



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

Thursday, January 29, 2015

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: 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 Paul Betts, a District 7 Constituent

Pledge of Allegiance to the Flag

CEREMONIAL PRESENTATIONS

ID#15-068 Presentation of Awards to the Employees of the Winter Quarter, 2015 (Reception immediately following - 2nd floor foyer)

The following employees received the Employee of the Winter Quarter Award:

Jaroslaw Serwanski , Airports; Brandon Collet, City Attorney's Office; Todd Stermer, City Clerk's Office; Arnoldo Rodriquez, Development & Resource

Management Department; Michelle Zumwalt, Development & Resource Management Department; Casey Lauderdale, Development & Resource Management Department; Bonnie Johnson, Finance Department; Kathryn Splivalo, Finance Department; Shelley Johnson, Finance Department; Alice Gomez, Finance Department; Brian Price, Fire Department; Tricia Gray, Fire Department; Heather Abate, Fire Department; Leroy Spears, Fresno Area Express; Mark Gable, Fresno Area Express; Edward Smith, Information Services Department; Larry Garabedian, PARCS; Manuel Hernandez, PARCS; Karen Norris, PARCS; John Hall, Police Department; Kennan Rodems, Police Department; Rick Cravins, Police Department; Manny Romero, Police Department; Michael Flores, Department of Public Utilities; Bennie Harris, Department of Public Utilities; Jenny Wilhelm, Department of Public Utilities; Nathan Sanchez, Department of Public Works; Adolfo "AJ" Santacruz, Department of Public Works; Chris Ornelas, Department of Public Works

PRESENTED

RECESSED 9:09 A.M. to 9:37 A.M.

COUNCILMEMBER REPORTS AND COMMENTS

Councilmember Soria requested the council adjourn in the memory of nine year old Janessa Ramirez who died as a bystander in the crossfire of gang violence.

Councilmember Olivier announced the festivities for the opening of Martin Ray Riley Park at Chestnut and Highway 180 on Saturday at 10:30 A.M. He stated that food would be provided and there would be music, a live band, appearances by Parker and the Grizzlies, the Fresno Fuego, and a new women's soccer league - all to celebrate the opening of the much needed park south of Shaw Avenue. Councilmember Olivier noted most parks were located north of Shaw Avenue but the research showed people south of Shaw Avenue used parks the most. He also pointed out that Martin Ray Riley Park was the first to be built during the Swearingin administration and it was funded by grants and came in on schedule and under budget. Finally, Councilmember Olivier thanked Walmart and Irritec for sponsoring the maintenance of the new park.

In relation to Martin Ray Riley Park, City Manager Rudd acknowledged the tremendous work performed by the PARCS Department and the assistance from the Mayor when dealing with the state. He noted the City had received

close to 8.5 million dollars in Proposition 84 grants including 3 million dollars that went to Martin Ray Riley Park, 2 million dollars for the Cultural Arts District Park in downtown Fresno and five million dollars for the Universal Accessible Park. City Manager Rudd stated the City would be seeking a grant at the next meeting in order to invest 1.5 million dollars or more into the existing parks to deal with a long list of deferred capital improvements.

President Baines acknowledged and thanked the brave Fresno Firefighters that saved three children, under the age of five, from an apartment fire a few days earlier. He stated that even though the Department was short staffed and in need of additional equipment, the Fresno Firefighters were still doing an outstanding job and the City was grateful for their bravery and effort.

President Baines announced he was in Washington D.C. for a My Brothers Keeper Initiative update the past week. Unfortunately the meetings were re-scheduled due to heavy snow on the east coast. President Baines made the most of the trip by meeting with Congressman Costa and meeting with others to discuss economic development and water issues.

APPROVE AGENDA

City Clerk Spence announced the following change(s) to the agenda: the 8:30 A.M. item (File ID# 15-088) regarding a Resolution of Public Use and Necessity for acquisition of permanent utility easements and temporary construction easements was continued to February 26, 2015 at 10:00 A.M.

