



# 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*

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Thursday, December 17, 2015

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.

1:34 P.M. ROLL CALL

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

Invocation by Pastor Vickie Healy of the Wesley United Methodist Church

Pledge of Allegiance to the Flag

### **CEREMONIAL PRESENTATIONS**

[ID#15-114](#) Recognition of Linda Amparano as the Fresno County Office of  
[2](#) Education's Employee of the Year

*PRESENTED*

**ADD ON CEREMONIAL**

[ID#15-119](#) Proclamation of RICHARD A. JOHANSON DAY

[7](#)

PRESENTED

**APPROVE MINUTES**

[ID#15-115](#) Approval of City Council minutes from December 3, 2015

[6](#)

**On motion of Vice President Caprioglio, seconded by Councilmember Olivier, the above minutes were approved. The motion carried by the following vote:**

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

[ID16-011](#) Approval of City Council minutes from December 10, 2015

*Approval of the December 10, 2015 minutes was laid over to January 7, 2016.*

**COUNCILMEMBER REPORTS AND COMMENTS**

*Vice President Caprioglio reported that the Discovery Center, located near McKinley and Winery Avenues, held its tree dedication on December 12, 2015. He thanked Amber Spencer for donating a tree. He noted the event was well attended and everyone had a good time. Children made ornaments for the tree and met Santa and Mrs. Claus.*

*Vice President Caprioglio reported that the Hmong Story Forty opened the previous weekend and he encouraged all to attend the exhibit at the Fresno Fairgrounds. He stated it was an amazing story of forty years of the Hmong culture in our community and in the country. He stated there were many stories in the exhibit including the crossing of the Mekong Delta on bamboo rafts to escape torment and torture. The exhibit also celebrated elected officials like former Councilmember Blong Xiong. He remembered the exhibit as moving and as a testimonial to the good things that happen in this country, in this state and in this city. The exhibit is free through January 2, 2016. Vice President Caprioglio also reported that California State University, Fresno offered a minor in Hmong studies and had twenty students already enrolled.*

*Councilmember Soria reported she held her third annual toy drive distribution at Heaton Elementary on December 16, 2015. The drive distributed toys to 731 students at the school. She thanked the toy drive partners including Ampersand Ice Cream, Casa De Tamales, Sequoia Brewing Company, Goldsteins and Gazebo Gardens. She also thanked those that contributed money to the drive, about \$4,300. She thanked the Fire Department and Engine Nine for helping deliver the toys.*

*Councilmember Soria asked for the meeting be adjourned in the memory of those that lost their lives in the Skylife air ambulance helicopter crash last week; Kyle Juarez, Thomas Hampf, Marco Lopez and Kathryn Brown. Flight paramedic Kyle Juarez was from the City of Fresno.*

*Councilmember Quintero reported he would leave the meeting at 5:30 P.M. due to a prior commitment.*

*Councilmember Brand reported he had an issue with a homeless person at one of his rental properties. He stated he called the city to report the incident pursuant to the Vacant Blighted Ordinance but was told the City was not doing that anymore. City Manager Rudd indicated he would follow up on the matter because the City was still following those procedures.*

*Councilmember Olivier reported that, after nearly a month without heat, hot water or gas for cooking, the gas was finally back on at the Summerset Village Apartments. He thanked his fellow Councilmembers for their hard work, for listening, and for thinking critically about the problem. He thanked the Councilmembers for their declaration of local emergency as well as for the strong words they had for the landlord. Councilmember Olivier stated there were many people in the community he needed to thank, including: City Staff led by Bruce Rudd and Renena Smith, Jennifer Clark, Del Estabrooke and Andrew Benelli. He said the residents in Fresno had public servants working for them that care, were competent, efficient and effective. He thanked: Fresno Interdenominational Refugee Ministry Director, Zack Darrah and his staff; the City Attorney's Office; the Central Valley Red Cross; the Southern Baptist Convention and; the numerous community members that volunteered or donated space heaters and blankets. He also thanked the Hilton Garden Inn and the Holiday Inn for providing coffee. Councilmember Olivier also thanked Mayor Swearingin and City Manager Rudd. He noted the Mayor was at the property and coordinated the first week of relief efforts. He recalled that City Manager Rudd "responded instantly" to his request for help and had his staff on the ground in minutes.*

*Councilmember Olivier noted that City Manager Rudd was incredibly efficient and was incredibly good at his job and said it was a pleasure to work with him.*

*City Manager Rudd also thanked the Building Division and Pacific Gas and Electric for their work at the Summerset Village Apartments. City Manager Rudd also stated the administration was working to change the way code violations were processed.*

