



City of Fresno

2600 Fresno Street
Fresno, CA 93721
www.fresno.gov

Meeting Minutes - Draft 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 9, 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.

8:38 A.M. ROLL CALL

Present: 6 - President Paul Caprioglio
Vice President Sal Quintero
Councilmember Lee Brand
Councilmember Steve Brandau
Councilmember Clinton Olivier
Councilmember Esmeralda Soria

Absent: 1 - Councilmember Oliver L. Baines III

Councilmember Brandau was absent during roll call and entered the Council Chamber at 8:44 A.M.

Invocation by Rabbi Rick Winer of Temple Beth Israel

Pledge of Allegiance to the Flag

APPROVE AGENDA

City Clerk Spence announced the following changes to the agenda: General Administration item 2-D (ID 16-612) would be heard as part of the Consent Calendar; General Administration item 2-H (ID 16-704) was subject to mayoral veto and; Ceremonial Presentation, "Proclamation of 'Alzheimer's Independence Day" (ID 16-375) would be heard on June 16, 2016.

APPROVED AS AMENDED

On motion of Councilmember Soria, seconded by Councilmember Brand, the agenda was approved as amended. The motion carried by the following vote:

Aye: 5 - Caprioglio, Quintero, Brand, Olivier and Soria

Absent: 2 - Baines III and Brandau

APPROVE MINUTES

[ID16-149](#) Approval of minutes from June 2, 2016

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

Aye: 5 - Caprioglio, Quintero, Brand, Olivier and Soria

Absent: 2 - Baines III and Brandau

COUNCILMEMBER REPORTS AND COMMENTS

No Councilmember had anything to report.

1. CONSENT CALENDAR

APPROVAL OF THE CONSENT CALENDAR

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

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

Absent: 1 - Baines III

- 1-A** [ID16-505](#) Award a contract to Walter P. Moore and Associates, Inc. in the amount of \$35,000 to complete a Parking Rate Analysis for downtown Fresno.

APPROVED

The above item was approved on the Consent Calendar.

- 1-B** [ID16-592](#) Actions Pertaining to a General On-Bill Financing Loan:
1. Approve an agreement with Pacific Gas & Electric (PG&E) with the maximum amount of \$250,000, for a General On-Bill Financing Loan to replace certain high pressure sodium (HPS)

street light fixtures with more energy efficient light-emitting diode (LED) fixtures throughout the City.

2. ***RESOLUTION - 44th amendment to the Annual Appropriation Resolution (AAR) No. 2015-104 appropriating \$38,600 of Measure C flexible funding to begin the Citywide LED Retrofit of Street Lights - Phase I project (Requires 5 affirmative votes)

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

- 1-C [ID16-651](#) Approve the second amendment to the agreement with Placeworks, Inc., a California Corporation, in an amount not to exceed \$23,721 for consulting services to augment the scope of the Southwest Fresno Specific Plan and to authorize the Development and Resource Management Department Director or his or her designee to execute documents.

APPROVED

The above item was approved on the Consent Calendar.

- 1-D [ID16-652](#) Actions pertaining to the Parking Agreement between the City of Fresno and Club One Casino, Inc.
1. Adopt a finding of Categorical Exemption per staff determination pursuant to Article 19, Section 15301 Class 1 (existing facility) of the California Environmental Quality Act Guidelines
 2. Authorize the Seventh Amendment to the Parking Agreement between the City of Fresno and Club One Casino, Inc. for fixed rate patron parking in the amount of \$72,000 per year (Council District No.3)

APPROVED

The above item was approved on the Consent Calendar.

- 2-D [ID16-612](#) Award a contract in the amount of \$207,920 to Zim Industries Inc., to rehabilitate a 20-inch diameter well at Pump Station 97, located at 3998 W. Herndon Avenue (Bid File 3459) (Council District 2).

APPROVED

The above item was approved on the Consent Calendar.

2. GENERAL ADMINISTRATION

2-A [ID16-641](#) WORKSHOP regarding Airports Finance Briefing

Aviation Director Meikle presented the workshop to Council.

WORKSHOP HELD

2-B [ID16-653](#) ***RESOLUTION - 526th amendment to the Master Fee Schedule (MFS) Resolution No. 80-420 to adjust rates and charges at Fresno Yosemite International Airport.

