



# City of Fresno

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

## Meeting Minutes - Final City Council

**President - Oliver L. Baines, III**  
**Vice President - Paul Caprioglio**  
**Councilmembers:**

**Lee Brand, Steve Brandau, Clinton J. Olivier,**  
**Sal Quintero, Esmeralda Z. Soria**  
**City Manager - Bruce Rudd**  
**City Attorney - Douglas T. Sloan**  
**City Clerk - Yvonne Spence, CMC**

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Thursday, April 30, 2015

8:30 AM

Council Chambers

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### Regular Session

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

8:37 A.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

*Invocation by Reverend Samuel Morgan of the Westside Church of God*

Pledge of Allegiance to the Flag

## **CEREMONIAL PRESENTATIONS**

[ID#15-349](#) Proclamation recognizing "Charlotte's Bakery" for dedicated years of service to the Tower District.

**Sponsors:** City Councilmember Soria

*REMOVED FROM AGENDA BY STAFF*

[ID#15-356](#) Presentation of a Resolution in Honor of the Life of William “Bill” Musick

**Sponsors:** City Councilmember Baines

*PRESENTED*

[ID#15-304](#) Acknowledgement of Detective Edgar Valle-Sandoval

**Sponsors:** City Councilmember Caprioglio

*PRESENTED*

[ID#15-253](#) Announcement of the honorary Fresno Poet Laureate

**Sponsors:** Mayor's Office

*PRESENTED*

[ID#15-285](#) Presentation of 2015 Mayoral Historic Preservation Awards and Proclamation for Historic Preservation Week, May 2-9

**Sponsors:** Development and Resource Management Department

*PRESENTED*

[ID#15-154](#) Resolution of Commendation Congratulating the Fleet Management Division of the Transportation Department for Earning the ASE Blue Seal of Excellence Recognition for the Fifteenth Consecutive Year

**Sponsors:** Department of Public Transportation (FAX)

*PRESENTED*

[ID#15-314](#) Recognition of Boy Scout Eagle Christopher Forestiere

**Sponsors:** City Councilmember Brandau

*PRESENTED*

[ID#15-318](#) Proclamation of “PEACE OFFICERS MEMORIAL DAY”

**Sponsors:** City Councilmember Baines

*PRESENTED*

[ID#15-315](#) Proclamation of "CRIME VICTIMS' RIGHTS WEEK"

**Sponsors:** City Councilmember Caprioglio

*PRESENTED*

[ID#15-331](#) Proclamation of "ASSOCIATED STUDENTS INC. DAY AT FRESNO STATE"

**Sponsors:** City Councilmember Caprioglio

*PRESENTED*

[ID#15-347](#) Proclamation in remembrance of the "Armenian Genocide" presented to the Armenian Genocide Centennial Fresno Committee

**Sponsors:** City Councilmember Caprioglio and City Councilmember Soria

*PRESENTED*

[ID#15-348](#) Proclamation declaring April as "NATIONAL AUTISM AWARENESS MONTH"

**Sponsors:** City Councilmember Soria and City Councilmember Caprioglio

*PRESENTED*

[ID#15-335](#) Presentation of P.R.I.D.E. Team Certificates for the Spring Quarter, 2015 (Reception immediately following- 2nd floor foyer)

**Sponsors:** City Clerk's Office

*PRESENTED*

## **APPROVE MINUTES**

[ID#15-329](#) Approval of City Council minutes from April 9, 2015

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

**Aye:** 4 - Baines, Brandau, Quintero and Soria

**Absent:** 3 - Caprioglio, Brand and Olivier

## **COUNCILMEMBER REPORTS AND COMMENTS**

*Councilmember Soria recognized high school leadership students in the audience of the Council meeting. Councilmember Soria also asked City Manager Rudd for an update about the Targeted Area Rehabilitation Program and the Distressed Properties Program including: what amount of money had been allocated in the current fiscal year; what amount of money had been spent to date; provide a list of accomplishments; provide a list of properties in District One that may have benefited, and; explain whether the City anticipates spending all the money by the deadline.*

*Councilmember Quintero noted the passing of Jack Ely, lead singer of the Kingsmen, who was famous for singing the song "Louie Louie." Councilmember Quintero also announced that May was "Older American's Month" and invited people to attend the "Senior Spring Fling" event sponsored by District Five at the Mosqueda Community Center. He thanked the Mayor and City Manager's Offices as well as the PARCS, Transportation, Public Utilities and Police Departments.*

