



City of Fresno

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

Meeting Minutes - Draft 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, September 10, 2015

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.

8:39 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 Police Chaplin Jerry Baker

Pledge of Allegiance to the Flag

CEREMONIAL PRESENTATIONS

[ID#15-791](#) Presentation of the SPCA Pet of the Month

PRESENTED

[ID#15-736](#) Proclamation of "MANUFACTURING AWARENESS AND APPRECIATION MONTH"

PRESENTED

[ID#15-749](#) Proclamation of "ROBOTICS DAY"

PRESENTED

[ID#15-811](#) Proclamation of "205th ANNIVERSARY OF MEXICAN INDEPENDENCE"

PRESENTED

[ID#15-804](#) Recognition of the Fresno Grizzlies

PRESENTED

APPROVE MINUTES

[ID#15-784](#) Approval of City Council minutes from August 20, 2015

APPROVED

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

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

[ID#15-785](#) Approval of City Council minutes from August 27, 2015

APPROVED

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

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

COUNCILMEMBER REPORTS AND COMMENTS

Council President Baines stated that a great man recently passed away and several councilmembers contacted him regarding adjourning the meeting in honor of Charlie Waters. Charlie Waters was a veteran and was remembered as a giant who was very deeply cared for by those on the dais, the community and by veterans across the nation. Council President Baines stated that in honor of Charlie Waters, the council meeting would be adjourned in his memory.

Councilmember Quintero invited everyone to the 4th Annual Carnival

Children's Festival next Saturday, September 19, 2015 at the Mosqueda Center. He said that last year there were 3,000 people in attendance and he expected this year to be even bigger and better. People were encouraged to bring their families and especially elementary school aged children. There will be approximately 20 tables of information from different agencies. Everything is free except for water and hot dogs which are \$1 each. Councilmember Quintero said the event was not possible without the assistance of the City Manager's Office and the Parks, After School, Recreation and Community Services (PARCS) Department. Councilmember Quintero also noted that his office had been working with the City Attorney's Office on changes to the used tire ordinance. City Manager Rudd stated that the change could be to Council by the first meeting in October. Councilmember Quintero asked City Attorney Sloan to make sure the disposal fee was addressed in the change.

Councilmember Soria asked Council to also adjourn today's meeting in memory of Deondra Howard, also known as Dae Dae. She remembered Deondra as a great athlete and Fresno State student who had been taken from the community too soon. Councilmember Caprioglio joined Councilmember Soria in her request. He recalled that his son played softball with Deondra for many years and remembered him as a fine man with a bright future.

Councilmember Soria also announced there would be a special legislative session in Sacramento focusing on Transportation which could benefit the City of Fresno through additional resources for city neighborhoods. She also discussed Van Ness Street in District 1 and the health of the trees in one of the oldest neighborhoods in City. She mentioned some trees were about ninety years old and asked when the city would hear from the arborist concerning the trees. City Manager Rudd said the city received a report last night from the arborist but the issue has more to do with the age of the trees and not a lack of water. Councilmember Soria asked to meet with the City Manager offline to discuss the strategy to care for the historical trees and thanked him for his work on the matter.

Vice President Caprioglio thanked the Fresno State Bulldogs for starting off with a big, big win last weekend. He encouraged everyone to support the Bulldogs at their next home game on September 19, 2015. He stated that supporters at tonight's game would receive a towel. Vice President Caprioglio announced that Fire Captain Pete Dern WALKED out of the hospital yesterday with less than six months recovery yesterday. He said it

was great to see everyone from hospital staff, family, and friends line up as he walked out of the hospital. Vice President Caprioglio congratulated Director Kevin Meikle for being elected as the Treasurer of the California Airports Counsel. He also announced that Granite Park now had a Farmers Market, with reasonably priced fresh fruits and vegetables and thanked Mike Sanchez for helping put it together.

Vice President Caprioglio also discussed the Volunteer Day at Stone Soup Pre-School in the El Dorado Park area. It was held August 22, 2015 and more than 200 hours were volunteered. Volunteers put together the playground facilities and painted classrooms. The event will benefit more than three hundred children. He also thanked the volunteers from PG&E, Fresno State Associated Students Incorporated, Fresno State Women's Swim and Dive team, and the many others that volunteered.

