

# City Council Agenda

Council President  
Steve Brandau

Councilmembers

Oliver L. Baines III – Acting President  
Lee Brand  
Paul Caprioglio

Clinton J. Olivier  
Sal Quintero  
Blong Xiong

City Manager  
Bruce Rudd

City Clerk  
Yvonne Spence, CMC

City Attorney  
Douglas T. Sloan

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, 2<sup>nd</sup> Floor, 2600 Fresno Street, Fresno CA 93721.

## March 20, 2014

**1:30 P.M. ROLL CALL**

Invocation by Pastor Bill Chaney of the Valley Christian Center

Pledge of Allegiance to the Flag

### **Ceremonial Presentations:**

Proclamation of “READING AND BEYOND DAY” – Mayor’s Office & All Councilmembers - **Read**

The agenda and related staff reports are available on ([www.fresno.gov](http://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.

Approve Council minutes of [February 27, 2014](#) and [March 6, 2014](#)

**Action Taken:** APPROVED AS SUBMITTED

Approve Successor Agency minutes of [March 6, 2014](#)

**Action Taken:** APPROVED AS SUBMITTED

Councilmember Reports and Comments

**Action Taken:** MADE

Approve Agenda

**Action Taken:** APPROVED

Adopt Consent Calendar

**Action Taken:** ADOPTED

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.

A. **RESOLUTION** - To approve the Final Map of Tract No. 5599, accepting dedicated public uses therein except for dedications offered subject to City acceptance of developer installed required improvements (east side of N. Polk Avenue between W. Gettysburg Avenue and W. Shaw Avenue) (**Property located in District 1**) – Public Works Department

**Action Taken:** RESOLUTION 2014-48 ADOPTED

B. Actions pertaining to the summary vacation of portions of San Joaquin, Broadway and Calaveras Street (**Property located in District 3**) – Public Works Department

1. Adopt the addendum to the Mitigated Negative Declaration prepared for Environmental Assessment No. C-11-163/C-12-002/T-6015

**Action Taken:** ADOPTED

2. **RESOLUTION** - Ordering the summary vacation of the northeast 4 feet of Broadway Street between San Joaquin and Calaveras Streets, the southeast 4 feet of San Joaquin Street northeast of Broadway Street, and the northwest 4 feet of Calaveras Street northeast of the Broadway Street, and directing the City Manager to execute on behalf of the City a Grant Deed in favor of the adjacent owner for the vacated area

**Action Taken:** RESOLUTION 2014-49 ADOPTED

1. **CONSENT CALENDAR CONTINUED**

- C. Authorize the City of Fresno to enter into an agreement with the County of Fresno to subsidize expenses related to the facilitation and negotiation of successor agreement to American Avenue Landfill - Department of Public Utilities  
**Action Taken:** AUTHORIZED
- D. Actions pertaining to Digesters 5 and 11 cleaning at the Fresno/Clovis Regional Wastewater Reclamation Facility (***Property located in District 3***) – Department of Public Utilities
1. Adopt a finding of Class 1 Categorical Exemption, pursuant to Section 15301(b) (existing facilities) of the California Environmental Quality Act Guidelines  
**Action Taken:** ADOPTED
  2. Award a \$259,141 contract to JND Thomas Co., Inc., of Riverdale, California  
**Action Taken:** AWARDED
- E. Award a contract in the amount of \$243,315 to D.H. Williams Construction, Incorporated, to furnish and install a water traveling screen at the City of Fresno’s Leaky Acres Groundwater Recharge Facility located at 4111 N. Winery Avenue (***Property located in District 4***) - Department of Public Utilities
1. Adopt a finding of Categorical Exemptions pursuant to Sections 15301 (Existing Facilities) and 15303 (New Construction or Conversion of Small Structures) of the California Environmental Quality Act Guidelines  
**Action Taken:** ADOPTED
  2. Award a contract in the amount of \$243,315 to D.H. Williams Construction, Incorporated, to furnish and install a water traveling screen at the City of Fresno’s Leaky Acres Groundwater Recharge Facility located at 4111 N. Winery Avenue  
**Action Taken:** AWARDED
- F. Actions pertaining to the demolition of Building T-262 at Fresno Yosemite International Airport (***Property located in District 4***) - Airports Department
1. Adopt a finding of Categorical Exemption pursuant to Article 19, Section 15301 (I)(3)/Class 1 (Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines for the demolition of Building T-262 at Fresno Yosemite International Airport  
**Action Taken:** ADOPTED
  2. Award a construction contract in the amount of \$316,379.20 to American Integrated Services, Inc., of Wilmington, California for the demolition of Building T-262 at Fresno Yosemite International Airport (FAT)  
**Action Taken:** AWARDED

1. **CONSENT CALENDAR CONTINUED**

- G. [Actions pertaining to amending the Fresno Municipal Code relating to shopping carts](#)
1. \* **BILL NO. B-15 - (Intro. 3/6/2014) (For adoption)** - Amending Article 31, Chapter 9 of the Fresno Municipal Code relating to abandoned shopping carts - Police Department and Council President Brandau  
**Action Taken:** ORDINANCE 2014-18 ADOPTED
  2. \* **BILL NO. B-16 – (Intro. 3/6/2014) (For adoption)** - Amending Section 5-502 of the Fresno Municipal Code relating to shopping carts in City parks – PARCS and Council President Brandau  
**Action Taken:** ORDINANCE 2014-19 ADOPTED

