



City Council Chambers
3300 Capitol Avenue
Fremont, CA

Fremont City Council

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

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 21, 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

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).

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 21, 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 - None**
- C. FISCAL YEAR 2015/16 FINANCIAL AUDIT - Transmittal of Fiscal Year 2015/16 Audit Reports**

Contact Persons:

Name: David Persselin
Title: Finance Director
Dept: Finance Department
Phone: 510-494-4631
E-Mail: dpersselin@fremont.gov

RECOMMENDATION: Receive audit reports and file.

- D. AMENDMENT TO VIDEO SERVICE PROVIDERS ORDINANCE - Introduce an Ordinance Repealing and Replacing Section 5.95.070 of the Fremont Municipal Code to Re-authorize and Preserve the City's Right to Continue to Collect PEG Fees under State Law**

Contact Persons:

Name: Marilyn J. Crane
Title: Director
Dept: Information Technology Services
Phone: 510-494-4802
E-Mail: mcrane@fremont.gov

RECOMMENDATION: Introduce an Ordinance repealing and replacing Section 5.95.070 of the Fremont Municipal Code to preserve the City's right to continue to collect PEG fees under state law.

3. Ceremonial Items

- A. **Proclamation: Teen Dating Violence Awareness and Prevention Month, February 2017**
- B. **Proclamation: One Book, One Community Read Program**

4. Public Communications

- A. **Oral and Written Communications**

PUBLIC FINANCING AUTHORITY - None

CONSIDERATION OF ITEMS REMOVED FROM CONSENT CALENDAR

5. Scheduled Items

- A. **ACCEPTANCE OF COPS GRANT - Public Hearing (Published Notice) for the Acceptance and Spending Plan of the 2016/17 State of California Citizens Option for Public Safety (COPS) Grant**

Contact Persons:

Name:	Deirdre Rockefeller-Ramsey	Richard Lucero
Title:	Business Manager	Police Chief
Dept:	Police Department	<i>Police Department</i>
Phone:	510-790-6991	510-790-6818
E-Mail:	dramsey@fremont.gov	rlucero@fremont.gov

RECOMMENDATION: Adopt a resolution accepting the 2016/17 California Citizens Option for Public Safety (COPS) grant in the amount of \$457,962 as allocated in the Supplemental Law Enforcement Services Account (SLESA) for the Fremont Police Department and adopting the spending plan to purchase items supporting frontline law enforcement services.

- B. **GENERAL PLAN AMENDMENT PRIORITIZATION REQUEST - 501 CRYSTALLINE DRIVE - PLN2017-00148 - Public Hearing (Published Notice) to Consider the Planning Commission's Recommendation to Authorize a General Plan Amendment Prioritization Request to Change the General Plan Land Use Designation of 7.45 acres of a Vacant 18.2-acre Parcel Located at 501 Crystalline Drive from General Open Space to Low Density Residential, 2.3 to 8.7 Dwelling Units Per Acre, to Facilitate Development of 28 Single-Family Residences in the Mission San Jose Community Plan Area, and to Consider a Finding that No Environmental Review is Required Pursuant to the California Environmental Quality Act (CEQA) as the Request Does Not Constitute a Project as Defined by CEQA Guidelines Section 15378. REQUEST TO BE CONTINUED TO THE MARCH 14, 2017 CITY COUNCIL MEETING**

Contact Persons:

Name:	Wayland Li	Kristie Wheeler
Title:	Senior Planner	Planning Manager
Dept:	Planning	<i>Planning</i>
Phone:	510-494-4453	510-494-4454
E-Mail:	wli@fremont.gov	kwheeler@fremont.gov

RECOMMENDATION: Continue item to the March 14, 2017 City Council Meeting.

C. WASHINGTON PLACE RESIDENCES – 2529 WASHINGTON BOULEVARD – PLN2016-00304 – Public Hearing (Published Notice) to Consider the Planning Commission’s Recommendation to Approve a Rezoning from R-1-X-6.5 to Preliminary and Precise Planned District P-2016-304, Vesting Tentative Tract Map No. 8342 and Private Street to Allow Development of 14 Single-Family (Duet) Residences on a 2.1 Acre Parcel, and to Consider a Mitigated Negative Declaration (MND) Prepared and Circulated for the Project in Accordance with the Requirements of the California Environmental Quality Act (CEQA).