Councilmember Brandau stated that he would be following up on the Fresno Police Officers Association contract regarding police recruitment that was entered into two months ago. He stated that the City was having difficulties recruiting officers and there were currently at 697 and the City's goal was 760 by the end of the year. He said he would continue to follow up on the issue, receive updates and would request a workshop on this issue in a few weeks.

Councilmember Soria also asked Council to adjourn the meeting memory of Carol Becket. Carol was an educator and principal for Fresno Unified School District and she passed away on September 7, 2005. Councilmember Soria remembered her as a community advocate.

APPROVE AGENDA

Councilmember Brandau requested to remove item 2-E, (File ID# 15-763) regarding a Skate Park, from the agenda. Councilmember Olivier made a motion to keep item 2-E on the agenda and Councilmember Soria seconded the motion. The motion to keep item 2-E on the agenda passed on a vote of 5-2 with Councilmembers Brandau and Caprioglio voting "no".

APPROVED

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

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

1. CONSENT CALENDAR

APPROVAL OF THE CONSENT CALENDAR

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

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

- 1-A** [ID#15-428](#) Actions pertaining to an award of a construction contract to Maxwell Smart Construction of Clovis, CA in the amount of \$154,125 for the Police Department Headquarters (PDHQ) parking lot fence and gates (Bid File No. 3383) (Council District 3)
1. Adopt finding of a Categorical Exemption per staff determination, pursuant to Section 15303(e) of the California Environmental Quality Act (CEQA) Guidelines
 2. Award a construction contract with Maxwell Smart Construction of Clovis, CA in the amount of \$154,125 for the PDHQ parking lot fence and gates

The above item was APPROVED on the Consent Calendar.

- 1-B** [ID#15-688](#) ***RESOLUTION - 2nd Amendment to Salary Resolution No. 2015-108, adding the new classifications and assigned salary ranges for Community Revitalization Technician and Traffic Signal Operations Specialist to Exhibit 3, Unit 3, Non-Supervisory White Collar, represented by the Fresno City Employees Association (FCEA), and Supervising Traffic Signal Operations Specialist to Exhibit 13-1, Unit 13, Management Non-Confidential (CFPEA, effective September 10, 2015)

RESOLUTION 2015-169 ADOPTED

The above item was APPROVED on the Consent Calendar.

- 1-C [ID#15-753](#) ***RESOLUTION - 10th amendment to the Annual Appropriation Resolution (AAR) No. 2015-104 appropriating \$418,000 for City salaries, contractor costs and miscellaneous expenses related to completion of projects for the U.S. Department of Housing and Urban Development (HUD) 2011 Lead-Based Hazard Control Grant Program (Requires 5 affirmative votes)

RESOLUTION 2015-170 ADOPTED

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

- 1-D [ID#15-774](#) Approve the appointment of Wilma Quan-Schecter to the City of Fresno Deferred Compensation Board

The above appointment was **APPROVED** on the Consent Calendar.

JOINT MEETING OF THE CITY OF FRESNO, THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF FRESNO AND THE FRESNO REVITALIZATION CORPORATION

CONSENT CALENDAR

- [ID#15-787](#) Successor Agency to the Redevelopment Agency of the City of Fresno and Fresno Revitalization Corporation (FRC) consider adopting:
 - 1 RESOLUTION - Approving the Recognized Obligation Payment Schedule 15-16B

SUCCESSOR AGENCY RESOLUTION SA-29 ADOPTED
FRESNO REVITALIZATION CORPORATION RESOLUTION FRC-17 ADOPTED

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

CONTESTED CONSENT CALENDAR

No items were moved to the Contested Consent Calendar.

2. GENERAL ADMINISTRATION

- 2-A** [ID#15-755](#) RESOLUTION - Amending the Enterprise Accountability and Oversight Act

The above item was introduced to Council by City Attorney Sloan.

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

RESOLUTION 2015-171 WAS ADOPTED

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

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

No: 1 - Olivier

- 2-B** [ID#15-757](#) Action pertaining to the Recycled Water Transmission Main, Southwest Quadrant, Project SW1A (Bid File 3410) (Council District 3 and Fresno County)
1. ***RESOLUTION - 8th amendment to the Annual Appropriation Resolution (AAR) No. 2015-104 appropriating \$7,100,200.00 for the Recycled Water Transmission Main, Southwest Quadrant, Project SW1A (Requires 5 affirmative votes)
 2. Award a construction contract in the amount of \$7,877,153.25 to Floyd Johnston Construction Company, Inc. of Clovis, California
 3. Authorized the Director of Public Utilities or his designee to sign the construction contract on behalf of the City

The above item was introduced to Council by Kevin Norgaard, PE, Department of Public Utilities.

