

City of Fresno

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



Meeting Agenda - Final-revised

Thursday, April 30, 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

Pledge of Allegiance to the Flag

CEREMONIAL PRESENTATIONS

[ID#15-154](#) Resolution of Commendation Congratulating the Fleet Management Division of the Transportation Department for Earning the ASE Blue Seal of Excellence Recognition for the Fifteenth Consecutive Year

Sponsors: Department of Public Transportation (FAX)

[ID#15-253](#) Announcement of the honorary Fresno Poet Laureate - Mayor's Office

[ID#15-285](#) Presentation of 2015 Mayoral Historic Preservation Awards and Proclamation for Historic Preservation Week, May 2-9

Sponsors: Development and Resource Management Department

[ID#15-314](#) Recognition of Boy Scout Eagle Christopher Forestiere

Sponsors: City Councilmember Brandau

[ID#15-318](#) Proclamation of "PEACE OFFICERS MEMORIAL DAY"

Sponsors: City Councilmember Baines

[ID#15-304](#) Acknowledgement of Detective Edgar Valle-Sandoval

Sponsors: City Councilmember Caprioglio

[ID#15-315](#) Proclamation of "CRIME VICTIMS' RIGHTS WEEK"

Sponsors: City Councilmember Caprioglio

[ID#15-331](#) Proclamation of "ASSOCIATED STUDENTS INC. DAY AT FRESNO STATE"

Sponsors: City Councilmember Caprioglio

[ID#15-347](#) Proclamation in remembrance of the "Armenian Genocide" presented to the Armenian Genocide Centennial Fresno Committee

- Sponsors:** City Councilmember Caprioglio and City Councilmember Soria
- [ID#15-348](#) Proclamation declaring April as “NATIONAL AUTISM AWARENESS MONTH”
- Sponsors:** City Councilmember Soria and City Councilmember Caprioglio
- [ID#15-349](#) Proclamation recognizing “Charlotte’s Bakery” for dedicated years of service to the Tower District.
- Sponsors:** City Councilmember Soria
- [ID#15-356](#) Presentation of a Resolution in Honor of the Life of William “Bill” Musick
- Sponsors:** City Councilmember Baines
- [ID#15-335](#) Presentation of P.R.I.D.E.Team Certificates for the Spring Quarter, 2015 (Reception immediately following- 2nd floor foyer)
- Sponsors:** City Clerk's Office

APPROVE MINUTES

- [ID#15-329](#) Approval of City Council minutes from April 9, 2015

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#15-261](#) Actions pertaining to the sale of abandoned water well parcel located on Cedar Avenue south of Dakota Avenue:
1. Adopt finding of no possibility of significant effect

pursuant to CEQA Guidelines Section 15061(b) (3) and Categorical Exemption pursuant to CEQA Guidelines Section 15312 for the sale of a small abandoned water well parcel

2. Approve a grant deed and certificate of parcel merger to sell a small abandoned water well parcel known as, APN 437-090-57T, to the adjacent property owner Iglesia Del Dios Vivo Columna Y Apoyo De La Verdad La Luz De Mundo-Fresno, CA (located in District 4)

Sponsors:

Public Works Department

1-B [ID#15-321](#)

Approve the Memorandum of Understanding (MOU) for Implementation of the Sustainable Groundwater Management Act (SGMA) in the Kings Subbasin between the Kings River Conservation District (KRCD), Alta Irrigation District, Consolidated Irrigation District, Fresno Irrigation District, County of Fresno, County of Tulare, City of Clovis and City of Fresno

Sponsors:

Department of Public Utilities

1-C [ID#15-279](#)

Actions pertaining to the New Manhole Access Sewer Structures (Council Districts 3, 4, 7 and parts of Fresno County)

1. Adopt a finding of Categorical Exemption of Class 3, pursuant to Section 15303(d) (New construction or conversion of small structures) and Class 4, pursuant to Section 15304(f) (Minor alterations to land) of the California Environmental Quality Act Guidelines

2. Award a \$195,185 contract to Floyd Johnston Construction Company, Inc. of Clovis, California

Sponsors:

Department of Public Utilities

1-D [ID#15-284](#)

RESOLUTION - Nominating Stephen A. Hogg as a board member of the Association of California Water Agencies (ACWA) Region 6

Sponsors:

Department of Public Utilities

1-E [ID#15-287](#)

***RESOLUTION - 47th amendment to the Annual

Appropriation Resolution (AAR) No. 2014-95 to appropriate \$139,400 for an LED Technology Streetlight Retrofit Project in FY2015 (Requires 5 affirmative votes)

Sponsors:

Public Works Department

1-F [ID#15-288](#)

