



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

Thursday, July 17, 2014

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.

8:43 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 Henry Pauls of the Central Community Church

Pledge of Allegiance to the Flag

Ceremonial Presentations:

[ID#14-149](#) Presentation of the SPCA Pet of the Month - Councilmember Brand

Sponsors: City Councilmember Brand

Presented

[ID#14-141](#) Cooling Centers: PG&E check presentation

Sponsors: City Councilmember Brand

Presented

[ID#14-164](#) Presentation of a Certificate of Recognition to Xavier Richards -
Councilmember Baines

Presentation of a Certificate of Recognition to Ruby Herr -
Councilmember Xiong

Presentation of a Certificate of Recognition to Justin Grenier -
Councilmember Caprioglio

Sponsors: City Councilmember Baines and City Councilmember Caprioglio

Presented

[ID#14-144](#) Proclamation of "THE TERRACES AT SAN JOAQUIN
GARDENS DAY"

Sponsors: City Councilmember Caprioglio

Presented

Approve Council minutes of June 19 and 26, 2014

Laid over to July 24, 2014

Approve Successor Agency minutes of June 26, 2014

Laid over to July 24, 2014

Councilmember Reports and Comments

Councilmember Quintero reported on a re-dedication of the Willow-Balch pocket park in southeast Fresno and thanked the PARCS, Public Works and Solid Waste Departments for their partnership which resulted in new playground equipment and the new trees that were provided by PG&E. Councilmember Quintero thanked Danny Casey, PARCS Director Mollinedo and Anne Kloose from PG&E for their work on the project. City Manager Rudd acknowledged the extensive collaboration that took place on the Willow-Balch pocket park re-dedication and thanked the Department of Public Utilities, Public Utilities Assistant Director Schueber and Grant Writer Yopez-Perez.

Councilmember Quintero asked for a moment of silence to remember local journalist Eli Setencich who had recently passed. Councilmember Quintero remembered Mr. Setencich as a good friend and former service member who wrote stories with excellent wit and humor. President Brandau noted that Mr. Setencich had flown more than 140 missions in World War II and announced the meeting would be adjourned in his memory.

Councilmember Xiong commented on the impact of the drought on small farms and the ability of the City to assist those affected. Councilmember Xiong noted small farmers were overlooked for relief services because they do not own the property they farm, they have limited income and they do not have voices as large as organized farms.

President Brandau asked for an update from City Manager Rudd on the County landfill and asked if the consultant's study covered other options for the City. City Manager Rudd stated the first meeting with the consultant and County would be on Monday and he would report back to the Council in the next thirty days. City Manager Rudd explained the study did not look at other options but looked strictly at the County and financials. President Brandau reminded Council the City was receiving landfill services on a month to month basis due to an expired contract with the County and stated he felt there were options for the City that would save money for the rate payers.

Approve Agenda

City Clerk Spence announced the Workshop relating to Bicycle, Pedestrian and Trails Master Plan (File ID #14-126), scheduled for 10:30 A.M. on the agenda, would be heard after lunch.

Councilmember Caprioglio pulled File ID# 14-108, scheduled for 10:45 A.M., relating to an appeal of Planning Commission's action to approve vVeting Tentative Tract Map No. 6033, Conditional use Permit No. C+1.-092 and related environmental findings for property located on the northeast corner of North Fowler and East Clinton Avenues. Councilmember Caprioglio announced the item would be rescheduled for August.

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

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

Absent: 1 - Olivier

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

Absent: 1 - Olivier

[ID#14-066](#) RESOLUTION - Of Intention to annex Final Tract Map No. 6073, Annexation No. 54, to the City of Fresno Community Facilities District No. 11 (north side of East Church Avenue between South Chestnut and Peach Avenues) (Council District 5)

RESOLUTION 2014-110 ADOPTED

The above item was approved on the Consent Calendar.

[ID#14-082](#) *BILL NO. B-29 (Intro. June 26, 2014) (For Adoption) Amending Section 1204.508-E of the Fresno Municipal Code regarding Urban Growth Management development restrictions on the running distance between commercial and industrial developments and an operating City fire station. (Citywide Application) - Development and Resource Management Department and Fresno Fire Department

Sponsors: Development and Resource Management Department

ORDINANCE 2014-31 ADOPTED

The above item was approved on the Consent Calendar.

