

**MINUTES
FREMONT CITY COUNCIL SPECIAL MEETING
NOVEMBER 5, 2019
FREMONT CITY HALL
6:30 P.M.**

Call to Order: Mayor Mei called the meeting to order at 6:30 p.m.

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

Public Comment: None.

CONVENED TO A CLOSED SESSION at 6:31 p.m.

CONFERENCE WITH REAL PROPERTY NEGOTIATORS: This Closed Session is authorized by Government Code Section 54956.8 at the time and place stated above to confer with and grant authority to the City's real property negotiators regarding the price and terms of payment related to the following property:

Property: 37412 Fremont Blvd., 9,759 sq. ft.

City Negotiators: (who will be attending or represented at the closed session) –Mark Danaj, City Manager; Karena Shackelford, Assistant City Manager; Brian Stott, Assistant City Manager; Hans Larsen, Public Works Director and Harvey Levine, City Attorney

Owner: City of Fremont

Negotiating Parties: City of Fremont and Sanjeev Acharya, Silicon Sage

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
NOVEMBER 5, 2019
FREMONT CITY HALL
7:00 P.M.**

1. PRELIMINARY

- A. Call to Order:** Mayor Mei called the meeting to order at 7:03 p.m.
- B. Flag Salute:** Councilmember Shao 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 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. Mayor Mei opened consideration of Approval of Minutes**

On a motion by Councilmember Bacon, seconded by Councilmember Jones, the City Council approved minutes for the Special and Regular Meetings of July 9, 2019, the Regular Meeting of July 16, 2019, the Special Meeting of September 10, 2019, the Special and Regular Meetings of September 17, 2019, and the Regular Meeting of October 1, 2019

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 Approval to Adopt a Resolution Authorizing the City Manager to Execute a FY 2019/20 Contract Amendment with the California Department on Aging to Provide Multipurpose Senior Services Program (MSSP) Services**

This item was removed from the Consent Calendar. Mayor Mei opened the public comment period. Roger Marshall suggested spending the funds more efficiently. There being no additional speakers, Mayor Mei closed the public comment period. Staff responded to questions from Councilmembers.

On a motion by Councilmember Jones, seconded by Councilmember Shao, the City Council adopted Resolution No. 2019-66 approving and authorizing the City Manager or designee to execute the amendment to contract MS-1920-37 with the California Department on Aging to provide MSSP services for FY 2019/20 in an amount not to exceed \$262,454. Appropriate the additional funds of \$52,489 as follows: Fund 141-53560 increase of \$47,489; and Fund 141-53350 increase of \$5,000.

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 to Award a Professional Design Contract to PROS Consulting, Inc. in the Amount of \$512,280 for the Comprehensive Parks and Recreation Master Plan Project (PWC) 8953**

See Green Sheet This item was removed from the Consent Calendar. Mayor Mei opened the public comment period. Kelly Abreu shared a variety of concerns. There were no additional speakers. Mayor Mei closed the public comment period.

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

1. Awarded a professional design services contract to PROS Consulting for the amount of \$426,900, plus a 20% contingency of \$85,380, for a total not-to-exceed amount of \$512,280, and authorized the City Manager, or his designee, to enter into an agreement with PROS Consulting, Inc. for the creation of the Comprehensive Parks and Recreation Master Plan.
2. Found that environmental review under CEQA is not required for the execution of this service agreement as the agreement is for professional design services pursuant to the development of a Comprehensive Parks and Recreation Master Plan, an administrative governmental activity, and will not result in physical changes to the environment, and is, therefore, not a project pursuant to CEQA Guidelines Section 15378(b).

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 Authorize the City Manager to Issue a Purchase Order for Fire Protective Equipment to MES Fire in an Amount Not to Exceed \$281,025**

On a motion by Councilmember Bacon, seconded by Councilmember Jones, the City Council authorized the City Manager or designee, to award the bid and to issue a purchase order to Municipal Emergency Services in an amount not to exceed \$281,025.

