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Agenda Item: ID17-94

Date: 3/23/2017

CITY CLERK, FRESNO

FRESNO CITY COUNCIL



Supplemental Information Packet

Agenda Related Items – ID17-94

Contents of Supplement: Draft City Council Minutes of March 16, 2017

Item(s)

Approval of Minutes from March 16, 2017

Supplemental Information:

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City of Fresno

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

Meeting Minutes - Draft 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, March 16, 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 above written.

1:31 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 but entered the Council Chamber at 1:46 P.M.

Invocation by Father Art Gramaje of St. Anthony Mary Claret

Pledge of Allegiance to the Flag

APPROVE AGENDA

City Clerk Spence announced the following changes to the agenda:

1) *Proclamation of "Inspiration Park" had been added to the agenda by Vice President Soria.*

2) *General Administration item 3-B (File ID17-327) had been continued to*

the March 23, 2017 City Council Meeting.

3) *The 2:20 P.M. Scheduled Hearing (File ID17-399) had been continued to the March 23, 2017 City Council Meeting as the 10:35 A.M. Scheduled Hearing.*

4) *City of Fresno v. Simon Thaler and Michael Thaler (File ID17-423) had been added to the agenda as a Special Joint Closed Session with the Successor Agency to the Redevelopment Agency of the City of Fresno and was separately noticed.*

APPROVED AS AMENDED

On motion of Councilmember Caprioglio, seconded by Councilmember Bredefeld, the agenda was approved as amended. The motion carried by the following vote:

Aye: 6 - Olivier, Soria, Brandau, Bredefeld, Caprioglio and Chavez

Absent: 1 - Baines III

CEREMONIAL PRESENTATIONS

[ID17-330](#) Certificate of Recognition to Miss Fresno County Kelsey Schulties

PRESENTED

[ID17-388](#) Proclamation of "National Agriculture Week"

Gift bags consisting of informational handouts, coffee mug, and assorted fruits and nuts were provided to the Council.

PRESENTED

[ID17-439](#) ADD ON CEREMONIAL - Proclamation of "Inspiration Park"

PRESENTED

[ID17-351](#) Proclamation of "Fresno EOC Sanctuary and Youth Services for 2017 National Safe Place Week"

PRESENTED

APPROVE MINUTES

[ID17-384](#) Approval of minutes from March 2, 2017

APPROVED

On motion of Councilmember Caprioglio, seconded by Councilmember Bredefeld, the above Minutes were approved. The motion carried by the following vote:

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

[ID17-93](#) Approval of minutes from March 9, 2017

APPROVED

On motion of Councilmember Caprioglio, seconded by Councilmember Bredefeld, the above Minutes were approved. The motion carried by the following vote:

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

Abstain: 1 - Soria

COUNCILMEMBER REPORTS AND COMMENTS

Councilmember Caprioglio reported that he made a presentation before Fresno State's 33rd Annual Character and Civic Education Conference. He surprised Dr. Jack Benninga, founding director of the Bonner Center for Character Education and Citizenship with a proclamation. Councilmember Caprioglio congratulated Dr. Benninga and wished him a happy retirement.

Councilmember Caprioglio reported on his attendance at a press conference to introduce Assembly Bill 242 which was presented by Assemblymembers Jim Patterson and Dr. Joaquin Arambula. The proposed law would require the State Department of Public Health to collect data on veteran suicides and report to the Department of Veterans Affairs. The data would be used to develop a program to prevent suicides.

Councilmember Caprioglio reported that he and other Councilmembers attended the groundbreaking for the new warehouse for the Poverello House. The facility would provide much needed space for food storage and better refrigeration. It would also allow equipment to maneuver food pallets for better service to those in need.

Councilmember Caprioglio thanked "David" for the invitation to the Annual Fresno / Clovis Prayer Breakfast. He noted it was refreshing to hear so many uplifting prayers for public officials and the city.

Councilmember Bredefeld recognized that his son and daughter-in-law, Jordan and Demi, were in the Council Chamber visiting from Texas. He noted that Jordan was going to be starting as a lawyer in the City Attorney's Office of a large Texas city and he thanked Fresno City Attorney Sloan for allowing Jordan to sit on the dais for a few moments.

