

**MINUTES
FREMONT CITY COUNCIL MEETING
APRIL 6, 2021
FREMONT CITY HALL
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:** Vice Mayor Shao led the salute to the flag.
- C. Roll Call:** Present: Mayor Mei, Vice Mayor Shao, Councilmembers: Keng, Jones, Kassan, Salwan, and Cox
- D. Announcements by Mayor/City Manager**

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 Jones, seconded by Councilmember Cox, the City Council waived further readings of proposed ordinances.

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

- * **B. Mayor Mei opened consideration of Approval of Minutes**

See Green Sheet on file.

On a motion by Councilmember Jones, seconded by Councilmember Cox, the City Council approved minutes for the Special Meeting-Work Session and Regular Meeting of February 16, 2021, the Special Meeting of February 19, 2021, the Regular Meeting of March 2, 2021, the Regular Meeting of March 9, 2021 (with corrections), and the Regular Meeting of March 16, 2021

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

- * **C. Mayor Mei opened consideration of Second Reading and Adoption of an Ordinance of the City of Fremont Rezoning a 6.08 Acre Site from I-S (Service Industrial) with Historic Overlay District (HOD) to R-3-14 (Medium Density Residential) (HOD), to Allow Development of a New 75-Unit Residential Subdivision (37899 Niles Boulevard - PLN2014-00338)**

This item was removed from the Consent Calendar. Mayor opened the public comment period. Blair Beekman shared a variety of concerns. There were no additional speakers. Mayor Mei closed the public comment period.

On a motion by Councilmember Jones, seconded by Councilmember Cox, the City Council adopted Ordinance No. 03-2021.

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

- * **D. Mayor Mei opened consideration to Authorize the City Manager or Designee to Execute the Second Amendment for Citywide On-Call Tree Trimming, Maintenance and General Groundwork and Debris Removal Agreements with Brightview Tree Care Services and West Coast Arborists**

On a motion by Councilmember Jones, seconded by Councilmember Cox, the City Council approved the following actions:

1. Authorized the City Manager or designee to execute the second amendment to the on-call tree trimming, maintenance and general groundwork and debris removal service agreements with Brightview Tree Care Services in an amount not to exceed \$525,000 and extend contract terms through June 30, 2024.
2. Authorized the City Manager or designee to execute the second amendment to the on-call tree trimming, maintenance and general groundwork and debris removal service agreements with West Coast Arborists in an amount not to exceed \$525,000 and extend contract terms through June 30, 2024.

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

- * **E. Mayor Mei opened consideration to Introduce Ordinance Repealing and Replacing Chapter 9.25 Noise and to Find the Ordinance Exempt from the Requirements of the California Environmental Quality Act (CEQA) Per Various CEQA Guidelines Sections, each as a Separate and Independent Basis (Amendment to Noise Ordinance)**

This item was removed from the Consent Calendar. Mayor opened the public comment period. Lisa Danz shared her concerns. There were no additional speakers. Mayor Mei closed the public comment period. Staff responded to questions from Councilmembers.

On a motion by Vice Mayor Shao, seconded by Councilmember Cox, the City Council approved the following actions:

1. Found that the adoption of the proposed ordinance repealing and replacing FMC Chapter 9.25 is exempt from the requirements of CEQA per, each as a separate and independent basis, (1) CEQA Guidelines Section 15061(b)(3) in that it can be seen with certainty that there is no possibility that the proposed ordinance will have the potential for causing a significant effect on the environment, and is not subject to CEQA review, (2) CEQA Guidelines Section 15162 as no further environmental review is needed and this action reflects the independent judgment of the City of Fremont , and (3) CEQA Guidelines Section 15183, as the proposed ordinance is consistent with general plan policies and does not involve any peculiar significant effects that were not previously analyzed or discussed as significant effects in prior Environmental Impact Reports (EIRs) or the General Plan, with which the proposed amendments are consistent.
2. Waived full reading and introduced the proposed ordinance repealing and replacing Fremont Municipal Code Title 9, Chapter 9.25 Noise Public Peace, Morals, and Welfare.

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

*** F. Mayor Mei opened consideration to Award of Contract to Bernards Office Furniture, Inc. in the amount of \$295,882 (plus 15% Contingency) for the Purchase of Furniture and Associated Costs for the City of Fremont Downtown Event Center and Plaza Project (PWC 9032)**

On a motion by Councilmember Jones, seconded by Councilmember Cox, the City Council accepted the bids for the Downtown Event Center & Plaza Furniture Project (PWC 9032) and award the contract to the lowest responsive and responsible bidder, Bernards Office Furniture Inc. in the amount of \$295,882, allocate a 15% contingency in the amount of \$44,383 for a total contract amount of \$340,265, and authorize the City Manager or his designee to execute the contract.

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

*** G. Mayor Mei opened consideration to Increase Agreement with KHIT Consulting to further Assist in Optimizing New Electronic Health Record Database; Appropriate Additional Funds and Making Findings of CEQA Exemption**

This item was removed from the Consent Calendar. Mayor opened the public comment period. John Hinds shared concerns. There were no additional speakers. Mayor Mei closed the public comment period.

