

**MINUTES
FREMONT CITY COUNCIL MEETING
FEBRUARY 16, 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 Jones, seconded by Councilmember Chan, 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 Approval of Agreements for On-Call Architectural design services with Marcy Wong Donn Logan Architects and Shultz & Associates, and an agreement with MicroEstimating, Inc. for on-call cost estimating consultant services (Architectural Design and Cost Estimating Services)**

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

1. Authorized the City Manager or his designee to execute a master service agreement with Marcy Wong Donn Logan Architects for on-call architectural design services in an amount not-to-exceed \$150,000 per year for three years, with the option for the City Manager or his designee to renew the agreements for up to two additional one year terms, with a not-to-exceed amount of \$150,000 per year, provided that the City Manager or his designee determines that the consultants have been responsive to the City's needs and the quality of the work has been satisfactory.

*Consent Items

2. Authorized the City Manager or his designee to execute a master service agreement with Shultz & Associates, for on-call architectural design services in an amount not-to-exceed \$150,000 per year for three years, with the option for the City Manager or his designee to renew the agreements for up to two additional one year terms, with a not-to-exceed amount of \$150,000 per year, provided that the City Manager or his designee determines that the consultants have been responsive to the City's needs and the quality of the work has been satisfactory.
3. Authorized the City Manager or his designee to execute a master service agreements with MicroEstimating, Inc. for on-call cost estimating services in an amount not-to-exceed \$100,000 per year for three years, with the option for the City Manager or his designee to renew the agreement for up to two additional one year terms, with a not-to-exceed amount of \$100,000 per year, provided that the City Manager or his designee determines that the consultant has been responsive to the City's needs and the quality of the work has been satisfactory.

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 Agreements for On-Call Civil Design/Project Management Consultant Services with BKF Engineers and Kimley Horn & Associates, Inc.; On-Call Development Review Consultant Services with CSG Consultants, Inc. and Hatch Mott MacDonald; and On-Call Construction Management Consultant Services with Park Engineering, Inc. and S&C Engineers, Inc.**

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

1. Authorized the City Manager or his designee to execute master service agreements with BKF Engineers for on-call civil design/project management services in an amount not-to-exceed \$250,000 per year for three years, with the option for the City Manager or his designee to renew the agreement for up to two additional one year terms with a not-to-exceed amount of \$250,000 per year, provided the City Manager or his designee determines that the consultant has been responsive to the City's needs and the quality of work has been satisfactory.
2. Authorized the City Manager or his designee to execute master service agreements with Kimley Horn & Associates, Inc. for on-call civil design/project management services in an amount not-to-exceed \$250,000 per year for three years, with the option for the City Manager or his designee to renew the agreement for up to two additional one year terms with a not-to-exceed amount of \$250,000 per year, provided the City Manager or his designee determines that the consultant has been responsive to the City's needs and the quality of work has been satisfactory.
3. Authorized the City Manager or his designee to execute master service agreements with CSG Consultants, Inc. for on-call development review services in an amount not-to-exceed \$200,000 per year for three years, with the option for the City Manager or his designee to renew the agreement for up to two additional one year terms with a not-to-

- exceed amount of \$200,000 per year, provided the City Manager or his designee determines that the consultant has been responsive to the City’s needs and the quality of work has been satisfactory.
4. Authorized the City Manager or his designee to execute master service agreements with Hatch Mott MacDonald for on-call development review services in an amount not-to-exceed \$200,000 per year for three years, with the option for the City Manager or his designee to renew the agreement for up to two additional one year terms with a not-to-exceed amount of \$200,000 per year, provided the City Manager or his designee determines that the consultant has been responsive to the City’s needs and the quality of work has been satisfactory.
 5. Authorized the City Manager or his designee to execute master service agreements with Park Engineering, Inc. for on-call construction management services in an amount not-to-exceed \$200,000 per year for three years, with the option for the City Manager or his designee to renew the agreement for up to two additional one year terms with a not-to-exceed amount of \$200,000 per year, provided the City Manager or his designee determines that the consultant has been responsive to the City’s needs and the quality of work has been satisfactory.
 6. Authorized the City Manager or his designee to execute master service agreements with S&C Engineers, Inc. for on-call construction management services in an amount not-to-exceed \$200,000 per year for three years, with the option for the City Manager or his designee to renew the agreement for up to two additional one year terms with a not-to-exceed amount of \$200,000 per year, provided the City Manager or his designee determines that the consultant has been responsive to the City’s needs and the quality of work has been satisfactory.

