



City of Fresno

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

Meeting Minutes - Draft 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

Thursday, July 24, 2014

8:30 AM

Council Chambers

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.

8:35 A.M. ROLL CALL

Present: 6 - Council President Steve Brandau
Acting Council President Oliver Baines
Councilmember Lee Brand
Councilmember Clinton Olivier
Councilmember Sal Quintero
Councilmember Blong Xiong

Absent: 1 - Councilmember Paul Caprioglio

Invocation

by Sarbjit Singh of the Sikh Institute, Fresno

Pledge of Allegiance to the Flag

Ceremonial Presentations:

Proclamation of "AMERICANS WITH DISABILITIES ACT AWARENESS DAY" -
Councilmember Xiong

Presented.

Approve City Council Minutes

ID#14-200 Approval of City Council minutes from June 19, June 26, and July 10, 2014

On motion of Acting President Baines, seconded by Councilmember Brand, the above MINUTES were approved. The motion carried by the following vote:

Aye: 6 - Brandau, Baines, Brand, Olivier, Quintero and Xiong

Absent: 1 - Caprioglio

Approve Successor Agency and FRC Minutes

ID#14-212 Approval of Successor Agency and Fresno Revitalization Corporation minutes from June 19 and June 26, 2014

The FRC Minutes will be brought back to council due to a publication complication.

On motion of Acting President Baines, seconded by Councilmember Brand, the above Successor Agency MINUTES were approved. The motion carried by the following vote:

Aye: 6 - Brandau, Baines, Brand, Olivier, Quintero and Xiong

Absent: 1 - Caprioglio

Councilmember Reports and Comments

Councilmember Brand asked for clarification from the City Manager Rudd on the City's Stage Two water restrictions. He asked if the watering restrictions are two set days. City Manager Rudd responded that the two set days are based on odd and even addresses, for more detailed information the City Manager called up Thomas Esqueda, Director of Public Utilities. Director Esqueda stated that odd addresses can water on Tuesdays and Saturdays and even addresses can water on Wednesdays and Sundays. Watering should take place after 7:00 p.m. and before 6:00 a.m. There was more discussion about conservation goals and citizen outreach and education. Councilmember Brand talked about new technology timers that could possibly be used by the City to help reduce water waste.

City Manager Rudd also discussed other things that can be done by the City to help reduce water waste. He also stated that if citizens see any waste at a City facility to call 621-CITY to report it so we can respond as quickly as possible.

Council President Brandau wanted to clarify if the \$500 fine was a State law. City Manager Rudd responded that it is a State law and the City only charges a \$45 fine warning and any time after a warning the violator is fined only \$45. No one in Fresno will be fined \$500. Council President Brandau asked how the City got out of participating in \$500 fine. City Manager Rudd responded that it was a recommendation or guide, it was not a mandate. Council President Brandau requested that the City Manager put out a press release to clarify this information because the council offices are getting all kinds of calls about this issue. He also gave direction to have staff address any city water issues as soon as possible. The City Manager stated that direction was already given to staff yesterday.

Councilmember Xiong also spoke on the water issue. His office received a call regarding the \$500 fine from a citizen believing the City will be charging \$500. Councilmember Xiong asked the City Manager to send out a tray memo to everyone with what the State's recommendation is and a summary on the impact on the City of Fresno and other neighboring cities.

Councilmember Xiong also stated that his office received a call from some of the people who use the Veteran's Auditorium stating that the air conditioning was down. Scott Mozier, Director of Public Works said that the Facilities Management Department received a work order regarding the air conditioning this week and the electrician was dispatched out the next day. Minor repairs in the lunch room and another small room were needed. Councilmember Xiong thanked Scott Mozier and his team for working on a couple of the projects in his district. He also wanted to thank the fire fighters for working on Nutra Ag in Viola which will help the business community.

Councilmember Xiong reported that he will bring the item for gap in insurance policy for small developers to the first meeting in August.

Approve Agenda

City Clerk Spence announced: File 12-152 on the Consent Calendar regarding the purchase of Taser video cameras had been continued to July 31, 2014 per staff; File ID# 14-179 on the Consent Calendar regarding payday lending was subject to Mayoral veto; there was a special closed session that was notice seperately.

On motion by Acting President Baines, seconded by Councilmember Olivier, the AGENDA was approved. The motion carried by the following vote:

Aye: 6 - Brandau, Baines, Brand, Olivier, Quintero and Xiong

Absent: 1 - Caprioglio

1. CONSENT CALENDAR

The following member(s) of the public spoke on Consent Calendar Items: Barbara Hunt (File ID#'s 14-023, 14-152, 14-179, and 13-354)

APPROVAL OF THE CONSENT CALENDAR

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

Aye: 6 - Brandau, Baines, Brand, Olivier, Quintero and Xiong

Absent: 1 - Caprioglio

ID#14-023 RESOLUTION - Declaration of results from June 3, 2014, Consolidated Direct Primary Election

Sponsors: City Clerk's Office

The above item was moved to the Contested Consent Calendar for further discussion by President Brandau.