APPROVED AS AMENDED

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

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

- 1-A ID#15-006** RESOLUTION - Adopt Amendment No. 2015-002 to the FY 2014-2015 Annual Action Plan authorizing \$57,400 of Community Development Block Grant ("CDBG") funds for Homeless Services and \$150,000 for a Lead Hazard Control Program from existing appropriations for use as grant program match; adopting the project location list for street and sidewalk improvements in the CDBG-funded Neighborhood Infrastructure Program; and authorizing the City Manager to sign all implementing documents required by HUD

Sponsors: Development and Resource Management Department

RESOLUTION 2015-010 ADOPTED

The above item was approved on the Consent Calendar.

- 1-B ID#15-015** Actions pertaining to the traffic signal improvements at Brawley and Shields Avenues - Bid File 3356 (Council Districts 1 & 3)
1. Adopt finding of Categorical Exemption per staff determination, pursuant to Class 1 Section 15301(c) (existing facilities) of the CEQA Guidelines, for the traffic signal improvements at Brawley and Shields Avenues
 2. Award a Construction Contract to American Construction Engineers, of Tollhouse, California in the amount of \$379,140 as the lowest responsive and responsible bidder for the traffic signal improvements at Brawley and Shields Avenues

Sponsors: Public Works Department

APPROVED

The above item was approved on the Consent Calendar.

- 1-C ID#15-041** Approve First Amendment to Agreement between the City of Fresno and Fresno Convention & Visitor's Bureau for implementation of the Tourism Business Improvement District Plan

Sponsors: City Manager's Office

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

- 1-D ID#15-055** Approve Amendment No. 7 to Agreement between City of Fresno and ERM-West Inc. (ERM) to provide on-going engineering, environmental and remedial actions concerning groundwater contamination at Fresno Yosemite International Airport (FAT) for an amount not to exceed \$468,000

Sponsors: Airports Department

APPROVED

The above item was approved on the Consent Calendar.

- 1-E ID#15-056** RESOLUTION - Approving the Final Map of Tract No. 6044 and accepting dedicated public uses offered therein - northeast corner of N. Garfield Avenue and W. Barstow Avenue (Council District 2)

Sponsors: Public Works Department

RESOLUTION 2015-011 ADOPTED

The above item was approved on the Consent Calendar.

- 1-F ID#15-058** Actions pertaining to Terminal Space Lease Agreement at Fresno Yosemite International Airport (Council District 4)
1. 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 to authorize Lease Agreement with Transportation Security Administration (TSA) at Fresno Yosemite International Airport (FAT)
 2. Approve Lease Agreement between the City of Fresno and the Transportation Security Administration (TSA)

Sponsors: Airports Department

APPROVED

The above item was approved on the Consent Calendar.

- 1-G ID#15-060** Actions related to Class I Bike Trail Feasibility Studies for Herndon Avenue and Clovis Avenue (Council Districts 2, 4, 5 and 6)
1. ***RESOLUTION - 34th amendment to the Annual Appropriation Resolution (AAR) 2014-95 appropriating \$137,300

to complete a Class 1 Bike Trail Feasibility Study for segments along Herndon Avenue and Clovis Avenue (Requires 5 affirmative votes)

2. Approve an agreement with BKF Engineers in the amount of \$99,818 and a contingency amount of \$10,000 to provide professional engineering services for the preparation of Class I Bike Trail Feasibility Studies for Herndon Avenue and Clovis Avenue

Sponsors: Public Works Department

RESOLUTION 2015-012 ADOPTED

The above item was approved on the Consent Calendar.

- 1-H ID#15-063** Approve the First Amendment to the Agreement to reimburse City of Clovis for Phase II of the southern water main interconnection

Sponsors: Department of Public Utilities

APPROVED

The above item was approved on the Consent Calendar.

