



City of Fresno

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

Meeting Minutes - Final City Council

President - Oliver L. Baines, III
Vice President - Paul Caprioglio
Councilmembers:

Lee Brand, Steve Brandau, Clinton J. Olivier,
Sal Quintero, Esmeralda Z. Soria
City Manager - Bruce Rudd
City Attorney - Douglas T. Sloan
City Clerk - Yvonne Spence, CMC

Thursday, February 5, 2015

8:30 AM

Council Chambers

Regular Session

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

8:42 A.M. ROLL CALL

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

Invocation by Reverend Dr. Norman Broadbent of the First Congregational Church of Fresno "Big Red Church"

Pledge of Allegiance to the Flag

CEREMONIAL PRESENTATIONS

Add On Ceremonial Presentation: Recognizing Fresno Firefighters for saving three children from an apartment fire on January 25, 2015

Certificates of Accommodation were presented to Firefighters Clint Walbeck, James Perkins, Brandon Griffith and Mark Brownell; Engineers Jeremy Tatham and Javier Pla; and Captains Kary Wedemeyer, Christian Palmer and Jo-Ella Garcia. In appreciation, the recognized firefighters and their families will also receive Skybox seats at an upcoming Fresno Grizzlies

game and tickets to the Circus.

PRESENTED

[ID#15-104](#) Presentation of the SPCA Pet of the Month

Sponsors: City Councilmember Brand

PRESENTED

[ID#15-090](#) Presentation of an award to the City of Fresno Water Division from the American Backflow Prevention Association (ABPA) in recognition of their support and donation of resources to assist the ABPA in its mission to educate and provide technical assistance for the region and ultimately, to protect drinking water from contamination through cross-connection

Sponsors: Department of Public Utilities

PRESENTED

[ID#15-093](#) Proclamation of “Leo Politi’s story Moy Moy”

Sponsors: City Councilmember Quintero

PRESENTED

[ID#15-103](#) Proclamation of “THE BIG FRESNO FAIR RECEIVES THIRD MERRILL AWARD”

Sponsors: City Councilmember Quintero

PRESENTED

[ID#15-108](#) A Special Black History Reflection- Frederick Douglas

Sponsors: City Councilmember Baines

PRESENTED

APPROVE MINUTES

Approval of City Council minutes from January 29, 2015

CONTINUED

COUNCILMEMBER REPORTS AND COMMENTS

Councilmember Brand thanked city staff and Public Works Director Mozier for installing traffic signals at Chestnut and Shepherd. He noted the project

was long anticipated by the people living in the area.

Councilmember Brandau asked City Manager Rudd for an update regarding faster bus service in the city. City Manager Rudd recalled the Council was going to convene a committee that would schedule a series of meetings to determine the nuts and bolts of the changes to service.

APPROVE AGENDA

City Clerk Spence announced the following changes to the agenda: General Administration item 2-C (File ID# 15-059) regarding a Memorandum of Understanding between the Art of Life Cancer Foundation, Inc. and the City of Fresno is not subject to veto, and; Closed Session item (File ID# 15-098) regarding Floyd Johnson Construction Company was removed from the agenda by staff.

APPROVED AS AMENDED

On motion of Councilmember Brand, seconded by Councilmember Brandau, the above AGENDA was approved as amended. The motion carried by the following vote:

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

1. CONSENT CALENDAR

APPROVAL OF THE CONSENT CALENDAR

On motion of Councilmember Brand, seconded by Councilmember Quintero, the CONSENT CALENDAR was hereby adopted by the following vote:

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

- 1-A** [ID#15-043](#) Actions pertaining to the vacation of a portion of the relinquishment of direct vehicle access rights on the southwest side of Golden State Boulevard approximately 410 feet southeast of E. Church Avenue (Council District 3)
1. Adopt a finding of Categorical Exemption per staff determination, pursuant to Sections 15304 and 15305 of the California Environmental Quality Act (CEQA) Guidelines, Environmental Assessment No. EA-14-041
 2. RESOLUTION - Ordering the summary vacation of a portion

of the relinquishment of direct vehicle access rights on the southwest side of Golden State Boulevard approximately 410 feet southeast of E. Church Avenue

Sponsors: Public Works Department

RESOLUTION 2015-018 ADOPTED

The above item was approved on the Consent Calendar.

