

**MINUTES
FREMONT CITY COUNCIL SPECIAL MEETING
MARCH 20, 2018
FREMONT CITY HALL
6:15 P.M.**

Call to Order: Mayor Mei called the meeting to order

Roll Call: Present: Mayor Mei, Councilmembers: Jones, Salwan and Bonaccorsi.
Absent: Vice Mayor Bacon

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 property:

Property: APN #501-1800-001-05, 9.356 acres

City Negotiators: (who will be attending or represented at the closed session) –Fred Diaz, City Manager; Jessica von Borck, Assistant City Manager; Hans Larsen, Public Works Director and Harvey Levine, City Attorney

Owner: City of Fremont

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

Attest:

Approved:

Merry Monlux, Deputy City Clerk

LILY MEI, Mayor

**MINUTES
FREMONT CITY COUNCIL MEETING
MARCH 20, 2018
FREMONT CITY HALL
7:00 P.M.**

1. PRELIMINARY

- A. Call to Order:** Mayor Mei called the meeting to order at 7:00 p.m.
- B. Flag Salute:** Councilmember Jones led the salute to the flag.
- C. Roll Call:** Present: Mayor Mei, Councilmembers: Jones, Salwan and Bonaccorsi
Absent: Vice Mayor Bacon
- D. Announcements by Mayor/City Manager**

Mayor announced the Boards and Commissions vacancies.

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 Salwan, the City Council waived further readings of proposed ordinances.

Ayes: Mayor Mei, Councilmembers: Jones, Salwan and Bonaccorsi
Noes: None
Absent: Vice Mayor Bacon
Abstain: None

- * **B. Approval of Minutes – None.**

- * **C. Mayor Mei opened consideration of Second Reading and Adoption of an Ordinance of the City of Fremont Rezoning a 2.65 Acre Site from R-1-6 (Single Family Residential) to Preliminary and Precise Planned District P-2017-188, to allow the Relocation and Renovation of an Existing Single-Family House and Development of 17 New Single Family Houses**

On a motion by Councilmember Jones, seconded by Councilmember Salwan, the City Council adopted Ordinance No. 04-2018.

Ayes: Councilmembers: Jones, Salwan and Bonaccorsi
Noes: Mayor Mei
Absent: Vice Mayor Bacon
Abstain: None

*Consent Items

* **D. Mayor Mei opened consideration of Second Reading and Adoption of an Ordinance of the City of Fremont Amending Various Chapters of Fremont Municipal Code Titles 17 (Subdivisions) and 18 (Planning and Zoning) Regarding Implementation of State Housing Legislation (PLN2018-00108)**

On a motion by Councilmember Jones, seconded by Councilmember Salwan, the City Council adopted Ordinance No. 05-2018.

Ayes: Mayor Mei, Councilmembers: Jones, Salwan and Bonaccorsi
Noes: None
Absent: Vice Mayor Bacon
Abstain: None

* **E. Mayor Mei opened consideration of Authorization of the City Manager to Terminate the Joint Powers Agreement between the City of Fremont and the City of San Leandro for Animal Shelter Services**

On a motion by Councilmember Jones, seconded by Councilmember Salwan, the City Council authorized the City Manager to terminate the Joint Powers Agreement for Animal Shelter Services with the City of San Leandro, effective June 30, 2018.

Ayes: Mayor Mei, Councilmembers: Jones, Salwan and Bonaccorsi
Noes: None
Absent: Vice Mayor Bacon
Abstain: None

* **F. Mayor Mei opened consideration of Introduction of an ordinance to amend Fremont Municipal Code (FMC) Section 10.05.390 to Clarify that Truck Route Restrictions Are Not Applicable to Railroad Corporation Vehicles, CEQA Exempt Per Guidelines Section 15061**

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

1. Found that the proposed amendment to FMC Section 10.05.390 is not subject to CEQA review pursuant to CEQA Guidelines Section 15061(b)(3) as it can be seen with certainty that there is no possibility that the exemption of railroad corporation vehicles from the restrictions of the truck route ordinance may have a significant effect on the environment because the amendment clarifies an existing truck route exemption for public utility vehicles.
2. Introduced an ordinance to amend FMC Section 10.05.390 to exempt railroad corporation vehicles, which are necessarily in use in the construction, installation, or repair of any railroad facility, from truck route ordinance restrictions.

