

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, March 26, 2015

- A. ROLL CALL

- B. MINUTES
 - B.1 Approval of Minutes of the regular City Council meeting of Thursday, March 12, 2015. (MOTION)

- C. PRESENTATIONS AND PROCLAMATIONS

- D. WRITTEN COMMUNICATIONS

- E. PUBLIC HEARINGS
 - E.1 Hearing to consider: 1) Certifying a Recirculated Final Environmental Impact Report addressing and disclosing the Environmental Impacts of the Newark Areas 3 and 4 Specific Plan Project and approving a Mitigation Monitoring and Reporting Program; 2) Approving the Newark Specific Plan: Areas 3 and 4 of the General Plan and related General Plan amendments: A map amendment to the General Plan Diagram to change the General Plan land use designations for certain parcels of land; 3) Introducing an Ordinance approving the Newark Areas 3 and 4 Specific Plan Project Development Agreement and; 4) Introducing an Ordinance approving a Map Amendment to Title 17 (Zoning) of the Newark Municipal Code Rezoning Parcels to be Consistent with the Newark Specific Plan: Areas 3 and 4 of the General Plan – from Assistant City Manager Grindall. (RESOLUTIONS-2) (INTRODUCTION OF ORDINANCES-2)

Background/Discussion - The Areas 3 and 4 Specific Plan Project was approved by the City Council on July 8, 2010. The project was subject to litigation which resulted in an order to repeal the project approval, which the City Council approved on February 26, 2015. The City has prepared and circulated environmental documentation and has revised the Development Agreement to address the court's judgment. It is proposed that the revised and recirculated environmental document be certified as disclosing the environmental impacts of the project in compliance with the California Environmental Quality Act (CEQA), and that the project be reapproved.

The project represents a balance between the community's vision for development and preservation and enhancement of natural resources. It includes:

- A maximum of 1,260 housing units;
- Five or more acres of public parks;
- A bayside recreational trail, with potential for Bay Trail designation;
- A 6 acre school site with an adjacent joint use 3 acre park at no cost to the public;
- Enhancement and permanent preservation of hundreds of acres of open space at no cost to the public;
- Transportation improvements including a Railroad Overcrossing;
- Affordable housing, either through construction or provision of funding;
- Resources to allow potential development of a golf course or other recreational amenity.

In 1992 the City Council adopted the General Plan Update, which designated areas of development focus, including Areas 3 and 4. The General Plan allowed future development of Area 4 consisting of high-quality low-density housing, an 18-hole golf course, and open space. In 1999 Newark voters confirmed this vision. In 2010 the Planning Commission and City Council Approved the Areas 3 and 4 Project to fulfill this concept. The 2013 General Plan Update also maintained this vision and designated the development area as the Southwest Newark Residential and Recreational Project.

A large portion of Area 3, bounded by Cherry Street, Stevenson Boulevard, the Union Pacific railroad tracks, and Mowry Avenue, has been developed. It is designated primarily for Research and Development (R&D) High Tech development, but also includes the City's Silliman Recreation Complex and the Ohlone College Newark Campus. A vacant 78-acre portion of Area 3 is included in the proposed project. Area 4 is one of the last undeveloped areas in the City. It consists of 560 acres that are largely agricultural in use with a wrecking yard operating on a Conditional Use Permit.

Specific Plan Process for Areas 3 and 4

Complex ownership issues have, to date, precluded the development of Areas 3 and 4 as envisioned by the City's General Plan. New Technology Park Associates (NTPA), and its successor in interest Newark Partners LLC (Newark Partners), acquired title to or options to purchase substantial amounts of property in Areas 3 and 4. NTPA then proposed the development of Area 4 consistent with the General Plan, including a golf course, housing, and open space. It has also proposed that the City re-designate and rezone the 78-acres of undeveloped land owned by NTPA, and now by its successor in interest, Newark Partners in Area 3 from R&D High Tech Business Park (Special Industrial) to residential use.

