



# 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*

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Thursday, June 4, 2015

8:30 AM

Council Chambers

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### Regular Session

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

8:38 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 Darryl Du'Chene Pastor of the Faith Worship Christian Center

Pledge of Allegiance to the Flag

### **CEREMONIAL PRESENTATIONS**

[ID#15-450](#) Proclamation of "MAPLE CREEK ELEMENTARY DAY"

*PRESENTED*

[ID#15-464](#) Presentation of SPCA Pet of the Month

*PRESENTED*

[ID#15-485](#) Honoring the Life Robert Alan Paul and his service to the Fresno Community

*PRESENTED*

[ID#15-463](#) Proclamation of "FRESNO PRIDE PARADE AND FESTIVAL DAY"

*PRESENTED*

[ID#15-448](#) Presentation of a Check for \$25,000 from P.G.& E to the PARCS to support Cooling Centers

*PRESENTED*

[ID#15-477](#) Recognition of Fresno Barrios Unidos and Tree Fresno for Cesar Chavez Day of Action

*PRESENTED*

[ID#15-467](#) Proclamation of "THE 2015 WALK TO END ALZHEIMER'S MONTH"

*PRESENTED*

**RECESSED 9:38 A.M. to 9:48 A.M.**

Councilmember Olivier entered the Council Chamber after the recess at 9:50 A.M.  
Councilmember Soria entered the Council Chamber after the recess at 9:51 A.M.

**APPROVE MINUTES**

[ID#15-474](#) Approval of City Council minutes from the May 11, 2015 Special Joint Meeting with the City of Clovis

*APPROVED*

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

**Aye:** 5 - Baines III, Caprioglio, Brand, Brandau and Quintero

**Absent:** 2 - Olivier and Soria

[ID#15-472](#) Approval of City Council minutes from May 14, 2015

APPROVED

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

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

**Absent:** 1 - Soria

[ID#15-473](#) Approval of City Council minutes from May 21, 2015

APPROVED

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

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

**Absent:** 1 - Soria

## **COUNCILMEMBER REPORTS AND COMMENTS**

*Vice President Caprioglio presented a giant card to be presented to Fire Captain Pete Dern and asked everyone in the room to sign it to encourage Captain Dern on his road to recovery. He thanked Susan Moore, the owner of Dumont Printing and Catherine Curry of C.Curry Designs for their work on the card. President Baines thanked Vice President Caprioglio for his efforts to help the public stay engaged and not forget about Captain Dern's great service to the City.*

*On behalf of the City Council, Vice President Caprioglio also thanked City Attorney staffers Emma Baker and Nancy Cabrera for their dedication and hard work for the City. Nancy and Emma will each be moving on to bigger and better things and the City Council wishes them the best.*

*Councilmember Quintero asked that the council meeting be adjourned in the memory of Anthony Giannetta. He remembered Mr. Giannetta as a good friend and home builder that went on to develop more than twenty-seven subdivisions and more than 4,500 quality "Hallmark Homes" in the area. Mr. Giannetta served on legislative committees, was active in the community and was the first central valley inductee in the California Home Builders Hall of Fame. Councilmember Quintero expressed how much Mr. Giannetta*

would be missed.

Councilmember Soria reported on the California Energy Commission meeting that took place at City Hall on Tuesday. The topics discussed at the meeting included the drought response in California and the Governor's proclamation about the drought. She noted the Commission was looking at a state wide water energy technology program and was encouraging input from everyone up and down the state. Councilmember Soria encouraged the Administration and the Public Utilities Director to be aware of the program and to look into how the City could take advantage of it. Councilmember Soria also discussed the success of Ampersand, an Ice Cream company that recently opened in District One. She noted the business had changed the neighborhood by bringing people out of their homes and allowing neighbors to connect by walking through the Fresno High neighborhood.

President Baines reminded everyone the Goal Awards would be held on Saturday from 11:30 A.M. to 1:00 P.M. He stated the Goal Awards was a scholarship award that provides scholarships to Fresno area students. President Baines recalled that he had been involved with the Goal Awards for three years and the program would provide nine scholarships this year ranging between \$500 and \$1,500.

## **APPROVE AGENDA**

City Clerk Spence announced the following changes to the agenda: Scheduled Matters 2:00 P.M. #1 and 2:00 P.M. #2 (File ID#'s 15-441 and 15-478) should stated they are continued to June 11, 2015 at "2:00 P.M." not "1:30 P.M." as listed.

