

Agenda Item: File 19-11158

Date: 08/20/2019

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## FRESNO CITY COUNCIL



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CITY OF FRESNO  
CITY CLERK'S OFFICE

### Late Submission Information Packet

Agenda Related Item(s) – File ID 19-11158

**Contents of Supplement: Draft Minutes for August 15, 2019**

Approval of minutes for August 15, 2019.

Item(s)

#### **Supplemental Information:**

Any agenda related public documents received and distributed to a majority of the City Council after the Agenda Packet is printed are included in Supplemental Packets. Supplemental Packets are produced as needed. The Supplemental Packet is available for public inspection in the City Clerk's Office, 2600 Fresno Street, during normal business hours (main location pursuant to the Brown Act, G.C. 54957.5(2)). In addition, Supplemental Packets are available for public review at the City Council meeting in the City Council Chambers, 2600 Fresno Street. Supplemental Packets are also available on-line on the City Clerk's website.

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# **City of Fresno**

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



## **Meeting Minutes - Draft**

**Thursday, August 15, 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.

9:06 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 Scott Gossenberger from New Covenant Community Church

Pledge of Allegiance to the Flag

### **APPROVE AGENDA**

*City Clerk Spence announced the following changes to the agenda: File ID19-11031 – Proclamation of "Heliodoro Zavala Day" should read as "Leo Zavala Day", File ID 19-11124 - Proclamation of "Ralph Tovar Rodriguez Day with American Legion 509" should read as "Ralph Tobar Rodriguez Day with American Legion 509", File ID19-11071 (1-K) – Approve a 10-year agreement with Cen Cal Business Finance Group, Inc. (Cen Cal) to administer the Revolving Loan Fund (RLF) Program, was removed from the agenda by staff and moved to August 22, 2019, File ID19-11072 (1-L) – Approve the 2019 Administrative Plan for the City of Fresno's Revolving Loan Fund Program, was removed from the agenda by staff and moved to August 22, 2019, File ID19-1923 (1-N) - Approve a requirements contract to Sequoia Western, in an amount not to exceed \$350,000 for weed and public nuisance abatement services, was removed from the agenda by staff and moved to August 22, 2019, File ID 19-11094 (10:20 A.M) - Appearance by Marylou Padilla to discuss the elimination of the violence in video games, was removed from the agenda by the requested speaker, File ID19-11066 (10:35 A.M.) – HEARING pertaining to Fresno County Airport Land Use Compatibility Plan, was continued to September 19, 2019 at 10:15 A.M. by staff and File ID19-1965 (4-A) – Council Boards and Commissions Communications, Reports, Assignments and/or Appointments, Reappointments, Removals to/from City and non-City Boards and Commissions, was removed from the agenda by staff and moved to August*

22, 2019.

**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

## **APPROVE MINUTES**

[ID19-11088](#) Approval of minutes for July 25, 2019.

**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

## **CEREMONIAL PRESENTATIONS**

[ID19-11124](#) Proclamation of "Ralph Tobar Rodriguez Day with American Legion 509"

*CORRECTED AND PRESENTED*

[ID19-1999](#) Proclamation of "Breastfeeding Awareness Month"

*PRESENTED*

[ID19-11031](#) Proclamation of "Leo Zavala Day"

*CORRECTED AND PRESENTED*

[ID19-11140](#) Presentation of a Certificate of Recognition to "District 1 Intern Pawan Brar"

*PRESENTED*

## **COUNCILMEMBER REPORTS AND COMMENTS**

*Council President Caprioglio welcomed Councilmember-elect Mike Karbassi, District 2 to the City Council.*

*Councilmember Esparza thanked summer interns Charie Payne, Elizabeth Grubb and Navkaran Gurm for their help in District 7. He thanked PARCs staff for a successful "beat the heat" summer at Romain Park. He welcomed new University of California, San Francisco cohort students who will be participating in the San Joaquin program of Medical Education. With the*