*Vice President Caprioglio asked for the meeting to be adjourned in the memory of Detective Valle-Sandovall, Coach Musik, Carole Gostanian and Jack Ely. He announced that April 18th was Community Service Day at Melody Park and there was a great turn out by the community. Vice President Caprioglio thanked Pacific Gas and Electric, Fresno Fire Fighters Local 753, the Fun Board, the Air National Guard and the PARCS Department and staff for helping make the day a success. Vice President Caprioglio discussed the ribbon cutting for the new 102,000 square foot Netafim building and the opening of the Arc in his district. Vice President Caprioglio also talked about his attendance at the "Spirit of Service" reception at California State University Fresno which honored those involved in community engagement. He noted that more than one million hours of service had been given to the community last year.*

*Councilmember Olivier asked that the meeting be adjourned in the memory of Carole Gostanian and Reverend Robert Paul. He remembered Ms. Gostanian as the owner of Penny Candy and as someone who was never bashful and not afraid to put truth to power. He recalled that Reverend Robert Paul was the musical director for the Real Men of Promise and was a warm man of faith and music.*

*Councilmember Brandau commented on a recent District Two meeting*

which focused on water, crime and public works projects in District Two. He thanked all the people involved in making the meeting happen. Councilmember Brandau asked City Manager Rudd about the future plans for the land surrounding the wastewater treatment facility.

President Baines announced the proposed budget schedule had been released and that the Budget was expected to be released around May 5, 2015. He also noted the State of the City would be held on June 3, 2015 and the Budget Hearings would begin on Monday June 8, 2015 and conclude with a final vote on the budget on June 19, 2015. President Baines asked City Manager Rudd about the timetable for the formation of the 2035 General Plan Implementation Committee. Finally, President Baines wished Councilmember Olivier a happy birthday and lead the Council Chamber in singing Happy Birthday.

Vice President Caprioglio acknowledged that Councilmember Soria recently celebrated a birthday.

## **APPROVE AGENDA**

City Clerk Spence announced File ID#15-323 (Workshop on Farmland Preservation) had been continued to May 14, 2015.

**On motion of Councilmember Soria, seconded by Vice President Caprioglio, the AGENDA was approved 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 Vice President Caprioglio, seconded by Councilmember Soria, the CONSENT CALENDAR was hereby adopted by the following vote:**

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

- 1-A**    [ID#15-261](#)    Actions pertaining to the sale of abandoned water well parcel located on Cedar Avenue south of Dakota Avenue:
1. Adopt finding of no possibility of significant effect pursuant to CEQA Guidelines Section 15061(b) (3) and Categorical

Exemption pursuant to CEQA Guidelines Section 15312 for the sale of a small abandoned water well parcel

2. Approve a grant deed and certificate of parcel merger to sell a small abandoned water well parcel known as, APN 437-090-57T, to the adjacent property owner Iglesia Del Dios Vivo Columna Y Apoyo De La Verdad La Luz De Mundo-Fresno, CA (located in District 4)

**Sponsors:** Public Works Department

APPROVED

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

- 1-B [ID#15-321](#) Approve the Memorandum of Understanding (MOU) for Implementation of the Sustainable Groundwater Management Act (SGMA) in the Kings Subbasin between the Kings River Conservation District (KRCD), Alta Irrigation District, Consolidated Irrigation District, Fresno Irrigation District, County of Fresno, County of Tulare, City of Clovis and City of Fresno

**Sponsors:** Department of Public Utilities

APPROVED

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

- 1-C [ID#15-279](#) Actions pertaining to the New Manhole Access Sewer Structures (Council Districts 3, 4, 7 and parts of Fresno County)
1. Adopt a finding of Categorical Exemption of Class 3, pursuant to Section 15303(d) (New construction or conversion of small structures) and Class 4, pursuant to Section 15304(f) (Minor alterations to land) of the California Environmental Quality Act Guidelines
2. Award a \$195,185 contract to Floyd Johnston Construction Company, Inc. of Clovis, California

**Sponsors:** Department of Public Utilities

APPROVED

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

- 1-D [ID#15-284](#) RESOLUTION - Nominating Stephen A. Hogg as a board member of the Association of California Water Agencies (ACWA) Region 6

