



City Council Chambers
3300 Capitol Avenue
Fremont, CA

Fremont City Council

Lily Mei, Mayor
Raj Salwan, Vice Mayor
Vinnie Bacon
Teresa Keng, District 1
Rick Jones, District 2
Jenny Kassan, District 3
Yang Shao, District 4

City Staff

Mark Danaj, City Manager
Harvey E. Levine, City Attorney
Karena Shackelford, Assistant City Manager
Brian Stott, Assistant City Manager

Christina Briggs, Economic Development Director
Marilyn Crane, Interim CTO/IT Director
Allen DeMers, Human Resources Director
Susan Gauthier, City Clerk
Curtis Jacobson, Fire Chief
Hans Larsen, Public Works Director
David Persselin, Finance Director
Kimberly Petersen, Chief of Police
Dan Schoenholz, Community Dev. Director
Suzanne Shenfil, Human Services Director
Suzanne Wolf, Community Services Director

Fremont City Council Agenda and Report

March 19, 2019

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, March 19, 2019
TIME: 5:00 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 prior to the commencement of the closed session. 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 (e)(5) and will pertain to possible initiation of litigation against the City in one matter.

This Special Meeting is being called by Mayor Mei.

Agenda
Fremont City Council Regular Meeting
March 19, 2019
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 OF FREMONT AMENDING FREMONT MUNICIPAL CODE TITLE 5, BUSINESS LICENSES AND REGULATIONS, CHAPTER 5.30 MINIMUM WAGE, SECTION 5.30.050 EMPLOYEE EXEMPTIONS

RECOMMENDATION: Adopt ordinance.

D. PURCHASE OF LICENSE PLATE READER (LPR) CAMERAS FOR COMMUNITY CAMERA PROGRAM - Authorization for purchase of LPR cameras from PIPS Technology for Community Camera Program Expansion

Contact Persons:

Name:	Michael Tegner	Deirdre Rockefeller-Ramsey
Title:	Lieutenant	Business Manager
Dept:	Police Department	Police Department
Phone:	510-790-6960	510-790-6991
E-Mail:	mtegnr@fremont.gov	dramsey@fremont.gov

RECOMMENDATION: Authorize the City Manager or designee to purchase LPR cameras from PIPS Technology in an amount not to exceed \$110,000 to expand the Community Camera Project.

E. TERMINATION OF JANITORIAL SERVICES CONTRACT - Authorize the City Manager to Terminate the Janitorial Services Contract between the City of Fremont and GCA Services, Inc./ABM and Authorize a New RFP Process with a Revised Scope of Services

Contact Persons:

Name:	Monica Mathiesen	Hans Larsen
Title:	Management Analyst II	Public Works Director
Dept:	Public Works	Public Works
Phone:	510-494-4777	510-494-4722
E-Mail:	mmathiesen@fremont.gov	hlarsen@fremont.gov

RECOMMENDATION: Authorize the City Manager to terminate the Janitorial Services contract between the City of Fremont and GCA Services, Inc./ABM and authorize a new RFP process.

F. DOWNTOWN FREMONT ROTATIONAL PUBLIC ART PROGRAM (TEMPORARY INSTALLATION) – Capitol Avenue and Fremont Boulevard – To Consider the Art Review Board’s Recommendations for a Temporary Public Art Installation at the Southeast Corner of Capitol Avenue and Fremont Boulevard within the Downtown Community Plan Area, and to Consider a Categorical Exemption from the California Environmental Quality Act (CEQA) Pursuant to CEQA Guidelines Section 15303 (New Construction or Conversion of Small Structures).

Contact Persons:

Name:	Luciana Torres	Dan Schoenholz
Title:	Management Analyst II	Community Development Director
Dept:	Community Development	Community Development
Phone:	510-494-4553	510-494-4438
E-Mail:	lutorres@fremont.gov	dschoenholz@fremont.gov

RECOMMENDATIONS:

1. Find that the project is categorically exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15303 (New Construction or Conversion of Small Structures).
2. Approve the Art Review Board’s recommended preferred art piece, *The Solacii*, under the Downtown Rotational Public Art Program and authorize the City Manager or his designee to enter into any necessary agreements.

G. AMENDMENT TO POLICE MASTER FEE SCHEDULE - Amendment to the City of Fremont Master Fee Schedule Resolution to Add a Video Redaction Fee

Contact Persons:

Name:	Deirdre Rockefeller-Ramsey	Fred Bobbitt
Title:	Business Manager	Police Captain
Dept:	Police Department	Police Department
Phone:	510-790-6991	510-790-6917
E-Mail:	dramsey@fremont.gov	fbobbitt@fremont.gov

RECOMMENDATION: Adopt a resolution amending the Master Fee Resolution to reflect the proposed changes in the Master Fee Schedule for Police services.