**CONTESTED CONSENT CALENDAR**

2. **GENERAL ADMINISTRATION**

- A. [Actions pertaining to the Chestnut Avenue overlay project from Jensen Avenue to Union Pacific Railroad \(Property located in District 5\) – Public Works Department](#)
1. Adopt finding of a Categorical Exemption per staff determination, pursuant to Class 1 Section 15301(c) of the CEQA guidelines, for the Chestnut Avenue overlay project from Jensen Avenue to Union Pacific Railroad  
**Action Taken:** ADOPTED
  2. Award a construction contract to Dave Christian Construction Company Inc. of Fresno, CA in the amount of \$588,096.32 for the Chestnut Avenue overlay project from Jensen Avenue to Union Pacific Railroad  
**Action Taken:** AWARDED
- B. [Actions pertaining to a lease agreement for hangar and ramp space at Fresno Yosemite International Airport \(Property located in District 4\) – 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 Lease Amendment 9 with SkyWest Airlines Inc. at Fresno Yosemite International Airport  
**Action Taken:** ADOPTED
  2. Approve Lease Amendment No. 9 to the lease between the City and SkyWest Airlines, Inc. related to leasehold boundary modifications at Fresno Yosemite International Airport with no change in compensation (FAT)  
**Action Taken:** APPROVED
- C. [Approve a consultant agreement in the amount of \\$360,534 with Provost and Pritchard Engineering Group, Inc., a Fresno-based California corporation for design and engineering services for FAX transit shelters and related amenities in the Courthouse Park area - Department of Transportation \(FAX\)](#)  
**Action Taken:** APPROVED
- D. \* **RESOLUTION – 3rd amendment to Position Authorization Resolution PAR No. 2013-99 adding fifteen (15) Bus Driver positions to the Department of Transportation (FAX)**  
**Action Taken:** CONTINUED TO APRIL 3, 2014

2. **GENERAL ADMINISTRATION CONTINUED**

- E. Award a contract in the amount of \$1,481,230 to Parsons Brinkerhoff, Inc. (PB) for a revised FAX Q Bus Rapid Transit (BRT) project management services agreement – Department of Transportation (FAX)  
**Action Taken:** AWARDED

3. **CITY COUNCIL**

4. **CLOSED SESSION**

A. **CONFERENCE WITH LABOR NEGOTIATOR** – Government Code Section 54957.6

**City Negotiator(s):** Jeffrey Cardell, Ken Phillips

**Employee Organization(s):**

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

**Action Taken:** HELD, NO ANNOUNCEMENTS

B. **CONFERENCE WITH REAL PROPERTY NEGOTIATOR**- Government Code Section 54956.8

**Properties:** APNs 418-261-22 (portion), 418-262-06 (portion), 418-262-09 (portion), 418-261-21 (portion), 418-261-26 (portion), 418-262-02 (portion), 418-262-05 (portion), 418-262-10 (portion), 418-262-12 (portion), 418-262-11 (portion), 418-262-08 (portion), 418-261-19 (portion), 418-262-04 (portion)

**Negotiating Parties:** City Manager Bruce Rudd

**Under Negotiation:** Price and Terms of Payment

**Action Taken:** HELD, NO ANNOUNCEMENTS

**SCHEDULED COUNCIL HEARINGS AND MATTERS**

- 3:00 P.M. **BILL – (For introduction)** – Repealing Article 21 of Chapter 12 and adding Article 21 of Chapter 12 prohibiting cultivation of marijuana in all zone districts within the City – Police Department

**Action Taken:** BILL B-17 INTRODUCED AND LAID OVER

## SCHEDULED COMMUNICATION –

**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.

### **UPCOMING SCHEDULED COUNCIL HEARINGS AND MATTERS**

Mar. 27 - 10:00 A.M.	<b>HEARING</b> re: Rezone Application No. R-13-003 to rezone a parking lot for the SteriCycle facility on West Swift Avenue
Mar. 27 - 10:30 A.M.	<b>HEARING</b> re: Community Facilities District No. 11, Annexation No. 53 – Final Tract Map No. 6044
Apr. 3 - 8:30 A.M.	<b>MEETING</b>
Apr. 10 - 8:30 A.M.	<b>MEETING</b>
Apr. 17 -	<b>NO MEETING - EASTER</b>
Apr. 24 - 10:00 A.M.	<b>HEARING</b> to adopt resolutions and ordinance to annex territory and levy a special tax regarding Community Facilities District No. 9, Annexation No. 6
May 1 - 8:30 A.M.	<b>MEETING</b>
May 8 -	<b>NO MEETING - RECESS</b>
May 15 - 1:30 P.M.	<b>MEETING</b>
May 22 - 8:30 A.M.	<b>MEETING</b>
May 28 -	<b>NO MEETING- MEMORIAL DAY</b>
June 5 - 8:30 A.M.	<b>MEETING</b>
June 12 - 8:30 A.M.	<b>MEETING</b>
June 19 – 1:30 P.M.	<b>MEETING</b>
June 26 - 8:30 A.M.	<b>MEETING</b>

### **UPCOMING EMPLOYEE CEREMONIES**

Apr. 9 - (Weds) 2:00 p.m.	Presentation of Employee Service Awards ( <i>Reception immediately following – 2<sup>nd</sup> floor foyer</i> )
Apr. 24 - 8:30 a.m.	Employee of the Spring Quarter ( <i>Reception immediately following – 2<sup>nd</sup> floor foyer</i> )
July 31 - 8:30 a.m.	Employee of the Summer Quarter ( <i>Reception immediately following – 2<sup>nd</sup> floor foyer</i> )
Oct. 2 - 8:30 a.m.	Employee of the Fall Quarter ( <i>Reception immediately following – 2<sup>nd</sup> floor foyer</i> )
Oct. 22 - (Weds) 2:00 p.m.	Presentation of Employee Service Awards ( <i>Reception immediately following – 2<sup>nd</sup> floor foyer</i> )