



CITY OF NEWARK CITY COUNCIL

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

AGENDA

Thursday, June 25, 2015

A. ROLL CALL

B. MINUTES

- B.1 Approval of Minutes of the regular City Council meeting of Thursday, June 11, 2015. (MOTION)**

C. PRESENTATIONS AND PROCLAMATIONS

- C.1 Commendation to Police Officer and Dispatcher of the Year. (COMMENDATIONS)**

Background/Discussion – Jennifer Bloom has been named Police Officer of the Year. Matt Reymundo has been named Dispatcher of the Year. Commendations will be presented at the City Council meeting.

D. WRITTEN COMMUNICATIONS

- D.1 Planning Commission referral of a review of a conditional use permit (U-64-1) for the replacement of a static reader board with an LED marquee sign for the First Presbyterian Church at 35450 Newark Boulevard – from Assistant City Manager Grindall. (RESOLUTION)**

Background/Discussion - The First Presbyterian Church has submitted an application to replace the existing static reader board portion of their existing monument sign with a Light Emitting Diode (LED) marquee sign.

The proposed sign would replace a static reader board (letters changed manually) that is already a part of the existing monument sign. The sign is used to announce events at the church as well as display inspirational messages. The church is requesting the LED sign as it would allow for multiple messages to be displayed and eliminate the need to change letters manually.

Staff recommends approval of this request subject to the condition that the existing canvas sign that is attached to the block monument sign be removed. As with the Pavilion LED sign, staff has included a condition that the City of Newark be allowed display time on the sign to identify and announce City services and activities, including those of the Chamber of Commerce. The condition stipulating messages not change faster than every four

seconds is consistent with Section 5405 of the California Business and Professions Code (part of the State of California Outdoor Advertising Act) which says "...no message center display may include any illumination or message change that is in motion or appears to be in motion or that changes in intensity or exposes its message for less than four seconds." The purpose of this requirement is to avoid distracting drivers, which could result in a hazardous situation.

Environmental Review

The proposed sign is categorically exempt from the California Environmental Quality Act per Section 15311, Class 11(a), minor structure accessory to existing commercial facilities, including on premise signs.

Attachment

Update – At its meeting of June 9, 2015, the Planning Commission approved Resolution No. 1914, with Exhibit A, pages 1 and 2, approving the review of a conditional use permit (U-64-1) for the replacement of a static reader board with an LED marquee sign for the First Presbyterian Church at 35450 Newark Boulevard.

Action - It is recommended that the City Council, by resolution, with Exhibit A, pages 1 and 2, approve the review of a conditional use permit (U-64-1) for the replacement of a static reader board with an LED marquee sign for the First Presbyterian Church at 35450 Newark Boulevard.

E. PUBLIC HEARINGS

E.1 Hearing to consider annual levy of assessment in conjunction with Landscaping and Lighting District No. 1 – from Assistant City Engineer Fajeau. (RESOLUTION)

Background/Discussion – The City Council has set June 25, 2015, as the date for the public hearing for the annual levy of assessments in conjunction with Landscaping and Lighting District No. 1. This district includes properties which abut Central Avenue between Filbert Street and Willow Street and provides for the maintenance of median landscaping on Central Avenue between Filbert Street and Willow Street, and buffer landscaping adjacent to the Alameda County flood control channel immediately west of Filbert Street. Maintenance and operation of median street lights along this portion of Central Avenue are also included in this district. An annual public hearing is necessary to adopt the Engineer's Report to provide funds for this district.

The total assessment for this district as provided in the Engineer's Report is \$42,100 for the 2015-2016 fiscal year.

Attachment

Action - Upon conclusion of the public hearing, it is recommended that the City Council, by resolution, approve the diagram and assessment and levy the annual assessment for Landscaping and Lighting District No. 1 for the 2015-2016 fiscal year.

E.2 Hearing to consider annual levy of assessment in conjunction with Landscaping and Lighting District No. 2 – from Assistant City Engineer Fajeau. (RESOLUTION)

Background/Discussion – The City Council has set June 25, 2015, as the date for the public hearing for the annual levy of assessments in conjunction with Landscaping and Lighting District No. 2. This district provides for the maintenance of median and in-tract buffer landscaping on Jarvis Avenue adjacent to and within the boundaries of Tract 5232, Dumbarton Technology Park, on Jarvis Avenue at Lido Boulevard, as well as the Newark Boulevard medians fronting the Raley’s and Safeway shopping centers. An annual public hearing is necessary to adopt the Engineer’s Report to provide funds for this district.

The total assessment for this district as provided in the Engineer’s Report is \$27,100 for the 2015-2016 fiscal year.

Attachment

Action - Upon conclusion of the public hearing, it is recommended that the City Council, by resolution, approve the diagram and assessment and levy the annual assessment for Landscaping and Lighting District No. 2 for the 2015-2016 fiscal year.

E.3 Hearing to consider annual levy of assessment in conjunction with Landscaping and Lighting District No. 4 – from Assistant City Engineer Fajeau. (RESOLUTION)

Background/Discussion – The City Council has set June 25, 2015, as the date for the public hearing for the annual levy of assessments in conjunction with Landscaping and Lighting District No. 4. This district provides for the maintenance of median landscaping on Stevenson Boulevard from the Nimitz Freeway to Eureka Drive (west) and on Cherry Street between Stevenson Boulevard and the Sportsfield Park. An annual public hearing is necessary to adopt the Engineer’s Report to provide funds for this district.

The total assessment for this district as provided in the Engineer’s Report is \$48,000 for the 2015-2016 fiscal year.

Attachment

Action - Upon conclusion of the public hearing, it is recommended that the City Council, by resolution, approve the diagram and assessment and levy the annual assessment for Landscaping and Lighting District No. 4 for the 2015-2016 fiscal year.