3. Ceremonial Items

- A. Proclamation: American Red Cross Month, March 2019

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. **SILICONSAGE CENTERVILLE MIXED-USE PROJECT – 37358 Fremont Boulevard – PLN2017-00229 - Public Hearing (Published Notice) to consider the Planning Commission’s Recommendation to approve a Discretionary Design Review Permit, Vesting Tentative Tract Map and Private Street to allow demolition of all existing buildings located from 37358-37494 Fremont Boulevard and 3768-3820 Peralta Boulevard and construction of a new mixed-use development featuring multi-story buildings containing a combined 26,000 square feet of ground-floor commercial space with 93 rental apartment units on the upper floors along Fremont Boulevard and 72 for-ownership townhomes at the rear of the site facing Peralta Boulevard, Parish Avenue and Jason Way, and certification of a Final Environmental Impact Report (SCH# 2018072040) prepared and circulated in accordance with the requirements of the California Environmental Quality Act.**

Contact Persons:

Name:	Joel Pullen	Kristie Wheeler
Title:	Senior Planner	Planning Manager
Dept:	Planning	Community Development
Phone:	510-494-4436	510-494-4454
E-Mail:	jpullen@fremont.gov	kwheeler@fremont.gov

RECOMMENDATIONS:

1. Hold public hearing; and
2. Find PLN2017-00229, including the Original Project and Applicant Preferred Project, is consistent with the General Plan, Community Plan, and Zoning Ordinance as shown in Exhibit “C” (Project Plans) based upon the Findings and Conditions in Exhibit “D.”

If City Council approves Planning Commission’s Recommendation to demolish Fire Station No. 6 (the “Applicant Preferred Project”):

3. Certify the Final Environmental Impact Report (Exhibit “A”) and adopt a resolution (Exhibit “B”) with CEQA Findings and a Statement of Overriding

Considerations for the Variant project as shown in Exhibit "B-1," and find this action reflects the independent judgment of the City of Fremont; and

4. Find that retention of the register/potential register resource in accordance with Chapter 18.175 would cause immediate and substantial hardship to the property owners because rehabilitation or restoration would:
 - a. Be infeasible from a technical, mechanical, or structural standpoint without resulting in substantial adverse change to the historic resource, including requisite upgrades for adequate access and egress, and orientation with respect to a reasonably feasible site plan for the larger project; and
 - b. Be disproportionately great in relation to its historical significance and functional value in that the cost of upgrades would exceed the value of the property itself and the functional value of the structure for adaptive reuse.
5. Approve Discretionary Design Review Permit PLN2017-00229 for the Applicant Preferred Project, as shown in Exhibit "C" (Project Plans) based upon the Findings and Conditions in Exhibit "D."
6. Approve Vesting Tentative Tract Map No. 8438 with Private Streets, as shown in Exhibit "C" (Project Plans) based upon the Findings and Conditions in Exhibit "D."
7. Approve the removal and mitigation for 23 protected trees pursuant to the City's Tree Preservation Ordinance.

Or, if retention of Fire Station No. 6 is recommended (HARB's recommendation for the Reduced Massing Alternative of the "Original Project"):

3. Certify the Final Environmental Impact Report (Exhibit "A") and adopt a resolution (Exhibit "B") with CEQA Findings and a Statement of Overriding Considerations for the Reduced Massing Alternative of the Original Project as shown in Exhibit "B-2," and find this action reflects the independent judgment of the City of Fremont; and
4. Find that the proposed rehabilitation of the former fire station is not consistent with the findings in FMC Section 18.175.220 in that the proposed rehabilitation of the structure, and the proposed project as a whole, would only be compliant with six out of the ten applicable Secretary of the Interior's Standards for Rehabilitation of Historic Resources, would not be compatible with the period of significance and the character-defining features of the historic resource, the height, scale, and massing of the proposed adjacent development would be incompatible with the resource, and the proposed project would adversely affect or otherwise compromise important architectural features as described herein and in the staff report to the Historical Architectural Review Board dates January 17, 2019.
5. Find that, notwithstanding the failure of the project to meet the findings for rehabilitation of the fire station, because the findings in FMC Section 18.175.300 can be made for demolition of the fire station, and because relocation would not be feasible or desirable because no other setting would be appropriate, and relocation would increase the cost of rehabilitation further, with likely similar issues that would be applicable to adaptive reuse

in a new location, find that historic resource preservation is best served if the fire station remains in place and is rehabilitated in a way that retains as much of its historical value as can be retained if incorporated into the project, under FMC Section 18.175.200, which states that it is the goal of the City to retain historic resources in their original context and setting, and that demolition should be considered as a last resort. Therefore, the City prefers to retain the structure notwithstanding the reduced historical value because that reduced historical value is preferred over total loss. Furthermore, addition of a setback to the Fire Station's north side and reduction of the massing in proximity to the Fire Station will result in improved architectural compatibility between the proposed structures and the Fire Station, and that the reduced massing would be environmentally superior.

