



City of Fresno

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

Meeting Minutes - Final City Council

Council President - Steve Brandau

Acting President - Oliver Baines, III

Councilmembers:

Lee Brand, Paul Caprioglio, Clinton J. Olivier,

Sal Quintero, Blong Xiong

City Manager - Bruce Rudd

City Attorney - Douglas T. Sloan

City Clerk - Yvonne Spence, CMC

Thursday, October 23, 2014

8:30 AM

Council Chambers

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.

8:36 A.M. ROLL CALL

Present: 7 - Council President Steve Brandau
Acting Council President Oliver Baines
Councilmember Lee Brand
Councilmember Paul Caprioglio
Councilmember Clinton Olivier
Councilmember Sal Quintero
Councilmember Blong Xiong

Invocation by Pastor Roy Lee of the Calvary Worship Center Church

Pledge of Allegiance to the Flag

CEREMONIAL PRESENTATIONS

No Ceremonial Presentations were on the agenda.

Councilmember Brand exited the Council Chamber at 8:38 A.M. and returned at 8:40 A.M.

APPROVE MINUTES

[ID#14-490](#) Approval of City Council minutes from October 9, 2014

Councilmember Caprioglio motioned to approve the City Council Minutes of October 9, 2014 with a change to indicate that the invocation was delivered by Pastor Powell Lemons of Bethel Christian Center.

APPROVED AS AMENDED

On motion of Councilmember Caprioglio, seconded by Councilmember Olivier, the above Minutes were approved as amended to correct the name of the Pastor that delivered the invocation. The motion carried by the following vote:

Aye: 6 - Brandau, Baines, Caprioglio, Olivier, Quintero and Xiong

Absent: 1 - Brand

[ID#14-494](#) Approval of Successor Agency minutes from October 9, 2014 and Fresno Revitalization Corporation minutes from October 9, 2014.

Sponsors: City Clerk's Office

APPROVED

On motion of Councilmember Olivier, seconded by Councilmember Caprioglio, the above Successor Agency and Fresno Revitalization Corporation Minutes were approved. The motion carried by the following vote:

Aye: 6 - Brandau, Baines, Caprioglio, Olivier, Quintero and Xiong

Absent: 1 - Brand

COUNCILMEMBER REPORTS AND COMMENTS

Councilmember Brand announced that, earlier in the week, there was a ceremony to celebrate the widening of Nees and Willow Avenues. Councilmember Brand thanked Scott Mozier, Mark Standriff and all City Staff for working on the ceremony and the project.

Councilmember Quintero asked Assistant City Manager Smith for an update on the Armenian Town project. Assistant City Manager Smith stated she would get a full report out in the next thirty days and explained the project was wrapped into the process with the Successor Agency real property. Councilmember Quintero further requested information about what was left

in the process and whom people interested in the property should contact if the project was not going to happen.

Councilmember Olivier requested that the City Council adjourn the meeting in the memory of Earl Smittcamp. Mr. Smittcamp passed away at the age of 96. He was an entrepreneur that started as a milkman and worked his way up and eventually founded Wawona Frozen Foods which employs hundreds of people in the valley. Councilmember Olivier noted that the passing of Mr. Smittcamp was a great loss to the community.

Councilmember Xiong thanked City Staff for holding an excellent community meeting in his district to let people know of the Clinton overpass.

Councilmember Xiong also stated that he and the Council President would be hosting a Make a Difference Day event at Chukchansi Park over the weekend. The event would be free for the 1,200 young soccer players participating and they expected around 5,000 spectators. Councilmember Xiong thanked all the volunteers that help to put the event together.

Councilmember Caprioglio stated he had a wonderful time at the well attended one year anniversary of the Veterans Home. Councilmember Caprioglio expressed his gratitude for the service of the veterans and stated the event helped to show the veterans how important they are in our lives.

President Brandau announced he had attended the 100 year anniversary celebration of Harris Construction. President Brandau noted that Harris Construction employed many people in the valley and had accomplished a lot in the community. He offered congratulations to the owners, Mr. and Mrs. Spencer.