CONTESTED CONSENT CALENDAR

No items were moved to the Contested Consent Calendar.

2. GENERAL ADMINISTRATION

Councilmember Brandau exited the Council chamber at 9:32 A.M. and returned at 9:36 A.M.

- 2-A [ID#15-008](#) Actions pertaining to an award of a construction contract to R&H Industries dba Best Electric of Gardena, California in the amount of \$692,300 for the emergency generator upgrade at Fresno City Hall (bid file No. 3314) (Council District 3)
 1. Adopt finding of a Categorical Exemption per staff determination, pursuant to Section 15301(a) of the California Environmental Quality Act (CEQA) Guidelines
 2. Award a construction contract with R&H Industries dba Best Electric of Gardena, California in the amount of \$692,300 for the emergency generator upgrade at Fresno City Hall

Sponsors: Public Works Department

The above item was introduced to Council by Public Works Supervising Engineer Technician Bernard.

APPROVED

On motion of Councilmember Quintero, seconded by Councilmember Olivier, the above item was approved. The motion carried by the following vote:

Aye: 6 - Baines, Caprioglio, Brand, Olivier, Quintero and Soria

Absent: 1 - Brandau

- 2-B [ID#15-046](#) Authorize the City Manager, or his designee, to enter into a multi-year lease agreement with American Tower Corporation for a public safety radio tower position in the Southeast area of Fresno

Sponsors: Fire Department and Police Department

The above item was introduced to Council by Fire Chief Donis.

APPROVED

On motion of Councilmember Quintero, seconded by Councilmember Soria, the above item was approved. The motion carried by the following vote:

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

- 2-C [ID#15-059](#) Actions pertaining to a Memorandum of Understanding between The Art of Life Cancer Foundation, Inc. and the City of Fresno:
1. Adopt a finding of Categorical Exemption pursuant to Section 15304/Class 4 of the California Environmental Quality Act (CEQA) Guidelines; and
 2. ***Approve a two year Memorandum of Understanding with The Art of Life Cancer Foundation, Inc. for the development of a garden at Woodward Park (Council District 6)

Sponsors: Parks, After School and Recreation and Community Services Department

The above item was introduced to Council by PARCS Director Mollinedo.

APPROVED

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

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

- 2-D [ID#15-069](#) ***RESOLUTION - 33rd Amendment to the Annual Appropriation Resolution (AAR) No. 2014-95 appropriating \$21,750,000 for previously approved capital and operating projects in FY 2015 (Requires 5 affirmative votes) (Citywide)

Sponsors: Public Works Department

The above item was introduced to Council by Public Works Director Mozier.

Councilmember Quintero directed staff to provide him with an e-mail update, complete with timelines and dates, regarding the CDBG funded Neighborhood Improvement Program as it pertains to Heaton Avenue.

RESOLUTION 2015-019 ADOPTED

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

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

- 2-E** [ID#15-075](#) Award a requirements contract for custodial services at various City facilities in the amount of \$531,671 for three (3) years with an option for two (2) one-year (1) year increment extensions to Geil Enterprises dba Janitorial Inc., of Fresno.

Sponsors: Public Works Department

The above item was introduced to Council by Public Works Manager Johnson.

APPROVED

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

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

- 2-F** [ID#15-077](#) Actions pertaining to the Tertiary Treatment Facility and associated solar energy facility clean water State Revolving Fund construction financing (Council District 3)
1. ***RESOLUTION - Adopt a revised resolution to pledge revenues and funds to satisfy repayment obligations for the financing agreement
 2. Approve agreement with California State Water Resources Control Board for the construction financing in the amount not to exceed \$49,043,336

3. ***RESOLUTION - 37th amendment to the Annual Appropriation Resolution (AAR) No. 2014-95 appropriating \$10,384,000 in the sewer enterprise State Revolving Loan Fund for the tertiary treatment (TTF) and associated Solar Facility (SEF) at the Regional Wastewater Reclamation Facility (RWRF) (Requires 5 affirmative votes)

Sponsors: Department of Public Utilities

The above item was introduced to Council by Public Utilities Assistant Director Hogg.

Councilmember Brandau directed Assistant Director Hogg to look into bond money options for all phases of the project.

