

City of Fresno

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



Meeting Agenda - Final

Thursday, May 14, 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 Pastor Dustin Maddox, University Presbyterian Church

Pledge of Allegiance to the Flag

CEREMONIAL PRESENTATIONS

- [ID#15-394](#) Presentation of the SPCA Pet of the Month
Sponsors: City Councilmember Caprioglio
- [ID#15-366](#) Proclamation of "WOMEN'S LUNG HEALTH WEEK"
Sponsors: Mayor's Office and City Council
- [ID#15-376](#) Proclamation of "TEEN PREGNANCY PREVENTION AND AWARENESS MONTH"
Sponsors: City Councilmember Soria
- [ID#15-378](#) Proclamation of "LUPUS AWARENESS MONTH"
Sponsors: City Councilmember Soria
- [ID#15-405](#) Honoring the 2015 Edison High School Boys Basketball Division 1 Valley Champions
Sponsors: City Councilmember Baines
- [ID#15-414](#) Proclamation of "WATER AWARENESS MONTH"
Sponsors: City Councilmember Caprioglio

APPROVE MINUTES

- [ID#15-413](#) Approval of City Council minutes from April 30, 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#15-295](#) Approve amendment to Consultant Contract with Highland Consulting for professional consulting services for ongoing and new railroad related Public Works projects
- Sponsors:** Public Works Department
- 1-B [ID#15-354](#) Authorize the Public Works Director or his designee to enter a Fifth Amendment to a Reimbursement Agreement with the California High-Speed Rail Authority (CHSRA) for the purposes of extending the contract term to develop a series of cooperative agreements (Council Districts 1, 2 & 3)
- Sponsors:** Public Works Department
- 1-C [ID#15-355](#) Adopt Resolution of Intention No.1098-D to vacate portions of public street and pedestrian walkway rights-of-way at the northeast corner of N. Blackstone and E. Shields Avenues (Council District 7)
- Sponsors:** Public Works Department
- 1-D [ID#15-357](#) RESOLUTION - Of Intention to annex the territory associated with Conditional Use Permit No. 2008-157, 2012-032 and 2014-121 (commonly known as Fresno 40) as Annexation No. 8, to City of Fresno Community Facilities District No. 9, and setting the public hearing for June 11, 2015 at 10:00 a.m. (the area bounded by N. Fresno Street, N. Friant Road, E. Audubon and the Sugarpine Trail) (Council District 6)
- Sponsors:** Public Works Department
- 1-E [ID#15-360](#) Approve the substitution of a listed subcontractor for the Tertiary Treatment and Disinfection Facility Project located at the Fresno/Clovis Regional Wastewater Treatment Facility (Council District 3)
- Sponsors:** Department of Public Utilities
- 1-F [ID#15-375](#) Approve the appointments of Linda Solis and William Z. Simon to the Fresno Regional Workforce Investment Board
- Sponsors:** City Councilmember Baines

- 1-G [ID#15-377](#) Approve the appointment of Jeffrey Bennett to the District 1 Plan Implementation Committee
Sponsors: City Councilmember Soria
- 1-H [ID#15-401](#) Approve the appointment of Susan Smith to the Bicycle and Pedestrian Advisory Committee
Sponsors: City Councilmember Olivier
- 1-I [ID#15-383](#) ***BILL NO. B-11 - (Intro. 4/30/2015) (For adoption) - Adopt the annual amendment to Subsection (a) of Sections 7-504 and 7-505 of the Fresno Municipal Code relating to local Sales and Use Taxes, pursuant to the Memorandum of Understanding with Fresno County (MOU)
Sponsors: Finance Department

