



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

May 02, 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, May 2, 2017

TIME: 6:45 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)(4) and will pertain to possible initiation of litigation by the City in one matter.

This Special Meeting is being called by Mayor Mei.

Agenda
Fremont City Council Regular Meeting
May 02, 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 Special Meeting-Work Session of April 4, 2017, the Special and Regular Meetings of April 4, 2017, the Regular Meeting of April 11, 2017, and the Regular Meeting of April 18, 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. SECOND READING AND ADOPTION OF AN ORDINANCE FOR THE CITY OF FREMONT ADDING SECTIONS 15.44.040 AND 15.44.050 TO FREMONT MUNICIPAL CODE CHAPTER 15.44, FREMONT ENERGY CODE, TO INCLUDE REQUIREMENTS FOR THE MANDATORY INSTALLATION OF PHOTOVOLTAIC SOLAR ENERGY SYSTEMS IN NEW RESIDENTIAL CONSTRUCTION AND SECOND READING AND ADOPTION OF AN ORDINANCE OF THE CITY OF FREMONT AMENDING FREMONT MUNICIPAL CODE SECTION 15.35.150 TO INCLUDE FIRE SPRINKLERS IN ALTERATIONS TO ANY BUILDING THAT IS MORE THAN 50 PERCENT OF THE SQUARE FOOTAGE**

RECOMMENDATIONS: Adopt ordinances.

- D. ADDITIONAL WEEKEND LIBRARY HOURS SERVICE AGREEMENT - Authorize the City Manager to Execute a Service Agreement with Alameda County Library for Additional Hours on Saturday at Centerville Library and on Sunday at Fremont Main Library.**

Contact Persons:

| | | |
|---------|-----------------------|--------------------------|
| Name: | Jackson Hite | Karena Shackelford |
| Title: | Management Analyst II | Deputy City Manager |
| Dept: | City Manager's Office | City Manager's Office |
| Phone: | 510-284-4016 | 510-284-4063 |
| E-Mail: | jhite@fremont.gov | kshackelford@fremont.gov |

RECOMMENDATION: Authorize the City Manager or his designee to execute a three year service agreement with the option to extend for two additional one year periods with the Alameda County Library for seven additional hours on Saturday for Centerville Library and four additional hours on Sunday for Fremont Main Library in the amount of \$491,724 for Fiscal Year 2017/18. Following Fiscal Year 2017/18, the annual amount of the agreement shall reflect an amount that is equal to the County's budgeted costs for the additional Saturday and Sunday library hours, at Centerville Library and Fremont Main Library respectively; with any increase not to exceed 5% of the previous fiscal year's cost.

E. 2017 PAVEMENT REHABILITATION PROJECT - Approval of Plans and Specifications and Award of Contract to O'Grady Paving, Inc. in the Amount of \$3,164,927.15 for the 2017 Pavement Rehabilitation Project (PWC 8234-Q and 8913) Exempt from Environmental Review per CEQA Guidelines Section 15301 (Existing Facilities)

Contact Persons:

| | | |
|---------|--------------------------|-----------------------|
| Name: | Edward Nakayama | Hans Larsen |
| Title: | Associate Civil Engineer | Public Works Director |
| Dept: | Public Works | Public Works |
| Phone: | 510-494-4775 | 510-494-4722 |
| E-Mail: | enakayama@fremont.gov | hlarsen@fremont.gov |

RECOMMENDATION: Approval of the following actions related to the 2017 Pavement Rehabilitation Project (PWC 8234-Q and 8913):

1. Find this project is exempt from California Environmental Quality Act (CEQA) review pursuant to CEQA Guidelines section 15301 as the repair, maintenance or minor alteration of existing facilities involving no or negligible expansion of use beyond that presently existing.
2. Approve the plans and specifications for the 2017 Pavement Rehabilitation Project, PWC 8234-Q and 8913.
3. Accept the bid and award the construction contract to the lowest responsive and responsible bidder, O'Grady Paving, Inc., in the amount of \$3,164,927.15 and authorize the City Manager or designee to execute the contract.

F. TRI-CITY TAXI VOUCHER PROGRAM CONTRACT AMENDMENT - Amend Taxi Voucher Contract with Siddiq, Inc., DBA Diamond Cab Company and DBA Seir Cab Company, by \$100,000 to meet increased projected need through June 30, 2017 and authorize the City Manager to extend the contract for up to two additional one-year terms.