RESOLUTION - Of Intention to annex Final Tract Map No. 5466, Annexation No. 61, to the City of Fresno Community Facilities District No. 11 (northeast and southeast corners of S. Minnewawa and E. Church Avenues); and setting the public hearing for June 4, 2015 at 10:00 a.m. (Council District 5)

Sponsors:

Public Works Department

1-G [ID#15-294](#)

Actions pertaining to the Orange Avenue Pavement Overlay from Butler to California Avenue - Bid File 3373 (Council District 5)

1. Adopt a finding of Categorical Exemption per staff determination, pursuant to Section 15301 Class 1 (c) of the CEQA Guidelines for the Orange Avenue Pavement Overlay from Butler to California Avenue

2. Award a Construction Contract with Dave Christian Construction Co. Inc. of Fresno, California in the amount of \$337,689 for the Orange Avenue Pavement Overlay from Butler to California Avenue

Sponsors:

Public Works Department

1-H [ID#15-296](#)

Actions pertaining to Manhole Rehabilitation on West Avenue from Dakota Avenue to McKinley Avenue (Bid File No. 3363) (Council District 1)

1. Adopt a finding of Categorical Exemption of Class 1, pursuant to Section 15301(d) (Existing facilities) and Class 2, pursuant to Section 15302 (c) (Replacement or reconstruction) of the California Environmental Quality Act Guidelines

2. Award a \$194,250 construction contract to Bill Nelson, Inc., of Fresno, California

Sponsors:

Department of Public Utilities

- 1-I [ID#15-302](#) Actions pertaining to well rehabilitation at Pump Station 80 located at 3903 Winery Avenue (Bid File 3361) (Council District 4)
1. Adopt a finding of Categorical Exemption of Section 15301 of the California Environmental Quality Act Guidelines
 2. Award a contract in the amount of \$222,690 to Zim Industries Inc., to rehabilitate a 20-inch diameter well at Pump Station 80, located at 3903 Winery Avenue (Bid File 3361) (Council District 4)
- Sponsors:** Department of Public Utilities
- 1-J [ID#15-305](#) Approve the Common Use Agreement between the Fresno Metropolitan Flood Control District (“FMFCD”) and the City of Fresno (“City”) for the crossing of the Friant-Kern Canal Raw Water Pipeline at Big Dry Creek
- Sponsors:** Department of Public Utilities
- 1-K [ID#15-316](#) Approve the appointment of Lori Cherry to the Bicycle and Pedestrian Advisory Committee
- Sponsors:** Mayor's Office
- 1-L [ID#15-324](#) Actions pertaining to the Second Amendment to the Tenancy Agreement between the City of Fresno and Kocky's Bar & Grill L.L.C. (Council District 3)
1. Adopt a finding of a Categorical Exemption pursuant to Class 1 of the California Environmental Quality Act (CEQA) Guideline Section 15301 for lease extension
 2. Approve the Second Amendment to the Tenancy Agreement between the City of Fresno and Kocky's Bar & Grill L.L.C. and authorize the City Manager to execute the agreement subject to City Attorney approval
- Sponsors:** City Manager's Office
- 1-M [ID#15-301](#) Authorize the Director of Aviation to execute a consulting agreement with Harris, Miller, Miller & Hanson, Inc. for Development of a 14 CFR Part 150

Airport Noise and Land Use Compatibility Study
Noise Exposure Map Update at Fresno Yosemite
International Airport in an amount not to exceed
\$295,625

Sponsors:

Airports Department

- 1-N [ID#15-344](#) Award a requirements contract in the amount of \$182,807 to All West Equipment dba Frank A. Olsen Co., for magnetic flow meters and authorize the Director of Public Utilities, or their designee to execute a one-year contract with provisions for two one-year extensions - Bid File 9316 (Citywide)
- Sponsors:** Department of Public Utilities
- 1-O [ID#15-358](#) Approve the appointment of Bill Simon to the Tower District Design Review Committee
- Sponsors:** City Councilmember Soria
- 1-P [ID#15-265](#) BILL - (For introduction) - Adopt the annual amendment to Subsection (a) of Sections 7-504 and 7-505 of the Fresno Municipal Code relating to local Sales and Use Taxes, pursuant to the Memorandum of Understanding with Fresno County (MOU)
- Sponsors:** Finance Department

