

**MINUTES
FREMONT CITY COUNCIL MEETING
MAY 9, 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 7:02 p.m.
- B. Flag Salute:** Councilmember Campbell led the salute to the flag.
- C. Roll Call:** Present: Mayor Mei, Councilmembers: Keng, Campbell, Kassan, Shao and Salwan
Absent: Vice Mayor Cox,

D. Announcements by Mayor/City Manager/City Attorney

Mayor Mei announced the Boards and Commissions vacancies.

City Manager Karena Shackelford introduced City Staff. There were no community announcements.

- 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 Keng, seconded by Councilmember Shao, the City Council waived further readings of proposed ordinances.

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

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

* **C. Mayor Mei opened consideration of Authorization to Execute Agreement for Transition of Alameda Countywide Clean Water Program Fiscal Agent Duties from the Alameda Flood Control and Conservation District to the City of Fremont and Consent to Assignment Agreements for Eight Technical Services Contracts**

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

1. Authorized the City Manager or her designee to execute an Agreement for Transition of Clean Water Program Fiscal Agent Duties from the Alameda Flood Control and Conservation District to the City of Fremont.
2. Authorized the City Manager or her designee to execute Consent to Assignment Agreements for eight technical services contracts.

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

* **D. Mayor Mei opened consideration to Approve Plans and Specifications, Reallocate \$250,000 from PWC 8954, \$200,000 from PWC8501, \$547,379 from PWC8101 to Sylvester Harvey Community Park Perimeter Pathway Project PWC9065, Accept the Bid and Award a Construction Contract for the Bid Amount of \$1,742,000 to Silicon Valley Paving, Inc. and Allocate a 10% Construction Contingency of \$174,200 for a Total Contract Amount of \$1,916,200 for the Sylvester Harvey Community Park Perimeter Pathway Project (PWC9065), and find that the project is exempt from review under the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15301 (Existing Facilities).**

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

1. Authorized the reallocation of \$547,379 from Park Project Contingency PWC8101-540 to PWC 9065-540.
2. Authorized the reallocation of \$250,000 from Athletic Fields Turf Renovation Project PWC8954-541 to PWC 9065-541.
3. Authorized the transfer of \$200,000 from Capital Replacement for Parks PWC 8501-501 to PWC 9065-501.
4. Found that the project is exempt from review under the California Environmental Quality Act (CEQA) as the replacement or reconstruction of an existing facility, pursuant to CEQA Guidelines Section 15301 (Existing Facilities) and approve a categorical exemption from the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15301 (Existing Facilities).
5. Approved the construction plans and specifications for the Sylvester Harvey Community Park Perimeter Pathway Project, PWC9065.
6. Accepted the bid, awarded a construction contract, and authorized the City Manager to execute a construction contract with the lowest responsive and responsible bidder, Silicon

Valley Paving, Inc for the Sylvester Harvey Community Park Perimeter Pathway Project, PWC9065 for a construction contract amount of \$1,742,000, and a 10% construction contingency of \$174,200 for unforeseen work, for a total contract amount of \$ 1,916,200.

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

- * **E. Mayor Mei opened consideration for Approval to Reject Apparent Low Bid as Non-Responsive; Reject Bid Protest by Fourth Lowest Bidder; Approve Plans and Specifications and Award Contract to VSS International, Inc. in the Amount of \$5,451,000 (Including 3% Contingency) for the 2023 Cape and Slurry Seal Project (PWC8195-V2); Appropriation Action; Make Findings of CEQA Exemption.**

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

1. Found this project is exempt from CEQA review pursuant to CEQA Guidelines section 15301 as the repair, maintenance or minor alteration of existing facilities involving no or negligible expansion of the use beyond that presently existing.
2. Rejected the bid proposal submitted by DRYCO Construction, Inc. as non-responsive on grounds the bid did not reflect the material changes made by the addendum and the subcontract work exceeded the maximum allowed.
3. Rejected the protest submitted by American Pavement Systems, Inc. on grounds the error made by VSS International, Inc. constitutes a waivable, minor irregularity.
4. Approved the plans and specifications for the project.
5. Accepted the bid and awarded the construction contract to the second apparent lowest responsive and responsible bidder, VSS International, Inc. in the amount of \$5,311,000, allocate a 3% construction contingency in the amount of \$140,000 for a total construction contract amount of \$5,451,000, and authorize the City Manager or designee to execute the contract.
6. Appropriated \$900,000 of unallocated ACTC Fund 515 to PWC8195-515.
7. Appropriated \$300,000 of unallocated ACTC Fund 520 to PWC8195-520.

