



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, November 3, 2016

9:00 AM

Council Chambers

Regular Session

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

9:04 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

Invocation by Reverend Norman from Big Red Church 1st Congregational

Pledge of Allegiance to the Flag

APPROVE AGENDA

City Clerk Spence announced item 2-J (File ID 16-1295) had been removed from the agenda and would be heard during the November 17, 2016 City Council meeting.

Councilmember Brandau removed the 2:00 P.M. Scheduled Matter (File ID 16-1287) from the agenda to be heard at the next City Council Meeting. Councilmember Baines III motioned to keep the 2:00 P.M. Scheduled Matter on the agenda. President Caprioglio seconded the motion which failed by a

vote of 2 to 5 with Councilmembers Soria, Brandau, Quintero, Brand and Olivier voting, "No."

APPROVED AS AMENDED

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

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

APPROVE MINUTES

[ID16-162](#) Approval of minutes from October 20, 2016

APPROVED

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

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

COUNCILMEMBER REPORTS AND COMMENTS

Councilmember Soria reported that the Pokemon Go event at Fresno High on October 29th was a success. The event was hosted by the Parks, After School, Recreation and Community Service ("PARCS") Department. The event was a great kick off for the dual use of school green space as weekend parks. She also stated that lots of people participated in the Parks Master Plan survey.

Councilmember Soria reported her attendance at Latina Empowerment Day on October 28th. It was a good event for skill building and making connections.

Councilmember Soria announced there would be a Tiny House Project event at Fresno State 3:00 P.M. to 7:00 P.M. on November 4th. She also stated the Tiny House Expedition reality show would feature the City of Fresno City of Fresno because Fresno was one of the first cities to allow tiny houses.

Vice Preident Quintero congratulated the Chicago Cubs on their World

Series win. He said that 108 years ago, Fresno native Frank Chance was a Player and Coach for the Cubs. Chance Avenue and a ball field at Cedar and Ventura were named for Frank Chance. Valley Native Orval Overall from Firebaugh was a pitcher on the team with Mr. Chance. Vice President Quintero encourage everyone to see the display on the First Floor of City Hall that exhibited baseball in the valley.

Councilmember Brand recognized the Clovis West Marching Band for making it to the Indianapolis International Competiton Band of America Grand Nationals. He noted the team recently won another competition in San Jose.

Councilmember Baines III reported that the EPA rejected the latest San Juaquin Valley Air Pollution Control District plan. Without an accepted plan, the EPA could impose severe sanction in the valley. Councilmember Baines III reported that the Control District was attempting to rectify the situation and it appeared that progress was being made.

Councilmember Baines III stated that the planned Central Valley Mandella Training Center was on its way. The High Speed Rail Authority provided a seed grant and the Fresno Economic Opportunities Commission had accepted responsisabilty as the program operator. He stated the center would prepare people for high paying construction trades, and the centers were among the finest training centers in the nation. President Caprioglio noted the centers were excellent and said he was excited to have such a place headed to Fresno.

Councilmember Baines III wished District Two Chief of Staff Barsamian a happy birthday.

President Caprioglio reported his attendance at an Agape School community event on October 29th. He toured the new building First and Shaw Avenues that would be used for movie and studio productions. He stated it was a great new complex and the kids were very enthusiastic.

President Caprioglio stated he attended the Fresno Economic Development Corporation Luncheon where Fresno State President Castro accepted the Giaraffe Award for Leadership.

President Caprioglio thanked administraiton and staff for a walking down Sierra Madre in order to see and address concerns concerns on that street.

He also thanked Paul Clark for inviting him to a lunch talk at Fresno State regarding Politics.

President Caprioglio thanked the Public Works team for walking his District. Specifically he mentioned "Scott, Brian and the sidewalk crew" for great work and excellent customer service. He said the people of District Four were thrilled with the curbs, gutters and sidewalks.

President Caprioglio announced the meeting would be adjourned in the memory of Fresno County Sheriff's Deputy Sergeant Rod Lucas.

Councilmember Olivier expressed concern about the vendors offering free cell phones in public rights of way. He stated his office had received complaints from large box stores as well as mom and pop retailers. Development and Resources Management ("DARM") Director Clak stated her Department was working on a procedure to handle temporary permits. She explained the challenges were public rights of way, and private property. She expected to have the new procedure in place within the next 30 to 45 days followed by implementation.

