# **City of Fresno**

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



# **Meeting Agenda - Final**

Thursday, August 18, 2016

1:30 PM

**Regular Session** 

**Council Chambers** 

# **City Council**

President - Paul Caprioglio
Vice President - Sal Quintero
Councilmembers:
Oliver L. Baines, III, Lee Brand, Steve Brandau, Clinton J. Olivier,
Esmeralda Z. Soria
City Manager - Bruce Rudd
City Attorney - Douglas T. Sloan
City Clerk - Yvonne Spence, CMC

The Fresno City Council welcomes you to City Council Chambers, located in City Hall, 2nd Floor, 2600 Fresno Street, Fresno, California 93721.

The City of Fresno's goal is to comply with the Americans with Disabilities Act (ADA) in all respects. The meeting room is physically accessible. If, as an attendee or participant at the meeting, you need additional accommodations such as interpreters, signers, assistive listening devices, or the services of a translator, please contact the Office of the City Clerk at (559) 621-7650 or clerk@fresno.gov. To ensure availability, you are advised to make your request at least 48 hours prior to the meeting. The agenda and related staff reports are available at www.fresno.gov, as well as in the Office of the City Clerk.

The Council meeting can be viewed live on Comcast Channel 96 and AT&T Channel 99 from 9:00 a.m. and is re-played beginning at 8:00 p.m.. The meeting can also be viewed online at https://fresno.legistar.com.

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

El Consejo de la Ciudad de Fresno da la bienvenida al City Council Chambers, ubicado en la Alcaldía (City Hall), do piso, 2600 Fresno Street, Fresno, California 93721.

El objetivo de la Ciudad de Fresno es cumplir con la Ley de Americanos con Discapacidades (ADA) en todo aspecto. La sala para juntas es físicamente accesible. usted. asistente o participante de la junta, como acomodaciones adicionales coma intérpretes, lenguaje señas. de aparatos auditivos, o los servicios de un traductor, por favor comuníquese con la Oficina Municipal llamando al (559) 621-7650 o al del Secretario clerk@fresno.gov. Para asegurarse de la disponibilidad, se le recomienda llamar y hacer su petición por lo menos 48 horas antes de la junta. La agenda y los reportes de personal correspondientes están disponibles en el www.fresno.gov, o en la Oficina del Secretario Municipal.

Las juntas del Municipio se pueden ver en el Canal 96 de Comcast y el Canal 99 de AT&T a las 9:00 a.m. y otra vez empezando a las 8:00 p.m. La junta también se puede ver en el internet en el https://fresno.legistar.com

PROCESO: Por cada asunto que escuche el Consejo Municipal, habrá una presentación del personal seguida por una presentación de los individuos involucrados, si están presentes. El testimonio de los presentes se escuchará entonces. Todo testimonio se limitará a tres minutos por persona. Si usted desea hablar, llene la hoja para pedir hablar disponibles en la oficina del Secretario Municipal y en la Sala Consistorial. Las tres luces en el atril junto al micrófono indicarán cuanto tiempo le queda al orador.

La luz verde en el atril se prenderá cuando el orador comience. La luz amarilia se prenderá cuando quede un minuto. El orador debería estar concluyendo su testimonio cuando la luz roja prenda y ci sonido indique que se acabo su tiempo. La cantidad del tiempo que queda también aparecerá en la pantalla grande atrás del Consejo Municipal.

No se aceptarán documentos para que repase el Consejo Municipal a menos que se sometan al Secretario Municipal por lo menos 24 horas antes de que se escuche la Agenda del Consejo Municipal.

Este es el horario general de temas para la consideración y acción del Consejo Municipal. El consejo Municipal pudiera considerar y tomar acción en un artículo de la Agenda en el orden que considere adecuado. Artículos con una hora fijada se pueden escuchar después de la hora indicada pero no antes de la hora indicada en la agenda. Se les recomienda a las personas que estén interesadas

en un artículo de la agenda, que estén presentes durante toda la junta para asegurar su presencia cuando se presente ese artículo.

# LOS ARTICULOS MARCADOS CON TRES ASTERISCOS (\*\*\*) ESTAN SUJETOS A UN VETO POR PARTE DEL ALCALDE O UNA RECONSIDERACION

Tso Fresno City Council tos txais koj rau City Council Chambers, nyob rau hauv City Hall, 2nd Floor, 2600 Fresno Street, Fresno, California 93721.

