



City Council Chambers
3300 Capitol Avenue
Fremont, California

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
Marilyn Crane, Information Tech. Services Dir.
Susan Gauthier, City Clerk
Kelly Kline, Economic Development Director
Hans Larsen, Public Works Director
Geoff LaTendresse, Fire Chief
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 May 2, 2017

General Order of Business

1. Preliminary
 - Call to Order
 - Salute to the Flag
 - Roll Call
2. Consent Calendar
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 then 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.

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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 your City's business is appreciated.

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

DATE: Tuesday, May 2, 2017

TIME: 6:45 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 – ANTICIPATED LITIGATION

This Closed Session is authorized by Government Code Section 54956.9 (d)(4) 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
MAY 2, 2017
COUNCIL CHAMBERS, 3300 CAPITOL AVE., BUILDING A
7:00 P.M.**

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-Work Session of April 4, 2017, the Special and Regular Meetings of April 4, 2017, the Regular Meeting of April 11, 2017, and the Regular Meeting of April 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. **SECOND READING AND ADOPTION OF AN ORDINANCE FOR THE CITY OF FREMONT ADDING SECTIONS 15.44.040 AND 15.44.050 TO FREMONT MUNICIPAL CODE CHAPTER 15.44, FREMONT ENERGY CODE, TO INCLUDE REQUIREMENTS FOR THE MANDATORY INSTALLATION OF PHOTOVOLTAIC SOLAR ENERGY SYSTEMS IN NEW RESIDENTIAL CONSTRUCTION AND SECOND READING AND ADOPTION OF AN ORDINANCE OF THE CITY OF FREMONT AMENDING FREMONT MUNICIPAL CODE SECTION 15.35.150 TO INCLUDE FIRE SPRINKLERS IN**

ALTERATIONS TO ANY BUILDING THAT IS MORE THAN 50 PERCENT OF THE SQUARE FOOTAGE

Contact Persons:

Name:	Susan Gauthier	Rachel DiFranco
Title:	City Clerk	Sustainability Coordinator
Dept:	City Clerk's Office	Community Development
Phone:	510-284-4076	510-494-4451
E-Mail:	sgauthier@fremont.gov	rdifranco@fremont.gov

RECOMMENDATIONS: Adopt ordinances.

D. ADDITIONAL WEEKEND LIBRARY HOURS SERVICE AGREEMENT - Authorize the City Manager to Execute a Service Agreement with Alameda County Library for Additional Hours on Saturday at Centerville Library and on Sunday at Fremont Main Library

Contact Persons:

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

RECOMMENDATION: Authorize the City Manager or his designee to execute a three year service agreement with the option to extend for two additional one year periods with the Alameda County Library for seven additional hours on Saturday for Centerville Library and four additional hours on Sunday for Fremont Main Library in the amount of \$491,724 for Fiscal Year 2017/18. Following Fiscal Year 2017/18, the annual amount of the agreement shall reflect an amount that is equal to the County's budgeted costs for the additional Saturday and Sunday library hours, at Centerville Library and Fremont Main Library respectively; with any increase not to exceed 5% of the previous fiscal year's cost.

E. 2017 PAVEMENT REHABILITATION PROJECT - Approval of Plans and Specifications and Award of Contract to O'Grady Paving, Inc. in the Amount of \$3,164,927.15 for the 2017 Pavement Rehabilitation Project (PWC 8234-Q and 8913) Exempt from Environmental 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 2017 Pavement Rehabilitation Project (PWC 8234-Q and 8913):

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 2017 Pavement Rehabilitation Project, PWC 8234-Q and 8913.*
3. *Accept the bid and award the construction contract to the lowest responsive and responsible bidder, O'Grady Paving, Inc., in the amount of \$3,164,927.15 and authorize the City Manager or designee to execute the contract.*

F. TRI-CITY TAXI VOUCHER PROGRAM CONTRACT AMENDMENT - Amend Taxi Voucher Contract with Siddiq, Inc., DBA Diamond Cab Company and DBA Seir Cab Company, by \$100,000 to meet increased projected need through June 30, 2017 and authorize the City Manager to extend the contract for up to two additional one-year terms

