

City Council Agenda

Council President
Blong Xiong

Councilmembers

Oliver L. Baines III
Lee Brand
Steve Brandau – Acting President

Paul Caprioglio
Clinton J. Olivier
Sal Quintero

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.

September 12, 2013

8:30 A.M. ROLL CALL

Invocation by Deputy Police Chief Patrick Farmer

Pledge of Allegiance to the Flag - Led by Deputy Police Chief Patrick Farmer

Ceremonial Presentations:

Presentation of the SPCA Pet of the Month – Councilmember Quintero - **Presented**

Proclamation of “SEPTEMBER RAIL SAFETY MONTH”- Councilmember Caprioglio – **Read and presented**

Resolution of “BACK TO SCHOOL HEALTH FAIR COMMUNITY PARTNERS DAY” –Councilmember Baines – **Read and presented**

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 [August 29, 2013](#)

Action Taken: Approved, as submitted

Approve [Successor Agency](#) of the Redevelopment Agency and [FRC](#) minutes of August 22 & 29, 2013

Action Taken: Approved, as submitted

Councilmember Reports and Comments

Action Taken: Made

Approve Agenda

Action Taken: Approved

Adopt Consent Calendar

Action Taken: Adopted, as amended

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 – Amending the Better Business Act when City does not reasonably expect repayment of a loan - City Manager’s Office](#)

Action Taken: Continued to September 26, 2013

B. [Authorize Amendment No. 4 for professional engineering and related environmental support services with ERM-West, Inc., a California Corporation, to provide on-going professional engineering, environmental, and remedial actions concerning ground water contamination emanating from the site of the former Hammer Field Military Aircraft Facility, not to exceed \\$212,200 – Airports Department](#)

Action Taken: Authorized

C. * [RESOLUTION - 515th amendment to the Master Fee Schedule \(MFS\) Resolution 80-420 to adjust the wording in the common use area charge fee in the Airports section – Airports Department](#)

Action Taken: Resolution No. 2013-154 adopted

D. [Documents pertaining to the Sobriety Checkpoint Mini-Grant program for 2013-2014 – Police Department](#)

1. Authorize the Chief of Police to enter into and execute the agreement and require program documents with the Regents of the University of California

Action Taken: Authorized

2. * [RESOLUTION – 8th amendment to the Annual Appropriation Resolution \(AAR\) No. 2013-98 appropriating \\$349,700 for the Sobriety Checkpoint Mini-Grant Program for 2013-2014 \(Requires 5 affirmative votes\)](#)

Action Taken: Resolution No. 2013-155 adopted

E. * [RESOLUTION- 1st amendment to Salary Resolution No. 2013-101 adding the classification of Airport Public Safety Officer in Exhibit 8, Unit 8, Non Represented Employees – Personnel Services Department](#)

Action Taken: Resolution No. 2013-156 adopted

CONSENT CALENDAR CONTINUED

- F. Documents pertaining to the agreement and program documents with the Office of Traffic Safety – Police Department
 - 1. Authorize the Chief of Police to enter into and execute the agreement and required program documents with the Office of Traffic Safety
Action Taken: Authorized
 - 2. * **RESOLUTION** – 9th amendment to the Annual Appropriation Resolution (AAR) No. 2013-98 appropriating \$278,200 for the Selective Traffic Enforcement Program (STEP) Grant
(Requires 5 affirmative votes)
Action Taken: Resolution No. 2013-157 adopted

- G. Award a construction contract in the amount of \$260,120 to Roof Systems, Inc. dba Nations Roof West (Fresno) for the construction of the roof replacement of the Police Department Headquarters **(Property located in District 3)** - Public Works Department
Action Taken: Awarded

- H. Actions pertaining to the Shields Avenue bike lane improvements, West Avenue to Maple Avenue **(Property located in Districts 1, 4 & 7)** - Public Works Department
 - 1. Adopt finding of a Categorical Exemption per staff determination, pursuant to Class 4 Section 15304(h) (minor alterations to land) of the CEQA Guidelines for the Shields Avenue bike lane improvements – West Avenue to Maple Avenue
Action Taken: Adopted
 - 2. Award a construction contract with Witbro Inc dba Seal Rite Paving of Clovis, CA in the amount of \$134,401.00 for the Shields Avenue bike lane improvements, West Avenue to Maple Avenue, project, and authorize the Public Works Director, or designee, to sign the contract on the City's behalf
Action Taken: Awarded

