

City of Fresno

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



Meeting Agenda - Final

Thursday, November 19, 2015

1:30 PM

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**

Invocation by Minister Bryson White of the St Rest Baptist Church and Community Organizer, Faith in Communities

Pledge of Allegiance to the Flag

CEREMONIAL PRESENTATIONS

[ID#15-1049](#) Proclamation of "STANLEY L. MCDIVITT DAY"

Sponsors: City Councilmember Brand

[ID#15-1057](#) Resolution of Commendation for Central High School Students Participation in 2015 National Youth Entrepreneurship Challenge in New York City

Sponsors: City Councilmember Soria

APPROVE MINUTES

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#15-950](#) Authorize the City Manager or designee to execute a grant deed for the sale of City of Fresno owned vacant property (APN 478-163-16T), located at the intersection of E. Lorena Avenue and S. Railroad Avenue, to the State of California for the amount of \$103,000. (Council District 3)

Sponsors: Public Works Department

1-B [ID#15-951](#) Authorize the City Manager or designee to execute a grant deed for the sale of City of Fresno owned vacant property (APN 478-102-19T and 478-102-20T), located at the southeast corner of Cherry Avenue and Railroad Avenue, to the State of California for the amount of \$107,000. (Council

District 3)

Sponsors:

Public Works Department

1-C [ID#15-954](#)

Actions related to the sale of a small abandoned water well parcel:

1. Adoption of a 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. The sale of a small abandoned water well parcel know as APN 417-061-15T east of 5336 N. Roosevelt Avenue, to adjacent property owner William Urrutia and authorization to give the Public Works Director, or his designee, authority to sign all documents related to the sale of the property.

(Fresno County)

Sponsors:

Public Works Department

1-D [ID#15-969](#)

Approve the acquisition of 37,505 square feet of easement on property owned by J Beast, LP, a California Limited Partnership in the amount of \$62,600 (APN 330-021-24S & 25) for the construction of new sanitary sewer lines within E. Avenue, Orange Avenue, Cedar Avenue, Malaga Avenue and Central Avenue. (Council District 3)

Sponsors:

Public Works Department

1-E [ID#15-986](#)

Reject all bids for the Cultural Arts District Park Project (Bid File No. 3384) (Council District 3)

Sponsors:

Public Works Department

1-F [ID#15-1001](#)

RESOLUTION - Of Intention to annex Final Tract Map No. 6036, Annexation No. 63, to the City of Fresno Community Facilities District No. 11 (west side of N. Grantland Avenue between W. Shaw and Barstow Avenues) (Council District 2)

Sponsors:

Public Works Department

1-G [ID#15-1011](#) ***RESOLUTION - Authorizing City's Parks, After School, Recreation and Community Services (PARCS) Department to enter into an agreement with the California Department of Housing and Community Development to receive a Housing-Related Parks Program (Proposition 1C) Grant (DISTRICTS 3,4,and 5)

Sponsors: Parks, After School and Recreation and Community Services Department

1-H [ID#15-1013](#) Approve a consultant services agreement with The Solís Group for an amount not to exceed \$132,750 to provide Labor Compliance Monitoring Services for the Southeast Surface Water Treatment Facility project

Sponsors: Department of Public Utilities

1-I [ID#15-1018](#) Approve a substitution of a listed subcontractor, Penguin Engineering for Emergency Generator Upgrade at City Hall Project - Project ID SC00003 (Council District 3)

Sponsors: Public Works Department

1-J [ID#15-1021](#) Approval of a three year agreement with Baptist Temple Church for lead agency responsibility for recreational programming at Granny's Park (Council District 7)

Sponsors: Parks, After School and Recreation and Community Services Department

1-K [ID#15-1022](#) Actions pertaining to the sale of excess property at L and Stanislaus Streets:

1. Adopt a finding of a categorical exemption pursuant to Section 15332/Class 32 of CEQA Guidelines
2. Approve a Disposition and Development Agreement with Upside Enterprises, LLC, for property located on 1517 L Street (466-142-15T) and 2139 Stanislaus (466-142-14T)

Sponsors: Development and Resource Management Department

- 1-L [ID#15-1027](#) Approve appointment of Esther Postgilione to the Bicycle and Pedestrian Advisory Committee (BPAC)
Sponsors: City Councilmember Quintero
- 1-M [ID#15-961](#) Approve the acquisition of 39,536 square feet of easement on property (APN 330-021-03) owned by Joe Rebella Jr. and Kathleen R. Rebella in the amount of \$66,700 for the construction of new sanitary sewer lines within East Avenue, Orange Avenue, Cedar Avenue, Malaga Avenue and Central Avenue. (Council District 3)
Sponsors: Public Works Department
- 1-N [ID#15-1007](#) BILL - (For introduction) - Amending Section 2-1105, Subsections (a) and (b) of the Fresno Municipal Code to revise the Local Campaign Contribution
Sponsors: City Clerk's Office
- 1-O [ID#15-1012](#) ***BILL NO. B-41 - (Intro. 11/5/15) (For adoption) - Adding Section 11-112 to Article 1, Chapter 11 of the Fresno Municipal Code, entitled "Model Water Efficient Landscape Ordinance."
Sponsors: Development and Resource Management Department

