



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

Thursday, July 30, 2015

8:30 AM

Council Chambers

Regular Session

The City Council met in regular session in the Council Chamber, City Hall, on the date and time above written.

8:39 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 Pastor Lee Seltzer of the Northpark Community Church

Pledge of Allegiance to the Flag

CEREMONIAL PRESENTATIONS

[ID#15-631](#) Proclamation of "BRIAN SHARP DAY"

PRESENTED

[ID#15-660](#) Presentation of Certificate of Recognition to Shari Boggess

CONTINUED TO UNSPECIFIED DATE

[ID#15-693](#) Proclamation of "NATIONAL NIGHT OUT DAY"

PRESENTED

APPROVE MINUTES

[ID#15-603](#) Approval of City Council minutes from June 23, 2015

LAID OVER

[ID#15-622](#) Approval of City Council minutes from June 29, 2015

APPROVED

On motion of Vice President Caprioglio, seconded by Councilmember Brandau, the above Minutes were approved. The motion carried by the following roll call vote:

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

[ID#15-695](#) Approval of City Council minutes from July 16, 2015

APPROVED

On motion of Vice President Caprioglio, seconded by Councilmember Brandau, the above Minutes were approved. The motion carried by the following roll call vote:

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

COUNCILMEMBER REPORTS AND COMMENTS

Councilmember Soria recognized the Parks, After School, Recreation and Community Services ("PARCS") Department for partnering with her for a successful movie night at Quigley Park with approximately 100 people in attendance. It was the first time a movie night was held at the park and it brought people to the park that had not used it in a long time due to safety concerns. Another movie night was scheduled for July 30 at Lions Park and free snow cones and popcorn would be provided.

Councilmember Soria also discussed National Night Out. She noted events were scheduled in District One after 5:30 A.M. on Tuesday August 4 at Quigley Park including a car show, bike repairs, a helmet giveaway and bounce houses.

Councilmember Quintero asked that the meeting be adjourned in the memory of District 5 constituent, Tony Bisuano. Mr. Bisuano lived in District 5 since the late 1940's and early 1950's. Councilmember Quintero remembered him as a role model in the Southeast Calwa area. He was a one of a kind, quiet forklift driver with a wonderful family.

Councilmember Quintero thanked the Public Works Department for the speedy work completed on Orange and Peach Avenues. He said that as a result, the residences and business in the area were starting to clean up as well.

Councilmember Quintero discussed the "special, superhero aquatic event" that took place at Mosqueda Park. He stated it was the safest place in Fresno as Batman, Wonderwoman, Superman, Antman, Batwoman, Iron Man, the Hulk and Captain America were in attendance. It was a great day and more than 300 kids showed up for the event. Councilmember Quintero thanked "Sean," Manuel Hernandez and Evelyn Sepeda for coordinating the event.

Councilmember Quintero announced District Five's National Night Out event would be at the apartments on Balch and Willow Avenue. He said the Chief of Police usually jumps in the bounce house with the kids and everyone has a good time.

Councilmember Brand reminded the City Council and the City Manager's Office that the City was on the verge of a 400 million dollar capital program to build water facilities. With that in mind, he asked for the Councilmembers to choose their oversight board members quickly. He noted the board would oversee large capital projects for the City and the first meeting will take place in approximately one month.

Vice President Caprioglio thanked everyone who showed up for the grand opening of The Square at Campus Pointe on Friday, June 17. Hundreds of people attended despite the heat. He said the Public Private Partnership with Fresno State University would be used to further develop Campus Pointe.

Vice President Caprioglio announced the District 4 National Night Out event would be held at Westley Methodist Church next to El Dorado Park. The

event would include lots of activities and food and would be a good opportunity for people to meet their neighbors and promote the safety that has been evolving in that area over the last few years.

APPROVE AGENDA

City Clerk Spence announced the following changes to the Agenda: the ceremonial presentation to Shari Boggess (File ID# 15-660) was continued to an unspecified date; the Annual Appropriation Resolution on consent calendar item 1-B, regarding the Lorenzetti property (File ID# 15-619), requires five affirmative votes; item 1-K regarding baseball at the Al Radka Park fields (File ID#15-692) was removed from the agenda by staff; the Mayor should not be listed as part of the Code Enforcement Sub-Committee in City Council item 3-A regarding Council Boards and Commission reports (File ID# 15-650).

