



# City of Fresno

2600 Fresno Street  
Fresno, CA 93721  
www.fresno.gov

## Meeting Minutes - Final City Council

**President - Clinton J. Olivier**

**Vice President - Esmeralda Z. Soria**

**Councilmembers:**

**Oliver L. Baines, III, Steve Brandau, Garry Bredefeld,**

**Paul Caprioglio, Luis Chavez**

**City Manager - Bruce Rudd**

**City Attorney - Douglas T. Sloan**

**City Clerk - Yvonne Spence, CMC**

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**Thursday, May 25, 2017**

**8:30 AM**

**Council Chambers**

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### **Regular Meeting**

**The City Council met in regular session in the Council Chamber, City Hall on the date and time written above**

**8:36 A.M. ROLL CALL**

**Present:** 7 - President Clinton Olivier  
Vice President Esmeralda Soria  
Councilmember Oliver L. Baines III  
Councilmember Steve Brandau  
Councilmember Garry Bredefeld  
Councilmember Paul Caprioglio  
Councilmember Luis Chavez

Invocation by Tom Sims of 411 Ministries

Pledge of Allegiance to the Flag

### **APPROVE AGENDA**

*Acting City Clerk, Todd Stermer listed the following changes to the agenda:*

*There is an add-on proclamation of Fresno Rainbow Pride Parade Month by Vice President Soria.*

*There is a change to the Budget Schedule on the back page of the agenda. June 6, 2017 and June 14, 2017, both begin at 10a.m. instead of 8:30a.m.*

*There is a correction to the May 18, 2017 Council Minutes re: File ID17-706 (1-B): Correction to Exhibit III on Page 79 of the Salary Resolution - Added the position of Senior Collection System Maintenance Specialist and Senior Communications Technician was listed twice in error.*

*File ID17-722 (1-E) - Removed from the Agenda by staff - Approve a contract change order for Headworks Wet Well Cleaning at the Fresno/Clovis Regional Wastewater Reclamation Facility.*

*File ID17-730 (1-I) - Regarding Sole source contract to NO-DES, Inc. for a water main flushing truck. Resolution needs to be added for adoption*

**On motion of Councilmember Caprioglio, seconded by Vice President Soria, the above hereby be adopted as amended. The motion duly carried, RESOLVED by a unanimous vote.**

**Aye:** 7 - Olivier, Soria, Baines III, Brandau, Bredefeld, Caprioglio and Chavez

## **CEREMONIAL PRESENTATIONS**

[ID17-686](#) Proclamation of the Renaissance Scholars Program at Fresno State - From Foster Homes to Graduation and Proclamation of Lisa Casarez with Angels of Grace Foster Family Agency - Celebrating 17 Years of Providing a Place of Refuge and Healing for Foster Children

*PRESENTED*

[ID17-725](#) Proclamation of "National Public Works Week"

*PRESENTED*

[ID17-753](#) Proclamation of "New Wrinkles: Viva Las Vegas"

*CONTINUED*

## **APPROVE MINUTES**

[ID17-100](#) Approval of minutes from May 18, 2017

*Correction to Exhibit III on Page 79 of the Salary Resolution. Added the position of Senior Collection System Maintenance Specialist and Senior Communications Technician was listed twice in error.*

**On motion of Councilmember Caprioglio, seconded by Vice President Soria, the above Minutes hereby be adopted as amended. The motion duly carried, RESOLVED by a unanimous vote.**

**Aye:** 7 - Olivier, Soria, Baines III, Brandau, Bredefeld, Caprioglio and Chavez

## **COUNCILMEMBER REPORTS AND COMMENTS**

*Councilmember Brandau stated he already made his first comment when the Public Works Department was acknowledged I'm going to skip that and go to my second comment. For his second comment he wants to ask the City Attorney if the closed session will include an overview of some of the bargaining units, is that correct? City Attorney Sloan stated scheduled for discussion is all of the bargaining units will be discussed including Unit 2 Unrepresented. Councilmember Brandau asked if that would be an appropriate time to discuss whether someone in the City of Fresno commits a felony and they still receive their lifetime pension. City Attorney said that would be appropriate as part of the bargaining unit discussion. Thank you.*

*Councilmember Caprioglio asked if we could adjourn today's meeting in memory of Diana Harrington who was a Fresno State Professor, our thoughts and prayers are with her family, friends and students and also adjourn in memory of Neng Thao, who was a high school honor student and Mayor Brand's appointee, to the City of Fresno's Youth Commission who recently passed away. He was scheduled to graduate next month, our hearts and prayers are with his family and friends. I had the privilege of attending the Fresno Center for New Americans open house with Mayor Brand and the installation of a new Director. It was well attended. Lastly we had our Parks Master Plan update on Tuesday night, it was well attended by residents and the youth of District 4. The Learning Center bought their class, it was a part of a Civics Education class, so not only did the youths participate with the Parks Master Plan update, but also in the civic process which was very inspiring for me. I want to thank Wesley Church for the use of the Church for this meeting.*

