



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, December 3, 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 Pastor Charlie Avila of the Clovis Christian Center

Pledge of Allegiance to the Flag

CEREMONIAL PRESENTATIONS

[ID#15-108](#) Presentation of the SPCA Pet of the Month

[8](#)

PRESENTED

APPROVE MINUTES

[ID#15-106](#) Approval of City Council minutes from November 3, 2015

[5](#)

APPROVED

[ID#15-106](#) Approval of City Council minutes from November 5, 2015
[6](#)

Deputy City Clerk Stermer announced several, non substantive, clerical corrections to the minutes.

APPROVED WITH CORRECTIONS

[ID#15-106](#) Approval of City Council minutes from November 12, 2015
[7](#)

Deputy City Clerk Stermer announced a, non substantive, clerical correction to the minutes.

APPROVED WITH CORRECTION

[ID#15-106](#) Approval of City Council minutes from November 19, 2015
[8](#)

APPROVED

COUNCILMEMBER REPORTS AND COMMENTS

No reports or comments were made by any of the Councilmembers.

APPROVE AGENDA

Assistant City Clerk Stermer announced the following change to the agenda: with regards to the 10:00 A.M. Scheduled Matter (File ID#15-1050) staff removed parts three and four of the item (Resolution Declaring Election Results and Bill Levying Special Tax) to be heard at a later date. Parts one and two of the 10:00 A.M. Scheduled Matter (Resolution of Formation and Resolution Calling Special Mailed-Ballot Election) would still be heard by Council. Mr. Stermer also announced the election date in the Resolution should be January 7, 2016, not December 3, 2015.

Mr. Stermer reminded the audience that a separately noticed 9:00 P.M. Special Closed Session Meeting regarding the City of Fresno v. Chris Henry (an individual) and 2103 N. Angus Street, LLC. (File ID# 15-1124) would be heard by Council.

1. CONSENT CALENDAR

Councilmember Brandau moved Consent Calendar item 1-A (File ID#

15-987) to the Contested Consent Calendar for further discussion.

APPROVAL OF THE CONSENT CALENDAR

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

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

- 1-A** [ID#15-987](#) Authorize a contract for a radio system needs assessment and communications operations review in the amount of \$126,900 with CDX Wireless Technology Consulting, Inc. (Bid File 070115) (Citywide)

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

- 1-B** [ID#15-102](#)
[0](#) ***RESOLUTION - Consenting to the inclusion of properties within the City of Fresno (the "City") In the California Municipal Finance Authority ("CMFA") Property Assessed Clean Energy ("PACE") Program: (CMFA PACE Program); authorizing the CMFA to accept applications from property owners, conduct contractual assessment proceedings and levy contractual assessments within the City of Fresno; and authorizing related actions

RESOLUTION 2015-214 ADOPTED

The above item was approved on the Consent Calendar.

- 1-C** [ID#15-102](#)
[5](#) Approve the acquisition of 33,065 square feet of easement on property owned by Frank S. Caglia Family Limited Partnership; a California limited partnership in the amount of \$71,700 (APN 330-021-10 & 30) for the construction of new sanitary sewer lines within East Avenue, Orange Avenue, Cedar Avenue, Malaga Avenue and Central Avenue. (Council District 3)

APPROVED

The above item was approved on the Consent Calendar.

- 1-D** [ID#15-107](#)
[2](#) Approve the acquisition of 17,126 square feet of easement on property owned by Philip F. Heck Jr., et al in the amount of \$34,300 (APN 330-021-31) for the construction of new sanitary sewer lines within East Avenue, Orange Avenue, Cedar Avenue,

Malaga Avenue and Central Avenue. (Council District 3)

APPROVED

The above item was approved on the Consent Calendar.

- 1-E [ID#15-105](#)
[1](#) Award a requirements contract in the amount of \$178,246 to Brenntag Pacific, Inc. for ortho poly phosphate blend for a one-year contract with provisions for two one-year extensions - Bid File 9330 (Citywide).

APPROVED

The above item was approved on the Consent Calendar.

- 1-F [ID#15-107](#)
[4](#) Approve Amendment No. 2 to the Airport Use Agreement between the City of Fresno and the State of California for the California Army National Guard Aviation Classification Repair Activity Depot (AVCRAD) facility at Fresno Yosemite International Airport (FAT) (Council District 4)

APPROVED

The above item was approved on the Consent Calendar.

