

**MINUTES
FREMONT CITY COUNCIL MEETING
DECEMBER 17, 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 Shao from:

*1300 N Market St
Wilmington, DE 19801*

1. PRELIMINARY

- A. Call to Order:** Mayor Salwan called the meeting to order at 7:02 p.m.
- B. Flag Salute:** Councilmember Zhang led the salute to the flag.
- C. Roll Call:** Mayor Salwan, Vice Mayor Campbell, Councilmembers: Kimberlin, Shao, Zhang and Liu
Absent: Councilmember Keng

D. Announcements by Mayor/City Manager/City Attorney

Mayor Salwan 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 Vice Mayor Campbell, seconded by Councilmember Kimberlin, the City Council waived further readings of proposed ordinances.

Ayes: Mayor Salwan, Vice Mayor Campbell, Councilmembers:
Kimberlin, Shao, Zhang and Liu
Noes: None
Absent: Councilmember Keng
Abstain: None

- * **B. Approval of Minutes – None.**
- * **C. Mayor Salwan opened consideration of Approve an Amendment to Extend the Current Lease Agreement and Authorize City Manager or Her Designee to Execute Further Extensions Based Upon Agreed Facility Improvements has been continued. (Fremont Park Golf Course Lease)**

See Green Sheet on file. No vote taken. Item continued to a date to be determined.

- * **D. Vice Mayor Campbell opened consideration of Approval of Plans and Specifications; Award Contract to Redgwick Construction Co. in the Amount of \$11,561,930.38 (includes 10% Contingency) for the Centerville Complete Streets Project (PWC8946); Appropriation Actions; and Make Findings of CEQA Exemption.**

This item was removed from the Consent Calendar. Public Works Director Hans Larsen responded to questions from Councilmembers.

On a motion by Councilmember Shao, seconded by Councilmember Zhang, the City Council approved the following actions related to the Centerville Complete Streets Project (PWC8946):

1. Approved the plans and specifications for the project.
2. Accepted the bid and awarded the construction contract to the lowest responsive and responsible bidder, Redgwick Construction Co., in the amount of \$10,510,845.80 and allocated a 10% construction contingency in the amount of \$1,051,084.58 for a total construction contract amount of \$11,561,930.38 and authorized the City Manager, or her designee, to execute the contract.
3. Reallocated \$700,000 from PWC7953-514 to PWC8946-514.
4. Reallocated \$50,000 from PWC7953-515 to PWC8946-515.
5. Reallocated \$130,000 from PWC7953-531 to PWC8946-531.
6. Found 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.

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

- * **E. Mayor Salwan opened consideration of Approval of a Service Agreement with D.W. Nicholson Corporation in the Amount Not to Exceed \$1,373,265.53 for Preventive Maintenance and Minor Repair Services of Apparatus Bay Doors, Automatic Gates, Security Doors, and Fire Doors for City Owned Buildings.**

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On a motion by Vice Mayor Campbell, seconded by Councilmember Kimberlin, the City Council authorized the City Manager, or her designee, to execute a 7-year service agreement with D.W. Nicholson Corporation for a total contract amount not to exceed \$1,373,265.53, and found that the action is exempt from environmental review under Public Resources Code Section 21065 and the CEQA Guidelines Sections referenced in this report, each of which provides a separate and independent basis for CEQA compliance with respect to this action.

Ayes: Mayor Salwan, Vice Mayor Campbell, Councilmembers:
Kimberlin, Shao, Zhang and Liu
Noes: None
Absent: Councilmember Keng
Abstain: None

* **F. Mayor Salwan opened consideration of Approval of a Service Agreement with Teleqo Technical Solutions, Inc. for a Street Sign Inventory and Condition Assessment in the Amount Not-to-Exceed \$185,581.25 (includes 15% Contingency); Appropriate Funds; Make Findings of CEQA Exemption.**

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

1. Authorized the City Manager, or her designee, to execute a Service Agreement with Teleqo Technical Solutions, Inc. in an amount not to exceed \$185,581.25.
2. Appropriated \$185,581.25 in the General Fund to pay for the Teleqo Service Agreement.
3. Found that the action is exempt from environmental review under Public Resources Code Section 21065 and the CEQA Guidelines Sections referenced in this report, each of which provides a separate and independent basis for CEQA compliance with respect to this action.