APPROVED AS AMENDED

On motion of Councilmember Soria, seconded by Councilmember Brandau, the AGENDA was adopted as amended. The motion carried by the following roll call vote:

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

1. CONSENT CALENDAR

APPROVAL OF THE CONSENT CALENDAR

Consent Calendar items 1-F (File ID# 15-666), 1-L (File ID# 15-582) and 1-P (File ID# 15-686) were moved to the Contested Consent Calendar for further discussion. Consent Calendar item 1-K was removed from the agenda by staff.

On motion of Councilmember Brandau, seconded by Councilmember Brand, the remainder of the CONSENT CALENDAR was adopted by the following roll call vote:

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

- 1-A [ID#15-532](#) ***RESOLUTION - Approving the reallocation of \$482,900 from a previously approved capital project within the Right-of-Way acquisition fund for the engineering and Right-of-Way acquisition for the Belmont Avenue widening between Clovis and Fowler Avenues (District 5) (Requires 5 affirmative votes)

RESOLUTION 2015-134 ADOPTED

The above item was APPROVED on the Consent Calendar.

- 1-B [ID#15-619](#) Actions pertaining to the acquisition of 36,507 square feet of property owned by Ronald P. and Paulette Lorenzetti:
1. ***RESOLUTION to the 2nd Amendment to the Annual Appropriation Resolution No. 2015-104 appropriate funds for the purchase of the property for permanent Fire Station 18 (Requires 5 affirmative votes)
 2. Adopt the Categorical Exemption Environmental Assessment No. EA 15-019, dated June 3, 2015.
 3. Approve the acquisition of 36,507 square feet of property owned by Ronald P. and Paulette Lorenzetti, APN 512-030-33 for \$192,000.00 for the construction of a new fire station on the south side of West Shaw Avenue between North Bryan and North Grantland Avenues.
 4. Authorize the Public Works Director, or designee, to sign all documents necessary to complete the transaction.

RESOLUTION 2015-135 ADOPTED

The above item was APPROVED on the Consent Calendar.

- 1-C [ID#15-624](#) Actions pertaining to On-Airport BCH Hangar Facility Lease Agreement at Fresno Chandler Executive Airport (Council District 3)
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 Amendment No. 2 between the City of Fresno and Don Williams and Jim Wood, D.B.A. BCH Aviation Center, at Fresno Chandler Executive Airport (FCH)
 2. Approve Lease Amendment No. 2 between the City of Fresno and Don Williams and Jim Wood dba BCH Aviation Center at Fresno Chandler Executive Airport (FCH)

The above item was APPROVED on the Consent Calendar.

- 1-D [ID#15-625](#) Actions pertaining to On-Airport D&D Aircraft Services Hangar Facility Lease Agreement at Fresno Chandler Executive (Council District 3) - Airports Department
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 Amendment No. 2 between the City of Fresno and Chris Dillahunty, dba D&D Aircraft Services at Fresno, Chandler Executive Airport (FCH).
 2. Approve Lease Amendment No. 2 between the City of Fresno and Chris Dillahunty, dba D&D Aircraft Services at Fresno Chandler Executive Airport (FCH).

The above item was APPROVED on the Consent Calendar.

- 1-E [ID#15-659](#) RESOLUTION - Ordering the summary vacation of a portion of the relinquishment of direct access rights on the south side of W. Clinton Avenue west of N. Weber Avenue

RESO 2015-136 ADOPTED

The above item was APPROVED on the Consent Calendar.

- 1-F [ID#15-666](#) Actions pertaining to License Agreements for Community Based Organizations Operating Neighborhood Parks
1. Approval of a three year agreement with Boys and Girls Club of Fresno County for lead agency responsibility for recreational programming at El Dorado Neighborhood Center and authorize the PARCS Director to sign the agreement
 2. Approval of a three year agreement with Fresno Economic Opportunities Commission for lead agency responsibility for recreational programming at Sunset Park Neighborhood Center and authorize the PARCS Director to sign the agreement
 3. Approval of a three year agreement with Boys 2 Men, Girls 2 Women for lead agency responsibility for recreational programming at Pinedale Community Center and authorize the PARCS Director to sign the agreement
 4. Approval of a three year agreement with United One Productions for lead agency responsibility for recreational programming at Mary Ella Brown Neighborhood Center and authorize the PARCS Director to sign the agreement

The above item was moved to the Contested Consent Calendar by

Councilmember Soria for further discussion.

