

City of Fresno

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



Meeting Minutes - Final

Thursday, April 25, 2019

9:00 AM

Regular Meeting

Council Chambers

City Council

President - Paul Caprioglio

Vice President - Miguel Angel Arias

Councilmembers:

Esmeralda Z. Soria, District 2 - Vacant, Luis Chavez, Garry Bredefeld,

Nelson Esparza

City Manager - Wilma Quan

City Attorney - Douglas T. Sloan

City Clerk - Yvonne Spence, MMC

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

9:02 A.M. ROLL CALL

Present: 6 - President Paul Caprioglio
Vice President Miguel Angel Arias
Councilmember Esmeralda Z. Soria
Councilmember Luis Chavez
Councilmember Garry Bredefeld
Councilmember Nelson Esparza

Invocation by Pastor Ken Wilson from NorthPointe Community Church

Pledge of Allegiance to the Flag

APPROVE AGENDA

City Clerk Spence announced the following revisions to the agenda: File ID 19-1602 (1-N) - Resolution - assigning office and parking space (Subject to Mayor's veto), Councilmember Soria and Vice President Arias were added as sponsors, File ID 19-1591 (3:30 P.M.) - Resolution - Initiating a text amendment to the zoning ordinance of the City of Fresno to amend Chapter 15, article 27, section 15-2706 of the Fresno Municipal Code relating to the Sale of Alcoholic Beverages for offsite consumption, and to further amend Section 15-2706 to be titled "The Responsible Neighborhood Market Ordinance", pursuant to Fresno Municipal Code Section 15-5806-A(1), a new Exhibit A was added as a supplement and the Workshop regarding Code Enforcement has been removed from the Scheduled Hearings and Matters on the back of the agenda. No future date has been announced.

Council Vice President Arias requested File ID 19-1591 (3:30 P.M.) - Resolution - Initiating a text amendment to the zoning ordinance of the City of Fresno to amend Chapter 15, article 27, section 15-2706 of the Fresno Municipal Code relating to the Sale of Alcoholic Beverages for offsite consumption, and to further amend Section 15-2706 to be titled "The Responsible Neighborhood Market Ordinance", pursuant to Fresno Municipal Code Section 15-5806-A(1) be tabled and continued to the May 2, 2019 agenda and File ID 19-1569 (4-B) - Council Boards and Commissions Communications, Reports, Assignments and/or Appointments,

Reappointments, Removals to/from City and non-City Boards and Commissions be tabled and continued to the May 2, 2019 agenda.

Councilmember Bredefeld requested that the 3:30 P.M. item be continued to June 13, 2019 when there will be a full Council Board. Councilmember Chavez, Councilmember Esparza and Council Vice President Arias stated they would not like to push the matter out further and would like it to be continued to May 2, 2019 agenda.

Councilmember Bredefeld suggested a special meeting on a different date.

Council President Caprioglio announced a special meeting will be held Wednesday, May 1, 2019 at 2:00 P.M.

On motion of Councilmember Soria, seconded by Vice President Arias, the above item was adopted as amended. The motion carried by the following vote:

Aye: 6 - Caprioglio, Arias, Soria, Chavez, Bredefeld and Esparza

3:30 P.M.

[ID19-1591](#) RESOLUTION - Initiating a Text Amendment to The Zoning Ordinance of the City of Fresno to Amend Chapter 15, Article 27, Section 15-2706 of The Fresno Municipal Code Relating to the Sale of Alcoholic Beverages for Offsite Consumption, and to Further Amend Section 15-2706 to be Titled "The Responsible Neighborhood Market Ordinance", Pursuant to Fresno Municipal Code Section 15-5803-A(1)

The above item was removed from the agenda by Council Vice President Arias and continued to Wednesday, May 1, 2019 at 2:00 P.M.

4. CITY COUNCIL

- 4-B** [ID19-1569](#) Council Boards and Commissions Communications, Reports, Assignments and/or Appointments, Reappointments, Removals to/from City and non-City Boards and Commissions:
1. Association for the Beautification of Highway 99 - **Soria**
 2. Budget Sub-Committee - **Soria, Chavez, Caprioglio**
 3. Cannabis Ad Hoc Committee - **Soria**
 4. Council of Governments - **Mayor Brand-Ex-Officio (Caprioglio)**
 5. Council Sub-committee on Homelessness - **Chavez (Chair), Bredefeld, Arias**