Ayes: Mayor Salwan, Vice Mayor Campbell, Councilmembers:
Kimberlin, Shao, Zhang and Liu
Noes: None
Absent: Councilmember Keng
Abstain: None

* **G. Mayor Salwan opened consideration of Authorize the City Manager, or Her Designee, to Execute a Maintenance Service Agreement with Imhof Tractor Services Inc. In an Amount Not-to-Exceed \$1,381,407.81. (On-Call Ground Level Fire Break Services)**

On a motion by Vice Mayor Campbell, seconded by Councilmember Kimberlin, the City Council awarded a maintenance service agreement for on-call ground-level fire break services and authorized the City Manager, or her designee, to execute an agreement with Imhof Tractor Services Inc., commencing on July 1, 2025, and continuing through June 30, 2030, for a total not-to-exceed amount of \$1,381,407.81.

Ayes: Mayor Salwan, Vice Mayor Campbell, Councilmembers:
Kimberlin, Shao, Zhang and Liu
Noes: None
Absent: Councilmember Keng
Abstain: None

- * **H. Mayor Salwan opened consideration of Authorize the City Manager, or Her Designee, to Enter into Agreement and Issue Purchase Orders with EN Engineering, LLC for Consulting, Design Engineering Drawings, Grant Management, and Construction Vendor Management for the FFA Last Mile Broadband Project, in an Amount Not-to-Exceed \$835,233.**

On a motion by Vice Mayor Campbell, seconded by Councilmember Kimberlin, the City Council authorized the City Manager, or her designee, to enter into an agreement and to execute implementing documents with EN Engineering, LLC, for Consulting, Design Engineering Drawings, Grant Management, and Construction Vendor Management for the FFA Last Mile Broadband Project, in an amount not-to-exceed \$835,233.

Ayes: Mayor Salwan, Vice Mayor Campbell, Councilmembers:
Kimberlin, Shao, Zhang and Liu
Noes: None
Absent: Councilmember Keng
Abstain: None

- * **I. Mayor Salwan opened consideration of Approve Plans and Specifications, Accept the Bid and Award a Construction Contract for the Bid Amount of \$470,951 to Guerra Construction Group and Allocate a 19% Construction Contingency of \$89,480 for a Total Contract Amount of \$560,431 for the Azevada Neighborhood Park Playground Upgrades and Replacement Project (PWC9053), and find that the project is exempt from review under the California Environmental Quality Act (CEQA) per CEQA Guidelines Sections 15301, 15311, and 15183.**

This item was removed from the Consent Calendar. Staff responded to questions from Councilmembers.

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

1. Approved the plans and specifications for the Azevada Neighborhood Park Playground Upgrades and Replacement Project (PWC9053).
2. Deemed the Bid Proposal submitted by KYA Services LLC as non-responsive and accepted the bid and awarded a construction contract to Guerra Construction Group for the Base Bid of \$470,951 and allocate a 19% Construction Contingency amount of \$89,480, for a total construction amount of \$560,431.
3. Found that the project is exempt from review under the California Environmental Quality Act (CEQA), each as a separate and independent basis, per Section 15301, as the project

occurs within an existing area of an established park; Section 15311, as the play equipment installation is a minor accessory structure appurtenant to an existing institutional facility; and Section 15183, as the project is consistent with the land use envisioned for the site as established by the General Plan.

Ayes: Mayor Salwan, Vice Mayor Campbell, Councilmembers:
Kimberlin, Shao, Zhang and Liu
Noes: None
Absent: Councilmember Keng
Abstain: None

*** J. Mayor Salwan opened consideration of Approval of Final Map, Agreements for Construction of Public and Private Street Improvements, and Dedication of Land and Public Easements for Tract 8685, located at 37447 through 37467 Fremont Boulevard (Veranda); Making Findings of CEQA Exemption.**

On a motion by Vice Mayor Campbell, seconded by Councilmember Kimberlin, the City Council adopted Resolution No. 2024-51 to:

1. Approve the Final Map and the Improvement Plans for Tract 8685.
2. Approve the Agreement for Public Improvements entitled “Public Improvement Agreement, Tract 8685”, with the developer, KB Home South Bay Inc., and authorize the City Manager to execute the agreement on behalf of the City.
3. Approve the Agreement for Private Improvements entitled “Private Improvement Agreement, Tract 8685”, with the developer, KB Home South Bay Inc., and authorize the City Manager to execute the agreement on behalf of the City.
4. 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.

