

**MINUTES  
FREMONT CITY COUNCIL MEETING  
JULY 6, 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 Cox 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 Vice Mayor Shao, 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 Vice Mayor Shao, seconded by Councilmember Salwan, the City Council approved the minutes for the Regular Meeting of May 4, 2021, the Regular Meeting of May 11, 2021, the Regular Meeting of May 18, 2021, the Regular Meeting of June 1, 2021, the Regular Meeting of June 18, 2021, and the Special and Regular Meetings of June 15, 2021

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

\* **C. Mayor Mei opened consideration to Adopt a Resolution Authorizing the City Manager to Execute a FY 2021/22 Contract with the California Department on Aging to Provide Multipurpose Senior Services Program (MSSP) Services**

On a motion by Vice Mayor Shao, seconded by Councilmember Salwan, the City Council approved Resolution No. 2021-44 approving and authorizing the City Manager or designee to execute the contract MS-2122-37 with the California Department on Aging to provide MSSP services for FY 2021/22 in an amount not to exceed \$262,454.

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 approval of Amendment to Alameda County Social Services Agency FY 2020/21 Agreement for Family Caregiver Support Program**

On a motion by Vice Mayor Shao, seconded by Councilmember Salwan, the City Council authorized the City Manager, or his designee, to execute a FY 2020/21 Agreement Amendment with the Alameda County Social Services Agency for the Family Caregiver Support Program for a new total contract amount of \$113,376.

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

\* **E. Mayor Mei opened consideration of a Resolution to Approve Partnership with East Bay Community Energy to Pursue Solar and Battery Storage Systems on Municipal Facilities, and to Consider Exemptions from the Requirements of the California Environmental Quality Act (CEQA), Each on a Separate and Independent Basis, Pursuant to (1) CEQA Guidelines Section 15306 Information Collection and (2) CEQA Guidelines Section 15061(B)(3) General Rule. (Energy Resilient Public Facilities)**

On a motion by Vice Mayor Shao, seconded by Councilmember Salwan, the City Council approved the following actions:

1. Found that the proposed solar and battery energy storage procurement effort involves no physical change to the environment and is exempt from the California Environmental Quality Act (CEQA), pursuant to, without limitation, CEQA Guidelines Section 15306 (information collection) and 15061(b)(3) (no possibility of significant effect on the environment), each as a separate and independent basis.
2. Adopted Resolution No. 2021-45 authorizing the City Manager to continue pursuing widespread deployment of solar and battery energy storage systems at critical municipal

facilities in partnership with the City's public power provider, the East Bay Community Energy Authority (EBCE), and commit to installing these systems through a standard Power Purchase Agreement (PPA) with EBCE should the City determine that the cost-effectiveness of the project portfolio results in benefits to the City of Fremont's budget and service to the community.

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

### 3. CEREMONIAL ITEMS

#### A. Proclamation: Parks & Recreation 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.

Kelly Abreu shared comments and concerns.

### 5. SCHEDULED ITEMS

#### A. Mayor Mei opened consideration of Public Hearing (Published Notice) to Adopt a Resolution to Amend the Master Fee Schedule to Implement Changes to Conform to CalEPA's Certified Unified Program (CUPA) Fees

No presentation. Mayor Mei opened the public hearing. There being no speakers, Mayor Mei closed the public hearing.

On a motion by Councilmember Salwan, seconded by Councilmember Jones, the City Council adopted Resolution No. 2021-46 amending the Master Fee Schedule to increase the Unified Program State General Oversight Surcharge to \$84.00 annually per business/facility.

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

**B. Mayor Mei opened consideration of Public Hearing (Published Notice) on the Restructure, Reassessment, and Levy of the Annual Assessment for Landscaping Assessment District 88, Order Returned Assessment Property Owner Ballots be Tabulated and Find that the Action is Exempt from Review under the California Environmental Quality Act (CEQA) Pursuant to CEQA Guidelines Sections 15061(b)(3) and 15301. (Fremont Landscaping Assessment District 88)**

No presentation. Mayor Mei opened the public hearing. There being no speakers, Mayor Mei closed the public hearing.

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

1. Conducted a public hearing for restructure, reassessment, and the annual levy for Landscape Assessment District 88.
2. Order returned assessment ballots to be tabulated on July 7, 2021 at 10 a.m. in the Ardenwood Room at 3300 Capitol Ave, City Hall Building A.
3. Found the project exempt under CEQA Guidelines Sections 15061(b)(3) and 15301

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

Noes: None

Absent: None

Recused: Mayor Mei and Councilmember Salwan (property interest)

**C. Mayor Mei opened consideration of Public Hearing (Published Notice) to Consider Adoption of a Resolution to Accept the Historical Architectural Review Board's Recommendation to Add the Rodrigues Farmhouse, Pumphouse, and Tankhouse to the Fremont Register of Historic Resources and Approve a Mills Act Historic Preservation Contract for the Rodrigues Farmhouse property, located within the Hobbs Residential Planned District (P-2016-270) in the Mission San Jose Community Plan Area. The application is exempt from the California Environmental Quality Act (CEQA), pursuant to, without limitation, Section 15183 (projects consistent with community plan, general plan, zoning), Section 15378 (actions not a "project"), and/or Section 15061(b)(3) (no possibility of significant effect on the environment) of the CEQA Guidelines, as the application involves no physical change to the environment. (Rodrigues Farmhouse Register Listing and Mills Act Contract – 41948 Mission Boulevard - PLN2019-00238)**

Senior Planner Bill Roth provided a presentation. Staff responded to questions from Councilmembers. The applicant, Terry Wang with Robson Homes, gave a presentation. Mayor Mei opened the public hearing. David Sisson and Kelly Abreu shared a variety of comments and concerns. There being no additional speakers, Mayor Mei closed the public hearing. The applicant was provided an opportunity for rebuttal.

