

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, August 21, 2014

1:30 PM

Council Chambers

Regular Session

The City Council met in regular session at the hour of 1:30 P.M. in the Council Chamber, City Hall, on the day above written.

Invocation by Kevin Foster of the Life Bridge Community Church

Pledge of Allegiance to the Flag

1:37 P.M. ROLL CALL

Present: 6 - Acting Council President Oliver Baines

Councilmember Lee Brand Councilmember Paul Caprioglio Councilmember Clinton Olivier

Councilmember Sal Quintero Councilmember Blong Xiong

Absent: 1 - Council President Steve Brandau

Ceremonial Presentations

A moment of silence was held in the memory of Jack Hall. Councilmember Olivier requested the Council meeting be adjourned in the memory of Mr. Hall.

ID#14-287 Presentation of the SPCA Pet of the Month -Councilmember Olivier

Sponsors: City Clerk's Office

Presented

Approve City Council Minutes

ID#14-302 Approval of City Council minutes from July 17, July 24 and July 31, 2014

Sponsors: City Clerk's Office

City Clerk Spence announced that page 15 of the minutes for July 31, 2014 should note that the Bill introduced and Laid over for File ID# 14-203 was Bill B-34.

APPROVED AS AMENDED

On motion of Councilmember Caprioglio, seconded by Councilmember Quintero, the above Minutes were approved as amended. The motion carried by the following vote:

Aye: 6 - Baines, Brand, Caprioglio, Olivier, Quintero and Xiong

Absent: 1 - Brandau

Approve Successor Agency / Fresno Revitalization Corporation Minutes

<u>ID#14-303</u> Approval of Successor Agency minutes from July 31, 2014 and Fresno Revitalization Corporation minutes from June 19 and 26, 2014.

Sponsors: City Clerk's Office

APPROVED

On motion of Councilmember Caprioglio, seconded by Councilmember Xiong, the above Successor Agency Minutes and Fresno Revitaliztion Corporation Minutes were approved. The motion carried by the following vote:

Aye: 6 - Baines, Brand, Caprioglio, Olivier, Quintero and Xiong

Councilmember Reports and Comments

Councilmember Quintero reported on the forthcoming second annual Carnival at the Mosqueda Community Center. Councilmember Quintero thanked the PARCS Department and all involved for the preparations being made and expected the event to bring in more than the 5,000 people that attended last year.

Councilmember Caprioglio reported on the third annual Summer Summit in which community partners gathered to discuss El Dorado Park and its success. Councilmember Caprioglio announced there would be a walk at 10:00 A.M. on Saturday in a continued effort at Community Revitalization at a grass roots level. The walk will begin at Sierra Madre, the first street south of Shaw between Cedar and Maple. Councilmember Caprioglio also reported on the outreach by Councilmembers Olivier and President Brandau with Madera County Supervisors and noted the City of Fresno was continuing its outreach on a regional basis and within the County. Councilmember Caprioglio noted another regional meeting would be scheduled within the next sixty days.

Councilmember Xiong asked City Manager Rudd if a youth organization had contacted his office and reported that he was working with a developer and City staff to host a future community meeting about the Vallarta Development at Clinton and Weber Avenues.

Approve Agenda

Councilmember Brand continued City Council Item, ID# 14-234, concerning controlled substances on public and City property, to August 28, 2014.

APPROVED AS AMENDED

On motion by Councilmember Quintero, seconded by Councilmember Olivier, the Agenda was approved as amended. The motion carried by the following vote:

Aye: 6 - Baines, Brand, Caprioglio, Olivier, Quintero and Xiong

1. CONSENT CALENDAR

APPROVAL OF THE CONSENT CALENDAR

The following member(s) of the public spoke on Consent Calendar Items: Phil Sky (File ID#14-277)

On motion of Councilmember Xiong, seconded by Councilmember Olivier, the CONSENT CALENDAR was hereby adopted by the following vote:

Aye: 6 - Baines, Brand, Caprioglio, Olivier, Quintero and Xiong

Absent: 1 - Brandau

ID#14-123

Approve the attached Utility Relocation Agreement with the California

High-Speed Rail Authority (CHSRA) (Council Districts 1, 2 & 3)

Sponsors: Public Works Department

APPROVED

The above item was approved on the Consent Calendar.

ID#14-192 Approve agreements with Unison to complete the purchase of a defined

easement for the cell site at Fire Station 13

Sponsors: Fire Department

APPROVED

The above item was approved on the Consent Calendar.