*Vice President Soria stated she wants to thank my council colleague for asking to adjourn in memory of Neng Thao, if you recall he was just in this chamber last Thursday where he was here being recognized as part of the Youth Commission. I just wanted to share a little bit about him. I will be presenting with his family a City proclamation dedicated to him at his service on Monday. Neng was the youngest of 10 children, his parents were Sheria Thao and Chung Bing and he recently shared his 18th birthday with friends and family, he was a Senior at Edison High School and he planned to graduate on June 5, 2017 as Valedictorian of his Senior class. He was graduating with a 4.3 GPA and high honors. Neng had also been accepted*

*at Berkley which I was very excited about because I'm a Cal Bear. He was preparing to Major in Political along with Pre-Med. His dream was to be a Pharmacist and hopefully run for office some day. Unfortunately his life was cut short and so today I think it is appropriate to adjourn in his memory because he served this community very well at his young age not only for the Fresno Youth Commission, but he was also involved with Fresno Boys and Men of Color Initiative, he was also President of the Edison Hmong Club, he was also a part of the Friday Night Live Chapter, and last night the Youth Leadership Institute was having their summit and he was supposed to be a speaker and in lieu of that they did a tribute to him on what he did for his short time here. He will be truly missed and our hearts and prayers go out to his entire family. In addition to adjourning in honor of his memory, I would like to call for a moment of silence.*

*Vice President Soria also wanted to mention several meetings happening in her District. On Monday, Memorial Day, there will be a block party at Echo and Weldon and everyone is invited. The event is sponsored by Ampersand, one of the new businesses in Fresno. We will be doing an unveiling*

## **1. CONSENT CALENDAR**

### APPROVAL OF THE CONSENT CALENDAR

**On motion of Councilmember Bredefeld, seconded by President Olivier, the CONSENT CALENDAR was hereby adopted by the following vote:**

**Aye:** 7 - Olivier, Soria, Baines III, Brandau, Bredefeld, Caprioglio and Chavez

- 1-A**     [ID17-350](#)     Approve Consultant Services Agreement with Optiv Security Inc. in an amount not to exceed \$60,000 for an information security assessment focused on identifying information security threats and vulnerabilities.

**This Action Item was approved on the Consent Calendar.**

- 1-B**     [ID17-718](#)     Actions pertaining to construction of well site improvements at Pump Station 303A (PS 303A) located at 6780 N. Lafayette Avenue (Bid File 3457) (County island within Council District 2):
1. Award a Contract to V&G Builders, Inc., for \$275,563 to construct well site improvements at PS 303A.
  2. Authorize the Director of Public Utilities, or their designee, to sign all

documents on behalf of the City of Fresno.

**This Action Item was approved on the Consent Calendar.**

**1-C**     [ID17-719](#)

Reject all bids to the Phase 2 Regional Transmission Mains Segment B Project (Bid File 3451) (Council District 5, Fresno County)

**This Action Item was approved on the Consent Calendar.**

**1-D**     [ID17-720](#)

Approve a First Amendment to the Professional Consultant Agreement with California C.A.D. Solutions, Inc. for an extension of the Agreement term through November 30, 2017

**This Action Item was approved on the Consent Calendar.**

**1-E**     [ID17-722](#)

Approve a contract change order for the Headworks Wet Well Cleaning at the Fresno/Clovis Regional Wastewater Reclamation Facility (Bid File 3466) for \$37,423 and a three-day time extension adjusting the contract amount to \$387,188 (Council District 3)

*REMOVED FROM THE AGENDA BY STAFF.*

**This Action Item was approved on the Consent Calendar.**

**1-F**     [ID17-728](#)

Award a contract in the amount of \$88,400 and a contingency of \$5,000 to Blair, Church & Flynn, Inc., a California Corporation, for professional engineering services for the design of the A-Side Canal Replacement (Council District 3)

*The above item was moved to the Contested Consent Calendar by Councilmember Bredefeld for further discussion.*

**1-G**     [ID17-723](#)

Award a purchase contract in the amount of \$144,392.81 to Cook's Communications Corp for the purchase of Kenwood police radio sets for the police patrol sedans and SUVs (City-wide) (Bid File 3535)

**This Action Item was approved on the Consent Calendar.**

**1-H**     [ID17-726](#)

Award a purchase contract in the amount of \$153,113.95 to Stommel Inc., dba Lehr Auto Electric for the purchase of Police Vehicle Light Bars for the Police Patrol Sedans and SUVs (City-wide) (bid file 3529)

**This Action Item was approved on the Consent Calendar.**

**1-I**     [ID17-730](#)

Award a sole source purchase contract in the amount of \$448,023.90 to NO-DES, Inc., for the purchase of one Neutral Output Discharge Elimination System water main flushing truck (Requires 5 votes)

*RESOLUTION 2017-138 ADOPTED*

**This Action Item was approved on the Consent Calendar.**

- 1-J [ID17-727](#) Actions pertaining to the Mariposa Plaza to commission artists to create and install new artwork - File No. 033117LP (Council District 3)
1. Adopt a finding of Categorical Exemption per staff determination, pursuant to Section 153002/Class 2 and Section 15332/ Class 32 of the California Environmental Quality Act (CEQA) Guidelines
  2. Award an art services agreement for \$200,000 to Gordon Huether Studio of Napa, California, to create and install new artwork for Mariposa Plaza

*The above item was moved to the Contested Consent Calendar by Vice President Soria for further discussion.*

- 1-K [ID17-763](#) RESOLUTION - Making findings to comply with Section 66015 of the California Government Code relating to permits for residential rooftop solar energy systems.

