



City of Fresno

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

Meeting Minutes - Draft City Council

President - Esmeralda Z. Soria

Vice President - Steve Brandau

Councilmembers:

Oliver L. Baines, III, Paul Caprioglio, Luis Chavez,

Garry Bredefeld, Clinton J. Olivier

City Manager - Wilma Quan-Schechter

City Attorney - Douglas T. Sloan

City Clerk - Yvonne Spence, MMC

Thursday, December 13, 2018

9:00 AM

Council Chambers

Regular Meeting

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

9:10 A.M. ROLL CALL

Councilmember Baines was absent during Roll Call and arrived at 9:16 A.M.

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

Invocation by Sukhjir Singh from the South Fresno Sikh Temple.

Pledge of Allegiance to the Flag

APPROVE AGENDA

City Clerk Spence announced the following changes to the agenda: File ID18-1495 (3-A) re: Actions related to an Extraterritorial Water and Sewer Service and Offsite Infrastructure Agreement with Fresno Humane Animal Services - Removed from the agenda by staff; File ID18-1219 (3-G) re:

Approve a Policy on Conditions for Roadway Closures and Lane Closures - Removed from the agenda by staff; File ID18-0851 (3-F) re: Approve an agreement with BKF Engineers, Inc., for \$443,199 with a contingency of \$40,000 for design and preparation of construction documents for the Midtown Trail Segments 1 and 3 (Council District 7; a portion of Segment 3 is within Fresno County). The dollar amount should be \$456,424, not \$443,199.

Councilmember Olivier left the meeting.

On motion of Councilmember Caprioglio, seconded by Vice President Brandau, that the above be adopted as amended. The motion carried by the following vote:

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

Absent: 2 - Baines III and Olivier

APPROVE MINUTES

[18-0046](#) Approval of minutes from December 6, 2018.

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

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

Absent: 2 - Baines III and Olivier

Councilmember Olivier returned to the meeting.

CEREMONIAL PRESENTATIONS

[ID18-1554](#) Presentation of the SPCA Pet of the Month

PRESENTED

[ID18-1522](#) Proclamation of "Shawn Riggins Day"

PRESENTED

[ID18-1523](#) Proclamation of "Mickey's Toy Giveaway Day"

PRESENTED

[ID18-1555](#) Proclamation of "GSF Properties, Inc. Day"

PRESENTED

[ID18-1556](#) Proclamation of "Church of Jesus Christ of Latter Day Saints Day"

PRESENTED

COUNCILMEMBER REPORTS AND COMMENTS

Council President Soria requested the meeting be adjourned in memory of Randy Ghan.

Council Vice President Brandau wished everyone a Merry Christmas and spoke regarding today's event at 4:00 PM at the Community Center adjacent to Pinedale for Santa's Village. He spoke about his uncle passing and about how some people have a tough time during the holidays.

Councilmember Olivier spoke regarding his final Council meeting and stated he enjoyed representing the people in District 7, and discussed the different acts implemented in his district, his participation in keeping the city from going bankrupt, briefly talked about Sommerset Apartments, working with his Council colleagues and thanked his staff for the remarkable job they have done. Councilmember Olivier also thanked Mayor Brand and stated he was a mentor and a teacher to him.

Councilmember Caprioglio wished everyone a Merry Christmas. He thanked Councilmember Olivier and Baines for their service. Councilmember Caprioglio spoke regarding an operation Book Drive at Ericson Elementary School, he thanked Reading Heart, the Northwest Fresno Police Department, and Santa for making a special trip to the school and asked the community if they wanted to donate a book to contact Reading Heart at www.readingheart.org. Councilmember Caprioglio also mentioned that Fresno State will be facing Arizona in Las Vegas on Saturday, December 15, 2018. He also stated that Fresno State is the only School in the state ranked in the top 25.

