



# 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, July 31, 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.

#### 8:39 A.M. ROLL CALL

**Present:** 6 - Council President Steve Brandau  
Acting Council President Oliver Baines  
Councilmember Lee Brand  
Councilmember Clinton Olivier  
Councilmember Sal Quintero  
Councilmember Blong Xiong

**Absent:** 1 - Councilmember Paul Caprioglio

Invocation by Pastor Chue Koua Xiong

Pledge of Allegiance to the Flag

#### Ceremonial Presentations:

[ID#14-213](#) Proclamation of 'NATIONAL NIGHT OUT' - Acting President Baines

**Sponsors:** City Councilmember Baines

*Presented*

[ID#14-215](#) Presentation of P.R.I.D.E. Team Certificates to City Employees for the Summer Quarter (Reception immediately following - 2nd floor foyer)

**Sponsors:** City Clerk's Office

*Presented*

**RECESSED 9:19 A.M. to 9:39 A.M.**

**APPROVE COUNCIL MINUTES**

**Approve June 26, 2014 FRC minutes**

*Laid over to August 21, 2014*

**Approve July 17, 2014 Council minutes**

*Laid over to August 21, 2014*

**Councilmember Reports and Comments**

*Councilmember Olivier acknowledged and welcomed Andrew Gileo from Edison High School who would be observing him at work throughout the day.*

**Approve Agenda**

*City Clerk Spence announced the following changes to the agenda: with regard to File ID# 14-229 on the Consent Calendar, the appointment of Karl Johnson and the reappointments of Timothy D. Lowe and Craig Scharton to the Fresno Housing Authority were continued to August 21, 2014 (the other appointments would remain on the agenda); the 10:00 A.M. Scheduled Communication by Ike Gerwal, File ID# 14-207, was continued to an unspecified date; Consent Calendar item ID# 14-192 regarding agreements with Unison to complete the purchase of a defined easement for the cell site at Fires Sation 13 was removed from the agenda by staff.*

*City Clerk Spence reminded the audience that File ID#14-197 scheduled for 2:00 P.M. regarding the draft General Plan, was a workshop and no public*

*comment would be heard.*

**On motion of Councilmember Xiong, seconded by Councilmember Olivier, the AGENDA was approved as amended. The motion carried by the following vote:**

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

**Absent:** 1 - Caprioglio

## **1. CONSENT CALENDAR**

### **APPROVAL OF THE CONSENT CALENDAR**

*The following member(s) of the public spoke on Consent Calendar Items:  
Barbara Hunt (File ID# 14-152)*

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

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

**Absent:** 1 - Caprioglio

- [ID#14-152](#)
1. RESOLUTION - Authorizing the Chief of Police or designee to specify TASER International, Inc., without substitution, for the purchase of 100 TASER Axon Flex Body-worn video cameras under the sole source competitive bidding exception
  2. Award a purchase contract in the amount of \$159,732.13 to TASER International, Inc., for the purchase and service of body video cameras to be worn by police officers

**Sponsors:** Police Department

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

[ID#14-159](#) \* RESOLUTION - 4th amendment to Annual Appropriations Resolution No. 2014-95 appropriating \$330,400 of Neighborhood Stabilization Program funds for development agreements previously approved by Council (Requires 5 affirmative votes)

**Sponsors:** Development and Resource Management Department

*RESOLUTION 2014-122 ADOPTED*

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

[ID#14-192](#) Approve agreements with Unison to complete the purchase of a defined easement for the cell site at Fire Station 13

**Sponsors:** Fire Department

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

[ID#14-194](#) \*Adopt a Side Letter of Agreement between the City of Fresno and Unit 10, represented by the International Association of Fire Fighters (IAFF), Local 753, Management Unit amending the Memorandum of Understanding (MOU) provision on payment of health care premiums

**Sponsors:** Personnel Services Department

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

[ID#14-195](#) \*Adopt a Side Letter of Agreement between the City of Fresno and Unit 15, Airport Public Safety Supervisors (FAPSS), represented by Operating Engineers, Local No. 3 (OE3), regarding benefits for permanent part time employees

**Sponsors:** Personnel Services Department

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

[ID#14-229](#) Approve appointments of Karl Johnson and the reappointments of Timothy D. Lowe and Craig Scharon; the reappointment of Barbara Goodwin and Mike Rastegar to the Fresno Metropolitan Flood Control District; the appointment of Scott Miller to the Fresno Regional Workforce Investment Board; and the appointment of Lawrence Garcia to the Housing and Community Development Commission (HCDC)

**Sponsors:** Mayor's Office

*All appointments were made except for those of Karl Johnson, Timothy D. Lowe and Craig Scharon whose appointments were continued to August 21, 2014.*

