



CITY OF NEWARK CITY COUNCIL

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

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

AGENDA

Thursday, October 9, 2014

CITY COUNCIL:

Alan L. Nagy, Mayor
Ana M. Apodaca, Vice Mayor
Luis L. Freitas
Sucy Collazo
Robert Marshall

CITY STAFF:

John Becker
City Manager
Terrence Grindall
Assistant City Manager
Susie Woodstock
Administrative Services Director
Sandy Abe
Human Resources Director
Peggy A. Claassen
Public Works Director
Jim Leal
Police Chief
David Zehnder
Recreation and Community
Services Director
David J. Benoun
City Attorney
Sheila Harrington
City Clerk

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

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

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

The attached *Agenda* gives the *Background/Discussion* of agenda items. Following this section is the word *Attachment*. Unless "none" follows *Attachment*, there is more documentation which is available for public review at the Newark Library, the City Clerk's office or at www.newark.org. Those items on the Agenda which are coming from the Planning Commission will also include a section entitled *Update*, which will state what the Planning Commission's action was on that particular item. *Action* indicates what staff's recommendation is and what action(s) the Council may take.

Addressing the City Council: You may speak once and submit written materials on any listed item at the appropriate time. You may speak once and submit written materials on any item not on the agenda during **Oral Communications**. To address the Council, please seek the recognition of the Mayor by raising your hand. Once recognized, come forward to the lectern and you may, but you are not required to, state your name and address for the record. Public comments are limited to five (5) minutes per speaker, subject to adjustment by the Mayor. Matters brought before the Council which require an action may be either referred to staff or placed on a future Council agenda.

No question shall be asked of a council member, city staff, or an audience member except through the presiding officer. No person shall use vulgar, profane, loud or boisterous language that interrupts a meeting. Any person who refuses to carry out instructions given by the presiding officer for the purpose of maintaining order may be guilty of an infraction and may result in removal from the meeting.



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A. ROLL CALL

B. MINUTES

- B.1 Approval of Minutes of the City Council meetings of September 18, 2014 and September 25, 2014. (MOTION)**

C. PRESENTATIONS AND PROCLAMATIONS

D. WRITTEN COMMUNICATIONS

- D.1 MUP-14-37, a minor conditional use permit, to establish a large family day care home at 5557 Jonathan Drive – from Assistant Planner Jimenez. (REVIEW OPTIONAL)**

Background/Discussion – Ms. Sonia Landa has submitted an application for a minor conditional use permit to establish a large family day care home (a facility for up to 14 children) at 5557 Jonathan Drive. Attached is Exhibit A, pages 1 (site plan), and pages 2 (floor plan).

The subject site is zoned R-6,000 (Low-Density Residential – 6,000 District). Ms. Landa currently operates a small family day care home (a facility for up to eight children) at this single-family residence. City staff sent a notice of this application to the 12 property owners within a 100-foot radius of the subject site. Staff received one objection letter from a neighboring resident who expressed concern over potential increased traffic and noise. To address this concern, the applicant has agreed to implement guidelines including staggering pick-up and drop-off times that she will have parents follow.

The Zoning Administrator (ZA) has approved MUP-14-37, a minor conditional use permit, with Exhibit A, pages 1 through 2, to establish a large family day care home at 5557 Jonathan Drive, subject to the conditions in the attached ZA letter.

Environmental Review

This request to establish a large family day care home is statutorily exempt from the California Environmental Quality Act (CEQA) per Section 15274(a).

Attachment

Update – At its September 23, 2014 meeting, the Planning Commission chose not to review this “review optional” item.

Action – City Council review of this item is optional.