- I. Reject bid for left-turn phasing signal modification at Shields and Millbrook Avenues and direct staff to redesign the project to meet the proposed budget and re-bid the project **(Property located in Districts 4 & 7)** - Public Works Department
Action Taken: Rejected

- J. Approve the appointment of TJ Miller to the City of Fresno Employees' Retirement Board – Mayor's Office
Action Taken: Approved

- K. * **BILL NO. B 27 – (Intro. 8/29/2013) (For adoption)** – Amending Section 12-223.B of the Fresno Municipal Code relating to the addition of related commercial use in the "CR" Commercial Recreation District
Action Taken: Ordinance No. 2013-27 adopted

- L. * **BILL NO. B 28 – (Intro. 8/29/2013) (For adoption)** - Amending Section 12-405-D-2 of the Fresno Municipal Code relating to termination of rights for special permits
Action Taken: Ordinance No. 2013-28 adopted

CONTESTED CONSENT CALENDAR

2. **GENERAL ADMINISTRATION**

- A. Actions pertaining to the Broadway Streetscape Improvements Project **(Property located in District 3)** - Public Works Department
 - 1. Adopt finding of Categorical Exemption per staff determination, pursuant to Class 1 Section 15301 (c) (existing facilities) of the CEQA Guidelines for the Broadway Streetscape improvements-Tuolumne to Divisadero
Action Taken: Adopted
 - 2. Award a construction contract with American Paving Co. of Fresno, CA in the amount of \$809,625.00 for the Broadway Streetscape Improvements-Tuolumne to Divisadero project and authorize the Public Works Director, or designee, to sign the contract on the City's behalf
Action Taken: Awarded

2. **GENERAL ADMINISTRATION CONTINUED**

- B. Approve funding participation sub-grantee agreement between the City of Fresno and the Upper Kings Basin Integrated Regional Water Management Authority for a grant through Proposition 84 in the amount of approximately \$1,435,641 for installation of residential water meters and authorize the Director, or designee, to sign the agreement on behalf of the City (**Citywide**) - Department of Public Utilities
Action Taken: **Approved**
- C. * Approve a \$1 million HOME Investment Partnerships Program Agreement with Viking Village, LP, for rehabilitation of the Viking Village Apartments, a (1983) 40-unit affordable multi-family housing development located at 4250 N. Chestnut Avenue in east central Fresno (APN:430-050-47) - Development & Resource Management Department
Action Taken: **Approved**
- D. * Approve a \$1.5 million HOME Investment Partnerships Program Agreement with Southeast Fresno RAD, LP, for rehabilitation of: 1) the Cedar Court Apartments, a (1952) 149-unit affordable multi-family housing development located at 4216 E. Hamilton Avenue in southeast Fresno (APN: 471-211-01T, 471-212-01T, and portion of 471-220-01T), and 2) the Inyo Terrace Apartments, a (1982) 44-unit affordable multi-family housing development located at 510 S. Peach Avenue in southeast Fresno (APN:463-050-22T) - Development & Resource Management Department
Action Taken: **Approved**
- E. * Approve a \$1,180,000 HOME Investment Partnerships Program Agreement with Plaza Mendoza Housing, LP, for acquisition and rehabilitation of the Plaza Mendoza Apartments, a (1978) 132-unit affordable multi-family residential property located at 1725 N. Marks Avenue (APN:449-040-60)- Development & Resource Management Department
Action Taken: **Approved**
- F. * Approve a \$2.1 million HOME Investment Partnerships Program Agreement with TFS Investments, LLC, for construction of the Fultonia West Apartments, a 32-unit mixed-income mixed-use development to be located at 541-545 N. Fulton Street in southwest Fresno (APN: 452-274-05 AND 452-274-16)- Development & Resource Management Department
Action Taken: **Approved**

