

**MINUTES
FREMONT CITY COUNCIL MEETING
JUNE 7, 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 Chan 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 a Second Reading and Adoption of an Ordinance of the City of Fremont Amending the Precise Plan for Planning Area 5 of the Pacific Commons Planned District P-2000-214 regarding Property bounded by Pacific Commons Boulevard, Bunche Drive, Christy Street and Curie Street to Facilitate Development of a 6,500 Square Foot Retail Pad Building and allow a 43-Space Parking Reduction**

On a motion by Councilmember Chan, seconded by Councilmember Jones, the City Council adopted Ordinance No. 10-2016.

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 a Second Reading and Adoption of an Ordinance of the City of Fremont Rezoning a Two-Acre Site located South of Stevenson Boulevard and West of Stevenson Place from Preliminary Planned District (P-2014-194) to Precise Planned District (P-2015-283)**

On a motion by Councilmember Chan, seconded by Councilmember Jones, the City Council adopted Ordinance No. 11-2016.

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

* **E. Mayor Harrison opened consideration of a Second Reading and Adoption of an Ordinance of the City of Fremont, Amending Fremont Municipal Code Chapter 10.20, Trip Reduction and Travel Demand Management**

On a motion by Councilmember Chan, seconded by Councilmember Jones, the City Council adopted Ordinance No. 12-2016.

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

* **F. Mayor Harrison opened consideration of Approval to Adopt a Resolution Calling and Consolidating the 2016 November Elections (Calling of Election 2016)**

On a motion by Councilmember Chan, seconded by Councilmember Jones, the City Council adopted Resolution No. 2016-28:

1. Calling for the General Municipal Election.
2. Requesting the services of the Alameda County Registrar of Voters to conduct the election on behalf of the City of Fremont.
3. Calling for a Special Election to be conducted in the case of a tie vote for the elected officers as a result of the November 8, 2016 election.
4. Limiting the candidate statement to be published in the Voter Sample Ballot to a maximum of two hundred (200) words, and requires a candidate to make a deposit of \$3,600 to pay for costs at the time his/her nomination papers are filed.
5. Allowing for rebuttals for the arguments in favor and the arguments in opposition for each ballot measure.

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 Sale of City Property at 4178, 4194 and 4268 Decoto Road to SiliconSage Builders LLC in the amount of \$32,000,888 and Authorize the City Manager to Execute a Purchase and Sale Agreement. Exempt from CEQA Review per CEQA Guidelines Section 15312 (Surplus Government Property Sales) (Sale of Decoto Road Property)**

Mayor Harrison opened the public comment period. John Weed expressed concerns regarding the sale of the property. There were no additional speakers. Mayor Harrison closed the public comment period.

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

1. Found the sale is exempt from California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15312 (Surplus Government Property Sale).
2. Approved the high bid for the City surplus property at 4178, 4194 and 4268 Decoto Road in the amount of \$32,000,888.
3. Authorized the City Manager, or his designee, to execute the Real Property Purchase and Sale Agreement, Deed and all related documents necessary to complete the sale and conveyance of the property at 4178, 4194 and 4268 Decoto Road to SiliconSage Builders LLC or its assignee.
4. Appropriated the proceeds from the sale of the Decoto Road property to 501PWC8520, Downtown/Civic Center Plan.
5. Appropriate the lease payments, received from Regan Nursery during the 2015/16 Fiscal Year and through the term of its tenancy, to the Downtown project 501PWC8520.

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 W. Bradly Electric, Inc. in the amount of \$230,370 for the Fremont Boulevard Adaptive Signal Control Technology Field Elements Project (PWC 8870-B). Exempt from CEQA review per CEQA Guidelines Section 15301 (Existing Facilities)**

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

1. Found this project is exempt from California Environmental Quality Act (CEQA) review pursuant to CEQA Guidelines section 15301 as the repair, maintenance or minor alteration of existing facilities involving no or negligible expansion of use beyond that presently exists.

