



# City of Fresno

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

## Meeting Minutes - Draft 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, June 11, 2015

8:30 AM

Council Chambers

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### Regular Session

8:30 A.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 Mark Johnson, City of Fresno Facilities Manager

Pledge of Allegiance to the Flag

### **CEREMONIAL PRESENTATIONS**

[ID#15-504](#) Proclamation of "NEW WRINKLES DAY"

*PRESENTED*

[ID#15-518](#) Proclamation of "HOWARD K. WATKINS DAY"

*PRESENTED*

**APPROVE MINUTES**

[ID#15-526](#) Approval of City Council minutes from June 4, 2015

*APPROVED*

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

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

**COUNCILMEMBER REPORTS AND COMMENTS**

*There were no reports or comments by the Councilmembers.*

**APPROVE AGENDA**

*City Clerk Spence announced that General Administration item 2-C, File ID#15-482 regarding Community Oriented Policing Services, was continued to June 18, 2015.*

**On motion of Councilmember Brand, seconded by Vice President Caprioglio, the above MINUTES were approved as amended. The motion carried by the following vote:**

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

**1. CONSENT CALENDAR**

APPROVAL OF THE CONSENT CALENDAR

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

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

- 1-A [ID#15-395](#) RESOLUTION - Authorizing submittal of Used Oil Payment Program grant applications and authorizations related to the administration of California Department of Resources Recycling and Recovery (CalRecycle), Used Oil Payment Program (Citywide)

*RESOLUTION 2015-94 ADOPTED*

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

- 1-B [ID#15-438](#) RESOLUTION - Modifying of Resolution No. 2015-49 relating to the Master Equipment Lease Purchase Agreement with Community First National Bank.

*RESOLUTION 2015-95 ADOPTED*

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

- 1-C [ID#15-452](#) Actions pertaining to the E. Nees Avenue Overlay between Millbrook Avenue and Cedar Avenue - Bid File 3348 (Council District 6)
1. Adopt a finding of Categorical Exemption per staff determination, pursuant to Section 15301(c) Class 1 of the California Environmental Quality Act (CEQA) Guidelines for the E. Nees Avenue Overlay between Millbrook Avenue and Cedar Avenue
  2. Award a Construction Contract to A.S. Dezigins Inc. of Fresno, California in the amount of \$386,290 for the E. Nees Avenue Overlay between Millbrook Avenue and Cedar Avenue

*APPROVED*

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

- 1-D [ID#15-453](#) Actions pertaining to the North Avenue Overlay between Cedar and Maple Avenues - Bid File 3387 (Council Districts 3, 5 and Fresno County)
1. Adopt a finding of Categorical Exemption per staff determination, pursuant to Section 15301(c) Class 1 of the California Environmental Quality Act Guidelines (CEQA) for the North Avenue Overlay between Cedar and Maple Avenues
  2. Award a Construction Contract to Yarbs Grading and Paving Inc. of Fowler, California in the amount of \$425,058 for the North Avenue Overlay between Cedar and Maple Avenues

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

- 1-E**    [ID#15-454](#)    Actions pertaining to the east-bound Jensen Avenue Overlay between Chestnut and Willow Avenues - Bid File 3352 (Council District 5)
1. Adopt a finding of Categorical Exemption per staff determination, pursuant to Section 15301(c) Class 1 of the California Environmental Quality Act (CEQA) Guidelines for the east-bound Jensen Avenue Overlay between Chestnut and Willow Avenues
  2. Award a Construction Contract to A.S. Dezigins Inc. of Fresno, California in the amount of \$208,403 for the east-bound Jensen Avenue Overlay between Chestnut and Willow Avenues

*APPROVED*

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

- 1-F**    [ID#15-456](#)    Reject all bids for the contract to Rehabilitate 16-Inch Diameter Well at Pump Station 206 - Bid File 3398 (Citywide)

*APPROVED (bids rejected)*

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

- 1-G**    [ID#15-460](#)    Approve the acquisition of a temporary construction easement from Lilli Herold and Linda E. Cheney, as trustees of the Lilli Herold Living Trust, for APN 581-020-05.

*APPROVED*

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

- 1-H**    [ID#15-502](#)    \*\*\*BILL NO. B-19 - (Intro. 6/4/2015) (For adoption) - Adding Section 5-510 to Article 5, Chapter 5 of the Fresno Municipal Code establishing the Fresno Youth Commission

*ORDINANCE 2015-17 ADOPTED*

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

- 1-I [ID#15-503](#) \*\*\*BILL NO. B-21 - (Intro 6/4/2015) (For adoption) - Adding Sections 2-803 and 2-603 to the Fresno Municipal Code (FMC), relating to boards and commissions and posting legal notices

*ORDINANCE 2015-18 ADOPTED*

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

## **CONTESTED CONSENT CALENDAR**

- 1-D. [ID#15-453](#) Actions pertaining to the North Avenue Overlay between Cedar and Maple Avenues - Bid File 3387 (Council Districts 3, 5 and Fresno County)
1. Adopt a finding of Categorical Exemption per staff determination, pursuant to Section 15301(c) Class 1 of the California Environmental Quality Act Guidelines (CEQA) for the North Avenue Overlay between Cedar and Maple Avenues
  2. Award a Construction Contract to Yarbs Grading and Paving Inc. of Fowler, California in the amount of \$425,058 for the North Avenue Overlay between Cedar and Maple Avenues

