



City of Fresno

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

Meeting Minutes - Final 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

Thursday, August 18, 2016

1:30 PM

Council Chambers

Regular Session

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

1:38 P.M. ROLL CALL

Present: 6 - President Paul Caprioglio
Vice President Sal Quintero
Councilmember Oliver L. Baines III
Councilmember Lee Brand
Councilmember Steve Brandau
Councilmember Esmeralda Soria

Absent: 1 - Councilmember Clinton Olivier

Invocation by Assistant City Manager Renena Smith

Pledge of Allegiance to the Flag

CEREMONIAL PRESENTATIONS

[ID16-835](#) Presentation of the SPCA Pet of the Month

PRESENTED

[ID16-966](#) Certificate of Recognition to the Jasmine Mejia, Summer Intern
District 1

PRESENTED

[ID16-967](#) Certificate of Recognition to Katherine Altobello-Czescik, Fellow for Power the Tower Project

PRESENTED

[ID16-811](#) Recognition of the community sponsors for the 2016 West Fresno Family Resource Center Summer Enrichment Program & 2016 Back to School Health Fair supporters

PRESENTED

APPROVE AGENDA

City Clerk Spence announced the following changes to the agenda: Consent Calendar item 1-C (File ID 16-880) contained a clerical error on exhibit two attached to the Amendment to the Salary Resolution. The salary range for the Investment Officer on exhibit two should read, "\$7,984 to \$11,235."

Councilmember Brand announced he was continuing the 2:10 P.M. Scheduled Hearing (File ID 16-916) to September 22, 2016 at 5:00 P.M.

APPROVED AS AMENDED

On motion of Councilmember Soria, seconded by Councilmember Brand, 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

[ID16-155](#) Approval of minutes from July 28, 2016

APPROVED

On motion of President Caprioglio, seconded by Vice President Quintero, 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 Soria thanked everyone that helped make National Night Out at Inspiration Park a success including: her staff; the Parks, After School, Recreation and Community Services ("PARCS") Department; the Fresno Police Officers Association, and; the Fresno Police Department. The Fresno Police Officers Association helped sponsor the event and cooked hamburgers for the hundreds of people in attendance.

Councilmember Soria reported approximately 25 residents attended her Community Coffee event at the Chicken Pie Shop on August 3. She explained the event allowed citizens unable to travel to City Hall a way to have their issues heard.

Councilmember Soria thanked the PARCS Department for the August 11, Movie in the Park event held at Quigley Park. She said the PARCS Department does a wonderful job keeping children busy and engaged. A minor incident at the event reminded Councilmember Soria of the need for adequate patrols of the city's parks to help ensure public safety at the facilities.

Councilmember Soria announced she planned to have a community meeting regarding the Parks Master Plan ("PMP") and asked the City Manager to keep her office in the loop about PMP timelines and outreach. Assistant City Manager Smith replied that her office released a general memo on the evening of August 17, but would provide her with more detailed information.

Councilmember Soria informed the City Manager's Office she would be setting up a meeting to discuss the alley issues she brought up during the budget hearings.

Vice President Quintero asked the City Manager to have Code Enforcement send letters to AT&T and PG&E asking if they would start removing signs from their utility poles. He noted the signs were becoming a nuisance in the older parts of the city. Assistant City Manager Smith said the issue would be discussed with both entities.

Vice President Quintero thanked Councilmember Brandau for discussing the blight on local freeways with CalTrans. He appreciated Councilmember Brandau's effort in light of the recent freeway fires and he has already noticed changes along the corridors.

Vice President Quintero explained that the 2:05 P.M. Workshop (File ID 16-908) was an update and was meant to be followed by an August 24 presentation. He directed staff to hold the follow up presentation, at a time certain on September 1, 2016 so there would be more time to digest the information. Assistant City Manager Smith reminded staff to follow procedures to "officially continue" the meeting since it had already been publically noticed.

Councilmember Brandau thanked Gene Haagensen of KFSN ABC Channel 30 News and Tim Sheehan with the Fresno Bee for their coverage of the blighted freeway issue. He noted the media helped the people of the city speak in one voice and helped ensure the City was not underserved.

