

# City Council Minutes

## June 26, 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.

### 8:42 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 Pastor Kevin Smith of The Ark Christian Fellowship

Pledge of Allegiance to the Flag

### Ceremonial Presentations:

Proclamation of "BLACKBEARD'S FAMILY ENTERTAINMENT CENTER DAY" – Councilmember Caprioglio – **Read and presented**

Proclamation of "THE TERRACES AT SAN JOAQUIN GARDENS DAY" – Councilmember Caprioglio – **Removed from the agenda by staff**

Approve Council minutes of June 5, 9, 10, 11, 16, and 19, 2014

**Action Taken:** MINUTES OF JUNE 19, 2014 LAID OVER TO JULY 17, 2014.  
MINUTES OF JUNE 5, 9, 10, 11 and 16, 2014 APPROVED AS SUBMITTED

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

Councilmember Reports and Comments

**Action Taken:** MADE

Councilmember Xiong sent out "best wishes" to Team USA playing at the FIFA World Cup in Brazil.

Acting President Baines expressed support for Team USA at the World Cup in Brazil and welcomed Xavier Richards as a new intern in the District Three Council offices.

President Brandau inquired, for the record, about the consultants on the municipal water project and whether a study had been completed on the different methods and cost saving options that could be available. Assistant City Manager Smith stated the following: a timeline was due from the consultants next week detailing the capital plan and the rates moving forward; an analysis of the project had been done and the department found significant cost savings and discovered funding opportunities aside from bonds; an update for the Councilmember would be arranged for the second meeting in July.

Councilmember Quintero congratulated all local graduates and specifically recognized those from the Youthbuild Charter School for their service to the City of Fresno as part of the Local Conservation Corps.

Councilmember Caprioglio exited the Council Chamber at 8:54 A.M. and returned at 9:02 A.M.

Approve Agenda

**Action Taken:** APPROVED AS AMENDED

City Clerk Spence announced the following changes to the agenda: General Administration Item 2-F regarding Assignment of a HOME Program Agreement from TFS Investments, LLC to Fultonia West/Cedar Heights Scattered Site, LP will be heard after the Scheduled 10:00 AM items; the invocation was performed by Pastor Kevin Smith of the Ark Christian Fellowship; staff would read a statement into the record for Consent Calendar Item 1-E concerning Bid File 3341 and the signalization project at Chestnut and Shepherd Avenues; the proclamation of "Terraces at San Joaquin" had been removed from the agenda by staff; Staff would read a statement into the record for General Administration Item 2-A regarding Bid File 3310 and the installation of a water main in Willow Avenue between Teague and Yeargin Avenues and in Shepherd Avenue between Winery and Willow Avenues.

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

Adopt Consent Calendar

**Action Taken:** ADOPTED

Public Works Manager Son read the following statement into the record regarding Consent Calendar item 1-E relating to Bid File 3341 and the signalization project at Chestnut and Shepherd Avenues: the staff report should reflect that the contract will be awarded to Lee Wilson Electric Company, Inc. of Arroyo Grande, CA in the amount of \$315,407.25.

Councilmember Olivier stated he would like to register a "no" vote for Consent Calendar item 1-I regarding an award of a contract for a 300 ton chiller and for Consent Calendar item 1-O regarding an amendment of the Fresno Municipal Code relating to application of local preference for a public work improvement.

Councilmember Brand moved the following Consent Calendar items to the Contested Consent Calendar for further discussion: 1-E relating to Bid File 3341 and the signalization project at Chestnut and Shepherd Avenues; 1-F relating to Bid File 3342 and the signalization project at Perrin and Sommersville Avenues.

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

\* **NOTE:** Councilmember Olivier registered a “no” vote for the following Consent Calendar Items: Consent Calendar item 1-I regarding an award of a contract for a 300 ton chiller; Consent Calendar item 1-O regarding an amendment of the Fresno Municipal Code relating to application of local preference for a public work improvement.

