

**MINUTES
FREMONT CITY COUNCIL MEETING
JANUARY 15, 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 Keng 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**

City Manager Danaj shared information regarding items of Council/community interest. 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 Jones, seconded by Councilmember Bacon, 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 approval to reject all bids for the Warm Springs Community Park Arbor Project and direct staff to revise the project scope (PWC8833)**

On a motion by Councilmember Jones, seconded by Councilmember Bacon, the City Council rejected all bids received on December 12, 2018, for the Warm Springs Community Park Arbor Project, City Project No. 8833 (PWC), and directed staff to make necessary revisions to the scope of work and contract documents, and re-bid the project as a demolition and renovation project.

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

*** D. Mayor Mei opened consideration of Approval of Plans and Specifications and Award of Contract to Chrisp Company in the Amount of \$835,448.10 for the Bicycle Master Plan - Year 1 Bikeway Improvements Project (PWC 8874); Find Project Exempt from Environmental Review per CEQA Guideline Section 15301 (Existing Facilities)**

On a motion by Councilmember Jones, seconded by Councilmember Bacon, the City Council approved the following actions related to the Bicycle Master Plan Year 1 Bikeway Improvements Project (PWC 8874):

1. Found that this project is categorically exempt from review under 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. Accepted the bid and awarded the construction contract to the lowest responsive and responsible bidder, Chrisp Company, in the amount of \$835,448.10 and authorized the City Manager or designee to execute the contract.

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 Final Map, Agreement for Construction of Private Street Improvements, and Dedication of Public Easements for Tract 8403, located at 44960 Warm Springs Boulevard (Metro Crossing)**

On a motion by Councilmember Jones, seconded by Councilmember Bacon, the City Council adopted Resolution No. 2019-01 to:

1. Approving the Final Map and the Improvement Plans for Tract 8403.
2. Approving the Agreement for Private Improvements entitled "Private Improvement Agreement, Tract 8403", with the developer, Toll CA XX, LP, and authorize the City Manager to execute the agreement on behalf of the City.
3. Accepting 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 Salwan,
Councilmembers: Bacon, Keng, Jones,
Kassan, and Shao
Noes: None
Absent: None
Abstain: None

3. CEREMONIAL ITEMS

A. Proclamation: “A National Day of Racial Healing,” January 22, 2019

4. PUBLIC COMMUNICATIONS

A. Oral and Written Communications

Theresa DeAnda shared a variety of concerns. Ken Steadman spoke regarding a homeless encampment on property he owns and shared information regarding his interaction with the Code Enforcement Division. Cullen Tiernan expressed his views regarding the culture of the local Democratic Party.

5. SCHEDULED ITEMS

A. Mayor Mei opened consideration of a Public Hearing (Published Notice) to Consider the Planning Commission's Recommendation to Approve a Rezoning of a 1.19-acre site from R-1-6 (Single-Family Residential) to Preliminary and Precise Planned District P-2018-292, Vesting Tentative Tract Map No. 8477, and a Private Street to Allow Development of Eight Small-Lot Single-Family Homes and Related Improvements Including the Extension of the Blacow Road Frontage in the Irvington Community Plan Area, and Adopt a Mitigated Negative Declaration Prepared and Circulated for the Project in Accordance with the Requirements of the California Environmental Quality Act (CEQA). (Oliveira Farm Cottages – 39392 Blacow Road – PLN2018-00292)

Associate Planner James Willis gave a presentation. Staff responded to questions from Councilmembers. The applicants, Doyle Heaton and Ed Novak representing DRG Builders and Homayun Karim with Meridian Associates, gave a verbal presentation. The applicants responded to question from Councilmembers. Mayor Mei opened the public hearing. Chris Cavette expressed concerns with house and lot size. Andreas Kadavanich shared concerns with rezoning and the width of the sidewalks. There were no additional speakers. Mayor Mei closed the public hearing. The applicant provided a rebuttal & comment. This was followed by another question and answer period. Councilmembers provided comment.