1. CONSENT CALENDAR

APPROVAL OF THE CONSENT CALENDAR

Upon call, there was no public comment on the consent agenda

On motion of Councilmember Olivier, seconded by Councilmember Caprioglio, the CONSENT CALENDAR below was adopted by the following vote:

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

- 1-A** [ID18-1437](#) **RESOLUTION** - Of Intention to annex Final Tract Map No. 6162 as Annexation No. 98 to the City of Fresno Community Facilities District No. 11 and to Authorize the Levy of Special Taxes; and setting the public hearing for January 17, 2018 at 10:00 a.m. (northeast corner of North Hayes Avenue and East Ashlan Avenue) (Council District 1)

RESOLUTION 2018-297 ADOPTED

- 1-B** [ID18-1351](#) Approve an agreement for Professional Engineering Services with Cornerstone Structural Engineering Group, Inc. for \$82,068 plus a \$7,500 contingency for design and construction support services for the Bridge Preventive Maintenance Program, Phase 2 Project. (Council Districts 3, 4, 5, and 7)
- 1-C** [ID18-1468](#) Approve an agreement for Professional Engineering Services with Peters Engineering Group for \$80,295 plus a \$15,000 contingency for design and construction support services for the Jensen Avenue Pavement Rehabilitation Project from Cornelia Avenue to Chateau Fresno Avenue. (Council District 3 and County of Fresno)
- 1-D** [ID18-1509](#) **RESOLUTION** - Approving the Final Map of Tract No. 5558 and accepting dedicated public uses offered therein except for dedications offered subject to City acceptance of developer installed required improvements - Northwest corner of West Herndon Avenue and North Riverside Drive (Council District 2)

RESOLUTION 2018-298 ADOPTED

- 1-E** [ID18-1546](#) **RESOLUTION** - Approving the Final Map of Tract No. 5608 and accepting dedicated public uses offered therein - North side of West Santa Ana Avenue between North Polk Avenue and North Hayes Avenue (Council District 1)

RESOLUTION 2018-299 ADOPTED

- 1-F** [ID18-1510](#) Approve an agreement for Professional Engineering Services with Peters

Engineering Group for \$116,295 plus a \$10,000 contingency for design and construction support services for the Olive Avenue Streetscape from Roosevelt Avenue to Yosemite Avenue. (Council District 1 and 3)

- 1-G [ID18-1438](#) ***RESOLUTION - 5th Amendment to the Position Authorization Resolution (PAR) No. 2018-158, adding one (1) police sergeant position to the Fresno Police Department, effective November 20, 2018 (Subject to Mayor's Veto)

RESOLUTION 2018-300 ADOPTED

- 1-H [ID18-1487](#) Approve a Service Agreement in the amount of \$95,472.00 with Clean Energy, a Delaware based corporation, to maintain and service the FAX compressed natural gas fueling station (Citywide)
- 1-I [ID18-1493](#) Award a Requirements Contract to Brenntag Pacific, Inc., of Santa Fe Springs, California, in the amount of \$312,930 for Ortho Poly Phosphate, for a term of one-year with the possibility of two one-year extensions. Bid File 9479 (Citywide)
- 1-J [ID18-1504](#) Approve Amendment No. 5 to the Copper River Ranch Water Supply Implementation Agreement approved by Fresno City Council on November 17, 2016 (Council District 6)
- 1-K [ID18-1524](#) ***RESOLUTION - Amending the Council Rules of Procedure (Subject to Mayor's veto)

Council President Soria requested that Council Vice President Brandau would be flexible in allowing more than four ceremonial presentations per meeting especially in extenuating circumstances. Council Vice President Brandau stated that the calendar has more meetings and there will be at least 30 opportunities and he can be flexible, but also wants the Councilmembers to spread the ceremonial presentations when possible.

RESOLUTION 2018-301 ADOPTED

- 1-L [ID18-1541](#) Approve the appointment of Yvonne Dedmore to the City of Fresno Deferred Compensation Board
- 1-M [ID18-1542](#) ***BILL NO. B-60 (Intro. 12/6/2018) (For adoption) - Extending the exemption on development impact fees for certain projects in economically disadvantaged neighborhoods (Subject to Mayor's veto)

ORDINANCE 2018-64 ADOPTED

- 1-N [ID18-1543](#) ***BILL NO. B-61 - (Intro. 12/6/2018) (For adoption) - Extending the exemption on development impact fees for the replacement or reconstruction of existing commercial structures. (Subject to Mayor's veto)

ORDINANCE 2018-65 ADOPTED

- 1-O [ID18-1161](#)

- 1-P [ID18-1562](#) Approve the 2018 Amended and Restated Stadium Sublease Agreement with Fresno Sports & Events, LLC.

