



City Council Chambers  
3300 Capitol Avenue  
Fremont, CA

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## Fremont City Council

Lily Mei, Mayor  
Vinnie Bacon, Vice Mayor  
Rick Jones  
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  
Curtis Jacobson, Fire Chief  
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  
Suzanne Wolf, Community Services Director

# Fremont City Council Agenda and Report

January 09, 2018

## 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, January 9, 2018  
**TIME:** 6:30 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 - EXISTING LITIGATION**

This Closed Session is authorized by Government Code Section 54956.9(d)(1) regarding the following matter:

Hill-Azah v. City of Fremont, Alameda County Superior Court Case No. RG13701168

This Special Meeting is being called by Mayor Mei.



**Agenda**  
**Fremont City Council Regular Meeting**  
**January 09, 2018**  
**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. SUMMARY VACATION OF SURPLUS PORTION OF CEDAR STREET AND ELLSWORTH STREET - PLN2018-00078 - To consider Adoption of a Resolution Summarily Vacating a Surplus Portion of Public Right-of-Way on Cedar Street and Ellsworth Street Adjacent to 43599 Ellsworth Street and Reserving a Public Service Easement on Both Streets in the Mission San Jose Community Plan Area, and a Finding that the Proposed Street Vacation is Exempt from the Requirements of the California Environmental Quality Act (CEQA) Pursuant to CEQA Guidelines Section 15061(b)(3) in that the Activity Has No Potential to Cause Significant Environmental Effects**

*Contact Persons:*

<i>Name:</i>	<i>James Willis</i>	<i>Kristie Wheeler</i>
<i>Title:</i>	<i>Planner II</i>	<i>Planning Manager</i>
<i>Dept:</i>	<i>Planning</i>	<i>Planning</i>
<i>Phone:</i>	<i>510-494-4449</i>	<i>510-494-4454</i>
<i>E-Mail:</i>	<i>jwillis@fremont.gov</i>	<i>kwheeler@fremont.gov</i>

**RECOMMENDATION:**

- 1. Find Summary Vacation PLN2018-00078 is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) in that the activity does not meet CEQA's definition of a "project" because it has no potential to cause significant environmental effects.*
- 2. Find Summary Vacation PLN2018-00078 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 PLN2018-00078 as depicted and described in Exhibit "A" fulfills the applicable criteria for a 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 vacating approximately 1,686.6-square-foot of excess right-of-way adjacent to 43599 Ellsworth Street, subject to the reservation of a new public service easement (PSE) as depicted and described in Exhibit "A."
5. Direct the City Clerk to record a certified copy of the resolution, including Exhibit "A," in the office of the County Recorder of Alameda County and return one copy to the Planning Division of the Community Development Department and the Engineering Division of the Public Works Department for their respective files.

**D. APPROVAL OF FINAL MAP FOR TRACT 8314 - Approval of Final Map, Agreements for Construction of Public and Private Improvements, Dedication of Land and Public Easements, and grant a Water Line Easement to Alameda County Water District for Tract 8314, located at APN(s): 513-0472-008-04 and 513-0473-012-09 (Palm Avenue Subdivision)**

Contact Persons:

Name:	Yiu Kei Louie	Hans Larsen
Title:	Engineer II (Civil)	Public Works Director
Dept:	Public Works	Public Works
Phone:	510-494-4727	510-494-4722
E-Mail:	YLouie@fremont.gov	hlarsen@fremont.gov

**RECOMMENDATION:**

1. Adopt a resolution to:
  - a. Approve the Final Map and the Improvement Plans for Tract 8314.
  - b. Approve the Agreement for Public Improvements entitled "Public Improvement Agreement, Tract 8314", with the developer, TRI Pointe Homes, Inc., and authorize the City Manager to execute the agreement on behalf of the City.
  - c. Approve the Agreement for Private Improvements entitled "Private Improvement Agreement, Tract 8314", with the developer, TRI Pointe Homes, Inc., and authorize the City Manager to execute the agreement on behalf of the City.
  - d. Accept the developer's offer of dedication of real property interests, as identified on the Final Map, provided that the acceptance of any property on which the developer is required to construct public improvements shall be conditioned upon the developer's completion of the improvements to the satisfaction of the City Engineer.
2. Accept the installation of a concrete road through city owned park property in lieu of a payment of \$180,500 from the Developer to the City and authorize the City Manager to execute a grant of a water line easement from the City to the Alameda County Water District.

