

**MINUTES
FREMONT CITY COUNCIL MEETING
DECEMBER 6, 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 Mei led the salute to the flag.
- C. Roll Call:** Present: Mayor Harrison, Vice Mayor Jones, Councilmembers: Chan, Bacon, and Mei.
- D. Announcements by Mayor/City Manager**

Mayor Harrison announced the Boards and Commissions vacancies. A moment of silence was held for the victims of the 'Ghost Ship' warehouse fire in Oakland.

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 Vice Mayor Jones, the City Council waived further readings of proposed ordinances.

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

- * **B. Approval of Minutes**

On a motion by Councilmember Chan, seconded by Vice Mayor Jones, the City approved the minutes for the Regular Meetings of September 13, 2016 and September 20, 2016, the Special Meeting of September 27, 2016, the Regular Meeting of October 4, 2016, the Special Meeting-Work Session, Regular and Special Meetings of October 11, 2016, the Special and Regular Meetings of November 1, 2016, the Regular Meeting of November 8, 2016, and the Regular Meeting of November 15, 2016.

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

*Consent Items

* **C. Mayor Harrison opened consideration of Second Reading and Adoption of an Ordinance of the City of Fremont Amending Fremont Municipal Code Title 5, Chapter 5.05, Section 5.05.090 To Extend the Clean Technology and Biotechnology Business Tax Exemption**

On a motion by Councilmember Chan, seconded by Vice Mayor Jones, the City Council adopted Ordinance No. 24-2016.

Ayes: Mayor Harrison, Vice Mayor Jones,
Councilmembers: Chan, Bacon, and Mei.
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 Chapter 2.20 (Departments, Boards and Commissions) Regarding the Art Review Board.**

On a motion by Councilmember Chan, seconded by Vice Mayor Jones, the City Council adopted Ordinance No. 25-2016.

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

E. Mayor Harrison opened consideration of Second Reading and Adoption of an Ordinance of the City of Fremont Rezoning Property Located At 1031 Walnut Avenue from Planned District (P-2004-267) To Multifamily Residence District With Transit-Oriented Development Overlay District (R-3-70(Tod)).

*This item removed from Consent Calendar. Mayor Harrison asked City Attorney Levine to clarify the intent of the Ordinance and the purpose of the second reading. Mayor Harrison opened the public comment period. Roy Heavilin, William Arvoy, Chris Cavette, and Alice Cavette spoke in opposition of the ordinance rezoning the property. Cullen Tiernan spoke about the need for affordable housing. Brad Louie, Kathy McDonald, Ed Ott, Farrah Ott, Josef Bautista, Scott Lane, Arvind Singh (provided hand-out to Clerk), Michael Drasnin, Sunil Dhar, Harsh Singh, Hugh Vassar, and Rajiv Arora (all representing Stand up for Fremont) spoke in opposition of the Ordinance. Rakesh Sharma and Dave Jacobs (provided hand-out to Clerk) spoke in opposition of the ordinance rezoning the property. There were no additional speakers. Mayor Harrison closed the public comment period. Staff responded to Councilmember questions. Councilmember provided comment.

On a motion by Vice Mayor Jones, seconded by Councilmember Chan, the City Council adopted Ordinance No. 26-2016.

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

- * **F. Mayor Harrison opened consideration of Second Reading And Adoption Of An Ordinance Of The City Of Fremont Amending Title 17 (Subdivisions) And Title 18 (Planning And Zoning) Of The Fremont Municipal Code To Create, Enhance And Clarify Definitions, Procedures, And Standards Related To Both Development And Use Of Property Within The City, And A Zoning Map Amendment To Rezone Certain Property Within The City To Provide Conformity With The General Plan Land Use Map To Direct Future Use And Development.**

On a motion by Councilmember Chan, seconded by Vice Mayor Jones, the City Council adopted Ordinance No. 27-2016.

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

- * **G. Mayor Harrison opened consideration of Second Reading and Adoption of an Ordinance of the City of Fremont Amending the Fremont Municipal Code Zoning Title 8 (Health and Safety), Chapter 8.55 (Smoking) To Ban Smoking in New Multi-Unit Residences.**

On a motion by Councilmember Chan, seconded by Vice Mayor Jones, the City Council adopted Ordinance No. 28-2016.

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

- * **H. Mayor Harrison opened consideration of Second Reading And Adoption Of An Ordinance Of The City Council Of The City Of Fremont Amending Section 2.05.060 (Compensation Of Mayor And Councilmembers) Of Chapter 2.05 (City Council And Mayor) Of The Fremont Municipal Code Revising The Salaries Of Councilmembers.**

On a motion by Councilmember Chan, seconded by Vice Mayor Jones, the City Council adopted Ordinance No. 29-2016.