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

- * **F. Mayor Mei opened consideration to Authorize the City Manager or Designee to execute a \$117,000 agreement with Zero Foodprint, for the purchase of compost to be utilized in California agriculture operations to comply with State law compost procurement requirements (Compost Services Contract for SB 1383 Compliance)**

On a motion by Councilmember Keng, seconded by Councilmember Shao, the City Council authorized the City Manager or Designee to execute a \$117,000 agreement with Zero Foodprint, for the purchase of compost to be utilized in California agriculture operations to comply with State law compost procurement requirements.

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

*** G. Mayor Mei opened consideration of Approval of Amendment No. 6 with TRC Engineers, Inc. in an Amount Up to \$205,000 for Additional Environmental Remediation Services at the Centerville Unified Site Located at 37070 Fremont Boulevard (PWC8812); Find the Action is Exempt from CEQA Review**

On a motion by Councilmember Keng, seconded by Councilmember Shao, the City Council authorized the City Manager or their Designee to execute Amendment No. 6 to the Service Agreement between the City of Fremont and TRC Engineers, Inc. in an amount up to \$205,000 for additional environmental remediation services and site closure.

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

*** H. Mayor Mei opened consideration to Authorize City Manager or designee to execute a Contract Amendment to the Agreement with Mike Canaday for Weed Abatement and Fire Fuel Management at Sabercat Historical Park to Incorporate Wage Impact from Change in Law and Extend Contract Term an Additional Year (Weed Abatement by Goats)**

On a motion by Councilmember Keng, seconded by Councilmember Shao, the City Council authorized the City Manager, or her designee, to execute a Contract Amendment to the Agreement with Mike Canaday for Weed Abatement and Fire Fuel Management at Sabercat Historical Park to Incorporate Wage Impact from Change in Law and Extend Contract Term an Additional Year.

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

- * **I. Mayor Mei opened consideration to Adopt a resolution to authorize the City Manager or her designee to submit a grant application to the State of California Department of Parks and Recreation's Land and Water Conservation Fund and authorize the City Manager or her designee to submit a separate grant application to the USDA Forest Service's Urban & Community Forestry program and to consider exemptions from the requirements of the California Environmental Quality Act (CEQA), each on a separate and independent basis, pursuant to CEQA Guidelines sections: (1) 15307; (2) 15308, (3) 15304 and (4) 15301**

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

1. Found the grant applications to the State of California Department of Parks and Recreation's Land and Water Conservation Fund and USDA Forest Service's Urban & Community Forestry are exempt from review under the California Environmental Quality Act (CEQA) per, without limitation, each on a separate and independent basis, (1) CEQA Guidelines Section 15307, (3) CEQA Guidelines Section 15308, (4) CEQA Guidelines Section 15304 and (5) CEQA Guidelines Section 15301.
2. Adopted Resolution No. 2023-23 authorizing the City Manager or her designee to submit a grant application to the State of California Department of Parks and Recreation's Land and Water Conservation Fund, execute grant funding agreements, and if grant is awarded, Council authorizes the appropriation of any grant funds received.
3. Authorized the City Manager or her designee to apply to the USDA Forest Service's Urban & Community Forestry grant, execute grant funding agreements, and if grant is awarded, Council authorized the appropriation of any grant funds received.

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

3. CEREMONIAL ITEMS

- A. Proclamation: Affordable Housing Month – May 2023**
- B. Proclamation: National Children's Mental Health Awareness Day, May 11, 2023**
- C. Proclamation: International Day Against Homophobia, Transphobia, and Biphobia**
- D. Proclamation: Asian American, Native Hawaiian and Pacific Islander Heritage Month – May 2023**

4. PUBLIC COMMUNICATIONS

A. Oral and Written Communications

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: Jenna Daugherty, Dianne Jones, and Edward Chen.

5. SCHEDULED ITEMS

A. Mayor Mei opened consideration of a Public Hearing (Published Notice) to Adopt a Resolution Confirming Diagrams and Assessments for Fiscal Year 2023/24 for Fremont Landscaping Assessment District 88 Zones Annual Assessment Process.

