



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, September 25, 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.

8:38 A.M. ROLL CALL

Present: 6 - Council President Steve Brandau
Councilmember Lee Brand
Councilmember Paul Caprioglio
Councilmember Clinton Olivier
Councilmember Sal Quintero
Councilmember Blong Xiong

Absent: 1 - Acting Council President Oliver Baines

Invocation by Minister Bryson White of the St. Rest Baptist Church

Pledge of Allegiance to the Flag

Ceremonial Presentations:

[ID#14-385](#) Recognizing the Fresno Munster Sister Cities Ambassador Exchange Program

PRESENTED

[ID#14-393](#) Proclamation of "ACTIVE AGING WEEK"

Sponsors: City Councilmember Brandau and City Councilmember Baines

READ AND PRESENTED

Approve City Council Minutes

[ID#14-403](#) Approval of City Council minutes from September 11, 2014

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

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

Absent: 1 - Baines

[ID#14-404](#) Approval of amended minutes from August 28, 2014 that now include, on page 12, a correction read into the record by Personnel Director Cardell indicating that the Resolution approved as part of File ID 14-276 would be effective as of August 25, 2014.

On motion of Councilmember Caprioglio, seconded by Councilmember Brand, the minutes from August 28, 2014 were amended. The motion carried by the following vote:

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

Absent: 1 - Baines

Councilmember Reports and Comments

Councilmember Quintero thanked staff for doing a great job with the presentation and answering questions during the first General Plan update meeting at Sunnyside High School. Councilmember Quintero also reported that the second annual Carnival would take place at the Mosqueda Center this weekend and would be a free event geared towards elementary aged children. Councilmember Quintero thanked the PARCS Department for coordinating the event. Councilmember Quintero further reported that October 1st would be the start of the Big Fresno Fair in south east Fresno and noted the owners of the racehorse California Chrome would make a special appearance on October 11th. Councilmember Quintero appreciated the great work by Code Enforcement, the Parking Division and median island clean-up in preparation for the fair.

Councilmember Caprioglio expressed his appreciation to City Staff for a job

well done at the 2035 General Plan Update and District Four town hall meeting at Hoover High School. Councilmember Caprioglio noted the citizens had excellent questions which were thoroughly answered by a well prepared staff.

Councilmember Brand noted the District Six General Plan Update meeting would be held at Clovis North High School at 5:30 P.M. on Tuesday September 30th and invited all to attend.

Approve Agenda

Councilmember Caprioglio announced he would like to remove the 10:10 A.M. Scheduled Matter (FileID# 14-380 regarding an appeal concerning Conditional Use Permit No. C-13-092 and Vesting Tentative Tract Map No. 6033/UGM) and continue it for two weeks.

On motion of Councilmember Xiong, seconded by Councilmember Caprioglio, the agenda was approved as amended by continuing the 10:10 A.M. Scheduled Matter (ID# 14-380) two weeks. The motion carried by the following vote:

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

Absent: 1 - Baines

1. CONSENT CALENDAR

The following member(s) of the public spoke on Consent Calendar Items: Nicole Goehring of the Northern Chapter of Associated Builders and Contractors Association (item 1-F regarding Project Labor Agreements).

Council President Brandau pulled Consent Calendar Item 1-F (File ID#14-347) regarding Project Labor Agreements.

APPROVAL OF THE CONSENT CALENDAR

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

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

Absent: 1 - Baines

- 1-A [ID#14-256](#) Approve a substitution of Starace Mechanical Heating and Air for the Universally Accessible Park (Council District 1)

Sponsors: Public Works Department

The above item was approved on the Consent Calendar.

- 1-B [ID#14-310](#) Actions pertaining to grant funding from the FY 2013 Assistance to Firefighters Grant Program through the U.S. Department of Homeland Security
1. **RESOLUTION** - Authorizing the application for and acceptance of FY 2013 Cycle U.S. Department of Homeland Security Assistance to Firefighters Grant and authorizing completion of required documents
 2. ***RESOLUTION** - 15th amendment to the Annual Appropriation Resolution (AAR) No. 2014-95 appropriating \$374,600 to the Fire Department for replacement of personal protective equipment (Requires 5 affirmative votes)

Sponsors: Fire Department

#1 ADOPTED AS RESOLUTION 2014-146

#2 ADOPTED AS RESOLUTION 2014-147

The above item was approved on the Consent Calendar.

