UNAPPROVED

MINUTES OF THE SPECIAL JOINT CITY COUNCIL AND ALAMEDA REUSE AND REDEVELOPMENT AUTHORITY (ARRA) MEETING
TUESDAY- -FEBRUARY 15, 2011- -6:00 P.M.

Mayor/Chair Gilmore convened the meeting at 6:00 p.m.

Roll Call – Present: Councilmembers/Board Members Bonta, deHaan, Johnson, Tam and Mayor/Chair Gilmore – 5.

Absent: None.

The meeting was adjourned to Closed Session to consider:

(11-068 CC) Conference with Legal Counsel – Anticipated Litigation; Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9; Number of cases: Two

(11- ARRA) Conference with Real Property Negotiators; Property: Alameda Point; Negotiating parties: ARRA and Navy; Under negotiation: Price and terms

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Mayor/Chair Gilmore called a recess to hold the regular meeting at 7:50 p.m. and reconvened the closed session at 12:30 a.m.

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Following the Closed Session, the meeting was reconvened and Mayor/Gilmore announced that regarding Anticipated Litigation, legal strategy was discussed and the City Council provided direction; and regarding Real Property, price and terms were discussed; direction was given to staff.

Adjournment

There being no further business, Mayor/Chair Gilmore adjourned the meeting at 1:38 a.m.

Respectfully submitted,

Lara Weisiger
City Clerk

The agenda for this meeting was posted in accordance with the Brown Act.

UNAPPROVED

MINUTES OF THE REGULAR CITY COUNCIL MEETING
TUESDAY- -FEBRUARY 15, 2011- -7:00 P.M.

Mayor Gilmore convened the meeting at 7:57 p.m.

ROLL CALL - Present: Councilmembers Bonta, deHaan, Johnson, Tam and Mayor Gilmore – 5.

Absent: None.

AGENDA CHANGES

(11-) Mayor Gilmore announced that the Resolution of Appointment [paragraph no. 11-] would be addressed after special orders of the day, which would be followed by the Alameda Landing matter [paragraph no. 11- CIC] on the joint meeting.

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY & ANNOUNCEMENTS

(11-) Proclamation Declaring January 30, 2011 to April 4, 2011 as A Season for Nonviolence.

Mayor Gilmore read and presented the proclamation to Cynthia Wasko, Social Service Human Relations Board (SSHRB) President.

(11-) Proclamation Declaring February 15th as Kathy L. Moehring Day.

Mayor Gilmore read and presented the proclamation to Kathy Moehring.

Speaker: Judi Friedman, West Alameda Business Association.

REGULAR AGENDA ITEM

(11-) Resolution No. 14550, "Appointing Charles Patrick Wallis as a Member of the Planning Board." Adopted.

Councilmember Tam moved adoption of the resolution.

Councilmember deHaan seconded the motion, which carried by unanimous voice vote – 5.

The City Clerk administered the Oath of Office and presented Mr. Wallis with a certificate of appointment.

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Mayor Gilmore called a recess to hold the joint meeting at 8:14 p.m. and reconvened

the meeting at 9:13 p.m.

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ORAL COMMUNICATIONS, NON-AGENDA

(11-) Omer Karacaylak, Alameda, invited everyone to attend his daughter's art exhibit at the Alameda Library and provided an announcement about the exhibit.

CONSENT CALENDAR

Mayor Gilmore announced that the recommendation to approve the Acting City Manager and Acting City Attorney pay [paragraph no. 11-], the recommendation to accept $397,216 from the US Department of Homeland Security [paragraph no. 11-] and the Resolution Increasing Parking Penalties [paragraph no. 11-] were removed from the Consent Calendar for discussion.

Vice Mayor Bonta moved approval of the remainder of the Consent Calendar.

Councilmember Tam seconded the motion, which carried by unanimous voice vote – 5. [Items so enacted or adopted are indicated by an asterisk preceding the paragraph number.]

(*11-) Minutes of the Special City Council Meeting held on January 25, 2011; and the Special and Regular City Council Meetings held on February 1, 2011. Approved.

(*11-) Ratified bills in the amount of $2,929,344.76.

(*11-) Recommendation to Accept the Treasury Report for the Quarter Ending December 31, 2010. Accepted.

