

**MINUTES  
FREMONT CITY COUNCIL MEETING  
SEPTEMBER 13, 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**

**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 Title 18 (Planning and Zoning), Chapters 18.35 (Zoning Maps) and 18.90 (Residential Districts) to Establish “Mission Palms” as a Designated Neighborhood**

On a motion by Councilmember Chan, seconded by Councilmember Jones, the City Council adopted Ordinance No. 16-2016.

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 Various Sections of Fremont Municipal Code Title 18 (Planning and Zoning) for Conformity with General Plan Policies and Implementation Measures Pertaining to Industrial Land Uses, and for Enhancement and Clarification of Existing Regulations Related to Both Development and Use of Property within the City, and Zoning Map Amendments to Provide Conformity with the General Plan Land Use Map**

\*This item removed from Consent Calendar. Mayor Harrison opened the public comment period. John Weed expressed concerns regarding restricted uses. There were no additional speakers. Mayor Harrison closed the public comment period. Staff responded to Councilmember questions.

On a motion by Councilmember Jones, seconded by Councilmember Chan, the City Council adopted Ordinance No. 17-2016.

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

\* **E. Mayor Harrison opened consideration of Approval of Final Map, Agreements for Construction of Public and Private Street Improvements, and Dedication of Land and Public Easements for Tract 8186, located at 38861 and 38873 Mission Boulevard (The Landing West)**

On a motion by Councilmember Chan, seconded by Councilmember Jones, the City Council adopted Resolution No. 2016-54 to:

1. Approve the Final Map and the Improvement Plans for Tract 8186.
2. Approve the Agreement for Public Improvements entitled “Public Improvement Agreement, Tract 8186”, with the developer, The New Home Company Northern California, LLC, and authorize the City Manager to execute the agreement on behalf of the City.
3. Approve the Agreement for Private Improvements entitled “Private Improvement Agreement, Tract 8186”, with the developer, The New Home Company Northern California, LLC, and authorize the City Manager to execute the agreement on behalf of the City.
4. Accept 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: Mayor Harrison, Vice Mayor Mei,  
Councilmembers: Chan, Bacon, and Jones.  
Noes: None  
Absent: None  
Abstain: None

- \* **F. Mayor Harrison opened consideration of Approval and authorize the City Manager to execute purchase orders using the Houstin-Galveston Area Council (HGAC-Buy) cooperative purchasing program for two Pierce Wildland Fire Apparatus in an amount not to exceed \$1,100,000 (Type III Patrol Vehicles)**

On a motion by Councilmember Chan, seconded by Councilmember Jones, the City Council authorized the City Manager or Designee to purchase two Type III Wildland Patrols from Pierce Manufacturing in an amount not to exceed \$1,100,000 using the HGAC-Buy cooperative purchase program.

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

- \* **G. Mayor Harrison opened consideration of Approval and Award of Contract to Western Systems, Inc. in the Amount of \$223,000 for the TFCA FY 2014/15 Arterial Management Project (PWC 8869) to Upgrade Traffic Signal Equipment; Exempt from CEQA Review per CEQA Guideline Section 15301**

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

1. Found that 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 existing.
2. Accepted the bid and awarded the contract to Western Systems, Inc. in the amount of \$223,000 for the TFCA FY 2014/15 Arterial Management Project (PWC 8869) 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

- \* **H. Mayor Harrison opened consideration of Approval of Plans and Specifications, and Award of Contract to Redgwick Construction Company in the Amount of \$699,718.00 for the Fremont Boulevard and Old Warm Springs Intersection Improvement Project (PWC 8914)**

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

1. Found that 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 presenting existing.

2. Approved the plans and specifications for the Fremont Boulevard & Old Warm Springs Boulevard Intersection Improvement Project, City Project PWC 8914.
3. Accepted the bid and awarded the construction contract for the Fremont Boulevard & Old Warm Springs Intersection Improvement Project to Redgwick Construction Company for the total bid amount of \$699,718.00 and authorize the City Manager or designee to execute the contract.
4. Approved transfer of \$200,000 from PWC8498-531 and appropriated it to PWC8914-531, Fremont Boulevard & Old Warm Springs Boulevard Intersection Improvement Project.