Councilmember Brandau announced that a Parks Master Plan update meeting would be held on Saturday, November 5th in Northwest Fresno at Oso De Oro Park (5550 N. Forkner) from 11:00 A.M. to 2:00 P.M.

Councilmember Brandau also warned that the Two Cities Marathon would impact traffic in North Fresno over the weekend.

1. CONSENT CALENDAR

APPROVAL OF THE CONSENT CALENDAR

Councilmember Soria moved Consent Calendar item 1-B (File ID 16-1237) to the Contested Consent Calendar for further discussion.

Councilmember Quintero moved Consent Calendar item 1-F (File ID 16-1255) to the Contested Consent Calendar for further discussion.

City Attorney Sloan announced that Consent Calendar item 1-J (File ID 16-1290) was only a Successor Agency action and not a Cit Council action.

The following member of the public spoke on Consent Calendar items:

Barbara Hunt - discussed item 1-A, 1-B and 1-C. Ms. Hunt also held a moment of silence for all members of law enforcement in light of the recent loss of Fresno County Sheriff's Deputy Rod Lucas.

APPROVED

On motion of Councilmember Brandau, 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** [ID16-1228](#) Approve the second amendment to a lease for the Construction Management Division office located at 1721 Van Ness Avenue (Council District 3)

APPROVED

The above item was approved on the Consent Calendar.

- 1-B** [ID16-1237](#) Amend the Disadvantaged Business Enterprise Program in accordance with the U.S. Department of Transportation regulations 49 CFR Part 23 and 26 for DOT assisted projects, contracts for the Federal Highway Administration, Federal Aviation Administration, Federal Transit Administration, U.S. Department of Housing and Urban Development and U.S. Environmental Protection Agency.

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

- 1-C** [ID16-1243](#) ***RESOLUTION - 26th amendment to the Annual Appropriation Resolution (AAR) No. 2016-118 appropriating \$305,000 of Citywide Police Facility Impact fees for the Fresno Police Department Communications Center remodel project (Requires 5 affirmative votes)

RESOLUTION 2016-219 ADOPTED

The above item was approved on the Consent Calendar.

- 1-D** [ID16-1252](#) RESOLUTION - Authorizing the Director of Aviation or other authorized representative to execute all implicated documentation for application to the San Joaquin Valley Air Pollution Control District for grants benefiting Fresno Yosemite

International Airport and Fresno Chandler Executive Airport, and execute all documents required to accept any grants resulting from said applications for both airports, including any subsequent amendments thereto

RESOLUTION 2016-220 ADOPTED

The above item was approved on the Consent Calendar.

- 1-E** [ID16-1253](#) Approve Contract Change Order Number 2 in the amount of \$128,479.63 for additional work on the Taxilane Reconstruction project at Fresno Chandler Executive Airport (Bid File 3419) (Council District 3)

APPROVED

The above item was approved on the Consent Calendar.

- 1-F** [ID16-1255](#) Actions pertaining to the Fancher Creek Trail from Clovis Avenue to approximately 550' east of Argyle Avenue (Council District 5)
1. Approve an agreement with Blair, Church & Flynn Consulting Engineers, Inc., for \$65,270 for the design of plans and general construction contract documents for the Fancher Creek Trail from Clovis Avenue to approximately 550' east of Argyle Avenue
 2. Authorize the Public Works Director or designee to execute the agreement on behalf of the City

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

- 1-G** [ID16-1265](#) Actions pertaining to the Fresno County Adult Compliance Team:
1. Approve the Second Amendment to the Agreement with the County of Fresno to reimburse the City of Fresno for two (2) Police Officers and one (1) Police Sergeant assigned to the Fresno County Adult Compliance Team
 2. ***RESOLUTION - 1st amendment to the Position Authorization Resolution (PAR) No. 2016-119, adding two (2) Police Officer positions and one (1) Police Sergeant position to the Fresno Police Department, effective January 1, 2017
 3. ***RESOLUTION - 22nd amendment to the Annual Appropriation Resolution (AAR) No. 2016-118 appropriating \$377,600 for the Fresno Police Department's Adult Compliance Team (Requires 5 affirmative votes)

RESOLUTION 2016-221 ADOPTED

RESOLUTION 2016-222 ADOPTED

The above item was approved on the Consent Calendar.