ID#14-219

*RESOLUTION - 9th amendment to the Annual Appropriation Resolution No. 2014-95 appropriating \$237,600 from the 2014 Byrne Justice Assistance Grant Program award, from the U.S. Department of Justice, Bureau of Justice Assistance (Requires

5 affirmative votes)

RESOLUTION 2014-126 ADOPTED

The above item was adopted on the Consent Calendar.

Authorize the Director of Transportation to execute an agreement ID#14-223

between the City of Fresno and California State University, Fresno, allowing the university to use its agency-issued identification cards as fare media for access on Fresno Area Express fixed-route buses

Sponsors: Department of Public Transportation (FAX)

APPROVED

The above item was approved on the Consent Calendar.

RESOLUTION - Dedicating certain City-owned property as easements ID#14-232

> for public street, pedestrian walkway, utility and landscape purposes at Pump Station No. 349 located at the southwest corner of N. Locan

Avenue and E. Andrews Avenue (Council District 4)

Sponsors: Public Works Department

RESOLUTION 2014-127 ADOPTED

The above item was adopted on the Consent Calendar.

ID#14-233

BILL - (For introduction) Amending the uncodified ordinance to adopt changes and additions to the official list of designated special speed zones for various streets within the City of Fresno pursuant to Section 14-1501 of the Fresno Municipal Code (Citywide)

Sponsors: Public Works Department

BILL B-35 INTRODUCED AND LAID OVER

The above Bill was introduced and laid over on the Consent Calendar.

Approve the reappointment of Mary Ann Rogozinski to the Civil Service ID#14-236

Board; the appointment of Karl Johnson and the reappointments of

Timothy D. Lowe and Craig Scharton to the Fresno Housing Authority

Sponsors: Mayor's Office

APPROVED

The above appointment was approved on the Consent Calendar.

ID#14-237

*RESOLUTION - Adopting the 11th amendment to the Annual Appropriation Resolution 2014-95 recognizing \$10,000 in revenue from developer contributions to form the City of Fresno Community Facilities District No. 15 East Copper River Maintenance District (the eastern half of the Copper River Ranch Development, between Silaxo Lane (private street), East Copper Avenue, North Willow Avenue and North Baird Avenue) (Council District 6) (Requires 5 affirmative votes)

Sponsors: Public Works Department

RESOLUTION 2014-128 ADOPTED

The above item was adopted on the Conesnt Calendar.

ID#14-238

- *Adopt a Side Letter of Agreement on Compensatory Time Off between the City of Fresno (City) and the International Association of Fire Fighters, Local 753 - Unit 5, Non-Management Fire (Fire Basic)
- 2. *Adopt an Amendment to the Memorandum of Understanding (MOU) between the City of Fresno (City) and the International Association of Fire Fighters, Local 753 Unit 10 (Fire Management), correcting a clerical error

Sponsors: Personnel Services Department

APPROVED

The above item was adopted on the Consent Calendar.

ID#14-252

* RESOLUTION - 10th amendment to the Annual Appropriation Resolution No. 2014-95 appropriating \$25,000 from PG&E for the operation of the Summer Cooling Centers (Requires 5 affirmative votes)

RESOLUTION 2014-129 ADOPTED

The above item was adopted on the Consent Calendar.

ID#14-264 *RESOLUTION - 7th Amendment to the Annual Appropriation

Resolution 2014-95 appropriating \$94,000 into the FY 15 budget for the Anti-Human Trafficking Task Force Project from the California Office of

Emergency Services (CalOES) (Requires 5 affirmative votes)

Sponsors: Police Department

RESOLUTION 2014-130 ADOPTED

The above item was adopted on the Consent Calendar.

ID#14-265 *RESOLUTION - 8th amendment to the Annual Appropriation

Resolution 2014-95 appropriating \$42,000 for the Child Sexual Predator Program (CSPP), funding by the US Department of Justice, Office of Community Oriented Policing Services (COPS) (Requires 5 affirmative

votes)

Sponsors: Police Department

RESOLUTION 2014-131 ADOPTED

The above item was adopted on the Consent Calendar.

<u>ID#14-271</u> Approve an Amendment to the Agreement between the City of Fresno

and Avante Behavioral Health Employee Assistance Program

Sponsors: Personnel Services Department

APPROVED

The above item was approved on the Consent Calendar.

ID#14-283 Action Pertaining to Repeal of the Four Year Water Rate Plan

1. * BILL NO. B-34 (*Intro 7/31/2014*) (*For adoption*) - Adopting the Ordinance Repealing Resolution No. 2013-143 that adopted the Four Year Water Rate Plan and Resolution No. 2013-144 that amended the Master Fee Schedule adjusting the water rates;

Sponsors: City Clerk's Office

ORDINANCE 2014-35 ADOPTED

The above item was adopted on the Consent Calendar.