On a motion by Councilmember Salwan, seconded by Councilmember Kassan, the City Council approved the following actions:

1. Authorized the City Manager or designee to amend the service agreement with KHIT Consulting, Inc. to increase the compensation by \$70,000 for the optimization of the HSD Netsmart MyEvolv electronic health record system.
2. Increased the appropriation for these services by \$20,000 in the Youth and Family Services Alameda County Behavioral Health Care Fund (Fund 170).

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

*** H. Mayor Mei opened consideration of Authorization to Contract with the City of Oakland to Accept Alameda County-Oakland Community Action Partnership Grant Funding; and Appropriate Additional Funds**

This item was removed from the Consent Calendar. Mayor opened the public comment period. Blair Beekman shared a variety of concerns. There were no additional speakers. Mayor Mei closed the public comment period.

On a motion by Councilmember Jones, seconded by Councilmember Cox, the City Council approved the following actions:

1. Approved and authorize the City Manager or designee to execute an agreement with the City of Oakland to accept AC-OCAP funds in the amount of \$173,000 to provide homeless services and direct cash assistance to eligible clients.
2. Appropriated additional funds in the Family Resource Center Fund (Fund 790) totaling \$153,000 to equal the contract total of \$173,000 as described in the report.

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

* **I. Mayor Mei opened consideration of Approval of a Service Agreement with Syserco Inc. in the amount not to exceed \$368,313 for support services and part purchases for the City’s Energy Management System**

This item was removed from the Consent Calendar. Mayor opened the public comment period. Blair Beekman shared a variety of concerns. There were no additional speakers. Mayor Mei closed the public comment period.

On a motion by Vice Mayor Shao, seconded by Councilmember Cox, the City Council authorized the City Manager or designee to execute a 5-year service agreement with Syserco Inc. in the amount not to exceed \$368,313 for support services and part purchases for the City’s Energy Management System.

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

* **J. Mayor Mei opened consideration to Award Agreement and Authorize the City Manager or Designee to Execute Agreement with New Image Landscape Company (Landscape Maintenance Service for City Facilities)**

On a motion by Councilmember Jones, seconded by Councilmember Cox, the City Council awarded a facilities maintenance agreement through June 30, 2026 and authorize the City Manager or designee to execute the agreement with New Image Landscape Company with a total not to exceed amount of \$563,884 for annual scheduled maintenance services plus additional work. The not to exceed amount for fiscal year 2021/22 is \$103,000 (\$93,000 for scheduled maintenance plus \$10,000 for additional work).

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

* **K. Mayor Mei opened consideration to Authorize a Service Agreement in the Amount Not to Exceed \$200,000 with Cyclehop LLC, dba “HOPR” to Provide Shared Micromobility Services in the City of Fremont, Including Shared Pedal Bikes, Electric Bikes, and Scooters, with Funding Provided Through a Grant from the Metropolitan Transportation Commission; Find the Action Exempt from CEQA Review**

This item was removed from the Consent Calendar. Mayor opened the public comment period. John Hinds and Blair Beekman shared a variety of concerns. There were no additional speakers. Mayor Mei closed the public comment period.

On a motion by Vice Mayor Shao, seconded by Councilmember Salwan, the City Council approved the following actions:

1. Found the execution of the service agreement with CycleHop, LLC dba HOPR is exempt from California Environmental Quality Act (CEQA) review pursuant to CEQA Guidelines Sections 15061(b)(3), 15060(c)(3) and 15378(a).
2. Authorized the City Manager or designee to execute a Professional Services Agreement for the shared micromobility services with CycleHop, LLC dba HOPR in an amount not to exceed \$200,000.

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

- * **L. Mayor Mei opened consideration to Ratify all emergency actions taken by the City Manager in implementing the Keep Fremont Housed Emergency Rental Assistance Program (ERAP) including executing of the Agreement with Bay Area Community Services (BACS), the U.S. Treasury Grant Documents and all other implementing documents; and adoption of a resolution accepting additional funds through the State of California, appropriation of the funds from the State of California, and authorizing the City Manager to execute an Amendment with BACS, and any other necessary implementing documents for this program**

This item was removed from the Consent Calendar. Mayor opened the public comment period. Blair Beekman shared a variety of concerns. There were no additional speakers. Mayor Mei closed the public comment period.

On a motion by Councilmember Jones, seconded by Councilmember Cox, the City Council approved the following actions:

1. Ratified the emergency actions taken by the City Manager or designee under the authority of Resolution No. 2020-07 which include the execution of the U.S. Treasury grant documents, the Agreement with Bay Area Community Services (BACS) and all other implementing documents to assist the Human Services Department to administer the Keep Fremont Housed Emergency Rental Assistance Program.
2. Recognized and appropriated \$8,549,563.80 in funding from the State of California, and adopted Resolution No. 2021-12, required by the State for the Keep Fremont Housed Emergency Rental Assistance Program, including:
 - a. \$7,811,784.18 for direct residential rent and utilities relief
 - b. \$737,779.62 for program administration
3. Authorized the City Manager to execute all necessary documents to implement all actions, including but not limited to an Amendment to the Agreement Between the City and BACS, an Amendment to the Agreement with East Bay Agency for Children as well as any documents required by the State or the U.S. Treasury for such funds in order to

assist the Human Services Department to administer the Keep Fremont Housed Emergency Rental Assistance Program.

