



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, June 18, 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.

1:43 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 Mark Hudson, City of Fresno Police Sergeant

Pledge of Allegiance to the Flag

CEREMONIAL PRESENTATIONS

[ID#15-530](#) Proclamation of "CELEBRATION OF JUNETEENTH DAY"

PRESENTED

APPROVE MINUTES

No minutes were presented for approval.

COUNCILMEMBER REPORTS AND COMMENTS

Vice President Caprioglio thanked the Homeless Task force and the Department of Public Works for quickly responding to and resolving a situation at Granite Park. He also announced that the Home of Hope drawing would take place later in the evening at Shields and Fowler Avenues and the proceeds would go to support ten local charities. Councilmember Caprioglio also reminded the audience that an Honor Flight would be returning from Washington D.C. at 6:00 P.M. and encouraged people to attend the festivities to see an old fashioned rally and patriotism and to honor our heros.

President Baines discussed the recent shooting at the historic Emmanuel AME Church in Charleston South Carolina which claimed nine victims and asked for a moment of silence.

APPROVE AGENDA

Councilmember Brandau continued General Administration item 2F, File ID 15-517 regarding the 49th amendment to Annual Appropriations Resolution No. 2014-95 so that it could be heard during the special meeting on Tuesday, June 23, 2015 with other related items.

President Baines announced that the 8:30 A.M. Budget Hearing scheduled for Friday, June 19, 2015 would be moved to Tuesday, June 23, 2015 at 9:00 A.M.

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

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

1. CONSENT CALENDAR**APPROVAL OF THE CONSENT CALENDAR**

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

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

- 1-A [ID#15-412](#) Award the purchase of one Ideal Electric Type "SAB" 4221.25 KVA Horizontal Brushless Synchronous Generator (Bid File 3403) for \$277,921.80 and authorize the Purchasing Manager of the Finance Department or designee to issue a purchase order to Leete Generators (Council District 3).

The above item was APPROVED on the Consent Calendar.

- 1-B [ID#15-487](#) Actions pertaining to the E. Belgravia, S. Weller, S. Bardell, S. Clara and E. Tower Pavement Overlay - Bid File 3400 (Council District 3)
1. Adopt a finding of Categorical Exemption per staff determination, pursuant to Section 15301(c) Class 1 of the CEQA Guidelines for the E. Belgravia, S. Weller, S. Bardell, S. Clara and E. Tower Pavement Overlay
 2. Award a Construction Contract with Dave Christian Construction Co., Inc., of Fresno, California in the amount of \$275,306 for the E. Belgravia, S. Weller, S. Bardell, S. Clara and E. Tower Pavement Overlay

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

- 1-C [ID#15-499](#) Approve the Second Amendment to the Agreement with Electrical Power Systems, Inc. ("EPS"), a California Corporation, in the amount of \$25,273 for professional engineering services to provide bid and construction support for electrical service upgrades for the compressed natural gas ("CNG") bus fueling and fire and life safety projects

The above item was APPROVED on the Consent Calendar.

- 1-D [ID#15-505](#) ***RESOLUTION - 52nd amendment to the Annual Appropriation Resolution (AAR) No. 2014-95 appropriating \$36,000 of Older Americans Act Title III C1 grant funds from the Fresno Madera-Area Agency on Aging for the Senior Hot Meals program (Requires 5 affirmative votes)

RESOLUTION 2015-100 ADOPTED

The above item was APPROVED on the Consent Calendar.

- 1-E [ID#15-506](#) Actions pertaining to the design of the sewer rehabilitation/replacement in Glenn, N Street, Tuolumne, Van Ness, Merced, and Thorne Avenues (Council District 3)

1. Approve an amendment to the consultant service agreement in the amount of \$36,900 with Blair, Church & Flynn Consulting Engineers
2. Authorize Director of Public Utilities or designee to sign on behalf of the City

The above item was APPROVED on the Consent Calendar.

- 1-F [ID#15-507](#) Award a Professional Services contract to Parsons Water and Infrastructure, Inc., a Delaware corporation, in the amount of \$168,459 with a contingency of \$10,000 to provide a feasibility study to construct an Airport Satellite Recycled Water Facility and associated sewer pump station and piping (Council District 4).

The above item was AWARDED on the Consent Calendar.

