

**MINUTES  
FREMONT CITY COUNCIL MEETING  
SEPTEMBER 17, 2024  
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 7:08 p.m.
- B. Flag Salute:** Councilmember Kimberlin led the salute to the flag.
- C. Roll Call:** Mayor Mei, Vice Mayor Campbell, Councilmembers: Keng, Kimberlin, Shao, Salwan, 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 and introduced colleagues.

**E. Report Out of Closed Session**

City Attorney Alvarado reported that Council conducted a conference in Closed Session this evening. The Council discussed Conference with Labor Negotiator pursuant to Government Code 54957.6. No reportable action was taken.

**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 Vice Mayor Campbell, the City Council waived further readings of proposed ordinances.

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

- \* **B. Approval of Minutes – None.**

\* **C. Mayor Mei opened consideration of Second Reading and Adoption of an Ordinance of Amending Fremont Municipal Code Section 3.20.090(b) to Reflect Internal Revenue Service (IRS) Guidance on Acknowledging Donations**

On a motion by Councilmember Shao, seconded by Vice Mayor Campbell, the City Council adopted Ordinance No. 06-2024 amending the Fremont Municipal Code to reflect IRS guidance on acknowledging donations.

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

\* **D. Mayor Mei opened consideration of Adoption of a Resolution Updating the Conflict of Interest Code for the City of Fremont**

On a motion by Councilmember Shao, seconded by Vice Mayor Campbell, the City Council adopted Resolution No. 2024-37 amending Fremont’s Conflict of Interest Code as it relates to the Form 700 designated positions and the disclosure categories.

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

\* **E. Mayor Mei opened consideration of Authorize the City Manager or her Designee to Execute a Technology Service Agreement (TSA) with Open Counter Enterprises, Inc. to provide interactive zoning searches and permitting step-by-step guides for a five-year term and a not-to-exceed compensation of \$287,275**

On a motion by Councilmember Shao, seconded by Vice Mayor Campbell, the City Council:

1. Authorized the City Manager or her designee to execute a new Technology Service Agreement (TSA) with Open Counter Enterprises, Inc., for a five-year term and not-to-exceed compensation of \$287,275.
2. Authorized the use of PWC8746, Land Use and Permitting System, for the one-time and initial year of subscription fees totaling \$59,710.
3. Authorized City Manager or her designee to execute any implementing documents and actions, as necessary.

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

**\* F. Mayor Mei opened consideration of Authorize the City Manager or Her Designee to Execute an Amendment to the Master Services Agreement with Hines EDM to Extend the Term an Additional Three Years and Increase the Not-to-Exceed Compensation an Additional \$500,000 to \$1,250,000 (Document Scanning and Indexing Services)**

On a motion by Councilmember Shao, seconded by Vice Mayor Campbell, the City Council authorized the City Manager or her designee to amend the Master Service Agreement with Hines, EDM, Inc. to extend the term of the agreement an additional three years through October 2027 and increase the not-to-exceed compensation an additional \$500,000 to \$1,250,000.

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

**\* G. Mayor Mei opened consideration of Approval of Actions to Accept Federal Funding Grants in the Amount of \$1.35 Million and Appropriate Funds for the Central Park Community Center Project (\$0.5 Million), and Auto Mall Parkway Median Improvement Project (\$0.85 Million); Authorize the City Manager to Execute Grant Funding Agreements; and Make Findings of CEQA Exemption**

On a motion by Councilmember Shao, seconded by Vice Mayor Campbell, the City Council approved the following actions related to the federal grant funds:

1. Accept HUD grant funds in the amount of \$0.5 million and appropriate the funds to the Central Park Community Center Project – PWC9087-522.
2. Accept HUD grant funds in the amount of \$0.85 million and appropriate the funds to the Auto Mall Parkway Median Improvement Project – PWC9119-522.
3. Authorized the City Manager or her designee to execute grant funding agreements and prepare any other documents required to implement said agreements with HUD for the a) Central Park Community Center in the amount of \$0.5 million, and b) Auto Mall Parkway Median Improvement Project in the amount of \$0.85 million.
4. Found that the actions are exempt from environmental review as a separate and independent base 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, Vice Mayor Campbell, Councilmembers: Keng, Kimberlin, Shao, Salwan, and Cox  
Noes: None  
Absent: None  
Abstain: None

**\* H. Mayor Mei opened consideration of Approve a Professional Services Agreement with BKF Engineers, Inc., in the Amount of \$525,350 (Including 20% Contingency), for Design Services for the Auto Mall Parkway Median Improvement Project (PWC9119); Appropriation Actions; Make Findings of CEQA Exemption**

On a motion by Councilmember Shao, seconded by Vice Mayor Campbell, the City Council approved the following actions related to the Auto Mall Parkway Median Improvement Project (PWC9119):

