

**MINUTES
FREMONT CITY COUNCIL SPECIAL MEETING
JANUARY 14, 2020
FREMONT CITY HALL
6:15 P.M.**

Call to Order: Mayor Mei called the meeting to order at 6:15 p.m.

Roll Call: Present: Mayor Mei, Vice Mayor Jones, Councilmembers: Bacon, Salwan, Keng, Kassan, and Shao

Public Comment: None.

CONVENE TO A CLOSED SESSION at 6:16 p.m.

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

This Closed Session is authorized by Government Code Section 54956.9(d)(1) regarding the following matter:

Herrera v. City of Fremont, et al., United States District Court, Norther District, Case No. 18-cv-02843-JSC

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

This Closed Session is authorized by Section 54956.9(d)(4) of the Government Code and will pertain to possible initiation of litigation by the City in one matter.

The Special Meeting of the Fremont City Council adjourned at 6:50 p.m.

Attest:

Approved:

Susan Gauthier, City Clerk

LILY MEI, Mayor

**MINUTES
FREMONT CITY COUNCIL MEETING
JANUARY 14, 2020
FREMONT CITY HALL
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 Bacon led the salute to the flag.
- C. Roll Call:** Present: Mayor Mei, Vice Mayor Jones, Councilmembers: Bacon, Salwan, Keng, Kassan, and Shao
- D. Announcements by Mayor/City Manager**

Mayor Mei announced the Boards and Commissions vacancies. City Manager Danaj shared information regarding items of Council/community interest.

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

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

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

On a motion by Vice Mayor Jones, seconded by Councilmember Shao, the City Council approved minutes for the Special and Regular Meetings of November 19, 2019, the Regular Meeting of December 3, 2019, and the Special and Regular Meetings of December 10, 2019

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

- * **C. Mayor Mei opened consideration of a Second Reading and Adoption of an Ordinance of the City of Fremont Rezoning a 5.2-Acre Site located at 45388 Warm Springs Boulevard from Warm Springs Innovation Area 10 (WSI-10) District to Warm Springs Innovation Area 8 (WSI-8), to Allow for the Reuse of an Existing 88,000 Square-foot Office Building for an Outpatient Clinic in the Warm Springs/South Fremont Community Plan (PLN2020-00039)**

On a motion by Vice Mayor Jones, seconded by Councilmember Shao, the City Council adopted Ordinance No. 01-2020.

Ayes: Mayor Mei, Vice Mayor Jones, Councilmembers: Bacon, Keng, Kassan, and Shao
Noes: None
Absent: None
Recused: Councilmember Salwan (business/property interest)

- * **D. Mayor Mei opened consideration of a Second Reading and Adoption of an Ordinance of the City of Fremont Amending Various Chapters of Fremont Municipal Code Title 5 (Business Licenses and Regulations), Chapter 5.55 (Firearms Dealers) 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 Zoning Map Amendments to Clarify the Boundaries of Various Zoning Districts (PLN220-00074)**

On a motion by Vice Mayor Jones, seconded by Councilmember Shao, the City Council adopted Ordinance No. 02-2020.

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

- * **E. Mayor Mei opened consideration of Approval for Authorization to Execute a First Amendment to a Master Contract with Alameda County Probation Department for Cognitive Behavioral Groups supporting youth in Probation’s Community Supervision Programs and Parenting Classes and Support to parents of these youth, from 2019 to 2021, and to execute an amendment to an existing sub-contract to Girls, Inc., Alameda County (Alameda County Probation Department Contract)**

On a motion by Vice Mayor Jones, seconded by Councilmember Shao, the City Council:

1. Authorized the City Manager, or his designee, to execute the First Amendment to a Master Contract with Alameda County Probation Department, in the amount of \$159,209, to provide trauma-focused cognitive behavioral groups and parenting classes for at-risk youth and families in Southern Alameda County, for the period of November 1, 2019 through June 30, 2021, for a new contract total of \$278,616.

2. Authorized the City Manager or his designee to execute the First Amendment to a contract with Girls, Inc., for the period of November 1, 2019 through June 30, 2021, in an amount not to exceed \$61,180, for a new contract total of \$119,274.