*The above item was moved to the Contested Consent Calendar by Vice President Soria for further discussion.*

- 1-L [ID17-734](#) Actions pertaining to the 2016 State Homeland Security Grant Program (SHSGP)
1. Authorize the Chief of Police to accept \$126,513 in grant funding for the 2016 State Homeland Security Grant awarded to the Fresno Police Department by the California Office of Emergency Services (CalOES) through the County of Fresno Department of Behavioral Health.
  2. Authorize the Chief of Police to execute the agreement and all related documentation applicable to the 2016 SHSGP grant.

**This Discussion Item was read and presented on the Consent Calendar.**

- 1-M [ID17-702](#) **RESOLUTION** - Of Intention to annex Final Tract Map No. 5513, Annexation No. 137, to the City of Fresno Community Facilities District No. 2 (south of East Church Avenue between South Minnewawa and Clovis Avenues); and setting the public hearing for June 22, 2017 at 10:00 a.m. (Council District 5)

*RESOLUTION 2017-139 ADOPTED*

**This Action Item was approved on the Consent Calendar.**

- 1-N [ID17-691](#) BILL - (For introduction) - Adopt the annual amendment to Subsection (a) of Sections 7-504 and 7-505 of the Fresno Municipal Code relating to

local Sales and Use Taxes, pursuant to the Memorandum of Understanding with Fresno County (MOU)

*The above item was moved to the Contested Consent Calendar by Councilmember Brandau for further discussion.*

- 1-O [ID17-768](#) Approve Amended Employment Agreement of City Attorney

**This Action Item was approved on the Consent Calendar.**

- 1-P [ID17-769](#) Approve Amended Employment Agreement of City Clerk

**This Action Item was approved on the Consent Calendar.**

## **CONTESTED CONSENT CALENDAR**

- 1-F [ID17-728](#)

Award a contract in the amount of \$88,400 and a contingency of \$5,000 to Blair, Church & Flynn, Inc., a California Corporation, for professional engineering services for the design of the A-Side Canal Replacement (Council District 3)

*The above item was introduced to Council by Supervising Professional Engineer, Norgaard and Director Esquada of the Public Utility Department. Councilmember Bredefeld asked if it would more cost effective to hire a professional engineer as opposed to spending \$90,000 for a consultant since this an ongoing issue. Director Esquada explained the project and it is not a typical project that can be done by current staff.*

**APPROVED.**

**On motion of Councilmember Bredefeld, seconded by Councilmember Brandau, that the above Action Item be approved. The motion carried by the following vote:**

**Aye:** 6 - Olivier, Soria, Baines III, Brandau, Bredefeld and Chavez

**Absent:** 1 - Caprioglio

- 1-J [ID17-727](#) Actions pertaining to the Mariposa Plaza to commission artists to create and install new artwork - File No. 033117LP (Council District 3)
1. Adopt a finding of Categorical Exemption per staff determination, pursuant to Section 153002/Class 2 and Section 15332/ Class 32 of the California Environmental Quality Act (CEQA) Guidelines
  2. Award an art services agreement for \$200,000 to Gordon Huether Studio of Napa, California, to create and install new artwork for Mariposa Plaza

*The above item was introduced by Economic Development Coordinator,*

*Perez, of DARM. Vice President Soria asked if there was a reason why we only recieved five interested applicants from the RFQ. Economic Development Coorindator Perez explained the process that they used and stated because the grant is a federal grant they had to advertise locally, statewide and nationally. It could have been the limited amount time the RFQ was put out. Vice President Soria stated that she is disappointed because she would like to have some of our local artist involved and she asked if there was anyway to extend the deadline and postpone this decision to the next council meeting. Ms. Perez stated that she asked if the deadline can be extended but has not heard back yet.*

*Vice President Soria stated that she would like to see more engagement with our local artist, otherwise she will not be supportive today. City Manager Rudd stated the problem is if we don't hear back for a week or two and then they say no you cannot have an extension, then we have reduced the time it takes to produce the art and and with the deadline being having the art completed by end of the Summer, we may end up losing the grant.*

*Vice President Soria made a motion to postpone this item to the next council meeting. President Olivier seconded the motion for discussion purposes.*

*Councilmember Brandau asked several questions to Vice President Soria. Vice President Soria called Lillia with the Fresno Arts Council to address the council. Lillia stated that the once the local artist realized the magnitude of the project the local artist realized that this project just wasn't for them and she doesn't feel that an extension will help in getting more input locally.*