APPROVE AGENDA

City Clerk Spence announced the following changes to the agenda: the 10:30 A.M. item #1 was continued to November the 6th, 2014; the 1:30 P.M. Closed Session had been moved to 11:30 a.m. by the posting of a Special Closed Session meeting notice; the 2:55 P.M. appearance of a citizen to speak on Scheduled Communication has been removed from the agenda by the citizen and will be rescheduled; the 3:00 P.M. workshop has been removed from the agenda by the presenter (Fresno BHC) due to a conflict.

APPROVED AS AMENDED

On motion of Councilmember Caprioglio, seconded by Councilmember Xiong, the AGENDA was adopted as amended. The motion carried by

the following vote:

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

1. CONSENT CALENDAR

APPROVAL OF THE CONSENT CALENDAR

Councilmember Brand noted that he would recuse himself from Consent Calendar Item 1-C (File ID#14-430).

On motion of Councilmember Xiong, seconded by Councilmember Olivier, the CONSENT CALENDAR was hereby adopted by the following vote:

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

- 1-A** [ID#14-389](#) *** Approve a Side Letter of Agreement between the City of Fresno and the Fresno City Employees Association (Non-supervisory White Collar Employees - Unit 3) ending a three-year term limit on the classification of Airport Operations Officer

Sponsors: Personnel Services Department and Airports Department

APPROVED

The above item was approved on the Consent Calendar.

- 1-B** [ID#14-419](#) *** Approve a Side Letter of Agreement between the City of Fresno and Unit 1, represented by the International Union of Operating Engineers, Stationary Engineers, Local 39, amending the Memorandum of Understanding (MOU) provision on payment of health care premiums

Sponsors: Personnel Services Department

APPROVED

The above item was approved on the Consent Calendar.

- 1-C [ID#14-430](#) **RESOLUTION** - Of Intention to annex Final Tract Map No. 5967, Annexation No. 57, to the City of Fresno Community Facilities District No. 11 (East side of N. Polk Avenue between W. Shaw and Gettysburg Avenue) (Council District 1) and setting the public hearing for November 20, 2014 at 10:00 a.m.

Sponsors: Public Works Department

Councilmember Brand recused himself from the above item.

RESOLUTION 2014-168 ADOPTED

The above item was adopted on the Consent Calendar with Councilmember Brand recused.

- 1-D [ID#14-455](#) Action pertaining to acquisition of 2421 E. Sussex Way (Council District 7)
1. Adopt a finding of conformity prepared for EA 14-021; and
 2. Approve acquisition of one parcel located at 2421 E. Sussex Way for the amount of \$99,000 from Sellers: Michael W. Copeland and Teresa Copeland to construct a new water supply well

Sponsors: Department of Public Utilities

APPROVED

The above item was approved on the Consent Calendar.

- 1-E [ID#14-456](#) Action pertaining to acquisition of 4101 N. Fruit Avenue (Council District 1)
1. Adopt a finding of conformity prepared for EA 14-022; and
 2. Approve acquisition of two parcels located at 4101 N. Fruit Avenue for the amount of \$150,000 from Seller: Queenie Hill to construct a new water supply well

Sponsors: Department of Public Utilities

APPROVED

The above item was approved on the Consent Calendar.

- 1-F [ID#14-458](#) **BILL** - (for Introduction) - Granting a non-exclusive roll-off franchise for roll-off collection within the City of Fresno to Katch Environmental and Mini Dumpsters of Fresno in preparation for a public hearing on the matter and final vote to approve the non-exclusive roll-off franchise on October 30, 2014

Sponsors: Department of Public Utilities

BILL B-45 Introduced and Laid Over

The above item was approved on the Consent Calendar.

- 1-G [ID#14-461](#) *** RESOLUTION - 22nd amendment to the Annual Appropriation Resolution (AAR) No. 2014-95 appropriating \$10,100 in Council Department operating and capital infrastructure funds based on the carryover balances from fiscal year 2014 (Requires 5 affirmative votes)

Sponsors: Finance Department

RESOLUTION 2014-169 ADOPTED

The above item was adopted on the Consent Calendar.

- 1-H [ID#14-470](#) Approve automatic and mutual aid agreements between the City of Fresno, Fresno County Fire Protection District, California Department of Forestry, and Fire Protection Fresno-Kings Unit

Sponsors: Fire Department

APPROVED

The above item was approved on the Consent Calendar.