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

1. Held public hearing; and
2. Found that the Mitigated Negative Declaration as shown in Exhibit “A” to the staff report, was prepared in accordance with the requirements of CEQA, that 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. Introduced an ordinance approving a Rezoning of the subject parcel from R-1-6 (Single-Family Residential) to Preliminary and Precise Planned District P-2018-292 as shown on Exhibit “B” to the staff report, based on the findings set forth in Exhibit “D” to the staff report;
 4. Approved Preliminary and Precise Planned District P-2018-292 as shown in Exhibits “B” and “C” to the staff report, and the accompanying land use and development provisions set forth in Exhibit “E” to the staff report, based on the findings and subject to the conditions of approval set forth in Exhibit “D” to the staff report; and
 5. Approved Vesting Tentative Tract Map No. 8477 and the accompanying Private Street entitlement as shown in Exhibit “C” to the staff report, based upon the findings and subject to the conditions of approval set forth in Exhibit “D” to the staff report, including an amendment to include sidewalks in front of the properties; and
 6. Approved the proposed removal and mitigation of fourteen protected trees, pursuant to the Tree Preservation Ordinance based on the findings and subject to the conditions of approval in Exhibit “D” to the staff report; and
 7. Directed staff to prepare and the City Clerk to publish a summary of the ordinance.

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

B. 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. (Continued from the December 18, 2018 City Council Meeting) (Palmia at Mission Falls Condominium Map Appeal – 47201 Mission Falls Court – PLN2018-00222)

Associate Planner James Willis provided a presentation. Staff responded to questions from Councilmembers. The appellants, represented by Cory Kusich, Steve Schott, and Jim Sullivan with SCS Development Company, also gave a presentation. The appellants responded to questions from Councilmembers. Mayor Mei opened the public hearing. Chris Cavette asked Council to deny the appeal. There were no additional speakers. Mayor Mei closed the public hearing. The appellants were given an opportunity for rebuttal. This was followed by another question and answer period. Councilmembers provided comment.

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

1. Held public hearing.
2. Found that the project is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(4), 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-2017-297, based on findings specified in FMC Sections 18.110.070 and 18.225.050.
5. Upheld the Planning Commission's decision to deny the application for a Tentative Parcel Map for Condominium Purposes based on findings specified in FMC Section 17.20.200.

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

6. REPORT FROM CITY ATTORNEY – None.

7. OTHER BUSINESS

A. Mayor Mei opened consideration of an Ordinance to Establish a Local Minimum Wage.

Finance Director David Persselin gave a presentation. Mr. Persselin responded to questions from Councilmembers. Mayor Mei opened the public comment period. Matt Senekeremian, Theresa DeAnda, Kelsey Presnall, Cullen Tiernan, and Jose Oropeza spoke in favor of the increase. Annie Koruga opposed paying young people a lower wage than those twenty-five and older. Benjie Craig, Jesse Schaa, and Kathy Kimberlin shared a number of concerns. There were no additional speakers. Mayor Mei closed the public comment period. This was followed by another question and answer period with Councilmembers and staff.

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

1. Found that the proposed ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to CEQA Guideline Section 15061(b)(3) because the proposed ordinance does not have the potential for causing a significant effect on the environment.
2. Waived full reading and introduced ordinance replacing Fremont Municipal Code Title 5, Chapter 5.30 "Minimum Wage" as shown in Exhibit B-1, with an employee exemption only for non-profits, and to change the age from twenty-five to twenty-one.

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

8. COUNCIL COMMUNICATIONS

A. Council Referrals – None.

B. Oral Reports on Meetings and Events – None.

9. ADJOURNMENT: There being no further business, Mayor Mei adjourned the meeting at 10:25 p.m.

Attest:

Approved:

Susan Gauthier, City Clerk

LILY MEI, Mayor