Lub hom phiaj ntawm nroog Fresno yuav ua kom tau txhua yam raw li txoj cai American with Disabilities Act (ADA) kom fwm txhua tus. Lub rooj sab laj txhua tus yuav tsum muaj feem koom kom tau, txawm yog cov tuaj koom, cov muaj feem rau lub rooj sab laj, yuav tsum kom muaj kev pab rau sawv daws xws li txhais lus, piav tes, tej twj mloog pob ntseg los yog ib tug txhais lus, thov hu rau Office of the City Clerk ntawm (559) 621-7650 los sis clerk@fresno.gov. Yuav kom paub tseeb tias npaj tau rau koj, koj yuav tsum tau hais ua ntej 48 xuab moos ntawm lub rooj sab laj. Daim ntawv kom tswj thiab tej ntaub ntawv cov ua dej num yuav coj los ceeb tshaj muaj nyob rau ntawm www.fresno.gov, los sis ntawm Office of the City Clerk.

Council lub rooj sab laj saib pom rau hauv Comcast tshooj 96 thiab AT&T tshooj 99 thaum 9:00 teev sauv ntxoov thiab rov tso tawm thaum 8:00 teev tsaus ntuj. Lub rooj sab laj kuj saib tau online at https://fresno.legistar.com.

TXUAS NTXIV: Txhua nqe laj txheej yuav tau pom zoo los ntawm cov council ua ntej thiab yuav tau muaj ib tug staff los cej luam dhau ntawd cov uas muaj feem cuam mam los cej luam ib tug zuj zus, yog tuaj nyob rau ntawd. Dhau ntawd yuav tso rau sawv daw los tawrn suab, ib leeg twg yuav los tawm suab tsuas pub peb(3) nas this xwb. Yog koj xav los tawm suab, mus sau rau daim ntawv (Speaker Request Form) muaj nyob rau hauv City Clerk's Office thiab nyob rau huav Council Chambers. muaj peb(3) lub teeb nyob rau ntawm lub podium uas puab rau ntawm lub (microphone) qhia tias tus neeg hais lus muaj sij haum ntev li cas xwb.

Lub teeb ntsuab ntawm lub podium yuav cig thaum tus hais lus pib hais. Lub teeb daj yuav cig thaum tshuav ib(1) nas this. Tus hais lus yuav tsum hais kom tas rau thaum lub teeb liab cig thiab lub tswb nrov, qhia tias sij haum tas lawm. Ib qhov ntxiv nyob rau saum daim (screen) loj loj dai rau tom cov council nrob qaurn yuav pom lub sij hawm dhia qis zuj zus los mus.

Cov council yuav tsis txais ib yam ntaub ntawv los saib ntxiv tshwj tsis yog twb muab xa rau City Clerk 24 teev thiab muab tso rau hauv daim kom tswj ua ntej council yuav los mloog tej xwm txheej.

Dhau ntawd yuav muab sij hawm rau cov council los soj ntsuam thiab ua tes dej num, Coy tswv zos (City Council) yuav los ntsuam xyuas thiab leg raws tej nqe hauv daim kom tswj yog pom tias yam twg yuav tsim nyog. Mam muab lub sij hawm los xyuas raws tej txheej txheem tom qab tiam si yuav tsis yog ua ntej raws li daim kom tswj tau teev tseg. Cov uas txaus siab rau tei laj txheej uas tau teev tseg rau hauv daim kom tswj, xav kom nyob kom dhau lub rooj sab laj kom thaum hu txog nws thiaj nyob rau ntawd

YOG QHOV MUAJ PEB LUB HNUB QUB (\*\*\*) NYOB RAU HAUV DAIM KOM TSWJ YUAV RAUG MAYORAL VETO LOS SIS ROV SOJ NTSUAM DUA 1:30 P.M. ROLL CALL

Invocation by Vice President Quintero

Pledge of Allegiance to the Flag

#### **CEREMONIAL PRESENTATIONS**

ID16-835 Presentation of the SPCA Pet of the Month

**Sponsors:** City Councilmember Soria

<u>ID16-811</u> Recognition of the community sponsors for the 2016 West

Fresno Family Resource Center Summer Enrichment Program & 2016 Back to School Health Fair supporters

**Sponsors:** City Councilmember Baines III

ID16-966 Certificate of Recognition to the Jasmine Mejia, Summer

Intern District 1

**Sponsors:** City Councilmember Soria

<u>ID16-967</u> Certificate of Recognition to Katherine Altobello-Czescik,

Fellow for Power the Tower Project

**Sponsors:** City Councilmember Soria

#### **APPROVE AGENDA**

#### **APPROVE MINUTES**

<u>ID16-155</u> Approval of minutes from July 28, 2016

#### **COUNCILMEMBER REPORTS AND COMMENTS**

# 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** ID16-854 Actions related to the selling of an abandoned water pump

property number (PS-229) to Mr. Ramon J. Tostado:

(Property located in the County of Fresno)

- 1. Adopt 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 an abandoned water well property located at 4757 E. Simpson Avenue, to Mr. Tostado.
- 2. Authorize the Public Works Director or his designee to execute the Agreement for Purchase and Sale of Real Property and complete the sale of excess land to Mr. Tostado

**Sponsors:** Public Works Department

**1-B** ID16-867 Approve the appointment of Raine Bumatay to the Fresno

Regional Workforce Development Board

**Sponsors:** Council President Caprioglio

**1-C** ID16-880 \*\*\*RESOLUTION - 1st amendment to Salary Resolution No.

2016-120, adding the new classifications of Investment Officer to Exhibit 2, Non-Represented Management and Confidential, and Crime Scene Investigation Bureau

Manager and Records Manager to Exhibit 14, Management Non-Confidential (CFMEA); and modifying the salary of Custodial Supervisor in Exhibit 13-1, City of Fresno Professional Employees Association (CFPEA)

**Sponsors:** Personnel Services Department

**1-D** <u>ID16-881</u> \*\*\*Approve a Side Letter of Agreement with the Fresno

Police Officers Association (FPOA), representing Unit 4, Non-Supervisory Police, Regarding Lateral Hire Incentives

**Sponsors:** Personnel Services Department

**1-E** ID16-890 Approve the reappointments of Ken Elvington, Heather

Flores, Janelle Pitt and Mary Beth Randall to the Disability Commission; the appointment of Debra McKenzie to the Housing and Community Development Commission; and the reappointment of Kristi Lawrence to the Fresno Mosquito

and Vector Control District.

**Sponsors:** Mayor's Office

**1-F** ID16-897 Actions pertaining to Resolution of Intention No. 1107-D to

vacate a portion of N. Blythe Avenue, and a portion of a

landscape and public utility easement, north of W. Minarets Avenue. (Council District 2)

- 1. Adopt a finding of Categorical Exemption per staff determination, pursuant to Section 15301 of the California Environmental Quality Act (CEQA) Guidelines, Environmental Assessment No. EA-16-017
- 2. Adopt Resolution of Intention No. 1107-D to vacate a portion of N. Blythe Avenue, and a portion of a landscape and public utility easement, north of W. Minarets Avenue

#### **Sponsors:**

**Public Works Department** 

**1-G** ID16-900

RESOLUTION - Of Intention to grant a non-exclusive roll-off franchise for roll-off collection within the City of Fresno to Red Bin Services and JPA Construction Clean-Up Services, Inc., in preparation for a public hearing on the matter and final vote to approve the non-exclusive roll-off franchise on September 1, 2016.

#### Sponsors:

Department of Public Utilities

**1-H** ID16-902

\*\*\*RESOLUTION - Authorizing the City Manager or Designee to Execute a Grant Agreement with the California Department of Transportation for the City of Fresno's Blackstone Avenue Corridor Smart Mobility Project.

#### **Sponsors:**

**Development and Resource Management Department** 

**1-I** <u>ID16-905</u>

Approve a consultant services agreement with The Gualco Group, Inc., for an amount not to exceed \$90,000 for professional water lobbying and consulting services in California

#### **Sponsors:**

Department of Public Utilities

**1-J** <u>ID16-906</u>

Reject all bids for sewer rehabilitation/replacement in the Congo and H/Broadway Downtown Alleys (Bid File 3429) (Council District 3)

#### **Sponsors:**

Department of Public Utilities

**1-K** ID16-907

Adopt an Addendum to the Metropolitan Water Resources Management Plan Update Environmental Impact Report (MEIR) (State Clearing House No. 2013091021) (Citywide, Ereans County)

Fresno County).

Sponsors:

Department of Public Utilities

1-L	<u>ID16-909</u>	Actions pertaining to rehabilitation of a 20-inch diameter well at Pump Station 62A, located at 4612 N. Woodrow Avenue:  1. Adopt a finding of Class 1 Categorical Exemption set forth in CEQA Guidelines, Section 15301(b).  2. Award a contract in the amount of \$216,430 to Zim Industries Inc. (Bid File 3458) (Council District 4).
	Sponsors:	Department of Public Utilities
1-M	<u>ID16-912</u>	Authorize renewal of Senior Hot Meals Program Site Management Agreement with Fresno-Madera Agency on Aging (FMAAA)
	Sponsors:	Parks, After School and Recreation and Community Services Department
1-N	<u>ID16-917</u>	Approve Agreement for Services of Independent Contractor between the Local Government Commission and City of Fresno for the Integrated Community Resource Marketplace Project.
	Sponsors:	Development and Resource Management Department
1-0	<u>ID16-877</u>	BILL - (For introduction) - 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
1-P	<u>ID16-903</u>	***BILL NO. B-27 - (Intro. 7/28/2016) (For adoption) - Amending Section11-107A of the Fresno Municipal Code relating to plumbing regulations and affirming the express findings for modifications contained in the City of Fresno Plumbing Code
	Sponsors:	City Councilmember Brand

