

**MINUTES  
FREMONT CITY COUNCIL MEETING  
APRIL 7, 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 Jones, 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 – None.**
- \* **C. Mayor Harrison opened consideration of Second Reading and Adoption of an Ordinance of the City of Fremont Amending Fremont Municipal Code Chapter 18.155 Regarding Affordable Housing**

On a motion by Vice Mayor Chan, seconded by Councilmember Jones, the City Council adopted Ordinance No. 10-2015.

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

**\* D. Mayor Harrison opened consideration of Second Reading and Adoption of an Ordinance of the City of Fremont Adopting Development Agreement (DA-PLN2015-00091) between the City of Fremont and Lennar Homes of California, Inc. to Facilitate Development of a Mixed-Use Project on an Approximately 111 Acre Property Bounded by Fremont Boulevard, South Grimmer Boulevard and Lopes Court Located within Planning Area 4 of the Warm Springs/South Fremont Community Plan**

\*This item was removed from the Consent Calendar. Mayor Harrison opened the public comment period. Kelly Abreau and William Yrague (Mission Peak Conservancy) spoke in favor of a pedestrian/bicycle trails/paths through the city. There were no additional speakers. Mayor Harrison closed the public comment period.

On a motion by Mayor Harrison, seconded by Councilmember Jones, the City Council adopted Ordinance No. 11-2015.

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

**\* E. Mayor Harrison opened consideration of Approval of Plans and Specifications and Award of Contract to the Lowest Responsible Bidder for the Warm Springs Boulevard Improvement Project between Reliance Way and Mission Boulevard, City Project No. 8498(PWC).**

\*This item was removed from the Consent Calendar. Mayor Harrison opened the public comment period. William Yrague (board president of Venture Commerce Center) expressed concern regarding traffic issues. There were no additional speakers. Mayor Harrison closed the public comment period. Staff responded to questions.

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

1. Approved the plans and specifications for the Warm Springs Improvement Project between Reliance Way and Mission Boulevard, City Project No. 8498 (PWC).
2. Accepted the bid and awarded the construction contract for the Warm Springs Boulevard Improvement Project between Reliance Way and Mission Boulevard to the lowest responsive and responsible bidder, Bay Cities Paving & Grading, Inc. in the amount of \$2,877,221.80 and authorize the City Manager or designee to execute the contract.
3. Appropriated \$40,000 of Fremont Times Square Off-Site Improvement Funds in 502 (Outside Sources) to 502PWC8498, Warm Springs Improvement Project between Reliance Way and Mission Boulevard.

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

\* **F. Mayor Harrison opened consideration of Adoption of a Resolution Supporting the Designation of the San Francisco Bay Area Water Trail as a Priority Conservation Area and Finding the Designation to be Exempt Under CEQA Guidelines Section 15262**

On a motion by Vice Mayor Chan, seconded by Councilmember Jones, the City Council adopted Resolution No. 2015-12 a resolution of support.

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

\* **G. Mayor Harrison opened consideration of Approval to Amend Taxi Voucher Contract with Mohammad Siddiq, DBA Diamond Cab Company and DBA Seir Cab Company, by \$80,000 to meet increased projected need through June 30, 2015. (Tri-City Taxi Voucher Program)**

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

1. Authorized the City Manager or designee to execute an amendment to the FY 2014/2015 Tri-City Taxi Voucher Program contract with Mohammad Siddiq, DBA Diamond Cab Company and DBA Seir Cab Company, to increase the not to exceed compensation amount by \$80,000 for a total not to exceed compensation amount of \$205,000.
2. Appropriated an additional \$80,000 to this program in the Paratransit Fund (Fund 178).

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

\* **H. Mayor Harrison opened consideration of Approval to Allocate and Appropriate \$118,900 from Fund 541 to the Project Budget, Approve the Plans and Specifications and Award a Construction Contract in the Base Bid Amount of \$730,407.20, and Alternates 1, 2, 3, 4, and 5 totaling \$183,156 for a total contract amount of \$913,563.20 to Suarez and Munoz Construction, Inc., for the Central Park Turf and Poplar Renovation Project, City Project No. PWC 7859**

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

1. Approved allocation and appropriation of \$118,900 from Fund 541 to the Central Park Turf and Poplar Project (PWC7859).
2. Approved the plans and specifications, for the Central Park Turf and Poplar Project, accepted the bid and authorized the City Manager, or his designee, to execute a construction contract with the lowest responsive and responsible bidder, Suarez and Munoz Construction, Inc., for the base bid amount of \$730,407.20, plus Alternate 1 bid amount of \$125,351; Alternate 2 bid amount of \$26,075; Alternate 3 bid amount of

\$2,380; Alternate 4 bid amount of \$15,400; and Alternate 5 bid amount of \$13,950, for a grand total construction contract amount of \$913,563.20.

