

**MINUTES
FREMONT CITY COUNCIL MEETING
NOVEMBER 15, 2022
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 Kassan was called upon to lead the salute to the flag.
- C. Roll Call:** Present: Mayor Mei, Vice Mayor Keng, Councilmembers: Jones, Kassan, Salwan, and Cox
Absent: Councilmember Shao
- D. Announcements by Mayor/City Manager/City Attorney**

Mayor Mei announced the Boards and Commissions vacancies.

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 Cox, the City Council waived further readings of proposed ordinances.

Ayes: Mayor Mei, Vice Mayor Keng Councilmembers: Jones,
Kassan, Salwan, and Cox
Noes: None
Absent: Councilmember Shao
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 Salwan, seconded by Councilmember Cox, the City Council made 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 December 13, 2022.

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

*** D. Mayor Mei opened consideration for Resolution Approving the Conditional Commitment and Execution of Agreement for \$540,000 of Federal HOME Funds (Bell Street Gardens Affordable Apartments)**

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

1. Adopted Resolution No. 2022-59 conditionally approving a loan of \$540,000 in FY 2020/21 HOME funds to Resources for Community Development for the development of the Bell Street Gardens Affordable Apartments and authorizing the City Manager or designee to make the determination that the funding is needed to close a funding gap for the project and execute all necessary HOME-related loan and implementing documents with Resources for Community Development and Alameda County.
2. Appropriated \$540,000 in HOME funds (Fund 103) to the Bell Street Gardens project.

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

*** E. Mayor Mei opened consideration for Approval of Specifications and Award of Contract to Global Road Sealing, Inc. in the Amount of \$228,700 (Including 20% Contingency) for the 2023 Citywide Pavement Crack Seal Project (PWC8195-V1); Make Findings of CEQA Exemption.**

On a motion by Councilmember Salwan, seconded by Councilmember Cox, the City Council approved the following actions related to the 2023 Citywide Pavement Crack Seal Project (PWC8195-V1):

1. Find the project is exempt from review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15301 as the maintenance, repair or minor alteration of existing facilities involving negligible or no expansion of use beyond that presently exists.
2. Approve the specifications for the project.

3. Accept the bid and award the construction contract to the lowest responsive and responsible bidder, Global Road Sealing, Inc. in the amount of \$190,700 and allocate a 20% construction contingency in the amount of \$38,000 for a total construction contract amount of \$228,700 and authorize the City Manager or designee to execute the contract.

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

*** F. Mayor Mei opened consideration for Approval of Plans and Specifications and Award Construction Contract to Safety Network, Inc. in the Amount of \$472,477.64 (including 10% Contingency) for the Citywide Street Name Sign Installation Project (PWC8996); Appropriation Actions; and Make Findings of CEQA Exemption**

On a motion by Councilmember Salwan, seconded by Councilmember Cox, the City Council approved the following actions related to the Citywide Street Name Sign Upgrade Project (PWC8996):

1. Find that this project is categorically exempt from review under California Environmental Quality Act (CEQA) review 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 presenting 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, Safety Network, Inc., in the amount of \$429,524.64 and allocate a 10% contingency in the amount of \$42,953.00 for a total construction contract amount of \$472,477.64 and authorize the City Manager or designee to execute the contract.
4. Reallocate \$76,000 from PWC8677-136 to PWC8996-136.

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

*** G. Mayor Mei opened consideration for Authorization to Execute a Professional Services Agreement with Mark Thomas & Company, Inc. in an amount not to exceed \$1,980,240 for the Project Approval and Environmental Clearance Phase of the I-880/Decoto Road Interchange Modernization Project (PWC9022); Make Findings of CEQA Exemption**

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

1. Authorized the City Manager or designee to execute a Professional Service Agreement with Mark Thomas & Company, Inc. for the PA/ED phase for the I-880/Decoto Road Interchange Modernization Project, in an amount not to exceed \$1,980,240.
2. Reallocated \$25,000 in SB 1 funds from PWC8234-134 to PWC9022-134.
3. Found the action was exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15262 and 15061(b)(3). As a separate and independent basis for CEQA compliance, the appropriate environmental assessment and determination for the overall project implementation will be conducted as part of the PA/ED phase of work.

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

*** H. Mayor Mei opened consideration for Approval of Plans and Specifications; Award Contract to Golden Bay Construction, Inc., Inc. in the Amount of \$1,659,109.63 (includes 10% Contingency) for the Walnut Avenue and Liberty Street Intersection Improvements Project (PWC9037); Appropriation Actions; and Make Findings of CEQA Exemption**

On a motion by Councilmember Salwan, seconded by Councilmember Cox, the City Council approved the following actions related to the Citywide Street Name Sign Upgrade Project (PWC8996):

1. Find that this project is exempt from California Environmental Quality Act (CEQA) review pursuant to Sections 21080.20 and 21080.25 as a sustainable transportation project that implements pedestrian and bicycle facilities and improves multimodal safety and access for current and potential BART 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. Accept staff's certification that the project will be completed by a skilled and trained workforce in accordance with statutory requirements and pursuant to the project specifications.
3. Approve the plans and specifications for the project.
4. Accept the bid and award the construction contract to the lowest responsive and responsible bidder, Golden Bay Construction, Inc. in the amount of \$1,508,281.63 and allocate a 10% construction contingency in the amount of \$150,828 for a total construction contract amount of \$1,659,109.63 and authorize the City Manager or designee to execute the contract
5. Reallocate \$200,000 from PWC7953-531 and appropriate it to PWC9037-531.
6. Reallocate \$62,320.72 from PWC8828-501 and appropriate it to PWC9037-501.
7. Reallocate \$84,809.68 from PWC8828-531 and appropriate it to PWC9037-531.

