

City of Fresno

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



Meeting Agenda - Final

Thursday, March 26, 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 Senior Pastor Steve Williams of the NorthPointe Church

Pledge of Allegiance to the Flag

CEREMONIAL PRESENTATIONS

[ID#15-215](#) Gap Foundation check presentation for \$25,000 to Fresno United Neighborhoods (FUN) on behalf of PARCS Department in support of the Youth Job Preparation Program (YJPP)

Sponsors: Parks, After School, Recreation and Community Services Department and City Manager's Office

[ID#15-190](#) Proclamation of "Fresno High School Senate 125th Anniversary Day"

Sponsors: Mayor's Office and City Councilmember Soria

[ID#15-228](#) Proclamation of "Women's History Month"

Sponsors: City Councilmember Soria

[ID#15-234](#) Proclamation of "Cesar Chavez Day"

Sponsors: Mayor's Office and City Council

[ID#15-121](#) Resolution Honoring the Fresno Housing Authority for 75 years of service to the community

Sponsors: City Councilmember Baines

8:45 A.M.

[ID#15-122](#) WORKSHOP relating to the Housing Authority, the next 75 years

Sponsors: City Councilmember Baines

APPROVE MINUTES

[ID#15-233](#) Approval of City Council minutes from March 5, 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#15-156](#) Award a service contract in the amount of \$97,086.08, to CIS Security, Incorporated for security operations at the Fresno-Clovis Regional Wastewater Reclamation Facility

Sponsors: Department of Public Utilities

- 1-B** [ID#15-168](#) Approve a substitution of a listed subcontractor for the Universally Accessible Park Project PC00066 (Council District 1)

Sponsors: Public Works Department

- 1-C** [ID#15-174](#) Approve the Fourth Amendment to the Agreement with Sharp Inspection Group in the amount of \$50,000 for construction management services on the City of Fresno commercial water meter retrofit project (All Council Districts)

Sponsors: Public Works Department

- 1-D** [ID#15-177](#) Approve a loan agreement between City of Fresno Fire Department (Fire Department) and Fire Investigative Strike Team ("FIST") for City use of a vehicle specially equipped to accommodate a canine unit

Sponsors: Fire Department

- 1-E** [ID#15-178](#) Actions relating to 2014 Cycle State Homeland Grant Program Fund
1. Authorize acceptance of fiscal year 2014 Cycle State Homeland Security Grant Program Funds, through the County of Fresno ("County") in the amount of \$145,000
 2. RESOLUTION - Authorizing the application for and acceptance of FY 2014 Cycle U.S. Department of Homeland Security/Office of Domestic Preparedness "State Homeland Security Grant Program" Funds, through the County of Fresno, and authorizing completion of required documents
 3. ***RESOLUTION - 40th amendment to the Annual

Appropriation Resolution (“AAR”) No. 2014-95 appropriating \$145,000 from the State Homeland Security Grant Program to the Fire Department to provide equipment and support of the community emergency response team (Requires 5 affirmative votes)

Sponsors:

Fire Department

- 1-F [ID#15-179](#) 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-G [ID#15-187](#) Award a purchase contract in the amount of \$432,359 to Herwaldt Automotive for the purchase of BMW police motorcycles - Bid File 3377

Sponsors:

Department of Public Transportation (FAX)

- 1-H [ID#15-192](#) Authorize the Chief of Police to enter in Memorandums of Understanding (“MOU’s”) with the Community Based Organizations (“CBO’s”) as identified in the California Gang Reduction, Intervention and Prevention (“CalGRIP”) 2015-2017 grant program agreement

Sponsors:

Police Department

- 1-I [ID#15-194](#) RESOLUTION - Of Intention to annex Final Tract Maps No. 6053, 6052 and 6075, Annexation No. 60, to the City of Fresno Community Facilities District No. 11 (the northwest and northeast corners of W. Herndon and N. Hayes Avenues) (Council District 2)

Sponsors:

Public Works Department

- 1-J [ID#15-199](#) Approve the appointment of Annalisa Perea to the Tower District Design Review Committee