- 1-I [ID#14-475](#) RESOLUTION - Authorizing the Director of Aviation or other authorized representative to: execute all implicated documentation for pre-application and application to the Federal Aviation Administration (FAA) for Airport Improvement Program (AIP) grants for federal fiscal years 2015 and 2016 for both Fresno Yosemite International Airport (FAT) and Fresno Chandler Executive Airport (FCH) as shown in the City's fiscal year (FY) 2015 budget capital improvement plan; accept FAA AIP grant(s) for FY 2015 and FY 2016 projects at both airports including all subsequent amendments thereto offered by the FAA; and apply for and accept grants and all subsequent amendments thereto offered by the California Department of Transportation Aeronautics Division for matching funds for FY 2015 and 2016 FAA-approved projects at the Fresno Chandler Executive Airport

Sponsors: Airports Department

RESOLUTION 2014-170 ADOPTED

The above item was adopted on the Consent Calendar.

- 1-J [ID#14-480](#) Actions pertaining to the acquisition of 1488 N. Weber Avenue (Council District 3)
1. Adopt finding of Categorical Exemption, pursuant to CEQA

- Guidelines Sections 15301 (Existing Facilities) and 15332 (In-fill Development projects) for expansion of existing City well lot at 1488 N. Weber Avenue
2. Approve the fee simple acquisition of 1488 N. Weber Avenue for \$90,000 from Sellers: Karen L Wong, Trudy E. Marean, Sheila Chan, and Marlene R. Alvarado for the expansion of existing City well lot

Sponsors: Department of Public Utilities

APPROVED

The above item was approved on the Consent Calendar.

- 1-K [ID#14-484](#) Approve the appointment of Jorge Aguilar to the Fresno Housing Authority and the re-appointment of Philip Decker to the Bicycle and Pedestrian Advisory Committee

Sponsors: Mayor's Office

APPROVED

The above item was approved on the Consent Calendar.

- 1-L [ID#14-496](#) Approve the appointment of Yvonne La Venture to the Bicycle and Pedestrian Advisory Committee

Sponsors: City Councilmember Baines

APPROVED

The above item was approved on the Consent Calendar.

CONTESTED CONSENT CALENDAR

No Consent Calendar items were moved to the Contested Consent Calendar.

2. GENERAL ADMINISTRATION

- 2B [ID#14-469](#) Actions related to updating the Nexus Studies for Citywide Development Impact Fees (Citywide)
1. Approve a professional services agreement with Economic & Planning Systems, Inc., (EPS) to update the Development Impact Fee Nexus Study
 2. *** RESOLUTION - 21st amendment to the Annual Appropriation Resolution (AAR) No. 2014-95 appropriating \$227,700 for Citywide Impact Fee Study consulting and administrative costs in FY 2015

(Requires 5 affirmative votes)

Sponsors: Public Works Department

The above item was presented by Public Works Assistant Director Benelli. Director Mozier and City Attorney Sloan answered additional questions.

Councilmember Xiong asked to see, when fee studies and nexus studies were completed, the percentage of recommendations accepted by Council and the impacts caused when Council has not accepted recommendations.

In response to Councilmember Quintero's questions, City Attorney Sloan stated his office would look into writing something into the municipal code about consulting contracts and using local laborer firms.

City Manager Rudd stated, for the record, the City would meet with the stake holders but would not wait for an agreement with the stake holders. He noted that if the City came up with something that was fair and equitable it would be brought to Council. City Manager Rudd continued by saying that in the past the stake holders have had concerns over developer impact fees but there were always trade offs. City Manager Rudd told the Council they would be fully briefed after the study was completed.

RESOLUTION 2014-171 ADOPTED

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

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

- 2A** [ID#14-428](#) Authorize the Chief of Police to renew a multi-year agreement with Hubb Systems, LLC (Data911) in the aggregate amount of approximately \$855,000, with the option to extend for two additional years, for maintenance of law enforcement mobile computing hardware and software systems

Sponsors: Police Department

Police Captain Reid introduced the above item to Council.

