



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 25, 2016

9:00 AM

Council Chambers

Regular Session

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

9:05 A.M. ROLL CALL

Present: 7 - President Paul Caprioglio
Vice President Sal Quintero
Councilmember Oliver L. Baines III
Councilmember Lee Brand
Councilmember Steve Brandau
Councilmember Clinton Olivier
Councilmember Esmeralda Soria

Councilmember Baines III was absent during roll call but entered the Council Chamber at 9:08 A.M.

Councilmember Brandau was absent during roll call but entered the Council Chamber at 9:09 A.M.

Invocation by Deputy Police Chief Patrick Farmer

Pledge of Allegiance to the Flag

APPROVE AGENDA

City Clerk Spence announced the following change to the agenda: City Council item 4-A (File ID 16-987) was subject to mayoral veto.

APPROVED AS AMENDED

On motion of Councilmember Brand, seconded by President Caprioglio, the agenda was approved as amended. The motion carried by the following vote:

Aye: 5 - Caprioglio, Quintero, Brand, Olivier and Soria

Absent: 2 - Baines III and Brandau

APPROVE MINUTES

[ID16-156](#) Approval of minutes from August 18, 2016

APPROVED

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

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

COUNCILMEMBER REPORTS AND COMMENTS

Councilmember Baines III asked City Manager Rudd if there was a yearly parking pass for seniors at Roeding Park. City Manager Rudd stated there was an annual pass that applied to everyone but no pass just for seniors. Councilmember Baines III directed staff to look into developing a yearly parking pass for seniors at all the regional parks, regardless of residency, for the upcoming Master Fee Schedule update.

President Caprioglio congratulated the newly sworn Police Officers and promoted Officers that were at the August 22, 2016 ceremony held at the Convention Center.

President Caprioglio recognized Fire Chief Donis and her team for receiving a SAFER grant. He explained the grant would help to increase the number of firefighters protecting the city.

President Caprioglio reported he had the opportunity to meet with the International Hmong New Year Board of Directors at their new offices in District 4. He announced the Hmong New Year would begin on December 26 and encouraged all to attend the event he described as, "a great cultural experience."

President Caprioglio announced he met with the Board for Associated Students Incorporated at California State University, Fresno. He said the Board ran a great meeting and he was impressed by their dedication to the university and to the city of Fresno.

President Caprioglio reported he recently met the Boardmembers and sponsors of the Valley Caregivers Resource Center. He said the organization served as the eyes and ears for seniors and provided many resources for families with members suffering from Alzheimer's and other issues requiring outside care and comfort. He encouraged the public to get involved with the organization.

Vice President Quintero appologized to staff for comparing the Clinton and Marks property in the County with the property at Jensen and Fowler, at the last meeting. He stated the properties, the plans and set up were too different to warrant the kind of comparision he made.

Vice President Quintero wished Terese Edwards a happy birthday. He stated that Ms. Edwards was the Executive Assistant in Public works and he expressed his gratitude for the "super job" that she does.

1. CONSENT CALENDAR

Councilmember Soria moved Consent Calendar item 1-H (File ID 16-972) to the Contested Consent Calendar for further discussion.

APPROVAL OF THE CONSENT CALENDAR

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

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

- 1-A** [ID16-895](#) Actions pertaining to the acquisition of a portion of APN 504-081-14S, owned by Surinder P. Singh and Jaspreet Kaur, husband and wife, as joint tenants:
1. Approve the acquisition of 15,792 square feet of property owned by Surinder P. Singh and Jaspreet Kaur, husband and wife, as joint tenants for fee simple right-of-way for public street purposes, in the amount of \$99,000 for the construction of Veterans Boulevard Interchange project.
 2. Authorize the Public Works Director, or his designee, to sign

all documents necessary to complete the transaction.

APPROVED

The above item was approved on the Consent Calendar.

