



# 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***

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Thursday, October 9, 2014

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.

8:40 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 Powell Lemons of Bethel Christian Center

Pledge of Allegiance to the Flag

### **CEREMONIAL PRESENTATIONS**

[ID#14-452](#) Presentation of certificates to The Münster Youth Choir

**Sponsors:** City Councilmember Brandau

*PRESENTED*

[ID#14-465](#) Proclamation of "NATIONAL DAY ON WRITING"

**Sponsors:** City Councilmember Baines

PRESENTED

**Add-on Proclamation**

*Surprise proclamation, presented by Councilmember Caprioglio, recognizing October 10, 2014 as Tei Yukimoto Day in the City of Fresno.*

PRESENTED

**Approve City Council Minutes**

[ID#14-453](#) Approval of City Council minutes from October 2, 2014

APPROVED

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

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

**Councilmember Reports and Comments**

*President Brandau commented that he found the Fresno Sister Cities program to be fantastic and the woman that heads up the program, Lisa Marie, was doing a wonderful job reaching out to communities all over the world to bring people together. Councilmember Caprioglio confirmed President Brandau's assessment of the Fresno Sister Cities program.*

**Approve Agenda**

*City Clerk Spence announced the following changes to the agenda: Item 2-A (File ID# 14-361) regarding downtown parking contracts was removed from the agenda by staff; a separate notice was sent out to announce there would be a special closed session meeting at 11:00 A.M. to discuss two items. City Clerk Spence also announced that the Workshop relating to the General Plan that was to be presented by Fresno Building Healthy Communities would occur during the October 23, 2014 Council meeting. Councilmember Caprioglio announced he was pulling the 10:30 A.M. item (File ID# 14-446) from the agenda.*

APPROVED AS AMENDED

**On motion of Councilmember Brand, seconded by Councilmember Caprioglio, the AGENDA was approved 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

**On motion of Councilmember Caprioglio, seconded by Acting President Baines, the CONSENT CALENDAR was adopted by the following vote:**

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

- 1-A**    [ID#14-364](#)    Adopt amendments to The City Of Fresno Deferred Compensation Plan document to allow for Roth Contributions and Roth In-Plan Rollover Conversions, update limits on deferrals, and Section concerning qualified military service

**Sponsors:** Retirement Department

*ADOPTED*

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

- 1-B**    [ID#14-366](#)    Authorize Amendment No. 2 to the agreement between the City of Fresno and Diversified Transportation, LLC (DBA Keolis Transit America)

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

*AUTHORIZED*

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

- 1-C**    [ID#14-376](#)    Approval for a two-year contract between Fresno City College and the City of Fresno for contract instruction, assessment services and training credit

**Sponsors:** Police Department

*APPROVED*

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

- 1-D [ID#14-387](#) Approve lease agreement between the City of Fresno and The Fresno Arts Council for use of the Historic Water Tower located at Fresno and "O" Street (Council District 3)

**Sponsors:** City Manager's Office

APPROVED

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

- 1-E [ID#14-409](#) Actions 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. RESOLUTION - Of intention to establish non-exclusive towing operation franchise and setting a public hearing on the matter and a final vote on October 23, 2014 at 10:00 a.m.
  2. ORDINANCE (For Introduction) - Granting to towing operators a non-exclusive franchise to participate in the Fresno Police Department's tow car rotation list in preparation for a public hearing on October 23, 2014 for a final vote to approve the non-exclusive towing operation franchise
  3. ORDINANCE (For Introduction) - amending Article 17, Chapter 9 of the Fresno Municipal Code relating to tow trucks

**Sponsors:** Police Department

*The above item was moved to the Contested Consent Calendar for further discussion by Council Member Quintero.*

- 1-F [ID#14-423](#) Authorize the City Manager or designee to execute a grant deed for the sale of excess property in the amount of \$75,348 to DFP Limited LP located on "G" Street near Tulare Street APN 467-071-03T and 467-071-04T (Council District 3)

**Sponsors:** Public Works Department

AUTHORIZED

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

**1-G** [ID#14-438](#)

RESOLUTION - Of Intention by the Council of the City of Fresno, California, to grant a Non-Exclusive Franchise for roll-off collection services within the City of Fresno and setting the public hearing for October 23, 2014

**Sponsors:** Department of Public Utilities

*NOTE - the agenda title for this item incorrectly stated that the public hearing for the Roll-Off Collection Franchise would take place on October 23, 2014. The correct date of the public hearing is October 30, 2014. The correct date for the public hearing was listed in the supporting documentation and in the subsequently published Notice of Public Hearing in The Business Journal newspaper.*

*RESOLUTION 2014-165 ADOPTED*

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

**1-H** [ID#14-439](#)

Approve a consultant agreement in the amount of \$160,100 with Blair, Church & Flynn Consulting Engineers for the professional engineering services for sewer rehabilitation and replacement in Chinatown and authorize Director of Public Utilities or his designee to sign on behalf of the City (Council District 3)

