



# City of Fresno

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

## Meeting Minutes - Final 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, October 30, 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.**

**8:39 A.M. ROLL CALL**

**Present:** 7 - Council President Steve Brandau  
Acting Council President Oliver Baines  
Councilmember Lee Brand  
Councilmember Paul Caprioglio  
Councilmember Clinton Olivier  
Councilmember Sal Quintero  
Councilmember Blong Xiong

Invocation by District 4

*The invocation was led by District 5 Councilmember, Sal Quintero*

Pledge of Allegiance to the Flag

### **CEREMONIAL PRESENTATIONS**

*There were no scheduled Ceremonial Presentations on the agenda.*

**APPROVE CITY COUNCIL MINUTES**

[ID#14-537](#) Approval of City Council minutes from October 23, 2014

APPROVED

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

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

**COUNCILMEMBER REPORTS AND COMMENTS**

*Councilmember Caprioglio commented on the long tradition of winning baseball in Fresno beginning in 2008 with the Fresno State Bulldogs NCAA Championship followed by World Series wins by the San Francisco Giants in 2010, 2012 and 2014. Councilmember Caprioglio noted the Fresno Grizzlies was the farm team for the Giants and many of the players in the World Series came through Fresno. Since the Fresno Grizzlies recently became the farm team for the Houston Astros, Councilmember Caprioglio encourage the Houston Astros to keep the tradition of winning by taking the championship titles in 2016, 2018 and 2020.*

*Councilmember Brand noted the Two Cities Marathon and Half Marathon would be run on Sunday and the Fresno Bee outlined the routes and times so the public would be minimally impacted. Councilmember Brand joked that Councilmembers were invited to participate and the winner would be Council President for life. In light of the proposed prize, President Brandau stated there probably would not be any Councilmember participation.*

**APPROVE AGENDA**

*City Clerk Spence announced the following changes to the agenda: 1:30 P.M. Workshop relating to Clovis Unified School District (File ID# 14-432) was continued to November 20th, 2014 at 11:40 A.M. Acting President Baines stated the 10:30 A.M. Joint Meeting items needed to be heard in the following order: File ID# 14-533 regarding Communications During Competitive Procurement Process followed by File ID# 14-524 regarding the selection for the South Stadium RFQ/P.*

**On motion of Acting President Baines, seconded by Councilmember Brand, the Agenda was adopted as amended. The motion carried by the following vote:**

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

**1. CONSENT CALENDAR****APPROVAL OF THE CONSENT CALENDAR**

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

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

- 1-A**    [ID#14-410](#)    RESOLUTION - Authorizing the submittal of a grant application to the San Joaquin Valley Air Pollution Control District and acceptance of Public Benefit Grant funds and execution of necessary program documents

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

*RESOLUTION 2014-175 ADOPTED*

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

- 1-B [ID#14-464](#) \*\*\*RESOLUTION - Granting authority to the Public Works Director or designee to sign routine right-of-way agreements where the cost will not exceed \$10,000 to acquire property that has been previously approved and funded either through the adopted fiscal budget or by separate prior City Council approval (All Council Districts)

**Sponsors:** Public Works Department

*RESOLUTION 2014-176 ADOPTED*

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

- 1-C [ID#14-471](#) Actions pertaining to a water well parcel on Wilson Avenue south of E. Lansing at the Herndon Canal
1. Adopt finding of no possibility of significant effect pursuant to CEQA Guidelines Section 15061(b) (3) and Categorical Exemption pursuant to CEQA Guidelines Section 15312 for the sale of a small abandoned water well parcel
  2. Approve the quitclaim sale of a small abandoned water well parcel on Wilson Avenue south of E. Lansing at the Herndon Canal APN 434-230-01t, to adjacent property owners Wilson Avenue Properties, LLC and Leif Haneborg, Trustee of The Mangen Trust created March 11, 2003 (located in Fresno County)

