

City of Fresno

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



Meeting Agenda - Final

Thursday, December 3, 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 Charlie Avila of the Clovis Christian Center

Pledge of Allegiance to the Flag

CEREMONIAL PRESENTATIONS

[ID#15-1088](#) Presentation of the SPCA Pet of the Month

Sponsors: City Councilmember Soria

APPROVE MINUTES

[ID#15-1065](#) Approval of City Council minutes from November 3, 2015

[ID#15-1066](#) Approval of City Council minutes from November 5, 2015

[ID#15-1067](#) Approval of City Council minutes from November 12, 2015

[ID#15-1068](#) Approval of City Council minutes from November 16, 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#15-987](#) Authorize a contract for a radio system needs assessment and communications operations review in the amount of \$126,900 with CDX Wireless Technology Consulting, Inc. (Bid File 070115) (Citywide)

Sponsors: Fire Department and Information Services Department

1-B [ID#15-1020](#) ***RESOLUTION - Consenting to the inclusion of properties within the City of Fresno (the "City") In the California Municipal Finance Authority ("CMFA") Property Assessed

Clean Energy ("PACE") Program: (CMFA PACE Program); authorizing the CMFA to accept applications from property owners, conduct contractual assessment proceedings and levy contractual assessments within the City of Fresno; and authorizing related actions

Sponsors:

Development and Resource Management Department

1-C [ID#15-1025](#)

Approve the acquisition of 33,065 square feet of easement on property owned by Frank S. Caglia Family Limited Partnership; a California limited partnership in the amount of \$71,700 (APN 330-021-10 & 30) for the construction of new sanitary sewer lines within East Avenue, Orange Avenue, Cedar Avenue, Malaga Avenue and Central Avenue. (Council District 3)

Sponsors:

Public Works Department

1-D [ID#15-1072](#)

Approve the acquisition of 17,126 square feet of easement on property owned by Philip F. Heck Jr., et al in the amount of \$34,300 (APN 330-021-31) for the construction of new sanitary sewer lines within East Avenue, Orange Avenue, Cedar Avenue, Malaga Avenue and Central Avenue. (Council District 3)

Sponsors:

Public Works Department

1-E [ID#15-1051](#)

Award a requirements contract in the amount of \$178,246 to Brenntag Pacific, Inc. for ortho poly phosphate blend for a one-year contract with provisions for two one-year extensions - Bid File 9330 (Citywide).

Sponsors:

Department of Public Utilities

1-F [ID#15-1074](#)

Approve Amendment No. 2 to the Airport Use Agreement between the City of Fresno and the State of California for the California Army National Guard Aviation Classification Repair Activity Depot (AVCRAD) facility at Fresno Yosemite International Airport (FAT) (Council District 4)

Sponsors:

Airports Department

1-G [ID#15-1090](#)

***BILL NO. B-42 - (Intro. 11/19/2015) (For adoption) - Amending Section 2-1105, Subsections (a) and (b) of the Fresno Municipal Code to revise the Local Campaign Contribution

Sponsors: City Clerk's Office

CONTESTED CONSENT CALENDAR

2. CLOSED SESSION

[ID#15-1099](#) CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION - Government Code Section 54956.9, subdivision (d)(1)
1. People of the State of California, City of Fresno (Real Party in Interest) v. Marejg Properties, LLC, et al ; Fresno Superior Court Case No. 09CECG02906

Sponsors: City Attorney's Office

3. GENERAL ADMINISTRATION

3-A [ID#15-1071](#) Actions pertaining to the Commercial Aviation Non-Exclusive License Agreement with Delta Global Services (DGS) for on-airport ground handling services at Fresno Yosemite International Airport (Council District 4)
1. Approve License Amendment No. 1 between the City of Fresno and DGS for non-exclusive ground handling services at Fresno Yosemite International Airport (FAT)

Sponsors: Airports Department

3-B [ID#15-1073](#) Actions pertaining to funding and construction of the Employee Parking Lot and Ground Transportation Facility project at Fresno Yosemite International Airport (Council District 4)
1. ***RESOLUTION - 22nd amendment to the Annual Appropriations Resolution (AAR) No. 2015-104 appropriating \$815,000 for the Employee Parking Lot and Ground Transportation Facility project at Fresno Yosemite International Airport (Requires 5 affirmative votes)
2. Award a construction contract to Yarbs Grading and Paving, Inc., of Fowler, California, for the Employee Parking Lot and Ground Transportation Facility project at Fresno Yosemite International Airport in the amount of \$1,999,095.20 (Bid File 3408)

