



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 13, 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 13, 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 FREMONT MUNICIPAL CODE CHAPTER 2.05 CONCERNING ELECTIONS TO ESTABLISH A BY-DISTRICT ELECTION PROCESS AND TO MAKE OTHER CONFORMING AND TECHNICAL CHANGES**

Contact Persons:

<i>Name:</i>	<i>Jessica von Borck</i>	<i>Susan Gauthier</i>
<i>Title:</i>	<i>Assistant City Manager</i>	<i>City Clerk</i>
<i>Dept.:</i>	<i>City Manager's Office</i>	<i>City Clerk's Office</i>
<i>Phone:</i>	<i>510-248-4008</i>	<i>510-284-4076</i>
<i>E-Mail:</i>	<i>jvborck@fremont.gov</i>	<i>sgauthier@fremont.gov</i>

RECOMMENDATION: *Adopt ordinance*

- D. **CITY NETWORK EQUIPMENT UPGRADES - Authorize the City Manager, or Designee, to Issue a Purchase Order to IT Management Corporation in an Amount of \$222,725 for the Purchase of Cisco Network Equipment with Related Hardware Support**

Contact Persons:

Name: Marilyn J. Crane
Title: Director
Dept.: Information Technology
Services
Phone: 510-494-4802
E-Mail: mcrane@fremont.gov

RECOMMENDATION: Authorize the City Manager, or designee, to issue a purchase order to IT Management Corporation in an amount of \$222,725 (including applicable sales tax) for the purchase of Cisco equipment and three years of support and to execute any implementing documents and take any implementing actions as necessary.

E. GREEN INFRASTRUCTURE PLAN FRAMEWORK - Approve Use of Regional Template for Green Infrastructure Plan Framework Required by Municipal Regional Stormwater Permit

Contact Persons:

Name:	David Swartz	Kathleen Cote-Guarnieri
Title:	Environmental Specialist II	Environmental Services Manager
Dept.:	Environmental Services	Community Services
Phone:	510-494-4587	510-494-4583
E-Mail:	dswartz@fremont.gov	kcote@fremont.gov

RECOMMENDATION: Staff recommends that City Council approve the resolution adopting the City of Fremont's Green Infrastructure Plan Framework as described in this staff report.

F. PURCHASE OF AERIAL BUCKET TRUCK - Approval of Purchase Order Contract with Altec Industries for one Altec AT37G Aerial Bucket Truck in the Amount Not to Exceed \$119,718. 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

RECOMMENDATION: Authorize the City Manager or designee to execute a purchase order contract with Altec Industries, in an amount not to exceed \$119,718 for the purchase of one Altec AT37G Aerial Bucket Truck.

G. EAST BAY REGIONAL COMMUNICATIONS SYSTEM AUTHORITY (EBRCSA) RADIO SERVICES - Authorize the City Manager, or Designee, to Issue a Purchase Order and Execute Implementing Documents for the FY 2017/18 Annual Operating Payment in the Amount of \$273,000 for Use of the EBRCSA Public Safety Radio Communications System.

Contact Persons:

Name: Marilyn J. Crane
Title: Director
Dept.: Information Technology Services
Phone: 510-494-4802
E-Mail: mcrane@fremont.gov

RECOMMENDATIONS:

1. Authorize the City Manager, or designee, to issue a purchase order to East Bay Regional Communications System Authority (EBRCSA) in the amount of \$273,000 and to execute implementing documents for the annual operating payment for use of the EBRCSA public safety radio communications system for the one-year period effective July 1, 2017 through June 30, 2018.
2. Authorize the City Manager, or designee, to renew the annual operating payments with East Bay Regional Communications System Authority for two additional one-year periods in an amount not-to-exceed a five percent (5%) increase over the prior year's costs.