[ID#14-100](#) Actions pertaining to a lease agreement for the office space located at 5051-5059 E. McKinley (Council District 4) - Police Department

1. Adopt a finding of Categorical Exemption pursuant to Article 19, Section 15301/Class 1 (existing facilities) of the California Environmental Quality Act ("CEQA") Guidelines for the continued lease of office spaces located at 5051-5059 E. McKinley
2. Authorize the Chief of Police to execute a five-year lease agreement with HR, LLC, a California limited liability company, to lease property for Special Investigation Bureau offices located

at 5051-5059 E. McKinley

The above item was approved on the Consent Calendar.

[ID#14-113](#) Approve the First Amendment to the Services Agreement between the City of Fresno and Community Media Access Collaborative (CMAC) to increase video production service hours in the amount of \$27,000 annually

Sponsors: Information Services Department

The above item was approved on the Consent Calendar.

[ID#14-117](#) RESOLUTION - Approving the Final Map of Tract No. 6004 and accepting dedicated public uses offered therein - southeast corner of North Maple Avenue and East Copper Avenue (Council District 6)

Sponsors: Public Works Department

RESOLUTION 2014-111 ADOPTED

The above item was approved on the Consent Calendar.

[ID#14-124](#) Actions pertaining to a lease agreement for hangar facility and ramp space at Fresno Chandler Executive Airport (FCH) (Council District 3) - Airports Department

1. Adopt a finding of Categorical Exemption pursuant to Article 19, Section 15301(a) and (d)/Class (Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines to authorize Lease with William Newburn dba Pacific Coast Aero Marine Repair at FCH
2. Approve a lease between the City and William Newburn dba Pacific Coast Aero Marine Repair

Sponsors: Airports

The above item was approved on the Consent Calendar.

- [ID#14-136](#) Actions pertaining to grant funding from the State of California Alcoholic Beverage Control (“ABC”) - Police Department
1. RESOLUTION - Authorizing acceptance of \$70,000 in grant funding from the State of California Alcoholic Beverage Control (“ABC”), authorize the Chief of Police to enter into and execute the agreement and all program required documents
 2. * RESOLUTION - 1st amendment to the Annual Appropriation Resolution (AAR) No. 2014-95 appropriating \$70,000 for the Police Department’s ABC Enforcement Program (Requires 5 affirmative votes)

#1 ADOPTED AS RESOLUTION 2014-112

#2 ADOPTED AS RESOLUTION 2014-113

The above item was approved on the Consent Calendar.

- [ID#14-140](#) *BILL NO. B-27 (Intro. June 26, 2014) (For Adoption) - Adding Article 9 of Chapter 6 of the Fresno Municipal Code relating to the use of recycled water for plumbing and landscape irrigation and referred to as the “Recycled Water Ordinance” and applicable to all council districts as recycled water availability and future related projects develop

Sponsors: Department of Public Utilities

ORDINANCE 2014-32 ADOPTED

The above item was approved on the Consent Calendar.

- [ID#14-086](#) Award a contract in the amount of \$411,751 to Kimley-Horn and Associates, Inc. for design and engineering services for Bus Rapid Transit (BRT) station area enhancements associated with the Bus and Bus Livability Grant - Bid File No. 100413JD

The above item was approved on the Consent Calendar.

CONTESTED CONSENT CALENDAR

No items were moved to the Contested Consent Calendar.

2. GENERAL ADMINISTRATION

[ID#14-121](#) Enter into a contract for budget software and services in the amount of \$488,143 for an initial one (1) year set up of software and an ongoing maintenance agreement with Sherpa Government Solutions LLC of Denver, Colorado - Finance Department

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, Caprioglio, Quintero and Xiong

Absent: 1 - Olivier

4. CLOSED SESSION

The City Council met in closed session in Room 2125 from 9:31 A.M. to 10:57 A.M. to discuss the following:

[ID#14-163](#) 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 following member(s) of the public spoke on this item: Steve Wayte

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

RECESSED 10:57 A.M. to 11:10 A.M.

5. SCHEDULED COUNCIL HEARINGS AND MATTERS

[ID#14-154](#) 9:30 AM - Actions Pertaining to the Sufficiency of Initiative Petition Regarding Resolution Nos. 2013-143 and 2013-144 that Adopted a Four Year Water Rate Plan and Required Council Action.

