



City of Fresno

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

Meeting Minutes - Draft 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 9, 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.

8:40 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 Pastor Powell Lemons of Bethel Christian Center

*The invocation was performed by Senior Pastor Roy Lee of the Calvary
Worship Center*

Pledge of Allegiance to the Flag

CEREMONIAL PRESENTATIONS

ID#14-452 Presentation of certificates to The Münster Youth Choir

Sponsors: City Councilmember Brandau

PRESENTED

ID#14-465 Proclamation of "NATIONAL DAY ON WRITING"

Sponsors: City Councilmember Baines

PRESENTED

Add-on Proclamation

Surprise proclamation recognizing October 10, 2014 as Tei Yukimoto Day in the City of Fresno.

PRESENTED

Approve City Council Minutes

ID#14-453 Approval of City Council minutes from October 2, 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

President Brandau commented that he found the Fresno Sister Cities program to be fantastic and the woman that heads up the program, Lisa Marie, was doing a wonderful job reaching out to communities all over the world to bring people together. Councilmember Caprioglio confirmed President Brandau's assessment of the Fresno Sister Cities program.

Approve Agenda

City Clerk Spence announced the following changes to the agenda: Item 2-A (File ID# 14-361) regarding downtown parking contracts was removed from the agenda by staff; a separate notice was sent out to announce there would be a special closed session meeting at 11:00 A.M. to discuss two items. City Clerk Spence also announced that the Workshop relating to the General Plan that was to be presented by Fresno Building Healthy Communities would occur during the October 23, 2014 Council meeting. Councilmember Caprioglio announced he was pulling the 10:30 A.M. item (File ID# 14-446) from the agenda.

APPROVED AS AMENDED

On motion of Councilmember Brand, seconded by Councilmember Caprioglio, the AGENDA was approved 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 Acting President Baines, the CONSENT CALENDAR was adopted by the following vote:

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

- 1-A ID#14-364** Adopt amendments to The City Of Fresno Deferred Compensation Plan document to allow for Roth Contributions and Roth In-Plan Rollover Conversions, update limits on deferrals, and Section concerning qualified military service

Sponsors: Retirement Department

ADOPTED

The above item was adopted on the Consent Calendar.

- 1-B ID#14-366** Authorize Amendment No. 2 to the agreement between the City of Fresno and Diversified Transportation, LLC (DBA Keolis Transit America)

Sponsors: Department of Public Transportation (FAX)

AUTHORIZED

The above item was authorized on the Consent Calendar.

- 1-C ID#14-376** Approval for a two-year contract between Fresno City College and the City of Fresno for contract instruction, assessment services and training credit

Sponsors: Police Department

APPROVED

The above item was approved on the Consent Calendar.

- 1-D ID#14-387** Approve lease agreement between the City of Fresno and The Fresno Arts Council for use of the Historic Water Tower located at Fresno and "O" Street (Council District 3)

Sponsors: City Manager's Office

APPROVED

The above item was approved on the Consent Calendar.

- 1-E ID#14-409** Actions pertaining to the establishment of a non-exclusive towing operation franchise for certain towing operators to participate in the Police Department's tow car rotation list
1. RESOLUTION - Of intention to establish non-exclusive towing operation franchise and setting a public hearing on the matter and a final vote on October 23, 2014 at 10:00 a.m.
 2. ORDINANCE (For Introduction) - Granting to towing operators a non-exclusive franchise to participate in the Fresno Police Department's tow car rotation list in preparation for a public hearing on October 23, 2014 for a final vote to approve the non-exclusive towing operation franchise
 3. ORDINANCE (For Introduction) - amending Article 17, Chapter 9 of the Fresno Municipal Code relating to tow trucks

Sponsors: Police Department

The above item was moved to the Contested Consent Calendar for further discussion by Council Member Quintero.

- 1-F ID#14-423** Authorize the City Manager or designee to execute a grant deed for the sale of excess property in the amount of \$75,348 to DFP Limited LP located on "G" Street near Tulare Street APN 467-071-03T and 467-071-04T (Council District 3)

Sponsors: Public Works Department

AUTHORIZED

The above item was authorized on the Consent Calendar.

1-G ID#14-438

RESOLUTION - Of Intention by the Council of the City of Fresno, California, to grant a Non-Exclusive Franchise for roll-off collection services within the City of Fresno and setting the public hearing for October 23, 2014

Sponsors: Department of Public Utilities

NOTE - the agenda title for this item incorrectly stated that the public hearing for the Roll-Off Collection Franchise would take place on October 23, 2014. The correct date of the public hearing is October 30, 2014. The correct date for the public hearing was listed in the supporting documentation and in the subsequently published Notice of Public Hearing in The Business Journal newspaper.

RESOLUTION 2014-165 ADOPTED

The above item was approved on the Consent Calendar.