6. Approve Discretionary Design Review Permit PLN2017-00229 for the Original Project, as shown in Exhibit "C" (Project Plans) based upon the Findings and Conditions in Exhibit "D."
7. Approve Vesting Tentative Tract Map No. 8438 with Private Streets, as shown in Exhibit "C" (Project Plans) based upon the Findings and Conditions in Exhibit "D."
8. Approve the removal and mitigation for 23 protected trees pursuant to the City's Tree Preservation Ordinance.

B. HOUSING ELEMENT ANNUAL REPORT - Citywide - PLN2019-00235 - Public Hearing (Published Notice) to Consider an Annual Report on the Status of Implementation of the General Plan and the 2015 – 2023 Housing Element, and to Consider an Exemption from the Requirements of the California Environmental Quality Act (CEQA) Pursuant to CEQA Guidelines Section 15378 in that the Annual Report Does Not Meet CEQA's Definition of a "Project."

Contact Persons:

Name:	Wayland Li	Kristie Wheeler
Title:	Senior Planner	Planning Manager
Dept:	Planning	Community Development
Phone:	510-494-4453	510-494-4454
E-Mail:	wli@fremont.gov	kwheeler@fremont.gov

RECOMMENDATIONS:

1. Find the annual report is not subject to the requirements of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15378(b)(5), definition of a "project."
2. Accept the annual report and Exhibit A, which depict the current status of the General Plan and Housing Element, and direct staff to submit the required materials to OPR and HCD.

6. Report from City Attorney

7. Other Business

A. RANCHO ARROYO PARKWAY STREET DESIGN - Receive Presentation; Provide Opportunity for Public Comment on the Street Design Features of Rancho Arroyo Parkway Particularly Concerning the Provision of On-Street Parking and Enhanced Bike Lanes; and Provide Input to Staff on the Consideration of Any Street Design Changes

Contact Persons:

Name:	Noe Veloso	Hans Larsen
Title:	Principal Transportation Engineer	Public Works Director
Dept:	Public Works	Public Works
Phone:	510-494-4774	510-494-4722
E-Mail:	nveloso@fremont.gov	hlarsen@fremont.gov

RECOMMENDATIONS:

1. Receive presentation.
2. Provide opportunity for public comment on the street design features of Rancho Arroyo Parkway particularly concerning the provision of on-street parking and enhanced bike lanes.
3. Provide input to Staff on the consideration of any street design changes.

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	UBC	See CBC
FEMA	Federal Emergency Management Agency	VTA	Santa Clara Valley Transportation Authority
FFD	Fremont Fire Department	WMA	Waste Management Authority
FMC	Fremont Municipal Code		
FPD	Fremont Police Department	ZA	Zoning Administrator
FRC	Family Resource Center	ZTA	Zoning Text Amendment
FUSD	Fremont Unified School District		

**UPCOMING MEETING AND CHANNEL 27
BROADCAST SCHEDULE**

Date	Time	Meeting Type	Location	Cable Channel 27
March 26, 2019		No 7 PM City Council Meeting		
March 26, 2019	5:30 p.m.	CC/FUSD Liaison Committee Meeting	Council Chambers	Live
April 2, 2019	5:30 p.m.	Special Meeting / Work Session	Council Chambers	Live
April 2, 2019	7:00 p.m.	City Council Meeting	Council Chambers	Live
April 9, 2019	5:30 p.m.	Special Meeting / Work Session	Council Chambers	Live
April 9, 2019	7:00 p.m.	City Council Meeting	Council Chambers	Live
April 16, 2019	7:00 p.m.	City Council Meeting	Council Chambers	Live
April 23, 2019		No 7 PM City Council Meeting		
April 23, 2019		CC/FUSD Liaison Committee Meeting **CANCELLED**		
April 30, 2019		No 7 PM City Council Meeting		
Monday, May 6, 2019	5:30 p.m.	Joint Council/FUSD Meeting	Council Chambers	Live
May 7, 2019	7:00 p.m.	City Council Meeting	Council Chambers	Live
May 14, 2019	7:00 p.m.	City Council Meeting	Council Chambers	Live
May 21, 2019	7:00 p.m.	City Council Meeting	Council Chambers	Live
May 28, 2019		No 7 PM City Council Meeting		
May 28, 2019	5:30 p.m.	CC/FUSD Liaison Committee Meeting	FUSD	Live