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

*** F. Mayor Mei opened consideration of Approval to Adopt a Resolution to Approve a Maintenance Agreement with Caltrans to Satisfy Permit Requirements for the I-880 Freeway Interchange Green Bike Lanes Project at Auto Mall Parkway and South Fremont Boulevard/Cushing Parkway (Bike Lanes at 880/Auto Mall and 880/Fremont**

On a motion by Vice Mayor Jones, seconded by Councilmember Shao, the City Council adopted Resolution No. 2020-01 authorizing the City Manager or designee to execute a freeway maintenance agreement with Caltrans at the I-880 Freeway Interchanges of Auto Mall Parkway and South Fremont Boulevard/Cushing Parkway.

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

*** G. Mayor Mei opened consideration of Approval of Funding Agreements with the Alameda County Transportation Commission (ACTC) to Support Development of the Following Seven Transportation Projects for a Combined Funding Amount of Approximately \$10.1 Million: Former State Route 84 Pavement Rehabilitation, I-680 Interchange Modernizations at Mission Boulevard and at Washington Boulevard, I-880/Decoto Road Interchange Modernization, Decoto Road Complete Street and Transit Priority Improvements, Niles/Nursery Avenue Railroad Crossing Safety and Quiet Zone, I-880 Bicycle and Pedestrian Bridge at Pacific Commons, and Dumbarton Bridge to Quarry Lakes Trail; and authorize and approve appropriation of funds to projects (ACTC Project Funding Agreements)**

On a motion by Vice Mayor Jones, seconded by Councilmember Shao, the City Council:

1. Authorized the City Manager or his designee to execute Project Funding Agreements with the Alameda County Transportation Commission for the following seven projects: Former State Route 84 Pavement Rehabilitation, I-680 Interchange Modernizations at Mission Boulevard and at Washington Boulevard, I-880/Decoto Road Interchange Modernization, Decoto Road Complete Street and Transit Priority Improvements, Niles/Nursery Avenue Railroad Crossing Safety and Quiet Zone, I-880 Bicycle and Pedestrian Bridge at Pacific Commons, and Dumbarton Bridge to Quarry Lakes Trail.

2. Appropriated \$2,000,000 in ACTC Measure BB funds to PWC8946-504 and reallocate \$25,000 in SB1 funds from PWC8959-134 (SB1-RMRA State Gas Tax 2030) to PWC8946-134, for Former State Route 84 Pavement Rehabilitation Project.
3. Appropriated \$1,000,000 in ACTC Measure BB funds to PWC9021-504 and reallocate \$25,000 in SB1 funds from PWC8959-134 (SB1-RMRA State Gas Tax 2030) to PWC9021-134, for I-680 Interchange Modernization project.
4. Appropriated \$1,000,000 in ACTC Measure BB funds to PWC9022-504 and reallocate \$25,000 in SB1 funds from PWC8959-134 (SB1-RMRA State Gas Tax 2030) to PWC9022-134, for I-880/Decoto Road Interchange Modernization project.
5. Appropriated \$1,000,000 in ACTC Measure BB funds to PWC9025-504 and reallocate \$25,000 in SB1 funds from PWC8959-134 (SB1-RMRA State Gas Tax 2030) to PWC9025-134, for Decoto Boulevard Complete Street and Transit Priority Improvements project.
6. Appropriated \$977,000 in ACTC Measure BB funds to PWC8828-504 and reallocate \$25,000 in SB1 funds from PWC8959-134 (SB1-RMRA State Gas Tax 2030) to PWC8828-134, for Niles/Nursery Avenue Railroad Crossing Safety and Quiet Zone project.
7. Appropriated \$2,100,000 in ACTC Measure BB funds to PWC8978-504 and reallocate \$25,000 in SB1 funds from PWC8959-134 (SB1-RMRA State Gas Tax 2030) to PWC8978-134, for I-880 Bicycle and Pedestrian Bridge at Pacific Commons project.
8. Appropriated \$2,000,000 in ACTC Measure BB funds to PWC9026-504 and reallocate \$25,000 in SB1 funds from PWC8959-134 (SB1-RMRA State Gas Tax 2030) to PWC9026-134, for Dumbarton Bridge to Quarry Lakes Trail project.