APPROVED

On motion of Councilmember Brand, seconded by Acting President Baines, the above item was approved. The motion carried by the

following vote:

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

Acting President Baines introduced Mrs. Mast's and Ms. Gray's eighth grade classes from Kepler Neighborhood School which had arrived to view government in action.

3. CITY COUNCIL

3A [ID#14-485](#) *** RESOLUTION - Establishing the Council Public Records Act Policy

Sponsors: City Councilmember Baines

District Three Chief of Staff Barfield introduced the above item to Council.

RESOLUTION 2014-172 ADOPTED

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

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

UNSCHEDULED COMMUNICATION

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

RECESSED 9:16 A.M. to 10:10 A.M.

4. SCHEDULED COUNCIL HEARINGS AND MATTERS

10:00 A.M.#1

[ID#14-401](#) **HEARING:** Adopt a resolution ordering the vacation of portions of the northwest side of Stanislaus Street northeast of Fulton Street and the northeast side of Fulton Street northwest of Stanislaus Street, and a portion of the Fulton-Van Ness Alley northwest of Stanislaus Street (Council District 3)

1.*** RESOLUTION - Ordering the vacation of portions of the northwest side of Stanislaus Street northeast of Fulton Street and the northeast side of Fulton Street northwest of Stanislaus Street, and a portion of the Fulton-Van Ness Alley northwest of Stanislaus Street

Sponsors: Public Works Department

Public Works Assistant Director Benelli introduced the above item to

Council.

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

RESOLUTION 2014-173 ADOPTED

On motion of Acting President Baines, seconded by President Brandau, the above item was adopted. The motion carried by the following vote:

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

10:00 A.M.#2

ID#14-492

HEARING pertaining to the establishment of a non-exclusive towing operation franchise for certain towing operators to participate in the Police Department's tow car rotation list

1. *** BILL NO. B-43 (Intro. 10/9/2013) (For adoption) - Granting to towing operators a non-exclusive franchise to participate in the Fresno Police Department's tow car rotation list and a final vote to approve the non-exclusive towing operation franchise
2. *** BILL NO. B-44 (Intro.10/9/2014) (For adoption) - Amending Article 17, Chapter 9 of the Fresno Municipal Code relating to tow trucks

Sponsors: Police Department

Police Sergeant Tucker introduced the above item to Council.

ORDINANCE 2014-44 ADOPTED

ORDINANCE 2014-45 ADOPTED

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

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

10:30 A.M.#1**ID#14-472**

Consider an appeal filed by Councilmember Caprioglio, appealing the Planning Commission's action to approve Conditional Use Permit No. C-13-092 and related Vesting Tentative Tract Map No. 6033/UGM, and environmental findings, by Jeffrey T. Roberts of Granville Homes, Inc, for property located on the northeast corner of N. Fowler and E. Clinton Avenues (Council District 4)

(Continued from October 9, 2014)

1. ADOPT the Mitigated Negative Declaration for the Conditional Use Permit No. C-13-092 and Vesting Tentative Tract Map No. T-6033 prepared for Environmental Assessment No. A-11-003, R-11-003, C-13-092, T6033 dated March 21, 2014
2. RESOLUTION - Deny the appeal and approve Conditional Use Permit No. C-13-092
3. RESOLUTION - Deny the appeal and approve Vesting Tentative Tract Map No. 6033/UGM

Sponsors: Development and Resource Management Department

The above item was continued and not discussed.

CONTINUED TO NOVEMBER 6, 2014 AT 10:45 A.M.

10:30 A.M.#2**ID#14-474**

HEARING to consider Rezone Application No. R-14-006 and related environmental finding, filed by Dirk Poeschel of Dirk Poeschel Land Development Services on behalf of property owner Wells Fargo Bank, N.A. and successor in interest Property Multipliers LLC, pertaining to a proposed change in conditions of zoning applicable to approximately 4.24 acres of property; the subject property comprises Assessor's Parcels Nos. 506-320-59S and 506-320-60S) located on the east side of N. Figarden Drive between W. Bullard Avenue and the Burlington North Santa Fe Railroad (Council District 2)

1. ADOPT the proposed Mitigated Negative Declaration as the finding for Environmental Assessment (EA) No. R-14-006 for the purpose of the proposed project; and
2. BILL - (For introduction and adoption) - Amending the conditions of zoning for the subject property, which would remain classified in the M-1/BA-20/UGM/cz (*Light Manufacturing District/Boulevard Area Overlay - 20 Feet/Urban Growth Management Area/conditions of zoning*) zone district

Sponsors: Development and Resource Management Department

Development and Resources Management Planner Brock introduced the above item to Council.

