



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  
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 14, 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**  
**March 14, 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 Meeting of February 7, 2017, the Special and Regular Meetings of February 14, 2017, and the Special Meeting-Work Session and Regular Meeting of February 21, 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. AMENDMENT TO LICENSE AND MAINTENANCE AGREEMENTS WITH ACCELA, INC. - Authorize the City Manager, or Designee, to Execute Amendments to the License and Maintenance Agreements with Accela, Inc. to Purchase Additional User Licenses in the Amount of \$135,346.50 and to Transfer and Appropriate Funding in the Amount of \$135,346.50 from the Development Cost Center Technology and System Improvement Reserve (Fund 392) to PWC8746-501, Permitting and Land Use System to Fund the Amendments**

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

**RECOMMENDATIONS:**

1. Authorize the City Manager, or his designee, to execute an amendment to the license agreement with Accela, Inc., to purchase additional user licenses at a cost of \$106,852.50, for a total license purchase cost of \$672,600.74.
2. Authorize the City Manager, or his designee, to execute an amendment to the maintenance agreement with Accela, Inc., to fund the maintenance costs associated with the additional licenses at a cost of \$28,494, for a total annual maintenance cost of \$182,145.78.
3. Authorize the City Manager, or his designee, to renew the annual software maintenance agreement with Accela, Inc., for four additional one-year terms in an amount not-to-exceed a 3% increase per year based on the initial licenses purchased and additional licenses purchased under the amendment and to approve the expenditure of an additional amount not-to-exceed \$25,000 per year for support on new software licenses purchased, subject to adoption of the applicable operating budget in future years.
4. Authorize the transfer and appropriation of \$135,346.50 from the Development Cost Center Technology and System Improvement Reserve (Fund 392) to PWC8746-501 to fund the additional license and maintenance costs.

**D. CIP PROJECT CLOSEOUTS AND FUNDING APPROPRIATIONS - Approve the Close Out of Completed Capital Projects and Partial Defunding of Selected Projects; and Approval of Grant Application, Fund Transfers, and Appropriations**

Contact Persons:

Name:	Michelle Silva-Salinas	Hans Larsen
Title:	Business Manager	Public Works Director
Dept:	Public Works	Public Works
Phone:	510-979-5705	510-494-4722
E-Mail:	msilva-salinas@fremont.gov	hlarsen@fremont.gov

**RECOMMENDATIONS:**

1. Approve the close out of the capital projects identified on Enclosure B Project Closeout and Defunding List and return the remaining project appropriations to their respective funds.
2. Approve the defunding of the capital projects identified on Enclosure B Project Closeout and Defunding List and return the remaining project appropriations to their respective funds.
3. Approve the transfer and appropriation of closed and defunded project balances as identified on Enclosure B Project Closeout and Defunding List.
4. Approve the Measure WW application for the California Nursery President's House Project in the amount of \$300,000.
5. Approve the transfer of \$211,000 from the Integrated Waste Management Fund (account 115-61092) to the Capital Projects - Outside Sources Fund for appropriation to the proposed Sabercat Historical Park Sign Implementation project as part of the 2017/18-2021/22 Capital Improvement Plan.
6. Approve the transfer of \$262,000 from the Integrated Waste Management Fund (account 115-61092) to the Capital Projects - Outside Sources Fund for appropriation to the proposed Senior Center Trash Enclosure project as part of the 2017/18-2021/22 Capital Improvement Plan.
7. Approve the appropriation of \$134,153 of fund balance in the Capital Projects - Outside Sources Fund to PWC8862-502 and authorize the City Manager to appropriate art funds as they are received into the following projects, PWC8862-502 Downtown Art, PWC8912-502 City Center Art and PWC8863-502 Warm Springs.

