

**MINUTES  
FREMONT CITY COUNCIL SPECIAL MEETING  
MARCH 19, 2019  
FREMONT CITY HALL  
5:00 P.M.**

**Call to Order:** Vice Mayor Salwan called the meeting to order at 5:00 p.m.

**Roll Call:** Present: Mayor Mei (arrived at 5:03 p.m.), Vice Mayor Salwan, Councilmembers: Bacon, Keng, Jones, Kassan, and Shao.

**Public Comment:** Ronald Carpenter shared a hand-out.

**CONVENE TO A CLOSED SESSION at 5:03 p.m.**

**CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**

This Closed Session is authorized by Government Code Section 54956.9 (e)(5) and will pertain to possible initiation of litigation against the City in one matter.

**CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**

This Closed Session is authorized by Government Code Section 54956.9(d)(1) regarding the following matter:

State of California, City of Fremont, et al. v. Wilbur L. Ross, Jr.; Department of Commerce, United States District Court for the Northern District of California, Case No. 3:18-cv-01865-RS

The Special Meeting of the Fremont City Council adjourned at 5:25.

Attest:

Approved:

\_\_\_\_\_  
Susan Gauthier, City Clerk

\_\_\_\_\_  
LILY MEI, Mayor

**MINUTES  
FREMONT CITY COUNCIL MEETING  
MARCH 19, 2019  
FREMONT CITY HALL  
7:00 P.M.**

**1. PRELIMINARY**

- A. Call to Order:** Mayor Mei called the meeting to order at 7:10 p.m.
- B. Flag Salute:** Councilmember Bacon 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**

Mayor Mei announced the Boards and Commissions vacancies. City Manager Danaj shared information regarding items of Council/community interest.

**2. CONSENT CALENDAR**

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

On a motion by Councilmember Bacon, seconded by Councilmember Shao, 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 a Second Reading and Adoption of an Ordinance of the City of Fremont Amending Fremont Municipal Code Title 5, Business Licenses and Regulations, Chapter 5.30 Minimum Wage, Section 5.30.050 Employee Exemptions**

This item was removed from the Consent Calendar.

On a motion by Councilmember Jones, seconded by Vice Mayor Salwan, the City Council adopted Ordinance No. 04-2019.

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

\* **D. Mayor Mei opened consideration of Approval to Authorize Purchase of License Plate Reader (LPR) cameras from PIPS Technology for Community Camera Program Expansion**

This item was removed from the Consent Calendar. Mayor Mei opened the public comment period. Dr. Sonia Khan and Mike Katz-Lacabe shared concerns with the camera database. There were no additional speakers. Mayor Mei closed the public comment period.

On a motion by Councilmember Jones, seconded by Vice Mayor Salwan, the City Council authorized the City Manager or designee to purchase LPR cameras from PIPS Technology in an amount not to exceed \$110,000 to expand the Community Camera Project.

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 Authorize the City Manager to Terminate the Janitorial Services Contract between the City of Fremont and GCA Services, Inc./ABM and Authorize a New RFP Process with a Revised Scope of Services**

On a motion by Councilmember Bacon, seconded by Councilmember Shao, the City Council authorized the City Manager to terminate the Janitorial Services contract between the City of Fremont and GCA Services, Inc./ABM and authorize a new RFP process.

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

\* **F. Mayor Mei opened consideration of Approval of the Art Review Board's Recommendations for a Temporary Public Art Installation at the Southeast Corner of Capitol Avenue and Fremont Boulevard within the Downtown Community Plan Area, and to Consider a Categorical Exemption from the California Environmental Quality Act (CEQA) Pursuant to CEQA Guidelines Section 15303 (New Construction or Conversion**

**of Small Structures). (Downtown Fremont Rotational Public Art Program (Temporary Installation) – Capitol Avenue and Fremont Boulevard)**

On a motion by Councilmember Bacon, seconded by Councilmember Shao, the City Council:

1. Found that the project is categorically exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15303 (New Construction or Conversion of Small Structures).
2. Approved the Art Review Board’s recommended preferred art piece, The Solacii, under the Downtown Rotational Public Art Program and authorize the City Manager or his designee to enter into any necessary agreements.