- 1-G [ID#15-109](#)
[0](#) ***BILL NO. B-42 - (Intro. 11/19/2015) (For adoption) - Amending Section 2-1105, Subsections (a) and (b) of the Fresno Municipal Code to revise the Local Campaign Contribution

ORDINANCE 2015-38 ADOPTED

The above item was approved on the Consent Calendar.

CONTESTED CONSENT CALENDAR

- 1-A [ID#15-987](#) Authorize a contract for a radio system needs assessment and communications operations review in the amount of \$126,900 with CDX Wireless Technology Consulting, Inc. (Bid File 070115) (Citywide)

The above item was introduced to Council by Information Services Interim Director Horn.

APPROVED

2. CLOSED SESSION

The following member(s) of the public addressed Council regarding the 9:00

A.M. Special Closed Session item, City of Fresno v. Chris Henry:

Patience Milrod; Tom Stenza; Rick Winer of F.I.C.; Holly Owen; Andy Levine; Reverend Sophia DeWitt; Nu Vang; Alejandra Tovar; Ashley Werner of Leadership Counsel for Justice and Accountability.

Councilmember Soria stated, for the record, that she and Vice President Caprioglio would bring forth a short term and interim solution for the slumlord issue while the administration readied phase two of the task force.

The City Council met in closed session in Room 2125 from 9:26 A.M. to 11:44 A.M. to discuss the following:

- [ID#15-109](#) CONFERENCE WITH LEGAL COUNSEL-EXISTING
[9](#) LITIGATION - Government Code Section 54956.9, subdivision (d)(1)
1. People of the State of California, City of Fresno (Real Party in Interest) v. Marejg Properties, LLC, et al ; Fresno Superior Court Case No. 09CECG02906

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

9:00 A.M. SPECIAL MEETING CLOSED SESSION (separately noticed)

- [ID#15-112](#) CONFERENCE WITH LEGAL COUNSEL - DECIDING
[4](#) WHETHER TO INITIATE LITIGATION - Government Code Section 54956.9, Subdivision (d)(4)
1. City of Fresno v. Chris Henry (an individual) and 2103 N. Angus Street, LLC, et al

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

RECESSED 11:44 A.M. to 1:34 P.M.

Following the recess, Vice President Caprioglio entered the Council Chamber at 1:38 P.M. and Councilmember Brand entered at 1:40 P.M.

5. SCHEDULED COUNCIL HEARINGS AND MATTERS

10:00 A.M.

- [ID#15-105](#)
[0](#)
- HEARING to adopt Resolutions and Ordinance to Consider the Formation of a Special Tax District (Community Facilities District No. 15 - East Copper River Ranch Maintenance District) and to Authorize Levy of a Special Tax (Eastern portion of the Copper River Ranch Development located northwest of North Willow and East Copper Avenues) (Council District 6)
1. RESOLUTION - of Formation of Community Facilities District No. 15, Authorizing the Levy of a Special Tax, and Preliminarily Establishing an Appropriations Limit
 2. RESOLUTION - Calling Special Mailed-Ballot Election
 3. RESOLUTION - Declaring Election Results
 4. BILL - (For introduction and adoption) - Levying a Special Tax for the Property Tax Year 2015-2016 and Future Tax Years Within and Relating to Community Facilities District No. 15 - East Copper River Ranch Maintenance District

The above hearing was called to order at 1:34 P.M. Public Works Assistant Director Benelli introduced the item to Council. Mr. Benelli announced the date for the election should be corrected to January 7, 2016 from December 3, 2015. Mr. Benelli also announced the Resolution Declaring Election Results and the Bill Levying a Special Tax would not be considered by Council at this meeting but would be brought before Council at a later date.

Upon call, the following member(s) of the public addressed council regarding this item:

Jeff Roberts on behalf of the Copper River Ranch project - supported the staff recommendation.

The hearing was closed at 1:37 P.M.

RESOLUTION 2015-215 ADOPTED

RESOLUTION 2015-216 ADOPTED

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

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

Absent: 2 - Caprioglio and Brand

10:15 A.M.