Ayes: Mayor Mei, Councilmembers: Jones, Salwan and Bonaccorsi
Noes: None
Absent: Vice Mayor Bacon
Abstain: None

*** G. Mayor Mei opened consideration of Approval of Final Map, Agreement for Construction of Public and Private Street Improvements, and Dedication of Land and Public Easements for Tract 8330, located at 41948, 42012, 42092 and 42232 Mission Boulevard (Hobbs Residential – Phase 3).**

On a motion by Councilmember Jones, seconded by Councilmember Salwan, the City Council adopted Resolution No. 2018-14 to:

1. Approve the Final Map and the Improvement Plans for Tract 8330.
2. Approve the Agreement for Public Improvements entitled “Public Improvement Agreement, Tract 8330”, with the developer, Robson Homes, 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 8330”, with the developer, Robson Homes, 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: Councilmembers: Jones, Salwan and Bonaccorsi
Noes: Mayor Mei
Absent: Vice Mayor Bacon
Abstain: None

3. CEREMONIAL ITEMS - None

4. PUBLIC COMMUNICATIONS

A. Oral and Written Communications – None.

***5. SCHEDULED ITEMS**

A. Mayor Mei opened consideration of a Public Hearing (Published Notice) to Consider the Planning Introduction of an Ordinance to Cancel the Creekside Landing (formerly King and Lyons) Development Agreement for the 159-acre Property Located at the Northwest Corner of Interstate 880 and Dixon Landing Road in the Bayside Industrial Community Plan Area by Mutual Consent Based on the Developer's Fulfillment of all of the Terms Contained in the Agreement and Completion of Construction of the Project, and a Finding that the Cancellation of the Development Agreement is Exempt from the California Environmental Quality Act (CEQA) Pursuant to CEQA Guidelines Section 15378 in that the Action Does Not Meet CEQA's Definition of a "Project."

**This item was added to the Consent Calendar.*

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

1. Held a public hearing.
2. Found that the cancellation of the Development Agreement is exempt from the California Environmental Quality Act (CEQA) because the activity does not meet the definition of a “project” as defined by CEQA Guidelines Section 15378.
3. Found that cancellation of the Development Agreement would be consistent with the general plan, any applicable community or specific plan, and the zoning ordinance, and would advance the public health, safety, and welfare for the reasons stated in the staff report.
4. Introduced an ordinance cancelling the Development Agreement.
5. Authorized the City Manager or designee to execute an instrument memorializing the cancellation of the Development Agreement and direct the City Clerk to record the instrument with the County Recorder.

Ayes: Mayor Mei, Councilmembers: Jones, Salwan and
Bonaccorsi
Noes: None
Absent: Vice Mayor Bacon
Abstain: None

- *B. Mayor Mei opened consideration of a Public Hearing (Published Notice) to Consider the Planning Commission's Recommendation to Approve a Rezoning of a 1.5-Acre Portion and a 15.5-Acre Portion of the Previously-Approved Parc 55 Project Site from Preliminary Planned District P-2014-45 to PF (Public Facilities) and Precise Planned District P-2017-165, Respectively, as well as Vesting Tentative Tract Map No. 8399 and a Private Street Entitlement for the Four Remaining Villages Containing 232 Market-Rate Dwelling Units Across 15.5 Acres and a New Public Senior Community Center on 1.5 Acres in the Warm Springs Community Plan Area, and to Adopt a Finding that No Further Environmental Review is Required Pursuant to the Requirements of the California Environmental Quality Act (CEQA) as a Mitigated Negative Declaration was Previously Prepared and Adopted for the Parc 55 Project (PLN2014-00045), which Adequately Addressed the Potential Impacts of the Proposed Project.**

