



# City of Fresno

2600 Fresno Street  
Fresno, CA 93721  
www.fresno.gov

## Meeting Minutes - Final City Council

**Council President - Steve Brandau**

**Acting President - Oliver Baines, III**

**Councilmembers:**

**Lee Brand, Paul Caprioglio, Clinton J. Olivier,**

**Sal Quintero, Blong Xiong**

**City Manager - Bruce Rudd**

**City Attorney - Douglas T. Sloan**

**City Clerk - Yvonne Spence, CMC**

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Thursday, November 6, 2014

8:30 AM

Council Chambers

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### Regular Session

The City Council met in regular session at the hour of 8:30 A.M. in the Council Chamber, City Hall, on the day above written.

8:44 A.M. ROLL CALL

**Present:** 7 - Council President Steve Brandau  
Acting Council President Oliver Baines  
Councilmember Lee Brand  
Councilmember Paul Caprioglio  
Councilmember Clinton Olivier  
Councilmember Sal Quintero  
Councilmember Blong Xiong

Invocation by District 4

*The invocation was performed by Facilities Manager Mark Johnson.*

Pledge of Allegiance to the Flag

## **CEREMONIAL PRESENTATIONS**

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

*PRESENTED*

Councilmember Brand entered the Council chamber at 8:50 A.M.

[ID#14-546](#) Proclamation of "SUPREME COURT JUSTICE MARVIN BAXTER DAY"

**Sponsors:** City Councilmember Quintero

PRESENTED

[ID#14-560](#) Proclamation of "JENNIFER LIPP DAY"

**Sponsors:** City Councilmember Olivier

PRESENTED

## **APPROVE MINUTES**

[ID#14-586](#) Approval of City Council minutes from November 6, 2014

**On motion of Councilmember Xiong, seconded by Councilmember Caprioglio, the above Minutes were approved. The motion carried by the following vote:**

**Aye:** 7 - Brandau, Baines, Brand, Caprioglio, Olivier, Quintero and Xiong

[ID#14-556](#) Approval of Successor Agency minutes from October 30, 2014 and Fresno Revitalization Corporation minutes from October 30, 2014.

**Sponsors:** City Clerk's Office

**On motion of Councilmember Caprioglio, seconded by Councilmember Olivier, the above Successor Agency and Fresno Revitalization Minutes were approved. The motion carried by the following vote:**

**Aye:** 7 - Brandau, Baines, Brand, Caprioglio, Olivier, Quintero and Xiong

Councilmember Brand exited the Council Chamber at 9:05 A.M. and returned at 9:10 A.M.

## **COUNCILMEMBER REPORTS AND COMMENTS**

*Councilmember Caprioglio acknowledged the Muslim Society of Central California for taking the time, twice a year, to provide free medical services at Manchester Shopping Center. Councilmember Caprioglio attended on Saturday and estimated that between 700 and 725 men, women and children were taking advantage of the free services that included eye exams, lab work, dental work, evaluations and obesity information. Councilmember Caprioglio thanked the Muslim Society of Central California for its generosity.*

*President Brandau reported that he was in a meeting with City Administration and worked out solutions to boost the number of Police Officers to the levels agreed upon in June.*

*Councilmember Xiong asked City Manager Rudd for a follow up report regarding the street light issue around Fresno High School. City Manager Rudd stated he would follow up after his 1:00 P.M. meeting on the issue with Public Works.*

## **APPROVE AGENDA**

*City Clerk Spence announced the following changes to the agenda: General Administration item 2-A (File ID# 14-341) regarding a parking permit agreement with the Housing Authority was removed from the agenda by staff; the 11:00 A.M. Scheduled Communication by Parvis Laghaifar (File ID# 14-542) was rescheduled by Mr. Laghaifar to November 20, 2014; the 10:45 A.M. Scheduled Matter (File ID# 14-540) to consider an appeal regarding Conditional Use Permit No. C-13-092 was removed from the agenda and would return in January 2015.*

*APPROVED AS AMENDED*

**On motion of Councilmember Olivier, seconded by Councilmember Caprioglio, the AGENDA was adopted with the changes read by City Clerk Spence. The motion carried by the following vote:**

**Aye:** 6 - Brandau, Baines, Caprioglio, Olivier, Quintero and Xiong

**Absent:** 1 - Brand

## **1. CONSENT CALENDAR**

*Councilmember Caprioglio moved Consent Calendar item 1B (File ID 14-527) to the Contested Consent Calendar for further discussion.*

*CONSENT CALENDAR ADOPTED*

*APPROVAL OF THE CONSENT CALENDAR*

**On motion of Councilmember Caprioglio, seconded by Councilmember Xiong, the CONSENT CALENDAR was hereby adopted by the following vote:**

**Aye:** 7 - Brandau, Baines, Brand, Caprioglio, Olivier, Quintero and Xiong

- 1-A [ID#14-523](#) Authorize the City Manager or designee to execute a grant deed for the sale of excess property in the amount of \$50,000 to Frank Stephen Lamarche located at 2748 E. Hamilton, Fresno APN 468-313-18T

