

City of Fresno

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



Meeting Agenda - Final

Thursday, April 28, 2016

8:30 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 meeting room is accessible to the physically disabled. Services of an interpreter and additional accommodations, including assistive listening devices, can be made available. Requests for accommodations should be made three days prior to the scheduled meeting. Please contact the City Clerk's Office at 559-621-7650.

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

Pledge of Allegiance to the Flag

APPROVE AGENDA**APPROVE MINUTES**

[ID16-145](#)

Approval of minutes from April 21, 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 [ID16-366](#)

Actions pertaining to summary vacation of the portion of the northeast side portion of "L" Street southeast of N. Park Avenue (and Amador Street) (Council District 3)

1. Adopt a finding of Categorical Exemption per staff determination, pursuant to Section 15301(c), Class 1 (Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines, Environmental Assessment No. EA-14-049.
2. RESOLUTION - Ordering the summary vacation of a portion of "L" Street southeast of N. Park Avenue (and Amador Street).

Sponsors:

Public Works Department

1-B [ID16-405](#)

Actions pertaining to the award of a sole source service contract to Vigilant Solutions, Inc. ("Vigilant"):

1. Award a purchase agreement with Vigilant Solutions, Inc., for Automatic License Plate Reader (ALPR) software and a one-year subscription, for \$75,000.
2. ***RESOLUTION - 38th amendment to the Annual

Appropriation Resolution (AAR) No. 2015-104 appropriating \$28,000 into the Police Department's FY 2016 budget under the 2014 State Homeland Security Grant Program (Requires 5 affirmative votes).

Sponsors:

Police Department

1-C [ID16-435](#)

Actions pertaining to Resolution of Intention No. 1105-D to vacate a portion of N. Ninth Street south of E. Dakota Avenue (Council District 4).

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-16-003
2. Adopt Resolution of Intention No. 1105-D to vacate a portion of N. Ninth Street south of E. Dakota Avenue

Sponsors:

Public Works Department

1-D [ID16-426](#)

Actions pertaining to permanent asphalt concrete pavement repairs - Bid File No. 9365 (City-wide)

1. Adopt a finding of Class 1, Class 2, Class 3, and Class 4 Categorical Exemption pursuant to sections 15301, 15302, 15303, and 15304, of the CEQA guidelines, for permanent asphalt concrete pavement repairs
2. Award a six-month requirements contract with provisions for five (5) six-month extensions to Dawson-Mauldin Construction, Inc. in the amount of \$409,600 for permanent asphalt concrete pavement repairs and authorize the Public Works Director or designee to sign the contract on behalf of the City

Sponsors:

Department of Public Utilities

1-E [ID16-408](#)

Approve a consultant services agreement with Live Oak Associates, Inc. for an amount not to exceed \$400,960 to provide Biological Resources Monitoring services for the City of Fresno's Friant-Kern Canal Raw Water Pipeline project (District 6, County).

Sponsors:

Department of Public Utilities

2. GENERAL ADMINISTRATION

2-A [ID16-302](#)

Actions pertaining to the Request for Proposals for the City of Fresno Weekend Community Recreation, Fitness and

Health Program and joint use of school districts green space:

1. Reject all proposals for Weekend Community Recreation, Fitness and Health Program - Bid File 12211GW (Citywide)
2. Approve Joint Use Agreements with Fresno Unified and Central Unified School Districts

Sponsors:

Parks, After School and Recreation and Community Services Department

2-B [ID16-415](#)

Actions pertaining to accepting funds from the California Board of State and Community Corrections (BSCC) and entering into Addendum No. 3 to the Agreement with partner cities and Fresno County:

1. Accept funding of \$849,662 from the BSCC; and
2. Approve Addendum No. 3 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

Sponsors:

Police Department

2-C [ID16-428](#)

Award a consultant agreement in the amount of \$2,466,445 and a contingency of \$120,000 with AECOM Technical Services, Inc. for the design of the Northeast Quadrant Recycled Water Transmission Main (Council District 2 and 6)

Sponsors:

Department of Public Utilities

2-D [ID16-438](#)

WORKSHOP - Analysis of Impediments to Fair Housing Choice

Sponsors:

Development and Resource Management Department

2-E [ID16-439](#)

WORKSHOP - Housing and Community Development Division Quarterly Report, January 1, 2016 - March 31, 2016

Sponsors:

Development and Resource Management Department

2-F [ID16-440](#)

Actions pertaining to the City of Fresno 2016-2017 Annual Action Plan:

1. HEARING to obtain public comments regarding implementation of the City's proposed activities with federal grant funding; and
2. RESOLUTION - A Resolution Of The Council Of The City Of Fresno, California, Adopting The FY2017 Annual Action Plan; Approving Submission To The U.S. Department

