

**MINUTES
FREMONT CITY COUNCIL MEETING
SEPTEMBER 1, 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 7:01 p.m.
- B. Flag Salute:** Councilmember Shao 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 Bacon, seconded by Councilmember Jones, 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 of a Report of Actions Taken by the City Manager during Council Recess, July 22, 2020 through August 31, 2020**

On a motion by Councilmember Bacon, seconded by Councilmember Jones, the City Council received report acknowledging actions taken by the City Manager or designee during the recess.

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

*Consent Items

*** D. Mayor Mei opened consideration of Approval to Adopt a Resolution Authorizing the City Manager to Execute a FY 2020/21 Contract with the California Department on Aging to Provide Multipurpose Senior Services Program (MSSP) Services**

On a motion by Councilmember Bacon, seconded by Councilmember Jones, the City Council adopted Resolution No. 2020-41 approving and authorizing the City Manager or designee to execute the contract MS-2021-37 with the California Department on Aging to provide MSSP services for FY 2020/21 in an amount not to exceed \$262,454.

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

*** E. Mayor Mei opened consideration to Approve Plans and Specifications and Award of Contract to IBS USA, Inc. in the Amount of \$635,900.00 for the Year 2 Bikeway Improvements Project (PWC 8874-B); Accept Grant Funds in the Amount of \$130,000; Appropriation Actions; and Find Project Exempt from Environmental Review per CEQA Guideline Section 15301 (Existing Facilities)**

This item was removed from the Consent Calendar. Mayor Mei opened the public comment period. B. Beekman thanked the Council for working on the issues of bicycle pathways. There being no additional speakers, Mayor Mei closed the public comment period.

On a motion by Councilmember Jones, seconded by Councilmember Salwan, the City Council approved the following actions related to the Year 2 Bikeway Improvements Project (PWC 8874-B):

1. Authorized the City Manager or designee to accept the BAAQMD grant in the amount of \$130,000 and to execute associated grant documents.
2. Appropriated funds in the grant amount of \$130,000 to the Bikeway Improvements project (PWC8874-523).
3. Found that this project was categorically exempt from review under 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 presenting existing.
4. Approved the plans and specifications for this project.
5. Rejected Chrisp Company's bid protest.
6. Accepted the bid and award the construction contract to the lowest responsive and responsible bidder, IBS USA, Inc., in the amount of \$635,900.00, allocate a 10% construction contingency in the amount of \$63,590 for a total construction contract amount of \$699,490, 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

*** F. Mayor Mei opened consideration of Approval to Adopt a Resolution Authorizing City Staff to Deposit and Withdraw City Funds in the State's Local Agency Investment Fund (LAIF)**

On a motion by Councilmember Bacon, seconded by Councilmember Jones, the City Council adopted Resolution No. 2020-42 granting the authority to deposit and withdraw idle City funds in the State of California's Local Agency Investment Fund (LAIF) to the City's Finance Director/Treasurer and Budget and Treasury Management Analyst.

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 Final Map, Agreements for Construction of Private Street Improvements, and Dedication of Public Easements for Tract 8479, located at 45500 Fremont Boulevard**

On a motion by Councilmember Bacon, seconded by Councilmember Jones, the City Council adopted Resolution No. 2020-43 to:

1. Approve the Final Map and the Improvement Plans for Tract 8479.
2. Approve the Agreement for Private Improvements entitled "Private Improvement Agreement, Tract 8479", with the developer, Lennar Homes of California, Inc., and authorize the City Manager to execute the agreement on behalf of the City.
3. 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 Kassan,
Councilmembers: Bacon, Keng, Jones, and Shao
Noes: None
Absent: None
Recused: Councilmember Salwan (business/property interest)

*** H. Mayor Mei opened consideration of Approval of the Partial Release of Faithful Performance Bond in the Amount of \$12,904,000 Posted by Lennar Homes of California, Inc. with the Approved Public Agreement for Tract 8253**

On a motion by Councilmember Bacon, seconded by Councilmember Jones, the City Council approved the partial release of the Faithful Performance Bond in the amount of \$12,904,000 posted by Lennar Homes of California, Inc. with the approved Public Agreement for Tract 8253.

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

*** I. Mayor Mei opened consideration of Approval of the Partial Release of Faithful Performance Bonds in the Amount of \$9,401,000 Posted by Lennar Homes of California, Inc. with the Approved Public and Private Agreements for Tract 8286**

On a motion by Councilmember Bacon, seconded by Councilmember Jones, the City Council approved the partial release of the Faithful Performance Bonds in the amount of \$9,401,000 posted by Lennar Homes of California, Inc. with the approved Public and Private Agreements for Tract 8286.

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

*** J. Mayor Mei opened consideration of Approval to Adopt a Resolution Ratifying the Director of Emergency Services Executive Order Imposing a Temporary Limit of 15 Percent on Fees Charged by Third-Party Food Delivery Companies to Support Restaurants in Fremont During the COVID-19 Declared Emergency**

On a motion by Councilmember Bacon, seconded by Councilmember Jones, the City Council adopted Resolution No. 2020-44 ratifying the Executive Order of the City Manager/Director of Emergency Services establishing a temporary limit of 15 percent on fees charged by third-party food delivery companies to support restaurants in Fremont during the COVID-19 declared emergency.

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

3. CEREMONIAL ITEMS - None.

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.

Yonggang Zhang, Arun Ramani, and Dhaval Mehta voiced concerns regarding the proposed South Bay Connect train project and its potential impacts freight train traffic increase through the area. B. Beekman spoke on a variety of issues. There were no additional speakers. Mayor Mei closed the public comment period.

5. SCHEDULED ITEMS

- A. Mayor Mei opened consideration of Report of Public Hearing (Published Notice) to consider a first party appeal of the Planning Commission's failure to take action on a General Plan Amendment to change the land use designation of a 6.08-acre site from Service Industrial (Special Study Area) to Low-Medium Density Residential (8.8 to 14.5 units per net acre), a Rezoning from Service Industrial with Historical Overlay District (IS)(HOD) to Medium Density Residential (R-3-14) (HOD), Vesting Tentative Tract Map No. 8205, and a Private Street to facilitate development of 75 attached residential units in the Niles Community Plan Area, and to consider an Environmental Impact Report (SCH# 2018012041) that has been prepared and circulated pursuant to the requirements of the California Environmental Quality Act (CEQA). (REQUEST TO CONTINUE TO A DATE UNCERTAIN)**

*This item was added to the Consent Calendar.

On a motion by Councilmember Bacon, seconded by Councilmember Jones, the City Council continued the item to a date uncertain.

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

6. REPORT FROM CITY ATTORNEY – None.

7. OTHER BUSINESS – None.

8. COUNCIL COMMUNICATIONS

- A. Council Referrals – None.**

B. Oral Reports on Meetings and Events

Mayor Mei reported on their various activities.

- 9. ADJOURNMENT:** On behalf of all those who are faced with challenges right now, whether it's through COVID or the fires, Mayor Mei asked for a moment of silence in closing. There being no further business, Mayor Mei adjourned the meeting at 7:25 p.m.

Attest:

Approved:

Susan Gauthier, City Clerk

LILY MEI, Mayor