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

1. Held a public hearing.
2. Found that adding the Rodrigues Farmhouse, Pumphouse, and Tankhouse to the Fremont Register and the Mills Act contract involves no physical change to the environment and is exempt from the California Environmental Quality Act (CEQA), pursuant to, without limitation, Section 15183 (projects consistent with community plan, general plan or zoning); Section 15378 (actions not a project) and/or 15061(b)(3) (no possibility of significant effect on the environment), each as a separate and independent basis.
3. Adopted Resolution No. 2021-47 adding the Rodrigues Farmhouse, Pumphouse, and Tankhouse to the Fremont Register of Historic Resources as shown in Exhibit C.
4. Approved the Mills Act Contract, substantially in the form as shown in Exhibit D, pursuant to the findings and subject to the conditions in Exhibit B and authorize staff and/or the Mayor to take all appropriate steps necessary to execute and implement the final contract consistent with this report and the City Council's action.

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 Public Hearing (Published Notice) to Consider Amendments to Fremont Municipal Code Title 18 (Planning and Zoning), Chapter 18.47 (Downtown District) to modify the use table for the Downtown (D) District, and to consider exemptions from the requirements of the California Environmental Quality Act (CEQA), each on a separate and independent basis, pursuant to (1) CEQA Guidelines Section 15061(b)(3) in that the amendments do not have the potential to cause a significant effect on the environment, and are not subject to CEQA review; and (2) CEQA Guidelines Section 15183, as a project consistent with the development densities and policies in the general plan and existing zoning and which does not involve any peculiar significant effects that were not previously analyzed or discussed as significant effects in prior EIRs on the General Plan (SCH#2010082060) and the Downtown Community Plan (SCH#2010072001). (Downtown District Use Table Amendments -- Citywide – PLN2021-00133)**

Deputy City Manager Christina Briggs and Planning Manager Joel Pullen provided a presentation. Mayor Mei opened the public hearing. John Weed, Kelly Abreu, and Andrew Thomas shared a number of comments and concerns. There being no additional speakers, Mayor Mei closed the public hearing. Staff responded to questions from Councilmembers. Councilmembers provided comments.

On a motion by Councilmember Salwan, seconded by Vice Mayor Shao, the City Council approved the following actions:

1. Held a public hearing.
2. Found that the proposed amendments are exempt from the requirements of the California Environmental Quality Act (CEQA), each as a separate and independent basis per Section 15061(b)(3) of the CEQA Guidelines in that it is not a project which has the potential to cause a significant effect on the environment and CEQA Guidelines Section 15183 as a project consistent with the general plan and zoning and otherwise meeting the requirements of that exemption.
3. Found that the proposed amendments are consistent with the General Plan, including the Economic Development Element implementation measure discussed in the staff report.
4. Found that the proposed amendments further the public interest, convenience, and general welfare of the city by facilitating the occupation of tenant spaces in the Downtown District, while ensuring that an appropriate mix of uses (that includes retail establishments and restaurants) can be established. And, reduce to 20% for the limited uses, to maintain the current retail restaurants and also incentivize the restaurant zoning process that is outlined.
5. Introduced an ordinance approving amendments to FMC Title 18 (Planning and Zoning), Chapter 18.47 (Downtown District).
6. Directed staff to prepare and the City Clerk to publish a summary of the ordinance.

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

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

**7. OTHER BUSINESS – None.**

**8. COUNCIL COMMUNICATIONS**

**A. Council Referrals**

1. **Mayor Mei opened consideration of Councilmember Kassan Referral: Direct staff to review ordinances of other cities that promote urban agriculture and the keeping of livestock in residentially zoned areas and to come back to council with a proposed amendment to Fremont’s Animal Ordinance allowing the keeping of two goats and any other amendments deemed consistent with the goal to encourage urban agriculture**

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.

Councilmember Kassan provided an overview. Mayor Mei opened the public comment period. The following persons commented: Shashana Chittle, Richard Godfrey, Elham Marder, Keith Parker, Nickie Irvine, John Hinds, Elka Hadley, Spencer Hadley, Dennis Chittle, Sonia Khan, and Naren Immadi. There being no additional speakers, Mayor Mei closed the public comment period. Staff responded to questions from Councilmembers. Councilmembers provided comment.

On a motion by Councilmember Kassan, seconded by Councilmember Cox, the City Council directed staff to review ordinances of other cities that promote urban agriculture and the keeping of livestock in residentially zoned areas and to come back to council with a proposed amendment to Fremont’s Animal Ordinance allowing the keeping of two goats and any other amendments deemed consistent with the goal to encourage urban agriculture.

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

**2. Mayor Mei opened consideration of Councilmember Cox Referral: City Council consideration of a Juneteenth City of Fremont paid holiday commencing in 2022**

Councilmember Cox read a statement. Mayor Mei opened the public comment period. The following persons commented: John Hinds, Sonia Khan, and Dyesha Gardner. There being no additional speakers, Mayor Mei closed the public comment period.

On a motion by Councilmember Cox, seconded by Councilmember Keng, the City Council directed direct City staff to analyze methodology, summarize potential expenses, review meeting and confer obligations, and present for Council consideration the recognition and celebration of Juneteenth as a paid City of Fremont holiday commencing on or near the date of June 19, 2022 and thereafter.

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

**B. Oral Reports on Meetings and Events – None.**

**9. ADJOURNMENT:** There being no further business, Mayor Mei adjourned the meeting at 10:10 p.m.

Attest:

Approved:

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Susan Gauthier, City Clerk

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LILY MEI, Mayor