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Agenda Item: 3/20/14 minutes for approval

Date: 3/27/2014

CITY CLERK, FRESNO CA

## FRESNO CITY COUNCIL



### Supplemental Information Packet

Agenda Related Items – 3/20/14 minutes for approval

Supplemental Packet Date: March 24, 2014

#### Item(s)

#### Approve Council Minutes of March 20, 2014

##### Supplemental Information:

Any agenda related public documents received and distributed to a majority of the City Council after the Agenda Packet is printed are included in Supplemental Packets. Supplemental Packets are produced as needed. The Supplemental Packet is available for public inspection in the City Clerk's Office, 2600 Fresno Street, during normal business hours (main location pursuant to the Brown Act, G.C. 54957.5(2)). In addition, Supplemental Packets are available for public review at the City Council meeting in the City Council Chambers, 2600 Fresno Street. Supplemental Packets are also available on-line on the City Clerk's website.

##### Americans with Disabilities Act (ADA):

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, sign language interpreters, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650. Please keep the doorways, aisles and wheelchair seating areas open and accessible. If you need assistance with seating because of a disability, please see Security.

# City Council Minutes

## March 20, 2014

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The City Council met in regular session at the hour of 1:30 P.M. in the Council Chamber, City Hall, on the day above written.

### 1:35 P.M. ROLL CALL

Present:	Oliver Baines III	Acting Council President - arrived shortly thereafter
	Lee Brand	Councilmember
	Paul Caprioglio	Councilmember
	Clinton Olivier	Councilmember
	Sal Quintero	Councilmember
	Blong Xiong	Councilmember
	Steve Brandau	Council President
Also Present:	Bruce Rudd	City Manager
	Renena Smith	Assistant City Manager
	Doug Sloan	City Attorney
	Yvonne Spence	City Clerk
	Todd Stermer	Assistant City Clerk

Invocation by Pastor Bill Chaney of the Valley Christian Center

Pledge of Allegiance to the Flag

### Ceremonial Presentations:

Proclamation of "READING AND BEYOND DAY" – Mayor's Office & All Councilmembers - **Read**

Approve Council minutes of February 27, 2014 and March 6, 2014

**Action Taken:** APPROVED AS SUBMITTED

Motion / Second: Councilmember Olivier / Councilmember Caprioglio  
Ayes: Brand, Caprioglio, Olivier, Quintero, Xiong, Brandau  
Noes: None  
Absent: Baines

Approve Successor Agency minutes of March 6, 2014

**Action Taken:** APPROVED AS SUBMITTED

Motion / Second: Councilmember Caprioglio / Councilmember Xiong  
Ayes: Brand, Caprioglio, Olivier, Quintero, Xiong, Brandau  
Noes: None  
Absent: Baines

March 20, 2014

Councilmember Reports and Comments

**Action Taken:** MADE

Councilmember Xiong discussed: Dr. Sudarshan Kapoor's 80<sup>th</sup> Birthday and recognized him for his many years of community service; the Friday deadline for accepting roughly two-million dollars in fire grants.

Councilmember Caprioglio thanked City Manager Rudd for giving him time to discuss the code enforcement team and the action that took place at El Dorado Park.

Approve Agenda

**Action Taken:** APPROVED

Motion / Second: Councilmember Caprioglio / Councilmember Olivier  
Ayes: Brand, Caprioglio, Olivier, Quintero, Xiong, Brandau  
Noes: None  
Absent: Baines

Adopt Consent Calendar

**Action Taken:** ADOPTED

Councilmember Xiong moved Consent Item 1-C, regarding an agreement with Fresno County to subsidize expenses related to American Avenue Landfill, to Contested Consent for further discussion.

Councilmember Olivier stepped out of the Council Chamber at 1:50 P.M. and returned at 1:53 P.M.

