

City Council Minutes

May 1, 2014

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.

8:34 A.M. ROLL CALL

Present:	Oliver Baines III	Acting Council President - arrived shortly thereafter
	Lee Brand	Councilmember - arrived shortly thereafter
	Paul Caprioglio	Councilmember
	Clinton Olivier	Councilmember
	Sal Quintero	Councilmember - arrived shortly thereafter
	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 Terry Townsend of Peoples Church

8:36 A.M. Acting President Baines and Councilmember Quintero entered the Council Chamber.

Pledge of Allegiance to the Flag

Ceremonial Presentations:

Presentation of the SPCA Pet of the Month – Councilmember Caprioglio – **Presented.**

Proclamation of “HISTORIC PRESERVATION WEEK” – Mayor’s Office – **Read.**

Proclamation of “PEACE OFFICERS MEMORIAL” – Mayor’s Office – **Read.**

8:53 A.M. Councilmember Brand entered the Council Chamber.

Proclamation of “LANCE-KASHIAN & COMPANY 50TH ANNIVERSARY DAY” – Mayor’s Office and Council President Brandau – **Read.**

Presentation of P.R.I.D.E. Team Certificates for the Spring Quarter – **Presented.**

RECESSED 9:30 A.M. to 10:00 A.M. – Council resumed in the absence of Acting President Baines, Councilmember Brand and Councilmember Quintero.

Approve Council minutes of April 24, 2014

Action Taken: APPROVED AS SUBMITTED

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

10:01 A.M. Councilmember Brand entered the Council Chamber.

Approve Successor Agency minutes of April 24, 2014

Action Taken: APPROVED AS SUBMITTED

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

10:02 A.M. Acting President Baines and Councilmember Quintero entered the Council Chamber.

Councilmember Reports and Comments

Action Taken: MADE

Councilmember Caprioglio commented on the number of addendums and supplements to the agenda and stated he didn't have time to read them all since they were delivered at the very last minute. Councilmember Caprioglio also noted that items were needed well in advance of the hearing date so the Councilmembers could make effective and intelligent decisions.

Councilmember Brand recognized the third grade class in attendance from Maple Creek Elementary.

Councilmember Xiong announced there would be a Cinco De Mayo event in Downtown Fresno over the weekend.

Council President Brandau acknowledged the successful joint council meeting with the City of Clovis that covered the topics of water and trails. President Brandau stated the City of Fresno looked forward to hosting the next joint meeting sometime in the fall.

Approve Agenda

Action Taken: APPROVED AS AMENDED

City Clerk Spence announced the following changes to the agenda: Business Friendly Fresno Final Report and Workshop has moved from 1:30 P.M. to 11:15 A.M.; the resolution affirming support for Assembly Bill (AB) 2686 has moved from 11:15 A.M. to 1:30 P.M.; the presentation of the Kiosk

Program by HealthWise Services has moved from 10:20 A.M. to 1:50 P.M.; the title for Consent Calendar item 1-C sub part 2, regarding approval of the acquisition of a public street easement and temporary construction easement should read “‘northeast’ corner of Herndon Avenue and Blackstone Avenue,” not “northwest.”

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

Adopt Consent Calendar

Action Taken: APPROVED

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

1. **CONSENT CALENDAR**

- A. * **RESOLUTION** – 5th amendment to Salary Resolution No. 2013-101 adding the classification of Forestry Supervisory I to Exhibit 13A, Unit 13A – City of Fresno Professional Employees Association (CFPEA), with corresponding salaries – Personnel Services Department

Action Taken: RESOLUTION 2014-69 ADOPTED

- B. Approve second amendment to consultant services agreement with Peters Engineering Group Inc. for an additional \$75,000 for a total fee of \$255,000 to provide construction engineering services for the Clovis Unified School District (CUSD) Metropolitan Area Network (MAN) Phase 3 Project (**Council Districts 2, 4, 5 and 6**) - Public Works Department

Action Taken: APPROVED

- C. Actions pertaining to the Herndon Avenue right turn lane extension project at Blackstone Avenue (**Council District 6**) – Public Works Department

1. Adopt a finding of a Categorical Exemption pursuant to Class 1 of the California Environmental Quality Act (CEQA) Guideline Section 15301(c) (Existing Facilities) for extension of a right turn lane at Herndon Avenue and Blackstone Avenue

Action Taken: ADOPTED

2. Approve the acquisition of a public street easement and a temporary construction easement at the northwest corner of Herndon Avenue and Blackstone Avenue (APN 303-170-54) of property owned by Chong’s Plaza, LLC, a California Limited Liability Company

