

# City of Fresno

2600 Fresno Street  
Fresno, CA 93721  
[www.fresno.gov](http://www.fresno.gov)



## Meeting Agenda - Final-revised

Thursday, August 21, 2014

1:30 PM

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 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](http://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.

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.

**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.**

**1:30 P.M. ROLL CALL**

Invocation by Kevin Foster of the Life Bridge Community Church

Pledge of Allegiance to the Flag

**Ceremonial Presentations**

[ID#14-287](#) Presentation of the SPCA Pet of the Month -Councilmember Olivier

**Sponsors:** City Clerk's Office

**Approve City Council Minutes**

[ID#14-302](#) Approval of City Council minutes from July 17, July 24 and July 31, 2014

**Sponsors:** City Clerk's Office

**Approve Successor Agency / Fresno Revitalization Corporation Minutes**

[ID#14-303](#) Approval of Successor Agency minutes from July 31, 2014 and Fresno Revitalization Corporation minutes from June 19 and 26, 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.*

[ID#14-123](#) Approve the attached Utility Relocation Agreement with the California High-Speed Rail Authority (CHSRA) (Council Districts 1, 2 & 3)

**Sponsors:** Public Works Department

[ID#14-192](#) Approve agreements with Unison to complete the purchase of a defined easement for the cell site at Fire Station 13

**Sponsors:** Fire Department

[ID#14-219](#) \*RESOLUTION - 9th amendment to the Annual Appropriation Resolution No. 2014-95 appropriating \$237,600 from the 2014 Byrne Justice Assistance Grant Program award, from the U.S. Department of Justice, Bureau of Justice Assistance (Requires 5 affirmative votes)

[ID#14-223](#) Authorize the Director of Transportation to execute an agreement between the City of Fresno and California State University, Fresno, allowing the university to use its agency-issued identification cards as fare media for access on Fresno Area Express fixed-route buses

**Sponsors:** Department of Public Transportation (FAX)

[ID#14-232](#) RESOLUTION - Dedicating certain City-owned property as easements for public street, pedestrian walkway, utility and landscape purposes at Pump Station No. 349 located at the southwest corner of N. Locan Avenue and E. Andrews Avenue (Council District 4)

**Sponsors:** Public Works Department

[ID#14-233](#) BILL - (For introduction) Amending the uncodified ordinance to adopt changes and additions to the official list of designated special speed zones for various streets within the City of Fresno pursuant to Section 14-1501 of the Fresno Municipal Code (Citywide)

**Sponsors:** Public Works Department

[ID#14-236](#) Approve the reappointment of Mary Ann Rogozinski to the Civil Service Board; the appointment of Karl Johnson and the reappointments of Timothy D. Lowe and Craig Scharton to the Fresno Housing Authority

**Sponsors:** Mayor's Office

[ID#14-237](#)

\*RESOLUTION - Adopting the 11th amendment to the Annual Appropriation Resolution 2014-95 recognizing \$10,000 in revenue from developer contributions to form the City of Fresno Community Facilities District No. 15 East Copper River Maintenance District (the eastern half of the Copper River Ranch Development, between Silaxo Lane (private street), East Copper Avenue, North Willow Avenue and North Baird Avenue) (Council District 6) (Requires 5 affirmative votes)

**Sponsors:**

Public Works Department

[ID#14-238](#)

1. \*Adopt a Side Letter of Agreement on Compensatory Time Off between the City of Fresno (City) and the International Association of Fire Fighters, Local 753 - Unit 5, Non-Management Fire (Fire Basic)

2. \*Adopt an Amendment to the Memorandum of Understanding (MOU) between the City of Fresno (City) and the International Association of Fire Fighters, Local 753 - Unit 10 (Fire Management), correcting a clerical error

**Sponsors:**

Personnel Services Department

[ID#14-252](#)

\* RESOLUTION - 10th amendment to the Annual Appropriation Resolution No. 2014-95 appropriating \$25,000 from PG&E for the operation of the Summer Cooling Centers (Requires 5 affirmative votes)

[ID#14-264](#)

\*RESOLUTION - 7th Amendment to the Annual Appropriation Resolution 2014-95 appropriating \$94,000 into the FY 15 budget for the Anti-Human Trafficking Task Force Project from the California Office of Emergency Services (CalOES) (Requires 5 affirmative votes)

**Sponsors:**

Police Department

[ID#14-265](#)

\*RESOLUTION - 8th amendment to the Annual Appropriation Resolution 2014-95 appropriating \$42,000 for the Child Sexual Predator Program (CSPP), funding by the US Department of Justice, Office of Community Oriented Policing Services (COPS) (Requires 5 affirmative votes)

**Sponsors:**

Police Department

[ID#14-271](#) Approve an Amendment to the Agreement between the City of Fresno and Avante Behavioral Health Employee Assistance Program

**Sponsors:** Personnel Services Department

[ID#14-277](#) \*BILL NO. B-32 - (Intro. 7/31/2014) (For adoption) - Amending the Fresno Municipal Code to add Article 6.5 of Chapter 10, authorizing citizens to file Administrative Complaints for Municipal Code violations involving public nuisances.