Contact Persons:

<i>Name:</i>	<i>Shawn Fong</i>	<i>Suzanne Shenfil</i>
<i>Title:</i>	<i>Paratransit Program Manager</i>	<i>Director</i>
<i>Dept:</i>	<i>Human Services Department</i>	<i>Human Services Department</i>
<i>Phone:</i>	<i>510-574-2033</i>	<i>510-574-2051</i>
<i>E-Mail:</i>	<i>sfong@fremont.gov</i>	<i>sshensif@fremont.gov</i>

RECOMMENDATIONS:

1. *Approve and authorize the City Manager to execute an amendment to the FY 2016/2017 Tri-City Taxi Voucher Program contract with Siddiq, Inc., DBA Diamond Cab Company and DBA Seir Cab Company, to increase the not to exceed compensation amount by \$100,000 for a total not to exceed compensation amount of \$215,914.*
2. *Appropriate an additional \$100,000 to this program in the Paratransit Fund (Fund 178).*
3. *Authorize the City Manager to execute amendments to extend the contract for up to two additional one-year terms (FY 2017-2018 and FY 2018-2019) with a not to exceed compensation amount of \$325,000 in each year.*

G. FUSE Corps - Approval to execute a Service Agreement with FUSE Corps to provide a FUSE Fellow who will work jointly with Fremont Unified School District to develop a long term plan to implement maker education in Fremont

Contact Persons:

<i>Name:</i>	<i>Karena Shackelford</i>	<i>Kelly Kline</i>
<i>Title:</i>	<i>Deputy City Manager</i>	<i>Director</i>
<i>Dept:</i>	<i>City Manager's Office</i>	<i>Economic Development Department</i>
<i>Phone:</i>	<i>510-284-4063</i>	<i>510-284-4024</i>
<i>E-Mail:</i>	<i>kshackelford@fremont.gov</i>	<i>kkline@fremont.gov</i>

RECOMMENDATION: *Authorize the City Manager, or his designee, to execute a service agreement with FUSE Corps to provide a one year agreement to develop a long term plan to implement maker education in Fremont.*

H. TRACT 8229 - Approval of Final Map, Agreements for Construction of Public and Private Street Improvements, and Dedication of Land and Public Easements for Tract 8229, located at 39439 Mission Boulevard (Mission Stevenson)

Contact Persons:

Name:	Anne Quasarano	Hans Larsen
Title:	Associate 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: Adopt a resolution to:

1. Approve the Final Map and the Improvement Plans for Tract 8229.
2. Approve the Agreement for Public Improvements entitled "Public Improvement Agreement, Tract 8229", with the developer, TRI Pointe Homes, Inc., 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 8229", with the developer, TRI Pointe Homes, Inc., 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.

I. MAIN LIBRARY BUILDING UPGRADES - Appropriation of Funds in the Amount of \$97,000 and Authorization to Enter into an Agreement with Alameda County for Main Library Building Upgrades (PWC 8926)

Contact Persons:

Name:	Martha Martinez	Hans Larsen
Title:	Facilities Design Project Supervisor	Public Works Director
Dept:	Public Works	Public Works
Phone:	510-494-4727	510-494-4722
E-Mail:	mamartinez@fremont.gov	hlarsen@fremont.gov

RECOMMENDATIONS:

1. Find that the proposed Main Library Modifications Project is categorically exempt from review under the California Environmental Quality Act (CEQA) per CEQA guidelines section 15301, as the repair, maintenance or minor alteration of an existing facility involving negligible or no expansion of use
2. Appropriate funds from Alameda County in the amount of \$97,000 to PWC8926-502 (Fund 502 - Outside Sources), Main Library Building Modifications Project.
3. Approve and authorize the City Manager to execute an agreement with Alameda County for the Main Library Building Modifications Project.

