



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, May 21, 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.

8:30 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 Dr. Sheikh Ramadan, Masjid Fresno

Pledge of Allegiance to the Flag

CEREMONIAL PRESENTATIONS

[ID#15-313](#) Proclamation of "PUBLIC WORKS WEEK FOR 2015"

PRESENTED

[ID#15-436](#) Proclamation of "NATIONAL BIKE MONTH"

PRESENTED

[ID#15-439](#) Proclamation of "NATIONAL POPPY DAY"

REMOVED FROM AGENDA

APPROVE MINUTES

The minutes of May 14, 2015 will be laid over to June 4, 2015 for approval.

COUNCILMEMBER REPORTS AND COMMENTS

Councilmember Brand thanked Public Utilities Director Esqueda and his crew for auditing the water at his house. He was really impressed at the number of leaks detected and how many sprinkler heads were not in the right locations. He encouraged everyone in the City to take advantage of the free water audit service to save money and water.

Councilmember Caprioglio thanked Councilmembers Brand, Quintero, Baines and Soria for attending the grand opening of the Maya 16 Complex at Campus Point near California State University Fresno. It was a great event that was well attended. Councilmember Caprioglio noted that the complex brought \$34 million dollars to the community and District 4 particularly. He encouraged everyone to visit the Maya Theatre to experience the the state of the art sound system and leather seats.

Councilmember Brandau announced he attended an engineering seminar in the City of Fresno sponsored by the San Joaquin Chapter of ACEC where they discussed projects in the community ranging from water, high speed rail, transportation infrastructure and the related challenges. He thanked all of the people and engineers that participated. Councilmember Brandau mentioned that City Manager Rudd was a keynote speaker and that Public Utilities Director Esqueda also spoke at the event.

APPROVE AGENDA

City Clerk Spence announced the following changes to the agenda: Item 1F(File ID# 15-433) was removed from the agenda by the Administration; part one of General Administration item 2B, (File ID# 15-309) regarding Taser cameras should be listed as a resolution and; the minutes of May 14, 2015 will be continued to the June 4, 2015 for approval.

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

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

1. CONSENT CALENDAR

*The following member(s) of the public spoke on the Consent Agenda:
Brunette Harris - discussed Consent Calendar item 1A (File ID#15-387) and time limits for public comments.*

APPROVAL OF THE CONSENT CALENDAR

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

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

- 1-A** [ID#15-387](#) Actions Pertaining to the Parking Agreement between the City of Fresno and Club One Casino, Inc.
1. Adopt a finding of Categorical Exemption per staff determination pursuant to Article 19, Section 15301 Class 1 (existing facility) of the California Environmental Quality Act Guidelines
 2. Authorize the Sixth Amendment to the Parking Agreement between the City of Fresno and Club One Casino, Inc. for fixed rate patron parking in the amount of \$72,000 per year (Council District No.3)

APPROVED

The above item was approved on the Consent Calendar.

- 1-B** [ID#15-392](#) RESOLUTION - Approving the Final Map of Tract No. 6065 and accepting dedicated public uses offered therein - between N. Friant Road and E. Copper Avenue within the Copper River Ranch Master Planned Community (Council District 6)

RESOLUTION 2015-79 ADOPTED

The above item was adopted on the Consent Calendar.

- 1-C** [ID#15-397](#) Approval of First Amendment to the Services Agreement between the City of Fresno and Accuvant, Inc.

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

- 1-D [ID#15-400](#) Actions pertaining to a Land Lease at Fresno Yosemite International Airport (Council District 4)
1. Adopt a finding of Categorical Exemption pursuant to Article 19, Section 15301(a) and (d)/Class 1 (Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines to authorize Lease Amendment No. 1 between the City of Fresno and Aramark Uniform & Career Apparel, Inc. at Fresno Yosemite International Airport (FAT)
 2. Approve Lease Amendment No. 1 between the City of Fresno and Aramark Uniform & Career Apparel, Inc.

APPROVED

The above item was approved on the Consent Calendar.

- 1-E [ID#15-406](#) Approve the acquisition of permanent pipeline right-of-way easement and temporary construction easement from Frances L. Barigian for APN 427-171-25 (Council District 4)

APPROVED

The above item was approved on the Consent Calendar.