APPROVED AS AMENDED

**On motion of Vice President Caprioglio, seconded by Councilmember Olivier, the AGENDA was approved as amended. 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#15-361](#)    Approve the Second Amendment to Agreement with TAM+CZ Architects in the amount of \$865 to bring design up to 2013 building code standards for the restrooms remodeling, re-roofing, and electrical panel replacement at Parking Garage #7 (Council District 3)

*APPROVED*

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

- 1-B**    [ID#15-419](#)    Actions pertaining to the vacation of a portion of the relinquishment of direct access rights on the northwest side of Stanislaus Street northeast of "E" Street (Council District 3)
1. Adopt a finding of Categorical Exemption per staff determination, pursuant to Section 15332/Class 32 of the California Environmental Quality Act (CEQA) Guidelines, Environmental Assessment No. S-15-033
  2. RESOLUTION - Ordering the summary vacation of a portion of the relinquishment of direct access rights on the northwest side of Stanislaus Street northeast of "E" Street

*RESO 2015-84 ADOPTED*

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

- 1-C**    [ID#15-430](#)    Approve an Improvement Agreement with UCP, LLC, a Delaware limited liability company

*APPROVED*

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

- 1-D**    [ID#15-432](#)    Approve an agreement to reimburse FFDA Properties, Limited Liability Company and Granville Homes, Incorporated an amount not to exceed \$54,949.61 for the design and

construction of an 8-inch diameter water main in Calaveras Street, from the existing 12-inch main located in Calaveras Street at the Broadway and Fulton Street alleyway, west to the 6-inch main in the H Street and Broadway Alleyway (Council District 3)

*APPROVED*

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

- 1-E**    [ID#15-434](#)    RESOLUTION - Modification of Resolution 2015-57 including specific language regarding Assembly Bill 1012 to the Fresno Council of Governments for 2013 Lifeline Congestion Mitigation and Air Quality Improvement Program (CMAQ).

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

- 1-F**    [ID#15-446](#)    RESOLUTION - Approving the Final Map of Tract No. 6053 and accepting dedicated public uses offered therein-northeast corner of N. Hayes Avenue and W. Herndon Avenue (Council District 2)

*RESO 2015-85 ADOPTED*

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

- 1-G**    [ID#15-457](#)    Approve the appointment of Mr. Delfino Neira to the Fresno Workforce Investment Board

*APPROVED*

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

- 1-H**    [ID#15-263](#)    Actions pertaining to the Lease Agreement between the City of Fresno and Greyhound Lines, Inc., to lease space in the Santa Fe Depot located at 2660 Tulare Street (Council District 3)
1. Adopt a finding of a Categorical Exemption pursuant to Class 1 of the California Environmental Quality Act (CEQA) Guideline Section 15301 (Existing Facilities) for lease
  2. Approve Lease Agreement between the City of Fresno and Greyhound to lease space in the Santa Fe Depot and authorize the City Manager to execute the agreement subject to City Attorney approval

*APPROVED*

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

- 1-I [ID#15-462](#) \*\*\*BILL NO. B-17 - (Intro. 5/21/2015) (For adoption) - Amending the Historic Preservation Ordinance Section 12-1606(b) to allow the Historic Preservation Commission to adopt findings pursuant to the California Environmental Quality Act (CEQA)

*ORDINANCE 2015-14 ADOPTED*

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

## **CONTESTED CONSENT CALENDAR**

- 1-E [ID#15-434](#) RESOLUTION - Modification of Resolution 2015-57 including specific language regarding Assembly Bill 1012 to the Fresno Council of Governments for 2013 Lifeline Congestion Mitigation and Air Quality Improvement Program (CMAQ).

*The above item was introduced to Council by Public Works Director Mozier.*

*RESOLUTION 2015-86 ADOPTED*

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

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

## **2. GENERAL ADMINISTRATION**

- 2-A [ID#15-442](#) Actions pertaining to the Herndon Avenue Overlay from Blackstone Avenue to West Avenue, Bid File No. 3350 (Council District 2)
1. Adopt a finding of Categorical Exemption per staff determination, pursuant to Class 1 Section 15301(c) (Existing Facilities) of the CEQA Guidelines, for the Herndon Avenue Overlay from Blackstone Avenue to West Avenue
  2. Award a construction contract to Dave Christian Construction, Inc. of Fresno, California in the amount of \$1,124,186 for the Herndon Avenue Overlay from Blackstone Avenue to West Avenue

*The above item was introduced to Council by Public Works Capital Projects Manager Bell.*

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

#### **4. SCHEDULED COUNCIL HEARINGS AND MATTERS**

##### **10:00 A.M.**

[ID#15-410](#) HEARING to adopt resolutions and ordinance to annex territory and levy a special tax regarding City of Fresno Community District No. 11, Annexation No. 61 (Final Tract Map No. 5466) (northeast and southeast corners of S. Minnewawa and E. Church Avenues) (Council District 5)