Sponsors: Airports Department

- 3-C** [ID#15-1086](#) Actions pertaining to the Annual Wellness, Fitness and Physicals Program:
1. Authorize the Fire Chief or designee to execute a contract with Pinnacle Training Systems for annual fitness checks and wellness review for all sworn safety members of the Fire Department
 2. ***RESOLUTION - 26th amendment to the Annual Appropriations Resolution (AAR) No. 2015-104 appropriating \$135,000 for a contract with Pinnacle Training Systems for the annual wellness, fitness, and physicals program (Requires 5 affirmative votes)

Sponsors:

Fire Department

- 3-D** [ID#15-1016](#) Actions pertaining to awarding a contract for construction of electrical upgrades at Fresno Area Express's Compressed Natural Gas fueling station:
1. Adopt a finding of Class 1 categorical exemption under section 15301 of the California Environmental Quality Act (CEQA) Guidelines, Class 2 categorical exemption under section 15302, and Class 3 categorical exemption under section 15303.,
 2. Award a construction contract to A-C Electric Company of Fresno, California in the amount of \$942,350 for the construction of electrical upgrades at Fresno Area Express's (FAX's) Compressed Natural Gas (CNG) fueling station (Bid File 3414) (Citywide).

Sponsors:

Department of Public Transportation (FAX)

- 3-E** [ID#15-1030](#) Approve a consultant agreement in the amount of \$241,984.20 with SZS Consulting Group, LLC, a Palo Alto-based California limited liability corporation, for the preparation of an Americans with Disabilities Act (ADA) bus stop survey, self-evaluation, and transition plan.

Sponsors:

Department of Public Transportation (FAX)

- 3-F** [ID#15-1041](#) *** RESOLUTION - 19th amendment to the Annual Appropriation Resolution (AAR) No. 2015-104 to transfer \$500,000 from the MTBE Settlement Fund to the TCP Settlement Fund to fund outside counsel legal services costs related to prosecution of the TCP liability claims case (Citywide) (Requires five affirmative votes)

Sponsors: Department of Public Utilities

- 3-G [ID#15-1043](#) Award a requirements contract in the estimated amount of \$1,233,765.00 to Kemira Water Solutions, Inc. a Delaware Corporation, for Ferric Chloride (Bulk Delivery) to the Fresno-Clovis Regional Wastewater Reclamation Facility (RWRF) Bid File 9335.

Sponsors: Department of Public Utilities

- 3-H [ID#15-1080](#) Actions pertaining to submitting a WaterSMART grant application to the Department of the Interior, Bureau of Reclamation, as co-applicant with the Fresno Metropolitan Flood Control District:
1. RESOLUTION - Authorizing an application, in cooperation with the Fresno Metropolitan Flood Control District, to the Department of the Interior, Bureau of Reclamation for a FY2016 WaterSMART: Water and Energy Efficiency Grant in the amount of \$300,000 to convert the irrigation systems at four (4) retention basins from potable water service to non-potable water service to reduce water demands on the City's public water system, and
 2. Authorize the Director of Public Utilities or designee(s) to execute all application documents on behalf of the City of Fresno and the Fresno Metropolitan Flood Control District.

Sponsors: Department of Public Utilities

- 3-I [ID#15-995](#) BILL - (For introduction) - Amending Subsection (f) to Section 1-304 of the Fresno Municipal Code relating to Code violations

Sponsors: Development and Resource Management Department

4. CITY COUNCIL

5. SCHEDULED COUNCIL HEARINGS AND MATTERS

10:00 A.M.

[ID#15-1050](#) HEARING to adopt Resolutions and Ordinance to Consider the Formation of a Special Tax District (Community Facilities District No. 15 - East Copper River Ranch Maintenance District) and to Authorize Levy of a Special Tax (Eastern portion of the Copper River Ranch Development located

northwest of North Willow and East Copper Avenues)
(Council District 6)

1. RESOLUTION - of Formation of Community Facilities District No. 15, Authorizing the Levy of a Special Tax, and Preliminarily Establishing an Appropriations Limit
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. 15 - East Copper River Ranch Maintenance District

Sponsors:

Public Works Department

10:15 A.M.