- 1-F [ID#15-433](#) Actions pertaining to Lease Agreement between the City of Fresno and Omninet Properties Manchester Center, LLC, for lease of space at Manchester Center for use by Police Department's Violent Crime Impact Team
1. Adopt a finding of Categorical Exemption Class 1/15301 of the California Environmental Quality Act Guidelines
 2. Approve material terms of lease with Omninet Properties Manchester Center, LLC, and authorize City Manager to execute lease, subject to approval by City Attorney's Office

REMOVED FROM AGENDA

- 1-G [ID#15-435](#) Approve the appointment of Brad Hardie to the Housing and Community Development Commission

APPROVED

The above appointment was approved on the Consent Calendar.

CONTESTED CONSENT CALENDAR

- 1-C [ID#15-397](#) Approval of First Amendment to the Services Agreement between the City of Fresno and Accuvant, Inc.

The above item was introduced to Council by Information Services Division Manager Horn.

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

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

Absent: 1 - Brand

2. GENERAL ADMINISTRATION

- 2-A [ID#15-417](#) Approve the purchase 2,990 Acre-Feet of Surface Water Supply from Millerton Lake for \$1,011,925.94 from the Friant Water Authority and the United States Bureau of Reclamation ("Bureau")

The above item was introduced to Council by Public Utilities Director Esqueda and Mayoral Chief of Staff White.

City Manager Rudd stated the situation is highly fluid. If the council makes a motion they should consider including giving staff the ability to exercise the ability to purchase future allocations of water whenever they become available provided that those purchases do not exceed the departments appropriations or impact the rate plan adopted by council.

APPROVED

On motion of Councilmember Brand to approve staffs recommendation and give staff the authority to exercise the ability to purchase future allocations of water whenever they become available provided that those purchases do not exceed the departments appropriations or impact the rate plan adopted by council, seconded by Councilmember Olivier, the above item was approved. The motion carried by the following vote:

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

- 2-G** [ID#15-420](#) An Emergency Ordinance of the City of Fresno, California Amending Section 6-520 of the Fresno Municipal Code Relating To Regulations for Urban Water Conservation to Limit Water Waste.

The above item was introduced to Council by Public Utilities Director Esqueda and Mayoral Chief of Staff White.

The following members(s) of the public spoke on this item: Mike Pardini of the California Building Industry Association.

Several councilmembers asked questions of Director Esqueda and Chief of Staff White.

City Attorney Sloan advised the council of the different procedure for an Emergency Ordinance which requires five votes to pass, it is effective immediately, there is no introduction and adoption later and it is not subject to veto.

**BILL B-16 INTRODUCED AND ADOPTED AS AMENDED
ORDINANCE 2015-13**

On motion of Councilmember Brandau to approve staffs recommendation with exception of cool misters and potable water to construction sites; amending language to the filing of swimming pools to allow new and refurbished swimming pools to be filled at any time; and direct staff to return in 30 days with amended language to include overall policies on mist coolers, seconded by Councilmember Brand, the above item was adopted as amended. The motion carried by the following vote:

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

No: 1 - Olivier

- 2-B** [ID#15-309](#) Actions pertaining to purchasing body-worn cameras and conducted electrical weapons for the Fresno Police Department:
1. Authorize the Chief of Police to specify TASER International, Inc., without substitution, for the purchase and rotating replacement of 400 TASER Axon flex body-worn video cameras and 400 Conducted Electrical Weapons (CEW's, also known as "Tasers"), under the sole source competitive bidding exception.
 2. Award a purchase contract in the amount of \$2,586,081 payable over five years at \$515,213 during the first year and

\$517,717 per year for the remaining four years to TASER International, Inc., for the purchase and service of body-worn video cameras, CEWs, and unlimited video storage through TASER's Evidence.com storage service.

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

RESOLUTION 2015-80 ADOPTED

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

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

- 2-C** [ID#15-370](#) Award five-year requirements contracts for a total amount of \$63,640,748.64 to Gillig of Hayward, CA and New Flyer of Winnipeg, MB Canada for 30, 40, and 60 foot (articulated) low floor transit buses as well as Bus Rapid Transit (BRT) configured buses - Bid File 9321

The above item was introduced to Council by Transportation Director Marshall.

APPROVED

On motion of Councilmember Olivier to approve staff recommendation with provision that no 60 foot buses be purchased without first demonstrating the need to council and obtaining future council approval, seconded by Councilmember Soria, the above item was approved. The motion carried by the following vote:

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

Absent: 1 - Soria

UNSCHEDULED COMMUNICATION

No member of the public addressed Council during Unscheduled Communication.

RECESSED 12:00 P.M. TO 1:37 P.M.