- [ID#15-989](#) HEARING to consider adoption of resolutions related to the designation of properties to the Local Register of Historic Resources
- 1.*** RESOLUTION - Designating the Azteca Theater (Teatro Azteca) located at 836-840 F Street, Fresno, California to the Local Register of Historic Resources (Council District 3)
 - 2.*** RESOLUTION - Designating the Dudley and Elsie Bates Home located at 718 E. Carmen Avenue, Fresno, California to the Local Register of Historic Resources (Council District 1).
 - 3.*** RESOLUTION - Designating the Judy Tobacco Building located at 155 Van Ness Avenue, Fresno, California to the Local Register of Historic Resources (Council District 3).
 - 4.*** RESOLUTION - Designating the Squirt Bottling Company Building located at 152 M Street, Fresno, California to the Local Register of Historic Resources (Council District 3).
 - 5.*** RESOLUTION - Designating the Alice and John Williams Home located at 1525 N. Wishon Avenue, Fresno, California to the Local Register of Historic Resources (Council District 1).
 - 6.*** RESOLUTION - Designating the United Grocers Inc. Wholesale Grocery Building located at 414 P Street, Fresno, California to the Local Register of Historic Resources (Council District 3).
 - 7.*** RESOLUTION - Designating the White Truck Company/Electric Motor Shop Building located at 245 Fulton Street, Fresno, California to the Local Register of Historic Resources (Council District 3).

The above hearing was called to order at 1:37 P.M. The above item was introduced to Council by Historic Preservation Project Manager Hattersly-Drayton.

Upon call, no member of the public choose to address Council regarding this item.

The hearing was closed at 1:44 P.M.

*RESOLUTION 2015-217 ADOPTED
RESOLUTION 2015-218 ADOPTED
RESOLUTION 2015-219 ADOPTED
RESOLUTION 2015-220 ADOPTED
RESOLUTION 2015-221 ADOPTED*

RESOLUTION 2015-222 ADOPTED

RESOLUTION 2015-223 ADOPTED

On motion of President Baines III, 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

1:30 P.M.

[ID#15-105](#)
[5](#)

Actions pertaining to the Fulton Mall Reconstruction Project - Bid File Number 3365 (Council District 3)

1. Find that no subsequent environmental review is required under the California Environmental Quality Act as none of the circumstances requiring subsequent environmental review set forth in CEQA Guidelines, section 15162 have occurred since the certification of Environmental Impact Report (EIR) No. SCH2013101046 certified for the Fulton Mall Reconstruction Project and that the Class 1 and 2 Categorical Exemptions apply to the replacement of the water and sewer mains underneath portions of the Fulton Mall
2. Award a Construction Contract with American Paving Company of Fresno, California in the amount of \$22,422,082.50 for the Fulton Mall Reconstruction Project
3. Approve an amendment to the contract with Royston, Hanamoto, Alley, & Abey, a California Corporation for the design of the Fulton Mall Reconstruction Project for a net increase of \$154,272.00

The above item was introduced to Council by Public Works Director Mozier. Mayor Swearingin also spoke on this item.

The following members of the public spoke on this item:

Shaun Kuykendall of Carpenters Local 701; Kayla Franklin of Carpenters Local 701; Ramon L. Perez Jr.; Dixie Salazar; Dan Doyle of Downtown Fresno Parking and Central Valley Community Bank; Sevak Khatchadourian; Matt Tymn; Jay Petersen; Kirk James; Bob Gurfield; Derek Franks of the Fresno Grizzlies; Rick Roush; Aaron Blair of Downtown Partnership; Craig Scharton; Doug Richert of Downtown Fresno Coalition; Dianne Hanzlicek of Downtown Fresno Coalition; Renei Rees; Kiel Schmidt; Liz Sanchez of Casa de Tamales; Mehmet Noyan; Don Scordino; Travis

Alexander of Carpenters Union; Nancy Waidtlow; Gerry Bill; Sara Hedgepeth-Harris of Downtown Fresno Coalition; Al Smith of Fresno Chamber of Commerce; Joyce Aiken; Mary Jo Fitchhorn of Fresno Historical Society; Bruce Morris; Daniel Delgado; Richard Renteria; Danny Sandoval of Central California Baseball Academy; James Koch; Robert Grell; Geroge Vasquez on behalf of H. Ty Kharazi; Christopher Rocha; Mary Cumes; Andrew Standriff and; Guadalupe Gutierrez of Mexican American Political Association.

Vice President Caprioglio stated, for the record, that his constituents did not support the Fulton Mall reconstruction project.

Councilmember Soria directed staff to report back to Council in thirty days to detail the parts of the project to be scaled back to keep within the mandated budget.

APPROVED

On motion of President Baines III, 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

No: 1 - Caprioglio

RECESSED 4:21 P.M. to 4:29 P.M.

Councilmember Brandau announced he would be absent the remainder of the meeting due to illness and asked that his votes be recorded in the following manner for the items listed:

"Yes" for General Administration item 3-C (File ID# 15-1086).

