

1E  
12/4/07

CITY OF FRESNO

APPLICATION FOR APPOINTMENT TO BOARD OR COMMISSION

Resume or letters of recommendation may be attached.

Applicants may be required to live within the Fresno City limits. I reside in Council District No. 6

Name: Cecelia McLoughlin Hm. Phone: 434-8232 Wk. Phone: 779-4426  
Home Address: 1441 E. Glenlake Lane Zip: 93730  
Work Address: - Zip: -  
Occupation/Employer: \_\_\_\_\_ Yrs \_\_\_\_\_ Months \_\_\_\_\_

Educational Background, Schools Attended, Degrees and Certifications: Madera High School - Diploma  
Fresno City College - AA Degree, C.S.U.F - Junior year  
completed

Professional and Community Affiliations: I.D.A.C - Fugman Elementary, P.T.C -  
Fugman Elementary

For what Board or Commission are you applying? North East Planning Committee

Briefly explain why you are interested in serving on this Board(s) or Commission(s): I am very interested in  
that ensuring that we control growth of our community to protect  
and maintain the quality of life for our future generations

Provide 3 Personal and Professional References. Provide name, address, and phone number where they may be reached during the day.  
Laura White house - 2085 E. Fox Glen Dr, Fresno - Ph 940-3346  
Rita Radics - Pacifica, Ca - 415-794-5073  
Dartene Armentel - 703 E. Lawbrook Drive Ph - 434-6060  
360-8148

I declare under penalty of perjury the above information is true and correct.

Dated: 10-23-07 Applicant: Cecelia McLoughlin  
Signature

Return completed, signed application to the City Clerk's Office, 2600 Fresno Street, Room 2133, Fresno, CA 93721-3603 or FAX to 559-488-1005. Your application will be kept on file for two years. Please re-file after that time if you are still interested in serving on a Board or Commission.

FOR OFFICE USE ONLY: Date referred to Mayor \_\_\_\_\_ Date referred to Councilmember \_\_\_\_\_

1E  
12/4/07

**From:** <Webmaster@fresno6.com>  
**To:** <ginger.barrett@ci.fresno.ca.us>  
**Date:** 10/22/2007 2:21 pm  
**Subject:** Data posted to form 1 of http://www.fresno6.com/application.htm

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Name: Dennis M. Johnson  
Home\_Address: 485 East Shelldrake Circle, Fresno  
Zip: 93730  
Work\_Phone: 559 297-3391  
Home\_Phone: 559 434-6919  
T1: djohnson@bankofthesierra.com  
Employer: Bank of the Sierra  
Submit: Submit

Activities:

Rotary Club of East Fresno (former board member)  
Fresno Chamber of Commerce  
Clovis Chamber of Commerce

Reason:

Having resided in District 6 since 1979, I have seen the area emerge as a somewhat unique and certainly vibrant community within the City of Fresno. I am a 21 year resident of the Woodward Lake development being one of the first 30 residents there. I believe that my experience in being a witness to the growth of the area since 1979 would be invaluable because it is united with my concerns about its future. It is my desire to be a fair and effective participant in the interfacing of the District's homeowners who can voice their concerns and developers who are planning projects in District 6.



**REPORT TO THE CITY COUNCIL**

AGENDA ITEM NO. 2A  
COUNCIL MEETING 12/4/07

APPROVED BY \_\_\_\_\_

DEPARTMENT DIRECTOR \_\_\_\_\_

**FROM:** JAMES C. SANCHEZ  
City Attorney

**SUBJECT:** CODE STREAMLINING PROJECT  
(1) ORDINANCE REPEALING CHAPTERS 4 AND 5 AND ADDING NEW CHAPTERS 4 AND 5 TO THE FRESNO MUNICIPAL CODE  
(2) ORDINANCE REPEALING CHAPTER 8 AND ADDING NEW CHAPTER 8 TO THE FRESNO MUNICIPAL CODE  
(3) UNCODIFIED ORDINANCE RELATING TO LOCAL IMPROVEMENT PROCEDURES, ASSESSMENTS, AND BONDS

**RECOMMENDATIONS**

In order to further the goal of creating a more user-friendly and updated Fresno Municipal Code, the City Attorney recommends adoption of: (1) Ordinance Repealing Chapters 4 and 5 and Adding New Chapters 4 and 5 to the Fresno Municipal Code; (2) Ordinance Repealing Chapter 8 and Adding New Chapter 8 to the Fresno Municipal Code; and (3) Uncodified Ordinance Relating to Local Improvement Procedures, Assessments, and Bonds.

