



City of Fresno

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

Meeting Minutes - Final 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, August 27, 2015

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.

1:39 P.M. ROLL CALL

Present: 6 - President Oliver Baines III
Councilmember Lee Brand
Councilmember Steve Brandau
Councilmember Clinton Olivier
Councilmember Sal Quintero
Councilmember Esmeralda Soria

Absent: 1 - Vice President Paul Caprioglio

Invocation by Pastor Anne Schlesinger from Saint Paul's Methodist Church

Pledge of Allegiance to the Flag

CEREMONIAL PRESENTATIONS

[ID#15-706](#) Presentation of Certificate of Recognition of Shari Boggess

PRESENTED

[ID#15-748](#) Proclamation of "AT&T'S DIGITAL LIFE WATER DETECTION PROGRAM"

PRESENTED

[ID#15-710](#) Presentation of DPU Golf Tournament Check to Fresno Community Food Bank and DPU Golf Tournament Trophy to Water Division

CONTINUED TO UNSPECIFIED DATE

[ID#15-751](#) Proclamation of "STEPHEN A. HOGG DAY"

PRESENTED

APPROVE MINUTES

No minutes were on the agenda for approval.

COUNCILMEMBER REPORTS AND COMMENTS

Councilmember Quintero asked that the meeting be adjourned in the memory of Rosellen Kershaw. He remembered Ms. Kershaw as a Fresno icon and an extraordinary person who helped push social and individual progress for women. An article in the Fresno Bee described her as an outstanding volunteer who called attention to social and political issues and helped Fresno progress as a community. Ms. Kershaw was a member of numerous organizations including Friends of the Fresno County Library, American Association of University Women and the League of Women Voters. She was at the forefront of many issues such as citizenship, politics, education, opera, public radio and fair housing. Councilmember Quintero shared descriptive quotes from others about Ms. Kershaw: Francine Farber said of Ms. Kershaw, "she didn't sit and watch things happen, she made things happen," and George Hostetter wrote that, "the life blood of a free people was her passion."

President Baines reported that council meeting time had been changed to 1:30 P.M. because he and Councilmember Soria, were in Sacramento to fight against the passage of Assembly Bill 113 as proposed. The bill concerned Redevelopment Agencies. He reported that, thanks to a coordinated effort, the bill did not make it out of the Senate Budget Committee and saved the City approximately sixty-nine million dollars.

President Baines announced the meeting would be adjourned in the memory of Rosellen Kershaw as well as journalists Alison Parker and Adam Ward of Virginia. He recalled that Ms. Parker and Mr. Ward were shot and killed during a live newscast by an individual who likely had severe mental health issues. He stated that the City of Fresno stood by the families and the State of Virginia in honoring the lives of Ms. Parker and Mr. Ward.

President Baines noted Vice President Caprioglio was absent due to a foot injury and said the Council wished him a speedy recovery.

APPROVE AGENDA

City Clerk Spence announced the following changes to the agenda: General Administration item 2-A (File ID# 15-715) was removed from the agenda by staff and would be rescheduled at a later date; the 3:30 P.M. Scheduled Matter (File ID# 15-729) was remove from the agenda by President Baines' Office and would be rescheduled to a later date; the Closed Session item (File ID# 15-629) was removed from the agenda by Council President Baines' Office; City Council item 3-A (File ID# 15-761) was being moved to a time certain of 3:00 P.M.

APPROVED AS AMENDED

On motion of Councilmember Brandau, seconded by Councilmember Soria, the AGENDA was approved as amended. The motion carried by the following vote:

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

Absent: 1 - Caprioglio

Councilmember Brandau exited the Council Chamber at 2:09 P.M. and returned after the recess at 3:13 P.M.

1. CONSENT CALENDAR

Consent Calendar item 1-K (File ID# 15-570) was moved to the Contested Consent Calendar for further discussion.

APPROVAL OF THE CONSENT CALENDAR

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

Aye: 5 - Baines III, Brand, Olivier, Quintero and Soria

Absent: 2 - Caprioglio and Brandau

- 1-A** [ID#15-675](#) Authorize the City Manager and the Chief of Police to enter into 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

The above item was APPROVED on the Consent Calendar.

