

**MINUTES  
FREMONT CITY COUNCIL MEETING  
DECEMBER 18, 2018  
FREMONT CITY HALL  
7:00 P.M.**

**1. PRELIMINARY**

- A. Call to Order:** Mayor Mei called the meeting to order at 7:05 p.m.
- B. Flag Salute:** Vice Mayor Salwan led the salute to the flag.
- C. Roll Call:** Present: Mayor Mei, Vice Mayor Salwan, Councilmembers: Bacon, Keng, Jones, Kassan, and Shao.
- D. Announcements by Mayor/City Manager – None.**

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

Ayes: Mayor Mei, Vice Mayor Salwan,  
Councilmembers: Bacon, Keng, Jones, Kassan, and Shao  
Noes: None  
Absent: None  
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 Amending Fremont Municipal Code Title 1, General Provisions, Chapter 1.15 Penalty Provisions, Section 1.15.020 Penalty and Chapter 1.20 Administrative Remedies, Section 1.20.040 Procedures for Administrative Citations and Section 1.20.080 Penalties Assessed**

On a motion by Councilmember Jones, seconded by Vice Mayor Salwan, the City Council adopted Ordinance No. 28-2018.

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

\*Consent Items

\* **D. Mayor Mei opened consideration of Approval for Authorization to Execute a Project Funding Agreement with Alameda County Transportation Commission, in the amount of \$5,454,000, for the I-880 Bicycle/Pedestrian Bridge and Trail Project and Including Reach 6 of the East Bay Greenway Trail (PWC 8907) (I-880 Bridge and Trail Project)**

On a motion by Councilmember Jones, seconded by Vice Mayor Salwan, the City Council authorized the City Manager, or his designee, to execute a Project Funding Agreement with ACTC in the amount of \$5,454,000 for the I-880 Bicycle/Pedestrian Bridge and Trail Project (East Bay Greenway Trail Reach 6) - PWC 8907.

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

\* **E. Mayor Mei opened consideration of Approval of Agreements for On-Call Environmental Site Assessment and Soil Testing Consulting Services to B2 Environmental, Inc. Millennium Consulting Associates, and TRC Solutions, Inc.**

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

1. Approved and authorized the City Manager, or his designee, to execute a Master Service Agreement with B2 Environmental, Inc. for On-Call Environmental Site Assessment and Soil Testing Consultant Services in an amount not to exceed \$250,000 per year for three years and authorize 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 \$250,000 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.
2. Approved and authorized the City Manager, or his designee, to execute a Master Service Agreement with Millennium Consulting Associates for On-Call Environmental Site Assessment and Soil Testing Consultant Services in an amount not to exceed \$250,000 per year for three years and authorize 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 \$250,000 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.
3. Approved and authorized the City Manager, or his designee, to execute a Master Service Agreement with TRC Solutions, Inc. for On-Call Environmental Site Assessment and Soil Testing Consultant Services in an amount not to exceed \$250,000 per year for three years and authorize 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 \$250,000 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 Salwan,  
Councilmembers: Bacon, Keng, Jones, Kassan, and Shao  
Noes: None  
Absent: None  
Abstain: None

\* **F. Mayor Mei opened consideration of Approval of a Ten-Year License Agreement with San Joaquin Regional Rail Commission, for the Installation and Management of Security Equipment at the Centerville Train Depot (Centerville Train Depot Security Improvements)**

On a motion by Councilmember Jones, seconded by Vice Mayor Salwan, the City Council authorized the City Manager, or his designee, to execute a ten-year License Agreement between the San Joaquin Regional Rail Commission and the City of Fremont for the installation, maintenance, and operations of security improvements with the option for the City Manager or his designee to renew the Agreement for an additional ten-year term.

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

**3. CEREMONIAL ITEMS**

**A. Resolution: Honoring Sheree Wright-Cox**

**B. Oath of Office and Installation of Newly Elected Councilmember Jenny Kassan**

**4. PUBLIC COMMUNICATIONS**

**A. Oral and Written Communications**

Khal Zhublawar expressed concerns about competition for taxi companies from ridesharing services.

