

# City of Fresno

2600 Fresno Street  
Fresno, CA 93721  
[www.fresno.gov](http://www.fresno.gov)



## Meeting Agenda - Final-revised

Thursday, July 17, 2014

8:30 AM

Regular Session

Council Chambers

### City Council

*Council President - Steve Brandau*

*Acting President - Oliver Baines, III*

*Councilmembers:*

*Lee Brand, Paul Caprioglio, Clinton J. Olivier,*

*Sal Quintero, Blong Xiong*

*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](http://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.

**8:30 A.M. ROLL CALL**

Invocation by Henry Pauls of the Central Community Church

Pledge of Allegiance to the Flag

**Ceremonial Presentations:**

[ID#14-149](#) Presentation of the SPCA Pet of the Month - Councilmember Brand

**Sponsors:** City Councilmember Brand

[ID#14-141](#) Cooling Centers: PG&E check presentation

**Sponsors:** City Councilmember Brand

[ID#14-164](#) Presentation of a Certificate of Recognition to Xavier Richards -  
Councilmember Baines

Presentation of a Certificate of Recognition to Ruby Herr -  
Councilmember Xiong

Presentation of a Certificate of Recognition to Justin Grenier -  
Councilmember Caprioglio

**Sponsors:** City Councilmember Baines and City Councilmember Caprioglio

[ID#14-144](#) Proclamation of " THE TERRACES AT SAN JOAQUIN GARDENS DAY"

**Sponsors:** City Councilmember Caprioglio

**Approve Council minutes of June 19 and 26, 2014****Approve Successor Agency minutes of June 26, 2014**

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.*

[ID#14-066](#) RESOLUTION - Of Intention to annex Final Tract Map No. 6073, Annexation No. 54, to the City of Fresno Community Facilities District No. 11 (north side of East Church Avenue between South Chestnut and Peach Avenues) (Council District 5)

**Attachments:** [T6073 Annex54 Location Map.pdf](#)  
[T6073 Annex54 Feature.pdf](#)  
[T6073 Annex54 ROI Reso.docx](#)  
[T6073 Annex54 ROI Exhibit A.pdf](#)  
[T6073 Annex54 ROI Exhibit B.pdf](#)  
[T6073 Annex54 ROI Exhibit C Descrip Services.docx](#)  
[T6073 Annex54 ROI Exhibit D RMA.docx](#)

[ID#14-082](#) \*BILL NO. B-29 (Intro. June 26, 2014) (For Adoption) Amending Section 1204.508-E of the Fresno Municipal Code regarding Urban Growth Management development restrictions on the running distance between commercial and industrial developments and an operating City fire station. (Citywide Application) - Development and Resource Management Department and Fresno Fire Department

**Sponsors:** Development and Resource Management Department

**Attachments:** [Ordinance.pdf](#)

[ID#14-100](#) Actions pertaining to a lease agreement for the office space located at 5051-5059 E. McKinley (Council District 4) - Police Department

1. Adopt a finding of Categorical Exemption pursuant to Article 19, Section 15301/Class 1 (existing facilities) of the California Environmental Quality Act ("CEQA") Guidelines for the continued lease of office spaces located at 5051-5059 E. McKinley
2. Authorize the Chief of Police to execute a five-year lease agreement with HR, LLC, a California limited liability company, to lease property for Special Investigation Bureau offices located at 5051-5059 E. McKinley

**Attachments:** [SIB Lease 2014 -2019\(final\).pdf](#)

[ID#14-113](#) Approve the First Amendment to the Services Agreement between the City of Fresno and Community Media Access Collaborative (CMAC) to increase video production service hours in the amount of \$27,000 annually

**Sponsors:** Information Services Department

**Attachments:** [CMAC First Amendment to Service Agreement\pdf](#)  
[CMAC Service Agreement.pdf](#)

[ID#14-117](#) RESOLUTION - Approving the Final Map of Tract No. 6004 and accepting dedicated public uses offered therein - southeast corner of North Maple Avenue and East Copper Avenue (Council District 6)

**Sponsors:** Public Works Department

**Attachments:** [Resolution - Tract 6004.pdf](#)  
[Final Map of Tract 6004.pdf](#)

[ID#14-124](#) Actions pertaining to a lease agreement for hangar facility and ramp space at Fresno Chandler Executive Airport (FCH) (Council District 3) - Airports Department