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

#### **CONTESTED CONSENT CALENDAR**

[ID#14-152](#) 1. RESOLUTION - Authorizing the Chief of Police or designee to specify TASER International, Inc., without substitution, for the purchase of 100 TASER Axon Flex Body-worn video cameras under the sole source competitive bidding exception  
2. Award a purchase contract in the amount of \$159,732.13 to TASER International, Inc., for the purchase and service of body video cameras to be worn by police officers

**Sponsors:** Police Department

*The following member(s) of the public spoke on this item: Barbara Hunt*

*RESOLUTION 2014-123 ADOPTED*

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

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

**Absent:** 1 - Caprioglio

**2. GENERAL ADMINISTRATION**

- [ID#14-172](#) Actions pertaining to the N. Willow Avenue widening project, 0.25 miles south of Nees Avenue to Shepherd Avenue - Bid File 3332 (Council District 6)
1. \* RESOLUTION - 5th amendment to the Annual Appropriation Resolution No. 2014-95 to appropriate \$3,334,100 for construction costs on the Willow Avenue widening between Nees and Shepherd capital project in FY 2015 (Requires 5 affirmative votes)
  2. Award a Construction Contract to Avison Construction Inc., of Madera, California in the amount of \$2,199,899 for the N. Willow Avenue widening project, 0.25 miles south of Nees Avenue to Shepherd Avenue and to authorize the Public Works Director, or his designee, to execute the standard contract on behalf of the City

**Sponsors:** Public Works Department

*Design Services Manager Goonawardena presented the item to Council.*

*The following member(s) of the public spoke on this item: Barbara Hunt*

**RESOLUTION 2014-124 ADOPTED**

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

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

**Absent:** 1 - Caprioglio

- [ID#14-173](#) Actions pertaining to the McKinley Avenue Traffic Synchronization Project from Highway 99 to Clovis Avenue rebid - Bid File 3338 (Council Districts 1, 3, 4 and 7)
1. Adopt finding of a Categorical Exemption per staff determination, pursuant to Section 15301(c) of the CEQA Guidelines, for the McKinley Avenue Wireless ITS Project from Highway 99 to Clovis Avenue
  2. Award a Construction Contract to Crosstown Electrical & Data, Inc. of Irwindale, California in the amount of \$833,370 for the base bid all add alternates for the McKinley Avenue Wireless ITS Project from Highway 99 to Clovis Avenue rebid

**Sponsors:** Public Works Department

*Design Services Manager Goonawardena presented the item to Council.*

*The following member(s) of the public spoke on this item: Barbara Hunt*

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

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

**Absent:** 1 - Caprioglio

[ID#14-178](#) Actions pertaining to the Bullard Avenue Traffic Synchronization Project from Marks Avenue to Willow Avenue rebid - Bid File 3320 (Council Districts 2, 4, 6 and Fresno County)

1. Adopt finding of a Categorical Exemption per staff determination, pursuant to Section 15301(c) of the CEQA Guidelines, for the Bullard Avenue Wireless ITS Project from Marks Avenue to Willow Avenue
2. Award a Construction Contract to Crosstown Electrical & Data, Inc. of Irwindale, California in the amount of \$755,808 for the base bid and add alternate 1 for the Bullard Avenue Wireless ITS Project from Marks Avenue to Willow Avenue rebid

**Sponsors:** Public Works Department

*Design Services Manager Goonawardena presented the item to Council.*

*The following member(s) of the public spoke on this item: Barbara Hunt*

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

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

**Absent:** 1 - Caprioglio

[ID#14-199](#) Acquisition of a 2.46-acre parcel located at 6135 N. Golden State Boulevard to use as right-of-way for the construction of Veterans Boulevard Overcrossing (Council District 2)

**Sponsors:** Public Works Department

*Senior Real Estate Agent Caldwell presented the item to Council.*

*The following member(s) of the public spoke on this item: Barbara Hunt*

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

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

**Absent:** 1 - Caprioglio

### 3. CITY COUNCIL

[ID#14-210](#) RESOLUTION of the Council of the City of Fresno, California, supporting California Assembly Bill 69

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

*President Brandau and Councilmember Brand presnted the item to Council.*

*The following member(s) of the public spoke on this item: Barbara Hunt*

*RESOLUTION 2014-125 ADOPTED*

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

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

**Absent:** 1 - Caprioglio



**5. SCHEDULED COUNCIL HEARINGS AND MATTERS****10:00 AM SCHEDULED COMMUNICATION**

[ID#14-207](#) Appearance by Ike Grewal of the Sikh Community Activist to request approval of a discount on the fees for the Convention Center

