



# City of Fresno

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

## Meeting Minutes - Draft City Council

**President - Paul Caprioglio**

**Vice President - Sal Quintero**

**Councilmembers:**

**Oliver L. Baines, III, Lee Brand, Steve Brandau,**

**Clinton J. Olivier, Esmeralda Z. Soria**

**City Manager - Bruce Rudd**

**City Attorney - Douglas T. Sloan**

**City Clerk - Yvonne Spence, CMC**

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Thursday, March 3, 2016

8:30 AM

Council Chambers

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### Regular Session

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

8:32 A.M. ROLL CALL

**Present:** 7 - President Paul Caprioglio  
Vice President Sal Quintero  
Councilmember Oliver L. Baines III  
Councilmember Lee Brand  
Councilmember Steve Brandau  
Councilmember Clinton Olivier  
Councilmember Esmeralda Soria

Invocation by Reverend Henry I. Oputa of The Way Ministries

Pledge of Allegiance to the Flag

**Councilmember Olivier exited the Council Chamber at 8:37 A.M. and returned at 8:41 A.M.**

### **APPROVE AGENDA**

*City Clerk Spence announced the following change to the agenda: City Council item 3-A (ID16-251) regarding the posting of legal notices was removed from the agenda by Councilmember Soria.*

*APPROVED AS AMENDED*

On motion of Councilmember Soria, seconded by Councilmember Brandau, the AGENDA was approved as amended. The motion carried by the following vote:

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

**Absent:** 1 - Olivier

## **APPROVE MINUTES**

[ID16-141](#) Approval of minutes from February 25, 2016

APPROVED

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

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

**Absent:** 1 - Olivier

## **COUNCILMEMBER REPORTS AND COMMENTS**

*Councilmember Brandau reported on the Support the Blue 10K run and 5K walk that took place at Woodward Park on February 27. He participated in the 5K walk with Councilmember Brand and President Caprioglio. There were approximately 500 people in attendance and one of the Fresno Area Express busses, wrapped with Support the Blue advertisements, was on hand. Councilmember Brandau said a great time was had by all while supporting of the Fresno Police Department.*

*Councilmember Soria reported on her attendance at the NALEO National Policy Institute on Energy conference in Long Beach, California on February 26. The conference focused on how local municipalities could embrace the issue of clean energy and how to work with business communities towards the goal of cleaner energy. She noted it was a great conference and she looked forward to the City of Fresno being a leader on the issue of clean energy.*

*Councilmember Soria reported on the reception held at City hall for the Mayor and Deputy Mayor of Châteauroux, France. Châteauroux is the newest Sister City to Fresno. The event was successful and approximately 125 people attended and greeted the dignitaries.*

*President Caprioglio reported that he attended the enrobing ceremony of*

*Mark Cullers Fresno County Judicial Bench. A former U.S. Attorney and a great addition to the bench.*

*President Caprioglio reported on his attendance at the Annual Neighborhood Watch dinner honoring members of the Fresno Police Department, civilian and sworn alike. The wonderful event was a good opportunity to hear the stories about what Police Department employees do to protect the citizens of Fresno.*

*President Caprioglio also commented on the promotion of Colonel Clay Garrison of the 144th Air Wing to Brigadier General. The ceremony was attended by many dignitaries. President Caprioglio said our loss was Sacramento's gain and he wished Brigadier General Garrison the best of luck in his new roll.*

*President Caprioglio congratulated Department of Public Utilities ("DPU") Director Esqueda, DPU staff and all City employees that took part in the Recharge Fresno event that occurred March 2. He noted the plant would provide water for many future generations in the City and he expressed excitement for the local jobs that would be created from the planning, construction and use of the facility. He recalled that representatives from the federal and state governments were in attendance and that they commented on how Fresno was on the cutting edge of resolving the water crisis.*

*Councilmember Brand commented on his attendance and participation at the Support the Blue 10K run and 5K walk at Woodward Park on February 27 with Councilmember Brandau and President Caprioglio.*

*Councilmember Brand also stressed the significance of the surface water treatment plant. The project was a struggle to get off the ground and had been discussed for decades. He was proud that the Council finally stopped "kicking the can down the road" and was making the plant a reality.*

*City Manager Rudd also spoke about the significance of the surface water treatment plant. He said this kind of project had been discussed by the City since 1956 or 1957. City Manager Rudd noted it was a long, drawn out process and he applauded the Council's leadership, vision and courage to stop kicking the can down the road. He also thanked Council for their leadership on the restoration of the street through Fulton Mall.*

## 1. CONSENT CALENDAR

### APPROVAL OF THE CONSENT CALENDAR

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

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

- 1-A**    [ID16-231](#)    Authorize the City Manager or his designee to execute an amendment to the Joint Powers Agreement (JPA) between the City of Fresno (City) and the County of Fresno (County) for purposes of providing Federal Workforce Innovation and Opportunity Act Services within Fresno County.

*APPROVED*

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

- 1-B**    [ID16-240](#)    Award a concession agreement for the operation and maintenance of Camp Fresno and Camp Fresno Jr. at Dinkey Creek, California, to Jarrod and Jennifer Deaver (RFP File 9356)

*The above item was moved to the Contested Consent Calendar for further discussion by Councilmember Soria.*

- 1-C**    [ID16-258](#)    Approve the appointments of Jomar Rushdan and Patience Milrod to District 1 Implementation Committee

*APPROVED*

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

- 1-D**    [ID16-271](#)    \*\*\*BILL NO. B-7- (Intro. 2/25/2016) (For adoption) - Relating to the Annual Weed Abatement Program (City wide)

*ORDINANCE 2016-7 ADOPTED*

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

## 2. GENERAL ADMINISTRATION

- 2-A**    [ID16-192](#)    Award a service contract to Kids Moving Inc., and approve a Joint Use Agreement with Central

Unified School District.