E.4 Hearing to consider annual levy of assessment in conjunction with Landscaping and Lighting District No. 6 – from Assistant City Engineer Fajeau. (RESOLUTION)

Background/Discussion – The City Council has set June 25, 2015, as the date for the public hearing for the annual levy of assessments in conjunction with Landscaping and Lighting District No. 6. This district provides for the maintenance of median and greenbelt landscaping and the irrigation systems in the area formerly known as Redevelopment Area No. 2. The area is the property generally bounded by Balentine Drive, Cedar Boulevard, Stevenson Boulevard, and the Nimitz Freeway.

For many years all expenses for Landscaping and Lighting District No. 6 were paid out of the reserves deposited by the original developer and there has never been an assessment levied on any of the properties in the district. However, with approval of the Cedar Lane residential project (Tract 8166), and the submitted petition from the project developer to participate in the district, it is anticipated that there may be sufficient votes to levy an assessment for next fiscal year.

All property owners in this district will receive a “zero” assessment for 2015-2016.

Attachment

Action - Upon conclusion of the public hearing, it is recommended that the City Council, by resolution, approve the diagram and assessment and levy the annual assessment for Landscaping and Lighting District No. 6 for the 2015-2016 fiscal year.

E.5 Hearing to consider annual levy of assessment in conjunction with Landscaping and Lighting District No. 7 – from Assistant City Engineer Fajeau. (RESOLUTION)

Background/Discussion – The City Council has set June 25, 2015, as the date for the public hearing for the annual levy of assessments in conjunction with Landscaping and Lighting District No. 7. This district provides for the maintenance of Rosemont Square Shopping Center buffer landscaping and the landscape irrigation system within the public right-of-way and easement areas on Jarvis Avenue, Newark Boulevard, and Cedar Boulevard.

The total assessment for this district as provided in the Engineer’s Report is \$25,600 for the 2015-2016 fiscal year.

Attachment

Action - Upon conclusion of the public hearing, it is recommended that the City Council, by resolution, approve the diagram and assessment and levy the annual assessment for Landscaping and Lighting District No. 7 for the 2015-2016 fiscal year.

E.6 Hearing to consider annual levy of assessment in conjunction with Landscaping and Lighting District No. 10 – from Assistant City Engineer Fajeau. (RESOLUTION)

Background/Discussion – The City Council has set June 25, 2015, as the date for the public hearing for the annual levy of assessments in conjunction with Landscaping and Lighting District No. 10. This district is a consolidated district which includes miscellaneous developments at several locations. These locations and the work involved are as follows:

- 10a. The maintenance of Jarvis Avenue and Lido Boulevard median-island and street landscaping, and lighting adjacent to the boundaries of Tract 5318, Lexington Square.
- 10b. Maintenance of landscaping and the landscape irrigation system within easement areas adjacent to the public right-of-way on the north side of Central Avenue between the Nimitz Freeway and Timber Street.
- 10c. Maintenance of landscaping and the landscape irrigation system within easement areas adjacent to the public right-of-way on Morton Avenue for Geomax.
- 10d. Maintenance of landscaping and the landscape irrigation system within easement areas adjacent to the public right-of-way on Enterprise Court and Enterprise Drive for Parcel 1 of Tentative Parcel Map 5109.
- 10e. Maintenance of landscaping and the landscape irrigation system adjacent to Cedar Boulevard south of Mowry Avenue for Jiffy Lube.
- 10f. Maintenance of landscaping and the landscape irrigation system for the apartment complex at the intersection of Rich Avenue and Magnolia Street.
- 10g. Maintenance of landscaping and the landscape irrigation system within easement areas on Smith Avenue and Cedar Boulevard for the Cedar Boulevard Neighborhood Church.
- 10h. Maintenance of landscaping and the landscape irrigation system within easement areas for the parcel adjacent to Eucalyptus Grove Park.
- 10i. Maintenance of landscaping and the landscape irrigation system within easement areas and the public right-of-way on Cherry Street for Thoro Systems.
- 10j. Maintenance of landscaping and the landscape irrigation system within the public right-of-way and easement areas for the King & Lyons development at Thornton Avenue and Willow Street.
- 10k. The maintenance of landscaping and the landscape irrigation system within the public right-of-way and adjacent easement areas on Central Avenue for Bay Mirror.
- 10l. The maintenance of landscaping and the landscape irrigation system within the public right-of-way and easement areas on Cedar Boulevard near Moores Avenue for Empire Tractor.

- 10m. The maintenance of landscaping and the landscape irrigation system within the public right-of-way and adjacent easement areas on Mowry Avenue for the property at the northeast corner of Mowry Avenue and Cedar Boulevard.
- 10n. The maintenance of street lighting within the public right-of-way and landscaping and the landscape irrigation system within the public right-of-way and easement areas adjacent to the public right-of-way on Cedar Boulevard and Balentine Drive for TJ Maxx.
- 10o. The maintenance of street lighting within the public right-of-way and landscaping and the landscape irrigation system within the public right-of-way and the easement areas adjacent to the public right-of-way on Newark Boulevard and Cedar Boulevard for Lido Faire Shopping Center.
- 10p. The maintenance of street lighting within the public right-of-way and landscaping and the landscape irrigation system within the public right-of-way on Sycamore Street for B.K. Mills.
- 10q. The maintenance of landscaping and the landscape irrigation system within the public right-of-way and adjacent easement areas on Magnolia Street for the Moose Lodge.
- 10r. The maintenance of landscaping and the landscape irrigation system within the public right-of-way and adjacent easement areas on Central Avenue at the Southern Pacific railroad right-of-way for Leslie Salt Company.
- 10s. The maintenance of landscaping and the landscape irrigation system within landscape easement areas on Cedar Boulevard at Central Avenue for Parcel 1 of Parcel Map 4073.
- 10t. The maintenance of landscaping and the landscape irrigation system within the public right-of-way and adjacent easement areas on Cedar Boulevard north of Lake Boulevard for Lot 5 of Tract 5361.
- 10u. The maintenance of landscaping and the landscape irrigation system within the public right-of-way and adjacent easement areas on Magnolia Street south of Graham Avenue for Parcel 1 of Parcel Map 6178.
- 10v. The maintenance of landscaping and the landscape irrigation system within the public right-of-way and adjacent easement areas on Smith Avenue west of Cherry Street for Parcel 4 of Parcel Map 1425.
- 10w. The maintenance of landscaping and the landscape irrigation system within the public right-of-way and adjacent easement areas on Cedar Boulevard and Mowry Avenue for Parcels 1, 2, 3, and 6 of Parcel Map 3028.
- 10x. The maintenance of landscaping and the landscape irrigation system within the public right-of-way and adjacent easement areas on the cul-de-sac of Enterprise Court at 37569 Enterprise Court.

