

City of Fresno

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



Meeting Agenda - Final

Thursday, April 9, 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

Pledge of Allegiance to the Flag

CEREMONIAL PRESENTATIONS

[ID#15-269](#) Presentation of the SPCA Pet of the Month

Sponsors: City Councilmember Soria

[ID#15-161](#) Proclamation of "Maker Month"

Sponsors: City Councilmember Baines

[ID#15-133](#) Presentation by representatives of Earth Day Fresno to provide information on this year's events

Sponsors: City Councilmember Olivier

[ID#15-270](#) Resolution of Commendation to the Fleet Management Division of the Transportation Department for earning the ASE Blue Seal of Excellence Recognition for the 15th consecutive year

Sponsors: City Manager's Office and Department of Public Transportation (FAX)

[ID#15-277](#) Proclamation of "Detective Edgar Valle-Sandoval Day"

Sponsors: City Councilmember Caprioglio

APPROVE MINUTES

[ID#15-272](#) Approval of City Council minutes from March 26, 2015

[ID#15-273](#) Approval of Successor Agency minutes from March 26, 2015

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#15-207](#) Approve Contract Change Order Numbers 9 & 10 pertaining to the large diameter water transmission main In northeast Fresno, Chestnut Avenue from Teague Avenue to Ashlan Avenue, Segment 1 (Council District 6)
- Sponsors:** Public Works Department
- 1-B** [ID#15-227](#) Approve the Automatic Aid agreement between the City of Fresno and the City of Clovis
- Sponsors:** Fire Department
- 1-C** [ID#15-241](#) RESOLUTION - Approve the filing of a Sustainable Agricultural Lands Conservation Program grant application to develop a Farmland Preservation Program and authorize the Director of the Development and Resource Management or designee to accept a grant award up to \$100,000 and conduct all negotiations and execute and submit all related documents, contracts, agreements, and amendments which may be necessary for the development of the program
- Sponsors:** Development and Resource Management Department
- 1-D** [ID#15-243](#) RESOLUTION - Approving the summary vacation of portions of N. Bryan Avenue, W. Sierra Avenue, and approximately 1681 feet of N. Weber, all lying southwest of N. Riverside Drive
- Sponsors:** Public Works Department
- 1-E** [ID#15-245](#) RESOLUTION - Authorizing the execution of certifications and assurances and the annual filing of applications for acceptance of and execution of all document and instruments related to the State of California Low Carbon Transit Operations Program
- Sponsors:** Department of Public Transportation (FAX)
- 1-F** [ID#15-251](#) Actions pertaining to the West Avenue Intelligent Transportation System (“ITS”) Wireless Traffic Signals Synchronization Project from McKinley Avenue to Herndon

Avenue - Bid File 3345 (Council Districts 1, 2 and Fresno County)

1. Adopt a finding of Categorical Exemption per staff determination, pursuant to Section 15301(c) of the CEQA Guidelines for the West Avenue ITS Wireless Project from McKinley Avenue to Herndon Avenue
2. Award a construction contract to Crosstown Electrical and Data, Inc. of Irwindale, California in the amount of \$296,475 for the West Avenue ITS Wireless Project from McKinley Avenue to Herndon Avenue

Sponsors:

Public Works Department

1-G [ID#15-255](#)

Actions pertaining to awarding contract for well rehabilitation:

1. Adopt finding of a Categorical Exemption per staff determination pursuant to Section 15301 of the California Environmental Quality Act Guidelines, and
2. Award a contract in the amount of \$237,680 to Zim Industries, Incorporated, to furnish and install 14-inch Ful-Flow liner and Gravel Pack to rehabilitate the potable water well at Pump Station 244 - Bid File 3360 (Council District 2)

Sponsors:

Department of Public Utilities

1-H [ID#15-257](#)

1. Adopt finding of a Categorical Exemption pursuant to CEQA Guidelines, Section 15312, for the sale of a small abandoned water well parcel known as 4881 E. Brown Avenue, APN 494-101-14T, to the adjacent property owner, Andrew Romanov (located in Fresno County)
2. Authorize the City Manager or his designee to execute an Agreement for Purchase and Sale of Real Property and complete the sale of excess land at 4881 E. Brown Avenue, APN 494-101-14T to the adjacent property owner, Andrew Romanov (located in Fresno County)

Sponsors:

Public Works Department

1-I [ID#15-260](#)

RESOLUTION - Rescinding and replacing Resolution No. 2009-80 regarding City policy on the distribution and use of the tickets and skybox for the Multipurpose Stadium (Chukchansi Park)

Sponsors:

Public Works Department

- 1-J [ID#15-262](#) Award a contract in the amount of \$144,001 to Transportation Management & Design, Inc. ("TMD") for fixed-route scheduling and training services - Bid File No. 022814JD
- Sponsors:** Department of Public Transportation (FAX)
- 1-K [ID#15-264](#) RESOLUTION - Identifying the terms and conditions for Fire Department response away from their official duty station and assigned to an emergency incident
- Sponsors:** Fire Department
- 1-L [ID#15-266](#) ***BILL NO. B-7- (Intro. 3/26/15) (For adoption) - Amending Sections 12-216.3-B, 12-325-D-2-B, and 12-306-N-37 of the Fresno Municipal Code to allow the use of a family restaurant, game and entertainment center within a mixed use development with a minimum of 20 acres that is zoned C-P
- Sponsors:** Development and Resource Management Department
- 1-M [ID#15-267](#) ***BILL NO. B-8- (Intro. 3/26/15) (For adoption) - Amending Section 12-2103 by amending Subsection (c) and adding Subsection (g), amending Section 12-2104 and adding Sections 12-2104.1 and 12-2108 to the Fresno Municipal Code relating to medical marijuana cultivation - Council Subcommittee on medical marijuana - Council President Baines, Councilmember Olivier and former Councilmember Xiong
- Sponsors:** City Councilmember Baines and City Councilmember Olivier

CONTESTED CONSENT CALENDAR

2. GENERAL ADMINISTRATION

- 2-A [ID#15-034](#) RESOLUTION - Authorizing the submission of two (2) new grant applications to the Fresno Council of Governments for 2013 Lifeline Congestion Mitigation and Air Quality Improvement Program ("CMAQ") and authorizing the execution of all application related documents by the Public Works Director or designee
- Sponsors:** Public Works Department

- 2-B** [ID#15-248](#) Approve a first amendment to agreement with BKF Engineers in the amount of \$76,600 to provide professional engineering services for the evaluation of Class IV bicycle facilities between Downtown Fresno and the Tower District and the preparation of a feasibility study for a Class I bicycle trail along the Herndon Canal and Mill Ditch canal banks and to authorize the Public Works Director or designee to sign and execute the standardized agreement on behalf of the City (Council District 1, 3 ,4 and 7)

Sponsors:

Public Works Department

- 2-C** [ID#15-249](#) 1.*** Adopt a Memorandum of Understanding (“MOU”) between the City of Fresno (“City”) and the Amalgamated Transit Union, Local 1027 (“ATU”) - Unit 6 (Bus Drivers), covering the period April 6, 2015 through June 30, 2017
2.*** RESOLUTION - 3rd amendment to Salary Resolution No. 2014-108 amending salaries in Exhibit 6, Bus Drivers (ATU)

Sponsors:

Personnel Services Department

- 2-D** [ID#15-250](#) Actions pertaining to the Friant-Nees-Palm Intelligent Transportation System (“ITS”) Traffic Signals Synchronization Project from Fresno Street to south of Herndon Avenue - Bid File 3370 (Council Districts 2 and 6)
1. Adopt a finding of Categorical Exemption per staff determination, pursuant to Section 15301(c) of the CEQA Guidelines for the Friant-Nees-Palm ITS Project from Fresno Street to south of Herndon Avenue
2. Award a Construction Contract with Kertel Communications, Inc. dba Sebastian of Fresno, California in the amount of \$928,798 for the base bid and add alternates 1 and 2 for the Friant-Nees-Palm ITS Project from Fresno Street to south of Herndon Avenue

Sponsors:

Public Works Department

- 2-E** [ID#15-252](#) Approve the substantive terms of a recommended Third Amendment to the Agreement with Orange Avenue Disposal Company, Inc. (“OAD”) dated February 25, 2004 (“2004 Agreement”), for a Transfer Station Surcharge of \$4.73 per ton for transfer station operations and hauling of the City’s municipal solid waste.

Sponsors: Department of Public Utilities

- 2-F [ID#15-254](#) RESOLUTION - Adopt Substantial Amendment No. 2015-004 to the FY 2014-2015 Annual Action Plan authorizing \$200,000 of HOME Investment Partnerships Community Housing Development Organization (HOME-CHDO) funds to Habitat for Humanity Fresno County, Inc., for the Lotus Avenue/Effie Street single-family housing project and authorize the City Manager to sign all implementing documents as required by HUD and approved as to form by the City Attorney

Sponsors: Development and Resource Management Department

- 2-G [ID#15-258](#) Actions pertaining to professional engineering services related to the Downtown Recycled Water Facility (Council District 3)
1. ***RESOLUTION - 45th amendment to the Annual Appropriation Resolution (AAR) No. 2014-95 to appropriate \$3,138,600 for design and construction support services for the Downtown Recycled Water Facility (Requires 5 affirmative votes)
 2. Award a Professional Services contract to Parsons Water and Infrastructure, Inc., a Delaware corporation, in the amount of \$4,128,592 to provide design and construction support services