Councilmember Soria reported that her Young Councilmember group recently held a public safety session. The group toured the Fresno Police Headquarters and Fresno Fire Station 4. The group learned a lot while touring the facilities. She thanked Detective Bunch and Sergeant Trueba for the Police Headquarters tour. She also thanked the Firefighters for cooking lunch for the group and thanked Firefighter Vasquez for helping with the fire station tour.

Councilmember Soria reported that she was absent from the last council meeting because she was in Washington D.C. with the National Organization of Elected Officials. Her time was spent working on advocacy related to the national census. She noted Latinos were severely undercounted which impacts local funding. Councilmember Soria met with Congressman Jim Costa and other valley representatives to remind them of the importance of accurately counting all people.

Councilmember Brandau reported that he attended part of the Consulate of Mexico's Hispanic Business workshop earlier in the day. He noted that 35% of all valley businesses were Hispanic owned. The workshop was hosted by Consulate General David Juarez and focused on new Hispanic business owners. The workshop was put together by George Runner from the California Board of Equalization.

Councilmember Brandau reported he would host a town hall meeting regarding the Veterans Boulevard project on March 29, 2017 at 6:00 P.M. at Herndon and Barstow Elementary School at 6265 N. Grantland. Mayor Brand, City Manager Rudd and Public Works Director Mozier would each be in attendance. He stated the goal was "to create a push for the One Voice trip to Washington D.C." to ask for transportation funding. Councilmember Brandau said the Veterans Boulevard project was the next "Tier One"

project for the Fresno County Transportation Authority and he invited everyone to attend the meeting.

1. CONSENT CALENDAR

Councilmember Bredefeld moved Consent Calendar item 1-G (File ID17-339) to the Contested Consent Calendar for further discussion.

APPROVAL OF THE CONSENT CALENDAR

On motion of Councilmember Caprioglio, seconded by Vice President Soria, the CONSENT CALENDAR was hereby adopted by the following vote:

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

- 1-A** [ID17-272](#) RESOLUTION - Of Intention to annex territory associated with the Conditional Use Permit No. 2015-191 Development, Annexation No. 15, to City of Fresno Community Facilities District No. 9 (southeast corner of North Brawley and West Herndon Avenues); and setting the public hearing for April 13, 2017 at 10:00 a.m. (Council District 2)

RESOLUTION 2017-68 ADOPTED

The above item was approved on the Consent Calendar.

- 1-B** [ID17-322](#) RESOLUTION - Authorizing the appropriation of \$44,000 in surplus funds from Assessment District No. 131 to be re-used for maintenance of district improvements (Council District 2)

RESOLUTION 2017-69 ADOPTED

The above item was approved on the Consent Calendar.

- 1-C** [ID17-346](#) Actions pertaining to the acquisition of 61,246 square feet of property owned by Ramon and Cecilia Echeveste (Council District 2):
1. Approve the acquisition of 61,246 square feet of property (APN 504-081-16S) owned by Ramon and Cecilia Echeveste, in the amount of \$168,427.00 for the future Veterans Boulevard project.
 2. Authorize the Public Works Director, or his designee, to sign all documents necessary to complete the transaction.

APPROVED

The above item was approved on the Consent Calendar.

- 1-D [ID17-325](#) Actions pertaining to the Decisions for Life program
1. ***RESOLUTION - 47th amendment to the Annual Appropriation Resolution (AAR) No. 2016-118 appropriating \$40,000 of Decisions for Life (DFL) program carryover to continue operating this program during this fiscal year. (Requires 5 affirmative votes)

RESOLUTION 2017-70 ADOPTED

The above item was approved on the Consent Calendar.

- 1-E [ID17-332](#) Authorize the Chief of Police to enter into a lease agreement between the City of Fresno and Signature Flight Support Corporation for the continued lease of office and hangar space used by the Fresno Police Department's "Skywatch" Air Support Unit at the Fresno Yosemite International Airport.

