



City of Fresno

2600 Fresno Street
Fresno, CA 93721
www.fresno.gov

Meeting Minutes - Final City Council

President - Paul Caprioglio

Vice President - Sal Quintero

Councilmembers:

Oliver L. Baines, III, Lee Brand, Steve Brandau,

Clinton J. Olivier, Esmeralda Z. Soria

City Manager - Bruce Rudd

City Attorney - Douglas T. Sloan

City Clerk - Yvonne Spence, CMC

Thursday, July 28, 2016

9:00 AM

Council Chambers

Regular Session

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

9:06 A.M. ROLL CALL

Present: 6 - President Paul Caprioglio
Vice President Sal Quintero
Councilmember Lee Brand
Councilmember Steve Brandau
Councilmember Clinton Olivier
Councilmember Esmeralda Soria

Absent: 1 - Councilmember Oliver L. Baines III

President Caprioglio was present via conference call from Conoco Gas Station: 90 Lone Mountain Trail, Big Sky MT 59716

Invocation by Pastor Bill Chaney of the Valley Christian Center

Pledge of Allegiance to the Flag

APPROVE AGENDA

City Clerk Spence announced the following changes to the agenda: the Resolution for the 10:15 A.M. #2 item (File ID 16-837) was subject to mayoral veto, and; a separately noticed Special Meeting was scheduled for 1:30 P.M. to hear File ID 16-891 concerning a Resolution for documentation and transparency for water quality issues. She also announced all votes would be taken by roll call as President Caprioglio was calling into the

meeting.

APPROVED AS AMENDED

On motion of Councilmember Brandau, seconded by Councilmember Brand, the Agenda was approved as amended. The motion carried by the following roll call vote:

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

Absent: 1 - Baines III

APPROVE MINUTES

[ID16-154](#) Approval of minutes from July 14, 2016

APPROVED

On motion of Councilmember Brand, seconded by Councilmember Brandau, the above Minutes were approved. The motion carried by the following roll call vote:

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

Absent: 1 - Baines III

COUNCILMEMBER REPORTS AND COMMENTS

Vice President Quintero asked the Council to adjourn the meeting in memory of David Arredondo. He remembered Mr. Arredondo as a retired city employee, educator and activist who was involved in many West Fresno and Latino issues.

Vice President Quintero reminded staff he previously requested a list of District Five properties that had been affected by the Planning Department's recent rezone project. He stated he had not yet received the list and had not heard from the Planning Department. Vice President Quintero directed City Clerk Spence to place a workshop on the August 18 agenda at 10:30 A.M. to discuss rezoned properties.

Vice President Quintero reported his home recently underwent a water conservation inspection. He said the inspection went smooth and the inspector, Marilyn, and her assistant Nick, were very helpful, courteous and easy to understand.

Councilmember Soria announced she would be hosting a National Night Out

event at Inspiration Park on Tuesday, August 2 at 6:00 P.M. She encouraged everyone to attend the event and noted the Police Department and numerous community organizations would be in attendance to provide resources.

Councilmember Soria reported she would hold a Community Coffee event on Wednesday August 3, from 7:30 A.M. to 9:00A.M. at the Chicken Pie Shop in the Tower District. She said the event was a chance for District One residents to express concerns or to ask her questions.

Councilmember Soria announced she was invited to speak at the Tiny House Jamboree in Colorado. She expressed excitement for the chance to bring ideas about this movement to the City of Fresno.

President Caprioglio announced that the fifth annual, District Four, National Night Out event would be held at El Dorado Park on Tuesday, August 2. He encouraged all to attend and reconnect with neighbors. He said the event was always well attended and lots of fun.

President Caprioglio reminded city employees to attend the active shooter training at City Hall on Friday, July 29. He thanked his Chief of Staff, Laura Rios, for arranging this very important training session. He also thanked Chief Dyer and City Administration for the assistance they provided.

Councilmember Brandau asked Council to adjourn the meeting in the memory of Paula Guzman. He remembered Mrs. Guzman as a stalwart friend to the City of Fresno. Councilmember Brandau said the city had benefitted from having Mrs. Guzman, her family and their business as a part of the community and he would keep the family in his prayers.

Councilmember Brandau stated his office had received calls about rezoning confusion and was looking forward to the workshop Vice President Quintero intended to bring forward on the subject.

Councilmember Brandau asked Assistant City Manager Smith if tenants could call the city for inspections if they were victims of slumlords and, if so, how often that happened. Assistant City Manager Smith replied that tenants could call code enforcement for no cost inspections or use the FresGo app to report issues. She stated staff would look into how often there were calls for slum inspections and report back.