2. Approved the plans and specifications for the Fremont Boulevard Adaptive Signal Control Technology Field Elements Project (PWC 8870-B).
3. Accepted the bid and awarded the construction contract for the Fremont Boulevard Adaptive Signal Control Technology Field Elements (City Project No. PWC 8870-B) to the lowest responsive and responsible bidder, W. Bradley Electric, Inc., in the amount of \$230,370.00, 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 the Annual Approval of Investment Policy and Annual Delegation of Authority to City Treasurer to Manage Investments**

On a motion by Councilmember Chan, seconded by Councilmember Jones, the City Council adopted Resolution No. 2016-29 approving the City’s Investment Policy for FY 2016/17 and delegating the City Council’s authority to invest and reinvest public funds, and to sell or exchange securities so purchased, to the Finance Director/Treasurer for one year or until earlier revoked by the City Council.

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

Noes: None

Absent: None

Abstain: None

*** J. Mayor Harrison opened consideration of Approval to Reject all Bids Received on April 27, 2016 for the Multi- Modal Improvements – BART Way & Gateway Plaza Project (PWC8868)**

On a motion by Councilmember Chan, seconded by Councilmember Jones, the City Council rejected all bids submitted on April 27, 2016 for the BART Way and Gateway Plaza Multi-Modal Improvement Project (PWC8868), and directed staff to secure additional federal funding and to re-bid the 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 to Authorize a Contract with Data Ticket, Inc. for Administrative Citation Processing, Collection, and Hearing Services and Permit Parking Program Administration**

Mayor Harrison opened the public comment period. Kelly Abreu questioned the number of parking citations issued in previous years. There were no additional speakers. Mayor Harrison closed the public comment period.

On a motion by Councilmember Chan, seconded by Councilmember Jones, the City Council authorized the City Manager or designee to execute an agreement with Data Ticket, Inc. for administrative citation processing, collecting and hearing services and managing the City's Permit Parking program for a term of five years in amount not to exceed \$150,000 per year.

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 Plans and Specifications and Award of Contract to Telfer Pavement Technologies, LLC in the amount of \$1,711,783.60 for the 2016 Cape and Slurry Seal Project (PWC 8195-L and 8652). Exempt from CEQA per CEQA Guidelines Section 15301 (Existing Facilities) (2016 Cape and Slurry Seal Project)**

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

1. Found this project is exempt from California Environmental Quality Act (CEQA) review pursuant to CEQA Guidelines section 15301 as the repair, maintenance or minor alteration of existing facilities involving no or negligible expansion of the use beyond that presently existing.
2. Approved the plans and specifications for the 2016 Cape and Slurry Seal Project, PWC 8195-L and 8652.
3. Accepted the bid and awarded the construction contract for the 2016 Cape and Slurry Seal Project, PWC 8195-L and PWC 8652, to the lowest responsive and responsible bidder, Telfer Pavement Technologies, LLC, in the amount of \$1,711,783.60 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

* **M. Mayor Harrison opened consideration of Approval to Adopt a Resolution Approving Final Map, Agreements for Construction of Public and Private Street Improvements, and Dedication of Land and Public Easements for Tract 8180, located at 4369 Central Avenue (Central Commons)**

On a motion by Councilmember Chan, seconded by Councilmember Jones, the City Council adopted Resolution No. 2016-30:

1. Approving the Final Map and the Improvement Plans for Tract 8180.
2. Approving the Agreement for Public Improvements entitled “Public Improvement Agreement, Tract 8180”, with the developer, Habitat for Humanity East Bay/Silicon Valley, Inc., and authorize the City Manager to execute the agreement on behalf of the City.
3. Approving the Agreement for Private Improvements entitled “Private Improvement Agreement, Tract 8180”, with the developer, Habitat for Humanity East Bay/Silicon Valley, Inc., and authorize the City Manager to execute the agreement on behalf of the City.
4. Accepted 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.

