



# 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**

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Thursday, November 20, 2014

1:00 PM

Council Chambers

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### Regular Session

The City Council met in regular session at the hour of 1:00 P.M. in the Council Chamber, City Hall, on the day above written.

1:13 P.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 Bill Baird

*Chief Assistant City Attorney Francine Kanne performed the invocation in place of Pastor Baird.*

Pledge of Allegiance to the Flag

## **CEREMONIAL PRESENTATIONS**

[ID#14-587](#) Proclamation of "NATIONAL RUNAWAY PREVENTION MONTH"

**Sponsors:** City Councilmember Baines

**PRESENTED**

**APPROVE MINUTES**

[ID#14-586](#) Approval of City Council minutes from November 6, 2014

APPROVED

**On motion of Councilmember Caprioglio, seconded by Councilmember Brand, 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**

*Councilmember Caprioglio reported that he attended the ribbon cutting for the Fresno welcome sign recently completed by Class Thirty of Leadership Fresno. Councilmember Caprioglio noted the sign came in on time and under budget. Councilmember Caprioglio explained the symbolism in the sign: the redwood trim represents the Giant Sequoias and tourism in the community; the black straps represent manufacturing in Fresno; the symbol in the lower left corner was a symbol for the City of Fresno and the agriculture that is the basis of the community; the river rock represents the rivers that bring water to the area. Councilmember Caprioglio congratulated Leadership Fresno, Class Thirty, on behalf of the City for a job well done on a great project.*

*Acting President Baines reported on the Local Action Summit by My Brothers Keeper held in Fresno last Thursday. Acting President Baines reported a great turn out for the summit which was intended to bring together various institutions to work towards a single purpose.*

**APPROVE AGENDA**

*City Clerk Spence announced the following changes to the agenda: Consent Calendar Item 1-E (File ID# 14-557) regarding a sale of a portion of excess property in the San Joaquin River bottom was removed from the agenda by staff; Scheduled matter 3:00 P.M. #1 (File ID#'s 14-501 and 14-504) regarding the investment of money into the Local Agency Investment Fund ("LAIF") and authorizing the advance of money to the Joint Powers Financing Authority to invest in LAIF, were strictly Council Actions; the vote on File ID# 14-593 regarding an Owner Participation Agreement between the Housing Successor of the City of Fresno and Apec LLC International would not include part 1 of the item (invoking exception to the*

*Better Business Act) as the 2:00 P.M. Special Meeting item (File ID # 14-625) dealt with the same subject.*

*APPROVED AS AMENDED*

**On motion of Councilmember Caprioglio, seconded by Acting President Baines, the Agenda was adopted 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

*APPROVED*

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

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

- 1-A**    [ID#14-526](#)    **RESOLUTION** - Of Intention to annex Final Tract Map No. 6051, Annexation No. 59, to the City of Fresno Community Facilities District No. 11 (southeast corner of N. Garfield and W. Barstow Avenues); and setting the public hearing for December 18, 2014 at 2:00 P.M. (Council District 2)

**Sponsors:** Public Works Department

*RESOLUTION 2014-184 ADOPTED*

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

- 1-B**    [ID#14-530](#)    Award two (2) collection agency contracts on behalf of all City of Fresno Departments to RSI Enterprises, Inc., and Financial Credit Network, Inc.

**Sponsors:** Finance Department

*APPROVED*

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

- 1-C**    [ID#14-550](#)    Actions pertaining to the 2014 Project Safe Neighborhoods (PSN) grant program
1. Authorize the Chief of Police to accept \$450,000 in grant funding from the United States

Department of Justice through the California Governor's Office of  
Emergency Services (CalOES),  
execute the grant agreement with CalOES for the 2014 Project Safe  
Neighborhoods (PSN) grant

program

2. \*\*\*RESOLUTION - 23rd amendment to the Annual Appropriation  
Resolution (AAR) No. 2014-95 appropriating \$58,000 into the Police  
Department's FY 2015 budget for the PSN grant program (Requires 5  
affirmative votes)

**Sponsors:** Police Department

*RESOLUTION 2014-185 ADOPTED*

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

- 1-D [ID#14-551](#) Approve Master Agreement for inter-agency instructional services  
between Fresno City College and the City of Fresno Fire Department for  
reimbursement of instructional training hour costs

