

City of Fresno

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



Meeting Agenda - Final

Thursday, October 19, 2017

1:30 PM

Regular Meeting

Council Chambers

City Council

President - Clinton J. Olivier

Vice President - Esmeralda Z. Soria

Councilmembers:

Oliver L. Baines, III, Steve Brandau, Garry Bredefeld,

Paul Caprioglio, Luis Chavez

City Manager - Wilma Quan-Schecter

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 cuánto 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 acabó 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 loscej luam dhau ntawd cov uas muaj feem cuam mam loscej 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**

1:30 P.M. ROLL CALL

Invocation by Mr. Darryl Du'Chene, Fresno Unified School District Project Manager

Pledge of Allegiance to the Flag

APPROVE AGENDA**CEREMONIAL PRESENTATIONS**

[ID17-1433](#) Proclamation of "Domestic Violence Awareness Month"

Sponsors: Mayor's Office

[ID17-1378](#) "KaBOOM! at Granny's Park Appreciation Day"

Sponsors: Council President Olivier

[ID17-1405](#) Proclamation of "National Day on Writing"

Sponsors: City Councilmember Baines III

APPROVE MINUTES

[ID17-114](#) Approval of minutes from October 12, 2017

Sponsors: City Clerk's Office

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 [ID17-1349](#) RESOLUTION - Dedicating a portion of City-owned property for the purpose of a public street and trail easements to accommodate the construction of Veterans Boulevard between West Herndon Avenue and West Sierra Avenue. (Council District 2)

<u>Sponsors:</u>	Public Works Department
1-B <u>ID17-1371</u>	Approve an agreement for Professional Engineering Services with Provost and Pritchard Consulting Group for \$294,000 and a \$15,000 contingency for the engineering design and construction support services for the South Van Ness Industrial Area Roadway and Utilities Infrastructure Improvement Project (Council District 3)
<u>Sponsors:</u>	Public Works Department
1-C <u>ID17-1381</u>	Approve an agreement with Integrated Designs by SOMAM, Inc., of Fresno, CA in the amount of \$103,115 with a not-to-exceed contingency of \$10,000 for the design of and general construction documents for the Americans with Disabilities Act (ADA) Upgrades at the City of Fresno Convention Center (Council District 3).
<u>Sponsors:</u>	Public Works Department
1-D <u>ID17-1370</u>	<p>Actions related to acquiring and funding improvements to Maxie L. Parks Center:</p> <ol style="list-style-type: none">1. Adopt a Categorical Exemption prepared for Environmental Assessment No. EA-17-022 dated September 27, 2017, for the Maxie L. Parks Community Center.2. Authorize the Parks, After School, Recreation and Community Services (PARCS) Department to accept a grant in the amount of \$350,500 from the State of California Department of Forestry and Fire Protection (CAL FIRE) for improvements to Maxie L. Parks Center (Council District 3)3. ***RESOLUTION - 16th amendment to the Annual Appropriation Resolution (AAR) No. 2017-165 appropriating \$350,500 from the Department of Forestry and Fire Protection (CAL FIRE) grant for the Maxie L. Parks Center project. (Requires 5 affirmative votes) (Subject to Mayor's veto)4. Approve the acquisition of an approximate 14,375 square foot commercial zoned site located at 2195 South Elm Avenue adjoining the Maxie L. Parks Center (Council District 3)
<u>Sponsors:</u>	Parks, After School and Recreation and Community Services Department

1-E [ID17-1376](#) Approve Memorandum of Understanding for On-site Improvements to replace potable water pipes and appurtenances at the Orange Center School, facilitating connection to City of Fresno's water distribution system to provide reliable water to the disadvantaged community (Fresno County; City of Fresno Sphere of Influence).

Sponsors: Department of Public Utilities

1-F [ID17-1380](#) ***RESOLUTION - Authorizing the Director of Public Utilities (Director) or designee to sign financing agreement, amendments, and certifications for funding with the State Water Resource Control Board (SWRCB) from the Cleanup and Abatement Account (CAA); authorizing the Director or designee to approve claims for reimbursement; authorizing the Director or designee to execute budget and expenditure summary; authorizing the Director or designee to sign the final release form; and, authorizing the Director or designee to sign the certification of project completion. (Subject to Mayor's Veto) (Fresno County; City of Fresno Sphere of Influence)

Sponsors: Department of Public Utilities

1-G [ID17-1417](#) Actions related to updating water conservation measures and the City's Water Shortage Contingency Plan:
1 Adopt the Negative Declaration prepared for Environmental Assessment No. EA-17-014, dated August 11, 2017
2. ***BILL NO. B-57 - (Intro. 10/12/2017) (For adoption) - Amending Fresno Municipal Code Sections 6-501, 6-502, and 6-520 relating to regulations for Urban Water Conservation and Excessive Water Use (Subject to Mayor's veto)

