

MINUTES
FREMONT CITY COUNCIL SPECIAL MEETING
MAY 16, 2017
FREMONT CITY HALL
5:45 P.M.

Call to Order: Vice Mayor Jones called the meeting to order.

Roll Call: Present: Vice Mayor Jones, Councilmembers: Bacon, Salwan and Bonaccorsi.
Mayor Mei arrived a few minutes after roll call.

Public Comment: None.

CONVENE TO A CLOSED SESSION

CONFERENCE WITH LABOR NEGOTIATOR: The City Council will hold a special meeting which will commence as an open meeting and then adjourn to a closed session as authorized by Government Code Section 54957.6 for the purpose of reviewing its position for upcoming employee negotiations and for instructing Fred Diaz, City Manager; Jessica von Borck, Assistant City Manager; Karena Shackelford, Deputy City Manager; Brian Stott, Deputy City Manager; Harvey Levine, City Attorney; and Debra Margolis, Assistant City Attorney, as the City's negotiators regarding salaries, salary schedules, compensation paid in the form of fringe benefits of its represented and unrepresented employees, and for any other matters within the statutorily provided scope of representation.

The names of the organizations representing employees in question are:

Fremont Association of Management Employees
City of Fremont Employee Association
Operating Engineers, Local Union No. 3
Fremont Police Association
Fremont Police Managers' Association
Professional Engineers and Technicians Association
Fremont Professional Fire Fighters, International Association of
Fire Fighters, Local 1689
Battalion Chiefs, International Association of Fire Fighters, Local 1689

The Special Meeting of the Fremont City Council adjourned at 6:50 p.m.

Attest:

Approved:

Susan Gauthier, City Clerk

LILY MEI, Mayor

**MINUTES
FREMONT CITY COUNCIL MEETING
MAY 16, 2017
FREMONT CITY HALL
7:00 P.M.**

1. PRELIMINARY

- A. Call to Order:** Mayor Mei called the meeting to order.
- B. Flag Salute:** Vice Mayor Jones led the salute to the flag.
- C. Roll Call:** Present: Mayor Mei, Vice Mayor Jones, Councilmembers: Bacon, Salwan and Bonaccorsi
- D. Announcements by Mayor/City Manager**

Mayor announced the Boards and Commissions vacancies.

2. CONSENT CALENDAR

- * **A. Waive Reading of Ordinances:** The City Attorney read the titles of ordinances to be considered.

On a motion by Councilmember Bacon, seconded by Councilmember Salwan, the City Council waived further readings of proposed ordinances.

Ayes: Mayor Mei, Vice Mayor Jones,
Councilmembers: Bacon, Salwan and Bonaccorsi
Noes: None
Absent: None
Abstain: None

- * **B. Approval of Minutes – None.**
- * **C. Mayor Mei opened consideration of Approval of Plans and Specifications and Award of Contract to Telfer Pavement Technologies, LLC in the Amount of \$3,821,700.08 for the 2017 Cape and Slurry Seal Project (PWC 8195-N) Exempt from Environmental Review per CEQA Guidelines Section 15301 (Existing Facilities)**

On a motion by Councilmember Bacon, seconded by Councilmember Salwan, the City Council approved the following actions related to the 2017 Cape and Slurry Seal Project (PWC 8195):

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 2017 Cape and Slurry Seal Project, PWC 8195-N.
3. Accepted the bid and awarded the construction contract to the lowest responsive and responsible bidder, Telfer Pavement Technologies, LLC, in the amount of \$3,821,700.08 and authorize the City Manager or designee to execute the contract.

Ayes: Mayor Mei, Vice Mayor Jones,
Councilmembers: Bacon, Salwan and Bonaccorsi
Noes: None
Absent: None
Abstain: None

*** D. Mayor Mei opened consideration of Approval to Reject All Bids Received on April 26, 2017 for the Demolition of Buildings 1 and 2, Town Fair Shopping Center (PWC8520)**

On a motion by Councilmember Bacon, seconded by Councilmember Salwan, the City Council rejected all bids submitted on April 26, 2017 for the Demolition of Buildings 1 and 2, Town Fair Shopping Center Project (PWC8520) and direct staff to make any necessary revisions to the contract documents and re-bid the project.

Ayes: Mayor Mei, Vice Mayor Jones,
Councilmembers: Bacon, Salwan and Bonaccorsi
Noes: None
Absent: None
Abstain: None

*** E. Mayor Mei opened consideration of Authorization to Execute an Agreement for Sale of Mitigation Credits with the San Francisco Bay Wetland Mitigation Bank in the amount of \$110,000 for the Fremont Boulevard Widening Project – Phase II – Structural - Between Landing Parkway and West Warren Avenue (PWC 8661)**

On a motion by Councilmember Bacon, seconded by Councilmember Salwan, the City Council approved, and authorized the City Manager or his designee to execute, the Wetland Mitigation Bank Agreement for Sale of Mitigation Credits, in the amount of \$110,000, for the Fremont Boulevard Widening – Phase II – Structural Project between Landing Parkway and West Warren Avenue.

