



City Council Chambers
3300 Capitol Avenue
Fremont, CA

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 16, 2017

General Order of Business

1. Preliminary
 - Call to Order
 - Salute to the Flag
 - Roll Call
2. Consent Agenda
3. Ceremonial Items
4. Public Communications
5. Scheduled Items
 - Public Hearings
 - Appeals
 - Reports from Commissions, Boards and Committees
6. Report from City Attorney
7. Other Business
8. Council Communications
9. Adjournment

Order of Discussion

Generally, the order of discussion after introduction of an item by the Mayor will include comments and information by staff followed by City Council questions and inquiries. The applicant, or their authorized representative, or interested citizens, may they speak on the item; each speaker may only speak once to each item. At the close of public discussion, the item will be considered by the City Council and action taken. Items on the agenda may be moved from the order listed.

Consent Calendar

Items on the Consent Calendar are considered to be routine by the City Council and will be enacted by one motion and one vote. There will be no separate discussion of these items unless a Councilmember or citizen so requests, in which case the item will be removed from the Consent Calendar and considered separately. Additionally, other items without a "Request to Address the City Council" card in opposition may be added to the consent calendar. The City Attorney will read the title of ordinances to be adopted.



Addressing the Council

Any person may speak once on any item under discussion by the City Council after receiving recognition by the Mayor. Speaker cards will be available prior to and during the meeting. To address City Council, a card must be submitted to the City Clerk indicating name, address, and the number of the item upon which a person wishes to speak. When addressing the City Council, please walk to the lectern located in front of the City Council. State your name. In order to ensure all persons have the opportunity to speak, a time limit will be set by the Mayor for each speaker (see instructions on speaker card). In the interest of time, each speaker may only speak once on each individual agenda item; please limit your comments to new material; do not repeat what a prior speaker has said.

Oral Communications

Any person desiring to speak on a matter which is not scheduled on this agenda may do so under the Oral Communications section of Public Communications. Please submit your speaker card to the City Clerk prior to the commencement of Oral communications. **Only those who have submitted cards prior to the beginning of Oral Communications will be permitted to speak.** Please be aware the California Government Code prohibits the City Council from taking any immediate action on an item which does not appear on the agenda, unless the item meets stringent statutory requirements. The Mayor will limit the length of your presentation (see instructions on speaker card) and each speaker may only speak once on each agenda item.

The City Council Agendas may be accessed by computer at the following World Wide Web

Address: www.fremont.gov

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 16, 2017
TIME: 5:45 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 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 Fred Diaz, City Manager; Jessica von Borck, Assistant City Manager; Karena Shackelford, Deputy City Manager; Brian Stott, Deputy City Manager; Harvey Levine, City Attorney; and Debra Margolis, Assistant 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
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 16, 2017
City Council Chambers, 3300 Capitol Avenue, Building A
7:00 PM

1. Preliminary

- A. Call to Order**
- B. Salute the Flag**
- C. Roll Call**
- D. Announcements by Mayor / City Manager**

2. Consent Calendar

Items on the Consent Calendar are considered to be routine by the City Council and will be enacted by one motion and one vote. There will be no separate discussion of these items unless a Councilmember or citizen so requests, in which event the item will be removed from the Consent Calendar and considered separately. Additionally, other items without a "Request to Address Council" card in opposition may be added to the consent calendar. The City Attorney will read the title of ordinances to be adopted.

A. Motion To: Waive Further Reading of Proposed Ordinances

(This permits reading the title only in lieu of reciting the entire text.)

