

**MINUTES
FREMONT CITY COUNCIL SPECIAL MEETING
MAY 17, 2016
FREMONT CITY HALL
6:15 P.M.**

Call to Order: Mayor Harrison called the meeting to order.

Roll Call: Present: Mayor Harrison, Vice Mayor Mei, Councilmembers: Chan, Bacon, and Jones.

Public Comment: None

CONVENE TO A CLOSED SESSION

CONFERENCE WITH REAL PROPERTY NEGOTIATORS: This Closed Session is authorized by Government Code Section 54956.8 at the time and place stated above to confer with and grant authority to the City's real property negotiators regarding the price and terms of payment related to the following properties:

APN#	Acres/Square Feet
507 056001200	4.94
507 051502500	1.02
507 057901700	0.80
507 058106900	0.91
507 059002202	0.50
507 059002101	1.04
507 063002802	0.52
507 063002704	1.95
507 063002703	0.57
507 063002602	1.52
525 000100800	10.69
525 013003900	2.65

The properties are comprised of the abandoned Union Pacific Railroad right-of-way which is approximately 1.7 miles long, 70 feet wide, beginning at the east side of Central Park, and runs north towards Alameda Creek.

City Negotiators: (who will be attending or represented at the closed session) –Jessica von Borck, Assistant City Manager; Hans Larsen, Public Works Director; Jim Pierson, Special Assistant; Sharon Jones, Facilities & Real Property Manager; Annabell Holland, Community Services Director and Harvey Levine, City Attorney

Negotiating Parties: City of Fremont and Union Pacific Railroad Company

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

This Closed Session is authorized by Government Code Section 54956.9(d)(1) regarding the following matter:

Bipasha Dani (a minor through Guardian ad Litem Keyur Dani) vs. City of Fremont, Alameda County Superior Court Case No. RG14711592

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

Attest:

Approved:

Susan Gauthier, City Clerk

BILL HARRISON, Mayor

**MINUTES
FREMONT CITY COUNCIL MEETING
MAY 17, 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 Jones 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 Plans and Specifications and Award of Contract to Bay Cities Paving and Grading in the amount of \$3,898,997.36 for 2016 Pavement Rehabilitation Project (PWC 8234-P, 8827 & 8913) Exempt from CEQA review per CEQA Guidelines Section 15301 (Existing Facilities) (2016 Pavement Rehabilitation Project)**

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

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 use beyond that presently existing.
2. Approved the plans and specifications for the 2016 Pavement Rehabilitation Project, PWC 8234-P, 8827 & 8913.

*Consent Items

3. Accepted the bid and awarded the construction contract, for the 2016 Pavement Rehabilitation Project, PWC 8234-P, 8827 & 8913, to the lowest responsive and responsible bidder, Bay Cities Paving and Grading, in the amount of \$3,898,997.36 and authorize 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

*** D. Mayor Harrison opened consideration of Appropriation of Funds, Approval of Specifications and Award of Contract to St. Francis Electric, LLC in the amount of \$165,390.00 for the Countdown Pedestrian Signal Upgrade Project (PWC8917). Find Project is Exempt from CEQA review per CEQA Guidelines Section 15301 (Existing Facilities) (Citywide Countdown Pedestrian Signal Upgrade Project)**

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

1. Found this project is exempt from review under the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Existing Facilities) because the project is a minor alteration to an existing facility involving negligible or no expansion of use beyond that presently existing.
2. Transferred the appropriation of \$211,929.00 from 132PWC8595 and appropriate it to 132PWC8917, Citywide Countdown Pedestrian Signal Upgrade Project.
3. Approved the specifications for the project.
4. Accepted the bid and awarded the construction contract for the Citywide Countdown Pedestrian Signal Upgrade Project (PWC 8917) to the lowest responsive and responsible bidder, St. Francis Electric, LLC, in the amount of \$165,390.00 and authorize the City Manager or his 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 of Amendment No. 4 with Quincy Engineering, Inc. in the amount of \$120,000 for additional Construction Support for the Niles Boulevard Bridge Replacement Project (PWC8460) Negative Declaration (CEQA) and Categorical Exclusion (NEPA) (Niles Boulevard Bridge Replacement Project)**

On a motion by Councilmember Jones, seconded by Councilmember Chan, the City Council authorized the City Manager or his designee to execute Amendment No. 4 to the Service Agreement for Niles Boulevard Bridge Replacement Project (PWC8460) with Quincy Engineering, Inc. for additional Construction Support Services in an amount not to exceed \$120,000.

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

- * **F. Mayor Harrison opened consideration of Approval of Amendment No. 2 to the Property Exchange Agreement between the City of Fremont and BART associated with the Washington Boulevard/Paseo Padre Parkway Grade Separation and Warm Springs Extension Projects (BART Property Exchange Agreement)**

On a motion by Councilmember Jones, seconded by Councilmember Chan, the City Council authorized the City Manager, or his designee, to execute Amendment No. 2 to the Property Exchange Agreement between BART and the City.

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 Agreement with BART for the Use and Maintenance of Street Crossings and Appurtenant Facilities in Connection with the BART Warm Springs Project (BART Agreement for Street Crossings)**

On a motion by Councilmember Jones, seconded by Councilmember Chan, the City Council authorized the City Manager or his designee to execute an Agreement with BART for the Use and Maintenance of Street Crossings and Appurtenant Facilities in Connection with the BART Warm Springs Extension.