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

* **N. Mayor Harrison opened consideration of Approval to Award Professional Design Services Contract to Marcy Wong Donn Logan Architects for the Design of the Large Group Picnic Area Concessions and Restroom Building, Trash Enclosure, and Other Structural Considerations. This contract award is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15378 in that the activity does not meet CEQA's definition of a “project.”**

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

1. Found that the award of the proposed design services contract is not subject to the requirements of the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15378(b)(5), definition of a “project.”
2. Awarded a professional design services contract to Marcy Wong Donn Logan Architects for the amount of \$96,750, plus a 20% contingency of \$19,350, for a total not-to-exceed amount of \$116,100, and authorize the City Manager, or his designee, to enter into an agreement with Marcy Wong Donn Logan Architects for the design of the Concessions and Restroom building and trash enclosure for the Large Group Picnic Area project, PWC8885.

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

- * **O. Mayor Harrison opened consideration to Approve and Authorize the City Manager to Execute an Amendment to the Traffic Signal Maintenance and Repair Contract with Bear Electrical Solutions Inc. for Additional, Unforeseen Work in the Amount of \$125,000, for a New Not to Exceed Compensation Amount of \$485,000; Exempt from CEQA review per CEQA Guidelines Section 15301 (Existing Facilities)**

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

1. Found that the amendment to the agreement is exempt from review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15301 as the activities to be performed by the contractor consist of the repair, maintenance, or minor alteration of existing facilities involving no or negligible expansion of use beyond that presently exists
2. Approved and authorized the City Manager or his designee to execute an amendment to the Traffic Signal Maintenance and Repair Contract with Bear Electrical Solutions Inc. for additional, unforeseen work in the amount of \$125,000, for a new not to exceed compensation amount of \$485,000 for the July 1, 2015 to June 30, 2016 contract year.

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

3. CEREMONIAL ITEMS

- A. Proclamation: Declaring June as Pride Month in the City of Fremont and Reaffirming its Commitment to Lesbian, Gay, Bi-sexual, and Trans-gender Equal Rights**

4. PUBLIC COMMUNICATIONS

- A. Oral and Written Communications**

Michelle Powell, Bruce Cates, Paula Rasmussen, and Steven Wilson shared a number of concerns regarding the increase of freight trains through the Niles area. Michael Vergalla and Evan Cohen, both paraglider pilots, who are regular users of Mission Peak shared a variety of concerns and ideas. Jamie Ormond shared concerns regarding parking near entrance to Mission Peak (provided a hand-out). Gehad Massoud (provided a hand-out) and Roberta Ryan stressed the need for affordable housing and suggested rent control.

5. SCHEDULED ITEMS

A. Mayor Harrison opened consideration of a Public Hearing (Published Notice) for the Acceptance and Spending Plan of the 2015/16 State of California Citizens Option for Public Safety (COPS) Grant (Acceptance of COPS Grant)

*This item was added to the Consent Calendar.

On a motion by Councilmember Chan, seconded by Councilmember Jones, the City Council adopted Resolution No. 2016-31 accepting the 2015/16 California Citizens Option for Public Safety (COPS) grant in the amount of \$420,989 as allocated in the Supplemental Law Enforcement Services Account (SLESA) for the Fremont Police Department and adopting the spending plan to purchase items supporting frontline law enforcement services.

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-2016-184 to Allow Construction of 80 Apartment Units on a 2.3-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#2014052025) 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 (MidPen Stevenson Place Apartments - PLN2016-00184)

Associate Planner David Wage provided a PowerPoint presentation. The applicant, Carlos Castallanos (representing MidPen) and Steven Rajninger (project architect) also gave a presentation. Staff responded to questions from Councilmembers. Mayor Harrison opened the public hearing. Alice Cavette spoke in opposition of the project & expressed concerns regarding traffic. Mike Enderby (representing Robson Homes) and Cindy Bonoir (representing the Fremont Chamber of Commerce), spoke in support of the project. There were no additional speakers. Mayor Harrison closed the public hearing. Applicant was provided an opportunity for rebuttal. Councilmembers provided comment.

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

1. Held public hearing.
2. Found, based on its own independent judgment, that the Addendum and previously adopted Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan as shown in Exhibit "A" (SCH No. 2014052025), 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-2014-198 to Precise Planned District P-2016-184 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 "E," based upon the findings and subject to the conditions of approval set forth in Exhibit "D".
5. Approve a Density Bonus and concessions as shown on Exhibit "C," based on the findings and subject to the conditions of approval set forth in Exhibit "D".
6. Approve the proposed removal and mitigation for one protected tree pursuant to the City's Tree Preservation Ordinance, based upon findings and conditions in Exhibit "D".
7. Direct staff to prepare and the City Clerk to publish a summary of the ordinance.

