

**MINUTES
FREMONT CITY COUNCIL MEETING
OCTOBER 15, 2019
FREMONT CITY HALL
7:00 P.M.**

1. PRELIMINARY

- A. Call to Order:** Vice Mayor Salwan called the meeting to order at 7:00 p.m.
- B. Flag Salute:** Councilmember Shao led the salute to the flag.
- C. Roll Call:** Present: Mayor Mei (arrived at 7:05 p.m.), 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.

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, Kassan, and Shao
Noes:	None
Absent:	None
Abstain:	None

- * **B. Approval of Minutes – None.**
- * **C. Mayor Mei opened consideration of a Second Reading and Adoption of an Ordinance of the City of Fremont Amending Article II of Chapter 8.40, Solid Waste, Recyclables and Organics Management**

On a motion by Councilmember Jones, seconded by Vice Mayor Salwan, the City Council adopted Ordinance No. 08-2019.

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

*** D. Mayor Mei opened consideration of a Second Reading and Adoption of an Ordinance of the City of Fremont, Amending Fremont Municipal Code Title 2, Administration and Finance, Chapter 2.20, Departments, Boards and Commissions, to Establish a Mobility Commission**

On a motion by Councilmember Jones, seconded by Vice Mayor Salwan, the City Council adopted Ordinance No. 09-2019.

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 to Execute a Professional Services Agreement with TrailPeople to Prepare the Fremont Trails Strategy Plan, in an amount not to exceed \$230,000**

See Green Sheet

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

1. Authorized the City Manager or designee to execute a Professional Services Agreement for the Fremont Trails Strategy Plan with TrailPeople in an amount not to exceed \$230,000.
2. Transferred and appropriated \$300,000 from: PWC8944 – Pedestrian Improvement to PWC8997 – Citywide Trail Feasibility Study.

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 Agreements for On-call Traffic Counting Services with Quality Counts, LLC and Quality Traffic Data, LLC**

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 Quality Counts, LLC for on-call traffic counting services for a total not-to-exceed compensation of \$250,000 for five years.
2. Approved and authorized the City Manager or his designee to execute a Master Service Agreement with Quality Traffic Data, LLC for on-call traffic counting services for a total not-to-exceed compensation of \$250,000 for five years.

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

* **G. Mayor Mei opened consideration of Approval to Execute a Public Highway at-Grade Crossing Agreement with Union Pacific Railroad Related to the Nursery Avenue Safety Improvement Project (PWC 8828)**

On a motion by Councilmember Jones, seconded by Vice Mayor Salwan, the City Council authorized the City Manager or his designee to execute the agreement with Union Pacific Railroad for the Public Highway At-Grade Crossing Agreement for the Nursery Avenue Safety Improvement Project (PWC 8828).

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 of Final Map, Agreements for Construction of Private Street Improvements, and Dedication of Public Easements for Tract 8478, located at 45300 Fremont Boulevard (Innovation Village Phase 2)**

On a motion by Councilmember Jones, seconded by Vice Mayor Salwan, the City Council adopted Resolution No. 2019-64 to:

1. Approve the Final Map and the Improvement Plans for Tract 8478.
2. Approve the Agreement for Private Improvements entitled “Private Improvement Agreement, Tract 8478”, with the developer, Lennar Homes of California, Inc., 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 Salwan,
Councilmembers: Bacon, Keng, Jones,
Kassan, and Shao
Noes: None
Absent: None
Abstain: None

- * **I. Mayor Mei opened consideration of Approval to Execute Task Order No. 8 to the Joint Powers Agreement (JPA) with the Newark Unified School District for the provision of Substance Use Disorder Treatment Services, Individual Counseling, Why Try Groups, Crisis Response, Case Management, Truancy Intervention for At-Risk Youth and Youth on Probation at designated school locations and Youth & Family Services Clinic. Family Support Services, Working Wellness Team Services, and SparkPoint Fremont will be provided at the Family Resource Center**

On a motion by Councilmember Jones, seconded by Vice Mayor Salwan, the City Council approved and authorized the City Manager or his designee to execute Task Order No. 8 to the existing Joint Powers Agreement with the Newark Unified School District for FY 2019/20 for the provision of: (1) Substance Use Disorder Treatment Services at Bridgepoint/MacGregor High School, (2) Services for At-Risk youth and youth on Probation in partnership with Alameda County Probation Department and Alameda County Behavioral Health Care: a) Individual Counseling, Crisis Response, Case Management Truancy Intervention, and Linkage to Community Resources; b) WHY TRY groups for at risk youth and youth on probation enrolled in Newark Unified School District; and 3) Family Support Services, Family Service Team, and SparkPoint Fremont by referral to the FRC.

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 City Manager or His Designee to Accept and Agree to the Terms to Receive the State Homeland Security Grant for the Purchase of an Air Boat for Water Rescue and Award the Bid**

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

1. Authorized the City Manager or designee to accept the terms and the funds from the (SHSGP) totaling \$116,586.
2. Authorized the City Manager or designee to award the bid and issue a purchase order to Diamondback Manufacturing for \$142,989.