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

- * **H. Mayor Harrison opened consideration of Approval to Adopt a Resolution Approving a Grant Application to the California Natural Resources Agency for Funding from the Environmental Enhancement and Mitigation Program**

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

1. Found that the grant application to the California Natural Resources Agency is exempt from review under the California Environmental Quality Act (CEQA) as a funding action for the minor alteration of land to replace existing conventional landscaping with water efficient landscaping, pursuant to CEQA Guidelines Section 15304.

2. Adopted Resolution No. 2016-25 approving the submittal of an application to the California Natural Resources Agency for a FY 2015/16 Environmental Enhancement and Mitigation Program grant for the Water Conservation and Median Upgrades project and authorizing the City Manager or designee to execute all necessary applications, contracts, agreements, amendments, payment requests, and any other implementing documents and to implement and carry out the purposes specified in the grant application.
3. If awarded, authorize staff to appropriate California Natural Resources grant funds to Water Conservation and Median Upgrades project.

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

Noes: None

Absent: None

Abstain: None

3. CEREMONIAL ITEMS

- A. **Proclamation: Elder Abuse Awareness Month, June 2016**
- B. **Proclamation: Asian American and Pacific Islander Heritage Month**

4. PUBLIC COMMUNICATIONS

A. Oral and Written Communications

Kelly Abreu expressed concern with the lack of activity of the East Bay Regional Park District Liaison Committee. Pauline Weaver, representing the League of Women Voters, spoke regarding their recent use of the City Council Chambers and the restrictions that were implemented for the event.

5. SCHEDULED ITEMS

- A. **Mayor Harrison opened consideration of a Public Hearing (Published Notice) to Consider Adopting a Resolution Amending the City of Fremont Master Fee Schedule to Update Certain Recreation Services Facility Use and Service Fees (Amendment to the City of Fremont Master Fee Schedule)**

*This item was added to the Consent Calendar.

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

1. Held a public hearing.
2. Adopted Resolution No. 2016-26, amending the Master Fee Resolution, to reflect the changes in the proposed Master Fee Schedule Recreation Services, with new batting cage and synthetic turf field fees effective immediately following Council adoption, and revised sports field lighting fees effective on September 1, 2016 and September 1, 2017.

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

B. Mayor Harrison opened consideration of a Public Hearing (Published Notice) to Consider Adoption of a Resolution Creating a Permit Parking Area in the Mission Peak Neighborhood and to Consider an Exemption to the Requirements of the California Environmental Quality Act (CEQA) Pursuant to CEQA Guidelines Section 15061(b)(3) in that the Proposed Update is not an Activity that Would Have the Potential to Cause a Significant Effect on the Environment. (Mission Peak Neighborhood Permit Parking Program)

Chief Lucero and Community Services Director Annabell Holland gave a verbal presentation. Mayor Harrison opened the public hearing. Debra Buswell thanked Council for protecting Mission Peak. Kelly Abreu and William Yragui spoke in opposition to the permit parking program. Andreas Kadavanich, representing Bikeways for Fremont, shared a variety of views. Veronica Pang, Tony Pang (provided hand-out), Cindy Tsuyemura read a letter from Vijay Pitchumani, Jannet Benz, Stan Yeh, Suresh Bazaj (provided hand-out), Shailendra Gupta, Wun-Jing Kuang (provided hand-out), Steven Suen, Bruce Brown, and Gitesh Patel spoke in support of the permit parking program. Mukund Latricia (sp?) shared concerns regarding permit parking. There were no additional speakers. Mayor Harrison closed the public hearing. City staff and East Bay Regional Park District staff responded to questions from Councilmembers. See White Sheets.

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

1. Found that the proposed permit parking program for the Mission Peak neighborhood is exempt from the requirements for the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) because the proposed permit parking program does not have the potential for causing a significant effect under the present conditions, on the environment.
2. Adopted Resolution No. 2016-27 establishing a permit parking program for the Mission Peak neighborhood (as defined on Exhibit A of the Petition) with restricted parking times on weekends (Saturday from 12:01 a.m. – Sunday at 11:59 p.m.) and on national holidays (including dates of observance), and finding that the petition meets the requirements of the permit parking ordinance, that implementation of the proposed permit parking program would be beneficial to the parking needs of residents within the proposed permit parking area, and that implementation of the proposed permit parking program would not be detrimental to the health, safety or welfare of the residents in, or adjacent to, the proposed permit parking area.
3. Authorized the City Manager, or his designee, to execute all necessary contractual documents with East Bay Regional Park District to fund and jointly enforce the Mission Peak neighborhood permit parking program.

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 a Presentation of FY 2016/17 Proposed Operating Budget

Deputy Finance Director Mike Sung and Finance Director David Persselin gave a PowerPoint presentation. Mayor Harrison opened the public comment period. Kelly Abreu shared a number of ideas and concerns. William Yragui, Andreas Kadavanich, and Jannet Benz expressed their concerns with the lack of Class I bike paths. John R. Smith, representing the Human Relations Commission, thanked the Council for increasing the social services funding. See Green Sheet and White Sheets.

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

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 9:20 p.m.

Attest:

Approved:

Susan Gauthier, City Clerk

BILL HARRISON, Mayor