RESOLUTION 2015-020 ADOPTED

RESOLUTION 2015-021 ADOPTED

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

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

- 2-G** [ID#15-079](#) RESOLUTION - Authorizing an application to the Department of the Interior, Bureau of Reclamation for a FY2015 WaterSMART: Water and Energy Efficiency Grant in the amount of up to \$1,000,000 for the Friant-Kern Raw Water pipeline project and authorize the Director of Public Utilities or designee(s) to execute all application documents on behalf of the City of Fresno

Sponsors: Department of Public Utilities

The above item was introduced to Council by Public Utilities Chief Engineering Technician Carbajal.

RESOLUTION 2015-022 ADOPTED

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

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

- 2-H [ID#15-081](#) Actions pertaining to the traffic signal protected left-turn phasing improvements at the intersection of Cedar Avenue and Bulldog Lane - Project Bid File No. 3362 (Council District 4)
1. Adopt finding of a Categorical Exemption pursuant to Class 1 Section 15301(c) (existing facilities) of the California Environmental Quality Act ("CEQA") Guidelines for the traffic signal protected left-turn phasing improvements at the intersection of Cedar Avenue and Bulldog Lane
 2. Award a construction contract to A-C Electric Company of Fresno, California, in the amount of \$283,200 for the traffic signal protected left-turn phasing improvements at the intersection of Cedar Avenue and Bulldog Lane

Sponsors: Public Works Department

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

City Manager Rudd clarified, for the record, that the City of Fresno funded the work at Cedar and Shaw Avenues, not Caltrans.

The following member(s) of the public spoke on this item: Tom Gaffert, Parking Manager at California State University Fresno and Dan Waterhouse, Pi Kappa Alpha Fraternity Advisory Boardmember.

APPROVED

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

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

5. SCHEDULED COUNCIL HEARINGS AND MATTERS

Vice President Caprioglio and Councilmember Brand both exited the Council Chamber at 10:19 A.M. and each returned at 10:20 A.M.

10:00 A.M.

- [ID#15-067](#) HEARING to adopt resolutions and ordinance to annex territory and levy a special tax regarding City of Fresno Community District No. 11, Annexation No. 58 (Final Tract Map No. 6033) (northeast corner of N. Fowler and E. Clinton Avenues) (Council

District 4)

1. RESOLUTION - Annexing Territory to Community Facilities District No. 11 and Authorizing the Levy of a Special Tax
2. RESOLUTION - Calling Special Mailed-Ballot Election
3. RESOLUTION - Declaring Election Results
4. *** BILL - (For introduction and adoption) - Levying a Special Tax for the Property Tax Year 2014-2015 and Future Tax Years Within and Relating to Community Facilities District No. 11, Annexation No. 58, Final Tract Map No. 6033

Sponsors: Public Works Department

The above item was introduced to Council by Public Works Director Mozier.

The following member(s) of the public spoke on this item: Jeff Roberts of Granville Homes.

RESOLUTION 2015-023 ADOPTED

RESOLUTION 2015-024 ADOPTED

RESOLUTION 2015-025 ADOPTED

BILL B-2 INTRODUCED AND ADOPTED AS

ORDINANCE 2015-2

On motion of Councilmember Soria, seconded by President Baines, the above item was adopted. The motion carried by the following vote:

Aye: 5 - Baines, Brandau, Olivier, Quintero and Soria

Absent: 2 - Caprioglio and Brand

10:15 A.M.

- [ID#15-094](#) 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 introduced to Council by Development and Resources Management Director Clark. Director Clark, City Manager Rudd and Supervising Planner Tackett answered questions.

Part "one" of this item (Adopt the Mitigated Negative Declaration) was not considered during this vote. Vice President Caprioglio motioned to adopt parts "two" and "three" of this item with amendments to allow 7 to 8 foot driveways.

The following member(s) of the public spoke on this item: Jeff Roberts of Granville Homes.

RESOLUTION 2015-026 ADOPTED AS AMENDED

RESOLUTION 2015-027 ADOPTED AS AMENDED

On motion of Vice President Caprioglio, seconded by Councilmember Brandau, the above item was adopted as amended. The motion carried by the following vote:

Aye: 5 - Baines, Caprioglio, Brand, Brandau and Olivier

No: 2 - Quintero and Soria

10:30 A.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

The City Council met in joint session with the Successor Agency to the Redevelopment Agency of the City of Fresno and Fresno Revitalization Corporation at 11:13 A.M. to discuss the following:

[ID#15-100](#) Successor Agency to the Redevelopment Agency of the City of Fresno and Fresno Revitalization Corporation (FRC) consider adopting:

- 1 RESOLUTION - Approving the Recognized Obligation Payment Schedule 15-16A

The above item was presented at the Joint Meeting by Successor Agency Executive Director Murphey.