H. CHABOT-LAS POSITAS COMMUNITY COLLEGE DISTRICT AGREEMENT FOR PEG ACCESS PRODUCTION AND PROGRAMMING - Authorize the City Manager or Designee to Execute an Agreement with Chabot-Las Positas Community College District Regarding PEG Access Production and Programming in an Amount of \$150,000 per Year for Three Years

Contact Persons:

Name:	Karena Shackelford	Marilyn J. Crane
Title:	Deputy City Manager	Director
Dept.:	City Manager's Office	Information Technology Services
Phone:	510-284-4063	510-494-4802
E-Mail:	kshackelford@fremont.gov	mcrane@fremont.gov

RECOMMENDATIONS:

1. Appropriate and transfer funds in the amount of \$450,000 to 502PWC8857.
2. Authorize the City Manager, or his designee, to execute an agreement with Chabot-Las Positas Community College District for PEG access production and programming services in an amount of \$150,000 for the initial twelve-month period through June 30, 2018, with the option to renew for two additional one-year periods, for a total agreement amount of \$450,000.

I. TRACT 8288 - Approval of Final Map, Agreements for Construction of Public Street Improvements and Private Common Area Improvements, and Dedication of Land and Public Easements for Tract 8288, located at Northeast Quadrant of Ardenwood Boulevard and Paseo Padre Parkway (Patterson Ranch)

Contact Persons:

Name:	Kan Xu	Hans Larsen
Title:	Associate Civil Engineer	Public Works Director
Dept.:	Public Works	Public Works
Phone:	510-494-4714	510-494-4722
E-Mail:	kxu@fremont.gov	hlarsen@fremont.gov

RECOMMENDATION: Adopt a resolution to:

1. Approve the Final Map and the Improvement Plans for Tract 8288.
2. Approve the Agreement for Public Improvements entitled "Public Improvement Agreement, Tract 8288", with the developer, Fremont Pat Ranch, LLC, and authorize the City Manager to execute the agreement on behalf of the City.
3. Approve the Agreement for Private Improvements entitled "Private Improvement Agreement, Tract 8288", with the developer, Fremont Pat Ranch, LLC, and authorize the City Manager to execute the agreement on behalf of the City.
4. Accept the developer's offer of dedication of real property interests, as identified on the Final Map, provided that the acceptance of any property on which the developer is required to construct public improvements shall be conditioned upon the developer's completion of the improvements to the satisfaction of the City Engineer.

J. AWARD PURCHASING CONTRACT WITH DELTA SCIENTIFIC FOR 12 PORTABLE 20-FOOT VEHICLE BARRICADES (PWC 8520) - Allocate and Appropriate \$543,330.20 from PWC 8520 to purchase 12 20-foot portable vehicle barricades from Delta Scientific Inc.

Contact Persons:

Name:	Cliff Nguyen	Richard Lucero
Title:	Urban Initiatives Manager	Police Chief
Dept.:	City Manager's Office	Police Department
Phone:	510-284-4017	510-790-6818
E-Mail:	cnguyen@fremont.gov	rlucero@fremont.gov

RECOMMENDATIONS:

1. Authorize the purchase of twelve (12) Delta Scientific Inc. MP5000, 20 foot portable barricades totaling \$543,330.20 from PWC 8520 (Downtown Fund).
2. Direct staff to begin a feasibility study to make recommendations for a comprehensive, permanent downtown barricading plan.

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. **FREMONT LANDSCAPING ASSESSMENT DISTRICT 88 - Public Hearing (Published and Posted Notice) on the Levy of Annual Assessments for Landscaping Assessment District 88 and the Adoption of a Resolution Confirming Diagrams and Assessments for District 88 for Fiscal Year 2017/2018**

Contact Persons:

Name: Suzanne Wolf
Title: Community Services Director
Dept.: Parks
Phone: 510-494-4329
E-Mail: swolf@fremont.gov

RECOMMENDATIONS:

1. Open public hearing.
2. Consider all oral statements and written protests.
3. Close public hearing.
4. Levy the proposed assessment by adopting a resolution confirming Diagrams and Assessments for Fiscal Year 2017/18 for Fremont Landscaping Assessment District 88.

B. **SECOND PUBLIC HEARING AND ADOPTION OF FY 2017/18 OPERATING BUDGET AND APPROPRIATIONS LIMIT - Second Public Hearing (Published Notice) and Adoption of the FY 2017/18 Operating Budget and Appropriations Limit**

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 on the operating budget and appropriations limit for FY 2017/18.
2. Adopt a resolution approving the City of Fremont FY 2017/18 Operating Budget.
3. Adopt a resolution creating an appropriations limit of \$675,413,206 for FY 2017/18.