Sponsors:

City Councilmember Soria

- 1-K [ID#15-209](#) Approve the acquisition of permanent pipeline right-of-way easement and temporary construction easement from Robert D. and Suzanne Johnson for APN 580-040-21s, formerly a portion of 580-040-03, (Sphere of Influence in County of Fresno)

Sponsors:

Department of Public Utilities

- 1-L [ID#15-210](#) Authorize the Chief of Police to enter in Memorandums of Understanding (“MOUs”) with the Community Based Organizations (“CBOs”) as identified in the 2014 Project Safe Neighborhoods grant program agreement

Sponsors: Police Department

- 1-M [ID#15-213](#) 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-N [ID#15-214](#) Approve an agreement to reimburse FFDA Properties, Limited Liability Company and Granville Homes, Incorporated an amount not to exceed \$67,772.15 for the design and construction of an 8-inch diameter water main in San Joaquin Street to ‘L’ Street, then north in ‘L’ Street connecting to the existing 8-inch main in E. Divisadero Street (Council District 3)

Sponsors: Department of Public Utilities

- 1-O [ID#15-217](#) Actions pertaining to the Veterans Boulevard Grade Separation Project and adjustments to Pacific Gas and Electric Company facilities:
1. Approve an actual cost contract in the amount of \$453,000 with Pacific Gas and Electric Company for the adjustment of an overhead electrical tower to accommodate the Veterans Boulevard Grade Separation Project.
 2. Approve a Consent to Common Use Agreement with Pacific Gas and Electric Company for the overlapping area shared by the City of Fresno and Pacific Gas and Electric Company within the Veterans Boulevard Grade Separation Project limits

Sponsors: Public Works Department

- 1-P [ID#15-224](#) Approve the Supplemental Agreement No. 1 to Fresno-Clovis Water System interconnection agreement for interconnection of municipal potable water systems for temporary water service and emergency backup (Council District 4)

Sponsors: Department of Public Utilities

- 1-Q [ID#15-225](#) Actions pertaining to the award of a sole source service contract to ShotSpotter, Inc. ("ShotSpotter"):
1. Authorize the Chief of Police or designee to specify ShotSpotter, without substitution, to provide gunshot detection services through the ShotSpotter Flex™ Gunshot Location, Alert, and Analysis Service; and uphold the City Manager's determination that ShotSpotter is uniquely qualified to provide the service
 2. Award a service contract in the amount of \$450,000 to ShotSpotter, Inc., sufficient for ShotSpotter to provide a continuous three square mile area of coverage for three years.
 3. *** RESOLUTION - 43rd Amendment to the Annual Appropriation Resolution (AAR) No. 2014-95 appropriating \$109,000 into the Police Department's FY 2015 budget for the CalGRIP grant program (Requires 5 affirmative votes)

Sponsors: Police Department

- 1-R [ID#15-226](#) Approve the following District Committee appointments:
1. Approve the appointments of Geri Yang-Johnson and Tiffany Mangum to the District 1 Plan Implementation Committee - Councilmember Soria
 2. Approve the appointment of Christiansen Flemming to the District 3 Plan Implementation Committee - Council President Baines

- 1-S [ID#15-229](#) ***BILL NO. B-4 (Intro. 3/5/2015) (For adoption) - Amending Section 1-407 of the Fresno Municipal Code to require the advance deposit of fines at the time of filing an administrative appeal

Sponsors: City Manager's Office

- 1-T [ID#15-230](#) ***BILL No. B-5 (Intro. 3/5/2015) (For adoption) - Amending Subsection (d) of the Fresno Municipal Code, Section 1-506 of Article 5, Chapter 1 to require the conformation of costs by the Hearing Officer

Sponsors: City Manager's Office

CONTESTED CONSENT CALENDAR

2. GENERAL ADMINISTRATION

2-A [ID#15-153](#) BILL - (for introduction and adoption) - To cancel the Artisan Square Development Agreement

