

**MINUTES
FREMONT CITY COUNCIL MEETING
JULY 16, 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 Bacon led the salute to the flag.
- C. Roll Call:** Present: Mayor Mei, Vice Mayor Salwan, Councilmembers: Bacon, Keng, Jones, and Kassan.
Absent: Councilmember 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 Jones, seconded by Vice Mayor Salwan, the City Council waived further readings of proposed ordinances.

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

- * **B. Approval of Minutes – None.**
- * **C. Mayor Mei opened consideration of Approval to Adopt a Resolution Delegating Authority to City Manager during City Council Recess, July 17, 2019 through September 2, 2019**

On a motion by Councilmember Jones, seconded by Vice Mayor Salwan, the City Council adopted Resolution No. 2019-37 authorizing the City Manager or designee to approve and execute as necessary, on behalf of the City, the items set forth in this report, and to take the following actions during the council recess period:

1. Authorized the City Manager or his designee to approve and execute an agreement with Safe Alternatives to Violent Environments to provide services to survivors experiencing domestic violence by conducting outreach, safety planning, assistance in obtaining temporary restraining orders, providing access to shelter and other emergency services, and peer counseling. The agreement is effective July 1, 2019 and will end June 30, 2024. The compensation shall not exceed \$45,000 per year and \$225,000 for the five-year agreement.
2. Authorized the City Manager or his designee to execute a Lease Agreement with Local Ecology & Agricultural Fremont (LEAF) for use of a portion of the California Nursery Historical Park for a 5-year term with two, 5-year renewal options.
3. Authorized the City Manager or designee to approve plans and specifications, and award construction contract for the City of Fremont Maintenance Center Storage Warehouse Project.
4. Authorized the City Manager or designee to enter into an agreement with Abode Services to provide emergency shelter and services for homeless individuals and families with children at Sunrise Village, in an amount not to exceed \$150,000, effective July 1, 2019 through June 30, 2020.
5. Authorized the City Manager or designee to enter into an agreement with Tri-City Volunteers, in an amount not to exceed \$101,474, effective July 1, 2019 through June 30, 2020.
6. Authorized the City Manager or his designee to execute an agreement with the City of Union City that would accept funds in an amount not to exceed \$135,726 to expand the City of Fremont's Stay Housed Program to serve eligible households in Union City.
7. Authorized the City Manager or designee to execute an agreement with the Afghan Elderly Association, in the amount of \$110,000, for the Afghan Health Promoter project to provide assistance to older adults with complex health conditions.
8. Authorized the City Manager or designee to execute an agreement with the Alameda County Health Care Services Agency, in the amount of \$182,191, for the YFO initiative to increase access to health and wellness services for low-income and uninsured children and their families in Alameda County through the provision of preventative services.
9. Authorized the City Manager or designee to execute a two-year agreement (FY 2019-2021) with the Alameda County Transportation Commission, in the amount of \$279,000, for mobility management and travel training services provided to Tri-City seniors and persons with disabilities.
10. Authorized the City Manager or designee to approve and execute any necessary agreements with the most responsible and qualified professional services consultant firm to draft a Trail Strategy Plan, in an amount not to exceed \$230,000.
11. Authorized the City Manager or designee to execute a Professional Services Agreement with (TBD), in an amount not to exceed \$180,000 for Professional Design Services for Relinquished SR 84 Complete Streets Project, Phase I.
12. Authorized the City Manager or designee to issue a purchase order in an amount not to exceed \$314,122.24 to Oracle America, Inc., for the annual software support and maintenance of the databases, PeopleSoft HR/Payroll system, and User Productivity Kit; and to renew the annual software support agreements for two additional one-year terms with increases not-to-exceed three percent (3%) per year.

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

- * **D. Mayor Mei opened consideration of Approval of Plans and Specifications, Accept the Bid and Award a Construction Contract for the Bid Amount of \$1,017,905 to Silman Venture Corp. dba Silman Industries, and Allocate a 10% Construction Contingency of \$101,790 for a Total Contract Amount of \$1,119,695 for the Citywide Park Identification Sign Improvements Project (PWC8948) and find that the project is exempt from review under the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15301 (Existing Facilities)**

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

1. Approved the construction plans and specifications for the Citywide Park Identification Sign Improvement Project (PWC8948).
2. Found that the project is exempt from review under and approve a categorical exemption from the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15301 (Existing Facilities).
3. Accepted the bid, awarded a construction contract, and authorized the City Manager to execute a construction contract with the lowest responsive and responsible Silman Venture Corp dba Silman Industries for the Citywide Park Identification Sign Improvement Project (PWC8948) for a construction contract amount of \$1,017,905, and a 10% construction contingency of \$101,790 for unforeseen work for a total contract amount of \$1,119,695.

