

City of Fresno

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



Meeting Agenda - Final-revised

Thursday, August 28, 2014

1:30 PM

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) 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.

1:30 P.M. ROLL CALL

Invocation by Deacon Bill Lucido of St. Paul's Newman Center

Pledge of Allegiance to the Flag

Ceremonial Presentations

[ID#14-332](#) Proclamation of "CHICANO HISTORY REVISITED"

Sponsors: City Councilmember Quintero

Approve City Council Minutes

[ID#14-326](#) Approval of City Council minutes from August 21, 2014

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.

[ID#14-174](#) 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

[ID#14-222](#) Reject all proposals responding to City's Request for Qualification for Asset Management Services for Management of City Real Estate Assets - Bid File 060614 (Citywide)

Sponsors: Finance Department

[ID#14-227](#) RESOLUTION - of Intention to annex Final Tract Map No. 6063, Annexation No. 56, to the City of Fresno Community Facilities District No. 11 (near south corner of North Friant Road and East Copper Avenue) (Council District 6)

Sponsors: Public Works Department

[ID#14-233](#) BILL NO. B-35 - (For adoption; introduced August 21, 2014) Amending the uncodified ordinance to adopt changes and additions to the official list of designated special speed zones for various streets within the City of Fresno pursuant to Section 14-1501 of the Fresno Municipal Code (Citywide)

Sponsors: Public Works Department

[ID#14-242](#) Approve an Agreement with EMG Engineering and Environmental Consulting, of Walnut Creek, California in the amount of \$38,860, with a contingency amount of \$50,000 for a total fee of \$88,860 to conduct the Facilities Condition Assessment (FCA) of the Municipal Service Center (MSC) buildings (Council District 3)

Sponsors: Public Works Department

[ID#14-248](#) Request City Council approve the annual participation in the Federal Equitable Sharing Agreement Program for the disposition of funds forfeited in connection with a crime and authorizing the execution of related documents

Sponsors: Police Department

[ID#14-258](#) Authorize the Chief of Police to enter into an agreement with Central Unified School District to provide two School Resource Officers at 100% of the actual officer's cost, a police sergeant at 10% of the actual sergeant's cost, plus administrative fees and the operation/maintenance costs of two patrol vehicles for a total of \$267,483

Sponsors: Police Department

[ID#14-274](#) RESOLUTION - Approving the Final Map of Tract No. 5914 and accepting dedicated public uses offered therein -northeast corner of North Hayes Avenue and West Herndon Avenue (Council District 2)

Sponsors: Public Works Department

[ID#14-278](#) Adopt Resolution of the Council of the City of Fresno, California, authorizing submittal of grant applications for and acceptance of California Department of Resources Recycling and Recovery (CalRecycle), funding for all available grants for which the City of Fresno is eligible

Sponsors: Department of Public Utilities

[ID#14-280](#) Approve Amendment No. 6 between the City and ERM-West, Inc. (ERM) to provide ongoing engineering, environmental, and remedial actions concerning groundwater contamination at Fresno Yosemite International Airport (FAT) for an amount not to exceed \$72,700

Sponsors: Airports

[ID#14-292](#) Approve the Third Amendment to the Cooperative Agreement with the Fresno County Transportation Authority (FCTA) re-allocating funds in the amount of \$241,000 from the construction phase to preliminary engineering phase of the Willow Avenue Widening Project, 0.25 miles south of Nees to Shepherd Avenue under the Measure "C" Tier 1 Program (Council District 6)

Sponsors: Public Works Department

[ID#14-293](#) Approve a Cooperative Agreement in the amount of \$303,658 with the Fresno County Transportation Authority (FCTA) for the Broadway Project Off-site Improvements under the Measure "C" Transit Oriented Development (TOD) Program (Council District 3)

Sponsors: Public Works Department

[ID#14-294](#) Approve a Cooperative Agreement in the amount of \$121,342 with the Fresno County Transportation Authority (FCTA) for the Met Block Project Off-site Improvements under the Measure "C" Transit Oriented Development (TOD) Program. (Council District 3)