APPROVED

The above item was approved on the Consent Calendar.

- 1-F [ID17-338](#) Actions pertaining to construction of Calcium Hydroxide tanks and feed system at the Northeast Surface Water Treatment Plant (NESWTF) Bid File 3528 (Council District 6):
1. Adopt findings of Class 1/ Section 15301(b) and Class 3/ Section 15303 Categorical Exemptions pursuant to the California Environmental Quality Act Guidelines.
 2. Award a construction contract in the amount of \$225,782.28 to Smith Construction Company, Inc., of Fresno, California.

APPROVED

The above item was approved on the Consent Calendar.

- 1-G [ID17-339](#) Approve the First Amendment to the Professional Consultant Services Agreement with The Solís Group for \$48,230 for additional services for the City of Fresno's 80-million gallon per day Southeast Surface Water Treatment Facility project (citywide).

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

- 1-H [ID17-340](#) Approve a three-year service contract for \$193,889.16 to Commercial Cleaning Systems for Janitorial operations at the

Fresno Clovis Regional Wastewater Reclamation Facility (Bid File 9375)

APPROVED

The above item was approved on the Consent Calendar.

- 1-I [ID17-366](#) ***BILL NO. B-13 - (Intro. 3/9/2017) (For adoption) - Amending subsection (f) of Section 3-402 and adding Section 3-427 to Article 4 of Chapter 3 of the Fresno Municipal Code (FMC), of Tier 2 of the Fire and Police Retirement System to allow the election to redeposit retirement contributions upon reemployment with the City

ORDINANCE 2017-15 ADOPTED

The above item was approved on the Consent Calendar.

- 1-J [ID17-400](#) Approve the appointment of Alvin L. (Al) Smith to the Civil Service Board

APPOINTED

The above appointment was approved on the Consent Calendar.

CONTESTED CONSENT CALENDAR

- 1-G [ID17-339](#) Approve the First Amendment to the Professional Consultant Services Agreement with The Solís Group for \$48,230 for additional services for the City of Fresno's 80-million gallon per day Southeast Surface Water Treatment Facility project (citywide).

The above item was introduced to Council by Planning Manager Carbajal with the Department of Public Utilities. Director Esqueda also spoke on this item.

Councilmember Bredefeld motioned reject the item but withdrew his motion when Council agreed by consensus to continue the matter to the following week.

CONTINUED TO MARCH 23, 2017.

2. SCHEDULED COUNCIL HEARINGS AND MATTERS

Councilmember Baines III left the Council Chamber at 2:31 P.M. and returned at 2:41 P.M.

2:00 P.M.#2

- [ID17-289](#) HEARING to adopt resolutions and ordinance to annex territory and levy a special tax regarding City of Fresno Community District No. 9, Annexation No. 14 (Final Parcel Map No. 2012-06) (northwest corner of East Central and South Orange Avenues) (Council District 3)
1. ***RESOLUTION - Annexing Territory to Community Facilities District No. 9 and Authorizing the Levy of a Special Tax
 2. ***RESOLUTION - Calling Special Mailed-Ballot Election
 3. ***RESOLUTION - Declaring Election Results
 4. ***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. 9, Annexation No. 14

The above hearing was called to order at 2:31 P.M. The item was introduced to Council by Assistant Director Benelli with the Public Works Department.

Upon call for public comment, no members of the public chose to address Council and public comment was closed.

The hearing was closed at 2:32 P.M.

*RESOLUTION 2017-71 ADOPTED
RESOLUTION 2017-72 ADOPTED
RESOLUTION 2017-73 ADOPTED
BILL B-14 INTRODUCED AND ADOPTED AS
ORDINANCE 2017-16*

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

Aye: 6 - Olivier, Soria, Brandau, Bredefeld, Caprioglio and Chavez

Absent: 1 - Baines III

2:05 P.M.