1. Authorized the City Manager or her designee to execute a Professional Services Agreement with BKF Engineers, Inc., in an amount not to exceed \$525,350 for design services.
2. Reallocated \$2,100,000 from PWC8889-501 and appropriate it to PWC9119-501.
3. Found that the actions are exempt from environmental review as a separate and independent base 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, Vice Mayor Campbell, Councilmembers: Keng, Kimberlin, Shao, Salwan, and Cox  
Noes: None  
Absent: None  
Abstain: None

**\* I. Mayor Mei opened consideration of Authorize the City Manager or Designee to execute a three-year amendment to the agreement with Routeware, Inc. for solid waste management recordkeeping and reporting services, increasing the not-to-exceed amount from \$72,139 to \$155,000**

On a motion by Councilmember Shao, seconded by Vice Mayor Campbell, the City Council:

1. Authorized the City Manager or her Designee to execute an amendment to Agreement 21-0225 with Routeware, Inc., extending the agreement through September 30, 2027, and increasing the not-to-exceed amount from \$72,139 to \$155,000.
2. Found the proposed action exempt from CEQA under guidelines 15378(b)(2), 15378(b)(5), and/or 15061(b)(3) as detailed in the staff report.

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

- \* **J. Mayor Mei opened consideration of Authorize the City Manager, or Designee, to enter into an Agreement and to execute implementing documents with Environmental Systems Research Institute, Inc., for the annual software support and maintenance of the ESRI Small Government Enterprise Agreement Annual Subscription, in an amount not to exceed \$525,300 for a 3-Year term**

On a motion by Councilmember Shao, seconded by Vice Mayor Campbell, the City Council authorized the City Manager, or her Designee, to enter into an Agreement and to execute implementing documents with Environmental Systems Research Institute, Inc., for the annual software support and maintenance of the ESRI Small Government Enterprise Agreement Annual Subscription and take any necessary implementing actions in an amount not to exceed \$525,300 for a 3-Year term.

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

- \* **K. Mayor Mei opened consideration of Accept the Report; Find that the Emergency Continues; Make Findings of CEQA Exemption (Emergency Plumbing Repair at Police Center)**

On a motion by Councilmember Shao, seconded by Vice Mayor Campbell, the City Council:

1. Accepted the staff report.
2. Reviewed the conditions of the emergency and make a finding, by a four-fifths vote, that the emergency continues until the work on the Emergency Plumbing Repair at Police Center Project has been completed.
3. Found that the action is exempt from CEQA review pursuant to CEQA Guidelines Section 15269(b), as emergency repairs needed to maintain essential services.

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

- \* **L. Mayor Mei opened consideration of Approval of Plans and Specifications; Award of Construction Contract to Innovative Construction Solutions, Inc. in the Amount of \$354,292 (includes 15% Contingency) for the Centerville Soil Vapor Remediation Completion (PWC8812D); Appropriation Actions; Make Findings of CEQA Actions**

On a motion by Councilmember Shao, seconded by Vice Mayor Campbell, the City Council approved the following actions related to the Centerville Soil Vapor Remediation Completion Project (PWC8812D):

1. Approved the plans and specifications for the project.
2. Accepted the bid and award the construction contract to the responsive and responsible bidder, Innovative Construction Solutions, Inc. in the amount of \$307,292 and allocate a 15% construction contingency in the amount of \$47,000 for a total construction contract amount of \$354,292 and authorize the City Manager or her designee to execute the contract.
3. Reallocated \$290,000 from PWC8520-501 to PWC8812-501.
4. Found that because the remediation of the contaminants in accordance with the Centerville Unified Site Services and Funding Agreement, is a part of the project evaluated in the EIR and the CEQA Findings, and because none of the conditions requiring further CEQA documentation pursuant to State CEQA Guidelines Section 15162 have occurred, the EIR and the CEQA Findings may serve as the CEQA document for consideration and implementation of the remediation work.

Ayes: Mayor Mei, Vice Mayor Campbell, Councilmembers: Keng, Shao, and Cox  
 Noes: None  
 Absent: None  
 Abstain: Councilmembers: Kimberlin and Salwan (business/property interest)

**\* M. Mayor Mei opened consideration of Authorize the City Manager to enter into an Agreement with LWP Claims Solutions, Inc. to Provide Workers' Compensation Claims Administration Service for the City of Fremont, for a Three-Year Term in an Amount Not-to-Exceed \$689,271, and Two Additional Two-Year Options (Third Party Administration Services for the City's Self-Insured Workers' Compensation Program)**

On a motion by Councilmember Shao, seconded by Vice Mayor Campbell, the City Council:

1. Authorized the City Manager or her designee to execute a three-year agreement with LWP Claims Solutions, Inc., effective October 1, 2024, in the amount of \$689,271 and the option for two, two-year extensions in an additional amount not to exceed 5% of the previous year.
2. Found the proposed action exempt from CEQA under guidelines 15378(b)(2), 15378(b)(5), and/or 15061(b)(3).