**This item was added to the Consent Calendar.*

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

1. Held a public hearing.
2. Found that the Mitigated Negative Declaration previously adopted for the Parc 55 Preliminary PD by the City Council on March 1, 2016, as shown in Exhibit “A,” adequately addresses the potential impacts of the proposed project and, therefore, no further environmental review is required, and find that this action reflects the independent judgment of the City of Fremont.
3. Found the project is in conformance with the relevant provisions contained in the City’s General Plan, including the designated goals and polices set forth in the Land Use,

Mobility, Safety and Community Character Elements, as well as the Housing Element, as enumerated in the staff report.

4. Found Precise Planned District P-2017-165 as per Exhibit “C” fulfills the applicable requirements set forth in the Fremont Municipal Code.
5. Introduced an ordinance approving a Rezoning of the subject parcels from Preliminary Planned District P-2014-45 to Precise Planned District P-2017-165 and PF (Public Facilities) as shown in Exhibit “B,” based on the findings set forth in Exhibit “E.”
6. Approved Precise Planned District P-2017-165 as shown in Exhibit “C,” and the accompanying land use and development provisions set forth in Exhibit “D,” based upon the findings and subject to the conditions of approval set forth in Exhibit “E.”
7. Approved Vesting Tentative Tract Map No. 8399 and the accompanying Private Street entitlement as shown in Exhibit “C,” based upon the findings and subject to the conditions of approval set forth in Exhibit “E.”
8. Directed staff to prepare and the City Clerk to publish a summary of the ordinance.

Ayes: Mayor Mei, Councilmembers: Jones, Salwan and
Bonaccorsi
Noes: None
Absent: Vice Mayor Bacon
Abstain: None

C. Mayor Mei opened consideration of a Public Hearing (Published Notice) to Consider a Rezoning from R-1-6 (Single-Family Residential) to Preliminary and Precise Planned District P-2017-243, Vesting Tentative Tract Map No. 8390, and Private Streets to Allow Demolition of an Existing Religious Facility and One Single-Family Home Used as a Parsonage on a 2.45-Acre Lot, and Development of 21 New Single-Family Houses, and to Consider a Mitigated Negative Declaration Prepared and Circulated for the Proposed Project in Accordance with the Requirements of the California Environmental Quality Act (CEQA).

Senior Planner Joel Pullen and Planning Manager Kristie Wheeler gave a presentation. Councilmembers asked questions. Pastor Joe from Church of the Nazarene, Angelique Williams with DCG Strategies, and Mark Rutherford with WHA Architects spoke on behalf of the applicant. Mayor Mei opened the public hearing. Chris Cavette expressed concerns about the lack of community benefits and moderate income rate housing. There being no additional speakers, Mayor Mei closed the public hearing. Councilmembers provided comment and asked questions of staff and applicant.

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

1. Held a public hearing.
2. Found that the Mitigated Negative Declaration previously adopted for the Parc 55 Preliminary PD by the City Council on March 1, 2016, as shown in Exhibit “A,” adequately addresses the potential impacts of the proposed project and, therefore, no further environmental review is required, and find that this action reflects the independent judgment of the City of Fremont.

3. Found the project is in conformance with the relevant provisions contained in the City's General Plan, including the designated goals and polices set forth in the Land Use, Mobility, Safety and Community Character Elements, as well as the Housing Element, as enumerated in the staff report.
4. Found Precise Planned District P-2017-165 as per Exhibit "C" fulfills the applicable requirements set forth in the Fremont Municipal Code.
5. Introduced an ordinance approving a Rezoning of the subject parcels from Preliminary Planned District P-2014-45 to Precise Planned District P-2017-165 and PF (Public Facilities) as shown in Exhibit "B," based on the findings set forth in Exhibit "E."
6. Approved Precise Planned District P-2017-165 as shown in Exhibit "C," and the accompanying land use and development provisions set forth in Exhibit "D," based upon the findings and subject to the conditions of approval set forth in Exhibit "E."
7. Approved Vesting Tentative Tract Map No. 8399 and the accompanying Private Street entitlement as shown in Exhibit "C," based upon the findings and subject to the conditions of approval set forth in Exhibit "E."
8. Directed staff to prepare and the City Clerk to publish a summary of the ordinance.

