

**MINUTES
FREMONT CITY COUNCIL MEETING
APRIL 10, 2018
FREMONT CITY HALL
7:00 P.M.**

1. PRELIMINARY

- A. Call to Order:** Mayor Mei called the meeting to order at 7:05 p.m.
- B. Flag Salute:** David Bonaccorsi led the salute to the flag.
- C. Roll Call:** Present: Mayor Mei, Vice Mayor Bacon, Councilmembers: Jones, Salwan and Bonaccorsi
- D. Announcements by Mayor/City Manager**

Mayor announced the Boards and Commissions vacancies.

2. CONSENT CALENDAR

- * **A. Waive Reading of Ordinances:** The City Attorney read the titles of ordinances to be considered.

On a motion by Vice Mayor Bacon, seconded by Councilmember Jones, the City Council waived further readings of proposed ordinances.

Ayes: Mayor Mei, Vice Mayor Bacon,
Councilmembers: Jones, Salwan and Bonaccorsi
Noes: None
Absent: None
Abstain: None

- * **B. Approval of Minutes – None.**
- * **C. Mayor Mei opened consideration of Approval of Plans and Specifications, Rejection of Two Lowest Bids, Award of Contract to Shimmick Construction Company, Inc. in the Amount of \$23,131,525, Authorization to Enter into a Project Funding Agreement with the Alameda CTC (ACTC), Appropriation of ACTC Measure BB Funds, and Authorization to Execute a Pedestrian Overcrossing Agreement with Union Pacific Railroad (UPRR) for the Warm Springs BART West Access Bridge and Plaza Project (PWC 8804). A Mitigated Negative Declaration and Mitigation and Monitoring Program were adopted for the Project in Accordance with the Requirements of the California Environmental Quality Act (CEQA)**

*Continued item to a date to be determined. See Green Sheet.

On a motion by Vice Mayor Bacon, seconded by Councilmember Jones, the City Council approved the following actions for the Warm Springs BART West Access Bridge and Plaza Project (PWC 8804):

1. Approved the plans and specifications for the project.
2. Rejected the two lowest bids from Robert L. Bothman and Thompson Corporation as non-responsive.
3. Accepted the bid and awarded the construction contract to the lowest responsive and responsible bidder, Shimmick Construction Company, Inc. in the amount of \$23,131,525 and authorized the City Manager or designee to execute the contract.
4. Authorized the City Manager or designee to execute the ACTC Project Funding Agreement and accept revenue from ACTC in the amount of \$30,000,000 for the project.
5. Appropriated \$5,000,000 in ACTC Measure BB funds to PWC8804-504 (ACTC Capital Grant Fund).
6. Authorized the City Manager or designee to execute a Pedestrian Overcrossing Agreement with UPRR.

Ayes: Mayor Mei, Vice Mayor Bacon,
Councilmembers: Jones, Salwan and Bonaccorsi
Noes: None
Absent: None
Abstain: None

*** D. Mayor Mei opened consideration of Approval for Authorization to Execute a Service Agreement with Johnson Controls for Fire Alarm and Intrusion Alarm Monitoring, Inspection, and Maintenance for City Owned Buildings (Fire Alarm and Intrusion Alarm Service)**

*Item was removed from the Consent Calendar. Mayor Mei opened the public comment period. Reshab Mehta and Vasanth Senthilraja shared their concerns regarding fire sprinklers and false fire alarms at their school. There were no additional speakers. Mayor Mei closed the public comment period.

On a motion by Councilmember Bonaccorsi, seconded by Councilmember Jones, the City Council authorized the City Manager or designee to execute a Service Agreement with Johnson Controls to provide Fire Alarm and Intrusion Alarm Monitoring, Inspection, and Maintenance service for an initial one year term of July 1, 2018 through June 30, 2019, with not to exceed compensation amount, including one time set fees, of \$275,000, and authorized the City Manager to renew the contract for up to four additional one year terms with a total not to exceed compensation of \$155,000 in each year, for a total not to exceed compensation of \$895,000.

Ayes: Mayor Mei, Vice Mayor Bacon,
Councilmembers: Jones, Salwan and Bonaccorsi
Noes: None
Absent: None
Abstain: None

3. CEREMONIAL ITEMS – None.

4. PUBLIC COMMUNICATIONS

A. Oral and Written Communications

Les Mensinger, Robert Murtha, Jessica Lai, and Sandra Hennessey shared their concerns with Tree Permit Citations that were received by several homeowners on Venus Court.

5. SCHEDULED ITEMS

A. Mayor Mei opened consideration of a Public Hearing (Published Notice) to Adopt Resolution to Establish a Fee for Rent Review Program and add it to Master Fee Schedule (Rent Review Program Fee)

*Item added to the Consent Calendar.

On a motion by Vice Mayor Bacon, seconded by Councilmember Jones, the City Council:

1. Authorized a fee of \$24 per residential rental unit in FY 2017/18 to recover the costs of the Rent Review Program.
2. Held a public hearing and adopted Resolution No. 2018-17 to amend the Master Fee Schedule to add the Rent Review Program Fee.