*The above item was continued to an unspecified dated.*

**10:30 A.M.****JOINT MEETING OF THE CITY OF FRESNO AND THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF FRESNO AND 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 10:33 A.M. to discuss the following:*

[ID#14-208](#) Successor Agency Board, City Council and Fresno Revitalization Corporation Board consider approving:

1. Adopt a finding of Categorical Exemptions pursuant to Article 19, Sections 15301/Class 1 (existing facilities) and 15303/class 3 (new construction or conversion of small structures) of the California Environmental Quality Act (CEQA) Guidelines for ornamental fence installation, 450 M Street @ Santa Clara. (bid file No. 3299); and
2. Award a contract to Marko Construction Group as the lowest responsive and responsible bidder for ornamental fence installation, 450 M Street @ Santa Clara (bid file No. 3299)

*Executive Director Murphey presented the item to Council.*

*The following member(s) of the public spoke on this item: Barbara Hunt*

**CITY COUNCIL VOTE**

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

**Aye:** 4 - Brandau, Baines, Brand and Xiong

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

#### **SUCCESSOR AGENCY VOTE**

*(members are City Councilmembers)*

*On motion of Member Xiong, seconded by Member Brandau, the above item was approved. The motion carried by the following vote:*

*Aye: 4 - Brandau, Baines, Brand and Xiong*

*Absent: 3 - Caprioglio, Olivier and Quintero*

#### **JOINT MEETING ADJOURNMENT**

*Adjourned at 10:38 A.M.*

#### **UNSCHEDULED COMMUNICATION**

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

*Barbara Hunt - discussed consultants and fraudulent work in relation to the Successor Agency to the Redevelopment Agency of the City of Fresno.*

#### **SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED**

##### **10:45 AM - 1**

*Note: Both 10:45 AM items (ID #'s 14-183 and 14-188) were approved by Council with a single vote.*

[ID#14-183](#) BILL - (For introduction) - Amending the Fresno Municipal Code to add Article 6.5 of Chapter 10, authorizing citizens to file Administrative Complaints for Municipal Code violations involving public nuisances.

**Sponsors:** City Attorney's Office

*City Attorney Sloan and Senior Deputy City Attorney Camarena presented the item to Council.*

*The following member(s) of the public spoke on this item: Barbara Hunt*

*BILL B-32 INTRODUCED, AMENDED AND LAID OVER*

On motion of Councilmember Quintero, seconded by Councilmember Xiong, the above item was introduced, amended and laid over. The amendment included: (i) limits on the number of complaints that could be made; (ii) a limit on complaints based on proximity to violations, and: (iii) a one year review period with six month report. The motion carried by the following vote:

**Aye:** 5 - Brandau, Baines, Brand, Quintero and Xiong

**No:** 1 - Olivier

**Absent:** 1 - Caprioglio

10:45 AM - 2

[ID#14-188](#) \*BILL NO. B-33 - (Intro. 7/31/2014) (For adoption) - Amending Sections 1-405, 1-407, 1-408, and 1-409 of the Fresno Municipal Code relating to the Administrative Hearing procedure

**Sponsors:** City Attorney's Office

*City Attorney Sloan and Senior Deputy City Attorney Camarena presented the item to Council.*

*Senior Deputy City Attorney Camarena read the following corrections into the record: The second sentence of paragraph "e" on page four should be changed from "No appeal hearing shall be scheduled at the same time as any other hearing," to " Except for routine parking citation appeals, no appeal hearing shall be scheduled at the same time as any other hearing." Fresno Municipal Code section 1-507(c), referenced in the final sentence of paragraph "e" on page four should be changed to Fresno Municipal Code section "1-408(c)"*

*The following member(s) of the public spoke on this item: Barbara Hunt*

*BILL B-33 INTRODUCED, AMENDED AND LAID OVER*

On motion of Councilmember Quintero, seconded by Councilmember Xiong, the above item was introduced, amended and laid over. The amendment included: (i) limits on the number of complaints that could be made; (ii) a limit on complaints based on proximity to violations, and: (iii) a one year review period with six month report. The motion

carried by the following vote:

**Aye:** 5 - Brandau, Baines, Brand, Quintero and Xiong

**No:** 1 - Olivier

**Absent:** 1 - Caprioglio

**RECESSED 11:28 A.M. to 1:39 P.M.**

**1:30 P.M.**

[ID#14-181](#) Actions pertaining to a consultant contract for the High Speed Rail Station Area Master Plan