Contact Persons:

Name:	Terence Wong	Kristie Wheeler
Title:	Associate Planner	Planning Manager
Dept:	Planning	<i>Planning</i>
Phone:	510-494-4456	510-494-4454
E-Mail:	twong@fremont.gov	kwheeler@fremont.gov

RECOMMENDATIONS:

1. Hold public hearing.
2. Adopt the Mitigated Negative Declaration and Mitigation Monitoring Program for the proposed project (Exhibit "A"), and find on the basis of the whole record (including the Initial Study and any comments received) that there is no substantial evidence that the project would have a significant impact on the environment, and that this action represents the independent judgment of the City per CEQA Guidelines Section 15074.
3. Find that the project is in conformance with the relevant provisions contained in the City's General Plan. These provisions include the designations, goals, objectives and policies set forth in the General Plan's Land Use, Housing and Conservation Elements as enumerated within the staff report.
4. Find the Preliminary and Precise Plans as depicted in Exhibit "C" (Precise Site Plan, Architectural Elevations and Floor Plans, and Landscape Plans), fulfill the applicable requirements set forth in the Fremont Municipal Code.
5. Find that the proposed subdivision as shown in Exhibit "D" (Vesting Tentative Tract Map No. 8342) is consistent with the goals, policies and implementation actions of the General Plan. Government Code Section 66474 and FMC Section 17.20.200 provide that a Vesting Tentative Tract Map application must be denied if certain specified findings are made. None of those findings can be made in this instance as set forth in this report and Exhibit "E."
6. Introduce an ordinance approving a Rezoning of the project site from R-1-X-6.5, Single-Family Residence to Planned District P-2016-304, as depicted on Exhibit "B" (Rezoning Map), and approving the Preliminary and Precise Plans as shown on Exhibit "C" (Precise Site Plan, Architectural Elevations and Floor Plans, and Landscape Plans) and the Use and Development provisions as shown on Exhibit "F," based upon the findings and subject to the conditions of approval set forth in Exhibit "E."
7. Approve Vesting Tentative Parcel Map No. 8342 and a Private Street as shown in Exhibit "D" based upon the findings and subject to the conditions of approval set forth in Exhibit "E."
8. Approve the proposed removal and mitigation for seven protected trees pursuant to the City's Tree Preservation Ordinance, based upon findings and conditions in Exhibit "E."
9. Direct staff to prepare and the City Clerk to publish a summary of the ordinance.

6. Report from City Attorney

7. Other Business

A. SALE OF DECOTO ROAD PROPERTY - Approve an Amendment to the Purchase and Sale Agreement with SiliconSage Builders LLC to Extend the Deadlines by Three Months for the Sale of City Property at 4178, 4194 and 4268 Decoto Road

Contact Persons:

Name:	Hans Larsen	Jeff Schwob
Title:	Public Works Director	Director
Dept:	Public Works	<i>Community Development</i>
Phone:	510-494-4722	510-494-4527
E-Mail:	hlarsen@fremont.gov	jschwob@fremont.gov

RECOMMENDATION: Approve, and authorize the City Manager or designee to execute, an amendment to the Purchase and Sale agreement with SiliconSage Builders LLC related to the sale of City property at 4178, 4194 and 4268 Decoto Road, to extend the deadlines by three months for the third nonrefundable deposit and the close of escrow.

8. Council Communications

A. Council Referrals

1. VICE MAYOR JONES REFERRAL: Discuss Issues Related to Large-Scale Homes

Contact Persons:

Name:	Rick Jones
Title:	Vice Mayor
Dept:	City Council
Phone:	510-284-4083
E-Mail:	rljones@fremont.gov

RECOMMENDATIONS:

1. As planned, bring forth Solar Access Study and Mid-Century Modern Historic Context studies; and
2. Direct planning staff to develop amendments to city codes and guidelines to address the impacts of large-scale homes on neighbors and neighborhoods on a citywide basis.