C. **CAPITAL IMPROVEMENT PROGRAM - Second Public Hearing (Published Notice) and Consideration of Adoption of the FY 2017/18 -2021/22 Capital Improvement Program (CIP)**

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 on the five year FY 2017/18 - 2021/22 Capital Improvement Program.
2. Adopt a resolution approving the FY2017/18 - 2021/22 CIP, including identification of the proposed funding amounts from the funding sources in the Fund Source and Use report for all five years, with appropriations for FY 2017/18 to be made July 1, 2017 and appropriations for FY 2018/19 to be made effective July 1, 2018.
3. On July 1, 2017, authorize a transfer of \$2.5 million from Fund 392 Development Cost Center Reserve unallocated fund balance to Fund 502 for appropriation in this CIP to the Development Center HVAC/ Roof Replacement and the Development Center Carpet Replacement projects as listed in the Fund Source and Use report.
4. Authorize the City Manager to adjust the timing, but not the amount, of appropriations approved by the City Council to allow acceleration or deferral of the timing of appropriations of these funds in response to changed conditions.
5. Authorize the City Manager to transfer appropriations up to \$50,000 per project from the Capital Improvement Program Cost and Scope Contingency (PWC8101) and the Emerging Project Reserve (PWC 7101) as necessary.

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	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>
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		

DRAFT FOR MAP C-2b

ORDINANCE NO. XX-2017

AN ORDINANCE OF THE CITY OF FREMONT AMENDING FREMONT MUNICIPAL CODE CHAPTER 2.05 CONCERNING ELECTIONS TO ESTABLISH A BY-DISTRICT ELECTION PROCESS AND AMEND CHAPTER 2.05 TO MAKE OTHER CONFORMING AND TECHNICAL CHANGES

WHEREAS, the City of Fremont supports the full participation of all residents in electing members of the City Council; and

WHEREAS, pursuant to a 1977 voter initiative, Measure A, as amended by the voters in 1996, Measure AA, the City of Fremont currently elects four of its City Councilmembers using an at-large election system, with a separately elected Mayor, who is also a member of the City Council; and

WHEREAS, in the at-large election system, candidates may reside in any part of the City and each City Councilmember is elected by the voters of the entire City; and

WHEREAS, in a by-district election system, a candidate for City Council must reside in the district which he or she wishes to represent, and only the voters of that district are entitled to vote to decide who their representative will be; and

WHEREAS, on February 15, 2017, the City received a letter from an attorney, Kevin Shenkman, asserting the City's at-large electoral system violated the California Voting Rights Act, and threatening litigation if the City declined to adopt by-district elections; and

WHEREAS, the letter did not contain any evidence of a violation, but the cost of defending against a claim under the California Voting Rights Act is extremely high; and

WHEREAS, California Government Code Section 34886, as amended effective January 1, 2017, provides:

Notwithstanding Section 34871 or any other law, the legislative body of a city may adopt an ordinance that requires the members of the legislative body to be elected by district or by district with an elective mayor, as described in subdivisions (a) and (c) of Section 34871, without being required to submit the ordinance to the voters for approval. An ordinance adopted pursuant to this section shall include a declaration that the change in the method of electing members of the legislative body is being made in furtherance of the purposes of the California Voting Rights Act of 2001 (Chapter 1.5 (commencing with Section 14025) of Division 14 of the Elections Code); and

WHEREAS, California Government Code Section 34871(c) provides for the election of members of the legislative body of a city by districts in six districts, with an elective mayor; and

WHEREAS, at its regular meeting on March 21, 2017, the City Council adopted a resolution of intent to establish a by-district voting process pursuant to Elections Code Section 10010; and

WHEREAS, pursuant to California Government Code Section 34886, it is declared the change in the method of electing members of the City Council of the City of Fremont made by this ordinance is to implement the guarantees of Section 7 of Article I and of Section 2 of Article II of the California Constitution, as set forth in Section 14031 of the California Voting Rights Act, and

