

MINUTES
FREMONT CITY COUNCIL MEETING
MARCH 19, 2024
FREMONT CITY HALL AND
VIRTUAL MEETING VIA ZOOM
7:00 P.M.

TELECONFERENCE NOTICE

Pursuant to Government Code Section 54953(b), the following meeting will include teleconference participation by Councilmember Kassan from:

*Hampton Inn Baltimore Downtown Convention Center
Hotel Business Center
550 Washington Blvd.
Baltimore MD 21230*

1. PRELIMINARY

- A. Call to Order:** Mayor Mei called the meeting to order at 7:03 p.m.
- B. Flag Salute:** Councilmember Campbell led the salute to the flag.
- C. Roll Call:** Present: Mayor Mei, Councilmembers: Keng, Campbell, Kassan, Salwan, and Cox
Absent: Vice Mayor Shao

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.

E. Report Out of Closed Session – None.

2. CONSENT CALENDAR

- * **A. Waive Reading of Ordinances:** The City Attorney read the titles of ordinances to be considered.

On a motion by Councilmember Campbell, seconded by Councilmember Keng, the City Council waived further readings of proposed ordinances.

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

*Consent Items

- * **B. Approval of Minutes – None.**
- * **C. Mayor Mei opened consideration to Approve Payment of \$252,647 to Settle Retroactive Component of Prevailing Wage Extraordinary Adjustment Claim with Republic Services (Solid Waste Collection Contract Prevailing Wage Adjustment)**

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

1. Authorized the City Manager, or her designee, to execute the Second Amendment to the Amended and Restated Agreement for the Collection, Processing, and Disposal of Municipal Solid Waste, Recyclables, and Organic Waste.
2. Appropriated \$252,647 from the Integrated Waste Management Fund Unallocated Fund Balance for the lump sum settlement payment.

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

- * **D. Mayor Mei opened consideration of Approval to Award Agreements and Authorize the City Manager or her Designee to Execute On-Call Tree Maintenance and General Groundwork and Debris Removal Services Agreements with BrightView Tree Services, Rapid Response and West Coast Arborists**

On a motion by Councilmember Campbell, seconded by Councilmember Keng, the City Council awarded On-Call Tree Trimming, Maintenance and General Groundwork and Debris Removal Agreements and authorize the City Manager or her designee to execute the agreements, each through June 30, 2029, with Brightview Tree Services, Rapid Response and West Coast Arborists.

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

- * **E. Mayor Mei opened consideration to Approve the Closeout of Completed Capital Projects and Partial Defunding of Selected Projects; and Approval of Fund Reallocations and Appropriations.**

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

1. Approved the closeout of the capital projects identified on Exhibit A and return the remaining project appropriations to available fund balance in their respective funds;
2. Approved the defunding of the capital projects identified on Exhibit A and return the remaining project appropriations to available fund balance in their respective funds; and
3. Approved appropriation actions identified on Exhibit A.

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

*** F. Mayor Mei opened consideration of Approval of Agreements for On-Call Environmental and Soil Testing Consulting Services in the Amount of \$1,250,000 per Agreement with Millennium Consulting Associates, Partner Engineering and Science, and TRC Solutions, Inc. (Environmental Site Assessment and Soil Testing)**

On a motion by Councilmember Campbell, seconded by Councilmember Keng, the City Council approved and authorized the City Manager or designee to execute a Master Service Agreement with the following consultants:

1. Millennium Consulting Associates for On-Call ESA and Soil Testing Consultant Services for a total not to exceed amount of \$1,250,000 for five years.
2. Partner Engineering and Science for On-Call ESA and Soil Testing Consultant Services for a total not to exceed amount of \$1,250,000 for five years.
3. TRC Solutions, Inc. for On-Call ESA and Soil Testing Consultant Services for a total not to exceed amount of \$1,250,000 for five years; and
4. Found that 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).

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

3. CEREMONIAL ITEMS

A. Proclamation: Celebrating American Red Cross Month

B. Proclamation: Proclamation for Women’s History Month

4. PUBLIC COMMUNICATIONS

A. Oral and Written Communications

The following persons commented: Sanjay Barla (SEIU West) and Aurora (Janitorial Contractor).