- 1-H [ID16-1244](#) RESOLUTION - Authorizing the submission of an application for grant funds from the California Department of Transportation 2017-18 Sustainable Transportation Planning Program Call for Projects and authorizing the execution of documents by the Public Works Director or designee (Districts 1,2,3,4,5 and 7)

RESOLUTION 2016-223 ADOPTED

The above item was approved on the Consent Calendar.

- 1-I [ID16-1274](#) ***BILL No. B-44 - (Introduced 10/22/2016) (For adoption) - Approving Text Amendment Application No. TA-16-002 which proposes amendments to the Citywide Development to incorporate the updated October 2016 draft of the Downtown Development Code. This code includes form-based zoning requirements for development within the DNCP and FCSP plan areas. New sections proposed to be added to the Citywide Development Code include standards for three new Downtown zones: Downtown Core, Downtown General and Downtown Neighborhood (Article 15 of Chapter 15 of the FMC) along with provisions related to Parking and Loading (Section 15-2407-A). In addition, an Urban Campus Overlay District is added in Section 15-1610 and a Neighborhood Revitalization Overlay District is added in Section 15-1611. Amended sections include Determining Frontage Coverage (Section 15-317), Fences, Walls and Hedges (Section 15-2006), Summary of Primary Planning Permits and Actions (Table 15-4907), Zone Clearance Applicability (Section 15-5102), Apartment Overlay District, (Section 15-1609), Signs (Sections 15-2608 and 15-2610), and Terms and Definitions (Sections 15-5501 and 15-5502).

ORDINANCE 2016-43 ADOPTED

The above item was approved on the Consent Calendar.

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

- 1-J [ID16-1290](#) RESOLUTION -Regarding the disposition of property of

approximately 1.38 acres at 1911 Merced and 1900 Tuolumne Street (APN(s) 466-206-50T and 466-206-51T) (Council District 3) (Successor Agency action only)

SUCCESSOR AGENCY RESOLUTION SA-35 ADOPTED

The above item was approved on the Consent Calendar.

2. GENERAL ADMINISTRATION

- 2-A** [ID16-1191](#) ***RESOLUTION - 528th amendment to the Master Fee Schedule (MFS) Resolution No. 80-420

The above item was introduced to Council by Budget Manager Sumpter. City Manager Rudd, PARCS Director Mollinedo, DARM Director Clark, Public Works Director Mozier and Assistant Public Utilities Director Schuber also spoke on this item.

The following member of the public spoke on this item: Barbara Hunt

Vice President Quintero motioned to approve the item without the update to the senior citizen annual vehicle pass for regional parks and he requested information about the number of passes sold each year. Councilmember Baines III seconded the motion.

Councilmember Baines III requested a friendly amendment to remove the swimming instruction fees and requested: information related to the increase to the low income discount rate for swimming instruction; the number of swimmers enrolled with the discounted rate, and; a market analysis on the issue. Vice President Quintero agreed to the friendly amendment.

City Manager Rudd stated the administration agreed with Councilmember Soria's concerns about tree trimming fees on private property and would amend the master fee schedule so homeowners would not incur fees or be required to have a permit to remove trees from their private residences.

Councilmember Soria directed staff to reach out to Fresno City College to discuss the possibility of a program or agreement to reduce bus fees for students.

Councilmember Olivier proposed a friendly amendment to approve only the DARM Master Fee Schedule items so Council would have time to discuss the remaining items with staff before adoption at a later time. Vice President

Quintero and Councilmember Baines III agreed to accept the friendly amendment.

City Attorney Sloan clarified with the motion maker that if the removed items were not later approved by Council before July 1, 2017, the existing fees would remain without an increase or change.

RESOLUTION 2016-224 ADOPTED AS AMENDED

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

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

3. SCHEDULED COUNCIL HEARINGS AND MATTERS

Councilmember Soria exited the Council Chamber at 10:15 A.M. and returned at 10:19 A.M.

10:00 A.M.#1

[ID16-1263](#) TEFRA HEARING - To hear and consider information concerning the proposed issuance of Revenue Bonds by California Affordable Housing Agency (the "Agency") for the purpose of financing the acquisition, rehabilitation, improvement and equipping of King's View Estates by DHI King's View Associates, LP, and certain other matters relating thereto

1. ***RESOLUTION - Approving a tax-exempt bond financing to be issued by the Agency to benefit King's View Estates in the aggregate principal amount not to exceed \$9.25 million

The above hearing was called to order at 10:12 A.M. Finance Director Lima introduced the item to Council.

