



# 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, October 29, 2015

8:30 AM

Council Chambers

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### Regular Session

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

### **8:38 A.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 Bob Small of Northwest Church

Pledge of Allegiance to the Flag

### **CEREMONIAL PRESENTATIONS**

[ID#15-935](#) Proclamation of "Zackeria Lovick Day"

*As part of the proclamation, Councilmember Brandau presented Zackeria with a trophy and twelve backpacks donated by Walmart.*

*PRESENTED*

[ID#15-946](#) Proclamation of "JUAN FELIPE HERRERA, UNITED STATES POET LAUREATE DAY"

PRESENTED

## **APPROVE MINUTES**

[ID#15-970](#) Approval of City Council minutes from October 22, 2015

**On motion of Councilmember Brandau, seconded by Vice President Caprioglio, 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**

*Vice President Caprioglio reported that he performed the ribbon cutting at the Discovery Center's Discovery Youth Garden the previous Saturday. He thanked the Junior League of Fresno that put a lot of time, effort and treasure into the garden. The Fresno Association of Realtors and the National Association of Realtors supported the project with a grant of \$2,200. The event was well attended and taught children about nutrition and the value of agriculture in the community.*

*Vice President Caprioglio announced he attended two events on October 27, 2015: the swearing in ceremony for new Fresno Police Officers and the city's Employee Service Awards. He was able to congratulate the new recruits and the city employees with ten to forty years of service. Vice President Caprioglio noted that Councilmember Quintero was among those honored when he received a pin for twenty years of service with the city.*

*Vice President Caprioglio announced he had celebrated the ribbon cutting for the Viking Village forty unit apartment complex. He thanked those in collaboration on the project including city staff, Preston and his team at the Fresno Housing Authority and the Fresno Unified School District. He noted there was a gate at the back of the complex that lead to Viking Elementary School that allowed children to enjoy the school grounds as a playground and park after school.*

*Vice President Caprioglio announced the annual Trunk or Treat Carnival would happen on October 31, 2015 at at Wesley Church. He invited everyone to attend and see what has been happening at El Dorado Park.*

*Vice President Caprioglio invited everyone to the Sierra Madre Picnic at the Mosque at 2111 E. Shaw Avenue on November 1, 2015 from 11:00 A.M. to 2:00 P.M. He noted the event was the result of a District Four partnership with Associated Students Incorporated at Fresno State University and would be a great opportunity for neighbors in the area to get to know each other. Vice President Caprioglio also thanked members of the Mosque for their involvement.*

*Councilmember Brandau reported on a District Two meeting held on October 28, 2015. He thanked City Manager Rudd, Police Chief Dyer and Public Utilities Director Esqueda for attending the meeting. The meeting was the first District Two meeting held in the west end of the district. He noted that a lot of topics were discussed and thanked his Chief of Staff, Lindsay Barsamian, for her efforts setting up the meeting and making it a success.*

*Councilmember Soria asked City Manager Rudd for an update about the release of the Youth Commission request for proposal ("RFP"). City Manager Rudd replied that he would provide an update for her during the break. Councilmember Soria also asked City Manager Rudd to clarify, for the public, the status of the co-mingled recyclables and green waste RFP. City Manager Rudd stated that he terminated the previous RFP and was working with Public Utilities Director Esqueda and the City Attorney to draft a scope of work to hire an outside consultant to review the new RFP. He stated he would also define the parameters of the new RFP with the Council President. City Manager Rudd hoped to have the consultant on board within thirty days and the new RFP released before the end of the year.*

*Councilmember Olivier reported that District Seven held its Housing Element meeting on October 28, 2015. He stated that he attended along with five city staff members, two community organizers and one constituent. Councilmember Olivier stated how important public participation was for these events and noted the newspaper advertisement for the meeting did not include the dates and times for the meeting. He asked City staff to correct the notices so that there would be more public participation at future meetings on this important topic.*

Councilmember Soria exited the Council Chamber at 9:03 A.M. and returned at 9:14 A.M.

Councilmember Olivier exited the Council Chamber at 9:05 and returned at 9:06 A.M.

