

**MINUTES
FREMONT CITY COUNCIL MEETING
NOVEMBER 1, 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**

Mayor Harrison announced the Boards and Commissions vacancies. A moment of silence was held for former Art Review Board member Carol Lawton.

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.

3. CEREMONIAL ITEMS - None

4. PUBLIC COMMUNICATIONS

A. Oral and Written Communications

Sue Strand and Kathy Arao expressed concerns about the level of development in Fremont. Cory Smith and Kathy McDonald expressed a desire for the Walnut Residences item to be moved. Community Development Director Jeff Schwob explained the process of placing an item on the Agenda. Ninad Pimpankar, Chris Cavette, Alice Cavette, Hugh Vassar, Janet Benz, Vanessa Cheng-Smith, Steve Cho, and Dave Jacobs requested for the Walnut Residences item

*Consent Items

to be postponed until the new Council is seated. Hiu Ng, Prem Jain, Kristine Brown, Kerry Darkes, and Charlene Soriano expressed concerns about the impact development has had on local schools.

5. SCHEDULED ITEMS

- *A. Mayor Harrison opened consideration of the Planning Commission's Recommendation Regarding a Master Plan to Facilitate Additional Development at the Existing Tesla Motors Factory Located within Portions of the Warm Springs/South Fremont Community Plan Areas 4 and 6, and a Finding that No Further Environmental Review is Required in Accordance with the California Environmental Quality Act (CEQA) Pursuant to CEQA Guidelines Section 15183 as the Project is Consistent with the Intensity of Development Established by the Warm Springs/South Fremont Community Plan for Which a Final Environmental Impact Report (SCH# 2013032062) was Previously Prepared and Certified (Request to be Continued to the December 6, 2016)**

*This item was added to the Consent Calendar.

On a motion by Councilmember Chan, seconded by Councilmember Jones, the City Council continued the item to the December 6, 2016 City Council Meeting.

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

- B. Mayor Harrison opened Public Hearing (Published Notice), Second Reading, and Adoption of Ordinances and Findings Adopting by Reference and Amending the 2016 California Building Standards Code and Adopting by Reference Certain Appendix Chapters of the 2016 California Building Standards Codes, Adopting by Reference and Amending the 2015 International Property Management Code and the 2015 International Swimming Pool and Spa Code, Repealing Fremont Municipal Code Chapter 9.20 (Fireworks), Amending Fremont Municipal Code Chapter 8.40 (Solid Waste, Recyclables and Organics Management), and Making Conforming Changes to the Fremont Municipal Code, and Adoption of the Resolution Containing Supporting Findings and Determinations, Including Finding that the Project is Exempt from the California Environmental Quality Act (CEQA) per Guideline 15061(b)(3) in that it does not have the Potential for Causing a Significant Effect on the Environment.**

Mayor Harrison opened the public hearing. Douglas Howard expressed concerns about prior adoption of an outdated electrical code. 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 Jones, seconded by Councilmember Chan, the City Council:

1. Held public hearing.
2. Found that the project is exempt from the California Environmental Quality Act (CEQA), pursuant to Guideline 15061(b)(3).
3. Waived full reading and adopted Ordinance No. 21-2016 adopting by reference and amending the 2016 California Building, Electrical, Plumbing, Mechanical, Residential, Green Building Standards, Existing Building, Energy, and Historical Building; and the 2015 International Swimming Pool and Spa Code and the 2015 International Property Maintenance Code.
4. Waived full reading and adopted Ordinance No. 20-2016 adopting by reference and amending the 2016 California Fire Code and repealing FMC Chapter 9.20.
5. Adopted Resolution No. 2016-65 making findings that the amendments to the 2016 California Building Standards Code are reasonable necessary because of local conditions.
6. Waived full reading and adopted Ordinance No. 19-2016 amending FMC sections 8.40.780-8.40.850 regarding construction and demolition debris diversion and recycling requirements.

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

C. Mayor Harrison opened consideration of the Planning Commission’s Recommendation to Approve an Amendment to Planned District P-2014-250 to Change the Affordability Levels for Central Commons, a 30-Unit Affordable Townhouse Project Proposed by Habitat for Humanity Located in the Centerville Community Plan Area; and to Authorize Staff to Terminate the Community Development Block Grant (CDBG) Loan Agreement and Related Documents, Allocate Unrestricted Affordable Housing Funds to the Project and Execute a New Loan Agreement and Related Documents with Habitat to Reflect the Revised Affordability Levels and Withdrawal of CDBG Funding; and a Finding that No Further Environmental Review is Required Pursuant to the California Environmental Quality Act (CEQA) as a Mitigated Negative Declaration was Previously Adopted for the Proposed Project

Natalie Monk from Habitat for Humanity provided a brief overview of the proposal. Mayor Harrison opened the public hearing. Erin Spalding and Dave Jacobs spoke in support of the item. Mayor Harrison closed the public hearing. Staff responded to questions from Councilmembers. Councilmembers provided comment.

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

1. Held public hearing; and
2. Found that no further environmental review beyond the previously adopted Mitigated Negative Declaration for the project is required since the proposed changes to Planned District P-2014-250 will have no environmental impacts; and

3. Found that the proposed amendment to Planned District P-2014-250 is in conformance with the General Plan as stated in the staff report; and
4. Introduced an ordinance amending Planned District P-2014-250 General Conditions #2 and #11 to state that the project will only serve low-income households (80 percent AMI or below), based on the findings set forth in the staff report; and
5. Authorized the City Manager or his designee to amend the loan documents with Habitat for Humanity for the Central Commons Project as follows:
 - Terminate the CDBG Loan Agreement and related documents
 - Release the Affordability Covenant related to the CDBG Loan Agreement
 - Appropriate \$550,000 from Fund 102 (City Funded Housing Development) to replace the CDBG funding
 - Develop a new Affordable Housing Loan Agreement and Affordability Covenant and related documents that:
 - Update the unit count from 27 to 30 to reflect the unit count in the approved project;
 - Change the affordability mix to reflect that 15 units will be sold to families at or below 65% AMI and 15 units will be sold to families at or below 80% AMI;
 - Modify the schedule to require construction to begin no later than March 2017 and be completed by December 31, 2019; and
 - Establish that upon the event of default, at least six units will remain at the affordable level of 110% AMI or below and the City would have the option (but not the obligation) to provide additional funding to increase the number of affordable units.

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 Presentation: Update from Alameda County Mosquito Abatement District.** Updating the City on the status of West Nile virus in Alameda County, what the district does to control mosquitoes and protect residents from West Nile virus and also information about a new invasive mosquito that has been found in the Bay Area and what they are doing to detect and control it

The City Council received presentation and provided comment.

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 8:18 p.m. in memory of Carol Lawton.

Attest:

Approved:

Merry Monlux for Susan Gauthier, City Clerk

BILL HARRISON, Mayor

MINUTES
FREMONT CITY COUNCIL SPECIAL MEETING
NOVEMBER 1, 2016
FREMONT CITY HALL
Immediately Following the Council Meeting

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: Douglas Howard expressed concern about not having enough printed agendas.

CONVENE TO A CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

This Closed Session is authorized by subdivision (a) of Section 54956.9 of the Government Code and will pertain to existing litigation in the following matter:

1. City of Fremont v. Jeffrey, Worker's Compensation Appeals Board (WCAB), San Francisco

Case No: ADJ9886548

The Special Meeting of the Fremont City Council adjourned at 8:30 p.m.

Attest:

Approved:

Merry Monlux for Susan Gauthier, City Clerk

BILL HARRISON, Mayor