City Council Minutes
January 30, 2014

The City Council met in regular session at the hour of 1:00 p.m. in the Council Chamber, City Hall, on the day above written.

1:03 P.M. ROLL CALL

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

Invocation by Pastor Kevin Foster of LifeBridge Community Church

Pledge of Allegiance to the Flag

Ceremonial Presentations:

Proclamation of "FRESNO ECONOMIC OPPORTUNITIES COMMISSION LOCAL CONSERVATION CORPS DAY" – Acting President Baines – **Read.**

Swearing in of Kerri Donis as the new Fire Chief – City Manager's Office – **Sworn in.**

RECESSED – 1:22 P.M. TO 1:44 P.M.

Approve Council minutes of January 16, 2014
Action Taken: APPROVED AS SUBMITTED

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

Councilmember Reports and Comments
Action Taken: HELD

Councilmember Xiong thanked staff for work on the High Speed Rail guideline function from the other night.

Councilmember Quintero noted the passing of local philanthropist Steve Pilibos and stated that he would be missed. Councilmember Quintero also discussed the number of sings proliferating throughout the City in violation of the municipal code and asked for an agenda item to be set so aggrieved business owners could discuss the issue with Council.

Approve Agenda
Action Taken: APPROVED AS AMENDED by removing General Administrative item 2-A

Acting President Baines asked to continue the 5:00 P.M. item, concerning Bus Rapid Transit, for one month. A motion was made to keep the 5:00 P.M. item on the agenda which succeeded by the following vote:

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

President Brandau asked to remove General Administration item 2-A, regarding submission of applications for grant funding for the proposed Fulton Mall Reconstruction Project, from the agenda. A motion was made to keep the item on the agenda and failed by the following vote:

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

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

Adopt Consent Calendar
Action Taken: ADOPTED

Councilmember Olivier abstained on Consent Calendar Items O, P and Q.

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

1. CONSENT CALENDAR

A. Actions pertaining to for a hangar facility located at Fresno Chandler Executive Airport (FCH) – Airports Department

1. Adopt a finding of categorical exemption pursuant to Article 19, Section 15301 (a)(d) / Class 1 (Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines to authorize a lease with Aerial Solutions Incorporated at Fresno Chandler Executive Airport (FCH) ***(Property located in District 3)***
Action Taken: ADOPTED

2. Authorize the Director of Aviation to execute a lease between the City and Aerial Solutions Incorporated for a hangar facility located at Fresno Chandler Executive Airport (FCH) for an estimated total revenue of $48,000
Action Taken: AUTHORIZED

B. Authorize the Director of Aviation to execute Amendment No. 5 between City of Fresno and ERM-West, Inc. to provide on-going engineering, environmental and remedial actions concerning ground water contamination emanating from Fresno Yosemite International Airport for an amount not to exceed $288,000 – Airports Department
Action Taken: AUTHORIZED

C. Approve the reappointments of Steven Bedrosian to the Fresno Housing Authority, and Grace Gomes and Vonnie Franks to the Fresno-Madera Area Agency on Aging – Mayor's Office
Action Taken: APPROVED

D. Authorize Amendment No. 1 to the agreement between the City of Fresno and Diversified Transportation, LLC (DBA Keolis Transit America) – Transportation Department
Action Taken: AUTHORIZED

E. **BILL** – ***(For introduction)*** - Amending the Fresno Municipal Code (FMC) Section 3-277 to exempt future employees in Unit 14, represented by the City of Fresno Management Employees Association (CFMEA) from provisions regarding Reduction In Force/Layoff Rights – Personnel Services Department
Action Taken: BILL B-5 INTRODUCED AND LAID OVER

F. **RESOLUTION** – Approving the Friant Water Authority Joint Powers Agreement
1. Appoint the City of Fresno Mayor and Mayor's designee(s) as Joint Powers Authority members - Department of Public Utilities
Action Taken: RESOLUTION 2014-15 ADOPTED

G. Approve acquisition of one (1) public street easement from a portion of one (1) parcel of property owned by Jenco Farms, L.P., a California Limited Partnership, for the installation of street improvements at the northeast corner of Riverside Drive and Herndon Avenue - Public Works Department
Action Taken: APPROVED

H. Approve acquisition of one (1) public street easement from a portion of one (1) parcel of property owned by US Property Investors Group, LLC, for the installation of street improvements at the northwest corner of Riverside Drive and Herndon Avenue - Public Works Department
Action Taken: APPROVED

