



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

May 21, 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, May 21, 2019
TIME: 5:30 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 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 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 Mark Danaj, City Manager; Brian Stott, Assistant City Manager; Karena Shackelford, Assistant City Manager; Allen DeMers, Human Resources Director; Kim Petersen, Chief of Police; Dave Persselin, Finance Director; Harvey Levine, 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
Teamsters, Local 856
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 21, 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. 2019 CAPE AND SLURRY SEAL PROJECT - Approval of Plans and Specifications and Award of Contract to American Pavement Systems, Inc. in the Amount of \$3,800,800.00 for the 2019 Cape and Slurry Seal Project (PWC 8195-R); Exempt from Environmental Review per CEQA Guidelines Section 15301 (Existing Facilities)

Contact Persons:

Name:	Edward Nakayama	Hans Larsen
Title:	Senior 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 2019 Cape and Slurry Seal Project (PWC 8195-R):*

- 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 project.*
- 3. Accept the bid and award the construction contract to the lowest responsive and responsible bidder, American Pavement Systems, Inc., in the amount of \$3,800,800.00 and authorize the City Manager or designee to execute the contract.*

D. 2019 PAVEMENT REHABILITATION PROJECT - Approval of Plans and Specifications and Award of Contract to DeSilva Gates Construction LP in the Amount of \$5,621,106.00 for the 2019 Pavement Rehabilitation Project (PWC 8234-S) Exempt from Environmental Review per CEQA Guidelines Section 15301 (Existing Facilities) and Categorically Exempt from NEPA

Contact Persons:

Name:	Edward Nakayama	Hans Larsen
Title:	Senior 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 2019 Pavement Rehabilitation Project (PWC 8234-S):

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 use beyond that presently existing.
2. Approve the plans and specifications for the project.
3. Accept the bid and award the construction contract to the lowest responsive and responsible bidder, DeSilva Gates Construction L.P in the amount of \$5,621,106.00 and authorize the City Manager or designee to execute the contract.

E. BUS SHELTER JOINT POWERS AGREEMENT - Approve Second Amendment of the Joint Exercise of Powers Agreement (JPA) for Implementation of a Transit Shelter Advertising Program between Alameda-Contra Costa Transit District (AC Transit) and Participating Entities in the District in which City of Fremont is One of Nine Participating Entities.

Contact Persons:

Name:	Rene Dalton	Hans Larsen
Title:	Associate Transportation Engineer	Public Works Director
Dept:	Public Works	Public Works
Phone:	510-494-4535	510-494-4722
E-Mail:	rdalton@fremont.gov	hlarsen@fremont.gov

RECOMMENDATION: Authorize the City Manager or designee to execute the Second Amendment to the Joint Exercise of Powers Agreement for implementation of a Transit Shelter Advertising Program.

F. TDA3 GRANT FUNDING - Adopt a Resolution Authorizing Application for Fiscal Year 2019-20 Transportation Development Act Article 3 (TDA3) Grant and Acceptance of the TDA3 Funds in the amount of \$244,206 for the Bicycle Master Plan - Year 2 Bikeway Improvements Project (PWC 8874-B); Exempt from CEQA review per Guidelines Section 15301 (Existing Facilities).

Contact Persons:

Name:	Sukhcharn Sunak	Hans Larsen
Title:	Engineer I	Public Works Director
Dept:	Public Works	Public Works
Phone:	510-494-4749	510-494-4722
E-Mail:	ssunak@fremont.gov	hlarsen@fremont.gov

RECOMMENDATIONS:

1. Find the proposed Bikeway Improvements Project is exempt from CEQA review pursuant to CEQA Guidelines Section 15301 as the minor alternation of an existing facility involving negligible or no expansion of use beyond that presently existing.
2. Adopt a resolution authorizing the City Manager, or his designee, (a) to apply for Transportation Development Act Article 3 Bicycle and Pedestrian Program Funds in the amount of \$244,206 for the Bikeway Improvements Project for FY 2019-20; and (b) to accept any awarded grant funds for the Project and execute any necessary implementation documents.
3. Appropriate any grant funds received to PWC8874-521, Bicycle Master Plan Year 2 Bikeway Improvements Project.

G. PEST CONTROL SERVICES - Authorization to Execute a Service Agreement with Damey Environmental Pest Solutions for Pest Control Services at City Owned Buildings

Contact Persons:

Name:	Pat Kendrick	Hans Larsen
Title:	Building Maintenance Manager	Public Works Director
Dept:	Public Works	Public Works
Phone:	510-979-5768	510-494-4722
E-Mail:	pkendrick@fremont.gov	hlarsen@fremont.gov

RECOMMENDATION: Authorize the City Manager or designee to execute a Service Agreement with Damey Environmental Pest Solutions to provide Professional Pest Control Services City facilities for a 5-year term (3 years plus two 1-year possible extensions), July 1, 2019 through June 30, 2024 for a total not to exceed amount of \$278, 000.

H. TRACT 8288 BOND RELEASE - Approval of the Partial Release of Faithful Performance Bonds in the Amount of \$5,351,300 Posted by Fremont Pat Ranch, LLC with the Approved Public and Private Agreements for Tract 8288

Contact Persons:

Name:	Kelly Reynolds	Hans Larsen
Title:	Associate Civil Engineer	Public Works Director
Dept:	Engineering	Public Works
Phone:	510-494-4737	510-494-4722
E-Mail:	kreynolds@fremont.gov	hlarsen@fremont.gov

RECOMMENDATION: Approve the partial release of the Faithful Performance Bonds in the amounts as shown on the Table above until the improvements are accepted by the City Engineer.

