



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

June 6, 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.

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 10 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 your City's business is appreciated.

**AGENDA
FREMONT CITY COUNCIL REGULAR MEETING
JUNE 6, 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 – None.**
- C. **SECOND READING AND ADOPTION OF AN ORDINANCE OF THE CITY OF FREMONT AMENDING TITLE 18 (PLANNING AND ZONING) AND TITLE 12 (STREETS, SIDEWALKS, AND PUBLIC PROPERTY) OF THE FREMONT MUNICIPAL CODE REGARDING WIRELESS FACILITIES and SECOND READING AND ADOPTION OF AN ORDINANCE OF THE CITY OF FREMONT AMENDING VARIOUS CHAPTERS OF FREMONT MUNICIPAL CODE TITLE 18 (PLANNING AND ZONING) FOR CONFORMITY WITH STATE LAWS PERTAINING TO DENSITY BONUS, ACCESSORY DWELLING UNITS, AND MARIJUANA REGULATION AND FOR ENHANCEMENT AND CLARIFICATION OF EXISTING REGULATIONS RELATED TO BOTH DEVELOPMENT AND USE OF PROPERTY WITHIN THE CITY, AND ZONING MAP AMENDMENTS TO PROVIDE CONFORMITY WITH THE GENERAL PLAN COMMUNITY CHARACTER LAND USE MAPS (PLN2017-00244)**

Contact Persons:

<i>Name:</i>	<i>Susan Gauthier</i>	<i>Wayland Li</i>
<i>Title:</i>	<i>City Clerk</i>	<i>Senior Planner</i>
<i>Dept:</i>	<i>City Clerk's Office</i>	<i>Planning</i>
<i>Phone:</i>	<i>510-284-4076</i>	<i>510-494-4453</i>
<i>E-Mail:</i>	<i>sgauthier@fremont.gov</i>	<i>wli@fremont.gov</i>

RECOMMENDATION: *Adopt ordinances.*

D. WARM SPRINGS BART WEST ACCESS BRIDGE AND PLAZA PROJECT - Authorization to Execute a Professional Services Agreement with S&C Engineers, Inc., in an amount not to exceed \$2,200,000 for Construction Management Services related to the Warm Springs BART West Access Bridge and Plaza Project (PWC8804).

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: Authorize the City Manager or his designee to execute a Professional Services Agreement with S&C Engineers, Inc., in an amount not to exceed \$2,200,000 for Construction Management Services related to the Warm Springs BART West Access Bridge and Plaza Project (PWC8804).

E. PURCHASE OF FLEET VEHICLES - Approval of Purchase Order Contracts with Albany Ford for Two Ford F350 Utility Trucks in an Amount Not to Exceed \$115,858.14 and with Peterson Tractor Co. for One Weiler P385B Asphalt Paver in an Amount Not to Exceed \$195,550.38. Exempt from CEQA Review per Guideline 15061

Contact Persons:

Name:	Mark Collins	Hans Larsen
Title:	Fleet Maintenance Manager	Public Works Director
Dept:	Maintenance	Public Works
Phone:	510-979-5739	510-494-4722
E-Mail:	mcollins@fremont.gov	hlarsen@fremont.gov

RECOMMENDATIONS:

1. Authorize the City Manager or designee to execute a purchase order contract with Albany Ford, in an amount not to exceed \$115,858.14 for the purchase of the two Ford F350 Utility Trucks.
2. Authorize the City Manager or designee to execute a purchase order contract with Peterson Tractor Co., in an amount not to exceed \$195,550.38 for the purchase of one Weiler P385B asphalt paver.

F. FUEL SUPPLY CONTRACT - Authorization to Execute Purchase Order Contract with Southern Counties Oil Company for the Purchase and Delivery of Gasoline and Diesel Fuel. Exempt from CEQA Review per Guideline 15378 (b) (2).

