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Agenda Item: FileID#15-970

Date: 10/29/15

CITY CLERK, FRESNO, CA

FRESNO CITY COUNCIL



Supplemental Information Packet

Agenda Related Items – Approval of City Council minutes from
October 22, 2015 (ID#15-970)

Contents of Supplement: Draft minutes of October 22, 2015

Item(s)

Approval of City Council minutes from October 22, 2015

Supplemental Information:

Any agenda related public documents received and distributed to a majority of the City Council after the Agenda Packet is printed are included in Supplemental Packets. Supplemental Packets are produced as needed. The Supplemental Packet is available for public inspection in the City Clerk's Office, 2600 Fresno Street, during normal business hours (main location pursuant to the Brown Act, G.C. 54957.5(2)). In addition, Supplemental Packets are available for public review at the City Council meeting in the City Council Chambers, 2600 Fresno Street. Supplemental Packets are also available on-line on the City Clerk's website.

Americans with Disabilities Act (ADA):

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, sign language interpreters, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650. Please keep the doorways, aisles and wheelchair seating areas open and accessible. If you need assistance with seating because of a disability, please see Security.



City of Fresno

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

Meeting Minutes - Draft 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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CITY CLERK, FRESNO CA

Thursday, October 22, 2015

8:30 AM

Council Chambers

Regular Session

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

8:36 A.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 Ken Wilson of the Northpointe Church

Pledge of Allegiance to the Flag

CEREMONIAL PRESENTATIONS

[ID#15-897](#) Presentation of SPCA Pet of the Month

PRESENTED

[ID#15-809](#) Proclamation of "DISABILITY AWARENESS MONTH"
1. Recognition of the Recipients of the Disability Advisory
Commission Annual Achievement Awards

PRESENTED

[ID#15-915](#) Resolution of Commendation to Manchester Gate for Winning National Honors

PRESENTED

[ID#15-922](#) Proclamation of "CIVIL AIR PATROL SQUADRON 112" The Official US Air Force Auxiliary.

PRESENTED

ADD ON CEREMONIAL:

[ID#15-971](#) Proclamation of "NATIONAL LIGHTS ON DAY"

PRESENTED

CEREMONIAL PRESENTATIONS CONTINUED

[ID#15-934](#) Proclamation of "NATIONAL BREAST CANCER AWARENESS MONTH"

To be received by the Susan G. Komen Foundation

PRESENTED

ADD ON CEREMONIAL:

[ID#15-972](#) Surprise proclamation of "GEORGE HOSTETTER DAY"

PRESENTED

CEREMONIAL PRESENTATIONS CONTINUED

[ID#15-941](#) Proclamation of "BITWISE INDUSTRIES DAY"

REMOVED FROM AGENDA

APPROVE MINUTES

[ID#15-938](#) Approval of City Council minutes from October 8, 2015

On motion of Vice President Caprioglio, seconded by Councilmember Soria, the above Minutes were approved as amended to include the transcript of General Administration Item 2-A (File ID#15-788) that was prepared by City Attorney staff and provided to Director Esqueda on October 20, 2015. The motion carried by the following vote:

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

COUNCILMEMBER REPORTS AND COMMENTS

Councilmember Brandau reported that he attended "Make a Difference Day" at Chukchansi Park on October 17th. At the event, more than one thousand kids played soccer in the stadium. Kids and volunteers all had a great time - there were bounce houses, medals were handed out and food was provided. He announced that a special day to honor the volunteers and donors would be held in a few weeks.

Councilmember Soria thanked the administration and staff on setting the date for the ribbon cutting for Inspiration Park. The ceremony would be November 14th. Councilmember Soria also announced there would be a "Breakfast at the Park fundraiser on November 4th. The money raised would help operate and maintain the park for the coming year.

Vice President Caprioglio congratulated Fresno State for their big win over UNLV the previous weekend. Vice President Caprioglio also reminded everyone to attend the Susan G. Koman Race for the Cure on Saturday, October 24 at Fresno State University. He announced he would be at the race which was a major fundraiser for breast cancer research. He noted that breast cancer touches many people and had touched his family when his mother was diagnosed. He explained that the race and the Susan G. Koman foundation both help breast cancer survivors in many ways.

