City Council Agenda

REVISED AGENDA – ADDING 4:00 P.M. ITEM

Council President
Blong Xiong

Councilmembers

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

Paul Caprioglio
Clinton J. Olivier
Sal Quintero

City Manager
Mark Scott

City Clerk
Yvonne Spence, CMC

Interim City Attorney
Francine M. Kanne

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.

REVISED AGENDA – ADDING 4:00 P.M. ITEM

February 14, 2013

10:00 A.M. ROLL CALL

Invocation by Councilmember Quintero

Pledge of Allegiance to the Flag

Ceremonial Presentations:

Proclamation of "H.O.P.E. ANIMAL FOUNDATION DAY" – Councilmember Olivier

Proclamation of "JOSEPHINE KIRAN DAY" for her leadership in the 7 Eleven food stores – Councilmember Quintero

Recognition of Gold Standard FAX Bus Drivers – Transportation Director Hamm

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 Cable Channel 96 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.

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 February 7, 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 the Chief of Police to sign a lease addendum with Foundry Park Investors and the County of Fresno for the existing multi-agency gang enforcement consortium offices located at Suites #400 and #500, 2510 S. East Avenue, Fresno CA ***(Property located in District 3)*** – Police Department
Action Taken:

B. Approve the re-appointment of Keith Lovgren to the Fresno Regional Workforce Investment Board – Mayor's Office
Action Taken:

C. Adopt finding of Categorical Exemption, pursuant to Article 19, Section 15300/Class 1 (existing facility) of the CEQA Guidelines, for the construction of the Fresno City Hall heating, ventilation and air conditioning (H.V.A.C.) controls upgrade project ***(Property located in District 3)*** – Public Works Department
Action Taken:

1. Award a construction contract in the amount of $451,676, including the base bid plus add alternates 2 and 4 to Emcor/Mesa Energy Systems of Fresno, California, for the construction of the Fresno City Hall H.V.A.C. controls upgrade project
Action Taken:

D. Adopt Environmental Assessments (EA), No. 12-022 and No. 12-023, dated January 10, 2013, concluding the lighting upgrades of softball fields located at Quigley and Einstein Parks are categorically exempt from preparation of environmental documents under California Environmental Quality Act (CEQA) Guidelines – Public Works Department
Action Taken:

1. Award a construction contract in the amount of $337,750 to Dynamic Electric Contracting & Controls, Inc. as the lowest responsive and responsible bidder for the lighting upgrades of softball fields located at Quigley and Einstein Parks
Action Taken:

1. CONSENT CALENDAR CONTINUED

E. Approve agreement with Provost & Pritchard Consulting Group in the amount of $123,800.00 with a contingency amount of $15,000.00 for the design of plans and general construction contract documents for the Olive Gardens and Van Ness Extension water main replacements and PS#201 to PS#36 raw water pipeline, and authorize the Public Works Director or his designee to sign the agreement on the City's behalf ***(Property located in Districts 2 and 5 & Fresno County)*** – Public Works Department
Action Taken:

F. Annual update of priority ranking lists for new traffic signal installations, traffic signal left turn phasing and intersection traffic flow improvements – Public Works Department
Action Taken:

G. Approve contract amendment No. 2 in the amount of $7,565 for additional engineering service for the Herndon Avenue eastbound street widening project- between Brawley and Blythe Avenues, and authorize the Public Works Director, or his designee, to execute the contract amendment on behalf of the City ***(Property located in District 2)*** – Public Works Department
Action Taken:

H. Approve streambed alteration agreement with California Department of Fish and Wildlife for construction of 60 inch diameter underground pipeline under Big Dry Creek diversion channel in Fresno County for the raw water pipeline project and authorize the Director of Public Utilities or his designee to sign on behalf of the City – Department of Public Utilities
Action Taken:

I. Reject all bids received for the requirements contract to furnish and install well pumping equipment at the Fresno/Clovis Wastewater Reclamation Facility ***(Property located in District 3)*** – Department of Public Utilities
Action Taken:

J. * **RESOLUTION -** 39th amendment to the Annual Appropriation Resolution (AAR) No. 2012-125 appropriating $436,200 from the State Office of Emergency Services for reimbursement of personnel and equipment deployment associated with the wildland fires experienced throughout California during the late summer of 2012 ***(Requires 5 affirmative votes)*** – Fire Department
Action Taken:

K. Approve agreement with National Cinemedia for $234,700 for public service announcement advertising in local theaters to be funded through the 2011 Assistance to Firefighters Grant Program - Fire Department
Action Taken:

CONTESTED CONSENT CALENDAR

2. GENERAL ADMINISTRATION

A. **BILL – *(For introduction)* -** Consider Text Amendment Application No. TA-13-001 and related environmental finding for Environmental Assessment No. TA-13-001 relating to determination of rights for special permits – Development and Resource Management Department
Action Taken:

2. GENERAL ADMINISTRATION CONTINUED

B. * Adopt the Memorandum of Understanding (MOU) between the City of Fresno (CITY) and Amalgamated Transit Union, Local 1027 – Unit 06 (ATU), covering the period February 18, 2013 through February 17, 2014 – Personnel Services Department
Action Taken:

3. CITY COUNCIL

SCHEDULED COUNCIL HEARINGS AND MATTERS

10:00 A.M. **CONTINUED HEARING** to consider Conditional Use Permit Application No. C-12-104 located at 5606 E. Kings Canyon Road (APN: 474-030-01) ***(Property located in District 5)*** – Development and Resource Management Department ***(Item withdrawn from the agenda by applicant)***
Action Taken:

10:45 A.M. **SCHEDULED COMMUNICATION:**
1. Appearance by Kim Castro with the Pregnancy Care Center Team to present the Center's vision, mission and services

10:50 A.M. **JOINT MEETING OF THE CITY OF FRESNO AS THE HOUSING SUCCESSOR, THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF FRESNO**

A. **RESOLUTION –** Designating positions which shall be subject to the Conflict of Interest Code and defining categories of disclosure for such positions ***(Council and Successor Agency action)*** – City Clerk's Office
Action Taken:

B. City Council/Housing Successor, Successor Agency Board and Fresno Revitalization Corporation Board consider adopting:
1. **RESOLUTION -** Approving the Recognized Obligation Payment Schedule for July – December 2013 ***(City as Housing Successor, Successor Agency action)***
Action Taken:

ADJOURN AGENCY

1:30 P.M. **CLOSED SESSION**

A. **CONFERENCE WITH REAL PROPERTY NEGOTIATORS –** Government Code Section 54956.8
Property: City owned property involving APN 468-21-617 T
Negotiating Parties: City Manager Mark Scott and Assistant City Manager Bruce Rudd
Under Negotiation: Negotiate a potential sale to Uniwell Fresno Hotel, LLC.
Action Taken:

B. **CONFERENCE WITH LEGAL COUNSEL – DECIDING WHETHER TO INITIATE LITIGATION -** Government Code Section 54956.9, Subdivision (c)
1. **Case Name:** City of Fresno v. Fresno County Local Agency Formation Commission; and Does 1 through 10, inclusive (Waterworks District No. 18; and Does 11-20, inclusive, Real Parties in Interest)
Action Taken:

1:30 P.M. **CLOSED SESSION CONTINUED**

C. **CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION -** Government Code section 54956.9, Subdivision (a)

1. **Case Name:** City of Fresno v. Fresno County Local Agency Formation Commission (LAFCO) and Real Party in Interest, Friant Ranch L.P., Friant Ranch No. 2, L.P., Whispering Springs LLC; Friant Station Inc.; Depot Development, Inc.; County of Fresno, Board of Supervisors of the County of Fresno; Fresno County Waterworks, District No. 18 Fresno County Superior Court Case No. 11CECG03812

2. **Case Name:** City of Fresno v. County of Fresno and Real Party in Interest, Friant Ranch L.P. Fresno County Superior Court Case No.: 11CECG00706 (Consolidated with Fresno County Superior Court Case Nos. 11CECG00709 and 11CECG00726)