3. **CITY COUNCIL**

- A. **COUNCIL BOARDS AND COMMISSIONS COMMUNICATIONS AND ASSIGNMENTS:**
1. Council of Governments – **Swearengin-Ex-Officio (Oliver-Alternate)**
 2. Financial Audit Committee – **Brand, Olivier, Xiong**
 3. Fresno Area Workforce Investment Corporation - **Baines**
 4. Fresno County Transportation Authority (FCTA) - **Swearengin, Brandau**
 5. Fresno Regional Workforce Investment Board – **Baines, Renena Smith**
 6. Fresno County Zoo Authority – **Swearengin (Baines-Alternate)**
 7. Fresno Madera Area Agency on Aging Board - **Olivier**
 8. Joint Powers Financing Authority - **Olivier**
 9. Leadership Council on Ending Homelessness - **Swearengin, Baines**
 10. San Joaquin River Conservancy Board - **Swearengin (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) – **Swearengin (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. Council appointments, reappointments, removals, to/from City and Non-City Boards and Commissions
Action Taken: **Report and updates made**

4. **CLOSED SESSION**

September 12, 2013

***SUBJECT TO MAYOR'S VETO OR RECONSIDERATION**

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AND MAY BE AMENDED AT ANYTIME

SCHEDULED COUNCIL HEARINGS AND MATTERS

- 10:00 A.M. HEARING** consideration of Plan Amendment Application No. A-11-05, Rezone Application No. R-11-06, and related finding for environmental assessment No. A-11-05/R-11-06, initiated by Bill Robinson of Sol Development Associates, on behalf of property owner Jenco Farms LP, for approximately 8.7 acres of a 25.47-acre property located on the east side of N. Riverside Drive (formerly N. Bryan Avenue) between W. Herndon Avenue and the alignment of W. Spruce Avenue (*Property located in District 2*) - Development & Resource Management Department
Action Taken: Held
- a. Consider Environmental Assessment No. A-11-05/R-11-006 and adopt a Mitigated Negative Declaration for purposes of the proposed project.
Action Taken: Adopted
- b. **RESOLUTION-** Amending the 2025 Fresno General Plan and Bullard Community Plan to change the land use designation on the northerly 8.7+/- acres of Assessor's Parcel No. (APN) 503-020-12 from commercial recreational to community commercial, so that the land use designation on that northerly 8.7+/- acres is consistent with that of the southerly 16.8+/- acres of the overall 25.47-acre parcel
Action Taken: Resolution No. 2013-159 adopted
- c. **BILL- (For introduction and adoption)-** Amending the Official Zone Map to rezone the northerly 8.7 +/- acres of APN 503-020-12 from the C-R/UGM (Commercial Recreation/Urban Growth Management) zone district to the C-2/UGM/cz (Community Shopping Center/Urban Growth Management/conditions of zoning), so that the zoning on that northerly 8.7 +/- acres is consistent with that of the southerly 16.8 +/- acres of the parcel
Action Taken: Bill No. B-29/Ordinance No. 2013-29 adopted
- 10:15 A.M. TEFRA HEARING** as Required by Section 147(f) of the Internal Revenue Code of 1986, as amended, to hear and to consider information concerning the proposed plan of finance providing for the issuance of Health Facility Revenue Bonds ("The Bonds") by the Michigan Finance Authority (The "Issuer") in one or more series of Health Facility Revenue Bonds (The "Bonds") in an aggregate principal amount not to exceed \$800,000,000; pursuant to a plan of finance for various capital facilities, including an amount not to exceed \$20,000,000 with respect to capital facilities located in the City of Fresno. Proceeds of the Bonds will be loaned to CHE Trinity Inc., an Indiana Nonprofit Corporation or Trinity Health Corporation, an Indiana Nonprofit Corporation, of which CHE Trinity Inc., is the sole corporate member. Trinity Health Corporation is the sole corporate member of Saint Agnes Medical Center, a California Nonprofit Corporation. The proceeds of the bonds will be used to (i) refinance the acquisition, construction, furnishing and equipping of certain health facilities (collectively, the "Project"), and (ii) pay certain expenses incurred in connection with the issuance of the bonds – Finance Department
Action Taken: Held
- a. * **RESOLUTION** - Approving the issuance of the Michigan Finance Authority Revenue Bonds, (CHE Trinity Health Credit Group), in one or more series for the purpose of among other things, of refinancing the acquisition, construction, improvement and equipping of health care facilities owned and operated by Saint Agnes Medical Center and certain other matters relating thereto
Action Taken: Resolution No. 2013-160 adopted
- 11:00 A.M. SCHEDULED COMMUNICATION** – Appearance by JD McCubbin to discuss homelessness in Fresno - Held
- 1:30 P.M. #1 WORKSHOP** on Veterans Boulevard - Public Works Department - Held
- 1:30 P.M. #2** Approve a new Freeway Agreement with the California Department of Transportation on State Route 99 from Herndon Canal overcrossing to 0.9 miles south of Herndon Avenue including the location of a new interchange with State Route 99 at the Veterans Boulevard alignment (*Property located in District 2*)- Public Works Department
Action Taken: Approved