**Sponsors:** Department of Public Utilities

*RESOLUTION 2015-62 ADOPTED*

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

- 1-E [ID#15-287](#) \*\*\*RESOLUTION - 47th amendment to the Annual Appropriation Resolution (AAR) No. 2014-95 to appropriate \$139,400 for an LED Technology Streetlight Retrofit Project in FY2015 (Requires 5 affirmative votes)

**Sponsors:** Public Works Department

*RESOLUTION 2015-63 ADOPTED*

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

- 1-F [ID#15-288](#) RESOLUTION - Of Intention to annex Final Tract Map No. 5466, Annexation No. 61, to the City of Fresno Community Facilities District No. 11 (northeast and southeast corners of S. Minnewawa and E. Church Avenues); and setting the public hearing for June 4, 2015 at 10:00 a.m. (Council District 5)

**Sponsors:** Public Works Department

*RESOLUTION 2015-64 ADOPTED*

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

- 1-G [ID#15-294](#) Actions pertaining to the Orange Avenue Pavement Overlay from Butler to California Avenue - Bid File 3373 (Council District 5)
1. Adopt a finding of Categorical Exemption per staff determination, pursuant to Section 15301 Class 1 (c) of the CEQA Guidelines for the Orange Avenue Pavement Overlay from Butler to California Avenue
  2. Award a Construction Contract with Dave Christian Construction Co. Inc. of Fresno, California in the amount of \$337,689 for the Orange Avenue Pavement Overlay from Butler to California Avenue

**Sponsors:** Public Works Department

APPROVED

The above item was approved on the Consent Calendar.

- 1-H [ID#15-296](#) Actions pertaining to Manhole Rehabilitation on West Avenue from Dakota Avenue to McKinley Avenue (Bid File No. 3363) (Council District 1)
1. Adopt a finding of Categorical Exemption of Class 1, pursuant to Section 15301(d) (Existing facilities) and Class 2, pursuant to Section 15302 (c) (Replacement or reconstruction) of the California Environmental Quality Act Guidelines
  2. Award a \$194,250 construction contract to Bill Nelson, Inc., of Fresno, California

**Sponsors:** Department of Public Utilities

APPROVED

The above item was approved on the Consent Calendar.

- 1-I [ID#15-302](#) Actions pertaining to well rehabilitation at Pump Station 80 located at 3903 Winery Avenue (Bid File 3361) (Council District 4)
1. Adopt a finding of Categorical Exemption of Section 15301 of the California Environmental Quality Act Guidelines
  2. Award a contract in the amount of \$222,690 to Zim Industries Inc., to rehabilitate a 20-inch diameter well at Pump Station 80, located at 3903 Winery Avenue (Bid File 3361) (Council District 4)

**Sponsors:** Department of Public Utilities

APPROVED

The above item was approved on the Consent Calendar.

- 1-J [ID#15-305](#) Approve the Common Use Agreement between the Fresno Metropolitan Flood Control District ("FMFCD") and the City of Fresno ("City") for the crossing of the Friant-Kern Canal Raw Water Pipeline at Big Dry Creek

**Sponsors:** Department of Public Utilities

APPROVED

The above item was approved on the Consent Calendar.



- 1-K [ID#15-316](#) Approve the appointment of Lori Cherry to the Bicycle and Pedestrian Advisory Committee

**Sponsors:** Mayor's Office

APPROVED

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

- 1-L [ID#15-324](#) Actions pertaining to the Second Amendment to the Tenancy Agreement between the City of Fresno and Kocky's Bar & Grill L.L.C. (Council District 3)
1. Adopt a finding of a Categorical Exemption pursuant to Class 1 of the California Environmental Quality Act (CEQA) Guideline Section 15301 for lease extension
  2. Approve the Second Amendment to the Tenancy Agreement between the City of Fresno and Kocky's Bar & Grill L.L.C. and authorize the City Manager to execute the agreement subject to City Attorney approval

**Sponsors:** City Manager's Office

APPROVED

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

- 1-M [ID#15-301](#) Authorize the Director of Aviation to execute a consulting agreement with Harris, Miller, Miller & Hanson, Inc. for Development of a 14 CFR Part 150 Airport Noise and Land Use Compatibility Study Noise Exposure Map Update at Fresno Yosemite International Airport in an amount not to exceed \$295,625

**Sponsors:** Airports Department

APPROVED

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

- 1-N [ID#15-344](#) Award a requirements contract in the amount of \$182,807 to All West Equipment dba Frank A. Olsen Co., for magnetic flow meters and authorize the Director of Public Utilities, or their designee to execute a one-year contract with provisions for two one-year extensions - Bid File 9316 (Citywide)

**Sponsors:** Department of Public Utilities

*APPROVED*

The above item was approved on the Consent Calendar.

