



City Council Chambers  
3300 Capitol Avenue  
Fremont, CA

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## Fremont City Council

Lily Mei, Mayor  
Rick Jones, Vice Mayor  
Vinnie Bacon  
Raj Salwan

## City Staff

Fred Diaz, City Manager  
Harvey E. Levine, City Attorney  
Jessica von Borck, Assistant City Manager  
Marilyn Crane, Information Tech. Services Dir.  
Susan Gauthier, City Clerk  
Kelly Kline, Economic Development Director  
Hans Larsen, Public Works Director  
Geoff LaTendresse, Fire Chief  
Richard Lucero, Chief of Police  
David Persselin, Finance Director  
Jeff Schwob, Community Dev. Director  
Karena Shackelford, Deputy City Manager  
Suzanne Shenfil, Human Services Director  
Brian Stott, Deputy City Manager  
Suzanne Wolf, Community Services Director

# Fremont City Council Agenda and Report

February 07, 2017

## General Order of Business

1. Preliminary
  - Call to Order
  - Salute to the Flag
  - Roll Call
2. Consent Agenda
3. Ceremonial Items
4. Public Communications
5. Scheduled Items
  - Public Hearings
  - Appeals
  - Reports from Commissions, Boards and Committees
6. Report from City Attorney
7. Other Business
8. Council Communications
9. Adjournment

## Order of Discussion

Generally, the order of discussion after introduction of an item by the Mayor will include comments and information by staff followed by City Council questions and inquiries. The applicant, or their authorized representative, or interested citizens, may they speak on the item; each speaker may only speak once to each item. At the close of public discussion, the item will be considered by the City Council and action taken. Items on the agenda may be moved from the order listed.

## Consent Calendar

Items on the Consent Calendar are considered to be routine by the City Council and will be enacted by one motion and one vote. There will be no separate discussion of these items unless a Councilmember or citizen so requests, in which case the item will be removed from the Consent Calendar and considered separately. Additionally, other items without a "Request to Address the City Council" card in opposition may be added to the consent calendar. The City Attorney will read the title of ordinances to be adopted.



## Addressing the Council

Any person may speak once on any item under discussion by the City Council after receiving recognition by the Mayor. Speaker cards will be available prior to and during the meeting. To address City Council, a card must be submitted to the City Clerk indicating name, address, and the number of the item upon which a person wishes to speak. When addressing the City Council, please walk to the lectern located in front of the City Council. State your name. In order to ensure all persons have the opportunity to speak, a time limit will be set by the Mayor for each speaker (see instructions on speaker card). In the interest of time, each speaker may only speak once on each individual agenda item; please limit your comments to new material; do not repeat what a prior speaker has said.

## Oral Communications

Any person desiring to speak on a matter which is not scheduled on this agenda may do so under the Oral Communications section of Public Communications. Please submit your speaker card to the City Clerk prior to the commencement of Oral communications. **Only those who have submitted cards prior to the beginning of Oral Communications will be permitted to speak.** Please be aware the California Government Code prohibits the City Council from taking any immediate action on an item which does not appear on the agenda, unless the item meets stringent statutory requirements. The Mayor will limit the length of your presentation (see instructions on speaker card) and each speaker may only speak once on each agenda item.

**The City Council Agendas may be accessed by computer at the following World Wide Web**

**Address:** [www.fremont.gov](http://www.fremont.gov)

## Information

Copies of the Agenda and Report are available in the lobbies of the Fremont City Hall, 3300 Capitol Avenue and the Development Services Center, 39550 Liberty Street, on Friday preceding a regularly scheduled City Council meeting. Supplemental documents relating to specific agenda items are available at the Office of the City Clerk.

The regular meetings of the Fremont City Council are broadcast on Cable Television Channel 27 and can be seen via webcast on our website ([www.Fremont.gov](http://www.Fremont.gov)).

Assistance will be provided to those requiring accommodations for disabilities in compliance with the Americans with Disabilities Act of 1990. Interested persons must request the accommodation at least 2 working days in advance of the meeting by contacting the City Clerk at (510) 284-4060. City Council meetings are *open captioned* for the deaf in Council Chambers and *closed captioned* for home viewing.

## Availability of Public Records

All disclosable public records relating to an open session item on this agenda that are distributed by the City to all or a majority of the City Council less than 72 hours prior to the meeting will be available for public inspection in specifically labeled binders located in the lobby of Fremont City Hall, 3300 Capitol Avenue during normal business hours, at the time the records are distributed to the City Council.