CONTESTED CONSENT CALENDAR

2. GENERAL ADMINISTRATION

- 2-A [ID#15-244](#) Approval of items related to the renewal of the Downtown Fresno Property and Business Improvement District (DFPBID) upon verification of sufficient number of valid petitions collected to support the renewal of the district (Property located in District 3)
1. RESOLUTION -Declaring its intention to renew the DFPBID and establishing a time and place for a public hearing thereon and giving notice thereof
 2. Authorize the City Manager to execute the Assessment Ballot on behalf of the City of Fresno
- Sponsors:** Development and Resource Management Department
- 2-B [ID#15-282](#) Actions pertaining to the Sewer Rehabilitation at the Manchester Center from State Route 41 to Garland Avenue (Bid File No. 3368) (Council District 7)
1. Adopt a finding of Categorical Exemption of Class 1, pursuant to Section 15301(b) (Existing facilities of both investor and publicly-owned utilities used to provide electric

power, natural gas, sewerage, or other public utility services) and Class 2, pursuant to Section 15302(c) (Replacement or reconstruction) of the California Environmental Quality Act Guidelines

2. ***RESOLUTION - 46th amendment to the Annual Appropriation Resolution (AAR) No. 2014-95 appropriating \$538,700 for construction of the sewer rehabilitation at the Manchester Center from State Route 41 to Garland Avenue (Requires 5 affirmative votes)

3. Award a \$501,633 contract to Michels Corporation of Salem, Oregon

Sponsors:

Department of Public Utilities

2-C [ID#15-319](#)

Actions pertaining to the Willow Avenue Intelligent Transportation System (ITS) Traffic Signals Synchronization Project from Ashlan Avenue to International Avenue - Bid File 3371 (Council Districts 4, 6, City of Clovis and Fresno County)

1. Adopt a finding of Categorical Exemption per staff determination, pursuant to Section 15301 Class 1 (c) of the CEQA Guidelines for the Willow Avenue ITS Project from Ashlan Avenue to International Avenue

2. Award a Construction Contract with Kertel Communications, Inc. dba Sebastian of Fresno, California in the amount of \$950,750 for the Willow Avenue ITS Project from Ashlan Avenue to International Avenue

Sponsors:

Public Works Department

2-D [ID#15-333](#)

Approve the First Amendment to Amended and Restated Stadium Sublease Agreement

Sponsors:

City Manager's Office

3. CITY COUNCIL

3-A [ID#15-307](#)

Presentation by Gary Bye regarding the Proposition 218 Benefit Assessment measure being put forth by the Fresno Mosquito and Vector Control District

Sponsors:

City Councilmember Baines

3-B [ID#15-299](#)

WORKSHOP on the Workers' Compensation Alternative Dispute Resolution Carve Out

Sponsors: City Councilmember Brandau and City Councilmember Brand

3-C [ID#15-330](#) RESOLUTION - Directing staff to create a specific plan for developing land within the sphere of influence of the City of Fresno located west of Highway 99 and north of Clinton Avenue; and prepare and return to Council with a resolution of initiation and necessary appropriations for funding within thirty days

Sponsors: City Councilmember Brandau

4. CLOSED SESSION

[ID#15-311](#) CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION - Government Code Section 54956.9, subdivision (d)(1)
1. Jaime Reyes, et al. v. City of Fresno, et al. United States District Court Case No. 13-CV-00418/LJO-SKO

Sponsors: City Attorney's Office

[ID#15-312](#) CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION - Government Code Section 54956.9, subdivision (d)(1)
1. Citizens for the Restoration of L Street v. City of Fresno, Superior Court Case No. 11CECG04172

Sponsors: City Attorney's Office

[ID#15-359](#) CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION - Government Code Section 54956.9, subdivision (d)(1)
1. Michael Occhionero, et al. v. City of Fresno, et al., Superior Court Case No. 14CECG02399

Sponsors: City Attorney's Office

[ID#15-322](#) CONFERENCE WITH LEGAL COUNSEL - DECIDING WHETHER TO INITIATE LITIGATION -Government Code Section 54956.9, subdivision (d)(4)
1. City of Fresno v. Michael Occhionero, et al.

Sponsors: City Attorney's Office

[ID#15-345](#) CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Government Code Section 54956.8

Property: APNs 468-255-11 and 468-255-15
Negotiating Parties: City Manager Bruce Rudd, TFS
Investments, LLC., The Noyan Company

Sponsors: City Attorney's Office

5. SCHEDULED COUNCIL HEARINGS AND MATTERS

10:00 A.M.

[ID#15-280](#)

HEARING to adopt resolutions and ordinance to annex territory and levy a special tax regarding City of Fresno Community District No. 11, Annexation No. 60 (Final Tract Maps No. 6052, 6053 and 6075) (the northwest and northeast corners of W, Herndon and N. Hayes Avenues) (Council District 2)

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. 11, Annexation No. 60, Final Tract Maps No. 6052, 6053 and 6075

Sponsors: Public Works Department

10:15 A.M.

