

**MINUTES
FREMONT CITY COUNCIL MEETING
MARCH 15, 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 Bacon, 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 Title 18 (Planning and Zoning) Section 18.90.030 related to Tandem Parking**

*This item was removed from the Consent Calendar.

Mayor Harrison opened the public comment period. Alice Cavette and Chris Cavette expressed concerns regarding tandem parking.

On a motion by Councilmember Chan, seconded by Councilmember Jones, the City Council adopted Ordinance No. 07-2016.

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

*** D. Mayor Harrison opened consideration of Approval to Authorize the City Manager or his Designee to Accept and Agree to the Terms to Receive the State Homeland Security Grant for Violent Incident (State Homeland Security Grant Program (SHSGP) for Violent Incident Response)**

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

1. Authorized the City Manager or designee to accept the funds from the State Homeland Security Grant Program totaling \$32,000 and to execute any necessary agreements or documents.
2. Appropriated the \$32,000 to Fund 199 (Miscellaneous Federal Grants) for a violent incident training exercise and to procure radio-capable headsets with hearing protection.

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

*** E. Mayor Harrison opened consideration of Approval to Authorize the City Manager or Designee to Award an Agreement and Issue a Purchase Order to Enerspect Medical Solutions to Upgrade Cardiac Monitors**

On a motion by Councilmember Chan, seconded by Councilmember Bacon, the City Council accepted the bid and authorized the City Manager, or designee, to execute an agreement and issue a purchase order to Enerspect Medical Solutions, in the amount of \$273,500 for the White to Grey upgrade of the Cardiac Monitors, including a five (5) year extended warranty and maintenance agreement.

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

*** F. Mayor Harrison opened consideration of an Annual Report on the Status of Implementation of the General Plan and 2015 – 2023 Housing Element. This Annual Review is Exempt from the Requirements of the California Environmental Quality Act (CEQA) Pursuant to CEQA Guidelines Section 15378 in that the Activity Does Not Meet CEQA's Definition of a "Project." (CITYWIDE – PLN2016-00226)**

Councilmember Bacon shared concerns regarding the RHNA numbers.

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

1. Found the annual report is not subject to the requirements of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15378(b)(5), definition of a “project.”
2. Considered the annual report and Exhibit A, which depict the current status of the General Plan and Housing Element, and directed staff to submit the required materials to OPR and HCD.

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

- * **G. Mayor Harrison opened consideration of Approval of 3 year, \$165,578 Amendment to Goat Grazing Contract between City and Mike Canaday for Weed Abatement and Fire Fuel Management at Sabercat Historical Park and to Consider a Finding that No Environmental Review is Required to Comply with the California Environmental Quality Act (CEQA) Pursuant to CEQA Guidelines Section 15304 in that the Project Consists of Minor Alterations to Land or Vegetation (Weed Abatement by Goats at Sabercat Historical Park)**

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

1. Found that the project is exempt from the CEQA under CEQA Guidelines Section 15304 in that the project consists of minor alterations to land or vegetation.
2. Authorized the City Manager, or his designee, to execute the second amendment to the contract with Mike Canaday for Weed Abatement by Goats at Sabercat Historical Park to increase the contract term to 5 years, not to exceed \$265,146.

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 an Amendment to Solid Waste Agreement with Republic Services to extend franchise agreement 1 year to June 30, 2019 and incorporate terms of Republic proposal for an additional contract extension that the City may execute at its sole option. (Solid Waste Collection Agreement Amendment)**

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

1. Authorized the City Manager, or his designee, to execute the Ninth Amendment to the Agreement for the Collection, Processing, and Disposal of Municipal Solid Waste, Recyclables and Organic Waste, as described in this staff report.
2. Authorized staff to prepare a restated Agreement to consolidate the Agreement and multiple amendments into a single streamlined document.

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

*** I. Mayor Harrison opened consideration of Approval for the Sale of City Property at 3393 Washington Boulevard to Timothy Crofton, in the amount of \$560,000; exempt from CEQA review per CEQA Guideline section 15312 (Surplus Government Property Sale) (Sale of Washington Boulevard Property)**

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

1. Found the sale is exempt from California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15312 (Surplus Government Property Sale)
2. Approved the bid for the City surplus property at 3393 Washington Boulevard in the amount of \$560,000.
3. Authorized the City Manager, or his designee, to execute the Real Property Purchase and Sale Agreement, deed and all related documents necessary to complete the sale and conveyance of the property at 3393 Washington Boulevard to Timothy Crofton.
4. Appropriated the proceeds of \$560,000 from the sale of Washington Boulevard to 501PWC8520, Downtown/Civic Center Plan.

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 an agreement with Western Pacific Signal in the amount of \$485,000, for the Fremont Boulevard Adaptive Signal Control Technology Project (PWC8870) Exempt From CEQA Review per Guideline 15301 (Existing Facilities)**

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

1. Found the Fremont Boulevard Adaptive Signal Control Technology Project is exempt from review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 as the minor alteration of existing facilities involving negligible or no expansion of use beyond that presently existing.
2. Approved and authorized the City Manager or designee to execute an agreement with Western Pacific Signal, LLC, in the amount of \$485,000 for the implementation of the Fremont Boulevard Adaptive Signal Control Technology Project.

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

* **K. Mayor Harrison opened consideration of Transmittal of Fiscal Year 2014/15 Audit Reports (Fiscal Year 2014/15 Financial Audit)**

On a motion by Councilmember Chan, seconded by Councilmember Bacon, the City Council received audit reports and file.