- 1-Q [ID18-1564](#) Approve Sponsorship Agreement with Pepsi Beverages Company to be Exclusive Non-Alcoholic Beverage Provider for the Fresno Convention & Entertainment Center

- 1-R [ID18-1563](#) ***RESOLUTION - Declaration of Results of the Consolidated General Election held within the City of Fresno on November 6, 2018

RESOLUTION 2018-302 ADOPTED

- 1-S [ID18-1567](#) Consider of Plan Amendment and Rezone Application No. P18-03514, Development Code Text Amendment Application No. P18-03517, and related Environmental Finding filed by the Development and Resource Management Department Director pertaining to 207 acres within the City of Fresno:

1.*BILL NO. B-65 - (Intro. 12/6/2018) (For adoption)** - Approving Text Amendment Application No. P18-03517 for minor changes to the Development Code in order to improve functionality, clarity, internal consistency, and consistency with State law. Proposed amendments affect the following sections: 15-107, Overlay Districts; 15-310, Determining Residential Density; 15-902, Use Regulations for Residential Single-Family Districts; 15-903, Lot and Density Standards for Single Family Districts; 15-904, Driveway Paving; 15-1002, Use Regulations for Residential Multi-Family Districts; 15-1004, On-Site Open Space for Multi-Family Districts; 15-1102, Use Regulations for Mixed Use Districts; 15-1104, On-Site Open Space for Mixed-Use Districts; 15-1202, Use Regulations for Commercial Districts; 15-1302, Use Regulations for Employment Districts; 15-1502, Use Regulations for Downtown Districts; 15-2004, Accessory Buildings; 15-2006, Fences, Walls, and Hedges; 15-2008, Screening Between Land Uses; 15-2009, Security Fencing; 15-2010, Electric Fences; 15-2015, Outdoor Lighting; 15-2016, Trash and Refuse Collection Areas; 15-2303 and 2305, Landscaping; 15-2402, Parking Applicability; 15-2409, Parking for Affordable Housing; 15-2412, Parking Exceptions; 15-2418, Parking Design; 15-2419, Parking Lot Surfaces; 15-2420, Parking Lighting; 15-2421, Parking Lot Landscaping; 15-2422, Parking Lot Trees; 15-2424, Carport Solar Panels; 15-2429,

Bicycle Parking; 15-2430, On-Site Loading; 15-2609, Signs; 15-2612, Master Sign Programs; 15-2614, Electronic Fuel Price Signs; 15-2702, Specific Uses and Activities; 15-2717, Commercial Modular Buildings; 15-2722, Corner Commercial; 15-2737, Large-Format Retail; 15-2741, Mobile Vendors; 15-2754, Accessory Dwellings; 15-3105, 3303, 3304, 3305, 3307, Subdivisions; 15-3902, 3903, 3904, 3909, Condominiums; 15-4105, 4108, Subdivisions; 15-5102, Zone Clearance Applicability; and 6704 and 6705, Definitions as described in Exhibit G. (Subject to Mayor's veto)

ORDINANCE 2018-66 ADOPTED

- 1-T** [ID18-1572](#) ***BILL NO. B-66 - (Intro 12/6/18) (For adoption)- Adding Article 33 to Chapter 9 of the Fresno Municipal Code relating to Adult Use and Medicinal Cannabis Retail Business and Commercial Cannabis Business. (Subject to Mayor's veto)

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

- 1-U** [ID18-1573](#) ***BILL NO. B-62 - (Intro. 12/6/2018) (For adoption) - Repealing Ordinance No. 2006-100 and adopting an ordinance setting forth the compensation of elective officers. (Subject to Mayor's veto)

ORDINANCE 2018-67 ADOPTED

On motion of Councilmember Olivier, seconded by Councilmember Caprioglio, that the above Ordinance be adopted. The motion carried by the following vote:

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

No: 2 - Brandau and Olivier

- 1-V** [ID18-1547](#) Approve a professional consultant agreement in an amount not to exceed \$318,000 with Blair, Church and Flynn, a Clovis-based California corporation, to prepare a comprehensive irrigation replacement plan for Roeding Park and Woodward Park.