6. CDBG Sub-committee - **(Pertaining to Housing and addressing the allocation of Funds) - Caprioglio, Soria, Arias**
7. Code Enforcement Sub-Committee - **Bredefeld, Caprioglio, Soria**
8. Economic Development Corporation Serving Fresno County - **Caprioglio-Ex-Officio, City Manager Wilma Quan and (Chavez - Alternate)**
9. Enterprise and Construction Management Oversight Board - **Chavez, Bredefeld-Alternate**
10. Finance and Audit Committee - **Bredefeld, Esparza-Chair, Vice Chair-Vacant**
11. Fresno Area Workforce Investment Corporation - **Soria**
12. Fresno County Transportation Authority (FCTA) - **Mayor Brand-Ex-Officio, (Caprioglio - Alternate)**
13. Fresno Regional Workforce Development Board - **Soria**
14. Fresno County Zoo Authority - **Mayor Brand-Ex-Officio, (Arias-Alternate)**
15. Fresno Madera Area Agency on Aging Board - **Esparza**
16. Joint Powers Financing Authority - **Mayor Brand, Soria, Caprioglio**
17. League of California Cities (Annual Meeting) - **Soria, Brandau, (Caprioglio - Alternates)**
18. Litigation Exposure Reduction Ad Hoc Committee - **Brandau, Caprioglio**
19. North Kings Groundwater Sustainability Agency (GSA) Joint Powers Authority - **Mayor Brand (Michael Carbajal, Tim Orman - Alternates)**
20. San Joaquin River Conservancy Board - **Mayor Brand-Ex-Officio, (Bredefeld-Alternate)**
21. School Liaison Sub-Committee - **Esparza-Chair, Chavez, Arias**
22. Sub-Committee on Transportation - **Arias, Caprioglio, Soria**
23. Upper Kings Basin Integrated Regional Water Management JPA - **Brandau (Michael Carbajal and Chavez - Alternates)**

The above item was removed from the agenda by Council Vice President Arias and continued to May 2, 2019.

APPROVE MINUTES

[ID19-1392](#) Approval of minutes for April 4, 2019 and April 11, 2019.

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

Aye: 6 - Caprioglio, Arias, Soria, Chavez, Bredefeld and Esparza

CEREMONIAL PRESENTATIONS

[ID19-1538](#) Certificate of Recognition to Kepler School students

PRESENTED

[ID19-1487](#) ASE Blue Seal of Excellence Recognition, for the Transportation Department's Municipal Fleet and Public Safety Fleet Divisions

PRESENTED

[ID19-1383](#) Proclamation of "Sound the Alarm Month"

PRESENTED

[ID19-1598](#) Proclamation of "Don Savory Day"

PRESENTED

[ID19-1480](#) Proclamation of "Underage Drinking Prevention & Friday Night Live Month"

PRESENTED

COUNCILMEMBER REPORTS AND COMMENTS

Councilmember Chavez requested the meeting be adjourned in memory of Lieutenant Colonel Youa True Joseph Vang.

Councilmember Soria announced that there will be a Mall to Hall bike ride, May 1, 2019. The trail will be from Manchester Mall to City Hall. She announced a joint community meeting with District 3 in Tower District at The Revue Coffee Shop, April 30, 2019 at 5:30 P.M.. The meeting is to obtain community feedback regarding the upcoming budget.

Councilmember Esparza gave a shout out to Pro-Culinary, a new business in District 7.

Due to issues with the audio, City Clerk Spence announced that there was

discussion regarding the 3:30 P.M. item and stated, Wednesday May 1, 2019 will be a special meeting at 2:00 P.M., to hear this item.

Council President Caprioglio gave a friendly reminder to staff that all agenda items will need to be in before the Thursday 5:00 P.M. deadline or else the agenda item will be pushed to the next meeting.

1. CONSENT CALENDAR

On motion of Councilmember Soria, seconded by Councilmember Chavez, the below CONSENT CALENDAR items were approved. The motion carried by the following vote:

Aye: 6 - Caprioglio, Arias, Soria, Chavez, Bredefeld and Esparza

1-A [ID19-1341](#)

Approve the First Amendment to Service Agreement between City of Fresno and Flight Services & Systems, Inc., to extend the current agreement for the Customer Service Ambassador Program at Fresno Yosemite International Airport. (Council District 4)

1-B [ID19-1439](#)

Actions related to the First Amendment to the Airport Lease Agreement with Aerial Solutions, Inc.:

1. Adopt a finding of Categorical Exemption pursuant to Section 15301/Class 1 (Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines.
2. Approve the First Amendment to the Airport Lease Agreement between the City of Fresno and Aerial Solutions, Inc., at Fresno Chandler Executive Airport. (Council District 3)

1-C [ID19-1503](#)

Actions related to the First Amendment to the Airport Lease Agreement with William Newburn:

1. Adopt a finding of Categorical Exemption pursuant to Section 15301/Class 1 (Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines.
2. Approve the First Amendment to the Hangar Facility Lease Agreement between the City of Fresno and William Newburn, at Fresno Chandler Executive Airport. (Council District 3)

1-D [ID19-1546](#)

Approve the Second Amendment to the Service Agreement with The Arc Fresno/Madera Counties to add service locations at Fresno Yosemite International Airport for an amount of \$38,842.47. (Council District 4)

1-E [ID19-1551](#)

Actions relating to the purchase, installation and relocation of Parking and Control Revenue System equipment from SKIDATA, Inc., a Delaware Corporation and successor in interest to Sentry Control Systems, LLC., (SKIDATA) for the Surface Parking Lot project at Fresno Yosemite International Airport (Council District 4):

1. Adopt a finding of Categorical Exemption pursuant to Section 15301/Class 1 (Existing Facilities) of the California Environmental Quality Act Guidelines.
2. RESOLUTION - Approving An Exception To Formal Bidding Requirements And Authorizing A Sole Source Contract For Parking And Revenue Control System Equipment
3. Award a contract to SKIDATA Inc., for the purchase, installation and relocation of Parking and Revenue Control System equipment for the Surface Parking Lot project in the amount of \$293,819.

