing NMC standards added in previous code cycles. The California Residential Code requires automatic fire sprinkler systems in all new one and two family dwellings and townhouses. For one and two family dwellings and townhomes, the code language is proposed to change in order to match fire code requirements for existing structures.
Section R328.8, R328.8.1, and R328.8.3. Protection from Impact for ESS (Energy Storage Systems). These code sections are proposed to be modified to clarify the safety intent as needed to prevent damage to the equipment which could result in house fires.
Chapter 10, Wood Burning Fireplaces.
R1000 section was added to complement the existing Bay Area wide prohibition on new wood burning fireplaces. Staff is not recommending any changes to the previous ordinance.
Appendix K, Sound Transmission.
This proposed section modification is a carryover from the previous ordinance.

Chapter 15.10 - California Mechanical Code

15.10.030, Connection of Natural Gas Utilities.

This proposed section is provided in the previous ordinance as a modification and gives the Building Official options to assist developers in obtaining utility connections.

Chapter 15.12 - California Electrical Code

15.12.090, Temporary Connection of Electrical Utilities.
This proposed section is also in the previous ordinance as a modification to give the Building Official options to assist developers in obtaining utility connections.
15.12.120, Building Official Authority.
The proposed section, which is consistent with the previous ordinance, grants the Building Official the authority to disconnect electrical service when unsafe conditions exist. This includes situations caused by illegal modifications, fires, or vehicle collisions.
15.12.190, Electrical Service Connections.
This proposed section clarifies standards that are not well described in the California Electrical Code and does not change the modifications provided in the previous ordinance.

Chapter 15.16 - California Plumbing Code

Sections 412.3, Privacy in Public Multiple Accommodation Toilet Rooms.
This item is a continuation of existing NMC standards added in previous code cycles. It is generally understood that persons using water closets or urinals in multiple accommodation toilet rooms should be afforded some degree of privacy. The current California Plumbing Code and California Building Code do not specifically address this issue. Some designers have in the past proposed designing multiple accommodation toilet rooms without privacy partitions around water closets or placing urinals in full view of persons outside the toilet room.
Section 422.2 Dealing with separate toilet facilities.
This proposed section modification would clarify the total number of plumbing fixtures required when all the facilities would be single-use such as gender-neutral or family-assisted facility.
Table 4-1 is excluded.
Section 612 Dealing with residential fire sprinkler systems.
This proposed section modification would also continue a current requirement in the NMC. The plumbing code provides a number of exceptions for requiring the connection of waste lines to a public sanitary sewer system. One of the exceptions allows for private septic systems, which in Newark would be unacceptable. The change would prohibit septic systems. All waste lines must connect to Union Sanitary District sanitary sewer system mains. There are no proposed language changes from the previous NMC ordinance.
Section 1101.12, Roof Drainage.
This proposed modification would prohibit, if practical, direct connection of roof drains to storm drains, which complements current requirements in the City's Stormwater Management and Discharge Control Ordinance and associated stormwater permit issued by the Regional Water Quality Control Board. There are no proposed changes from the previous ordinance.

Chapter 15.17 - California Fire Code

Section 15.17.010, California Fire Code adopted by reference.
A number of individual sections are proposed to supplement individual sections not adopted by the State Fire Marshal, but desired by the Alameda County Fire Department.
Chapter 2, Definitions.
Four definitions are proposed to be added, amended, and/or relocated to better clarify terms used by the Alameda County Fire Department. There are no significant changes from the previously adopted ordinance.
Chapter 9, Fire Protection, Alarms, and Detection Systems.
This chapter relates to the City's fire sprinkler, fire alarm, and fire detection standards which are more restrictive than State codes. These are proposed to be modified for consistency with building code and fire department language.
Section 5614, Safe and Sane Fireworks.
This item is a continuation of existing NMC standards added in previous code cycles. Because of a major change to the California Fire Code it was appropriate to reformat the City's fireworks ordinance. The City's safe and sane fireworks ordinance would remain unchanged except for minor editing and numbering changes. There are no recommended technical changes.
Appendix D, Fire Department Access.
Appendix D has been a part of the ordinance for several code cycles. The Fire Department is recommending adopting the appendix without modifications.
Chapter 15.17.190, Permit Fees.
This chapter should be eliminated because fees are covered in other parts of the ordinance.
Chapter 15.17.200, Violation deemed infraction.
This chapter should be eliminated because this subject is covered in other parts of the ordinance.

Chapter 15.18 - California Referenced Standards Code
There are no proposed changes to the California Referenced Standards Code.

Chapter 15.20 - California Historical Building Code
There are no proposed changes to the California Historical Building Code.

Chapter 15.21 - California Existing Building Code
There are no proposed changes to the California Existing Building Code.

Chapter 15.22 - California Energy Code
There are no proposed changes to the California Energy Code.

Chapter 15.23 - California Green Building Standards Code
There are no proposed changes to the California Green Building Standards Code.

The findings associated with these recommended modifications for local climate, geologic and topographical conditions in accordance with California Health Code

Section 17958.7 are included in the proposed resolution.

FISCAL IMPACT

There is no direct fiscal impact as a result of this action. The City's costs related to implementation of the 2025 CBSC would be recovered through the building permit fees in the current Master Fee Schedule.

REVIEW AND APPROVAL

Prepared by - Matthew Farrell, Chief Building Official
Reviewed by - Howard Young, Public Works Director
Reviewed by - Krysten Lee, Finance Director
Reviewed by - Kristopher J. Kokotaylo, City Attorney
Approved by - David J. Benoun, City Manager

Attachments

Ordinance

Resolution No. 11,778

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEWARK REPEALING AND REPLACING CHAPTERS 15.02, 15.08, 15.09, 15.10, 15.12, 15.16, 15.17, 15.18, 15.20, 15.22, AND 15.23 OF TITLE 15 "BUILDINGS AND CONSTRUCTION" OF THE NEWARK CITY MUNICIPAL CODE IN ORDER TO ADOPT BY REFERENCE, WITH MODIFICATIONS TO ADDRESS UNIQUE LOCAL CONDITIONS, THE 2025 EDITIONS OF THE CALIFORNIA BUILDING CODE, THE CALIFORNIA ADMINISTRATIVE CODE, THE CALIFORNIA RESIDENTIAL CODE, THE CALIFORNIA GREEN BUILDING STANDARDS CODE, THE CALIFORNIA MECHANICAL CODE, THE CALIFORNIA PLUMBING CODE, THE CALIFORNIA FIRE CODE, THE ELECTRICAL CODE, THE CALIFORNIA HISTORICAL BUILDING CODE, THE CALIFORNIA ENERGY CODE, AND THE CALIFORNIA REFERENCED STANDARDS CODE

WHEREAS, the California Building Standards Commission has adopted a new Title 24 of the California Code of Regulations, also referred to as the 2025 California Building Standards Code, that will become effective statewide on January 1, 2026; and

WHEREAS, currently Title 15 "Buildings and Construction" Article I "Building Regulations" of the City of Newark Municipal Code adopted the building standards contained in the 2019 versions of the California Building Code, the California Residential Code, the California Fire Code, the California Green Building Standards Code, the California Plumbing Code, the California Mechanical Code, and the California Electrical Code, California Administrative Code, as such Codes are approved by the State Building Standards Commission (collectively, the "California Building Standards Code"); and

WHEREAS, the updated California Building Standards Code becomes effective within the City on January 1, 2026, and Title 15 is updated by default to incorporate the California Building Standards Code without local amendments; and

WHEREAS, Section 17922 of the California Health and Safety Code requires local agencies to adopt the building standards contained in the California Building Standards Code; and

WHEREAS, Section 17958.7 of the California Health and Safety Code allows local agencies to enact modifications to those building standards provided that such modifications are reasonably necessary because of local climatic, geological or topographical conditions so long as a local agency adopts such findings; and

WHEREAS, the City adopted findings, by resolution, justifying local modifications based on local climatic, geologic, and topographic conditions; and

WHEREAS, a duly noticed public hearing was advertised as required by Government Code sections 6066 and 65090; and

WHEREAS, the City Council held a public hearing related to this Ordinance on October 23, 2025, and considered the staff report and public testimony received; and

WHEREAS, the City Council finds that no additional environmental review is necessary because this Ordinance is not a project that has the potential to cause substantial or potentially substantial, adverse change in the environment and qualifies for an exemption under the California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3), and further, the Ordinance establishes standards for the approval of ministerial projects that are not themselves subject to CEQA review; and

WHEREAS, the City Council finds that the adoption of 2025 Edition of the California Building Standards Code helps protect public health, safety, and welfare.

THE CITY COUNCIL OF THE CITY OF NEWARK DOES ORDAIN AS FOLLOWS:

SECTION 1. Recitals.

The forgoing Recitals are true and correct and incorporated herein by this reference.

SECTION 2. Code Revisions.

Chapters 15.02,15.08, 15.09, 15.10, 15.12, 15.16, 15.17, 15.18, 15.20, 15.22, and 15.23 of Title 15, Buildings and Construction, of the Newark Municipal Code are hereby repealed and replaced in their entirety by the following:

Title 15
BUILDINGS AND CONSTRUCTION

Article:

I. Building Regulations

15.02 Administrative Code
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
15.22 California Energy Code
15.23 California Green Building Standards Code

Chapter 15.02

ADMINISTRATIVE CODE

Sections

15.02.010 California Administrative Code adopted by reference.

A certain document, entitled "2025 California Administrative Code," Chapters 1 through 13 inclusive, published by the International Code Council and amended and adopted by the state of California as the 2025 edition California Administrative 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.

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 "2025 California Building Code, Volumes 1 and 2," including Appendix Chapter F relating to rodent proofing, Appendix G relating to Flood-Resistant Construction, Appendix Chapter I relating to patio covers, Appendix J relating to Grading, Appendix P relating to Sleeping Lofts, Appendix Q relating to Emergency Housing, published by the International Code Council and amended and adopted by the state of California as the 2025 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 which includes all items adopted by BSC, SFM, HCD1, HCD2, HCD1/AC, and DSA/AC of the adoption matrices.

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

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

C. Section 410.6 dealing with automatic sprinkler systems at stages is amended by deleting all exceptions.

D. Section 501.2, which deals with address identification, by adding; Addressing shall also comply with Chapter 15.06.110 of Newark's Municipal Code.

E. Section 903.2, 903.2.1, 903.2.1.2, 903.2.2, 903.2.4, 903.2.7, 903.2.8, 903.2.9, 903.10, 903.2.13 are amended to read as follows and 903.2.22 is added to read as follows:

903.2 Where required. Approved automatic sprinkler systems in new buildings and structures shall be provided in locations described in Sections 903.2.1 and 902.2.13.

903.2.1 Group A Occupancies. An automatic sprinkler system shall be installed in all Group A occupancies exceeding 1000 square feet.

903.2.2 Ambulatory care facilities. 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 or where one or more care recipients are incapable of self-preservations. Shall have installed and maintained in an operable condition throughout the entire building an automatic fire sprinkler system.

903.2.3 Group E Occupancies. An automatic sprinkler system shall be installed in all Group E Occupancies exceeding 1000 square feet.

Exception: Detached accessory structures that have no walls, such as a shade structure, that store no hazardous materials, that are constructed of type 1A, 1B, 2A, 2B, 4A, and 4B materials, with correct fire separation and less than or equal to 2000 square feet.

903.2.4 Group F Occupancies. An automatic sprinkler system shall be installed in all Group F occupancies exceeding 1000 square feet.

903.2.7 Group M Occupancies. An automatic sprinkler system shall be installed in all Group M occupancies greater than 1000 square feet.

903.2.8 Group R Occupancies. An automatic sprinkler system shall be installed in all Group R occupancies.

903.2.9 Group S-1. An automatic sprinkler system shall be installed in all S-1 occupancies exceeding 1000 square feet.

903.2.10 Group S-2. An automatic sprinkler system shall be installed in all S-2 occupancies exceeding 1000 square feet.

903.2.2.22 Group B and U occupancies. An automatic sprinkler system shall be installed in all B and U occupancies exceeding 1000 square feet.

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 15.09

RESIDENTIAL CODE

Sections

15.09.010 California Residential Code adopted by reference.
15.09.020 Amendments.

15.09.010 California Residential Code adopted by reference.

A certain document, entitled 2025 California Residential Code published by the International Code Council and amended and adopted by the state of California as the 2025 edition California Residential Code, is adopted by reference as the residential code of the city pursuant to the provisions of Government Code Section 50020 et seq., state of California, adopt chapters 1 through 10, chapter 44, and appendix AK except as modified in this chapter including.

15.09.020 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 R301.1.3.2 is amended by adding the following section;
R301.1.3.2.1 Woodframe structures two stories in height. The building official is authorized to require the structural portions of construction documents to be prepared, stamped and signed by a California licensed architect, civil engineer, or structural engineer for all dwellings with two stories.

B. Section R313 dealing with automatic fire sprinkler systems is amended follows;
a. R313.1 deleting the exception,
b. R313.2 replacing Exception 1 with:

> An automatic sprinkler system shall be required where additions or alterations result in either of the following conditions:
>
> More than 50% of the exterior walls and the roof are being removed or replaced.
>
> Where an addition to a single-family home or townhome results in a square footage exceeding 3600 square feet.

C. Section R328.8 Protection from impact is amended as follows;
R328.8 Protection from impact. ESS installed in a location subject to vehicle damage in accordance with R328.8.1 or R328.8.2 or as declared by the Building

Official shall be provided with impact protection in accordance with section R328.8.3.

D. Section R328.8.1 Garages is amended as follows;
a. Deleting the "(See Figure R328.8.1)" reference.
b. Item 1 is replaced with "On the interior face of the back wall and/or located within 36 inches (914 mm) to the left or to the right of the normal driving path."
c. Deleting the exception.

E. Section R328.8.3 Impact protection options, option 2.2 is amended by adding the following; Premanufactured wheel barriers shall be placed 54" in front of the ESS and designed for resisting 2000-lb impact.

F. Chapter 10 dealing with chimneys and fireplaces is amended by adding the following section:

R1000 Prohibited Fireplaces. Open hearth masonry and factory built wood burning fireplaces are prohibited. Prohibition applies to new construction, additions, and existing fireplace replacements.

Chapter 15.10

MECHANICAL CODE

Sections:

15.10.010 California Mechanical Code adopted by reference.
15.10.030 Temporary connection of natural gas utilities.

15.10.010 California Mechanical Code adopted by reference.

A certain document entitled, "2025 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 2025 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.

15.10.030 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.
15.12.090 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 "2025 California Electrical Code," published by the National Fire Protection Association amended and adopted by the state of California as the 2025 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, including adoption per matrices by BSC, HCD-1, HCD-2, DSA-AC, and entirety of Articles 110, 517, and 550.

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 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 California Plumbing Code adopted by reference.
15.16.020 Amendments.

15.16.010 California Plumbing Code adopted by reference.

A certain document entitled, "2025 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 2025 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 412.3 Added stating, 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.

B. Section 422.2 dealing with separate toilet facilities is amended by adding the following. 422.2.3 Single Use, Family or Assisted-Use , and Gender Neutral/All-Gender. The total count for single use facilities shall be calculated as the full occupant load counted as females in the use/occupancy of the space per table 422.1.

C. Redacting Table 4-1

D. Section 612 dealing with residential fire sprinkler systems is amended to read: Refer to Chapter 15.09 of the Newark Municipal Code.

E. Section 1101.12 dealing with roof drains is amended by adding the following:
    i. 1101.12.3 Roof Drainage Discharge. Roof drainage shall discharge to an approved location by the City Engineer.

Chapter 15.17

FIRE CODE

Sections

15.17.010 California Fire Code adopted by reference.
15.17.020 Amendments.

15.17.010 California Fire Code adopted by reference.

A certain document, entitled "2025 California Fire Code" including Sections 104, 113, 311.2, 503, Appendix Chapter D relating to fire apparatus access roads, published by the International Code Council and amended and adopted by the state of California as the 2025 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 Amendments.

A. Section 104.7 Official Records is amended by replacing it in its entirety with the following:

The fire department shall keep a record of fires occurring within the City of Newark and of facts concerning the same, including statistics as the extent of such fires and the damage caused thereby.

The City of Newark shall keep the records of approvals, inspections, permits, and alternative means.

B. 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.

C. 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.

D. Section 903.2, 903.2.1, 903.2.1.2, 903.2.2, 903.2.3, 903.2.4, 903.2.7,, 903.2.9, 903.10, 903.2.13 are amended to read as follows and 903.2.22 is added to read as follows:

903.2 Where required. Approved automatic sprinkler systems in new buildings and structures shall be provided in locations described in Sections 903.2.1 through 902.2.13.

903.2.1 Group A Occupancies. An automatic sprinkler system shall be installed in all Group A occupancies exceeding 1000 square feet or when the fire area is located on a floor other than a level of exit discharge serving such occupancies.

903.2.2 Group B. An automatic sprinkler system shall be provided for Group B occupancies greater than 1,000 square feet and as required by sections 903.2.2 and 902.2.2.2.

903.2.2.1 Ambulatory care facilities. 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 or where one or more care recipients are incapable of self-preservations. Shall have installed and maintained in an operable condition throughout the entire building an automatic fire sprinkler system.

903.2.2.2 Laboratories involving research and development or testing. An automatic sprinkler system shall be installed throughout the fire areas utilized for the research and development or testing of lithium-ion or lithium metal batteries.

903.2.3 Group E Occupancies. An automatic sprinkler system shall be installed in all Group E Occupancies exceeding 1000 square feet and when the Group E fire area is located on a floor area other than a level of exit discharge serving such occupancies.

Exception: Detached accessory structures that have no walls, such as a shade structure, that store no hazardous materials, that are constructed of type 1A, 1B, 2A, 2B, 4A, and 4B materials, with correct fire separation and less than or equal to 2000 square feet.

903.2.4 Group F-1 Occupancies. An automatic sprinkler system shall be installed in all Group F occupancies exceeding 1000 square feet and throughout F-1 fire areas used for manufacturing of distilled spirits, lithium-ion batteries, lithium metal batteries, vehicles, energy storage systems or equipment containing lithium-ion, or lithium metal batteries

where the batteries are installed as part of the manufacturing process. regardless of square footage.

903.2.7 Group M Occupancies. An automatic sprinkler system shall be installed in all Group M occupancies when one of the following conditions exists.

1. The fire area is greater than 1000 square feet.
2. In areas with high piled storage as required by Chapter 32.
3. A Group M fire area is located more than three stories above grade plane.
4. In a room or space within a Group M occupancy where required for the storage of lithium-ion or lithium metal batteries by Section 320 or Chapter 32.

903.2.9 Group S-1. An automatic sprinkler system shall be installed in all S-1 occupancies where one of the following conditions exists:

1. When the occupancy exceedis 1000 square feet.
2. In Group S-1 fire area used for the storage of lithium-ion or lithium metal powered vehicles where the fire area exceeds 500 square feet,
3. Throughout Group S-1 fire areas used for the bulk storage of distilled spirits.
4. Buildings with repair garages servicing vehicles parked in basements.

903.2.10 Group S-2. An automatic sprinkler system shall be installed in all S-2 occupancies when one of the following conditions exists:

1. When the occupancy exceedis 1000 square feet
2. Throughout buildings used for the storage of motor vehicles in a mechanical-access enclosed parking garage.
3. When the enclosed parking garage, in Accordance with Section 406.6 of the California Building Code, is located beneath other groups.

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 when required by Chapter 11, another section of this code, or when one of the following conditions exists:

More than 50% of the exterior walls and the roof are being removed or replaced and the building department deems the project as new construction.

Where the occupancy of an existing building changes to include H, I, L, S-1, S-2, or when lithium-ion or lithium metal batteries or vehicles are present

Where an addition to a single-family home or townhome results is a square footage

exceeding 3600 square feet.

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

907.11 False Alarms

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.

907.11.2 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.

907.11.3 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. Section 914.2.1 dealing with automatic fire sprinkler system in malls is amended by deleting the exception.

H. Section 914.4.1 dealing with automatic fire sprinkler systems in atriums is amended by deleting all exceptions.

I. Section 914.6.1 dealing with automatic fire sprinkler systems at stages is deleted.

J. Chapter 56 is amended by adding Section 5614 as follows.

5614 Fireworks

5614.1 Definitions. For 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

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.

Chapter 15.18

CALIFORNIA REFERENCED STANDARDS CODE

Sections:

15.18.010 California Referenced Standards Code adopted by reference.

A certain document entitled, ”2025 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.

A certain document entitled, “2025 California Historical Building Code,” published by the International Code Council and amended and adopted by the state of California as the 2025 edition of the California Historical Code, is adopted by reference as the historical building code of the city 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.

A certain document entitled, "2025 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

15.23.010 California Green Building Standards Code adopted by reference.

A certain document, entitled "2025 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. Including all matrices BSC-CG, HCD-1, HCD-2, and CEC.

SECTION 3. References To Prior Uniform Building and Construction Codes.

Unless superseded and expressly repealed, references in City forms, documents, and regulations to chapters and sections of the prior adopted Uniform Building Codes shall be construed to apply to the corresponding provisions contained in the chapters and sections of Title 15 of the Newark Municipal Code adopted by this Ordinance and all other ordinances or parts of ordinances in conflict herewith are hereby superseded and expressly repealed.

SECTION 4. Severability.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the ordinance. The City Council hereby declares that it would have adopted the ordinance, and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases be declared invalid.

SECTION 5. Adoption.

This Ordinance shall take effect on the later of thirty (30) days after passage or on January 1, 2026, and shall within fifteen (15) days after passage, be published in accordance with Section 36933 of the Government Code of the State of California.

RESOLUTION NO. 11,778

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWARK APPROVING FINDINGS REGARDING THE NEED FOR LOCAL AMENDMENTS TO PROVISIONS IN THE CALIFORNIA BUILDING STANDARDS CODE AS ADOPTED BY THE STATE OF CALIFORNIA, IN THE CALIFORNIA CODE OF REGULATIONS, TITLE 24, TO BE ADOPTED BY REFERENCE IN THE NEWARK MUNICIPAL CODE

WHEREAS, Health and Safety Code Section 18938 makes provisions published in the California Building Standards Code pursuant to Health and Safety Code Section 17922 applicable to all occupancies throughout the State and effective one hundred and eighty days after publication by the California Building Standards Commission (the "Commission"), or at a later date established by the Commission; and

WHEREAS, California Health and Safety Code Sections 17958, 17958.5, 17958.7 and 18941.5 establish the authority for the City to adopt and make local amendments and modifications to the building standards in the California Building Standards Code to establish more restrictive building standards than those contained in the California Building Standards Code; and

WHEREAS, California Health and Safety Code Sections 17958, 17958.5, 17958.7 and 18941.5 permit the City to make such local amendments and modifications as the city determines are reasonably necessary because of local climatic, geological or topographical conditions; and

WHEREAS, California Health and Safety Code Sections 17958, 17958.5, 17958.7 and 18941.5 require the City, before making any amendments and modifications to the California Building Standards Code, make an express finding that such amendments and modifications are reasonably necessary because of local climatic, geological or topographical conditions; and

WHEREAS, under Health and Safety Code Section 17958.7, changes pursuant to Health and Safety Code Section 17958.5 may not become effective until the required findings, and the changes, have been filed with the California Building Standards Commission; and

WHEREAS, Government Code Section 50022.2 permits enactment of City Ordinances that adopt codes or statutes, including codes of the State of California, by reference; and

WHEREAS, notice of this Ordinance was published in accordance with Government Code Sections 50022.3 and 6066; and

WHEREAS, the City Council of the City of Newark intends to adopt an Ordinance adopting by reference provisions of the California Building Standards Code, with local amendments; and

WHEREAS, the City Council has reviewed the reasons for proposed changes to the California Building Standards Code set forth in Exhibit A, attached hereto and hereinafter incorporated by reference.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Newark hereby declares and finds that the local amendments to the provisions of the California Building Standards Code set forth in Exhibit A are reasonably necessary because of local climatic, geologic, or topographical conditions in accordance with Health and Safety Code Section 17958.7 as further set forth in Exhibit A.

BE IT FURTHER RESOLVED that a copy of this Resolution, including Exhibit A, shall be filed with the California Building Standards Commission in accordance with Health and Safety Code Section 17958.7.

I HEREBY CERTIFY the foregoing resolution was introduced at a regular meeting of the City Council of the City of Newark held on September 25, 2025, by Council Member Jorgens who moved its adoption and passage, which motion was carried after being duly seconded, and passed by the following vote:

AYES:	Council Members Catancio, Grindall, Jorgens, Vice Mayor Little, and Mayor Hannon
NOES:	None
ABSENT:	None
SECONDED:	Council Member Grindall

APPROVED:

MICHAEL K. HANNON
Mayor

ATTEST:

KATHLEEN L. SLAFTER
Deputy City Clerk

APPROVED AS TO FORM:

KRISTOPHER J. KOKOTAYLO
City Attorney

EXHIBIT A

STATEMENT OF FINDINGS
LOCAL AMENDMENTS TO 2025 CALIFORNIA BUILDING STANDARDS CODE
CITY OF NEWARK
September 25, 2025

GENERAL FINDINGS

The City Council of the City of Newark makes the following general findings regarding local climatic, geologic, and topographical conditions, which the City Council finds necessitates the local modifications to the California Building Standards Code set forth below:

1. **Local Climatic Conditions.** Local climatic conditions include a low amount of average yearly rainfall, an average of 14 inches, which tends to be concentrated from October through April. From May through September, a dry period occurs where daily temperatures remain high and there is little measurable precipitation. In addition, the local climate frequently includes high winds which sweep across the City from San Francisco Bay. As a result of the high summer temperatures, average load demand and peak load demand of energy used in Newark and surrounding areas are important factors impacting public safety and creating the potential for adverse economic impacts due to power outages or power reductions (i.e. "brownouts").

   As a result of the low precipitation, the area is subject to occasional drought. In developed areas of the City, fires can occur in buildings, rubbish, automobiles, and grass fires on vacant lots. In the undeveloped areas of the City, there is a risk of large brush and grass fires. If a fire occurs in either a developed or undeveloped area of the City, the local dry conditions combined with high winds, creates the risk of a potential fire storm. In addition, some local residential development is occurring in previously undeveloped areas adjacent to potential wildfire hazard areas. These new developments increase the chance of fire while simultaneously being located further from fire stations, delaying critical response times. This potential problem can be mitigated by requiring initial fire control through the installation of automatic fire protection systems.

2. **Local Geologic Conditions.** Local geologic conditions include a risk of earthquake. 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 #28 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.

   In the event of an earthquake, damage to structures can be expected. In residential and commercial areas, this could include significant damage or collapse of buildings. Secondary impacts could include ruptured electric or gas connections and/or breaks in water distribution lines. The potential for a major seismic event would create a Citywide demand for emergency response and fire protection service which would exceed staff response capacity. This potential problem can be mitigated by requiring initial fire control through the installation of automatic fire protection systems.

   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 local conditions identified herein. The following are additional findings applicable to multiple code sections:

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.

3. **Local Topographical Conditions.** The City of Newark is generally very flat with no substantial hills or extensive elevation changes. The City 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 sometimes 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.

   Based on the local climatic, geologic, and topographical conditions outlined above, there is a real risk that emergency response could be significantly delayed in the event of an accident or emergency. Therefore, it is necessary to address this problem through the requirement of additional mitigation measures to: (a) prevent the chance of accident or injury by requiring standards more stringent than required

by the current codes; and (b) require additional built-in automatic fire protection systems which will provide for early detection and initial fire control.

SPECIFIC FINDINGS

The City Council of the City of Newark makes the following specific findings, which, in addition to the general findings regarding local climatic, geologic, and topographical conditions set forth above, the City Council finds necessitate the local modifications to the California Building Standards Code set forth below:

Chapter 15.02 - California Administrative Code

No local amendments.

Chapter 15.08 - California Building Code

Sections 402.5, 404.3, 407.6, 410.6, 903.2 903.2.1, 903.2.1.2, 903.2.2, 903.2.4, 903.2.7, 903.2.8, 903.2.9, 903.2.10, and 903.2.22 Automatic Fire Sprinkler Systems.

These various code sections should be modified to provide consistency with the City's fire sprinkler and alarm ordinance.

Section 501.1, Site Addressing.

This modification should be made to provide consistency with other sections of the current NMC.

15.08.042 Licensed professional.

The modification should be continued from prior local code adoptions to preserve minimum safety standards.

Findings for Chapter15.08 amendments: Reference is made to General Findings 1, 2 and 3.

Chapter 15.09 - California Residential Code

Section R301.1.3.2.1, Engineering Required.

This recommended modification is a continuation of existing NMC standards added in previous code cycles. The California Residential Code allows the Building Official to require drawings for dwellings taller than two stories be designed by a licensed professional. The recommended NMC change is to increase the standard to include dwellings taller than one story. This is the standard the City has been using for many years.

Section R313, Automatic Fire Sprinkler Systems.

This recommended modification is also a continuation of existing NMC standards added in previous code cycles. The California Residential Code requires automatic fire sprinkler systems in all new one and two family dwellings and townhouses. For one and two family dwellings and townhomes, the code language is proposed to change in order to match fire code requirements for existing structures.

Section R328.8, R328.8.1, and R328.8.3. Protection from Impact for ESS (Energy Storage Systems).

These code sections are proposed to be modified to clarify the safety intent as needed to prevent damage to the equipment which could result in house fires.

Chapter 10, Wood Burning Fireplaces.

R1000 section was added to complement existing Bay Area wide prohibition on new wood burning fireplaces. No change to previous ordinance. Appendix K, Sound Transmission. This proposed section modification is a carryover from the previous ordinance.

Findings for Chapter 15.09 amendments: Reference is made to General Findings 1, 2 and 3.

Chapter 15.10 - California Mechanical Code

15.10.030, Connection of Natural Gas Utilities.

This proposed section is provided in the previous ordinance as a modification and gives the Building Official options to assist developers in obtaining utility connections.

Findings for Chapter 15.10 amendments: Reference is made to General Findings 1, 2 and 3.

Chapter 15.12 - California Electrical Code

15.12.090, Temporary Connection of Electrical Utilities.

This proposed section is also in the previous ordinance as a modification to give the Building Official options to assist developers in obtaining utility connections.

15.12.120, Building Official Authority

This proposed section is provided in the previous ordinance and gives the Building Official authority to disconnect an electrical service if conditions are unsafe. In practice this authority has not been exercised in the last two decades.

15.12.190, Electrical Service Connections.

This proposed section clarifies standards that are not well described in the California Electrical Code and does not change the modifications provided in the previous ordinance.

Findings for Chapter 15.12 amendments: Reference is made to General Findings 1, 2 and 3.

Chapter 15.16 - California Plumbing Code

Sections 412.3, Privacy in Public Multiple Accommodation Toilet Rooms.

This item is a continuation of existing NMC standards added in previous code cycles. It is generally understood that persons using water closets or urinals in multiple accommodation toilet rooms should be afforded some degree of privacy. The current California Plumbing Code and California Building Code do not specifically address this issue. Some designers have in the past proposed designing multiple accommodation toilet rooms without privacy partitions around water closets or placing urinals in full view of persons outside the toilet room.

Section 422.2 Dealing with separate toilet facilities.

This proposed section modification would clarify how one would establish the total number of plumbing fixtures required when all the facilities would be single-use such as gender-neutral or family-assisted facility.

Table 4-1 redacted.

This proposed modification would clarify how one would calculate the total number of facilities.

Section 612 Dealing with residential fire sprinkler systems.

This proposed section modification would also continue a current requirement in the NMC. The plumbing code provides a number of exceptions for requiring the connection of waste lines to a public sanitary sewer system. One of the exceptions allows for private septic systems, which in Newark would be unacceptable. The change would prohibit septic

systems. All waste lines must connect to Union Sanitary District sanitary sewer system mains. There are no proposed language changes from the previous NMC ordinance.

Section 1101.12, Roof Drainage.

This proposed modification would prohibit, if practical, direct connection of roof drains to storm drains, which complements current requirements in the City's Stormwater Management and Discharge Control Ordinance and associated stormwater permit issued by the Regional Water Quality Control Board. There are no proposed changes from the previous ordinance.

Findings for Chapter 15.16 amendments: Reference is made to General Findings 1, 2 and 3.

Chapter 15.17 – California Fire Code

Section 15.17.010, California Fire Code adopted by reference.

A number of individual sections are proposed to supplement individual sections not adopted by the State Fire Marshal, but desired by the Alameda County Fire Department.

Chapter 2, Definitions.

Four definitions are proposed to be added, amended, and/or relocated to better clarify terms used by the Alameda County Fire Department. There are no significant changes from the previously adopted ordinance.

Chapter 9, Fire Protection, Alarms, and Detection Systems.

This chapter relates to the City's fire sprinkler, fire alarm, and fire detection standards which are more restrictive than State codes. These are proposed to be modified for consistency with building code and fire department language.

Section 5614, Safe and Sane Fireworks.

This item is a continuation of existing NMC standards added in previous code cycles. Because of a major change to the California Fire Code it was appropriate to reformat the City's fireworks ordinance. The City's safe and sane fireworks ordinance would remain unchanged except for minor editing and numbering changes. There are no recommended technical changes.

Appendix D, Fire Department Access.

Appendix D has been a part of the ordinance for several code cycles. The Fire Department is recommending adopting the appendix without modifications.

Chapter 15.17.190, Permit Fees.

This chapter should be eliminated because fees are covered in other parts of the ordinance.

Chapter 15.17.200, Violation deemed infraction.

This chapter should be eliminated because this subject is covered in other parts of the ordinance.

Findings for Chapter 15.17 amendments: Reference is made to General Findings 1, 2 and 3.

Chapter 15.18 - California Referenced Standards Code

No local amendments.

Chapter 15.20 - California Historical Building Code

No local amendments.

Chapter 15.21 - California Existing Building Code

No local amendments

Chapter 15.22 - California Energy Code

No local amendments

Chapter 15.23 - California Green Building Standards Code

No local amendments.

STAFF REPORT

Item F. 1.

DATE	10/23/2025
TO	Honorable Mayor and City Council Members
FROM	Jolie Macias, Captain
SUBJECT	Adopt a Resolution authorizing the City Manager to enter a subscription agreement to allow for continued service with Flock Group, Inc. for Automated License Plate Readers (ALPR)

SUMMARY AND RECOMMENDATION

The City's Automated License Plate Reader (ALPR) network has become a critical tool in recovering stolen vehicles, locating wanted persons, and supporting police investigations. Since the initial deployment of 20 fixed cameras in 2022, additional fixed and mobile units, funded through state grants, have expanded coverage and strengthened the public safety impact. Renewal of the subscription agreement, effective October 31, 2025, through June 30, 2028, is necessary to maintain system compatibility, comply with state privacy requirements, and align with the City's fiscal year.

Staff recommends that the City Council, by resolution, authorize the City Manager, or designee, to enter into a sole source subscription service agreement with technology vendor Flock Safety in the amount of $160,165, payable in the amount of $40,165 for year one, and $60,000 per year for years two and three.

BACKGROUND

In October of 2022, the City of Newark installed 20 fixed ALPR cameras located at City entrances and exits. Three years of funding for these cameras was provided through grant money from the support of Assemblymember Kansen Chu and the Budget Act of 2019. Six additional fixed ALPR cameras were later installed in mid-2024, funded through the Board of State and Community Corrections (BSCC) Organized Retail Theft Grant, to assist the city in addressing the increase in motor vehicle and motor vehicle accessory theft. These additional six cameras were added to cover identified gaps in the original deployment model and serve as a much-needed evidentiary resource. The BSCC grant also allowed for five mobile ALPR camera units that were mounted on mobile speed trailers and rotated throughout the city according to crime and traffic trends. The mobile speed trailer features radar technology that displays vehicle speed to encourage speed reduction and the ability to collect traffic data.

The Flock Automated License Plate Reader camera system captures date, time, and location of vehicle license plates. License plates and the back portion of the vehicle are captured in a still image, and no video is recorded. This data is then compared with a national law enforcement Criminal Justice Information Services (CJIS) database to determine if the vehicle is stolen, associated with a missing person, or wanted as evidence in a serious felony investigation.

If a match is made, the system immediately provides a mobile notification alert to the officers' in-vehicle Mobile Dispatch Computer (MDC) and to the Communications Center, with the vehicle information and last captured ALPR location. Police staff then verify the information received in the alert through the California Law Enforcement Telecommunications System (CLETS) before taking enforcement action to ensure the stated reason for the alert is still valid. To verify the alert, the license plate is entered into CLETS to determine if it is still listed as wanted for a specific reason, such as a stolen vehicle, association with a wanted person, missing person, domestic violence protective order violation, or terrorist-related activity.

Access to ALPR data is restricted to employees with both the need to know and the right to know. When these conditions are met, data will only be used for the following purposes:

- To locate stolen vehicles, wanted persons, and suspects of misdemeanor and felony crimes.
- To locate and apprehend individuals subject to arrest warrants.
- To locate witnesses and victims of violent crimes.
- To locate missing children, at-risk adults, and elderly individuals, including responding to Amber and Silver Alerts (an emergency notification system for people who are 65 years or older, developmentally disabled, or cognitively impaired and have been reported missing).

Flock Safety's ALPR data is anonymous and contains no personal information. The system does not identify, nor can it access, the registered owner of a vehicle. Under the federal Driver's Privacy Protection Act (DPPA), law enforcement must have a permissible purpose to connect an anonymous license plate number with a registered owner through the Department of Motor Vehicles. Flock ALPR data is never shared with U.S. Immigration and Customs Enforcement (ICE) or Customs and Border Protection (CBP) and is not used for immigration or traffic enforcement purposes.

Senate Bill 34, enacted in 2015, established strict privacy protections for ALPR data. The California Values Act (SB 54), passed in 2017, further prohibits law enforcement agencies from sharing license plate or personal information with federal agencies for immigration enforcement.

The City of Newark shares ALPR data only with other California law enforcement agencies. Currently, Newark shares ALPR data with approximately 350 agencies statewide, including most cities within the San Francisco Bay Area.

All ALPR data collected from City of Newark-installed cameras belongs to the City of

Newark Police Department, is encrypted and securely stored, and is retained by Flock for 30 days. To reinforce the parameters of SB 34, all users who access the Flock Safety ALPR camera system must agree to an affirmation that outlines this state law. All authorized users undergo training to use the system and must enter a police report number to verify the legitimacy of the search, therefore creating an audit trail.

The Newark Police Department provides an ALPR Program Annual Report presentation each year to the Newark City Council, which includes an overview of significant cases involving ALPR use, an internal audit summary, and key metrics, such as activation totals, the number of persons arrested, and the number of recovered stolen vehicles.

DISCUSSION/ANALYSIS

The City's existing contractual services agreement with Flock Group, Inc. was executed on June 15, 2022. At the request of the City Council, installation was delayed until October 2022 in order to allow for a City Council presentation on the Newark Police Department ALPR policy. This agreement, with a not-to-exceed amount of $164,500 (Attachment B: Flock Agreement 2022), is set to expire on October 30, 2025.

Separately, on March 1, 2024, the City entered into an additional Contractual Services Agreement with Flock Group, Inc. for six fixed cameras and five mobile cameras mounted on speed trailers. That agreement, with a not-to-exceed amount of $131,400, was funded through an Organized Retail Theft Grant from the California Board of State and Community Corrections. This grant-funded contract is independent of the agreement currently up for renewal.

The proposed renewal agreement with Flock Group, Inc. will take effect on October 31, 2025, and extend through June 30, 2028, aligning with the City's fiscal year.

The Newark Municipal Code include exceptions for competitive bidding where the contract involves general services or goods of a technical nature. Competitive bidding is not feasible for this contract. The renewal of this subscription service for all ALPR activities must be compatible with the existing ALPR camera system network used by the police department. Flock Group, Inc. is the current sole source equipment and subscription service provider.

FISCAL IMPACT

Under Newark Municipal Code Section 3.40.080(B)(1), formal bidding is not required when the City's needs can only be met by a single provider. Flock Safety serves as the sole-source vendor for Newark's existing Automated License Plate Reader (ALPR) network, and competitive bidding is not feasible without replacing the current system. The total cost of the proposed agreement is $160,165 over a 32-month term, payable as $40,165 in FY 2025-26 for the prorated period of October 31, 2025 through June 30, 2026, and $60,000 annually in FY 2026-27 and FY 2027-28.

The Flock Safety subscription qualifies as a Subscription-Based Information Technology Arrangement (SBITA) under GASB Statement No. 96 and will be accounted for as a software subscription expense charged to the General Fund – Police Department, Investigation Division (Software/Licenses/Subscriptions). Funding for this contract is available within the adopted FY 2024-26 Biennial Budget and will be programmed into the FY 2026-28 budget cycle. No additional appropriation is requested.

REVIEW AND APPROVAL

Prepared by - Jolie Macias, Police Captain
Reviewed by - Jonathan Arguello, Police Chief
Reviewed by - Krysten Lee, Finance Director
Reviewed by - Kristopher J. Kokotaylo, City Attorney
Approved by - David J. Benoun, City Manager

Attachments

Resolution Flock

Presentation

Flock Safety Agreement Estimate

RESOLUTION NO. XXXX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWARK APPROVING AN AGREEMENT WITH FLOCK GROUP, INC. FOR AUTOMATED LICENSE PLATE READERS IN AN AMOUNT NOT TO EXCEED $160,165

WHEREAS, the City of Newark has been committed to enhancing technology within the police department that enables staff to provide a higher quality level of service and increased public safety; and

WHEREAS, critical to the police function is investigation of crime and identification of responsible parties; and

WHEREAS, the police department has a need for enhanced investigative capabilities to bring resolution to more cases; and

WHEREAS, the police department has a need to operate efficiently and effectively through the implementation of technology; and

WHEREAS, providing the police department the ability to continue its current automated license plate reader ("ALPR") system capabilities and seamlessly provide essential services; and

WHEREAS, Flock Group, Inc. is the sole developer and manufacturer of the ALPR product sought; and

WHEREAS, as described above in this Resolution, this proposed agreement with the Flock Group, Inc. is exempt from formal bidding as a sole-source exemption; and

WHEREAS, the current Flock Safety subscription agreement is set to expire on October 30, 2025, and renewal is necessary to maintain uninterrupted ALPR services, and ensure system compatibility; and

WHEREAS, the total cost of the proposed agreement is $160,165 over a 32-month term, effective October 31, 2025, through June 30, 2028, and is payable as $40,165 in FY 2025-26 for the prorated period of October 31, 2025 through June 30, 2026, and $60,000 annually in FY 2026-27 and FY 2027-28.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Newark that all the foregoing recitals are true and correct and are hereby incorporated as though fully set forth herein.

BE IT FURTHER RESOLVED that the City Council of the City of Newark does hereby authorize the City Manager to execute an agreement, in a form approved by the City Attorney, with Flock Group, Inc., in the not-to-exceed amount of $160,165, for the use of twenty fixed ALPRs.

BE IT FURTHER RESOLVED that the City Council of the City of Newark does hereby authorize the City Manager to take all actions necessary to effectuate the intent of this Resolution.

Newark Police Department

October 23, 2025



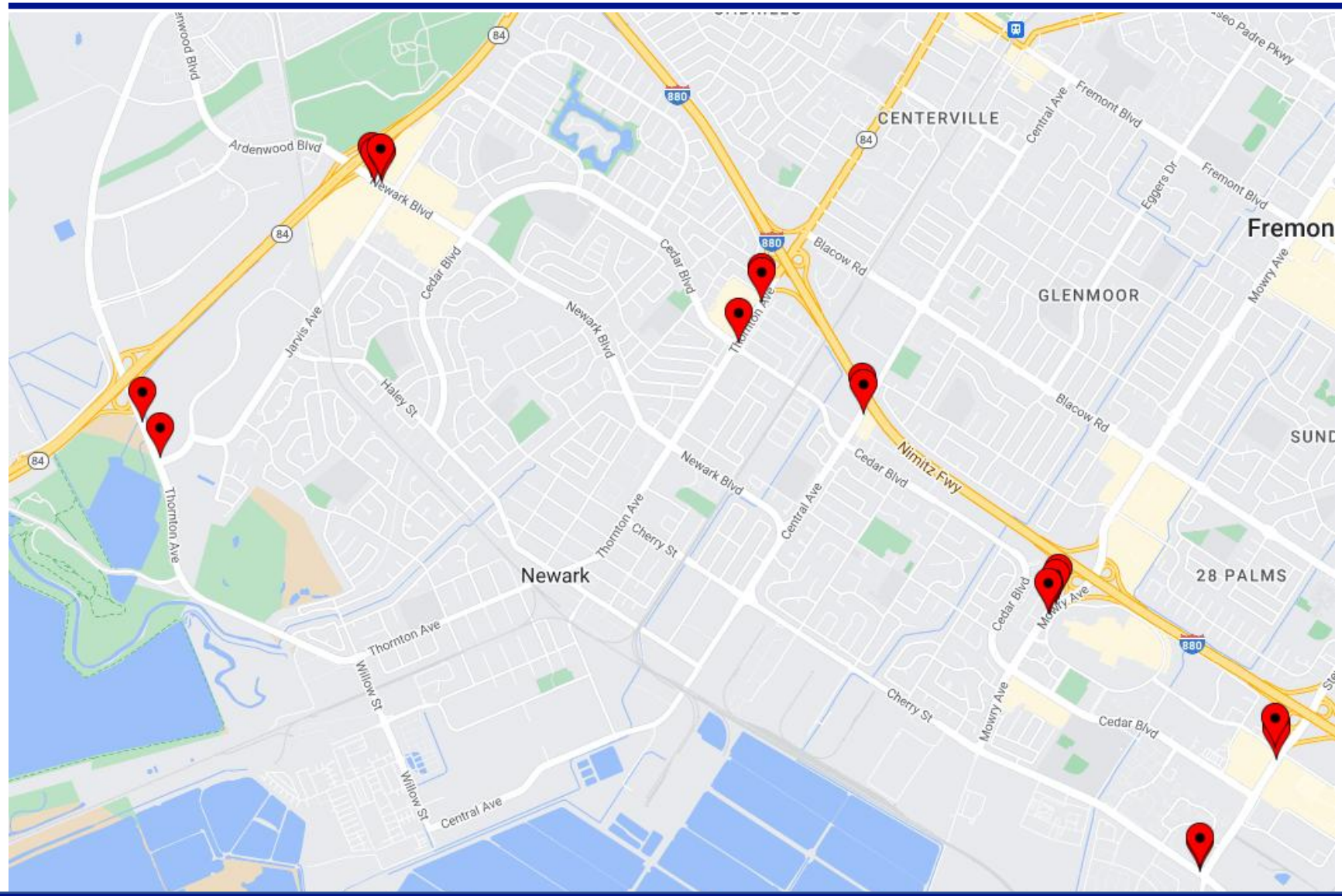
Automated License Plate Reader Cameras

ALPR Cameras

Background:

- In 2022, twenty fixed ALPR cameras were approved by City Council
- Initial three-year funding secured after staff presented to CA State Assembly Subcommittee on Public Safety in support of Assemblymember Kansen Chu's request for $750,000 in funding to City for multi-pronged crime reduction programs.