Ayes: Mayor Mei, Vice Mayor Bacon,
 Councilmembers: Jones, Salwan and Bonaccorsi
 Noes: None
 Absent: None
 Abstain: None

B. Mayor Mei opened consideration of a Public Hearing (Published Notice) to Consider the Planning Commission’s Recommendation to Approve a Discretionary Design Review Permit and the Recreation Commission’s Recommendation to Approve the Master Plan for the Civic Center Plaza to Allow Construction of Phase 1 of the New Civic Center Project With an Approximately 13,400-Square-Foot Community Center and One-Acre Civic Plaza Located on 3.2 Acres of City-owned Property at the East Corner of Capitol Avenue and State Street in the Downtown Community Plan Area, and Find That No Further Environmental Review is Required Pursuant to Sections 15183 and 15168 of the California Environmental Quality Act (CEQA) Guidelines as the Project Would Not Result in New or Substantially More Severe Significant Environmental Effects Than What was Analyzed in the General Plan Environmental Impact Report (EIR) (State Clearinghouse No. 2010082060) and the Downtown Community Plan (DCP) Supplemental EIR (State Clearinghouse No. 2010072001). (Fremont Civic Center Master Plan Project Phase 1, Community Center and Plaza – Capitol Avenue/State Street – PLN2018-00169)

*Consent Items

Project Manager Clifford Nguyen, along with Jason McCarthy representing Studios Architecture, and Rene Bihan with SWA gave a presentation. Staff and consultants responded to questions from Councilmembers. Mayor Mei opened the public hearing. Ankur Mishra spoke in support of the project. There were no additional speakers. Mayor Mei closed the public hearing. Councilmembers provided comment.

On a motion by Councilmember Bonaccorsi, seconded by Councilmember Salwan, the City Council:

1. Held public hearing;
2. Found that no further environmental review is required pursuant to Sections 15183 and 15168 of the California Environmental Quality Act (CEQA) Guidelines as the project would not result in new or substantially more severe significant environmental effects than what was analyzed in the General Plan Environmental Impact Report (EIR) (State Clearinghouse No. 2010082060) and the Downtown Community Plan (DCP) Supplemental EIR (State Clearinghouse No. 2010072001) previously prepared and certified, as analyzed in the Environmental Compliance Checklist shown in Exhibit “A” to the staff report, and a finding that this action reflects the independent judgment of the City;
3. Approved the Discretionary Design Review Permit to allow construction of Phase 1 of the Civic Center Master Plan as shown in Exhibit “B” to the staff report, based on the findings prescribed by Fremont Municipal Code (FMC) Section 18.235.060 and subject to conditions in Exhibit “C” to the staff report; and
4. Adopted the Park Master Plan for the Civic Center Plaza to designate the civic plaza as a city park and allowing its construction as shown in Exhibit “D” to the staff report.

Ayes: Mayor Mei, Vice Mayor Bacon,
Councilmembers: Jones, Salwan and Bonaccorsi
Noes: None
Absent: None
Abstain: None

C. Mayor Mei opened consideration of Public Hearings (Published Notice) Introduction of Two Ordinances Amending Section 12.35.020, Chapter 12.35 (Utility Underground Districts) of Title 12 of the Fremont Municipal Code to Establish Utility Underground District No. 37 – Peralta Boulevard between Fremont Boulevard and Sequoia Road and Utility Underground District No. 38 – Fremont Boulevard between Alder Avenue and Thornton Avenue; Exempt from CEQA review per CEQA Guidelines Section 15302(d) [conversion of overhead utility system to underground system]

No presentation. There were no public speakers.

On a motion by Councilmember Salwan, seconded by Vice Mayor Bacon, the City Council:

1. Held public hearing regarding establishment of Utility Underground District 37.
2. Held public hearing regarding establishment of Utility Underground District 38.
3. Found that establishing Utility Underground Districts 37 and 38 are each in the public interest because Fremont Boulevard and Peralta Boulevard are each a principal arterial

street which is extensively used by the general public and carries a heavy volume of vehicle traffic and acknowledge that wheel chair access is in the public interest and is a basis for defining the district boundaries, as existing curb access ramps and adequate wheelchair access widths are currently provided on the sidewalks within the project limits.

4. Introduced an ordinance establishing Utility Underground District No.37
5. Introduced an ordinance establishing Utility Underground District No. 38; and
6. Directed PG&E to use the Rule 20A underground conversion allocation computed pursuant to decisions of the California Public Utilities Commission for the purpose of providing to each premises requiring it in Utility Underground Districts 37 and 38 a maximum of one hundred feet of individual electric service trenching and conductor (as well as backfill, paving and conduit, if required) and the cost of conversion of the on-site electrical panel to receive underground service.
7. Authorized the City Manager or designee to execute the General Conditions Agreement, Panel Conversion Agreement, and Streetlight Agreement with PG&E and any other agreements related to or necessary to establish Utility Underground Districts 37 and 38.

Ayes: Mayor Mei, Vice Mayor Bacon,
Councilmembers: Jones, Salwan and Bonaccorsi
Noes: None
Absent: None
Abstain: None

6. REPORT FROM CITY ATTORNEY – None.

7. OTHER BUSINESS

A. Mayor Mei opened consideration of a Presentation and Request for Direction on Proposed State Legislation (Potential Impacts of Proposed State Legislation (SB 827 and AB 2923) on Local Land Use Authority)

Community Development Director Jeff Schwob provided a presentation and responded to questions from Councilmembers. Mayor Mei opened the public comment period. Alice Cavette and Chris Cavette request the City Council formally oppose SB 827. Kelly Abreu and Dennis Godden shared a variety of concerns. There were no additional speakers. Mayor Mei closed the public comment period. Councilmembers provided comment.

On a motion by Vice Mayor Bacon, seconded by Councilmember Bonaccorsi, the City Council voted to oppose the proposed legislation.

Ayes: Mayor Mei, Vice Mayor Bacon,
Councilmembers: Jones, Salwan and Bonaccorsi
Noes: None
Absent: None
Abstain: None

8. COUNCIL COMMUNICATIONS

A. Council Referrals – None.

B. Oral Reports on Meetings and Events

Councilmembers reported on their various meetings and activities

9. ADJOURNMENT: There being no further business, Mayor Mei adjourned the meeting at 9:20 p.m.

Attest:

Approved:

Susan Gauthier, City Clerk

LILY MEI, Mayor