*RESOLUTION SA-28 ADOPTED BY SUCCESSORY AGENCY
RESOLUTION FRC-16 ADOPTED BY FRC*

SUCCESSOR AGENCY VOTE

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

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

FRESNO REVITALIZATION CORPORATION VOTE

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

*Aye: 7 - Baines, Caprioglio, Brand, Brandau, Olivier, Quintero and Soria
Absent: 1 - Swearingin*

ADJOURN JOINT MEETING

The joint meeting adjourned at 11:15 A.M.

3. CITY COUNCIL

[ID#15-070](#) Council Boards and Commissions Communications, Reports, Assignments and/or Appointments, Reappointments, Removals to/from City and non-City Boards and Commissions:

1. Council of Governments - Swearingin-Ex-Officio (Olivier-Alternate)
2. Financial Audit Committee - 3 vacancies
3. Fresno Area Workforce Investment Corporation - Baines
4. Fresno County Transportation Authority (FCTA) - Swearingin, Brandau
5. Fresno Regional Workforce Investment Board - Baines, Renena Smith
6. Fresno County Zoo Authority - Swearingin (Baines-Alternate)
7. Fresno Madera Area Agency on Aging Board - Olivier
8. Joint Powers Financing Authority - Baines, Vacant, Swearingin

9. San Joaquin River Conservancy Board - Swearengin (Brandau-Alternate)
 10. Association for the Beautification of Highway 99 - Baines
 11. Upper Kings Basin Integrated Regional Water Management JPA -Vacant
 12. Pension Reform Task Force - Brand, (2nd and 3rd Member vacant)
 13. Economic Development Corporation Serving Fresno County - Brandau-Ex-Officio
 14. Fresno/Clovis Convention & Visitors Bureau (CVB) - Amy Fuentes
 15. League of California Cities (Annual Meeting) - Swearengin (Olivier-Alternate)
 16. San Joaquin Valley Air Pollution Control District - Baines
 17. Infill Development Ad Hoc Subcommittee - Brand, Baines, Olivier
 18. Litigation Exposure Reduction Ad Hoc Committee - Brandau, Caprioglio
 19. Convention Center Oversight Advisory Board - Baines, (Brand-Alternate), City Manager, SMG General Manager and one representative from each of SMG's organizations
 20. Transportation Committee - Baines, Olivier, Vacant
 21. Code Enforcement Sub-Committee - Baines, Olivier, Caprioglio
- Action Taken:

Sponsors: City Councilmember Baines

The above item was introduced to Council by President Baines. President Baines announced that if a particular board or commission was not specifically addressed then the member sitting on that board or commission would remain.

UPPER KINGS BASIN INTEGRATED REGIONAL WATER MANAGEMENT JPA: City Attorney Sloan clarified that Council could appoint one council member plus one or more alternates to the board and it would require a motion and a vote. Vice President Caprioglio motioned, and President Baines seconded, that Councilmember Brandau fill the vacancy in the Upper Kings Basin Integrated Regional Water Management JPA and that Georgeanne White and Thomas Esqueda serve as the alternates. The motion passed by unanimous vote. Councilmember Soria motioned and

Councilmember Brandau seconded, to make Councilmember Soria a third alternate on the board. The motion passed by unanimous vote. For the record, Chief of staff White clarified that Councilmember Brandau was the representative and that Georgeanne White, Thomas Esqueda and Councilmember Soria were the alternates.

FINANCE AND AUDIT COMMITTEE: President Baines re-appointed Councilmember Brand as the Chair of the Finance and Audit Committee. As the re-appointed Chair, Councilmember Brand selected Councilmembers Olivier and Brandau as the other Finance and Audit Committee members.

FRESNO COUNTY TRANSPORTATION AUTHORITY: Councilmember Brandau was selected to carry on as the Fresno County Transportation Authority member.

FRESNO MADERA AREA AGENCY ON AGING BOARD: Councilmember Olivier attempted to decline re-appointment to the authority but City Attorney Sloan clarified that the Mayor makes the appointment to the board and the Council only confirms the appointment.

