

MINUTES
FREMONT CITY COUNCIL SPECIAL MEETING
MAY 15, 2018
FREMONT CITY HALL
6:30 P.M.

Call to Order: Councilmember Jones called the meeting to order.

Roll Call: Present: Mayor Mei (arrived at 6:32 p.m.), Vice Mayor Bacon (arrived at 6:31 p.m.), Councilmembers: Jones, Salwan and Bonaccorsi.

Public Comment: None.

CONVENE TO A CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

This Closed Session is authorized by Government Code Section 54956.9(d)(1) regarding the following matter:

Sunhill Enterprises v. City of Fremont, Alameda County Superior Court Case No. RG17873584

The Special Meeting of the Fremont City Council adjourned at 7:00 p.m.

Attest:

Approved:

Susan Gauthier, City Clerk

LILY MEI, Mayor

**MINUTES
FREMONT CITY COUNCIL MEETING
MAY 15, 2018
FREMONT CITY HALL
7:00 P.M.**

1. PRELIMINARY

- A. Call to Order:** Mayor Mei called the meeting to order at 7:04 p.m.
- B. Flag Salute:** Councilmember Bonaccorsi 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 Meeting-Work Session and the Regular Meeting of April 3, 2018, the Special and Regular Meetings of April 10, 2018, and the Special Meeting-Work Session and the Regular Meeting of April 17, 2018**

On a motion by Councilmember Salwan, seconded by Councilmember Jones, the City Council approved 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 Second Reading and Adoption of an Ordinance of the City of Fremont Rezoning a 0.79- Acre Site from C-G (General Commercial) to R-3-18 (Multifamily Residential), to Allow Development of a New 13-Unit Residential Subdivision with Townhomes**

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

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 Adopt a Resolution Calling and Consolidating the 2018 November Election**

On a motion by Councilmember Salwan, seconded by Councilmember Jones, the City Council adopted Resolution No. 2018-24 that:

1. Calls for the General Municipal Election.
2. Requests the services of the Alameda County Registrar of Voters to conduct the election on behalf of the City of Fremont.
3. Calls for a Special Election to be conducted in the case of a tie vote for the elected officers as a result of the November 6, 2018 election.
4. Limits the candidate statement to be published in the Voter Sample Ballot to a maximum of two hundred (200) words, and requires a candidate to make a deposit of \$3,600 to pay for costs at the time his/her nomination papers are filed.
5. Allows for rebuttals for the arguments in favor and the arguments in opposition for each ballot measure.

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

* **E. Mayor Mei opened consideration of Approval to Transfer Funds from Various Sources, Approve Plans and Specifications, and Award a Contract to Build a Concessions and Restroom Building, Shade Structures, Sand Volleyball Courts, Trash Enclosure, Picnic Areas, and Lawn Activity Areas (Large Group Picnic Area PWC8885)**

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

1. Found that the project is exempt from review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15332 (Infill Development Projects).

2. Approved close out and transfer of the remaining balance of \$200,000 from the Teen Center Kitchen project, PWC8887, Fund 511 to the Large Group Picnic Area, PWC8885, Fund 511.
3. Approved transfer of \$200,000 from the Parks Capital Replacement project, PWC8501, Fund 501 to the Large Group Picnic Area, PWC8885, Fund 501.
4. Allocated \$1,600,000 from unallocated 540 Fund balance to the Large Group Picnic project, PWC8885, Fund 540.
5. Approved transfer of \$383,220 from the Unallocated Integrated Waste Management Reserve, Fund 115 to the Large Group Picnic project, PWC8885.
6. Approved the plans and specifications for the Large Group Picnic Area project, PWC8885.
7. Approved gateway artwork by Ben Roth Design.
8. Accepted the bid and authorized the City Manager to execute a construction contract with the lowest responsive and responsible bidder, Gordon N. Ball, Inc., for the Large Group Picnic Area project (PWC) 8885 for the base bid amount of \$5,820,590.

Ayes: Mayor Mei, Vice Mayor Bacon,
Councilmembers: Jones, Salwan and Bonaccorsi

Noes: None

Absent: None

Abstain: None

- * **F. Mayor Mei opened consideration of Approval to Transfer \$51,505 from the Play Area Surfacing Project (PWC 8770) to the Capital Replacement for Parks Project (PWC8501), Approve Plans and Specifications and Award a Construction Contract in the Amount of \$351,505 to Spectraturf, Inc. for the Central Park Sabercat Play Area Synthetic Safety Resurfacing Project, and find that the project is exempt from review under the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15301 (Existing Facilities) and 15302 (Replacement or Reconstruction)**

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

1. Found that the project is exempt from review under the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15301 (Existing Facilities) and 15302 (Replacement or Reconstruction).
2. Reallocated \$51,505 in the Capital Improvement Fund (Fund 501) from the Play Area Surfacing Project (PWC8770) to the Capital Replacement for Parks Project (PWC8501).
3. Approved Plans and Specifications and Awarded a Construction Contract in the Amount of \$351,505 to SpectraTurf, Inc. for the Central Park Sabercat Play Area Synthetic Safety Resurfacing Project.

