



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, September 24, 2015

8:30 AM

Council Chambers

Regular Session

The City Council met in regular session in the Council Chamber, City Hall, on the date and time above written.

8:37 A.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 Pastor Henry Pauls of the Central Community Church

Pledge of Allegiance to the Flag

CEREMONIAL PRESENTATIONS

[ID#15-794](#) Presentation of DPU Golf Tournament Check to Fresno
Community Food Bank and DPU Golf Tournament Trophy to
Water Division

REMOVED FROM AGENDA BY STAFF

[ID#15-812](#) Proclamation of "CHARLIE WATERS DAY"

REMOVED FROM AGENDA BY STAFF

Add On Cermonial:

Proclamation of "FRESNO GRIZZLIES NATIONAL CHAMPIONS DAY"

PRESENTED

Add On Cermonial:

Proclamation of "DEREK FRANKS DAY"

PRESENTED

RECESSED 9:01 A.M. to 9:09 A.M.

Councilmembers Olivier and Quintero returned from recess at 9:10 A.M.

APPROVE MINUTES

[ID#15-855](#) Approval of City Council minutes from September 10, 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: 5 - Baines III, Caprioglio, Brand, Brandau and Soria

Absent: 2 - Olivier and Quintero

[ID#15-856](#) Approval of Successor Agency to the Redevelopment Agency of the City of Fresno minutes from September 10, 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: 5 - Baines III, Caprioglio, Brand, Brandau and Soria

Absent: 2 - Olivier and Quintero

[ID#15-857](#) Approval of Fresno Revitalization Corporation minutes from September 10, 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: 5 - Baines III, Caprioglio, Brand, Brandau and Soria

Absent: 2 - Olivier and Quintero

COUNCILMEMBER REPORTS AND COMMENTS

None of the Councilmembers had reports or comments.

APPROVE AGENDA

The presentation of the DPU Golf Tournament Check (File ID# 15-794) and the proclamation of "Charlie Waters Day" (File ID# 15-812) were removed from the agenda by staff. There were two add on ceremonial items: the proclamation of "Fresno Grizzlies National Champions Day" and the proclamation of "Derek Franks Day."

City Clerk Spence reminded Council there was a separately noticed special meeting for 2:00 P.M. to hear File ID# 15-867 to approve and ratify an assistance agreement with the United States Department of the Interior to receive \$1,000,000 for the Friant Kern Canal Raw Water Pipeline.

Councilmember Brandau asked that Consent Calendar item 1-F (File ID#15-793) be continued to another date.

APPROVED AS AMENDED

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

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

- 1-A** [ID#15-756](#) Approve an agreement to reimburse Baltara Enterprises, Limited Partnership an amount not to exceed \$63,283 for the design and construction of an 8-inch diameter water main in Santa Fe Street, between Inyo Street and Mono Street and authorize the Director of Public Utilities or designee to sign on behalf of the City (Council District 3).

APPROVED

The above item was APPROVED on the Consent Calendar.

- 1-B** [ID#15-767](#) Actions related to the:
1. Acquisition of right-of-way for public street purposes from property owned by Jose Garcia in amount of \$15,800 for the construction of Roy Avenue and Almy Avenue street improvements near Fig Avenue (Council District 3)
 2. Authorize the Public Works Director, or his designee, to sign all documents necessary to complete the transaction as delegated by City Manager

APPROVED

The above item was APPROVED on the Consent Calendar.

- 1-C** [ID#15-776](#) Actions pertaining to the South Van Ness Industrial District Historic Survey (Council District 3)
1. RESOLUTION - Adopting the South Van Ness Industrial District Historic Survey
 2. Authorize the Director of the Development and Resource Management Department to forward the survey to the California Office of Historic Preservation pursuant to FMC 12-1606(7) and the terms of the approved Certified Local Government grant agreement

RESOLUTION 2015-173 ADOPTED

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

- 1-D [ID#15-789](#) Approve Amendment to the Agreement with Partners in Control, Inc., to include the addition of cyber and professional liability insurance requirements for update of the City of Fresno's Northeast Surface Water Treatment Facility Vijeo CitectSCADA and Modicon Unity Pro PLC Software system (Citywide).

