

# City Council Minutes

## June 5, 2014

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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.

### 8:37 A.M. ROLL CALL

Present:	Oliver Baines III	Acting Council President
	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 Joe Basile of the Fresno First Baptist

Pledge of Allegiance to the Flag

### Ceremonial Presentations:

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

Presentation of Department of Public Utilities Golf Tournament Check to Fresno Community Food Bank and their golf tournament trophy to Water Division – **Presented.**

Proclamation of “DOUG COLLINS DAY” – Councilmember Oliver – **Presented.**

Approve Council minutes of May 22, 2014

**Action Taken:** APPROVED AS SUBMITTED

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

Councilmember Reports and Comments

**Action Taken:** MADE

Councilmember Caprioglio congratulated the Councilmembers that had been re-elected to their council seats.

Councilmember Brand invited people to attend the Home of Hope drawing on June 11<sup>th</sup>, 2014 at Copper River Ranch.

Councilmember Quintero informed the City Manager that his constituents were very appreciative of the reconstruction of Peach Avenue and he noted the flow of traffic had much improved. Councilmember Quintero's constituents also expressed appreciation for the traffic signals at Kings Canyon and Minewawa and at Church and Peach. Councilmember Quintero thanked Michael Holly, Craig Hansen, Pete Caldwell and Steve Son for their assistance during these projects and stated that he was looking forward to the next project at Peach Avenue between Butler and California. City Manager Rudd noted that the voters should be thanked for having the foresight to approve Measure "C" in 2006 which is why these projects could be done.

Councilmember Quintero also expressed his concerns to City Manager Rudd about a Housing Authority project in his District. Councilmember Quintero's Office was not contacted about the project, which is heavily saturated with low income apartments, and he stated that Councilmembers should be informed when projects like that come up. City Manager Rudd stated that he would set up a meeting about the project for the Councilmember.

Approve Agenda

**Action Taken:** APPROVED AS AMENDED

City Clerk Spence announced the following changes to the agenda: Council will only consider the appointment of Patrick Boyd for Consent item 1-A as consideration of Lawrence Garcia has been removed from that item; Consent item 1-E-1 should reference "Section 15301(1)(3)" not 15301(13) of the CEQA guidelines; Consent Item 1-H was brought to Council by the Department of Public Utilities, not the Public Works Department; Consent Item 1-I was brought to Council by the Public Works Department, not the Department of Public Utilities.

President Brandau removed Consent item 1-J concerning the Millbrook road diet and bike lanes until after the bike workshop which would occur in approximately six weeks.

Adopt Consent Calendar

**Action Taken:** ADOPTED

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

The following members of the public spoke on consent calendar items: Barbara Hunt (1-H), Anthony Molina (1-J) and Stephanie Frederick (1-J).

1. **CONSENT CALENDAR**

- A. Approve the re-appointment of Patrick Boyd to the Historic Preservation Commission and the appointment of Lawrence Garcia to the Planning Commission – The Mayor’s Office  
**Action Taken:** APPROVED (Patrick Boyd only)
- B. Authorizing the Director of Public Utilities or designee to negotiate and enter into an agreement not to exceed \$60,000 with George Slater, dba GWS Consulting, for the maintenance and EPA oversight of the City of Fresno closed sanitary landfill without advertised competitive bidding (Sole-Source) - Department of Public Utilities  
**Action Taken:** AUTHORIZED
- C. Actions pertaining to a lease agreement for the agriculture facility at Dakota and Chestnut (the "Ag Farm") - Police Department
1. Adopt a finding of Categorical Exemption pursuant to Article 19, Section 15301/Class 1 (existing facilities) of the California Environmental Quality Act ("CEQA") Guidelines for the continued lease of the Ag Farm  
**Action Taken:** ADOPTED
  2. Authorize the Chief of Police to execute a 10-year lease and service agreement with Fresno Unified School District ("FUSD") for continued use of the Ag Farm  
**Action Taken:** AUTHORIZED
- D. Approve first amendment to agreement with Northern Consulting Actuaries, Inc., dba Van Iwaarden Associates extending the term and providing compensation terms for consulting services related to the actuarial valuation of post employment medical benefits, a requirement of the Comprehensive Annual Financial Report (CAFR) – Finance Department  
**Action Taken:** APPROVED
- E. Actions pertaining to the Cultural Arts District (CAD) park hazardous materials abatement and demolition (**Council District 3**) – Public Works Department
1. Adopt finding of Categorical Exemption per staff determination, pursuant to Class 1 Section 15301(1)(3) (demolition and removal) of the California Environmental Quality Act (CEQA) guidelines for the (CAD) park hazardous materials abatement and demolition  
**Action Taken:** ADOPTED
  2. Grant relief to HD Matthews Demolition & Excavation of Fresno from the bid they submitted due to a clerical error  
**Action Taken:** GRANTED
  3. Award a construction contract to Midwest Environmental Control, Inc. of Edwards Air Force Base (AFB), California in the amount of \$164,950 for the CAD park hazardous materials abatement and demolition Bid File - 3326  
**Action Taken:** AWARDED
- F. Approve an interim contract with Commercial Cleaning Systems (CCS) of Fresno, California for custodial services not to exceed \$250,000 for providing custodial services at City Hall and various City facilities (**Citywide**) - Public Works Department  
**Action Taken:** APPROVED

