



# City of Fresno

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

## Meeting Minutes - Final City Council

*President - Paul Caprioglio*

*Vice President - Sal Quintero*

*Councilmembers:*

*Oliver L. Baines, III, Lee Brand, Steve Brandau,*

*Clinton J. Olivier, Esmeralda Z. Soria*

*City Manager - Bruce Rudd*

*City Attorney - Douglas T. Sloan*

*City Clerk - Yvonne Spence, CMC*

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Thursday, July 14, 2016

1:30 PM

Council Chambers

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### Regular Session

The City Council met in regular session in the Council Chamber, City Hall, on the date and time above written.

#### 1:30 P.M. ROLL CALL

**Present:** 7 - President Paul Caprioglio  
Vice President Sal Quintero  
Councilmember Oliver L. Baines III  
Councilmember Lee Brand  
Councilmember Steve Brandau  
Councilmember Clinton Olivier  
Councilmember Esmeralda Soria

Councilmember Baines III was absent during Roll Call but entered the Council Chamber at 1:34 P.M.

Vice President Quintero was absent during Roll Call but entered the Council Chamber at 1:39 P.M.

Invocation by Pastor Jim Cecy of the Campus Bible Church

Pledge of Allegiance to the Flag

### APPROVE AGENDA

*City Clerk Spence announced the following changes to the agenda:  
Consent Calendar item 1-C (File ID 16-785) was subject to mayoral veto;  
General Administration item 2-B (File ID 16-823) was subject to mayoral*

*veto; the 1:50 P.M Joint Meeting item (File ID 16-834) was a Successor Agency action only, and; Ceremonial Presentation of the SPCA Pet of the Month (File ID 16-835) was moved to the July 28, 2016 City Council meeting.*

*APPROVED AS AMENDED*

**On motion of Councilmember Brand, seconded by Councilmember Olivier, the Agenda was approved as amended. The motion carried by the following vote:**

**Aye:** 6 - Caprioglio, Baines III, Brand, Brandau, Olivier and Soria

**Absent:** 1 - Quintero

### **APPROVE MINUTES**

[ID16-153](#) Approval of minutes from June 30, 2016

*APPROVED*

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

**Aye:** 6 - Caprioglio, Baines III, Brand, Brandau, Olivier and Soria

**Absent:** 1 - Quintero

### **COUNCILMEMBER REPORTS AND COMMENTS**

*Councilmember Olivier asked Council to adjourn in the memory of Vergil "Dandy Dan" Daniel and Travis Theisen. He noted the loss of these individuals would be felt far beyond the city limits.*

*Councilmember Soria asked Council to adjourn in the memory of Dylan Noble and in the memory of the Officers ambushed and killed in Dallas, Texas. She commented that it was a difficult time in our community and hoped people would come together to discuss the violence.*

*Councilmember Soria reported that Central Valley Regional Center celebrated the 50th anniversary of the Lanterman Act at Inspiration Park. It was a successful event with hundreds of attendees.*

*Councilmember Baines III said he acknowledged the pain in the community over the recent tragic events in the city and across the nation. Council*

would ensure there were outlets for pain to manifest but cautioned against sowing the seeds of discord. He explained that Council would not choose sides but was there to solve problems and help people come together and be a community. He felt it was time for leadership to stand up, and people of the right intentions to come together for discussion. He noted there could be no positive outcome if people stayed divided. He challenged the Council to be mindful and thoughtful of everyone that was hurting and he challenged the community to be thoughtful and mindful of their actions, messages and outcomes they asked for.

Councilmember Brandau stated he had joined the city in prayer for unification in the city and to reach the best solutions possible under the circumstances.

Councilmember Brandau announced the opening of a new business in his district - Kingston Bay, a senior living facility. He explained that he was scheduled to speak at the grand opening and would be leaving just before 5:00 P.M. if the meeting had not yet concluded.

Vice President Quintero thanked City Manager Rudd for having staff follow-up on the Huntington Boulevard watering trucks.