- 10y. The maintenance of landscaping and the landscape irrigation system within the public right-of-way and adjacent easement areas on Magnolia Street and Graham Avenue at 37088 Magnolia Street (formerly 6963 Graham Avenue).
- 10z. The maintenance of landscaping and the landscape irrigation system within the public right-of-way and adjacent easement areas on the Thornton Avenue and Locust Street frontage of 37010 Locust Street.
- 10aa. The maintenance of landscaping and the landscape irrigation system within the public right-of-way and adjacent easement areas on Enterprise Drive and Hickory Street at 8610 Enterprise Drive.
- 10ac. The maintenance of landscaping and the landscape irrigation system within the public right-of-way and adjacent easement areas on Thornton Avenue and Sycamore Street at 7275 Thornton Avenue.
- 10ad. The maintenance of landscaping and the landscape irrigation system within the public right-of-way and adjacent easement areas on Thornton Avenue at 6152 Thornton Avenue.
- 10ae. The maintenance of landscaping and the landscape irrigation system within the public right-of-way and adjacent easement areas on Cedar Boulevard south of Mowry Avenue.
- 10af. The maintenance of landscaping, the landscape irrigation system, and the concrete block wall within the public right-of-way and adjacent easement areas on Mowry Avenue and Cedar Boulevard for the shopping center that includes 5789 Mowry Avenue.
- 10ag. The maintenance of landscaping and the landscape irrigation system within the public right-of-way and adjacent easement areas on Hickory Street at 37137 Hickory Street.
- 10ah. The maintenance of median-island landscaping and lighting, and street frontage landscaping up to 30 feet in width along all streets within the boundaries of Bridgeway Technology Park on Fircrest Street.
- 10ai. The maintenance of lighting within public right-of-way and landscaping and landscape irrigation system within easement areas adjacent to the public right-of-way along Dairy Avenue, Newark Boulevard, and Thornton Avenue for the Foxwood condominium project.
- 10aj. The maintenance of lighting within public right-of-way and landscaping and landscape irrigation system within easement areas adjacent to the public right-of-way on Magnolia Street, Graham Avenue, and Sycamore Street for the Summerhill Apartments.
- 10ak. The maintenance of lighting within public right-of-way and landscaping and landscape irrigation system within easement areas adjacent to the public right-of-way on Cherry Street and Dairy Avenue for the Summerhill Apartments.
- 10al. Maintenance of landscaping, landscape irrigation and lighting within the entire street right-of-way of Potrero Avenue; the easterly portion of Cherry Street, Buena Vista Drive and Parada Street contiguous to Tract 5869; and the easterly portion of Parada Street

contiguous to Tract 5810; and the northerly portion of Stevenson Boulevard contiguous to Tract 5810, excluding the median islands within Cherry Street and Stevenson Boulevard.

- 10am. The maintenance of landscaping and the landscape irrigation system within the public right-of-way and easement areas on Smith Avenue for the Oatey Company.
- 10an. The maintenance of landscaping and the landscape irrigation system within the public right-of-way and adjacent easement areas on Thornton Avenue at Cedar Boulevard for Newark Square shopping center.
- 10ao. The maintenance and/or construction of landscaping and the irrigation system within the public right-of-way and adjacent easement areas on the Mowry School Road frontage of the property to the rear of Fremont Ford.
- 10ap. The construction and maintenance of landscaping and an irrigation system within the public right-of-way and adjacent easement areas on Morton Avenue for Morton Salt.
- 10aq. Construction and maintenance of landscaping and the landscape irrigation system within the public right-of-way and easement areas on the Cedar Boulevard frontage of the shopping center on the northwest corner of Newark Boulevard and Cedar Boulevard.
- 10ar. The maintenance of landscaping and the landscape irrigation system within the public right-of-way and adjacent easement areas on Central Avenue and on Clark Avenue for Matheson Gas.
- 10as. The maintenance of landscaping and the landscape irrigation system within the public right-of-way and adjacent easement areas on Smith Avenue at 6565 Smith Avenue.
- 10at. The construction and/or maintenance of the Art in Public Places Element required in accordance with Newark City Council Resolution No. 5682 within the public right-of-way and/or adjacent easement areas on Parcels 1 and 2 of Tract 5343.
- 10au. The maintenance of landscaping and the landscape irrigation system within the public right-of-way and adjacent easement areas on Newark Boulevard at 35193 Newark Boulevard.
- 10av. The maintenance of landscaping and the landscape irrigation system within the public right-of-way and adjacent easement areas on Cedar Boulevard at 37300 Cedar Boulevard.
- 10aw. The maintenance and/or construction of landscaping and the landscape irrigation system within the public right-of-way and adjacent easement areas on Fircrest Street at Assessor's Parcel No. 537-460-12-3.
- 10ax. The maintenance of landscaping and the landscape irrigation system within the public right-of-way and adjacent easement areas on Enterprise Drive and Willow Street at 8400 Enterprise Drive.

