



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

May 16, 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.*

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

**DATE:** Tuesday, May 16, 2017  
**TIME:** 5:45 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 LABOR NEGOTIATOR:** The City Council will hold a special meeting which will commence as an open meeting and then adjourn to a closed session as authorized by Government Code Section 54957.6 for the purpose of reviewing its position for upcoming employee negotiations and for instructing Fred Diaz, City Manager; Jessica von Borck, Assistant City Manager; Karena Shackelford, Deputy City Manager; Brian Stott, Deputy City Manager; Harvey Levine, City Attorney; and Debra Margolis, Assistant City Attorney, as the City's negotiators regarding salaries, salary schedules, compensation paid in the form of fringe benefits of its represented and unrepresented employees, and for any other matters within the statutorily provided scope of representation.

The names of the organizations representing employees in question are:

Fremont Association of Management Employees  
City of Fremont Employee Association  
Operating Engineers, Local Union No. 3  
Fremont Police Association  
Fremont Police Managers' Association  
Professional Engineers and Technicians Association  
Fremont Professional Fire Fighters, International Association of  
Fire Fighters, Local 1689  
Battalion Chiefs, International Association of Fire Fighters, Local 1689

This Special Meeting is being called by Mayor Mei.



**Agenda**  
**Fremont City Council Regular Meeting**  
**May 16, 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. 2017 CAPE AND SLURRY SEAL PROJECT - Approval of Plans and Specifications and Award of Contract to Telfer Pavement Technologies, LLC in the Amount of \$3,821,700.08 for the 2017 Cape and Slurry Seal Project (PWC 8195-N) 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 Cape and Slurry Seal Project (PWC 8195):*

- 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 the use beyond that presently existing.*
- 2. Approve the plans and specifications for the 2017 Cape and Slurry Seal Project, PWC 8195-N.*
- 3. Accept the bid and award the construction contract to the lowest responsive and responsible bidder, Telfer Pavement Technologies, LLC, in the amount of \$3,821,700.08 and authorize the City Manager or designee to execute the contract.*

**D. DEMOLITION OF "TOWN FAIR" BUILDINGS - Reject All Bids Received on April 26, 2017 for the Demolition of Buildings 1 and 2, Town Fair Shopping Center (PWC8520)**

Contact Persons:

Name:	Adrian Simoes	Hans Larsen
Title:	Facilities Design & Construction Project Supv. II	Public Works Director
Dept:	Public Works	Public Works
Phone:	510-494-4769	510-494-4722
E-Mail:	asimoes@fremont.gov	hlarsen@fremont.gov

**RECOMMENDATION:** Reject all bids submitted on April 26, 2017 for the Demolition of Buildings 1 and 2, Town Fair Shopping Center Project (PWC8520) and direct staff to make any necessary revisions to the contract documents and re-bid the project.

**E. WETLANDS MITIGATION FOR FREMONT BOULEVARD WIDENING PROJECT - Authorization to Execute an Agreement for Sale of Mitigation Credits with the San Francisco Bay Wetland Mitigation Bank in the amount of \$110,000 for the Fremont Boulevard Widening Project – Phase II – Structural - Between Landing Parkway and West Warren Avenue (PWC 8661).**

Contact Persons:

Name:	Mirabel Aguilar	Hans Larsen
Title:	Associate Civil Engineer	Public Works Director
Dept:	Public Works	Public Works
Phone:	510-494-4761	510-494-4722
E-Mail:	maguilar@fremont.gov	hlarsen@fremont.gov

**RECOMMENDATION:** Approve, and authorize the City Manager or his designee to execute, the Wetland Mitigation Bank Agreement for Sale of Mitigation Credits, in the amount of \$110,000, for the Fremont Boulevard Widening – Phase II – Structural Project between Landing Parkway and West Warren Avenue.

**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. **DISTRICT-BASED ELECTIONS / CONTENT OF DRAFT MAPS, SEQUENCE OF ELECTIONS – Public Hearing (Published Notice) to receive input from the community regarding content of district boundary draft maps and proposed sequence of 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 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 any final modifications to a selected district map and the potential election sequencing to implement the district based election system.

### B. **SPRING 2017 CODE AMENDMENTS – Citywide – PLN2017-00244 - Public Hearing (Public Notice) to Consider the Planning Commission's Recommendation to Adopt Text Amendments to Various Chapters of Fremont Municipal Code Title 12 (Streets, Sidewalks and Public Property) and Title 18 (Planning and Zoning) for Conformance with State and Federal Law Pertaining to Density Bonuses, Accessory Dwelling Units, Marijuana, and Wireless Telecommunications Facilities, and for Correction, Clarification and Enhancement of Regulations Related to Development and Use of Property Within the City, to Consider Amendments to the Zoning Map for Conformance with the General Plan, to Consider Amendments to the Citywide Design Guidelines to Add New Design Rules and Guidelines for the Development of Wireless Telecommunications Facilities, and to Consider an Exemption from the Requirements of the California Environmental Quality Act (CEQA) Pursuant to CEQA Guidelines Section 15061(b)(3) in that the Proposed Amendments are Not a Project Which has the Potential for Causing a Significant Effect on the Environment.**

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. Hold public hearing.
2. Find that the proposed amendments are exempt from the requirements of the California Environmental Quality Act (CEQA) per Sections 15061(b)(3) and 15308 of the CEQA Guidelines in that it is not a project which has the

potential to cause a significant effect on the environment, and that proposed text amendments will preserve and enhance aesthetic resources.