ID#14-277 *BILL NO. B-32 - (Intro. 7/31/2014) (For adoption) - Amending the

Fresno Municipal Code to add Article 6.5 of Chapter 10, authorizing citizens to file Administrative Complaints for Municipal Code violations

involving public nuisances.

Sponsors: City Attorney's Office

Councilmember Olivier noted that he would like to register a "no" vote for the above item. The above item was subsequently moved to the Contested Consent Calendar for further discussion by Acting President Baines.

ID#14-288 Approve the appointment of George Railey, Jr. to the Fresno Regional Workforce Investment Board; and Joe Martinez to the Bicycle and Pedestrian Advisory Committee

APPROVED

The above appointment was was approved on the Consent Calendar.

*BILL NO. B-33 (Intro. 7/31/2014) (For adoption) - Amend Sections 1-405, 1-407, 1-408, and 1-409 of the Fresno Municipal Code relating to the Administrative Hearing procedure

Sponsors: City Attorney's Office

ORDINANCE 2014-36 ADOPTED

The above item was adopted on the Consent Calendar.

CONTESTED CONSENT CALENDAR

*BILL NO. B-32 - (Intro. 7/31/2014) (For adoption) - Amending the Fresno Municipal Code to add Article 6.5 of Chapter 10, authorizing citizens to file Administrative Complaints for Municipal Code violations involving public nuisances.

Sponsors: City Attorney's Office

City Attorney Sloan briefly discussed the item.

TABLED

On motion of Acting President Baines, seconded by Councilmember Olivier, the above item was tabled until after the Code Enforcement sub-committee could meet on the issue. The motion carried by the following vote:

Aye: 6 - Baines, Brand, Caprioglio, Olivier, Quintero and Xiong

Absent: 1 - Brandau

2. GENERAL ADMINISTRATION

ID#14-211 Actions pertaining to the Fresno Street Pavement Overlay Project from Gettysburg Avenue to Sierra Avenue - Bid File 3339 (Council Districts 4 and 6)

1. Adopt finding of Categorical Exemption per staff determination,

pursuant to Section 15301(c) of the CEQA Guidelines, for the Fresno Street Pavement Overlay from Gettysburg Avenue to Sierra Avenue

- 2. * RESOLUTION 6th amendment to the Annual Appropriation Resolution No. 2014-95 to appropriate \$1,332,600 for construction costs on the Fresno Street Pavement Overlay Project from Gettysburg Avenue to Sierra Avenue Capital Project in FY 2015 (Requires 5 affirmative votes)
- 3. Award a Construction Contract to AS Dezign Inc., of Fresno, California in the amount of \$1,077,551 as the lowest responsive responsible bidder for the Fresno Street Pavement Overlay Project from Gettysburg Avenue to Sierra Avenue

Sponsors: Public Works Department

Design Services Manager Goonawardena introduced the above item to Council.

RESOLUTION 2014-132 ADOPTED

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

Aye: 6 - Baines, Brand, Caprioglio, Olivier, Quintero and Xiong

Absent: 1 - Brandau

ID#14-221

Actions pertaining to the Millbrook Road Diet and Bike Lanes - Shields Avenue to Gettysburg Avenue Project Bid File 3290 (Council Districts 4 and 7)

- Adopt finding of a Categorical Exemption pursuant to Class 1 Section 15301(c) (Existing Facilities) of the CEQA Guidelines for the Millbrook Road Diet and Bike Lanes - Shields Avenue to Gettysburg Avenue
- 2. Award a construction contract with Seal Rite Paving and Grading of Fresno, California in the amount of \$350,568 for the Millbrook Road Diet and Bike Lanes - Shields Avenue to Gettysburg Avenue Project

Sponsors: Public Works Department

Capital Project Manager Son introduced the above item to Council and Director Mozier addressed some questions by Council.

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

APPROVED

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

Aye: 5 - Baines, Brand, Caprioglio, Quintero and Xiong

No: 1 - Olivier

Absent: 1 - Brandau

ID#14-231

RESOLUTION - To submit Grant Applications for up to \$1,300,000 to Fresno Council of Governments Regional Competitive Active Transportation Program (RCATP) and authorizing the execution of documents by the Public Works Director or Designee

Sponsors: Public Works Department

Capital Project Manager Son introduced the above item to Council and Director Mozier addressed some questions by Council.