Of Housing And Urban Development (HUD) For Application Of Community Development Block Grant (CDBG), Home Investment Partnerships (HOME), Emergency Solutions Grant (ESG), And Housing Opportunities For Persons With Aids (HOPWA) Program Funds; Providing For Subrecipient Agreements; 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

2-G [ID16-478](#)

Discuss conceptual terms of a master lease with Outfront Media, and provide direction to return to Council in sixty days with completed contract

Sponsors:

City Manager's Office

2-H [ID16-495](#)

Approve a consultant services agreement with SafeworkCM for an amount not to exceed \$1,265,000 to provide Construction Safety Oversight Consulting Services for various water infrastructure capital improvement projects (citywide)

Sponsors:

Department of Public Utilities

2-I [ID16-490](#)

BILL - (For introduction) - Amending Article 7 of Chapter 10 of the Fresno Municipal Code relating to Management of Real Property.

Sponsors:

City Manager's Office and City Attorney's Office

3. CITY COUNCIL

3-A [ID16-483](#)

Council Boards and Commissions Communications, Reports, Assignments and/or Appointments, Reappointments, Removals to/from City and non-City Boards and Commissions:

1. Appoint a Councilmember to the Fresno-Clovis Metropolitan Solid Waste Commission - JPA - Current members: Brandau, Soria, (vacant)

Sponsors:

Council President Caprioglio

3-B [ID16-424](#) RESOLUTION - To initiate an amendment to Fresno General Plan Policy RC-9-C pursuant to Fresno Municipal Code Section 15-5803-C

Sponsors: City Councilmember Brandau

SCHEDULED COUNCIL HEARINGS AND MATTERS

10:00 A.M.

[ID16-345](#) HEARING to adopt resolutions and ordinance to annex territory and levy a special tax regarding City of Fresno Community District No. 11, Annexation No. 67 (Final Tract Map No. 6097) (area east of N. Fowler Avenue, between E. Clinton and Princeton Avenues) (Council District 4)

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 2015-2016 and Future Tax Years Within and Relating to Community Facilities District No. 11, Annexation No. 67, Final Tract Map No. 6097

Sponsors: Public Works Department

10:15 A.M.

[ID16-291](#) HEARING - Regarding the vacation of a public utility easement in the previously vacated E. Geary Avenue, between S. Plumas and S. Walnut Avenues (Council District 3)

1. RESOLUTION - Ordering the vacation of a public utility easement in the previously vacated E. Geary Avenue, between S. Plumas and S. Walnut Avenues

Sponsors: Public Works Department

10:30 A.M. SCHEDULED COMMUNICATION

[ID16-466](#) Appearance by Zoyer Zyndel to invite the City Council to the Fresno Pride Parade Festival event

1:30 P.M.**CEREMONIAL PRESENTATIONS**

- [ID16-463](#) Presentation of the SPCA Pet of the Month
Sponsors: Vice President Quintero
- [ID16-365](#) ASE Blue Seal Excellence Recognition, Fleet Management
Sponsors: Department of Public Transportation and City Manager's Office
- [ID16-417](#) Proclamation of "PEACE OFFICERS MEMORIAL DAY"
Sponsors: Council President Caprioglio
- [ID16-412](#) Recognition of the "City of Fresno RSVP Information Group"
Sponsors: Vice President Quintero
- [ID16-371](#) Proclamation of "NATIONAL SEXUAL ASSAULT AWARENESS MONTH"
Sponsors: City Councilmember Soria
- [ID16-393](#) Proclamation of "HISTORIC PRESERVATION WEEK"
Sponsors: Mayor's Office
- [ID16-347](#) Proclamation of "CRIME VICTIMS' RIGHTS WEEK"
Sponsors: Council President Caprioglio
- [ID16-469](#) Proclaiming Forestiere Underground Gardens the #1 America's Best Underground Attraction
Sponsors: City Councilmember Soria
- [ID16-411](#) Proclamation of "COLLEGIAN DAY"
Sponsors: Council President Caprioglio

CONTESTED CONSENT CALENDAR**SCHEDULED COUNCIL HEARINGS AND MATTERS****3:00 P.M.**

- [ID16-260](#) Approve appointments to the Youth Commission

Sponsors:

City Councilmember Soria

[ID16-467](#)

Swearing-In Ceremony for the City of Fresno Youth Commissioners

Sponsors:

City Clerk's Office

5:00 P.M.[ID16-485](#)

CONTINUED HEARING to Consider Plan Amendment Application No. A-16-001, filed by the Development and Resources Management Department Director, to amend the text of Chapter 11 of the Fresno General Plan, the Housing Element Consistency Chapter, with an updated Housing Element that would be valid until 2023. The Housing Element is the City's policy document for meeting its housing needs, including housing affordable to low- and moderate-income households and special needs groups. Plan Amendment A-16-001 also includes amendments to the text of Fresno General Plan Chapter 3, Urban Form, Land Use, and Design, to incorporate an analysis of Disadvantaged Unincorporated Communities within or adjacent to the Sphere of Influence, and minor amendments to Chapter 9, the Noise and Safety Element, to comply with Government Code requirements related to the Housing Element.

