City of Fresno

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



Meeting Agenda - Final

Thursday, July 30, 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

Vice President Caprioglio will be present via conference call from Conoco Gas Station: 90 Lone Mountain Trail, Big Sky MT 59716

8:30 A.M. ROLL CALL

Invocation by Pastor Lee Seltzer of the Northpark Community Church

Pledge of Allegiance to the Flag

CEREMONIAL PRESENTATIONS

<u>ID#15-631</u> Proclamation of "BRIAN SHARP DAY"

Sponsors: City Councilmember Olivier

<u>ID#15-660</u> Presentation of Certificate of Recognition to Shari Boggess

Sponsors: Mayor's Office

<u>ID#15-693</u> Proclamation of "NATIONAL NIGHT OUT DAY"

Sponsors: Council President Baines III

<u>APPROVE MINUTES</u>

ID#15-603 Approval of City Council minutes from June 23, 2015
ID#15-622 Approval of City Council minutes from June 29, 2015

Approval of City Council minutes from July 16, 2015

COUNCILMEMBER REPORTS AND COMMENTS

APPROVE AGENDA

<u>ID#15-695</u>

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#15-532 ***RESOLUTION - Approving the reallocation of \$482,900 from a previously approved capital project within the

Right-of-Way acquisition fund for the engineering and

Right-of-Way acquisition for the Belmont Avenue widening between Clovis and Fowler Avenues (District 5) (Requires 5 affirmative votes)

Sponsors:

Public Works Department

1-B <u>ID#15-619</u>

Actions pertaining to the acquisition of 36,507 square feet of property owned by Ronald P. and Paulette Lorenzetti:

- 1. ***RESOLUTION to the 2nd Amendment to the Annual Appropriation Resolution No. 2015-104 appropriate funds for the purchase of the property for permanent Fire Station 18
- 2. Adopt the Categorical Exemption Environmental Assessment No. EA 15-019, dated June 3, 2015.
- 3. Approve the acquisition of 36,507 square feet of property owned by Ronald P. and Paulette Lorenzetti, APN 512-030-33 for \$192,000.00 for the construction of a new fire station on the south side of West Shaw Avenue between North Bryan and North Grantland Avenues.
- 4. Authorize the Public Works Director, or designee, to sign all documents necessary to complete the transaction.

Sponsors:

Public Works Department

1-C ID#15-624

Actions pertaining to On-Airport BCH Hangar Facility Lease Agreement at Fresno Chandler Executive Airport (Council District 3)

- 1. Adopt a finding of Categorical Exemption pursuant to Article 19, Section 15301(a) and (d)/Class 1 (Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines to authorize Lease Amendment No. 2 between the City of Fresno and Don Williams and Jim Wood, D.B.A. BCH Aviation Center, at Fresno Chandler Executive Airport (FCH)
- 2. Approve Lease Amendment No. 2 between the City of Fresno and Don Williams and Jim Wood dba BCH Aviation Center at Fresno Chandler Executive Airport (FCH)

Sponsors:

Airports Department

1-D ID#15-625

Actions pertaining to On-Airport D&D Aircraft Services
Hangar Facility Lease Agreement at Fresno Chandler
Executive (Council District 3) - Airports Department

1. Adopt a finding of Categorical Exemption pursuant to
Article 19, Section 15301(a) and (d)/Class 1 (Existing

Facilities) of the California Environmental Quality Act (CEQA)

Guidelines to authorize Lease Amendment No. 2 between the City of Fresno and Chris Dillahunty, dba D&D Aircraft Services at Fresno, Chandler Executive Airport (FCH). 2. Approve Lease Amendment No. 2 between the City of Fresno and Chris Dillahunty, dba D&D Aircraft Services at Fresno Chandler Executive Airport (FCH).

