



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

Thursday, March 5, 2015

8:30 AM

Council Chambers

Regular Session

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

8:39 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 by Pastor Kevin Foster of the LifeBridge Community Church

Pledge of Allegiance to the Flag

CEREMONIAL PRESENTATIONS

[ID#15-171](#) Presentation of the SPCA Pet of the Month

Sponsors: City Councilmember Olivier

PRESENTED

[ID#15-139](#) Proclamation of "Fresno Community Master Chorale"

Sponsors: City Councilmember Caprioglio

PRESENTED

[ID#15-157](#) Proclamation of "National Nutrition Month"

Sponsors: City Councilmember Brand

PRESENTED

[ID#15-158](#) Proclamation of "Well-Being Senior Solutions Day"

Sponsors: City Councilmember Brand

PRESENTED

[ID#15-160](#) Proclamation of "National Agriculture Week"

Sponsors: City Councilmember Baines

PRESENTED

[ID#15-173](#) Ceremonial presentation to the family of W. Ray Johnson, former Deputy City Manager on the naming of a new street in West Fresno - W. Ray Johnson Way

Sponsors: City Councilmember Baines

PRESENTED

APPROVE AGENDA

APPROVED

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

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

2. GENERAL ADMINISTRATION

- 2-A [ID#15-120](#) Actions pertaining to submittal of Applications for Safe Drinking Water State Revolving Fund Low-Interest Loans (Citywide)
1. RESOLUTION - Authorizing submittal of applications to the State Water Resources Control Board for State Revolving Fund Low-Interest Loans for funding related to:
 - a. Construction of Regional Water Transmission Pipelines throughout the City of Fresno in the amount of \$63,100,000
 - b. Construction of the Friant Kern Pipeline that will supply

surface water to the City of Fresno's Northeast Surface Water Treatment Facility in the amount of \$26,520,000

c. Construction of the Kings River Pipeline that will supply surface water to the City of Fresno's Southeast Surface Water Treatment Facility in the amount of \$75,165,000

2. Authorize the Director of Public Utilities, or his designee, to execute all application documents on behalf of the City of Fresno

Sponsors: Department of Public Utilities

The above item was introduced to Council by Professional Engineer Knapp with the Department of Public Utilities.

Councilmember Brand provided direction to staff to continue looking for state grants and low interest loans for future water projects.

Councilmember Soria provided direction to staff to aggressively seek out grants and cap and trade funds for water purposes and to report back at the next council meeting.

RESOLUTION 2015-38 ADOPTED

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

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

APPROVE MINUTES

[ID#15-182](#) Approval of City Council minutes from February 26, 2015

APPROVED

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

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

[ID#15-184](#) Approval of Successor Agency minutes from February 26, 2015

Sponsors: City Clerk's Office

APPROVED

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

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

COUNCILMEMBER REPORTS AND COMMENTS

Councilmember Soria noted that March was Women's History month and it was a time to celebrate the accomplishments of women throughout the nation. She stated she would, at the next council meeting, recognize local and national successes of women that have impacted history.

Councilmember Soria explained that the accounts of individual women's lives were critically important because they reveal strong role models who share a more expansive vision of what women can do and encourage girls and young women to think larger and bolder. This recognition also gives boys and men a fuller understanding of the female experience. Finally, Councilmember Soria noted that examples of the achievements of women challenges stereotypes and upends social assumptions about women and what women can accomplish today.

Vice President Caprioglio reported on his attendance at the "Shave the Brave" event held in honor of Edgar Valle Sandoval, a Fresno Police Officer fighting pancreatic cancer. He announced that approximately 48 Police Department members shaved their heads in support of Officer Sandoval and a few women donated their hair to Locks of Love. Vice President Caprioglio offered Officer Sandoval his best.

Vice President Caprioglio also announced he was at Blackstone and Shaw for distribution of the Kids Day newspapers for the benefit of Valley Children's Hospital. He acknowledged the men's and women's Fresno State Rugby Clubs for raising \$1,285 on their own for Valley Children's Hospital. Vice President Caprioglio encouraged people to continue their support for Valley Children's Hospital even though the Kids Day newspaper drive was over.