*Council President Olivier reminded the council that a motion is on the table. Vice President Soria withdrew her motion but stated she would not be supportive of this item as it is and that she supports local artist but would like to add language to RFQ's to incentivize the local artists.*

*Councilmember Caprioglio made a motion to approve staff's recommendation. Councilmember Bredefeld seconded the motion. Councilmember Brandau asked Ms. Perez if people donate works of art and City Manager Rudd talked about an artist the he is working with who wants to donate art to the City.*

*Councilmember Bredefeld asked City Manager Rudd if the council does not take action today is it possible that we could lose the grant. City Manager Rudd responded if we don't get the extension it is possible that we could*



*lose the grant. Councilmember Bredefeld said he is ready to move on and he seconds the motion.*

*Council President Olivier asked why can't we use some of the Fulton Mall art for the Mariposa Mall. City Manager Rudd responded that the art from the Fulton Mall will be used on Fulton Mall and this grant is to create a new piece of art.*

**APPROVED**

- 1-K**     [ID17-763](#)     RESOLUTION - Making findings to comply with Section 66015 of the California Government Code relating to permits for residential rooftop solar energy systems.

*The above item was presented to Council by Assistant Director Sanchez of DARM.*

*Councilmember Bredefeld had questions for staff and members of the Solar Industry.*

*Sam Harvey of Solar City Corporation spoke and requested that Council reject approval of the resolution.*

*After discussion a motion was made by Councilmember Bredefeld to reject the item along with direction to staff to reduce the current fee of \$611 to a range between \$350-\$450 and to bring back an analysis within 30 days.*

*Vice President Soria seconded the motion. The motion passed on a vote of 6-1 with councilmember Brandau voting "no".*

**THE MOTION TO REJECT THE RESOLUTION WAS APPROVED.**

**On motion of Councilmember Bredefeld, seconded by Vice President Soria, that the above Resolution be rejected. The motion carried by the following vote:**

**Aye:** 6 - Olivier, Soria, Baines III, Bredefeld, Caprioglio and Chavez

**No:** 1 - Brandau

- 1-N**     [ID17-691](#)

BILL - (For introduction) - Adopt the annual amendment to Subsection (a) of Sections 7-504 and 7-505 of the Fresno Municipal Code relating to local Sales and Use Taxes, pursuant to the Memorandum of Understanding with Fresno County (MOU)

*The above item was introduced to Council by Comptroller Lima of the Finance Department*

*Councilmember Brandau asked for clarification regarding what actually is happening in the the Memorandum of Understanding with the City of Fresno and Fresno County (MOU) relating to local Sales and Use Taxes.*

*Comptroller Lima responded that basically the MOU that we have with the County calls for an adjustment of an amount that is shared between the County and the City. Every couple of years, the MOU calls for both agencies to adjust the rate of tax sharing on sales tax. The rate that the people pay will not change at all. Councilmember Brandau asked who is benefiting from this. Comptroller responded that the City is.*

*BILL B-25 APPROVED.*

**On motion of Councilmember Brandau, seconded by Councilmember Baines III, that the above Action Item be approved. The motion carried by the following vote:**

**Aye:** 7 - Olivier, Soria, Baines III, Brandau, Bredefeld, Caprioglio and Chavez

## **2. SCHEDULED COUNCIL HEARINGS AND MATTERS**

### **10:20 A.M. SCHEDULED COMMUNICATION**

[ID17-709](#) Appearance by Elisia White to discuss providing a safe haven for people without housing. (Speaker resides in District 4)

*MS. WHITE DID NOT APPEAR WHEN CALLED.*

**10:25 A.M.**

[ID17-767](#) Appearance by Mary Esther Correa to dispute the fines she has incurred by Code Enforcement on her Iowa Street property (Speaker's property located in District 7)

*Ms. Correa appeared and addressed Council regarding the repairs needed for her home. She stated that they are almost done but they are doing a lot more than intended. She also reported that her door was trashed from a homeless person breaking into her home. Her palm trees were stolen last night. She reported that the Code Inspectors work on commission and now they want her to get a permit but when she came to City Hall the Permit department told her she didn't need a permit. They want her to pay \$12,000.*

**9:30 A.M.**

[ID17-759](#) WORKSHOP - Presentation of the Mayor's Fiscal Year 2018 Budget

*The above item was presented to the Council by Mayor Lee Brand*

*PRESENTED*

**10:00 A.M.**

**ID17-716**

**HEARING** to adopt resolutions and ordinance to annex territory and levy a special tax regarding City of Fresno Community Facilities District No. 11, Annexation No. 80 (Final Tract Map No. 6031) (south of East Dakota Avenue between North Fowler and Armstrong Avenues) (Council District 4)