**Sponsors:** Fire Department

*APPROVED*

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

- 1-E [ID#14-557](#) Actions pertaining to a sale of a portion of excess property in the San  
Joaquin River bottom just east of Fig Garden Golf Course:  
1. Adopt a finding of a categorical exemption pursuant to Class 1,  
Section 15301(c) (existing facilities) of the California Environmental  
Quality Act ("CEQA") Guidelines  
2. Authorize the City Manager or designee to execute a grant deed for  
the sale of a portion of excess property in the amount of \$25,000.00 to  
Michael and Jeanne Adams located on the former Fresno Traction  
Company right of way, now known as River Bottom Road, just east of  
Fig Garden Golf Course in the San Joaquin River bottom APN  
405-030-XR

**Sponsors:** Public Works Department

*The above item was removed from the agenda by staff.*

- 1-F [ID#14-563](#) Approve a consultant agreement in the amount of \$88,930 with  
Architecture + History, LLC to conduct an intensive historic survey of  
Phase I of the South Van Ness Industrial District and authorize the  
Director of the Development and Resource Management Department or  
her designee to sign on behalf of the City (Council District 3)

**Sponsors:** Development and Resource Management Department

*APPROVED*

The above item was approved on the Consent Calendar.

- 1-G [ID#14-565](#) Approve the reappointments of Richard Keyes, Keith Lovgren, Aric Olson, Tom Richards and Lydia Zabrycki to the Fresno Regional Workforce Investment Board; the appointment of Cary Catalano to the Planning Commission - Mayor's Office; the appointment of Jasdeep Sidhu to the District 1 Plan Implementation Committee - Councilmember Xiong; the reappointment of Nicholas Don Paladino to the Bicycle and Pedestrian Advisory Committee - Councilmember Brand; and the appointments of Wanda Hemmitt and Barigye McCoy to the District 3 Plan Implementation Committee - Acting President Baines

**Sponsors:** Mayor's Office and City Council

APPROVED

The above appointments were approved on the Consent Calendar.

- 1-H [ID#14-569](#) Approve amendment to the contract with Electrical Power System, Inc., for electrical engineering and design consulting services

**Sponsors:** Department of Public Transportation (FAX)

APPROVED

The above item was approved on the Consent Calendar.

- 1-I [ID#14-575](#) Actions pertaining to On-Airport Ground Lease Agreement at Fresno Yosemite International Airport (Council District 4)
1. Adopt a finding of Categorical Exemption pursuant to Article 19, Section 15303(c) (New Construction) of the California Environmental Quality Act (CEQA) Guidelines to authorize a ground lease agreement between the City of Fresno and ROAM, a General Partnership between AMERICAN AIRBORNE, EMS, a California Corporation; and ROGERS HELICOPTERS, INC., a California Corporation, also known as SkyLife ("SkyLife") at Fresno Yosemite International Airport (FAT)
  2. Approve a ground lease for an Administration and Operations Facility at Fresno Yosemite International Airport between the City of Fresno and SkyLife

**Sponsors:** Airports Department

APPROVED

The above item was approved on the Consent Calendar.

- 1-J [ID#14-577](#) Actions pertaining to an Airport Hangar Lease 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. 1 between the City of Fresno and Frank X. Ruiz Avionics, Inc., at Fresno Chandler Executive Airport (FCH)
2. Approve Lease Amendment No. 1 between the City of Fresno and Frank X. Ruiz Avionics, Inc.

**Sponsors:** Airports Department

*APPROVED*

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

1-K [ID#14-585](#)

**RESOLUTION** - Approving the Final Map of Tract No. 6045 and accepting dedicated public uses offered therein -between N. Friant Road and E. Copper Avenue with the Copper River Ranch Master Planned Community (Council District 6)

**Sponsors:** Public Works Department

*RESOLUTION 2014-186 ADOPTED*

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

1-L [ID#14-562](#)

**\*\*\*BILL NO. B-50 - (Intro. 11/6/2014) (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 Councilmember Brandau

*ORDINANCE 2014-50 ADOPTED*

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

1-M [ID#14-568](#)

