

**MINUTES
FREMONT CITY COUNCIL MEETING
MAY 4, 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 Keng led the salute to the flag.
- C. Roll Call:** Present: Mayor Mei, Vice Mayor Shao, Councilmembers: Keng, Jones, Kassan, 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 Cox, 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 to Adopt a Resolution Authorizing the City to Submit an Application to the MTC for FY 2021/22 Transportation Development Act Article 3 (TDA3) Grant Funds in the Amount of \$368,002, and Accept and Appropriate Said Funds for the Fremont Boulevard/Country Drive Intersection Improvements Project (PWC9050); and Find the Project is Exempt from CEQA Review**

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.

This item was removed from the Consent Calendar. Mayor Mei opened the public comment period. Chris Hampton, Laura Winter, and Kelly Abreu 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 Salwan, the City Council approved the following actions:

1. Adopted Resolution No. 2021- 19 authorizing the City Manager, or his designee, (a) to apply for Transportation Development Act Article 3 Bicycle and Pedestrian Program Funds in the amount of \$368,002 for the Fremont Boulevard and Country Drive Intersection Improvements Project for FY 2021/22; and (b) to accept any awarded grant funds for the Project and to execute any necessary implementing documents.
2. Appropriated any grant funds received to the Fremont Boulevard and Country Drive Intersection Improvements Project, PWC9050-521.
3. Found the project was exempt from CEQA review pursuant to CEQA Guidelines Section 15061(b)(3) in that it is not a project which has the potential for causing a significant effect on the environment

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

- * **D. Mayor Mei opened consideration of Intersection of Innovation Way and Lopes Court – Appropriation of Funds for a Permanent Public Art Installation Within Warm Springs Plaza as Part of the Warm Springs Innovation District Art Work Plan, and to Consider a Finding that No Further Environmental Review is Required Pursuant to CEQA Guidelines Section 15162 and, as a Separate and Independent Basis, Section 15183, as the Project is Consistent with the Land Use Analyzed in the Approved Mitigated Negative Declaration Prepared for the Warm Springs BART West Access Bridge and Plaza Project, and Section 15061(b)(3), in that it Can Be Seen with Certainty that There is No Possibility that the Proposed Project Will Have the Potential for Causing a Significant Effect on the Environment.**

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

1. Received staff report; and
2. Appropriated \$720,000 in the Warm Springs Art Fund (PWC8863-502) for the Warm Springs Plaza public art installation.

Ayes: Mayor Mei, Vice Mayor Shao, Councilmembers: Keng,
Jones, Kassan, and Cox
Noes: None
Absent: None
Recused: Councilmember Salwan (business/property interest)

*** E. Mayor Mei opened consideration to Adopt Resolutions of Local Support Authorizing the Filing of Project Applications for the Metropolitan Transportation Commission’s (MTC) Safe and Seamless Mobility Quick-Strike Program for the Fremont Boulevard/Walnut Avenue Protected Intersection Project and the Fremont Boulevard/Grimmer Boulevard Protected Intersection Project; Find the Action is Exempt from CEQA Review (MTC Mobility Grant)**

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

1. Adopted Resolution No. 2021-20, a Resolution of Local Support for the filing of a project application for the Fremont Boulevard/Walnut Avenue Protected Intersection Project for the MTC Quick-Strike Program.
2. Adopted Resolution No. 2021-21, a Resolution of Local Support for the filing of a project application for the Fremont Boulevard/Grimmer Boulevard Protected Intersection Project for the MTC Quick-Strike Program.
3. Find that the adoption of these resolutions of local support for project grant applications is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3).

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

*** F. Mayor Mei opened consideration to adopt findings for denial in response to the City Council's April 20, 2021 direction to deny the Appeal and uphold the Planning Commission's February 11, 2021 action to deny the project. (Omaha Way Homes (Three Unaddressed Parcels) – PLN2021-00258)**

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This item was removed from the Consent Calendar. Mayor Mei opened the public comment period. Hayes Shair shared a variety of concerns. There being no additional speakers, Mayor Mei closed the public comment period.

On a motion by Vice Mayor Shao, seconded by Councilmember Jones, the City Council adopted Resolution No. 2021-22 to deny the project based on the findings enclosed in the staff report and attachments.

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

3. CEREMONIAL ITEMS

- A. Proclamation: Bike Month, May 2021**
- B. Proclamation: Children's Mental Health Awareness Day**

4. PUBLIC COMMUNICATIONS

- A. Oral and Written Communications – None.**

5. SCHEDULED ITEMS

- A. Mayor Mei opened consideration of Public Hearing (Published Notice) to Adopt a Resolution Amending the Master Fee Schedule to Add a Credit Card Convenience Fee**

Staff responded to questions from Councilmembers. Councilmembers provided comment. Mayor Mei opened the public hearing. Matt Senekeremian shared concerns. There being no additional speakers, Mayor Mei closed the public hearing. This was following by another question and answer period with Councilmembers.

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

1. Held public hearing.
2. Adopted Resolution 2021-23 amending the Master Fee Schedule to add a 2% credit card convenience fee for permit and business tax credit card payments, and delayed implementation to 2022.

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

- B. Mayor Mei opened consideration of Public Hearing (Published Notice) to Adopt a Resolution of Intention Declaring the Intent to Restructure and Reassess Landscaping Assessment District 88 and Ordering the Preparation of an Engineer’s Report related thereto. If Restructuring and Reassessment is not Approved by District 88 Property Owners, Adopt a Resolution Ordering the Preparation and Filing of the Annual Engineer's Report for the Existing Landscaping Assessment District 88 and Adopt a Resolution Stating the City Council's Intention to Levy Assessments for Landscaping Assessment District 88 for Fiscal Year 2021/22 (Proposed Restructuring and Reassessment of District 88 and Annual Assessment)**

Vice Mayor Shao opened the public hearing. Chris Hampton shared concerns. There being no additional speakers, Vice Mayor Shao closed the public hearing.

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

1. Adopted Resolution No. 2021-24 ordering the preparation and filing of the annual Engineer's Report for Landscaping Assessment District No. 88 for Fiscal Year 2021/22.
2. Adopted Resolution No. 2021-25 ordering the preparation and filing of the restructure and reassessment Engineer's Report for the District for Fiscal Year 2021/22.
3. Adopted Resolution No. 2021-26 of intent to levy and collect current assessments
4. Adopted Resolution No. 2021-27 ordering the restructure and reassessment of District 88 and the intent to levy and collect new assessments.

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

Noes: None

Absent: None

Abstain: Mayor Mei and Councilmember Salwan (property interest)

C. Mayor Mei opened consideration of Public Hearing (Published Notice) on a Resolution Authorizing Adjustments to the City's Development Impact Parkland Fee, Park Facilities Fee, Traffic Facilities Fee, Capital Facilities Fee, and Fire Facilities Fee Based on a 2021 Comprehensive Fee Nexus Study and the Annual Construction Inflation Index, and Establishing a Fifty Percent Affordable Housing Discount. Find the Action Exempt from CEQA Review (Development Impact Fee Update)

This item was added to the Consent Calendar. **See Green Sheet on file.*

By consensus, the City Council approved continuing item to the June 1, 2021 City Council Meeting date.

6. REPORT FROM CITY ATTORNEY – None.

7. OTHER BUSINESS – None.

8. COUNCIL COMMUNICATIONS

A. Council Referrals – 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 8:00 p.m.

Attest:

Approved:

Susan Gauthier, City Clerk

LILY MEI, Mayor