

**MINUTES  
FREMONT CITY COUNCIL MEETING  
MARCH 15, 2022  
VIRTUAL MEETING VIA ZOOM  
7:00 P.M.**

**1. PRELIMINARY**

- A. Call to Order:** Vice Mayor Salwan called the meeting to order at 7:05 p.m.
- B. Flag Salute:** Councilmember Cox led the salute to the flag.
- C. Roll Call:** Present: Mayor Mei (arrived at 7:30), Vice Mayor Salwan, Councilmembers: Keng, Jones, Kassan, Shao, and Cox
- D. Announcements by Mayor/City Manager/City Attorney**

Vice Mayor Salwan announced the Boards and Commissions vacancies.

City Attorney Alvarado reported that the Council conducted a conference with labor negotiators pursuant to Government Code for the labor organizations listed on the closed session agenda. The Council took no reportable action.

**2. CONSENT CALENDAR**

- \* **A. Waive Reading of Ordinances – None.**
- \* **B. Approval of Minutes – None.**
- \* **C. Vice Mayor Salwan opened consideration to Authorize the City Manager or Designee to Execute On-Call Pool Preventative Maintenance and Replacement Parts for Aqua Adventure Waterpark Agreement(s) with National Aquatic Services and Skyblue Pool Supply ‘N Service, Inc.**

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

1. Authorized the City Manager or designee to execute a five year on-call maintenance service agreement with National Aquatic Services Inc. in an amount not to exceed \$99,000 annually, and subject to available funding for on-call pool maintenance services at Aqua Adventure Waterpark.
2. Authorized the City Manager or designee to execute a five year on-call maintenance service agreement with Skyblue Pool Supply ‘N Service, Inc. in an amount not to exceed \$99,000 annually, and subject to available funding for on-call pool maintenance services at Aqua Adventure Waterpark.

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

**\* D. Vice Mayor Salwan opened consideration for Authorization to Execute a Public Road Crossing Improvement Agreement with Union Pacific Railroad Related to the Dusterberry Way Section 130 Safety Improvement Project (PWC 8964); Allocate Additional Appropriations; Make Findings of CEQA Exemptions**

On a motion by Councilmember Cox, seconded by Councilmember Jones, the City Council approved the following actions related to the Dusterberry Way Section 130 Safety Improvement Project (PWC 8964):

1. Authorized the City Manager or her designee to execute all agreements with Union Pacific Railroad for the Dusterberry Way Safety Improvement Project (PWC 8964).
2. Found that this project was exempt from California Environmental Quality Act (CEQA) review pursuant to, without limitation 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; Section 15302, as replacement or reconstruction of existing structures and facilities located on the same site and with substantially the same purpose and involving negligible or no expansion of capacity; Section 15303, as new construction or conversion of small structures, including street improvements; Section 15304, as minor alterations to land; and/or Section 15311, as construction or replacement of minor structures accessory to existing facilities including but not limited to on-premise signs. Each of the foregoing provides a separate and independent basis for CEQA compliance.
3. Appropriated \$50,000 in Section 130 funds to the Dusterberry Way Safety Improvement Project (PWC 8964-522).

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

**\* E. Vice Mayor Salwan opened consideration to Approve Plans and Specifications and Award a Construction Contract in the Amount of \$494,007.50, to IBS USA, Inc., for the Babbling Brook and Mammoth Picnic Area Renovations Project (PWC8999 & PWC9029); and Approve the Reallocation of \$59,308 from the Dusterberry Neighborhood Park Project (PWC8581) to Central Park Mammoth Picnic Area (PWC9029) and Find the Project Exempt From Further Environmental Review Pursuant to CEQA Guidelines Section 15302, Replacement or Reconstruction**

See Green Sheet on file.

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

1. Found Babbling Brook and Mammoth Picnic Area Renovations Project exempt from further environmental review pursuant to CEQA Guidelines Section 15302, Replacement or Reconstruction.
2. Reallocated \$59,308 from the Dusterberry Neighborhood Park Project (PWC8581-540) to Central Park Mammoth Picnic Area (PWC9029-540).
3. Approved the Plans and Specifications for the Babbling Brook and Mammoth Picnic Area Renovations Project (PWC8999 and PWC9029).
4. Awarded a Construction Contract of \$449,097.50 to IBS USA Inc., plus a 10% Construction Contingency in the amount of \$44,910, for a total construction contract amount of \$494,007.50.