"Yes" for General Administration item 3-A (File ID# 15-1071).

"No" for the adoption of the 2:00 P.M. Scheduled Matter, the Development Code Update, but "Yes" to Councilmember Brand's expected amendment to the update regarding marijuana.

"No" for General Administration item 3-E (File ID# 15-1030)

Councilmember Brandau exited the Council Chamber at 4:32 and was absent the remainder of the meeting.

Vice President Caprioglio announced he may be called away before the meeting concluded and asked that his vote on the 2:00 P.M. Scheduled Matter, the Development Code Update, be recorded as a "Yes" for adoption and a "Yes" for Councilmember Brand's expected amendment regarding marijuana.

3. GENERAL ADMINISTRATION

- 3-A** [ID#15-107](#) Actions pertaining to the Commercial Aviation Non-Exclusive License Agreement with Delta Global Services (DGS) for on-airport ground handling services at Fresno Yosemite International Airport (Council District 4)
- 1
1. Approve License Amendment No. 1 between the City of Fresno and DGS for non-exclusive ground handling services at Fresno Yosemite International Airport (FAT)

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

Though absent, Councilmember Brandau previously directed the Clerk to record his vote as "Yes" for this item.

APPROVED

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

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

- 3-B** [ID#15-107](#) Actions pertaining to funding and construction of the Employee Parking Lot and Ground Transportation Facility project at Fresno
- 3

Yosemite International Airport (Council District 4)

1. ***RESOLUTION - 22nd amendment to the Annual Appropriations Resolution (AAR) No. 2015-104 appropriating \$815,000 for the Employee Parking Lot and Ground Transportation Facility project at Fresno Yosemite International Airport (Requires 5 affirmative votes)
2. Award a construction contract to Yarbs Grading and Paving, Inc., of Fowler, California, for the Employee Parking Lot and Ground Transportation Facility project at Fresno Yosemite International Airport in the amount of \$1,999,095.20 (Bid File 3408)

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

RESOLUTION 2015-224 ADOPTED

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

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

Absent: 1 - Brandau

5. SCHEDULED COUNCIL HEARINGS AND MATTERS

CONTINUED

2:00 P.M.

[ID#15-108](#) [5](#) ***BILL NO. B-43 - (Intro. 11/19/2015) (For adoption) - Adding Chapter 15 to the Fresno Municipal Code, repealing Chapter 12, Articles 1-4, 5, 6, 9-14, 17, 18 and 22, repealing Chapter 10, Article 12; and amending Chapter 1, Section 1-203; Chapter 9, Articles 6, 9-2602 and 1; Chapter 10, Articles 2 and 3; and Chapter 13, Article 3 of the Fresno Municipal Code, relating to the Citywide Development Code.

1. Adoption of Bill No. B-43 approves Text Amendment Application No. TA-15-001, including all revisions recommended by Planning Commission on September 30, 2015 and additional revisions made by staff enumerated in Exhibit D to the November 12th City Council Report, and amendments made by City Council on November 19, 2015.

The above item was introduced to Council by Development and Resources

Management ("DARM") Director Clark.

Though absent, Councilmember Brandau previously directed the Clerk to record his vote on this item as "No" for adoption of the Development Code Update and "Yes" for Councilmember Brand's expected motion regarding marijuana.

Councilmember Soria motioned to amend the Development Code Update by changing the use permission from "P" to "C" as found in Mixed Use District table 15-1102 related to entertainment and recreation small scale. Vice President Caprioglio seconded the motion which passed by the following vote:

Aye (5): Baines, Brand, Caprioglio, Quintero and Soria

No (1): Olivier

Absent (1): Brandau

Councilmember Brand motioned to amend the Development Code Update by restoring provisions regarding Recycling Centers that were deleted or modified by the Planning Commission as follows: restore sections 15-2750(b)(1), 15-2750(b)(2), 15-2750(b)(5)(d) and remove the modifications made to section 15-2750(b)(15) so that the text reverts to the language from the September 2015 draft. President Baines seconded the motion which passed by the following vote:

Aye (6): Baines, Brand, Caprioglio, Olivier, Quintero and Soria

Absent (1): Brandau

Councilmember Brand motioned to amend the Development Code Update by restoring the language regarding marijuana dispensaries. Vice President Caprioglio seconded the motion which passed by the following vote:

Aye (6): Baines, Brand, Brandau, Caprioglio, Quintero and Soria

No (1): Olivier

*Councilmember Quintero motioned to amend Development Code section 15-2740, relating to Mobile Vendors as follows:
Amendment 1: Section 15-2740-B(2)(a) relating to time limits for off-street locations in non-residential districts should be amended to read as follows:
Time Limits. A Vendor may stay in a single location for up to 12 hours in a 24 hour period after which the Vendor must move to a new location that is*

no less than 500 feet away.