- 1-C [ID#14-315](#) Approve the acquisition of permanent pipeline right-of-way easements and temporary construction easements from Mary Lynn Haungs from APNs 580-040-03 (portion) and 580-040-04S

Sponsors: Department of Public Utilities

The above item was approved on the Consent Calendar.

- 1-D [ID#14-317](#) Approve the acquisition of permanent pipeline right-of-way easement and temporary construction easement from Gerald Shmavonian from APN 580-020-42

Sponsors: Department of Public Utilities

The above item was approved on the Consent Calendar.

- 1-E [ID#14-335](#) Approve a substitution of Playground Unlimited for the Universally Accessible Park (Council District 1)

Sponsors: Public Works Department

The above item was approved on the Consent Calendar.

- 1-F [ID#14-347](#) *BILL NO. B-38 - *(Intro. August 28, 2014) (For adoption)* - Repealing Section 4-111 of the Fresno Municipal Code and adding Section 4-111 to the Fresno Municipal Code relating to Project Labor Agreements

Sponsors: City Manager's Office

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

- 1-G [ID#14-365](#) Authorize the acceptance of the grant award from the California Endowment & Fresno Regional Foundation and authorize the Chief of Police to enter into and execute the agreement for all required program documents

Sponsors: Police Department

The above item was approved on the Consent Calendar.

CONTESTED CONSENT CALENDAR

- 1-F [ID#14-347](#) *BILL NO. B-38 - *(Intro. August 28, 2014) (For adoption)* - Repealing Section 4-111 of the Fresno Municipal Code and adding Section 4-111 to the Fresno Municipal Code relating to Project Labor Agreements

Sponsors: City Manager's Office

President Brandau introduced the item for Council.

President Brandau motioned to continue the above item until November 20, 2014.

On motion of Council President Brandau, seconded by Councilmember Brand, the above item was continued to November 20, 2014. The motion carried by the following vote:

Aye: 4 - Brandau, Brand, Caprioglio and Olivier

No: 2 - Quintero and Xiong

Absent: 1 - Baines

2. GENERAL ADMINISTRATION

- 2-A** [ID#14-316](#) Authorize the City Manager or designee to enter into a month to month successor agreement with the County of Fresno to deliver and dispose of municipal solid waste during the negotiations of a successor agreement to American Avenue Landfill

Sponsors: Department of Public Utilities

Public Utilities Assistant Director Schuber introduced the item for Council.

President Brandau requested to see the Hilton Study and suggested the study should include what other landfills could offer the City.

Councilmember Brand motioned that the item be approved with an amendment that the month to month agreement not exceed 90 days.

On motion of Councilmember Brand, seconded by Councilmember Xiong, the above item was approved as amended so the month to month agreements do not exceed 90 days. The motion carried by the following vote:

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

Absent: 1 - Baines

- 2-B** [ID#14-348](#) Authorize the City of Fresno to enter into a three-year agreement with California State University Fresno (CSUF) for \$684,029.49 to provide police services at CSUF events

Sponsors: Police Department

Deputy Police Chief Foster introduced the above item to Council.

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

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

Absent: 1 - Baines

- 2-C [ID#14-350](#) Actions pertaining to front-line law enforcement operations
1. Approve the proposed spending plan for the FY 2014-2015 State of California Supplemental Law Enforcement Services Account (SLESA)
 2. *RESOLUTION - 19th Amendment of the Annual Appropriation Resolution (AAR) No. 2014-95 to appropriate \$812,000 for front-line law enforcement operations into the FY 2015 budget (Requires 5 affirmative votes)

Sponsors: Police Department

Deputy Police Chief Nevarez introduced the above item to Council.

RESOLUTION 2014-148 ADOPTED

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

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

Absent: 1 - Baines

- 2-D [ID#14-356](#) Actions pertaining to Office of Traffic Safety
1. Authorize the Chief of Police to enter into and execute the agreement and required program documents with the Office of Traffic Safety
 2. *RESOLUTION - 16th Amendment to Annual Appropriation Resolution (AAR) No. 2014-95 appropriating \$724,900 for the Selective Traffic Enforcement Program (STEP) grant (Requires 5 affirmative votes)

Sponsors: Police Department

Police Captain Hall introduced the above item to Council.