- a. RESOLUTION - Accepting the City Clerk's Certificate of Sufficiency for the Initiative Petition
- b. Take one of the following actions:
 1. RESOLUTION - Referring the proposed initiative measure to staff for a report pursuant to Election Code Section 9212; or
 2. BILL - (For Introduction) - Repealing Resolution No. 2013-143 ratifying the Proposition 218 process and adopting the Four Year Water Rate Plan, and Resolution No. 2013-144 amending the Master Fee Schedule adjusting the water rates according to Proposition 218; or
 3. RESOLUTION - Submitting to voters a ballot measure relating to Resolution Nos. 2013-143 and 2013-144 that adopted the Four Year Water Rate Plan, for the November 4, 2014 general election.

The following member(s) of the public spoke on this item: Cheryl Lynn Smith, Doug Vagim, Steven Garrett, Steve Wayte.

At the request of City Manager Rudd, Public Utilities Director Esqueda explained, for the record, the purpose of the surface water treatment plant and why it would be more effective than purchasing land for recharge. Director Esqueda stated the site for the surface water treatment plant was approximately 50 acres and it would receive 80 million gallons per day and deliver about 80 million gallons or 95%. For the same amount of water, the recharge system would range from 1,000 to 1,500 acres and efficiency would be lost to evaporation and other considerations including the efficiency of the sites chosen.

President Brandau asked DARM Director Clark, for the record, how the South East Growth Area ("SEGA") relates to the proposed surface water treatment plant. Director Clark explained: SEGA was envisioned as a future growth area for the 2025 General Plan with an anticipated completion by the year 2050; the Memorandum of Understanding with the County required the City to fully fill in 60% of its other development areas before planning for

SEGA could begin; a Specific Plan and Environmental Analysis are required before portions of SEGA could be annexed; the events required for SEGA are anticipated beyond the 2035 General Plan and the growth in the SEGA area will not occur until the year 2050 or beyond; infrastructure improvements, such as the proposed surface water treatment plant, benefit the value of the existing investments that property owners in the City have made.

Councilmember Brand clarified that Council's intention was to decide the issue and it would not be pushed out beyond November 2014.

Council first voted on part "a" of the 9:30 A.M. item to accept the City Clerk's Certificat of Sufficiency for the Initiative Petition followed by a second vote to approve part "b(1)" which referred the proposed initiative measure to staff for a report pursuant to Election Code Section 9212.

"a" ADOPTED AS RESOLUTION 2014-114

On motion of Councilmember Brand, seconded by Acting President Baines, part "a" accepting the City Clerk's Certificate of Sufficiency for the Initiative Petition was adopted. The motion carried by the following vote:

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

Vote on 9:30 A.M. part "b"

"b(1)" ADOPTED AS RESOLUTION 2014-115

On motion of Councilmember Brand, seconded by Acting President Baines, part "b(1)" referring the proposed initiative measure to staff for a report pursuant to Election Code Section 9212 was adopted as amended so the report would be completed by July 31, 2014. The motion carried by the following vote:

Aye: 6 - Brandau, Baines, Brand, Caprioglio, Olivier and Xiong

No: 1 - Quintero

RECESSED 12:33 P.M. to 1:43 P.M.

SCHEDULED COMMUNICATION

[ID#14-148](#) 9:55 A.M. Appearance by Rick Morse to discuss the City of

Fresno Medical Marijuana
Ordinance

Mr. Morse appeared and spoke to the Council about Medical Marijuana.

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

[ID#14-128](#) 10:00 A.M. HEARING to consider formation of Underground Utility District No. FRE-93 on the north side of Nees Avenue from Maple Avenue to Hayston Avenue (Council District 6)
1. RESOLUTION - Establishing Underground District No. FRE-93 along the north side of Nees Avenue from Maple Avenue to Hayston Avenue

Sponsors: Public Works Department

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

RESOLUTION 2014-116 ADOPTED

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

Aye: 5 - Brandau, Brand, Caprioglio, Quintero and Xiong

Absent: 2 - Baines and Olivier

[ID#14-065](#) 10:15 AM - HEARING to adopt resolutions and ordinance to annex territory and levy a special tax regarding City of Fresno Community District No. 11, Annexation No. 55 (Final Tract Map No. 5531) (east side of S. Armstrong Avenue south of the San Joaquin Valley Railroad) (Council District 5)
1. RESOLUTION - Annexing Territory to Community Facilities District No. 11 and authorizing the levy of a special tax
2. RESOLUTION - Calling Special Mailed-Ballot Election
3. RESOLUTION - Declaring Election Results
4. * BILL - (For introduction and adoption) - Levying a Special Tax for the Property Tax Year 2013-2014 and Future Tax Years Within and Relating to Community Facilities District No. 11, Annexation No. 55, Final Tract Map No. 5531