Sponsors:

Airports Department

1-E ID#15-659

RESOLUTION - Ordering the summary vacation of a portion of the relinquishment of direct access rights on the south side of W. Clinton Avenue west of N. Weber Avenue

Sponsors:

Public Works Department

1-F ID#15-666

Actions pertaining to License Agreements for Community Based Organizations Operating Neighborhood Parks

- 1. Approval of a three year agreement with Boys and Girls Club of Fresno County for lead agency responsibility for recreational programming at El Dorado Neighborhood Center and authorize the PARCS Director to sign the agreement
- 2. Approval of a three year agreement with Fresno Economic Opportunities Commission for lead agency responsibility for recreational programming at Sunset Park Neighborhood Center and authorize the PARCS Director to sign the agreement
- 3. Approval of a three year agreement with Boys 2 Men, Girls 2 Women for lead agency responsibility for recreational programming at Pinedale Community Center and authorize the PARCS Director to sign the agreement
- 4. Approval of a three year agreement with United One Productions for lead agency responsibility for recreational programming at Mary Ella Brown Neighborhood Center and authorize the PARCS Director to sign the agreement

Sponsors:

Parks, After School and Recreation and Community Services Department

1-G ID#15-673

Consideration of alignments and widths of proposed public streets for a 20-lot industrial parcel map for property located on the northwest corner of the intersection of E. Central and S. Orange Avenues (Council District 3)

1. Adopt the Mitigated Negative Declaration prepared for Environmental Assessment No. TPM-2012-

06 dated March 20, 2015

2. RESOLUTION - Approving the street alignments and widths of proposed public streets within the boundaries of Vesting Tentative Parcel Map No. 2012-06

Sponsors:

Development and Resource Management Department and Public Works Department

1-H ID#15-680

Actions pertaining to the 2015 Edward Byrne Memorial Justice Assistance Grant (JAG) program

- 1. Authorize the Chief of Police to execute a joint agreement between the City of Fresno and the County of Fresno regarding 2015 JAG program
- 2. ***RESOLUTION 5th amendment to the Annual Appropriation Resolution (AAR) No. 2015-104 appropriating \$202,400 from the 2015 JAG program award from the U.S. Department of Justice, Bureau of Justice Assistance (Requires 5 affirmative votes)

Sponsors:

Police Department

1-I ID#15-683

Approve the second amendment to the contract with First Carbon Solutions in an amount not to exceed \$72,000 for professional environmental consulting services to complete the Downtown Plans and Code Environmental Impact Report and authorize the City Manager or his or her designee to execute documents.

Sponsors:

Development and Resource Management Department

1-J ID#15-684

Actions pertaining to the 2015 Environmental Protection Agency Brownfields Area-Wide Planning Grant

- 1. ***RESOLUTION -3rd amendment to the Annual Appropriation Resolution (AAR) No. 2015-104 appropriating \$175,000 for the Environmental Protection Agency Brownfields Area-Wide Planning Grant (Requires 5 affirmative votes)
- 2. Authorize the Development and Resource Management Director to accept \$175,000 in total grant funding for the Brownfields Area-Wide Planning grant for the Elm Avenue Corridor and execute all related documents applicable to the 2015 Environmental Protection Agency Brownfields Area-Wide Planning Grant

Sponsors:

City of Fresno

Development and Resource Management Department

2. ***BILL NO. B-26 - (Intro. 7/16/2015) (For adoption) -Adding Section 3-570 to Chapter 3, Article 5 of the Fresno Municipal Code relating to the establishment of a Qualified Excess Governmental Benefit Arrangement in the City of Fresno Employees Retirement System

Personnel Services Department Sponsors:

1-P ID#15-686 ***BILL NO. B-27 (Intro. 7/16/2015) (For adoption) - Adding Section 2-702 to the Fresno Municipal Code, banning display

and sale of the Confederate flag by the City.

Council President Baines III Sponsors:

CONTESTED CONSENT CALENDAR

2. GENERAL ADMINISTRATION

2-A ID#15-653 RESOLUTION - Approve an amendment to Resolution

2015-83 of the City Council of the City of Fresno, California,

designating Huntington Boulevard, which Includes all properties described in Attachment A, as a Local Historic

District

Sponsors: Development and Resource Management Department

2-B ID#15-663 Actions pertaining to Exclusive Airport Advertising

Concession Agreement at Fresno Yosemite International

Airport (Council District 4)

1. Adopt a finding of Categorical Exemption pursuant to

Article 19, Section 15301(a) and (d)/Class 1 (Existing

Facilities) of the California Environmental Quality Act (CEQA)

Guidelines to authorize Exclusive Airport Advertising Concession Agreement with Clear Channel Outdoor, Inc.