Ayes: Mayor Salwan, Vice Mayor Campbell, Councilmembers:
Kimberlin, Shao, Zhang and Liu
Noes: None
Absent: Councilmember Keng
Abstain: None

*** K. Mayor Salwan opened consideration of Accept and Appropriate Fiscal Year 2024 Bay Area Urban Areas Security Initiative (UASI) Grant for \$310,000 to Purchase a Chemical ID Analyzer and Thermal Imaging Cameras.**

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

1. Accepted the FY 24 Bay Area Urban Areas Security Initiative (UASI) grant award for \$310,000.

2. Appropriated the \$310,000 to the Federal Operating Grants Funds (Fund 191).
3. Authorized the City Manager, or her designee, to negotiate and execute all necessary agreements or documents in connection with the grant award.

Ayes: Mayor Salwan, Vice Mayor Campbell, Councilmembers:
Kimberlin, Shao, Zhang and Liu

Noes: None

Absent: Councilmember Keng

Abstain: None

*** L. Mayor Salwan opened consideration of Ratify Amendment to Master Services Agreement with KHIT Consulting for Electronic Health Record Support Services.**

On a motion by Vice Mayor Campbell, seconded by Councilmember Kimberlin, the City Council ratified the amended Master Services Agreement #23-0259 with KHIT Consulting, Inc. to increase the total not-to-exceed amount from \$265,325 to \$300,000.

Ayes: Mayor Salwan, Vice Mayor Campbell, Councilmembers:
Kimberlin, Shao, Zhang and Liu

Noes: None

Absent: Councilmember Keng

Abstain: None

3. CEREMONIAL ITEMS

A. Resolution: His Holiness Syedna Mufaddal Saifuddin and the Dawoodi Bohra Community

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 Salwan opened the public comment period. The following people commented: Naren Immadi, Steve Skala, Linda Dewlaney, Salim Mastan, and Bri Seoane. There being no additional speakers, Mayor Salwan closed the public comment period.

5. SCHEDULED ITEMS

A. Vice Mayor Campbell opened consideration of – Citywide – PLN2025-00065 - Public Hearing (Published Notice) to consider amending various chapters within Fremont Municipal Code Title 2 (Administration and Finance), Title 8 (Health and Safety), Title 17 (Subdivisions), and Title 18 (Planning and Zoning), and related amendments to the Warm Springs / South Fremont Community Plan, to clarify and enhance definitions, procedures, and standards related to development and use of property within the City

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and implement the 2023-2031 Housing Element; and to consider exemptions for the proposed amendments from the requirements of the California Environmental Quality Act (CEQA), each on a separate and independent basis, pursuant to CEQA Guidelines §15061 (Review for (Review for Exemption) and §15183 (Projects Consistent with a Community Plan, General Plan, or Zoning). (Winter 2024/2025 Code Update)

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

Associate Planner Winnie Mui and Planning Manager Joel Pullen shared a presentation. Staff responded to questions from Councilmembers. Vice Mayor Campbell opened the public hearing. The following person commented: Kelly Abreu. There being no additional speakers, Vice Mayor Campbell closed the public hearing. Councilmembers provided comment.

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

1. Held public hearing.
2. Found that the proposed amendments are exempt from the requirements of the California Environmental Quality Act (CEQA), each on a separate and independent basis, per Section 15061 of the CEQA Guidelines in that they collectively are not a project which has the potential to cause a significant effect on the environment and CEQA Guidelines Section 15183 as a project consistent with the general plan and zoning and otherwise meeting the requirements of that exemption.
3. Found that the proposed amendments are consistent with the General Plan, including the Land Use Element implementation measure, Housing Element goal, and Economic Development Element implementation measures discussed in the staff report.
4. Found that the proposed amendments further the public interest, convenience, and general welfare of the City by ensuring consistency of the FMC and state law and provide for zoning district uses and development standards that are relevant to current development trends, easy to use, flexible and equitable, and ensure the health and safety of Fremont residents.
5. Introduced an ordinance approving amendments to FMC Title 2 (Administration and Finance), Title 8 (Health and Safety), Title 17 (Subdivisions), and Title 18 (Planning and Zoning), as shown on Exhibit "A," and for conformance with the General Plan.
6. Adopted Resolution No. 2024-52 for amendments to the Warm Springs / South Fremont Community Plan for consistency with proposed amendments to Title 18.
7. Directed staff to prepare, and the City Clerk to publish, a summary of the ordinance.