Ayes: Mayor Mei, Councilmembers: Jones, Salwan and Bonaccorsi
 Noes: None
 Absent: Vice Mayor Bacon
 Abstain: None

D. Mayor Mei opened consideration of a Public Hearing (Published Notice) to Introduce an Ordinance authorizing fees for City parking lots and adopt a Resolution designating the Centerville Train Depot Paid Parking Program with a \$2 daily weekday parking fee; appropriate funding in the amount of \$150,000; and find the Ordinance and Resolution exempt from CEQA guidelines pursuant to section 15301.

Public Works Director Hans Larsen and Police Captain Sean Washington gave a presentation. Councilmembers asked questions and provided comment. Mayor Mei opened the public hearing. Yonggang Zhang, Toran Hadori, Sithkanta Hotta, and Laura Winter expressed concerns about the negative effects of the overflow parking on the surrounding residential area. Kelly Abreu expressed concerns about parking programs. Ronald Carpenter stated he did not feel the plan was practical. There being no additional speakers, Mayor Mei closed the public hearing. Councilmembers provided comment and asked questions.

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

1. Held a public hearing.
2. Introduced an ordinance amending Section 10.05.600 of Chapter 10.05 Traffic Regulations of the Fremont Municipal Code to authorize fees on City owned parking lots.
3. Adopted Resolution 2018-14 establishing the Centerville Train Depot Paid Parking Program with a daily weekday parking rate of \$2.00.
4. Authorized an appropriation of \$150,000 from the General Fund Program Investment Reserve to fund the start-up costs of the Centerville Train Depot Paid Parking Program,

with the specification that any amounts drawn from the reserve will be repaid within three years.

5. Found that the ordinance and the creation of the Centerville Train Depot Paid Parking Program are exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) and Section 15301 respectively.
6. Directed staff to delay consideration of the Dusterberry site as a potential overflow parking lot.

Ayes: Mayor Mei, Councilmembers Jones and Bonaccorsi
Noes: None
Absent: Vice Mayor Bacon
Abstain: Councilmember Salwan

E. Mayor Mei opened consideration of a Public Hearing (Published Notice) to to Consider an Annual Report on the Status of Implementation of the General Plan and 2015 – 2023 Housing Element, and a Finding that the 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.”

**See Green Sheet for mathematical correction on this item.*

Senior Planner Wayland Li and Planning Manager Kristie Wheeler responded to questions from Councilmembers. Mayor Mei opened the public hearing. There being no speakers, Mayor Mei closed the public hearing. Councilmembers provided comment and asked questions of staff.

On a motion by Councilmember Bonaccorsi, seconded by Councilmember Jones, the City Council accepted the annual report and directed staff to submit it to the Governor's Office of Planning and Research and the State Department of Housing and Community Development.

Ayes: Mayor Mei, Councilmembers: Jones, Salwan and Bonaccorsi
Noes: None
Absent: Vice Mayor Bacon
Abstain: None

6. REPORT FROM CITY ATTORNEY – City has signed final document for UPRR, waiting for their signature.

7. OTHER BUSINESS – None.

8. COUNCIL COMMUNICATIONS

A. Council Referrals – None.

B. Oral Reports on Meetings and Events – Fremont will be hosting a League of California Cities meeting in Fremont on Thursday. Councilmember Bonaccorsi will be attending a Community Energy meeting in place of Vice Mayor Bacon.

9. ADJOURNMENT: There being no further business, Mayor Mei adjourned the meeting at 9:40 p.m.

Attest:

Approved:

Merry Monlux, Deputy City Clerk

LILY MEI, Mayor