

City of Fresno

2600 Fresno Street
Fresno, CA 93721
www.fresno.gov



Meeting Agenda - Final-revised

Thursday, November 6, 2014

8:30 AM

Regular Session

Council Chambers

City Council

Council President - Steve Brandau

Acting President - Oliver Baines, III

Councilmembers:

Lee Brand, Paul Caprioglio, Clinton J. Olivier,

Sal Quintero, Blong Xiong

City Manager - Bruce Rudd

City Attorney - Douglas T. Sloan

City Clerk - Yvonne Spence, CMC

The meeting room is accessible to the physically disabled. If you require special assistance to participate in the meeting, notify the Office of the City Clerk at 559-621-7650 at least three business days prior to the meeting. Please keep the doorways, aisles and wheelchair seating areas open and accessible. If you need assistance with seating because of a disability, contact Security.

The City Council welcomes you to the Council Chambers, located in City Hall, 2nd Floor, 2600 Fresno Street, Fresno CA 93721.

The agenda and related staff reports are available on (www.fresno.gov) as well as in the Office of the City Clerk. The Council meeting can also be heard live at the same web site address, and viewed live on Comcast Channel 96 and AT&T Channel 99 from 8:30 a.m. and re-played beginning at 8:00 p.m.

PROCESS: For each matter considered by the Council there will first be a staff presentation followed by a presentation from the involved individuals, if present. Testimony from those in attendance will then be taken. All testimony will be limited to three minutes per person. If you would like to speak fill out a Speaker Request Form available from the City Clerk's Office and in the Council Chambers. The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker.

The green light on the podium will be turned on when the speaker begins. The yellow light will come on with one minute remaining. The speaker should be completing the testimony by the time the red light comes on and tones sound, indicating that time has expired. A countdown of time remaining to speak is also displayed on the large screen behind the Council dais.

No documents shall be accepted for Council review unless they are submitted to the City Clerk at least 24 hours prior to the Council Agenda item being heard.

Following is a general schedule of items for Council consideration and action. The City Council may consider and act on an agenda item in any order it deems appropriate. Actual timed items may be heard later but not before the time set on agenda. Persons interested in an item listed on the agenda are advised to be present throughout the meeting to ensure their presence when the item is called.

AGENDA ITEMS MARKED WITH AN ASTERISK (*) ARE SUBJECT TO MAYORAL VETO OR RECONSIDERATION**

8:30 A.M. ROLL CALL

Invocation by District 4

Pledge of Allegiance to the Flag

CEREMONIAL PRESENTATIONS

Presentation of the SPCA Pet of the Month - Councilmember Quintero

[ID#14-546](#) Proclamation of "SUPREME COURT JUSTICE MARVIN BAXTER DAY"

Sponsors: City Councilmember Quintero

[ID#14-560](#) Proclamation of "JENNIFER LIPP DAY"

Sponsors: City Councilmember Olivier

APPROVE MINUTES

[ID#14-555](#) Approval of City Council minutes from October 30, 2014

[ID#14-556](#) Approval of Successor Agency minutes from October 30, 2014 and Fresno Revitalization Corporation minutes from October 30, 2014.

Sponsors: City Clerk's Office

COUNCILMEMBER REPORTS AND COMMENTS

APPROVE AGENDA

1. CONSENT CALENDAR

All Consent Calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker.

There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered as time allows.

- 1-A [ID#14-523](#) Authorize the City Manager or designee to execute a grant deed for the sale of excess property in the amount of \$50,000 to Frank Stephen Lamarche located at 2748 E.

Hamilton, Fresno APN 468-313-18T

Sponsors:

Public Works Department

1-B [ID#14-527](#)

***RESOLUTION - 521st amendment to the Master Fee Schedule ("MFS") Resolution No. 80-420 to add, adjust, revise or delete various fees

Sponsors:

Finance Department

1-C [ID#14-554](#)

***BILL NO. B-48 (Intro. 10/30/2014)(For adoption) - Amending Section 4-605 of the Fresno Municipal Code relating to regulation of communications during competitive procurement process

Sponsors:

City Councilmember Baines

1-D [ID#14-559](#)

Approve the appointment of Nicole Linder to the District 6 Plan Implementation Committee

Sponsors:

City Councilmember Brand

CONTESTED CONSENT CALENDAR

2. GENERAL ADMINISTRATION

2-A [ID#14-341](#)

Actions pertaining to Parking Permit Agreement between Housing Authority and the City of Fresno:
1. Adopt a finding of Categorical Exemption pursuant to Section 15301 (Existing Facility) of California Environmental Quality Act (CEQA) Guidelines; and
2. Approve a Parking Permit Agreement for 25 parking spaces in City of Fresno Parking Garage #7 located at 801 Van Ness at a base rate of \$35 per month per stall for a two (2) year term (Council District 3).