I. Approve acquisition of one (1) public street easement from a portion of one (1) parcel of property owned by Herndon, LLC, a California Limited Liability Company, for the installation of a street improvements at the southeast corner of Riverside Drive and Herndon Avenue - Public Works Department
Action Taken: APPROVED

J. Approve a Cooperative Agreement for a maximum City contribution of $82,800 with the County of Fresno to perform an asphalt concrete overlay of Jensen Avenue from approximately Sunland Avenue to Maple Avenue - Public Works Department
Action Taken: APPROVED

K. **RESOLUTION -** Approving the summary vacation of a portion of Allen Avenue and Shepard Street located at the southeast corner of W. Herndon Avenue and N. Riverside Drive - Public Works Department
Action Taken: RESOLUTION 2014-16 ADOPTED

L. **RESOLUTION -** Dedicating portions of City-owned property for public street pedestrian walkway and bicycle path, and slope purposes, located on both sides of W. Herndon Avenue southwest of N. Weber Avenue - Public Works Department
Action Taken: RESOLUTION 2014-17 ADOPTED

M. Approve the acquisition for public street and storm drainage easements and a temporary ponding basin from a portion of six (6) parcels (APN 504-080-83, APN 504-080-85, APN 504-080-90, APN 504-080-91, APN 504-080-96 and APN 504-080-97) of property owned by Maxine Elkin, Regina Fagundes, Theresa Darlene Rose and the estate of Joseph H. Dalena for the installation of two (2) streets, construction of a median island, curb and gutter, walking trails and a temporary ponding basin at the intersection of Riverside Drive and Veterans Boulevard - Public Works Department
Action Taken: APPROVED

N. Approve the first amendment to the Measure "C" Cooperative Agreement for Short-term Regional Transportation Program Project "K5A" - Urban, Herndon Avenue widening, in the amount of $108,200 (Brawley Avenue to Valentine Avenue) - Public Works Department
Action Taken: APPROVED

O. Approve a Cooperative Agreement in substantially the form attached, and in the amount of $456,250 with the Fresno County Transportation Authority (FCTA) for the Broadway-Fulton Alley Improvements from Calaveras Street to San Joaquin Street under the Measure "C" Transit Oriented Development Program - Public Works Department
Action Taken: APPROVED

P. Approve a Cooperative Agreement in substantially the form attached, and in the amount of $63,000 with the Fresno County Transportation Authority (FCTA) for the Broadway-Fulton Alley Improvements from San Joaquin Street to Amador Street under the Measure "C" Transit Oriented Development Program – Public Works Department
Action Taken: APPROVED

Q. Approve a Cooperative Agreement in substantially the form attached and in the amount of $89,680 with the Fresno County Transportation Authority (FCTA) for Storm Drain Improvements on "L" Street from Calaveras Street to San Joaquin Street under the Measure "C" Transit Oriented Development Program
Action Taken: APPROVED

R. Annual update of Priority Ranking Lists for new traffic signal installations and traffic signal left turn phasing - Public Works Department
Action Taken: APPROVED

2. GENERAL ADMINISTRATION

A. **RESOLUTION** - Authorizing the submission of applications for grant funding for the proposed Fulton Mall Reconstruction Project from the Fresno County Measure "C" Transit Oriented Development (TOD) Program and authorizing the execution of application-related documents by the City Manager or designee – City Manager's Office
Action Taken: REMOVED FROM AGENDA BY PRESIDENT BRANDAU

B. Authorize the Director of Aviation to execute a management contract for the operation and management of parking facilities at Fresno Yosemite International Airport, between the City of Fresno and Standard Parking Corporation, a Delaware Corporation for a total potential cost of $1,961,858 ***(Property located in District 4)*** – Airports Department
Action Taken: AUTHORIZED

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

C. * **RESOLUTION** – Adopting a policy authorizing the City Manager the authority to reduce and/or eliminate selected Citywide impact fees for industrial development projects that create new jobs, increase assessed property valuation, and promote economic development - Council Districts 2, 5 and 7
Action Taken: RESOLUTION 2014-18 ADOPTED

The following members of the public spoke on this item: Ashley Werner, Richard Fairank, Leland Parnagian, Don Pickett, and Lee Ann Eager.