CONTESTED CONSENT CALENDAR

2. GENERAL ADMINISTRATION

- 2-A [ID#15-384](#) ***BILL NO. B-14 - (Intro. 4/30/2015) (For adoption) - Repealing Section 10-617 and adding Section 10-617; amending Section 10-603; and repealing Sections 10-620, 11-335 and 11-422 of the Fresno Municipal Code (FMC) relating to standards for vacant buildings
Sponsors: Development and Resource Management Department
- 2-B [ID#15-221](#) ***RESOLUTION - 42nd amendment to the Annual Appropriation Resolution (AAR) No. 2014-95 to appropriate \$2,223,500 for new capital projects in the Public Works Department (Citywide) (Requires 5 affirmative votes)
Sponsors: Public Works Department
- 2-C [ID#15-317](#) Actions pertaining to the Fresno/Clovis Regional Wastewater Reclamation Facility (RWRF) Headworks Building Coating Repair and Stop Plate Installation (BF 3201) (Council District 3)
1. ***RESOLUTION - 48th amendment to the Annual Appropriation Resolution (AAR) No. 2014-95 appropriating \$375,000 for the Headworks Building Coating Repair and Stop Plate Installation project change orders (Requires 5 affirmative votes)

2. Approve a contract change order in the amount not to exceed \$500,000 for change order work associated with the Headworks Building Coating Repair and Stop Plate Installation

Sponsors:

Department of Public Utilities

2-D [ID#15-320](#)

***RESOLUTION - Enacting changes to the Reserve Management Act

Sponsors:

Finance Department

3. CITY COUNCIL

3-A [ID#15-334](#)

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 - Brand - Chair, Olivier and 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, 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 - Brandau, Alternates - Soria, Georgeanne White and Thomas Esqueda
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. Litigation Exposure Reduction Ad Hoc Committee -
Brandau, Caprioglio

17. Convention Center Oversight Advisory Board - Baines,
(Brand-Alternate), City Manager, SMG

General Manager and one representative from each of
SMG's organizations

18. Transportation Committee - Baines, Olivier, Soria

19. Code Enforcement Sub-Committee - Baines, Olivier,
Caprioglio and Mayor Swearengin

Action Taken:

Sponsors:

City Councilmember Baines

3-B [ID#15-379](#)

RESOLUTION - Of support for the Central Valley Coalition
for Reliable Energy

Sponsors:

City Councilmember Baines

SCHEDULED COUNCIL HEARINGS AND MATTERS

10:00 A.M.#1

[ID#15-362](#)

HEARING to consider Plan Amendment Application No. A-14-007, Rezone Application No. R-14-011, and related environmental assessment for the property located on the southwest corner of E. Mono Street and S. Adler Avenue (Council District 5)

a. Adopt the environmental finding of Environmental Assessment No. A-14-007/R-14-011/S-14-060, a finding of a Mitigated Negative Declaration, dated April 3, 2015

b. RESOLUTION - Approving Plan Amendment Application No. A-14-007 amending the Fresno General Plan and Roosevelt Community Plan planned land use designation for ± 0.57 acres from the Medium Density Residential designation to the Office planned land use designation in the City of Fresno

c. BILL - (For introduction and adoption) - Amending the Official Zone Map to reclassify ± 0.57 acres from the R-1 (Single Family Residential, Fresno City) to C-P

(Administrative and Professional Offices, Fresno City) zone district

Sponsors:

Development and Resource Management Department

10:00 A.M.#2

[ID#15-380](#)

CONTINUED HEARING to consider a resolution of public use and necessity for acquisition of permanent utility easements and/or temporary construction easements from the following APNs: 581-030-02s owned by Rodric H. and Kimberly K. Lichti; 580-040-07 owned by Earleen Lesher; and 580-040-08 owned by Earleen Lesher as to an undivided 72% and the estate of Velda D. Lesher as to an undivided 28%; and 581-020-05s owned by Lilli Herold and Linda E. Cheney, as trustees of the "Lilli Herold Living Trust" (Continued to May 21, 2015 at 1:30 p.m.)

Sponsors:

Department of Public Utilities

10:15 A.M.

[ID#15-363](#)

Actions pertaining to the City of Fresno 2015-2019 Program Year Consolidated Plan: 1. Conduct a public hearing to obtain public comments on the Draft 2015-2019 Consolidated Plan; and 2. Resolution Adopting the 2015-2019 Program Year Consolidated Plan; authorizing submission to the U.S. Department of Housing and Urban Development (HUD) for application of the Community Development Block Grant (CDBG), HOME Investment Partnerships Emergency Solutions Grant (ESG), and Housing Opportunities for Persons with Aids (HOPWA) Programs and authorizing the City Manager to sign all implementing documents required by HUD as approved to form by the City Attorney

Sponsors:

Development and Resource Management Department

11:00 A.M.