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

**3. CEREMONIAL ITEMS**

**A. Proclamation: Bay Area Stands United Against Hate Week 2024**

## 4. PUBLIC COMMUNICATIONS

### A. Oral and Written Communications

Communications 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.

Mayor Mei opened the public comment period. The following people commented: Rev. Rosie Jones, Lana Spencer-Teasley, Alex Woo, Ben Yee (provided a hand-out), Rio Collett, Hiu Ng, Kelly Abreu, and John Hinds. There being no additional speakers, Mayor Mei closed the public comment period.

## 5. SCHEDULED ITEMS

### A. Mayor Mei opened consideration of Public Hearing (Published Notice) to consider Introduction of an Urgency Ordinance Amending Fremont Municipal Code Title 15 and Title 2 to Create a Building Appeals Board and an Amendment to Master Fee Resolution 8672 (Master Fee Schedule) to Create a Fee for Appeals to the Building Appeals Board and to Consider a Finding that the Ordinance is Exempt from the Requirements of the California Environmental Quality Act (CEQA) per, Each as a Separate and Independent Basis, CEQA Guidelines Section 15061(b)(3), 15378(b)(2) and 15378(b)(5)

Code Enforcement Manager David Wage provided a presentation and responded to questions from Councilmembers. Mayor Mei opened the public hearing. The following people commented: John Weed and Kelly Abreu. There being no additional speakers, Mayor Mei closed the public hearing. This was followed by additional questions and comments from Councilmembers.

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

1. Adopted Urgency Ordinance No. 07-2024, attached as Exhibit A to the staff report, by a four-fifths vote of the City Council, amending Title 15 and Title 2 of the Fremont Municipal Code.
2. Waived the first reading and introduced the regular ordinance, attached as Exhibit B to the staff report, amending Title 15 and Title 2 to the Fremont Municipal Code.
3. Adopted Resolution No. 2024-38, attached as Exhibit C to the staff report, approving an amendment to Master Fee Resolution 8672 (Master Fee Schedule).
4. Found that the ordinance is exempt from and not subject to review under the California Environmental Quality Act (CEQA) because, without limitation, it is not a "project" as defined in CEQA Guidelines Section 15378(b)(2) and/or 15378(b)(5) as it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment per CEQA Guidelines Section 15601(b)(3), each as a separate and independent basis for CEQA compliance.

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

## 6. OTHER BUSINESS

### A. Mayor Mei opened consideration of Age Friendly Fremont Action Plan for 2025-2030

Family Services Administrators Karen Grimsich and Levon Gibson gave a presentation. There were no public speakers.

The City Council received the overview and provided comments on the Age Friendly Action Plan update.

### B. Mayor Mei opened consideration of Homelessness Regulation and Enforcement in Conjunction with the U.S. Supreme Court's Grants Pass Decision

Communications 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.

Deputy City Manager Allen DeMers and Police Chief Sean Washington provided a presentation and responded to questions from Councilmembers. Mayor Mei opened the public comment period. The following people commented: Marie Hughes, Lana Spencer-Teasley, Hiu Ng, Albert Tsui, Golden Shao, David Bonaccorsi (FFE), and Rev. Rosie Jones. There being no additional speakers, Mayor Mei closed the public comment period. This was followed by additional questions and comments from Councilmembers.

The City Council received this informational update.

## 7. ITEMS REFERRED BY COUNCILMEMBERS

### A. Council Referrals

#### 1. Mayor Mei opened consideration of Mayor Mei Referral: Referral for Consideration of the Initiation of Censure Proceedings

Communications 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. See Green Sheet on file that contains additional information not included with the staff report.

Mayor Mei provided an overview of her referral and responded to questions from Councilmembers. Mayor Mei opened the public comment period. The following people commented: Naseer Irfan, Kishon Naik, Igor Tregul, Albert Tsui, Hiu Ng, John Hinds, Golden Shao, and Chandra Wagh. 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 Mayor Mei to adopt the referral, seconded by Councilmember Shao. On a substitute motion by Vice Mayor Campbell, seconded by Councilmember Salwan, the City Council direct City staff to come back to City Council with handbook amendments that clarifies Council members cannot request proclamations and also create a handbook acknowledgement form.

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

**B. Appointments to Boards, Commissions, Committees**

**1. Mayor Mei opened consideration of Mayor Mei Referral: Appointment to Advisory Body**

**Appointment:**

<i>Advisory Body</i>	<i>Appointee</i>	<i>Term Expires</i>
Planning Commission	Benjamin Craig	12/31/2027

On a motion by Councilmember Salwan, seconded by Councilmember Cox, the City Council approved appointment:

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

**C. Legislative Actions – None.**

**D. Report on Committee Assignments – None.**

**8. ADJOURNMENT:** There being no further business, Mayor Mei adjourned the meeting at 11:30 p.m.

Attest:

Approved:

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

\_\_\_\_\_  
LILY MEI, Mayor

\*Consent Items