Sponsors:

Development and Resource Management Department

2-B [ID#14-488](#)

***RESOLUTION - Granting authority to the Public Works Director to delegate the authority to other City Departments to approve contract change orders for on-site public works of construction (All Council Districts)

Sponsors:

Public Works Department

2-C [ID#14-553](#)

RESOLUTION - For the Substantial Amendment No. 2012-002, No. 2013-001, and No. 2014-002 to the Fiscal

Years 2012, 2013, and 2014 Annual Action Plans to incorporate the planned use of the Emergency Solutions Grant funds
(Continued from October 30, 2014)

Sponsors:

Development and Resource Management Department

3. CITY COUNCIL

3-A [ID#14-545](#) BILL - (For Introduction) - Amending Section 4-401 of the Fresno Municipal Code and repealing Sections 4-402, 4-403 and 4-404 of the Fresno Municipal Code relating to prevailing wages for public works

Sponsors:

City Councilmember Brandau

3-B [ID#14-548](#) ***RESOLUTION - Adopt the "Water Conservation Act", which will develop policies and practices that will conserve water usage by all City water customers and provide better overall management of City water resources

Sponsors:

City Councilmember Brand and City Councilmember Caprioglio

3-C [ID#14-549](#) BILL - (For Introduction) - Repealing Section 4-111 of the Fresno Municipal Code and adding Section 4-111 to the Fresno Municipal Code relating to Project Labor Agreements

Sponsors:

City Councilmember Brandau

4. CLOSED SESSION

4-A [ID#14-541](#) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - Government Code Section 54956.9, subdivision (d)(2)
Significant Exposure to Litigation:

1. Claim of Richard Smith

Sponsors:

City Attorney's Office

4-B [ID#14-552](#) CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION - Government Code Section 54956.9, subdivision (d)(1)
Case Name: City of El Centro, et al. v. David Lanier, in his official capacity as the Secretary of the State of California Labor & Workforce Development Agency, et al. San Diego

County Superior Court Case No. 37-2014-00003824-
CU-WM-CTL Court of Appeal 4th District (Division 1) Case
No. D066755

Sponsors: City Attorney's Office

5. SCHEDULED COUNCIL HEARINGS AND MATTERS

10:00 A.M.

[ID#14-482](#) WORKSHOP regarding Public Art

Sponsors: Public Works Department

10:45 A.M.

[ID#14-540](#) Consider an appeal filed by Councilmember Caprioglio, appealing the Planning Commission's action to approve Conditional Use Permit No. C-13-092 and related Vesting Tentative Tract Map No. 6033/UGM, and environmental findings, by Jeffrey T. Roberts of Granville Homes, Inc, for property located on the northeast corner of N. Fowler and E. Clinton Avenues (Council District 4)
(Continued from October 23, 2014)

1. ADOPT the Mitigated Negative Declaration for the Conditional Use Permit No. C-13-092 and Vesting Tentative Tract Map No. T-6033 prepared for Environmental Assessment No. A-11-003, R-11-003, C-13-092, T6033 dated March 21, 2014
2. RESOLUTION - Deny the appeal and approve Conditional Use Permit No. C-13-092
3. RESOLUTION - Deny the appeal and approve Vesting Tentative Tract Map No. 6033/UGM

Sponsors: Development and Resource Management Department

11:00 A.M. SCHEDULED COMMUNICATION

[ID#14-542](#) Appearance by Parvis Laghaifar to discuss who is responsible for the expenses of moving a signal light at the corner of Shaw and Polk

[ID#14-543](#) Appearance by Tim Barker to discuss the Community Water Forum

PLEASE NOTE: UNSCHEDULED COMMUNICATIONS IS NOT SCHEDULED FOR A SPECIFIC TIME AND MAY BE HEARD ANY TIME DURING THE MEETING

UNSCHEDULED COMMUNICATION

Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk's Office at least ten (10) days prior to the desired date. Council action on unscheduled items, if any, shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda.

ADJOURNMENT

UPCOMING SCHEDULED COUNCIL HEARINGS AND MATTERS

NOVEMBER 20

10:00 A.M. *Joint Powers Financing Authority Meeting*

NOVEMBER 20

11:40 A.M. *WORKSHOP relating to Clovis Unified School District - presented by Superintendent Janet Young*

DECEMBER 4

10:00 A.M #1 *WORKSHOP relating to Fresno Unified School District presented by Michael Hansen*

DECEMBER 4

10:00 A.M.#2 *HEARING to consider a Resolution of Public Use and Necessity requiring acquisition of permanent street easements and rights-of-way for public street purposes over, under, through and across real property owned by Forest Sunrise, LLC, (APN 496-192-10s) for intersection improvements at Shields Avenue and Fowler Avenue in the City of Fresno*

DECEMBER 11

11:00 A.M. *WORKSHOP relating to Central Unfied School District presented by Mike Berg*

DECEMBER 18

2:00 P.M. *HEARING re:Final Tract Map No. 6051 annexed to CFD No. 11 (southeast corner of N. Garfield and W. Barstow Avenues) (Council District 2)*

UPCOMING EMPLOYEE CEREMONIES

JANUARY 29, 2015

8:30 A.M. Presentation of Employee of the Quarter Awards (Reception immediately following - 2nd floor foyer)

APRIL 8, 2015 (Weds.)

2:00 P.M. Presentation of Employee Service Awards (Reception immediately following - 2nd floor foyer)

APRIL 30, 2015

8:30 A.M. Presentation of Employee of the Quarter Awards (Reception immediately following - 2nd floor foyer)

JULY 16, 2015

8:30 A.M. Presentation of Employee of the Quarter Awards (Reception immediately following - 2nd floor foyer)

OCTOBER 1, 2015

8:30 A.M. Presentation of Employee of the Quarter Awards (Reception immediately following - 2nd floor foyer)

OCTOBER 21, 2015 (Weds.)

2:00 P.M. Presentation of Employee Service Awards (Reception immediately following - 2nd floor foyer)

2014 CITY COUNCIL MEETING SCHEDULE

NOVEMBER 13 - NO MEETING

DECEMBER 4 - 8:30 A.M.

NOVEMBER 20 - 8:30 A.M.

DECEMBER 11 - 8:30 A.M.

NOVEMBER 27 - NO MEETING

DECEMBER 18 - 1:30 P.M.

DECEMBER 25 - NO MEETING