**Sponsors:** Public Works Department

*APPROVED*

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

- 1-D [ID#14-483](#) Authorize the Chief of Police to enter into an agreement with Fresno County to reimburse the City of Fresno \$176,996 for the cost of one full time Fresno Police Officer assigned to the Fresno County Adult Compliance Team (ACT)

**Sponsors:** Police Department

*APPROVED*

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

- 1-E [ID#14-493](#) Approval of items related to the renewal of a tourism business improvement district upon verification of a sufficient number of valid petitions collected to support the renewal of the district
1. RESOLUTION - Declaring its intention to renew the Fresno-Clovis Tourism Business Improvement District (FCTBID) and establishing the time and place of a public meeting and a public hearing thereon and giving notice thereof
  2. RESOLUTION - Requesting consent of the City of Clovis to

renew the FCTBID

**Sponsors:** City Manager's Office

*RESOLUTION 2014-177 ADOPTED*

*RESOLUTION 2014-178 ADOPTED*

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

- 1-F**     [ID#14-495](#)     Actions pertaining to the traffic signal installation at the intersection of Shields and Sunnyside Avenues - Project Bid File No. 3346 (Council District 4)
1. Adopt finding of a Categorical Exemption pursuant to Class 1 Section 15301(c) (existing facilities) of the California Environmental Quality Act Guidelines for the traffic signal installation at the intersection of Shields and Sunnyside Avenues
  2. Award a construction contract to Kertel Communications, Inc. dba Sebastian of Fresno, California in the amount of \$310,470 for the traffic signal installation at the intersection of Shields and Sunnyside Avenues

**Sponsors:** Public Works Department

*APPROVED*

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

- 1-G**     [ID#14-507](#)     Award a service contract in the amount of \$77,546.90 to Shier Aviation Corporation DBA Corporate Helicopters, of San Diego, CA, for the mandated 12 year inspection of a Fresno Police Department EC-120B Airbus Helicopter

**Sponsors:** Police Department

*APPROVED*

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

- 1-H**     [ID#14-532](#)     Authorize the City Manager to enter into an Agreement with the County of Fresno for landfill disposal services at Fresno County's American Avenue Landfill

**Sponsors:** Department of Public Utilities

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

## CONTESTED CONSENT CALENDAR

### 1-H [ID#14-532](#)

Authorize the City Manager to enter into an Agreement with the County of Fresno for landfill disposal services at Fresno County's American Avenue Landfill

**Sponsors:** Department of Public Utilities

*City Manager Rudd and Public Utilities Assistant Director Schuber answered questions about the above item for Councilmembers.*

*The following member(s) of the public spoke on this item: Barbara Hunt and Richard Caglia of Cedar Avenue Recycling and Transfer Station.*

**AUTHORIZED**

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

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

## 2. GENERAL ADMINISTRATION

### 2A [ID#14-381](#) RESOLUTION - For the Substantial Amendment No. 2012-002, No. 2013-001, and No. 2014-002 to the Fiscal Years 2012, 2013, and 2014 Annual Action Plans to incorporate the planned use of the Emergency Solutions Grant funds

**Sponsors:** Development and Resource Management Department

*The above item was introduced to Council by Development and Resources Management Director Clark. Assistant City Manager Smith answered a few questions from Council.*

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

*Acting President Baines asked, for the record, when a Homeless Project Manager and a Housing Manager, would be in place. Director Clark replied that the Housing Manager recruitment would be closed on Friday and a quick decision would be made after reviewing the candidates. Director Clark also stated she hoped to advertise for a Homeless Program Specialist no later than January 2015. Director Clark explained that she was in the*

*process of creating a job description for a Homeless Program Specialist which would focus in on the programmatic guidelines and explained that the city needed create a job classification for the position.*

*Councilmember Blong motioned to continue the above item for one week.*

*CONTINUED TO NOVEMBER 6, 2014*

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

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

- 2B**     [ID#14-518](#)     Approve the selection of, and award a contract to, SP Plus Corporation to provide Parking Facilities Management Services in Fresno

