

City Council Agenda

AMENDED AGENDA Adding General Administration Item 2B

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.

May 1, 2014

8:30 A.M. ROLL CALL

Invocation by Pastor Terry Townsend of Peoples Church

Pledge of Allegiance to the Flag

Ceremonial Presentations:

Presentation of the SPCA Pet of the Month – Councilmember Caprioglio

Proclamation of “HISTORIC PRESERVATION WEEK” – Mayor’s Office

Proclamation of “PEACE OFFICERS MEMORIAL” – Mayor’s Office

Proclamation of “LANCE-KASHIAN & COMPANY 50TH ANNIVERSARY DAY” – Mayor’s Office and Council President Brandau

Presentation of P.R.I.D.E. Team Certificates for the Spring Quarter – ***Reception immediately following – Second floor foyer***

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 April 24, 2014

Action Taken:

Approve Successor Agency minutes of April 24, 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. * **RESOLUTION** – 5th amendment to Salary Resolution No. 2013-101 adding the classification of Forestry Supervisory I to Exhibit 13A, Unit 13A – City of Fresno Professional Employees Association (CFPEA), with corresponding salaries – Personnel Services Department

Action Taken:

1. **CONSENT CALENDAR CONTINUED**

- B. Approve second amendment to consultant services agreement with Peters Engineering Group Inc. for an additional \$75,000 for a total fee of \$255,000 to provide construction engineering services for the Clovis Unified School District (CUSD) Metropolitan Area Network (MAN) Phase 3 Project (**Council Districts 2, 4, 5 and 6**) - Public Works Department
Action Taken:
- C. Actions pertaining to the Herndon Avenue right turn lane extension project at Blackstone Avenue (**Council District 6**) – Public Works Department
1. Adopt a finding of a Categorical Exemption pursuant to Class 1 of the California Environmental Quality Act (CEQA) Guideline Section 15301(c) (Existing Facilities) for extension of a right turn lane at Herndon Avenue and Blackstone Avenue
Action Taken:
 2. Approve the acquisition of a public street easement and a temporary construction easement at the northwest corner of Herndon Avenue and Blackstone Avenue (APN 303-170-54) of property owned by Chong’s Plaza, LLC, a California Limited Liability Company
Action Taken:
- D. Actions pertaining to the summary vacation of a portion of a public street easement at the southeast corner of E. Butler Avenue and S. Temperance Avenue (**Council District 5**) – Public Works Department
1. Adopt a finding of Categorical Exemption per staff determination, pursuant to Sections 15301/Class 1, 15304/Class 4 and 15311/Class 11 of the California Environmental Quality Act (CEQA) Guidelines, Environmental Assessment No. S-13-022
Action Taken:
 2. **RESOLUTION** - Ordering the summary vacation of a portion of a public street easement at the southeast corner of E. Butler Avenue and S. Temperance Avenue
Action Taken:
- E. Award a five-year services contract for armored transport service to Loomis Armored US, LLC (Rebid File 9178) in the amount of one-hundred fifty-four thousand eighty-one dollars (\$154,081 based fixed fee) (**Citywide Services**) – Finance Department
Action Taken:
- F. Approve amendments to the Labor Management Act – Councilmember Brand
1. * **BILL NO. B-21 - (Intro. 4/24/2014) (For adoption)** – Amending Subsections (a) and (c) of Section 3-616 of the Fresno Municipal Code, relating to the employer-employee relations ordinance
Action Taken:

CONTESTED CONSENT CALENDAR

2. **GENERAL ADMINISTRATION**

A. **Actions pertaining to the Browning and Palm water main replacements and transfers (Council District 2 and County of Fresno) – Public Works Department**

1. Adopt a finding of Categorical Exemption per staff determination, pursuant to Class 1 Section 15301(b) (Existing Facilities) of the California Environmental Quality Act (CEQA) guidelines for the Browning and Palm water main replacements and transfers

Action Taken:

2. Award a construction contract to Dawson-Mauldin Construction, Inc., of Huntington Beach, California in the amount of \$2,169,958 for the Browning and Palm water main replacements and transfers - Bid File 3261

Action Taken:

B. **Actions pertaining to the sale of a portion of the Selland Arena parking lot to Gary Lanfranco, owner of the Cosmopolitan Tavern, to operate a restaurant – City Manager's Office**

1. Adopt a finding of categorical exemption pursuant to Article 19, Section 15332(Class 32/In-fill Development) and Section 15312 (Class 12/Surplus Government Property Sales) of the California Environmental Quality Act (CEQA) Guidelines to authorize a sale of a portion of the Selland Arena parking lot to operate a restaurant

Action Taken:

2. Approve the material terms of the Purchase and Sale Agreement and Escrow Instructions between the City and Lanfranco, subject to approval as to form by the City Attorney

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:

4. **CLOSED SESSION CONTINUED**

B. **CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION** - Government Code Section 54956.9, Subdivision (d)(1)

1. Chris Willis, et al. v. City of Fresno, et al.; United States District Court Case No.: 09-CV-01766-LJO-DLB

Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS

10:00 A.M. HEARING to consider an appeal filed by Councilmember Brand, appealing the Planning Commission's action regarding Vesting Tentative Tract Map No. 6045, Conditional Use Permit No. C-13-136 and related environmental findings, filed by Copper River 74, Inc., for property located within the Copper River Ranch Master Planned Community (**Council District 6**) – Development and Resource Management Department

Action Taken:

- a. Consider and adopt the Finding of Conformity to the 2025 Fresno General Plan Master Environmental Impact Report (MEIR) No. 10130 and Mitigated Negative Declaration prepared for Plan Amendment A-09-02 (Air Quality MND) and to the Program EIR No. 10126 related to the Copper River Ranch Project, prepared for Environmental Assessment No. C-13-136/T-6045 dated January 17, 2014

Action Taken:

- b. **RESOLUTION** - Approving Vesting Tentative Tract Map No. 6045/UGM and Conditional Use Permit Application No. C-13-136 pertaining to approximately 21.07 acres of property located between N. Friant Road and E. Copper Avenue, within the Copper River Ranch Master Planned Community

Action Taken:

10:15 A.M. SCHEDULED COMMUNICATION –

1. Appearance by MaryAnn Salgado to discussion expanding public transportation

10:20 A.M. Presentation of the Kiosk Program by HealthWise Services designed to improve the medical waste disposal process - Kacey Auston (Council President Brandau)

10:40 A.M. WORKSHOP relating to the role and function of the Fresno/Clovis Convention & Visitors Bureau - Councilmember Brand

11:15 A.M. RESOLUTION - Affirming support for Assembly Bill (AB) 2686 (Perea), the Clean, Safe, and Reliable Water Supply Act of 2014 and the importance of above-ground water storage, Delta restoration and safe drinking water - Council President Brandau

Action Taken:

1:30 P.M. Business Friendly Fresno Final Report and Workshop – Development and Resource Management Department

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

- May 8 - **NO MEETING - RECESS**
- May 15 - **2:00 P.M. HEARING** to consider A-11-003, R-11-003, T-6033, C-13-092 re: prop located on the NEC of E. Clinton Avenue and N. Fowler Avenue propose a 169-lot single family residential public street PD overall density of approximately 5.3 du/ac. A-11-003 amends the GP and McLane Community Plan from the light industrial to medium density residential land use. R-11-003 reclassifies 31 acres from the C-M/UGM zone district to the R-1/UGM.

- 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 26 - **8:30 A.M. MEETING**
- 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

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*)