5. SCHEDULED ITEMS

A. Mayor Mei opened consideration of a Public Hearing (Published Notice) To Consider a Third Party Appeal of the Planning Commission’s Approval of a Conditional Use Permit For a Stealth Wireless Telecommunication Facility Located on the Ohlone College Campus at 43600 Mission Boulevard, and a Resolution Approving the Conditional Use Permit Based Upon Findings and Conditions Including a Finding that No Further Environmental Review is Required Pursuant the California Environmental Quality Act (CEQA) Per CEQA Guidelines Section 15303, New Construction or Conversion of Small Structures, and CEQA Guidelines Section 15183, as the Project Is Consistent With the General Plan, For Which an Environmental Impact Report (EIR) (SCH#2010082060) Was Previously Prepared and Certified. Each of the foregoing Provides a Separate and Independent Basis for CEQA Compliance. (PLN2023-00261)

Planner II, Spencer Shafsky provided a staff presentation and responded to questions from Councilmembers. The Appellant, Gerald Chan, gave a presentation. The Applicant representative from AT&T, Ashley Smith, Site Acquisition Manager, Epic Wireless Group LLC, provided an overview of the project. Councilmember Salwan opened the public hearing. The following persons commented: Manveen Kalyanpur, Srenik Mehta, Salil Suri (provided a handout), York Liu (provided a handout), Rakesh Guliani (provided a handout), David Ray, Nancy Yang (Chinese Parents Association, provided same handout as Rakesh), Irwan Sie, Sunita Lodha (Rana, HAF), and Salim Mastan. There being no additional speakers, Councilmember Salwan closed the public hearing. The Appellant was given five minutes for rebuttal. The Applicant representative was also provided five minutes for rebuttal. This was followed by questions and comments from Councilmembers.

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

1. Held public hearing.
2. Adopted Resolution No. 2024-07 denying the appeal, adopting findings, and approving Conditional Use Permit PLN2023-00261 as shown on Exhibit “A” subject to findings and conditions in Exhibit “B,” and adding that the Applicant remove the fuel tank, replace the electrical and add - replace the trees.

Ayes:	Councilmembers: Keng, Campbell, Salwan, and Cox
Noes:	Councilmember Kassan
Absent:	Vice Mayor Shao
Abstain:	Mayor Mei

- B. Mayor Mei opened consideration of a Public Hearing (Published Notice) to consider an annual report on the status of implementation of the General Plan and the 2023 – 2031 Housing Element; and to consider a finding that the annual report is exempt from the requirements of the California Environmental Quality Act (CEQA), each on a separate and independent basis, pursuant to CEQA Guidelines §15061 (Review for Exemption), §15183 (Projects Consistent with a Community Plan, General Plan, or Zoning), and §15378 (Project). (2023 Annual Progress Report on the Implementation of the General Plan and Housing Element (PLN2024-00067))**

*It was determined that this item should not have been noticed as a Public Hearing. Therefore, this item was added to the Consent Calendar, as there were no questions from Councilmembers and no speaker cards turned in by the audience.

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

1. Found that the APR is exempt from the requirements of the California Environmental Quality Act (CEQA), each on a separate and independent basis, pursuant to CEQA Guidelines §15061 (Review for Exemption), §15183 (Projects Consistent with a Community Plan, General Plan, or Zoning), and §15378 (Project).
2. Accepted Exhibit “A” and Exhibit “B,” as attached to the staff report, which depict the status of the General Plan and Housing Element, respectively, and directed Staff to submit the required materials to OPR and HCD.

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

6. OTHER BUSINESS

- A. Mayor Mei opened consideration of a Presentation on Regional Affordable Housing Bond. Michelle Starratt, Director and Jennifer Pearce, Deputy Director of the Alameda County Housing and Community Development Department will provide background and seek Council input on the Bay Area Housing Finance Authority’s Affordable Housing Bond proposed for the November 2024 ballot.**

County of Alameda Housing and Community Development Director, Michelle Starratt, provided background and shared a presentation. Mayor Mei opened the public comment period. The following persons commented: Lisa Danz (Fremont for Everyone (FFE)), Sandra Moore (FFE), and Salim Mastan. There being no additional speakers, Mayor Mei closed the public comment period. Councilmembers provided comments.

The City Council received the presentation.

B. Mayor Mei opened consideration of Approval of the Evaluation of Affordable Housing Proposals Received in Response to the 2023 Notice of Funding Availability (NOFA); Request for Council to Appropriate Funds and Adopt Resolutions and Authorize Execution of Agreements for Three Affordable Housing Projects with USA Properties Fund, Inc., The Pacific Companies and Maracor Development, and Community Development Partners (Affordable Housing Awards)

*This item was added to the Consent Calendar.

