



# 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*

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Thursday, November 5, 2015

1:30 PM

Council Chambers

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### Regular Session (2nd revision)

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

### **1:37 P.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 Roderick Cochran of the Friendship Missionary Baptist Church,  
Merced California

Pledge of Allegiance to the Flag

### **CEREMONIAL PRESENTATIONS**

[ID#15-981](#) Presentation of the SPCA Pet of the Month

*PRESENTED*

[ID#15-967](#) Proclamation of "National Runaway Prevention Month"

*PRESENTED*

[ID#15-996](#) Proclamation of “National Apprenticeship Week”

PRESENTED

[ID#15-100](#) Resolution of Commendation for “Healthy Eating Active Living  
[3](#) City Campaign”

PRESENTED

[ID#15-100](#) Proclamation Declaring November as “Prematurity Awareness  
[4](#) Month” and Declaring November 17, 2015 “World Prematurity Day”

PRESENTED

Councilmember Olivier exited the Council Chamber at 2:22 P.M. and returned at 2:27 P.M.

### **APPROVE MINUTES**

[ID#15-100](#) Approval of City Council minutes from October 29, 2015  
[2](#)

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

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

**Absent:** 1 - Olivier

### **COUNCILMEMBER REPORTS AND COMMENTS**

*Vice President Caprioglio announced that United Carpet One was presented with a piece of metal from the World Trade Center in New York City on November 4, 2015. The presentation was made because of the commitment United Carpet One has shown to Veterans. The company provided materials to develop 46 smart homes to help improve the quality of life for the Nation's most severely injured service heros. The homes are part of the Building for America's Bravest program and each costs approximately \$450,000. Vice President Caprioglio stated it was a privilege to attend the event while Roger Kilfoil, a New York Firefighter and injured 9-11 survivor, presented the piece of steel from Ground Zero.*

*Vice President Caprioglio also announced California State University Fresno would be playing Nevada at 7:00 P.M. and urged everyone to attend and*

*support the Bulldogs.*

*Councilmember Soria reported that she and Councilmember Brandau were at other events recognizing Carpet One for similar efforts for Veterans on November 4, 2015. She also announced that earlier in the day, she was at Roeding Elementary School where DaVita, the dialysis company, partnered up and donated 812 shoes to the children attending the school.*

*Councilmember Soria said the school was in a disadvantaged area and she was excited to be a part of the event that brought smiles to so many of the children. She appreciated the hard work put in by the private businesses to give back to the community.*

*Councilmember Soria also reported that she had a fundraiser for Inspiration Park on November 4, 2015. Approximately forty people were in attendance and received tours of the park. She noted that partners in support of the park will help the park to stay open and there were still sponsorship opportunities available. The official ribbon cutting for the park will be November 14, 2015 at 11:00 A.M. Councilmember Soria noted the ribbon cutting would be an event complete with a community celebration, entertainment and food.*

*Councilmember Brand asked the council to adjourn the meeting in the memory of Frank Bennett. Councilmember Brand remembered Mr. Bennett as a close friend and former Fresnan that he spent many hours with, over twenty years, windsurfing the lakes and oceans of California.*

*Councilmember Brandau reported his attendance at the "Islam versus ISIS" conference in downtown Fresno on November 2, 2015. The conference was attended by faith leaders from throughout the community as well as by local law enforcement, the District Attorney, the Federal Justice Department and the Federal Bureau of Investigation. He noted a lot of time was spent discussing how to reach out to youth before they fall into the traps on the internet that may lead to radicalize Islam. He explained the event was about local Islamic leaders denouncing ISIS and wanting to make sure the community understood the separation. Councilmember Brandau noted the difference positive outreach can make in the lives of youths.*

## **APPROVE AGENDA**

*President Baines announced the 5:30 P.M. Workshop (File ID#15-982) had been moved to November 12, 2015 at 1:30 P.M.*

*APPROVED AS AMENDED*

**On motion of Vice President Caprioglio, seconded by Councilmember Soria, the agenda was approved as amended. The motion carried by the following vote:**

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

## **1. CONSENT CALENDAR**

APPROVAL OF THE CONSENT CALENDAR

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

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

- 1-A**    [ID#15-920](#)    RESOLUTION - Of Intention to annex the territory associated with Site Plan Review Application No. 2015-064, Assessor's Parcel Number 567-030-7S, as Annexation No. 9 to the City of Fresno Community Facilities District No. 9 (Southeast corner of E. Champlain and N. Hickory Hill Drives) (Council District 6)

*RESOLUTION 2015-198 ADOPTED*

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

- 1-B**    [ID#15-923](#)    Actions pertaining to right-of-way acquisition for Herndon Avenue auxiliary lane between Fresno Street and Freeway 41 (Council District 6)
1. Adoption of environmental finding of Conformity for Environmental Assessment No. EA-13-001 for Herndon Avenue auxiliary lane between Fresno Street and Freeway 41
  2. Acquisition of a 2,651 square-foot easement and right-of-way for public street purposes and the acquisition of a 10,461 square-foot pedestrian, bike path, and landscape easement from property owned by Harvender Singh on a portion of APN

