

**MINUTES
FREMONT CITY COUNCIL MEETING
JULY 7, 2020
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 7:02 p.m.
- B. Flag Salute:** Councilmember Salwan led the salute to the flag.
- C. Roll Call:** Present: Mayor Mei, Vice Mayor Kassan, Councilmembers: Bacon, Salwan, Keng, Jones, and Shao
- D. Announcements by Mayor/City Manager – 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 Shao, seconded by Councilmember Bacon, the City Council waived further readings of proposed ordinances.

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

- * **B. Approval of Minutes – None.**
- * **C. Mayor Mei opened consideration to Approve the Plans and Specifications and Award a Construction Contract in the Amount of \$643,150 to Resource Environmental, Inc. plus a 20% Construction Contingency amount of \$129,000, for a total construction contract amount of \$772,150 for the Dusterberry Neighborhood Park Building Demolition Project; and find that, pursuant to CEQA Guidelines Section 15162, the Project Mitigated Negative Declaration (MND), previously adopted by the City Council in 1998, is acceptable, and does not need to be re-adopted or re-circulated (PWC8581A).**

On a motion by Councilmember Shao, seconded by Councilmember Bacon, the City Council approved the following actions related to the Dusterberry Neighborhood Park Building Demolition Project (PWC8581A):

1. Approved Plans and Specifications for the Dusterberry Neighborhood Park Building Demolition Project, PWC8581.
2. Awarded a Construction Contract of \$643,150 to Resource Environmental, Inc., and allocate a 20% Construction Contingency amount of \$129,000, for a total construction contract amount of \$772,150.
3. Found that the Mitigated Negative Declaration adopted by the City Council on November 17, 1998 for the demolition of the buildings and construction of the park at the Dusterberry Neighborhood Park did not need to be readopted or re-circulated pursuant to CEQA Guidelines Section 15162 and therefore no additional environmental review is necessary.

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

*** D. Mayor Mei opened consideration of Approval of Final Map, Agreements for Construction of Public and Private Improvements for Tract 8430, located at 241 and 243 Morrison Canyon Road**

On a motion by Councilmember Shao, seconded by Councilmember Bacon, the City Council adopted Resolution No. 2020-29 to:

1. Approve the Final Map and the Improvement Plans for Tract 8430.
2. Approve the Agreement for Public Improvements entitled “Improvement Agreement, Public Street Improvements, Tract 8430”, with the developer, Mission Peak Homes, Inc, and authorize the City Manager to execute the agreement on behalf of the City.
3. Approve the Agreement for Private Improvements entitled “Improvement Agreement, Private Street Improvements, Tract 8430”, with the developer, Mission Peak Homes, Inc, and authorize the City Manager to execute the agreement on behalf of the City.
4. Accepting 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 Kassan, Councilmembers: Bacon, Salwan, Keng, Jones, and Shao
 Noes: None
 Absent: None
 Abstain: None

*** E. Mayor Mei opened consideration of Approval of Final Map, Agreements for Construction of Private Improvements for Tract 8508, located at 39009 Cindy Street**

On a motion by Councilmember Shao, seconded by Councilmember Bacon, the City Council adopted Resolution No. 2020-30 to:

1. Approved the Final Map and the Improvement Plans for Tract 8508.
2. Approved the Agreement for Private Improvements entitled “Private Improvement Agreement, Tract 8508”, with the developer, Golden Estate Development, LLC, and authorize the City Manager to execute the agreement on behalf of the City.
3. Accepted 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 Kassan, Councilmembers: Bacon, Salwan, Keng, Jones, and Shao
Noes: None
Absent: None
Abstain: None

*** F. Mayor Mei opened consideration of Approval of Plans and Specifications and Award of Contract to A&E Emaar Company in the amount of \$296,379 for the Maintenance Center Materials Storage Building Expansion Project (PWC8393); Exempt from Environmental Review per CEQA Guideline Section 15301 (Existing Facilities) (Building Improvements at Maintenance Center)**

On a motion by Councilmember Shao, seconded by Councilmember Bacon, the City Council approved the following actions related to the Maintenance Center Materials Storage Building Expansion Project (PWC8393):

1. Found the project was exempt from the CEQA review pursuant to CEQA Guideline section 15301 as a repair or modification of an existing facility involving negligible or no expansion of use.
2. Approved the Plans and Specifications for this project.
3. Approved A&E Emaar Company’s bid protest.
4. Accepted the Bid and awarded the construction contract to the lowest responsive and responsible bidder, A&E Emaar Company in the amount of \$296,379 and allocate a 10% contingency in the amount of \$30,000 for a total construction contract amount of \$326,379 and authorize the City Manager or designee to execute the contract.

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

*** G. Mayor Mei opened consideration of Approval of Amendments to the Professional Services Agreements with PES Environmental and with A3GEO to Provide Environmental and Geotechnical Services for the Downtown Event Center and Plaza Project (PWC9032)**

On a motion by Councilmember Shao, seconded by Councilmember Bacon, the City Council approved the following actions related to the Downtown Event Center & Downtown Plaza Project (PWC9032):

1. Authorized the City Manager or his designee to execute Amendment No. 1 to the Service Agreement with PES Environmental Inc., for additional environmental services in an amount of \$103,000, for a total contract amount of \$192,125.
2. Authorized the City Manager or his designee to execute Amendment No. 2 to the Service Agreement with A3GEO, for additional geotechnical services in an amount of \$30,000, for a total contract amount of \$115,731.