**Sponsors:** Development and Resource Management Department

*The above item was introduced to Council by Assistant City Manager Smith. City Manager Rudd, City Attorney Sloan and Public Works Manager Estabrooke each answered a few questions from Council.*

*The following members(s) of the public spoke on this item: Bob Dowd representing ACE Parking, Rick Roush of PBID, Dan Doyle of the Downtown Fresno Partnership, Aaron Blair of the Downtown Fresno Partnership, Craig Scharton of the Downtown Fresno Partnership, Bill Kepp of SP Plus Corporation and Barbara Hunt.*

*Councilmember Xiong recommended the process of ranking and awarding with RFP's and RFQ's needs to be reviewed. Councilmember Xiong would like the review to cover who makes the decisions and transparency.*

**APPROVED**

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

**Aye:** 5 - Brandau, Baines, Brand, Caprioglio and Quintero

**No:** 2 - Olivier and Xiong

### **3. CITY COUNCIL**

*There were no scheduled City Council items on the agenda.*

### **4. CLOSED SESSION**

[ID#14-535](#)

CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION -

Government Code Section 54956.9, subdivision (d)(1)

Case Name: *City of El Centro, et al. v. David Lanier, in his official capacity as the Secretary of the State of California Labor & Workforce Development Agency, et al.* San Diego County Superior Court Case No. 37-2014-00003824-

CU-WM-CTL Court of Appeal 4th District (Division 1) Case No. D066755

**Sponsors:** City Attorney's Office

*City Attorney Sloan announced that the above closed session item would be continued to November 6, 2014.*

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

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

[ID#14-497](#)

HEARING to consider Street Name Change No. SNC-14-001 and related Environmental Assessment No. SNC-14-001, requested to rename the portion of E. Home Avenue between N. Maple Avenue and N. Backer Avenue; the portion of E. Pine Avenue between N. Maple Avenue and N. Backer Avenue; the portion of N. Backer Avenue between E. Home Avenue and E. Pine Avenue, to N. Irritec Way (Council District 7)

1. ADOPT the environmental finding of No Possibility of Significant Adverse Effect through Environmental Assessment No. SNC-14-001 dated July 24, 2014

2. RESOLUTION - Street Name Change Application No. SNC-14-001 to rename the portion of E. Home Avenue between N. Maple Avenue and N. Backer Avenue; the portion of E. Pine Avenue between N. Maple Avenue and N. Backer Avenue; the portion of N. Backer Avenue between E. Home Avenue and E. Pine Avenue, to N. Irritec Way

**Sponsors:** Development and Resource Management Department

*The above item was introduced to Council by Development and Resources Management Assistant Director Sanchez.*

*The following member(s) of the public spoke on this item: Joe Guagliardo of Irritec USA, Inc., Daniel Eisenberg of Irritec USA, Inc. and Barbara Hunt.*



*RESOLUTION 2014-179 ADOPTED*

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

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

**10:00 A.M.#2**

[ID#14-491](#) **CONTINUED HEARING** to consider Rezone Application No. R-13-014 and related Environmental Assessment No. R-13-014/TPM 2013-03 filed by Mike Hamzy on behalf of Niko Real Estate Fund, LLC for property located on the west side N. Winery Avenue between E. Washington and E. McKenzie Avenues (**Council District 7**) (**Continued from October 9, 2014 Council meeting**)

1. Consider the Finding of Conformity for Environmental Assessment No. R-13- 014/TPM 2013-03
2. BILL- (For introduction and adoption) - Amending the Official Zone Map to reclassify the subject property from the R-A (Single Family Residential Agricultural) zone district to the R-1 (Single Family Residential) zone district

**Sponsors:** Development and Resource Management Department

*The above item was introduced to Council by Development and Resources Management Assistant Director Sanchez.*

*The following member(s) of the public spoke on this item: Sara Rojas, Floanne Hunter, Rebecca Aguirre, Constance Claes, Rueben Silva, Cindy Silva, Barbara Hunt, Mike Hamzy on behalf of Niko Real Estate Fund, LLC, Dave Herb, Sisan the developer, Misato Yasuda and Lominga Bustamante.*

*BILL B-47 INTRODUCED AND ADOPTED AS  
ORDINANCE 2014-47*

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

**Aye:** 4 - Brandau, Brand, Caprioglio and Xiong

**No:** 3 - Baines, Olivier and Quintero

Councilmember Olivier exited the Council Chamber at 12:07 P.M. and returned at 12:16 P.M.