*Councilmember Olivier commented that his office had received a number of complaints regarding the Red Roof Inn on Blackstone Avenue and an increased number of complaints about prostitution on Blackstone Avenue - especially in connection with hotels allowing prostitution to occur. He stated he was waiting for an update from code enforcement and the Police Department on those issues.*

*Councilmember Soria asked the City Manager for an update on the timing of the Parks Master Plan. City Manager Rudd replied that the bid opening would be in the first part of January and the item would be to Council at the end of January or beginning of February.*

*Councilmember Soria asked the City Manager for an update on the Inspiration Park transportation issue involving criteria by the Department of Rehabilitation Services to utilize the park. City Manager Rudd stated that Handy Ride was a viable alternative, but staff was also working with the Resources for Independence on it's application to meet the certification.*

## **APPROVE AGENDA**

*City Clerk Spence announced the following changes to the agenda: approval of the December 10, 2015 minutes was laid over to January 7, 2016; Consent Calendar item 1-K (File ID#15-1130) was laid over to January 7, 2016; Consent Calendar item 1-Q (File ID#15-1167) was removed from the agenda by staff; the agenda title for General Administration item 2-D (File ID#15-1155) should refer to the apartment complex as "Summerset Village Apartments" not "Summerset Apartments"; the supplemental letters of support attached to Consent Calendar item 1-P (File ID# 15-1154) were meant for the 2:30 P.M. Scheduled Hearing (File ID#15-1133); a Special Meeting was separately noticed to begin at 1:30 P.M. (File ID#15-1196) regarding actions pertaining to a fulfillment center for Nordstrom, Inc.*

City Clerk Spence also read the following corrected agenda title into the record for General Administration item 2-F (File ID#15-1162):

*\*\*\*RESOLUTION - 2nd Amendment of the Position Authorization Resolution (PAR) No. 2015-105 to add nine positions to the Fire Department and two positions to the Development and Resources Management Department.*

*APPROVED AS AMENDED*

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

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

Councilmember Brandau exited the Council Chamber at 2:11 P.M. and returned at 2:15 P.M.

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

### **1:30 P.M.#1**

[ID#15-111](#)  
[2](#) Approve acceptance of donation of approximately 0.28 acre property by Mr. William Collins, for the future construction of a new trailhead at E. Tulare Avenue and N. Argyle Avenue (Council District 5)

*The above item was introduced to Council by Parks, After School, Recreation and Community Services ("PARCS") Director Mollinedo.*

*APPROVED*

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

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

**Absent:** 1 - Brandau

**1:30 P.M.#2**

[ID#15-106](#) WORKSHOP - Election Update by Brandi Orth, Fresno County  
[4](#) Clerk/Registrar of Voters

*The above workshop was presented to Council by Fresno County Clerk / Registrar of Voters, Orth.*

WORKSHOP HELD

**1:30 P.M.#3**

[ID#15-115](#) WORKSHOP - Update on the Status of High Speed Rail  
[7](#) activities and construction projects in the City of Fresno.

*The above workshop was presented to Council by Diana Gomez, Central Valley regional director for the California High-Speed Rail Authority. Lee Anne Eager, President of the Fresno County Economic Development Corporation also spoke on this item.*

*Councilmember Brandau requested Director Gomez send him the total number of properties the High Speed Rail authority still needed to acquire in the County of Fresno, not just in the City.*

WORKSHOP HELD

**1:30 P.M. SPECIAL MEETING (separately noticed)**

[ID#15-119](#) Actions pertaining to a fulfillment center for Nordstrom, Inc.  
[6](#)

1. Adopt an Addendum to a Mitigated Negative Declaration prepared for Environmental Assessment No. TPM-2012-06 in accordance with Section 15162 of the CEQA Guidelines;
2. Approve Economic Development Incentive Agreement between the City of Fresno and Nordstrom, Inc.;
3. Authorize the City Manager to negotiate and sign the final Economic Incentive Agreement with Nordstrom, Inc., consistent with the material terms approved by Council, prior to December 31, 2015.

