

City Council Minutes

March 6, 2014

The City Council met in regular session at the hour of 8:30 P.M. in the Council Chamber, City Hall, on the day above written.

8:37 A.M. ROLL CALL

Present:	Lee Brand	Councilmember
	Paul Caprioglio	Councilmember
	Clinton Olivier	Councilmember
	Sal Quintero	Councilmember
	Blong Xiong	Councilmember
	Steve Brandau	Council President
Absent:	Oliver Baines III	Acting 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 Ray Duran of the Vineyard University Christian Fellowship

Pledge of Allegiance to the Flag

Ceremonial Presentations:

Presentation of the SPCA Pet of the Month – Council President Brandau - **Presented**

Proclamation of “SAFE PLACE WEEK”- Acting President Baines - **Read**

Approve Council minutes of February 27, 2014

Action Taken: CONTINUED TO MARCH 20, 2014

Councilmember Reports and Comments

Action Taken: HELD

Councilmember Xiong discussed the grand opening of Target at El Paseo and noted the Target team had great things to say about City staff.

President Brandau discussed Council member Caprioglio’s effort to implement a joint meeting with the City of Clovis and thought it would be best to meet before budget hearings were underway.

Councilmember Caprioglio discussed the future of joint council meetings with surrounding municipalities and noted that he and Councilmember Olivier got the idea for a joint meeting after attending a League of California Cities meeting.

Councilmember Brand recommended the City reach out to the Fresno School Board for a joint meeting because of the interrelated relationship.

Approve Agenda

Action Taken: APPROVED AS AMENDED

Approval of the February 27, 2014 Minutes were continued to March 20, 2014.

Item 4-A, closed session conference with Labor Negotiators Jeffery Cardell and Ken Philips, was removed from the agenda.

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

Adopt Consent Calendar

Action Taken: ADOPTED

The following members of the public spoke on this item: Nicholas Don Paladino (1-J), Randy Reed (1-I).

Councilmember Quintero informed Council that he was voting no only in regards to Consent Calendar Item 1-H concerning changes to the Fresno Municipal Code relating to the removal of references to the Fulton Mall in the code and removal of Fulton Mall from Pedestrian Mall No. 1.

Consent Calendar Item 1-I concerning Text Amendment Application No. TA-13-006 and Environmental Assessment No. TA-13-006 relating to the use of outdoor dining areas was moved to the Contested Consent Calendar for further discussion by Councilmember Xiong.

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

Note: Councilmember Quintero registered a "no" vote for only Consent Calendar item 1-H.

1. **CONSENT CALENDAR**

- A. Reject all bids for the McKinley Avenue traffic synchronization project from Highway 99 to Clovis Avenue - ***(Property located in Districts 1, 3, 4, and 7)*** - Public Works Department