Councilmember Brand recalled that the General Plan was approved in December 2014 and included a requirement that the first draft of the development code be ready in 90 days. He requested, for the record, that the City Manager provide council with a draft of the development code for

the March 26, 2015 Council meeting.

Councilmember Quintero asked that the Council meeting be adjourned in the memory of Alice Giannetta who recently passed away at the age of 92 years young. He remembered Ms. Giannetta as a proud Italian woman who always put her family first. She was a founder of the Building Industry Association's "Women in Construction." He recalled her as a beautiful, energetic and dynamic woman whom always had a big smile on her face at fundraisers.

President Baines reported that he was invited by Congressman Costa to travel with the Faith and Politics congressional delegation on a civil rights pilgrimage in Alabama, visiting the cities of Birmingham, Selma, and Montgomery. He noted the group would reenact the Bloody Sunday march over Edmund Pettus Bridge on Saturday.

Councilmember Olivier exited the Council Chamber at 9:47 A.M. and returned at 10:00 A.M.

1. CONSENT CALENDAR

APPROVAL OF THE CONSENT CALENDAR

The following Consent Calendar items were moved to the Contested Consent Calendar for further discussion and were not approved as part of the Consent Calendar: 1-B (File ID#15-132), 1-C (FileID#15-137), 1-D (File ID#15-144), 1-H (File ID#15-176) and 1-I (File ID#15-183).

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

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

Absent: 1 - Olivier

- 1-A** [ID#15-130](#) RESOLUTION - Of Intention to annex Final Parcel Map No. 2014-05, Annexation No. 7, to the City of Fresno Community Facilities District No. 9 (east side of N. Maple Avenue south of E. McKinley Avenue) (Council District 7)

Sponsors: Public Works Department

RESOLUTION 2015-39 ADOPTED

The above item was adopted on the Consent Calendar.

- 1-B [ID#15-132](#) Annual update of Priority Ranking Lists for new traffic signal installations and traffic signal left turn phasing modifications.

Sponsors: Public Works Department

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

- 1-C [ID#15-137](#) Actions pertaining to the acquisition of a portion of APN 506-130-28 owned by HMK Limited Partnership, a California limited partnership:
1. Approve the acquisition of 3.42 acres of property owned by HMK Limited Partnership, a California limited partnership, for easement and right-of-way for public street purposes, in the amount of \$425,000 for the construction of Veterans Boulevard overcrossing near Golden State and Bullard Avenue (Council District 2)
 2. Authorize the Public Works Director, or his designee, to sign all documents necessary to complete the transaction as delegated by City Manager

Sponsors: Public Works Department

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

- 1-D [ID#15-144](#) Authorize the Chief of Police to enter in Memorandums of Understanding (“MOUs”) with the Community Based Organizations (“CBOs”) as identified in the 2014 Project Safe Neighborhoods grant program agreement

Sponsors: Police Department

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

- 1-E [ID#15-152](#) Award a contract in the amount of \$221,520 to All Commercial Landscape Services, Inc. to provide landscape maintenance services at various water well sites and Department of Public Utilities Water Division (Water Division) properties throughout the City of Fresno (City) - RFP 9302 - Citywide

Sponsors: Department of Public Utilities

AWARDED

The above item was approved on the Consent Calendar.

- 1-F [ID#15-155](#) Actions pertaining to Purchase Option and Right of Access Agreement between Cesar Chavez Foundation and the City of Fresno:
1. Adopt the addendum to Environmental Assessment No. C-14-044
 2. Approve Agreement for Purchase Option and Right of Access between Cesar Chavez Foundation and the City of Fresno

Sponsors: City Manager's Office

APPROVED

The above item was approved on the Consent Calendar.

- 1-G [ID#15-162](#) Approve a consultant agreement in the amount of \$98,208 to NexLevel Information Technology, Inc. to assist in completing a needs assessment study and to manage the solicitation process for an Enterprise Land Management, Planning and Permitting system; and authorize Director of Development and Resource Management Department or her designee to sign on behalf of the City.

Sponsors: Development and Resource Management Department

APPROVED

The above item was approved on the Consent Calendar.