- 1-B** [ID16-896](#) RESOLUTION - Of Consideration to change the types of services, change the rate and method of apportioning the special tax and establishing a new maximum special tax for Final Tract Map No. 6067, Annexation No. 70, of the City of Fresno Community Facilities District No. 11 (east side of North Locan Avenue between East Shields and Dakota Avenues) (Council District 4)

RESOLUTION 2016-151 ADOPTED

The above item was approved on the Consent Calendar.

- 1-C** [ID16-929](#) Approve a product purchase contract with Agilent Technologies, Inc., for an inductively coupled plasma - mass spectrometry for Wastewater Management Division Laboratory Services in the amount of \$111,486.88 for the testing of low level heavy metals on environmental samples such as water, wastewater, groundwater, soils, sludge, and biosolids. (Bid File No. 3473).

APPROVED

The above item was approved on the Consent Calendar.

- 1-D** [ID16-932](#) Award a consultant agreement in the amount of \$52,400 and a contingency of \$1,000 with Blair, Church & Flynn for design of the Sewer Rehabilitation / Replacement on Hammond Avenue and Abby Street (Council District 7)

APPROVED

The above item was approved on the Consent Calendar.

- 1-E** [ID16-889](#) RESOLUTION - Of Intention to annex Final Tract Map No. 6124, Annexation No. 72, to the City of Fresno Community Facilities District No. 11 (second phase of development north and south of East California Avenue between South Temperance and Armstrong Avenues); and setting the public hearing for September 22, 2016 at 10:00 a.m. (Council District 5)

RESOLUTION 2016-152 ADOPTED

The above item was approved on the Consent Calendar.

- 1-F [ID16-937](#) Approve the annual participation in the Federal Equitable Sharing Agreement Program for the disposition of funds forfeited in connection with a crime and authorize the City Manager and the Chief of Police to execute related documents

APPROVED

The above item was approved on the Consent Calendar.

- 1-G [ID16-959](#) Approve the third amendment to the contract with Placeworks, Inc., a California Corporation, in an amount not to exceed \$5,522 for consulting services to augment the scope of the Southwest Fresno Specific Plan and to authorize the Development and Resource Management Department Director or his or her designee to execute documents.

APPROVED

The above item was approved on the Consent Calendar.

- 1-H [ID16-972](#) BILL (for Introduction) - Granting 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 for further discussion by Councilmember Soria.

- 1-I [ID16-1000](#) ***BILL NO. B-28 (Intro. 8/18/2016) (For adoption) - 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)

ORDINANCE 2016-27 ADOPTED

The above item was approved on the Consent Calendar.

2. GENERAL ADMINISTRATION

Councilmember Soria and Councilmember Olivier exited the Council Chamber at 9:19 A.M. and both returned at 9:20 A.M.

- 2-A [ID16-879](#) Approve the Workforce Innovation and Opportunity Act Mandated Partner Memorandums of Understanding

Assistant City Manager Smith introduced the item to Council. Fresno Regional Workforce Development Board Executive Director Konczal also spoke on this item.

APPROVED

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

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

Absent: 2 - Olivier and Soria

- 2-B** [ID16-948](#) Actions pertaining to award of a purchase contract for a 2 megawatt (MW) emergency generator for the Northeast Surface Water Treatment Facility (NESWTF) (Council District 6):
1. ***RESOLUTION - 4th amendment to Annual Appropriation Resolution (AAR) No. 2016-118 to appropriate \$1,024,600.00 to fully fund the purchase and installation of a two megawatt emergency generator at the Northeast Surface Water Treatment Facility (Requires 5 affirmative votes).
 2. Adopt findings of Categorical Exemption pursuant to Section 15301 (Class 1/Existing Facilities), Section 15303 (Class 3/New Construction of Small Structures) and Section 15311 (Accessory Structures) of the California Environmental Quality Act (CEQA) Guidelines for the installation of an emergency generator at the NESWTF.
 3. Adopt findings that Bay City Equipment's bid proposal is non-responsive for failing to comply with the bid specifications.
 4. Award a purchase contract to Quinn Power Systems, Inc. of Selma, California, in the amount of \$669,901.93, as the lowest responsive and responsible bidder for the purchase of an emergency generator and automatic transfer switch, to be installed under separate contract, at the NESWTF.