1-H ID#14-439

Approve a consultant agreement in the amount of \$160,100 with Blair, Church & Flynn Consulting Engineers for the professional engineering services for sewer rehabilitation and replacement in Chinatown and authorize Director of Public Utilities or his designee to sign on behalf of the City (Council District 3)

Sponsors: Department of Public Utilities

APPROVED

The above item was approved on the Consent Calendar.

CONTESTED CONSENT CALENDAR**1-E ID#14-409**

Actions pertaining to the establishment of a non-exclusive towing operation franchise for certain towing operators to participate in the Police Department's tow car rotation list

1. RESOLUTION - Of intention to establish non-exclusive towing operation franchise and setting a public hearing on the matter and a final vote on October 23, 2014 at 10:00 a.m.
2. ORDINANCE (For Introduction) - Granting to towing operators a non-exclusive franchise to participate in the Fresno Police Department's tow car rotation list in preparation for a public hearing on October 23, 2014 for a final vote to approve the non-exclusive towing operation franchise
3. ORDINANCE (For Introduction) - amending Article 17, Chapter 9 of the Fresno Municipal Code relating to tow trucks

Sponsors: Police Department

Police Sergeant DeWall answered questions from Councilmember Quintero.

*RESOLUTION 2014-166 ADOPTED
BILL B-43 INTRODUCED AND LAID OVER
BILL B-44 INTRODUCED AND LAID OVER*

On motion of Councilmember Quintero, seconded by Council 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

- 2-A ID#14-361** Approve the selection of, and award a contract to, Republic Parking Inc. to provide Parking Facilities Management Services in downtown Fresno

Sponsors: Development and Resource Management Department

The above item was removed from the agenda by staff.

- 2-B ID#14-440** Actions pertaining to On-Airport Non-Exclusive Rental Car Concession Agreements at Fresno Yosemite International Airport (Council District 4) - 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 Concession Agreements with Avis/Budget Car Rental, LLC, Enterprise Rent A Car of Sacramento, LLC, and The Hertz Corporation at Fresno Yosemite International Airport (FAT)
 2. Approve On-Airport Non-Exclusive Rental Car Concession Agreements between the City and Avis/Budget Car Rental, LLC (Avis), Enterprise Rent A Car of Sacramento, LLC, (Enterprise), and The Hertz Corporation (Hertz)

Sponsors: Airports Department

Aviation Director Meikle introduced the above item to Council.

APPROVED

On motion of Councilmember Caprioglio, 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

3. CITY COUNCIL

No City Council items were scheduled for this meeting.

UNSCHEDULED COMMUNICATION

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

Larry Wilt - discussed barking dogs and the need for enforcement of the City's rules.

Councilmember Caprioglio stated the Code Enforcement Committee would discuss the barking dog issue at its meeting on Friday at 1:00 P.M.

Brunette Harris of Southwest Fresno H.E.A.T. - discussed the following: conflicting dates provided by City staff at a September 9th meeting at Edison; illegal City projects for lack of representation and no input from the community; lack of leadership from the Councilmember in District Three; illegal use of Community Development Block Grant money.

Claudia Cazares of Granville Homes - noted the Development Code update was not released with the General Plan and EIR updates and recommended that comments for the General Plan Update and EIR be extended so that the three documents could be reviewed and commented on together.

RECESSED 9:32 A.M. to 10:01 A.M.

5. SCHEDULED COUNCIL HEARINGS AND MATTERS

10:00 A.M.#1

ID#14-462 HEARING to consider a Resolution of Public Use and Necessity for Acquisition of Permanent Utility Easements and Temporary Construction Easements from APNs 580-040-02S owned by Frances M. Ricchiuti & Patrick V. Ricchiuti, Co-Trustees of the Frances M. Ricchiuti Family Trust and Patrick V. Ricchiuti, Trustee, The Ricchiuti GST Nonexempt QTIP Trust; 580-020-20S and 580-020-22S owned by Leonard and Nicholas Verni; 580-050-01S owned by Patrick Vincent Ricchiuti, Trustee of the Patrick Vincent Ricchiuti Family Trust; and 580-020-21 and 580-020-23 owned by George C. Goshgarian, Kathleen A. Goshgarian, Michael Morales, Leonard Verni, Nicholas Verni, Steven G. Fogg Family Partnership, and Christopher T. Lum as Sole Trustee of the Steven C.Y. Lum and Catherine J. Lum Trust.

1. * RESOLUTION - That the Public Interest and Necessity Require and Authorize Eminent Domain for Acquisition of Permanent Utility Easements and Temporary Construction Easements from Real Property: APNs 580-040-02S, 580-020-20S, 580-020-22S, 580-050-01S, 580-020-21, 580-020-23, located in the County of Fresno. (Requires 5 Affirmative Votes)
(*Continue to October 23, 2014 @ 11:00 a.m.*)

Sponsors: Department of Public Utilities

CONTINUED TO OCTOBER 23, 2014 AT 11:00 A.M.