E. PUBLIC HEARINGS

- E.1 Hearing for the Prima Project, a 281 unit residential development at 5699 Mowry Avenue. The City Council will consider: (1) an Initial Study and Mitigated Negative Declaration; (2) a General Plan amendment to change the land use designation from CC (Community Commercial) to MR (Medium Density Residential); (3) introduction of an Ordinance to amend Title 17 (Zoning) of the Newark Municipal Code to change the zoning for an approximately 10 acre portion of Vesting Tentative Map 8208 from CC (Community Commercial) to R-2500 (Medium Density Residential – 2,500); (4) by motion, approving a planned unit development, and, a conditional use permit, (5) a Vesting Tentative Map 8208 for a 281 unit residential development at 5699 Mowry Avenue, with Exhibit A, pages 1 through 42; and (6) finding the proposed benefits to the community are in excess of those required by the impacts of the project and waive the Housing Impact Fee – from Assistant City Manager Grindall.**
- (RESOLUTIONS-4)(ORDINANCE)(MOTION)**

Background/Discussion – Prima Residential and Mowry Capella, LLC have made an application to construct up to 281 residential units at 5699 Mowry Avenue. This property is currently zoned Community Commercial and is occupied by B.J.’s Restaurant and Brewhouse and a vacant former Mervyn’s building. The property that is occupied by the Motel 6 building is also a part of this application.

The project proposes no changes to the BJ’s Restaurant and Brewhouse, its parking lot, the Swiss Park facility, 76 Gas Station nor the Firestone Auto shop. A separate parcel will be created for the restaurant and it will retain its Community Commercial zoning.

A community meeting to discuss this proposal was held on July 28, 2014. Approximately 13 people attended the meeting, including representatives of the neighboring Swiss Park facility. Questions and concerns from the public included proposed landscaping, site pedestrian access, traffic safety, the demolition of Motel 6, construction duration, and noise generating from events held at Swiss Park. The applicant discussed the issues that were raised and took note of the public’s concerns.

Environmental Determination

The Initial Study/Mitigated Negative Declaration was prepared for this project by Mr. Jerry Haag, Urban Planner. The key issues analyzed were aesthetics, agricultural and

forestry resources, air quality, biological resources, cultural resources, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, noise, population and housing, public services, recreation, transportation/traffic, and utilities and service systems.

Of these 17 issues, the only new significant impacts resulting from this project would include air quality, hazards and hazardous materials, noise, and traffic/circulation. These represent project-specific impacts that are specific to the location of the project site and the development proposed by the project.

As described in Section 3, *Air Quality*, of the attachment to the Initial Study, the project will reduce construction-related air quality emissions to a less-than-significant level (these measures are consistent with Bay Area Air Quality Management District [BAAQMD] recommendations). As such, the developer will be required to use water as needed to control dust and eliminate visible dust plumes. In addition, covering of all trucks hauling building debris, soil, sand, and other loose materials will be required. Another option could be to require all trucks to maintain at least two feet of freeboard.

Some of the future residences closest to Interstate 880 (I-880) could be exposed to pollutants from vehicle traffic that exceed the BAAQMD threshold for operational impacts, therefore the applicant will install air filtration and ventilation systems in residential buildings in the affected areas that would include sensitive receptors.

Section 8, *Hazards and Hazardous Materials*, recognizes that existing buildings on the site will be demolished. Prior to their demolition, a licensed contractor will determine the presence or absence of lead based paints or asbestos on the site. If found in quantities at or above objectionable levels as determined by the Alameda County Fire Department and Newark Building Division, these materials shall be safely removed consistent with OSHA and other applicable standards and disposed of in an appropriate location.

Section 12, *Noise*, notes that single-family residences proposed along Cedar Boulevard would be exposed to future noise levels of approximately 67dBA Ldn and would be considered “conditionally acceptable” according to the Environmental Hazards Element of the Newark General Plan. As shown in the Perimeter Wall Plan as part of the proposed project, an 8-foot masonry noise barrier would shield private outdoor use areas, resulting in exterior noise levels of 60 dBA Ldn or less when accounting for the acoustical attenuation provided by the proposed noise barrier. Exterior noise levels at private use areas of single-family residences along Cedar Boulevard would be considered “normally acceptable” according to the Environmental Hazards Element of the Newark General Plan. However, since the final designs of buildings and final topographic grades on the site are not established, the final height and location of the perimeter wall shall be reviewed by a qualified acoustical professional to ensure that the ultimate height, location, and design of the perimeter wall will ensure City of Newark standards for exterior noise exposure are met.

