



City of Fresno

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

Meeting Minutes - Draft City Council

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

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

Thursday, August 20, 2015

1:30 PM

Council Chambers

Regular Session

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

1:44 P.M. ROLL CALL

Present: 7 - President Oliver Baines III
Vice President Paul Caprioglio
Councilmember Lee Brand
Councilmember Steve Brandau
Councilmember Clinton Olivier
Councilmember Sal Quintero
Councilmember Esmeralda Soria

Invocation by Pastor Henry Oputa

Pledge of Allegiance to the Flag

CEREMONIAL PRESENTATIONS

[ID#15-716](#) Presentation of the SPCA Pet of the Month

PRESENTED

[ID#15-730](#) Idea\$ Pay Award Presentation
Recipients: Gregory Gurr, Water System Operator II and
Michael Murphy, Water System Operator II

PRESENTED

APPROVE MINUTES

[ID#15-740](#) Approval of City Council minutes from June 9, 2015

APPROVED

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

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

[ID#15-741](#) Approval of City Council minutes from June 10, 2015

APPROVED

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

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

[ID#15-742](#) Approval of City Council minutes from June 23, 2015

APPROVED

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

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

[ID#15-743](#) Approval of City Council minutes from July 30, 2015

APPROVED

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

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

COUNCILMEMBER REPORTS AND COMMENTS

Councilmember Quintero asked that the Council Meeting be adjourned in the memory of Pete DeFendis. Mr. DeFendis was born and raised in Fresno's old Italian Town behind St. Alphonsus church. Councilmember Quintero remembered Mr. DeFendis as a person who was one of a kind and had a big heart for the City of Fresno and its residents. He owned a liquor store in west Fresno that was a meeting place for people who enjoyed life. Mr. DeFendis lived near St. Anthony of Padua church and was an unofficial ambassador for the City. He loved children and worked as a Campus Supervisor at Bullard High School since the 1980's. Councilmember Quintero referred to Mr. DeFendis as a "man's man" who was always ready to give the shirt off his back and would be greatly missed.

Councilmember Quintero congratulated Sunnyside Bicycles in Southeast Fresno for being selected as one of the top 50 bicycle shops in the United States. The owners, John and Vanessa McCracken, recently opened another shop in Reedley and are active with the Bicycle Coalition.

Councilmember Quintero thanked the Parks, After School, Recreation and Community Services ("PARCS") Department for its involvement in the Carnival Children's Festival at the Mosqueda Center. The event will be held September 19th and all are invited. The event targets elementary school children and the PARCS Department plays a big part - PARCS Manager Hernandez even shows up at the event with his friends to show off their Harley Davidson motorcycles and encourage the children to work hard. The event is free to attend and draws a crowd numbering between three and five thousand people.

Councilmember Soria recognized the PARCS Department for working with her office on another successful movie night. The movie night happened at Lions Park and was well received by the community. Councilmember Soria also thanked Director Mollinedo for acting quickly to rectify a broken gate at Quigley Park and creating an alternate entrance on the side of the park.

Councilmember Soria recognized all the Departments that helped make National Night Out at Quigley Park a success. Approximately 500 residents participated. She thanked the Fresno Police Department, the Fire Department and the Fire Foundation which donated approximately 100 helmets to children to promote bike safety. Volunteers fixed bicycles and the Public Utilities, Water Division, provided conservation information and

goodies. Councilmember Soria especially thanked Joe Martinez of the Fresno Economic Opportunities Commission ("EOC") for securing the helmets and organizing volunteers.

Councilmember Soria thanked Development and Resources Management ("DARM") Manager Estabrooke and Public Utilities Director Esqueda for timely responses to issues presented by her constituents.

Councilmember Soria announced the city had been awarded a \$10,000 grant to create a family friendly space and to place baby changing tables on the first and second floor restrooms. She thanked the Department of Public Works and the City Manager's Office for working with her on the grant from Fresno County First Five. Councilmember Soria stated that the amenities were needed to accommodate families and nursing women that travel to City Hall for events.

Councilmember Soria asked for an update on the Parks Master Plan and the request for proposal (RFP) for public safety communications. Assistant City Manager Smith stated the updates would be formally provided and said both items were underway. Ms. Smith stated an RFP for a consultant on the Parks Master Plan was being drafted by the DARM and PARCS Directors. In relation to the public safety communications RFP, Fire Chief Donis stated five or six proposals were received last week and the team reviewing the applications would bring a selection to Council in September.

Vice President Caprioglio announced the Fresno Grizzlies had the best record in the Pacific Coast League and asked everyone to support the Grizzlies in their run for the playoffs by attending the home games on September 7th and 9th. He said it would be the first time that a professional sports team made it to the playoffs at Chukchansi Park. Vice President Caprioglio reminded the audience that the Grizzlies were a professional team and was loaded with great players and "all stars" like third baseman Matt Duffy.

