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Agenda Item: ID#15-182

Date: 3/5/15

2015 MAR 3 PM 4 52

CITY CLERK, FRESNO CA

FRESNO CITY COUNCIL



Supplemental Information Packet

Agenda Related Items – ID#15-182

Contents of Supplement: Draft City Council Minutes of February 26, 2015

Item(s)

Approval of City Council minutes from February 26, 2015

Supplemental Information:

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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

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CITY CLERK, FRESNO CA

Thursday, February 26, 2015

8:30 AM

Council Chambers

Regular Session

The City Council met in regular session at the hour of 8:30 P.M. in the Council Chamber, City Hall, on the day above written.

8:34 A.M. ROLL CALL

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

Councilmember Quintero arrived shortly after roll call at 8:40 A.M.

Invocation by Reza Nekumanesh of the Islamic Cultural Center of Fresno

Pledge of Allegiance to the Flag

CEREMONIAL PRESENTATIONS

ID#15-110 Proclamation of Multiple Sclerosis Awareness Week March 2nd - 8th

Sponsors: City Councilmember Brand

PRESENTED

ID#15-047 Proclamation of "Michael Webb Day"

Sponsors: City Councilmember Baines

PRESENTED

ID#15-119 Special Black History Reflection- Fannie Lou Hamer

Sponsors: City Councilmember Baines

PRESENTED

ID#15-146 Recognition/farewell to James Tate Hill II, New Executive Director of the California State Black Chamber of Commerce"

Sponsors: City Councilmember Baines

CONTINUED

ADD ON CEREMONIAL - Moment of silence for friend and co-worker Benjamin Rash who passed away on February 10, 2015.

Councilmember Olivier remembered Ben Rash as a trusted city employee with a golden heart and stated that he would be missed. He announced that the meeting would be adjourned in the memory of Benjamin Rash and asked for a moment of silence to reflect on him and all the special times people have shared with him.

City Manager Rudd shared Councilmember Olivier's sentiment and remembered Ben Rash as one of his "go-to" employees when the citizens of Fresno needed something done. He recalled that Ben would never pull any punches and would always tell people what they needed to know and not what they wanted to hear. He stated that he appreciated Ben and that he would be missed.

Councilmember Caprioglio remembered Ben Rash as a friend and inspiration who was dedicated to the citizens of Fresno. He offered his condolences to Ben's wife, Marry Ellen, and their four children.

President Baines stated that Ben Rash was one of the first Code Officers he worked with as a Police Officer and recalled that Ben was one of the good guys that was always on the case, working hard for the people of Fresno.

PRESENTED

APPROVE MINUTES

On motion by Vice President Caprioglio, seconded by Councilmember Soria, the MINUTES listed below were approved. The motion carried by the following vote:

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

ID#15-147 Approval of City Council minutes from January 29, 2015

APPROVED

ID#15-148 Approval of City Council minutes from February 5, 2015

APPROVED

ID#15-149 Approval of Successor Agency minutes from January 29, 2015

Sponsors: City Clerk's Office

APPROVED

ID#15-150 Approval of Successor Agency minutes from February 5, 2015

Sponsors: City Clerk's Office

APPROVED

ID#15-151 Approval of Fresno Revitalization Corporation minutes from February 5, 2015

APPROVED

COUNCILMEMBER REPORTS AND COMMENTS

Councilmember Olivier reported on his attendance at the League of California Cities Board of Directors Meeting the previous week. He announced that the League authored a report on competing ballot measures scheduled for the fall of 2016 regarding the legalization of marijuana in California. According to the League, polls show Californians of all political stripes overwhelmingly favor the legalization of marijuana. Councilmember Olivier noted the Board gave direction to the League of Cities, that instead of opposing the measure outright, the League should take a measured approach to retain a seat at the table as it relates to local control.

Vice President Caprioglio acknowledged the Fresno Junior League of

Women that had adopted the Discovery Center and helped with restoration of the facility the previous week. He also commented on his visit to the Veteran's Hospital where he attended the distribution of Valentines from elementary students to the veterans. Finally, Vice President Caprioglio stated he had a new appreciation for what our firefighters do and how they prepare after having attended the Firefighter for a day event.

Councilmember Quintero asked City Manager Rudd to thank his Department Heads for their work in District 5. Specifically, he acknowledged Director Esqueda for field trips to the current and proposed water treatment plants and Manger Estabrooke for field trips through District 5 to review code enforcement activities. Councilmember Quintero noted the Police Department had gotten involved regarding reports of elderly people being taken advantage of in the District.