- 1-B** [ID#15-687](#) Actions related to acquisition of property owned by Pangthong Aphayvong:
1. Adoption of environmental finding of Categorically Exempt from Environmental Assessment No. EA-14-023 (Council District 3)
 2. Acquisition of right-of-way for public street purposes from property owned by Pangthong Aphayvong in the amount of \$16,600
 3. Authorizing to give Public Works Director, or his designee, authority to sign all documents necessary to complete the transaction as delegated by City Manager

The above item was APPROVED on the Consent Calendar.

- 1-C** [ID#15-689](#) RESOLUTION - Of Intention to amend Annexation Map No. 14, Final Tract Map No. 5232, of the City of Fresno Community Facilities District No. 11 (northwest of the intersection of E. Kings Canyon Road and N. Fowler Avenue) (Council District 5)

RESOLUTION 2015-160 ADOPTED

The above item was APPROVED on the Consent Calendar.

- 1-D** [ID#15-690](#) RESOLUTION - Of Intention to annex Final Tract Map No. 6103, Annexation No. 62, to the City of Fresno Community Facilities District No. 11 (parcels bounded by E. Fancher Creek Drive, S. Purdue Avenue, S. Bundy Avenue, and E. Beck Avenue) (Council District 5)

RESOLUTION 2015-161 ADOPTED

The above item was APPROVED on the Consent Calendar.

- 1-E** [ID#15-726](#) RESOLUTION - Approving the Final Map of Tract No. 6052 and accepting dedicated public uses offered therein - northwest corner of N. Hayes Avenue and W. Herndon Avenue (Council District 2)

RESOLUTION 2015-162 ADOPTED

The above item was APPROVED on the Consent Calendar.

- 1-F [ID#15-727](#) RESOLUTION - Approving the Final Map of Tract No. 5994 and accepting dedicated public uses offered therein - northerly corner of L Street and San Joaquin Street) (Council District 3)

RESOLUTION 2015-163 ADOPTED

The above item was APPROVED on the Consent Calendar.

- 1-G [ID#15-728](#) RESOLUTION - Approving the Final Map of Tract No. 5626 and accepting dedicated public uses offered therein-southeast corner of S. Fowler Avenue and E. Hamilton Avenue (Council District 5)

RESOLUTION 2015-164 ADOPTED

The above item was APPROVED on the Consent Calendar.

- 1-H [ID#15-735](#) ***RESOLUTION - 524th amendment to the Master Fee Schedule (MFS) Resolution No. 80-420 to apply a Consumer Price Index adjustment to Green Fees at the Airways Golf Course, Fresno Yosemite International Airport (Council District 4)

RESOLUTION 2015-165 ADOPTED

The above item was APPROVED on the Consent Calendar.

- 1-I [ID#15-737](#) Actions pertaining to Digester 2 and 9 Cleaning at the Fresno/Clovis Regional Wastewater Reclamation Facility (Bid File 3391) (Council District 3)
1. Adopt a finding of Categorical Exemption of Class 1, pursuant to Section 15301(b) (Existing facilities) of the California Environmental Quality Act Guidelines
 2. Award a \$249,690 construction contract to Wastewater Solids Management Inc., of Yachats, Oregon

The above item was APPROVED on the Consent Calendar.

- 1-J [ID#15-738](#) Actions pertaining to the design of the sewer rehabilitation/replacement in North Central Downtown (Council District 3)
1. Approve a consultant agreement in the amount of \$75,100 with Blair, Church & Flynn Consulting Engineers
 2. Authorize Director of Public Utilities or designee to sign on behalf of the City

The above item was APPROVED on the Consent Calendar.

- 1-K [ID#15-750](#) RESOLUTION - Authorizing the submittal of a grant application to the State of California Natural Resources Agency and acceptance California River Parkways Program grant funds in the amount of \$500,000 and authorizing execution of documents by the Parks, After School, Recreation and Community Services Director, or designee (District 5).

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

- 1-L [ID#15-752](#) Approve an amendment to the agreement with Fresno Metropolitan Flood Control District for the operation of two additional flood control basins as public parks (Council District 2)

The above item was APPROVED on the Consent Calendar.

- 1-M [ID#15-754](#) Approve the re-appointments of Bret Slusser and David Mercer to the Fresno Regional Workforce Investment Board (Labor Representatives)

The above item was APPROVED on the Consent Calendar.

Councilmember Brand exited the Council Chamber at 2:11 P.M. and returned after the recess at 3:13 P.M.