WHEREAS, under the provisions of California Elections Code Section 10010, a political subdivision that changes from an at-large method of election to a by-district method of election shall hold at least two public hearings over a period of no more than thirty days, at which the public is invited to provide input regarding the composition of the districts before drawing a draft map or maps of the proposed boundaries of the districts; and

WHEREAS, before any maps of the proposed boundaries of the districts were drawn, the City Council held public hearings on April 4, 2017 and April 18, 2017, at which time input from the public on the proposed district boundaries was invited and heard; and

WHEREAS, at the public hearing on April 18, 2017, the City Council instructed its demographic consultant to develop redistricting plan options containing six Council Districts; and

WHEREAS, on April 27, 2017, consistent with the provisions of California Elections Code Section 10010, the City published and made available for release, all of the draft maps under consideration; and

WHEREAS, the potential sequence of elections was also published; and

WHEREAS, as required by California Elections Code Section 10010, the City held additional hearings within a period of no more than 45 days, the first on May 2, 2017, the second on May 16, 2017, and a third on June 6, 2017, at which the public was invited to provide input regarding the content of the draft maps and the potential sequence of elections; and

WHEREAS, the purpose of this Ordinance is to enact, pursuant to California Government Code Section 34886, an ordinance providing for the election of the members of the City Council of the City of Fremont by-district in six single-member districts, retaining a separately elected office of Mayor, as reflected in Exhibit 1 to this Ordinance and to make other conforming and technical changes to Fremont Municipal Code Chapter 2.05.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF FREMONT DOES ORDAIN AS FOLLOWS:

SECTION 1. FMC CHAPTER 2.05, AMENDED

Fremont Municipal Code Chapter 2.05 is amended to read as follows:

**Chapter 2.05
CITY COUNCIL AND MAYOR**

Sections:

- 2.05.010 Time of regular meetings of council – Council recesses.
- 2.05.020 Reserved
- 2.05.030 Place of council meetings.
- 2.05.040 Place of regularly scheduled study sessions.
- 2.05.050 Special meetings of council.
- 2.05.060 Compensation of mayor and councilmembers.
- 2.05.070 Reimbursement.
- 2.05.080 General municipal election date to fill city council offices.
- 2.05.090 Filling council vacancies.
- 2.05.100 Term limits.
- 2.05.110 Term of office for mayor and councilmembers.
- 2.05.120 By-District electoral system for six city councilmembers.
- 2.05.130 Establishment of city council electoral districts.
- 2.05.140 Election schedule for councilmembers elected by-district.

Sec. 2.05.010 Time of regular meetings of council – Council recesses.

The regular meetings of the city council shall be held on the first three Tuesdays of each month at 7:00 p.m.; provided, that when any such regular meeting time falls on a public holiday, no regular meeting shall be held on that day, but shall be held on the next business day as specified by the city council to be held as an adjourned regular meeting prior to the next regular meeting. The council shall be in recess for the first, second, third and fourth Tuesdays in August, and the fourth Tuesday in December.

Sec. 2.05.020 Reserved

Sec. 2.05.030 Place of council meetings.

All regular meetings of the council shall be held in the city council chamber in the Fremont City Hall, 3300 Capitol Avenue, Fremont, California.

Sec. 2.05.040 Place of regularly scheduled study sessions.

Regularly scheduled study sessions shall be held in the city council chamber in the Fremont City Hall, 3300 Capitol Avenue, Fremont, California.

Sec. 2.05.050 Special meetings of council.

At any time, four city councilmembers, or the mayor, or in his/her absence from the city or his/her disability, the mayor pro tempore, may call a special meeting by delivering written notice

to each councilmember and to each local newspaper of general circulation, radio or television station requesting notice in writing and posting a notice on the city's website. Such notice must be delivered personally or by any other means at least 24 hours before the time of such meeting as specified in the notice. Each councilmember shall at all times have on file with the city clerk an address to which such notices may be mailed in compliance herewith. The call and notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at such meetings by the council. Written notice may be dispensed with as to any councilmember who at or prior to the time the meeting convenes files with the city clerk a written waiver of notice. The waiver may be given by telegram. The written notice may also be dispensed with as to any member who is actually present at the meeting at the time it convenes. All special meetings shall be held at the same place as provided in this chapter for the holding of regular meetings of the council and at such hour as is designated in the notice and call.