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

**\* G. Mayor Mei opened consideration of Approval to Amend the City of Fremont Master Fee Schedule Resolution to Add a Video Redaction Fee (Police Master Fee Schedule)**

On a motion by Councilmember Bacon, seconded by Councilmember Shao, the City Council adopted Resolution No. 2019-07 amending the Master Fee Resolution to reflect the proposed changes in the Master Fee Schedule for Police services.

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

**3. CEREMONIAL ITEMS**

**A. Proclamation: American Red Cross Month, March 2019**

**4. PUBLIC COMMUNICATIONS**

**A. Oral and Written Communications**

Theresa DeAnda shared several comments. Kelly Abreu expressed concerns regarding Morrison Canyon Road area.

## 5. SCHEDULED ITEMS

- A. Mayor Mei opened consideration of a Public Hearing (Published Notice) to consider the Planning Commission’s Recommendation to approve a Discretionary Design Review Permit, Vesting Tentative Tract Map and Private Street to allow demolition of all existing buildings located from 37358-37494 Fremont Boulevard and 3768-3820 Peralta Boulevard and construction of a new mixed-use development featuring multi-story buildings containing a combined 26,000 square feet of ground-floor commercial space with 93 rental apartment units on the upper floors along Fremont Boulevard and 72 for-ownership townhomes at the rear of the site facing Peralta Boulevard, Parish Avenue and Jason Way, and certification of a Final Environmental Impact Report (SCH# 2018072040) prepared and circulated in accordance with the requirements of the California Environmental Quality Act. (SiliconSage Centerville Mixed-Use Project – 37358 Fremont Boulevard – PLN2017-00229)**

Senior Planner Joel Pullen provided a presentation. Shaivali Desai, Sanjeev Acharya, Rodolfo Chacon, and Harbir Bhatia, representatives from SiliconSage, also gave a presentation. This was followed by a question and answer period. Mayor Mei opened the public hearing. Nandan Shastri, Mandakim Shastri, Brian Zamora, Kathleen Faubion, Marilyn Keily, Sharon Marshak, Matt Senekeremian (Fremont Chamber of Commerce), Jeff Van der Sluis, Kathy Kimberlin, (CBCA), Gurmeel, Sudheer Gumudavelli, Marta Lamba, Fernando Cuebas, Trinidad Hellman, Tom Connor, Jeff Laurence, Lauren Sorkin (read hand-out), Zuhair Imad, Emily Liu, Punit Lakhani, Piyush Patel, Jayendra P. Patel, Reyaan Lakhani, Madhu R. Grandhi, Sri Grandhi, Raj Palasamudram, Rayhan Rani, Neil Greenberg (CBCA), Ashok Chigullapally, Jesse Tan, Sanjana Aithal, Aswinkarthik Ramejhababu, Shreya Sathish, Prachi Shambhl, Frank Zhang, Ravi, and Serena Hendrien spoke in favor of the Alternative Plan, which includes demolition of the former Fire Station #6. Mary Vanek-Deetz, Dennis Godden, Timothy Swenson (Museum of Local History), Larry Sweeney, Kesley Camello (Museum of Local History), Tom Coroneos, Theresa DeAnda, Dave Jacobs, Pia Parekh, Becky Denevan, Patricia Schaffarczyk, Chris Cavette, Alice Cavette, and John Weed spoke in opposition to demolishing the former fire station. Daniel Gregg (Carpenters Union of Alameda County) and Samuel Munoz requested jobs for local construction workers. Mihnaz Mirzada (read hand-out on behalf of Marga Mirzada) shared concerns regarding business relocation. There were no additional speakers. Mayor Mei closed the public comment period. The applicant provided a rebuttal & comment. This was followed by another question and answer period. Councilmembers provided comment.