Ayes: Mayor Mei, Vice Mayor Bacon,
Councilmembers: Jones, Salwan and Bonaccorsi

Noes: None

Absent: None

Abstain: None

*** G. Mayor Mei opened consideration of Approval of Plans and Specifications and Award of Contract to Bear Electrical Solutions in the Amount of \$332,871.55 for the 2018 Pedestrian Crossing Enhancement Project Phase 1 (PWC 8969); Appropriation Actions; Exempt from Environmental Review per CEQA Guideline Section 15301 (Existing Facilities)**

On a motion by Councilmember Salwan, seconded by Councilmember Jones, the City Council approved the following actions related to the Pedestrian Crossing Enhancement Project – Phase I (PWC 8969):

1. Find this project is categorically 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 presenting existing.
2. Approve the plans and specifications for this project.
3. Accept the bid and award the construction contract to the lowest responsive and responsible bidder, Bear Electrical Solutions, in the amount of \$332,871.55 and authorize the City Manager or designee to execute the contract.
4. Reallocate \$211,143 from PWC8882-521 to PWC8969-521.
5. Reallocate \$30,000 from PWC8882-520 to PWC8969-520.
6. Reallocate \$230,000 from PWC7953-132 and appropriate to PWC8969-132.

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

*** H. Mayor Mei 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 8342, located at 2529 Washington Boulevard (Winston)**

On a motion by Councilmember Salwan, seconded by Councilmember Jones, the City Council adopted Resolution No. 2018-25 to:

1. Approve the Final Map and the Improvement Plans for Tract 8342.
2. Approve the Agreement for Public Improvements entitled “Public Improvement Agreement, Tract 8342”, with the developer, Winston Development, L.P., 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 8342”, with the developer, Winston Development, L.P., 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 Mei, Vice Mayor Bacon,
Councilmembers: Jones, Salwan and Bonaccorsi
Noes: None
Absent: None
Abstain: None

*** I. Mayor Mei opened consideration of Approval to Introduce an Ordinance to Repeal and Replace Title 6 (Animals) to Update the Regulations and Procedures for Keeping Animals in the City (Amendment to the Animals Ordinance)**

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

1. Found that the project is exempt from the California Environmental Quality Act (CEQA), pursuant to Guideline 15061(b)(3) in that it does not have the potential for causing a significant effect on the environment.
2. Waived full reading and introduced the proposed ordinance repealing and replacing Fremont Municipal Code Title 6.
3. Directed staff to prepare a summary of the ordinance and the City Clerk to post and publish the summary in accordance with Government Code Section 36933(c)(1).

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

*** J. Mayor Mei opened consideration of Approval to Authorize the City Manager to Enter into New Service Agreements to Provide Animal Sheltering Services to the Cities of Newark, San Leandro and Union City**

On a motion by Councilmember Salwan, seconded by Councilmember Jones, the City Council authorized the City Manager to enter into the Animal Shelter Service Agreement with the cities of Newark, San Leandro, and Union City, effective June 30, 2018.

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

*** K. Mayor Mei opened consideration of Approval of an Amendment to the Master Fee Schedule to add an art fee for the Ardenwood Technology Park Planned District (PD-2015-23) (Public Art Fee)**

On a motion by Councilmember Salwan, seconded by Councilmember Jones, the City Council adopted Resolution No. 2018-26 to add the Ardenwood Technology Park Art Fee to the Master Fee Program.

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

* **L. Mayor Mei opened consideration of Approval of a Resolution of Intention to Establish City of Fremont Community Facilities District No. 3 (Warm Springs Public Services) (Warm Springs Public Services CFD No. 3)**

On a motion by Councilmember Salwan, seconded by Councilmember Jones, the City Council adopted Resolution No. 2018-27, a Resolution of Intention to Establish Community Facilities District (CFD) No. 3.

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

* **M. Mayor Mei opened consideration of Approval of an Agreement for On-Call Geotechnical Consulting Services with Ninyo & Moore, Inc., in an amount of up to \$150,000 annually**

On a motion by Councilmember Salwan, seconded by Councilmember Jones, the City Council authorized the City Manager or his designee to execute a master services agreement with Ninyo & Moore, Inc. for on-call geotechnical consulting services in an amount not-to-exceed \$150,000 per year for three years, with the option for the City Manager or his designee to renew the agreement for up to two additional one year terms, with a not-to-exceed amount of \$150,000 per year, provided that the City Manager or his designee determines that the consultant has been responsive to the City's needs and the quality of work has been satisfactory.

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

* **N. Mayor Mei opened consideration of Approval of Initiation of a Proceeding to Vacate a Portion of Mission Falls Court and Set a Public Hearing on June 5, 2018 at 7:00 p.m.**

On a motion by Councilmember Salwan, seconded by Councilmember Jones, the City Council initiated proceedings to vacate a portion of Mission Falls Court by directing the City Clerk to set a public hearing for June 5, 2018, at 7:00 p.m., and to publish the public hearing notice, and by directing the Director of Public Works to post notice of public hearing at the site.