Vice President Quintero asked City Manager Rudd to follow up on a report he requested in February from the Development and Resources Management Department. The report should identify all the District Five properties that were part of the massive city wide rezone project.

Vice President Quintero reported that residents bound by Tulare / Ventura and Cedar / First were concerned that trash pickup was going to be moving from alleys to the front of their homes. He asked City Manager Rudd to have the appropriate staff member contact him regarding the situation.

President Caprioglio thanked Aviation Director Meikle and his team for the great work on the waiting area expansion at the airport.

President Caprioglio reminded all city employees of the Police Department Active Shooter / Terrorism Awareness training scheduled for July 29. He explained the training was meant to provide employees a better awareness and preparation for terrorist type situations. He offered his thanks to Chief Dyer and the administration for organizing the training.

RECESSED 1:47 P.M. to 1:51 P.M.

## CEREMONIAL PRESENTATIONS

- [ID16-824](#) Certificates of Recognition to the 2016 PG&E Summer Job Interns:
- Tarry Tuy, District 1 - Sponsor Councilmember Soria
  - Quentious Addison, District 3 - Sponsor Councilmember Baines
  - Jeana Robinson, District 4 - Sponsor Council President Caprioglio

*PRESENTED*

- [ID16-835](#) Presentation of the SPCA Pet of the Month

*CONTINUED TO JULY 28, 2016*

## 5. CLOSED SESSION

*The City Council met in Closed Session in Room 2125 from 1:58 P.M. to 2:44 P.M. to discuss the following:*

- [ID16-840](#) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - Government Code Section 54956.9, subdivision (d)(2)  
Significant Exposure to Litigation: Veronica Nelson, et al. v. City of Fresno

*The above item was discussed during closed session. No open session announcements were made regarding this item.*

## 1. CONSENT CALENDAR

APPROVAL OF THE CONSENT CALENDAR

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

**Aye:** 6 - Caprioglio, Baines III, Brand, Brandau, Olivier and Soria

**Absent:** 1 - Quintero

- 1-A [ID16-766](#) Approve the Substitution of a listed Subcontractor, Steven's Electrical Contracting, to install the Interactive Lighting on the Cultural Arts District Park Project - Council District 3

*APPROVED*

The above item was approved on the Consent Calendar.

- 1-B [ID16-772](#) Approve a five-year agreement with Reading and Beyond for lead agency duties for community services and authorize the PARCS Director to sign the agreement

*APPROVED*

The above item was approved on the Consent Calendar.

- 1-C [ID16-785](#) \*\*\*RESOLUTION - Declaring a vacancy in the office of Councilmember for District Five; calling a special election to fill the vacancy to be consolidated with the November 8, 2016, General Election; and calling for a potential run-off election on March 7, 2017.

*RESOLUTION 2016-133 ADOPTED*

The above item was approved on the Consent Calendar.

- 1-D [ID16-804](#) Approve a professional consultant agreement in the amount of \$138,923 with Siegfried Engineering, Inc., a Stockton-based California corporation, for design and engineering services to renovate the Manchester Transit Center for the Department of Transportation/Fresno Area Express (FAX)

*APPROVED*

The above item was approved on the Consent Calendar.

- 1-E [ID16-805](#) Approve a professional consultant agreement in the amount of \$79,802 with Ascent Environmental, Inc., a Sacramento-based California corporation, to conduct an Initial Study per CEQA 15063.

*APPROVED*

The above item was approved on the Consent Calendar.

- 1-F [ID16-812](#) Approve an amendment to the Agreement with Provost and Pritchard Engineering Group, Inc., a Fresno based California corporation, to perform value engineering services and modify plans for the Courthouse Park Transit Shelter Design and Engineering Project in the amount of \$18,954.

*APPROVED*

The above item was approved on the Consent Calendar.

