

**MINUTES
FREMONT CITY COUNCIL MEETING
MAY 3, 2016
FREMONT CITY HALL
7:00 P.M.**

1. PRELIMINARY

- A. Call to Order:** Mayor Harrison called the meeting to order.
- B. Flag Salute:** Students from Blacow, Grimmer and Vallejo Mill Elementary Schools 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 Chan, seconded by Councilmember Jones, 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 Chapter 8.40, Articles I, II and III, Solid Waste, Recyclables and Organics**

On a motion by Councilmember Chan, seconded by Councilmember Jones, the City Council adopted Ordinance No. 08-2016.

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

* **D. Mayor Harrison opened consideration of Second Reading and Adoption of an Ordinance of the City of Fremont, Amending Fremont Municipal Code Title 18, Chapter 18.165, Density Bonus and Affordable Housing Incentives**

On a motion by Councilmember Chan, seconded by Councilmember Jones, the City Council adopted Ordinance No. 09-2016.

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

* **E. Mayor Harrison opened consideration of Approval to Authorize the City Manager to Execute a Two-Year Lease Amendment with the State of California for a Total of 5,916 Square Feet of Office and Common Area Space for the Department of Rehabilitation (DOR) Located at the Family Resource Center; Exempt from CEQA Review as the Lease of Existing Facilities per CEQA Guidelines Section 15301**

On a motion by Councilmember Chan, seconded by Councilmember Jones, the City Council authorized the City Manager or his designee to execute an amendment to extend the existing lease with the State Department of Rehabilitation for 5,916 square feet of office and common area space located at the Fremont Family Resource Center for two additional years as described in the staff report.

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

* **F. Mayor Harrison opened consideration of Adoption of a Resolution Authorizing Fiscal Year 2016/2017 Transportation Development Act Article 3 (TDA3) Grant Application and Acceptance of the TDA3 Funds in the amount of \$211,143 for the Intersection Improvements Project Providing Pedestrian Safety Improvements at Mowry Avenue/Waterside Circle and Warren Avenue/Bradley Street; Exempt from CEQA review per Guidelines Section 15301 (Existing Facilities) (TDA3 GRANT FUNDING)**

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

1. Found the proposed project is exempt from CEQA review pursuant to CEQA Guidelines Section 15301 as the minor alteration of an existing facility involving negligible or no expansion of use beyond that presently existing.
2. Adopted Resolution No. 2016-18 authorizing the City Manager, or his designee, (a) to apply for Transportation Development Act Article 3 Bicycle and Pedestrian Program Funds in the amount of \$211,143 for the Intersection Improvements Project for FY

2016/17; and (b) to accept any awarded grant funds for the Project and to execute any necessary implementing documents.

3. Appropriate any grant funds received to 107PWC8882-A, Intersection Improvements Project.

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

*** G. Mayor Harrison opened consideration of Approval of Master Programs Funding Agreement with Alameda County Transportation Commission (ACTC) Addressing Direct Local Distributions of Revenue from the Measure B, Measure BB and Vehicle Registration Fee Programs (ACTC Master Programs Funding Agreement)**

On a motion by Councilmember Chan, seconded by Councilmember Jones, the City Council authorized the City Manager or designee to execute the new Master Programs Funding Agreement with ACTC to continue implementation of the Measure B, Measure BB and VRF programs.

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

*** H. Mayor Harrison opened consideration of Approval of Plans and Specifications and Award of Contract to Bridgeway Civil Constructors, Inc. in the amount of \$788,392.00, for Old Canyon Road Bridge Foundation Protection Repair Project (PWC 8805)**

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

1. Approved the plans and specifications for the Old Canyon Road Bridge Foundation Protection Repair Project, PWC 8805.
2. Accepted the bid and awarded the construction contract for the Old Canyon Road Bridge Foundation Protection Repair Project, PWC 8805 to the lowest responsive and responsible bidder, Bridgeway Civil Constructors, Inc., in the amount of \$788,392.00 and authorize the City Manager or designee to execute the contract.

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

* **I. Mayor Harrison opened consideration of Approval of a Resolution Authorizing Environmental Services Staff to Submit Application to The Department of Resources Recycling and Recovery (CalRecycle) For Beverage Container Recycling Payment Program Funding for Recycling and Litter Cleanup Projects (CalRecycle Payment Program)**

On a motion by Councilmember Chan, seconded by Councilmember Jones, the City Council adopted Resolution No. 2016-19 authorizing the City Manager, or his designee to apply for funding from the California Beverage Container Recycling City/County Payment Program and to execute all necessary documents.

