

City Council Minutes

April 24, 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.

8:32 A.M. ROLL CALL

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

Invocation by Councilmember Quintero

Pledge of Allegiance to the Flag

Ceremonial Presentations:

Certificate of Commendation to Australian Firefighter Andrew Wood - Fire Department – **Presented.**

Certificate of Appreciation to Firefighters Reitz, Tracy and Contreras - City Manager's Office – **Presented.**

Presentation of a Resolution of Commendation congratulating the Fleet Management Division of the Transportation Department for earning the ASE Blue Seal of Excellence recognition for the fourteenth consecutive year – City Manager's Office – **Presented.**

Approve Council minutes of April 10, 2014

Action Taken: APPROVED AS SUBMITTED

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

Councilmember Reports and Comments

Action Taken: MADE

Councilmember Caprioglio stated it was a pleasure opening the San Ramon apartments in El Dorado Park the previous Friday and thanked City Manager Rudd for his efforts and the City's commitment to the project.

City Manager Rudd noted he had underestimated the cost of splash parks at the previous council meeting and stated the actual costs are between \$150,000 to \$250,000.

Council President Brandau announced the following: the joint council meeting with the City of Clovis would take place on Tuesday evening and the agenda items include water and trail systems; the Clovis Rodeo was having its 100th anniversary and; Council would take a fifteen minute break at 9:30 A.M. to attend the annual commemoration of the Armenian genocide.

Councilmember Xiong noted that PG&E was preparing for a large project that would span approximately 70 miles and wanted to make sure city staff was prepared for the impacts. Mr. Rudd replied that PG&E had already met with his office as well as members of the Development Department.

Approve Agenda

Action Taken: APPROVED AS AMENDED

Assistant City Clerk Stermer announced the following changes to the agenda: there would be a closed session Special Meeting regarding *City of Fresno et al. v. Doug Vagim, et al.* and *Doug Vagim et al. v. City of Fresno et al.*; the 10:15 A.M. Workshop presentation by Superintendent Mike Berg of Central Unified School District had been removed from the agenda by Council President Brandau; and staff would read corrections into the record for Consent Calendar Items 1-A, regarding an Annual Appropriation Resolution for Municipal Sewer Capital Program; 1-F, regarding Recycled Water Distribution System State Revolving Fund Loan documents and; 1-G, regarding a lease of land within Roeding Park for Roeding Playland and Fresno Storyland.

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

Adopt Consent Calendar

Action Taken: ADOPTED

Public Utilities Department Assistant Director Hogg read the following correction into the record for Consent Calendar Item 1-A regarding an Annual Appropriation Resolution for Municipal Sewer Capital Program: "The first paragraph of the Environmental Findings was appropriate for when the original ordinance was adopted but is not appropriate for this refunding and was included by clerical error. Staff recommends that council only recognize the second paragraph of the Environmental Findings.

Mr. Hogg also read the following correction into the record for Consent Calendar Item 1-F regarding Recycled Water Distribution System State Revolving Fund Loan documents: "Staff identified a typographical error in the next to last paragraph in the Background section. The annual debt service payment for this SRF loan will be approximately \$450,000 annually for thirty years," not \$117,000 as stated in the report.

PARCS Administrative Manager Norris read the following correction into the record for Consent Calendar Item 1-G regarding a lease of land within Roeding Park for Roeding Playland and Fresno Storyland: "The Environmental Finding section should state that by the definition provided in the California Environmental Quality Act guidelines section 15378 a lease of real property does not qualify as a project as defined by the California Environmental Quality Act. The Local Preference section should state that a local preference was not considered because this agreement does not include a bid or award of a construction or services contract."

The following member(s) of the public spoke on Consent Calendar items: Barbara Hunt (1A – 1F)

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

1. **CONSENT CALENDAR**

- A. * **RESOLUTION** - 32nd amendment to the Annual Appropriation Resolution (AAR) No. 2013-98 appropriating \$100,000 for the loan program for abandonment of single family residential septic tank and cesspool systems and sewer line installation and connection to the City sewer system for Municipal Sewer Capital Program (MSCP) (**Requires 5 affirmative votes**) - Department of Public Utilities
Action Taken: RESOLUTION 2014-60 ADOPTED
- B. Award a contract for four (4) motor starters in the amount of \$281,657.73 to Allied Electric Motor Service - Bid File 3313 (**Council District 3**) - Department of Public Utilities
Action Taken: AWARDED
- C. * **RESOLUTION** - 40th amendment to the Annual Appropriation Resolution (AAR) No. 2013-98 appropriating \$200,000 for design and construction costs on the Golden State Bridge repair (**Council District 3**) (**Requires 5 affirmative votes**) - Public Works Department
Action Taken: RESOLUTION 2014-61 ADOPTED
- D. Adopt Categorical Exemption per staff determination pursuant to Section 15301(c) and approve acquisition of one (1) parcel located at 6780 N. Lafayette Avenue for the amount of \$290,000 from Seller: Marilyn R. Weaver to construct a new water supply well (**County island within Council District 2**) - Department of Public Utilities
Action Taken: ADOPTED

- E. * Approve a renewal of the Memorandum of Understanding (MOU) between the City of Fresno (City) and the Fresno Metropolitan Flood Control District (FMFCD) to implement a Storm Water Quality Management Program (**Citywide**) - Public Works Department
Action Taken: APPROVED

