

**MINUTES
FREMONT CITY COUNCIL MEETING
APRIL 19, 2016
FREMONT CITY HALL
7:00 P.M.**

1. PRELIMINARY

- A. Call to Order:** Mayor Harrison called the meeting to order.
- B. Flag Salute:** Mayor Harrison led the salute to the flag.
- C. Roll Call:** Present: Mayor Harrison, Vice Mayor Mei, Councilmembers: Chan, Bacon, and Jones.
- D. Announcements by Mayor/City Manager**

2. CONSENT CALENDAR

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

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

Ayes: Mayor Harrison, Vice Mayor Mei,
Councilmembers: Chan, Bacon, and Jones.
Noes: None
Absent: None
Abstain: None

- * **B. Approval of Minutes – None**
- * **C. Mayor Harrison opened consideration of Adoption of a Resolution Ordering the Preparation and Filing of the Annual Engineer's Report for Landscaping Assessment District 88 and Adoption of a Resolution Stating the City Council's Intention to Levy Assessments for Landscape Assessment District 88 for Fiscal Year 2016/2017**

On a motion by Councilmember Chan, seconded by Vice Mayor Mei, the City Council:

1. Adopted Resolution No. 2016-14 ordering the preparation and filing of the annual Engineer's Report for Landscaping Assessment District 88 for Fiscal Year 2016/17.
2. Adopted Resolution No. 2016-15 stating the intent of the City Council of the City of Fremont to levy and collect assessments for Fremont Landscaping Assessment District 88 for Fiscal Year 2016/17.

Ayes: Mayor Harrison, Vice Mayor Mei,
Councilmembers: Chan, Bacon, and Jones.
Noes: None
Absent: None
Abstain: None

- * **D. Mayor Harrison opened consideration of Approval of an Update of Solid Waste Ordinance (Chapter 8.40) to allow for collection in designated mixed use high density developments prior to 6:00 am, update yardwaste references to include other types of compostable organic waste and update obsolete terms and references**

On a motion by Councilmember Chan, seconded by Vice Mayor Mei, the City Council introduced an ordinance amending Title IV Chapter 2, Solid Waste, Recyclables and Organics Management, Articles 1, 2, and 3 to incorporate the changes describes in this staff report.

Ayes: Mayor Harrison, Vice Mayor Mei,
Councilmembers: Chan, Bacon, and Jones.
Noes: None
Absent: None
Abstain: None

- * **E. Mayor Harrison opened consideration of Approval of First Amendment to First Responder Advanced Life Support Services Agreement between the City of Fremont and the County of Alameda.**

On a motion by Councilmember Chan, seconded by Vice Mayor Mei, the City Council Authorized the City Manager, or his designee, to execute the First Amendment to the First Responder Advanced Life Support Services Agreement between the City of Fremont and County of Alameda.

Ayes: Mayor Harrison, Vice Mayor Mei,
Councilmembers: Chan, Bacon, and Jones.
Noes: None
Absent: None
Abstain: None

3. CEREMONIAL ITEMS - None

4. PUBLIC COMMUNICATIONS

A. Oral and Written Communications

Linda Susoev expressed a variety of concerns.

5. SCHEDULED ITEMS

- A. Mayor Harrison opened consideration of a Public Hearing (Published Notice) to Consider the Planning Commission's Recommendation to Approve an Update to the City's Density Bonus Ordinance for Compliance with Recent Revisions in State Law, and to Consider an Exemption to the Requirements of the California Environmental Quality Act (CEQA) Pursuant to CEQA Guidelines Section 15061(b)(3) in that the Proposed Update is not an Activity that Would Have the Potential to Cause a Significant Effect on the Environment.**

Mayor Harrison opened the public hearing. There were no speakers. Mayor Harrison closed the public hearing. Staff responded to questions from Councilmembers. Councilmembers provided comment.

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

1. Held a public hearing.
2. Found that the proposed Zoning Text Amendment is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) because the proposed amendment does not have the potential for causing a significant effect on the environment.
3. Found that the proposed Zoning Text Amendment is consistent with the General Plan, including policies in the Land Use and Housing Elements as enumerated in the staff report.
4. Found that the proposed Zoning Text Amendment furthers the public interest, convenience, and general welfare of the City because it would ensure that Chapter 18.165 is in compliance with state density bonus law and that the City is meeting its legal requirements.
5. Introduced an ordinance amending Fremont Municipal Code Chapter 18.165 (Density Bonus and Affordable Housing Incentives) as shown in Exhibit "A."

Ayes: Mayor Harrison, Vice Mayor Mei,
Councilmembers: Chan and Jones.
Noes: Councilmember Bacon
Absent: None
Abstain: None

- B. Mayor Harrison opened consideration of a Public Hearing (Published Notice) on the Use of Federal Community Development Block Grant Funds for FY 2016/17 and FY 2017/18, Adoption of a Resolution Approving the FY 2016/17 CDBG Program Final Statement of Community Development Objectives and the FY 2016/17 Action Plan; and Authorizing the City Manager to Execute Agreements with the U.S. Department of Housing and Urban Development and CDBG Grantees**

*This item was added to the Consent Calendar.