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

**JOINT MEETING OF THE CITY OF FRESNO IN ITS CAPACITY AS
THE HOUSING SUCCESSOR TO THE REDEVELOPMENT AGENCY
OF THE CITY OF FRESNO, THE SUCCESSOR AGENCY TO THE
REDEVELOPMENT AGENCY OF THE CITY OF FRESNO, AND THE
FRESNO REVITALIZATION CORPORATION**

- 1-W [ID18-1558](#) Approve Amended At-Will Employment Agreement with Executive Director, Fresno Revitalization Corporation

CONTESTED CONSENT CALENDAR

- 1-T [ID18-1572](#) ***BILL NO. B-66 - (Intro 12/6/18) (For adoption)- Adding Article 33 to Chapter 9 of the Fresno Municipal Code relating to Adult Use and Medicinal Cannabis Retail Business and Commercial Cannabis Business. (Subject to Mayor's veto)

Councilmember Bredefeld is willing to support the medicinal aspect; however he is opposed to the number of dispensaries included per district and the possibility of including recreational marijuana in year two. He stated his district and others overwhelmingly opposed Proposition 64. When there is a motion to approve he would like to amend Section 9-3307 and add the following language to the end of that subsection: "No cannabis retail business may be located in any council district where a majority of the voters did not approve Proposition 64". Councilmember Olivier asked the City Attorney if any changes are made to this item, and it is up for adoption, does that mean that the process starts over? City Attorney Sloan confirmed that was correct, it would come back for introduction at the next meeting with the new language. There was discussion regarding Proposition 64 and Measure A. Councilmember Baines stated that carving out districts is not good policy making. After more discussion, Councilmember Bredefeld made a motion to amend the item to include the language above. Council Vice President Brandau seconded the motion. The motion failed on a 2-5 vote with Councilmembers Baines, Caprioglio, Chavez, Olivier, and Soria voting "No".

ORDINANCE 2018-68 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 - Soria, Baines III, Caprioglio, Chavez and Olivier

No: 2 - Brandau and Bredefeld

- 1-V** [ID18-1547](#) Approve a professional consultant agreement in an amount not to exceed \$318,000 with Blair, Church and Flynn, a Clovis-based California corporation, to prepare a comprehensive irrigation replacement plan for Roeding Park and Woodward Park.

Council Vice President Brandau wants to hear more about this item, particularly, Woodward Park and Roeding Park and when we can expect to see some improvements. Director Neloms, PARCS Department responded to the concerns regarding repairs and improvements.

Councilmember Olivier left the meeting.

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

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

Absent: 1 - Olivier

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

UNSCHEDULED COMMUNICATION

Prior to calling unscheduled communication, Council President Soria recognized the students in the audience from Vang Pao Elementary School.

The following people spoke during Unscheduled Communication: Mareya Ortiz, Nichole Theroux, David Love and Jay Justice

4. CITY COUNCIL

- 4-B** [ID18-1557](#) Enter into an Exclusive Negotiating Agreement with Fagundes Brothers, LLC, to develop the terms of a Development Agreement for the 'Oasis,' a master planned residential development.

Councilmember Baines asked the Council for support on this exclusive agreement. Councilmember Baines made a motion with the following amendments included: 1) Fagundes Dairy GP owns the property, not Fagundes Brothers LLC; 2) remove provisions that prevents Fagundes

Brothers LLC from selling property; 3) Section 9 strike sentence "This ENA is the product of negotiation and all Parties are equally responsible for authorship of the ENA". 4) Section A. Property boundaries should be corrected. Instead of S. Marks, it should be S. Valentine; 5) Section C should say Development Agreement and not Lease Agreement

Upon call, there was no public comment.

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

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

Absent: 1 - Olivier

2. SCHEDULED COUNCIL HEARINGS AND MATTERS

10:10 A.M.

[ID18-1569](#) Appearance by Mr. J.D. McCubbin to request an explanation of the procedure of evacuating the City in case of an emergency

Mr. J.D. McCubbin spoke regarding the City's procedure of evacuating the city in case of an emergency

10:00 A.M.