*The above item was introduced to Council by Parks, After School, Recreation and Community Service ("PARCS") Director Mollinedo. City Manager Rudd and City Attorney Sloan also spoke on this item. Kids Moving Incorporated Chief Executive Officer Tammy Phillips and Board Chair Brian Simpson also addressed Council.*

*Councilmember Soria directed staff to provide all bids in future staff reports. Councilmember Soria also directed staff to bring the item back to Council, six months after implementation, for an update.*

*Councilmember Baines motioned to accept the staff recommendation with the understanding that the City would hire an oversight person within 45 days and that all related contracts would be brought back to Council for review, in the form of a workshop, in the next sixth months. President Caprioglio seconded the motion. No vote was taken on this motion as the motion was abandoned by the maker.*

*Councilmember Baines motioned to continue the item to March 17, 2016. Councilmember Brand seconded the motion.*

*CONTINUED TO MARCH 17, 2016*

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

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

Councilmember Brand exited the Council Chamber at 9:28 A.M. and returned at 9:34 A.M.

- 2-B**    [ID16-232](#)    Actions pertaining to groundwater monitoring and reporting for the Fresno Sanitary Landfill (FSL) (Citywide) (Council District 3):
1. Adopt a finding of Categorical Exemption per staff determination, pursuant to Section 15308 (Class 8) and Section 15309 (Class 9) of the CEQA guidelines for monitoring and reporting on groundwater remediation at FSL
  2. Approve an agreement with CDM Smith, Inc., in the amount of \$781,120 for monitoring and reporting requirements for groundwater remedial actions for the FSL

*The above item was introduced to Council by DPU Assistant Director*

*Schuber.*

*The following member(s) of the public spoke on this item: Barbara Hunt.*

**APPROVED**

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

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

**Absent:** 1 - Brand

- 2-C**    [ID16-249](#)    RESOLUTION - Approving a Construction Impact Assistance Program for Fulton Mall Businesses and Property Owners

*The above item was introduced to Council by Development and Resources Management ("DARM") Assistant Director Zack.*

*The following member(s) of the public spoke on this item: Aaron Blair of the Downtown Fresno Partnership; Liz Sanchez of Casa De Tamales; Brian Washington of Take 3; Kirk James of Root; Robert Gurfield; Craig Scharton of Peeve's Public House and the Downtown Fresno Partnership, and; Barbara Hunt.*

**RESOLUTION 2016-34 ADOPTED**

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

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

### **3. CITY COUNCIL**

- 3-A**    [ID16-251](#)    BILL - (For Introduction) - Amending Fresno Municipal Code (FMC) Section 2-603 relating to posting legal notices

*The above item was removed from the agenda by Councilmember Soria*

## **UNSCHEDULED COMMUNICATION**

*The following members of the public addressed Council during Unscheduled Communication:*

*Tamara Algots - discussed sexual assault and the need for training of city Police Officers and the lack of a response by the City Council to her previous appearance on the issue.*

*Donaciano Soria - discussed medical marijuana and the need for access for people like his grandmother. He also apologized for the way he discussed the issue during his previous council appearance.*

*Stephanie Soria - discussed medical marijuana and the need for access for people like her grandmother.*

*Rick Morse of MedMar - discussed the liability of the City Council for the actions of the Police Department in not responding to violence in front of his business. Mr. Morse provided DVD's labeled "Crackheads 1" to Council. A copy of the DVD is on file with the City Clerk and a photocopy has been attached to File ID 16-292.*

*Alexandria Ramos-O'Casey - discussed the need for protection of patients at MedMar and the need for patient access to medical marijuana.*

*Barbara Hunt - discussed the conflict of interest created by the multiple roles of City Council members.*

[ID16-292](#) Handout received from Rick Morse during Unscheduled Communication.

## **5. CLOSED SESSION**

*The City Council met in Closed Session in Room 2125 from 10:35 A.M. to 10:45 A.M. to discuss the following:*

[ID16-256](#) CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION - Government Code Section 54956.9, subdivision (d)(1)  
1. City of Fresno v. Maria Snell, et al; Fresno County Superior Court Case No. 16CECG00399

*The above item was discussed during Closed Session. No Open Session*

*announcement was made regarding this item.*

RECESSED 10:45 A.M. to 11:00 P.M.

Councilmember Baines did not return at 11:00 P.M. and was absent the remainder of the meeting.

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

##### **11:00 A.M.**

##### **1. CONTESTED CONSENT CALENDAR**

- 1-B [ID16-240](#) Award a concession agreement for the operation and maintenance of Camp Fresno and Camp Fresno Jr. at Dinkey Creek, California, to Jarrod and Jennifer Deaver (RFP File 9356)

*Councilmember Soria noted, for the record, that only one bid was received and she felt it may have been due to the fact that the advertisement for proposals was limited to the Business Journal and was only printed in English. PARCS Director Mollinedo stated he would be sensitive to that issue in the future and clarified that eight companies inquired about the proposal but none of those companies were interested in handling the project in its entirety.*

*APPROVED*

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

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

**Absent:** 1 - Baines III

##### **2. CEREMONIAL PRESENTATIONS**

- [ID16-079](#) Recognizing March 7 - 13, 2016 as "MULTIPLE SCLEROSIS AWARENESS WEEK"

*PRESENTED*

- [ID16-214](#) Proclamation of "CHORAL MUSIC COMMEMORATION DAY"

*PRESENTED*



[ID16-259](#) Proclamation of "RED CROSS MONTH"

*PRESENTED*

[ID16-261](#) Proclamation of "ROGUE FEST"

*PRESENTED*

## **ADJOURNMENT**

*Adjourned at 11:33 A.M.*