Upon call for public comment, the following people addressed Council:

Barbara Hunt - spoke against issuance of revenue bonds because she felt it was unclear who was, "running this thing." Ms. Hunt felt like the City Council and the people on the west side of Fresno were being "ripped off" and the Public Works Department was a criminal organization. She also stated there were numerous conflicts of interest and that money was disappearing.

The hearing was closed at 10:16 A.M.

RESOLUTION 2016-225 ADOPTED

On motion of Councilmember Baines III, 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 Olivier

Absent: 1 - Soria

10:00 A.M.#2

- [ID16-1174](#) HEARING to consider adoption of resolutions related to the designation of properties to the Local Register of Historic Resources
- 1.*** RESOLUTION - Designating the Wilbur and Edna Marie Chandler Home located at 520 N. Yosemite Avenue, Fresno, California to the Local Register of Historic Resources (Council District 3)
 - 2.*** RESOLUTION - Designating the Homer A. Allen Home located at 548 N. Yosemite Avenue, Fresno, California to the Local Register of Historic Resources (Council District 3).

The above hearing was called to order at 10:16 A.M. The item was introduced to Council by Historic Preservation Project Manager Hattersley-Drayton.

Upon call for public comment, the following people addressed Council:

Barbara Hunt - stated that most of Fresno's true historical buildings were part of the negro community in Southwest Fresno that were torn down. Ms. Hunt felt that Historical properties were often torn down as part of a scam in relation to Proposition 13.

Michael Leary, owner of 548 N. Yosemite Avenue - thanked Council for consideration of his property. He also thanked Project Manager Hattersley-Drayton for finding the the history of his home.

The hearing was closed at 10:25 A.M.

RESOLUTION 2016- 226 ADOPTED

RESOLUTION 2016-227 ADOPTED

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

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

2. GENERAL ADMINISTRATION CONTINUED

- 2-G** [ID16-1269](#) WORKSHOP - Wireless Telecommunications Facilities within the Public Right-of-Way (Citywide)

The above workshop was conducted by Public Works Assistant Director Benelli.

Following the staff presentation, Council discussed the subject and touched on the following topics: industry (AT&T) concerns; permit process and timelines; stakeholder engagement; policies in other cities.

President Caprioglio acknowledged the 8th graders from Kepler Neighborhood School and asked if there were any questions. One of the students, Hayden, asked Council if the subject matter covered only landlines or if it also included cellular towers. President Caprioglio and City Manager Rudd replied.

Councilmember Soria reminded the students to apply for the Youth Commission when start highschool the following year.

WORKSHOP HELD

- 2-B** [ID16-1209](#) WORKSHOP - Impact Fee Updates for Major Streets, Traffic Signals, Fire, Police, Parks and Water Capacity

The above workshop was conducted by Consultant Ellen Martin from Economic Planning Systems, Incorporated. Public Works Director Mozier, City Manager Rudd and Public Works Assistant Director Benelli also spoke on this item.

Following the staff presentation, Council discussed the issue and touched on the following topics: the current City impact fee programs; one time fees versus ongoing costs and maintenance; community facility districts; light industrial uses compared to heavy industrial uses; major street impact fees; the definition of "infill"; raising fees versus incentivizing; debt to developers and subsequent reimbursement; subsidizing fire and park needs in new

growth areas with general fund money; the need to adjust impact fees; how often impact fees should be reviewed; pocket parks; addressing gaps; where impact fees may be spent; fees associated with different sized water pipes and meters.

WORKSHOP HELD

RECESSED 11:55 A.M. to 1:37P.M.

3. SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

1:30 P.M.#2

CEREMONIAL PRESENTATIONS

[ID16-1276](#) Presentation of the SPCA Pet of the Month

PRESENTED

[ID16-460](#) Proclamation of "SIKH AWARENESS MONTH"

PRESENTED

[ID16-1281](#) Proclamation of "VALLEY CAREGIVER RESOURCE CENTER MONTH"

PRESENTED

[ID16-1135](#) "NATIONAL RUNAWAY PREVENTION MONTH"

PRESENTED

[ID16-1279](#) Certificates of Appreciation for City PARC Staff

PRESENTED

[ID16-1273](#) Proclamation of "NATIONAL DAY IN WRITING"

PRESENTED

[ID16-1282](#) Proclamation for the "100th Anniversary of Planned Parenthood"