J. RIDGEWOOD DRIVE EMERGENCY STORM DRAIN REPAIR - Emergency Repair of Damaged Storm Drain Line and Associated Street Failure on Ridgewood Drive between Deep Creek Road and Tacoma Common; Exempt from CEQA Review per CEQA Guidelines Section 15269 (Emergency Projects)

Contact Persons:

Name:	Edelzar Garcia	Hans Larsen
Title:	Associate Civil Engineer	Public Works Director
Dept:	Public Works	Public Works
Phone:	510-494-4781	510-494-4722
E-Mail:	egarcia@fremont.gov	hlarsen@fremont.gov

RECOMMENDATION:

1. Find that the Ridgewood Drive Emergency Storm Drain Repair Project is exempt from CEQA review pursuant to CEQA Guidelines Section 15269 as emergency repairs needed to maintain essential services and to restore an existing roadway damaged by subsidence.
2. Determine by 4/5 vote that the award to W.R. Forde Associates of a construction contract for the emergency repair work described in this report without competitive bidding is necessary to respond to an emergency, that the need for this action continues, and that the Ridgewood Drive Emergency Storm Drain Repair Project is an Emergency Project.
3. Authorize the City Manager or designee to execute a contract with W.R. Forde Associates for the emergency repair work described in this report.

3. CEREMONIAL ITEMS

- A. Proclamation: Affordable Housing Week, May 11 – May 21

4. PUBLIC COMMUNICATIONS

- A. Oral and Written Communications

PUBLIC FINANCING AUTHORITY – None.

CONSIDERATION OF ITEMS REMOVED FROM CONSENT CALENDAR

5. SCHEDULED ITEMS

A. CDBG FISCAL YEAR 2017/18 FUNDING RECOMMENDATION AND FISCAL YEAR 2017/18 ACTION PLAN - Public Hearing (Published Notice) on the Use of Federal Community Development Block Grant Fund for FY 2017/18, Adoption of a Resolution Approving the FY 2017/18 Action Plan; and Authorizing the City Manager to Execute Agreements with the U.S. Department of Housing and Urban Development and CDBG Grantees

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	sshenfil@fremont.gov

RECOMMENDATIONS:

1. Hold a public hearing on the proposed FY 2017/18 CDBG Program Final Statement of Community Development Objectives and projected Use of Funds.
2. Allocate CDBG funds for FY 2017/18 in the amounts stated herein, subject to actual CDBG FY 2017/18 entitlement allocation, and contingent upon the adoption of the FY 2017/18 budget by the City Council.
3. Authorize staff to:
 - a) reduce funding levels of capital projects in accordance with the contingency provisions identified in this staff report should the City's actual 2017/18 CDBG entitlement allocation amount be lower than staff's estimate.
 - b) to allocate additional funds to public service projects should the City receive additional program income in FY 2016/17.
 - c) to adjust public service projects' budgets proportionally from the estimated funding levels to match actual allocation amounts.
 - d) to allocate (in the order described in this report) any fund balance exceeding \$33,000 left by existing 2016/17 and 2017/18 CDBG projects to projects that have been fully eliminated as a result of more than a 33% reduction in the CDBG entitlement allocation.
4. Adopt a resolution:
 - a) approving, and authorizing the City Manager or his designee to submit the FY 2017/18 CDBG Program Final Statement of Community Development Objectives and Projected Use of Funds, and the CDBG Action Plan as recommended by the Citizens Advisory Committee and staff in the amounts stated herein, including any adjustments made based on the actual CDBG entitlement received.
 - b) authorizing the City Manager or his designee to execute the FY 2017/18 CDBG funding agreement with HUD.
 - c) authorizing the City Manager or his designee to execute agreements effective July 1, 2017, with the grantees recommended for funding by staff and the Citizens Advisory Committee in the amounts set forth herein, contingent upon a finding of no significant impact in the corresponding environmental assessments and completion of the required public comment period, and contingent upon adoption of the budget for FY 2017/18.

B. BOND ISSUANCE FOR FAIRFIELD WARM SPRINGS AFFORDABLE LP (VALLEY OAK) - Public Hearing (Published Notice) in Accordance with the Tax Equity and Fiscal Responsibility Act (TEFRA) to Consider the Issuance of Tax-Exempt Bonds by California Statewide Communities Development Authority (CSCDA) for Fairfield Warm Springs Affordable LP. -- REQUEST TO BE CONTINUED TO JUNE 6, 2017 CITY COUNCIL MEETING

Contact Persons:

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

RECOMMENDATION: Open the public hearing and continue item to the June 6, 2017 City Council Meeting.

