

**MINUTES  
FREMONT CITY COUNCIL SPECIAL MEETING  
SEPTEMBER 17, 2019  
FREMONT CITY HALL  
5:30 P.M.**

**Call to Order:** Mayor Mei called the meeting to order at 5:30 p.m.

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

**Public Comment:** None.

**TELECONFERENCE NOTICE**

*Pursuant to Government Code Section 54953(b), the following meeting will include teleconference participation by Councilmember Kassan from:*

*Holiday Inn Austin Airport, Business Center  
6711 East Ben White Boulevard,  
Austin, TX 78741*

**CONVENED TO A CLOSED SESSION at 5:33 p.m.**

**CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**

This Closed Session is authorized by Government Code Section 54956.9(d)(1) regarding the following matter:

Diane Hendry v. City of Fremont, Alameda County Superior Court Case No. RG18915635

The Special Meeting of the Fremont City Council adjourned at 5:55 p.m.

Attest:

Approved:

\_\_\_\_\_  
Susan Gauthier, City Clerk

\_\_\_\_\_  
LILY MEI, Mayor

**MINUTES  
FREMONT CITY COUNCIL MEETING  
SEPTEMBER 17, 2019  
FREMONT CITY HALL  
7:00 P.M.**

***TELECONFERENCE NOTICE***

*Pursuant to Government Code Section 54953(b), the following meeting will include teleconference participation by Councilmember Kassan from:*

*Holiday Inn Austin Airport, Business Center  
6711 East Ben White Boulevard,  
Austin, TX 78741*

**1. PRELIMINARY**

- A. Call to Order:** Mayor Mei called the meeting to order at 7:01.
- B. Flag Salute:** Councilmember Jones 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.

This item was removed from the Consent Calendar. A speaker card was submitted in error for this item. The council voted on it after discovering the error.

On a motion by Vice Mayor Salwan, seconded by Councilmember Bacon, 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 Vice Mayor Salwan, the City Council approved minutes for the Special Meeting-Work Session of June 11, 2019, the Special and Regular Meetings of June 11, 2019, the Special Meeting-Work Session of June 18, 2019, the Special and Regular Meetings of June 18, 2019, the Special Meeting of June 25, 2019, and the Special Meeting of July 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 Second Reading and Adoption of an Ordinance of the City of Fremont Amending Fremont Municipal Code Sections 18.165.080, 18.290.050, 18.290.070, and 18.290.110 (Impact Fee Deferral Program Amendment)**

This item was removed from the Consent Calendar. Mayor Mei opened the public comment period. Moina Shaiq

On a motion by Councilmember Bacon, seconded by Councilmember Shao, the City Council continued the item to the October 1, 2019 City Council Meeting.

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 for Award of Three Contracts for Procurement of Traffic Signal Equipment to Iteris, Western Pacific Signal, and Western Systems, for a combined total amount of \$558,781.06; Exempt from CEQA Review per CEQA Guideline Section 15301. (Traffic Signal Equipment Upgrades)**

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

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 exists.
2. Accepted the bid and awarded the contract to Iteris, Inc. in the amount of \$280,000.00 plus tax and authorize the City Manager or designee to execute the contract.

3. Accepted the bid and awarded the contract to Western Pacific Signal, LLC., in the amount of \$137,190.00 plus tax and authorize the City Manager or designee to execute the contract.
4. Accepted the bid and awarded the contract to Western Systems in the amount of \$141,591.06 plus tax 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

**\* E. Mayor Mei opened consideration of Approval for Adoption of a Resolution Authorizing City Staff to Submit a Senate Bill 2 Planning Grants Program Application. (SB2)**

On a motion by Councilmember Bacon, seconded by Vice Mayor Salwan, the City Council adopt Resolution No. 2019-56 authorizing City staff to submit an SB 2 Planning Grants Program application.

