

City Council Minutes

April 10, 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.

Invocation by Councilmember Quintero

Pledge of Allegiance to the Flag

8:35 A.M. ROLL CALL

| | | |
|----------|-------------------|--------------------------|
| Present: | Oliver Baines III | Acting Council President |
| | Lee Brand | Councilmember |
| | Paul Caprioglio | 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 |

| | | |
|---------|-----------------|---------------|
| Absent: | Clinton Olivier | Councilmember |
|---------|-----------------|---------------|

Ceremonial Presentations:

Recognition of the Heart and Soul Program – Acting President Baines – **Made.**

Proclamation of “CALL 811 BEFORE YOU DIG” – Council President Brandau – **Read.**

Proclamation of “CRIME VICTIMS’ RIGHTS WEEK” – Councilmember Caprioglio – **Read.**

Proclamation of “LITTLE LEAGUE CHALLENGER BASEBALL DAY” – Councilmember Brand – **Read.**

Approve Council minutes of April 3, 2014

Action Taken: APPROVED AS SUBMITTED

Acting President Baines stepped out of the Council Chamber at 8:59 A.M. and returned at 9:05 A.M.

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

Councilmember Reports and Comments

Action Taken: MADE

Councilmember Quintero asked City Manager Rudd if there was a mechanism in the contract with Mid Valley Disposal that would allow the City to quickly clean-up illegally dumped trash and then bill Mid Valley. Mr. Rudd replied that Mid Valley has exceeded the number of illegal dump sites it is contractually required to clean up but the City Manager's Office would be able to coordinate with Community Sanitation and Mid Valley to get future dumps cleaned up in a timely manner.

Councilmember Xiong inquired about the status of the Housing Manager recruitment. Assistant City Manager Smith explained that no candidates were selected after interviews but the position would likely be re-assessed and filled after an Assistant Director was hired. Councilmember Xiong recognized that Southeast Asian communities would be celebrating the Lao, Cambodian and Vietnamese New Years in the coming weeks and noted many local educational institutions were hosting activities as part of Asian American Month. Councilmember Xiong also recognized Hands On California for the volunteer work it has been undertaking in the community.

Councilmember Caprioglio discussed vacant housing and thanked City Staff, City Manager Rudd, DARM Director Clark and her team for their support at El Dorado Park. Councilmember Caprioglio noted it was a team effort that involved members of the community including residents, builders and land owners.

Acting President Baines discussed his legislative trip to Washington D.C. as part of the San Joaquin Valley Air Pollution Control District to discuss local concerns with valley representatives. Acting President Baines asked City Manager Rudd about constituent concerns over missed trash collection. Mr. Rudd replied that he should be notified of those concerns so his office could follow up. Acting President Baines reported that Habitat for Humanity and other partners would be hosting a clean-up for the 41 and North Neighborhood on April 12, 2014.

Approve Agenda

Action Taken: APPROVED AS AMENDED

City Clerk Spence announced the following changes to the agenda: closed Session item 4-A regarding labor negotiations had been removed from the agenda by staff; the 10:00 A.M. scheduled item had been withdrawn by the applicant, and; there would be a special meeting at 10:30 A.M. regarding a resolution expressing disapproval of the California High-Speed Rail Authority's activities to acquire real property without having secured funding to build the entire project.

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

Adopt Consent Calendar

Action Taken: ADOPTED

The following members of the public spoke on Consent Calendar items: Barbara Hunt (1-A thru 1-E), Claudia Cazares (1-C thru 1-E).

Councilmember Quintero moved Consent Items 1-C, 1D, and 1-E, all related to Measure "C" Transit Oriented Development Projects in the Cultural Arts District, to Contested Consent for further discussion.

Councilmember Quintero moved Consent Item 1-F, related to an amendment to the agreement for the Downtown Development Impact Forgiveness Incentive Program, to Contested Consent for further discussion.

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

1. **CONSENT CALENDAR**

- A. Actions pertaining to the sewer main construction in "O" Street for the Lighthouse Building - Bid File 3301 (***Council District 3***) – Department of Public Utilities
 - 1. Adopt a finding of Class 3 Categorical Exemptions, pursuant to Section 15303(d) (New Construction or Conversion of Small Structures) of the California Environmental Quality Act Guidelines
Action Taken: ADOPTED
 - 2. Award a \$246,260 construction contract to Floyd Johnston Construction Company Inc. of Clovis, California
Action Taken: AWARDED

- B. Reject all bids received for the requirements contract for bulk sodium hydroxide – Bid File 9265 (***Citywide***) - Department of Public Utilities
Action Taken: APPROVED

- G. Approve a reimbursement agreement with Fresno Irrigation District to underground an existing canal located adjacent to the Santa Fe Avenue widening project from Palo Alto Avenue to Blythe Avenue, Bid File 3323 (***Council District 2***) - Public Works Department
Action Taken: APPROVED

- H. Award a requirements contract in the amount of \$265,050 to General Chemical Performance Products, LLC for bulk aluminum sulfate for a one-year contract with provisions for two one-year extensions, total amount not to exceed \$795,150 - Bid File 9269 (***Citywide***) - Department of Public Utilities
Action Taken: AWARDED

