

**MINUTES
FREMONT CITY COUNCIL SPECIAL MEETING
MARCH 5, 2019
FREMONT CITY HALL
5:30 P.M.**

Call to Order: Vice Mayor Salwan called the meeting to order at 5:30 p.m.

Roll Call: Present: Mayor Mei (arrived at 5:40 p.m.), Vice Mayor Salwan, Councilmembers: Bacon, Keng, Jones, Kassan, and Shao.

Public Comment: None.

CONVENE TO A CLOSED SESSION at 5:32 p.m.

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

This Closed Session is authorized by Government Code Section 54956.9 (e)(3) and will pertain to possible initiation of litigation against the City in one matter.

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

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

Sunhill Enterprises v. City of Fremont, Alameda County Superior Court Case No. RG17873584

CONFERENCE WITH LABOR NEGOTIATOR: The City Council will hold a special meeting which will commence as an open meeting and then adjourn to a closed session as authorized by Government Code Section 54957.6 for the purpose of reviewing its position for upcoming employee negotiations and for instructing Mark Danaj, City Manager; Brian Stott, Assistant City Manager; Karena Shackelford, Assistant City Manager; Allen DeMers, Human Resources Director; Dave Persselin, Finance Director; Harvey Levine, City Attorney, as the City's negotiators regarding salaries, salary schedules, compensation paid in the form of fringe benefits of its represented and unrepresented employees, and for any other matters within the statutorily provided scope of representation.

The names of the organizations representing employees in question are:

Fremont Association of Management Employees
City of Fremont Employee Association
Operating Engineers, Local Union No. 3
Fremont Police Association
Fremont Police Managers' Association
Professional Engineers and Technicians Association
Teamsters, Local 856
Fremont Professional Fire Fighters, International Association of
Fire Fighters, Local 1689
Battalion Chiefs, International Association of Fire Fighters, Local 1689

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
MARCH 5, 2019
FREMONT CITY HALL
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 Bacon led the salute to the flag.
- C. Roll Call:** Present: Mayor Mei, Vice Mayor Salwan, Councilmembers: Bacon, Keng, Jones, 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 Councilmember Bacon, seconded by Councilmember Shao, the City Council waived further readings of proposed ordinances.

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

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

This item was removed from the Consent Calendar. Councilmember Kassan requested an amendment to the minutes of February 5, 2019.

On a motion by Councilmember Kassan, seconded by Councilmember Bacon, the City Council approved minutes for the Special Meeting of February 12, 2019, the Special Meeting-Work Session and the Regular Meeting of February 19, 2019, and the Council Retreat held on January 10, 2019 and January 11, 2019, and to make amendments to the February 5, 2019 meeting, which will be submitted for approval, at a later date.

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

*** C. Mayor Mei opened consideration of an Amendment to the City of Fremont Master Fee Schedule Resolution to Update Certain Recreation Services Division Facility Use and Service Fees**

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

1. Adopted Resolution No. 2019-05 amending the Master Fee Resolution to reflect the changes in the Proposed Master Fee Schedule.
2. Authorized the Director of Community Services or Designee to offer up to a 20% discount off the approved Central Park Group Picnic Area fees for any picnic area rental if they book a package to also provide City catering services.
3. Authorized the Director of Community Services to approve service fee increases to Recreation facility and user fees annually based on the published Consumer Price Index for All Urban Consumers (CPI-U), San Francisco Bay Area index for the Master Fee Schedule.

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

*** D. Mayor Mei opened consideration of Approval of Construction Contract Change Orders and Appropriate Funding from a Federal Grant to Closeout the Niles Boulevard Bridge Replacement Project (PWC8460)**

On a motion by Councilmember Bacon, seconded by Councilmember Shao, the City Council approved the following actions related to the Niles Boulevard Bridge Replacement Project (PWC 8460):

1. Recognized additional revenue and appropriate federal funds in an amount up to \$2,500,000 to Fund 522 Federal Grant for PWC8460 (Niles Boulevard Bridge Replacement Project) once approval received from Caltrans.
2. Authorized City Manager or his designee to approve Contract Change Order #10 in an amount up to \$495,159.43 and to execute any necessary documents to implement this change.
3. Authorized City Manager or his designee to approve Contract Change Order #14 in an amount up to \$263,279.42 and to execute any necessary documents to implement this change.
4. Authorized City Manager or his designee to approve Contract Change Order #20 in an amount up to \$750,000 and to execute any necessary documents to implement this change.

5. Authorized City Manager or his designee to increase BART’s support services in an amount of \$98,945.76 to PWC8460-522 (Niles Boulevard Bridge Replacement Project) and to execute any necessary documents to implement this change.

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

*** E. Mayor Mei opened consideration of Approval to reject all proposals received for the Bike Share Project**

On a motion by Councilmember Bacon, seconded by Councilmember Shao, the City Council rejected all proposals received for the Bike Share Project.