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

- * **E. Mayor Mei opened consideration of Approval of an Agreement with Bay Area Infrastructure Financing Authority for Reciprocal Use of Fiber Optic Communication Facilities on Mowry Avenue and Along Interstate 880 (Telecommunications Reciprocal Use Agreement)**

On a motion by Councilmember Jones, seconded by Vice Mayor Salwan, the City Council authorized the City Manager or his designee to execute the reciprocal use agreement with the Bay Area Infrastructure Financing Authority for fiber optic communication facilities on Mowry Avenue and along Interstate 880.

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

- * **F. Mayor Mei opened consideration of Approval of Purchase Orders with The Ford Store San Leandro for the Purchase of Ford Fleet Vehicles in an Amount Not to Exceed \$950,000 and with Sourcewell for the Purchase of Various Make Vehicles in an Amount Not to Exceed \$250,000. Exempt from CEQA Review per Guideline 15061.**

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

1. Authorized the City Manager or designee to execute a purchase order with The Ford Store San Leandro for the purchase of Ford vehicles in an amount not to exceed \$950,000.
2. Authorized the City Manager or designee to execute a purchase order with National Auto Fleet Group for the purchase of various make vehicles in an amount not to exceed \$250,000.

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

- * **G. Mayor Mei opened consideration of Authorization to Execute a Professional Services Agreement with Questa Engineering Corp. in amount not to exceed \$250,000 for design and construction support services for Mission Creek Trail Project from Palm Avenue to Mission Boulevard (PWC 8972)**

On a motion by Councilmember Jones, seconded by Vice Mayor Salwan, the City Council authorized the City Manager or his designee to execute a Professional Services Agreement for the Mission Creek Trail Project (PWC 8972) with Questa Engineering Corp. in an amount not to exceed \$250,000 for the design and construction support services for the project.

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

- * **H. 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 8391, located on Bonde Way near Post Street (Centerville Pioneer)**

On a motion by Councilmember Jones, seconded by Vice Mayor Salwan, the City Council adopted Resolution No. 2019-38 to:

1. Approve the Final Map and the Improvement Plans for Tract 8391.
2. Approve the Agreement for Public Improvements entitled “Public Improvement Agreement, Tract 8391”, with the developer, Centerville Presbyterian Church, 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 8391”, with the developer, Centerville Presbyterian Church, 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, and Kassan

Noes: None

Absent: Councilmember Shao

Abstain: None

*** I. Mayor Mei opened consideration of Approval to Award Master Agreements and Authorize the City Manager or Designee to Execute On-Call Water Well Maintenance Services Agreement(s) with Bartley Pump PM, LLC. and Pitcher Services, LLC.**

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

1. Authorized the City Manager or his designee to execute a Master Service Agreement with Bartley Pump PM, LLC. for on-call water well maintenance services in an amount not-to-exceed \$150,000 per year for three years, with the option for the City Manager or his designee to renew the agreement for up to two additional one-year terms, with a not-to-exceed amount of \$150,000 per year, for a total potential contract amount of \$750,000, provided that the City Manager or his designee determines that the contractor has been responsive to the City’s needs and the quality of work has been satisfactory.
2. Authorized the City Manager or his designee to execute a Master Service Agreement with Pitcher Services, LLC. for on-call water well maintenance services in an amount not-to-exceed \$150,000 per year for three years, with the option for the City Manager or his designee to renew the agreement for up to two additional one-year terms, with a not-to-exceed amount of \$150,000 per year, for a total potential contract amount of \$750,000, provided that the City Manager or his designee determines that the contractor has been responsive to the City’s needs and the quality of work has been satisfactory.