Sponsors: Department of Public Utilities

1-H [ID17-1416](#) ***BILL NO. B-56 - (Intro. 10/12/2017) (For adoption) - Approving Text Amendment Application No. TA-17-007 amending subsection F of Section 15-2009, and subsection I of Section 15-2010 of the Fresno Municipal Code pertaining to the indemnification of security and electric fences (Subject to Mayor's veto)

Sponsors: Development and Resource Management Department

1-I [ID17-1427](#) RESOLUTION - Approving the Final Map of Tract No. 6130 and accepting dedicated public uses offered therein - Southeast corner of N. Fowler Avenue and E. Grant Avenue (Council District 5)

Sponsors: Public Works Department

CONTESTED CONSENT CALENDAR

2. SCHEDULED COUNCIL HEARINGS AND MATTERS

2:10 P.M.

[ID17-1354](#) HEARING to consider Conditional Use Permit Application No. C-17-079, located on the northwest corner of East Jensen Avenue and State Highway 99. (Council District 3)
1. DENY Conditional Use Permit Application No. C-17-079 requesting to establish a State of California Alcoholic Beverage Control Type 20 alcohol license (Package Store - sale of beer and wine for consumption off the premises where sold) for a proposed convenience store.

Sponsors: Development and Resource Management Department

2:15 P.M.

[ID17-1379](#) Appearance by Moas Jezrell Crawford to request the City of Fresno build homes for the homeless. (Speaker resides in District 7)

2:20 P.M.

[ID17-1432](#) Appearance by Mary Esther Correa to discuss the Code Enforcement fines she has incurred. (Speaker located in District 7)

4:00 P.M.

[ID17-1407](#) RESOLUTION - Of the Council supporting House Resolution 3282, the "ELD Extension Act of 2017"

Sponsors: City Councilmember Brandau

3. GENERAL ADMINISTRATION

3-A [ID17-1221](#) WORKSHOP regarding Weekend Recreation and Fitness Program
Sponsors: Parks, After School and Recreation and Community Services Department

3-B [ID17-1363](#) RESOLUTION - Approving the application for grant funds from the United States Department of Transportation's Infrastructure for Rebuilding America Program and authorizing the execution of documents by the Public Works Director or designee (Council District 2)
Sponsors: Public Works Department

3-C [ID17-1364](#) RESOLUTION - Authorizing submission of regional bid applications for grant funds for the 2017/18 Congestion Mitigation and Air Quality Improvement Program and the Surface Transportation Block Grant Program Call for Projects from the Fresno Council of Governments (Citywide)
Sponsors: Public Works Department

3-D [ID17-1318](#) Actions related to Senate Bill 1 (SB1) Road Maintenance and Rehabilitation Account (RMRA) revenues:
1. Review the Public Works Department's current five-year capital improvement plan
2. Approve the Public Works Department's SB1 street project list for FY2018
3. Approve a priority list for SB1 expenditures for FY2019 through FY2022
Sponsors: Public Works Department

3-E [ID17-1391](#) Actions pertaining to the Fire Station No. 11 Remodel project (Council District 4):
1. ***RESOLUTION - 12th Amendment to the Annual Appropriation Resolution (AAR) No. 2017-165, to appropriate \$535,000 to fully fund the Fire Station No. 11 Remodel project (Requires 5 affirmative votes) (Subject to Mayor's veto)
2. RESOLUTION - Providing for a loan from the Fire Station 10 Urban Growth Management (UGM) Fund to the Fire

Station UGM Citywide Facility Fund

3. Adopt finding of a Categorical Exemption pursuant to Section 15301(a) of the California Environmental Quality Act (CEQA) Guidelines

4. Award a construction contract with R&H Construction of Fresno, CA, for \$443,900 to remodel Fire Station No. 11

Sponsors: Public Works Department and Fire Department

3-F [ID17-1377](#) RESOLUTION - Of Intention by the Council of the City of Fresno, California, to grant a Non-Exclusive Franchise for roll-off collection services within the City of Fresno and setting the public hearing for November 30, 2017 at 10:05 A.M. (Citywide)

Sponsors: Department of Public Utilities

3-G [ID17-1404](#) WORKSHOP - Bus Rapid Transit (BRT) Status

Sponsors: Department of Transportation

3-H [ID17-1358](#) BILL - (For introduction) Adding Article 32 to Chapter 9 of the Fresno Municipal Code, relating to Pedicabs which allow alcohol to be consumed onboard.