Initial ALPR Camera Placement



ALPR Cameras

Background:

- In 2024, six additional fixed ALPR cameras were added to cover identified gaps
- ALPR cameras were added to patrol cars
- 5 Mobile ALPRs were added to Speed Trailers
- Funding was provided through the Board of State and Community Corrections Organized Retail Theft Grant

ALPR Cameras

- In-Car Camera with ALPR



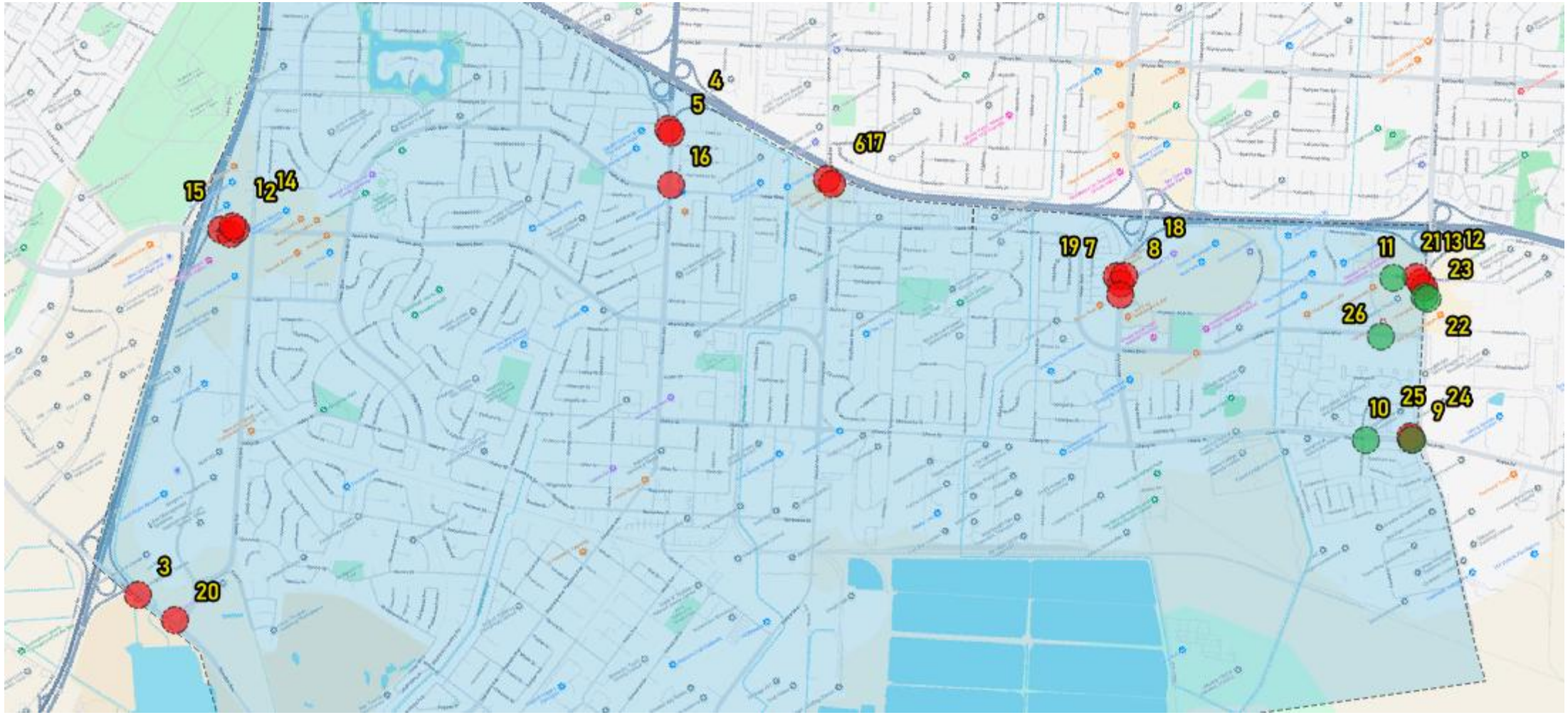
- Fixed ALPR



- Speed Trailer/ Mobile ALPR



Current ALPR Camera Locations



ALPR Cameras

Objective, real-time investigative leads

- Vehicle details and a license plate
- Indiscriminate evidence from fixed locations
- No people, no facial recognition, not used for traffic citations (i.e., Red Light or Speeding tickets)





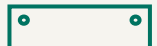
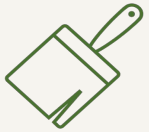


Plate
TX LGS2639



Make
Toyota



Color
Gray



Last Visit
3:15 PM EDT



Seen
3 OF 30 DAYS

ALPR Cameras

- **Proactive:** Real Time Alerts when Stolen or Wanted Vehicles enter the City
- **Investigative:** As cases are solved, crime rates decrease
- Cameras act as a deterrent

ALPR PROGRAM ANNUAL REPORT on May 22, 2025

October 23, 2025







ALPR SUMMARY

- 31 City Cameras
- 9 HOA Cameras
- Internal Audit Summary
- Significant Cases

ALPR KEY METRICS

- CAD ALPR Activations: 364
- ALPR used for Investigations: 536
- Police Crime Reports: 37
- Persons Arrested (70)
  - 39 Arrested
  - 5 Detained (4 Cited)
  - 26 complaints sent to DA
- Recovered Stolen Vehicles: 21

ALPR Cameras

Recommendation

Staff recommends that the City Council , by resolution, authorize the City Manager, or designee, to enter into a sole source subscription service agreement with technology vendor Flock Safety in the amount of $160,165, payable in the amount of $40,165 for year one, and $60,000 per year for years two and three.

Newark Police Department

October 23, 2025



Questions?

Flock Safety + CA - Newark PD

Flock Group Inc.
1170 Howell Mill Rd, Suite 210
Atlanta, GA 30318

MAIN CONTACT:
Graham Carter
graham.carter@flocksafety.com
(415) 329-1307

flock safety

flock safety

EXHIBIT A
ORDER FORM

Customer:	CA - Newark PD	Initial Term:	32 Months
Legal Entity Name:	CA - Newark PD	Renewal Term:	24 Months
Accounts Payable Email:	kamini.kumar@newarkca.gov	Payment Terms:	
Address:	37101 Newark Blvd Newark, California 94560	Billing Frequency:	Annual
		Retention Period:	30 Days

Hardware and Software Products

Annual recurring amounts over subscription term

Item	Cost	Quantity	Total
Flock Safety Platform			**$60,000.00**
Flock Safety Platform			
Flock Safety Platform - Essentials	Included	1	Included
Flock Safety LPR Products			
Flock Safety LPR, fka Falcon	Included	20	Included

Subtotal Year 1:	$40,164.40
Annual Recurring Subtotal:	$60,000.00
Estimated Tax:	$0.00
Contract Total:	$160,164.40

*This Agreement will automatically renew for successive renewal terms of the greater of one year or the length set forth on the Order Form (each, a "**Renewal Term**") unless either Party gives the other Party notice of non-renewal at least thirty (30) days prior to the end of the then-current term. The Term for Flock Hardware shall commence upon first installation and validation, except that the Term for any Flock Hardware that requires self-installation shall commence upon execution of the Agreement. In the event a Customer purchases more than one type of Flock Hardware, the earliest Term start date shall control. In the event a Customer purchases software only, the Term shall commence upon execution of the Agreement.*

Special Terms:
• For the duration of 10/31/2025 to 6/30/2026, The customer will pay a prorated price of $40,164.40. Annual Billing will continue 07/01/2026.

The Term of this contract shall be from 10/31/2025 - 06/30/2028. This Agreement supersedes any and all previously executed agreement between the Parties, relating to the provision of services by Flock to Customer and any exhibits attached thereto or incorporated therein by reference. Upon execution of this Agreement, all previously executed agreements pertaining to the Services provided shall run coterminous with the Term of this Agreement. In the event of any overlap in subscription terms and prior invoices, payments will be provided in pro rata credit. Any estimates provided on credits are subject to change based on execution of a new contract.

Billing Schedule

Billing Schedule	Amount (USD)
Year 1	
At Contract Signing	$40,164.40
Annual Recurring Year 1 **Annual Recurring Year 2**	$60,000.00 $60,000.00
Contract Total	$160,164.40

Product and Services Description

Flock Safety Platform Items	Product Description
Flock Safety LPR, fka Falcon	Law enforcement grade infrastructure-free (solar power + LTE) license plate recognition camera with Vehicle Fingerprint ™ technology (proprietary machine learning software) and real-time alerts for unlimited users.
Flock Safety Platform - Essentials	An integrated public safety platform that detects, centralizes and decodes actionable evidence to increase safety, improve efficiency, and connect the community.

FlockOS Features & Description

FlockOS Features	Description
Community Network Access	The ability to request direct access to feeds from privately owned Flock Safety LPR cameras located in neighborhoods, schools, and businesses in your community, significantly increasing actionable evidence that clears cases.
Unlimited Users	Unlimited users for FlockOS
State Network (License Plate Lookup Only)	Allows agencies to look up license plates on all cameras opted into the Flock Safety network within your state.
Nationwide Network (License Plate Lookup Only)	With the vast Flock Safety sharing network, law enforcement agencies no longer have to rely on just their devices alone. Agencies can leverage a nationwide system boasting 10 billion additional plate reads per month to amplify the potential to collect vital evidence in otherwise dead-end investigations.
Law Enforcement Network Access	The ability to request direct access to evidence detection devices from Law Enforcement agencies outside of your jurisdiction.
Time & Location Based Search	Search full, partial, and temporary plates by time at particular device locations
License Plate Lookup	Look up specific license plate location history captured on Flock devices
Vehicle Fingerprint Search	Search footage using Vehicle Fingerprint™ technology. Access vehicle type, make, color, license plate state, missing / covered plates, and other unique features like bumper stickers, decals, and roof racks.
Insights & Analytics	Reporting tool to help administrators manage their LPR program with device performance data, user and network audits, plate read reports, hot list alert reports, event logs, and outcome reports.
Real-Time NCIC Alerts on Flock ALPR Cameras	Receive automated alerts when vehicles entered into established databases for missing and wanted persons are detected, including the FBIs National Crime Information Center (NCIC) and National Center for Missing & Exploited Children (NCMEC) databases.
Unlimited Custom Hot Lists	Ability to add a suspects license plate to a custom list and get alerted when it passes by a Flock camera

By executing this Order Form, Customer represents and warrants that it has read and agrees all of the terms and conditions contained in the Terms of Service located at https://www.flocksafety.com/terms-and-conditions

The Parties have executed this Agreement as of the dates set forth below.

FLOCK GROUP, INC.	**Customer: CA - Newark PD**
By: _____	By: _____
Name: _____	Name: _____
Title: _____	Title: _____
Date: _____	Date: _____
	PO Number: _____

STAFF REPORT

Item F. 2.

DATE	10/23/2025
TO	Honorable Mayor and City Council Members
FROM	Jessennia Taimani, Recreation and Community Services Supervisor I
SUBJECT	Waive full reading and introduce by title only an ordinance adding Chapter 12.36, Art in Public Places and Private Development and an ordinance adding Chapter 2.14, Public Art Committee, to the Newark Municipal Code

SUMMARY AND RECOMMENDATION

Newark's Public Art Master Plan update (Plan) outlines a vision and several strategic initiatives to establish a vibrant and sustainable public art program that will enrich the City's cultural landscape and benefit the Newark community. Staff continue to implement several of these initiatives and now seek City Council action on two essential recommendations of the Plan:

1. Adopting an ordinance establishing an art in public places requirement to replace the City's existing impact fee; and
2. Adopting an ordinance establishing a Public Art Committee to guide implementation of the Plan.

Staff recommends that the City Council waive the full reading and introduce by title only an ordinance adding Chapter 12.36, Art in Public Places and Private Development, to Title 12 of the Newark Municipal Code and and an ordinance adding Chapter 2.14, Public Art Committee, to Title 2 of the Newark Municipal Code.

BACKGROUND

In 1992, the City Council adopted resolutions related to Art in Public Places and Private Development, including the establishment of associated fees. Resolution No. 6582 (attached) established a policy for the implementation of Art in Public Places and Private Development, requiring the development of a Master Plan to guide the expenditures of the fees collected. Public art fees apply to new residential units and to commercial/industrial buildings and additions that add over 10,000 square feet of new or expanded space or that are located along major arterials as indicated in the General Plan. Resolution No. 6583 (attached) established the nexus for the Art in Public Places development fee, and resolution No. 6584 (attached) established the Art in Public Places fees as follows:

Current Art in Public Places Fees	
Residential (excluding affordable housing)	$ 270 / unit
Retail	$0.26 / square foot
Office	$0.38 / square foot
Light Manufacturing Warehouse	$0.21 / square foot
Hi -Tech	$0.41 / square foot

The City Council approved Newark's first Public Art Master Plan in 2001 to guide the use of these funds. Over the past two decades, Newark has experienced significant change, and many of the projects identified in the 2001 Public Art Master Plan have become outdated or are no longer feasible. As a result, an update was needed to reflect changes in the community. Additionally, best practices in the public art field have evolved, further reinforcing the need for an update.

In November 2022, the City Council authorized an agreement with Gail M. Goldman Associates and Art Builds Community to update the 2001 plan. The update process involved comprehensive industry research and robust community engagement. Findings from this process informed the themes, vision, goals, and recommendations of the Public Art Master Plan update, which was adopted by City Council on June 13, 2024 (attached).

The Plan update was organized into five recurring themes with specific recommendations in each:

1. Identity and Civic Pride: Use public art to set Newark apart from surrounding communities.
2. Accessibility and Public Education: Place high-quality art throughout Newark, ensuring that it is fully accessible to the public.
3. Local Artists: Support and increase the visibility of local artists and creative entrepreneurs.
4. Administration and Collection Management: Promote the implementation of the Public Art Master Plan.
5. Funding: Ensure that the Public Art Fund has sufficient dollars to support public art and other arts initiatives.

The consultant team worked closely with staff and the community to develop the following Vision, Goals, and Guiding Principles:

Vision: All residents and visitors in Newark experience public art as part of their daily lives and throughout all neighborhoods, celebrating the City's history, people, natural environment, and culture.

Goals: The City of Newark adopted the Public Art Master Plan May 2024 update as the guiding document for all public art and public art programming proposed for City property and the public realm in general.

- Provide diverse and engaging public art throughout Newark
- Commission community-focused art in publicly accessible places
- Integrate public art into qualified municipal construction projects
- Celebrate Newark's cultural diversity through public art
- Connect and build the artist community in Newark
- Provide ongoing financial and administrative support for public art
- Maintain and expand the City's collection of public art

Guiding Principles: Public art in Newark has the power to:

- Express Newark's identity throughout the built environment.
- Elevate the role of artist and the creative process play in connecting people and place.
- Provide equitable access to a diversity of artists and artistic experiences.
- Encourage multi-disciplinary collaboration in the public and private sectors to create vibrant public spaces.
- Celebrate the communities' cultural assets, highlighting the unique character of Newark's neighborhood, honoring their histories, and preserving quality of place.

The Public Art Master Plan May 2024 Update outlines a variety of recommendations to support the vision, goals, and guiding principles. The recommendations are meant to guide the City Council, staff and the future Public Art Committee with the flexibility to develop, implement and manage projects that are within the resources available.

Since adoption, progress has been made on several of the Plan's recommendations. Public art has been incorporated into a number of City activities, such as the 2024 State of the City event, as well as included in large-scale Capital Improvement Plan projects currently in design including the Old Town Streetscape Improvements.

DISCUSSION/ANALYSIS

Two key priorities were identified in the updated Plan: (1) creating an Art in Public Places Ordinance, and (2) establishing a Public Art Committee (PAC) to provide oversight, transparency, and strategic direction. The proposed ordinances advance two critical implementation steps recommended in the Public Art Master Plan update. Together, these actions will provide the infrastructure needed to support a dynamic public art program that celebrates Newark's identity, fosters civic pride, and invests in cultural assets that serve all community members.

Chapter 12.36 Art in Public Places and Private Development

The City's current public art requirement is based on fees adopted in 1992 as described above. While these fees helped implement some elements of the original Public Art Master Plan developed in 2001, the existing fee structure is outdated and no longer supports the City's goals and vision for a robust and sustainable public art program. The fee structure is now over three decades old as annual adjustments based on changes in the regional Construction Cost Index that were recommended to occur were not applied, further widening the gap between what was collected and what could have been generated.

Updating to a modernized Art in Public Places Ordinance will align Newark with regional practices and ensure that public art investment keeps pace with the scale of new development. Staff recommends a 1% public art contribution based on construction value (including development, acquisition, installation, and administrative expenses) with an option of either contributing art or paying an in-lieu fee. Exemptions from the contribution include projects that are 100% affordable housing, residential alterations, and (non-residential) tenant improvements under $500,000. Projects that have received their entitlements or been deemed complete by written notification from City staff prior to the effective date of the proposed Ordinance will be subject to the Art in Public Places and Private Development Policy fees adopted by City Council Resolution No. 6584 (attached).

Over the span of more than two decades, the City's current fee structure has generated approximately $2 million in public art funding. As explained below, although actual revenues will vary based on future development activity, modernizing the program has the potential to generate several hundred thousand dollars annually in sustainable funding to support Newark's public art program, consistent with the goals of the Public Art Master Plan.

To ensure public benefit, on-site public art installed by the developer must be located in areas that are publicly visible or accessible. Public art must be created by professional artists and may include murals, sculptures, integrated landscape features, or other media that contribute to the public experience. Artists must be independent of the project's architectural or engineering teams.

To address the limitations discussed and ensure all major sectors contribute proportionally, the proposed ordinance includes two key updates:

1. It formalizes the existing public art requirement by codifying it in the Newark Municipal Code as opposed to merely stating the requirement in a resolution; and
2. It modernizes the fee structure, shifting from a flat square footage-based fee to a percentage-based model tied to construction valuation.

Under the proposed ordinance, developers would have the flexibility to either integrate public art directly into their projects, valued at 1% of construction, or pay an equivalent in-lieu fee into the City's Public Art Fund. Contributions would be encouraged, but not required, when the calculated art value is $50,000 or less. This ensures that public art is consistently funded while giving developers the option to select the approach that best aligns with their project.

Residential Impacts (Affordable Housing, Single Family, and Multi-Family)

Under the proposed ordinance, 100% affordable housing projects will remain exempt from a public art requirement. This exemption ensures that limited funding for these developments can be fully directed toward construction, essential services, and keeping housing costs low for residents.

The proposed ordinance would continue to apply to all new residential developments. To illustrate the limitations of the current fee structure, staff analyzed single-family development activity from Fiscal Year 2023-24. Under the existing flat art fee of $270 per unit, the City collected approximately nearly $29,900 across 107 homes in the Bayside subdivision, less than 0.1% of the construction valuation. By contrast, applying a 1% public art requirement would have generated over $378,000 in art installation or fees.

Staff also reviewed a large multi-family development permitted in Fiscal Year 2023-24, consisting of senior housing, with a construction valuation of $35,357,000. Under the current resolution, this project was exempt from the public art fee because it qualified as affordable housing (and would remain exempt under the proposed ordinance). Development-related fees collected for this project totaled $2,826,443.18. For illustration purposes only, if the project had not been considered affordable housing, the application of the proposed 1% public art requirement would have generated approximately $335,570 in public art funding or art installation. This example underscores both the value of maintaining exemptions for affordable housing and the proportional scale of the 1% art requirement.

Under the proposed ordinance, updating the art requirement to a contribution equal to 1% of the project construction value, ensures that public art investment keeps pace with the scale of Newark's future growth. Below is a table of other Alameda County cities' public art fees for residential projects.

Alameda County Cities' Public Art Requirements - Residential Projects			
City	**Public Art Installation Cost**	**Public Art In-Lieu Fee or Mandatory Fee**	**Applicability/Notes**
Alameda	1% of development cost	1% of development cost	Applies to development with 5 or more units
Albany	1.75% of development cost	1.75% of development cost	A single family home as primary residence exempt
Berkeley	1.75% of construction cost	0.8% of construction cost	Applies to development with 5 or more units
Dublin	0.5% of building valuation	0.5% of building valuation	Applies to development with 20 or more units
Emeryville	0.5% of development cost	0.5% of development cost	Applies to development with 20 or more units
Fremont	Option if over 100,000 sq. ft.	$0.80 per sq. ft.	Optional outside of four designated Art Zones/Districts
Hayward	N/A	N/A	*
Livermore	N/A	0.33% of construction cost	Applies to rehabilitation projects adding 25% or more square footage
Oakland	N/A	0.5%	Applies to development with 20 or more units
Piedmont	N/A	N/A	N/A
Pleasanton	N/A	N/A	Developers encouraged to voluntarily include public art
San Leandro	N/A	N/A	**
Union City	1% of permit valuation	1% of permit valuation	Applies to development with 8 or more units

*Hayward City Council recently reviewed an informational item exploring the creation of a public art fee. City Council expressed support for the concept, and directed staff to conduct further analysis and develop a fee structure recommendation.
**San Leandro City Council recently discussed proposed implementation of a public art requirement. The item was referred to a rules committee for additional analysis and is expected to return to the City Council for consideration.

Non-residential Impacts (Retail, Office, Light Manufacturing Warehouse, Hi-Tech)

Under the proposed ordinance, all qualifying new non-residential construction and major alterations must meet the public art requirement by either installing on-site public art or making an equivalent in-lieu contribution to the City's Public Art Fund. Tenant improvements would remain exempt if they fall below $500,000.

Staff reviewed tenant improvement activity under the current program. During Fiscal Year 2023-24, 18 permits for tenant improvements were issued with a combined job valuation of over $90 million. These projects generated approximately $3.6 million in other development-related fees. However, public art fees were not assessed, as tenant improvement projects, even large-scale ones, are currently excluded from contributing under the existing model. If the 1% art requirement had been applied

to the 18 tenant improvement permits issued in Fiscal Year 2023-24, Newark could have collected approximately $906,000 in additional public art installation or funding in a single fiscal year.

Similar to residential projects, large commercial or industrial projects would also generate proportional contributions under the 1% art requirement model, ensuring investment in public art keeps pace with Newark's broader economic growth. Below is a table of other Alameda County cities' public art requirements for non-residential projects. All costs and fees shown apply to new construction. Applicability to tenant improvements or minimum requirements for new construction applicability are noted.

Alameda County Cities' Public Art Requirements - Non-residential Projects			
City	**Public Art Installation Cost**	**Public Art In-Lieu Fee or Mandatory Fee**	**Applicability/Notes**
Alameda	1% of development cost	1% of development cost	Projects over $250,000
Albany	1.75% of development cost	1.75% of development cost	Development over $300,000; excludes projects exempt from design review
Berkeley	1.75% of construction cost	0.8% of construction cost	Applies to building additions exceeding 10,000 sq. ft.
Dublin	0.5% of development cost	0.5% if 50,000 sq. ft. or greater 0.45% if under 50,000 sq. ft.	New developments only
Emeryville	1% of development cost	1% of development cost	Projects over $300,000
Fremont	Option if over 100,000 sq. ft.	$0.80 per sq. ft.	Optional outside of four designated Art Zones/Districts
Hayward	N/A	N/A	*
Livermore	N/A	0.33% of construction cost	Applies to rehabilitation projects adding 25% or more sq. footage
Oakland	N/A	1%	Applies to buildings with 2,000 sq. ft. or more of new floor area
Piedmont	N/A	N/A	N/A
Pleasanton	N/A	N/A	Developers encouraged to voluntarily include public art
San Leandro	N/A	N/A	**
Union City	1% of permit valuation	1% of permit valuation	Developments over $250,000

*Hayward City Council recently reviewed an informational item exploring the creation of a public art fee. City Council expressed support for the concept, and directed staff to conduct further analysis and develop a fee structure recommendation.
**San Leandro City Council recently discussed proposed implementation of a public art requirement. The item was referred to a rules committee for additional analysis and is expected to return to the City Council for consideration.

Use of the Art in Public Places Fund
The proposed ordinance formally establishes that public art in-lieu contributions made in accordance with Chapter 12.36 be deposited into the Art in Public Places Fund. Per section 12.36.080 of the proposed ordinance, monies deposited into the Fund must be used exclusively for City-owned public art or City-sponsored exhibitions that are accessible to the public. Eligible uses include:

- Preparing sites for the installation of public art
- Acquiring and installing new public artworks
- Conserving and maintaining existing artworks
- Supporting public art exhibitions
- Covering administrative costs related to program implementation

Chapter 2.14 Public Art Committee
Recommendation D.3 of the updated Public Art Master Plan identifies the need to establish a formal Public Art Committee (PAC) to support the implementation of the City's Public Art Program. To fulfill this recommendation, staff propose adding Chapter 2.14, "Public Art Committee," to the Newark Municipal Code which is attached to this staff report for City Council consideration. This chapter would formally establish a committee of up to five members appointed by the Mayor and confirmed by the City Council. Members may include representatives of art-focused nonprofits, art curators, professionals in public art or design fields, art educators, Newark Memorial High School students and community members with a passion for the arts; a range of backgrounds is ideal. The terms of office of the PAC members shall be for four years, except for the initial appointments, in which two members would be appointed to two-year terms. The PAC would promote and advise on art policies and programs and determine art installations, ensuring public access to diverse opportunities. PAC members would serve as ambassadors, educators, and advocates for the arts.

The PAC would convene on an as-needed basis and no less than two times per calendar year. In general, the duties of the PAC would include:

- Establish and approve the Public Art Program mission and curatorial and programmatic goals, policies, and guidelines
- Review and act on recommendations for Public Art Fund projects
- Review and approve recommendations for maintenance and conservation of artwork, deaccession of artwork, and acceptance of artwork gifts and loans, in accordance with City policies currently under staff development
- Develop and update a Public Art Workplan outlining specific public art projects, locations, and budgets identified in the Public Art Master Plan and in accordance with the proposed ordinance
- Serve as the key advocacy body for the City's Public Art Program
- Advise and assist the City Council on matters pertaining to public art, as may be referred by the Council

Establishing the PAC will create a consistent and community-centered mechanism for shaping public art policy, reviewing and

determining projects, and advocating for the City's long-term arts vision.

Next Steps
Should City Council approve staff's recommendation, a second reading of the ordinances will be planned for the November 13, 2025 City Council meeting. The ordinances will be effective 30 days following City Council approval in November. During the 30-day waiting period, applications for Public Art Committee membership would be widely advertised and accepted, and staff would begin revising forms and procedures and preparing outreach materials regarding the updated public art requirement. The appointment of Public Art Committee Members would likely occur in February 2026 and the inaugural meeting of the Public Art Committee would be anticipated in March or April 2026.

The ordinances include provisions related to the creation of City Council approved Guidelines that further define the role and function of the Public Art Committee. Staff intends to prepare draft Guidelines for City Council review and approval prior to the effective date of the ordinances.

FISCAL IMPACT

Costs associated with implementation of the Public Art Program will be limited to the amount of in lieu fees collected per the new Ordinance and the current Art in Public Places fund balance. When required, appropriations will be brought to City Council for approval as individual projects are defined.

REVIEW AND APPROVAL

Prepared by - Jessennia Taimani, Recreation and Community Services Supervisor I
Nicholas Cuevas, Recreation and Community Services Director
Roya Gonzalez, Strategic Initiatives Manager
Lenka Hovorka, Assistant City Manager
Reviewed by - Krysten Lee, Finance Director
Reviewed by - Kristopher J. Kokotaylo, City Attorney
Approved by - David J. Benoun, City Manager

Attachments

Presentation
2001 Public Art Master Plan
Resolution 6282: Adopting a Policy for Proving Art in Public Places and Private Development
Resolution 6583: Establishing Nexus for Development Fees
Resolution 6584: Amending the Schedule of Fees, 1992-93
Public Art Master Plan May 2024 update
Proposed Chapter 2.14 Public Art Committee
Proposed Chapter 12.36 Public Art in Public Places and Private Development



Public Art Master Plan Update and Ordinance Introductions

October 23, 2025 | City Council Meeting

Public Art Master Plan Update and Ordinance Introductions Agenda

- ❑ Public Art Master Plan Update
- ❑ Ordinance Introductions
  - ❑ Art in Public Places & Private Development (Chapter 12.36)
  - ❑ Public Art Committee (Chapter 2.14)
- ❑ Staff Recommendation
- ❑ Questions

Public Art Master Plan Background

Vision

All residents and visitors in Newark experience public art as part of their daily lives and throughout all neighborhoods, celebrating the City's history, people, natural environment, and culture.

Themes

- Identity and Civic Pride
- Accessibility and Public Education
- Local Artists
- Administration and Collection Management
- Funding

NEWARK
PUBLIC ART MASTER PLAN

Public Art Master Plan Update





Andrew Medina | Welcoming City

The Newark City Council adopted a resolution declaring the City of Newark as a Welcoming City to show Newark's commitment to enhancing its cultural fabric by supporting and celebrating its multi-ethnic, diversity, which includes newcomers and immigrants.

Ordinance Introductions

Chapter 12.36 – Art in Public Places & Private Development

- Formalizes funding strategy and updates fee structure.



Chapter 2.14 – Public Art Committee

- Establishes a committee to guide Public Art Master Plan implementation and support the provision of public art in the City.

Chapter 12.36 – Art in Public Places & Private Development



Purpose: Modernizes the fee structure

Objective: Align the City's fee structure with industry standards to support the establishment of a vibrant and sustainable public art program

Type of Development	In-Lieu Current Fees	In-Lieu Proposed Fees
Residential - 100% Affordable Housing	Exempt	Exempt
Residential - Alterations	Exempt	Exempt
Residential - New Construction	$270/Unit	1% of construction valuation
Retail - New Construction	$0.26/square foot	1% of construction valuation
Office - New Construction	$0.38/square foot	1% of construction valuation
Light Manufacturing Warehouse - New Construction	$0.21/square foot	1% of construction valuation
Hi-Tech - New Construction	$0.41/square foot	1% of construction valuation

Non - Residential Tenant Improvements	In-Lieu Current Fees	In-Lieu Proposed Fees
Under $500,000	Exempt	Exempt
Over $500,000	Exempt	1% of construction value

Public Art Fees in Alameda County Cities



Cities with fees

- Alameda
- Albany
- Berkeley
- Dublin
- Emeryville
- Fremont
- Livermore
- Oakland
- Union City

Cities considering fees

- Hayward
- San Leandro

Public Art Anticipated Program Expenses



The proposed fee structure ensures sustainable funding for project and ongoing expenses, creating a reliable and dedicated source of revenue to support future public art projects.

Estimated 2026 Expenses	Estimated Cost
Old Town Artist Fees	$5,000
Utility Box Art Program - Phase 1	$25,000
Old Town Gateway	$200,000
Total	$230,000

Ongoing Annual Expenses	Estimated cost
Maintenance Reserve	$15,000
Recreation Supervisor (40%)	$56,000
Public Art Consultants	$150,000
Total	$221,000

Current balance of Art in Public Places fund is approximately $1.8 million

Next Steps | Art in Public Places & Private Development

Update Processes

- Communicate changes to staff
- Evaluate applications, checklists and other documents for applicable updates
- Change electronic and physical forms

Outreach Materials

- Prepare FAQs
- Develop the Art in Public Places section on the City website
- Include program information in City newsletters



Chapter 2.14 – Public Art Committee



Purpose: To provide oversight, transparency, and strategic direction for the Public Art Program.

Objective: Implement projects identified in the Public Art Master Plan and ensure we are bringing high quality art to the City of Newark.

Public Art Committee Make-up

Committee Composition

Open to arts professionals, nonprofit representatives, Newark Memorial High School students, and community members passionate about the arts

Terms of Office

Standard term: 4 years

Initial members: 2 serve 2-year terms, 3 serve 4-year terms

Meeting Frequency

On an as-needed basis; no less than two times per year



Next Steps | Public Art Committee Formation

- November/December - Application period opens
- January 2026 - Applicant interviews
- February 2026 - Appointment of Committee Members
- March/April 2026 - Inaugural Committee Meeting



Staff Recommendation

Waive the full reading and introduce by title only an ordinance adding Chapter 12.36, Art in Public Places and Private Development, to Title 12 of the Newark Municipal Code.

Waive the full reading and introduce by title only an ordinance adding and Chapter 2.14, Public Art Committee, to Title 2 of the Newark Municipal Code.





Thank you!

Questions

RESOLUTION NO. 8198

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWARK ADOPTING A PUBLIC ART MASTER PLAN

WHEREAS, the 1992 General Plan of the City of Newark called for the establishment of a program for "Art in Public Places and Private Development" as a means of mitigating the impact of new urban development and enhancing the distinctive character of the City as a whole; and

WHEREAS, on September 24, 1992, the City Council of the City of Newark adopted Resolution 6582 adopting and providing for application of a "Policy for Providing for Art in Public Places and Private Development"; and

WHEREAS, Resolution 6582 called for the development of a Master Plan to guide the expenditure of funds accumulated by the City for public art ("Public Art Master Plan" or "Master Plan") and creation of an ad hoc committee to advise on preparation of the Master Plan; and

WHEREAS, on August 8, 2000, the City Council of the City of Newark authorized a contract with consultants Marc Pally and Carol Goldstein to assist in the preparation of a Master Plan in accordance with Resolution 6582; and

WHEREAS, a Public Art Master Plan Ad Hoc Committee of Newark citizens involved in the arts was convened to advise the consultants and review a draft of their work; and

WHEREAS, the consultants have completed a Public Art Master Plan (dated May 10, 2001), a copy of which is attached hereto as Exhibit "A" and incorporated herein by reference; and

WHEREAS, the Public Art Master Plan Ad Hoc Committee has reviewed the Public Art Master Plan and recommends its adoption;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Newark does hereby adopt the Public Art Master Plan for the City of Newark, dated May 10, 2001.

I HEREBY CERTIFY the foregoing resolution was introduced at a regular meeting of the City Council of the City of Newark held on May 24, 2001, by Council Member Nagy who moved its adoption and passage, which motion was carried after being duly seconded, and passed by the following vote:

AYES: Council Members Boggs, Freitas, Johnson, Nagy, and Mayor Smith

NOES: None

ABSENT: None

SECONDED: Council Member Johnson

APPROVED:

s/DAVID W. SMITH
Mayor

ATTEST:

s/FRANCES MILLER-ROGERS
City Clerk

APPROVED AS TO FORM:

s/GARY T. GALLIANO
City Attorney

City of Newark
Public Art Master Plan

Prepared by

Marc Pally and Carol Goldstein

May 10, 2001

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Executive Summary

This document, the City of Newark Public Art Master Plan, represents the continuing evolution of the City's efforts to enhance its visual and cultural environment with the provision of art works in publicly visible areas.

BACKGROUND

The 1992 General Plan Update called for a program of "Art in Public Places and Private Development" (Land Use Goal 2, Policy a, Program 2). Later that same year, the City Council adopted a series of resolutions to create the program (Resolution 6582), to establish a nexus to substantiate a public art development impact fee (Resolution 6583), and to set the "Art in Public Places and Private Development" fee for new residential, retail, office, light manufacturing, and high technology development (Resolution 6584).

Resolution 6582 set forth some basic goals and parameters for the expenditure of collected in-lieu fees, including a list of target sites for public art works. However, this resolution also called for the creation of a public art master plan to more formally guide future public art fund expenditures and strengthen the overall program.

To this end, the City contracted in August 2000 with Marc Pally and Carol Goldstein, consultants experienced in the development of public art master plans and cultural planning. Pally and Goldstein interviewed numerous community members and worked closely with city staff in the development of this plan.

The Public Art Master Plan builds from the directives of Resolution 6582. The plan sets forth broad goals and detailed objectives concerning the locations of and standards for public art, the cultivation of public interest and support for public art programs and projects, and the integration of public art into a variety of other city sponsored or city related programs. See below for the list of all goals and objectives.

5-YEAR PUBLIC ART PROJECTS PLAN

One of the most significant aspects of the plan is the development of a 5-Year Public Art Projects Plan. The 5-Year plan sets forth the numerous steps needed over the next several years that will result in the creation of:

- significant artworks at Newark Community Park, the gateways of Thornton Avenue/Interstate 880 and the Highway 84 area, and Shirley Sisk Grove;

- pedestrian-oriented public artworks at various locations within Old Town;
- functional artworks or "furniture" (benches, kiosks, etc.) for various city parks;
- a program to fund temporary public art projects; and
- a program to facilitate the involvement of non-profit organizations and schools in public art projects.

Upon passage, the Public Art Master Plan will serve as the City's guiding policy statement for public art matters, particularly the expenditure of public art funds, but it is not an element of the General Plan.

GOALS AND OBJECTIVES

The Public Art Master Plan has five goals, each of which contains a number of program objectives. Many of the objectives serve as operating principles—such as Goal One, Objective Two: "Commission public art appropriate to site and context." However, other objectives suggest more direct action—such as Goal Four, Objective Five: "Maintain and conserve the City's public art collection." Most notably, Goal One, Objective One lays out the 5-Year Public Art Projects Plan, discussed above.

The full list of goals and objectives is as follows.

GOAL ONE: *Approach the entire City as a canvas for public art.*

OBJECTIVES:

1. Identify priority sites in civic places, gateways, public gathering places, Old Town, and residential neighborhoods.
2. Commission public art appropriate to site and context.
3. Foster collaboration between artists and other design professionals.
4. Support temporary art work projects and installations.

GOAL TWO: *Cultivate public art audiences and community support.*

OBJECTIVES:

1. Ensure that public art is highly visible and accessible to residents and visitors.
2. Support and encourage a heterogeneous collection of public art and a variety of expression, media, content, and form.
3. Include artworks that represent the diverse cultures, heritage and traditions of Newark and its region.
4. Include artworks that represent a timeline of the life of Newark extending from the past to the future.

5. Communicate the program's successes and projects to the public; promote the appreciation of public art.

GOAL THREE: *Develop projects in which public art can play a role in achieving other community-building goals and objectives.*

OBJECTIVES:

1. Align public art objectives with those of other long-rang City growth, design, and development policies.
2. Encourage the use of local talents and civic/community-based organizations in the development of public art projects.
3. Encourage opportunities for private sector sponsorship and partnership of public art projects.
4. Consider coordination of public art projects with capital improvement projects.

GOAL FOUR: *Establish a formal structure for the Public Art Program.*

OBJECTIVES:

1. Develop an orderly and manageable program for public art projects.
2. Create more stringent criteria for extraordinary architectural design to warrant reductions in private sector public art obligations.
3. Provide training and opportunities for existing staff to become familiar with public art issues. And, whenever possible, utilize a professional knowledgeable in the field of public art to direct the development and implementation of the Public Art Program.
4. Encourage dissemination of public art information to residents.
5. Maintain and conserve the City's public art collection.

GOAL FIVE: *Encourage art that is accomplished and which maintains professional standards commensurate with the region's national standing as a center for arts and culture.*

OBJECTIVES:

1. Utilize a fair, thorough, and balanced process to select artists whose accomplishments, skills, and vision are most appropriate to the project.
2. Commission both large and smaller scale projects to attract artists of various experiences and capabilities.
3. As need is demonstrated, assist local artists in developing skills required to qualify for commissions and to produce public art.
4. Provide assistance to developers in fulfilling their public art obligations.

Introduction

The City of Newark has over a decade of experience incorporating public art into its physical features. The City is prepared to adjust and enhance its program and approach with planning guidelines and procedures. This document, the Newark Public Art Master Plan, uses the original program as a foundation from which new options and opportunities are recommended to take the program forward into its second decade.

Newark joined a small group of California cities in the early 1990s requiring private development projects to enhance their city's physical character through art in public places. Resolution No. 6583 was adopted by the City of Newark in 1992 and establishes the State of California mandated nexus between development projects and adverse visual impact on the built environment. One remedy for the impact is the provision of art in public places. Developers have two options to fulfill their obligation:

- contribute to the City's Public Art Fund
- sponsor a public artwork on the development site.

Since adoption of the nexus mitigation, Newark has begun to develop a significant collection of public art. Some public art-- for instance, the sculptures in front of the Silliman Center--was purchased by the City using its Public Art Fund, made possible through developer contributions. Other artwork, such as the gateway feature on Newark Boulevard near Jarvis Avenue, was funded and selected directly by developers in fulfillment of their public art obligation.

Like other cities in Silicon Valley and the adjacent San Francisco Bay Area, Newark places a high value on creating and sustaining a quality environment for its residents, business community and visitors. Newark is unique in the region for its relatively small population (approximately 43,000) and the availability of some large, desirable tracts of land for development. The historic economic engine of the high tech industry has created stresses and opportunities for all cities in the region, including Newark. Newark is well placed to benefit from this robust economy and the Public Art Master Plan is but one small strategy to insure that the physical character of the city provides pleasure and meaning to residents and other users.

Newark benefits from proximity to astonishing regional resources especially in terms of cultural amenities and human capital. Silicon Valley and the Bay Area attract professionals of the highest achievement anywhere in the world. The field of art is especially blessed by esteemed institutions and traditions in the region, including such fine examples as the Rodin Sculpture Garden at Stanford

University and the museums and galleries of San Francisco and the East Bay. These institutional resources are augmented by a population rich in artists and arts professionals. Newark will manifest its own values, aspirations and history through public art. It will also be able to access and take advantage of resources in San Francisco, Alameda and Santa Clara Counties.

The Public Art Master Plan is the product of interviews and/or meetings with over 30 people. (See Appendix B). Interviewees represent a broad cross-section of the Newark community, including those involved in school and children's issues, the arts and culture, civic affairs, planning, economic development, private sector and small business, as well as elected officials and City staff. The consultants to the City for the Public Art Master Plan reviewed planning documents and historical material to understand not only Newark's past, but also plans for its future. They conducted on-site research throughout the city to evaluate the potential of public art locations. An ad-hoc citizen's advisory committee (see Appendix C) contributed front-end input on cultural priorities of Newark residents and resources available within the local arts community.

The Public Art Master Plan offers a set of Goals and Objectives that fit the aspirations of Newark, as well as its current capacity to manage a Public Art Program. Indeed, one of Newark's greatest assets is the trust its residents have in both local elected officials and City staff. The Public Art Master Plan offers a set of procedures to establish an on-going and vital Public Art Program, one that satisfies Newark's desire for a quality program and respects current financial realities.

The Public Art Master Plan outlines a number of policy issues, program guidelines and implementation options as a template for the Public Art Program and the creation of a 5 year Public Art Projects Plan. The 5-year Public Art Projects Plan will analyze public art opportunities for the City and determine which projects can best achieve the goals and objectives outlined in this document. The money for these projects will be provided by developers contributing to the Public Art Fund in lieu of including public art on their project site. Additional funds may also become available for the support of public art through additional public and private sources. The Public Art Fund is managed by the Community Development Department, which will use the Public Art Master Plan as a policy guide to implement the Public Art Program. Specific projects will be announced in the 5 year Public Art Projects Plan to be reviewed and approved by City Council. The City Council may elect to update the 5-year Public Art Projects Plan on a basis more frequent than every 5 years. At its option, the City Council may to delegate to a committee (a Public Art Advisory Committee, as described in more detail within Goal Four of this document) the task of reviewing and making recommendations for updating the 5-year plan.

Goal One: Approach the entire city as a canvas for public art.

Objective One:
Identify priority sites in civic places, gateways, public gathering places, Old Town, and residential neighborhoods

Objective Two:
Commission public art appropriate to site and context.

Objective Three:
Foster collaboration between artists and other design professionals.

Objective Four:
Support temporary artwork projects and installations.

Objective One:
Identify priority sites in civic places, gateways, public gathering places, Old Town, and residential neighborhoods.

Discussion:

There was clear consensus in interviews and meetings with elected officials, staff and residents that gateways, parks and Old Town were preferred sites for public art. Each site has specific audiences, which can provide one set of the criteria in allocating the budget to particular sites. The Nexus Report (Resolution No. 6583), adopted by the City Council in 1992, identifies a number of public sites for artworks. Gateways, major intersections, public buildings and parks are mentioned as suitable locations. The Resolution does not prioritize those sites. The proposed 5-year plan below, however, sets forth clear goals for the next several years.

Old Town

Economic development is the key to creating a viable Old Town and to that end the City adopted the Historic Newark Area Plan in 1990. In 1999 the City commissioned an economic development strategy for Old Town, made commitments for a history museum to be created within historic Watkins Hall and authorized construction of a new fire station at the corner of Thornton Avenue and Ash Street.

These investments, together with new adjacent housing, commercial activities and a proposed nearby campus for Ohlone College, will provide a substantial

base for continued growth. Old Town has the potential once again to be a true center for Newark and provide a vital link to the community's unique history. Artwork that refers to this history would be most relevant in the Old Town area. The presence of the San Francisco Bay Trail on Thornton Avenue suggests references to the region's ecology as well.