- 1-H [ID#15-176](#) Actions pertaining to a Community Science Program at the Highway City Community Science Center
1. ***RESOLUTION - 36th amendment to the Annual Appropriation Resolution No. 2014-95 appropriating \$10,000 from Pacific Gas & Electric (PG&E) for the science camps at Highway City Community Center (District 2) (Requires 5 affirmative votes)
 2. ***RESOLUTION - 38TH amendment to the Annual Appropriation Resolution No. 2014-95 appropriating \$18,000 from the California Tinkering After School Network to continue the Community Science Program at the Highway City Community Center (Requires 5 affirmative votes)
 3. Authorize the PARCS Director, or designee to execute grant documents associated with the grants from PG&E, the California Tinkering After School Network, and the Community Science

Workshop Network for the Community Science Program at the Highway City Community Science Center

Sponsors: Parks, After School and Recreation and Community Services Department

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

- 1-I [ID#15-183](#) ***BILL No. B-3 - (Intro. 2/26/2015) (For adoption) - Approving the procedures for the annual 2015 weed abatement program (Citywide)

Sponsors: Development and Resource Management Department

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

CONTESTED CONSENT CALENDAR

- 1-B [ID#15-132](#) Annual update of Priority Ranking Lists for new traffic signal installations and traffic signal left turn phasing modifications.

Sponsors: Public Works Department

The above item was introduced to Council by Traffic Engineering Manager Gormley.

UPDATE RECEIVED

On motion of Councilmember Brandau, seconded by President Baines, the update was received by Council. The motion carried by the following vote:

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

Absent: 1 - Olivier

- 1-C [ID#15-137](#) Actions pertaining to the acquisition of a portion of APN 506-130-28 owned by HMK Limited Partnership, a California limited partnership:
1. Approve the acquisition of 3.42 acres of property owned by HMK Limited Partnership, a California limited partnership, for easement and right-of-way for public street purposes, in the amount of \$425,000 for the construction of Veterans Boulevard overcrossing near Golden State and Bullard Avenue (Council District 2)

2. Authorize the Public Works Director, or his designee, to sign all documents necessary to complete the transaction as delegated by City Manager

Sponsors: Public Works Department

The above item was introduced to Council by Senior Real Estate Agent Caldwell.

APPROVED

On motion of Councilmember Soria, 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

- 1-D** [ID#15-144](#) Authorize the Chief of Police to enter in Memorandums of Understanding (“MOUs”) with the Community Based Organizations (“CBOs”) as identified in the 2014 Project Safe Neighborhoods grant program agreement

Sponsors: Police Department

The above item was introduced to Council by Lieutenant Farrah.

TABLED UNTIL MARCH 26, 2015

On motion of Councilmember Quintero, seconded by Councilmember Brand, the above item was tabled until March 26, 2015. The motion carried by the following vote:

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

- 1-H** [ID#15-176](#) Actions pertaining to a Community Science Program at the Highway City Community Science Center
1. ***RESOLUTION - 36th amendment to the Annual Appropriation Resolution No. 2014-95 appropriating \$10,000 from Pacific Gas & Electric (PG&E) for the science camps at Highway City Community Center (District 2) (Requires 5 affirmative votes)
 2. ***RESOLUTION - 38TH amendment to the Annual Appropriation Resolution No. 2014-95 appropriating \$18,000 from the California Tinkering After School Network to continue the Community Science Program at the Highway City

Community Center (Requires 5 affirmative votes)

3. Authorize the PARCS Director, or designee to execute grant documents associated with the grants from PG&E, the California Tinkering After School Network, and the Community Science Workshop Network for the Community Science Program at the Highway City Community Science Center

Sponsors: Parks, After School and Recreation and Community Services Department

The above item was introduced to Council by Parks, Recreation and Community Services ("PARCS") Director Mollinedo. For their hard work on the project, Director Mollinedo recognized PARCS Community Coordinator Hernandez, PG&E Government Relations Coordinator Kloose, and Sanger Science, Arts, and Music Executive Director Valdez.

RESOLUTION 2015-40 ADOPTED

RESOLUTION 2015-41 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

- 1-I [ID#15-183](#) ***BILL No. B-3 - (Intro. 2/26/2015) (For adoption) - Approving the procedures for the annual 2015 weed abatement program (Citywide)

Sponsors: Development and Resource Management Department

The above item was introduced to Council by Code Enforcement Manager Estabrooke. City Manager Rudd answered additional questions.