1. **CONSENT CALENDAR**

- A. Action pertaining to First Amendment to the Sublease Agreement between the City of Fresno and Community Media Access Collaborative (CMAC) to sublease additional space on the third floor of the Historic Bee Building (**Council District 3**) – City Manager’s Office
1. Adopt a finding of a Categorical Exemption pursuant to Class 1 of the California Environmental Quality Act (CEQA) Guideline Section 15301 (Existing Facilities) for extension of sublease  
**Action Taken:** ADOPTED
  2. Approve First Amendment to the Sublease Agreement between the City of Fresno and Community Media Access Collaborative (CMAC) to sublease additional space on the third floor of the Historic Bee Building – City Manager’s Office  
**Action Taken:** APPROVED
- B. **RESOLUTION** - To complete the certification and claim process in order to allow the City of Fresno to receive its share of Measure “C” extension funds in fiscal year 2014-2015 – Finance Department  
**Action Taken:** RESOLUTION 2014-105 ADOPTED
- C. Actions pertaining to the Parking Agreement between City of Fresno and Club One Casino, Inc. (**Council District 3**) – Development and Resource Management Department
1. Adopt a finding of categorical exemption per staff determination pursuant to Article 19, Section 15301 Class 1 (Existing Facility) of the California Environmental Quality Act Guidelines  
**Action Taken:** ADOPTED
  2. Authorize the Fifth Amendment to the Parking Agreement between the City of Fresno and Club One Casino, Inc. for fixed rate patron parking in the amount of \$72,000 per year  
**Action Taken:** AUTHORIZED
- D. Reject all proposals for landscape maintenance services at various water well sites and Water Division properties – Bid File 9200 (**Citywide**) - Department of Public Utilities  
**Action Taken:** APPROVED (proposals rejected)

- E. Actions pertaining to the Chestnut and Shepherd Avenues intersection signalization project, Bid File 3341 (**Council District 6**) – Public Works Department
1. Adopt finding of a Categorical Exemption pursuant to Class 1 Section 15301 of the CEQA Guidelines, for the Chestnut and Shepherd Avenues intersection signalization project  
**Action Taken:** MOVED TO CONTESTED CONSENT CALENDAR
  2. Award a construction contract to Lee Wilson Electric Company, Inc. of Arroyo Grande, CA in the amount of \$315,407.25 for the Chestnut and Shepherd Avenues intersection signalization project  
**Action Taken:** MOVED TO CONTESTED CONSENT CALENDAR
- F. Actions pertaining to the Perrin and Sommerville Avenues intersection signalization project, Bid File 3342 (**Council District 6**) – Public Works Department
1. Adopt finding of a Categorical Exemption pursuant to Class 1 Section 15301 of the CEQA Guidelines, for the Perrin and Sommerville Avenues intersection signalization project  
**Action Taken:** MOVED TO CONTESTED CONSENT CALENDAR
  2. Award a construction contract to A-C Electric Company of Fresno, CA in the amount of \$320,500 for the Perrin and Sommerville Avenues intersection signalization project  
**Action Taken:** MOVED TO CONTESTED CONSENT CALENDAR
- G. Actions pertaining to the sewer rehabilitation in Ashlan Avenue and Sherman Street (Bid File 3309) (**Council District 7**) – Department of Public Utilities
1. Adopt a Finding of 1 and 2 Categorical Exemptions, pursuant to Section 15301(b) (Existing facilities of both investor and publicly-owned utilities used to provide electric power, natural gas, sewerage, or other public utility services) and Section 15302(c) (Replacement or Reconstruction) of the California Environmental Quality Act Guidelines  
**Action Taken:** ADOPTED
  2. Award a \$99,860.21 construction contract to Repipe California LP of Riverside, California  
**Action Taken:** AWARDED
- H. Actions pertaining to the Sewer Rehabilitation in Fresno Street from Lewis to Webster (Bid File - 3308) (**Council District 7**) – Department of Public Utilities
1. Adopt a finding of 1 and 2 Categorical Exemptions, pursuant to Section 15301(b) (Existing facilities of both investor and publicly-owned utilities used to provide electric power, natural gas, sewerage, or other public utility services) and Section 15302(c) (Replacement or Reconstruction) of the California Environmental Quality Act Guidelines  
**Action Taken:** ADOPTED
  2. Award a \$414,373.50 construction contract to Repipe California LP of Riverside, California  
**Action Taken:** AWARDED