*Fresno Barrios Unidos, he hosted a mock City Council hearing for students to participate, at City Hall in the City Council Chambers. He stated District 7 will be conducting a series of town hall meetings throughout the District starting September 9, 2019. More information will follow shortly. Lastly, he mentioned District 7 will be hosting a seminar on human trafficking, Wednesday, August 28, 2019 at Fresno City College in the Old Administration Building (OAB) room 251.*

*Councilmember Soria announced Fresno Reel Pride Silent Auction and Kick-off Party, Friday, August 16, 2019 at the Painted Table from 6-9 P.M. in Tower District to celebrate their 30th Annual Film Festival Event. She congratulated and welcomed the west area Centro La Familia Advocacy Services to the Highway City area. She invited the community to come out to the fairgrounds Monday, September 2, 2019 Labor Day weekend to celebrate the "Labor Day Festival." Councilmember Soria announced she was recently appointed by Governor Newsom to represent the region on the Homeless Taskforce. The first meeting will be held the first week of September. More information will be coming forward shortly.*

*Council President Caprioglio introduced Molly Marquez to District 4 and acknowledge and thanked intern Evan Lopez, Andrew Kloose and Laura Rios for all their hard work. He announced his office provided 700 backpacks to incoming students in District 4. He thanked several sponsors, volunteers, District 4 staff, parents, Reading Heart for donating books to the students and the PARCs Department. He thanked Fresno Police Officers' Association (FPOA) Todd Frazier and Kirk Pool for assisting his District with the food and for helping with National Night Out. Council President Caprioglio gave a friendly reminder to the Administration and staff to following the Council rules and procedures regarding the Council Agenda deadlines. He stated if the deadlines are not met, the item will not be heard on the current agenda and will be pushed to the following meeting.*

## **1. CONSENT CALENDAR**

**On motion of Vice President Arias, seconded by Councilmember Chavez, the below CONSENT CALENDAR items were adopted. The motion carried by the following vote:**

**Aye: 6 - Caprioglio, Arias, Soria, Chavez, Bredfeld and Esparza**

**1-A**     [ID19-11006](#) Award a three year Services Contract for Janitorial Services at City of Fresno's Regional Wastewater Reclamation Facility (RWRP) to Geil Enterprises, Inc., in the amount not to exceed \$141,222 per year, with provision for up to two one-year extensions (Bid File 9470) (Citywide)

**1-B**     [ID19-11067](#) Actions related to revising the City's Fats Oils and Grease (FOG) Program requirements for sewage and water disposal and related Fresno Municipal Code (FMC) sections:

1. Adopt findings of Categorical Exemption pursuant to sections 15307/Class7 and 15308 Class/8 of the California Environmental Quality Act (CEQA) Guidelines
2. \*\*\*BILL - (For introduction) - Amending Fresno Municipal Code sections 6-302, 6-320, 6-321.1, 6-323, 6-327, 6-335, and 6-336 (All Council Districts)(Subject to Mayor's Veto)

*BILL 20 INTRODUCED AND LAID OVER*

**1-C**     [ID19-11076](#) RESOLUTION - To authorize submittal of applications to The Recycling Partnership for payment programs and related authorizations (Citywide)

*RESOLUTION 2019-156 ADOPTED*

**1-D**     [ID19-11077](#) BILL - (for Introduction) - Granting a non-exclusive roll-off franchise for roll-off collection within the City of Fresno to HD Matthews Demolition & Excavation, in preparation for a public hearing on the matter and final vote to approve the Non-Exclusive Roll-Off Franchise on September 19, 2019 (Citywide)

*BILL 21 INTRODUCED AND LAID OVER*

**1-E**     [ID19-11083](#) Approve the Second Amendment to the professional consultant agreement with Stantec Architecture, Inc., to provide design and engineering services, plan check, and any construction administration for the replacement of HVAC equipment for the Department of Transportation Administration Building as a stand-alone construction project in the amount of \$56,077.00 and authorize the Director of Transportation or designee to execute all related documents

