

City of Fresno

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



Meeting Agenda - Final

Thursday, September 22, 2016

9:00 AM

Regular Session

Council Chambers

City Council

President - Paul Caprioglio

Vice President - Sal Quintero

Councilmembers:

*Oliver L. Baines, III, Lee Brand, Steve Brandau, Clinton J. Olivier,
Esmeralda Z. Soria*

City Manager - Bruce Rudd

City Attorney - Douglas T. Sloan

City Clerk - Yvonne Spence, CMC

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

The City of Fresno's goal is to comply with the Americans with Disabilities Act (ADA) in all respects. The meeting room is physically accessible. If, as an attendee or participant at the meeting, you need additional accommodations such as interpreters, signers, assistive listening devices, or the services of a translator, please contact the Office of the City Clerk at (559) 621-7650 or clerk@fresno.gov. To ensure availability, you are advised to make your request at least 48 hours prior to the meeting. The agenda and related staff reports are available at www.fresno.gov, as well as in the Office of the City Clerk.

The Council meeting can be viewed live on Comcast Channel 96 and AT&T Channel 99 from 9:00 a.m. and is re-played beginning at 8:00 p.m.. The meeting can also be viewed online at <https://fresno.legistar.com>.

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**

El Consejo de la Ciudad de Fresno da la bienvenida al City Council Chambers, ubicado en la Alcaldía (City Hall), do piso, 2600 Fresno Street, Fresno, California 93721.

El objetivo de la Ciudad de Fresno es cumplir con la Ley de Americanos con Discapacidades (ADA) en todo aspecto. La sala para juntas es físicamente accesible. Si usted, como asistente o participante de la junta, necesita acomodaciones adicionales como intérpretes, lenguaje de señas, aparatos auditivos, o los servicios de un traductor, por favor comuníquese con la Oficina del Secretario Municipal llamando al (559) 621-7650 o al clerk@fresno.gov. Para asegurarse de la disponibilidad, se le recomienda llamar y hacer su petición por lo menos 48 horas antes de la junta. La agenda y los reportes de personal correspondientes están disponibles en el www.fresno.gov, o en la Oficina del Secretario Municipal.

Las juntas del Municipio se pueden ver en el Canal 96 de Comcast y el Canal 99 de AT&T a las 9:00 a.m. y otra vez empezando a las 8:00 p.m. La junta también se puede ver en el internet en el <https://fresno.legistar.com>

PROCESO: Por cada asunto que escuche el Consejo Municipal, habrá una presentación del personal seguida por una presentación de los individuos involucrados, si están presentes. El testimonio de los presentes se escuchará entonces. Todo testimonio se limitará a tres minutos por persona. Si usted desea hablar, llene la hoja para pedir hablar disponibles en la oficina del Secretario Municipal y en la Sala Consistorial. Las tres luces en el atril junto al micrófono indicarán cuanto tiempo le queda al orador.

La luz verde en el atril se prenderá cuando el orador comience. La luz amarilla se prenderá cuando quede un minuto. El orador debería estar concluyendo su testimonio cuando la luz roja prenda y el sonido indique que se acabo su tiempo. La cantidad del tiempo que queda también aparecerá en la pantalla grande atrás del Consejo Municipal.

No se aceptarán documentos para que repase el Consejo Municipal a menos que se sometan al Secretario Municipal por lo menos 24 horas antes de que se escuche la Agenda del Consejo Municipal.

Este es el horario general de temas para la consideración y acción del Consejo Municipal. El consejo Municipal pudiera considerar y tomar acción en un artículo de la Agenda en el orden que considere adecuado. Artículos con una hora fijada se pueden escuchar después de la hora indicada pero no antes de la hora indicada en la agenda. Se les recomienda a las personas que estén interesadas

en un artículo de la agenda, que estén presentes durante toda la junta para asegurar su presencia cuando se presente ese artículo.

LOS ARTICULOS MARCADOS CON TRES ASTERISCOS (*) ESTAN SUJETOS A UN VETO POR PARTE DEL ALCALDE O UNA RECONSIDERACION**

Tso Fresno City Council tos txais koj rau City Council Chambers, nyob rau hauv City Hall, 2nd Floor, 2600 Fresno Street, Fresno, California 93721.