SPONSOR: Economic Development Department

*The above item was introduced to Council by Economic Development Director Westerlund. Finance Director Lima also spoke on this item.*

*The following member(s) of the public spoke on this item: Lee Anne Eager of the Fresno County Economic Development Corporation.*

*Councilmember Brandau motioned to approve this item with the following amendment: increase the valuation of the sales tax incentive package by two million dollars by shifting the sales tax rebate (Table 13 of exhibit "C") up from 50% to 75% for years 2021 through 2027. Councilmember Caprioglio seconded the motion.*

**APPROVED AS AMENDED**

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

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

## **2:30 P.M.**

[ID#15-113](#) HEARING to consider Text Amendment No TA-15-001A and related environmental finding for adoption of Pedestrian Access and Façade Design Development Standards and related items in the Residential Multiple Family and Mixed Use zones of the Citywide Development Code (Sections 15-1004-C-1, 15-1004-E, 15-1005, 15-1104-D-1, 15-1104-F, 15-1105, and 15-5602-A)

[3](#)

1. ADOPT the environmental finding of Environmental Assessment No. TA-15-001A, that Text Amendment TA-15-001A is within the scope of the Final Master Environmental Impact Report SCH No. 2012111015 ("MEIR") certified by the Fresno City Council on December 18, 2014 and the related Addendum adopted by the Fresno City Council on November 19, 2015 for the Citywide Development Code
2. BILL - (For introduction and adoption) - Approving Text Amendment Application No. TA-15-001A, to adopt Pedestrian Access and Façade Design Development Standards in the Residential Multiple Family and Mixed Use zones of the Citywide Development Code (Sections 15-1004-C-1, 15-1004-E, 15-1005, 15-1104-D-1, 15-1104-F, 15-1105, and 15-5602-A)

*The above hearing was called to order at 3:40 P.M. Development and*

*Resources Management ("DARM") Assistant Director Zack introduced this item to Council. DARM Director Clark and Mayor Swearengin also spoke on this item. Assistant Director Zack read the following corrections into the record regarding Section 10, Multi-Family:*

*Subsection "i" and "ii" under part "C. Window Depth" should read as follows: "i. In the Priority Areas. Required." "ii. Outside of the Priority Areas. No requirement."*

*Subsections "i" and "ii" under part "5 External Stairs, Corridors, and Hallways" should be added as follows: "i. In the Priority Areas. Required." "ii. Outside of the Priority Areas. No requirement."*

*Assistant Director Zack clarified that any project submitted for a Development Permit Application, previously called a site plan review, would still be brought to the established design review and council implementation committees within a few weeks of the application being complete. The committees would continue to provide recommendations to the review authority. If a committee disagreed with the review authority, the committee would still have the ability to appeal to the Planning Commission.*

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

*Cliff Tutelian - spoke in favor of the update as proposed.*

*Jeff Cazaly of Jeff Cazaly Architects - spoke in favor of the update as proposed.*

*Michael Mazzoni of Pyramid Homes, Inc. - in support of the update with the inclusion of the alternatives recommended by Granville Homes.*

*Richard Caglia - spoke in support of the update with the inclusion of the alternatives recommended by Granville Homes.*

*Gary Giannetta - spoke in support of the alternatives recommended by Granville Homes.*

*Scott Ellis - spoke in support of the staff recommendation on the suburban projects and the alternatives recommended by Granville Homes.*

*Claudia Cazares of Granville Homes - spoke in support of the alternatives*



*recommended by Granville Homes.*

*Tony Ceton - spoke in support of the alternatives recommended by Granville Homes.*

*Darius Assemi of Granville Homes - spoke in support of the alternatives recommended by Granville Homes.*

*Patience Milrod - requested changes to the flexibility option that would makes it less automatic and would require more discretion and include general notice.*

*Tiffanie Marshall of Granville Homes - spoke in support of the alternatives recommended by Granville Homes.*

*Scott Miller - spoke in support of the code update and requested the flexibility option allow for public comment.*

*Terance Frazier - spoke in support of the code update as proposed.*

*Public comment was closed at 4:12 P.M.*

*Councilmember Soria Directed staff to indicate on district committee agendas whether projects were proceeding under the certainty or flexibility options.*

*Councilmember Soria motioned to approve the staff recommendation with an amendment allowing for an opt in e-mail notification for public notices. President Baines seconded the motion. No vote was taken on this motion as the item was continued to January 7, 2016.*

*Councilmember Soria motioned to direct staff to develop, then return to Council with, guidelines that allow projects to proceed under the certainty option or a fast track option when similar projects have already been approved through the flexibility option for facade or pedestrian standards. Councilmember Baines seconded the motion. No vote was taken on this motion as the item was continued to January 7, 2016.*

*Vice President Caprioglio motioned to include the recommended alternatives labeled as "Exhibit A" and "Exhibit B" by Granville Homes as part of the Development Code Update. Councilmember Brand seconded the motion.*

*The Granville Homes recommended alternatives have been attached to File ID#15-1133. No vote was taken on this motion as the item was continued to January 7, 2016.*

*President Baines motioned to continue the item to January 7, 2016 so the administration and the industry could work through proposed changes. Councilmember Brand seconded the motion.*

**On motion of President Baines III, seconded by Councilmember Brand, the above item was continued to January 7, 2016. The motion carried by the following vote:**

