

City of Fresno

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



Meeting Agenda - Final-revised

Thursday, February 5, 2015

8:30 AM

Regular Session

Council Chambers

City Council

President - Oliver L. Baines, III

Vice President - Paul Caprioglio

Councilmembers:

Lee Brand, Steve Brandau, Clinton J. Olivier,

Sal Quintero, Esmeralda Z. Soria

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 Reverend Dr. Norman Broadbent of the First Congregational Church of Fresno "Big Red Church"

Pledge of Allegiance to the Flag

CEREMONIAL PRESENTATIONS

[ID#15-104](#) Presentation of the SPCA Pet of the Month

Sponsors: City Councilmember Brand

[ID#15-090](#) Presentation of an award to the City of Fresno Water Division from the American Backflow Prevention Association (ABPA) in recognition of their support and donation of resources to assist the ABPA in its mission to educate and provide technical assistance for the region and ultimately, to protect drinking water from contamination through cross-connection

Sponsors: Department of Public Utilities

[ID#15-093](#) Proclamation of "Leo Politi's story Moy Moy"

Sponsors: City Councilmember Quintero

[ID#15-108](#) A Special Black History Reflection- Frederick Douglas

Sponsors: City Councilmember Baines

[ID#15-103](#) Proclamation of "THE BIG FRESNO FAIR RECEIVES THIRD MERRILL AWARD"

Sponsors: City Councilmember Quintero

APPROVE MINUTES

Approval of City Council minutes from January 29, 2015

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#15-043](#) Actions pertaining to the vacation of a portion of the relinquishment of direct vehicle access rights on the southwest side of Golden State Boulevard approximately 410 feet southeast of E. Church Avenue (Council District 3)
1. Adopt a finding of Categorical Exemption per staff determination, pursuant to Sections 15304 and 15305 of the California Environmental Quality Act (CEQA) Guidelines, Environmental Assessment No. EA-14-041
 2. RESOLUTION - Ordering the summary vacation of a portion of the relinquishment of direct vehicle access rights on the southwest side of Golden State Boulevard approximately 410 feet southeast of E. Church Avenue

Sponsors: Public Works Department

CONTESTED CONSENT CALENDAR

2. GENERAL ADMINISTRATION

- 2-A** [ID#15-008](#) Actions pertaining to an award of a construction contract to R&H Industries dba Best Electric of Gardena, California in the amount of \$692,300 for the emergency generator upgrade at Fresno City Hall (bid file No. 3314) (Council District 3)
1. Adopt finding of a Categorical Exemption per staff determination, pursuant to Section 15301(a) of the California Environmental Quality Act (CEQA) Guidelines
 2. Award a construction contract with R&H Industries dba Best Electric of Gardena, California in the amount of \$692,300 for the emergency generator upgrade at Fresno City Hall

Sponsors: Public Works Department

- 2-B** [ID#15-046](#) Authorize the City Manager, or his designee, to enter into a multi-year lease agreement with American Tower

Corporation for a public safety radio tower position in the Southeast area of Fresno

Sponsors:

Fire Department and Police Department

2-C [ID#15-059](#)

Actions pertaining to a Memorandum of Understanding between The Art of Life Cancer Foundation, Inc. and the City of Fresno:

1. Adopt a finding of Categorical Exemption pursuant to Section 15304/Class 4 of the California Environmental Quality Act (CEQA) Guidelines; and
2. ***Approve a two year Memorandum of Understanding with The Art of Life Cancer Foundation, Inc. for the development of a garden at Woodward Park (Council District 6)

Sponsors:

Parks, After School and Recreation and Community Services Department

2-D [ID#15-069](#)

***RESOLUTION - 33rd Amendment to the Annual Appropriation Resolution (AAR) No. 2014-95 appropriating \$21,750,000 for previously approved capital and operating projects in FY 2015 (Requires 5 affirmative votes) (Citywide)

Sponsors:

Public Works Department

2-E [ID#15-075](#)

Award a requirements contract for custodial services at various City facilities in the amount of \$531,671 for three (3) years with an option for two (2) one-year (1) year increment extensions to Geil Enterprises dba Janitorial Inc., of Fresno.