Motion / Second: Councilmember Caprioglio / President Brandau  
Ayes: Brand, Caprioglio, Quintero, Xiong, Brandau  
Noes: None  
Absent: Baines, Olivier

1. **CONSENT CALENDAR**

- A. **RESOLUTION** - To approve the Final Map of Tract No. 5599, accepting dedicated public uses therein except for dedications offered subject to City acceptance of developer installed required improvements (east side of N. Polk Avenue between W. Gettysburg Avenue and W. Shaw Avenue) (***Property located in District 1***) – Public Works Department

**Action Taken:** RESOLUTION 2014-48 ADOPTED

- B. Actions pertaining to the summary vacation of portions of San Joaquin, Broadway and Calaveras Street (***Property located in District 3***) – Public Works Department

1. Adopt the addendum to the Mitigated Negative Declaration prepared for Environmental Assessment No. C-11-163/C-12-002/T-6015

**Action Taken:** ADOPTED

2. **RESOLUTION** - Ordering the summary vacation of the northeast 4 feet of Broadway Street between San Joaquin and Calaveras Streets, the southeast 4 feet of San Joaquin Street northeast of Broadway Street, and the northwest 4 feet of

Calaveras Street northeast of the Broadway Street, and directing the City Manager to execute on behalf of the City a Grant Deed in favor of the adjacent owner for the vacated area

**Action Taken:** RESOLUTION 2014-49 ADOPTED

- D. Actions pertaining to Digesters 5 and 11 cleaning at the Fresno/Clovis Regional Wastewater Reclamation Facility (***Property located in District 3***) – Department of Public Utilities
1. Adopt a finding of Class 1 Categorical Exemption, pursuant to Section 15301(b) (existing facilities) of the California Environmental Quality Act Guidelines  
**Action Taken:** ADOPTED
  2. Award a \$259,141 contract to JND Thomas Co., Inc., of Riverdale, California  
**Action Taken:** AWARDED
- E. Award a contract in the amount of \$243,315 to D.H. Williams Construction, Incorporated, to furnish and install a water traveling screen at the City of Fresno's Leaky Acres Groundwater Recharge Facility located at 4111 N. Winery Avenue (***Property located in District 4***) - Department of Public Utilities
1. Adopt a finding of Categorical Exemptions pursuant to Sections 15301 (Existing Facilities) and 15303 (New Construction or Conversion of Small Structures) of the California Environmental Quality Act Guidelines  
**Action Taken:** ADOPTED
  2. Award a contract in the amount of \$243,315 to D.H. Williams Construction, Incorporated, to furnish and install a water traveling screen at the City of Fresno's Leaky Acres Groundwater Recharge Facility located at 4111 N. Winery Avenue  
**Action Taken:** AWARDED
- F. Actions pertaining to the demolition of Building T-262 at Fresno Yosemite International Airport (***Property located in District 4***) - Airports Department
1. Adopt a finding of Categorical Exemption pursuant to Article 19, Section 15301 (I)(3)/Class 1 (Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines for the demolition of Building T-262 at Fresno Yosemite International Airport  
**Action Taken:** ADOPTED
  2. Award a construction contract in the amount of \$316,379.20 to American Integrated Services, Inc., of Wilmington, California for the demolition of Building T-262 at Fresno Yosemite International Airport (FAT)  
**Action Taken:** AWARDED
- G. Actions pertaining to amending the Fresno Municipal Code relating to shopping carts
1. \* **BILL NO. B-15 - (Intro. 3/6/2014) (For adoption)** - Amending Article 31, Chapter 9 of the Fresno Municipal Code relating to abandoned shopping carts - Police Department and Council President Brandau  
**Action Taken:** ORDINANCE 2014-18 ADOPTED

2. \* **BILL NO. B-16 – (Intro. 3/6/2014) (For adoption)** - Amending Section 5-502 of the Fresno Municipal Code relating to shopping carts in City parks – PARCS and Council President Brandau  
**Action Taken:** ORDINANCE 2014-19 ADOPTED

**CONTESTED CONSENT CALENDAR**

- C. Authorize the City of Fresno to enter into an agreement with the County of Fresno to subsidize expenses related to the facilitation and negotiation of successor agreement to American Avenue Landfill - Department of Public Utilities  
**Action Taken:** AUTHORIZED

The following member of the public spoke on this item: Richard Caglia.