[ID18-1190](#) **HEARING** to adopt resolutions and ordinance to annex territory and levy a special tax regarding City of Fresno Community Facilities District No. 9, Annexation No. 36 (Assessor's Parcel Number 404-500-20 and 404-500-21) (north side of East Alluvial Avenue between North Willow and Paula Avenues) (Council District 6)

1. *****RESOLUTION** - Annexing Territory to Community Facilities District No. 9 and Authorizing the Levy of a Special Tax (Subject to Mayor's Veto)
2. *****RESOLUTION** - Calling Special Mailed-Ballot Election (Subject to Mayor's Veto)
3. *****RESOLUTION** - Declaring Election Results (Subject to Mayor's Veto)
4. *****BILL** - (For introduction and adoption) - Levying a Special Tax for the Property Tax Year 2018-2019 and Future Tax Years Within and Relating to Community Facilities District No. 9, Annexation No. 36 (Subject to

Mayor's Veto)

The above item was presented to Council by Assistant Director Benelli, Public Works Department.

The following members of the public addressed Council: Bill Robinson representing the owner.

Councilmember Olivier returned to the meeting.

Councilmember Baines and Councilmember Chavez left the meeting.

RESOLUTION 2018-303 ADOPTED

RESOLUTION 2018-304 ADOPTED

RESOLUTION 2018-305 ADOPTED

BILL NO. 67 INTRODUCED

ORDINANCE 2018-69 ADOPTED

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

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

Absent: 2 - Baines III and Chavez

10:05 A.M.

[ID18-1565](#) Update on HERO Team
***RESOLUTION - 25th amendment to the Annual Appropriation Resolution (AAR) No. 2018-157 to appropriate \$420,000 for homeless services provided by the Hero Team (WestCare) (Requires 5 affirmative votes) (Subject to Mayor's veto)

The above item was presented by the following people: Director of Strategic Initiative Spees, Mayor's Office, Captain Farrah, Police Department, The presentation also included interviews with various people involved with the HERO team.

Upon call, the following members of the public spoke: Yonas Paulos, Dez Martinez, Doreen Eley, Laura Reynolds, Nancy Whitlow, Cesar Casa Mayor, Eric Payne, Sara Mirhadi, Kelly Warford, J.D. McCubbin, Shaw Jenkins, and Jay Justice.

Councilmember Baines and Councilmember Chavez returned to the meeting.

Council Vice President Brandau thinks the police officers should be performing other police duties and believes that people like Pam who are a part of the HERO team are more approachable and less expensive. Councilmember Bredefeld asked H. Spees to talk about the 60% reduction and how it was calculated

Councilmember Chavez wants performance measures and goals. He asked what does the HERO team do when they are called out. Laura Reynolds spoke on the topic. Councilmember Chavez also wants accountability and transparency. He wants the administration to report on a monthly basis the statistics of the homeless people helped and the actual services provided, and that the monthly report be provided for each district.

Councilmember Chavez made a motion with the following amendments: 1) The Administration will provide a monthly report by the end of each calendar month, starting this December, broken down by Council District of services provided, including the number of people served, the types of services, and the cost of the services. This needs to go directly to Councilmembers, not just on the City website; and 2) The City's independent auditors (not City employees) shall immediately conduct an audit of all homeless services provided in connection with the City, starting with the HERO Team and expenditures, and then provide to Council a written audit report for discussion during a Council meeting within 90 days from today; and 3) If these conditions are not met, all further contractual obligations and expenditures for these services shall immediately terminate.

Councilmember Olivier left the meeting.

RESOLUTION 2018-306 ADOPTED

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

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

Absent: 1 - Olivier

3. GENERAL ADMINISTRATION

- 3-D** [ID18-0808](#) Approve a Master Trails Agreement with the Fresno Irrigation District (Citywide).

The above item was presented to Council by Director Mozier, Public Works Department. He introduced Bill Stretch, the incoming General Manager for the Fresno Irrigation District.

When called, the following members of the public spoke: Anthony Molina, Felipe Arballo, Mark Keppler, and Gene Richards.

Council Vice President Brandau showed slides of pictures from three years ago. He stated what we are voting on today is the entire agreement, not just a trail, it's all of the trails. It has the ability to be the most used trail in the City of Fresno and thanked all of the folks involved. Council President Soria stated that the next hurdle is getting the dollars to get this built out.