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

1. Held public hearing; and
2. Found PLN2017-00229, including the Original Project and Applicant Preferred Project, is consistent with the General Plan, Community Plan, and Zoning Ordinance as shown in Exhibit “C” (Project Plans) based upon the Findings and Conditions in Exhibit “D.”
3. Certified the Final Environmental Impact Report (Exhibit “A”) and adopted Resolution No. 2019-08 (Exhibit “B”) with CEQA Findings and a Statement of Overriding

- Considerations for the Variant project as shown in Exhibit “B-1,” and find this action reflects the independent judgment of the City of Fremont; and
4. Found that retention of the register/potential register resource in accordance with Chapter 18.175 would cause immediate and substantial hardship to the property owners because rehabilitation or restoration would:
    - a. Be infeasible from a technical, mechanical, or structural standpoint without resulting in substantial adverse change to the historic resource, including requisite upgrades for adequate access and egress, and orientation with respect to a reasonably feasible site plan for the larger project; and
    - b. Be disproportionately great in relation to its historical significance and functional value in that the cost of upgrades would exceed the value of the property itself and the functional value of the structure for adaptive reuse.
  5. Approved Discretionary Design Review Permit PLN2017-00229 for the Applicant Preferred Project, as shown in Exhibit “C” (Project Plans) based upon the Findings and Conditions in Exhibit “D.”
  6. Approved Vesting Tentative Tract Map No. 8438 with Private Streets, as shown in Exhibit “C” (Project Plans) based upon the Findings and Conditions in Exhibit “D.”
  7. Approved the removal and mitigation for 23 protected trees pursuant to the City’s Tree Preservation Ordinance.
  8. Approved additional conditions of approval, that were added as part of the City Council’s motion to approve the project: (COA#). Community Benefits. The applicant has voluntarily agreed to provide the following community benefits, which shall be conditions of this approval and the sale of City land needed to facilitate construction of the project:
    - a. A community room with space for 30 to 50 people available for use by the general public, non-profit organizations and governmental agencies in perpetuity at no cost.
    - b. On-site provision of artwork, thematic design elements and commemoration documenting Fire Station No. 6. This shall include providing space within the community room or another location in the mixed-use building for archival documentation and interpretative display required per Mitigation Measures HIST-1a and 1b of the Final Environmental Impact Report.
    - c. Streetscape beautification on both sides of Fremont Boulevard, including Centerville identification, subject to review and approval of the Community Development and Public Works Departments.
    - d. Work with trade unions and hire locally for construction of the project.
    - e. Name the community room in honor of Chief Dan Lydon.

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

**B. Mayor Mei opened consideration of a 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." (Housing Element Annual Report - Citywide - PLN2019-00235)**

No presentation at this time. The Council accepted the report and bring the item back for further discussion at a future date.

On a motion by Councilmember Bacon, seconded by Councilmember Shao, the City Council:

1. Found the annual report is not subject to the requirements of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15378(b)(5), definition of a "project."
2. Accepted the annual report and Exhibit A, which depict the current status of the General Plan and Housing Element and directed staff to submit the required materials to OPR and HCD.

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

Noes: None

Absent: None

Abstain: None

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

**7. OTHER BUSINESS**

**A. Mayor Mei opened consideration of a Presentation; Provide Opportunity for Public Comment on the Street Design Features of Rancho Arroyo Parkway Particularly Concerning the Provision of On-Street Parking and Enhanced Bike Lanes; and Provide Input to Staff on the Consideration of Any Street Design Changes**

Public Works Director Hans Larsen and Principal Transportation Engineer Noe Veloso gave a presentation. Staff responded to questions from Councilmembers. Mayor Mei opened the public comment period. Carol Nishihara, John Hansen, Sharon Scharff, Bhupendra O. Shah, Susan Lanferman, Theresa DeAnda, Steve Wilson, Dave Jacobs, John Hinds, Burke Bradley, Michelle Hansen, Carol Zilli, Cindy Sakihara, and Tom Duke shared concerns regarding parking and traffic safety. Jeff Den Bleyker, Cathy Den Bleyker, Barbara Kosic (provided hand-out/petition), and Yohannes Atlaw shared they prefer the new lane striping and feel it is safer with the lane enhancements. There were no additional speakers. Mayor Mei closed the public comment period. This was followed by comments from Councilmembers.

On a motion by Councilmember Bacon, seconded by Vice Mayor Salwan, the City Council requested staff to hold a community meeting and review all the comments made. Requested for

staff to make their professional analysis of the real safety issues that need to be addressed, look at the specifics of all the sections of Rancho Arroyo Parkway, and try to come up with some compromise solutions that can hopefully mitigate some of the concerns on both sides of the residents.

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 12:27 a.m. on Wednesday, March 20, 2019.

Attest:

Approved:

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Susan Gauthier, City Clerk

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LILY MEI, Mayor