PRESENTED

2. GENERAL ADMINISTRATION CONTINUED

2-C [ID16-1251](#) Actions pertaining to Digester #2 Rehabilitation at the Regional

Wastewater Reclamation Facility (Bid File 3470) (Council District 3)

1. Adopt a finding of Categorical Exemption of Class 1, pursuant to Section 15301(b) (Existing facilities) of the California Environmental Quality Act Guidelines
2. ***RESOLUTION - 23rd amendment to Annual Appropriation Resolution (AAR) No. 2016-118 appropriating \$630,000 for Rehabilitation of Digester #2 at the Regional Wastewater Reclamation Facility (Requires 5 affirmative votes)
3. Award a \$543,070 contract to F.D. Thomas, Inc., of Central Point, Oregon

The above item was introduced to Council by Supervising Professional Engineer Norgaard with the Department of Public Utilities.

*The following member of the public addressed Council on this matter:
Barbara Hunt.*

Councilmember Baines III requested the actual dollar amounts related to the bids and the local preference. By consensus of the Council, the item was tabled to review local preference issues.

TABLED

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

1:30 P.M.#1

CONTESTED CONSENT CALENDAR

Councilmember Baines III exited the Council Chamber at 2:42 P.M. and returned at 2:55 P.M.

- 1-F [ID16-1255](#) Actions pertaining to the Fancher Creek Trail from Clovis Avenue to approximately 550' east of Argyle Avenue (Council District 5)
1. Approve an agreement with Blair, Church & Flynn Consulting Engineers, Inc., for \$65,270 for the design of plans and general construction contract documents for the Fancher Creek Trail from Clovis Avenue to approximately 550' east of Argyle Avenue
 2. Authorize the Public Works Director or designee to execute the agreement on behalf of the City

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

APPROVED

On motion of Vice President Quintero, 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

- 1-B** [ID16-1237](#) Amend the Disadvantaged Business Enterprise Program in accordance with the U.S. Department of Transportation regulations 49 CFR Part 23 and 26 for DOT assisted projects, contracts for the Federal Highway Administration, Federal Aviation Administration, Federal Transit Administration, U.S. Department of Housing and Urban Development and U.S. Environmental Protection Agency.

The above item was introduced to Council by Finance Director Lima. Public Works Director Mozier also spoke on this item.

Councilmember Soria encouraged staff to take steps to broaden outreach efforts to disadvantaged businesses.

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, Brand, Brandau, Olivier and Soria

Absent: 1 - Baines III

2. GENERAL ADMINISTRATION CONTINUED

- 2-D** [ID16-1254](#) Award a construction contract to Avison Construction Company, Inc. of Madera, California, in the amount of \$570,840 for the Nees Avenue westbound widening from Maple Avenue to Hayston Avenue. Bid File No. 3412 (Council District 6)

The above item was introduced to Council by Capital Program Manager, Bell.

The following member of the public spoke on this item: Barbara Hunt.

APPROVED

On motion of Councilmember Brand, 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

Councilmember Soria exited the Council Chamber at 2:58 P.M. and returned at 3:02 P.M.

Councilmember Olivier exited the Council Chamber at 2:58 P.M. and was absent for the remainder of the meeting.

- 2-E** [ID16-1257](#) ***RESOLUTION - 24th amendment to the Annual Appropriation Resolution (AAR) No. 2016-118 to appropriate \$5,570,000 for operating programs and previously approved capital improvement projects including the recognition of \$80,800 in new Fresno Metropolitan Flood Control District (FMFCD) revenue in the Public Works Department (Citywide) (Requires 5 affirmative votes)

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

The following member of the public spoke on this item: Barbara Hunt.

RESOLUTION 2016-228 ADOPTED

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

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

Absent: 2 - Olivier and Soria

- 2-F** [ID16-1267](#) ***RESOLUTION - 27th amendment to the Annual Appropriation Resolution (AAR) No. 2016-118 to Appropriate \$116,000,000 for Deposit Into an Escrow Account to be used to Partially Defease the 2008 Sewer System Revenue Bonds (Requires 5 affirmative votes).

The above item was introduced to Council by Finance Director Lima.

The following member of the public spoke on this item: Barbara Hunt.