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

3. CEREMONIAL ITEMS

A. Proclamation: Recognizing Mission San Jose Elementary School's Robotics Team (Tacobots)

B. Proclamation: Red Cross Month

4. PUBLIC COMMUNICATIONS

A. Oral and Written Communications

Miriam Keller representing the League of Women Voters (LOWV) of Fremont, Newark and Union City, shared the purpose of Sunshine Week, is to highlight the fact that government functions best when it operates in the open. They found that Fremont government usually does a pretty good job of operating in the open, but pointed out an episode recently (at the February 25, 2016 Planning Commission meeting) where informing the public did not meet their expectations.

5. SCHEDULED ITEMS

A. Mayor Harrison opened consideration of a Public Hearing (Published Notice) To Consider a Resolution Adopting a Policy on Processing of General Plan Amendment Requests for Additional Market Rate Housing and to Consider a Finding that No Environmental Review is Required to Comply with the California Environmental Quality Act (CEQA) Pursuant to CEQA Guidelines Section 15061(b)(3) in that the Project Does Not Have the Potential for Causing a Significant Effect on the Environment. (General Plan Amendment Prioritization Policy- Citywide- (PLN2016-00277))

Community Development Director Jeff Schwob will have a PowerPoint presentation. Staff responded to questions from Councilmembers. Mayor Harrison opened the public hearing. Alice Cavette shared a variety of ideas. Justin Derby, representing MLC Holdings (provided a hand-out), shared information regarding an infill development of Heritage Homes. Dennis Martin, representing BIA Bay Area, shared several concerns. There were no additional speakers. Mayor Harrison closed the public hearing. Councilmembers provided comment.

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

1. Held Public Hearing
2. Found policy to be exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) in that the project does not have the potential for causing a significant effect on the environment.
3. Adopted Resolution No. 2016-09 approving a General Plan Amendment Prioritization Policy, with exemption of the two projects that are currently under preliminary review.

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

6. REPORT FROM CITY ATTORNEY – None.

7. OTHER BUSINESS

A. Mayor Harrison opened consideration of an Update on the Status of the FY 2015/16 Operating Budget and Preliminary Three-Year Forecast (Mid-Year Budget Review)

Deputy Finance Director Mike Sung and Finance Director David Persselin will have a PowerPoint presentation. Councilmembers provided comment.

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

1. Appropriated \$390,000 in the General Fund as a transfer to the Development Cost Center Planning Fund (Fund 011) to support General Fund activities that were not anticipated when the FY 2015/16 Adopted Operating Budget was developed.
2. Appropriated \$300,000 in the General Fund as a transfer to the Development Cost Center Engineering Fund (Fund 013) to support General Fund activities that were not anticipated when the FY 2015/16 Adopted Operating Budget was developed.

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

B. Mayor Harrison opened consideration of Acceptance of Fremont Vision Zero 2020 Status Report and Action Plan and Approval of Funding Actions to Support Vision Zero Implementation

City Engineer Hans Larsen will have a PowerPoint presentation. Mayor Harrison opened the public comment period. Preetha Vellayapan, a junior at Washington High School, shared information about her “Don’t Rush” project regarding distracted driving. There were no additional speakers. Mayor Harrison closed the public comment period. Staff responded to questions from Councilmembers.

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

1. Accepted the Fremont Vision Zero 2020 Status Report and Action Plan.
2. Transferred \$500,000 from Fund 001, General Fund Unallocated Fund Balance to Fund 501 Capital Improvement Fund and appropriate \$500,000 to 501PWC8913, Neighborhood Traffic Calming Program
3. Closed project PWC 8662, Fremont/Walnut Intersection Improvements and transfer unencumbered balance of approximately \$988,885 of Traffic Impact Fees funds to 531PWC7953, Traffic Improvement Program
4. Closed project PWC 8815, Fremont/Bidwell Intersection Improvements and transfer unencumbered balance of approximately \$430,786 of Traffic Impact Fees to 531PWC7953, Traffic Improvement Program
5. Closed project PWC8816, Fremont/Sundale Intersection Improvements and transfer unencumbered balance of approximately \$529,279 of Traffic Impact Fees to 531PWC7953, Traffic Improvement Program
6. Transferred \$850,000 of Traffic Impact Fees from 531PWC7953, Traffic Improvement Program and appropriate it to new 531PWC8914, Fremont/Old Warm Springs Traffic Signal
7. Transferred \$550,000 of Traffic Impact Fees from 531PWC7953, Traffic Improvement Program and appropriate it to new 531PWC8915, Blacow/Gatewood Traffic Signal
8. Transferred \$550,000 of Traffic Impact Fees from 531PWC7953, Traffic Improvement Program and appropriate it to new 531PWC8916, Grimmer/Seneca Park Traffic Signal

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: Requests staff to enter into discussions with the Alameda County Building and Trades Council to develop a Project Labor Agreement for the First Phase of our Downtown Civic Center project**
The goal of the Project Labor Agreement will be to ensure that the project is completed in an efficient and timely manner through a collaborative partnership between the City and the trades.

Mayor Harrison and staff responded to questions from Councilmembers. Mayor Harrison opened the public comment period. Mayor Rob Stoker, representing Sheet Metal Workers and the Building Trades Council of Alameda County, shared that with a Project Labor Agreement includes opportunities for local businesses and for local hire of Fremont residents which is a sort of stimulus on the City. There were no additional speakers. Mayor Harrison closed the public comment period. Councilmembers provided comment. The City Council directed staff to look into negotiating a potential agreement.

2. **Mayor Harrison opened consideration of Vice Mayor Mei Referral: Request that City Council direct staff to prepare an amendment to the City's Legislative Guiding Principles and Priorities**

The City Council provided direction to staff.

3. **Mayor Harrison opened consideration of Councilmember Bacon Referral: Requests staff and the Sustainability Commission evaluate local code changes as part of our local Building Code adoption process which will occur this fall**

The City Council provided direction to staff.

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

BILL HARRISON, Mayor