

**MINUTES
FREMONT CITY COUNCIL SPECIAL MEETING
JULY 17, 2018
FREMONT CITY HALL
5:30 P.M.**

Call to Order: Mayor Mei called the meeting to order.

Roll Call: Present: Mayor Mei, Vice Mayor Bacon, Councilmembers: Jones, Salwan and Bonaccorsi.

Public Comment: None.

CONVENE TO A CLOSED SESSION

PUBLIC EMPLOYMENT: This Closed Session is authorized by Government Code Section 54957(b).

Title: City Manager

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

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

GTE Mobilnet of California Limited Partnership, a California limited partnership d/b/a Verizon Wireless vs. City of Fremont, Northern District of California, Court CaseNo. 4:18-CV-04063

The Special Meeting of the Fremont City Council adjourned at 7:00 p.m.

Attest:

Approved:

Susan Gauthier, City Clerk

LILY MEI, Mayor

**MINUTES
FREMONT CITY COUNCIL MEETING
JULY 17, 2018
FREMONT CITY HALL
7:00 P.M.**

1. PRELIMINARY

- A. Call to Order:** Mayor Mei called the meeting to order at 7:06pm.
- B. Flag Salute:** Councilmember Bonaccorsi led the salute to the flag.
- C. Roll Call:** Present: Mayor Mei, Vice Mayor Bacon, Councilmembers: Jones, Salwan and Bonaccorsi
- D. Announcements by Mayor/City Manager**

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

Ayes: Mayor Mei, Vice Mayor Bacon,
Councilmembers: Jones, Salwan and Bonaccorsi
Noes: None
Absent: None
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 18, 2018 through September 3, 2018**

On a motion by Councilmember Salwan, seconded by Councilmember Jones, the City Council adopted Resolution No. 2018-48 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. Authorize the City Manager or designee to accept the terms, execute any necessary agreements and accept grant funds from the Alameda County State Homeland Security

Grant Program to purchase an Airboat to be used by the Fire Department for water rescues.

2. Authorize the City Manager or designee to: reallocate \$125,000 from PWC8101, Fund -531 to PWC8661, Fund -531 for the Fremont Boulevard Widening Project – Phase III - Sidewalk and Flood Wall project; consider an Addendum to the Mitigated Negative Declaration (SCH#2015032038) that was previously approved for the project; and, subject to the adoption of the plans and specifications by the City Engineer pursuant to Fremont Municipal Code section 3.20.137(b), award a contract to the lowest responsive and responsible bidder and execute the contract.
3. Authorize the City Manager to approve and execute a Service Agreement in an amount not to exceed \$225,000 with EMG Corp for Facilities Condition Assessment of City owned buildings
4. Authorize the City Manager or designee to approve and execute an agreement with Abode Services to provide emergency shelter and services for homeless individuals and families with children at Sunrise Village, effective July 1, 2018 through June 30, 2019, in an amount not to exceed \$139,681.
5. Authorize the City Manager to approve and execute an agreement between the City of Fremont and Golden Start Technology to provide hardware upgrades and labor services for the Police and Fire Mobile Command Vehicle in an amount not to exceed \$215,000.
6. Authorize the City Manager or designee, to approve and execute a contract with The Hoffman Agency for marketing/communications services in an amount not to exceed \$180,000 for a three-year term, with an annual not to exceed amount of \$60,000 per year. Funding source is City Manager’s Office operating budget: 00112001.6105.

Ayes: Mayor Mei, Vice Mayor Bacon,
Councilmembers: Jones, Salwan and Bonaccorsi
Noes: None
Absent: None
Abstain: None

*** D. 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 2018/19 Secured Property Tax Bill**

On a motion by Councilmember Salwan, seconded by Councilmember Jones, the City Council adopted Resolution No. 2018-49 approving the Certification and Mutual Indemnification Agreement with the County of Alameda, and authorized the City Attorney to sign the agreement on behalf of the City.

Ayes: Mayor Mei, Vice Mayor Bacon,
Councilmembers: Jones, Salwan and Bonaccorsi
Noes: None
Absent: None
Abstain: None

* **E. Mayor Mei opened consideration of Approval to Authorize City Manager to Execute an Amendment to the Master Service Agreement with 4LEAF, Inc. to Increase the Not-to-Exceed Compensation to \$525,000 per Fiscal Year to Provide for Continued On-Call Building Division Staff Augmentation Services**

On a motion by Councilmember Salwan, seconded by Councilmember Jones, the City Council authorized City Manager or designee to execute an amendment to Master Service Agreement MSA2015-05 with 4LEAF, Inc. to increase the not-to-exceed compensation to \$525,000 per fiscal year through the Master Service Agreement end-date of April 2020.

Ayes: Mayor Mei, Vice Mayor Bacon,
Councilmembers: Jones, Salwan and Bonaccorsi
Noes: None
Absent: None
Abstain: None

* **F. Mayor Mei opened consideration of Approval to Authorize the City Manager to Execute a Bill-of-Sale to Buy-Back the Automotive Parts and Supplies from Genuine Parts Company Doing Business as Napa Auto Parts in an Amount not to exceed \$200,000. Exempt from CEQA Review per Guideline 15061**

On a motion by Councilmember Salwan, seconded by Councilmember Jones, the City Council authorized the City Manager or designee to execute a bill-of-sale to buy-back automotive parts and supplies from Genuine Parts Company doing business as Napa Auto Parts in an amount not to exceed \$200,000.