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

*** E. Mayor Harrison opened consideration of Approval of Agreements for On-Call Transportation Planning Consultant Services with Fehr & Peers and Alta Planning Design; On-Call Traffic Engineering Consultant Services with Kimley-Horn Associates and TJKM; and On-Call Traffic Signal Engineering Consultant Services with Iteris and Kimley-Horn**

- On a motion by Councilmember Jones, seconded by Councilmember Chan, the City Council:
1. Authorized the City Manager or his designee to execute a master service agreement with Alta Planning + Design for on-call Transportation Planning Consultant services in an amount not-to-exceed \$150,000 per year for three years, with the option for the City Manager or his designee to renew the agreement for up to two additional one year terms with a not-to-exceed amount of \$150,000 per year, provided the City Manager or his designee determines that the consultant has been responsive to the City’s needs and the quality of work has been satisfactory.

2. Authorized the City Manager or his designee to execute a master service agreement with Fehr & Peers for on-call Transportation Planning Consultant services in an amount not-to-exceed \$150,000 per year for three years, with the option for the City Manager or his designee to renew the agreement for up to two additional one year terms with a not-to-exceed amount of \$150,000 per year, provided the City Manager or his designee determines that the consultant has been responsive to the City's needs and the quality of work has been satisfactory.
3. Authorized the City Manager or his designee to execute a master service agreement with Kimley Horn and Associates, Inc. for on-call Traffic Engineering Consultant services in an amount not-to-exceed \$150,000 per year for three years, with the option for the City Manager or his designee to renew the agreement for up to two additional one year terms with a not-to-exceed amount of \$150,000 per year, provided the City Manager or his designee determines that the consultant has been responsive to the City's needs and the quality of work has been satisfactory.
4. Authorized the City Manager or his designee to execute a master service agreement with TJKM Transportation Consultants for on-call Traffic Engineering Consultant services in an amount not-to-exceed \$150,000 per year for three years, with the option for the City Manager or his designee to renew the agreement for up to two additional one year terms with a not-to-exceed amount of \$150,000 per year, provided the City Manager or his designee determines that the consultant has been responsive to the City's needs and the quality of work has been satisfactory.
5. Authorized the City Manager or his designee to execute a master service agreement with Iteris, Inc. for on-call Traffic Signal Engineering Consultant services in an amount not-to-exceed \$150,000 per year for three years, with the option for the City Manager or his designee to renew the agreement for up to two additional one year terms with a not-to-exceed amount of \$150,000 per year, provided the City Manager or his designee determines that the consultant has been responsive to the City's needs and the quality of work has been satisfactory.
6. Authorized the City Manager or his designee to execute a master service agreement with Kimley Horn and Associates, Inc. for on-call Traffic Signal Engineering Consultant services in an amount not-to-exceed \$150,000 per year for three years, with the option for the City Manager or his designee to renew the agreement for up to two additional one year terms with a not-to-exceed amount of \$150,000 per year, provided the City Manager or his designee determines that the consultant has been responsive to the City's needs and the quality of work has been satisfactory.