ID#14-125 Award a requirements contract in the amount of \$184,563 to Olin Corporation dba Olin Chlor Alkali Products ("Olin"), for bulk sodium hydroxide and authorize the Director of Public Utilities, or his designee, to execute a one-year contract with provisions for two one-year extensions - Bid File 9278 (Citywide)

Sponsors: Department of Public Utilities

The above Item was approved on the Consent Calendar.

ID#14-129 Approve a substitution of a listed subcontractor Halopoff & Sons, Inc., for the Van Ness Avenue Pavement Overlay from Inyo Street to Railroad Avenue (Council District 3)

Sponsors: Public Works Department

The above Item was approved on the Consent Calendar.

ID#14-152 1. RESOLUTION - Authorizing the Chief of Police or designee to specify TASER International, Inc., without substitution, for the purchase of 100 TASER Axon Flex Body-worn video cameras under the sole source competitive bidding exception
2. Award a purchase contract in the amount of \$159,732.13 to TASER International, Inc., for the purchase and service of body video cameras to be worn by police officers

Sponsors: Police Department

The above item was removed the agenda and continued to July 31, 2014.

ID#14-155 Approve a substitution of a listed subcontractor Halopoff & Sons, Inc., for the Herndon Avenue Eastbound Widening from Brawley Avenue to Blythe Avenue - Council District 2

Sponsors: Public Works Department

The above Item was approved on the Consent Calendar.

ID#14-156 Approve a substitution of listed subcontractor McCurley and Day Masonry, Inc., for the Universally Accessible Park - (Council District 1)

Sponsors: Public Works Department

The above Item was approved on the Consent Calendar.

ID#14-179 BILL NO. B-30 (Intro. 6/26/2014) (For adoption) - Amending the Fresno Municipal Code to establish zoning and use regulations for payday lending (Citywide Application) - Development and Resource Management Department

Sponsors: Development and Resource Management Department

ORDINANCE 2014-34 ADOPTED

The above item was approved on the Consent Calendar.

ID#13-354 Approve Structure Lease Agreement with Cingular Wireless at City of Fresno Parking Garage #7 located at 801 Van Ness Avenue (Council District 3)

The above item was approved on the Consent Calendar.

CONTESTED CONSENT CALENDAR

ID#14-023 RESOLUTION - Declaration of results from June 3, 2014, Consolidated Direct Primary Election

Sponsors: City Clerk's Office

Brandi Orth, County Clerk and Registrar of Voters addressed the City Council to speak about the June 3, 2014 election stating the Gubernatorial Primary Election was held June 3rd and the City of Fresno had four councilmember seats up for election. The District 1 seat will move on to the General election to be held November 4, 2014. The City of Fresno has 110,430 register voters, 19% of the registered voters voted in the June election. Of the 21,000 voters, 70% voted by mail and 30% voted at the polls. The County Elections Department established 128 polling locations throughout the city and provided four vote by mail drive through sites. The Elections Department is currently in the middle of candidate filing for the November election. Filing will close August 8th at 5:00 p.m. for anyone who wants to be a candidate or for any entity that wants to put a measure on the November ballot. Ms. Orth stated that the Elections Department appreciates the good relationship they have with City Clerk Spence, adding that she is professional, knowledge and a good public service.

Councilmember Xiong asked Ms. Orth what the consistent issues are regarding voting that has been raised by most cities.

Ms. Orth responded when she visits cities polling locations are usually the main concerns. The Elections Department are governed by many laws regarding establishing polling locations and they work very closely with the City Council and City Clerks to find the best locations in those cities. Councilmember Xiong also asked if we have the financial ability to address the concerns that are raised. Ms. Orth responded the Board of Supervisors has adequately funded her department and since she arrived they have turned a few dollars back to the County at the end of the budget year.

Council President asked how the 19% that voted in the June election compared to other cities. Ms. Orth responded she did not have that information about cities, but compared to the County which was 26%, the City is just below the County. Overall the County was the middle of the pack in the State of California, but some of the small Counties ended up getting up to 40%. The November elections get more action, because they have more measures and special districts on the ballot.

RESOLUTION 2014-120 ADOPTED

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

Aye: 6 - Brandau, Baines, Brand, Olivier, Quintero and Xiong

Absent: 1 - Caprioglio

2. GENERAL ADMINISTRATION

No General Administration items were on the agenda.

3. CITY COUNCIL

No City Council items were on the agenda.

UNSCHEDULED COMMUNICATION

The following member(s) of the public spoke to Council about items not on the agenda:

Barbara Hunt - discussed the election, Federal and Community Development Block Grant money for Southwest Fresno and Southwest Fresno in relation to the General Plan.