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

*** F. Mayor Mei opened consideration to Approve Plans and Specifications; Award Contract to O’Grady Paving, Inc. in the Amount of \$6,358,179.00; Authorize Reallocation of Appropriations for the Walnut Avenue Bikeway Improvement Project (PWC 8959); Exempt from Environmental Review per CEQA Guidelines Section 15301 (Existing Facilities)**

On a motion by Councilmember Bacon, seconded by Councilmember Shao, the City Council approved the following actions related to the Walnut Avenue Bicycle Improvement Project – Mission Boulevard to Paseo Padre Parkway (PWC 8959):

1. Found that this project is exempt from 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 presently existing.
2. Approved the plans and specifications for this project.
3. Accepted the bid and awarded the construction contract to the lowest responsive and responsible bidder, O’Grady Paving, Inc. in the amount of \$6,358,179.00 and allocate a 5% construction contingency in the amount of \$320,000 for a total construction contract amount of \$6,678,179.00, and authorized the City Manager or designee to execute the contract.
4. Reallocated \$360,000 from PWC8239-518 to PWC8959-518.
5. Appropriated \$112,613 of developer contribution to PWC8959-502.
6. Reallocated \$202,250.50 from PWC8234-515 to PWC8959-515.

7. Reallocated \$87,749.50 from PWC8234-518 to PWC8959-518.
8. Reallocated \$626,000 from PWC7953-531 to PWC8959-531.
9. Reallocated \$106,747 from PWC8498-531 to PWC8959-531.
10. Reallocated \$60,000 from PWC8914-531 to PWC8959-531.

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

Noes: None

Absent: None

Abstain: None

*** G. Mayor Mei opened consideration to Approve Transmittal of Fiscal Year 2017/18 Audit Reports**

On a motion by Councilmember Bacon, seconded by Councilmember Shao, the City Council approved receipt of audit reports and file.

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

Noes: None

Absent: None

Abstain: None

*** H. Mayor Mei opened consideration of Approval to Adopt a Resolution Approving a Grant Application to the California Department of Forestry and Fire Protection for Funding from the CAL FIRE Urban and Community Forestry Program**

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

1. Found that the grant application to the California Department of Forestry and Fire Protection is exempt from review under the California Environmental Quality Act (CEQA) and the tree planting is exempt from review under CEQA Guidelines section 15304(b) as new landscaping.
2. Adopted Resolution No. 2010-06 approving the submittal of an application to the California Department of Forestry and Fire Protection for a FY 2018/19 CAL FIRE Urban and Community Forestry Program grant and authorizing the City Manager or designee to execute all necessary applications, contracts, agreements, amendments, payment requests, and any other necessary documents with CAL FIRE required to complete the grant as specified in the grant application.
3. If the grant is approved by the California Department of Forestry and Fire Protection, then Council authorizes the appropriation of the grant funds.

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

- * **I. Mayor Mei opened consideration for City Council to 1) Authorize the City Manager to Execute an Agreement with RCD for the Implementation of a Temporary Shelter Occupying 20 or More Existing Units at the Islander Motel Located at 4101 Mowry Avenue; and 2) Appropriate \$647,116 in State HEAP and local funds to implement the Temporary Shelter Plan. (Islander Motel Temporary Shelter)**

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

1. Found pursuant to CEQA Guidelines Section 15061 that the proposed activity is not subject to CEQA and that this action reflects the independent judgment of the City of Fremont.
2. Authorized the City Manager or his designee to execute an agreement with Resources for Community Development for the implementation of a temporary shelter for 20 or more existing units at the Islander Motel located at 4101 Mowry Avenue.
3. Authorized the City Manager or his designee to appropriate up to \$647,116 to implement the proposed temporary shelter plan at the Islander Motel, including \$34,879 in City Affordable Housing Funds (Fund 112) and \$612,237 in HEAP funds.

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

- * **J. Mayor Mei opened consideration to Approve the Fremont Mobility Action Plan; Exempt from CEQA Review; Dissolve Mobility Task Force; and Recommended Implementation Actions.**

This item removed from the Consent Calendar. Mayor Mei opened the public comment period. Flavio Poehlmann, Andreas Kadavanich (Bike Fremont), and Steve Skala shared a variety of comments. There were no additional speakers. Mayor Mei closed the public comment period. Staff responded to questions from Councilmembers.

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

1. Find that the adoption of the proposed Mobility Action Plan is exempt from the requirements of the California Environmental Quality Action (CEQA)
2. Approve the Fremont Mobility Action Plan dated March 2019
3. Dissolve the Mobility Task Force

4. Direct staff to pursue the following actions to support implementation of the Fremont Mobility Action Plan:
 - a. Refer discussion of regional land use policies to the upcoming Work Session on “Housing and Growth Management”
 - b. Refer discussion of additional local funding to the upcoming Work Session on the “Capital Improvement Program”
 - c. Return to Council with a program to implement the proposed “mode shift goal”
 - d. Return to Council with a program to convene an annual Mobility Summit
 - e. Refer discussion of a Mobility Commission to the upcoming budget process

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

Noes: None

Absent: None

Abstain: None

3. CEREMONIAL ITEMS

A. Proclamation: 17th Annual March for Meals Month, March 2019

4. PUBLIC COMMUNICATIONS

A. Oral and Written Communications

Joe Rose, representing NAMI/Alameda County South, read hand-out and provided to City Clerk regarding AB2022. Sharon Scharff shared concerns regarding the lane enhancements on Ranch Arroyo Parkway.