- 1-G** [ID#15-673](#) Consideration of alignments and widths of proposed public streets for a 20-lot industrial parcel map for property located on the northwest corner of the intersection of E. Central and S. Orange Avenues (Council District 3)
1. Adopt the Mitigated Negative Declaration prepared for Environmental Assessment No. TPM-2012-06 dated March 20, 2015
 2. RESOLUTION - Approving the street alignments and widths of proposed public streets within the boundaries of Vesting Tentative Parcel Map No. 2012-06

RESOLUTION 2015-137 ADOPTED

The above item was APPROVED on the Consent Calendar.

- 1-H** [ID#15-680](#) Actions pertaining to the 2015 Edward Byrne Memorial Justice Assistance Grant (JAG) program
1. Authorize the Chief of Police to execute a joint agreement between the City of Fresno and the County of Fresno regarding 2015 JAG program
 2. ***RESOLUTION - 5th amendment to the Annual Appropriation Resolution (AAR) No. 2015-104 appropriating \$202,400 from the 2015 JAG program award from the U.S. Department of Justice, Bureau of Justice Assistance (Requires 5 affirmative votes)

RESOLUTION 2015-138 ADOPTED

The above item was APPROVED on the Consent Calendar.

- 1-I** [ID#15-683](#) Approve the second amendment to the contract with First Carbon Solutions in an amount not to exceed \$72,000 for professional environmental consulting services to complete the Downtown Plans and Code Environmental Impact Report and authorize the City Manager or his or her designee to execute documents.

The above item was APPROVED on the Consent Calendar.

- 1-J** [ID#15-684](#) Actions pertaining to the 2015 Environmental Protection Agency Brownfields Area-Wide Planning Grant
1. ***RESOLUTION -3rd amendment to the Annual Appropriation Resolution (AAR) No. 2015-104 appropriating

\$175,000 for the Environmental Protection Agency Brownfields Area-Wide Planning Grant (Requires 5 affirmative votes)

2. Authorize the Development and Resource Management Director to accept \$175,000 in total grant funding for the Brownfields Area-Wide Planning grant for the Elm Avenue Corridor and execute all related documents applicable to the 2015 Environmental Protection Agency Brownfields Area-Wide Planning Grant

RESOLUTION 2015-139 ADOPTED

The above item was APPROVED on the Consent Calendar.

- 1-K [ID#15-692](#) 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 removed the agenda by staff.

- 1-L [ID#15-582](#) BILL (for Introduction) - Granting a non-exclusive roll-off franchise for roll-off collection within the City of Fresno to Selma Disposal and Recycling, LLC, in preparation for a public hearing on the matter and final vote to approve the non-exclusive roll-off franchise on August 20, 2015.

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

- 1-M [ID#15-611](#) BILL - (For introduction) - Adding Section 11-111 to the Fresno Municipal Code relating to expedited permitting procedures for small residential rooftop solar systems

BILL B-28 INTRODUCED AND LAID OVER

The above item was INTRODUCED AND LAID OVER on the Consent Calendar.

- 1-N [ID#15-634](#) BILL - (For introduction) - Amending Section 13-204(f) of the Fresno Municipal Code modifying the surcharge for failure to secure a permit for street work

BILL B-29 INTRODUCED AND LAID OVER

The above item was INTRODUCED AND LAID OVER on the Consent Calendar.

- 1-O [ID#15-685](#) 1. ***BILL NO. B-25 - (Intro. 7/16/2015) (For adoption) - Adding Section 3-356 to Chapter 3, Article 3 of the Fresno Municipal Code relating to the establishment of a Qualified Excess Governmental Benefit Arrangement in the City of Fresno Fire and Police Retirement System
2. ***BILL NO. B-26 - (Intro. 7/16/2015) (For adoption) - Adding Section 3-570 to Chapter 3, Article 5 of the Fresno Municipal Code relating to the establishment of a Qualified Excess Governmental Benefit Arrangement in the City of Fresno Employees Retirement System

ORDINANCE 2015-22 ADOPTED

ORDINANCE 2015-23 ADOPTED

The above item was APPROVED on the Consent Calendar.