(*11-) Recommendation to Adopt the Legislative Program for 2011. Accepted.

(11-) Recommendation to Approve Acting City Manager Pay at $213,524 Per Year and Acting City Attorney Pay at $196,484 Per Year Effective December 29, 2010 for the Duration of the Acting Assignments.

The Acting City Manager and Acting City Attorney left the room.

The Human Resources Director gave a brief presentation.

Councilmember deHaan stated the previous City Manager was making $250,000; the pay is for an interim period during the selection process; inquired whether $213,000 is the highest pay.

The Human Resources Director responded the Interim Police Chief's salary is currently $212,524.

Councilmember deHaan inquired whether the Acting Police Chief benefits are higher, to which the Human Resources Director responded the amount includes most all benefits, with minor exceptions, such as equipment or uniform pay; stated the salary is pretty much the full compensation.

Councilmember deHaan noted the process has not started for the City Attorney.

Mayor Gilmore stated the City still has a City Attorney.

Councilmember deHaan moved approval of the staff recommendation.

Councilmember Johnson stated the public should understand there are retirement benefits, which are a very substantial cost.

The Human Resources Director stated the full benefit package is higher for the Police Chief if the PERS retirement contribution is counted; the amount for public safety is around 30%, while for miscellaneous, the contribution is closer to 12%; the health and welfare benefit is also not included.

Councilmember Johnson stated the amounts are known; the amount is closer to 70% of pay for public safety; that she does not know the amount for non-safety.

The Human Resources Director stated the amount is around 30%.

Councilmember deHaan stated the amount [$213,524] is the base pay, not the entire package.

The Human Resources Director stated the amount is base plus any benefits which are considered salary; the compensation package is exclusive of the PERS contribution that the City pays and any health and welfare benefits for medical, dental and life insurance.

Councilmember Tam seconded the motion, which carried by unanimous voice vote – 5.

(11-___) Recommendation to Accept $397,216 from the US Department of Homeland Security's Assistance to Firefighter Grant Program for the Replacement of a Fire Rescue Vehicle Using the Alameda County Fire Department's Competitive Bid Award, Appropriate $99,304 from the General Fund to Meet the Matching Funds Requirement of the Grant, and Authorize Purchase.

The Acting Deputy Fire Chief gave a brief presentation.

In response to Councilmember deHaan's inquiry, the Acting Deputy Fire Chief stated the converted delivery van is used to transport equipment for training; the van is unsafe.

Councilmember deHaan inquired how the Fire Department responds to hazardous

incidents, to which the Acting Deputy Fire Chief responded mutual aid.

Councilmember deHaan inquired whether Oakland has a rescue response vehicle, to which the Acting Deputy Fire Chief responded Oakland and Alameda County have rescue response vehicles.

Councilmember deHaan inquired whether special equipment is the bulk of the cost.

The Acting Deputy Fire Chief responded $500,000 is for the vehicle only; stated the Fire Department has acquired equipment through a previous grant.

Councilmember deHaan inquired whether the equipment would be put into the rescue vehicle, to which the Acting Deputy Fire Chief responded in the affirmative.

Mayor Gilmore inquired what makes the rescue vehicle so expensive.

The Acting Deputy Fire Chief responded in addition to the cab and chasse, the vehicle would offer fire fighter protection for Code 3 responses involving lights, sirens, and request of right-of-way at intersections.

Councilmember deHaan inquired whether the grant could be used for other equipment, to which the Acting Deputy Fire Chief responded the grant can only be used for a rescue vehicle.

Vice Mayor Bonta inquired whether the City would be contributing $100,000 and getting $500,000 in value, to which the Acting Deputy Fire Chief responded in the affirmative.

Vice Mayor Bonta commended the Fire Department for going after outside funding sources.

Councilmember Johnson inquired why the $100,000 would be taken out of the General Fund, not the Vehicle Replacement Fund.

The Controller responded the Vehicle Replacement Fund has limitations and require certain qualifications bet met.

Councilmember Johnson stated Council direction should be to take the $100,000 from the Vehicle Replacement Fund.

The Acting City Manager stated existing vehicles pay into the Vehicle Replacement Fund; the current vehicle came from the Navy and depreciation was not being paid.

