

**MINUTES
FREMONT CITY COUNCIL MEETING
DECEMBER 10, 2019
FREMONT CITY HALL
7:00 P.M.**

1. PRELIMINARY

- A. Call to Order:** Mayor Mei called the meeting to order at 7:03 p.m.
- B. Flag Salute:** Councilmember Bacon led the salute to the flag.
- C. Roll Call:** Present: Mayor Mei, Vice Mayor Jones, Councilmembers: Bacon, Salwan, Keng, Kassan, and Shao
- D. Announcements by Mayor/City Manager**

Mayor Mei announced the Boards and Commissions vacancies. City Manager Danaj shared information regarding items of Council/community interest.

2. CONSENT CALENDAR

- * **A. Waive Reading of Ordinances:** The City Attorney read the titles of ordinances to be considered.

On a motion by Vice Mayor Jones, seconded by Councilmember Bacon, the City Council waived further readings of proposed ordinances.

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

- * **B. Approval of Minutes – None.**
- * **C. Mayor Mei opened consideration of Approval to Adopt Resolutions Setting the Integrated Waste Management Collection Rates, Transfer Station Service Fees, and Landfill Disposal fees for January 2020 through December 2021 (Solid Waste Collection Rates)**

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

1. Adopted Resolution No. 2019-70 setting disposal fees at the Altamont Landfill effective January 1, 2020, as shown in enclosure B of this report.
2. Adopted Resolution No. 2019-71 setting service fees at the Fremont recycling and Transfer Station effective January 1, 2020, as shown in enclosure C of this report.

3. Adopted Resolution No. 2019-72, setting Curbside Recycling Processing payment and Yardwaste Transfer fees at the Fremont Recycling and Transfer Station effective January 1, 2020, as shown in enclosure D of this report.
4. Adopted Resolution No. 2019-73 setting Solid Waste Collection rates effective January 1, 2020, as shown in enclosure E of this report.

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

*** D. Mayor Mei opened consideration of Approval to Authorize the City Manager to execute a Service Agreement with Willdan Financial Services in the amount of \$226,840 for a Comprehensive Development Impact Fee Update**

On a motion by Vice Mayor Jones, seconded by Councilmember Bacon, the City Council authorized the City Manager or designee to enter into a service agreement with Willdan Financial Services to complete the comprehensive impact fee update at a cost not to exceed \$226,840.

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

*** E. Mayor Mei opened consideration of Approval for Authorization to Execute a Joint Powers Agreement with the City of Union City for the Provision of Human Services and Family Related Resources**

On a motion by Vice Mayor Jones, seconded by Councilmember Bacon, the City Council approved and authorized the City Manager, or his designee, to execute a Joint Powers Agreement and the associated task orders with the City of Union City for the provision of human services, including paratransit-related services, older adult in-home support services, diversion and financial coaching for youth, and TF-CBT groups and parenting classes. Appropriate \$23,157 for diversion and financial coaching services in the Alameda County Probation Youth Diversion Fund (Fund 133).

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

* **F. Mayor Mei opened consideration of Approval for Acceptance of FY 2019/20 and FY 2020/21 Paratransit Discretionary Grant Program Funding and Authorization for City Manager to Execute the Associated Contract for the Ride-On Tri-City! Mobility Management and Travel Training Program (Paratransit Funding)**

On a motion by Vice Mayor Jones, seconded by Councilmember Bacon, the City Council approved and authorized the City Manager or designee to accept the FY 2019/20 and FY 2020/21 Paratransit Discretionary Grant award in the amount of \$297,000, and to execute a contract with Alameda CTC for the Ride-On Tri-City! Mobility Management Program and Travel Training Program.

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

3. CEREMONIAL ITEMS – None.

4. PUBLIC COMMUNICATIONS

A. Oral and Written Communications

Rodney Nakamura shared concerns with the abundance of littering occurring on Morrison Canyon Road. John Hinds shared concerns regarding the updated roadway & bicycle lane markings on Rancho Arroyo Parkway. Salim Mastan provided suggestions for a new homeless shelter.

5. SCHEDULED ITEMS

A. Mayor Mei opened consideration of a Public Hearing (Published Notice) to Consider the Development Impact Fee Annual Report for Fiscal Year 2018/19 and an Increase in Development Impact Fees in an Amount of 2.52%

*This item was added to the Consent Calendar.

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

1. Accepted the Development Impact Fee Annual Report for Fiscal Year 2018/19.
2. Held a public hearing 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).
4. Adopted Resolution No. 2019-74 approving a 2.52% increase in development impact fees for the City's capital facilities, fire facilities, park facilities, parkland, and traffic programs to reflect construction cost changes in 2019, effective July 1, 2020.

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

B. Mayor Mei opened consideration of a Public Hearing (Published Notice) To Consider Amending the Warm Springs/South Fremont Community Plan to Change the Plan Area Designation from Planning Area 10 to Planning Area 8 and a Rezoning from Warm Springs Innovation Area 10 (WSI-10) District to Warm Springs Innovation Area 8 (WSI-8) District for a ±5.2-acre property to Allow the Reuse of an Existing 88,000 Square-Foot Office Building for an Outpatient Clinic in the Warm Springs/South Fremont Community Plan, and a Finding that No Further Environmental Review is Required Pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15183 as the Project is Consistent With the Density and Intensity Established by the Warm Springs/South Fremont Community Plan for Which a Final Environmental Impact Report (SCH#2013032062) was Previously Prepared and Certified. (45388 Warm Springs Boulevard Rezoning - PLN2020-00039)

*This item was added to the Consent Calendar.

