

**MINUTES
FREMONT CITY COUNCIL MEETING
JULY 9, 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 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 – None.**

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 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**

On a motion by Vice Mayor Salwan, seconded by Councilmember Shao, the City Council approved minutes for the Special and Regular Meetings of May 7, 2019, the Special and Regular Meetings of May 21, 2019, and the Special and Regular Meetings of June 4, 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 of Plans and Specifications and Award of Contract to Matrix HG, Inc. in the amount of \$1,709,821.00 for the Development Services Center HVAC & Roof Replacement (PWC8942); Exempt from Environmental Review per CEQA Guideline Section 15301 (Existing Facilities) (Development Services Center Building Improvements)**

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

1. Found the project is 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 Development Services Center HVAC & Roof Replacement Project.
3. Accepted the bid and awarded the construction contract to the lowest responsive and responsible bidder Matrix HG, Inc. in the amount of \$1,709,821.00 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 to Amend the Streetlight and Exterior Facilities Light Maintenance Agreement with Bear Electrical Solutions Inc. and Increase the Annual Compensation (Streetlight Maintenance)**

On a motion by Vice Mayor Salwan, seconded by Councilmember Shao, the City Council authorized the City Manager or his designee to execute an amendment to the Streetlight and Exterior Facilities Light Maintenance Agreement with Bear Electrical Solutions Inc. to increase the annual compensation by \$165,000 for an annual amount not to exceed \$646,993 and total contract value of \$3,069,965.

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 of Certification and Mutual Indemnification Agreement with the County of Alameda Regarding Collection of Taxes and Assessments on the Fiscal Year 2019/20 Secured Property Tax Bill**

On a motion by Vice Mayor Salwan, seconded by Councilmember Shao, the City Council adopted Resolution No. 2019-30 approving the Certification and Mutual Indemnification

Agreement with the County of Alameda and authorize the City Attorney to sign the agreement on behalf of the City.

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 Contract with Alameda County Behavioral Health Care Services for Mental Health Services; and Appropriate Additional Funds (Services Agreement)**

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

1. Approved and authorized the City Manager or designee to execute three FY 2019/20 agreements totaling \$2,541,800, including:
 - a. an agreement with Alameda County Behavioral Health (ACBH), in the amount of \$1,855,339, to provide mental health services
 - b. an agreement with ACBH, in the amount of \$454,233, to provide substance use disorder services.
 - c. an agreement with LaFamilia, in the amount of \$232,228, to provide mental health counseling services to adults transitioning to work,
2. Staff is also requesting the City Council appropriate additional funds totaling \$83,571, to equal the three-contract total of \$2,541,800, as described in the report.

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 Task Orders to the Joint Powers Agreement (JPA) with the City of Newark for FY 2019/20 Paratransit Services, Case Management Services and Homeless Mobile Hygiene Services to Newark Residents**

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

1. Approved and authorized the City Manager or his designee to execute Task Order No. 18 to the existing Joint Powers Agreement with the City of Newark for the provision of FY 2019/20 paratransit services, in the amount not to exceed \$284,000.
2. Approved and authorized the City Manager or his designee to execute Task Order No. 19 to the existing Joint Powers Agreement with the City of Newark for the provision of FY 2019/20 case management services, in the amount of \$5,000.

4. Approved and authorized the City Manager or his designee to execute Task Order No. 20 with the City of Newark for the provision of FY 2019/20 homeless mobile hygiene services.

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

On a motion by Vice Mayor Salwan, seconded by Councilmember Shao, the City Council adopted Resolution No. 2019-31 approving and authorizing the City Manager or designee to execute contract MS-1920-37 with the California Department on Aging to provide MSSP services for FY 2019/20 in an amount not to exceed \$209,965.

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 to Authorize the City Manager, or Designee, to Enter into Agreements and Issue Purchase Orders to Accela, Inc. to Migrate the Existing Accela Automation Land Use and Permit System to the Accela Software-as-a-Service (SaaS) Platform, Execute Any Other Implementing Documents, and Transfer \$488,116 from the Development Cost Center Technology and System Improvement Reserve (Fund 392) to CIP Project 501PWC8746, Permitting and Land Use System**

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

1. Authorized the City Manager, or designee, to enter into a three-year Master Services Agreement with Accela, Inc. in the amount not-to-exceed \$1,324,354 for the SaaS system, payable in three annual payments: \$396,116 for the first year, \$407,999 for the second year, and \$420,239 for the third year of services; and \$100,000 for additional licensing, hosting, and data storage costs over the three-year period.
2. Authorized the City Manager, or designee, to issue a purchase order to Accela, Inc. in the amount of \$396,116 for the first year of annual SaaS costs and to issue purchase orders in the respective fiscal years for years 2 and 3 of the Master Services Agreement.
3. Authorized the City Manager, or designee, to enter into a Professional Services Agreement and issue a purchase order with Accela, Inc. in the amount not-to-exceed

\$300,000 for one-time services to complete specific scopes of work as requested and approved by the City.