**APPROVE AGENDA**

*City Clerk Spence announced the following changes to the agenda: the 10:00 A.M. Scheduled Matter (File ID#15-878) was not subject to mayoral veto and; General Administration item 2-A (File ID#15-918) was rescheduled to the November 5, 2015 agenda.*

*APPROVED AS AMENDED*

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

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

**Absent:** 2 - Olivier and Soria

**1. CONSENT CALENDAR**

*Councilmember Brand moved Consent Calendar item 1-C (File ID#15-919) to the Contested Consent Calendar for further discussion.*

APPROVAL OF THE CONSENT CALENDAR

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

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

**Absent:** 2 - Olivier and Soria

- 1-A**    [ID#15-771](#)    Actions pertaining to an award of a construction contract to Bedard Controls, Inc. of Fresno, CA in the amount of \$498,901 including the base bid plus add alternates 1 and 2 for the Fresno City Hall Heating, Ventilating & Air Conditioning (HVAC) Controls Upgrade Phase II (Bid File No. 3379) (Council District 3)
1. Adopt finding of a Categorical Exemption per staff determination, pursuant to Section 15301 of the California Environmental Quality Act (CEQA) Guidelines
  2. Award a construction contract with Bedard Controls, Inc. of Fresno, CA in the amount of \$498,901 including the base bid plus add alternates 1 and 2 for the Fresno City Hall HVAC Controls Upgrade Phase II

APPROVED

The above item was approved on the Consent Calendar.

- 1-B [ID#15-899](#) Adopt Resolution of Intention No. 1102-D to vacate the Lorena-Geary Alley, E. Geary Avenue, and the Geary-Florence Alley, all between S. Plumas Street and S. Walnut Street (Council District 3)

APPROVED

The above item was approved on the Consent Calendar.

- 1-C [ID#15-919](#) RESOLUTION - Of Intention to establish a Special Tax District (Community Facilities District No. 15 - E. Copper River Ranch Maintenance District) and to authorize levy of a special tax (Eastern portion of the Copper River Ranch Development located northwest of N. Willow and E. Copper Avenues) (Council District 6)

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

- 1-D [ID#15-937](#) Actions related to Measure "C" Transit Oriented Development (TOD) Projects in the Cultural Arts District (Council District 3)  
1. Approve a Reimbursement Agreement with FFDA Properties LLC for \$113,457 for the Met Block Project Off-site Improvements under Round 4 of the 2014 funding cycle for the Measure "C" TOD Program. (Council District 3)

APPROVED

The above item was approved on the Consent Calendar.

- 1-E [ID#15-942](#) Approve a Substitution of a Listed Subcontractor, Delta Grinding Co. for east-bound Jensen Avenue Overlay between Chestnut and Willow Avenues - Project PW00629 (Council District 5)

APPROVED

The above item was approved on the Consent Calendar.

- 1-F [ID#15-943](#) Actions pertaining to construction of the Taxilane Reconstruction project at Fresno Chandler Executive Airport (Council District 3)  
1. Adopt a finding of Categorical Exemption pursuant to Article 19, Section 15301(c)/Class 1 (Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines for the

Taxilane Reconstruction project at Fresno Chandler Executive Airport

2. Award a construction contract to A.J. Excavation, Inc., of Fresno, California for the Taxilane Reconstruction project at Fresno Chandler Executive Airport in the amount of \$436,003.60 (Bid File 3419)

*APPROVED*

The above item was approved on the Consent Calendar.

## **CONTESTED CONSENT CALENDAR**

- 1-C [ID#15-919](#) RESOLUTION - Of Intention to establish a Special Tax District (Community Facilities District No. 15 - E. Copper River Ranch Maintenance District) and to authorize levy of a special tax (Eastern portion of the Copper River Ranch Development located northwest of N. Willow and E. Copper Avenues) (Council District 6)

*Councilmember Brand called up Jeff Roberts from Granville Homes to discuss the item.*

*RESOLUTION 2015-195 ADOPTED*

**On motion of Councilmember Brand, seconded by Vice President Caprioglio, 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

## **2. GENERAL ADMINISTRATION**

- 2-A [ID#15-918](#) WORKSHOP - Housing and Community Development Division Quarterly Report, July 1, 2015 through September 30, 2015

*The above item was continued to the November 5, 2015 City Council meeting.*

## **3. CITY COUNCIL**

- 3-A [ID#15-940](#) RESOLUTION - Establishing a policy entitled "School Liaison Act"

*The above item was introduced to Council by Councilmember Brand and*

*President Baines.*

*The following member(s) of the public spoke on this item: Howard Watkins and Richard Caglia.*

*Councilmember Soria expressed her interest to be on the School Liaison Subcommittee.*

