



**MINUTES
FREMONT PLANNING COMMISSION
REGULAR MEETING OF MAY 25, 2017**

- CALL TO ORDER:** Chairperson Leung called the meeting to order at 7:00 p.m.
- PRESENT:** Chairperson Leung, Vice Chairperson Dorsey, Commissioners Cavette, Karipineni, McDonald, Reed, Steckler
- ABSENT:** None
- STAFF PRESENT:** Kristie Wheeler, Planning Manager
Erik Kaeding, Deputy City Attorney
Joel Pullen, Senior Planner
Hans Larsen, Director of Public Works
Kim Salazar, Recording Clerk
Chavez Company, Remote Stenocaptioning
Napoleon Batalao, Video Technician
- APPROVAL OF MINUTES:** **Vice Chairperson Dorsey** moved to approve minutes for the regular meeting of April 13 and **Commissioner Karipineni** seconded. Motion carried with 6 ayes and 1 abstention from Commissioner Reed.
- Commissioner Cavette** requested two specific revisions to the draft minutes of the April 27, 2017 Planning Commission meeting related to the General Plan Amendment Prioritization Policy, PLN2017-00252. **Commissioner Cavette** then made a motion for the draft minutes of the April 27, 2017 Planning Commission meeting be revised and returned to the Commission at a later date for approval. **Commissioner Reed** seconded the motion and motion carried, unanimously.
- DISCLOSURES:** **Commissioner McDonald** reported that she attended a community meeting for the Decoto Nursery project on May 2; she met with Silicon Sage to review their upcoming project on May 11; she attended the Senior Expo on May 12; she met with Mr. Kinji Yamasaki from the Senior Commission regarding concerns within the senior community on May 15; and today she met with Silicon Sage to talk about revisions to plans.

CONSENT CALENDAR None

**PUBLIC/ORAL
COMMUNICATIONS** None

PUBLIC HEARING ITEMS

Item 1. **GENERAL PLAN CONFORMITY FINDING FOR FY 2017/18 THROUGH
2021/22 CAPITAL IMPROVEMENT PROGRAM - Citywide - PLN2017-00266**

- To consider a Finding of General Plan Conformance for the five-year Capital Improvement Program, and to consider a finding that no environmental review is required in accordance with the California Environmental Quality Act (CEQA) in that the Finding of General Plan Conformance is not a project as defined by CEQA Guidelines Section 15378.

Planning Manager Kristie Wheeler introduced the item and said a formal presentation would not be given, but that staff was available to answer questions.

For clarification and in response to a question posed by **Vice Chairperson Dorsey**, **Planning Manager Wheeler** said the item before the Commission tonight was for a finding of conformance to the General Plan (a routine matter), and that the City Council was responsible for selecting and prioritizing the Capital Improvement Program (CIP) projects.

Based on Planning Manager Wheeler's response, **Commissioner Cavette** then asked if it was within the purview of the Commission to do a line item veto or deletion of the CIP proposal.

Deputy City Attorney Erik Kaeding responded that members of the Commission could decide that a particular item was not in conformance with the General Plan, but that the item would need to relate to a specific General Plan policy. He then added that the City Council could overturn their determination.

Commissioner McDonald stated that in order for the Commission to determine conformity to the General Plan, some items within the CIP required more detailed information.

Deputy City Attorney Kaeding then encouraged Commissioners to ask staff specific questions to ascertain conformity.

Chairperson Leung asked about the timing of the CIP.

Director of Public Works Hans Larsen explained that the CIP represents a two-year budget that City Council appropriates monies for and that the subsequent three-year period is a projection of how expected monies are intended to be used. He added that a review is done every two years, when the CIP is updated.

Commissioner McDonald asked about loans, as indicated in the CIP booklet (Informational 2 attachment to the staff report).

Public Works Director Larsen said that proposed borrowing is not part of the CIP, but that it does indicate the City's debt policy and represents monies that the City expects to receive directly over the five-year period.

Commissioner McDonald asked for clarification as to what the CIP encompassed.

Public Works Director Larsen explained that the CIP is organized around funding sources (e.g., state gas tax), and that those funding sources are used for both capital and operating purposes.

Discussion ensued between **Commissioner McDonald**, **Public Works Director Larsen**, and **Planning Manager Wheeler** regarding various road projects indicated in the CIP, and the City's goals for improving roads, making them multimodal, and devising safety improvements.

Commissioner McDonald then broached the subject of monies dedicated to Pacific Commons Sports Park vs. linear parks, to which discussion ensued between her, **Senior Planner Joel Pullen**, and **Planning Manager Wheeler**.

Commissioner Reed stated, *“As the former Chair of the Parks and Recreation Commission, I think we need to give them due respect for having the prioritization of what they have done in their purview [and that] it is in our purview as to whether or not [the CIP is] in compliance... and when it suits the Chair, I will make a motion to accept staff recommendation to move forward.”*

Commissioner Karipineni seconded the motion.