Councilmember Brand remembered Paula Guzman as a friend of Fresno who was involved in numerous agencies and did a lot of good for the City.

1. CONSENT CALENDAR

APPROVAL OF THE CONSENT CALENDAR

On motion of Councilmember Brandau, seconded by Councilmember Olivier, the CONSENT CALENDAR was hereby adopted by the following roll call vote:

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

Absent: 1 - Baines III

- 1-A** [ID16-763](#) Actions pertaining to right-of-way acquisition from a portion of APN 504-091-30 & 31, owned by Jenco Farms L.P., a California limited partnership, for the Veterans Boulevard project:
1. Approve the acquisition of 8,948 square feet of property owned by Jenco Farms L. P.; for an easement and right-of-way for public street purposes, in the amount of \$53,700 for the construction of Veterans Boulevard at the intersection of Herndon and Hayes Avenue. (Council District 2)
 2. Authorize the Public Works Director, or his designee, to sign all documents necessary to complete the transaction.

APPROVED

The above item was approved on the Consent Calendar.

- 1-B** [ID16-790](#) Actions related to the selling of water pump site 001A to the adjacent property owner Civic Center Square:
1. Adoption of a finding of no possibility of significant effect pursuant to CEQA Guidelines Section 15061(b) (3) and Categorical Exemption pursuant to CEQA Guidelines Section 15312 for the sale of a small abandoned water well parcel.
 2. The sale of a small abandoned water well parcel know as APN 468-182-06T located near Inyo Street and "P" Street, to the adjacent property owner Civic Center Square, Inc., and to give the Public Works Director, or his designee, authority to sign all documents necessary to complete the transaction. (Council District 3)

APPROVED

The above item was approved on the Consent Calendar.

- 1-C [ID16-803](#) Actions pertaining to the acquisition of a portion of APN 505-080-22s, owned by John Robert Lawson and the Jonathan Smith Lawson 2503(3) Trust dated May 13, 1997, for the Veterans Boulevard project:
1. Approve the acquisition of 37,270 square feet of property owned by John Robert Lawson and the Jonathan Smith Lawson 2503(3) Trust dated May 13, 1997 in fee simple right-of-way for public street purposes, in the amount of \$159,800 for the construction of Veterans Boulevard interchange over State Route 99 near Bullard Avenue and Golden State Boulevard. (Council District 2)
 2. Authorize the Public Works Director, or his designee, to sign all documents necessary to complete the transaction

APPROVED

The above item was approved on the Consent Calendar.

- 1-D [ID16-826](#) Actions pertaining to the Parking Agreement between the City of Fresno and Haron Motor Sales, 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 Parking Agreement between the City of Fresno and Haron Motor Sales, Inc. for one (1) year term (Council District No. 3)

APPROVED

The above item was approved on the Consent Calendar.

- 1-E [ID16-828](#) Actions related to the sale of water pump site 28A to the adjacent property owner Jagir Kaur Kang, Trustee of the Jagir Kaur Kang Family Trust:
1. Adoption of a finding of no possibility of significant effect pursuant to CEQA Guidelines Section 15061 and Categorical Exemption pursuant to CEQA Guidelines Section 15312 for the sale of an abandoned water well parcel.
 2. Approve the sale of a small abandoned water well parcel known as APN 450-183-02T located near Olive Avenue and Fruit Avenue, to the adjacent property owner Jagir Kaur Kang, Trustee of the Jagir Kaur Kang Family Trust and authorize the Public Works Director, or his designee, to sign all documents

necessary to complete the transaction. (Council District 3)

APPROVED

The above item was approved on the Consent Calendar.

- 1-F [ID16-841](#) ***RESOLUTION - Declaring the results of the Consolidated Direct Primary Election held within the City of Fresno on June 7, 2016

RESOLUTION 2016-136 ADOPTED

The above item was approved on the Consent Calendar.

- 1-G [ID16-843](#) RESOLUTION - Authorizing the submission of grant applications to the California Department of Transportation (Caltrans) Cycle 8 Highway Safety Improvement Program (HSIP) and authorizing the execution of all application related documents by the Public Works Director or designee (Council Districts 1, 2, 4 and 6)

RESOLUTION 2016-137 ADOPTED

The above item was approved on the Consent Calendar.

- 1-H [ID16-848](#) Approve a consultant services agreement with Silveira Consulting for an amount not to exceed \$103,545 to provide Labor Compliance Monitoring Services for the Phase 2 Regional Transmission Mains project (Citywide)

APPROVED

The above item was approved on the Consent Calendar.