1. **RESOLUTION** - Directing Preparation of a Modified Engineer's Report Analyzing Impact of Proposed Change in Lot Quantity and Decrease in Probable Special Tax for Proposed Modification of Resolution No. 2017-109
2. **RESOLUTION** - Receiving and Approving the Modified District Report and Modifying Resolution No. 2017-109 for Annexation No. 80
3. **\*\*\*RESOLUTION** - Annexing Territory to Community Facilities District No. 11 and Authorizing the Levy of a Special Tax
4. **\*\*\*RESOLUTION** - Calling Special Mailed-Ballot Election
5. **\*\*\*RESOLUTION** - Declaring Election Results
6. **\*\*\*BILL** - (For introduction and adoption) - Levying a Special Tax for the Property Tax Year 2016-2017 and Future Tax Years Within and Relating to Community Facilities District No. 11, Annexation No. 80

*The above item was introduced to Council by Assistant Director Benelli of the Public Works Department.*

*RESO 2017-140 APPROVED for 10am #1*

*RESO 2017-141 APPROVED for 10am #2*

*RESO 2017-142 APPROVED for 10am #3*

*RESO 2017-143 APPROVED for 10am #4*

*RESO 2017-144 APPROVED for 10am #5*

*ORD 2017-26 and BILL B-26 APPROVED for 10am #6*

**On motion of Councilmember Caprioglio, seconded by President Olivier, that the above Action Item be approved. The motion carried by the following vote:**

**Aye:** 7 - Olivier, Soria, Baines III, Brandau, Bredefeld, Caprioglio and Chavez

**10:10 A.M.**

**JOINT MEETING WITH THE FRESNO JOINT POWERS FINANCING  
AUTHORITY (JPFA) AND THE CITY OF FRESNO CULTURAL ARTS  
PROPERTIES (COFCAP)**

ID17-696

1. Actions Pertaining to Repayment of Loan from City of Fresno (City) to Fresno Joint Powers Financing Authority (Authority):
  - a. RESOLUTION of Authority authorizing the assignment of the Authority's interest in two promissory notes from the City of Fresno Cultural Arts Properties, Inc. to the City as repayment for City's loan in the amount of \$12,690,500 and directing the execution of all documents and taking all actions necessary to accomplish assignment. **(Authority action)**
  - b. Acceptance of assignment of Authority's interest in two promissory notes from the City of Fresno Cultural Arts Properties, Inc. in full repayment of loan to Authority and direct the City Manager or designee to execute all documents and take all actions necessary to accomplish assignment. **(City action)**

*The above item was introduced to Council by Director/Comptroller Lima of the Finance Department. Director/Comptroller Lima stated, before you today, are items which if approved will result in the City owning the former Fresno Bee building and dissolving the City of Fresno Cultural Arts Properties (COFCAP).*

*ID 17-696, 1a. RESO JPFA-42 Aye: Baines and Olivier*

**On motion of Councilmember Caprioglio, seconded by President Olivier, that the above Action Item be approved. The motion carried by the following vote:**

**Aye:** 6 - Olivier, Baines III, Brandau, Bredefeld, Caprioglio and Chavez

**Abstain:** 1 - Soria

ID17-697

2. Actions Pertaining to Repayment of Loan from Clearinghouse NMTC (Sub 18) LLC (with City of Fresno as successor in interest) and Dissolution of City of Fresno Cultural Arts Properties, Inc. (COFCAP):
  - a. RESOLUTION of City of Fresno Cultural Arts Properties, Inc. authorizing the conveyance of 1515 Van Ness Avenue in Fresno, California to the City of Fresno as repayment for the loan from the City of Fresno (as successor in interest) in the Amount of \$16,600,000 and directing the execution of all necessary

- documents and taking of all actions necessary to accomplish transfer. **(COFCAP action)**
- b. Acceptance of conveyance of Fresno of 1515 Van Ness Avenue in Fresno, California in full repayment of promissory notes evidencing original loan to COFCAP and direct the City Manager or designee to execute all documents and take all actions necessary to accomplish transfer. **(City action)**
  - c. RESOLUTION - Authorizing the dissolution of COFCAP and the distribution of all remaining assets to the City of Fresno and the execution of all necessary documents and taking of all actions necessary to accomplish dissolution. **(COFCAP action)**

*The above item was introduced to Council by Director/Comptroller Lima of the Finance Department. Director/Comptroller Lima stated, before you today, are items which if approved will result in the City owning the former Fresno Bee building and dissolving the City of Fresno Cultural Arts Properties (COFCAP).*

2a) COFCAP RESO No. 4

2c) COFCAP RESO No. 5

**On motion of Councilmember Caprioglio, seconded by Councilmember Chavez, that the above Action Item be approved. The motion carried by the following vote:**

**Aye:** 6 - Olivier, Baines III, Brandau, Bredefeld, Caprioglio and Chavez

**Absent:** 1 - Soria

### **3. GENERAL ADMINISTRATION**

#### **3-A [ID17-724](#)**

Actions pertaining to drilling and development of five new water production wells at Pump Stations 051A, 060A, 156, 210A, and 241-2 under Bid File 3539 (Citywide):

1. Adopt a Categorical Exemption for PS 241-2 pursuant to California Environmental Quality Act Guidelines Section 15301(b).
2. Award a construction contract to Zim Industries, Inc., for \$2,941,754 to drill five new water production wells at Pump Stations 051A, 060A, 156, 210A, and 241-2.
3. Authorize the Director of Public Utilities, or designee, to sign all documents on behalf of the City of Fresno.

