



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  
  
Susan Gauthier, City Clerk  
Kelly Kline, Economic Development Director  
Hans Larsen, Public Works Director  
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  
Amiel Thurston, Interim Fire Chief  
Suzanne Wolf, Community Services Director

# Fremont City Council Agenda and Report

September 05, 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**  
**September 05, 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 of May 31, 2017, the Special Meeting and Regular Meetings of June 6, 2017, the Regular Meeting of June 13, 2017, the Special and Regular Meetings of June 20, 2017, the Regular Meeting of July 11, 2017, and the Special and Regular Meetings of July 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. REPORT OF ACTIONS TAKEN DURING COUNCIL RECESS - Report of Actions Taken by the City Manager during Council Recess, July 19, 2017 through September 4, 2017**

Contact Persons:

Name: Susan Gauthier  
Title: City Clerk  
Dept: City Clerk's Office  
Phone: 510-284-4076  
E-Mail: sgauthier@fremont.gov

**RECOMMENDATION:** Receive report acknowledging actions taken by the City Manager or designee during the recess.

**D. CUPA/HAZMAT STATE SURCHARGE INCREASES - Adopt a Resolution to Amend the Master Fee Schedule to Implement Changes to Conform To CalEPA's Certified Unified Program (CUPA) Fees**

Contact Persons:

Name: Corina Campbell  
Title: Business Manager  
Dept: Fire Department  
Phone: 510-494-4622  
E-Mail: ccampbell@fremont.gov

**RECOMMENDATION:** Adopt a resolution amending the Master Fee Schedule to increase the Unified Program State General Oversight Surcharge to \$49.00 per business/facility and the Underground Tank Program (UGT) Surcharge to \$20.00 per tank.

**E. APPROVE TAX SERVICE AGREEMENT - Approve Tax Service Agreement with HdL Coren & Cone**

Contact Persons:

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

**RECOMMENDATION:**

1. Authorize the City Manager or his designee to execute a service agreement with HdL Coren & Cone at an annual not-to-exceed amount of \$30,000 for an initial three-year term. Compensation for property tax audit and recovery services is contingent on the amount of property tax or documentary transfer tax revenue recovered and is not subject to the annual not to exceed limit.
2. Authorize the City Manager or his designee to annually renew the service agreement with HdL Coren & Cone for up to three additional years subject to fee adjustments based on the California Consumer Price Index as specified in the service agreement.

**F. FY 2017/18 TWO MEMORANDUMS OF UNDERSTANDING WITH ALAMEDA COUNTY REGARDING MEDI-CAL - Authorize the City Manager to Execute Two Memorandums of Understanding with the Alameda County Health Care Services Agency for Fremont Human Services FY 2017/18 Medi-Cal Administrative Activities and Targeted Case Management Services**

Contact Persons:

Name:	Leticia Leyva	Suzanne Shenfil
Title:	Management Analyst II	Director
Dept:	Human Services Department	Human Services Department
Phone:	510-574-2072	510-574-2051
E-Mail:	lleyva@fremont.gov	sshensfil@fremont.gov

**RECOMMENDATION:** Authorize the City Manager or designee to execute Memoranda of Understanding with the Alameda County Health Care Services Agency to enable the City's Human Services Department to receive reimbursement for eligible FY 2017/18 expenses through Alameda County's Targeted Case Management Program in the anticipated amount of \$510,000, and Medi-Cal Administrative Activities Program in the anticipated amount of \$475,000, as described in this staff report.

**G. WARM SPRINGS BART WEST ACCESS BRIDGE AND PLAZA PROJECT - Reject all Bids Received on August 7, 2017 for the Warm Springs BART West Access Bridge and Plaza Project (PWC8804)**

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:** Reject all bids submitted on August 7, 2017 for the Warm Springs BART West Access Bridge and Plaza Project and authorize staff to revise the bid package and rebid the project.

**H. QUIET ZONE CONSULTANT SERVICES - Approval of Agreement for On-Call Consultant Services with RailPros, Inc. for the Development of Railroad Quiet Zone Projects in the Amount of up to \$150,000 Annually.**

Contact Persons:

Name:	Jeanne Suyeishi	Hans Larsen
Title:	Senior Civil Engineer	Public Works Director
Dept:	Public Works	Public Works
Phone:	510-494-4728	510-494-4722
E-Mail:	jsuyeishi@fremont.gov	hlarsen@fremont.gov

**RECOMMENDATION:** Authorize the City Manager or his designee to execute a master service agreement with RailPros, Inc. for on-call quiet zone consulting services in a compensation amount not-to-exceed \$150,000 per year for three years, with the option for the City Manager or his designee to renew the agreement for up to two additional one year terms with a not-to-exceed compensation amount of \$150,000 per year, provided the City Manager or his designee determines that the consultant has been responsive to the City's needs and the quality of work has been satisfactory.