The following member(s) of the public discussed this item: Dirk Poeschel of Dirk Poeschel Land Development Services and Jeff Scharnick of Stars Dance Studio.

**BILL B-46 INTRODUCED AND ADOPTED AS
ORDINANCE 2014-46**

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

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

11:00 A.M.

[ID#14-422](#) CONTINUED HEARING to consider a Resolution of Public Use and Necessity for Acquisition of Permanent Utility Easements and Temporary Construction Easements from APNs 580-040-02S owned by Frances M. Ricchiuti and Patrick V. Ricchiuti, Co-Trustees of the Frances M. Ricchiuti Family Trust and Patrick V. Ricchiuti, Trustee, The Ricchiuti GST Nonexempt QTIP Trust; 580-020-20S and 580-020-22S owned by Leonard and Nicholas Verni; 580-050-01S owned by Patrick Vincent Ricchiuti, Trustee of the Patrick Vincent Ricchiuti Family Trust; and 580-020-21 and 580-020-23 owned by George C. Goshgarian, Kathleen A. Goshgarian, Michael Morales, Leonard Verni, Nicholas Verni, Steven G. Fogg Family Partnership, and Christopher T. Lum as Sole Trustee of the Steven C.Y. Lum and Catherine J. Lum Trust
(Continued from October 9, 2014)

1. *** RESOLUTION - That the Public Interest and Necessity Require and Authorize Eminent Domain for Acquisition of Permanent Utility Easements and Temporary Construction Easements from Real Property: APNs 580-040-02S, 580-020-20S, 580-020-22S, 580-050-01S, 580-020-21, 580-020-23, located in the County of Fresno (Fresno County) (Requires 5 Affirmative Votes)

Sponsors: Department of Public Utilities

Department of Public Utilities Professional Engineer Buche introduced the above item to Council.

Councilmember Olivier sought an amendment of Councilmember Brand's

motion to approve by allowing additional engagement with the property owners before the Resolution of Public Use and Necessity was approved. Councilmember Brand did not amend his motion.

President Brandau directed staff to continue engagement with the property owners.

RESOLUTION 2014-174 ADOPTED

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

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

No: 1 - Olivier

11:30 A.M. SPECIAL CLOSED SESSION (seperately noticed)

[ID#14-529](#) CONFERENCE WITH REAL PROPERTY NEGOTIATOR

- Government Code Section 54956.8

Property: Fires Station 18 (5938 N. La Ventana)

Negotiating Parties: City Manager Bruce Rudd; Granville Homes

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

1:30 P.M. CLOSED SESSION

[ID#14-508](#)

A. CONFERENCE WITH REAL PROPERTY NEGOTIATOR -
Government Code Section 54956.8

Property: Fire Station 18 (5938 N. La Ventana)

Negotiating Parties: City Manager Bruce Rudd; Granville Homes

Sponsors: City Manager's Office

The above 1:30 P.M. Closed Session item (File ID 14-508) was rescheduled by Special Meeting Notice to 11:30 A.M. as File ID# 14-529.

2:55 P.M.

SCHEDULED COMMUNICATION

[ID#14-498](#) Appearance by George Aguilar, Al Makkai and Juan Bejar to discuss the operation and ordinance pertaining to taxi cabs in the City Fresno

The above Scheduled Communication by George Aguilar, Al Makkai and Juan Bejar was removed from the agenda by the speakers.

3:00 P.M.

[ID#14-466](#) WORKSHOP relating to the General Plan presented by Fresno Building Healthy Communities

The above Workshop relating to the General Plan was removed from the agenda by the organization making the presentation, Fresno Building Healthy Communities.

ADJOURNMENT

Adjourned from Closed Session at 11:55 A.M. in the memory of Earl Smittcamp.

These minutes were approved by unanimous vote of the City Council during the October 30, 2014 Council meeting.