- 1-G [ID#15-531](#) Actions pertaining to the 2015 Edward Byrne Memorial Justice Assistance Grant (JAG) program
1. Authorize the Chief of Police to apply for and accept \$261,875 in total grant funding for the 2015 JAG program from the U.S. Department of Justice, Bureau of Justice Assistance for the City and County of Fresno
 2. Authorize the Chief of Police to execute all related documents to the application acceptance and administration of 2015 JAG program

The above item was APPROVED on the Consent Calendar.

- 1-H [ID#15-549](#) Approve the appointment of Rueben Scott to the Fresno Housing Authority

The above item was APPROVED on the Consent Calendar.

CONTESTED CONSENT CALENDAR

- 1-B. [ID#15-487](#) Actions pertaining to the E. Belgravia, S. Weller, S. Bardell, S. Clara and E. Tower Pavement Overlay - Bid File 3400 (Council District 3)
1. Adopt a finding of Categorical Exemption per staff determination, pursuant to Section 15301(c) Class 1 of the CEQA Guidelines for the E. Belgravia, S. Weller, S. Bardell, S. Clara and E. Tower Pavement Overlay
 2. Award a Construction Contract with Dave Christian Construction Co., Inc., of Fresno,

California in the amount of \$275,306 for the E. Belgravia, S. Weller, S. Bardell, S. Clara and E. Tower Pavement Overlay

The above item was introduced to Council by Public Works Department Supervising Professional Engineer Goonawardena.

APPROVED

On motion of Vice President Caprioglio, seconded by Councilmember Soria, the above item was 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

1:30 P.M.

[ID#15-486](#) HEARING regarding the renewal of the Downtown Fresno Property and Business Improvement District (DFPBID)
1. ***RESOLUTION - Declaring the results of the majority public hearing proceedings and renew the
Downtown Fresno PBID and authorize the levy of district assessments

The Council President called the above hearing to order at 1:58 P.M. Tom Richards, Director of the Downtown Partnership introduced the item to Council. Melanee Cottrill, Operations Manager of the consulting company Civitas also addressed Council and clarified on the record that the management plan and the resolution should be corrected to reflect that the square footage of basements is not assessed. Ms. Cottrill stressed that the clarification was not a change but was an administrative oversight that was not included in the text originally.

President Baines called for public comment on the matter at 2:00 P.M. and the following member(s) of the public addressed the Council:

Dan Doyle of the Downtown Fresno Partnership and Central Valley Community Bank spoke in favor of the Downtown Fresno Property and Business Improvement District ("DFPBID")

Robert Gurfield spoke in favor of the DFPBID.

Tom Ethridge of Auto Pawn of Fresno spoke against the DFPBID.

Michele Tutelian of Civic Center Square spoke in favor of the DFPBID

Sevak Khatchadourian spoke in favor of the DFPBID.

The City Clerk announced that the counting of the ballots would take place in the City Clerk's Conference room and would be open to the public. The City Clerk asked for any final ballots that the public may have brought to the hearing.

At 2:13 P.M. the City Attorney announced that the public comment portion of the hearing was closed and no additional ballots would be received.

President Baines announced that the hearing would be recessed until City Clerk Spence had complete her tabulation of the ballots.

2. GENERAL ADMINISTRATION

- 2-A** [ID#15-447](#) Award a requirements contract to Safeway Sign Company of Adelanto, California in the amount of \$625,465.21 for Traffic/Name Signs and reflective sheeting materials.

The above item was introduced to Council by Department of Public Works Manager Russell. Purchasing Manager Watahira City Attorney Sloan also spoke on this item.

AWARDED

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-B** [ID#15-451](#) Actions pertaining to the Shields Avenue Intelligent Transportation System (ITS) Wireless Traffic Signals Synchronization Project from West Avenue to Chestnut Avenue - Bid File 3316 (Council Districts 1, 4, 7 and Fresno County)
1. Adopt a finding of Categorical Exemption per staff determination, pursuant to Section 15301(c) of the CEQA Guidelines for the Shields Avenue ITS Wireless Project from

West Avenue to Chestnut Avenue

2. Award a construction contract to Crosstown Electrical and Data, Inc. of Irwindale, California in the amount of \$731,034 for the Shields Avenue ITS Wireless Project from West Avenue to Chestnut Avenue

The above item was introduced to Council by Public Works Department Supervising Professional Engineer Goonawardena.

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#15-458](#) Approval of Amendment No. 3 to the Professional Consultant Agreement with CH2MHILL Engineers, Inc., for an amount not-to-exceed \$7,100,000 for Fiscal Year 2016 Program Management Services (Citywide).

The above item was introduced to Council by Department of Public Utilities Water Division Manager Carbajal.