As currently proposed, noise levels expected from outdoor concerts at the adjacent Swiss Park would be in compliance with the City of Newark exterior and interior noise standards at the nearest residential land uses at the project site. However, to ensure that residents are fully aware of potential noise resulting from outdoor concerts at Swiss Park, residents of dwellings on the west side of the project site within 200 feet of the western property line, including owners and renters, shall receive written notice that outdoor music concerts, some with amplified sound, and other outdoor activities will occur at Swiss Park. Wording of this disclosure shall be approved by the Community Development Director.

Traffic noise levels at the exterior facades of condominium buildings proposed nearest to I-880 were calculated to range from 74 to 77 dBA Ldn and would be considered “normally acceptable” to “clearly unacceptable” according to the Environmental Hazards Element of the Newark General Plan. The facades of condominium buildings adjacent to I-880 would require sound rated building elements to control traffic noise intrusion. As such, building facades for the proposed condominium dwellings near the I-880 freeway shall achieve an outdoor to indoor composite noise reduction of 35 dBA to reduce traffic noise to below 45 dBA Ldn with an adequate margin of safety. A similar treatment will be applied to condominiums nearest to Mowry Avenue to achieve an outdoor and indoor composite noise reduction of 30 dBA.

As with most projects, construction noise could be audible at the adjacent residential dwellings and, if on-site construction takes place over multiple phases, occupants of earlier phases of construction could be subject to excessive noise from later phases of on-site construction. To reduce noise impacts, equipment and trucks used for project demolition and construction will utilize the best available noise control techniques (e.g., improve mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures and acoustically-attenuating shields or shrouds, wherever feasible). Impact tools shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. Stationary noise sources shall be located as far from adjacent receptors as possible, and they shall be muffled and enclosed within temporary sheds, incorporation insulation barriers or other measures to the extent feasible.

Section 16, *Transportation/Traffic*, notes that there would be no significant impacts at any intersections due to the addition of project trips. Although there are three intersections of concern because of traffic levels from existing or planned development the Prima project traffic would neither cause the level of service to degrade to an unacceptable level nor cause the average delay at any of the intersections to increase by four or more seconds. All of the other study intersections would operate at acceptable levels of service.

The traffic analysis recommends that the final site incorporate on-site pedestrian and bicycle facilities, including but not limited to pedestrian paths and/or sidewalks bicycle lanes, bicycle racks and/or guarded bicycle parking and marked crosswalks to facilitate pedestrian and bicycle circulation. In addition, the on-site circulation system shall

ensure that adequate travel lanes and turning radii will allow access by trucks, solid waste collection vehicles and fire equipment.

The review period for the Initial Study/Mitigated Negative Declaration ended on September 18, 2014. The City received letters from the Alameda County Water District, Swiss Park, and a property owner. These letters have been addressed in the Mitigated Negative Declaration.

General Plan Amendment/Rezoning

The current General Plan designation for the majority of the property is Community Commercial. The former Motel 6 property has a General Plan and zoning designation of High Density Residential and therefore needs no change. The change from Community Commercial to Medium Density Residential for the balance of the site is consistent with the project's density.

As the General Plan designation and zoning need to be consistent, approximately 10 acres of the site is proposed to be rezoned from Community Commercial to R-2500, which is a medium density zoning designation. The remainder of the site where BJ's Restaurant and Brewhouse is located will remain Community Commercial.

Project Design

The development, which will be known as "Prima", is proposed to contain approximately 42 detached homes, 146 attached townhomes, and 93 attached row condominiums. The developer is requesting approval of up to 281 homes for the project, including the triangular piece of property at the corner of Cedar Boulevard and Cedar Court which is now under contract and part of the Prima project.

The community's main entrance will be via a new private lane off of Cedar Boulevard with a secondary auto entrance proposed at Cedar Court. There are sidewalks adjacent to both of the entrances, as well as two additional pedestrian gates located at the southwest and southeast ends of the residential site. A community park located along the main drive will include an open turf area, picnic and sitting areas, and a youth play structure. Other open spaces include a toddler's play area as well as numerous landscaped open spaces throughout the community.

