



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

March 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

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.

**NOTICE AND AGENDA OF SPECIAL MEETING
CLOSED SESSION
CITY OF FREMONT**

DATE: Tuesday, March 7, 2017

TIME: 6:00 p.m.

LOCATION: Fremont Room, 3300 Capitol Avenue, Fremont

CALL TO ORDER

ROLL CALL

PUBLIC COMMENT:

Any person desiring to speak on an item listed on this Notice, may do so now. The Mayor will limit the length of your presentation and each speaker may only speak once on each item.

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

This Closed Session is authorized by Government Code Section 54956.9 (d)(2) and will pertain to possible initiation of litigation against the City in one matter.

This Special Meeting is being called by Mayor Mei.

Agenda
Fremont City Council Regular Meeting
March 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 - None**
- C. SECOND READING AND ADOPTION OF AN ORDINANCE OF THE CITY OF FREMONT, REAUTHORIZING CHAPTER 5.95, VIDEO SERVICE PROVIDERS AND THE PUBLIC, EDUCATIONAL, AND GOVERNMENTAL (PEG) ACCESS FEE**
RECOMMENDATION: Adopt ordinance.
- D. SECOND READING AND ADOPTION OF AN ORDINANCE OF THE CITY OF FREMONT REZONING A 2.10 ACRE SITE LOCATED AT 2529 WASHINGTON BOULEVARD FROM R-1-X-6.5 (SINGLE FAMILY RESIDENTIAL) TO PRELIMINARY AND PRECISE PLANNED DISTRICT (P-2016-304)**
RECOMMENDATIONS: Adopt ordinance.
- E. AUTO BODY REPAIR SERVICES - Approval to Execute an Amendment to the Service Agreement with Classic Graphics to Increase the Annual Amount to \$200,000**

Contact Persons:

| | | |
|---------|---------------------------|-----------------------|
| Name: | Mark Collins | Hans Larsen |
| Title: | Fleet Maintenance Manager | Public Works Director |
| Dept: | Maintenance | Public Works |
| Phone: | 510-979-5739 | 510-494-4722 |
| E-Mail: | mcollins@fremont.gov | hlarsen@fremont.gov |

RECOMMENDATION: Authorize the City Manager or his designee to execute an Amendment to the Service Agreement for Classic Graphics Automotive Body Repair and Fabrication Services to increase the not-to-exceed compensation amount to \$200,000 for the current contract term (2016/17) and for each of the two remaining optional one year renewal terms.

F. ADOPT A RESOLUTION AUTHORIZING CELL SITE SIMULATOR TECHNOLOGY MOU AND POLICY - Adopt A Resolution Authorizing Cell Site Simulator Technology MOU With the Alameda County District Attorney and the Use of Cell-Site Simulator Technology Policy

Contact Persons:

| | | |
|---------|-------------------------|---------------------|
| Name: | Sean Washington | Richard Lucero |
| Title: | Police Captain | Police Chief |
| Dept: | Police Department | Police Department |
| Phone: | 510-790-6969 | 510-790-6818 |
| E-Mail: | swashington@fremont.gov | rlucero@fremont.gov |

RECOMMENDATION: *Adopt a resolution approving the Police Department to access and use cell-site simulator technology, authorize the Police Chief to enter into a Memorandum of Understanding (MOU) with the Alameda County District Attorney's Office for the use and access to cell-site simulator technology, and approve the Use of Cell-Site Simulator Technology Policy.*

G. HOUSING ELEMENT ANNUAL REPORT - Citywide - PLN2017-00150 - To Consider an Annual Report on the Status of Implementation of the General Plan and 2015 – 2023 Housing Element, and to Consider a Finding that the Annual Report is Exempt from the Requirements of the California Environmental Quality Act (CEQA) Pursuant to CEQA Guidelines Section 15378 in that the Activity Does Not Meet CEQA's Definition of a "Project."

Contact Persons:

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

RECOMMENDATIONS:

1. *Find the annual report is not a "project" pursuant to the requirements of the California Environmental Quality Act (CEQA) as defined in CEQA Guidelines Section 15378(b)(5).*
2. *Consider the annual report and Exhibit A, which depicts the current status of the General Plan and Housing Element, and direct staff to submit the required materials to OPR and HCD.*

3. Ceremonial Items - None

4. Public Communications

A. Oral and Written Communications

PUBLIC FINANCING AUTHORITY - None

CONSIDERATION OF ITEMS REMOVED FROM CONSENT CALENDAR

5. Scheduled Items - None

6. Report from City Attorney

7. Other Business

A. FISCAL YEAR 2016/17 MID-YEAR BUDGET REVIEW - Update on the Status of the FY 2016/17 Operating Budget and Preliminary Three-Year Forecast

Contact Persons:

| | | |
|---------|-------------------------|---------------------------|
| Name: | Mike Sung | David Persselin |
| Title: | Deputy Finance Director | Finance Director |
| Dept: | Finance Department | <i>Finance Department</i> |
| Phone: | 510-494-4608 | 510-494-4631 |
| E-Mail: | msung@fremont.gov | dpersselin@fremont.gov |

RECOMMENDATIONS:

1. Appropriate \$900,000 in the General Fund to increase budgeted Fire Department personnel expenditures.
2. Appropriate \$200,000 in the General Fund to increase budgeted Police Department personnel expenditures.

B. COMPASSIONATE CITY/IMMIGRATION STATUS - Consideration of Recommendation of the Human Relations Commission to Adopt a Resolution Reaffirming Status of the City of Fremont as a Compassionate City and Other Options Related to Immigration Status

Contact Persons:

| | |
|---------|------------------------|
| Name: | Jessica von Borck |
| Title: | Assistant City Manager |
| Dept: | City Manager's Office |
| Phone: | 510-248-4008 |
| E-Mail: | jvborck@fremont.gov |

RECOMMENDATIONS:

1. Adopt the Human Relations Commission (HRC) proposed resolution reaffirming the values of the Compassionate City Charter, OR
2. Adopt staff's proposed revisions to the HRC resolution reaffirming the values of the Compassionate City Charter
3. Direct staff to prepare a resolution to become a "Welcoming City" and return to Council with it for adoption at a later date
4. Include immigration reform language in the City's Legislative Priorities

8. Council Communications

A. Council Referrals - None

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 | RWQCB | Regional Water Quality Control Board |
| DU/AC | Dwelling Units per Acre | SACNET | Southern Alameda County Narcotics Enforcement Task Force |
| EBRPD | East Bay Regional Park District | | |
| EDAC | Economic Development Advisory Commission (City) | STIP | State Transportation Improvement Program |
| EIR | Environmental Impact Report (CEQA) | TCRDF | Tri-Cities Recycling and Disposal Facility |
| EIS | Environmental Impact Statement (NEPA) | TOD | Transit Oriented Development |
| ERAF | Education Revenue Augmentation Fund | TS/MRF | Transfer Station/Materials Recovery Facility |
| EVAW | Emergency Vehicle Accessway | UBC | See CBC |
| FAR | Floor Area Ratio | VTA | Santa Clara Valley Transportation Authority |
| FEMA | Federal Emergency Management Agency | WMA | Waste Management Authority |
| FFD | Fremont Fire Department | | |
| FMC | Fremont Municipal Code | ZA | Zoning Administrator |
| FPD | Fremont Police Department | ZTA | Zoning Text Amendment |
| FRC | Family Resource Center | | |
| FUSD | Fremont Unified School District | | |

**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> |
|--------------------------------|--------------------|-----------------------------------|------------------------|--------------------------------|
| 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 | | |