Councilmember Brand mentioned the \$250 city rebate for turf conversion and requested the city website link to the \$2,000 State of California turf conversion rebate.

Councilmember Olivier discussed the problem of vagrancy in District 7 and along the Blackstone Avenue corridor. He said, in the past 72 hours, he had received a number of phone calls from business owners that were desperate

and at the end of their ropes because of chronic vagrancy in front of their businesses. Councilmember Olivier said the problem affected all businesses and explained he received complaints from a range of businesses including a delicatessen, a tuxedo shop and even an undertaker. He said the problem was that vagrants were chasing away customers and the problem had been occurring for months and even years.

Councilmember Olivier stated the business owners in his district felt that homelessness had not been resolved in the city. The business owners were appreciative of the steps taken by the city but, because they were losing money, they were losing their compassion and were becoming annoyed and concerned for the future of their businesses. Councilmember Olivier recalled that, two days earlier, a restaurant owner in his district attempted to get rid of vagrants from his restaurant parking lot. The confrontation concluded with the restaurant owner fleeing when a knife was pulled on him. Councilmember Olivier noted that Radio Park was a haven for vagrants using alcohol and drugs and said his constituents were struggling with these issues to the point of losing business. He asked the Council and the administration for a greater response to vagrants and volunteered to be involved in a task force which would allow the Council to hear from business owners rather than activists.

Councilmember Brandau asked for the status of a bus plan for the city. City Manager Rudd replied that something would be on the agenda in the next thirty days.

President Baines announced he would be at the Grizzlies game later that night and joined Vice President Caprioglio in encouraging others to attend.

President Baines noted that Georgia's Fifth District Congressman and Civil Rights icon, John Lewis had recently visited Fresno. Congressman Lewis was invited to Fresno by the Fresno EOC and was encouraged to accept by Congressman Costa and President Baines. While in Fresno, Congressman Lewis attended a prayer luncheon, a dinner and a screening of the movie Selma in which the Congressman hosted a questions and answer period. Other officials, including Vice President Caprioglio and Councilmember Soria, were in attendance. President Baines commented on how fortunate the city was to receive Congressman Lewis especially as this year marked the 50th anniversary of the Voting Rights Act of 1965 and of the march over the Edmund Pettus Bridge.

Councilmember Brand exited the Council Chamber at 2:09 P.M. and returned at 2:17 P.M.

APPROVE AGENDA

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

Aye: 6 - Baines III, Caprioglio, Brandau, Olivier, Quintero and Soria

Absent: 1 - Brand

1. CONSENT CALENDAR

APPROVAL OF THE CONSENT CALENDAR

Consent Calendar Items 1-C (File ID# 15-707), 1-E (File ID# 15-721) and 1-H (File ID# 15-745) were moved to the Contested Consent Calendar for further discussion.

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

Aye: 6 - Baines III, Caprioglio, Brandau, Olivier, Quintero and Soria

Absent: 1 - Brand

- 1-A [ID#15-679](#) Approve a substitution of a listed subcontractor A-1 Expert Tree Service, Inc. of Fresno, CA (A-1) for the First Avenue Wireless ITS Project PW00618 (Council Districts 3, 4, 5, 6, 7)

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

- 1-B [ID#15-698](#) Approve a Requirements Contract with AAA Backflow Prevention Service in the amount of \$66,000.00 to provide annual backflow assembly testing and certification

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

- 1-C [ID#15-707](#) ***RESOLUTION- 6th amendment to the Annual Appropriation Resolution (AAR) No. 2015-104 appropriating \$54,000 from the National Recreation and Park Association (NRPA), Pacific Gas & Electric (PG&E), Best Buy, and Irritec USA, Inc. to the City of Fresno Parks, After School, Recreation and Community Services (PARCS) Department (Requires 5 affirmative votes)

The above item was moved to the Contested Consent Calendar by Vice President Caprioglio for further discussion.

- 1-D [ID#15-717](#) Approve the First Amendment to Memorandums of Understanding (MOUs) with the County of Fresno and Friends of Calwa for projects identified in the 2014 Project Safe Neighborhoods (PSN) grant program agreement with California Office of Emergency Services (CalOES).

The above item was APPROVED on the Consent Calendar.

- 1-E [ID#15-718](#) RESOLUTION - Amend the City's Contribution for Health and Welfare Benefit Premiums for Elected Officials from 80% to 75%, effective September 1, 2015

The above item was moved to the Contested Consent Calendar by Vice President Caprioglio for further discussion.