Action Taken: APPROVED

- B. Reject all bids for the Ashlan Avenue traffic synchronization project from Blackstone Avenue to Peach Avenue – ***(Property located in Districts 4, and 7)*** - Public Works Department
Action Taken: APPROVED
- C. Reject all bids for the Bullard Avenue traffic synchronization project from Marks Avenue to Willow Avenue – ***(Property located in Districts 2, 4, and 6)*** - Public Works Department
Action Taken: APPROVED
- D. Reject all bids for the First Street traffic synchronization project from Nees Avenue to Ventura Street – ***(Property located in Districts 3, 4, 5, 6, and 7)*** - Public Works Department
Action Taken: APPROVED
- E. Actions pertaining to the left-turn phasing signal modification at Shields and Millbrook Avenues (Rebid) project ***(Property located in 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 left-turn phasing signal modification at Shields and Millbrook Avenues (Rebid)
Action Taken: ADOPTED
 2. Award a construction contract with Power Design Electric of Kingsburg, California in the amount of \$300,256.25 for the left-turn phasing signal modification at Shields and Millbrook Avenues project (Rebid)
Action Taken: ADOPTED
- F. Approving the Final Map of Tract No. 6028 and accepting the dedicated public uses offered therein (west side of N. Armstrong Avenue between E. Ashlan Avenue and E. Dakota Avenue) ***(Property located in District 4)*** – Public Works Department
Action Taken: APPROVED
1. **RESOLUTION** – Approving the Final Map of Tract No. 6028 and accepting the dedicated public uses offered therein
Action Taken: RESOLUTION 2014-43 ADOPTED
 2. Authorize the Public Works Director or designee to execute the subdivision agreement
Action Taken: AUTHORIZED
- G. * **BILL NO. B-9 – (Intro. 2/27/14) (For adoption)** - Repealing Sections 11-601, 11-607, 11-625, and 11-632 of Article 6, Chapter 11 of the Fresno Municipal Code, and adding Sections 11-601, 11-607, 11-625, and 11-632 of Article 6, Chapter 11 of the Fresno Municipal Code relating to Floodplain Regulations – Development and Resource Management Department
Action Taken: ORDINANCE 2014-15 ADOPTED
- H. * **BILL NO. B-14 - (Intro. 2/27/14) (For adoption)** - Repealing Section 14-1803, amending Subsection (d) of Section 10-105, Subsection (b) and (c) of Section 12-1711, Subsection (f) of Section 14-1801, Section 14-1802, Section 14-1806 of, and adding Subsection (g)

to the Fresno Municipal Code, relating to the removal of references to the Fulton Mall in the code and removal of Fulton Mall from Pedestrian Mall No. 1

Action Taken: ORDINANCE 2014-16 ADOPTED

- J. Approve a cooperative agreement for a maximum City contribution of \$106,700 with the County of Fresno to install bicycle lanes on Cedar Avenue between McKinley Avenue to Clinton Avenue (***Property located in District 7***) – Public Works Department

Action Taken: APPROVED

CONTESTED CONSENT CALENDAR

- I. * **BILL NO. B-13 (Intro. 2/27/14) (For adoption)** - Consider Text Amendment Application No. TA-13-006 and related environmental finding for Environmental Assessment No. TA-13-006 relating to the use of outdoor dining areas, including within street easements and rights-of-way, without requiring a special permit for certain uses – Development and Resource Management Department

Action Taken: ORDINANCE 2014-17 ADOPTED

1. Adopt the environmental finding for Environmental Assessment No. TA-13-006, dated October 31, 2013, a Negative Declaration
Action Taken: ADOPTED
2. Approve Text Amendment Application No. TA-13-006, which would allow for the expansion and use of outdoor dining areas, including within street easements and rights-of-way, without requiring a special permit for certain uses
Action Taken: ADOPTED

Councilmember Xiong made a motion to continue Consent Calendar item 1-I as an agenda item for another day which failed for lack of a second.

The following member of the public spoke on this item: Randy Reed.

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

2. GENERAL ADMINISTRATION

- A. Actions pertaining to the traffic signal improvements on the Fresno Street Corridor – from “E” Street to “R” Street (***Property located in District 3***) – Public Works Department

1. Adopt findings of a Categorical Exemption pursuant to Class 1 Section 15301(c) (Existing Facilities) of the CEQA Guidelines for the traffic signal improvements on the Fresno Street Corridor – from “E” Street to “R” Street

Action Taken: ADOPTED

2. Award a construction contract with Kertel Communications, Inc. dba Sebastian of Fresno, California in the amount of \$915,722 for the traffic signal improvements on the Fresno Street Corridor – from “E” Street to “R” Street

Action Taken: AWARDED

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

B. Actions pertaining to the schematic design of the Regional Transmission Mains Project (Citywide) – Department of Public Utilities

1. * **RESOLUTION** - 36th amendment to the Annual Appropriation Resolution (AAR) No. 2013-98 to appropriate \$715,100 for the award of consultant services to provide for schematic design of the Priority 2 and Priority 3 Regional Transmission Mains (**Requires 5 affirmative votes**)