CONTESTED CONSENT CALENDAR

- 1-K [ID#15-750](#) RESOLUTION - Authorizing the submittal of a grant application to the State of California Natural Resources Agency and acceptance California River Parkways Program grant funds in the amount of \$500,000 and authorizing execution of documents by the Parks, After School, Recreation and Community Services Director, or designee (District 5).

The above item was introduced to Council by Parks, After School, Recreation and Community Services ("PARCS") Director Mollinedo.

RESOLUTION 2015-166 ADOPTED

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

Aye: 4 - Baines III, Olivier, Quintero and Soria

Absent: 3 - Caprioglio, Brand and Brandau

UNSCHEDULED COMMUNICATION

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

2. GENERAL ADMINISTRATION

- 2-A** [ID#15-715](#) Actions pertaining to the Fresno/Clovis Regional Wastewater Reclamation Facility (RWRF) 2-Megawatt Solar Energy Facility (Bid File 3380) (Council District 3)
1. ***RESOLUTION - 4th amendment to Annual Appropriation Resolution (AAR) No. 2015-104 appropriating \$1,367,500 in the Sewer Enterprise State Revolving Loan Fund for the Regional Wastewater Reclamation Facility 2-Megawatt Solar Energy Facility (Requires 5 affirmative votes)
 2. Award a \$10,024,426.24 contract as negotiated, to MD Energy Inc. of Rancho Cucamonga, California for the design and construction thereof

The above item was removed from the agenda by staff.

RECESSED from 2:13 P.M. to 3:13 P.M.

5. SCHEDULED COUNCIL HEARINGS AND MATTERS**10:00 A.M. (Continued to 3:00 P.M.)**

- [ID#15-733](#) HEARING pertaining to a Resolution of the Council of the City of Fresno, California, establishing Underground Utility District No. FRE-94, ("UUD FRE-94") (Council Districts 1, 3 and 7)
1. RESOLUTION - Establishing Underground Utility District No. FRE-94, ("UUD FRE-94")

CONTINUED AS NOTED

10:15 A.M. (Continued to 3:15 P.M.)

- [ID#15-724](#) HEARING to consider Rezone Application No. R-15-008, related Environmental Assessment No. R-15-008/S-15-068/ANX-15-001 and a Resolution of Application to annex said territory to the City of Fresno and detach said territory from the Fresno County Fire Protection District and the Kings River Conservation District which were filed by Dirk Poeschel on behalf of John Brelsford (Council District No. 3)
1. Consider adoption of an environmental finding of a Finding of Conformity with Fresno General Plan Master Environmental Impact Report as Environmental Assessment No. R-15-008/S-15-068/ANX-15-001 dated July 2, 2015
 2. BILL - (For introduction and adoption) - Consider Rezone Application No. R-15-008 which proposes to amend the Official Zone Map and prezone an approximately 19.54 acre subject site located on the east side of S. Cherry Avenue, south of E. North Avenue in the County of Fresno from the AL-20 (Limited 20-Acre Agricultural [Fresno County]) zone district to the M-3/UGM (Heavy Industrial/Urban Growth Management) zone district
 3. ***RESOLUTION - Of application to annex said territory to the City of Fresno and detach said territory from the Fresno County Fire Protection District and the Kings River Conservation District

CONTINUED AS NOTED

10:30 A.M. (Continued to 3:30 P.M.)

- [ID#15-729](#) WORKSHOP to offer a briefing of LAFCo in general and to address any questions the Council may have regarding the

Fresno Municipal Service Review which is tentatively scheduled to be considered by the LAFCo at its Sept. 9, 2015 hearing

CONTINUED AS NOTED

10:45 A.M. SCHEDULED COMMUNICATION (Continued to 3:45 P.M.)

[ID#15-739](#) Appearance by Sandy Yellowfeather Noriega to provide copies of the documentary "Our Lives: Surviving the Streets of Fresno" and to share stories about being homeless in Fresno

CONTINUED AS NOTED

3:00 P.M. (CONTINUED HEARING from 10:00 A.M.)

[ID#15-733](#) HEARING pertaining to a Resolution of the Council of the City of Fresno, California, establishing Underground Utility District No. FRE-94, ("UUD FRE-94") (Council Districts 1, 3 and 7)
1. RESOLUTION - Establishing Underground Utility District No. FRE-94, ("UUD FRE-94")

The above hearing was called to order at 3:13 P.M. Public Works Supervising Engineering Technician Polsgrove introduced the item to Council.