B. Approval of Minutes - None.

C. 2017 CAPE AND SLURRY SEAL PROJECT - Approval of Plans and Specifications and Award of Contract to Telfer Pavement Technologies, LLC in the Amount of \$3,821,700.08 for the 2017 Cape and Slurry Seal Project (PWC 8195-N) 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 Cape and Slurry Seal Project (PWC 8195):*

- 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 2017 Cape and Slurry Seal Project, PWC 8195-N.*
- 3. Accept the bid and award the construction contract to the lowest responsive and responsible bidder, Telfer Pavement Technologies, LLC, in the amount of \$3,821,700.08 and authorize the City Manager or designee to execute the contract.*

D. DEMOLITION OF "TOWN FAIR" BUILDINGS - Reject All Bids Received on April 26, 2017 for the Demolition of Buildings 1 and 2, Town Fair Shopping Center (PWC8520)

Contact Persons:

Name:	Adrian Simoes	Hans Larsen
Title:	Facilities Design & Construction Project Supv. II	Public Works Director
Dept:	Public Works	Public Works
Phone:	510-494-4769	510-494-4722
E-Mail:	asimoes@fremont.gov	hlarsen@fremont.gov

RECOMMENDATION: Reject all bids submitted on April 26, 2017 for the Demolition of Buildings 1 and 2, Town Fair Shopping Center Project (PWC8520) and direct staff to make any necessary revisions to the contract documents and re-bid the project.

E. WETLANDS MITIGATION FOR FREMONT BOULEVARD WIDENING PROJECT - Authorization to Execute an Agreement for Sale of Mitigation Credits with the San Francisco Bay Wetland Mitigation Bank in the amount of \$110,000 for the Fremont Boulevard Widening Project – Phase II – Structural - Between Landing Parkway and West Warren Avenue (PWC 8661).

Contact Persons:

Name:	Mirabel Aguilar	Hans Larsen
Title:	Associate Civil Engineer	Public Works Director
Dept:	Public Works	Public Works
Phone:	510-494-4761	510-494-4722
E-Mail:	maguilar@fremont.gov	hlarsen@fremont.gov

RECOMMENDATION: Approve, and authorize the City Manager or his designee to execute, the Wetland Mitigation Bank Agreement for Sale of Mitigation Credits, in the amount of \$110,000, for the Fremont Boulevard Widening – Phase II – Structural Project between Landing Parkway and West Warren Avenue.

3. Ceremonial Items - None.

4. Public Communications

A. Oral and Written Communications

PUBLIC FINANCING AUTHORITY - None.

CONSIDERATION OF ITEMS REMOVED FROM CONSENT CALENDAR

5. Scheduled Items

A. **DISTRICT-BASED ELECTIONS / CONTENT OF DRAFT MAPS, SEQUENCE OF ELECTIONS – Public Hearing (Published Notice) to receive input from the community regarding content of district boundary draft maps and proposed sequence of elections pursuant to Elections Code Section 10010.**

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 any final modifications to a selected district map and the potential election sequencing to implement the district based election system.

B. **SPRING 2017 CODE AMENDMENTS – Citywide – PLN2017-00244 - Public Hearing (Public Notice) to Consider the Planning Commission's Recommendation to Adopt Text Amendments to Various Chapters of Fremont Municipal Code Title 12 (Streets, Sidewalks and Public Property) and Title 18 (Planning and Zoning) for Conformance with State and Federal Law Pertaining to Density Bonuses, Accessory Dwelling Units, Marijuana, and Wireless Telecommunications Facilities, and for Correction, Clarification and Enhancement of Regulations Related to Development and Use of Property Within the City, to Consider Amendments to the Zoning Map for Conformance with the General Plan, to Consider Amendments to the Citywide Design Guidelines to Add New Design Rules and Guidelines for the Development of Wireless Telecommunications Facilities, and to Consider an Exemption from the Requirements of the California Environmental Quality Act (CEQA) Pursuant to CEQA Guidelines Section 15061(b)(3) in that the Proposed Amendments are Not a Project Which has the Potential for Causing a Significant Effect on the Environment.**

Contact Persons:

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

RECOMMENDATIONS:

1. Hold public hearing.
2. Find that the proposed amendments are exempt from the requirements of the California Environmental Quality Act (CEQA) per Sections 15061(b)(3) and 15308 of the CEQA Guidelines in that it is not a project which has the

potential to cause a significant effect on the environment, and that proposed text amendments will preserve and enhance aesthetic resources.