1. Adopt a finding of Categorical Exemption pursuant to Article 19, Section 15301(a) and (d)/Class (Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines to authorize Lease with William Newburn dba Pacific Coast Aero Marine Repair at FCH
2. Approve a lease between the City and William Newburn dba Pacific Coast Aero Marine Repair

**Sponsors:** Airports

**Attachments:** [7-17-14\\_Pac Coast Aero Marine\\_SitePlan\\_Attachmt](#)  
[7-17-14\\_Pac Coast Aero Marine\\_Lease\\_Attachmt](#)

[ID#14-136](#) Actions pertaining to grant funding from the State of California Alcoholic Beverage Control ("ABC") - Police Department

1. RESOLUTION - Authorizing acceptance of \$70,000 in grant funding from the State of California Alcoholic Beverage Control ("ABC"), authorize the Chief of Police to enter into and execute the agreement and all program required documents
2. \* RESOLUTION - 1st amendment to the Annual Appropriation Resolution (AAR) No. 2014-95 appropriating \$70,000 for the Police Department's ABC Enforcement Program (Requires 5 affirmative votes)

**Attachments:** [AAR - 15 1st ABC HJF](#)  
[ABC contract 2015](#)  
[ABC FY 15 Resolution FINAL](#)

[ID#14-140](#) \*BILL NO. B-27 (Intro. June 26, 2014) (For Adoption) - Adding Article 9 of Chapter 6 of the Fresno Municipal Code relating to the use of recycled water for plumbing and landscape irrigation and referred to as the "Recycled Water Ordinance" and applicable to all council districts as recycled water availability and future related projects develop

**Sponsors:** Department of Public Utilities

**Attachments:** [Ordinance.pdf](#)

[ID#14-086](#) Award a contract in the amount of \$411,751 to Kimley-Horn and Associates, Inc. for design and engineering services for Bus Rapid Transit (BRT) station area enhancements associated with the Bus and Bus Livability Grant - Bid File No. 100413JD

**Attachments:** [Council Report Re KH Bus Livability K rev 5-13-14 final 071714](#)  
[Council Report Van Ness - SCOPE OF SERVICES 061614](#)

## CONTESTED CONSENT CALENDAR

### 2. GENERAL ADMINISTRATION

[ID#14-121](#) Enter into a contract for budget software and services in the amount of \$488,143 for an initial one (1) year set up of software and an ongoing maintenance agreement with Sherpa Government Solutions LLC of Denver, Colorado - Finance Department

**Attachments:** [9267CMemo v5.2 Committee Report.docx](#)  
[Copy of 9267BudgetSoftware ver3.xls](#)

### 3. CITY COUNCIL

[ID#14-150](#)

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

A. 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, Olivier, Xiong
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, Xiong, Swearengin
9. Leadership Council on Ending Homelessness - Swearengin, Baines
10. San Joaquin River Conservancy Board - Swearengin (Brandau-Alternate)
11. Association for the Beautification of Highway 99 - Baines
12. Upper Kings Basin Integrated Regional Water Management JPA - Xiong
13. Pension Reform Task Force - Brand, Xiong, (3rd Member vacant)
14. Economic Development Corporation Serving Fresno County - Brandau-Ex-Officio
15. Fresno/Clovis Convention & Visitors Bureau (CVB) - Amy Fuentes
16. League of California Cities (Annual Meeting) - Swearengin (Olivier-Alternate)
17. San Joaquin Valley Air Pollution Control District - Baines
18. Infill Development Ad Hoc Subcommittee - Brand, Baines, Olivier
19. Litigation Exposure Reduction Ad Hoc Committee - Brandau, Caprioglio
20. Convention Center Oversight Advisory Board - Baines, (Brand-Alternate), City Manager, SMG General Manager and one representative from each of SMG's organizations

**Sponsors:**

City Clerk's Office

[ID#14-145](#) Designation of one (1) voting delegates and up to two (2) alternates for the League of California Cities Annual Conference to be held September 3 - 5, 2014

**Sponsors:** City Councilmember Brandau

**Attachments:** [League of Cities Staff Report](#)  
[Voting Delegate Letter 2014](#)

#### 4. CLOSED SESSION

[ID#14-163](#) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Government Code Section 54956.9, Subdivision (d)(1)  
1. City of Fresno et al. v. Doug Vagim, et al.; Fresno Superior Court No. 13CECG03080, 5th District Court of Appeal No. F069296  
Related Matter: Doug Vagim, et al. v. City of Fresno, et al.; Fresno Superior Court No. 13CECG03206

**Sponsors:** City Attorney's Office

#### 5. SCHEDULED COUNCIL HEARINGS AND MATTERS

[ID#14-154](#) 9:30 AM - Actions Pertaining to the Sufficiency of Initiative Petition Regarding Resolution Nos. 2013-143 and 2013-144 that Adopted a Four Year Water Rate Plan and Required Council Action.