I. TRACT 8384 - Approval of Final Map, Agreements for Construction of Public and Private Street Improvements, and Dedication of Land and Public Easements for Tract 8384, located at 48495 Ursa Drive

Contact Persons:

Name:	Jian Huang	Hans Larsen
Title:	Associate Civil Engineer	Public Works Director
Dept:	Public Works	Public Works
Phone:	510-494-4733	510-494-4722
E-Mail:	jhuang@fremont.gov	hlarsen@fremont.gov

RECOMMENDATION: Adopt a resolution to:

1. Approve the Final Map and the Improvement Plans for Tract 8384.
2. Approve the Agreement for Public Improvements entitled "Public Improvement Agreement, Tract 8384", with the developer, Robson Homes, LLC, 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 8384", with the developer, Robson Homes, LLC, 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.

J. TRACT 8229 BOND RELEASE - Approval of the Partial Release of Faithful Performance Bonds in the Amount of \$2,805,000 Posted by TRI Pointe Homes, Inc. with the Approved Public and Private Agreements for Tract 8229

Contact Persons:

Name:	Anne Quasarano	Hans Larsen
Title:	Senior Civil Engineer	Public Works Director
Dept:	Engineering	Public Works
Phone:	510-494-4767	510-494-4722
E-Mail:	aquasarano@fremont.gov	hlarsen@fremont.gov

RECOMMENDATION: Approve the partial release of the Faithful Performance Bonds in the amount of \$2,805,000 for Tract 8229 until the improvements are accepted by the City Engineer.

K. WEED ABATEMENT BY GOATS AT SABERCAT HISTORICAL PARK - Approval of 3-year, \$170,248 Contract between City and Mike Canaday for Weed Abatement and Fire Fuel Management at Sabercat Historical Park.

Contact Persons:

Name:	Kathleen Cote-Guarnieri	Suzanne Wolf
Title:	Environmental Services Manager	Community Services Director
Dept:	Environmental Services	Community Services
Phone:	510-494-4583	510-494-4329
E-Mail:	kcote@fremont.gov	swolf@fremont.gov

RECOMMENDATION: Authorize the City Manager, or his designee, to execute a contract with Mike Canaday for Weed Abatement by Goats at Sabercat Historical Park in the amount of \$170,238 for three years with the option to extend for an additional two years in an amount not to exceed \$124,000.

3. Ceremonial Items

- A. Proclamation: One Book, One Community Read**
- B. Presentation: Bicycle Friendly Community Award to the City of Fremont from the League of American Bicyclists**

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. HRC TOBACCO CONTROL RECOMMENDATIONS - Referral from Human Relations Commission to Amend the Municipal Code to Ban Sale of Flavored Tobacco Products, Set Minimum Price or Pack Sizes for Certain Tobacco Products, and Establish a Tobacco Retail License (TRL) Program**

Contact Persons:

Name: Suzanne Shenfil
Title: Director
Dept: Human Services Department
Phone: 510-574-2051
E-Mail: sshenfil@fremont.gov

RECOMMENDATION: Receive the Human Relations Commission's recommendations and provide direction to staff on the proposed tobacco retail licensing program and regulations.

6. Report from City Attorney - None.

7. Other Business

- A. FY 2019/20 PROPOSED OPERATING BUDGET - Presentation of FY 2019/20 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. PROPOSED CAPITAL IMPROVEMENT PROGRAM - Receive Presentation and Provide Input on Proposed 5-Year Capital Improvement Program for Fiscal Years 2019/20 through 2023/24.

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

RECOMMENDATION: Receive presentation and provide comments to staff on the proposed 5-year Capital Improvement Program for fiscal years 2019/20 through 2023/24.

C. MISSION SAN JOSE COMMERCIAL STRATEGY STUDY - PLN2019-00015 - To Receive a Presentation on the Mission San Jose Commercial Strategy Study.

Contact Persons:

Name:	Wayne Morris	Christina Briggs
Title:	Deputy Community Development Director	Economic Development Director
Dept:	Community Development	Economic Development Department
Phone:	510-494-4729	510-284-4022
E-Mail:	wmorris@fremont.gov	cbriggs@fremont.gov

RECOMMENDATION: Accept and file report.

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
May 28, 2019		No 7 PM City Council Meeting		
May 28, 2019	5:30 p.m.	CC/FUSD Liaison Committee Meeting	FUSD	Live
June 4, 2019	7:00 p.m.	City Council Meeting	Council Chambers	Live
June 11, 2019	5:00 p.m.	Special Meeting-Work Session	Council Chambers	Live
June 11, 2019	7:00 p.m.	City Council Meeting	Council Chambers	Live
June 18, 2019	7:00 p.m.	City Council Meeting	Council Chambers	Live
June 25, 2019		No 7 PM City Council Meeting		
June 25, 2019	5:30 p.m.	CC/FUSD Liaison Committee Meeting	Council Chambers	Live
July 2, 2019	7:00 p.m.	City Council Meeting	Council Chambers	Live
July 9, 2019	7:00 p.m.	City Council Meeting	Council Chambers	Live
July 16, 2019	7:00 p.m.	City Council Meeting	Council Chambers	Live
July 23, 2019		No 7 PM City Council Meeting		
July 23, 2019		CC/FUSD Liaison Committee Meeting *CANCELLED: FUSD Recess*		
August Recess		No City Council Meetings		
August 27, 2019		CC/FUSD Liaison Committee Meeting *CANCELLED: City Council Recess*		
September 3, 2019	7:00 p.m.	City Council Meeting	Council Chambers	Live
September 10, 2019	7:00 p.m.	City Council Meeting	Council Chambers	Live
September 17, 2019	7:00 p.m.	City Council Meeting	Council Chambers	Live
September 24, 2019		No 7 PM City Council Meeting		
September 24, 2019	5:30 p.m.	CC/FUSD Liaison Committee Meeting	FUSD	Live