4. To the extent the State of California provides additional funds to the City for the Emergency Rental Assistance Program, recognize and appropriate those funds, adopt a resolution for the additional amount as directed by the state and authorize the City Manager to execute any necessary implementing agreements or resolutions.

Ayes: Mayor Mei, Vice Mayor Shao, Councilmembers: Keng, Jones, Kassan, Salwan, and Cox

Noes: None

Absent: None

Abstain: None

3. CEREMONIAL ITEMS

- A. Proclamation: “Happiest City in America” presented by Supervisor Haubert

4. PUBLIC COMMUNICATIONS

- A. Oral and Written Communications

Dr. Sonia Khan and Blair Beekman shared a variety of comments and concerns.

5. SCHEDULED ITEMS

- A. **Mayor Mei opened consideration of Public Hearing (Published Notice) to Consider the Planning Commission’s Recommendation to Adopt a Resolution Amending the General Plan Land Use Diagram and an Ordinance Amending the Zoning Map to Clarify the Boundaries of Various Land Use Designations and Zoning Districts Citywide and Amending Various Chapters of Fremont Municipal Code Title 10 (Vehicle and Traffic) and Title 18 (Planning and Zoning) to Clarify and Enhance Definitions, Procedures and Standards Related to Development and Use of Property Within the City, and to Adopt a Resolution Amending the Master Fee Schedule, and to consider exemptions from the requirements of the California Environmental Quality Act (CEQA), each on a separate and independent basis, pursuant to (1) CEQA Guidelines Section 15162, in that the proposed amendments are part of the project previously analyzed in the prior EIRs on the General Plan (SCH#2010082060) and none of the circumstances necessitating preparation of subsequent environmental review are present; (2) CEQA Guidelines Section 15183, as a project consistent with the development densities and policies in the general plan and existing zoning and that does not involve any peculiar significant effects that were not previously analyzed or discussed as significant effects in prior EIRs on the General Plan (SCH#2010082060) and zoning with which the project is consistent; and/or (3) the proposed amendments do not have the potential to cause a significant effect on the environment, and are not subject to CEQA review. (Spring 2021 Code and Map Amendments – Citywide – PLN2021-00133)**

See Green Sheet on file.

Senior Planner Bill Roth provided an overview of the updates. Staff responded to questions from Councilmembers. Councilmembers provided comment.

On a motion by Councilmember Salwan, seconded by Councilmember Keng, the City Council approved the following actions, and remove sections related to Downtown uses (the ordinance will be revised before second reading and adoption):

1. Held public hearing.
2. Found that the proposed amendments are exempt from the requirements of the California Environmental Quality Act (CEQA), each as a separate and independent basis per Section 15061(b)(3) of the CEQA Guidelines in that it is 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 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 Zoning Map with the General Plan, 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. Adopted Resolution No. 2021-13 approving amendments the General Plan Land Use Diagram, as shown on Exhibit "A," to make minor corrections to land use diagram designations and boundaries to match parcel lines, easements, and previously-approved Planned District boundaries.
6. Introduced an ordinance approving amendments to FMC Titles 10 (Vehicles and Traffic) and 18 (Planning and Zoning) and amendments to the Zoning Map, as shown on Exhibit "B," for conformance with the General Plan. Council directed staff to make no changes to the Downtown ordinance.
7. Directed staff to prepare and the City Clerk to publish a summary of the ordinance

Ayes: Mayor Mei, Vice Mayor Shao, Councilmembers: Keng,
Jones, Kassan, Salwan, and Cox

Noes: None

Absent: None

Abstain: None

6. REPORT FROM CITY ATTORNEY – None.

7. OTHER BUSINESS

- A. Mayor Mei opened consideration of Washington Hospital Community Health Needs Assessment** - The Community Health Needs Assessment (CHNA), developed by Washington Hospital, is a critical tool to understanding the health status within the Health Care District. It presents information and analysis on health indicators and identifies areas of concern. This information is also used to develop a community health improvement plan.

Washington Hospital Healthcare Systems Community Outreach, Manager Lucy Hernandez gave a presentation.

Mayor opened the public comment period. Blair Beekman and Lisa Danz expressed items of concern. There being no additional speakers, Mayor Mei closed the public comment period.

8. COUNCIL COMMUNICATIONS

- A. COUNCIL REFERRALS** – None.

- B. Oral Reports on Meetings and Events**

Councilmembers reported on their various meetings and activities

- 9. ADJOURNMENT:** There being no further business, Mayor Mei adjourned the meeting at 9:00 p.m.

Attest:

Approved:

Susan Gauthier, City Clerk

LILY MEI, Mayor