Councilmember Baines left the meeting.

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

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

Absent: 2 - Baines III and Olivier

10:40 A.M.

[ID18-1568](#) CONTINUED HEARING to consider General Plan Text Amendment Application No. P18-3553 and related Environmental Finding initiated by the Fresno City Council on March 3, 2017 through Council Resolution No. 2017-61 pertaining to all prime farmland, unique farmland or farmland of statewide importance within the sphere of influence of the City of Fresno

1. **ADOPT** Environmental Assessment No. P18-03553, an Addendum to Final Master Environmental Impact Report SCH No. 2012111015 (MEIR) certified by the Fresno City Council on December 18, 2014 for the Fresno General Plan and Development Code, and to Program Environmental Impact Report SCH No. 2017031012 certified by the Fresno City Council on October 26, 2017 for the Southwest Fresno Specific Plan pursuant to California

Environmental Quality Act Guidelines Sections 15162 and 15164.

2. **RESOLUTION** - Approving the General Plan Text Amendment No. P18-03553 amending Farmland Preservation Program Policy RC-9-c, as described in Exhibit A.

The above item was presented to Council by Assistant Director Zack, Development and Resources Department.

Upon call, the following members of the public spoke on this item: Mary Savala, Scott Spear, Ryan Jacobson, Daniel O'Conner, Jeff Roberts, and Mike Prandini.

Council Vice President Brandau expressed his concern with this being in the General Plan and because of this and a host of other issues, he voted "No" on the General Plan. We are seeing extreme expansion all around the City of Fresno. Even though he wanted this stricken from the General Plan, that is not the action we are taking today. This is a compromise and it helps moving forward for those who want to build in the City of Fresno. City Attorney Sloan read into the record the the following: This does not eliminate the need to mitigate what CEQA requires. The General Plan will still require mitigation of certain farmland, it simply provides more options. Instead of limiting the options for mitigation of one to one easements, it provides for other options. It does say twice that regardless, CEQA must be complied with. Council President Soria asked staff to make sure we include all the stakeholders in the process.

Councilmember Olivier returned to the meeting.

Councilmember Caprioglio left the meeting.

RESOLUTION 2018-307 ADOPTED

The Council recessed for lunch at 12:51 P.M. and Council went into Closed Session at 2:00 P.M.

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

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

Absent: 2 - Baines III and Caprioglio

5. CLOSED SESSION

Council Convened into Closed Session at 2:08 P.M. and adjourned at 2:29 P.M.

There was no announcements after Closed Session.

- 5-A** [ID18-1532](#) 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-B** [ID18-1552](#) CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION -
Government Code Section 54956.9, subdivision (d)(1)
1. South Central Neighbors United v. City of Fresno et al. - Fresno County
Superior Court, Case No. 18CECG00690

DISCUSSED

GENERAL ADMINISTRATION

- 3-A** [ID18-1495](#) Actions related to an Extraterritorial Water and Sewer Service and Offsite
Infrastructure Agreement with Fresno Humane Animal Services:
1. Adopt a finding of Categorical Exemption pursuant to Class 1
Section 15301(c) (existing facilities) of the California Environmental
Quality Act (CEQA) Guidelines for the Extraterritorial Water and
Sewer Services for Fresno Humane Animal Services;
 2. Approve an Agreement for Extraterritorial Water and Sewer Service
and Offsite Infrastructure Agreement with Fresno Humane Animal
Services (County of Fresno).

THIS ITEM WAS REMOVED FROM THE AGENDA BY STAFF

Councilmember Baines returned to the meeting.

- 3-B** [ID18-1521](#) Authorizing the Director of the Development and Resource Management
Department to enter into a consultant services agreement with Stantec
Consulting Services, Inc. to prepare an Environmental Protection Agency
Brownfields Grant application and provide implementation assistance in an
amount not to exceed \$600,000.

Council reconvened at 2:30 P.M.

The above item was presented to Council by Planning Manager Pagoulatos, Development and Resource Management Department.

Upon call, there was no public comments.

