

City Council Minutes

February 6, 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.

Present:	Oliver Baines III	Acting Council President
	Lee Brand	Councilmember
	Paul Caprioglio	Councilmember
	Clinton Olivier	Councilmember
	Sal Quintero	Councilmember
	Blong Xiong	Councilmember, arrived shortly thereafter.
	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 Reverend Phil Skei, Pastor of the On Ramps Church

Pledge of Allegiance to the Flag

1:09 P.M. ROLL CALL

Ceremonial Presentations:

Presentation of P.R.I.D.E Team Certificates for the Winter Quarter – **Presentation made.**

RECESSED – 1:44 P.M. to 2:01 P.M.

Approve Council minutes of January 30, 2014

Action Taken: APPROVED AS SUBMITTED

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

Councilmember Reports and Comments

Action Taken: HELD

Councilmember Xiong offered condolences for the recent passing of community leaders Dr. Wayne Kodama and Joe Santos. Dr. Kodama was a founder of the Healthy Smiles Mobile Dental Foundation. Mr. Santos was a community advocate and was involved in the formation of the Latino Mayors Coalition.

Councilmember Quintero discussed the Fresno Dixieland Society and called the national event held each year in downtown Fresno a “hidden treasure” of an event. Councilmember Quintero stated that he would be speaking at the event later in the evening.

Councilmember Olivier thanked Public Works Director Mozier for his responsiveness in dealing with issues in District Seven and announced Wal-Mart would be moving into the former Mervyns building at Blackstone and Ashlan. Councilmember Olivier also thanked Executive Assistant Cuhna, from the City Manager’s Office, for going “above and beyond” when she assisted members of District Seven during a Fresno Area Express Handy Ride telephone system outage.

Acting President Baines thanked staff for a well executed High Speed Rail design presentation that was put on for the community.

Approve Agenda

Action Taken: APPROVED AS AMENDED

City Clerk Spence announced Closed Session items 4-C, 4-D, 4-E and 4-F, concerning performance evaluations and labor negotiations for the City Attorney and City Clerk, had been moved to the February 13, 2014 agenda.

Council President Brandau removed the 2:15 P.M. workshop, concerning downtown parking improvements, from the agenda.

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

Adopt Consent Calendar

Action Taken: ADOPTED

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

1. **CONSENT CALENDAR**

- A. * **RESOLUTION** – 4th amendment to the Fiscal Year 2014 Salary Resolution No. 2013-101 adding the classification of Law Office Assistant – Personnel Services Department
Action Taken: RESOLUTION 2014- 21 ADOPTED

- B. * **RESOLUTION** - 33rd amendment to the Annual Appropriations Resolution (AAR) No. 2013-98 appropriating \$480,000 to fund City-wide licensing for Microsoft migration from Windows XP to Windows 7 and future versions (**Requires 5 affirmative votes**) – Information Services Department
Action Taken: RESOLUTION 2014-22 ADOPTED
- C. Approve second amendment to license agreement with Crown Castle GT Company LLC and the City of Fresno to extend the contract term five (5) years to March 31, 2023, for placement of Cellular Tower Equipment at Fire Station 13 - Fire Department
Action Taken: APPROVED
- D. Actions pertaining to the State Homeland Security Grant Program – Fire Department
1. Approve application for and acceptance of grant award for \$95,100 from the State Homeland Security Grant Program, through the County of Fresno, and authorize the Fire Chief to complete all required documents
Action Taken: APPROVED
 2. **RESOLUTION** - Authorizing the application for and acceptance of fiscal year 2012 Cycle U.S. Department of Homeland Security/Office of Domestic Preparedness “State Homeland Security Grant Program” funding, through the County of Fresno, and authorizing completion of all required documents
Action Taken: RESOLUTION 2014-23 ADOPTED
 3. * **RESOLUTION** - 26th amendment to the Annual Appropriation Resolution (AAR) No. 2013-98 appropriating \$95,100 from the State Homeland Security Grant Program grant to the Fire Department to provide equipment (**Requires 5 affirmative votes**)
Action Taken: RESOLUTION 2014-24 ADOPTED
- E. Approve the reappointments of Paul Bauer, Fely Guzman, Tommie Nellon and Jose Plascencia to the Fresno Regional Workforce Investment Board – Mayor’s Office
Action Taken: APPROVED
- F. * **BILL NO. B-5 – (Intro. 1/30/2014) (For adoption)** - 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: ORDINANCE 2014-8 ADOPTED
- G. * **BILL NO. B-6 – (Intro. 1/30/2014) (For adoption)** - 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: ORDINANCE 2014-9 ADOPTED

2. **GENERAL ADMINISTRATION**

- B. Actions pertaining to the Fresno Yosemite International Airport SMART Program (**Property located in District 4**) – 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 for the acoustic treatment of 70 homes in the vicinity of Fresno Yosemite International Airport

Action Taken: ADOPTED

2. Award a construction contract in the amount of \$1,125,126 to Maxwell Smart Construction, Inc. of Clovis, California for the acoustic treatment of 70 homes in the vicinity of Fresno Yosemite International Airport

Action Taken: AWARDED

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

- C. * **RESOLUTION** - 30th amendment to the Annual Appropriation Resolution (AAR) No. 2013-98 to appropriate \$25,000 in Pacific Gas & Electric 811 Dig-In Safety Awareness Campaign funds for the purchase of campaign materials and reimbursement of City administration costs incurred for the campaign in fiscal year 2014 (***Requires 5 affirmative votes***) - Public Works Department