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

3. CEREMONIAL ITEMS

A. Proclamation: Sikh Awareness and Appreciation Month

B. Proclamation: Hispanic and Latino Heritage Month

4. PUBLIC COMMUNICATIONS

A. Oral and Written Communications

Will Falvey (representing SEIU-USWW) and Elva Santos shared concerns with the current janitorial services' medical benefits, John Hinds (provided a hand-out) and Sharon Scharff expressed their continued concerns regarding the updated (Vision Zero) roadway & bicycle lane markings on Rancho Arroyo Parkway. Salim Mastan provided suggestions for a new homeless shelter.

5. SCHEDULED ITEMS

A. Mayor Mei opened consideration of a Public Hearing (Published Notice), Second Reading and Adoption of Ordinances Adopting by Reference and Amending the 2019 California Building Standards Code and Adopting by Reference Certain Appendix Chapters of the 2019 California Building Standards Codes and the 2018 International Swimming Pool and Spa Code, Adopting by Reference and Adopting by Reference and Amending the 2018 International Property Management Code, and Adoption of the Resolution Containing Supporting Findings and Determinations, Including Finding that the Project is Exempt from the California Environmental Quality Act (CEQA) per Guideline 15061(b)(3) in that it does not have the Potential for Causing a Significant Effect on the Environment.

*This item was added to the Consent Calendar.

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

1. Held public hearing.
2. Found that the project is exempt from the California Environmental Quality Act (CEQA), pursuant to Guideline 15061(b)(3).
3. Waived full reading and adopted Ordinance No. 10-2019, adopting by reference and amending the 2019 California Building, Electrical, Plumbing, Mechanical, Residential, Green Building Standards, Existing Building, Energy, and Historical Building; and the 2018 International Swimming Pool and Spa Code and the 2018 International Property Maintenance Code; and adopted Ordinance No. 11-2019, adopting by reference and amending the 2019 California Fire Code and repealing and replacing Fremont Municipal Code Title 15 (Buildings and Construction), Division 1 (Fremont Building Standards Code), Chapter 15.25 (Fremont Fire Code).
4. Adopted Resolution No. 2019-67 making findings that the amendments to the 2019 California Building Standards Code are reasonably necessary because of local conditions.

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

Noes: None

Absent: None

Abstain: None

6. REPORT FROM CITY ATTORNEY

City Attorney Harvey Levine reported out from the closed session that the City Council approved the sale of City property at 37412 Fremont Blvd. for \$1,235,000 to Silicon Sage.

7. OTHER BUSINESS

A. Mayor Mei opened consideration of a Second Reading and Adoption of an Ordinance of the City of Fremont Authorizing an Amendment to the Contract between the City of Fremont and the Board of Administration of the Public Employees' Retirement System (CalPERS)

On a motion by Councilmember Jones, seconded by Councilmember Keng, the City Council adopted Ordinance No. 12-2019.

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 on Real Estate Open House Sign Regulations, Their Implementation and Enforcement (Citywide)

Deputy Community Development Director Wayne Morris and Code Enforcement Manager Leonard Powell gave a presentation. Staff responded to questions from Councilmembers. Mayor Mei opened the public comment period. Paul Andrus (representing LDS church & self), Ben Yee, Bill Aboumrad, and Brad Hatton, shared concerns with sign placement and provided suggestions for enforcement. Nancee Allen (president of the Bay East Association of Realtors) was supportive of staff recommendations and shared that David Stark volunteered to be a liaison between Bay East and the City to resolve issues. There being no additional speakers, Mayor Mei closed the public comment period. Councilmembers asked questions and provided comment.

On a motion by Vice Mayor Salwan, seconded by Councilmember Jones, the City Council directed staff to complete the following items for consideration by the Council at a future meeting:

- a. Prepare proposed amendments to the FMC to limit how many open house signs may be located at an intersection and the number of signs a realtor may display per property;
- b. Prepare proposed amendments to the FMC to prohibit sign placement within a specified distance of a Fremont Registered historical resource;
- c. Prepare proposed amendments to the FMC to modify the required clear sidewalk width from three feet to four feet;
- d. Expand informational outreach programs to inform real estate agents of the City’s regulations; and
- e. Develop options for weekend enforcement, including descriptions of the fiscal, staffing and workload impacts of each option.

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 8:35 p.m.

Attest:

Approved:

Susan Gauthier, City Clerk

LILY MEI, Mayor

*Consent Items