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

1:30 P.M. #3 Approve a Cooperative Agreement with the California High-Speed Rail Authority (CHSRA) for construction of a new overpass over the High-Speed Rail (HSR) alignment and the Union Pacific Railroad tracks at Veterans Boulevard (*Property located in Council District 2*)- Public Works Department

Action Taken: **Approved**

1:30 P.M. #4 Approve an Amendment to Agreement with Mark Thomas & Company Inc. for additional professional engineering services for the Veterans Boulevard grade separation and State Route 99 freeway interchange project for a net increase of \$499,813 (*Property located in District 2*)- Public Works Department

Action Taken: **Approved**

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

- A. City Council in its capacity as Housing Successor, Successor Agency Board, and Fresno Revitalization Corporation (FRC) consider adopting:
- 1. RESOLUTION** – Approving the Recognized Obligation Payment Schedule for January – June, 2014 (ROPS 5) (**City as Housing Successor, Successor Agency, and FRC action**)
Action Taken: Resolution Nos. 2013-161/DA-17 adopted

ADJOURN AGENCY

4:00 P.M. **CONTINUED HEARING** - Consideration of Street Name Change No. SNC-10-002 and related environmental finding, filed by Jo Ann Ables, for the public street (Martin Avenue) bounded by East California Avenue and Merced Street -Development and Resource Management Department (*Property located in District 3*) (*Continue to October 24, 2013 at 4:00 p.m.*)
Action Taken: Continued as noted

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

- Sept. 19 - NO MEETING
- Sept. 26 - 10:00 A.M. HEARING to adopt resolutions and ordinance to annex territory and levy a special tax regarding City of Fresno Community Facilities District No. 11, Annexation No. 51 (Final Tract Map No. 6037) (Council District 2) (North east corner of N. Garfield and W. Barstow Avenues)
- Sept. 26 - 10:15 A.M. HEARING to adopt resolutions and ordinance to revise the rate and method of apportionment of the Special Tax and authorizing the levy a new Maximum Special Tax regarding City of Fresno Community Facilities District No. 11, Annexation No. 31
- Sept. 26 - 10:30 A.M. HEARING re: Rezone Application No. R-12-009, filed by Ron Wathen
- Oct. 3 - 8:30 A.M. MEETING
- Oct. 10 - 2:15 P.M. Consideration of Policy and Procedure G-004, Titled "Wireless Telecommunications Facilities"
- Oct. 17 - NO MEETING – COLUMBUS DAY
- Oct. 24- 1:30 P.M. CONTINUED HEARING re: Rezone Application No. R-12-001, field by Joe Guagliardo
- Oct. 24- 4:00 P.M. CONTINUED HEARING re: consideration of Street Name Change No SNC-10-002 filed by Jo Ann Ables, for the public street (Martin Avenue) bounded by E California Ave and Merced St.

UPCOMING EMPLOYEE CEREMONIES

- Oct. 23 – (Weds.) 2:00 P.M. Employee Service Awards Ceremony (*Reception immediately following - 2nd floor foyer*)
- Nov. 7 - 8:30 P.M. Presentation of P.R.I.D.E. Team Certificates for the Fall Quarter (*Reception immediately following - 2nd floor foyer*)