Councilmember Brandau announced Hobby Lobby recently held a grand opening event at its new store on Blackstone in District Two. He said the event was "fantastic" and included a ribbon cutting and prayer. He also expressed his excitement for the opening of the store as well as for the jobs associated with the new business.

President Caprioglio thanked the Council for accommodating him while he was out on vacation.

President Caprioglio thanked everyone that helped make National Night Out in El Dorado Park a success, including: Associated Students Incorporated at California State University Fresno ("CSUF"); CSUF; the CSUF Police Department; the Fresno Police Department; the Fresno Fire Department, and; the numerous residents and volunteers. He noted the kids had a great time and the CSUF Police motorcycle and Fresno Fire Truck were big hits.

President Caprioglio announced he met with the executive team from Associated Students Incorporated at CSUF. He was impressed with the hard work and commitment the team showed to the University and to the City of Fresno.

President Caprioglio discussed the active shooter training recently provided by the Fresno Police Department. He thanked Deputy Chief Farmer, Lt. Joe Alvarez, Sgt. Marty True and Sgt. Curtis Chastain for leading the much needed session. President Caprioglio looked forward to additional training sessions at City Hall and hoped similar training sessions could eventually be provided for local schools and businesses.

3. SCHEDULED COUNCIL HEARINGS AND MATTERS

2:15 P.M.

SCHEDULED COMMUNICATION

[ID16-901](#) Appearance by Ralph Hatland to discuss the City of Fresno's Risk Management Division (Speaker resides in District 2)

Mr. Hatland appeared and addressed Council. He provided handouts which have been attached to File ID 16-901 and are available in the City Clerk's Office.

APPEARED

1. CONSENT CALENDAR

APPROVAL OF THE CONSENT CALENDAR

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

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

Absent: 1 - Olivier

- 1-A** [ID16-854](#) Actions related to the selling of an abandoned water pump property number (PS-229) to Mr. Ramon J. Tostado:
(Property located in the County of Fresno)
1. Adopt a finding of no possibility of significant effect pursuant to CEQA Guidelines Section 15061(b)(3) and Categorical Exemption pursuant to CEQA Guidelines Section 15312 for the sale of an abandoned water well property located at 4757 E. Simpson Avenue, to Mr. Tostado.
 2. Authorize the Public Works Director or his designee to execute the Agreement for Purchase and Sale of Real Property and complete the sale of excess land to Mr. Tostado

APPROVED

The above item was approved on the Consent Calendar.

- 1-B** [ID16-867](#) Approve the appointment of Raine Bumatay to the Fresno Regional Workforce Development Board

APPROVED

The above item was approved on the Consent Calendar.

- 1-C** [ID16-880](#) ***RESOLUTION - 1st amendment to Salary Resolution No. 2016-120, adding the new classifications of Investment Officer to Exhibit 2, Non-Represented Management and Confidential, and Crime Scene Investigation Bureau Manager and Records Manager to Exhibit 14, Management Non-Confidential (CFMEA); and modifying the salary of Custodial Supervisor in Exhibit 13-1, City of Fresno Professional Employees Association (CFPEA)

RESOLUTION 2016-147 ADOPTED

The above item was approved on the Consent Calendar.

- 1-D** [ID16-881](#) ***Approve a Side Letter of Agreement with the Fresno Police Officers Association (FPOA), representing Unit 4, Non-Supervisory Police, Regarding Lateral Hire Incentives

APPROVED

The above item was approved on the Consent Calendar.

- 1-E** [ID16-890](#) Approve the reappointments of Ken Elvington, Heather Flores, Janelle Pitt and Mary Beth Randall to the Disability Commission; the appointment of Debra McKenzie to the Housing and Community Development Commission; and the reappointment of Kristi Lawrence to the Fresno Mosquito and Vector Control District.

APPROVED

The above item was approved on the Consent Calendar.

