

**MINUTES
FREMONT CITY COUNCIL MEETING
JULY 12, 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 in memory of victims of recent violence.

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**

On a motion by Councilmember Jones, seconded by Councilmember Chan, the City Council approved minutes for the Regular Meeting of May 3, 2016, the Regular Meeting of May 10, 2016, the Special and Regular Meetings of May 17, 2016, and the Regular Meeting of June 7, 2016

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

- * **C. Mayor Harrison opened consideration of Second Reading and Adoption of an Ordinance of the City of Fremont Rezoning Multiple Parcels Located Along Campus Drive, Campus Court, Kaiser Drive And Dumbarton Circle Within A Portion Of The Ardenwood Technology Park From Planned District (P-81-15nn), Planned District With Flood Combining District Overlay (P-81-15nn(F)) And Planned District With Flood Combining District Overlay (P-2001-7(F)) To Planned District (P-2015-23 And P-2015-23(F))**

On a motion by Councilmember Chan, seconded by Councilmember Jones, the City Council adopted Ordinance No. 15-2016.

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

- * **D. Mayor Harrison opened consideration of Extension of Letters of Credit for the City of Fremont Series 1998, 2008B, and 2010 Variable Rate Demand Certificates of Participation (COPs)**

On a motion by Councilmember Chan, seconded by Councilmember Jones, the City Council adopted Resolution No. 2016-44 authorizing the Extension of the Letters of Credit Relating to the City’s Series 1998, 2008B, and 2010 Variable Rate Demand Certificates of Participation.

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

- * **E. Mayor Harrison opened consideration of General Obligation Bonds Tax Rate For Fy 2016/17 - Setting The Annual Tax Rate For Voter-Approved General Obligation Bonds Debt Service For Fiscal Year 2016/17**

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

1. Established the Fire Safety Project General Obligation Bonds tax rate of \$0.0070 per \$100 of assessed valuation (0.0070%) for Fiscal Year 2016/17.
2. Adopted Resolution No. 2016-45 requesting and authorized the County of Alameda to levy a tax on all taxable properties in the City as a voter-approved levy with respect to the Fire Safety Project General Obligation Bonds.

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

- * **F. Mayor Harrison opened consideration of Authorization to Execute Task Order No. 5 to the Joint Powers Agreement with the Newark Unified School District for the provision of Substance Use Disorder Treatment Services, Psycho-educational student groups, Family Support Services, and Youth Empowerment Academy for At-Risk Youth on Probation**

On a motion by Councilmember Chan, seconded by Councilmember Jones, the City Council approved and authorized the City Manager or his designee to execute Task Order No. 5 to the existing Joint Powers Agreement with the Newark Unified School District for FY 2016/17 for the provision of: (1) Substance Use Disorder Treatment Services at Bridgepoint/MacGregor High School, (2) Psycho-educational student groups at Bridgepoint/MacGregor High School/Family Support Services by referral to the FRC, and (Counseling and Case Management Services at Bridgepoint/MacGregor High School, 3) Youth Empowerment Academy for at risk youth on Probation and in Foster Care.

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

- * **G. Mayor Harrison opened consideration of Authorization to Execute a Task Order to the Joint Powers Agreement with Fremont Unified School District. Task Order HSD-12 for the Provision of Mental Health, Family Support, Parenting Support, Substance Use Disorder Treatment Services, and Youth Development Services**

On a motion by Councilmember Chan, seconded by Councilmember Jones, the City Council approved and authorized the City Manager or his designee to execute Task Order No. HSD-12 to the existing joint powers agreement with FUSD for the Youth and Family Services and Fremont Family Resource Center divisions of the Human Services Department to provide mental health services, family support services, parenting support services, substance use disorder treatment services, and youth development programming in an amount not to exceed \$230,364.

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 Amendment No. 1 to the Agreement Between the City of Fremont and Kier & Wright Civil Engineers & Surveyors, Inc., Adding \$100,000, for a Total Contract Amount of \$195,594, for Right of Way Mapping and Surveying Services to Support the Exchange of Properties with BART Associated with the BART Warm Springs Extension Project and the Washington Boulevard/Paseo Padre Grade Separation Projects**

Mayor Harrison opened the item for public comment. Kelly Abreu expressed a variety of concerns about the BART Property Exchange and the need for bike pedestrian trails. There were no additional speakers. Mayor Harrison closed the public comment period.

On a motion by Councilmember Jones, seconded by Councilmember Bacon, the City Council approved and authorized the City Manager, or designee, to execute Amendment No. 1 to the Agreement between the City of Fremont and Kier & Wright Civil Engineers & Surveyors, Inc., adding \$100,000, for a total contract amount of \$195,594, for right of way mapping and surveying services for the BART Warm Springs Extension Project and the Washington Boulevard/Paseo Padre Parkway Grade Separation Projects.

