

**MINUTES
FREMONT CITY COUNCIL MEETING
FEBRUARY 7, 2023
FREMONT CITY HALL AND
VIRTUAL MEETING VIA ZOOM
7:00 P.M.**

1. PRELIMINARY

- A. Call to Order:** Mayor Mei called the meeting to order at 7:02 p.m.
- B. Flag Salute:** Councilmember Salwan led the salute to the flag.
- C. Roll Call:** Present: Mayor Mei, Vice Mayor Keng (arrived at 7:06 p.m.), Councilmembers: Campbell, Kassan, Shao, Salwan, and Cox

D. Announcements by Mayor/City Manager/City Attorney

Mayor Mei announced the Boards and Commissions vacancies.

- ❖ There was a delay at the beginning of the meeting of about 60 minutes, due to technical difficulties in Council Chambers & Zoom. The meeting resumed at approximately 8:05 p.m. There were no deliberations by Council nor discussion of agenda items during this period.

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 Keng, Councilmembers: Campbell, Kassan, Shao, Salwan, and Cox
Noes:	None
Absent:	None
Abstain:	None

- * **B. Approval of Minutes – None.**
- * **C. Mayor Mei opened consideration to Consider Making Findings to Allow the City Council and the Legislative Bodies of the City of Fremont to Continue Holding Meetings via Videoconference pursuant to AB 361**

On a motion by Councilmember Shao, seconded by Councilmember Cox, Staff recommends that the City Council make the following findings in order to continue holding videoconference meetings for the City Council and the City's legislative bodies:

1. The City Council has reconsidered the circumstances of the COVID-19 state of emergency;
2. The state of emergency continues to directly impact the ability of the members to meet safely in person; and
3. Staff is directed to schedule reconsideration of these findings at the regularly scheduled City Council meeting on March 7, 2023.

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

*** D. Mayor Mei opened Consideration of a Resolution Adopting the City of Fremont's Salary Schedule**

On a motion by Councilmember Shao, seconded by Councilmember Cox, the City Council adopted Resolution No. 2023-04 approving the City of Fremont's Salary Schedules as established by the City Manager.

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

*** E. Mayor Mei opened consideration of Approval of Plans and Specifications; Award of Construction Contract to Golden Bay Construction, Inc. in the Amount of \$2,226,859.50 (Includes 10% Contingency) to Implement the Fremont Boulevard and Walnut Avenue Protected Intersection Project (PWC9044); Appropriation Actions; and Make Findings of CEQA Exemption.**

This item was removed from the Consent Calendar. Mayor Mei opened the public comment period. John Hinds commented. There being no additional speakers, Mayor Mei closed the public comment period.

On a motion by Councilmember Kassan, seconded by Councilmember Campbell, the City Council approved the following actions related to the Fremont Boulevard and Walnut Avenue Protected Intersection Project (PWC9044):

1. Find that this project is exempt from California Environmental Quality Act (CEQA) review pursuant to Section 21080.25 of the Public Resources Code as a sustainable

transportation project that implements pedestrian and bicycle facilities and improves multimodal safety and access for current and potential transit riders and is further exempt pursuant to CEQA Guidelines Section 15301 as the repair, maintenance or minor alteration of existing facilities involving 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, Golden Bay Construction, Inc. in the amount of \$2,024,417.50 and allocate a 10% construction contingency in the amount of \$202,442 for a total construction contract amount of \$2,226,859.50 and authorize the City Manager or designee to execute the contract.
4. Appropriate the federal grant funds in the amount of \$1,271,000 to PWC9044-522.
5. Reallocate \$130,000 from PWC8988-136 and appropriate it to PWC9044-136.
6. Reallocate \$30,000 from PWC9033-531 and appropriate it to PWC9044-531.
7. Reallocate \$330,888 from PWC9050-515 and appropriate it to PWC9044-515.

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

*** F. Mayor Mei opened consideration of Approval of Plans and Specifications; Award of Construction Contract to Redgwick Construction Co. in the Amount of \$2,925,617.48 (Including 10% Contingency) to Implement the Fremont Boulevard Protected Intersection Improvements at Grimmer Boulevard and Eugene Street (PWC9076); Appropriation Actions; and Make Findings of CEQA Exemption.**

This item was removed from the Consent Calendar. Mayor Mei opened the public comment period. John Hinds commented. There being no additional speakers, Mayor Mei closed the public comment period.

On a motion by Councilmember Kassan, seconded by Councilmember Cox, the City Council approved the following actions related to the Fremont Boulevard Protected Intersection Improvements at Grimmer Boulevard and Eugene Street (PWC9076):

1. Find that this project is exempt from California Environmental Quality Act (CEQA) review pursuant to Section 21080.25 of the California Public Resources Code as a sustainable transportation project that implements pedestrian and bicycle facilities and improves multimodal safety and access for current and potential transit riders and is further exempt pursuant to CEQA Guidelines Section 15301 as the repair, maintenance or minor alteration of existing facilities involving 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, Redgwick Construction Co. in the amount of \$2,659,652.25 and

allocate a 10% construction contingency in the amount of \$265,965.23 for a total construction contract amount of \$2,925,617.48 and authorize the City Manager or designee to execute the contract.