CONTESTED CONSENT CALENDAR

- C. Documents related to Measure "C" Transit Oriented Development Projects in the Cultural Arts District (**Council District 3**) – Public Works Department
1. Approve a Reimbursement Agreement with Granville Homes for \$61,500 for Broadway-Fulton alley improvements from San Joaquin Street to Amador Street under the Measure "C" Transit Oriented Development Program
Action Taken: APPROVED
 2. * **RESOLUTION** - 38th amendment to the Annual Appropriation Resolution (AAR) No. 2013-98 appropriating \$63,300 for the Measure "C" Transit Oriented Development Program reimbursement agreement for the Broadway-Fulton alley project from San Joaquin to Amador Street (**Requires 5 affirmative votes**)
Action Taken: RESOLUTION 2014-56 ADOPTED
- D. Documents related to Measure "C" Transit Oriented Development Projects in the Cultural Arts District (**Council District 3**) - Public Works Department
1. Approve a Reimbursement Agreement with Granville Homes for \$453,250 for Broadway-Fulton alley improvements from Calaveras Street to San Joaquin Street under the Measure "C" Transit Oriented Development Program
Action Taken: APPROVED
 2. * **RESOLUTION** - 37th amendment to the Annual Appropriation Resolution (AAR) No. 2013-98 to appropriate \$456,800 for the Measure "C" Transit Oriented Development Program reimbursement agreement for the Broadway-Fulton alley project from Calaveras to San Joaquin Streets (**Requires 5 affirmative votes**)
Action Taken: RESOLUTION 2014-57 ADOPTED
- E. Documents related to Measure "C" Transit Oriented Development Projects in the Cultural Arts District (**Council District 3**) – Public Works Department
1. Approve a Reimbursement Agreement with Granville Homes for \$88,180 for constructing Storm Drain Improvements in "L" Street from Calaveras Street to San Joaquin Street under the Measure "C" Transit Oriented Development Program
Action Taken: APPROVED
 2. * **RESOLUTION** - 39th Amendment to the Annual Appropriation Resolution No. 2013-98 to appropriate \$90,000 for the Measure "C" Transit Oriented Development Program reimbursement agreement for the "L" Street project from Calaveras to San Joaquin Streets (**Requires 5 affirmative votes**)
Action Taken: RESOLUTION 2014-58 ADOPTED

Contested Consent Calendar Items C, D and E were approved together by the following vote:

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

- F. Approve Amendment No. 1 to an agreement with the Fresno County Transportation Authority (FCTA) for the Downtown Development Impact Forgiveness Incentive Program (**Council District 3**) - Public Works Department

Action Taken: APPROVED

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

2. **GENERAL ADMINISTRATION**

- A. Approve acceptance of a Deed in Lieu of Foreclosure from Mission Housing Development Corporation for Bastian Court LP for a HOME Program Loan in the amount of \$1,176,317.13 - Development and Resource Management Department

Action Taken: APPROVED

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

President Brandau asked DARM Director Clark to provide an update on current housing projects. Ms. Clark stated the update would be provided as a workshop in early May.

Acting President Baines stated for the record that Housing is a vital part of DARM and the City needs a strong Housing Manager to instil confidence in its projects.

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

- B. Actions pertaining to the Universally Accessible Park (**Council District 1**) – Public Works Department

1. Adopt finding of Mitigated Negative Declaration, pursuant to the provisions of Section 15164 of California Environmental Quality Act (CEQA) Guidelines

Action Taken: ADOPTED

2. Award a construction contract to Lewis C. Nelson and Sons, Inc., of Selma, California in the amount of \$7,819,000 for the Universally Accessible Park, Bid File – 3312

Action Taken: AWARDED

3. * **RESOLUTION** - 41st amendment to the Annual Appropriation Resolution (AAR) No. 2013-98 appropriating \$748,800 for the construction of the Universally Accessible Park (**Requires 5 affirmative votes**)

Action Taken: RESOLUTION 2014-59 ADOPTED

The following members of the public spoke on this item: Paula Kinsel, Robert Hand, Tim Curley, Barbara Hunt.

Councilmember Baines stated for the record that there was community support for the Universally Accessible Park.

At the suggestion of Councilmember Brand, Councilmembers Xiong and Quintero included a cap of \$250,000 per year on the maintenance and operations costs for the Universally Accessible Park as part of the motion to approve this item which passed by the following vote:

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

- C. Authorize the Public Works Director to negotiate and enter into Third and Fourth Amendments to a Reimbursement Agreement with the California High-Speed Rail Authority for the purposes of developing a series of special cooperative agreements and increase the contract amount of the Reimbursement Agreement for a not to exceed additional \$450,000 (***Council Districts 1, 2 & 3***)
Action Taken: APPROVED

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

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

3. **CITY COUNCIL**

- A. **WORKSHOP** by the Fresno Arts Council – Acting President Baines

HELD

SPECIAL MEETING

- 10:30 A.M. RESOLUTION** – Expressing disapproval of the California High-Speed Rail Authority's activities to acquire real property without having secured funding to build the entire project.

Action Taken: CONTINUED TO MAY 22, 2014

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

UNSCHEDULED COMMUNICATION

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

Brad Jons – spoke in favor of High-Speed Rail and discussed funding.

Cheryl Lyn Smith – discussed High-Speed Rail in relation to Proposition 1A.

Kathy Omachi – discussed the negative impacts of High-Speed Rail on Fresno's Chinatown.

Maureen Fukuda – spoke against High-Speed Rail and provided correspondence to Council.

4. **CLOSED SESSION**

The City Council met in closed session in Room 2125 from 12:14 P.M. to 12:18 P.M. to discuss the following:

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

1. City of Fresno, et al v. AIG Financial Products Corp., et al. U.S. District Court Case No.: 08 MDL No. 1950

Action Taken: HELD

No announcement was made.

ADJOURNED – 12:18 P.M.

Approved on the 24th day of April, 2014.



Steve Brandau, Council President

ATTEST: 

Todd Stermer, Assistant City Clerk