On a motion by Councilmember Chan, seconded by Vice Mayor Mei, the City Council:

1. Found that the following projects are exempt from review under the California Environmental Quality Act (CEQA) as the repair, maintenance or minor alteration of

existing facilities involving negligible or no expansion of use pursuant to CEQA Guidelines Section 15301, and as replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site and have substantially the same purpose and capacity as the replaced structure pursuant to CEQA Guidelines Section 15302:

- Alameda County Community Development Agency – Housing Rehabilitation Program
 - Habitat for Humanity Minor Home Repair Program
 - Pickering Place Apartments – Pickering Place Rehabilitation Phase II3.
2. Held a public hearing on the proposed FY 2016/17 CDBG Program Final Statement of Community Development Objectives and Projected Use of Funds.
 3. Allocated CDBG funds for FY 2016/17 and FY 2017/18 in the amounts stated herein, contingent upon the respective adoption of the FY 2016/17 and FY 2017/18 budgets by the City Council.
 4. Adopted Resolution No. 2016-16:
 - a. Approving, and authorizing the City Manager or his designee to submit, the FY 2016/17 CDBG Program Final Statement of Community Development Objectives and Projected Use of Funds, and the CDBG Action Plan as recommended by the Citizens Advisory Committee and staff in the amounts stated herein; and
 - b. Authorizing the City Manager or his designee to execute a FY 2016/17 CDBG funding agreement with HUD; and
 - c. Authorizing the City Manager or his designee to execute agreements effective July 1, 2016, with the grantees recommended for funding by staff and the Citizens Advisory Committee in the amounts set forth herein, contingent upon a finding of no significant impact in the corresponding environmental assessments and completion of the required public comment period as amended by HUD, and contingent upon adoption of the budget for FY 2016/17 and, if applicable, FY 2017/18; and
 - d. Authorizing the City Manager or designee to increase the CDBG funding for the approved public service projects to the extent that additional program income is received and increases the cap amount for public service projects.

Ayes: Mayor Harrison, Vice Mayor Mei,
Councilmembers: Chan, Bacon, and Jones.
Noes: None
Absent: None
Abstain: None

6. REPORT FROM CITY ATTORNEY – None.

7. OTHER BUSINESS

- A. Mayor Harrison opened Consideration of Adoption of a Resolution of Necessity Authorizing Filing of Eminent Domain Action to Acquire a Property Located at 39156-39200 State Street for the New Civic Center Project as a Component of the Downtown**

Community Plan (PWC8520) and Determination that No Further Environmental Review is Required Pursuant to Section 15168(c)(2) of the California Environmental Quality Act (CEQA) Guidelines as the Project Would Not Result in New or Substantially More Severe Significant Environmental Effects than what was Analyzed in the General Plan EIR (State Clearinghouse No. 2010082060) and the Downtown Community Plan (DCP) Supplemental EIR (State Clearinghouse No. 2010072001)

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

1. Found that no further environmental review is required pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15168(c)(2) as the Project would not result in new or substantially more severe significant environmental effects than what was analyzed in the General Plan EIR and Downtown Community Plan Supplemental EIR which were previously prepared and certified, as analyzed in the Environmental Compliance Checklist shown in Exhibit "A," and found that this action reflects the independent judgment of the City.
2. By at least a four-fifths vote, adopted Resolution No. 2016-17, a Resolution of Necessity, as shown in Exhibit "B", finding that the public interest and necessity require the Project, that the Project is planned and located in a manner that will be most compatible with the greatest public good and the least private injury, that the Subject Parcel sought to be acquired is necessary for the Project, and that the offer required by Section 7267.2 of the Government Code has been made to the owners of record, and authorized the commencement of an eminent domain proceeding.

Ayes: Mayor Harrison, Vice Mayor Mei,
Councilmembers: Chan, Bacon, and Jones.
Noes: None
Absent: None
Abstain: None

B. Mayor Harrison opened Consideration of Approval of Final Relocation Plan for Eligible Businesses at 39156-39200 State Street, Related to Property Acquisition for the New Civic Center Project.

On a motion by Vice Mayor Mei, seconded by Councilmember Bacon, the City Council Approved the Final Relocation Plan for the relocation of businesses displaced by the acquisition of property located at 39156-39200 State Street related to the New Civic Center Project.

Ayes: Mayor Harrison, Vice Mayor Mei,
Councilmembers: Chan, Bacon, and Jones.
Noes: None
Absent: None
Abstain: None

8. COUNCIL COMMUNICATIONS

A. Council Referrals

- 1. Mayor Harrison opened consideration of Vice Mayor Mei's request to support the School Construction Bond Measure on the November 2016 State Ballot.**

The City Council considered supporting the State Ballot Measure on School Bonds. Staff responded to questions from Councilmember. Councilmembers provided comment. Approved with the understanding that staff can bring the item back to Council if there is a problem with the wording for the ballot.

Ayes: Mayor Harrison, Vice Mayor Mei,
Councilmembers: Chan and Jones.
Noes: Councilmember Bacon
Absent: None
Abstain: None

B. Oral Reports on Meetings and Events – None.

- 9. ADJOURNMENT:** There being no further business, Mayor Harrison adjourned the meeting at 7:30 p.m.

Attest:

Approved:

Susan Gauthier, City Clerk

BILL HARRISON, Mayor