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

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

Absent: 1 - Caprioglio

- 3-C** [ID18-1070](#) Award a contract to purchase two 40' low floors all electric buses from Proterra, Inc., in the amount of \$2,718,572.73 - Bid File 3604

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

Upon call, there was no public comment.

Both Council Vice President Brandau and Councilmember Bredefeld expressed concerns regarding the cost of the electronic busses.

Councilmember Caprioglio returned to the meeting.

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

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

No: 2 - Brandau and Bredefeld

- 3-E** [ID18-0259](#) Approve an agreement with Blair, Church & Flynn Consulting Engineers, Inc., for \$348,300 with a contingency of \$30,000 for design and preparation of construction documents for the Midtown Trail Segments 4 and 5 (Council Districts 4 and 7).

The above item was presented to Council by Manager Sehm, Public Works Department.

Upon call, there was no public comment.

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

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

- 3-F** [ID18-0851](#) Approve an agreement with BKF Engineers, Inc., for \$456,424 with a contingency of \$40,000 for design and preparation of construction documents for the Midtown Trail Segments 1 and 3 (Council District 7; a portion of Segment 3 is within Fresno County).

The above item was presented to Council by Manager Sehm, Public Works Department.

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

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

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

- 3-G** [ID18-1219](#) ***Approve a Policy on Conditions for Roadway Closures and Lane Closures (Citywide). (Subject to Mayor's veto)

THIS ITEM WAS REMOVED FROM THE AGENDA BY STAFF

- 3-H** [ID18-1512](#) Actions pertaining to the Herndon Avenue Adaptive Intelligent Transportation System (ITS) (Golden State Blvd to Willow Ave) Traffic Signals Synchronization Project adaptive modules (Council Districts 2 and 6)
1. RESOLUTION - To dispense with the competitive bidding requirements and authorize the Public Works Director to enter into a contract for the purchase of traffic signal adaptive modules for central processing unit, licenses, configuration, training, and warranty (Requires 5 affirmative votes)
 2. Award a purchase contract in the amount of \$586,000 to Trafficware Group Inc., for the purchase of Synchro Green modules for the 28 intersections included in the Herndon Avenue ITS Traffic Signals Synchronization Project

The above item was presented to Council by Manager Stanboulia, Public Works Department.

Upon call, there was no public comment.

RESOLUTION 2018-308 ADOPTED

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

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

3-I [ID18-1570](#) WORKSHOP - Impact Fee Waiver

The above workshop was presented to Council by Director Mozier, Public Works Department

4. CITY COUNCIL

4-A [ID18-1571](#) ***RESOLUTION - Directing an audit of homeless services funded by the City. (Subject to Mayor's veto)

Council Vice President Brandau introduced the item and read the resolution. Councilmember Chavez went over all of the funding the city gives to various agencies and the amount they give to each as listed below:

Emergency Solutions Grant (ESG Dollars) Marjorie Mason Center gets \$319,000

West Care Turning Point gets \$191,000

Poverello House - \$11,000

HOPWA Funds – West Care receives \$484,906

Home Tenant Based Rental Assistance Program (TBRA) gets \$667,000

CDBG Non Profit Public Service Funds Poverello House gets \$9,000 (hotel vouchers)

West Care and Turning Point gets \$75,000 for bridge shelter funds

CDBG Non Profit Facilities Marjorie Mason gets \$300,000, West Care gets \$120,000 and Poverello gets \$45,000

The HERO program gets \$420,000

Councilmember Chavez wants the public to understand the amount of

dollars invested into homeless services and assistance. He wants each Council district to receive statistics on the number of people served, types of service, cost of services, and the city independent auditors will conduct an audit of the funds listed above.

The City's independent auditors (not city employees) shall immediately conduct an audit of all homeless services provided in connection with the City starting with the HERO team and expenditures and then provide the Council a written report for a council meeting discussion item within 90 days from today

Upon call the following members of the public addressed Council: Dez Martinez, a Veteran advocate, Jay Justice, and J.D. McCubbin.

RESOLUTION 2018-309 ADOPTED AS AMENDED

On motion of Vice President Brandau, seconded by Councilmember Caprioglio, that the above Resolution be adopted as amended. The motion carried by the following vote:

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

ADJOURNMENT

The meeting adjourned at 3:38 P.M. in memory of Randy Ghan.