- 1-F** [ID16-897](#) Actions pertaining to Resolution of Intention No. 1107-D to vacate a portion of N. Blythe Avenue, and a portion of a landscape and public utility easement, north of W. Minarets Avenue. (Council District 2)
1. Adopt a finding of Categorical Exemption per staff determination, pursuant to Section 15301 of the California Environmental Quality Act (CEQA) Guidelines, Environmental Assessment No. EA-16-017
 2. Adopt Resolution of Intention No. 1107-D to vacate a portion of N. Blythe Avenue, and a portion of a landscape and public utility easement, north of W. Minarets Avenue

APPROVED

The above item was approved on the Consent Calendar.

- 1-G [ID16-900](#) RESOLUTION - Of Intention to grant a non-exclusive roll-off franchise for roll-off collection within the City of Fresno to Red Bin Services and JPA Construction Clean-Up Services, Inc., in preparation for a public hearing on the matter and final vote to approve the non-exclusive roll-off franchise on September 1, 2016.

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

- 1-H [ID16-902](#) ***RESOLUTION - Authorizing the City Manager or Designee to Execute a Grant Agreement with the California Department of Transportation for the City of Fresno's Blackstone Avenue Corridor Smart Mobility Project.

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

- 1-I [ID16-905](#) Approve a consultant services agreement with The Gualco Group, Inc., for an amount not to exceed \$90,000 for professional water lobbying and consulting services in California

APPROVED

The above item was approved on the Consent Calendar.

- 1-J [ID16-906](#) Reject all bids for sewer rehabilitation/replacement in the Congo and H/Broadway Downtown Alleys (Bid File 3429) (Council District 3)

APPROVED

The above item was approved on the Consent Calendar.

- 1-K [ID16-907](#) Adopt an Addendum to the Metropolitan Water Resources Management Plan Update Environmental Impact Report (MEIR) (State Clearing House No. 2013091021) (Citywide, Fresno County).

APPROVED

The above item was approved on the Consent Calendar.

- 1-L [ID16-909](#) Actions pertaining to rehabilitation of a 20-inch diameter well at Pump Station 62A, located at 4612 N. Woodrow Avenue:
1. Adopt a finding of Class 1 Categorical Exemption set forth in CEQA Guidelines, Section 15301(b).
 2. Award a contract in the amount of \$216,430 to Zim Industries Inc. (Bid File 3458) (Council District 4).

APPROVED

The above item was approved on the Consent Calendar.

- 1-M [ID16-912](#) Authorize renewal of Senior Hot Meals Program Site Management Agreement with Fresno-Madera Agency on Aging (FMAAA)

APPROVED

The above item was approved on the Consent Calendar.

- 1-N [ID16-917](#) Approve Agreement for Services of Independent Contractor between the Local Government Commission and City of Fresno for the Integrated Community Resource Marketplace Project.

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

- 1-O [ID16-877](#) BILL - (For introduction) - Amending the uncodified ordinance to adopt changes and additions to the official list of designated special speed zones for various streets within the City of Fresno pursuant to Section 14-1501 of the Fresno Municipal Code (Citywide)

BILL B-28 INTRODUCED AND LAID OVER

The above item was approved on the Consent Calendar.

- 1-P [ID16-903](#) ***BILL NO. B-27 - (Intro. 7/28/2016) (For adoption) - Amending Section 11-107A of the Fresno Municipal Code relating to plumbing regulations and affirming the express findings for modifications contained in the City of Fresno Plumbing Code

ORDINANCE 2016-25 ADOPTED

The above item was approved on the Consent Calendar.

2. GENERAL ADMINISTRATION

- 2-A [ID16-859](#) Actions pertaining to the W. Almy Avenue Street Reconstruction Project - Bid File 3471 (Council District 3 and Fresno County)
1. Adopt a finding of Categorical Exemption per staff determination, pursuant to Section 15301(c) Class 1 of the California Environmental Quality Act Guidelines (CEQA) for the W. Almy Avenue Street Reconstruction Project
 2. Award a Construction Contract with Dave Christian Construction Co. of Fresno, California in the amount of \$686,446 for the W. Almy Avenue Street Reconstruction Project and authorize the Public Works Director or designee to sign a contract on behalf of the City

The above item was introduced to Council by Public Works Engineer, Eric Johnson.