303-180-55 in the negotiated amount of \$195,000

*APPROVED*

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

- 1-C [ID#15-949](#) RESOLUTION - Of Intention to annex Final Tract Map No. 5571, Annexation No. 64, to City of Fresno Community Facilities District No. 11 (east side of N. Armstrong Avenue between E. Dakota and Shields Avenues) (Council District 4)

*RESOLUTION 2015-199 ADOPTED*

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

- 1-D [ID#15-956](#) Approve a Right of Entry (ROE) Permit related to the Fresno Veterans Home project

*APPROVED*

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

- 1-E [ID#15-963](#) \*\*\*RESOLUTION - 18th amendment to the Annual Appropriations Resolution (AAR) No. 2015-104 appropriating \$146,100 from the State of California Department of Parks and Recreation, the State of California Department of Transportation, and the San Joaquin Valley Air Pollution Control District (SJVAPCD) to the City of Fresno Parks, After School, Recreation and Community Services (PARCS) Department (Requires 5 affirmative votes)

*RESOLUTION 2015-200 ADOPTED*

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

**CONTESTED CONSENT CALENDAR**

*No items were moved to the Contested Consent Calendar.*

**4. CLOSED SESSION**

*The City Council met in closed session in Room 2125 from 2:29 P.M. to 4:32 P.M. to discuss the following:*

- [ID#15-983](#) CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION - Government Code Section 54956.9, subdivision (d)(1)
  1. Leonard Myles v. Sloan Danette Mambrini, et al. Fresno County Superior Court 13CECG03943

*The above item was discussed during Closed Session. In open session, the City Attorney announced the City Council agreed to a settlement offer from the opposing party.*

- [ID#15-994](#) CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION - Government Code Section 54956.9, subdivision (d)(1)
1. City of Fresno v. Dae Song Lee, et al.; Fresno Superior Court Case No. 12CECG04049

*The above item was discussed during Closed Session. In open session, the City Attorney announced the City Council agreed to a settlement offer from the opposing party.*

### **SPECIAL CLOSED SESSION (Separately noticed)**

- [ID#15-101](#) PUBLIC EMPLOYEE PERFORMANCE EVALUATION -  
[5](#) Government Code Section 54957  
Title: City Attorney

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

### **UNSCHEDULED COMMUNICATION**

*The following member(s) of the public addressed Council during Unscheduled Communication:*

*Gail O'Connor - registered complaints regarding euthanasia of animals at the Central Valley Society for the Prevention of Cruelty to Animals at 103 S. Hughes Avenue.*

## **2. GENERAL ADMINISTRATION**

- 2-A [ID#15-860](#) Approve a consultant agreement in the amount of \$241,984.20 with SZS Consulting Group, LLC, a Palo Alto-based California limited liability corporation, for the preparation of an Americans with Disabilities Act (ADA) bus stop survey, self-evaluation, and transition plan.

*The above item was introduced to Council by Transportation Department Director Marshall and Paratransit Specialist Duarte.*

*Councilmember Soria directed staff to send the executive summary on the negotiations and qualifications to all Councilmembers.*

*Director Marshall stated, for the record, the study in question could not be completed internally without taking four years to complete. He noted an outside company would be able to complete the study on a much faster timeline which would give the City an opportunity to better manage its resources by, perhaps, reducing the number of bus stops from 1,700 to 1,400.*

*By consensus of the Council, the item was continued to the November 19th, 2015 City Council Meeting.*

*CONTINUED TO NOVEMBER 19, 2015*

- 2-B**    [ID#15-953](#)    Award a contract to Todd Companies in the amount of \$522,000 to construct well head treatment improvements at Pump Station 171-2 (PS 171-2).

*The above item was introduced to Council by Public Utilities Supervising Engineering Technician Bucu.*

*Councilmember Soria clarified, for the record, that the Council vote would be to approve the \$522,000 for the contract and not to approve the \$560,000 total budgeted amount for the project.*

*APPROVED*

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

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

- 2-C**    [ID#15-962](#)    Actions pertaining to alteration of the Fresno Yosemite International Airport Rental Car Facility (Council District 4)
1. Adopt a finding of Categorical Exemption pursuant to Article 19, Section 15301(I)(3)/Class1 (Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines for the Fresno Yosemite International Airport Rental Car Facility - Counter Improvements Project and the Ready Return Lot Reconfiguration Project
  2. Award a construction contract to Corporate Project Management, Inc. of Fresno, California, for the Fresno Yosemite

International Airport Rental Car Facility - Counter Improvements Project in the amount of \$250,000 (Bid File 3417)