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

D. **BILL** – ***(For introduction)*** - Amending Subsections (c and d) of Section 7-903 and Subsection (b) of Section 7-910 of the Fresno Municipal Code relating to write off and settlement authority – City Manager's Office
Action Taken: BILL B-6 INTRODUCED AND LAID OVER

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

E. * **RESOLUTION** – 3rd amendment to Salary Resolution 2013-101 adding the classifications of Development Services Coordinator, Housing Rehabilitation Specialist and Energy Efficiency Supervisor; and modify the established Unit for Chief Police Pilot – Personnel Services Department
Action Taken: RESOLUTION 2014-19 ADOPTED

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

F. Actions pertaining to the rehabilitation of downtown sewer system on Kern Street and Fulton Alleys ***(Property located in District 3)*** – Department of Public Utilities

1. Adopt a Finding of Class 1 and 2 Categorical Exemptions, pursuant to Section 15301(b) (Existing Facilities) and 15302(c) (Replacement or Reconstruction) of the California Environmental Quality Act Guidelines
Action Taken: ADOPTED

2. Award a construction contract in the amount of $694,562.50 to Repipe-California of Riverside, California
Action Taken: ADOPTED

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

UNSCHEDULED COMMUNICATION

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

4. CLOSED SESSION

The City Council met in closed session in Room 2125 from 3:17 P.M. to 3:45 P.M. to discuss the following:

A. **CONFERENCE WITH LABOR NEGOTIATOR** – Government Code Section 54957.6
City Negotiator(s): Bruce Rudd, Jeffrey Cardell
Employee Organization(s):

1. International Association of Firefighters, Local 753 (Fire Basic)
2. International Association of Firefighters, Local 753 (Fire Management)
Action Taken: HELD

No announcements were made.

2. GENERAL ADMINISTRATION CONTINUED

G. Actions pertaining to Memorandum of Understanding (MOU) between the City of Fresno (City) and the International Association of Fire Fighters, Local 753 - Unit 5 (Fire Basic) – Personnel Services Department

1. * Adopt the (MOU) between the City of Fresno (City) and the International Association of Fire Fighters, Local 753 - Unit 5 (Fire Basic), covering the period August 5, 2013 through June 30, 2016 and the accompanying Pension Meet and Confer Agreement
Action Taken: NO VOTE TAKEN ON THE UNIT 5 MOU

2. * Adopt the (MOU) between the City of Fresno (City) and the International Association of Fire Fighters, Local 753 - Unit 10 (Fire Management), covering the period August 5, 2013 through June 30, 2016 and the accompanying Pension Meet and Confer Agreement
Action Taken: ADOPTED

3. * **RESOLUTION** – 2nd amendment to Salary Resolution No. 2013-101 amending salaries in Exhibit 10, Fire Management
Action Taken: RESOLUTION 2014-20 ADOPTED

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

SCHEDULED COUNCIL HEARINGS AND MATTERS

10:00 A.M. **CONTINUED PUBLIC HEARING** to consider increasing water connection fees ***(Citywide)*** – Department of Public Utilities ***(Continue to March 27, 2014 at 10:00 a.m.)***
Action Taken: CONTINUED AS NOTED

10:15 A.M. Adopt City of Fresno Design Guidelines for the California High Speed Rail Project ***(Property located in Districts 1, 2 & 3)*** – Public Works Department ***(Continue to February 6, 2014 @ 10:15 a.m.)***
Action Taken: CONTINUED AS NOTED

10:40 A.M. **HEARING** to consider Plan Amendment Application No. A-13-03, Rezone Application No. R-13-09 and Environmental Assessment No. A-13-03/R-13-09/C-13-086, filed by Bryan Sassano of S.I.M. Architects, on behalf of Spencer Enterprises pertaining to approximately 9.99 acres of property located on the northeast corner of E. Nees and N. Chestnut Avenues (2610 E Nees. Avenue APN: 403-070-53) ***(Property located in District 6)*** – Development and Resource Management Department ***(Continue to February 6, 2014 at 5:00 p.m.)***
Action Taken: CONTINUED AS NOTED

a. Consider the environmental finding of Environmental Assessment (EA) No. A-13-003/R-13-009/C-13-086, a finding of a Mitigated Negative Declaration dated November 22, 2013
Action Taken: CONTINUED AS NOTED

b. **RESOLUTION** – Approving Plan Amendment Application No. A-13-003 to amend the 2025 Fresno General Plan and the Woodward Park Community Plan from the neighborhood commercial planned land use designation to the medium-high density residential land use designation
Action Taken: CONTINUED AS NOTED

c. **BILL – *(For introduction and adoption)*** - Amending the Official Zone Map to reclassify the subject property from the C-1/UGM *(Neighborhood Shopping Center/Urban Growth Management)* zone district to the R-2/UGM *(Low Density Multiple Family Residential/Urban Growth Management)* zone district
Action Taken: CONTINUED AS NOTED

RECESSED – 3:48 P.M. to 5:00 P.M.

