



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

Thursday, October 2, 2014

8:30 AM

Council Chambers

Regular Session

The City Council met in regular session at the hour of 8:30 A.M. in the Council Chamber, City Hall, on the day above written.

8:37 A.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 District 4

The invocation was performed by Public Works Director Mozier

Pledge of Allegiance to the Flag

CEREMONIAL PRESENTATIONS

[ID#14-425](#) Presentation of SPCA Pet of the Month

Sponsors: City Councilmember Brandau

PRESENTED

[ID#14-378](#) Presentation of the annual Disability Awareness Month Proclamation and Disability Advisory Commission annual awards

Sponsors: Mayor's Office

PRESENTED

[ID#14-426](#) Presentation of P.R.I.D.E. Team Certificates for the Fall Quarter

PRESENTED

RECESSED 9:16 A.M. to 9:40 A.M.

APPROVE CITY COUNCIL MINUTES

[ID#14-442](#) Approval of City Council minutes from September 25, 2014

APPROVED

On motion of Councilmember Quintero, seconded by Councilmember Brand, the above Minutes were approved. The motion carried by the following vote:

Aye: 6 - Brandau, Baines, Brand, Olivier, Quintero and Xiong

Absent: 1 - Caprioglio

COUNCILMEMBER REPORTS AND COMMENTS

Councilmember Quintero asked City Manager Rudd to relay his appreciation to city staff for the great work done for the Carnival event at the Mosqueda Center and at the opening of the Big Fresno Fair. Councilmember Quintero congratulated the City Manager on the improvement of the City's rating by Moody's Investor Services.

City Manager Rudd noted that Council and many others played a role in the rating improvement by Moody's Investor Services. Rudd commented that the path laid out over the last four years was a difficult one but one that was required over the long run. The ratings change affirmed it was the correct path. Rudd noted the ratings improvements would help if the City decided to borrow money sometime in the future and would help economic development by drawing new business to Fresno and encouraging existing businesses to expand.

Acting President Baines reported that he missed the Council meeting last week because he was attending the Congressional Black Caucus in

Washington D.C.. The conference was excellent and he brought back a lot of ideas and made many contacts on behalf of the City. Acting President Baines also thanked City Manager Rudd and City Clerk Spence for getting public information onto the City website so constituents would have easy access to those things that occur in City.

Councilmember Brand reported he had attended a great event by The Art of Life Cancer Foundation at California State University Fresno the previous Sunday. The foundation gets artists involved with people undergoing cancer treatment. Councilmember Brand informed Council he would bring an item before council to allow the Foundation to hold a similar event at Woodward Park.

Councilmember Xiong asked City Manager Rudd to pass along his appreciation to staff for performing well at his districts General Plan update meeting.

President Brandau noted his appreciation for the City's water meetings that allowed interested citizens to interact with the City and better understand the water plans.

APPROVE AGENDA

On motion of Councilmember Olivier, seconded by Councilmember Brand, the agenda was approved. 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

Councilmember Brand moved Consent Calendar Item 1-F (File ID#14-443) regarding a consultant services agreement with Barrett Sports Group LLC, to the Contested Consent Calendar for further discussion.

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

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

1-A [ID#14-379](#) Revision of Video Policing Auditing

Sponsors: Police Department

APPROVED

The above item was approved on the Consent Calendar.

1-B [ID#14-397](#) Approve a (3) three year requirements contract with the possibility of (2) two one-year extensions for Cost Allocation Plan (CAP) and Indirect Cost Rate Proposal (ICRP) services in the amount of \$23,000 per year with MGT of America, Inc.

Sponsors: Finance Department

APPROVED

The above item was approved on the Consent Calendar.

1-C [ID#14-400](#) RESOLUTION - Of Intention to vacate portions of the northwest side of Stanislaus Street northeast of Fulton Street and the northeast side of Fulton Street northwest of Stanislaus Street, and a portion of the Fulton-Van Ness Alley northwest of Stanislaus Street (Council District 3)

Sponsors: Public Works Department

ADOPTED

The above item was adopted on the Consent Calendar.

1-D [ID#14-402](#) Approve Agreement for Transfer of Drainage Facilities from City of Fresno to Fresno Metropolitan Flood Control District along Kings Canyon Road (former State Route 180) (Council District 5)

Sponsors: Public Works Department

APPROVED

The above item was approved on the Consent Calendar.