10:00 A.M.#2

ID#14-416 **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 June 26, 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

Development and Resources Management Assistant Director Sanchez introduced the above item to Council.

The following member(s) of the public spoke on this item: Bob Jungman, Rebecca Aguirre, Sara Rojas, Victor Parra, Reuben Silva, Cindy Silva, Mike Hamzy, Masad Dewasuda and Lemenga Bustamante. Per President Brandau, handouts brought by Mr. Jungman and Mrs. Rojas were passed out to Council but not made an official part of the record for being received less than 24 hours before the item was heard.

Councilmember Olivier recommended staff look at preserving the integrity of the neighborhood in a manner that could be economically feasible and motioned to table the item until October 30th at 10:00 A.M. so that City Attorney Sloan and City Manager Rudd could work on a compromise.

Councilmember Caprioglio offered to help assist working on the compromise.

Councilmember Olivier suggested looking into an ongoing policy regarding "sidewalks to nowhere" that are required for infill projects even if the surrounding neighborhood has no sidewalks.

President Brandau instructed Assistant Director Sanchez to update him on the status of the compromise before this item returns to Council on October 30th.

TABLED UNTIL OCTOBER 30th AT 10:00 A.M. TO ALLOW CITY ATTORNEY SLOAN AND CITY MANAGER RUDD TO WORK ON A POSSIBLE COMPROMISE

On motion of Councilmember Olivier, seconded by Acting President Baines, the above item was tabled until October 30th, 2014 so that staff could work on a possible compromise. The motion carried by the following vote:

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

Councilmember Olivier exited the Council Chambers at 11:24 A.M. and did not return during the remainder of the open session.

10:30 A.M.

- ID#14-446** 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 (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 from September 25, 2014)

Sponsors: Development and Resource Management Department
REMOVED FROM AGENDA BY COUNCILMEMBER CAPRIOGLIO

10:45 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 11:23 A.M. to discuss the following:

- ID#14-451** City Council, Successor Agency Board, FRC Board consider approving: Actions pertaining to public improvements within the Central City Commercial Redevelopment Project
1. Findings of Categorical Exemption pursuant to Sections 15301 (Existing Facilities), item (c) of the CEQA Guidelines, related to the construction of publically owned improvements in the area generally described as Hedges Avenue between Abby and Effie, Effie Avenue between Hedges and Hammond, and Hammond Avenue between Effie and Abby.
 2. RESOLUTION - Of the City of Fresno, the Successor Agency and the Fresno Revitalization Corporation making the necessary findings under section 33445 of the community redevelopment law, authorizing the installation of public improvements within the Central City Commercial redevelopment project area for street improvements including curb, gutter, paving and sidewalks.
 3. Award of construction contract to Central Valley Asphalt as the lowest responsive and responsible bidder in the amount of \$252,831.88 (Bid File No.3291) for the construction of publically owned improvements in the area generally described as Hedges Avenue between Abby and Effie, Effie Avenue between Hedges and Hammond, and Hammond Avenue between Effie and Abby.

The above item was presented at the Joint Meeting by Successor Agency Executive Director Murphey.

**CITY OF FRESNO RESOLUTION 2014-167 ADOPTED
SUCCESSOR AGENCY RESOLUTION SA-26 ADOPTED
FRC RESOLUTION FRC-15 ADOPTED**

CITY COUNCIL VOTE

On motion of Councilmember Caprioglio, seconded by Councilmember Brand, the above item was approved. 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 Vice Chair Caprioglio, seconded by Member Brand, 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 Vice Chair Caprioglio, seconded by Member Brand, 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

ADJOURN JOINT MEETING

The joint meeting adjourned at 11:25 A.M.

4. CLOSED SESSION

The City Council met in closed session in Room 2125 from 11:26 A.M. to 12:05 P.M. to discuss the following 11:00 A.M. Special Closed Session meeting which was separately noticed:

11:00 A.M. Special Meeting (Closed Session)

- ID#14-473**
- 1. CONFERENCE WITH LABOR NEGOTIATOR
Government Code Section 54957.6
City Negotiators): Jeffrey Cardell, Ken Phillips
Employee Organizations :
 - 1. Fresno City Firefighters Association, Local No. 753, International Association of Firefighters A.F.L.C.I.O. (Non-Management Fire - Unit 5)

 - 2. CONFERENCE WITH LEGAL COUNSEL.EXISTING LITIGATION
Government Code Section 54956.9, subdivision (d)(1)
Fresno City Firefighters Association, Local No. 753 v. City of Fresno
Public Employment Relations Board, Unfair Practice Charge, Case No. SA-CE-875-M

The above items were discussed in joint closed session. No open session

announcements were made regarding these items.

ADJOURNMENT

Adjourned from Closed Session at 12:05 P.M.