Sec. 2.05.060 Compensation of mayor and councilmembers.

- (a) Each member of the council other than the mayor shall receive a salary of \$2,118.89 per month.
- (b) The mayor shall receive a salary of \$3,764.52 per month.
- (c) Compensation increases shall be reviewed during each budget cycle and increases shall be considered commensurate with the Consumer Price Index – All Urban Consumers, San Francisco-Oakland-San Jose in an amount not to exceed four percent. Any increase to the councilmembers' salaries shall become effective only upon commencement of a new council term of office following adoption of an ordinance authorizing the increase. Any increase to the mayor's additional compensation (the amount that exceeds the councilmembers' salary amount) shall become effective as set forth in the ordinance adopting the increase.

Sec. 2.05.070 Reimbursement.

The salaries prescribed for councilmembers in Section 2.05.060 are and shall be exclusive of any amounts payable to each member of the council as reimbursement for actual and necessary expenses incurred by him/her in the performance of official duties for the city.

Sec. 2.05.080 General municipal election date to fill city council offices.

Pursuant to Cal. Gov't Code §36503, the general municipal election of the city of Fremont shall be held on the same day as the statewide general election, as set forth in Cal. Elec. Code §1301.

Editor's Note: Section 2.05.080 was originally adopted by Ord. No. 1500 following an advisory vote of the voters of the city of Fremont in April 1982, changing the general municipal election date from April in even-numbered years to November in odd-numbered years (the first election under this provision was held in November 1983, and the last in November 1991). Section 2.05.080 was amended by Ord. No. 1977, subject to the approval of and subsequently approved by the voters of the city of Fremont in November 1991, voting on a binding nonadvisory measure, changing the general municipal election date from November in odd-numbered years to same day as the statewide general election which, pursuant to Cal. Elec. Code §1301, is held on the first Tuesday after the first Monday in November in each even-numbered year (the first election under this provision was set for November

1994). Ord. No. 1977 set forth numerous findings in support of changing the date of the general municipal election to the same day as the statewide general election, including the larger number of voters participating in consolidated elections for national, state, regional and local agency candidates and measures; the cost benefits of consolidated elections; and the general benefits of consolidating the general municipal election with the governing board elections of several other local agencies with the same or substantially the same electorate (in 1991, this included the Alameda County water district, Fremont unified school district, Fremont-Newark (Ohlone) community college district, and the Washington Township hospital district).

Sec. 2.05.090 Filling council vacancies.

- (a) If a vacancy occurs in an office of councilmember, the city council shall, within 60 days from the commencement of the vacancy, either fill the vacancy by appointment or call a special election to fill the vacancy. If the council fills the vacancy by appointment, the person appointed shall reside in the council district where the vacancy occurred and hold office as set forth in California Government Code Section 36512(b)(2).
- (b) If the vacancy in an office of councilmember is due to resignation, the resigning city council member may cast a vote on the appointment if the resignation will go into effect upon the appointment of a successor subject to the limitations set forth in California Government Code Section 36512(e).
- (c) If a vacancy occurs in the office of the mayor, the council shall fill the vacancy by appointment in accordance with California Government Code Section 34902. If the council fails to fill it within 60 days, it shall call an election to fill the vacancy to be held on the next established election date to be held not less than 114 days thereafter. A person appointed or elected to fill a vacancy shall hold office for the unexpired term of the former incumbent.
- (d) If the council calls a special election, the special election shall be held on the next regularly established election date not less than 114 days from the call of the special election. A person elected to fill a vacancy shall reside in the council district where the vacancy occurred and hold office for the unexpired term of the former incumbent.

Sec. 2.05.100 Term limits.

- (a) No mayor who has served terms comprising eight consecutive years as mayor shall be qualified for further service in that office until he or she has a break in service in that office of at least four years.
- (b) No councilmember who has served terms comprising eight consecutive years as a councilmember shall be qualified for further service in that office until he or she has a break in service in that office of at least four years.
- (c) The disqualifications imposed by this section shall not prevent a person who is disqualified from serving as mayor from serving as a councilmember or a person who is disqualified from serving as a councilmember from serving as mayor. However, any person who has served terms comprising 16 consecutive years in the offices of mayor and councilmember shall be disqualified from further service in either office until he or she has a break in service from both offices of at least four years.