- 1-E [ID#14-427](#) Actions pertaining to the City Hall Annex Reroof Project (Council District 3)
1. Adopt finding of a Categorical Exemption per staff determination, pursuant to Section 15301(d) of the California Environmental Quality Act (CEQA) Guidelines
 2. Award a construction contract to Roof Systems, Inc. dba Nations Roof West of Fresno, California in the amount of \$282,182 for the City Hall Annex Roof Project (Bid File 3282)

Sponsors: Public Works Department

APPROVED

The above item was approved on the Consent Calendar.

- 1-F [ID#14-443](#) Approve a consultant services agreement with Barrett Sports Group, LLC

Sponsors: City Manager's Office

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

CONTESTED CONSENT CALENDAR

- 1-F [ID#14-443](#) Approve a consultant services agreement with Barrett Sports Group, LLC

Sponsors: City Manager's Office

Councilmember Brand introduced the above item to Council and Mayor Swearingin's Chief of Staff White answered questions.

City Attorney Sloan read a proposed change to the Barrett Sports Group consultant agreement into the record as follows: "instead of reading '...a finders fee in an amount equal to 3.5%' the proposed change is that text should read, '...a finders fee not to exceed 3.5%' because there is a chance it could be negotiated to be less."

APPROVED

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

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

2. GENERAL ADMINISTRATION

- 2-A** [ID#14-386](#) Approve a Requirements Contract with Elite Maintenance and Tree Service, Inc. in the amount of \$585,162 to provide monthly landscape maintenance service in selected Community Facility Districts and Landscape and Lighting Maintenance Districts

Sponsors: Public Works Department

Public Works Manager Aguirre introduced the above item to Council.

APPROVED

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

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

- 2-B** [ID#14-392](#) Approve a State of California Lead Poisoning Prevention Program Agreement in the amount of \$436,470 with the County of Fresno for three years for lead hazard assistance and outreach

Sponsors: Development and Resource Management Department

Development and Resources Management Director Clark introduced the above item to Council.

Acting President Baines noted that staff reports are as much as for the public as they are for Council so staff should include responses provided to Councilmembers concerns in the staff reports.

Councilmember Quintero recommended utilizing mailers to focus on neighborhoods most likely to qualify for help from this grant and asked staff to work with his office to identify neighborhoods in District 5.

APPROVED

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

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

- 2-C [ID#14-437](#) Action pertaining to an Annual Appropriation Resolution for the High Speed Rail Station Area Master Plan
1. *RESOLUTION- 3rd amendment to the Annual Appropriation Resolution (AAR) No. 2014-95 appropriating \$1,020,000 for High Speed Rail Station Master Plan consulting services and miscellaneous City expenses (**Requires 5 affirmative votes**)

Deputy City Manager Quan-Schechter introduced the above item to Council.

The following member(s) of the public spoke on this item: Anna Lovelace of I Will Ride, Shoshana Mudick of I Will Ride and Lee Ann Eager of Fresno County Economic Development Corporation.

Councilmember Brand stated, for the record, that he had serious concerns with the financing and the overall High Speed Rail position in California but the current item was a local application and the consequence of not accepting the grant would be a burden upon the general fund.

Councilmember Brand confirmed the general fund burden consequence with City Manager Rudd.

Councilmember Caprioglio stated, for the record, that most citizens of District 4 do not support High Speed Rail and his research showed that High Speed Rail was an imposition by the State and Federal Government and the way to get by the situation was through the courts. Councilmember Caprioglio continued by explaining he would support the above item in order to bring tax money back to the local area and to protect the general fund.

RESOLUTION 2014-161 ADOPTED

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

Aye: 5 - Baines, Brand, Caprioglio, Quintero and Xiong

No: 2 - Brandau and Olivier

5. SCHEDULED COUNCIL HEARINGS AND MATTERS

10:00 A.M.

- [ID#14-363](#) **HEARING** to adopt resolutions and ordinance to annex territory and levy a special tax regarding City of Fresno Community District No. 11, Annexation No. 56 (Final Tract Map No. 6063) (near south corner of North Friant Road and East Copper Avenue) (Council District 6)

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. 56, Final Tract Map No. 6063

Sponsors: Public Works Department

Assistant Public Works Director Benelli introduced the above item to Council.

The following member(s) of the public spoke on this item: owner/applicant Christine Lingenfelter

*RESOLUTION 2014-162 ADOPTED
RESOLUTION 2014-163 ADOPTED
RESOLUTION 2014-164 ADOPTED
BILL B-42 / ORDINANCE 2014-43 ADOPTED*

On motion of Councilmember Brand, 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

10:10 A.M.

[ID#14-420](#) Sign Ordinance Workshop

Development and Resources Management Director Clark introduced the above item to Council.

Councilmember Xiong clarified that public input would include the many chambers throughout the City and requested that the discussion would include the financial resources required to enforce sign policies.

