



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

April 11, 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**  
**April 11, 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. *RESTATED SOLID WASTE COLLECTION AGREEMENT - Approve a Restated Solid Waste Collection Agreement with Republic Services Which Combines the Original Agreement and Nine Amendments Into One Consolidated Document***

Contact Persons:

Name:	Kathleen Cote-Guarnieri	Suzanne Wolf
Title:	Environmental Services Manager	Community Services Director
Dept:	Environmental Services	Community Services
Phone:	510-494-4583	510-494-4329
E-Mail:	kcote@fremont.gov	swolf@fremont.gov

**RECOMMENDATION:** *Authorize the City Manager, or his designee, to execute the Amended and Restated Agreement for the Collection, Processing, and Disposal of Municipal Solid Waste, Recyclables, and Organic Waste, as described in this staff report.*

**3. Ceremonial Items**

- A. Proclamation: Supporting the Tri-Cities Ducks for Buck\$ Benefit Race Sponsored by the Kiwanis Club of Fremont**

#### 4. Public Communications

##### A. Oral and Written Communications

**PUBLIC FINANCING AUTHORITY - See separate agenda.**

#### **CONSIDERATION OF ITEMS REMOVED FROM CONSENT CALENDAR**

#### 5. Scheduled Items

##### **A. BOND ISSUANCE FOR FAIRFIELD WARM SPRINGS AFFORDABLE LP (VALLEY OAK) - Public Hearing (Published Notice) in Accordance with the Tax Equity and Fiscal Responsibility Act (TEFRA) to Consider the Issuance of Tax-Exempt Bonds by California Statewide Communities Development Authority (CSCDA) for Fairfield Warm Springs Affordable LP. -- REQUEST TO BE CONTINUED TO MAY 2, 2017 CITY COUNCIL MEETING**

Contact Persons:

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

**RECOMMENDATION:** Continue item to the May 2, 2017 City Council Meeting.

##### **B. FOX AVENUE NAME CHANGE - PLN2015-00294 - Public Hearing (Published Notice) to Consider Adoption of a Resolution Renaming a Private Street from Fox Avenue to Lotus Pond Common Located from the North End of Horseshoe Lake in the Quarry Lakes Regional Recreation Area to its Terminus at Alvarado Niles Road in Union City, and to Consider a Categorical Exemption from the Requirements of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15301, Existing Facilities.**

Contact Persons:

Name:	Spencer Shafsky	Kristie Wheeler
Title:	Planner I	Planning Manager
Dept:	Planning	Planning
Phone:	510-494-4452	510-494-4454
E-Mail:	sshafsky@fremont.gov	kwheeler@fremont.gov

**RECOMMENDATION:**

1. Hold public hearing; and
2. Find the proposed street name change is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, Existing Facilities.
3. Adopt a Resolution renaming Fox Avenue to Lotus Pond Common.

**C. CALIFORNIA NURSERY HISTORICAL PARK MASTER PLAN – 36501 Niles Boulevard – PLN2016-00230 – Public Hearing (Published Notice) to Consider the Historic Architectural Review Board’s and Recreation Commission’s Recommendations to Adopt a Master Plan for the California Nursery Historical Park Located in the Niles Community Plan Area, and to Consider Certification of a Final Environmental Impact Report (SCH No. 2015062024) Prepared and Circulated in Accordance with the Requirements of the California Environmental Quality Act.**

Contact Persons:

Name:	Roger Ravenstad	Suzanne Wolf
Title:	Parks Planning and Design Manager	Community Services Director
Dept:	Landscape Architecture	Community Services
Phone:	510-494-4723	510-494-4329
E-Mail:	rravenstad@fremont.gov	swolf@fremont.gov

**RECOMMENDATION:**

1. Hold a public hearing.
2. Adopt a resolution certifying the Final Environmental Impact Report (SCH No. 2015062024), adopting the Mitigation Measures, adopting findings (the “Findings of Fact”) determining that the EIR has been prepared and circulated for this project in accordance with the requirements of the California Environmental Quality Act (CEQA), as shown in Exhibit A, and adopting a Statement of Overriding Considerations (as described in the staff report), finding that the Final EIR reflects the independent judgment and analysis of the City.
3. Find that the proposed alterations to the historic resource would be consistent with the Secretary of Interior Standards and other applicable standards and guidelines, would be compatible with the period of significance and character defining features and other resources, and would not affect an important architectural, historical, cultural or archaeological feature(s);
4. Approve demolition of the Garden Store, finding that the rehabilitation of the Garden Store would be infeasible from a technical, mechanical, or structural standpoint, and would be disproportionately great in relation to the historical significance and functional value;
5. Adopt the California Nursery Historical Park Master Plan as shown in Exhibit B and Exhibit C.

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

**7. Other Business**

**A. PROPOSED REFUNDING OF VARIABLE RATE CERTIFICATES OF PARTICIPATION - Consider Proposed Refunding of City of Fremont Series 1998, 2008, 2010, and 2012B Variable Rate Certificates of Participation (COPs)**

Contact Persons:

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

**RECOMMENDATION:**

1. Approve the issuance of the 2017A Lease Revenue Bonds with a principal amount not to exceed \$86,000,000, and approve the refunding of the existing 1998, 2008, 2010, and 2012 Variable Rate Demand Certificates of Participation.
2. Adopt a resolution:
  - (a) authorizing the preparation and execution by the City officers and staff identified in the resolution of all documents required to complete the 2017A Lease Revenue Bonds transaction, including the following documents (which are and have been on file with the Office of the City Clerk):
    - a. Continuing Covenant Agreement with U.S. Bank
    - b. Site and Facilities Lease
    - c. Project Lease
    - d. Other administrative documents incidental to the transaction
  - (b) authorizing the City officers and staff identified in the resolution to enter into one or more future extensions, for a period of up to 180 days, of the Continuing Covenant Agreement on substantially the same terms and conditions provided that the Applicable Spread for each extension does not exceed 1%.

**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		
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**

<b>Date</b>	<b>Time</b>	<b>Meeting Type</b>	<b>Location</b>	<b>Cable Channel 27</b>
<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>	5:30 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		
<b>June 6, 2017</b>	7:00 p.m.	City Council Meeting	Council Chambers	Live
<b>June 13, 2017</b>	7:00 p.m.	City Council Meeting	Council Chambers	Live
<b>June 20, 2017</b>	7:00 p.m.	City Council Meeting	Council Chambers	Live
<b>June 27, 2017</b>		No Council Meeting		
<b>July 4, 2017</b>		<i>Holiday - No Council Meeting</i>		
<b>July 11, 2017</b>	7:00 p.m.	City Council Meeting	Council Chambers	Live
<b>July 18, 2017</b>	7:00 p.m.	City Council Meeting	Council Chambers	Live
<b>July 25, 2017</b>		No Council Meeting		
<b>August Recess</b>		<i>No Council Meetings</i>		