All three products (detached, townhomes, and condominiums) offer multiple floor plans. The plans offer a nice variation in design and many of the homes have private enclosed patios or balconies. The varying heights of the buildings, along with the strong architectural features and contrasting paint schemes add to the high quality of this development.

Housing Impact Fee

Section 17.18.050 (Discretionary Exemption by City Council) of the Newark Municipal Code allows the City Council to waive the payment of the Housing Impact Fee if a developer of a residential or non-residential project includes a provision of community benefits in excess of those required by the impacts of the project, and if the

City Council finds that the proposed benefits to the community exceed those that would be provided by the payment of the housing impact fee. Such community benefits may include the provision of senior housing, the generation of significant sales taxes, or the elimination of nuisances. The amount that would be waived would typically be about \$30,000 per dwelling unit. If the City Council elects to waive the housing impact fees pursuant to this provision, the community benefits shall be guaranteed by a binding document in a form that is acceptable to the City Attorney.

Motel 6 has been the site of a significant amount of Police activity over the past years. Crimes allegedly committed on the property include rape, battery and assault with a deadly weapon, robbery, burglary, grand theft, domestic violence, drugs, prostitution and kidnapping. The elimination of this nuisance site will reduce the calls to the area significantly and allow the Police Department to allocate resources elsewhere. The Planning Commission recommended that the City Council find the proposed benefits to the community are in excess of those required by the impacts of the project and a waiver of the Housing Impact fee was in order.

Attachments

Update – At its meeting of September 23, 2014, the Planning Commission: approved Resolution 1886 making certain findings and recommending City Council approval of E-14-14, an Initial Study/Mitigated Negative Declaration; (2) approved Resolution 1887 recommending City Council approval of GP-14-15, a General Plan Amendment to change the land use designation from CC (Community Commercial) to MR (Medium Density Residential); (3) approved Resolution 1888 recommending City Council approval of RZ-14-38, a rezoning from CC (Community Commercial) to R-2,500 (Medium Density Residential – 2,500); (4) approved Resolution No. 1889 with Exhibit A, pages 1 through 42, approving P-14-16, a planned unit development, and U-14-17, a conditional use permit; (5) by motion, recommended City Council approval of TM-14-18, Vesting Tentative Map 8208; and (6) by motion, recommended the City Council find the proposed benefits to the community are in excess of those required by the impacts of the project and waive the Housing Impact Fee.

Action – It is recommended that the City Council: (1) By resolution, make certain findings and adopt an Initial Study and Mitigated Negative Declaration for 281 dwelling units at 5699 Mowry Avenue The Prima Project; (2) By resolution approve an amendment to the Land Use Element of the General Plan from CC (Community Commercial) to MR (Medium Density Residential); (3) introduce an ordinance to amend Title 17 (Zoning), Section 17.44.010 of the Newark Municipal Code to change the zoning for an approximately 10 acre portion of Vesting Tentative Map 8208 from CC (Community Commercial) to R-2500 (Medium Density Residential – 2,500); (4) by motion, approve P-14-16, a planned unit development, and U-14-17, a conditional use permit, (5) By resolution, approve Vesting Tentative Map 8208 and Subdivision and Zoning Variances thereto (6) By resolution, find that the project provides a benefit to the community in excess of those required by the impacts of the project and granting a waiver of the Housing Impact Fee.

E.2 Introduction of an Ordinance amending Chapter 17.18 (Affordable Housing Program) of the Newark Municipal Code by exempting residential additions from the Housing Impact Fee – from Assistant City Manager Grindall. (ORDINANCE)

Background/Discussion – On April 10, 2014 the City Council approved an Affordable Housing Impact Fee which replaced the former inclusionary housing program. The fee was set at \$20 per square foot of building area for the first 1000 square feet and \$8 per square foot above 1000 square feet. The Ordinance has recently become effective. As approved, the ordinance applied a fee to all residential development, including additions to existing residential dwellings. In the process of implementation staff has concluded that the application of this fee to residential additions could create a disincentive to investment in existing neighborhoods and logistical problems in implementation. Therefore, staff is recommending that the Affordable Housing Program (Municipal Code Section 17.18) be amended to exempt additions to existing residential dwellings from payment of the fee.