C. DISTRICT-BASED ELECTIONS/COMPOSITION OF DISTRICTS/ELECTION SEQUENCING - Public Hearing (Published Notice) to receive input from the community regarding boundaries and composition of districts to be established for district based elections pursuant to Elections Code Section 10010 and Election Sequencing

Contact Persons:

Name:	Jessica von Borck	Harvey E. Levine
Title:	Assistant City Manager	City Attorney
Dept:	City Manager's Office	City Attorney's Office
Phone:	510-248-4008	510-284-4030
E-Mail:	jvborck@fremont.gov	hlevine@fremont.gov

RECOMMENDATION: That the City Council:

1. Receive a report from staff concerning the process for obtaining public input on the draft maps of potential voting districts and potential election sequencing for a district-based election process pursuant to Elections Code Section 10010;
2. Open a public hearing and invite members of the public to provide feedback on the draft maps and potential election sequencing presented; and
3. Close the public hearing when there is no more input from the public, and provide direction to the City's demographics consultant about potential modifications to the draft maps or any new maps required and on the potential election sequencing to implement the district based election system.

6. REPORT FROM CITY ATTORNEY – None.

7. OTHER BUSINESS

A. INTRODUCTION OF ORDINANCE FORMING THE FREMONT INDUSTRIAL DEVELOPMENT AUTHORITY - Introduction of an Ordinance of the City Council Forming the Fremont Industrial Development Authority

Contact Persons:

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

RECOMMENDATIONS:

1. Hold public hearing.
2. Introduce an ordinance forming the Fremont Industrial Development Authority.

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**

<i>Date</i>	<i>Time</i>	<i>Meeting Type</i>	<i>Location</i>	<i>Cable Channel 27</i>
May 9, 2017	5:45 p.m.	Special Meeting-Work Session	Council Chambers	Live
May 9, 2017	7:00 p.m.	City Council Meeting	Council Chambers	Live
May 16, 2017	7:00 p.m.	City Council Meeting	Council Chambers	Live
May 23, 2017		No Council Meeting		
May 30, 2017		No Council Meeting		
June 6, 2017	7:00 p.m.	City Council Meeting	Council Chambers	Live
June 13, 2017	7:00 p.m.	City Council Meeting	Council Chambers	Live
June 20, 2017	7:00 p.m.	City Council Meeting	Council Chambers	Live
June 27, 2017		No Council Meeting		
July 4, 2017		<i>Holiday – No Council Meeting</i>		
July 11, 2017	7:00 p.m.	City Council Meeting	Council Chambers	Live
July 18, 2017	7:00 p.m.	City Council Meeting	Council Chambers	Live
July 25, 2017		No Council Meeting		
August Recess		<i>No Council Meetings</i>		



Fremont City Council

3300 Capitol Avenue
Fremont, CA 94538

SUBMITTED

Meeting: 05/02/17 07:00 PM
Div/Dept: City Manager's Office
Category: Presentations

STAFF REPORT (ID # 3063)

Sponsors:
DOC ID: 3063

DISTRICT-BASED ELECTIONS/COMPOSITION OF DISTRICTS/ELECTION SEQUENCING - Public Hearing (Published Notice) to receive input from the community regarding boundaries and composition of districts to be established for district based elections pursuant to Elections Code Section 10010 and Election Sequencing

Contact Persons:

Name:	Jessica von Borck	Harvey E. Levine
Title:	Assistant City Manager	City Attorney
Div/Dept:	City Manager's Office	City Attorney's Office
Phone:	510-248-4008	510-284-4030
E-Mail:	jvborck@fremont.gov	hlevine@fremont.gov

Executive Summary: On March 21, 2017, the City adopted a resolution of intention to transition from at-large to district-based elections. Pursuant to Elections Code Section 10010, the City is required to hold five (5) public hearings within the time frames specified in the statute. The first two (2) public hearings are complete and allowed for the Council and community to weigh in on the composition of the districts. Using this input, draft district maps have now been drawn and third and fourth public hearings will allow the public to provide input regarding the content of the draft maps and the proposed sequence of elections. At the fifth and final public hearing, the Council will vote to consider an ordinance establishing district-based elections. Tonight's public meeting is the City's third required hearing, where the Council will consider and the public will provide input, on the draft district maps and potential election sequencing.