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

RESOLUTION 2016-97 ADOPTED

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

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

Absent: 1 - Baines III

Councilmember Brandau exited the Council Chamber at 9:32 A.M. and returned at 9:36 A.M.

2-C [ID16-606](#) Actions pertaining to the Friant Road overlay from Nees Avenue to Fresno Street - Bid File No. 3438 (Council Districts 2 and 6)

1. Adopt a finding of Categorical Exemption per staff determination, pursuant to Section 15301(c) Class 1 of the CEQA guidelines for the Friant Road overlay from Nees Avenue to Fresno Street
2. Award a construction contract in the amount of \$558,032 to Cal Valley Construction of Fresno, California for the Friant Road overlay from Nees Avenue to Fresno Street

The above item was introduced to Council by Public Works Manager, Bell.

APPROVED

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

Aye: 5 - Caprioglio, Quintero, Brand, Olivier and Soria

Absent: 2 - Baines III and Brandau

- 2-E** [ID16-614](#) ***RESOLUTION - 51st amendment to the Annual Appropriation Resolution (AAR) No. 2015-104 to re-allocate \$813,500 in existing appropriations from the Indirect Costs Recovery Fund to Operating Funds in the Public Works Department (Requires five affirmative votes).

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

RESOLUTION 2016-98 ADOPTED

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

Aye: 5 - Caprioglio, Quintero, Brand, Olivier and Soria

Absent: 2 - Baines III and Brandau

- 2-F** [ID16-615](#) ***RESOLUTION - 46th amendment to the Annual Appropriation Resolution (AAR) No. 2015-104 needed to recognize \$1,159,000 in unbudgeted revenues and increase appropriations for the Fresno Fire Department (Requires 5 affirmative votes)

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

RESOLUTION 2016-99 ADOPTED

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, Brand, Brandau, Olivier and Soria

Absent: 1 - Baines III

- 2-G** [ID16-637](#) RESOLUTION - Authorizing payment to the U.S. Bureau of Reclamation for the purchase of Tier 1 and Tier 2 Unreleased Restoration Flows from Millerton Lake.

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

RESOLUTION 2016-100 ADOPTED

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

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

Absent: 1 - Baines III

- 2-H** [ID16-704](#) ***RESOLUTION - Authorizing Application for the Affordable Housing and Sustainable Communities Program and Authorizing Execution of Program Documents - South Stadium TOD Project (District 3).

The above item was introduced to Council by Government Affairs Manager Bergstrom.

RESOLUTION 2016-101 ADOPTED

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

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

Absent: 1 - Baines III

UNSCHEDULED COMMUNICATION

The following member of the public addressed Council during unscheduled communication:

Mary Esther Correa - discussed her high water and sewer bill from the City caused in part by multiple instances vandalism to the water meter.

Councilmember Olivier and Assistant City Manager Smith replied to Ms. Correa and stated that Public Utilities would be visiting her property in the next day or two in order to install a water meter. She was also told that a contract had been drafted that allowed her to pay \$50 a month to bring her account current. It was stated that upon agreement to the contract the water would be turned on. Ms. Correa said she already paid \$200 and felt she was being scammed and would not sign a contract she did not think was manageable.

RECESSED 9:54 A.M. to 10:04 A.M.

Councilmember Soria and Councilmember Olivier were absent when the meeting resumed and did not enter the Chamber until 10:05 A.M.

3. SCHEDULED COUNCIL HEARINGS AND MATTERS

10:00 A.M.

- [ID16-607](#) HEARING to adopt resolutions and ordinance to annex territory and levy a special tax regarding City of Fresno Community Facilities District No. 11, Annexation No. 66 (Final Tract Map No. 5341) (south side of E. Clinton Avenue between N. Locan and Temperance Avenues) (Council District 4)
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 2015-2016 and Future Tax Years Within and Relating to Community Facilities District No. 11, Annexation No. 66, Final Tract Map No. 5341

The above hearing was called to order at 10:04 A.M. The item was introduced to Council by Public Works Assistant Director, Benelli.

Upon call for public comment, no members of the public chose to address Council and public comment was closed.

The hearing was closed at 10:05 A.M.