*The above item was introduced to Council by Supervising Engineer Tech, Lito Bucu of the Public Works Department.*

**APPROVED**

**On motion of Councilmember Caprioglio, seconded by Councilmember Chavez, that the above Action Item be approved. The motion carried by the following vote:**

**Aye:** 6 - Olivier, Baines III, Brandau, Bredefeld, Caprioglio and Chavez

**Absent:** 1 - Soria

- 3-C**     [ID17-766](#)     Approve the Wireless Marketing Agreement with 5 Bars Communities a dba of XG Communities, LLC allowing 5 Bars to actively market wireless service infrastructure for City designated sites and authorize the City Manager or his designee to execute related documents.

*The above item was introduced to Council by ISD Director Horn.*

*Councilmember Brandau made an amended motion to read accept the entire contract with this change on the bottom of page one when it comes to the term of the contract I want it to read this way: This agreement shall be effective of the date it is executed by all parties and shall be in effect for the initial term of 10 years and shall automatically renew in 5 year periods unless a party gives written notice to terminate at least 6 months prior to the commencement of a five year period. Director Horn stated on page 14, Section 4 and in the licensing agreement also which extends for a period of 10 years and shall automatically renew in a 5 year periods unless a party gives written notice to terminate at least 6 months prior to the commencement of a five year period.*

**APPROVED AS AMENDED.**

**On motion of Councilmember Brandau, seconded by Councilmember Caprioglio, that the above Action Item be approved as amended. The motion carried by the following vote:**

**Aye:** 6 - Olivier, Baines III, Brandau, Bredefeld, Caprioglio and Chavez

**Absent:** 1 - Soria

**PLEASE NOTE: UNSCHEDULED COMMUNICATION IS NOT SCHEDULED FOR A SPECIFIC TIME AND MAY BE HEARD ANY TIME DURING THE MEETING**

**UNSCHEDULED COMMUNICATION**

*Upon call, no one from the public wished to speak under unscheduled communication.*

- 3-D**     [ID17-713](#)     Actions pertaining to a Concession Agreement related to Airways Golf Course (Council District 4)
1. Adopt a finding of Class 1 Categorical Exemption pursuant to CEQA Section 15301 for existing facilities
  2. Approve Concession Agreement and Agreement for Golf Course Operations at Airways Golf Course between the City of Fresno and Sierra Golf Management, Inc.

*The above item was introduced to Council by Airports Director Meikle.*

*Councilmember Brandau asked City Manager Rudd if anything can be done right now to augment the work that the contractor plans to do on the golf course? City Manager Rudd stated that they will find out what the status is and report back to council. Councilmember Brandau also asked if signs "Under New Management" could be put up to help stop the bleeding and so people know what's coming. Jeff Christianson of the Sierra Golf Management, Inc. spoke to the council to give them an update to the plan they have in place to take care of the golf course.*

**On motion of Councilmember Caprioglio, seconded by Councilmember Chavez, that the above Action Item be approved. The motion carried by the following vote:**

**Aye:** 7 - Olivier, Soria, Baines III, Brandau, Bredefeld, Caprioglio and Chavez

**4. CITY COUNCIL****5. CLOSED SESSION**

- 5-B**     [ID17-764](#)     CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION - Government Code Section 54956.9, subdivision (d)(1)
1. ARNOLD, Connie, et al. v. City of Fresno, and Does 1 through 10; United States District Court Case No.: 1:16-CV-01625 -LJO-EPG

*The above item was discussed during closed session. No open session*



*announcements were made regarding this item.*

**5-C**     [ID17-765](#)

CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION -  
Government Code Section 54956.9, subdivision (d)(1)

1. CENTENO, Channel, et al. v. City of Fresno, and Does 1 through 10; United States District Court Case No.: 1:16-CV-00653 -DAD-SAB.

*The above item was discussed during closed session. No open session announcements were made regarding this item.*

### **3. GENERAL ADMINISTRATION**

**3-B**     [ID17-675](#)     BILL - (For Introduction) adding Article 7 to Chapter 13 of the Fresno Municipal Code relating to Newsracks Citywide and in Special Districts

*The above item was introduced to Council by Public Works Assistant Director Benelli and Public Works Director Mozier.*

*Speakers on this item are:*

*Michael Evans - spoke against passing this item*

*Pam Whaley - spoke against passing this item*

*Geoff Bianchi - spoke against passing this item*

**On motion of President Olivier, seconded by Councilmember Baines III, that the above Action Item be rejected. The motion carried by the following vote:**

**Aye:** 6 - Olivier, Soria, Baines III, Brandau, Bredefeld and Chavez

**Absent:** 1 - Caprioglio

### **2:00 P.M.#1**

[ID17-729](#)