Contact Persons:

Name:	Mark Collins	Hans Larsen
Title:	Fleet Maintenance Manager	Public Works Director
Dept:	Maintenance	Public Works
Phone:	510-979-5739	510-494-4722
E-Mail:	mcollins@fremont.gov	hlarsen@fremont.gov

RECOMMENDATION: Authorize the City Manager or designee to execute a purchase order contract with Southern Counties Oil Company, DBA SC Fuels for the purchase and delivery of unleaded gasoline and diesel fuel for a one-year term and to renew the contract for up to three one-year terms in accordance with Bid # 17-022.

G. LIGHT MAINTENANCE CONTRACT - Award the Contract and Authorize the City Manager or Designee to Execute the Streetlight and Exterior Public Facilities Light Maintenance Contract to Bear Electrical Solutions

Contact Persons:

Name:	Carl Valdez	Hans Larsen
Title:	Street Maintenance Manager	Public Works Director
Dept:	Maintenance	Public Works
Phone:	510-979-5719	510-494-4722
E-Mail:	cvaldez@fremont.gov	hlarsen@fremont.gov

RECOMMENDATIONS:

1. Award the contract and authorize the City Manager or designee to execute a contract with Bear Electrical Solutions for streetlights and public facilities light maintenance for a one-year term, effective July 1, 2017, for an amount not to exceed \$481,993.00.
2. Authorize the City Manager or designee to annually renew the contract with Bear Electrical Solutions for up to four additional years subject to annual price adjustments based on the San Francisco Bay Area Price Index, not to exceed 5% per year.

H. STORM DRAIN MAINTENANCE EQUIPMENT - Approval of Purchase Order Contract for Storm Drain Maintenance Equipment with Atlantic Machinery, Inc., for Portable TV Inspection System in an Amount Not to Exceed \$127,112.59; Exempt from CEQA Review per Guideline 15061

Contact Persons:

Name:	Carl Valdez	Hans Larsen
Title:	Street Maintenance Manager	Public Works Director
Dept:	Maintenance	Public Works
Phone:	510-979-5719	510-494-4722
E-Mail:	cvaldez@fremont.gov	hlarsen@fremont.gov

RECOMMENDATION: Authorize the City Manager or designee to execute a purchase order contract with Atlantic Machinery, Inc., in an amount not to exceed \$127,112.59 for the purchase of one Mark 3 Portable TV Inspection System.

I. AMENDMENT TO SERVICE AGREEMENT FOR THE CITY OF FREMONT'S AMERICANS WITH DISABILITIES ACT (ADA) CITY EVALUATION AND TRANSITION PLAN - Authorize the City Manager, or Designee, to Execute an Amendment to the Service Agreement with Disability Access Consultants (DAC) to conduct a City evaluation and update the City of Fremont's ADA Transition Plan to Increase Phase II services contract amount from \$295,075 to a Not-to-Exceed Amount of \$535,075

Contact Persons:

Name:	Kelly King	Jessica von Borck
Title:	Deputy Director of Maint. & Business Operations	Assistant City Manager
Dept:	Public Works	City Manager's Office
Phone:	510-979-5753	510-248-4008
E-Mail:	kking@fremont.gov	jvborck@fremont.gov

RECOMMENDATIONS:

1. Approve and authorize the City Manager or his designee to execute an Amendment to the Service Agreement with DAC to increase the Phase II services contract amount from \$295,075 to a not to exceed amount of \$593,075.
2. Approve the reallocation of \$135,000 from PWC8877-520 ACTC Measure BB funds, and \$105,000 from PWC8877-519 ACTC Measure B funds for a total of \$240,000 to PWC8846 ADA Transition Plan project to fund the increase in the agreement.