- 10ay. The maintenance of landscaping and the landscape irrigation system within the public right-of-way and adjacent easement areas on Mowry Avenue and Cherry Street.
- 10az. The maintenance of landscaping and the landscape irrigation system within the public right-of-way and adjacent easement areas on Balentine Drive at Parcel 1 of Parcel Map 6692.
- 10ba. The maintenance and/or construction of landscaping and the landscape irrigation system within the public right-of-way and adjacent easement areas on Cherry Street north of Thornton Avenue.
- 10bb. The maintenance of landscaping and the landscape irrigation system within the public right-of-way and adjacent easement areas on Jarvis Avenue and Newark Boulevard.
- 10bc. The maintenance of landscaping and the landscape irrigation system within the public right-of-way and adjacent easement areas on Cherry Street south of Robertson Avenue.
- 10bd. The maintenance of landscaping and the landscape irrigation system within the public right-of-way and adjacent easement areas on Filbert Street and Central Avenue.
- 10be. The maintenance of landscaping and the landscape irrigation system within the public right-of-way and adjacent easement along the street frontage on Balentine Drive.

Since this district is for properties responsible for their own maintenance, all property owners for all subdistricts in this district will receive a “zero” assessment for 2015-2016.

Attachment

Action - Upon conclusion of the public hearing, it is recommended that the City Council, by resolution, approve the diagram and assessment and levy the annual assessment for Landscaping and Lighting District No. 10 for the 2015-2016 fiscal year.

E.7 Hearing to consider annual levy of assessment in conjunction with Landscaping and Lighting District No. 11 – from Assistant City Engineer Fajeau. (RESOLUTION)

Background/Discussion – The City Council has set June 25, 2015, as the date for the public hearing for the annual levy of assessments in conjunction with Landscaping and Lighting District No. 11. This district provides for the maintenance of landscaped medians on Edgewater Drive and Parkshore Drive within the Lake Area.

The total assessment for this district as provided in the Engineer’s Report is \$24,600 for the 2015-2016 fiscal year. There are a total of 1,127 properties within this district. The assessment per property is \$22, which is the same amount charged per property last year.

Attachment

Action - Upon conclusion of the public hearing, it is recommended that the City Council, by resolution, approve the diagram and assessment and levy the annual assessment for Landscaping and Lighting District No. 11 for the 2015-2016 fiscal year.

E.8 Hearing to consider annual levy of assessment in conjunction with Landscaping and Lighting District No. 13 – from Assistant City Engineer Fajeau. (RESOLUTION)

Background/Discussion – The City Council has set June 25, 2015, as the date for the public hearing for the annual levy of assessments in conjunction with Landscaping and Lighting District No. 13. This district provides for the maintenance of landscaping within portions of the Citation Homes and Bren developments located on Thornton Avenue near Willow Street. An annual public hearing is necessary to adopt the Engineer’s Report to provide funds for this district.

Since this district performs its own maintenance of frontage landscaping, all property owners in this district will receive a “zero” assessment for 2015-2016.

Attachment

Action - Upon conclusion of the public hearing, it is recommended that the City Council, by resolution, approve the diagram and assessment and levy the annual assessment for Landscaping and Lighting District No. 13 for the 2015-2016 fiscal year.

E.9 Hearing to consider annual levy of assessment in conjunction with Landscaping and Lighting District No. 15 – from Assistant City Engineer Fajeau. (RESOLUTION)

Background/Discussion – The City Council has set June 25, 2015, as the date for the public hearing for the annual levy of assessments in conjunction with Landscaping and Lighting District No. 15. This district provides for the maintenance of landscaping along Robertson Avenue at Iris Court. An annual public hearing is necessary to adopt the Engineer’s Report to provide funds for this district.

The total assessment for this district as provided in the Engineer’s Report is \$5,046 for the 2015-2016 fiscal year. The assessment per property is \$174.00.

Attachment

Action - Upon conclusion of the public hearing, it is recommended that the City Council, by resolution, approve the diagram and assessment and levy the annual assessment for Landscaping and Lighting District No. 15 for the 2015-2016 fiscal year.

E.10 Hearing to consider annual levy of assessment in conjunction with Landscaping and Lighting District No. 16 – from Assistant City Engineer Fajeau. (RESOLUTION)

Background/Discussion – The City Council has set June 25, 2015, as the date for the public hearing for the annual levy of assessments in conjunction with Landscaping and Lighting District No. 16. This district provides for the maintenance of landscaping for Tract 6671 on Jarvis Avenue at Kiote Drive. An annual public hearing is necessary to adopt the Engineer’s Report to provide funds for this district.

The total assessment for this district as provided in the Engineer’s Report is \$19,900 for the 2015-2016 fiscal year. The assessment per property is \$210.

Attachment

Action - Upon conclusion of the public hearing, it is recommended that the City Council, by resolution, approve the diagram and assessment and levy the annual assessment for Landscaping and Lighting District No. 16 for the 2015-2016 fiscal year.

E.11 Hearing to consider annual levy of assessment in conjunction with Landscaping and Lighting District No. 17 – from Assistant City Engineer Fajeau. (RESOLUTION)

Background/Discussion – The City Council has set June 25, 2015, as the date for the public hearing for the annual levy of assessments in conjunction with Landscaping and Lighting District No. 17. This district provides for the maintenance of landscaping for Tract 7004 on Newark Boulevard and Mayhews Landing Road. An annual public hearing is necessary to adopt the Engineer’s Report to provide funds for this district.

The total assessment for this district as provided in the Engineer’s Report is \$6,200 for the 2015-2016 fiscal year. The assessment per property is \$187.

Attachment

Action - Upon conclusion of the public hearing, it is recommended that the City Council, by resolution, approve the diagram and assessment and levy the annual assessment for Landscaping and Lighting District No. 17 for the 2015-2016 fiscal year.

E.12 Hearing to consider adoption of Master Fee Schedule for Fiscal Year 2015-2016 – from Senior Accountant Del Rosario. (RESOLUTION)

Background/Discussion – The City’s Master Fee Schedule (MFS) is reviewed annually. The proposed MFS for Fiscal Year 2015-2016 is based on an analysis of both direct and indirect costs for the delivery of certain City programs and services. Market factors were also considered in establishing the proposed fees. The proposed MFS is the result of input from all City departments.

