



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, June 2, 2016

8:30 AM

Council Chambers

Regular Session

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

8:36 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 Brand was absent during roll call and entered the Council Chamber at 8:42 A.M.

Invocation by Chief of Staff for District Three, Gregory Barfield

Pledge of Allegiance to the Flag

APPROVE AGENDA

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

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

Absent: 1 - Brand

APPROVE MINUTES

[ID16-148](#) Approval of minutes from May 19, 2016

On motion of Councilmember Brandau, seconded by Councilmember Baines III, that the above Minutes be approved. The motion carried by the following vote:

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

Absent: 1 - Brand

COUNCILMEMBER REPORTS AND COMMENTS

Councilmember Brandau announced that, thanks to the Fresno County Transportation Authority vote last week, Fresno will be able to proceed with a new trail system that will link central Fresno with trails in Clovis.

Councilmember Soria announced that the Pride Parade was scheduled to occur in the Tower District on Saturday June 4, 2016 at 10:00 A.M. She encouraged all to attend the event.

Councilmember Soria reported that she recently visited one of Fresno's Sister Cities: Châteauroux, France. She connected with many local leaders as well as with delegations from Germany, Poland and places across the globe. She also discussed cultural and educational exchanges with an Alliance from France which she said could be exciting for Fresno youth.

Councilmember Soria reported her attendance at a graduation ceremony at Fort Miller. She noted that fifty or sixty Latino residents from Fresno attended a 13 week academy to better understand services provided by the City. She explained that the academy was an excellent way for the city to build trust with the community.

President Caprioglio announced his attendance at the ceremony to swear in approximately 24 officers to the Police Department. He said it was a great event and was well attended by the families of the new officers.

1. CONSENT CALENDAR

Councilmember Soria moved Consent Calendar item 1-K (ID 16-610) to the Contested Consent Calendar for further discussion.

APPROVAL OF THE CONSENT CALENDAR

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

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

- 1-A** [ID16-538](#) Actions pertaining to Right-of-Way Acquisition for the Copper Avenue Trail Project:
1. Approve the acquisition of an 8,100 square foot pedestrian walkway / bicycle path easement, a 5,743 square foot temporary construction easement and a 1,135 square foot slope easement from property owned by Pacific Gas & Electric (579-220-13su) in the amount of \$45,365 for the construction of a multi-purpose trail along Copper Avenue from Cedar to Maple Avenues. (Council District 6)
 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** [ID16-559](#) Actions pertaining to award of purchase contract for the rebuild of one Allison 501-KB5 turbine engine:
1. RESOLUTION - Declaring an urgent necessity for the preservation of life, health, property, and authorizing the Purchasing Manager or designee to contract for the repair of one Allison 501-KB5 Combustion Turbine Engine without advertised competitive bidding to ProTech Turbine Services (Requires 5 affirmative votes)
 2. Award contract to ProTech in the amount of \$198,000 Turbine Services of Tomball, Texas

RESOLUTION 2016-94 ADOPTED

The above item was approved on the Consent Calendar.

- 1-C [ID16-573](#) Actions pertaining to the acquisition of a portion of APN 505-070-38 for the Veterans Boulevard project:
1. Approve the acquisition of 52,202 square feet of property owned by Peter K. Boeck, Kathryn M. Boeck, and Guillon/Brouhard General Partnership 1, a California general partnership for fee simple right-of-way for public street purposes, in the amount of \$195,400 for the construction of Veterans Boulevard interchange over State Route 99 near Barstow Avenue and Island Water Park Drive;
 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-D [ID16-575](#) Approve a consultant agreement in the amount of \$262,473 with Provost and Pritchard Engineering Group, Inc., for the design of well head treatment improvements at Pump Stations 117 and 284. (County Island within Council District 2)

APPROVED

The above item was approved on the Consent Calendar.

- 1-E [ID16-578](#) Actions pertaining to the design and Implementation of Phase 3 Groundwater Remedial Action for the Fresno Sanitary Landfill (FSL) (Citywide) (Council District 3):
1. Adopt a finding of Categorical Exemption per staff determination, pursuant to Section 15308 (Class 8) of the CEQA guidelines for design and implementation of Phase 3 Groundwater Remedial Action for the FSL
 2. Approve an agreement with CDM Smith, Inc., (CDM) in the amount of \$464,700 for design and implementation oversight of Phase 3 Groundwater Remedial Action for the FSL (City) (Council District 3)

APPROVED

The above item was approved on the Consent Calendar.

- 1-F [ID16-587](#) Reject all bids received for the purchasing of an Inductively Coupled Plasma Mass Spectrometry instrument for the Wastewater Management Division Laboratory (Bid File No. 3468) (Council District 3)

APPROVED

The above item was approved on the Consent Calendar.

- 1-G [ID16-608](#) Approve the appointment of Timothy Yeager to the Tower District Design Review Committee

APPROVED

The above appointment was approved on the Consent Calendar.

