



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

December 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.*

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

**DATE:** Tuesday, December 5, 2017  
**TIME:** Immediately Following the Council Meeting  
**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 subdivision (d)(4) of Section 54956.9 of the Government Code 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**  
**December 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 - None**
- C. SECOND READING AND ADOPTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FREMONT LEVYING SPECIAL TAXES WITHIN CITY OF FREMONT COMMUNITY FACILITIES DISTRICT NO. 2 (WARM SPRINGS PUBLIC FACILITIES)**  
  
**RECOMMENDATION:** Adopt Ordinance Levying Special Taxes in CFD No. 2.
- D. WARM SPRINGS SENIOR CENTER PROJECT - Request for Council to Appropriate \$2,200,000 to the Warm Springs Senior Center Project**

Contact Persons:

Name:	Dan Schoenholz	Lucia Hughes
Title:	Deputy Community Development Director	Rent Review Ordinance Administrator
Dept:	Community Development	Human Services Department
Phone:	510-494-4438	510-574-2043
E-Mail:	dschoenholz@fremont.gov	lhughes@fremont.gov

**RECOMMENDATIONS:**

1. Receive staff report
2. Appropriate \$2,200,000 from Fund 112 (City Funded Affordable Housing Funds) for the Warm Springs Senior Center project land acquisition.

- E. CAPITOL VILLAS SURPLUS RIGHT-OF-WAY VACATION - To Consider Adoption of a Resolution Summarily Vacating Portions of the Hastings Street and Capitol Avenue Public Right-of-Ways Along the Project Frontages of the Capitol Villas Mixed-Use Development in the Central Community Plan Area, and a Finding that the Proposed Vacation is Exempt from the Requirements of the California Environmental Quality Act (CEQA) Pursuant to CEQA Guidelines Section 15305, Minor Alterations in Land Use Limitations.**

Contact Persons:

Name:	Steve Kowalski	Kristie Wheeler
Title:	Associate Planner	Planning Manager
Dept:	Planning	Planning
Phone:	510-494-4532	510-494-4454
E-Mail:	skowalski@fremont.gov	kwheeler@fremont.gov

**RECOMMENDATIONS:**

1. Find Summary Vacation PLN2017-00340 exempt from CEQA per CEQA Guidelines Section 15305 because the vacation is a minor alteration in land use limitations that does not result in any land use or density changes.
2. Find Summary Vacation PLN2017-00340 as depicted and described in Exhibit "A" is in conformance with the General Plan for the reasons stated in the body of this report.
3. Find Summary Vacation PLN2017-00340, as depicted and described in Exhibit "A" fulfills the applicable criteria for summary vacation in that the area to be vacated is not required for street purposes, and further find that the area to be vacated would not be useful as a non-motorized transportation facility, both as stated in the body of this report.
4. Adopt a resolution ordering the summary vacation of the portion of the Hastings Street/Capitol Avenue public right-of-way as depicted and described in Exhibit "A" and conditioned upon the City's receipt of a \$17,410.00 payment for the fair market value of the area to be vacated. The funds will be receipted to Fund 501 Capital Improvement Fund.
5. Authorize the sale of and authorize the City Manager or his designee to execute a grant deed conveying the area to be vacated as shown in Exhibit "A" to Kontech USA, Inc., a Corporation, or its successor(s) in interest at the fair market value of \$17,410.00.
6. Direct that the resolution of street vacation and the deed from the City conveying the vacated area be deposited into an informal escrow with the City and, upon the City Engineer's determination that the condition specified in Recommendation #4, above, has been met, that the documents be recorded together at the office of the Alameda County Recorder in the following order:
  - a. Resolution of Street Vacation PLN2017-00340.
  - b. Deed conveying the vacated street to Kontech USA, Inc., or its successor(s) in interest.
7. Direct staff to recognize the sale proceeds as revenue in the Capital Improvement Fund (Fund 501) to be appropriated for street improvements as part of the 2018/19 – 2022/23 Capital Improvement Plan.

**F. RENEWAL OF PUBLIC RELATIONS/MARKETING COMMUNICATIONS CONTRACT - Authorize the City manager to Execute a Contract with The Hoffman Agency for Public Relations Services**

Contact Persons:

Name:	Jackson Hite	Kelly Kline
Title:	Management Analyst II	Director
Dept:	City Manager's Office	Economic Development Department
Phone:	510-284-4016	510-284-4024
E-Mail:	jhite@fremont.gov	kkline@fremont.gov

**RECOMMENDATION:** Authorize the City Manager, or his designee, to execute a contract with The Hoffman Agency for public relations/marketing communications at a not-to-exceed amount of \$120,000 for a one-year term, with an option for two one-year extensions at a cost of \$120,000 per year.