Upon call, no member of the public chose to address council regarding this item.

The hearing was closed at 3:15 P.M.

RESOLUTION 2015-167 ADOPTED

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

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

Absent: 1 - Caprioglio

3. CITY COUNCIL

3-A [ID#15-761](#) BILL - (For introduction and adoption) - Adopt an Emergency Ordinance amending Section 6-520 of the Fresno Municipal Code to provide water conservation exemption for food gardens

(Requires five affirmative votes)

The above item was heard at 3:15 P.M. Councilmember Soria introduced the item to Council.

The following member(s) of the public spoke on this item: Michael Evans of Fresno Partnership; Pam Whalen; Kid Schmidt of Tower Urban Family Farm; Nolan P. Schmidt of Tower Urban Family Farm; Dillon Savory; Austin Hall of Fresno Partnership; Zack Darrah of F.I.R.M.; Adrian Lim; Nancy Waidtlow of Dakota Eco Garden; Cesar Casamayor of Cultiva La Salud; Sarah Sharpe of Fresno Metro Ministry

**BILL B-32 INTRODUCED AND ADOPTED AS
ORDINANCE 2015-29**

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

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

Absent: 1 - Caprioglio

5. SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

3:15 P.M. (CONTINUED HEARING from 10:15 A.M.)

- [ID#15-724](#) HEARING to consider Rezone Application No. R-15-008, related Environmental Assessment No. R-15-008/S-15-068/ANX-15-001 and a Resolution of Application to annex said territory to the City of Fresno and detach said territory from the Fresno County Fire Protection District and the Kings River Conservation District which were filed by Dirk Poeschel on behalf of John Brelsford (Council District No. 3)
1. Consider adoption of an environmental finding of a Finding of Conformity with Fresno General Plan Master Environmental Impact Report as Environmental Assessment No. R-15-008/S-15-068/ANX-15-001 dated July 2, 2015
 2. BILL - (For introduction and adoption) - Consider Rezone Application No. R-15-008 which proposes to amend the Official Zone Map and prezone an approximately 19.54 acre subject site located on the east side of S. Cherry Avenue, south of E. North Avenue in the County of Fresno from the AL-20 (Limited 20-Acre

Agricultural [Fresno County]) zone district to the M-3/UGM (Heavy Industrial/Urban Growth Management) zone district
3. ***RESOLUTION - Of application to annex said territory to the City of Fresno and detach said territory from the Fresno County Fire Protection District and the Kings River Conservation District

The hearing was called to order at 3:41 P.M. Development and Resources Management Assistant Director Sanchez introduced this item to Council.

Upon call, the following member(s) of the public spoke on this item: Dirk Poeschel.

The hearing was closed at 3:43 P.M.

*BILL B-33 INTRODUCED AND ADOPTED AS
ORDINANCE 2015-30
RESOLUTION 2015-168 ADOPTED*

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

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

Absent: 1 - Caprioglio

3:30 P.M. (Continued from 10:30 A.M.)

[ID#15-729](#) WORKSHOP to offer a briefing of LAFCo in general and to address any questions the Council may have regarding the Fresno Municipal Service Review which is tentatively scheduled to be considered by the LAFCo at its Sept. 9, 2015 hearing

REMOVED FROM AGENDA BY STAFF

3:45 P.M. SCHEDULED COMMUNICATION (Continued from 10:45 A.M.)

[ID#15-739](#) Appearance by Sandy Yellowfeather Noriega to provide copies of the documentary "Our Lives: Surviving the Streets of Fresno" and to share stories about being homeless in Fresno

Sandy Yellowfeather Noriega appeared and addressed Council. DVD Copies of her documentary, "Our Lives: Surviving the Streets of Fresno" were distributed to Council and a copy is on file in the City Clerk's Office.

4. CLOSED SESSION

[ID#15-629](#) CONFERENCE WITH SECURITY OFFICIALS - Government
Code Section 54957(a)
Topic: Security Assessment
Sponsor: Information Services Department

REMOVED FROM AGENDA BY PRESIDENT BAINES' OFFICE

ADJOURNMENT

Adjourned in the memory of Rosellen Kershaw, Alison Parker and Adam Ward at 3:52 P.M.

These minutes were approved by unanimous vote of the City Council during the September 10, 2015 Council meeting.