3. **Case Name**: City of Fresno v. County of Madera; Board of Supervisors of the County of Madera; Tesoro Viejo, Inc. Real Party in Interest; Tesoro Viejo Master Mutual Water Company, Real Party in Interest; and Rio Mesa Holding, LLC, Real Party in Interest Madera County Superior Court Case No. MCV062180
Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

3:00 P.M. **CONTINUED HEARING** to consider Plan Amendment Application No. A-12-03, Rezone Application No. R-12-004, and related finding for Environmental Assessment No. A-12-03/R-12-004, initiated by the Director of the Development and Resource Management Department for Phases 2A, 2B, 3, 4 and 5 of the El Paseo Master Plan Area located generally east of State Route 99, south of the alignment of W. Sierra Avenue, north of the W. Bullard Avenue alignment, and west of the N. Hayes Avenue alignment ***(Property located in District 2)*** – Development and Resource Management Department
Action Taken:

a. Consider Environmental Assessment No. A-12-03/R-12-004 and adopt a Finding of Conformity with Master Environmental Impact Report (MEIR) No. 10130 prepared for the 2025 Fresno General Plan, for purposes of the proposed project
Action Taken:

b. **RESOLUTION -** Amending the 2025 Fresno General Plan and Bullard Community Plan land use designations for the Phases 2A,2B, 3 4 and 5 of the El Paseo Master Plan Area as outlined in Table 1 of the staff report, and in the attached exhibit
Action Taken:

c. **BILL –** Amending the Official Zone Map to rezone land in Phases 2A, 2B, 3, and 4 of the El Paseo Master Plan area as outline in Table 2 of the staff report, and in the exhibit attached to the ordinance
Action Taken:

4:00 P.M. **CONTINUED HEARING** to consider Conditional Use Permit Application No. C-12-104 located at 5606 E. Kings Canyon Road (APN: 474-030-01) ***(Property located in District 5)*** – Development and Resource Management Department ***(Item withdrawn from the agenda by applicant)***
Action Taken:

5:00 P.M. #1 Staff recommends that the City Council approve the assignment of the City of Fresno's Consultant Services Agreement with URS to the San Joaquin River Conservancy (Conservancy) to complete an on-going California Environmental Quality Act (CEQA) review for the Lewis S. Eaton Trail - River West Project ***(Property located in District 2)***– PARCS
Action Taken:

a. Approve the second amendment to the agreement with URS Corporation for additional environmental consulting services in the amount of $133,763.74, with a contingency amount of $17,000, for a total fee of $150,763.74 to prepare an Environmental Impact Report (EIR) for the Lewis S. Eaton Trail – River West Project ***(Property located in District 2)***
Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

5:00 P.M. #2 Approve recommendations related to the proposed Fresno River West Project and to incorporate these recommendations into the City of Fresno's General Plan Update ***(Property located in District 2) -*** PARCS
Action Taken:

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.

SCHEDULED COUNCIL HEARINGS AND MATTERS

Feb.	**21 -**	**NO MEETING –**	**PRESIDENTS DAY**
Feb.	**28 -**	**10:00 A.M.**	**HEARING** to determine whether public necessity, health, safety or welfare requires the formation of Underground Utility District No. FRE-92
Feb.	**28 -**	**10:15 A.M.**	**HEARING** re: Rezone Application No. R-11-009, Plan Amendment A-11-007, filed by Indent Realty Partners, LLC
Feb.	**28 -**	**10:30 A.M.**	**HEARING** re: water utility rates
Mar.	**7 -**	**10:00 A.M.**	**HEARING** regarding Cultural Arts District Park Proposition 84
Mar.	**14 -**	**N0 MEETING -**	**RECESS**
Mar-	**21-**	**1:30 P.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. 48 (Final Tract Map No. 6003 and 6004) (Property located in District 6) (Southeast corner of E. Copper and N. Maples Avenues)