



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

Thursday, February 2, 2017

1:30 PM

Council Chambers

Regular Meeting

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

1:33 P.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

Councilmember Baines III was absent during roll call and did not enter the Council Chamber until 1:42 P.M.

Councilmember Caprioglio was absent during roll call and did not enter the Council Chamber until 4:40 P.M.

Invocation by Reverend Powell Lemons of Bethel Christian Center

Pledge of Allegiance to the Flag

APPROVE AGENDA

APPROVED

On motion of Vice President Soria, seconded by Councilmember Bredefeld, the AGENDA was approved. The motion carried by the

following vote:

Aye: 5 - Olivier, Soria, Brandau, Bredefeld and Chavez

Absent: 2 - Baines III and Caprioglio

CEREMONIAL PRESENTATIONS

[ID17-174](#) Presentation of the SPCA Pet of the Month

PRESENTED

[ID17-149](#) Proclamation of "FRESNO MADERA CONTINUUM OF CARE (FMCOOC)"

PRESENTED

APPROVE MINUTES

[ID17-88](#) Approval of minutes from January 26, 2017

APPROVED

On motion of Councilmember Baines III, seconded by Councilmember Brandau, the above Minutes were approved. The motion carried by the following vote:

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

Absent: 1 - Caprioglio

COUNCILMEMBER REPORTS AND COMMENTS

Councilmember Brandau reported there would be a District Two meeting on February 7, 2017 in the Forkner Elementary School cafeteria from 6:00 P.M. to 7:30 P.M.. He noted that Public Works Director Mozier and Police Captain Farrah would be in attendance and the topics of discussion would include Public Works projects, the FresGo smartphone app and strengthening the neighborhood watch program.

Councilmember Soria reported that approximately fifty people joined her at Cup of Joy on January 31, 2017 for coffee and conversation. The topics she discussed with residents included infrastructure, homelessness, substandard rental housing, immigration and traffic. She noted her residents feel additional driver education is needed as people speed through the neighborhoods and near schools. Councilmember Soria asked City Manager Rudd for a meeting concerning the speeding and suggested getting the "traffic unit" involved or putting forth driver safety public service

announcements.

COMMENTS MADE

1. CONSENT CALENDAR

Councilmember Bredefeld moved Consent Calendar item 1-D (File ID 17-152) to the Contested Consent Calendar for further discussion.

APPROVAL OF THE CONSENT CALENDAR

On motion of Councilmember Baines III, seconded by Councilmember Bredefeld, the balance of the CONSENT CALENDAR was adopted by the following vote:

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

Absent: 1 - Caprioglio

- 1-A** [ID17-70](#) RESOLUTION - Of Intention to annex Final Tract Map No. 6139, Annexation No. 74, to the City of Fresno Community Facilities District No. 11 (northeast corner of N. Polk Avenue and W. Olive Avenue) (Council District 3)

RESOLUTION 2017-24 ADOPTED

The above item was approved on the Consent Calendar.

- 1-B** [ID17-85](#) Authorize the City Manager or designee to execute a grant deed for the sale of property located at 922 Fagan Alley and "F" Street between Kern and Tulare Streets APN 467-074-05T, in the amount of \$25,000 to Sandra Borunda and Frank A. Gonzales (Council District 3)

APPROVED

The above item was approved on the Consent Calendar.

- 1-C** [ID17-140](#) Approve the substitution of a listed subcontractor for the Recycled Water Transmission Main, Southwest Quadrant, Project SW1B (Bid File 3413) (Council District 3 and Fresno County)

APPROVED

The above item was approved on the Consent Calendar.

- 1-D** [ID17-152](#) Approve the second amendment for construction management

services with Carollo Engineers, Inc., a Delaware corporation of Walnut Creek, California, for \$95,920 increasing the contract total to \$1,928,892 and extending the term through January 2017 for the Tertiary Treatment and Disinfection Facility at the Fresno/Clovis Regional Wastewater Reclamation Facility (Council District 3)

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

CONTESTED CONSENT CALENDAR

- 1-D [ID17-152](#) Approve the second amendment for construction management services with Carollo Engineers, Inc., a Delaware corporation of Walnut Creek, California, for \$95,920 increasing the contract total to \$1,928,892 and extending the term through January 2017 for the Tertiary Treatment and Disinfection Facility at the Fresno/Clovis Regional Wastewater Reclamation Facility (Council District 3)

The above item was introduced to Council by Supervising Professional Engineer Norgaard with the Department of Public Utilities. City Manager Rudd also spoke on this item.

APPROVED

On motion of Councilmember Bredefeld, seconded by Councilmember Baines III, the above item was approved. The motion carried by the following vote:

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

Absent: 1 - Caprioglio

2. GENERAL ADMINISTRATION

- 2-A [ID17-170](#) Award a construction contract in the amount of \$767,815 to Avison Construction, Inc. for the Herndon Avenue Westbound Auxiliary Lane - State Route 41 to Fresno Street Project - Bid File 3497 (Council District 6)

The above item was introduced to Council by Capital Program Manager and Professional Engineer Bell with the Public Works Department.

APPROVED

On motion of Councilmember Bredefeld, seconded by Vice President Soria, the above item was approved. The motion carried by the following vote:

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

Absent: 1 - Caprioglio

- 2-B** [ID17-82](#) Award a requirements contract to Builders Concrete Inc. of Fresno, California for \$548,127.16 for the purchase of ready mix concrete materials. Bid File No. 9390 (City Wide)

The above item was introduced to Council by Public Works Manager Russel.