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

- * **I. Mayor Harrison opened consideration of Approval of Specifications and Award of Contract to Golden Bay Construction, Inc. in the amount of \$4,275,709.00 for the 2017 Citywide Concrete Repairs and Intersection Ramps Project (PWC 8483-B, 8239, 8444, 8234, and 8195). Exempt from Environmental Review per CEQA Guidelines Section 15301 (Existing Facilities).**

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

1. Found that the project is categorically exempt from review under California Environmental Quality Act (CEQA) pursuant to CEQA Guideline section 15301 as the repair, maintenance or minor alteration of an existing facility involving no or negligible expansion of use beyond that presently existing.
2. Approved the specifications for the project.
3. Accepted the bid and award the contract to the lowest responsive and responsible bidder, Golden Bay Construction, Inc. in the amount of \$4,275,709.00 and authorized the City Manager to execute the contract.

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

- * **J. Mayor Harrison opened consideration of Approval of Specifications and Award of Contract to Pavement Coatings Co. in the amount of \$397,500.00 for the 2017 Pavement Crack Seal Project (PWC 8195-M). Exempt from CEQA review per CEQA Guidelines Section 15301 (Existing Facilities).**

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

1. Found the project is exempt from review under the California Environmental Quality Act pursuant to CEQA Guidelines section 15301 as the maintenance, repair or minor alteration of existing facilities involving negligible or no expansion of use beyond that presently exists.
2. Approved the specifications for the project.
3. Accepted the bid and award the construction contract to the lowest responsive and responsible bidder, Pavement Coatings Co., in the amount of \$397,500.00 and authorized the City Manager or designee to execute the contract.

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

- * **K. Mayor Harrison opened consideration of Approval of Purchase Order Contracts for Fleet Vehicles: with Atlantic Machinery, Inc., for One Storm Drain Cleaner Truck in an Amount Not to Exceed \$391,463; with Tymco, Inc., for Two Street Sweepers in an Amount Not to Exceed \$559,808; and with The Ford Store San Leandro for 15 Police Vehicles in an Amount Not to Exceed \$522,635. Exempt from CEQA Review per Guideline 15061.**

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

1. Authorized the City Manager or designee to execute a purchase order contract with Atlantic Machinery, Inc., in an amount not to exceed \$391,463 for the purchase of one Vac-Con combination jet/vacuum storm drain cleaner truck.
2. Authorized the City Manager or designee to execute a purchase order contract with Tymco, Inc., in an amount not to exceed \$559,808 for the purchase of two regenerative air street sweepers and,
3. Authorized the City Manager or designee to execute a purchase order contract with The Ford Store San Leandro in an amount not to exceed \$522,635 for the purchase of 15 Police fleet vehicles.

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

- * **L. Mayor Harrison opened consideration of Contract Extension with Alameda County Probation Department for Programs Supporting At-Risk Youth and Families from FY 15/16 through FY 16/17.**

On a motion by Councilmember Chan, seconded by Vice Mayor Jones, the City Council authorized the City Manager or his designee to execute two agreements in the amounts of \$103,000 and \$307,264 with the Alameda County Probation Department to provide delinquency intervention and prevention programs for at-risk youth and families in Fremont and Newark.

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

* **M. Mayor Harrison opened consideration of Authorization to Contract with the Alameda County Public Health Department for the Health Promoter Project.**

On a motion by Councilmember Chan, seconded by Vice Mayor Jones, the City Council authorized the City Manager, or designee, to execute a contract with the Alameda County Public Health Department in the amount of \$181,371 for the period of July 1, 2016 through June 30, 2017 for the Health Promoter Project.

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

* **N. Mayor Harrison opened consideration of Approval of the Plans and Specifications and Award a Construction Contract in the Amount of \$437,585.67, to G&G Builders, for the Northgate Trail Play Structure Project (PWC 8895); Transfer \$20,000 from Capital Replacement for Parks Project (PWC 8501); Transfer \$59,291 from Play Area Conversions Project (PWC 8835), and Close-out Play Area Conversions Project (PWC 8835), and Find that the Project is Exempt from CEQA Review Pursuant to CEQA Guidelines Section 15301 as a Minor Alteration of Existing Public Structures.**

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

1. Found that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guideline section 15301.
2. Transferred \$20,000 from the Capital Replacement for Parks project 501PWC8501 to Northgate Trail Play Structure Project (PWC8895).
3. Transferred the remaining balance of \$59,291 from the Play Area Conversions project 541PWC8835 to Northgate Trail Play Structure project (PWC8895), and close-out Play Area Conversions project (PWC8835).
4. Accepted the bid and authorized the City Manager to execute a construction contract with the lowest responsive and responsible bidder, G&G Builders for the Northgate Trail Play Structure Project (PWC8895) for the base bid amount of \$349,001.71, plus Alternate #1 for \$88,583.96, for a total construction contract amount of \$437,585.67.

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

* **O. Mayor Harrison opened consideration of Approval of Plans and Specifications, and Award of Contract to Bay Cities Paving and Grading, Inc. in the Amount of \$1,051,672 for the Fremont Boulevard Widening Project – Phase II – Structural - Between Landing Parkway and West Warren Avenue (PWC 8661) and Approval of an Amendment to the**

Professional Services Agreement with Quincy Engineering, Inc., in the Amount of \$20,000 to Provide Construction Support for the Project.