APPROVED

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

- 1-E [ID#15-790](#) Approve the Fifth Amendment to the Agreement with Provost & Pritchard Engineering Group amending the scope of work and reducing the total fee by \$3,473 for design modifications for the Friant-Kern Canal Raw Water Pipeline (Council District 6 and Fresno County).

APPROVED

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

- 1-F [ID#15-793](#) Action related to acquisition of real property to construct a well head treatment facility:
1. Adopt environmental finding as provided in Environmental Assessment No. EA-15-021 of Categorical Exemption pursuant to CEQA Guidelines Sections 15301 and 15332; and
 2. Approve acquisition of one parcel located at 6027 North Glenn Avenue (APN 407-152-07) from Daniel J. Gonzalez and Julia R. Gonzalez for the amount of \$150,000 to construct a well head treatment facility (County Island within Council District 2)

The above item was removed from the Consent Calendar by Councilmember Brandau and continued to a non-specified date.

- 1-G [ID#15-805](#) Approve the acquisition of permanent and temporary construction easements from Earleen M. Leshner and the estate of Velda D. Leshner for APNs 580-040-07 and 580-040-07, located in the County of Fresno.

APPROVED

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

- 1-H [ID#15-808](#) Approve the Second Amendment to the Agreement with Provost and Pritchard Consulting Group of Fresno, California for professional engineering services for the design of new sewer infrastructure in the North Avenue industrial growth area for a net increase of \$13,000 bringing the total fee to \$132,100 (Council District 3).

APPROVED

The above item was APPROVED on the Consent Calendar.

- 1-I [ID#15-813](#) Approve a consultant agreement in the amount of \$69,915 and a contingency of \$1,000 with AECOM Technical Services, Inc. for the design of the sewer rehabilitation/replacement in the Congo and Federal Downtown Alleys (Council District 3).

APPROVED

The above item was APPROVED on the Consent Calendar.

- 1-J [ID#15-814](#) Approve the appointment of Ron Hicks to the Fresno County Workforce Investment Board

APPROVED

The above item was APPROVED on the Consent Calendar.

- 1-K [ID#15-815](#) Actions pertaining to On-Airport Fresno Airparts Facility Lease Agreement at Fresno Chandler Executive (Council District 3)
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 Joyce Andrews DBA Fresno Airparts Company at Fresno Chandler Executive Airport (FCH)
 2. Approve Lease Amendment No. 1 between the City of Fresno and Joyce Andrews DBA Fresno Airparts Company at Fresno Chandler Executive Airport (FCH)

APPROVED

The above item was APPROVED on the Consent Calendar.

- 1-L [ID#15-816](#) Approve a Cooperative Agreement in the amount of \$108,457 with the Fresno County Transportation Authority (FCTA) for the Met Block Project Off-Site Improvements under Round 4 of the 2014 funding cycle for the Measure "C" Transit Oriented Development (TOD) Program. (Council District 3)

APPROVED

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

- 1-M [ID#15-858](#) Approve appointments to the Southwest Fresno Specific Plan Steering Committee

APPROVED

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

CONTESTED CONSENT CALENDAR

No items were moved to the Contested Consent Calendar.

2. GENERAL ADMINISTRATION

- 2-A [ID#15-853](#) Recommend City Council approve an extension to the current agreement between the City of Fresno and the Fresno Food Exposition, 501(c)(6), for the use of the Fresno Food Convention for five years, starting in July 2016 through 2021

The above item was introduced to Council by Bill Smittcamp, Fresno Food Expo Advisory Committee member and Amy Fuentes, Economic Development Coordinator.

APPROVED

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

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

Councilmember Soria exited the Council Chamber at 9:57 A.M. and returned at 10:28 A.M.