Sponsors: Development and Resource Management Department

2-B [ID#15-185](#) RESOLUTION - Authorizing the execution and delivery of an Equipment Lease Purchase Agreement with Community First National Bank as Lessor for the acquisition, purchase, financing and leasing of certain equipment for the Fresno Fire Department in a principal amount not to exceed \$7,150,000

Sponsors: Fire Department

2-C [ID#15-208](#) Actions pertaining to the Tulare Street Wireless Intelligent Transportation System ("ITS") Traffic Signals Synchronization Project from "C" Street to Clovis Avenue - Bid File 3367 (Council Districts 3, 5, 7 and Fresno County)

1. Adopt a finding of a Categorical Exemption per staff determination, pursuant to Section 15301(c) of the CEQA Guidelines for the Tulare Street Wireless ITS Project from "C" Street to Clovis Avenue
2. Award a Construction Contract with A-C Electric Company of Fresno, California in the amount of \$682,860 for the base bid and add alternates 1 and 2 for the Tulare Street Wireless ITS Project from "C" Street to Clovis Avenue

Sponsors: Public Works Department

2-D [ID#15-211](#) ***BILL NO. B-6 - (Intro. 3/5/2015) (For adoption) - Adding Article 3.13 to Chapter 12 of the Fresno Municipal Code relating to the transfer of development impact fees for the reestablishment of businesses relocated due to condemnation

Sponsors: Public Works Department

3. CITY COUNCIL

3-A [ID#15-175](#) BILL - (For introduction) - 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

4. CLOSED SESSION

[ID#15-188](#)

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - Government Code Section 54956.9, Subdivision (d)(2)

Significant Exposure to Litigation:

1. Floyd Johnston Construction Company v. City of Fresno (WEST YOST PROJECT: WC00030 Large Diameter Transmission Main in Northeast Fresno Segment I)

[ID#15-189](#)

CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION - Government Code Section 54956.9, subdivision (d)(1)

1. Angel Keith Toscano, et al. v. Fresno Police Department, et al. United States District Court Case No. 13-CV-01987 SAB

[ID#15-235](#)

CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION - Government Code Section 54956.9, subdivision (d)(1)

1. City of Fresno v. Leonard Verni, et al; Superior Court No. 15CECG00258 / 15CECG00259

[ID#15-236](#)

CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Government Code Section 54956.8

Property: APNs 581-030-02S; 580-040-07; 580-040-08; 581-020-05S

Negotiating Parties: City Manager Bruce Rudd, Director of Public Utilities Thomas Esqueda; Rodric and Kimberly Lichti; Earleen Leshner and the estate of Velda D. Leshner; Lilli Herold and Linda E. Cheney as trustees of the Lilli Herold Living Trust

[ID#15-237](#)

CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION - Government Code Section 54956.9, subdivision (d)(1)

1. Bitters et al. v. Federal Highway Administration ; United States District Court - Eastern District (Sacramento) No. 1:14 -CV-01646

[ID#15-238](#)

CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION - Government Code Section 54956.9, subdivision (d)(1)

1. Downtown Fresno Coalition v. City of Fresno; Superior Court No. 14CECG00890, Fifth District Court of Appeal No. F070845

[ID#15-193](#)

CONFERENCE WITH LABOR NEGOTIATOR - Government Code Section 54957.6

City Negotiator(s): Ken Phillips, Jeff Cardell

Employee Organization(s):

1. IUOE, Stationary Engineers, Local 39 (L39)
2. Fresno City Employees Association (FCEA)
3. Fresno Police Officers Association (FPOA Basic)
4. International Association of Firefighters, Local 753 (Fire Basic)
5. Amalgamated Transit Union, Local 1027 (ATU)
6. International Brotherhood of Electrical Workers, Local 100 (IBEW)
7. Fresno Police Officers Association (FPOA Management)
8. International Association of Firefighters, Local 753 (Fire Mgmt)
9. City of Fresno Professional Employees Association (CFPEA)
10. City of Fresno Management Employees Association (CFMEA)
11. Fresno Airport Public Safety Supervisors (FAPSS)