The City Attorney has advised that as a result of a December 22, 2005, California Supreme Court case (Barratt-American, Inc. vs. City of Rancho Cucamonga), the reenactment of previously existing fees without change nullifies the applicable statute of limitations and, thus, reopens those fees to legal challenge. It is recommended that

the Council amend only those sections of the Master Fee Schedule that staff is suggesting be changed. The sections adopted, deleted, or amended by Council will then be editorially merged with the unchanged portions of the Master Fee Schedule as adopted by the City Council in Resolution No. 10,217 on June 12, 2014.

Attachment

Action - It is recommended that the City Council, by resolution, amend the Master Fee Schedule for Fiscal Year 2015-2016.

- E.13 Hearing to consider a planned unit development, a conditional use permit, and an environmental determination, for a one-day carnival to be held on August 1, 2015 at NewPark Mall in conjunction with the Halal Food & Eid Festival; and authorization to waive the application fee – from Assistant City Manager Grindall. (RESOLUTION)(MOTION)**

Background/Discussion – Mr. Irfan Rydhan has made an application for a carnival during the Halal Food & Eid Festival planned for Saturday, August 1, 2015. This will be the third Halal Food & Eid Festival at NewPark Mall and will include a wide variety of different cuisine from around the world including Indian, Pakistani, Middle Eastern, Arab, Mediterranean, African as well as American. There will be a large bazaar featuring vendors selling a wide variety of items such as clothing, jewelry, gifts, toys, and artwork from around the world. There will also be carnival rides and games for children and families. The Festival will be located in the same general area where the Farmers Market is held every weekend on Sundays. The applicant, a nonprofit organization, has also requested a fee waiver.

Events like circuses and carnivals are not considered permitted uses in this Regional Commercial zoning district, so they require Planning Commission and City Council approval. As these events can attract large crowds, this process allows conditions of approval to be established in order to assure a safe and orderly event.

The proposed project is categorically exempt from the California Environmental Quality Act per section 15304, Class 4(e), minor temporary use of land having negligible or no permanent effect on the environment.

Attachment

Update – At its meeting of June 9, 2015, the Planning Commission approved Resolution No. 1913 with Exhibit A, for P-15-17, a planned unit development, U-15-18, a conditional use permit, and E-15-19, an environmental determination, for a one-day carnival to be held on August 1, 2015 at NewPark Mall (APN 901-011-025) in conjunction with the Halal Food & Eid Festival.

Action – It is recommended that the City Council, (1) adopt a Resolution approving P-15-17, a planned unit development, U-15-18, a conditional use permit, and E-15-19, an environmental determination, for a one-day carnival to be held on August 1, 2015 at

NewPark Mall in conjunction with the Halal Food & Eid Festival; and (2) by motion, authorize a waiver of the application fee.

F. CITY MANAGER REPORTS

(It is recommended that Items F.1 through F.13 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 **Amendment of the 2014-2016 Biennial Budget and Capital Improvement Plan for Fiscal Year 2015-2016 for General Revisions – from Senior Accountant del Rosario. (RESOLUTION)**

Background/Discussion – Fiscal Year 2015-2016 will be the second year in the City’s two-year budget cycle. As part of the mid-cycle budget review, a number of revisions are proposed to the annual budget. These revisions have been identified where changes have occurred since the adoption of the budget document in June of 2014.

The budget amendment includes a citywide increase to the supplies budget of ten percent (10%). The supply budget was cut by over twenty five percent during the recession. Departments have postponed purchases for many years and this increase will help departments meet the needs of their operations.

This amendment also includes an increase to the Construction Permit revenue which is offset by an increase in the Professional Services cost for the Building Inspection Division.

The equipment replacement budget is being adjusted to replace additional vehicles in Fiscal Year 2015-16. The replacement of these vehicles has been postponed several years. The equipment replacement fund balance has sufficient funds to replace these vehicles.

Contractual contingencies are being added for labor negotiations.

Exhibit A lists the various adjustments to the budget to accommodate modifications in expenditures and changes in revenue since the budget was approved and also included Capital Improvement Plan (CIP) Project adjustments.

Attachments

Action - It is recommended that the City Council, by resolution, amend the 2014-2016 Biennial Budget and Capital Improvement Plan for Fiscal Year 2015-2016.

F.2 Establishment of the Fiscal Year 2015-2016 Appropriations Limit – from Senior Accountant del Rosario. (RESOLUTION)

Background/Discussion – State law requires the adoption of the Appropriations Limit by resolution prior to the beginning of each fiscal year and a recorded vote of the Council regarding which of the annual adjustment factors have been selected to calculate the Appropriations Limit each fiscal year. On June 12, 2014, the City Council adopted Resolution No. 10228 establishing the Fiscal Year 2014-2015 Appropriations Limit to \$296,208,589.

The State Constitution specifies the annual adjustment factors that the City may choose to calculate the Appropriations Limit. These adjustment factors are comprised of: (1) either the California per capita income or the percentage change in the local assessment roll due to the addition of local nonresidential construction in the City and (2) either the city's population growth or the population growth of the entire county. The two percentage increases are multiplied together to determine the final percentage by which the prior year's limit is increased.

The City chooses to use the percentage change in California personal income for the inflationary adjustment. Local assessment roll data necessary to calculate the percentage change in the nonresidential assessed valuation is generally not available from the County Assessor's Office until well into the fiscal year. In the absence of final information on this important factor, it is recommended that the known California per capita personal income of 3.82 percent be adopted for Fiscal Year 2015-2016. For the population adjustment factor, it is recommended that the County's percentage change in population of 1.30 percent be adopted for Fiscal Year 2015-2016 since the higher percentage change in the County's population is most advantageous to the City.

Based on the above information, the proposed Fiscal Year 2015-2016 Appropriations Limit is \$311,521,566. The 2015-2016 Biennial Budget contains appropriations subject to the limit and the budget is well below that limit.

Attachment

Action - It is recommended that the City Council, by resolution, establish the Fiscal Year 2015-2016 Appropriations Limit and select the California per capita personal income and County of Alameda's population change as the annual adjustment factors.

