



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.

December 5, 2013

8:30 A.M. ROLL CALL

Invocation by Sarbjit Singh of the Sikh Institute – Fresno

Pledge of Allegiance to the Flag

Ceremonial Presentations:

Presentation of SPCA Pet of the Month by Walter Salvari, SPCA Customer Relations Manager- Councilmember Brand

Recognize the employees and volunteers who decorated the City Hall Christmas Tree – City Manager's Office

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 November 21, 2013

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. Authorize Amendment No. 1 to the Professional Consulting Services Agreement with Coffman Associates, Inc., increasing the total fee by \$20,000 and extending the term of the agreement to provide services for the preparation of NEPA and CEQA environmental documentation for runway safety modifications at Fresno Chandler Executive Airport – Airports Department
Action Taken:
- B. Approve Amendment No. 1 to Consultant Services Agreement between the City of Fresno and Liebert Cassidy Whitmore for \$54,900 for anti-harassment and anti-discrimination training – Personnel Services Department
Action Taken:
- C. Approve acquisition of two (2) public street easements from a portion of two (2) parcels of property owned by Patrick Vincent Ricchiuti, for Temperance Avenue improvements associated with Tract Map No. 5343 (*County of Fresno adjacent to District 4*) – Public Works Department
Action Taken:
- D. Actions pertaining to the Herndon Multi-Purpose Trail between Valentine and Marks Avenues Project (*Property located in District 2*) – 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 Herndon Multi-Purpose Trail between Valentine and Marks Avenues
Action Taken:
 - 2. Award a construction contract with Jim Crawford Construction of Clovis, Ca in the amount of \$259,613.47 for the Herndon Multi-Purpose Trail between Valentine and Marks Avenues Project and authorize the Public Works Director, or designee, to sign the City's standardized contract on the City's behalf
Action Taken:
- E. Annual review and acceptance of the Fiscal Year 2013 Impact Fee Annual Report (the "Annual Audited Financial Report") as required by California Government Code – Public Works Department
Action Taken:
- F. Approval for a one-year contract extension of the current Master Agreement between the Fresno City College Police Academy and the Fresno Police Department for contract instruction, assessment, and counseling services – Police Department
Action Taken:

1. **CONSENT CALENDAR CONTINUED**

- G. Approve an agricultural lease and agreement for 158-acres of City-owned land at the Fresno-Clovis Regional Wastewater Reclamation Facility with anticipated gross revenues of \$94,800 per year to the Wastewater Enterprise Fund for the duration of contract (*Property located in District 3*) – Department of Public Utilities
Action Taken:
- H. * **BILL NO. B-35 – (Intro. 11/21/2013 (For adoption))** – Amending Chapter 9, Article 16 of the Fresno Municipal Code relating to massage businesses - Councilmember Olivier
Action Taken:

CONTESTED CONSENT CALENDAR

2. **GENERAL ADMINISTRATION**

- A. * **RESOLUTION** – 518th amendment to the Master Fee Schedule (MFS) Resolution No. 80-420 adding a \$3.00 parking meter smart card fee and a \$120.00 per month meter occupancy permit to address the parking meter program (*Property located in District 3*) - Development and Resource Management Department
Action Taken:
- B. Actions pertaining to the creation of Downtown Corridor Parking District (*Property located in District 3*) - Development and Resource Management Department
 - 1. **BILL – (For introduction)** - Approve the addition of Fresno Municipal Code 14-2017 for creation of Downtown Corridor Parking District
Action Taken:
 - 2. * **RESOLUTION** – 519th amendment to the Master Fee Schedule Resolution No. 80-420 to add Downtown Corridor Parking District permit fees in the Public Works section
Action Taken:
- C. Approval of Restated and Amended Management Agreement between City and SMG for the operation and marketing of the Fresno Convention and Entertainment Center – City Manager’s Office
Action Taken:
- D. Actions pertaining to restructure of Annadale Housing Partners loan - Development and Resource Management Department
 - 1. Invoke exception to Better Business Act (**Requires 5 affirmative votes**)
Action Taken:
 - 2. Authorize the restructure of the Annadale Housing Partners loan
Action Taken:
 - 3. Approve the superseded and restated note for the Annadale Housing Partners
Action Taken:
 - 4. Authorize the accumulated interest to be written-off in accordance with Fresno Municipal Code Section 7-910(B)(3)
Action Taken:
- E. **BILL – (For introduction)** - Amending Sections 3-332, 3-334 & 3-410 of the Fresno Municipal Code, relating to deletion of mandatory retirement age – Personnel Services Department
Action Taken:
- F. Award a requirements contract in the amount of \$1,730,247.19 for one (1) year with an option of two (2) one-year (1) increment extensions to Builders Concrete for Portland Cement Material (*Citywide*) – Public Works Department
Action Taken:

3. **CITY COUNCIL**

4. **CLOSED SESSION**

A. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION -** Government Code Section 54956.9, Subdivision (d)(2)

Significant Exposure to Litigation:

1. American Association of Airport Executives, et al. vs. Transportation Security Administration

Action Taken:

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

1. City of Fresno, a municipal corporation, Douglas Sloan, in his capacity as the City Attorney of the City of Fresno v. Doug Vagim, Diane Smith, Steve Wayte; Fresno Superior Court No. 13CECG03080

2. **Related Matter:** Doug Vagim, Diane Smith, Steve Wayte v. City of Fresno, a municipal corporation, Douglas Sloan, in his capacity as the City Attorney of the City of Fresno; Fresno Superior Court No. 13CECG03206

Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS

10:00 A.M. **PUBLIC HEARING** to consider increasing water connection fees (**Citywide**) – Department of Public Utilities (**Continued from 10/31/2013 at 10:00 a.m.**)

Action Taken:

a. * **RESOLUTION** – Relating to the increase in water connection fees

Action Taken:

b. * **RESOLUTION**- 517th amendment to the Master Fee Schedule (MFS) Resolution No. 80-420 to increase the water connection fees in the Public Utilities Water Connection Charges Section.

Action Taken:

10:15 A.M. **SCHEDULED COMMUNICATION –**

1. Appearance by Barbara Hunt to discuss the City of Fresno boundaries

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

- Dec. 12- 10:00 A.M. Conduct the required public hearing and, at the close of the hearing, adopt a resolution ordering the vacation of North Jeanne Avenue southeast of West Sierra Avenue (*Property located in District 2*)
- Dec. 12 - 3:00 P.M. **CONTINUED HEARING** to consider Westlake Development Project, Plan Amendment No. A-07-12, Rezone Application No. R-07-08, filed by Granville Homes – Development and Resource Management Department
- Dec. 12- 5:00 P.M. **CONTINUED HEARING** re: Rezone Application No. R-12-001, filed by Joe Guagliardo, pertaining to approximately 0.19 acres of property located on the southeast corner of N. Van Ness Boulevard and East Princeton Avenue
- Dec. 19- 3:00 P.M. **HEARING** to consider Plan Amendment No. A-13-002, Rezone Application No. R-13-008, Conditional Use Application No. C-13-083 and Environmental Assessment (EA) No. A-13-002/R-13-008/C-13-083 for the construction of the Oakmont Senior Living facility
- Dec. 19- 3:00 P.M. **HEARING** re: Rezone Application No. R-13-06 and Site Plan Review Application No. S-13-033 were filed by Andrew Sargenti of Common Goal Development, Inc.,
- Dec. 19- 3:30 P.M. **HEARING** Plan Amendment Application No. A-10-002, Rezone Application No. R-10-002, filed by the Vincent Company Architects on behalf of Central Plaza Shopping Center, LLC,
- Jan. 16 - 2:15 P.M. **HEARING** to adopt resolutions and ordinance to annex territory and levy a special tax regarding CFD No. 2, Annex 136 (Final Tract Maps No. 5567 and 5770) (east side of North Polk Avenue between West shields and Clinton Avenues)
- Jan. 23- 10:00 A.M. **HEARING** to form Underground Utility District FRE – 93 along Nees Avenue between Maple Avenue and Hayston Avenue

UPCOMING EMPLOYEE CEREMONIES