No presentation provided by staff. Councilmember Shao opened the public hearing. There being no speakers, Councilmember Shao closed the public hearing.

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

1. Held public hearing.
2. There were no oral statements nor written comments.
3. Closed public hearing.
4. Levied the proposed assessment by adopted Resolution No. 2023-24 confirming Diagrams and Assessments for Fiscal Year 2023/24 for Fremont Landscaping Assessment District 88
5. Found the project exempt under CEQA Guidelines Sections 15061(b)(3) and 15301

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

B. Mayor Mei opened consideration of a Public Hearing (Published Notice) on the Use of Federal Community Development Block Grant and Emergency Solutions Grant Funds for FY 2023/24; Adopting a Resolution Approving the FY 2023/24 Annual Action Plan, and Authorizing the City Manager to Execute Agreements with the U.S. Department of Housing and Urban Development and CDBG and ESG Grantees and Programs and Making Findings of CEQA Exemption

No presentation provided by staff. Mayor Mei opened the public hearing. There being no speakers, Mayor Mei closed the public hearing. Councilmembers provided comment.

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

1. Held a public hearing on the proposed FY 2023/24 Federal Funding Program Final Statement of Community Development Objectives and projected Use of Funds.
2. Allocated CDBG and ESG funds for FY 2023/24 in the amounts stated herein, and contingent upon adoption of the FY 2023/24 budget by the City Council.
3. Authorized staff to:
 - a. Allocate additional funds to public service projects should the City receive additional program income in FY 2023/24 or a greater entitlement
 - b. Reserve unallocated funds to provide gap funding or fund projects that meet emerging needs.
4. Adopted Resolution No. 2023-25:
 - a. Approving and authorizing the City Manager or his designee to submit the FY 2023/24 Federal Funding Program Final Statement of Community Development Objectives and Projected Use of Funds, the City's Annual Action Plan, as recommended by staff in the amounts stated herein and finding the action exempt from CEQA, as specified.
 - b. Authorizing the City Manager or her designee to execute CDBG and ESG Entitlement funding agreements with HUD.
 - c. Authorizing the City Manager or her designee to execute agreements effective July 1, 2023, with the grantees recommended for funding by staff in the amounts set forth herein, contingent upon a finding of no significant impact in the corresponding NEPA environmental assessments and completion of the required public comment period.

Ayes: Mayor Mei, Councilmembers: Keng, Campbell, Kassan, Shao, and Salwan

Noes: None

Absent: Vice Mayor Cox

Abstain: None

C. Mayor Mei opened consideration of a Public Hearing (Published Notice) to Introduce an Ordinance to Amend FMC Section 10.05.970 to Continue the Permit Parking Program for the Mission Peak Neighborhood with Restricted Parking Times on Weekends and on National Holidays

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.

Fremont Police Lieutenant Quimson provided a presentation. Staff responded to questions from Councilmembers. Mayor Mei opened the public hearing. The following person(s) commented: Deven Desai, Kelly Abreu, VP, Stan Yeh, William Hsu, Sanjay Radia, Narash Singhal, Subroto, Veronica Pang, Jameson Hsu, Asok Chatterjee, Tony Pang, Inki Deora, Hari Jobanputra, Suresh Basaj, Prakoon Chen, Mary A., Lavanya, and Colin. There being no

additional speakers, Mayor Mei closed the public hearing. Staff responded to questions from Councilmembers. Councilmembers provided comments.

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

1. Found that continuing the permit parking program for the Mission Peak neighborhood 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) and 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 15061(b)(3), each as a separate and independent basis for CEQA compliance
2. Introduced an ordinance amending FMC section 10.05.970 to continue the permit parking program for the Mission Peak neighborhood for 10 years with restricted parking times on weekends (Saturday from 12:01 a.m. - Sunday at 11:59 p.m.) and on national holidays (including dates of observance), and find that continuation of the Program would be beneficial to the parking needs of residents within the permit parking area, and that continuation of the permit parking program would not be detrimental to the health, safety or welfare of the residents in, or adjacent to, the permit parking area.