Ayes: Mayor Mei, Vice Mayor Bacon,
Councilmembers: Jones, Salwan and Bonaccorsi
Noes: None
Absent: None
Abstain: None

* **G. Mayor Mei opened consideration of Approval of Final Map, Agreement for Construction of Public Street Improvements, and Dedication of Land and Public Easements for Tract 8348, located on both sides of Cushing Parkway, south of Bunche Drive and west of Christy Street, (Pacific Commons South).**

On a motion by Councilmember Salwan, seconded by Councilmember Jones, the City Council adopted Resolution No. 2018-50 to:

1. Approve the Final Map and the Improvement Plans for Tract 8348.

2. Approve the Agreement for Public Improvements entitled “Public Improvement Agreement, Tract 8348”, with the developer, Pacific Commons Owner, LP, and authorize the City Manager to execute the agreement on behalf of the City.
3. 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 Bacon,
 Councilmembers: Jones, Salwan and Bonaccorsi
 Noes: None
 Absent: None
 Abstain: None

*** H. Mayor Mei opened consideration of an Amendment to Curbside Recycling Processing Agreement and Implementation of Residential Curbside Recycling Processing Fee to Address Extraordinary Recycling Market Circumstances (Rate Adjustment)**

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

1. Implemented a curbside recycling processing fee of \$1.50 per month for each single family and multifamily household, effective September 1, 2018.
2. Authorized the City Manager or designee to negotiate and execute an amendment to the Recycling and Yardwaste Transfer Agreement in an amount not to exceed \$100,000 per month, consistent with the terms outlined in this staff report.
3. Upon execution of this amendment, authorize compensation to BLT Enterprises for the retroactive portion of the extraordinary rate review settlement, effective December 1, 2017.
4. Authorized use of Integrated Waste Management Unallocated Fund to fund the retroactive portion of the extraordinary rate review settlement.

Ayes: Mayor Mei, Vice Mayor Bacon,
 Councilmembers: Jones, Salwan and Bonaccorsi
 Noes: None
 Absent: None
 Abstain: None

*** I. Mayor Mei opened consideration of Approval of the Tow Service Agreements with Central Towing, Great America Towing, Jack James Towing and Pro Star Towing to provide tow services for the Police Department**

On a motion by Councilmember Salwan, seconded by Councilmember Jones, the City Council authorized City Manager or designee to execute contracts with Central Towing, Great America Towing, Jack James Towing, and Pro Star Towing to provide towing services for the Police Department.

Ayes: Mayor Mei, Vice Mayor Bacon,
Councilmembers: Jones, Salwan and Bonaccorsi
Noes: None
Absent: None
Abstain: None

*** J. Mayor Mei opened consideration of Approval for Setting the Annual Tax Rate for Voter-Approved General Obligation Bonds Debt Service for Fiscal Year 2018/19**

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

1. Established the Fire Safety Project General Obligation Bonds tax rate of \$0.0052 per \$100 of assessed valuation (0.0052%) for Fiscal Year 2018/19.
2. Adopted Resolution No. 2018-51 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 Bacon,
Councilmembers: Jones, Salwan and Bonaccorsi
Noes: None
Absent: None
Abstain: None

3. CEREMONIAL ITEMS

A. Recognition of City Manager Diaz in Honor of his Retirement

LeeAnn Ferguson, with Alameda Co. Supervisor Scott Haggerty's Office, presented Mr. Diaz with a resolution. Mayor Mei presented a resolution from the City. Councilmembers provided best wishes to Mr. Diaz.

4. PUBLIC COMMUNICATIONS

A. Oral and Written Communications

Theresa DeAnda, shared the court of appeals in San Francisco, upheld the appeal brought by the Protect Niles group.

5. SCHEDULED ITEMS

A. Mayor Mei opened consideration of a Request for Council Direction on Evaluation Criteria for Upcoming Notice of Funding Availability for Affordable Housing (Affordable Housing Notice of Funding Availability (NOFA))

*This item was added to the Consent Calendar.

On a motion by Councilmember Salwan, seconded by Councilmember Jones, the City Council provided direction/input to staff regarding proposed evaluation criteria/priorities for the NOFA.

Ayes: Mayor Mei, Vice Mayor Bacon,
Councilmembers: Jones, Salwan and Bonaccorsi
Noes: None
Absent: None
Abstain: None

B. Mayor Mei opened consideration of a Referral from the Human Relations Commission (HRC): Prioritized Recommendations for Solutions to Homelessness

Human Services Director Suzanne Shenfil gave a verbal presentation. A question and answer period followed. Mayor Mei opened the public comment period. John R. Smith, Human Relations Commission Chair, shared the commission unanimously approved recommendations. Ed Tadeffa and Elizabeth Papane shared information regarding homelessness. There were no additional speakers. Mayor Mei closed the public hearing. Councilmembers provided comment.

