

**MINUTES  
FREMONT CITY COUNCIL MEETING  
JANUARY 19, 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 7:00 p.m.
- B. Flag Salute:** Councilmember Salwan led the salute to the flag.
- C. Roll Call:** Present: Mayor Mei, Vice Mayor Kassan, Councilmembers: Keng, Jones, Salwan, and Cox  
Absent: Councilmember Shao
- 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 Kassan, seconded by Councilmember Cox, the City Council waived further readings of proposed ordinances.

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

- \* **B. Approval of Minutes – None.**
- \* **C. Mayor Mei opened consideration to Approve Plans and Specifications and Award a Construction Contract and Authorize the City Manager or Designee to execute a Contract with Adams Pool Solutions in a total construction contract amount of \$395,172 for the Aqua Adventure Water Park Pool Re-Plastering Project; find that the project is exempt from review under the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15301 (Existing Facilities); and Reallocate Appropriations (PWC8501)**

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

1. Found that the project is exempt from review under and Approve a Categorical Exemption from the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15301 (Existing Facilities).
2. Approve Plans and Specifications for the Aqua Adventure Water Park Pool Re-plastering Project PWC8501.
3. Awarded a Construction Contract and authorized the City Manager or designee to execute a contract for the Aqua Adventure Water Park Pool Re-plastering Project PWC8501 with Adams Pool Solutions for a base amount of \$359,172 and a 10% contingency amount of \$36,000 for a total construction contract amount not to exceed \$395,172.
4. Reallocated remaining balance of approximately \$25,966 from Irrigation Upgrades project (PWC8886-501) to Capital Replacement for Parks (PWC8501-501) and close out PWC8886.

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

**3. CEREMONIAL ITEMS – None.**

**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.

Blair Beekman, Kelly Abreu, Randy Harrell and Laird Matthews shared a variety of 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) Regarding Introduction of an Ordinance Repealing and Replacing Chapter 18.210 (Storm Water Management and Discharge Control) under Fremont Municipal Code Title 18 (Planning and Zoning) to Clarify and Enhance Definitions, Discharge Regulations and Requirements, and Enforcement Related to Obligations Under the Municipal Regional NPDES Stormwater Permit No. CAS612008, and to Find the Adoption of the Ordinance Exempt from the Requirements of the California Environmental Quality Act (CEQA) Per, each as a Separate and Independent Basis, (1) CEQA Guidelines Section 15061(b)(3) in that it can be seen with certainty that there is no possibility that the proposed**

**amendments will have the potential for causing a significant effect on the environment, and are not subject to CEQA review, (2) CEQA Guidelines Section 15183, as the proposed amendments are consistent with general plan policies and do not involve any peculiar significant effects that were not previously analyzed or discussed as significant effects in prior Environmental Impact Reports (EIRs) or the General Plan, with which the proposed amendments are consistent, (3) CEQA Guidelines Section 15307 in that the proposed amendments are an action by a regulatory agency to assure the protection of natural resources, and (4) CEQA Guidelines Section 15308 in that the proposed amendments are an action by a regulatory agency to assure the protection of the environment (Stormwater Ordinance Repeal and Replace Amendment - Citywide – PLN2021-00110)**

\*This item was added to the Consent Calendar.

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

1. Held a public hearing.
2. Found that the adoption of the proposed ordinance repealing and replacing FMC Chapter 18.210 is exempt from the requirements of CEQA per, each as a separate and independent basis, (1) CEQA Guidelines Section 15061(b)(3) in that it can be seen with certainty that there is no possibility that the proposed amendments will have the potential for causing a significant effect on the environment, and are not subject to CEQA review, (2) CEQA Guidelines Section 15183, as the proposed amendments are consistent with general plan policies and do not involve any peculiar significant effects that were not previously analyzed or discussed as significant effects in prior Environmental Impact Reports (EIRs) or the General Plan, with which the proposed amendments are consistent, (3) CEQA Guidelines Section 15307 in that the proposed amendments are an action by a regulatory agency to assure the protection of natural resources, and (4) CEQA Guidelines Section 15308 in that the proposed amendments are an action by a regulatory agency to assure the protection of the environment.
3. Found that the proposed amendments are consistent with the General Plan, including the Land Use Element and Conservation Element implementation measures discussed in the staff report.
4. Found that the proposed amendments further the public interest, convenience, and general welfare of the city by ensuring consistency of the City’s Stormwater Ordinance with the Municipal Regional Stormwater Permit, which imposes requirements intended to reduce impacts to water quality from urban runoff.
5. Introduced an ordinance repealing and replacing FMC Chapter 18.210 (Storm Water Management and Discharge Control) under FMC Title 18 (Planning and Zoning), as shown on Exhibit “A”
6. Directed staff to prepare and the City Clerk to publish a summary of the ordinance.