Information about the City or items scheduled on the Agenda and Report may be referred to:

Address: City Clerk  
City of Fremont  
3300 Capitol Avenue, Bldg. A  
Fremont, California 94538  
Telephone: (510) 284-4060

*Your interest in the conduct of our City's business is appreciated.*

**Agenda**  
**Fremont City Council Regular Meeting**  
**February 07, 2017**  
**City Council Chambers, 3300 Capitol Avenue, Building A**  
**7:00 PM**

**1. Preliminary**

- A. Call to Order**
- B. Salute the Flag**
- C. Roll Call**
- D. Announcements by Mayor / City Manager**

**2. Consent Calendar**

*Items on the Consent Calendar are considered to be routine by the City Council and will be enacted by one motion and one vote. There will be no separate discussion of these items unless a Councilmember or citizen so requests, in which event the item will be removed from the Consent Calendar and considered separately. Additionally, other items without a "Request to Address Council" card in opposition may be added to the consent calendar. The City Attorney will read the title of ordinances to be adopted.*

**A. Motion To: Waive Further Reading of Proposed Ordinances**

*(This permits reading the title only in lieu of reciting the entire text.)*

**B. APPROVAL OF MINUTES – for the Regular Meetings of December 6, 2016, December 13, 2016, and December 20, 2016, the Regular Meeting of January 3, 2017, the Special and Regular Meetings of January 10, 2017, and the Regular Meeting of January 17, 2017**

Contact Persons:

Name: Susan Gauthier  
Title: City Clerk  
Dept: City Clerk's Office  
Phone: 510-284-4076  
E-Mail: sgauthier@fremont.gov

**RECOMMENDATION:** Approve minutes.

**C. TRACT 8214 - Approval of Final Map, Agreements for Construction of Public and Private Street Improvements, and Dedication of Land and Public Easements for Tract 8214, located at 4133 & 4167 Peralta Boulevard (Peralta Crossing)**

Contact Persons:

Name:	Kan Xu	Hans Larsen
Title:	Engineer II (Civil)	Public Works Director
Dept:	Public Works	Public Works
Phone:	510-494-4714	510-494-4722
E-Mail:	kxu@fremont.gov	hlarsen@fremont.gov

**RECOMMENDATION:** Adopt a resolution to:

1. Approve the Final Map and the Improvement Plans for Tract 8214.
2. Approve the Agreement for Public Improvements entitled "Public Improvement Agreement, Tract 8214", with the developer, CV Fremont Investment, 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 8214", with the developer, CV Fremont Investment, 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 interest 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.

**D. AMENDMENT TO SERVICE AGREEMENT WITH TRUEPOINT SOLUTIONS, LLC - Authorize the City Manager, or Designee, to Execute an Amendment to the Service Agreement with TruePoint Solutions, LLC, to Increase the Not-to-Exceed Compensation for Implementation of the Accela Automation Land Use Permit System from \$400,000 to \$635,068.50 and to Transfer and Appropriate Funding in the Amount of \$235,068.50 for the Amendment from the Development Cost Center Technology and System Improvement Reserve (Fund 392) to PWC8746-501, Permitting and Land Use System**

Contact Persons:

Name:	Jennifer Craven	Marilyn J. Crane
Title:	Business Manager	Director
Dept:	Community Development	Information Technology Services
Phone:	510-494-4554	510-494-4802
E-Mail:	jcraven@fremont.gov	mcrane@fremont.gov

**RECOMMENDATION:**

1. Authorize the City Manager, or his designee, to execute an amendment to the service agreement with TruePoint Solutions, LLC, to increase the not-to-exceed compensation from \$400,000 to \$635,068.50 for additional professional services related to scripting, data conversion, report creation, user acceptance testing, and project management required to implement the Accela Automation system.
2. Authorize the transfer of \$235,068.50 from the Development Cost Center Technology and System Improvement Reserve Fund 392 to Capital Projects Fund 501, and authorize the appropriation to project PWC8746-501 Land Use Permitting System to fund the costs for the amendment to the TruePoint Solutions, LLC, service agreement.