Ayes: Vice Mayor Campbell, Councilmembers: Kimberlin, Shao,
Zhang and Liu

Noes: None

Absent: Councilmember Keng

Abstain: Mayor Salwan (business/property interest)

B. Mayor Salwan opened consideration of Receive the Development Impact Fee Annual Report for Fiscal Year 2023/24 and Hold a Public Hearing (Published Notice) to Consider a 0.23% Decrease in Development Impact Fees to Align with the Bay Area Construction Cost Index; Make Findings of CEQA Exemption.

Public Works Director Larsen provided an overview and responded to questions from Councilmembers. Mayor Salwan opened the public hearing. There being no speakers, Mayor Salwan closed the public hearing. Councilmembers provided comment.

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

1. Approved the Development Impact Fee Annual Report for Period Ending June 30, 2024.
2. Held a public hearing regarding the proposed development impact fee adjustment.
3. Adopted Resolution No. 2024-53 approving a 0.23% decrease to development impact fees for the capital facilities, fire facilities, park facilities, parkland, and traffic programs to reflect construction cost changes in 2024, effective July 1, 2025, and amending the master fee schedule to reflect the revised fees.

Ayes: Mayor Salwan, Vice Mayor Campbell, Councilmembers:
Kimberlin, Shao, Zhang and Liu
Noes: None
Absent: Councilmember Keng
Abstain: None

6. OTHER BUSINESS

A. Mayor Salwan opened consideration of Introduce an Ordinance Adding Chapter 8.90 to the Fremont Municipal Code Banning Camping on Public Property and find that the adoption of the ordinance is exempt from review under the California Environmental Quality Act (CEQA) per CEQA Guidelines Sections 15304, 15307, 15308, 15061, and 15183.

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 and Homeless Services Manager Laurie Flores responded to questions from Councilmembers. Mayor Salwan opened the public hearing. The following people commented: Valerie Stewart (Mission Peak Unitarian Universalist Congregation), Jenna Daugherty, Linda Dewlaney, Rev. Barbara F. Meyers (Mission Peak Unitarian Universalist Congregation), Lisa Danz (Fremont for Everyone), Katherine Rubie (Fremont For Everyone), Keith Parker, Liz Fischer, Arsh Shah, Steve Skala, Richard Godfrey, Terri King (Mission Peak Unitarian Universalist Congregation), Chung, Sundari Yanamanram, Annie Koruga (Fremont For Everyone), John Hinds, Kate Amon (Fremont For Everyone), Vivian Wan (Abode Services), Kelly Abreu, and Sandra Moore (Fremont For Everyone). There being no additional speakers, Mayor Salwan closed the public hearing. Councilmembers provided comment.

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

1. Waived the first reading and introduced an ordinance adding Chapter 8.90 to the Fremont Municipal Code.
2. Directed the City Attorney to draft an ordinance summary and the City Clerk to post and publish the ordinance summary in accordance with Government Code Section 36933(c)(1).
3. Found that adoption of 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). Find that the project is exempt from review under the California Environmental Quality Act (CEQA), each as a separate and independent basis, per Section 15304 as this ordinance is an action by the City that may result in a minor alteration to land, water, and/or vegetation; Section 15307 and 15308 as this ordinance is an action by the City for the protection of birds and other wildlife and the environment in City parks and waterways; and Section 15183, as the ordinance is consistent with the land use envisioned for the site as established by the General Plan, each as a separate and independent basis for CEQA compliance.

Ayes: Mayor Salwan, Councilmembers: Shao, Zhang and Liu
Noes: Vice Mayor Campbell and Councilmember Kimberlin
Absent: Councilmember Keng
Abstain: None

7. ITEMS REFERRED BY COUNCILMEMBERS

- A. **Council Referrals** – None.
- 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 Salwan adjourned the meeting at 10:50 p.m.

Attest:

Approved:

Susan Gauthier, City Clerk

RAJ SALWAN, Mayor

*Consent Items