F.3 Approval of Investment Policy – from Senior Accountant del Rosario. (RESOLUTION)

Background/Discussion – State law requires that the City's Investment Policy be reviewed and approved by the City Council at least annually. The City's current Investment Policy provides for all of the standard and material issues that an Investment Policy should include. The Investment Policy's primary objective is safety of principal with liquidity and return in investment as second and third priorities respectively. No changes are being proposed from our existing policy.

Attachment

Action - It is recommended that the City Council, by resolution, approve the Investment Policy.

F.4 Establishment of amount of revenue from property taxes necessary to support City departments for Fiscal Year 2015/2016 – from Senior Accountant del Rosario. (RESOLUTION)

Background/Discussion – Section 51508 of the Government Code of the State of California requires that each fiscal year the City Council fixes the amount of revenue from property taxes that is necessary to support all City departments.

The resolution necessary to meet the requirement of this law has been prepared. The resolution establishes the amount allocated from property tax revenues for the support of City departments for Fiscal Year 2015-16 and that amount is \$10,047,000. This figure was derived based on information provided by the Alameda County Auditor-Controller and represents the City's share of the County tax rate, which is distributed according to legislative provisions.

Attachment

Action – It is recommended that the City Council, by resolution, establish the amount of revenue from property taxes necessary to support City departments for Fiscal Year 2015/16.

F.5 Approval of plans and specifications, acceptance of proposal and award of contract to West Coast Arborist, Inc., for Tree Maintenance Services, Project 1119 from Maintenance Supervisor Carey. (MOTION)(RESOLUTION)

Background/Discussion – The City's current tree services contract expires on June 30, 2015. A Request for Proposals for Tree Maintenance Services was advertised. On May 26, 2015, proposals were received from two tree contractors, for tree maintenance services. Both companies were interviewed by staff subsequent to their submittals. The prescribed scope of work in general includes furnishing all labor, equipment and materials necessary to prune up to 1,000 City maintained trees of various sizes, remove 100 trees, including stumps, of various sizes, remove an additional 20 miscellaneous stumps of various sizes, and to install 100, 15-gallon container size trees.

The Tree Maintenance Services Project is a multiple year project with two (2) possible roll-overs. For budgetary reasons the City is divided into eight (8) sections for tree work. Each section is maintained during one (1) fiscal year along with any additional residential requests for pruning or removals. Removals are prioritized by potential hazard and property damage. The area to be pruned during the first year of this contract will be Area #7 which is bordered by Central Avenue to the north, Mowry Avenue to the south, I-880 to the east and Cherry Street to the west.

The proposals and information presented during the interviews were rated based on nine factors. Further consideration was given based on information submitted, and references checked. Contractors submitted a cost break down by size and task. From those considerations, staff recommends West Coast Arborists, Inc., be awarded the contract. The total contract price is \$218,775.

Funds were retained in the 2015-2016 Biennial Budget and Capital Improvement Plan to complete this project.

Attachment

Action - It is recommended that the City Council, by motion, approve the plans and specifications and, by resolution, accept the proposal and award the contract to West Coast Arborist, Inc., for the Tree Maintenance Service, Project 1119.

F.6 Authorization for the Mayor to sign an agreement with Alameda County for participation in the Alameda County Urban County for Fiscal Year 2015-2016 – from Assistant City Manager Grindall and Assistant Planner Jimenez. (RESOLUTION)

Background/Discussion – Each year the City of Newark receives funding under the United States Department of Housing and Urban Development (HUD) Community Development Block Grant (CDBG) Program. This grant provides funding for activities benefiting low- and moderate-income persons, including public works projects, planning studies, and housing rehabilitation and repair.

Newark's funds are disbursed through Alameda County. The County oversees Newark's use of the funds in order to ensure that all appropriate federal government requirements are met. This arrangement is established and governed each year by a pair of agreements, one between Alameda County and HUD, and one between the City and Alameda County. A copy of the agreement between Newark and Alameda County is attached. By approving this resolution, the City Council will authorize the Mayor to sign the agreement between the City of Newark and Alameda County, thereby continuing the City's participation in the CDBG program.

Attachment

Action - It is recommended that the City Council, by resolution, authorize the Mayor to sign an agreement with Alameda County for participation in the Alameda County Urban County Community Development Block Grant (CDBG) Program for the 2015-2016 fiscal year.

F.7 Authorization for the Mayor to sign a Lease Agreement with Viola Blythe Community Service Center of Newark, Inc. for use of the Jerry Raber Newark Ash Street Park Building #1 for the operation of a food and clothing distribution center – from Recreation and Community Services Director David Zehnder. (RESOLUTION)

Background/Discussion – The current Lease Agreement for use of the Jerry Raber Ash Street Park Building #1 by the Viola Blythe Community Service Center of Newark is due to expire on June 30, 2015. The Viola Blythe Community Service Center uses the facility as a food and clothing distribution center and wishes to enter into a new one-year Agreement. A new Lease Agreement has been prepared, the conditions of which remain essentially the same as in the past. A share of the utility cost will be paid on a bi-annual basis.

The Center provides a valuable service to the community and staff recommends that the City Council authorize an extension of the lease for an additional year, through June 30, 2016, at an annual rental fee of \$1 per year.

Attachment

Action - It is recommended that the City Council, by resolution, authorize the Mayor to sign a Lease Agreement with Viola Blythe Community Service Center of Newark, Inc. for lease of the Jerry Raber Ash Street Park Building #1 for the operation of a food and clothing distribution center.

F.8 Authorization for the City Manager to sign a Lease Agreement with Child, Family and Community Services, Inc. for use of the Jerry Raber Ash Street Park Building #2 for the operation of a Head Start Preschool Program – from Recreation and Community Services Director David Zehnder. (RESOLUTION)

Background/Discussion – The current Lease Agreement for use of the Jerry Raber Ash Street Park Building #2 by Child, Family, and Community Services, Inc. expired on June 5, 2015. Child, Family, and Community Services, Inc. use the facility for a Head Start Preschool Program and wishes to enter into a new one-year Agreement. A new Lease Agreement has been prepared, the conditions of which remain essentially the same as in the past. A share of the utility cost will be paid on a bi-annual basis.