Councilmember Soria expressed her thanks to the Firefighters Foundation for the six hour Firefighter for the Day event she attended with Vice President Caprioglio and Assistant City Manager Smith. She stated the event helped her to better understand what our Firefighters endure on a daily basis. Councilmember Soria also thanked the Police Department, Code Enforcement and the Neighborhood Watch for their time at her first Community Meeting in District 1.

President Baines expressed his excitement over the City hiring a new Housing Manager and asked City Manager Rudd to arrange an introduction for him in the near future.

APPROVE AGENDA

City Clerk Spence announced the following changes to the agenda: the Ceremonial Presentation regarding the farewell to James Tate Hill (File ID#15-146) was removed from the agenda and would be rescheduled; the 10:00 A.M. #1 scheduled item regarding Rezone Application No. R-15-001 (File ID#15-136) was removed from the agenda and referred back to staff; the 10:00 A.M. #2 scheduled item regarding a second reformation of Disposition and Development Agreement (File ID#15-167) was announced as only a City Action; the 11:00 A.M. scheduled item regarding the Enterprise Capital Management and Citizen Oversight Act (File ID#15-166) was noted as being subject to Mayoral veto and the title was corrected by being read into the record as "RESOLUTION - Adopting the Enterprise Accountability and Oversight Act."

Councilmember Brandau announced the following additional change to the agenda: the words "to discuss planning" are to be struck from the title of File ID#15-134 so that it reads, "Request scheduling a joint meeting with the City of Fresno, County of Fresno and City of Clovis"

APPROVED AS AMENDED

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

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

1. CONSENT CALENDAR

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, Caprioglio, Brand, Brandau, Olivier, Quintero and Soria

- 1-A ID#15-045** ***RESOLUTION - 35th amendment to the Annual Appropriation Resolution (AAR) No. 2014-95 appropriating \$360,000 in developer contributions for the acquisition of right-of-way for public street and public utility easements for Tract Map 5531 on Armstrong Avenue between Church Avenue and Butler Avenue (Council District 5) (Requires five affirmative votes)

Sponsors: Public Works Department

RESOLUTION 2015-29 ADOPTED

The above item was adopted on the Consent Calendar.

- 1-B ID#15-057** RESOLUTION - Dedicating certain City-owned property as an easement for public street purposes at Pump Station No. 250A located on the west side of N. Effie Avenue north of E. Gettysburg Avenue (Council District 4)

Sponsors: Public Works Department

RESOLUTION 2015-30 ADOPTED

The above item was adopted on the Consent Calendar.

- 1-C ID#15-074 Award a requirements contract for custodial services at Fresno City Hall in the amount of \$323,736 for three years with an option for two one-year increment extensions to Lincoln Training Center of Fresno, CA (Council District 3) Bid File No. 9289

Sponsors: Public Works Department

AWARDED

The above item was approved on the Consent Calendar.

- 1-D ID#15-084 Adopt the 2015 Emergency Operations Plan for the City of Fresno

Sponsors: Fire Department

ADOPTED

The above item was approved on the Consent Calendar.

- 1-E ID#15-111 Reject all bids for the requirements contract for bulk liquid oxygen - Bid File 9308 (Citywide)

Sponsors: Department of Public Utilities

APPROVED (*bids rejected*)

The above item was approved on the Consent Calendar.

- 1-F ID#15-112 Actions pertaining to the new sewer main in Peach Avenue between North and Annadale Avenues (Bid File No. 3347) (Sphere of Influence in County of Fresno)
1. Adopt a finding of Categorical Exemption of Class 4, pursuant to Section 15304(f) (Minor trenching and backfilling where the surface is restored) and Statutory Exemption pursuant to Section 15282(k) (The installation of new pipeline or maintenance, repair, restoration, removal, or demolition of an existing pipeline as set forth in Section 21080.21 of the Public Resources Code, as long as the project does not exceed one mile in length) of the California Environmental Quality Act Guidelines
 2. Award a \$83,299.00 contract to Haydon Construction, Inc. of Fresno, California

Sponsors: Department of Public Utilities

APPROVED

The above item was approved on the Consent Calendar.

- 1-G ID#15-117 Approve the appointments of R. Renena Smith to the City of Fresno Employees Retirement Board and Barry Falke to the Housing and Community Development Commission

Sponsors: Mayor's Office

APPROVED

The above item was approved on the Consent Calendar.