Motion / Second: Councilmember Xiong / Councilmember Caprioglio  
 Ayes: Brand, Caprioglio, Olivier, Quintero, Xiong, Brandau  
 Noes: None  
 Absent: Baines

2. **GENERAL ADMINISTRATION**

- A. Actions pertaining to the Chestnut Avenue overlay project from Jensen Avenue to Union Pacific Railroad (**Property located in District 5**) – Public Works Department
1. Adopt finding of a Categorical Exemption per staff determination, pursuant to Class 1 Section 15301(c) of the CEQA guidelines, for the Chestnut Avenue overlay project from Jensen Avenue to Union Pacific Railroad  
**Action Taken:** ADOPTED
  2. Award a construction contract to Dave Christian Construction Company Inc. of Fresno, CA in the amount of \$588,096.32 for the Chestnut Avenue overlay project from Jensen Avenue to Union Pacific Railroad  
**Action Taken:** AWARDED

Motion / Second: Councilmember Quintero / Councilmember Caprioglio  
 Ayes: Brand, Caprioglio, Olivier, Quintero, Xiong, Brandau  
 Noes: None  
 Absent: Baines

- B. Actions pertaining to a lease agreement for hangar and ramp space at Fresno Yosemite International Airport (**Property located in District 4**) – Airports Department
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 9 with SkyWest Airlines Inc. at Fresno Yosemite International Airport  
**Action Taken:** ADOPTED

2. Approve Lease Amendment No. 9 to the lease between the City and SkyWest Airlines, Inc. related to leasehold boundary modifications at Fresno Yosemite International Airport with no change in compensation (FAT)

**Action Taken:** APPROVED

Motion / Second: Councilmember Caprioglio / Councilmember Olivier  
Ayes: Brand, Caprioglio, Olivier, Quintero, Xiong, Brandau  
Noes: None  
Absent: Baines

**Acting President Baines Arrived – 2:08 P.M.**

- C. Approve a consultant agreement in the amount of \$360,534 with Provost and Pritchard Engineering Group, Inc., a Fresno-based California corporation for design and engineering services for FAX transit shelters and related amenities in the Courthouse Park area - Department of Transportation (FAX)

**Action Taken:** APPROVED

Motion / Second: Acting President Baines / Councilmember Olivier  
Ayes: Baines, Brand, Caprioglio, Olivier, Quintero, Xiong, Brandau  
Noes: None

- D. \* **RESOLUTION** – 3rd amendment to Position Authorization Resolution PAR No. 2013-99 adding fifteen (15) Bus Driver positions to the Department of Transportation (FAX)

**Action Taken:** CONTINUED TO APRIL 3, 2014

The following members of the public spoke on this item: Mike Well, Luffy Bailey, George Hostetter

Motion / Second: Councilmember Brand / President Brandau  
Ayes: Baines, Brand, Caprioglio, Olivier, Quintero, Xiong, Brandau  
Noes: None

4. **CLOSED SESSION**

The City Council met in closed session in Room 2125 from 2:47 P.M. to 3:10 P.M. to discuss the following:

- B. **CONFERENCE WITH REAL PROPERTY NEGOTIATOR-** Government Code Section 54956.8

**Properties:** APNs 418-261-22 (portion), 418-262-06 (portion), 418-262-09 (portion), 418-261-21 (portion), 418-261-26 (portion), 418-262-02 (portion), 418-262-05 (portion), 418-262-10 (portion), 418-262-12 (portion), 418-262-11 (portion), 418-262-08 (portion), 418-261-19 (portion), 418-262-04 (portion)

**Negotiating Parties:** City Manager Bruce Rudd

**Under Negotiation:** Price and Terms of Payment

**Action Taken:** CONFERENCE BEGAN AND CONTINUED TO LATER IN THE DAY

Council began discussing this item but took a break to hear the remaining Scheduled and General Administration items.

No announcement was made.

