

CITY OF NEWARK CITY COUNCIL

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

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

AGENDA

Thursday, October 11, 2018

CITY COUNCIL:

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

CITY STAFF:

John Becker
City Manager

Terrence Grindall
Assistant City Manager

Susie Woodstock
Administrative Services Director

Sandy Abe
Human Resources Director

Soren Fajeau
Public Works Director

Michael Carroll
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:

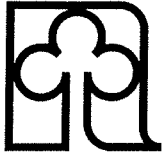
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|-------------------------------------|-------------------------|
| A. ROLL CALL | I. COUNCIL MATTERS |
| B. MINUTES | J. SUCCESSOR AGENCY |
| C. PRESENTATIONS AND PROCLAMATIONS | K. REDEVELOPMENT AGENCY |
| D. WRITTEN COMMUNICATIONS | L. ORAL COMMUNICATIONS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

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

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

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

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



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Thursday, October 11, 2018

A. ROLL CALL

B. MINUTES

- B.1 Approval of Minutes of the City Council meeting of September 27, 2018.
(MOTION)**

C. PRESENTATIONS AND PROCLAMATIONS

- C.1 Proclaiming October as National Domestic Violence Awareness Month.
(PROCLAMATION)**

Background/Discussion – October is National Domestic Violence Awareness Month. A proclamation has been prepared and members of Shelter Against Violent Environments (SAVE) will accept it at the City Council meeting.

- C.2 Presentation on the Newark Library. (PRESENTATION)**

Background/Discussion – Branch Manager Joe Stoner will provide a report at the City Council meeting covering statistics and special programs at the Newark Library.

D. WRITTEN COMMUNICATIONS

E. PUBLIC HEARINGS

- E.1 Public Hearing to introduce an ordinance amending Newark Municipal Code Chapter 6.32 (“Regulations - Domestic Animals”), to modify the number of bantam chickens that can be kept as pets and to make other changes to clarify and update this section - from Assistant City Manager Grindall.
(ORDINANCE)**

Background/Discussion - Newark Municipal Code Section 6.32.010 (Domestic Pets – Animal Fanciers Permit Required When) governs the type and number of animals that can be kept as pets without an Animal Fanciers Permit. The code sets a limit of five

animals with a maximum of four chickens and two of each species of all other animals within that limit. It also indicates the types of animals that can be kept as pets.

A resident has requested that the number of bantam chickens that can be kept as pets on residential property be increased from the four allowed generally for chickens. A bantam chicken is a smaller species of chicken that can be expected to have a lower impact on neighbors than typical chickens. In reviewing this potential change, staff discovered that the existing code had numerous antiquated and confusing references.

The Domestic Animals section of the Municipal Code should be updated to allow a total of 10 animals, with per species limit of eight (8) bantam chickens, four (4) typical chickens, three (3) cats or dogs and two (2) of all other pet species.

The list of defined pets should be also updated to remove some inappropriate specificity and to remove gophers as a defined pet.

It should be noted that exceeding the number of animals could still be permitted if an Animal Fanciers Permit was secured. In all cases the keeping of an animal as a pet requires that they are provided food, care, and sanitary facilities, and that they do not constitute a nuisance.

Attachments

Action - Staff recommends that the City Council introduce an ordinance amending Title 6 Animals, Chapter 6.32 Regulations – Domestic Animals, Section 6.32.010 Domestic Pets – Animal Fanciers Permit Required When of the Newark Municipal Code.

F. CITY MANAGER REPORT

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

CONSENT

- F.1 Approval of the Final Map and Subdivision Improvement Agreement for Tract 8099 – Bridgeway Phase I (Lennar Homes of California, Inc.), a 333-unit residential subdivision within the Bayside Newark Specific Plan project area – from Senior Civil Engineer Cangco. (RESOLUTION)**

Background/Discussion – On February 25, 2016, the City Council approved Vesting Tentative Tract Map 8099 for a 589-unit residential subdivision within the Bayside Newark Specific Plan project area (formerly known as the “Dumbarton Transit-Oriented

Development”). The project is proposed to be built in three phases with Tract 8099 being the first of the three phases. The first phase Final Map, Tract 8099, is for a 333-unit residential subdivision. The developer, Lennar Homes of California, Inc., has submitted the required fees, bonds, and other documents for approval of the Final Map for Tract 8099.

The Final Map dedicates public street rights-of-way for Seawind Way, Headlands Avenue, and Bay Breeze Street. The developer has executed a Subdivision Improvement Agreement and has posted a Performance Bond in the amount of \$9,608,000 and a Materials Bond in the amount of \$4,804,000. The bonds will guarantee construction of the new public streets, private streets internal to the subdivision, and public improvements on Hickory Street.

The Final Map for Tract 8099 has been reviewed and found to be in conformance with Vesting Tentative Tract Map 8099 and the Conditions of Approval, and is now ready for City Council approval. Recording of the Final Map and issuance of subsequent permits and approvals for construction activity will be at the discretion of the City Engineer.

The estimated annual maintenance of the street improvements associated with Tract 8099 is \$11,600 for street sweeping and pavement maintenance. The street lights and landscaping along the new public streets and Hickory Street will be maintained by Landscaping and Lighting District No. 19 and the Homeowners Association.

Attachment

Action – It is recommended that the City Council, by resolution, approve the Final Map and Subdivision Improvement Agreement for Tract 8099 – Bridgeway Phase I (Lennar Homes of California, Inc.), a 333-unit residential subdivision within the Bayside Newark Specific Plan project area.

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.

(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.