RESOLUTION 2016-229 ADOPTED

On motion of Councilmember Soria, seconded by Councilmember Brand, 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-H** [ID16-1258](#) Actions relating to repealing and adding Building Regulations in the Fresno Municipal Code
1. BILL - (For introduction) - Adopting express findings related to local climatic, topographical and geological conditions that make the City's amendments to the California Mechanical Code and California Plumbing Code reasonably necessary and repealing Sections 11-101 through Section 11-109 of Article1, Chapter 11 of the Fresno Municipal Code and adding Sections 11-101 through Section 11-109 of Article1, of Chapter 11 to adopt and amend the California Building, Residential, Electrical, Mechanical, Plumbing, Energy and Green Building Standards Codes.

The above item was introduced to Council by Building and Safety Services Manager Leong.

The following member of the public spoke on this item: Barbara Hunt.

BILL B-46 INTRODUCED AND LAID OVER

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, Baines III, Brand, Brandau and Soria

Absent: 1 - Olivier

- 2-I** [ID16-1256](#) Actions related to repealing and adding Fire and Life Safety Regulations in the Fresno Municipal Code
1. Adopt the finding that this project is not subject to the requirements of the California Environmental Quality Act pursuant to CEQA Guidelines, Section 15061(b)(3) as there is clearly no possibility the adoption of the 2016 California Fire

Code or amendments may have a significant adverse effect on the environment.

2. RESOLUTION - Making express findings that modifications or changes to the 2016 California Fire Code are reasonably necessary because of local climatic, geological, or topographical conditions.

3. BILL - (For introduction) Repealing Article 5 of Chapter 10, and adding Article 5 to Chapter 10 of the Fresno Municipal Code relating to fire and life safety regulations.

The above item was introduced to Council by Deputy Fire Chief Semonious.

The following member of the public spoke on this item: Barbara Hunt.

RESOLUTION 2016-230 ADOPTED

BILL B-47 INTRODUCED AND LAID OVER

On motion of President Caprioglio, seconded by Councilmember Baines III, 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-J** [ID16-1295](#) Actions related to Copper River Ranch Water Supply Implementation Agreement:
1. Approve Copper River Ranch Water Supply Implementation Agreement.
 2. ***RESOLUTION - 28th amendment to the Annual Appropriation Resolution (AAR) No. 2016-118 to appropriate \$4,291,300 for water supply infrastructure. (Requires five affirmative votes)

The above item was removed from the agenda by staff and will be heard by Council during the November 17, 2016 City Council meeting.

- 2-K** [ID16-1289](#) BILL - (For introduction) - Adding subsection (c) to Section 2-402 of the Fresno Municipal Code, relating to City Manager authority.

The above item was introduced to Council by City Manager Sloan. City Attorney Sloan also spoke on this item.

The following member of the public spoke on this item: Barbara Hunt.

*BILL B-48 INTRODUCED AND LAID OVER***2:00 P.M.**

- [ID16-1287](#) Actions Pertaining to the FY 2017 Budget Update for the General Fund.
1. ***RESOLUTION - 21st amendment to the Annual Appropriation Resolution (AAR) No. 2016-118 to appropriate \$6,710,900 for operating programs and capital improvement projects citywide (Requires 5 affirmative votes)
 2. ***RESOLUTION - 2nd amendment to the Position Authorization Resolution (PAR) No. 2016-119, adding three positions to the Development and Resource Management Department, effective November 3, 2016

The above item was removed from the agenda by Councilmember Brandau.

4. CITY COUNCIL

- [ID16-1275](#) 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 - Swearingin-Ex-Officio (Olivier-Alternate)
 2. Finance and Audit Committee - Brand, Olivier, Brandau
 3. Fresno Area Workforce Investment Corporation - Baines
 4. Fresno County Transportation Authority (FCTA) - Swearingin, Brandau
 5. Fresno Regional Workforce Development Board - Baines
 6. Fresno County Zoo Authority - Swearingin (Baines-Alternate)
 7. Fresno Madera Area Agency on Aging Board - Olivier
 8. Joint Powers Financing Authority - Baines, Brandau, Swearingin
 9. San Joaquin River Conservancy Board - Swearingin (Brandau-Alternate)
 10. Association for the Beautification of Highway 99 - Baines
 11. Upper Kings Basin Integrated Regional Water Management JPA - Brandau (Soria, Georgeanne White and Thomas Esqueda - Alternates)
 12. Economic Development Corporation Serving Fresno County - Brandau-Ex-Officio, City Manager Bruce Rudd and

(Baines - Alternate)