APPROVED

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

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

Absent: 1 - Olivier

3. SCHEDULED COUNCIL HEARINGS AND MATTERS **CONTINUED**

2:00 P.M.

- [ID16-911](#) HEARING to consider Plan Amendment Application No. A-16-003 and Rezone Application No. R-16-003 and related Environmental Assessment No. A-16-003/R-16-003 filed by Jeffrey Roberts, on behalf of GV Holdings, Inc., for approximately 13.67 acres of property located on the east side of S. Hughes Avenue between W. Kearney Boulevard and W. California Avenue (Council District 3)
- a. Adopt the Mitigated Negative Declaration prepared for Environmental Assessment No. A-16-003/R-16-003 dated July 1, 2016.
 - b. RESOLUTION - Approving Plan Amendment Application No. A-16-003 proposing to amend the Fresno General Plan, the

Edison Community Plan, and the Fresno-Chandler Downtown Airport Master Plan from the Corridor/Center Mixed Use (16-30 du/ac) planned land use designation to the Medium Low Density Residential (3.5-6 du/ac) planned land use designation.

c. BILL (For introduction and adoption) - Approving Rezone Application No. R-16-003 requesting authorization to rezone the subject property from the CMX/UGM (Corridor/Center Mixed-Use/Urban Growth Management) zone district to RS-4/UGM (Residential Single Family, Medium Low Density/Urban Growth Management) zone district.

The above hearing was called to order at 2: 32 P.M. Supervising Planner Contreras introduced the item to Council.

Upon call for public comment, the following people addressed Council:

Jeff Roberts of Granville Homes - concurred with the staff recommendation.

Public Comment was closed at 2:34 P.M.

Councilmember Brandau clarified with staff that approval of the item would decrease density in the affected area in Council District Three.

The hearing closed at 2:35 P.M.

**RESOLUTION 2016-148
BILL B-29 INTRODUCED AND ADOPTED AS
ORDINANCE 2016-26**

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

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

Absent: 1 - Olivier

2:05 P.M.

[ID16-908](#) WORKSHOP- On the Noticing and Adjustment Procedures for the 2035 General Plan and its Related Zoning Implementation

The above workshop was intrduced to Council by Assistant Director of Development and Resources Managment ("DARM"), Zack.

Vice President Caprioglio requested a meeting with staff before the next Council Meeting to discuss a planned clean up of Fresno County property at Fowler and Jensen.

WORKSHOP HELD

UNSCHEDULED COMMUNICATION

Upon call, no member of the public addressed Council during Unscheduled Communication.

2:10 P.M.

ID16-916

HEARING to consider Plan Amendment Application No. A-16-005, Rezone Application No. R 16 006, Development Permit Application No. D-16-031 and related Environmental Assessment No. A-16-005/R-16-006/D-16-031, filed by Nick Yovino Jr. of California Land Consulting, on behalf of Marcil Awad of Drew Court LLC. These applications pertain to approximately ±2.27 acres of property located on the south side of E. Shepherd Avenue between N. Millbrook and N. Cedar Avenues.

- a. Adopt the Mitigated Negative Declaration prepared for Environmental Assessment No. A-16-005/R-16-006/D-16-031 dated June 3, 2016.
- b. RESOLUTION - Approving Plan Amendment Application No. A-16-005 proposing to amend the Fresno General Plan and Woodward Park Community Plan to change the planned land use designation for the subject property from Medium Low Density Residential planned land use to the Medium High Density Residential planned land use designation.
- c. BILL (For introduction and adoption) - Approving Rezone Application No. R-16-006 to rezone the subject property from the RS-4/UGM (Residential Single Family, Medium low Density/Urban Growth Management) zone district to the RM-1/UGM (Residential Multiple Family, Medium High Density/Urban Growth Management) zone district.
- d. Approve Development Permit Application No. D-16-031 proposing a gated, 34-unit multiple family residential development in three buildings with enhanced architectural features, including concrete roof tiles, stucco and stone veneers, decorative railings and window treatments, and courtyards central to each building. Landscaping for the project is dense

along property lines to promote privacy and within the project to compliment architectural features and a colored concrete entry drive, landscaping, and wrought iron fencing along East Shepherd Avenue., subject to the Conditions of Approval dated July 6, 2016, as amended by Planning Commission.