**E. APPROVAL OF FINAL MAP FOR TRACT 8095 - Approval of Final Map, Agreements for Construction of Public and Private Street Improvements, and Dedication of Land and Public Easements for Tract 8095, located at 40837 through 40849 High Street (High Town Square)**

Contact Persons:

Name:	Yiu Kei Louie	Hans Larsen
Title:	Engineer II (Civil)	Public Works Director
Dept:	Public Works	Public Works
Phone:	510-494-4727	510-494-4722
E-Mail:	YLouie@fremont.gov	hlarsen@fremont.gov

**RECOMMENDATION:** Adopt a resolution to:

1. Approve the Final Map and the Improvement Plans for Tract 8095.
2. Approve the Agreement for Public Improvements entitled "Public Improvement Agreement, Tract 8095", with the developer, High Town Joint Venture Partnership, and authorize the City Manager to execute the agreement on behalf of the City.
3. Approve the Agreement for Private Improvements entitled "Private Improvement Agreement, Tract 8095", with the developer, High Town Joint Venture Partnership, and authorize the City Manager to execute the agreement on behalf of the City.
4. Accept the developer's offer of dedication of real property interests, as identified on the Final Map, provided that the acceptance of any property on which the developer is required to construct public improvements shall be conditioned upon the developer's completion of the improvements to the satisfaction of the City Engineer.

**F. CONCRETE REPAIR AND CURB RAMP PROJECT - Approval of Plans and Specifications and Award of Contract to J.J.R. Construction, Inc. in the amount of \$3,103,687.20 for the 2018 Citywide Concrete Repairs and Intersection Ramps Project, (PWC 8483-C, 8239, 8444, 8195, 8234). Exempt from Environmental Review per CEQA Guideline 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 2018 Citywide Concrete Repairs and Intersection Ramps Project (PWC 8483-C, 8239, 8444, 8195, 8234):

1. Find that the project is categorically exempt from review under California Environmental Quality Act (CEQA) pursuant to CEQA Guideline section 15301 as the repair, maintenance or minor alteration of an existing facility involving no or negligible expansion of use beyond that which presently exists.
2. Approve the plans and specifications for the project.
3. Accept the bid and award the contract to the lowest responsive and responsible bidder, J.J.R. Construction, Inc. in the amount of \$3,103,687.20 and authorize the City Manager or designee to execute the contract.

**G. 2018 PAVEMENT CRACK SEAL PROJECT - Approval of Specifications and Award of Contract to Bond Blacktop, Inc. in the amount of \$120,850.00 for the 2018 Pavement Crack Seal Project (PWC 8195-O). Exempt from CEQA 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 2018 Pavement Crack Seal Project (PWC 8195-O):

1. Find the project is exempt from review under the California Environmental Quality Act pursuant to CEQA Guidelines section 15301 as the maintenance, repair or minor alteration of existing facilities involving negligible or no expansion of use beyond that which presently exists.
2. Approve the specifications for the project.
3. Accept the bid and award the construction contract to the lowest responsive and responsible bidder, Bond Blacktop, Inc. in the amount of \$120,850.00 and authorize the City Manager or designee to execute the contract.

### **3. Ceremonial Items**

- A. **Badge Pinning Ceremony for new Fire Chief Curtis Jacobson**

### **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 - 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	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><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>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>	<i>Live</i>
<b>January 30, 2018</b>		No Council Meeting		
<b>Monday, February 5, 2018</b>	5:30 p.m.	Joint Council/FUSD Meeting	Council Chambers	Live
<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>		No Council Meeting		
<b>February 27, 2018</b>	5:30 p.m.	<i>CC/FUSD Liaison Committee Meeting</i>	<i>Council Chambers</i>	<i>Live</i>
<b>March 6, 2018</b>	7:00 p.m.	City Council Meeting	Council Chambers	Live
<b>March 13, 2018</b>	7:00 p.m.	City Council Meeting	Council Chambers	Live
<b>March 20, 2018</b>	7:00 p.m.	City Council Meeting	Council Chambers	Live
<b>March 27, 2018</b>		No Council Meeting		
<b>March 27, 2018</b>	5:30 p.m.	<i>CC/FUSD Liaison Committee Meeting</i>	<i>FUSD</i>	<i>Live</i>