

**MINUTES  
FREMONT CITY COUNCIL MEETING  
JUNE 21, 2106  
FREMONT CITY HALL  
7:00 P.M.**

**1. PRELIMINARY**

- A. Call to Order:** Mayor Harrison called the meeting to order.
- B. Flag Salute:** Mayor Harrison 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**

Mayor Harrison held a moment of silence for the passing of San Jose Police Officer Michael Katherman.

**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 Jones, 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 Rezoning a 2.3 Acre Site located South of Stevenson Boulevard and West of Stevenson Place from Preliminary Planned District (P-2014-198) to Precise Planned District (P-2016-184)**

On a motion by Councilmember Chan, seconded by Councilmember Jones, the City Council adopted Ordinance No. 14-2016.

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 Designee, to Issue a Purchase Order to Tech Regiment Inc. in an Amount of \$227,457.15 for the Purchase of the EMC Data Domain DD2500 Backup Appliance and EMC Data Protection Suite and Avamar Backup Software Solutions (City Enterprise Backup Solution)**

Mayor Harrison opened the public comment period. Kelly Abreu expressed a variety of concerns. There were no additional speakers. Mayor Harrison closed the public comment period.

On a motion by Councilmember Chan, seconded by Councilmember Jones, the City Council authorized the City Manager, or designee, to issue a purchase order to Tech Regiment Inc. in an amount of \$227,457.15 (including applicable sales tax and shipping charges) for the purchase of the EMC Data Domain DD2500 backup appliance, Data Protection Suite and Avamar backup software solutions, implementation services, and three years of support and to execute any implementing documents and take any implementing actions as necessary.

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 to Execute a Five-Year City-Wide Janitorial Service Agreement with GCA Services, Inc., at an Initial Annual Cost of \$ 1,352,953.05, and Authorize the City Manager to renew the Janitorial Service Agreement for up to Three Additional One-Year Terms. Approve and Authorize the City Manager to execute Amendment No. 4 to the County of Alameda Lease Agreement to Provide Janitorial Services at the Fremont Libraries. (Janitorial Services at Fremont Library Locations)**

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

1. Approved and authorized the City Manager, or designee, to execute an initial five-year Janitorial Service Agreement (July 1, 2016 to June 30, 2021) for City-wide janitorial services with GCA Services, Inc. at an initial annual cost of \$1,352,953.05, with annual price increases based on CPI-U, but not to exceed 4 percent per year.
2. Authorized the City Manager, or designee, to execute amendments to extend the Janitorial Service Agreement for up to three additional one year terms with annual price increases based on CPI-U, but not to exceed 4 percent per year.

3. Approved and authorized the City Manager, or designee, to execute Amendment No. 4 to the County of Alameda Lease Agreement to Provide Janitorial Services at the Fremont libraries for the term of the Janitorial Agreement and to execute any additional amendments needed to continue the services at the Fremont libraries during any extended term of the Janitorial Service Agreement.

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 Final Map, Agreements for Construction of Public and Private Street Improvements, and Dedication of Land and Public Easements for Tract 8243, located at 4186 Central Avenue (Pepper Tree Subdivision)**

On a motion by Councilmember Chan, seconded by Councilmember Jones, the City Council adopted a Resolution No. 2016-34 to:

1. Approve the Final Map and the Improvement Plans for Tract 8243.
2. Approve the Agreement for Public Improvements entitled “Public Improvement Agreement, Tract 8243”, with the developer, Fremont Central, LLC, and authorize the City Manager to execute the agreement on behalf of the City.
3. Approve the Agreement for Private Improvements entitled “Private Improvement Agreement, Tract 8243”, with the developer, Fremont Central, LLC, and authorize the City Manager to execute the agreement on behalf of the City.
4. Accept the developer’s offer of dedication of real property interests, as identified on the Final Map, provided that the acceptance of any property on which the developer is required to construct public improvements shall be conditioned upon the developer’s completion of the improvements to the satisfaction of the City Engineer.

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**

Tamikka Johnson, Kelsey Pressnall and Roberta Ryan, representing RISE Coalition, shared their concerns regarding affordable housing, rent crises and just cause eviction.

## 5. SCHEDULED ITEMS

### A. Mayor Harrison opened consideration of a Second Public Hearing (Published Notice) and Adoption of the FY 2016/17 Operating Budget and Appropriations Limit

Mayor Harrison opened the public hearing. Iris Yakuma expressed concern for pension funds. There were no additional speakers. Mayor Harrison closed the public hearing. Councilmembers provided comment.

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

1. Held a public hearing on the operating budget and appropriations limit for FY 2016/17.
2. Adopted Resolution No. 2016-35 approving the City of Fremont FY 2016/17 Operating Budget.
3. Adopted Resolution No. 2016-36 creating an appropriations limit of \$645,340,346 for FY 2016/17.