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

*** H. Mayor Mei opened consideration of Approval of a Professional Services Agreement with T. Y. Lin International, in an Amount Not to Exceed \$5,086,000 for Planning and Engineering Services for the Sabercat Bridge and Trail over I-680 Project (PWC8977)**

On a motion by Vice Mayor Jones, seconded by Councilmember Shao, the City Council authorized the City Manager or designee to execute a Professional Services Agreement with T.Y. Lin International in an amount not to exceed \$5,086,000 for planning and engineering services for the Sabercat Bridge and Trail over I-680 project (PWC 8977).

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

* **I. Mayor Mei opened consideration of Approval for an Amendment to the Employment Agreement between Mark Danaj and the City of Fremont (Second Amendment to the City Manager Employment Agreement)**

This item was removed from the Consent Calendar. Mayor Mei opened the public comment period. Cindy Sakihara shared a variety of concerns. There being no additional speakers, Mayor Mei closed the public comment period.

On a motion by Vice Mayor, seconded by Councilmember Bacon the City Council adopted Resolution No. 2020-02 and authorized the Mayor to execute an amendment to the City Manager’s employment agreement which authorizes a four percent (4%) merit increase, a four percent (4%) cost of living wage increase, and additional time to access previously authorized moving expense funds.

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

3. CEREMONIAL ITEMS – None.

4. PUBLIC COMMUNICATIONS

A. Oral and Written Communications

Sharon Scharff and Cindy Sakihara shared concerns regarding the updated roadway markings on Rancho Arroyo Parkway. Vivek expressed concern about unrestrained development. Will Falvey (representing SEIU-USWW), Rocio Silva, Claudia Cachola, and Elva Santos shared concerns with the current janitorial services’ medical benefits.

5. SCHEDULED ITEMS

A. Mayor Mei opened consideration of a Public Hearing (Published Notice) for the Acceptance and Spending Plan of the 2019/20 State of California Citizens Option for Public Safety (COPS) Grant (Acceptance of COPS Grant)

*This item was added to the Consent Calendar.

On a motion by Vice Mayor Jones, seconded by Councilmember Shao, the City Council adopted Resolution No. 2020-03 accepting the 2019/20 California Citizens Option for Public Safety (COPS) grant in the amount of \$552,606 as allocated in the Supplemental Law Enforcement Services Account (SLESA) for the Fremont Police Department and approving the spending plan to purchase items supporting frontline law enforcement services.

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

6. REPORT FROM CITY ATTORNEY – None.

7. OTHER BUSINESS

A. Mayor Mei opened consideration of Approval of a Master License Agreement Form for the Non-Exclusive Installation of Small Cell Telecommunications Facilities and Use of City Streetlight Poles in the Public Right-of-Way; Authorize the City Manager or Designee to Execute Master License Agreements with Wireless Providers and to Issue Pole Licenses for City Streetlight Poles in the Public Right-of-Way; and Adopt a Resolution to Amend the Master Fee Schedule to Include the Administrative Fee

A presentation was given by Public Work Director Hans Larsen. The following staff were available to respond to questions from Councilmembers: Dilip Kishnani, Public Works – Principal Civil Engineer; Bronwen Lacey, Senior Deputy City Attorney; David Witkowski, Joint Venture Silicon Valley – Executive Director, Civic Technology Initiatives; and Economic Development Director Christina Briggs. A question and answer period followed the presentation. There were no public speakers. Councilmembers provided comment.

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

1. Found that approval of Master License Agreement form for small cell facilities is exempt from review under the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines Section 15301, Existing Facilities as the contract is for minor additions to existing facilities;
2. Approved the Master License Agreement (MLA) Form for the Non-Exclusive Installation of Small Cell Telecommunications Facilities and Use of City Light Poles in the Public Right-of-Way;
3. Authorized the City Manager or designee to execute the Master License Agreements with wireless providers and to issue pole licenses for City-owned streetlights in the public right-of-way; and
4. Adopted Resolution No. 2020-04 amending the Master Fee Schedule to include the Pole License Administrative fee and the 3% yearly escalator.

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

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 8:10 p.m.

Attest:

Approved:

Susan Gauthier, City Clerk

LILY MEI, Mayor