Based on these proposals, the City agreed in a Memorandum of Understanding approved by the City Council on June 22, 2006, to prepare a Specific Plan for Areas 3 and 4; and to consider General Plan re-designation of the 78 acre portion of Area 3. The MOU was approved based on the General Plan's acknowledgement that the

Specific Plan may be implemented through a Development Agreement. As such, the City and Newark Partners are proposing to enter into a Development Agreement to secure benefits for both parties. Further, the Development Agreement will provide the City with assurances that the Project will include the development of high quality residential housing, a reservation of land for an elementary school, a joint use park, bicycle and pedestrian trails, permanently protected open space, and a golf course or other recreational amenities.

The City's Specific Plan process commenced in late 2006, and consisted of two phases. Phase One involved preparation of a conceptual plan and a feasibility analysis which evaluated development constraints. Phase Two used the results of this constraints analysis as the basis for developing the proposed Specific Plan and the Environmental Impact Report (EIR). The constraints analysis was completed in Fall 2007. Work began on the EIR in Spring 2007. The City distributed a Notice of Preparation for the EIR in May 2007. On February 26, 2008, the City of Newark Planning Commission, by a vote of 6-0, reviewed two alternative Concept Plans, selected a preferred alternative, and recommended that the City Council approve the preferred alternative as the basis upon which a Specific Plan would be developed. On March 13, 2008 the City Council accepted and approved the Planning Commission recommendation on the preferred land use concept.

Community Process

During the Specific Plan development process, to obtain community input, the City conducted a series of public meetings. The first community meeting for the project was held in November 2006. The meeting was very well attended. The issues raised primarily related to traffic impacts and impacts to the Bay and surrounding habitat and were included in the EIR. An Open House, attended by approximately 50 people, was held in April 2007 to explain the project planning progress. An EIR Scoping Meeting followed on May 30, 2007. In November 2007, a community workshop updated the community on the United States Army Corps of Engineers verified wetlands delineation for the site and results of the site's biological habitat survey. In addition, land plan options were presented to the community for their comment and review. Approximately 85 community members attended this meeting and provided specific input related to the proposed concept plans by drawing their comments and suggestions on maps at the meeting.

After the November 2007 meeting, the planners and technical consultants utilized the community input to revise the land use concept plan. A joint Community Meeting and Planning Commission Workshop was held on February 6, 2008 and was attended by approximately 80 people. An additional community meeting was held on October 16, 2008 to further review land use concepts that would be developed in the specific plan. This meeting was attended by approximately 50 people. On June 22, 2009 another community meeting, attended by approximately 40 people, was held to update the community on the timeline for buildout of the project. The City then finalized the Specific Plan, and the EIR, based upon the preferred land use concept. On June 8, 2010 the Planning Commission held a Public Hearing and recommended approval of the

project and the City Council held a Public Hearing on July 8, 2010 and approved the Areas 3 and 4 Specific Plan Project.

Subsequently, there was litigation that ultimately resulted in a judgment in late 2014 that affirmed the bulk of the environmental analysis and disclosure, but found three errors in the environmental documentation and found fault with a sentence in the Development Agreement.

Revised Environmental Impact Analysis

To address the judge's ruling and to update information as necessary, the Environmental Impact Report that discloses impacts of the project was revised and circulated to the public for their review. The Draft Recirculated Environmental Impact Report (Draft REIR) was released to the public in August 2014 and comments were received; these comments were responded to in the Final Recirculated Environmental Impact Report (Final REIR) which was released on January 14, 2015. The Final REIR also included modifications to the Draft REIR document.

The Recirculated Environmental Impact Report (REIR) for the Areas 3 and 4 Specific Plan identifies a number of potential impacts. Most of the impacts can be mitigated to a less than significant level with the mitigation measures proposed in the EIR. However, some of the impacts to air quality, cultural resources, and visual and aesthetic resources are significant and cannot be fully mitigated. Therefore, a statement of overriding considerations will be necessary in order to approve the project. These significant unavoidable impacts are described below.