1. ADOPT the environmental findings of Environmental Assessment No. A-16-001, a Finding of Conformity to the Fresno General Plan Final Master Environmental Impact Report SCH No. 2012111015 (MEIR) certified by the Fresno City Council on December 18, 2014 pursuant to Section 21157.1 of the California Public Resource Code (California Environmental Quality Act) and an Addendum to the Finding of Conformity pursuant to CEQA Guidelines Section 15162 and 15164.
2. RESOLUTION - To adopt Plan Amendment Application No. A-16-001, amending the text of Chapter 11 of the Fresno General Plan to incorporate the Housing Element, including all Text, Policies, Maps, Tables, and Exhibits contained in the Fresno Housing Element Revised Public Draft document dated March 2016, and including revisions recommended by staff and proposed amendments to Chapters 3 and 9 of the General Plan as set forth in the exhibits herein
3. RESOLUTION - To authorize the Director of the

Development and Resource Management Department to update the Text, Tables, and Exhibits contained In the 2015-2023 Housing Element to reflect the final action taken by Council to the extent such updates are necessary to maintain consistency and to correct typographical errors

Sponsors:

Development and Resource Management Department

5. CLOSED SESSION

[ID16-492](#)

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

1. Peter Dern v. City of Fresno, et al. EAMS No. ADJ9940299

Sponsors:

City Attorney's Office

[ID16-493](#)

CONFERENCE WITH LEGAL COUNSEL - DECIDING WHETHER TO INITIATE LITIGATION

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

1. City of Fresno, psi, administered by Risico Claims Management vs. State Center Community College District; Fresno City College; Fresno City College Police Academy, et al.

Sponsors:

City Attorney's Office

[ID16-494](#)

CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION

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

Case Name: Familias Addams Por Un Mejor Futuro, et al. v. City of Fresno, FCSC No. 16CECG00317

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

May 12, 2016

10:00 A.M. - TEFRA HEARING re: El Cazador, LP (El Cazador Apartments)

May 12, 2016

10:15 A.M. - HEARING to consider Plan Amendment Application No. A-15-004, Rezone Application No. R 15 013, filed by Bryan Sassano of S.I.M. Architects, on behalf of Spencer Enterprises, Inc. These applications pertain to approximately 18.5 acres of property located on the north side of E. Herndon Avenue between N. Chestnut and N. Willow Avenues

May 19, 2016

2:00 P.M.#1 - HEARING re: City of Fresno Community District No. 11, Annexation No. 68 (Final Tract Map No. 6095) (east side of S. Armstrong Avenue between E Church and California Avenues)

MAY 19, 2016

2:00 P.M.#2 - HEARING - Re City of Fresno Community District No. 11, Annexation No. 69 (Final Tract Map No. 5595) (area bounded by W. Spruce Avenue, N. Thiele Avenue and W. Farrington Avenue, north of W. Herndon Avenue) (Council District 2)

May 19, 2016

2:00 P.M.#3 - HEARING - Regarding City of Fresno Community District No. 11, Annexation No. 70 (Final Tract Map No. 6067) (east side of N. Locan Avenue between E. Shields and Dakota Avenues) (Council District 4)

May 19, 2016

2:00 P.M.#4 - HEARING 2:00 PM - Re: City of Fresno Community District No. 9, Annexation No. 10 (Conditional Use Permit Application No. 2015-137) (Southeast corner of North Fresno and East Herndon Avenues) (Council District 6)

May 19, 2016

2:15 P.M. - HEARING - Regarding the vacation of a portion of North Ninth Street south of East Dakota Avenue (Council District 4)

June 9, 2016

10:00 AM - HEARING - Regarding City of Fresno Community District No. 11, Annexation No. 66 (Final Tract Map No. 5341) (south side of E. Clinton Avenue between N. Locan and Temperance Avenues) (Council District 4)

UPCOMING EMPLOYEE CEREMONIES

*JULY 28, 2016 - 1:30 P.M.- Employee of the Summer Quarter Ceremony
OCTOBER 13, 2016 - 1:30 P.M. - Employee of the Fall Quarter Ceremony
OCTOBER 19, 2016 - 2:00 P.M. - Employee Service Awards Ceremony*

2016 CITY COUNCIL MEETING SCHEDULE

*MAY 5, 2016 - NO MEETING
May 12, 2016 - 8:30 A.M. MEETING
May 19, 2016 - 1:30 P.M. MEETING
May 26, 2016 - NO MEETING*