



# 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, September 11, 2014**

**8:30 AM**

**Council Chambers**

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### Regular Session

#### 8:30 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 Rev. Paul McCoy, Pastor of New Light for New Life Church of God

Pledge of Allegiance to the Flag

#### Ceremonial Presentations:

#### Presentation of SPCA Pet of the Month

*PRESENTED*

[ID#14-262](#) Proclamation of "ATTENDANCE AWARENESS MONTH"

**Sponsors:** Mayor's Office

*PRESENTED*

#### Approve City Council Minutes

[ID#14-368](#) Approval of City Council minutes from August 21, and August 28, 2014

**Sponsors:** City Clerk's Office

APPROVED

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

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

### **Approve Successor Agency / Fresno Revitalization Corporation Minutes**

[ID#14-369](#) Approval of Successor Agency minutes from August 28, 2014 and Fresno Revitalization Corporation minutes from August 28, 2014.

**Sponsors:** City Clerk's Office

APPROVED

**On motion of Councilmember Caprioglio, seconded by Councilmember Brand, the above Successor Agency and Fresno Revitalization Corporation 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 invited the public to the Discovery Center at 9:00 A.M. on Saturday morning for the Clean Up Day being organized by the Junior League of Women of Fresno, the Discovery Center and the City of Fresno. Councilmember Caprioglio also thanked KSEE 24 and KFSN 30 for showing up at 5:30 A.M. on Tuesday to celebrate the groundbreaking of the new Edible Garden exhibit at the Discovery Center.*

*Councilmember Caprioglio asked that the meeting be adjourned in the loving memory of those that passed away thirteen years ago during the September 11th attacks.*

*Councilmember Olivier reported that the Seventh District was experiencing a renaissance in its parks and wanted to thank the PARCS Director Manuel Mollinedo, Recreation Specialists Sara Hamilton, Senior Community Revitalization Specialist Benjamin Rash, Community Revitalization Specialist*

*Randi Manouel, Community Coordinator Stephen Cox, Detectives Danny Kim and Christopher Lee, Father Pappas from St. Georges Orthodox Church and Nick Marziliano from Sam's Italian Deli.*

*Councilmember Quintero offered an early congratulation to Michael Lima on his pending approval as the City's Controller. Councilmember Quintero also reported that the second annual Carnival at the Mosqueda Community Center would be September 27 from 10:00 A.m. to 5:00 P.M. He noted the event would be free for kids and the target age range was between kindergarten and 8th grade. Councilmember Quintero thanked PARCS for their great work preparing for the event. Councilmember Quintero also thanked the City Manager on behalf of the Big Fresno Fair for the cooperation with the Police Department for providing security at the Fair and for Parking Services and Community Sanitation making things look wonderful.*

*Councilmember Xiong thanked City staff for their efforts to make the West American Truck Show a success and stated that he would bring the industry to Council to do a quick presentation about the results of the event.*

*President Brandau recalled the events of September 11, 2001 and was reminded how wonderful our country was - that we could celebrate our diversity, overcome adversity and stick together.*

### **Approve Agenda**

*APPROVED*

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

*ADOPTED*

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

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

- 1-A**    [ID#14-182](#)    Actions pertaining to the Lease Agreement between the City of Fresno and CH2MHill to lease space in Building A at the Municipal Service Center (MSC)
1. Adopt a finding of a Categorical Exemption pursuant to Class 1 of the California Environmental Quality Act (CEQA) Guideline Section 15301 (Existing Facilities) for lease
  2. Approve Lease Agreement between the City of Fresno and CH2MHill to lease space in Building A at the Municipal Service Center (MSC) and authorize the City Manager to execute the agreement subject to City Attorney approval

**Sponsors:** City Manager's Office

*APPROVED*

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

- 1-B**    [ID#14-253](#)    Actions pertaining to the acquisition of 2792 W. San Madele Avenue (County island within Council District 2)
1. Adopt a finding of conformity prepared for EA 14-017 for the proposed construction of a new water supply well
  2. Approve the fee simple acquisition of 2792 W San Madele Avenue required for construction of a new water supply well in the amount of \$300,000

**Sponsors:** Department of Public Utilities

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

- 1-C [ID#14-284](#) Approve agreement with the 21st District Agricultural Association to add indemnification language and reauthorize the City of Fresno to enter into a three year agreement with the 21st District Agricultural Association for \$752,661.56 to provide police services at the Fresno District Fair (Council District 5)

**Sponsors:** Police Department

APPROVED

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

- 1-D [ID#14-318](#) Actions pertaining to the Garage 8 Air Sensor Replacements and Exhaust Fan Controller Upgrade 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 Strategic Mechanical, Inc. of Fresno, California in the amount of \$227,469 for the Garage 8 Air Sensors Replacement and Exhaust Fan Controller Upgrade Project

**Sponsors:** Public Works Department

APPROVED

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

- 1-E [ID#14-329](#) 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

*The above item was moved to the Contested Consent Calendar for further discussion by Acting President Baines*

- 1-F [ID#14-343](#) Authorize the Director of Aviation to execute a consulting agreement with Blair, Church & Flynn Consulting Engineers of Clovis, CA to provide professional civil engineering consulting services to relocate employee parking and provide other related facilities at Fresno Yosemite International Airport in an amount not to exceed \$97,580

**Sponsors:** Airports

APPROVED

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

- 1-G [ID#14-346](#) Actions pertaining to the South Van Ness Industrial District Historic Survey
1. \* **RESOLUTION** - 18th Amendment to the Annual Appropriation Resolution (AAR) No. 2014-95 appropriating \$40,000 from the California State Office of Historic Preservation for the South Van Ness Industrial District Survey (**Requires 5 affirmative votes**)
  2. Authorize the Director of the Development and Resource Management Department to accept a Certified Local Government Grant for \$40,000 from the California State Office of Historic Preservation for the South Van Ness Industrial District Historic Survey and authorize the Director and her designee(s) to execute all related agreements and payment requests