- G. **RESOLUTION** - Of intention to annex Final Tract Map No. 5531, Annexation No. 55, to the City of Fresno Community Facilities District No. 11, and setting the public hearing for July 17, 2014 at 10:15 a.m. (east side of S. Armstrong Avenue south of the San Joaquin Valley Railroad) (**Council District 5**) - Public Works Department  
**Action Taken:** RESOLUTION 2014-85 ADOPTED
- H. Actions pertaining to the Jensen Avenue improvements at the Regional Wastewater Reclamation Facility (Bid file 3336) (**Council District 3**) – Department of Public Works
1. Adopt a finding of Class 2 and 4 Categorical Exemptions, pursuant to Section 15302(C) (Replacement or Reconstruction) and 15304(F) (Minor Alterations to Land) of the California Environmental Quality Act Guidelines (CEQA)  
**Action Taken:** ADOPTED
  2. Award a \$132,682 construction contract to Yarbs Grading and Paving Inc. of Fowler, California  
**Action Taken:** AWARDED
- I. Actions pertaining to the Shields and Temperance Avenues intersection signalization project, Bid File 3319 (**Council District 4**) – Department of Public Works
1. Adopt finding of a Categorical Exemption pursuant to Class 1 Section 15301 of the CEQA Guidelines, for the Shields and Temperance Avenues intersection signalization project  
**Action Taken:** ADOPTED
  2. Award a construction contract to Lee Wilson Electric Company, Inc. of Arroyo Grande, CA in the amount of \$319,927.00 for the Shields and Temperance Avenues intersection signalization project  
**Action Taken:** AWARDED
- J. Actions pertaining to the Millbrook Road Diet and Bike Lanes - Shields Avenue to Gettysburg Avenue project Bid File 3290 (**Council Districts 4 and 7**) - Public Works Department
1. Adopt finding of a Categorical Exemption pursuant to Class 1 Section 15301(C) (Existing Facilities) of the CEQA Guidelines for the Millbrook Road Diet and bike lanes - Shields Avenue to Gettysburg Avenue  
**Action Taken:** REMOVED FROM AGENDA BY PRESIDENT BRANDAU
  2. Award a construction contract with Seal Rite Paving and Grading of Fresno, California in the amount of \$350,568.00 for the Millbrook Road Diet and bike lanes Shields Avenue to Gettysburg Avenue project  
**Action Taken:** REMOVED FROM AGENDA BY PRESIDENT BRANDAU
- K. Reject all bids received for sewer rehabilitation in West and Weber Avenues (Bid File 3306) (**Council Districts 1 and 3**) – Department of Public Utilities  
**Action Taken:** APPROVED (bids rejected)
- L. Award a purchase contract in the amount of \$373,501.41 to Lehr Automotive for the purchase of police car hardware from Bid File 3334 – Transportation Department  
**Action Taken:** AWARDED

## **SCHEDULED COUNCIL HEARINGS AND MATTERS**

**9:00 A.M. WORKSHOP** - Business Friendly Fresno Final Report  
HELD

**10:00 A.M. WORKSHOP** - Update from the San Joaquin Valley Air Pollution Control District on the efforts of the District to address our Air Quality – Acting President Baines  
HELD

**10:30 A.M. SCHEDULED COMMUNICATION –**

- A.** Appearance by Zoyer Zachary Zyndel to invite the City Council to the Fresno Pride Parade and Festival  
APPEARED

## **UNSCHEDULED COMMUNICATION**

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

Barbara Hunt – discussed: alleged election code violations regarding taxes and election time council actions; shifting city boundaries; a conflict of interest created by the City Councilmembers constituting the Redevelopment Agency members.