RESOLUTION 2019-078 ADOPTED**1-F** [ID19-1451](#)

*****RESOLUTION** - 32nd Amendment to the Annual Appropriations Resolution (AAR) No. 2018-157 appropriating \$275,000 for right-of-way acquisition for the Blackstone Avenue Utility Undergrounding District (Subject to Mayor's veto) (Requires 5 affirmative votes) (Council Districts 1, 3 and 7)

RESOLUTION 2019-079 ADOPTED**1-G** [ID19-1452](#)

Actions pertaining to Resolution of Intention No. 1129-D to vacate a portion of West Devlan Avenue and North Weber Avenue north of the Southern Pacific Railroad; and setting the public hearing for May 16, 2019 at 10:00 a.m. (Council District 2)

1. Adopt a finding of Categorical Exemption for EA P18-02491 per staff determination under Section 15301/Class 1, Section 15303/Class 3, and Section 15332/Class 32 of the California Environmental Quality Act.
2. Adopt the attached Resolution of Intention No. 1129-D to vacate a portion of West Devlan Avenue and North Weber Avenue north of the Southern Pacific Railroad.

The above item was pulled from Consent Calendar by Councilmember Soria and moved to Contested Consent for further discussion.

1-H [ID19-1462](#)

Actions pertaining to the Shields Avenue Overlay, project from Sunnyside Avenue to Fowler Avenue - Bid File 3557-12183 (Council District 4)

1. Adopt a finding of a Categorical Exemption per staff's determination, pursuant to Section 15301(c) of the California Environmental Quality

Act Guidelines.

2. Award a Construction Contract with Dave Christian Construction Inc. of Fresno, California in the amount of \$406,683.55.

1-I [ID19-1532](#) Approve the award of a purchase contract to Quinn Company of Fresno, California, for the purchase of one Challenger MT955E articulating tractor in the amount of \$410,869

1-J [ID19-1533](#) Approve the award of a cooperative purchase contract to Pape Machinery Inc. of Fowler, California, for the purchase of seven Trail King equipment trailers in the amount of \$251,286

1-K [ID19-1568](#) Actions related to updating water conservation measures and the City's Water Shortage Contingency Plan:

1. ***BILL NO. B-10 (Intro. 4/11/2019) (For adoption) - Amending Fresno Municipal Code Sections 6-501 and 6-520 relating to regulations for Urban Water Conservation and Excessive Water Use (Subject to Mayor's veto)

ORDINANCE 2019-011 ADOPTED

1-L [ID19-1570](#) Adopt Modifications to the City Of Fresno Deferred Compensation Plan Document

The above item was pulled from Consent Calendar by Council Vice President Arias and moved to Contested Consent for further discussion.

1-M [ID19-1563](#) Approve the Third Amendment to the Amended and Restated Memorandum of Understanding between the County of Fresno and the City of Fresno, dated January 6, 2003, relating to annexation, development, and property and sales tax allocation.

The above item was pulled from Consent Calendar by Council Vice President Arias and moved to Contested Consent for further discussion.

1-N [ID19-1601](#) ***RESOLUTION - Assigning Office and Parking Space (Subject to Mayor's veto)

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

2. SCHEDULED COUNCIL HEARINGS AND MATTERS

9:45 A.M.

[ID19-1594](#) Presentation by High School Students from Performing Above the High

Project (PATH) California Health Collaborative to present "Marijuana and Social Hosting in Fresno".

The above item was presented to Council by Isaiah Galindo and Stacey Manangan with the Performing Above the High Project (PATH) California Health Collaborative.

PRESENTED

CITY COUNCIL (CONTINUED)

4-A [ID19-1567](#) RESOLUTION - In support of Fresno City College Law Pathways Students Advocacy Project

The above item was introduced to Council by Logan Tennerelli, J.D., M.S. with Fresno City College.

PRESENTED

10:00 A.M.

[ID19-1418](#) **CONTINUE TO MAY 2, 2019 AT 1:35 P.M.**

Consideration of Conditional Use Permit Application Nos. P18-03222 and P18-03223, located on the northwest corner of North Cedar Avenue and East Tulare Street (Council District 7)

1. **ADOPT** Environmental Assessment Nos. P18-03222 and P18-03223 dated February 20, 2019, a determination that the proposed project is exempt from the California Environmental Quality Act (CEQA) through a Class 32 Categorical Exemption.
2. **ADOPT** findings pursuant to Government Code Section 65863(b) (2) that there is substantial evidence in the record that remaining sites identified in the Housing Element can accommodate the City of Fresno's share of the Regional Housing Needs Assessment (RHNA).
3. **APPROVE** Conditional Use Permit Application No. P18-03222 requesting authorization to develop a 3,052-square-foot convenience store and service station with eight fueling positions, subject to compliance with the Conditions of Approval dated February 20, 2019.
4. **DENY** Conditional Use Permit Application No. P18-03223 requesting authorization to establish a State of California Alcoholic Beverage Control (ABC) Type 20 (Package Store - sale of beer and wine for consumption off the premises where sold) license for the proposed convenience market.