Sponsors:

Public Works Department

2-F [ID#15-077](#)

Actions pertaining to the Tertiary Treatment Facility and associated solar energy facility clean water State Revolving Fund construction financing (Council District 3)

1. ***RESOLUTION - Adopt a revised resolution to pledge revenues and funds to satisfy repayment obligations for the financing agreement
2. Approve agreement with California State Water Resources Control Board for the construction financing in the amount not to exceed \$49,043,336
3. ***RESOLUTION - 37th amendment to the Annual Appropriation Resolution (AAR) No. 2014-95 appropriating \$10,384,000 in the sewer enterprise State Revolving Loan

Fund for the tertiary treatment (TTF) and associated Solar Facility (SEF) at the Regional Wastewater Reclamation Facility (RWRF) (Requires 5 affirmative votes)

Sponsors:

Department of Public Utilities

2-G [ID#15-079](#)

RESOLUTION - Authorizing an application to the Department of the Interior, Bureau of Reclamation for a FY2015 WaterSMART: Water and Energy Efficiency Grant in the amount of up to \$1,000,000 for the Friant-Kern Raw Water pipeline project and authorize the Director of Public Utilities or designee(s) to execute all application documents on behalf of the City of Fresno

Sponsors:

Department of Public Utilities

2-H [ID#15-081](#)

Actions pertaining to the traffic signal protected left-turn phasing improvements at the intersection of Cedar Avenue and Bulldog Lane - Project Bid File No. 3362 (Council District 4)

1. Adopt finding of a Categorical Exemption pursuant to Class 1 Section 15301(c) (existing facilities) of the California Environmental Quality Act ("CEQA") Guidelines for the traffic signal protected left-turn phasing improvements at the intersection of Cedar Avenue and Bulldog Lane
2. Award a construction contract to A-C Electric Company of Fresno, California, in the amount of \$283,200 for the traffic signal protected left-turn phasing improvements at the intersection of Cedar Avenue and Bulldog Lane

Sponsors:

Public Works Department

3. CITY COUNCIL[ID#15-070](#)

Council Boards and Commissions Communications, Reports, Assignments and/or Appointments, Reappointments, Removals to/from City and non-City Boards and Commissions:

1. Council of Governments - Swearengin-Ex-Officio (Olivier-Alternate)
2. Financial Audit Committee - 3 vacancies
3. Fresno Area Workforce Investment Corporation - Baines
4. Fresno County Transportation Authority (FCTA) -

Swearengin, Brandau

5. Fresno Regional Workforce Investment Board - Baines, Renena Smith
6. Fresno County Zoo Authority - Swearengin (Baines-Alternate)
7. Fresno Madera Area Agency on Aging Board - Olivier
8. Joint Powers Financing Authority - Baines, Vacant, Swearengin
9. San Joaquin River Conservancy Board - Swearengin (Brandau-Alternate)
10. Association for the Beautification of Highway 99 - Baines
11. Upper Kings Basin Integrated Regional Water Management JPA -Vacant
12. Pension Reform Task Force - Brand, (2nd and 3rd Member vacant)
13. Economic Development Corporation Serving Fresno County - Brandau-Ex-Officio
14. Fresno/Clovis Convention & Visitors Bureau (CVB) - Amy Fuentes
15. League of California Cities (Annual Meeting) - Swearengin (Olivier-Alternate)
16. San Joaquin Valley Air Pollution Control District - Baines
17. Infill Development Ad Hoc Subcommittee - Brand, Baines, Olivier
18. Litigation Exposure Reduction Ad Hoc Committee - Brandau, Caprioglio
19. Convention Center Oversight Advisory Board - Baines, (Brand-Alternate), City Manager, SMG General Manager and one representative from each of SMG's organizations
20. Transportation Committee - Baines, Olivier, Vacant
21. Code Enforcement Sub-Committee - Baines, Olivier, Caprioglio

Action Taken:

Sponsors: City Councilmember Baines

4. CLOSED SESSION

[ID#15-071](#)

CONFERENCE WITH REAL PROPERTY NEGOTIATOR -

Government Code Section 54956.8

Property: 5607 W. Jensen

Negotiating Parties: City Manager Bruce Rudd; Darling
Ingredients, Inc.