**10:00 A.M. #1****ID#14-457**

Hold a public hearing and approve items related to the granting of a Non-Exclusive Franchise for Roll-Off Collection Services

1. HEARING in accordance with Fresno City Charter Section 1301 related to ordinance and adoption of ordinance
2. \*\*\*BILL NO. B-45 (Intro. 10/23/2014) (For adoption) of the City of Fresno, which grants to Katch Environmental Inc., and Mini dumpsters of Fresno a non-exclusive franchise for roll-off collection services within the City of Fresno
3. Authorize the Director of Public Utilities or his designee, to execute an agreement of non-exclusive franchise for roll-off collection services with the City of Fresno

**Sponsors:** Department of Public Utilities

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

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

**ORDINANCE 2014-48 ADOPTED**

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

**Aye:** 6 - Brandau, Baines, Brand, Caprioglio, Quintero and Xiong

**Absent:** 1 - Olivier

**10:30 A.M.**

**JOINT MEETING OF THE CITY OF FRESNO, THE SUCCESSOR  
AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF  
FRESNO AND THE FRESNO REVITALIZATION CORPORATION**

*The City Council met in joint session with the Successor Agency to the Redevelopment Agency of the City of Fresno and Fresno Revitalization Corporation at 12:11 P.M. to discuss the following:*

[ID#14-533](#) BILL - (For Introduction) - Amending Section 4-605 of the Fresno Municipal Code Relating to Regulation of Communications During Competitive Procurement Process

**Sponsors:** City Councilmember Baines

*The above item was introduced by District Three Chief of Staff Barfield.*

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

*BILL B-48 INTRODUCED AND LAID OVER*

**CITY COUNCIL VOTE**

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

**Aye:** 6 - Brandau, Baines, Brand, Caprioglio, Quintero and Xiong

**Absent:** 1 - Olivier

**SUCCESSOR AGENCY VOTE**

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

**Aye:** 6 - Brandau, Baines, Brand, Caprioglio, Quintero and Xiong

**Absent:** 1 - Olivier

**FRESNO REVITALIZATION CORPORATION VOTE**

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

*Aye: 6 - Brandau, Baines, Brand, Caprioglio, Quintero and Xiong  
Absent: 2 - Olivier, Swearengin*

[ID#14-524](#) Approve Selection for the South Stadium RFQ/P

*The above item was introduced by Successor Agency Executive Director Murphey. Mehmet Noyan of the Noyan Company answered questions from President Brandau.*

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

**APPROVED**

**CITY COUNCIL VOTE**

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

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

**SUCCESSOR AGENCY VOTE**

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

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

**FRESNO REVITALIZATION CORPORATION VOTE**

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

*Aye: 7 - Brandau, Baines, Brand, Caprioglio, Olivier, Quintero and Xiong  
Absent: 1 - Swearengin*

**JOINT MEETING ADJOURNMENT**

*Joint Meeting Adjourned at 12:37 P.M.*

**1:30 P.M.**

[ID#14-432](#) WORKSHOP relating to Clovis Unified School District - presented by Superintendent Janet Young

**Sponsors:** City Councilmember Brandau

*CONTINUED TO NOVEMBER 20, 2014 AT 11:40 A.M.*

**UNSCHEDULED COMMUNICATION**

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

*Barbara Hunt - discussed the upcoming elections and the people who actually run the government and suggested an audit was in order to show the redevelopment process was illegal.*

**ADJOURNMENT**

*Adjourned at 12:41 P.M.*

**These minutes were approved by unanimous vote of the City Council during the November 6, 2014 Council meeting.**