

City of Fresno

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



Meeting Agenda - Final-revised

Thursday, October 9, 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) 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.

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 Pastor Powell Lemons of Bethel Christian Center

Pledge of Allegiance to the Flag

CEREMONIAL PRESENTATIONS

[ID#14-452](#) Presentation of certificates to The Münster Youth Choir

Sponsors: City Councilmember Brandau

[ID#14-465](#) Proclamation of "NATIONAL DAY ON WRITING"

Sponsors: City Councilmember Baines

Approve City Council Minutes

[ID#14-453](#) Approval of City Council minutes from October 2, 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.

1-A [ID#14-364](#) Adopt amendments to The City Of Fresno Deferred Compensation Plan document to allow for Roth Contributions and Roth In-Plan Rollover Conversions, update limits on deferrals, and Section concerning qualified military service

Sponsors: Retirement Department

1-B [ID#14-366](#) Authorize Amendment No. 2 to the agreement between the City of Fresno and Diversified Transportation, LLC (DBA Keolis Transit America)

Sponsors: Department of Public Transportation (FAX)

- 1-C [ID#14-376](#) Approval for a two-year contract between Fresno City College and the City of Fresno for contract instruction, assessment services and training credit

Sponsors: Police Department

- 1-D [ID#14-387](#) Approve lease agreement between the City of Fresno and The Fresno Arts Council for use of the Historic Water Tower located at Fresno and "O" Street (Council District 3)

Sponsors: City Manager's Office

- 1-E [ID#14-409](#) Actions 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. RESOLUTION - Of intention to establish non-exclusive towing operation franchise and setting a public hearing on the matter and a final vote on October 23, 2014 at 10:00 a.m.
 2. ORDINANCE (For Introduction) - Granting to towing operators a non-exclusive franchise to participate in the Fresno Police Department's tow car rotation list in preparation for a public hearing on October 23, 2014 for a final vote to approve the non-exclusive towing operation franchise
 3. ORDINANCE (For Introduction) - amending Article 17, Chapter 9 of the Fresno Municipal Code relating to tow trucks

Sponsors: Police Department

- 1-F [ID#14-423](#) Authorize the City Manager or designee to execute a grant deed for the sale of excess property in the amount of \$75,348 to DFP Limited LP located on "G" Street near Tulare Street APN 467-071-03T and 467-071-04T (Council District 3)

Sponsors: Public Works Department

- 1-G [ID#14-438](#) RESOLUTION - Of Intention by the Council of the City of Fresno, California, to grant a Non-Exclusive Franchise for roll-off collection services within the City of Fresno and setting the public hearing for October 23, 2014

Sponsors: Department of Public Utilities

- 1-H [ID#14-439](#) Approve a consultant agreement in the amount of \$160,100 with Blair, Church & Flynn Consulting Engineers for the professional engineering services for sewer rehabilitation and replacement in Chinatown and authorize Director of Public Utilities or his designee to sign on behalf of the City (Council District 3)

Sponsors: Department of Public Utilities

CONTESTED CONSENT CALENDAR

2. GENERAL ADMINISTRATION

- 2-A [ID#14-361](#) Approve the selection of, and award a contract to, Republic Parking Inc. to provide Parking Facilities Management Services in downtown Fresno

Sponsors: Development and Resource Management Department

- 2-B [ID#14-440](#) Actions pertaining to On-Airport Non-Exclusive Rental Car Concession Agreements at Fresno Yosemite International Airport (Council District 4) - Airports Department
1. Adopt a finding of Categorical Exemption pursuant to Article 19, Section 15301(a) and (d)/Class 1 (Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines to authorize Concession Agreements with Avis/Budget Car Rental, LLC, Enterprise Rent A Car of Sacramento, LLC, and The Hertz Corporation at Fresno Yosemite International Airport (FAT)
 2. Approve On-Airport Non-Exclusive Rental Car Concession Agreements between the City and Avis/Budget Car Rental, LLC (Avis), Enterprise Rent A Car of Sacramento, LLC, (Enterprise), and The Hertz Corporation (Hertz)

Sponsors: Airports Department

3. CITY COUNCIL

4. CLOSED SESSION

5. SCHEDULED COUNCIL HEARINGS AND MATTERS**10:00 A.M.#1**[ID#14-462](#)

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 & 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.