[ID#15-393](#)

Presentation of the Mayor's Fiscal Year 2016 Budget

Sponsors:

Mayor's Office

1:30 P.M. CLOSED SESSION[ID#15-325](#)

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

1. Idalia J. Morgutia-Johnson v. City of Fresno, et al. United States District Court Case No.: 14-CV-00127 LJO/SKO

Sponsors:

City Attorney's Office

[ID#15-368](#)

CONFERENCE WITH LEGAL COUNSEL - DECIDING WHETHER TO INITIATE LITIGATION

Government Code Section 54956.9, subdivision (d)(4)

1. City of Fresno v. Michael Occhionero, et al.

Sponsors:

City Attorney's Office

[ID#15-371](#)

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

1. Citizens for the Restoration of L Street v. City of Fresno, Superior Court Case No. 11CECG04172

Sponsors:

City Attorney's Office

2:00 P.M.#1[ID#15-381](#)

WORKSHOP on Farmland Preservation

Sponsors:

Mayor's Office and Development and Resource Management Department

2:00 P.M.#2[ID#15-365](#)

RESOLUTION - Approve the filing of a Sustainable Agricultural Lands Conservation Program grant application to develop a Farmland Preservation Program and authorize the Director of the Development and Resource Management or designee to accept a grant award up to \$100,000 and conduct all negotiations and execute and submit all related documents, contracts, agreements, and amendments which may be necessary for the development of the program

Sponsors:

Development and Resource Management Department

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.

PLEASE NOTE: UNSCHEDULED COMMUNICATIONS IS NOT SCHEDULED FOR A SPECIFIC TIME AND MAY BE HEARD ANY TIME DURING THE MEETING

ADJOURNMENT**UPCOMING BUDGET HEARINGS**

JUNE 8, 2015 - 8:30 A.M.

GF Overview - BMSD, City Attorney, Finance, Transportation, FYI

JUNE 9, 2015 - 8:30 A.M.

PARCS, City Clerk, Information Services, Convention Center, Public Works

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

DARM; Fire; Public Works; General City Purpose

JUNE 15, 2015 - 8:30 A.M.

Personnel; Police; CMO/Mayor; City Council - Final motions made

JUNE 16, 2015 - 8:30 A.M.

Overflow - Council Vote on Motions

JUNE 17, 2015 - 8:30 A.M.

Reserved if needed for Budget Overflow

JUNE 19, 2015 - 8:30 A.M.

Final vote

JUNE 30, 2015

Deadline to adopt budget

UPCOMING SCHEDULED COUNCIL HEARINGS AND MATTERS

JUNE 4, 2015

10:00 A.M. - HEARING re: Annexation of Final Tract Map No. 5466, Annexation No. 61, to the City of Fresno Community Facilities District No. 11 (northeast and southeast corners of South Minnewawa and East Church Avenues) (Council District 5)

JUNE 4, 2015

10:15 A.M. HEARING re: the vacation of a portion of public street and pedestrian walkway rights-of-way at the northeast corner of Shields and Blackstone (Manchester Center)

JUNE 11, 2015

10:00 A.M. HEARING re: Conditional Use Permit No. 2008-157, 2012-032 and 2014-121, the Fresno 40 Development, as Annexation No. 8, to the City of Fresno Community Facilities District No. 9 (area bounded by North Fresno Street, North Friant Road, East Audubon and the Sugarpine Trail) (Council District 6)

JUNE 18, 2015

1:30 P.M. HEARING to declare the intention to renew the Downtown Fresno Property and Business Improvement District (DFPBID)

UPCOMING EMPLOYEE CEREMONIES

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)

2015 CITY COUNCIL MEETING SCHEDULE

MAY 21 - 1:30 P.M.

MAY 28 - NO MEETING - MEMORIAL DAY

JUNE 4 - 8:30 A.M.

JUNE 11 - 8:30 A.M.

JUNE 18 - 1:30 P.M.

JUNE 25 - 8:30 A.M.

