

**MINUTES
FREMONT CITY COUNCIL MEETING
JUNE 1, 2021
FREMONT CITY HALL
VIRTUAL MEETING VIA ZOOM
7:00 P.M.**

1. PRELIMINARY

- A. Call to Order:** Mayor Mei called the meeting to order at 7:01 p.m.
- B. Flag Salute:** Councilmember Cox led the salute to the flag.
- C. Roll Call:** Present: Mayor Mei, Vice Mayor Shao, Councilmembers: Keng, Jones, Kassan, Salwan, and Cox
- D. Announcements by Mayor/City Manager**

Mayor Mei 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 Kassan, seconded by Councilmember Jones, the City Council waived further readings of proposed ordinances.

Ayes: Mayor Mei, Vice Mayor Kassan, Councilmembers: Keng, Jones, Shao, Salwan, and Cox
Noes: None
Absent: None
Abstain: None

- * **B. Approval of Minutes – None.**
- * **C. Mayor Mei opened consideration of Approval of Annual Delegation of Authority to City Treasurer to Manage Investments (Annual Approval of Investment Policy)**

On a motion by Councilmember Kassan, seconded by Councilmember Jones, the City Council adopted Resolution No. 2021-32 approving the City’s Investment Policy for FY 2021/22 and delegating the City Council’s authority to invest and reinvest public funds, and to sell or exchange securities so purchased, to the Finance Director/Treasurer for one year or until earlier revoked by the City Council.

Ayes: Mayor Mei, Vice Mayor Shao, Councilmembers: Keng,
Jones, Salwan, and Cox
Noes: Councilmember Kassan
Absent: None
Abstain: None

- * **D. Mayor Mei opened consideration to Authorize the City Manager or Designee to Execute a New Technology Service Agreement (TSA) with Buildingeye, Inc. to provide an interactive, online permit mapping service for a five-year term and a not-to-exceed compensation of \$500,000 and making findings of CEQA exemption**

On a motion by Councilmember Kassan, seconded by Councilmember Jones, the City Council approved the following actions:

1. Authorized the City Manager or his designee to execute a new Technology Service Agreement (TSA) with BuildingEye, Inc., for a five-year term and not-to-exceed compensation of \$500,000.
2. Authorized the City Manager or his designee to execute any implementing documents and actions, as necessary.

Ayes: Mayor Mei, Vice Mayor Shao, Councilmembers: Keng,
Jones, Kassan, Salwan, and Cox
Noes: None
Absent: None
Abstain: None

- * **E. Mayor Mei opened consideration to Adopt a Resolution Approving a List of Projects for Funding by Revenues Authorized by the Road Repair and Accountability Act of 2017 (SB1) to Align with State Guidelines for Use of Funds. (2021 SB1 Project List)**

On a motion by Councilmember Kassan, seconded by Councilmember Jones, the City Council adopted Resolution No. 2021-33 approving a List of Projects for Funding by SB1, the Road Repair and Accountability Act for FY 2021/22.

Ayes: Mayor Mei, Vice Mayor Shao, Councilmembers: Keng,
Jones, Kassan, Salwan, and Cox
Noes: None
Absent: None
Abstain: None

*** F. Mayor Mei opened consideration of Approval of the Partial Release of Faithful Performance Bonds in the Amount of \$4,434,000 Posted by Robson Homes, LLC, a California Limited Liability Company with the Approved Public and Private Agreements for Tract 8330 (TRACT 8330 Partial Bond Release)**

On a motion by Councilmember Kassan, seconded by Councilmember Jones, the City Council approved the partial release of Faithful Performance Bonds in the amount of \$4,434,000 posted by Robson Homes, LLC, a California Limited Liability Company with the approved public and private agreements for Tract 8330.

Ayes: Mayor Mei, Vice Mayor Shao, Councilmembers: Keng, Jones, Kassan, Salwan, and Cox
Noes: None
Absent: None
Abstain: None

*** G. Mayor Mei opened consideration to Authorize the City Manager to Execute Two Memoranda of Understanding (MOU) with the Alameda County Health Care Services Agency for Fremont Human Services FY 2021/22 Medi-Cal Administrative Activities and Targeted Case Management Services**

On a motion by Councilmember Kassan, seconded by Councilmember Jones, the City Council authorized the City Manager or designee to execute Memoranda of Understanding with the Alameda County Health Care Services Agency to enable the City's Human Services Department to receive reimbursement for eligible FY 2021/22 expenses through Alameda County's Targeted Case Management (TCM) Program and for Medi-Cal Administration Activities (MAA), as described in this staff report. Adopt Resolution No. 2021-34 delegating to the City Manager, Finance Director, or designee the authority to sign, certify or execute documents on behalf of the City with respect to the MAA and TCM programs.