- [ID17-353](#) TEFRA HEARING - To hear and consider information concerning the proposed issuance of Revenue Bonds by California Statewide Communities Development Authority for the purpose of financing the acquisition, construction and equipping of King's Canyon Apartments by King's Canyon Affordable Housing, LP in an amount not to exceed \$35,000,000
1. ***RESOLUTION - Approving a tax-exempt bond financing to be issued by the Authority to benefit King's Canyon Affordable Housing, LP in the aggregate principal amount not to exceed \$35,000,000.

The above hearing was called to order at 2:33 P.M. The item was introduced to Council by Finance Director Lima.

Upon call for public comment, no members of the public chose to address Council and public comment was closed.

The hearing was closed at 2:34 P.M.

RESOLUTION 2017-74 ADOPTED

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

Aye: 6 - Olivier, Soria, Brandau, Bredefeld, Caprioglio and Chavez

Absent: 1 - Baines III

2:15 P.M.

- [ID17-301](#) CONTINUED HEARING to consider adoption of the resolution related to the designation of a property to the Local Register of Historic Resources
- 1.***RESOLUTION - Designating the David and Frances Bruner Home located at 215 N. Clark Street, Fresno, California to the Local Register of Historic Resources (Council District 7).

The above hearing was called to order at 2:34 P.M. The item was introduced to Council by Assistant Director Zack with the Development and Resources Management ("DARM") Department. DARM Director Clark also spoke on this item.

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

Eric Lindvall, owner of subject property - spoke against the staff recommendation and felt the Historic Resource designation would limit his ability to develop a business on the property.

Barbara Hunt - stated the areas once labeled "Southwest Fresno" were now labeled "Southeast Fresno" and that all the money flowed into the new "Southwest Fresno." She cautioned Council about giving land away to entities like LAFCO and recommended they research before making decisions.

The hearing was closed at 2:42 P.M.

STAFF RECOMMENDATION REJECTED

On motion of President Olivier, seconded by Councilmember Brandau, the above item was rejected. The motion carried by the following vote:

Aye: 6 - Olivier, Soria, Brandau, Bredefeld, Caprioglio and Chavez

Abstain: 1 - Baines III

2:00 P.M.#1

[ID17-334](#) Resolution of Support for the creation of a Citizens' Public Safety Advisory Board (CPSAB) and related changes to the Office of Independent Review (OIR).

The above item was introduced to Council by Mayor Brand. Fresno County District Attorney Lisa Smittcamp, Fresno Police Chief Jerry Dyer, Fresno Police Officers Association President Damon Kurtz and Fresno Chamber of Commerce Government Affairs Manager Nathan Alonzo also spoke on this item.

The following members of the public also spoke on this item: Stacy Williams, Katie Hymans, Victoria Garrity, Taymen Jashi with Faith in the Valley, Barbara Hunt, Andy Levine with Faith in Fresno, Ned(?) Berhe, and Roselyn Clark with the Fresno Police and Neighborhood Watch.

Following public comment, Council briefly paused their consideration of this item to hear the 2:25 P.M. Scheduled Communication (File ID17-318) by Zoyer Zyndel from 3:33 P.M. to 3:36 P.M. Upon conclusion of Mr. Zyndel's

remarks, Council resumed consideration of the Citizens' Public Safety Advisory Board item (File ID17-334).

RESOLUTION 2017-75 ADOPTED

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

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

No: 2 - Brandau and Bredefeld

2:20 P.M.

[ID17-399](#) HEARING to consider application by the property owners to delist the Frank J. Craycroft Home (HP#182) located at 6545 N. Palm Avenue from the Local Register of Historic Resources pursuant to FMC 12-1614 (Council District 6)
1.*** RESOLUTION - Rescinding the designation of the Frank J. Craycroft Home (HP#182) located at 6545 N. Palm Avenue from the Local Register of Historic Resources

The above item was continued to the March 23, 2017 City Council meeting as the 10:35 A.M. Scheduled Hearing.

CONTINUED

2:25 P.M. SCHEDULED COMMUNICATION

[ID17-318](#) Appearance by Zoyer Zyndel to discuss Transgender Day of Visibility scheduled for April 11, 2017 (Speaker resides in Clovis)

Mr. Zyndel appeared and addressed Council.