- 1-O [ID#15-358](#) Approve the appointment of Bill Simon to the Tower District Design Review Committee

**Sponsors:** City Councilmember Soria

*APPROVED*

The above item was approved on the Consent Calendar.

- 1-P [ID#15-265](#) BILL - (For introduction) - Adopt the annual amendment to Subsection (a) of Sections 7-504 and 7-505 of the Fresno Municipal Code relating to local Sales and Use Taxes, pursuant to the Memorandum of Understanding with Fresno County (MOU)

**Sponsors:** Finance Department

*BILL B-11 INTRODUCED AND LAID OVER*

The above item was introduced and laid over on the Consent Calendar.

## **CONTESTED CONSENT CALENDAR**

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

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

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

- [ID#15-280](#) HEARING to adopt resolutions and ordinance to annex territory and levy a special tax regarding City of Fresno Community District No. 11, Annexation No. 60 (Final Tract Maps No. 6052, 6053 and 6075) (the northwest and northeast corners of W, Herndon and N. Hayes Avenues) (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 2014-2015 and Future Tax Years Within and Relating to Community Facilities District No. 11, Annexation No. 60, Final Tract Maps No. 6052, 6053 and 6075

**Sponsors:** Public Works Department

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

RESOLUTION 2015-65 ADOPTED  
RESOLUTION 2015-66 ADOPTED  
RESOLUTION 2015-67 ADOPTED  
BILL B-12 INTRODUCED AND ADOPTED AS  
ORDINANCE 2015-8

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

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

### **10:15 A.M.**

[ID#15-297](#) HEARING to consider a resolution of public use and necessity for acquisition of permanent utility easements and/or temporary construction easements from the following APNs: 581-030-02s owned by Rodric H. and Kimberly K. Lichti; 580-040-07 owned by Earleen Leshner; and 580-040-08 owned by Earleen Leshner as to an undivided 72% and the estate of Velda D. Leshner as to an undivided 28%; and 581-020-05s owned by Lilli Herold and Linda E. Cheney, as trustees of the "Lilli Herold Living Trust"

1. \*\*\*RESOLUTION - That the public interest and necessity require and authorize eminent domain for acquisition of permanent utility easements and/or temporary construction easements from real property: APNs 581-030-02s; 580-040-07 and 580-040-08; and 581-020-05s, located in the County of Fresno. (Requires 5 affirmative votes)

**Sponsors:** Department of Public Utilities

*The above item was presented to Council by Public Utilities Water Operations Manager Carbajal. Public Utilities Director Esqueda, City Attorney Sloan and City Manager Rudd answered additional questions.*

*The following member(s) of the public spoke on this item: Property owner Robert Lichti and Attorney Dale De Goede representing the Leshner property.*

CONTINUED TO MAY 14, 2015 at 10:00 A.M.

**On motion of Councilmember Brand, seconded by President Baines,**

the above item was CONTINUED to May 14, 2015 at 10:00 A.M. The motion carried by the following vote:

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

### **10:30 A.M.**

[ID#15-306](#) WORKSHOP: Drought Management Planning and Status Report

**Sponsors:** Department of Public Utilities

*The above workshop was presented to Council by Mayoral Chief of Staff White and Public Utilities Director Esqueda.*

WORKSHOP HELD

Recessed at 12:19 P.M. to 1:34 P.M. Councilmember Olivier entered the Council Chamber at 1:37 P.M.