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

**\* F. Vice Mayor Salwan opened consideration to Authorize the City Manager to Execute an Amendment with KB SON INC., Owner of Days Inn, to Continue Providing Units for the Winter Relief Non-Congregate Shelter Program**

On a motion by Councilmember Cox, seconded by Councilmember Jones, the City Council authorized the City Manager to execute an amendment with KB Son Inc. in an amount not to exceed \$71,000 for a new total agreement not to exceed \$170,000.

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

**\* G. Vice Mayor Salwan opened consideration for Council Direction Regarding Utility Rate Plan for City Operations (Electric Utility Rate Plan)**

This item was removed from the Consent Calendar. Vice Mayor Salwan opened the public comment period. John Hinds commented on the proposed rates. There being no additional speakers, Vice Mayor Salwan closed the public comment period. Mayor Mei joined the meeting during public comment.

On a motion by Councilmember Jones, seconded by Councilmember Cox, the City Council directed staff to enroll all City electricity accounts in EBCE's Renewable 100 rate plan, and

reflect this change in the City’s proposed FY 2022/23 budget and find the action exempt from CEQA, as detailed in staff report.

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

### 3. CEREMONIAL ITEMS

- A. **Proclamation: Proclaiming March 2020 as the 20th Annual March for Meals Month**

### 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.

The following persons shared a variety of concerns: Marie Hughes, Gopalakrishnan Padma, Lisa Danz, Todd P. Langton (Agape Silicon Valley), Meena, and Kelly Abreu.

### 5. SCHEDULED ITEMS

- A. **Mayor Mei opened consideration of the Public Hearing (Published Notice) To Consider the Planning Commission's Recommendation To: 1) Adopt a Resolution Approving a General Plan Amendment To Tech Industrial; 2) Introduce and Ordinance Approving the Rezoning to Preliminary and Precise Planned District P-2021-160; 3) Approve Vesting Tentative Parcel Map No. 11171; and 4) Adopt a Resolution Adopting an Addendum to the Environmental Impact Report and Supplemental (EIR) (SCH No. 2005042146) Previously Prepared Pursuant to the California Environmental Quality Act (CEQA). Approval of the Proposed Project Would Facilitate and Allow Development of a Three-Building Industrial Development Totaling Approximately 397,000 Square Feet on a 22.4 Acre Site Located at 40517 Albrae Street in the Bayside Industrial Community Plan Area. (Albrae Industrial GPA & Rezoning - 40517 Albrae Street - PLN2021-00160)**

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.

Associate Planner Mark Hungerford and Economic Development Manager Donovan Lazaro gave a presentation. City Staff, along with consultants Rebecca Auld (Lamphier-Gregory) and Sam Tabibnia (Fehr and Peers), responded to questions from Councilmembers. Project Manager for the applicant, Mac Carlsen, provided a presentation. Mr. Carlsen and Derek Braun (Strategic Economics) responded to questions from Councilmembers. Mayor Mei opened the public comment period. The following persons commented: Tim Lipscomb (a

retired carpenter, and an industry advisor for Mission Valley ROP), Brian Werner (w/MEPS representing the five local union trades: Electricians, Sheet Metal Workers, Plumbers, Sprinkler Fitters, and Ironworkers), Kelly Abreu, Jacob Klein (organizer for the San Francisco Bay Chapter of the Sierra Club), Martha Kreeger (member of the Sierra Club), William Yragui, Doug Bloch (w/Teamsters Joint Council 7), David Calero (IBEW's Apprenticeship Program graduate), and Mike Bucci (Newark City Councilmember, and also stated he is a Millwright). There were no additional speakers. Mayor Mei closed the public hearing. This was followed by questions and comments from Councilmembers.