Daniel Warden – discussed the possibility of fast tracking the installation of a left turn signal on Cedar Avenue at Bulldog Lane.

Moses Menchaca - discussed the possibility of fast tracking the installation of a left turn signal on Cedar Avenue at Bulldog Lane.

Acting President Baines exited the Council Chamber at 11:25 A.M.

## **2. GENERAL ADMINISTRATION**

- A.** Approve an agreement in the amount of \$2,211,708 with the County of Fresno for Fire Department emergency dispatch services for the period July 1, 2014 through June 30, 2017 - Fire Department  
***Action Taken:*** APPROVED

The following member of the public spoke on this item: Barbara Hunt.

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

- B.** Actions pertaining to the Fresno/Clovis Regional Wastewater Reclamation Facility Headworks Building coating repair and stop plate installation (**Council District 3**) - Department of Public Utilities
1. Adopt a finding of Class 1 Categorical Exemption, pursuant to Section 15301 (b) and (d) of the California Environmental Quality Act Guidelines  
**Action Taken:** ADOPTED
  2. \* **RESOLUTION** - 46th amendment to the Annual Appropriation Resolution (AAR) No. 2013-98 appropriating \$4,458,000 for the Fresno/Clovis Regional Wastewater Reclamation Facility Headworks Building coating repair and stop plate installation (**Requires 5 affirmative votes**)  
**Action Taken:** RESOLUTION 2014-86 ADOPTED
  3. Award a \$6,367,960 contract as negotiated to Floyd Johnston Construction Company of Clovis, California for the design and construction thereof (bid file 3201)  
**Action Taken:** AWARDED

Supervising Engineer Norgaard read the following addition into the record: "Furthermore, staff has determined that none of the exceptions to Categorical Exemptions set forth in the CEQA Guidelines, Section 15300.2 apply to this project."

The following member of the public spoke on this item: Barbara Hunt.

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

Councilmember Xiong exited the Council Chamber at 11:49 A.M.

- C.** Actions pertaining to the International Brotherhood of Electrical Workers (IBEW), Local 100 – Personnel Services Department
1. \* Adopt a Memorandum of Understanding (MOU) between the City of Fresno and the International Brotherhood of Electrical Workers (IBEW), Local 100 (Non-Supervisory Groups & Crafts – Unit 7)  
**Action Taken:** ADOPTED
  2. \* Adopt a Side Letter of Agreement between the City of Fresno and IBEW, Local 100 (Non-supervisory Supervisory Groups & Crafts – Unit 7) on pensions for new employees  
**Action Taken:** ADOPTED
  3. \* **RESOLUTION** – 6th amendment to the Salary Resolution No. 2013-101, amending salaries in Exhibit 7, Non-Supervisor Groups & Crafts (IBEW)  
**Action Taken:** RESOLUTION 2014-87

The following member of the public spoke on this item: Barbara Hunt.

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

Councilmember Xiong entered the Council Chamber at 11:56 A.M.

- D. **BILL – (For introduction)** - Recommended amendment to Subsection (a) of Section 11-504 and Section 11-622 of the Fresno Municipal Code relating to appeals involving the Building Commission – City Attorney’s Office

**Action Taken:** BILL B-24 INTRODUCED AND LAID OVER

The following member of the public spoke on this item: Barbara Hunt.

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

3. **CITY COUNCIL**

4. **CLOSED SESSION**

Council President Brandau announced Closed Session item 4-A concerning Conference with Labor Negotiators Jeffrey Cardell and Ken Phillips had been removed from the agenda.

- 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:** REMOVED FROM AGENDA BY STAFF

RECESSED 12:01 P.M. to 1:40:P.M.

Acting President Baines was in attendance following the recess.

