

City of Fresno

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



Meeting Agenda - Final

Thursday, November 3, 2016

9:00 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 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.

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.

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.

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**

9:00 A.M. ROLL CALL

Invocation by Reverend Norman from Big Red Church 1st Congregational

Pledge of Allegiance to the Flag

APPROVE AGENDA

APPROVE MINUTES

[ID16-162](#) Approval of minutes from October 20, 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 [ID16-1228](#) Approve the second amendment to a lease for the Construction Management Division office located at 1721 Van Ness Avenue (Council District 3)

Sponsors: Public Works Department

1-B [ID16-1237](#) Amend the Disadvantaged Business Enterprise Program in accordance with the U.S. Department of Transportation regulations 49 CFR Part 23 and 26 for DOT assisted projects, contracts for the Federal Highway Administration, Federal Aviation Administration, Federal Transit Administration, U.S. Department of Housing and Urban Development and U.S. Environmental Protection Agency.

Sponsors: Finance Department

1-C [ID16-1243](#) ***RESOLUTION - 26th amendment to the Annual Appropriation Resolution (AAR) No. 2016-118 appropriating \$305,000 of Citywide Police Facility Impact fees for the Fresno Police Department Communications Center remodel project (Requires 5 affirmative votes)

Sponsors: Police Department

- 1-D [ID16-1252](#) RESOLUTION - Authorizing the Director of Aviation or other authorized representative to execute all implicated documentation for application to the San Joaquin Valley Air Pollution Control District for grants benefiting Fresno Yosemite International Airport and Fresno Chandler Executive Airport, and execute all documents required to accept any grants resulting from said applications for both airports, including any subsequent amendments thereto

Sponsors: Airports Department

- 1-E [ID16-1253](#) Approve Contract Change Order Number 2 in the amount of \$128,479.63 for additional work on the Taxilane Reconstruction project at Fresno Chandler Executive Airport (Bid File 3419) (Council District 3)

Sponsors: Airports Department

- 1-F [ID16-1255](#) Actions pertaining to the Fancher Creek Trail from Clovis Avenue to approximately 550' east of Argyle Avenue (Council District 5)
1. Approve an agreement with Blair, Church & Flynn Consulting Engineers, Inc., for \$65,270 for the design of plans and general construction contract documents for the Fancher Creek Trail from Clovis Avenue to approximately 550' east of Argyle Avenue
 2. Authorize the Public Works Director or designee to execute the agreement on behalf of the City

Sponsors: Public Works Department

- 1-G [ID16-1265](#) Actions pertaining to the Fresno County Adult Compliance Team:
1. Approve the Second Amendment to the Agreement with the County of Fresno to reimburse the City of Fresno for two (2) Police Officers and one (1) Police Sergeant assigned to the Fresno County Adult Compliance Team
 2. ***RESOLUTION - 1st amendment to the Position Authorization Resolution (PAR) No. 2016-119, adding two (2) Police Officer positions and one (1) Police Sergeant position to the Fresno Police Department, effective January 1, 2017
 3. ***RESOLUTION - 22nd amendment to the Annual

Appropriation Resolution (AAR) No. 2016-118 appropriating \$377,600 for the Fresno Police Department's Adult Compliance Team (Requires 5 affirmative votes)

Sponsors:

Police Department

- 1-H [ID16-1244](#) RESOLUTION - Authorizing the submission of an application for grant funds from the California Department of Transportation 2017-18 Sustainable Transportation Planning Program Call for Projects and authorizing the execution of documents by the Public Works Director or designee (Districts 1,2,3,4,5 and 7)

Sponsors:

Public Works Department

- 1-I [ID16-1274](#) ***BILL No. B-44 - (Introduced 10/22/2016) (For adoption) - Approving Text Amendment Application No. TA-16-002 which proposes amendments to the Citywide Development to incorporate the updated October 2016 draft of the Downtown Development Code. This code includes form-based zoning requirements for development within the DNCP and FCSP plan areas. New sections proposed to be added to the Citywide Development Code include standards for three new Downtown zones: Downtown Core, Downtown General and Downtown Neighborhood (Article 15 of Chapter 15 of the FMC) along with provisions related to Parking and Loading (Section 15-2407-A). In addition, an Urban Campus Overlay District is added in Section 15-1610 and a Neighborhood Revitalization Overlay District is added in Section 15-1611. Amended sections include Determining Frontage Coverage (Section 15-317), Fences, Walls and Hedges (Section 15-2006), Summary of Primary Planning Permits and Actions (Table 15-4907), Zone Clearance Applicability (Section 15-5102), Apartment Overlay District, (Section 15-1609), Signs (Sections 15-2608 and 15-2610), and Terms and Definitions (Sections 15-5501 and 15-5502).

Sponsors:

Development and Resource Management Department

- 1-J [ID16-1290](#) RESOLUTION -Regarding the disposition of property of approximately 1.38 acres at 1911 Merced and 1900 Tuolumne Street (APN(s) 466-206-50T and 466-206-51T) (Council District 3) (City Council and Successor Agency action)

Sponsors: City Councilmember Baines III

2. GENERAL ADMINISTRATION

2-A [ID16-1191](#) ***RESOLUTION - 528th amendment to the Master Fee Schedule (MFS) Resolution No. 80-420

Sponsors: City Manager's Office and Finance Department

2-B [ID16-1209](#) WORKSHOP - Impact Fee Updates for Major Streets, Traffic Signals, Fire, Police, Parks and Water Capacity

Sponsors: Public Works Department and Department of Public Utilities

2-C [ID16-1251](#) Actions pertaining to Digester #2 Rehabilitation at the Regional Wastewater Reclamation Facility (Bid File 3470) (Council District 3)

1. Adopt a finding if Categorical Exemption of Class 1, pursuant to Section 15301(b) (Existing facilities) of the California Environmental Quality Act Guidelines

2. ***RESOLUTION - 23rd amendment to Annual Appropriation Resolution (AAR) No. 2016-118 appropriating \$630,000 for Rehabilitation of Digester #2 at the Regional Wastewater Reclamation Facility (Requires 5 affirmative votes)

3. Award a \$543,070 contract to F.D. Thomas, Inc., of Central Point, Oregon

Sponsors: Department of Public Utilities

2-D [ID16-1254](#) Award a construction contract to Avison Construction Company, Inc. of Madera, California, in the amount of \$570,840 for the Nees Avenue westbound widening from Maple Avenue to Hayston Avenue. Bid File No. 3412 (Council District 6)

Sponsors: Public Works Department

2-E [ID16-1257](#) ***RESOLUTION - 24th amendment to the Annual Appropriation Resolution (AAR) No. 2016-118 to appropriate \$5,570,000 for operating programs and previously approved capital improvement projects including the recognition of \$80,800 in new Fresno Metropolitan Flood Control District (FMFCD) revenue in the Public Works Department (Citywide) (Requires 5 affirmative votes)

Sponsors: Public Works Department

- 2-F [ID16-1267](#) ***RESOLUTION - 27th amendment to the Annual Appropriation Resolution (AAR) No. 2016-118 to Appropriate \$116,000,000 for Deposit Into an Escrow Account to be used to Partially Defease the 2008 Sewer System Revenue Bonds (Requires 5 affirmative votes).

Sponsors:

Finance Department

- 2-G [ID16-1269](#) WORKSHOP - Wireless Telecommunications Facilities within the Public Right-of-Way (Citywide)

Sponsors:

Public Works Department

- 2-H [ID16-1258](#) Actions relating to repealing and adding Building Regulations in the Fresno Municipal Code

1. BILL - (For introduction) - Adopting express findings related to local climatic, topographical and geological conditions that make the City's amendments to the California Mechanical Code and California Plumbing Code reasonably necessary and repealing Sections 11-101 through Section 11-109 of Article1, Chapter 11 of the Fresno Municipal Code and adding Sections 11-101 through Section 11-109 of Article1, of Chapter 11 to adopt and amend the California Building, Residential, Electrical, Mechanical, Plumbing, Energy and Green Building Standards Codes.