*The above item was introduced to Council by Public Works Department Supervising Professional Engineer Goonawardena.*

*APPROVED*

**On motion of President Baines III, seconded by Councilmember Quintero, 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**

- 2-D [ID#15-493](#) Actions pertaining to Economic Incentive Agreement with J&D Meat Company, Inc., dba JD Food, and Certified Meat Products, Inc.
1. Adopt the environmental finding of Environmental Assessment No. EA-15-018, a finding of Mitigated Negative Declaration, dated May 21, 2015
  2. Approve Economic Incentive Agreement with J&D Meat Company, Inc., dba JD Food, and Certified Meat Products, Inc., for an industrial development and expansion project in

Southeast Fresno (District 5)

Sponsor: Economic Development Department

*The above item was introduced to Council by Economic Development Director Westerlund. The President of JD Foods, Mark Ford also spoke on this item.*

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

**APPROVED**

**On motion of Councilmember Quintero, 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-A**     [ID#15-455](#)     Actions pertaining to drilling a new water production well at Pump Station 303A (PS 303A) located at 6780 N. Lafayette Avenue (Bid File 3389) (County island within Council District 2):
1. Adopt a Mitigated Negative Declaration pursuant to Environmental Assessment C-14-110, State Clearinghouse No. 014111021
  2. Award a Contract to Zim Industries, Inc., in the amount of \$760,259 to drill a new water production well at PS 303A
  3. Authorize the Director of Public Utilities, or their designee, to sign all documents on behalf of the City of Fresno

*The above item was introduced to Council by Public Utilities Supervising Engineering Technician Bucu.*

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

**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 III, Caprioglio, Brand, Brandau, Olivier, Quintero and Soria

- 2-B**     [ID#15-469](#)     Actions pertaining to the Final Design of Phase 2 of the Regional Transmission Mains Project (Council Districts 1, 3, 4, 5, and 7)
1. \*\*\*RESOLUTION - 51st amendment to the Annual Appropriation Resolution (AAR) No. 2014-95 to appropriate \$2,874,800 for the Final Design of the City of Fresno's Phase 2 Regional Transmission Mains Project and to transfer the project funding from the 2015 Water Revenue Bond Fund to the DBCP Recovery Fund (Requires 5 affirmative votes)
  2. Approve Professional Consultant Services Agreement with Blair, Church & Flynn Consulting Engineers, a California Corporation for \$2,836,195 for the Final Design of the City of Fresno's Phase 2 Regional Transmission Mains
  3. Authorize the Director of Public Utilities, or their designee, to sign all documents on behalf of the City of Fresno

*The above item was introduced to Council by Department of Public Utilities Water Division Manager Carbajal.*

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

**RESOLUTION 2015-96 ADOPTED**

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

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

- 2-C**     [ID#15-482](#)     Actions pertaining to the 2015 Community Oriented Policing Services (COPS) Hiring Program grant
1. Authorize the Chief of Police to apply for and accept \$1,875,000 in total grant funding for the 2015 COPS Hiring Program grant from the U.S. Department of Justice, Community Oriented Policing Services for the City of Fresno Police Department
  2. Authorize the Chief of Police to execute all related documents applicable to the 2015 COPS Hiring Program grant

*CONTINUED TO JUNE 18, 2015*

- 2-E [ID#15-459](#) Award Independent Audit Contract to Brown Armstrong and authorize the Finance Director/Controller to negotiate and execute the contract for services

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

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

**AWARDED**

**On motion of Councilmember Soria, 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

### **3. CITY COUNCIL**

*There were no items scheduled under the City Council portion of the agenda.*

### **4. CLOSED SESSION**

*The following member(s) of the public addressed Council regarding Closed Session items: Barbara Hunt.*

*The City Council met in closed session in Room 2125 from 9:44 A.M. to 11:15 A.M. to discuss the following:*

- [ID#15-484](#) CONFERENCE WITH LEGAL COUNSEL - DECIDING WHETHER TO INITIATE LITIGATION  
Government Code Section 54956.9, Subdivision (d)(4)  
1. City of Fresno v. Michael Occhionero, et al.