The above item was introduced to Council by Water Division Manager Carbajal. City Manager Rudd and Public Utilities Director Esqueda also spoke on this item.

The following member of the public also spoke on this item: David Wells.

Mr. Wells provided a handout to Council which has been attached to File ID

16-948 and is available in the City Clerk's Office.

RESOLUTION 2016-153 ADOPTED

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

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

- 2-C** [ID16-921](#) Actions pertaining to a digital billboard master lease agreement:
1. Adopt a finding of Class 1 Categorical Exemption set forth in CEQA Guidelines, Section 15301
 2. Approve a twenty year master lease agreement with Outfront Media, LLC., for five digital billboards on City owned property at various locations across the City.

Assistant City Manager Quan-Schechter introduced the above item to Council. Outfront Media General Manager Suntrapak and lease representative Duran answered questions from Council.

The following member of the public spoke on this item: David Wells.

Vice President Quintero directed staff to provide him with contact information for the local Outfront Media representatives.

APPROVED

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

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

Councilmember Soria and Councilmember Olivier exited the Council Chamber at 10:00 A.M. and both returned at 10:04 A.M.

Councilmember Brand exited the Council Chamber at 10:01 A.M. and returned at 10:03 A.M.

- 2-D** [ID16-946](#) Actions pertaining to a Lease Agreement between the City of Fresno and SkyWest Airlines, Inc., for hangar facility and ramp space at Fresno Yosemite International Airport. (Council District

4):

1. Adopt finding of a Categorical Exemption pursuant to CEQA Guidelines section 15301(d), Class 1; and
2. Approve a Lease Agreement between the City of Fresno and SkyWest Airlines, Inc. for a term of three (3) years with options for up to seven one-year extensions at Fresno Yosemite International Airport.

The above item was introduced to Council by Aviation Director Meikle.

Director Meikle stated the agreement contained a typo and read the following correction into the record: the word "Lessor" should be changed to "Lessee" in subsection B(2) (Construction Costs) of Section Six (Capital Improvements) on page six of the agreement. He clarified that Skywest was responsible for the cost of the parking facility.

APPROVED

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

Aye: 4 - Caprioglio, Quintero, Baines III and Brandau

Absent: 3 - Brand, Olivier and Soria

3. SCHEDULED COUNCIL HEARINGS AND MATTERS

10:00 A.M.

Councilmember Brandau exited the Council Chamber at 10:03 A.M. and returned at 10:05 A.M.

- [ID16-947](#) HEARING to Consider Plan Amendment Application No. A-16-007, Development Permit Application No. D-16-045, Variance Application No. V-16-006 and related Environmental Assessment No. A-16-007/D-16-045/V-16-006, filed by Michael Boone of Teter Architects & Engineers, on behalf of PG&E. These applications pertain to approximately 8.71 acres of property located on the west side of N. Thorne Avenue between W. Nielsen and W. Belmont Avenues (Council District 3)
- a. Adopt the Negative Declaration prepared for Environmental Assessment No. A-16-007/D-16-045/V-16-006 dated June 17, 2016.
 - b. BILL (For introduction and adoption) - Repealing the Official

Plan Line for G Street between East Divisadero Street and West Belmont Avenue (OPL No. 80).

c. Approve the Development Permit Application No. D-16-045 proposing upgrades to PG&E's General Construction Division service center yard which will include the replacement of existing building with new pre-manufactured metal structures, reconfiguration of operational site, off-site improvements and installation of new above-ground ballistic fuel storage tanks, subject to the Conditions of Approval dated July 20, 2016.

d. Approve the Variance Application No. V-16-006 requesting authorization to increase the permitted wall height from seven feet to eight feet for the proposed screen wall subject to the Conditions of Approval dated July 20, 2016.

The above hearing was called to order at 10:03 A.M. Development Services Division Planner Lang, introduced the item to Council.

Upon call for public comment, no members of the public chose to address Council and public comment was closed.

The hearing was closed at 10:04 A.M.