1. RESOLUTION - Annexing Territory to Community Facilities District No. 11 and Authorizing the Levy of a Special Tax
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 2014-2015 and Future Tax Years Within and Relating to Community Facilities District No. 11, Annexation No. 61, Final Tract Map No. 5466

*The above item was introduced to Council by Public Works Assistant Director Benelli.*

*RESOLUTION 2015-87 ADOPTED  
RESOLUTION 2015-88 ADOPTED  
RESOLUTION 2015-89 ADOPTED  
BILL B-18 INTRODUCED AND ADOPTED AS  
ORDINANCE 2015-15*

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

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

#### **3. CITY COUNCIL**

3-A [ID#15-468](#) BILL - (For introduction) - Adding Section 5-510 to Article 5, Chapter 5 of the Fresno Municipal Code establishing the Fresno



Youth Commission.

*The above item was introduced to Council by Councilmember Soria and President Baines.*

*City Attorney Sloan read the following changes regarding the introduction of the Bill into the record: "On page five of the ordinance, under section "F," the first three paragraphs will be replaced with the following paragraphs: Paragraph 1 - Identify the concerns and needs of the youth of Fresno through community outreach and engagement and hold public forums in which children, youth and families are encouraged to participate. Paragraph 2 - examine existing social, economic, educational and recreational programs for youth, develop and propose plans that support or improve such programs and make recommendations thereon to the City Council and Mayor. Paragraph 3 - develop and maintain a yearly strategic plan outlining the areas of focus for the commission within the purview and jurisdiction of the City of Fresno."*

*The following member(s) of the public spoke on this item: Francisco Espinoza of Fresno Boys and Men of Color, Marco Cana of Fresno Boys and Men of Color, Cesar Rodriguez of Fresno Boys and Men of Color, Sher Moua of Fresno Center for New Americans, Amparo Cid of California Legal Rural Assistance Foundation, Miguel Bibanco, Socorro Santillan of Fresno Barrios Unidos, Mr. Avila of Central La Familia Advocacy Services, Dr. Venise Curry and Steve Thao of Know Youth Media.*

*BILL B-19 INTRODUCED AS AMENDED AND LAID OVER*

**On motion of Councilmember Soria, seconded by President Baines III, the above item was introduced as amended and laid over. The motion carried by the following vote:**

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

#### **4. SCHEDULED COUNCIL HEARINGS AND MATTERS** **CONTINUED**

**10:15 A.M.**

[ID#15-402](#) HEARING pertaining to the vacation of a portion of public rights-of-way at the northeast corner of N. Blackstone and E. Shields Avenues and related purchase agreement with Omninet Properties Manchester Center, LLC (Council District 7)

1. \*\*\*RESOLUTION - Ordering the vacation of a portion of public street and pedestrian walkway rights-of-way at the northeast corner of N. Blackstone and E. Shields Avenues
2. Adopt agreement for purchase and sale of property with Omninet Properties Manchester Center, LLC.

*The above item was introduced to Council by Public Works Assistant Director Benelli.*

*The following member(s) of the public spoke on this item: Moe Bagunu of Manchester Center.*

**RESOLUTION 2015-90 ADOPTED**

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

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

**10:30 A.M.**

- [ID#15-444](#) HEARING to consider Rezone Application No. R-13-010 and Initiation of "North-Cherry No. 3 Reorganization" (Council District 3)
- a. Adopt a Finding of Conformity to the Fresno General Plan Master Environmental Impact Report as Environmental Assessment No. ANX-13-001/R-13-010/C-13-088 dated March 6, 2015
  - b. BILL - (For introduction and adoption) - Approving Rezone Application No. R-13-010 proposing to amend the Official Zone Map and prezone an approximately 0.97 acre subject site located on the southwest corner of S. Cherry and E. North Avenues from the AL-20 (Limited 20-Acre Agricultural [Fresno County]) zone district to the M-3/UGM (Heavy Industrial/Urban Growth Management) zone district
  - c. RESOLUTION - Applying to the Fresno Local Agency Formation Commission for the detachment of an approximately 0.97 acre subject site from the Fresno County Fire Protection District and the Kings River Conservation District in order to annex the same territory to the City of Fresno for the proposed North-Cherry No. 3 Reorganization

*The above item was introduced to Council by Development and Resources Management Planner Contreras.*

*RESOLUTION 2015-91 ADOPTED  
BILL B-20 INTRODUCED AND ADOPTED AS  
ORDINANCE 2015-16*

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

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

### **3. CITY COUNCIL CONTINUED**

**3-B**    [ID#15-480](#)    RESOLUTION - Establishing the "Capital Project Oversight Board" of the City of Fresno

*The above item was introduced to Council by Councilmember Brand.*

*Councilmember Brand motioned to approve the item with an amendment to allow public sector appointees with the equivalent requisite experience, but whom do not currently work for the City, to serve on the board.*

