

# City of Fresno

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



## Meeting Agenda - Final

Thursday, September 25, 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 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.

**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 Minister Bryson White of the St. Rest Baptist Church

Pledge of Allegiance to the Flag

**Ceremonial Presentations:**

[ID#14-385](#) Recognizing the Fresno-Münster Sister Cities Ambassador Exchange Program - Council President Brandau

[ID#14-393](#) Proclamation of "ACTIVE AGING WEEK"

**Sponsors:** City Councilmember Brandau and City Councilmember Baines

**Approve City Council Minutes**

[ID#14-403](#) Approval of City Council minutes from September 11, 2014

[ID#14-404](#) Approval of amended minutes from August 28, 2014 that now include, on page 12, a correction read into the record by Personnel Director Cardell indicating that the Resolution approved as part of File ID 14-276 would be effective as of August 25, 2014.

**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#14-256](#) Approve a substitution of Starace Mechanical Heating and Air for the Universally Accessible Park (Council District 1)

**Sponsors:** Public Works Department

- 1-B** [ID#14-310](#)      Actions pertaining to grant funding from the FY 2013 Assistance to Firefighters Grant Program through the U.S. Department of Homeland Security
1. RESOLUTION - Authorizing the application for and acceptance of FY 2013 Cycle U.S. Department of Homeland Security Assistance to Firefighters Grant and authorizing completion of required documents
  2. \*RESOLUTION - 15th amendment to the Annual Appropriation Resolution (AAR) No. 2014-95 appropriating \$374,600 to the Fire Department for replacement of personal protective equipment (Requires 5 affirmative votes)
- Sponsors:**      Fire Department
- 1-C** [ID#14-315](#)      Approve the acquisition of permanent pipeline right-of-way easements and temporary construction easements from Mary Lynn Haungs from APNs 580-040-03 (portion) and 580-040-04S
- Sponsors:**      Department of Public Utilities
- 1-D** [ID#14-317](#)      Approve the acquisition of permanent pipeline right-of-way easement and temporary construction easement from Gerald Shmavonian from APN 580-020-42
- Sponsors:**      Department of Public Utilities
- 1-E** [ID#14-335](#)      Approve a substitution of Playground Unlimited for the Universally Accessible Park (Council District 1)
- Sponsors:**      Public Works Department
- 1-F** [ID#14-347](#)      \*BILL NO. B-38 - (Intro. August 28, 2014) (For adoption) - 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 Manager's Office
- 1-G** [ID#14-365](#)      Authorize the acceptance of the grant award from the California Endowment & Fresno Regional Foundation and authorize the chief of police to enter into and execute the agreement for all required program documents
- Sponsors:**      Police Department

**CONTESTED CONSENT CALENDAR****2. GENERAL ADMINISTRATION**

- 2-A [ID#14-316](#) Authorize the City Manager or designee to enter into a month to month successor agreement with the County of Fresno to deliver and dispose of municipal solid waste during the negotiations of a successor agreement to American Avenue Landfill

**Sponsors:** Department of Public Utilities

- 2-B [ID#14-348](#) Authorize the City of Fresno to enter into a three-year agreement with California State University Fresno (CSUF) for \$684,029.49 to provide police services at CSUF events

**Sponsors:** Police Department

- 2-C [ID#14-350](#) Actions pertaining to front-line law enforcement operations
1. Approve the proposed spending plan for the FY 2014-2015 State of California Supplemental Law Enforcement Services Account (SLESA)
  2. \*RESOLUTION - 19th Amendment of the Annual Appropriation Resolution (AAR) No. 2014-95 to appropriate \$812,000 for front-line law enforcement operations into the FY 2015 budget (Requires 5 affirmative votes)

**Sponsors:** Police Department

- 2-D [ID#14-356](#) Actions pertaining to Office of Traffic Safety
1. Authorize the Chief of Police to enter into and execute the agreement and required program documents with the Office of Traffic Safety
  2. \*RESOLUTION - 16th Amendment to Annual Appropriation Resolution (AAR) No. 2014-95 appropriating \$724,900 for the Selective Traffic Enforcement Program (STEP) grant (Requires 5 affirmative votes)

**Sponsors:** Police Department

- 2-E [ID#14-371](#) Actions pertaining to funding park irrigation maintenance in FY 2015
1. \*RESOLUTION - 20th amendment to the Annual Appropriation Resolution (AAR) No. 2014-95 appropriating \$795,500 to the Parks, After School, Recreation and

Community Services (PARCS) Department to fund park irrigation maintenance in FY 2015 (Requires 5 affirmative votes)

2.\*RESOLUTION - 2nd amendment to Resolution No. 2014-96 entitled "A Resolution of the Council of the City of Fresno Establishing the Number of Positions Authorized in the Various Departments and Offices of the City for FY 2015"

**Sponsors:**

Public Works Department, Parks, After School and Recreation and Community Services Department

**2-F** [ID#14-383](#)

Award an extension of the five-year lease/purchase financing agreement with Kansas State Bank in the amount of \$3,635,600 at an annual interest rate of 3.389 percent to acquire 82 police vehicles, eight PARCS trucks, and a PARCS trailer, and authorize the Controller or designee to execute same

