



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, January 15, 2015

1:30 PM

Council Chambers

Regular Session

The City Council met in regular session at the hour of 1:30 P.M. in the Council Chamber, City Hall, on the day above written.

1:31 P.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

Invocation by Reverend Michele Racusin of the Holy Family Episcopal Church

Pledge of Allegiance to the Flag

CEREMONIAL PRESENTATIONS

[ID#15-039](#) SPCA Presentation of the Month

Sponsors: City Councilmember Quintero

PRESENTED

[ID#15-038](#) "Human-Trafficking Awareness Month"

Sponsors: City Councilmember Olivier

PRESENTED

Councilmember Olivier exited the Council Chamber at 1:46 P.M. and returned at 1:50 P.M.

APPROVE MINUTES

[ID#15-048](#) Approval of City Council minutes from January 8, 2015

APPROVED

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

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

Absent: 1 - Olivier

[ID#15-049](#) Approval of Successor Agency minutes from January 8, 2015

Sponsors: City Clerk's Office

APPROVED

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

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

Absent: 1 - Olivier

COUNCILMEMBER REPORTS AND COMMENTS

Councilmember Brandau clarified the reason for his press conference earlier in the day regarding the water infrastructure project proposed by the City. Councilmember Brandau noted that District 2 constituents know water infrastructure is needed but feel the cost is high. As such, Councilmember Brandau has asked state legislators if a portion of the recent state water bond could be used to offset the steep cost of the City's water project. Councilmember Brandau has also humbly asked the Mayor to engage Governor Brown for assistance. Councilmember Brandau stated he would not be ready to vote on the City water project, and would not vote on the project, until he has heard back from the state legislators.

Councilmember Brandau also commented on the recent troubles in Paris, France and felt that the President of the United States should have joined

other world leaders in France. Councilmember Brandau noted he would have the flags of the United States and France before him on the dais to show the world that he supports the French people through their crisis.

Councilmember Quintero and President Baines asked that the meeting be adjourned in the memory of former Councilmember Les Kimber and Alfonso Hernandez Jr.. Mr. Kimber was remembered as a great leader and drum major for justice and Martin Luther King festivities. Mr. Hernandez was with the City for more than thirty years and was remembered as the founder of the Chicano Youth Center and a great asset to the youth community.

President Baines noted the annual Martin Luther King Jr. celebration would begin that night and last through Monday and would include: the opening garlanding ceremony at 11:30 A.M. on Friday at Courthouse Park; the unveiling of a bust at Rutherford B. Gaston Middle School on Friday; a March beginning at the Veterans Memorial Auditorium around 9:00 A.M. on Monday with a program beginning around 10:45 A.M.. President Baines also also made note of the excellent partner the City of Clovis had been in these activities each year. President Baines also commented on the movie Selma and encouraged people to see it.

President Baines announced the funeral for former Councilmember Les Kimber would be Saturday at 10:00 A.M. at St. Rest Baptist Church.

APPROVE AGENDA

City Clerk Spence announced the following changes to the agenda: Under City Council Item 3-A (File ID# 15-036) new members would need to be selected for the Fresno County Transportation Authority and the Fresno Madera Area Agency on Aging as Councilmember Brandau's term to the Transportation board expired on January 1, 2015 and Councilmember Olivier wished not to be re-appointed to the board on Aging; the Mayor should be listed as a member of the Code Enforcement Sub-Committee under City Council Item 3-A (File ID#15-036); The suffix "Jr." should be added after "Alfonso Hernandez" for the 2:15 P.M. Scheduled Matter (File ID# 15-044).

On motion of Councilmember Brandau, seconded by Vice President Caprioglio, 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#15-005](#) Approve the substitution of a listed subcontractor for the construction of the three million gallon water storage tank and booster pump station at 401 "H" Street in Fresno (Council District 3) Bid File 3186

Sponsors: Department of Public Utilities

APPROVED

The above item was approved on the Consent Calendar.

- 1-B** [ID#15-009](#) Actions pertaining to the traffic signal installation on Ventura Avenue and the State Route 99 north bound off ramp - Project Bid File No. 3359 (Council District 3)
1. Adopt finding of a Categorical Exemption pursuant to Class 1 Section 15301(c) (existing facilities) of the California Environmental Quality Act Guidelines for the traffic signal installation on Ventura Avenue and the State Route 99 north bound off ramp
 2. Award a construction contract to A-C Electric Company of Fresno, California in the amount of \$371,135 for the traffic signal installation on Ventura Avenue and the State Route 99 north bound off ramp

Sponsors: Public Works Department

APPROVED

The above item was approved on the Consent Calendar.