On a motion by Councilmember Salwan, seconded by Vice Mayor Bacon, the City Council received and reviewed referral and considered Human Relations Commission's Recommendations in conjunction with Staff Recommendations.

Ayes: Mayor Mei, Vice Mayor Bacon,
Councilmembers: Jones, Salwan and Bonaccorsi
Noes: None
Absent: None
Abstain: None

6. REPORT FROM CITY ATTORNEY – None.

7. OTHER BUSINESS

A. Mayor Mei opened consideration of a Presentation of Staff Analysis of Council Direction from April 17 Study Session on Homelessness

Deputy City Manager Brian Stott and Human Services Director Suzanne Shenfil gave a presentation. Staff responded to questions from Councilmembers. Mayor Mei opened public comment period. Diana Tashjian expressed a number of concerns. There were no additional speakers. Mayor Mei closed the public comment period. Councilmembers provided comment.

On a motion by Vice Mayor Bacon, seconded by Councilmember Bonaccorsi, the City Council received staff report and provided City Council priorities and additional direction to staff on the proposed strategies to address the homeless challenges in Fremont.

Ayes: Mayor Mei, Vice Mayor Bacon,
Councilmembers: Jones, Salwan and Bonaccorsi
Noes: None
Absent: None
Abstain: None

B. Mayor Mei opened consideration of Staff Study Providing Regional Context for a Local Minimum Wage Ordinance, Identifying Impacted Segments of the Community, and Offering Options for Council Action (Response to Referral on Minimum Wage Ordinance)

Dave Persselin gave a presentation. Staff responded to questions from Council. Mayor Mei opened public comment period. Julie Moore, Vice Chair of the Human Relations Commission, provided a response from commission. Dr. Sonia Khan asked that Council be mindful of unintended consequences. Cindy Bonior (representing the Fremont Chamber of Commerce) shared the results of a Chambers' survey regarding an increase to the minimum wage ordinance and also asked Council to be mindful of unintended consequences. There were no additional speakers. Councilmembers provided comment.

On a motion by Councilmember Jones, seconded by Councilmember Salwan, the City Council received staff report and provided staff with direction as to next steps, and a request for staff to report back to Council in three to three to four months.

Ayes: Mayor Mei,
Councilmembers: Jones, Salwan and Bonaccorsi
Noes: Vice Mayor Bacon
Absent: None
Abstain: None

C. Mayor Mei opened consideration of Approval to Adopt a Resolution to Amend the City Council Handbook of Rules and Procedures, Chapter II - City Council Meetings, Section L5 City Council Referrals (City Council Referral Process)

City Manager Fred Diaz provided an overview. Mayor Mei opened the public comment period. Debbie Watanuki, Chris Cavette, Lydia Choy-Fong, and Kelly Abreu, spoke in opposition to the change. There were no additional speakers. Mayor Mei closed the public comment period. This was followed by comments from Councilmembers. No action taken.

8. COUNCIL COMMUNICATIONS

A. Council Referrals

- 1. Mayor Mei opened consideration of Mayor Mei Referral: Direct staff to conduct a workshop to provide an overview of the Irvington Community Plan and to provide an update on new State legislation that affects local planning efforts**

Mayor Mei provided an overview. There were no public speakers.

On a motion by Vice Mayor Bacon, seconded by Councilmember Jones, the City Council directed staff to study the local planning efforts in the Irvington Community Plan Area.

Ayes: Mayor Mei, Vice Mayor Bacon,
Councilmembers: Jones, Salwan and Bonaccorsi
Noes: None
Absent: None
Abstain: None

2. Mayor Mei opened consideration of Vice Mayor Bacon Referral: Consider an Interim Urgency Ordinance to Protect Neighborhood Character

***This referral parallels with the referral from Councilmember Bonaccorsi below. Both referrals were heard together as one item.*

Mayor Mei opened the public comment period. Shih-Chieh (Jerry) Hsu, Lydia Choy-Fong, Theresa DeAnda, Robert Daulton, Janet Barton, Jennifer Emmett, Debra Witter, Chris Cavette, Cecilia Sistena, Debbie Watanuki, and Monica Melville share concerns regarding mega homes/monster homes and shared the need for an interim urgency and updated design guidelines. There were no additional speakers. Mayor Mei closed the public comment period. This is followed by a question and answer period between staff and Councilmembers.

On a motion by Vice Mayor Bacon, seconded by Councilmember Jones, the City Council requested staff return with a report in September.

Ayes: Mayor Mei, Vice Mayor Bacon,
Councilmembers: Jones, Salwan and Bonaccorsi
Noes: None
Absent: None
Abstain: None

3. Mayor Mei opened consideration of Councilmember Bonaccorsi Referral: Seeking Staff Evaluation and Recommendation on Neighborhood Preservation Actions

***This referral parallels with the referral from Councilmember Bacon above. Both referrals were heard together.*

B. Oral Reports on Meetings and Events – None.

9. ADJOURNMENT: There being no further business, Mayor Mei adjourned the meeting at 11:45 p.m.

Attest:

Approved:

Susan Gauthier, City Clerk

LILY MEI, Mayor