- 1-H ID#15-131 ***Adopt a Side Letter of Agreement between the City and the International Association of Fire Fighters, Local 753 - Unit 5, Non-Management Fire regarding the accelerant detection canine assignment

Sponsors: Personnel Services Department

ADOPTED

The above item was approved on the Consent Calendar.

- 1-I ID#15-135 RESOLUTION - Approving the Final Map of Tract No. 6033 and accepting dedicated public uses offered therein - northeast corner of N. Fowler Avenue and E. Clinton Avenue (Council District 4)

Sponsors: Public Works Department

RESOLUTION 2015-31 ADOPTED

The above item was adopted on the Consent Calendar.

- 1-J ID#15-143
1. Authorize acceptance of fiscal year 2014 Cycle State Homeland Security Funds Subgranted from the State of California Office of Emergency Services (CALOES) in the amount of \$110,700
 2. ***RESOLUTION - 39th amendment to the Annual Appropriations Resolution (AAR) No. 2014-95, appropriating \$110,700 into the Police Department's budget for the 2014 State Homeland Security Grant Program (Requires 5 affirmative votes)

Sponsors: Police Department

RESOLUTION 2015-32 ADOPTED

The above item was adopted on the Consent Calendar.

CONTESTED CONSENT CALENDAR

No items were moved to the Contested Consent Calendar.

2. GENERAL ADMINISTRATION

- 2-A ID#15-012 Approve the selection of, and award a contract to PlaceWorks in the amount of \$789,094 for the Southwest Specific Plan and Program Environmental Impact Report

Sponsors: Development and Resource Management Department

The above item was introduced to Council by Development and Resources Management Director Clark.

The following member(s) of the public spoke on this item: Jeff Roberts of Granville Homes.

APPROVED

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

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

- 2-B ID#15-083 Actions pertaining to the award of the sole source repair and rewind of one 2500kw ideal electric brushless AC generator for \$260,712.69:
1. RESOLUTION - Authorizing the Purchasing Manager of the Finance Department or designee to award the repair and rewind of one 2500KW Ideal Electric Brushless AC Generator without advertised competitive bidding utilizing the sole source exception in the Fresno City Charter
 2. Authorize the Purchasing Manager of the Finance Department or designee to issue a contract for said service to Stanley Electric Motor Company, Inc., without advertised competitive bidding

Sponsors: Department of Public Utilities

The above item was introduced to Council by Provisional Chief of Wastewater Facilities Maintenance Tompsett.

RESOLUTION 2015-33 ADOPTED

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

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

- 2-C ID#15-097** Actions pertaining to the acquisition of three acres of property owned by J & M Avila Properties, LLC, a California Limited Liability Company:
1. Approve the acquisition of three acres of property owned by J & M Avila Properties, LLC, a California Limited Liability Company, in the amount of \$1,536,325, for the construction of Veterans Boulevard overcrossing near Golden State and Bullard Avenue (Council District 2)
 2. Authorize the Public Works Director, or his designee, to sign all documents necessary to complete the transaction as delegated by City Manager

Sponsors: Public Works Department

The above item was introduced to Council by Senior Real Estate Agent Caldwell.

Councilmember Soria directed staff to provide her with copies of the Purchase and Sale Agreement and the Lease and License Agreement.

APPROVED

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

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

- 2-D ID#15-109** Approve amendment to agreement with Fresno Unified School District ("FUSD"), adding two (2) additional School Resource Officers ("SROs") to be assigned to FUSD middle schools

Sponsors: Police Department

The above item was introduced to Council by Police Chief Dyer. City Manager Rudd answered additional questions.

APPROVED

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

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

3. CITY COUNCIL

ID#15-134 Request scheduling a joint meeting with the City of Fresno, County of Fresno and City of Clovis

Sponsors: City Councilmember Brandau

The above item was introduced to Council by Council Member Brandau.

The following member(s) of the public spoke on this item: Dave Herb.

As there was consensus among the Council Members, President Baines announced he would contact the County of Fresno and the City of Clovis to work on arranging a joint meeting.

PRESENTED

UNSCHEDULED COMMUNICATION

Upon call, no members of the public addressed council with unscheduled communication.