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

Noes: Vice Mayor Mei,

Absent: None

Abstain: None

C. Mayor Harrison opened consideration of a Public Hearing (Published Notice) to Consider the Planning Commission's Recommendation to Approve a City-initiated General Plan Amendment to Change the Land Use Designation of a 12.72-acre Property at 10 East Las Palmas Avenue in the Mission San Jose Community Plan Area from Kimber Study Area to Private Open Space and Remove References to Kimber Study Area in the Text of the General Plan, and to Consider a Finding that No Further Environmental Review is Required Pursuant to the California Environmental Quality Act (CEQA) as a Final Environmental Impact Report (EIR) (SCH#2012052065) was Previously Certified and None of the Conditions Requiring a Subsequent or Supplemental EIR Stated in Section 15162 of the CEQA Guidelines are Present (Kimber Study Area - 10 East Las Palmas Avenue - PLN2016-00148)

Senior Planner Joel Pullen gave have a presentation. Mayor Harrison opened the public hearing. Dwane Kennedy, Jeff Setera, Ron Sanzo, Sara Gronquist, Richard Veterlaus, Paul Gumina and Andrew Sabey (all representing Fremont Mission Hills) spoke in opposition to the Private Open Space Designation. Bob Dickerson, Renuka Dhar, Edward Ellebracht, Andrew Law, Marcia Dang, Judy Chang, Edward Wusterhoff, Mark von Grenchten, Laird Matthews, Sunil Dhar, Bill Hansen, April Ellebracht, Bhupinder Sondhi, and Steve Cho spoke in favor of the Private Open Space Designation. Mayor Harrison closed the public hearing. Councilmembers provided comment. Mayor Harrison re-opened the public hearing to ask questions of Dwane Kennedy (representing the applicant). Sunil Dhar and Bhupinder Sondhi

spoke in favor of the Private Open Space Designation. 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, based on the City's own independent judgment, that no further environmental review is required pursuant to the California Environmental Quality Act (CEQA) as a Final Environmental Impact Report (EIR) (SCH#2012052065) was previously certified and none of the conditions requiring a subsequent or supplemental EIR stated in Section 15162 of the CEQA Guidelines are present.
3. Found that the General Plan Amendment is consistent with the General Plan and, where the amendment is to the text of the General Plan, it is consistent with the other policies and chapters in that it would be consistent with the goals and policies of the Land Use Element as described in this staff report.
4. Found that the General Plan Amendment furthers the public interest, convenience and general welfare of the City by allowing the existing swim and tennis club, and its approved expansion, in a manner most consistent with the framework of the property's approved development plans and conditions, restricting residential and commercial uses, and maintaining the property with an open space character consistent with the surrounding neighborhood.
5. Adopted Resolution No. 2016-32 approving the General Plan Amendment re-designating the property at 10 East Las Palmas Avenue from Kimber Study Area to Private Open Space as shown on Exhibit "B" and to remove General Plan references to the Kimber Study Area as shown on Exhibit "A".

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

6. REPORT FROM CITY ATTORNEY – None.

7. OTHER BUSINESS

A. Mayor Harrison opened consideration of a Second Reading and Adoption of an Ordinance of the City of Fremont Authorizing an Amendment to the Contract between the City of Fremont and the Board of Administration of the Public Employees' Retirement System (CalPERS)

This item was heard prior to Scheduled Items.

On a motion by Councilmember Chan, seconded by Councilmember Jones, the City Council adopted Ordinance No. 13-2016.

Ayes: Mayor Harrison, Vice Mayor Mei,
Councilmembers: Chan, Bacon, and Jones.
Noes: None
Absent: None
Abstain: 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 10:10 p.m.

Attest:

Approved:

Susan Gauthier, City Clerk

BILL HARRISON, Mayor