- (d) Time spent in office while serving less than a full term shall not be counted in computing consecutive years in any office.
- (e) Time spent in office prior to the enactment of this section shall not be counted in computing consecutive years in any office.
- (f) In computing the number of years served, full, four-year terms shall count as four years of service even though the period encompassed by such terms may not be exactly four years in duration.

Sec. 2.05.110 Term of office for mayor and councilmembers.

The term of office for the mayor and each councilmember shall be four years.

Sec. 2.05.120 By-district electoral system for six city council members.

- (a) Pursuant to California Government Code Sections 34886 and 34871(c), councilmembers shall be elected by-districts in six (6) single-member districts. The Mayor will be separately elected by a citywide vote.
 - (1) Beginning with the general municipal election in November 2018, councilmembers shall be elected in the electoral districts established by Section 2.05.130 and as subsequently reapportioned as provided by State law. Elections shall take place on a by-district basis as that term is defined in California Government Code Section 34871; meaning one member of the City Council shall be elected from each district, by the voters of that district alone, except for the Mayor, who shall be elected citywide. In accordance with Section 2.05.110, and except as provided in Section 2.05.140(b), each councilmember, including the Mayor, shall serve a four-year term until his or her successor has qualified.
 - (2) Except as provided in subdivision (b)(3) hereof, the councilmember elected to represent a district must reside in that district and be a registered voter in that district, and any candidate for City Council must live in, and be a registered voter in, the district in which he or she seeks election at the time nomination papers are issued, pursuant to California Government Code Section 34882 and Elections Code Section 10227. Termination of residency in a district by a Council Member shall create an immediate vacancy for that council district unless a substitute residence within the district is established within 30 days after the termination of residency.
 - (3) Notwithstanding any other provision of this section, the councilmembers in office at the time this Chapter takes effect, shall continue in office until the expiration of the full term to which he or she was elected and until his or her successor is qualified. Notwithstanding Section 2.05.090, vacancies in councilmember offices elected at-large may be filled from the City at-large. At the end of the term of each councilmember, that member's successor shall be elected on a by-district basis in the districts established in Section 2.05.130 and as provided in Section 2.05.140. A vacancy in a councilmember office elected by-district shall be filled by a person qualified to hold the office, who is a resident of the district.

Sec. 2.05.130 Establishment of city council electoral districts.

- (a) Subject to Section 2.05.120(b)(3), councilmembers shall be elected on a “by-district” basis from the council districts described as follows:

District 1:

All of the lands, within the city of Fremont, lying northwesterly of California State Highway 84, also known as Decoto Road.

District 2:

All that portion of the city of Fremont lying within the following boundary, described as follows:

Beginning at the intersection of California State Highway 84, also known as Decoto Road, and Interstate 880, said point being the north most corner in the city of Newark boundary; thence northeasterly along Decoto Road to the intersection with Alameda Creek , said creek being the boundary between Fremont and Union City; thence northeasterly along said boundary to the intersection with the Union Pacific Railroad; thence southeasterly along said line to Alameda Creek; thence southwesterly along said creek to the projection of Appletree Court; thence southerly along Appletree Court to the intersection with Riverwalk Drive; thence southwesterly along Riverwalk Drive to the intersection with Paseo Padre Parkway ; thence southerly along Paseo Padre Parkway to the intersection with Highway 84, also known as Peralta Boulevard ; thence southwesterly along Peralta Boulevard to the intersection with Parish Avenue; thence southwesterly along Parish Avenue to the intersection with Fremont Boulevard; thence southeasterly along Fremont Boulevard to the intersection with Eggers Drive; thence southwesterly along Eggers Drive to the intersection with Logan Drive; thence southeasterly along Logan Drive to the intersection with Richmond Avenue; thence southwesterly along Richmond Avenue to the intersection with Blacow Road; thence southeasterly along Blacow Road to the intersection with Mowry Avenue; thence southwesterly along Mowry Avenue to the intersection with Interstate 880; thence northwesterly along Interstate 880 to the point of beginning.