**E. TRACT 8210 - Approval of Final Map, Agreements for Construction of Public and Private Street Improvements, and Dedication of Land and Public Easements for Tract 8210, located at 42111 & 42183 Osgood Road (Osgood Residences)**

Contact Persons:

Name:	Daniel Chiu	Hans Larsen
Title:	Engineer II (Civil)	Public Works Director
Dept:	Engineering	Public Works
Phone:	510-494-4755	510-494-4722
E-Mail:	dchiu@fremont.gov	hlarsen@fremont.gov

**RECOMMENDATION:** Adopt a resolution to:

1. Approve the Final Map and the Improvement Plans for Tract 8210.
2. Approve the Agreement for Public Improvements entitled "Public Improvement Agreement, Tract 8210", with the developer, Osgood, 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 8210", with the developer, Osgood, 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 interests 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.

**F. FUNDING FOR MISSION COURT AFFORDABLE SENIOR APARTMENTS - Ratify Staff Request to Alameda County to Pre-Commit up to \$3 Million in Measure A-1 Funds to Eden Housing's Mission Court Senior Apartment Project; and Appropriate a \$1 Million Affordable Housing Fee Payment to the Project**

Contact Persons:

Name:	Dan Schoenholz	Lucia Hughes
Title:	Deputy Community Development Director	CDBG Administrator
Dept:	Community Development	Human Services Department
Phone:	510-494-4438	510-574-2043
E-Mail:	dschoenholz@fremont.gov	lhughes@fremont.gov

**RECOMMENDATIONS:**

1. Ratify staff's request to Alameda County to utilize up to \$3 million of funds from Fremont's Base City Allocation of Measure A1 Affordable Housing Bond proceeds to fill the funding gap for Eden's Mission Court affordable senior housing project; and
2. Appropriate the \$1,000,000 pre-payment received from Warren Park LLC in the Affordable Housing Development Fund to the Mission Court project (196-41012).

**G. APPROVE THE PLANS AND SPECIFICATIONS AND AWARD A CONSTRUCTION CONTRACT FOR VARIOUS SPORT COURT SURFACING REPAIRS IN THE AMOUNT OF \$903,923 TO VINTAGE CONTRACTOR, INC., FOR THE SPORTS COURT REPAIRS CITY PROJECT NO. PWC 8894 - Staff recommends that City Council approve the plans and specifications for the Sport Court Repairs Project; accept the bid and award the construction contract to Vintage Contractor, Inc. for the Base Bid amount of \$712,810; plus, Add Alternate #1 for \$19,248 at Mission San Jose Community Park; Add Alternate #2 for \$54,965 at Los Cerritos Community Park; Add Alternate #3 for \$52,284 at Northgate Community Park; Add Alternate #4**

**for \$25,206 at Warm Springs Community Park; and Add Alternate #5 for \$39,410 at Centerville Community Park, for a total contract amount of \$903,923. Exempt For CEQA Review per CEQA Guidelines section 15302 (Replacement or Reconstruction of Existing Facilities)**

Contact Persons:

Name:	Jennie Suen	Mark Mennucci
Title:	Landscape Architect II	Senior Landscape Architect
Dept:	Landscape Architecture	Landscape Architecture
Phone:	510-494-4744	510-494-4530
E-Mail:	jsuen@fremont.gov	mmennucci@fremont.gov

**RECOMMENDATION:**

1. Find that the project is exempt from review under the California Environmental Quality Act pursuant to CEQA Guidelines section 15302 as the replacement or reconstruction of existing facilities which will have the same purpose and capacity
2. Approve the plans and specifications for the Sports Court Repair Project; accept the bid and award the construction contract to Vintage Contractor's Inc., for the base bid amount of \$712,810; plus Add Alternate #1 for \$19,248 at Mission San Jose Community Park, Add Alternate #2 for \$54,965 at Los Cerritos Community Park; Add Alternate #3 for \$52,284 at Northgate Community Park; Add Alternate #4 for \$25,206 at Warm Springs Community Park; and Add Alternate #5 for \$39,410 at Centerville Community Park, for a total contract amount of \$903,923.

**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**

- A. 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 allow Consideration of Change in 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. CONTINUED FROM THE FEBRUARY 21, 2017 CITY COUNCIL MEETING.**

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

**RECOMMENDATION:**

1. Find 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; and
2. Determine whether formal processing of a General Plan Amendment application is warranted based upon the provision of amenities or community benefits such as affordable housing, sustainability, removal of blight, or other community benefits consistent with the goals, objectives and policies of the General Plan.