**Aye:** 5 - Baines III, Brand, Olivier, Quintero and Soria

**No:** 2 - Caprioglio and Brandau

## **1. CONSENT CALENDAR**

### APPROVAL OF THE CONSENT CALENDAR

**On motion of Councilmember Quintero, seconded by President Baines III, the CONSENT CALENDAR was hereby adopted by the following vote:**

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

- 1-A**    [ID#15-100](#)    Award a contract for an Information Technology (IT) Strategic  
[5](#)                    Plan in the amount of \$174,800 with NexLevel Information  
Technology, Inc. (Bid File 91815) (Citywide)

*APPROVED*

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

- 1-B**    [ID#15-106](#)    Approve the updated Controlled Substances and Alcohol  
[1](#)                    Testing Policies for Safety-Sensitive Employees/Individuals  
Subject to the Federal Transit Administration and the Federal  
Motor Carrier Safety Administration Regulations.

*APPROVED*

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

- 1-C [ID#15-108](#)  
[9](#) Approve a Cooperate Agreement with the County of Fresno for a maximum City contribution of \$78,500 to construct a traffic signal at the intersection of Shaw and Grantland Avenues (Council Districts 1 and 2)

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

- 1-D [ID#15-109](#)  
[2](#) Approve an amendment to the agreement with Mark Thomas & Company Inc. (MTCO) for additional professional engineering services for the Veterans Boulevard Grade Separation and State Route 99 Freeway Interchange project for a net increase of \$401,572 (Council District 2).

APPROVED

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

- 1-E [ID#15-109](#)  
[5](#) \*\*\*RESOLUTION - 23rd amendment to the Annual Appropriation Resolution (AAR) No. 2015-104 to appropriate \$64,500 for two State-funded railroad crossing safety improvement projects (Requires 5 affirmative votes) (Council Districts 1 and 7)

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

- 1-F [ID#15-110](#)  
[5](#) Authorize the Personnel Services Director to execute an Agreement with Occu-Med to provide medical examinations and related medical and drug/alcohol testing services to the City.

APPROVED

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

- 1-G [ID#15-111](#)  
[0](#) Approve a Utility Agreement (No. 06-1398.15) with the California Department of Transportation (Caltrans) for Caltrans to relocate City water and sewer utilities associated with the State Route 99 Relocation Project and to reimburse City staff in the amount of \$112,500.00 for wet tie connections to the City water system (Council Districts 1 and 3).

APPROVED

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

- 1-H [ID#15-112](#)  
[6](#) Approve First Amendment to Agreement with Provost & Pritchard Engineering Group, Inc., in the amount of \$13,055 for design modifications of the City of Fresno's Nielsen Groundwater Recharge Facility

*APPROVED*

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

- 1-I [ID#15-112](#)  
[7](#) Actions pertaining to a new Parking and Revenue Control System at Fresno Yosemite International Airport (FAT) (Council District 4)
1. \*\*\*RESOLUTION - 28th Amendment to the Annual Appropriations Resolution (AAR) No. 2015-104 appropriating \$106,900 for the Parking and Revenue Control System at Fresno Yosemite International Airport (Requires 5 affirmative votes)
  2. Adopt a finding of Categorical Exemption pursuant to Article 19, Section 15301(a) and (d)/Class 1 (Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines for actions related to Amendment No. 1 to Parking Lot Management Agreement at Fresno Yosemite International Airport.
  3. Approve Amendment No. 1 to Parking Lot Management Agreement between the City and SP Plus Corporation (SP Plus) for the purchase, deployment and maintenance of a Parking and Revenue Control System at Fresno Yosemite International Airport in the amount of \$356,900.

*RESOLUTION 2015-241 ADOPTED*

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

- 1-J [ID#15-112](#)  
[9](#) Approve an agreement with Fehr & Peers in the amount of \$202,000 plus \$25,000 for contingencies to provide professional services for the City of Fresno Active Transportation Plan including the Bicycle, Pedestrian & Trails Master Plan Update (Citywide)

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

- 1-K Approve a two-year agreement with Central California Baseball Academy for the Al Radka Park youth baseball fields and the adoption of the park. (Council District 5)

*The above item was laid over to January 7, 2016.*

- 1-L [ID#15-113](#)  
[1](#) Approve Drainage Facility Development Agreement No. 1770(D) -BQ-13 between the City of Fresno and the Fresno Metropolitan Flood Control District related to construction of the City of Fresno's Southeast Surface Water Treatment Facility (Citywide)

*APPROVED*

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

- 1-M [ID#15-115](#)  
[9](#) First Amendment to the existing consulting services agreement with USONA Development, LLC. in the amount of \$21,200, and an extension of time to December 30, 2016 for an expanded scope of services pertaining to Housing and Urban Development (HUD) grants management and the timely submission of the FY 2016-2017 Annual Action Plan.