Commissioner Cavette offered a friendly amendment to delete line item 4, the east-west connector, which she felt was not in compliance with the Community Character Element of the General Plan. She further explained that it would hurt the community character of the neighborhoods and said that she cannot put her vote to anything that funds, in any way, the east-west connector.

As the maker of the motion, **Commissioner Reed** asked **Commissioner Cavette** if she would acquiesce to further study being done regarding that line item, to which **Commissioner Cavette** declined.

Discussion ensued regarding the current motion, the proposed amendment, and the purview of the Commission concerning the CIP. The discussion ended with the original motion made by **Commissioner Reed** to accept staff recommendations without further study, which was seconded by **Commissioner Karipineni**.

IT WAS MOVED (REED/KARIPINENI) AND CARRIED BY THE FOLLOWING VOTE (6-1-0-0) THE PLANNING COMMISSION – HELD PUBLIC HEARING;

AND

DETERMINED THAT THE GENERAL PLAN CONFORMITY FINDING IS NOT A PROJECT AS DEFINED BY THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PER CEQA GUIDELINES SECTION 15378;

AND

FOUND THAT THE FISCAL YEAR 2017/2018 THROUGH 2021/2022 CAPITAL IMPROVEMENT PROGRAM IS IN CONFORMANCE WITH THE RELEVANT PROVISIONS CONTAINED IN THE CITY'S GENERAL PLAN INCLUDING THE GOALS, POLICIES AND IMPLEMENTATION MEASURES SET FORTH IN THE LAND USE, MOBILITY, COMMUNITY CHARACTER, ECONOMIC DEVELOPMENT, PARKS AND RECREATION, PUBLIC FACILITIES, SAFETY, AND COMMUNITY PLANS ELEMENTS AS ENUMERATED WITHIN THE STAFF REPORT.

The motion carried by the following vote:

AYES: 6 – Leung, Dorsey, Karipineni, McDonald, Reed, Steckler

NOES: 1 – Cavette

ABSTAIN: 0

ABSENT: 0

RECUSE: 0

DISCUSSION ITEMS

- Item 1. **PLANNING COMMISSION RULES OF PROCEDURE** - To receive information about rules of procedure, discuss alternatives and options, and provide direction to staff whether to draft and formalize rules of procedure for subsequent adoption by the Planning Commission.

Deputy City Attorney Erik Kaeding introduced the topic as stemming from a request from Commissioner Cavette and provided a number of material references, as part of the agenda packet to help facilitate discussion.

Commissioner Cavette clarified her request by stating, *“All I am proposing is that we make as our own rules, Robert's Rules of Order, with a single addition of being allowed to discuss an item before there is a call for motion.”*

Deputy City Attorney Kaeding stated, per Robert's Rules of Order, that if there is some initial discussion with no objection and if the Chair does not feel that the discussion is descending into debate, then it is appropriate to allow for discussion to continue, but that a motion should be on the table prior to deliberations, so as to specify the issue being considered.

Extensive discussion ensued regarding Robert's Rules of Order and the usual and customary practices of the Commission.

It was suggested by **Planning Manager Wheeler**, and agreed to by all, that a formal adoption of new rules was unnecessary and that the Chairperson's notes regarding facilitation of the meeting could be changed to include discussion prior to a motion.

MISCELLANEOUS ITEMS

Information from Commission and Staff:

- Information from staff – **Planning Manager Wheeler** reported the following:
 - City Council adopted the Spring 2017 Code Amendments at their meeting on May 16, as well as the refinements to the General Plan Amendment Screening Policy.
 - The next regular meeting of the Planning Commission is scheduled for June 8.
 - A tour of recently constructed residential and commercial projects in Fremont has been scheduled for June 22, with a luncheon starting at noon.

- Information from Commission:
 - **Chairperson Leung** commended Commissioner McDonald for meeting with Mr. Yamasaki of the Fremont Senior Commission.
 - **Vice Chairperson Dorsey** commended former Planning Commissioner and current City Councilmember David Bonaccorsi for his method of asking questions ahead of time to staff and then repeating them at the public hearings, so as to assist the public and his fellow Commissioners in their understanding of various projects.
 - **Vice Chairperson Dorsey** then commended her son for hitting a two-run-homerun at a recent baseball game.
 - **Commissioner Cavette** also spoke on the subject of asking questions prior to public hearings and commended staff for their encouragement and instruction on the process.
 - **Commissioner Reed** congratulated the 680 Diablo Baseball League for winning their championship, and his son for pitching two wins.

ADJOURNMENT

Meeting adjourned at 8:35 p.m.

SUBMITTED and APPROVED BY:



Kim Salazar, Recording Clerk
Planning Commission



Kristie Wheeler, Acting Secretary
Planning Commission