**Sponsors:** Department of Public Utilities

*APPROVED*

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

**CONTESTED CONSENT CALENDAR****1-E** [ID#14-409](#)

Actions 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. RESOLUTION - Of intention to establish non-exclusive towing operation franchise and setting a public hearing on the matter and a final vote on October 23, 2014 at 10:00 a.m.
2. ORDINANCE (For Introduction) - Granting to towing operators a non-exclusive franchise to participate in the Fresno Police Department's tow car rotation list in preparation for a public hearing on October 23, 2014 for a final vote to approve the non-exclusive towing operation franchise
3. ORDINANCE (For Introduction) - amending Article 17, Chapter 9 of the Fresno Municipal Code relating to tow trucks

**Sponsors:** Police Department

*Police Sergeant DeWall answered questions from Councilmember Quintero.*

*RESOLUTION 2014-166 ADOPTED  
BILL B-43 INTRODUCED AND LAID OVER  
BILL B-44 INTRODUCED AND LAID OVER*

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

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

## **2. GENERAL ADMINISTRATION**

- 2-A**     [ID#14-361](#)     Approve the selection of, and award a contract to, Republic Parking Inc. to provide Parking Facilities Management Services in downtown Fresno

**Sponsors:** Development and Resource Management Department

*The above item was removed from the agenda by staff.*

- 2-B**     [ID#14-440](#)     Actions pertaining to On-Airport Non-Exclusive Rental Car Concession Agreements at Fresno Yosemite International Airport (Council District 4) - Airports Department
1. Adopt a finding of Categorical Exemption pursuant to Article 19, Section 15301(a) and (d)/Class 1 (Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines to authorize Concession Agreements with Avis/Budget Car Rental, LLC, Enterprise Rent A Car of Sacramento, LLC, and The Hertz Corporation at Fresno Yosemite International Airport (FAT)
  2. Approve On-Airport Non-Exclusive Rental Car Concession Agreements between the City and Avis/Budget Car Rental, LLC (Avis), Enterprise Rent A Car of Sacramento, LLC, (Enterprise), and The Hertz Corporation (Hertz)

**Sponsors:** Airports Department

*Aviation Director Meikle introduced the above item to Council.*

*APPROVED*

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

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

### **3. CITY COUNCIL**

*No City Council items were scheduled for this meeting.*

#### **UNSCHEDULED COMMUNICATION**

*The following member(s) of the public spoke to Council about items not on the agenda:*

*Larry Wilt - discussed barking dogs and the need for enforcement of the City's rules.*

*Councilmember Caprioglio stated the Code Enforcement Committee would discuss the barking dog issue at its meeting on Friday at 1:00 P.M.*

*Brunette Harris of Southwest Fresno H.E.A.T. - discussed the following: conflicting dates provided by City staff at a September 9th meeting at Edison; illegal City projects for lack of representation and no input from the community; lack of leadership from the Councilmember in District Three; illegal use of Community Development Block Grant money.*

*Claudia Cazares of Granville Homes - noted the Development Code update was not released with the General Plan and EIR updates and recommended that comments for the General Plan Update and EIR be extended so that the three documents could be reviewed and commented on together.*

**RECESSED 9:32 A.M. to 10:01 A.M.**

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

#### **10:00 A.M.#1**

[ID#14-462](#) 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 & 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.

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. (Requires 5 Affirmative Votes)  
(*Continue to October 23, 2014 @ 11:00 a.m.*)

**Sponsors:** Department of Public Utilities

*CONTINUED TO OCTOBER 23, 2014 AT 11:00 A.M.*

## **10:00 A.M.#2**

[ID#14-416](#) **CONTINUED HEARING** to Consider Rezone Application No. R-13-014 and related Environmental Assessment No. R-13-014/TPM 2013-03 filed by Mike Hamzy on behalf of Niko Real Estate Fund, LLC for property located on the west side N. Winery Avenue between E. Washington and E. McKenzie Avenues (**Council District 7**)  
(**Continued from June 26, 2014 Council meeting**)

1. Consider the Finding of Conformity for Environmental Assessment No. R-13- 014/TPM 2013-03
2. BILL- (For introduction and adoption) - Amending the Official Zone Map to reclassify the subject property from the R-A (Single Family Residential Agricultural) zone district to the R-1 (Single Family Residential) zone district

**Sponsors:** Development and Resource Management Department

*Development and Resources Management Assistant Director Sanchez introduced the above item to Council.*

*The following member(s) of the public spoke on this item: Bob Jungman, Rebecca Aguirre, Sara Rojas, Victor Parra, Reuben Silva, Cindy Silva, Mike Hamzy, Masad Dewasuda and Lemenga Bustamante. Per President Brandau, handouts brought by Mr. Jungman and Mrs. Rojas were passed out to Council but not made an official part of the record for being received less than 24 hours before the item was heard.*

*Councilmember Olivier recommended staff look at preserving the integrity of the neighborhood in a manner that could be economically feasible and motioned to table the item until October 30th at 10:00 A.M. so that City Attorney Sloan and City Manager Rudd could work on a compromise.*