J. RAILROAD DESIGN SERVICES - Approval of Amendment for On-Call Engineering Consultant Services with RailPros, Inc. in the amount of \$50,000, for Highway-Rail Interconnect Design and Highway-Rail Operational Analysis Services

Contact Persons:

Name:	Jeanne Suyeishi	Hans Larsen
Title:	Senior Civil Engineer	Public Works Director
Dept:	Public Works	Public Works
Phone:	510-494-4728	510-494-4722
E-Mail:	jsuyeishi@fremont.gov	hlarsen@fremont.gov

RECOMMENDATION: Authorize the City Manager or his designee to execute an amendment to the On-Call Master Service Agreement for additional Highway-Rail Interconnect Design Services and Highway-Rail Operational Analysis Services with RailPros, Inc. in an amount not to exceed \$50,000.

K. ANNUAL APPROVAL OF INVESTMENT POLICY - Annual Approval of Investment Policy; Annual Delegation of Authority to City Treasurer to Manage Investments

Contact Persons:

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

RECOMMENDATION: Adopt a resolution approving the City's Investment Policy for FY 2017/18 and delegating the City Council's authority to invest and reinvest public funds, and to sell or exchange securities so purchased, to the Finance Director/Treasurer for one year or until earlier revoked by the City Council.

L. TRANSPORTATION GRANT FUNDING - Adopt a Resolution of Local Support to Receive MTC Grant Funds for the Pavement Rehabilitation Project in the amount of \$2.8 million and for the Complete Streets Upgrade of Relinquished State Route 84 in the Centerville PDA project in the amount of \$7.7 million

Contact Persons:

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

RECOMMENDATION: *Adopt a resolution of local support as required by the Metropolitan Transportation Commission (MTC) to receive One Bay Area Grant (OBAG) program funding in the amount of \$2.8 million for the Pavement Rehabilitation Project and \$7.7 million for the Complete Streets Upgrade of Relinquished State Route 84 in the Centerville PDA; and: authorize the City Manager or designee to execute and file the application for grant funding; commit any necessary matching funds; and state the assurance to complete the projects.*

3. CEREMONIAL ITEMS – None.

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. **BOND ISSUANCE FOR AN AFFILIATE OF FAIRFIELD INVESTMENT COMPANY LLC AND WAKELAND HOUSING AND DEVELOPMENT CORPORATION (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 the Warm Springs Apartments Affordable Housing Project -- CONTINUED FROM APRIL 11, 2017 AND MAY 2, 2017 CITY COUNCIL MEETINGS**

Contact Persons:

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

RECOMMENDATIONS:

1. Hold a public hearing in accordance with TEFRA;
2. Adopt a Resolution Approving the Issuance of Multifamily Housing Revenue Bonds by the California Statewide Communities Development Authority for the purpose of financing an affordable housing project in the City of Fremont to be developed by an affiliate of Fairfield Investment Company LLC and Wakeland Housing and Development Corporation.

B. **DISTRICT-BASED ELECTIONS / CONTENT OF DRAFT MAPS, SEQUENCE OF ELECTIONS – PUBLIC HEARING TO REVIEW DRAFT MAPS, SEQUENCE OF ELECTIONS, AND INTRODUCTION OF AN ORDINANCE OF THE CITY OF FREMONT TO TRANSITION FROM AT-LARGE TO DISTRICT-BASED ELECTIONS**

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

RECOMMENDATIONS:

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 the public hearing and invite members of the public to provide feedback on the draft maps and potential election sequencing presented at the meeting;
3. Close the public hearing when there is no more input from the public and select a preferred draft map;
4. Find that the proposed ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines in that there is no possibility that the

- ordinance will have a significant effect on the environment; and
5. Introduce an ordinance establishing a district-based system of elections for City Councilmembers, establishing districts and the timing and sequencing of future elections.

C. WARM SPRINGS TECHNOLOGY CENTER MASTER PLAN – PLN2017-00086 – Public Hearing (Published Notice) to Consider the Planning Commission's Recommendation to Approve a Master Plan to Facilitate Development of 584,205 Square Feet of Research and Development and 108,595 Square Feet of Industrial Floor Area on a ±22-Acre Property on the East Side of Warm Springs Boulevard, North of Corporate Way, and Located within Planning Area 10 of the Warm Springs/South Fremont Community Plan, and to Consider a Finding that No Further Environmental Review is Required in Accordance with the California Environmental Quality Act (CEQA) Pursuant to CEQA Guidelines Section 15183 as the Project is Consistent with the Density and Intensity of Development Established by the Warm Springs/South Fremont Community Plan for which a Final Environmental Impact Report (SCH#2013032062) was Previously Prepared and Certified.

