

# City of Fresno

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



## Meeting Agenda - Final-revised

Thursday, October 23, 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.

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 Roy Lee of the Calvary Worship Center Church

Pledge of Allegiance to the Flag

**CEREMONIAL PRESENTATIONS****APPROVE MINUTES**

[ID#14-490](#) Approval of City Council minutes from October 9, 2014

[ID#14-494](#) Approval of Successor Agency minutes from October 9, 2014 and Fresno Revitalization Corporation minutes from October 9, 2014.

**Sponsors:** City Clerk's Office

**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#14-389](#) \*\*\* Approve a Side Letter of Agreement between the City of Fresno and the Fresno City Employees Association (Non-supervisory White Collar Employees - Unit 3) ending a three-year term limit on the classification of Airport Operations Officer

**Sponsors:** Personnel Services Department and Airports Department

**1-B** [ID#14-419](#) \*\*\* Approve a Side Letter of Agreement between the City of Fresno and Unit 1, represented by the International Union of Operating Engineers, Stationary Engineers, Local 39, amending the Memorandum of Understanding (MOU)

provision on payment of health care premiums

**Sponsors:**

Personnel Services Department

**1-C** [ID#14-430](#)

RESOLUTION - Of Intention to annex Final Tract Map No. 5967, Annexation No. 57, to the City of Fresno Community Facilities District No. 11 (East side of N. Polk Avenue between W. Shaw and Gettysburg Avenue) (Council District 1) and setting the public hearing for November 20, 2014 at 10:00 a.m.

**Sponsors:**

Public Works Department

**1-D** [ID#14-455](#)

Action pertaining to acquisition of 2421 E. Sussex Way (Council District 7)

1. Adopt a finding of conformity prepared for EA 14-021; and
2. Approve acquisition of one parcel located at 2421 E. Sussex Way for the amount of \$99,000 from Sellers: Michael W. Copeland and Teresa Copeland to construct a new water supply well

**Sponsors:**

Department of Public Utilities

**1-E** [ID#14-456](#)

Action pertaining to acquisition of 4101 N. Fruit Avenue (Council District 1)

1. Adopt a finding of conformity prepared for EA 14-022; and
2. Approve acquisition of two parcels located at 4101 N. Fruit Avenue for the amount of \$150,000 from Seller: Queenie Hill to construct a new water supply well

**Sponsors:**

Department of Public Utilities

**1-F** [ID#14-458](#)

BILL - (for Introduction) - Granting a non-exclusive roll-off franchise for roll-off collection within the City of Fresno to Katch Environmental and Mini Dumpsters of Fresno in preparation for a public hearing on the matter and final vote to approve the non-exclusive roll-off franchise on October 30, 2014

**Sponsors:**

Department of Public Utilities

**1-G** [ID#14-461](#)

\*\*\* RESOLUTION - 22nd amendment to the Annual Appropriation Resolution (AAR) No. 2014-95 appropriating \$10,100 in Council Department operating and capital infrastructure funds based on the carryover balances from

fiscal year 2014 (Requires 5 affirmative votes)

**Sponsors:**

Finance Department

- 1-H [ID#14-470](#) Approve automatic and mutual aid agreements between the City of Fresno, Fresno County Fire Protection District, California Department of Forestry, and Fire Protection Fresno-Kings Unit

**Sponsors:**

Fire Department

- 1-I [ID#14-475](#) RESOLUTION - Authorizing the Director of Aviation or other authorized representative to: execute all implicated documentation for pre-application and application to the Federal Aviation Administration (FAA) for Airport Improvement Program (AIP) grants for federal fiscal years 2015 and 2016 for both Fresno Yosemite International Airport (FAT) and Fresno Chandler Executive Airport (FCH) as shown in the City's fiscal year (FY) 2015 budget capital improvement plan; accept FAA AIP grant(s) for FY 2015 and FY 2016 projects at both airports including all subsequent amendments thereto offered by the FAA; and apply for and accept grants and all subsequent amendments thereto offered by the California Department of Transportation Aeronautics Division for matching funds for FY 2015 and 2016 FAA-approved projects at the Fresno Chandler Executive Airport

**Sponsors:**

Airports Department

- 1-J [ID#14-480](#) Actions pertaining to the acquisition of 1488 N. Weber Avenue (Council District 3)
1. Adopt finding of Categorical Exemption, pursuant to CEQA Guidelines Sections 15301 (Existing Facilities) and 15332 (In-fill Development projects) for expansion of existing City well lot at 1488 N. Weber Avenue
  2. Approve the fee simple acquisition of 1488 N. Weber Avenue for \$90,000 from Sellers: Karen L Wong, Trudy E. Marean, Sheila Chan, and Marlene R. Alvarado for the expansion of existing City well lot