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

#1 ADOPTED AS RESOLUTION 2014-117

#2 ADOPTED AS RESOLUTION 2014-118

#3 ADOPTED AS RESOLUTION 2014-119

#4 ADOPTED AS BILL B- 31 AND ORDINANCE 2014-33

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

Aye: 5 - Brandau, Brand, Caprioglio, Quintero and Xiong

Absent: 2 - Baines and Olivier

[ID#14-126](#) 10:30 AM - WORKSHOP relating to Bicycle, Pedestrian and Trails Master Plan

Sponsors: Public Works Department

The workshop was held and presented by Public Works Director Mozier, Maddy Institute Director Keppler and Granville Homes President Assemi.

Councilmember Caprioglio directed staff to provide an update on bicycle accidents in the City.

President Brandau directed staff to include the concepts presented in the workshop at the next Council of Governments meeting.

3. CITY COUNCIL

[ID#14-150](#) Council Boards and Commissions Communications, Reports, Assignments and/or Appointments, Reappointments, Removals to/from City and non-City Boards and Commissions:

A. Council Boards and Commissions Communications, Reports, Assignments and/or Appointments, Reappointments, Removals to/from City and non-City Boards and Commissions:

1. Council of Governments - Swearengin-Ex-Officio (Olivier-Alternate)
2. Financial Audit Committee - Brand, Olivier, Xiong
3. Fresno Area Workforce Investment Corporation - Baines
4. Fresno County Transportation Authority (FCTA) - Swearengin, Brandau
5. Fresno Regional Workforce Investment Board - Baines, Renena Smith
6. Fresno County Zoo Authority - Swearengin (Baines-Alternate)
7. Fresno Madera Area Agency on Aging Board - Olivier

8. Joint Powers Financing Authority - Baines, Xiong, Swearingin
9. Leadership Council on Ending Homelessness - Swearingin, Baines
10. San Joaquin River Conservancy Board - Swearingin (Brandau-Alternate)
11. Association for the Beautification of Highway 99 - Baines
12. Upper Kings Basin Integrated Regional Water Management JPA - Xiong
13. Pension Reform Task Force - Brand, Xiong, (3rd Member vacant)
14. Economic Development Corporation Serving Fresno County - Brandau-Ex-Officio
15. Fresno/Clovis Convention & Visitors Bureau (CVB) - Amy Fuentes
16. League of California Cities (Annual Meeting) - Swearingin (Olivier-Alternate)
17. San Joaquin Valley Air Pollution Control District - Baines
18. Infill Development Ad Hoc Subcommittee - Brand, Baines, Olivier
19. Litigation Exposure Reduction Ad Hoc Committee - Brandau, Caprioglio
20. Convention Center Oversight Advisory Board - Baines, (Brand-Alternate), City Manager, SMG General Manager and one representative from each of SMG's organizations

Sponsors: City Clerk's Office

No comments or reports were made.

[ID#14-145](#) Designation of one (1) voting delegates and up to two (2) alternates for the League of California Cities Annual Conference to be held September 3 - 5, 2014

Sponsors: City Councilmember Brandau

On motion of President Brandau, seconded by Councilmember Xiong, President Brandau was designated as the voting delegate and Councilmembers Olivier and Caprioglio were designated as alternates. The motion carried by the following vote:

Aye: 5 - Brandau, Brand, Caprioglio, Quintero and Xiong

Absent: 2 - Baines and Olivier

[ID#14-108](#) 10:45 AM - Consider an appeal filed by Councilmember Caprioglio, appealing the Planning Commission's action to approve Vesting Tentative Tract Map No. 6033, Conditional Use Permit No. C-13-092 and related 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) (Continued - Time and date to be determined)

Sponsors: City Councilmember Caprioglio

Removed from agenda by Councilmember Caprioglio

UNSCHEDULED COMMUNICATION

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

Barbara Hunt - discussed: the number of committees and appointments held by Councilmembers; illegal elections due to mislabling of southwest Fresno as southeast Fresno; Councilmembers receiving money from developers, and; the inequitable distribution of tax money throughtout the City.

ADJOURNMENT

Adjourned in the memory of Eli Setencich at 3:46 P.M.