**I. PARTICIPATION IN COUNTY HOME PROGRAM - Request for Continued Participation in the Alameda County HOME Investment Partnership Act (HOME) Program Consortium**

Contact Persons:

Name:	Lucia Hughes	Suzanne Shenfil
Title:	CDBG Administrator	Director
Dept:	Human Services Department	Human Services Department
Phone:	510-574-2043	510-574-2051
E-Mail:	lhughes@fremont.gov	sshensfil@fremont.gov

**RECOMMENDATION:** Adopt a resolution:

1. Approving the City's continued participation in the Alameda County HOME Program Consortium for the next three (3) Federal Fiscal Years 2018/19, 2019/20, and 2020/21 for the purpose of securing federal HOME funds;
2. Authorizing the continued participation of the Alameda County Urban County in the Alameda County HOME Consortium; and
3. Authorizing the City Manager or his designee to execute the participation agreement between the City and Alameda County, to take all actions necessary for participation in the Consortium, and to execute the necessary documents to maintain the eligibility of the Consortium for HOME program funds in accordance with the National Affordable Housing Act of 1990.

### **3. Ceremonial Items**

- A. Resolution: Energy Upgrade California**

### **4. Public Communications**

- A. Oral and Written Communications**

**INDUSTRIAL DEVELOPMENT AUTHORITY - None**

**PUBLIC FINANCING AUTHORITY – None**

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

### **5. Scheduled Items**

- A. UPDATE TO RESIDENTIAL ZONING STANDARDS AND CITYWIDE DESIGN GUIDELINES, AND CREATION OF SOLAR ACCESS PRESERVATION ORDINANCE -Citywide - Public Hearing (Published Notice; Display Ad) to Consider Planning Commission Recommendations for Amendments to Title 18 (Planning and Zoning) of the Fremont Municipal Code and the Citywide Design Guidelines, including: 1) an update to development standards, design rules, and design guidelines that focus on maintaining the character for single-family residential neighborhoods and further assist in achieving compatibility of new, expanded, or reconstructed homes with surrounding homes in the neighborhood; and 2) creation of a citywide Solar Access Preservation Ordinance so that any increase in the height of an existing building or that any new development does not excessively shade solar zones on adjoining properties, and to consider an exemption from the requirements of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15061(b)(3) in that the proposed amendments do not have the potential for causing a significant effect on the environment (PLN2017-00246).**

Contact Persons:

Name: Jeff Schwob  
Title: Director  
Dept: Community Development  
Phone: 510-494-4527  
E-Mail: jschwob@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 Guidelines Section 15061(b)(3) in that the proposed amendments do not have the potential for causing a significant effect on the environment.
3. Find that the proposed amendments are consistent with the General Plan, including the policies contained in the Community Character and Land Use 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 that new or substantially reconstructed homes within R-1 (Single-family Residence) districts are compatible with neighborhood character and do not overwhelm adjacent homes, and in ensuring that building height additions and new construction citywide (excluding the Downtown, City Center and Warm Springs Districts) does not shadow solar zones on adjacent properties.
5. Introduce an ordinance approving amendments to FMC Title 18 (Planning and Zoning) to provide updated R-1 (Single-family Residence) development standards and create new standards to preserve solar access citywide (excluding the Downtown, City Center and Warm Springs Districts).
6. Direct staff to prepare, and the City Clerk to publish, a summary of the ordinance.
7. Adopt a resolution approving amendments to the Citywide Design Guidelines to add design rules and design guidelines relating to single family residential design, in particular for compatibility with neighborhood context, but also to strengthen rules and guidelines addressing building design, massing, and privacy.

## 6. Report from City Attorney

## 7. Other Business

### A. **SB 649 (HUESO) WIRELESS TELECOMMUNICATIONS FACILITIES - Update on Legislative Efforts the City Has Taken to Oppose SB 649 (Hueso).**

Contact Persons:

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

**RECOMMENDATION:** Receive report.

### B. **MOBILITY TASK FORCE - Approve Selection of Twelve Members for the Fremont Mobility Task Force and Solicit Applications for Two Additional Members Representing Council District 6 (Irvington Area) and Fremont Unified School District**

Contact Persons:

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

**RECOMMENDATION:**

1. Approve selection of twelve members for the Fremont Mobility Task Force.
2. Solicit applications for two additional members representing Council District 6 (Irvington Area) and Fremont Unified School District for selection by the Mayor.