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. (Requires 5 Affirmative Votes)

(Continue to October 23, 2014 @ 11:00 a.m.)

Sponsors:

Department of Public Utilities

10:00 A.M.#2[ID#14-416](#)

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 North Winery Avenue between East Washington and East McKenzie Avenues (Council District 7)

1. Consider the Finding of Conformity for Environmental Assessment No. R-13- 014/TPM 2013-03

2. BILL- (For introduction and adoption) - Amending the Official Zone Map to reclassify the subject property from the R-A (Single Family Residential Agricultural) zone district to

the R-1 (Single Family Residential) zone district
(Continued from June 26, 2014 Council meeting)

Sponsors:

Development and Resource Management Department

10:30 A.M.

[ID#14-446](#)

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 North Fowler and East Clinton Avenues (Council District 4)

1. RESOLUTION - Denying the appeal and approving Conditional Use Permit No. C-13-092
2. RESOLUTION - Denying the appeal and approving Vesting Tentative Tract Map No. 6033/UGM
(Continued from September 25, 2014)

Sponsors:

Development and Resource Management Department

10:45 A.M.

JOINT MEETING OF THE CITY OF FRESNO, THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF FRESNO, AND THE FRESNO REVITALIZATION CORPORATION

[ID#14-451](#)

City Council, Successor Agency Board, FRC Board consider approving:

Actions pertaining to public improvements within the Central City Commercial Redevelopment Project

1. Findings of Categorical Exemption pursuant to Sections 15301 (Existing Facilities), item (c) of the CEQA Guidelines, related to the construction of publically owned improvements in the area generally described as Hedges Avenue between Abby and Effie, Effie Avenue between Hedges and Hammond, and Hammond Avenue between Effie and Abby.
2. RESOLUTION - Of the City of Fresno, the Successor Agency and the Fresno Revitalization Corporation making the necessary findings under section 33445 of the community redevelopment law, authorizing the installation of

public improvements within the Central City Commercial redevelopment project area for street improvements including curb, gutter, paving and sidewalks.

3. Award of construction contract to Central Valley Asphalt as the lowest responsive and responsible bidder in the amount of \$252,831.88 (Bid File No.3291) for the construction of publically owned improvements in the area generally described as Hedges Avenue between Abby and Effie, Effie Avenue between Hedges and Hammond, and Hammond Avenue between Effie and Abby.

ADJOURN AGENCY

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 23

10:00 A.M.#1 HEARING ordering the vacation of a portion of the northwest side of Stanislaus Street northeast of Fulton Street (Council District 3)

OCTOBER 23

10:00 A.M.#2 HEARING re: Non-Exclusive Towing Franchise Agreements

OCTOBER 23

10:00 A.M. #3 HEARING re: granting a non-exclusive franchise for roll-off collection services within the City of Fresno

OCTOBER 23

10:15 A.M. HEARING re: Rezone Application No. R-14-004 filed by Poeschel Land

Development Services on behalf of property owner Bill Milam

OCTOBER 23

11:00 A.M. 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 & Patrick V. Ricchiuti

OCTOBER 23

3:00 P.M. WORKSHOP re the General Plan presented by Building Healthy Communities

NOVEMBER 20

10:00 a.m. HEARING re: Final Tract Map No. 5967 annexed to CFD No. 11 to provide funding for the operation and reserves for maintenance ("Services") pertaining to the concrete curbs and gutters, entrance median curbs and hardscaping, sidewalks, curb ramps, interior street paving and street lighting associated with this subdivision

DECEMBER 11

11:00 A.M. WORKSHOP - Central Unified School District -Superintendent Mike Berg (Council President Brandau)

UPCOMING EMPLOYEE CEREMONIES

OCTOBER 22 (Wednesday)

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

2014 CITY COUNCIL MEETING SCHEDULE

OCTOBER 16 - NO MEETING

OCTOBER 23 - 8:30 A.M.

OCTOBER 30 - 8:30 A.M.

NOVEMBER 6 - 8:30 A.M.

NOVEMBER 13 - NO MEETING

NOVEMBER 20 - 8:30 A.M.

NOVEMBER 27 - NO MEETING

DECEMBER 4 - 8:30 A.M.

DECEMBER 11 - 8:30 A.M.

DECEMBER 18 - 1:30 P.M.

DECEMBER 25 - NO MEETING