5:00 P.M. Actions pertaining to the Bus Rapid Transit Project – City Manager's Office

City Manager Bruce Rudd stated, for the record, there would be no street closures or loss of on-street parking for Ventura / Kings Canyon or Blackstone Avenue as a

result of approving Bus Rapid Transit but acknowledged the possibility that a driveway in front of an adult bookstore might be closed.

City Manager Bruce Rudd read the following statements into the record:

"The custodian of the record of proceedings is the City Clerk for the agenda, minutes, staff report, and recording of the Council presentation, as well as other documents held by the FAX Director at 2223 "G" Street."

"We request Council make a finding 'there is no substantial evidence the project will have a significant effect on the environment, and the mitigated negative declaration reflects the City's independent judgment and analysis'."

"As part of its approval of the Subsequent Initial Study/Mitigated Negative Declaration, we request Council adopt the Mitigation Monitoring and Reporting Program, which is included in sub-item (a)."

The following members of the public spoke on this item:

Barbara Hunt
Susie Rico Vasquez
Sara Sharpe
Paula Fansler
Skip Sargenti
Martha Kolstad
Brian Weldon
Gary Turgeon
Paul Willingham
Jon Wallace
Mary Savala
Michael Goossen
Stephanie Frederick
Kaye Erroteberry
Jeff Argyilan
Lynn Psaltis
Paul Winter
David Williams
Andy Hansen-Smith
Av Daniels
Ben Berquam
Frank Esquivel
Paula Guzman
Carole Jacoby
ThomasLinton
John Stewart
Rebecca Rallis
James Sponster
Steve Walta
Sherry Donegan
Chuck Krugman
Brenda Juniel
Melody Anthony
Walter Ramirez
Patricia Driscoll
Elvia Quezada
Henry Delcore
Tout Tou Bounthapanya
Blia Lee
Ger Her
Jim Devany
Lorena Ventura
Linda Gleason
Barbara Fisk
Kim Suelr
Eric Payne
Pastor Melvin Whittle
Sonia Villarreal
Ashley Werner
Phoebe Seaton
Jared Gordon
Claudia Cazares
Magdalena Cazares
Celerina Rendon
Scott Miller
Neva Popenoe
Tal Cloud
Kiel Schmidt
Vincent Casella
Rick Steitz
Dana Westendarp
Lupe Casares
Robert Merrill
Cesar Campes
Patty Thornton
Narvell Connor
Marcella Lopez
Michael Kunz
Edgar Reyna
Yolando Espino
Patty Lee
Leoncio Vasquez
Marcus Evans
Jonathan Zwickel
Sharlene Yang
Cam Maloy
Randy Reed
Sandra Celedon
Sophia Dewitt
Daniel O'Connell
Mitch Freund
Jaron Leavell
Mike Wells
Mark Ratchford
Anne Gaston
Jessica Mast
Darrel Unruh
Eric Dillinger
Dr. Randy White
Arthur Servin
Christine Barker
Darius Assemi

RECESSED – 9:38 P.M. to 9:56 P.M.

Councilmember Brand stated, for the record, that he had no problem receiving federal and state dollars as long as doing so was financially sound.

Councilmember Caprioglio stated, for the record, that even though people have different opinions on this topic, he would take it seriously and listen respectfully to speakers and analyze their comments without mockery.

5:00 Item "a" was voted on separately from 5:00 Items "b" and "c" which were voted on together.

a. Adopt the Bus Rapid Transit Subsequent Environmental Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program
Action Taken: ADOPTED

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

b. Award an agreement to Provost and Pritchard in the amount of $325,811 for plan check services on the construction documents for the Bus Rapid Transit (BRT) Project
Action Taken: FAILED

c. Award a contract in the amount of $1,381,288 to Parsons Brinkerhoff, Inc. (PB) for the Bus Rapid Transit (BRT) Project Management Services
Action Taken: FAILED

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

ADJOURNED – 12:15 A.M. on January 31, 2014

Approved on the 30th day of January, 2014.

Steve Brandau, Council President

ATTEST:

Todd Stermer, Assistant City Clerk