**Sponsors:** Public Works Department

APPROVED

**The above item was approved on the Consent Calendar.**

- 1-B [ID#14-527](#) \*\*\*RESOLUTION - 521st amendment to the Master Fee Schedule ("MFS") Resolution No. 80-420 to add, adjust, revise or delete various fees

**Sponsors:** Finance Department

*The above item was moved to the Contested Consent Calendar by Councilmember Caprioglio for further discussion.*

- 1-C [ID#14-554](#) \*\*\*BILL NO. B-48 (Intro. 10/30/2014)(For adoption) - Amending Section 4-605 of the Fresno Municipal Code relating to regulation of communications during competitive procurement process

**Sponsors:** City Councilmember Baines

ORDINANCE 2014-49 ADOPTED

**The above item was adopted on the Consent Calendar.**

- 1-D [ID#14-559](#) Approve the appointment of Nicole Linder to the District 6 Plan Implementation Committee

**Sponsors:** City Councilmember Brand

APPROVED

**The above item was approved on the Consent Calendar.**

## **CONTESTED CONSENT CALENDAR**

- 1-B [ID#14-527](#) \*\*\*RESOLUTION - 521st amendment to the Master Fee Schedule ("MFS") Resolution No. 80-420 to add, adjust, revise or delete various fees

**Sponsors:** Finance Department

*The above item was introduced to Council by Aviation Director Meikle. Budget Manager Sumpter and Airways Golf Course General Manager Fansler answered additional questions.*

*Budget Manager Sumpter read a correction into the record that added a footnote regarding the special pool rentals. The correction was as follows: "Insurance must be purchased from the City carrier."*

*Councilmember Xiong instructed staff to come back after the changes were made for the purpose of evaluating the sustainability of Airways Golf Course under the changes.*

**RESOLUTION 2014-180 ADOPTED**

**On motion of Councilmember Caprioglio, seconded by Councilmember Xiong, the above item was adopted. The motion carried by the following vote:**

**Aye:** 7 - Brandau, Baines, Brand, Caprioglio, Olivier, Quintero and Xiong

**4. CLOSED SESSION**

*The City Council met in closed session in Room 2125 from 9:24 A.M. to 9:51 A.M. to discuss the following:*

- 4-A** [ID#14-541](#) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION  
- Government Code Section 54956.9, subdivision (d)(2)  
**Significant Exposure to Litigation:**  
1. Claim of Richard Smith

**Sponsors:** City Attorney's Office

*The above item was discussed in closed session. No open session announcement was made regarding this item.*

- 4-B** [ID#14-552](#) CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION -  
Government Code Section 54956.9, subdivision (d)(1)  
Case Name: *City of El Centro, et al. v. David Lanier, in his official capacity as the Secretary of the State of California Labor & Workforce Development Agency, et al.* San Diego County Superior Court Case No. 37-2014-00003824-  
CU-WM-CTL Court of Appeal 4th District (Division 1) Case No. D066755

**Sponsors:** City Attorney's Office

*The above item was discussed in closed session. No open session announcement was made regarding this item.*

### **3. CITY COUNCIL**

- 3-B**     [ID#14-548](#)     \*\*\*RESOLUTION - Adopt the "Water Conservation Act", which will develop policies and practices that will conserve water usage by all City water customers and provide better overall management of City water resources

**Sponsors:** City Councilmember Brand and City Councilmember Caprioglio

*The above item was introduced to Council by Councilmembers Brand and Caprioglio. Public Utilities Director Esqueda and City Manager Rudd answered additional questions.*

*The following member(s) of the public spoke on this item: Laura Gromis of USGBC of Central California, Rachel Eslick of the Fresno Chamber of Commerce, Bill Robinson and Time Barker.*

*Public Utilities Director Esqueda stated, for the next budget cycle, the water conservation rebate program would include a plan discussing equitable disbursement of the rebates throughout the city.*

**RESOLUTION 2014-181 ADOPTED**

**On motion of Councilmember Caprioglio, seconded by Councilmember Brand, the above item was adopted. The motion carried by the following vote:**

**Aye:** 7 - Brandau, Baines, Brand, Caprioglio, Olivier, Quintero and Xiong

- 3-A**     [ID#14-545](#)     **BILL - (For Introduction)** - Amending Section 4-401 of the Fresno Municipal Code and repealing Sections 4-402, 4-403 and 4-404 of the Fresno Municipal Code relating to prevailing wages for public works

**Sponsors:** City Councilmember Brandau

*The above item was introduced to Council by President Brandau. City Attorney Sloan answered additional questions.*

*President Brandau motioned to approve the item while un-striking (keeping) the language, "being a municipal affair" found under the proposed "Section 4-401. Applicability of State Law"*

**BILL B-49 INTRODUCED AS AMENDED AND LAID OVER**

**On motion of President Brandau, seconded by Councilmember Olivier,**

the above item was adopted as amended to include the phrase, "being a municipal affair." The motion carried by the following vote:

**Aye:** 7 - Brandau, Baines, Brand, Caprioglio, Olivier, Quintero and Xiong

**3-C**    [ID#14-549](#)    **BILL - (For Introduction)** - Repealing Section 4-111 of the Fresno Municipal Code and adding Section 4-111 to the Fresno Municipal Code relating to Project Labor Agreements

**Sponsors:** City Councilmember Brandau

*The above item was introduced to Council by President Brandau. City Attorney Sloan answered additional questions.*

*The following member(s) of the public spoke on this item: Nicole Goehring of Associated Builders and Contractors Northern California, Terri Emmett of Dave Christian Constriction Company.*

*BILL B-50 INTRODUCED AND LAID OVER*

**On motion of President Brandau, seconded by Councilmember Olivier, the above item was adopted. The motion carried by the following vote:**

**Aye:** 5 - Brandau, Brand, Caprioglio, Olivier and Quintero

**No:** 2 - Baines and Xiong

## **5. SCHEDULED COUNCIL HEARINGS AND MATTERS**

### **10:00 A.M.**

[ID#14-482](#)    WORKSHOP regarding Public Art

**Sponsors:** Public Works Department

*The above item was introduced to Council by Public Works Manager Morrison and presented by Linda Cano of Axis Art Consulting.*

*HELD*

### **10:45 A.M.**

[ID#14-540](#)    Consider an appeal filed by Councilmember Caprioglio, appealing the Planning Commission's action to approve Conditional Use Permit No. C-13-092 and related Vesting Tentative Tract Map No. 6033/UGM, and environmental findings, by Jeffrey T. Roberts of Granville Homes, Inc, for property located on the northeast corner of N. Fowler and E. Clinton

Avenues (Council District 4)

(Continued from October 23, 2014)

1. ADOPT the Mitigated Negative Declaration for the Conditional Use Permit No. C-13-092 and Vesting Tentative Tract Map No. T-6033 prepared for Environmental Assessment No. A-11-003, R-11-003, C-13-092, T6033 dated March 21, 2014
2. RESOLUTION - Deny the appeal and approve Conditional Use Permit No. C-13-092
3. RESOLUTION - Deny the appeal and approve Vesting Tentative Tract Map No. 6033/UGM

**Sponsors:** Development and Resource Management Department

*The above item was continued to sometime in January 2015 by staff.*

## **11:00 A.M. SCHEDULED COMMUNICATION**

[ID#14-542](#) Appearance by Parvis Laghaifar to discuss who is responsible for the expenses of moving a signal light at the corner of Shaw and Polk

*The above item was continued to November 20, 2014 by the speaker.*

[ID#14-543](#) Appearance by Tim Barker to discuss the Community Water Forum

*Mr. Barker appeared before Council and discussed the Community Water Forum.*

## **2. GENERAL ADMINISTRATION**

**2-A** [ID#14-341](#) Actions pertaining to Parking Permit Agreement between Housing Authority and the City of Fresno:

1. Adopt a finding of Categorical Exemption pursuant to Section 15301 (Existing Facility) of California Environmental Quality Act (CEQA) Guidelines; and
2. Approve a Parking Permit Agreement for 25 parking spaces in City of Fresno Parking Garage #7 located at 801 Van Ness at a base rate of \$35 per month per stall for a two (2) year term (Council District 3).

**Sponsors:** Development and Resource Management Department

*The above item was removed from the agenda by Staff.*

**2-B** [ID#14-488](#)

\*\*\*RESOLUTION - Granting authority to the Public Works Director to delegate the authority to other City Departments to approve contract change orders for on-site public works of construction (All Council Districts)

**Sponsors:** Public Works Department



*The above item was introduced to Council by Public Works Assistant Director Andersen.*

**RESOLUTION 2014-182 ADOPTED**

**On motion of Councilmember Brand, seconded by Councilmember Caprioglio, the above item was approved. The motion carried by the following vote:**

**Aye:** 7 - Brandau, Baines, Brand, Caprioglio, Olivier, Quintero and Xiong

- 2-C**    [ID#14-553](#)    RESOLUTION - For the Substantial Amendment No. 2012-002, No. 2013-001, and No. 2014-002 to the Fiscal Years 2012, 2013, and 2014 Annual Action Plans to incorporate the planned use of the Emergency Solutions Grant funds  
(Continued from October 30, 2014)

**Sponsors:** Development and Resource Management Department

*The above item was introduced to Council by Development and Resource Management Director Clark.*

**RESOLUTION 2014-183 ADOPTED**

**On motion of Councilmember Xiong, seconded by President Brandau, the above item was adopted. The motion carried by the following vote:**

**Aye:** 7 - Brandau, Baines, Brand, Caprioglio, Olivier, Quintero and Xiong

**UNSCHEDULED COMMUNICATION**

*No members of the public addressed Council with unscheduled communication.*

**ADJOURNMENT**

*Adjourned at 11:48 A.M.*

**These minutes were approved by unanimous vote of the City Council during the November 20, 2014 Council meeting.**