

**MINUTES
FREMONT CITY COUNCIL MEETING
JUNE 15, 2021
FREMONT CITY HALL
VIRTUAL MEETING VIA ZOOM
7:00 P.M.**

1. PRELIMINARY

- A. Call to Order:** Mayor Mei called the meeting to order at 7:02 p.m.
- B. Flag Salute:** Councilmember Cox led the salute to the flag.
- C. Roll Call:** Present: Mayor Mei, Vice Mayor Shao, Councilmembers: Keng, Jones, Kassan, Salwan, and Cox
- D. Announcements by Mayor/City Manager**

Mayor Mei announced the Boards and Commissions vacancies.

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 Shao, seconded by Councilmember Jones, the City Council waived further readings of proposed ordinances.

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

- * **B. Approval of Minutes – None.**
- * **C. Mayor Mei opened consideration of Second Reading and Adoption of an Ordinance of the City of Fremont Repealing and Replacing Fremont Municipal Code Title 5, Business Licenses and Regulations, Chapter 5.35 Vendors and Solicitors
AND
Second Reading and Adoption of an Ordinance of the City of Fremont Amending Fremont Municipal Code Title 12, Streets, Sidewalks and Public Property, Chapter 12.20 Parks and Recreation Areas Section 12.20.060 Prohibited Conduct Generally and Adding Section 12.20.140 Vending in Parks**

On a motion by Vice Mayor Shao, seconded by Councilmember Jones, the City Council approved the following actions:

1. Adopted Ordinance No. 06-2021 repealing and replacing Chapter 5.35 Vendors and Solicitors.
2. Adopted Ordinance No. 07-2021 adding Section 12.20.140, Vending in parks and amending Section 12.20.060 Prohibited conduct.

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

- * **D. Mayor Mei opened consideration of Second Reading and Adoption of an Ordinance of the City of Fremont Amending Chapter 18.25 (Definitions) Chapter 18.190 (Special Provisions Applying to Miscellaneous Uses) Under Fremont Municipal Code Title 18 (Planning and Zoning) to Allow Safe Parking as an Ancillary Use at Sites with Permitted Assembly Uses, Quasi-Public Facilities, and Public Facilities (PLN2021-00298) and Making Findings of CEQA Exemption**

This item was removed from the Consent Calendar. Councilmember Cox read a statement. Mayor Mei opened the item for public comment. Lisa Danz spoke in support of the program. There being no additional speakers, Mayor Mei closed the public comment period.

On a motion by Councilmember Jones, seconded by Councilmember Kassan, the City Council adopted Ordinance No. 08-2021.

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

- * **E. Mayor Mei opened consideration to Amend Contract for Homeless Encampment and Illegal Dumping Abatement Services with Art Cuevas Landscaping to Exercise City's Two-Year Extension Option and Increase the Total Contract from \$343,480 to \$617,120 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 Vice Mayor Shao, seconded by Councilmember Jones, the City Council approved the following actions:

1. Found that the project was 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 amendment and to exercise the City's two-year extension option with Art Cuevas Landscaping for homeless encampment and illegal dumping abatement expiring June 30, 2024, not to exceed \$617,120.

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

Noes: None

Absent: None

Abstain: None

*** F. Mayor Mei opened consideration of Authorization to Execute an Agreement with GoGo Technologies, Inc. for Ride-Hailing Services and to Amend the Agreement with MV Public Transportation, Inc. for Wheelchair Accessible Van Services and Making Findings of CEQA Exemption (Transportation Services for Older Adults and People with Disabilities (Ride-On Tri-City!))**

On a motion by Vice Mayor Shao, seconded by Councilmember Jones, the City Council approved the following actions:

1. Authorized the City Manager or his designee to execute an amendment to the agreement with MV Public Transportation, Inc., for wheelchair accessible van services in an amount not to exceed \$400,000, for the period from July 1, 2020 to December 31, 2020.
2. Authorized the City Manager or his designee to execute an agreement with GoGo Technologies, Inc. for the FY 2021/22 Ride-Hailing Pilot Project in an amount not to exceed \$100,000.

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

Noes: None

Absent: None

Abstain: None

*** G. Mayor Mei opened consideration of Authorization to Execute Task Orders to the Joint Powers Agreement with the City of Newark for FY 2021/22 Paratransit Services and Case Management Services to Newark Residents**

On a motion by Vice Mayor Shao, seconded by Councilmember Jones, the City Council approved the following actions:

1. Approved and authorized the City Manager or his designee to execute Task Order No. 24 to the existing Joint Powers Agreement with the City of Newark for the provision of FY 2021/22 case management services, in the amount of \$5,000.

2. Approved and authorize the City Manager or his designee to execute Task Order No. 25 to the existing Joint Powers Agreement with the City of Newark for the provision of FY 2021/22 paratransit services, in the amount not to exceed \$295,254.