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

* **J. Mayor Harrison opened consideration of Approval of Amendment to Consultant Agreement with Associated Right of Way Services, Inc. for Business Relocation Management and Services related to the Fremont Civic Center Project (PWC 8520)**

On a motion by Councilmember Chan, seconded by Councilmember Jones, the City Council authorized the City Manager, or his designee, to execute an amendment to the agreement with Associated Right of Way Services, Inc., in the amount of \$116,350, for a total amount not-to-exceed \$195,350, for continued project management and relocation assistance services related to the Fremont Civic Center Project.

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

* **K. Mayor Harrison opened consideration of Approval of a Recreation Commission Recommendation to Find that a Four Acre Parcel in Warm Springs/South Fremont Community Plan Area 4 Conforms with the Criteria for the Selection of Park Sites in the Park Master Plan and the General Plan, Adopt the Park Master Plan for a Joint Use Community Park at the Site, and Approve a Lease (Joint Use) Agreement with the Fremont Unified School District, and to Consider a Finding that Pursuant to the California Environmental Quality Act (CEQA), a Final Environmental Impact Report (SCH#2013032062) was Previously Certified for the WS/SF Community Plan in which the Plan for a Joint Use Community/Citywide Park was Included, and that no Further Environmental Review is Required. (Warm Springs Innovation District Master Plan and Lease Agreement with FUSD for a Joint Use Community Park)**

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

1. Found that pursuant to the California Environmental Quality Act (CEQA), a Final Environmental Impact Report (SCH#2013032062) was previously certified for the WS/SF Community Plan in which the plan for a joint use community/citywide park was included, and that no further environmental review is required.
2. Found that the proposed Park Master Plan as shown in Exhibit A is in conformity with the General Plan, the Warm Springs/South Fremont Community Plan and the Lennar Area 4 Master Plan as described in the staff report.
3. Found that the land bordered by South Grimmer Boulevard, Discovery Road, and Enlighten Way, as shown in Exhibit A, conforms to the Criteria for Selection of Park Sites in the Park and Recreation Master Plan.
4. Adopted the Warm Springs Innovation District Park Master Plan, as shown in Exhibit A.
5. Authorized the City Manager or designee to enter into a Lease Agreement between the Fremont Unified School District and the City of Fremont detailing the joint use of the four-acre Community Park and 5 acre elementary school in the Warm Springs Community Plan area, as described in the staff report.

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

- * **L. Mayor Harrison opened consideration of Approval of a Recreation Commission Recommendation to Find that Four Lots Totaling 2.5 Acres in Warm Springs/South Fremont Community Plan Area 4 Conform to the “Criteria for Selection of Park Sites” of the Park Master Plan and with the General Plan, and to Adopt a Master Plan for a Plaza Consisting of the 2.5 Acre Site, and to Consider a Finding that Pursuant to the California Environmental Quality Act (CEQA), a Final Environmental Impact Report (SCH#2013032062) was Previously Certified for the WS/SF Community Plan in which the Plan for Plazas was Included, and that No Further Environmental Review is Required. (Warm Springs Innovation District Plaza Park Master Plan)**

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

1. Found that, pursuant to the California Environmental Quality Act (CEQA), a Final Environmental Impact Report (SCH#2013032062) was previously certified for the WS/SF Community Plan in which the plan for plazas was included, and that no further environmental review is required.
2. Found that the proposed Plaza Master Plan as shown in Exhibit A is in conformity with the General Plan, the Warm Springs/South Fremont Community Plan and the Lennar Area 4 Master Plan as described in the staff report.
3. Found that the proposed 2.5 acre Warm Springs Innovation District Plaza adjacent to Innovation Way, as shown on Exhibit A, conforms to the Criteria for Selection of Park Sites of the Park Master Plan.
4. Adopted the Warm Springs Innovation District Plaza Master Plan, as shown in Exhibit A.