**1-F**     [ID19-11085](#) Approve the award of a purchase contract to Fresno Truck Center of Fresno, California, for the purchase of two Freightliner M2 106 cab and chassis trucks in the amount of \$187,551 (Bid File 3670)

**1-G**     [ID19-11068](#) RESOLUTION - Of Intention to annex Final Tract Map No. 5587 as Annexation No. 100 to the City of Fresno Community Facilities District No. 11 and to Authorize the Levy of Special Taxes; and setting the public

hearing for September 19, 2019 at 10:05 a.m. (northwest corner of West McKinley and North Brawley Avenues) (Council District 3)

*RESOLUTION 2019-157 ADOPTED*

- 1-H**    [ID19-11070](#)    **RESOLUTION** - Of Intention to Annex the territory known as Assessor's Parcel Number 330-021-03 as Annexation No. 40 to the City of Fresno Community Facilities District No. 9 and to Authorize the Levy of Special Taxes; and setting the public hearing for September 19, 2019 at 10:05 a.m. (R-P East Investments Development) (east side of South East Avenue north of East Central Avenue) (Council District 3)

*RESOLUTION 2019-158 ADOPTED*

- 1-I**    [ID19-11079](#)    Approve an agreement for Professional Engineering Services with Kittelson & Associates, Inc., for \$199,905 for the Systemic Safety Analysis Report Program to evaluate the roadway networks within the City of Fresno (Citywide)

- 1-J**    [ID19-11081](#)    **RESOLUTION** - Of Intention to annex Final Tract Map No. 6214 as Annexation No. 103 to the City of Fresno Community Facilities District No. 11 and to Authorize the Levy of Special Taxes; and setting the public hearing for September 19, 2019 at 10:05 a.m. (property surrounded by East Clinton, North Armstrong, East McKinley, and North Fowler Avenues) (Council District 4)

*RESOLUTION 2019-159 ADOPTED*

- 1-K**    [ID19-11071](#)    Approve a 10-year agreement with Cen Cal Business Finance Group, Inc. (Cen Cal) to administer the Revolving Loan Fund (RLF) Program

*The above item was removed from the agenda by staff and moved to the August 22, 2019 agenda.*

- 1-L**    [ID19-11072](#)    Approve the 2019 Administrative Plan for the City of Fresno's Revolving Loan Fund Program

*The above item was removed from the agenda by staff and moved to the August 22, 2019 agenda.*

- 1-M**    [ID19-11075](#)    \*\*\*BILL NO. B-18 - (Intro. 7/25/2019) (For adoption) - Amending Sections 1-302, 1-305(d), 7-910(b), 10-704(b), 10-1602(a), 10-1609, and 11-304(c) of the Fresno Municipal Code related to code enforcement. (Subject to Mayor's veto)

*ORDINANCE 2019-019 ADOPTED*

- 1-N**    [ID19-1923](#)

Approve a requirements contract to Sequoia Western, in an amount not to exceed \$350,000 for weed and public nuisance abatement services.

*The above item was removed from the agenda by staff and moved to the August 22, 2019 agenda.*

- 1-O**    [ID19-11123](#)    Approve the reappointment of Susan Smith to the Bicycle and Pedestrian Advisory Committee
- 1-P**    [ID19-11136](#)    Approve the appointments of Dillon Savory and Ryan Kenny to the District 1 Project Review Committee
- 1-Q**    [ID19-11129](#)    Consider approval for a Council override vote of Resolution No. 2019-155 vetoed by Mayor Brand on August 5, 2019 (Council action to override Mayoral veto requires 5 affirmative votes)
1. RESOLUTION NO. 2019-155 - Amending the Transparency in City Government Act to Prohibit Retroactive Raises and Raises After an Employee Has Given Notice

*RESOLUTION 2019-155 ADOPTED*

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

### **UNSCHEDULED COMMUNICATION**

*The following members of the public addressed Council: Kathy Holquinn, David Schwegel, Jaime Loza, David Love, Aaron Foster and Cynthia Mayon.*