HEARING to consider Plan Amendment Application No. A-16-014; Rezone Application No. R-16-013; Vesting Tentative Tract map No. 6165/UGM; associated Environmental Assessment No. A-16-014/R-16-013/T-6165; and, a Development Agreement by and between the City of Fresno and High and Mighty Farms, Inc., Courthouse California, LLC., and Nancy M. Dunlap, Trustee of the Ruth Martori Non-QTIP Marital Trust (Council District 5)

- a. ADOPT the Mitigated Negative Declaration prepared for Environmental Assessment (EA) No. A-16-014/R-16-013/T-6165 dated October 21, 2016 for purposes of the proposed project.
- b. RESOLUTION - Approving Plan Amendment Application No. A-



- 16-014 proposing to amend the Fresno General Plan and the Roosevelt Community Plan to change the planned land use designations for the subject property from Medium-Low Density Residential (±22 acres), Medium Density Residential (±35 acres), Urban Neighborhood Residential (±15 acres), and Open Space/Neighborhood Park with a dual designation of Urban Neighborhood Residential (±6 acres) to Medium Density Residential (±63 acres), Residential Multi-Family Urban Neighborhood (±5 acres), Community Commercial (±7 acres), and Open Space/Neighborhood Park with a dual designation of Medium Density Residential (±3 acres).
- c. BILL - (For introduction and adoption) - Approving Rezone Application No. R-16-013 proposing to amend the Official Zone Map to reclassify the ±78 acres from RS-4 (*Residential Single Family, Medium-Low Density*) (±22 acres), RS-5 (*Residential Single Family, Medium Density*) (±35 acres), and RM-2 (*Residential Multi Family Urban Neighborhood*) (±21 acres) to RS-5 (*Residential Single Family, Medium Density*) (±63 acres), RM-2 (*Residential Multi Family Urban Neighborhood*) (±5 acres), CC (*Commercial-Community*) (±7 acres), and PR (*Parks and Recreation*) (±3 acres).
  - d. APPROVE Vesting Tentative Tract Map No. 6165/UGM proposing to subdivide an approximately 39.58 acre portion of the subject property for the purpose of creating a 208-lot conventional single-family residential development subject to the findings and compliance with the Conditions of Approval included within the Staff Report to the City Council dated May 25, 2017.
  - e. BILL - (For introduction) - Approving the Development Agreement by and between the City of Fresno and High and Mighty Farms, Inc., Courthouse California, LLC., and Nancy M. Dunlap, Trustee of the Ruth Martori Non-QTIP Marital Trust dated July 26, 1994 for the future development of the approximately 78 acre subject property.

*The above item was introduced to Council by Supervising Planner Tacket of the DARM Department. The following revisions were made:*

*1) City Council Resolution for Plan Amendment Application No. A-16-014: At page 2 of that Resolution (in the first paragraph) when you first reference the MND, insert the following: "(which incorporates the Addendum thereto dated May 10, 2017)". (Please see attached Word document with redlines/track changes).*

*2) Exhibit J, FMC Findings, to the staff report: Reference in Findings A and D to the Staff Report to the Planning Commission dated February 15, 2017, be revised to reference the Staff Report to the City Council dated May 25,*

2017. (Please see attached pdf document with redline changes).

3) *Exhibit R to the staff report (Oaks DA): Add a condition to Exhibit D-1 of the Development Agreement to state that no marijuana businesses would be allowed in the Community Commercial portion. . (Please see attached pdf document with redline changes). Please note that this change has been made within the report to the Council for June 8th (adoption of DA).*

*Speakers on this item:*

*Eleen Hurst - against this item*

*Glen Hurst - against this item*

*Pamela Bragratski - against this item*

*Beatrice Johnson - against this item*

**RESO 2017-145 APPROVED**

**ORD 2017-27 APPROVED**

**BILL B-27 APPROVED**

**BILL B-28 APPROVED**

**On motion of Councilmember Chavez, seconded by Councilmember Bredefeld, the above Action Item hereby be approved. The motion duly carried, RESOLVED by the following vote:**

**Aye:** 6 - Olivier, Soria, Baines III, Brandau, Bredefeld and Chavez

**Absent:** 1 - Caprioglio

## **2:00 P.M.#2**

### **ID17-701**

HEARING to consider Rezone Application No. R-16-020, Vesting Tentative Tract Map No. 6160, Conditional Use Permit Application No. C-16-062, and related Environmental Assessment No. R-16-020/C-16-062/T-6160, for property located on the northeast corner of N. Colonial and W. San Jose Avenues (Council District 2)

1. **ADOPT** the Finding of Conformity to the Fresno General Plan Master Environmental Impact Report as prepared for Environmental Assessment No. R-16-020/C-16-062/T-6160 dated March 3, 2017.
2. **BILL - (For introduction and adoption)** - approving Rezone Application No. R-16-020 to rezone the subject property from the RS-5 (*Residential Single Family, Medium Density*) zone district to the RS-5/PD (*Residential Single Family, Medium Density/Planned Development*) zone district.
3. **APPROVE** Conditional Use Permit Application No. C-16-062

subject to compliance with the Conditions of Approval dated May 25, 2017.

