

City of Fresno

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



Meeting Agenda - Final-revised

Thursday, July 16, 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**

Acting President Caprioglio and Councilmember Brand will be present via conference call from Conoco Gas Station: 90 Lone Mountain Trail, Big Sky MT 59716

8:30 A.M. ROLL CALL

Invocation by Pastor Gary Lee of the Riverpark Bible Church

Pledge of Allegiance to the Flag

CEREMONIAL PRESENTATIONS

[ID#15-614](#) Proclamation of "25TH ANNIVERSARY OF AMERICANS WITH DISABILITIES ACT"

Sponsors: City Councilmember Soria

[ID#15-617](#) Presentation for the 5th Anniversary of the Fresno Food Expo

Sponsor: Office of Economic Development

[ID#15-648](#) Presentation of P.R.I.D.E. Team Certificates for the Summer Quarter, 2015 (Reception immediately following - 2nd floor foyer)

Sponsors: City Clerk's Office

APPROVE MINUTES

[ID#15-595](#) Approval of City Council minutes from June 8, 2015

[ID#15-596](#) Approval of City Council minutes from June 11, 2015

[ID#15-597](#) Approval of City Council minutes from June 15, 2015

[ID#15-598](#) Approval of City Council minutes from June 16, 2015

[ID#15-599](#) Approval of City Council minutes from June 18, 2015

[ID#15-604](#) Approval of City Council minutes from June 25, 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#15-501](#) Approve an agreement with TRC Engineers, Inc. in the amount of \$60,165, plus \$5,000 for contingencies, to provide professional engineering services for the construction of the Veterans Trail between Hayes and Polk Avenues (Council District 2).

Sponsors: Public Works Department

- 1-B [ID#15-548](#) RESOLUTION - Of Intention to grant a Non-Exclusive Franchise for roll-off collection services within the City of Fresno to Selma Disposal and Recycling, LLC, and setting a public hearing for August 20, 2015 at 2:30 p.m.

Sponsors: Department of Public Utilities

- 1-C [ID#15-579](#) Authorize the Chief of Police to enter into a five year lease agreement between the City of Fresno and the Mark and Tami Graham Family Trust for indoor vehicle storage and classroom space at 5280 and 5282 E Pine Street in Fresno, California, for the Fresno Police Department bomb squad, SWAT, and training units.

Sponsors: Police Department

- 1-D [ID#15-592](#) Authorize the Chief of Police to enter into a five year agreement with the County of Fresno to reserve five bed spaces in the Fresno County Jail for the purpose of housing Fresno Police Department arrestees at a rate of \$520.00 per day.

Sponsors: Police Department

1-E [ID#15-594](#) RESOLUTION - Dedicating certain City-owned property as an easement for public street purposes at Pump Station No. 52A located on the east side of N. Ninth Street south of E. Dakota Avenue (Council District 4)

Sponsors: Public Works Department

1-F [ID#15-608](#) Adopt Resolution of Intention No.1099-D to vacate the R-S Alley between Tulare and Mariposa Streets (Council District 3)

Sponsors: Public Works Department

1-G [ID#15-609](#) Adopt Resolution of Intention No. 1100-D to vacate portions of E. Thomas Avenue and the Thomas-Harvey Alley, both between N. Orchard Avenue and State Route Freeway 41, and N. Orchard Avenue between E. Thomas Avenue (to the east) and State Route Freeway 41 (Council District 7)

Sponsors: Public Works Department

1-H [ID#15-610](#) Award a purchase contract in the amount of \$305,735.63 for one Ideal Electric Type "SAB" 2647 KVA Horizontal Brushless Synchronous Generator (Bid File 3399) and authorize the Purchasing Manager of the Finance Department or designee to issue a purchase order to Leete Generators (Council District 3).

Sponsors: Department of Public Utilities

1-I [ID#15-612](#) Actions pertaining to the FY 2016 Housing and Urban Development (HUD) Capital grant program

1. Authorize the Chief of Police to enter into three separate agreements between the Housing Authority of the City of Fresno, Southeast Fresno Rental Assistance Demonstration (RAD) and Viking Village Rental Assistance Demonstration to provide additional security and protection services for public housing
2. Authorize the Chief of Police to execute all related documents applicable to the FY 2016 HUD Capital grant program

Sponsors: Police Department

- 1-J [ID#15-613](#) Actions pertaining to the 2015/2016 Alcoholic Beverage Control (ABC) grant
1. Authorize the Chief of Police to accept \$100,000 in grant funding for the 2015/2016 ABC grant awarded to the Fresno Police Department from the State of California Alcoholic Beverage Control
 2. Authorize the Chief of Police to execute the agreement and all related documents applicable to the 2015/2016 ABC grant
 3. ***RESOLUTION - 1st amendment to the Annual Appropriation Resolution (AAR) No. 2015-104 appropriating \$100,000 for the Police Department's ABC Enforcement Program (Requires 5 affirmative votes)

