

**MINUTES  
FREMONT CITY COUNCIL MEETING  
MAY 1, 2018  
FREMONT CITY HALL  
7:00 P.M.**

**1. PRELIMINARY**

- A. Call to Order:** Mayor Mei called the meeting to order.
- B. Flag Salute:** Boy Scout Pack 441 Tiger Den 3 and Girl Scout Troop 33719 from Coyote Hills led the salute to the flag.
- C. Roll Call:** Present: Mayor Mei, Vice Mayor Bacon, Councilmembers: Jones, Salwan and Bonaccorsi
- 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 Salwan, seconded by Councilmember Jones, the City Council waived further readings of proposed ordinances.

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

- \* **B. Mayor Mei opened consideration of Approval of Minutes for the Special and Regular Meetings of March 6, 2018, the Regular Meeting of March 13, 2018, and the Special and Regular Meetings of March 20, 2018**

On a motion by Councilmember Salwan, seconded by Councilmember Jones, the City Council approved minutes, including a minor correction to the March 20, 2018 Regular meeting minutes.

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

\*Consent Items

\* **C. Mayor Mei opened consideration of a Second Reading and Adoption of an Ordinance of the City of Fremont Amending Fremont Municipal Code Sections 2.30.020, 2.30.030 and 2.30.040 of the Campaign Finance Ordinance regarding Independent Expenditure Committee Contributions and Expenditures**

On a motion by Councilmember Salwan, seconded by Councilmember Jones, the City Council adopted Ordinance No. 13-2018.

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

\* **D. Mayor Mei opened consideration of Approval to Transfer \$64,820 and Authorize the City Manager, or Designee, to enter into a Cooperative Agreement between the City of Fremont, the Alameda County Flood Control District, and the Fremont Park Golf Club Operator for the Mission Creek Restoration and Improvement Project**

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

1. Approved transfer of \$64,820 from 501 PWC 8501 to 501 PWC 8898.
2. Authorized the City Manager, or designee, to enter into a Cooperative Agreement, and related agreements, between the City of Fremont, the Alameda County Flood Control, and the Fremont Park Golf Club Operator for the Mission Creek Restoration and Improvement Project.
3. Found that the Mission Creek Restoration and Improvement Project is exempt from the requirements of CEQA pursuant to CEQA Guidelines Section 15061(b)(3), because it can be seen with certainty that execution of the Cooperative Agreement and related agreements will not have any significant effect on the environment.

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

\* **E. Mayor Mei opened consideration of Approval of Purchase Orders with National Auto Fleet Group for the Purchase of Eight Vehicles in an Amount Not to Exceed \$239,544.03 and with Cal Line Equipment Inc. for the Purchase of Three Bandit 250 XP Chippers in an Amount Not to Exceed \$174,466.19; Authorize City Manager to Award and Execute Future Purchase Orders During FY2018/19 with National Auto Fleet Group under the NJPA Contract #120716-NAF for the Purchase of Various Fleet Replacement Vehicles in an Amount not-to-exceed an aggregate of \$500,000 and with The Ford Store San Leandro under the Alameda County Master Contract #901418 for the Purchase of Various Fleet Replacement Vehicles in an amount not-to-exceed an aggregate of \$600,000. Exempt from CEQA Review per Guideline 15061**

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

1. Authorized the City Manager or designee to execute a purchase order with National Auto Fleet Group for the purchase of eight vehicles in an amount not to exceed \$239,544.03.
2. Authorized the City Manager or designee to execute a purchase order with Cal Line Equipment Inc., for the purchase of three Bandit 250XP Chippers, in an amount not to exceed \$174,466.19.
3. Authorized the City Manager or designee to award and execute purchase orders during Fiscal Year 2018/19 in excess of \$100,000 with:
  - a. National Auto Fleet Group for the purchase of various fleet replacement vehicles under the terms of the NJPA Contract #120716-NAF in an amount not-to-exceed an aggregate of \$500,000 and;
  - b. The Ford Store San Leandro for the purchase of Ford fleet replacement vehicles under the terms of the Alameda County Master Contract #901418 in an amount not-to-exceed an aggregate of \$600,000.