**5. SCHEDULED ITEMS**

- \* **A. Mayor Mei opened consideration of a Public Hearing (Published Notice) to Consider an Appeal of the Planning Commission's Denial of an Amendment to Planned District P-2017-297 and a Tentative Parcel Map for Condominium Purposes (Map No. 10810) to Allow a Previously-Approved 171-Unit Rental Apartment Project (Palmia at Mission Falls) for Seniors to be Changed to a For-Sale Condominium Project for Seniors at 47201 Mission Falls Court in the Warm Springs Community Plan Area, and to Consider a Finding that the Proposed Project is Exempt from the Requirements of the California Environmental Quality Act (CEQA) Pursuant to CEQA Guidelines Section 15061(b)(4),**

**which Exempts Projects that Will Be Rejected or Disapproved. (Palma at Mission Falls Condominium Map Appeal – 47201 Mission Falls Court – PLN2018-00222) REQUEST TO BE CONTINUED TO THE JANUARY 15, 2019 CITY COUNCIL MEETING**

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

On a motion by Councilmember Jones, seconded by Vice Mayor Salwan, the City Council continued the project to the January 15, 2019 City Council Meeting.

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

**\* B. Mayor Mei opened consideration of a Public Hearing (Published Notice) to Consider the Development Impact Fee Annual Report for Fiscal Year 2017/18 and Annual Adjustment of Development Impact Fees to Reflect Inflation**

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

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

1. Accepted the Development Impact Fee Annual Report for Fiscal Year 2017/18.
2. Held a public hearing to hear any public comments regarding the proposed impact fee adjustment.
3. Found that the proposed impact fee adjustment is exempt from review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3), which is the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Find that the proposed impact fee adjustment is also exempt from review pursuant to CEQA Guidelines Section 15183 because it is an implementation measure of the adopted General Plan for which a Final Environmental Impact Report (EIR; SCH#2010082060) was previously certified, the Downtown Community Plan for which a Final Supplemental EIR for the (SCH#2010072001 and SCH#2010082060) was previously certified, and the Warm Springs/South Fremont Community Plan for which a Final EIR (SCH#2013032062) was previously certified, and no further environmental review is required as there have been no subsequent changes or no new information that would warrant additional environmental review.
4. Adopted Resolution No. 2018-73 approving a 2.78% increase to development impact fees for the capital facilities, fire facilities, park facilities, parkland, and traffic programs to reflect construction cost changes in 2018, effective July 1, 2019.

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

**C. Mayor Mei opened consideration of a Public Hearing (Published Notice) to Consider a Proposal to Add the Cloverleaf Family Bowl Building to the Fremont Register of Historic Resources, and to Consider an Exemption from the Requirements of the California Environmental Quality (CEQA) Pursuant to CEQA Guidelines Section 15061(b)(3), Which is the General Rule that CEQA Only Applies to Projects that Have the Potential for Causing a Significant Effect on the Environment. (Cloverleaf Family Bowl Building - 40645 Fremont Boulevard - PLN2019-00127)**

Planning Manager Kristie Wheeler, Senior Planner Wayland Li, and Allison Lyons from GPA Consulting gave a presentation. Councilmembers asked questions. Mayor Mei opened the public hearing. Mike Hillman, Jim Chambers, Robert Daulton, Alice Cavette, Chris Cavette, and Linda Ross spoke in support of staff recommendation and keeping Cloverleaf Bowl in that location. Michael Denitto and Ben Vick spoke in opposition on behalf of the property owner. There were no additional speakers. Mayor Mei closed the public hearing. Councilmembers asked questions and provided comment.

On a motion by Councilmember Bacon, seconded by Vice Mayor Salwan, the City Council:

1. Held public hearing; and
2. Found that the project is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3), which is the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment, because the potential addition of the building to the Fremont Register would not result in any physical changes to the environment or alterations or damage to the potential register resource.
3. Considered the property owner statement of objection and comments.
4. Adopted Resolution No. 2018-74, a) based on information presented in the Historic Evaluation and DPR form prepared by GPA Consulting, that the Cloverleaf Family Bowl building is eligible for listing on the Fremont Register of Historic Resources under Criteria A and E; and b) designating the Cloverleaf Family Bowl building as a potential register resource that is eligible for listing on the Fremont Register, but cannot be added until the property owner's objection is withdrawn.