CONTESTED CONSENT CALENDAR

2. GENERAL ADMINISTRATION

- 2-A [ID#15-993](#) Award a construction contract in the amount of \$158,766,000 to WM Lyles Company for the City of Fresno's 80-Million Gallon Per Day Southeast Water Treatment Facility, Bid File No. 3369 (Citywide)
Sponsors: Department of Public Utilities
- 2-B [ID#15-980](#) Approve Fourth Amendment to the Professional Engineering Consulting Services Agreement with Carollo Engineers, Inc., in the amount of \$8,897,052 to provide Construction Phase and General Construction Contract Administration Services for the City of Fresno's 80-million gallon per day Southeast Surface Water Treatment Facility (Citywide).
Sponsors: Department of Public Utilities

- 2-C [ID#15-1010](#) Actions Pertaining to the Recycled Water Transmission Main, Southwest Quadrant, Project SW1B (Bid File 3413) (Council District 3 and Fresno County)
1. ***RESOLUTION - 20th amendment to the Annual Appropriation Resolution (AAR) No. 2015-104 appropriating \$19,348,700 for the Southwest Recycled Water Distribution System (Requires 5 affirmative votes)
 2. Award a construction contract in the amount of \$9,341,491 to Garney Construction of Livermore, California
 3. Award a professional services contract to BSK Associates in the amount of \$174,519 for materials testing and Special Inspection for Project SW1A
 4. Award a professional services contract to BSK Associates in the amount of \$189,960 for materials testing and Special Inspection for Project SW1B
- Sponsors:** Department of Public Utilities

- 2-D [ID#15-1024](#) ***RESOLUTION - 21st amendment to the Annual Appropriation Resolution (AAR) No. 2015-104 to appropriate \$5,081,900 for operating programs and previously approved capital improvement projects in the Public Works Department (Citywide) (Requires 5 affirmative votes)
- Sponsors:** Public Works Department

- 2-E [ID#15-917](#) Authorize the Fire Chief or designee to execute a contract with Pinnacle Training Systems for the Annual Wellness, Fitness and Physicals Program.
- Sponsors:** Fire Department

3. CITY COUNCIL

- 3-A [ID#15-1047](#) RESOLUTION - Encouraging Congress and the President of the United States to pass Comprehensive Immigration Reform
- Sponsors:** Council President Baines III
- 3-B [ID#15-1053](#) RESOLUTION - To initiate an amendment to Fresno General Plan Policy RC-9-C pursuant to Fresno Municipal Code Section 12-607-A
- Sponsors:** City Councilmember Brandau

- 3-C [ID#15-1060](#) BILL - (for introduction) - Adding Article 4.15 to Chapter 12 of the Fresno Municipal Code relating to the exemption of development impact fees for the replacement or reconstruction of existing commercial structures

Sponsors: City Councilmember Soria and City Councilmember Olivier

4. CLOSED SESSION

- [ID#15-1044](#) CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION - Government Code Section 54956.9, subdivision (d)(1)
1. Minerva Espinoza-Romero, et al., v. Rene Rodriguez, City of Fresno; Fresno County Superior Court Case No. 14CECG02288 (Lead Case)

Sponsors: City Attorney's Office

5. SCHEDULED COUNCIL HEARINGS AND MATTERS

2:00 P.M.

- [ID#15-929](#) HEARING - Regarding the vacation of the Lorena-Geary Alley, E. Geary Avenue, and the Geary-Florence Alley, all between S. Plumas Street and S. Walnut Street (Council District 3)
1. RESOLUTION - Ordering the vacation of the Lorena-Geary Alley, E. Geary Avenue, and the Geary-Florence Alley, all between S. Plumas Street and S. Walnut Street

Sponsors: Public Works Department

5:30 P.M.

- [ID#15-1032](#) CONTINUED HEARING to consider Text Amendment Application No. TA-15-001, Plan Amendment Application No. A-15-003, related environmental finding for adoption of the Citywide Development Code, and four resolutions related to finalization and implementation of the Citywide Development Code. Text Amendment Application No. TA-15-001 proposes to add Chapter 15 to the Fresno Municipal Code, repeal Chapter 12, Articles 1-4, 5, 6, 9-14, 17, 18 and 22, repeal Chapter 10, Article 12; and amend Chapter 1, Section 1-203, Chapter 9, Articles 6, 9-2602 and 1; Chapter 10, Articles 2

and 3; and Chapter 13, Article 3. Plan Amendment Application No. A-15-003 proposes to update tables that reference the Citywide Development Code in Chapter 3: Urban Form, Land Use, and Design (Tables 3-1 and 3-3); Chapter 11: Housing Element Consistency (Tables 11-3, 11-4, 11-5, 11-7, 11-8, 11-9, 11-10, 11-11, 11-12 and 11-13); and Chapter 12: Implementation (Table 12-1).