[ID#15-098](#)

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED
LITIGATION - Government Code Section 54956.9,
subdivision (d)(2)

Significant Exposure to Litigation:

1. Floyd Johnson Construction Company v. City of Fresno
(West Yost Project: WC00030 Large Diameter Transmission
Main in Northeast Fresno Segment I)

Sponsors:

City Attorney's Office

5. SCHEDULED COUNCIL HEARINGS AND MATTERS

10:00 A.M.

[ID#15-067](#)

HEARING to adopt resolutions and ordinance to annex
territory and levy a special tax regarding City of Fresno
Community District No. 11, Annexation No. 58 (Final Tract
Map No. 6033) (northeast corner of N. Fowler and E. Clinton
Avenues) (Council District 4)

1. RESOLUTION - Annexing Territory to Community
Facilities District No. 11 and Authorizing the Levy of a
Special Tax
2. RESOLUTION - Calling Special Mailed-Ballot Election
3. RESOLUTION - Declaring Election Results
4. *** BILL - (For introduction and adoption) - Levying a
Special Tax for the Property Tax Year 2014-2015 and Future
Tax Years Within and Relating to Community Facilities
District No. 11, Annexation No. 58, Final Tract Map No. 6033

Sponsors:

Public Works Department

10:15 A.M.

[ID#15-094](#)

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

10:30 A.M.

JOINT MEETING OF THE CITY OF FRESNO, THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF FRESNO AND THE FRESNO REVITALIZATION CORPORATION

[ID#15-100](#)

Successor Agency to the Redevelopment Agency of the City of Fresno and Fresno Revitalization Corporation (FRC) consider adopting:

- 1 RESOLUTION - Approving the Recognized Obligation Payment Schedule 15-16A

ADJOURN JOINT MEETING

5:00 P.M.

[ID#15-080](#)

Actions pertaining to adopting amended water rates in accordance with Proposition 218

1. Hold public hearing regarding proposed water rates
2. ***RESOLUTION - ratifying the Proposition 218 process according to California Constitution Article XIID

Sponsors:

Department of Public Utilities

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.

UPCOMING SCHEDULED COUNCIL HEARINGS AND MATTERS

FEBRUARY 12, 2015 - NO MEETING

FEBRUARY 19, 2015 - NO MEETING - PRESIDENT'S DAY

FEBRUARY 26, 2015

10:00 A.M. CONTINUED HEARING to Consider a Resolution of Public Use and Necessity for Acquisition of Permanent Utility Easements and Temporary Construction Easements from APNs 581-030-02s owned by Rodric H. and Kimberly K. Lichti; 580-040-07 owned by Earleen Leshar, and 580-040-08 owned by Earleen Leshar as to an undivided 72% and the estate of Velda D. Leshar as to an undivided 28%; 580-040-21s (formerly a portion of 580-040-03) owned by Robert D. and Suzanne Johnson, as trustees of the Johnson Family Trust; and 581-020-05s owned by Lilli Herold and Linda E. Cheney, as trustees of the "Lilli Herold Living Trust".

MARCH 26, 2015

10:00 AM - HEARING to adopt resolutions and ordinance to annex territory and levy a special tax regarding City of Fresno Community District No. 9, Annexation No. 7 (Final Parcel Map No. 2014-05) (east side of North Maple Avenue south of East McKinley Avenue) (Council District 7)

UPCOMING EMPLOYEE CEREMONIES

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

FEBRUARY 12 2015 - NO MEETING

FEBRUARY 19 2015 - NO MEETING - PRESIDENT'S WEEK

FEBRUARY 26 2015 - 8:30 A.M.

MARCH 5 2015 - 8:30 A.M.

MARCH 12 2015 - NO MEETING

MARCH 19 2015 - NO MEETING

MARCH 26 2015 - 8:30 A.M.