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

RESOLUTION 2015-172 ADOPTED

On motion of Councilmember Soria, 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

- 2-C** [ID#15-758](#) Actions pertaining to the design of the sewer rehabilitation in Church Avenue (Council District 3 and parts of Fresno County)
1. Approve a consultant agreement in the amount of \$68,400 and a contingency of \$2,000 with Provost & Pritchard Consulting Group for the professional engineering services
 2. Authorize Director of Public Utilities or designee to sign on behalf of the City

The above item was introduced to Council by Kevin Norgaard, PE of the Department of Public Utilities.

Upon call, no member of the public addressed council regarding this item.

APPROVED

On motion of President Baines III, 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

- 2-D** [ID#15-759](#) Actions pertaining to the Capital Project Management of the Urban Water Management Plan Annual Contract between DPU and CH2MHILL Engineers, Inc.
1. ***RESOLUTION - 12th amendment to the Annual Appropriation Resolution (AAR) No. 2015-104 appropriating \$1,140,000 for Construction Management Services for the Wastewater Management Recycled Water Distribution Project (Requires 5 affirmative votes)
 2. Approval the Fourth Amendment to the Professional Consultant Agreement with CH2M HILL Engineers, Inc., in the amount of \$1,140,000 increasing the approved fiscal year compensation from \$7,100,000 to a revised not-to-exceed amount of \$8,240,000 for Fiscal Year 2016 Program Management Services (Citywide)

Michael Carbajal, Division Manager, and Director Esqueda of the Department of Public Utilities introduced the item to Council.

CONTINUED TO SEPTEMBER 24, 2015 BY CONSENSUS OF COUNCIL

5. SCHEDULED COUNCIL HEARINGS AND MATTERS

10:15 A.M. SCHEDULED COMMUNICATION

[ID#15-778](#) Appearance by George Aguilar, Al Makki, Mario Soto and Juan Bejar to discuss revisiting the disparity between non-regulated ride sharing companies and traditional taxis regulated by the City of Fresno

APPEARED

UNSCHEDULED COMMUNICATION

The following member(s) of the public addressed Council during Unscheduled Communication:

Mario Soto - discussed the disparity between non-regulated ride sharing companies and traditional taxis regulated by the City of Fresno

Juan Bejar - discussed the disparity between non-regulated ride sharing companies and traditional taxis regulated by the City of Fresno

Councilmember Olivier provided a background on taxis in the City and past work to put them on the same playing field with Uber and Lyft. He stated he would be willing to help remove some taxes but nothing could be done until the item was added to an agenda.

2. GENERAL ADMINISTRATION CONTINUED

2-E [ID#15-763](#) Approval of Memorandum of Understanding with Building Healthy Communities (BHC) and Street League Skateboarding Foundation (SLSF) to construct a permanent skate park at Romain Park (District 7)

The above item was introduced to Council by Manuel Mollinedo, Director of Parks, After School, Recreation and Community Services Department.

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

APPROVED

On motion of Councilmember Olivier, 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

- 2-F** [ID#15-765](#) Approve an extension of a five year lease/purchase financing agreement with Kansas State Bank in the amount of \$2,957,066 to acquire police vehicles and hardware

The above item was introduced to Council by Jim Schaad, Assistant Director of the Department of Public Transportation (FAX)

The following member(s) of the public spoke on this item: Richard Renteria.

APPROVED

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

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

- 2-G** [ID#15-770](#) WORKSHOP on the Consolidated Annual Performance and Evaluation Report (CAPER)

The above workshop was conducted by Director Clark, Development and Resource Management Department and Jose Trullio, Housing Manager, Development and Resource Management Department. The workshop paused for recess and was continued after closed session at 2:14 P.M.

RECESSED 11:56 A.M. to 1:30 P.M.

