

**MINUTES  
FREMONT CITY COUNCIL MEETING  
SEPTEMBER 8, 2015  
FREMONT CITY HALL  
7:00 P.M.**

**1. PRELIMINARY**

- A. Call to Order:** Mayor Harrison called the meeting to order.
- B. Flag Salute:** Councilmember Jones led the salute to the flag.
- C. Roll Call:** Present: Mayor Harrison, Vice Mayor Chan, Councilmembers: Bacon, Mei and Jones.
- D. Announcements by Mayor/City Manager**

**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 Chan, seconded by Councilmember Bacon, the City Council waived further readings of proposed ordinances.

Ayes: Present: Mayor Harrison, Vice Mayor Chan,  
Councilmembers: Bacon, Mei and Jones  
Noes: None  
Absent: None  
Abstain: None

- \* **B. Approval of Minutes**

On a motion by Vice Mayor Chan, seconded by Councilmember Bacon, the City Council approved the minutes for the Regular Meeting of July 7, 2015, the Regular Meeting of July 14, 2015, the Special City Council & Public Financing Authority Joint Meeting of July 14, 2015, and the Special and Regular Meetings of July 21, 2015

Ayes: Present: Mayor Harrison, Vice Mayor Chan,  
Councilmembers: Bacon, Mei and Jones  
Noes: None  
Absent: None  
Abstain: None

\* **C. Mayor Harrison opened consideration of Approval for Authorization to Execute a Temporary Road Crossing Agreement with Union Pacific Railroad for the Niles Boulevard Bridge Replacement Project (PWC 8460)**

On a motion by Vice Mayor Chan, seconded by Councilmember Bacon, the City Council authorized the City Manager, or his designee, to execute the Temporary Road Crossing Agreement with Union Pacific Railroad for the Niles Boulevard Bridge Replacement Project, (PWC 8460).

Ayes: Present: Mayor Harrison, Vice Mayor Chan,  
Councilmembers: Bacon, Mei and Jones  
Noes: None  
Absent: None  
Abstain: None

\* **D. Mayor Harrison opened consideration of Introduction of an Ordinance Amending the Regulations for Massage Establishments and Therapists. This Proposed Ordinance is Exempt from the California Environmental Quality Act (CEQA) under Guidelines Section 15061(b)(3) In That It Does Not Have the Potential For Causing a Significant Effect on the Environment (Amendments to the Massage Ordinance)**

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

1. Found that the ordinance is exempt from the California Environmental Quality Act (CEQA) under CEQA Guideline 15061(b)(3) in that it does not have the potential for causing a significant effect on the environment.
2. Waived full reading and introduced the proposed ordinance repealing and replacing Fremont Municipal Code Title 5, Chapter 5.65 Massage Establishments and Technicians.
3. Directed staff to prepare a summary of the ordinance and the City Clerk to post and publish the summary in accordance with Government Code Section 36933(c)(1).

Ayes: Present: Mayor Harrison, Vice Mayor Chan,  
Councilmembers: Bacon, Mei and Jones  
Noes: None  
Absent: None  
Abstain: None

\* **E. Mayor Harrison opened consideration of Approval to Adopt the Aboveground Petroleum Storage Act (APSA) Fee for the Certified Unified Program Agency (CUPA)**

On a motion by Vice Mayor Chan, seconded by Councilmember Bacon, the City Council adopted Resolution No. 2015-67 amending the Master Fee Schedule to establish the pass through fee of \$26.00 per regulated tank facility for the Aboveground Petroleum Storage Act (APSA) program. The collected fees will be paid annually to the Certified Unified Program Agency (CUPA).

Ayes: Present: Mayor Harrison, Vice Mayor Chan,  
Councilmembers: Bacon, Mei and Jones  
Noes: None  
Absent: None  
Abstain: None

**\* F. Mayor Harrison opened consideration of Proposed Response to Grand Jury Report Regarding City's Email Retention Policy**

\*This item was removed from the Consent Calendar at the request of a public speaker. Mayor Harrison opened the public comment period. William Yragui expressed his views on the response to the Grand Jury and provided City Clerk with a hand-out. There were no additional speakers. Mayor Harrison closed the public comment period. Staff responded to questions from Councilmembers.

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

1. Reviewed and approved the Proposed Response to the Grand Jury.
2. Directed staff to transmit the Response to the Grand Jury prior to September 28, 2015.

Ayes: Present: Mayor Harrison, Vice Mayor Chan,  
Councilmembers: Bacon, Mei and Jones  
Noes: None  
Absent: None  
Abstain: None

**3. CEREMONIAL ITEMS**

- A. Resolution: Honoring the South Bay Chinese Club (SBCC) on their 50th Anniversary**

**4. PUBLIC COMMUNICATIONS**

- A. Oral and Written Communications**

Don Brown, representing Lima Family Milpitas-Fremont and Cedar Lawn Cemetery, shared information regarding their business and provided hand-outs.

**5. SCHEDULED ITEMS – None.**

**6. REPORT FROM CITY ATTORNEY – None.**

**7. OTHER BUSINESS – None.**

**8. COUNCIL COMMUNICATIONS**

**A. Council Referrals – None.**

**B. Oral Reports on Meetings and Events – None.**

**9. ADJOURNMENT:** There being no further business, Mayor Harrison adjourned the meeting at 7:30 p.m.

Attest:

Approved:

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Susan Gauthier, City Clerk

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BILL HARRISON, Mayor