- 2-B [ID#15-859](#) Actions related to Granite Park (Council District 4)
1. Adopt a finding of Categorical Exemption pursuant to Section 15301/Class 1 of the California Environmental Quality Act

(CEQA) Guidelines

2. Approve a ground lease with Central Valley Community Sports Foundation
3. RESOLUTION -Finding Central Valley Community Sports Foundation is uniquely qualified to provide recreational programming at Granite Park under the sole source competitive bidding exception
4. Approve a service contract with Central Valley Community Sports Foundation to provide recreational programming at Granite Park

The above item was introduced to Council by City Manager Rudd. Mayor Swearingin also spoke on the item.

City Attorney Sloan recommended that an Americans with Disability Act disclosure be added to the lease. Vice President Caprioglio included the amendment in his motion.

RESOLUTION 2015-174 ADOPTED

On motion of Vice President Caprioglio, seconded by Councilmember Brand, the above item was adopted as amended to include an American with Disabilities Act disclosure to the lease. The motion carried by the following vote:

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

Absent: 1 - Soria

Councilmember Soria exited the Council Chamber at 9:57 A.M. and returned at 10:28 A.M.

4. SCHEDULED COUNCIL HEARINGS AND MATTERS

10:00 A.M.#1

- [ID#15-786](#) HEARING to adopt resolutions and ordinance to annex territory and levy a special tax regarding City of Fresno Community Facilities District No. 11, Annexation No. 62 (Final Tract Map No. 6103) (parcels bounded by E. Fancher Creek Drive, S. Purdue Avenue, S. Bundy Avenue, and E. Beck Avenue) (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 2015-2016 and future tax years within and relating to Community Facilities District No. 11, Annexation No. 62, Final Tract Map No. 6103

The above hearing was called to order at 10:22 A.M.. Public Works Assistant Director Benelli introduced the item to Council.

Upon call, no member of the public chose to address council regarding this item.

The hearing was closed at 10:23 A.M.

*RESOLUTION 2015-175 ADOPTED
RESOLUTION 2015-176 ADOPTED
RESOLUTION 2015-177 ADOPTED
BILL B-34 INTRODUCED AND ADOPTED AS
ORDINANCE 2015-31*

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

Aye: 5 - Baines III, Brand, Brandau, Olivier and Quintero

Absent: 2 - Caprioglio and Soria

10:00 A.M.#2

[ID#15-846](#) WORKSHOP - Update on Blighted Vacant Building Ordinance

The above workshop was presented to Council by Development and Resources Management ("DARM") Director Clark and DARM Housing and Neighborhood Revitalization Manager Estabrooke.

Councilmember Brandau directed staff to provide him with an additional copy of the PowerPoint presentation.

Councilmember Olivier directed staff to provide him with a map that included a council district overlay and asked for a separate meeting with Director Clark.

City Manager Rudd stated the Task Force would be convened sometime in January or February 2016 as part of phase two.

City Attorney Sloan stated his office would bring a receivership ordinance to Council in the next few months.

President Baines directed staff to provide Council with copies of any further analysis on this topic as they occur.

WORKSHOP HELD

2. GENERAL ADMINISTRATION CONTINUED

2-C [ID#15-854](#) WORKSHOP regarding Water Program

The above workshop was presented to Council by Public Utilities Director Esqueda.

Director Esqueda concluded his presentation at 12:03 P.M.. President Baines continued the question and answer portion of the workshop to a time after lunch recess and after the Closed Session items were heard.

UNSCHEDULED COMMUNICATION

Upon call, the following member(s) of the public addressed Council during Unscheduled Communication:

Rebeca Rangel - discussed omissions in the report by the Independent Auditor.

Rick Morse - discussed medical marijuana.

RECESSED 12:11 P.M. to 1:40 P.M.

4. SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

1:30 P.M. CLOSED SESSION

[ID#15-825](#) CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION - Government Code Section 54956.9, subdivision (d)(1)
1. Betty Hull, et al. v. City of Fresno, et al.; Fresno County Superior Court Case No.: 14CECG00707

The above item was discussed during Closed Session. No open session

announcement was made regarding this item.

- [ID#15-831](#) CONFERENCE WITH LEGAL COUNSEL-EXISTING
LITIGATION - Government Code Section 54956.9, subdivision
(d)(1)
1. City of Fresno v. Chevron USA, et al.; MDL 1358; Case No.
04-CV-4973 (SAS)

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

- [ID#15-832](#) CONFERENCE WITH LEGAL COUNSEL-EXISTING
LITIGATION - Government Code Section 54956.9, subdivision
(d)(1)
1. City of Fresno v. Shell Oil Company, et al.; San Francisco
Superior Court Case No. CGC 07-461557

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

- [ID#15-834](#) CONFERENCE WITH LABOR NEGOTIATOR - Government
Code Section 54957.6
City Negotiator(s): Jeffrey Cardell and Kenneth Phillips
Employee Organization(s):
1. Airport Public Safety Officers

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

JOINT CLOSED SESSION OF THE CITY OF FRESNO AND THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF FRESNO

- [ID#15-850](#) CONFERENCE WITH LEGAL COUNSEL-EXISTING
LITIGATION - Government Code Section 54956.9, subdivision
(d)(1)
1. City of Fresno v. State of California and Michael Cohen,
Director of Finance, in his official capacity, related to repayment
of debt from the former Redevelopment Agency

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

2. GENERAL ADMINISTRATION CONTINUED

2-C [ID#15-854](#) WORKSHOP regarding Water Program

The above workshop resumed at 2:56 P.M. with questions by Council.

WORKSHOP HELD

- 2-D** [ID#15-833](#) Actions pertaining to the Capital Project Management of the Urban Water Management Plan Annual Contract between the Department of Public Utilities and CH2MHILL Engineers, Inc.
1. ***RESOLUTION - 12th amendment to the Annual Appropriation Resolution (AAR) No. 2015-104 appropriating \$1,140,000 for Construction Management Services for the Wastewater Management Recycled Water Distribution Project (Requires 5 affirmative votes)
 2. Approval the Fourth Amendment to the Professional Consultant Agreement with CH2M HILL Engineers, Inc., in the amount of \$1,140,000 increasing the approved fiscal year compensation from \$7,100,000 to a revised not-to-exceed amount of \$8,240,000 for Fiscal Year 2016 Program Management Services (Citywide)

The above item was introduced to Council by Public Utilities, Water Operations, Division Manager Carbajal.

RESOLUTION 2015-178 ADOPTED

On motion of Councilmember Brandau, 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-F** [ID#15-820](#) Actions pertaining to the 2016 Selective Traffic Enforcement Program (STEP) grant
1. Authorize the Chief of Police to accept \$700,000 in grant funding for the 2016 STEP grant awarded to the Fresno Police Department from the National Highway Traffic Safety Administration (NHTSA) through the California Office of Traffic Safety (OTS)
 2. ***RESOLUTION - 11th amendment to the Annual Appropriation Resolution (AAR) No. 2015-104 appropriating

\$538,300 for the Police Department's STEP grant (Requires 5 affirmative votes)

The above item was introduced to Council by Captain Hall of the Police Department.

RESOLUTION 2015-179 ADOPTED

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-E** [ID#15-817](#) Actions pertaining to sewer rehabilitation and replacement in Chinatown (Bid File 3409) (Council District 3)
1. Adopt findings of Categorical Exemption/Class 1, pursuant to Section 15301(d) (Existing facilities) and Categorical Exemption/Class 2, pursuant to Section 15302(c) (Replacement or reconstruction) of the California Environmental Quality Act Guidelines, and
 2. Award a construction contract in the amount of \$1,936,204 to Emmett's Excavation, Inc., of Fresno, California

The above item was introduced to Council by Public Utilities Supervising Professional Engineer Norgaard.