- 1-C** [ID#15-010](#) ***RESOLUTION - 31st amendment to the Annual Appropriation Resolution (AAR) No. 2014-95 appropriating \$263,200 for the Fresno Police Department's Asset Forfeiture Program (Requires 5 affirmative votes)

Sponsors: Police Department

RESOLUTION 2015-001 ADOPTED

The above item was approved on the Consent Calendar.

- 1-D [ID#15-013](#) ***RESOLUTION - 28th amendment to the Annual Appropriation Resolution (AAR) No. 2014-95 appropriating \$350,000 to reimburse The McCaffrey Group for construction of a trail on the north side of Herndon between Hayes Avenue and Lola Avenue (District 2) (Requires 5 affirmative votes)

Sponsors: Public Works Department

RESOLUTION 2015-002 ADOPTED

The above item was approved on the Consent Calendar.

- 1-E [ID#15-016](#) Actions Related to Measure "C" Transit Oriented Development (TOD) Projects in the Cultural Arts District (Council District 3)
1. Approve Modified Reimbursement Agreement in the amount of \$61,500 with FFDA Properties LLC for Broadway-Fulton alley pavement reconstruction from San Joaquin to Amador Streets
 2. Approve Modified Reimbursement Agreement in the amount of \$88,180 with FFDA Properties LLC for Storm Drain Facilities in L Street between Calaveras and San Joaquin Streets
 3. Approve Modified Reimbursement Agreement in the amount of \$453,250 with FFDA Properties LLC for Broadway-Fulton alley pavement reconstruction from Calaveras to San Joaquin Streets

Sponsors: Public Works Department

APPROVED

The above item was approved on the Consent Calendar.

- 1-F [ID#15-019](#) RESOLUTION - Of Intention to annex Final Tract Map No. 6033, Annexation No. 58, to the City of Fresno Community Facilities District No. 11, and setting the public hearing for February 5, 2015 at 10:00 a.m. (northeast corner of North Fowler and East Clinton Avenues) (Council District 4)

Sponsors: Public Works Department

RESOLUTION 2015-003 ADOPTED

The above item was approved on the Consent Calendar.

- 1-G [ID#15-020](#) Authorize the City Manager or designee to execute an agreement for purchase and sale of property and escrow instructions for APN 505-150-31, 5938 N. La Ventana, Fresno, California 93723 (Tract 5247, lot 59) for \$385,000 from Seller, Grantland Avenue, LLC, a California Limited Liability Company (Council District 2)

Sponsors: Fire Department

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

- 1-H [ID#15-028](#) RESOLUTION - Approving the Final Map of Tract No. 6015 - Easterly side of Broadway between Calaveras and San Joaquin Streets (Council District 3)

Sponsors: Public Works Department

RESOLUTION 2015-004 ADOPTED

The above item was approved on the Consent Calendar.

CONTESTED CONSENT CALENDAR

- 1-G [ID#15-020](#) Authorize the City Manager or designee to execute an agreement for purchase and sale of property and escrow instructions for APN 505-150-31, 5938 N. La Ventana, Fresno, California 93723 (Tract 5247, lot 59) for \$385,000 from Seller, Grantland Avenue, LLC, a California Limited Liability Company (Council District 2)

Sponsors: Fire Department

City Manager Rudd answered questions regarding this item.

APPROVED

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

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

2. GENERAL ADMINISTRATION

- 2-A [ID#15-007](#) Actions pertaining to Requirement Contracts for weekly landscape maintenance for the Southeast, Downtown/Southwest, Northwest and Northeast quadrants of the City (Citywide)
1. Approve a Requirements Contract with All Commercial Landscape Service DBA ACLS in the amount of \$1,035,572 to provide weekly landscape maintenance service in various City of Fresno ("City") turf landscapes located in the Downtown/Southwest, Southeast, and Northeast quadrants of the City
 2. Approve a Requirements Contract with Elite Maintenance and Tree Service, Inc. in the amount of \$213,692.64 to provide weekly landscape maintenance service in various City turf landscapes located in the Northwest quadrant of the City

Sponsors: Public Works Department

Public Works Assistant Director Krauter introduced the above item to Council. City Manager Rudd answered additional questions.