*RESOLUTION 2016-102 ADOPTED
RESOLUTION 2016-103 ADOPTED
RESOLUTION 2016-104 ADOPTED
BILL B-22 INTRODUCED AND ADOPTED AS
ORDINANCE 2016-20*

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

Aye: 4 - Caprioglio, Quintero, Brand and Brandau

Absent: 3 - Baines III, Olivier and Soria

4. CITY COUNCIL

- [ID16-705](#) RESOLUTION - Opposing removal of the Southeast Development Area (SEDA) from the City of Fresno's sphere of

influence.

The above item was introduced to Council by Councilmember Brand.

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

RESOLUTION 2016-105 ADOPTED

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

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

Absent: 1 - Baines III

3. SCHEDULED COUNCIL HEARINGS AND MATTERS **CONTINUED**

10:15 A.M.

[ID16-500](#) HEARING to adopt resolutions and ordinance to annex territory and levy a special tax regarding City of Fresno Community Facilities District No. 11, Annexation No. 69 (Final Tract Map No. 5595) (area bounded by W. Spruce Avenue, N. Thiele Avenue and W. Farrington Avenue, north of W. Herndon Avenue) (Council District 2)

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 2015-2016 and Future Tax Years Within and Relating to Community Facilities District No. 11, Annexation No. 69, Final Tract Map No. 5595

The above hearing was called to order at 10:19 A.M. The item was introduced to Council by Public Works Assistant Director Benelli.

Upon call for public comment, no members of the public chose to address Council and public comment was closed.

RESOLUTION 2016-106 ADOPTED

RESOLUTION 2016-107 ADOPTED

RESOLUTION 2016-108 ADOPTED

*BILL B-23 INTRODUCED AND ADOPTED AS
ORDINANCE 2016-21*

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

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

Absent: 1 - Baines III

10:30 A.M.

The 10:30 A.M. Scheduled Matter was heard at 10:19 A.M. as the matter was a non-action item and the speaker was in the audience and agreed to be heard early.

[ID16-675](#) Appearance by Cathleen Crews to discuss enforcement of the sign regulations

Ms. Crews appeared before Council and discussed illegal signs throughout the City.

A discussion ensued among the Councilmembers. Development and Resources Management Director Clark and Housing and Revitalization Manager Estabrooke spoke on the topic.

Councilmember Brandau suggested publishing the updated sign regulations as bullet points for local businesses.

Vice President Caprioglio suggested requiring the owners of utility poles to remove signs on a monthly basis.

Councilmember Olivier suggested bringing the sign issue back to Council as an action item.

City Attorney Sloan suggested treating illegal signs like graffiti in that owners would be responsible for removing illegal signs and if they did not, the City would remove the signs. He also cautioned the City to be careful about first amendment rights and noted that a person holding a sign on a public sidewalk was entitled to do so.

RECESSED 10:43 A.M. to 1:36 P.M.

Councilmember Brand, Councilmember Brandau and Councilmember Olivier were not present when the meeting resumed and were absent the remainder of the meeting.

1:30 P.M.#1**CONTESTED CONSENT CALENDAR**

- 1-B [ID16-592](#) Actions Pertaining to a General On-Bill Financing Loan:
1. Approve an agreement with Pacific Gas & Electric (PG&E) with the maximum amount of \$250,000, for a General On-Bill Financing Loan to replace certain high pressure sodium (HPS) street light fixtures with more energy efficient light-emitting diode (LED) fixtures throughout the City.
 2. ***RESOLUTION - 44th amendment to the Annual Appropriation Resolution (AAR) No. 2015-104 appropriating \$38,600 of Measure C flexible funding to begin the Citywide LED Retrofit of Street Lights - Phase I project (Requires 5 affirmative votes)

For lack of a quorum following the break, it was announced that Contested Consent Calendar item 1-B (16-592) would be continued to June 16, 2016.

CEREMONIAL PRESENTATIONS

[ID16-375](#) Proclamation of 'ALZHEIMER'S INDEPENDENCE DAY'

The above proclamation was moved June 16, 2016 by staff.

[ID16-662](#) PROCLAMATION OF "CONSUL VICENTE SÁNCHEZ VENTURA DAY"

PRESENTED

1:30 P.M.#2

[ID16-691](#) Continued Budget Hearing Overflow (if needed)

President Caprioglio announced that the budget hearings were proceeding on schedule and there was no need to hear any overflow items.

5. CLOSED SESSION

There were no Closed Session items on the agenda.

ADJOURNMENT

The meeting adjourned at 1:55 P.M.