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

**\* I. Mayor Harrison opened consideration of Approval of Final Map, Improvement Agreements for Construction of Public Improvements (Fremont Boulevard and Beard Road) and Private Street Improvements (Fiano Common, Vino Common and Sagrantino Terrace), and Dedication of Land and Public Easements for Tract 8177. (Approval of Final Map of Tract 8177 at 34044 Fremont Boulevard, 3800 & 3858 Beard Road by Standard Pacific Corp.)**

On a motion by Vice Mayor Chan, seconded by Councilmember Jones, the City Council adopted Resolution No. 2015-13:

1. Approving the Final Map and the Improvement Plans for Tract 8177.
2. Approving the Agreement for Public Improvements entitled “Public Improvement Agreement, Tract 8177”, with the developer, Standard Pacific Corp., and authorizing the City Manager to execute the agreement on behalf of the City.
3. Approving the Agreement for Private Improvements entitled “Private Improvement Agreement, Tract 8177”, with the developer, Standard Pacific Corp., and authorizing the City Manager to execute the agreement on behalf of the City.
4. Accepting the developer’s offer of dedication of real property interests, as identified on the Final Map, provided that the acceptance of any property on which the developer is required to construct public improvements shall be conditioned upon the developer’s completion of improvements to the satisfaction of the City Engineer.

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

**\* J. Mayor Harrison opened consideration of Approval to Adopt a Resolution Approving a Second Amendment and Restatement of the City of Fremont Local Goals and Policies for Special Assessment and Mello-Roos Community Facilities District Financing. The Proposed Amendment to the Local Goals and Policies of the City’s Mello-Roos Community Facilities District Is Not Subject to the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15378, Definition of a Project.**

On a motion by Vice Mayor Chan, seconded by Councilmember Jones, the City Council adopted Resolution No. 2015-14 approving the Second Amended and Restated Local Goals and Policies for Special Assessment and Mello-Roos Community Facilities District Financing as shown in Exhibit “A.”

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

### 3. CEREMONIAL ITEMS

#### A. Proclamation: Fair Housing Month

### 4. PUBLIC COMMUNICATIONS

#### A. Oral and Written Communications

Debbie Buswell and Veronica Pang shared their concerns with regard to parking issues and police patrols near the entrance to Mission Peak. Wynn Grich expressed a variety of concerns related to water (also provided Clerk with a book, CDs and hand-outs). Joann Wood, Kwong Kei Chin, Marie Smith, Grace Chin and Lydia Choy-Fong shared their concerns with construction being performed at the 42754 Palm Avenue residence.

### 5. SCHEDULED ITEMS

#### A. Mayor Harrison opened consideration of a Public Hearing (Published and Posted Notices) to Consider Approval of a General Vacation of a Street Easement for a Portion of the San Marco Avenue Public Right-of-Way Adjacent to 800 San Marco Avenue. A Mitigated Negative Declaration was Previously Adopted for the Mission Creek Residential Development Project (PLN2012-00109) in Accordance with the Requirements of the California Environmental Quality Act (CEQA) which included and addressed the Potential Impacts of this Proposed Vacation. Therefore, No Further Environmental Review is required. (San Marco Avenue Street Easement Vacation – 800 San Marco Avenue - PLN2015-00139)

\*This item added to the Consent Calendar.

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

1. Held public hearing.
2. Found that the previously adopted Mitigated Negative Declaration for the Mission Creek residential development project (PLN2012-00109) evaluated the potential impacts of this proposed General Vacation, no changes to the project or its circumstances have occurred and no new information has become available since adoption of the project mitigated negative declaration that would require preparation of additional environmental documentation, and, therefore, no further environmental review is required.
3. Found that the proposed General Vacation of the street easement for the subject portion of San Marco Avenue conforms to the General Plan, including the designated goals and policies set forth in the Land Use Element, as enumerated in the staff report.

4. Found the proposed General Vacation, as depicted and described in Exhibit "A," fulfills the applicable criteria for general vacations in that the area to be vacated is not necessary for present or prospective public use, and further find that the area to be vacated would not be useful as a non-motorized transportation facility, both as stated in the staff report.
5. Adopted Resolution No. 2015-15 that includes the findings referenced above and orders the General Vacation of the street easement over the subject portion of San Marco Avenue, while reserving a public utility easement and a storm drain easement as depicted and described in Exhibit "A," provided that the vacation shall not occur until the San Marco Avenue extension to Tangelo Court has been constructed by the developer of the Mission Creek development project.
6. Directed the City Clerk to record the Resolution of Easement Vacation with the County Clerk and to return copies of the recorded document to the Public Works and Community Development Departments for their respective files. The Resolution of Easement Vacation shall not be recorded until construction of the San Marco Avenue extension to Tangelo Court has been completed.