*Councilmember Caprioglio offered to help assist working on the compromise.*



*Councilmember Olivier suggested looking into an ongoing policy regarding "sidewalks to nowhere" that are required for infill projects even if the surrounding neighborhood has no sidewalks.*

*President Brandau instructed Assistant Director Sanchez to update him on the status of the compromise before this item returns to Council on October 30th.*

*TABLED UNTIL OCTOBER 30th AT 10:00 A.M. TO ALLOW CITY ATTORNEY SLOAN AND CITY MANAGER RUDD TO WORK ON A POSSIBLE COMPROMISE*

**On motion of Councilmember Olivier, seconded by Acting President Baines, the above item was tabled until October 30th, 2014 so that staff could work on a possible compromise. The motion carried by the following vote:**

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

**Councilmember Olivier exited the Council Chambers at 11:24 A.M. and did not return during the remainder of the open session.**

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

- [ID#14-446](#) 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 North Fowler and East Clinton Avenues (Council District 4)
1. RESOLUTION - Denying the appeal and approving Conditional Use Permit No. C-13-092
  2. RESOLUTION - Denying the appeal and approving Vesting Tentative Tract Map No. 6033/UGM
- (Continued from September 25, 2014)

**Sponsors:** Development and Resource Management Department  
*REMOVED FROM AGENDA BY COUNCILMEMBER CAPRIOGLIO*

**10:45 A.M.**

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

*The City Council met in joint session with the Successor Agency to the Redevelopment Agency of the City of Fresno and Fresno Revitalization Corporation at 11:23 A.M. to discuss the following:*

- [ID#14-451](#) City Council, Successor Agency Board, FRC Board consider approving: Actions pertaining to public improvements within the Central City Commercial Redevelopment Project
1. Findings of Categorical Exemption pursuant to Sections 15301 (Existing Facilities), item (c) of the CEQA Guidelines, related to the construction of publically owned improvements in the area generally described as Hedges Avenue between Abby and Effie, Effie Avenue between Hedges and Hammond, and Hammond Avenue between Effie and Abby.
  2. RESOLUTION - Of the City of Fresno, the Successor Agency and the Fresno Revitalization Corporation making the necessary findings under section 33445 of the community redevelopment law, authorizing the installation of public improvements within the Central City Commercial redevelopment project area for street improvements including curb, gutter, paving and sidewalks.
  3. Award of construction contract to Central Valley Asphalt as the lowest responsive and responsible bidder in the amount of \$252,831.88 (Bid File No.3291) for the construction of publically owned improvements in the area generally described as Hedges Avenue between Abby and Effie, Effie Avenue between Hedges and Hammond, and Hammond Avenue between Effie and Abby.

*The above item was presented at the Joint Meeting by Successor Agency Executive Director Murphey.*

*CITY OF FRESNO RESOLUTION 2014-167 ADOPTED  
SUCCESSOR AGENCY RESOLUTION SA-26 ADOPTED  
FRC RESOLUTION FRC-15 ADOPTED*

**CITY COUNCIL VOTE**

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

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

**Absent:** 1 - Olivier

#### **SUCCESSOR AGENCY VOTE**

**On motion of Vice Chair Caprioglio, seconded by Member Brand, the above item was adopted. The motion carried by the following vote:**

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

**Absent:** 1 - Olivier

#### *FRESNO REVITALIZATION CORPORATION VOTE*

*On motion of Vice Chair Caprioglio, seconded by Member Brand, the above item was adopted. The motion carried by the following vote:*

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

*Absent: 2 - Olivier, Swearingin*

#### ADJOURN JOINT MEETING

*The joint meeting adjourned at 11:25 A.M.*

#### **4. CLOSED SESSION**

*The City Council met in closed session in Room 2125 from 11:26 A.M. to 12:05 P.M. to discuss the following 11:00 A.M. Special Closed Session meeting which was separately noticed:*

#### **11:00 A.M. Special Meeting (Closed Session)**

##### [ID#14-473](#)

##### 1. CONFERENCE WITH LABOR NEGOTIATOR

Government Code Section 54957.6

City Negotiators): Jeffrey Cardell, Ken Phillips

Employee Organizations :

1. Fresno City Firefighters Association, Local No. 753, International Association of Firefighters A.F.L.C.I.O. (Non-Management Fire - Unit 5)

##### 2. CONFERENCE WITH LEGAL COUNSEL.EXISTING LITIGATION

Government Code Section 54956.9, subdivision (d)(1)

Fresno City Firefighters Association, Local No. 753 v. City of Fresno

Public Employment Relations Board, Unfair Practice Charge, Case No.

SA-CE-875-M

*The above items were discussed in joint closed session. No open session*

*announcements were made regarding these items.*

ADJOURNMENT

*Adjourned from Closed Session at 12:05 P.M.*

**These minutes were approved by unanimous vote of the City Council, with Councilmember Brand absent, during the October 23, 2014 Council meeting.**