**\*\*\*BILL NO. B-49 - (Intro. 11/6/2014) (For adoption)** - Amending Section 4-401 of the Fresno Municipal Code and repealing Sections 4-402, 4-403 and 4-404 of the Fresno Municipal Code relating to prevailing wages for public works

**Sponsors:** City Councilmember Brandau

*ORDINANCE 2014-51 ADOPTED*

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

## **CONTESTED CONSENT CALENDAR**

*There were no Contested Consent Calendar items.*

## **2. GENERAL ADMINISTRATION**

- 2-A**     [ID#14-499](#)     Claim \$18,497.13 in funds for uncashed checks dated January 5, 2010 through December 27, 2010 and one bond deposit dating from 2003, and transfer said funds from the "Special Fund" 63539 to the General Fund 10101
1. RESOLUTION - Claiming funds for stale-dated (uncashed) checks dated January 5, 2010 through December 27, 2010 and one bond deposit from 2003 and transferring said funds from the special unclaimed funds - Fund 63539 to the General Fund 10101

**Sponsors:** Finance Department

*The above item was introduced to Council by City Controller and Finance Director Lima.*

*RESOLUTION 2014-187 ADOPTED*

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

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

- 2-B**     [ID#14-500](#)     Appoint and authorize certain Finance Officers of the City of Fresno ("City") to sign City checks and various investment and commercial banking documents, and to provide verbal instruction required for the prudent financial administration and safekeeping of City funds
1. RESOLUTION - Authorizing certain Finance Officers of the City of Fresno to sign City checks and various investment and commercial banking documents and to provide verbal instruction required for the prudent financial administration and safekeeping of City funds

**Sponsors:** Finance Department

*The above item was introduced to Council by City Controller and Finance Director Lima.*

*RESOLUTION 2014-188 ADOPTED*

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

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

- 2-C**    [ID#14-506](#)    Approve the City of Fresno (the "City") Investment Policy for Fiscal Year 2014-2015
1. \*\*\*RESOLUTION - Adopting an investment policy for public funds for fiscal year 2014-2015

**Sponsors:** Finance Department

*The above item was introduced to Council by City Controller and Finance Director Lima.*

*RESOLUTION 2014-189 ADOPTED*

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

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

- 2-D**    [ID#14-572](#)    Actions pertaining to Copper Avenue Trail from Friant Road to Cedar Avenue, Bid File No. 3248 (Council District 6)
1. Adopt an addendum to the 2002 Copper River Ranch Program EIR No. 10126 (SCH2000021) pursuant to Sections 15162 and 15164 of the CEQA Guidelines, for the Copper Avenue Trail project from Friant Road to Cedar Avenue
  2. Award a construction contract to Yarbs Grading and Paving, Inc. of Fowler, California in the amount of \$589,622 for the construction of Copper Avenue Trail from Friant Road to Cedar Avenue

**Sponsors:** Public Works Department

*The above item was introduced to Council by Public Works Department Manager Steven Son.*

*The following member(s) of the public spoke on this item: Jeff Roberts of Granville Homes.*

*APPROVED*

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

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



Councilmember Xiong exited the Council Chamber at 1:43 P.M. and returned at 1:47 P.M.

- 2-E**     [ID#14-599](#)     \*\*\***RESOLUTION** -- Amend the City's Water Shortage Contingency Plan to allow outdoor watering one-day per week during the winter season (December 1 to March 1)

**Sponsors:** Department of Public Utilities

*The above item was introduced to Council by Public Utilities Director Esqueda.*

*RESOLUTION 2014-190 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, Baines, Brand, Caprioglio, Olivier and Quintero

**Absent:** 1 - Xiong

### **3. CITY COUNCIL**

- [ID#14-607](#)     Discussion and appointment of a City Council Sub-Committee on Transportation

**Sponsors:** City Councilmember Baines

*The above item was introduced by Acting President Baines.*

*Acting President Baines, Councilmember Olivier and Councilmember Caprioglio volunteered to be the initial members of the Transportation sub-committee.*

*Councilmember Quintero suggested the sub-committee take a look at appointing Disability Advisory Committee members to the sub-committee on Transportation.*

*Acting President Baines noted the meeting schedule would be coordinated with the City Manager's Office. Acting President Baines clarified that Rick Steitz from A.T.U. and Transportation Director Brain Marshall would eventually be included on the sub-committee.*