First, the EIR finds that the proposed Specific Plan will increase regional pollutants (ROG and NOx) that are in excess of BAAQMD significance thresholds. ROG emissions, which are mostly produced by consumer products, and NOx emissions would remain well above the significance threshold even with mitigation measures. Therefore, this impact would remain significant and unavoidable. (Impact AIR-2.1)

Second, there is a significant and unavoidable impact to cultural resources in Area 4. In Impact CUL-2, the EIR finds that "implementation of the proposed Specific Plan will significantly impact archeological resources and disturb human remains, including those interred outside of formal cemeteries. While incorporation of [recommended mitigation measures] will partially reduce the cultural resources impact, the overall implementation of the Specific Plan will destroy archaeological deposits through placement of fill and soil compression and, therefore, result in a significant unavoidable impact." (Impact CUL-2)

Third, the EIR identifies a significant unavoidable impact to visual and aesthetic resources. Impact VIS-1 finds that the "proposed residential and golf course development and Stevenson Boulevard railroad overpass would substantial degrade the visual character on Area 4. There are no feasible mitigation measures that would mitigate for the significant change in visual character." (Impact VIS-1)

Fourth, and finally, there will be significant cumulative impacts resulting from the project. While improvements and mitigation measures specified in the EIR can mitigate most of these impacts, the overall implementation of the Specific Plan will still make a cumulatively considerable contribution to visual and aesthetic resources and noise impacts.

Benefits of the Areas 3 & 4 Specific Plan Project and Related Amendments

The Areas 3 & 4 Specific Plan Project and related amendments will have a number of significant benefits for the community. These include:

- It will implement the General Plan's goals for Areas 3 and 4 by approving a Specific Plan for the development of Area 4 with high-quality low-density housing, a golf course, or if not feasible, other recreational facilities, and open space for Area 4.
- It will result in providing for the reservation of land to the City for the development of a potential new elementary school with a 600 student capacity.
- It will provide for a wide variety of recreational spaces for the city including a 3-acre park in Area 3, 2.5 acres of parks and trails in Area 4 and a potential golf course or other recreational facility.
- It will provide up to 1,260 new residential units within Areas 3 and 4. Further, it will ensure that 15% of the new units developed, will be built either on or off-site as Moderate Income Household units, or, alternately, provide for the payment of in-lieu fees for affordable housing units.
- It will provide for job growth in the City. There will be short-term jobs directly tied to the construction phases of the project and an increase of workers with businesses with whom the Project construction is engaged in a buyer-seller relationship. Further, the proposed elementary school is expected to provide approximately 50 jobs and the potential golf course approximately 42 jobs. Overall, the EIR estimates that the job growth allowed by the Specific Plan would be approximately 482 permanent jobs.

General Plan Amendment

The 1992 City of Newark General Plan land use diagram showed the proposed Area 3 residential and school area designated Special Industrial. Special Industrial uses including a high-tech business park plan was approved by the City in 1989 for this 78-acre area. The Specific Plan for the 78-acre Area 3 proposes to allow development of single-family residential, multi-family residential, and elementary school, as shown on the Land Use Diagram in the Specific Plan. The 2013 General Plan Update re-designated the Subarea A portion of Area 3 as Low-Medium Residential Designation, Public Institutional and Parks, and Recreational Facilities. The proposed General Plan map amendment and Land Use Diagram changes affirm the existing 2013 General Plan designations. The other portions of Area 3, Sub-Area F, currently developed with the Silliman Center, fire station, Ohlone College, and industrial uses, would retain their existing General Plan designations of Public-Institutional, Public Parks-Open Space, and Special Industrial.

The land used designations in Specific Plans Subareas B, C, D, and E (Area 4) were designated Low Density Residential in 1992, which remains their current designation, and would not change as a part of the proposed approvals.