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

Noes: None

Absent: Councilmember Shao

Abstain: None

*** J. Mayor Mei opened consideration of APPROVE THE PLANS AND SPECIFICATIONS AND AWARD A CONSTRUCTION CONTRACT FOR THE STIVERS LAGOON OUTDOOR CLASSROOM PROJECT - Approve the Plans and Specifications, Accept the Bid and Award a Construction Contract for the Bid Amount of \$154,400, to Terramark General Engineering Contractors, Inc., and Allocate a 10% Construction**

Contingency of \$15,440 for a Total Contract Amount of \$169,840, for the Stivers Lagoon Outdoor Classroom Project (PWC8982)

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

1. Approved the construction plans and specifications for the Stivers Lagoon Outdoor Classroom Project (PWC8982).
2. Accepted the bid, award a construction contract, and authorize the City Manager to execute a construction contract with the lowest responsive and responsible bidder, Terramark General Engineering Contractors, Inc., for the Stivers Lagoon Outdoor Classroom Project (PWC8982) for a total construction contract amount of \$154,400, and a 10% construction contingency of \$15,440 for unforeseen work for a total contract amount of \$169,840.

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

*** K. 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 8398, located at NW Corner of South Grimmer Boulevard & Old Warm Springs Boulevard (Metro West)**

On a motion by Councilmember Jones, seconded by Vice Mayor Salwan, the City Council adopted Resolution No. 2019-39 to:

1. Approve the Final Map and the Improvement Plans for Tract 8398.
2. Approve the Agreement for Public Improvements entitled “Public Improvement Agreement, Tract 8398”, with the developer, Toll West Coast, 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 8398”, with the developer, Toll West Coast, 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, and Kassan
Noes: None
Absent: Councilmember Shao
Abstain: None

*** L. Mayor Mei opened consideration of Approval of Agreements for On-Call Geotechnical Peer Review Services with Cal Engineering & Geology, Inc. and Cotton, Shires and Associates, Inc.**

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

1. Approved and authorized the City Manager or his designee to execute a Master Service Agreement with Cal Engineering & Geology, Inc. for on-call geotechnical peer review services in an amount not-to-exceed \$150,000 per year for a three-year term, and authorize the City Manager or his designee to renew the agreement for up to two additional one-year terms, with a not-to-exceed amount of \$150,000 per year, provided that the City Manager or his designee determines that the consultant has been responsive to the City's needs and the quality of work has been satisfactory.
2. Approved and authorized the City Manager or his designee to execute a Master Service Agreement with Cotton, Shires and Associates, Inc. for on-call geotechnical peer review services in an amount not-to-exceed \$150,000 per year for a three-year term, and authorize the City Manager or his designee to renew the agreement for up to two additional one-year terms, with a not-to-exceed amount of \$150,000 per year, provided that the City Manager or his designee determines that the consultant has been responsive to the City's needs and the quality of work has been satisfactory.

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

*** M. Mayor Mei opened consideration of Approval to Award Agreement and Authorize the City Manager or Designee to Execute an On-Call Arboricultural Service Agreement with HortScience|Bartlett Consulting**

On a motion by Councilmember Jones, seconded by Vice Mayor Salwan, the City Council authorized the City Manager or his designee to execute a Master Service Agreement with HortScience|Bartlett Consulting for an initial three year term with not-to-exceed compensation of \$99,000 annually, and to authorize the City Manager to renew the agreement for up to two one-year terms with not-to-exceed compensation of \$99,000 annually, provided that the City Manager or is designee determines that the consultant has been responsive to the City's needs and the quality of work has been satisfactory.

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

*** N. Mayor Mei opened consideration of Approval to Authorize the City Manager or His Designee to Execute a Service Agreement with Optony, Inc. to Conduct a Municipal Fleet Electrification Study in an Amount Not-To-Exceed \$275,000; Appropriate BAAQMD Grant Award of \$245,000**

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

1. Authorized the City Manager or his designee to execute an agreement between the City of Fremont and Optony, Inc. to conduct a Municipal Fleet Electrification Study in an amount not-to-exceed \$275,000.
2. Appropriated the BAAQMD Climate Protection Grant Award of \$245,000 for the purposes described in this report in the BAAQMD Clean Air Fund (Fund 523).

