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Agenda Item: ID16-062

Date: 1/14/16

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CITY CLERK, FRESNO CA

FRESNO CITY COUNCIL



Supplemental Information Packet

Agenda Related Item(s) – ID16-062

Contents of Supplement: City Council Minutes of January 7, 2016

Item(s)

Approval of City Council minutes from January 7, 2016

Supplemental Information:

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City of Fresno

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

Meeting Minutes

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

Thursday, January 7, 2016

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.

8:40 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 Councilmember Quintero

Pledge of Allegiance to the Flag

CEREMONIAL PRESENTATIONS

ID16-035 Presentation of the SPCA Pet of the Month

PRESENTED

ID16-030 National Slavery and Human Trafficking Prevention Month

PRESENTED

APPROVE AGENDA

Councilmember Brandau asked for the 2:30 P.M. Scheduled Hearing (File ID16-016) to be continued.

City Clerk Spence announced that Consent Calendar item 1-C (File ID16-029) would be removed from the Consent Calendar and would be heard as a General Administration item.

APPROVED AS AMENDED

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

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

APPROVE MINUTES

ID16-022 Approval of City Council minutes from December 10, 2015

APPROVED

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

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

ID16-023 Approval of City Council minutes from December 17, 2015

APPROVED

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

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

ID16-031

Approval of Successor Agency minutes from December 17, 2015

APPROVED

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

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

ELECTIONS

ID16-037 Election of Council President and Vice President

President Baines motioned that Paul Caprioglio be elected Council President and Sal Quintero be elected Vice President.

Following the vote, newly elected President Caprioglio recognized and thanked his family, city staff and colleagues for their support.

APPROVED

On motion of President Baines III, seconded by Councilmember Brandau, Paul Caprioglio was elected Council President and Sal Quintero was elected Vice President. The motion carried by the following vote:

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

ID16-038 Election of Chair and Vice Chair of the Successor Agency to the Redevelopment Agency of the City of Fresno

On motion of President Caprioglio, seconded by Councilmember Brandau, Oliver Baines, III was elected Chair and President Caprioglio was elected Vice Chair of the Successor Agency to the Redevelopment Agency of the City of Fresno. The motion carried by the following vote:

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

ADD ON CEREMONIAL PRESENTATION

ID16-073 Proclamation of OLIVER L. BAINES, III DAY

Following the Election portion of the agenda, President Caprioglio surprised former President Baines with a proclamation and autographed poster from the all the City Councilmembers.

COUNCILMEMBER REPORTS AND COMMENTS

Councilmember Brand commented on the wet weather caused by El Nino and asked the City Manager if there would be a public service

announcement and place a notice on the website regarding sandbags and other services. City Manager Rudd replied that Public Works, Fire, and Public Utilities had a meeting last week to go over the situation. He stated that there was plenty of capacity to help guard against floods from the current storms and checks on equipment. He noted the threat would come from a series of storms like the current storms. He stated they hoped to have self serve sandbags available by the end of January. City Manager Rudd noted they would put information and updates on the web for the public.

Councilmember Brandau announced there would be a volunteer event to restore several acres of land abutting the San Joaquin River in his district by planting native species. He invited people to join him on Saturday, January 30th. He noted that he and Cub Scout Pack 223 from St. Anthony's Church would be in attendance.

Councilmember Baines asked City Manager Rudd to provide him with updates regarding the arrest of community member Floyd Harris who was involved with the Black Lives Matter. He noted he had several members of the public contact his office for information on the situation. City Manager Rudd indicated he would provide an update for Councilmember Baines.

Councilmember Baines also asked the City Manager for an update on the re-organization of city code enforcement. City Manager Rudd replied that there would be a report in the next two to three weeks regarding the top multi-family violations. He stated there would also be action on single family and hotel / motel properties. He stressed that there would be an overhaul of the way code works before additional staff is hired to ensure that the division would be far more effective than in the past.

Councilmember Olivier asked the City Manager if there were strategies that could help safeguard life and property against abandoned building fires. City Manager Rudd replied that the code taskforce in his office would look at boarded up residential properties and he expected the new receivership procedures will be an effective tool to bring these problem properties up to code and into compliance.