The above item was continued to May 2, 2019 at 1:35 P.M.

3. GENERAL ADMINISTRATION

3-A [ID19-1504](#)

Approve a consultant services agreement with CSDA Design Group to provide professional consultant services for the Fresno Yosemite International Airport Residential Sound Insulation Program in an amount not to exceed \$837,560.32 (Council District 4)

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

Upon call, there was no public comment.

Councilmember Bredefeld asked why the cost went up from the last time they removed the 1300 homes. Director Meikle responded.

APPROVED

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

Aye: 6 - Caprioglio, Arias, Soria, Chavez, Bredefeld and Esparza

3-B [ID19-1548](#)

Actions pertaining to the environmental analysis and financing of various projects at Fresno Yosemite International Airport (Council District 4):

1. ***RESOLUTION - 37th Amendment to the Annual Appropriation Resolution (AAR) No. 2018-157 to Appropriate \$2,865,700 for the Preliminary Costs of Environmental Work and Related Contracts for FATforward Improvements Program at the Fresno Yosemite International Airport (Requires 5 affirmative votes) (Subject to Mayor's veto)
2. Approve a consulting services agreement between the City of Fresno and Coffman Associates, Inc., for the preparation of NEPA and CEQA environmental documentation for projects at Fresno Yosemite International Airport in an amount not to exceed \$324,637

Councilmember Chavez left the meeting at 10:57 A.M.

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

Upon call, there was no public comment.

Council Vice President Arias asked how the agreement was reached and asked why there was a bid instead of a request for qualifications. Director Meikle responded.

RESOLUTION 2019-081 ADOPTED

On motion of President Caprioglio, seconded by Councilmember Bredefeld, that the above Discussion Item be adopted. The motion carried by the following vote:

Aye: 5 - Caprioglio, Arias, Soria, Bredefeld and Esparza

Absent: 1 - Chavez

- 3-C** [ID19-1550](#) Actions pertaining to the Parking Expansion project at Fresno Yosemite International Airport (Council District 4):
1. Adopt finding of a Categorical Exemption pursuant to Section 15332 of the California Environmental Quality Act (CEQA) Guidelines
 2. Award a construction contract to Durham Construction Company, of Clovis, CA, for \$3,153,558.20

Councilmember Chavez returned to the meeting at 10:58 A.M.

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

Upon call, there was no public comment.

Councilmember Esparza asked staff what was the scope of the project currently being negotiated and what is or will not being included in the scope. Director Meikle responded.

Councilmember Soria asked if staff went out to bid and asked why the staff report does not reflect the bids. Director Meikle responded. She asked who else makes the decisions on the bids. City Attorney Sloan responded.

Council Vice President Arias asked why they decided to piggyback instead of putting out a bid. Director Meikle responded. Council Vice President

Arias stated in the future he would like the staff report to reflect who responded to the bid and the difference in price. Procurement Specialist Nazaroff and Assistant City Manager Schaad responded.

Councilmember Soria asked about the timing of approving the item. She requested that in the future there be more information on the staff report. Director Meikle replied.

APPROVED

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

Aye: 6 - Caprioglio, Arias, Soria, Chavez, Bredefeld and Esparza

3-D [ID19-1558](#)

Actions related to approval and execution of financing documents to finalize a \$35 million low-interest loan from the California Infrastructure and Economic Development Bank to partly fund a parking garage at Fresno Yosemite International Airport (Council District 4)

1. Adopt a finding of Class 32 Categorical Exemption pursuant to the California Environmental Quality Act Guidelines
2. ***RESOLUTION - Authorizing the issuance, sale and delivery of City of Fresno Airport Revenue Bonds, Series 2019 Bonds to the California Infrastructure and Economic Development Bank, Authorizing the execution and delivery of a Third Supplemental Indenture, Continuing Covenant Agreement and related documents, and Authorizing certain other actions and the execution of certain other documents in connection therewith (Subject to Mayor's Veto)

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

Upon call, there was no public comment.

Director Meikle stated Airports received a loan in the amount of \$35 million from Sacramento.

RESOLUTION 2019-082 ADOPTED

On motion of President Caprioglio, seconded by Councilmember Chavez, that the above Action Item be adopted. The motion carried by

the following vote:

Aye: 6 - Caprioglio, Arias, Soria, Chavez, Bredefeld and Esparza

10:30 A.M.

[ID19-1595](#) RESOLUTION - In support of SB 230.

The above item was introduced to Council by Councilmember Bredefeld, District 6.

Chief Dyer and Kirk Pool with the Fresno Police Officers' Association (FPOA) spoke in support of SB230 and stated they oppose AB392.

Upon call, the following members of the public addressed Council: Mike Karbassi, Jay Justice, Debbie Nard and Aaron Foster.