BACKGROUND: On March 21, 2017, the City adopted a resolution of intention to transition from at-large to district-based elections. Pursuant to Elections Code Section 10010, the City is required to hold five (5) public hearings within the time frames specified in the statute. The City has been working under the guidance of independent legal and demographic consultants throughout this process. The first two (2) of five (5) public hearings, pursuant to Elections Code 10010, were held on April 4 and April 18, 2017. These allowed for the Council and community to comment on the composition of the districts. Using this input, draft voting district maps have now been drawn and third and fourth public hearings will allow the public to provide input regarding the content of the draft maps and the proposed sequence of elections. At the fifth and final public hearing, the Council will vote to consider an ordinance establishing district-based elections. Tonight's public meeting is the City's third required hearing.

Since adoption of the resolution of intent, the City has engaged in public outreach efforts to help inform the public on district-based elections and the process associated with their formation. A separate webpage to the City's website has been set up to provide information related to district-based elections including opportunities for when and how the public can contribute to the dialogue. In addition, the City has engaged its social media platforms to share information, and is taking input on the proposed draft maps and election sequencing from the community via Open City Hall. Posters and flyers including the draft maps and information on where to obtain more details and provide input to Council have been

distributed to and posted at all City facilities, the Library, and schools. The City Council meeting agenda cover sheets and this staff report have been translated into five languages to provide additional assistance to non-English speaking citizens. The languages include English, Spanish, Chinese, Vietnamese, and Tagalog. The translated documents are available on the City's website at <https://fremont.gov/districtelections>. In addition, City Council meetings are *open captioned* for the deaf in Council Chambers and *closed captioned* for home viewing.

During the first two (2) public meetings, the City's consultant team presented guidance on what factors should be taken into consideration when creating the new voting districts, including the following legally required criteria that apply to the creation of the actual districts:

- Each council district shall contain a nearly equal population;
- A districting plan shall be drawn in a manner that complies with the Federal Voting Rights Act; and
- Each council district shall not be drawn with race as the predominate factor in violation of the principles established by the United State Supreme Court in *Shaw v. Reno*, 509 U.S. 630 (1993).

In addition, the demographic consultant, Lapkoff & Gobalet Demographic Research, Inc., presented a variety of demographic and geographic data that could also serve as criteria to define the districts (in addition to the legal requirements). Based on all the input, the demographer divided the City into subareas and created a series of maps that could be used by the public to draft election district scenarios. The demographer also used highways, major roads, creeks, and railroads as (recognizable) boundaries, when possible.

Using these sub-area maps, the City Council and community members provided additional input on the composition of districts at the second public hearing on April 18th. Following public comments and Council discussion, the Council provided direction on the preferred number of districts, the sequencing of elections, and criteria they believed were most important in determining potential district boundaries.

This input was used to generate a preliminary set of draft election district maps, which were first published on April 25, 2017 pursuant to Elections Code Section 10010, and will be the basis for discussion at this meeting.

DISCUSSION/ANALYSIS: During the first two public hearings, Council received public input and discussed the number of potential districts to form and considered a variety of components, elements, and factors that might be considered when composing districts. To inform the discussion, the City's demographic consultant presented baseline maps (available on the City's website) that present 2010 census data, Fremont's 28 neighborhood districts, Fremont Unified School District attendance boundaries for high school and elementary schools, and general demographic distribution considerations.

