

**MINUTES
FREMONT CITY COUNCIL SPECIAL MEETING
DECEMBER 1, 2015
FREMONT CITY HALL
6:30 P.M.**

Call to Order: Mayor Harrison called the meeting to order.

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

Public Comment: None.

CONVENE TO A CLOSED SESSION

CONFERENCE WITH REAL PROPERTY NEGOTIATORS: This Closed Session is authorized by Government Code Section 54956.8 at the time and place stated above to confer with and grant authority to the City's real property negotiators regarding the price and terms of payment related to the following property:

Property: 39156-39200 State Street (APN #501-1130-007-02)

City Negotiators: (who will be attending or represented at the closed session) –Jessica von Borck, Assistant City Manager; Norm Hughes, Public Works Director; Sharon Jones, Facilities & Real Property Manager and Harvey Levine, City Attorney

Negotiating Parties: City of Fremont and Harvey C. Wong, as Trustee of the Harvey C. Wong 2003 Trust

The Special Meeting of the Fremont City Council adjourned at 6:50 p.m.

Attest:

Approved:

Susan Gauthier, City Clerk

BILL HARRISON, Mayor

**MINUTES
FREMONT CITY COUNCIL MEETING
DECEMBER 1, 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 Mei, Councilmembers: Chan, Bacon, 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 Councilmember Jones, seconded by Councilmember Chan, the City Council waived further readings of proposed ordinances.

Ayes: Mayor Harrison, Vice Mayor Mei,
Councilmembers: Chan, Bacon, 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 Section 10.05.1000, Entitled “Declared Prima Facie Speed Limits,” to Declare Prima Facie Speed Limits to be Posted upon Designated Streets in the City**

On a motion by Councilmember Jones, seconded by Councilmember Chan, the City Council adopted Ordinance No. 22-2015.

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

*Consent Items

* **D. Mayor Harrison opened consideration of Second Reading and Adoption of an Ordinance of the City of Fremont, Adding Fremont Municipal Code Chapter 10.30 regarding Electric Vehicle Parking**

On a motion by Councilmember Jones, seconded by Councilmember Chan, the City Council adopted Ordinance No. 23-2015.

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

3. CEREMONIAL ITEMS – None.

4. PUBLIC COMMUNICATIONS

A. Oral and Written Communications – None.

5. SCHEDULED ITEMS

A. Mayor Harrison opened consideration of a Public Hearing (Published Notice) to Consider Staff and Planning Commission Recommendations for Amendments to Fremont Municipal Code Title 8 (Health and Safety), Chapter 8.55 (Smoking), and Title 18 (Planning and Zoning), Chapters 18.25 (Definitions), 18.43 (City Center Districts), 18.45 (Commercial Districts), 18.47 (Downtown Districts), 18.49 (Warm Springs Innovation District) and 18.190 (Special Provisions Applying to Miscellaneous Uses), to Regulate the Retail Sales of Electronic Cigarettes, and the Establishment and Operation of Electronic Cigarette Lounges and Vapor Bars, and to Consider an Exemption from the Requirements of the California Environmental Quality Act (CEQA) Pursuant to CEQA Guidelines Section 15061(b)(3) in that the Proposed Amendments are not a Project which has the Potential for Causing a Significant Effect on the Environment. (Regulation of Electronic Cigarette Retailers and Retail Tobacco Stores (including Electronic Cigarette Lounges and Vapor Bars) – Citywide – PLN2016-00119)

Senior Planner Wayland Li gave a have a PowerPoint presentation and responded to questions from Councilmembers, along with Deputy City Attorney Bronwen Lacey and Planning Manager Kristie Wheeler. Mayor Harrison opened the public hearing.

Jamie Caron (representing Disability Action Network for Youth), Dolores Tejada (representing Community Resources for Independent Living (CRIL), Bryan Kuo, Alexander Huynh, Nilabjo Chakraborty, Amrutha Prakasha, Ei Ei Phy, Dania Khan, Sabeel Mansuri, Mary Wang, Donovan Seymour, Lenette Abad, Ray Mangrobang, and Elsa Joseph (all representing the Tri City Health Center Youth Advisory Board), and Paul Cummings (representing Alameda County Public Health Departement support the amendments to the Smoking Ordinance. There were no additional speakers. Mayor Harrison closed the public hearing. Councilmembers provided comment.

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

1. Held public hearing.
2. Found that this project is exempt from the requirements of the California Environmental Quality Act (CEQA) per Section 15061(b)(3) of the CEQA Guidelines in that it is not a project which has the potential to cause a significant effect on the environment.
3. Adopted the Planning Commission recommendation with findings 4a and 4b and introduction of ordinance No. 2:
 - a. Found that the proposed Zoning Text Amendment is consistent with the City's General Plan, including Land Use Policy 2-2.5, which encourages using zoning regulations to improve Fremont's quality of life, reduce nuisances, achieve compatibility between adjacent uses, and protect the health and safety of residents, visitors, and workers. The proposed Zoning Text Amendment is intended to protect the health and safety of residents, visitors, and workers by establishing land use regulations that would preclude the establishment of retail tobacco stores (including those containing e-cigarette lounges or vapor bars).
 - b. Found that the proposed amendment furthers the public interest, convenience, and general welfare of the city because it would preclude the establishment of new retail tobacco stores (including those containing e-cigarette lounges or vapor bars), thereby reducing exposure of population to smoke and vapors and by reducing unlawful sales to minors.
 - c. Introduced an ordinance amending the Smoking Ordinance and Zoning Ordinance.

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

6. REPORT FROM CITY ATTORNEY – None.

7. OTHER BUSINESS

- A. Mayor Harrison opened consideration of a Presentation by FIERCE: FIERCE is an organization led by a team of high school students in Fremont.** The goal of FIERCE is foster interest in sustainability and the environment for youth and the community.

*This item was heard before Item 5.A.

Owen Shen, representing the group FIERCE, gave a PowerPoint presentation. The City Council received presentation and provided comment.

8. COUNCIL COMMUNICATIONS

- A. Council Referrals – None.**

B. Oral Reports on Meetings and Events

1. Councilmembers reported on their various meetings and activities.

Mayor Harrison reported on the Compact of Mayors

- 9. ADJOURNMENT:** There being no further business, Mayor Harrison adjourned the meeting at 8:15 p.m.

Attest:

Approved:

Susan Gauthier, City Clerk

BILL HARRISON, Mayor