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

3. CEREMONIAL ITEMS

- A. **Presentation: Cinco de Mayo presentation from Fremont Unified School District's Spanish Immersion Programs**
- B. **Proclamation: Affordable Housing Month**
- C. **Resolution: Honoring Norm Hughes upon his retirement**

4. PUBLIC COMMUNICATIONS

A. Oral and Written Communications

John Rennels thanked staff for the addition of the stop signs on Pine Street. Linda Susoev expressed a variety of concerns.

5. SCHEDULED ITEMS

A. **Mayor Harrison opened consideration of a Public Hearing (Published Notice) to Consider Adoption of a Resolution Authorizing the City Manager or His Designee to Execute an Energy Efficiency Services Contract with OpTerra Energy Services, Inc. for the Construction of Energy Conservation Measures in the Amount of Approximately Nine Million Dollars**

Deputy Community Development Director Dan Schoenholz gave a presentation. See Green Sheet regarding revised attachment.

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

1. Found that the proposed installation and/or retrofit of existing lighting, plumbing and irrigation facilities as described in the staff report is categorically exempt under California Environmental Quality Act Guideline Section 15301.
2. Found that the proposed project is in the best interests of the City because it would significantly improve energy and water efficiency in the City's operations, reduce the City's greenhouse gas emissions in accordance with the City's Climate Action Plan, and result in long-term cost savings for the City.
3. Found that the anticipated cost to the City for thermal or electrical energy or conservation services provided by the energy conservation facility under the contract will be less than the anticipated marginal cost to the City of thermal, electrical, or other energy that would have been consumed by the City in the absence of those purchases, in that operating cost savings for the proposed project is estimated to range from approximately \$100,000 to

\$500,000 during the 10-year financing period, and net savings over the lifetime of the energy conservation measures (which ranges from 10-20 years depending on the measure) is estimated at almost \$13 million.

4. Adopted Resolution No. 2016-20 authorizing the City Manager or his designee to execute a contract with OpTerra Energy Services for energy and water efficiency measures, consistent with the terms described in the staff report, in the amount of \$9,063,701, and to execute any necessary implementing documents.

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 Approval of a Lease Financing with Pinnacle Public Finance, Inc., and Authorizing Preparation and Execution of Related Documents (Energy and Water Efficiency Financing)

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

1. Approved a lease financing with Pinnacle Public Finance, Inc., in the amount of \$9,100,000, to pay for the proposed package of energy and water efficiency measures and any related financing costs.
2. Adopted Resolution No. 2016-21 authorizing the preparation and execution by the City officers and staff identified in the resolution of all documents required to complete the lease financing transaction, including the following:
 - a. Lease Agreement for Streetlights;
 - b. Lease and Sublease Agreement for Streetlights;
 - c. Absolute Assignment Agreement; and
 - d. Escrow Agreement.

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

B. Mayor Harrison opened consideration of Approval of Architectural Design Elements and Adopt the Park Master Plan for the Warm Springs West Side Access Bridge and Plaza Project. Pursuant To the Requirements of the California Environmental Quality Act (CEQA), a Mitigated Negative Declaration was Previously Adopted for the Project and No Further Environmental Review Is Required

*This item was added to the Consent Calendar.

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

1. Found pursuant to the requirements of the California Environmental Quality Act (CEQA), a Mitigated Negative Declaration was previously circulated and adopted for the project and that no further environmental review is required.
2. Found that the proposed 1-acre Warm Springs BART West Access Plaza is consistent with the General Plan policies and the Criteria for Selection of Park Sites in the Parks and Recreation Master Plan.
3. Adopted the proposed 1-acre Warm Springs BART West Access Plaza Park Master Plan and include it in the City park land inventory as a "Civic Park."
4. Approved the architectural design elements and rotating public art program for the project.

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

Noes: None

Absent: None

Abstain: None

8. COUNCIL COMMUNICATIONS

A. Council Referrals

1. Mayor Harrison opened consideration of Mayor Harrison's Referral: Appointment to Advisory Body

Appointment:

<i>Advisory Body</i>	<i>Appointee</i>	<i>Term Expires</i>
George W. Patterson House Advisory Board (East Bay Regional Park District Representative)	Nancy Krebs	N/A

The City Council approved appointment.

Ayes: Mayor Harrison, Vice Mayor Mei,
Councilmembers: Chan, Bacon, 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 8:00 p.m.

Attest:

Approved:

Susan Gauthier, City Clerk

BILL HARRISON, Mayor