District 3:

All that portion of the city of Fremont lying within the following boundary, described as follows:

Beginning at the most easterly corner in the boundary of the city of Newark, said point being in the intersection of Stevenson Boulevard and Interstate 880; thence northeasterly along Stevenson Boulevard to the intersection with Paseo Padre Parkway; thence northwesterly along Paseo Padre Parkway to the intersection with Walnut Avenue; thence northeasterly along Walnut Avenue to the intersection with Civic Center Drive; thence northwesterly along Civic Center Drive to the intersection with Mowry Avenue; thence northeasterly along Mowry Avenue to the intersection with State Highway 238, also known as Mission Boulevard; thence northwesterly along Mission Boulevard to the intersection with the Union Pacific Railroad; thence southeasterly along the Union Pacific Railroad line to the intersection with Alameda Creek; thence southwesterly along said creek to the projection of Appletree Court; thence southerly along Appletree Court to the intersection with Riverwalk Drive; thence southwesterly along

Riverwalk Drive to the intersection with Paseo Padre Parkway; thence southerly along Paseo Padre Parkway to the intersection with Highway 84, also known as Peralta Boulevard; thence southwesterly along Peralta Boulevard to the intersection with Parish Avenue; thence southwesterly along Parish Avenue to the intersection with Fremont Boulevard; thence southeasterly along Fremont Boulevard to the intersection with Eggers Drive; thence southwesterly along Eggers Drive to the intersection with Logan Drive; thence southeasterly along Logan Drive to the intersection with Richmond Avenue; thence southwesterly along Richmond Avenue to the intersection with Blacow Road; thence southeasterly along Blacow Road to the intersection with Mowry Avenue; thence southwesterly along Mowry Avenue to the intersection with Interstate 880; thence southeasterly along interstate 880 to the point of beginning.

District 4:

All that portion of the city of Fremont lying, northerly and easterly of the following described line:

Beginning at the intersection of Interstate 680 with the northeasterly boundary of the city of Fremont; thence southwesterly to the intersection with Washington Boulevard; thence westerly along Washington Boulevard to the intersection with Driscoll Road; thence northeasterly along Driscoll Road to the intersection with Paseo Padre Parkway; thence northwesterly along Paseo Padre Parkway to the intersection with Walnut Avenue; thence northeasterly along Walnut Avenue to the intersection with Civic Center Drive; thence northwesterly along Civic Center Drive to the intersection with Mowry Avenue; thence northeasterly along Mowry Avenue to the intersection with State Highway 238, also known as Mission Boulevard; thence northwesterly along Mission Boulevard to the intersection with the Union Pacific Railroad; thence southwesterly and northwesterly along said railroad line to the intersection with the city of Fremont Boundary.

Excepting therefrom Districts 2 and 5, as described in this document.

District 5:

All that portion of the city of Fremont lying southerly of the following described line:

Beginning at the most easterly corner in the boundary of the city of Newark, said point being the intersection of Stevenson Boulevard and Interstate 880; thence southeasterly along Interstate 880 to the intersection with Auto Mall Parkway; thence northeasterly along Auto Mall Parkway to the intersection with Interstate 680; thence northeasterly along Interstate 680 to the intersection with the city of Fremont boundary.

District 6:

All that portion of the city of Fremont lying within the following boundary, described as follows:

Beginning at the intersection of Washington Boulevard and Interstate 680; thence southerly along Interstate 680 to the intersection with Auto Mall Parkway; thence southwesterly along Auto Mall Parkway to the intersection with Interstate 880 thence northwesterly along Interstate

880 to the intersection with Stevenson Boulevard; thence northeasterly along Stevenson Boulevard to the intersection with Paseo Padre Parkway; thence southeasterly along Paseo Padre Parkway to the intersection with Driscoll Road; thence southwesterly along Driscoll Road to the intersection with Washington Boulevard; thence easterly along Washington Boulevard to the point of beginning.

- (b) The council districts specified in subdivision (a) shall continue in effect until they are amended or repealed in accordance with law.

Sec. 2.05.140 Election schedule for councilmembers elected by-district.