Councilmember Esparza addressed his concerns with the changes in the legislative committee and the language regarding use of deadly force. He stated that SB230 is a subsidiary bill and will not become a law unless AB392 becomes law.

Council Vice President Arias expressed his concerns regarding the lack of back up material provided to the Council. He spoke regarding AB392, sections 5, 3A, 3 and 2. He asked Chief Dyer to respond to the language regarding use of deadly force and asked how often is the policy updated. He asked if City Council approves policy changes for the Fresno Police Department. Chief Dyer responded. Council Vice President Arias stated he supports the intent and the original bill without the language change. He stated he would like a workshop from the Police Department regarding the use of deadly force.

Councilmember Chavez expressed his concerns with SB230 and AB392. He stated he is for changing the dynamic between the community and the Fresno Police Department and he would like to strengthen the trust between the two.

Councilmember Soria asked Chief Dyer what his recommendations are to the City Council and she asked what he thinks Council should do at this

time. Chief Dyer responded. Councilmember Soria asked if the makers of the motion if they would be open to approve the item in concept.

Councilmember Bredefeld stated he will not amend his motion and asked Chief Dyer what does support SB230 in concept mean. Chief Dyer responded. Councilmember Bredefeld asked Mr. Pool if he is in support of SB230 and oppose AB392. Mr. Pool replied yes.

Councilmember Esparza suggested to remove the language that states opposes AB392 from the resolution. Councilmember Bredefeld does not agree to the request.

Council Vice President Arias stated he supports the original SB230 as currently written and opposes AB392 and any future change. Chief Dyer agreed.

RESOLUTION 2019-083 ADOPTED

On motion of Councilmember Bredefeld, seconded by Councilmember Chavez, that the above Resolution be adopted. The motion carried by the following vote:

Aye: 6 - Caprioglio, Arias, Soria, Chavez, Bredefeld and Esparza

10:05 A.M.#1

[ID19-1512](#) HEARING to obtain public comments regarding implementation of the City of Fresno's proposed activities with federal grant funding pertaining to the Fiscal Year 2020 Annual Action Plan

The item was called to order at 12:02 P.M.

The above item was introduced to Council by Administrative Manager Jenks, DARM Department.

Upon call, the following member of the public addressed Council: Jay Justice.

Public comment closed at 12:06 P.M.

Councilmember Soria thanked the staff for their presentation. She

mentioned the subcommittee met to discuss the action plan, deferred maintenance, the multi-generational centers and the \$1 million to fund non-profit public facilities. She requested the subcommittee meet directly with staff to discuss the final action plan.

Council Vice President Arias stated as the Chairman of the CDBG subcommittee he will facilitate a meeting with the staff. He mentioned that he has been in contact with the organizations and has been clear about the priority project for the City of Fresno.

Council President Caprioglio stated he would like the multi-generational centers to be included in the meetings.

HEARING HELD

10:45 A.M. JOINT MEETING OF THE CITY COUNCIL. SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF FRESNO AND THE FRESNO REVITALIZATION CORPORATION

[ID19-1562](#)

Approve Assignment and Assumption of the Hotel Fresno Owner Participation Agreement

The above item was introduced to Council by Redevelopment Administrator Murphey, Successor Agency to the Redevelopment Agency of the City of Fresno.

Upon call, the following member of the public addressed Council: Jay Justice

Vice Chair Arias stated the historical building will provide 79 families a home and thanked all who have been involved.

APPROVED

On motion of Chair Soria, seconded by Vice Chair Arias, that the above Action Item be approved. The motion carried by the following vote:

Aye: 6 - Caprioglio, Arias, Soria, Chavez, Bredefeld and Esparza

10:50 A.M.

[ID19-1557](#) TEFRA HEARING - To hear and consider information concerning the proposed issuance of Revenue Bonds by California Municipal Finance Authority (CMFA) for the purpose of financing or refinancing the acquisition, construction, improvement and equipping of Hotel Fresno Apartments

1. ***RESOLUTION - Approving a tax-exempt bond financing to be issued by CMFA to benefit Broadway Plaza Family Apartments, LP, or a partnership of which APEC International, LLC, or a related person to the Developer who is the general partner in the aggregate principal amount not to exceed \$20 million for Hotel Fresno Apartments (Subject to Mayor's veto)

The item was called to order at 12:15 P.M.

The above item was introduced to Council by Director Lima, Finance Department.

Upon call, there was no public comment.

RESOLUTION 2019-084 ADOPTED

On motion of Vice President Arias, seconded by Councilmember Soria, that the above Action Item be adopted. The motion carried by the following vote:

Aye: 6 - Caprioglio, Arias, Soria, Chavez, Bredefeld and Esparza

10:05 A.M.#2

[ID19-1482](#) HEARING to consider Plan Amendment and Rezone Application No. P18-00826, and Development Permit Application No. P18-02232, and related Environmental Assessment filed by Giorgio Russo of Ginder Development, on behalf of property owner Russ Nakata, Sequoia-Fresno Joint Venture & Sequoia II, LLC, for a general plan amendment, rezone and development permit located northeast from the corner of East Nees Avenue and North First Street. (Council District 6)

1. **ADOPT** CEQA Environmental Assessment for P18-00826 and P18-02232, a Negative Declaration dated March 21, 2019.
2. **RESOLUTION** - Approving Plan Amendment Application No. P18-00826 proposing to amend the Fresno General Plan and the Woodward Park Community Plan land use designation of the subject 11.16 acre portion of the 22.81 acre parcel from

Commercial-Recreation to Residential Medium High Density (12-16 Dwelling Units/Acre).