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

*** H. Mayor Mei opened consideration of Approval of a License Agreement with Amtrak for the Installation and Maintenance of ADA Upgrades at the Centerville Train Depot, and Find the Action is Exempt from CEQA Requirements**

On a motion by Vice Mayor Shao, seconded by Councilmember Jones, the City Council authorized the City Manager, or his designee, to execute a twenty-year License Agreement between Amtrak and the City of Fremont for the installation and maintenance of ADA improvements with the option to renew the Agreement for an additional ten-year term, and find that this action is exempt from CEQA requirements.

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

*** I. Mayor Mei opened consideration to Approve Special Event Sponsorship Program Awards for FY 2021/22**

Councilmember Kassan and Mayor Mei glad to see the City was able to support everyone who applied for the special event funding.

On a motion by Vice Mayor Shao, seconded by Councilmember Jones, the City Council allocated FY 2021/22 special event sponsorship awards to the seven eligible events as specified in this report.

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

*** J. Mayor Mei opened consideration to Authorize an agreement with AMS.NET, Inc. for the Telephone System Upgrade and Related Professional Services, in a total amount not to exceed \$1,033,382.53 which includes a 10% (\$68,325.11) contingency, for a period of three years.**

On a motion by Vice Mayor Shao, seconded by Councilmember Jones, the City Council authorized the City Manager or designee to enter into an agreement and to execute any implementing documents and take any implementing actions as necessary with AMS.NET to provide implementation and software licenses for a period of three years for the Cisco Systems Unified Communications platform, in a total amount not to exceed \$1,033,382.53, which includes a 10% (\$68,325.11) contingency.

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

- * **K. Mayor Mei opened consideration to Authorize an Agreement with MGT of America Consulting, LLC for the Software Installation, Licenses, Maintenance, Monitoring, Response and Support of the City’s Security Information and Event Management System, in a total amount not to exceed \$624,880.00 for a period of five years.**

On a motion by Vice Mayor Shao, seconded by Councilmember Jones, the City Council authorize the City Manager or designee to enter into an agreement and to execute any implementing documents and take any implementing actions as necessary with MGT of America Consulting, LLC to provide implementation services and ongoing maintenance and support for a period of five years, in a total amount not to exceed \$624,880.

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

- * **L. Mayor Mei opened consideration to Authorize the City Manager, or Designee, to Issue a Purchase Order and Execute related Documents with Environmental Systems Research Institute (ESRI), Inc., for ArcGIS Software Licenses and Support in an Amount not to exceed \$390,000, for a period of three years (Three-Year Small Government Enterprise Term License Agreement for GIS Software Licenses and Support)**

On a motion by Vice Mayor Shao, seconded by Councilmember Jones, the City Council authorized the City Manager, or designee, to enter into an agreement and to execute any implementing documents and take any implementing actions as necessary with Environmental Systems Research Institute (ESRI), Inc., for a three-year Small Government Term Enterprise License Agreement in the total amount not to exceed \$390,000, payable in annual payments of \$90,000 (first year), \$135,000 (second year), and \$165,000 (third year).

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

* **M. Mayor Mei opened consideration to Award Contract to Systems & Space, Inc. in the Amount of \$199.705 (Including 10% Contingency) for the Purchase and Installation of New Shelving System for the Maintenance Center Storage Warehouse Building Project (PWC 8990); Find Action Exempt from CEQA**

On a motion by Vice Mayor Shao, seconded by Councilmember Jones, the City Council accepted the bid for purchase and installation of new shelving system for the Maintenance Center Storage Warehouse Building Project (PWC 8990) and award the contract to Systems & Space, Inc. in the amount of \$181,550 and allocate a 10% construction contingency in the amount of \$18,155, for a total contract amount of \$199,705, and authorize the City Manager or designee to execute the contract.

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

* **N. Mayor Mei opened consideration of Adoption of a Resolution Considering a Letter of Agreement to Extend the Current Terms and Conditions of the Memorandum of Understanding (MOU) Between the City of Fremont and Operating Engineers, Local Union No. 3 (OE3) for a One Year Period**

On a motion by Vice Mayor Shao, seconded by Councilmember Jones, the City Council adopted Resolution No. 2021-37 extending current OE3 MOU by one year; from June 30, 2021 to June 30, 2022 and freezing all other provisions of said contract.

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

* **O. Mayor Mei opened consideration to Approve a Resolution to Extend Supplemental Pay Benefit to All Eligible Employees Irrespective of Permanent Status (Military Leave Supplemental Pay Benefit)**

On a motion by Vice Mayor Shao, seconded by Councilmember Jones, the City Council adopted Resolution No. 2021-38 to provide eligible City employees with the opportunity to receive supplemental pay for active military duty, irrespective of their length of employment with the City.