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

**\* I. Mayor Harrison opened consideration of Approval and Authorization to Enter into a Project Funding Agreement with the Alameda County Transportation Commission (ACTC) and Appropriation of ACTC Measure BB Funds to the Irvington BART Station Site and Station Area Planning Project (PWC8920)**

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

1. Authorized the City Manager or his designee to execute the ACTC Project Funding Agreement for the Irvington BART Station Site and Station Area Planning project and accept revenue from ACTC in the amount of \$2,660,000 for this effort.
2. Appropriated \$2,660,000 in ACTC Measure BB funds to PWC8920-504 for the Irvington BART Station Site and Station Area Planning project.
3. Approved transfer of \$200,000 from PWC7101-142 Emerging Projects Reserve to Irvington Station Site and Station Area Planning PWC8920-142.

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 Final Map, Agreement for Construction of Public Improvements, and Dedication of Land and Public Easements for Tract 8253, Located at 45300 Fremont Boulevard (Lennar Homes Warm Springs Development)**

On a motion by Councilmember Chan, seconded by Councilmember Jones, the City Council adopted Resolution No. 2016-55 to:

1. Approve the Final Map and the Improvement Plans for Tract 8253.

2. Approve the Agreement for Public Improvements entitled “Public Improvement Agreement, Tract 8253”, with the developer, Lennar Homes of California Inc., and authorize the City Manager to execute the agreement on behalf of the City.
3. Accept 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: 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 the City Manager, or Designee, to Issue a Purchase Order in the Amount of \$236,920.41 and to Execute Implementing Documents with Tiburon, Inc., for Annual Software Maintenance of the Computer-Aided Dispatch, Records Management, Automated Report Writing, Mobile Computing, Mapping, and Property Management Systems used by the Fremont Police Department and Union City Police Department (Tiburon Software Support Contract)**

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

1. Authorized the City Manager, or designee, to issue a purchase order in the amount of \$236,920.41, including applicable sales tax, and to execute implementing documents with Tiburon, Inc., for annual software maintenance of the computer-aided dispatch, records management system, automated report writing, mobile computing, jail management system, mapping, property system, and ancillary systems used by the Fremont Police Department and the Union City Police Department.
2. Authorized the City Manager, or designee, to renew the annual software maintenance agreement with Tiburon, Inc., for two additional one-year periods in an amount not-to-exceed a five percent (5%) increase per year, plus applicable sales tax.
3. Authorized the City Manager, or designee, to approve the additional costs of new annual software maintenance as a result of software enhancements for two additional one-year periods in an amount not-to-exceed \$10,000 per year.

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

Noes: None

Absent: None

Abstain: None

### 3. CEREMONIAL ITEMS

- A. **Certificate of Recognition – Derek Walsh**
- B. **Proclamation: Passport to Adventure**
- C. **Proclamation: Attendance Awareness Month**

### 4. PUBLIC COMMUNICATIONS

#### A. **Oral and Written Communications**

Chris Cavette requested the City Council consider a Citywide R1 standard for existing neighborhoods. Karen Tobin, Janet Barton, Grace Chin, Lydia Choy-Fong, and Robert Wilson shared concerns regarding “mega-homes” and requested the City Council consider the same restrictions Citywide as the “Mission Palms Designated Neighborhood” policy or a moratorium until a city wide policy can be established. Corinne Telles expressed a variety of concerns. Gary Wang, Lily Wu, and Yidong Pan requested the City Council pass a resolution condemning the Chinese government’s persecution of Falun Gong. Gail Jones requested additional affordable housing for seniors.

### 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 Power Purchase Agreements with Gridscape Microgrids, LLC for Renewable Energy Microgrid Systems at Three City-Owned Fire Stations as Part of a California Energy Commission Funded Microgrid Demonstration Project for Low-Carbon, Resilient Communities (Microgrid Project at City Fire Stations)**

Sustainability Coordinator Rachel DiFranco gave a PowerPoint presentation. Economic Development Manager Christina Briggs shared a few words about Economic Development’s role in the project. Staff responded to questions from Councilmembers.

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

1. Found that the installation of Microgrid Systems at three City Fire Station facilities (Fire Station #6, #7, and #11) is categorically exempt under the California Environmental Quality Act;
2. Adopted Resolution No. 2016-56 making findings necessary to authorize the Power Purchase Agreements under Government Code section 4217.12 and authorizing the City Manager or his designee to execute Power Purchase Agreements with Gridscape Microgrids, LLC for Fire Station #6, #7, and #11, consistent with the terms described in the staff report and all other necessary documentation.