3. **BILL** (for introduction and adoption) - Approving Rezone Application No. P18-00826 to amend the Official Zone Map to reclassify the 11.16-acre portion of the 22.81 acre parcel from CRC/UGM/cz (Commercial-Recreation/Urban Growth Management/Conditions of Zoning) to RM-1/UGM (Residential Multi-Family, Medium High Density/Urban Growth Management/Conditions of Zoning) in accordance with Plan Amendment No. P18-00826.
4. **APPROVE** - Development Permit Application No. P18-02232 authorizing construction of a gated 164-unit multi-family luxury apartment complex on the 10.25 acre portion of the 11.16 acres.

The item was called to order at 1:31 P.M.

The above item was introduced to Council by Supervising Planner Kachadourian, DARM Department.

Upon call, the following members of the public addressed Council. Architect Jeff Cazaly, with Jeff Cazaly Consulting and Ismeal Smiley Calderon.

Councilmember Bredefeld asked staff about the two story building and if the site view was dealt with. Supervising Planner Kachadourian and Architect Cazaly responded. Councilmember Bredefeld stated this project is an important project on the SB1 funding list.

Councilmember Soria asked what the minimum and maximum density of the proposed project was. Supervising Planner Kachadourian responded. She asked what the rent will be for the luxury homes. Developer Eric Janz responded.

Council Vice President Arias asked who the property owner was for the full parcel that is being rezoned and what was the plan for the remaining portion of the property. Supervising Planner Kachadourian replied. He asked how much was the developer paying in impact fees, how much will remain in the area for road improvements, what is the correlation of the gas tax dollars and asked about the traffic improvements. Assistant Director Benelli responded.

RESOLUTION 2019-085 ADOPTED

BILL 12 AND ORDINANCE 2019-012 ADOPTED

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

Aye: 6 - Caprioglio, Arias, Soria, Chavez, Bredefeld and Esparza

City Council recessed for lunch at 12:18 P.M. and returned from lunch at 1:31 P.M.

1:35 P.M. SCHEDULED COMMUNICATION

[ID19-1547](#) Appearance by Joseph Munoz to discuss working with the homeless to find them places to live and get them off the streets.

DID NOT APPEAR

[ID19-1566](#) Appearance by Gonzalo Arambula to discuss the homeless being denied housing by several non-profit groups.

Mr. Arambula discussed the homeless issue.

APPEARED

1:30 P.M. CONTESTED CONSENT CALENDAR

1-G [ID19-1452](#) Actions pertaining to Resolution of Intention No. 1129-D to vacate a portion of West Devlan Avenue and North Weber Avenue north of the Southern Pacific Railroad; and setting the public hearing for May 16, 2019 at 10:00 a.m. (Council District 2)

1. Adopt a finding of Categorical Exemption for EA P18-02491 per staff determination under Section 15301/Class 1, Section 15303/Class 3, and Section 15332/Class 32 of the California Environmental Quality Act.
2. Adopt the attached Resolution of Intention No. 1129-D to vacate a portion of West Devlan Avenue and North Weber Avenue north of the Southern Pacific Railroad.

The above item was introduced to Council by Chief Surveyor Camit, Public Works Department.

Councilmember Soria asked staff several questions regarding the applicant of the property, the condition of the vacation, and if the City was currently maintaining the property. She asked staff if they charge for the value of the

right-of-way or if they require individuals to pay the fees for vacating or their applicant. Chief Surveyor Camit responded.

Council Vice President Arias asked staff questions regarding the location of the easement and asked what the future use of the property will be and if the City of Fresno is giving up their rights to easement.

Upon call, there was no public comment.

APPROVED

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

Aye: 6 - Caprioglio, Arias, Soria, Chavez, Bredefeld and Esparza

- 1-M** [ID19-1563](#) Approve the Third Amendment to the Amended and Restated Memorandum of Understanding between the County of Fresno and the City of Fresno, dated January 6, 2003, relating to annexation, development, and property and sales tax allocation.

The above item was introduced to Council by Assistant City Manager Sumpter, City Manager's Office.

Council Vice President Arias asked what are the provisions of the existing agreement and how much is the City of Fresno's share of the tax sharing agreement. He asked if it will have an impact on the upcoming budget and asked if we account for any additional revenue in the upcoming budget. Assistant City Manager Sumpter responded.

Councilmember Soria asked what were the terms that the City of Fresno was looking at and when will the negotiations be completed. She stated the City of Fresno should get a bigger tax share than the County of Fresno when it comes to future businesses. Assistant City Manager Sumpter responded.