Action Taken: APPROVED

- D. Actions pertaining to the summary vacation of a portion of a public street easement at the southeast corner of E. Butler Avenue and S. Temperance Avenue (**Council District 5**) –

Public Works Department

1. Adopt a finding of Categorical Exemption per staff determination, pursuant to Sections 15301/Class 1, 15304/Class 4 and 15311/Class 11 of the California Environmental Quality Act (CEQA) Guidelines, Environmental Assessment No. S-13-022

Action Taken: ADOPTED

2. **RESOLUTION** - Ordering the summary vacation of a portion of a public street easement at the southeast corner of E. Butler Avenue and S. Temperance Avenue

Action Taken: RESOLUTION 2014-70 ADOPTED

- E. Award a five-year services contract for armored transport service to Loomis Armored US, LLC (Rebid File 9178) in the amount of one-hundred fifty-four thousand eighty-one dollars (\$154,081 based fixed fee) (**Citywide Services**) – Finance Department

Action Taken: AWARDED

- F. Approve amendments to the Labor Management Act – Councilmember Brand

1. * **BILL NO. B-21 - (Intro. 4/24/2014) (For adoption)** – Amending Subsections (a) and (c) of Section 3-616 of the Fresno Municipal Code, relating to the employer-employee relations ordinance

Action Taken: ORDINANCE 2014-24 ADOPTED

2. **GENERAL ADMINISTRATION**

- A. Actions pertaining to the Browning and Palm water main replacements and transfers (**Council District 2 and County of Fresno**) – Public Works Department

1. Adopt a finding of Categorical Exemption per staff determination, pursuant to Class 1 Section 15301(b) (Existing Facilities) of the California Environmental Quality Act (CEQA) guidelines for the Browning and Palm water main replacements and transfers

Action Taken: ADOPTED

2. Award a construction contract to Dawson-Mauldin Construction, Inc., of Huntington Beach, California in the amount of \$2,169,958 for the Browning and Palm water main replacements and transfers - Bid File 3261

Action Taken: AWARDED

Motion / Second:

President Brandau / Councilmember Olivier

Ayes:

Baines, Brand, Caprioglio, Olivier, Quintero, Xiong, Brandau

Noes:

None

- B. Actions pertaining to the sale of a portion of the Selland Arena parking lot to Gary Lanfranco, owner of the Cosmopolitan Tavern, to operate a restaurant – City Manager's Office

1. Adopt a finding of categorical exemption pursuant to Article 19, Section 15332(Class 32/In-fill Development) and Section 15312 (Class 12/Surplus Government Property Sales) of the California Environmental Quality Act (CEQA) Guidelines to authorize a sale of a portion of the Selland Arena parking lot to operate a restaurant

Action Taken: ADOPTED

2. Approve the material terms of the Purchase and Sale Agreement and Escrow Instructions between the City and Lanfranco, subject to approval as to form by the City Attorney

Action Taken: APPROVED

Councilmember Caprioglio stated he would not vote on this item as the sixteen page supplement was not timely submitted and there was not enough time for him to review it.

Deputy City Manager Quan-Schecter clarified for the record that, "the closing of the sale was expected to be the later of either 30 days after the High Speed Rail acquires the buyer's real property, located at 1546 Fresno Street, or upon thirty days' notice that the buyer had applied for the necessary building permits."

Acting President Baines noted for the record that while council did not receive the documents relating to this project in a timely fashion, the property owner had nothing to do with that and was subject to everyone's whim but his own.

For the record, President Brandau clarified the following issues with City Manager Rudd: large events that use big trucks, like the circus and the Ice Capades, would not be lost because of the space taken by the restaurant and the promoters of those events had been consulted; a hotel would not be a better use of this property because the City already purchased land at Inyo and M streets for a hotel.

The following member of the public spoke on this item: Gary Lanfranco

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

3. **CITY COUNCIL**

SCHEDULED COUNCIL HEARINGS AND MATTERS

10:15 A.M. SCHEDULED COMMUNICATION

1. Appearance by MaryAnn Salgado to discussion expanding public transportation

Ms. Salgado appeared and asked Council to review and consider expanding accessible public transportation and bus routes throughout the rapidly growing city.