Councilmember Johnson stated Council can amend the rules for the Vehicle Replacement Fund.

The Controller stated the Vehicle Replacement Fund is an extension of the General

Fund; Council could authorize using a designated portion of the Vehicle Replacement Fund.

Vice Mayor Bonta inquired how much is in the Vehicle Replacement Fund, to which the Controller responded a little over $2 million.

Vice Mayor Bonta inquired whether the $2 million has been budgeted for other things.

The Acting City Manager responded the Fire Department needs a truck, engine, and ambulance which would total $1.7 million; stated the Police Department also has needs; the City does not have enough money in the fund to pay for everything needed.

Councilmember Johnson stated using the Vehicle Replacement Fund would force Council to set priorities.

The Acting City Manager stated unfortunately, fire trucks and engines are very expensive.

Councilmember Johnson stated the Vehicle Replacement Fund payment could be accelerated.

Councilmember Tam stated forcing the money to come from the Vehicle Replacement Fund would create an inherent inequity because the converted delivery van was inherited from the Navy and depreciation has not been paid.

Vice Mayor Bonta stated payments should be accelerated to cover older vehicles; questioned whether the City has other older vehicles that do not qualify to use the Vehicle Replacement Fund.

Councilmember deHaan stated the City holds onto a lot of vehicles that have outlasted usefulness; the Fire Department has an old white truck that came from the Navy; the City has over 500 vehicles; that he is surprised the 1981 converted delivery van still operates.

The Public Works Director stated the City's fleet has been reduced by twenty or thirty vehicles; the inventory is approximately 400, including equipment; a Council resolution states any Navy vehicle that does not pay into the Vehicle Replacement Fund cannot use the Fund.

Mayor Gilmore suggested that Council approve the staff recommendation and have a discussion later regarding how many Navy vehicles the City has and whether to amend the resolution; at a later date, Council can address the policy.

Councilmember Tam moved approval of the staff recommendation.

Vice Mayor Bonta seconded the motion, which carried by unanimous voice vote – 5.

Councilmember Johnson requested staff to bring the resolution back to Council.

Mayor Gilmore requested that the resolution come back in enough time to discuss and set policy prior to next year's budget.

(*11-__) Recommendation to Accept the Work of Sand Channel Greens for the Alameda Point Multi-Use Field Upgrades, No. P.W. 04-09-11. Accepted.

(*11-__) Recommendation to Accept Works of Golden Bay Construction, Inc. for Culvert Reconstruction at Various Locations, No. P. W. 02-10-04. Accepted.

(*11-__) Recommendation to Accept the Work of Salt River Construction, Inc. for the Harbor Bay Dredging Project, No. P.W. 06-09-16. Accepted.

(*11-__) Recommendation to Accept the Work of Top Grade Construction for the Webster Stret/Wilver "Willie" Stargell Avenue Intersection Project, No. P.W. 10-08-26. Accepted.

(*11-__) Recommendation to Award Contract in the Amount of $433,431, including Contingencies, to Schaaf & Wheeler for the Preparation of Engineering Documents for the Upgrade of the City of Alameda Sewer Pump Stations, Phase 1: Reliability Improvements, No. P.W. 12-10-33. Accepted.

(*11-__) Recommendation to Award Contract in the Amount of $93,373, including Contingencies, to Schaaf & Wheeler for the Preparation of Engineering Documents for the Upgrade of the City of Alameda Sewer Pump Stations, Phase 2: Immediate Improvements, No. P.W. 12-10-34. Accepted.

(*11-__) Recommendation to Authorize the Replacement of Two Street Sweepers through the Houston-Galveston Area Council Procurement Program, Known as HGACBuy, Appropriate $60,000 in Urban Runoff Funds, and Authorize the Acting City Manager to Execute All Required Agreements. Accepted.

(11-__) Resolution No. 14551, "Increasing Civil Penalties for Parking Violations of the Municipal Code and California Vehicle Code." Amended and adopted.

The Acting City Manager and Controller gave a brief presentation.

Councilmember Johnson inquired how the State is able to take part of the money for a municipal code violation, to which the Controller responded all parking citations are processed through the Department of Motor Vehicles (DMV).

The Acting City Manager stated the money is used to fund trial courts.

Vice Mayor Bonta requested an explanation of the 35% collection fee.