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

1. Held public hearing; and
2. Found that no further environmental review is required pursuant to CEQA Guidelines Section 15183 as the project is consistent with the development intensity established by the WS/SF Community Plan for which an FEIR (SCH#2013032062) was previously prepared and certified, and all feasible mitigation measures from the Mitigation Monitoring and Reporting program will be required as a condition of approval.
3. Adopted Resolution No. 2019-75 amending the WS/SF Community Plan to change the plan area designation from Planning Area 10 to Planning Area 8, as shown on Exhibit "A," based on the project's conformance to the findings prescribed by Fremont Municipal Code (FMC) Section 18.225.050;
4. Introduced an ordinance Rezoning the subject parcel from WSI-10 (Warm Springs Innovation Area 10) to WSI-8 (Warm Springs Innovation Area 8), as shown on Exhibit "B," based on the project's conformance to the findings prescribed by FMC Section 18.225.050.

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

C. 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-84-14 and Tentative Parcel Map No. 8389 to Increase the Total Number of Single-Family Residential Lots in the Planned District from 214 to 217 by Subdividing an Existing 7.76-acre Parcel Located at 45089 Cougar Circle into Four Separate Lots in the Mission San Jose Community Plan Area, and to Consider an Exemption from the Requirements of the California Environmental Quality Act (CEQA) Pursuant to CEQA Guidelines Section 15270 in that the Project is Being Recommended for Denial (CONTINUED FROM THE OCTOBER 15, 2019 CITY COUNCIL MEETING) (Hundal Subdivision Appeal – 45089 Cougar Circle - PLN2018-00069)

Associate Planner James Willis gave a presentation. Staff responded to questions from Councilmembers. The appellant's representative, Roger Shanks of Roger Shanks Consulting, also gave a presentation. This was followed by another question and answer period. Mayor Mei opened the public hearing. Judy Zlatnik, Gus Morrison, George Lim, Steve Ichikawa, Praveen Bhatia, Sanjay Radia, Karen Ichikawa (read a letter from her daughter), Stephen Joyce, Byron Cooper, Edward Law, Jannet Benz, Alice Cavette, Chris Cavette, Jayendra P. Patel, and Ranjit Advani (provided hand-out) spoke in support of denial. Dr. Japra spoke in support of the subdivision. There being no additional speakers, Mayor Mei closed the public hearing. The appellant's representative provided rebuttal. Councilmembers asked questions and provided comment.

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

1. Held public hearing.
2. Found that the project is exempt from CEQA pursuant to CEQA Guidelines Section 15270, which exempts projects that will be rejected or disapproved.
3. Denied the appeal.
4. Upheld the Planning Commission's decision to deny the application to amend Precise Planned District P-84-14, based on findings specified in FMC Sections 18.110.070 and 18.225.050 contained within Informational #2 and made by the Planning Commission at the June 18, 2019 hearing.
5. Upheld the Planning Commission's decision to deny the application for a Tentative Parcel Map as shown in Exhibit "A" based on findings specified in FMC Section 17.20.200 contained within Informational #2 and made by the Planning Commission at the June 18, 2019 hearing.

Ayes: Mayor Mei, Vice Mayor Jones, Councilmembers: Bacon, Salwan, Keng, Kassan, and Shao

Noes: None

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: National League of Cities- Leading Together: 2020 Cities Agenda- Adopt a Resolution in Support of the National League of Cities Leading Together Agenda for the 2020 U.S. Presidential Election

On a motion by Councilmember Bacon, seconded by Vice Mayor Jones, the City Council adopted Resolution No. 2019-76 in support of the National League of Cities Leading Together Agenda for the 2020 U.S. Presidential Election.

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

2. Mayor Mei opened consideration of Mayor Mei Referral: Appointments to Advisory Body

Appointments:

<u>Advisory Body</u>	<u>Appointee</u>	<u>Term Expires</u>
Mobility Commission (Pedestrian Representative 1)	Erin Vaca	12/31/2021
Mobility Commission (Pedestrian Representative 2)	Flavio Poehlmann	12/31/2023
Mobility Commission (Bicycling Representative 1)	Ken Wu	12/31/2021
Mobility Commission (Bicycling Representative 2)	Melissa Avery	12/31/2023
Mobility Commission (Transit Representative 1)	Nisar Ahmed	12/31/2021
Mobility Commission (Transit Representative 2)	Stephen Tu	12/31/2023
Mobility Commission (Driving Representative 1)	Julie Huang	12/31/2021
Mobility Commission (Driving Representative 2)	Mark Spencer	12/31/2023

*Consent Items

Mobility Commission
(*Mobility Impairments Representative*)

VACANT – TBD 12/31/2023

On a motion by Vice Mayor Jones, seconded by Councilmember Salwan, the City Council approved appointments.

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

B. Oral Reports on Meetings and Events – None.

9. ADJOURNMENT: There being no further business, Mayor Mei adjourned the meeting at 8:55 p.m.

Attest:

Approved:

Susan Gauthier, City Clerk

LILY MEI, Mayor