Action Taken: RESOLUTION 2014-44 ADOPTED

2. Approve Professional Consultant Services Agreement with AECOM Technical Services, Incorporated for \$2,354,481 for the schematic design of the City of Fresno’s Priority 2 and Priority 3 Regional Transmission Mains

Action Taken: APPROVED

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

C. Approve the HOME Investment Partnerships (HOME) Subrecipient Agreement between the City of Fresno and the Fresno Housing Authority implementing a Tenant Based Rental Assistance (TBRA) Program for homeless persons and those threatened with homelessness; and authorizing the City Manager to sign all implementing documents as approved to form by the City Attorney’s Office – Development and Resource Management Department

Action Taken: APPROVED

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

D. RESOLUTION - Receiving the Old Fig Garden Community Transportation Study – Development and Resource Management Department – Councilmembers Xiong and Olivier

Action Taken: RESOLUTION 2014-45 ADOPTED

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

- E. Ratify contract extension and approve the agreement between the City of Fresno and the Central California Society for the Prevention of Cruelty to Animals (CCSPCA) – City Manager’s Office

Action Taken: APPROVED

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

SCHEDULED COUNCIL HEARINGS AND MATTERS

10:00 A.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 the Fresno Revitalization Corporation at 10:14 A.M. to discuss the following:

- A. City Council and the Successor Agency to the Redevelopment Agency consider adopting and approving:

1. Adopt finding of Categorical Exemption pursuant to Class 1/Section 15301 of the CEQA Guidelines (existing facilities) (***Successor Agency Action***)

Action Taken: ADOPTED

SUCCESSOR AGENCY VOTE (Members are the City Councilmembers)

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

2. **JOINT RESOLUTION:** A Joint Resolution of the City of Fresno and Successor Agency to the Redevelopment Agency of the City of Fresno approving a Purchase and Sale Agreement with Fresno Moose Family Center #445, a non-profit organization for the sale of a certain former Redevelopment Agency Parcel located at 5025 E. Dakota Avenue within the City of Fresno (***City and Successor Agency Action***)
Action Taken: RESOLUTIONS 2014-46 AND SA-22 ADOPTED

3. Approve the Purchase and Sale Agreement between the Successor Agency to the Redevelopment Agency of the City of Fresno and Fresno Moose Family Center 445, a non-profit organization for the Sale of a certain Former Redevelopment Agency Parcel located at 5025 E. Dakota Avenue within the City of Fresno (**Successor Agency Action**)

Action Taken: APPROVED

CITY COUNCIL VOTE

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

SUCCESSOR AGENCY VOTE (Members are the City Councilmembers)

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

Note: 10:00 A.M. item A-1 was voted on independently from A-2 and A-3.

- B. Successor Agency Board, City Council and Fresno Revitalization Corporation Board consider approving: (**City and Successor Agency action**)

1. Adopt a Finding of Categorical exemption pursuant to Article 19, Section 15301/Class 1.1 (Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines for requirements contract: property maintenance weed control; and

Action Taken: ADOPTED

2. Award a contract to Fresno County EOC as the lowest responsive and responsible bidder for requirements contract: property maintenance & weed control

Action Taken: AWARDED

CITY COUNCIL VOTE

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

SUCCESSOR AGENCY VOTE (Members are the City Councilmembers)

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

JOINT SESSION ADJOURNED – 10:19 A.M.

10:10 A.M. WORKSHOP regarding California Redemption Value (CRV) beverage container recycling facilities in Fresno, and consider direction to staff regarding any revisions to

approval criteria for these facilities – **(Citywide)** – Councilmember Olivier and Development and Resource Management Department

HELD

Council provided direction to staff to revise Directors Class 180 and its conditions. Direction from Council included: notification to the surrounding properties and to property owners when an application for a new facility is received; prohibiting recycling centers from buying material that arrives in a shopping cart; requiring wraps be placed around new recycling center containers, but not currently existing containers; establishing a timeline that prevents recycling containers from being installed before permits are received and setting up a citation system for centers that violate that timeline, and; working with the recycling industry as well as constituents to discuss the possible changes.