Contact Persons:

Name:	David Wage	Kristie Wheeler
Title:	Associate Planner	Planning Manager
Dept:	Planning	Planning
Phone:	510-494-4447	510-494-4454
E-Mail:	dwage@fremont.gov	kwheeler@fremont.gov

RECOMMENDATIONS:

1. Hold a public hearing.
2. Find that no further environmental review is required pursuant to CEQA Guidelines Section 15183 as the project is consistent with the development density and intensity established by the WS/SF Community Plan for which an FEIR (SCH#2013032062) was previously prepared and certified, and that the project water demand is consistent with the planning assumptions included in the Alameda County Water District's Water Supply Assessment for Warm Springs/South Fremont Community Plan dated September 2013, as analyzed in the Environmental Compliance Checklist provided in Exhibit "A," and find that this action reflects the independent judgment of the City.
3. Find that the Warm Springs Technology Center Master Plan as depicted in Exhibit "B," (Master Plan), is consistent with the General Plan, WS/SF Community Plan and Fremont Municipal Code (FMC) Chapter 18.49 (Warm Springs Innovation ("WSI") District) as described in this report.
4. Adopt a resolution approving the Warm Springs Technology Center Master Plan as depicted in Exhibit "B," (Master Plan), based on findings specified in FMC Section 18.49.050(a)(4) and subject to conditions of approval as shown in Exhibit "C."

- D. COMMERCIAL LINKAGE FEE - Public Hearing (Published Notice) to Consider the Planning Commission's Recommendation to Approve a Zoning Text Amendment Establishing a Commercial Linkage Fee for Affordable Housing (Adding Chapter 18.156 of the Fremont Municipal Code) (PLN 2017--00256). The proposed project is an implementation measure of the adopted General Plan for which a final Environmental Impact Report (EIR) (SCH#2010082060) was previously prepared and certified, and, therefore, no further environmental review is required.**

Contact Persons:

Name:	Dan Schoenholz	Jeff Schwob
Title:	Deputy Community Development Director	Director
Dept:	Community Development	Community Development
Phone:	510-494-4438	510-494-4527
E-Mail:	dschoenholz@fremont.gov	jschwob@fremont.gov

RECOMMENDATIONS:

1. Hold public hearing.
2. Find the proposed Zoning Text Amendment is an implementation measure of the General Plan for which an Environmental Impact Report was prepared and certified and that no further environmental review is required.
3. Find that the proposed Zoning Text Amendment is consistent with the General Plan as described in the staff report.
4. Find that the proposed Zoning Text Amendment furthers the public interest, convenience, and general welfare of the city as described in the staff report.
5. Adopt the findings contained in the Affordable Housing Nexus Study dated October, 2016 regarding the impacts of non-residential development on the need for affordable housing.
6. Introduce an ordinance approving the proposed Zoning Text Amendment as set forth in the Draft Ordinance (Exhibit "A").
7. Adopt a Resolution approving an amendment to the Master Fee Schedule regarding commercial linkage fees for affordable housing.
8. Direct staff to prepare and the City Clerk to publish a summary of the ordinance.

- E. FIRST PUBLIC HEARING ON FY 2017/18 PROPOSED OPERATING BUDGET - First Public Hearing (Published Notice) on 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

RECOMMENDATIONS:

1. Hold a public hearing.
2. Provide direction to staff on issues pertaining to the FY 2017/18 Proposed Operating Budget.

F. CAPITAL IMPROVEMENT PROGRAM - First Public Hearing (Published Notice) and Council Direction to Staff on the Proposed FY 2017/18 - 2021/22 Capital Improvement Program

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. Hold a public hearing.
2. Receive information about and consider all capital improvement projects proposed for the Five-Year FY 2017/18 – 2021/22 CIP.
3. Provide direction as needed on the FY 2017/18 – 2021/22 proposed CIP, for consideration on June 13, 2017.