*APPROVED*

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

- 1-N [ID#15-115](#)  
[1](#) Authorize amendments to Non-Exclusive Agreements for Roll-Off Collection Services between the City of Fresno and franchisees to extend terms for five years to June 30, 2021.

*APPROVED*

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

- 1-O [ID#15-115](#)  
[2](#) Approve Amended and Restated Agreement for Purchase Option and Right of Access between Cesar Chavez Foundation and the City of Fresno

*APPROVED*

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

- 1-P [ID#15-115](#)  
[4](#) Consider adopting minor changes to the Citywide Development Code contained in Chapter 15 of the Fresno Municipal Code, as introduced by the Fresno City Council at the December 3, 2015 adoption hearing for Bill No. B-43 relating to Recycling Centers, Mobile Vendors and Small Scale Entertainment Centers in Mixed Use Districts
1. \*\*\*BILL - (Intro. as amended 12/3/2015) (For adoption) Adopting minor changes to the Citywide Development Code, Chapter 15 of the Fresno Municipal Code Section 15-2750 relating to Recycling Centers, Section 15-2740 relating to Mobile

Vendors and Table 15-1102 relating to Small Scale Entertainment Centers

*ORDINANCE 2015-43 ADOPTED*

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

- 1-Q [ID#15-116](#)  
[7](#) Actions pertaining to emergency response at Summerset Village Apartments:
1. Approve an MOU with the American Red Cross for services provided for residents of the Summerset Village Apartments
  2. \*\*\*RESOLUTION - 29th amendment to the Annual Appropriations Resolution (AAR) No. 2015-104 appropriating \$25,000 from PG&E for reimbursement of expenses incurred due to emergency response (Requires 5 affirmative votes)

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

- 1-R [ID#15-117](#)  
[0](#) \*\*\*BILL NO. B-47- (Introduction 12/10/2015) (For adoption) - Adopting an ordinance adding Article 4.14 to Chapter 12 of the Fresno Municipal Code relating to the exemption of development impact fees for certain projects in economically disadvantaged neighborhoods

*ORDINANCE 2015-44 ADOPTED*

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

- 1-S [ID#15-117](#)  
[1](#) \*\*\*BILL NO. B-48 - (Intro. 12/10/2015) (For adoption) - Adopting an ordinance adding Article 4.15 to Chapter 12 of the Fresno Municipal Code relating to the exemption of development impact fees for the replacement or reconstruction of existing commercial structures

*ORDINANCE 2015-45 ADOPTED*

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

- 1-T [ID#15-118](#)  
[4](#) RESOLUTION - Calling Special Mailed-Ballot Election for Community Facilities District No. 15 (East Copper River Ranch Maintenance District) and setting a new election date (Eastern portion of the Copper River Ranch Development located northwest of North Willow and East Copper Avenues) (Council District 6)

*RESOLUTION 2015-243 ADOPTED*

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

**CONTESTED CONSENT CALENDAR**

- 1-C [ID#15-108](#) Approve a Cooperate Agreement with the County of Fresno for  
[9](#) a maximum City contribution of \$78,500 to construct a traffic  
signal at the intersection of Shaw and Grantland Avenues  
(Council Districts 1 and 2)

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

*APPROVED*

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

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

Councilmember Quintero announced that he would need to leave the meeting at approximately 5:30 P.M. and asked the City Clerk to register him as voting "Yes" for City Council item 3-A (File ID#15-1166).

- 1-E [ID#15-109](#) \*\*\*RESOLUTION - 23rd amendment to the Annual Appropriation  
[5](#) Resolution (AAR) No. 2015-104 to appropriate \$64,500 for two  
State-funded railroad crossing safety improvement projects  
(Requires 5 affirmative votes) (Council Districts 1 and 7)

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

*RESOLUTION 2015-244 ADOPTED*

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

**Aye:** 5 - Baines III, Brand, Brandau, Olivier and Soria

**Absent:** 2 - Caprioglio and Quintero

- 1-J [ID#15-112](#) Approve an agreement with Fehr & Peers in the amount of  
[9](#) \$202,000 plus \$25,000 for contingencies to provide professional  
services for the City of Fresno Active Transportation Plan  
including the Bicycle, Pedestrian & Trails Master Plan Update  
(Citywide)

*The above item was introduced to Council by Public Works Capital Projects*

*Manager, Bell.*

*Councilmember Soria directed staff to provide a list of all bidders and bid amounts in all staff reports. Staff clarified that this item involved proposals, not bids.*

*Councilmember Soria directed staff to consider bike sharing or electric bikes as part of the policy for the Master Plan.*

**APPROVED**

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

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

**Absent:** 1 - Quintero

Councilmember Soria exited the Council Chamber at 5:41 P.M. and returned at 5:48 P.M.