Sponsors: Public Works Department

[ID#14-299](#) Authorize the Director of Aviation to execute a consultant services agreement with Kimley-Horn and Associates, Inc., Consulting Airport Engineers, to provide professional civil engineering consulting services for the rehabilitation/reconstruction of the west side terminal apron at Fresno Yosemite International Airport (FAT) in an amount not to exceed \$485,000

Sponsors: Airports

[ID#14-319](#) Approve the appointment of Lawrence Garcia to the Planning Commission

Sponsors: Mayor's Office

[ID#14-325](#) * BILL NO. B-36 - (For adoption; Introduced August 21, 2014) - Repealing Section 12-328 of the Fresno Municipal Code and adding Article 22 of Chapter 12 to the Fresno Municipal Code relating to outdoor dining

Sponsors: Development and Resource Management Department

CONTESTED CONSENT CALENDAR

2. GENERAL ADMINISTRATION

[ID#14-209](#) Approve an Agreement with VSCE in the amount of \$2,199,691 for the construction management services on the City of Fresno Bus Rapid Transit Project (BRT)

Sponsors: Public Works Department

[ID#14-247](#) Implementation of Fire Department Self-Inspection Program and Fire Inspection Policy Change Recommendations
1. * RESOLUTION - 1st amendment to the Position Authorization Resolution No. 2014-96 adding two (2) Fire Inspector positions to the Fire Department and two (2) Fire Inspector positions to the Development and Resource Management Department

Sponsors: Fire Department

[ID#14-249](#)

Actions pertaining to the Herndon Avenue Widening from Brawley Avenue to Valentine Avenue, Bid File No. 3271 (Council District 2)

1. Approve a common use agreement between the City of Fresno and the Fresno Irrigation District (FID) for the installation of a multipurpose trail
2. Award a construction contract to Emmett's Excavation Inc., of Fresno, California in the amount of \$1,689,986 for the construction of Herndon Avenue widening from Brawley Avenue to Valentine Avenue

Sponsors:

Public Works Department

[ID#14-276](#)

*RESOLUTION - Adopt the First Amendment to the FY15 Salary Resolution No. 2014-108, reducing benefits and increasing salary ranges for Unit 2 (unrepresented) employees; adding new classifications of represented employees; modifying salaries to reflect change in minimum wage; additional technical changes 1st Amendment to Salary Resolution No. 2014-108

Sponsors:

Personnel Services Department

[ID#14-307](#)

BILL - (For introduction) - Repealing and adding Section 4-111 of the Fresno Municipal Code relating to Project Labor Agreements

Sponsors:

City Attorney's Office

[ID#14-275](#)

Approve the Third Amendment to Agreement with Sharp Inspection Group in the amount of \$626,968 and extend the completion to April 27, 2015 for the construction management services on the City of Fresno Commercial Water Meter Retrofit Project (Citywide)

Sponsors:

Public Works Department

[ID#14-279](#)

* RESOLUTION of the Council of the City of Fresno Adopting the 2nd Amendment to the Annual Appropriation Resolution No. 2014-95 to appropriate \$900,000 in the 2010 Water Revenue Bond A-1 Fund for the Acquisition of Permanent Pipeline Right-of-Way Easement and Temporary Construction Easements for the Construction of the Raw Water Pipeline from the Friant-Kern Canal to the Northeast Surface Water Treatment Facility (requires 5 affirmative votes)

Sponsors:

Department of Public Utilities

[ID#14-255](#)

Approval of Amendment No. 2 to the Professional Consultant Agreement with CH2MHILL Engineers, Inc., for an amount not-to-exceed \$6,900,000 for Fiscal Year (FY 2015) Program Management Services (Citywide)

Sponsors:

Department of Public Utilities

3. CITY COUNCIL**4. CLOSED SESSION**[ID#14-176](#)

JOINT CLOSED SESSION of the City of Fresno and the Successor Agency to the Redevelopment Agency of the City of Fresno and the Fresno Revitalization Corporation
CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Government Code Section 54956.9, Subdivision (d)(1)

1. City of Fresno v. Raps Fresno LLC, et al. (Hotel Fresno);
Case No. 05 CE CG 01744 MS

Sponsors:

City Attorney's Office

[ID#14-321](#)CONFERENCE WITH LEGAL COUNSEL-EXISTING
LITIGATION

Government Code Section 54956.9, subdivision (d)(1)

Case Name: Luis Sanchez, et al. v. City of Fresno, et al.
United States District Court Case No. 12-CV00428 LJO-SKO**Sponsors:**

City Attorney's Office

[ID#14-323](#)CONFERENCE WITH LABOR NEGOTIATOR - Government
Code Section 54957.6

City Negotiator(s): Jeffrey Cardell, Ken Phillips

Employee Organization(s):

City of Fresno Management Employees Association
(CFMEA)City of Fresno Professional Employees Association (CFPEA)
IUOE, Stationary Engineers, Local 39 (L39)

Fresno City Employees Association (FCEA)

Fresno Police Officers Association (FPOA Basic)

International Association of Firefighters, Local 753 (Fire
Basic)

Amalgamated Transit Union, Local 1027 (ATU)

International Brotherhood of Electrical Workers, Local 100
(IBEW)

Fresno Police Officers Association (FPOA Management)

International Association of Firefighters, Local 753 (Fire
Mgmt.)

Fresno Airport Public Safety Supervisors (FAPSS)

Sponsors:

Personnel Services Department

[ID#14-330](#)CONFERENCE WITH REAL PROPERTY NEGOTIATOR -
Government Code Section 54956.8Property: Fresno Irrigation District property along Herndon
Canal between McKinley Ave and Millbrook Ave

Negotiating Parties: City Manager Bruce Rudd

Under Negotiation: Terms and Conditions of Property
Acquisition**Sponsors:**

City Attorney's Office

5. SCHEDULED COUNCIL HEARINGS AND MATTERS**2:00 P.M. Scheduled Communication**

[ID#14-304](#) Appearance by Ike Gerwal to request Council approve a fee reduction for the use of the Convention Center

3:00 P.M. JOINT MEETING OF THE CITY OF FRESNO AND THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF FRESNO AND FRESNO REVITALIZATION CORPORATION

[ID#14-308](#) Successor Agency to the Redevelopment Agency of the City of Fresno and Fresno Revitalization Corporation (FRC) consider adopting:

1. RESOLUTION - Approving the Recognized Obligation Payment Schedule for January - June, 2015 (14-15B)

Sponsors: Successor Agency to the Redevelopment Agency

[ID#14-309](#) Consider Property Disposition Guidelines of the Oversight Board of the Successor Agency to the Redevelopment Agency of the City of Fresno

Sponsors: Successor Agency to the Redevelopment Agency

JOINT MEETING ADJOURNMENT**4:00 P.M. Scheduled Matter**

[ID#14-320](#) Resolution of the Council of the City of Fresno requesting action by Congress on Pending Water Legislation

Sponsors: Mayor's Office

6:00 P.M. Hearing

[ID#14-297](#) HEARING to consider Site Plan Review Application No. S-13-047 and related environmental assessment for the property located on the west side of North Hughes Avenue between West Nielson and West Belmont Avenues (District 3)

- a. Consider and adopt the environmental finding of a Mitigated Negative Declaration prepared for Environmental Assessment No. S-13-047 for the purpose of the proposed

project

b. RESOLUTION - Granting appeal and approving Site Plan Review Application No. S-13-047 requesting authorization to construct a 53,787 square foot metal building to be used as a chemical warehouse (Brenntag Pacific, Inc.), a portion of which will be used as a 3,000 square foot shipping office and a 181 square foot front entry canopy, in addition to, two detached storage canopies (2,000 and 2,500 square feet) and twelve external storage tanks with their appropriate containment slabs

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

Oct. 2

10:00 A.M. HEARING re: CFD No. 11, Tract Map #6063 - south corner of N. Friant Rd and E. Copper

Oct. 23

10:00 A.M. HEARING adopting resolution ordering the vacation of a portion of the northwest side of Stanislaus Street northeast of Fulton Street, a portion of 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)

UPCOMING EMPLOYEE CEREMONIES

Oct 2

8:30 A.M. Employee of the Fall Quarter (Reception immediately following - 2nd

floor foyer)

Oct. 22 (Weds)

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