

**MINUTES  
FREMONT CITY COUNCIL MEETING  
JANUARY 10, 2023  
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 7:00 p.m.
- B. Flag Salute:** Councilmember Salwan led the salute to the flag.
- C. Roll Call:** Present: Mayor Mei, Vice Mayor Keng, Councilmembers: Campbell, Kassan, Shao, Salwan, and Cox
- D. Announcements by Mayor/City Manager/City Attorney**

Mayor Mei announced the Boards and Commissions vacancies.

*Announcement by City Attorney:* Prior to the City Council voting on the Consent Calendar, the Council has a Non-Agenda Item concerning a Local Emergency, for discussion. The Proclamation of a Local Emergency, Staff Report, and Draft Resolution were distributed via email to Councilmembers and posted online earlier in the day.

The City Council may take action at this meeting on this non-agendized item, as an emergency action. To do so, the City Council must first adopt a motion to determine that an emergency situation exists. Staff recommends that the Council do so on the grounds that the local emergency proclamation concerns recent and anticipated storm events that severely impairs public health and safety.

Following the Council's vote determining that this non-agendized item concerns an emergency situation, the Council may then deliberate on the recommendation in the staff report. Staff recommends that the City Council adopt a resolution ratifying the emergency proclamation issued by the City Manager serving as the City's Director of Emergency Services. As the Council will observe, the City Manager has proclaimed the existence of a local emergency throughout the City of Fremont due to recent and anticipated weather events.

**Non-agendized Agenda Item:**

**RATIFICATION OF PROCLAMATION OF LOCAL EMERGENCY**

On January 9, 2023, the City Manager, as the Director of Emergency Services for the City, proclaimed a local state of emergency in the City of Fremont in response to torrential rains, flooding, and high winds, which have caused conditions of extreme peril to the safety of persons and property.

Mayor Mei opened the public comment period. The following person commented: John Hinds. There were no additional speakers. City Attorney Alvarado responded to questions from Councilmembers.

On a motion by Councilmember Mei, seconded by Councilmember Shao, the City Council found that an “emergency situation” exists necessary to act on this non-agendized item.

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

On a motion by Councilmember Cox, seconded by Councilmember Campbell, the City Council adopted Resolution No. 2023-01 Ratifying the Proclamation of a Local Emergency declared on January 9, 2023, by the City Manager in her capacity as the Director of Emergency Services.

Ayes: Mayor Mei, Vice Mayor Keng, Councilmembers:  
Campbell, Kassan, Shao, Salwan, and Cox  
Noes: None  
Absent: None  
Abstain: 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 Cox, seconded by Vice Mayor Keng, the City Council waived further readings of proposed ordinances.

Ayes: Mayor Mei, Vice Mayor Keng, Councilmembers:  
Campbell, Kassan, 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 the City of Fremont Amending Fremont Municipal Code Title 18 Planning and Zoning, Chapter 18.155 Affordable Housing, Adding Section 18.155.095 Live/Work Local Preference and Making Findings of CEQA Exemption (CEQA Guidelines Sections 15162, 15183, AND 15061(B)(3))**

See Green Sheet w/attachments on file.

On a motion by Councilmember Cox, seconded by Vice Mayor Keng, the City Council waived the second reading and adopted Ordinance No. 01-2023 amending Fremont Municipal Code Title 18 Planning and Zoning, Chapter 18.155 Affordable Housing, Adding Section 18.155.095 Live/Work Local Preference and Making Findings of CEQA Exemption (CEQA Guidelines Sections 15162, 15183, AND 15061(B)(3)).

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

**\* D. 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 Cox, seconded by Vice Mayor Keng, the City Council make 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 February 7, 2023.

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

**\* E. Mayor Mei opened consideration to Authorize the City Manager, or Designee, to issue a purchase order to Dell Technologies in the amount of \$134,638.02 for the purchase of an additional server and storage system and execute a service agreement with Eplus Technology Inc for the Annual Hardware and Software Support and Maintenance of the Rubrik Enterprise Backup Solution in the amount of \$401,242.40**

On a motion by Councilmember Cox, seconded by Vice Mayor Keng, the City Council:

1. Find that the purchase of computer hardware and software maintenance is not a project under the California Environmental Quality Act (CEQA) Guidelines Section 15378(b)(3) as the proposed action will clearly not have a significant effect on the environment and, thus, CEQA does not apply.