There will be significant open space along the pedestrian right-of-way. The City's Conceptual Plan proposes extensive upgrading of Old Town's streetscape and pedestrian environment, including construction of entrance features and pocket parks along Thornton Avenue.

Many towns use their streetscape to great advantage - to tell their stories through artists' work and create a lively pedestrian environment. Artworks can serve as seating, clocks, lighting, planters and other functional elements. Small fountains can be placed in setbacks and park space. The scale of Old Town is relatively intimate, compared to other retail areas in the city. Artworks in Old Town must be appropriate in size and respectful of historic architectural contexts. Artworks should be scaled for viewing by the sizeable audience driving along Thornton Avenue, yet should also be rewarding for closer pedestrian viewing.

Potential locations for artwork along Thornton Avenue identified in the Conceptual Plan include:

- Entrance element at Ash Street
- Entrance element at Olive Street
- Public art in the parks and plazas at Magnolia, Olive, and Sycamore Streets

Presently most of the users of Old Town are local residents and workers having a meal in area restaurants. The History Museum will provide a new destination for school groups as well as out-of-town visitors, who may be attracted to walk along Thornton and patronize businesses. Therefore, other potential public art sites include a series of work themed as an interpretive trail of documenting Newark's historic industrial base, developed as a series of discoveries along the sidewalks and in the pocket parks. The new fire station scheduled for construction at Thornton and Ash is also an appropriate site for artwork allowing for close coordination between the building's architect and an artist.

Gateways

Newark residents have a strong sense of and affection for their community, particularly its manageable scale and sense of neighborliness. However, within the regional dynamic of Silicon Valley and the Bay Area, the identity of Newark is not always clear. Locally, the City wishes to visually distinguish itself from the neighboring communities of Fremont, Union City, and Hayward. The establishment of strong gateway public art features would provide identity and a sense of place for Newark.

There are numerous points of entry into Newark. The two most significant warrant gateways: Thornton Avenue at Interstate 880 and Thornton Avenue adjacent to the entrance to the Dumbarton Bridge. These two key locations bookend a critical axis through Newark and its historic core. They also will draw a significant, large audience for public art, including Newark residents, visitors and others driving through.

The gateway sites are quite different. One gateway site, at the eastern end of Thornton Avenue, provides a very developed setting adjacent to Interstate 880. The northwestern end of Thornton Avenue, at the intersection of Gateway Boulevard, provides an interesting pivot between the technological futures of the region represented by the Sun Microsystems campus to the east and the San Francisco Bay to the west. The public right-of-way area in the vicinity of Thornton Avenue and Gateway Boulevard serves an ideal location for an artwork visible to drivers entering Newark from the freeway or leaving town northbound on Thornton.

The area of Newark visible along Highway 84 between Thornton Avenue and Newark Boulevard has more options for siting public art. However, this area is still undergoing development. A specific location for public art should be part of the larger development plan with a commitment to place the art in an advantageous setting, easily visible from vehicles and separated from competing visuals, particularly signage.

Gateways must be of significant height to be visible to viewers in moving traffic. The challenge to artists working on gateways is to create a strong statement carrying a widely appealing image. As artworks, gateways must engage viewers beyond the mere function of identifying signage. Artists must create designs that recognize, celebrate and/or symbolize the history, spirit and future of Newark.

Parks

Newark is remarkably rich in park space. Parks are well used by the community for casual recreation, sports, barbecues, birthday parties and community celebrations. The parks are significant community gathering sites and have a sizeable built-in audience for public art. Newark residents identify strongly with their neighborhoods. The geographic distribution of the parks ensures easy access for all neighborhood residents to some form of communal open space. Many of the parks are adjacent to schools, providing convenient access for children and parents.

Some of the parks are small and/or neighborhood oriented, such as Ash Street Park, Bridgepoint Park and Mirabeau Park, while others provide resources for the entire community. Newark Community Park is home to the Newark Community Center, Ohlone College Annex and MacGregor Playfield, all of which attract a substantial number of users. Additionally, the Community Park is the site of the annual Newark Days, a major series of celebrations, including a parade and carnival that attracts over 100,000 visitors during the course of one week. Lakeshore Park attracts joggers and walkers to its attractive open spaces and shoreline. The George M. Silliman Recreational Complex offers many activities and resources to the community and with the future aquatic center will further establish it as one of Newark's most popular community assets. The Silliman Center is the site of the first artwork commissioned by the City with money from the Public Art Fund.

To benefit the greatest number of residents without having to select one park over another for funding, commissioned prototype artworks could be fabricated as multiples and distributed among smaller parks. For example, a picnic table, barbecue, bench insert or community kiosk/ bulletin board could be designed by artists within the parameters of City maintenance requirements.

Larger parks should be designated as sites for more ambitious large-scale commissions. Newark Community Park is the most logical site and should be given the highest priority. The historic celebratory nature of Newark Days, coupled with the forward-looking and distinguished architecture of the Community Center set a thematic approach for an artist to create a major community icon. Shirley Sisk Grove should also be considered for public artwork, in collaboration with proposed landscape and outdoor performance space upgrades.

Schools

Residents care deeply about services for children and the role of arts and culture in building children's pride, creativity and self-esteem. Newark justly prides itself on its school system and City's services for youth. Schools and the parks adjacent to many of them are community hubs. Public art projects placing artists in schools to work with children in the development of either temporary or permanent public art could achieve many community goals. A number of schools have artworks, essentially murals, executed by children. Projects can be expanded with artists-in-residence or with existing teachers. Such programs need to be designed on a project-by project basis with each school. Non-profit organizations currently working with the school districts sponsoring youth arts and heritage awareness programs should be invited to sponsor related public art projects.

City Buildings

City buildings, such as libraries, police and fire stations, recreation centers and administrative centers offer opportunities for both interior and exterior artworks. Many cities mandate a small percentage of their capital improvement projects budget for artwork for new construction. Newark might consider such a requirement in the future, but for the time being it relies upon funds from developers and/or direct appropriations from City Council for including artworks in its construction projects.

Such facilities as libraries and community centers have major audiences of residents and viewers and should be considered as secondary location opportunities below the primary outdoor locations discussed above. One distinct advantage that buildings offer is the opportunity for smaller commissions and purchased artwork. While smaller works are easily dwarfed by the scale of the outdoors, interior artworks can be well framed by architectural features and be appropriate in scale. In new construction, through the early involvement of artists in the building design process, it is frequently possibly to have integrated artwork included in at little additional cost to the construction budget.

Implementation:

The 5-year Public Art Projects Plan will identify specific sites and budgets for artists' commissions. There is currently an undesignated fund balance of approximately $400,000. The 2000-2005 Five Year Forecast assumes an annual $63,000 in income to the Public Art Fund. This sum does not factor in the City's intention to upgrade criteria for art fee exemptions due to extraordinary design, which could lead to increased developer contributions to the Public Art Fund. It

is, however, likely that with the more stringent criteria, many developers will choose to place artwork on site, rather than contribute to the City's Public Art Fund.

The administrative capacity for public art should not be unduly stressed. Goal Four, Objective Three recommends that to manage its program, the City should retain the services of a professional consultant on an as-needed basis and expand the expertise of full time existing staff. Therefore, it is advisable that the City proceeds with at most a few commissions per year in the start-up phase of the program, equal to the administrative capacity available.

The following five-year scenario assumes a minimum of $63,000 in the annual budget for hard costs only, ability to allocate the current balance in the fund and sufficient personnel to:

- Administer a City-sponsored annual program budget of between $90,000 and $150,000.

- Coordinate City-sponsored Public Art Master Planning and project development of 3 to 5 projects per year.

- Coordinate community relations, public information and technical assistance to regional artists.

- Coordinate and monitor compliance of developer-sponsored (i.e. on the development site) artwork of 3 to 5 projects per year.

- Direct and monitor a biennial matching grants program of between $5,000 - 10,000.

- Direct and monitor an annual temporary art program of between $5,000 - 10,000.

The year-by-year project schedule outlined below does not include capital improvement projects such as the Aquatic Center, the History Museum and the new fire station. Once funding for these projects is secured and a schedule for design and construction set in place, the Community Development Department will undertake a review to determine the feasibility of including public art in any of these projects. These projects may be allocated monies from the Public Art Fund for artists' design fees only. Fabrication costs for integrated art will be covered by the project construction budget.

The following constitutes an initial five-year program and commission budget for City-sponsored public art projects, based on the location and program

priorities outlined in this document. At its discretion, the City Council may wish to convene a Public Art Advisory Committee for the review and/or updating of the project list.

Year One:

- RFP, artist selection and proposal approval for a major artwork at Newark Community Park. (commission range: $50 – 75,000).

- RFP, artist selection and proposal approval for a gateway feature at Thornton Avenue and Interstate 880 (commission range: $75 -100,000).

- Program design and feasibility analysis for a series of pedestrian-oriented public artworks in Old Town, based on themes relating to community history (concept design fee range: $5 -10,000).

Year Two:

- Fabrication and installation of Newark Community Park artwork.

- Fabrication and installation of gateway feature at Thornton Avenue and Interstate 880.

- RFP, artist selection and proposal for prototype design of limited edition, functional artworks for City parks (design fee range: $5 – 7,500).

- Program design for Neighborhood Schools and Parks Matching Grants Program: local non-profit organization sponsorship of public art projects (annual program budget: $5 -10,000).

- Program design for temporary public art projects (between $5,000 -10,000).

Year Three:

- Fabrication of limited edition "street furniture" artworks for City parks (fabrication budget: $10 – 50,000).

- RFP, artist selection and proposal approval for first round of Neighborhood Schools and Parks Matching Grants Program (total grants of $5,000 -10,000).

- RFP, artist selection and proposal approval for initial phase of Old Town "interpretive trail" public art program (commission range: $75 -100,000).

- Annual temporary public art program of between $5,000 -10,000).

Year Four:

- RFP, artist selection and proposal approval for a major artwork at Shirley Sisk Grove (commission range: $25 -35,000).

- RFP, artist selection and proposal approval for a gateway feature at Thornton Avenue adjacent to Dumbarton Bridge approach (commission range: $75 - 100,000).

- Installation of limited edition, functional artworks for City parks.

- Fabrication and installation of Old Town public artworks.

- Coordination and monitoring of Neighborhood Schools and Parks Matching Grants Program.

- Annual temporary public art program of between $5,000 -10,000.

Year Five:

- Fabrication/installation of gateway feature at Thornton Avenue adjacent to Dumbarton Bridge entrance.

- Fabrication and installation of Shirley Sisk Grove artwork.

- RFP, artist selection and proposal approval for second round of Neighborhood Schools and Parks Matching Grants Program (total grants of $5,000 -10,000).

- Annual temporary public art program of between $5,000 -10,000.

- RFP, artist selection and proposal approval for second phase of Old Town "interpretive trail" public art program for small fountain or other signature element (commission range: $75 -100,000).

- Completion and evaluation of Neighborhood Schools and Parks Matching Grants Program.

Objective Two:
Commission public art appropriate to site and context.

Discussion:

Artists working in public art will typically dedicate a period to research and reconnaissance before beginning the design process. Much of this research will be about gaining understanding of the artwork's site and context:

- Social and economic demographics of a neighborhood may offer inspiration.
- Activity patterns throughout the day or week may provide a sequence of audiences.
- Natural habitat, landscape, hardscape and surrounding buildings may affect choice of materials.
- Views and vistas may alter perceptions of scale and perspective.
- Historic landmarks or historic memories may provide content.
- Weather conditions and the path of the sun may contribute to kinetics and shadow play.

Not all public art should blend in and be consonant with everything around it. In fact, much public art is successful because it purposefully stands apart from its surroundings, literally, figuratively and conceptually. But even, and perhaps especially in such cases, the artist benefits from recognizing, analyzing and understanding the site.

Newark offers a wide range of approaches to site and context. The City as a whole has a remarkable history and bright future, which allows for a broad set of stylistic possibilities. Artists will be attracted to such historical aspects of Newark as the railroad, foundries and associated businesses, and the colorful histories related to Wedgewood stove production, chemical companies and salt works. The natural environment also offers inspirational starting points. From the foothills and the San Francisco Bay, such ecological features as monarch butterflies and herons provide local legend and color. The present moment of great change and growth brings an additional layer of material to the artist palette.

Some existing public art projects in Newark were initiated and conceptualized before artists were selected for the commission or purchase. In some cases, staff and other sponsors, rather than artists, determined the precise theme, content

and siting of the work. However, artists' experiences in bringing the artistic process to a variety of sites and contexts can be most useful in making the final determination about a project's direction. Working in this way allows maximum advantage of the artist's particular skills and can produce a fruitful dialogue between the community and the artist.

In the future, the City's art collection should be developed with the sense of uniqueness that characterizes the individual nature and aspirations of the community. Commissioned artwork, rather than the purchase of pre-existing artwork, allows artists opportunities to create one of a kind, or limited edition work customized to the setting.

Artists are often also the best judges of where their commissioned artwork should be sited, such as within the broad parameters of a neighborhood park. Not only are such works completely unique, they appreciate in value, often more so than unlimited production of artists' multiples. It therefore follows that in the future, public artwork should be commissioned for a site, rather than purchased as a ready-made object.

Implementation:

Each City-sponsored public art project will be defined in the 5-Year Public Art Projects Plan. The Plan will include the following information for each project:

- Total project budget
- Project location
- Project timeline
- Relationship to the CIP project/site, if applicable
- Site and context information relevant for the artist
- Thematic issues which the artist should consider

In addition, a comprehensive description of the goals set for individual projects will lay the groundwork for selecting the most appropriate artist. Some projects will be appropriate for historic interpretation (such as the historic Old Town area) while for other projects the artist may propose a new approach. For example, gateways adjacent to Interstate 880 or the along Thornton Avenue near the Dumbarton Bridge approach (as discussed in Objective Three) offers many thematic directions for symbolizing a formal announcement of entry, including history, the environment or the future.

Where there is leeway in determining the nature of the artwork's thematic direction, current professional practice dictates that the artist should be included and may lead the discussion. It will be the responsibility of the City, as client, to assist the artist in gaining insight into the needs and desires of the community and in understanding the site and its context. Staff will brief artists on the parameters and possibilities for their projects and provide vital contextual information. Review of artists' proposals and subsequent designs, are milestones within the design review process. Inevitable adjustments required for public art project designs or related site design changes should allow the artist ample time to redesign and at the same time, allow the City ample time to review and comment.

Objective Three:
Foster collaboration between artists and other design professionals.

Discussion:

The revival of a centuries-old tradition of artist-architect collaboration is bringing great change to the nature of public art. Artists are no longer confined to creating sculptures to be moved from their studio to a public location. Now many artists work with architects and engineers from the first days of a project's design and contribute their ideas in a collaborative process. This approach results in more diverse, integrated and successful public art projects. Collaboration can only occur when artists are included from the initial phase of a project. Artists who join development projects once schematic design is complete have much less opportunity to contribute and affect the project's visual character.

Collaborative, multi-disciplinary work takes many forms, including artists working with computers and software programs to create interactive video projects; creating gardens with landscape architects; designing seating, lighting standards, bicycle racks and trash can prototypes with park staff; and, creating outdoor performance spaces (that can be sculpture as well). Successful collaboration depends upon the active participation of the Public Works Department staff, whose expertise is essential.

Artists also work with industrial designers and businesses. The benefits to private industry are notable. Artists test prototypes and demonstrate innovative tools. Manufacturing industries may use novel fabrication techniques that could be translated to artwork. The computer field offers additional possibilities for artists, if not for the finished artwork certainly for design generation. The adjacency of Silicon Valley and the local presence of Sun Microsystems among other hi-tech firms may open doors to collaborative possibilities for artists and industry. The model for such an approach was started thirty years ago by the Xerox Corporation at its Palo Alto campus.

The degree of collaboration or cooperation required will vary from project to project. It is likely in Newark that City-sponsored public art will be autonomous elements rather than integrated features and/or other infrastructure elements. Cooperation between design professionals is still necessary in these circumstances but will be driven by the artwork. In developer-sponsored public art, there may be more integration of art and architecture because the construction of new buildings provides opportunities for all design professionals.

Implementation:

Whenever possible in newly constructed City capital improvement projects, the City will select artists at the same time architects, landscape architects and other designers are selected. Projects that include artists will have contract language for all consultants stipulating that an artist(s) will be part of the design team. Architects who favor collaboration will be given high priority in the architect's selection process.

The Public Art Coordinator will encourage private developers to synchronize selection of artists and architects. Application forms filed by developers will state a timeline and criteria for artist selection. The private sector will also be encouraged to consider sponsoring collaborative and multi-disciplinary work. Collaboration between local industries and businesses and artists will be facilitated through the City's compilation of a list of local businesses' materials, skills and fabrication resources. This list will be shared with artists as they begin to conceptualize their projects.

City funds distributed to other arts' sponsors (such as through the matching grants program cited above in Objective Two) will stipulate an artist selection timeline and guidelines for design team collaboration.

Objective Four:
Support temporary artwork projects and installations.

Discussion:

Temporary public art projects are often more easily implemented than permanent public art. Regulatory restrictions are not nearly as cumbersome, budgets are significantly smaller and long-term concern for maintenance and community acceptance is not as burdensome. Artists with little or no previous public art experience can create temporary projects of a smaller scale. In this way, temporary art serves as a training ground and learning experience, helping to widen the pool of candidates for permanent projects.

Funding for temporary projects may be appropriated from sources of funding outside the Public Art Fund and augmented by underwriting by the private sector. For example, the City's budgets for Newark Days could include a day-long children's project in cooperation with local schools to help fabricate and decorate tiles for a ceramic fountain or wall. Businesses often sponsor projects that meet their community giving objectives or result in a public relations benefit. Civic groups, from the PTA to gardening clubs, as well as individuals may wish to support a project and can often be approached for in-kind donations of goods and services as well as money.

City residents come together for various celebrations throughout the year. Events include musical concerts, arts and crafts shows, parades, holiday extravaganzas, fundraisers, and commemorative festivals. Most of these events are held in publicly accessible locations and many are held in public parks. Patrons comprise a built in, receptive audience, in some cases representing the broadest demographic of Newark. As such, these events are the perfect opportunity to introduce a public artwork (either temporary or permanent) in conjunction with the events. School sites also offer an ideal location for subsidized, changing exhibitions and installations to supplement the students' cultural exposure.

Implementation:

The 5-year Public Art Projects Plan will identify temporary projects for the coming year. These should vary from year to year so that over time temporary public art will occur in settings throughout Newark and will involve a variety of residents, both in the making and in the viewing of the art projects. Sponsorship partners for temporary art projects will be identified as well as the budget and other resources available from the City. The Public Art Coordinator will be responsible for supervising the projects but may work in partnership with other City departments, community groups and /or individuals.

The nature of the participants in temporary public art projects must be identified in the 5-year Public Art Projects Plan, and then further refined by the Public Art Coordinator. The Public Art Coordinator will consult with other City staff to ascertain what development projects and special events are scheduled that might be partnership opportunities for temporary public art projects. For instance, if there is a project with a construction fence, students can paint a mural. A very similar project was created by students as part of construction of the Yerba Buena Center for the Arts in San Francisco.

Street improvement projects can feature a photography or banner project. Festivals and major sports' events scheduled in the City parks can include temporary public art, produced by students, professional artists, community members or combinations of all three.

In planning civic celebrations, special events and festivals, such as Newark Days, Las Posadas, the Sunday Afternoon Art Series, Music at the Grove, the Winter Festival, etc. studio, public, folk, ethnic, traditional and artisan work appropriate to the themes of the event will be considered for public art commissions. Commissions could also include adaptation of designs for banners, site ornamentation, exhibit and display, design of awards, etc.

Goal Two: Cultivate public art audiences and community support.

Objective One:
Ensure that public art is highly visible and accessible to residents and visitors.

Objective Two:
Support and encourage a heterogeneous collection of public art and a variety of expression, media, content and form.

Objective Three:
Include artworks that represent the diverse cultures, heritage and traditions of Newark and its region.

Objective Four:
Include artworks that represent a timeline of the life of Newark extending from the past to the future.

Objective Five:
Communicate the program's successes and projects to the public; promote the appreciation of public art.

Objective One:
Ensure that public art is highly visible and accessible to residents and visitors.

Discussion:

Sites for public art should be selected for maximum visibility. The 5-Year Public Art Projects Plan should place highest priority on recommending sites that have the greatest visual access by potential audiences. For the most part outdoor sites are more accessible, though interior pieces also have an important role to play, especially when they can be incorporated into the building's design. The stained glass panels in Newark's City Hall's façade relief sculpture offer an excellent example of integrated art.

The nature of public art sites and the nature of each site's audience will also vary. For instance, some sites might have their greatest impact on those passing by in cars, while other sites attract people walking, shopping, and engaging in active sports or passive recreation. Sites in the Old Town area, neighborhoods and outlying business parks reach different audiences. Residents and visitors who travel widely throughout Newark could have the advantage of seeing many public artworks in a variety of settings.

Implementation:

Goal One, Objective Two identifies specific locations that have been identified as priorities for artwork. Within these parameters, the City will consider the following criteria regarding visibility and access issues for both City and developer sponsored projects:

- General public viewing: For example, if the artwork is located in a business park development, vantage points should be identified from which the public can view the work. If the project is located in the public right of way, passing traffic should be able to view the work without compromising public safety. If the artwork is placed in an interior location, it should be open to the public for a minimum of eight hours a day and should have sufficient viewing to warrant its interior placement. See Objective 5.

- Identification of primary and secondary audiences: The major users of the site and environs and their related behavioral characteristics should inform the artwork's scale, placement, adjacencies, etc. For example, the work should be viewed by pedestrian passersby, as well as by vehicular travelers from a greater distance.

- Adjacencies: Views of the work should fit within existing or planned landscape and hardscape features and public improvements. For example, as adjacent foliage matures, sight lines should not be obscured.

- Operational characteristics: The artwork should be visible from vantage points outside the property whether or not the site itself is open to the public. For example, if the work is on a site with limited physical access or no public visitation hours, the artwork should be visible from publicly accessible locations.

Objective Two:
Support and encourage a heterogeneous collection of public art and a variety of expression, media, content and form.

Discussion:

The resolution creating the Public Art Program suggests that artwork is primarily limited to the visual arts, but also states that the City Council has the discretion to determine if a particular work satisfies the intent of the ordinance.[1] Current studio art produced by regional artists employs a wide range of materials, both traditional and recently developed. The City's overall art collection should reflect this diversity of creative expression. More importantly, to maintain public enthusiasm and appreciation for the program, the City should commission artwork that is varied, unexpected and fresh, to complement rather than repeat the nature of previous commissions. To limit the program to one particular theme or approach, such as work that is all realistic, or work that is produced only of cast metals, would be counterproductive to the underlying mission of the Program.

The Program should not be limited to artists trained in the formal fine art and studio traditions. Many artisans working in ethnic, folk and traditional crafts reside in the region. These artists may work in textiles, clay, paper, foodstuffs, dyes, beads, salvage or other materials. The city history quilt located in the lobby of the Newark Community Center is a good example of craft as public artwork. Though some folk art is often ephemeral or created for one-time special events and celebrations, these artists have much to contribute to a public art program. The Program can facilitate projects and collaborations that adapt artisans' work to more permanent media suitable for indoor and outdoor public locations.

Implementation:

In considering the potential for individual commissions, the Public Art Coordinator and the Selection Panel will strive for an overall balanced representation in a variety of media, content and genre throughout the City's public art collection.

In the early years of the program, the City will limit the number of commissions per artist so as to ensure the broadest participation and promote diversity of expression.

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[1] The preamble of Resolution 6582 states that the public art is needed to "offset the impacts of urbanized society." Performance-based arts, such as theater, music, and dance are not clearly eligible or ineligible for funding under this ordinance. The resolution states that the City Council has final discretion in determining if an artwork meets the intent of the resolution.

The City will distribute RFQs and RFPs broadly, taking advantage of the strong professional organizations representing artists and comprised of artist members in the Silicon Valley, Bay Area and East Bay. Such organizations as Pro Arts, Alameda County Arts Commission and Arts Council Silicon Valley can be good allies in reaching out to artist communities.

Objective Three:
Include artworks that represent the diverse cultures, heritage and traditions of Newark and its region.

Discussion:

Newark residents are proud of their diversity and multi-faceted heritage. There are many organizations in the City that celebrate, commemorate and keep history and heritage alive. They sponsor scholarships, special holiday events and programs in the schools to ensure that people of all ages recognize, appreciate and sustain traditions of and pride in their ancestors. The performing arts and entertainment events presented at Newark Days reflect the multi-cultural foundations and histories of the City's residents. Similarly, the League of Volunteers'/Newark Arts Council's Arts in the Schools Multi-Cultural Assemblies give Tri-City students exposure to cultural expression from many different communities.

Public art can portray the community's shared and inherited traditions and foundations and it may also highlight differences. Artwork can educate viewers about aspects of the City's and neighborhoods' environment, personalities, events, institutions, creativity and identity. The artwork may call out, protest or reflect upon the subtexts of issues that previously have not been mentioned in the public arena. One of art's most compelling values is its ability to tell a story, speaking to the variety of people who make up the greater Newark community.

Implementation:

The City will include a range of artworks so that the overall collection reflects and celebrates the many and diverse cultural traditions which contribute to the vitality of Newark. The ability of an artwork to contribute to the composite diversity of City's overall collection will be criteria for reviewing proposals for commissions and purchases of artwork.

The City will encourage co-sponsorship of public art projects commemorating and celebrating diversity. These may be temporary visual arts projects adjunct to special events, or as permanent installations. Resources and partners include the School District, Latinos Unidos des Newark, the Afro-American Cultural and Historical Society, the Newark Library League and the South Bay Chinese Club.

Objective Four:
Include artworks that represent a timeline of the life of Newark extending from the past to the future.

Discussion:

Certain themes emerge from the multiple histories of the city, from Native American original settlements, through successive waves of immigration, historic regional industries and recent regional influences from changing residential demographics and the new local economy of research and development business. Some of the stories are less well known than others. Public art is often an appropriate vehicle to revive memories, interpret historical data, and commemorate legendary people and events. Artists continually find rich information and context for their work researching the life and times past.

There is additional material to be gleaned from the future as well. Many residents and workers believe that Newark is in the midst of a major transition and an evolution to a next stage of development. Some feel the healthy indicators of growing economic and cultural diversity are leading this trend. Others see the increasing numbers of new, diverse residents to be shaping the future, through their expectations for a high quality of life and their demand for an array of cultural amenities. A third body of opinion is that a new sense of self determination is in its formation stages: that Newark has always internally distinguished itself from Fremont, Hayward and other southern Alameda County communities and that its identity is only beginning to be realized and appreciated by outside visitors. The question "Who are we now and what will we be?" provides much food for thought in the city today and can be a primary consideration in an artist's research and development of a public art proposal.

The economic engine of the region is based on advanced technology and Newark students must be prepared for a rapidly changing world. New ideas, new materials and new attitudes reflect this reality and give it visible form. Artists are particularly adept at translating abstract or experimental ideas into concrete forms – this is an ideal challenge for public art.

Implementation:

Potential themes and sources of content related to the City's heritage include:

- Open space history – the monarch butterflies, herons and other features of the wetlands

- Industrial history – salt, truck farming, Wedgewood stoves, railroad back shops and roundhouse, freight car construction, foundries and chemical companies

The City will prepare and make available to artists a bibliography of books, articles, oral histories and ephemeral materials on the general and specific histories of Newark that are available in the public library. The City's curator at the new museum will be available to assist artists in research on specific topics. A contact list of local residents wishing to share more detailed knowledge on specific communities or historical periods may be prepared. The City will also prepare briefing materials to help artists understand the importance of Newark within the framework of the high technology industry and the adjacency of Silicon Valley.

Objective Five:
Communicate the program's successes and projects to the public; promote the appreciation of public art.

Discussion:

Residents should feel that the Public Art Program makes Newark a more livable city. Without their support the Program cannot succeed. Every effort should be made to communicate the Program's activities to the public. This can happen through the Public Art Coordinator, as well as through direct contact between City staff and community groups, business associations and other points of contact in the city.

The public relations function of the Public Art Program is central to its community support and long-term existence. Helping people to become aware of the Program's achievements will create interest and lays the foundation for further growth.

Implementation:

The Public Art Coordinator will maintain a current mailing list, which will be used to send out periodic updates on the program to interested residents. Both post and e-mail updates will be sent to best ensure that pertinent information is readily communicated to the public. Additionally, the City's website will contain current news on the Public Art Program. Another important source of communication will be press releases to local newspapers.

Each new artwork will be celebrated with a public ceremony and publicized with a press release. A presentation by the artist at a local community meeting, City Council meeting, or special event at the site will be scheduled to publicize the program and celebrate the latest addition.

Local schools throughout the city will receive press releases or brochures on the artwork for distribution to teachers who may desire to incorporate the artwork as a learning tool or as part of a neighborhood field trip.

Each project will be identified with a plaque identifying the artist, title, date and recognition of the City as sponsor, as well as other major contributors.

Tourist, business and economic development publications will be encouraged to include public art images, as will the City in its brochures. Guides to the City's cultural, recreational and entertainment resources will include public art information and images.

Eventually, as the collection reaches a critical mass, the City will publish an independent guide, with a tour map to publicly and privately sponsored public art, perhaps including interior artwork and ornamentation in religious facilities and office lobbies, as appropriate.

Public art information, including on line publication of the 5-year Public Art Projects Plan will be posted on the City's web site in concert with scheduling and design of on line publications of similar City information. Over time, a public art page will be developed to highlight the City's public art collection, including a map/guide, photographs of the artwork, descriptive text and artist information. The "Newark News" will also be used as a vehicle to reach residents with public art information. Press releases to local and regional newspapers will ensure distribution over a large geographic and demographic sample.

Goal Three: Develop projects in which public art can play a role in achieving other community-building goals and objectives.

Objective One:
Align public art objectives with those of other long-range City growth, design and development policies.

Objective Two:
Encourage the use of local talents and civic/community-based organizations in the development of public art projects.

Objective Three:
Encourage opportunities for private sector sponsorship and partnership of public art projects.

Objective Four:
Consider coordination of public art projects with Capital Improvement Projects.

Objective One:
Align public art objectives with those of other long-range City growth, design and development policies.

Discussion:

In past years, public art projects were selected on a case-by-case basis. The establishment of a planning program through the 5-year Public Art Projects Plan will provide opportunities for greater coordination between art projects and other City initiatives

For instance, there can be a significant link between redevelopment area objectives and public art objectives. Many cities, including Newark, are incorporating public art requirements for capital infrastructure in development agreements with the private sector. The rationale for this decision is that artwork is one of many improvements and value-added amenities increasing patronage and business investment interest. Similarly, as Old Town and other CIP-funded improvements evolve there will be many opportunities for including public art among streetscape and landscape components. In some cases, the City may decide to include a public art component funded from within the project budget, rather than from the Public Art Fund.

The aesthetic nature of the built environment can affect community identity, sense of place and economic well being. The City outlines its long-range view of urban design and development in Area Plans, Specific Plans, Urban Design Plans and a General Plan, each detailing attainable aesthetic and visual qualities. In some cases, public art can be considered integral to those planning efforts, though it may not be explicitly stated in the documents.

Civic and community-based organizations, such as LOV, Latinos Unidos des Newark, the Newark Library League, the African American Cultural and Historical Society and the Chinese-American Historical Society demonstrate how the role of culture can promote long-range goals of building community identity and engendering participation. The work of several local non-profits in the city integrates cultural objectives into a long-range vision for community solidarity. The Public Art Master Plan will help set the stage for considering how artists can be full partners in this process.

Implementation:

The goals of the Public Art Master Plan will be compatible with other plans that may emerge in the near future. However, the Public Art Master Plan assumes a more prominent role for public art in achieving design and aesthetic objectives than text in the other current documents. Appropriate excerpts from the Public Art Master Plan will be incorporated into future planning documents and neighborhood-based design guidelines, to ensure consistency and consensus of approach. In the case of existing documents, amendments or updates will include a discussion of public art objectives and projects, as appropriate.

The "Newark Old Town Economic Development Strategy" reflects the objective that Old Town Newark will once again become a primary gathering place for both residents and visitors. While some of its historic retail function has dispersed to shopping centers, there is a primary objective to reaffirm the area's symbolic role as the heart and soul of the community. Future development of cultural attractions and a range of pedestrian amenities will assist in this effort and form an ideal environment for development of the Public Art Program.

(For a discussion regarding the potential impact of Capital Improvement Projects upon Old Town see Goal Three, Objective Four.)

Public art projects will be considered as integral to community design improvements, neighborhood revitalization and resident amenities. For example:

- Funds accrued may be used to underwrite master artist/apprentice youth internships as a component of public art commissions at Recreation Centers.

- A "catalog" of street furniture prototypes designed by artists for future city-wide sidewalk improvements along major thoroughfares may be funded by public art monies.

- A series of artist-designed kiosks or pavilions for special events and performances may be placed in strategic locations along public spaces and parks.

Objective Two:
Encourage the use of local talents and civic/community-based organizations in the development of public art projects.

Discussion:

Newark is a city of neighborhoods, and residents tend to identify closely with their own neighborhood infrastructure. While everyone recognizes the central role of Old Town and the shopping and business districts, much of residents' lives center on neighborhood schools, parks, recreation and shopping amenities.

The specific nature of the primary audiences and art consumers will vary from site to site, and their reaction to public art will vary as well. To assist in achieving successful public art projects, it is highly desirable to involve the public at the earliest possible stage. The need for additional creative and constructive outlets for youth cannot be overemphasized. For example:

- City-wide organizations including LOV, the Newark Arts Council and more locally-based groups such as individual PTAs and the Friends of Ash Street Community Enrichment (FACE) might be interested in supporting educationally-themed public art projects.

- Joint sponsorships between the school district and the Public Art Program can reap many benefits for the City's youth. For example, in a highly successful competition project at the Las Vegas International Airport, students' paintings of world cities were transferred onto large-scale tile murals at a high-profile location.

- Public art projects can be integrated into the curriculum or can be treated as an after-school enrichment activity.

- Neighborhood-based public art projects can engage students, centered around the public park/public school system as identified in Goal One, Objective Two.

- Sites adjacent to or near schools and after-school programs at libraries and recreation centers are suitable for student projects.

- Educational materials, in-class presentations by artists and architects and field trips to public artworks can help students see their city in a new light and appreciate the many ways art can be incorporated into the built environment.

Implementation:

The City will establish an annual grants program for neighborhood public art proposals, available to incorporated, tax-exempt, non-profit organizations. Eligible organizations will reflect and serve their communities and may do so in a multiple of capacities and under a variety of organizational structures. For example, one neighborhood may consider working on a public art project in a community garden, while another may consider ways for public art to enhance the area's appeal to visitors. Among the kinds of organizations that will be encouraged to apply are:

- Community organizations including, but not limited to, those working with social service, cultural, environmental and public health issues
- Educational institutions, including those at the primary, secondary and college levels, as well as other institutions committed to an educational mission
- Faith-based institutions and the numerous associations and groups that such institutions frequently sponsor
- Arts and artists' organizations

The program's focus may change from year to year, and may include permanent work, temporary work, and/or special events related public art. Submitting organizations will be required to show evidence of feasibility, such as site control, neighborhood support, matching funds, completion and management capacity and an artist coordinator. The City will offer technical workshops in the early years of the program to develop the skills and resources within the non-profit community on such issues as:

- Working with artists and inter-disciplinary teams
- Fundraising, donations, in-kind services and volunteer recruitment
- Site control and legal agreements
- Artist selection
- Design, engineering, risk management and project feasibility
- Project budgets and project management

- Fabrication and installation
- Maintenance, repair and conservation

Depending upon the scale and/or location of the project, project selection will be under the auspices of a Selection Panel convened to review applications. The Panel will include the same composite of members as Panels under the Public Art Program, with the addition of two civic volunteers/community leaders. The Panel's recommendation will be forwarded to the Public Art Coordinator for review and recommendation to City Council. In addition to the criteria established for reviewing City-sponsored public art proposals, criteria should include:

- Organizational capacity and adequate project management to successfully complete the project
- Evidence of matching funds, in-kind services, donations, volunteerism
- Representative leadership and participation
- Understanding of community assets and needs
- Socio-economic and geographic distribution throughout the City
- Feasibility of artwork within budget
- Secured owner consent, site control and/or required easements
- Adequate visual/physical access for viewers

Objective Three:
Encourage opportunities for private sector sponsorship and partnership of public art projects.

Discussion:

Everyone in Newark can participate in the Public Art Program. Residents, workers and visitors are not only audiences, they are vested consumers. Local artists and arts professionals are not only reviewers and critics, they are potential jurors. Newark's business community is comprised of many active, caring citizens. The success of many community events is due in great part to the generous support of local businesses. The business community also recognizes the value of the arts and entertainment in an overall economic development strategy. Due to the City's priority for a higher quality visual environment, recent construction projects have included greater attention to design issues and urban context. One benefit of the active participation of the private sector is that the range of sites for public art can be more varied, especially in the area of artist participation in building design and construction.

The large-scale changes envisioned for Specific Plan Area 2 (generally, the tracts west of Willow Street) and General Plan Area 4 (the lands between Mowry Avenue and Stevenson Boulevard west of the railroad tracks) will have a major impact and represent a significant opportunity to increase the City's cultural resources through public art. Street improvements, coupled with private development, will completely change the use and visual character of these areas. Cooperation between the City and private sector sponsors could produce notable public art in these locations.

While developers must include public art in their projects, pay an in-lieu fee, reduce their fee by incorporating extraordinary design features, or some combination of the above, other business owners and individuals may be interested in contributing to City-initiated public art projects in locations of high visibility. They are far more likely to donate work or funds if the City has policies and procedures structuring philanthropic activity of this nature. Occasionally there will be opportunities for the sponsorship of temporary public art projects. These add dynamism to the environment and make for a livelier city. Temporary projects can use materials, such as wood and fabrics that are not reliable for permanent artworks. Therefore, the review of proposals for temporary artworks is less stringent than that for permanent pieces.

Implementation:

The City will facilitate sponsorship by the private sector, beyond those developers with existing obligations for new construction. Unrestricted donations of funds will be designated for the Public Art Fund. Projects developed using those donations will be subject to the identical procedures and criteria as publicly funded projects. Temporary projects need not meet all the requirements set for permanent pieces, but must be accepted with full understanding regarding the length of exhibition time and identification of the party responsible for removal of the artwork and restoration of the site.

In the case of gifts and loans of artwork, the guidelines discussed in Appendix D (attached) will apply.

Objective Four:
Consider coordination of public art projects with Capital Improvement Projects.

Discussion:

With full-scale implementation of the Public Art Program, the City will be seen as a major benefactor of fine art and the City's collection of public art will grow rapidly. Participants must be cultivated as full partners in the effort. Other City departments can serve not only as clients of the Program, but also as custodians. In cities with percent for art mandates on capital improvement projects, departments and divisions as varied as libraries, parks, water and waste management, police and fire act as clients in the implementation of public art.

Interdepartmental coordination at every stage is absolutely essential. Sponsors are the best source of knowledge about the limits, challenges and opportunities of their projects, and will have much to offer in educating artists, whether on the science of wastewater treatment, the porosity of various paving surfaces, or the drought tolerance of native plant materials.

Until and unless Newark adopts a percent for art for its own capital improvement projects, public art will be sponsored by the City through the Public Art Fund and/or other identified funds on a voluntary, case-by-case basis.

Implementation:

The City will create partnerships among its departments to foster public art projects in a variety of settings and conditions. While the administration of the Public Art Program and the conservation of artwork are within the purview of the Community Development Department, all sponsoring departments will absorb major responsibilities once they agree to include artwork in their projects.

The Sponsoring Department will have the following responsibilities:

- Determine with the Community Development Department, the project architect and/or engineer whether works of art are desirable and in the public interest for specific projects.

- Participate ex-officio in the Selection Panel review process.

- Review and approve general contractor bid documents as they pertain to the implementation.

- Coordinate with the Community Development Department regarding lead responsibility in development and implementation of public art projects at departmental sites.

- Inform the Community Development Department of any advisory groups, neighborhood groups, or other groups that may be impacted by or be interested in the development of a public art project.

- Request and receive permission from the Community Development Department before moving, altering or in any manner changing artwork.

- Recommend community members to serve on selection panels.

- Monitor the need for routine maintenance of artwork located on its sites and facilities, and report findings to the Public Art Coordinator.

The better part of coordination between artists and other construction team members will be the job of the sponsoring department's project managers. Therefore it is critical that all sponsoring departments familiarize their staff with the details of the Program's operations and that agreements are structured on the management of each project.

Goal Four: Establish a formal structure for the Public Art Program.

Objective One:
Develop an orderly and manageable annual program for public art projects.

Objective Two:
Create more stringent criteria for extraordinary architectural design to warrant reductions in private sector public art obligations.

Objective Three:
Provide training and opportunities for existing staff to become familiar with public art issues. And, whenever possible, utilize a professional knowledgeable in the field of public art to direct the development and implementation of the Public Art Program.

Objective Four:
Encourage dissemination of public art information to residents.

Objective Five:
Maintain and conserve the City's public art collection.

Objective One:
Develop an orderly and manageable annual program for public art projects.

Discussion:

Dependable and knowledgeable administration of the Public Art Program is essential to achieve the goals and objectives outlined in this document. Just as importantly, residents will develop confidence and pride in the program if it is professionally managed. Every project should be structured as a collaboration between the City's Public Art Coordinator, the artist, the sponsoring department, and if applicable, the co-sponsoring entity (such as a school, non-profit organization or private developer). Much of the day-to-day work of the Public Art Program is administrative, performed by staff and consultants. Responsibilities include:

- Soliciting the interest, participation and support of private sector sponsors, artists, sponsoring departments and community organizations
- Coordinating technical assistance for regional artists
- Coordinating selection panels and artist selection

- Tracking implementation milestones
- Serving as City liaison to design teams and artists
- Preparing and monitoring contracts and budgets
- Advising sponsoring departments, project managers, contractors and engineers
- Serving the public as point-of-contact and in disseminating information
- Providing professional expertise on public art to City staff, elected officials and the public
- Reviewing projects sponsored by private developers at key stages in planning, artist selection, design and fabrication phases

Artists and public art personnel work within the parameters of urban planning, architecture and construction. Sponsoring departments need to be familiarized with curatorial decision-making, the creative process of artists and the administrative regulations of the public art program.

Implementation:

Program Management

The Community Development Department will be the Lead Department for all phases of the Public Art Program, from proposals through implementation. Projects sponsored by other departments may require a partnership with the Community Development Department, with the sponsoring department taking the lead for implementation and the Community Development Department lending its expertise for artist selection. In most circumstance, the Community Development Department will:

- Coordinate efforts of other City departments
- Coordinate Selection Panels and technical consultants
- Serve as primary contact and staff to private sector sponsors
- Sponsor technical workshops for artists

- Shepherd projects through review and approval milestones

Project Development and Implementation

The Building Division and the Maintenance Division of the Public Works Department will work with the Community Development Department in project planning and project implementation. The Public Works Department will:

- Ensure compliance with public safety and site feasibility criteria
- Monitor construction, fabrication and installation
- Review artists' proposals for technical and operational design and fabrication feasibility
- Verify artists' analyses and projections for maintenance and long-term care

City Interdepartmental Work Group

City personnel, such as legal counsel, Public Works Department staff and the Recreation Department staff will also be involved, for example when artwork is placed in public parks. The Community Development Department will schedule and coordinate meetings with an Interdepartmental Work Group to coordinate upcoming milestones and staff responsibilities.

Objective Two:
Create more stringent criteria for extraordinary architectural design to warrant reductions in private sector public art obligations.

Discussion:

Under Resolution 6582, adopted 1992, the City may excuse up to one half of art obligation fees to developers creating buildings with enhanced architecture. This mechanism has resulted in many buildings of merit and detail beyond industry standards. Developers know that Newark requires and will reward excellence in design. The City has acknowledged its success in this area and has raised the baseline for architectural and urban design standards, thus encouraging even greater care and attention to the physical environment. In January 2001, the City issued a series of design guidelines that simultaneously illustrate standards expected of all new developments as well as the design criteria that the Community Development Department will utilize in granting art fee reductions. The adoption of these more stringent design standards may result in fewer credits with more dollars deposited by developers into the Public Art Fund and available for City-sponsored public art projects. Public art projects are also more likely to be sponsored by developers on their own property than in the past.

Implementation:

The Public Art Coordinator will be the key City staff person (either as staff or consultant) involved with developers regarding fulfillment of their public art obligations. City Staff in charge of pending private development projects and negotiations with developers will work with the Public Art Coordinator to develop procedures for negotiations regarding the public art requirement.

The Community Development Department will schedule regular meetings between the Public Art Coordinator and supervising development project staff to ensure that all parties are fully briefed. The Public Art Coordinator will seek counsel regarding approaches to negotiation and implementation.

The Public Art Coordinator will keep a current list of all pending projects and track those for which a developer may apply for the architectural credit. The Public Art Coordinator will meet with each developer as early in the process as possible to outline and discuss the City's Public Art Program. Developers will also be informed regarding the services the City will provide to assist in compliance with the Public Art Program. As soon as each application for exemption is accepted or denied, the Public Art Coordinator will adjust the annual projection for the City's Public Art Fund budget accordingly.

Objective Three:
Provide training and opportunities for existing staff to become familiar with public art issues. Whenever possible, utilize a professional knowledgeable in the field of public art to direct the development and implementation of the Public Art Program.

Discussion:

Professional administration and management will assist Newark in attaining a public art program commensurate in stature with the City's other design and development objectives. The field of public art is relatively new; most percent for art programs are less than twenty years old. Formal academic training for public art administration is limited. Many professionals now heading public art programs entered the field with degrees in art history and arts management, augmented by on the job training.