*RESOLUTION 2015-92 ADOPTED AS AMENDED*

**On motion of Councilmember Brand, seconded by Councilmember Olivier, that the above Resolution be adopted as amended. The motion carried by the following vote:**

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

### **4. SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED**

#### **10:45 A.M. SCHEDULED COMMUNICATION**

[ID#15-449](#)    Appearance by Jose Barraza from the Southeast Fresno Community Economic Development Association, Inc. to request Council to allocate \$200,000 for the initial design and engineering costs for a new regional park at a City-owned 48-acre parcel located at 2155 S Peach Avenue (Council District 5)

APPEARED

### **3. CITY COUNCIL CONTINUED**

- 3-C [ID#15-483](#) BILL - (For introduction) - Adding Sections 2-803 and 2-603 to the Fresno Municipal Code, relating to boards and commissions and posting legal notices

*The above item was introduced to Council by District Three Chief of Staff Barfield.*

*BILL B-21 INTRODUCED AND LAID OVER*

**On motion of President Baines III, seconded by Councilmember Brand, the above item was introduced and laid over. The motion carried by the following vote:**

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

### **4. SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED**

#### **11:00 A.M.#1**

- [ID#15-466](#) WORKSHOP relating to Housing and Urban Development (HUD)

*The above workshop was presented to Council by Development and Resources Mangement ("DARM") Director Clark, DARM Housing Manager Trujillo, DARM Business Manager Smith and DARM Project Manager Nunez. City Manager Rudd and Assistant City Manager Smith also spoke on this item.*

*RECESSED 12:02 P.M. TO 1:45 P.M.*

*Councilmember Soria asked that staff meet with her to discuss the details of specific programs. She also recommended staff perform outreach through the City website and expand the targeted area.*

*Councilmember Brandau requested help from staff to help him better understand how to take advantages of the available programs.*

*Councilmember Quintero asked to meet with staff to discuss the programs discussed during the workshop.*

*President Baines requested future spreadsheets be easier to read and less misleading for the Councilmembers and others who are not technicians in this particular field.*

#### WORKSHOP HELD

Councilmember Olivier exited the Council Chamber at 2:00 P.M. and did not return for the remainder of the open session.

#### **11:00 A.M.#2**

[ID#15-418](#) RESOLUTION - Approving the City of Fresno's Section 3 Plan for use on Housing and Community Development Division projects and activities funded with U.S. Department of Housing and Urban Development, Community Development Block Grant and HOME Investment Partnerships Program funds

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

#### RESOLUTION 2015-93 ADOPTED

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

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

**Absent:** 1 - Olivier

#### UNSCHEDULED COMMUNICATION

*The following member(s) of the public addressed Council with unscheduled communication: Marcus Savage of Ygrene Energy Fund - discussed Property Assessed Clean Energy financing.*

#### **2:00 P.M.#1**

[ID#15-441](#) Actions pertaining to the City of Fresno 2015-2019 Program Year Consolidated Plan:  
1. HEARING to obtain public comments on the Draft 2015-2019 Consolidated Plan; and  
(Continue to June 11, 2015 at 2:00 P.M.)

*CONTINUED TO JUNE 11, 2015 AT 2:00 P.M.*

**2:00 P.M.#2**

- [ID#15-478](#) Actions pertaining to the City of Fresno 2015-2016 Annual Action Plan:
1. HEARING to obtain public comments regarding implementation of the City's proposed activities with federal grant funding (Continue to June 11, 2015 at 2:00 P.M.)

*CONTINUED TO JUNE 11, 2015 AT 2:00 P.M.*

**1:30 P.M. CLOSED SESSION**

*The City Council met in closed session in Room 2125 from 2:47 P.M. to 3:20 P.M. to discuss the following:*

- [ID#15-325](#) CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION - Government Code Section 54956.9, subdivision (d)(1)
1. Idalia J. Morgutia-Johnson v. City of Fresno, et al. United States District Court Case No.: 14-CV-00127 LJO/SKO

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

- [ID#15-476](#) CONFERENCE WITH LABOR NEGOTIATOR - Government Code Section 54957.6
- City Negotiator(s): Ken Phillips, Jeff Cardell
- Employee Organization(s):
1. City of Fresno Professional Employees Association (CFPEA)
  2. Fresno Police Officers Association (FPOA Basic)
  3. Fresno Police Officers Association (FPOA Management)

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

**ADJOURNMENT**

*Adjourned from closed session in the memory of Anthony Giannetta at 3:20 P.M.*

**These minutes were approved by unanimous vote of the City Council during the June 11, 2015 Council meeting.**