## 8. Council Communications

### A. Council Referrals

#### 1. MAYOR MEI REFERRAL: Appointment to Advisory Body

Contact Persons:

Name: Lily Mei  
Title: Mayor  
Dept: City Council  
Phone: 510-284-4011  
E-Mail: lmei@fremont.gov

#### **Appointment:**

<i>Advisory Body</i>	<i>Appointee</i>	<i>Term Expires</i>
Human Relations Commission	Cullen Tiernan	December 31, 2018

**RECOMMENDATION:** Approve appointment.

### 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
		HRC	Human Relations Commission
ACWD	Alameda County Water District	ICMA	International City/County Management Association
ARB	Art Review Board		
BAAQMD	Bay Area Air Quality Management District	JPA	Joint Powers Authority
		LLMD	Lighting and Landscaping Maintenance District
BART	Bay Area Rapid Transit District		
BCDC	Bay Conservation & Development Commission	LOCC	League of California Cities
		LOS	Level of Service
BMPs	Best Management Practices	MOU	Memorandum of Understanding
BMR	Below Market Rate	MTC	Metropolitan Transportation Commission
		NEPA	National Environmental Policy Act
CALPERS	California Public Employees' Retirement System	NLC	National League of Cities
		NPDES	National Pollutant Discharge Elimination System
CBC	California Building Code	NPO	Neighborhood Preservation Ordinance
CDD	Community Development Department	PC	Planning Commission
CC & R's	Covenants, Conditions & Restrictions	PD	Planned District
CDBG	Community Development Block Grant	PDA	Priority Development Area
CEQA	California Environmental Quality Act	PUC	Public Utilities Commission
CERT	Community Emergency Response Team	PVAW	Private Vehicle Accessway
CIP	Capital Improvement Program	PWC	Public Works Contract
CNG	Compressed Natural Gas	RFP	Request for Proposals
COF	City of Fremont	RFQ	Request for Qualifications
COPPS	Community Oriented Policing and Public Safety	RHNA	Regional Housing Needs Allocation
		ROP	Regional Occupational Program
CSAC	California State Association of Counties	RRIDRO	Residential Rent Increase Dispute Resolution Ordinance
CTC	California Transportation Commission		
dB	Decibel	RWQCB	Regional Water Quality Control Board
DEIR	Draft Environmental Impact Report	SACNET	Southern Alameda County Narcotics Enforcement Task Force
DU/AC	Dwelling Units per Acre		
EBRPD	East Bay Regional Park District	STIP	State Transportation Improvement Program
EDAC	Economic Development Advisory Commission (City)	TCRDF	Tri-Cities Recycling and Disposal Facility
		TOD	Transit Oriented Development
EIR	Environmental Impact Report (CEQA)	TS/MRF	Transfer Station/Materials Recovery Facility
EIS	Environmental Impact Statement (NEPA)	UBC	See CBC
		VTA	Santa Clara Valley Transportation Authority
ERAF	Education Revenue Augmentation Fund	WMA	Waste Management Authority
EVAW	Emergency Vehicle Accessway		
FAR	Floor Area Ratio	ZA	Zoning Administrator
FEMA	Federal Emergency Management Agency	ZTA	Zoning Text Amendment
FFD	Fremont Fire Department		
FMC	Fremont Municipal Code		
FPD	Fremont Police Department		
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>September 12, 2017</b>	7:00 p.m.	City Council Meeting	Council Chambers	Live
<b>September 19, 2017</b>	5:30 p.m.	Special Meeting – Work Session	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		
<b>Monday, October 2, 2017</b>	5:30 p.m.	Joint Council/FUSD Meeting	<i>FUSD</i>	Live
<b>October 3, 2017</b>	7:00 p.m.	City Council Meeting	Council Chambers	Live
<b>October 10, 2017</b>	7:00 p.m.	City Council Meeting	Council Chambers	Live
<b>October 17, 2017</b>	7:00 p.m.	City Council Meeting	Council Chambers	Live
<b>October 24, 2017</b>		No Council Meeting		
<b>October 31, 2017</b>		No Council Meeting		
<b>November 7, 2017</b>	7:00 p.m.	City Council Meeting	Council Chambers	Live
<b>November 14, 2017</b>	7:00 p.m.	City Council Meeting	Council Chambers	Live
<b>November 21, 2017</b>	7:00 p.m.	City Council Meeting	Council Chambers	Live
<b>November 28, 2017</b>				
<b>December 5, 2017</b>	7:00 p.m.	City Council Meeting	Council Chambers	Live
<b>December 12, 2017</b>	7:00 p.m.	City Council Meeting	Council Chambers	Live
<b>December 19, 2017</b>	7:00 p.m.	City Council Meeting	Council Chambers	Live
<b>December 26, 2017</b>				