Ayes: Mayor Mei, Vice Mayor Jones,
Councilmembers: Bacon, Salwan and Bonaccorsi
Noes: None
Absent: None
Abstain: None

3. CEREMONIAL ITEMS – None.

4. PUBLIC COMMUNICATIONS

A. Oral and Written Communications

Janice & Ernie Lopez expressed a variety of concerns regarding their neighborhood (provided hand-outs to City Clerk). Steve Cho shared information regarding an event sponsored by the Fremont Symphony.

5. SCHEDULED ITEMS

A. Mayor Mei opened consideration of a Public Hearing (Published Notice) to receive input from the community regarding content of district boundary draft maps and proposed sequence of elections pursuant to Elections Code Section 10010. (District-Based Elections / Content of Draft Maps, Sequence of Elections)

Assistant City Manager Jessica von Borck gave a PowerPoint presentation, along with outside consultants, Marguerite Leoni and Dr. Jeanne Gobalet. They responded to questions from Councilmember. Mayor Mei opened the public hearing. Bob Czerwinski expressed his preference for map C1. Gus Morrison shared his own suggested map and graphs. Hosna Mogalldidi, Waheed Momand, and Wazhma Rahimi requested the Afghan Community be kept in one district. Rona Popal and Jonathan Stein shared their preference for map C2a. Yogi Chugh suggested alignment with the TOD. Steve Cho shared a variety of concerns. Pedro Hernandez expressed a number of issues. Ann Crosbie shared concerns with boundaries in the Parkmont area and favored map C2a. Theresa DeAnda was supporting of plan M. Dave Jacobs requested more representation and participation from the community. There were no additional speakers. Mayor Mei closed the public hearing. Staff and consultants responded to questions from Councilmembers. Councilmembers provided comment.

On a motion by Councilmember Bonaccorsi, seconded by Councilmember Salwan, the City Council pared the maps to two choices, Maps C1 and C2a, including the deviation/realignment of the Districts 5 and 6 and the TOD, to be prepared as ordinances for the June 6, 2017 City Council meeting:

1. Received a report from staff concerning the process for obtaining public input on the draft maps of potential voting districts and potential election sequencing for a district-based election process pursuant to Elections Code Section 10010;
2. Opened a public hearing and invite members of the public to provide feedback on the draft maps and potential election sequencing presented; and
3. Closed the public hearing when there is no more input from the public, and provide direction to the City's demographics consultant about any final modifications to a selected district map and the potential election sequencing to implement the district based election system.

Ayes: Mayor Mei, Vice Mayor Jones,
Councilmembers: Bacon, Salwan and Bonaccorsi
Noes: None
Absent: None
Abstain: None

B. Mayor Mei opened consideration of a Public Hearing (Public Notice) to Consider the Planning Commission's Recommendation to Adopt Text Amendments to Various Chapters of Fremont Municipal Code Title 12 (Streets, Sidewalks and Public Property) and Title 18 (Planning and Zoning) for Conformance with State and Federal Law Pertaining to Density Bonuses, Accessory Dwelling Units, Marijuana, and Wireless Telecommunications Facilities, and for Correction, Clarification and Enhancement of Regulations Related to Development and Use of Property Within the City, to Consider Amendments to the Zoning Map for Conformance with the General Plan, to Consider Amendments to the Citywide Design Guidelines to Add New Design Rules and Guidelines for the Development of Wireless Telecommunications Facilities, and to Consider an Exemption from the Requirements of the California Environmental Quality Act (CEQA) Pursuant to CEQA Guidelines Section 15061(b)(3) in that the Proposed Amendments are Not a Project Which has the Potential for Causing a Significant Effect on the Environment. (Spring 2017 Code Amendments – Citywide – PLN2017-00244)

There were no public speakers.