Ayes: Present: Mayor Harrison, Vice Mayor Chan,  
Councilmembers: Bacon, Mei and Jones.

Noes: None

Absent: None

Abstain: None

**B. Mayor Harrison opened consideration of a Public Hearing (Published Notice) to Consider an Appeal of a Planning Commission Approval of a Conditional Use Permit to Allow the Establishment of a 42,719-square-foot Religious Facility with up to 483 Persons in the Prayer Hall and a Zoning Administrator Permit to Allow an Elementary/Secondary School for up to 250 students, and to Consider an Exemption From the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15301, Existing Facilities. (Islamic Center of Fremont Appeal, 42310-42340 Albrae Street (PLN2015-0001))**

\*See Green Sheet.

Associate Planner David Wage gave a PowerPoint presentation. The appellant also had a presentation. Staff and the appellant responded to questions from Councilmembers. Mayor Harrison opened the public hearing.

Aliyah Rasheed, Aysha Saghasi, Sulaiman Ahmed, Ammarah Zaveri, Amrah Arif, Bareera Danish (students from the ILM Academy at the Islamic Center of Fremont), Zaheer Siddiqui (broker and Vice President of Dutra Enterprises), Ambarene Salman (parents of ILM Academy students), Jacqueline Tiefert, Saira Goraya, and Huma Bokharey (ILM Academy teachers & principal) spoke in support of the Islamic Center & School. Salim Mastan praised staff in working with the community to resolve issues. Alan Leung and David Co, (Arise Church) shared concerns regarding parking on Sundays. Ashfaque Mohammad, Rehan Chishty, Ahsan Baig, Zubair A. Bakr, Muhammad Aleem, Farhina Arif, Salim Scafuto, Naseer Irten, and Ashraq Rasheed, (ICF members) Tony Dutra, Dutra Land & Consulting Services, Inc., spoke in support of the Islamic Center. Frank Yonko (Romani Christian Church) spoke regarding issues with parking. The appellant provided a rebuttal. The applicant responded to questions

from Councilmembers. There were no additional speakers. Mayor Harrison closed the public hearing. Staff responded to questions from Councilmembers. The conditions were slightly modified.

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

1. Held public hearing.
2. Found that the project is exempt from the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15301, Existing Facilities.
3. Denied the appeal.
4. Found PLN2015-00001 is in conformance with the relevant provisions contained in the City's General Plan.
5. Approved Conditional Use Permit and Zoning Administrator Permit PLN2015-00001 as shown on Exhibit "A" subject to findings and conditions in Exhibit "B."

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

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

## **7. OTHER BUSINESS**

### **A. Mayor Harrison opened consideration of Consideration and Adoption of the 2015 Legislative Guiding Principles and Priorities**

On a motion by Councilmember Bacon, seconded by Councilmember Mei, the City Council adopted the 2015 Legislative Guiding Principles and Priorities and authorized the Mayor to transmit documents that are consistent with these guiding principles and priorities.

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

### **B. Mayor Harrison opened consideration of an annual report on the status of implementation of the 2007-2014 Housing Element. This annual status report is exempt from the requirements of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15378, definition of a "project." (Housing Element Annual Status Report (PLN2015-00180))**

\*This item added to the Consent Calendar.

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

1. Found the annual report is not subject to the requirements of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15378(b)(5), definition of a project.
2. Considered the annual report and Exhibit A, which depict the current status of the General Plan and Housing Element, and directed staff to submit the required materials to OPR and HCD.

Ayes: Present: Mayor Harrison, Vice Mayor Chan,  
Councilmembers: Bacon, Mei and Jones.

Noes: None

Absent: None

Abstain: None

## 8. COUNCIL COMMUNICATIONS

### A. Council Referrals

1. **Mayor Harrison opened consideration of Councilmember Bacon Referral: Request a City Council resolution requesting that the County Board of Supervisors of San Luis Obispo County deny permits for a Phillips 66 oil train offloading facility and the denial of any construction related to this project.**

Paul W. Rea (provided hand-out), Margery Leonard, Greg Scott (provided hand-out), and Bruce Cates (LEAF) opposed the transport of hazardous materials through Fremont.

On a motion by Councilmember Bacon, seconded by Councilmember Mei, the City Council requested staff come back to Council in about a month with additional information.

Ayes: Present: Mayor Harrison, Vice Mayor Chan,  
Councilmembers: Bacon, Mei and Jones.

Noes: None

Absent: None

Abstain: None

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

9. **ADJOURNMENT:** There being no further business, Mayor Harrison adjourned the meeting at 10:15 p.m.

Attest:

Approved:

---

Susan Gauthier, City Clerk

---

BILL HARRISON, Mayor

\*Consent Items