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

**\* F. Mayor Mei opened consideration of Approval of Plans and Specifications and Award of Contract to Interstate Grading & Paving, Inc. in the Amount of \$3,789,895.85 for the 2018 Pavement Rehabilitation Project (PWC 8234-R) Exempt from Environmental Review per CEQA Guidelines Section 15301 (Existing Facilities) (2018 Pavement Rehabilitation Project)**

On a motion by Councilmember Salwan, seconded by Councilmember Jones, the City Council approved the following actions related to the 2018 Pavement Rehabilitation Project (PWC 8234-R):

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 project.
3. Accepted the bid and awarded the construction contract to the lowest responsive and responsible bidder, Interstate Grading & Paving, Inc., in the amount of \$3,789,895.85 and authorized the City Manager or designee to execute the contract.

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

**\* G. Mayor Mei opened consideration of Approval to Reject all Bids Received on April 10, 2018 for the 2018 Cape and Slurry Seal Project (PWC 8195)**

On a motion by Councilmember Salwan, seconded by Councilmember Jones, the City Council rejected all bids submitted April 10, 2018, for the Cape and Slurry Seal Project and direct staff to re-bid the project.

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

**\* H. Mayor Mei opened consideration of Approval to Reject Bid Protest; Waive Minor Irregularity; Approve Plans and Specifications; and Award Contract to Grade Tech, Inc. in the Amount of \$2,857,368.53 for the BART Way and Gateway Plaza Project (PWC 8868). Exempt from Environmental Review per CEQA Guidelines Section 15301 (Existing Facilities) and Categorically Exempt Under NEPA**

On a motion by Councilmember Salwan, seconded by Councilmember Jones, the City Council approved the following actions related to the Multi-Modal Improvements – BART Way & Gateway Plaza Project (PWC 8868):

1. Found that 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 this project.
3. Rejected the second bidder's bid protest; waived a minor irregularity in the low bid; accepted the bid and awarded the construction contract to the lowest responsive and responsible bidder, Grade Tech, Inc. in the amount of \$2,857,368.53 and authorized the City Manager or designee to execute the contract.

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

**\* I. Mayor Mei opened consideration of Approval of Plans and Specifications, Rejection of Two Lowest Bids, Award of Contract to Shimmick Construction Company, Inc. in the Amount of \$23,131,525, Authorization to Enter into a Project Funding Agreement with the Alameda CTC (ACTC), Appropriation of ACTC Measure BB Funds, and Authorization to Execute a Pedestrian Overcrossing Agreement with Union Pacific Railroad (UPRR) for the Warm Springs BART West Access Bridge and Plaza Project (PWC 8804). A Mitigated Negative Declaration and Mitigation and Monitoring Program were Adopted for the Project in Accordance with the Requirements of the California**

**Environmental Quality Act (CEQA) (Continued from April 10, 2018 City Council Meeting)**

On a motion by Councilmember Salwan, seconded by Councilmember Jones, the City Council approved the following actions for the Warm Springs BART West Access Bridge and Plaza Project (PWC 8804):

1. Approved the plans and specifications for the project.
2. Rejected the two lowest bids from Robert L. Bothman and Thompson Corporation as non-responsive.
3. Accepted the bid and awarded the construction contract to the lowest responsive and responsible bidder, Shimmick Construction Company, Inc. in the amount of \$23,131,525 and authorized the City Manager or designee to execute the contract.
4. Authorized the City Manager or designee to execute the ACTC Project Funding Agreement and accept revenue from ACTC in the amount of \$30,000,000 for the project.
5. Appropriated \$5,000,000 in ACTC Measure BB funds to PWC8804-504 (ACTC Capital Grant Fund).
6. Authorized the City Manager or designee to execute a Pedestrian Overcrossing Agreement with UPRR.

Ayes: Mayor Mei, Vice Mayor Bacon,  
Councilmembers: Jones and Bonaccorsi  
Noes: None  
Absent: None  
Recused: Councilmember Salwan (business/property)

**\* J. Mayor Mei opened consideration of Approval of the Partial Release of Faithful Performance Bonds in the Amount of \$28,674,960 Posted by Fremont Pat Ranch, LLC with the Approved Public and Private Improvement Agreements for Tracts 8035 and 8228 (Patterson Ranch)**

On a motion by Councilmember Salwan, seconded by Councilmember Jones, the City Council approved the partial release of the Faithful Performance Bonds in the amounts as shown on the Table above until the improvements are accepted by the City Engineer.

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

**\* K. Mayor Mei opened consideration of Approval to Reject All Bids Received on February 20, 2018 for the Citywide Bicycle Detection Improvements Project Phase 2 (PWC8871) and Transfer Unspent Project Funds to Walnut Avenue Bikeway Project (PWC8874)**

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

1. Rejected all bids submitted on February 20, 2018 for the Citywide Bicycle Detection Improvements Project Phase 2.
2. Approved transfer for a total of approximately \$68,957.00 or the remaining unspent fund balance from Citywide Bicycle Detection Improvements Phase 2, PWC8871-521 to Walnut Avenue Bikeway Project, PWC8874-521.