10:30 A.M. Actions pertaining to amending the Fresno Municipal Code relating to shopping carts

1. **BILL- (For introduction)** - Amending Article 31, Chapter 9 of the Fresno Municipal Code relating to abandoned shopping carts - Police Department and Council President Brandau

Action Taken: BILL B-15 INTRODUCED AND LAID OVER

The following members of the public spoke on this item: Ben Rash, Mitch Freund, Rick Austin, Kevin McCracken, and Jeff Jackson.

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

2. **BILL – (For introduction)** - Amending Section 5-502 of the Fresno Municipal Code relating to shopping carts in City parks – PARCS and Council President Brandau

Action Taken: BILL B-16 INTRODUCED AND LAID OVER

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

RECESSED – 12:20 P.M. TO 1:43 P.M.

UNSCHEDULED COMMUNICATION

Upon call, no members of the public addressed Council with unscheduled communication.

3. **CITY COUNCIL**

- A. Council Boards and Commissions Communications, Reports, Assignments and/or Appointments, Reappointments, Removals to/from City and non-City Boards and Commissions:

1. Council of Governments – **Swearingin-Ex-Officio (Olivier-Alternate)**
2. Financial Audit Committee – **Brand, Olivier, Xiong**
3. Fresno Area Workforce Investment Corporation - **Baines**
4. Fresno County Transportation Authority (FCTA) - **Swearingin, Brandau**
5. Fresno Regional Workforce Investment Board – **Baines, Renena Smith**
6. Fresno County Zoo Authority – **Swearingin (Baines-Alternate)**
7. Fresno Madera Area Agency on Aging Board - **Olivier**
8. Joint Powers Financing Authority – **Baines, Xiong, Swearingin**
9. Leadership Council on Ending Homelessness - **Swearingin, Baines**
10. San Joaquin River Conservancy Board - **Swearingin (Brandau-Alternate)**
11. Association for the Beautification of Highway 99 - **Baines**
12. Upper Kings Basin Integrated Regional Water Management JPA – **Xiong**
13. Pension Reform Task Force – **Brand, Xiong, (3rd Member vacant)**
14. Economic Development Corporation Serving Fresno County – **Brandau-Ex-Officio**
15. Fresno/Clovis Convention & Visitors Bureau (CVB) – **Amy Fuentes**
16. League of California Cities (Annual Meeting) – **Swearingin (Olivier-Alternate)**
17. San Joaquin Valley Air Pollution Control District - **Baines**
18. Infill Development Ad Hoc Subcommittee - **Brand, Baines, Olivier**
19. Litigation Exposure Reduction Ad Hoc Committee – **Brandau, Caprioglio**
20. Convention Center Oversight Advisory Board – **Baines, (Brand-Alternate), City Manager, SMG General Manager and one representative from each of SMG’s organizations**

Action Taken: HELD

Councilmember Brand reported: the Finance and Audit Committee was idle; the Pension Reform Task Force was idle while waiting for the results of a study; the Infill Development Ad Hoc Subcommittee would have a final report presented to Council in the next 30 days.

Councilmember Caprioglio reported the Litigation Exposure Reduction Ad Hoc Committee was functioning well and was settling and dropping lawsuits.

RECESSED – 1:46 P.M. TO 2:07 P.M.

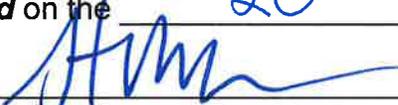
- B. * RESOLUTION** – Establishing a policy entitled “Asset Management Act” for management of City real estate assets – Councilmember Brand

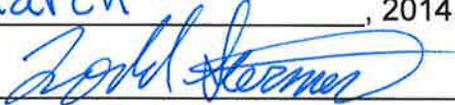
Action Taken: RESOLUTION 2014-47 ADOPTED

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

ADJOURNED – 2:53 P.M.

Approved on the 20th day of March, 2014.


 Steve Brandau, Council President

ATTEST: 
 Todd Stermer, Assistant City Clerk