- 1-F [ID#15-721](#) Approve Third Amendment to Agreement with Carollo Engineers, Inc., in the amount of \$18,170 utilizing project contingencies for minor design modifications of the City of Fresno's 80-Million Gallon Per Day Southeast Surface Water Treatment Facility and Authorize the Director of Public Utilities or designee, to sign the Amendment on behalf of the City of Fresno (citywide).

The above item was APPROVED on the Consent Calendar.

- 1-G [ID#15-732](#) Approve the appointments of Linnea Faeth and Julie Benevedes to the District 2 Plan Implementation Committee

The above item was APPROVED on the Consent Calendar.

- 1-H [ID#15-745](#) RESOLUTION - Amending the Enterprise Accountability and Oversight Act

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

- 1-I [ID#15-713](#) ***BILL NO. B-28 - (Intro. 7/30/2015) (For adoption) - Adding Section 11-111 to the Fresno Municipal Code relating to expedited permitting procedures for small residential rooftop solar systems

ORDINANCE 2015-26 ADOPTED

The above item was APPROVED on the Consent Calendar.

- 1-J [ID#15-714](#) ***BILL NO. B-29 - (Intro. 7/30/2015) (For adoption) - Amending Section 13-204(f) of the Fresno Municipal Code modifying the surcharge for failure to secure a permit for street work

ORDINANCE 2015-27 ADOPTED

The above item was APPROVED on the Consent Calendar.

CONTESTED CONSENT CALENDAR

- 1-H [ID#15-745](#) RESOLUTION - Amending the Enterprise Accountability and Oversight Act

The above item was introduced to Council by Councilmember Soria and was tabled until a later date by consensus of Council.

- 1-C [ID#15-707](#) ***RESOLUTION- 6th amendment to the Annual Appropriation Resolution (AAR) No. 2015-104 appropriating \$54,000 from the National Recreation and Park Association (NRPA), Pacific Gas & Electric (PG&E), Best Buy, and Irritec USA, Inc. to the City of Fresno Parks, After School, Recreation and Community Services (PARCS) Department (Requires 5 affirmative votes)

The above item was introduced to Council by PARCS Director Mollinedo.

Vice President Caprioglio encouraged staff to look at the Discovery Center as an option to take advantage of the program next year.

RESOLUTION 2015-154 ADOPTED

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

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

- 1-E [ID#15-718](#) RESOLUTION - Amend the City's Contribution for Health and Welfare Benefit Premiums for Elected Officials from 80% to 75%, effective September 1, 2015

The above item was introduced to Council by Personnel Department Labor Relations Manager Phillips.

RESOLUTION 2015-155 ADOPTED

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

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

5. SCHEDULED COUNCIL HEARINGS AND MATTERS

2:00 P.M.

- [ID#15-644](#) HEARING pertaining to the vacation of the R Street / S Street Alley between Tulare and Mariposa Streets (Council District 3)
1. Adopt a finding of Categorical Exemption per staff determination, pursuant to Section 15301(c) /Class 1 of the California Environmental Quality Act (CEQA) Guidelines, Environmental Assessment No. EA-15-010
 2. RESOLUTION - Ordering the vacation of the R-S Alley between Tulare and Mariposa Streets

The above hearing was called to order at 2:30 P.M. Public Works Assistant Director Benelli introduced the item to Council.

Upon call, no member of the public chose to address council regarding this item.

The hearing was closed at 2:31 P.M.

RESOLUTION 2015-156 ADOPTED

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

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

2:15 P.M.

- [ID#15-697](#) HEARING - Adopt a resolution ordering the vacation of portions of E. Thomas Avenue and the Thomas-Harvey Alley, both between N. Orchard Avenue and State Route Freeway 41, and N. Orchard Avenue between E. Thomas Avenue (to the east) and State Route Freeway 41 (Council District 7)
1. RESOLUTION - Ordering the vacation of portions of E. Thomas Avenue and the Thomas-Harvey Alley, both between N. Orchard Avenue and State Route Freeway 41, and N. Orchard Avenue between E. Thomas Avenue (to the east) and State Route Freeway 41

The above hearing was called to order at 2:31 P.M. The item was introduced to Council by Public Works Assistant Director Benelli.

Upon call, no member of the public chose to address council regarding this item.

The hearing was closed at 2:33 P.M.

RESOLUTION 2015-157 ADOPTED

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

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

2:30 P.M.