Lub hom phiaj ntawm nroog Fresno yuav ua kom tau txhua yam raw li txoj cai American with Disabilities Act (ADA) kom fwm txhua tus. Lub rooj sab laj txhua tus yuav tsum muaj feem koom kom tau, txawm yog cov tuaj koom, cov muaj feem rau lub rooj sab laj, yuav tsum kom muaj kev pab rau sawv daws xws li txhais lus, piav tes, tej twj mloog pob ntseg los yog ib tug txhais lus, thov hu rau Office of the City Clerk ntawm (559) 621-7650 los sis clerk@fresno.gov. Yuav kom paub tseeb tias npaj tau rau koj, koj yuav tsum tau hais ua ntej 48 xuab moos ntawm lub rooj sab laj. Daim ntawv kom tswj thiab tej ntaub ntawv cov ua dej num yuav coj los ceeb tshaj muaj nyob rau ntawm www.fresno.gov, los sis ntawm Office of the City Clerk.

Council lub rooj sab laj saib pom rau hauv Comcast tshooj 96 thiab AT&T tshooj 99 thaum 9:00 teev sauv ntxoov thiab rov tso tawm thaum 8:00 teev tsaus ntuj. Lub rooj sab laj kuj saib tau online at <https://fresno.legistar.com>.

TXUAS NTXIV: Txhua nqe laj txheej yuav tau pom zoo los ntawm cov council ua ntej thiab yuav tau muaj ib tug staff los cej luam dhau ntawd cov uas muaj feem cuam mam los cej luam ib tug zuj zus, yog tuaj nyob rau ntawd. Dhau ntawd yuav tso rau sawv daw los tawrn suab, ib leeg twg yuav los tawm suab tsuas pub peb(3) nas this xwb. Yog koj xav los tawm suab, mus sau rau daim ntawv (Speaker Request Form) muaj nyob rau hauv City Clerk's Office thiab nyob rau huav Council Chambers. muaj peb(3) lub teeb nyob rau ntawm lub podium uas puab rau ntawm lub (microphone) qhia tias tus neeg hais lus muaj sij haum ntev li cas xwb.

Lub teeb ntsuab ntawm lub podium yuav cig thaum tus hais lus pib hais. Lub teeb daj yuav cig thaum tshuav ib(1) nas this. Tus hais lus yuav tsum hais kom tas rau thaum lub teeb liab cig thiab lub tswb nrov, qhia tias sij haum tas lawm. Ib qhov ntxiv nyob rau saum daim (screen) loj loj dai rau tom cov council nrob qaurn yuav pom lub sij hawm dhia qis zuj zus los mus.

Cov council yuav tsis txais ib yam ntaub ntawv los saib ntxiv tshwj tsis yog twb muab xa rau City Clerk 24 teev thiab muab tso rau hauv daim kom tswj ua ntej council yuav los mloog tej xwm txheej.

Dhau ntawd yuav muab sij hawm rau cov council los soj ntsuam thiab ua tes dej num, Coy tswv zos (City Council) yuav los ntsuam xyuas thiab leg raws tej nqe hauv daim kom tswj yog pom tias yam twg yuav tsim nyog. Mam muab lub sij hawm los xyuas raws tej txheej txheem tom qab tiam si yuav tsis yog ua ntej raws li daim kom tswj tau teev tseg. Cov uas txaus siab rau tei laj txheej uas tau teev tseg rau hauv daim kom tswj, xav kom nyob kom dhau lub rooj sab laj kom thaum hu txog nws thiaj nyob rau ntawd

YOG QHOV MUAJ PEB LUB HNUB QUB (*) NYOB RAU HAUV DAIM KOM TSWJ
YUAV RAUG MAYORAL VETO LOS SIS ROV SOJ NTSUAM DUA**

9:00 A.M. ROLL CALL

Invocation by H. Spees

Pledge of Allegiance to the Flag

APPROVE AGENDA

APPROVE MINUTES

[ID16-159](#) Approval of minutes from September 15, 2016

[ID16-1120](#) Approval of the Successor Agency to the Redevelopment Agency and the Fresno Revitalization Corporation minutes of September 1, 2016

COUNCILMEMBER REPORTS AND COMMENTS

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** [ID16-1032](#) Actions pertaining to Resolution of Intention No. 1108-D to vacate a portion of San Benito Street between the “F”-“G” alley and “G” Street, and the “F”-“G” alley between Santa Clara and San Benito Streets. (Council District 3).
1. Adopt a finding of Categorical Exemption per staff determination, pursuant to Section 15301 of the California Environmental Quality Act (CEQA) Guidelines, Environmental Assessment No. EA-16-016.
 2. Adopt the attached Resolution of Intention No. 1108-D to vacate a portion of San Benito Street between the “F”-“G” alley and “G” Street, and the “F”-“G” alley between Santa Clara and San Benito Streets.

