

**MINUTES
FREMONT CITY COUNCIL MEETING
JANUARY 12, 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 Vice Mayor Mei, the City Council waived further readings of proposed ordinances.

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| 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, by Amending Sections 18.25.1872, 18.25.1875 and 18.190.095, and Adding Sections 18.25.1874 and 18.190.098, Banning All Cultivation and Delivery of Medical Marijuana in All Districts**

Mayor Harrison opened the item for public comment. Rick Truilliger representing Brownie Mary Demo Club (BMDC) requested Council to reconsider adoption of this ordinance, and at least add a sunset clause to comply with the Medical Marijuana Regulation and Safety Act. There were no additional speakers. Mayor Harrison closed the public comment period.

On a motion by Councilmember Chan, seconded by Vice Mayor Mei, the City Council adopted Ordinance No. 02-2016.

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

*** D. Mayor Harrison opened consideration of Approval of Plans and Specifications and Award of Contract to K.J. Woods Construction, Inc. in the amount of \$728,000.00 and Approval of a Mitigated Negative Declaration That Has Been Circulated Pursuant to the Requirements of the California Environmental Quality Act (CEQA) for the Lopes Court Utility Relocation Project (PWC 8804)**

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

1. With respect to the mitigated negative declaration:
 - a. Considered the Mitigated Negative Declaration and Mitigated Monitoring Reporting Program for the project as shown in Exhibit "A" of this report and all other information submitted in the staff report, and any oral or written testimony and find that:
 - i. There is no substantial evidence on the basis of the whole record before it that the project as described in the mitigated negative declaration will have a significant impact on the environment; and
 - ii. The Mitigated Negative Declaration reflects the independent judgment and analysis of the City of Fremont.
 - b. Approved and adopted the Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Plan for the project.
 - c. Specified the Planning Division of the Community Development Department at 39550 Liberty Street as the location and custodian of the documents which constitute the record of proceedings upon which the decision is based.
2. Approved the plans and specifications for the Lopes Court Utility Relocation Project, City Project No. PWC 8804.
3. Accepted the bid and awarded the construction contract for the Lopes Court Utility Relocation Project to the lowest responsive and responsible bidder, K.J. Woods Construction, Inc., in the amount of \$728,000.00 and authorized 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

* **E. Mayor Harrison opened consideration of Approval for the Close Out of Completed Capital Projects and Partial Defunding of Selected Projects (CIP Project Closeouts)**

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

1. Approved the close out of the capital projects identified on Enclosure A and return the remaining project appropriations to their respective funds.
2. Approved the defunding of the capital projects identified on Enclosure A and return the remaining project appropriations to their respective funds.
3. Approved the transfer of funds from the capital projects identified on Enclosure A and appropriate them to the capital projects identified on Enclosure A.

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

* **F. Mayor Harrison opened consideration of Approval for Adoption of a Resolution to adopt a Compassionate City Charter and Designate Fremont as a Compassionate City**

On a motion by Councilmember Chan, seconded by Vice Mayor Mei, the City Council adopted Resolution No. 2016-01 adopting the City of Fremont Charter of Compassion.

Mayor and City Councilmembers took a brief recess to sign the resolution & take photos with the Interfaith Council. Sister Annette Burkhart shared information about the work of the group and provided the City Clerk with petition signatures in support of Fremont's Charter of Compassion.

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

3. CEREMONIAL ITEMS – None.

4. PUBLIC COMMUNICATIONS

A. Oral and Written Communications

David Kim, representing the Salvation Army of Newark, presented Mayor Harrison and the City Council with an award for the most money raised by mayors, in the Tri-City area, during their holiday bell ringing campaign.

5. SCHEDULED ITEMS

- A. Mayor Harrison opened consideration of a Public Hearing (Published Notice) to Consider the Planning Commission’s Recommendation to Approve a General Plan Amendment to Change the Land Use Designation of a 3.73-Acre Site from Commercial – General to Medium-Density Residential (14.6 to 29.9 units per net acre), a Rezoning from TC-T(I) Town Center Transitional (Irvington Overlay) District to R-3-18 Multifamily Residence District, Vesting Tentative Tract Map No. 8261, Private Street, Discretionary Design Review Permit, and Conditional Use Permit to Allow the Demolition of All Existing Structures and Construction of 56 Attached Townhouse Units and 11 Attached Live/Work Units at 40744 Fremont Boulevard and 40733 Chapel Way in the Irvington Community Plan Area, and to Adopt a Mitigated Negative Declaration Prepared and Circulated in Accordance with the Requirements of the California Environmental Quality Act (CEQA). (Connolly Center - 40744 Fremont Boulevard and 40733 Chapel Way - PLN2015-00275)**

Associate Planner Bill Roth provided a PowerPoint presentation. The applicants, Don Babbit and Simon Hibbert (Warmington Residential), also gave a presentation. Staff responded to questions from Councilmembers. Mayor Harrison opened the public hearing. Alice Cavette, Chris Cavette, Ruth Kish, Sally Morgan, Alexandre Anguelouch, and Dave Jacobs expressed a variety of concerns and spoke in opposition of the project. John Connolly shared his reasons for moving his business. Jesse Schaa (representing the Irvington Business Association (IBA)), Mike Connolly, Aaron Goldsmith (Fremont Chamber of Commerce) spoke in support of the project. There were no additional speakers. Mayor Harrison closed the public hearing. Applicant provided a rebuttal. Councilmembers provided comment. See Green Sheet.

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

1. Held public hearing.
2. Adopted the Draft Mitigated Negative Declaration and Mitigation Monitoring Plan 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 the Mitigated Negative Declaration reflects the independent judgment and analysis of the City of Fremont.
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, Community Character, Community Plans (Irvington), Mobility, Conservation and Safety Elements as enumerated within the report.
4. Straw vote taken, approving the General Plan Amendment and changing the land use designation for the entire project site from Commercial – General to Medium-Density Residential (14.6 to 29.9 units per net acre), as depicted on Exhibit “B” (GPA Map). The resolution will be adopted later this year, with a subsequent General Plan Amendment.
5. Introduced an ordinance Rezoning the entire project site from TC-T(I) Town Center Transitional District (Irvington Overlay District) to R-3-18 Multifamily Residence District, as depicted on Enclosure Exhibit “C” (Rezoning Map), based upon the findings set forth in Exhibit “F.”

6. Found that the proposed Vesting Tentative Tract Map and Private Street as shown in Exhibit “E” (Vesting Tentative Tract Map No. 8261 and Private Street) 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 “F.”
7. Approved Vesting Tentative Tract Map No. 8261 and Private Street as shown in Exhibit “E”, based on the findings and subject to the conditions of approval set forth in Exhibit “F.”
8. Approved a Discretionary Design Review Permit and Conditional Use Permit as shown on Exhibit “D,” based upon findings and subject to the conditions of approval set forth in Exhibit “F.”
9. Approved the proposed removal and mitigation for 18 protected trees pursuant to the City’s Tree Preservation Ordinance, based upon findings and conditions in Exhibit “F.”
10. 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 Alameda County Water District (ACWD) Presentation: Water Supply Reliability – Planning During the Drought and Beyond

*This item was heard before Item 5.A. ACWD General Manager Robert Shaver gave a PowerPoint presentation and provided Councilmembers with a book “Our First 100 Years”. The City Council received presentation and provided comment.

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 9:30 p.m.

Attest:

Approved:

 Susan Gauthier, City Clerk

 BILL HARRISON, Mayor

*Consent Items