- I. Award a contract for one 300 ton chiller in the amount of \$137,878.65 to Norman S. Wright Duckworth - Bid File 3333 (**Council District 3**) - Department of Public Utilities  
**Action Taken:** AWARDED
- J. **BILL – (For introduction)** - Adding Article 9 of Chapter 6 of the Fresno Municipal Code relating to the use of recycled water for plumbing and landscape irrigation and referred to as the “Recycled Water Ordinance” and applicable to all council districts as recycled water availability and future related projects develop - Department of Public Utilities  
**Action Taken:** BILL B-27 INTRODUCED AND LAID OVER
- K. Approve Amendment No. 1 to the Fresno/Clovis Media Authority Joint Powers Agreement - City Manager’s Office  
**Action Taken:** APPROVED
- L. Approval of an operational services agreement for secondary agency at the California and Elm facility between the West Fresno Family Resource Center (WFFRC) and the City of Fresno Parks, After School, Recreation and Community Services Department (**Council District 3**) - PARCS  
**Action Taken:** APPROVED
- M. \* **RESOLUTION** - 50th amendment to the Annual Appropriation Resolution (AAR) No. 2013-98 appropriating \$304,200 in the Water Connection Charge Fund for completion of water system connection projects (**Requires 5 affirmative votes**) (**Citywide**) - Department of Public Utilities  
**Action Taken:** RESOLUTION 2014-106 ADOPTED
- N. Actions pertaining to Discovery Center lease: (City Manager’s Office)
1. Adopt finding of Categorical Exemption pursuant to Section 15301(c) of the CEQA Guidelines (no change in existing use)  
**Action Taken:** ADOPTED
  2. Approve a three-year extension to the existing lease with the Discovery Center, a non-profit organization, for operation of the Discovery Center located at 1944 N. Winery  
**Action Taken:** APPROVED
- O. \* **BILL NO. B-26 – (Intro. 6/19/2014) (For adoption)** - Amending Subsections (d) and (e) of Section 4-108 the Fresno Municipal Code relating to application of local preference for a public work improvement – Council President Brandau  
**Action Taken:** ORDINANCE 2014-29 ADOPTED

## **CONTESTED CONSENT CALENDAR**

- E. Actions pertaining to the Chestnut and Shepherd Avenues intersection signalization project, Bid File 3341 (**Council District 6**) – Public Works Department
1. Adopt finding of a Categorical Exemption pursuant to Class 1 Section 15301 of the CEQA Guidelines, for the Chestnut and Shepherd 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 \$315,407.25 for the Chestnut and Shepherd Avenues intersection signalization project  
**Action Taken:** AWARDED
- Motion / Second: Councilmember Brand / Councilmember Olivier  
Ayes: Baines, Brand, Olivier, Quintero, Xiong, Brandau  
Noes: None  
Absent: Caprioglio

- F. Actions pertaining to the Perrin and Sommerville Avenues intersection signalization project, Bid File 3342 (**Council District 6**) – Public Works Department
1. Adopt finding of a Categorical Exemption pursuant to Class 1 Section 15301 of the CEQA Guidelines, for the Perrin and Sommerville Avenues intersection signalization project  
**Action Taken:** ADOPTED
  2. Award a construction contract to A-C Electric Company of Fresno, CA in the amount of \$320,500 for the Perrin and Sommerville Avenues intersection signalization project  
**Action Taken:** AWARDED
- Motion / Second: Councilmember Brand / Councilmember Olivier  
Ayes: Baines, Brand, Olivier, Quintero, Xiong, Brandau  
Noes: None  
Absent: Caprioglio