[ID#15-989](#)

HEARING to consider adoption of resolutions related to the designation of properties to the Local Register of Historic Resources

- 1.*** RESOLUTION - Designating the Azteca Theater (Teatro Azteca) located at 836-840 F Street, Fresno, California to the Local Register of Historic Resources (Council District 3)
- 2.*** RESOLUTION - Designating the Dudley and Elsie Bates Home located at 718 E. Carmen Avenue, Fresno, California to the Local Register of Historic Resources (Council District 1).
- 3.*** RESOLUTION - Designating the Judy Tobacco Building located at 155 Van Ness Avenue, Fresno, California to the Local Register of Historic Resources (Council District 3).
- 4.*** RESOLUTION - Designating the Squirt Bottling Company Building located at 152 M Street, Fresno, California to the Local Register of Historic Resources (Council District 3).
- 5.*** RESOLUTION - Designating the Alice and John Williams Home located at 1525 N. Wishon Avenue, Fresno, California to the Local Register of Historic Resources (Council District 1).
- 6.*** RESOLUTION - Designating the United Grocers Inc. Wholesale Grocery Building located at 414 P Street, Fresno, California to the Local Register of Historic Resources

(Council District 3).

7.*** RESOLUTION - Designating the White Truck Company/Electric Motor Shop Building located at 245 Fulton Street, Fresno, California to the Local Register of Historic Resources (Council District 3).

Sponsors:

Development and Resource Management Department

1:30 P.M.

[ID#15-1055](#)

Actions pertaining to the Fulton Mall Reconstruction Project - Bid File Number 3365 (Council District 3)

1. Find that no subsequent environmental review is required under the California Environmental Quality Act as none of the circumstances requiring subsequent environmental review set forth in CEQA Guidelines, section 15162 have occurred since the certification of Environmental Impact Report (EIR) No. SCH2013101046 certified for the Fulton Mall Reconstruction Project and that the Class 1 and 2 Categorical Exemptions apply to the replacement of the water and sewer mains underneath portions of the Fulton Mall
2. Award a Construction Contract with American Paving Company of Fresno, California in the amount of \$22,422,082.50 for the Fulton Mall Reconstruction Project
3. Approve an amendment to the contract with Royston, Hanamoto, Alley, & Abey, a California Corporation for the design of the Fulton Mall Reconstruction Project for a net increase of \$154,272.00

Sponsors:

Public Works Department

2:00 P.M.

[ID#15-1085](#)

***BILL NO. B-43 - (Intro. 11/19/2015) (For adoption) - Adding Chapter 15 to the Fresno Municipal Code, repealing Chapter 12, Articles 1-4, 5, 6, 9-14, 17, 18 and 22, repealing Chapter 10, Article 12; and amending Chapter 1, Section 1-203; Chapter 9, Articles 6, 9-2602 and 1; Chapter 10, Articles 2 and 3; and Chapter 13, Article 3 of the Fresno Municipal Code, relating to the Citywide Development Code.

1. Adoption of Bill No. B-43 approves Text Amendment Application No. TA-15-001, including all revisions

recommended by Planning Commission on September 30, 2015 and additional revisions made by staff enumerated in Exhibit D to the November 12th City Council Report, and amendments made by City Council on November 19, 2015.

Sponsors:

Development and Resource Management Department

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

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

10:00 AM - HEARING to adopt resolutions and ordinance to annex territory and levy a special tax regarding City of Fresno Community District No. 9, Annexation No. 9 (Site Plan Review Application No. 2015-064, Assessor's Parcel Number 567-030-7S) (Southeast corner of E. Champlain and N. Hickory Hill Drives) (Council District 6)

10:15 A.M.#1 - HEARING to adopt resolutions and ordinance to annex territory and levy a special tax regarding City of Fresno Community District No. 11, Annexation No. 64 (Final Tract Map No. 5571) (east side of N. Armstrong Avenue between E. Dakota and Shields Avenues) (Council District 4)

10:15 A.M.#2 HEARING re: Approving Final Tract Map No. 5571

10:30 A.M. - TEFRA HEARING re: Trinity Health Corporation (Formerly known as CHE Trinity, Inc.)

1:30 P.M. - WORKSHOP regarding Asset Management

DECEMBER 17, 2015 - 1:30 P.M.

2:00 PM - HEARING to adopt resolutions and ordinance to annex territory and levy a special tax regarding City of Fresno Community District No. 11, Annexation No. 63 (Final Tract Map No. 6036) (west side of North Grantland Avenue between West Shaw and Barstow Avenues) (Council District 2)

DECEMBER 24, 2015 - NO MEETING

DECEMBER 31, 2015 - NO MEETING

UPCOMING EMPLOYEE CEREMONIES

2015 CITY COUNCIL MEETING SCHEDULE

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

DECEMBER 17, 2015 - 1:30 P.M.

DECEMBER 24, 2015 - NO MEETING

DECEMBER 31, 2015 NO MEETING