Public art administrators are called upon to provide expertise in art history, contemporary art, public administration, community relations, contract negotiation and management, education and maintenance. The orderly and productive incorporation of artwork into the city building process is fraught with complexities and challenges, often unique and requiring specialized experience. Public art management requires an unusual complement of knowledge and skills to work successfully with the public, artists, architects and engineers, elected officials, city staff and other technical professionals in the realization of a specific artwork.

Public art programs are typically managed within cultural affairs departments or divisions. Specialized staff is charged to implement public art programs in not only large Bay Area cities such as San Francisco, Oakland and San Jose, but also smaller cities such as Santa Cruz, Walnut Creek, Pleasanton and Palo Alto. Cities of under 100,000 population with smaller public art programs may train their arts and culture staff to include public art responsibilities as part of a more general set of responsibilities. In cities with no arts and culture professionals on staff, or even when operational duties are assumed by permanent staff, public art consultants are retained to administer a public art program or specific projects on an as needed basis.

The annual public art budget in Newark over the next five years is estimated to range between approximately $60,000 and $200,000. These funds will provide for significant additions to Newark's public art collection. Efforts of this magnitude require specialized expertise in the field. To some extent, such experience and knowledge can be developed with current staff through training, if augmented by periodic retention of consultants. Alternatively, it may be

obtained through a staff position. The size of the public art budget and the scale of the Public Art Program will create demands upon the City that must be evaluated by staff to determine the most effective administrative approach.

Implementation:

Near term administrative functions will most likely be managed by existing staff. They may work with consultants contracted to provide services for specific projects. Fortunately, Newark is situated in a region rich in public art programs and public art professionals. Should the City decide the scope of the Public Art Program is sufficiently small and entailing the administration of only one or two small-scale projects annually, it may proceed with existing staff and consultants. However, all professionals working as lead agents for public art projects will have expertise in the field and a proven track record implementing current best practices. Whether staff or consultant, a Public Art Coordinator will be established as the lead point person for all aspects of the program, rather than splitting this function among staff.

Staff training can be accomplished through a variety of ways. For example:

- The Public Art Network (affiliated with American For the Arts) is a source for several helpful documents on public art and an annual public art conference. The conference is an opportunity for more experienced professionals in the field to share their experiences with newcomers. Seminars include nuts and bolts issues as well as art-related content issues and developments.

- The Seattle Arts Commission offers a three-day workshop in public art administration and is another option for basic training in the field.

- The California Assembly of Local Arts Agencies (CALAA) maintains a database of arts and culture programs in the state and can be another source of information for professionals in need of increased knowledge regarding the field of public art.

Although conferences and seminars are excellent ways for City staff to gain basic knowledge of the field and exposure to best practices, they do not provide on-going, on-site mentoring for newcomers to the field. As is the case with other specialized planning functions such as transportation and environmental review, there will be many issues requiring experience and knowledge beyond the elementary level.

Expertise for such purposes will be obtained through consulting services. Several areas of project management are particularly challenging and will best be

implemented under the guidance of an experienced consultant, if no professional staff exists. These areas are:

- Policy formulation
- Plan development
- Artist selection
- Contract negotiation
- Schematic and design development
- Fabrication and installation
- Public relations

Objective Four:
Disseminate public art information to residents.

Discussion:

Goal Two, Objective Six discusses cultivation of the general public's awareness and appreciation for artwork after installation of specific projects and as the overall collection develops. This Objective concerns decisions regarding implementation of the program made each year, as appropriations from the Public Art Fund are considered.

Given the diverse nature of Newark's population, and their range of aesthetic preferences, it is wise from both a strategic and practical perspective to develop over time as diverse a collection of public art as possible. As artworks are commissioned and purchased, it will be increasingly likely that there will be something for every taste. Some people respond to traditional memorial figures. Others are intrigued by projects responding to environmental conditions or work offering opportunities for audience interaction. Some favor abstraction; others prefer representation. Some prefer to celebrate Newark's history; others desire to acknowledge its future.

Dialogue is integral to public art master planning, involving community representatives from a variety of perspectives, as customers and stakeholders. This dialogue should take place as part of developing the 5-year Public Art Projects Plan or on a more frequent basis that the City Council may establish. Community input and a healthy dialogue always assist in the absorption and acceptance of "controversial" work. A structured process for obtaining community perspectives should be instituted. There are also myriad ways to disseminate information and as many as are practical should be considered, to ensure inclusion and responses from Newark's residents.

Implementation:

The 5-year Public Art Project's Plan will be developed from the project list set forth in Goal One, Objective Two. Input from the community is important and will be considered as the City Council establishes the 5-year plan. The City Council may in the future wish to establish a more formal public review procedure, such as the creation of a Public Art Advisory Committee, which could meet on an ad-hoc basis or as determined by the City Council. The committee's input will help to refine appropriate project criteria for the selection of sites, and review criteria for artist and artwork selection.

It is advised that such a committee be comprised of no less than 5 and up to 9 individuals, selected by the Public Art Coordinator, in consultation with the Community Development Director.

Public Art Advisory Committee Qualifications:

The make up of the Public Art Advisory Committee ought to include: a City staff member or members working on public art projects, the Public Art Coordinator, an artist, an arts professional working for a local or regional non-profit cultural organization, one or more neighborhood or community representatives, and a professional in the building arts, (e.g. architecture, urban design or landscape architecture) practicing in Newark

Public Art Advisory Committee Duties:

The City Council and/or the Community Development Director may convene a Committee for special meetings to address additional issues as either sees appropriate.

Prior to any such committee meetings, the Public Art Coordinator will prepare, in consultation with other City staff, a list of potential projects and projected issues, a project status report and an implementation schedule for the Committee's review and input. The Committee will provide input on program priorities, project approaches, community perspectives and community resources.

Objective Five:
Maintain and conserve the City's public art collection.

Discussion:

Newark is developing a collection of public artworks, which will, over time, become a significant asset to the City. Cities take great pride in their cultural resources and must be active in their preservation and maintenance. Like all physical assets, artworks are adversely affected by environmental conditions and normal wear and tear. Often artworks are composed of unusual materials, or fabricated with unusual techniques, creating further challenges for maintenance and conservation and requiring specialized technical expertise. Each artwork must have a maintenance manual so that proper and timely care can be given. As with any investment the City makes, artwork requires regular attention to prevent more serious and difficult problems from arising.

In some cases, it may be necessary to formally and permanently remove a public artwork. Newark must be prepared to consider such issues of de-accession, which will inevitably arise as its public art collection grows. The primary circumstances that drive de-accession pressures are:

- Aesthetic evaluations
- Content issues
- Severe damage to the artwork
- Re-definition or dedication of the artwork's location

The two most common causes of calls for the removal of an artwork are displeasure with the merits of its artistic worth or the appropriateness of its content. The City can insulate itself from these pressures through the use of the public review procedures outlined in Goal One, Objective Three. The inevitable differences of opinion occasioned by public art are similar to the discussions which occur around library acquisition policies and curriculum development. They should be handled in a similar and fair manner, in which community members are encouraged to speak out, but within the context of an established process.

Occasionally the site for an artwork must be changed or altered, such as the demolition or remodel of a building housing an artwork, or the redesign of a street or park which hosts an artwork. In these circumstances every effort must be made to conform to applicable California law concerning the duties of

property owners and the rights of artists.[2] At the very least, artists must be notified regarding any action effecting the location and/or integrity of their artwork.

Implementation:

The Public Art Coordinator will develop a maintenance schedule and plan for all artworks in the City's collection. The maintenance plan will include standards identifying methods and materials for maintenance and conservation and identification of all materials and techniques used in each artwork. All new commissions and purchases will require artists to prepare and transmit a Maintenance Manual to the City. If there are artworks in the City's current collection without such manuals, the artist or a professional conservator will be contacted to supply one.

A professional conservator will be retained to assist the Public Art Coordinator in finalizing the collection maintenance schedule and in determining who is capable of providing regular maintenance. The conservator will also establish criteria for an annual inspection and documentation of the City's collection. This is an essential step to ensure repairs are made as soon as possible. In addition to obtaining advice from a professional conservator, the Public Art Coordinator can use manuals produced by the non-profit organization Save Outdoor Sculpture, to gain better understanding of the issues in collection management.

Some artworks may require only routine cleaning with ordinary techniques and materials used by the Recreation Department and the Public Works Department. With training it may be possible for City staff to maintain much of the art collection. Where more complicated conservation measures are required, the City must obtain the services of a recognized expert in art conservation. The Bay Area has many qualified professionals in the field.

The Public Art Coordinator will develop a set of policy guidelines for the City for de-accessioning and/or relocating works of art. These policies will reflect current best practices in the field of public art as reflected in literature published by Americans for the Arts and Save Outdoor Sculpture. Conformance to state and federal laws governing the preservation of artworks and the rights of artists must be observed. All de-accession or relocation decision will be reviewed by the Public Art Advisory Committee (if formed) with ultimate approval by the City Council.

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[2] The California Art Preservation Act (Civil Code 986 et seq.) establishes certain rights to the makers of fine art when an artwork is sold or is physically removed from real property. The Act also penalizes the defacement of artwork and strictly limits the ability to alter an artwork without express permission of the artist.

Goal Five: Encourage art that is accomplished and which maintains professional standards commensurate with the region's national standing as a center for arts and culture.

Objective One:
Utilize a fair, thorough and balanced process to select artists whose accomplishments, skills and vision are most appropriate to the project.

Objective Two:
Commission both large and smaller scale projects to attract artists of various experiences and capabilities.

Objective Three:
As need is demonstrated, assist local artists in developing skills required to qualify for commissions and to produce public art.

Objective Four:
Provide assistance to developers in fulfilling their public art obligations.

Objective One:
Utilize a fair, thorough and balanced process to select artists whose accomplishments, skills and vision are most appropriate to the project.

Discussion:

A decision-making structure, process and criteria for artist and artwork selection must be designed and implemented as consistent, equitable and inclusive. The Public Art Program should follow guidelines for the competitive selection of artists' proposals, similar to services provided to the City from outside private contractors in other fields.

Curatorial knowledge of the public art field is a niche area of expertise similar to other specialized work the City is involved with which is likely to require outside technical assistance, e.g., environmental planning, sports facility design, xeriscaping and transportation demand management. Choosing artists and evaluating their proposals requires professional knowledge of and exposure to current best practices in the field. The experiences of public art sponsors across the country prove that for a public art program to succeed, the selection of artists and artwork must be performed by professionals with extensive knowledge of artists working in the field and expertise regarding the range of expressions and materials with which such artists work.

Involving professionals to select artists and artwork on a one time, as-needed basis also helps to protect sponsors from potential liability that may arise. Newark's position within Silicon Valley and the San Francisco Bay Area also establish levels of professionalism that warrant serious consideration. Standards of excellence and attitudes toward innovation that drive the region's technology revolution are reflected in other avenues of creation. The arts are no exception and Newark can take its place among cities in the region through the cultivation and development of a notable and professionally driven public art program.

Implementation:

Significant new public art projects will have a selection panel, convened only for that project. The need for the creation of a selection panel will be determined at the discretion of the Community Development Director. Selection Panels should be convened for large and/or prominent projects, or when the Community Development Director determines that other conditions merit significant public review and input. If several very small and/or related, similar projects come on line simultaneously, one panel may select artists for several projects. Smaller projects may be selected through coordination between the Community Development Director, the Public Art Coordinator, and other staff members as appropriate.

The project scope, as outlined in the 5-year Public Art Projects Plan, will guide the selection process for and the composition of selection panels. A pool of potential panelists will be compiled and maintained by the Public Art Coordinator. The Public Art Coordinator will recommend specific panel compositions.

Panels will contain members with the experience and expertise relevant to each project. Successful panel functioning is dependent upon the thoroughness of the briefing process, which will be the responsibility of the Public Art Coordinator. Panelists will be briefed not only on the specific project, but the overall goals of the Public Art Program and the relationship of the immediate project to the Program.

Criteria for Selection Panel composition and some guiding principles are in Appendix E, attached.

Methods of Selection for Artists and Artwork

The Selection Panel or Community Development Department (both are referred to as the Selector in the following descriptions) will recommend an artist for a specific commission of artwork, for participation in the design of a construction project or for purchase of existing work.

One of the following methods may be used for the selection process. Suggestions for when each method might best be used are included with each description.

1. **Request for Qualifications**
   The City will notify artists regarding the specific project. Artists will submit their qualifications and work samples. The first round selection of finalists will be based on artists' submittals of past work. A short list of finalists will be invited to meet the Selector for an interview. The Selector will choose one artist and recommend an alternate from the interview. This method will also be considered appropriate for selecting an artist for a design team. If desired, the Selector may ask each of the finalists to develop a Conceptual Proposal which will be evaluated in a second round of Selector review including interviews with the artists and reviews of proposals. Staff will recommend an honorarium for the artists to be deducted from the project budget.

2. **Request for Proposals (Open Competition)**
   A Request for Proposals will be considered appropriate for smaller projects that might interest artists who have not yet entered the public art field. Reviewing proposals rather than qualifications will allow the Selector a reliable insight into the artist's vision and approach. The Selector will ask a small group of finalists to meet for interviews prior to the final selection. Artists will not be compensated for submitting proposals in an open competition.

3. **Invitational Competition**
   The Selector will invite a limited number of artists of their choosing to submit qualifications or proposals. This may also be conducted in two phases. The first phase will be based on qualifications; the second phase will be based on a proposal. This is helpful when a project is extremely complex and only a limited number of artists may be capable of completing the job successfully. Staff will recommend an honorarium for the artists to be deducted from the project budget.

4. **Direct Selection**
   In rare circumstances, the City may need to move forward without delay and ask a Selector to recommend one artist and a list of alternates. This option will be used only when there is no time or opportunity for a more competitive approach.

The criteria for artist selection and the review of individual artwork proposals are listed in Appendix F.

Objective Two:
Commission both large and smaller scale projects to attract artists of various experiences and capabilities.

Discussion:

Large-scale projects can be icons for a community, creating instant identification. Many people expressed a strong interest in using some of the art funds for a singular artistic "statement" denoting Newark's identity. Such an undertaking (perhaps in the range of $100,000 to $200,000) would necessarily require the services of a very experienced artist, one who works with large budgets and whose ability to complete the job could be measured by a significant record of professional achievement.

Smaller projects (less than $10,000) can bring texture and variety to the City through placement in dispersed sites. Smaller commissions also offer opportunities for artists who do not have extensive experience with large budgets and/or complex construction. Smaller projects can be ideal for local artists who want to enter the public art field and are looking for their first or second commission. Many local and regional artists fall into this category and could compete for these smaller projects.

Implementation:

The City will commission a range of public art projects varying in size, scale, complexity and budget. Priority locations for all types of permanent commission are identified in Goal Four, Objective Two. Notification of RFQs and RFPs for smaller commissions should be circulated widely in Newark and in Alameda and Santa Clara counties. RFP's and RFQs for larger projects (over $10,000) should be circulated regionally and nationally. Smaller projects (under $10,000) should be subject to geographic restrictions on a case-by-case basis, depending on location, extent of local and regional knowledge, on site requirements, etc.

Objective Three:
Assist local artists in developing skills required to qualify for commissions and to produce public art.

Discussion:

Many artists wish to practice public art but do not have some of the artistic and business skills needed to compete for and successfully complete projects. The Public Art Program can be of great service by offering free or at-cost workshops to help artists understand the business of public art, develop and present proposals, manage budgets and contracts, read blueprints, locate and supervise fabrication specialists, work with citizen groups and deal with regulatory and bureaucratic structures.

Implementation:

The Public Art Program may give priority to Tri-City area artists or to artists in Alameda and Santa Clara counties for commissions valued less than $10,000. Some requests for qualifications, special projects or proposals may be limited to residents of the Tri-City area or Alameda and Santa Clara counties. All other commissions will be determined entirely upon the artistic merits of the applicants and their suitability for the specific commission. Selection panels, if used, will include experts, such as curators and public art administrators, both local and from outside Newark, so that the work of regional artists may be called to the attention of a large pool of arts professionals.

In the near term, until the process is familiar to the broad range of artists in the region for each request for qualifications or proposals the City will hold a public workshop structured to help artists complete a competitive application. Responses to frequently asked questions may be made available on the City's web site.

Objective Four:
Provide assistance to developers in fulfilling their public art obligations.

Discussion:

Newark's development community is comprised of many active, caring corporate citizens. The business community also recognizes the value of the arts and entertainment in an overall economic development strategy. Recent construction projects have shown notable attention to design quality issues and urban context. It follows that the potential interest of some developers to include public art in their projects could be high. Others may be interested in contributing to City-initiated public art projects in locations of high visibility, as part of corporate citizenship efforts. Guidelines for this option are in Goal Five, Objective Four, under "Gifts and Loans".

There are three options available to developers whose projects require fulfillment of a public art obligation:

- They may choose to reduce the dollar amount of their obligation by providing extraordinary architectural design in their project.

- They may contribute funds to the City's Public Art Fund for use in the City sponsored Public Art Program.

- They may dedicate their full dollar obligation to public artwork on the site of their project.

Developers prefer clear-cut guidelines and a structure that enables them to comply with public art obligations with the least complication. Procedures for the first two compliance options cited in the above paragraph are covered in Goal One, Objective Two. For those developers who choose to commission work for their project site, the following procedures will apply.

Implementation:

The City will publish a brochure of guidelines for developers that will discuss and include the following:

- Eligible and ineligible artwork, locations and expenditures

- Financial obligation and project completion milestones

- Artist/artwork selection process

- Application Forms for proposal review
- Approval criteria for artists and artwork
- Maintenance, ownership, copyright, identification and publicity issues

The developer may choose any of the following methods to select an artist or artwork: a selection panel; professional art advisor; public art consultant; or, direct selection by the developer or their representative.

The developer will file a series of application forms with the City at certain milestones in the development process specifying the selection process, location, timeline, cost, artist and proposed artwork for the intended public art project. The City will transmit application forms, timeline milestones and a written summary of the Public Art Program to developers at the earliest possible date in the development process. The developer may request to meet with the Public Art Coordinator for clarification and discussion.

If the artwork is a site-specific commission, the developer will submit the artist's schematic designs and design development drawings for the project to the City. If the artwork is a purchase, a representation or image of the work will be submitted with the application forms. The City will approve or deny each application within a specified time period, corresponding to other project development approvals. The Public Art Coordinator, and the Community Development Department Director, will approve or deny applications after consultation with other City staff. Developers may request reconsideration of their request for approval should they be denied or they may seek appeal to the City Council.

The following criteria will be used in reviewing developer applications in cases where the developer commissions an artist to create a site-specific commission or when the developer proposes the purchase of an existing artwork:

Criteria for Approval of Proposed Artists

1. Artists' credentials, experience, training, and professional recognition.

2. The artist's ability to successfully complete the project within the proposed budget.

3. The artist's ability to respond to the project's contextual issues, its community, audiences and users.

Criteria for Approval of Artwork Proposals (concepts, schematics, design development)

1. The creativity and originality of the artist's response to the project opportunity

2. The artist's response to the physical context of the site, including such indicators as choice of scale, materials, form and content, and the proposed relationship of the artwork to existing or anticipated environmental conditions, including architecture, landscaping, urban design and development, traffic and circulation

3. The artists' response to the social context of the site, which may include: local demographics, history, intended function of the artwork and visual access for the general public

4. An analysis of the artist's proposed method of fabrication and installation of the artwork and an evaluation of safety and structural factors involved

5. Evaluation of the artist's proposed budget and schedule for completion

6. Evaluation of the proposed materials and their appropriateness to the project, including issues of structural and surface integrity, protection against theft and vandalism, public safety and weathering, and an analysis of long term maintenance needs

7. If the artwork is part of a larger construction project, feasibility within the limitations of the overall development schedule

8. The artist's statement as to whether or not the artwork is a unique, site-specific edition of one and has not and will not be duplicated, or, alternatively, is one of a limited edition of multiples. No unlimited editions or mass-produced artwork will be approved

APPENDIX A
GLOSSARY

5-year Public Art Projects Plan - A plan formulated on a 5 year basis by the Community Development Department to designate funds from the Public Art Fund for specific public art projects to be undertaken in the relevant year. The Plan may be reviewed and/or updated more frequently at the discretion of the Community Development Director or the City Council. The 5-year Public Art Projects Plan uses the Goals and Objectives of the Public Art Master Plan as its framework. The Plan may, upon recommendation of the City Council, be reviewed by a Public Art Advisory Committee. The City Council adopts the 5-year Public Art Projects Plan.

Art in Public Places – artwork that is located in a public location and different from public art, as it may not entail any public process and/or review in its creation.

Artist – an individual with training and/or professional experience in the visual arts and crafts who is recognized by peers and validated by degrees from accredited colleges and/or by a record of professional exhibitions and/or public art projects under the aegis of a credible sponsor.

Public Art – artworks created by artists and/or design teams of artists and other design professionals that have been developed with some degree of public participation and review and which are placed in sites which provide visual accessibility to the public.

Public Art Advisory Committee – a committee appointed by the City Council charged to review and/or advise City staff on matters pertinent to its implementation.

Public Art Coordinator - the staff and/or consultant within the Community Development Department designated as the City's lead professional for managing the Public Art Program.

Public Art Fund – an account within the Community Development Department, which includes funds deposited by private developers in fulfillment of the public art obligation as well as other funds the City might obtain from, grants and donations dedicated and restricted to public art. The City technically refers to this account as the Art in Public Places Cost Center.

Public Art Professional – an individual with training and/or professional experience in the field of public art (and such allied disciplines as art history and urban design).

Public Art Program – the aggregate of those projects and responsibilities undertaken by the Community Development Department to promote public art in the City and to maintain public relations about its achievements and progress.

APPENDIX B
List of interviewees

Charlotte Allison	Newark resident
Gerald Au	Newark dentist
Arun Bhojani	Hypnosis therapist
Susan Boggs	City of Newark Vice Mayor
Jack Burgess	City of Newark Senior City Engineer
John Cook	Planning consultant
John Copley	Newark Chamber of Commerce
Lenka Diaz	City of Newark Recreation Coordinator
Jean Ficklin	Retired schoolteacher
Jo Lynn Hanke	Newark resident
Irene Hentschke	Newark resident
Helen Jaslow	Newark resident
Fred Jueneman	Newark resident
Joel Kislingsbury	Newark business owner
Karen Kristiansson	Planning consultant
Russell Mauk	Program Manager, Workplace Resources, Sun Microsystems
Miranda Miller	Newark resident
Ed Moore	Pastor, Newark Community Church
Ray Panek	Kaufman & Broad
Jerry Raber	Friends for Ash St. Community Enrichment
James Reese	Community Development Director
Darryl Reina	City of Newark Recreation Director
Bo Rogers	Craft shop proprietor
John Shenk	Sobrato Development
Ken Sherer	Superintendent, Newark Unified School District
Shirley Sisk	Community activist, former Council member
David Smith	City of Newark Mayor

APPENDIX C
Ad-hoc citizens' advisory committee to the Public Art Master Plan

Helen Jaslow
Irene Hentschke
Fred Jueneman
Miranda Miller
Nancy Pratt

APPENDIX D

Review process for acceptance of gifts, bequests and loans

- A written proposal or letter of intent from the project sponsor will be submitted to the Community Development Department from the donor applicant. The proposal must include:

  - Information on the purpose of the gift/bequest/loan, the artist, artwork specifications and donor

  - If the project is a commission, materials specified in Goal Two, Objective One for proposals, schematics and/or final design submissions, depending on the status of the proposed artwork to be donated.

  - If it is a pre-existing work, a representative image.

  - Additional information regarding the criteria below, to the extent possible. If the proposal is in the concept development stage, indication of a commitment to submit additional information must accompany the letter.

- The Public Art Coordinator will convene representatives from other appropriate departments (i.e. Public Works, Recreation and Community Services) to provide a technical review as to the project's feasibility.

- The Public Art Coordinator will respond in writing to the potential donor, and will include input from other Departments and list additional information needed and revisions to be made prior to presentation of a formal proposal to City Council.

- The Department of jurisdiction for the proposed site for the artwork and the Department responsible for maintenance of the proposed artwork must each provide conceptual or provisional approval to the Public Art Coordinator

- The potential donor will prepare a formal proposal for review by City Council. The proposal will include:

  - If a proposed commission, materials and information on schematics and/or final design in accordance with requirements outlined below

- If completed or pre-existing, the actual artwork should be submitted for review which may first be done in photographic representation, followed by first hand review of the artwork by City Council.

- The City Council will vote to accept or reject the proposed donation, based on criteria outlined below.

  - If the proposal is submitted as a concept, and is not accompanied by schematics and/or final design, or if the schematics and/or final design do not meet the review criteria, the City Council may choose to vote to accept or reject the project concept only.

  - The proposal will then be remanded to the Public Art Coordinator. The applicant will be required to revise and complete applications for schematic and final design development and return to staff for project review and City Council vote.

  - The final City Council vote in which a resolution is made to accept the artwork. The date of Council action constitutes the date of accession to the City Collection.

  - Approval of acceptance of gifts of artwork must be voted and accepted by the City Council prior to fabrication or installation (if the artwork is pre-existing).

  - No gift will be accepted requiring the City's guarantee in perpetuity or with conditions that are deemed unacceptable by City Council.

  - A legal instrument of transmittal and conveyance, transferring all title or loan of the artwork and defining the rights and responsibilities of all parties, must accompany all gifts or loans of artwork.

Aesthetic Criteria for Consideration of Gifts and Loans

- Accepted artwork must complement and further the principles, goals, and collection development objectives outlined in the Public Art Master Plan.

- Accepted artwork must comply with the quality, style, media and artist eligibility criteria outlined in the Public Art Master Plan.

- In the case of memorials, the honored person, subject or topic will be judged according to the following additional criteria:

- the honored person, subject and/or topic is significant enough to the residents of the City of Newark to merit a memorial on City property

- there is a geographic relationship and justification for the proposed location

- the event which the memorial commemorates has occurred at least five years before the proposal letter date

Financial Criteria for Consideration of Gifts and Loans

- All costs of design, construction, fabrication, installation and other fees must be underwritten by the donor/project sponsor and itemized in the project budget. Additional ancillary costs to construction must also be included, such as: engineering and structural support (e.g. bases, site preparation, landscaping, armatures, lighting, pedestals); utility hardware; installation; text; attribution plaques; and, insurance.

- A mandatory maintenance endowment budget will include costs of routine and extraordinary maintenance, conservation and insurance coverage over the life of the artwork and the site area. The fund amount will be determined in agreement with the City and be provided by the donor prior to commencement of site preparation and installation.

Context, Installation, Placement and Siting of Artwork

Accepted artwork must comply with the site and context criteria outlined in this document, including, but not limited to:

- Appropriate relationship to landscape, streetscape, surrounding architecture and urban design

- Compatibility with surrounding uses, users and public safety needs

- Adequate visibility and access

- Compatibility with future development plans and neighborhood objectives

- Consideration of environmental impacts

- Feasibility and efficiency of site modifications, preparation, and engineering requirements

- Public infrastructure requirements

- Compatibility with existing artwork in the environs of the proposed site

- Compatibility with the City's collection as a whole, in particular the filling of gaps in subject matter, materials, technique, etc.

Maintenance and Liability Criteria for Consideration of Gifts and Loans

- The proposal and final artwork must include a plan for maintenance, conservation and long-term care. The City may enter into a maintenance agreement with the project sponsor that includes specifications for the project sponsor to maintain the artwork.

- The Community Development Department will determine if the proposal meets the risk management requirements for the project prior to project approval by the City Council.

- The Department of jurisdiction for the proposed site for the artwork and the Department responsible for maintenance of the proposed artwork must approve the maintenance plan for the project.

Exceptions to the Review Process for Acceptance of Gifts and Loans

Gifts to the City from foreign governments and foreign public institutions as part of official City business will be accepted unconditionally. Location decisions, siting, structural support, maintenance plans and site enhancement for gifts from these sources will be prepared by the department in charge according to the procedures and criteria outlined in this document and submitted to the Public Art Coordinator for review and Council approval. Maintenance responsibilities will rest with the department in charge or by agreement, a department with jurisdiction over the site of the artwork.

APPENDIX E
Selection Panel member qualifications

1. The Community Development Department will, as needed, convene artist selection panels for commissioning of permanent artwork. The Public Art Coordinator will present a recommended list of panelists to the Community Development Director for approval. The Public Art Coordinator will coordinate the Selection Panel's appointment and serve as a non-voting panel chair. The Selection Panel for each project will be composed of at least five and not more than nine voting members, relative to the dollar value, size and complexity of the project. A majority of the panelists will have a professional understanding of the visual arts. Priority will be given to Newark residents for panel membership consideration. The composite membership of the panel will, to the maximum feasible extent, reflect the current demographics of the City. The panel will include:

- At least one artist

- At least one arts professional or experienced amateur (designer, curator, collector, art historian, arts volunteer, etc.)

- At least one representative from the neighborhood or community in which the project will be located (with no required background in arts or design)

2. The Selection Panel may also include one or more non-voting advisors, including the City's project and/or consulting architect, engineer or designer, additional community representatives, and a representative from the Sponsoring Department or sponsoring entity.

3. The Public Art Coordinator will transmit written instructions, a project description and a list of duties and responsibilities to the Selection Panel prior to their first meeting

4. Panels will meet in open session and may choose to either reach a consensus or if none exists, to take votes in closed session. In voting, a simple majority will carry the decision. Staff will prepare a memorandum for City Council requesting action on the recommendations of the Selection Panel. Panelists may elect not to reach a decision, in which case staff will recommend a new selection process or action to the City Council.

5. Anyone in a position to receive financial gain from the selection of artists will be ineligible to serve on a selection panel. Any artist serving on a selection panel will not have his or her work considered for any other City-sponsored public art project during the tenure of service on the selection panel.

APPENDIX F
Criteria for the selection of artists and artwork

Criteria for Selecting Artists

1. Artists' credentials in experience, training, and professional recognition
2. The artist's ability to successfully complete the project within the proposed budget
3. The artist's ability to respond to the project's contextual issues, community, audiences and users
4. Place of work or residence, if geographic restrictions are outlined in the RFP or RFQ
5. Diversity objectives for representation of the City's demographics
6. Additional criteria may be added if agreed by Panel consensus

Criteria for Reviewing Artwork Proposals (concepts, schematics, design development)

1. The creativity and originality of the artist's response to the project opportunity.
2. The artist's response to the physical context of the site, including such indicators as choice of scale, materials, form and content.
3. The proposed relationship of the artwork to existing or anticipated environmental conditions, including architecture, landscaping, urban design and development, traffic and circulation.
4. The artists' response to the social context of the site, which may include: local demographics, history, intended function of the artwork, views and public access.
5. The contribution of the artwork toward achieving the City's overall curatorial and public art collection development objectives, including the desire to achieve a reflection of Newark's many cultures.

6. An analysis of the artist's proposed method of fabrication and installation of the artwork and an evaluation of safety and structural factors involved.

7. Evaluation of the artist's proposed budget and schedule for completion.

8. Evaluation of the proposed materials and their appropriateness to the project, including issues of structural and surface integrity, protection against theft and vandalism, public safety and weathering, and long term maintenance requirements.

9. If the artwork is part of a larger construction project, feasibility within the limitations of the overall development schedule.

10. An artist's statement as to whether or not the artwork is a unique, site-specific edition of one and has not and will not be duplicated, or alternatively, is one of a limited edition of multiples.

11. Mass-produced artwork, artwork from catalogue ordering outlets and artwork that is not of museum quality will not be purchased or commissioned.

12. Additional criteria may be added if the Selector so recommends.

RESOLUTION NO. 6582

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWARK ADOPTING A POLICY FOR PROVIDING ART IN PUBLIC PLACES AND PRIVATE DEVELOPMENT

WHEREAS, for hundreds of years, works of art have reflected in differing ways the historical development, attitudes; and values of the society in which they were created. Works of art chronicle historical development, attitudes, and values of this City, both by comparison and contrast; and

WHEREAS, works of art are critical to the development of an urbanized society in which people live in close proximity to each other. Art enables individuals to reflect upon personal differences in beauty and expression. Works of art exemplify differences and similarities which exist among people living together as a society; and

WHEREAS, works of art in public places and private development create a focal point for physical gathering, discussion, sharing of common interests, and create an opportunity for personal reflection, all of which are viewed as beneficial to the health and welfare of the community; and

WHEREAS, an urbanized society is characterized by buildings and structures which create adverse visual impacts such as monotony, bulk, view blockage, dullness, loss of open space, and eliminate opportunities for peaceful contemplation which are provided by an undisturbed environment. Works of art directly counter these impacts by creating diversity, beauty, and expression; and

WHEREAS, the construction of residential and commercial/industrial buildings and structures contribute directly to the urbanization of the City and create adverse visual and aesthetic impacts.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Newark that it is both appropriate and necessary for new construction to contribute to the creation of art works in public places and private development in a manner that will offset the impacts of the urbanized society. Support for public art provides an appropriate aesthetic counterpoint to the commercial instincts which inspire urban development.

BE IT FURTHER RESOLVED that the Policy contained in Exhibit A attached hereto shall be applied to all new Residential, Commercial, and Industrial projects as defined by that policy.

I HEREBY CERTIFY the foregoing resolution was introduced at a regular meeting of the City Council of the City of Newark held on September 24, 1992 by Councilmember Sisk who moved its adoption and passage, which motion was carried after being duly seconded, and passed by the following vote:

AYES: Councilmembers Johnson, Nagy, Salinas, Sisk and Mayor Smith

NOES: None

ABSENT: None

SECONDED: Councilmember Nagy

APPROVED:

s/DAVID W. SMITH
Mayor

ATTEST:

s/THELMA METCALF
City Clerk

APPROVED AS TO FORM:

s/ANTHONY J. GARCIA
City Attorney

EXHIBIT A

CITY OF NEWARK
POLICY FOR PROVIDING ART IN PUBLIC PLACES AND PRIVATE DEVELOPMENT

I. PURPOSE

1. The procedures described in this policy shall guide the program.

2. This policy shall be applicable to new residential units and to commercial/industrial buildings and additions that add over 10,000 square feet of new or expanded space or that are located along major arterials as indicated on the General Plan. Affordable housing shall be exempt from this fee.

II. DEFINITIONS OF ARTWORK

For the purpose of this policy, unless it is evident from the context that a different meaning is intended, certain terms are defined as follows:

1. Affordable Housing will be defined as that housing available to low to moderate income people as determined by the Community Development Director. State law requires that a provision be offered permitting a density bonus for projects with up to 25% affordable housing. Typically, such housing would be smaller units and would likely include a significant percentage of the new multi-family housing developed.

2. "Art in Public Places and Private Development" - means any work of art displayed in an open area, on the exterior of any facility, public areas, lobbies, or public assembly areas on City or privately-owned property visible or accessible to the public.

3. Permitted Works of Art

   a. Works of art which may be used to satisfy the requirements of this policy include, but are not limited to, the following types:

      (1) Sculpture: in the round, bas relief, mobile, fountain, kinetic, electronic or other, in any material or combination of materials.

      (2) Painting: all media, including portable and permanently affixed works such as murals.

(3) Graphic arts: printmaking, drawing, calligraphy, and photography, but only when on a large public scale.

(4) Mosaics when on a large public scale.

(5) Crafts: in clay, fiber and textiles, wood, metal, plastics, and other materials.

(6) Mixed media: any combination of forms or media including collage.

(7) Any other work of art determined by the City Council, to satisfy the intent of this program policy.

b. The following shall not be considered as eligible to satisfy the requirements of this chapter:

(1) Reproductions by mechanical or other means of original works of art.

(2) Directional or other functional elements, such as supergraphics, signing, and color coding except where these elements are integral parts of original signed artworks.

(3) Art objects which are mass produced from a standard design such as playground equipment, fountains, flags, or banners.

(4) Landscaping and gardening, except where these elements are designed by the artists and are an integral part of a fine artwork.

4. "Permanent Installation" - any art in a public place intended to remain for one year or more.

5. "Temporary Installation" - any art in a public place intended to remain for less than one year.

III. PROCEDURE

1. For art work provided by the developer, a staff committee consisting of representatives from the Recreation and Planning Divisions shall work with the developer on the development of artwork. Committee decisions shall be in the form of a recommendation to the Planning Commission who, in turn, will make a recommendation to the City Council. The City Council is the final

decision-making authority on the selection of artwork for a development.

2. The Building Official will determine the gross square footage and the type(s) of any proposed development that comes under this policy and provide the information to the Community Development Director. The Planning Division shall be responsible for the collection of the public art fees. The Recreation Division shall be responsible for the management of the public art fund and oversight of the arts program.

3. The following procedure will be followed for artwork commissioned by the City using fees collected under this program:

   a. A Master Plan shall be developed to guide the expenditure of funds accumulated by the City for public art. An Ad Hoc Committee, including persons who are active in the arts, shall be created to provide input to the City Council on the development of the Master Plan.

   b. The types of projects funded under the City's Master Plan will include art work defined under Section II.3 of this Policy and may include the provision of gallery space for the display of works produced by local artists.

   c. A procedure will be developed for each project, consisting of the designation of a proposed site, the type of the artwork to be used, the artist selection process, and an estimated schedule for the selection, fabrication, and installation of the artwork.

   d. The staff committee will give the artist(s) general guidelines or parameters of the projects. Artists in final selection may be required to present models and itemized cost breakdowns of the art project for review.

   e. Using the Capital Improvement Plan procedures, after an artist has been selected and a proposal approved, the staff committee will negotiate a contract with the artist(s) for City Council approval. Thereafter, the staff committee will monitor the contract performance and coordinate the fabrication and installation of the artwork with the project architects and contractors.

   f. The artist(s) should be selected at the development/project schematic design phase, so the artist(s) and the architect can work together toward a totally integrated design solution.

IV. CRITERIA FOR SELECTION OF ART

The following items are to be considered when evaluating public art:

1. Conceptual compatibility of the design with the environment of the project.

2. Appropriateness of the design to the function of the project.

3. Compatibility of the design and location with a unified design character or historical character of the project.

4. Creation of a desirable environment for the general community by the design and location of the artwork.

5. Preservation and integration of natural features with the project.

6. Appropriateness of materials, textures, colors, and design.

7. Representation of a broad variety of tastes within the community and the provision of a balanced inventory of art style, design, and media throughout the community that will be representative of the eclectic tastes of the community.

V. PUBLIC ART FEE AND BUDGET

1. A public art fee shall be established by City Council resolution and shall be assessed on all new residential dwellings (except affordable housing) and on commercial, industrial buildings and additions that add over 10,000 square feet of new or expanded space or that are located along major arterials as indicated on the General Plan. Said fee, which is payable at the time of a Certificate of Occupancy, shall not apply under the following circumstances:

   a. To public buildings and structures.

   b. To residential developments that have been approved by the Planning Commission and City Council prior to adoption of this resolution.

   c. To new developments that are in zoning districts that contain provisions for public art.

2. This fee may be offset with artwork or the donation of gallery space. The public art fund may also be used by the City to cover the cost of insurance and maintenance of publicly owned art. The fee may be offset using the following scale:

Percent of Required Contribution that can be Offset	Percent of Required Contribution for Artwork that is Visible from the Public Street	Percent of Required Contribution for Gallery Space
25%	At least 50%	at least 40%
50%	100% or more	90% or more

3. Up to 50% of the fee may also be offset for the development of extraordinary architectural features. This credit is available at the discretion of the City Council and is intended to be offered for designs that greatly exceed the quality standards set by the City for new development. This credit, along with the offset for artwork or gallery space, will permit up to 100% of the fee to be offset.

4. For larger developments that are either located near gateways or include multiple locations for future art pieces as defined in Resolution No. 6582, either the fee can be paid or the artwork installed and credited to the developer through an agreement between the developer and the City. Such an agreement can include a provision crediting the developer for up to 50% of the fee for the development of extraordinary architectural features. If however it is determined by the Planning Commission and City Council that the architecture for a particular building in the development does not meet the standards, that development will be required to pay its proportionate share of the fee upon issuance of a Certificate of Occupancy.

5. Because the artwork should be planned before construction begins on the overall project, the art budget will be based upon the probable construction cost set forth in the designer's contract or as approved by the Community Development Director. The art budget will appear as a specific item in the listing of estimated costs for approval of plans and specifications for all new structures requiring a building permit. This listing will figure in the total cost of the project.

6. For artwork developed by the City using the art fund, further financial arrangements will be as follows:

   a. All financial arrangements for producing the artwork will be in the form of a contract between the City and the artist as set forth in an agreement approved by the City Council.

   b. All eligible costs for the project are to be taken into account as expenses and are to be identified in the agreement with the artist. The budget will include, but is not limited to, all the following costs within the Art in Public Places Program.

(1) Structure which enables display of artwork.

(2) All artists' costs to include: materials, labor, fabrication, travel, transportation of art to site, and installation.

(3) City's administrative costs incurred in the process of selection, fabrication, and installation of artwork.

(4) Project architect fees as additional services in connection with the artwork.

(5) Documentation (color slides and black and white photography) of the artwork's fabrication and installation and a plaque to identify the artwork and artist.

(6) Honorarium and expenses for art consultants.

(7) Dedication ceremony.

c. The artist should submit a cost statement to the City prior to the award of the contract for production of the artwork (or during the final phase of competition).

RESOLUTION NO. 6583

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWARK ESTABLISHING NEXUS FOR DEVELOPMENT FEES IN ACCORDANCE WITH SECTION 66000 OF THE GOVERNMENT CODE OF THE STATE OF CALIFORNIA

WHEREAS, the City Council has previously enacted Resolution No. 6582 adopting a policy for providing art in public places and private development for the purpose of promoting the arts in public places and private development; and

WHEREAS, the arts needs of the City of Newark necessitate the creation of artwork at key locations throughout the City of Newark; and

WHEREAS, Section 66000 et. seq. of the Government Code of the State of California requires local agencies to establish a nexus or relationship between the fees imposed as a condition of development approval and the capital improvements to be financed thereby;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Newark that the analysis shown in Exhibit A attached hereto adequately establishes a nexus between the cost of providing art in public places and the fees imposed by the City Council as a condition of approval of new residential, and on commercial and industrial buildings and additions that add over 10,000 square feet of new or expanded space or are located along major arterials as indicated on the General Plan except those residential developments that have received Planning Commission and City Council approval prior to adoption of this resolution; and

BE IT FURTHER RESOLVED that the art fees to be imposed upon residential, commercial and industrial development as a condition of approval will not exceed the maximum amount shown in Exhibit A in accordance with the requirements of Section 66000 et. seq. of the Government Code of the State of California, and further that said fee shall be adjusted annually by the increase in a regional Construction Cost Index over the previous 12 month period at the time the City Council adopts the Schedule of Fees.

I HEREBY CERTIFY the foregoing resolution was introduced at a regular meeting of the City Council of the City of Newark held on September 24, 1992 by Councilmember Sisk who moved its adoption and passage, which motion was carried after being duly seconded, and passed by the following vote:

AYES: Councilmembers Johnson, Nagy, Salinas, Sisk and Mayor Smith

NOES: None

ABSENT: None

SECONDED: Councilmember Nagy

APPROVED:

s/DAVID W. SMITH
Mayor

ATTEST:

s/THELMA METCALF
City Clerk

APPROVED AS TO FORM:

s/ANTHONY J. GARCIA
City Attorney

EXHIBIT A

NEXUS FOR ART FEES TO BE CHARGED TO FUTURE DEVELOPMENT PROJECTS

SECTION 1

1. Identified art needs in the City of Newark

Location of Art	Cost Per Location	No. of Locations*	Estimated Cost
Gateways to the City	$160,000	6	$960,000
Major Intersections (Nodes)	80,000	11	880,000
Public Buildings/Facilities	80,000	13	1,040,000
Retail Developments	80,000	8	640,000
Business Park	80,000	4	320,000
Industrial Projects	80,000	20	1,600,000
Residential Projects	80,000	6	480,000
TOTAL			$5,920,000

**Locations are described in Section 2*

2. Additional commercial/industrial square footage for the City of Newark through the year 2007 by type (Source: Projections by Angus McDonald for General Plan Update project.)

Type	Area (millions sq. ft.)
Retail	.506
Office	.520
Light Manufacturing/ Warehouse	1.95**
Hi Tech	3.60

3. a. Additional residential units for the City of Newark through the year 2007 by type (Source: Projections by Angus McDonald for General Plan Update project.)

Type	Number
Single-Family	3,051
Multi-family	1,637
TOTAL	4,688

***This figure reflects the total building square footage projected under the General Plan Update less 250,000 square feet that is assumed to be in buildings of less than 10,000 square feet and not located along a major arterial.*

b. Projected number of affordable units based on state requirement that provide density bonus for projects with 25 percent of low-moderate income housing. 1,172

c. Total residential units subject to fee (equation = a - b) 3,516

4. Area of new development by type to which policy applies.

Type	Area (acres)
Residential:	
Single-Family	264.0
Multi-Family	75.0
Commercial:	
Retail	46.5
Office	11.5
Industrial:	
Light Manufacturing/ Warehouse	111.9
Hi Tech	236.1
Total	745.0

5. a. Area of new residential as a percent of total developed area (except affordable housing) 45%

b. Area of new commercial/industrial development as a percent of total developed area. 55%

6. Value of new commercial/industrial development by type

Type	Value (Square Foot)
Retail	$56
Office	84
Light Manufacturing/ Warehouse	45
Hi Tech	88

7. Percent of total area of commercial/ industrial development by type

Percent = (Value of new development by type) (additional C/I square footage for the City of Newark through the year 2007) ÷ (total value of all new C/I development)

Type	(Percent)
Retail	5.9
Office	9.2
Light Manufacturing/ Warehouse	18.4
Hi Tech	66.5
	100%

8. Cost of program accruing to different land uses

Type	Amount (Millions)
Residential (45%)	$2,664,000
Commercial/ Industrial (55%)	3,256,000

9. Maximum fee per residential unit necessary to fund identical art needs in the City of Newark

Amount = (Cost of program for residential uses) ÷ (additional residential units for the City of Newark through the year 2007)

$758

10. Maximum fee per square foot of commercial/industrial space by type necessary to fund identified art needs in the City of Newark

Type	Amount (Per Square Foot)
Retail	$.38
Office	.58
Light Manufacturing/ Warehouse	.31
Hi Tech	.60

Amount = (Cost of program for C/I uses) (percent of total area of development) ÷ (additional C/I square footage for the City of Newark through the year 2007)

11. Conclusion:

A public art fee, not to exceed the amounts herein, shall be charged to all new residential units and to those commercial and industrial buildings and additions that are either 10,000 square feet or more or located along arterials as defined by the

General Plan in the City of Newark at a rate to be set by the Master Fee Resolution. This fee will not be charged to residential development that has received Planning Commission and City Council approval prior to adoption of this resolution.