APPROVE AGENDA

City Clerk Spence announced that File ID# 15-939 on the Consent Calendar, should be listed as item "1-J" not "1-H."

President Baines tabled Consent Calendar item 1-J (File ID# 15-939)

indefinitely.

Councilmember Brandau and Councilmember Brand moved Consent Calendar item 1-G (File ID# 15-931) to the Contested Consent Calendar for further discussion.

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

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

SCHEDULED COUNCIL HEARINGS AND MATTERS

10:00 A.M.#1

- [ID#15-914](#) HEARING to consider Rezone Application No. R-14-010 filed by Jeffrey T. Roberts, on behalf of C&A Farms, which pertains to an approximately 414.8 acres property generally bounded by W. Whites Bridge Avenue, S. Hughes Avenue, W. Church Avenue, and S. Marks Avenue (Council District 3)
1. Adopt a Finding of Conformity to the Fresno General Plan Master Environmental Impact Report as Environmental Assessment No. R-14-010 dated August 14, 2015.
 2. BILL - (For introduction and adoption) - Approving Rezone Application No. R-14-010 requesting authorization to amend the Official Zone Map to reclassify the subject property from the R-1/UGM/cz (Single Family Residential/Urban Growth Management/conditions of zoning) and R-2/UGM/cz (Low Density Multiple Family Residential/Urban Growth Management/conditions of zoning) zone districts to the R-1/UGM/cz (Single Family Residential/Urban Growth Management/conditions of zoning) zone district and to remove several conditions of zoning listed in Ordinance No. 2004-140 for Rezone Application No. R-04-097.

The above hearing was called to order at 10:08 A.M.. Development and Resources Management Supervising Planner Contreras introduced the item to Council.

Upon call, the following member(s) of the public addressed Council regarding this item:

Jeff Roberts of C & A Farms - spoke in support.

The hearing was closed at 10:10 A.M.

*BILL B-39 INTRODUCED AND ADOPTED AS
ORDINANCE 2015-35*

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

1. CONSENT CALENDAR

APPROVAL OF THE CONSENT CALENDAR

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

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

- 1-A [ID#15-835](#) Approve the acquisition of 3,589 square feet of pipeline easement on property owned by Kenneth R. Brisendine and Delores Brisendine in the amount of \$10,100 (APN 158-181-16) for the construction of thirteen miles of 72-inch diameter pipeline that will convey water from the Kings River to the City's new Southeast Surface Water Treatment facility. (County of Fresno)

APPROVED

The above item was approved on the Consent Calendar.

- 1-B [ID#15-852](#) RESOLUTION - Granting authority to the Public Works Director or designee to sign budgeted routine right-of-way acquisition agreements under \$25,000

RESOLUTION 2015-187 ADOPTED

The above item was approved on the Consent Calendar.

- 1-C [ID#15-896](#) Actions pertaining to the summary vacation of two portions of right-of-way of the former "Monterey Street Overpass" at "G" Street and Freeway 41 (Council District 3).

1. Adopt a finding of Categorical Exemption per staff determination, pursuant to Sections 15332/Class 32, 15304/Class 4, 15302/Class 2 and 15312/Class 12 of the California Environmental Quality Act (CEQA) Guidelines, Environmental Assessment No. EA-15-025.
2. RESOLUTION - Ordering the summary vacation of two portions of public street right-of-way of the former "Monterey Street Overpass" and associated on-ramps bounded by the California Avenue overpass, Golden State Boulevard, Monterey Street (previously vacated) and "G" Street and separated by State Route Freeway 41.

RESOLUTION 2015-188 ADOPTED

The above item was approved on the Consent Calendar.

- 1-D [ID#15-901](#) RESOLUTION - Adopting a finding of Mitigated Negative Declaration, pursuant to Sections 15178(b)(1) and (2), of the California Environmental Quality Act Guidelines for the construction of new sewer infrastructure in the North Avenue industrial growth area (Council District 3).