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

*** H. Mayor Mei opened consideration of Approval of Plans and Specifications and Award of Contract to Stronger Building Services in the Amount of \$272,500 for the Maintenance Administration Building Roof Replacement and Fall Protection Project (PWC 8393); Exempt from Environmental Review per CEQA Guideline Section 15301 (Existing Facilities) (Maintenance Center Roof Replacement)**

On a motion by Councilmember Shao, seconded by Councilmember Bacon, the City Council approved the following actions related to the Maintenance Administration Building Roof Replacement and Fall Protection Project (PWC 8393):

1. Found the project was exempt from the CEQA review pursuant to CEQA Guideline section 15301 as a repair or modification of an existing facility involving negligible or no expansion of use.
2. Approved Plans and Specifications for the Maintenance Administration Building Roof Replacement and Fall Protection project.
3. Accepted the Bid and award the construction contract to the lowest responsive and responsible bidder Stronger Building Services in the amount of \$272,500 and allocate a 15% contingency in the amount of \$41,000 for a total construction contract amount of \$313,500 and authorize the City Manager or designee to execute the contract.

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

*** I. Mayor Mei opened consideration of Approval of Plans and Specifications, Award of Contract to GradeTech Inc. in the Amount of \$719,872.50, and Fund Reallocation for the Nursery Avenue Safety Improvement Project (PWC 8828), to Implement Safety Improvements in Advance of Establishing a Quiet Zone at the Nursery Avenue At-Grade Crossing; Exempt from Environmental Review per CEQA Guidelines Section 15301 (Existing Facilities) (Nursery Avenue Quiet Zone)**

On a motion by Councilmember Shao, seconded by Councilmember Bacon, the City Council approved the following actions related to the Nursery Avenue Safety Improvement Project (PWC8828):

1. Found that this project was 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 award the construction contract to the lowest responsive and responsible bidder, GradeTech, Inc. in the amount of \$719,872.50 and allocate a 15% construction contingency in the amount of \$107,981 for a total construction contract amount of \$827,853.50, and authorize the City Manager or designee to execute the contract.
4. Reallocated \$434,500 from PWC8931-531 to PWC8828-531.

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

3. CEREMONIAL ITEMS

A. Proclamation: Parks and Recreation Month, July 2020

4. PUBLIC COMMUNICATIONS

A. Oral and Written 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 persons voiced a variety of concerns in regard to the Police Department (e.g. PD budget concerns, School Resource Officers (SROs), and defunding the police): B. Beekman, Nina Ramchandi, Celina Mendoza, Vanessa Sadsad, Ashlesha Sathe and Renegade Feedings. Suresh Bazaj shared concerns regarding the Mission Peak Staging parking and surrounding neighborhoods. Sharon Scharff expressed concerns regarding Public Works road restriping in the Rancho Arroyo PW area. Mohan Hegde and Kelly Abreu shared a variety of concerns.

5. SCHEDULED ITEMS

A. Mayor Mei opened consideration to Conduct a Public Hearing and Adopt a Resolution Summarily Vacating Street Right of Way, Emergency Vehicle Access, and Public Utility Easements at 49000 – 49090 Milmont Drive (PLN2017-00043) (Street Vacation)

*This item was added to the Consent Calendar.

On a motion by Councilmember Shao, seconded by Councilmember Bacon, the City Council adopted Resolution No. 2020-31 to vacate street Right of Way, Emergency Vehicle Access Easement, and Public Utility Easement.

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

B. Mayor Mei opened consideration to Conduct a Public Hearing (Published Notice) to Consider an Appeal of the Planning Commission’s Denial of a Planned Unit Development Permit, Discretionary Design Review Permit, Vesting Tentative Parcel Map No. 10474, and Private Street to Allow Demolition of an Existing Single-Family Residence and Development of Four Single-Family Residences on a 0.60-Acre Parcel, and to Consider an Exemption from the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15332, In-Fill Development Projects and CEQA Guidelines Section 15183, as the project is consistent with the land use envisioned for the site as established by the General Plan for which an Environmental Impact Report (SCH#2010082060) was previously prepared and certified, and CEQA Guidelines Sections 15162 and 15163, as none of the circumstances requiring the preparation of a subsequent or supplemental EIR have occurred. (Decoto Lux Homes Appeal)

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.

Senior Planner David Wage gave a presentation. Staff responded to questions from Councilmembers. The applicants, Mohamad Genidy, Moina Shaiq and Mohammad Shaiq gave verbal presentations. Mayor Mei opened the public hearing. Giovanni Macias expressed concerns with house and lot size and DC DeChen shared concerns with rezoning and the width of the sidewalks. There were no additional speakers. Mayor Mei closed the public hearing. The applicant, Mohamad Genidy provided a rebuttal & comment. This was followed by another question and answer period. Councilmembers provided comment.

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

1. Held a public hearing.
2. Considered the evidence attached to this staff report and presented during the hearing of the appeal; grant the appeal and approved the proposed Planned Unit Development,

Discretionary Design Review Permit, Vesting Tentative Tract Map No. 10474, and Private Street based on the findings and subject to conditions contained in Exhibit “C.”

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

6. REPORT FROM CITY ATTORNEY – None.

7. OTHER BUSINESS – None.

8. COUNCIL COMMUNICATIONS

A. Council Referrals

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

The City Council deferred the referral to the July 14, 2020 City Council meeting.

B. Oral Reports on Meetings and Events – None.

9. ADJOURNMENT: There being no further business, Mayor Mei adjourned the meeting at 8:45 p.m.

Attest:

Approved:

Susan Gauthier, City Clerk

LILY MEI, Mayor