- 1-I [ID16-852](#) Approve a professional consultant agreement in the amount of \$78,262 with Siegfried Engineering, Inc., a Stockton-based California corporation, for design and engineering services to support the installation of upgraded passenger amenities for the Department of Transportation/Fresno Area Express (FAX)

APPROVED

The above item was approved on the Consent Calendar.

2. GENERAL ADMINISTRATION

- 2-A [ID16-794](#) Approve an agreement with Jeff Katz Architecture of San Diego, CA in the amount of \$465,000 with a contingency amount not to exceed \$15,000 for the design of plans, cost estimates and

general construction documents for the Fire Station No. 18 project (Council District 1)

The above item was introduced to Council by Facilities Management Project Manager Bernard.

Councilmember Soria directed staff to always include in staff reports every bid or statement of qualification received.

APPROVED

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

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

Absent: 1 - Baines III

- 2-B** [ID16-850](#) Actions related to the Southeast Surface Water Treatment Facility:
1. RESOLUTION - Authorizing the Purchasing Manager of the Finance Department or designee to award the Rule 16 Power Extension Service Agreement without advertised competitive bidding utilizing the sole source exception in the Fresno City Charter
 2. Approve a Rule 16 Power Extension Service Agreement with PG&E in the amount of \$993,448.79 in providing electrical power to the City of Fresno's Southeast Surface Water Treatment Facility. Bid File 3369 (Citywide).
 3. Authorize the Director of Public Utilities or designee, to sign the Agreement on behalf of the City of Fresno.

The above item was introduced to Council by Water Division Manager Carbajal.

RESOLUTION 2016-138 ADOPTED

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

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

Absent: 1 - Baines III

5. CLOSED SESSION

The City Council met in Closed Session in Room 2125 from 9:28 A.M. to 10:22 A.M. to discuss the following:

[ID16-866](#) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - Government Code Section 54956.9, subdivision (d)(2)
Significant Exposure to Litigation: Lisa Wray v. City of Fresno

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

3. SCHEDULED COUNCIL HEARINGS AND MATTERS

10:00 A.M.

HEARING – Regarding the vacation of portions of W. Spruce Avenue (formerly N. Josephine) and W. Elgin Avenue (Council District 2) (Continue to 10:15 A.M.)

10:15 A.M.#1

[ID16-714](#) CONTINUED HEARING - Regarding the vacation of portions of W. Spruce Avenue (formerly N. Josephine) and W. Elgin Avenue (Council District 2)
1. ***RESOLUTION - Ordering the vacation of portions of W. Spruce Avenue (formerly N. Josephine) and W. Elgin Avenue

The above hearing was called to order at 10:22 A.M. The item was introduced to Council by Traffic and Engineering Services Chief Surveyor Camit.

Upon call for public comment, no one addressed Council and public comment was closed.

The hearing was closed at 10:25 A.M.

RESOLUTION 2016-139 ADOPTED

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

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

Absent: 1 - Baines III

10:15 A.M.#2[ID16-837](#)

HEARING to consider the proposed Annual Assessment for the City of Fresno Landscaping and Lighting Maintenance District No. 1 (Citywide)

1. ***RESOLUTION - Confirming the diagram and assessment and levy of annual assessment, 2016-2017, for Landscaping and Lighting District No. 1

The above hearing was called to order at 10:25 A.M. The item was introduced to Council by Landscape Maintenance Division Manager Aguirre.

Upon call for public comment, no one addressed Council and public comment was closed.

The hearing was closed at 10:27 A.M.

RESOLUTION 2016-140 ADOPTED

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

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

Absent: 1 - Baines III

UNSCHEDULED COMMUNICATION

Upon call, no member of the public addressed Council during Unscheduled Communication.

**3. SCHEDULED COUNCIL HEARINGS AND MATTERS
CONTINUED****10:30 A.M.**[ID16-829](#)

HEARING to adopt resolutions and ordinance to annex territory and levy a special tax regarding City of Fresno Community District No. 11, Annexation No. 71(Final Tract Map No. 6079 and 6108) (northeast corner of N. Fowler Avenue and E. Clinton Avenue) (Council District 4)

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 2016-2017 and Future Tax Years Within and Relating to Community Facilities District No. 11, Annexation No. 71, Final Tract Map No. 6079 and 6108

The above hearing was called to order at 10:30 A.M. The item was introduced to Council by Public Works Assistant Director Benelli.

Upon call for public comment, the following person addressed Council:

Jeff Roberts of Granville Homes - spoke in support of the item.

