

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, 2nd Floor, 2600 Fresno Street, Fresno CA 93721.

March 6, 2014

8:30 A.M. ROLL CALL

Invocation by Pastor Ray Duran of the Vineyard University Christian Fellowship

Pledge of Allegiance to the Flag

Ceremonial Presentations:

Presentation of the SPCA Pet of the Month – Council President Brandau

Proclamation of “SAFE PLACE WEEK”- Acting President Baines

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.

Approve Council minutes of February 27, 2014

Action Taken:

Councilmember Reports and Comments

Action Taken:

Approve Agenda

Action Taken:

Adopt Consent Calendar

Action Taken:

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. Reject all bids for the McKinley Avenue traffic synchronization project from Highway 99 to Clovis Avenue - *(Property located in Districts 1, 3, 4, and 7)* - Public Works Department

Action Taken:

B. Reject all bids for the Ashlan Avenue traffic synchronization project from Blackstone Avenue to Peach Avenue – *(Property located in Districts 4, and 7)* - Public Works Department

Action Taken:

C. Reject all bids for the Bullard Avenue traffic synchronization project from Marks Avenue to Willow Avenue – *(Property located in Districts 2, 4, and 6)* - Public Works Department

Action Taken:

D. Reject all bids for the First Street traffic synchronization project from Nees Avenue to Ventura Street – *(Property located in Districts 3, 4, 5, 6, and 7)* - Public Works Department

Action Taken:

1. **CONSENT CALENDAR CONTINUED**

- E. Actions pertaining to the left-turn phasing signal modification at Shields and Millbrook Avenues (Rebid) project (*Property located in Districts 4 and 7*) – Public Works Department
1. Adopt finding of a Categorical Exemption pursuant to Class 1 Section 15301(C) (Existing Facilities) of the CEQA Guidelines for the left-turn phasing signal modification at Shields and Millbrook Avenues (Rebid)
Action Taken:
 2. Award a construction contract with Power Design Electric of Kingsburg, California in the amount of \$300,256.25 for the left-turn phasing signal modification at Shields and Millbrook Avenues project (Rebid)
Action Taken:
- F. Approving the Final Map of Tract No. 6028 and accepting the dedicated public uses offered therein (west side of N. Armstrong Avenue between E. Ashlan Avenue and E. Dakota Avenue) (*Property located in District 4*) – Public Works Department
Action Taken:
1. **RESOLUTION** – Approving the Final Map of Tract No. 6028 and accepting the dedicated public uses offered therein
 2. Authorize the Public Works Director or designee to execute the subdivision agreement
Action Taken:
- G. * **BILL NO. B-9 – (Intro. 2/27/14) (For adoption)** - Repealing Sections 11-601, 11-607, 11-625, and 11-632 of Article 6, Chapter 11 of the Fresno Municipal Code, and adding Sections 11-601, 11-607, 11-625, and 11-632 of Article 6, Chapter 11 of the Fresno Municipal Code relating to Floodplain Regulations – Development and Resource Management Department
Action Taken:
- H. * **BILL NO. B-14 - (Intro. 2/27/14) (For adoption)** - Repealing Section 14-1803, amending Subsection (d) of Section 10-105, Subsection (b) and (c) of Section 12-1711, Subsection (f) of Section 14-1801, Section 14-1802, Section 14-1806 of, and adding Subsection (g) to the Fresno Municipal Code, relating to the removal of references to the Fulton Mall in the code and removal of Fulton Mall from Pedestrian Mall No. 1
Action Taken:

1. **CONSENT CALENDAR CONTINUED**

- I. * **BILL NO. B-13 (Intro. 2/27/14) (For adoption)** - Consider Text Amendment Application No. TA-13-006 and related environmental finding for Environmental Assessment No. TA-13-006 relating to the use of outdoor dining areas, including within street easements and rights-of-way, without requiring a special permit for certain uses – Development and Resource Management Department

Action Taken:

1. Adopt the environmental finding for Environmental Assessment No. TA-13-006, dated October 31, 2013, a Negative Declaration

Action Taken:

2. Approve Text Amendment Application No. TA-13-006, which would allow for the expansion and use of outdoor dining areas, including within street easements and rights-of-way, without requiring a special permit for certain uses

Action Taken:

- J. Approve a cooperative agreement for a maximum City contribution of \$106,700 with the County of Fresno to install bicycle lanes on Cedar Avenue between McKinley Avenue to Clinton Avenue (**Property located in District 7**) – Public Works Department

Action Taken:

CONTESTED CONSENT CALENDAR

2. **GENERAL ADMINISTRATION**

- A. Actions pertaining to the traffic signal improvements on the Fresno Street Corridor – from “E” Street to “R” Street (**Property located in District 3**) – Public Works Department

1. Adopt findings of a Categorical Exemption pursuant to Class 1 Section 15301(c) (Existing Facilities) of the CEQA Guidelines for the traffic signal improvements on the Fresno Street Corridor – from “E” Street to “R” Street

Action Taken:

2. Award a construction contract with Kertel Communications, Inc. dba Sebastian of Fresno, California in the amount of \$915,722 for the traffic signal improvements on the Fresno Street Corridor – from “E” Street to “R” Street

Action Taken:

- B. Actions pertaining to the schematic design of the Regional Transmission Mains Project (**Citywide**) – Department of Public Utilities

1. * **RESOLUTION** - 36th amendment to the Annual Appropriation Resolution (AAR) No. 2013-98 to appropriate \$715,100 for the award of consultant services to provide for schematic design of the Priority 2 and Priority 3 Regional Transmission Mains (**Requires 5 affirmative votes**)

Action Taken:

2. Approve Professional Consultant Services Agreement with AECOM Technical Services, Incorporated for \$2,354,481 for the schematic design of the City of Fresno’s Priority 2 and Priority 3 Regional Transmission Mains

Action Taken:

2. **GENERAL ADMINISTRATION CONTINUED**

- C. Approve the HOME Investment Partnerships (HOME) Subrecipient Agreement between the City of Fresno and the Fresno Housing Authority implementing a Tenant Based Rental Assistance (TBRA) Program for homeless persons and those threatened with homelessness; and authorizing the City Manager to sign all implementing documents as approved to form by the City Attorney's Office – Development and Resource Management Department

Action Taken:

- D. **RESOLUTION** - Receiving the Old Fig Garden Community Transportation Study – Development and Resource Management Department – Councilmembers Xiong and Olivier

Action Taken:

- E. Ratify contract extension and approve the agreement between the City of Fresno and the Central California Society for the Prevention of Cruelty to Animals (CCSPCA) – City Manager's Office

Action Taken:

3. **CITY COUNCIL**

- A. Council Boards and Commissions Communications, Reports, Assignments and/or Appointments, Reappointments, Removals to/from City and non-City Boards and Commissions:

1. Council of Governments – **Swearingin-Ex-Officio (Olivier-Alternate)**
2. Financial Audit Committee – **Brand, Olivier, Xiong**
3. Fresno Area Workforce Investment Corporation - **Baines**
4. Fresno County Transportation Authority (FCTA) - **Swearingin, Brandau**
5. Fresno Regional Workforce Investment Board – **Baines, Renena Smith**
6. Fresno County Zoo Authority – **Swearingin (Baines-Alternate)**
7. Fresno Madera Area Agency on Aging Board - **Olivier**
8. Joint Powers Financing Authority – **Baines, Xiong, Swearingin**
9. Leadership Council on Ending Homelessness - **Swearingin, Baines**
10. San Joaquin River Conservancy Board - **Swearingin (Brandau-Alternate)**
11. Association for the Beautification of Highway 99 - **Baines**
12. Upper Kings Basin Integrated Regional Water Management JPA – **Xiong**
13. Pension Reform Task Force – **Brand, Xiong, (3rd Member vacant)**
14. Economic Development Corporation Serving Fresno County – **Brandau-Ex-Officio**
15. Fresno/Clovis Convention & Visitors Bureau (CVB) – **Amy Fuentes**
16. League of California Cities (Annual Meeting) – **Swearingin (Olivier-Alternate)**
17. San Joaquin Valley Air Pollution Control District - **Baines**
18. Infill Development Ad Hoc Subcommittee - **Brand, Baines, Olivier**
19. Litigation Exposure Reduction Ad Hoc Committee – **Brandau, Caprioglio**
20. Convention Center Oversight Advisory Board – **Baines, (Brand-Alternate), City Manager, SMG General Manager and one representative from each of SMG's organizations**