Sponsors:

Development and Resource Management Department

- 2-I [ID16-1256](#) Actions related to repealing and adding Fire and Life Safety Regulations in the Fresno Municipal Code

1. Adopt the finding that this project is not subject to the requirements of the California Environmental Quality Act pursuant to CEQA Guidelines, Section 15061(b)(3) as there is clearly no possibility the adoption of the 2016 California Fire Code or amendments may have a significant adverse effect on the environment.

2. RESOLUTION - Making express findings that modifications or changes to the 2016 California Fire Code are reasonably necessary because of local climatic, geological, or topographical conditions.

3. BILL - (For introduction) Repealing Article 5 of Chapter 10, and adding Article 5 to Chapter 10 of the Fresno Municipal Code relating to fire and life safety regulations.

Sponsors:

Fire Department

- 2-J [ID16-1295](#) Actions related to Copper River Ranch Water Supply Implementation Agreement:
1. Approve Copper River Ranch Water Supply Implementation Agreement.
 2. ***RESOLUTION - 28th amendment to the Annual Appropriation Resolution (AAR) No. 2016-118 to appropriate \$4,291,300 for water supply infrastructure. (Requires five affirmative votes)

Sponsors:

Department of Public Utilities and City Manager's Office

- 2-K [ID16-1289](#) BILL - (For introduction) - Adding subsection (c) to Section 2-402 of the Fresno Municipal Code, relating to City Manager authority.

Sponsors:

City Manager's Office

3. SCHEDULED COUNCIL HEARINGS AND MATTERS

10:00 A.M.#1

[ID16-1263](#)

TEFRA HEARING - To hear and consider information concerning the proposed issuance of Revenue Bonds by California Affordable Housing Agency (the "Agency") for the purpose of financing the acquisition, rehabilitation, improvement and equipping of King's View Estates by DHI King's View Associates, LP, and certain other matters relating thereto

1. ***RESOLUTION - Approving a tax-exempt bond financing to be issued by the Agency to benefit King's View Estates in the aggregate principal amount not to exceed \$9.25 million

Sponsors:

Finance Department

10:00 A.M.#2

[ID16-1174](#)

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

- 1.*** RESOLUTION - Designating the Wilbur and Edna Marie Chandler Home located at 520 N. Yosemite Avenue, Fresno, California to the Local Register of Historic Resources (Council District 3)

2.*** RESOLUTION - Designating the Homer A. Allen Home located at 548 N. Yosemite Avenue, Fresno, California to the Local Register of Historic Resources (Council District 3).

Sponsors:

Development and Resource Management Department

1:30 P.M.#1

CONTESTED CONSENT CALENDAR

1:30 P.M.#2

CEREMONIAL PRESENTATIONS

[ID16-1276](#)

Presentation of the SPCA Pet of the Month

Sponsors:

City Councilmember Brand

[ID16-460](#)

Proclamation of "SIKH AWARENESS MONTH"

Sponsors:

City Councilmember Soria

[ID16-1135](#)

"NATIONAL RUNAWAY PREVENTION MONTH"

Sponsors:

City Councilmember Baines III

[ID16-1273](#)

Proclamation of "NATIONAL DAY IN WRITING"

Sponsors:

City Councilmember Baines III

[ID16-1279](#)

Certificates of Appreciation for City PARC Staff

Sponsors:

Vice President Quintero

[ID16-1281](#)

Proclamation of "VALLEY CAREGIVER RESOURCE CENTER MONTH"

Sponsors:

Council President Caprioglio

[ID16-1282](#)

Proclamation for the "100th Anniversary of Planned Parenthood"

Sponsors:

Council President Caprioglio, City Councilmember Soria and City Councilmember Baines III

2:00 P.M.

[ID16-1287](#)

Actions Pertaining to the FY 2017 Budget Update for the General Fund.