Attachment

Action – Staff recommends that the City Council introduce an ordinance amending the Chapter 17.18 (Affordable Housing Program) of the Newark Municipal Code Section 17.18.030(B) (Housing Fee) and Section 17.18.040(D) (Damaged Property) exempting residential additions from the Housing Impact Fee.

F. CITY MANAGER REPORTS

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

CONSENT

F.1 Authorization for the City to accept the Office of Traffic Safety (OTS) “Avoid the 21” DUI enforcement campaign grant award, authorize the Police Chief to sign the Memorandum of Understanding, and amend the 2014-2016 Biennial Budget – from Police Chief Leal. (RESOLUTION)

Background/Discussion – Every year in communities throughout the state, irresponsible drinking and driving causes collisions, which result in significant injuries, as well as fatalities. Historically the “Avoid the 21” DUI enforcement campaign has been a joint effort of agencies within Alameda County whose goal is to crack down on drivers under the influence by conducting sobriety checkpoints during winter and spring mobilizations. Over the past six years, the Newark Police Department has received grant funding from the Office of Traffic Safety (OTS) to support DUI enforcement campaigns. The Livermore Police Department facilitated this process for all allied agencies in Alameda County beginning in fiscal year 2008-

2009 through 2012-2013 with the Hayward Police Department serving as the “pass through” agency for the last two fiscal years. Grant funds were used to cover overtime costs associated with conducting a number of saturation patrols, DUI checkpoints, and warrant sweeps, in addition to participating in multi-agency task forces.

The Hayward Police Department will continue to facilitate this process for fiscal year 2014-2015. An award was granted and the Newark Police Department will receive funding in the amount of \$9,432.00 for saturation patrols and a DUI checkpoint.

Attachment

Action - It is recommended that the City Council, by resolution, accept the Office of Traffic Safety (OTS) “Avoid the 21” DUI enforcement campaign grant award, authorize the Police Chief to sign the Memorandum of Understanding, and amend the 2014-2016 Biennial Budget.

NONCONSENT

- F.2 Acceptance of Fire Services Alternatives Study from Citygate Associates for the cities of Newark and Union City and direction to negotiate a five-year contract extension, with annual termination options, for fire services with the Alameda County Fire Department with terms that support reform of retiree health benefits and organizational governance – from City Manager Becker. (MOTION)**

Background/Discussion – The cities of Newark and Union City are currently under contract with the Alameda County Fire Department (ACFD) to provide fire and emergency response services. ACFD is a special dependent district, formed in 1993, to provide fire services to unincorporated Alameda County and is governed by the Alameda County Board of Supervisors (BOS). During the past 21 years, five cities (San Leandro, Dublin, Newark, Union City, and Emeryville) and two federal laboratories (Lawrence Berkeley and Lawrence Livermore National Laboratories) have joined the ACFD. The contracting agencies now constitute over 60% of the ACFD budget.

The fire and emergency response services that Newark and Union City have received from ACFD have been excellent and the cost savings have met expectations. However, two major and problematic issues have become evident during the roughly four years that both cities have been served by the ACFD:

- **Unfunded Liabilities of Retiree Health Care:** Retired ACFD employees, with at least 5 years of service, are provided an uncapped benefit of healthcare for themselves and their families. Presently this benefit is up to \$1,559 per month. This is a substantially more generous benefit than comparison agencies. Further since the benefit is uncapped it creates enormous and likely unsustainable future costs.

- **Governance:** The Alameda County Board of Supervisors is the governing body of the ACFD, and the mechanisms that were created to allow for contract agencies to provide input have been ineffective in terms of actually influencing decision-making by the Board of Supervisors.

Therefore, as the contracts are approaching the end of their five-year terms, Newark and Union City collaborated on a process to solicit and evaluate consultants to perform a Fire Services Alternatives Study to examine issues and opportunities revolving around potential fire service provision options. Citygate Associates was selected to complete the study, based on their extensive expertise in performing such studies. The fire provision options studied included:

- Remaining with ACFD
- Forming a new, joint fire department
- Contracting for fire services from another entity – public or private.