Child, Family, and Community Services, Inc. provides a valuable service to the community and staff recommends that the City Council authorize an extension of the lease for an additional year, through June 2, 2016, at an annual rental fee of \$1 per year.

Attachment

Action - It is recommended that the City Council, by resolution, authorize the City Manager to sign a Lease Agreement with Child, Family, and Community Services, Inc. for lease of the Jerry Raber Ash Street Park Building #2 for the operation of a Head Start Preschool program.

F.9 Authorization for the City Manager to sign an Agreement with the Newark Chamber of Commerce to provide promotional services and for the rental

of office space at 37101 Newark Boulevard – from Assistant City Manager Grindall. (RESOLUTION)

Background/Discussion – The current Agreement for rental of office space by the Newark Chamber of Commerce and promotional services expires on June 30, 2015. The Newark Chamber of Commerce wishes to enter into a new one-year Agreement. A new Agreement has been prepared, the conditions of which remain essentially the same as in the past. The Chamber provides valuable expertise in industrial and commercial development for our community and staff recommends that the City Council authorize an extension of the lease for an additional year, through June 30, 2016, at a rental fee of \$1 per month. The annual funding of \$30,000 will be provided for fiscal year 2015-2016 for the Chamber of Commerce to continue its promotional and business retention services on behalf of the City.

Attachment

Action - It is recommended that the City Council, by resolution, authorize the City Manager to sign an Agreement with the Newark Chamber of Commerce for promotional services and the rental of office space at 37101 Newark Boulevard.

F.10 Approval of events within the public right-of-way, authorization to issue an Encroachment Permit to the Portuguese Fraternal Society of America Council No. 16 (Holy Ghost Festival Committee), and provision of traffic control for the annual Holy Ghost Festival on July 25 and 26, 2015 – from Police Sergeant Hoppe and Assistant Engineer Carmen. (MOTION)

Background/Discussion – The Portuguese Fraternal Society of America Council No. 16 (Holy Ghost Festival Committee) has requested that the City approve and provide traffic control for two events associated with the 2015 Holy Ghost Festival:

- Small Parade, Saturday, July 25, from 1:15 p.m. – 3:00 p.m. The parade will exit the Newark Pavilion onto Thornton Avenue, to Arden Street, to Plummer Avenue, to Galletta Drive, back to Plummer Avenue, to Cherry Street, and return to the Pavilion.
- Traditional Annual Parade, Sunday, July 26, from 10:45 a.m. – 2:30 p.m. The parade will exit the Newark Pavilion onto Thornton Avenue, proceed to St. Edwards Church, and return to the Pavilion.

Issuance of an Encroachment Permit is necessary for these events to be held within the public street right-of-way. As a condition of issuance of this permit, the Portuguese Fraternal Society of America Council No. 16 (Holy Ghost Festival Committee) will conform to the City's insurance requirements and will deposit sufficient funds for the cost of Police and Maintenance personnel and equipment to provide traffic control for these events.

Attachment - None

Action - It is recommended that the City Council, by motion, approve the events within the public right-of-way, authorize issuance of an Encroachment Permit to the Portuguese Fraternal Society of America Council No. 16 (Holy Ghost Festival Committee) organization, and provide traffic control for the annual Holy Ghost Festival on July 25 and 26, 2015.

F.11 Declaration of intent to abandon a portion of the western half of Hickory Street right-of-way north of Perrin Avenue and establishment of July 23, 2015, as the date for a public hearing - from Assistant City Engineer Fajeau. (RESOLUTION)

Background/Discussion – The City has received a request from Cargill, Inc., to abandon a portion of the 40-foot wide western half of Hickory Street right-of-way north of Perrin Avenue. The proposed limits of the abandonment are the Alameda County Flood Control and Water Conservation District (District) property located just north of Perrin Avenue and a line approximately 337 feet north of the District boundary as measured along the original street centerline. The requested abandonment is consistent with the recent approval of abandonment of the eastern half of this segment of Hickory Street. This right-of-way has never been improved to public street standards, is not currently used as a public street, and is not needed for future street purposes. The area is utilized by Cargill, Inc. as a primary haul route.

If abandoned, this segment of Hickory Street right-of-way would revert back to Cargill, Inc., as the underlying fee title owner. Utility providers with services in this general area have been notified of the additional potential right-of-way abandonment. It is anticipated that utility easements will be reserved over portions of the right-of-way in a manner consistent with previous easement reservations on the eastern half of Hickory Street.

Staff is recommending that the City Council proceed with abandonment proceedings under the provisions of Part 3, Division 9 of the Streets and Highways Code of the State of California. A legal description and plat showing the area proposed to be abandoned are attached to Exhibit A of the Resolution of Intent.

Attachment

Action - It is recommended that the City Council, by resolution, declare its intention to abandon a portion of the western half of Hickory Street right-of-way north of Perrin Avenue and establish July 23, 2015, as the date for the public hearing.

F.12 Initiation of proceedings, confirmation of Engineer's Report, ordering of improvements, and levying of the first annual assessment for Landscaping and Lighting District No. 18 for Tract 8130 – from Assistant City Engineer Fajeau. (RESOLUTIONS - 2)

Background/Discussion – Timber Street LLC, developer of Tract 8130 located on Cedar Boulevard between Central Avenue and Smith Avenue, has satisfied project conditions for the formation of a landscaping and lighting district. The purpose of the district is to

provide for the maintenance of the new raised street medians on Cedar Boulevard within the limits of the development. Maintenance of the Cedar Boulevard street frontage behind the street curb will be performed by the developer, and eventually by the Homeowners Association of Tract 8130. The annual expected cost for maintenance of the medians through the active district is expected to be approximately \$11,000. The cost per residential unit is anticipated to be approximately \$67 annually.