4. CLOSED SESSION

The City Council met in closed session in Room 2125 from 1:40 P.M. to 2:10 P.M. to discuss the following:

- [ID#15-762](#) CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION - Government Code Section 54956.9, subdivision (d)(1)
1. City of Fresno v. Dae Song Lee, et al.; Fresno Superior Court Case No. 12CECG04049

The above item was discussed in closed session. No open session

announcements were made regarding this item.

[ID#15-802](#) CONFERENCE WITH LABOR NEGOTIATOR - Government Code Section 54957.6
City Negotiator(s): Jeffrey Cardell and Kenneth Phillips.
Employee Organization(s):
Airport Public Safety Officers

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

2. GENERAL ADMINISTRATION CONTINUED

2-G [ID#15-770](#) WORKSHOP on the Consolidated Annual Performance and Evaluation Report (CAPER)

The above workshop was continued and concluded after open session reconvened at at 2:14 P.M.

WORKSHOP HELD

5. SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

2:00 P.M.

5. [ID#15-731](#) WORKSHOP on the Office of Independent Review

Workshop on the Office of Independent Review, presented by Richard Rasmussen and Mark Scharman.

Councilmember Brandau called Jacky Parks, President of Fresno Police Officers Association to speak.

Councilmember Quintero called Ellie Gustine, Member of the Central California Criminal Justice Committee to speak

WORKSHOP HELD

2. GENERAL ADMINISTRATION CONTINUED

2-H [ID#15-803](#) Acceptance of a \$195,489,000 State Revolving Fund Low Interest Loan through the State Water Resources Control Board for construction of the City of Fresno's Southeast Surface Water Treatment Facility and authorize the Director of Public Utilities,

or designee, to sign on behalf of the City of Fresno (Citywide).

The above item was introduced to Council by Glen Knapp, Department of Public Utilities. Tommy Esqueda, Director Department of Public Utilities, also spoke about the timeline of the project.

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

APPROVED

On motion of Councilmember Brandau, 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

3. CITY COUNCIL

- 3-A** [ID#15-792](#) 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 - Swearengin-Ex-Officio (Olivier-Alternate)
 2. Finance and Audit Committee - Brand, Olivier, Brandau
 3. Fresno Area Workforce Investment Corporation - Baines
 4. Fresno County Transportation Authority (FCTA) - Swearengin, Brandau
 5. Fresno Regional Workforce Investment Board - Baines, Renena Smith
 6. Fresno County Zoo Authority - Swearengin (Baines-Alternate)
 7. Fresno Madera Area Agency on Aging Board - Olivier
 8. Joint Powers Financing Authority - Baines, Vacant, Swearengin
 9. San Joaquin River Conservancy Board - Swearengin (Brandau-Alternate)
 10. Association for the Beautification of Highway 99 - Baines
 11. Upper Kings Basin Integrated Regional Water Management JPA - Brandau (Soria, Georgeanne White and Thomas Esqueda - Alternates)
 12. Economic Development Corporation Serving Fresno County - Brandau-Ex-Officio (Baines - Alternate)

- 13. Fresno/Clovis Convention & Visitors Bureau (CVB) - Amy Fuentes
- 14. League of California Cities (Annual Meeting) - Swearingin (Olivier-Alternate)
- 15. San Joaquin Valley Air Pollution Control District - Baines
- 16. Litigation Exposure Reduction Ad Hoc Committee - Brandau, Caprioglio
- 17. Convention Center Oversight Advisory Board - Baines, (Brand-Alternate), City Manager, SMG General Manager and one representative from each of SMG's organizations
- 18. Sub- Committee on Transportation - Baines, Caprioglio, Soria
- 19. Code Enforcement Sub-Committee - Baines, Olivier, and Caprioglio

Council President Baines reported on the following Boards and Commissions:

6. Fresno County Zoo Authority - he reported that the African exhibit is coming to the Fresno Chaffee Zoo in October 2015.

12. Economic Development Corporation Serving Fresno County - He reported that he attended the meeting of the Economic Development Corporation on behalf of Councilmember Brandau.

No other reports were made.

PRESENTED

UNSCHEDULED COMMUNICATION

Upon call, the following member(s) of the public addressed Council during Unscheduled Communication:

Lee Vantressca - discussed the care of trees on Van Ness Boulevard.

ADJOURNMENT

Adjourned in memory of Charlie Waters, Deondra Howard, and Carolyn Becket at 4.27 p.m.