The following member(s) of the public spoke on this item: Shawn Riggins of the Fresno EOC Local Conservation Corps,

APPROVED

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

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

5. SCHEDULED COUNCIL HEARINGS AND MATTERS

2:15 P.M.

[ID#15-044](#) ***RESOLUTION - Of the Council of the City of Fresno, California, naming the Community Center Building at Dickey Youth Center after Alfonso Hernandez, founder of the Chicano Youth Center

Sponsors: City Councilmember Baines and City Councilmember Quintero

Councilmember Quintero and President Baines introduced the above item to Council.

City Clerk Spence previously announced the addition of the suffix "Jr." after the name "Alfonso Hernandez."

The following member(s) of the public spoke on this item: Guadalupe Gutierrez, Willey Lopez, Michael J. Curtainsal, Ray Leon, Eddie Varella, Jose Luis Barasa of the Housing Alliance, Olga Vidak, Annida Leon, Gregory Barfield, Marry Curry, Brenda Florez, Leon Vasquez, Grace Barasa and Rebecca Rangel.

RESOLUTION 2015-2005 ADOPTED AS AMENDED

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

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

4. CLOSED SESSION

The City Council met in closed session in Room 2125 from 3:04 P.M. to 3:36 P.M. to discuss the following:

[ID#15-030](#) CONFERENCE WITH REAL PROPERTY NEGOTIATOR -
Government Code Section 54956.8
Property: Chukchansi Park (Multipurpose Stadium)
Negotiating Parties: City Manager Bruce Rudd; Chris Cummings, Fresno Baseball Club, LLC and Fresno Baseball Club, LLP

CONFERENCE WITH REAL PROPERTY NEGOTIATOR -
Government Code Section 54956.8
Property: 5607 W. Jensen
Negotiating Parties: City Manager Bruce Rudd; Darling Ingredients, Inc.

The above item concerning Chuckchansi Park (Mulitpurpose Statdium) was discussed in Closed Session. The closed session item concerning 5607 W. Jensen was not discussed during the closed session. No open session announcements were made regarding these item.

2. GENERAL ADMINISTRATION CONTINUED

- 2-C** [ID#15-037](#) ***RESOLUTION - Continuing the policy authorizing the City Manager to reduce or eliminate selected citywide impact fees for industrial development projects

Sponsors: City Manager's Office

Economic Development Director Westerlud introduced the above item to Council. City Manager Rudd and Public Works Director Mozier answered additional questions.

The following member(s) of the public spoke on this item: Ashley Werner with the Leadership Counsel for Justice and Accountability, Mary Curry, Kevin Hall, Venise Curry with Communities for A New California Education Fund, Scott Anderson of Francher Creek Properties and Ethan Smith

Councilmember Quintero asked for quarterly reports to be included in the motion to approve and Councilmember Soria asked for the reports to include a segment on the new jobs and where they come from. Councilmember Soria also asked for a Councilmember to be included on the Committee.

Councilmember Brandau amended his original motion to approve the staff recommendation and to include a quarterly report with a segment that discussed new jobs and where they come from and to include a Councilmember on the committee for the life of the program.

RESOLUTION 2015-006 APPROVED AS AMENDED

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

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

- 2-D** [ID#15-040](#) Actions pertaining to Annadale Housing Partners' Loan
1. RESOLUTION - Approving the assignment of Annadale Housing Partners' \$2,996,720 loan to Allied Argenta Affordable Housing, LLC or its designated non-profit partner and conversion of the loan to a 55-year residual receipts loan at three percent interest
 2. Authorize City Manager to execute assignment and loan

documents

Sponsors: Development and Resource Management Department

Development and Resources Management ("DARM") Director Clark introduced the above item to Council.

DARM Director Clark read an amended to the resolution into the record as follows: the resolution will require that Allied Argenta successfully access all remaining subsidies and equity assurances prior to the City Manager entering into the loan assignment and conversion and that this occur by September 30, 2015.