**Sponsors:**

Department of Public Utilities

- 1-K [ID#14-484](#) Approve the appointment of Jorge Aguilar to the Fresno Housing Authority and the re-appointment of Philip Decker to

the Bicycle and Pedestrian Advisory Committee

**Sponsors:**

Mayor's Office

- 1-L [ID#14-496](#) Approve the appointment of Yvonne La Venture to the Bicycle and Pedestrian Advisory Committee

**Sponsors:**

City Councilmember Baines

## **CONTESTED CONSENT CALENDAR**

### **2. GENERAL ADMINISTRATION**

- 2A [ID#14-428](#) Authorize the Chief of Police to renew a multi-year agreement with Hubb Systems, LLC (Data911) in the aggregate amount of approximately \$855,000, with the option to extend for two additional years, for maintenance of law enforcement mobile computing hardware and software systems

**Sponsors:**

Police Department

- 2B [ID#14-469](#) Actions related to updating the Nexus Studies for Citywide Development Impact Fees (Citywide)
1. Approve a professional services agreement with Economic & Planning Systems, Inc., (EPS) to update the Development Impact Fee Nexus Study
  2. \*\*\* RESOLUTION - 21st amendment to the Annual Appropriation Resolution (AAR) No. 2014-95 appropriating \$227,700 for Citywide Impact Fee Study consulting and administrative costs in FY 2015 (Requires 5 affirmative votes)

**Sponsors:**

Public Works Department

### **3. CITY COUNCIL**

- 3A [ID#14-485](#) \*\*\* RESOLUTION - Establishing the Council Public Records Act Policy

**Sponsors:**

City Councilmember Baines

### **4. SCHEDULED COUNCIL HEARINGS AND MATTERS**

#### **10:00 A.M.#1**

[ID#14-401](#)

HEARING: Adopt a resolution ordering the vacation of portions of the northwest side of Stanislaus Street northeast of Fulton Street and the northeast side of Fulton Street northwest of Stanislaus Street, and a portion of the Fulton-Van Ness Alley northwest of Stanislaus Street (Council District 3)

1. \*\*\* RESOLUTION - Ordering the vacation of portions of the northwest side of Stanislaus Street northeast of Fulton Street and the northeast side of Fulton Street northwest of Stanislaus Street, and a portion of the Fulton-Van Ness Alley northwest of Stanislaus Street

**Sponsors:**

Public Works Department

**10:00 A.M.#2**[ID#14-492](#)

HEARING pertaining to the establishment of a non-exclusive towing operation franchise for certain towing operators to participate in the Police Department's tow car rotation list

1. \*\*\* BILL NO. B-43 (Intro. 10/9/2013) (For adoption) - Granting to towing operators a non-exclusive franchise to participate in the Fresno Police Department's tow car rotation list and a final vote to approve the non-exclusive towing operation franchise

2. \*\*\* BILL NO. B-44 (Intro. 10/9/2014) (For adoption) - Amending Article 17, Chapter 9 of the Fresno Municipal Code relating to tow trucks

**Sponsors:**

Police Department

**10:30 A.M.#1**[ID#14-472](#)

Consider an appeal filed by Councilmember Caprioglio, appealing the Planning Commission's action to approve Conditional Use Permit No. C-13-092 and related Vesting Tentative Tract Map No. 6033/UGM, and environmental findings, by Jeffrey T. Roberts of Granville Homes, Inc, for property located on the northeast corner of N. Fowler and E. Clinton Avenues (Council District 4)

(Continued from October 9, 2014)

1. ADOPT the Mitigated Negative Declaration for the Conditional Use Permit No. C-13-092 and Vesting Tentative

Tract Map No. T-6033 prepared for Environmental Assessment No. A-11-003, R-11-003, C-13-092, T6033 dated March 21, 2014

2. RESOLUTION - Deny the appeal and approve Conditional Use Permit No. C-13-092

3. RESOLUTION - Deny the appeal and approve Vesting Tentative Tract Map No. 6033/UGM

**Sponsors:**

Development and Resource Management Department

**10:30 A.M.#2**

[ID#14-474](#)

HEARING to consider Rezone Application No. R-14-006 and related environmental finding, filed by Dirk Poeschel of Dirk Poeschel Land Development Services on behalf of property owner Wells Fargo Bank, N.A. and successor in interest Property Multipliers LLC, pertaining to a proposed change in conditions of zoning applicable to approximately 4.24 acres of property; the subject property comprises Assessor's Parcels Nos. 506-320-59S and 506-320-60S) located on the east side of N. Figarden Drive between W. Bullard Avenue and the Burlington North Santa Fe Railroad (Council District 2)

