

**MINUTES  
FREMONT CITY COUNCIL MEETING  
MAY 10, 2016  
FREMONT CITY HALL  
7:00 P.M.**

**1. PRELIMINARY**

- A. Call to Order:** Mayor Harrison called the meeting to order.
- B. Flag Salute:** Councilmember Bacon 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**

Mayor Harrison held a moment of silence in memory of Lila Bringhurst.

**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**

On a motion by Councilmember Jones, seconded by Councilmember Chan, the City Council approved minutes for the Regular Meeting of January 5, 2016, the Regular Meeting of January 12, 2016, the Regular Meeting of February 2, 2016, and the Work Session of February 9, 2016

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

\* **C. Mayor Harrison opened consideration of Approval of Final Map, Agreement for Construction of Public Street Improvements, and Dedication of Land and Public Easements for Tract 8279, located at 39155 State Street (State Street Center)**

On a motion by Councilmember Jones, seconded by Councilmember Chan, the City Council adopted Resolution No. 2016-22:

1. Approving the Final Map and the Improvement Plans for Tract 8279.
2. Approving the Agreement for Public Improvements entitled “Public Improvement Agreement, Tract 8279”, with the developer, Fremont State Street Center, LLC, and authorize the City Manager to execute the agreement on behalf of the City.
3. 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 the improvements to the satisfaction of the City Engineer.
4. Accepting the developer’s payment of \$61,467.97 and deposit into Fund 499, for the on-going maintenance of stormwater treatment devices located within the public right-of-way.

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

**3. CEREMONIAL ITEMS**

**A. Presentation by Bob Stresak, Executive Director of Peace Officer Standards and Training (POST), Executive Certification to Police Chief Richard Lucero**

**4. PUBLIC COMMUNICATIONS**

**A. Oral and Written Communications**

Alice Cavette expressed concerns about the demolition of a potential historical home (provided hand-out of Pop Gould House).

**5. SCHEDULED ITEMS**

\* **A. Mayor Harrison opened consideration of a Public Hearing (Published Notice) to Consider the Planning Commission's Recommendation to Approve an Amendment to Planned District P-2000-214 and a Tentative Tract Map to Facilitate Development of a 6,500-Square-Foot Retail Pad Building and Allow an Additional 43-Space Parking Reduction within Planning Area 5 (The Block) of Pacific Commons, and a Finding that No Further Environmental Review is Required Pursuant to the California Environmental Quality Act (CEQA) as a Final Environmental Impact Report (EIR) and Supplements to the EIR (SCH#19996052016) were Previously Certified and None of the Conditions Requiring a**

**Subsequent or Supplemental EIR Stated in Section 15162 of the CEQA Guidelines are Present. (Pad 2 Building Pacific Commons Planned District Amendment - 43950 Pacific Commons Boulevard - PLN2016-00145)**

\*This item was added to the Consent Calendar.

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

1. Held public hearing.
2. Found that the previously certified Final EIR, including the 2000 and 2010 Supplements to the EIR (SCH#19996052016), are sufficient for the proposed project, and that none of the conditions requiring a subsequent or supplemental EIR in Sections 15162 and 15163 of the CEQA Guidelines are present, and that no further environmental review is necessary.
3. Found that the project is in conformance with the relevant provisions contained in the City's General Plan. These provisions include the designations, goals, objectives and policies set forth in the General Plan's Land Use, Economic Development, and Community Plan Elements as enumerated within the staff report.
4. Introduced an ordinance approving the Amendment to Planned District P-2000-214 as shown in Exhibit "B" (Development Plan) and Exhibit "C" (2014 Revised Supplement B, Pacific Commons Master Plan), to add a 6,500-square-foot pad building and allow a 43-space parking reduction in The Block, based on the findings and subject to conditions of approval as shown in Exhibit "E," as shown in the staff report.
5. Approved Tentative Parcel Map No. 10496, to allow a subdivision to create two lots as shown in Exhibit "D," based on findings specified in FMC Sections 17.20.200, and subject to conditions of approval as provided in Exhibit "E," as shown in the staff report.
6. Approved the proposed removal and mitigation for 17 protected trees pursuant to the City's Tree Preservation Ordinance, based upon findings and conditions in Exhibit "E," as shown in the staff report.
7. Directed staff to prepare and the City Clerk to publish a summary of the ordinance.

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

- B. Mayor Harrison opened consideration of a Public Hearing (Published Notice) to consider the Planning Commission's Recommendation to Approve Precise Planned District P-2015-283, Vesting Tentative Tract Map No. 8324 and a Private Street to allow the construction of 34 attached and 12 detached townhouse units on a 2.0-acre property located on the south side of Stevenson Boulevard, west of Stevenson Place in the Central Community Plan Area, and to consider a finding that no further environmental review is required pursuant to the California Environmental Quality Act (CEQA) as a Mitigated Negative Declaration (MND) (SCH#2014052024) was previously adopted and none of the conditions requiring a subsequent or supplemental environmental document stated in**

**Section 15162 of the CEQA Guidelines are present. (Robson Homes Stevenson Place - PLN2015-00283 and PLN2016-00229)**

Associate Planner David Wage provided a PowerPoint presentation. The applicant Mike Enderby, representing Robson Homes, also gave a presentation. Staff responded to questions from Councilmembers. Mayor Harrison opened the public hearing. Alice Cavette (provided a hand-out) and Chris Cavette expressed a variety of concerns and spoke in opposition of the project. Carlos Castellanos (representing MidPen Housing), Cindy Bonoir (Fremont Chamber of Commerce), and Jitu Choudhury spoke in support of the project. There were no additional speakers. Mayor Harrison closed the public hearing. Applicant provided a rebuttal. Councilmembers provided comment.