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

3. CEREMONIAL ITEMS

A. Proclamation: National Night Out, August 3, 2021

4. PUBLIC COMMUNICATIONS

A. Oral and Written Communications

Email submitted to the City Clerk were compiled, distributed to the City Council and staff, and published in the City's Agenda Center on fremont.gov, and were placed on file.

Blair Beekman, Sharon Scharff, Hridini Dave, and Sashv Dave shared a variety of comments and concerns.

5. SCHEDULED ITEMS

A. Mayor Mei opened consideration of Public Hearing (Published Notice) to Review the Annual Report on the Rent Review Ordinance and Adopt the FY 2021/22 Annual Fee (Rent Review Ordinance Annual Report and Program Fee)

No presentation. Mayor Mei opened the public hearing. Blair Beekman shared concerns. There being no additional speakers, Mayor Mei closed the public hearing. Staff responded to questions from Councilmembers.

On a motion by Councilmember Jones, seconded by Councilmember Cox, the City Council approved the following actions:

1. Accepted the Rent Review Ordinance Annual Report.
2. Adopted Resolution No 2021-39, amending the Master Fee Schedule, authorizing a fee of \$12.00 per residential rental unit in FY 2021/22 to recover the costs of the Rent Review Program.

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

B. Mayor Mei opened consideration of Second Public Hearing (Published Notice) and Adoption of the FY 2021/22 Operating Budget and Appropriations Limit

See Green Sheet on file

On a motion by Vice Mayor Shao, seconded by Councilmember Jones, the City Council approved the following actions:

1. Held a public hearing on the proposed operating budget for FY 2021/22.

2. Adopted Resolution No. 2021-40 approving the City of Fremont FY 2021/22 Operating Budget.
3. Adopted Resolution No. 2021-41 creating an appropriations limit of \$813,770,383 for FY 2021/22

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

C. Mayor Mei opened consideration of Second Public Hearing (Published Notice) and Adoption of the FY 2021/22 -2025/26 Capital Improvement Program (CIP) and Two-Year Capital Budget; Find Action Exempt from CEQA

No presentation. Mayor Mei opened the public hearing. Blair Beekman shared concerns. There being no additional speakers, Mayor Mei closed the public hearing. Staff responded to questions from Councilmembers.

On a motion by Councilmember Cox, seconded by Councilmember Jones, the City Council approved the following actions:

1. Held a public hearing on the proposed five-year FY 2021/22 - 2025/26 Capital Improvement Program and two-year Capital Budget FY 2021/22 and FY 2022/23.
2. Found action was exempt from the requirements of CEQA.
3. Adopted Resolution No. 2021-42 approving the FY 2021/22 - 2025/26 CIP, including identification of the proposed funding amounts from the funding sources in the Fund Source and Use report for all five years, with appropriations for FY 2021/22 to be made July 1, 2021 and appropriations for FY 2022/23 to be made effective July 1, 2022
4. Authorized the City Manager to adjust the timing, but not the amount, of appropriations approved by the City Council to allow acceleration or deferral of the timing of appropriations of these funds in response to changed conditions.
5. Authorized the City Manager to transfer appropriations up to \$50,000 per project from the Capital Improvement Program Cost and Scope Contingency (PWC 8101) and the Emerging Project Reserve (PWC 7101) as necessary.

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

6. REPORT FROM CITY ATTORNEY – None.

7. OTHER BUSINESS

A. Mayor Mei opened consideration to Approval for Proposed Refunding of the City of Fremont’s Outstanding General Obligation Bonds, Election of 2002, Series 2012 and Series 2013

Mayor Mei opened the public hearing. There being no speakers, Mayor Mei closed the public hearing.

On a motion by Councilmember Jones, seconded by Councilmember Cox, the City Council approved the following actions:

1. Approved the issuance of the 2021 General Obligation Refunding Bonds in an amount not to exceed \$22,000,000, and approve the refunding of the existing Series 2012 and Series 2013 General Obligation Bonds, provided the present value savings to be realized by the City as a result of the issuance of the Refunding Bonds is not less than 3% of the Series 2012 and Series 2013 Bonds.
2. Adopted Resolution No. 2021-43 authorizing the preparation and execution by the City officers and staff identified in the resolution of all documents required to complete the 2021 General Obligation Refunding Bonds transaction, including the Preliminary Official Statement (which is and has been on file with the Office of the City Clerk) in connection with the 2021 General Obligation Refunding Bonds.

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

8. COUNCIL COMMUNICATIONS

A. Council Referrals – None.

B. Oral Reports on Meetings and Events

Councilmembers reported on their various meetings and activities

9. ADJOURNMENT: There being no further business, Mayor Mei adjourned the meeting at 8:00 p.m.

Attest:

Approved:

Susan Gauthier, City Clerk

LILY MEI, Mayor

*Consent Items