RESOLUTION 2014-149 ADOPTED

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

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

Absent: 1 - Baines

- 2-E [ID#14-371](#) Actions pertaining to funding park irrigation maintenance in FY 2015
1. *RESOLUTION - 20th amendment to the Annual Appropriation Resolution (AAR) No. 2014-95 appropriating \$795,500 to the Parks, After School, Recreation and Community Services (PARCS) Department to fund park irrigation maintenance in FY 2015 (Requires 5 affirmative votes)
 - 2.*RESOLUTION - 2nd amendment to Resolution No. 2014-96 entitled "A Resolution of the Council of the City of Fresno Establishing the Number of Positions Authorized in the Various Departments and Offices of the City for FY 2015"

Sponsors: Public Works Department, Parks, After School and Recreation and Community Services Department

Public Works Director Mozier introduced the above item to Council followed by PARCS Director Mollinedo.

Councilmember Quintero recommended prioritizing parks by the sports fields that are most utilized. Councilmember Quintero also asked to be kept updated on the amount of water being used at community gardens throughout the City. City Manager Rudd asked PARCS Director Mollinedo to look into the water use by the community gardens. Councilmember Quintero asked PARCS Director Mollinedo for an updated report or Council Workshop after he had looked into the community garden water use issue.

Councilmember Caprioglio asked to be included in any policy development the City undertakes regarding the drought.

#1 ADOPTED AS RESOLUTION 2014-150

#2 ADOPTED AS RESOLUTION 2014-151

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

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

Absent: 1 - Baines

- 2-F [ID#14-383](#) Award an extension of the five-year lease/purchase financing agreement with Kansas State Bank in the amount of \$3,635,600 at an annual interest rate of 3.389 percent to acquire 82 police vehicles, eight PARCS trucks, and a PARCS trailer, and authorize the Controller or designee to execute same

Sponsors: Department of Public Transportation (FAX)

Transportation Assistant Director Schaad introduced the above item to Council.

Councilmember Brand recommended looking into electric vehicles upon expiration of this lease to see if the technology will be able to meet additional needs by that time.

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

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

Absent: 1 - Baines

3. CITY COUNCIL

No City Council items were on the Agenda.

5. SCHEDULED COUNCIL HEARINGS AND MATTERS

9:50 A.M.

[ID#14-417](#) Approve a 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 ([Continue to October 30, 2014](#))

The above item was continued to October 30, 2014 by staff.

Councilmember Brand exited the Council Chamber at 10:05 A.M. and returned at 10:15 A.M.

10:00 A.M.

[ID#14-382](#) TEFRA Hearing as required by Section 147(f) of the Internal Revenue Code of 1986 to hear and consider information concerning the proposed issuance of revenue bonds by the California Statewide Communities Development Authority to finance the acquisition and rehabilitation of a 150-unit multifamily low income residential rental project, commonly known as Kearney Cooley Plaza

*RESOLUTION - Approving the issuance by the California Statewide Communities Development Authority of multifamily housing revenue bonds in the aggregate principal amount not to exceed \$11 million for the Kearney Cooley Plaza project

Sponsors: Finance Department

Assistant Controller Bradley introduced the above item to Council.

RESOLUTION 2014-152 ADOPTED

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

Aye: 5 - Brandau, Caprioglio, Olivier, Quintero and Xiong

Absent: 2 - Baines and Brand

10:10 A.M.

- [ID#14-380](#) Consider an appeal filed by Councilmember Caprioglio, appealing the Planning Commission’s action to approve Conditional Use Permit No. C-13-092 and related Vesting Tentative Tract Map No. 6033/UGM, and environmental findings, by Jeffrey T. Roberts of Granville Homes, Inc, for property located on the northeast corner of North Fowler and East Clinton Avenues (Property located in Council District 4)
1. RESOLUTION - Denying the appeal and approving Conditional Use Permit No. C-13-092
 2. RESOLUTION - Denying the appeal and approving Vesting Tentative Tract Map No. 6033/UGM

CONTINUED TWO WEEKS BY COUNCILMEMBER CAPRIOGLIO

UNSCHEDULED COMMUNICATION

No member(s) of the public addressed the Council with unscheduled communication.