Action Taken: RESOLUTION 2014-25 ADOPTED

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

- D. Approve a professional services agreement with Cornerstone Structural Engineering in the amount of \$1,800,000 for on-call design plan check review services for City infrastructure associated with the construction of the California High-Speed Rail and authorize the Public Works Director or designee to execute the agreement on behalf of the City - Public Works Department

Action Taken: APPROVED

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

SCHEDULED COUNCIL HEARINGS AND MATTERS

- 2:30 P.M. Adopt City of Fresno Design Guidelines for the California High Speed Rail Project (***Property located in Districts 1, 2 & 3***) – Public Works Department

Action Taken: ADOPTED

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

3. **CITY COUNCIL**

- A. **BILL – (For introduction)** - Adding Section 12-1271 to Chapter 12, Article 17 of the Fresno Municipal Code relating to signs – Councilmember Brand

Action Taken: BILL NO. B-7 INTRODUCED AND LAID OVER

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

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

2:45 P.M. **JOINT MEETING OF THE CITY OF FRESNO AND THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF FRESNO AND FRESNO REVITALIZATION CORPORATION**

The City Council met in joint session with the Successor Agency to the Redevelopment Agency of the City of Fresno and Fresno Revitalization Corporation at 2:47 P.M. to discuss the following:

- A. **RESOLUTION** – Designating positions which shall be subject to the Conflict of Interest Code and defining categories of disclosure for such positions (**Council and Successor Agency action**) – City Clerk’s Office

Action Taken: RESOLUTIONS 2014-26 AND SA-20 ADOPTED

CITY COUNCIL VOTE

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

SUCCESSOR AGENCY VOTE (Members are the City Councilmembers)

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

JOINT MEETING ADJOURNED – 2:49 P.M.

RECESSED – 2:49 P.M. to 2:50 P.M.

2:50 P.M. **SCHEDULED COMMUNICATION**

1. Appearance by Rick Morse to discuss the future of marijuana in the City of Fresno

Mr. Morse discussed opening dialogue with the City in the event that recreational marijuana was approved at the state level.

RECESSED – 2:54 P.M. to 3:09 P.M.

2. **GENERAL ADMINISTRATION CONTINUED**

- A. **RESOLUTION** - Supporting the Leadership Fresno Class 30 Monument Sign proposal – City Manager's Office

Action Taken: RESOLUTION 2014-27 ADOPTED

Motion / Second: Councilmember Caprioglio / Councilmember Xiong

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

Noes: None

4. **CLOSED SESSION**

The City Council met in closed session in Room 2125 from 3:18 P.M. to 4:30 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 – DECIDING WHETHER TO INITIATE LITIGATION** - Government Code Section 54956.9, Subdivision (d)(4)

1. City of Fresno v. State of California re: Senate Bill 7 -- Charter City Prevailing Wage Law

Action Taken: HELD

City Attorney Sloan announced the City had approved joining the League of California Cities in litigation against the State regarding Senate Bill 7 by the following vote:

Ayes: Brand, Caprioglio, Olivier, Brandau

Noes: Baines, Quintero, Xiong

C. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION** – Government Code Section 54957

Title: City Attorney

Action Taken: CONTINUED TO FEBRUARY 13, 2014

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

City Negotiator(s): Council President Brandau

Unrepresented Employee: City Attorney

Action Taken: CONTINUED TO FEBRUARY 13, 2014

E. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION** – Government Code Section 54957

Title: City Clerk

Action Taken: CONTINUED TO FEBRUARY 13, 2014

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

City Negotiator(s): Council President Brandau

Unrepresented Employee: City Clerk

Action Taken: CONTINUED TO FEBRUARY 13, 2014

1:30 P.M. CLOSED SESSION SPECIAL MEETING

CONFERENCE WITH LEGAL COUNSEL – DECIDING WHETHER TO INITIATE LITIGATION - Government Code Section 54956.9, Subdivision (d)(4)

City of Fresno v. Bakman Water District

Action Taken: HELD

City Attorney Sloan announced the City approved filing suit against Bakman Water District concerning territory issues and an administrative action, by the following vote:

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

Noes: None

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

2:15 P.M. WORKSHOP relating to Downtown Parking Improvement Proposal - Ace Parking Management, Inc. – Council President Brandau

Workshop removed from agenda by Council President Brandau.

5:00 P.M. CONTINUED 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

Action Taken: HELD

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: ADOPTED

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: RESOLUTION 2014-28 ADOPTED

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: BILL B-8 INTRODUCED AND ORDINANCE 2014-10 ADOPTED

The following member of the public spoke on this item: Steven Spencer.

Councilmember Xiong asked for “on the record” clarification as to whether public engagement was impacted because notice of the community meeting was sent during the Thanksgiving holiday. Planner Bouvet believed the timing had negligible impact upon public participation considering the many forms of notice given and the great amount of time people had to express their concerns to the City. Mr. Bouvet added that he had been in contact with people in opposition of the project and believed their concerns were being addressed.

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

UNSCHEDULED COMMUNICATION

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

Brent Lett – suggested the City re-evaluate its Public Records Act policy.

ADJOURNED – 5:25 P.M.

Approved on the 13th day of February, 2014.

[Signature] ATTEST: [Signature]
Steve Brandau, Council President Todd Stermer, Assistant City Clerk