- 1-P [ID#15-686](#) ***BILL NO. B-27 (Intro. 7/16/2015) (For adoption) - Adding Section 2-702 to the Fresno Municipal Code, banning display and sale of the Confederate flag by the City.

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

CONTESTED CONSENT CALENDAR

- 1-F [ID#15-666](#) Actions pertaining to License Agreements for Community Based Organizations Operating Neighborhood Parks
1. Approval of a three year agreement with Boys and Girls Club of Fresno County for lead agency responsibility for recreational programming at El Dorado Neighborhood Center and authorize the PARCS Director to sign the agreement
 2. Approval of a three year agreement with Fresno Economic Opportunities Commission for lead agency responsibility for recreational programming at Sunset Park Neighborhood Center and authorize the PARCS Director to sign the agreement
 3. Approval of a three year agreement with Boys 2 Men, Girls 2 Women for lead agency responsibility for recreational programming at Pinedale Community Center and authorize the PARCS Director to sign the agreement
 4. Approval of a three year agreement with United One Productions for lead agency responsibility for recreational programming at Mary Ella Brown Neighborhood Center and authorize the PARCS Director to sign the agreement

The above item was introduced to Council by Councilmember Soria.

Councilmember Soria motioned that the item be approved with a condition that it would return to Council in a year so that performance could be reviewed and and resources adjusted.

APPROVED WITH CONDITION

On motion of Councilmember Soria, seconded by Councilmember Brandau, the above item was approved with a conditon to review the item in a year. The motion carried by the following roll call vote:

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

- 1-L** [ID#15-582](#) BILL (for Introduction) - Granting a non-exclusive roll-off franchise for roll-off collection within the City of Fresno to Selma Disposal and Recycling, LLC, in preparation for a public hearing on the matter and final vote to approve the non-exclusive roll-off franchise on August 20, 2015.

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

BILL B-30 INTRODUCED AND LAID OVER

On motion of Vice President Caprioglio, seconded by Councilmember Soria, the above item was introduced and laid over. The motion carried by the following roll call vote:

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

- 1-P [ID#15-686](#) ***BILL NO. B-27 (Intro. 7/16/2015) (For adoption) - Adding Section 2-702 to the Fresno Municipal Code, banning display and sale of the Confederate flag by the City.

The above item was introduced to Council by Councilmember Olivier.

ORDINANCE 2015-24 ADOPTED

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

Aye: 5 - Baines III, Caprioglio, Olivier, Quintero and Soria

Abstain: 2 - Brand and Brandau

Councilmember Olivier exited the Council Chamber at 9:17 A.M and returned at 9:25 A.M.

2. GENERAL ADMINISTRATION

- 2-A [ID#15-653](#) RESOLUTION - Approve an amendment to Resolution 2015-83 of the City Council of the City of Fresno, California, designating Huntington Boulevard, which Includes all properties described in Attachment A, as a Local Historic District

The above item was introduced to Council by Development and Resources Management Project Manager Hattersley-Drayton.

Councilmember Quintero clarified with the City Attorney, for the record, that the City Attorney's office had responded to Public Records Act requests for information regarding signatures and had responded to all follow up questions from those requesting information.

RESOLUTION 2015-140 ADOPTED

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

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

Absent: 1 - Olivier

- 2-B** [ID#15-663](#) Actions pertaining to Exclusive Airport Advertising Concession 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 Exclusive Airport Advertising Concession Agreement with Clear Channel Outdoor, Inc. DBA Clear Channel Airports at Fresno Yosemite International Airport (FAT)
 2. Approve Exclusive Airport Advertising Concession Agreement between the City of Fresno and Clear Channel Outdoor, Inc. DBA Clear Channel Airports (Clear Channel)

The above item was introduced to Council by Aviation Director Meikle.

The following member(s) of the public spoke on this item: Brunette Harris of H.E.A.T. for Southwest Fresno.

APPROVED

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

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

Absent: 1 - Olivier

- 2-C** [ID#15-665](#) RESOLUTION - Authorizing the submission of grant applications to the Fresno Council of Governments (COG) Cycle 2 Regional Competitive Active Transportation Program (ATP) and authorizing the execution of all application related documents by the Public Works Director or designee (Council Districts 3, 5 and 7).