## 2. **GENERAL ADMINISTRATION**

- A. Actions pertaining to the installation of a water main in Willow Avenue between Teague and Yeargin Avenues and in Shepherd Avenue between Winery and Willow Avenues – Bid File 3310 (**Council District 6, and Fresno County**) – Public Works Department
1. Adopt finding of Categorical Exemption pursuant to Section 15332 Class 32 of the California Environmental Quality Act (CEQA) Guidelines for the installation of a 14" water main in Willow Avenue between Teague and Yeargin Avenues and in Shepherd Avenue between Winery and Willow Avenues  
**Action Taken:** ADOPTED
  2. Award a construction contract in the amount of \$529,604.50 to Floyd Johnston Construction Company, Inc. of Clovis, for the installation of a 14" water main in

Willow Avenue between Teague and Yeargin Avenues and in Shepherd Avenue between Winery and Willow Avenues

**Action Taken:** AWARDED

Public Works Supervising Engineer Lalkumar Goonawardena read the following statement into the record: the Local Preference portion of the staff report should reflect that the local preference was not implemented because the lowest bidder was a local business.

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

**B.** Actions pertaining to the Fresno/Clovis Regional Wastewater Reclamation Facility Tertiary Treatment and Disinfection Facility (Bid File 3325) (**Council District 3**) – Department of Public Utilities

1. Adopt a finding of Mitigated Negative Declaration, pursuant to Sections 15178(b)(1) and (2), of the California Environmental Quality Act Guidelines for the construction of the Tertiary Treatment and Disinfection Facility and Associated Solar Energy Facility at the Fresno-Clovis Regional Wastewater Reclamation Facility

**Action Taken:** ADOPTED

2. Award a construction contract in the amount of \$28,674,500 to W.M. Lyles Co., of Fresno, California, for the construction

**Action Taken:** AWARDED

3. Award a professional services contract to Carollo Engineering, Inc., in the amount of \$1,417,588 to provide construction management

**Action Taken:** AWARDED

4. Award a professional services contract to Moore Twining Associates, Inc. in the amount of \$116,029 for materials testing and special inspection

**Action Taken:** AWARDED

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

**C.** Actions pertaining to an award of a construction contract for the emergency generator upgrade at Fresno City Hall (Bid File No. 3227) (**Council District 3**) – Public Works Department

**Action Taken:** APPROVED (Bids Rejected)

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

- D. Action pertaining to International Association of Fire Fighters, Local 753 - Unit 5, Non-Management Fire (Fire Basic) – Personnel Department
1. \* Adopt the Memorandum of Understanding (MOU) between the City of Fresno (City) and the International Association of Fire Fighters, Local 753 - Unit 5, Non-Management Fire (Fire Basic), covering the period August 5, 2013 through June 30, 2016  
**Action Taken:** REMOVED FROM AGENDA
  2. \* Adopt a Side Letter of Agreement with Fire Basic on pensions for new employees  
**Action Taken:** REMOVED FROM AGENDA
  3. \* Adopt a Side Letter of Agreement with Fire Basic on the Relief Pool  
**Action Taken:** REMOVED FROM AGENDA

Councilmember Olivier exited the Council Chamber at 9:14 A.M and returned during the Closed Session at 9:17 A.M.

- E. Approve a \$1.3 million HOME Investment Partnerships Program Agreement with the Cesar Chavez Foundation for the construction of Kings Canyon Place, an 89-unit multi-family affordable housing development to be located on APNs: 472-021-58/60 (**Council District 5**) – Development and Resource Management Department  
**Action Taken:** APPROVED

Councilmember Brand recused himself from the discussion and vote on this item.

The following member of the public spoke on this item: Jacqueline Rodarte with the Cesar Chavez Foundation.

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

3. **CITY COUNCIL**

4. **CLOSED SESSION**

The City Council met in closed session in Room 2125 from 9:17 A.M. to 9:40 A.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 AND CONTINUED BEFORE THE SCHEDULED 10:45 A.M. ITEM

No announcement was made.