*BILL B-30 INTRODUCED AND ADOPTED AS
ORDINANCE 2016-28*

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

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

Absent: 1 - Brandau

2. GENERAL ADMINISTRATION CONTINUED

- 2-E [ID16-990](#) ***RESOLUTION - 7th amendment to the Annual Appropriation Resolution (AAR) No. 2016-118 appropriating \$514,900 for the Redemption of the Blosser Judgment Obligation Bond Debt Service (Requires 5 affirmative votes)

The above item was introduced to Council by Assistant City Manager Smith.

RESOLUTION 2016-154 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 - Caprioglio, Quintero, Baines III, Brand, Brandau, Olivier and Soria

UNSCHEDULED COMMUNICATION

Upon call, the following members of the public addressed Council during Unscheduled Communication:

Gary Doesekle - discussed issues with rude Greyhound Bus station and Amtrak employees.

Rick Morris of Medmar Clinic - discussed forgiveness.

3. SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

10:10 A.M.

[ID16-970](#) Appearance by Costel Constantin Fuiorea to discuss the quality of water in northeast Fresno (Speaker resides in District 1)

Costel Constantin Fuiorea was not present when called.

10:15 A.M.

[ID16-988](#) WORKSHOP - Downtown Plans and Code

Assistant Director Zack presented the above workshop to Council. Assistant City Manager Quan-Schechter also spoke on the item.

During the workshop, Council touched on the following subjects: maximum building heights; the Fulton Mall update; density elements; subsidized housing units; attracting private investment; green space; outreach; housing types, and; homeless and safety issues.

WORKSHOP PRESENTED

5. CLOSED SESSION

City Council met in Closed Session in Room 2125 from 10:57A.M. to 12:20 P.M. to discuss the following:

[ID16-960](#) CONFERENCE WITH LEGAL COUNSEL-EXISTING

LITIGATION - Government Code Section 54956.9, subdivision (d)(1)

1. City of Fresno v. AIG Fin. Prod. Corp, et aL; Dist. # 1:08-CV-01045-AWI-SMS

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

[ID16-998](#)

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - Government Code Section 54956.9, subdivision (d)(2)

Claims of: Shelley Powell, Mary Powell, Alicia Ackland, Alex Mahan, Pat Mahan

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

RECESSED 12:20 P.M. to 1:35 P.M.

Vice President Quintero returned to the Council Chamber following recess at 1:38 P.M.

Councilmember Baines III returned to the Council Chamber following recess at 2:02 P.M.

3. SCHEDULED COUNCIL HEARINGS AND MATTERS

CONTINUED

1:30 P.M.

CONTESTED CONSENT CALENDAR

1-H [ID16-972](#) BILL (for Introduction) - Granting 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 Assistant Director Schuber.

BILL B-31 INTRODUCED AND LAID OVER

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

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

Absent: 1 - Baines III

CEREMONIAL PRESENTATIONS

[ID16-876](#) Proclamation of "MOLLY GRIFFIN DAY"

PRESENTED

[ID16-999](#) "Proclamation of WOMAN'S EQUALITY DAY 2016"

PRESENTED

5:00 P.M.

[ID16-949](#) THE HEARING LISTED BELOW HAS BEEN CONTINUED TO SEPTEMBER 1, 2016 AT 5:00 P.M.

HEARING to consider Plan Amendment Application No. A-16-006, Rezone Application No. R-16-007, Development Code Text Amendment Application No. TA-16-001 and related environmental finding filed by the Development and Resource Management Department Director pertaining to 316.09 acres of property as follows: (CONTINUED TO SEPTEMBER 1, 2016 AT 5:00 P.M.)