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

1. For the 150-unit project proposed by USA Properties Fund, Inc. adopted Resolution No. 2024-08 authorizing the City Manager or her designee to: 1) execute loan documents and take such other actions as required to provide a loan of \$12.85 million (in the form of a 55-year loan at a rate of 3% simple interest); 2) Correspondingly, appropriate \$8.85 million to the project from Fund 196 (affordable housing fees) and \$4 million to the project from Fund 111 (Low Moderate Income Housing Asset Fund).
2. For the 240-unit project proposed by The Pacific Companies and Maracor Development, adopted Resolution No. 2024-09 authorizing the City Manager or her designee to: 1) execute loan agreements and take such other actions as required to provide a loan of \$12 million (in the form of a 55-year loan at a rate of 3% simple interest); 2) Correspondingly, appropriate \$12 million to the project from Fund 196 (affordable housing fees).
3. For the 96-unit project proposed by Community Development Partners, adopted Resolution No. 2024-10 authorizing the City Manager or her designee to: 1) execute loan agreements and take such other actions as required to provide a loan of \$10 million (in the form of a 55-year loan at a rate of 3% simple interest); 2) Correspondingly, appropriate \$10 million to the project from Fund 196 (affordable housing fees).

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

7. ITEMS REFERRED BY COUNCILMEMBERS

A. Council Referrals

1. COUNCILMEMBER CAMPBELL REFERRAL – Statement from Fremont City Council on the Conflict in Gaza and Israel

Councilmember Campbell shared an overview and read her statement. This was followed by a question and answer period among Councilmembers. Mayor Mei opened the public comment period. The following persons commented: John Hinds, Uzma Kardame, Sara Faiyaz (Ohlone),

Mayrav, Mariam Syeda, Ido Weissman, Naseer Syed, Arik P, Miri P., Maryam Bandarkar, Nuzhat Fatima, Hiba Salmon, Max Gilbert, Ronit Rose, Ilan Stelarsh, Shahid, Inga, Keith Parker, Dorit Reiss, Charles Dornfest, Raunak Jahan Choudhury, Jitu Choudhury, Salman Jaffer, Haniya, Shlomit Blum, Hagit Shekel, Yigal Blum, Chaga Fuss, Rabbi Moishy, Aisha Siddiqui, Bakrash J, Theodore Bresler, Anna Stepanenko, Thanna Rajapakse, Iris Giladi, Marlene Hepp, Dmitry Sheyman, Rabbi Eli Landes, Shayna Landes, Afifah Arif (Islamic Center of Fremont), Lee Wong, Sunita Lodha (RANA), Anu Nair, Moina Shaiq, Netah Golan, Oshi Gat, Hilit Kashani, Saeed Qasi, Gilli Yahalom, Thalila Golan, Felix Lechner, Lee Lechner, Musa Tariq, Mubeen Quadri, Maaz Adil, Liat Dreuer, Nahed Barakat, Mohammad Imaduddin, Baktash Jami, Syed Karim, Sarit, Ester, Yasin M, Salim Mastan, Fatima, Gulled A. Roble, Liftawiya, Or, Mohamed Khadbai, Ahmed M, Sumaya, Kim Mo, Ladan Gulled, Sadaf, Anwar Mirza, and Ambarene Khader. There being no additional speakers, Mayor Mei closed the public comment period. This was followed by comments from Councilmembers.

On a motion by Councilmember Salwan, seconded by Councilmember Cox, the City Council voted to extend the meeting after 12:00 a.m.

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

Councilmember Campbell read the statement in its entirety because she stated that she added a couple of things. On a motion by Councilmember Campbell, seconded by Councilmember Salwan, the City Council directed staff to publish the signed statement through all City media outlets and issue a press release, and would like to request that a referral or discussion be brought back on how the City of Fremont will deal with international issues and affairs.

Ayes: Mayor Mei, Councilmembers: Keng, Campbell, and Salwan
Noes: Councilmember Kassan
Absent: Vice Mayor Shao
Abstain: Councilmember Cox (due to holding outside international appointments)

B. Appointments to Boards, Commissions, Committees – None.

C. Legislative Actions – None.

D. Report on Committee Assignments – None.

8. ADJOURNMENT: There being no further business, Mayor Mei adjourned the meeting at 12:10 a.m., on Wednesday, March 20, 2014.

Attest:

Approved:

Susan Gauthier, City Clerk

LILY MEI, Mayor