APPROVED

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

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

- 2-G** [ID#15-821](#) Actions Relating to the SPARK After School Program
1. Approve a one-year contract with Fresno Unified School District for \$500,000 to conduct the SPARK After School Program running through June 30, 2016
 2. ***RESOLUTION - 15th amendment to the Annual Appropriation Resolution (AAR) No. 2015-104 appropriating \$83,500 from Fresno Unified School District to conduct the SPARK After School Program (Requires 5 affirmative votes)

The above item was introduced to Council by Parks, After School, Recreation and Community Services ("PARCS") Department Director Mollinedo.

President Baines directed staff to provide him with a list of schools taking part in the program.

RESOLUTION 2015-180 ADOPTED

On motion of Councilmember Quintero, seconded by President Baines III, 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#15-822](#) Action relating to the Youth Job Prep Program
1. Approve two one-year contracts with Fresno Unified School District for \$308,000 (\$196,000 and \$112,000) to conduct the Youth Job Prep Program running through June 30, 2016
 2. ***RESOLUTION - 16th amendment to the Annual Appropriation Resolution (AAR) No. 2015-104 appropriating \$230,500 from Fresno Unified School District to conduct the Youth Job Prep Program (Requires 5 affirmative votes)

The above item was introduced to Council by PARCS Director Mollinedo.

Councilmember Soria directed staff to explore the possibility of expanding the program to Central Unified School District schools.

RESOLUTION 2015-181 ADOPTED

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

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

Councilmember Olivier exited the Council Chamber at 3:31 P.M. and returned at 3:36 P.M.

3. CITY COUNCIL

- 3-A** [ID#15-844](#) BILL - (For Introduction) Amending Sections 1-405, 1-408, 1-510, and adding Section 1-412 to the Fresno Municipal Code relating to code enforcement hearings

The above item was introduced to Council by Councilmember Brand.

BILL B-35 INTRODUCED AND LAID OVER

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

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

Absent: 1 - Olivier

- 3-B** [ID#15-847](#) BILL - (For Introduction) - Adding Section 105.6.49 to Chapter 10, Article 5 of the Fresno Municipal Code relating to storage of tires

The above item was introduced to Council by Councilmember Quintero. City Manager Rudd, City Attorney Sloan and DARM Housing and Neighborhood Revitalization Manager Estabrooke also spoke on the item.

As request by Councilmember Soria and discussed by City Attorney Sloan, Councilmember Quintero agreed to change the language in the Bill so that a violation could be treated as an administrative citation, an infraction or a misdemeanor.

Councilmember Quintero clarified that the intent was to enforce upon habitual offenders and entities that leave tires out on a long term basis rather than businesses that temporarily display tires for weekend sale.

BILL B-36 INTRODUCED WITH CHANGES AND LAID OVER

On motion of Councilmember Quintero, seconded by Vice President Caprioglio, the above item was introduced with changes and laid over. The motion carried by the following vote:

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

No: 1 - Olivier

- 3-C [ID#15-851](#) BILL - (For introduction) - Adding Subsection (d) to Section 3-277 of the Fresno Municipal Code to Coordinate Council Assistants' Removal from City Service with the Successor Councilmembers' Assumption of Office

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

BILL B-37 INTRODUCED AND LAID OVER

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

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

2:00 P.M. SPECIAL MEETING ITEM (Separately Noticed)

- [ID#15-867](#) Approve and ratify Assistance Agreement with the United States Department of the Interior Bureau of Reclamation for receipt of \$1,000,000.00 for the Friant-Kern Canal Raw Water Pipeline (Council District 6 and Fresno County)

The above item was introduced to Council by Public Utilities, Water Operations, Division Manager Carbajal.

APPROVED

On motion of President Baines III, 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

ADJOURNMENT

Adjourned at 4:07 P.M.

These minutes were approved by the following vote of the City Council during the October 8, 2015 Council meeting:

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

No: 0 -

Absent: 1 - Soria