6. REPORT FROM CITY ATTORNEY – None.

7. OTHER BUSINESS – None.

8. COUNCIL COMMUNICATIONS

A. Council Referrals - None.

B. Oral Reports on Meetings and Events

9. ADJOURNMENT

ACRONYMS

ABAG	Association of Bay Area Governments	GIS	Geographic Information System
ACE	Altamont Commuter Express	GPA	General Plan Amendment
ACFCD	Alameda County Flood Control District	HARB	Historical Architectural Review Board
ACTC	Alameda County Transportation Commission	HBA	Home Builders Association
ACWD	Alameda County Water District	HRC	Human Relations Commission
ARB	Art Review Board	ICMA	International City/County Management Association
BAAQMD	Bay Area Air Quality Management District	JPA	Joint Powers Authority
BART	Bay Area Rapid Transit District	LLMD	Lighting and Landscaping Maintenance District
BCDC	Bay Conservation & Development Commission	LOCC	League of California Cities
BMPs	Best Management Practices	LOS	Level of Service
BMR	Below Market Rate	MOU	Memorandum of Understanding
		MTC	Metropolitan Transportation Commission
CALPERS	California Public Employees' Retirement System	NEPA	National Environmental Policy Act
CBC	California Building Code	NLC	National League of Cities
CDD	Community Development Department	NPDES	National Pollutant Discharge Elimination System
CC & R's	Covenants, Conditions & Restrictions	NPO	Neighborhood Preservation Ordinance
CDBG	Community Development Block Grant	PC	Planning Commission
CEQA	California Environmental Quality Act	PD	Planned District
CERT	Community Emergency Response Team	PDA	Priority Development Area
CIP	Capital Improvement Program	PUC	Public Utilities Commission
CNG	Compressed Natural Gas	PVAW	Private Vehicle Accessway
COF	City of Fremont	PWC	Public Works Contract
COPPS	Community Oriented Policing and Public Safety	RFP	Request for Proposals
		RFQ	Request for Qualifications
CSAC	California State Association of Counties	RHNA	Regional Housing Needs Allocation
CTC	California Transportation Commission	ROP	Regional Occupational Program
dB	Decibel	RRIDRO	Residential Rent Increase Dispute Resolution Ordinance
DEIR	Draft Environmental Impact Report		
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**

<i>Date</i>	<i>Time</i>	<i>Meeting Type</i>	<i>Location</i>	<i>Cable Channel 27</i>
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		
Monday, October 2, 2017	5:30 p.m.	Joint Council/FUSD Meeting	<i>FUSD</i>	Live
October 3, 2017	7:00 p.m.	City Council Meeting	Council Chambers	Live
October 10, 2017	7:00 p.m.	City Council Meeting	Council Chambers	Live
October 17, 2017	7:00 p.m.	City Council Meeting	Council Chambers	Live
October 24, 2017		No Council Meeting		
October 31, 2017		No Council Meeting		



Fremont City Council

3300 Capitol Avenue
Fremont, CA 94538

SUBMITTED

Meeting: 06/06/17 07:00 PM
Div/Dept: City Manager's Office
Category: Plans, Policies and Studies

STAFF REPORT (ID # 3110)

Sponsors:
DOC ID: 3110

DISTRICT-BASED ELECTIONS / CONTENT OF DRAFT MAPS, SEQUENCE OF ELECTIONS – PUBLIC HEARING TO REVIEW DRAFT MAPS, SEQUENCE OF ELECTIONS, AND INTRODUCTION OF AN ORDINANCE OF THE CITY OF FREMONT TO TRANSITION FROM AT-LARGE TO DISTRICT-BASED ELECTIONS

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
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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 four (4) public hearings are complete and allowed for the Council and community to weigh in on the composition of the districts and potential election sequencing. The June 6 hearing is the fifth required public hearing where 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.