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

### **10:00 A.M.**

- [ID19-11078](#)    HEARING - To vacate Elgin Avenue and North James Street between Golden State Boulevard and State Route 99 (Council District 2)
1. \*\*\*RESOLUTION - Ordering the vacation of Elgin Avenue and North James Street between Golden State Boulevard and State Route 99 (Subject to Mayor's Veto)

*The item was called to order at 10:11 A.M.*

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



*Upon call, there was no public comment.*

*Council Vice President Arias asked staff several questions regarding compensation from the property owner to the City of Fresno. He asked what is the plan for the vacant property and what is the property's estimated value of the right-of-way. Chief Surveyor Camit responded.*

*Councilmember Soria asked what was the liability and if the City of Fresno is currently maintaining the property. Chief Surveyor Camit and Assistant City Manager Schaad responded.*

**RESOLUTION 2019-160 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**

**10:10 A.M.**

ID19-1970 TEFRA HEARING - To hear and consider information concerning the proposed issuance of Multifamily Housing Revenue Bonds by California Statewide Communities Development Authority for the purpose of financing or refinancing the acquisition, rehabilitation, improvement and equipping of Pleasant Village Apartments

1. \*\*\*RESOLUTION - Approving the issuance by the California Statewide Communities Development Authority of Multifamily Housing Revenue Bonds, in an aggregate principal amount not to exceed \$15 million for the purpose of financing or refinancing the acquisition, rehabilitation, improvement and equipping of Pleasant Village Apartments and certain other matters relating thereto (Subject to Mayor's veto).

*The item was called to order at 10:18 A.M.*

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

*Upon call, there was no public comment and no Council discussion.*

**RESOLUTION 2019-161 ADOPTED**

On motion of Councilmember Chavez, 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

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

[ID19-11059](#) Appearance by Daniel Lorente to discuss the desecration of his younger brother, USMC Cpl. Farrell Gilliam's burial site at Mountain View Cemetery. (Speaker resides in District 1) (Cemetery located in District 3)

APPEARED

[ID19-11094](#) Appearance by Marylou Padilla to discuss the elimination of the violence in video games (Speaker resides in District 2)

*The above item was removed from the agenda by the speaker.*

### **10:30 A.M.#1**

[ID19-11046](#) CONTINUED HEARING to consider Plan Amendment and Rezone Application No. P18-03582, Conditional Use Permit Application No. P18-03583 and Environmental Impact Report (EIR) State Clearinghouse (SCH) No. 2018111043 as part of a City-initiated Plan Amendment and Rezone pursuant to Fresno Municipal Code (FMC) Section 15-5803: (Council District 3)

1. **RESOLUTION** - Certifying Final EIR SCH No. 2018111043 for the Relocation of the Darling Rendering Plant; and,
  - a. ADOPT Findings of Fact as required by Public Resources Code Section 21082(a) and CEQA Guidelines, Section 15091; and,
  - b. APPROVE a Mitigation Monitoring and Reporting Program as required by Public Resources Code Section 21081.6 and CEQA Guidelines Section 15092; and,
  - c. ADOPT the Statement of Overriding Considerations as required by Public Resources Code, Section 21081(b) and CEQA Guidelines, Section 15093.
2. **RESOLUTION** - Approving Plan Amendment Application No. P18-03582 proposing to amend the Fresno General Plan from the Public Facilities planned land use designation to the Heavy Industrial planned land use designation
3. **BILL** (for introduction and adoption) - Rezone Application No. P18-03582 proposing to amend the Official Zone Map to reclassify the subject property from the PI/UGM (*Public and Institutional/Urban Growth Management*) zone district to the IH (*Heavy Industrial*) zone district

4. **APPROVE** Conditional Use Permit Application No. P18-03583 proposing the construction of a new rendering facility on a vacant 40 acre portion of land located approximately 1200 feet south and 1800 feet west of the intersection of South Cornelia and West Jensen Avenues, subject to the Conditions of Approval dated August 7, 2019.
5. **BILL** (for introduction) - Approving the Disposition Agreement and Development Agreement between the City of Fresno and Darling Ingredients Inc., pertaining to relocation and the transfer and development of real property to the southwest of the intersection of Jensen and Cornelia Avenues