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

1. Approved the plans and specifications.
2. Accepted the bid and awarded the construction contract to Bay Cities Paving and Grading in the amount of \$1,051,672 and authorize the City Manager or designee to execute the contract.
3. Authorized the City Manager or his designee to execute Amendment No. 1 to the Service Agreement for Design Professionals with Quincy Engineering, Inc., in an amount of \$20,000 for Construction Support Services.

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

3. CEREMONIAL ITEMS

A. An Open Letter to the Fremont Community

Mayor Harrison read the “Open Letter to the Fremont Community “ into the record. Mayor Harrison also shared information regarding the “Arms Around Fremont” event, co-sponsored by the City of Fremont Human Relations Commission and the Fremont Unified School District, at Lake Elizabeth scheduled for Sat. December 10, 2016.

4. PUBLIC COMMUNICATIONS

A. Oral and Written Communications

Alice Cavette spoke in support of the “Letter to the Community” and the “Arms Around Fremont” event. Jeff Wald spoke in support of the “Letter to the Community”. Kristine Brown expressed concerns about a need for speed lumps and stop signs for children’s safety. Xiang (Sean) Yow expressed concerns about the Newby Island expansion. Roy Heavilin spoke about the new traffic signs on Old Canyon Rd. Dave Jacobs spoke about the need for speed bumps in Niles. Sonia Khan (Human Relations Commissioner) spoke in support of the Letter to the Community and the Arms Around Fremont event and provided information about the Human Relations Commission. Scott Lane spoke about growth and development in Fremont.

5. SCHEDULED ITEMS

A. Mayor Harrison opened consideration of a Public Hearing (Published Notice) to Consider the Planning Commission's Recommendation to Approve a Master Plan to Facilitate Additional Development at the Existing Tesla Motors Factory Located within Portions of

the Warm Springs/South Fremont Community Plan Areas 4 and 6, and a Finding that No Further Environmental Review is Required in Accordance with the California Environmental Quality Act (CEQA) Pursuant to CEQA Guidelines Section 15183 as the Project is Consistent with the Intensity of Development Established by the Warm Springs/South Fremont Community Plan for Which a Final Environmental Impact Report (SCH# 2013032062) was Previously Prepared and Certified.

Mayor Harrison opened the public hearing. Applicant Daniel Witt from Tesla provided an overview of the plan. Scott Luzader, Mary Vanek-Deetz, and Tim Lipscomb spoke in support of apprenticeship training to keep jobs in the community. Mr. Witt provided comment. There were no additional speakers. Applicant responded to questions from Councilmembers. Mayor Harrison closed the public hearing. Councilmembers provided comment.

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

1. Held a public hearing.
2. Found that no further environmental review is required pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15183 as the project is consistent with the development density and intensity established by the WS/SF CP for which a Final Environmental Impact Report (FEIR) (SCH#2013032062) was previously prepared and certified, as analyzed in the Environmental Compliance Checklist shown in Exhibit "A," and a found that this action reflects the independent judgment of the City.
3. Found that the Tesla Master Plan as depicted on Exhibit "B" is consistent with the General Plan, the Warm Springs/South Fremont Community Plan and Fremont Municipal Code Chapter 18.49 (Warm Springs Innovation ("WSI") District) as described in this report.
4. Adopted Resolution No. 2016-71 approving a Master Plan to allow development of approximately 4.6 million square feet of structures and additional improvements as shown in Exhibit "B," based upon the findings and subject to the conditions as shown in Exhibit "C."

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

- * **B. Mayor Harrison opened consideration of a Public Hearing (Published Notice) to Consider the Historical Architectural Review Board's Recommendation to Approve Mills Act Historic Preservation Contracts for the Best and Starr Houses within the Palmdale Estates Planned District P-2013-189 (HOD) in the Mission San Jose Community Plan Area, and to Consider an Exemption from the California Environmental Quality Act (CEQA) per CEQA Guidelines Sections 15378 and 15331.**

*This item was added to the Consent Calendar. See Green Sheet for amendments to Exhibits A1 and A2.

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

1. Held public hearing.
2. Found that the proposed project is exempt from the California Environmental Quality Act (CEQA) because it is not a project as defined by CEQA Guidelines Section 15378 and that the contracts are for the maintenance, preservation, and conservation of historical resources, which are exempt under CEQA Guidelines Section 15331.
3. Approved the Mills Act Contracts as shown in Exhibits A1 and A2, and authorized the Mayor to enter into final contracts.

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

Noes: None

Absent: None

Abstain: None

6. REPORT FROM CITY ATTORNEY – None.

7. OTHER BUSINESS

A. Mayor Harrison opened consideration of a Summary Business Appreciation Program and Economic Development Overview 2016.

City Council received presentation from Kelly Kline, Economic Development Director. Councilmembers provided comment.

B. Mayor Harrison opened consideration of Presentation of Election Results.

*This item was added to the Consent Calendar. City Council received the presentation of election results.

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 9:40 p.m.

Attest:

Approved:

Susan Gauthier, City Clerk

LILY MEI, Mayor

*Consent Items