The project developer has submitted a petition requesting formation of Landscaping and Lighting District No. 18. In executing the petition the developer waived the public hearing otherwise required by the Landscaping and Lighting Act of 1972. Formation of the district can therefore be completed by adopting resolutions to initiate the proceedings and to order the improvements.

Attachment

Action – It is recommended that the City Council, by resolutions: (1) initiate proceedings for the formation of Landscaping and Lighting District No. 18 and (2) confirm the Engineer’s Report, order the improvements and levy the first annual assessment for Landscaping and Lighting District No. 18.

F.13 Approval of the Memoranda of Understanding with the Newark Association of Miscellaneous Employees (NAME) and the Newark Police Association (NPA); and the Compensation and Benefit Plans for the Confidential Employee Group, and the City Officials, Management, Supervisory, and Professional Employee Group – from Human Resources Director Abe. (RESOLUTIONS - 4)

Background/Discussion – Tentative agreements have been reached on Memoranda of Understanding (MOU’s) with the Newark Association of Miscellaneous Employees (NAME) and the Newark Police Association (NPA). The labor agreements span a two year term from July 1, 2015 through June 30, 2017. Similar compensation and benefit plans are recommended for Management and Confidential employees.

These compensation plans and labor agreements include the first general salary increase in eight years (since July 1, 2007) for management and confidential employees, and the first general salary increase for NAME in seven years (since July 1, 2008). The Newark Police Association received a single increase of 3% during the last eight years.

The proposed two-year plans and agreements include the following provisions:

- A two percent general salary increase on July 1, 2015; a two percent general salary increase on January 1, 2016.
- A three percent general salary increase on July 1, 2016.
- The discontinuation of 41.6 annual hours of Temporary Fiscal Year Leave.
- The discontinuation of 23 annual hours of Temporary Leave.
- A gradual increase to the City’s partial contribution for medical insurance consistent with the Federal Affordable Care Act’s affordability criteria. The City currently

contributes a total monthly amount of \$232 to assist employees in purchasing medical insurance. As proposed, this amount will increase from \$232 to \$250 a month effective July 1, 2015. Over the remaining two years of the agreement, the total monthly City contribution for medical insurance will be capped at \$428. Unlike other cities, Newark does not provide benefitted employees with paid dental and/or vision insurance.

- Specific changes in each plan and agreement (e.g., MOU language and definition clarifications) are highlighted therein.

Attachments

Action - It is recommended that the City Council, by resolutions, approve the Memoranda of Understanding with the Newark Association of Miscellaneous Employees (NAME) and the Newark Police Association (NPA), and the Compensation and Benefit Plans for the Confidential Employee Group, and the City Officials, Management, Supervisory, and Professional Employee Group.

NONCONSENT

F.14 Approval of the City of Newark Paid Sick Leave Policy for compliance with the California Healthy Workplaces/Healthy Families Act of 2014 - from Human Resources Director Abe. (RESOLUTION)

Background/Discussion - The California Healthy Workplaces/Healthy Families Act of 2014 requires employers to provide qualifying employees with up to 3 days (24 hours) of sick leave annually. This new State law takes effect on July 1, 2015.

The proposed City of Newark Paid Sick Leave Policy fulfills the requirements of the new state law. The policy applies to the City's part-time, seasonal and temporary (PST) employees who work for 30 days or more within 12 months of employment, and does not apply to benefitted employees who already accrue leave time that can be used for medical needs.

Attachment

Action – It is recommended that the City Council, by resolution approve the City of Newark Paid Sick Leave Policy for compliance with the California Healthy Workplaces/Healthy Families Act of 2014.

F.15 Authorization for the Mayor to sign an amendment to the agreement between the City of Newark and the Alameda County Fire District regarding fire and emergency response services – from City Manager Becker.(RESOLUTION)

Background/Discussion – On October 9, 2014, staff provided a report to the City Council on the Newark and Union City “Fire Alternatives Study” that was conducted by Citygate Associates. In summary, the report found that it was technically feasible to separate from the Alameda County Fire Department (ACFD) and form a two-city fire department, but

that significant cost variables and uncertainties existed which would require more time to evaluate. In addition, staff reported that the fire and emergency services that Newark has received from the ACFD over the previous four years have been excellent and the estimated cost savings have been met. However, two major and problematic issues were identified in the report. These included: 1) unfunded liabilities of retiree health care; and 2) the inability for contract agencies to provide effective input into decision making by the Board of Supervisors.

The City Council accepted the report findings and directed staff to negotiate an extension of the contract for fire services with the ACFD with the following provisions:

- Provide for a five-year term with the ability to terminate the contract on an annual basis
- An agreement for substantive discussions to address retiree health care cost containment (at Local 55 contract opener date)
- An increase in contract cities role in providing input into labor negotiation cost parameters that ultimately impact our budgets.

On March 31, 2015, the City received an initial contract proposal from the Alameda County Fire District. The City has responded to that proposal requesting changes to more clearly protect the interests of the City and to strengthen our ability to manage long-term costs. Staff is continuing to negotiate terms of a new Fire Services Agreement. A final agreement on the contract terms will not be reached prior to the June 30, 2015 contract expiration. In order to prevent service disruption, a limited term contract extension has been prepared by the City Attorney and Alameda County legal counsel. The agreement extends the existing agreement until September 30, 2015 and then, if necessary, extends beyond that date on a month to month basis. This will allow time for both parties to reach agreement on a new 5 year agreement.

Attachment

Action - It is recommended that the City Council, by resolution, authorize the Mayor to sign an amendment to the agreement between the City of Newark and the Alameda County Fire District regarding fire and emergency response services.

G. CITY ATTORNEY REPORTS

H. ECONOMIC DEVELOPMENT CORPORATION

I. CITY COUNCIL MATTERS

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

K. ORAL COMMUNICATIONS

L. APPROPRIATIONS

Approval of Audited Demands for the City Council meeting of June 25, 2015. (MOTION)

M. CLOSED SESSION

N. ADJOURNMENT

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

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



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, June 25, 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.