Councilmember Soria asked City Manager Rudd if the code taskforce would deal with rental properties that lack heat. City Manager Rudd replied that in situations where tenants are without heat, the Councilmember could contact the City Manager's Office, Jennifer Clark or Del Estabrooke to have code

officers address. He also noted the City was partnering with the Housing Authority which was also holding owners accountable for providing things like heat.

Councilmember Soria also reported that there was a ribbon cutting for the family friendly, breast feeding space on the second floor of City Hall. She thanked staff for and her colleague for showing up and Comcast for sponsoring cable in the room. She reported that her office purchased a television for the room so that parents utilizing the room would be able to see when their Council item was discussed and not miss out. She thanked Scott Mozier and the Public Works Department, the Maintenance Facilities staff and First Five for providing the grant to make the changes.

President Caprioglio stated he had the pleasure and honor of being a part of the International Hmong New Year at the Fairgrounds. He stated it was an incredible event with great food and that experiencing the culture was worth while. He also suggested that people attend the Hmong Story Forty and recalled it as a moving exhibit.

1. CONSENT CALENDAR

The following member(s) of the public spoke on the Consent Calendar:

Barbara Hunt - discussed Brown Act violations created by utilizing a consent calendar.

APPROVAL OF THE CONSENT CALENDAR

APPROVED

On motion of Councilmember Baines III, 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 ID16-001

Approve a Professional Cleanup Services Agreement with Lowell Property Services, LLC., in the amount of \$124,254 for weekly cleaning and reporting services.

APPROVED

The above item was approved on the Consent Calendar.

1-B [ID16-004](#)

Actions **Pertaining to the 8-inch Sewer Main in Marks Avenue between Olive and Belmont Avenues** (Bid File 3327) (Council District 3 and Fresno County)

1. Adopt **a finding of Categorical Exemption of Class 4**, pursuant to Section 15304(f) (Minor trenching and backfilling where the surface is restored) and **Statutory Exemption** pursuant to Section 15282(k) (installation of new pipeline or maintenance, repair, restoration, removal, or demolition of an existing pipeline as set forth in Section 21080.21 of the Public Resources Code, as long as the project does not exceed one mile in length) of the California Environmental Quality Act Guidelines
2. Award **a construction contract in the amount of \$377,555.75** to Haydon Construction, Inc. of Fresno, California

APPROVED

The above item was approved on the Consent Calendar.

1-C [ID16-016](#)

Authorize the Director of Public Utilities to accept and execute **Safe Drinking Water State Revolving Fund Low Interest Loans** for funding related to construction of the City of Fresno's **Friant-Kern Canal Pipeline, Regional Water Transmission Pipelines, and Kings River Pipeline** projects through the State Water Resources Control Board.

The above item was removed from the Consent Calendar and heard as a General Administration item.

1-D [ID16-018](#)

Approve the reappointment of **Vonnie Franks** to the Fresno-Madera Area Agency on Aging and the appointment of **Bob Reyes** to the Housing and Community Development Commission.

APPROVED

The above item was approved on the Consent Calendar.

1-E [ID16-019](#)

Approve the reappointment of **Karl Johnson** to the Fresno Housing Authority

APPROVED

The above item was approved on the Consent Calendar.

1-F [ID16-025](#)

Approve **a two-year agreement with Central California Baseball Academy for the Al Radka Park youth baseball fields and the adoption of the park.** (Council District 5)

APPROVED

The above item was approved on the Consent Calendar.

1-G [ID16-005](#)

Authorize the Chief Of Police to enter into an agreement with Fresno County to reimburse the City of Fresno \$178,838.00 for the cost of one (1) full-time Fresno Police Officer assigned to the Fresno County Adult Compliance Team (Act)

APPROVED

The above item was approved on the Consent Calendar.

CONTESTED CONSENT CALENDAR

No items were moved to the Contested Consent Calendar.

2. SCHEDULED COUNCIL HEARINGS AND MATTERS

2:30 P.M.