*The item was called to order at 10:30 A.M.*

*The above item was introduced to Council by Council Vice President Arias, District 3, Assistant City Attorney Avedisian-Favini, City Attorney's Office, Planner III Lang, Planning and Development Department, Consultant Mike Parker with Ascent Environmental and City Attorney Sloan, City Attorney's Office.*

*Upon call the following members of the public addressed Council: Mary Curry and Kiel Lopez-Schmidt.*

*Council thanked former District 3 Councilmember Baines, the community and the Administration for all their years of hard work on the Darling Project.*

*Councilmember Chavez asked staff about the performance timeline pertaining to the relocation from the neighborhood and he asked what the plans were for the vacant property. Director Clark responded.*

*RESOLUTION 2019-162 ADOPTED*

*RESOLUTION 2019-163 ADOPTED*

*BILL 22 AND ORDINANCE 2019-020 ADOPTED*

*BILL 23 INTRODUCED AND LAID OVER*

**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

**10:30 A.M.#2 JOINT MEETING OF THE FRESNO REVITALIZATION CORPORATION AND CITY OF FRESNO IN ITS CAPACITY AS HOUSING SUCCESSOR TO THE REDEVELOPMENT AGENCY**

ID19-11117

Consider a 2<sup>nd</sup> Amendment to the Disposition and Development Agreement between the City of Fresno, the City of Fresno in its capacity as Housing Successor to the former Redevelopment Agency and Noyan Frazier Capital LP.

*Member Soria recused herself from the above item and left the chambers.*

*The City Council met in Joint Session with the Fresno Revitalization Corporation at 10:45 A.M.*

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

*Member Bredefeld asked several questions regarding the first Disposition and Development Agreement (DDA) and the approved planned project in 2016. He asked about the low income housing, the 50 units and changes that have been made between 2016-2019. Member Bredefeld questioned the additional \$659,000 and why there were shortfalls in the project. He also asked staff if there will be future changes to the project and expressed his concerns with the additional funds and the expensive changes that have been made to the approved project in 2016. Redevelopment Administrator Murphey and President Mehment Noyan with the Noyan Company responded. Member Bredefeld asked Administration if they have gone over the numbers and if they are conformable with the analysis. Deputy City Manager Merrill and Assistant City Manager Schaad responded.*

*Member Chavez asked staff about the construction and timeline of the project. He asked if construction costs have gone up and if so what were the increases over the last few years. Mr. Noyan responded.*

*Vice Chair Arias spoke regarding rebuilding in the City of Fresno and making sure Developers include quality and affordable housing in future projects.*

*Chair Caprioglio asked about cash and future cash investment in the partnership. He stated he is looking for more units being used in affordable housing. Mr. Noyan responded.*

*Upon call, there was no public comment.*

*Joint Meeting of the Fresno Revitalization Corporation closed at 11:25 A.M.*

APPROVED

*On motion of Member Chavez, seconded by Vice Chair Arias, the above item was approved. The motion carried by the following FRC vote:*

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

*No: 1 - Bredefeld*

*Absent: Mayor Brand*

*Recused: Soria*

### **10:35 A.M.**

#### **ID19-11066 (CONTINUE TO SEPTEMBER 19, 2019 AT 10:15 A.M.)**

HEARING pertaining to Fresno County Airport Land Use Compatibility Plan:

1. ADOPT a finding that it can be seen with certainty that there is no possibility that this project will have a significant effect on the environment pursuant to the common sense exemption set forth in CEQA Guidelines Section 15061(b)(3)
2. RESOLUTION - Finding of Consistency between the City of Fresno's Land Use Plans and Regulations and the December 2018 Fresno County Airport Land Use Compatibility Plan
3. BILL - (For introduction) - Approving Text Amendment Application No. P19-01036 amending sections 15-104-B-4; 15-5206; 15-5306; 15-5506-D; 15-5811-A; 15-5905-A; 15-6006-A; and 15-6104-B of the Fresno Municipal Code (FMC), which gives the December 2018 Fresno County Airport Land Use Compatibility Plan priority over all other local land use plans and regulations in the event of a conflict

*The above item was continued to September 19, 2019 at 10:15 A.M.*

### **10:45 A.M.**

**ID19-11045** HEARING to consider Development Permit Application No. P19-00141, and related Environmental Assessment filed by Robert Vermeltfoort of

Vermeltfoort Architects, Inc., on behalf of Herndon Fir Partners LLC, for a development permit located on the south side of East Fir Avenue between North Whitney and North Dearing Avenues (Council District 6)

1. **ADOPT** - Environmental Assessment No. P19-00141 dated July 17, 2019, a determination that the proposed project is exempt from the California Environmental Quality Act (CEQA) through a Class 32 Categorical Exemption.
2. **APPROVE** - Development Permit Application No. P19-00141, a proposal to construct four (4) shell buildings totaling 36,325 square feet on a ±3.11-acre vacant site zoned O (Office), subject to compliance with the Conditions of Approval dated July 17, 2019.

*Councilmember Soria returned to the dais.*

*The item was called to order at 11:25 A.M.*

*The above item was introduced to Council by Planner III Olsen, Planning and Development Department.*

*Upon call, there was no public comment.*

*Council Vice President Arias asked staff about the impact to the neighborhoods and if there are any plans to improve traffic. Planner III Olsen responded.*

**APPROVED**

**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

### **1:30 P.M. CONTESTED CONSENT CALENDAR**

*There were no items pulled from the Consent Calendar.*

### **3. GENERAL ADMINISTRATION**

#### **3-A ID19-11004**

Approve Contract Change Order No. 2 to the construction contract with Garney Construction for the Recycled Water Transmission Main, Southwest Quadrant, Project SW1B, to increase the total construction contract amount by \$1,293,710 and add 303 days in the contract time (Bid

File 3413) (Council District 3 and Fresno County)

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

*Upon call, there was no public comment.*

*Councilmember Soria asked if there was a project labor agreement involved in the construction of the project and stated her concerns with the project having a lot of change orders. Licensed Engineer Pavic responded.*

*Councilmember Bredefeld asked about the increase contract amount and if the project has been completed. Licensed Engineer Pavic responded.*

*Council Vice President Arias asked staff about the total cost of the project and to explain the reasons for the increases to the project. Licensed Engineer Pavic responded. Council Vice President Arias asked if the rate payers will be paying an increase of 12%. Assistant City Manager Schaad responded.*

APPROVED

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

**Aye:** 4 - Caprioglio, Soria, Chavez and Esparza

**No:** 2 - Arias and Bredefeld

**3-B** ID19-11005

Approve Contract Change Order No. 9 to the construction contract with Garney Construction, for the Kings River Pipeline Project, to increase the total construction contract amount by \$2,207,730 and add 156 days in the contract time (Council District 5 and Fresno County)

*The above item was discussed with File ID 19-11004 (3-A)*

*Upon call, there was no public comment and no Council discussion.*

APPROVED

**On motion of Councilmember Chavez, seconded by President**

**Caprioglio, that the above Action Item be approved. The motion carried by the following vote:**

**Aye:** 4 - Caprioglio, Soria, Chavez and Esparza

**No:** 2 - Arias and Bredefeld

**3-C** ID19-11073

- Actions pertaining to the comprehensive administration of the United States Department of Housing and Urban Development (HUD) programs
1. Approve a First Amendment to the Consulting Services Agreement with Michael Baker International in the amount not to exceed \$226,000 for ongoing consultant services through June 30, 2020; and
  2. Approve Second Amendment to Consulting Services Agreement with Usona Development, LLC in the amount not to exceed \$609,020 for ongoing consultant services through June 30, 2020;
  3. Authorize the Planning and Development Department Director, or designee, to sign the amendments on behalf of the City of Fresno.