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

The following member(s) of the public spoke on this item: Leticia Corona of Leadership Council for Justice and Accountability; Mobile Garza and Lilia Vasarreal of the Sequoia Middle School parent group.

Councilmember Soria directed staff to alert the Council offices of the time frame for the next round of State funding so they could prepare projects in

their districts.

RESOLUTION 2015-141 ADOPTED

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

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

- 2-D** [ID#15-668](#) RESOLUTION - Authorizing the submission of grant applications to the California Department of Transportation (Caltrans) Cycle 7 Highway Safety Improvement Program (HSIP) and authorizing the execution of all application related documents by the Public Works Director or designee (Council Districts 3 and 4).

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

RESOLUTION 2015-142 ADOPTED

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

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

- 2-E** [ID#15-676](#) Actions pertaining to the Fresno/Clovis Regional Wastewater Reclamation Facility (RWRF) 2-Megawatt Solar Energy Facility (Bid File 3380) (Council District 3)
1. ***RESOLUTION - 4th amendment to the Annual Appropriation Resolution (AAR) No. 2015-104 appropriating \$1,367,500 in the sewer Enterprise State Revolving Loan Fund for the Regional Wastewater Reclamation Facility 2-Megawatt Solar Energy Facility (Requires 5 affirmative votes)
 2. Award a \$10,024,426.24 contract as negotiated, to MD Energy, Inc., of Rancho Cucamonga, California for the design and construction thereof

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

President Baines requested the item be continued to August 20, 2015 to allow staff to gather and present additional figures for Council.

CONTINUED TO AUGUST 20, 2015

- 2-F** [ID#15-677](#) ***Approve a Side Letter of Agreement with the Fresno Police Officers Association (FPOA), representing Unit 4, Non-Supervisory Police Regarding Lateral Hire Incentives

The above item was introduced to Council by Labor Relations Manager Phillips. Police Chief Dyer and City Manager Rudd also answered questions.

The following member(s) of the public spoke on this item: Israel Reyes of the Fresno Police Officers Association and Barbara Hunt.

City Manager Rudd stated that quarterly updates would be provided.

APPROVED

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

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

5. SCHEDULED COUNCIL HEARINGS AND MATTERS

10:30 A.M. SCHEDULED COMMUNICATION

[ID#15-658](#) Request to appear by Dawn Belanger to discuss a personal injury sustained from a City bus while trying to board the bus.

APPEARED

[ID#15-662](#) Appearance by George Whitman to demonstrate an effective solution to reducing water usage.

APPEARED

10:00 A.M.

[ID#15-655](#) HEARING to consider the proposed Annual Assessment for the City of Fresno Landscaping and Lighting Maintenance District No. 1 (Citywide)

1. ***RESOLUTION confirming the diagram and assessment and levy of annual assessment, 2015-2016, for Landscaping and Lighting District No. 1

Council opened the above hearing at 10:41 A.M.

The item was introduced to Council by Public Works Assistant Director Krauter. Assistant Director Krauter noted, for the record, that it was the intent of staff to return to Council soon to initiate the Proposition 218 process for the Lighting and Maintenance District and it would likely include a recommendation to adjust the existing assessments in order to adequately fund the cost of maintaining the districts.

Upon call, the following member(s) of the public spoke on this item: Barbara Hunt.

Council closed the hearing at 10:45 A.M.

RESOLUTION 2015-143 ADOPTED

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

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

10:15 A.M.

- [ID#15-672](#) HEARING to Consider Rezone Application No. R-15-006 and Initiation of "California-Armstrong No. 2 Reorganization" (Council District 5)
- a. Adopt a Finding of Conformity to the Fresno General Plan Master Environmental Impact Report as Environmental Assessment No. R-15-006/T-6095, dated May 29, 2015
 - b. BILL - (For introduction and adoption) - Approving Rezone Application No. R-15-006 proposing to amend the Official Zone Map and prezone an approximately 19.6 acre subject site located on the east side of S. Armstrong Avenue, between E. California and E. Church Avenues from the AL-20 (Limited 20 -Acre Agricultural [Fresno County]) zone district to the R-1/UGM (Single Family Residential/Urban Growth Management) zone district
 - c. RESOLUTION - Applying to the Fresno Local Agency

Formation Commission for the detachment of an approximately 19.6 acre subject site from the Fresno County Fire Protection District and the Kings River Conservation District in order to annex the same territory to the City of Fresno for the proposed California-Armstrong No. 2 Reorganization

Council opened the above hearing at 10:45 A.M.