Amendment 2: Section 15-2740-B(2)(b) should be added to read as follows: Unpaved surfaces. Notwithstanding any other provisions of this Code, Vendors shall be permitted to operate on unpaved surfaces in non-residential districts with prior written authorization of the property owner.

Amendment 3: Section 15-2740-A(7) should be amended to read as follows: Restaurant, Residential, and School Spacing. Notwithstanding sections B and C below, Vendors shall not operate within specified distances of the following uses as set forth below:

- a. Vendors shall not operate within 300 feet of an existing restaurant, during the restaurant's normal business hours, with the following exceptions:
 - i. Vendors operating as part of a Farmer's Market per Section 15-2730 or a Special Event per Section 15-2760-B.*
 - ii. The restaurant and the Vendor are operated by the same entity.**
- b. Vendors shall not operate within 100 feet of residential uses, with the following exceptions
 - i. Caretaker's Residence*
 - ii. Residential units that are part of a vertical mixed-use development.*
 - iii. Vendors operating as part of a Farmer's Market per section 15-2730 or a Special Event per Section 15-2760-B.**
- c. Vendors shall not operate within 100 feet of schools, with the following exceptions:
 - i. Vendors which sell only fresh produce.*
 - ii. Vendors operating as part of a Farmer's Market per Section 15-2730 or a Special Event per Section 15-2760-B.*
 - iii. Any motorized food vendor may not operate within 1,000 feet of a school during regular school hours unless authorized by the school.**

Councilmember Quintero also agreed to add language that would allow mobile vendors on the premises of an existing business with the owners approval despite the 300 foot rule. Councilmember Soria seconded Councilmember Quintero's motion which passed by the following vote:

*Aye(6): Baines, Brand, Caprioglio, Olivier, Quintero and Soria
Absent(1): Brandau*

City Attorney Sloan clarified that Councilmember Brand's motion regarding marijuana was discussed and introduced at the previous meeting and would therefore be final today, if approved. He also stated the other amendments

made today were only being introduced and would be approved at the following meeting.

ORDINANCE 2015-39 ADOPTED

On motion of President Baines III, seconded by Councilmember Brand, that the above item was adopted with Council amendments introduced. The motion carried by the following vote:

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

No: 1 - Brandau

3. GENERAL ADMINISTRATION CONTINUED

Vice President Caprioglio announced he had been called away but was familiar with all the remaining items on the agenda and directed the Clerk to record a "Yes" vote for the balance of the agenda.

Vice President Caprioglio exited the Council Chamber at 4:56 P.M. and was absent the remainder of the meeting.

- 3-C** [ID#15-108](#) Actions pertaining to the Annual Wellness, Fitness and
[6](#) Physicals Program:
1. Authorize the Fire Chief or designee to execute a contract with Pinnacle Training Systems for annual fitness checks and wellness review for all sworn safety members of the Fire Department
 2. ***RESOLUTION - 26th amendment to the Annual Appropriations Resolution (AAR) No. 2015-104 appropriating \$135,000 for a contract with Pinnacle Training Systems for the annual wellness, fitness, and physicals program (Requires 5 affirmative votes)

The above item was introduced to Council by Fire Chief Donis.

Councilmember Brand directed staff to return in a year to provide Council with pre and post program measurements.

Though absent, Vice President Caprioglio and Councilmember Brandau directed the Clerk to record "Yes" votes on this item.

RESOLUTION 2015-225 ADOPTED

On motion of Councilmember Soria, seconded by Vice President

Caprioglio, the above item was approved. The motion carried by the following vote:

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

- 3-D** [ID#15-101](#) [6](#) Actions pertaining to awarding a contract for construction of electrical upgrades at Fresno Area Express's Compressed Natural Gas fueling station:
1. Adopt a finding of Class 1 categorical exemption under section 15301 of the California Environmental Quality Act (CEQA) Guidelines, Class 2 categorical exemption under section 15302, and Class 3 categorical exemption under section 15303.,
 2. Award a construction contract to A-C Electric Company of Fresno, California in the amount of \$942,350 for the construction of electrical upgrades at Fresno Area Express's (FAX's) Compressed Natural Gas (CNG) fueling station (Bid File 3414) (Citywide).