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

[ID#15-289](#) TEFRA HEARING - To hear and consider information concerning the proposed issuance of revenue refunding bonds by California Statewide Communities Development Authority ("CSCDA") for the purpose of refinancing continuing care facilities including a facility owned and operated by American Baptist Homes of The West, commonly known as San Joaquin Gardens

1. \*\*\*RESOLUTION - Approving a tax-exempt bond financing to be issued by CSCDA to benefit the Terraces at San Joaquin Gardens in the aggregate principal amount not to exceed \$70 million

*The above item was presented to Council by Finance Director and City Controller Lima.*

*The following member(s) of the public spoke on this item: Barbara Bolt of San Joaquin Gardens.*

RESOLUTION 2015-68 ADOPTED

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

following vote:

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

**Absent:** 1 - Olivier

## **2. GENERAL ADMINISTRATION**

- 2-A [ID#15-244](#) Approval of items related to the renewal of the Downtown Fresno Property and Business Improvement District (DFPBID) upon verification of sufficient number of valid petitions collected to support the renewal of the district (Property located in District 3)
1. RESOLUTION -Declaring its intention to renew the DFPBID and establishing a time and place for a public hearing thereon and giving notice thereof
  2. Authorize the City Manager to execute the Assessment Ballot on behalf of the City of Fresno

**Sponsors:** Development and Resource Management Department

*The above item was presented to Council by Downtown Fresno Partnership President and CEO Blair.*

*The following member(s) of the public spoke on this item: Property owner Robert Gunfield.*

*RESOLUTION 2015-69 ADOPTED*

**On motion of President Baines, seconded by Councilmember Quintero, the above item was 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**

**1:30 P.M.**

[ID#15-381](#) WORKSHOP on Farmland Preservation

**Sponsors:** Mayor's Office and Development and Resource Management Department

*CONTINUED TO MAY 14, 2015*

**1:45 P.M.**

- [ID#15-328](#) HEARING to consider Plan Amendment Application No. A-14-005, Rezone Application No. R-14-009, and Related Environmental Assessment No. A-14-005/R-14-009/C-14-080 for property located on the northwest corner of E. Nees and N. Bond Avenues (Property Located in District 6) - Development and Resource Management Department
1. Adopt the environmental finding of Environmental Assessment No. A-14-005/ R-14-009/C-14-080, a Mitigated Negative Declaration, dated February 27, 2015.
  2. RESOLUTION - Approving Plan Amendment Application No. A-14-005, which proposes to amend the Fresno General Plan and Woodward Park Community Plan from commercial recreation planned land use designation to community commercial land use designation for 4.63 acres; and from office commercial planned land use designation to community commercial land use designation for 0.37 acres. In addition, Commercial Policy 1-4.3-e of the Woodward Park Community Plan is proposed to be amended as follows: "...At the two identified community commercial nodes where up to 25 30 acres may be developed, the total acreage may be distributed on three corners of the intersection.
  3. BILL - Amending the Official Zone Map to reclassify the subject property from the C-R/UGM/cz (Commercial Recreation/Urban Growth Management/conditions of zoning) zone district for 4.63 acres and the C-P/UGM (Administrative and Professional Office/Urban Growth Management) zone districts for 0.37 acres to the C-1/UGM/cz (Neighborhood Shopping Center/Urban Growth Management/conditions of zoning) zone district with additional conditions of zoning.

*The above item was presented to Council by Development and Resources Management Supervising Planner Pagoulatos. Public Works Manager Gormley answered additional questions.*

*The following member(s) of the public spoke on this item: Tekata Family Project Engineer Garry Ginetta, property owner Tom McLaughlin and business owner Manjit Singh,*

**RESOLUTION 2015-70 ADOPTED**

*BILL B-13 INTRODUCED AND ADOPTED AS ORDINANCE 2015-9*

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

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

**No:** 1 - Baines

**Councilmembers Brand and Soria exited the Council Chamber at 2:15 P.M. and returned at 2:19 P.M.**

## **2. GENERAL ADMINISTRATION CONTINUED**

**2-B**     [ID#15-282](#)     Actions pertaining to the Sewer Rehabilitation at the Manchester Center from State Route 41 to Garland Avenue (Bid File No. 3368) (Council District 7)

1. Adopt a finding of Categorical Exemption of Class 1, pursuant to Section 15301(b) (Existing facilities of both investor and publicly-owned utilities used to provide electric power, natural gas, sewerage, or other public utility services) and Class 2, pursuant to Section 15302(c) (Replacement or reconstruction) of the California Environmental Quality Act Guidelines

