

**MINUTES
FREMONT CITY COUNCIL MEETING
MARCH 2, 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 7:00 p.m.
- B. Flag Salute:** Councilmember Shao led the salute to the flag.
- C. Roll Call:** Present: Mayor Mei, Vice Mayor Kassan, Councilmembers: Keng, Jones, Shao, 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 Jones, seconded by Councilmember Salwan, 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. Mayor Mei opened consideration of Approval of Minutes**

On a motion by Councilmember Jones, seconded by Councilmember Salwan, the City Council approved minutes for the Regular Meeting of December 15, 2020, the Special and Regular Meetings of January 12, 2021, the Special and Regular Meetings of January 19, 2021, the Regular Meeting of February 2, 2021, and the Special Meeting of February 9, 2021

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

* **C. Mayor Mei opened consideration to Authorize the City Manager, or Designee, to Execute a Three-Year Agreement with Peregrine Technologies in the Amount of \$448,500 Payable in Three Annual Payments of \$149,500 and Appropriate First Year Funding (Real Time Data Visualization Platform)**

This item was removed from the Consent Calendar.

Mayor Mei opened the public comment period. Kelly Abreu, Suresh, and Blaire Beekman shared a variety of concerns. There being no additional speakers, Mayor Mei closed the public comment period.

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

1. Authorized the City Manager, or designee, to execute a three-year agreement with Peregrine Technologies in the amount of \$448,500, payable in three annual payments of \$149,500, with an option to extend two additional years at the same annual cost for a total potential contract amount of \$747,500.
2. Appropriated \$149,500 for this agreement in the Miscellaneous State Grants Fund (Fund 192) from the 25th Assembly District Board of State and Community Corrections Grant.

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

Noes: None

Absent: None

Abstain: None

* **D. Mayor Mei opened consideration of Approval of Agreement with Toll West Coast, LLC for Pavement Repair on Grimmer Boulevard between Fremont Boulevard and Old Warm Springs Boulevard, in an amount Not to Exceed \$350,000 (Grimmer Boulevard Pavement Repair)**

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

1. Found this project was exempt from 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. Authorized the City Manager, or his designee, to execute an Agreement, with the developer, Toll West Coast, LLC. for an amount not to exceed \$350,000.

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

Noes: None

Absent: None

Abstain: None

- * E. **Mayor Mei opened consideration of Public Hearing (Published Notice) to Consider an Amendment of a Discretionary Design Review Permit to Allow Development of a Six-Story Mixed-Use Building With 240 Market Rate Apartment Units, a Six-Story Parking Garage and 6,300 Square-Foot of Ground-Floor Commercial Space, and to Consider an Exemption from the Requirements of the California Environmental Quality Act (CEQA) Pursuant to CEQA Guidelines Section 15332, Infill Development Projects, and a Finding that no Further Environmental Review is Required Pursuant to CEQA Guidelines Section 15183, as the Project is Consistent with the Density Established by the Downtown Community Plan for which a Final Supplemental Environmental Impact Report (SCH#2010072001) was Previously Prepared and Certified , and pursuant to CEQA Guidelines Sections 15162 and 15163, as none of the circumstances requiring the preparation of a subsequent or supplemental EIR have occurred. (Fremont and Capitol Mixed-Use - 39176 Fremont Boulevard - PLN2021-00179)**

This item was removed from the Consent Calendar.

Mayor Mei opened the public comment period. Lisa Danz, Alice Cavette, Kelly Abreu, and Blaire Beekman shared comments and concerns. There being no additional speakers, Mayor Mei closed the public comment period. Senior Planner David Wage responded to questions from Councilmembers. Councilmember provided comment.

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

1. Held a public hearing.
2. Found that the Project was exempt from the California Environmental Quality Act (CEQA), without limitation, under CEQA Guidelines Section 15332, In-Fill Development Projects, for reasons enumerated in the staff report above and also as a separate and independent basis that no further environmental review is required pursuant to CEQA Guidelines Section 15183 as the Project is consistent with the development density and intensity established by the Downtown Community Plan for which an FEIR (SCH#2010082260) was previously prepared and certified (the “FEIR”), and Section 15162 (no substantial changes are proposed in the Project, no substantial changes have occurred with respect to the circumstance under which the Project was undertaken and no new information of substantial importance has been identified).
3. Approved the Amendment to the Discretionary Design Review Permit, as depicted on Enclosure Exhibit “B,” based upon findings and subject to conditions of approval as shown in Exhibit “C.”