The item was introduced to Council by Development and Resources Management Planner Siegrist.

Upon call, the following member(s) of the public spoke on this item: Barbara Hunt.

Council closed the hearing at 10:50 A.M.

*RESOLUTION 2015-144 ADOPTED
BILL B-31 INTRODUCED AND ADOPTED AS
ORDINANCE 2015-25*

On motion of Councilmember Quintero, seconded by Councilmember Brand, the above item was approved. The motion carried by the following roll call 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:

Rick Morse - discussed Fresno City Charter section 1504 and handed documents to the Assistant City Clerk for the Council.

David Taub - discussed credit card fees associated with paying debts owed to the city.

Barbara Hunt - discussed gangs.

2. GENERAL ADMINISTRATION CONTINUED

- 2-G** [ID#15-681](#) Actions pertaining to accepting funds from the Board of State and Community Corrections and entering into Addendum No. 2

to the Agreement with partner cities and Fresno County:

1. Accept funding of \$1,699,324 from the California Board of State and Community Corrections (BSCC); and
2. Authorize the Chief of Police to enter into and execute Addendum No. 2 to the Memorandum of Understanding between the City of Fresno, Cities of Clovis, Coalinga, Firebaugh, Fowler, Huron, Kerman, Kingsburg, Mendota, Orange Cove, Parlier, Reedley, Sanger, Selma and the County of Fresno; and
3. ***RESOLUTION - 1st amendment of the Position Authorization Resolution No. 15-491 (PAR) to increase the Police Department's Community Outreach Specialist position by one (1) person

The above item was introduced to Council by Police Chief Dyer. Chief Dyer read the following correction into the record: the staff report incorrectly lists 15-491 as the Position Authorization Resolution ("PAR") number but the correct PAR number is 2015-105.

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

RESOLUTION 2015-145 ADOPTED AS CORRECTED

On motion of Councilmember Soria, seconded by Councilmember Brand, the above item was approved as corrected on the record. The motion carried by the following roll call vote:

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

- 2-H** [ID#15-682](#) ***Adopt a Memorandum of Understanding between the City of Fresno and City of Fresno Management Employees Association (Unit 14 - CFMEA, Management Confidential)

The above item was introduced to Council by Labor Relations Manager Phillips. Mr. Phillips read the following two corrections into the record: (i) page 17, section "e," should read, "[T]he City shall contribute 75% of the employees Health and Welfare premium." and; (ii) on pages 20 and 21, "annual leave" should be replaced with "any leave" in regard to sick leave provisions resulting from AB1522, the Healthy Workplaces Healthy Families Act.

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

APPROVED AS CORRECTED

On motion of Councilmember Soria, seconded by Councilmember Brand, the above item was adopted as corrected on the record. The motion carried by the following roll call vote:

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

- 2-I** [ID#15-667](#) Approve a Transition Agreement between the City of Fresno and the Fresno County Fire District.

The above item was introduced to Council by City Manager Rudd.

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

City Attorney Sloan noted that, as a result of discussions with the District, he needed to read the following changes into the record as they would be included in the final contract: (i) in addition to the district indemnifying the City and defending any lawsuits challenging the fee, in exchange, the City would agree to use its best efforts to collect the fee and cooperate with the district in the defense of any case; (ii) there is a very narrow waiver of a statute of limitations as between the City and the District to make it equitable so they could defend the fee, and; (iii) certain pending annexations would be subject to the old fee.

APPROVED AS AMENDED

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

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

- 2-J** [ID#15-670](#) Actions pertaining to completion of construction funding applications for City of Fresno's Friant-Kern Canal Pipeline, Kings River Pipeline, and Regional Transmission Mains:
1. ***RESOLUTION - To adopt Pledged Revenue Funds to the State Water Resources Control Board through its Safe Drinking Water State Revolving Fund Low-Interest Loan Program for Friant-Kern Canal Pipeline
 2. ***RESOLUTION - To reimburse the State Water Resources Control Board through its Safe Drinking Water State Revolving Fund Low-Interest Loan Program for Friant-Kern Canal Pipeline