4. CLOSED SESSION

The City Council met in closed session in Room 2125 from 9:48 A.M. to 10:26 A.M. to discuss the following:

ID#15-129 CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION - Government Code Section 54956.9, subdivision (d)(1)
1. Richard Briskin v. City of Fresno Fresno County Superior Court Case No.: 14CECG00322

Sponsors: City Attorney's Office

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

- ID#15-165** CONFERENCE WITH LABOR NEGOTIATOR - Government Code Section 54957.6
City Negotiator(s): Jeffrey Cardell, Ken Phillips
Employee Organizations:
1. International Union of Operating Engineers, Stationary Engineers, Local 39 (Local 39)
 2. Fresno City Employees Association (FCEA)
 3. Fresno Police Officers Association (FPOA Basic)
 4. International Association of Firefighters, Local 753, Unit 5 (Fire Basic)
 5. Amalgamated Transit Union, Local 1027 (ATU)
 6. International Brotherhood of Electrical Workers, Local 100 (IBEW)
 7. Fresno Police Officers Association (FPOA Management)
 8. International Association of Firefighters, Local 753, Unit 10 (Fire Management)
 9. City of Fresno Professional Employees Association (CFPEA)
 10. City of Fresno Management Employees Association (CFMEA)
 11. Operating Engineers, Local Union No. 3, Fresno Airport Public Safety Supervisors (FAPSS)

Sponsors: Personnel Services Department

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

5. SCHEDULED COUNCIL HEARINGS AND MATTERS

10:00 A.M. #1

- ID#15-136** HEARING to consider Rezone Application No. R-15-001 and Related Environmental Assessment which were filed by Christina Husbands of the City of Fresno Housing Authority, and pertains to ±0.37 acre of vacant property located on the east side of N. Glenn Avenue between E. Divisadero Street and E. McKenzie Avenue (Council District 3) (Referred back to staff)
1. Adopt the Class 32 Categorical Exemption prepared for Environmental Assessment No. R-15-001/S-15-001
 2. BILL - (For introduction and adoption) - Approving Rezone Application No. R-15-001 requesting authorization to reclassify APN 459-322-18 from the R-1 (Single Family Residential) zone

district to the R-4 (High Density Multiple Family Residential) zone district

Sponsors: Development and Resource Management Department

REMOVED FROM AGENDA

10:00 A.M.#2

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

The City Council met in joint session with the Successor Agency to the Redevelopment Agency of the City of Fresno and Fresno Revitalization Corporation at 10:28 A.M. to discuss the following:

ID#15-167 Approve a Second Reformation of Disposition and Development Agreement among the City of Fresno, in its capacity as Housing Successor Agency to the Redevelopment Agency of the City of Fresno, Edison Plaza Partners, L.P., Fresno Edison Apartments, L.P., and Fresno Edison Apartments, II, L.P. (Council action)

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

APPROVED

CITY COUNCIL VOTE

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

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

ADJOURNMENT

The joint meeting adjourned at 10:32 A.M.

10:15 A.M.

ID#15-092 HEARING to consider the 2015 Weed Abatement Programs and Adoption of an Ordinance approving the 2015 Weed Abatement Program (City wide)

1. BILL - (For introduction) - Relating to the Annual Weed Abatement Program

Sponsors: Development and Resource Management Department

The above item was introduced to Council by Code Enforcement Manager Estabrooke.

BILL B-3 INTRODUCED AND LAID OVER

On motion of Vice President Caprioglio, seconded by Councilmember Soria, the above item was introduced and laid over. The motion carried by the following vote:

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

RECESSED: 10:34 A.M. to 11:05 A.M.

Councilmember Quintero returned to the Council Chamber at 11:11 A.M.

11:00 A.M.

ID#15-166 *** RESOLUTION - Adopting the Enterprise Accountability and Oversight Act

Sponsors: City Councilmember Brand and City Councilmember Olivier

The above item was introduced to Council by Councilmember Brand and Councilmember Olivier.

The following member(s) of the public spoke on this item: Diane Merrill of the League of Women Voters, Stephenie Frederick (provided handout that was accepted by President Baines) and Tyler Mackey.

Mayor Swearingin was in attendance and recognized by President Baines. Mayor Swearingin stated she was comfortable recommending that the two Mayoral appointments to the oversight board be members of the general public without specific expertise as she felt it struck a good balance. Waving of the expertise requirement was not included in the final motion.

Councilmember Olivier motioned to adopt the resolution with amendments that reflect the four points in part "B" of the handout provided by Stephenie Frederick (The oversight board shall: (i) review all change orders and report on their legitimacy to the City council before X approves them; (ii) critique all individual requests for funding authorization (Article VI of this resolution) and

provide commentary to the City Council; (iii) critique all semi-annual progress reports (Article X of this resolution) and provide commentary to the City Council; (iv) critique RFP's for future enterprise projects and provide commentary to the City council before the RFP's are released.)
Councilmember Brand seconded the motion.