4. Appropriate the federal grant funds in the amount of \$1,415,000 to PWC9076-522.
5. Reallocate \$100,000 from PWC7953-514 and appropriate it to PWC9076-514.
6. Reallocate \$262,678 from PWC7953-515 and appropriate it to PWC9076-515.
7. Reallocate \$67,322 from PWC7953-531 and appropriate it to PWC9076-531.
8. Reallocate \$210,000 from PWC8874-520 and appropriate it to PWC9076-520.
9. Reallocate \$350,000 from PWC8944-519 and appropriate it to PWC9076-519.
10. Reallocate \$25,112 from PWC9050-515 and appropriate it to PWC9076-515.
11. Reallocate \$369,000 from PWC9050-518 and appropriate it to PWC9076-518.
12. Reallocate \$69,150 from PWC9050-520 and appropriate it to PWC9076-520.
13. Appropriate \$500,000 of unallocated SB1 Gas Tax fund balance (Fund 134) to PWC9076-134.

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

- * **G. Mayor Mei opened Consideration to Approve the transfer of \$80,700 from Park Cost and Scope Contingency, PWC8101; approve the Plans and Specifications; award a Construction Contract in the amount of \$329,358 to Silicon Valley Paving, Inc., plus a 10% Construction Contingency in the amount of \$32,936 for a total construction contract amount of \$362,294; and find the project is exempt from review under the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15302 (Replacement or Reconstruction) and Section 15303 (New Construction or Conversion of Small Structures).**

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

1. Found the project to be categorically exempt under California Environmental Quality Act (CEQA) Guidelines Section 15302 as the replacement or reconstruction of existing structures and facilities involving negligible or no expansion and Section 15303 new construction or conversion of small structure appurtenant to existing park use.
2. Approved and transfer the amount of \$80,700 from Park Cost and Scope Contingency, PWC8101-541 to PWC 9012-541.
3. Approved the plans and specifications for the Rix Park Basketball Court Project, PWC 9012.
4. Accepted the bid, awarded and executed the construction contract to Silicon Valley Paving, Inc. for the bid of \$329,358, plus 10% contingency in the amount of \$32,936, for a total construction contract amount of \$362,294 for the Rix Park Basketball Court Project, PWC 9012.

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

*** H. Mayor Mei opened Consideration to Authorize the City Manager or their Designee to Enter into an Amendment with the County of Alameda, for the City to Provide Access Point and Housing Resource Center Services, in the Amount of \$177,082.**

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

1. Authorized the City Manager or her designee to execute a FY 2022/23 Standard Service Agreement Amendment of \$177,082 with the County of Alameda to provide Access Point and Housing Resource Center services and make findings of CEQA exemption discussed in this report.
2. Increased revenue estimates and appropriated an additional \$12,030 for these services in the Alameda County Health Care Services Agency Fund (Fund 179).

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

*** I. Mayor Mei opened Consideration of Approval of Final Map, Improvement Plans and Agreement, and Dedication of Land and Public Easements for Tract 8205, located at 37899 Niles Boulevard (Niles Gateway)**

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. Kelly Abreu commented. There being no additional speakers, Mayor Mei closed the public comment period.

On a motion by Councilmember Salwan, seconded by Councilmember Cox, the City Council adopted Resolution No. 2023-05 to:

1. Approve the Final Map and the Improvement Plans for Tract 8205.
2. Approve the Agreement for Private Improvements entitled "Improvement Agreement, Private Improvements, Tract 8205", with the developer, Lennar Homes of California, LLC, and authorize the City Manager to execute the agreement on behalf of the City.
3. Accept the developer's offer of dedication of real property interests, as identified on the Final Map, provided that the acceptance of any property on which the developer is required to construct public improvements shall be conditioned upon the developer's

completion of the improvements to the satisfaction of the City Engineer, and requested confirmation of receipt of the \$300,000, pledged as part of the project, for supporting safe parking.

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

*** J. Mayor Mei opened Consideration to Extend agreement and issue purchase orders with Netsmart Technologies, Inc.**

On a motion by Councilmember Shao, seconded by Councilmember Cox, the City Council authorized the City Manager, or her designee, to enter into a 5-Year Amendment to Master Agreement #19-0426 with Netsmart Technologies in an amount not to exceed \$589,850.