BACKGROUND: The City Council held the first four (4) of six (6) public hearings on April 4, April 18, May 2, and May 16, 2017. The first three hearings allowed for the Council and community to comment on the composition of the districts and potential election sequencing. Draft voting district maps were published on April 25 and May 9, 2017, and presented and discussed at the third and fourth public hearings. Public comment and Council direction were provided regarding the content of the draft maps and the proposed sequence of elections. At the June 6 public hearing, the Council will make final recommendations and select a preferred district map and election sequencing and introduce an ordinance to establish district-based elections. At the sixth and final public hearing, the Council will vote to adopt an ordinance establishing district-based elections inclusive of the district map and election sequencing.

Public Outreach

Since adoption of the resolution of intent on March 21, 2017, 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 and at the Library. They have also been provided to the Fremont Unified School District. The City Council meeting agenda cover sheets and this staff report have been translated into seven languages to provide additional assistance to non-English speaking citizens. The languages include Spanish, Chinese, Vietnamese, Tagalog, Dari, Hindi, and Punjabi. 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

Throughout the public hearing process, the City's consultant team has 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., has presented a variety of demographic and geographic data that served as potential criteria to define districts (in addition to the legal requirements). Based on all input from the City Council and the public at the first public hearing on April 18, the demographer divided the City into subareas and created a series of maps that were used by the public and Council to guide further discussions and to draft a variety of election district scenarios. The demographer also used highways, major roads, creeks, and railroads as (recognizable) boundaries, when possible.

Mapping Criteria

At the second public hearing, 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

Subsequently, at the third public hearing, the Council indicated its preference for Map C and requested the following additional criteria as a basis for revised draft maps.

- Proposed District 1 in the original Map 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.

The City Council also 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:

Public Comments and Council Discussion

At the fourth public hearing on May 16, 2017, the community and Council had the opportunity to provide feedback on the four new draft maps that were prepared in response to Council's direction at the third public hearing. Those maps were titled, Map C-1, Map C-2, Map C-2a, and Map M. The City's independent legal consultant confirmed that all draft maps comply with the California Voting Rights Act and the Federal Voting Right Act.

The new maps removed the Bayside/Warm Springs area from District 1. Map C-1 kept the Glenmoor and Glen Manor neighborhoods together in District 3 while Map C-2 split the two neighborhoods so that Glenmoor was in District 2 and Glen Manor was in District 3. Map C-2a modified the boundary between Districts 2 and 3 in order to keep the majority of the Afghan community of interest in a single district. The demographers also prepared Map M to reflect the division of districts proposed by former Mayor Gus Morrison which was modified by the consultant team to comply with the California and Federal Voting Rights Act requirements.

Public comments regarding the draft maps were received both at the hearing and through the City's District Election website. A majority of public comment speakers expressed a preference for Map C-2a, which was a variation of Map C-2, originally posted on May 9th. Support for Map C-2a was primarily based on the fact that it maintains most of the Afghan community of interest in a single district. Additionally, members of the public suggested that Transit-Oriented Development (TOD) areas be represented in each district and that traditional neighborhoods be considered in district formation.

The Council, citing similar reasons, expressed preference for Maps C-1 and C-2a. Councilmember Jones suggested a slight modification to the boundaries where proposed Districts 4, 5, and 6 intersect to make districts a bit more compact and to divide the Irvington BART Station TOD more sensibly, assuming it would not substantially increase the population deviations of those districts. This modification has been made to both Map C-1 and C-2a and results in only a slight increase in the total deviation percentage for the plans. In addition to achieving greater compactness, the modified maps also divide the Irvington

TOD area between two council districts and place both sides of Osgood Rd. between Washington Blvd. and Durham Rd. in District 6. These updated maps were published on May 30th and are called Map C-1a and Map C-2b.