### 3. Ceremonial Items

- A. **Song Presentation in Honor of Chinese Lunar New Year by Mandarin Immersion Class from Azevada Elementary**
- B. **Proclamation: Chinese Lunar New Year**
- C. **Oath of Office and Installation of Newly Appointed Councilmember, David Bonaccorsi**
- D. **Comments by Appointed Councilmember**
- E. **Reception in Lobby for Appointed Councilmember**  
(20-30 minutes approximately)

### 4. Public Communications

- A. **Oral and Written Communications**

**PUBLIC FINANCING AUTHORITY - None.**

**CONSIDERATION OF ITEMS REMOVED FROM  
CONSENT CALENDAR**

### 5. Scheduled Items

- A. **MISSION CLAY PRODUCTS APPEAL - 2225 Niles Canyon Road - PLN2015-00223 - To consider an appeal of the Planning Commission's decision to uphold the Community Development Director's determination that the remediation of soil contamination at the Mission Clay Products quarry must be included in the forthcoming amended Reclamation Plan that Mission Clay Products LLC/BBG KRG, Inc. is required to submit to the City for review and approval in order to complete the remaining reclamation of the quarry in accordance with the Surface Mining and Reclamation Act, and to consider a finding that the appeal is not subject to the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15378 in that it does not meet CEQA's definition of a "project."**

Contact Persons:

Name:	Steve Kowalski	Kristie Wheeler
Title:	Associate Planner	Planning Manager
Dept:	Planning	Planning
Phone:	510-494-4532	510-494-4454
E-Mail:	skowalski@fremont.gov	kwheeler@fremont.gov

#### **RECOMMENDATION:**

1. Hold a public hearing and hear the appeal.
2. Consider the evidence attached to this staff report and presented during the hearing of the subject appeal.
3. Find that the evidence supports the Planning Commission's decision to deny the original appeal and uphold the Community Development Director's determination that the remediation of the soil contamination needs to be

included in the forthcoming amended Reclamation Plan, and deny the subject appeal.

**6. Report from City Attorney - None.**

**7. Other Business - None.**

**8. Council Communications**

**A. Council Referrals**

**1. MAYOR MEI REFERRAL: Appointments to Advisory Bodies**

**Appointments:**

<u>Advisory Body</u>	<u>Appointee</u>	<u>Term Expires</u>
Planning Commission	Alice Cavette	December 31, 2018
Planning Commission	Kathryn McDonald	December 31, 2020
Senior Citizens Commission	Barbara Hamze	December 31, 2020
Senior Citizens Commission	Linda Hoyne	December 31, 2019
Senior Citizens Commission	Linette Young	December 31, 2018

Contact Persons:

Name: Lily Mei  
Title: Mayor  
Dept: City Council  
Phone: 510-284-4011  
E-Mail: lmei@fremont.gov

**RECOMMENDATION:** Approve appointments.

**2. MAYOR MEI REFERRAL: Update to Council Assignments to Outside Commissions, Committees, or Boards**

Contact Persons:

Name: Lily Mei  
Title: Mayor  
Dept: City Council  
Phone: 510-284-4011  
E-Mail: lmei@fremont.gov

**RECOMMENDATION:** Adopt a resolution designating Council assignments to outside committees, commissions and boards.

**3. COUNCILMEMBER BACON REFERRAL: Discuss Issues Related to Immigration Status**

Contact Persons:

Name: Vinnie Bacon  
Title: Councilmember  
Dept: City Council  
Phone: 510-284-4084  
E-Mail: vbacon@fremont.gov

**RECOMMENDATIONS:**

1. Direct the City's Human Relations Commission to study issues related to immigration status and provide options the City can take regarding this issue.
2. Direct staff to analyze policies related to immigration status.