Development Agreement

The City has determined that the Project presents certain public benefits and opportunities which are advanced by the City and Developer entering into a Development Agreement. This Agreement will, among other things, (1) reduce uncertainties in planning and provide for the orderly development of the Project; (2) mitigate many significant environmental impacts; (3) provide public services and infrastructure; (4) provide for and generate substantial revenues for the City in the form of one time and annual fees and exactions and other fiscal benefits; (5) provide a variety of needed housing, including affordable housing and/or funds in furtherance of affordable housing opportunities; and (6) otherwise achieve the goals and purposes for which the Development Agreement Statute was enacted. In exchange for the benefits to the City, together with the other public benefits that will result from the development of the Project, the Development Agreement will provide assurance that the Newark Partners LLC has vested rights to proceed with the Project.

Key benefits of the Development Agreement include:

- The dedication to the City of an approximately 66 acre parcel along Mowry Avenue in Area 4.
- The dedication and improvement of a three-acre neighborhood/school park in Area 3.
- The dedication and improvement of the approximately 1-acre park in Sub Area C.
- It will result in providing for the reservation of land to the City for the development of a potential new elementary school with a 600 student capacity.
- It will provide up to 1,260 new residential units within Areas 3 and 4. Further, it will ensure that 15% of the new units developed, will be built either on or off-site as Moderate Income Household units, or, alternately, provide for the payment of in-lieu fees for affordable housing units.

In addition, in order to approve the Development Agreement with Newark Partners, LLC, the City must find that the Development Agreement:

1. Is consistent with the objectives, policies, general land uses and programs specified in the City's General Plan, any applicable area plan or specific plan, and the regulations prescribed for the zoning district(s) in which the development project is or will be located;
2. Will not be detrimental to the health, safety, and general welfare of persons residing in the immediate area nor be detrimental or injurious to property or persons in the general neighborhood or to the general welfare of the residents of the city as a whole;
3. Will not adversely affect the orderly development of property or the preservation of property values;
4. Will facilitate the implementation of any applicable specific plan; and
5. Is consistent with the provisions of Government Code Sections 65864 through 65868.5.

Property RezoningArea 3

The Specific Plan proposes to allow development of single-family residential, multi-family residential and an elementary school on the 78-acre property in Area 3. The existing zoning designation on the 78-acre property in Area 3 is MT (Industrial Technology Park) District. Specific Plan Sub-Area A (Assessor's Parcel Numbers 901-0185-018, 901-0185-019, 901-0185-020, 901-0185-021, 901-0185-022, 901-0185-023 and 901-0185-024) would be rezoned to R-6000 (Low Density Residential) District.

The other portions of Area 3- currently developed with the Silliman Center, fire station, Ohlone College, and industrial uses - would retain their existing General Plan designations and zoning.

Area 4

To implement the proposed development under the Specific Plan, property located in Subareas B, C and E (Assessor's Parcel Numbers 537-0801-002-06, 537-0850-009, 537-0850-011-01, 537-0850-011-04 and 537-0850-007-02) are proposed to be changed from A (Agricultural) District to R-6000 (Low Density Residential) District.

Property located in Sub-Area D (Assessor's Parcel Numbers 537-0850-001-02, 537-0850-003, 537-0850-004, 537-0850-005 and 537-0850-006) are proposed to be changed from A (Agricultural) District to 0-P (Open Space-Parks) District.

Update: On February 10, 2015 the Planning Commission held a Public Hearing for the Areas 3 and 4 Project and voted unanimously to recommend that the City Council 1) Certify the Recirculated Environmental Impact Report, including a Statement of Overriding Considerations and the approval of a Mitigation Monitoring and Reporting Program; 2) Adopt the Specific Plan Project and related General Plan Amendment, Specific Plan, and Development Agreement; and 3) Rezone Areas 3 and 4 for the Areas 3 and 4 Specific Plan Project.

Attachments

Action – The City Council should consider adopting: 1) Resolution certifying a Recirculated Final Environmental Impact Report for the Newark Areas 3 and 4 Specific Plan Project, including a Statement of Overriding Considerations and approval of a Mitigation Monitoring and Reporting Program; 2) Resolution approving and adopting the Newark Areas 3 and 4 Specific Plan and related General Plan amendments: A map amendment to the General Plan Diagram to change the General Plan land use designations for certain parcels of land (GP-10-13); 3) Introducing an Ordinance approving the Newark Areas 3 and 4 Specific Plan Project Development Agreement and; 4) Introducing an Ordinance approving Z-10-17, a Map Amendment

to Title 17 (Zoning) of the Newark Municipal Code Rezoning Parcels to be consistent with the Newark Areas 3 and 4 Specific Plan.