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

*** K. Mayor Mei opened Consideration to Authorize the City Manager to Accept and Appropriate a Total of \$20.5 Million in State Funding Grants for the Sabercat Bridge and Trail Extension Project (\$12 Million), the Central Park Community Center Project (\$8 Million), and the Housing Navigation Center Operating Costs (\$500,000); (2) Adopt Resolutions Authorizing the City Manager to Execute Grant Funding Agreements; and (2) Find Actions are Exempt from CEQA Review.**

On a motion by Councilmember Shao, seconded by Councilmember Cox, the City Council approve the following actions related to the State Grant Funds:

1. Find the actions are exempt from environmental review, each as a separate and independent basis for CEQA compliance, under CEQA Guidelines, Section 15378 (administrative and funding activity not a “project” under CEQA) and Section 15061 (no possibility the activity may have significant effect on the environment). Environmental review will be conducted as part of the project environmental clearance process, as appropriate.
2. For the Sabercat Bridge and Trail project (Parks and Recreation Grant): Accept AB 179 funds in the amount of \$6 million, appropriate the funds to the Sabercat Trail Extension Project – PWC8977-525, and adopted Resolution No. 2023-06 approving the city application for specified grant funds from the State Budget Act of 2022/23 in the amount of \$6 million and certifying the City will have sufficient funds to complete and operate the project and will comply with the general provisions contained in the funding contract required per the 2022-23 Procedural Guide for Local Assistance Specified Grants.

3. For the Sabercat Bridge and Trail project (Caltrans Grant): Accept AB 179 funds in the amount of \$6 million, appropriate the funds to the Sabercat Trail Extension Project – PWC8977-525, and adopt Resolution No. 2023-08 authorizing the City Manager to execute agency-state master agreements for the Sabercat Bridge and Trail project and for other transportation projects that may be approved by the City for which state and/or federal funding is approved.
4. For the Central Park Community Center project: Accept AB 179 funds in the amount of \$8 million, appropriate the funds to the Central Park Community Center Project– PWC9087-525, and adopt Resolution No. 2023-07 authorizing the City Manager to execute a funding agreement with the State.
5. For the Housing Navigation Center: Accept AB 179 funds in the amount of \$500,000, appropriate the funds to the Housing Navigation Center project, and authorize the City Manager to execute a funding agreement with the State. No resolution is required for this item.

Ayes: Mayor Mei, Vice Mayor Keng, Councilmembers:
Campbell, Kassan, Shao, Salwan, and Cox

Noes: None

Absent: None

Abstain: None

*** L. Mayor Mei opened Consideration of Approval of Agreement for On-Call Consulting Services with RailPros, Inc. for the Development of Railroad Quiet Zone Projects**

On a motion by Councilmember Shao, seconded by Councilmember Cox, the City Council approve and authorize the City Manager or her designee to execute a Master Service Agreement with RailPros, Inc. for on-call quiet zone consulting services for a total not-to-exceed compensation of \$1,250,000 for five years.

Ayes: Mayor Mei, Vice Mayor Keng, Councilmembers:
Campbell, Kassan, Shao, Salwan, and Cox

Noes: None

Absent: None

Abstain: None

*** M. Mayor Mei opened Consideration to Authorize City Manager or her designee to execute Amendment No. 1 to the Recreation Service Agreement with Communication Academy, Inc. to increase the amount not to exceed \$185,000 for the current contract term through June 19, 2023.**

On a motion by Councilmember Shao, seconded by Councilmember Cox, the City Council authorize the City Manager or her designee to execute Amendment No. 1 to the Recreation Service Agreement with Communication Academy, Inc. to increase the not-to-exceed compensation amount to \$185,000 for the current contract term ending June 19, 2023.

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

*** N. Mayor Mei opened Consideration to Adopt a Resolution authorizing Alameda County to review and submit Edward Byrne Justice Assistance Grants (JAG) on behalf of the City of Fremont**

On a motion by Councilmember Shao, seconded by Councilmember Cox, the City Council adopted Resolution No. 2023-09 authorizing and designating Alameda County and the Alameda County Board of Supervisors to review and submit all Edward Byrne Justice Assistance Grant Program (JAG Grants) on behalf of the City of Fremont.

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

3. CEREMONIAL ITEMS

A. Proclamation: Honoring Black History Month

B. Proclamation: Congenital Heart Defect Awareness Week – February 7–14, 2023

C. Proclamation: Health for Humanity – Yogathon also known as “Surya Namaskar Yajna”

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 person(s) commented: Dr. Romesh Japra, K.P. Maheshwari, Rajesh Verma, Siya Singh, Aarushi Jain, Anoshka Mody, Chandra Nayak, Anita, Phalguni Moday, Herbert Chill, Rocky Nagarajan, Prahald R., Stephen Ho.