The hearing was closed at 10:33 A.M.

*RESOLUTION 2016-141 ADOPTED
RESOLUTION 2016-142 ADOPTED
RESOLUTION 2016-143 ADOPTED
BILL B-26 INTRODUCED AND ADOPTED AS
ORDINANCE 2016-24*

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

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

Absent: 1 - Baines III

4. CITY COUNCIL

- 4-A** [ID16-868](#) BILL - (for introduction) - Amending Section 11-107A of the Fresno Municipal Code relating to plumbing regulations and affirming the express findings for modifications contained in the City of Fresno Plumbing Code

The above item was introduced to Council by Councilmember Brand.

BILL B-27 INTRODUCED AND LAID OVER

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

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

Absent: 1 - Baines III

RECESSED 10:40 A.M. to 10:56 A.M.

President Caprioglio was absent following the Recess but resumed on the call at 11:00 A.M.

3. SCHEDULED COUNCIL HEARINGS AND MATTERS **CONTINUED**

10:45 A.M.

- [ID16-842](#) TEFRA HEARING - To hear and consider information concerning the proposed issuance of revenue refunding bonds by California Statewide Communities Development Authority ("CSCDA") for the purpose of financing the acquisition, rehabilitation, furnishing and equipping of Parks at Fig Garden Apartments by Fruit Avenue Housing Associates, LP, and certain other matters relating thereto
1. ***RESOLUTION - Approving a tax-exempt bond financing to be issued by CSCDA to benefit Parks at Fig Garden Apartments in the aggregate principal amount not to exceed \$38 million

Councilmember Brand announced a conflict with the above item, recused himself and exited the Council Chamber at 10:56 A.M. He returned to the Council Chamber at 11:00 A.M. after conclusion of the item.

The above hearing was called to order at 10:56 A.M. The item was introduced to Council by Assistant Controller Bradley.

Upon call for public comment, no one addressed Council and public comment was closed.

The hearing was closed at 10:58 A.M.

RESOLUTION 2016-144 ADOPTED

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

Aye: 4 - Quintero, Brandau, Olivier and Soria

Absent: 2 - Caprioglio and Baines III

Recused: 1 - Brand

10:50 A.M.

- [ID16-844](#) HEARING to consider adoption of a resolution related to the designation of a property to the Local Register of Historic Resources
1. ***RESOLUTION- Designating the A. Emory and Cora Wishon Home located at 1284 N. Wilson Avenue, Fresno, California to the Local Register of Historic Resources (Council District 1)

The above hearing was called to order at 11:00 A.M. The item was introduced to Council by Historic Preservation Project Manager Hattersley-Drayton. The current property owner, Davies, and decedent of the original owner, Wishon, also spoke on this item.

Upon call for public comment, no one addressed Council and public comment was closed.

The hearing was closed at 11:08 A.M.

RESOLUTION 2016-145

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

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

Absent: 1 - Baines III

1:30 P.M.

CONTESTED CONSENT CALENDAR

No items were moved to the Contested Consent Calendar.

CEREMONIAL PRESENTATIONS

[ID16-938](#) ADD ON CEREMONIAL: Proclamation of Gilbert Felix Day

PRESENTED

RECESSED 11:18 A.M. to 1:37 P.M.

[ID16-853](#) Presentation of Certificates to the Employees' of the Summer Quarter - Reception immediately following - 2nd Floor Foyer

The following employees have provided outstanding public service to the people of the City of Fresno and have set the standard of excellence in performance. They have been selected by their departments for exemplifying the principles of the acronym PRIDE: Professionalism, Responiveness, Innovation, Direction and Excellence.

The recipients of the 2016 Employee of the Quarter certificates are: Maria Nance with Airports; Christina Therrien with the Office of the City Attorney; Laura Rios with Council Offices (District Two); Marco Martinez-Velasquez with the City Clerk; Maria Martinez with Development and Resources Management; Mark Martinez, Chris Dow and Peter Neff with Fire; Joey Melendres with Information Services; Bonnie Audas and Diego Noriega with Parks After School Recreation and Community Services; David Bolton with Personnel Services; Gerald Sepeda, Janette Olson and Nicholas El-Helou with Police; Anthony Diaz, Tracy West and Melissa Melton with Public Utilities; Stacy Wharton, Carlos Ruiz, Shelby MacNab and Nathan Sanchez with Public Works; Shane Dreaden, Bryant Lewandowski, Alex Nazaroff and Richard Torres with Transportation.