APPEARED

Councilmembers Brandau and Baines III left the Council Chamber at 4:14 P.M.

3. GENERAL ADMINISTRATION

3-A [ID17-324](#) Award a purchase contract in the amount of \$495,210.11 for the purchase of nineteen (19) OEM police vehicles via a "piggyback" purchase based on a prior competitive bid contract with Riverside County (RFQ #PUARC-1491/P.O.)

PUARC-59105) (Citywide)

The above item was presented to Council by Assistant Director Schaad with the Transportation Department.

APPROVED

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

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

Absent: 2 - Baines III and Brandau

- 3-B** [ID17-327](#) Actions pertaining to the Shields Avenue Pavement Overlay from Blackstone to Palm Avenues - Bid File 3518 (Council Districts 1 and 7)
1. Adopt a finding of Categorical Exemption per staff determination, pursuant to Section 15301(c) 1 of the California Environmental Quality Act Guidelines (CEQA) for the Shields Avenue Pavement Overlay from Blackstone to Palm Avenues
 2. Award a Construction Contract with Cal Valley Construction of Fresno, California (Cal Valley) in the amount of \$651,583 for the Shields Avenue Pavement Overlay from Blackstone to Palm Avenues and authorize the Public Works Director or designee to sign a contract on behalf of the City

The above item was continued to the March 23, 2017 City Council meeting

CONTINUED

4. CITY COUNCIL

There were no City Council items on the agenda.

UNSCHEDULED COMMUNICATION

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

RECESSED 4:16 P.M. to 4:25 P.M.

5. CLOSED SESSION

City Council met in Closed Session in Room 2125 from 4:25 P.M. to 5:40 P.M. to discuss the following:

- 5-A** [ID17-329](#) CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION - Government Code Section 54956.9, subdivision (d)(1)
1. HH-Fresno LLC v. City of Fresno, et al.; Federal Court for the Eastern District of California Case No.: 1:17-CV-00163-LJO-BAM.

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

DISCUSSED

- 5-B** [ID17-383](#) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - Government Code Section 54956.9, subdivision (d)(2)
Significant Exposure to Litigation: Josh Peterson, Wathen Castanos Homes; Mike Miller, Lennar Homes; Dave Williams, California Commercial Land Sales; Mike Prandini, Building Industry Association; Darius Assemi, Granville Homes, et al. v. City of Fresno.

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

DISCUSSED

- 5-C** [ID17-368](#) PUBLIC EMPLOYEE PERFORMANCE EVALUATION - Government Code Section 54957
Title: City Attorney
Sponsor: Council President Olivier
- CONFERENCE WITH LABOR NEGOTIATORS - Government Code Section 54957.6
City Negotiator(s): Council President Clint J. Olivier
Unrepresented Employee: City Attorney

The above item was not discussed during closed session.

TABLED

5-D [ID17-369](#) PUBLIC EMPLOYEE PERFORMANCE EVALUATION -
Government Code Section 54957
Title: City Clerk
Sponsor: Council President Olivier

CONFERENCE WITH LABOR NEGOTIATORS - Government
Code Section 54957.6
City Negotiator(s): Council President Clint J. Olivier
Unrepresented Employee: City Clerk

The above item was not discussed during closed session.

TABLED

**JOINT CLOSED SESSION OF THE CITY OF FRESNO AND THE SUCCESSOR
AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF FRESNO
(SEPARATELY NOTICED)**

*The Fresno City Council met in Joint Closed Session with the Successor
Agency to the Redevelopment Agency of the City of Fresno in Room 2125
from 4:25 P.M. to 5:40 P.M. to discuss the following:*

[ID17-423](#) CONFERENCE WITH LEGAL COUNSEL - DECIDING
WHETHER TO INITIATE LITIGATION
Government Code Section 54956.9, subdivision (d)(4)
1. City of Fresno v. Simon Thaler and Michael Thaler

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

DISCUSSED

ADJOURN JOINT CLOSED SESSION

The Joint Closed Session adjourned at 5:40 P.M.

ADJOURNMENT

City Council adjourned from Closed Session at 5:40 P.M.