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

*** O. Mayor Mei opened consideration of Approval to Authorize the City Manager, or Designee, to Enter into Agreements and Issue Purchase Orders with Rock Solid Technology, Inc. for the Implementation, Software Licenses, Maintenance and Support for an Online City Services Constituent Relationship Management (CRM) System**

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

1. Authorized the City Manager, or designee, to enter into a five-year Master Customer Agreement with Rock Solid Technology, Inc. in the total amount of \$409,440, payable in five annual payments of \$69,888 and \$60,000 for additional licenses, hosting, and data storage costs over the five-year period.
2. Authorized the City Manager, or designee, to issue a purchase order to Rock Solid Technology, Inc. in the amount of \$69,888 for the first year of annual SaaS costs and to issue purchase orders for years 2 through 5 of the Master Customer 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 Rock Solid Technology, Inc. in an amount not to exceed \$173,125 for the one-time implementation costs of the CRM solution.
4. Authorized the City Manager, or designee, to approve the expenditure of an additional amount not to exceed \$15,000 per year to purchase additional licenses, hosting and data storage, subject to the adoption of the applicable budget in subsequent fiscal years.
5. Authorized the City Manager, or designee, to execute any implementing documents and take any implementing actions as necessary.

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

*** P. Mayor Mei opened consideration of Approval to Adopt a Resolution Accepting the Transfer of State Rights-of-Way Along State Route 84 Between I-880 and State Route 238 and Approving the Relinquishment Agreement; and Adopt a Resolution Authorizing City Manager to Request Advance Funding from the California Transportation Commission for the State of Good Repair Costs Along State Route 84 Between I-880 and State Route 238 (State Route 84 Relinquishment)**

On a motion by Councilmember Jones, seconded by Vice Mayor Salwan, the City Council approved the following actions related to the State Route 84 Relinquishment (PWC 8946):

1. Adopted Resolution No. 2019-40 accepting the transfer of right-of-way along State Route 84 between I-880 and State Route 238 and authorizing the City Manager or his designee to execute the Relinquishment Agreement.
2. Adopted Resolution No. 2019-41 authorizing the City Manager or his designee to request advance funding authority from California Transportation Commission for the State of Good Repair costs.

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

*** Q. Mayor Mei opened consideration of Approval of Plans and Specifications, Award Contract to W. Bradley Electric, Inc. in the Amount of \$1,536,209.00, and Reallocate Appropriations for the Blacow Road/Gatewood Street and Grimmer Boulevard/Seneca Park Avenue Traffic Signal Installation Project (PWC 8915 & 8916); Exempt from Environmental Review per CEQA Guidelines Section 15301 (Existing Facilities)**

On a motion by Councilmember Jones, seconded by Vice Mayor Salwan, the City Council approved the following actions related to the Blacow Road/Gatewood Street and Grimmer Boulevard/Seneca Park Avenue Traffic Signal Installation Project (PWC 8915/8916):

1. Found that 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 exist.
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, W. Bradley Electric, Inc., in the amount of \$1,536,209.00 and authorized the City Manager or designee to execute the contract.
4. Reallocated \$250,000.00 from PWC8931-531 to PWC8915-531.
5. Reallocated \$172,359.76 from PWC8944-520 to PWC8915-520.
6. Reallocated \$150,000.00 from PWC8970-514 to PWC8915-514.
7. Reallocated \$5,000.00 from PWC8970-518 to PWC8915-518.
8. Reallocated \$51,475.06 from PWC8970-518 to PWC8916-518.
9. Reallocated \$36,527.11 from PWC8975-520 to PWC8916-520.

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

*** R. Mayor Mei opened consideration of Approval to Execute Agreement for Financial Audit Services with Macias Gini & O’Connell LLP**

On a motion by Councilmember Jones, seconded by Vice Mayor Salwan, the City Council authorized the City Manager or his designee to execute an agreement with MGO to provide financial audit services for fiscal years ending June 30, 2019, 2020, 2021, 2022, and 2023 at a total not-to-exceed amount of \$510,140 for a term beginning in fiscal year 2019/20 and ending on June 30, 2024.

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

*** S. Mayor Mei opened consideration of Approval to Enter into an Agreement and Issue Purchase Orders with Netsmart Technologies, Inc. (Purchase Replacement to City’s Electronic Health Record Software)**

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

1. Authorized the City Manager, or designee, to enter into an agreement and issue a purchase order with Netsmart Technologies, Inc. for the design, implementation, and data conversion services for the CareRecord myEvolv electronic health record system in an amount not to exceed \$357,082.
2. Authorized the City Manager, or designee, to enter into a five (5) year Master Agreement with Netsmart Technologies, Inc. for the software licensing, hosting, SaaS and ongoing support of the myEvolv electronic health record system, in a total amount not to exceed \$497,056, and issue a purchase order under this Agreement for the first year in the amount of \$78,550.
3. Authorized the City Manager, or designee, to issue annual purchase orders for years two through five of the Master Agreement.
4. Authorized the City Manager, or designee, to approve the expenditure of an additional amount not to exceed \$50,000 per year to purchase additional licenses, hosting and data storage, subject to the adoption of the applicable budget in subsequent fiscal years.
5. Authorized the City Manager, or designee, to execute any implementing documents and take any implementing actions as necessary.