The Controller stated a person would be assessed an additional 35% if a citation is not paid within a certain period of time; the additional assessment would cover attorney costs.

The Acting City Manager stated the City was handling citation collection in house before contracting with the City of Inglewood.

Vice Mayor Bonta inquired whether a 35% collection assessment is typical, to which the Controller responded in the affirmative.

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Councilmember deHaan left the dais at 9:54 p.m. and returned at 9:55 p.m.

* * *

Speakers: Robb Ratto, Park Street Business Association; and Jon Spangler, Alameda.

Councilmember Johnson stated all violations should not have a fixed fee; that she would not mind considering different fees for different violations; inquired what "Major Repairs/Display for Sale" means.

The Acting Police Chief responded blight issues; stated people cannot work on vehicles on City streets.

Councilmember Johnson stated the fine for said violation should be more expensive.

Vice Mayor Bonta stated different violations should have different fees; currently, the City has varied fees; inquired why flat fees are being proposed.

The Controller responded for simplicity sake; stated most of the current fees range from $30 to $35; the difference is minimal; the collection part of the staff recommendation is the most important part because the collection agency is looking to implement the proposed increases March 1, 2011.

Councilmember Tam inquired whether a $50 assessment would be reasonable given the egregiousness of a violation.

The Acting Police Chief responded that he is very reluctant to get involved with the fee structure because enforcement should not be tied to fees; stated that he supports updating the fee schedule; he does not want it to appear that the Police Department is doing enforcement to generate revenue.

Councilmember Tam stated asking the Finance Department should not have to answer whether an expired meter is worse than parking by a fire hydrant.

The Acting Police Chief stated that he likes the simplicity of the $50 fee; taking a closer

look at a fee variance is hard to argue against.

Councilmember deHaan stated a $50 fee would be fairly standard and would not vary too much from other cities.

Councilmember Johnson stated that she would prefer to have the fees refined; the metered parking fee should be reduced; the downtown area should be welcoming and friendly; the overnight commercial vehicle fee should be more egregious; that she has no problem with moving forward with the collections portion of the staff recommendation.

The Acting City Manager summarized that the Council direction is to decrease the fees for parking time limit, overtime parking in the City lot, overtime meter zone, expired meter and increase more egregious violations such as overnight commercial vehicle parking and 15' from a fire hydrant; stated staff would come back with a new schedule.

Councilmember Johnson stated that she would like to lower the street sweeping fee; many people are given a ticket after street sweeping has been done.

The Acting Police Chief stated the Police Department is looking at a system to remedy the problem.

The Acting City Manager stated staff is trying to keep in line with other cities; the fees could be tiered into three categories.

Mayor Gilmore stated the parking prohibited at all times and RV trailer parking violation fees should be raised; the City has an ordinance regarding RV trailer parking.

The Acting Police Chief stated the problem has dropped significantly since passage of the ordinance.

Mayor Gilmore stated fees should be raised if people are not paying attention to the ordinance.

Councilmember deHaan stated fees should be raised for front or side yard parking, heavy vehicle three hour parking, and 72 hour limit violations.

Mayor Gilmore inquired what is the definition of a heavy vehicle.

Councilmember Johnson stated knowing how other cities define a heavy vehicle is important.

In response to Mayor Gilmore's inquiry, the Acting Police Chief responded a heavy vehicle has six wheels or more.

Mayor Gilmore stated she is particularly concerned with cabs pulling long trailers, being

disconnected, and parked on Ralph Appezzato Parkway.

The Acting Police Chief stated that he would get back to Council on the matter.

Councilmember Tam stated that she is fine with the average for handicap and disabled parking.

Councilmember Johnson stated a lower fine should be given for overtime parking in the parking structure.

The Acting City Manager stated fees apply to all City lots, not just the parking structure.

Mayor Gilmore requested a motion on the collections and court part of the staff recommendation.

Councilmember deHaan moved adoption of the section of the resolution pertaining to collection and court fees, with direction to bring back the modified fees as discussed.

Councilmember Johnson seconded the motion.

The Controller suggested the court fees be addressed as part the overall fees.

Mayor Gilmore inquired whether there is agreement to modify the motion, to which Councilmembers deHaan and Johnson responded in the affirmative.