[ID#15-297](#)

HEARING to consider a resolution of public use and necessity for acquisition of permanent utility easements and/or temporary construction easements from the following APNs: 581-030-02s owned by Rodric H. and Kimberly K. Lichti; 580-040-07 owned by Earleen Leshner; and 580-040-08 owned by Earleen Leshner as to an undivided 72% and the estate of Velda D. Leshner as to an undivided 28%; and 581-020-05s owned by Lilli Herold and Linda E. Cheney, as trustees of the "Lilli Herold Living Trust"

1. ***RESOLUTION - That the public interest and necessity require and authorize eminent domain for acquisition of permanent utility easements and/or temporary construction

easements from real property: APNs 581-030-02s; 580-040-07 and 580-040-08; and 581-020-05s, located in the County of Fresno. (Requires 5 affirmative votes)

Sponsors:

Department of Public Utilities

10:30 A.M.

[ID#15-306](#)

WORKSHOP: Drought Management Planning and Status Report

Sponsors:

Department of Public Utilities

10:45 A.M.

[ID#15-289](#)

TEFRA HEARING - To hear and consider information concerning the proposed issuance of revenue refunding bonds by California Statewide Communities Development Authority ("CSCDA") for the purpose of refinancing continuing care facilities including a facility owned and operated by American Baptist Homes of The West, commonly known as San Joaquin Gardens

1. ***RESOLUTION - Approving a tax-exempt bond financing to be issued by CSCDA to benefit the Terraces at San Joaquin Gardens in the aggregate principal amount not to exceed \$70 million

1:30 P.M.

ID#15-323

WORKSHOP on Farmland Preservation

Sponsors:

Mayor's Office and Development and Resource Management Department

1:45 P.M.

[ID#15-328](#)

HEARING to consider Plan Amendment Application No. A-14-005, Rezone Application No. R-14-009, and Related Environmental Assessment No.

A-14-005/R-14-009/C-14-080 for property located on the northwest corner of E. Nees and N. Bond Avenues (Property Located in District 6) - Development and Resource Management Department

1. Adopt the environmental finding of Environmental Assessment No. A-14-005/ R-14-009/C-14-080, a Mitigated

Negative Declaration, dated February 27, 2015.

2. RESOLUTION - Approving Plan Amendment Application No. A-14-005, which proposes to amend the Fresno General Plan and Woodward Park Community Plan from commercial recreation planned land use designation to community commercial land use designation for 4.63 acres; and from office commercial planned land use designation to community commercial land use designation for 0.37 acres. In addition, Commercial Policy 1-4.3-e of the Woodward Park Community Plan is proposed to be amended as follows: "...At the two identified community commercial nodes where up to 25 30 acres may be developed, the total acreage may be distributed on three corners of the intersection.

3. BILL - Amending the Official Zone Map to reclassify the subject property from the C-R/UGM/cz (Commercial Recreation/Urban Growth Management/conditions of zoning) zone district for 4.63 acres and the C-P/UGM (Administrative and Professional Office/Urban Growth Management) zone districts for 0.37 acres to the C-1/UGM/cz (Neighborhood Shopping Center/Urban Growth Management/conditions of zoning) zone district with additional conditions of zoning.

3:00 P.M.

[ID#15-342](#)

WORKSHOP presenting the Report and Recommendations of the Mayor-Council Code Enforcement Taskforce

[ID#15-343](#)

BILL - (For introduction) - Repealing Section 10-617 and adding Section 10-617; amending Section 10-603; and repealing Sections 10-620, 11-335 and 11-422 of the Fresno Municipal Code relating to standards for vacant buildings

Sponsors:

Development and Resource Management Department

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 4, 2015

10:00 A.M. - HEARING re: Annexation of Final Tract Map No. 5466, Annexation No. 61, to the City of Fresno Community Facilities District No. 11 (northeast and southeast corners of South Minnewawa and East Church Avenues) (Council District 5)

June 4, 2015

10:15 A.M. HEARING re: the vacation of a portion of public street and pedestrian walkway rights-of-way at the northeast corner of Shields and Blackstone (Manchester Center)

June 11, 2015

10:00 A.M. HEARING re: Conditional Use Permit No. 2008-157, 2012-032 and 2014-121, the Fresno 40 Development, as Annexation No. 8, to the City of Fresno Community Facilities District No. 9 (area bounded by North Fresno Street, North Friant Road, East Audubon and the Sugarpine Trail) (Council District 6)

June 11, 2015

HEARING to declare the intention to renew DFPBID

UPCOMING EMPLOYEE CEREMONIES

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

MAY 7 - RECESS

MAY 14 - 8:30 A.M.

MAY 21 - 1:30 P.M.

MAY 28 - NO MEETING - MEMORIAL DAY

JUNE 4 - 8:30 A.M.

JUNE 11 - 8:30 A.M.

JUNE 18 - 1:30 P.M.

JUNE 25 - 8:30 A.M.