3. Find that the proposed amendments are consistent with the General Plan, including policies in the Land Use, Community Character, and Public Facilities Elements as enumerated in the staff report.
4. Find that the proposed amendments further the public interest, convenience, and general welfare of the City by ensuring consistency of the Fremont Municipal Code, Zoning Map, and Citywide Design Guidelines with the General Plan, and state and federal law, and providing for zoning district uses and development standards that are relevant to current development trends, easy to use, flexible, equitable, and that minimize health, safety and other objectionable impacts to Fremont residents.
5. Introduce an ordinance approving amendments to FMC Title 18 (Planning and Zoning) for conformance with State law pertaining to marijuana regulation, density bonus, and accessory dwelling units, and for correction, clarification and enhancement of regulations, and amendments to the Zoning Map, as shown on Exhibit "A," for conformance with the General Plan.
6. Introduce an ordinance approving amendments to FMC Title 12 (Streets, Sidewalks and Public Property) and FMC Title 18 (Planning and Zoning) to address State and federal law pertaining to wireless telecommunications facilities.
7. Direct staff to prepare and the City Clerk to publish a summary of the ordinances.
8. Adopt a resolution approving amendments to the Citywide Design Guidelines to add design rules and design guidelines for the construction of new wireless facilities, and co-location on existing facilities, as shown on Exhibit "B."

6. Report from City Attorney - None.

7. Other Business

A. FY 2017/18 PROPOSED OPERATING BUDGET - Presentation of FY 2017/18 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. CAPITAL IMPROVEMENT PROGRAM UPDATE - Presentation of Updated 5-Year Capital Improvement Program and Approval of Minor Budget Actions.

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

RECOMMENDATIONS:

1. Provide comments to staff on the project list and proposed funding for the FY 2017/18 – 2021/22 CIP.
2. Defund PWC7859 fund 530 WW –Central Park Turf & Poplar Renovation in an estimated amount of \$22,000.

C. GENERAL PLAN AMENDMENT PRIORITIZATION POLICY - Citywide - PLN2017-00252 - To Consider the Planning Commission’s Recommendations Regarding Refinements to the General Plan Prioritization Policy, Which Was Created to Provide an Initial Screening Process for General Plan Amendments that, If Approved, Would Allow Additional Market-Rate Residential Development, and to Consider a Finding that No Environmental Review is Required in Compliance with the California Environmental Quality Act (CEQA) Pursuant to CEQA Guidelines Section 15061(b)(3) as the Project Does Not Have the Potential For Causing a Significant Effect on the Environment.

Contact Persons:

Name:	Kristie Wheeler	Jeff Schwob
Title:	Planning Manager	Director
Dept:	Planning	Community Development
Phone:	510-494-4454	510-494-4527
E-Mail:	kwheeler@fremont.gov	jschwob@fremont.gov

RECOMMENDATIONS:

1. Hold public hearing.
2. Find that the proposed refinements to the General Plan Amendment Screening Policy are exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) as they do not have the potential for causing a significant effect on the environment.
3. Adopt a resolution approving refinements to the General Plan Amendment Screening Policy.

D. MOBILITY COMMISSION REFERRAL - Consider Staff Report and Recommendations in Response to Council Referral on Creation of a Mobility Commission and Other Options to Address Transportation Mobility Issues.

Contact Persons:

Name:	Hans Larsen
Title:	Public Works Director
Dept:	Public Works
Phone:	510-494-4722
E-Mail:	hlarsen@fremont.gov

RECOMMENDATIONS:

1. Direct staff to facilitate the creation of a Fremont Mobility Action Plan, prepared by a professional consultant team, with guidance from a community-based Mobility Task Force, coordination with regional transportation agencies, neighboring cities, and other regional stakeholders, and opportunities for public outreach and input.
2. Direct staff to work with Mayor Mei on the selection of representatives for the Mobility Task Force for subsequent review and approval by the City Council.