**RECESSED 9:40 A.M. to 9:53 A.M.**

**SCHEDULED COUNCIL HEARINGS AND MATTERS**

**9:45 A.M. ADOPTION OF FISCAL YEAR 2014-2015 ANNUAL BUDGET**

**A. Action on the Fiscal Year 2015 Budget and related items**

1. \* Adopt the fiscal year 2015 Salary Resolution  
**RESOLUTION** – Establishing rules for the application of City employee compensation rates and schedules and related requirements, and establishing compensation rates and schedules for fiscal year 2015

**Action Taken:** RESOLUTION 108-2014 ADOPTED AS AMENDED TO MAINTAIN THE STATUS QUO

The following members of the public spoke in opposition to this item: Steven Son, Dee Barnes, Marina Magdaleno, Shelley Morrison, Brian Horn, Rick Steitz

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

**10:00 A.M.#1 HEARING** to consider Rezone Application No. R-14-005 and related Environmental Assessment No. R-14-005/S-14-014, filed by Robert Davidson, on behalf of the City of Fresno Housing Authority, pertaining to a 0.83 acre property located on the south side of E. Hamilton Avenue between S. Chance and S. Maple Avenues (4532 E. Hamilton Avenue; 471-220-55T) (**Council District 5**) – Development and Resource Management Department

**Action Taken:** HELD

1. Consider the environmental finding of Environmental Assessment No. R-14-005/S-14-014, a Categorical Exemption, dated May 19, 2014  
**Action Taken:** ADOPTED
2. **BILL – (For introduction and adoption)** - Amending the Official Zone Map to reclassify a 0.83 acre property from the R-1(Single Family Residential) to the R-2 (Low Density Multiple Family Residential) zone district

**Action Taken:** BILL B-28 AND ORDINANCE 2014-30 ADOPTED

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

**10:10 A.M. HEARING** to consider Rezone Application R-13-014 and related Environmental Assessment No. R-13-014/TPM-2013-03 for property located on the west side of N. Winery between E. Washington and E. McKenzie Avenues (**Council District 7**) – Development and Resource Management Department

**Action Taken:** HELD

1. Consider the environmental finding of Environmental Assessment No. R-13-014/TPM-2013-03, a Finding of Conformity, dated April 4, 2014

**Action Taken:** CONTINUED TO DATE UNCERTAIN

2. **BILL – (For introduction and adoption)** - Amending the Official Zone Map to reclassify a 0.61 acre property from the R-A (Single Family Residential-Agricultural) zone district to the R-1 (Single Family Residential) zone district

**Action Taken:** CONTINUED TO DATE UNCERTAIN

The following members of the public spoke on this item: Bob Jungman, Cynthia Silva, Ruben Silva, Christine Loya, Sara Rojas, Barbara Hunt,

Sara Rojas provided letters and drawings to Council which were received but not added to the official record for being distributed less than 24 hours before the meeting.

The following member of the public spoke in favor of this item: Mike Hamzy of Harbison International, Inc.

Motion / Second: Councilmember Olivier / Councilmember Brand

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

Noes: None

Councilmember Olivier exited the Council Chamber at 10:55 and returned at 11:11 A.M.

2. **GENERAL ADMINISTRATION CONTINUED**

F. Approve Assignment of a HOME Program Agreement from TFS Investments, LLC to Fultonia West/Cedar Heights Scattered Site, LP for the development of a Scattered Site project located on APNs 452-274-05, 452-274-16, and 471-220-55T, in the amount of \$2,100,000 (**Council Districts 3 and 5**) – Development and Resource Management Department

**Action Taken:** APPROVED

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

Motion / Second: Acting President Baines / Councilmember Quintero

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

Noes: None

Absent: Olivier

**SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED**

**10:00 A.M.#2 JOINT MEETING OF THE SUCCESSOR AGENCY, THE CITY OF FRESNO AS HOUSING SUCCESSOR AND THE 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 10:58 A.M. to discuss the following:

- A. Approve an amended and restated Owner Participation Agreement, in the amount of \$870,000, from TFS Investments, LLC to Fultonia West/Cedar Heights Scattered Site, LP for the development of a Scattered Site Project on APN's 452-274-05, 452-274-16 and 471-220-55 (Council District 5) **(City action)**  
**Action Taken:** APPROVED

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

**CITY COUNCIL VOTE**

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

President Brandau exited the Council Chamber at 11:05 A.M. and returned at 11:07 A.M.