13. League of California Cities (Annual Meeting) - Swearengin (Olivier-Alternate)

14. San Joaquin Valley Air Pollution Control District - Baines

15. Litigation Exposure Reduction Ad Hoc Committee - Brandau, Caprioglio

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

17. Sub-Committee on Transportation - Baines, Caprioglio, Soria

18. Code Enforcement Sub-Committee - Baines, Olivier, and Caprioglio

19. Enterprise and Construction Management Oversight Board - Councilmember Soria

20. Fresno- Clovis Metropolitan Solid Waste Commission- JPA - Brandau, Soria, Caprioglio

21. School Liaison Sub-Committee - Soria - Chair, Olivier, Baines

President Caprioglio reported on the Litigation Exposure Reduction d Hoc Committee (#15) and allowed City Attorney Sloan to discuss a recent case. City Attorney Sloan noted the trial team successfully defended a recent case in which a speeding driver rear ended a bus as it was changing lanes. The driver was injured and sought a million dollars in compensation. He stated that, not only did the team successfully defend the city, but they were also able to win an award of \$35,000 for damage to the bus.

Specifically, City Attorney Sloan thanked Supervising Deputy City Attorney Erica Camarena and Deputy City Attorney Stephanie Snyder for taking the lead on the case. He also thanked Chief Assistant City Attorney Francine Kanne for leading the team and Deputy City Attorney Kenneth Jorgensen, Legal Secretaries Juliana Stafford and Toni Hunter and Legal Assistant Lisa Phelps for assisting on the matter.

Councilmember Brandau reported on the Fresno County Transportation Authority (#4) and stated the City needed to apply gentle pressure on the Authority to pledge \$500,000 for litter removal along the city's freeways. If the authority pledges the money, CalTrans has agreed to match the funds and the City would have a million dollars to put towards litter removal on freeways.

*REPORTS MADE***UNSCHEDULED COMMUNICATION**

Upon call for unscheduled communication, the following people addressed Council:

Barbara Hunt - stated that the "Agribusiness District" couldn't be believed because they had all the money which they are given by the City. Ms. Hunt also commented on the difference between Republicans and Democrats and felt that Donald Trump would bring jobs. She stated the United States must remain separate from the "One World Order."

Jose Leon Baraza - discussed possible soil contamination of the 49 acre site on Peach Avenue given to the City for a park by the Federal Government. He was concerned because farm worker families grow food on the site and a city employee recently mentioned pesticide and chemical contamination from experiments run by the Federal Government. Mr. Baraza asked for clarification on the statements of the employee.

Gabriel Lozano - stated he was worried because of statements made by a city employee concerning alleged contamination at the 49 acre site at Peach Avenue. He felt it would be a "black-eye" for the City if the statements were true and he asked the city to look into the matter.

Samantha Yang - expressed concern over the statements of city employee Luis Chavez about contamination at a site where there are family gardens. She asked the city to investigate the statements.

Ralph Alcaarez - was present when city employee Luis Chavez made a statement about contamination at the 49 acre site at Peach Avenue. He stated that, if true, dust storms will blow the toxins into the community and he asked the city to look into the situation and rectify any problem.

Alfredo Casillas - stated he shared the same concerns as the other speakers about possible contamination at Peach Avenue. He asked the city to provide additional information on this matter.

Jose Luis Baraza - his organization has been dealing with the city for three years in an attempt to turn the 49 acre site at Peach Avenue into a park but has never heard anything about contamination. He stated that the City

could easily answer the question of contamination with a "Yes" or "No."

5. CLOSED SESSION

City Council met in Closed Session in Room 2125 from 3:47 P.M. to 4:40 P.M. to discuss the following:

- [ID16-1283](#) CONFERENCE WITH LABOR NEGOTIATOR - Government Code Section 54957.6
City Negotiator(s): TJ Miller
Employee Organization:
1. Fresno Police Officers Association - (FPOA) - Basic

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

- [ID16-1297](#) CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION - Government Code Section 54956.9, subdivision (d)(1)
1. Jaime Reyes, Jr. et al. v. City of Fresno, et al.; USDC Case No. 13-CV-000418/DRD-SKO

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

ADJOURNMENT

Adjourned from Closed Session at 4:40 P.M. in memory of Fresno County Sheriff's Deputy Sergeant Rod Lucas.

The above minutes were approved by unanimous vote of the City Council during the November 17, 2016 City Council meeting with Councilmember Baines III and Vice President Quintero absent.