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

RESOLUTION 2014-133 ADOPTED

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

Aye: 6 - Baines, Brand, Caprioglio, Olivier, Quintero and Xiong

ID#14-247

Implementation of Fire Department Self-Inspection Program and Fire Inspection Policy Change Recommendations

 * RESOLUTION - 1st amendment to the Position Authorization Resolution No. 2014-96 adding two (2) Fire Inspector positions to the Fire Department and two (2) Fire Inspector positions to the Development and Resource Management Department

Sponsors: Fire Department

Chief Donis introduced the above item to Council.

CONTINUED

On motion of Councilmember Brand, seconded by Councilmember Olivier, the above item was continued to August 28, 2014. The motion carried by the following vote:

Aye: 6 - Baines, Brand, Caprioglio, Olivier, Quintero and Xiong

Absent: 1 - Brandau

3. CITY COUNCIL

<u>ID#14-234</u> **BILL (For introduction)** - Adding Article 6 of Chapter 5 to the Fresno Municipal Code prohibiting controlled substance use on City property.

Sponsors: City Councilmember Brand

The above item was removed from the Agenda by Councilmember Brand and continued to August 28, 2014.

5. SCHEDULED COUNCIL HEARINGS AND MATTERS

2:30 P.M. SCHEDULED COMMUNICATION

ID#14-300 Appearance by Sandra Celedon-Castro to discuss Building Healthy Communities

Sandra Celedon-Castro, Hub Manager of Building Healthy Communities, and Veronica Garibay, Co-Director of the Leadersihip Council for Justice and Accountability, appeared and spoke to the Council about building healthy communities in Fresno and the General Plan update.

UNSCHEDULED COMMUNICATION

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

Ashley Werner, staff attorney with the Leadership Council for Justice and Accountability - discussed infill, transit, parks and open space in relation to the general plan update.

Sabina Gonzalez of CNC Education Fund - provided a map to council and discussed the general plan updated including: investment priorities, industrial uses in south and west Fresno, public involvement in the decision making process, monitoring and reporting on the goals of the general plan.

Acting President Baines announced that unscheduled communication would be interrupted for Closed Session but would resume when open session continued.

4. CLOSED SESSION

The City Council met in closed session in Room 2125 from 3:08 P.M. to 3:56 P.M to discuss the following:

ID#14-206

CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION Government Code Section 54956.9, subdivision (d)(1)

1. City of Fresno v. Fresno Auto Dealers Auction, Inc., et al. Fresno County Superior Court Case No.: 13CECG00288

Sponsors: City Attorney's Office

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

ID#14-240

CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION

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

Case Name: Joan Byrd, et al. v. County of Fresno, City of Fresno

Fresno County Superior Court Case No.: 14CECG01502

Case Name: Union of Medical Marijuana Patients, Inc., et al. v. City of

Fresno

Fresno County Superior Court Case No.: 14CECG01316

Sponsors: City Attorney's Office

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

UNSCHEDULED COMMUNICATION CONTINUED

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

Rick Morse - discussed the recent tour of his medical marijuana facility and provided Council with handouts from the tour.

Brunette Harris of the Southwest Fresno H.E.A.T. - discussed the lack of input from the community on the general plan update and various projects and the resulting illegality of those items.

Mary Savala of the League of Women Voters of Fresno - discussed transit in the draft general plan including the weak implementing policies, the need for efficiencies and the difficulty of measuring the plans effectiveness.

Pastor Christopher Breedlove of Community UCC - requested a designated time for Building Healthy Communities and like-minded partners to offer a full presentation of comments on the 2035 General Plan and a time for a full public workshop and robust public input.

Mary Curry of Concerned Citizens of West Fresno - discussed finding a way for elected officials to allow community organizations to give presentations to Council.

Councilmember Quintero called Mary Savala to the podium for additional comment. Ms. Saval expressed her disappointment about how the Building Healthy Community coalition presentation on the general plan update was broken into pieces and suggested that procedural changes be considered.

GENERAL ADMINISTRATION CONTINUED

ID#14-254
Approve Second Amendment to Agreement with Carollo Engineers, Inc., for the Design of the City of Fresno's 80-Million Gallon Per Day Southeast Surface Water Treatment Facility and Raw Water Diversion and Conveyance Pipeline and Authorize the Director of Public Utilities or his designee to sign the Amendment on behalf of the City of Fresno (City)

Sponsors: Department of Public Utilities

Director Esqueda introduced the above item Council.

APPROVED

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

Aye: 6 - Baines, Brand, Caprioglio, Olivier, Quintero and Xiong

Absent: 1 - Brandau

<u>ID#14-267</u> Action pertaining to an Annual Appropriation Resolution for the High Speed Rail Station Area Master Plan

 * RESOLUTION- 3rd amendment to the Annual Appropriation Resolution (AAR) No. 2014-95 appropriating \$1,020,000 for High Speed Rail Station Master Plan consulting services and miscellaneous City expenses (*Requires 5 affirmative votes*)

Director Clark introduced the above item to Council.