APPROVED

On motion of Councilmember Brandau, seconded by Councilmember Bredefeld, the above item was approved. The motion carried by the following vote:

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

Absent: 1 - Caprioglio

Councilmember Brandau left the Council Chamber at 2:01 P.M. and returned after the recess at 4:40 P.M.

- 2-C** [ID17-194](#) Approve the Amended and Restated Economic Incentive Agreement with ULTA, Inc., a Delaware Corporation, to incentivize the creation of at least 500 net new jobs in the City of Fresno.

The above item was introduced to Council by Economic Development Director Westerlund. Councilmember Baines III invited Fresno County Economic Development Corporation President, Lee Ann Eager, to speak on this item.

APPROVED

On motion of Councilmember Baines III, seconded by Vice President Soria, the above item was approved. The motion carried by the following vote:

Aye: 5 - Olivier, Soria, Baines III, Bredefeld and Chavez

Absent: 2 - Brandau and Caprioglio

UNSCHEDULED COMMUNICATION

*Upon call, no member of the public chose to address Council during
Unscheduled Communication.*

RECESSED 2:08 P.M. to 4:40 P.M.

3. SCHEDULED COUNCIL HEARINGS AND MATTERS

4:30 P.M.

ID17-192

Actions related to the Rental Housing Improvement Act and Anti-Slum Enforcement Team:

1. BILL - (for introduction) Adopting the Rental Housing Improvement Act.
2. ***RESOLUTION - 533rd amendment to the Master Fee Schedule (MFS) Resolution No. 80-420 to add a rental housing inspection fee in the Planning and Development section.

The above item was introduced to Council by Mayor Brand. Development and Resources Management Director Clark, City Attorney Sloan and City Manager Rudd also spoke on this item. Mayor Brand distributed a one page handout detailing changes to the ordinance made after the agenda was distributed the previous Friday. A copy of the handout has been attached to File ID 17-192 and is available in the City Clerk's Office. Mayor Brand explained the first change to both the ordinance and to the regulations was that properties with Freddie Mac and Fannie Mae loans which include provisions for inspections would be exempt properties. He also stated that, in the ordinance, an "and" was changed to "or" and a "may" was changed to "shall."

Upon call for public comment, the following people addressed Council:

Spoke on the matter: Christine Cerda, Tracy McDonald, Larishama and Corey Alexander Copley

Asked for the item to be continued: Ken Neufeld and Shannon Mar

Spoke in opposition to the item: Robert Hooke, Don Scordino, Blanca Moreno, Alina Moreno, Christina Nelson, Brandi Hutchinson and Anne Toyloy.

Spoke in support of the item: Joe Denham, Brandy Dickey, Carolyn Evans, Jim Grant with the Roman Catholic Diocese of Fresno, Daniel O'Connell with the Central Valley Partnership, Esther Delahay, Greg Terzakis with the

California Apartment Association, Nathan Alonzo with the Fresno Chamber of Commerce, Matthew Grundy with Habitat for Humanity Fresno County, Julie Bouchareune with Fresno Barrios Unidos, Dylan Savory with Fresno –Madera-Kings Central Labor Council, Willie Lopez with Concilio de Fresno, Socorro Santillan with Fresno Barrios Unidos, Steve Ratzlaff with Faith in Community, Margarita Rocha with Centro la Familia, Reverend Tim Kutzmark with Faith in the Valley, Madelyn Cameron, Aida Macedo, Angela Martin, Lucio Avila with Centro La Familia Advocacy Services, Carrie Pewo, Leslie Gacad, Tiffany Marshall with Granville Realty, Sara Salgado, Fabiola, Juan Aedes Mesa, Francisco Spinoza, Molenado, Zachary Darrah with Fresno Interdenominational Refugee Ministries, Reverend Sophia DeWitt, Artie Padilla with Every Neighborhood Partnership, Alexandria Cardenas with Mexican American Political Association, Joy Hall Villarreal, Diane Merrill, Victoria Garrity, Nelson Esparza with the Fresno County Board of Education, Leticia Valencia with Faith in Community, Father Art Gramaje, Yohanes Paulus, Ashley Werner with Leadership Counsel for Justice and Accountability, Nancy Waidtlow, Sergio Cortes with No More Slum Lords and Matthew Jendian.

RECESSED 6:49 P.M. to 7:04 P.M.

City Manager Rudd stated, for the record, the City had instituted the vacant building registry and had been taking steps to deal with the vacant building issue. He noted the City was pursuing receiverships against a property in violation of the Vacant Building Ordinance and was taking action against other property owners through administrative hearings. He explained the Council previously made the decision to require the hearing officer to compel compliance to correct violations.

President Olivier asked for, and subsequently withdrew, two friendly amendments to the motion to approve the item. The withdrawn amendments were for inclusion of the following language: "tenants living in units selected for inspection have the opportunity to decline a rental inspection," and; "the City of Fresno, or its agents, are hereby prohibited from seeking any administrative warrants to search apartments."

Councilmember Baines III stated, for the record, that there would be no violations of the Fourth Amendment from enforcing the proposed legislation as written, pursuant to the City Attorney's explanation.

BILL B-3 INTRODUCED AND LAID OVER

RESOLUTION 2017-25 ADOPTED

On motion of Councilmember Baines III, seconded by Councilmember Caprioglio, the above item was approved. The motion carried by the following vote:

Aye: 4 - Soria, Baines III, Caprioglio and Chavez

No: 3 - Olivier, Brandau and Bredefeld

4. CITY COUNCIL

There were no City Council items on the agenda.

5. CLOSED SESSION

There were no Closed Session items on the agenda.

ADJOURNMENT

Adjourned at 7:58 P.M.

The above minutes were approved by unanimous vote of Council during the February 9, 2017 meeting