- F. Actions pertaining to the Recycled Water Distribution System, Southwest Quadrant Project SW1A State Revolving Fund Loan documents (**Council District 3 and portions of Fresno County**) – Department of Public Utilities
 - 1. **RESOLUTION** - To authorize the Director of Public Utilities to sign a financing application for a financing agreement with the California State Water Resources Control Board
Action Taken: RESOLUTION 2014-62 ADOPTED
 - 2. **RESOLUTION** - To finance the cost of improvements relating to the Recycled Water Distribution System, Southwest Quadrant SW1A project
Action Taken: RESOLUTION 2014-63 ADOPTED
 - 3. **RESOLUTION** - To pledge revenues and funds to satisfy repayment obligations for the financing agreement of the Recycled Water Distribution System, Southwest Quadrant Project SW1A
Action Taken: RESOLUTION 2014-64 ADOPTED

- G. Approve a thirty (30) year lease with Roeding Park Playland and Fresno Storyland for the continued lease of land within Roeding Park (**Council District 3**) - PARCS
Action Taken: APPROVED

2. **GENERAL ADMINISTRATION**

- A. Approve the acquisition of a 4.05 acre parcel of property in the amount of \$617,463, owned by K and H Bros, Inc. for the construction of Veterans Boulevard overcrossing near Golden State and Bullard Avenue (**Council District 2**) - Public Works Department
Action Taken: APPROVED

The following member(s) of the public spoke on this item: Barbara Hunt

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

UNSCHEDULED COMMUNICATION

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

Barbara Hunt – discussed perceived shortcomings of the City Council including neglect of Southwest Fresno, Brown Act violations, unsound decisions and lack of information.

RECESSED – 9:30 A.M. – 10:15 A.M.

SPECIAL MEETING CLOSED SESSION

The City Council met in closed session in Room 2125 from 10:15 A.M. to 11:05 A.M. to discuss the following:

A. CONFERENCE WITH LEGAL COUNCIL-EXISTING LITIGATION - Government Code

Section 54956.9, subdivision (a)

City of Fresno, et al. v. Doug Vagim, et al.;

Superior Court Case No. 13CECG03080

Action Taken: HELD

No announcement was made.

Doug Vagimm, et al. v. City of Fresno, et al.;

Superior Court Case No. 13CECG03206

Action Taken: HELD

No announcement was made.

SCHEDULED COUNCIL HEARINGS AND MATTERS

10:00 A.M. HEARING to adopt resolutions and ordinance to annex territory and levy a special tax regarding Community Facilities District No. 9, Annexation No. 6 (Assessor's Parcel Number 403-070-53, Parcel B of Parcel Map No. 2001-01) (northeast corner of N. Chestnut and E. Nees Avenues) (**Council District 6**) – Public Works Department

Action Taken: HELD

a. **RESOLUTION** – Annexing territory to Community Facilities District No. 9 and authorizing the levy of a special tax

Action Taken: RESOLUTION 2014-65 ADOPTED

b. **RESOLUTION** – Calling a special mailed-ballot election

Action Taken: RESOLUTION 2014-66 ADOPTED

c. **RESOLUTION** – Declaring election results

Action Taken: RESOLUTION 2014-67 ADOPTED

d. * **BILL (For introduction of adoption)** – Levying a special tax for the property tax year 2013-2014 and future years with and relating to Community Facilities District No. 9, Annexation No. 6

Action Taken: BILL B-20 INTRODUCED & ORDINANCE 2014-23 ADOPTED

The following member(s) of the public spoke on this item: Barbara Hunt

Motion / Second: Councilmember Brand / Councilmember Caprioglio

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

Noes: None

Absent: Olivier

2. **GENERAL ADMINISTRATION CONTINUED**

- B. Authorize the City of Fresno to enter into a three year agreement with the 21st District Agricultural Association for \$752,661.56 to provide police services at the Fresno District Fair – Police Department

Action Taken: AUTHORIZED

The following member(s) of the public spoke on this item: Barbara Hunt

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

3. **CITY COUNCIL**

- A. Approve amendments to the Labor Management Act – Councilmember Brand
1. **RESOLUTION** – Amending two articles from the Labor Management Act that was adopted by the Council in July, 2010
Action Taken: RESOLUTION 2014-68 ADOPTED
 2. **BILL - (For introduction)** – Amending Subsections (a) and (c) of Section 3-616 of the Fresno Municipal Code, relating to the employer-employee relations ordinance
Action Taken: BILL B-21 INTRODUCED AND LAID OVER

The following member(s) of the public spoke on this item: Barbara Hunt
Motion / Second: Councilmember Brand / Councilmember Baines
Ayes: Baines, Brand, Caprioglio, Xiong, Brandau
Noes: Quintero
Absent: Olivier

4. **CLOSED SESSION**

The City Council continued closed session and joint closed session in Room 2125 from 11:35 A.M. to 12:15 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

The following member(s) of the public spoke on this item: Barbara Hunt

No announcement was made.

JOINT CLOSED SESSION OF THE CITY OF FRESNO AND THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF FRESNO AND FRESNO REVITALIZATION CORPORATION

A. CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Government Code Section 54956.8

- 1. Property involving APN 493-020-28ST (No Address) and APN 493-020-37ST; (5005 E. Dakota)

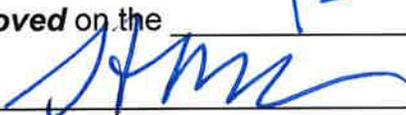
Negotiating Parties: Executive Director of Successor Agency Marlene Murphey

Action Taken: HELD

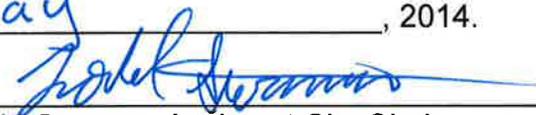
No Announcement was made.

ADJOURNED – 12:15 P.M.

Approved on the 1st day of May, 2014.



Steve Brandau, Council President

ATTEST: 

Todd Stermer, Assistant City Clerk