4. Authorized the City Manager, or designee, to approve the expenditure of an additional not-to-exceed amount of \$50,000 per year for purchase of additional user licenses, hosting services, or data storage, subject to adoption of applicable operating budget in future years.
5. Authorized the City Manager, or his designee, to execute any implementing documents and take any implementing actions as necessary.
6. Transferred and appropriated \$488,116 from the Development Cost Center Technology and System Improvement Reserve to Capital Improvement Program project 501PWC8746, Permitting and Land Use System, to cover one-time professional services as contracted and a portion of the first year of annual SaaS costs.

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 to Authorize the City Manager, or Designee, to Enter into Agreements and Issue Purchase Orders to ePlanSoft, Inc. to Purchase ePlanSoft Electronic Plan Check Cloud-Based System and Transfer \$150,976 from the Development Cost Center Technology and System Improvement Reserve (Fund 392) to CIP Project 501PWC8746, Permitting and Land Use System**

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

1. Authorized the City Manager, or designee, to enter into a three-year Master Agreement with e-PlanSoft, Inc., in the total amount of \$352,496 payable in three annual payments: \$66,776 for the first year of annual SaaS costs, \$88,160 for the second year of costs, and \$147,560 for the third year of costs; and \$50,000 for additional user licenses, hosting, and data storage costs over the three-year period.
2. Authorized the City Manager, or designee, to issue a purchase order to e-PlanSoft, Inc., in the amount of \$66,776 for the first year of annual SaaS costs and to issue purchase orders for years 2 and 3 of the Master Agreement in the respective fiscal years.
3. Authorized the City Manager, or designee, to enter into a Technology Service Agreement and issue a purchase order with e-PlanSoft, Inc., in the amount of \$84,200 for one-time costs related to the eplansoft REVIEW implementation.
4. Authorized the City Manager, or designee, to approve the expenditure of an additional not-to-exceed amount of \$25,000 per year for purchase of licenses for additional users and additional data storage, subject to adoption of applicable operating budget in future years.
5. Authorized the City Manager, or designee, to execute any implementing documents and take any implementing actions as necessary.
6. Transferred and appropriated \$150,976 from the Development Cost Center Technology and System Improvement Reserve to Capital Improvement Program project

501PWC8746, Permitting and Land Use System, to cover one-time implementation costs and the first year of annual SaaS costs.

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 to Authorize the City Manager to execute \$2,078,880 Homeless Emergency Aid Program (HEAP) Agreement with Alameda County and Appropriate Funding**

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

1. Authorized the City Manager or his designee to execute an agreement with Alameda County for the use of HEAP funds, in an amount not to exceed \$2,078,880.
2. Authorized the City Manager or his designee to appropriate \$1,466,643 in HEAP funds to the City Fund Affordable Housing Fund (Fund 112).

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

*** L. Mayor Mei opened consideration of Approval of Final Map, Agreements for Construction of Public Streets and Private Improvements, and Dedication of Land and Public Easements for Tract 8227, located at the northeast corner of Hastings Street and Capitol Avenue**

On a motion by Vice Mayor Salwan, seconded by Councilmember Shao, the City Council adopted Resolution No. 2019-32:

1. Approving the Final Map and the Improvement Plans for Tract 8227.
2. Approving the Agreement for Public Improvements entitled “Public Improvement Agreement, Tract 8227”, with the developer, Kontech USA, INC, and authorize the City Manager to execute the agreement on behalf of the City.
3. Approving the Agreement for Private Improvements entitled “Private Improvement Agreement, Tract 8227”, with the developer, Kontech USA, 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 Salwan,
Councilmembers: Bacon, Keng, Jones,
Kassan, and Shao
Noes: None
Absent: None
Abstain: None

*** M. 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 8078, located at 38569 Mission Boulevard (Mission Villas)**

On a motion by Vice Mayor Salwan, seconded by Councilmember Shao, the City Council adopted Resolution No. 2019-33:

1. Approving the Final Map and the Improvement Plans for Tract 8078.
2. Approving the Agreement for Public Improvements entitled “Public Improvement Agreement, Tract 8078”, with the developer, North Lane Ventures, LLC, and authorize the City Manager to execute the agreement on behalf of the City.
3. Approving the Agreement for Private Improvements entitled “Private Improvement Agreement, Tract 8078”, with the developer, North Lane Ventures, LLC, 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 Salwan,
Councilmembers: Bacon, Keng, Jones,
Kassan, and Shao
Noes: None
Absent: None
Abstain: None

*** N. Mayor Mei opened consideration of Approval to Reject All Bids Received on June 11, 2019 for the 2019 Tree Root Uplift Pavement Rehabilitation Project (PWC 8234-R1) 2019**

On a motion by Vice Mayor Salwan, seconded by Councilmember Shao, the City Council rejected all bids submitted June 11, 2019, for the 2019 Tree Root Uplift Pavement Rehabilitation Project and direct staff to re-bid the project.