[ID16-029](#)

CONTINUED HEARING to consider Text Amendment No TA-15-001A and related environmental finding for adoption of Pedestrian Access and Façade Design Development Standards and related items in the Residential Multiple Family and Mixed Use zones of the Citywide Development Code (Sections 15-1004-C-1, 15-1004-E, 15-1005, 15-1104-D-1, 15-1104-F, 15-1105, and 15-5602-A)
(THE PUBLIC INPUT PORTION WAS HELD ON DECEMBER 17, 2015 AND IS NOW CLOSED)

1. ADOPT the environmental finding of Environmental Assessment No. TA-15-001A, that Text Amendment TA-15-001A is within the scope of the Final Master Environmental Impact Report SCH No. 2012111015 ("MEIR") certified by the Fresno City Council on December 18, 2014 and the related Addendum adopted by the Fresno City Council on November 19, 2015 for the Citywide Development Code
2. BILL - (For introduction and adoption) - Approving Text Amendment Application No. TA-15-001A, to adopt Pedestrian Access and Façade Design Development Standards in the Residential Multiple Family and Mixed Use zones of the Citywide Development Code (Sections 15-1004-C-1, 15-1004-E, 15-1005, 15-1104-D-1, 15-1104-F, 15-1105, and 15-5602-A)

The above item was removed from the agenda and continued to an unspecified date.

3. GENERAL ADMINISTRATION

3-A [ID16-027](#)

WORKSHOP: Workers' Compensation Alternative Dispute Resolution
Carve Out - FPOA 1st Quarter Update

The above workshop was presented by Personnel Services Director Cardell.

WORKSHOP HELD

Councilmember Brand exited the Council Chamber at 9:56 A.M. and returned at 9:57 A.M.

- 3-B** [ID16-026](#) **Acceptance of a \$2,932,600 State Revolving Fund Low-Interest Loan through the State Water Resources Control Board Consolidation Incentive Program for construction of water main pipelines for connection of the Orange Center School District to the City of Fresno's water distribution system.**

The above item was introduced to Council by Public Utilities Professional Engineer Knapp.

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

APPROVED

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

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

Absent: 1 - Brand

- 3-C** [ID16-028](#) **Authorize the Director of the Development and Resource Management Department to sign the Master Service Agreement and Contract Work Authorization Agreement between the City of Fresno and Pacific Gas and Electric Company until December 31, 2017 and receive \$5,694,000 in funding from the California Public Utilities Commission for energy efficiency programs.**

The above item was introduced to Council by Development and Resources Management Community Outreach Specialist Gonzalez.

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

APPROVED

On motion of Vice President Quintero, 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

Councilmember Baines exited the Council Chamber at 10:08 A.M. and returned at 10:12 A.M.

3-D [ID16-017](#)

RESOLUTION - Authorizing an application, in cooperation with the Clovis Unified School District, the Fresno Unified School District, and the Central Unified School District, to the Department of the Interior, Bureau of Reclamation for a FY2016 WaterSMART: Water and Energy Efficiency Grant in the amount of \$700,000 to upgrade and enhance the water efficiency of the indoor plumbing systems and outdoor irrigation systems at elementary, middle, and high schools in the City of Fresno public water supply service area

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

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

RESOLUTION 2016-1 ADOPTED

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

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

Absent: 1 - Baines III

Enactment No: RESO 2016-1

3-E [ID16-034](#)

Actions pertaining to emergency response at Summerset Village Apartments:

1. Approve **an MOU with the American Red Cross for services provided for residents of the Summerset Village Apartments**
2. *****RESOLUTION - 29th amendment to the Annual Appropriations Resolution (AAR) No. 2015-104 appropriating \$25,000 from PG&E for reimbursement of expenses incurred due to emergency response (Requires 5 affirmative votes)**

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

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

RESOLUTION 2016-2 ADOPTED

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

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

Enactment No: RESO 2016-2

1-C ID16-016

Authorize the Director of Public Utilities to accept and execute Safe Drinking Water State Revolving Fund Low Interest Loans for funding related to construction of the City of Fresno's Friant-Kern Canal Pipeline, Regional Water Transmission Pipelines, and Kings River Pipeline projects through the State Water Resources Control Board.

The above item was introduced to Council by Public Utilities Professional Engineer Knapp.

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

Public Utilities Director Esqueda clarified that, with the approval of this item, the project would be 100% financed with State, low interest, loans and no private revenue bond financing.