In addition, the consultant also used these components as guidelines to divide the City into subareas ("pieces") much smaller than a district would be, along with an accompanying database. They used these pieces to create a series of maps, depicting relevant information, which could be combined to draft election district scenarios. The maps also used highways, major roads, creeks, and railroads as (recognizable) boundaries, when

possible. The intent of these “pieces” is to identify opportunities to combine them when devising or modifying election district scenarios, relying on the accompanying database to calculate populations of the combined pieces. The demographer provided examples of such combinations by overlaying the pieces into Fremont’s 28 neighborhood districts, Fremont Unified School District (FUSD) high school attendance areas, FUSD elementary school attendance areas, and Fremont Business Districts. The consultant also added piece-level data regarding residential unit distribution, race/ethnic mix of population, and transit oriented development (TOD) land-use designations.

After hearing public comments, the Council discussed and provided direction about the preferred number of voting districts, potential election sequencing following the redistricting, and criteria they believed most useful as a basis for draft maps. As of April 25, 2017, the City published draft maps on the City’s website and in the newspaper, giving the public seven days to review them prior to tonight’s hearing. To the extent possible, these maps reflect the comments and direction discussed below.

Potential Criteria to Consider and New Mapping Information

Though not unanimous in each member’s identification of criteria for draft maps, the Council directed the demographer, in addition to legal requirements, to consider the following factors, without any particular priority, in preparing draft maps:

- The City’s 28 neighborhood districts
- FUSD elementary and high school attendance areas
- The City’s 9 business districts
- Transit Oriented Development land-use designations
- Post 2010 housing and population growth
- California State Assembly district boundaries
- Congressional district boundaries
- Census blocks
- Geographic factors such as highways, major roads, creeks, and railroads as (recognizable) boundaries
- Cohesiveness, contiguity, integrity, and compactness of territory

A majority of the council members has not stated a view on the consideration to be accorded the potential criterion of avoiding head-to-head contests between Council Members.

Election Sequencing

The City Council instructed the demographer to apply the following preliminary considerations in assigning a potential sequence for elections within the districts of each draft plan for consideration of the public and the City Council:

1. Four districts shall be filled by election in 2018 as follows:

Two districts in which no incumbent resides (excepting the Mayor), shall be filled by election in 2018.

Any district in which an incumbent resides whose term expires in 2018, shall be filled by election in 2018 for a four-year term.

If the residences of current incumbents whose terms expire in 2018 are unavoidably paired in a district, that district shall, nevertheless, be filled by election in 2018 for a four-year term, and a third district in which no incumbent resides, shall be filled by election in 2018.

The City Council will then designate one of the districts in which no incumbent resides, for a two-year term. The other one or two districts will each have a four-year term.

2. Three districts shall be filled by election in 2020 as follows:

The two districts that were not filled by election in 2018, shall be filled by election in 2020 for four-year terms.

The district designated for a two-year term in 2018, shall be filled by election again in 2020 for a four-year term.

Number of Electoral Districts

The City Council directed the City's consultant team to devise draft maps based on a configuration of six (6) electoral districts with a Mayor chosen by the electorate citywide.

Desired Outcomes

Pursuant to Elections Code Section 10010, the purpose of tonight's public hearing and the May 16 public hearing is to receive public input on the draft district maps and the potential election sequencing. Comments from tonight's meeting will be used to modify the current draft maps, or create new maps, if required. Council should provide direction to the City's consultant team on any such modifications or additions. In addition to the legally required criteria, the Council may direct the City's consultants to consider other criteria, in addition to what has been presented in this report or at the meeting. Any amended or new maps will be published on May 9, seven days prior to the fourth scheduled public hearing on May 16, 2017. Council should consider public input and provide direction on the potential election sequencing as well.

FISCAL IMPACT: There are no significant fiscal impacts associated with the holding of this public hearing.

ENVIRONMENTAL REVIEW: N/A

ATTACHMENTS: None.

Link to Draft District Maps: <https://fremont.gov/districtelections>

RECOMMENDATION: That the City Council:

1. Receive a report from staff concerning the process for obtaining public input on the draft maps of potential voting districts and potential election sequencing for a district-based election process pursuant to Elections Code Section 10010;

2. Open a public hearing and invite members of the public to provide feedback on the draft maps and potential election sequencing presented; and
3. Close the public hearing when there is no more input from the public, and provide direction to the City's demographics consultant about potential modifications to the draft maps or any new maps required and on the potential election sequencing to implement the district based election system.