Contact Persons:

| | | |
|---------|-----------------------------|---------------------------|
| Name: | Shawn Fong | Suzanne Shenfil |
| Title: | Paratransit Program Manager | Director |
| Dept: | Human Services Department | Human Services Department |
| Phone: | 510-574-2033 | 510-574-2051 |
| E-Mail: | sfong@fremont.gov | sshensifil@fremont.gov |

RECOMMENDATIONS:

1. Approve and authorize the City Manager to execute an amendment to the FY 2016/2017 Tri-City Taxi Voucher Program contract with Siddiq, Inc., DBA Diamond Cab Company and DBA Seir Cab Company, to increase the not to exceed compensation amount by \$100,000 for a total not to exceed compensation amount of \$215,914.
2. Appropriate an additional \$100,000 to this program in the Paratransit Fund (Fund 178).
3. Authorize the City Manager to execute amendments to extend the contract for up to two additional one-year terms (FY 2017-2018 and FY 2018-2019) with a not to exceed compensation amount of \$325,000 in each year.

G. FUSE Corps - Approval to execute a Service Agreement with FUSE Corps to provide a FUSE Fellow who will work jointly with Fremont Unified School District to develop a long term plan to implement maker education in Fremont.

Contact Persons:

| | | |
|---------|--------------------------|---------------------------------|
| Name: | Karena Shackelford | Kelly Kline |
| Title: | Deputy City Manager | Director |
| Dept: | City Manager's Office | Economic Development Department |
| Phone: | 510-284-4063 | 510-284-4024 |
| E-Mail: | kshackelford@fremont.gov | kkline@fremont.gov |

RECOMMENDATION: Authorize the City Manager, or his designee, to execute a service agreement with FUSE Corps to provide a one year agreement to develop a long term plan to implement maker education in Fremont.

H. MAIN LIBRARY BUILDING UPGRADES - Appropriation of Funds in the Amount of \$97,000 and Authorization to Enter into an Agreement with Alameda County for Main Library Building Upgrades (PWC 8926)

Contact Persons:

| | | |
|---------|--------------------------------------|-----------------------|
| Name: | Martha Martinez | Hans Larsen |
| Title: | Facilities Design Project Supervisor | Public Works Director |
| Dept: | Public Works | Public Works |
| Phone: | 510-494-4727 | 510-494-4722 |
| E-Mail: | mamartinez@fremont.gov | hlarsen@fremont.gov |

RECOMMENDATIONS:

1. Find that the proposed Main Library Modifications Project is categorically exempt from review under the California Environmental Quality Act (CEQA) per CEQA guidelines section 15301, as the repair, maintenance or minor alteration of an existing facility involving negligible or no expansion of use
2. Appropriate funds from Alameda County in the amount of \$97,000 to PWC8926-502 (Fund 502 - Outside Sources), Main Library Building Modifications Project.
3. Approve and authorize the City Manager to execute an agreement with Alameda County for the Main Library Building Modifications Project.

3. Ceremonial Items

- A. Proclamation: Affordable Housing Week, May 11 – May 21

4. Public Communications

- A. Oral and Written Communications

PUBLIC FINANCING AUTHORITY - None

CONSIDERATION OF ITEMS REMOVED FROM CONSENT CALENDAR

5. Scheduled Items

- A. **CDBG FISCAL YEAR 2017/18 FUNDING RECOMMENDATION AND FISCAL YEAR 2017/18 ACTION PLAN - Public Hearing (Published Notice) on the Use of Federal Community Development Block Grant Fund for FY 2017/18, Adoption of a Resolution Approving the FY 2017/18 Action Plan; and Authorizing the City Manager to Execute Agreements with the U.S. Department of Housing and Urban Development and CDBG Grantees**

Contact Persons:

| | | |
|---------|---------------------------|----------------------------------|
| Name: | Lucia Hughes | Suzanne Shenfil |
| Title: | CDBG Administrator | Director |
| Dept: | Human Services Department | <i>Human Services Department</i> |
| Phone: | 510-574-2043 | 510-574-2051 |
| E-Mail: | lhughes@fremont.gov | sshensif@fremont.gov |

RECOMMENDATIONS:

1. Hold a public hearing on the proposed FY 2017/18 CDBG Program Final Statement of Community Development Objectives and projected Use of Funds.
2. Allocate CDBG funds for FY 2017/18 in the amounts stated herein, subject to actual CDBG FY 2017/18 entitlement allocation, and contingent upon the adoption of the FY 2017/18 budget by the City Council.
3. Authorize staff to:
 - a) reduce funding levels of capital projects in accordance with the contingency provisions identified in this staff report should the City's actual 2017/18 CDBG entitlement allocation amount be lower than staff's estimate.
 - b) to allocate additional funds to public service projects should the City receive additional program income in FY 2016/17.
 - c) to adjust public service projects' budgets proportionally from the estimated funding levels to match actual allocation amounts.
 - d) to allocate (in the order described in this report) any fund balance exceeding \$33,000 left by existing 2016/17 and 2017/18 CDBG projects to projects that have been fully eliminated as a result of more than a 33% reduction in the CDBG entitlement allocation.
4. Adopt a resolution:
 - a) approving, and authorizing the City Manager or his designee to submit the FY 2017/18 CDBG Program Final Statement of Community Development Objectives and Projected Use of Funds, and the CDBG Action Plan as recommended by the Citizens Advisory Committee and staff in the amounts stated herein, including any adjustments made based on the actual CDBG entitlement received.