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

**UPCOMING MEETING AND CHANNEL 27
BROADCAST SCHEDULE**

Date	Time	Meeting Type	Location	Cable Channel 27
May 23, 2017		No Council Meeting		
May 30, 2017		No Council Meeting		
Wednesday, May 31, 2017	5:30 p.m.	Special Meeting	Council Chambers	Live
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>		
September 5, 2017	7:00 p.m.	City Council Meeting	Council Chambers	Live
September 12, 2017	7:00 p.m.	City Council Meeting	Council Chambers	Live
September 19, 2017	7:00 p.m.	City Council Meeting	Council Chambers	Live
September 26, 2017		No Council Meeting		


Fremont City Council

 3300 Capitol Avenue
 Fremont, CA 94538

SCHEDULED

 Meeting: 05/16/17 07:00 PM
 Div/Dept: City Manager's Office
 Category: Elections

STAFF REPORT (ID # 3087)

 Sponsors:
 DOC ID: 3087

DISTRICT-BASED ELECTIONS / CONTENT OF DRAFT MAPS, SEQUENCE OF ELECTIONS – Public Hearing (Published Notice) to receive input from the community regarding content of district boundary draft maps and proposed sequence of elections pursuant to Elections Code Section 10010.
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. At the May 2, 2017 public hearing, the Council decided to hold an additional hearing, which has been scheduled for June 13, 2017. The first three (3) public hearings are complete. The first two hearings allowed for the Council and community to weigh in on the composition of the districts. At the third hearing, the Council and community provided feedback on five draft district maps and the proposed sequencing of elections. Using this input, the City's consultants have narrowed down the number of draft district maps for additional public input and Council direction to be received at this fourth public hearing. At the fifth hearing, the Council will make final recommendations to a preferred draft map and introduce an ordinance to establish district-based elections. At the sixth and final public hearing, the Council will vote to consider adoption of an ordinance establishing district-based elections. Tonight's public meeting is the City's fourth required public hearing, where the public will provide additional input and the Council will consider the draft district maps and potential election sequencing.

BACKGROUND: The City Council held the first three (3) of six (6) public hearings on April 4th, April 18th and May 2nd, 2017. The first two hearings allowed for the Council and community to comment on the composition of the districts. Using this input, draft voting district maps were drawn and were discussed at the third public hearing. Public comment and Council direction were provided regarding the content of the draft maps and the proposed sequence of elections, which has been used to modify draft maps for additional discussion at the fourth hearing. The modified maps were published and made available to the public on May 9th, 2017. At the fifth hearing, the Council will make final recommendations to a preferred draft map and introduce an ordinance to establish district-based elections. At the sixth and final public hearing, the Council will vote to consider an ordinance establishing district-based elections. Tonight's public meeting is the City's fourth required hearing.

Public Outreach

Since adoption of the resolution of intent, the City has engaged in public outreach efforts to help inform the public about 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 Spanish, Chinese, Vietnamese, Tagalog, and Dari. The translated documents are available on the City's website at <https://fremont.gov/districtelections>. In addition, City Council meetings are *open captioned* for hearing impaired citizens in the Council Chambers and *closed captioned* for home viewing.

Drafting District Maps

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:

- 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 districts (in addition to the legal requirements). Based on all 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.

Following public comments related to this information, the Council discussed and provided direction at the April 18th hearing about the preferred number of voting districts, potential election sequencing, and criteria they believed most useful as a basis for draft maps. On April 25th, 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 the May 2nd hearing in compliance with Elections Code 10010.

Potential Criteria to Consider and New Mapping Information

On April 25th the Council directed the demographer to consider the following criteria in addition to the established legal requirements when preparing draft district maps. Please note that the criteria are listed without any particular priority:

- 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

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.

DISCUSSION/ANALYSIS: At the third public hearing on May 2nd, the community and Council had the opportunity to provide feedback on the five draft maps that were prepared. The City's independent legal consultant confirmed that all five draft maps comply with the California Voting Rights Act and the Federal Voting Right Act. In addition, the Council confirmed support for forming six districts with an at-large Mayor.

Prior to public comment and discussion, the City Attorney also responded to certain questions raised following an information session held by the Fremont Chamber of Commerce regarding the current process the City is completing in accordance with Elections Code Section 10010 (AB 350).