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 of a 3-year, \$199,969 contract for Homeless Encampment and Illegal Dumping Abatement Services with Art Cuevas Landscaping and find that the project is exempt from review under the California Environmental Quality Act (CEQA) per CEQA Guidelines 15304 (Minor Alterations to Land) and 15307 (Actions by Regulatory Agencies for Protection of Natural Resources)**

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

1. Found that the project is exempt from review under the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15304 (Minor Alterations to Land) and Guidelines Section 15307 (Actions by Regulatory Agencies for Protection of Natural Resources).
2. Authorized the City Manager, or his designee, to execute a contract with Art Cuevas Landscaping for homeless encampment and illegal dumping abatement for a contract term of three years, not to exceed \$199,969 with a two-year option to extend for an additional \$143,511.

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 Accept 25th Assembly District Funding from Board of State and Community Corrections per the Budget Act of 2019**

On a motion by Councilmember Bacon, seconded by Vice Mayor Salwan, the City Council authorized the City Manager or designee to officially accept the \$750,000 from the Board of State and Community Corrections, recognize the revenue in the Miscellaneous State Grants Fund (Fund 192), and appropriate the funds to the police department for purchasing additional community cameras, sign boards, marketing and other collaborative strategies to address automobile burglaries and thefts from vehicles.

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 Authorize the City Manager or His Designee to Execute a Master Service Agreement Amendment with TRB+Associates to Increase the Not-To-Exceed Compensation to \$125,000 for FY 2018/19**

On a motion by Councilmember Bacon, seconded by Vice Mayor Salwan, the City Council authorized the City Manager or his designee to execute a master service agreement amendment with TRB+Associates to increase the not-to-exceed compensation to \$125,000 for FY 2018/19.

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 Reject all Bids Received on July 24, 2019 for the City Storage Warehouse Project (PWC8990)**

On a motion by Councilmember Bacon, seconded by Vice Mayor Salwan, the City Council rejected all (one) bids received on July 24, 2019, for the City Storage Warehouse Project (PWC 8990) and directed 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

**\* J. Mayor Mei opened consideration of Approval to Authorize the City Manager, or Designee, to Issue a Purchase Order in the Amount of \$245,441.70 and to Execute Implementing Documents with Tiburon, Inc., for Annual Software Maintenance of the Computer-Aided Dispatch, Records Management, Automated Report Writing, Mobile Computing, Mapping, and Property Management Systems used by the Fremont Police Department and Union City Police Department (Tiburon Software Support Contract)**

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

1. Authorized the City Manager, or designee, to issue a purchase order in the amount of \$245,441.70, including applicable sales tax, and to execute implementing documents with Tiburon, Inc., for annual software maintenance of the computer-aided dispatch, records management system, automated report writing, mobile computing, jail management system, mapping, property system, and ancillary systems used by the Fremont Police Department and the Union City Police Department.
2. Authorized the City Manager, or designee, to renew the annual software maintenance agreement with Tiburon, Inc., for two additional one-year periods in an amount not-to-exceed a five percent (5%) increase per year, plus applicable sales tax.
3. Authorized the City Manager, or designee, to approve the additional costs of new annual software maintenance as a result of software enhancements for two additional one-year periods in an amount not-to-exceed \$10,000 per year.

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 Adopt a Resolution Approving Fremont’s Green Stormwater Infrastructure Plan and Authorizing Submittal to the Regional Water Quality Control Board in Accordance with the City’s Stormwater Permit**

On a motion by Councilmember Bacon, seconded by Vice Mayor Salwan, the City Council adopted Resolution No. 2019-57 approving the City of Fremont Green Stormwater Infrastructure Plan and authorizing its submittal to the Regional Water Quality Control Board, as described in this staff report.

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 a \$155,785 Agreement with Ojo Technology to Purchase and Maintain Security Cameras at the Fremont Family Resource Center (FRC)**

On a motion by Councilmember Bacon, seconded by Vice Mayor Salwan, the City Council authorized the City Manager, or his designee, to execute an agreement with Ojo Technology, in an amount not to exceed \$155,785, for the purchase, installation and ongoing maintenance of 24 security cameras at the Fremont Family Resource Center; and appropriate \$43,619 in fund 108.