RESOLUTION 2015-189 ADOPTED

The above item was approved on the Consent Calendar.

- 1-E [ID#15-903](#) Approve first amendment to the December 19, 2013 Lead Agency Operation of Universally Accessible Park Agreement with Resources for Independence Central Valley

APPROVED

The above item was approved on the Consent Calendar.

- 1-F [ID#15-926](#) Actions pertaining to the City's participation in the California Home Finance Authority's Property Assessed Clean Energy programs to help Fresno property owners finance renewable energy generation, energy efficiency, water conservation, and electric vehicle charging infrastructure improvements
1. ***RESOLUTION - Consenting to the inclusion of properties within the City's incorporated area in the California Home Finance Authority's Community Facilities District No. 2014-1 (Clean Energy) (5 affirmative votes)
 2. ***RESOLUTION - Consenting to inclusion of properties within the City's incorporated area in the California Home Finance Authority's Property Assess Clean Energy Program

3. Approve associate membership in the California Home Finance Authority (5 affirmative votes)

RESOLUTION 2015-190 ADOPTED

RESOLUTION 2015-191 ADOPTED

The above item was approved on the Consent Calendar.

- 1-G [ID#15-931](#) RESOLUTION - That requires all future annexations must to be approved by the City prior to the submission to the Local Agency Formation Commission (LAFCo)

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

- 1-H [ID#15-924](#) RESOLUTION - To claim funds for uncashed checks dated January 6, 2011, through December 20, 2011, and four bond deposits dating from 2008, and transfer said funds from "Special Fund" 63539 to the General Fund 10101

RESOLUTION 2015-192 ADOPTED

The above item was approved on the Consent Calendar.

- 1-I [ID#15-944](#) Approve the appointment of Meron Shita to the Southwest Fresno Specific Plan Steering Committee

APPROVED

The above item was approved on the Consent Calendar.

- 1-J [ID#15-939](#) ***BILL NO. B-38 - (Intro. 10/8/2015) (For adoption) - Amending Subsection 10(c) of Section 6-205 of the Fresno Municipal Code relating to Container in View Requirements for trash containers

The above item was removed from the agenda by President Baines.

Vice President Caprioglio exited the Council Chamber at 10:32 A.M. and returned at 10:34 A.M.

CONTESTED CONSENT CALENDAR

- 1-G [ID#15-931](#) RESOLUTION - That requires all future annexations must to be approved by the City prior to the submission to the Local Agency Formation Commission (LAFCo)

The above item was introduced to Council by City Manager Rudd.

The following member(s) of the public spoke on this item:

Jeff Roberts of Granville Homes and Dave Herb.

Councilmember Brandau motioned to hear this item after the Local Agency Formation Commission ("LAFCO") Municipal Service Review and in connection with the city's Development Code update.

CONTINUED TO NOVEMBER 19, 2015

On motion of Councilmember Brandau, seconded by Councilmember Brand, the above item was continued to November 19, 2015. The motion carried by the following vote:

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

Absent: 1 - Caprioglio

2. GENERAL ADMINISTRATION

- 2-A** [ID#15-863](#) RESOLUTION - Authorizing execution of a contract for temporary water service with the United States Bureau of Reclamation (USBR) to accept possible non-storable flood flows from Millerton Lake during water year 2015-2016

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

RESOLUTION 2015-193 ADOPTED

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

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

- 2-B** [ID#15-916](#) Receive and accept report on City's compliance status for State-mandated water-use reductions and recommended temporary adjustments to the Water Conservation Program.

The above item was introduced to Council by Public Utilities Director Esqueda. City Manager Rudd also spoke on the item.

Councilmember Brand directed staff to perform further outreach concerning water rebates and to redesign of the City website to make the link to city and state rebates easier to find. Councilmember Brand also requested a list of

Xeroscape landscapers in the City.

Councilmember Brandau directed staff to provide the Councilmembers a map showing the residents that have taken advantage of water related rebates. Councilmember Brandau clarified with Director Esqueda, for the record, that water fines go to support the water conservation program and to nothing else.