The fee is payable prior to issuance of a Certificate of Occupancy with a credit for expenditures by the developer for extraordinary architectural features, on-site art and for permanent publicly accessible gallery space provided on-site. The amount of the credit is based on the schedule contained in the City of Newark "Art in Public Places and Private Development Policy."

SECTION 2

1. Purpose of fee:

   Provision of public art.

2. Use of fee:

   The design and installation or erection of new art work as well as the cost of administration of the program in accordance with the needs list of Section 1 hereof.

3. Relationship between use of fee and type of development:

   Development contributes directly to the urbanization of the City and creates adverse visual impacts. Development tends to be prominently situated and, therefore, is more visible from major thoroughfares in the City. New development requires public art which provides an appropriate aesthetic counterpoint to the commercial instincts which inspire urban development. The findings in Resolution No. 6582 are incorporated herein by reference.

4. Relationship between need for facility and type of project:

   Same as No. 3.

5. Relationship between amount of fee and cost of the portion of the facility attributed to development:

   Fees to be charged to each development will not exceed the prorated share of the cost of providing the improvement in accordance with the analysis provided in Section 1 herein above.

6. Location of proposed art work:

a. Gateways to the City:

- Intersection of Highway 84 and Thornton Avenue
- The intersection of I-880 and Thornton Avenue
- At Central Avenue, at the I-880 overpass
- The intersection of I-880 and Mowry Avenue
- The intersection of I-880 and Stevenson Boulevard
- The intersection of Stevenson Boulevard and Cherry Street

b. Retail Developments: to be placed in a prominent location adjacent to new strip retail developments.

c. Business Parks

- Entrances to proposed Cargill Salt business park located at the intersection of Thornton Avenue and Jarvis Avenue (2)
- Entrances to New Technology Park (2)

d. Industrial Projects: to be placed in a prominent location adjacent to all new industrial projects.

e. Residential Projects: to be placed in a prominent location adjacent to all new residential projects.

f. Public Buildings/Facilities

- City Administration Building
- Fire Stations (3)
- Ash Street Park
- Bridgepointe Park
- Mirabeau Park

- Mayhews Landing Park
- Lakeshore Park
- Musick Park
- Birch Grove Park
- Newark Community Center Park
- Sportsfield Park

g. Major Intersections (NODES):

- Newark Boulevard and Cedar Boulevard
- Newark Boulevard and Thornton Avenue
- Central Avenue and Cherry Street
- Cherry Street and Mowry Avenue
- Mowry Avenue and Cedar Boulevard
- Thornton Avenue and Cedar Boulevard (2)
- Thornton Avenue and Willow Street
- Thornton Avenue and Sycamore Street
- Thornton Avenue and Cherry Street
- Jarvis Avenue and Thornton Avenue

RESOLUTION NO. 6584

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWARK AMENDING THE SCHEDULE OF FEES - 1992-93

BE IT RESOLVED by the City Council of the City of Newark that the Schedule of Fees adopted by Resolution No. 6473 on May 28, 1992 is hereby amended in conjunction with the Art in Public Places and Private Development Policy as follows:

III. Development Services

D. Zoning and Development Fees

16. Art in Public Places and Private Development Policy Fees

TYPE OF DEVELOPMENT	PROPOSED FEES
Residential (excluding affordable housing)	$270/unit
Retail	$.26/square foot
Office	$.38/square foot
Light Manufacturing Warehouse	$.21/square foot
Hi-Tech	$.41/square foot

I HEREBY CERTIFY the foregoing resolution was introduced at a regular meeting of the City Council of the City of Newark held on October 8, 1992 by Councilmember Nagy who moved its adoption and passage, which motion was carried after being duly seconded, and passed by the following vote:

AYES: Councilmembers Johnson, Salinas, Sisk, Nagy and Mayor Smith

NOES: None

ABSENT: None

SECONDED: Councilmember Sisk

APPROVED:

s/DAVID W. SMITH
Mayor

ATTEST:

Barbara A. Ely, Deputy

s/THELMA METCALF
City Clerk

APPROVED AS TO FORM:

s/GARY T. GALLIANO
Assistant City Attorney

NEWARK
california

NEWARK
PUBLIC ART MASTER PLAN

- Final Draft -

Gail M. Goldman Associates
Art Builds Community

May 2024

City of Newark Public Art Master Plan

Final Draft

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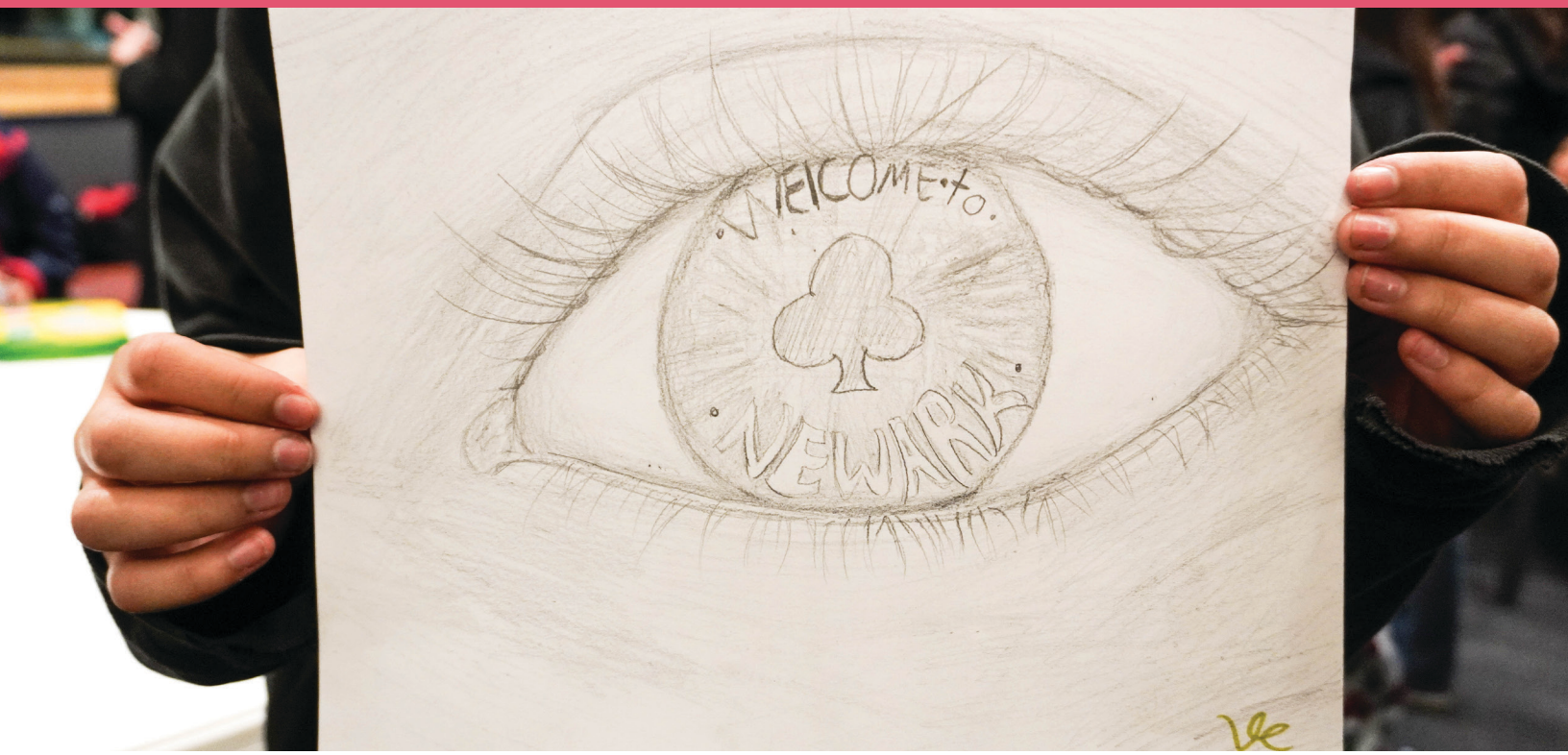


Image: Ve, a Teen Focus Group participant shows off her illustration that she drew to welcome people to Newark. Credit: Quynh-Mai Nguyen

I. EXECUTIVE SUMMARY

This Public Art Master Plan (PAMP) is designed to be a comprehensive guide for the City of Newark (City) in its efforts to promote and support public art. This plan intends to provide a clear direction and vision for the City's Public Art Program and to ensure that public art is integrated into the community in a meaningful and impactful way. The PAMP establishes the policies and procedures needed to effectively manage the City's Public Art Program and collection, and to promote public art as an essential component of the community's cultural and creative landscape.

The PAMP will help the City make informed decisions about public art, including the selection and placement of artworks, the commissioning of new works, and the management of a public art collection. It will provide a roadmap for the City to effectively leverage its resources and staff capacity to support public art initiatives, and it will provide a framework for community engagement and involvement in public art projects.

By having a strong and diverse public art presence, Newark can differentiate itself from neighboring communities and create a unique sense of place and identity. Public art can drive tourism and encourage people to explore and experience the culture and art offerings across the city. Additionally, by supporting artists, cultural organizations, and businesses, Newark can further strengthen its economy and provide valuable opportunities for growth and development.



Image: : The Newark Civic Center Plaza is home to the Police Building, Newark Library and the new David W. Smith City Hall and serves as a community gathering place for special events. Credit: City of Newark

II. BACKGROUND

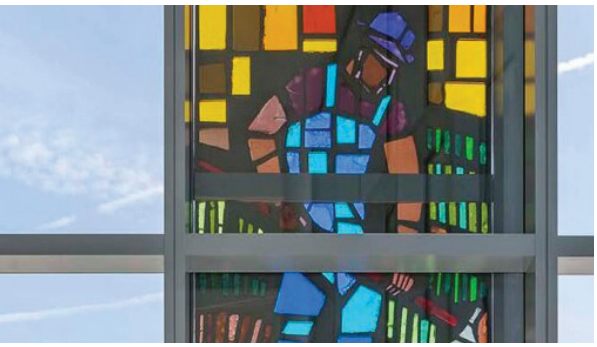




Image (Top): Stained glass artwork panels from the old City Hall were reused at the entry to each of the new buildings. Credit: Perkins & Will

Image (Bottom): Cargill salt stacks are located at the west end of Newark and are a part of the industrial history of the city, 2010. Credit: Cris Benton

A. CONTEXT

The City of Newark is an island surrounded by the City of Fremont and bordered to the west by the brightly colored Cargill Salt ponds, its oldest heritage industry. Located adjacent to San Francisco Bay with immediate access to Fremont's Don Edwards Wildlife Preserve, the city has no actual waterfront. Instead, it has wonderful views.

While many people experience Newark as a pass through on the Dumbarton Bridge from the San Francisco Peninsula to the East Bay, the city is a hidden gem with its own unique neighborhoods, ethnic cultures, and economic strengths. Newark is a comfortable, well-governed suburban city with a strong sense of community and a small-town feel. Founded in 1955, Newark has grown from a population of fewer than 10,000 in 1960 to almost 50,000 today with another 10,000 expected in the coming decade. Like many other places in the Bay Area, it has evolved from a small town with a few unique industries, into a burgeoning bedroom community with tree-lined neighborhoods and inward-looking industrial parks. And, as its populations and its industries grow, the city's profile is changing.

The first wave of Newark's neighborhoods were primarily single-family homes on discreet lots. There are large houses on generous lots in the Lake District and smaller houses closer together near the core of the historic Old Town neighborhood. Newer neighborhoods are denser, consisting of townhouses and apartments. However, what neighborhoods lack is a pedestrian-oriented mixed-use area for people to gather. While Newark is well-served with open spaces and recreational opportunities, it's missing a strong sense of place. As a suburban bedroom community, people are most likely to meet at a mall or a recreation center aside from the community parks. What is exciting is that as the city grows, there is potential to change where and how the community gathers.

B. 2001 PUBLIC ART MASTER PLAN

In 1992, the City Council adopted a series of resolutions to create an Art in Public Places and Private Development Program. This included a public art in private development fee based on square footage for new residential, office, light manufacturing, and high technology development. Fees began to be collected in 1999 and were deposited into the Art in Public Places Fund. Basic goals and parameters for the expenditures of the fee, including a list of target locations for public artwork, were established by the Art in Public Places and Private Development Program.

To guide future art fee expenditures and strengthen the overall program, a Public Art Master Plan subsequently was conducted and adopted by the City Council in 2001. However, few of the projects identified in the original Public Art Master Plan were able to be implemented. The landscape and demographics of Newark have evolved over the last twenty years. In addition to its two decades of transformation, an increased interest in public art prompted the City to update the 2001 Public Art Master Plan.

C. PURPOSE OF THE UPDATED PUBLIC ART MASTER PLAN

This Public Art Master Plan was commissioned at an opportune time when Newark is reviewing its Citywide Parks Master Plan, revitalizing its historic neighborhoods, assessing its capital improvement needs, and initiating a variety of programs to make it more pedestrian and bicycle friendly. In response to the pandemic, the city employed ARPA recovery funds to support small businesses and community-focused activities and is primed to build upon these efforts to concentrate on placemaking and enhancing its civic identity. Public art and arts activities can be a significant part of that effort.

As Newark moves beyond the pandemic with renewed interest in expanding its civic infrastructure, City leaders recognize that engaging artists in enhancing its development efforts, reestablishing a downtown, and creating places for people to participate in the arts will reinforce its sense of place and provide creative activities for all to enjoy. This plan establishes a framework to realize that vision.

III. TIMELINE AND METHODOLOGY

Gail M. Goldman Associates and Art Builds Community, with the City of Newark City staff, developed this plan between December 2022 and November 2023. Research included site visits, interviews, focus groups, community meetings, and artist-led community engagement throughout the planning process. The consultants sought input from stakeholders including City staff, private developers, community leaders, and artists. City planning documents were reviewed to help identify potential public art projects, partnerships, and programs.

Newark residents, business owners, workers, and visitors provided key input that informed the plan recommendations, which will guide future public art projects in Newark.

Timeline:

- December 2022–February 2023: Project Initiation & Research
- February–June 2023: Community Outreach and Public Participation
- June–November 2023: Development of Public Art Master Plan
- May 2024: Final Draft Designed Plan



Image: Newark community members gather at the start line of the Family Fun Run at Newark Community Center Park on March 24, 2023. Credit: Quynh-Mai Nguyen

IV. RESEARCH

A. SYNERGY WITH OTHER PLANS

The research into City priorities included interviews with City staff, tours of Newark, and an overview of the City's planning goals. During the past few years, the City has commissioned several planning studies that can have a direct bearing on arts and culture. These plans assisted the consultants in identifying locations for art, understanding the City's values and its municipal aspirations, and tailoring its recommendations. The consultants reviewed these documents and conducted follow-up interviews with City staff and their planning consultants. The documents included:



Image: *Blackbird* by Kincannon Studios LLC in Austin, TX, honors the Mexican-American community with a nod to 60s pop music, 2017. Credit: Kickstart Farmington

- Public Art Master Plan, 2001
- Old Town Newark Specific Plan 2021
- Dumbarton Corridor Improvements (Central Overpass) 2020
- NewPark Place Specific Plan 2018
- Active Transportation Plan 2017 Update
- Citywide Parks Master Plan 2017
- Housing Element Update 2015
- Newark California General Plan 2013
- Dumbarton TOD Specific Plan, 2010

In general, these plans provide a myriad of opportunities for the inclusion of public art ranging from iconic gateways to functional streetscape elements to interactive and performative art, both permanent and temporary.

Facilities Master Plan

By design, the City is simultaneously preparing a Facilities Master Plan and Public Art Master Plan. As input from the community was solicited for both planning initiatives, it is clear that a synergy between the two exists.

The Facilities Master Plan includes a condition assessment of existing facilities and studying them for replacement or renovation in the context of expressed community needs. Through their community outreach efforts, performing and visual arts rank high in interest.

- Through the Public Art Master Plan process, artists and the community at large repeatedly expressed an interest and need for a designated community art center with exhibition, performance, and classroom space.
- In addition, the Public Art Master Plan includes the consideration of allocating one percent of construction costs for public art in new and renovated City Capital Improvement Projects.

The consultants for the Public Art Master Plan and Facilities Master Plan met and discussed the overlaps and how coordination between these two plans benefits the community and the City.



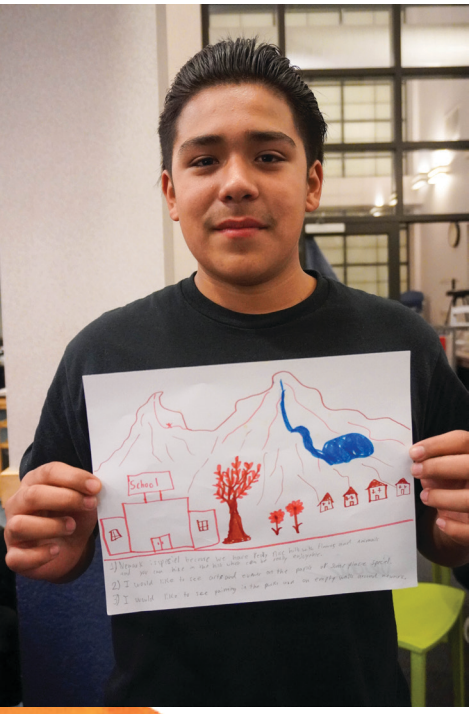
B. COMMUNITY ENGAGEMENT

From February through June 2023, Gail M. Goldman Associates (GMGA) and Art Builds Community (ABC) conducted community outreach activities including stakeholder meetings, focus groups, a bilingual survey in English and Spanish, and artist-led public pop-up events.



City Staff

The consultants met with City staff members from the City Manager's Office, Community Development, Recreation and Community Services, Public Works, Human Resources, Police, Fire, and Economic Development, as well as the Alameda County Newark Library staff (Appendix A). Two input sessions open to all City staff were held at City Hall with more than 30 staff members participating from across departments.



Focus Groups and Community Meeting

The consultants conducted five in-person focus groups and one community meeting. Seniors, artists, community organizers, business owners, and youth of diverse backgrounds and identities participated and provided input about community needs and priorities. One public community meeting was held on May 16 at the Newark Library.

- Seniors Focus Group at Clark W. Redecker Newark Senior Center (February 23)
- Promotores Focus Group at The Silliman Activity and Family Aquatic Center (February 24)
- Teen Focus Group at The Silliman Activity and Family Aquatic Center (February 24)
- Merchants Focus Group at Lion Center Plaza (March 23)
- Artists Focus Group at Newark Library (May 17)

Images: During the Teens Focus Group at the Siliman Activity and Family Aquatic Center on February 24, 2023, the youth were asked to think about what makes Newark special to them. They were then asked to translate that into a drawing for a postcard or mural that welcomes people to the Newark. Credit: Quynh-Mai Nguyen





Images: A campaign for the community engagement pop-up tour took place at different community events to encourage community members to provide feedback to the Public Art Master Plan by filling out a survey or participating in an art activity facilitated by a local artist. Credit: Quynh-Mai Nguyen

City Staff

From March 1 to June 30, 2023, a survey was available in English and Spanish and was circulated widely through the City of Newark Public Art Master Plan project webpage, community event calendars, and email lists. It also was printed in the City's quarterly newsletter, on flyers, and as bookmarks distributed at the Newark Library and community engagement pop-ups. Consultants and City staff developed core questions specific to Newark for the survey. There were 266 people who participated in the survey and whose responses helped inform the recommendations in this plan (Appendix B and C).

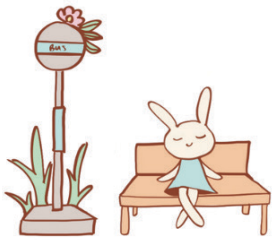
Pop-ups

The consultants and City staff identified the existing community events to hold the pop-up engagement activities:

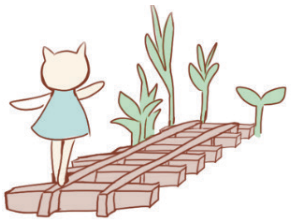
- Family Fun Run — March 24, 2023
- Family Day at the Park — April 1, 2023
- Newark Library — May 13, 2023
- Music at the Grove — June 16, 2023

To build excitement and provide experience to a Newark-based artist, the consultants announced and distributed a competitive call to artists in the Tri-City area to co-lead the PAMP community outreach activities.

Newark digital artist Vincy Chow was selected to lead the pop-ups. She developed a project called "Newark City Charm," an art-making activity using plastic sheets that shrink and thicken to one-third the size when heated (aka Shrinky Dinks). Chow created illustrations representing six public art categories: environmental, functional, light/digital/sound, performance/events, historical, and murals.













Images: Particpants were invited to provide their feedback by making shrinky dink charms designed by local artist Vincy Chow. Credit: Quynh-Mai Nguyen

Participants reviewed images that illustrated these categories and selected the illustration that represented their preferences. They colored their own “hometown charm” and left with instructions of how to create their Shrinky Dink. Pop-up participants also shared feedback by voting for public art categories, answering core questions, and identifying potential locations and opportunities for public art on a map of Newark. This map was transformed into a visual heat map (Appendix D).

The list below represents the top four public art categories that were ranked highest by the community participants during the community engagement Pop-Ups:

- Performances/Events
- Light/Digital Art/Sound
- Community & Interactive Art
- Environmental Art

Other notable takeaways were a strong interest in more family and community-oriented programming in local parks, more opportunities for cultural art experiences to build civic pride, and the need to remove language barriers to arts participation.



Image: Participants helped create a map that located opportunities for public art throughout Newark. Credit: Quynh-Mai Nguyen

V. VISION, GOALS, AND GUIDING PRINCIPLES

A. VISION

All residents and visitors in Newark experience public art as part of their daily lives and throughout all neighborhoods, celebrating the city's history, people, natural environment, and culture.

B. GOALS

The City of Newark will adopt the Public Art Master Plan as the guiding document for all public art and public art programming proposed for City property and the public realm in general.

- Provide diverse and engaging public art throughout Newark.
- Commission community-focused art in publicly accessible places.
- Integrate public art into all qualified municipal capital construction projects.
- Celebrate Newark's cultural diversity through public art.
- Connect and build the artist community in Newark.
- Provide ongoing financial and administrative support for public art.
- Maintain and expand the City's collection of public art.

C. GUIDING PRINCIPLES

Public art in Newark has the power to:

- Express Newark's identity throughout the built environment.
- Elevate the role the artist and the creative process play in connecting people and place.
- Provide equitable access to a diversity of artists and artistic experiences.
- Encourage multi-disciplinary collaboration in the public and private sectors to create vibrant public spaces.
- Celebrate the communities' cultural assets, highlighting the unique character of Newark's neighborhoods, honoring their histories, and preserving quality of place.



Image: Newark Days is a four-day festival that celebrates the birthday of the City of Newark, CA, 2023. Credit: Eternity Band

VI. RECURRING THEMES AND SUMMARY OF RECOMMENDATIONS

Information gleaned throughout the research and community engagement processes was evaluated. Input that was repeatedly expressed resulted in the following recurring themes which evolved into the specific recommendations in each category.



Image: *Westminster*, Sonia Romero, Westminster, CA, 2022. Permanent public art can provide opportunities for diverse communities to see themselves in the art. Credit: Sonia Romero

A. IDENTITY AND CIVIC PRIDE

Use public art to set Newark apart from surrounding communities.

RECOMMENDATIONS

1. Use public art for demarcation of the major gateways into Newark, welcoming people and helping to identify Newark.
2. Place public art along bicycle pathways, crosswalks, and intersections to encourage and increase usage and ridership.
3. Develop temporary and permanent public art projects and placemaking opportunities at the Civic Center and in parks throughout Newark.
4. Integrate public art into any update of existing or development of new City planning documents, i.e., Facilities Master Plan, Old Town, Central Overpass, Active Transportation Plan, Parks Master Plan.
5. Develop an art in vacant storefronts program to support artists and animate business districts and shopping centers.
6. Use public art to create walkable pathways and destinations for public gatherings.

B. ACCESSIBILITY AND PUBLIC EDUCATION

Locate high quality art throughout Newark, ensuring that it is fully accessible to the public.

RECOMMENDATIONS

1. Commission a range of artworks in theme, form, and interactivity, i.e., murals, environmental, light projections/digital art, functional, historical, interactive/kinetic.
2. Use public art to reflect the history and demographics of Newark by combining historic with contemporary values.
3. Use public art to celebrate the natural environment that is distinctive to Newark, i.e., Salt Ponds, the Bay, the windy climate.
4. Partner with private developers to create opportunities to utilize private property for changing sculpture.
5. Implement a comprehensive program of community education and outreach designed to introduce all sectors of Newark to public art.



Image: *A Resurrection in Four Stanzas* by April Banks opened in 2021, is located in the historical African American neighborhood of Belmar Park in Santa Monica, CA. The permanent sculptures respond to the history of place with a social practice lens by calling out four parts of a physical home that no longer exists. Credit: Public Art Archive



Image: Participants create art as a way to provide feedback on the type of public art they wish to experience in their communities during Family Day at the Park on April 1, 2023. Credit: Quynh-Mai Nguyen

C. LOCAL ARTISTS

Support and increase the visibility of local artists and creative entrepreneurs.

RECOMMENDATIONS

1. Create a visual arts center as a venue for exhibitions, classes, and as a gathering place for informal interaction among artists.
2. Provide opportunities and build capacity for local artists by hosting workshops, creating an artist directory, and establishing an artist-in-residence program where artists collaborate with a host organization, institution, or neighborhood in pursuit of a specific public art project, performance, or event.
3. Support opportunities for local artists to showcase and sell their work, including the annual Open Studios event, booths for local artists at community events through funding and/or waiving booth fees, and changing exhibitions in City buildings.



Image: *Vitae Telam (Web of Life) Tela de la Vida* by Jamex and Einar de la Torre is located at the Ranchos Los Amigos National Rehabilitation Center in Downey, CA. 20' sculpture combines the traditional tree of life with the human skeletal system, 2018. Credit: De La Torre Brothers

D. ADMINISTRATION AND COLLECTION MANAGEMENT

Promote the implementation of the Public Art Master Plan.

RECOMMENDATIONS

1. Provide adequate staff and/or consultants to administer the Public Art Program.
2. Initially locate the Public Art Program under the City Manager's Office with the option of moving it to another department at a later date.
3. Establish a Public Art Committee appointed by the Mayor and approved by City Council to advise on and advocate for public art.
4. Prepare an annual Public Art Workplan that identifies new projects to be initiated within that fiscal year and provides a status report on current and completed projects.
5. Provide Artist and Artwork Selection Guidelines, including goals and definitions of art, for the implementation of municipal and private development public art projects.
6. Document and maintain the artwork in the City's public art collection.
7. Adopt policies and procedures for the deaccession of artwork, donations and loans of artwork, memorials, and temporary art to meet industry standards for effective public art collection management.



Image: *Whimsy & Wise* by Brad Oldham, serves as functional bollards in front of the Mitchell Park Library in Palo Alto, CA, 2013. Credit: City of Palo Alto

E. FUNDING

Ensure that the Public Art Fund has sufficient dollars to support public art and other arts initiatives.

RECOMMENDATIONS

1. Establish an allocation of one percent of construction costs for art in City Capital Improvement (CIP) projects.
2. Revise the current public art fee for new private development from a square footage-based fee to 0.5% of the building permit valuation.
3. Identify sustainable funding sources and systems for supporting and maintaining the Public Art Program, i.e., grants, foundations, and Corporate Social Responsibility (CSR).



Image: Oakland Chinatown crosswalks are an example of temporary functional art that identifies a neighborhood. Credit: Greg Linhares, City of Oakland, CA, 2010

VII. RECOMMENDATIONS AND PROJECT CONSIDERATIONS

The following recommendations are in direct response to the expressed needs of the residents, visitors, business owners, developers, artists and other stakeholders who want to engage in creative and culturally relevant arts experiences throughout Newark. Each recommendation includes project and programming ideas for consideration, which in some cases fall within multiple categories. The project suggestions are intended to enable the City to launch and establish the Public Art Program as well as plan for its future.

A. IDENTITY AND CIVIC PRIDE

Through extensive research and conversations, the following list of priority locations and opportunities where residents and business owners would like to experience public art developed:

- Medians
- High visibility crosswalks
- Mowry Avenue, Thornton Avenue, Newark Boulevard near Highway 84
- Civic Center Plaza
- Newark Community Center
- Future Transit Station at Bayside
- Bridgepointe Park
- Electronic signs facing Interstate 880
- Routes to schools

1. GATEWAYS

RECOMMENDATION: Use public art for demarcation of the major gateways into Newark, welcoming people and helping to identify Newark.

Artwork strategically located at entrances into Newark emphasizes a sense of arrival and become landmarks that serve as way-finding elements to welcome residents and visitors and draw them to local parks, business centers, and other amenities. Thornton Avenue at Nimitz Freeway, at the northwest entry and Mowry Avenue at Nimitz Freeway at the southeastern entry point into the city are prominent locations for major public art gateways. Memorable artwork at these major entrances into Newark will help demarcate the city and promote it as a destination in addition to generating civic pride among those who live and work there.



Image: The Motion Cornerstone, *Gateway of the Open Book* was created by Brower Hatcher, Providence, RI, in cooperation with Frank Russell, Greensboro, NC celebrates the unique qualities of the city in one of four gateways in the city, 2012. Credit: Greensboro Public Art



Image: *Dragonfly Garden* by Lorna Jordan is a City of Seattle, WA Public Utilites 1% for Art funds program. It is integrated into the entrance of SPU's Longfellow Creek Drainage and Habitat Improvement Project, 2006. Credit: City of Seattle Office of Arts & Culture

2. PARKS AND NEIGHBORHOODS

RECOMMENDATION: Develop temporary and permanent public art projects and placemaking opportunities at the Civic Center and in parks throughout Newark.

As an option, temporary public art is a highly effective tool for developing socially engaging, interactive art experiences in community settings. Carefully planned and executed, temporary art generates substantial awareness, involvement, and appreciation for public art. Temporary projects can involve a wide range of artists and art forms including visual, culinary, literary, media, and performing arts. Temporary interactive artwork can be commissioned to help mitigate construction zones, street and sidewalk closures, add to the festivities at a ribbon cutting, or attract people to other special events.

Temporary installations and performances also can be more experimental in nature, are not placed in perpetuity, and are more cost effective in general. By its fresh and timely nature, temporary art fosters artistic exploration far beyond the traditional boundaries of public art and will draw residents and visitors to Newark in anticipation of each new installation or activity.





Embrace Nature

To promote usership and safety, as well as walking and biking, public art on trails and at parks such as Jerry Raber Ash Street Park will encourage local and regional residents and visitors to return often. Placemaking opportunities in parks include art on trash receptacles and functional elements such as seating, shade structures, and bicycle racks. Art in the parks also provides a vehicle to celebrate the neighborhoods that surround it.

Outside the Box: Utility Boxes and Trash Receptacles

Utility boxes and trash receptacles in parks and throughout Newark are undiscovered canvases for artwork. An often-expressed community priority, the City can hold a competition for Tri-City artists, graphic designers, photographers, illustrators, and other creative entrepreneurs to develop concepts for utility boxes and trash receptacles that can be realized by painting directly onto the metal or reproducing digital artwork onto vinyl wraps. Led by an artist, school children can participate in creating art for the utility boxes outside their respective schools. Themes related to neighborhood and community identity can be defined and the artwork refreshed annually.

Image (Top Left): *Traceries* by Mary Bates Neubaue, Scottsdale, AZ is an augmented reality project where people can meet the artist as she shares the story behind the recycle and waste bins, 2020. Credit: CodaWorx

Image (Top Right): *Litter-Ature* by Mighty Mike McGee and Carlos Perez, San Jose, CA are a series of creative poetry responses chosen from 180 students., 2019. Credit: City of San Jose





Civic Celebration

The new Civic Center is a prime location for temporary large public art projects that celebrate the diverse cultures of Newark. This can take the form of an interactive visual art installation, dance performance, and poetry slam, among other considerations.

Yarn Storming

Yarn Storming is the practice of using knitting and crochet yarn to cover objects in the public realm on a temporary basis. This art form is used to beautify public spaces, reclaim sterile urban environments, and add whimsey, color, and craft into the public view in unexpected areas, engaging and delighting people of all ages. Trees, bicycle racks, streetlight poles, and any number of other objects can be used.

Image (Top): *The Pool* by Jen Lewin a temporary project in Brooklyn, NY is a large-scale interactive installation featuring concentric circles made from more than 100 circular pads where play and movement produces a show of light and color, 2022. Credit: Gotham To Go Art & Culture

Image (Bottom): *Cold Spring Yarnbomb*, '12 by Stephen Duneier in Santa Barbara, CA is a temporary artwork on a 40' eucalyptus tree, 2023. Credit: Yarnbomber.com

3. PUBLIC ART AND PLANNING DOCUMENTS

RECOMMENDATION: Integrate public art into City planning documents, i.e., Facilities Master Plan, Old Town Specific Plan, NewPark Place Specific Plan, Active Transportation Plan, Parks Master Plan.

Incorporating public art into the fundamental aspects of planning elevates the quality of the urban environment and promotes a cohesive vision for the character of public places and neighborhoods. Including public art considerations in General Plan updates, strategic plans, and master plans redefines the relationship of art to urban space as an integral part of the urban infrastructure and the natural environment.

When public art is addressed at the planning level, it can contribute to economic prosperity, create great public spaces, foster cultural diversity, and attract tourists—all while celebrating the distinctiveness of Newark and its neighborhoods. Artwork enlivens the pedestrian experience by serving as a point of reference, landmark, or critical linkage.

Incorporate Language into Planning Documents

All appropriate general, strategic, and master planning documents need to include a set of prioritized public art goals and opportunities (Appendix M). When implemented, the inclusion of public art becomes part of the vision and is further refined in relevant design standards and other implementation documents.



Image: '78' by Paul Rucker honors the Northwest jazz legends that once populated Jackson Street in Seattle, WA Central District, 2021. Credit: Daniel Spils

Language in future plans, based on the type of plan, needs to:

- Identify and define public art goals, guidelines, and opportunities that include the examination of character, connections, history, and land uses.
- Outline criteria for placement of public art, including appropriate material and scale.
- Classify high-visibility placement opportunities.
- Describe programming ideas for temporary public art installations and performances.



Image: *Quercus 650* by Paz De La Calzada is a temporary streetscape mural (36' x 30') on California Avenue in Palo Alto, CA, 2023. Credit: Amanda Rawson

Professional Design Services Selection

To reinforce the City's commitment and expectations regarding public art in Capital Improvement Projects (CIP), it is important to provide advance notice regarding requirements in all Requests for Qualifications to potential project consultants. In addition, language regarding the consultant's responsibility to work with artists needs to be included in the contract between the city and the consultant. During interviews, it is useful to include questions regarding the consulting firm's experience working with artists and the firm's approach to public art. To assist in the assessment of the firms, it is recommended that Public Art Program staff participate on the interview panel.

Pilot Projects

Notably, City leadership has proactively addressed this recommendation by initiating two significant pilot projects. In addition to studying ways to mitigate construction through commissioning temporary art, the city has included working with artists in the Request for Proposals as part of the scope of the design consultant for Old Town Streetscape Improvement Projects. This is significant at this early stage of planning because it maximizes the opportunities for art to be a component of the infrastructure rather than an afterthought.

In addition, the city has begun discussions about integrating artwork into the construction of the Central Avenue Overpass. Newark City staff will work with public art consultants to determine the public art component of the four-lane structure that will include bike paths and sidewalks. This pilot project will lead the way to future public art projects on public property throughout Newark.



Image: *There Is Nothing I Can Do Without You, Windows on First* by Shan Michael Evans is an ongoing program in Las Vegas, NV that invites artists to create original, site-specific installations presented within the context of the First Street Art Trail, 2019. Credit: City of Las Vegas, NV

4. VACANT STOREFRONTS

RECOMMENDATION: Develop an art in vacant storefronts program to support artists and animate business districts and shopping centers.

The potential negative economic impact of street-level empty storefronts and unoccupied buildings can be minimized by using the space for public art installations and temporary exhibitions. The Public Art Program staff can work with commercial and business district leaders and private property owners who are interested in organizing vacant storefront programs that will make these spaces available to artists for an ongoing series of temporary art installations.

Projects would be based on the anticipated duration of the vacancy and the willingness of the owner to provide the space to artists. Activating and animating these vacant properties will help eliminate blight and increase the economic viability of the community.

5. STREETSCAPES

RECOMMENDATION: Use public art to create walkable pathways and destinations for public gatherings.

Crosswalks

Painted crosswalks based on identified themes can support walkable areas in neighborhoods throughout Newark. Old Town is an ideal location to initiate a pilot project during construction that begins to redefine the area as a destination and community gathering place.

Other Streetscape Improvements

Local artists can be tasked with creating sidewalk improvements, seating, shade structures, banners, and interactive lighting projections to enhance the walking experience and reinforce neighborhood identity. Projects with themes reflecting local history, demographics, family, and neighborhood can be led by artists and involve active participation by the community.

Façade Improvement Grants

For property and business owners interested in rehabilitating commercial facades, the City can offer property owners a partial rebate for commissioning an artist to create artwork for the façade. This would stimulate private investment and customer patronage in the commercial districts by focusing on revitalizing building façades visible to customers, neighboring merchants, and residents.



Image: Art Panels by Heather Renaux and CJ Renner are part of a streetscape project for the Artery in Hopkins, MN., 2018. Credit: The City of Hopkins



Image: *¡Alebrijes!* mural by Francisco Franco is located on the side of a restaurant in downtown San Jose, CA, Credit: SJtoday Staff

B. ACCESSIBILITY AND COMMUNITY EDUCATION

1. ACCESSIBILITY

RECOMMENDATION: Commission a range of artworks in theme, form, and interactivity, i.e. murals, environmental, light projections/digital art, functional, historical, and interactive/kinetic.

Rotating Sculpture in Medians and Parks

Work with groups interested in adopting specific areas throughout Newark to designate as outdoor galleries for the display of sculpture for long-term loan (12-24 months). Placing sculpture on medians, parks, plazas, and other heavily trafficked areas with high visibility would enliven the landscape, create a dynamic visual experience for residents and visitors, and establish more venues for artwork in the city.

Murals

Murals are a way to engage local artists and students who want to be involved in their city. Students from Newark Memorial High School and local teens can work together with residents on a community mural in select areas of the city to help make it more welcoming and walkable. This can be implemented as a competitive grant opportunity where the neighborhood or artist initiates the mural project. Another option is for the Public Art Program staff to pre-qualify and match neighborhoods and artists. Murals can be painted or digitally reproduced on vinyl for exterior and interior walls of City-owned buildings such as the Newark Senior Center and Newark Community Center.





Street Furnishings

For an innovative, cost-effective approach to providing unique street furnishings throughout Newark, a catalogue of prototypical artist-designed seating, bicycle racks, litter and recycling receptacles, and other amenities can be created. As downtown revitalization occurs, items from the catalogue can be ordered, manufactured, and installed within the streetscapes to add character, identity, and definition to a neighborhood.

Playgrounds

By integrating unique and thoughtful interactive artworks into playgrounds, artists can create stimulating play environments that promote critical thinking, creativity, and engagement among children and their families. Artworks also stimulate the senses by including sound, motion-sensors, and music among other interactive components.

Incorporating public art installations in neighborhood playgrounds and parks can elevate the overall play experience by creating distinctive spaces that resonate with the community's values and history. Additionally, the art can serve as landmarks and points of reference, assisting with wayfinding and navigation throughout the playground.

Light Up Newark Art Festival

The City can provide a platform for artists working in light, sound, performance, and projection art to transform places like the Civic Center and Old Town into a dynamic nighttime environment of temporary, site-specific public art. The festival can include light art installations and sculptures as well as interactive and performance-based art. Tri-City artists can be invited to submit proposals for thoughtful and participatory temporary artworks at various locations in and around the city that can bring about partnerships between the City and the private sector.

Image (Top Left): *Los Trompos* by Héctor Esrawe and Ignacio Cadena in Coral Gables, FL, is an interactive outdoor artwork where visitors are encouraged to take the tops for a spin or sit back and relax, 2023. Credit: Life Style

Image (Top Right): *Helix Seats* by artist team Pneuhaus was temporarily installed in downtown Palo Alto, CA during the CodeArt Festival, 2023. Credit: Amanda Rawson



Image: The Auburn Avenue Historic and Cultural Information Project by Dr. Karcheik Sims-Alvarado and Sky Design created art designed wayfinding to celebrate the history of the neighborhood in Atlanta, GA, 2020. Credit: Quynh-Mai Nguyen

2. CELEBRATE NEWARK'S HISTORY AND DEMOGRAPHICS

RECOMMENDATION: Use public art to reflect the history and demographics of Newark by combining historic with contemporary values.

The Newark community is rich in cultural and generational diversity. Public art can support these communities with the development of placemaking projects that highlight various cultures and history. Impromptu and pre-planned projects such as poetry slams, short plays, dance performances, and interactive art experiences will serve to celebrate diversity and inspire cultural expression through the arts. Other project considerations include:

Sharing Stories

Educational programs in schools and the Newark Library can be developed utilizing high school students to conduct interviews with long-time neighborhood residents and commission interactive artwork utilizing the spoken word.

Partnering with the Newark Library

The Newark Library works regularly with local partners in the Asian and Latino communities with programs such as Día de los Muertos and Lunar New Year, among others. Teaming with the Newark Library will support the City's effort to engage with the diverse community through temporary public art projects that can take place concurrently with other scheduled events. The City also can partner with other programs sponsored by the Newark Library including Let's Art Together, Arts & Crafts, and Music Hour, among other programs that take place throughout the year.

The City at City Hall

Cities are often described as a subject rather than an object. Commission an artist to interpret Newark's history through historic and contemporary maps, imbuing the artwork with the unique history and culture of each place by expressing anthropological and historical narratives of the area's rich history.

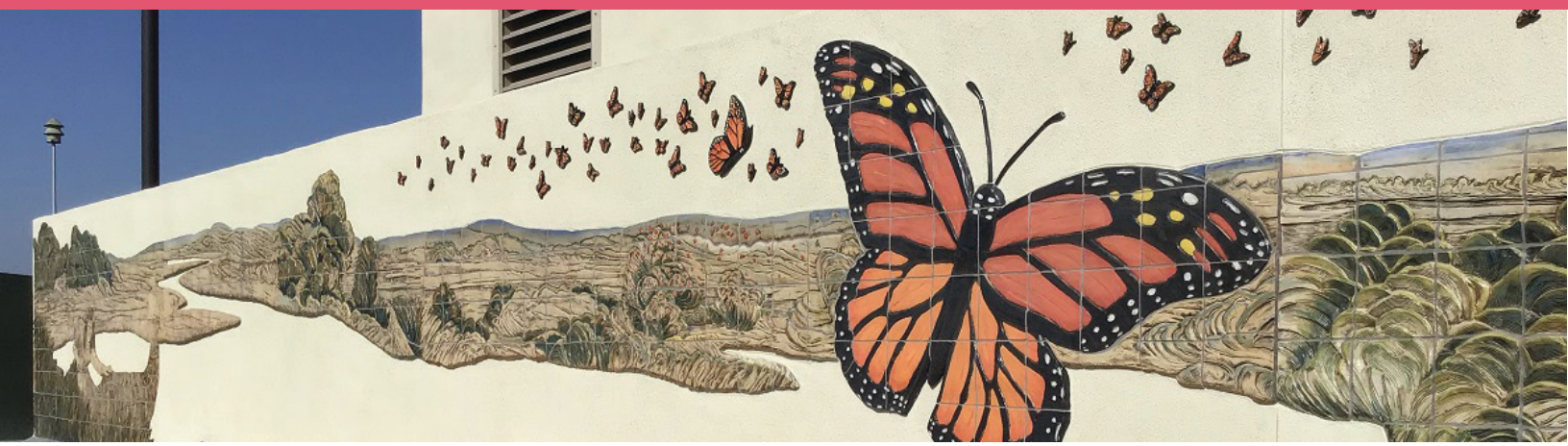


Image: *Dreams of the Salt Marsh* by Sam Tubiolo, at Alviso's Stormwater Pump Station reflects the history and wetlands of the area, 2019. Credit: City of San Jose, CA

3. NATURE AND THE NATURAL ENVIRONMENT

RECOMMENDATION: Use public art to celebrate the natural environment that is distinctive to Newark, i.e., salt ponds, the San Francisco Bay, the windy climate.

Kinetic Art

Creating public art that speaks to the natural environment will build a community understanding and appreciation of Newark and its geographical surroundings. Kinetic art can capitalize on the windy climate, engaging viewers with its energy and movement. The art can be in unexpected places at the western edge of the city with similarly themed artwork in different neighborhoods to encourage people to learn about the local climate and explore Newark and other neighborhoods.

Celebrating Nature and Industry

Newark's location at the southern portion of the San Francisco Bay provides many opportunities to use public art to highlight the natural environment and the history of the city concurrently. For example, projects that focus on the Cargill Salt Ponds also can address the innovative industrial local history which can include a presence on the City's website, expanding accessibility to the art and information.