**B. Oral Reports on Meetings and Events**

**9. Adjournment**





## ACRONYMS

ABAG	Association of Bay Area Governments	GIS	Geographic Information System
ACE	Altamont Commuter Express	GPA	General Plan Amendment
ACFCD	Alameda County Flood Control District	HARB	Historical Architectural Review Board
ACTC	Alameda County Transportation Commission	HBA	Home Builders Association
ACWD	Alameda County Water District	HRC	Human Relations Commission
ARB	Art Review Board	ICMA	International City/County Management Association
BAAQMD	Bay Area Air Quality Management District	JPA	Joint Powers Authority
BART	Bay Area Rapid Transit District	LLMD	Lighting and Landscaping Maintenance District
BCDC	Bay Conservation & Development Commission	LOCC	League of California Cities
BMPs	Best Management Practices	LOS	Level of Service
BMR	Below Market Rate	MOU	Memorandum of Understanding
		MTC	Metropolitan Transportation Commission
CALPERS	California Public Employees' Retirement System	NEPA	National Environmental Policy Act
CBC	California Building Code	NLC	National League of Cities
CDD	Community Development Department	NPDES	National Pollutant Discharge Elimination System
CC & R's	Covenants, Conditions & Restrictions	NPO	Neighborhood Preservation Ordinance
CDBG	Community Development Block Grant	PC	Planning Commission
CEQA	California Environmental Quality Act	PD	Planned District
CERT	Community Emergency Response Team	PDA	Priority Development Area
CIP	Capital Improvement Program	PUC	Public Utilities Commission
CNG	Compressed Natural Gas	PVAW	Private Vehicle Accessway
COF	City of Fremont	PWC	Public Works Contract
COPPS	Community Oriented Policing and Public Safety	RFP	Request for Proposals
		RFQ	Request for Qualifications
CSAC	California State Association of Counties	RHNA	Regional Housing Needs Allocation
CTC	California Transportation Commission	ROP	Regional Occupational Program
dB	Decibel	RRIDRO	Residential Rent Increase Dispute Resolution Ordinance
DEIR	Draft Environmental Impact Report		
DU/AC	Dwelling Units per Acre	RWQCB	Regional Water Quality Control Board
EBRPD	East Bay Regional Park District	SACNET	Southern Alameda County Narcotics Enforcement Task Force
EDAC	Economic Development Advisory Commission (City)		
EIR	Environmental Impact Report (CEQA)	STIP	State Transportation Improvement Program
EIS	Environmental Impact Statement (NEPA)	TCRDF	Tri-Cities Recycling and Disposal Facility
ERAF	Education Revenue Augmentation Fund	TOD	Transit Oriented Development
EVAW	Emergency Vehicle Accessway	TS/MRF	Transfer Station/Materials Recovery Facility
FAR	Floor Area Ratio		
FEMA	Federal Emergency Management Agency	UBC	See CBC
FFD	Fremont Fire Department	VTA	Santa Clara Valley Transportation Authority
		WMA	Waste Management Authority
FMC	Fremont Municipal Code		
FPD	Fremont Police Department		
FRC	Family Resource Center	ZA	Zoning Administrator
FUSD	Fremont Unified School District	ZTA	Zoning Text Amendment

**UPCOMING MEETING AND CHANNEL 27  
BROADCAST SCHEDULE**

<i>Date</i>	<i>Time</i>	<i>Meeting Type</i>	<i>Location</i>	<i>Cable Channel 27</i>
<b>Monday, February 13, 2017</b>	4:30 p.m.	Joint Council/FUSD Meeting	<i>FUSD</i>	Live
<b>February 14, 2017</b>	7:00 p.m.	City Council Meeting	Council Chambers	Live
<b>February 21, 2017</b>	5:30 p.m.	Special Meeting – Work Session	Council Chambers	Live
<b>February 21, 2017</b>	7:00 p.m.	City Council Meeting	Council Chambers	Live
<b>February 28, 2017</b>		No Council Meeting		
<b>March 7, 2017</b>	7:00 p.m.	City Council Meeting	Council Chambers	Live
<b>March 14, 2017</b>	7:00 p.m.	City Council Meeting	Council Chambers	Live
<b>March 21, 2017</b>	7:00 p.m.	City Council Meeting	Council Chambers	Live
<b>March 28, 2017</b>		No Council Meeting		
<b>April 4, 2017</b>	7:00 p.m.	City Council Meeting	Council Chambers	Live
<b>April 11, 2017</b>	7:00 p.m.	City Council Meeting	Council Chambers	Live
<b>April 18, 2017</b>	7:00 p.m.	City Council Meeting	Council Chambers	Live
<b>April 25, 2017</b>		No Council Meeting		
<b>Monday, May 1, 2017</b>	4:30 p.m.	Joint Council/FUSD Meeting	Council Chambers	Live
<b>May 2, 2017</b>	7:00 p.m.	City Council Meeting	Council Chambers	Live
<b>May 9, 2017</b>	7:00 p.m.	City Council Meeting	Council Chambers	Live
<b>May 16, 2017</b>	7:00 p.m.	City Council Meeting	Council Chambers	Live
<b>May 23, 2017</b>		No Council Meeting		
<b>May 30, 2017</b>		No Council Meeting		