Councilmember Quintero asked that consideration be given to current signs and what could be done to get them fixed up or help the property owners get into compliance. Councilmember Quintero also asked that there be weekend code enforcement for those that only display illegal signs on the

weekends when code enforcement historically had not been present.

President Brandau recommended hitting enforcement hard once the final decisions had been made and asked that consideration be given to adding overlay areas for locations that might need different sign rules than the city wide sign policy.

Councilmember Caprioglio asked for enforcement of illegal political signs to be addressed in the final policy.

Councilmember Brand asked for consideration of changing the enforcement policy from a solely complaint driven process to something more equitable and that would treat everyone the same. Councilmember Brand also asked that consideration be given to the future of electronic signs in the city.

City Attorney Sloan noted there were First Amendment, Equal Protection, and state and federal law issues that come into play when dealing with signs. City Attorney Sloan asked if his office could prepare a memo for Council that would describe those things the City could properly regulate. Acting President Brandau welcomed the suggestion of a memo from the City Attorney's Office.

Director Clark noted the draft code would be released for public consideration later in October. Currently, the public can provide input through Director Clark's office or Councilmember offices.

3. CITY COUNCIL

3-A [ID#14-429](#) Council Boards and Commissions Communications, Reports, Assignments and/or Appointments, Reappointments, Removals to/from City and non-City Boards and Commissions:

1. Council of Governments - **Swarengin-Ex-Officio (Olivier-Alternate)**
2. Financial Audit Committee - **Brand, Olivier, Xiong**
3. Fresno Area Workforce Investment Corporation - **Baines**
4. Fresno County Transportation Authority (FCTA) - **Swarengin, Brandau**
5. Fresno Regional Workforce Investment Board - **Baines, Renena Smith**
6. Fresno County Zoo Authority - **Swarengin (Baines-Alternate)**
7. Fresno Madera Area Agency on Aging Board - **Olivier**
8. Joint Powers Financing Authority - **Baines, Xiong, Swarengin**
9. Association for the Beautification of Highway 99 - **Baines**

10. Upper Kings Basin Integrated Regional Water Management JPA - **Xiong**
11. Pension Reform Task Force - **Brand, Xiong, (3rd Member vacant)**
12. Economic Development Corporation Serving Fresno County - **Brandau-Ex-Officio**
13. Fresno/Clovis Convention & Visitors Bureau (CVB) - **Amy Fuentes**
14. League of California Cities (Annual Meeting) - **Swearengin (Olivier-Alternate)**
15. San Joaquin Valley Air Pollution Control District - **Baines**
16. Infill Development Ad Hoc Subcommittee - **Brand, Baines, Olivier**
17. Litigation Exposure Reduction Ad Hoc Committee - **Brandau, Caprioglio**
18. Convention Center Oversight Advisory Board - **Baines, (Brand-Alternate), City Manager, SMG General Manager and one representative from each of SMG's organizations**

Sponsors: City Clerk's Office

Acting President Baines reported the Fresno County Zoo Authority was well underway with the Measure Z campaign and the African exhibit would be completed next summer. Acting President Baines reported zoo attendance had doubled from five years ago with almost 700,000 people currently attending each year. Acting President Baines stated the Sea Lion Cove exhibit was an award winning exhibit and with the upcoming African exhibit our zoo would be one of the best in the region.

Acting President Baines reported the San Joaquin Valley Air Pollution Control District had updated the wood burning rules to allow increased wood burning for clean burning devices and there was an incentive grant program to help people upgrade their wood burning devices to clean burning systems.

Councilmember Brand reported he and Acting President Baines would be introducing a concept of Council sub-committees working with School Districts in a formalized process to improve relations with the local school districts on cross jurisdictional issues. President Brandau replied to Councilmember Brand that the City was reaching out to the School Districts and would bring in the Superintendents before the end of the year.

President Brandau reported that the Economic Development Corporation serving Fresno County recently sponsored a group of Chinese investors that

were very interested in investing in the central valley and Fresno in particular.

REPORTS AND COMMENTS MADE

4. CLOSED SESSION

No Closed Session items were scheduled.

UNSCHEDULED COMMUNICATION

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

Dave Herb of the Democratic Central Committee noted his committee has received complaints about timed items being heard well after the stated times listed on the agendas. Mr. Herb asked Council to make a concerted effort to hear timed items as close to the stated time as possible (but not earlier) in order to facilitate citizens that arrange their schedules to attend those items.

ADJOURNMENT

Adjourned at 11:49 A.M.

These minutes were approved by unanimous vote of the City Council during the October 9, 2014 Council meeting.