APPROVED

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

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

- 2-H** [ID#15-537](#) Actions pertaining to the 2015 Community Oriented Policing Services (COPS) Hiring Program grant
1. Authorize the Chief of Police to apply for \$1,875,000 in total grant funding for the 2015 COPS Hiring Program grant from the U.S. Department of Justice to provide Community Oriented Policing Services by the City of Fresno Police Department
 2. Authorize the Chief of Police to execute all related documents applicable to the 2015 COPS Hiring Program grant

The above item was introduced to Council by Police Chief Dyer.

APPROVED

On motion of Councilmember Quintero, 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

- 2-D** [ID#15-498](#) Award an equipment contract to Rosenbauer Minnesota, LLC, for the procurement of one 3,000 gallon Aircraft Rescue and Firefighting Vehicle for Fresno Yosemite International Airport in the amount of \$714,392.14 (Council District 4)

The above item was introduced to Council by Airports Department Director of Aviation Meikle.

AWARDED

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

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

- 2-E** [ID#15-500](#) Actions pertaining to Olive Gardens and Van Ness Extension Water Main Replacements and Transfers and Pump Station 201 to Pump Station 36 Raw Water Pipeline, Bid File No. 3337 (Council Districts 2, 3, 5 and County)
1. Adopt a finding of Categorical Exemption per staff determination, pursuant to Class 1 Section 15301(b) (Existing Facilities) and Class 3 Section 15303(d) (New Construction) of the CEQA Guidelines, for Olive Gardens and Van Ness Extension Water Main Replacements and Transfers and PS201 to PS36 Raw Water Pipeline
 2. Award a construction contract to West Valley Construction Co. Inc., in the amount of \$1,545,383 for the construction of Olive Gardens and Van Ness Extension Water Main Replacements and Transfers and Pump Station 201 to Pump Station 36 Raw Water Pipeline

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

APPROVED

On motion of Councilmember Brandau, 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

- 2-F [ID#15-590](#) ***RESOLUTION - 49th amendment to Annual Appropriations Resolution ("AAR") No. 2014-95 Re-budgeting \$500,000 of Community Development Block Grant ("CDBG") and \$1,500,000 of HOME Investment Partnerships ("HOME") Program funds for Sub-recipient Agreements with Fresno County Economic Opportunities Commission ("FCEOC") previously approved by Council (Requires 5 affirmative votes)

The above item was CONTINUED to Tuesday, June 23, 2015

- 2-G [ID#15-528](#) 1. Approve a Workers' Compensation Alternative Dispute Prevention and Resolution Agreement between the City and Units 4 and 9, represented by the Fresno Police Officers Association (FPOA)
2. Approve an Alternative Dispute Resolution (ADR) Savings Agreement between the City and Units 4 and 9, represented by FPOA

The above item was introduced to Council by Personnel Services Director Cardell.

APPROVED

On motion of Councilmember Brand, 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

3. CITY COUNCIL

- 3-A [ID#15-509](#) RESOLUTION - In support of AB 1335- Building Homes and Jobs Act

The above item was introduced to Council by Council District Three Chief of

Staff Barfield.

The following member(s) of the public spoke on this item: Michael Prandini of the Building Industry Association.

RESOLUTION 2015-101 APPROVED

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

Aye: 5 - Baines III, Caprioglio, Brand, Quintero and Soria

No: 2 - Brandau and Olivier

- 3-B** [ID#15-541](#) Approve designation of a Councilmember as a voting delegate, and two Councilmembers as a voting alternates for the League of California Cities annual business meeting on Friday, October 2, 2015

The above item was introduced to Council by President Baines. President Baines noted that Councilmember Soria was interested in potentially being next year's voting delegate as Councilmember Brandau was interested in continuing his current service to complete several projects.

COUNCILMEMBER BRANDAU APPOINTED AS THE VOTING DELEGATE AND VICE PRESIDENT CAPRIOGLIO AS THE ALTERNATE

On motion of President Baines III, seconded by Councilmember Soria, Councilmember Brandau was designated as the voting delegate for the League of California Cities and Vice President Caprioglio was designated as the alternate. The motion carried by the following vote:

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

- 3-C** [ID#15-556](#) RESOLUTION - Declaring that the California Beverage Container Recycling and Litter Reduction Act is damaging to California cities and interferes with a city's ability to freely regulate harmful businesses located within its jurisdiction

The above item was introduced to Council by Councilmember Brandau.

Councilmember Brandau directed City Clerk Spence to send the resolution, upon adoption, to all City of Fresno Representative in the State Senate and State Assembly.