The above hearing was Continued to September 22, 2016 at 5:00 P.M. by Councilmember Brand

4. CITY COUNCIL

There were no City Council items on the agenda.

CONTESTED CONSENT CALENDAR

- 1-G** [ID16-900](#) RESOLUTION - Of Intention to grant a non-exclusive roll-off franchise for roll-off collection within the City of Fresno to Red Bin Services and JPA Construction Clean-Up Services, Inc., in preparation for a public hearing on the matter and final vote to approve the non-exclusive roll-off franchise on September 1, 2016.

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

Councilmember Brandau clarified with staff that the contracts had been well thought out to help avoid a situation where trash trucks accidently release litter while driving through the City.

The following member of the public spoke on this item: Mike Lopez of Red Bin Services.

RESOLUTION 2016-149 ADOPTED

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

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

Absent: 1 - Olivier

- 1-H** [ID16-902](#) ***RESOLUTION - Authorizing the City Manager or Designee to Execute a Grant Agreement with the California Department of Transportation for the City of Fresno's Blackstone Avenue Corridor Smart Mobility Project.

The above item was introduced to Council by DARM Director Clark. Keith Bergthold of Fresno Metro Ministries also spoke on this item.

Councilmember Soria requested staff keep the City Council Office apprised of the outreach that was occurring on this item.

RESOLUTION 2016-150 ADOPTED

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

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

Absent: 1 - Olivier

- 1-N** [ID16-917](#) Approve Agreement for Services of Independent Contractor between the Local Government Commission and City of Fresno for the Integrated Community Resource Marketplace Project.

The above item was introduced to Council by DARM Sustainable Fresno Manager, Gonzalez.

APPROVED

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

Aye: 5 - Caprioglio, Quintero, Baines III, Brandau and Soria

No: 1 - Brand

Absent: 1 - Olivier

5. CLOSED SESSION

Upon call for public comment regarding Closed Session items, the following person addressed Council:

Dee Barnes of the Fresno City Employees Association - discussed the Closed Session labor negotiations with the Fresno City Employees Association.

After public comment, the City Council met in Closed Session in Room 2125 from 3:30 P.M. to 5:00 P.M. to discuss the following:

- [ID16-893](#) CONFERENCE WITH LABOR NEGOTIATOR - Government Code Section 54957.6
City Negotiator(s): Jeffrey Cardell, Ken Phillips
Employee Organizations:
1. International Union of Operating Engineers, Stationary Engineers, Local 39 (Local 39)
 2. International Association of Firefighters, Local 753, Unit 5 (Fire Basic)
 3. International Brotherhood of Electrical Workers, Local 100 (IBEW)
 4. Operating Engineers, Local Union No. 3, Fresno Airport Public Safety Officers (FAPSO)
 5. Fresno City Employees Association (FCEA)

The above item was discussed during closed session. No open session announcements were made regarding this item.

- [ID16-936](#) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - Government Code Section 54956.9(d)(4)
Significant Exposure to Litigation:
1. Hustler Hollywood v. City of Fresno

The above item was discussed during closed session. No open session announcements were made regarding this item.

**JOINT CLOSED SESSION OF THE CITY OF FRESNO,
SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF
THE CITY OF FRESNO AND THE FRESNO REVITALIZATION
CORPORATION**

The City Council, Successor Agency and Fresno Revitalization Corporation met in Joint Closed Session in Room 2125 from 3:30 P.M. to 5:00 P.M. to discuss the following:

- [ID16-925](#) CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Government Code Section 54956.8
Property: APN 466-206-50T and 466-206-51T
Negotiating Parties: Marlene Murphey, Executive Director

The above item was discussed during closed session. No open session announcements were made regarding this item.

JOINT CLOSED SESSION ADJOURNMENT

The Joint Closed Session Adjourned at 5:00 P.M.

ADJOURNMENT

Council adjourned from Closed Session at 5:00 P.M.

The above minutes were approved by unanimous vote of the City Council during the August 25, 2016 City Council meeting.