**Meeting Agenda - Final** 

#### **CONTESTED CONSENT CALENDAR**

# 2. GENERAL ADMINISTRATION

**2-A** ID16-859 Actions pertaining to the W. Almy Avenue Street

Reconstruction Project - Bid File 3471 (Council District 3 and

Fresno County)

**City Council** 

August 18, 2016

- Adopt a finding of Categorical Exemption per staff determination, pursuant to Section 15301(c) Class 1 of the California Environmental Quality Act Guidelines (CEQA) for the W. Almy Avenue Street Reconstruction Project 2. Award a Construction Contract with Dave Christian
- Construction Co. of Fresno, California in the amount of \$686,446 for the W. Almy Avenue Street Reconstruction Project and authorize the Public Works Director or designee

to sign a contract on behalf of the City

Sponsors:

**Public Works Department** 

#### 3. SCHEDULED COUNCIL HEARINGS AND MATTERS

#### 2:00 P.M.

ID16-911

- HEARING to consider Plan Amendment Application No. A-16-003 and Rezone Application No. R-16-003 and related Environmental Assessment No. A-16-003/R-16-003 filed by Jeffrey Roberts, on behalf of GV Holdings, Inc., for approximately 13.67 acres of property located on the east side of S. Hughes Avenue between W. Kearney Boulevard and W. California Avenue (Council District 3)
- a. Adopt the Mitigated Negative Declaration prepared for Environmental Assessment No. A-16-003/R-16-003 dated July 1, 2016.
- b. RESOLUTION Approving Plan Amendment Application No. A-16-003 proposing to amend the Fresno General Plan, the Edison Community Plan, and the Fresno-Chandler Downtown Airport Master Plan from the Corridor/Center Mixed Use (16-30 du/ac) planned land use designation to the Medium Low Density Residential (3.5-6 du/ac) planned land use designation.
- c. BILL (For introduction and adoption) Approving Rezone Application No. R-16-003 requesting authorization to rezone the subject property from the CMX/UGM (Corridor/Center Mixed-Use/Urban Growth Management) zone district to RS-4/UGM (Residential Single Family, Medium Low Density/Urban Growth Management) zone district.

Sponsors:

**Development and Resource Management Department** 

#### 2:05 P.M.

<u>ID16-908</u> WORKSHOP- On the Noticing and Adjustment Procedures

for the 2035 General Plan and its Related Zoning

Implementation

**Sponsors:** Vice President Quintero

#### 2:10 P.M.

ID16-916

HEARING to consider Plan Amendment Application No. A-16-005, Rezone Application No. R 16 006, Development Permit Application No. D-16-031 and related Environmental Assessment No. A-16-005/R-16-006/D-16-031, filed by Nick Yovino Jr. of California Land Consulting, on behalf of Marcil Awad of Drew Court LLC. These applications pertain to approximately ±2.27 acres of property located on the south side of E. Shepherd Avenue between N. Millbrook and N. Cedar Avenues.

- a. Adopt the Mitigated Negative Declaration prepared for Environmental Assessment No. A-16-005/R-16-006/D-16-031 dated June 3, 2016.
- b. RESOLUTION Approving Plan Amendment Application No. A-16-005 proposing to amend the Fresno General Plan and Woodward Park Community Plan to change the planned land use designation for the subject property from Medium Low Density Residential planned land use to the Medium High Density Residential planned land use designation.
- c. BILL (For introduction and adoption) Approving Rezone Application No. R-16-006 to rezone the subject property from the RS-4/UGM (Residential Single Family, Medium low Density/Urban Growth Management) zone district to the RM-1/UGM (Residential Multiple Family, Medium High Density/Urban Growth Management) zone district.
- d. Approve Development Permit Application No. D-16-031 proposing a gated, 34-unit multiple family residential development in three buildings with enhanced architectural features, including concrete roof tiles, stucco and stone veneers, decorative railings and window treatments, and courtyards central to each building. Landscaping for the project is dense along property lines to promote privacy and within the project to compliment architectural features and a

colored concrete entry drive, landscaping, and wrought iron

fencing along East Shepherd Avenue., subject to the

Conditions of Approval dated July 6, 2016, as amended by

Planning Commission.