2. \*\*\*RESOLUTION - 46th amendment to the Annual Appropriation Resolution (AAR) No. 2014-95 appropriating \$538,700 for construction of the sewer rehabilitation at the Manchester Center from State Route 41 to Garland Avenue (Requires 5 affirmative votes)

3. Award a \$501,633 contract to Michels Corporation of Salem, Oregon

**Sponsors:** Department of Public Utilities

*The above item was presented to Council by Public Utilities Supervising Professional Engineer Norgaard.*

*RESOLUTION 2015-71 ADOPTED*

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

**Aye:** 5 - Baines, Caprioglio, Brandau, Olivier and Quintero

**Absent:** 2 - Brand and Soria

- 2-C**    [ID#15-319](#)    Actions pertaining to the Willow Avenue Intelligent Transportation System (ITS) Traffic Signals Synchronization Project from Ashlan Avenue to International Avenue - Bid File 3371 (Council Districts 4, 6, City of Clovis and Fresno County)
1. Adopt a finding of Categorical Exemption per staff determination, pursuant to Section 15301 Class 1 (c) of the CEQA Guidelines for the Willow Avenue ITS Project from Ashlan Avenue to International Avenue
  2. Award a Construction Contract with Kertel Communications, Inc. dba Sebastian of Fresno, California in the amount of \$950,750 for the Willow Avenue ITS Project from Ashlan Avenue to International Avenue

**Sponsors:** Public Works Department

*The above item was presented to Council by Public Works Department Professional Engineer Goonawardena.*

**APPROVED**

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

**Aye:** 5 - Baines, Caprioglio, Brandau, Olivier and Quintero

**Absent:** 2 - Brand and Soria

- 2-D**    [ID#15-333](#)    Approve the First Amendment to Amended and Restated Stadium Sublease Agreement

**Sponsors:** City Manager's Office

*The above item was presented to Council by Assistant City Manager Smith.*

*City Attorney Sloan announced the following technical correction to the agreement: the reference to "Exhibit 'A'" should be removed from the the second to last sentence on page two of the agreement. By removing the reference to "Exhibit 'A'" the second to last sentence on page two of the agreement would read as follows: "(b) In addition to the payment to City of all deferred Fixed Rental as required by (a) above, Tenant shall pay prior to or at the time of closing of a sale of the Grizzlies all amounts owed by Tenant to City and third parties in connection with the operation of the*



*Grizzlies and performance of its obligations as Tenant under the Agreement, including, but not limited to, scoreboard acquisition loan, utilities, league fees, fines and penalties and deferred maintenance obligations."*

*Councilmember Olivier exited the chamber and was absent for the vote. Upon request by Councilmember Olivier, President Baines acknowledged Councilmember Olivier's "aye" vote for this item.*

APPROVED

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

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

### **3. CITY COUNCIL**

- 3-A**    [ID#15-307](#)    Presentation by Gary Byde regarding the Proposition 218 Benefit Assessment measure being put forth by the Fresno Mosquito and Vector Control District

**Sponsors:** City Councilmember Baines

PRESENTED

- 3-B**    [ID#15-299](#)    WORKSHOP on the Workers' Compensation Alternative Dispute Resolution Carve Out

**Sponsors:** City Councilmember Brandau and City Councilmember Brand

*The above workshop was presented to Council by Personnel Director Cardell.*

WORKSHOP HELD

- 3-C**    [ID#15-330](#)    RESOLUTION - Directing staff to create a specific plan for developing land within the sphere of influence of the City of Fresno located west of Highway 99 and north of Clinton Avenue; and prepare and return to Council with a resolution of initiation and necessary appropriations for funding within thirty days

**Sponsors:** City Councilmember Brandau

*The above item was presented to Council by Councilmember Brandau. Mayor Swearengin also spoke on this item.*

*The following member(s) of the public spoke on this item: John Stewart of Pearson Realty, Claudia Cazares of Granville Homes, Mark Wathen of Wathen Castanos Homes, area resident Robin Small and Nicolas Kazarian of Lance Kashian and Company.*

**RESOLUTION 2015-72 ADOPTED**

**On motion of Councilmember Brandau, seconded by Councilmember Soria, the above item was 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**

**3:00 P.M.**

[ID#15-342](#) WORKSHOP presenting the Report and Recommendations of the Mayor-Council Code Enforcement Taskforce