1. \* RESOLUTION- 3rd amendment to the Annual Appropriation Resolution (AAR) No. 2014-95 appropriating \$1,020,000 for High Speed Rail Station Master Plan consulting services and miscellaneous City expenses (Requires 5 affirmative votes)
2. Authorize the Director of the Development and Resource Management (DARM) Department to enter into a professional services agreement with the firm of AECOM Technical Services, (AECOM) in the amount not to exceed \$966,068 utilizing funding from the California High Speed Rail Authority (CHSRA) and Fresno Council of Governments (Fresno COG)

**Sponsors:** Development and Resource Management Department

*Development and Resources Management Director Clark presented the item to Council.*

*The following member(s) of the public spoke on this item: Barbara Hunt*

*President Brandau motioned to delay the decision on this item until after the courts ruled on the validity of the High Speed Rail Project. Councilmember Olivier seconded the motion which failed by the following vote:*

*Aye: 2 - Brandau and Olivier*

*Noes: 4 - Baines, Brand, Quintero and Xiong*

*Absent: 1 - Caprioglio*

**On motion of Acting President Baines, seconded by Councilmember Xiong, the above item was approved in part (#2 authorizing the DARM Director to enter into an agreement with AECOM) and failed in Part (#1 Resolution to amend the AAR) by the following vote:**

**Aye:** 4 - Baines, Brand, Quintero and Xiong

**No:** 2 - Brandau and Olivier

**Absent:** 1 - Caprioglio

*NOTE: For the above item (ID#14-181) the proposed resolution to amend the Annual Appropriation Resolution failed as it required five affirmative but only received four affirmative votes. The decision to authorize the Director of DARM to enter into a professional services agreement with the firm of AECOM Technical Services did not require 5 affirmative votes and passed by the majority vote.*

**2:00 P.M.**

[ID#14-197](#) Workshop on the City of Fresno's Draft General Plan

**Sponsors:** Development and Resource Management Department

*Development and Resources Management Director Clark introduced the item and Mark Steele of MW Steele Group presented the workshop. Council began the question and answer portion of the workshop after closed session.*

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

*The City Council met in closed session in Room 2125 from 3:03 P.M. to 3:52 P.M. to discuss the following:*

- [ID#14-201](#) CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION  
Government Code Section 54956.9, subdivision (a)  
1. City of Fresno, et al v. AIG Financial Products Corp., et al.  
U.S. District Court Case No.: 08 MDL No. 1950

**Sponsors:** City Attorney's Office

*The above item was discussed in closed session.*

*City Attorney Sloan announced in open session that Council had approved a settlement in the above matter by the following vote:*

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

*Absent: 1 - Caprioglio*

- [ID#14-218](#) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Government Code Section 54956.9, Subdivision (d)(1)  
1. City of Fresno et al. v. Doug Vagim, et al.; Fresno Superior Court No. 13CECG03080,  
5th District Court of Appeal No. F069296  
Related Matter: Doug Vagim, et al. v. City of Fresno, et al.;  
Fresno Superior Court No. 13CECG03206

**Sponsors:** City Attorney's Office

*The above item was discussed in closed session.*

*City Attorney Sloan announced in open session that Council had approved a settlement agreement in the above matter by the following vote:*

*Aye: 5 - Brandau, Baines, Brand, Olivier and Xiong*

*Abstained: 1 - Quintero*

*Absent: 1 - Caprioglio*

## **SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED**

**2:00 P.M. CONTINUED**

[ID#14-197](#) Workshop on the City of Fresno's Draft General Plan

**Sponsors:** Development and Resource Management Department

*The above workshop was held.*

*Councilmember Xiong directed staff to clearly define the goals and objectives of the City when dealing with gentrification of neighborhoods.*

**3:00 P.M.**

[ID#14-203](#) Actions Pertaining to Initiative Measure to Repeal the Four Year Water Rate Plan and Required Council Action.

**Sponsors:** City Clerk's Office

*City Attorney Sloan provided an introduction on the item for Council.*

*The following member(s) of the public spoke on this item: Barbara Hunt, Al Smith, Doug Vagim, Cary Catalano, Lauren Harding.*

*Acting President Baines stated, for the record, that the approach decided upon was the soundest way forward and he looked forward to an enhanced process and enhancements to the project that would benefit the rate payers.*

**BILL B-34 INTRODUCED AND LAID OVER**

**On motion of President Brandau, seconded by Acting President Baines, the above BILL repealing Resolution No. 2013-143 that adopted the Four Year Water Rate Plan and Resolution No. 2013-144 that amended the Master Fee Schedule adjusting the water rates was introduced and laid over. The motion carried by the following vote:**

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

**Absent:** 1 - Caprioglio

**ADJOURNMENT**

*Adjourned at 5:41 P.M.*