Sponsors: Public Works Department

- 1-B [ID16-1055](#) Approve Workforce Innovation and Opportunity Act Mandated Partner Memorandum of Understanding.
Sponsors: City Manager's Office
- 1-C [ID16-1038](#) ***RESOLUTION - 6th amendment to Fiscal Year 2017 Salary Resolution No. 2016-120, adding new Supervising Airports Operations Officer, Supervising Airports Building Maintenance Technician, and Landscape Maintenance Superintendent classifications to Exhibit 13-1, Exempt Supervisory and Professional (CFPEA), and Plans and Permit Technician classification to Exhibit 3, Non-Supervisory White Collar (FCEA); and amending the Plan Examiner I/II and III classification titles and respective salaries in Exhibit 3, Non-Supervisory White Collar (FCEA)
Sponsors: Personnel Services Department
- 1-D [ID16-1077](#) Actions Pertaining to the Engineering Services to Evaluate Power Generation and Optimize Energy Credits at the Fresno/Clovis Regional Wastewater Reclamation Facility (Council District 3)
1. ***RESOLUTION - 11th amendment to the Annual Appropriation Resolution (AAR) No. 2016-118 appropriating \$252,700 for engineering services to evaluate power generation and optimize energy credits at the Fresno/Clovis Regional Wastewater Reclamation Facility (Requires 5 affirmative votes)
2. Award a professional engineering services contract for \$207,713 with a \$25,000 contingency, to CDM Smith of Walnut Creek, California
Sponsors: Department of Public Utilities
- 1-E [ID16-1085](#) Items related to retaining consultants for discolored water investigation:
1. Affirm the City Manager's determination that Dr. Marc Edwards of Virginia Polytechnic Institute and State University is uniquely qualified to perform consultant services, as required by AO 6-19;
2. Approve Research Agreement between the City of Fresno and Virginia Polytechnic Institute and State University in an amount not to exceed \$150,000;
3. Affirm the City Manager's determination that Dr. Vernon

Snoeyink of Water Quality & Treatment Solutions, Inc., is uniquely qualified to perform consultant services as required by AO 6-19; and

4. Approve Consultant Agreement with Water Quality & Treatment Solutions, Inc. in an amount not to exceed \$200,000.

Sponsors: Department of Public Utilities

1-F [ID16-1109](#) Approve a consultant services agreement with Bertz-Rosa Strategy & Creative for an amount not to exceed \$172,757 for community engagement for parks and trails within the City of Fresno.

Sponsors: City Manager's Office

1-G [ID16-1037](#) Actions pertaining to the 2016 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 2016 JAG program
2. ***RESOLUTION - 13th amendment to the Annual Appropriation Resolution (AAR) No. 2016-118 appropriating \$205,000 from the 2016 JAG program award from the U.S. Department of Justice, Bureau of Justice Assistance (Requires 5 affirmative votes)

Sponsors: Police Department

2. GENERAL ADMINISTRATION

2-A [ID16-1035](#) Actions pertaining to a Memorandum of Understanding (MOU) for City employees in Unit 3, Non-Supervisory White Collar employees, represented by FCEA

1. ***Adopt a Memorandum of Understanding between the City of Fresno and the Fresno City Employees Association (FCEA) for Unit 3 - Non-Supervisory White Collar
2. ***RESOLUTION - 7th amendment to FY 2017 Salary Resolution No. 2016-120, amending salaries in Exhibit 3, Unit 3 - Non-Supervisory White Collar, as required by adoption of the Memorandum of Understanding between the City of Fresno and the Fresno City Employees Association (FCEA)

