

**MINUTES
FREMONT CITY COUNCIL MEETING
MARCH 9, 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 7:01 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 Salwan, seconded by Councilmember Jones, 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. Approval of Minutes – None.**
- * **C. Mayor Mei opened consideration of Acceptance of the January 2021 New City Council Retreat Report and Identified Council Priorities**

On a motion by Councilmember Salwan, seconded by Councilmember Jones, the City Council accepted the January 2021 City Council Retreat Report.

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

*Consent Items

*** D. Mayor Mei opened consideration of Consideration of an Amendment to the Employment Agreement between City Manager Mark Danaj and the City of Fremont (Third Amendment)**

On a motion by Councilmember Salwan, seconded by Councilmember Jones, the City Council adopted Resolution No. 2021-07 and authorized the Mayor to execute an amendment to the City Manager’s employment agreement which authorizes a five-year term (commencing upon execution of the amended contract).

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

Blaire Beekman, Mahesh, and Sushil Shukla shared a variety of comments and concerns. There being no additional speakers, Mayor Mei closed the public comment period.

5. SCHEDULED ITEMS

A. Mayor Mei opened consideration of a Public Hearing (Published Notice) to consider a first party appeal of the Planning Commission's failure to take action on a General Plan Amendment to change the land use designation of a 6.08-acre site from Service Industrial (Special Study Area) to Low-Medium Density Residential (8.8 to 14.5 units per net acre), a Rezoning from Service Industrial with Historical Overlay District (IS)(HOD) to Medium Density Residential (R-3-14) (HOD), Vesting Tentative Tract Map No. 8205, and a Private Street to facilitate development of 75 attached residential units in the Niles Community Plan Area, and to consider an Environmental Impact Report (SCH# 2018012041) that has been prepared and circulated pursuant to the requirements of the California Environmental Quality Act (CEQA). (Niles Gateway Appeal – 37899 Niles Boulevard – PLN2014-00338)

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.

Planning Manager Joel Pullen and Senior Planner David Wage gave a presentation. Staff responded to questions from Councilmembers. The applicant, Doug Rich, gave a verbal presentation. Mayor Mei opened the public hearing. The following persons commented on the project: Robert Daulton, Marie Hughes, Bruce Cates, John Weed, Daniel, Kelly, Julie Cain, Lorna Jaynes, Blaire Beekman, John Hinds, and Deni Caster. There being no additional

speakers, Mayor Mei closed the public hearing. The applicant provided a rebuttal & comment. Councilmembers provided comment.

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

1. Held a public hearing; and
2. Certified the Final Environmental Impact Report, adopted Resolution No. 2021-08, adopting Findings of Fact, Mitigation Measures and Mitigation Monitoring and Reporting Program as provided in Exhibit “A,” and find this action reflects the independent judgment of the City of Fremont.
3. Found and recommended, as written herein, that the City Council find that the proposed General Plan Amendment is consistent with the General Plan and furthers the public interest, convenience, and general welfare of the City.
4. Found that the project was in conformance with the relevant provisions contained in the City's General Plan. These provisions include the designations, goals, objectives and policies set forth in the General Plan's Land Use, Community Plans and Housing Element Chapters of the General Plan, as enumerated within the staff report.
5. Adopted Resolution No. 2021-09 approving a General Plan Amendment to change the land use designation from Service Industrial (Special Study Area) to Low-Medium Density Residential (8.8-14.5 units per acre) as depicted in Exhibit “B” (General Plan Amendment Exhibit).
6. Introduced an ordinance approving Rezoning of the entire site from Service Industrial with Historical Overlay District (IS)(HOD) to R-3-14 (Multifamily Residential), as shown on Exhibit “C,” based on the project’s conformance to the findings prescribed by FMC Section 18.225.050;
7. Approved Discretionary Design Review Permit PLN2014-00338, as shown on Exhibit “D” based on findings specified in FMC Section 18.235.060 and subject to conditions of approval provided in Exhibit “F;”
8. Found that the proposed subdivision and private streets of Vesting Tentative Tract Map No. 8205 as shown in Exhibit “E” are consistent with the goals, policies and implementation actions of the City of Fremont’s General Plan. Government Code Section 66474 and FMC Section 17.20.200 provide that a tentative map application must be denied if certain specified findings are made. None of those findings can be made in this instance as set forth in this report and Exhibit “F.”
9. Approved Vesting Tentative Tract Map No. 8205 and accompanying Private Street as shown on Exhibit “E” (VTTM No. 8205 and Private Street) based upon findings and conditions of approval set forth in Exhibit “F,” included in the motion to approve and will be included as conditions of project approval:
 - The developer volunteered to contribute \$300,000 to the City’s Safe Parking Program.
 - The developer volunteered to work with the neighborhood and the City to install a speed lump on 2nd Street.
10. Approved the proposed removal and mitigation for 47 on-site trees pursuant to the City’s Tree Preservation Ordinance.
11. Directed staff to prepare and publish a summary of the ordinance.

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

6. REPORT FROM CITY ATTORNEY – None.

7. OTHER BUSINESS

A. Mayor Mei opened consideration to Update on the Status of the FY 2020/21 General Fund Operating Budget and Preliminary Three-Year Forecast; Approve Budget Adjustments (Fiscal Year 2020/21 Mid-Year Budget Report)

Finance Director Dave Persselin gave a presentation. Mr. Persselin responded to questions from Councilmembers. Mayor Mei opened the public comment period. Kelly Abreu, Blaire Beekman, and Lisa Danz shared a variety of comments and concerns. There being no additional speakers, Mayor Mei closed the public comment period. Councilmembers provided comment.

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

1. Increased the General Fund revenue estimate for sales tax by \$5.6 million.
2. Reduced the General Fund revenue estimate for business tax by \$2.5 million and for hotel tax by \$3.1 million.
3. Allocated any federal assistance funding designated to provide continuity of local government services to the General Fund Budget Uncertainty Reserve.

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

B. Mayor Mei opened consideration to Receive Presentation and Provide Input to Staff on the Preparation of the City’s Five-Year Capital Improvement Program (CIP) for Fiscal Years 2021/22 through 2025/26.

Public Works Director Hans Larsen and Community Services Director Suzanne Wolf gave a presentation. Staff responded to questions from Councilmembers. There were no public speakers for this item. The Councilmembers received the presentation on preparation of the five-year Capital Improvement Program and provided input 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 Body

Appointment:

<u>Advisory Body</u>	<u>Appointee</u>	<u>Term Expires</u>
Citizens Advisory Committee (CDBG)	Beny Jain	12/31/2022
Citizens Advisory Committee (CDBG)	Arif Mohamed	12/31/2022
Citizens Advisory Committee (CDBG)	Alyssia Wong	12/31/2022
Citizens Advisory Committee (CDBG)	Preeti V. Kristipati	12/31/2024
Citizens Advisory Committee (CDBG)	Claudia Bess	12/31/2024

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

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

2. Mayor Mei opened consideration of Mayor Mei Referral: Requesting Adoption of a Resolution to Update Council Assignments to Outside Committees, Commissions, and Boards

On a motion by Councilmember Salwan, seconded by Councilmember Jones, the City Council adopted Resolution No. 2021-10 designating Council assignments to outside committees, commissions and boards.

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

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 10:10 p.m.

Attest:

Approved:

Susan Gauthier, City Clerk

LILY MEI, Mayor