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

### **CONTINUED**

**2:15 P.M.**

- [ID#15-112](#)  
[8](#)
- HEARING to consider Rezone Application No. R-15-005 and Environmental Assessment No. R-15-005/C-15-025, filed by Dirk Poeschel of Land Development Services, Inc., on behalf of Gary Chester, which pertains to approximately ±2.7 acres of a ±8.73 acre property located on the west side of N. Brawley Avenue between W. Herndon and W. Palo Alto Avenues (Council District 2)
1. Adopt the environmental Finding of Conformity prepared for Environmental Assessment No. R-15-005/C-15-025, dated November 6, 2015.
  2. BILL (For introduction and adoption) - Approving Rezone Application No. R-15-005 requesting authorization to reclassify the ±2.7 acre portion of the ±8.73 acres from the AE-5/UGM (Exclusive Five Acre Agricultural/Urban Growth Management) zone district to the C-5/UGM (General Commercial/Urban Growth Management) zone district.

*Councilmember Brandau announced he had performed work for the property*



owner and was recusing himself from this item. Councilmember Brandau exited the Council Chamber at 5:40 P.M. and was absent for the duration of the hearing.

The above hearing was called to order at 5:48 P.M. DARM Planner Filice introduced this item to Council.

The following member(s) of the public spoke on this item:

Dirk Poeschel of Land Development Services, Inc. - spoke in support of the staff recommendation.

Gary Chester, applicant - spoke in support of the staff recommendation.

Jeff Cazaly of Jeff Cazaly Architects - spoke in support of the staff recommendation.

The above hearing was closed at 5:48 P.M.

**BILL B-50 INTRODUCED AND ADOPTED AS  
ORDINANCE 2015-46**

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

**Aye:** 4 - Baines III, Caprioglio, Brand and Olivier

**Absent:** 2 - Quintero and Soria

**Recused:** 1 - Brandau

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

- [ID#15-108](#) HEARING to adopt resolutions and ordinance to annex territory and levy a special tax regarding City of Fresno Community District No. 11, Annexation No. 63 (Final Tract Map No. 6036) (west side of N. Grantland Avenue between W. Shaw and Barstow Avenues) (Council District 2)
- [7](#)
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 2015-2016 and future tax years within and relating to Community Facilities District No. 11, Annexation No. 63, Final Tract Map No. 6036

*The above hearing was called to order at 5:48 P.M. Public Works Assistant Director Benelli introduced this item to Council.*

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

*Michael Parr of Lennar Homes - spoke in support of the annexation.*

*The above hearing was closed at 5:49 P.M.*

**RESOLUTION 2015-245 ADOPTED**

**RESOLUTION 2015-246 ADOPTED**

**RESOLUTION 2015-247 ADOPTED**

**BILL B-51 INTRODUCED AND ADOPTED AS  
ORDINANCE 2015-47**

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

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

**Absent:** 1 - Quintero

Councilmember Brand exited the Council Chamber at 5:50 P.M. and returned at 5:52 P.M.

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

[ID#15-110](#) RESOLUTION - Approving the Final Map of Tract No. 6036 and accepting dedicated public uses offered therein - west side of N. Grantland Avenue between W. Shaw Avenue and W. Barstow Avenue (Council District 2)

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

*The following member(s) of the public spoke on this item: Mike Parr of Lennar Homes.*

**RESOLUTION 2015-248 ADOPTED**

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

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

**Aye:** 5 - Baines III, Caprioglio, Brandau, Olivier and Soria

**Absent:** 2 - Brand and Quintero

### **UNSCHEDULED COMMUNICATION**

*The following member(s) of the public addressed Council during Unscheduled Communication:*

*Jefferson Kuoch-Seng with the Fresno Metro Black Chamber of Commerce - discussed City of Fresno vendor contracts with disadvantaged business enterprise and minority business enterprises. Also discussed transparency with regards to which entities receive contract awards from the City of Fresno.*

*T'Shaka Toure with the Fresno Metro Black Chamber of Commerce - discussed removal of barriers to increase contract awards to local disadvantaged business enterprises.*

*Tate Hill II with the Fresno Metro Black Chamber of Commerce - discussed creating contract opportunities for minority women and disabled veteran businesses. Also discussed transparency with regards to which entities receive contract awards from the City of Fresno.*

