

**MINUTES
FREMONT CITY COUNCIL SPECIAL MEETING
MAY 21, 2019
FREMONT CITY HALL
5:30 P.M.**

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

Roll Call: Present: Mayor Mei, Vice Mayor Salwan, Councilmembers: Bacon, Keng (arrived at 5:35 p.m.), Jones, Kassan, and Shao.

Public Comment: None.

CONVENE TO A CLOSED SESSION at 5:31 p.m.

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; Kim Petersen, Chief of Police; 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
MAY 21, 2019
FREMONT CITY HALL
7:00 P.M.**

1. PRELIMINARY

- A. Call to Order:** Mayor Mei called the meeting to order at 7:05 p.m.
- B. Flag Salute:** Councilmember Jones 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 Vice Mayor Salwan, seconded by Councilmember Jones, 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. Approval of Minutes – None.**
- * **C. Mayor Mei opened consideration of Approval of Plans and Specifications and Award of Contract to American Pavement Systems, Inc. in the Amount of \$3,800,800.00 for the 2019 Cape and Slurry Seal Project (PWC 8195-R); Exempt from Environmental Review per CEQA Guidelines Section 15301 (Existing Facilities)**

On a motion by Vice Mayor Salwan, seconded by Councilmember Jones, the City Council approved the following actions related to the 2019 Cape and Slurry Seal Project (PWC 8195-R):

1. Found 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 the use beyond that presently existing.
2. Approved the plans and specifications for the project.
3. Accepted the bid and awarded the construction contract to the lowest responsive and responsible bidder, American Pavement Systems, Inc., in the amount of \$3,800,800.00 and authorize the City Manager or designee to execute the contract.

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 Plans and Specifications and Award of Contract to DeSilva Gates Construction LP in the Amount of \$5,621,106.00 for the 2019 Pavement Rehabilitation Project (PWC 8234-S) Exempt from Environmental Review per CEQA Guidelines Section 15301 (Existing Facilities) and Categorically Exempt from NEPA**

On a motion by Vice Mayor Salwan, seconded by Councilmember Jones, the City Council approved the following actions related to the 2019 Pavement Rehabilitation Project (PWC 8234-S):

1. Found 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 the project.
3. Accepted the bid and awarded the construction contract to the lowest responsive and responsible bidder, DeSilva Gates Construction L.P in the amount of \$5,621,106.00 and authorize the City Manager or designee to execute the contract.

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 for the Second Amendment of the Joint Exercise of Powers Agreement (JPA) for Implementation of a Transit Shelter Advertising Program between Alameda-Contra Costa Transit District (AC Transit) and Participating Entities in the District in which City of Fremont is One of Nine Participating Entities. (Bus Shelter Joint Powers Agreement)**

On a motion by Vice Mayor Salwan, seconded by Councilmember Jones, the City Council authorized the City Manager or designee to execute the Second Amendment to the Joint Exercise of Powers Agreement for implementation of a Transit Shelter Advertising Program.

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

*** F. Mayor Mei opened consideration of Approval to Adopt a Resolution Authorizing Application for Fiscal Year 2019-20 Transportation Development Act Article 3 (TDA3) Grant and Acceptance of the TDA3 Funds in the amount of \$244,206 for the Bicycle Master Plan - Year 2 Bikeway Improvements Project (PWC 8874-B); Exempt from CEQA review per Guidelines Section 15301 (Existing Facilities)**

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

1. Found the proposed Bikeway Improvements Project is exempt from CEQA review pursuant to CEQA Guidelines Section 15301 as the minor alternation of an existing facility involving negligible or no expansion of use beyond that presently existing.
2. Adopted Resolution No. 2019-18 authorizing the City Manager, or his designee, (a) to apply for Transportation Development Act Article 3 Bicycle and Pedestrian Program Funds in the amount of \$244,206 for the Bikeway Improvements Project for FY 2019-20; and (b) to accept any awarded grant funds for the Project and execute any necessary implementation documents.
3. Appropriated any grant funds received to PWC8874-521, Bicycle Master Plan Year 2 Bikeway Improvements Project.