**On motion of President Brandau, seconded by Councilmember Xiong, the City Council Sub-Committee on Transportation was formed with Councilmembers Caprioglio, Olivier and Baines as members with**

whomever they appoint. The motion carried by the following vote:

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

#### **4. CLOSED SESSION**

*The City Council met in closed session in Room 2125 from 1:52 P.M. to 3:05 P.M. to discuss the following:*

[ID#14-566](#)

CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION - Government Code Section 54956.9, subdivision (d)(1)  
Case Name: Carlton Jones v. City of Fresno; Fresno County Superior Court Case No. 12CECG03049

**Sponsors:** City Attorney's Office

*The above item was discussed in closed session. No open session announcement was made regarding this item.*

[ID#14-595](#)

CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Government Code Section 54956.8  
Property: APNs 472-021-58T, 472-021-60T, 472-021-61T (5100 block of East Kings Canyon Road)  
Negotiating Parties: City Manager Bruce Rudd; Cesar Chavez Foundation, a California nonprofit public benefit corporation

*The above item was discussed in 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#14-596](#)

CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Government Code Section 54956.8  
Property: APN 466-214-17T (Kidney Lot); Remnant Parcel located between H Street, Broadway, and Fresno Streets, and Merced Mall  
Negotiating Parties: City Manager Bruce Rudd; Executive Director Marlene Murphey; APEC International, LLC

*The above item was discussed in joint closed session. No open session announcement was made regarding this item.*

[ID#14-597](#)

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Government Code Section 54956.9, Subdivision (d)(1)  
City of Fresno v. Raps Fresno, LLC., et al. (Hotel Fresno); Superior Court Case No. 05CECG01744MS

*The above item was discussed in joint closed session. No open session announcement was made regarding this item.*

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

### **10:00 A.M.#1 (CONTINUE TO 3:00 P.M. #1)**

#### **JOINT MEETING WITH THE JOINT POWERS FINANCING AUTHORITY**

**Members:** Mayor Swearingin, Council President Brandau and Acting President Baines

- [ID#14-501](#) Consent to and authorization of the investment of monies in the Local Agency Investment Fund ("LAIF") in the custody of the State Treasurer for purposes of investment and authorize certain Finance Officers in connection therewith (Council action)
1. RESOLUTION - Consenting to and authorizing investment of monies in the Local Agency Investment Fund ("LAIF") in the custody of the State Treasurer for purposes of investment, and authorizing certain Finance Officers in connection therewith (Council action)

**Sponsors:** Finance Department

*The above item was continued to 3:00 P.M. (#1)*

- [ID#14-504](#) Authorize advances of money to the Joint Powers Financing Authority (the "JPFA") for investment with the Local Agency Investment Fund (the "LAIF") and accept a Demand Promissory Note from the JPFA evidencing those advances (Council action)
1. RESOLUTION - Authorizing advances to the Joint Powers Financing Authority for investment with the Local Agency Investment Fund, and approving a promissory note from the Fresno Joint Powers Financing authority (Council action)

**Sponsors:** Finance Department

*The above item was continued to 3:00 P.M. (#1)*

### **10:00 A.M. #2 (CONTINUE TO 3:00 P.M. #2)**

- [ID#14-544](#) **HEARING** to adopt resolutions and ordinance to annex territory and levy a special tax regarding City of Fresno Community District No. 11, Annexation No. 57 (Final Tract Map No. 5967) (East side of N. Polk Avenue between W. Shaw and Gettysburg Avenue) (Council District 1)
1. **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. 57, Final Tract Map No. 5967

**Sponsors:** Public Works Department

*The above item was continued to 3:00 P.M. (#2)*

### **10:00 A.M.#3 (CONTINUE TO 3:30 P.M.)**

[ID#14-570](#) PUBLIC MEETING concerning the renewal of the Fresno-Clovis Tourism Business Improvement District

**Sponsors:** City Manager's Office

*The above item was continued to 3:30 P.M.*

### **10:15 A.M. SCHEDULED COMMUNICATION (CONTINUE TO 3:45 P.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 3:19 P.M. to discuss the following:*

[ID#14-590](#) Successor Agency to the Redevelopment Agency consider adopting and approving:

1. Adopt finding of Categorical Exemption pursuant to Section 15301/Class 1 of the CEQA Guidelines (no change in existing use) (Successor Agency Action)
2. Approve Purchase and Sale Agreement between the Successor Agency to the Redevelopment Agency of the City of Fresno and Mathews Harley-Davidson, Inc. for the Sale of Certain Former Redevelopment Agency Parcels located at the northwest corner of Abby and Belmont Avenues (APNs 452-301-25T, -26T, -27T & -30T) within the City of Fresno (Successor Agency Action)

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

APPROVED

**SUCCESSOR AGENCY VOTE**

On motion of Chair Baines, seconded by Member Caprioglio, the above item was approved. The motion carried by the following vote:

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

[ID#14-592](#) Approve First Amendment to Agreement for Disposal and Sale of Property to Moose Family Center #445 at 5025 E. Dakota (APN 493-020-29ST) (Successor Agency action)

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

APPROVED

**SUCCESSOR AGENCY VOTE**

On motion of Vice Chair Caprioglio, seconded by Member Brandau, the above item was approved. The motion carried by the following vote:

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

President Brandau exited the Council Chamber at 3:25 P.M. and returned at 3:28 P.M.

**2:00 P.M. Special Meeting (separately noticed)**

[ID#14-625](#) RESOLUTION - Amending Better Business Act to Incorporate Provisions of the Redevelopment Improvement Act Applicable to the City in its Capacity as Housing Successor

*The above item was introduced to Council by Councilmember Brand.*

RESOLUTION 2014-191 ADOPTED

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

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

**Absent:** 1 - Brandau

**CONTINUED JOINT MEETING OF THE CITY OF FRESNO, THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF FRESNO, AND THE FRESNO REVITALIZATION CORPORATION**

- [ID#14-593](#) Actions pertaining to Owner Participation Agreement:
1. Invoke Exception to Better Business Act (Requires 5 affirmative votes)
  2. Approve Restated and Amended Owner Participation Agreement (OPA) between the Housing Successor of the City of Fresno and Apec LLC International for the rehabilitation of 1241 Broadway Plaza (APN 466-214-01) (City action)

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

APPROVED

**CITY COUNCIL VOTE**

**On motion of Acting President Baines, seconded by Councilmember Brand, part 2 of the above item was approved. The motion carried by the following vote:**

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

**Absent:** 1 - Olivier

- [ID#14-594](#) Approve Purchase and Sale Agreement between the Successor Agency to the Redevelopment Agency of the City of Fresno and APEC International, LLC., for the Sale of Certain Former Redevelopment Agency Property located near the northwest corner of Fresno and H Streets (APN 466-214-17T) within the City of Fresno (Successor Agency Action)

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

APPROVED

**SUCCESSOR AGENCY VOTE**

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

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

**Absent:** 1 - Olivier

**ADJOURN AGENCY**

*The joint meeting adjourned at 3:34 P.M.*

**11:00 A.M. (CONTINUE TO 4:00 P.M.)**

- [ID#14-584](#) **HEARING** to consider Plan Amendment Application No. A-13-009, Rezone Application No. R-13-016, and related environmental assessment for the property located on the east side of N. Locan Avenue between the E. Dakota alignment and E. Shields Avenue (**Council District 4**) Development and Resource Management Department
- a. Consider the environmental finding of Environmental Assessment No. A-13-009/R-13-016/TM-6067, a finding of a Mitigated Negative Declaration, dated October 17, 2014
  - b. **RESOLUTION** - Approving Plan Amendment Application No. A-13-009 amending the 2025 Fresno General Plan and Roosevelt Community Plan planned land use designation for ± 24.71 acres from the agricultural designation in the County of Fresno to the Medium Low Density Residential planned land use designation in the City of Fresno
  - c. **BILL** - (For introduction and adoption) - Amending the Official Zone Map to reclassify ± 24.71 acres from the AE-20 (*Exclusive Twenty-Acre Agricultural, Fresno County*) to R-1/cz (*Single Family Residential/conditions of zoning, Fresno City*) zone district