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

* **T. Mayor Mei opened consideration of Approval of a Resolution Approving a Successor Memorandum of Understanding (MOU) with the Professional Engineers and Technicians Association (PETA)**

On a motion by Councilmember Jones, seconded by Vice Mayor Salwan, the City Council adopted Resolution No. 2019-42 approving the negotiated terms and authorizing the City Manager to execute a two-year Memorandum of Understanding (MOU) for the period of July 1, 2019 through June 30, 2021 between the City of Fremont and the Professional Engineers and Technicians Association (PETA).

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

* **U. Mayor Mei opened consideration of Approval of a Resolution Approving a Successor Memorandum of Understanding (MOU) with the City of Fremont Employee Association (CFEA)**

On a motion by Councilmember Jones, seconded by Vice Mayor Salwan, the City Council adopted Resolution No. 2019-43 approving the negotiated terms and authorizing the City Manager to execute a two-year Memorandum of Understanding (MOU) for the period of July 1, 2019 through June 30, 2021 between the City of Fremont and the City of Fremont Employee Association (CFEA).

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

* **V. Mayor Mei opened consideration of Approval of a Resolution Approving a Successor Memorandum of Understanding (MOU) with the Fremont Association of Management Employees (FAME)**

On a motion by Councilmember Jones, seconded by Vice Mayor Salwan, the City Council adopted Resolution No. 2019-44 approving the negotiated terms and authorizing the City Manager to execute a two-year Memorandum of Understanding (MOU) for the period of

July 1, 2019 through June 30, 2021 between the City of Fremont and the Fremont Association of Management Employees (FAME).

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

* **W. Mayor Mei opened consideration of Approval of a Resolution Approving a Successor Memorandum of Understanding (MOU) with the Operating Engineers, Local Union No. 3 (OE3)**

On a motion by Councilmember Jones, seconded by Vice Mayor Salwan, the City Council adopted Resolution No. 2019-45 approving the negotiated terms and authorizing the City Manager to execute a two-year Memorandum of Understanding (MOU) for the period of July 1, 2019 through June 30, 2021 between the City of Fremont and the Operating Engineers, Local Union No. 3 (OE3).

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

* **X. Mayor Mei opened consideration of Approval of a Resolution Approving a Successor Memorandum of Understanding (MOU) with Teamsters, Local 856**

On a motion by Councilmember Jones, seconded by Vice Mayor Salwan, the City Council adopted Resolution No. 2019-46 approving the negotiated terms and authorizing the City Manager to execute a two-year Memorandum of Understanding (MOU) for the period of July 1, 2019 through June 30, 2021 between the City of Fremont and Teamsters, Local 856.

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

* **Y. Mayor Mei opened consideration of Approval of a Resolution Approving a Successor Memorandum of Understanding (MOU) with the Fremont Police Management Association (FPMA)**

On a motion by Councilmember Jones, seconded by Vice Mayor Salwan, the City Council adopted Resolution No. 2019-47 approving the negotiated terms and authorizing the City Manager to execute a two-year Memorandum of Understanding (MOU) for the period of

July 1, 2019 through June 30, 2021 between the City of Fremont and the Fremont Police Managers' Association (FPMA).

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

* **Z. Mayor Mei opened consideration of Approval of a Resolution Approving a Successor Memorandum of Understanding (MOU) with the Fremont Police Association (FPA)**

On a motion by Councilmember Jones, seconded by Vice Mayor Salwan, the City Council adopted Resolution No. 2019-48 approving the negotiated terms and authorizing the City Manager to execute a two-year Memorandum of Understanding (MOU) for the period of July 1, 2019 through June 30, 2021 between the City of Fremont and the Fremont Police Association (FPA).

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

* **AA. Mayor Mei opened consideration of Approval of a Resolution Approving a New Memorandum of Understanding (MOU) with the Fremont Battalion Chiefs, International Association of Fire Fighters, Local 1689 (IAFF-BC)**

On a motion by Councilmember Jones, seconded by Vice Mayor Salwan, the City Council adopted Resolution No. 2019-49 approving the negotiated terms and authorizing the City Manager to execute a two-year Memorandum of Understanding (MOU) including those terms for the period of July 1, 2019 through June 30, 2021 between the City of Fremont and the Fremont Battalion Chiefs, International Association of Fire Fighters (IAFF-BC), Local 1689.