*The above item was introduced to Council by Director Clark, Planning and Development Department.*

*Upon call, there was no public comment.*

*Councilmember Bredefeld asked staff if the department is planning to fill the vacancies and hire qualified individuals to do the work rather than continuing to hire consultants. Director Clark responded.*

*Council Vice President Arias motioned to approve the contract without additional extensions unless approved by City Council. Councilmember Chavez seconded the motion as amended.*

*Councilmember Soria expressed her frustrations with the current vacancies in the department and the continuous request to hire consultants. She asked the Administration for an update on when the positions will be filled. She asked staff about the qualifications and salaries of the vacant positions. Director Clark and Assistant City Manager Schaad replied.*

**APPROVED AS AMENDED**

**On motion of Vice President Arias, seconded by Councilmember Chavez, that the above Action Item be approved as amended. The**



motion carried by the following vote:

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

#### **4. CITY COUNCIL**

- 4-A**    ID19-1965    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, Arias**
  2. Budget Sub-Committee - **Soria, Chavez, Caprioglio**
  3. Cannabis Ad Hoc Committee - **Soria, Caprioglio, Arias**
  4. Council of Governments - **Mayor Brand-Ex-Officio (Caprioglio)**
  5. CDBG Sub-committee - **(Pertaining to Housing and addressing the allocation of Funds) - Caprioglio, Soria, Arias**
  6. Code Enforcement Sub-Committee - **Bredefeld, Caprioglio, Soria**
  7. Economic Development Corporation Serving Fresno County - **Caprioglio-Ex-Officio, City Manager Wilma Quan and (Chavez - Alternate)**
  8. Enterprise and Construction Management Oversight Board - **Chavez, Bredefeld-Alternate**
  9. Finance and Audit Committee - **Bredefeld, Esparza- Chair, Vacant**
  10. Fresno Area Workforce Investment Corporation - **Soria**
  11. Fresno County Transportation Authority (FCTA) - **Mayor Brand-Ex-Officio, (Caprioglio - Alternate)**
  12. Fresno Regional Workforce Development Board - **Soria**
  13. Fresno County Zoo Authority - **Mayor Brand-Ex-Officio, (Arias-Alternate)**
  14. Fresno Madera Area Agency on Aging Board - **Chavez**
  15. **Homeless (HEAP Funding Plan) Sub-Committee - Chavez-Chair, Bredefeld, Arias**
  16. Joint Powers Financing Authority - **Mayor Brand, Soria, Caprioglio**
  17. League of California Cities (Annual Meeting) - **Soria, (Caprioglio - Alternates)**
  18. Litigation Exposure Reduction Ad Hoc Committee - **Arias, Soria, Caprioglio-Chair**
  19. Lobbyist Committee- **Soria, Arias and Esparza**
  20. North Kings Groundwater Sustainability Agency (GSA) Joint Powers Authority - **Mayor Brand (Michael Carbajal, Tim Orman - Alternates)**
  21. Parks & Public Safety Subcommittee - **Arias, Soria, Chavez**
  22. San Joaquin River Conservancy Board - **Mayor**

**Brand-Ex-Officio, (Bredfeld-Alternate)**

23. San Joaquin Valley Special City Selection Committee - Primary Representative-Arias, Alternate Representative-Vacant
24. School Liaison Sub-Committee - Esparza-Chair, Chavez, Arias
25. Sub-Committee on Transportation - Arias, Caprioglio, Soria
26. Upper Kings Basin Integrated Regional Water Management JPA - Vacant (Brock Buche and Chavez - Alternates)

*The above item was removed from the agenda by staff and move to the September 19, 2019 agenda.*

- 4-B**    ID19-11074 BILL - (For introduction) - Adding Section 4-203 to the Fresno Municipal Code concerning the disposition of real property.