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

- [ID#15-510](#) CONFERENCE WITH LABOR NEGOTIATOR - Government Code Section 54957.6  
City Negotiator(s): Ken Phillips, Jeff Cardell  
Employee Organization(s):  
1. City of Fresno Management Employees Association (CFMEA)  
2. City of Fresno Professional Employees Association (CFPEA)



*The above item was not discussed and was continued to June 18, 2015.*

[ID#15-513](#) PUBLIC EMPLOYEE PERFORMANCE EVALUATION -  
Government Code Section 54957  
Title: City Clerk  
Sponsor: Council President Baines, III

*The above item was not discussed and was continued to June 18, 2015*

[ID#15-523](#) CONFERENCE WITH LABOR NEGOTIATOR - Government  
Code Section 54957.6  
City Negotiator(s): Council President Baines III  
Unrepresented: City Clerk  
Sponsor: Council President Baines, III

*The above item was not discussed and was continued to June 18, 2015.*

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

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

[ID#15-443](#) HEARING to adopt resolutions and ordinance to annex territory and levy a special tax regarding City of Fresno Community District No. 9, Annexation No. 8 (Assessor's Parcel Numbers 440-220-037, 440-220-060 and 440-220-061) (commonly known as the "Fresno 40 Development") (the area bounded by N. Fresno Street, N. Friant Road, E. Audubon and the Sugarpine Trail) (Council District 6)

1. RESOLUTION - Annexing Territory to Community Facilities District No. 9 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. 9, Annexation No. 8, Assessor's Parcel Numbers 440-220-037, 440-220-060 and 440-220-061

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

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

*RESOLUTION 2015-97 ADOPTED*

RESOLUTION 2015-98 ADOPTED  
RESOLUTION 2015-99 ADOPTED  
BILL B-22 INTRODUCED AND ADOPTED AS  
ORDINANCE 2015-19

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

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

**Absent:** 1 - Caprioglio

### **10:15 A.M.**

[ID#15-471](#) HEARING to consider Rezone Application No. R-15-001 and Related Environmental Assessment (Council District 3)

1. Adopt the Class 32 Categorical Exemption prepared for Environmental Assessment No. R-15-001/S-15-001
2. BILL - (For introduction and adoption) - Approving Rezone Application No. R-15-001 requesting authorization to reclassify APN 459-322-18 from the R-1 (Single Family Residential) zone district to the R-4 (High Density Multiple Family Residential) zone district

*The above item was introduced to Council by Development and Resources Management Department Planner Preciado.*

*The following member(s) of the public spoke on this item: Barbara Hunt, Ester Delahay, Venise Curry and Melinda Warner.*

BILL B-23 INTRODUCED AND ADOPTED AS  
ORDINANCE 2015-20

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

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

### **UNSCHEDULED COMMUNICATION**

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

*Gary Doesele, discussed Fresno Area Express bus service.*

*Barbara Hunt, discussed the Federal Government and the City of Fresno.*

**RECESSED 11:35 A.M. to 2:08 P.M.**

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

[ID#15-489](#) Actions pertaining to the City of Fresno 2015-2019 Program Year Consolidated Plan:

1. CONTINUED HEARING to obtain public comments on the Draft 2015-2019 Consolidated Plan; and
2. RESOLUTION - Adopting the 2015-2019 Program Year Consolidated Plan; authorizing submission to the U.S. Department of Housing and Urban Development (HUD) for application of the Community Development Block Grant (CDBG), HOME Investment Partnerships (HOME), Emergency Solutions Grant (ESG), and Housing Opportunities for Persons with Aids (HOPWA) Programs and authorizing the City Manager to sign all implementing documents required by HUD as approved to form by the City Attorney

*The above item was introduced to Council by Development and Resources Management Director Clark. This item is a continued item of the draft 2015-2019 Consolidated Plan. On May 15, 2015 the City Council heard a presentation by Victoria Noes on the purpose and process for the Consolidated Plan. The City Council continued the public hearing until today, June 11, 2015. Director Clark gave an update on this item.*

*The following member(s) of the public spoke on this item: Barbara Hunt, Patience Milrod, and Ashley Werner.*

*The public hearing on this item was closed and action was continued to June 25, 2015 at 2:00p.m.*

*PUBLIC COMMENT CLOSED AND HEARING CONTINUED TO JUNE 25, 2015 AT 2:00 P.M.*

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

[ID#15-488](#) Actions pertaining to the City of Fresno 2015-2016 Annual Action Plan:

1. HEARING to obtain public comments regarding

implementation of the City's proposed activities with federal grant funding; and  
2. RESOLUTION - Adopting the FY 2015-2016 Annual Action Plan approving submission to the U.S Department of Housing and Urban Development (HUD) for the application of Community Development Block Grant (CDBG), HOME Investment Partnerships (HOME), Emergency Solutions Grant (ESG), and Housing Opportunities for Persons with Aids (HOPWA) Program Funds, and authorizing the City Manager to sign all implementing documents required by HUD as approved to form by the City Attorney

*The above item was introduced to Council by Development and Resources Management Director Clark. This item was a discussion of the annual action plan. This is the budget document for the four federal programs that have already been discussed, Community Development Block Grant (CDBG), HOME Investment Partnerships (HOME), Emergency Solutions Grant (ESG), and Housing Opportunities for Persons with Aids (HOPWA). Director Clark presented a power point presentation on this topic that went over each of the four federal programs.*

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

*The public hearing on this item was closed and action was continued to June 25, 2015 at 2:00 P.M.*

*PUBLIC COMMENT CLOSED AND HEARING CONTINUED TO JUNE 25, 2015 AT 2:00 P.M.*

ADJOURNMENT

*Adjourned at 4:08 P.M.*