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

* **AB. Mayor Mei opened consideration of Approval of a Resolution Approving a Successor Memorandum of Understanding (MOU) with the Fremont Fire Fighters, International Association of Fire Fighters Local 1689 (IAFF)**

On a motion by Councilmember Jones, seconded by Vice Mayor Salwan, the City Council adopted Resolution No. 2019-50 approving the negotiated terms and authorizing the City

Manager to execute a two-year Memorandum of Understanding (MOU) including those terms for the period of July 1, 2019 through June 30, 2021 between the City of Fremont and the Fremont Fire Fighters, International Association of Fire Fighters (IAFF), Local 1689.

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

* **AC. Mayor Mei opened consideration of Approval of an Amendment to the Employment Agreement between Mark Danaj and the City of Fremont (First Amendment to the City Manager Employment Agreement)**

This item was removed from the Consent Calendar.

Mayor Mei opened the public comment period. Kay Korbel expressed concerns about approving the City Manager's salary increase prior to addressing the janitorial contract dispute. There being no additional speakers, Mayor Mei closed the public comment period.

On a motion by Councilmember Jones, seconded by Vice Mayor Salwan, the City Council adopted Resolution No. 2019-51 and authorized the Mayor to execute the First Amendment to the City Manager's employment agreement which authorizes a four percent (4%) cost of living wage increase.

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

* **AD. Mayor Mei opened consideration of Approval of an Amendment to the Employment Agreement between Harvey Levine and the City of Fremont (Fifth Amendment to the City Attorney Employment Agreement)**

On a motion by Councilmember Jones, seconded by Vice Mayor Salwan, the City Council adopted Resolution No. 2019-52 and authorized the Mayor to execute the Fifth Amendment to the City Attorney's employment agreement which authorizes a four percent (4%) cost of living wage increase.

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

- * **AE. Mayor Mei opened consideration of Evaluation of Affordable Housing Proposals Received in Response to the 2019 Notice of Funding Availability (NOFA); Request for Council to: 1) Appropriate Funds and Authorize Execution of Agreements for Two Separate Affordable Housing Projects with Eden Housing/for the Future Housing and Allied Housing; and 2) Adopt a Resolution to Authorize the Commitment of Measure A1 Funds to Both Projects. (Affordable Housing Funding Awards)**

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

1. Received staff report.
2. Approved the 73-unit Granite Ridge project proposed by Eden Housing in partnership with For the Future Housing, adopted Resolution No. 2019-53 authorizing the City Manager or his designee to: 1) execute loan documents and take such other actions as required to provide a loan of \$7.5 million (in the form of a 55-year loan at a rate of 3% simple interest, as stated in the NOFA); 2) recommend the commitment of Measure A1 funding in the amounts of \$4,621,067 from the remaining City Base Allocation and \$5,078,933 from the South County Regional Pool. Correspondingly, appropriate \$7.5 million to the 73-unit Granite Ridge project from Fund 196 (affordable housing fees).
3. Approved the 54-unit housing project at 34320 Fremont Boulevard proposed by Allied Housing, adopted Resolution No. 2019-53 authorizing the City Manager or his designee to: 1) execute loan agreements and take such other actions as required to provide a loan of \$5.4 million (in the form of a 55-year loan at a rate of 3% simple interest, as stated in the NOFA); 2) recommend the commitment of \$9,250,376 in Measure A1 funding from the South County Regional Pool. Correspondingly, appropriate \$5.4 million to the 54-unit project from Fund 196 (affordable housing fees).
4. Directed staff to continue to work with the applicants of the 179-unit Serra Apts. and 130-unit project at 41829/41875 Osgood Road, proposed by St. Anton and TPC/Maracor, respectively, to address specific issued identified by staff in this report. Staff will report back to City Council if one or both of the projects addresses issues raised by staff in a timely manner for a recommendation if sufficient funding is available.