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

*** G. Mayor Mei opened consideration of Approval to Execute a Service Agreement with Damey Environmental Pest Solutions for Pest Control Services at City Owned Buildings**

On a motion by Vice Mayor Salwan, seconded by Councilmember Jones, the City Council authorized the City Manager or designee to execute a Service Agreement with Damey Environmental Pest Solutions to provide Professional Pest Control Services City facilities for a 5-year term (3 years plus two 1-year possible extensions), July 1, 2019 through June 30, 2024 for a total not to exceed amount of \$278, 000.

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 of the Partial Release of Faithful Performance Bonds in the Amount of \$5,351,300 Posted by Fremont Pat Ranch, LLC with the Approved Public and Private Agreements for Tract 8288 (Partial Bond Release)**

On a motion by Vice Mayor Salwan, seconded by Councilmember Jones, the City Council approved the partial release of the Faithful Performance Bonds, in the amounts as shown on the table in the staff report, until the improvements are accepted by the City Engineer.

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

*** I. Mayor Mei opened consideration of Approval of Final Map, Agreements for Construction of Public and Private Street Improvements, and Dedication of Land and Public Easements for Tract 8384, located at 48495 Ursa Drive**

On a motion by Vice Mayor Salwan, seconded by Councilmember Jones, the City Council adopted Resolution No. 2019-19 to:

1. Approve the Final Map and the Improvement Plans for Tract 8384.
2. Approve the Agreement for Public Improvements entitled "Public Improvement Agreement, Tract 8384", with the developer, Robson Homes, LLC, and authorize the City Manager to execute the agreement on behalf of the City.
3. Approve the Agreement for Private Improvements entitled "Private Improvement Agreement, Tract 8384", with the developer, Robson Homes, LLC, and authorize the City Manager to execute the agreement on behalf of the City.
4. Accept the developer's offer of dedication of real property interests, as identified on the Final Map, provided that the acceptance of any property on which the developer is required to construct public improvements shall be conditioned upon the developer's completion of the improvements to the satisfaction of the City Engineer.

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

*** J. Mayor Mei opened consideration of Approval of the Partial Release of Faithful Performance Bonds in the Amount of \$2,805,000 Posted by TRI Pointe Homes, Inc. with the Approved Public and Private Agreements for Tract 8229 (Partial Bond Release)**

On a motion by Vice Mayor Salwan, seconded by Councilmember Jones, the City Council approved the partial release of the Faithful Performance Bonds, in the amount of \$2,805,000 for Tract 8229, until the improvements are accepted by the City Engineer.

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

*** K. Mayor Mei opened consideration of Approval of 3-year, \$170,248 Contract between City and Mike Canaday for Weed Abatement and Fire Fuel Management at Sabercat Historical Park (Weed Abatement by Goats at Sabercat Historical Park)**

On a motion by Vice Mayor Salwan, seconded by Councilmember Jones, the City Council authorized the City Manager, or his designee, to execute a contract with Mike Canaday for Weed Abatement by Goats at Sabercat Historical Park in the amount of \$170,238 for three years with the option to extend for an additional two years in an amount not to exceed \$124,000.

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

3. CEREMONIAL ITEMS

A. Proclamation: One Book, One Community Read

B. Presentation: Bicycle Friendly Community Award to the City of Fremont from the League of American Bicyclists

4. PUBLIC COMMUNICATIONS

A. Oral and Written Communications

Page Frakes, Susan Lanferman, Sahana Kohli, Abhisheak Iyer, Anir Pr, Keith Parker, Bahiji, Lisa Ogrey, Wendy Arnold (provided hand-out), Jerome Arnold, Sneha Mahecha, Bhupendra O. Shah, and Patty Allen voiced concerns and spoke in opposition to a navigation center in

Niles. Monica Gloria (president of CFEA provided hand-out), Andrew Mayes, Pat Christianson, Shanti Jeyakumar, Gabi Perez, Hang Tran, Lori Marra, Terry Wong (provided hand-out), and Sue Rodriquez requested a fair cost of living increases during contract negotiations. Theresa DeAnda shared a story about a homeless gentleman in Niles. Alice Lu, Josie Huang and Ashley Wong shared information regarding the Kids Against Hunger program. Sharon Scharff, expressed concerns with Rancho Arroyo Parkway lane markings. Pamela Carena expressed concerns with RVs parking in the area and the navigation center. Joanne Schwab was supportive of subsidized housing for the homeless.