- 1-H [ID16-609](#) Actions pertaining to Lift Station 10 improvements at W. Stratford Drive and N. Woodlawn Drive (Bid File 3446) (Council District 6)

1. Adopt a finding of Categorical Exemption of Class 1, pursuant to Section 15301(d) (Existing facilities) and Class 2, pursuant to Section 15302(c) (Replacement or reconstruction) of the California Environmental Quality Act Guidelines
2. Award a construction contract in the amount of \$202,166 to Floyd Johnston Construction Co., Inc. of Clovis, California

APPROVED

The above item was approved on the Consent Calendar.

- 1-I [ID16-638](#) Approve the First Amendment to the current contract with Fresno County to reimburse the City of Fresno for the cost on one full time Fresno Police Officer assigned to the Fresno County Adult Compliance Team (ACT).

APPROVED

The above item was approved on the Consent Calendar.

- 1-J [ID16-599](#) Submission and acceptance of the Restated City of Fresno Comprehensive Annual Financial Report (CAFR) and Comprehensive Annual Debt Report (CADR) for Fiscal Year 2015.

APPROVED

The above item was approved on the Consent Calendar.

- 1-K [ID16-610](#) Actions pertaining to the purchase of three parcels located at the corner of B Street and Amador Street:
1. Adopt a finding of Categorical Exemption pursuant to Section 15303/Class 3 (new small structures) and Section 15332/Class 32 (infill development) of the California Environmental Quality Act Guidelines;
 2. Approve a Purchase and Sale Agreement with Will C. Milam Jr., as Trustee of the Will C. Milam and Angelina L. Milam Family Trust dated September 24, 1990, for A.P.N.s 465-161-12 and 465-161-13 in the amount of \$144,000; and
 3. Approve a Purchase and Sale Agreement with Francis Scott, as Executor for the Estate of the James J. Repape property, APN 465-161-14 in the amount of \$120,000.

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

- 1-L [ID16-654](#) RESOLUTION - Adopting Administrative Order 2-16 to be applicable to elected and appointed officials

RESOLUTION 2016-95 ADOPTED

The above item was approved on the Consent Calendar.

2. GENERAL ADMINISTRATION

- 2-A [ID16-616](#) Authorize the City Manager or designee to sign the Consulting Services Agreement with Accela, Inc. effective June 27, 2016 to June 30, 2020 for licensing, implementation and maintenance of a new land management system.

The above item was introduced to Council by Development and Resources Management ("DARM") Planning Manager, Emerson. DARM Director Clark, Assistant City Manager Smith and Accela Business Development Executive Avila also spoke on this item.

APPROVED

On motion of Councilmember Brandau, seconded by President Caprioglio, 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, no member of the public addressed Council during Unscheduled Communication.

4. CITY COUNCIL

- 4-A [ID16-583](#) RESOLUTION - Directing staff to collaborate with the taxi industry to amend taxi laws and policies

The above item was introduced to Council by Councilmember Olivier. City Manager Rudd also spoke on this item.

RESOLUTION 2016-96 ADOPTED

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

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

5. CLOSED SESSION

The City Council met in Closed Session in Room 2125 from 9:16 A.M. to 9:50 A.M. to discuss the following:

- [ID16-655](#) PUBLIC EMPLOYEE PERFORMANCE EVALUATION -
Government Code Section 54957
Title: City Attorney

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

RECESSED 9:50 A.M. to 10:19 A.M.

3. SCHEDULED COUNCIL HEARINGS AND MATTERS**10:00 A.M.**

- [ID16-643](#) Presentation of the Mayor's Fiscal Year 2017 Budget

The above presentation was made by Mayor Swearengin and Budget Manager Sumpter.

PRESENTED

10:45 A.M. SCHEDULED COMMUNICATION

[ID16-646](#) Appearance by Mary Esther Correa to discuss concerns with lack of water and sewer service at her residence. (Council District 7)

APPEARED

Councilmember Olivier exited the Council Chamber at 10:58 A.M. and returned at 11:01 A.M.

10:30 A.M. JOINT MEETING OF CITY (IN ITS CAPACITY AS HOUSING SUCCESSOR) AND FRESNO REVITALIZATION CORPORATION

The City of Fresno in it's capacity as the Housing Successor met in joint session with the Fresno Revitalization Corporation 10:55 A.M. to discuss the following:

[ID16-586](#) Approval of a Purchase and Sale Agreement between the Housing Successor and the State of California, acting by and through the State Public Works Board on behalf and with the consent of the High Speed Rail Authority (Housing Successor of the City of Fresno and FRC action)

The above item was introduced to Council by Successor Agency Executive Director Murphey.

Vice President Quintero directed staff to provide an updated list of properties to Council. He asked that the list include property status, Council District numbers, and an explanation of how proceeds from each property were to be allocated.