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 Authorizing the City of Fremont to Participate in the California Department of Justice (CADOJ) Tobacco Grant Program, Accept and Appropriate Grant Funds for FY 2019/20, and Take Other Necessary Actions**

On a motion by Councilmember Jones, seconded by Vice Mayor Salwan, the City Council adopt Resolution No. 2019-65 authorizing the City Manager, or his designee, to execute any and all contracts required by the State for the Tobacco Grant Program, and to execute future amendments to accept and appropriate additional funds above those authorized in the original contract, without an additional resolution from the City Council. Appropriate any grant funds, including \$100,843 in FY 2019/20, which may be approved by the State under the Program for the purpose of enforcing tobacco-related state laws and/or local ordinances in the Miscellaneous State Grants Fund (Fund 192).

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

3. CEREMONIAL ITEMS – None.

4. PUBLIC COMMUNICATIONS

A. Oral and Written Communications

Dr. Andreas Kadavanich (submitted a petition/hand-out) and Steve Skala shared safety concerns regarding bicyclists. Laurel Pascual and Wynn Grcish expressed their concerns regarding liquid cremation. Robert Tashjan and Gary Walker expressed support for Vision Zero initiative. Luke Lu and Wei Li requested the City look into BACS contracts held with other cities. Sharon Scharff, John Hinds, and Susan Lanferman expressed their continued concerns regarding the updated (Vision Zero) roadway & bicycle lane markings on Rancho Arroyo Parkway. Srividya Prakash (representing My Three) requested support for Domestic Violence Awareness Month.

5. SCHEDULED ITEMS

- A. Mayor Mei opened consideration of a Public Hearing (Published Notice; Display Ad) to Introduce and Consider Ordinances and Findings Adopting and Amending the 2019 California Building Standards Codes, Adopting by Reference Certain Appendix Chapters of the 2019 California Building Standards Codes and the 2018 International Swimming Pool and Spa Code, Adopting by Reference and Amending the 2018 International Property Management Code, and Making Conforming Changes to the Fremont Municipal Code with Findings, Including Finding that the Actions are Exempt from the California Environmental Quality Act (CEQA) per Guideline 15061(b)(3) in that it does not have the Potential for Causing a Significant Effect on the Environment.**

*This item was added to the Consent Calendar.

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

1. Held public hearing.
2. Found that the project is exempt from the California Environmental Quality Act (CEQA), pursuant to Guideline 15061(b)(3).
3. Waived full reading and introduced ordinances and schedule a public hearing for November 5, 2019, adopting and amending to the 2019 California Building, Electrical, Plumbing, Mechanical, Residential, Green Building, Energy, Housing, Existing Buildings, Historical Building, and Fire Codes, the 2018 International Property Maintenance Code, and the 2018 International Swimming Pool and Spa Code.
4. Directed staff to prepare and the City Clerk to publish a summary of the proposed ordinances.
5. Directed the City Clerk to publish a notice of public hearing to consider adoption of the ordinances in accordance with Government Code Section 6066 and 50022.3.

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

- B. Mayor Mei opened consideration of a Public Hearing (Published Notice) to Consider an Appeal of the Planning Commission's Denial of an Amendment to Planned District P-84-14 and Tentative Parcel Map No. 8389 to Increase the Total Number of Single-Family Residential Lots in the Planned District from 214 to 217 by Subdividing an Existing 7.76-acre Parcel Located at 45089 Cougar Circle into Four Separate Lots in the Mission San Jose Community Plan Area, and to Consider an Exemption from the Requirements of the California Environmental Quality Act (CEQA) Pursuant to CEQA Guidelines Section 15270 in that the Project is Being Recommended for Denial (Hundal Subdivision Appeal - 45089 Cougar Circle - PLN2018-00069)**

*This item was added to the Consent Calendar. ***See Green Sheet***

On a motion by Councilmember Jones, seconded by Vice Mayor Salwan, the City Council continued the item to the December 10, 2019 City Council meeting at the request of the appellant.

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

6. REPORT FROM CITY ATTORNEY – None.

7. OTHER BUSINESS

A. Mayor Mei opened consideration of a Presentation of Year-end Results for FY 2018/19 and Recommended Fund Balance Allocations

On a motion by Vice Mayor Salwan, seconded by Councilmember Keng, the City Council approved the following:

1. Leave \$1.9 million in the General Fund unappropriated to offset sales tax revenue misallocated by the State that is anticipated to be reallocated in FY 2019/20 or future years.
2. Increase expenditure and transfer appropriations by \$3.1 million to reflect changes in labor MOUs.
3. Apply the remaining portion of General Fund ending fund balance to reduce the sales tax revenue estimate by approximately \$0.6 million.
4. Appropriate \$560,000 in the Development Cost Center Fund to the Community Planning Fee Project (SPP8934-391**). ***Non-substantive clerical correction*

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

8. COUNCIL COMMUNICATIONS

A. Council Referrals

1. Mayor Mei opened consideration of Councilmember Bacon Referral: Request to have the Fremont City Council endorse the Schools and Communities First Act

On a motion by Councilmember Bacon, seconded by Councilmember Jones, the City Council directed staff to look into to matter.

Ayes:	Mayor Mei, Vice Mayor Salwan, Councilmembers: Bacon, Keng, Jones, Kassan, and Shao
Noes:	None
Absent:	None
Abstain:	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 8:25 p.m.

Attest:

Approved:

Susan Gauthier, City Clerk

LILY MEI, Mayor