- [ID#15-551](#) Hold a public hearing and approve items related to the granting of a Non-Exclusive Franchise for Roll-Off Collection Services
1. HEARING in accordance with Fresno City Charter Section 1301 related to ordinance and adoption of ordinance
 2. ***BILL NO. B-30 (Intro. 07/30/2015) (For adoption) of the City of Fresno, which grants to Selma Disposal and Recycling, LLC, a non-exclusive franchise for roll-off collection services within the City of Fresno
 3. Authorize the Director of Public Utilities or his designee, to execute an agreement of non-exclusive franchise for roll-off collection services with the City of Fresno

The above hearing was called to order at 2:33 P.M. The item was presented to Council by Public Utilities Assistant Director Schuber.

Upon call, no member of the public chose to address council regarding this item.

The hearing was closed at 2:35 P.M.

ORDINANCE 2015-28 ADOPTED

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

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

2. GENERAL ADMINISTRATION

- 2-A** [ID#15-705](#) Authorize the Fire Chief or designee to execute a contract with Mercury Associates, Inc. for fleet management consulting services for Fire Department shop facility needs assessment and fleet operations review

Fire Chief Donis introduced the above item to Council.

APPROVED

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

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

Councilmember Olivier exited the Council Chamber at 2:36 P.M. and returned at 2:39 P.M.

- 2-B [ID#15-575](#) Approve an Agreement in an amount not to exceed \$300,000 with the Gordian Group, Inc., dba the Mellon Group, for the implementation of a Job Order Contracting Program

The above item was introduced to Council by Public Works Supervising Engineering Technician Bernard.

APPROVED

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

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

Absent: 1 - Olivier

- 2-C [ID#15-719](#) Joint Facility Assessment Workshop

The above workshop was introduced to Council by City Manager Rudd, Transportation Director Marshall, Public Works Assistant Director Andersen and PARCS Director Mollinedo.

WORKSHOP HELD

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

2:45 P.M. SCHEDULED COMMUNICATION

- [ID#15-709](#) Appearances by George Aguilar, Al Makki, Mario Soto and Juan Bejar to discuss revisiting the disparity between non-regulated ride sharing companies and traditional taxis regulated by the City of Fresno

The scheduled speakers were not present when called at 3:53 P.M..

2. GENERAL ADMINISTRATION CONTINUED

- 2-D [ID#15-744](#) Actions pertaining to U.S. Department of Housing and Urban Development Emergency Solutions Grant Program Funding
1 Approve the first Amendment to the Emergency Solutions Grant (ESG) contract with WestCare California, Inc. and the award of \$464,426 in funding for the period of the extension to provide outreach, shelter, and rapid

rehousing; and approve an award of ESG funding to the Marjaree Mason Center in an amount not to exceed \$125,299, to the Fresno Economic Opportunities Commission in an amount not to exceed \$61,750, and to WestCare California, Inc. in an amount not to exceed \$39,571; and authorize the City Manager to execute Agreements.

2. ***RESOLUTION - 9TH Amendment to the Annual Appropriation Resolution (AAR) No. 2015104 appropriating \$691,100 of U.S. Department of Housing and Urban Development (HUD) ESG Program funding. (Requires 5 affirmative votes)

The above item was introduced to Council by DARM Housing and Neighborhood Revitalization Manager Trujillo.

Vice President Caprioglio requested information regarding carry-overs and the progress, or lack of progress, by the funding recipients, be included in upcoming reports.

President Baines directed staff to share reports from the recipients with Councilmembers when received.

City Manager Rudd stated that quarterly reports would be provided for all entities on the Housing and Urban Development list and a workshop would be scheduled.

President Baines directed staff to present a workshop on the Homeless Taskforce at a future council meeting. Councilmember Olivier directed staff to have business owners and Blackstone business owners affected by the problem of homelessness be a part of the Homeless Taskforce workshop.

RESOLUTION 2015-158 ADOPTED

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

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

Councilmember Soria exited the Council Chamber at 4:43 P.M. and was absent for the remainder of the meeting.

3. CITY COUNCIL

- 3-A [ID#15-711](#) RESOLUTION - To consider naming of a City neighborhood park located at the northeast corner of N. Hayes and W. Herndon Avenue to Turtle Bay Park

The above item was introduced to Council by Councilmember Brandau.

The following member(s) of the public spoke on this item: Goldie Lewis of McCaffrey Homes.

RESOLUTION 2015-159 ADOPTED

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

Aye: 6 - Baines III, Caprioglio, Brand, Brandau, Olivier and Quintero

Absent: 1 - Soria

4. CLOSED SESSION

No Closed Session items were on the agenda.

UNSCHEDULED COMMUNICATION

[ID#15-760](#) Rick Morse

Rick Morse addressed Council during Unscheduled Communication and discussed a 2010 change to the city charter and city enforcement against his medical marijuana dispensary. A handout was provided by Mr. Morse.

ADJOURNMENT

Adjourned in the memory of Pete DeFendis at 4:48 P.M.