3. Find that the proposed amendments are consistent with the General Plan, including policies in the Land Use, Community Character, and Public Facilities Elements as enumerated in the staff report.
4. Find that the proposed amendments further the public interest, convenience, and general welfare of the City by ensuring consistency of the Fremont Municipal Code, Zoning Map, and Citywide Design Guidelines with the General Plan, and state and federal law, and providing for zoning district uses and development standards that are relevant to current development trends, easy to use, flexible, equitable, and that minimize health, safety and other objectionable impacts to Fremont residents.
5. Introduce an ordinance approving amendments to FMC Title 18 (Planning and Zoning) for conformance with State law pertaining to marijuana regulation, density bonus, and accessory dwelling units, and for correction, clarification and enhancement of regulations, and amendments to the Zoning Map, as shown on Exhibit "A," for conformance with the General Plan.
6. Introduce an ordinance approving amendments to FMC Title 12 (Streets, Sidewalks and Public Property) and FMC Title 18 (Planning and Zoning) to address State and federal law pertaining to wireless telecommunications facilities.
7. Direct staff to prepare and the City Clerk to publish a summary of the ordinances.
8. Adopt a resolution approving amendments to the Citywide Design Guidelines to add design rules and design guidelines for the construction of new wireless facilities, and co-location on existing facilities, as shown on Exhibit "B."

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

## **7. Other Business**

### **A. FY 2017/18 PROPOSED OPERATING BUDGET - Presentation of FY 2017/18 Proposed Operating Budget**

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:** Accept staff's budget presentation and provide comments.

### **B. CAPITAL IMPROVEMENT PROGRAM UPDATE - Presentation of Updated 5-Year Capital Improvement Program and Approval of Minor Budget Actions.**

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. Provide comments to staff on the project list and proposed funding for the FY 2017/18 – 2021/22 CIP.
2. Defund PWC7859 fund 530 WW –Central Park Turf & Poplar Renovation in an estimated amount of \$22,000.

**C. GENERAL PLAN AMENDMENT PRIORITIZATION POLICY - Citywide - PLN2017-00252 - To Consider the Planning Commission’s Recommendations Regarding Refinements to the General Plan Prioritization Policy, Which Was Created to Provide an Initial Screening Process for General Plan Amendments that, If Approved, Would Allow Additional Market-Rate Residential Development, and to Consider a Finding that No Environmental Review is Required in Compliance with the California Environmental Quality Act (CEQA) Pursuant to CEQA Guidelines Section 15061(b)(3) as the Project Does Not Have the Potential For Causing a Significant Effect on the Environment.**

Contact Persons:

Name:	Kristie Wheeler	Jeff Schwob
Title:	Planning Manager	Director
Dept:	Planning	Community Development
Phone:	510-494-4454	510-494-4527
E-Mail:	kwheeler@fremont.gov	jschwob@fremont.gov

**RECOMMENDATIONS:**

1. Hold public hearing.
2. Find that the proposed refinements to the General Plan Amendment Screening Policy are exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) as they do not have the potential for causing a significant effect on the environment.
3. Adopt a resolution approving refinements to the General Plan Amendment Screening Policy.

**D. MOBILITY COMMISSION REFERRAL - Consider Staff Report and Recommendations in Response to Council Referral on Creation of a Mobility Commission and Other Options to Address Transportation Mobility Issues.**

Contact Persons:

Name:	Hans Larsen
Title:	Public Works Director
Dept:	Public Works
Phone:	510-494-4722
E-Mail:	hlarsen@fremont.gov

**RECOMMENDATIONS:**

1. Direct staff to facilitate the creation of a Fremont Mobility Action Plan, prepared by a professional consultant team, with guidance from a community-based Mobility Task Force, coordination with regional transportation agencies, neighboring cities, and other regional stakeholders, and opportunities for public outreach and input.
2. Direct staff to work with Mayor Mei on the selection of representatives for the Mobility Task Force for subsequent review and approval by the City Council.

**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>May 23, 2017</b>		No Council Meeting		
<b>May 30, 2017</b>		No Council Meeting		
<b>Wednesday, May 31, 2017</b>	5:30 p.m.	Special Meeting	Council Chambers	Live
<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>		
<b>September 5, 2017</b>	7:00 p.m.	City Council Meeting	Council Chambers	Live
<b>September 12, 2017</b>	7:00 p.m.	City Council Meeting	Council Chambers	Live
<b>September 19, 2017</b>	7:00 p.m.	City Council Meeting	Council Chambers	Live
<b>September 26, 2017</b>		No Council Meeting		