**Sponsors:** Development and Resource Management Department

*RESOLUTION 2014-145 ADOPTED*

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

#### CONTESTED CONSENT CALENDAR

- 1-E [ID#14-329](#) 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 and responded to questions from Council.*

*CONTINUED*

**On motion of Acting President Baines, seconded by President Brandau, the above item was continued to September 25, 2014. The motion carried by the following vote:**

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

- 1-B [ID#14-253](#) Actions pertaining to the acquisition of 2792 W. San Madele Avenue (County island within Council District 2)
1. Adopt a finding of conformity prepared for EA 14-017 for the proposed construction of a new water supply well
  2. Approve the fee simple acquisition of 2792 W San Madele Avenue required for construction of a new water supply well in the amount of \$300,000

**Sponsors:** Department of Public Utilities

APPROVED

**On motion of Councilmember Caprioglio, 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

## **2. GENERAL ADMINISTRATION**

[ID#14-357](#) Approve the appointment of Michael Lima as City Controller

**Sponsors:** City Manager's Office

*City Manager Rudd introduced the above item to Council and was followed by comments from Mr. Lima.*

APPROVED

**On motion of Councilmember Quintero, seconded by Council President Brandau, the above Discussion Item was approved. The motion carried by the following vote:**

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

- [ID#14-370](#)
- \*1. Adopt a Memorandum of Understanding (MOU) between the City of Fresno (City) and the Fresno Police Officers Association (FPOA) - Unit 4 (Police Non-management), covering the period September 11, 2014 through June 30, 2017
  - \*2. Adopt a Memorandum of Understanding (MOU) between the City and FPOA - Unit 9 (Police Management), covering the period September 11, 2014 through June 30, 2017
  - \*3. Adopt a Side Letter of Agreement between the City and FPOA, Unit 4 and Unit 9 regarding a study of FMC provisions regarding Fire and Police retirement benefits

**Sponsors:** Personnel Services Department

*Personnel Services Director Cardell introduced the above item to Council.*

APPROVED

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

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

### **3. CITY COUNCIL**

- 3-A** [ID#14-234](#) **BILL (For introduction)** - Adding Article 6 of Chapter 5 to the Fresno Municipal Code prohibiting controlled substance use on City property.

**Sponsors:** City Councilmember Brand

*Councilmember Brand introduced the above item to Council. City Attorney Sloan, Acting President Baines and City Manager Rudd responded to questions by Council.*

*The following member(s) of the public discussed this item: Michael Green*

CONTINUED

**On motion of Councilmember Brand, seconded by Council President Brandau, the above item was continued to a time and date uncertain. The motion carried by the following vote:**

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

**No:** 1 - Caprioglio



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

*The City Council continued in closed session in Room 2125 from 10:00 A.M. to 10:31 A.M. to discuss the following:*

**4-A**     [ID#14-351](#)

CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Government Code Section 54956.8  
Property: APN 468-167-01T and 468-350-46T (Santa Fe Lot)  
Negotiators: City Manager Bruce Rudd; Summa Development Group, Baltara Enterprises, Limited Partnership

**Sponsors:** Public Works Department

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

#### **10:00 A.M. Special Closed Session (seperately Noticed)**

[ID#14-372](#)     CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION  
Government Code Section 54956.9, subdivision (d)(1)

*City of El Centro et al. v. David Lanier, et al.;*  
San Diego Superior Court No. 37-2014-00003824-CU-WM-CTL

*The above item was discussed in closed session. City Attorney Sloan announced in open session that Council had approved an appeal to the Fourth District Court of Appeal together with a request to stay enforcement of the legislation pending appellate review.*

**APPEAL APPROVED**

**Council approved a motion to appeal to the Fourth District Court of Appeals, together with a request to stay enforcement of the legislation pending appellate review, by the following vote:**

**Aye:** 4 - Brandau, Brand, Caprioglio and Olivier

**No:** 3 - Baines, Quintero and Xiong

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

10:10 A.M.

[ID#14-345](#) **HEARING** to consider Rezone Application No. R-14-007 and Environmental Assessment No. R-14-007, filed by Dirk Poeschel of Poeschel Land Development Services, Inc., on behalf of the Second Church of Christ, Scientist, and pertains to 1.58± acres of an overall 2.96-acre site located on the northeast corner of West Shaw and North College Avenues (280 West Shaw Avenue; APN: 417-333-04) (**District 2**) - Development and Resource Management Department

1. Consider the environmental finding of a Categorical Exemption for Environmental Assessment No. R-14-007, dated June 12, 2014
2. **BILL** - Amending the Official Zone Map to reclassify 1.58± acres from the R-1 (*Single Family Residential*) zone district to the C-P (*Administrative and Professional Office District*) zone district.

**Sponsors:** Development and Resource Management Department

*Development and Resources Management Planner Preciado introduced the above item to Council.*

*The following member(s) of the public discussed this item: Dirk Poeschel*

*Note: Councilmember Brand returned to the Council Chambers from Closed Session just after the vote on the above item was taken.*

**BILL B-39 INTRODUCED**  
**ORDINANCE 2014-40 ADOPTED**

**On motion of Council President Brandau, seconded by Councilmember Olivier, the above items were approved. The motion carried by the following vote:**

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

**Absent:** 1 - Brand

#### **UNSCHEDULED COMMUNICATION**

*Upon call, no one addressed Council for unscheduled communication.*

#### **ADJOURNMENT**

*Adjourned at 10:33 A.M. in the loving memory of those that passed away in the September 11th attacks thirteen years ago.*

