

**MINUTES
FREMONT CITY COUNCIL MEETING
OCTOBER 8, 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 7:01 p.m.
- B. Flag Salute:** Councilmember Shao led the salute to the flag.
- C. Roll Call:** Mayor Mei, Vice Mayor Campbell, Councilmembers: Keng, Kimberlin, Shao, and Salwan. Councilmember Cox arrived at 7:08 p.m.
- 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 – 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 Salwan, seconded by Councilmember Keng, 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. Mayor Mei opened consideration of Approval of Minutes for the Regular Meeting of September 3, 2024, the Regular Meeting of September 10, 2024, the Special and Regular Meetings of September 17, 2024, and the Special and Regular Meetings of October 1, 2024.**

See Green Sheet on file regarding correction to the staff report formal title. City Attorney Alvarado also provided an administrative correction to agenda item 7.A.1 on the September 17, 2024 minutes.

On a motion by Councilmember Salwan, seconded by Councilmember Keng, the City Council approved minutes as corrected.

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

* **C. Mayor Mei opened consideration of Authorizing the City Manager to Execute an Agreement with Bay Area Community Services for the Wellness Center.**

On a motion by Councilmember Salwan, seconded by Councilmember Keng, the City Council authorized the City Manager, or her designee, to enter into an agreement with Bay Area Community Services from July 1, 2024 to June 30, 2027, for a total amount not to exceed \$1,431,939, to allow BACS to continue operating the Wellness Center, which serves people experiencing homelessness as described in this report.

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 Adopting Resolution of Project Compliance to Support Receiving \$1,078,000 in Regional Measure 3 Grant Funds from the Metropolitan Transportation Commission for the Dumbarton Bridge to Quarry Lakes Trail – Phase A Segment Project (PWC9026); Appropriate the Grant Funds, and Make Findings of CEQA.**

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

1. Adopted Resolution No. 2024-41 of project compliance to support receiving \$1,078,000 in Regional Measure 3 grant funds from the Metropolitan Transportation Commission for the Dumbarton Bridge to Quarry Lakes Trail – Phase A Segment Project (PWC9026).
2. Appropriated \$1,078,000 of Measure 3 grant funds to PWC9026-571 in the Miscellaneous Capital Grants Fund.
3. Found the action is exempt from CEQA review per CEQA Guidelines, section 15061 9(b)(3).

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 Adopting Resolution of Local Support for the Submittal of Project Applications to the Alameda County Transportation Commission (ACTC) for their 2026 Comprehensive Investment Program Call for Projects for the Following Three Projects: 1) Fremont Boulevard Multimodal Corridor (Downtown to Irvington) Project, 2) Centerville Quiet Zone/Railroad Crossing Safety Improvement Project, and 3) South Grimmer/Osgood Road Intersection Improvement Project; and Make Findings of CEQA Exemption**

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

1. Adopted Resolution No. 2024-42 of Local Support for the Fremont Boulevard Multimodal Project (Downtown to Irvington);
2. Adopted Resolution No. 2024-43 of Local Support for the Centerville Quiet Zone/Railroad Crossing Safety Improvements Project;
3. Adopted Resolution No. 2024-44 of Local Support for the South Grimmer/Osgood Road Intersection Improvement Project; and
4. Found the action is exempt from CEQA review per CEQA Guidelines, section 15061 9(b)(3).

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 Approval of Funding Agreement with the Alameda County Transportation Commission for the Design Phase of the I-880/Decoto Road Interchange Modernization Project (PWC9022); Accept and Approve Appropriation of Measure BB Funds in the Amount of \$2,400,000 to the Project; Approve a Professional Services Agreement with Mark Thomas & Company, Inc. in the Amount of \$2,425,000 (Including 10% Contingency) for Project Design Services; Other Appropriation Actions; and Make Finding of CEQA Exemption.**

On a motion by Councilmember Salwan, seconded by Councilmember Keng, the City Council approved the following actions related to the I-880/Decoto Interchange Modernization Project (PWC9022):

1. Authorized the City Manager or her designee to execute a funding agreement with ACTC.
2. Appropriated \$2,400,000 in ACTC Measure BB funds to PWC9022-504.