5. SCHEDULED ITEMS

A. Mayor Mei opened Consideration of a Public Hearing (Published Notice) to Consider a First Party Appeal of the Planning Commission’s Denial of a Conditional Use Permit For a Freeway-Oriented Pylon Sign Located at 43510 Osgood Road, Adjacent To Interstate 680, and a Finding That No Further Environmental Review Is Required Pursuant To the

California Environmental Quality Act (CEQA) Per, Without Limitation, CEQA Guidelines Section 15311, Accessory Structures, and CEQA Guidelines Section 15183, Projects Consistent with the General Plan For Which an Environmental Impact Report (EIR) (SCH#2010082060) was previously prepared and certified.

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.

Associate Planner, James Willis provided a presentation and responded to questions from Councilmembers. The applicant/appellant, Mike Pati (President, Papé Properties), provided a presentation and responded to Council questions. Mayor Mei opened the public hearing. The following persons commented: Matt Senekeremian and Cindy Bonior (representing the Fremont Chamber of Commerce) and Kelly Abreu. There being no additional speakers, Mayor Mei closed the public hearing. Staff responded to questions. Councilmembers provided comment.

On a motion by Councilmember Campbell, seconded by Councilmember Kassan, the City Council:

1. Held de novo public hearing.
2. Adopted Resolution No. 2023-10, which:
 - a) Finds that the project is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to, without limitation, CEQA Guidelines Section 15311, Accessory Structures and CEQA Guidelines Section 15183 in that it is an on-site sign which conforms to the Fremont General Plan and applicable Zoning rules, and that each of the foregoing provides a separate and independent basis for CEQA compliance.
 - b) Determines that that proposed project is in compliance with the City's zoning ordinance in that the orientation, height, size, and design of the pylon sign are in compliance with the development standards and policies for freeway-oriented pylon signs.
 - c) Based on the available information, evidence presented at the hearing and consideration of the above, finds that the proposed project is consistent with the City's General Plan for the reasons described in this staff report and by reference in Informational 3 (December 8, 2022 Planning Commission Report).
3. Granted the Appeal (reversing the Planning Commission's decision to deny the project and allow the project to proceed), approving the proposed Conditional Use Permit to allow a freeway-oriented sign as shown in Exhibit "A," subject to the findings and conditions of approval contained in Exhibit "B".

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

6. OTHER BUSINESS

A. Mayor Mei opened consideration of Report Back and Request for Direction on Impact Fee Deferral Policy for Market Rate Residential Development Projects

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.

Public Works Director, Hans Larsen provided a presentation. Mayor Mei opened the public comment period. There were no speakers.

On a motion by Vice Mayor Keng, seconded by Councilmember Shao, the City Council directed staff to prepare legislation to reflect Council’s desire to implement a fee deferral, that will require Planning Commission review before the ordinance comes to City Council for introduction and then adoption.

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

7. ITEMS REFERRED BY COUNCILMEMBERS

A. Council Referrals – None.

B. Appointments to Boards, Commissions, Committees

1. Mayor Mei opened consideration of Mayor Mei Referral: Appointments and Reappointments to Advisory Bodies

Appointments:

<u>Advisory Body</u>	<u>Appointee</u>	<u>Term Expires</u>
Human Relations Commission	Benjamin Craig	12/31/2025
	Annie He	12/31/2026
	Keith Koo	12/31/2026

On a motion by Councilmember Salwan, seconded by Councilmember Shao, the City Council approved appointments to the Human Relations Commission.

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

*Consent Items

Appointment:

<u>Advisory Body</u>	<u>Appointee</u>	<u>Term Expires</u>
Mobility Commission (Driving Representative 1)	Tejinder Dhami	12/31/2025

On a motion by Councilmember Salwan, seconded by Councilmember Shao, the City Council approved appointments to the Mobility Commission.

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

Reappointments:

<u>Advisory Body</u>	<u>Appointee</u>	<u>Term Expires</u>
Library Advisory Commission	David Sheen	12/31/2026
Youth Advisory Commission	Jessica Li Aditya Mittal	12/31/2024 12/31/2024

On a motion by Councilmember Salwan, seconded by Councilmember Shao, the City Council approved the reappointments.

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

2. Mayor Mei opened consideration Requesting Adoption of a Resolution to Update Council Assignments to Outside Committees, Commissions, and Boards

On a motion by Councilmember Salwan, seconded by Councilmember Shao, the City Council adopted Resolution No. 2023-11 designating Council assignments to outside committees, commissions, and boards and to update the exhibit to also reflect changes to contact information, meeting frequency and/or stipends for the various entities.

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

C. Legislative Actions – None.

D. Report on Committee Assignments – None.

8. ADJOURNMENT: Mayor Mei held a moment of silence regarding the tragedies in Turkey and Syria. There being no further business, Mayor Mei adjourned the meeting at 11:10 p.m.

Attest:

Approved:

Susan Gauthier, City Clerk

LILY MEI, Mayor