On the call for the question, the motion carried by unanimous voice vote – 5.

(*11-___) Resolution No. 14552, "Supporting the Alameda Reuse and Redevelopment Authority's Response to Lawrence Berkeley National Laboratory's Request for Qualifications for a Second Campus at Alameda Point." Adopted.

(*11-___) Ordinance No. 3026, "Amending the Alameda Municipal Code by Adding Section 3-7 at Article I, (Finance) of Chapter III (Finance and Taxation), Regulating Holders of State Video Franchises." Finally passed.

REGULAR AGENDA ITEMS

(11-____) Public Hearing on Community Development Block Grant Action Plan Amendment Two and Annual Plan for Fiscal Year 2011-2012.

The Housing Division Manager gave a Power Point presentation.

Speakers: Lisa Gross, Bay Area Community Services; Cyndy Wasko, SSHRB; Liz Varela, Building Futures with Women and Children; Cherri Allison, Family Violence Law Center; Franklin Hysten, Alternatives in Action; Ginger McBride, Alternatives in Action (submitted handout).

Vice Mayor Bonta thanked the SSHRB, the social service organizations, and staff for all the hard work.

Councilmember Tam echoed appreciation to the SSHRB; stated the SSHRB is very consistent in making the best use of limited resources.

Councilmember Tam moved approval of the staff recommendation.

Councilmember Johnson seconded the motion; urged everyone to do everything possible to advocate against cutting CDBG funding allocations.

Mayor Gilmore thanked the SSHRB and providers; stated the SSHRB is asked to do more with less every year.

Councilmember deHaan thanked the SSHRB and groups; stated it is commendable to see what has been done.

On the call for the question, the motion carried by unanimous voice vote – 5.

(11-___) Recommendation to Approve the Next Steps in the City Manager Selection Process.

The Human Resources Director gave a brief presentation.

Councilmember Johnson stated Department Head participation is a good idea; however, input should be provided informally to the Council subcommittee; inquired what would be the plan to get Department Head input.

Mayor Gilmore responded a panel process; stated Department Heads would interview candidates.

Councilmember Johnson stated the input should be confidential.

Mayor Gilmore concurred with Councilmember Johnson.

Councilmember Johnson inquired how a final decision would be made.

Mayor Gilmore responded a meeting would be scheduled to discuss recommendations and selection; inquired whether "Public Employment" would be appropriate for Closed Session discussion.

Councilmember Johnson stated Council may want to narrow down the candidates and have another round of interviews.

In response to Mayor Gilmore's inquiry, the Acting City Attorney stated past practice

involved a recruiter and Closed Sessions under the title of "Public Employment"; offering a contract would be in open session.

Vice Mayor Bonta stated after interviewing the six candidates on Saturday, the list could be narrowed down to a smaller subset; the subset could be interviewed by stakeholders, a panel of Department Heads, and those attending the reception; then, Council could interview the finalists again.

Councilmember Tam stated that she appreciates the Council subcommittee's thoughtful process; she is comfortable in having a panel of stakeholders with each Councilmember appointing a community member and Councilmember Johnson's suggestion regarding Department Head input; suggested replacing the reception process with something more related to the City; inquired whether the City has 13 employee associations, to which the Human Resources Director responded the City has 8 bargaining units.

Councilmember Tam suggested having bargaining unit leaders interview the finalists and share input in a confidential manner.

Councilmember deHaan stated that he concurs with Vice Mayor Bonta except for the reception; the process should not be too laborious.

Mayor Gilmore stated the social portion may be premature and could be done after a final candidate is selected; the social portion could be more of an introduction to the community; including panels of stakeholders, Department Heads, and bargaining unit leaders and having the top candidates interviewed by the Council again after receiving input seems to have consensus.

Councilmember Johnson stated the matter [follow up Council interviews] could be left to the discretion of the Council.

The Human Resource Director stated that Council might want to interview again because of the length of time since meeting the candidates.

Councilmember Johnson stated in the past, people within the community where the candidate lived were interviewed.

Vice Mayor Bonta stated said interviews could be part of the process.

Mayor Gilmore stated the interviews were conducted when Council got down to the last candidate.

The Acting City Attorney stated having Council take a formal action to create a panel of stakeholders would become subject to the Brown Act; however, the interviews could be held in Closed Session.