Councilmember Soria directed staff to provide the number of people that have benefited from the Water Affordability Credit. Councilmember Soria directed staff to work with her office to promote the rebates and Water Affordability Credit programs through Spanish and Hmong language media.

REPORT ACCEPTED

On motion of Councilmember Brand, seconded by Vice President Caprioglio, the report was accepted. The motion carried by the following vote:

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

- 2-C** [ID#15-930](#) Approve the Memorandum of Understanding (MOU) for Planning and Coordination Related to the Sustainable Groundwater Management Act (SGMA) among, and between, public water supply agencies and local governments located in the North Kings Sub-Basin of the San Joaquin Valley Basin.

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

APPROVED

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

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

- 2-D** [ID#15-888](#) Actions pertaining to a Memorandum of Understanding between the City of Fresno and Operating Engineers, Local 3 (OE3) for Unit 11 - Airport Public Safety Officers
1. ***Adopt a Memorandum of Understanding between the City of Fresno and Operating Engineers, Local 3 (OE3) for Unit 11 -

Airport Public Safety Officers, effective November 1, 2015
2. ***RESOLUTION - 3rd amendment to FY 2016 Salary Resolution No. 2015-108, (1) removing the temporary Airport Public Safety Officer classification from Exhibit 8; (2) adding Exhibit 11 for Unit 11 to include the permanent Airport Public Safety Officer classification; and, (3) amending Section 15 to reference Exhibit 11 to the list of designated exhibits

The above item was introduced to Council by Assistant Director of Personnel Services, Miller.

RESOLUTION 2015-194 ADOPTED

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

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

RECESSED 11:59 A.M. TO 12:05 P.M.

3. CITY COUNCIL

There were no City Council items on the agenda.

4. CLOSED SESSION

The City Council met in closed session in Room 2125 from 12:05 P.M. to 1:03 P.M. to discuss the following:

[ID#15-905](#) CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION - Government Code Section 54956.9, subdivision (d)(1)
1. P.Y.M.T., et al. (Torrez) v. City of Fresno, et al.; United States District Court Case No.: 15-CV-00710 BAM

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

[ID#15-906](#) CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION - Government Code Section 54956.9, subdivision (d)(1)
1. Jose Moreno Torres v. City of Fresno; Fresno County Superior Court Case No.: 15CECG02247

The above item was discussed during Closed Session. No open session

announcement was made regarding this item.

- [ID#15-907](#) CONFERENCE WITH LEGAL COUNSEL-EXISTING
LITIGATION - Government Code Section 54956.9, subdivision
(d)(1)
1. Pamela Motley, et al. v. Fresno Police Officer Joseph Smith,
et al.; United States District Court Case No.: 15-CV-00905 BAM

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

- [ID#15-908](#) CONFERENCE WITH LEGAL COUNSEL-EXISTING
LITIGATION - Government Code Section 54956.9, subdivision
(d)(1)
1. Angel Keith Toscano, et al. v. Fresno Police Department, et
al.; United States District Court Case No. 13-CV-01987 SAB

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

- [ID#15-909](#) CONFERENCE WITH LEGAL COUNSEL-EXISTING
LITIGATION - Government Code Section 54956.9, subdivision
(d)(1)
1. Jaime Reyes, Jr. et al. v. City of Fresno, et al.; USDC Case
No. 13-CV-000418/LJO-SKO

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

- [ID#15-910](#) CONFERENCE WITH LEGAL COUNSEL-EXISTING
LITIGATION - Government Code Section 54956.9, subdivision
(d)(1)
1. Doris Ray Knox, et al. v. City of Fresno, et al.; United States
District Court Case No. 14-CV-00799 GSA

*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:*

*Gary Doeseke - discussed a stolen bicycle and the need for improved
security at the Manchester Mall.*

Doug Richert - discussed the high bids for the opening of Fulton Mall to motor vehicles.

[ID#15-973](#) Document Received - Gary Doesekle

ADJOURNMENT

Adjourned from Closed Session at 1:03 P.M.