



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

April 18, 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 18, 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. CONTRACT EXTENSION WITH MGO LLP FOR FINANCIAL AUDIT SERVICES - Extension of Contract with Macias, Gini & O'Connell LLP for Financial Audit Services Including the City's Comprehensive Annual Financial Report and Other Related Audits and Reports; Authorization to Enter Agreement**

Contact Persons:

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

**RECOMMENDATION:** *Authorize the City Manager or his designee to amend the contract with Macias Gini & O'Connell LLP and extending it out two years to cover the annual audits for Fiscal Year 2016/17 and Fiscal Year 2017/18.*

**D. FREMONT LANDSCAPE MAINTENANCE DISTRICT 88 - Adopt a Resolution Ordering the Preparation and Filing of the Annual Engineer's Report for Landscaping Assessment District 88 and Adopt a Resolution Stating the City Council's Intention to Levy Assessments for Landscape Assessment District 88 for Fiscal Year 2017/2018**

Contact Persons:

Name:	Thomas Doyle	Suzanne Wolf
Title:	Urban Landscape Manager	Community Services Director
Dept:	Community Services	Community Services
Phone:	510-979-5781	510-494-4329
E-Mail:	tdoyle@fremont.gov	swolf@fremont.gov

**RECOMMENDATIONS:**

1. Adopt a resolution ordering the preparation and filing of the annual Engineer's Report for Landscaping Assessment District 88 for Fiscal Year 2017/18.
2. Adopt a resolution stating the intent of the City Council of the City of Fremont to levy and collect assessments for Fremont Landscaping Assessment District 88 for Fiscal Year 2017/18.

**E. APPROVE PURCHASE ORDER FOR FIRE PROTECTIVE EQUIPMENT – Authorize the City Manager to Issue a Purchase Order for Fire Protective Equipment to LN Curtis in an Amount Not to Exceed \$350,000**

Contact Persons:

Name:	Corina Campbell	Geoff Latendresse
Title:	Business Manager	Fire Chief
Dept:	Fire Department	Operations Division
Phone:	510-494-4622	510-494-4224
E-Mail:	ccampbell@fremont.gov	glatendresse@fremont.gov

**RECOMMENDATION:** Authorize City Manager to issue a purchase order to LN Curtis in an amount not to exceed \$350,000.

**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. **2016 ENERGY & FIRE CODE AMENDMENTS - Public Hearing (Published Notice) to Introduce Ordinances Amending FMC Chapter 15.35 (Fire Code) to Require the Installation of Fire Sprinklers in Non-Residential Properties Undergoing Substantial Alterations and Amending FMC Chapter 15.44 (Energy Code) to Require the Installation of Photovoltaic Solar Energy Systems in New Residential Construction.**

Contact Persons:

Name:	Rachel DiFranco	Dan Schoenholz
Title:	Sustainability Coordinator	Deputy Community Development Director
Dept:	Community Development	Community Development
Phone:	510-494-4451	510-494-4438
E-Mail:	rdifranco@fremont.gov	dschoenholz@fremont.gov

#### **RECOMMENDATIONS:**

1. Hold public hearing.
2. Find that the project is exempt from the California Environmental Quality Act (CEQA), pursuant to Guideline 15061(b)(3).
3. Waive full reading and introduce ordinances amending FMC section 15.35.150 of the Fremont Fire Code to include requirements for the installation of fire sprinklers in non-residential properties undergoing significant alterations and adding FMC sections 15.44.040 and 15.44.050 to the Fremont Energy Code to include requirements for the installation of photovoltaic solar energy systems in new residential construction.

### B. **DEVELOPMENT IMPACT FEE ANNUAL ADJUSTMENT - Public Hearing (Published Notice) to Consider Adoption of a Resolution to Establish a Process to Annually Adjust the Development Impact Fees and to Authorize a 6% Increase in Development Fees to Reflect Cost Increases Over the Past Two Years. The Affected Development Impact Fees Include: Capital Facilities, Fire Facilities, Park Facilities, Parkland, and Traffic.**

Contact Persons:

Name:	Jennifer Craven	Jeff Schwob
Title:	Business Manager	Director
Dept:	Community Development	Community Development
Phone:	510-494-4554	510-494-4527
E-Mail:	jcraven@fremont.gov	jschwob@fremont.gov

#### **RECOMMENDATIONS:**

1. Hold public hearing to hear any public comments regarding the proposed impact fee adjustment.
2. Find that the proposed project is an implementation measure of the adopted General Plan for which a Final Environmental Impact Report (EIR; SCH#2010082060) was previously certified, the Downtown Community Plan for which a Final Supplemental EIR for the (SCH#2010072001 and SCH#2010082060) was previously certified, and the Warm Springs/South Fremont Community Plan for which a Final EIR (SCH#2013032062) was previously certified and find that no further environmental review is required as there have been no subsequent changes or no new information that would warrant additional environmental review.
3. Adopt a resolution establishing the Engineering News Record-Construction Cost Index as the index to rely on for annual increases to the development

impact fees and authorizing a 6 percent adjustment of development impact fees to reflect cost changes over the past two years, effective July 1, 2017.

**C. BOND ISSUANCE FOR EDEN HOUSING, INC. (MISSION COURT) - 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 Municipal Finance Authority (CMFA) for Eden Housing, Inc. (Mission Court)**

Contact Persons:

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

**RECOMMENDATIONS:**

1. Hold a public hearing in accordance with TEFRA;
2. Adopt a Resolution Approving the Issuance of Multifamily Housing Revenue Bonds by the California Municipal Finance Authority for the purpose of financing an affordable housing project in the City of Fremont to be developed by Eden Housing, Inc.

**D. DISTRICT-BASED ELECTIONS/COMPOSITION OF DISTRICTS - Public Hearing (Published Notice) to receive input from the community regarding boundaries and composition of districts to be established for district based elections pursuant to Elections Code Section 10010**

Contact Persons:

Name:	Jessica von Borck	Harvey E. Levine
Title:	Assistant City Manager	City Attorney
Dept:	City Manager's Office	City Attorney's Office
Phone:	510-248-4008	510-284-4030
E-Mail:	jvborck@fremont.gov	hlevine@fremont.gov

**RECOMMENDATION:** That the City Council:

1. Receive a report from staff concerning the process for obtaining public input on the composition of voting districts for a district-based election process pursuant to Elections Code Section 10010;
2. Open a public hearing and invite members of the public to speak on the issue of how the voting districts should be composed; and
3. Close the public hearing when there is no more input from the public, and direct staff to forward all public comments to (demographic firm), the City's demographics consultant.

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

**7. Other Business - None.**

## **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 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>	5:45 p.m.	Special Meeting-Work Session	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>		