Councilmember Bredefeld asked questions regarding the study and the property taxes. Assistant City Manager Sumpter replied. He requested to review the study before the Administration sends the study over to the County of Fresno for negotiations and approval by the City Council. City

Manager Quan responded.

Councilmember Bredefeld asked why the study could not be discussed prior to sending it over to the County of Fresno and if it can be discussed behind Closed Session. City Attorney Sloan stated the item can not be discussed in closed session.

Councilmember Soria requested a copy of the study before it goes to the County of Fresno for negotiations.

Councilmember Esparza asked what would happen if the item was not approved. City Attorney Sloan responded that if the item is not approved it will be taken case by case basis. Councilmember Esparza would like more time and to work with the Administration to discuss the sharing of the property taxes.

Council Vice President Arias stated the MOU between the County of Fresno and the City of Fresno is unfair and he would like to come up with a fair equitable agreement. He requested that the City Council be fully informed in the future before Administration starts negotiations and he asked to see the study before going to the County of Fresno.

APPROVED

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

Aye: 6 - Caprioglio, Arias, Soria, Chavez, Bredefeld and Esparza

1-N [ID19-1601](#) ***RESOLUTION - Assigning Office and Parking Space (Subject to Mayor's veto)

The above item was introduced to Council by Councilmember Chavez, District 5.

Councilmember Bredefeld asked City Manager Quan to address the above item as it impacts the City Manager's Office. City Manager Quan responded.

Councilmember Bredefeld motioned to deny the resolution as presented.

The item dies due to lack of second.

Upon call, there was no public comment.

RESOLUTION 2019-086 ADOPTED

On motion of Councilmember Chavez, seconded by Vice President Arias, that the above Resolution be adopted. The motion carried by the following vote:

Aye: 5 - Caprioglio, Arias, Soria, Chavez and Esparza

No: 1 - Bredefeld

- 1-L** [ID19-1570](#) Adopt Modifications to the City Of Fresno Deferred Compensation Plan Document

Council Vice President Arias stated his questions and concerns were answered by City Manager Quan during the break.

Upon call, there was no public comment.

APPROVED

On motion of Vice President Arias, seconded by Councilmember Chavez, that the above Discussion Item be approved. The motion carried by the following vote:

Aye: 6 - Caprioglio, Arias, Soria, Chavez, Bredefeld and Esparza

GENERAL ADMINISTRATION (CONTINUED)

- 3-E** [ID19-1531](#) Approve the award of a purchase contract to Haaker Equipment Company Inc., of La Verne, California, for the purchase of two Elgin CNG Broom Bear street sweepers in the amount of \$773,166

The above item was introduced to Council by Director Barfield, Transportation Department.

Upon call, there was no public comment.

APPROVED

On motion of Vice President Arias, seconded by Councilmember Soria, that the above Action Item be approved. The motion carried by

the following vote:

Aye: 6 - Caprioglio, Arias, Soria, Chavez, Bredefeld and Esparza

- 3-F** [ID19-1554](#) Actions pertaining to approving Contract Change Order No. 8 to the construction contract with Mountain Cascade Inc., for the Friant-Kern Canal Pipeline Project (Bid File 3372-2) (Council District 6 and Fresno County):
1. ***RESOLUTION - 35th Amendment to the Annual Appropriation Resolution No. 2018-157 to appropriate \$694,300 in the State Revolving Fund Low Interest Loan Fund for the Friant-Kern Canal Pipeline Project (Requires 5 affirmative votes) (Subject to Mayor's veto)
 2. Approve Contract Change Order No. 8 to the construction contract with Mountain Cascade Inc., for the Friant-Kern Canal Pipeline Project to increase the total construction contract amount by \$694,310

Councilmember Soria left the meeting at 2:26 P.M.

The above item was introduced to Council by Director Carbajal, Public Utilities Department.

Upon call, there was no public comment.

Council Vice President Arias stated he does not support the change order but will vote yes to not hold up the item.

RESOLUTION 2019-087 ADOPTED

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

Aye: 5 - Caprioglio, Arias, Chavez, Bredefeld and Esparza

Absent: 1 - Soria

- 3-G** [ID19-1552](#) Actions pertaining to Requirements Contract to Furnish and Install: Rehabilitate Various Public Water Supply Wells (Bid File 9499) (Citywide):
1. Adopt a finding of Categorical Exemption of Class 1, pursuant to Section 15301 (Existing Facilities) of the California Environmental Quality Act Guidelines
 2. Award a requirements contract to Anderson Pump Company Inc., in the amount of not to exceed \$1,400,000, with provision for up to four

one-year extensions

3. Authorize the Director of Public Utilities, or designee, to sign the contract on behalf of the City of Fresno

The above item was introduced to Council by Director Carbajal, Public Utilities Department.

Upon call, there was no public comment.