*The above item was introduced to Council by Council Vice President Arias, District 3.*

*Upon call, there was no public comment.*

*Council Vice President Arias directed City Manager to establish a Subcommittee concerning the disposition of real property. He stated the City Manager will appoint City staff and members of the public at the City Manager's discretion. The Committee will create a policy to develop a Request for Proposal (RFP) for the property which would then be advertised in the local newspaper, City website and the surrounding neighbors within a 1000 feet. He stated the committee would evaluate the best value for the City property, considering price, community benefit, qualifications and the tax value of the City of Fresno. The recommendations will then come back to City Council for approval.*

*Councilmember Esparza spoke regarding the need for transparency and the purpose of the policy and its process.*

**BILL 24 INTRODUCED AND LAID OVER**

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

**Aye:** 6 - Caprioglio, Arias, Soria, Chavez, Bredfeld and Esparza

- 4-C**    ID19-11139

\*\*\*RESOLUTION - In support of the County's sale of the former University Medical Center (UMC) site for development of affordable housing (Subject to Mayor's veto)

*Councilmember Chavez recused himself from the item and left the chambers.*

*The above item was introduced to Council by Councilmember Esparza, District 7.*

*Upon call, there was no public comment or Council discussion.*

**RESOLUTION 2019-164 ADOPTED**

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

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

**Recused:** 1 - Chavez

**City Council recessed for lunch at 12:06 P.M. and returned from lunch at 1:30 P.M.**

## **5. CLOSED SESSION**

*City Council recessed into Closed Session at 1:30 P.M. and returned from Closed Session at 2:46 P.M.*

*There was no announcements after Closed Session.*

- 5-A**    [ID19-11086](#)    CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION - Government Code Section 54956.9, subdivision (d)(1)  
1. *Robert Mesel, et al. v. City of Fresno, et al.*; Fresno Superior Court Case No.: 17CECG02064 (Transportation Department).

*DISCUSSED*

- 5-B**    [ID19-11087](#)    CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION - Government Code Section 54956.9, subdivision (d)(1)  
1. *Isiah Murrietta-Golding, et al. v. City of Fresno, et al.*; United States District Court Case No.: 1:18-cv-00314 (Police Department).

*DISCUSSED*

- 5-C**    [ID19-11097](#)    CONFERENCE WITH LABOR NEGOTIATORS - Government Code Section 54957.6  
City Negotiators: Jeffrey Cardell, Ken Phillips  
Employee Organizations:
1. International Union of Operating Engineers, Stationary Engineers, Unit 1 Local 39 (Local 39)
  2. City of Fresno Professional Employees Association, Unit 13 (CFPEA)
  3. City of Fresno Management Employees Association, Unit 14 (CFMEA)
  4. Operating Engineers, Local Union No. 3, Fresno Airport Public Safety Supervisors, Unit 15 (FAPSS)

*DISCUSSED*

- 5-D**    [ID19-11127](#)    CONFERENCE WITH LEGAL COUNSEL - PUBLIC SECURITY - Government Code Section 54957(a): Discuss security of City Hall

*DISCUSSED*

- 5-E**    [ID19-11142](#)    CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Government Code Section 54956.8  
Property: 4736 N. Blythe  
Negotiating Parties: City Manager Wilma Quan, Oceanside Investment Group, LLC.

*DISCUSSED*

**1:45 P.M.**

- [ID19-11141](#)    WORKSHOP - Developing the Region's Inclusive and Vibrant Economy (DRIVE) Initiative

*The above workshop was presented to Council by CEO Ashely Swearengin and Board Chair Alan Plerrot with Central Valley Community Foundation, Executive Director Laneesha Senegal with Helping Others Pursue Excellence and Marek Gootman with Brookings Institute.*

*PRESENTED*

*City Council went back into Closed Session at 3:36 P.M. and returned from Closed Session at 4:14 P.M.*

*There was no announcements after Closed Session.*

**ADJOURNMENT**

*City Council adjourned at 4:15 P.M.*