RECESSED 10:08 A.M. to 10:15 A.M.

10:15 A.M.

- [ID#14-358](#) HEARING to consider adoption of Resolutions related to the designation of properties to the Local Register of Historic Resources (Council District 5)
- 1.* **RESOLUTION** - Designating the Ralph and Jenny Watson Home located at 3537 E. Huntington Boulevard, Fresno, California to the Local Register of Historic Resources
 - 2.* **RESOLUTION** - Designating the C.M. and Gertrude Prescott Home located at 3707 E. Huntington Boulevard, Fresno, California to the Local Register of Historic Resources

3.* **RESOLUTION** - Designating the Fred J. and Mary Dow Home located at 3369 E. Huntington Boulevard, Fresno, California to the Local Register of Historic Resources

4.* **RESOLUTION** - Designating the Clarence and Bessie Bernhauer Home located at 3428 E. Huntington Boulevard, Fresno, California to the Local Register of Historic Resources

5.* **RESOLUTION** - Designating the F. Rex and Vera Sporleder Home located at 3702 E. Huntington Boulevard, Fresno, California to the Local Register of Historic Resources

6.* **RESOLUTION** - Designating the Fred and Virginia Billings Home located at 3650 E. Huntington Boulevard, Fresno, California to the Local Register of Historic Resources

7.* **RESOLUTION** - Designating the Eugene and Elsie Brinker Home located at 3965 E. Huntington Boulevard, Fresno, California to the Local Register of Historic Resources

Sponsors: Development and Resource Management Department

Historic Preservation Project Manager Hattersley-Drayton introduced the above item to Council.

The following member(s) of the public spoke on this item: Joanna Salazar, Melissa Black.

#1 ADOPTED AS RESOLUTION 2014-153

#2 ADOPTED AS RESOLUTION 2014-154

#3 ADOPTED AS RESOLUTION 2014-155

#4 ADOPTED AS RESOLUTION 2014-156

#5 ADOPTED AS RESOLUTION 2014-157

#6 ADOPTED AS RESOLUTION 2014-158

#7 ADOPTED AS RESOLUTION 2014-159

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

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

Absent: 1 - Baines

10:30 A.M.

[ID#14-377](#) HEARING to consider of Official Plan Line Modification and related Environmental Assessment No. EA-14-018, for W. McKinley Avenue from N. Blythe to N. Marks Avenues

1. Consider the Finding of Conformity to the 2025 Fresno General Plan Master Environmental Impact Report (MEIR) No. 10130 and Mitigated Negative Declaration (MND) No. A-09-02, which was prepared for Environmental Assessment (EA) No. EA-14-018.
2. BILL - (For introduction and adoption) - Approving the map entitled Official Plan Line for W. McKinley Avenue from N. Blythe Avenue to 265 feet east of N. Marks Avenue, being a precise section of the Major Street and Highway Plan of the City of Fresno.

Sponsors: Public Works Department

Development and Resources Management Department (DARM) Supervising Planner Pagoulatos introduced the above item followed by Planner Filice.

Supervising Planner Pagoulatos noted that while the Public Works Department was listed as the sponsor for this item, DARM worked hand in hand with the Public Works Department on this, and all, official plan line items.

**BILL B-40 INTRODUCED
ORDINANCE 2014-41 ADOPTED**

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

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

Absent: 1 - Baines

4. CLOSED SESSION

The City Council met in closed session in Room 2125 from 10:35 A.M. to 11:10 A.M. to discuss the following:

- A.** [ID#14-388](#) **CONFERENCE WITH LABOR NEGOTIATORS** - Government Code Section 54957.6
City Negotiator(s): Jeffrey Cardell, Ken Phillips
Employee Organizations:

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)
City of Fresno Professional Employees Association (CFPEA)
City of Fresno Management Employees Association (CFMEA)
Fresno Airport Public Safety Supervisors (FAPSS)

CONFERENCE WITH LABOR NEGOTIATORS - Government Code Section 54957.6

City Negotiator(s): Steve Brandau, Ashley Swearengin, Bruce Rudd, Jeffrey Cardell, Ken Phillips