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

- * **O. Mayor Mei opened consideration of a Request for City Council to approve and authorize City Manager or his designee to sign an amendment to the Recreation Services Agreement with Mad Science of the Bay Area to increase the annual amount not to exceed \$150,000 for FY 2017/18; and authorize the City Manager or his designee to execute the FY 2018/19 Recreation Services Agreement with Mad Science of the Bay Area in an amount not to exceed \$150,000**

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

1. Authorized the City Manager or his designee to execute an amendment to the FY 2017/18 Recreation Services Agreement for Mad Science of the Bay Area to increase the not-to-exceed compensation amount to \$150,000 for the current contract term.
2. Authorized the City Manager or his designee to execute the FY 2018/19 Mad Science of the Bay Area Recreation Services Agreement in an amount not to exceed \$150,000.

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

- * **P. Mayor Mei opened consideration of a Request for City Council to Amend the FY 2017/18 Purchase Order with US Foods to an Annual Amount Not to Exceed \$175,000 at Aqua Adventure Waterpark; Approve an FY 2018/19-2022/23 Purchase Order with US Foods on the Same Terms**

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

1. Authorized the City Manager or designee to increase the FY 2017/18 purchase order with US Foods to an amount not to exceed \$175,000 annually.
2. Approved a purchase order with US Foods covering FY 2018/19-2022/23 in an amount not to exceed \$175,000 annually.

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

3. CEREMONIAL ITEMS

- A. **Proclamation: Elder Abuse Awareness Month**

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 Commission's Recommendation to Approve a Planned District Amendment, Vesting Tentative Tract Map No. 8333, and Private Street to Allow the Development of Five Single-family Detached Houses on an Approximately 0.6-acre site at 33650 Beard Court in the North Fremont Planning Area, and to Consider a Categorical Exemption from the Requirements of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15332, Infill Development Projects. (Beard Common – 33650 Beard Court - PLN2016-00392)**

Associate Planner Bill Roth provided a presentation and responded to questions from Councilmembers. Arvind Goel, Partner/Owner of River Blooms LLC (Applicant), responded to questions from Councilmembers. Mayor Mei opened the public hearing. Jay Dhillon spoke in favor of the project. There were no additional speakers. Mayor Mei closed the public hearing. A question and answer period followed.

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

1. Held public hearing; and
2. Found the project is categorically exempted from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15332, Infill Development Projects.
3. Determined that while an outdoor Ldn of 60 dB(A) or lower in the active recreation areas at the rear or side yards of the new houses cannot be achieved after the application of appropriate project design features, an Ldn of 65 dB(A) is permitted for these areas for the reasons described in the staff report.
4. Introduced an ordinance amending Planned District P-78-3 to allow the development of five single-family detached houses on separate lots within the 0.6-gross-acre project site, as depicted on Enclosure Exhibit "A" (Planned District Amendment Map), based upon the findings and subject to conditions of approval set forth in Exhibit "D."
5. Approved Vesting Tentative Tract Map No. 8333 and Private Street as shown in Exhibit "C," based on the findings and subject to the conditions of approval set forth in Exhibit "D."
6. Approved the proposed removal and mitigation for six protected trees pursuant to the City's Tree Preservation Ordinance, based upon findings and conditions set forth in Exhibit "D."
7. Directed staff to prepare and the City Clerk to publish a summary of the ordinance.

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

6. REPORT FROM CITY ATTORNEY – None.

7. OTHER BUSINESS

A. Mayor Mei opened consideration of a Presentation of FY 2018/19 Proposed Operating Budget

City Manager Diaz provided a broad overview. Finance Director Dave Persselin and Deputy Director of Finance Mike Sung gave a presentation. Staff responded to questions from Councilmembers. The City Council accepted staff's budget presentation and provided comments.

8. COUNCIL COMMUNICATIONS

A. Council Referrals

1. Mayor Mei opened consideration of Vice Mayor Bacon Referral: Refer and take action on the East Bay Regional Park District's (EBRPD) proposal to extend Mission Peak Stanford Staging Hours

Vice Mayor Bacon provided an overview. Mayor Mei opened the public comment period. Debbie Buswell, Ben Yee, Prakoon Chen, Anu Pareek, Melanie Wong, Tony Pang, Ting Li, Henry Lau, Vijay Pitchumani, Steven Seun, Jannet Benz, and Ivy Tse spoke in support of maintaining the current hours of operation at the park entrances. Larry Edelson and Kelly Abreu supported extending the hours. There were no additional speakers. Mayor Mei closed the public comment period. Councilmembers provided comment. City staff and EBRPD staff responded to questions from Councilmembers.

On a motion by Vice Mayor Bacon, seconded by Councilmember Salwan, the City Council considered proposal and made a recommendation to the EBRPD Board Operations Committee Meeting and EBRPD Board not to extend the closing time hours of the Mission Peak Stanford Staging Area.

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

9. ADJOURNMENT: There being no further business, Mayor Mei adjourned the meeting at 8:50 p.m.

Attest:

Approved:

Susan Gauthier, City Clerk

LILY MEI, Mayor