Councilmember Brand exited the Council Chamber at 11:05 A.M. and returned at 11:11 A.M.

- B. Successor Agency to the Redevelopment Agency consider adopting and approving:
1. Adopt finding of Categorical Exemption pursuant to Section 15301/Class 1 of the CEQA Guidelines (no change in existing use) **(Successor Agency and FRC action)**  
**Action Taken:** ADOPTED
  2. Purchase and sale agreement between the Successor Agency to the Redevelopment Agency of the City of Fresno and Bitwise Industries LLC for the sale of a certain former Redevelopment Agency parcel located at 730 & 738 Van Ness (APN's 468-253-11T & -15T) within the City of Fresno **(Successor Agency and FRC action)**  
**Action Taken:** APPROVED

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

**SUCCESSOR AGENCY VOTE (Members are the City Councilmembers)**

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

FRESNO REVITALIZATION VOTE (Members are City Council and Mayor)  
Motion / Second: Member Caprioglio / Member Xiong  
Ayes: Caprioglio, Quintero, Xiong, Baines  
Noes: None  
Absent: Brand, Brandau, Olivier, Swearingin

Approve minutes of June 19, 2014

**Action Taken:** CONTINUED TO JULY 17, 2014

**JOINT SESSION ADJOURNED – 11:06 A.M.**

**SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED**

**10:20 A.M. HEARING** to consider Text Amendment Application No. TA-14-002 and related environmental finding regarding Urban Growth Management development restrictions on the running distance between commercial and industrial developments and an operating city fire station (**Citywide Application**) – Development and Resource Management Department and Fresno Fire Department

**Action Taken:** HELD

1. Consider the environmental finding of Environmental Assessment No. TA-14-002, dated May 1, 2014, pursuant to CEQA Guidelines Section 15061(b)(3), that there is no possibility that this project may have a significant effect on the environment

**Action Taken:** ADOPTED

2. **BILL- (For introduction)** - Amending Section 12-4.508-E of the Fresno Municipal Code regarding Urban Growth Management development restrictions on the running distance between commercial and industrial developments and an operating City fire station

**Action Taken:** BILL B-29 INTRODUCED AND LAID OVER

Deputy Fire Chief Tim Henry provided an June 23, 2014 letter from the B.I.A. to Council which was received but not added to the official record for being distributed less than 24 hours before the meeting.

The following members of the public spoke on this item: Barbara Hunt, Claudia Cazares.

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

**10:30 A.M. HEARING** to consider Text Amendment Application No. TA-14-001 and related environmental finding to establish zoning regulations for payday lenders in the City of Fresno (**Citywide Application**) – Development and Resource Management Department

**Action Taken:** HELD

1. Consider the environmental finding of Environmental Assessment No. TA-14-001, dated May 1, 2014, pursuant to CEQA Guidelines section 15061(b)(3), that there is no possibility that this project may have a significant effect on the environment  
Action Taken: ADOPTED
2. **BILL - (For introduction)** - Amending Sections 12-220.3, 12-222.3, 12-231.5, 12-105.P, and 12-306.N.17 of the Fresno Municipal Code to establish regulations for payday lending establishments within the City of Fresno  
Action Taken: BILL B-30 INTRODUCED AS AMENDED AND LAID OVER

Councilmember Baines motioned to approve the item while striking the following language from the proposed Bill / Ordinance: "Likewise, if the Payday Lending Establishment adds capacity, floor or land area, or extends the hours of operation, such changes shall result in a termination unless authorized by a new or amended conditional use permit."