- 1-G [ID16-808](#) Authorize the Controller to use the Committed General Cash Reserve for Economic Uncertainties and Emergencies to cover short term deficit cash balances at year end resulting from timing differences in the receipt of grant revenues/reimbursements and the incurrence of grant-funded expenditures.

*APPROVED*

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

- 1-H [ID16-833](#) \*\*\*RESOLUTION - 1st amendment to the Annual Appropriation Resolution (AAR) No. 2016-118 appropriating \$120,000 of Citywide Police Facility Impact fees for the new Fresno Police Department Central Policing Station located at Manchester Center (Requires 5 affirmative votes)

*RESOLUTION 2016-134 ADOPTED*

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

## **2. GENERAL ADMINISTRATION**

- 2-A [ID16-806](#) Actions Pertaining to the Phase 2 Regional Transmission Mains Segment A1 Project (Bid File 3449), (District 3, District 7, Fresno County)
1. Adopt an Addendum to the Fresno Priority 2 Regional Transmission Water Mains Pipeline Project, Mitigated Negative Declaration (State Clearing House No. 2015101105)
  2. Award a construction contract in the amount of \$28,471,884 to Mountain Cascade, Inc. for the City of Fresno Phase 2 Regional Transmission Mains Segment A1 Project - Bid File 3449
  3. Authorize the Director of Public Utilities, or designee, to sign the contract on behalf of the City

*The above item was introduced by Water Division Manager Carbajal.*

*APPROVED*

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

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

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

**1:30 P.M.**

#### **CONTESTED CONSENT CALENDAR**

*No items were moved to the Contested Consent Calendar.*

**2:00 P.M.#1**

[ID16-754](#) Appearance by Antonio Simone to discuss the possibility of locking garbage/recycling cans to avoid people going through the containers

*Following Mr. Simone's presentation, Council briefly discussed the issue and City Manager Rudd provided history of City action on the subject. Mr. Simone was provided contact information for Public Utilities Assistant Director Schuber and District One Chief of Staff Cox.*

APPEARED

**2:00 P.M.#2**

[ID16-807](#) Appearance by Holly Carter to discuss the discolored water in northeast Fresno and the need to get funding to get schools tested.

*Following Mrs. Carter's presentation, Council briefly discussed the issue. City Manager Rudd, Public Utilities Director Esqueda, Fresno County Public Health Director Pomaville and Public Health Nurse Morrison also spoke on the issue.*

*Councilmember Soria directed staff to perform wider outreach in multiple languages.*

*City Manager Rudd stated the city would target zip codes further south with a phone number and website for a survey. Councilmember Soria requested the information also be inserted into customer utility bills.*

*Councilmember Brand announced that he would bring this subject back to Council as a workshop.*

APPEARED

**UNSCHEDULED COMMUNICATION**

*Upon call, the following members of public addressed Council during Unscheduled Communication:*

*Justice Medina - discussed accountability and police brutality. Mr. Medina asked for copies of Fresno Police policies and wanted to know if they matched President Obama's 21st Century Policing policies. He read a list of 25 officers he stated were involved in shootings and asked what training had been put in place to ensure that officers don't shoot first. Mr. Medina mentioned the recent shooting of Dylan Noble by Fresno Police.*

*Kathy Omachi with Chinatown Revitalization - discussed the recent death of a teenager during a rave dance at Crest Theatre. She said the raves were not safe and problems include unpermitted food, underage drinking, overturned trash cans and illegal parking in private paid lots. Ms. Omachi requested community members be a part of the meetings where code enforcement and police review the raves being held at the Azteca Theater.*

*Mary Esther Correa - discussed code enforcement fines she has paid since 2010. Ms. Correa stated she was forced to sign an agreement for her water to be turned on. She did not agree with some of the clauses in agreement and felt it was akin to theft.*

*Steve Decker - applauded the Bicycle Pedestrian Advisory Committee and the Fresno Police Department on the latest educational campaign for bicycle, pedestrian and motorist safety and awareness. Mr. Decker suggested police follow up on cyclist complaints against motorists.*