PRESENTED

5. CLOSED SESSION CONTINUED

[ID16-873](#) CONFERENCE WITH LEGAL COUNSEL - PUBLIC SECURITY
- Government Code Section 54957(a)
1. Discuss security of City Hall and other City facilities

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

1:45 P.M.

SCHEDULED COMMUNICATION

[ID16-839](#) Appearance by Kim Castro to share information on CALM - Citizens Against Legalizing Marijuana and request Council take a position of this legislation (Speaker resides in the County of Fresno)

Ms. Castro appeared and addressed Council with concerns over the potential legalization of recreational marijuana. She provided handouts

which have been attached to File ID 16-839 and are available in the Clerk's Office.

APPEARED

[ID16-860](#) Appearance by Morgan Kristine Chiles to address issues regarding the Fresno Police Department policies and public records with a legislative recommendation (Speaker resides in District 1)

Ms. Chiles appeared and spoke to Council about Fresno Police Department brutality and policing policies. Aly Honoré also spoke during Ms. Chiles time and discussed related statistics.

APPEARED

UNSCHEDULED COMMUNICATION CONTINUED

Upon call, the following members of public addressed Council during Unscheduled Communication:

Justice Medina - made demands for changes in the city regarding Fresno's policing policies.

Aly Honoré - discussed discretionary interviews administered by Fresno Police and the effects of such interviews.

Tevin Jones - discussed the chilling effect caused by citing protest organizers and the need to reform the way police officers were trained.

John Lank - discussed brutality and shootings by Fresno Police and the need for the city to take action to ensure offending officers do not repeat their actions.

Luis (no last name provided) - discussed the discriminatory effects of marijuana laws. He also said the city and Police Department were ignoring public calls for reforms to the Police Department and policing policies.

Mary Esther Correa - discussed water and code enforcement issues with her rental property in the City of Fresno. She stated she was being "scammed" and taken advantage of in regards to the price required to return water service to property. Ms. Correa provided a handout that has been attached to File ID 16-968 and is available in the City Clerk's Office.

Councilmember Olivier and Councilmember Soria interrupted Unscheduled Communication to offer meetings with Ms. Chiles to further discuss police policies and police brutality. Ms. Chiles spoke earlier in the meeting during Scheduled Communication.

Jose Leon-Barasa with Southeast Fresno Regional Park and Soccer Complex Authority - discussed utilizing a 49 acre park site owned by the City of Fresno for a soccer facility. Mr. Barasa provided handouts which have been attached to File ID 16-968 and is available in the City Clerk's Office.

Tom Metry with Southeast Fresno Regional Park and Soccer Complex Authority - discussed a proposal to convert the city's 49 acre park site into a soccer facility.

Reverend Juan Saavedra with Southeast Fresno Economic Community Development Association - discussed converting the city's 49 acre park site into the park which it was always meant to be. He said money received by the city for a fire at the designated park site should have been spent to develop the park site.

Ralph Alcaraz with SEFSEDA and RYSL - discussed the benefits of, and need for, additional soccer fields in Fresno and proposed converting the city's 49 acre park site into a soccer facility.

[ID16-968](#) Handouts received during Unscheduled Communication

1:30 P.M. SPECIAL MEETING (separately noticed)

[ID16-891](#) RESOLUTION - Requiring Documentation and Transparency for Water Quality Complaints and Reports

The above item was introduced to Council by Councilmember Brand.

RESOLUTION 2016-146 ADOPTED

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

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

Absent: 1 - Baines III

4. CITY COUNCIL

- 4-B [ID16-875](#) ***Approve Amendment No. 1 to the Water Conservation Act, implementing a rebate program and low interest rate loan program for homes with galvanized pipes

The above item was introduced to Council by Councilmember Brand. City Manager Rudd and Public Utilities Director Esqueda also spoke on this item.

Councilmember Brand stated that his proposed amendment was not a final draft. By consensus of the Council, the amendment was only introduced as a draft and no action was taken.

The following members of the public addressed Council regarding this item: Faith Nitschke; Karen Lockwood with Fresno Citizens for Clean Water; George Mooth; Betty Randall; James Gathright; Sandra Celedon with Fresno BHC; Adrian Rayizee with NAML; Venise Curry with CNCEF, and; Esther Postiglione with Cultiva La Salud.

Councilmember Soria directed staff to continue working on the answer to the questions she previously sent to Public Utilities Director Esqueda and City Manager Rudd.

DISCUSSED

ADJOURNMENT

Adjourned at 4:51 P.M. in the memory of David Arredondo and Paula Guzman.

The above minutes were approved by unanimous vote of the City Council during the August 18, 2016 City Council meeting with Councilmember Olivier absent.