The Study was a comprehensive effort with the consultation and cooperation of ACFD management staff. It is a detailed examination of the issues and costs associated with the provisions of fire services. It addresses cost of salaries, pensions, equipment, and post-employment benefits- notably retiree health care. It addresses ongoing costs and future liabilities. The Study has been completed and is attached to this staff report.

The key findings are as follows:

- It is technically possible to separate fire services into a two-city Joint Powers Authority fire department.
- If a joint Union City/Newark Fire Department were created, there would be one time separation/startup costs of \$5.6 million dollars and ongoing cost savings (beginning year two) of approximately \$1.8 million. These costs and savings would be divided between the two Cities at roughly 57% for Union City and 43% for Newark.) However, at this initial feasibility point, the estimated cost savings are subject to significant variables and uncertainties.
- It is not feasible to pursue a fire services contract with another regional provider or a private sector company and these options are not recommended for further study.

It is important to note that there are unresolved legal questions regarding the interpretation of the existing contract as it pertains to termination and vesting of post-retirement benefits. This leads to the likelihood of a prolonged legal dispute if the cities were to end their contractual relationship with the Alameda County Fire Department at this time.

Recommendation

ACFD continues to provide excellent service to our residents and there have been no significant issues with their operations. As the study found, the key variable in the cost structure of fire service provision is ACFD's uncapped retiree medical costs. If this benefit can be adjusted to be similar to the benefit offered by comparative Fire Departments, the long term costs of a contract for service with ACFD and a joint Union City/Newark Fire department would likely be similar. The labor contract between ACFD and Alameda County Firefighters Local 55 includes a mandatory "reopener" in 2016. Both ACFD management and Local 55 leadership have indicated an interest in addressing this issue.

In addition, Newark and Union City as well as the other ACFD contract agencies have a desire to establish a more apportioned decision-making structure for policy level decisions with the Alameda County Board of Supervisors. This governance change will be explored utilizing the Executive Management Oversight Committee and the Fire Advisory Commission.

Given the high start-up costs and the uncertainties surrounding creation of a new joint fire department, and the reality that the long term costs of a joint Newark and Union City fire department would be roughly equivalent if the current ACFD retiree health benefit situation is addressed, staff is recommending that a new contract with Alameda County Fire be negotiated with the following provisions:

- Provide for a five-year term with the ability to terminate on an annual basis.
- Require substantive discussions to address retiree health care cost containment.
- Require substantive discussions on increasing contract cities role in decision making and governance.

In addition, a new contract would allow for the clarification of contract language to reduce the level of uncertainty surrounding the contract's current terms and provisions.

Attachment

Action - It is recommended that the City Council, by motion, accept the Fire Services Alternatives Study and direct staff to negotiate a five-year contract extension, with annual termination options, for fire services with the Alameda County Fire Department with terms that support reform of retiree health benefits and organizational governance.

G. CITY ATTORNEY REPORTS**H. ECONOMIC DEVELOPMENT CORPORATION**

I. CITY COUNCIL MATTERS

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

K. ORAL COMMUNICATIONS

L. APPROPRIATIONS

M. CLOSED SESSION

M.1 Conference with Legal Counsel pursuant to Government Code Section 54956.9(a), Anticipated Litigation (1 case) – from City Attorney Benoun and Human Resources Director Abe.

Background/Discussion – City Attorney Benoun and Human Resources Abe have requested that the Council convene in closed session pursuant to Government Code Section 54956.9(a) Anticipated Litigation (1 case).

N. ADJOURNMENT

Pursuant to Government Code 54957.5: Supplemental materials distributed less than 72 hours before this meeting, to a majority of the City Council, will be made available for public inspection at this meeting and at the City Clerk's Office located at 37101 Newark Boulevard, 5th Floor, during normal business hours. Materials prepared by City staff and distributed during the meeting are available for public inspection at the meeting or after the meeting if prepared by some other person. Documents related to closed session items or are exempt from disclosure will not be made available for public inspection.

For those persons requiring hearing assistance, please make your request to the City Clerk two days prior to the meeting.