Action Taken:

- B. * **RESOLUTION** – Establishing a policy entitled “Asset Management Act” for management of City real estate assets – Councilmember Brand

Action Taken:

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 Mgmt)
11. Fresno Airport Public Safety Supervisors (FAPSS)

Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS

10:00 A.M.

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

A. **City Council and the Successor Agency to the Redevelopment Agency consider adopting and approving:**

1. Adopt finding of Categorical Exemption pursuant to Class 1/Section 15301 of the CEQA Guidelines (existing facilities) **(Successor Agency Action)**
Action Taken:
2. **JOINT RESOLUTION:** A Joint Resolution of the City of Fresno and Successor Agency to the Redevelopment Agency of the City of Fresno approving a Purchase and Sale Agreement with Fresno Moose Family Center #445, a non-profit organization for the sale of a certain former Redevelopment Agency Parcel located at 5025 E. Dakota Avenue within the City of Fresno **(City and Successor Agency Action)**
Action Taken:
3. Approve the Purchase and Sale Agreement between the Successor Agency to the Redevelopment Agency of the City of Fresno and Fresno Moose Family Center 445, a non-profit organization for the Sale of a certain Former Redevelopment Agency Parcel located at 5025 E. Dakota Avenue within the City of Fresno **(Successor Agency Action)**
Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

10:00 A.M. JOINT MEETING OF THE CITY OF FRESNO AND THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF FRESNO AND FRESNO REVITALIZATION CORPORATION

- B.** **Successor Agency Board, City Council and Fresno Revitalization Corporation Board consider approving: *(City and Successor Agency action)***
1. Adopt a Finding of Categorical exemption pursuant to Article 19, Section 15301/Class 1.1 (Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines for requirements contract: property maintenance weed control; and
Action Taken:
 2. Award a contract to Fresno County EOC as the lowest responsive and responsible bidder for requirements contract: property maintenance & weed control
Action Taken:

ADJOURN JOINT MEETING

10:10 A.M. **WORKSHOP** regarding California Redemption Value (CRV) beverage container recycling facilities in Fresno, and consider direction to staff regarding any revisions to approval criteria for these facilities – ***(Citywide)*** – Councilmember Olivier and Development and Resource Management Department

- 10:30 A.M.** Actions pertaining to amending the Fresno Municipal Code relating to shopping carts
1. **BILL- *(For introduction)*** - Amending Article 31, Chapter 9 of the Fresno Municipal Code relating to abandoned shopping carts - Police Department and Council President Brandau
Action Taken:
 2. **BILL – *(For introduction)*** - Amending Section 5-502 of the Fresno Municipal Code relating to shopping carts in City parks – PARCS and Council President Brandau
Action Taken:

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. 13 - NO MEETING -RECESS
Mar. 20 - 1:30 P.M. MEETING

Mar. 27 - 10:30 A.M. HEARING re: CFD No. 11 – Final Tract Map No. 6044

Apr. 3 - 8:30 A.M. MEETING
Apr. 10 - 8:30 A.M. MEETING
Apr. 17 - NO MEETING - EASTER
Apr. 24 - 8:30 A.M. MEETING

May 1 - 8:30 A.M. MEETING
May 8 - NO MEETING - RECESS
May 15 - 1:30 P.M. MEETING
May 22 - 8:30 A.M. MEETING
May 28 - NO MEETING- MEMORIAL DAY
June 5 - 8:30 A.M. MEETING
June 12 - 8:30 A.M. MEETING
June 19 - 1:30 P.M. MEETING

June 19 – 2:00 P.M. HEARING to form Underground District FRE – 93 along Nees Avenue between Maple Avenue and Hayston Avenue

UPCOMING EMPLOYEE CEREMONIES

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