Election Sequencing

The City Council must also establish an election sequence schedule to ensure that there are six Councilmembers seated after the November 2018 election and that elections are staggered so that three Councilmembers are elected in each future election. Since there are currently two incumbents on the council with terms that don't expire until 2020 (Councilmembers Bacon and Salwan), this means that the remaining four seats must be filled by district elections in 2018. Under Map C-1a, one seat would be filled by an election in District 3 where two incumbents live and the other three seats would be filled by an election in three of the other four districts. Of those three seats, one would be a two year term so that there would be three district elections in 2020 (District 5 where incumbent Salwan lives and two others). Map C-2b is the same as Map C-1a except that there would be incumbents in both Districts 2 and 3 so only two of the remaining three districts would have elections.

The Council can select which open districts have elections by lot (drawing straws) or based on other criteria. For example, at the May 16, 2017 Council meeting, a member of the public suggested that District 1 should be selected because the City has not historically had any councilmembers from that area. The Council must also select which open district seat at the 2018 elections will have a two-year term. This can also be done by lot. An example of how the election sequencing could work is shown here. The shading shows how the District seat elections would be staggered.

Election Sequencing Example		
2018 Elections		
Council District	Map C-1a	Map C-2b
1	2018	2018
2	2018	2018 (Jones)
3	2018 (Jones/Bonaccorsi)	2018 (Bonaccorsi)
4	2018 (two year term)	2018 (two year term)
At large members remaining in office	Bacon (terms out in 2020) Salwan (runs in 2020)	Bacon (terms out in 2020) Salwan (runs in 2020)
2020 Elections		
4	2020 (two year term expires)	2020 (two year term expires)
5	2020 (Salwan)	2020 (Salwan)
6	2020	2020
At large members remaining in office	None	none

Yellow shading = Districts with elections in 2018.

Green shading = Districts with elections in 2020. Note that there would be an election in District 4 for a two year term in 2018 and the first four year term election would be in 2020.

Notes:

Map C-1a – Councilmembers Jones and/or Bonaccorsi would be running in District 3 in 2018. Since Councilmembers Salwan and Bacon would still be on the Council until 2020, three more districts would need to have elections in 2018 in order to have six Councilmembers seated after the November 2018 election. Council can choose any of the remaining four districts for the three remaining open seats. One of those seats would be for a two-year term so that elections can be staggered and three seats have elections in 2020 (Salwan’s District 5 seat, the two year term seat and one more district). Councilmembers Salwan and Bacon would continue to represent the City “at large” until their terms expire in 2020.

Map C-2b – Councilmembers Jones and Bonaccorsi would be up for election in their Districts (2 and 3 respectively) in 2018. Since Councilmembers Salwan and Bacon would still be on the Council until 2020, two more districts would need to have elections in 2018 in order to have six Councilmembers seated after the November 2018 election. Council can choose any of the remaining three districts for the two remaining open seats. One of those seats will be for a two-year term so that elections can be staggered and three seats have elections in 2020 (Salwan’s District 5 seat, the two year term seat and one more district). Councilmembers Salwan and Bacon would continue to represent the City “at large” until their terms expire in 2020.

Desired Outcomes

Pursuant to Elections Code Section 10010, this fifth public hearing is to introduce an ordinance identifying a preferred district map, establishing a sequence for future elections and identifying which terms will be two year terms and which will be four year terms. Draft ordinances are attached for both Map C-1a and Plan C-2b.

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

ENVIRONMENTAL REVIEW: The proposed ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines in that there is no possibility that the ordinance will have a significant effect on the environment.

LINKS: <https://fremont.gov/districtelections>

RECOMMENDATIONS:

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 the public hearing and invite members of the public to provide feedback on the draft maps and potential election sequencing presented at the meeting;
3. Close the public hearing when there is no more input from the public and select a preferred draft map;
4. Find that the proposed ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines in that there is no possibility that the ordinance will have a significant effect on the environment; and
5. Introduce an ordinance establishing a district-based system of elections for City Councilmembers, establishing districts and the timing and sequencing of future elections.