*Karen Carballo with Fresno Citizens for Clean Water - discussed discolored water in Northeast Fresno. Ms. Caballo had not received a post card from the city and claimed the water at elementary schools in her area has not been tested. She asked for the city to work harder to get the word out about water issues.*

*Barbara Frederick of Citizens for Clean Water - discussed discolored water in Northeast Fresno. She has experienced water issues since 2004. Ms. Frederick felt the water facility near her was not properly treating the water and was the cause of corroding pipes. She noted the percentage of faucets with lead seemed low until the figures were converted to households.*



*Larry England with District Six Water - discussed discolored water in Northeast Fresno. He did not have water issues until 2015. He stated the City did not add an anti-corrosive to the water until March 2016 which meant damaging water had been running through his pipes for two years. Mr. England felt the damage was not caused by the residents so residents should not be responsible for the repairs.*

*Maryrose Larkins of Fresno Citizens for Clean Water - discussed discolored water in Northeast Fresno. She reported her water issues to the city in 2004. She was disappointed with the actions of her previous council representative. Ms. Larkins expressed dismay over the lack of paper trail left by the two previous Public Utility Directors.*

*Jeanette Grider - discussed discolored water in Northeast Fresno. She has lived in her home since 1992 but did not experience water issues until 2011. City employees told Ms. Grider the problem was her pipes and not the water. She now believes the water was not treated correctly by the city which caused the corrosion of her pipes. Ms. Grider provided Council with copies of a study on "aggressive water" which has been attached to File ID 16-857 and is available in the City Clerk's Office.*

*Ronda Rafidi with Fresno Citizens for Clean Water - discussed discolored water in Northeast Fresno. Her water issues began in late 2004. Many of her neighbors have the same problem and they have all reported their issues to the city. The city began providing her with bottled water in 2007. She is disturbed about the lack of paper trail from these early complaints. Ms. Rafidi believes the city mistreated the water fed to her pipes and that was the cause of her corrosion. She feels the city should be responsible for correcting the problem it caused.*

*Karen Lockwood with Fresno Citizens for Clean Water - discussed discolored water in Northeast Fresno. Her bathroom faucet has lead above the action level. Her kitchen sink water is red and testing indicates it is either from the faucet or pipes. She has not yet received a postcard from the City.*

*Shann Conner - discussed discolored water in Northeast Fresno. She thanked the city for its current actions but noted her issue had been ongoing since 2005. She finds city assurances that the water is safe to drink confusing since the city is also providing her with bottled water. Ms. Conner asked the City arrange an easy way for residents to have their children*

*tested for lead.*

*Julie Shows - discussed discolored water in Northeast Fresno. She asked about the time frame for water testing and asked if there were any proven alternatives to pipe replacement. Ms. Shows also asked what percentage of lead affected home owners were served by the water facility some people think did not properly treated the water. President Caprioglio asked Ms. Shows to contact Public Utility Director Esqueda for answers to her questions.*

*Lionel Sierra - asked who had authority over Sheriff Mims because he had concerns about his sons death which he felt needed to be investigated. Council suggested contacting the Fresno County Board of Supervisors since the Sheriff's Office was a County Department.*

*Luis Ojede - Mr. Ojede felt the Police Chief did not have the trust of the community because of the constant investigations for corruption, low morale and other issues. He asked City Manager Rudd and the Council to hold the Police Chief accountable and remove him. He argued for community oversight of the Police Department in relation to the hiring and firing of the police chief and officer involved shootings. Mr. Ojede felt the death of Dylan Noble was a murder and the officers involved should be disciplined. He said the issuing of citations to protestors had a chilling effect on first amendment rights. He also suggested that City Council meetings should happen in the evenings so they could be better attended. Finally, Mr. Ojede said that sending police officers to keep people from going through garbage cans was a strange way to address homelessness. As an alternative he suggested lifting the community out of poverty by providing more opportunities for people.*

[ID16-857](#) Handouts received from Jeanette Grider during Unscheduled Communication.