3. Approve a request from American Construction Engineers of Tollhouse, California, for relief from their bid in the amount of \$195,767 for construction of the Fresno Yosemite International Airport Rental Car Facility - Ready Return Lot Reconfiguration Project

4. Award a construction contract to Davis Moreno Construction, Inc. of Fresno, California, as the second lowest bidder, for the Fresno Yosemite International Airport Rental Car Facility - Ready Return Lot Reconfiguration Project in the amount of \$412,659 (Bid File 3416)

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

**APPROVED**

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

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

The entirety of the Council announced through President Baines, for the record, that Council was aware of the news that bonuses were paid by the administration to certain employees. President Baines stated Council had significant concerns about the lack of transparency and failure to comply with city policy and would soon seize control of the issue and address the concerns with additional safe guards. It was clarified that the issues were transparency and compliance with city policy, not employee performance or entitlement.

- 2-D**     [ID#15-975](#)     Actions pertaining to adoption of the Model Water Efficient Landscape Ordinance
1. Adopt a finding of Categorical Exemption pursuant to Article 19, Section 15307/Class7 (Actions by regulatory agencies for protection of natural resources) of the California Environmental Quality Act (CEQA) Guidelines for adoption of the Model Water Efficient Landscape Ordinance.
  2. Adopt the State's Model Water Efficient Landscape Ordinance, as may be amended.
  3. BILL - (For introduction) - Adding Section 11-112 to Article 1, Chapter 11 of the Fresno Municipal Code, entitled "Model Water Efficient Landscape Ordinance."



*The above item was introduced to Council by Development and Resources Management Building Services Manager Leong.*

*Mr. Leong corrected a clerical error in the ordinance by announcing it was section 11-112 that would be added to the Fresno Municipal Code by adoption of the this item, not section 11-111.*

**BILL B-41 INTRODUCED AND LAID OVER**

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

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

**2-E**     [ID#15-985](#)     **WORKSHOP - Housing and Community Development Division Quarterly Report, July 1, 2015 through September 30, 2015**

*The above workshop was presented to Council by Development and Resources Management Housing and Neighborhood Revitalization Manager Trujillo.*

*Councilmember Soria directed staff to provide a breakdown of the location of houses being painted and where the people on wait lists were located and how long they had been waiting. Councilmember Soria also directed staff to provide a breakdown of project locations by district.*

*Vice President Caprioglio directed staff to provide a list of facilities that deal with Senior Meals and After School Programs.*

*Councilmember Soria directed staff to provide the outcomes for the people served by ESG service projects and suggested that outcome information be collected in the future.*

*President Baines and Councilmember Soria directed staff to arrange a meeting for them with consultant Bill Cubal of Usona Development, LLC.*

**WORKSHOP HELD**

**3. CITY COUNCIL**

- 3-A [ID#15-968](#) WORKSHOP regarding the Fresno Police Department's use of the Intrado Beware Incident Intelligence Program

*The above workshop was presented to Council by Police Chief Dyer and Sergeant Casto.*

*Vice President Caprioglio left the Council Chamber at 6:18 P.M. and was absent for the remainder of the meeting.*

*Councilmember Brandau read the following quote from Intrado's Vice President, Steve Reed, into the record:*

*"Beware looks at any comments that can be construed as offensive by scanning our social media, comments we make online, and recent purchases we have made, looking for warning signs."*

*Councilmember Brandau also read the Fourth Amendment into the record:*

*"The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."*

*Councilmember Brandau left the Council Chamber at 6:43 P.M. and was absent for the remainder of the meeting.*

*WORKSHOP HELD*

**UNSCHEDULED COMMUNICATION CONTINUED**

*The following member(s) of the public addressed Council during Unscheduled Communication:*

*Bill Bunnell - discussed incorporating security cameras from local convenience stores into the Police Department's Crime Center.*

### **3. CITY COUNCIL CONTINUED**

- 3-B [ID#15-100](#) Approve appointments to the School Liaison Subcommittee.  
[6](#)

*President Baines introduced this item to Council and appointed Councilmember Soria as the Chair of the School Liaison Subcommittee. Councilmember Soria chose Councilmember Olivier and President Baines to be the other two members of the subcommittee.*

*APPROVED*

**On motion of President Baines III, seconded by Councilmember Olivier, Councilmember Soria was appointed the Chair of the School Liaison Subcommittee and Councilmember Olivier and President Baines were appointed as the other members. The motion carried by the following vote:**

**Aye:** 5 - Baines III, Brand, Olivier, Quintero and Soria

**Absent:** 2 - Caprioglio and Brandau

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

#### **5:30 P.M.**

[ID#15-982](#) WORKSHOP on the Citywide Development Code

*CONTINUED TO NOVEMBER 12, 2015 AT 1:30 P.M.*

### **ADJOURNMENT**

*Adjourned in the memory of Frank Bennett at 6:50 P.M.*

**These minutes were approved by unanimous vote of the City Council, with Councilmember Soria absent, during the December 3, 2015 Council Meeting.**