*The above item was continued to 4:00 P.M.*

### **3:00 P.M. #1**

#### **JOINT MEETING WITH THE JOINT POWERS FINANCING AUTHORITY**

**Members: Mayor Swearingin, Council President Brandau and Acting President**

- [ID#14-501](#) Consent to and authorization of the investment of monies in the Local Agency Investment Fund ("LAIF") in the custody of the State Treasurer for purposes of investment and authorize certain Finance Officers in connection therewith (Council action)
1. **RESOLUTION** - Consenting to and authorizing investment of monies in the Local Agency Investment Fund ("LAIF") in the custody of the State Treasurer for purposes of investment, and authorizing certain Finance Officers in connection therewith (Council action)

**Sponsors:** Finance Department

*The above item was introduced to Council by City Controller and Finance Director Lima.*

**RESOLUTION 2014-192 ADOPTED**

**On motion of President Brandau, seconded by Acting President Baines, the above item was adopted. The motion carried by the**

following vote:

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

[ID#14-504](#) Authorize advances of money to the Joint Powers Financing Authority (the "JPFA") for investment with the Local Agency Investment Fund (the "LAIF") and accept a Demand Promissory Note from the JPFA evidencing those advances (Council action)

1. RESOLUTION - Authorizing advances to the Joint Powers Financing Authority for investment with the Local Agency Investment Fund, and approving a promissory note from the Fresno Joint Powers Financing authority (Council action)

**Sponsors:** Finance Department

*The above item was introduced to Council by City Controller and Finance Director Lima.*

*RESO 2014-193 ADOPTED*

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

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

### **3:00 P.M.#2 (CONTINUED FROM 10:00 A.M.)**

[ID#14-544](#) **HEARING** to adopt resolutions and ordinance to annex territory and levy a special tax regarding City of Fresno Community District No. 11, Annexation No. 57 (Final Tract Map No. 5967) (East side of N. Polk Avenue between W. Shaw and Gettysburg Avenue) (Council District 1)

1. **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. 57, Final Tract Map No. 5967

**Sponsors:** Public Works Department

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



RESOLUTION 2014-194 ADOPTED  
RESOLUTION 2014-195 ADOPTED  
RESOLUTION 2014-196 ADOPTED  
BILL B-51 INTRODUCED AND ADOPTED AS  
ORDINANCE 2014-52

**On motion of Councilmember Xiong, seconded by Acting President Baines, the above item was adopted. The motion carried by the following vote:**

**Aye:** 6 - Brandau, Baines, Caprioglio, Olivier, Quintero and Xiong

**Recused:** 1 - Brand

### **3:30 P.M.**

[ID#14-570](#) PUBLIC MEETING concerning the renewal of the Fresno-Clovis Tourism Business Improvement District

**Sponsors:** City Manager's Office

*The above item was introduced to Council by Fresno Clovis Convention and Visitors Bureau CEO Forstedt.*

HELD

### **UNSCHEDULED COMMUNICATION**

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

*George Hostetter of the Fresno Bee - inquired if there was anything to report from the closed session.*

*Pratik Bhakta - asked council to lower the Transient Occupancy Tax ("TOT") and increase funding for the Tourism Business Improvement District ("TBID") because he felt the TOT money should be increasing tourism in Fresno but was not.*

*Sam Ramirez of the Convention and Visitors Bureau ("CVB") - stated that hoteliers were in support of the CVB's mission to increase tourism but there was concern about the overall percentage increase and the competitiveness with other cities in California. Mr. Ramirez noted the CVB and interested hoteliers were scheduling a meeting with the City Manager's Office to discuss the concept of the TOT. President Brandau asked Layla Forstedt of*

*the CVB to schedule a workshop after the first of the year to update Council on the topic.*

### **3:45 P.M. SCHEDULED COMMUNICATION**

[ID#14-567](#) Appearance by George Aguilar, Al Makkai, Juan Bejar and Mario Soto to discuss the operation of the transportation company UBERX and why the company is not subject to the City of Fresno's taxi regulations

*The above speakers addressed Council.*

*City Manager Rudd stated his office would work with the City Attorney to bring a workshop before Council regarding unregulated transportation companies such as Uber.*

APPEARED

[ID#14-582](#) Appearance by Parvis Laghaifar to discuss who is responsible for the expenses of moving a signal light at the corner of Shaw and Polk