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

1. Convened the Public Hearing.
2. Upon conclusion of the public hearing, adopted Resolution No. 2022-08 adopting the Addendum and Revised Mitigation Monitoring Program for the project as shown in Exhibit "A," and find on the basis of the whole record before it that the project is consistent with the previously-certified EIR for site development, project changes reflect a decrease in intensity from the previously analyzed project, and that there is no substantial evidence that the project introduces significant effects on the environment or increases the severity of previously identified impacts, and that this action reflects the independent judgment of the City of Fremont.
3. Found that the General Plan Amendment, as shown in Exhibit "B," conforms with and contains the requirements provided for in the City's planning processes, constitutes a suitable and logical change in the plan for physical development of the City of Fremont, and is in the public interest.
4. Found the project is in conformance with the relevant provisions contained in the City's General Plan, including the designated goals and polices set forth in the Land Use, Mobility, and Economic Development Chapters of the General Plan as enumerated in the staff report;
5. Found that the project plans for Preliminary and Precise Planned District P-2021-160 as shown in Exhibit "D" and in the accompanying Planned District Guidelines as shown in Exhibit "E" fulfill the applicable requirements set forth in the Fremont Municipal Code;
6. Adopted Resolution No. 2022-07 approving a General Plan Amendment to change the land use designation from Regional Commercial to Tech Industrial, as shown in Exhibit "B;"
7. Introduced ordinance adopting a Preliminary and Precise Planned District P-2021-160 as shown in Exhibit "C" (Planned District Rezoning) and Exhibit "D" (Preliminary & Precise Planned District Plans and Vesting Tentative Parcel Map) and the accompanying Planned District Guidelines as shown in Exhibit "E," based upon the findings and subject to the conditions of approval set forth in Exhibit "F;"
8. Approved the Vesting Tentative Parcel Map as shown in Exhibit "D" pursuant to FMC Section 17.20.200 and Government Code Section 66474, because none of the following findings for denial can be made, subject to the conditions of approval set forth in Exhibit "F;" and adding the condition of fully solar from day one, and then requesting City Staff to work with City of Newark to keep apprised of the project and work with them going forward.
9. Directed staff to prepare and the City Clerk to publish a summary ordinance.

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

**B. Mayor Mei opened consideration of the Public Hearing (Published Notice) to Consider an Annual Report on the Status of Implementation of the General Plan and the 2015 – 2023 Housing Element, and to Consider an Exemption from the Requirements of the California Environmental Quality Act (CEQA) Pursuant to CEQA Guidelines Section 15378 in that the Annual Report Does Not Meet CEQA's Definition of a “Project.” (2021 Housing Element Annual Progress Report)**

No presentation from staff. Mayor Mei opened the public hearing. Lisa Danz commented. There being no additional speakers, Mayor Mei closed the public hearing.

On a motion by Councilmember Jones, seconded by Councilmember Cox, the City Council,

1. Found the annual report was exempt from, and not subject to the requirements of, the California Environmental Quality Act (CEQA), pursuant to, without limitation, CEQA Guidelines Section 15378(b)(5), in that the annual report does not meet CEQA's definition of a "project," and as a separate and independent basis, CEQA Guidelines Section 15061(b)(3) (no possibility of significant environmental effect).
2. Accepted Exhibit A and Exhibit B, which depict the current status of the General Plan and Housing Element, and direct staff to submit the required materials to OPR and HCD.

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

**6. REPORT FROM CITY ATTORNEY – None.**

**7. OTHER BUSINESS**

**A. Mayor Mei opened consideration of approval to adopt a Resolution adopting the Parks and Recreation Master Plan and make a finding that the Parks and Recreation Master Plan is exempt from the requirements of the California Environmental Quality Act (CEQA) per Guidelines Sections 15162, 15163, 15262, and 15378(b), and no further environmental review is required at this time.**

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.

Community Services Director Suzanne Wolf provided an overview and handed off to Neelay Bhatt, with PROS Consulting, to provide the presentation. Councilmembers asked questions and provided comment. Mayor Mei opened the public comment period. The following persons commented on the presentation: Katherine, SABA Islamic Center Admin., Ashwini Kumar, Krishna Aggarwal, Ruhan, William Yragui (Mission Peak Conservancy), Srividya Rao, Gretchen Mendenhall, Elissa Winters, Patricia Schaffarczyk, Isani Vaghela, Krish, Aishwarya M. Iyengar, MJ, Rajiv Thadani, Rahul Jariwala, Trisha Bhima, Vijay Kumar, Purushotham Peddireddy, John Hinds, Reza Khan, Kelly Abreu, Janet Barton, Ananya Srinivasan, Virendra Swar, and President of American High PTSA. There being no additional speakers, Mayor Mei closed the public comment period. This was followed by questions and comments from Councilmembers.

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

1. Found that the Parks and Recreation Master Plan is exempt from the requirements of the California Environmental Quality Act (CEQA) per Guidelines Sections 15162, 15163, 15262, and 15378(b), and no further environmental review is required at this time.
2. Found that the Parks and Recreation Master Plan complies with the City's General Plan Policy 8-1.6.A: Review and Update of Relevant Plans and supports Goal 8-1: A Wide Range of Parks and Recreational Facilities.
3. Adopted Resolution No. 2022-09 adopting the Parks and Recreation Master Plan included with the staff report.

Ayes: Mayor Mei, Vice Mayor Salwan, Councilmembers: Keng,  
Jones, Kassan, Shao, and Cox  
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 10:55 p.m.

Attest:

Approved:

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Susan Gauthier, City Clerk

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LILY MEI, Mayor

\*Consent Items