Art in the Parks

Work with groups interested in commissioning an artist to develop an interactive temporary artwork to coincide with a community celebration or special event at a neighborhood or community park or series of parks or trail sites. Designed to encourage active participation, the event would engage local residents, institutions, and community groups in the planning, construction, and design of installations and performances.

4. ROTATING ART ON PRIVATE PROPERTY

RECOMMENDATION: Partner with private developers to create opportunities to utilize private property for changing sculptures.

The City can partner with private developers by designating highly visible medians and public open space on private property for the display of sculpture which can range from a 6 to 12-month period. Options include Bayside at Newark, NewPark Mall, and new housing developments along Cedar Boulevard between Central Avenue and Mowry Avenue.





Image (Left): Sense of the City is a guide to public art in Cambridge, MA that provides the option to explore the collection based on themes such as activism, nature, and play. Credit: City of Cambridge, MA

Image (Right): *Aero Agoseries* by Mark Baltes, located in Boise, ID, is a kinetic sculpture with seeds at the top that move in the wind, 2008. Credit: Boise City Department of Arts and History

5. COMMUNITY EDUCATION

RECOMMENDATION: Implement a comprehensive program of community education and outreach designed to introduce all sectors of Newark to public art.

The success of public art is measured in part by the community's awareness of and respect for public artwork as a cultural resource. How public education is handled can make a significant difference in public reception of a project. By building a regular program of educational and promotional activities, a sense of community ownership can be instilled and cultivated. These activities can generate broader community appreciation of public art and recognition of the contribution public art makes in creating meaningful places.

A major priority for Newark's arts community is encouraging broader thinking on what defines public art. A comprehensive program of community education and outreach, directed to the general public and to the numerous special constituencies affected by the program, would help establish Newark as a community that recognizes and supports the importance of public art.

Having opportunities for education and engagement in public art can help deepen the public's understanding and appreciation of this form of creative expression. Providing such opportunities can also create a more informed and culturally rich community. By developing and offering interactive events that focus on public art, individuals of all ages and backgrounds can learn about the creative process, the artists involved, and the cultural, historical, and social significance of the pieces. This not only enriches the lives of residents, but also contributes to a more vibrant and culturally diverse community.





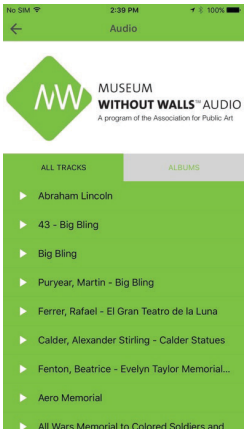


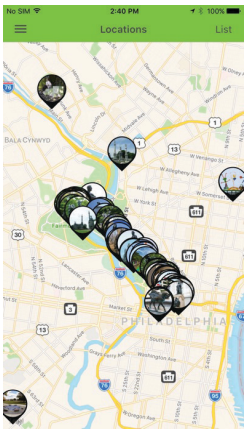
Images: *El Parque de la Comunidad* by Rayos Magos is a temporary, community-based mural in the San Jose, CA neighborhood of Little Portugal created in response to a future development plan, 2023. Credit: Quynh-Mai Nguyen

Community Murals

Commission community mural projects that involve residents in the creation of public art. This can be accomplished through a grant program that pairs artists with community organizations.







Public Art Walks, Tours, and Scavenger Hunts

Organize guided and self-guided public art walks and tours to showcase existing public artworks in the city and engage residents in learning about the Public Art Program. Create a scavenger hunt as a playful and engaging way for individuals and families to discover the public art in Newark.

Smartphone App

Utilize a smartphone application specific to the public art collection, placing a portal on each artwork that links to the Public Art Program website, artist's website, and other resources.

Images (Left): Museum Without Walls in Philadelphia, PA in collaboration with the Association for Public Art created this Audio program and digital guide on Bloomberg connects, the free art and culture app. The guide takes you behind the scenes with exclusive multimedia perspectives from artists, curators, and more. Credit: Association for Public Art



Coloring Book

Produce coloring books that feature Newark's public art for distribution at community events and the Newark Library. Include small packets of crayons sealed with a sticker of the City logo.

Volunteer Opportunities

Provide opportunities for residents to volunteer on public art projects, such as assisting with the installation of public art or helping to maintain existing public artworks.

Online Engagement

Utilize social media and other online platforms to engage residents in the City's Public Art Program, such as through online surveys and forums.

Image: Coloring sheet produced by Public Art Portland in Portland, OR featuring artwork in their collection. Credit: Public Art Portland



Image: Flyer announcing the 22nd Annual Newark Artist Open Studios, Newark, CA. Credit: Adriane Dedic

C. LOCAL ARTISTS

There are a number of programs and grant opportunities that can be offered to support the local artists community, which is defined in this document as artists who live or work in the Tri-City area. These resources help them become successful small business entrepreneurs and creative producers.

1. COMMUNITY ARTS CENTER

RECOMMENDATION: Create a visual and performing arts center as a venue for exhibitions, performances, classes, and as a gathering place for informal interaction among artists.

The need for a community center that supports local visual and performing artists and provides exhibition and performance space for various skill levels was raised at almost all the community meetings, focus groups, and pop-ups. Repeatedly, participants expressed a dedication to engendering Newark's young people with a love of the arts. They envision a community arts center that provides classes, exposure to the arts, and perpetuates creativity among the youth.

2. PROFESSIONAL DEVELOPMENT

RECOMMENDATION: Provide opportunities and build capacity for local artists by hosting workshops, establishing an artist-in-residency program, and creating an artist directory.

Informal Gatherings

The City can coordinate mixers where local artists meet each other, discuss and critique artwork, share resources, and connect with other artists in the community. Organizing and hosting these Meet & Greet events could be a responsibility of the Public Art Committee.



Image: Flyer announcing the Arts Networking Mixer in Silicon Valley, CA, a partnership between the artist group and local businesses. Credit: genARTS Facebook page

Workshops, Lectures, Webinars

In person and online workshops, lectures, and webinars can be offered to artists to support, launch, and sustain successful careers. Artists can learn best practices in the business of being an artist including sessions on administration, financing, contracts, insurance, and marketing. When new public art project opportunities are announced, the City can host sessions on responding to Calls to Artists, proposal preparation, understanding application processes and contract issues, forming collaborations, and other relevant issues.

Great Ideas Grants

The City can establish a grant program for groups interested in proposing ideas for temporary public art on a site of their choosing. Local artists can submit a letter of interest and qualifications, and each selected artist would receive a fixed fee for the design, fabrication, and installation of the artwork. This is an important opportunity for artists new to public art to gain experience.



Image: The Pepon Residency for interdisciplinary artists at the Atlantic Center for the Arts in New Smyrna Beach, FL. Credit: Atlantic Center for the Arts

Artists in Residence

An Artist in Residence (AIR) program provides the opportunity for an artist to work in a specified environment for an extended period. Eligibility is open to artists working in diverse art forms including visual arts, theatre, dance, literature, film, and music. AIR encourages artists in all disciplines to explore new working methods, create arts-rich learning environments, and develop socially engaging, interactive art experiences in community and school settings.

The City can work with groups interested in developing an Artist In Residence Program in neighborhood schools, recreation centers, libraries, or other institutions in which artists work with residents to create permanent or temporary public art installations.



Image: The Midtown Alliance supports local artists through temporary projects and works with building owners to provide temporary space for artists to create and exhibit in Atlanta, GA. Credit: Amanda Rawson

3. ANNUAL OPEN STUDIOS EVENT

RECOMMENDATION: Support the annual Open Studios event.

For many years before the 2020 COVID epidemic, local artists managed an annual Open Studios event. Well attended, it encouraged residents and visitors in Newark to experience art where it is created, meet the artist, and learn about their artistic process. It also is a great way for people to meet neighbors who they might not know are artists and to visit parts of Newark that they had not previously explored.

The City can help revive and expand this event by supporting local artists in their efforts to locate new artists, develop partnerships with local businesses to provide space for artists without designated studios, and promote Open Studios and the individual artists. This can be accomplished by providing direct funding and initiating partnerships with business owners.

Art Fairs

In addition to an annual Open Studios event, local street fairs and other special events are a great vehicle for showcasing the work of local artists. They provide a face-to-face opportunity for artists to sell their work and build relationships with the community and potential customers. The City can provide booths to local artists at annual events including the Family Fun Run, Family Day at the Park, Music at the Grove, and the Tree Lighting Celebration among others to increase participating artist's visibility while providing local artists the opportunity to meet other artists and see their work.



Image: *The Eyes of the Future*, Yuke Ito, is part of a rotating art display system on the facade of Boston City Hall in Boston, MA, 2022. Credit: Downtown Boston Art Walk

Changing Exhibitions

Artwork by local artists can be featured on a changing exhibition basis in City-owned buildings that are open to the public including City Hall, Recreation Centers, and the Newark Library. The exhibitions can be curated and organized in partnership with Open Studios, the Newark Library, and other artist-based organizations.

Portable Works Collection

A portable works collection can be developed over time by annually allocating funds for the purchase of existing two- and three-dimensional artwork by Tri-City artists. Using a competitive selection process, the individual artworks can be placed throughout publicly accessible City facilities on a long-term or short-term basis.

Artist Directory

An online local artist directory would provide a centralized resource and platform in which artists at varied career levels could expand their audience and publicize their work. It also connects artists to opportunities by presenting their work in a searchable form for organizations, curators, architects, developers, community organizations, individuals, and businesses. The registry should be free to join and free to use.

A framework could be established where each artist inputs her/his own data and updates it as needed. Visual arts organizations could link existing artist directories to the website. Once set up, the directory could operate with minimal administrative oversight with the understanding that the artists–-who are eager to have the information centralized, accessible, and current—would keep it updated.

D. ADMINISTRATION AND COLLECTION MANAGEMENT

1. STAFFING THE PUBLIC ART PROGRAM

The ambitions of this Public Art Master Plan are centered on Newark's desire to employ the arts as a key element of its growth. As such, Public Art staff are required--whether permanent or contractual--to work with other City Departments to plan and implement its arts investments, conduct community engagement, and manage arts projects.

RECOMMENDATION: Provide adequate staff or outsourcing of consultants to administer the Public Art Program.

Dependable and knowledgeable administration of Newark's Public Art Program is essential to achieve the goals and objectives outlined in this Public Art Master Plan. Currently, there are no designated staff to manage a public art program. The need for specialized staff will increase as the program grows and opportunities arise to commission public artwork, support local artists, and fund public art programming.

The following new staffing is recommended to ensure professional and successful implementation of the goals and objectives of this Public Art Master Plan, Public Art Program, and its anticipated growth over the next five years (Appendix E). This work can be accomplished through outsourcing of consultants with the goal of establishing City staff positions to administer the Public Art Program:

- **Full Time Public Art Program Manager**
  The Public Art Manager is accountable for management level administrative work directing program operations, staff, projects, budget, marketing and public education, and complex tasks in support of the Public Art Committee mission, goals, policies, and objectives.

- **Full Time Public Art Program Public Art Coordinator**
  It is the responsibility of the Public Art Program Public Art Coordinator to assume the pivotal role of overseeing the implementation of the public art ordinance, working with all stakeholders, and guiding the process including the artist and artwork selection; artwork design, fabrication, and installation; maintenance, gifts, loans, and deaccession of artwork; and marketing and social media.

  Most of the day-to-day work is administrative and can be complex and challenging, requiring specialized expertise. To that end, public art administrators need knowledge of art history, contemporary art, public administration, community relations, contract negotiation, project management, public education, and collection maintenance. Public art management requires an unusual complement of knowledge and skills to work successfully with community members, artists, architects, engineers, building contractors, elected officials, City staff, and other technical professionals.

- **Part Time Collection Specialist**
  The Public Art Program Collection Specialist manages the public art collection inventory, tracks maintenance and repairs, and produces content for educational and promotional materials.

2. ORGANIZATIONAL STRUCTURE

RECOMMENDATION: Initially locate the Public Art Program in the City Manager's Office with the option of moving it to another department at a later date.

The 1992 City Council resolution assigns "representatives from the Recreation and Planning Divisions" to manage what was then referred to as the Art in Public Places Program. Due to limited staff capacity, the program has not realized its expected potential. As a result, the City Manager's Office initiated this Public Art Master Plan Update and has assumed responsibility to launch its implementation. As the Public Art Program evolves, there will be ample opportunity to assess whether its administration is best served by the City Manager's Office or another City department.

3. PUBLIC ART COMMITTEE

RECOMMENDATION: Establish a Public Art Committee appointed by the Mayor and approved by City Council to advise on and advocate for public art.

To promote, encourage, and advise on policies and programs that affect public access to a wide variety of arts and culture opportunities, it is advisable to establish a Public Art Committee (PAC) appointed by the City Council.

Value and Purpose

Establishing an committee of qualified arts professionals to advise the City Council is standard best practice for municipal arts programs throughout the United States. A commission or committee of City Council appointed members is important for the following reasons:

- Reinforces the City's commitment to providing the highest quality public art and arts experiences to residents and visitors.
- Protects the City Council from having to make independent aesthetic decisions about artists and artwork based on a subjective assessment as opposed to acting on the recommendation of a group of knowledgeable and experienced arts professionals. When members of the public voice dissatisfaction about an artwork, the City Council is safeguarded by the fact that they acted on the informed recommendation of a group of qualified professionals.

- Provides transparency and accessibility to the public on policies and decisions and the process that resulted in those decisions, thereby strengthening the trust that Newark citizens have in local government.
- Members serve as liaisons and ambassadors of the arts by educating the public, soliciting their input and support, and attending arts and culture events.
- Members can conduct tours of public artwork in the City's collection, host artist Meet & Greet events, and make presentations at community meetings, thereby helping to extend the capacity of staff and City Council.

Composition

The Public Art Committee would be comprised of a minimum of five (5) and up to nine (9) voting members appointed by the City Manager, each of whom has considerable knowledge and experience in the arts. Consistent with national standards, the term of each member would be three (3) years, renewable for a second term, or until a successor takes office. The Public Art Committee also would include a non-voting City Council liaison.

Public Art Committee members need to have professional credentials and work experience as exhibiting or performing artists, contemporary museum and gallery art curators, arts management professionals, arts educators, and design professionals such as architects, landscape architects, and urban planners. Oversight of the Public Art Committee is the responsibility of Public Art Program staff.

Duties

The Public Art Committee would convene on an as-needed basis and no less than two times a year. In general, the duties of the Public Art Committee include the following:

- Establish and approve the Public Art Program mission, and curatorial and programmatic goals, policies, and guidelines.
- Review and act on Artist/Artwork Selection Panel recommendations for Public Art Fund projects.
- Review and approve recommendations for maintenance and conservation of artwork, deaccession of artwork, and acceptance of artwork gifts and loans, in accordance with each respective policy.
- Develop an Annual Public Art Workplan outlining specific public art projects, locations, and budgets for submission to the City Council.
- Serve as the key advocacy body for the City's Public Art Program.
- Advise and assist the City Council in connection with such other public art matters as may be referred to by the City Council.



Image: *33 Oaks Project* by David Landis is located along the BeltLine Trail path in Atlanta, GA and represents the 33 species of native Georgia oaks, 2015. Credit: Amanda Rawson

4. PUBLIC ART WORKPLAN

RECOMMENDATION: Prepare an annual Public Art Workplan that identifies new projects to be initiated within that fiscal year and provides a status report on current and completed projects.

An Annual Public Art Workplan is a valuable tool for charting current and future public art projects and programming. This serves to inform City policymakers, staff, and the public about arts and culture activities and opportunities available.

Planning for long-range and near-term projects needs to be balanced. To ensure operational consistency and accountability, the Public Art Committee and Public Art Program staff will annually identify new projects to be initiated within that fiscal year and provide a status report on current and completed projects. The Annual Public Art Workplan needs to be updated each fiscal year and include the following components which can be reported using a standard format (Appendix F):

- Eligible municipal percent for art projects and other arts and culture projects and programs to begin within the following one-year period.
- Budget and funding sources for each project.
- Status of the Public Art Fund as well as anticipated new funding from private development percent for art in-lieu contributions.
- Location of each project and identification of community partners.
- Estimated timeline for project initiation and completion.
- Projects currently funded and in progress with estimated project completion dates.
- As available, number of participants in public art activities and events completed in the previous year.

5. ARTIST AND ARTWORK SELECTION GUIDELINES

RECOMMENDATION: Provide administrative guidelines for the selection of artists and artwork, including goals and definitions of art, for the implementation of municipal public art projects.

Establishing administrative guidelines will serve to facilitate operations, explain legal requirements, and reflect best practices in the public art field (Attachment G). Defining the review and approval processes and the roles and responsibilities of City staff, the Public Art Committee, City Manager, and City Council, will make the public art process easier to navigate. In addition to guiding City department staff, the guidelines serve to inform the general public in understanding the goals, policies, and procedures of the Public Art Program.



Image: *1000 Suns* by FutureForms is a sculptural shade canopy in downtown Sunnyvale, CA located in the plaza of a commercial building, 2022. Credit: Amanda Rawson

6. COLLECTION MANAGEMENT

RECOMMENDATION: Document and maintain the artwork in the City's public art collection.

Maintenance and Conservation Differentiated

Maintenance refers to all activities required to conserve, repair, or preserve the integrity of an artwork and site in which the artwork is located. This is the responsibility of Public Art Newark staff. Routine maintenance is limited to the basic day-to-day care of the artwork, conducted by the City such as mowing the lawn around an outdoor sculpture and removing the daily accumulation of dust, dirt, and fingerprints. Removal of graffiti needs to be accomplished by a qualified art conservator to prevent damage to artwork by abrasives that tend to be used by City maintenance staff.

Conservation refers to the activities required to repair, restore, and conserve damaged or malfunctioning artwork, including treatment that returns the artwork to its original condition. Public Art Program staff is responsible to oversee the conservation of artwork and conduct an annual survey of the condition of the artwork in the City's collection.

Conservation Review and Long-Term Maintenance

The image and value of the City's public art collection depends on the artwork being in good condition, which requires careful documentation, monitoring, and maintenance. Artworks in the collection need to be inventoried, documented, and assessed on a regular basis. It is important that the City contract the services of a professional arts conservator on an as-needed basis to conduct the work.

Public Art Program staff is responsible to oversee the following recommended practices:

- Conduct a condition survey of all City-owned public art once a year. Include a condition report on each artwork and prioritize recommendations for restoration, repair, or maintenance, as needed.

- Ensure that routine maintenance of the artwork is accomplished by the appropriate City Department and occurs with regularity.
- Ensure that all repair and restoration of the artwork is completed with the highest standards of professional conservation practice.
- Offer periodic workshops on routine maintenance practices to City of Newark department staff responsible for day-to-day general upkeep of the artwork.

Review of Proposed Artwork

Proactively addressing maintenance and conservation needs of permanently-sited artwork is key to the long-term viability of the City's collection. It is standard practice in the field of public art to have proposals for public art examined by a qualified conservator with expertise specific to the medium prior to approving the fabrication phase of the work. Artists who create public art rely on fabricators and product information to decide on the process and materials they will use. Oftentimes the materials proposed for such works have not been vetted properly in advance or have not been used before in a specific environment or climate.

Methods and Materials

The Methods and Materials review process, which needs to be an integral part of all artwork commissions, takes place once the artist develops a preliminary design concept. The artist works with Public Art Program staff and the conservator during fabrication to assemble a documentation package that identifies all materials, sources, proposed fabrication processes, coatings, siting of the artwork, and its vulnerability to damage.

Once the artwork has been installed, a report is developed on each artwork that addresses the requirements for long-term maintenance of the artwork, how often routine maintenance needs to be performed and by whom, and the frequency of condition inspections by a qualified conservator.

Review of Purchased Artworks

Artworks that are purchased for the City collection need a thorough inspection and subsequent condition report prepared by a professional conservator prior to final purchase. Final documentation is provided on each artwork detailing how each work was created and how it can be repaired when needed.

Defining the Lifespan of Artwork

Determining the "lifespan" of an artwork at the time it is commissioned has become a reasonable and necessary consideration as public art opportunities evolve to meet the reality of budgets, staff allocation, and other resources. Categories and recommended lifespans are as follows:

- Temporary, up to 2 years
- Mid-span, up to 15 years
- Long term, up to 50 years

7. POLICIES AND PROCEDURES

RECOMMENDATION: Adopt policies and procedures for the deaccession of artwork, donations and loans of artwork, memorials, and temporary art to meet industry standards for effective public art collection management.

Deaccession Policy

It is important for the City of Newark to retain the right to remove any artwork in the public art collection that, among other considerations, requires excessive maintenance, poses public safety risks, is damaged beyond repair, or is adversely affected by changes to the site. Considerations of removal and relocation of an artwork must be governed by careful, standardized procedures that represent best professional practices in the field of public art and serve to insulate the deaccessioning process from fluctuations in personal taste.

The proposed Deaccession of Artwork Policy (Appendix H) for the removal and disposition of artwork on City-owned land and in City-owned facilities details the criteria and procedures for review and approval or denial by the City Council. This policy needs to be reviewed and updated every five years at a minimum.

Donations and Loans of Artwork Policy

A Donations and Loans of Artwork Policy (Appendix I) provides greater detail to ensure that the process is standardized and meets best practices in the public art field. This policy needs to be reviewed and updated every five years at a minimum.

The primary objectives of a Donations and Loans of Artwork Policy are to:

- Provide deliberate, uniform procedures for the review and acceptance of donations and loans of public artwork to the City of Newark.

- Maintain high artistic standards in all artwork displayed by the City of Newark.
- Facilitate more cohesive planning for the placement of artwork throughout the city.
- Include evaluation of the cost to the City of Newark when considering a donation.

Memorials Policy

The City of Newark may occasionally decide to install permanent memorials on City-owned property to commemorate persons or events of note, or to otherwise convey the City's position on various topics. A Memorials Policy will establish a standard measure for review of prospective donated memorials by the appropriate City entities to ensure that only objects of the highest standard of excellence are accepted. This policy needs to be reviewed and updated every five years at a minimum.

The proposed Memorials Policy (Appendix J) for the acceptance of memorials defines the types of donations that the City will accept and establishes criteria for review and acceptance of these objects. The following types of projects are considered in this policy.

- The gift of a newly commissioned memorial to be permanently located upon public rights of way or property owned by the City of Newark.
- The offer by a donor to organize a public competition that will result in the gift or loan of a memorial to be located permanently or temporarily on City-owned property.

Temporary Art Policy

There was an overwhelming consensus in support of more temporary art among people who participated in the public art planning process. Temporary artworks become destinations for residents and visitors, and they impact the way a given environment is experienced.

- Artwork can be commissioned as a single, short-term occurrence or as part of an ongoing, revolving program. The optimal approach commissions site-specific works responsive to an issue, topic, or idea.
- Temporary public art is appropriate when the project budget is limited, experimentation is desired, for short-term events or festivals, or a pressing issue warrants a response on behalf of or in tandem with the broader community. It is also a way to create opportunities for emerging artists new to public art.

The proposed Temporary Artwork Policy (Appendix K) is intended to activate publicly owned spaces in parks, plazas, streetscapes, and other property owned by the City of Newark, ensuring a consistent approach to placing temporary art in the public realm. This policy needs to be reviewed and updated every five years at a minimum.

E. FUNDING STRATEGIES

RECOMMENDATION: Identify sustainable funding sources and systems for supporting and maintaining the Public Art Program, i.e., grants, foundations, Corporate Social Responsibility (CSR).

1. **Repeal Resolutions 6582 and 6583 and replace with an Ordinance** establishing an allocation of one percent (1%) of construction costs for art in City Capital Improvement Projects (CIP) and a Public Art Development Fee of one half of one percent (0.5%) of the building permit valuation applicable to all private developments requiring a building permit. In 1992, the City Council adopted Resolution 6582 adding a policy for providing art in public places and private development and Resolution 6583 establishing development fees. A complex formula based on gross square footage was established. Although the resolutions provided an option for the developer to commission onsite artwork, the developers interviewed acknowledged that the fees generated per project are so low, the process too cumbersome, and the availability of publicly accessible locations for artwork scant to prompt them to consider anything other than paying the fee into the Art in Public Places Fund.

   Although well-intentioned, these resolutions have not provided the needed resources to match the vision and ambitions of the City. To that end, it is in the City's best interest to repeal the existing Resolutions and replace them with an Ordinance that reflects current national standards and best practices.

   Public Art Fund

   Currently, the Art in Public Places Fund limits expenditures to narrowly defined public art projects. Support of other cultural and performing arts was a clear priority for the community which was expressed repeatedly throughout the engagement process for this public art master plan. To provide flexibility for the City to fund a range of public art projects and programming, the title of the Art in Public Places Fund and its use need to be expanded to be more inclusive.

   Accordingly, the name can be changed to Public Art Fund and its purpose redefined so the revenues can be used for:

   - The acquisition, commission, design, installation, improvement, maintenance and insurance of public art and public art programming.
   - Other expenses associated with the implementation and administration of the public art program.

- Free and publicly accessible public art programming.
- Grants for the creation of public art and cultural events.
- Further the purposes of public art as defined in the proposed ordinance.

City Capital Improvement Projects

Require the allocation of one percent (1%) of the construction budget for eligible Capital Improvement Program (CIP) projects of $250,000 or more for public art. The City of Newark is eager to expand its commitment to public art and take a leadership role in providing sustainable funding to support the public art as an element of the city's development and revitalization. The most predictable way of funding art on city property is through the city's CIP budget. The purpose of the percent for art calculation is to establish a consistent source of funding that is tied to the city's growth. Public art funded by this method becomes integral to the city's placemaking and economic development goals.

- **Implementation**
  Implementation of the percent for art in CIP projects will be the responsibility of the Public Art Program staff, who will manage the artist selection processes and oversee the design, fabrication, and installation of the artwork on city-owned property. Public Art Program staff will have the authority to pool funds and may propose funds for use at a current CIP site or any other city-owned publicly accessible site. Requiring that the art be on the same site as the project funding limits the placement to that location, hindering efforts to distribute artworks more equitably throughout the city and to areas where there is the greatest need.
- **Review and Approval**
  Review and approval of artists and artwork for CIP construction projects of $250,000 or more will be the responsibility of the Public Art Committee. Establishing and maintaining consistent standards and practices for the selection of artists and artwork is critical to a successful program. Adopting guidelines for this purpose will encourage the highest level of creative engagement while furthering the mission and goals of the Public Art Program.
- **Artist Engagement at the Inception of the CIP Design Process**
  It is critical that project artists are engaged at the inception of the CIP design process. The artist's ideas can help shape aspects of the site and the building, thereby creating a relationship of maximum impact between the art and the building project. This also ensures that the project artist has access to the broadest possible opportunities.



Image: *Birds of Paradise* by Roan Victor is located on a wall of an interior courtyard of an apartment building located in San Jose, CA Japantown neighborhood, 2022. Credit: Quynh Mai-Nguyen

Private Development Projects

Establish a Public Art Development fee of one half of one percent (0.5%) of the building permit valuation for all residential, commercial, and industrial developments requiring a building permit to be deposited into the Public Art Fund.

The optimal way to sustain funding in the Public Art Fund and thereby enable the City to realize its commitment to full and equitable access to public art throughout Newark, is to revise and simplify the existing Art in Public Places fee. To accomplish that, the City can exercise the same process already in place with the Community Development Maintenance Fee by applying a Public Art Fee of one half of one percent (0.5%) to be deposited into the Public Art Fund. Like the Community Development Maintenance Fee, it would apply to all development projects requiring building permits, and would be used to support arts and culture throughout Newark (Appendix L).

2. FEDERAL AND STATE GRANTS FOR CIP PROJECTS

When applying for Federal and State funding for City Capital Improvement Projects, many granting agencies allow for the incorporation of art, cost of “non-functional landscaping”, and including an artist on the design team as eligible expenses.

3. PUBLIC AGENCY GRANTS FOR PUBLIC ART

Funding for specific public art project initiatives is available through the National Endowment for the Arts, California Arts Council, and Alameda County Arts Commission. Information and applications are available online.

4. TRANSPORTATION TAX

Under Measure BB, approved by the voters of Alameda County in 2014, the city receives a portion of the proceeds of an additional one-half cent sales tax which can be used for public art funding.

5. GENERAL FUND

An option to consider as the Public Art Program grows and evolves is for the City Council to allocate an annual line item from the General Fund to support specific programs and project initiatives that serve the neighborhoods throughout Newark. Many of the ideas generated in this PAMP are applicable, for example community murals, Artists in Residence, and temporary art in the parks, among other city-wide initiatives.

6. TRANSIENT OCCUPANCY TAX (TOT)

TOT revenues collected from overnight visitors who stay in Newark can be allocated to the City to provide funding for public artwork and programming. Adding to the cultural vibrancy of Newark, public art serves as a magnet attracting arts enthusiasts and tourists to the area. This can be based on a percentage of the TOT revenues or on a specific cent on the dollar.

7. CORPORATE DONATION REQUESTS

There are many corporations dedicated to giving back to the community they serve, through in-kind donations and foundation grants. There are a multitude of opportunities that are easily researched online including general stores, home improvement stores, healthcare, restaurants, and tech companies, and financial institutions, among many others.

8. PROPERTY TAX

Using property taxes to provide a dedicated funding stream for public art can be considered because public art improves the quality of life in communities, making them more attractive places to live and boosting property values. Options include the creation of special taxing districts, increasing real estate transfer taxes on newcomers, and earmarking local mill levies subject to local voters' approval.

9. BUSINESS LICENSE RENEWAL

Increasing the business license renewal fee can be considered since public art improves the appearance of business districts and shopping centers, making them more attractive to shoppers and thereby contributing to Newark's economic health.

VIII. IMPLEMENTATION: FIVE-YEAR ACTION PLAN

Short term, mid-term, and long-term implementation goals for each action identified are listed in the Implementation Grid (Attachment N). These goals are prioritized based on the immediate availability of funding, the ease of implementation, and the need to demonstrate success early in the implementation of the City of Newark Public Art Master Plan and Public Art Program.

The estimated project costs apply to the current funds available in the Public Art Fund. It is anticipated that these resources will continue to accumulate when the Public Art Ordinance is amended and other funding source recommendations are realized.





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Appendix A

CITY OF NEWARK STAFF INTERVIEWS

Jennifer Solito
Former *Human Resources Director*

Laurie Gebhard
Assistant to the City Manager

Soren Fajeau
Public Works Director

Steven Turner
Community Development Director

Jada Chiu
Former Community Engagement Manager

Anne Stedler
Economic Development Director

Joe Stoner
Library Manager, Newark Library

Art Interiano
Deputy Community Development Director

Lenka Hovorka
Assistant City Manager

Nicholas Cuevas
Recreation & Community Services Director

Appendix B

CORE QUESTIONS

The following questions were asked during the community engagement phase during interviews, focus groups, community meetings, and pop-up events.

Focus Group and Pop-Ups

1. What type of public art do you want to see in Newark?
2. Where do you want to see public art and cultural arts programming in Newark?
3. What type of art and events do you want to see in Newark?
4. What makes Newark special?

Survey

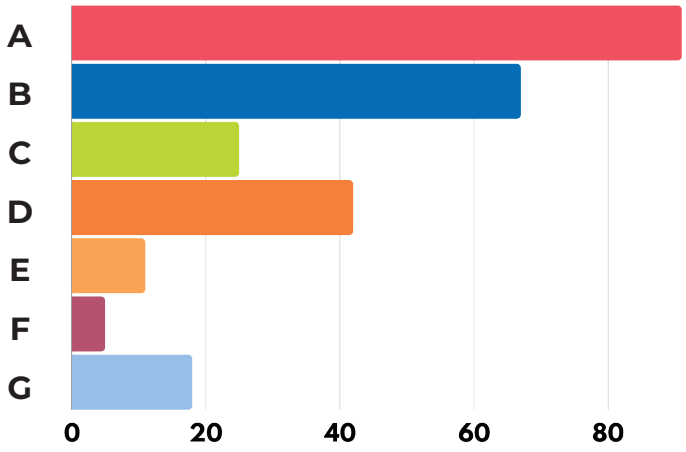
1. What is the first thing that comes to mind when you think of Newark?
2. Where would you like to see public art and cultural programs in Newark?
3. What type of art would you like to experience in public places? (Choose 3)
4. What are two or three places you have visited where the arts left a lasting impression outside of Newark? (Open-ended)
5. Where do you like to take visitors when they visit Newark? (Open-ended)
6. Where do people tend to gather to celebrate special events? (Open-ended)
7. What do you think is the role of public art in Newark? (Choose 6)

Appendix C

SURVEY RESPONSES

From March 1 to June 30, 2023, a survey was made available in English and Spanish and was circulated widely through the City of Newark Public Art Master Plan project webpage, community event calendars, and on tables at community events. There were a total of 266 people who participated in the survey and whose responses helped inform the recommendations in this plan. The following are selected responses from the particpants. Note: Some questions have been omitted out of respect for participant's privacy. The following questions have been illustrated into graphs where the x-axis (horizontal line) represents the number of people who have particpated in answer the queston.` The y-axis (vertical line) corresponds to the answers they have chosen and is identified by the Legend that is located to the right of the graph. Participants were also allowed to write-in their responses by selecting "Other." Those responses have been organized and consolidated below.

Q1. What is the first thing that comes to mind when you think about the City of Newark?

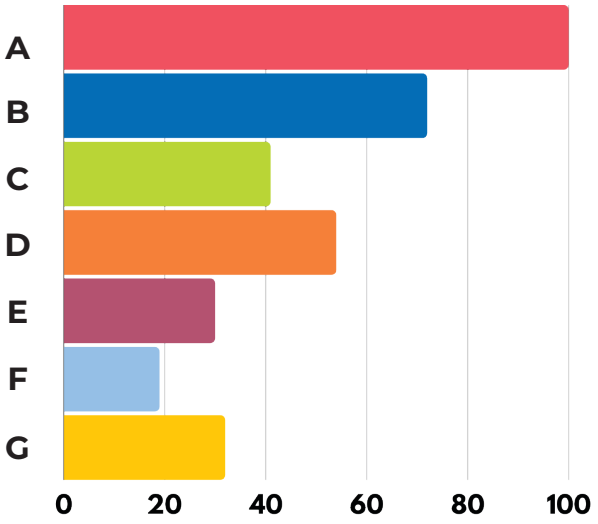


LEGEND:

A. Culturally Diverse - 34.2%
B. Family-Oriented - 25.1%
C. Neighborly - 9.3%
D. Close to Nature - 1.6%
E. Manufacturing - 4.1%
F. Biotech - 1.8%
G. Other - 6.7%

- Other (3)
- All of the above
- Old School
- Small Town
- Unique
- A quiet place
- Needs to modernize. Our shopping centers are old and vacant and many places are outdated
- Needs to be updated. Homes need clean up
- Suburban Sprawl
- Decaying parks and streets
- Homeless (2)
- Use to be blue collar
- Struggling
- Neglected and rundown
- Old

Q2. Where would you like to see public art and cultural programs in Newark?

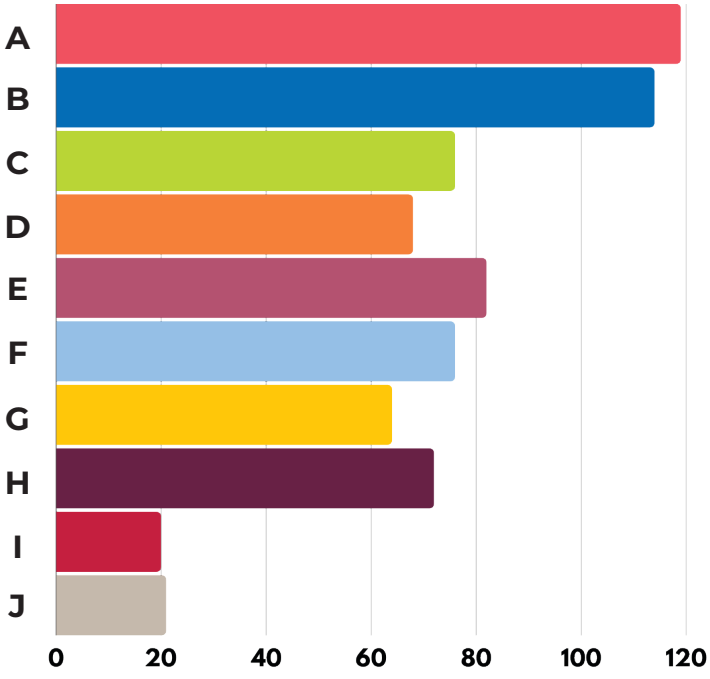


LEGEND:

A. Parks and Trails - 37.5%
B. Near City Hall / Civic Center- 27.0%
C. Greater New Park Mall - 15.4%
D. Neighborhoods - 20.3%
E. Old Town - 11.2%
F. Other - 7.1%

- Entryways into Newark (2)
- Everywhere (2)
- All of the city-equal treatment
- Neighborhoods, old town (2), parks
- All of the above(5)
- The Lake path
- Nowhere
- Power boxes
- As many places as possible
- Schools
- The Library

Q3. What type of art would you like to experience in public places? (choose 3)



LEGEND:

Events & Performances - 44.7%

Murals - 42.8%

Environmental Art - 28.5%

Light / Project / Digital Art - 25.5%

Functional Art (Street Furnishing) - 30.8%

Historical Art - 28.5%

Interactive / Kinetic Art - 24.0%

Sculptures - 27.0%

Sound Art - 7.5%

Other - 7.5%

- Kid Friendly/Kid Oriented
- All of the above (3)
- Fairy Doors
- Paintings
- Photography
- Street Repair
- Ohlone Indian Art
- Utility Box Art
- None
- Treets
- Native Plant Gardens for Special Needs Equipment
- Other Butterflies

Q4. What are two or three places you have visited outside of Newark where the arts left a lasting impression? (open-ended)

NOTE: These open-ended answers have been consolidated.

Locations:

- Chicago, IL
- San Francisco (SF), CA
- Los Gatos, CA
- Campbell, CA
- Miami, FL
- Sunnyvale, CA
- San Jose, CA
- Oakland, CA
- New York (NY), NY
- Solvang, CA
- Napa, CA
- Hayward, CA
- Fremont, CA
- New Orleans, LA
- Palo Alto, CA
- Honolulu, HI
- Carmel, CA
- Foster City, CA
- Berkeley, CA
- Orlando, FL
- Portland, OR
- Indiana
- Pleasanton, CA
- Los Altos, CA
- Indianapolis, IN
- San Diego, CA
- Sacramento, CA
- Dublin, CA
- Mountain View, CA
- Minneapolis, MN
- Paso Robles, CA
- Union City, CA
- East Palo Alto, CA
- East San Jose, CA
- Marin (county), CA
- Richmond, CA
- Santa Barbara, CA
- Malaga, Spain
- Seattle, WA
- Walla Walla, WA
- Capitola, CA
- Redwood City, CA
- Livermore, CA
- San Leandro, CA

Attractions/Places of Interest:

- Art museum (Chicago, SF, Oakland)
- Community park
- Parks (various locations)
- Libraries (various locations)
- Children's Discovery Museum (San Jose, Oakland)
- Zoo (Oakland)
- Theatre (Palo Alto, San Jose)
- Art gallery (Carmel, SF, San Jose)
- Historic farm (Ardenwood)
- Bull statue (Wall St.)
- City hall (various locations)
- Mall
- Aquarium Center
- Palace of the Legion of Honor
- Cafe Tutu (Orlando)
- Outdoor art installations (Stanford, Minneapolis, Vigeland Sculpture Garden)
- Field of Light (Paso Robles)
- Sunken Gardens
- Burning Man (downtown SJ, Palm Springs)
- Mission (SF, Fremont)
- Mendocino
- Chinatown (SF)
- Christmas in the Park (San Jose)
- Orpheum Theater (Oakland)
- Yerba Buena Art Center (SF)
- Stanford
- O'ahu (Hawaii)
- Santa Cruz

Art and Culture:

- Building murals
- Outdoor film interactive sculpture (Niles)
- Murals of the City's history (Hayward)
- Murals (Union City)
- Galleries (SJ)
- Sculptures (Niles, Fremont)
- Utility boxes (Union City)
- Sculptures (Fremont)
- Murals (Hayward)

Miscellaneous:

- Parks with murals
- Historic downtowns with murals
- Musical concerts
- Murals around San Jose (some created by teens/high school students)
- Everywhere
- Utility boxes (Union City)
- Libraries (Ardenwood)
- Anywhere

Q5. Where do you like to take visitors when they visit Newark? (open-ended)

NOTE: These open-ended answers have been consolidated.

Parks and Recreation Areas:

- Newark Community Park
- Silliman Aquatic Center
- The Lake
- Coyote Hills Park
- New Park Mall
- Don Edwards National Refuge
- Ardenwood Farm
- Swiss Park
- Bridgeway Clubhouse
- Birch Grove Park
- Community Center Park
- Elizabeth Park
- Old Town
- Don Edwards San Francisco Bay National Wildlife Refuge

Libraries and Educational Centers:

- Newark Library
- Ohlone College
- Pacific Research Center

Entertainment and Dining:

- Restaurants (various locations)
- Jack's at Newpark Mall
- Simply Thai on Jarvis
- Tortilla Factory

Cities and Areas:

- San Francisco (SF)
- San Jose
- Fremont
- Palo Alto

Miscellaneous:

- Everywhere
- Not from here
- Nowhere, the city doesn't have attractions that would interest visitors
- To Oakland, SF, or San Jose
- I hate to say it but most of the time I take them to Fremont

Q6. Where do people tend to gather to celebrate special events in Newark? (open-ended)

NOTE: These open-ended answers have been consolidated.