DBA Clear Channel Airports at Fresno Yosemite

International Airport (FAT)

2. Approve Exclusive Airport Advertising Concession

Agreement between the City of Fresno and Clear Channel

Outdoor, Inc. DBA Clear Channel Airports (Clear Channel)

Sponsors: Airports Department

2-C ID#15-665 RESOLUTION - Authorizing the submission of grant

applications to the Fresno Council of Governments (COG) Cycle 2 Regional Competitive Active Transportation Program (ATP) and authorizing the execution of all application related

documents by the Public Works Director or designee

(Council Districts 3, 5 and 7).

Sponsors: Public Works Department

2-D ID#15-668 RESOLUTION - Authorizing the submission of grant

applications to the California Department of Transportation (Caltrans) Cycle 7 Highway Safety Improvement Program (HSIP) and authorizing the execution of all application

related documents by the Public Works Director or designee

(Council Districts 3 and 4).

Sponsors: Public Works Department

2-E <u>ID#15-676</u>

Actions pertaining to the Fresno/Clovis Regional Wastewater Reclamation Facility (RWRF) 2-Megawatt Solar Energy Facility (Bid File 3380) (Council District 3)

- 1. ***RESOLUTION 4th amendment to the Annual Appropriation Resolution (AAR) No. 2015-104 appropriating \$1,367,500 in the sewer Enterprise State Revolving Loan Fund for the Regional Wastewater Reclamation Facility 2 -Megawatt Solar Energy Facility (Requires 5 affirmative votes)
- 2. Award a \$10,024,426.24 contract as negotiated, to MD Energy, Inc., of Rancho Cucamonga, California for the design and construction thereof

Sponsors:

Department of Public Utilities

2-F ID#15-677

***Approve a Side Letter of Agreement with the Fresno Police Officers Association (FPOA), representing Unit 4, Non-Supervisory Police Regarding Lateral Hire Incentives

Sponsors:

City Manager's Office, City Councilmember Brand and City Councilmember Brandau

ID#15-681

2-G

Actions pertaining to accepting funds from the Board of State and Community Corrections and entering into Addendum No. 2 to the Agreement with partner cities and Fresno County:

- 1. Accept funding of \$1,699,324 from the California Board of State and Community Corrections (BSCC); and
- 2. Authorize the Chief of Police to enter into and execute Addendum No. 2 to the Memorandum of Understanding between the City of Fresno, Cities of Clovis, Coalinga, Firebaugh, Fowler, Huron, Kerman, Kingsburg, Mendota, Orange Cove, Parlier, Reedley, Sanger, Selma and the County of Fresno; and
- 3. ***RESOLUTION 1st amendment of the Position Authorization Resolution No. 15-491 (PAR) to increase the Police Department's Community Outreach Specialist position by one (1) person

Sponsors:

Police Department

2-H <u>ID#15-682</u>

***Adopt a Memorandum of Understanding between the City of Fresno and City of Fresno Management Employees Association (Unit 14 - CFMEA, Management Confidential)

Sponsors:

Personnel Services Department

2-I <u>ID#15-667</u>

Approve a Transition Agreement between the City of Fresno and the Fresno County Fire District.

Sponsors:

City Manager's Office

2-J ID#15-670

Actions pertaining to completion of construction funding applications for City of Fresno's Friant-Kern Canal Pipeline, Kings River Pipeline, and Regional Transmission Mains:

- 1. ***RESOLUTION To adopt Pledged Revenue Funds to the State Water Resources Control Board through its Safe Drinking Water State Revolving Fund Low-Interest Loan Program for Friant-Kern Canal Pipeline
- 2. ***RESOLUTION To reimburse the State Water Resources Control Board through its Safe Drinking Water State Revolving Fund Low-Interest Loan Program for Friant-Kern Canal Pipeline
- 3. ***RESOLUTION To adopt Pledged Revenue Funds to the State Water Resources Control Board through its Safe Drinking Water State Revolving Fund Low-Interest Loan Program for Kings River Pipeline
- 4. ***RESOLUTION To reimburse the State Water Resources Control Board through its Safe Drinking Water State Revolving Fund Low-Interest Loan Program for Kings River Pipeline
- 5. ***RESOLUTION To adopt Pledged Revenue Funds to the State Water Resources Control Board through its Safe Drinking Water State Revolving Fund Low-Interest Loan Program for Regional Transmission Mains
- 6. ***RESOLUTION To reimburse the State Water Resources Control Board through its Safe Drinking Water State Revolving Fund Low-Interest Loan Program for Regional Transmission Mains
- 7. Authorize the Director of Public Utilities or designee, to execute all documents on behalf of the City of Fresno