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

3. CEREMONIAL ITEMS – None.

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.

John Hinds and Blaire Beekman shared a variety of concerns.

5. SCHEDULED ITEMS

A. **Mayor Mei opened consideration to Consider the Art Review Board and Recreation Commission's Recommended Public Artwork for the Downtown Event Center and Plaza and Authorize the City Manager or His Designee to Execute the Art Contract for an Amount Not to Exceed \$172,000, and Find That No Further Environmental Review Is Required Pursuant to Sections 15183, 15162 and 15168 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 Environmental Impact Report (EIR) (State Clearinghouse No. 2010082060) and the Downtown Community Plan (DCP) Supplemental EIR (State Clearinghouse No. 2010072001), Which Adequately Addressed the Potential Impacts of the Proposed Project. (Public Art for Downtown Event Center and Plaza)**

*This item was added to the Consent Calendar.

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

1. Found that no further environmental review is required, without limitation, pursuant to Sections 15183, 15162 and 15168, each as a separate and independent basis, 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 Environmental Impact Report (EIR) (State Clearinghouse No. 2010082060) and the Downtown Community Plan (DCP) Supplemental EIR (State Clearinghouse No. 2010072001), which adequately addressed the potential impacts of the Downtown Event Center and Plaza and the associated public artwork..
2. Approved the first-choice artist, Shan Shan Sheng, and the second-choice artist, Barrett Miesfeld with Aranda/Lasch, for the public art piece at the Downtown Event Center and Plaza.
3. Authorized the City Manager or his designee to execute an art contract to the first-choice artist, Shan Shan Sheng, for a contract amount not to exceed \$172,000.
4. Should the City be unsuccessful in negotiating a contract with the first-choice artist, authorize the City Manager or his designee to execute an art contract to the second-choice artist, Barrett Miesfeld with Aranda/Lasch, for a contract amount not to exceed \$172,000.

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

B. Mayor Mei opened consideration of Approval of the Development Impact Annual and Five-Year Report for Period Ending June 30, 2020 with Statutory Findings

*This item was added to the Consent Calendar.

On a motion by Councilmember Jones, seconded by Councilmember Salwan, the City Council Direct staff to either:

1. Approved the Development Impact Fee Annual and Five-Year Report for Period Ending June 30, 2020.
2. Adopted Resolution No. 2021-06 to make findings required by the Mitigation Fee Act.

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

6. REPORT FROM CITY ATTORNEY – None.

7. OTHER BUSINESS

A. Mayor Mei opened consideration to Receive Presentation and Provide Input to Staff on the Preparation of an Update to City’s Development Impact Fee Program Addressing Capital Investments for Parks, Transportation, and Civic Facilities (Development Impact Fee Update)

Assistant City Manager Karena Shackelford, Public Works Director Hans Larsen and Community Development Director Dan Schoenholz gave a presentation.

Mayor Mei opened the public comment period. The following persons commented on the presentation: Dennis Martin (BIA Bay Area) and Kelly Abreu. There being no additional speakers, Mayor Mei closed the public comment period. The Councilmembers received the update to City’s Development Impact Fee program and provided feedback to staff on the policy questions presented.

8. COUNCIL COMMUNICATIONS

A. COUNCIL REFERRALS

1. Mayor Mei opened consideration of Mayor Mei Referral: Appointment to Advisory Bodies

Appointments:

<i>Advisory Body</i>	<i>Appointee</i>	<i>Term Expires</i>
Citizens Advisory Committee (CDBG)	William Bain	12/31/2024
Citizens Advisory Committee (CDBG)	Bowen Hou	12/31/2024
Human Relations Commission	Dyesha Gardner	12/31/2021
Youth Advisory Commission	Aunyah Campbell	12/31/2021
Youth Advisory Commission	Vedika Jawa	12/31/2021
Youth Advisory Commission	Isabella He	12/31/2022
Youth Advisory Commission	Justin Ho	12/31/2022
Youth Advisory Commission	Kyle Leung	12/31/2022

On a motion by Councilmember Cox, seconded by Councilmember Shao, the City Council approved the appointments.

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

A. Oral Reports on Meetings and Events – None.

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

Attest:

Approved:

Susan Gauthier, City Clerk

LILY MEI, Mayor

*Consent Items