## **SCHEDULED COUNCIL HEARINGS AND MATTERS**

**3:00 P.M. BILL – (For introduction) –** Repealing Article 21 of Chapter 12 and adding Article 21 of Chapter 12 prohibiting cultivation of marijuana in all zone districts within the City – Police Department

**Action Taken:** BILL B-17 INTRODUCED AND LAID OVER

The following members of the public spoke on this item: Keith Clement, Eynestina Luciano, Andreas Borgeas, Brenda Linder, Yolanda Espano, Barbara Hunt and, Melody Anthony.

Motion / Second: President Brandau / Councilmember Brand  
Ayes: Baines, Brand, Caprioglio, Quintero, Xiong, Brandau  
Noes: Olivier

## **2. GENERAL ADMINISTRATION CONTINUED**

**E.** Award a contract in the amount of \$1,481,230 to Parsons Brinkerhoff, Inc. (PB) for a revised FAX Q Bus Rapid Transit (BRT) project management services agreement – Department of Transportation (FAX)

**Action Taken:** AWARDED

The following members of the public spoke on this item: Sarah Sharpe, Susie Rico-Vasquez, Dave Herh, Sophia DeWitt, Jeremy Ritter, Tony Oliva, Barbara Hunt, Rick Steitz, Mike Wells, James Thompson, Elliana (last name not provided), Luffy Bailey and, Maria Pacina

Councilmember Brand clarified, for the record, that there was nothing in the grant that would require continued operation of the Bus Rapid Transit system beyond the initial three year period so the City could discontinue the project if there were losses or if the additional costs could not be justified. City Manager Rudd confirmed Councilmember Brand's statement and added that he would ensure the grant agreement language would reflect the city's ability to decide where or what service to cut in the event of an economic downturn or inability to fund the proposed service levels.

Councilmember Quintero clarified, for the record, that the B.A.T. lanes which had previously been removed from the Bus Rapid Transit project were not part of the current implementation. City Manager Rudd confirmed Councilmember Quintero's statement.

Motion / Second: Councilmember Olivier / Councilmember Brand  
Ayes: Baines, Brand, Caprioglio, Olivier, Quintero, Xiong  
Noes: Brandau

**UNSCHEDULED COMMUNICATION**

Upon call, no members of the public addressed Council with unscheduled communication.

3. **CITY COUNCIL**

4. **CLOSED SESSION CONTINUED**

The City Council met in closed session in Room 2125 from 5:40 P.M. to 7:10 P.M. to discuss the following:

**B. CONFERENCE WITH REAL PROPERTY NEGOTIATOR-** Government Code Section 54956.8

**Properties:** APNs 418-261-22 (portion), 418-262-06 (portion), 418-262-09 (portion), 418-261-21 (portion), 418-261-26 (portion), 418-262-02 (portion), 418-262-05 (portion), 418-262-10 (portion), 418-262-12 (portion), 418-262-11 (portion), 418-262-08 (portion), 418-261-19 (portion), 418-262-04 (portion)

**Negotiating Parties:** City Manager Bruce Rudd

**Under Negotiation:** Price and Terms of Payment

**Action Taken:** CONFERENCE RESUMED AND CONCLUDED

No announcement was made.

**A. CONFERENCE WITH LABOR NEGOTIATOR –** Government Code Section 54957.6

**City Negotiator(s):** Jeffrey Cardell, Ken Phillips

**Employee Organization(s):**

1. City of Fresno Management Employees Association (CFMEA)
2. City of Fresno Professional Employees Association (CFPEA)
3. IUOE, Stationary Engineers, Local 39 (L39)
4. Fresno City Employees Association (FCEA)
5. Fresno Police Officers Association (FPOA Basic)
6. International Association of Firefighters, Local 753 (Fire Basic)
7. Amalgamated Transit Union, Local 1027 (ATU)
8. International Brotherhood of Electrical Workers, Local 100 (IBEW)
9. Fresno Police Officers Association (FPOA Management)
10. International Association of Firefighters, Local 753 (Fire Management)
11. Fresno Airport Public Safety Supervisors (FAPSS)

**Action Taken:** HELD

No announcement was made.

**ADJOURNED – 7:10 P.M.**

**Approved** on the \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
 Steve Brandau, Council President

\_\_\_\_\_  
 ATTEST: Todd Stermer, Assistant City Clerk