Sponsors:

Department of Public Utilities

2-K <u>ID#15-669</u>

Actions pertaining to the Orange Center School District Pipeline Consolidation Incentive Project through the State Water Resources Control Board State Revolving Fund Program (Sphere of Influence in County of Fresno)

- 1. Adopt findings for the Orange Center School District Pipeline Consolidation Incentive Project, Mitigated Negative Declaration, State Clearing House No. 2014051033
- 2. Approve Extra-territorial Service Agreement for connection of the Orange Center School District to the City of Fresno water system
- 3. RESOLUTION Authorize the Director of Public Utilities to sign a financing application for Financial Assistance Agreement with the Orange Center School District through the State Water Resources Control Board's State Revolving Fund Consolidation Incentive Program
- 4. Authorize the City Manager to sign the Extra-territorial Agreement and the Director of Public Utilities, or his designee to execute all other documents on behalf of the City of Fresno

Sponsors:

Department of Public Utilities

3. CITY COUNCIL

3-A ID#15-650

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. Finance and Audit Committee Brand, Olivier, Brandau
- 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, Brandau,

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 Brandau (Soria, Georgeanne White and Thomas Esqueda Alternates)
- 12. Economic Development Corporation Serving Fresno County Brandau-Ex-Officio (Baines Alternate)
- 13. Fresno/Clovis Convention & Visitors Bureau (CVB) Amy Fuentes
- 14. League of California Cities (Annual Meeting) Swearengin (Olivier-Alternate)
- 15. San Joaquin Valley Air Pollution Control District Baines
- 16. Infill Development Ad Hoc Subcommittee DISBANDED AT THE 2/5/2015 COUNCIL MEETING
- 17. Litigation Exposure Reduction Ad Hoc Committee Brandau, Caprioglio
- 18. Convention Center Oversight Advisory Board Baines, (Brand-Alternate), City Manager, SMG General Manager and one representative from each of SMG's organizations
- 19. Sub- Committee on Transportation Baines, Caprioglio, Soria
- 20. Code Enforcement Sub-Committee Baines, Olivier, Caprioglio and Mayor Swearengin

Sponsors:

Council President Baines III

4. CLOSED SESSION

ID#15-652 CONFERENCE WITH LEGAL COUNSEL-EXISTING

LITIGATION - Government Code Section 54956.9,

subdivision (d)(1)

Case Name: City of Fresno, et al v. AIG Financial Products Corp., et al. U.S. District Court Case No.: 08 MDL No. 1950

Sponsors: City Attorney's Office

ID#15-671 CONFERENCE WITH LEGAL COUNSEL-EXISTING

LITIGATION - Government Code Section 54956.9,

subdivision (d)(1)

Case Name: People of the State of California, City of

Fresno (Real Party in Interest) v. Marejg

Properties, LLC, et al; Fresno Superior Court Case No.

09CECG02906

CONFERENCE WITH LEGAL COUNSEL - DECIDING

WHETHER TO INITIATE LITIGATION

Government Code Section 54956.9, subdivision (d)(4)
Case Name: People of the State of California, City of

Fresno (Real Party in Interest) v. Earth Choice

Collective Association, et al.

Sponsors: City Attorney's Office

ID#15-678 CONFERENCE WITH LEGAL COUNSEL-EXISTING

LITIGATION - Government Code Section 54956.9,

subdivision (d)(1)

Case Name: River Park Properties III v. City of Fresno; Fresno County Superior Court Case No. 09CECG04022

Sponsors: City Attorney's Office

JOINT CLOSED SESSION OF THE CITY OF FRESNO AND THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF FRESNO AND FRESNO REVITALIZATION CORPORATION

ID#15-696 CONFERENCE WITH LEGAL COUNSEL - DECIDING

WHETHER TO INITIATE LITIGATION - Government Code Section 54956.9, subdivision (d)(4) - Case Name: City of Fresno v. State of California and Michael Cohen, Director of Finance, in his official capacity, related to repayment of debt

from the former Redevelopment Agency.