Sponsors:

Police Department

- 1-K [ID#15-615](#) RESOLUTION - Approving the Final Map of Tract No. 5466 and accepting dedicated public uses offered therein - both sides of E. Church Avenue between S. Minnewawa Avenue and S. Clovis Avenue (Council District 5)

Sponsors:

Public Works Department

- 1-L [ID#15-626](#) Actions pertaining to the 2015 Urban Water Management Plan (Citywide)
1. Approve Professional Consultant Services Agreement with Provost & Pritchard Engineering Group, a California Corporation dba Provost & Pritchard Consulting Group for \$90,354 for preparation of the 2015 Urban Water Management Plan.
 2. Authorize the Director of Public Utilities, or designee, to sign all documents on behalf of the City of Fresno.

Sponsors:

Department of Public Utilities

- 1-M [ID#15-627](#) ***RESOLUTION - of the City of Fresno supporting the renewal of Fresno County as a Recycling Market Development Zone (RMDZ) (citywide).

Sponsors:

Department of Public Utilities

- 1-N [ID#15-632](#) RESOLUTION - Calling a public hearing to determine whether public necessity, health, safety, or welfare requires the formation of Underground Utility District No. FRE-94

(UUD FRE-94) (Council Districts 1, 3 and 7); public hearing set for August 27, 2015 at 10:00 a.m.

Sponsors:

Public Works Department

1-O [ID#15-633](#)

Approve the reappointments of Frances Reyes Acosta, Tiffany Allen-Potter, the appointment of Kyra Schleef to the Disability Advisory Commission; the appointment of C. Kristina Roper to the Historic Preservation Commission; the reappointments of Barbara Fiske and Bob Farrar to the Housing and Community Development Commission; and the reappointments of Serop Torossian and Rojelio (Roy) Vasquez to the Planning Commission

Sponsors:

Mayor's Office

1-P [ID#15-637](#)

RESOLUTION - Authorizing the preparation and submission of financial assistance applications to the State Water Resources Control Board and the United States Department of Agriculture to plan, permit, design and construct water infrastructure in the Daleville Community and South Cherry Avenue area, and authorizing the Director of Public Utilities, or designee, to execute all application documents on behalf of the City of Fresno

Sponsors:

Department of Public Utilities

1-Q [ID#15-657](#)

Approve the acquisition of permanent and temporary construction easements from Rodric H. and Kimberly K. Lichti for APN 581-030-02s, located in the County of Fresno.

Sponsors:

Department of Public Utilities

1-R [ID#15-640](#)

Adopt the Measure C Extension Fund Annual Allocation Resolution in order to complete the Certification and Claim process and allow the City of Fresno to receive its share of Measure C Extension Funds in Fiscal Year 2016
a. RESOLUTION - Concerning Measure C Extension Local Transportation Purposes Pass-Through projects and programs funds annual allocation for fiscal year 2015-2016

Sponsors:

Finance Department

1-S [ID#15-651](#)

***RESOLUTION - 1st amendment to Salary Resolution No. 2015-108 to reflect salary increases contained in Memoranda of Understandings between the City and the City

of Fresno Professional Employees Association (Unit 13, Non-Management Confidential and Non-Confidential Management) and Fresno Airports Public Safety Supervisors (Unit 15); and, Amend Exhibit 14 (Unit 14, Management Confidential) to include the Personnel Manager and Project Administrator Classifications

Sponsors: Personnel Services Department

- 1-T [ID#15-656](#) RESOLUTION - Approving the Final Map of Tract No. 6063 and accepting dedicated public uses offered therein-Southeast corner of N. Friant Road and E. Copper Avenue (Council District 6)

Sponsors: Public Works Department

CONTESTED CONSENT CALENDAR

2. GENERAL ADMINISTRATION

- 2-A [ID#15-573](#) Authorize the Controller to make up to \$4,934,130 of temporary loans from the Committed General Cash Reserve for Economic Uncertainties and Emergencies to cover short term deficit cash balances at year end resulting from timing differences in the receipt of grant revenues/reimbursements and the incurrence of grant-funded expenditures.