F. CITY MANAGER REPORTS

(It is recommended that Items F.1 through F.3 be acted on simultaneously unless separate discussion and/or action is requested by a Council Member or a member of the audience.)

CONSENT

F.1 Approval of Contractual Services Agreement with North American Title Company to provide Preliminary Title Reports for the Central Avenue Overpass, Project 1014 – from Public Works Director Claassen. (RESOLUTION)

Background/Discussion – Alameda County Transportation Commission programmed \$2.765 million in Measure B funds for preliminary engineering, environmental studies and final design of the Central Avenue Overpass. Staff is in the process of consultant selection for the design portion of the project that will be awarded by the City Council later this spring. The project will provide four travel lanes, bicycle lanes and sidewalks over the existing railroad tracks (two mainlines and spur tracks) between Sycamore Street and Morton Avenue.

Preliminary Title Reports are required for 16 properties within the scope of the project as part of the preliminary design. The documents will aid in identifying any design constraints and right of way needs for the project construction.

In accordance with the City's Purchasing Ordinance, staff solicited quotations from three title companies for these services. At this time, the City is requesting approval of a Contractual Services Agreement with North American Title Company to provide Preliminary Title Reports for properties within the Central Avenue Overpass project limits. The cost of these services is \$11,750.

Attachment

Action - It is recommended that the City Council, by resolution, authorize the City Manager to sign the Contractual Services Agreement with North American Title Company to provide Preliminary Title Reports for the Central Avenue Overpass, Project 1014.

F.2 Second reading and adoption of an ordinance amending Title 2 (Administration and Personnel), Chapter 2.12 (Planning Commission), Sections 2.12.010 (Created) and 2.12.20 (Qualifications) to reduce the

number of Planning Commissioners from seven to five – from City Clerk Harrington. (ORDINANCE)

Background/Discussion – On March 12, 2015, the City Council introduced an ordinance amending the Newark Municipal Code, Title 2 (Administration and Personnel), Chapter 2.12 (Planning Commission), Sections 2.12.010 (Created) and 2.12.20 (Qualifications) to reduce the number of Planning Commissioners from seven to five.

Attachment

Action - It is recommended that the City Council adopt the ordinance amending the Newark Municipal Code, Title 2 (Administration and Personnel), Chapter 2.12 (Planning Commission), Sections 2.12.010 (Created) and 2.12.20 (Qualifications) to reduce the number of Planning Commissioners from seven to five.

F.3 Acceptance of proposal and authorization for City Manager to sign an agreement with Utility Telephone for the extension and enhancement of telecommunications services and associated budget amendment – from Information Systems Manager Towne. (RESOLUTION)

Background/Discussion – The City is currently under contract with Utility Telephone for telecommunications services including voice, data and voice mail, through March 2016. The existing agreement provides for up to four additional one-year extensions beginning April 2016.

Because the City operates an older and increasingly high-maintenance and difficult to integrate private branch exchange (PBX) infrastructure, Utility Telephone has submitted a proposal to migrate to a hosted Voice-over-Internet Protocol (VoIP) solution. The hosted VoIP system proposed will result in reduced cost, improved reliability, and enhanced features and performance. This is accomplished through fuller integration with the City's existing voice mail solution, decreased maintenance and service requirements, upgraded phone set capabilities, and increased data links to both the Internet and Silliman Center.

Under this three year proposal the City's monthly recurring charges for telecommunications services would decrease from approximately \$17,300 to \$15,200 per month, for an estimated savings of \$25,200 per year. There is an initial setup cost for equipment necessary to the VoIP implementation in the amount of \$8,500. This amount will be saved within the first 4 months of the extended agreement.