Sponsors:

Personnel Services Department

[ID#15-239](#)

PUBLIC EMPLOYEE PERFORMANCE EVALUATION - Government Code Section 54957

Title: City Attorney

5. SCHEDULED COUNCIL HEARINGS AND MATTERS**9:30 A.M.**[ID#15-212](#)

Presentation by 6th grade students from Riverview Elementary regarding water conservation

Sponsors:

City Councilmember Brand

9:45 A.M.**REPORT TO THE CITY COUNCIL, SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF FRESNO AND THE FRESNO REVITALIZATION CORPORATION****ID#15-247**

Successor Agency to the Redevelopment Agency consider adopting and approving:

1. Adopt finding of Categorical Exemption pursuant to Section 15332/Class 32 of the CEQA Guidelines (Successor Agency Action)
2. Approve Purchase and Sale Agreement between the Successor Agency to the Redevelopment Agency of the City of Fresno and the City of Fresno for the sale of certain former Redevelopment Agency Parcel located near the west corner of Inyo Street and Fulton (APN 468-282-23T) within the City of Fresno (Successor Agency Action)

ADJOURN AGENCY**10:00 A.M.**[ID#15-186](#)

HEARING to consider Text Amendment Application No. TA-14-003 and related environmental finding regarding mixed use development in the C-P (Administrative and Professional Office) zone district and the use of family restaurant, game and entertainment center (Citywide Application)

- a. Adopt the environmental finding of Environmental Assessment No. TA-14-003, dated February 10, 2015, pursuant to CEQA Guidelines Section 15061(b)(3), that there is no possibility that this project may have a significant effect on the environment
- b. BILL - (For introduction) - 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

10:15 A.M.

[ID#15-196](#)

HEARING to consider adoption of resolutions related to the designation of properties to the Local Register of Historic Resources

- 1.*** RESOLUTION - Designating the A.G. and Henrietta Wishon Home located at 3555 E. Huntington Boulevard, Fresno, California to the Local Register of Historic Resources (Council District 5)
- 2.*** RESOLUTION - Designating the Fresno Daily Expositor Building located at 1029-1031 Fulton Mall, Fresno, California to the Local Register of Historic Resources (Council District 1)

Sponsors:

Development and Resource Management Department

10:30 A.M.

[ID#15-198](#)

HEARING to consider request to rescind the historic designation of the Nestel Home located at 1527 "L" Street due to a loss of integrity (Council District 1)

1. ***RESOLUTION - Rescinding the Nestel Home located at 1527 "L" Street from the Local Register of Historic Resources due to a loss of integrity by rescinding City Council Resolution 80-295

Sponsors:

Development and Resource Management Department

10:45 A.M.

[ID#15-222](#)

Submission and Acceptance of City of Fresno Comprehensive Annual Financial Report ("CAFR") for Fiscal Year 2014

Sponsors:

Finance Department

11:00 A.M.

[ID#15-240](#)

Workshop to present overview of the new Fresno

Development Code

SCHEDULED COMMUNICATION

11:15 A.M.

[ID#15-231](#)

Appearance by Lisa Lindsay, a librarian at the Central Library to discuss and review her film that will screen in April called Our Lives: Surviving the Streets of Fresno. The movie is about individuals who live on the streets here in Fresno who share their varied experiences

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 2, 2015 - NO MEETING

APRIL 9, 2015

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. 7 (Final Parcel Map No. 2014-05) (east side of North Maple Avenue south of East McKinley Avenue) (Council District 7)

APRIL 16, 2015 - NO MEETING

APRIL 23, 2015 - NO MEETING

APRIL 30, 2015

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

UPCOMING EMPLOYEE CEREMONIES

APRIL 8, 2015 (Weds.)

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

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)

2014 CITY COUNCIL MEETING SCHEDULE

APRIL 2 - NO MEETING - EASTER WEEK

APRIL 9 - 8:30 A.M.

APRIL 16 - NO MEETING

APRIL 23 - NO MEETING

APRIL 30 - 8:30 A.M.