Parks and Recreation Areas:

- Community Center Park
- Swiss Park
- Birch Grove Park
- Cedar Community Centre
- Newark Community Park
- Mayhews Landing Park
- Lark Park (by the public library)
- Old Town

Community Centers and Halls:

- Community Center
- Community Hall
- Silliman Center
- Birch Park
- Newark Pavilion
- Don Edwards San Francisco Bay National Wildlife Refuge (includes a visitor center)
- Civic Center (various mentions)

Libraries and Educational Centers:

- Newark Library
- Ohlone College (may include facilities or events)
- Pacific Research Center
- Don Edwards Library

City and Civic Areas:

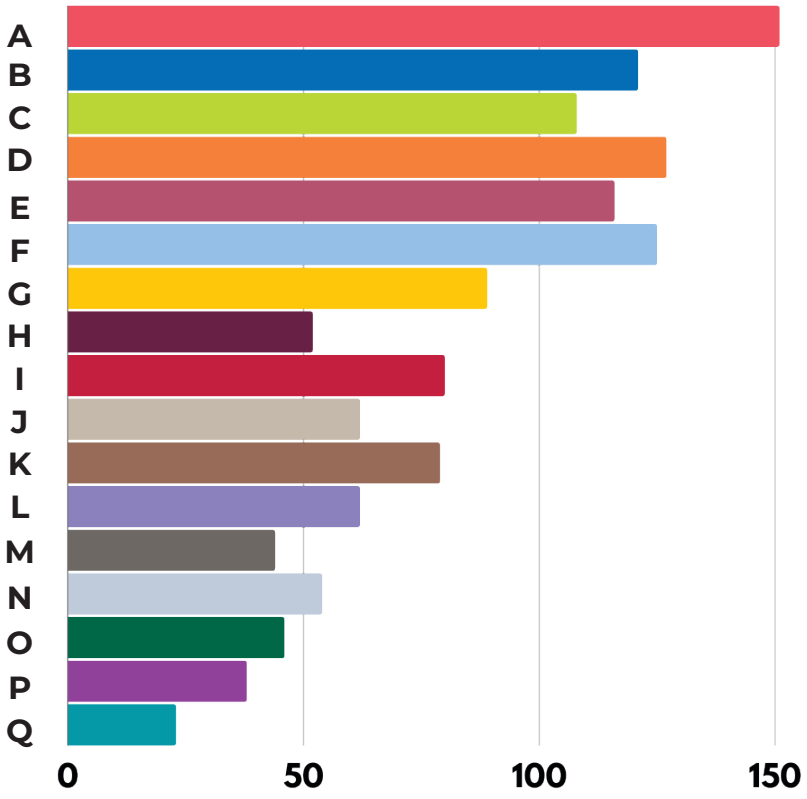
- Newark Blvd
- City Hall Plaza
- Downtown
- Central Park
- City Centre

Other Locations and Activities:

- NewPark Mall
- Internet (likely referring to accessing community resources or events online)
- Mini festivals (likely held in parks or community centers)
- Schools (not specified, likely includes local school events or facilities)
- Restaurants

Appendix C

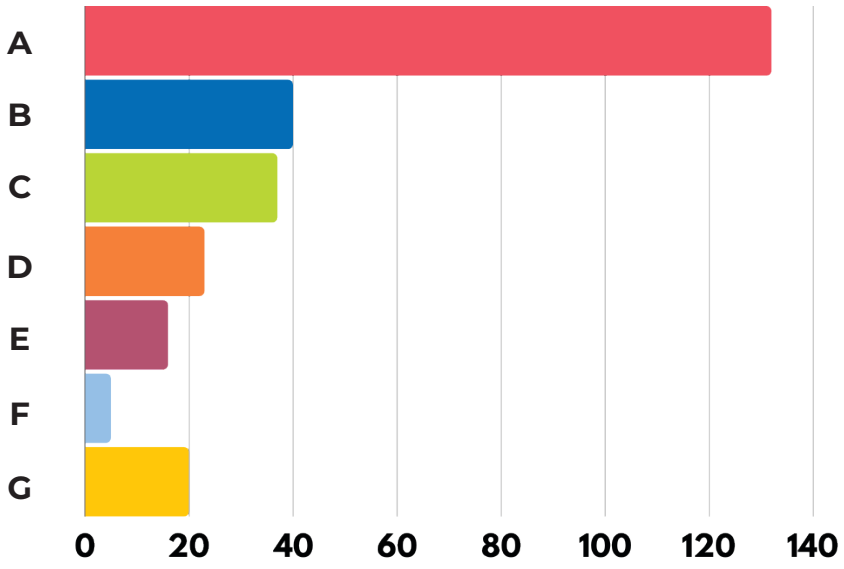
Q7. What do you think is the role of public art in Newark? (choose six)



LEGEND:

- **A** Welcome people to Newark - 60.2%
- **B** Support the growth of the local arts community - 48.2%
- **C** Promote pride in Newark - 43%
- **D** Help build and reinforce the identity of Newark - 50.6%
- **E** Provide opportunities for people to experience art that they otherwise wouldn't be able to access - 46.2%
- **F** Bring a sense of whimsy and delight to everyday spaces - 49.8%
- **G** Create community interaction and strengthen social networks and connection - 35.4%
- **H** Support tourism - 20.7%
- **I** Draw attention to the natural environment and environmental issues facing Newark - 31.9%
- **J** Encourage economic development - 24.7%
- **K** Anchor community gathering places - 31.5%
- **L** Help build and reinforce the distinct neighborhood identities - 24.7%
- **M** Position Newark as an arts destination - 17.5%
- **N** Explore and provide information about facets of Newark history - 21.5%
- **O** Enhance identity of community institutions and civic buildings - 18.3%
- **P** Open conversations about issues facing the community - 15.1%
- **Q** Other - 9.2%

Q8 Please tell us about yourself (multiple choice)



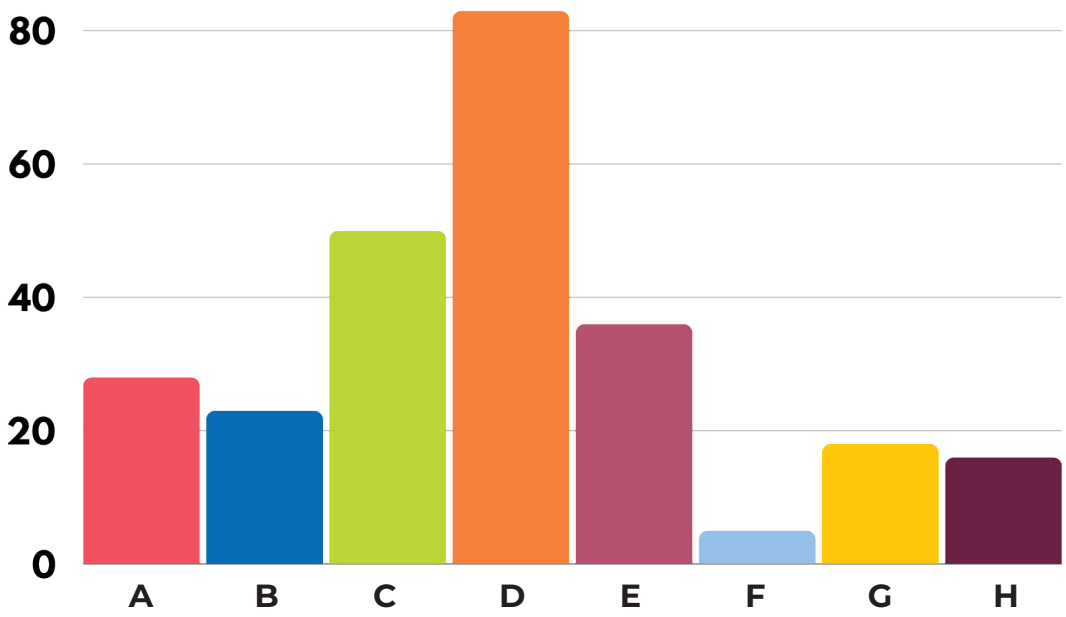
LEGEND:

A. Resident - 94%
B. Visitor - 28.6%
C. Artist - 27.1%
D. Employed in Newark - 16.4%
E. Business Owner - 11.4%
F. Student - 3.6%
G. Other - 14.3%

Other:

- Parent
- Retiree (2)
- Writer
- Art Lover and Lover of Newark
- Former Resident
- Newark Advocate

Q9. Please tell us about yourself (multiple choice)



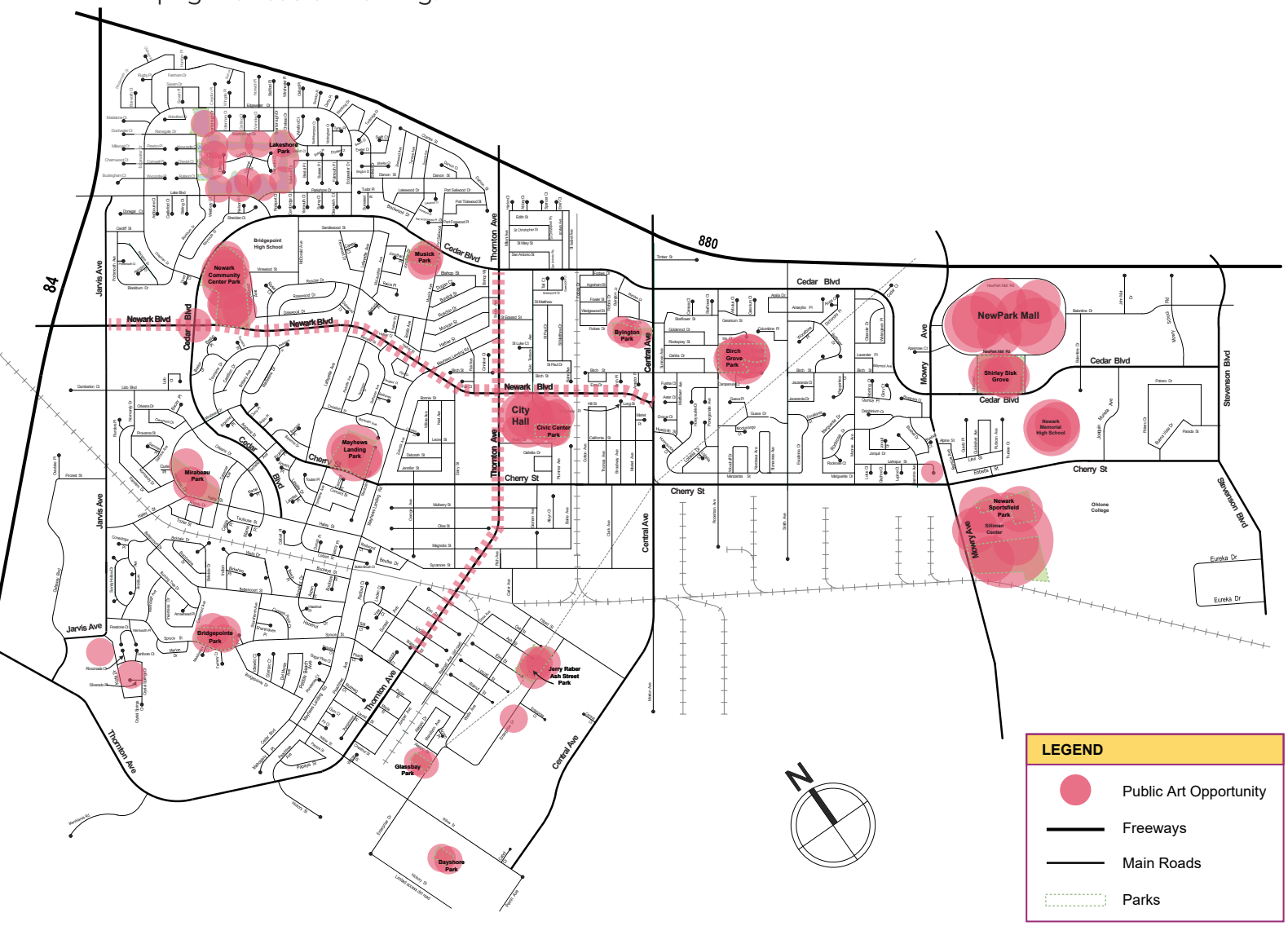
LEGEND:

A. 65+ - 21.1%
B. 55-64 - 17.3%
C. 45-54 - 37.6%
D. 35-44 - 62.4%
E. 25-34 - 27.1%
F. 18-24 - 3.8%
G. Under 18 - 13.5%
H. Decline to State - 12%

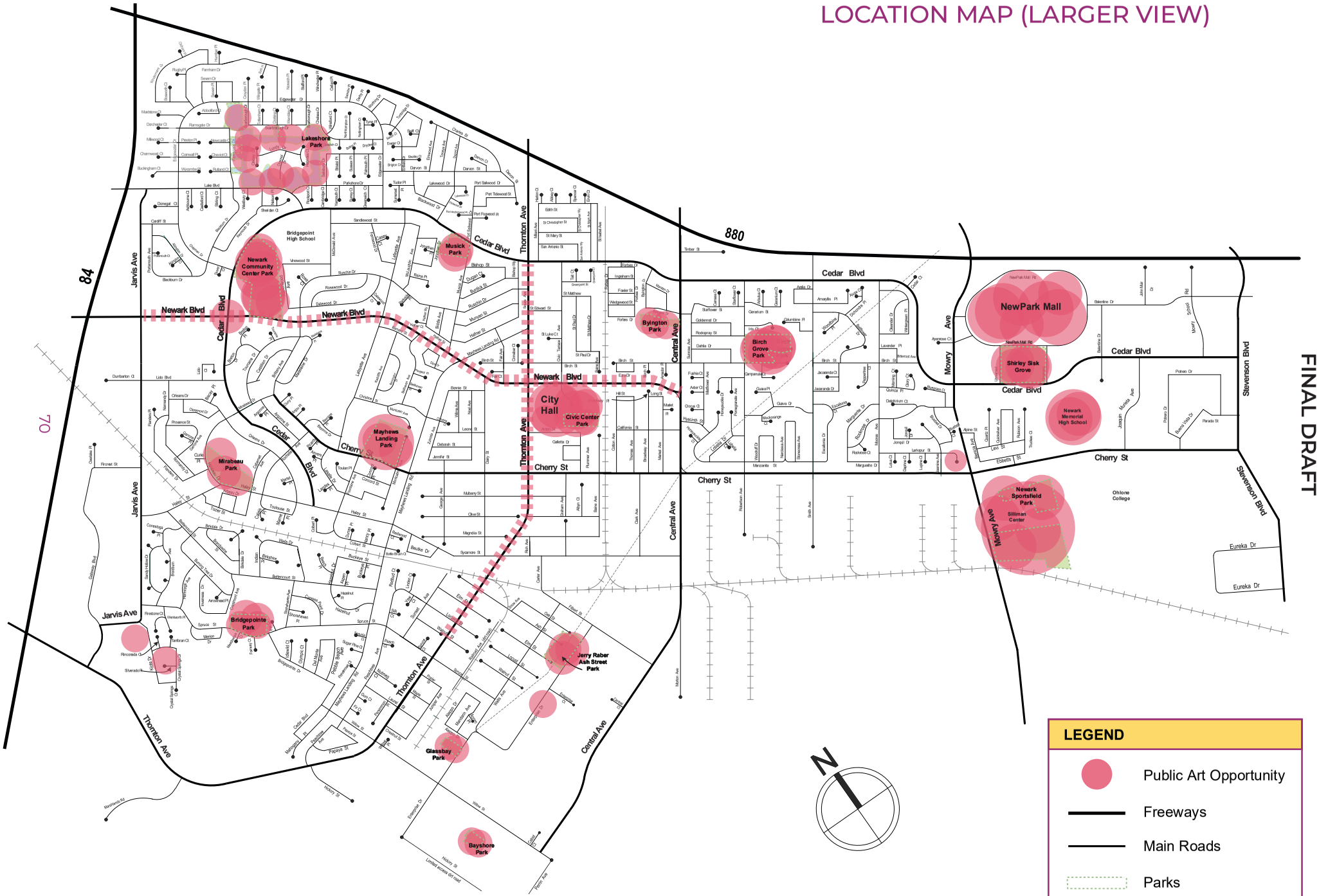
Appendix D

LOCATION MAP

This heat map was created through the collected feedback from participants who were asked to identify locations and opportunities for public art in the City of Newark. Participants were invited to draw, make marks, highlight, and color on the map during the community engagement pop-ups. The pink circles represent locations of interest. The larger pink circles as well as overlapping circles represent an area on the map where multiple participants identified as an area/neighborhood of high interest for public art investment whereas the pink tally marks highlight specific streets and roads that particpants envision as walkable mainstreets that incoporate public art and programming. This map is enlarged on the following page for easier viewing.



LOCATION MAP (LARGER VIEW)



FINAL DRAFT

Appendix E

SAMPLE PUBLIC ART PROGRAM POSITION DESCRIPTIONS

To support the Public Art Program, the following staff and/or consultant positions are recommended:

1. Public Art Program Manager (Full Time)

Under the direction of the future department, the Public Art Manager is accountable for management level administrative work directing program operations, staff, projects, and complex tasks in support of the Public Art Committee mission, goals, policies, and objectives.

The following are responsibilities of the Public Art Manager

- Plans, manages, and oversees the daily functions, operations, and activities of the Public Art Program.
- Plans, organizes, oversees, coordinates, and reviews the work of staff performing duties related to performing arts, visual arts, public art, literary arts, media arts, and instructional programs.
- Participates in the development and implementation of goals, objectives, policies, and priorities for the Public Art Program.
- Recommends appropriate service and staffing levels.
- Develops and manages the Public Art Program budget including the Public Art Fund and monitors expenditures; conducts research and prepares projections.
- Develops and manages the preparation of grant proposals; supervises the implementation of grant-funded programs and services.
- Plans and executes strategic marketing plans and promotional activities for all arts events and programs.
- Communicates with City departments to ensure success in coordination of all cultural activities.
- Manages all relations and staff support to the Public Art Committee and associated constituent groups.

- Prepares and reviews presentation materials submitted for City Council review.
- Makes presentations to business and neighborhood groups, City Boards and Committees, City Council, and the public and represents the Public Art Program at various meetings.
- Stays abreast of latest trends and innovations in public art and studies their applicability to City needs.
- Makes presentations to business and neighborhood groups, City Boards and Committees, City Council, and the public and represents the Public Art Program at various meetings.
- Stays abreast of latest trends and innovations in public art and studies their applicability to City needs.

2. Public Art Program Public Art Coordinator (Full Time)

It is the responsibility of the Public Art Coordinator to assume the pivotal role of guiding the public art process and coordinating the efforts of a multitude of participants. To ensure that each project's full potential can be realized, the Public Art Program Public Art Coordinator must adopt the following responsibilities:

- Oversee the percent for art budget, including regular meetings with the appropriate City department to assess project eligibility for current and projected Capital Improvement Program projects.
- Manage the interests and needs of a varied range of stakeholders, including the City of Newark's departmental staffs, City Council, Public Art Committee, and various panels, private developers, peer professionals, community members, and others.
- Coordinate public information and community outreach, including the Public Art Program website.
- Be knowledgeable about the range of artistic possibilities and familiar with local and national resources in the field.
- Facilitate the artist and artwork selection and approval processes.
- Represent and defend the interests of the artist and the intended artwork from the beginning to the end of a project, while at the same time understanding and balancing the competing interests and needs of all the other participants in the public art process.

- Prepare for public art controversy. In the event that it occurs, develop proactive systems for distributing information, responding to the media, and activating supporters.
- Manage the design, fabrication, and installation of public artwork.
- Anticipate, plan for, and implement the complex layers of competing schedules, information requirements, budgets, and programmatic needs.
- Negotiate contract agreements and develop consensus around highly complex issues and situations.
- Oversee the documentation, care, and maintenance of the City of Newark's public art collection, as well as the deaccessioning of artwork.
- Administer the donation of artwork gifts to the City from private individuals, collectors, artists, foreign cities, or countries.

3. Public Art Program Collection Specialist (Part Time)

- Manage public art collection inventory and data.
- Schedule and track collection maintenance and repairs.
- Maintain records.
- Maintain artwork insurance policies.
- Produce content for educational materials, collateral, signage, maps, and tours.

Appendix F

SAMPLE WORKPLAN TEMPLATE

CIP PROJECT NAME/DEPT	COUNCIL DISTRICT	PUBLIC ART BUDGET	PARTNERS	ARTIST SELECTION	START DATE	END DATE	PUBLIC ART PROJECT STATUS

PUBLIC ARTS FUND PROJECT NAME/DEPT	COUNCIL DISTRICT	BUDGET	ADDITIONAL FUNDING	PARTNERS	START DATE	END DATE	PROJECT STATUS

CULTURAL ARTS ACTIVITY/EVENT NAME/LOCATION	COUNCIL DISTRICT	BUDGET	FUNDING SOURCE	PARTNERS	START DATE	END DATE	ESTIMATED # PARTICIPANTS	PROJECT STATUS

BUDGET REPORT	CURRENT YEAR TOTAL	LESS: PROJECT COSTS	LESS: ADMIN COSTS	AVAILABLE	ANTICIPATED: NEXT YEAR
PUBLIC ART FUND					
GENERAL FUND					
OTHER					

Appendix G

SAMPLE ARTIST AND ARTWORK SELECTION GUIDELINES

1. Artist Selection Goals

The overarching goal of artist selection is to acquire artwork of the highest quality. Success depends on selecting an artist whose skill, experience, style, commitment to collaboration and community facilitation skills match the project's needs. The specific goals of the selection process are to:

A. Encourage the highest level of creative engagement and vibrant thinking in creating free-standing or site-integrated artworks.

B. Select an artist or artists whose existing public artworks or past collaborative efforts have maintained a high level of quality and integrity.

C. Further the mission and goals of the Public Art Program and the City of Newark (City).

D. Identify the optimal approach to public art that is suitable to the demands of the particular project.

E. Select an artist or artists who will best respond to the distinctive characteristics of the site and the community it serves.

F. Select an artist or artists who can work successfully with the project design team.

G. Ensure that the selection process represents and considers the interests of all parties concerned, including the public, the arts community, and the City.

2. Artist Selection Panel

A. The Artist Selection Panel functions in an ad hoc capacity and is responsible for reviewing artist submittals for publicly funded art projects and making recommendations of finalists to the Public Art Committee.

B. The Artist Selection Panel is selected by the Public Art Program staff or consultant on a project-by-project basis and ideally is comprised of at least three arts professionals selected based on expertise in public art, artists with public art experience, and arts

management professionals, a representative of the project design team, the client City department, and at least one panel member representing the community in which the artwork will be located.

C. Public Art Committee members may serve on the panel as community members or arts professionals, if appropriate, or may participate on the artist selection panel as observers. Panel recommendations shall be based upon consensus.

D. The Artist Selection Panel is customized to each qualifying Capital Improvement Program project (CIP). Utilizing an Artist Selection Panel is also an option for non-CIP artist selection for large budget artworks. Artists being considered for smaller budget, non-CIP projects can be adjudicated and approved directly by the Public Art Committee.

3. Methods for Artist Selection

A. Criteria

The Public Art Committee, in consultation with Public Art Program staff or consultant, defines the method for artist selection for each project, considering the nature and needs of the specific project, including:

1. Project goals.
2. Size of the budget available for artwork.
3. Interest in working with emerging and/or established artists.
4. Geographic restrictions on artists' eligibility.
5. Preferences concerning the nature of the artwork, i.e., medium, form.
6. Potential locations for the work and limitations or opportunities presented by the site.

B. Options for Artist Solicitation

There are several standard methods of artist selection that may be used. In each case, the contracting process must be in compliance with the City's purchasing policy.

1. Request for Qualifications (RFQ)

a. Request for Qualifications (RFQ) can be an effective and efficient method to issue a Call for Artists. RFQs require minimal expenditures of time and money from artists. RFQs primarily rely upon examples of an artist's previous work and

typically include an artist's vita, selected references, and a statement of interest about the project. When RFQs are written thoughtfully and applicants' materials are subsequently reviewed, considered, and evaluated by arts professionals and the commissioning organization, a short list of qualified artists to interview for a proposed project may be easily accomplished.

b. The outcome of this process creates opportunities for in-person interviews or offering a reasonable fee to compensate for the development of conceptual ideas for the project. The RFQ process does not anticipate that artists prepare, or present specific ideas based on limited information provided in the Call. Instead, conceptual artwork proposals for the project are developed only after learning more about the project through site visits and interactions with project personnel and constituent interests.

2. Request for Proposals (RFP)

a. If the design process is sufficiently advanced and a context has been established to which the artists can respond, each of the finalists may be asked to develop a preliminary artwork proposal. Request for Proposals (RFP) can be an effective way to consider and evaluate the appropriateness of an artist when a limited number of artists are invited to participate in a selection process, the criteria for selection is explicit and uniform, and there is an honorarium paid to the artist for each submission. Commissioning bodies recognize that artists will not have sufficient time and information to develop site specific proposals that are informed by substantial client interaction unless the proposals and competition affords at least four to six weeks of preparation time.

b. Proposals are requested only when the City is prepared to consider the proposal as a conceptual approach to the project and not the final design. The commissioning body must pay each artist a standardized proposal fee commensurate with the commission amount for the development of the proposals. All proposal materials are returned to those artists not selected for the project and the City recognizes that all ideas presented for the project, including copyright, belong to each artist.

3. Open Competition

In an open competition, any artist may submit their credentials, subject to requirements established by the Public Art Program. The Call for Artists must be sufficiently detailed to permit artists to determine whether their work is appropriate for consideration. An open competition allows for the broadest range of possibilities for a site and can bring in new and emerging artists. This method sometimes discourages established artists who prefer to respond to limited competitions and to be directly selected for projects.

4. Limited Competition

In a limited competition, three or more artists are preselected and invited to submit qualifications. Limited competitions are more appropriate for projects with extremely aggressive schedules, where there is consensus around an artist or list of artists to be considered, and where a high-level or specific type of expertise is required for the project. The list of preselected artists can be developed by the Public Art Committee with input from the Public Art Program staff; local, national, and international arts professionals; project partners; and/or a curator or consultant advising on the projects.

5. Direct Selection

Direct selection is a method that is most often used in private development projects, although developers may choose to select an artist through other methods described here. On occasion, an artist for a municipal public art project may be chosen directly by the Public Art Committee. Direct selection may be appropriate on projects where an urgent timeline, limited budget, or specific project requirements exist.

6. Direct Purchase

At times, the Public Art Committee may elect to recommend a direct selection in which it contracts with a specific artist for a particular project. This may occur for any reason, but generally is used when circumstances surrounding the project make either an open or limited competition unfeasible (i.e., project timeline, community or social considerations, client demand) or a specific artwork is needed due to the exacting nature of the project.

4. Evaluation Criteria

A. General Questions to Consider when Commissioning Public Art

1. Is the artwork of a high quality?
2. Does the artist have experience or demonstrate a level of excellence?
3. Does the artwork celebrate some aspect of the uniqueness of Newark?
4. Have potential safety and security issues been assessed?
5. Has the artist identified ongoing maintenance needs?

6. Has there been a consultation to ensure that design of the project meets requirements of the Americans with Disability Act?
7. How does the artwork relate to the City's overall collection?

B. Artist Qualifications

1. Meets the definition of artist, as defined in the Public Art Ordinance.
2. Demonstrates artistic excellence, innovation, and originality as represented in past work and supporting materials.
3. Shows capacity for working with the tools and materials used to create the artwork and with concepts appropriate to the project goals and site.
4. Demonstrates interest and capability in creating public artwork in collaboration with the Public Art Program, project design team (if applicable), and other project partners.
5. Demonstrates experience in successfully completing works of similar scope, scale, budget and complexity, or ability to articulate how they would be able to bring the necessary artistic and technical skills to this project.
6. Demonstrates interest in and understanding of the project.
7. Is available to perform the work in a timely and professional manner.
8. If applicable, demonstrates a cohesive team.

C. Criteria for Evaluating Artist Concept and Schematic Proposals

1. Clearly responds to the project goals.
2. Meets the definition of artwork as defined by the Public Art Ordinance.
3. Demonstrates excellence in aesthetic quality, workmanship, innovation, and creativity.
4. Demonstrates appropriateness in scale, form and is of materials/media suitable for the site.
5. Demonstrates feasibility in terms of budget, timeline, safety, durability, operation, maintenance, conservation, legal and ethical issues related to possession and use of proposed artwork, security, and/or storage and siting.
6. Builds the diversity of the City's public art collection.

Appendix H

SAMPLE DEACCESSION POLICY

1. Purpose

The Public Art Program staff manages and maintains the City of Newark's collection of artwork for the benefit of the Newark community.

A. This policy shall govern removal, disposal, and destruction of artworks in the collection of the City. This policy applies to permanent artworks in the City's collection that are intended to stay in place for long periods and that have a predetermined lifetime of one year or more.

B. Removing an artwork from the collection (deaccessioning) is a sensitive matter and needs to be managed according to clear criteria. The policies outlined below are subject to periodic review by the Public Art Committee.

C. Except in the case of a safety emergency, no artwork in the collection shall be deaccessioned until the policies set forth below have been observed.

2. Policy

A. Any proposal for removal or destruction of an artwork shall be submitted to Public Art Program staff and reviewed by the Public Art Committee according to the policies and procedures contained herein; review shall be deliberate and independent of political pressures, fluctuations in artistic taste, popularity, and public opinion.

B. Deaccession shall be a seldom-employed action that is taken only after issues such as artists' rights, public benefit, censorship, copyrights, and legal obligations have been carefully considered. The final decision with respect to deaccession of artworks owned by the City shall rest with the Public Art Committee.

C. At regular intervals, the condition of the City's artwork collection shall be evaluated by the Public Art Program staff or a professional fine art conservator and reported to the Public Art Committee with any recommendations for deaccession.

3. Definitions

For purposes of this Policy, the following definitions apply.

A. Artist. An individual generally recognized by critics and peers as a professional practitioner of the visual arts as judged by the quality of the professional practitioner's body of work, educational background and experience, past public commissions, sale of works, exhibition record, publications, and production of artwork.

B. Artwork. Works in any style, expression, genre, and media created by an Artist and owned by the City in the permanent collection, whether functional or non-functional. Artwork may be stand-alone and integrated into the architecture, landscaping, or other site development if such are designed by an Artist as defined herein.

The following are not considered Artwork:

1. Reproductions, by mechanical or other means of original Artwork, except in cases of film, video, photography, printmaking, theater, or other media arts;
2. Art objects that are mass produced (excluding artist-created, signed limited-edition works), ordered from a catalog, or of a standard design, such as playground sculpture or fountains; and
3. Directional or other functional elements such as signage, supergraphics, color coding, or maps unless specifically designed as artworks.

C. Deaccession. The procedure for the removal of an Artwork owned by the City and the determination of its future disposition.

D. Deaccession Notification. A written communication to the artist or donor referencing the applicable condition(s) of the Artwork and describing reasons why the deaccession review needs to be undertaken.

4. Guidlines

Any Artwork owned by the City shall be eligible for deaccession except an artwork accompanied by verified legal stipulations that it may not be. During the review process, the artwork shall remain accessible to the public in its existing location unless it poses a threat to public safety.

A. Artwork may be reviewed for deaccession at any time by Public Art Program staff or Public Art Committee members. Review also may be initiated by the Artist regarding the Artwork they created, by that Artist's designated heir(s), or by legally recognized representative(s).

B. Artwork may be considered for review toward deaccession if one or more of the following conditions apply:

1. The condition or security of the Artwork cannot be reasonably guaranteed.
2. The Artwork requires excessive maintenance or has faults of design, materials or workmanship, and repair or remedy is impractical or unfeasible.
3. The Artwork has been damaged or has deteriorated, and repair or remedy is impractical or unfeasible.
4. If the Artwork has been lost, stolen, or is missing, the Public Art Committee may approve formally deaccessioning it from the collection while retaining a record in the collection database showing that the work has been deaccessioned.
5. The Artwork's physical or structural condition poses a threat to public safety.
6. The Artwork is proved to be inauthentic or in violation of existing copyright laws.
7. The Artwork is not, or is only rarely, on display because the City lacks a location for its display.
8. As applicable, the Artwork has exceeded its expected lifespan, as defined in the contract agreement with the artist for the commission or acquisition of the artwork.
9. No suitable site is available for relocation or exhibition, or significant changes in the use, character, or design of the site have occurred which affect the integrity of the artwork.
10. Changes to the site have significantly limited or prevented the public's access to the artwork.
11. The site where the work is located is undergoing privatization.
12. Deaccession is requested by the artist.
13. If there are more than three permanently installed works on public display in the City, Public Art Program staff may recommend to the Public Art Committee that the City retain only a representative selection of that artist's work.

5. Deaccession Criteria

In addition to the condition and security of the artwork as stated above, the review criteria for Deaccession Requests include, but are not limited to:

A. Artistic Excellence. Qualifications and professional reputation of the Artist; craftsmanship, conceptual content, style, form.

B. Value of Artwork. As determined by a professional appraiser, if available.

C. Relationship to Existing Collection of Artwork. Style, form, scale, diversity, quantity, quality, longevity, and compatibility with the existing collection of Artwork and goals of the Public Art Program.

D. Availability of City Support. The availability of necessary funding for conservation, maintenance, and/or repair; exhibition and storage space; for sitting Artwork; and staff support.

E. Relationship to Site. Accessibility, public safety, and social, cultural, historical, ecological, physical, and functional context of the Artwork in relation to the site, both existing and planned.

F. Legal Considerations. Issues related to liability, insurance, copyright, warranties, ownership, theft, vandalism, loss, indemnification, and public safety. The City Attorney shall review the recommendation of the Public Art Program staff and Public Art Committee to determine whether there are any known legal restrictions that would prevent deaccessioning the object. The City Attorney's approval must be obtained prior to deaccessioning an object.

G. Timing. Safety or hazard emergencies, relevant construction schedules, and the allowance of sufficient time for a normal review process.

H. Acquisition Process. Method by which the Artwork was acquired and accessioned into the collection of artwork (i.e., donation, loan, commission).

I. Community Feedback. Community feedback about the Artwork, its site, and its condition solicited via a publicly noticed meeting or placed on the agenda of the Public Art Committee.

J. Restrictions. Any recognized restrictions associated with the Artwork.

6. Procedures

A. Deaccession Request

1. Deaccession shall begin with a formal Deaccession Request which can be initiated by the Public Art Committee, by Public Art Program staff, the artist, the artist's designated heirs or legally appointed representative.
2. The Deaccession Request shall be submitted to Public Art Program staff and shall describe the applicable condition(s) outlined in the Guidelines above, and the reasons why the deaccession review should be undertaken.

3. A Deaccession Request must also contain information about the requester's relationship to the Artwork and stake in deaccessioning the Artwork.

4. Deaccession Requests shall be reviewed by Public Art Program staff, who shall make every reasonable effort through a Deaccession Notification to contact the artist who created the Artwork named in the Deaccession Request, and any other known parties with a vested interest in the artwork and shall comply with any applicable state or federal notice requirements.

B. Review and Approval Process

1. When Artwork is proposed for deaccession, Public Art Program staff shall place the matter on the Public Art Committee agenda for review of the Deaccession Request, reasons deaccessioning is being considered, and the Public Art Program staff deaccession recommendation.

2. In presenting the Deaccession Request, Public Art Program staff shall provide all available relevant corresponding materials to the Public Art Committee, including, but not limited to:

    a. Artist's name, biographical information, samples of past artwork, and resume.

    b. A written description and images of the Artwork.

    c. Artist's statement about the artwork named in the Deaccession Request.

    d. A description of the selection/acquisition process and related costs implemented when the Artwork was selected.

    e. If available, a formal appraisal of the Artwork provided by a qualified art appraiser.

    f. Information about the origin, derivation, history, and past ownership of the Artwork.

    g. A warranty of originality of the artwork as evidenced by artist's signature on the artwork and/or the contract agreement for the commission or acquisition of the artwork signed by the artist.

    h. Information about the condition of the artwork and the estimated cost of its conservation provided by a qualified visual arts conservator.

    i. Information about and images of the artwork's site.

    j. Information about how community feedback about the artwork was collected and the outcome of that feedback.

    k. Feedback from the Director of the City department responsible for operating and maintaining the Artwork site.

l. A detailed budget for all aspects of conservation, maintenance, repair, installation, operation, insurance, storage, and City staff support.

m. The artist's contract with donor or comparable legally binding document with Proof of Title, if applicable.

n. Deed of gift restrictions, if any.

15. The Public Art Committee shall approve, with or without conditions, or reject the Deaccession Request based on the Deaccession Criteria described in this policy.

7. Methods of Removal

The deaccessioned artwork shall be removed from the collection of artwork through methods administered by the Public Art Program staff.

A. Opportunity for Artist to Purchase Artwork

1. In all cases, the artist or the artist's designated heir(s), or legally recognized representative(s) shall be given, when possible and within a reasonable time frame, the opportunity to purchase the artwork for the fair market value as determined by a qualified art appraiser retained by the City for that purpose.

2. If the artwork is determined to be of negligible value, the artist shall be given the opportunity to claim the Artwork at the Artist's own cost.

B. Methods of Removal

When the Artist does not purchase or claim the deaccessioned Artwork, the City, at its discretion, may use any of the following methods to remove the Artwork:

1. **Sale**.

   a. Proceeds from the sale shall be deposited in the Public Art Fund. Written acknowledgement to place revenues from the sale of deaccessioned artwork in the Public Art Fund must be obtained from the City Manager. Public notice regarding the sale shall be provided on the City website, at a publicly noticed meeting and in any other manner required by law.

   b. The Artist/donor shall be given the right of first refusal to reacquire the work at fair market value, original price, or nominal value, depending on the recommendation of the Public Art Committee.

      - The cost of removal of the work may be reflected in the amount set.
      - Sell the work through a dealer.
      - Sell the work through sealed bidding or public auction.

2. **Trade or Exchange**. Trade or exchange of a deaccessioned artwork for another by the same Artist.

3. **Donation**. Donation of deaccessioned artwork to a non-profit organization, institution, or agency.

4. **Destruction**. This method is appropriate in the following instances:

    a. The entire artwork has been damaged or has deteriorated, and repair or remedy is impractical or unfeasible.

    b. Most of the artwork has been damaged or has deteriorated, and repair or remedy is impractical or unfeasible, and any remaining intact parts of the artwork are deemed to have negligible value, and the artist is not willing to claim the remaining parts at the Artist's own cost.

    c. Public safety considerations support destroying the artwork.

    d. Every effort to locate the Artist, kin, or donor has failed.

    e. The Public Art Committee and the Public Art Program staff determines that no other method of implementation is feasible.

C. Profits

1. When possible, the method for removing the artwork from the collection shall be selected based on the highest reasonable price that may be received.

2. Any profits received by the City through the sale, trade, or auction of a deaccessioned artwork shall be deposited into the Public Art Fund.

8. Implementation

A. A deaccessioned work is sold or exchanged, Public Art Program staff shall implement any legal requirements for compensating the artist, including the California Resale Royalties Act (Civil Code section 986) which entitles artists to a royalty payment upon the resale of their art).

B. Public Art Program staff shall remove acquisition numbers and labels from the Artwork and coordinate its physical removal from the City's collection.

C. Public Art Program staff shall report on the sale or exchange of Artwork at the next regularly scheduled meeting of the Public Art Committee, following receipt of all funds or the completion of the sale, exchange, or donation.

D. Public Art Program staff shall transmit a report informing City Council of the removal of the artwork from the City's collection.

E. Public Art Program staff shall maintain a Deaccession File that includes individual files on each deaccessioned artwork. These files shall include all documentation regarding the Artwork.

9. Exceptions

A. Artworks may not be sold, traded, or donated to current employees of the City of Newark, their business partners, or their immediate family members. Current elected officials, Public Art Committee members, their business partners, and their immediate family members may not buy, receive, or own any Artwork which has been deaccessioned from the collection of Artwork.

B. Nothing in these guidelines shall limit the City's ability to take appropriate action to protect public health and safety in an emergency.

SAMPLE DEACCESSION FORM

Person Requesting Deaccession

Name: _____

Affiliation: _____

Email: _____

Phone: _____

Artwork

Title of Artwork: _____

Collection / Accession #: _____

Name of Artist: _____

Date of Artwork: _____

Item Description: _____

_____

Reason for Deaccessioning

- ☐ The condition or security of the Artwork cannot be reasonably guaranteed.
- ☐ The Artwork requires excessive maintenance or has faults of design, materials or workmanship, and repair or remedy is impractical or unfeasible.
- ☐ The Artwork has been damaged or has deteriorated, and repair or remedy is impractical or unfeasible.
- ☐ The Artwork has been lost, stolen, or is missing.
- ☐ The Artwork's physical or structural condition poses a threat to public safety.
- ☐ The Artwork is proved to be inauthentic or in violation of existing copyright laws.
- ☐ The Artwork is not, or is only rarely, on display because the City lacks a location for its display.
- ☐ As applicable, the Artwork has exceeded its expected lifespan, as defined in the contract agreement with the artist for the commission or acquisition of the artwork.
- ☐ No suitable site is available for relocation or exhibition, or significant changes in the use, character, or design of the site have occurred which affect the integrity of the artwork.
- ☐ Changes to the site have significantly limited or prevented the public's access to the artwork.
- ☐ The site where the work is located is undergoing privatization.
- ☐ Deaccession is requested by the artist.
- ☐ There are more than three permanently installed works by the same artist on public display.

To be completed by Public Art Program Staff:

Final Decision by Public Art Committee

Date: _____

- ☐ Approve Deaccession
- ☐ Reject Deaccession

***Method of Removal**

- ☐ Sale
- ☐ Donation
- ☐ Trade or Exchange
- ☐ Destruction

Appendix I

SAMPLE GIFTS, LOANS, AND EXHIBITIONS OF ARTWORK ON PUBLIC PROPERTY

1. Background

Private individuals and agencies may occasionally offer works of art as gifts or loans to the City of Newark (City) or desire to exhibit art owned by those individuals or agencies on public property. Similarly, individuals or groups may also wish to propose a public art project that would be temporarily or permanently installed on City property.

A. These gifts, loans, and exhibitions are an important part of the City's growing art collection and its presence in the public realm. The City has established policies and procedures for any unsolicited gifts, loans, or exhibition proposals for the following reasons:

1. Maintain the quality of the public art collection.
2. Ensure that artworks are sited in the most suitable locations.
3. Ensure that there are adequate funds to protect, maintain, preserve, and conserve works of art on public property.
4. Evaluate works for quality, safety, durability, and maintainability.

B. The Public Art Committee is responsible for reviewing all gifts, loans, and exhibitions proposed by individuals, organizations, and neighborhood and community groups. The Public Art Committee may choose to include non-voting ex-officio members, such as conservators or curators, as needed.

C. The Public Art Committee may accept and shall comply with the terms and conditions of gifts, loans, and exhibitions of artwork so long as acceptance of the of the same entails no expense for the City beyond ordinary care and maintenance, in which case the Public Art Committee makes a recommendation to the City Council for acceptance.

2. Definitions

A. Artwork Gifts and Loans.

1. Unrestricted Gift: The gift of a work of art to the City without any restrictions placed on where it is sited.
2. Restricted Gift: The gift of a site-specific work of art to the City.
3. Loan: The loan of a work of art to the City, with or without restrictions on where it is sited.

B. Exhibitions/Artwork.

1. Temporary Exhibition/Artwork: A proposed exhibition or work of public art installed temporarily on City property for one year or less. Proposals may be site-specific or not.
2. Permanent Exhibition/Artwork: A proposed exhibition or work of public art installed permanently on City property for 10 years or more. Proposals may be site-specific or not.
3. Exhibition of Privately Owned Art on Public Property: A proposed exhibition of art not owned by the City and that is borrowed by the owner of the artwork for display on City property.

C. Monetary Gift. Cash gift contributed to the Public Art Committee.

3. Review Process

The Public Art Committee shall review each gift, loan, and exhibition proposal based on the criteria established below. This includes artwork that may have been part of a previously juried exhibition.

A. Individuals or groups shall be required to submit the relevant application and supporting materials when proposing a gift, loan, or exhibition of artwork to ensure that all criteria are addressed.

B. In addition to the following, the Public Art Committee may require other support materials such as text verbally describing artwork, specifications, structural and engineering drawings, models, and presentation drawings.

1. **Artistic Merit**
   Does the artwork have strong artistic merit? Criteria include but are not limited to:

   a. Durability and craftsmanship in fabrication.

   b. Relationship of artwork to other works in the City art collection.

   c. Appropriateness of artwork scale to the proposed site.

   d. Appropriateness of artwork to other aspects of its surroundings, and artist's credentials and recognition.

2. **Provenance**
   Does the owner have clear title to the artwork to make the legal gift?

3. **Site**
   What type of site is proposed for the artwork? Siting criteria include but are not limited to:

   a. Written evidence that location of artwork on the proposed site has been approved by the City department charged with oversight of that site.

   b. If an artwork is designated in a neighborhood plan, is the proposed artwork consistent with the plan recommendations, and have community members approved of its proposed placement?

   c. If the artwork is proposed for a site of regional significance (e.g., a regional park, an arterial route, a major civic building), does its scale and aesthetic quality merit a prominent location?

4. **Relationship to the City's Collection as a Whole**
   How is the proposed gift compatible or incompatible with the City's public art collection? Criteria for compatibility include but are not limited to:

   a. Does the artwork contribute to the diversity and breadth of the City's collection?

   b. Is the artist's work already adequately represented in the City's collection?

5. **Safety, Maintainability and Feasibility**
   Artworks must be structurally sound, durable, and resistant to vandalism, weathering, and excessive maintenance/repair costs and should not threaten the public's safety. Applicant must provide the following information for Public Art Committee review:

   a. Adjacent/surrounding site conditions if applicable,

   b. Dimensions

   c. Materials

   d. Colors

   e. Power, plumbing, or other utility requirements

   f. Construction/installation method

   g. The fabricator or contractor is qualified to install the work and carries adequate insurance to meet City requirements.

   h. Evidence the art shall not pose a threat to public safety.

4. Maintenance Requirements

The Public Art Committee maintains records of all artwork on City property and oversees their maintenance. However, funds to maintain artworks in the City's collection are limited.

A. Donors may be required to sign a maintenance agreement or establish a maintenance endowment to ensure that the artwork can be cared for adequately.

B. Funds provided for maintenance are deposited into the Public Art Fund and earmarked for that purpose. Typically, a maintenance fund consists of 10% of the value of the artwork.

5. Procedures

A. Proposed gifts, loans, and exhibitions should first be referred to the Public Art Program staff who shall assist individuals in identifying the appropriate application that must be submitted for review. Any questions regarding the application should be referred to the Public Art Program staff.

B. Completed and signed applications and supporting materials, including images or a maquette or rendering of artwork(s), should be submitted to Public Art Newark, and reviewed by Public Art Program staff for completion.

C. The Public Art Commission shall review applications and supporting materials according to the criteria outlined above and determine whether they shall recommend accepting or rejecting the proposal. The Committee may attach conditions to its recommendations for acceptance or rejection of proposals.

D. If a specific site is recommended for placement of the donated or loaned work or exhibition of private art on public property, the Committee shall review the proposed site. The site shall also need to be approved by the appropriate City department under whose jurisdiction the artwork site is located. If a site has not been proposed, Public Art Program staff shall work with the applicant to identify an appropriate location for the work of art or exhibition.

E. If the City chooses to accept a proposal, Public Art Program staff shall work with individuals or groups on contracts, timelines, and installation of artwork(s).

F. If the artwork for exhibition has yet to be fabricated, the Public Art Program staff must be kept informed of the fabrication process with progress updates and scheduled studio visits.

G. If the Public Art Commission approves the exhibition of private art on public property, the owner of the private art must execute an agreement with the City whereby, among other things, the owner assumes liability for personal or property damage arising from the exhibition of that private art on public property.

6. Monetary Gifts

Donors may contribute monetary gifts to the Public Art Fund. At the discretion of the Public Art Commission, these funds may be used for maintenance of the collection, the acquisition of artwork, arts programming, and program administration, among others. If the donor proposes a specific project or commission, the above procedures must be followed.

Appendix J

SAMPLE MEMORIALS POLICY

1. Introduction

A. The City of Newark (City) may occasionally decide to install permanent memorials on City of Newark property to commemorate persons or events of note, or to otherwise convey the City's position on various topics (referred to as *government speech*). The City seeks to establish a standard measure for review of prospective donated memorials to ensure that only objects of the highest standard of excellence are accepted. The placement of memorials shall be limited to circumstances of the highest community-wide importance, both to maintain the significance of such memorials and to minimize conflicts with the active and variable use of public spaces.

B. The following policy for the acceptance of memorials defines the types of donations that the City shall accept and establishes criteria for review and acceptance of these objects. The following types of projects are considered in this policy:

1. The gift of a newly commissioned memorial to be located permanently on City property or public right of way.
2. The offer by a donor to organize a public competition that shall result in the gift or loan of a memorial to be located permanently or temporarily on City property.

2. Policy

A. This policy provides a framework for review and approval of prospective memorials. The City of Newark shall only accept memorials that are of the highest quality. Memorials must meet the subject criteria outlined below. In order for the City to accept donations of memorials, it must first determine that there is an identified space for exhibition on City of Newark property or within City facilities.

B. The City shall not accept memorial objects that are unlimited reproductions or are mass-produced. These memorial donations differ from public artworks commissioned or acquired by the City through other legislation and policies.

3. Definitions

A. Memorials are markers, statues, and other similar permanent installations to express government speech, as further described in this policy, and which are installed by the City of Newark, or which are accepted by the City and installed on City property with City permission. Memorials may be in various forms including:

1. Plaques
2. Sculpture
3. Fountains
4. Other forms of memorials as determined by the Public Art Committee

B. Artwork Memorials are memorials that are designed by an artist. Memorials may be designed by artists in collaboration with members of allied fields such as architecture, engineering, landscape architecture, and graphic design.