The following members of the public spoke on this item: Barbara Hunt, Reverend Christopher Garcia, Reverend Natalie Chamberlain, Pastor Christopher Breedlove, Mike Alexander, Priscilla Steele, Reverend Sophia Dewitt, Dee Barnes, Sophia Garcia, DJ Garner, Vanesa Lugo

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

**RECESSED 12:06 P.M. to 1:30 P.M.**

**4. CLOSED SESSION CONTINUED**

The City Council continued in closed session in Room 2125 from 1:30 P.M. to 2:45 P.M. and from 3:05 PM. To 3:15 P.M. (recessed from 2:45 to 3:05) 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.

President Brandau noted Council was continuing the closed session conference with the Labor Negotiator to discuss the letter received from the International Association of Fire Fighters (IAFF), Local 753 (Fire Basic) as it related to the 10:45 A.M. hearing regarding a bargaining impasse and unilateral implementation of wages, hours and other terms and conditions of employment for employees in Unit 5, represented by the International Association of Fire Fighters, Local 753 (Fire Basic).

The following member of public spoke on the closed session item: Pete Flores spoke to Council regarding a last minute letter from the International Association (IAFF) of Fire Fighters, Local 753 (Fire Basic).

**10:45 A.M. HEARING** regarding a bargaining impasse and unilateral implementation of wages, hours and other terms and conditions of employment for employees in Unit 5, represented by the International Association of Fire Fighters, Local 753 (Fire Basic) – Personnel Department

**Action Taken:**

1. \* **RESOLUTION** - To implement changes in wages, hours and other terms and conditions of employment for City employees in Unit 5, represented by the International Association of Fire Fighters (IAFF), Local 753 (Fire Basic)

**Action Taken:** RESOLUTION 2014-107 ADOPTED AS AMENDED

2. \* **RESOLUTION** – 7th amendment to Salary Resolution No. 2013-101, modifying salaries in Exhibit 5, Fire Non-Management (IAFF)

**Action Taken:** NOT ADOPTED

Acting President Baines stated the following after the closed session: the IAFF made a proposal that adopted the terms set forth in the City's May 20<sup>th</sup>, 2014 proposal with six modifications. The IAFF stated they would take the proposal back to the membership with the strongest recommendation possible.

Acting President Baines motioned to approve a resolution accepting the terms of the IAFF June 26, 2014 proposal which adopted the terms set forth in the City's May 20<sup>th</sup>, 2014 proposal with the six modifications. Acting President Baines noted that if the IAFF failed to ratify the June 26, 2014 offer, the City would have a hearing on July 10, 2014 at 8:30 A.M. to consider implementation of the City's last best offer.

The following members of the public spoke on this item: Pete Flores, Brandon Griffith, Mike McGee, George Arthur, Lee Sharpe, Barbara Hunt, Justin McDonald, Devin McGuire, Joshua Sellers, Carlton Jones, Lupe Fernandez, Brad Driscoll, Chad Bersnine, Kenny Garcia, Nancy Garnie, Mark Garcia, Jon Cresey, Chantay Mackentire, Christian Palmer, Marina Magdaleno, Amy Tragu, Dee Barnes

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

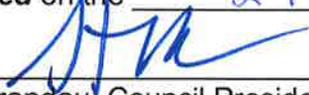
**UNSCHEDULED COMMUNICATION**

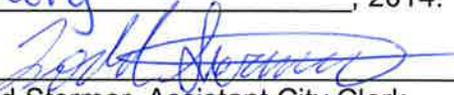
The following member of the public spoke to Council regarding items not on the Agenda:

Barbara Hunt – praised the Council decision to work with Local 753 (Fire Basic) and discussed the city's handling of tax money she felt was intended for the Police and Fire Departments.

**ADJOURNED – 4:51 P.M.**

Approved on the 24 day of July, 2014.

  
Steve Brandau, Council President

ATTEST:   
Todd Stermer, Assistant City Clerk