Ayes: Mayor Harrison, Vice Mayor Mei,  
Councilmembers: Chan, Bacon, and Jones.  
Noes: None  
Absent: None  
Abstain: None (see note below)

Councilmember Bacon abstained. Council’s Handbook of Rules and Procedures treats “abstentions”, Section B.5 of the Chapter IV states: A Councilmember who abstains determines not to vote “yes” or “no”. A vote to “abstain” except for an identified legal disqualification shall be counted as an affirmative vote.

### B. Mayor Harrison opened consideration of a Public Hearing (Published Notice) to Consider Approval of Association of Bay Area Governments (ABAG) Regional Collaborative Services Agreement (RCSA) with Residential PACE Providers and Adoption of Resolutions Authorizing Membership in PACE Programs (Property Assessed Clean Energy (PACE) Financing Programs)

\*This item was added to the Consent Calendar.

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

1. Adopted Resolution Nos. 2016-37, 2016-38, 2016-39, 2016-40, 2016-41, and 2016-42 to join the following PACE programs:

California HERO Program  
Figtree PACE Program  
Ygrene PACE Program  
CSCDA Open PACE  
CMFA Open PACE

2. Authorized the City Manager or his designee to approve and sign the attached acknowledgement forms of the Association of Bay Area Governments (ABAG) Regional Collaborative Services Agreement (RCSA), as executed between ABAG and the following residential PACE providers:

- Western Riverside Council of Governments (California HERO Program)
- Figtree Financing (Figtree PACE Program)
- Ygrene Energy Fund California LLC (Ygrene PACE Program)
- CounterPointe Energy Solutions (CA) LLC (AllianceNRG Program)
- PACE Funding Group LLC
- Energy Efficiency Equity

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 City-Initiated Rezoning of 32 Existing Industrial Parcels Located Within a Portion of the Ardenwood Technology Park from Planned District P-81-15NN (portion), Planned District P-81-15NN(F) with Flood Combining District Overlay (portion) and Planned District P-2001-7(F) with Flood Combining District (portion) to new Planned District P-2015-23(F) to Allow the Development of Class A Office, Advanced Manufacturing, and Research and Development Uses, as well as Small-Scale Retail/Service Uses to Meet the Everyday Needs of Employees, with Maximum Allowable Floor Area Ratios of 0.55 to 0.75 and Maximum Building Heights of up to 115 Feet, and to Certify a Final Environmental Impact Report (SCH No. 2015052052) Prepared and Circulated for the Project in Accordance with the Requirements of the California Environmental Quality Act (CEQA). (Ardenwood Technology Park Planned District Amendment - Multiple parcels located along Campus Drive, Campus Court, Kaiser Drive and Dumbarton Circle - PLN2015-00023)**

Associate Planner Steve Kowalski gave a PowerPoint presentation. Staff responded to questions from Councilmembers. Mayor Harrison opened the public hearing. There were no speakers. Mayor Harrison closed the public hearing. Councilmember provided comment.

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

1. Held public hearing;
2. Adopted Resolution No. 2016-43 certifying the Final Environmental Impact Report (SCH# 2015052052), adopting the Mitigation Monitoring and Reporting Program (Exhibit "A"), adopting findings (the "Findings of Fact") determining that the EIR has been prepared in compliance with the California Environmental Quality Act ("CEQA"), and adopting a Statement of Overriding Considerations (as described in the staff report), and find that the Final EIR has been prepared in compliance with CEQA and reflects the independent judgment and analysis of the City;

3. Found the project is in conformance with the relevant provisions contained in the General Plan, including the designated goals and polices set forth in the Land Use, Mobility, Community Character, Economic Development, Safety and Community Plan Elements, as described in the staff report;
4. Found that the proposed Planned District as per Exhibit “C” fulfills the applicable requirements set forth in the Fremont Municipal Code;
5. Introduced an ordinance approving the rezoning of the subject properties from Planned District P-81-15NN (portion), Planned District P-81-15NN(F) with Flood Combining District Overlay (portion) and Planned District P-2001-7(F) with Flood Combining District (portion) to Planned District P-2015-23 and P-2015-23(F) as shown on Exhibit “B,” and approving the Planned District Amendment land use and development standards set forth in Exhibit “C,” based on the findings and subject to the conditions set forth in Exhibit “D;” and
6. Directed staff to prepare and the City Clerk to publish a summary of the ordinance.

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 – None.**

**8. COUNCIL COMMUNICATIONS**

**A. Council Referrals**

**1. Mayor Harrison opened consideration of a Response to Referral on Proposition 13 Reform - Review of existing proposals to reform Proposition 13**

On a motion by Councilmember Chan, seconded by Councilmember Jones, the City Council received staff report and provided comment.

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 8:30 p.m., in memory of San Jose Police Officer Michael Katherman.

Attest:

Approved:

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Susan Gauthier, City Clerk

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BILL HARRISON, Mayor