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

### **3. CEREMONIAL ITEMS**

**A. Proclamation: Recognition of National Children’s Mental Health Day, May 10, 2018**

**B. Proclamation: Arbor Day**

**C. Proclamation: Affordable Housing Week**

**D. Proclamation: Bike to Work Month**

**E. Proclamation: Mental Health Awareness Month, May 2018**

**F. Proclamation: Relay for Life**

### **4. PUBLIC COMMUNICATIONS**

**A. Oral and Written Communications**

Punam Nagpal, representing Brahma Kumaris Silicon Valley, shared information regarding an upcoming event and provided a hand-out. Ian Lorentzen, Marty Koller, and Anna Buising expressed concerns with the traffic and pedestrians on Orchard Drive because of the greenway trail and bicycle trail.

### **5. SCHEDULED ITEMS**

**A. Mayor Mei opened consideration of a Public Hearing (Published Notice) to Consider the Planning Commission's Recommendation to Approve a General Plan Amendment to Change the Land Use Designation of a 0.79-Acre Site from General Commercial to Medium Density Residential (14.6 to 29.9 Dwelling Units Per Net Acre), a Rezoning from General Commercial to R-3-18 (Multifamily Residential), Vesting Tentative Tract Map No. 8220, and a Private Street Entitlement to Allow Development of a New 13-Unit Residential Subdivision with Townhomes in the Niles Community Plan Area, and Adopt a Mitigated Negative Declaration Prepared and Circulated for the Proposed Project in**

**Accordance with the Requirements of the California Environmental Quality Act (CEQA)  
(The Villas of Mission – 36341 Mission Boulevard - PLN2015-00149)**

Associate Planner David Wage provided a presentation. Staff responded to questions from Councilmembers. Paul LeJoy, representing the applicant, also gave a presentation. Staff and the applicant responded to questions from Councilmembers. Mayor Mei opened the public hearing. Chris Cavette shared concerns regarding the project being market-rate housing. Jitu Choudhury and Salim Mastan spoke in support of the project. There were no additional speakers. Mayor Mei closed the public hearing. Staff and Mr. LeJoy responded to additional questions. Councilmembers provided comment. No action was taken. The Council moved on to Item 5.B, and Item 8.A.1 on the agenda. The Council then resumed discussion of this item, at the request of the applicant.

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

1. Held public hearing.
2. Adopted the Mitigated Negative Declaration prepared for the project in accordance with the requirements of CEQA, as shown in Exhibit “A,” and find pursuant to CEQA Guidelines Section 15074 that on the basis of the whole record (including the initial study and any comments received) there is no substantial evidence that the project will have a significant effect on the environment, and that this action reflects the independent judgment of the City of Fremont.
3. Adopted Resolution No. 2018-23 approving a General Plan Amendment changing the land use designation of the subject parcel from General Commercial to Medium Density Residential (14.6-28.8 units per net acre) as shown on Exhibit “B,” based on the findings set forth in Exhibit “F.”
4. Introduced an ordinance approving a Rezoning of the subject parcel from G-C (General Commercial) to R-3-18 (Multifamily Residential) as shown on Exhibit “C,” based on the findings set forth in Exhibit “F.”
5. Approved Discretionary Design Review Permit PLN2015-00149, as shown on Exhibit “D,” based on the findings and subject to the conditions of approval set forth in Exhibit “F,” including the requirement that the developer provide one moderate income unit in the project and pay the remaining affordable housing fees for very-low and low income housing. In addition, the applicant agreed to pay Level III School Impact Fees, regardless of what is in effect, at the time the building permits are issued.
6. Approved Vesting Tentative Tract Map No. 8220 and the accompanying Private Street entitlement as shown in Exhibit “E,” based upon the findings and subject to the conditions of approval set forth in Exhibit “F,” including additional conditions for the applicant to
7. Approved the proposed removal and mitigation of six protected trees, pursuant to the Tree Preservation Ordinance based on the findings and subject to the conditions of approval in Exhibit “F.”
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: Vice Mayor Bacon  
Absent: None  
Abstain: None