**EXECUTIVE SUMMARY**

The City Attorney's Office proposes three ordinances for Council consideration that have been prepared by Special Counsel, Hilda Cantú Montoy, whose firm has been hired to do the Code Streamlining work. The ordinances represent the next phase of the Code Streamlining Project.

The three ordinances are as follows:

- (1) Ordinance Repealing Chapters 4 and 5 and Adding New Chapters 4 and 5 to the Fresno Municipal Code relating to City Purchasing, Contracts and Sales;
- (2) Ordinance Repealing Chapter 8 and Adding New Chapter 8 to the Fresno Municipal Code relating to Assessment Districts and Bond Procedures; and
- (3) Uncodified Ordinance Relating to Local Improvement Procedures, Assessments, and Bonds.

Exhibits "A," "B," and "C" provide a practical summary and description of the streamlining details for these ordinances.

## BACKGROUND

The office has been working on the Code Streamlining Project for almost a year. The process has included meetings with the affected department representatives. To date, the following has been completed:

- Phase 1 – Repeal Ordinance.

The phase involved the repeal of numerous code articles and sections that were unnecessary, duplicative, and outdated.

- Phase 2 – Code Reorganization Ordinance.

Ordinance No. 2007-54 became effective on October 4, 2007. It constitutes the new framework for the Code consisting of 14 chapters compared to 22 chapters under the former Code structure.

- Phase 3 – Ordinance Adding Chapters 1 and 2.

The detailed streamlining of the reorganized Code commenced with the adoption of Ordinance No. 2007-55 which related to new Chapters 1 and 2. This ordinance also became effective on October 4, 2007.

The ordinances before Council constitute Phase 4, Part 1. They reflect the detailed streamlining of Chapters 4, 5, and 8 and the adoption of an uncodified ordinance. A detailed description and summary of the streamlining undertaken for each chapter are included in Exhibits "A," "B," and "C." The rationale for the uncodified ordinance is also reflected in Exhibit "C" which is to move current provisions to uncodified ordinance for historical purposes based on outstanding bonds.

As can be seen, the proposed ordinances are not in sequential order. Chapter 3 relates to personnel and is, therefore, subject to the meet and consult process. Meetings have been held with Human Resources Department Staff and a background meeting has been held with labor organizations. Chapter 6 relates to Municipal Services and Utilities. Because of the City's impending work on the Municipal Water District, it is not efficient to proceed with Chapter 6 at this time. It is anticipated that Phase 4, Part 2 consisting of Chapters 7, 9, 10, and 11 will be submitted by the end of December. Chapter 12, the Zoning Ordinance, is being handled separately by the Planning and Development Department as part of the General Plan Implementation program. Phase 4, Part 3 consisting of Chapters 13 and 14 will be submitted in mid February.

The process utilized for streamlining of the subject chapters included significant collaboration with the departments involved. In many cases, multiple departments were involved regarding the same subject matter.

- Attachments:
1. Exhibit A – Chapter 4 Summary
  2. Exhibit B – Chapter 5 Summary
  3. Exhibit C – Chapter 8 Summary
  4. Ordinance Relating to Chapters 4 and 5
  5. Ordinance Relating to Chapter 8
  6. Uncodified Ordinance

# **CHAPTER 4**

# **SUMMARY**

**EXHIBIT A**

## CHAPTER 4 SUMMARY

### Chapter 4, Article 1. City Purchasing, Contracts and Sales.

Article 4 has been restructured to flow better with more accurate headings and like subsections clustered together, updating of terms, and deletion of unnecessary text.

In addition to streamlining with updated terms, titles, and statutory references and deletion of unnecessary text, the following changes were made.

1. Section 4-102 defines the term “competitive bidding” as term used in Charter rather than “advertised bidding;” but allows use of term advertised bidding too.
2. Titles of sections modified for greater consistency with text of sections.
3. Added express authority for Purchasing Manager to develop, customize, and utilize forms and procedures for competitive bidding and RFPs.
4. Text in Section 4-108 [Section 3-106<sup>1</sup>] and Section 4-109 [Section 3-107] has been deleted as beyond the parameters of the Charter. No one recalls that the City has ever utilized these provisions.
5. References to California Codes have been updated.
6. Note that Section 4-109(c) mirrors the last sentence in former Section 3-101. Thus, the local preference method is that used for competitive bidding in 4-108. This is consistent with current code.
7. Where signatures were required, the words “or electronic equivalent” were added. Staff expressed great interest in the ability to accept “electronic” bids and still comply with the Charter requirement for “sealed bids.” Staff will pursue electronic methods that may meet the requirement for sealed bids. If necessary, staff may pursue a recommendation for a Charter change to accommodate electronic bids in the competitive bidding process.