Sponsors: Finance Department

- 2-B [ID#15-606](#) RESOLUTION - Authorizing the submission of grant applications to the Fresno Council of Governments for the Regional Surface Transportation Program (RSTP) and authorizing the execution of all application related documents by the Public Works Director or designee. (Council Districts 1, 3, 4, 5 and 7)

Sponsors: Public Works Department

- 2-C [ID#15-638](#) Actions related to a Facility Relocation Cooperative Agreement with the California High-Speed Rail Authority (Council Districts No. 1, 2 & 3)

Sponsors: Public Works Department

- 2-D [ID#15-639](#) Actions related to a Right-of-Way Agreement with the California High-Speed Rail Authority (Council Districts 1, 2 and 3)

Sponsors: Public Works Department

- 2-E [ID#15-558](#)
1. BILL - (For introduction) - Adding Section 3-356 to Chapter 3, Article 3 of the Fresno Municipal Code relating to the establishment of a Qualified Excess Governmental Benefit Arrangement in the City of Fresno Fire and Police Retirement System
 2. BILL - (For introduction) - Adding Section 3-570 to Chapter 3, Article 5 of the Fresno Municipal Code relating to the establishment of a Qualified Excess Governmental Benefit Arrangement in the City of Fresno Employees Retirement System

Sponsors: Personnel Services Department

3. CITY COUNCIL

- 3-A [ID#15-664](#) BILL - (For introduction) - Adding Section 2-702 to the Fresno Municipal Code, banning display and sale of the Confederate flag by the City.

Sponsors: Council President Baines III

4. CLOSED SESSION

- [ID#15-620](#) CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION - Government Code Section 54956.9, subdivision (d)(1)
1. City of Fresno v. Fresno City Firefighters Association, Local 753
Public Employment Relations Board, Unfair Practice Charge, Case No. SA-CO-121-M
 2. Fresno City Firefighters Association, Local 753 v. City of Fresno
Public Employment Relations Board, Unfair Practice Charge, Case No. SA-CE-875-M

Sponsors: City Attorney's Office

[ID#15-623](#)

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

1. Sergio Minjares v. City of Fresno, et al.; Fresno Superior Court Case #15CECG01247

Sponsors:

City Attorney's Office

[ID#15-628](#)

CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Government Code Section 54956.8

Property: APN 427-171-25 (4672-4712 N. Blackstone Avenue)

Negotiating Parties: City Manager Bruce Rudd; Francis Barigian

Sponsors:

City Attorney's Office

5. SCHEDULED COUNCIL HEARINGS AND MATTERS**2:00 P.M.#1 (OR UPON ARRIVAL OF ATHLETES)**[ID#15-646](#)

Presentation to the Special Olympics World Games - Torch Run Final Leg Arrival Ceremony

Sponsors:

Council President Baines III

2:00 P.M.#2[ID#15-643](#)

Consideration of Plan Amendment Application No. A-15-001 and related Environmental Assessment for property located on within the planning area of the Fresno General Plan (Council Districts 1-7) - Development and Resource Management Department

1. Adopt the environmental finding of Environmental Assessment No. A-15-001, a Negative Declaration, dated June 11, 2015

2. RESOLUTION - Approving Plan Amendment Application No. A-15-001 as modified, which proposes to amend the Fresno General Plan, the Bullard, Edison, McLane, Roosevelt, West Area, and Woodward Park Community Plans, the Highway City Neighborhood Specific Plan, the Sierra Sky Park Land Use Policy Plan, and the Fresno Chandler Executive Airport Land Use Compatibility Plan as shown on Table 1 in Exhibit B, with the following exceptions:

- a. Requests 4, 21, and 23 shall be removed from Plan Amendment No. A-15-001; and
- b. Requests 3 and 16 shall be denied

SCHEDULED COMMUNICATION

[ID#15-618](#)

Appearance by Rick Morse to discuss medical marijuana

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

July 30, 2015

10:00 A.M. HEARING to consider the proposed Annual Assessment for the City of Fresno Landscaping and Lighting Maintenance District No. 1 (Citywide)

AUGUST 20, 2015

2:00 P.M. HEARING pertaining to the vacation of the R-S Alley between Tulare and Mariposa Streets (Council District 3)

AUGUST 20, 2015

2:15 P.M. HEARING re: Resolution ordering the vacation of portions of East Thomas Avenue and the Thomas-Harvey Alley, both between N. Orchard Avenue and State Route Freeway 41, and N. Orchard Avenue between E. Thomas Avenue (to the east) and State Route Freeway 41 (Council District 7)

AUGUST 20, 2015

2:30 P.M. HEARING granting a non-exclusive franchise for roll-off collection services

AUGUST 27, 2015

10:00 A.M. HEARING relating to a Resolution of the Council of the City of Fresno, California, establishing Underground Utility District Number 94 (Council Districts 3 and 7)

UPCOMING EMPLOYEE CEREMONIES

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

JULY 23 - NO MEETING

JULY 30 - 8:30 A.M.

AUGUST 6 - COUNCIL VACATION

AUGUST 13 - COUNCIL VACATION

AUGUST 20 - 1:30 P.M.

AUGUST 27 - 8:30 A.M.