- b) authorizing the City Manager or his designee to execute the FY 2017/18 CDBG funding agreement with HUD.
- c) authorizing the City Manager or his designee to execute agreements effective July 1, 2017, with the grantees recommended for funding by staff and the Citizens Advisory Committee in the amounts set forth herein, contingent upon a finding of no significant impact in the corresponding environmental assessments and completion of the required public comment period, and contingent upon adoption of the budget for FY 2017/18.

B. 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 JUNE 6, 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: Open the public hearing and continue item to the June 6, 2017 City Council Meeting.

C. DISTRICT-BASED ELECTIONS/COMPOSITION OF DISTRICTS/ELECTION SEQUENCING - 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 and Election Sequencing

Contact Persons:

| | | |
|---------|------------------------|-------------------------------|
| Name: | Jessica von Borck | Harvey E. Levine |
| Title: | Assistant City Manager | City Attorney |
| Dept: | City Manager's Office | <i>City Attorney's Office</i> |
| 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 draft maps of potential voting districts and potential election sequencing for a district-based election process pursuant to Elections Code Section 10010;
2. Open a public hearing and invite members of the public to provide feedback on the draft maps and potential election sequencing presented; and
3. Close the public hearing when there is no more input from the public, and provide direction to the City's demographics consultant about potential modifications to the draft maps or any new maps required and on the potential election sequencing to implement the district based election system.

6. Report from City Attorney

7. Other Business

A. INTRODUCTION OF ORDINANCE FORMING THE FREMONT INDUSTRIAL DEVELOPMENT AUTHORITY - Introduction of an Ordinance of the City Council Forming the Fremont Industrial Development Authority

Contact Persons:

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

RECOMMENDATIONS:

1. Hold public hearing.
2. Introduce an ordinance forming the Fremont Industrial Development Authority.

B. RIDGEWOOD DRIVE EMERGENCY STORM DRAIN REPAIR - Emergency Repair of Damaged Storm Drain Line and Associated Street Failure on Ridgewood Drive between Deep Creek Road and Tacoma Common; Exempt from CEQA Review per CEQA Guidelines Section 15269 (Emergency Projects)

Contact Persons:

| | | |
|---------|--------------------------|-----------------------|
| Name: | Edelzar Garcia | Hans Larsen |
| Title: | Associate Civil Engineer | Public Works Director |
| Dept: | Public Works | <i>Public Works</i> |
| Phone: | 510-494-4781 | 510-494-4722 |
| E-Mail: | egarcia@fremont.gov | hlarsen@fremont.gov |

RECOMMENDATIONS:

1. Find that the Ridgewood Drive Emergency Storm Drain Repair Project is exempt from CEQA review pursuant to CEQA Guidelines Section 15269 as emergency repairs needed to maintain essential services and to restore an existing roadway damaged by subsidence.
2. Review the City Manager's emergency action and determine by a 4/5 vote that: the award to W.R. Forde Associates of a construction contract for the emergency repair work described in this report without competitive bidding is necessary to respond to an emergency, the need for this action continues, and the Ridgewood Drive Emergency Storm Drain Repair Project is an emergency project.
3. Authorize the City Manager or designee to execute a contract with W.R. Forde Associates for the emergency repair work described in this report.

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**

| Date | Time | Meeting Type | Location | Cable Channel 27 |
|----------------------|-------------|-------------------------------------|------------------|-------------------------|
| May 9, 2017 | 5:45 p.m. | Special Meeting-Work Session | 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 | | |
| June 6, 2017 | 7:00 p.m. | City Council Meeting | Council Chambers | Live |
| June 13, 2017 | 7:00 p.m. | City Council Meeting | Council Chambers | Live |
| June 20, 2017 | 7:00 p.m. | City Council Meeting | Council Chambers | Live |
| June 27, 2017 | | No Council Meeting | | |
| July 4, 2017 | | <i>Holiday – No Council Meeting</i> | | |
| July 11, 2017 | 7:00 p.m. | City Council Meeting | Council Chambers | Live |
| July 18, 2017 | 7:00 p.m. | City Council Meeting | Council Chambers | Live |
| July 25, 2017 | | No Council Meeting | | |
| August Recess | | <i>No Council Meetings</i> | | |