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

*** I. Mayor Harrison opened consideration of Authorization of the City Manager or his Designee to Amend the Streetlight and Exterior Facilities Light Maintenance Agreement with Bear Electrical Solutions Inc. to Extend the Term of the Agreement and Increase the Annual Compensation**

On a motion by Councilmember Chan, seconded by Councilmember Jones, the City Council approved and authorized the City Manager or his designee to execute an amendment with Bear Electrical Solutions Inc. to extend the Agreement for Streetlight and Exterior Public Facilities Light Maintenance for one year, through June 30, 2017, and increase the annual compensation to an amount not to exceed \$737,852.

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

*** J. Mayor Harrison opened consideration of Amendment to the Employment Agreement between Frederick Diaz and the City of Fremont**

On a motion by Councilmember Chan, seconded by Councilmember Jones, the City Council adopted Resolution No. 2016-46 and authorized the Mayor to execute a Fourth Amendment to the City Manager's employment agreement which authorizes a three percent (3%) cost of living wage increase.

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

*** K. Mayor Harrison opened consideration of Amendment to the Employment Agreement between Harvey Levine and the City of Fremont**

On a motion by Councilmember Chan, seconded by Councilmember Jones, the City Council adopted Resolution No. 2016-47 and authorized the Mayor to execute an amendment to the City Attorney's employment agreement which authorizes a three percent (3%) cost of living wage increase.

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

*** L. Mayor Harrison opened consideration of Fremont Boulevard Widening Project – Phase II - Reject all Bids Received on May 25, 2016 for the Fremont Boulevard Widening Project - Phase II (PWC8661)**

On a motion by Councilmember Chan, seconded by Councilmember Jones, the City Council rejected all bids submitted on May 25, 2016 for the Fremont Widening Project – Phase II (PWC8661) and directed staff to make any necessary revisions to the contract documents and re-bid the project.

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

*** M. Mayor Harrison opened consideration of Approval of Agreement to Purchase the Property Located at 39156-39200 State Street in the amount of \$7,750,000 for the New Civic Center Project**

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

1. Approved the Agreement to purchase the property located at 39156-39200 State Street (APN 501-1130-007-02) from the Harvey C. Wong 2003 Trust in the amount of \$7,750,000.
2. Authorized the City Manager, or his designee, to execute a Purchase and Sale Agreement and all other documents needed to complete the acquisition of the Property.

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

* **N. Mayor Harrison opened consideration of Approval of Plans and Specifications, and Award of Contract to Granite Rock Company, in the amount of \$891,989.00 for the UPRR Spur Track Relocation Project, PWC8804**

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

1. Approved the plans and specifications for the UPRR Spur Track Relocation Project (PWC 8804).
2. Accepted the bid and awarded the construction contract for the UPRR Spur Track Relocation Project to the lowest responsive and responsible bidder, Granite Rock Company, in the amount of \$891,989 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

3. CEREMONIAL ITEMS – None.

4. PUBLIC COMMUNICATIONS

A. Oral and Written Communications

Janet Barton spoke on behalf of the Friends of Heirloom Flowers and the California Historical Nursery Park and invited the Council and public to visit the parks and brought a handout about the Victorian Ice Cream Social at Shinn Park. Kelsey Pressnall spoke on behalf of the RISE coalition in regards to rent control and affordable housing. Joanne Taylor brought pictures and expressed concerns about the expansion of a home on Oliver Way. William Yragui expressed a variety of concerns about City Retention policies. Bogdan Stanculeany expressed concerns about the expansion of a home on Oliver Way.

5. SCHEDULED ITEMS

A. Mayor Harrison opened consideration of a Public Hearing (Published Notice; Display Ad) to Consider the Planning Commission's Recommendation to Approve Amendments to the Citywide Design Guidelines to Address Privacy Impacts Related to Second Story Additions and New Two-Story Homes, and to Consider an Exemption from the Requirements of the California Environmental Quality Act (CEQA) Pursuant to CEQA Guidelines Section 15061(b)(3) in that the Proposed Amendments are not a Project which has the Potential for Causing a Significant Effect on the Environment.

Mayor Harrison opened the item for public comment. Lydia Choy-Fong shared thoughts about privacy concerns within the City design guidelines. There were no additional speakers. Mayor Harrison closed the public comment period. Staff responded to questions from Councilmembers.

