

**MINUTES
FREMONT CITY COUNCIL MEETING
MAY 10, 2022
VIRTUAL MEETING VIA ZOOM
7:00 P.M.**

1. PRELIMINARY

- A. Call to Order:** Mayor Mei called the meeting to order at 7:03 p.m.
- B. Flag Salute:** Councilmember Cox led the salute to the flag.
- C. Roll Call:** Present: Mayor Mei, Vice Mayor Salwan, Councilmembers: Keng, Jones, Kassan, Shao, and Cox
- D. Announcements by Mayor/City Manager/City Attorney**

Mayor Mei announced the Boards and Commissions vacancies.

City Manager Shackelford 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 Shao, seconded by Councilmember Cox, the City Council waived further readings of proposed ordinances.

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

- * **B. Approval of Minutes – None.**
- * **C. Mayor Mei opened consideration of Approval of Plans and Specifications; Award Contract to C2R Engineering, Inc. in the Amount of \$1,019,513 (includes 10% Contingency) for the Parkmeadow Drive Storm Drain Replacement Project; Appropriation Actions; and Make Findings of CEQA Exemption (PWC 8988)**

On a motion by Councilmember Shao, seconded by Councilmember Cox, the City Council took the following actions related to the Parkmeadow Drive Storm Drain Replacement Project (PWC 8988):

1. Find that this project is exempt from California Environmental Quality Act (CEQA) review pursuant to CEQA Guidelines Section 15301 as the repair, maintenance or minor alteration of existing facilities involves no or negligible expansion of use beyond that presently existing.
2. Approve the plans and specifications for the project.
3. Accept the bid and award the construction contract to the lowest responsive and responsible bidder, C2R Engineering, Inc. in the amount of \$926,830 and allocate a 10% construction contingency in the amount of \$92,683 for a total construction contract amount of \$1,019,513, and authorize the City Manager or designee to execute the contract.
4. Reallocate \$450,000 from PWC 7926-136 and appropriate it to PWC 8988-136.
5. Reallocate \$350,000 from PWC 8740-136 and appropriate it to PWC 8988-136.
6. Reallocate \$130,000 from PWC 8101-136 and appropriate it to PWC 8988-136.

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

*** D. Mayor Mei opened consideration to Adopt A Resolution Acknowledging the Fremont Fire Department’s Report Regarding Performance of Annual Fire Inspections Pursuant to Sections 13146.2 And 13146.3 of California Health and Safety Code**

On a motion by Councilmember Shao, seconded by Councilmember Cox, the City Council adopted Resolution No. 2022-19 recognizing the Fremont Fire Department’s level of compliance with California Health and Safety Code Sections 13146.2 and 13146.3 by acknowledging the City of Fremont Fire Department’s report regarding performance of annual fire inspections

Ayes: Mayor Mei, Vice Mayor Salwan, Councilmembers: Keng, Jones, Kassan, Shao, and Cox
 Noes: None
 Absent: None
 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. The following persons commented: Arun Ramani, Sangeeta, Gopalakrishnan Padma, John Hinds,

Marie Hughes, Hari N. Iyer (shared a presentation), Anna Chen, Keith Parker, Siva, Lisa Danz, John, and Ankit K.

5. SCHEDULED ITEMS

- A. Mayor Mei opened consideration of Public Hearing (Published Notice) To Consider The Planning Commission’s Recommendation To Adopt An Ordinance Amending Title 12, Chapter 12.05 (Encroachments To Streets And Sidewalks) And Title 18, Chapters 18.25 (Definitions) And 18.190 (Special Provisions Applying To Miscellaneous Uses), To Allow Outdoor Commercial Patios On City-Owned And Private Property; and to Adopt a Resolution to Amend the Master Fee Schedule to Rename the Sidewalk Dining Permit Fee to the Outdoor Commercial Patio Permit Fee; and to Consider a Finding That The Actions Are 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 Actions Will Have The Potential For Causing A Significant Effect On The Environment, And Are Not Subject To CEQA Review, And (2) CEQA Guidelines Section 15183, As The Proposed Amendments Are Consistent With The General Plan For Which An EIR Was Previous Prepared And Certified, And None Of The Circumstances Necessitating Preparation Of A Subsequent EIR Pursuant To CEQA Guidelines Section 15162 Are Present.**

Associate Planner, Courtney Pal provided a presentation and responded to questions from Councilmembers. Mayor Mei opened the public hearing. There being no speakers, Mayor Mei closed the public hearing. This was followed by comments from Councilmembers.

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

1. Held a Public Hearing;
2. Find that this action is exempt from the requirements of the California Environmental Quality Act (CEQA) per, without limitation, 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 actions will have the potential for causing a significant effect on the environment, and are not subject to CEQA review, and (2) CEQA Guidelines Section 15183, as the proposed amendments are consistent with general plan policies as analyzed in prior Environmental Impact Reports (EIRs) for the General Plan, and none of the circumstances necessitating preparation of a subsequent EIR pursuant to CEQA Guidelines Section 15162 are present.
3. Find that the proposed amendments are consistent with the General Plan, including the Land Use and Economic Development Element policies and implementation measures discussed in the staff report.
4. Find that the proposed amendments further the public interest, convenience, and general welfare of the city by facilitating the creation of outdoor commercial patio areas that would improve the pedestrian environment and stimulate economic activity.
5. Waive full reading and introduce an ordinance approving amendments to FMC Title 12 (Streets, Sidewalks, and Public Property) and FMC Title 18 (Planning and Zoning).

6. Direct staff to document the above written findings and recommendation of the Commission to the City Council and to prepare, and the City Clerk to publish, a summary of the ordinance.
7. Adopted Resolution No. 2022-20 amending the Master Fee Schedule to delete the Sidewalk Dining Permit fee and add an Outdoor Commercial Patio Permit fee.
8. Direct staff to reallocate \$40,000 of Community Development Block Grant (CDBG) CARES Act Funding to provide fee reimbursements to businesses that receive patio permits before December 31, 2022.

Ayes: Mayor Mei, Vice Mayor Salwan, Councilmembers: Keng, Jones, Kassan, Shao, 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 Mayor Mei Referral: Appointments and Reappointments to Advisory Bodies

Appointments:

<i>Advisory Body</i>	<i>Appointee</i>	<i>Term Expires</i>
East Bay Regional Park District Liaison Committee <i>(Alternate Council Representative)</i>	Teresa Cox	12/31/2023
Historical Architectural Review Board	Kel Kanady	12/31/2024
Recreation Commission	Jessica Williams	12/31/2025
Rent Review Board <i>(Tenant Representative)</i>	Allen Heath	12/31/2023
Rent Review Board <i>(Neutral Third Party)</i>	Trice Pierce	12/31/2025
Senior Citizens Commission	Gurjit Brar	12/31/2025
Senior Citizens Commission	Letti Dowell	12/31/2025
Senior Citizens Commission	Kathleen Fischer	12/31/2025

Reappointments:

<u>Advisory Body</u>	<u>Appointee</u>	<u>Term Expires</u>
Rent Review Board (Landlord Representative)	Carl Fox	12/31/2025
Rent Review Board (Tenant Representative)	Vikram Malani	12/31/2025

On a motion by Councilmember Cox, seconded by Councilmember Jones, the City Council approved appointments and reappointments.

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

B. Oral Reports on Meetings – None.

9. ADJOURNMENT: There being no further business, Mayor Mei adjourned the meeting at 8:25 p.m.

Attest:

Approved:

Susan Gauthier, City Clerk

LILY MEI, Mayor