

City Council Agenda

AMENDED AGENDA

**Gen Adm. 2F moved to 10:00 A.M.#2A and an additional
10:00 A.M. #2 “B” has been added**

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.

June 26, 2014

FISCAL YEAR 2014-2015 BUDGET HEARINGS – TO BE HELD IN THE COUNCIL CHAMBERS (SUBJECT TO CHANGE)

Please Note: Department budgets will generally be considered as listed below starting with the initial public hearing and continuing until council adopts the budget. Members of the public will be allowed to address the Council regarding the budget and will be allowed two (2) minutes. Please be advised consideration of some departments may be continued to the next scheduled hearing date if discussions run long, and other departments may be considered in advance of the date and time listed.

June 30-

Budget Adoption Required by Charter

8:30 A.M. ROLL CALL

Invocation

Pledge of Allegiance to the Flag

Ceremonial Presentations:

Proclamation of “BLACKBEARD’S FAMILY ENTERTAINMENT CENTER DAY” – Councilmember Caprioglio

Proclamation of “THE TERRACES AT SAN JOAQUIN GARDENS DAY” – Councilmember Caprioglio

June 26, 2014

*SUBJECT TO MAYOR’S VETO OR RECONSIDERATION

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AND MAY BE AMENDED AT ANYTIME

MEETING INFORMATION

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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.

For each matter considered by the Council there will first be a staff presentation followed by a presentation from the involved individuals. 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 and provide it to the City Clerk in the front of the dais. The three lights (green, yellow and red) on the podium next to the microphone will indicate the amount of time remaining for the speaker.

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 June 5, 9, 10, 11, 16, and 19, 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. Action pertaining to First Amendment to the Sublease Agreement between the City of Fresno and Community Media Access Collaborative (CMAC) to sublease additional space on the third floor of the Historic Bee Building (**Council District 3**) – City Manager’s Office

1. Adopt a finding of a Categorical Exemption pursuant to Class 1 of the California Environmental Quality Act (CEQA) Guideline Section 15301 (Existing Facilities) for extension of sublease

Action Taken:

2. Approve First Amendment to the Sublease Agreement between the City of Fresno and Community Media Access Collaborative (CMAC) to sublease additional space on the third floor of the Historic Bee Building – City Manager’s Office

Action Taken:

B. **RESOLUTION** - To complete the certification and claim process in order to allow the City of Fresno to receive its share of Measure “C” extension funds in fiscal year 2014-2015 – Finance Department

Action Taken:

C. Actions pertaining to the Parking Agreement between City of Fresno and Club One Casino, Inc. (**Council District 3**) – Development and Resource Management Department

1. Adopt a finding of categorical exemption per staff determination pursuant to Article 19, Section 15301 Class 1 (Existing Facility) of the California Environmental Quality Act Guidelines

Action Taken:

2. Authorize the Fifth Amendment to the Parking Agreement between the City of Fresno and Club One Casino, Inc. for fixed rate patron parking in the amount of \$72,000 per year

Action Taken:

D. Reject all proposals for landscape maintenance services at various water well sites and Water Division properties – Bid File 9200 (**Citywide**) - Department of Public Utilities

Action Taken:

E. Actions pertaining to the Chestnut and Shepherd Avenues intersection signalization project, Bid File 3341 (**Council District 6**) – Public Works Department

1. Adopt finding of a Categorical Exemption pursuant to Class 1 Section 15301 of the CEQA Guidelines, for the Chestnut and Shepherd Avenues intersection signalization project

Action Taken:

2. Award a construction contract to Lee Wilson Electric Company, Inc. of Arroyo Grande, CA in the amount of \$315,407.25 for the Chestnut and Shepherd Avenues intersection signalization project

Action Taken:

1. **CONSENT CALENDAR CONTINUED**

- F. **Actions pertaining to the Perrin and Sommersville Avenues intersection signalization project, Bid File 3342 (Council District 6) – Public Works Department**
1. Adopt finding of a Categorical Exemption pursuant to Class 1 Section 15301 of the CEQA Guidelines, for the Perrin and Sommersville Avenues intersection signalization project
Action Taken:
 2. Award a construction contract to A-C Electric Company of Fresno, CA in the amount of \$320,500 for the Perrin and Sommersville Avenues intersection signalization project
Action Taken:
- G. **Actions pertaining to the sewer rehabilitation in Ashlan Avenue and Sherman Street (Bid File 3309) (Council District 7) – Department of Public Utilities**
1. Adopt a Finding of 1 and 2 Categorical Exemptions, pursuant to Section 15301(b) (Existing facilities of both investor and publicly-owned utilities used to provide electric power, natural gas, sewerage, or other public utility services) and Section 15302(c) (Replacement or Reconstruction) of the California Environmental Quality Act Guidelines
Action Taken:
 2. Award a \$99,860.21 construction contract to Repipe California LP of Riverside, California
Action Taken:
- H. **Actions pertaining to the Sewer Rehabilitation in Fresno Street from Lewis to Webster (Bid File - 3308) (Council District 7) – Department of Public Utilities**
1. Adopt a finding of 1 and 2 Categorical Exemptions, pursuant to Section 15301(b) (Existing facilities of both investor and publicly-owned utilities used to provide electric power, natural gas, sewerage, or other public utility services) and Section 15302(c) (Replacement or Reconstruction) of the California Environmental Quality Act Guidelines
Action Taken:
 2. Award a \$414,373.50 construction contract to Repipe California LP of Riverside, California
Action Taken:
- I. **Award a contract for one 300 ton chiller in the amount of \$137,878.65 to Norman S. Wright Duckworth - Bid File 3333 (Council District 3) - Department of Public Utilities**
Action Taken:
- J. **BILL – (For introduction) - Adding Article 9 of Chapter 6 of the Fresno Municipal Code relating to the use of recycled water for plumbing and landscape irrigation and referred to as the “Recycled Water Ordinance” and applicable to all council districts as recycled water availability and future related projects develop - Department of Public Utilities**
Action Taken:

1. **CONSENT CALENDAR CONTINUED**

- K. Approve Amendment No. 1 to the Fresno/Clovis Media Authority Joint Powers Agreement - City Manager's Office

Action Taken:

- L. Approval of an operational services agreement for secondary agency at the California and Elm facility between the West Fresno Family Resource Center (WFFRC) and the City of Fresno Parks, After School, Recreation and Community Services Department (**Council District 3**) - PARCS

Action Taken:

- M. * **RESOLUTION** - 50th amendment to the Annual Appropriation Resolution (AAR) No. 2013-98 appropriating \$304,200 in the Water Connection Charge Fund for completion of water system connection projects (**Requires 5 affirmative votes**) (**Citywide**) - Department of Public Utilities

Action Taken:

- N. Actions pertaining to Discovery Center lease: (City Manager's Office)

1. Adopt finding of Categorical Exemption pursuant to Section 15301(c) of the CEQA Guidelines (no change in existing use)

Action Taken:

2. Approve a three-year extension to the existing lease with the Discovery Center, a non-profit organization, for operation of the Discovery Center located at 1944 N. Winery

Action Taken:

- O. * **BILL NO. B-26 – (Intro. 6/19/2014) (For adoption)** - Amending Subsections (d) and (e) of Section 4-108 the Fresno Municipal Code relating to application of local preference for a public work improvement – Council President Brandau

Action Taken:

CONTESTED CONSENT CALENDAR

2. **GENERAL ADMINISTRATION**

- A. **Actions pertaining to the installation of a water main in Willow Avenue between Teague and Yeargin Avenues and in Shepherd Avenue between Winery and Willow Avenues – Bid File 3310 (*Council District 6, and Fresno County*) – Public Works Department**
1. Adopt finding of Categorical Exemption pursuant to Section 15332 Class 32 of the California Environmental Quality Act (CEQA) Guidelines for the installation of a 14” water main in Willow Avenue between Teague and Yeargin Avenues and in Shepherd Avenue between Winery and Willow Avenues
Action Taken:
 2. Award a construction contract in the amount of \$529,604.50 to Floyd Johnston Construction Company, Inc. of Clovis, for the installation of a 14” water main in Willow Avenue between Teague and Yeargin Avenues and in Shepherd Avenue between Winery and Willow Avenues
Action Taken:
- B. **Actions pertaining to the Fresno/Clovis Regional Wastewater Reclamation Facility Tertiary Treatment and Disinfection Facility (Bid File 3325) (*Council District 3*) – Department of Public Utilities**
1. Adopt a finding of Mitigated Negative Declaration, pursuant to Sections 15178(b)(1) and (2), of the California Environmental Quality Act Guidelines for the construction of the Tertiary Treatment and Disinfection Facility and Associated Solar Energy Facility at the Fresno-Clovis Regional Wastewater Reclamation Facility
Action Taken:
 2. Award a construction contract in the amount of \$28,674,500 to W.M. Lyles Co., of Fresno, California, for the construction
Action Taken:
 3. Award a professional services contract to Carollo Engineering, Inc., in the amount of \$1,417,588 to provide construction management
Action Taken:
 4. Award a professional services contract to Moore Twining Associates, Inc. in the amount of \$116,029 for materials testing and special inspection
Action Taken:
- C. **Actions pertaining to an award of a construction contract for the emergency generator upgrade at Fresno City Hall (Bid File No. 3227) (*Council District 3*) – Public Works Department**
Action Taken:
- D. **Action pertaining to International Association of Fire Fighters, Local 753 - Unit 5, Non-Management Fire (Fire Basic) – Personnel Department**
1. * Adopt the Memorandum of Understanding (MOU) between the City of Fresno (City) and the International Association of Fire Fighters, Local 753 - Unit 5, Non-Management Fire (Fire Basic), covering the period August 5, 2013 through June 30, 2016
Action Taken:
 2. * Adopt a Side Letter of Agreement with Fire Basic on pensions for new employees
Action Taken:
 3. * Adopt a Side Letter of Agreement with Fire Basic on the Relief Pool
Action Taken:

2. **GENERAL ADMINISTRATION CONTINUED**

E. Approve a \$1.3 million HOME Investment Partnerships Program Agreement with the Cesar Chavez Foundation for the construction of Kings Canyon Place, an 89-unit multi-family affordable housing development to be located on APNs: 472-021-58/60 (**Council District 5**) – Development and Resource Management Department

Action Taken:

F. Approve Assignment of a HOME Program Agreement from TFS Investments, LLC to Fultonia West/Cedar Heights Scattered Site, LP for the development of a Scattered Site project located on APNs 452-274-05, 452-274-16, and 471-220-55T, in the amount of \$2,100,000 (**Council Districts 3 and 5**) – Development and Resource Management Department

Action Taken:

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

Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS

9:45 A.M. **ADOPTION OF FISCAL YEAR 2014-2015 ANNUAL BUDGET**

A. **Action on the Fiscal Year 2015 Budget and related items**

1. * Adopt the fiscal year 2015 Salary Resolution **RESOLUTION** – Establishing rules for the application of City employee compensation rates and schedules and related requirements, and establishing compensation rates and schedules for fiscal year 2015

Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

10:00 A.M.#1 HEARING to consider Rezone Application No. R-14-005 and related Environmental Assessment No. R-14-005/S-14-014, filed by Robert Davidson, on behalf of the City of Fresno Housing Authority , pertaining to a 0.83 acre property located on the south side of E. Hamilton Avenue between S. Chance and S. Maple Avenues (4532 E. Hamilton Avenue; 471-220-55T) (**Council District 5**) – Development and Resource Management Department

Action Taken:

1. Consider the environmental finding of Environmental Assessment No. R-14-005/S-14-014, a Categorical Exemption, dated May 19, 2014

Action Taken:

2. **BILL – (For introduction and adoption)** - Amending the Official Zone Map to reclassify a 0.83 acre property from the R-1 (Single Family Residential) to the R-2 (Low Density Multiple Family Residential) zone district

Action Taken:

10:00 A.M.#2 **JOINT MEETING OF THE SUCCESSOR AGENCY, THE CITY OF FRESNO AS HOUSING SUCCESSOR AND THE FRESNO REVITALIZATION CORPORATION**

Approve minutes of June 19, 2014

Action Taken:

- A. Approve an amended and restated Owner Participation Agreement, in the amount of \$870,000, from TFS Investments, LLC to Fultonia West/Cedar Heights Scattered Site, LP for the development of a Scattered Site Project on APN's 452-274-05, 452-274-16 and 471-220-55 (Council District 5) (**City action**)

Action Taken:

- B. Successor Agency to the Redevelopment Agency consider adopting and approving:
 1. Adopt finding of Categorical Exemption pursuant to Section 15301/Class 1 of the CEQA Guidelines (no change in existing use) (**Successor Agency and FRC action**)
 2. Purchase and sale agreement between the Successor Agency to the Redevelopment Agency of the City of Fresno and Bitwise Industries LLC for the sale of a certain former Redevelopment Agency parcel located at 730 & 738 Van Ness (APN's 468-253-11T & -15T) within the City of Fresno (**Successor Agency and FRC action**)

Action Taken:

ADJOURN AGENCY

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

10:10 A.M. HEARING to consider Rezone Application R-13-014 and related Environmental Assessment No. R-13-014/TPM-2013-03 for property located on the west side of N. Winery between E. Washington and E. McKenzie Avenues (**Council District 7**) – Development and Resource Management Department

Action Taken:

1. Consider the environmental finding of Environmental Assessment No. R-13-014/TPM-2013-03, a Finding of Conformity, dated April 4, 2014

Action Taken:

2. **BILL – (For introduction and adoption)** - Amending the Official Zone Map to reclassify a 0.61 acre property from the R-A (Single Family Residential-Agricultural) zone district to the R-1 (Single Family Residential) zone district

Action Taken:

10:20 A.M. HEARING to consider Text Amendment Application No. TA-14-002 and related environmental finding regarding Urban Growth Management development restrictions on the running distance between commercial and industrial developments and an operating city fire station (**Citywide Application**) – Development and Resource Management Department and Fresno Fire Department

Action Taken:

1. Consider the environmental finding of Environmental Assessment No. TA-14-002, dated May 1, 2014, pursuant to CEQA Guidelines Section 15061(b)(3), that there is no possibility that this project may have a significant effect on the environment

Action Taken:

2. **BILL- (For introduction)** - Amending Section 12-4.508-E of the Fresno Municipal Code regarding Urban Growth Management development restrictions on the running distance between commercial and industrial developments and an operating City fire station

Action Taken:

10:30 A.M. HEARING to consider Text Amendment Application No. TA-14-001 and related environmental finding to establish zoning regulations for payday lenders in the City of Fresno (**Citywide Application**) – Development and Resource Management Department

Action Taken:

1. Consider the environmental finding of Environmental Assessment No. TA-14-001, dated May 1, 2014, pursuant to CEQA Guidelines section 15061(b)(3), that there is no possibility that this project may have a significant effect on the environment

Action Taken:

2. **BILL - (For introduction)** - Amending Sections 12-220.3, 12-222.3, 12-231.5, 12-105.P, and 12-306.N.17 of the Fresno Municipal Code to establish regulations for payday lending establishments within the City of Fresno

Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

10:45 A.M. HEARING regarding a bargaining impasse and unilateral implementation of wages, hours and other terms and conditions of employment for employees in Unit 5, represented by the International Association of Fire Fighters, Local 753 (Fire Basic) – Personnel Department

Action Taken:

1. * **RESOLUTION** - To implement changes in wages, hours and other terms and conditions of employment for City employees in Unit 5, represented by the International Association of Fire Fighters (IAFF), Local 753 (Fire Basic)

Action Taken:

2. * **RESOLUTION** – 7th amendment to Salary Resolution No. 2013-101, modifying salaries in Exhibit 5, Fire Non-Management (IAFF)

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

July 3 –	COUNCIL VACATION
July 10 –	COUNCIL VACATION
July 17 - 10:00 A.M.	HEARING re: UUD No. FRE-93 on the north side of Nees Avenue from Maple Avenue to Hayston Avenue
July 17 - 10:15 A.M.	HEARING re: Final Tract Map No. 5531 annexed to CFD No. 11 to provide funding for the operation and reserves for maintenance ("Services") pertaining to the landscaping, trees and irrigation systems within the street rights-of-way and landscape easements in and along S. Armstrong and E. California Avenues
July 24 - 10:00 A.M	HEARING to consider the proposed annual assessments for Landscaping and Lighting Maintenance District No.1 (Citywide)
July 24 - 10:15 A.M	Single Family Residential Design Standard Workshop
Aug. 21- 2:00 P.M.	HEARING re: Final Tract Map No. 6073 annexed to CFD No. 11: north side of E. Church Avenue between S. Chestnut and Peach Avenues (Council District 5)

UPCOMING EMPLOYEE CEREMONIES

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)