3. ***RESOLUTION - To adopt Pledged Revenue Funds to the State Water Resources Control Board through its Safe Drinking Water State Revolving Fund Low-Interest Loan Program for Kings River Pipeline
4. ***RESOLUTION - To reimburse the State Water Resources Control Board through its Safe Drinking Water State Revolving Fund Low-Interest Loan Program for Kings River Pipeline
5. ***RESOLUTION - To adopt Pledged Revenue Funds to the State Water Resources Control Board through its Safe Drinking Water State Revolving Fund Low-Interest Loan Program for Regional Transmission Mains
6. ***RESOLUTION - To reimburse the State Water Resources Control Board through its Safe Drinking Water State Revolving Fund Low-Interest Loan Program for Regional Transmission Mains
7. Authorize the Director of Public Utilities or designee, to execute all documents on behalf of the City of Fresno

The above item was introduced to Council by Public Utilities Professional Engineer Knapp.

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

*RESOLUTION 2015-146 ADOPTED
RESOLUTION 2015-147 ADOPTED
RESOLUTION 2015-148 ADOPTED
RESOLUTION 2015-149 ADOPTED
RESOLUTION 2015-150 ADOPTED
RESOLUTION 2015-151 ADOPTED*

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

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

- 2-K** [ID#15-669](#) Actions pertaining to the Orange Center School District Pipeline Consolidation Incentive Project through the State Water Resources Control Board State Revolving Fund Program (Sphere of Influence in County of Fresno)
1. Adopt findings for the Orange Center School District Pipeline Consolidation Incentive Project, Mitigated Negative

Declaration, State Clearing House No. 2014051033

2. Approve Extra-territorial Service Agreement for connection of the Orange Center School District to the City of Fresno water system
3. RESOLUTION - Authorize the Director of Public Utilities to sign a financing application for Financial Assistance Agreement with the Orange Center School District through the State Water Resources Control Board's State Revolving Fund Consolidation Incentive Program
4. Authorize the City Manager to sign the Extra-territorial Agreement and the Director of Public Utilities, or his designee to execute all other documents on behalf of the City of Fresno

The above item was introduced to Council by Public Utilities Professional Engineer Knapp.

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

RESOLUTION 2015-152 ADOPTED

On motion of Councilmember Soria, 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

3. CITY COUNCIL

- 3-A** [ID#15-650](#) Council Boards and Commissions Communications, Reports, Assignments and/or Appointments, Reappointments, Removals to/from City and non-City Boards and Commissions:
1. Council of Governments - Swearengin-Ex-Officio (Olivier-Alternate)
 2. Finance and Audit Committee - Brand, Olivier, Brandau
 3. Fresno Area Workforce Investment Corporation - Baines
 4. Fresno County Transportation Authority (FCTA) - Swearengin, Brandau
 5. Fresno Regional Workforce Investment Board - Baines, Renena Smith
 6. Fresno County Zoo Authority - Swearengin (Baines-Alternate)
 7. Fresno Madera Area Agency on Aging Board - Olivier
 8. Joint Powers Financing Authority - Baines, Brandau,

Swearingin

9. San Joaquin River Conservancy Board - Swearingin (Brandau-Alternate)
10. Association for the Beautification of Highway 99 - Baines
11. Upper Kings Basin Integrated Regional Water Management JPA - Brandau (Soria, Georgeanne White and Thomas Esqueda - Alternates)
12. Economic Development Corporation Serving Fresno County - Brandau-Ex-Officio (Baines - Alternate)
13. Fresno/Clovis Convention & Visitors Bureau (CVB) - Amy Fuentes
14. League of California Cities (Annual Meeting) - Swearingin (Olivier-Alternate)
15. San Joaquin Valley Air Pollution Control District - Baines
16. Infill Development Ad Hoc Subcommittee - DISBANDED AT THE 2/5/2015 COUNCIL MEETING
17. Litigation Exposure Reduction Ad Hoc Committee - Brandau, Caprioglio
18. Convention Center Oversight Advisory Board - Baines, (Brand-Alternate), City Manager, SMG General Manager and one representative from each of SMG's organizations
19. Sub-Committee on Transportation - Baines, Caprioglio, Soria
20. Code Enforcement Sub-Committee - Baines, Olivier and Caprioglio

Councilmember Brandau reported that the San Joaquin River Conservancy Board's engineering study regarding access to the river had been completed and the Council could have a presentation on the findings as early as August. He noted the issue was access to the San Joaquin River by people from all over the region and the City's obligations. Councilmember Brandau said the study has shown that there is access to the river at Palm and Nees Avenues and additional details would be discussed when the study is formally presented.