- 1-I ID#15-064** Approve Amendment No. 2015-003 amending the Annual Action Plan to award 2012-2013 Emergency Solutions Grant Program funding to the Marjaree Mason Center in the amount of \$100,000 for emergency shelter, and Westcare California, Inc., in an amount not to exceed \$269,008 for rapid re-housing and homeless prevention, and authorize the City Manager to execute agreements

Sponsors: Development and Resource Management Department

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

- 1-J ID#15-086** Authorize the sale of a portable stage located at Chukchansi Park for \$25,000

Sponsors: City Manager's Office

APPROVED

The above item was approved on the Consent Calendar.

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 9:48 A.M. to discuss the following:

- 1-K ID#15-073 RESOLUTION - Designating positions which shall be subject to the Conflict of Interest Code and defining categories of disclosure for such positions (Council and Successor Agency action)

Sponsors: City Clerk's Office

RESOLUTION 2015-013 ADOPTED

RESOLUTION SA-27 ADOPTED BY THE SUCCESSOR AGENCY

The above item was approved on the Consent Calendar.

Joint meeting adjourned at 9:49 A.M.

CONTESTED CONSENT CALENDAR

- 1-I ID#15-064 Approve Amendment No. 2015-003 amending the Annual Action Plan to award 2012-2013 Emergency Solutions Grant Program funding to the Marjaree Mason Center in the amount of \$100,000 for emergency shelter, and Westcare California, Inc., in an amount not to exceed \$269,008 for rapid re-housing and homeless prevention, and authorize the City Manager to execute agreements

Sponsors: Development and Resource Management Department

The above item was introduced to Council by Development and Resources Management Director Clark. Director Clark answered questions and provided a handout detailing a change to the item. Director Clark read the change into the record as follows:

"On December 20, 2014, a notice was published identifying awards to Westcare California, Inc. in the amount of \$269,008 and to Marjoree Mason center in the amount of \$100,000. The 30-day public comment period began December 21, 2014 and ended January 21, 2015.

The requests were reviewed by a panel consisting of city staff, a member of

the executive committee of the Fresno Madera Continuum of Care, a member of the Fresno County Department of Social Services, and a technical consultant provided by the U.S. Department of Housing and Urban Development to assist the City in the development and execution of its ESG program.

After thorough analysis, under the recommendation of the HUD Technical Consultant, the FMCoC has requested that the award to Westcare California, Inc be increased from \$269,008 to \$385,962 for the purposes of funding activities related to the 25 Cities Initiative to end Chronic and Veteran Homelessness by 2015. The funds will be used for navigation and housing matching, bridge housing, rapid rehousing and case management services.

The Housing and Community Development Commission met on January 28, 2015 and recommended to the City Council to amend the contract award amount for Westcare California, Inc. from \$269,008 to \$385,962.

A representative of the FMCoC is present for any questions."

APPROVED AS AMENDED

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

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

3. CITY COUNCIL

3-A ID#15-018 WORKSHOP regarding role & function of the Fresno/Clovis Convention & Visitors Bureau by Layla Forstedt

Sponsors: City Councilmember Brandau

The above workshop was presented to Council by Layla Forstedt, CEO of the Fresno/Clovis Convention & Visitors Bureau. Mrs. Forstedt answered questions from Council.

Vice President Caprioglio requested that, if possible, the Discovery Center to be incorporated into the Fresno/Clovis Convention & Visitors Bureau commercials.

PRESENTED

CONTESTED CONSENT CALENDAR CONTINUED

- 1-C ID#15-041** Approve First Amendment to Agreement between the City of Fresno and Fresno Convention & Visitor's Bureau for implementation of the Tourism Business Improvement District Plan

Sponsors: City Manager's Office

The above item was introduced to Council by Councilmember Brandau.

APPROVED

On motion of Councilmember Brandau, 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. GENERAL ADMINISTRATION

- 2-A ID#15-052** Submission for informational purposes, the Comprehensive Annual Financial Reports (CAFR) regarding the financial activities of the City of Fresno Retirement Systems for the Fiscal Year ending June 30, 2014

Sponsors: Retirement Department

The above item was introduced to Council by Retirement Administrator McDivitt.