- a. RESOLUTION - Accepting the City Clerk's Certificate of Sufficiency for the Initiative Petition
- b. Take one of the following actions:

1. RESOLUTION - Referring the proposed initiative measure to staff for a report pursuant to Election Code Section 9212; or
2. BILL - (For Introduction) - Repealing Resolution No. 2013-143 ratifying the Proposition 218 process and adopting the Four Year Water Rate Plan, and Resolution No. 2013-144 amending the Master Fee Schedule adjusting the water rates according to Proposition 218; or
3. RESOLUTION - Submitting to voters a ballot measure relating to Resolution Nos. 2013-143 and 2013-144 that adopted the Four Year Water Rate Plan, for the November 4, 2014 general election.

**Attachments:** [Reso Placement of Water Initiative on Ballot Supplement 1](#)

#### SCHEDULED COMMUNICATION



**ID#14-148** 9:55 A.M. Appearance by Rick Morse to discuss the City of Fresno Medical Marijuana Ordinance

**Attachments:** Rick Morse.pdf

[ID#14-128](#) 10:00 A.M. HEARING to consider formation of Underground Utility District No. FRE-93 on the north side of Nees Avenue from Maple Avenue to Hayston Avenue (Council District 6)  
1. RESOLUTION - Establishing Underground District No. FRE-93 along the north side of Nees Avenue from Maple Avenue to Hayston Avenue

**Sponsors:** Public Works Department

**Attachments:** [Resolution - FRE93.pdf](#)

[ID#14-065](#) 10:15 AM - HEARING to adopt resolutions and ordinance to annex territory and levy a special tax regarding City of Fresno Community District No. 11, Annexation No. 55 (Final Tract Map No. 5531) (east side of S. Armstrong Avenue south of the San Joaquin Valley Railroad) (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 2013-2014 and Future Tax Years Within and Relating to Community Facilities District No. 11, Annexation No. 55, Final Tract Map No. 5531

**Attachments:** [T5531 Annex55 Location Map.pdf](#)  
[T5531 Annex55 Feature Map.pdf](#)  
[T5531 Annex55 HRG ANN-LEVY Reso.docx](#)  
[T5531 Annex55 ROI Exhibit A Descrip Services.docx](#)  
[T5531 Annex55 ROI Exhibit B RMA.docx](#)  
[T5531 Annex55 HRG CALL ELECTION Reso.docx](#)  
[T5531 Annex55 HRG ELECTION RESULTS Reso.docx](#)  
[T5531 Annex55 HRG ORDINANCE.docx](#)

[ID#14-126](#) 10:30 AM - WORKSHOP relating to Bicycle, Pedestrian and Trails Master Plan

**Sponsors:** Public Works Department

[ID#14-108](#)

10:45 AM - Consider an appeal filed by Councilmember Caprioglio, appealing the Planning Commission's action to approve Vesting Tentative Tract Map No. 6033, Conditional Use Permit No. C-13-092 and related environmental findings, by Jeffrey T. Roberts of Granville Homes, Inc., for property located on the northeast corner of North Fowler and East Clinton Avenues (Council District 4) (Continued - Time and date to be determined)

**Sponsors:** City Councilmember Caprioglio

**Attachments:** [Supplement 1](#)

**PLEASE NOTE: UNSCHEDULED COMMUNICATIONS 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

*June 26*

*10:00 A.M HEARING to consider the proposed annual assessments for Landscaping and Lighting Maintenance District No.1 (Citywide)*

*Aug. 21*

*2:00 P.M. HEARING re: Final Tract Map No. 6073 annexed to CFD No. 11: North side of E. Church Avenue between S. Chestnut and Peach Avenues (Council District 5)*

### UPCOMING EMPLOYEE CEREMONIES

*July 31*

*8:30 a.m. Employee of the Summer Quarter (Reception immediately following - 2nd floor foyer)*

*Oct. 2*

*8:30 a.m. Employee of the Fall Quarter (Reception immediately following - 2nd floor foyer)*

*Oct. 22*

*(Weds) 2:00 p.m. Presentation of Employee Service Awards (Reception immediately following - 2nd floor foyer)*