APPROVED

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

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

4. CITY COUNCIL**4-A ID16-050** Approve amended Council Rules of Procedure

The above item was introduced to Council by Councilmember Baines. City Attorney Sloan also spoke on this item.

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

President Caprioglio stated, for the record, he would implement the following uncodified policies while presiding over the Council meetings as President:

First, all PowerPoint presentations will be due in the Clerks Office 72 hours before the scheduled Council meeting (close of business Monday) or the PowerPoint would not be allowed during the presentation. President Caprioglio clarified that the time requirement was applicable to Councilmembers, staff and all others making presentations.

Second, to free up staff time on council mornings, items pulled from the Consent Calendar would be heard on the Contested Consent Calendar at 1:30P.M.

Third, ceremonial items and presentations would be made after the Consent Calendar at 1:30 P.M.

Fourth, agenda titles for ceremonial items will need to be provided to the City Clerks Office two weeks prior to the Council meeting.

Fifth, each Councilmember would be limited to two ceremonial items per meeting.

Sixth, no more than five ceremonial items would be allowed per Council meeting.

Finally, no ceremonial item may be scheduled the same day as the Employee Service Awards or Employee of the Quarter ceremony.

Vice President Quintero requested President Caprioglio provide written copies of his new policies to all the Councilmembers.

Councilmember Soria stated, for the record, she shared the same concerns mentioned by other Councilmembers about President Caprioglio's restrictive policies for presiding over the Council meetings. Councilmember Soria stated Councilmembers were charged with doing the business of the City including recognizing individuals with ceremonial items and asked the President to be flexible.

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 - Baines III, Caprioglio, Brand, Olivier, Quintero and Soria

No: 1 - Brandau

4-B [ID16-039](#) RESOLUTION - Prohibiting Absentee Voting by Councilmembers

The above item was introduced to Council by Councilmembers Olivier and Brandau.

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

Councilmember Soria stated, for the record, she was not in the support of absentee voting and felt the current rules and procedures provided an alternative avenue for participation including calling into the meeting, with proper notice, or requesting an item be tabled for a later date.

RESOLUTION 2016-3 ADOPTED

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

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

Enactment No: RESO 2016-3

5. CLOSED SESSION

The City Council met in closed session in Room 2125 from 11:04 A.M. to 2:05 P.M. to discuss the following:

[ID16-014](#)

CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION -
Government Code Section 54956.9, subdivision (d)(1)

1. Betty Hull, et al. v. City of Fresno, et al.; Fresno County Superior Court Case No.: 14CECG00707

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

[ID16-032](#)

CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Government Code Section 54956.8

Property: APN 466-144-03

Negotiating **Parties:** City Manager Bruce Rudd, City of Fresno Cultural Arts Properties Corporation, Granville Homes, Inc.

Under Negotiation: Price and Terms of Payment

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

ID16-041 **CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Government**
Code Section 54956.8
Property: 327-030-38T
Negotiating Parties: City Manager Bruce Rudd; Amber Kinetics, Inc.
Under Negotiation: Price and Terms of Payment

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

ID16-040 **CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Government**
Code Section 54956.8
Property: 5607 W. Jensen
Negotiating Parties: City Manager Bruce Rudd; Darling Ingredients, Inc.
Under Negotiation: Price and Terms of Payment

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

RECESSED 12:00 P.M. to 1:40 P.M.

ID16-020 **PUBLIC EMPLOYEE PERFORMANCE EVALUATION - Government**
Code Section 54957
Title: City Clerk

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

ID16-021 **CONFERENCE WITH LABOR NEGOTIATOR - Government Code**
Section 54957.6
City Negotiator(s): Council President Baines III
Unrepresented: City Clerk

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:*

*John Haverkamp - discussed gang stalking experienced by his family and
his attempts to involve Fresno Police and local authorities. Packets were
provided to each Councilmember (packet materials attached to File
ID16-072)*

Barbara Hunt - discussed the City of Fresno helping the State of California with its debt problems.

ID16-072 Documents regarding group stalking received from John Haverkamp during Unscheduled Communication.

ADJOURNMENT

Adjourned from Closed Session at 2:05 P.M.