*Ed Harris - discussed: poor lighting in neighborhoods; reducing crime through gang intervention and counselors; the need for increased funding to treat mental illness; Pacific Gas and Electric; the need for good paying jobs; the need for a fifteen dollar minimum wage.*

*Ralph Alcaraz of the Roosevelt Youth Soccer League - discussed the need for a park at Peach and California Avenues and various funding options.*

*Steve Whaite on behalf of Pastor Juan Saavedra and United Methodist Church - discussed a Resolution of Green Space for a park at Peach and California Avenues.*

*Jose Leon Barraza with the South East Fresno Community Economic Development Association - discussed turning the property at Peach and California Avenues into a park.*

*Gabriel Lozano - discussed building parks in the City of Fresno.*

*Yammilette Rodriguez of Youth Leadership Institute - discussed her support for the upcoming council action to limit youth access to alcohol.*

RECESSED 6:16 P.M. to 6:50 P.M.

#### **4. CLOSED SESSION**

*The City Council met in closed session in Room 2125 from 6:50 P.M. to 7:03 P.M. to discuss the following:*

[ID#15-114](#) CONFERENCE WITH LEGAL COUNSEL-EXISTING  
[6](#) LITIGATION - Government Code Section 54956.9, subdivision (d)(1)  
1. Louie Aguilar v. City of Fresno, Administered by RISICO Claims Management  
Workers' Compensation Appeals Board Case No. ADJ7615571

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

[ID#15-114](#) CONFERENCE WITH LEGAL COUNSEL-EXISTING  
[7](#) LITIGATION - Government Code Section 54956.9, subdivision (d)(1)  
1. Timothy Murray v. City of Fresno, Administered by RISICO Claims Management  
Workers' Compensation Appeals Board Case No. ADJ9871041, ADJ10120925

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

[ID#15-118](#) PUBLIC EMPLOYEE PERFORMANCE EVALUATION -  
[2](#) Government Code Section 54957  
Title: City Clerk

*The above item was not discussed in closed session and was continued to January 7, 2016.*

[ID#15-118](#) CONFERENCE WITH LABOR NEGOTIATOR - Government  
[3](#) Code Section 54957.6  
City Negotiator(s): Council President Baines III  
Unrepresented: City Clerk

*The above item was not discussed in closed session and was continued to January 7, 2016.*

Council resumed in open session at 7:08 P.M.

Following Closed Session, Councilmember Olivier was absent the remainder of the meeting. In Closed Session, Councilmember Olivier directed the City Clerk to record his vote as "yes" for City Council item 3-A (File ID#15-1166) and General Administration item 2-F (File ID#15-1162).

### **3. CITY COUNCIL**

**3-A** [ID#15-116](#) RESOLUTION - Initiating a text amendment to the Zoning  
[6](#) Ordinance of the City of Fresno pursuant to FMC sections 12-402 and 15-5803 to amend zoning and use regulations for the sale of alcoholic beverages for offsite consumption within the City of Fresno

*The above item was introduced to Council by President Baines and District Three Chief of Staff Barfield. Janet Salcedo of the Youth Leadership Institute also spoke on this item.*

*The following member(s) of the public spoke on this item: Bill Bunnell of American Petroleum and Convenience Store Association ; Diana Garcia of the Youth Leadership Institute, Jasmine Romero of the Youth Leadership Institute, Erie Foster of the United Faith Christian Fellowship.*

*As previously directed, "yes" votes were recorded for Councilmember Olivier and Councilmember Quintero.*

**RESOLUTION 2015-249 ADOPTED**

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

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

## **2. GENERAL ADMINISTRATION**

*President Baines announced General Administration items 2-A (File ID#15-1138), 2-B (File ID#15-1101) and 2-C (File ID#15-1125) would be laid over to January 7, 2016 by consensus of Council.*

- 2-A**    [ID#15-113](#)    Acceptance of a \$2,932,600 State Revolving Fund Low-Interest Loan through the State Water Resources Control Board Consolidation Incentive Program for construction of water main pipelines for connection of the Orange Center School District to the City of Fresno's water distribution system.

*The above item was continued to January 7, 2016 by a consensus of Council.*

- 2-B**    [ID#15-110](#)    WORKSHOP: Workers' Compensation Alternative Dispute Resolution Carve Out - FPOA 1st Quarter Update

*The above item was continued to January 7, 2016 by a consensus of Council.*

- 2-C**    [ID#15-112](#)    Authorize the Director of the Development and Resource Management Department to sign the Master Service Agreement and Contract Work Authorization Agreement between the City of Fresno and Pacific Gas and Electric Company until December 31, 2017 and receive \$5,694,000 in funding from the California Public Utilities Commission for energy efficiency programs.