2. Authorize the City Manager, or designee, to execute a service agreement with Eplus Technology, Inc. in the amount of \$401,242.40 (including applicable sales tax and shipping charges) for three years of support for the Rubrik Enterprise Backup and Recovery Solution.
3. Authorize the City Manager, or designee, to issue a purchase order to Dell Technologies in the amount of \$134,638.02 (including applicable sales tax and shipping charges) for the Dell Technologies VxRail Hyperconverged Infrastructure augmentation and to execute any implementing documents and take any implementing actions as necessary.

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

**\* F. Mayor Mei opened consideration to Adopt a Resolution Summarily Vacating a portion of the Emergency Vehicle Access Easement at 44408 Pacific Commons Boulevard in Bayside Industrial Community Plan Area (PLN2022-00397) and Make Finding of CEQA Exemption.**

On a motion by Councilmember Cox, seconded by Vice Mayor Keng, the City Council adopted Resolution No. 2023-02 to vacate a portion of the Emergency Vehicle Access Easement at 44408 Pacific Commons Boulevard

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

**\* G. Mayor Mei opened Consideration of Approval of Agreements for On-Call Architectural Design Consulting Services with Interactive Resources, Inc., Joseph Chow & Associates, Inc., Aetypic, Inc., FOG Studio, and Shultz and Associates, Inc.**

On a motion by Councilmember Cox, seconded by Vice Mayor Keng, the City Council made findings of CEQA exemptions, and approved and authorized the City Manager or designee to execute a Master Service Agreement with the following consultants:

1. Interactive Resources, Inc. for on-call architectural design consulting services for a total not-to-exceed compensation of \$1,250,000 for five years.
2. Joseph Chow & Associates, Inc. for on-call architectural design consulting services for a total not-to-exceed compensation of \$1,250,000 for five years.
3. FOG Studio for on-call architectural design consulting services for a total not-to-exceed compensation of \$1,250,000 for five years.
4. Aetypic, Inc. for on-call architectural design consulting services for a total not-to-exceed compensation of \$1,250,000 for five years.

5. Shultz and Associates, Inc. for on-call architectural design consulting services for a total not-to-exceed compensation of \$1,250,000 for five years.

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

- \* **H. Mayor Mei opened Consideration of Approval of Amendment to the Professional Services Agreement with T.Y. Lin International, to Increase Funding by \$1,100,000 for a Total Agreement Amount Not to Exceed \$5,720,000.00, for Final Design Services Related to the I-880 Innovation Bridge and Trail Project (PWC8907).**

On a motion by Councilmember Cox, seconded by Vice Mayor Keng, the City Council authorized the City Manager or designee to execute an Amendment to the Professional Services Agreement with T.Y. Lin International, to increase funding by \$1,100,000 for a total agreement amount not to exceed \$5,720,000.00, for final design services related to the I-880 Innovation Bridge and Trail Project (PWC8907).

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

- \* **I. Mayor Mei opened Consideration to Amend Agreement with Environmental Logistics Inc. for Services to Respond to Hazardous Materials Emergencies to Increase the Annual Compensation Amount to \$216,000 for the Final Year of the Contract.**

On a motion by Councilmember Cox, seconded by Vice Mayor Keng, the City Council made findings of CEQA exemption, and authorize the City Manager or designee to execute an amendment to the Hazardous Materials Response Agreement with Environmental Logistics Inc. to increase compensation by \$60,000, to an amount not to exceed \$216,000 for the last year of the contract.

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

### 3. CEREMONIAL ITEMS

- A. **Proclamation: Afro American Cultural & Historical Society - 46th Commemoration of Dr. Martin Luther King, Jr.**

### 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.

The following person(s) commented: Brittany Tollner, Jung-Ho Pak, Barrett Hoover, Iris, Salim Mastan, Suresh Marisetty, and Clement (CL).