5. SCHEDULED ITEMS – None.

6. REPORT FROM CITY ATTORNEY – None.

7. OTHER BUSINESS

A. Mayor Mei opened consideration of an Update on the Status of the FY 2018/19 General Fund Operating Budget and Preliminary Three-Year Forecast; Approve Adjustments to Budget Estimates and Supplemental Appropriations (Mid-Year Budget Review)

Finance Director Dave Persselin and Deputy Director of Finance Mike Sung gave a presentation. This was followed by a question and answer period.

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

1. Increase revenue estimates in the General Fund by \$11.1 million for sales tax and \$2.3 million for property tax, and reduce the revenue estimate for business tax by \$1.4 million.
2. Reduce the vacancy savings estimate in the General Fund by \$1.0 million.

3. Appropriate a transfer of \$463,000 from the General Fund to the Development Cost Center for the Public Works Department.
4. Appropriate a transfer of \$307,525 from the General Fund to the Development Cost Center for the Community Development Department.

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

Noes: None

Absent: None

Abstain: None

B. Mayor Mei opened consideration of an Exemption for Employees of Non-Profit Corporations to the City's Minimum Wage Ordinance.

There was no presentation by staff. Mayor Mei opened the public comment period. Guy Houston, representing Mission Hope Day Program, shared concerns regarding the ordinance (provided a hand-out). Annie Koruga spoke in favor of a living wage. Rob Sorensen and Feda Almaliti spoke in opposition to the change regarding non-profits.

On a motion by Councilmember Jones, seconded by Vice Mayor Salwan, the City Council adopted the proposed amendment exempting all employees of non-profit corporations from the City's minimum wage ordinance, and introduced ordinance. The Council was also supportive of the proposed resolution to State legislators.

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

Noes: Councilmembers: Bacon and Kassan

Absent: None

Abstain: None

8. COUNCIL COMMUNICATIONS

A. Council Referrals

1. Mayor Mei opened consideration of Mayor Mei Referral: Appointments and Reappointments to Advisory Bodies

On a motion by Vice Mayor Salwan, seconded by Councilmember Jones, the City Council to vote on appointments and reappointments separately instead of as a slate.

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

Appointments:

<i>Advisory Body</i>	<i>Appointee</i>	<i>Term Expires</i>
East Bay Regional Park District/City of Fremont Liaison Committee - Alternate (Recreation Commission Representative)	Larry Thompson	12/31/2022

On a motion by Councilmember Bacon, seconded by Vice Mayor Salwan, the City Council approved appointment.

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

<i>Advisory Body</i>	<i>Appointee</i>	<i>Term Expires</i>
George W. Patterson House Advisory Board (Recreation Commission Representative)	Elissa Winters	12/31/2021

On a motion by Councilmember Bacon, seconded by Vice Mayor Salwan, the City Council approved appointment.

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

<i>Advisory Body</i>	<i>Appointee</i>	<i>Term Expires</i>
Human Relations Commission	Feda Almaliti	12/31/2021

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

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

<u>Advisory Body</u>	<u>Appointee</u>	<u>Term Expires</u>
Library Advisory Commission	Jennifer Choe	12/31/2021
	Kathleen Lang	12/31/2022

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

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

<u>Advisory Body</u>	<u>Appointee</u>	<u>Term Expires</u>
Planning Commission	Robert Daulton	12/31/2022

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

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

Reappointments:

<u>Advisory Body</u>	<u>Appointee</u>	<u>Term Expires</u>
Human Relations Commission	Dharminder Dewan	12/31/2022
	Cullen Tiernan	12/31/2022

On a motion by Councilmember Bacon, seconded by Councilmember Shao, the City Council approved reappointments.

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

2. **Mayor Mei opened consideration of Councilmember Bacon Referral: Request that the City of Fremont assume the costs of police/fire staff for the Fremont Fourth of July Parade and do not bill the Fourth of July Parade Committee for these City resources.**

On a motion by Councilmember Bacon, seconded by Vice Mayor Salwan, the City Council referred the item staff to bring back to Council at a later date.

Ayes: Mayor Mei, Vice Mayor Salwan,
Councilmembers: Bacon, Keng, Jones,
Kassan, and Shao
Noes: None
Absent: None
Abstain: 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 8:35 p.m.

Attest:

Approved:

Susan Gauthier, City Clerk

LILY MEI, Mayor