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

Noes: None

Absent: None

Abstain: None

3. CEREMONIAL ITEMS

- A. **Proclamation: Teen Dating Violence Awareness and Prevention Month**
- B. **Recognition: Honoring the Youth Advisory Commission for their work on the time capsule for the 60th Anniversary**
- C. **Presentation: Friendship City video - City of Yiyang, China in the Hunan Province sending 60th Anniversary good wishes**

4. PUBLIC COMMUNICATIONS

- A. **Oral and Written Communications - None**

5. SCHEDULED ITEMS

- A. **Mayor Harrison opened consideration of a Public Hearing (Published Notice) to Consider the Planning Commission's Recommendation to Approve Amendments to Fremont Municipal Code (FMC) Title 12 (Utility Underground Districts), Title 17 (Subdivisions) and Title 18 (Planning and Zoning) to Update Definitions, Clarify and Amend Standards, Utilize Consistent Terminology for Allowable Uses, Update Special Provisions for Miscellaneous Uses, and Update Zoning District References; to Consider an Amendment to FMC Title 15 (Buildings and Construction) to Provide an Expedited Permit Process for Electric Vehicle Charging Stations; to Consider an Amendment to the City's Master Fee Schedule; and to Consider a Finding that the Proposed Amendments are Exempt from the Requirements of the California Environmental Quality Act (CEQA) Pursuant to CEQA Guidelines Section 15061(b)(3). (Municipal Code Amendment Package – Citywide - PLN2015-00307)**

Planning Manager Kristie Wheeler gave a presentation. Mayor Harrison opened the public hearing. Chris Cavette and Alice Cavette shared several concerns regarding the project. Mark Robson spoke in favor of the proposed changes. John Weed expressed a variety of concerns. There were no additional speakers. Mayor Harrison closed the public hearing. Staff responded to questions from Councilmembers. Councilmembers provided comment.

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

1. Held public hearing.
2. Found that the proposed amendments to the Fremont Municipal Code are exempt from the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15061(b)(3) in that it does not have the potential for causing a significant effect on the environment.
3. Found that the proposed amendments are consistent with the General Plan, including policies contained in the Land Use Element, as enumerated in the staff report.
4. Found that the proposed amendments further the public interest, convenience, and general welfare of the City. The amendments would ensure consistency of the Municipal Code with the General Plan as required by State law, and provide for zoning district uses

- and development standards that are relevant to current development trends, easy to use, flexible, and equitable. Included is an additional amendment to lower the tandem parking limit to 20 percent of total parking.
5. Introduced an ordinance amending the Fremont Municipal Code as shown on Exhibit “A” and direct staff to prepare and the City Clerk to publish a summary of the ordinance.
 6. Adopted Resolution No. 2016-05 amending the Master Fee Schedule to include an art fee for the City Center District and a fee for permitting of temporary medical marijuana grow permits as set for in Ordinance 02-2016.

Ayes: Vice Mayor Mei, Councilmembers Bacon and Jones.
 Noes: Mayor Harrison, Councilmember Chan
 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 to Change the Land Use Designation for a 23.5-Acre Site from Tech Industrial to Urban Residential (30-70 Units per Net Acre), Medium Density Residential (14.6-29.9 Units per Net Acre), and Public Facility, a Rezoning of the Same Site from I-R Restricted Industrial to Preliminary Planned District (P-2014-45) and R-3-50 Multifamily Residential, and a Development Agreement to Allow the Development of a New Age-Restricted Master-Planned Community Containing up to 497 Units for Seniors Aged 55 Years and Older, and Including an Approximately 15,000-Square-Foot Public Senior Community Center in the Warm Springs Community Plan Area, and Adopt a Mitigated Negative Declaration Prepared and Circulated for the Project in Accordance with the Requirements of the California Environmental Quality Act (CEQA). (Parc 55 – 47003-47320 Mission Falls Court and 47323-47339 Warm Springs Boulevard - PLN2014-00045)

Associate Planner Steve Kowalski provided an overview of the project. The applicant, Tom Quaglia with Tom Wong, gave a brief presentation and responded to questions from Councilmembers. Mayor Harrison opened the public hearing. Ted Bresler, Linda Mandolini (Eden Housing), Miriam Keller (League of Women Voters), John R. Smith (Human Relations Commissioner and Affordable Housing Advocate) spoke in favor of the project. Gail Jones shared a variety of concerns. The applicant provided rebuttal to air quality concerns. Mayor Harrison closed the public hearing. Councilmembers provided comment.