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

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

**7. OTHER BUSINESS**

**A. Mayor Mei opened consideration of a Presentation by Staff of Draft Legislation that Would Authorize the City to Control Access to Morrison Canyon Road in Response to October 16, 2018 Council Direction; Discussion and Possible Council Direction**

Public Works Director Hans Larsen and Deputy City Attorney Erik Ramakrishnan gave a presentation. Staff responded to questions from Council. Mayor Mei opened the public comment period. Larry Edelson, Kelly Abreu, and Suresh Bazaj expressed concerns about enforcement. Monica Melville shared thoughts on access. William Yragui spoke about liability. There were no more speakers. Mayor Mei closed the public comment period. Councilmembers asked questions and provided comment.

On a motion by Vice Mayor Salwan, seconded by Councilmember Jones, the City Council reviewed the proposed draft statutory language and provided feedback and direction to staff.

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

## 8. COUNCIL COMMUNICATIONS

### A. Council Referrals

#### 1. MAYOR MEI REFERRAL: Appointments and Reappointments to Advisory Bodies

Mayor Mei opened the public comment period. Justin Sha (provided hand-outs), John Smith, Brannin Dorsey, B. Lee Jones, and Kelly Abreu shared a variety of concerns. There were no additional speakers. Mayor Mei closed the public comment period. This was followed by a question and answer period amongst the City Council.

Mayor Mei called for a vote on the appointments and reappointments, with the exception of the Human Relations Commission (HRC) position and the two Planning Commission positions.

#### Appointments:

<i>Advisory Body</i>	<i>Appointee</i>	<i>Term Expires</i>
Recreation Commission	Elissa Winters	12/31/2021
	Robby Gill	12/31/2022
	Jannet Benz	12/31/2022
Senior Citizens Commission	Michiko Yee	12/31/2021

#### Reappointments:

<i>Advisory Body</i>	<i>Appointee</i>	<i>Term Expires</i>
Alameda County Mosquito Abatement District	George Young	12/31/2021
George W. Patterson House Advisory Commission ( <i>Mission Peak Heritage Foundation Representative</i> )	Al Minard	12/31/2022
George W. Patterson House Advisory Commission ( <i>Washington Township Historical Society Representative</i> )	Bill Reynolds, Jr.	12/31/2022

<u>Advisory Body</u>	<u>Appointee</u>	<u>Term Expires</u>
Senior Citizens Commission	Judith Schneider	12/31/2022
	Linette Young	12/31/2022
	Ashok Desai	12/31/2022
	Pat Helton	12/31/2022
	Kinji Yamasaki	12/31/2022
	JoAnne Rhodes-Jones	12/31/2022

By consensus, the City Council approved the appointments and reappointments listed above.

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

Mayor Mei called for a vote on the Human Relations Commission (HRC) position:

Appointment:

<u>Advisory Body</u>	<u>Appointee</u>	<u>Term Expires</u>
Human Relations Commission	Shobana Ramamurthi	12/31/2021

The City Council approved the appointment of Ms. Ramamurthi, replacing Mr. John R. Smith.

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

Another question and answer period followed, after the HRC vote. A brief recess was called for the City Attorney to review the hand-out from one of the speakers. City Council reconvened. Mayor Mei called for a vote on one of the two Planning Commission positions:

Appointment:

<u>Advisory Body</u>	<u>Appointee</u>	<u>Term Expires</u>
Planning Commission	Ben Yee	12/31/2021

The City Council approved the appointment of Mr. Yee, replacing Ms. Brannin Dorsey.

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

Mayor Mei called for a vote on the second Planning Commission position:

Appointment:

<u>Advisory Body</u>	<u>Appointee</u>	<u>Term Expires</u>
Planning Commission	Reena Rao	12/31/2021

The City Council approved the appointment of Ms. Rao, replacing Ms. Reshma Karipineni.

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

**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 9:20 p.m.

Attest:

Approved:

\_\_\_\_\_  
Merry Monlux, Deputy City Clerk

\_\_\_\_\_  
LILY MEI, Mayor