**Sponsors:**

Department of Public Transportation (FAX)

### **3. CITY COUNCIL**

### **4. CLOSED SESSION**

**A.** [ID#14-388](#)

CONFERENCE WITH LABOR NEGOTIATORS -  
Government Code Section 54957.6  
City Negotiator(s): Jeffrey Cardell, Ken Phillips  
Employee Organizations:

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)  
City of Fresno Professional Employees Association (CFPEA)  
City of Fresno Management Employees Association (CFMEA)  
Fresno Airport Public Safety Supervisors (FAPSS)

CONFERENCE WITH LABOR NEGOTIATORS -

Government Code Section 54957.6

City Negotiator(s): Steve Brandau, Ashley Swearengin,  
Bruce Rudd, Jeffrey Cardell, Ken Phillips

Unrepresented Employees in Unit 2 (Non-Represented  
Management and Confidential Classes):

Airport Public Safety Manager

Assistant City Attorney

Assistant City Manager

Assistant Controller

Assistant Director

Assistant Director of Personnel Services

Assistant Director of Public Utilities

Assistant Director of Public Works

Assistant Police Chief

Assistant Retirement Administrator

Budget Analyst

Budget Manager

Chief Assistant City Attorney

Chief Information Officer

Chief of Staff to the Mayor

City Attorney

City Clerk

City Engineer

City Manager

Community Coordinator

Community Outreach Specialist

Controller

Council Assistant

Deputy City Attorney II

Deputy City Attorney III

Deputy City Manager

Director

Director of Aviation

Director of Development

Director of Personnel Services

Director of Public Utilities

Director of Transportation

Economic Development Coordinator

Economic Development Director  
Executive Assistant to Department Director  
Executive Assistant to the City Manager  
Fire Chief  
Governmental Affairs Manager  
Human Resources Manager  
Independent Reviewer  
Internal Auditor  
Labor Relations Manager  
Labor Relations Secretary  
Police Chief  
Principal Budget Analyst  
Principal Internal Auditor  
Public Affairs Officer  
Public Works Director  
Redevelopment Administrator  
Retirement Administrator  
Risk/Safety Manager  
Senior Budget Analyst  
Senior Deputy City Attorney  
Senior Human Resources/Risk Analyst  
Supervising Deputy City Attorney  
Sponsors: Personnel Services Department

**Sponsors:**

Personnel Services Department

**B. [ID#14-413](#)**

CONFERENCE WITH LEGAL COUNSEL-EXISTING  
LITIGATION - Government Code Section 54956.9,  
subdivision (d)(1)

1. Case Name: Jesse Maldonado, et al. v. City of Fresno,  
et al. Fresno Superior Court Case No. 12CECG03742

**Sponsors:**

City Attorney's Office



**5. SCHEDULED COUNCIL HEARINGS AND MATTERS****9:50 A.M.**[ID#14-417](#)

Approve a 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 (Continue to October 30, 2014)

**10:00 A.M.**[ID#14-382](#)

TEFRA Hearing as required by Section 147(f) of the Internal Revenue Code of 1986 to hear and consider information concerning the proposed issuance of revenue bonds by the California Statewide Communities Development Authority to finance the acquisition and rehabilitation of a 150-unit multifamily low income residential rental project, commonly known as Kearney Cooley Plaza

\*RESOLUTION - Approving the issuance by the California Statewide Communities Development Authority of multifamily housing revenue bonds in the aggregate principal amount not to exceed \$11 million for the Kearney Cooley Plaza project

**Sponsors:**

Finance Department

**10:10 A.M.**[ID#14-380](#)

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 North Fowler and East Clinton Avenues (Property located in Council District 4)

1. RESOLUTION - Denying the appeal and approving Conditional Use Permit No. C-13-092
2. RESOLUTION - Denying the appeal and approving Vesting Tentative Tract Map No. 6033/UGM

**10:15 A.M.**[ID#14-358](#)

HEARING to consider adoption of Resolutions related to the designation of properties to the Local Register of Historic Resources (Council District 5)

- 1.\* RESOLUTION - Designating the Ralph and Jenny Watson Home located at 3537 E. Huntington Boulevard, Fresno, California to the Local Register of Historic Resources
- 2.\* RESOLUTION - Designating the C.M. and Gertrude Prescott Home located at 3707 E. Huntington Boulevard, Fresno, California to the Local Register of Historic Resources
- 3.\* RESOLUTION - Designating the Fred J. and Mary Dow Home located at 3369 E. Huntington Boulevard, Fresno, California to the Local Register of Historic Resources
- 4.\* RESOLUTION - Designating the Clarence and Bessie Bernhauer Home located at 3428 E. Huntington Boulevard, Fresno, California to the Local Register of Historic Resources
- 5.\* RESOLUTION - Designating the F. Rex and Vera Sporleder Home located at 3702 E. Huntington Boulevard, Fresno, California to the Local Register of Historic Resources
- 6.\* RESOLUTION - Designating the Fred and Virginia Billings Home located at 3650 E. Huntington Boulevard, Fresno, California to the Local Register of Historic Resources
- 7.\* RESOLUTION - Designating the Eugene and Elsie Brinker Home located at 3965 E. Huntington Boulevard, Fresno, California to the Local Register of Historic Resources