Councilmember Baines III exited the Council Chamber at 3:48 P.M. and was absent the remainder of the open session.

Councilmember Brandau exited the Council Chamber at 4:44 P.M. and was absent the remainder of the open session.

Councilmember Brand exited the Council Chamber at 4:47 P.M. and returned at 4:55 P.M.

### **3. SCHEDULED COUNCIL HEARINGS AND MATTERS** **CONTINUED**

**1:50 P.M.**

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

*City Council met in joint session with the Successor Agency to the Redevelopment Agency of the City of Fresno and Fresno Revitalization Corporation at 4:47 P.M. to discuss the following:*

[ID16-834](#) RESOLUTION - Regarding the Sale of Former Agency Property (Successor Agency Action)

*The above item was introduced at joint session by Successor Agency Executive Director Murphey.*

*RESOLUTION SA-33 ADOPTED*

#### **SUCCESSOR AGENCY VOTE**

**On motion of Member Soria, seconded by Vice Chair Caprioglio, the above item was approved. The motion carried by the following vote:**

**Aye:** 4 - Caprioglio, Quintero, Olivier and Soria

**Absent:** 3 - Baines III, Brand and Brandau

### **ADJOURN JOINT MEETING**

*The joint meeting adjourned at 4:49 P.M.*

### **2. GENERAL ADMINISTRATION CONTINUED**

**2-B** [ID16-823](#) \*\*\*RESOLUTION - Submitting to City Electors a proposal to amend the Charter addressing the City's procurement process to allow submission of bid proposals electronically in addition to the currently permitted bid submission method of a hard copy and providing for the placement of the measure on the November 8, 2016 General Election.

*The above item was introduced to Council by Controller Lima.*

*RESOLUTION 2016-135 ADOPTED*

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

Caprioglio, the above item was approved. The motion carried by the following vote:

**Aye:** 4 - Caprioglio, Quintero, Olivier and Soria

**Absent:** 3 - Baines III, Brand and Brandau

#### **4. CITY COUNCIL**

[ID16-838](#) Presentation by the City of Fresno Bicycle and Pedestrian Advisory Committee (BPAC) and The Fresno Police Department relating to the Pedestrian Safety Campaign.

*The above presentation was conducted by Bicycle and Pedestrian Advisory Committee Chair, Tony Molina; Fresno Police Detective Mark Van Wyhe, and; Community Regional Medical Center Representative, Eliana Troncale.*

PRESENTED

#### **5. CLOSED SESSION CONTINUED**

*The City Council met in Closed Session in Room 2125 from 5:09 P.M. to 5:46 P.M. to discuss the following:*

[ID16-822](#) CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION - Government Code Section 54956.9, subdivision (d)(1)  
1. Hulises Rolon v. City of Fresno, et al; .Superior Court Case No. 15CECG03529

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

[ID16-831](#) CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION - Government Code Section 54956.9, subdivision (d)(1)  
1. City of Fresno v. AIG Financial Products Corporation, et al; U.S. District Court Case No.: 08 MDL No. 1950

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

[ID16-830](#) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - Government Code Section 54956.9, subdivision (d)(2)

Significant Exposure to Litigation: Appeal by Chris Henry to Administrative Hearing Decision  
Case Number 15-7815; Location: 2103 N. Angus Street, Fresno (APN 446-020-19)

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

[ID16-836](#) CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Government Code Section 54956.8  
Property: 5607 W. Jensen  
Negotiating Parties: City Manager Bruce Rudd; Darling Ingredients, Inc.  
Under Negotiation: Price and Terms of Payment

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

## **ADJOURNMENT**

*The meeting adjourned from Closed Session at 5:46 P.M. in the memory of Vergil "Dandy Dan" Daniel, Travis Theisen, Dylan Nobel and the Officers killed in Dallas, Texas.*

**The above minutes were approved by unanimous vote of the City Council during the July 28, 2016 City Council meeting with Councilmember Baines III absent.**