The following summary and notes are included to assist in tracking the changes. Numbers in brackets signify former code numbers.

1. **Section 4-101. Duties of Purchasing Manager.** Combination of former Section 4-101 and Section 4-103 [Sections 3-101 and 3-103]; express provisions mirroring actual practice for development and utilization of procurement forms and procedures.

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<sup>1</sup> Numbers in brackets are former section numbers before Ordinance No. 2007-54 reorganizing Code in Phase II of Code Streamlining.

2. **Section 4-102. Contracts Requiring Competitive Bidding.** This section includes short version of former Sections 4-105(a) to (g) [3-105 (a) to (g)]; 4-106 [3-105.1] re alternative bids; and Section 4-116 [3-110] re Performance Bonds.
3. **Section 4-103. Public Policy And Use Of Alternates And Alternative Bid Forms In Competitive Bidding.** Former Section 4-106 [Section 3-105.1].
4. **Section 4-104. Debarment.** Former Section 4-107 [Section 3-105.2].
5. **Section 4-105. Requisitions.** Former Section 4-102 [Section 3-102].
6. **Section 4-106. Purchase Orders.** Former Section 4-104 [Section 3-104].
7. **Section 4-107. Contracts Not Requiring Competitive Bidding.** Former Section 4-111 [Section 3-109].
8. **Section 4-108. Local Preference for Contracts Requiring Competitive Bidding.** Former Section 4-105(h) [3-105(h)].
9. **Section 4-109. Local Preference in Contracts for Consultant Services and Other Contracts.** Former Section 4-112 [Section 309.1] re contracts for consultant services and sentence in Section 4-101 [3-101] re local preference in other contracts and purchases.
10. **Section 4-110. Processing of Invoices.** Former Section 4-110 [Section 3-108]
11. **Section 4-111. Prohibition Project Labor Agreements.** Former Section 4-113 [Section 3-109.2].
12. **Section 4-112. Ineligibility to Compete.** Former Section 4-114 [Section 3-109.3].
13. **Section 4-113. Utilization of Apprentices.** Former Section 4-115 [3-109.4].
14. **Section 4-114. Applicability of California Public Contract Code.** Former Section 4-118 [3-112].
15. **Section 4-115. Public Work of Improvement: Definition.** Former Section 4-119 [Section 3 -113].

Note: deleted former Section 4-117 [former Section 3-111] Execution of Contracts after Award By Council because unnecessary per current Section 2-402.

#### **Chapter 4, Article 2. Sale or Mortgage of Property.**

Basic streamlining. It is noted that City may want to consider adding language relating to the sale or disposition of real property. There are various provisions in the Government Code that address this subject. To avoid argument that City is or is not subject to Government Code provisions, the City should consider addressing the subject in this article.

**Chapter 4, Article 3. Lost or Unclaimed Property.**

In addition to basic streamlining, this article was amended by adding express language as required by the Civil Code. Other Chapters which addressed this subject had detailed, redundant text which has been deleted and replaced with simple reference back to this article. At the request of a number of departments, language was added that unclaimed money will be deposited in the general fund per practice.

**Chapter 4, Article 4. Prevailing Wages for Public Works.**

In addition to basic streamlining, text in Section 4-404(b) and (c) was deleted based on the fact that the text in (b) had sunsetted and is no longer in effect by operation of law per (c). Research revealed that its reenactment was not adopted by Council.

**Chapter 4, Article 5. Design Build Contracts.**

This is a very recent ordinance. Minor streamlining edits were made.

**Chapter 4, Article 5. Regulated Communication with Elected Officials in City Procurement Process.**

This is a very recent ordinance. Minor streamlining edits were made.

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# **CHAPTER 5**

# **SUMMARY**

**EXHIBIT B**

## CHAPTER 5 SUMMARY

### **Chapter 5, Article 1. Naming and Renaming of City Facilities.**

Article 1 is very brief. It relates solely to naming and renaming of city facilities. Staff and Council may consider expanding to a general article regarding city facilities in general.

### **Chapter 5, Article 2. Fresno Convention Center.**

The title of this article was updated to reflect common and familiar names used. The old title of this article was Fresno City-County Community and Convention Center Manager and Management. It is recommended that a more extensive review be conducted by city staff to reflect current outsourcing of operations.