Sponsors: Department of Public Utilities

- 2-H [ID#15-259](#) Actions pertaining to professional engineering services related to the East Central Recycled Water Facility (Council District 4)
1. ***RESOLUTION - 44th amendment to the Annual Appropriation Resolution (AAR) No. 2014-95 to appropriate \$2,619,900 for design and construction support services for the East Central Recycled Water Facility (Requires 5 affirmative votes)
 2. Award a Professional Services contract to Carollo Engineering, Inc., a Delaware corporation, in the amount of \$4,609,874 to provide design and construction support services

Sponsors: Department of Public Utilities

- 2-I [ID#15-281](#) Approve the First Amendment to Amended and Restated Stadium Sublease Agreement

3. CITY COUNCIL

[ID#15-232](#)

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. Financial Audit Committee - Brand - Chair, Olivier and Brandau
3. Fresno Area Workforce Investment Corporation - Baines
4. Fresno County Transportation Authority (FCTA) - Swearingin, Brandau
5. Fresno Regional Workforce Investment Board - Baines, Renena Smith
6. Fresno County Zoo Authority - Swearingin (Baines-Alternate)
7. Fresno Madera Area Agency on Aging Board - Olivier
8. Joint Powers Financing Authority - Baines, Vacant, 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, Alternates - Soria, Georgeanne White and Thomas Esqueda
12. Economic Development Corporation Serving Fresno County - Brandau-Ex-Officio (Baines-Alternate)
13. Fresno/Clovis Convention & Visitors Bureau (CVB) - Amy Fuentes
14. League of California Cities (Annual Meeting) - Swearingin (Olivier-Alternate)
15. San Joaquin Valley Air Pollution Control District - Baines
16. Litigation Exposure Reduction Ad Hoc Committee - Brandau, Caprioglio

17. Convention Center Oversight Advisory Board - Baines, (Brand-Alternate), City Manager, SMG General Manager and one representative from each of SMG's organizations

18. Transportation Committee - Baines, Olivier, Soria

19. Code Enforcement Sub-Committee - Baines, Olivier, Caprioglio and Mayor Swearengin

Action Taken:

Sponsors: City Councilmember Baines

4. CLOSED SESSION

[ID#15-271](#) CONFERENCE WITH LEGAL COUNSEL - DECIDING WHETHER TO INITIATE LITIGATION
Government Code Section 54956.9, Subdivision (d)(4)
1. State of California, et al. v. BP America Production Company, et al.S.F. Superior Court Case No. CGC-12-522063

[ID#15-276](#) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - Government Code Section 54956.9(d)(4)
Significant Exposure to Litigation:
1. City of Fresno v. PulteGroup, Inc.

[ID#15-283](#) CONFERENCE WITH LEGAL COUNSEL - DECIDING WHETHER TO INITIATE LITIGATION, Government Code Section 54956.9(c):
1. City of Fresno v. U.S. Department of Interior, Bureau of Reclamation

5. SCHEDULED COUNCIL HEARINGS AND MATTERS

10:00 A.M.

[ID#15-246](#) HEARING to adopt resolutions and ordinance to annex territory and levy a special tax regarding City of Fresno Community District No. 9, Annexation No. 7 (Final Parcel Map No. 2014-05) (east side of North Maple Avenue south of East McKinley Avenue) (Council District 7)
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 2014-2015 and Future Tax Years Within and Relating to Community Facilities District No. 9, Annexation No. 7, Final Parcel Map No. 2014-05

Sponsors: Public Works Department

10:30 A.M.

SCHEDULED COMMUNICATION

[ID#15-268](#) Appearance by Doug Richert, Co-Chair of the Downtown Fresno Coalition, to discuss the Fulton Mall Reconstruction Project

[ID#15-275](#) Appearance by Rick Morse to discuss medical marijuana

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

APRIL 16, 2015 - NO MEETING

APRIL 23, 2015 - NO MEETING

APRIL 30, 2015

8:30 A.M. - Presentation of Mayoral Historic Preservation Awards

APRIL 30, 2015

10:00 A.M. - HEARING re: CFD No. 11, Annexation No. 60, Final Tract Maps 6053, 6052 and 6075

APRIL 30, 2015

10:15 A.M.- HEARING re: Friant Kern Pipeline Resolutions of Necessity

UPCOMING EMPLOYEE CEREMONIES

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)

2015 CITY COUNCIL MEETING SCHEDULE

APRIL 16 - NO MEETING

APRIL 23 - NO MEETING

APRIL 30 - 8:30 A.M.

MAY 7 - RECESS

MAY 14 - 8:30 A.M.

MAY 21 - 1:30 P.M.

MAY 28 - NO MEETING - MEMORIAL DAY