APPROVED

On motion of Councilmember Esparza, seconded by Vice President Arias, that the above Action Item be approved. The motion carried by the following vote:

Aye: 5 - Caprioglio, Arias, Chavez, Bredefeld and Esparza

Absent: 1 - Soria

- 3-H** [ID19-1553](#) Actions pertaining to awarding a construction contract for the Expansion of the Carbon Dioxide Injection System at the Northeast Surface Water Treatment Facility (Bid File 3641) (Council District 6)

1. ***RESOLUTION - 36th Amendment to the Annual Appropriation Resolution No. 2018-157 to appropriate \$491,500 to provide additional funding for the Construction Contract for the Expansion of the Carbon Dioxide Injection System at the Northeast Surface Water Treatment Facility (Requires 5 affirmative votes) (Subject to Mayor's veto)
2. Adopt a finding of Categorical Exemption pursuant to Class 1, Section 15301 (Existing Facilities), Class 3, Section 15303 (New Construction of Small Structures), and Class 3, Section 15311 (Accessory Structures) of the California Environmental Quality Act Guidelines
3. Award a construction contract to W.M. Lyles, Co., in the amount of not to exceed \$576,250
4. Authorize the Director of Public Utilities, or designee, to sign the contract of behalf of the City of Fresno

The above item was introduced to Council by Licensed Engineer Pavic, Public Utilities Department.

Upon call, there was no public comment.

RESOLUTION 2019-088 ADOPTED

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

Aye: 5 - Caprioglio, Arias, Chavez, Bredefeld and Esparza

Absent: 1 - Soria

3-I [ID19-1573](#) Records Management Workshop

Councilmember Soria returned at 2:33 P.M.

The above workshop was presented to Council by Assistant City Manager Sumpter, City Manager's Office, Information Services Officer Horn, Information Services Department and City Clerk Spence, City Clerk's Office.

PRESENTED

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

UNSCHEDULED COMMUNICATION

Upon call, the following members of the public addressed Council: Jay Justice, Diana Everheart, Shannon Tom, David Love and Carl Rana, Vice President Stefanelli of Distributing of Food and Drink International.

Council President Caprioglio asked City Council to re-think the special meeting and asked if the 3:30 P.M. item can be continued to June 13, 2019. Council Vice President Arias replied no. It was the consensus of the Council to keep the special meeting, Wednesday, May 1, 2019 at 2:00 P.M. for the 3:30 P.M. item regarding the Sale of Alcohol Beverages for offsite consumption.

SCHEDULED COUNCIL HEARINGS AND MATTERS (CONTINUED)

3:00 P.M.

[ID19-1611](#) RESOLUTION - Adopting a list of proposed Public Works projects to be submitted for Senate Bill 1 Road Maintenance and Rehabilitation Account funds for City of Fresno Fiscal Year 2020

The above item was introduced to Council by Councilmember Soria, District 1.

Council President Caprioglio asked to add Tioga Middle School in District 4. Councilmember Soria agreed to the amendment.

Upon call, the following member of the public addressed Council: Priscilla Chavez.

Councilmember Bredefeld stated he supports the proposed list of projects and that District 4 needs more sidewalks.

Assistant City Manager Schaad asked City Council what they mean by prioritize the list and projects. He said the projects will take multiple years and will not consume a significant amount of funding. Councilmember Chavez and Council Vice President Arias responded and stated they expect the projects to start immediately.

RESOLUTION 2019-089 ADOPTED AS AMENDED

On motion of Councilmember Soria, seconded by Councilmember Chavez, that the above Action Item be adopted as amended. The motion carried by the following vote:

Aye: 6 - Caprioglio, Arias, Soria, Chavez, Bredefeld and Esparza

5. CLOSED SESSION

City Council recessed for Closed Session at 3:25 P.M. and returned from Closed Session at 4:04 P.M.

- 5-A** [ID19-1571](#) CONFERENCE WITH LEGAL COUNSEL - DECIDING WHETHER TO INITIATE LITIGATION
Government Code Section 54956.9, subdivision (d)(4)
1. Case Name: Armida Gonzales v. City of Fresno, et al.; Case #18CECG00348

Chief Assistant City Attorney Kanne reported out of closed session. City Council authorized the filing of a cross-complaint against the Fresno Housing Authority for indemnity and apportionment of fault.

- 5-B** [ID19-1593](#) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION -
Government Code Section 54956.9, subdivision (d)(2)
1. City of Fresno v. Garney Pacific Company dba Garney Construction Company

DISCUSSED

- 5-C** [ID19-1561](#) CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Government Code Section 54956.8
Property: 5607 W. Jensen
Negotiating Parties: City Manager Wilma Quan; Darling Ingredients, Inc.
Under Negotiation: Price and Terms of Payment

DISCUSSED

- 5-D** [ID19-1582](#) CONFERENCE WITH LABOR NEGOTIATORS - Government Code Section 54957.6
City Negotiators: Jeffrey Cardell, Ken Phillips
Employee Organizations:
1. Fresno City Employees Association (FCEA)
2. Fresno Police Officers Association (FPOA Basic)
3. Fresno Police Officers Association (FPOA Management)
4. City of Fresno Professional Employees Association (CFPEA)
5. Operating Engineers, Local Union No. 3, Fresno Airport Public Safety Supervisors (FAPSS)

DISCUSSED

ADJOURNMENT

City Council adjourned at 4:05 P.M. in memory of Lieutenant Colonel Youa True Joseph Vang.