- 2-D** [ID#15-382](#) ***RESOLUTION - 4th amendment to Salary Resolution No. 2014-108 amending salaries in Exhibit 13-2, Non-Management

Confidential (CFPEA), and Exhibit 14, Management Confidential (CFMEA)

The above item was introduced to Council by Personnel Labor Relations Manager Phillips.

RESOLUTION 2015-81 ADOPTED

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

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

Absent: 1 - Quintero

- 2-E** [ID#15-386](#) Actions pertaining to the HOME Investment Partnerships Program, Community Housing Development Organization Agreement with Habitat for Humanity Fresno County, Inc.:
1. Adopt a finding of Categorical Exemption for the Lotus/Effie Project; and
 2. Approve a \$200,000 Agreement for the construction of affordable single-family houses to be located at 2541 S. Lotus Avenue and 325 N. Effie Street

The above item was presented by Development and Resources Management Housing Manager Trujillo.

Councilmember Soria stated that she is supportive of the project but she would like staff to look at considering expanding those areas into some of the pockets.

APPROVED

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

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

Absent: 1 - Olivier

- 2-F** [ID#15-396](#) BILL - (For introduction) - Amending the Historic Preservation Ordinance Section 12-1606(b) to allow the Historic Preservation Commission to adopt findings pursuant to the California Environmental Quality Act (CEQA)

The above item was presented to Council by Development and Resources Management Project Manager Hattersley-Drayton.

BILL B-17 INTRODUCED AND LAID OVER

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

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

Absent: 2 - Brandau and Olivier

3. CITY COUNCIL

3-A [ID#15-424](#) ***RESOLUTION - Adopting the Construction Management Act

The above item was introduced to Council by Councilmember Brand.

The following member of the public spoke: Rachel Eslick from the Fresno Chamber of Commerce

RESOLUTION 2015-82 ADOPTED

On motion of Councilmember Brand, 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

4. CLOSED SESSION

No Closed Session items were on the agenda.

RECESSED 2:25 P.M. TO 2:49 P.M.

5. SCHEDULED COUNCIL HEARINGS AND MATTERS

2:30 P.M.

[ID#15-427](#) WORKSHOP - Restore Fresno

The above workshop was presented by Mayor Swearengin.

PRESENTED

3:00 P.M.

[ID#15-429](#) WORKSHOP on Business Friendly Fresno

The above workshop was presented by Development and Resources Management ("DARM") Director Clark and DARM Planning Manager Sanchez.

PRESENTED

RECESSED 4:20 P.M. TO 6:01 P.M.

5:30 P.M.

[ID#15-398](#) HEARING to consider adoption of a resolution to designate the Huntington Boulevard Historic District to the Local Register of Historic Resources (Council District 5)

1. ***RESOLUTION - Designating the Huntington Boulevard Historic District to the Local Register of Historic Resources

The above item was presented to Council by Development and Resources Management Project Manager Hattersley-Drayton.

The following members of the public spoke: Dave Herb, Don Simmons, Taylor Harris, Rhea Rehark-Griffith, Harold Salazar, Bruce Odom, Steven Navarro, Larry Raven and Penny Raven

Councilmember Quintero asked the City Attorney to address the issues that were expressed today from some of the homeowners regarding making improvements to the property. Senior Deputy City Attorney Kolluri stated that improvements can be made as long as it does not interfere with the character of the home on the exterior. Councilmember Quintero asked what would happen if someone sold their home and the new owner does not want to be in the district. City Attorney responded that the home would remain in the district unless they come to council and the boundaries would need to be re-drawn.

Councilmember Quintero made a motion to accept staff recommendation to adopt the attached resolution to approve the Formal Application for a Huntington Boulevard Historic District. Anyone who wants to opt out can do so if they state it on the record tonight and they will be out. The Planning

Director will send a letter to each of the remaining homeowners in the district with a form they must fill out and have the form notarized and return to the City within 30 days indicating they want to opt out and they will be excluded from the district too. The motion was seconded by Council President Baines.

RESOLUTION 2015-83 ADOPTED AS AMENDED

On motion of Councilmember Quintero, seconded by President Baines, the above item was adopted as amended to allow people to opt out by stating so on the record and within 30 days. The motion carried by the following vote:

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

ADJOURNMENT

Adjourned at 7:03 P.M.

These minutes were approved by the following vote of the City Council during the June 4, 2015 Council meeting:

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

No: 0 -

Absent: 1 - Soria