8. Reallocate \$64,395.82 from PWC8959-531 and appropriate it to PWC9037-531.
9. Reallocate \$46,395.69 from PWC8927-136 and appropriate it to PWC9037-136.
10. Reallocate \$98,943.09 from PWC9033-531 and appropriate it to PWC9037-531.

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

*** I. Mayor Mei opened consideration for Approval of Lease Amendment with Alameda County Water District for Use of Property Near Patterson Reservoir as Police Outdoor Firing Range; Approval of Plans and Specifications and Award of Contract to McNabb Construction, Inc. in the amount of \$441,784 (including 15% Contingency) for the Fremont Police Outdoor Firing Range Renovation Project (PWC8995); Appropriation Actions; and Make Findings of CEQA Exemption**

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

1. Authorized the City Manager or designee to execute a Second Amendment to the Lease between the City of Fremont and the Alameda County Water District for continued use of ACWD property located near Patterson Reservoir as an Outdoor Firing Range.
2. Approved Plans and Specifications for the Fremont Police Outdoor Firing Range Improvement Project (PWC8995).
3. Accepted the Bid and awarded the construction contract to the lowest responsive and responsible bidder McNabb Construction, Inc. in the amount of \$384,160 and allocate a 15% contingency in the amount of \$57,624 for a total construction contract amount of \$441,784 and authorize the City Manager or designee to execute the contract.
4. Allocated \$150,000 of unappropriated fund balance in the Capital Improvements Fund to PWC8995-501.
5. Found that the recommended actions are exempt under the California Environmental Quality Act (CEQA) as specified in CEQA Guidelines Section 15301, (Existing Facilities) and CEQA Guidelines Section 15302(b) (Replacement or Reconstruction).

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

*** J. Mayor Mei opened consideration for Approval of Partial Release of Performance Bonds in the Amount of \$2,810,000 Posted by APIC THE GLOBE, LLC with the Public and Private Agreements Required for Parcel Map 9281; and Make Findings of CEQA Exemptions**

On a motion by Councilmember Salwan, seconded by Councilmember Cox, the City Council found the action is exempt from CEQA review under Section 15378(b)(2) and (b)(5) and approve the partial release of the Faithful Performance Bonds in the amount of \$2,810,000 posted by APIC THE GLOBE, LLC with the approved Public and Private Improvement Agreements for Parcel Map 9281.

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

- * **K. Mayor Mei opened consideration to Amend Contract for Homeless Encampment and Illegal Dumping Abatement Services with Art Cuevas Landscaping to Increase the Total Contract Amount from \$617,120 to \$1,255,120 and Find that the Project is Exempt from Review Under the California Environmental Quality Act (CEQA) per CEQA Guidelines 15304 and 15307.**

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

1. Authorized the City Manager, or designee, to execute a contract amendment with Art Cuevas Landscaping for homeless encampment and illegal dumping abatement expiring June 30, 2024, not to exceed \$1,255,120.
2. Found that the project is exempt from review under the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15304 (Minor Alterations to Land) and Guidelines Section 15307 (Actions by Regulatory Agencies for Protection of Natural Resources).

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

- * **L. Mayor Mei opened consideration to Reject Bid Received on October 12, 2022 for the Development Center Façade Replacement Project (PWC9016)**

On a motion by Councilmember Salwan, seconded by Councilmember Cox, the City Council rejected the one bid received on October 12, 2022, for the Development Center Façade Replacement Project (PWC9016) and direct staff to re-bid the project.

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

3. CEREMONIAL ITEMS

- A. Resolution: Recognition of Veteran's Day**
- B. Proclamation: Native American Heritage Month**
- C. Proclamation: Transgender Day of Remembrance - November 20, 2022**
- D. Proclamation: Small Business Saturday – November 26, 2022**

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.

Speakers: None.

5. SCHEDULED ITEMS – None.

6. OTHER BUSINESS

- A. Mayor Mei opened consideration to Authorize the City Manager to execute a lease agreement with East Bay Regional Park District (EBRPD) to include 900 acres at Stanford Staging Area and the larger Mission Peak are for the purpose of public park, recreation, and open space and find that no further environmental review is required for the lease pursuant to CEQA Guidelines 15307, 15162, 15163, 15678(b) and 15601(b)(3)**

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.

Community Services Director Suzanne Wolf provided a presentation. This was followed by a question and answer period with City staff and Jim O'Connor representing EBRPD. Mayor Mei opened the public comment period. The following persons commented: Kushal Vepa, Suresh, William Yragui, Jannet B., Kelly Abreu, Steve Skala, Rujul Pathak, Tony Pang, Inki Deora, Asok Chatterjee, Prakoon Chen, Gary Parikh, and Anu Asokan. There being no additional speakers, Mayor Mei closed the public comment period. This was followed by another question and answer period. Councilmembers provided direction to staff. No vote.

7. ITEMS REFERRED BY COUNCILMEMBERS

A. Council Referrals

1. Mayor Mei opened consideration of Councilmember Jones Referral: Honorary Driveway at Police Department

No presentation. Councilmember Jones provided an overview of his referral. Councilmembers provided comments.

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

1. Directed staff to complete the technical and production work required to create and install a sign near the east driveway of the Police Department honoring retired Police Chief Craig Steckler.
2. Directed staff to developed guidelines delineating where and under what circumstances honorary/commemorative signs of this type will be allowed in the future.

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

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

C. Legislative Actions – None.

D. Report on Committee Assignments

Councilmembers reported on their various meetings.

8. ADJOURNMENT: There being no further business, Mayor Mei adjourned the meeting at 9:45 p.m.

Attest:

Approved:

Susan Gauthier, City Clerk

LILY MEI, Mayor