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 a General Plan Amendment for Four Parcels Located at 3654 Parish Avenue, 3524 Peralta Boulevard, 3508 Peralta Boulevard and 3498 Peralta Boulevard from General Commercial to Medium Density Residential (14.6-29.9 Units per Net Acre), a Rezoning of the Same Four Parcels from C-G(TOD) (Commercial General with Transit-Oriented Development Overlay) to R-3-23 (Multifamily Residential), Vesting Tentative Tract Map No. 8272, a Private Street Entitlement and a Discretionary Design Review Permit to Allow the Removal of All Existing Buildings and the Construction of 52 Townhouse-Style Condominium Units on Nine Contiguous Parcels from 3678 Parish Avenue to 3498 Peralta Boulevard in the Centerville Community Plan Area, and to Adopt a Mitigated Negative Declaration Prepared and Circulated for the Project in Accordance with the Requirements of the California Environmental Quality Act (CEQA). (Centerville Junction - 3678 Parish Avenue to 3498 Peralta Boulevard - PLN2016-00058)**

Associate Planner Steve Kowalski gave a PowerPoint presentation. The applicant, , with Navarro Homes/West Gate Venture provided an overview of the project and steps they have taken to share information with the neighborhood. Mayor Harrison opened the public hearing. Alice Cavette and Chris Cavette expressed a number of concerns regarding the project. Margaret Romero shared that Navarro Homes was assisting her with transitioning to a new place. Kathy Kimberlin reported out from the Centerville Business Community Association about the benefits of the project coming to their neighborhood. Dr. James Morris, FUSD Superintendent, shared that the developer and the school district are in a collaborative relationship regarding the school space availability. There were no additional speakers. Mayor Harrison closed the public hearing. The applicant provided rebuttal. Staff and applicant responded to questions from Councilmembers. Councilmembers provided comment.

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

1. Held a public hearing.
2. Adopted the Mitigated Negative Declaration and Mitigation Monitoring Plan in accordance with the requirements of CEQA, as shown in Exhibit "A," and find on the basis of the whole record before it (including the Initial Study and any comments received) that there is no substantial evidence that the project will have a significant effect on the environment and that these actions reflect the independent judgment and analysis of the City of Fremont.
3. Found and determined that the proposed General Plan Amendment is consistent with the General Plan and furthers the public interest, convenience and general welfare as described in the staff report.
4. Adopted Resolution No. 2016-57 approving a General Plan Amendment changing the land use designation of the four subject parcels from General Commercial to Medium

- Density Residential (14.6-29.9 Dwelling Units per acre) as shown on Exhibit “B;” based on the findings set forth in Exhibit “E.”
5. Found that the proposed subdivision and private street as shown in Exhibit “D” are consistent with the goals, policies and implementation actions of the City of Fremont’s General Plan. Government Code Section 66474 and FMC Section 17.20.200 provide that a tentative map application must be denied if certain specified findings are made. None of those findings can be made in this instance as set forth in this report and Exhibit “E.”
  6. Found that, pursuant to Government Code Section 66473.5, the proposed subdivision, together with the provisions for its design and improvement, is consistent with the general plan or any specific plan for the reasons stated in the staff report.
  7. Introduced an ordinance approving a Rezoning of the four subject parcels from C-G(TOD) (Commercial General with Transit-Oriented Development Overlay) to R-3-23 (Multifamily Residential) as shown on Exhibit “C,” based on the findings set forth in Exhibit “E.”
  8. Approved Vesting Tentative Tract Map No. 8272 and the accompanying Private Street entitlement as shown in Exhibit “D,” based upon the findings and subject to the conditions of approval set forth in Exhibit “E.”
  9. Approved the proposed Discretionary Design Review Permit as shown in Exhibit “D,” based on findings and subject to conditions of approval set forth in Exhibit “E”, with the additional conditions of adding speed bumps and installation of a historic/memorial plaque at Washington High School.
  10. Approved the proposed removal and mitigation of 33 private, protected trees, pursuant to the Tree Preservation Ordinance based on the findings and subject to the conditions of approval in Exhibit “E.”
  11. 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

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

**7. OTHER BUSINESS**

**A. Mayor Harrison opened consideration of StopWaste Presentation on Proposed Expanded Reusable Bags Ordinance. A Representative from StopWaste (Alameda County Waste Management Authority) will provide background on a Proposed Expansion to the Current Reusable Bags Ordinance**

This item was heard prior to Scheduled Items.

Meri Soll, Senior Program Manager with StopWaste, gave a PowerPoint presentation. The City Council received presentation and provided comment.



**8. COUNCIL COMMUNICATIONS**

**A. Council Referrals**

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

<i>Advisory Body</i>	<i>Appointee</i>	<i>Term Expires</i>
Recreation Commission	Mia Mora	12/31/2017

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 10:00 p.m.

Attest:

Approved:

\_\_\_\_\_  
Susan Gauthier, City Clerk

\_\_\_\_\_  
BILL HARRISON, Mayor