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

3. CEREMONIAL ITEMS

A. Proclamation: National Night Out

B. Recognition of Fremont Christian Baseball Team winning their first North Coast Section Championship Title

4. PUBLIC COMMUNICATIONS

A. Oral and Written Communications

Hiu Ng, Celine Cheng (provided handout), Steven Xiao, Danny Liu, Meng Lopez-Garrity, Peter Fong, Jeffrey Wu, ZiWei Zeng, Dong Fang He, Frank Qin, Li Sha Wang, Frank Hu, Sharon Chu, Abby Chiang, Kathy Yu, Kallie Kuang, Jessica Xie, Aaron Romani, Stephanie Szto, and Christian Marcel expressed concerns about the locations being considered for the Housing Navigation Center. Rocio Silva and Will Falvey spoke about the City's contract for janitorial services.

The Mayor allowed 30 minutes of Oral Communications before returning to scheduled meeting items. After the conclusion of the scheduled agenda items, she allowed 30 additional minutes of Oral Communications.

James Way, Choi Mei So, Erica Shen (provided handout), Nancy Liu, Daniela Marcel*, Jian Li*, Yang Shuo, May Hong*, Tianmin, Suqiang Song, Bo He, Jamie Zhu, Justin Tian, Suying Li*, Shu Feng, Yuee Feng, Wenyu Song, Sabrina Suen, Carlos Arroyo, Yuncong Feng, Charles*, Prahlad Purohit, Kunjai Puroiht, Harry Ng, May Yue, Ying Jiang, Patty Zhao, Haojie Zhang, Stacy*, Ghada Musselman, and Szuying Lee expressed concerns about the locations being considered for the Housing Navigation Center.

** No speaker cards*

Approximately 200 additional speaker cards were received from individuals who did not speak.

5. SCHEDULED ITEMS

- A. Mayor Mei opened consideration of a Public Hearing (Published Notice; Display Ad) to Consider Adoption of the Irvington BART Station Area Plan, which will Guide Site and Building Design within Approximately a ½ Mile Radius of the Future Irvington BART Station and a General Plan Amendment to Eliminate the Irvington BART Special Study Area Designation, and to Consider a Finding that No Further Environmental Review is Required Pursuant to the California Environmental Quality Act (CEQA) as the Proposed Project is an Implementation Measure of the General Plan for which a Final Environmental Impact Report (SCH#2010082060) was Previously Prepared and Certified. (Irvington BART Station Area Plan - PLN2015-00262)**

Principal Planner Wayland Li and Planning Manager Kristie Wheeler gave a presentation. Councilmembers asked clarifying questions. Mayor Mei opened the public hearing. Alice Cavette, Lucinda Hanley, Chris Cavette, Kelly Abreu, Jesse Schaa, and Salim Mastan expressed a variety of concerns about the proposed plan. There were no additional speakers. Mayor Mei closed the public hearing. Councilmembers asked questions and provided comment.

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

1. Held public hearing.
2. Found that the proposed Irvington BART SAP and related General Plan Amendment are implementation measures of the General Plan for which a Final Environmental Impact Report (SCH#2010082060) was previously prepared and certified and find that no further environmental review is required.
3. Found that the proposed Irvington BART Station Area Plan and related General Plan Amendment are consistent with the relevant provisions contained in the City's General Plan. These provisions include the designations, goals, objectives and policies set forth in the General Plan's Community Character and Community Plans Elements as enumerated within the staff report.
4. Found the adoption of the proposed Irvington BART Station Area Plan and related General Plan Amendment would further the public interest, convenience and general welfare of the City by improving the quality of future development around the Irvington BART Station.
5. Adopted Resolution No. 2019-54 approving the proposed Irvington BART Station Area Plan as shown in Exhibit "C" and the related General Plan Amendment as shown on Exhibits "A," and Exhibit "B" to the staff report.

Ayes: Mayor Mei, Councilmembers: Bacon, Keng, Jones,
and Kassan

Noes: None

Absent: Councilmember Shao

Abstain: Vice Mayor Salwan (*property interest*)

6. REPORT FROM CITY ATTORNEY

7. OTHER BUSINESS

A. Mayor Mei opened consideration of Approval to Adopt a Resolution Endorsing the Requirements of the 2020 United States Census Count and Supporting Actions of a Full Count in the City of Fremont (Census 2020 Complete Count)

*This item was added to the Consent Calendar

On a motion by Councilmember Jones, seconded by Vice Mayor Salwan, the City Council adopted Resolution No. 2019-55 endorsing the requirements of the 2020 Census count and to support a unified State, County, and City of Fremont effort to conduct outreach and awareness to help to ensure a complete, fair, and accurate count of all residents.