Ayes: Mayor Mei, Vice Mayor Shao, Councilmembers: Keng, Jones, Kassan, Salwan, and Cox
Noes: None
Absent: None
Abstain: None

*** H. Mayor Mei opened consideration of Introduction of an Ordinance Repealing and Replacing Chapter 5.35 Vendors and Solicitors, Introduction of an Ordinance Amending Section 12.20.060 and Adding Section 12.20.140 to Chapter 12.20 Parks and Recreation Areas, Adoption of a Resolution Amending the Master Fee Schedule to Add and Amend Fees for Vending and Soliciting Permits and to Find the Adoption of the Ordinances Exempt from the Requirements of the California Environmental Quality Act (CEQA) under various CEQA Guidelines (Vendors and Solicitors Ordinance Repeal and Replace)**

On a motion by Councilmember Kassan, seconded by Councilmember Jones, the City Council approved the following actions:

1. Found that adoption of the ordinance repealing and replacing Chapter 5.35 and the ordinance adding Section 12.20.140 and amending Section 12.20.060 is exempt from and not subject to review under the California Environmental Quality Act (CEQA) because, without limitation, this ordinance conforms with the previously certified Environmental Impact Report (EIR) for the 2011 General Plan Update (SCH#2010082060), and finds this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) per, each on a separate and independent basis, the following sections of Title 14 of the California Code of Regulations: (1) CEQA Guidelines Section 15061(b)(3), in that the ordinance does not have the potential to cause a significant effect on the environment, and is not subject to CEQA review; (2) CEQA Guidelines Section 15162, as no further environmental review is needed and this action reflects the independent judgment of the City of Fremont; (3) CEQA Guidelines Section 15183, as the ordinance is consistent with the development densities and policies in the general plan and existing zoning and does not involve any peculiar significant effects that were not previously analyzed or discussed as significant effects in prior EIRs for the General Plan and/or zoning with which the project is consistent; and (4) CEQA Guidelines Sections 15307 and 15308 as an action by the City for the protection of birds and other wildlife and the environment in City parks. Therefore, a Notice of Exemption should be filed with the Alameda County Clerk in accordance with the CEQA guidelines.
2. Introduced and conducted the first reading of an ordinance repealing and replacing Chapter 5.35 Vendors and Solicitors as shown on Exhibit “A”.
3. Directed staff to prepare and the City Clerk to publish a summary of the ordinance repealing and replacing Chapter 5.35 Vendors and Solicitors
4. Introduced and conducted the first reading of an ordinance adding Section 12.20.140, Vending in parks and amending Section 12.20.060 Prohibited conduct generally as shown on Exhibit “B” to the staff report. The City Clerk is directed to publish the ordinance as required by law.
5. Adopted Resolution No. 2021-35 amending the Master Fee Schedule to update existing fees and include new fees created in the ordinance repealing and replacing Chapter 5.35 as shown on Exhibit “C” to the staff report.

Ayes: Mayor Mei, Vice Mayor Shao, Councilmembers: Keng,
Jones, Kassan, Salwan, and Cox
Noes: None
Absent: None
Abstain: None

3. CEREMONIAL ITEMS

A. Proclamation: Pride Month, June 2021

4. PUBLIC COMMUNICATIONS

A. Oral and Written Communications

Email submitted to the City Clerk were compiled, distributed to the City Council and staff, and published in the City's Agenda Center on fremont.gov, and were placed on file.

Ardie Zahedani expressed concerns regarding a Certificate of Occupancy from the City.

5. SCHEDULED ITEMS

A. Mayor Mei opened consideration of Public Hearing (Published Notice) on a Resolution Authorizing Adjustments to the City's Development Impact Parkland Fee, Park Facilities Fee, Traffic Facilities Fee, Capital Facilities Fee, and Fire Facilities Fee Based on a 2021 Comprehensive Development Impact Fee Study and Annual Construction Inflation Index; Establishing a Fifty Percent Reduced Rate for Affordable Housing; and Making Findings of CEQA Exemption. (Continued from the May 4, 2021 City Council Meeting) (Development Impact Fee Update)

Email submitted to the City Clerk were compiled, distributed to the City Council and staff, and published in the City's Agenda Center on fremont.gov, and were placed on file.

Public Works Director Hans Larsen gave a presentation and responded to questions from Councilmembers. Mayor Mei opened the public hearing. Linda Mandolini, Lillian Lew-Hailer, and Dennis Martin (BIA) shared a variety of comments and concerns. There being no additional speakers, Mayor Mei closed the public hearing. Councilmembers provided comment.