### **Chapter 5, Article 3. Transit Regulations.**

This article underwent significant streamlining. The article was replete with outdated, unnecessary, redundant or legally unnecessary language.

Language deleted includes the following:

1. Section 5-301 relating to definition has been deleted. The definitions were unnecessary and outdated. For example, definitions were included for "bus" and "motor vehicle."
2. Section 5-305(d) was unnecessary as Council has inherent authority to contract for services to the disabled subject only to federal or state law relating to grants.
3. Provisions regarding passenger restrictions and conduct have been generally retained. (Section 5-307) However, provisions regarding obvious criminal conduct that is prosecutable under the Penal Code and, therefore, redundant was deleted.
4. Many of the provisions were unnecessary as they are covered and superseded by federal law such as the U.S. Department of Transportation, Federal Transit Administration, and the Americans with Disabilities Act.
5. Administrative details regarding bus benches and bus zones were deemed unnecessary. Moreover, some provisions did not meet traffic engineering standards.
6. Comprehensive details regarding lost or unclaimed property were replaced with general reference to Chapter 4, Article 3 of the Code.

#### **Chapter 5, Article 4. Airport Regulations.**

1. Restructured so that authority regarding rules and regulations, definition of Airport, and authority of Director are at beginning of the article. The definition of Airport was clarified to include Chandler.
2. Clarified actual enactment regarding Vehicle Code applicability which appears to have been the intent and has been the practice. The current text states the Council has the authority to enact without actual enactment.
3. A number of provisions regarding conduct at Airports had been inadvertently repealed. They have been re-added for purposes of enforcement.
4. Details regarding lost or unclaimed property were replaced with general reference to Chapter 4, Article 3 of the Code.

#### **Chapter 5, Article 5. Parks Regulations.**

1. The article has been renamed to delete "and Playgrounds."
2. Restructured so that definitions and enforcement authority provisions are at beginning of the article.
3. Redundant text (e.g., trash and debris prohibitions) has been repealed.
4. Outdated text such as that limiting driving or letting loose cattle or livestock in parks has been repealed.
5. The Drug Free Zone reference to state legislation had been corrected.

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# **CHAPTER 8**

# **SUMMARY**

**EXHIBIT C**

## CHAPTER 8 SUMMARY

Of all the Chapters that have undergone the detailed streamlining process (1, 2, 4 and 5), Chapter 8 has been the most technically challenging. Chapter 8 had 54 articles to review. Moreover, some of the articles were actually prior chapters. This chapter included cumbersome text and many of its statutory references were incomplete, inaccurate, or outdated.

The most salient points to make regarding Chapter 8 are as follows:

### 1. General.

In general, Chapter 8 has undergone standard streamlining with the updating of terms such as "City Manager" for "Chief Administrative Officer," consistent capitalization and numbering, formatting and deletion of redundant text. This process together with the repeal of the articles referenced in Section 2 below has resulted in a chapter which is less than half the size than its original size.

### 2. Repealed Articles and Uncodified Ordinance.

Chapter 8 included outdated, unnecessary, and in many of its provisions referenced repealed state law. These included Articles 1 to 20 and Articles 23 to 30 which generally came under the rubric of local improvement procedures and Articles 31 to 39 which came under the rubric of parking maintenance districts.

The subject of repealing these articles was researched and analyzed very carefully. Staff input was sought and received. The result is that there is no legal or business reason to retain these articles in the Code. If the City were ever to decide to issue bonds as described in these provisions, the City would need to update and redraft the provisions. As that scenario is speculative, it is an inefficient use of resources to update at this time. The articles have, therefore, been repealed from the proposed ordinance streamlining Chapter 8.

In the case of Articles 1 to 20 and 23 to 30, there are a few outstanding bonds. Thus, in an abundance of caution and for historical reference, we are recommending that Council adopt an uncodified ordinance that will keep the old sections in effect but not in the Code.

### 3. Necessity for Divisions.

Even with the extensive repeal described in Section 2 above, the magnitude of former chapters and articles made it necessary to create "divisions." Thus, this chapter includes four divisions: Division 1, Local Improvement Procedures; Division 2, Revenue Bonds; Division 3, Judgment Obligation Law; and Division 4, Pension Obligation Law. Each division is then divided into articles and sections.

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EXHIBIT C TO STAFF REPORT RELATED TO PHASE IV, PART 1 OF THE CODE  
STREAMLINING PROJECT

**ORDINANCE  
RELATING  
TO  
CHAPTERS 4  
AND 5**

**ATTACHMENT 4**