*The above speaker addressed Council.*

*Public Works Director Mozier answered questions from Council.*

APPEARED

### **4:00 P.M. (CONTINUED FROM 11:00 A.M.)**

- [ID#14-584](#) **HEARING** to consider Plan Amendment Application No. A-13-009, Rezone Application No. R-13-016, and related environmental assessment for the property located on the east side of N. Locan Avenue between the E. Dakota alignment and E. Shields Avenue (**Council District 4**) Development and Resource Management Department
- a. Consider the environmental finding of Environmental Assessment No. A-13-009/R-13-016/TM-6067, a finding of a Mitigated Negative Declaration, dated October 17, 2014
  - b. **RESOLUTION** - Approving Plan Amendment Application No. A-13-009 amending the 2025 Fresno General Plan and Roosevelt Community Plan planned land use designation for ± 24.71 acres from the agricultural designation in the County of Fresno to the Medium Low Density Residential planned land use designation in the City of Fresno
  - c. **BILL** - (For introduction and adoption) - Amending the Official Zone Map to reclassify ± 24.71 acres from the AE-20 (*Exclusive Twenty-Acre Agricultural, Fresno County*) to R-1/cz (*Single*

*Family Residential/conditions of zoning, Fresno City) zone district*

*The above item was introduced to Council by Development and Resources Management ("DARM") Planner Bouvet.*

*DARM Assistant Director Sanchez read the following amendment into the record: "Staff would like to amend the resolution...to add paragraph four to read as follows, that is: the council finds that the proposed project for the region cited in the record shall be the only entitled development within the SEGA planning area and that any future requests within the SEGA planning area shall not be considered until such time that all requirements of the City of Fresno and County of Fresno Memorandum of Understanding are complied with."*

*The following member(s) of the public spoke on this item: Mike Schwan, John Bonadelle and Dirk Poeschel of Dirk Poeschel Land Development Services, Inc.*

*In response to Mr. Schwan, Councilmember Caprioglio stated he would look into his district's implementation committee to see if there was a report regarding the narrow bridges crossing canals but did not think it was a recorded process. Also in response to Mr. Schwan, President Brandau stated he would look into the issue of early notification to people adjacent to projects.*

**RESOLUTION 2014-197 ADOPTED AS AMENDED  
BILL B-52 INTRODUCED AND ADOPTED AS  
ORDINANCE 2014-53**

**On motion of Councilmember Caprioglio, seconded by President Brandau, the above item was adopted as amended. The motion carried by the following vote:**

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

**RECESSED 5:02 P.M. to 5:32 P.M.**

**5:00 P.M.**

[ID#14-561](#) Receive report of findings and summary of discussions from the Recharge Fresno Community Forums and direct City staff to initiate the Proposition 218 hearing process for proposed changes to the schedule of rates, fees, and charges for public water service and setting the public hearing for February 5, 2015, at 5:00 p.m.

**Sponsors:** Department of Public Utilities

*The above item was introduced to Council by Public Utilities Director Esqueda. Director Esqueda, City Attorney Sloan and City Manager Rudd answered questions from Council.*

*The following member(s) of the public spoke on this item: Doug Vagim, Tim Barker, Robert Merrill, Diane Merrill, Al Smith of the Fresno Chamber of Commerce, Stephenie Frederick, Susan Coberly, Mr. McCubin, Robert Kolstad, Carol Maul and Martha Kolstad.*

*President Brandau further discussed the item with Doug Vagim.*

*Councilmember Quintero asked Director Esqueda to return with options on how the City could help seniors save money on their water bill including rebates, assessments, advising them on how to save water and how the City could possibly help with a subsidized rate. Councilmember Quintero asked to have those options before the presentation is made in February 2015.*

*Councilmember Olivier asked that the options requested by Councilmember Quintero also include low income individuals and be part of the motion to approve this item.*

*Councilmember Xiong suggested that notices to the public be more diverse (including the employment of ethnic media) to match the diversity of the community.*

*Mayor Swearengin briefly addressed Council and encouraged them to support the Proposition 218 process.*

**APPROVED**

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

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

ADJOURNMENT

*Adjourned at 7:41 P.M.*

**These minutes were approved by unanimous vote of the City Council during the December 4, 2014 Council meeting with President Brandau and Councilmember Xiong absent.**