Councilmember Tam inquired whether the Closed Session would include the Council

appointees but the City Council would not be there.

Vice Mayor Bonta inquired what are the aspects of applicant confidentiality by the time the candidates are the final two; further inquired how the reception concept has been used in other executive searches.

The Human Resources Director responded the process would be more open once two finalists come back for a more intense process; stated the expectation would be that there would not be any confidentiality; that she has seen one informal reception; the purpose was for Council to look at how a candidate interacts in a social environment; she has seen a reception start out as a public forum.

Vice Mayor Bonta inquired whether the on-line input tool is still available.

The Human Resources Director responded public input has been requested regarding the City Manager criteria; stated said information submitted would only be provided to the Council.

Vice Mayor Bonta inquired whether hard copies could be provided to Council for Saturday, to which the Human Resources Director responded in the affirmative.

Mayor Gilmore stated the more she hears, the more she agrees that a reception should not be included in the process; the process should include stakeholder, Department Head, and bargaining unit panels; then, the Council could interview the top candidates again.

Councilmember Johnson responded all Departments Heads should be included in the panel.

The Human Resources Director stated someone from Human Resources would sit on the panels.

Councilmember Johnson inquired whether the panels would involve all six candidates, to which Mayor Gilmore responded only the top two or three candidates.

Speaker: Jon Spangler, Alameda.

Councilmember Tam stated last time, the reception involved community stakeholders providing comments to Council.

Councilmember deHaan stated each Councilmember could have one community at large selection and one organization selection.

Councilmember Johnson stated each Councilmember could pick an organization and volunteer someone.

Mayor Gilmore stated that she likes the organization aspect but there might be an overlap if each Councilmember picks an organization.

Councilmember Johnson stated the Mayor could ask for representatives from the organizations.

Mayor Gilmore stated that she likes the idea of a list of various organizations; suggested limiting the group to 14 to 15 which would expand Step 1; the Council sub-committee could provide a list to the Human Resource Director; the Human Resource Director could e-mail the list to the rest of Council for input.

Vice Mayor Bonta stated that he agrees with the three panels; Step 3 [the reception] is a valuable piece of the process; the process should be as open and transparent as possible; the more input the better; having the public meet the finalists and provide input is important.

Mayor Gilmore stated having candidates go through the process [reception] could be awkward because two of the three candidates would be rejected.

Councilmember Johnson inquired whether Step 3 [the reception] could be narrowed down to one candidate, to which Mayor Gilmore, Councilmember Tam, and Councilmember deHaan responded they are okay with said idea.

Councilmember Johnson stated Step 3 could happen before the contract.

Vice Mayor Bonta stated a reception would be good at a later date but would not allow community input.

Mayor Gilmore stated Council has reached consensus on the three panels [stakeholders, Department Heads, and bargaining unit leaders] and has decided not to decide address the social event; the social event could be discussed later.

The Acting City Attorney requested clarification on how Councilmembers would select one person per Councilmember.

Mayor Gilmore stated that she assumes that each Councilmember would provide a name to the Human Resources Director; the Human Resource Director would advise Council in the event Councilmembers nominate the same person.

Vice Mayor Bonta stated deciding the number on the stakeholder panel would be helpful in order to know how many organizations to have.

The Human Resources Director stated getting all calendars together might be difficult.

Councilmember Johnson stated a date should be set with five representatives; notice could be given to organizations to send a representative; if a representative cannot

come, another organization could be selected.

Councilmember Tam inquired what type of groups would be considered.

Mayor Gilmore responded the Alameda Unified School District, College of Alameda, and a business community representative.

Councilmember Tam inquired whether church and advocacy groups would be considered.

Mayor Gilmore responded church groups could come under the heading of service organization; stated service organizations could be a broad category which would include a church group and the Red Cross; the organization would have to be active in Alameda.

CITY MANAGER COMMUNICATIONS

None.

ORAL COMMUNICATIONS, NON-AGENDA

None.

COUNCIL REFERRALS

None.

COUNCIL COMMUNICATIONS

None.

ADJOURNMENT

There being no further business, Mayor Gilmore adjourned the meeting at 11:23 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

The agenda for this meeting was posted in accordance with the Brown Act.