On a motion by Councilmember Bonaccorsi, seconded by Councilmember Salwan, the City Council:

1. Held public hearing.
2. Found that the proposed amendments are exempt from the requirements of the California Environmental Quality Act (CEQA) per Sections 15061(b)(3) and 15308 of the CEQA Guidelines in that it is not a project which has the potential to cause a significant effect on the environment, and that proposed text amendments will preserve and enhance aesthetic resources.
3. Found that the proposed amendments are consistent with the General Plan, including policies in the Land Use, Community Character, and Public Facilities Elements as enumerated in the staff report.
4. Found that the proposed amendments further the public interest, convenience, and general welfare of the City by ensuring consistency of the Fremont Municipal Code, Zoning Map, and Citywide Design Guidelines with the General Plan, and state and federal law, and providing for zoning district uses and development standards that are relevant to current development trends, easy to use, flexible, equitable, and that minimize health, safety and other objectionable impacts to Fremont residents.
5. Introduced an ordinance approving amendments to FMC Title 18 (Planning and Zoning) for conformance with State law pertaining to marijuana regulation, density bonus, and accessory dwelling units, and for correction, clarification and enhancement of regulations, and amendments to the Zoning Map, as shown on Exhibit “A,” for conformance with the General Plan.
6. Introduced an ordinance approving amendments to FMC Title 12 (Streets, Sidewalks and Public Property) and FMC Title 18 (Planning and Zoning) to address State and federal law pertaining to wireless telecommunications facilities.
7. Directed staff to prepare and the City Clerk to publish a summary of the ordinances.
8. Adopted Resolution No. 2017-26 approving amendments to the Citywide Design Guidelines to add design rules and design guidelines for the construction of new wireless facilities, and co-location on existing facilities, as shown on Exhibit “B.”

Ayes: Mayor Mei, Vice Mayor Jones,
Councilmembers: Bacon, Salwan and Bonaccorsi
Noes: None
Absent: None
Abstain: None

6. REPORT FROM CITY ATTORNEY – None.

7. OTHER BUSINESS

A. Mayor Mei opened consideration of a Presentation of FY 2017/18 Proposed Operating Budget

City Manager Fred Diaz provided an overview. Deputy Finance Director Mike Sung and Finance Director David Persselin gave a PowerPoint presentation. Staff responded to questions from Councilmembers. Staff responded to questions from Councilmembers. There were no public speakers.

The City Council accepted staff's budget presentation and provided comments.

B. Mayor Mei opened consideration of a Presentation of Updated 5-Year Capital Improvement Program and Approval of Minor Budget Actions

City Manager Fred Diaz provided an overview. Deputy City Manager Karena Shackelford, Community Services Director Suzanne Wolf, and Public Works Director Hans Larsen provided a presentation. This was followed by a questions and comments from Councilmembers. There were no public speakers.

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

1. Provided comments to staff on the project list and proposed funding for the FY 2017/18 – 2021/22 CIP.
2. Approved defunding PWC7859 fund 530 WW –Central Park Turf & Poplar Renovation in an estimated amount of \$22,000.

Ayes: Mayor Mei, Vice Mayor Jones,
Councilmembers: Bacon, Salwan and Bonaccorsi
Noes: None
Absent: None
Abstain: None

C. Mayor Mei opened consideration of the Planning Commission's Recommendations Regarding Refinements to the General Plan Prioritization Policy, Which Was Created to Provide an Initial Screening Process for General Plan Amendments that, If Approved, Would Allow Additional Market-Rate Residential Development, and to Consider a Finding that No Environmental Review is Required in Compliance with the California Environmental Quality Act (CEQA) Pursuant to CEQA Guidelines Section 15061(b)(3)

as the Project Does Not Have the Potential For Causing a Significant Effect on the Environment. (General Plan Amendment Prioritization Policy - Citywide - PLN2017-00252)

Councilmembers provided comment.

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

1. Held public hearing.
2. Found that the proposed refinements to the General Plan Amendment Screening Policy are exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) as they do not have the potential for causing a significant effect on the environment.
3. Adopted Resolution No. 2017-27 approving refinements to the General Plan Amendment Screening Policy.

Ayes: Mayor Mei, Vice Mayor Jones,
Councilmembers: Bacon and Salwan
Noes: Councilmember Bonaccorsi
Absent: None
Abstain: None

D. Mayor Mei opened consideration of a Staff Report and Recommendations in Response to Council Referral on Creation of a Mobility Commission and Other Options to Address Transportation Mobility Issues. (Mobility Commission Referral)

Public Works Director Hans Larsen gave a presentation.

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

1. Directed staff to facilitate the creation of a Fremont Mobility Action Plan, prepared by a professional consultant team, with guidance from a community-based Mobility Task Force, coordination with regional transportation agencies, neighboring cities, and other regional stakeholders, and opportunities for public outreach and input.
2. Directed staff to work with Mayor Mei on the selection of representatives for the Mobility Task Force for subsequent review and approval by the City Council.
3. Directed staff to look into alternative funding sources.

Ayes: Mayor Mei, Vice Mayor Jones,
Councilmembers: Bacon and Salwan
Noes: Councilmember Bonaccorsi
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 Mei adjourned the meeting at 10:55 p.m.

Attest:

Approved:

Susan Gauthier, City Clerk

LILY MEI, Mayor