Speakers at the earlier City Council hearing and the Chamber of Commerce discussions claimed that the City is moving too quickly with the redistricting process. Rather than comply with the stringent requirements of the Election Code's "safe harbor," they urged that the City ask the law firm threatening the City with California Voting Rights Act (CVRA) litigation for additional time. Several speakers want the City to explore alternatives to creating districts. One expressed a desire for more time to organize racial minority communities to better react to the changing electoral landscape.

AB 350 provides no authority to modify or extend the specific time requirements. The speakers are assuming that the City is currently in litigation with the law firm who filed the notice. However, no litigation has been filed. Compliance with AB 350 allows the City to avoid CVRA litigation all together if it complies with the "safe harbor" time periods in the law (45 days to adopt a resolution of intent and 90 days to adopt district-based elections by ordinance). The City is currently meeting those milestones.

Several of the speakers argued for consideration of voting systems other than districting to enhance minority voting power. They advocate for ranked choice voting (also called instant runoff voting), cumulative voting and limited voting. These alternatives are not available to general law cities such as Fremont. In order to adopt such voting methods, the City would first have to decide to become a charter city, prepare a draft charter and then have it passed by the voters. This task would not be possible within the time frame allowed by AB 350. And even if the current City Council wished to adopt a charter for such purpose, there is no guarantee that Fremont's voters would approve it. Fremont has twice rejected Charter measures.

Finally, some commentators have argued for litigating the CVRA claim. The first and only "facial" challenge to the statute failed after significant public monies were spent defending the city involved and in paying the attorneys' fees and costs of the law firm suing that city. The defense costs involved in these cases were a motivating factor in creating the "safe harbor" legislation in the first place.

Public comments regarding the draft maps were received both at the hearing and through the City's District Election website. In addition to individuals expressing preference for a particular draft map, other noteworthy comments were as follows.

- The proposed District 1 in draft Plans B, C, and E should be split so as not to combine areas in Ardenwood to the north and Bayside/Warm Springs to the south.

- Members of the local Afghan population expressed a desire for the new districts to keep the Afghan community of interest together. Alternative maps were presented by certain members or representatives of this community.
- Former Mayor Gus Morrison presented an alternative map that Council expressed interest in having the demographer verify for meeting State and Federal regulations and to explore incorporating its demonstrated district compactness.

A majority of the Council expressed preference for Plan C and offered the following criteria to consider in the next revision during their discussion:

- Proposed District 1 in draft Plan C should be split so as not to combine areas in Ardenwood to the north and Bayside/Warm Springs to the south.
- To the extent possible, consider Fremont's established neighborhoods.
- To the extent possible, the consultants should analyze how to maintain as much of the Afghan community of interest in one district as possible
- Maintain compactness of districts – ensure that boundaries follow clean lines and limit irregular shapes.
- Evaluate if the Glenmoor and Glen Manor neighborhoods can be placed in different districts to respect incumbency.
- To the extent possible, consider high school attendance areas.
- To the extent possible, ensure each district has a mix of uses, including both residential and commercial.

Remaining Public Hearings

At the May 2nd hearing, the City Council also expressed interest in adding an additional public hearing into the schedule of hearings before considering the final formation of the districts and election sequencing. When drafting the initial schedule, staff built in an opportunity to include an additional meeting if the need arose while still maintaining compliance with AB 350. As a result, a sixth hearing has been added to the schedule for June 13th. Here is a summary of the remaining hearings (including tonight's hearing):

May 16th – Continue to review draft district maps and proposed election sequencing.

June 6th – Review draft district map(s) and election sequencing and introduce an ordinance to transition from at-large to district-based elections.

June 13th – Hold second reading and adopt an ordinance to transition from at-large to district-based elections.

Desired Outcomes

Pursuant to Elections Code Section 10010, tonight's public hearing is to receive public input on the updated draft district maps and the potential election sequencing. Comments from tonight's meeting will be used to make further modifications to a final draft map. The modified map will be published on May 30th, seven days prior to the fifth public hearing on

June 6th. 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:

- Correspondence

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 any final modifications to a selected district map and the potential election sequencing to implement the district based election system.