2. COUNCILMEMBER BONACCORSI REFERRAL: Request an Increase to the Planning Commissioners Monthly Stipend

Contact Persons:

Name:	David Bonaccorsi
Title:	Councilmember
Dept:	City Council
Phone:	510-284-4081
E-Mail:	dbonaccorsi@fremont.gov

RECOMMENDATION: Increase the per-meeting stipend to \$250 per attended meeting, eliminating the two meeting per month restriction.

3. COUNCILMEMBER BACON REFERRAL: Direct Staff to Investigate a Citywide Zoning Text Amendment to Address "Mega House" Construction

Contact Persons:

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

RECOMMENDATION: Direct staff to investigate implementing formal zoning regulations that protect Fremont’s existing neighborhoods from excessively large remodels.

4. MAYOR MEI REFERRAL: Re-appointments to Advisory Body

Contact Persons:

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

Re-appointments:

<u>Advisory Body</u>	<u>Appointee</u>	<u>Term Expires</u>
Youth Advisory Commission	Shrivats Kannan	December 31, 2018
Youth Advisory Commission	Sanjana Gundala	December 31, 2018

RECOMMENDATION: Approve re-appointments.

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
		HRC	Human Relations Commission
ACWD	Alameda County Water District	ICMA	International City/County Management Association
ARB	Art Review Board		
BAAQMD	Bay Area Air Quality Management District	JPA	Joint Powers Authority
		LLMD	Lighting and Landscaping Maintenance District
BART	Bay Area Rapid Transit District		
BCDC	Bay Conservation & Development Commission	LOCC	League of California Cities
		LOS	Level of Service
BMPs	Best Management Practices	MOU	Memorandum of Understanding
BMR	Below Market Rate	MTC	Metropolitan Transportation Commission
		NEPA	National Environmental Policy Act
CALPERS	California Public Employees' Retirement System	NLC	National League of Cities
		NPDES	National Pollutant Discharge Elimination System
CBC	California Building Code		
CDD	Community Development Department	NPO	Neighborhood Preservation Ordinance
CC & R's	Covenants, Conditions & Restrictions	PC	Planning Commission
CDBG	Community Development Block Grant	PD	Planned District
CEQA	California Environmental Quality Act	PDA	Priority Development Area
CERT	Community Emergency Response Team	PUC	Public Utilities Commission
CIP	Capital Improvement Program	PVAW	Private Vehicle Accessway
CNG	Compressed Natural Gas	PWC	Public Works Contract
COF	City of Fremont	RFP	Request for Proposals
COPPS	Community Oriented Policing and Public Safety	RFQ	Request for Qualifications
		RHNA	Regional Housing Needs Allocation
CSAC	California State Association of Counties	ROP	Regional Occupational Program
CTC	California Transportation Commission		
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)		
		STIP	State Transportation Improvement Program
EIR	Environmental Impact Report (CEQA)		
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
FMC	Fremont Municipal Code	WMA	Waste Management Authority
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>
February 28, 2017		No Council Meeting		
March 7, 2017	7:00 p.m.	City Council Meeting	Council Chambers	Live
March 14, 2017	7:00 p.m.	City Council Meeting	Council Chambers	Live
March 21, 2017	7:00 p.m.	City Council Meeting	Council Chambers	Live
March 28, 2017		No Council Meeting		
April 4, 2017	5:30 p.m.	Special Meeting – Work Session	Council Chambers	Live
April 4, 2017	7:00 p.m.	City Council Meeting	Council Chambers	Live
April 11, 2017	7:00 p.m.	City Council Meeting	Council Chambers	Live
April 18, 2017	7:00 p.m.	City Council Meeting	Council Chambers	Live
April 25, 2017		No Council Meeting		
Monday, May 1, 2017	4:30 p.m.	Joint Council/FUSD Meeting	Council Chambers	Live
May 2, 2017	7:00 p.m.	City Council Meeting	Council Chambers	Live
May 9, 2017	7:00 p.m.	City Council Meeting	Council Chambers	Live
May 16, 2017	7:00 p.m.	City Council Meeting	Council Chambers	Live
May 23, 2017		No Council Meeting		
May 30, 2017		No Council Meeting		