1. ADOPT the proposed Mitigated Negative Declaration as the finding for Environmental

Assessment (EA) No. R-14-006 for the purpose of the proposed project; and

2. BILL - (For introduction and adoption) - Amending the conditions of zoning for the subject property, which would remain classified in the M-1/BA-20/UGM/cz (Light Manufacturing District/Boulevard Area Overlay - 20 Feet/Urban Growth Management Area/conditions of zoning) zone district

**Sponsors:**

Development and Resource Management Department

**11:00 A.M.**

[ID#14-422](#)

CONTINUED HEARING to consider a Resolution of Public Use and Necessity for Acquisition of Permanent Utility Easements and Temporary Construction Easements from APNs 580-040-02S owned by Frances M. Ricchiuti and

Patrick V. Ricchiuti, Co-Trustees of the Frances M. Ricchiuti Family Trust and Patrick V. Ricchiuti, Trustee, The Ricchiuti GST Nonexempt QTIP Trust; 580-020-20S and 580-020-22S owned by Leonard and Nicholas Verni; 580-050-01S owned by Patrick Vincent Ricchiuti, Trustee of the Patrick Vincent Ricchiuti Family Trust; and 580-020-21 and 580-020-23 owned by George C. Goshgarian, Kathleen A. Goshgarian, Michael Morales, Leonard Verni, Nicholas Verni, Steven G. Fogg Family Partnership, and Christopher T. Lum as Sole Trustee of the Steven C.Y. Lum and Catherine J. Lum Trust (Continued from October 9, 2014)

1. \*\*\* RESOLUTION - That the Public Interest and Necessity Require and Authorize Eminent Domain for Acquisition of Permanent Utility Easements and Temporary Construction Easements from Real Property: APNs 580-040-02S, 580-020-20S, 580-020-22S, 580-050-01S, 580-020-21, 580-020-23, located in the County of Fresno (Fresno County) (Requires 5 Affirmative Votes)

**Sponsors:**

Department of Public Utilities

**1:30 P.M.**

**CLOSED SESSION**

**[ID#14-508](#)**

A. CONFERENCE WITH REAL PROPERTY NEGOTIATOR  
- Government Code Section 54956.8  
Property: Fire Station 18 (5938 N. La Ventana)  
Negotiating Parties: City Manager Bruce Rudd; Granville Homes

**Sponsors:**

City Manager's Office

**2:55 P.M.**

**SCHEDULED COMMUNICATION**

**[ID#14-498](#)**

Appearance by George Aguilar, Al Makkai and Juan Bejar to discuss the operation and ordinance pertaining to taxi cabs in the City Fresno

**3:00 P.M.**

**[ID#14-466](#)**

WORKSHOP relating to the General Plan presented by

## Fresno Building Healthy Communities

**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****OCTOBER 30**

*10:00 A.M. #1 HEARING re: granting a non-exclusive franchise for roll-off collection services within the City of Fresno*

**OCTOBER 30**

*10:00 A.M. #2 CONTINUED HEARING to Consider Rezone Application No. R-13-014 and related Environmental Assessment No. R-13-014/TPM 2013-03 filed by Mike Hamzy on behalf of Niko Real Estate Fund, LLC for property located on the west side N. Winery Avenue between E. Washington and E. McKenzie Avenues (Council District 7) (File ID#14-491)*

**OCTOBER 30**

*10:15 A.M. Irritec Street Name Change*

**OCTOBER 30**

*10:30 A.M. Recycling Policy Consideration*

**NOVEMBER 6**

*10:00 A.M. WORKSHOP re: Public Art*

**NOVEMBER 20**

*10:00 A.M. Joint Powers Financing Authority Meeting*

**UPCOMING EMPLOYEE CEREMONIES**

*JANUARY 29, 2015*

*8:30 A.M. Presentation of Employee of the Quarter Awards (Reception immediately following - 2nd floor foyer)*

*APRIL 8, 2015 (Weds.)*

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

*APRIL 30, 2015*

*8:30 A.M. Presentation of Employee of the Quarter Awards (Reception immediately following - 2nd floor foyer)*

*JULY 16, 2015*

*8:30 A.M. Presentation of Employee of the Quarter Awards (Reception immediately following - 2nd floor foyer)*

*OCTOBER 1, 2015*

*8:30 A.M. Presentation of Employee of the Quarter Awards (Reception immediately following - 2nd floor foyer)*

*OCTOBER 21, 2015 (Weds.)*

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

**2014 CITY COUNCIL MEETING SCHEDULE**

*OCTOBER 30 - 8:30 A.M.*

*NOVEMBER 6 - 8:30 A.M.*

*DECEMBER 4 - 8:30 A.M.*

*NOVEMBER 13 - NO MEETING*

*DECEMBER 11 - 8:30 A.M.*

*NOVEMBER 20 - 8:30 A.M.*

*DECEMBER 18 - 1:30 P.M.*

*NOVEMBER 27 - NO MEETING*

*DECEMBER 25 - NO MEETING*