**B. HOBBS RESIDENTIAL – 41948, 42012, 42078/92, 42232 MISSION BOULEVARD – PLN2016-00270 – Public Hearing (Published Notice) to Consider the Planning Commission’s Recommendation to Approve a Rezoning from Single-Family Residential, Hillside Combining (R-1-6(H-I)), Open Space (O-S) and P-2014-195 (Mission Heights) Districts to Preliminary and Precise Planned District (P-2016-270), Vesting Tentative Tract Map No. 8330, a Preliminary Grading Plan and Private Streets for Preservation of an Existing Historic Single-Family House (Rodrigues House) and an Existing Single Family House (Hobbs House), and Development of 55 New Single-Family Homes Located in the Hill Area (Central) and Mission San Jose Community Plan Areas, and Adopt a Mitigated Negative Declaration Prepared and Circulated for the Project in Accordance with the Requirements of the California Environmental Quality Act (CEQA).**

Contact Persons:

Name:	Bill Roth	Kristie Wheeler
Title:	Associate Planner	Planning Manager
Dept:	Planning	<i>Planning</i>
Phone:	510-494-4450	510-494-4454
E-Mail:	broth@fremont.gov	kwheeler@fremont.gov

**RECOMMENDATIONS:**

1. Hold public hearing.
2. Adopt the Draft Mitigated Negative Declaration and Mitigation Monitoring Plan as shown in Exhibit "A," and find on the basis of the whole record before it (including the Initial Study and any comments received) that there is no substantial evidence that the project will have a significant effect on the environment and that the Mitigated Negative Declaration reflects the independent judgment and analysis of the City of Fremont.
3. Find that the project is in conformance with the relevant provisions contained in the City's General Plan. These provisions include the land use designation, goals, objectives and policies set forth in the General Plan's Land Use, Mobility, Safety, and Parks and Recreation 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), fulfills the applicable requirements set forth in the Fremont Municipal Code.
5. Find that Vesting Tentative Tract Map No. 8330, Public and Private Streets, and Preliminary Grading Plan, as shown in Exhibit "D," are consistent with the goals, policies and implementation actions of the City of Fremont's General Plan. Government Code Section 66474 and the Fremont Municipal Code provide that a tentative 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 staff report and Exhibit "E."

6. Introduce an Ordinance approving a Rezoning of the entire project site from R-1-6(H-I) and OS to Preliminary and Precise Planned District P-2016-270, and including the Rezoning of approximately 5.16 acres of the Mission Heights subdivision from Preliminary and Precise Planned District P-2014-195 to Preliminary and Precise Planned District P-2016-270, as depicted on Enclosure Exhibit "B" (Rezoning Map), approving the Preliminary and Precise Plans as shown on Enclosure Exhibit "C," (Precise Site Plan, Architectural Elevations and Floor Plans, and Landscape Plans), and approving the modifications and related provisions set forth in Exhibit "F," based upon the findings and subject to the conditions of approval set forth in Exhibit "E."
8. Approve Vesting Tentative Tract Map No. 8330, Private Streets, and Preliminary Grading Plan, as shown in Exhibit "D," based upon the findings and subject to the conditions of approval set forth in Exhibit "E."
9. Approve the proposed removal and mitigation for 69 protected trees pursuant to the City's Tree Preservation Ordinance, based upon findings and conditions set forth in Exhibit "E."

## **6. Report from City Attorney**

## **7. Other Business**

### **A. APPOINT TWO COUNCILMEMBERS TO THE JOINT CITY OF FREMONT / BOARD OF EDUCATION STANDING COMMITTEE**

Contact Persons:

Name:	Fred Diaz
Title:	City Manager
Dept:	City Manager's Office
Phone:	510-284-4000
E-Mail:	fdiaz@fremont.gov

**RECOMMENDATION:** Appoint two Councilmembers to committee.

## **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**

<b><i>Date</i></b>	<b><i>Time</i></b>	<b><i>Meeting Type</i></b>	<b><i>Location</i></b>	<b><i>Cable Channel 27</i></b>
<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>	5:30 p.m.	Special Meeting – Work Session	Council Chambers	Live
<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		