**Sponsors:** Development and Resource Management Department

#### 2:15 P.M.

#### **SCHEDULED COMMUNICATION**

<u>ID16-901</u> Appearance by Ralph Hatland to discuss the City of Fresno's

Risk Management Division (Speaker resides in District 2)

#### 4. CITY COUNCIL

#### 5. CLOSED SESSION

ID16-893 CONFERENCE WITH LABOR NEGOTIATOR - Government

Code Section 54957.6

City Negotiator(s): Jeffrey Cardell, Ken Phillips

**Employee Organizations:** 

1. International Union of Operating Engineers, Stationary

Engineers, Local 39 (Local 39)

2 International Association of Firefighters, Local 753, Unit 5

(Fire Basic)

3. International Brotherhood of Electrical Workers, Local

100 (IBEW)

4. Operating Engineers, Local Union No. 3, Fresno Airport

Public Safety Officers (FAPSO)

5. Fresno City Employees Association (FCEA)

**Sponsors:** Personnel Services Department

ID16-936 CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED

LITIGATION - Government Code Section 54956.9(d)(4)

Significant Exposure to Litigation:

1. Hustler Hollywood v. City of Fresno

**Sponsors:** City Attorney's Office

# JOINT CLOSED SESSION OF THE CITY OF FRESNO, SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITYOF FRESNO AND THE FRESNO REVITALIZATION CORPORATION

ID16-925 CONFERENCE WITH REAL PROPERTY NEGOTIATOR -

Government Code Section 54956.8

Property: APN 466-206-50T and 466-206-51T

Negotiating Parties: Marlene Murphey, Executive Director

**Sponsors:** Successor Agency to the Redevelopment Agency of the City

of Fresno

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**

#### <u>UPCOMING SCHEDULED COUNCIL HEARINGS AND MATTERS</u>

August 25, 2016 - 9:00 A.M. MEETING

10:00 A.M. - HEARING re: Plan Amendment Application No. A-16-007 proposes to amend the Fresno General Plan, the Edison Community Plan, and the Fresno-Chandler Downtown Airport Master Plan by repealing the G Street Official Plan Line between E. Divisadero Street and W. Belmont Avenue. The G Street Official Plan Line transects the northeast corner of the subject property and must be repealed prior to approval of the related Development Permit.

September 1, 2016

10:00 A.M.#1- HEARING re: Non-Exclusive Roll Off Franchise

September 1, 2016

10:00 A.M.#2 - HEARING - Designating the A. C. Wilke Home located at 532 E. Terrace Avenue, Fresno, California to the Local Register of Historic Resources (Council District 1)

September 8, 2016 - NO MEETING

September 15, 2016

10:00 A.M. HEARING - Regarding the vacation of a portion of N. Blythe Avenue, and a portion of a Landscape and Public Utility Easement, north of W. Minarets Avenue (Council District 2)

September 22, 2016

10:00 AM - HEARING regarding City of Fresno Community Facilities District No. 11, Annexation No. 72 (Final Tract Map No. 6124) north and south of E. California Avenue between S. Temperance and Armstrong Avenues) (Council District 5) September 22, 2016

10:05 AM - HEARING amending Annexation No. 70 of the City of Fresno Community District No. 11, Final Tract Map No. 6067, to change the types of Services, the rate and method of apportionment of the special tax, and the Maximum Special Tax to be levied (east side of N. Locan Avenue between E. Shields and Dakota Avenues) (Council District 4)

#### **UPCOMING EMPLOYEE CEREMONIES**

October 13, 2016 - 1:30 P.M. - Employee of the Fall Quarter Ceremony October 19, 2016 - 2:00 P.M. - Employee Service Awards Ceremony

#### 2016 CITY COUNCIL MEETING SCHEDULE

August 25, 2016 - 9:00 A.M. MEETING

September 1, 2016 - 9:00 A.M. MEETING

September 8, 2016 - NO MEEETING - LABOR DAY WEEK

September 15, 2016 - 1:30 P.M. MEETING

September 22, 2016 - 9:00 A.M. MEETING

September 29 - NO MEETING - ICMA

October 6, 2016 - NO MEETING - LEAGUE OF CA CITIES

October 13, 2016 - 9:00 A.M. MEETING

October 20, 2016 - 1:30 P.M. MEETING

October 27, 2016 - NO MEETING