5. SCHEDULED ITEMS

A. **Mayor Mei opened consideration of a Referral from Human Relations Commission (HRC) to Amend the Municipal Code to Ban Sale of Flavored Tobacco Products, Set Minimum Price or Pack Sizes for Certain Tobacco Products, and Establish a Tobacco Retail License (TRL) Program (Tobacco Control Recommendations)**

Human Services Director Suzanne Shenfil provided an overview. Dr. Sonia Khan, Vice Chair of the Human Relations Commission, gave a presentation and provided a hand-out. A question and answer period followed. Mayor Mei opened the public comment period. Ann Crosbie, Vinita Verma (provided hand-out), Owen Wisefierik, Dianne Jones, Frank James, Kristie Wang, Lance Kwan, Bhagat Maheta, Erica Wooding, Amaya Wooding (gave petitions to City Clerk), Nicholas Hoffman, Lucy Wu (gave petitions/letters to City Clerk), Kyle Marron, Liz Williams (provided hand-out), Martha Kreeger, Rosalyn Moya, Deanne Andrews, Sean Manalo, Philip Leung, Dilfatch Singh, Mantej Lamba, Seher Alvi, Bob Gordon, Blythe Young (provided hand-out), Rosalyn Leech, Alvin Zhu, Hilda Bustos, Brian Davis, Lucy Shen, Kyle Navarro, Reshma Inamdar, Limaing Rodriquez, Alex Spielmann, Rachel Gratz-Lazarus, Tracey Andrews, Nathan Subramanian, Elsa Casanova, Alex Wang, Anya Saxena, and Sanjiv Patel spoke in support of the program. Matt Senekermian, David Alga, Sam Randhawa, Arlene Herring, Paul Singh, Ann Sekhon, Inderjit Sidhu, Jaswinder Gill, Jay Chinoy spoke in opposition to the program. There were no additional speakers. Mayor Mei closed the public comment period. This was followed by a question and answer period. Councilmembers provided comment.

On a motion by Mayor Mei, seconded by Vice Mayor Salwan, the City Council received the Human Relations Commission's recommendations and provided direction to staff on the proposed tobacco retail licensing program and regulations.

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

6. REPORT FROM CITY ATTORNEY – None.

7. OTHER BUSINESS

A. Mayor Mei opened consideration of a Presentation of FY 2019/20 Proposed Operating Budget

City Manager Danaj provided an overview. Finance Director Dave Persselin and Deputy Director of Finance Mike Sung gave a presentation. Mayor Mei opened the public comment period. Reshma Inamdar shared concerns. There were no additional speakers. Mayor Mei closed the public comment period. Staff responded to questions from Councilmembers.

The City Council accepted staff's budget presentation and provided comments.

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 a Presentation and Provide Input on Proposed 5-Year Capital Improvement Program (CIP) for Fiscal Years 2019/20 through 2023/24.

Public Works Director Hans Larsen, Finance Director David Persselin, and Community Development Director Suzanne Wolf provided a presentation. Mayor Mei opened the public comment period. Theresa DeAnda voiced concerns regarding traffic. Kelly Abreu shared a variety of concerns. There were no additional speakers. Mayor Mei closed the public comment period.

The City Council received presentation and provided comments to staff on the proposed 5-year Capital Improvement Program for fiscal years 2019/20 through 2023/24.

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

C. Mayor Mei opened consideration of a Presentation on the Mission San Jose Commercial Strategy Study (PLN2019-00015)

Deputy Community Development Director Wayne Morris, Economic Development Director Christina Briggs, gave a presentation and were joined by the following consultants: Frank Fuller and Jane Lin representing Urban Field Studio, Christine Firstenberg, representing Retail Real Estate Resources, and Bill Lee, representing Land Econ Group. Mayor Mei opened the public comment period. John Weed and Kelly Abreu voiced a number of concerns. There

were no additional speakers. Mayor Mei closed the public comment period. This was followed by a question and answer period. Councilmembers provided comment and direction to staff. The City Council accepted and filed report.

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

8. COUNCIL COMMUNICATIONS

A. Council Referrals – None.

B. Oral Reports on Meetings and Events – None.

9. ADJOURNMENT: There being no further business, Mayor Mei adjourned the meeting at 12:30 a.m. on Wednesday, May 22, 2019.

Attest:

Approved:

Susan Gauthier, City Clerk

LILY MEI, Mayor