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

6. OTHER BUSINESS

- A. Mayor Mei opened consideration to Adopt a Resolution Authorizing Staff to Partner with Shangri-La Industries, LLC and Step Up on Second Street, Inc. on an Application for Funding under State Homekey Round 3 Program to Acquire, Rehabilitate and Operate a Supportive Services Affordable Housing Project at 46101 Research Avenue (Currently Motel 6); Conditionally Appropriate \$8,668,000 to Support the Project; Conditionally Recognize \$1,000,000 in Revenue from Alameda County in Support of the Project; and Authorize the City Manager or Her Designee to Execute Implementing Documents and Making Findings of CEQA Exemption**

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 Development Director Dan Schoenholz provided a presentation. Staff responded to questions from Councilmembers. Mayor Mei opened public comment. The following person(s) commented: Keith Parker, Lisa Danz (Fremont For Everyone), Jenna Daugherty, Annie, John Hinds, Min, Linda Dewlaney, Wen Yang, Lucy Zhang, Cherry, Marie Hughes (Fremont For Everyone), Joanne, Clement Law, Char, Padma Gopalakrishnan, Katherine

Rubie (Fremont For Everyone), Jane, Juliette Phipps, Zielnik, Kelly Abreu, Harry, John Lee, Rick Ho, Ghada (Srour) Christine (Fremont For Everyone), Chung, MJ, Vinita Verma (Fremont For Everyone), Anita Moreno, Stephanie Szto, and Radoslaw Kosinski. 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 Councilmember Campbell, seconded by Councilmember Kassan, the City Council:

1. Adopted Resolution No. 2023-22 authorizing the submittal of a Homekey Round 3 application to the California Department of Housing and Community Development, with the City as the lead applicant and Shangri-La Industries, LLC and Step Up on Second Street, Inc. as co-applicants, in the amount not to exceed \$35 Million and making finds of CEQA exemption.
2. Conditionally appropriated the following funding to support the acquisition, development and operation of the Motel 6 Conversion Homekey Project in the City of Fremont (contingent on award of a Homekey grant by the State):
 - a. \$5,268,000 from the City's Affordable Housing Fund (Fund 196)
 - b. \$750,000 from the City's allocation of CDBG funding (Fund 105)
 - c. 1,250,000 from the City's Low and Moderate Income Housing Asset Fund (Fund 111)
 - d. \$400,000 from the City's Permanent Local Housing Allocation (Fund 193)
3. Recognized \$1 million in American Rescue Plan Act (ARPA) Recovery Plan funds allocated to the project by the County and appropriate that \$1 million for the Motel 6 Conversion Homekey Project from the Miscellaneous Grants Fund to support the operations of the project, contingent on award of a Homekey grant by the State; and authorize the City Manager or her designee to execute a funding agreement and other implementing documents to receive the funds.
4. Authorized the City Manager or designee to execute a Memorandum of Understanding with Shangri-La Industries and Step Up on Second Street, Inc. memorializing roles and responsibilities and to take all actions reasonably necessary to implement the same, consistent with the Resolution.
environmental assessments and completion of the required public comment period.
5. Authorized the City Manager or designee to execute agreement(s) and/or implementing documents with Shangri La Industries, LLC and Step Up Second Street, Inc. to effectuate the implementation of a Homekey project in the City of Fremont and to take all actions reasonably necessary to implement the same, consistent with the Resolution.
6. Authorized the City Manager or designee to execute funding agreement and other implementing documents with the State of California Department of Housing Community Development and to take all actions reasonably necessary to implement the same, consistent with the Resolution.

Ayes: Mayor Mei, Councilmembers: Keng, Campbell, Kassan, Shao, and Salwan

Noes: None

Absent: Vice Mayor Cox

Abstain: None

7. ITEMS REFERRED BY COUNCILMEMBERS

A. Council Referrals – None.

B. Appointments to Boards, Commissions, Committees

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

Appointments:

<i>Advisory Body</i>	<i>Appointee</i>	<i>Term Expires</i>
Senior Citizens Commission	Edwin Lee	12/31/2026
	Sonia Salwan	12/31/2026
	Roger Marshall	12/31/2026

On a motion by Councilmember Shao, seconded by Councilmember Keng, the City Council approved appointments.

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

C. Legislative Actions – None.

D. Report on Committee Assignments – None.

8. ADJOURNMENT: There being no further business, Mayor Mei adjourned the meeting at 10:20 p.m.

Attest:

Approved:

Susan Gauthier, City Clerk

LILY MEI, Mayor