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

REPORT ACCEPTED

On motion of Councilmember Brand, seconded by Councilmember Quintero, the report was accepted. The motion carried by the following vote:

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

- 2-B ID#15-078** RESOLUTION - Authorizing the submittal of a grant application to the State of California Department of Housing and Community Development and acceptance of 2014 Housing-Related Parks Program grant funds in the amount of \$1,305,825 and authorizing execution of documents by the PARCS Director or designee (Districts 3, 4, and 5)

Sponsors: Parks, After School, Recreation and Community Services Department and Development and Resource Management Department

The above item was introduced to Council by PARCS Director Mollinedo. City Manager Rudd acknowledged, for the record, Grant Writer Yopez-Perez for her hard work, effort and commitment to the PARCS Department.

RESOLUTION 2015-014 ADOPTED

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

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

5. SCHEDULED COUNCIL HEARINGS AND MATTERS

8:30 A.M.

- ID#15-088** HEARING to consider a Resolution of Public Use and Necessity for acquisition of permanent utility easements and temporary construction easements from APNs 581-030-02s owned by Rodric H. and Kimberly K. Lichti; 580-040-07 owned by Earleen Leshner, and 580-040-08 owned by Earleen Leshner as to an undivided 72% and the estate of Velda D. Leshner as to an undivided 28%; 580-040-21s (formerly a portion of 580-040-03) owned by Robert D. and Suzanne Johnson, as trustees of the Johnson Family Trust; and 581-020-05s owned by Lilli Herold and Linda E. Cheney, as trustees of the "Lilli Herold Living Trust" (Continue to February 26, 2015 @ 10:00 a.m.)
1. ***RESOLUTION - That the public interest and necessity require and authorize eminent domain for acquisition of permanent utility easements and temporary construction easements from real property: APNs 581-030-02s; 580-040-07 and 580-040-08; 580-040-21s (formerly a portion of 580-040-

03); and 581-020-05s, located in the County of Fresno
(Requires 5 affirmative votes)

Sponsors: Department of Public Utilities

Continued to February 26, 2015 at 10:00 A.M.

10:00 A.M.

- ID#15-042** HEARING to adopt resolutions and ordinance amending Annexation No. 29 of the City of Fresno Community Facilities District No. 11, Final Tract Map No. 5626, to change the types of Services, the rate and method of apportionment of the special tax, and the Maximum Special Tax to be levied (southeast corner of N. Fowler and E. Hamilton Avenues) (Council District 5)
1. RESOLUTION - Authorizing the Amendment of Annexation No. 29 of Community Facilities District No. 11 and the Levy of a New Maximum Special Tax
 2. RESOLUTION - Calling Special Mailed-Ballot Election
 3. RESOLUTION - Declaring Election Results
 4. *** BILL - (For introduction and adoption) - Amending Ordinance No. 2008-29 and Levying a Changed Maximum Special Tax for the Property Tax Year 2014-2015 and Future Tax Years Within and Relating to Community Facilities District No. 11, Annexation No. 29, Final Tract Map No. 5626

Sponsors: Public Works Department

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

*RESOLUTION 2015-015 ADOPTED
RESOLUTION 2015-016 ADOPTED
RESOLUTION 2015-017 ADOPTED*

*BILL B-001 INTRODUCED AND ADOPTED AS
ORDINANCE 2015-001*

On motion of Councilmember Quintero, 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

APPROVE MINUTES

ID#15-072 Approval of City Council minutes from January 15, 2015

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

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

UNSCHEDULED COMMUNICATION

The following member(s) of the public spoke during Unscheduled Communication:

Wayne Dwarkington - discussed the sale of the City owned stage at Chuckchansi Stadium.

4. CLOSED SESSION

The City Council met in closed session in Room 2125 from 11:08 A.M. to 11:45 A.M. to discuss the following:

ID#15-085 CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - Government Code Section 54956.9(d)(4)
City of Fresno v. PulteGroup, Inc.

Sponsors: City Attorney's Office

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

ADJOURNMENT

Adjourned in the memory of Janessa Ramirez at 11:45 A.M.