### 5. SCHEDULED ITEMS

- A. **Mayor Mei opened Consideration of the Planning Commission's Recommendation for a General Plan Amendment to Adopt the 2023-2031 Housing Element, an Eight-Year Plan to Meet the Housing Needs of Everyone in the Community, and to Consider a Finding that No Further Environmental Review is Required Pursuant to the California Environmental Quality Act (CEQA), Per, Without Limitation, Each as a Separate and Independent Basis, CEQA Guidelines Section 15183, in that the Proposed Housing Element Update is Consistent with the Density Established by the General Plan, for which an Environmental Impact Report (EIR) (SCH#2010082060) was Previously Prepared and Certified, and CEQA Guidelines Section 15061(b)(3), in that it Can be Seen with Certainty that There is No Possibility that the Proposed Housing Element Update would have the Potential for Causing a Significant Effect on the Environment. Additionally, Many Programs in the Housing Element Qualify as Being Statutorily or Categorically Exempt from CEQA Review Pursuant to State CEQA Guidelines Sections 15378 (Definition of a Project), 15262 (Feasibility and Planning Studies), 15267 (Financial Assistance to Low or Moderate Income Housing), 15305 (Minor Alterations in Land), 15301 (Existing Facilities), and 15311 (Accessory Structures). (2023-2031 Housing Element Update - Citywide - PLN2022-00335)**

See Green Sheet w/attachments on file.

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.

Principal Planner, Wayland Li provided a presentation. Staff responded to questions from Councilmembers. Mayor Mei opened the public hearing. The following person(s) commented: Lisa Danz and Salim Mastan. There being no additional speakers, Mayor Mei closed the public hearing. This was followed by additional questions. Councilmembers provided comment.

On a motion by Councilmember Kassan, seconded by Councilmember Cox, to accept staff recommendation with the one change of using the language, suggested in Attachment 2 of Green Sheet, by the Nor Cal Carpenters Union in place of the staff suggested language. This was followed by a question and answer period.

A substitute motion by Councilmember Cox, seconded by Councilmember Shao, to adopt staff recommendation and to use the language proffered by City Staff, in its memo (Green Sheet) dated January 10, 2023, the city council:

1. Held public hearing.
2. Found that the amendments are exempt from the requirements of the California Environmental Quality Act (CEQA), per, without limitation, each as a separate and independent basis, CEQA Guidelines Section 15183 and/or 15162 in that the proposed Housing Element update is consistent with the density established by the General Plan, for which an Environmental Impact Report (EIR) (SCH#2010082060) was previously prepared and certified and none of the circumstances necessitating further environmental review are present; and/or CEQA Guidelines Section 15061(b)(3), in that it can be seen with certainty that there is no possibility that the proposed Housing Element update would have the potential for causing a significant effect on the environment, and additionally, many programs in the Housing Element qualify as being statutorily or categorically exempt from CEQA review pursuant to State CEQA Guidelines Sections 15378 (Definition of a Project), 15262 (Feasibility and Planning Studies), 15267 (Financial Assistance to Low or Moderate Income Housing), 15305 (Minor Alterations in Land), 15301 (Existing Facilities), and 15311 (Accessory Structures);
3. Found that the 2023-2031 Housing Element is consistent with the General Plan;
4. Found that the adoption of the 2023-2031 Housing Element furthers the public interest, convenience, and general welfare of the city;
5. Adopted Resolution No. 2023-03 amending the General Plan to adopt the 2023-2031 Housing Element (Exhibit "A"); and adopted staff recommendation to use the language proffered by City Staff, in its memo (Green Sheet) dated January 10, 2023, as follows: "Regarding Attachment 2, staff recommends acknowledging the need for an adequate construction workforce through the inclusion of the following language in Chapter 5 of the Housing Element, page 5-6:  
**Availability of an Adequate Construction Workforce**  
The availability of an adequate construction workforce is necessary to build the numerous residential developments needed to meet the region's housing goals. Program 42 of the Housing Element commits the City to consulting with stakeholders, including representatives from the residential construction industry and labor organizations, on housing policy changes. This provides an opportunity for discussion and consideration of potential impacts to the supply of construction labor when adopting housing policy changes."
6. Directed staff to apply for available grant funding to support implementation of Housing Element programs.

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

**6. OTHER BUSINESS – None.**

**7. ITEMS REFERRED BY COUNCILMEMBERS**

**A. Council Referrals**

**1. MAYOR MEI REFERRAL FOR FLAG RAISING**

Mayor Mei provided an overview of her referral and responded to questions from Councilmembers.

Mayor Mei opened the public comment period. There being no speakers, Mayor closed the comment period.

No action taken by City Council.

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

**C. Legislative Actions – None.**

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

Councilmembers report on their various committee meetings.

**8. ADJOURNMENT:** There being no further business, Mayor Mei adjourned the meeting at 10:30 p.m.

Attest:

Approved:

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

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