ORDINANCE 2015-3 ADOPTED

On motion of Councilmember Soria, seconded by Councilmember Brand, that the above Ordinance be adopted. The motion carried by the following vote:

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

2. GENERAL ADMINISTRATION CONTINUED

- 2-B [ID#15-141](#) BILL - (For Introduction) - Adding Article 3.13 to Chapter 12 of

the Fresno Municipal Code relating to the transfer of development impact fees for the reestablishment of businesses relocated due to condemnation.

Sponsors: Public Works Department

The above item was introduced to Council by Public Works Assistant Director Benelli. City Manager Rudd answered additional questions.

BILL B-6 INTRODUCED AND CONTINUED TO MARCH 26, 2015

On motion of Councilmember Soria, seconded by Councilmember Olivier, the above item was introduced and continued to March 26, 2015. The motion carried by the following vote:

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

- 2-C** [ID#15-180](#) BILL (for introduction) - Amending Section 1-407 of the Fresno Municipal Code to require the advance deposit of fines at the time of filing an administrative appeal

Sponsors: City Manager's Office

The above item was introduced to Council by Assistant City Manager Smith. City Manager Rudd and City Attorney Sloan answered additional questions.

Councilmember Soria gave direction to staff to include a payment plan option in the final version of the ordinance.

BILL B-4 INTRODUCED AND LAID OVER

On motion of Councilmember Soria, seconded by President Baines, the above BILL was introduced and laid over. The motion carried by the following vote:

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

- 2-D** [ID#15-181](#) BILL (For introduction) - Amending Subsection (d) of the Fresno Municipal Code, Section 1-506 of Article 5, Chapter 1 to require the conformation of costs by the Hearing Officer

Sponsors: City Manager's Office

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

Councilmember Brand directed staff to bring back the final version of the ordinance with language indicating this would be a one year pilot program at which point the program would be re-evaluated..

BILL B-5 INTRODUCED AND LAID OVER

On motion of President Baines, seconded by Vice President Caprioglio, the above BILL was introduced and laid over. The motion carried by the following vote:

Aye: 4 - Baines, Caprioglio, Brand and Quintero

No: 3 - Brandau, Olivier and Soria

3. CITY COUNCIL

No City Council items were on the agenda.

5. SCHEDULED COMMUNICATION

[ID#15-172](#) Appearance by Cardoza Tucker and Jana Kelley of the Way of Life Sports Foundation to express concern with the PARCS Department's intent to displace the foundation and their athlete with special needs.

Members of the Way of Life Sports Foundation and its supporters appeared and spoke to Council. The following people were each allotted three minutes to address Council: Cardoza Tucker, Jana Kelley, Jennifer Reeves, Henry Spario, Freddy (last name not provide), Darren Gnomes, II, and a woman whom did not provide her name.

President Baines suggested the Foundation work with the PARCS Director and the City Manager on their issues. City Manager Rudd informed the Foundation that the Universal Accessible Park was designed to accommodate the needs of children with special needs and asked that the group talk to the PARCS Director to potentially relocate their program to that facility when it is completed later in the year.

APPEARED

UNSCHEDULED COMMUNICATION

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

Sean Hammond - discussed a parking ticket he had received and parking

enforcement in the City of Fresno.

4. CLOSED SESSION

The City Council met in closed session in Room 2125 from 11:27 A.M. to 11:55 A.M. to discuss the following:

- [ID#15-118](#) CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION - Government Code Section 54956.9, Subdivision (d)(1)
1. Corine Kaid, et al. v. City of Fresno, et al. Fresno County Superior Court Case No.: 13CECG03776

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

9:00 A.M. SPECIAL CLOSED SESSION (separately noticed)

- [ID#15-191](#) CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Government Code Section 54956.8
Property: APNs 438-021-34, 35, 59, and 60
Negotiating Parties: City Manager Bruce Rudd, TFS Investments, LLC.

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

ADJOURNMENT

Adjourned in the memory of Alice Giannetta at 11:55 A.M.

These minutes were approved by unanimous vote of the City Council during the March 26, 2015 Council meeting.