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

1. Held a public hearing.
2. Found that this project is exempt from the requirements of the California Environmental Quality Act (CEQA) per Section 15061(b)(3) of the CEQA Guidelines in that it is not a project which has the potential to cause a significant effect on the environment.
3. Adopted Resolution No. 2016-48 approving the proposed amendments to the Citywide Design Guidelines (PLN2016-00267), as shown on Exhibit "A."

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; Display Ad) to Consider the Planning Commission's Recommendation to Approve Zoning Map and Zoning Text Amendments to Title 18 (Planning and Zoning), and Chapters 18.35 (Zoning Maps) and 18.90 (Residential Districts) of the Fremont Municipal Code to Establish the "Mission Palms" Neighborhood as a "Designated Neighborhood" with Individualized Regulations, and to Consider an Exemption from the Requirements of the California Environmental Quality Act (CEQA) Pursuant to CEQA Guidelines Section 15061(b)(3) in that the Proposed Amendments are not a Project which has the Potential for Causing a Significant Effect on the Environment.

Associate Planner Wayland Li gave a presentation. Mayor Harrison opened the public hearing. Lydia Choy-Fong, Doug Cooper, Randy Fong, Becky Denevan, Laura Feurman, Wendy Rothaug, Marie Smith, Lorraine Wilson, Robert Wilson, K.K. Chin, Janet Barton, Robert Tavares, Gail Blalock, and Grace Chin spoke in favor of the staff recommendation. There were no additional speakers. Mayor Harrison closed the public hearing. Staff responded to questions from Councilmembers.

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

1. Held a public hearing.
2. Found that this project is exempt from the requirements of the California Environmental Quality Act (CEQA) per Section 15061(b)(3) of the CEQA Guidelines in that it is not a project which has the potential to cause a significant effect on the environment.
3. Found that the proposed Zoning Map and Zoning Text Amendments are consistent with the City's General Plan, as described in the staff report.
4. Found that the proposed Zoning Map and Zoning Text Amendments further the public interest, convenience, and general welfare of the City, as described in the staff report.
5. Introduced an ordinance approving Zoning Text and Map Amendments PLN2016-00118, as shown in Exhibits "A" and "B."

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; Display Ad) to Consider the Planning Commission's Recommendation to Approve a Zoning Text Amendment to Title 18 (Planning and Zoning) of the Fremont Municipal Code to Amend Standards, Terminology, Allowable Uses and Special Provisions for Conformity with General Plan Policies and Implementation Measures Pertaining to Industrial Land Uses, and Provide Enhancement and Clarification of Existing Regulations Related to Both Development and Use of Property within the City, a Zoning Map Amendment to Rezone Parcels Throughout the City to Provide Conformity with the General Plan Land Use Map, and a Finding that no Further Environmental Review is Required as a Final Environmental Impact Report (EIR) (SCH#2010082060) was Previously Certified for the Comprehensive General Plan Update and the Proposed Amendments would Implement the General Plan.

Mayor Harrison opened the item for public comment. There were no speakers. Mayor Harrison closed the public comment period. Staff responded to questions from Councilmembers.

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

1. Held public hearing;
2. Found that the proposed Zoning Text and Zoning Map Amendments are implementation measures of the General Plan for which a Final Environmental Impact Report (SCH#2010082060) was previously prepared and certified, and find that no further environmental review is required.
3. Found that the proposed Zoning Text and Zoning Map Amendments are consistent with the General Plan, including policies in the Land Use, Community Character, Economic Development, Safety and Public Facilities Elements as enumerated in the staff report.
4. Found that the proposed Zoning Text and Zoning Map Amendments would further the public interest, convenience, and general welfare of the City by ensuring that the Fremont Municipal Code is consistent 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.
5. Introduced an ordinance approving a Zoning Text Amendment and a Zoning Map Amendment, as shown in Exhibits "A" and "B."
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

A. Mayor Harrison opened consideration of a County Of Alameda Presentation On Affordable Housing Bond - Representatives from Alameda County will provide background on the Countywide Affordable Housing Bond on the November ballot

Linda Gardener from the Alameda County Housing and Community Development Department gave a presentation. Mayor Harrison opened the public hearing. Carlos Castellanos from MidPen housing expressed support of the bond measure. Neil Saxby from Eden housing expressed support of the bond measure. Adam Kuperman from Satellite Affordable Housing expressed support of the bond measure. There were no additional speakers. Mayor Harrison closed the public hearing. Ms. Gardener responded to questions from Councilmembers. Councilmembers provided comment.

The City Council received the presentation and directed staff to come back next week with a recommendation.

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 9:37 p.m.

Attest:

Approved:

Merry Monlux for Susan Gauthier, City Clerk

BILL HARRISON, Mayor