1. ***RESOLUTION - 21st amendment to the Annual

Appropriation Resolution (AAR) No. 2016-118 to appropriate \$6,710,900 for operating programs and capital improvement projects citywide (Requires 5 affirmative votes)

2. ***RESOLUTION - 2nd amendment to the Position Authorization Resolution (PAR) No. 2016-119, adding three positions to the Development and Resource Management Department, effective November 3, 2016

Sponsors:

City Manager's Office and Finance Department

4. CITY COUNCIL

[ID16-1275](#)

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 - Swearingin-Ex-Officio (Olivier-Alternate)
2. Finance and Audit Committee - Brand, Olivier, Brandau
3. Fresno Area Workforce Investment Corporation - Baines
4. Fresno County Transportation Authority (FCTA) - Swearingin, Brandau
5. Fresno Regional Workforce Development Board - Baines
6. Fresno County Zoo Authority - Swearingin (Baines-Alternate)
7. Fresno Madera Area Agency on Aging Board - Olivier
8. Joint Powers Financing Authority - Baines, Brandau, Swearingin
9. San Joaquin River Conservancy Board - Swearingin (Brandau-Alternate)
10. Association for the Beautification of Highway 99 - Baines
11. Upper Kings Basin Integrated Regional Water Management JPA - Brandau (Soria, Georgeanne White and Thomas Esqueda - Alternates)
12. Economic Development Corporation Serving Fresno County - Brandau-Ex-Officio, City Manager Bruce Rudd and (Baines - Alternate)
13. League of California Cities (Annual Meeting) -

Swearengin (Olivier-Alternate)

14. San Joaquin Valley Air Pollution Control District - Baines
15. Litigation Exposure Reduction Ad Hoc Committee - Brandau, Caprioglio
16. Convention Center Oversight Advisory Board - Baines, (Brand-Alternate), City Manager, SMG General Manager and one representative from each of SMG's organizations
17. Sub- Committee on Transportation - Baines, Caprioglio, Soria
18. Code Enforcement Sub-Committee - Baines, Olivier, and Caprioglio
19. Enterprise and Construction Management Oversight Board - Councilmember Soria
20. Fresno- Clovis Metropolitan Solid Waste Commission- JPA - Brandau, Soria, Caprioglio
21. School Liaison Sub-Committee - Soria - Chair, Olivier, Baines

Sponsors: Council President Caprioglio

5. CLOSED SESSION

[ID16-1283](#) CONFERENCE WITH LABOR NEGOTIATOR - Government Code Section 54957.6
City Negotiator(s): TJ Miller
Employee Organization:

1. Fresno Police Officers Association - (FPOA) - Basic Personnel Services Department

Sponsors:

[ID16-1297](#) CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION - Government Code Section 54956.9, subdivision (d)(1)
1. Jaime Reyes, Jr. et al. v. City of Fresno, et al.; USDC Case No. 13-CV-000418/DRD-SKO

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

November 10, 2016 - NO MEETING

November 17, 2016

2:00 P.M. - WORKSHOP on the Recharge Fresno Program Update

November 17, 2016

4:30 P.M. - Draft Preferred Alternative for the Southwest Fresno Specific Plan

November 24, 2016 - NO MEETING

December 1, 2016 - 8:30 A.M. MEETING

December 8, 2016

10:00 A.M. - HEARING - Regarding the vacation of portions of North Parkway Drive and North Lafayette Avenue, north of West Weldon Avenue Alignment (Council District 3).

December 15, 2016

2:00 P.M. - HEARING - Regarding the vacation of a portion of West Bullard Avenue, west of North Brawley Avenue (Council District 2).

December 22, 2016 - NO MEETING

December 29, 2016 - NO MEETING

UPCOMING EMPLOYEE CEREMONIES

November 16, 2016 - 2:00 P.M. - Employee Service Awards Ceremony

2016 CITY COUNCIL MEETING SCHEDULE

November 10, 2016 - NO MEETING

November 17, 2016 - 1:30 P.M. MEETING

November 24, 2016 - NO MEETING