Councilmember Brandau reported on the recent strategic planning meeting of the Economic Development Corporation ("EDC") Serving Fresno County. He noted the EDC hired many people to fill gaps in staffing. He said the new staff members would help get the EDC back on track fulfilling its goals and helping businesses. Councilmember Brandau noted the EDC helps businesses affected by the High Speed Rail and also attracts new jobs to Fresno County.

Councilmember Olivier reported on the recent California League of Cities Board of Directors Meeting. He said the most interesting item was a presentation by a transportation expert out of San Diego regarding how California would fund road maintenance in the future. The discussion at the meeting revolved around replacing the dwindling gas tax with a road tax (mile by mile tax). Councilmember Olivier noted that the board also discussed driver-less cars.

President Baines reported on the recent EDC strategic planning meeting. He said he was very impressed with the cutting edge work the EDC had done to help the County attract and retain businesses.

Vice President Caprioglio reported on the Litigation Exposure Reduction Ad Hoc Committee. He stated the committee continued to work with the City Attorney's Office to manage litigation exposure and has been successful. He advised that the relationship with the City Attorney's Office be continued to help protect the City.

4. CLOSED SESSION

The City Council met in closed session in Room 2125. Vice President Caprioglio was in attendance at the closed session via conference call. The closed session meeting was held from 11:44 A.M. to 12:00 P.M. and recessed until 1:35 P.M. The closed session resumed at 1:35 P.M. and concluded at 2:15 P.M. The following items were discussed during the closed session:

[ID#15-652](#) CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION - Government Code Section 54956.9, subdivision (d)(1)
Case Name: City of Fresno, et al v. AIG Financial Products Corp., et al. U.S. District Court Case No.: 08 MDL No. 1950

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

[ID#15-671](#) CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION - Government Code Section 54956.9, subdivision (d)(1)
Case Name: People of the State of California, City of Fresno (Real Party in Interest) v. Marejg Properties, LLC, et al; Fresno Superior Court Case No.

09CECG02906

CONFERENCE WITH LEGAL COUNSEL - DECIDING
WHETHER TO INITIATE LITIGATION

Government Code Section 54956.9, subdivision (d)(4)

Case Name: People of the State of California, City of Fresno
(Real Party in Interest) v. Earth Choice
Collective Association, et al.

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

[ID#15-678](#) CONFERENCE WITH LEGAL COUNSEL-EXISTING
LITIGATION - Government Code Section 54956.9, subdivision
(d)(1)
Case Name: River Park Properties III v. City of Fresno; Fresno
County Superior Court Case No. 09CECG04022

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

**JOINT CLOSED SESSION OF THE CITY OF FRESNO AND THE SUCCESSOR
AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF FRESNO AND
FRESNO REVITALIZATION CORPORATION**

[ID#15-696](#) CONFERENCE WITH LEGAL COUNSEL - DECIDING
WHETHER TO INITIATE LITIGATION - Government Code
Section 54956.9, subdivision (d)(4) - Case Name: City of
Fresno v. State of California and Michael Cohen, Director of
Finance, in his official capacity, related to repayment of debt
from the former Redevelopment Agency.

The above item was discussed during Closed Session. During open session, City Attorney Sloan announced that, by unanimous vote, both the City Council and the Successor Agency approved initiation of litigation on this matter.

Open session resumed at 2:18 P.M.

9:00 A.M. SPECIAL MEETING ITEM (Separately Noticed)

[ID#15-704](#) RESOLUTION - a resolution of the Council of the City of Fresno, California, opposing Assembly Bill 113 pertaining to Redevelopment Dissolution

The above item was introduced to Council by Redevelopment Administrator Murphey.

President Baines, noted for the record, that more than one hundred cities have joined in opposition to Assembly Bill 113.

RESOLUTION 2015-153 ADOPTED

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

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

ADJOURNMENT

Adjourned in the memory of Tony Bisuano at 2:26 P.M.

These minutes were approved by unanimous vote of the City Council during the August 20, 2015 Council meeting.