RESOLUTION 2015-34 ADOPTED AS AMENDED

On motion of Councilmember Olivier, seconded by Councilmember Brand, the above item was adopted as amended. The motion carried by the following electronic vote:

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

RECESSED: 12:06 P.M. to 5:41 P.M.

5:30 P.M.

- ID#15-123** Actions pertaining to adopting a five year plan for water rates, pursuant to Proposition 218
1. ***RESOLUTION - Adopting a Five Year Water Rate Plan in Compliance with Proposition 218
 2. ***RESOLUTION - 522nd amendment to the Master Fee Schedule ("MFS") Resolution No. 80-420 to adjust water fees in the Public Utilities Water Fee Section according to Proposition 218
 3. ***RESOLUTION - Adopting a Water Affordability Credit Program ("Water ACP")

Sponsors: Department of Public Utilities

The above item was introduced to Council by Public Utilities Director Esqueda. As part of his presentation Director Esqueda introduced the following people:

David Orth, General Manager of the Kings River Conservation District - discussed regional water issues and concerns and the Ground Water Management Act.

Kassy D. Chauhan, P.E., Senior Sanitary Engineer for the State Water Resources Control Board - discussed ground water contamination issues and potential orders of compliance.

Darrin Polhemus, P.E., Deputy Director for the State Water Resources Control Board, Division of Financial Assistance - discussed the status of the City's application for financing assistance from the state.

Gary Serrato, General Manager of the Fresno Irrigation District - discussed the challenges of updating the conveyance agreement between the City of Fresno and the Fresno Irrigation District.

Director Esqueda stated, for the record, that the current ground water supply system is compromised and has diminished capacity and presents a risk to public health and safety without question, according to the data. He stated, for the record, the current condition did not happen overnight but has taken years to get to this point.

The following member(s) of the public spoke on this item: Al Smith of the Fresno Chamber of Commerce, Daniel Torres, Wade Whittman, Tim Thiesen of Fresno Taxpayers Association, Bill Simon, Jean Hays of WILPF Earth Democracy, Jay Hubbell, Gladys Deniz, Joan Poss, J.D. McCubbin of Water Rate Payers, Mary Murphy of WILPF, Gregory Berberian, Don Winton, Diane Merrill of Fresno League of Women Voters, Diane Smith of HEAT, Robert Merrill of Geology (handout received and accepted by Council President), Nancy Waidtlow, Gerry Bill, Steve Wayte, Dave Herb, Doug Vagim, Jonathan Zwickal of Voice of Concerned Citizens, Rebecca Van Stockkwin, Loran W. Harding, Howard Watkins, Carol Maul of CAA, Susan Coberly, Stephenie Frederick, Martin McIntyre, Tyler Mackey, Jerry Prieto Jr. of the Fresno Irrigation District, Charles L. Krugman, Mark Reynolds, Richard B. Renteria.

Upon Call, no further members of the public wished to comment on this item and public comment closed at 8:10 P.M.

RECESSED 9:13 P.M. to 9:30 P.M.

Councilmember Brandau motioned to approve this item with the following amendments: (i) the cost to complete the project shall not exceed \$429.1 million dollars; (ii) There will be no additional utility bill rate increases (not just the water portion but the entire utility bill) during the life of the 5 year rate increase established by this resolution; (iii) the administration will provide a rate review and reconciliation report to council at the end of each year before the next increase begins; (iv) as urged by Councilmember Soria, the City will not proceed with re-rating from 54 MGD to 80 MGD until there is

confirmation that the conveyance agreement will support the re-rating and there is demonstration that the water will be received for the re-rate; (v) as urged by Councilmember Soria and President Baines, the water rate solution include a provision restricting the use of all net proceeds from any current and future lawful settlements or judgments related to groundwater contamination for TCP, MTB, or DBCP to be used for the low income rate subsidies or to reduce future rate increases. Councilmember Olivier seconded the motion.

RESOLUTION 2015-35 ADOPTED AS AMENDED

RESOLUTION 2015-36 ADOPTED

RESOLUTION 2015-37 ADOPTED

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

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

No: 1 - Quintero

ADJOURNMENT

Adjourned in the memory of Benjamin Rash at 10:12 P.M.