Sponsors: Development and Resource Management Department, Public Works Department and Vice President Soria

4. CITY COUNCIL

5. CLOSED SESSION

5-A [ID17-1392](#) CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION - Government Code Section 54956.9, subdivision (d)(1)

1. Ma v. City of Fresno, et al.; United States District Court Case No.: 1:15-CV-01426 WBS.

Sponsors: City Attorney's Office

5-B [ID17-1421](#) CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION
Government Code Section 54956.9, subdivision (d)(1)
1. Peter Dern v. City of Fresno, PSI, administered by Risico Claims Management;
Workers' Compensation Appeals Board Case No.:
ADJ9940299

Sponsors: Personnel Services Department

5-C [ID17-1422](#) CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION - Government Code Section 54956.9, subdivision (d)(1)
1. Peter Dern and Kimberly Dern v. Julia Beth Ann Harper, et. al.; Fresno County Superior Court Case No.:
15CECG0389

Sponsors: Personnel Services Department

5-D [ID17-1434](#) CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Government Code Section 54956.8
Property: 911 H Street
Negotiating Parties: City Manager Wilma Quan-Schecter; Jason M. Geil and Kymberly D. Geil, Trustees of the Jason and Kymberly Geil Family Trust

Sponsors: City Attorney's Office

5-E [ID17-1438](#) CONFERENCE WITH LEGAL COUNSEL-DECIDING WHETHER TO INITIATE LITIGATION- Government Code Section 54956.9(d)(4)
1. Action for declaratory relief: City of Fresno v. Esparza

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 26, 2017

10:00 A.M. - HEARING re: *Plan Amendment No. A-17-008 and Rezone Application No.R-17-011 regarding 40 acres of property located on the S. side of Jensen Avenue between Polk and Cornelia Avenues near the City's Wastewater Treatment Plan to allow for the relocation of a rendering facility.*

OCTOBER 26, 2017

2:00 P.M. - *Anti-Slum Enforcement Team (ASET) Quarterly Status Report and Update on Rental Housing Improvement Act*

OCTOBER 26, 2017

4:30 P.M.#1 - HEARING re: *Plan Amendment Application No. A-17-008, Rezone Application No. R-17-011, and Disposition Agreement and Development Agreement pertaining to 40 acres of property located on the south side of West Jensen Avenue west of South Cornelia Avenuere*

OCTOBER 26, 2017

4:30 P.M. #2- HEARING to consider the adoption of the Southwest Fresno Specific Plan and related Final Program Environmental Impact Report (FPEIR), State Clearinghouse (SHC) # 2017031012. The following applications have been filed by the City of Fresno Development and Resource Management Director and pertain to approximately 3,255 acres in the DA-1 South Development Area

NOVEMBER 2, 2017 8:30 A.M. MEETING

NOVEMBER 9, 2017

10:00 AM #1- FRWDB Workshop

NOVEMBER 9, 2017

10:00 AM #2- HEARING to adopt resolutions and ordinance to annex territory and levy a special tax regarding City of Fresno Community Facilities District No. 9, Annexation No. 20 (Assessor's Parcel Number 403-021-03, Development Permit

Application No. 2016-031) (south side of East Shepherd between N. Millbrook and Cedar Avenues) (Council District 6)

NOVEMBER 9, 2017

10:10 AM - TEFRA HEARING - Westlake Mobile Home Park and Millbrook Mobilehome Village, are located in Council Districts 1 and 4

NOVEMBER 30, 2017

10:00 AM - HEARING to adopt resolutions and ordinance amending Annexation No. 54 of the City of Fresno Community District No. 11, Final Tract Map No. 6073, to change the rate and method of apportionment of the special tax, and the Maximum Special Tax to be levied (southeast corner of N. Fowler and E. Hamilton Avenues) (Council District 5)

DECEMBER 7, 2017

10:00 AM - HEARING to adopt resolutions and ordinance amending Annexation No. 74 of the City of Fresno Community District No. 11, Final Tract Map No. 6139, to change the rate and method of apportionment of the special tax, and the Maximum Special Tax to be levied (northeast corner of North Polk Avenue and West Olive Avenue) (Council District 3)

DECEMBER 14, 2017

10:00 AM - HEARING - Regarding the vacation of a public water main easement and an emergency access easement south of Previously vacated E. Hamilton Avenue between S. Parallel Avenue and S. Third Avenue (Lyons Magnus). (Council District 5).

UPCOMING EMPLOYEE CEREMONIES

NOVEMBER 1, 2017

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

2017 CITY COUNCIL MEETING SCHEDULE

OCTOBER 26, 2017 - 8:30 A.M. MEETING

NOVEMBER 2, 2017 - 8:30 A.M.

NOVEMBER 9, 2017 - 8:30 A.M.

NOVEMBER 16, 2017 - 1:30 P.M.

NOVEMBER 23, 2017 - NO MEETING

NOVEMBER 30, 2017 - 8:30 A.M.