The proposal submitted by Utility Telephone represents an opportunity for the City to enhance telecommunications reliability and performance at a significant overall cost savings. Staff recommends amending the 2014 -2016 Biennial Budget for Fiscal Year 2014 -2015 to authorize payment of the setup cost in the amount of \$8,500 from the unallocated General Fund.

Attachment

Action - It is recommended that the City Council, by resolution, accept the proposal of Utility Telephone and authorize the City Manager to sign an agreement with Utility Telephone for the extension and enhancement of telecommunications services, and approve a budget amendment to the 2014-2016 Biennial Budget for Fiscal Year 2014-2015.

G. CITY ATTORNEY REPORTS**H. ECONOMIC DEVELOPMENT CORPORATION****I. CITY COUNCIL MATTERS**

- I.1 Authorization for the Mayor to send a letter to the Office of Management and Budget to encourage support for specific actions to improve rail safety with respect to the transport of crude oil and other hazardous materials by rail – from City Manager Becker. (MOTION)**

Background/Discussion – The increase in the transport of crude oil by rail, combined with recent rail accidents involving oil spills and resulting fires, has heightened concerns about rail safety among many cities that are dissected by rail lines. Specifically, two derailments accompanied by fires involving “unit trains” (100 or more tank cars) carrying crude oil in West Virginia and in Ontario, Canada earlier this month have greatly increased public anxiety about what steps the relevant federal regulatory agencies are taking to improve rail safety, and on what timetable.

The League of California Cities has been monitoring the transport of crude oil and other hazardous materials by rail for several months, and has recently adopted as its policy several goals for safety improvements based on input from key state agencies. The League strongly believes that implementation of these rail safety improvements should be expedited at the federal level to improve rail safety as soon as possible.

The Board of Directors of the League of California Cities at its February 20, 2015 meeting adopted ten specific recommendations as official policy on this issue. These recommendations include:

1. Require installation of electronically controlled, pneumatic braking systems on trains carrying crude oil and ethanol by a date certain.

2. Expedite the retrofit of tank cars failing to meet current safety standards and require the phase-out of older DOT-111 tank cars to be completed by a date certain.
3. Require the availability of “real-time” information to first responders the cargo manifest information on trains carrying these substances.
4. Provide federal funding for training and equipment purchases for first responders to improve their ability to respond to hazardous materials accidents.
5. Impose mandatory speed limits on rail cars carrying these materials.
6. Mandate stricter reporting requirements.
7. Identify priority routes for trains and incorporate GPS tracking to automatically stop or slow trains before an accident can occur.
8. Mandate railroad industry compliance with certain requirements that are currently voluntary.
9. Implement a clear methodology for how funding passes through to local agencies involved in first response.
10. Regulate the parking and storage of tank cars to improve safety in populated areas.

While this area of regulation is largely pre-empted by federal law, the League urges the federal agencies with appropriate jurisdiction (primarily the National Transportation Safety Board, the Federal Railroad Administration, and the Pipeline and Hazardous Materials Safety Administration) to take these actions to improve rail safety with respect to the transport of crude oil and other hazardous materials by rail.

The League is requesting that member cities send a letter of support for the League Boards recommendations to the Office of Management and Budget. Given the amount of freight traffic that crosses through Newark and the potential risk that these “unit trains” present to our community, staff believes that it is in our best interest to support the League's efforts in this regard. While staff does not expect that derailments and accidents will cease altogether, it is anticipated that stricter safety standards will reduce their numbers over time.

Attachment

Action - It is recommended that the City Council, by motion, authorize the Mayor to send a letter to the Office of Management and Budget to encourage support for specific actions to improve rail safety with respect to the transport of crude oil and other hazardous materials by rail.

- J. CITY COUNCIL ACTING AS THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY**
- K. ORAL COMMUNICATIONS**

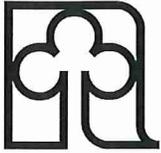
L. APPROPRIATIONS

M. CLOSED SESSION

N. ADJOURNMENT

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

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



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, March 26, 2015

CITY COUNCIL:

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

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.