- (a) Councilmembers shall be elected in Council Districts 1, 2, 3, and 4 beginning at the General Municipal Election in November 2018, and every four years thereafter, except as provided in the Section 2.05.140(b) and subject to the term limits set forth in Section 2.05.100.
- (b) Notwithstanding subsection (a), above, and subject to subsection (d), below, the councilmember elected from Council District 1 in 2018, shall serve a two year term.
- (c) The councilmembers from Council Districts 5 and 6 shall be elected beginning at the General Municipal Election in November 2020, and every four years thereafter, subject to the term limits set forth in Section 2.05.100.
- (d) The councilmember elected from Council District 1 in 2018, shall be subject to election again in November 2020, and every four years thereafter, subject to the term limits set forth in Section 2.05.100.

SECTION 2. DISTRICT MAP

A map showing the districts described in this Ordinance is attached hereto as Exhibit 1 and incorporated by this reference. To the extent there is a conflict between the descriptions contained in the Ordinance codified in this Chapter and the map incorporated herein, the map shall prevail. If necessary to facilitate the implementation of this Ordinance, the City Manager or his or her designee is authorized to make technical adjustments to the district boundaries that do not substantively affect the populations in the districts, the eligibility of candidates, or the residence of elected officials within any district. The City Manager shall consult with the City Attorney concerning any technical adjustments deemed necessary and shall advise the City Council of any such adjustments required in the implementation of the districts.

SECTION 3. CEQA

The City Council finds that the proposed amendments to the Fremont Municipal Code are exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Title 14 of the California Code of Regulations, Section 15061(b)(3) in that it is not a project which has the potential for causing a significant effect on the environment.

SECTION 4. EFFECTIVE DATE

This ordinance shall take effect 30 days after adoption.

SECTION 5. SEVERABILITY

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held by a court of competent jurisdiction to be invalid, such a decision shall not affect the validity of the remaining portions of this ordinance. Such section, subsection, sentence, clause or phrase, instead, shall be superseded and replaced by the corresponding provisions, if any exist, of Title 24 of the California Code of Regulations. The City Council of the City of Fremont hereby declares that it would have passed this ordinance and each section or subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

SECTION 6. PUBLICATION

This ordinance must be published once in a newspaper of general circulation, printed and published in Alameda County and circulated in the City of Fremont, within fifteen (15) days after its adoption.

* * *

The foregoing ordinance was introduced before the City Council of the City of Fremont at the regular meeting of the City Council, held on the 6th day of June, 2017 and finally adopted at a regular meeting of the City Council held on the ___ day of _____, 2017 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Mayor

ATTEST:

APPROVED AS TO FORM:

City Clerk

Assistant City Attorney



Fremont City Council

3300 Capitol Avenue
Fremont, CA 94538

SUBMITTED

Meeting: 06/13/17 07:00 PM
Div/Dept: City Manager's Office
Category: Code Adoptions & Amendments

STAFF REPORT (ID # 3128)

Sponsors:
DOC ID: 3128

**SECOND READING AND ADOPTION OF AN ORDINANCE OF THE CITY OF
FREMONT AMENDING FREMONT MUNICIPAL CODE CHAPTER 2.05
CONCERNING ELECTIONS TO ESTABLISH A BY-DISTRICT ELECTION PROCESS
AND TO MAKE OTHER CONFORMING AND TECHNICAL CHANGES**

Contact Persons:

Name:	Jessica von Borck	Susan Gauthier
Title:	Assistant City Manager	City Clerk
Div/Dept:	City Manager's Office	City Clerk's Office
Phone:	510-248-4008	510-284-4076
E-Mail:	jvborck@fremont.gov	sgauthier@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 was 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. The first five (5) 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, 2017 hearing was the fifth required public hearing where the Council selected Map C2-b as the preferred map and introduced an ordinance to establish district-based elections and to make other technical and conforming changes to Fremont Municipal Code Chapter 2.05. At the sixth and final public hearing, the ordinance is now before the Council for adoption.

ATTACHMENTS:

- Draft Ordinance- District-Based Elections and Amendments

RECOMMENDATION: Adopt ordinance