INFILL DEVELOPMENT AD HOC SUBCOMMITTEE: President Baines announced that the Infill Development Ad Hoc Subcommittee was hereby disbanded.

LITIGATION EXPOSURE REDUCTION AD HOC COMMITTEE: Vice President Caprioglio noted, for the record, that the Litigation Exposure Reduction Ad Hoc Committee and the City Attorney's Office had been able to reduce litigation expenses by 1.8 million dollars. By consensus, Vice President Caprioglio and Councilmember Brandau were chosen to continue their roles as members of the Litigation Exposure Reduction Ad Hoc Committee.

TRANSPORTATION COMMITTEE: By consensus, President Baines appointed Councilmember Soria to fill the vacancy with the Transportation Committee.

ECONOMIC DEVELOPMENT CORPORATION: By consensus, President Baines was selected as the alternate to Councilmember Brandau on the Economic Development Corporation Servicing Fresno County.

Recessed from 11:31 A.M. to 11:37 A.M.

UNSCHEDULED COMMUNICATION

No members of the public addressed Council with unscheduled communication.

4. CLOSED SESSION

The City Council met in closed session in Room 2125 from 11:38 A.M. to 12:20 P.M. to discuss the following:

[ID#15-071](#) CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Government Code Section 54956.8
Property: 5607 W. Jensen
Negotiating Parties: City Manager Bruce Rudd; Darling Ingredients, Inc.

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

[ID#15-098](#) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - Government Code Section 54956.9, subdivision (d)(2)
Significant Exposure to Litigation:
1. Floyd Johnson Construction Company v. City of Fresno (West Yost Project: WC00030 Large Diameter Transmission Main in Northeast Fresno Segment I)

Sponsors: City Attorney's Office

The above item was removed from the agenda by staff and was not discussed in closed session.

Recessed from 12:20 P.M. to 5:07 P.M.

5:00 P.M.

[ID#15-080](#) Actions pertaining to adopting amended water rates in accordance with Proposition 218
1. Hold public hearing regarding proposed water rates
2. ***RESOLUTION - ratifying the Proposition 218 process according to California Constitution Article XIID

Sponsors: Department of Public Utilities

For the record, President Baines announced he was accepting the supplemental power point presentation provided by staff. City Attorney

Sloan announced that protest ballots would be accepted through the end of the public comment period. Large labeled boxes for collection of the ballots were clearly visible on each side of the Council Chamber in front of the dais.

The above item was introduced to Council by Public Utilities Director Esqueda.

The following member(s) of the public spoke on this item: Don Winton, Joan Poss of WILPF, Dr. Harune Netfich, Tyler Mackey, Diane Saneth of HEAT, Linda Cotta of No Against Increase, Martina Zolate, Pouran Etezadi, Lee Mellenberger, Robert Merrill, Dave Herb, Wayne Whitman, Stephenie Frederick, Kassy D. Chauahan of SWRCB - DDW, Dallas Thiesen of Fresno Tax Payers Association, Lovan Harding, Martin McIntyre, Howard K. Watkins, J.D. McCubbin, Laura Whitehouse Chair of the UAC, Gladys Deniz of the UAC, Kenneth Crosby, Diane Merrill of the League of Women Voters, Laura G. Platus of Jensen and Drummond, Nancy Waidtlow, Gerry Bill, Ernie Lewis, Doug Vagim, Gery Harron, Mary Murphy of WILPF, Jean Hays of WILPF, Ann Carruthers of WILPF, Robert M. Rodriguez, Angelo Colasante, Jerri Canoier and Beth Weinman.

Upon call, no additional members of the public wished to address council on this matter and President Baines closed the public comment portion of the protest process at 7:10 P.M. It was announced that no further protest ballots would be accepted and that Council would recess for fifteen minutes while the Clerk's Office tabulated the number of eligible protest ballots received.

Recessed from 7:11 P.M. to 7:33 P.M.

City Clerk Spence announced the protest had not succeeded as only 41,267 eligible ballots were received (including 1,243 provisional ballots) but 66,674 eligible ballots were required.

RESOLUTION 2015-028 ADOPTED

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

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

ADJOURN

The City Council meeting adjourned at 7:33 P.M.

These minutes were approved by unanimous vote of the City Council during the February 26, 2015 Council meeting.