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

1. Held public hearing.
2. Found, based on its own independent judgment, that the previously adopted Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan as shown in Exhibit "A" to the staff report (SCH#2014052024), are sufficient for the proposed project, and that none of the conditions in Section 15162 of the CEQA Guidelines are present and, therefore, no further environmental review is necessary.
3. Found that the project is in conformance with the relevant provisions contained in the City's General Plan. These provisions include the designations, goals, objectives and policies set forth in the General Plan Land Use, Housing, Conservation, Community Character and Safety Elements as enumerated within the report.
4. Introduced an ordinance approving a rezoning of the project site from Preliminary Planned District P-2014-194 to Precise Planned District P-2015-283 as shown in Exhibit "B", and approving the Precise Plan as depicted on Exhibit "C" (Civil, Architectural and Landscape Plans), and the use and development provisions set forth in Exhibit "F," based upon the findings and subject to the conditions of approval set forth in Exhibit "E," as shown in the staff report.
5. Approve Vesting Tentative Tract Map No. 8324 and Private Street as shown in Exhibit "D", based on the findings and subject to the conditions of approval set forth in Exhibit "E," as shown in the staff report.
6. Approved the proposed removal and mitigation for one protected tree pursuant to the City's Tree Preservation Ordinance, based upon findings and conditions in Exhibit "E," as shown in the staff report.
7. Directed staff to prepare and the City Clerk to publish a summary of the ordinance.

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

- \* **C. Mayor Harrison opened consideration of a Public Hearing (Published Notice) To Consider Introduction of an Ordinance Updating the City's Trip Reduction and Transportation Demand Management Ordinance (Fremont Municipal Code Chapter 10.20) for Conformity with General Plan Goals and Policies and Adoption of a Resolution**

**setting a Transportation Demand Management Program Review Fee Deposit. The General Plan Environmental Impact Report (EIR) SCH#2010082060 was previously certified for the project.**

\*This item was added to the Consent Calendar.

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

1. Held public hearing.
2. Found that no additional environmental review is needed as the proposed ordinance was contemplated in the 2011 General Plan Update for which an EIR was previously certified (SCH#2010082060)
3. Introduced an ordinance updating Chapter 10.20 of the Fremont Municipal Code (Trip Reduction and Transportation Demand Management).
4. Adopted Resolution No. 2016-23 approving TDM program review fee deposit.

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

## **6. REPORT FROM CITY ATTORNEY**

### **7. OTHER BUSINESS**

- A. Mayor Harrison opened consideration of a presentation by representatives from Alameda County will provide background on Community Choice Energy programs and on the process currently underway to evaluate the feasibility of such a program in Alameda County**

Bruce Jensen (Alameda County Planning Department) and Seth Baruch (LEAN Energy US) gave a presentation. Councilmembers received presentation and provided comment.

- B. Mayor Harrison opened consideration of Adoption of the 2016 Legislative Guiding Principles and Priorities**

On a motion by Vice Mayor Mei, seconded by Councilmember Bacon, the City Council adopted the 2016 Legislative Guiding Principles and Priorities and authorized the Mayor to transmit documents that are consistent with these guiding principles and priorities with amendment to language change. Also see Green Sheet for additional changes.

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

**C. Mayor Harrison opened consideration of Approval of a Resolution of Intent and Introduction of an Ordinance to Amend the City's CalPERS Contract for Police Safety Employees to Revise Cost Sharing of the Employer's Rate (CalPERS Police Safety Retirement Plan Amendment – Cost Sharing)**

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

1. Adopted Resolution No. 2016-24, a Resolution of Intention, to approving an amendment to the Contract between the Board of Administration of the California Public Employees' Retirement System and the City Council to incorporate the provisions of Section 20516 (3.0% for Classic PERS members; .75% for New PERS members)
2. Introduced an ordinance authorizing an amendment to the Contract between the City Council of the City of Fremont and the Board of Administration of the California Public Employees' Retirement System.
3. Directed staff to prepare and the city clerk to publish a summary of the ordinance.

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 Councilmember Bacon Referral: Request that the City Council Direct Staff to Evaluate Evolve's Request that City Council Pass a Resolution Calling for Proposition 13 Reform**

The City Council provided direction to staff.

2. **Mayor Harrison opened consideration of Councilmember Bacon Referral: Request that the City Council Consider Endorsing the San Francisco Bay Restoration Authority "Clean and Healthy Bay" Parcel Tax, Measure AA (June 2016)**

The City Council approved, by consensus, moving forward with support of Measure AA.

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 9:25 p.m. in the memory of Recreation Commissioner Lila Bringhurst.

Attest:

Approved:

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Susan Gauthier, City Clerk

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BILL HARRISON, Mayor