RESOLUTION 2015-102 ADOPTED

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

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

No: 1 - Soria

5. SCHEDULED COUNCIL HEARINGS AND MATTERS
CONTINUED

1:30 P.M. CONTINUED

[ID#15-486](#) HEARING regarding the renewal of the Downtown Fresno Property and Business Improvement District (DFPBID)
1. ***RESOLUTION - Declaring the results of the majority public hearing proceedings and renew the
Downtown Fresno PBID and authorize the levy of district assessments

President Baines continued the hearing at 3:41 P.M.

City Clerk Spence announced the following: The City Clerk's Office had tabulated the assessment ballots submitted and not withdrawn, and determined that the assessment represented by the opposition ballots did not exceed the ballots in favor of the proposed assessment. The percentage of ballots in favor of the assessment based on assessed value was 76.95% and the percentage of ballots in opposition was 23.05%

Melanee Cottrill, Dan Doyle and Aaron Blair answered questions.

Councilmember Brandau motioned that the property of Tom Ethridge at 922 van Ness Avenue and the the property of William Bruce at 1752 Van Ness Avenue be carved out of the improvement district. Councilmember Olivier seconded the motion. The motion FAILED by a vote of 2 to 5 with Councilmembers Brand, Quintero, Soria, Vice President Caprioglio and President Baines voting, "no."

RESOLUTION 2015-103 ADOPTED

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

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

UNSCHEDULED COMMUNICATION

Upon call, no member of the public chose to address Council with unscheduled communication.

4. CLOSED SESSION

The City Council met in closed session in Room 2125 from 4:11 P.M. to 5:30 P.M. to discuss the following:

[ID#15-533](#) CONFERENCE WITH LABOR NEGOTIATORS - Government Code Section 54957.6
City Negotiator(s): Oliver Baines, Ashley Swearengin, Bruce Rudd, Jeffrey Cardell
Unrepresented Employees in Unit 2 (Non-Represented Management and Confidential Classes):

Airport Public Safety Manager
Assistant City Attorney
Assistant City Manager
Assistant Controller
Assistant Director
Assistant Director of Personnel Services
Assistant Director of Public Utilities
Assistant Director of Public Works
Assistant Police Chief
Assistant Retirement Administrator
Budget Analyst
Budget Manager
Chief Assistant City Attorney
Chief Information Officer
Chief of Staff to the Mayor
City Attorney
City Clerk
City Engineer
City Manager
Community Coordinator
Community Outreach Specialist
Controller
Council Assistant

Deputy City Attorney II
Deputy City Attorney III
Deputy City Manager
Director
Director of Aviation
Director of Development
Director of Personnel Services
Director of Public Utilities
Director of Transportation
Economic Development Coordinator
Economic Development Director
Executive Assistant to Department Director
Executive Assistant to the City Manager
Fire Chief
Governmental Affairs Manager
Human Resources Manager
Independent Reviewer
Internal Auditor
Labor Relations Manager
Labor Relations Secretary
Payroll Manager
Police Chief
Principal Budget Analyst
Principal Internal Auditor
Public Affairs Officer
Public Works Director
Redevelopment Administrator
Retirement Administrator
Risk/Safety Manager
Senior Budget Analyst
Senior Deputy City Attorney
Senior Human Resources/Risk Analyst
Supervising Deputy City Attorney

The above item was NOT DISCUSSED in closed session.

[ID#15-553](#) CONFERENCE WITH LABOR NEGOTIATOR - Government
Code Section 54957.6
City Negotiator(s): Ken Phillips, Jeff Cardell
Employee Organization(s):
1. City of Fresno Management Employees Association
(CFMEA)

2. City of Fresno Professional Employees Association (CFPEA)
3. Fresno Airport Public Safety Supervisors (FAPSS)

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

[ID#15-554](#) PUBLIC EMPLOYEE PERFORMANCE EVALUATION -
Government Code Section 54957
Title: City Clerk
Sponsor: Council President Baines, III

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

[ID#15-555](#) CONFERENCE WITH LABOR NEGOTIATOR - Government
Code Section 54957.6
City Negotiator(s): Council President Baines III
Unrepresented: City Clerk
Sponsor: Council President Baines, III

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

SPECIAL CLOSED SESSION (separately noticed)

[ID#15-570](#) 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 No. 12CECG04049

The above item was discussed in Closed Session. No open session announcements were made regarding this item.

ADJOURNMENT

Adjourned from closed session at 5:30 P.M.