The following memeber(s) of the public discussed this item: Kathy Omachi, Alan Scott and Cheryl Lynn Smith.

NOT APPROVED

Acting President Baines motioned to approve the above item and received a second from Councilmember Xiong. The motion FAILED by the following vote:

Aye: 3 - Baines, Quintero and Xiong

No: 3 - Brand, Caprioglio and Olivier

Absent: 1 - Brandau

ID#14-268 BILL - (For introduction) - Consider repealing Section 12-328 of the

Fresno Municipal Code and adding Article 22 of Chapter 12 to the

Fresno Municipal Code relating to outdoor dining

Assistant Director Sanchez introduced the above item to Council.

BILL B-36 INTRODUCED AND LAID OVER

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

Aye: 6 - Baines, Brand, Caprioglio, Olivier, Quintero and Xiong

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

2:00 P.M. HEARING

ID#14-226

HEARING to adopt resolutions and ordinance to annex territory and levy a special tax regarding City of Fresno Community Facilities District No. 11, Annexation No. 54 (Final Tract Map No. 6073) (north side of East Church Avenue between South Chestnut and Peach Avenues) (Council District 5)

- RESOLUTION Annexing Territory to Community Facilities District No. 11 and Authorizing the Levy of a Special Tax
- 2. RESOLUTION Calling Special Mailed-Ballot Election
- 3. **RESOLUTION** Declaring Election Results
- 4. * BILL (For introduction and adoption) Levying a Special Tax for the Property Tax Year 2014-2015 and Future Tax Years Within and Relating to Community Facilities District No. 11, Annexation No. 54, Final Tract Map No. 6073

Sponsors: Public Works Department

Assistant Director Benelli introduced the above item to Council.

#1 ADOPTED AS RESOLUTION 2014-134 #2 ADOPTED AS RESOLUTION 2014-135 # 3 ADOPTED AS RESOLUTION 2014-136 #4 INRODUCED AS BILL B-37 AND ADOPTED AS ORDINANCE 2014-37

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

Aye: 6 - Baines, Brand, Caprioglio, Olivier, Quintero and Xiong

Absent: 1 - Brandau

4:00 P.M. WORKSHOP

<u>ID#14-162</u> WORKSHOP regarding R-1 (Single Family Residential) property development standards

Sponsors: Development and Resource Management Department

Director Clark presented the workshop followed by consultant Steven Balliet of Jeffrey DeMure and Associates, and Dana Burkhart of Hubl Planning and Design.

Councilmember Quintero directed staff to provide clearer print copies of the powerpoint presentation.

PRESENTED

CLOSED SESSION CONTINUED

The City Council continued in closed session in Room 2125 from 6:21 P.M. to 7:45 P.M. to discuss the following:

ID#14-251

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION Government Code Section 54956.9, subdivision (d)(2)

Significant Exposure to Litigation: NORTH CENTRAL FIRE PROTECTION DISTRICT v. CITY OF FRESNO

Sponsors: City Attorney's Office

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

ID#14-285 A. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Government Code Section 54956.9, subdivision (d)(2)

Significant Exposure to Litigation: Under Seal v. Under Seal

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

<u>ID#14-295</u> **CONFERENCE WITH LABOR NEGOTIATOR** - Government Code

Section 54957.6

<u>City Negotiator(s):</u> Jeffrey Cardell, Ken Phillips

Employee Organization(s):

City of Fresno Management Employees Association (CFMEA)

City of Fresno Professional Employees Association (CFPEA)

IUOE, Stationary Engineers, Local 39 (L39)

Fresno City Employees Association (FCEA)

Fresno Police Officers Association (FPOA Basic)

International Association of Firefighters, Local 753 (Fire Basic)

Amalgamated Transit Union, Local 1027 (ATU)

International Brotherhood of Electrical Workers, Local 100 (IBEW)

Fresno Police Officers Association (FPOA Management)

International Association of Firefighters, Local 753 (Fire Mgmt.)

Fresno Airport Public Safety Supervisors (FAPSS)

Sponsors: Personnel Services Department

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

ID#14-312 CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Government

Code Section 54956.8

Property: Chukchansi Park (Multipurpose Stadium)

Negotiating Parties: City Manager Bruce Rudd; Chris Cummings, Fresno

Baseball Club, LLC and Fresno Baseball Club, LLP

Sponsors: City Manager's Office

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

ADJOURNMENT

Adjourned in the memory of Jack Hall at 7:45 P.M.