APPROVED

HOUSING SUCCESSOR VOTE:

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

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

Absent: 1 - Olivier

FRC VOTE:

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

Aye: 6 - Caprioglio, Quintero, Baines III, Brand, Brandau and Soria
Absent: 2 - Olivier and Swearengin

JOINT MEETING ADJOURNMENT

The joint meeting adjourned at 11:00 A.M.

4. CITY COUNCIL CONTINUED**4-B** [ID16-613](#) Request update on the Transit Plan

The above item was introduced to Council by Councilmember Brandau. City Manager Rudd also spoke on this item.

Councilmember Brandau clarified, for the record, that he felt Fresno Area Express ("FAX") had been ignored and allowed to languish while the City focused on Bus Rapid Transit ("BRT"). He also felt the City was ignoring a critical report from Parsons Brinkerhoff dated June 2015 entitled, "FCMA Public Transportation Strategic Service Evaluation Project Final Report, Task No. 4.3."

Councilmember Brandau requested that he be provided with the the number of drivers and support supervisors within FAX. He also requested the Transit Committee read the Parsons Brinkerhoff report, or at least review the executive summary. Councilmember Brandau requested information regarding steps the City had taken in response to the report since it was received a year ago.

City Manager Rudd replied that neither FAX nor the report had been ignored. He stated the General Plan and underlying land use policies must be in sync in order to carry out the recommendations in the report. He said the City had been working on synchronizing those policies in the General Plan update, Development Code update and City wide re-zoning project.

DISCUSSED

UNSCHEDULED COMMUNICATION CONTINUED

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

Howard Watkins - discussed the city budget and suggested investing in children from conception through age two as that is the time children are most susceptible to influence leading to a positive, constructive and healthy future. Mr. Watkins provided a handout for Council which has been attached to File ID 16-706.

[ID16-706](#) Handout received from Howard Watkins during Unscheduled Communication

RECESSED 11:52 A.M. to 1:36 P.M.

1:30 P.M.

CEREMONIAL PRESENTATIONS

[ID16-531](#) Proclamation of "FRESNO PRIDE DAY"

PRESENTED

[ID16-645](#) Presentation of the SPCA Pet of the Month

PRESENTED

[ID16-649](#) Recognition for "Operation Flag Fresno: Blackstone"

PRESENTED

Councilmember Olivier exited the Council Chamber at 1:59 P.M. and returned at 2:02 P.M.

CONTESTED CONSENT CALENDAR

- 1-K [ID16-610](#) Actions pertaining to the purchase of three parcels located at the corner of B Street and Amador Street:
1. Adopt a finding of Categorical Exemption pursuant to Section 15303/Class 3 (new small structures) and Section 15332/Class 32 (infill development) of the California Environmental Quality Act Guidelines;
 2. Approve a Purchase and Sale Agreement with Will C. Milam Jr., as Trustee of the Will C. Milam and Angelina L. Milam Family Trust dated September 24, 1990, for A.P.N.s 465-161-12 and 465-161-13 in the amount of \$144,000; and
 3. Approve a Purchase and Sale Agreement with Francis Scott, as Executor for the Estate of the James J. Repape property, APN 465-161-14 in the amount of \$120,000.

DARM Project Manager Nunez answered questions from Councilmember Soria.

APPROVED

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

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

Absent: 1 - Olivier

2:00 P.M.

[ID16-640](#) Workshop regarding specific planning within Fresno's Southeast Sphere of Influence.

The above workshop was lead by DARM Director Clark. Fresno Local Agency Formation Commission ("LAFCO") Executive Officer Fey and City Manager Rudd also spoke on this item.

Councilmember Brand recommended the City Manager and City Attorney draft a resolution to accept the staff recommendations and the time line to confirm the City's position on on the South East Development Area (formerly South East Growth Area). Councilmember Brand also recommended the resolution include a formal request to California Legislators asking them to sponsor legislation that would include the City of Fresno and the City of Clovis as the sixth and seventh members on the LAFCO Board.

City Attorney Sloan stated his office was already working to bring a resolution to Council the following week.

Councilmember Baines provided Mr. Fey with a letter of opposition to the LAFCO proposal.

President Caprioglio suggested Mr. Fey present the LAFCO board with a copy of the video or audio from the City Council meeting so they can better understand the concerns of the City of Fresno.

WORKSHOP HELD

ADJOURNMENT

President Caprioglio adjourned the meeting at 3:32 P.M. in the loving

memory of Ross Smith, Douglas Van Vleer and Robert Burks.

Councilmember Baines III remembered Ross Smith as a remarkable and humble man who gave much of his time and energy to his family and community.

President Caprioglio worked with Douglas Van Vleer as a prosecutor early in his career and remembered him as a person that gave back every day. He also remembered Robert Burks as a dear friend that worked in his law office and at California State University, Fresno.

President Caprioglio commented that everyone could strive to be a bit more like Mr. Smith, Mr. Van Vleer and Mr. Burks then called for a moment of silence.

The above minutes were approved by unanimous vote of the City Council during the June 9, 2016 City Council meeting with Councilmember Baines III and Councilmember Brandau absent.