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

3. CEREMONIAL ITEMS – None.

4. PUBLIC COMMUNICATIONS

A. Oral and Written Communications

Sharon Scharff shared concerns regarding the lane enhancements on Ranch Arroyo Parkway. Dennis Martin (speaking on behalf of BIA Bay Area/provided a hand-out) encouraged the City Council to continue certain aspects of the Fee Deferral Program, specifically exempting projects that have achieved major entitlement milestones such as vested tentative map, plant unit development, conditional use permit or other entitlements. Kelly Abreu shared concerns related to the renaming of Lopes Court. Rocio Silva, Elva Santos, and Jane Martin (provided a hand-out) expressed concerns regarding the City’s new janitorial service provider.

5. SCHEDULED ITEMS

A. **Mayor Mei opened consideration of a Public Hearing (Published Notice) to Consider Modification to Human Services Department Fees for Youth and Family Services, Aging and Family Services, Family Resource Center, Mobility and Transportation Services and Senior Center (Human Services Department Master Fee Schedule Update) (REQUEST TO BE CONTINUED TO SEPTEMBER 3, 2019 CITY COUNCIL MEETING)**

*This item was added to the Consent Calendar.

On a motion by Vice Mayor Salwan, seconded by Councilmember Shao, the City Council continued item to September 3, 2019 City Council Meeting.

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 Public Hearing (Published Notice) to Consider Planning Commission Recommendation of a City-Initiated Zoning Text Amendment (PLN2019-00309) to Amend FMC Chapter 18.290 (Development Impact Fees) and FMC Chapter 18.165 (Density Bonus and Affordable Housing Incentives) to Modify the Timing of Payment of Development Impact Fees for Certain Types of Development Projects and to Consider an Exemption from the Requirements of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15061(b)(3) in that it is not a Project Which has the Potential to Cause a Significant Effect on the Environment. (Fee Deferral Program Amendment – Citywide)**

*This item was added to the Consent Calendar.

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

1. Opened the public hearing;
2. Found that the project is exempt from the requirements of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15061(b)(3) in that it is not a project which has the potential to cause a significant effect on the environment;
3. Introduced the ordinance, as shown in Exhibit "A," adopting the proposed Zoning Text Amendment PLN2019-00309 to amend FMC Chapter 18.290, Development Impact Fees, and FMC Chapter 18.165, Density Bonus and Affordable Housing Incentives, to only allow affordable housing and non-residential development to defer payment of development impact fees after building permit issuance.
4. Directed staff to prepare, and the City Clerk to publish, a summary of the ordinance.

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 Public Hearing and Consideration of Adoption of a Resolution to Rename Lopes Court to Lopes Road and Adopt a Categorical Exemption in Accordance with the Requirements of the California Environmental Quality Act (CEQA) Guidelines Section 15301, Existing Facilities. (Renaming Lopes Court)

*This item was added to the Consent Calendar.

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

1. Found that the proposed street name change is exempt from the requirements of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15301, Existing Facilities.
2. Conducted a Public Hearing and adopted Resolution No. 2019-34 to rename Lopes Court to Lopes Road.

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 a Public Hearing (for which Notices were Published and Posted) and adopt a Resolution to Vacate a Portion of Liberty Street between Walnut Avenue and Beacon Avenue– PLN2018-00260 (Vacation of a Portion of Liberty Street)

*This item was added to the Consent Calendar.

On a motion by Vice Mayor Salwan, seconded by Councilmember Shao, the City Council conducted a public hearing and adopted Resolution No. 2019-35 to vacate a portion of Liberty Street.

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

6. REPORT FROM CITY ATTORNEY – None.

7. OTHER BUSINESS

A. Mayor Mei opened consideration of Approval to Set the Annual Tax Rate for Voter-Approved General Obligation Bonds Debt Service for Fiscal Year 2019/20 (General Obligation Bonds Tax Rate for FY 2019/20)

*This item was added to the Consent Calendar.

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

1. Established the Fire Safety Project General Obligation Bonds tax rate of \$0.0055 per \$100 of assessed valuation (0.0055%) for Fiscal Year 2019/20.
2. Adopted Resolution No. 2019-36 requesting and authorizing the County of Alameda to levy a tax on all taxable properties in the City as a voter-approved levy with respect to the Fire Safety Project General Obligation Bonds.

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

B. ADOPTION OF RESOLUTION TO SUPPORT CITY OF FREMONT'S GRANT APPLICATION TO CADOJ TOBACCO GRANT PROGRAM

(This agenda item was removed from consideration at the July 9, 2019 City Council Meeting. It will be heard at a City Council Meeting in September.)

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 7:10 p.m.

Attest:

Approved:

Susan Gauthier, City Clerk

LILY MEI, Mayor