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

1. Held public hearing.
2. Adopted a Mitigated Negative Declaration and Mitigation Monitoring Plan prepared for the proposed project 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 determine that the proposed General Plan Amendment and Rezoning are consistent with the General Plan and further the public interest, convenience and general welfare as described in the staff report.
4. Adopted Resolution No. 2016-06 approving the General Plan Amendment changing the land use designation of the site from Tech Industrial to Urban Residential, Medium Density Residential and Public Facility as shown on Exhibit “B.”
5. Found Preliminary Planned District P-2014-45 as per Exhibit “E” fulfills the applicable requirements set forth in the Fremont Municipal Code.
6. Introduced an ordinance adopting the Development Agreement for the project as set forth in Exhibit “D.”
7. Introduced an ordinance approving the Rezoning from I-R Restricted Industrial to Preliminary Planned District P-2014-45 and R-3-50 as shown on Exhibit “C,” approving the Preliminary Plans as shown on Exhibit “E” and the use and development provisions set forth in Exhibit “F,” based on the findings and subject to the conditions set forth in Exhibit “G.”
8. Directed staff to prepare and the City Clerk to publish a summary of the ordinances.

Ayes: Mayor Harrison, Vice Mayor Mei,
 Councilmembers: Chan, Bacon, and Jones.
 Noes: None
 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 General Plan Amendment to Change the Land Use Designation from Commercial – General to Medium-Density Residential (14.6 to 29.9 units per net acre), and Second Reading and Adoption of an Ordinance to Change the Zoning Designation from TC-T(I) Town Center Transitional (Irvington Overlay) District to R-3-18 Multifamily Residence District for a 3.73-Acre Site at 40744 Fremont Boulevard and 40733 Chapel Way in the Irvington Community Plan Area. A Mitigated Negative Declaration Prepared and Circulated in Accordance with the Requirements of the California Environmental Quality Act (CEQA) was adopted for the proposed project on January 12, 2016. (Connolly Center - 40744 Fremont Boulevard and 40733 Chapel Way - PLN2015-00275)

*This item was added to the Consent Calendar.

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

1. Adopted Resolution No. 2016-06 approving a General Plan Amendment that changes the land use designation from Commercial – General to Medium-Density Residential (14.6 to 29.9 units per net acre), based on the findings made by the City Council at its January 12, 2016 meeting.
2. Adopted Ordinance No. 03-2016 that changes the zoning designation from TC-T(I) Town Center Transitional (Irvington Overlay) District to R-3-18 Multifamily Residence District for the property located at 40744 Fremont Boulevard and 40733 Chapel Way, based on findings made by the City Council at its January 12, 2016 meeting.

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

6. REPORT FROM CITY ATTORNEY - None

7. OTHER BUSINESS

A. Mayor Harrison opened consideration of a Request for Council to Appropriate \$6.97 Million in City Affordable Housing Funds and \$437,000 in Federal HOME Funds; and to Authorize Execution of Agreements with Eden Housing for Development of the Parc 55 Senior Affordable Apartments Project (Funding for Parc 55 Senior Affordable Apartments)

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

1. Received staff report.
2. Adopted Resolution No. 2016-08 authorizing the City Manager or his designee to execute loan documents and take such other actions as required to provide a loan in the total of \$7.407 million Eden Housing (or any Limited Partnership created by Eden Housing expressly for purposes of this project) for the development of the Parc 55 Senior Apartments.
3. Appropriated \$7.407 million for the Parc55 Senior Apartments project as follows: \$4,300,000 from fund 196 (affordable housing fees); \$1,000,000 from fund 711 (housing successor agency funds); \$1,670,000 from fund 712 (other housing funds); and \$437,000 from fund 103 (HOME).

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

8. COUNCIL COMMUNICATIONS

A. Council Referrals

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

Appointment:

<u>Advisory Body</u>	<u>Appointee</u>	<u>Term Expires</u>
Library Advisory Commission (Friends of the Library representative)	Patricia Finch	12/31/2018

The City Council approved the 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 8:50 p.m.

Attest:

Approved:

Susan Gauthier, City Clerk

BILL HARRISON, Mayor