**B. Mayor Mei opened consideration of a Public Hearing (Published Notice) to Consider the Planning Commission's Recommendation to Approve a General Plan Amendment to Change the Land Use Designation of a 1.9-Acre Site from Hillside Residential (<2.3 Dwelling Units per Acre or <8.7 Dwelling Units per Acre) to Low Density Residential (2.3 to 8.7 Dwelling Units per Acre), Vesting Tentative Tract Map No. 8430 to Subdivide the Site into Seven Single-Family Residential Lots Ranging in Size from 7,082 Square Feet to 13,920 Square Feet, a Variance to Allow a Reduction in Street Frontage for Lots 6 and 7 from 35 Feet to 32 Feet and 27 Feet, Respectively, and a Tree Removal Permit to Remove a Total of 26 Trees from the Site Located on Morrison Canyon Road and at the End of Queso Place and Espada Place in the Mission San Jose Community Plan Area, and Adopt a Mitigated Negative Declaration Prepared and Circulated for the Proposed Project in Accordance with the Requirements of the California Environmental Quality Act (CEQA) (Canyon View – 241 and 243 Morrison Canyon Road - PLN2017-00374)**

Associate Planning Aki Honda Snelling gave a presentation. Staff responded to questions from Councilmembers. The applicant, John Wong along with Lee Rosenblatt, gave a verbal presentation. Staff and the applicant responded to questions from Councilmembers. Mayor Mei opened the public hearing. Chris Cavette shared concerns with the project. Tom King, a resident on Morrison Canyon Road, spoke in support of the project. There were no additional speakers. Mayor Mei closed the public hearing. Staff and Mr. Wong responded to additional questions. Councilmembers provided comment.

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

1. Held public hearing.
2. Adopted the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan as shown in Exhibit "A," find on the basis of the whole record (including the initial study and any comments received), that the project, as mitigated, would not result in a substantial adverse impact to the environment, and find that this action reflects the independent judgment of the City of Fremont
3. Adopted Resolution No. Resolution No. 2018-23 approving a General Plan Amendment to change the land use designation of a 1.9-acre site from Hillside Residential (<2.3 dwelling units per acre or <8.7 dwelling units per net acre) to Low Density Residential (2.3 to 8.7 dwelling units per net acre), as depicted on Exhibit "B" (GPA Map).
4. Approved Vesting Tentative Tract Map No. 8430 as shown in Exhibit "C," based on the findings and subject to the conditions of approval set forth in Exhibit "D," including the applicant's voluntary payment of an additional 10 percent over the City's required affordable housing fees and \$10,500 toward the Morrison Canyon Road Traffic Safety Improvements, and the applicant's voluntary agreement to work with the neighboring property owner(s) to the north along the south side of Morrison Canyon Road to complete sidewalk improvements from the project site to the railroad right-of-way.



5. Approved the Variance for lot width for Lot 6 and Lot 7 as shown in Exhibit “C,” based on the findings and subject to the conditions of approval set forth in Exhibit “D,” as amended.
6. Approved the proposed removal of 26 protected trees, with the preservation and relocation of the existing coast live oak tree, and required mitigation pursuant to the City’s Tree Preservation Ordinance, based upon findings and conditions in Exhibit “D,” as amended.

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

**6. REPORT FROM CITY ATTORNEY – None.**

**7. OTHER BUSINESS – None.**

**8. COUNCIL COMMUNICATIONS**

**A. Council Referrals**

**1. Mayor Mei opened consideration of Vice Mayor Bacon Referral: Discuss Allowing Marijuana Delivery within the City of Fremont**

Vice Mayor Bacon Dr. Sonia Khan and Cullen Tiernan spoke in support of allowing marijuana delivery within the City.

On a motion by Vice Mayor Bacon, seconded by Councilmember Bonaccorsi, the City Council requested that staff come back with a review and understanding of what policies are in other cities.

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

**B. Oral Reports on Meetings and Events**

Councilmembers reported on their various meetings and activities. Vice Mayor Bacon shared that he attended the East Bay Regional Park District Liaison Committee meeting on April 26, 2018. Agenda Item 3 was “Mission Peak Modified Hours Pilot Program” in which the East Bay Regional Park District is considering extending the hours at the Stanford Park entrance. Mr. Bacon stated there were several neighbors in attendance who spoke in opposition

to the extended hours. Mr. Bacon has requested this topic be referred to the next City Council meeting to discuss and potential take a position on the matter.

**9. ADJOURNMENT:** There being no further business, Mayor Mei adjourned the meeting at 10:20 p.m.

Attest:

Approved:

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Susan Gauthier, City Clerk

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LILY MEI, Mayor