On a motion by Councilmember Cox, seconded by Councilmember Keng, the City Council approved the following actions:

1. Conducted a public hearing.
2. Found the proposed fee adjustments are exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to, each on a separate and independent basis, CEQA Guidelines Section 15378(b)(4), Section 15273, Section 15061(b)(3), and Section 15183.
3. Adopted Resolution No. 2021-36 approving the Comprehensive Development Impact Fee Update, instituting new rates for development impact fees, establishing reduced rates for affordable housing, and amending the master fee schedule.

Ayes: Mayor Mei, Vice Mayor Shao, Councilmembers: Keng,
Jones, Kassan, Salwan, and Cox
Noes: None
Absent: None
Abstain: None

- B. Mayor Mei opened consideration of Public Hearing (Published Notice) to Consider the Planning Commission's Recommendation to Introduce an Ordinance Amending Chapter 18.25 (Definitions) and Chapter 18.190 (Special Provisions Applying to Miscellaneous Uses) Under Fremont Municipal Code Title 18 (Planning And Zoning) to Allow Safe Parking as an Ancillary Use at Sites with Permitted Assembly Uses, Quasi-Public Facilities, and Public Facilities, and to Consider a Finding that the Amendments are Exempt from the Requirements of the California Environmental Quality Act (CEQA) per, each as a Separate and Independent Basis, (1) CEQA Guidelines Section 15061(B)(3) in that it Can be Seen with Certainty that there is No Possibility that the Proposed Amendments Will Have the Potential for Causing a Significant Effect on the Environment, and are Not Subject to CEQA Review, and (2) CEQA Guidelines Section 15183, as the Proposed Amendments are Consistent with General Plan Policies and Do Not Involve Any Peculiar Significant Effects that Were Not Previously Analyzed or Discussed as Significant Effects in Prior Environmental Impact Reports (EIRs) or the General Plan, with which the Proposed Amendments are Consistent. (Safe Parking Host Sites Ordinance)**

Email submitted to the City Clerk were compiled, distributed to the City Council and staff, and published in the City's Agenda Center on fremont.gov, and were placed on file.

See Green Sheet on file.

Planner II Courtney Pal and Homeless Services Manager Laurie Flores provided a presentation. Staff responded to questions from Councilmembers. Mayor Mei opened the public hearing. Chung, Lisa Danz, Helen, Rob Brindle, Henry L., Ben Yee, Annie He, Keith Parker, Blair Beekman, David, and Arun Ramani shared a variety of comments and concerns. There being no additional speakers, Mayor Mei closed the public hearing. Councilmembers provided comment.

On a motion by Mayor Mei, seconded by Councilmember Kassan, the City Council approved the following actions:

1. Held a public hearing.
2. Found that the text amendments are exempt from the requirements of the California Environmental Quality Act (CEQA) per, each as a separate and independent basis, (1) CEQA Guidelines Section 15061(b)(3) in that it can be seen with certainty that there is no possibility that the proposed amendments will have the potential for causing a significant effect on the environment, and are not subject to CEQA review, and (2) CEQA Guidelines Section 15183, as the proposed amendments are consistent with general plan policies and do not involve any peculiar significant effects that were not previously analyzed or discussed as significant effects in prior Environmental Impact Reports (EIRs) or the General Plan, with which the proposed amendments are consistent.
3. Found that the proposed amendments are consistent with the General Plan, including the Housing Element and Land Use Element implementation measures discussed in the staff report.
4. Found that the proposed amendments further the public interest, convenience, and general welfare of the city by facilitating the provision of safe parking for those living in

their vehicles, an underserved portion of our community who currently lack access to basic needs like clean water, restrooms, and sanitation that would be provided through the safe parking sites.

5. Introduced an ordinance amending Fremont Municipal Code (FMC) Chapter 18.25 (Definitions) and Chapter 18.190 (Special Provisions Applying to Miscellaneous Uses).
6. Council would like the item brought back with the details of the program and how the city participates in it, along with standards of performance and safety.

Ayes: Mayor Mei, Vice Mayor Shao, Councilmembers: Keng, Jones, Kassan, and Salwan
Noes: Councilmember Cox
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 Mayor Mei Referral: Appointment to Advisory Bodies

Appointment:		
<u>Advisory Body</u>	<u>Appointee</u>	<u>Term Expires</u>
Human Relations Commission	Anna Wang.	12/31/2022
Recreation Commission	Sundar Sankaran.	12/31/2024

On a motion by Councilmember Jones, seconded by Vice Mayor Shao, the City Council approved the appointment to the advisory body.

Ayes: Mayor Mei, Vice Mayor Kassan, Councilmembers: Keng, Jones, Shao, Salwan, and Cox
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 10:05 p.m.

Attest:

Approved:

Susan Gauthier, City Clerk

LILY MEI, Mayor