Unrepresented Employees in Unit 2 (Non-Represented Management and Confidential Classes):

Airport Public Safety Manager
Assistant City Attorney
Assistant City Manager
Assistant Controller
Assistant Director
Assistant Director of Personnel Services
Assistant Director of Public Utilities
Assistant Director of Public Works
Assistant Police Chief
Assistant Retirement Administrator
Budget Analyst
Budget Manager
Chief Assistant City Attorney
Chief Information Officer
Chief of Staff to the Mayor
City Attorney
City Clerk
City Engineer
City Manager
Community Coordinator
Community Outreach Specialist
Controller
Council Assistant
Deputy City Attorney II
Deputy City Attorney III
Deputy City Manager

- Director
- Director of Aviation
- Director of Development
- Director of Personnel Services
- Director of Public Utilities
- Director of Transportation
- Economic Development Coordinator
- Economic Development Director
- Executive Assistant to Department Director
- Executive Assistant to the City Manager
- Fire Chief
- Governmental Affairs Manager
- Human Resources Manager
- Independent Reviewer
- Internal Auditor
- Labor Relations Manager
- Labor Relations Secretary
- Police Chief
- Principal Budget Analyst
- Principal Internal Auditor
- Public Affairs Officer
- Public Works Director
- Redevelopment Administrator
- Retirement Administrator
- Risk/Safety Manager
- Senior Budget Analyst
- Senior Deputy City Attorney
- Senior Human Resources/Risk Analyst
- Supervising Deputy City Attorney
- Sponsors:** Personnel Services Department

Sponsors: Personnel Services Department

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

- B. [ID#14-413](#) CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION - Government Code Section 54956.9, subdivision (d)(1)
 1. Case Name: *Jesse Maldonado, et al. v. City of Fresno, et al. Fresno Superior Court Case No. 12CECG03742*

Sponsors: City Attorney's Office

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

RECESSED 11:10 A.M. to 3:00 P.M.

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED**3:00 P.M. CLOSED SESSION**

The City Council resumed in closed session in Room 2125 from 3:00 P.M. to 4:04 P.M. to discuss the following:

[ID#14-415](#) 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, LLB
Sponsors: City Manager's Office

Sponsors: City Attorney's Office

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

Councilmember Brand did not return to the Council Chamber following the 3:00 P.M. Closed Session item.

3:45 P.M.

[ID#14-362](#) **HEARING** to consider Plan Amendment Application No. A-14-002, Rezone Application No. R-14-002, Conditional Use Permit Application No. C-14-012 and related environmental findings filed by Giorgio Russo, on behalf of Ginder Development Corporation, pertaining to approximately 8.21 Acres of property located on the north side of North Figarden Dive between West Bullard and North Gates Avenues
(District 2)

1. Consider the environmental finding for a Mitigated Negative Declaration prepared for Environmental Assessment No. A-14-002/R-14-002/C-14-012 for the purpose of the proposed project
2. RESOLUTION-Approving Plan Amendment to amend the 2025 General Plan and Bullard Community Plan from the Community Commercial planned land use designation to the Medium-High Density Residential land use designation
3. BILL-Amending the Official Zone Map to reclassify 8.21 acres from the C-2/BA-20/UGM/cz (*Community Shopping Center/Boulevard Area Overlay, 20 feet/Urban Growth Management/conditions of zoning*) zone district to the R-2/BA-20/UGM (*Low Density Multiple Family Residential/Boulevard Area Overlay, 20 feet/Urban Growth Management*) zone district

Development and Resources Management Project Manager Barnes introduced the above item to Council. Project Manager Barnes noted, for the record, that the project was 80 units of senior luxury housing located at Fig Garden Drive and Gates Avenue.

The following member(s) of the public spoke on this item: Giorgio Russo of Ginder Development.

**BILL B-41 INTRODUCED
ORDINANCE 2014-42 ADOPTED
RESOLUTION 2014-160 ADOPTED**

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

Aye: 5 - Brandau, Caprioglio, Olivier, Quintero and Xiong

Absent: 2 - Baines and Brand

ADJOURNMENT

Adjourned at 4:10 P.M.

These minutes were approved by unanimous vote of the City Council, with Councilmember Caprioglio absent, during the October 2, 2014 Council meeting.