Sponsors: Personnel Services Department

- 2-B** [ID16-1084](#) WORKSHOP - Agreement Establishing the North Kings Groundwater Sustainability Agency as a Joint Powers Authority
- Sponsors:** Department of Public Utilities
- 2-C** [ID16-1097](#) Approve Program Year 2015 Consolidated Annual Performance and Evaluation Report (CAPER) and authorize submission to the U.S. Department of Housing and Urban Development (HUD).
- Sponsors:** Development and Resource Management Department
- 2-D** [ID16-1089](#) Actions pertaining to a new Southeast Police Substation and Bus Rapid Transit Station:
1. Adopt a finding of conformity prepared for Environmental Assessment No. EA-16-011 dated July 1, 2016, for the construction of a police substation and Bus Rapid Transit station.
 2. Approve a Purchase and Sale Agreement between the City of Fresno and the Housing Authority of the City of Fresno in the amount of \$500,000 for the purchase of certain property at Argyle and Tulare Avenues (Assessor Parcel Numbers 313-021-02T and 313-021-03T).
 3. ***RESOLUTION - 14th amendment to the Annual Appropriations Resolution (AAR) No. 2016-118 appropriating \$553,000 for the purpose of purchasing certain property for the future construction of a police substation and a Bus Rapid Transit station. (Requires 5 affirmative votes)
 4. RESOLUTION - Accepting donation of design development plans for the Southeast Police Substation from Fancher Creek Properties, LLC.
 5. Uphold the City Manager's determination that Scott Beck is uniquely qualified to provide architectural services.
 6. Approve a Professional Consulting Services Agreement with Scott Beck, in the amount of \$52,690 for architectural services.
- Sponsors:** Police Department and Department of Public Transportation
- 2-E** [ID16-1090](#) Award a construction contract in the amount of \$18,204,180 to Floyd Johnston Construction Company, Inc. for the City of Fresno Phase 2 Regional Transmission Mains Segment A2 Project (Bid File 3450) (Council District 1, 3, and 7).

Sponsors: Department of Public Utilities

- 2-F [ID16-1110](#) Documents related to the design phase for the Realignment of "G" Street between E. California Avenue and Santa Clara Street: (Council District 3)
1. ***RESOLUTION - 2nd amendment to the Annual Appropriations Resolution (AAR) No. 2016-118 appropriating \$350,000 for expenses related to the design for the realignment of "G" Street between East California Avenue and Santa Clara Street (Requires 5 affirmative votes)
 2. Approve a Reimbursement Cooperative Agreement with the California High Speed Rail Authority (CHSRA) for \$350,000 to reimburse the City for expenses related to the realignment of "G" Street and authorize the Director or his designee to execute an amendment up to a maximum amount of \$3,200,000

Sponsors: Public Works Department

- 2-G [ID16-899](#) Adoption of the Americans with Disabilities Act (ADA) 2016 Facilities Transition Plan (Citywide)

Sponsors: Public Works Department

3. SCHEDULED COUNCIL HEARINGS AND MATTERS

10:00 A.M.

- [ID16-1058](#) 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. 72 (Final Tract Map No. 6124) (second phase of development north and south of E. California Avenue between S. Temperance and Armstrong 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 2016-2017 and Future Tax Years Within and Relating to Community Facilities District No. 11, Annexation No. 72, Final Tract Map No. 6124

Sponsors: Public Works Department

10:05 A.M.

[ID16-1059](#)

HEARING to adopt resolutions and ordinance amending Annexation No. 70 of the City of Fresno Community District No. 11, Final Tract Map No. 6067, to change the types of Services, the rate and method of apportionment of the special tax, and the Maximum Special Tax to be levied (east side of N. Locan Avenue between E. Shields and Dakota Avenues) (Council District 4)

1. RESOLUTION - Authorizing the Amendment of Annexation No. 70 of Community Facilities District No. 11 and the Levy of a New Maximum Special Tax
2. RESOLUTION - Calling Special Mailed-Ballot Election
3. RESOLUTION - Declaring Election Results
4. ***BILL - (For introduction and adoption) - Amending Ordinance No. 2016-18 and Levying a Changed Maximum Special Tax for the Property Tax Year 2016-2017 and Future Tax Years Within and Relating to Community Facilities District No. 11, Annexation No. 70, Final Tract Map No. 6067

Sponsors: Public Works Department

10:10 A.M.