## **SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED**

### **1:30 P.M. FISCAL YEAR 2014-2015 BUDGET HEARINGS (SUBJECT TO CHANGE)**

#### **1. General Fund Overview**

Budget Manager Sumpter provided a general fund overview which included the following: on-going revenues for the general fund in Fiscal Year ("FY") 2015 totaled 281.9 million dollars and were 3% higher than the adopted FY 2014 budget and over 0.5% higher than the 2014 estimate; the resources total were 286 million dollars and include a carryover from FY 2014 which was estimated at 4.5 million dollars; increases to revenues over the next five years varied from 1% to 2.5% with a few exceptions due to one-time events; property tax, sales tax and charge for services represented approximately 77% of general fund revenues; the property tax estimate for FY 2015 was 108 million dollars which included the RDA increment and reflected a growth rate of 2.8% over FY 2014 estimates; the sales tax estimate for FY 2015 was \$76,000,000 which was approximately 3.8% higher than FY 2014 adopted and 2.5% higher than FY 2014 estimates; the "charge for services" estimate for FY 2015 was approximately 33 million dollars and was lower than the March estimate; the service charge growth was a conservative 2% in FY 2015 and 1.2% over FY 2014 estimates; business license revenue estimates were 17 million dollars; room tax revenue estimates were 9.9 million dollars; franchise tax revenues totaled about 11.9 million dollars; intergovernmental revenues were down; appropriations were up and totaled 261 million dollars; employee services costs were up 9.5 million from FY 2014 estimates and were up approximately 13 million dollars from the FY 2014 adopted due to various circumstances and events; the Health and Welfare costs were up and had a 17 million dollars general fund impact and totaled 35 million dollars city wide; operations and maintenance were up slightly due to many factors; the increase in interdepartmental chargers covered the replenishment of the self-insurance fund and would continue to be fully funded; the budget included lease payments for Police Department vehicles and replacement vehicles for the Fire and PARCS Departments; the total debt service for the general fund in FY 2015 was approximately 35 million dollars; the total general fund debt was 650 million dollars; total city obligations were 1.38 billion dollars and 53% of the obligations were backed by enterprise funds; the general fund reserve balance was 1.5 million dollars and the proposed growth over the next five years was funded by the repayment of RDA loans that were made over the last thirty years; the FY 2015 proposed reserves were budgeted in the Emergency Reserve fund which was restricted with regards to the conditions under which it could be used.

#### **2. City Attorney**

City Attorney Sloan provided a summary of the City Attorney's budget which included the following: the FY 2014 budget had been cut about \$500,000 and had been cut approximately 1.5 million dollars in prior years; the office was operating with the fewest number of employees in 20 years but still handled the same amount

of work as in years past; the office saved \$30,000 by replacing a Management Analyst with a lawyer which also provided additional service to the client; the office was projecting to finish the year with \$100,000 remaining in the budget; the proposed budget was status quo but would save the City money when taking into consideration in house lawyer and contract council costs - appropriations go up \$250,000 to \$300,000 but the city would save about \$350,000 by keeping cases in house rather than utilizing more expensive outside attorneys; the budget proposed using a portion of savings for promotions and equity adjustments of approximately \$50,000.

The following member of the public spoke on this item: Barbara Hunt.

Councilmember Brand discussed the following with City Attorney Sloan: the possibility of a contract compliance position; graffiti abatement; savings from implementation of the Litigation Management Act. Councilmember Brand motioned to allocate \$70,000 for a paralegal in the City Attorney's Office to perform contract compliance work. The motion was seconded by Councilmember Olivier.

Councilmember Quintero motioned to approve the City Attorney's Budget inclusive of Councilmember Brand's motion. The motion was seconded by Councilmember Brand.

Councilmember Xiong discussed the following with City Attorney Sloan: the possibility of implementing graffiti abatement and changes in leadership at the District Attorney's Office.

Councilmember Baines expressed his support for the City Attorney's Office.

Councilmember Olivier discussed the following with City Attorney Sloan: the elimination of the prostitution and graffiti prosecutor positions and current city involvement in prostitution prosecutions.

Councilmember Brand directed the City Attorney to explore the possibility of the incoming District Attorney deputizing a City Attorney to prosecute graffiti.