*The above workshop was presented to Council by Mayor Swearengin and Development and Resources Management Director Clark.*

**WORKSHOP HELD**

[ID#15-343](#) BILL - (For introduction) - Repealing Section 10-617 and adding Section 10-617; amending Section 10-603; and repealing Sections 10-620, 11-335 and 11-422 of the Fresno Municipal Code relating to standards for vacant buildings

**Sponsors:** Development and Resource Management Department

*President Baines introduced the above item to Council. City Attorney Sloan and Development and Resources Management Director Clark answered questions.*

*While discussing the above item, Council recessed from 5:47 P.M. to 6:18 P.M.*

*The following member(s) of the public spoke on this item: Barbara Fisk, Andrew File, Rabi Rick Whinner for Pastor David Criner, Esther Delahaye of the Lowell Community Development Corporation, Anna Wells of No More*

*Slumlords, Carol Langston-Maul, Marina Magdaleno of Local 39, Reverand from the task force (name not announced), Dee Barnes of Fresno City Employee Association, Victoria Wilson, Sergio Cortes, Gerard Lozano, Stephanie Bab with the California Apartment Association, Terance Frazier, Steve Hrdlicka, Realtor Don Scordino and Dr. Matt Jendian*

*Councilmember Brand made the following five amendments that were incorporated into the Bill and approved by Council: First - that "b(1)" on page 2 shall refer to Stage 2, 3 or 4 water shortage contingency, not just stage 4. Second - under "b(10)" on page 3, the word "may" will be replaced with the word "shall" ("...longer than thirty (30) days shall be registered..."). Third - to add "3(a)" and "3(b)" on page four. 3(a) to read, "Vacant properties that are not registered on the City's vacant property registry shall be subject to an administrative citation of \$250 per month; and/or." 3(b) to read "A courtesy notification program for the vacant property registry shall be developed and implemented by the administration." Fourth - that section 2, paragraph "i" on page 9 will refer to Stage 2, 3 or 4 water shortage contingency, not just stage 4. Fifth - there will be a six month review period for the ban on using boards to seal vacant properties.*

*BILL B-14 INTRODUCED AS AMENDED AND LAID OVER*

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

**Aye:** 5 - Baines, Caprioglio, Brand, Olivier and Soria

**No:** 2 - Brandau and Quintero

## **UNSCHEDULED COMMUNICATION**

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

**RECESSED 6:28 P.M. to 6:35 P.M.**

## **4. CLOSED SESSION**

*The City Council met in closed session in Room 2125 from 6:35 P.M. to 6:55 P.M. to discuss the following:*

[ID#15-311](#) CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION - Government Code Section 54956.9, subdivision (d)(1)

1. Jaime Reyes, et al. v. City of Fresno, et al. United States District Court Case No. 13-CV-00418/LJO-SKO

**Sponsors:** City Attorney's Office

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

**ID#15-312** CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION - Government Code Section 54956.9, subdivision (d)(1)

1. Citizens for the Restoration of L Street v. City of Fresno, Superior Court Case No. 11CECG04172

**Sponsors:** City Attorney's Office

*The above item was not discussed in closed session.*

**ID#15-359** CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION - Government Code Section 54956.9, subdivision (d)(1)

1. Michael Occhionero, et al. v. City of Fresno, et al., Superior Court Case No. 14CECG02399

**Sponsors:** City Attorney's Office

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

**ID#15-322** CONFERENCE WITH LEGAL COUNSEL - DECIDING WHETHER TO INITIATE LITIGATION -Government Code Section 54956.9, subdivision (d)(4)

1. City of Fresno v. Michael Occhionero, et al.

**Sponsors:** City Attorney's Office

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

**ID#15-345** CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Government Code Section 54956.8  
Property: APNs 468-255-11 and 468-255-15  
Negotiating Parties: City Manager Bruce Rudd, TFS Investments, LLC., The Noyan Company

**Sponsors:** City Attorney's Office

*The above item was discussed in closed session. No open session*

*announcement was made regarding this item.*

ADJOURNMENT

*Adjourned from closed session at 6:55 P.M. in the memory of Detective Valle-Sandoval, Coach Musik, Carole Gostanian, Jack Ely and Reverend Robert Paul.*

**These minutes were approved by unanimous vote of the City Council during the May 14, 2015 Council meeting.**