[ID16-1076](#)

HEARING to consider Plan Amendment Application No. A-16-002 and Rezone Application No. R-16-002 and related Environmental Assessment No. A-16-002/R-16-002, filed by Jeffery Roberts on behalf of the Waterford Foundation, for approximately 3.99 acres of property located on the southwest corner of N. Polk and W. Sierra Avenues (Council District 2)

- a. Adopt the Mitigated Negative Declaration prepared for Environmental Assessment No. A-16-002/R-16-002 dated June 3, 2016.
- b. RESOLUTION - Approving Plan Amendment Application No. A-16-002 proposing to amend the Fresno General Plan and Bullard Community Plan from the Office planned land use designation to the Urban Neighborhood Residential (16-30 du/ac) planned land use designation.
- c. BILL (For introduction and adoption) - Approving Rezone Application No. R-16-002 requesting authorization to rezone

the subject property from O/UGM/cz (Office/Urban Growth Management/conditions of zoning) to the RM-2/UGM (Residential Multi-Family, Urban Neighborhood/Urban Growth Management) zone district. The conditions of zoning will be eliminated since they apply to an office complex and would no longer be applicable should this rezone application be approved.

Sponsors: Development and Resource Management Department

10:15 A.M.

[ID16-1096](#) RESOLUTION - Opposing Proposition 57
Sponsors: Councilmembers Brandau, Brand, Police Chief Dyer and Council President Caprioglio

1:30 P.M.#1

CONTESTED CONSENT CALENDAR

1:30 P.M.#2

CEREMONIAL PRESENTATIONS

[ID16-1098](#) Proclamation of "LATINO VOTER REGISTRATION MONTH"

Sponsors: City Councilmember Soria

[ID16-1124](#) Resolution proclaiming " International Day of Peace and Week of Peace" in the City of Fresno

Sponsors: City Councilmember Soria

5:00 P.M.

[ID16-1112](#) (REFERRED BACK TO STAFF - COUNCIL DATE TO BE DETERMINED)
CONTINUED HEARING to consider Plan Amendment Application No. A-16-005, Rezone Application No. R-16-006, Development Permit Application No. D-16-031 and related Environmental Assessment No. A-16-005/R-16-006/D-16-031, filed by Nick Yovino Jr. of California Land Consulting, on behalf of Marcil Awad of Drew Court LLC. These applications pertain to approximately ±2.27 acres of property located on the south side of E.

Shepherd Avenue between N. Millbrook and N. Cedar Avenues.

Sponsors:

Development and Resource Management Department

4. CITY COUNCIL

- 4-A [ID16-1116](#) RESOLUTION - Amending the Council Rules of Procedure to conform to current practice, and to allow additional time for public comment by members of the public speaking through an interpreter

Sponsors:

Council President Caprioglio

5. CLOSED SESSION

[ID16-878](#)

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

1. Michael Scholl v. City of Fresno, psi, Administered by RISICO Claims Management; Worker's Compensation Appeals Board Case No. ADJ9607149; ADJ9564647

Sponsors:

City Attorney's Office

[ID16-1067](#)

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

1. City of Fresno v. James Wambold; Fresno Superior Court Case No. 16CECG00801

Sponsors:

City Attorney's Office

[ID16-1119](#)

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

1. State Water Resources Control Board/California Water Fix (Protest to Petition of California Department of Water Resources, U.S. Bureau of Reclamation)

Sponsors:

City Attorney's Office

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

UPCOMING SCHEDULED COUNCIL HEARINGS AND MATTERS

October 13, 2016

10:00 A.M. - HEARING - Regarding the vacation of a portion of San Benito Street between the "F"- "G" alley and "G" Street, and the "F"- "G" alley between Santa Clara and San Benito Streets. (Council District 3).

UPCOMING EMPLOYEE CEREMONIES

October 13, 2016 - 1:30 P.M. - Employee of the Fall Quarter Ceremony

November 16, 2016 - 2:00 P.M. - Employee Service Awards Ceremony

2016 CITY COUNCIL MEETING SCHEDULE

September 29 - NO MEETING - ICMA

October 6, 2016 - NO MEETING - LEAGUE OF CA CITIES

October 13, 2016 - 9:00 A.M. MEETING

October 20, 2016 - 1:30 P.M. MEETING

October 27, 2016 - NO MEETING