10:00 A.M. HEARING to consider an appeal filed by Councilmember Brand, appealing the Planning Commission's action regarding Vesting Tentative Tract Map No. 6045, Conditional Use Permit No. C-13-136 and related environmental findings, filed by Copper River 74, Inc., for property located within the Copper River Ranch Master Planned Community (**Council District 6**) – Development and Resource Management Department

Action Taken: HELD

- a. Consider and adopt the Finding of Conformity to the 2025 Fresno General Plan Master Environmental Impact Report (MEIR) No. 10130 and Mitigated Negative Declaration prepared for Plan Amendment A-09-02 (Air Quality MND) and to the Program EIR No. 10126 related to the Copper River Ranch Project, prepared for Environmental Assessment No. C-13-136/T-6045 dated January 17, 2014
Action Taken: ADOPTED
- b. **RESOLUTION** - Approving Vesting Tentative Tract Map No. 6045/UGM and Conditional Use Permit Application No. C-13-136 pertaining to approximately 21.07 acres of property located between N. Friant Road and E. Copper Avenue, within the Copper River Ranch Master Planned Community
Action Taken: RESOLUTION 2014-71 ADOPTED AS AMENDED

Councilmember Olivier announced he would recuse himself from this item at the suggestion of counsel and exited the council chamber.

Planning Manager Sanchez stated the following for the record: staff has concerns with parking enforcement as a direct violation of federal law to prohibit impeding of pedestrian access in the right of way; a city cannot allow its parking controllers to enter private property to issue citations; vehicles cannot have full access on an 8 foot driveway approach; there is a safety concern that vehicles could not back out adequately; without additional distance, a standard car would cross into the public right of way before there was a full and complete view of the sidewalk; increased street parking caused by the lack of driveway parking would create friction for emergency vehicles and guest parking; the staff recommendation is to approve the environmental document for a finding of conformity and to deny the appeal and uphold the planning commission recommendation for an 18 foot garage setback on the public portion of the project.

The following members of the public spoke on this item: Jeff Roberts, Darius Assemi, Michelle Brunn.

Councilmember Brand motioned to: approve sub item "a" regarding the MEIR; approve sub item "b" regarding the resolution for the Vesting Tentative Tract Map but to sustain the appeal with regards to the setbacks by amending the resolution to allow a minimum 8 foot garage setback for homes fronting public streets; to hold a workshop and bring a resolution regarding garage setbacks back to Council within 90 days.

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

RECESSED 12:10 P.M. to 1:36 P.M. - Council resumed in the absence of Acting President Baines, Councilmember Xiong and Councilmember Quintero.

10:40 A.M. WORKSHOP relating to the role and function of the Fresno/Clovis Convention & Visitors Bureau - Councilmember Brand

Layla Forstedt, Chief Executive Officer of the Fresno/Clovis Convention and Visitors Bureau presented the workshop and answered questions asked by Council.

1:45 P.M. Acting President Baines entered the Council Chamber.

1:54 P.M. Councilmember Xiong entered the Council Chamber.

11:15 P.M. Business Friendly Fresno Final Report and Workshop – Development and Resource Management Department

Workshop removed for future agenda date.

1:30 P.M. RESOLUTION - Affirming support for Assembly Bill (AB) 2686 (Perea), the Clean, Safe, and Reliable Water Supply Act of 2014 and the importance of above-ground water storage, Delta restoration and safe drinking water - Council President Brandau
Action Taken: RESOLUTION 2014-72 ADOPTED

The following member of the public spoke on this topic: Mario Santoyo.

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

1:50 P.M. Presentation of the Kiosk Program by HealthWise Services designed to improve the medical waste disposal process - Kacey Auston (Council President Brandau)

Kacey Auston presented the workshop and answered questions asked by council.

UNSCHEDULED COMMUNICATION

The following member of the public spoke to Council regarding items not on the Agenda:

Dave Herb - discussed the 100th anniversary of his historic home on Huntington Boulevard and invited Council to attend the celebration.

4. CLOSED SESSION

The City Council met in closed session in Room 2125 from 2:44 P.M. to 3:22 P.M. to discuss the following:

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 Mgmt.)
11. Fresno Airport Public Safety Supervisors (FAPSS)

Action Taken: HELD

No announcement was made.

B. CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION - Government Code Section 54956.9, Subdivision (d)(1)

1. Chris Willis, et al. v. City of Fresno, et al.; United States District Court Case No.: 09-CV-01766-LJO-DLB

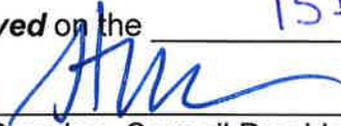
Action Taken: HELD

City Attorney Sloan announced that Council authorized all necessary appeals.

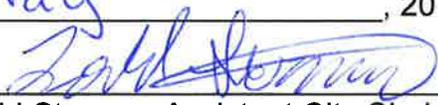
Motion / Second: Acting President Baines / Councilmember Caprioglio
Ayes: Baines, Caprioglio, Olivier, Xiong, Brandau
Noes: None
Absent: Brand, Quintero

ADJOURNED – 3:23 P.M.

Approved on the 15th day of May, 2014.


Steve Brandau, Council President

ATTEST:


Todd Stermer, Assistant City Clerk