4. **APPROVE** Vesting Tentative Tract Map No. 6160 subject to compliance with the Conditions of Approval dated May 25, 2017.

*The above item was introduced to Council by DARM Planner Aguilar and DARM Director Clark. Planner Aguilar presented a presentation to Council.*

*Speakers:*

*Ashley Fleenor - Neutral*

*Betty Wadowitz- Against*

*Waymon Kessler - Against*

*Frank Geisler- Against*

*Joan Jacobs Levy - Against*

*Jodi Fitzpatrick*

*In audible - Against*

*Teresa Nordon - For*

*No name - Against*

*John Prandini - Against*

*Public comment is now closed.*

*Jeff Roberts - of Granville Homes speaking on behalf of AFREI, LLC gave a presentation to the council. Darius Assemi of Granville Homes spoke.*

*Council President Olivier took the item back to the dais. He called on Councilmember Brandau who called Joan Jacobs Levy and Jodi Fitzpatrick to speak again in opposite of the developer.*

**On motion of Councilmember Brandau, seconded by Vice President Soria, that the above Action Item be approved except for the condition of 5C. The motion carried by the following vote:**

**Aye:** 7 - Olivier, Soria, Baines III, Brandau, Bredefeld, Caprioglio and Chavez

## **CLOSED SESSION**

**5-A**     [ID17-762](#)

**1. CONFERENCE WITH LABOR NEGOTIATOR** - Government Code Section 54957.6

**City Negotiator(s):** Jeffrey Cardell, Ken Phillips

**Employee Organizations:**

1. International Union of Operating Engineers, Stationary Engineers, Local 39 (Local 39)
2. Fresno City Employees Association (FCEA)

3. Fresno Police Officers Association (FPOA Basic)
4. International Association of Firefighters, Local 753, Unit 5 (Fire Basic)
5. Amalgamated Transit Union, Local 1027 (ATU)
6. International Brotherhood of Electrical Workers, Local 100 (IBEW)
7. Fresno Police Officers Association (FPOA Management)
8. International Association of Firefighters, Local 753, Unit 10 (Fire Management)
9. City of Fresno Professional Employees Association (CFPEA)
10. City of Fresno Management Employees Association (CFMEA)
11. Operating Engineers, Local Union No. 3, Fresno Airport Public Safety Supervisors (FAPSS)
12. Operating Engineers, Local Union No. 3, Fresno Airport Public Safety Officers (FAPSO)

**Sponsors:** Personnel Services Department

**2. CONFERENCE WITH LABOR NEGOTIATORS** - Government Code Section 54957.6

City Negotiator(s): Clinton J. Olivier, Bruce Rudd, Jeffrey Cardell, Douglas Sloan, Yvonne Spence

**Unrepresented Employees in Unit 2 (Non-Represented Management and Confidential Classes):**

Airport Public Safety Manager  
Assistant City Attorney  
Assistant City Manager  
Assistant Controller  
Assistant Director  
Assistant Director of Personnel Services  
Assistant Director of Public Utilities  
Assistant Director of Public Works  
Assistant Police Chief  
Assistant Retirement Administrator  
Budget Analyst  
Budget Manager  
Chief Assistant City Attorney  
Chief Information Officer  
Chief of Staff to the Mayor  
City Attorney  
City Clerk  
City Engineer  
City Manager  
Community Coordinator  
Community Outreach Specialist  
Controller  
Council Assistant

Deputy City Attorney II  
Deputy City Attorney III  
Deputy City Manager  
Director  
Director of Aviation  
Director of Development  
Director of Personnel Services  
Director of Public Utilities  
Director of Transportation  
Economic Development Coordinator  
Economic Development Director  
Executive Assistant to Department Director  
Executive Assistant to the City Manager  
Fire Chief  
Governmental Affairs Manager  
Human Resources Manager  
Independent Reviewer  
Internal Auditor  
Investment Officer  
Labor Relations Manager  
Labor Relations Secretary  
Management Analyst II (Job Code 150032e)  
Payroll Accountant  
Payroll Manager  
Police Chief  
Principal Budget Analyst  
Principal Internal Auditor  
Public Affairs Officer  
Public Works Director  
Redevelopment Administrator  
Retirement Administrator  
Retirement Benefits Manager  
Risk/Safety Manager  
Senior Budget Analyst  
Senior Deputy City Attorney  
Senior Human Resources/Risk Analyst  
Supervising Deputy City Attorney  
**Sponsors:** Personnel Services Department

*The Council went into Closed Session to discuss item 5A at 4:05p.m and adjourned at 4:32p.m.*

## **ADJOURNMENT**

### **The above minutes were approved by**

*The above minutes were approved by unanimous vote of the City Council*

*during the meeting of June 8, 2017 City Council meeting.*