The above item was introduced to Council by Transportation Director Marshall.

Though absent, Vice President Caprioglio directed the Clerk to record his vote as "Yes" on this item.

APPROVED

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

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

Absent: 1 - Brandau

- 3-E** [ID#15-103](#) [0](#) Approve a consultant agreement in the amount of \$241,984.20 with SZS Consulting Group, LLC, a Palo Alto-based California limited liability corporation, for the preparation of an Americans with Disabilities Act (ADA) bus stop survey, self-evaluation, and transition plan.

The above item was introduced to Council by Transportation Director Marshall.

The following member(s) of the public spoke on this item: Rick Steitz and Scott Begosian.

Director Marshall stated, for the record, that changes would be made as a result of the study and there had been internal meetings about ATU meeting with the vendor to discuss making the changes upon completion of the study.

Though absent, Councilmember Brandau directed the Clerk to record his vote as "No" on this item.

Though absent, Vice President Caprioglio directed the Clerk to record his votes as "Yes" on this item.

APPROVED

On motion of Councilmember Soria, seconded by Councilmember Quintero, 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

- 3-F** [ID#15-104](#) *** RESOLUTION - 19th amendment to the Annual
1 Appropriation Resolution (AAR) No. 2015-104 to transfer
\$500,000 from the MTBE Settlement Fund to the TCP
Settlement Fund to fund outside counsel legal services costs
related to prosecution of the TCP liability claims case (Citywide)
(Requires five affirmative votes)

The above item was introduced to Council by Public Utilities Manager McLaughlin.

Though absent, Vice President Caprioglio directed the Clerk to record his vote as "Yes" on this item.

RESOLUTION 2015-226 ADOPTED

On motion of President 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

Absent: 1 - Brandau

- 3-G** [ID#15-104](#) Award a requirements contract in the estimated amount of
[3](#) \$1,233,765.00 to Kemira Water Solutions, Inc. a Delaware Corporation, for Ferric Chloride (Bulk Delivery) to the Fresno-Clovis Regional Wastewater Reclamation Facility (RWRF) Bid File 9335.

The above item was introduced to Council by Public Utilities Manager Staggs.

Though absent, Vice President Caprioglio directed the Clerk to record his vote as "Yes" on 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: 6 - Baines III, Caprioglio, Brand, Olivier, Quintero and Soria

Absent: 1 - Brandau

- 3-H** [ID#15-108](#) Actions pertaining to submitting a WaterSMART grant
[0](#) application to the Department of the Interior, Bureau of Reclamation, as co-applicant with the Fresno Metropolitan Flood Control District:
1. RESOLUTION - Authorizing an application, in cooperation with the Fresno Metropolitan Flood Control District, to the Department of the Interior, Bureau of Reclamation for a FY2016 WaterSMART: Water and Energy Efficiency Grant in the amount of \$300,000 to convert the irrigation systems at four (4) retention basins from potable water service to non-potable water service to reduce water demands on the City's public water system, and
 2. Authorize the Director of Public Utilities or designee(s) to execute all application documents on behalf of the City of Fresno and the Fresno Metropolitan Flood Control District.

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

Though absent, Vice President Caprioglio directed the Clerk to record his vote as "Yes" on this item.

RESOLUTION 2015-227 ADOPTED

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

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

Absent: 1 - Brandau

- 3-I** [ID#15-995](#) BILL - (For introduction) - Amending Subsection (f) to Section 1-304 of the Fresno Municipal Code relating to Code violations

The above item was introduced to Council by DARM Director Clark.

Though absent, Vice President Caprioglio directed the Clerk to record his vote as "Yes" on this item.

President Baines motioned to approve this Bill with the formal title of "Ben's Bill" in memory of receivership proponent and former Fresno City Code Enforcement Officer, Benjamin Rash.

BEN'S BILL, B-44 INTRODUCED AND LAID OVER

On motion of President Baines III, seconded by Councilmember Brand, Ben's Bill was introduced and laid over. The motion carried by the following vote:

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

Absent: 1 - Brandau

4. CITY COUNCIL

There were no City Council items on the agenda.

UNSCHEDULED COMMUNICATION

Upon call, no member of the public choose to address Council with unscheduled communication.

ADJOURNMENT

Adjourned in the memory of the victims of the shooting in San Bernardino at 5:27 P.M.

These minutes were approved by unanimous vote of the Council during the December 17, 2015 City Council meeting.