4. CLOSED SESSION

The City Council met in special closed session (noticed separately) in Room 2125 from 9:28 A.M. to 11:15 A.M. to discuss the following:

ID#14-204 CONFERENCE WITH LABOR NEGOTIATORS - Government Code Section 54957.6
City Negotiators: Ken Phillips, Jeff Cardell
Employee Organizations:

IUOE, Stationary Engineers, Local 39 (L39)
Fresno City Employees Association (FCEA)
Fresno Police Officers Association (FPOA Basic)
International Association of Firefighters, Local 753 (Fire Basic)
Amalgamated Transit Union, Local 1027 (ATU)
International Brotherhood of Electrical Workers, Local 100 (IBEW)
Fresno Police Officers Association (FPOA Management)
International Association of Firefighters, Local 753 (Fire Mgmt)
City of Fresno Professional Employees Association (CFPEA)
City of Fresno Management Employees Association (CFMEA)
Fresno Airport Public Safety Supervisors (FAPSS)

CONFERENCE WITH LABOR NEGOTIATORS - Government Code Section 54957.6
City Negotiator(s): Steve Brandau, Ashley Swearengin, Bruce Rudd, Jeffrey Cardell
Unrepresented Employees in Unit 2 (Non-Represented Management and Confidential Classes):

Airport Public Safety Manager
Assistant City Attorney
Assistant City Manager
Assistant Controller
Assistant Director
Assistant Director of Personnel Services
Assistant Director of Public Utilities
Assistant Director of Public Works
Assistant Police Chief
Assistant Retirement Administrator

Budget Analyst
Budget Manager
Chief Assistant City Attorney
Chief Information Officer
Chief of Staff to the Mayor
City Attorney
City Clerk
City Engineer
City Manager
Community Coordinator
Community Outreach Specialist
Controller
Council Assistant
Deputy City Attorney II
Deputy City Attorney III
Deputy City Manager
Director
Director of Aviation
Director of Development
Director of Personnel Services
Director of Public Utilities
Director of Transportation
Economic Development Coordinator
Economic Development Director
Executive Assistant to Department Director
Executive Assistant to the City Manager
Fire Chief
Governmental Affairs Manager
Human Resources Manager
Independent Reviewer
Internal Auditor
Labor Relations Manager
Labor Relations Secretary
Police Chief
Principal Budget Analyst
Principal Internal Auditor
Public Affairs Officer
Public Works Director
Redevelopment Administrator
Retirement Administrator
Risk/Safety Manager

Senior Budget Analyst
Senior Deputy City Attorney
Senior Human Resources/Risk Analyst
Supervising Deputy City Attorney

Sponsors: Personnel Services Department

*The following member(s) of the public spoke on this item:
Barbara Hunt.*

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

5. SCHEDULED COUNCIL HEARINGS AND MATTERS

10:00 A.M.

- ID#14-107** HEARING to consider the proposed Annual Assessment for the City of Fresno Landscaping and Lighting Maintenance District No. 1 (Citywide)
1. RESOLUTION confirming the diagram and assessment and levy of annual assessment, 2014-2015, for Landscaping and Lighting District No. 1

Sponsors: Public Works Department

Scott Krauter, Public Works Department gave a presentation to Council regarding this item. Mr. Krauter stated that this action is the second part to the whole process that allows the City to put on the tax rolls the assessment to collect funds through the LMD services through the year. Notice was published in the Fresno Business Journal about this hearing and invited anyone to provide a letter of protest. Mr. Krauter checked with the City Clerk's Office and no letters of protest were received. Also there is no rate increased proposed and we are not annexing any new territory in at this time.

When Council President Brandau asked if anyone from the public wanted to speak on the item, no one from the public came forward.

Councilmember Quintero asked staff about the amount the assessment collected and if the annual assessment was adopted by council by a resolution in 1983 has the amount that

we collect continued to go up over the years. Mr. Krauter stated prior to 1996 and the passage of proposition 218 this hearing would have included any new subdivision that wanted to annex into the district. Councilmember Quintero asked if the amount of the land that you take care of has not increased. Mr. Krauter responded no not since 1996. City Manager Rudd stated that all of the cost related to landscaping has gone up, but the level of service received has been reduced. Councilmember Quintero asked City Manager Rudd if the Council could get a memo on how to initiate a Prop 218 hearing and asked City Attorney Sloan to include options.

RESOLUTION 2014-121 ADOPTED

On motion of Acting President Baines, seconded by Councilmember Xiong, the above Item was approved. The motion carried by the following vote:

Aye: 4 - Baines, Brand, Quintero and Xiong

No: 1 - Brandau

Absent: 2 - Caprioglio and Olivier

UNSCHEDULED COMMUNICATION CONTINUED

The following member(s) of the public spoke to Council about items not on the agenda:

George Hostetter of the Fresno Bee - questioned the authority to hold closed sessions concerning labor negotiations for the City Manager, Police Chief, City Clerk and City Attorney as opposed to discussing those positions in open session.

City Attorney Sloan responded to Mr. Hostetter and stated the authority was found in the Brown Act and that Council set the parameters for the terms and conditions of those contracts through salary resolutions.

ADJOURNMENT

Adjourned at 11:28 A.M.