**G. ENVIRONMENTAL SUSTAINABILITY COMMISSION MEMBERSHIP MODIFICATIONS - Introduce an Ordinance amending Section 2.20.490 of Fremont Municipal Code Regarding the Composition of the Environmental Sustainability Commission and also Incorporating an Uncodified Amendment to Authorize an Interim Increase in the Commission Membership**

Contact Persons:

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

**RECOMMENDATION:** Introduce an ordinance amending the membership of the Environmental Sustainability Commission.

**H. RENT REVIEW PROGRAM FEE AND BUDGET – Introduce Ordinance to Authorize City Council to Establish a Fee for the Administration of the Rent Review Program and Appropriate Funds for Implementation of the Rent Review Program**

Contact Persons:

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

**RECOMMENDATIONS:**

1. Introduce the proposed ordinance amending Fremont Municipal Code Chapter 9.60, Rent Review to authorize a program fee and make other clarifying changes to the ordinance.
2. Direct staff to prepare and the City Clerk to publish a summary of the ordinance.
3. Establish a revenue estimate of \$503,000 and appropriate expenditures of \$503,000 in the Rent Review Program Fund (Fund 197).

**3. Ceremonial Items**

- A. Resolution: Honoring Superior Court Judge Keith Fudenna upon his Retirement**

**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 - None

## 6. Report from City Attorney

## 7. Other Business

### A. SUMMARY BUSINESS APPRECIATION PROGRAM AND ECONOMIC DEVELOPMENT OVERVIEW 2017 - A summary of business engagement activities with Fremont companies from 2017. Staff will share insights learned from business appreciation visits, outreach to small businesses and startups, analytics from social media and the Think Silicon Valley website, and emerging industry trends.

Contact Persons:

Name:	Tina Kapoor	Kelly Kline
Title:	Economic Development Manager	Director
Dept:	Economic Development Department	<i>Economic Development Department</i>
Phone:	510-284-4023	510-284-4024
E-Mail:	TKapoor@fremont.gov	kkline@fremont.gov

**RECOMMENDATION:** Receive presentation.

## 8. Council Communications

### A. Council Referrals

#### 1. MAYOR MEI REFERRAL: Re-Appointments to Advisory Bodies

Contact Persons:

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

#### Re-Appointments:

<u>Advisory Body</u>	<u>Appointee</u>	<u>Term Expires</u>
George W. Patterson House Advisory Board (Citizen At-Large representative)	Christopher Thomas	12/31/2021
George W. Patterson House Advisory Board (Citizen At-Large representative)	Laura Calvillo	12/31/2021
George W. Patterson House Advisory Board (Mission Peak Heritage Foundation)	Karen Mueller	12/31/2021
George W. Patterson House Advisory Board (Washington Township Historical Society)	Patricia Lacey	12/31/2021
Historical Architectural Review Board	Alta Jo Adamson	12/31/2021
Recreation Commission	Brian Hughes	12/31/2021



Recreation Commission	Mia Mora	12/31/2021
Senior Citizens Commission	Krishnaswamy Narasimhan	12/31/2021
Senior Citizens Commission	Linda Wasserman	12/31/2021

**ATTACHMENTS:** None.

**RECOMMENDATION:** Approve re-appointments.

**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**

<b>Date</b>	<b>Time</b>	<b>Meeting Type</b>	<b>Location</b>	<b>Cable Channel 27</b>
<b>December 12, 2017</b>	5:30 p.m.	Special Meeting – Work Session	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>		No Council Meeting		
<b>December 26, 2017</b>		<i>CC/FUSD Liaison Committee Meeting – Cancelled: Observed Holiday</i>		
<b>January 2, 2018</b>		Cancelled: Observed Holiday		
<b>January 9, 2018</b>	7:00 p.m.	City Council Meeting	Council Chambers	Live
<b>January 16, 2018</b>	7:00 p.m.	City Council Meeting	Council Chambers	Live
<b>January 23, 2018</b>		No Council Meeting		
<b>January 23, 2018</b>	5:30 p.m.	<i>CC/FUSD Liaison Committee Meeting</i>	<i>FUSD</i>	Live
<b>January 30, 2018</b>		No Council Meeting		
<b>February 6, 2018</b>	7:00 p.m.	City Council Meeting	Council Chambers	Live
<b>February 13, 2018</b>	7:00 p.m.	City Council Meeting	Council Chambers	Live
<b>February 20, 2018</b>	7:00 p.m.	City Council Meeting	Council Chambers	Live
<b>February 27, 2018</b>	5:30 p.m.	<i>CC/FUSD Liaison Committee Meeting</i>	Council Chambers	Live