(Public testimony closed)

1. ADOPT the environmental findings of Environmental Assessment No. TA-15-001/A-15-003, an Addendum to Final Master Environmental Impact Report SCH No. 2012111015 for the Fresno General Plan and Citywide Development Code pursuant to CEQA Guidelines Section 15162 and 15164;
2. BILL - (For Introduction) - Approving Text Amendment Application No. TA-15-001, including all revisions recommended by Planning Commission on September 30, 2015 and additional revisions made by staff enumerated in Exhibit D, adding Chapter 15, Citywide Development Code, to the Fresno Municipal Code, repealing Chapter 12, Articles 1-4, 5, 6, 9-14, 17, 18 and 22, repealing Chapter 10, Article 12; and amending Chapter 1, Section 1-203; Chapter 9, Articles 6, 9-2602 and 1; Chapter 10, Articles 2 and 3; and Chapter 13, Article 3;
3. RESOLUTION - Establishing the Zoning Designation Translation Table for the interim period between adoption of the Citywide Development Code and adoption of the corresponding zoning map;
4. RESOLUTION- Approving Plan Amendment Application No. A-15-003, updating tables in the Fresno General Plan that reference the Citywide Development Code in Chapter 3: Urban Form, Land Use, and Design (Tables 3-1 and 3-3); Chapter 11: Housing Element Consistency (Tables 11-3, 11-4, 11-5, 11-7, 11-8, 11-9, 11-10, 11-11, 11-12 and 11-13); and Chapter 12: Implementation (Table 12-1).
5. RESOLUTION - Authorizing the City Clerk to make Numerical Classification and Cross Referencing Corrections in the Fresno Municipal Code in coordination with the City Attorney's Office;
6. RESOLUTION - Authorizing the Development and Resource Management Director or her designee to update

the text, policies, maps, tables and exhibits contained in the Citywide Development Code to reflect the final action taken by the City Council, to the extent that such updates are necessary to maintain consistency.

Sponsors: Development and Resource Management Department

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 26, 2015 - NO MEETING

DECEMBER 3, 2015 - 8:30 A.M.

10:00 AM - HEARING to consider the Formation of a Special Tax District (Community Facilities District No. 15 – E. Copper River Ranch Maintenance District) (Eastern portion of the Copper River Ranch Development located northwest of N. Willow and E. Copper Avenues) (Council District 6)

_____ CONTINUED HEARING regarding the Citywide Development Code (If Necessary) (Time to be announced)

10:15 A.M. - HEARING to consider adoption of resolutions related to the designation of properties to the Local Register of Historic Resources

10:30 A.M. - HEARING to consider application by the property owner to delist the Frank J. Craycroft Home (HP#182) located at 6545 N. Palm Avenue from the Local Register of Historic Resources pursuant to FMC12-1614.

DECEMBER 10, 2015 - 8:30 A.M.

10:00 AM - HEARING to adopt resolutions and ordinance to annex territory and levy a special tax regarding City of Fresno Community District No. 9, Annexation No. 9 (Site Plan Review Application No. 2015-064, Assessor's Parcel Number 567-030-7S) (Southeast corner of E. Champlain and N. Hickory Hill Drives)

(Council District 2)

10:15 A.M. - HEARING to adopt resolutions and ordinance to annex territory and levy a special tax regarding City of Fresno Community District No. 11, Annexation No. 64 (Final Tract Map No. 5571) (east side of N. Armstrong Avenue between E. Dakota and Shields Avenues) (Council District 4)

DECEMBER 17, 2015 - 1:30 P.M.

2:00 PM - HEARING to adopt resolutions and ordinance to annex territory and levy a special tax regarding City of Fresno Community District No. 11, Annexation No. 63 (Final Tract Map No. 6036) (west side of North Grantland Avenue between West Shaw and Barstow Avenues) (Council District 2)

DECEMBER 24, 2015 - NO MEETING

DECEMBER 31, 2015 - NO MEETING

UPCOMING EMPLOYEE CEREMONIES

2015 CITY COUNCIL MEETING SCHEDULE

NOVEMBER 26, 2015 - NO MEETING

DECEMBER 3, 2015 - 8:30 A.M.

DECEMBER 10, 2015 - 8:30 A.M.

DECEMBER 17, 2015 - 1:30 P.M.

DECEMBER 24, 2015 - NO MEETING

DECEMBER 31, 2015 NO MEETING