RESOLUTION 2015-007 ADOPTED AS AMENDED

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

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

- 2-B** [ID#15-017](#) Actions pertaining to the traffic signal installations on Olive Avenue and the State Route 99 off/on ramps - Bid File 3340 (Council District 3)
1. Adopt finding of Categorical Exemption per staff determination, pursuant to Class 1 Section 15301(c) (existing facilities) of California Environmental Quality Act ("CEQA") Guidelines, for the traffic signal installations on Olive Avenue and the State Route 99 off/on ramps
 2. ***RESOLUTION - 32th amendment to the Annual Appropriation Resolution ("AAR") No. 2014-95 appropriating \$1,451,800 for construction costs on the traffic signal installation on Olive Avenue and the State Route 99 off/on ramps capital project in FY 2015 (Requires 5 affirmative votes)
 2. Award a Construction Contract to Dawson-Mauldin Const. Inc., of Huntington Beach, California in the amount of \$1,463,979 as the lowest responsive and responsible bidder for the traffic signal installations on Olive Avenue and the State Route 99 off/on ramps

Sponsors: Public Works Department

Supervising Professional Engineer Goonawardena introduced the above item to Council.

RESOLUTION 2015-008 ADOPTED

On motion of President Baines, seconded by Councilmember Brandau, that the above Action Item be adopted. The motion carried by the following vote:

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

5. SCHEDULED COUNCIL HEARINGS AND MATTERS**CONTINUED****2:00 P.M.**

[ID#15-014](#) TEFRA HEARING - To hear and to consider information concerning the proposed plan of finance providing for the issuance of health facility revenue bonds (the "Bonds") by the Michigan Finance Authority for improvements at St. Agnes Medical Center

1. ***RESOLUTION - Approving the issuance of the Michigan Finance Authority Revenue Bonds (CHE Trinity Health Credit Group), in one or more series, for the purpose, among other things, of refinancing the acquisition, construction, improvement and equipping of health care facilities owned and operated by Saint Agnes Medical Center and certain other matters relating thereto

Sponsors: Finance Department

Controller Lima introduced the above item to Council.

RESOLUTION 2015-009 ADOPTED

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

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

3. CITY COUNCIL

Councilmember Brandau motioned to continue City Council Item 3-A (File ID# 15-036) and the portion of the Closed Session item (File ID# 15-030) concerning 5607 W. Jensen Avenue.

APPROVED

On motion of Councilmember Brandau, seconded by Councilmember Soria, City Council Item 3-A (File ID# 15-036) and the portion of the Closed Session item (File ID 15-030) concerning 5607 W. Jensen, be continued. The motion carried by the following vote:

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

- 3-A** [ID#15-036](#) Council Boards and Commissions Communications, Reports, Assignments and/or Appointments, Reappointments, Removals to/from City and non-City Boards and Commissions:
1. Council of Governments - Swearengin-Ex-Officio (Olivier-Alternate)
 2. Financial Audit Committee - 3 vacancies
 3. Fresno Area Workforce Investment Corporation - Baines
 4. Fresno County Transportation Authority (FCTA) - Swearengin, Brandau
 5. Fresno Regional Workforce Investment Board - Baines, Renena Smith
 6. Fresno County Zoo Authority - Swearengin (Baines-Alternate)
 7. Fresno Madera Area Agency on Aging Board - Olivier
 8. Joint Powers Financing Authority - Baines, Vacant, Swearengin
 9. San Joaquin River Conservancy Board - Swearengin (Brandau-Alternate)
 10. Association for the Beautification of Highway 99 - Baines
 11. Upper Kings Basin Integrated Regional Water Management JPA -Vacant
 12. Pension Reform Task Force - Brand, (2nd and 3rd Member vacant)
 13. Economic Development Corporation Serving Fresno County - Brandau-Ex-Officio
 14. Fresno/Clovis Convention & Visitors Bureau (CVB) - Amy Fuentes
 15. League of California Cities (Annual Meeting) - Swearengin (Olivier-Alternate)
 16. San Joaquin Valley Air Pollution Control District - Baines
 17. Infill Development Ad Hoc Subcommittee - Brand, Baines, Olivier
 18. Litigation Exposure Reduction Ad Hoc Committee -

Brandau, Caprioglio

19. Convention Center Oversight Advisory Board - Baines, (Brand-Alternate), City Manager, SMG General Manager and one representative from each of SMG's organizations

20. Transportation Committee - Baines, Olivier, Vacant

21. Code Enforcement Sub-Committee - Baines, Olivier, Caprioglio

Action Taken:

Sponsors: City Councilmember Baines

CONTINUED

UNSCHEDULED COMMUNICATION

The following member(s) of the public spoke to Council about items not on the agenda:

Barbara Dunn - not present upon call.

ADJOURNMENT

Adjourned in the Memory of Les Kimber and Alfonso Hernandez Jr. at 5:09 P.M.

These minutes were approved by unanimous vote of the City Council during the January 29, 2015 Council meeting.