**Sponsors:** City Attorney's Office

[ID#14-283](#) Action Pertaining to Repeal of the Four Year Water Rate Plan

1. \* BILL NO. B-34 (Intro 7/31/2014) (For adoption) - Adopting the Ordinance Repealing Resolution No. 2013-143 that adopted the Four Year Water Rate Plan and Resolution No. 2013-144 that amended the Master Fee Schedule adjusting the water rates;

**Sponsors:** City Clerk's Office

[ID#14-288](#) Approve the appointment of George Railey, Jr. to the Fresno Regional Workforce Investment Board; and Joe Martinez to the Bicycle and Pedestrian Advisory Committee

[ID#14-298](#) \*BILL NO. B-33 (Intro. 7/31/2014) (For adoption) - Amend Sections 1-405, 1-407, 1-408, and 1-409 of the Fresno Municipal Code relating to the Administrative Hearing procedure

**Sponsors:** City Attorney's Office

## CONTESTED CONSENT CALENDAR

### 2. GENERAL ADMINISTRATION

[ID#14-211](#) Actions pertaining to the Fresno Street Pavement Overlay Project from Gettysburg Avenue to Sierra Avenue - Bid File 3339 (Council Districts 4 and 6)

1. Adopt finding of Categorical Exemption per staff determination, pursuant to Section 15301(c) of the CEQA

Guidelines, for the Fresno Street Pavement Overlay from Gettysburg Avenue to Sierra Avenue

2. \* RESOLUTION - 6th amendment to the Annual Appropriation Resolution No. 2014-95 to appropriate \$1,332,600 for construction costs on the Fresno Street Pavement Overlay Project from Gettysburg Avenue to Sierra Avenue Capital Project in FY 2015 (Requires 5 affirmative votes)

3. Award a Construction Contract to AS Dezhign Inc., of Fresno, California in the amount of \$1,077,551 as the lowest responsive responsible bidder for the Fresno Street Pavement Overlay Project from Gettysburg Avenue to Sierra Avenue

**Sponsors:**

Public Works Department

[ID#14-221](#)

Actions pertaining to the Millbrook Road Diet and Bike Lanes - Shields Avenue to Gettysburg Avenue Project Bid File 3290 (Council Districts 4 and 7)

1. Adopt finding of a Categorical Exemption pursuant to Class 1 Section 15301(c) (Existing Facilities) of the CEQA Guidelines for the Millbrook Road Diet and Bike Lanes - Shields Avenue to Gettysburg Avenue

2. Award a construction contract with Seal Rite Paving and Grading of Fresno, California in the amount of \$350,568 for the Millbrook Road Diet and Bike Lanes - Shields Avenue to Gettysburg Avenue Project

**Sponsors:**

Public Works Department

[ID#14-231](#)

RESOLUTION - To submit Grant Applications for up to \$1,300,000 to Fresno Council of Governments Regional Competitive Active Transportation Program (RCATP) and authorizing the execution of documents by the Public Works Director or Designee

**Sponsors:**

Public Works Department

[ID#14-247](#)

Implementation of Fire Department Self-Inspection Program and Fire Inspection Policy Change Recommendations

1. \* RESOLUTION - 1st amendment to the Position Authorization Resolution No. 2014-96 adding two (2) Fire Inspector positions to the Fire Department and two (2) Fire Inspector positions to the Development and Resource

Management Department

**Sponsors:**

Fire Department

**ID#14-254**

Approve Second Amendment to Agreement with Carollo Engineers, Inc., for the Design of the City of Fresno's 80-Million Gallon Per Day Southeast Surface Water Treatment Facility and Raw Water Diversion and Conveyance Pipeline and Authorize the Director of Public Utilities or his designee to sign the Amendment on behalf of the City of Fresno (City)

**Sponsors:**

Department of Public Utilities

**ID#14-267**

Action pertaining to an Annual Appropriation Resolution for the High Speed Rail Station Area Master Plan

1. \* RESOLUTION- 3rd amendment to the Annual Appropriation Resolution (AAR) No. 2014-95 appropriating \$1,020,000 for High Speed Rail Station Master Plan consulting services and miscellaneous City expenses (Requires 5 affirmative votes)

**ID#14-268**

BILL - (For introduction) - Consider repealing Section 12-328 of the Fresno Municipal Code and adding Article 22 of Chapter 12 to the Fresno Municipal Code relating to outdoor dining

### 3. CITY COUNCIL

**ID#14-234**

BILL (For introduction) - Adding Article 6 of Chapter 5 to the Fresno Municipal Code prohibiting controlled substance use in public and on City property.