4. Memorials and Government Speech

A. The City has established the following considerations for the topic of memorials:

1. The placement of memorials shall be limited to circumstances of the highest community-wide importance, both to maintain the significance of such memorials and to minimize conflicts with the active and variable use of public spaces.
2. Memorials should convey a powerful connection between Newark, its natural setting, and its history.
3. Memorials should recognize significant circumstance, events or people, or provide information on topics approved by the Public Art Committee, as set forth below:

    a. The contributions of individuals or groups who made a substantial impact on the City;

    b. The history of Newark or of the United States;

    c. Historical, natural, or cultural influences on Newark; or

    d. Local innovation or creativity that has contributed to Newark's growth and prosperity.

B. The City does not permit the installation of memorials to living persons. Usually a minimum of five years between an event and its commemoration is recommended to allow for sufficient historical perspective.

C. The City may decide, in its sole discretion, to reject a proposal for a memorial and/or may determine the appropriate site for any and all City memorials.

5. Procedures for Acceptance of Memorials

A. Application Process

1. Potential gifts of memorials must be submitted to the City Manager or designee for initial review. If the memorial is determined to be an artwork memorial, the City Manager or designee shall initiate a review and approval process. City Manager or designee shall respond to all donor inquiries and advise donors of the process for review and approval based on this determination.
2. Gifts of memorials may not be offered for a specific site. Before offering a permanently sited memorial, the donor must submit an initial request for placement consideration to the City Manager or designee. Once a potential site has been identified, the donor must submit a site plan demonstrating the relationship of the memorial to the proposed location and include color photographs of the site.
3. For gifts of memorials, the completed application must be accompanied by:

    a. A letter from the donor stating the purpose of the memorial and its responsiveness to the criteria stated above.

    b. A model, color photographs, or a color rendering of the proposed memorial. If the work is three-dimensional, multiple views are required.

    c. If the memorial is an artwork, the completed application additionally must include:

        - A professional assessment of the artwork's condition conducted by a fine arts conservator and accompanied by maintenance requirements;
        - The artist's resume;
        - Information on the artwork's context, provenance, and history (e.g., where it has been shown, who owned it, etc.); and
        - Letter of authentication from the artist or the artist's estate.

    d. Evidence that there are sufficient funds available for the fabrication, installation, and ongoing care of the memorial.

B. Review and Evaluation

Step 1: Department Review

The Director of the City department with jurisdiction of the location where the artwork is proposed shall review the proposed memorial to determine whether there is an appropriate location for its permanent placement and to determine whether the memorial meets the topic criteria identified in this policy. If the memorial is not determined to be an art component, the City Manager or designee shall proceed according to Step 4 below.

Step 2: City Manager Review

a. The City Manager or designee shall review applications for donations of artwork memorials for completeness, evaluate the prospective donation, and make written recommendations for review and approval by the Public Art Committee. If the City Manager or designee determines that the donation is not feasible, the donor shall be notified in writing.

b. If the City Manager or designee has approved a site for the memorial, then the City Manager or designee shall consult with the City department responsible for that site to develop a community outreach plan.

c. If necessary, the City Manager or designee may appoint an ad hoc memorial advisory panel of three to five arts professionals to review the proposed memorial and make recommendations to the Public Art Committee based on the following criteria.

- **Artistic Excellence**
  Donated artwork memorials should reflect the highest standards of excellence and represent diversity of art forms and artists, while excluding reproductions that are unlimited editions and art objects that are mass-produced.
- **Professional Credentials of the Artist**
  An artist's resume should demonstrate the breadth of professional work through solo and group shows, collections, publications, and education.
- **Appropriateness to the Site**
  Donated memorials should be compatible with the proposed site's architecture, landscape, and surrounding area.
- **Placement**
  If the memorial requires siting but no suggested site is specified by the applicant, the City Manager or designee, after determining the work to be appropriate for placement on City property, may consult with other City departments and then suggest locations to the Public Art Committee for review.

d. Maintenance Requirements

The memorial should be in good condition with a recent conservation report detailing routine maintenance instructions. The materials used in the creation of the artwork must last in a public, non-archival setting suitable for both indoor and outdoor exhibition and must be resistant to vandalism.

e. Maintenance Endowment

The donor must demonstrate the ability to provide a maintenance endowment sufficient for the ongoing care of the memorial.

Step 3: Public Art Committee Review

a. Upon City Manager or designee recommendation, the Public Art Committee shall review applications and decide whether to approve or disapprove. The Committee may review artworks in two ways:

- Approve/disapprove donations of artwork memorials submitted to the City of Newark.
- Approve/disapprove placement of artwork memorials on property belonging to, or under the control of the City of Newark, submitted for acceptance to other City of Newark departments or officials as donations to the City of Newark.

b. Criteria for Evaluation of all Memorials

- The donor can demonstrate that the person, group or event being memorialized deemed by the City of Newark to have made a significant enough contribution to merit a memorial of the scale, cost, and visibility proposed.
- The memorial does not duplicate existing memorial themes.
- The proposal has been through community outreach conducted by the group or person suggesting that the City of Newark install the memorial, and the installation and maintenance of the memorial is within the priorities of the the responsible department.
- The proposed memorial is not objectionable to the relatives of the persons or community that it is intended to honor.
- The proposed site for the memorial is related to its underlying purpose as designated in a master plan or other approval of the City Council or City Manager as a particularly appropriate site.

- The memorial was designed by qualified professionals who may include registered architects, engineers, landscape architects, and artists who can demonstrate professional recognition in the form of public commissions or permanent public installations.
- There is a committed and verifiable funding source for the review, design, fabrication, installation, and maintenance of the memorial before proceeding to incur City of Newark costs and staff time.

Step 4: City Council Review

Upon Public Art Committee recommendation, the City Council shall review the application and decide whether to approve or disapprove.

Step 5: Acceptance

a. If the memorial is accepted by the City Council, the following requirements shall apply:
   - The artist, donor, or sponsor of a memorial shall be required to pay for all installation costs and commemorative plaques associated with its placement on property belonging to or under the control of the City.
   - The donor shall grant the City the right to convey the work to another site, to storage, or for conservation.
   - The donor shall grant the City the right to deaccession any accepted memorials under this policy with Public Art Committee review.
   - The donor shall be required to establish a maintenance fund for the memorial. Donor must provide documentation of maintenance methods and requirements for the life of the memorial and establish a maintenance fund at the City.
   - The City shall inform the donor that acceptance of a donation is not determinative of the value of the donation.
   - Upon acceptance of the donation, the donor shall receive an acknowledgement letter from the City. A commemorative plaque identifying the memorial, artist, and donor shall be installed near the memorial.

b. If the prospective donation of an artwork memorial or non-art related memorial is not accepted, the City Manager or designee shall provide written notification and explanation to the donor.

Appendix K

SAMPLE TEMPORARY ART POLICY

1. Purpose

A. This Temporary Artwork Policy is intended to activate publicly owned spaces in parks, plazas, streetscapes, and other City-owned property. Temporary artworks enliven communities, provoke conversations, and refresh the public realm. Temporary art is commissioned through the City of Newark (City) Public Art Program.

B. Temporary artworks may be funded by the City or by private individuals or organizations. The City may initiate temporary artworks or individuals and community organizations may request City consideration of community-initiated temporary art projects.

C. The Temporary Artwork Policy establishes criteria and guidelines for the consideration and installation of temporary artworks on City-owned property. These procedures are intended to ensure a consistent approach to placing art in the public realm.

2. Goals

A. To encourage the temporary placement of thought-provoking, innovative works of high artistic merit that connect people to place.

B. To contribute to Newark's sense of identity and pride.

C. To build on Newark's identity as a diverse community.

D. To engage artists in projects that stimulate and encourage community interaction.

E. To create pilot projects in potential locations for permanent artworks.

F. To provide opportunities for emerging and established artists.

3. Definition

This policy applies wherever temporary artwork is proposed for placement on property owned or controlled by the City.

A. Temporary public art is defined as any art, including visual artworks, performances, projections, digital media, virtual reality, and other artistic media, that is not intended to be permanent and is not made a part of the permanent public art collection.

B. Temporary artwork has a predetermined lifetime ranging between a few hours to several years.

4. Public Art Project Types and Artwork Considerations

Temporary artworks are allowed on any City-owned property provided that the City is willing to allow the temporary placement of art.

A. Temporary art may include display of existing works of art as well as artworks and art experiences that may be created specifically for the site.

B. All approaches and media for public art shall be considered. These include sculpture, light, social practice/community art, performance, sound, projection art and other artistic media.

C. Physical artworks must be constructed to withstand outdoor placement during the City-designated display period.

D. Temporary artworks and experiences must not create a nuisance in the community where the artwork is proposed, especially when employing light or sound.

E. Artwork must not present any public safety hazards or violate City laws or codes.

F. Physical artwork selected for temporary placement may require stamped engineering drawings and have specific insurance requirements, and environmental review may be required.

G. All temporary artworks must be removed by the artist, who must restore the site to its original condition upon display completion.

5. Procedures

A. Artist Selection Options

The Public Art Program staff may issue a Request for Proposals (RFP) to solicit artists to develop original project proposals or submit pre-existing artwork to be loaned to the City.

1. The Public Art Program may enter into a contract with the artist that includes the artist's cost for design, fabrication, installation, maintenance, and de-installation of commissioned temporary artwork or pay a fee to the artist for the loan and maintenance of pre-existing artworks.
2. The City may contract for the services of guest curators or non-profit arts organizations to select and curate temporary artworks.

    a. When a contracted arts organization or curator is recommended by the Public Art Committee to implement the temporary artworks, the Public Art Program staff must be represented in the artist selection process as well as on the project team that reviews design development and implementation.

    b. The Public Art Program staff shall employ a list of available web sites for soliciting proposals. The RFP or invitation typically shall indicate the available sites for art placement, the duration of the display, and the City's requirements for insurance, liability, safety, etc.

B. Review and Approval

Projects proposed by individuals or arts organizations shall be evaluated by Public Art Program staff for compliance with City standards and requirements as well as consistency with the 2024 Public Art Master Plan and overall Public Art Program goals.

1. **Review Panel**
   Public Art Program staff may convene a review panel to shortlist the proposals before forwarding them to the Public Art Committee for review and selection.
2. **Criteria**

    a. Artists or commissioning organizations submitting artwork for consideration shall submit a proposal, including but limited to the following information:

        - Artist's resume.
        - A minimum of two photographs of the work.
        - A written narrative describing the artwork.

- In the case of physical artworks, a description of the construction materials and methods of fabrication and anchoring details.
- Estimated value of physical art.
- Asking price (if sales are allowed)

b. Selection criteria shall be defined in advance by the Public Art Program staff based on the goals articulated in the annual Public Art Workplan. In general, selection criteria shall include:

- Artistic merit.
- Appropriateness to site and goals articulated for the project.
- Community engagement.
- Feasibility and durability.
- Hazard mitigation
- Compliance with City codes.

3. **Approval**

a. The Public Art Committee shall review and approve, deny, or suggest revisions to temporary artwork proposals.

b. Temporary and performance-based projects of less than 24-hour duration may be reviewed and approved at staff level.

6. Conditions

A. The City reserves the right to manage its own property including the removal of the artwork, for reasons that include, but are not limited to, artwork that poses a public safety risk, has been left on City property beyond the agreed terms, or is damaged beyond repair.

B. If an artwork is not completed within the timeline originally approved by the Public Art Committee, or if changes in content, materials, form, presentation, or financing of the artwork occur, the artwork may require review again by the Public Art staff and Public Art Committee.

C. In accepting a temporary artwork, the City requires that the responsible parties enter into an agreement for the duration of the display that outlines the maintenance responsibilities and agreement to remove the work at the agreed upon conclusion of the display, leaving the site in its original condition or better.

D. Neither the Public Art Committee, nor the City, nor any of its agents, shall be held liable for any damage or state of disrepair of a temporary artwork.

7. Documentation

Artists shall assist Public Art Program staff in collecting and/or creating documentation that includes the following information:

A. Artist biographical summary.

B. Written narrative describing the artwork, including materials.

C. Photographs or other documentation of the installed work.

D. Mention and/or reviews of the artwork in local press.

Appendix L

SAMPLE PUBLIC ART ORDINANCE

WHEREAS, for hundreds of years, the arts have reflected in differing ways the historical development, attitudes, and values of the society in which they were created. Works of art chronicle historical development, attitudes, and values of this City, both by comparison and contrast; and

WHEREAS, the arts are critical to the development of an urbanized society in which people live in close proximity to each other. Art enables individuals to reflect upon personal differences in beauty and expression. Works of art exemplify differences and similarities which exist among people living together as a society; and

WHEREAS, cultural and artistic resources preserve and enhance the quality of life for individuals living in, working in, and visiting the City; and

WHEREAS, the arts create a focal point for physical gathering, discussion, sharing of common or diverse interests, and create an opportunity for personal reflection, all of which are viewed as beneficial to the health and welfare of the community; and

WHEREAS, the arts inspire civic pride amongst its residents, strengthens the City's regional identity by enhancing public spaces, giving character to neighborhoods and business districts, and providing numerous opportunities for people to experience the arts; and

WHEREAS, the City of Newark is dedicated to supporting, promoting, and protecting community interest and diversity in art, culture, and creative expression; and

WHEREAS, the City Council desires to establish a public art requirement for specified public and private development projects; and

WHEREAS, the City Council desires to establish payment of a public art fee requirement for any new commercial, industrial, or residential development requiring a building permit from the City into a public art fund to be used to further the purposes of the public art program.

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

SECTION 1. Amendments to the Municipal Code

Chapter XX is hereby added to XX of the Newark Municipal Code to read as follows:

1. Definitions.
2. Public Art Requirement.
3. Exceptions and Waivers.
4. Use of public art fund.
5. Administration.

1. Definitions.

For the purpose of this chapter, the following words and phrases are defined as follows:

A. "Annual Public Art Workplan" means a document developed or reviewed annually by the Newark Public Art Committee with project and funding recommendations that shall be presented to the City Manager and City Council.

B. "Artist" means a practitioner of the creative arts, generally recognized as such by critics and peers, with a body of work that may include commissions, exhibitions, sales, publications, and collections. For the purposes of this Chapter, "artist" shall not include: (j) persons primarily working in the professional fields of architecture, engineering, design or landscaping; (ii) an employee or relative of the development project architect, landscape architect, engineer or project manager; (iii) any person with a business interest in a development project or with respect to individuals or entities serving as project architects, landscape architects, engineers or project managers; or (iv) a relative of or anyone with a financial interest with respect to an individual or entity serving on an art selection panel for the development project.

C. "Building Permit Valuation" means those construction costs as declared on all building permit applications for new construction but shall not apply to costs solely attributable to tenant improvements. Building permit applications shall include, but not be limited to, all building, plumbing, mechanical and electrical permit applications for the project.

D. "Capital Improvement Plan Project (CIP)" means street and park construction and rehabilitation projects, construction and/or repairs to City facilities, acquisitions of new equipment that are not part of a department's operating budget, feasibility studies to identify and quantify future projects, and some major equipment replacement purchases.

E. "Maintenance" means those activities required to conserve, repair, or preserve the integrity of the artwork and setting within which the artwork is located. Routine maintenance means the basic day-to-day care of the artwork.

F. "Nonprofit agency" means a corporation organized under Internal Revenue Code Section 501(c)(3), in good standing with the California Department of Corporations and in compliance with all federal, state, and local licensing, reporting, and tax requirements.

G. "Public Art" means artwork created by an Artist located in a public place on private property, or on land or in a building owned by the City, and encompasses all cultures through the broadest possible range of expression, media, and materials and that may be permanent, fixed, temporary or portable; and may be an integral part of a building, facility, structure, or landscape. These may include but are not limited to:

1. Media: Paintings, ceramics, light, sound, electronic, video, media-based, time-based, and web-based.
2. Style: Functional, realistic, abstract, community-based, and process-oriented; permanent and temporary. The artwork can include artistic elements of the overall architecture or landscape design if created by an Artist.
3. Genre: Fine art, craft, folk art, performance art. For reference, performance art is an art form in which a performance is presented within a fine art context, usually in collaboration with other interdisciplinary artists. The performance may be live or via media and the performer may be present or absent.

H. "Public Art Committee" means the City of Newark Committee that advises the City Council on public art policies, procedures, and expenditures from the Public Art Fund.

I. "Public Art Fund" means a separate account into which all monies generated under this policy, derived from gifts or donations for public art, shall be deposited.

J. "Public Art Policy Guidelines" means the document adopted by the Public Art Committee that includes standards and procedures for the implementation and administration of public art in accordance with this ordinance.

K. "Public Art Project" means the cost for the administration, development, acquisition, and installation of the public art CIP projects required by this chapter.

L. "Private Development Project" means any commercial, industrial, and residential private sector development that requires the issuance of a building permit by the City of Newark.

M. "Public Place" means an area on public property that is freely accessible to and available for use by the general public during normal hours of business operation consistent with the operation and use of the premises, including but not limited to lobbies, meeting spaces, sidewalks, and crosswalks.

2. Public Art Requirement.

A. Municipal Capital Improvement Plan Projects

1. For all Capital Improvement Plan (CIP) projects not specified under the exceptions below, the City shall provide not less than one percent (1%) of CIP project construction costs for projects of $250,000 or more for acquisition and installation of public art on the project site.
2. The City Manager or designee, prior to the release of the proposed CIP budget, shall review the list of identified projects. Where the eligibility of the CIP project is uncertain, the City Manager or their designee shall make the final determination.
3. Nothing is intended to prohibit the City Manager, in conjunction with the submission of the annual capital budgets of the City and subject to the approval of the City Council, from designating additional funds, subject to applicable restrictions, to be utilized for public art.
4. Appropriations for purposes of acquiring public art to carry out the provisions of this ordinance shall comply with applicable funding source requirements. If the source of funding or other applicable law or regulation with respect to any project prohibits or restricts the use of funds for public art, the amount of funds so prohibited or restricted shall be excluded in determining the 1%.
5. Each year in adopting the City's annual CIP budget, the City Council shall approve the appropriation of 1% of eligible construction project costs to be set aside and identified as funds to be appropriated and expended for acquisition or commissioning of public art.
6. Implementation of this Ordinance shall be the responsibility of the Public Art Program staff or by contracting the services of a professional public art consultant.
7. Public Art Program staff shall have the authority to pool funds and may propose funds for use at a current CIP site or any other City-owned publicly accessible site.
8. The Public Art Committee shall approve or deny the selection of artists, the commissioning of public art, and/or the purchase of artwork in accordance with the Public Art Policy Guidelines and shall make recommendations to the City Council for approval of the commissioning of public art and/or the purchase of artwork to be located on municipal property in accordance with the Public Art Policy Guidelines defined in this Ordinance.

9. Routine maintenance of public art shall be performed by and costs borne by the XX Department, consistent with the specifications as defined by the artist and provided by Public Art Program staff. When routine maintenance costs exceed the resources of the XX Department, the Public Art Committee may recommend the expenditure of Public Art Fund reserves to support the cost of supplies and labor to perform routine maintenance.

B. Private Development Projects.

1. The owner of a development project for a commercial, industrial, or residential building shall be required to pay a public art fee in accordance with the requirements of this section.
2. The Community Development Department shall collect a public art fee in the amount equal to .5% of the building permit valuation before issuance of a building permit.
3. The public art fee shall be deposited into the Public Art Fund and may be used for the purposes stated in Section XX of this Chapter.

3. Exceptions and Waivers.

The requirements of this chapter shall not apply to the following activities:

A. ADA Compliance Projects (not including projects where ADA compliance is a portion of a larger project).

B. Road, path, and sidewalk repairs, including traffic signals and upgrades, curb and gutter repairs, sign reflectivity, road and parking signage, resurfacing of roads or other existing hardscape areas.

C. Emergency repair projects.

D. Cyclical replacement and repair of trails, outdoor furnishings, or fencing.

E. Studies and plans.

F. Roof replacement

G. Mechanical, security, A/V equipment, HVAC, and IT installations, upgrades and repairs.

H. Utilities projects unless there is a building construction or reconstruction involved.

I. Vehicle repair and replacement.

J. Seismic upgrades and waterproofing.

K. Projects where the majority of the cost is allocated to elements located underground.

L. Projects where prohibited by federal law, including projects or portions of projects funded by grants from non-City sources that prohibit expenditure of funds for art.

4. Use of Public Fund.

A. There is hereby created a public art fund to account for the public art fee and any and all other revenues appropriated or received for public art and arts and cultural programs, including gifts, grants, and donations made to the City for the purposes of this Ordinance. The public art fund shall be self-perpetuating from year to year. The revenues in such fund shall be used solely for:

1. The acquisition, commission, design, installation, production, presentation, performance, maintenance, and of public art and arts and cultural programs identified by Section 2. Public Art Requirement of this Ordinance.
2. No more than twenty percent (20%) of the annual Public Art Fund shall be used for all necessary and reasonable administrative costs incurred in connection with Public Art Program staff or consultant supervision of the Public Art Program and the expenditure of all funds appropriated for public art.
3. Other expenses associated with the implementation and administration of the Public Art Program.
4. Further the purposes of public art as defined in this chapter.

B. All fees collected under this chapter shall be maintained, managed, and reviewed by the City Manager or designee. The City Manager shall present annually to the City Council for approval an Annual Public Art Workplan that recommends the use of Public Art Fund monies consistent with the purpose of this section including the administrative costs of the Public Art Program annually, staff support and related expenses; curatorial services; documentation; publicity, community education, and any other services or programs in accordance with the intent of this chapter.

C. Included and Excluded Appropriations and Expenses

1. Included appropriations and expenditures for public art include:

    a. Acquisition of public art through direct purchase or through the design, fabrication, transportation, installation, and presentation of public art.

b. Temporary stages, arenas, and other devices for performance.

c. Artist fees and expenses.

d. Supplies and materials.

e. Costs for insurance, identification plaques, project management by an independent public art consultant, and other reasonable expenses associated with the planning, development, and completion of public art.

f. Other related expenses approved by the Public Art Committee.

2. Excluded appropriations and expenditures for public art include:

a. Reproductions, by mechanical or other means of original artwork, except in cases of film, video, photography, printmaking, theater, or other media arts.

b. Decorative, ornamental, architectural, or functional elements that are designed by the project architect or other design consultants engaged by the architect as opposed to an artist commissioned for this purpose.

c. Landscape architecture, gardening, or materials generally considered to be components of the landscape designed by the project architect, landscape architect or other design professional engaged by the architect as opposed to an artist commissioned for this purpose.

d. Art objects that are mass produced (excluding artist-created, signed limited-edition works), ordered from a catalog, or of a standard design, such as playground sculpture or fountains.

e. Directional or other functional elements such as signage, supergraphics, color coding, or maps that are designed by architect, landscape architect or other design professional engaged by the primary designer.

f. Utility costs and expenses related to the ongoing operation of the artwork such as electrical, water, or mechanical service required to activate the work; and

g. Services, utilities, and other ongoing operating expenses for maintenance of public art or cultural programming.

5. Public Art Committee.

A. The Public Art Committee shall consist of a minimum of five (5) and not more than 9 (nine) members appointed by the Mayor and confirmed by the City Council.

B. Public Art Committee members shall have professional credentials and work experience as exhibiting and performing artists in the visual and media arts, contemporary museum and gallery art curators, museum directors, arts management

professionals, arts educators, design professionals such as architects, landscape architects, and urban planners. At least three (3) of the nine voting members shall be professional artists and at least one (1) of the nine voting members shall be design professionals.

C. The powers and duties of the Public Art Committee shall be as follows:

1. Establish and approve the Public Art Program mission and curatorial and programmatic goals, policies, and guidelines.
2. Develop an Annual Public Art Workplan that charts current and future public art projects and arts and culture programming and determines resources and funding priorities.
3. Make recommendations to the City Council on the expenditure of funds in the Public Art Fund.
4. Make recommendations to the City Council and City Manager concerning the resources and needs of the community on the subject of the arts and opportunities for participation of artists.
5. Review and make recommendations to the City Council concerning the removal, relocation or alteration of existing public art or items of cultural significance in the possession of the City in accordance with the deaccession policy.
6. Review and make recommendations to the City Council concerning gifts and loans of artwork to the City in accordance with the gifts and donation of art policy.
7. Explore methods of obtaining private, local, state and federal funds to promote art and other cultural projects within the city and make recommendations to the council on applying for such grants and funds.
8. Encourage public and private partnerships to assure the survival of the arts and artists in the City.
9. Serve as the key advocacy body for the Public Art Program and participate in community outreach activities and events.
10. Adopt rules, regulations, and procedures for the chairperson and conduct of its meetings.
11. Exercise such other and incidental powers not inconsistent with law, necessary to carry out its functions.

6. City Council role and responsibilities.

A. Approve the City of Newark Public Art Master Plan.

B. Approve the annual Public Art Workplan as part of the City's annual budget adoption process, which outlines the projects and expenses the Public Art Program will undertake each year.

C. Approve annual Capital Improvement Program allocations for public art, as outlined in this Ordinance.

D. Approve annual operating allocations for the Public Art Program as part of the City's annual budget process, including necessary funding for staffing the Public Art Program and maintenance of public art with a relief of twenty percent (20%) for allowable costs from the Public Art Fund as indicated in this Ordinance.

E. Make final determinations on Public Art Committee recommendations regarding the commissioning and acquisition of public art on City property in compliance with the City's purchasing policy.

F. Make final determinations on Public Art Committee recommendations regarding deaccession of artwork, acceptance of artwork gifts and loans, and proposals for memorials and murals on City property, in accordance with each respective policy.

7. Public Art Policy Guidelines.

Guidelines for the implementation and administration of public art shall be adopted by the Public Art Committee. Any major changes to the Public Art Policy Guidelines after adoption shall be submitted to the Public Art Committee for review and consensus.

Appendix M

SAMPLE LANGUAGE FOR INCLUSION IN RFP/RFQ FOR PRIME CONTRACTOR

The lead designer will participate in the City of Newark's process for commissioning project artists and assist with the successful integration of their artworks into the architectural design. The contract agreement with the City will require the lead designer to work with the City and all project artists to ensure that art is an integral component of the building project.

The artist selection and approval process must be integrated into the overall project schedule to afford the opportunity for a successful collaboration between the project artist and contractor. The City's policies and procedures will be included in the contractor contract agreement so that the lead designer and contractor will be aware of their responsibilities throughout the public art process and can budget accordingly.

While most of the selection process is handled by City staff and/or designated public art consultant, members of the contractor project team play an important role. In addition, the lead designer is substantially involved in the integration of art into the architectural design and must personally participate on the artist selection panel.

Once the contract with the lead designer is awarded by the City, the City staff and/or designated public art consultant will schedule an introductory meeting with the lead designer and contractor. This meeting will occur early in the project schedule before the lead designer and contractor have produced a design concept for the project.

Appendix N

FIVE-YEAR IMPLEMENTATION GRID

NOTE: Although categorized, there are projects listed below that are applicable under more than one heading. PAF = Public Art Fund. PAC = Public Art Committee

—— Denotes continuous years.

CATEGORY	PROJECT	LOCATION	CURRENT PAF : EST PROJECT COST	OTHER FUNDING SOURCES	IMMEDIATE	SHORT TERM 1-3 YEARS	MID-TERM 3-5 YEARS	LONG TERM 5-10 YEARS
CIP	Central Overpass		$400,000	CIP	——	——		
	Old Town Streetscape			CIP		——	——	——
GATEWAY	Old Town Streetscape			CIP	——		——	
NEIGHBORHOODS	Utility Boxes	City-wide	$40,000 First Year	PAC Members				
	Murals	Grants to Community Organizations	$50,000 per year	General Fund				
LOCAL ARTISTS	Meet & Greet (2x Per Year)			PAC Members				
	Changing Exhibits	City Hall						
	Artist Directory	City Website						
ADMIN	Establish Public Art Committee				——	——	——	——
ADMINISTRATION	Project Management (outsourced)		$100,000 Per Year	General Fund			——	——
GATEWAY	Thornton Avenue at Nimitz Freeway		$500,000			——		
	Mowry Avenue at Nimitz Freeway	Near NewPark Mall	$500,000		Developer	——		

Denotes continuous years.

Appendix N

CATEGORY	PROJECT	LOCATION	CURRENT PAF : EST PROJECT COST	OTHER FUNDING SOURCES	IMMEDIATE	SHORT TERM 1-3 YEARS	MID-TERM 3-5 YEARS	LONG TERM 5-10 YEARS
NEIGHBORHOODS	Trash Receptacles	Parks	$35,000	Measure D				
TEMPORARY	Yarn Storming	Parks	$5,000 Per Year					
	Vacant Storefronts	Shopping Malls	$13,000 Per Year	Property Owners				
HISTORY	Permanent Artwork	City Hall						
LOCAL ARTISTS	Artists in Residence (2 Per Year)	Community Center Senior Center						
	Annual Open Studios Event		$5,000 - $10,000 Per Year	General Fund				
	Artists Booths at Annual Events	Parks						
	Workshops, Webinars, Lectures, etc.							
TEMPORARY	Newark Library	During Scheduled Events						
	Civic Center	During Scheduled Events						
HISTORY	Oral Histories by Students			Newark Library				
NATURE	Wind-generated Kinetic Art	Parks						
	Geography & Cargill Salt Ponds	City Hall		Developer				
PUBLIC EDUCATION	Walks, Tours							
	Smartphone App							
	Coloring Book							
		TOTAL PAF:	**$2,000,000**					

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEWARK ADDING CHAPTER 2.14, "PUBLIC ART COMMITTEE", TO THE NEWARK MUNICIPAL CODE

WHEREAS, in 2024 the City Council adopted the Public Art Master Plan update to develop, administer and maintain a vibrant and inspiring public art program in the City of Newark; and

WHEREAS, the City Council has adopted a public art requirement for private development projects in the City of Newark to provide public art on site or, alternatively, contribute to a public art fund so that public art can be established elsewhere in the community, and to ensure that public art is present and sustained throughout the community; and

WHEREAS, the City council is authorized to establish boards, commissions and committees of the City; and

WHEREAS, the City Council desires to formally establish the Public Art Committee as an independent City Committee advising the City on matters pertaining to public art.

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

SECTION 1. Recitals. The above recitals ("Recitals") are true and correct and made a part of this Ordinance.

SECTION 2. CEQA. The City Council independently finds and determines that this action is exempt from further California Environmental Quality Act (CEQA) environmental review pursuant to CEQA Guidelines sections 15060(c)(2) (no direct or reasonably foreseeable indirect physical change in the environment).

SECTION 3. Newark Municipal Code Chapter 2.14. Chapter 2.14 "Public Art Committee," of the Newark Municipal Code is hereby added to read as displayed in Exhibit A, incorporated and made a part of this Ordinance.

SECTION 4. Severability. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the Ordinance, including the application of such part or provision to other persons or circumstances shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this Ordinance are severable. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be held unconstitutional, invalid, or unenforceable.

SECTION 5. Publication and effective date. Within fifteen (15) days from and after adoption, this Ordinance shall be published once in a newspaper of general circulation printed and published in Alameda County and circulated in the City of Newark, in accordance with California Government Code Section 36933. This Ordinance shall take effect thirty (30) days after its adoption.

EXHIBIT A

Chapter 2.14 PUBLIC ART COMMITTEE

2.14.010 Created; Purpose.

There is created a committee to consist of five members, which shall be designated as the Public Art Committee of the City of Newark. The Committee is to support the provision of visual public art in the City.

2.14.020 Membership; Appointment; Term of Office.

A. The Committee shall consist of five (5) members, meeting the qualifications identified in Section 2.14.030.

B. The Mayor shall appoint members to the Committee, subject to approval of the City Council.

C. In making appointments, the following categories shall be considered:

1) Active members of a City-based, art focused, registered nonprofit organization, entity or facility.
2) Persons with experience in the public art field as either an artist, installer, or designer, including any person with professional credentials and work experience as exhibiting or performing artists, contemporary museum and gallery art curators, arts management professionals, arts educators, or design professionals such as architects, landscape architects, and urban planners.
3) Members of the general public, including Newark Memorial High School students and community members with a passion for art.

2.14.030 Qualifications.

Members of the Committee shall have demonstrated, through community service or business experiences, a strong commitment to and knowledge of the artistic, aesthetic, and cultural quality of life in Newark, and will appreciate the role the arts can play in the cultural development and economic vitality of the community.

2.14.040 Terms of Office.

The terms of office of the members of the Committee shall be for four years; provided, however, that of the five members first appointed two shall be appointed for the term of two years, and three for the term of four years.

2.14.050 Removal From Office; Vacancies.

A. Any appointed members of the Committee may be removed either by the Mayor, subject to the approval of the City Council, or by a majority vote of the City Council. Any time a Committee member has unexcused absences during a consecutive six-month period in excess of three meetings, their seat shall be automatically vacated. The following shall constitute valid excuses for failing to attend a meeting: 1. serious illness and/or injury of the Committee and/or their immediate family; 2. death in the family; 3. employment conditions requiring travel outside the Bay Area, evening meetings, etc.; 4. lack of transportation to the meeting; 5. previously scheduled vacation or travel.

B. Any vacancies among the appointed members shall be filled by appointment by the Mayor, subject to approval of the City Council, for the unexpired portion of the term.

2.14.060 Organization.

As soon as practicable following the termination of the term of office of any Committee member, the Public Art Committee shall organize, by electing from its members a Chairman and Vice Chairman to serve at the pleasure of the Committee. A secretary shall be designated for the recording of minutes of the Committee and to keep a record of its resolutions, proceedings and transactions. The secretary may be, but need not be, a member of the Committee and shall serve at the pleasure of the Committee.

2.14.070 Meetings.

The Committee shall fix the times and places of regular meetings of the Committee, which shall not be more frequent than once each month. All meetings of the Committee shall be open to the public.

2.14.080 Powers and Duties.

The Public Art Committee shall have the following duties and responsibilities:

A. The powers and duties conferred and imposed upon the Public Art Committee by Chapter 12.36 of this code.
B. In accordance with City Council-approved guidelines, conducting public art proposal processes (such as requests for proposals and reviewing and acting on artist/artwork selection panel for public art fund projects) for City-sponsored projects requiring public art installations, and reviewing proposed public art installation sites and advising City staff, the Planning Commission and/or the City Council as applicable on public art installations proposed by project sponsors.
C. Establishing and approving the Public Art Program mission and curatorial and programmatic goals, policies, and guidelines and developing and updating a Public Art Workplan outlining specific public art projects, locations, and budgets.

D. Reviewing and approving recommendations for maintenance and conservation of artwork, deaccession of artwork, and acceptance of artwork gifts and loans, in accordance with each respective policy.
E. Encouraging and promoting art programs and activities within the City.
F. Making recommendations to the City Council regarding local visual and performing art needs, activities and programs.
G. Receiving and gathering input from the community on issues relevant to art policies.
H. Enhancing community awareness of art resources.
I. Performing such other functions and render such other reports and recommendations as may be directed by the City Council.
J. Exercising only the powers herein above enumerated or as otherwise designated by the City Council.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEWARK ADDING CHAPTER 12.36, "PUBLIC ART IN PUBLIC PLACES AND PRIVATE DEVELOPMENT", TO THE NEWARK MUNICIPAL CODE

WHEREAS, in 2024 the City Council adopted the Public Art Master Plan update to develop, administer and maintain a vibrant and inspiring public art program in the City of Newark;

WHEREAS, the City Council finds and declares that Public Art provides the following benefits to the community:

a. Public art contributes to the public's understanding, enjoyment and experience of cultural diversity, and helps to attract and anchor a large and diverse creative sector, enriching the City's cultural identity which is a key component of the City's economic vitality.

b. The incorporation of public art into private and public development will create a unique sense of community as well as public identity and enhance the visual and aesthetic quality of such developments.

c. The incorporation of public art in private and public development is in the public interest and enhances the economic sustainability of artists and arts organizations as a key to the vitality of the City of Newark.

d. The provision of public art supports and implements General Plan policies to use public art that is accessible or visible to the public and conveniently or prominently situated in public places and new developments to commemorate Newark's cultural diversity.

e. Artistic assets should be included in private development projects, especially major gateways into Newark and along major arterials because gateways make an important first impression and can define a city's image for residents, businesses, and visitors.

f. Artistic resources foster economic development and tourism, revitalize urban areas, increase real property values, and improve the overall business climate by creating a more desirable community within which to live and work.

g. The provision of public art supports and implements the City of Newark Public Art Master Plan goals to:

    i. Provide diverse and engaging public art throughout Newark.

    ii. Commission community-focused art in publicly accessible places.

    iii. Integrate public art into all qualified municipal capital construction projects.

    iv. Celebrate Newark's cultural diversity through public art.

v. Connect and build the artist community in Newark.

vi. Provide ongoing financial and administrative support for public art.

vii. Maintain and expand the City's collection of public art; and

WHEREAS, the City Council finds that to ensure that public art is present and sustained throughout the community, it is necessary to require that private development projects in the City of Newark provide public art on site or, alternatively, contribute to a public art fund so that public art can be established elsewhere in the community; and

WHEREAS, the City has broad authority, under its general police power, to regulate the development and use of real property within its jurisdiction to promote the public welfare.

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

SECTION 1. Recitals.

The above recitals ("Recitals") are true and correct and made a part of this Ordinance.

SECTION 2. CEQA. The City Council independently finds and determines that this action· is exempt from further California Environmental Quality Act (CEQA) environmental review pursuant to CEQA Guidelines sections 15060(c)(2) (no direct or reasonably foreseeable indirect physical change in the environment), 15061 (b)(3) (no significant effect on the environment), and 15183 (projects consistent with a community plan, general plan, or zoning), each of which provides a separate and independent basis for CEQA clearance and when viewed collectively provide an overall basis for CEQA clearance.

SECTION 3. Newark Municipal Code Chapter 15.60

Chapter 12.36 "Public Art In Public Places And Private Development," of the Newark Municipal Code is hereby added to read as displayed in Exhibit A, incorporated and made a part of this Ordinance.

SECTION 4. Severability. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the Ordinance, including the application of such part or provision to other persons or circumstances shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this Ordinance are severable. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be held unconstitutional, invalid, or unenforceable.

SECTION 5. Publication and effective date. Within fifteen (15) days from and after adoption, this Ordinance shall be published once in a newspaper of general circulation printed and published in Alameda County and circulated in the City of Newark, in accordance with

California Government Code Section 36933. This Ordinance shall take effect thirty (30) days after its adoption.

Exhibit A

Title 12 - STREETS, SIDEWALKS, AND PUBLIC PLACES

Chapter 12.36 PUBLIC ART IN PUBLIC PLACES AND PRIVATE DEVELOPMENT

12.36.010 Purpose.

The purpose of this Chapter is to implement Goals LU-4-9 and LU-4-D of the City of Newark's General Plan to use public art that is accessible or visible to the public and conveniently or prominently situated in public places and new developments to commemorate Newark's cultural diversity, and goals of the Public Art Master plan update adopted by the City of Newark in 2024.

The City Council finds and declares:

a. Public art contributes to the public's understanding, enjoyment and experience of cultural diversity, and helps to attract and anchor a large and diverse creative sector, enriching the City's cultural identity which is a key component of the City's economic vitality.

b. The incorporation of public art into private and public development will create a unique sense of community as well as public identity and enhance the visual and aesthetic quality of such developments.

c. The incorporation of public art in private and public development is in the public interest and enhances the economic sustainability of artists and arts organizations as a key to the vitality of the City of Newark.

d. The provision of public art supports and implements General Plan policies to use public art that is accessible or visible to the public and conveniently or prominently situated in public places and new developments to commemorate Newark's cultural diversity.

e. Artistic assets should be included in private development projects, especially major gateways into Newark and along major arterials because gateways make an important first impression and can define a city's image for residents, businesses, and visitors.

f. Artistic resources foster economic development and tourism, revitalize urban areas, increase real property values, and improve the overall business climate by creating a more desirable community within which to live and work.

g. The provision of public art supports and implements the City of Newark Public Art Master Plan goals to:

    i. Provide diverse and engaging public art throughout Newark.

    ii. Commission community-focused art in publicly accessible places.

    iii. Integrate public art into all qualified municipal capital construction projects.

    iv. Celebrate Newark's cultural diversity through public art.

    v. Connect and build the artist community in Newark.

vi. Provide ongoing financial and administrative support for public art.

vii. Maintain and expand the City's collection of public art.

12.36.020 Definitions.

As used in this Chapter, the following terms shall have the following meanings:

"Alteration" means the rehabilitation, renovation, remodeling or improvement of an existing building that requires the issuance of a building permit by the City of Newark.

"Construction" means the new construction (in whole or in part) of a building that requires the issuance of a building permit by the City of Newark.

"Construction Cost" means the total value of the project as determined by the Chief Building Official and indicated on the building application submitted to the City in order to obtain a building permit, or permits, for the project. Building permit applications shall include, but not be limited to, all grading, building, plumbing, mechanical, and electrical permit applications for the project.

12.36.030 Applicability.

The provisions of this Chapter apply to all construction or alteration except as set forth below.

a. This Chapter does not apply to residential alterations.

b. This Chapter does not apply to residential projects in which one hundred percent (100%) of the dwelling units are restricted to very low, low or moderate income households (as defined in this Code)

c. This Chapter does not apply to non-residential alterations with a construction cost of less than five hundred thousand dollars ($500,000.00)

d. This Chapter does not apply to projects that have received entitlements or been deemed complete by written notification from City staff prior to the effective date of this ordinance. If this Chapter does not apply to a project for these reasons, such project must comply with City Council Resolution No. 6582.

12.36.040 Public Art Requirement.

a. For any project subject to this Chapter, public art must be provided as described in Section 12.36.060 or an equivalent payment must be made to the public art fund as provided in Section 12.36.070.

b. Except as provided elsewhere in this Chapter, the public art requirement applies for each incidence where construction or alteration occurs. No exemptions or credits for previously installed public art or previous payments to the public art fund will apply.

12.36.050 Guidelines for Implementation of this Chapter.

The City Council may establish guidelines for implementation of this Chapter.

12.36.060 On-Site Public Art.

a. Anyone seeking to satisfy the public art requirement by placing art on a project site must comply with this section.

b. Except as provided below, construction or alteration projects must provide art with a value equal to at least one percent (1%) of the construction cost. The value of the public art includes the cost of the development, acquisition, and installation of the public art, the administrative costs associated with creating and installing the art, and any costs charged for the administration of this Chapter.

c. Public art may include sculpture, murals, photography and original works of graphic art, earthworks, fiber works, waterworks, neon, glass, mosaics, or any combination of forms of media, furnishing or fixtures permanently affixed to the building or its grounds, or a combination thereof, and may include architectural features of the building or elements of landscape design.

    i. Public art may also include any other artwork determined by the Public Art Committee, or City Council on appeal, to satisfy the intent of this section.

    ii. The creator of public art shall be a practitioner in the visual arts who is not a member of the project engineering, architecture or landscape architecture firm.

d. The public art must be located (1) in areas on the site clearly visible from the public street or sidewalk, or (2) in publicly accessible outdoor areas, or (3) on adjacent public property (subject to the approval of any relevant public agency), or (4) in a publicly accessible area such as a hotel lobby. Public art must be displayed in a manner that will enhance its enjoyment by the general public.

e. Written proof to the City of a contractual agreement to commission (or purchase) and to install the requested artwork on the development site must be provided at the time of filing the building permit application.

f. The public art must be installed prior to the issuance of the first certificate of occupancy unless the Community Development Director concludes that it is not feasible to install the public art within this time frame and adequate assurance (which the Director may require to be in the form of a letter of credit or bond) is provided that the public art will be installed in a timely manner, in which case the Community Development Director may extend the time for installation.

12.36.070 Contribution to Public Art Fund.

a. Any person subject to this Chapter may choose to make a payment to the City's public art fund that is equivalent to the valuation required for providing art as set forth in Section 12.36.060. When the value of the public art would be fifty thousand dollars ($50,000.00) or less, it is encouraged, but not required, that a payment be made to the public art fund.

b. Public art payments must be made prior to the issuance of a certificate of occupancy.

12.36.080 Use of Public Art Fund.

The City of Newark Public Art Fund must be used to further City-owned art or City-sponsored exhibitions that are accessible to the public. The fund must be used exclusively to (1) prepare sites for works of art, (2) acquire and install works of art, (3) maintain works of art, (4) support the exhibition of art, and (5) fund administrative costs associated with the public art program. The Public Art Committee shall recommend utilization of monies in the public art fund.

12.36.090 Appeal of Public Art Committee Decision.

A final decision by the Public Art Committee on the selection of public art, the artist or the site location may be appealed to the City Council within ten (10) days of the decision. The City Council may refer the matter back to the Public Art Committee for further consideration, or may reverse, affirm or modify the Public Art Committee decision. The City Council's findings and decision on the appeal are final.

12.36.100 Maintenance and Removal of Works of Art.

a. The owner of the real property on which public art is located must maintain the public art installed pursuant to this Chapter, or cause to be maintained, in good condition the on-site artwork continuously after its installation and shall perform necessary maintenance thereto to the satisfaction of the City. No work of art may be removed unless a replacement work of public art is approved pursuant to this Chapter.

b. Should the property owner wish to remove the on-site artwork, the City must be notified in advance. The property owner shall replace the on-site artwork with on-site artwork of equal or greater value, and consistent with the California Preservation of Works of Art Act and the Federal Visual Artists' Rights Act and any other relevant law.

c. The City reserves the right to inspect the artwork at any time to ensure it is being maintained as required pursuant to this section.

12.36.110 Waiver.

The City Council, at its discretion, may waive, wholly or partially, the requirements of this Chapter and approve alternative methods of compliance with this Chapter if the applicant demonstrates, and the City Council finds, that such alternative methods meet the purposes of this Chapter.

12.36.120 Violations.

In addition to other fines or penalties provided by State or municipal law, the City may revoke or suspend any permit granted to any developer and/or owner who violates the provisions of this Chapter.