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

Noes: None

Absent: Councilmember Shao

Abstain: None

B. Mayor Mei opened consideration of Approval of a Draft Ordinance, Adding Chapter 8.75 to the Fremont Municipal Code to Establish a Tobacco Retail License (TRL) Program and Consider the Results of Community and Business Outreach for the Proposed Ordinance

Human Services Director Suzanne Shenfil gave a presentation. Councilmembers asked clarifying questions. Mayor Mei opened the public comment period. Vinita Verma, Desrie Campbell, Ann Crosbie, Linda Dewlaney, Kristie Wang, Blythe Young, Audrey Abadilla, Sanat Hodge, Erica Wooding, Amaya Wooding, Lucy Wu, Martha Kreeger, Mantej Lamba, Bryan Gebhardt, Owen Wise-Pierik, Randy Vang, Nathan Subramanian, Limairy Rodriguez, Brian Davis, Philip Gardner, Rachel Gratz-Lazarus (provided handout), Tracey Andrews, Isabella Sweet, Elsa Casanova, and Jyoti Singh spoke in support of the Ordinance. Sam, Raj Patel, Ashok Kumar, Phani Yadavalli, J. Gill, Kevin Sandhu, and Kushwinder Singh spoke in opposition of the Ordinance. There being no further speakers, Mayor Mei closed the public comment period. Councilmembers asked questions and provided comment.

Councilmember Kassan made a motion, seconded by Councilmember Bacon, to approve the Ordinance as recommended in the staff report. The motion did not pass.

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

On a motion by Councilmember Jones, seconded by Vice Mayor Salwan, the City Council reviewed and adopted the first reading of the Tobacco Retail License Program ordinance with the first and second recommendations as proposed by staff, with the intention of revisiting the third recommendation at the second reading.

1. Established a City Tobacco Retail License (TRL): Require tobacco retailers to obtain and renew a TRL annually on January 1 of each year, through an easy-to-use online license and license renewal portal to be developed by the City. There would be no fee for the license, but the retailer would be required to print out the license and visibly post the license near the cash register or point of sale. Failure to renew and post a renewed license each year would subject a retailer to financial penalties and suspension or revocation of the TRL which would temporarily or permanently remove the ability to sell tobacco products.
2. Set Minimum Price or Pack Sizes for Tobacco Products: Amend the Fremont Municipal Code to set a minimum price of \$8.00 per pack of 20 cigarettes, 20 little cigars, or 5 cigars. Sale of single cigars less than \$5.00 would be prohibited and sale of cigars fewer than the number contained in the manufacturer's original consumer packaging designed for resale would also be prohibited.
3. ~~Banned the Sale of Flavored Tobacco Products: Amending the Fremont Municipal Code to ban the sale of all flavored tobacco products, including menthol flavored products.~~

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

8. COUNCIL COMMUNICATIONS

A. Council Referrals

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

Appointments:

<i>Advisory Body</i>	<i>Appointee</i>	<i>Term Expires</i>
Youth Advisory Commission	Seher Alvi	12/31/2019
	Charit Narayanan	12/31/2019
	Sriram Natarajan	12/31/2019
	Anya Saxena	12/31/2020
	Saanchi Kapoor	12/31/2019

The City Council unanimously approved appointments.

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

2. Mayor Mei opened consideration of Councilmember Bacon Referral: Request to have the City of Fremont sponsor the Festival of India Parade

Councilmember Bacon provided an overview of his Referral. Mayor Mei opened the public comment period. Dr. Romesh Japra, Assemblymember Kansen Chu, Rajesh Verma, Mahesh Pakala, Vinod Kumar, Ashok Kapoor, Neena Kapoor, Bhat Nagar, Deepak Chabra, Sajeev Sharma, Jerry Ahuja, Cindy Bonoir, and Salim Mastan spoke in support of the Councilmember’s recommendation. There being no additional speakers, Mayor Mei closed the public comment period. Councilmembers asked questions and provided comment.

On a motion by Councilmember Bacon, seconded by Mayor Mei, the City Council directed staff to come back with a proposal for a \$25,000 sponsorship of the Festival of Globe and options to establish a fund for future event sponsorships.

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

*Consent Items

B. Oral Reports on Meetings and Events

9. ADJOURNMENT: There being no further business, Mayor Mei adjourned the meeting at 12:02 a.m. on Wednesday, July 17, 2019.

Attest:

Approved:

Merry Monlux, Deputy City Clerk

LILY MEI, Mayor