**Sponsors:**

City Councilmember Brand

### 4. CLOSED SESSION

**ID#14-206**

CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION

Government Code Section 54956.9, subdivision (d)(1)

1. City of Fresno v. Fresno Auto Dealers Auction, Inc., et al.  
Fresno County Superior Court Case No.: 13CECG00288

**Sponsors:**

City Attorney's Office

[ID#14-240](#)CONFERENCE WITH LEGAL COUNSEL-EXISTING  
LITIGATION

Government Code Section 54956.9, subdivision (d)(1)

Case Name: Joan Byrd, et al. v. County of Fresno, City of  
Fresno

Fresno County Superior Court Case No.:

14CECG01502

Case Name: Union of Medical Marijuana Patients, Inc., et al.  
v. City of Fresno

Fresno County Superior Court Case No.: 14CECG01316

**Sponsors:**

City Attorney's Office

[ID#14-251](#)CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED  
LITIGATION

Government Code Section 54956.9, subdivision (d)(2)

Significant Exposure to Litigation: NORTH CENTRAL FIRE  
PROTECTION DISTRICT v. CITY OF FRESNO**Sponsors:**

City Attorney's Office

[ID#14-285](#)A. CONFERENCE WITH LEGAL COUNSEL -  
ANTICIPATED LITIGATION

Government Code Section 54956.9, subdivision (d)(2)

Significant Exposure to Litigation: Under Seal v. Under Seal

[ID#14-295](#)CONFERENCE WITH LABOR NEGOTIATOR - Government  
Code Section 54957.6

City Negotiator(s): Jeffrey Cardell, Ken Phillips

Employee Organization(s):

City of Fresno Management Employees Association  
(CFMEA)City of Fresno Professional Employees Association (CFPEA)  
IUOE, Stationary Engineers, Local 39 (L39)

Fresno City Employees Association (FCEA)

Fresno Police Officers Association (FPOA Basic)

International Association of Firefighters, Local 753 (Fire  
Basic)

Amalgamated Transit Union, Local 1027 (ATU)

International Brotherhood of Electrical Workers, Local 100  
(IBEW)

Fresno Police Officers Association (FPOA Management)  
International Association of Firefighters, Local 753 (Fire Mgmt.)  
Fresno Airport Public Safety Supervisors (FAPSS)  
**Sponsors:** Personnel Services Department  
[ID#14-312](#) CONFERENCE WITH REAL PROPERTY NEGOTIATOR -  
Government Code Section 54956.8  
Property: Chukchansi Park (Multipurpose Stadium)  
Negotiating Parties: City Manager Bruce Rudd; Chris Cummings, Fresno Baseball Club, LLC and Fresno Baseball Club, LLP  
**Sponsors:** City Manager's Office

## 5. SCHEDULED COUNCIL HEARINGS AND MATTERS

### 2:00 P.M. HEARING

[ID#14-226](#) HEARING to adopt resolutions and ordinance to annex territory and levy a special tax regarding City of Fresno Community Facilities District No. 11, Annexation No. 54 (Final Tract Map No. 6073) (north side of East Church Avenue between South Chestnut and Peach Avenues) (Council District 5)

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. 54, Final Tract Map No. 6073

**Sponsors:** Public Works Department

### 2:30 P.M. SCHEDULED COMMUNICATION

[ID#14-300](#) Appearance by Sandra Celedon-Castro to discuss Building Healthy Communities

**4:00 P.M. WORKSHOP**[ID#14-162](#)

WORKSHOP regarding R-1 (Single Family Residential)  
property development standards

**Sponsors:**

Development and Resource Management Department

**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**

Oct. 2

10:00 A.M. HEARING re: CFD No. 11, Tract Map #6063 - south corner of N. Friant Rd and E. Copper

**UPCOMING EMPLOYEE CEREMONIES**

Oct 2

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

Oct. 22 (Weds)

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