**Sponsors:**

Development and Resource Management Department

**10:30 A.M.**[ID#14-377](#)

HEARING to consider of Official Plan Line Modification and related Environmental Assessment No. EA-14-018, for W. McKinley Avenue from N. Blythe to N. Marks Avenues

1. Consider the Finding of Conformity to the 2025 Fresno General Plan Master Environmental Impact Report (MEIR) No. 10130 and Mitigated Negative Declaration (MND) No. A-09-02, which was prepared for Environmental Assessment (EA) No. EA-14-018.
2. BILL - (For introduction and adoption) - Approving the map entitled Official Plan Line for W. McKinley Avenue from N. Blythe Avenue to 265 feet east of N. Marks Avenue, being a precise section of the Major Street and Highway Plan of the City of Fresno.

**Sponsors:**

Public Works Department

**3:00 P.M. CLOSED SESSION**[ID#14-415](#)

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, LLB  
Sponsors: City Manager's Office

**Sponsors:**

City Attorney's Office

**3:45 P.M.**[ID#14-362](#)

HEARING to consider Plan Amendment Application No. A-14-002, Rezone Application No. R-14-002, Conditional Use Permit Application No. C-14-012 and related environmental findings filed by Giorgio Russo, on behalf of Ginder Development Corporation, pertaining to approximately 8.21 Acres of property located on the north side of North Figarden Dive between West Bullard and North Gates Avenues (District 2)

1. Consider the environmental finding for a Mitigated

Negative Declaration prepared for Environmental Assessment No. A-14-002/R-14-002/C-14-012 for the purpose of the proposed project

2. RESOLUTION-Approving Plan Amendment to amend the 2025 General Plan and Bullard Community Plan from the Community Commercial planned land use designation to the Medium-High Density Residential land use designation

3. BILL-Amending the Official Zone Map to reclassify 8.21 acres from the C-2/BA-20/UGM/cz (Community Shopping Center/Boulevard Area Overlay, 20 feet/Urban Growth Management/conditions of zoning) zone district to the R-2/BA-20/UGM (Low Density Multiple Family Residential/Boulevard Area Overlay, 20 feet/Urban Growth Management) zone district

**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**

**OCTOBER 2**

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

**OCTOBER 2**

*10:10 a.m. WORKSHOP re: FMC Sign Ordinance*

**OCTOBER 9**

*4:00 P.M. HEARING re: Consideration of Rezone Application no. R-13-014 and related environmental assessment no. R-13-014/tpm 2013-03 filed by Mike Hamzy on behalf of Niko Real Estate Fund, LLC for property located on the west side of N.*

*Winery between E. Washington and E. McKenzie Avenues (property located in Council District 7)*

**OCTOBER 23**

*10:00 A.M.#1 HEARING ordering the vacation of a portion of the northwest side of Stanislaus Street northeast of Fulton Street (Council District 3)*

**OCTOBER 23**

*10:00 A.M.#2 HEARING re: Non-Exclusive Towing Franchise Agreements*

**OCTOBER 23**

*10:15 A.M. HEARING re: Rezone Application No. R-14-004 filed by Poeschel Land Development Services on behalf of property owner Bill Milam*

**NOVEMBER 20**

*10:00 a.m. HEARING re: Final Tract Map No. 5967 annexed to CFD No. 11 to provide funding for the operation and reserves for maintenance ("Services") pertaining to the concrete curbs and gutters, entrance median curbs and hardscaping, sidewalks, curb ramps, interior street paving and street lighting associated with this subdivision*

**UPCOMING EMPLOYEE CEREMONIES**

**OCTOBER 2**

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

**OCTOBER 22 (Wednesday)**

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

**2014 CITY COUNCIL MEETING SCHEDULE**

<i>SEPTEMBER 4 - NO MEETING</i>	<i>OCTOBER 2 - 8:30 A.M.</i>
<i>SEPTEMBER 11 - 8:30 A.M.</i>	<i>OCTOBER 9 - 8:30 A.M.</i>
<i>SEPTEMBER 18 - NO MEETING</i>	<i>OCTOBER 16 - NO MEETING</i>
<i>SEPTEMBER 25 - 8:30 A.M.</i>	<i>OCTOBER 23 - 8:30 A.M.</i>
	<i>OCTOBER 30 - 8:30 A.M.</i>
<i>NOVEMBER 6 - 8:30 A.M.</i>	<i>DECEMBER 4 - 8:30 A.M.</i>
<i>NOVEMBER 13 - NO MEETING</i>	<i>DECEMBER 11 - 8:30 A.M.</i>
<i>NOVEMBER 20 - 8:30 A.M.</i>	<i>DECEMBER 18 - 1:30 P.M.</i>
<i>NOVEMBER 27 - NO MEETING</i>	<i>DECEMBER 25 - NO MEETING</i>