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

**3. CEREMONIAL ITEMS**

- A. Resolution: Honoring Interim Geographic Information Systems Manager John Leon for Thirty Years of Service**
- B. Proclamation: Pain Awareness Month, September 2019**
- C. Proclamation: American Muslim Appreciation and Awareness Month, August 2019**

Mayor Mei opened a comment period. Moina Shaiq thanked the Council for being supportive of this recognition.

**4. PUBLIC COMMUNICATIONS**

**A. Oral and Written Communications**

Salim Mastan shared a variety of concerns. Hiu Ng and John Donahue spoke about the Housing Navigation Center (HNC). Claudia Burgos, Director of Legislative Affairs and Community Relations at AC Transit, shared information regarding their current survey and requested the communities' feedback. Steve Skala share concerns regarding a fatal bicycle accident and requested the City maintain the implementation of the Bicycle Master Plan. Susan Lanferman expressed concerns regarding the updated lane markings on Rancho Arroyo Parkway. Former Fremont Mayor Gus Morrison commended the Council and City Staff on a smoothly run HNC meeting held on September 10th.

**5. SCHEDULED ITEMS**

**A. Mayor Mei opened consideration of Approval to add Chapter 8.75 to the Fremont Municipal Code to Establish a Tobacco Retail Licensing (TRL) Program and Take Action on One of Two Alternative Ordinances: Ordinance No. 1 Establishes a Retail Licensing Program, Sets Minimum Price and Pack Sizes, and Imposes a Ban on the Sale of Flavored Tobacco (First Reading); Ordinance No. 2 Establishes a Retail Licensing Program, Sets Minimum Price and Pack Sizes, and Does Not Impose a Ban on the Sale of Flavored Tobacco (Second Reading and Adoption)**

Suzanne Shenfil, Director of Human Services, and Dr. Sonia Khan, Vice Chair of Human Relations Commission, gave a presentation and responded to questions from Councilmembers. Mayor Mei opened the public hearing. The following spoke in opposition to the TRL and the ban: David Alga and Sam Randhawa (representing Vapor Planes), Raj Patel (Rocky’s), Kevin Sanhu (SBC Liquors), and Tony Doan (Artesean Vapor). The following speakers expressed support for the TRL and the ban: Julie Moore (HRC Commissioner), Hiu Ng, Erica Wooding, Cullen Tiernan, Yong Zhang (provided a hand-out), Seher Alvi, Mantej Lamba, Miguel Valmoute, Hilda Bustos (provided a hand-out), Jen Grand-Lejano (American Cancer Society), Vinita Verma (Fremont Council PTA), Kristie Wang, Desrie Campbell, Blythe Young (American Heart Association), Dianne Jones, Liz Williams (Americans for Non-Smokers Rights), Ann Crosbie, Brian Davis, Randy Uang, Tracey Andrews, Nathan Subramanian, Rachel Gratz-Lazarus, Audrey Abadilla (Breathe California), Lucy Wu, Amaya Wooding (Alameda County Tobacco Control), Lynn Chan, Lorrene Ritchie, Martha Kreeger (OFA-East Bay Central), Lance Kwan (SACYD & TCDF), Roshi Sharma, Lucy Shen, Dr. Phillip Gardiner (African American Tobacco Control Leadership), Ricky Huynh, Anya Saxena, Dr. Sonia Khan (speaking on her own behalf), and Phani Yadavalli. There being no additional speakers, Mayor Mei closed the public hearing. Councilmembers asked questions and provided comment.

On a motion by Councilmember Bacon, seconded by Councilmember Kassan, the City Council reintroduced a Tobacco Retail Licensing Ordinance establishing a tobacco retail licensing program in the City of Fremont, setting minimum price and pack sizes, and imposing a ban on flavored tobacco products.

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 – 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 10:15 p.m.

Attest:

Approved:

---

Susan Gauthier, City Clerk

---

LILY MEI, Mayor