3. Reallocated \$25,000 in State Gas Tax (SB1) funds from PWC8234-134 to PWC9022-134.
4. Authorized the City Manager or designee to execute a Professional Service Agreement with Mark Thomas & Company, Inc., in an amount not to exceed \$2,425,000 for design services.
5. Found that the actions are exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061 (b) (3).

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 Agreements for On-Call Geotechnical Peer Review Services with Cotton, Shires and Associates, Inc. and Ninyo & Moore Geotechnical & Environmental Sciences Consultants in the amount of \$1,250,000 per Agreement; Make Finding of CEQA Exemption.**

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

1. Cotton, Shires and Associates, Inc. for on-call geotechnical peer review services for a total not-to-exceed compensation of \$1,250,000 for five years.
2. Ninyo & Moore Geotechnical & Environmental Sciences Consultants for on-call geotechnical peer review services for a total not-to-exceed compensation of \$1,250,000 for five years.
3. 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, Vice Mayor Campbell, Councilmembers: Keng, Kimberlin, Shao, Salwan, and Cox
 Noes: None
 Absent: None
 Abstain: None

* **H. 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 Salwan, seconded by Councilmember Keng, 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

* **I. Mayor Mei opened consideration of Revisions to the Council Handbook to Update the Procedure for Requests for Ceremonial Recognition, Add a Handbook Acknowledgement Form, and Make Minor Clerical Corrections to the Document.**

This item was removed from the Consent Calendar by Mayor Mei. Mayor Mei requested additional language be added to the section of Processing of Requests. This was followed by questions and comments from Councilmembers.

On a motion by Councilmember Salwan, seconded by Vice Mayor Campbell, the City Council adopted a Resolution No. 2024-45 amending the City Council Handbook of Rules and Procedures, and included in the amended language for Processing of Requests: “No individual Council member *or group of Council members shall submit requests for ceremonial items...*”

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

3. CEREMONIAL ITEMS – None.

4. PUBLIC COMMUNICATIONS

A. Oral and Written Communications

Mayor Mei opened the public comment period. The following people commented: Omar Abubakar, Sameer Nagwekar, Peter Hansen, Katy Polony, May Kwan, Saeed Qazi, Krysten Laine, Noor Bilbeisi, Patricia Mason, Mary (Molly) Shirk, Sharat Lin, Joanna Lai, Margaret (Peggy) Sheehan-Rahman, Theresa DeAnda, Kelly Abreu, Samantha Villafuente, Malaika Wahid, Falsestine Hurrieh, and Mark Rahman. There being no additional speakers, Mayor Mei closed the public comment period.

5. SCHEDULED ITEMS

A. Mayor Mei opened consideration of Referral from the Recreation Commission and the George W. Patterson House Advisory Board to Amend the Composition of the Patterson House Advisory Board.

Mayor Mei opened the public hearing. No public speakers. Mayor Mei closed the public hearing.

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

1. Waived the first reading and introduced the attached ordinance amending Section 2.20.560 of the Fremont Municipal Code.
2. Found that 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 Introducing an Ordinance Amending Section 10.05.550 and Adding Section 10.05.555 to the Fremont Municipal Code to Enhance Parking Enforcement Authority.

Deputy City Manager Allen DeMers and Deputy Police Chief Lance Brede provided a presentation. Mayor Mei opened the public comment period. The following people commented: Lisa Danz, Albert Tsui, Kelly Abreu, Krysten Laine, and Steve Skala. There being

no additional speakers, Mayor Mei closed the public comment period. Staff responded to questions from Councilmembers. Councilmembers provided comments.

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

1. Found that 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.
2. Waived the first reading and introduced the attached ordinance amending Section 10.05.550 and adding Section 10.05.555 to the Fremont Municipal Code.
3. Directed the City Clerk to post and publish the ordinance in accordance with Government Code Section 36933(c)(1).

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

7. ITEMS REFERRED BY COUNCILMEMBERS

A. Council Referrals – None.

B. Appointments to Boards, Commissions, Committees

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

<i>Advisory Body</i>	<i>Appointee</i>	<i>Term Expires</i>
Economic Development Advisory Commission <i>Commercial/Industrial Representative</i>	Stephen Kapp	12/31/2027

On a motion by Councilmember Cox, seconded by Councilmember Keng, 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 9:05 p.m.

Attest:

Approved:

Susan Gauthier, City Clerk

LILY MEI, Mayor