**RESOLUTION 2015-196 ADOPTED**

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

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

- 3-B**    [ID#15-958](#)    Appoint two (2) Councilmembers to the Fresno Clovis Metropolitan Solid Waste Commission

**COUNCILMEMBER BRANDAU AND COUNCILMEMBER SORIA APPOINTED**

**On motion of President Baines III, seconded by Vice President Caprioglio, Councilmembers Brandau and Soria were appointed to the Fresno Clovis Metropolitan Solid Waste Commission. The motion carried by the following vote:**

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

**No:** 1 - Brandau

**UNSCHEDULED COMMUNICATION**

*The following member(s) of the public addressed Council During Unscheduled Communication:*

*Daniel Osuna of Hormigas Fresno - discussed Presidential candidate Donald Trump and urged the City Council to adopt a resolution to "Dump Trump". A handout was provided.*

[ID#15-100](#)    Document Received - Daniel Osuna  
[9](#)

RECESSED 9:29 A.M. to 9:44 A.M.

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

*The City Council met in closed session in Room 2125 from 9:44 A.M. to 10:05 A.M. to discuss the following:*

- [ID#15-964](#) CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION - Government Code Section 54956.9, subdivision (d)(1)
1. City of Fresno v. Dae Song Lee, et al.; Fresno Superior Court Case No. 12CECG04049

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

Following the closed session, Councilmember Brand did not enter the Council Chamber until 10:11 A.M.

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

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

- [ID#15-878](#) HEARING - Regarding the vacation of portions of public street easement at the northwest corner of E. San Gabriel and N. Chestnut Avenues (Council District 4)
1. Adopt a finding of Categorical Exemption per staff determination, pursuant to Sections 15301, 15302 and 15303 of the California Environmental Quality Act (CEQA) Guidelines, Environmental Assessment No. EA-13-014
  2. RESOLUTION - Ordering the vacation of portions of public street easement at the northwest corner of E. San Gabriel and N. Chestnut Avenues

*The above hearing was called to order at 10:09 A.M. Public Works Assistant Director Benelli introduced the item to Council.*

*Upon call, the following member(s) of the public addressed Council regarding this item:*

*Robert Thompson, project applicant - spoke in support.*

*The hearing was closed at 10:11 A.M.*

**RESOLUTION 2015-197 ADOPTED**

**On motion of Vice President Caprioglio, seconded by Councilmember**



**Olivier, the above item was approved. The motion carried by the following vote:**

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

**Absent:** 1 - Brand

RECESSED 10:11 A.M. to 10:16 A.M.

**10:15 A.M.**

[ID#15-936](#) HEARING - To consider Rezone Application No. R-15-007 and Environmental Assessment No. R-15-007/T-6091, filed by Gary Giannetta on behalf of Gary McDonald Homes, pertaining to 2.25 acres of property located on the east side of North Cornelia Avenue between West McKinley and West Normal Avenues (Property located in District 3)

1. Adopt a Finding of Conformity to the Fresno General Plan Master Environmental Impact Report as Environmental Assessment No. R-15-007/T-6091, dated July 2, 2015.
2. BILL - (For Introduction and Adoption) - Amending the Official Zone Map to reclassify the subject property from the AE-5/UGM (Exclusive Five-Acre Agricultural/Urban Growth Management) zone district to the R-1/UGM (Single Family Residential/Urban Growth management) zone district.

*The above hearing was called to order at 10:16 A.M. Development and Resources Management Planner Lang introduced the item to Council.*

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

*The hearing was closed at 10:22 A.M.*

**BILL B-40 INTRODUCED AND ADOPTED AS  
ORDINANCE 2015-36**

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

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

**UNSCHEDULED COMMUNICATION CONTINUED**

*The following member(s) of the public addressed Council during  
Unscheduled Communication:*

*Venise Curry - discussed public perception regarding the City's support for  
parks.*

RECESSED 10:28 A.M. to 1:44 A.M.

**1:30 P.M.**

[ID#15-952](#) WORKSHOP regarding LAFCo Draft Municipal Service Review

*The above workshop was presented to Council by LAFCo Executive Staff  
member David Fey. LAFCo Council Kenneth Price, DARM Assistant  
Director Sanchez and City Manager Rudd also provided information  
regarding this item.*

ADJOURNMENT

*Adjourned at 3:13 P.M.*

**These minutes were approved by unanimous vote of the City Council, with  
Councilmember Olivier absent, during the November 5, 2015 Council Meeting**