Sponsors: City Attorney's Office

5. SCHEDULED COUNCIL HEARINGS AND MATTERS

10:00 A.M.

<u>ID#15-655</u> HEARING to consider the proposed Annual Assessment for

the City of Fresno Landscaping and Lighting Maintenance

District No. 1 (Citywide)

1. ***RESOLUTION confirming the diagram and assessment and levy of annual assessment, 2015-2016, for Landscaping

and Lighting District No. 1

Sponsors: Public Works Department

10:15 A.M.

ID#15-672

HEARING to Consider Rezone Application No. R-15-006 and Initiation of "California-Armstrong No. 2 Reorganization" (Council District 5)

a. Adopt a Finding of Conformity to the Fresno General Plan Master Environmental Impact Report as Environmental Assessment No. R-15-006/T-6095, dated May 29, 2015 b. BILL - (For introduction and adoption) - Approving Rezone Application No. R-15-006 proposing to amend the Official Zone Map and prezone an approximately 19.6 acre subject site located on the east side of S. Armstrong Avenue, between E. California and E. Church Avenues from the AL-20 (Limited 20-Acre Agricultural [Fresno County]) zone district to the R-1/UGM (Single Family Residential/Urban Growth Management) zone district

c. RESOLUTION - Applying to the Fresno Local Agency Formation Commission for the detachment of an approximately 19.6 acre subject site from the Fresno County Fire Protection District and the Kings River Conservation District in order to annex the same territory to the City of Fresno for the proposed California-Armstrong No. 2 Reorganization

Sponsors:

Development and Resource Management Department

10:30 A.M.

SCHEDULED COMMUNICATION

<u>ID#15-658</u> Request to appear by Dawn Belanger to discuss a personal

injury sustained from a City bus while trying to board the bus.

<u>ID#15-662</u> Appearance by George Whitman to demonstrate an effective

solution to reducing water usage.

PLEASE NOTE: UNSCHEDULED COMMUNICATION 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

<u>UPCOMING SCHEDULED COUNCIL HEARINGS AND MATTERS</u>

AUGUST 20, 2015

2:00 P.M. HEARING pertaining to the vacation of the R-S Alley between Tulare and Mariposa Streets (Council District 3)

AUGUST 20, 2015

2:15 P.M. HEARING re: Resolution ordering the vacation of portions of East Thomas Avenue and the Thomas-Harvey Alley, both between N. Orchard Avenue and State Route Freeway 41, and N. Orchard Avenue between E. Thomas Avenue (to the east) and State Route Freeway 41 (Council District 7)

AUGUST 20, 2015

2:30 P.M. HEARING granting a non-exclusive franchise for roll-off collection services

AUGUST 27, 2015

10:00 A.M. HEARING relating to a Resolution of the Council of the City of Fresno, California, establishing Underground Utility District Number 94 (Council Districts 3 and 7)

SEPTEMBER 3, 2015- NO MEETING

SEPTEMBER 10, 2015 - 8:30 A.M. MEETING

SEPTEMBER 17, 2015 - NO MEETING

SEPTEMBER 24 2015

10:00 AM - HEARING to adopt resolutions and ordinance to annex territory and levy a special tax regarding CFD No. 11, Annexation No. 62 (Final Tract Map No. 6103) (parcels bounded by E. Fancher Creek Drive, S.Purdue Ave., S.Bundy Ave., and E.Beck Ave.) (Council District 5)

UPCOMING EMPLOYEE CEREMONIES

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)

2015 CITY COUNCIL MEETING SCHEDULE

AUGUST 6 - COUNCIL VACATION

AUGUST 13 - COUNCIL VACATION

AUGUST 20 - 1:30 P.M.

AUGUST 27 - 8:30 A.M.

SEPTEMBER 3, 2015 - NO MEETING

SEPTEMBER 10, 2015 - 8:30 A.M.

SEPTEMBER 17, 2015 - NO MEETING

SEPTEMBER 24, 2015 - 8:30 A.M.