Councilmember Caprioglio discussed the following with City Attorney Sloan: City Attorney support for code enforcement and its importance for city neighborhoods. Councilmember Caprioglio directed the City Attorney to engage in discussions with the incoming District Attorney to seek mutually beneficial situations.

### 3. City Clerk

Budget Manager Sumpter provided a summary of the City Clerk budget which included the following: the total budget for FY 2015 had increased to \$661,000; the largest part of the increase was due to refunding the senior administrative clerk position that had been defunded in FY 2014; the budget included funding for the

implementation of the Legistar automated agenda software; there were no other staffing changes.

City Clerk Spence discussed City Clerk operations and noted the following: the small staff of five had two new members including the Assistant City Clerk; an automated agenda software was being implemented throughout the City which would accommodate time stamped video streaming; an automated system was introduced to handle electronic filing of campaign finance forms and Statement of Economic Interest forms. City Clerk Spence noted future projects would include: better management of City Boards and Commissions; the addition of Boards and Commissions to the Legistar software; updates to the City records retention schedule, and; developing a systematic way to manage records throughout the City.

The following member of the public spoke on this item: Barbara Hunt.

#### 4. Transportation Department ("FAX")

Budget Manager Sumpter provided a summary of the Transportation Department budget which included the following: the FY 2015 budget total was 156 million dollars; 85 million dollars of the budget was operational costs and the remainder was capital projects; the largest capital project was the Bus Rapid Transit project at a cost of 32 million dollars; fourteen new drivers have been budgeted and are anticipated to begin in the current fiscal year; service impacts include the utilization of four police cadets in addition to the officers already assigned to the FAX Department; \$23,000 has been budgeted for the Federal paratransit review which will help ensure compliance with the FTA regulations and ADA laws; the Council approved paratransit service contract has increased \$150,000 over FY 2014.

Brian Marshall was introduced as the new Director of Transportation.

City Manager Rudd discussed the Transportation Department and noted the following: 2.5 million dollars had been committed to an operating reserve in FY 2014; it was anticipated that an additional 2.5 million dollars would be placed in reserves over the next two years for a total of 5 million dollars in the operational reserves; three years of operating assistance was received for the Bus Rapid Transit project which would allow service at Shaw Avenue; new busses were being delivered and other capital plans were being implemented to increase amenities for the community; the department completed its first facilities assessment which would help create a five year capital plan.

Councilmember Olivier discussed the following with City Manager Rudd: bus stop conditions in the seventh district; the status of grants for bus stop landing pads; the utilization of police cadets at FAX facilities.

Councilmember Caprioglio discussed the following with City Manager Rudd: the number of passengers riding the bus; overtime payments for the department; fuel costs and efficiency; veteran's taxi vouchers.

Councilmember Xiong discussed the following with City Manager Rudd and Director Marshall: the method used to seek out and of hire key positions; the Bus Rapid Transit situation in Fresno.

The following members of the public spoke on this item: Julie Cusator, Barbara Hunt, Rick Steitz, Frank Hanzlik and Molina Rafferty.

Councilmember Baines noted, for the record, that he believed providing bus service to the Veterans home needs to be done and should be a priority for the City and that veterans were not asking for better service but were asking for the same service as everyone else. Councilmember Baines discussed the following with City Manager Rudd: expanded service hours and expanded security coverage at transit facilities. Councilmember Baines motioned to extend bus service to the Veteran's Home. The motion was seconded by Councilmember Olivier.

**5. Information Services**

Budget Manager Sumpter provided a summary of the Information Services Department budget which included the following: the budget was primarily status quo; the department was mostly funded by internal service charges except for the call center which was funded by approximately \$360,000 from the general fund; expenditures included the Legistar software being implemented by the Clerk's Office; there were savings from interdepartmental chargers, liability self-insurance charges and from rolling a claim off the cost sheets over the last two years; a new budget system and completion of the Voice Over Internet Protocol project were budgeted in the systems replacement fund.

The following member of the public spoke on this item: Barbara Hunt.

Councilmember Caprioglio discussed the following with Director Hogg and Purchasing Manager Watahira: changes for non-personnel and interdepartmental services.

**Action Taken:** HELD

**ADJOURNED – 3:30 P.M.**

**Approved** on the 26 day of June, 2014.

  
Steve Brandau, Council President

ATTEST:   
Todd Stermer, Assistant City Clerk