1. Adopt Environmental Assessment No. A-16-006/R-16-007/TA-16-001, an Addendum to Final Master Environmental Impact Report SCH No. 2012111015 (MEIR) certified by the Fresno City Council on December 18, 2014 for the Fresno General Plan and Development Code, pursuant to California Environmental Quality Act Guidelines Sections 15162 and 15164;
2. RESOLUTION - Approving Plan Amendment Application No. A-16-006, pertaining to 249.06 acres, to amend the Fresno General Plan (Figure LU-1: Land Use and Circulation Map, and Figure LU-2: Dual Designation Diagram), the Bullard, Fresno High, McLane, Roosevelt, West Area, and Woodward Park Community Plans, the Tower District Specific Plan, the Fresno Yosemite Airport Land Use Compatibility Plan and the Sierra Sky Park Land Use Policy Plan, as described in Exhibit A (with Errata);
3. BILL - (For introduction and adoption) Approving Rezone Application No. R-16-007, to amend the City of Fresno Zoning

Map to effect technical changes to zoning on properties that were inadvertently omitted from the zoning map update. The rezones are requested to attain consistency with the approved general plan land use designation, and are further described in Exhibit A (with Errata);

4. BILL - (For introduction) Approving Text Amendment Application No. TA-16-001 for minor changes to the Development Code in order to improve functionality, clarity, and internal consistency. Proposed amendments affect the following standards and/or procedures: rear setbacks, private open space, fencing, signage, hours of operation for establishments serving alcohol, design standards within mixed use districts, the apartment house overlay, intersection visibility; the addition of produce stands, urban farms and large family day care to certain zone districts; the deletion of the airport environs and planned development overlay districts (due to redundancy); and posting requirements, among others (see Exhibit B for complete text amendment). The affected sections are 15-404-F, 15-904-A, 15-1004-C-1, 15-1004-D-1-a, 15-1104-D-1, 15-2006-F, 15-2305-C-2, 15-2609-B, 15-2610-E-2, 15-2611-G, 15-2735-G, 15-2741-A-7-a, Table 15-2744-A, 15-2744-C-1, 15-2747, Table 15-751-G, 15-4906-D-1, 15-4906-H, 15-5003-A, 15-5302-D, 15-5602-A, 15-6703, 15-104-A, Table 15-107-B, 15-313, Table 15-902, Table 15-1002, Table 15-1102, 15-1104-G.1, Table 15-1202, Table 15-1302, Table 15-1402, 15-1601, 15-1602, 15-1609-B, 15-2006-F, Table 15-2015-B.4, 15-2018, 15-2102-A, 15-2707, 15-2754, 15-5007-C, 15-5810-A.

CONTINUED TO SEPTEMBER 1, 2016 at 5:00 P.M.

4. CITY COUNCIL

4-A [ID16-987](#) ***RESOLUTION -Condemning Islamophobia in the City of Fresno

The above item was introduced to Council by Councilmember Soria and Reza Nekumanesh of the Islamic Cultural Center.

The following people also addressed Council in support of this item: Imam Seyed Ali Ghazvini of the Islamic Cultural Center, Reverend Christopher Breedlove of the Community United Church of Christ, Imam Abdul Shaheed Muhammad; Reverend Tim Kutzmark of the Unitarian Universalist Church of Fresno; Jim Grant of the Roman Catholic Diocese of Fresno; Dr. Sudarshan

Kapoor of the Human Rights Coalition of the Central Valley, Fresno; Pastor Sab Masada of the United Japanese Christian Church.

RESOLUTION 2016-155 ADOPTED

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

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

5. CLOSED SESSION CONTINUED

City Council continued in Closed Session in Room 2125 from 2:25 P.M. to 2:45 P.M. to discuss the following:

[ID16-962](#) CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION - Government Code Section 54956.9, subdivision (d)(1)
1. Sergio Minjares v. City of Fresno, et al.; Superior Court Case #15CECG01247

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

[ID16-995](#) CONFERENCE WITH LEGAL COUNSEL - DECIDING WHETHER TO INITIATE LITIGATION - Government Code Section 54956.9(c):
1. City of Fresno v. U.S. Department of Interior, Bureau of Reclamation

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

ADJOURNMENT

Adjourned from Closed Session at 2:45 P.M.

The above minutes were approved by unanimous vote of the City Council during the September 1, 2016 City Council meeting with Councilmembers Baines III and Olivier absent.