*The above item was continued to January 7, 2016 by a consensus of Council.*

- 2-F**    [ID#15-116](#)    Actions Pertaining to the FY 2016 Budget Update for the General Fund and the Measure "C" -PW Allocation Street Maintenance Fund
1. \*\*\*RESOLUTION - 24th amendment to the Annual Appropriation Resolution (AAR) No. 2015-104 to appropriate \$6,730,000 for operating programs and capital improvement projects citywide (Requires 5 affirmative votes)
  2. \*\*\*RESOLUTION -2nd Amendment of the Position Authorization Resolution (PAR) No. 2015-105 to add nine positions to the Fire Department and two positions to the Development and Resources Management Department.

*The above item was introduced to Council by Mayor Swearingin. Budget Manager Sumpter, City Manager Rudd, Fire Chief Donis and Police*

*Sergeant Dewey also spoke on this item.*

*Councilmember Brandau motioned to approve the item with the following amendment: remove the \$400,000 for parking garages and move the money to Council District Offices specifically for infrastructure needs defined as concrete repairs for sidewalks or curbs, street tree removal, potholes and street maintenance, alley closures and street lights. President Baines seconded the motion.*

*Councilmember Soria stated, for the record, that on June 23, 2015 she made a motion regarding paid back CDBG funds. That motion was to approve the action plan with a condition that when the action plan goes before Council for the amendment of the \$500,000 set-aside for potential code enforcement pay back, non-profit organizations would have an opportunity to apply for the unused funds. Councilmember Soria reminded staff to honor the previous Council direction about the funds this coming February.*

*As previously directed, Councilmember Olivier's vote was recorded as "yes".*

**RESOLUTION 2015-250 ADOPTED AS AMENDED**

**RESOLUTION 2015-251 ADOPTED**

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

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

**Absent:** 1 - Quintero

### **3. CITY COUNCIL CONTINUED**

- 3-B [ID#15-117](#) RESOLUTION - Seek adoption of a Sister City relationship with  
[3](#) Chateauroux France

*The above item was introduced to Council by Councilmember Soria.*

*RESOLUTION 2015-252 ADOPTED*

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

**Aye:** 5 - Baines III, Caprioglio, Brand, Brandau and Soria

**Absent:** 2 - Olivier and Quintero

Councilmember Brand exited the Council Chamber at 8:51 P.M. and returned at 8:53 P.M. Councilmember Brand directed the City Clerk to record his vote as "yes" for item 2-D (File ID# 15-1155)

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

- 2-D [ID#15-115](#) Review need for continuing local emergency related to the  
[5](#) Summerset Village Apartments declared on November 25, 2015, and ratified on November 30, 2015, pursuant to Government Code 8630.

*City Manager Rudd introduced the above item to Council.*

*As previously directed, a "yes" vote was recorded for Councilmember Brand.*

*RESOLUTION 2015-242 ADOPTED*

**On motion of President Baines III, seconded by Vice President Caprioglio, Council approved ending the local emergency related to the Summerset Village Apartments. The motion carried by the following vote:**

**Aye:** 5 - Baines III, Caprioglio, Brand, Brandau and Soria

**Absent:** 2 - Olivier and Quintero



- 2-E [ID#15-115](#) Approve the Second Amendment to Amended and Restated  
[3](#) Stadium Sublease Agreement

*The above item was introduced to Council by Assistant City Manager Smith.*

APPROVED

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

**Aye:** 5 - Baines III, Caprioglio, Brand, Brandau and Soria

**Absent:** 2 - Olivier and Quintero

**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 8:55 P.M. to discuss the following:*

- [ID#15-116](#) Approve Fiscal Year 2015-2016 program income budget for the  
[4](#) Housing Successor to the Redevelopment Agency of the City  
Fresno (Council action only)

*The above item was introduced to Council by Successor Agency Executive Director Murphey.*

*The following member(s) of the public spoke on this item: Bill Bunnel of the American Petroleum and Convenience Store Association.*

APPROVED

**CITY COUNCIL VOTE**

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

**Aye:** 5 - Baines III, Caprioglio, Brand, Brandau and Soria

**Absent:** 2 - Olivier and Quintero

ADJOURN AGENCY

*The joint agency meeting was adjourned at 9:05 P.M.*

**ADJOURNMENT**

*Adjourned at 9:05 P.M. in the memories of those killed in the Skylife helicopter crash on December 10, 2015: Kyle Juarez, Thomas Hampl, Marco Lopez and Kathryn Brown.*

**These minutes were approved by unanimous vote of the Council during the January 7, 2016 City Council meeting.**