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

- B. Mayor Mei opened consideration of a Public Hearing (Published Notice) to Consider Rezoning a 12.72-acre Parcel from Precise Planned District P-2014-65 to Preliminary and Precise Planned District P-2020-256, and Approve a Conditional Use Permit to Allow Redevelopment of a Swim and Tennis Club in the Mission San Jose Community Plan Area, and to Consider a Finding that no Further Environmental Review is Required Pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15153 as the Project is Consistent with a Project Environmental Impact Report (SCH#2012052065) which was Previously Prepared and Certified, and a Finding that No Further Environmental Review is Required Pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15183 as the Project is Consistent With the Land Use Envisioned for the Site as Established by the General Plan for which an Environmental Impact Report (SCH#2010082060) was Previously Prepared and Certified, and CEQA Guidelines Sections 15162 and 15163, as None of the Circumstances Requiring Calling for the Preparation of a Subsequent or Supplemental EIR Have Occurred. (Mission Hills Swim and Tennis Club – 10 East Las Palmas Avenue- PLN2020-0256)**

Senior Planner David Wage provided an introduction and presentation. Staff responded to questions from Councilmembers. The applicants for the Mission Hills Racquet and Swim Club, LLC (Chris Panos, Angel Cantu, George Miers, and John Chen) provided a presentation. This was followed by question and answer period of the applicants. Mayor Mei opened the public hearing. Ed Ellebracht and Laird Matthews shared comments regarding the project. Mayor Mei closed the public hearing. Staff responded to question from Councilmembers. 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.
2. Found the project as shown in Exhibit “B” conforms with Alternative #5 of the previously-certified Environmental Impact Report (EIR) (SCH#2012052065), and find that pursuant to CEQA Guidelines Section 15162 no further environmental review is needed and this action reflects the independent judgment of the City of Fremont, and as a separate an independent basis, is exempt from further environmental review pursuant to CEQA Guidelines Section 15183, Project Consistent with a Community Plan, General Plan or Zoning.
3. Found that the Preliminary and Precise Planned District and Conditional Use Permit as shown in Exhibit “B” are in conformance with the relevant provisions contained in the City's General Plan. These provisions include the Private Open Space land use designation and goals and policies set forth in the General Plan's Land Use, Community Character and Conservation Elements as enumerated within the staff report.
4. Introduced an ordinance approving a rezoning from Planned District P-2014-65 to Preliminary and Precise Planned District P-2020-256 as depicted on Exhibit “A” (Rezoning Map) and approving the Precise Plan as shown on Exhibit “B,” subject to Conditions of Approval in Exhibit “D,” and the City Council’s addition of Conditions for best practices for environmental design.

5. Approved Preliminary and Precise Planned District P-2020-256 as shown in Exhibits “A” and “B,” and the accompanying land use and development provisions set forth in Exhibit “C,” based on the findings and subject to the conditions of approval set forth in Exhibit “D;”
6. Approved the Conditional Use Permit as shown on Exhibit “B,” subject to the Conditions of Approval in Exhibit “D.”
7. Approved the removal of 24 protected trees to be mitigated onsite, pursuant to the Tree Preservation Ordinance based on the findings and subject to the conditions of approval in Exhibit “D;”
8. Directed staff to prepare and the City Clerk to publish a summary of the ordinance.

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

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

**7. OTHER BUSINESS – None.**

**8. COUNCIL COMMUNICATIONS**

**A. Council Referrals**

**1. Mayor Mei opened consideration of Mayor Mei Referral: Community Development Block Grant (CDBG) Advisory Committee**

On a motion by Councilmember Cox, seconded by Vice Mayor Kassan, the City Council adopted Resolution No. 2020-01, making the Mayor the appointed authority for the Community Development Block Grant Committee for compliance with the citizen participation requirements of 24 CFR Section 91.105.

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

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

**9. ADJOURNMENT:** There being no further business, Mayor Mei adjourned the meeting at 8:30 p.m.

Attest:

Approved:

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

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LILY MEI, Mayor