



City of Fresno

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

Meeting Minutes - Final City Council

President - Paul Caprioglio

Vice President - Sal Quintero

Councilmembers:

Oliver L. Baines, III, Lee Brand, Steve Brandau,

Clinton J. Olivier, Esmeralda Z. Soria

City Manager - Bruce Rudd

City Attorney - Douglas T. Sloan

City Clerk - Yvonne Spence, CMC

Thursday, December 15, 2016

1:00 PM

Council Chambers

Regular Session

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

As noticed on the agenda, Councilmember Soria participated in the meeting via conference call from Galei Kinneret Hotel, 1 Eliezer Kaplan Street, Tiberias, Israel - Phone: 04-672-8888. The agenda was properly posted at Galei Kinneret Hotel.

1:04 P.M. ROLL CALL

Present: 7 - President Paul Caprioglio
Vice President Sal Quintero
Councilmember Oliver L. Baines III
Councilmember Lee Brand
Councilmember Steve Brandau
Councilmember Clinton Olivier
Councilmember Esmeralda Soria

Councilmember Soria joined the meeting by conference call at 2:41 P.M.

Invocation by Ken Wilson of North Pointe Church

Pledge of Allegiance to the Flag

The Pledge of Allegiance was followed by a procession by the Civil Air Patrol, Fresno Composite Squadron 112 Honorgaurd. The National Anthem was sung by Cadet Captain Autumn Gonzalez.

CEREMONIAL PRESENTATIONS

[ID16-1544](#) ADD-ON CEREMONIAL: Surprise Proclamation of Renena Smith Day

PRESENTED

[ID16-1545](#) ADD-ON CEREMONIAL: Surprise Proclamation of Edward and Jeanne Kashian Day

PRESENTED

[ID16-1546](#) ADD-ON CEREMONIAL: Surprise Proclamation of Gregory A. Barfield Day

PRESENTED

[ID16-1493](#) Proclamation of "THE "75TH ANNIVERSARY OF THE CIVIL AIR PATROL"

PRESENTED

[ID16-1218](#) 2016 Mayoral Historic Preservation Awards

PRESENTED

[ID16-1504](#) Appreciation Proclamation for Mattie Thomas Trustee for California School Employee Association Fresno Chapter 125.

REMOVED FROM AGENDA

APPROVE AGENDA

City Clerk Spence announced the following changes to the agenda: the Ceremonial Presentation for Mattie Thomas (File ID 16-1504) had been removed from the agenda; there were add-on ceremonial presentations for Renena Smith, the Kashians and, Gregory Barfield; there was a typo in the minutes of December 8, 2016 in which the letter "y" was missing from the word "sixty" on page sixteen for File ID 16-1385; General Administration item 2-A (File ID 16-1400) was related to Council District 5, not Council District 6; General Administration item 2-M (File ID 16-1519) would be heard as 2:15 P.M. #1, and; a "whereas" clause in the resolution found in City Council Item 5-C (File ID 16-1524) had been updated to reflect that the "two years" without water allocation were the years 2014 and 2015.

APPROVED AS AMENDED

On motion of Councilmember Brand, seconded by Vice President Quintero, the Agenda was approved as amended. The motion carried by the following vote:

Aye: 6 - Olivier, Brandau, Baines III, Caprioglio, Quintero and Brand

Absent: 1 - Soria

APPROVE MINUTES

[ID16-166](#) Approval of minutes from December 8, 2016

APPROVED

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

Aye: 6 - Olivier, Brandau, Baines III, Caprioglio, Quintero and Brand

Absent: 1 - Soria

COUNCILMEMBER REPORTS AND COMMENTS

Vice President Quintero asked Council to adjourn the meeting in memory of District Five resident, Henry Lemay. Mr. Lemay was remembered as a veteran who had earned the Purple Heart and Bronze Star and often sang the Star Spangled Banner at veteran events.

City Manager Rudd asked Council to adjourn the meeting in memory of George Grandison. Mr. Grandison was remembered as an integral part of the Fresno Area Express family. He served as the Operations Manager, and then left retirement to serve as the Interim Director of the Transportation at the request of Mr. Rudd. Mr. Rudd's thoughts and prayers were with the family of Mr. Grandison.

Councilmember Brand asked Council to adjourn the meeting in honor of his friend and colleague, Sal Quintero.

RECESSED 2:24 P.M. to 2:32 P.M.

1. CONSENT CALENDAR

APPROVAL OF THE CONSENT CALENDAR

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

Jeff Roberts with Granville Homes - Suggested Consent Calendar item 1-P (File ID 16-1503) be removed from the agenda.

Gerald Bill with California Criminal Justice Committee - spoke in opposition to Consent Calendar item 1-L (File ID 16-1484).

David Sasser - spoke in opposition to Consent Calendar item 1-L (File ID 16-1484)

President Caprioglio moved Consent Calendar item 1-L (File ID 16-1484) to the Contested Consent Calendar for further discussion.

Councilmember Brandau and Councilmember Olivier stated, for the record, their votes for Consent Calendar item 1-P (File ID 16-1503), should be recorded as "No."

On motion of Councilmember Brand, seconded by Councilmember Baines III, the CONSENT CALENDAR was hereby adopted by the following vote (with Councilmembers Brandau and Olivier voting "No" on 1-P):

Aye: 6 - Olivier, Brandau, Baines III, Caprioglio, Quintero and Brand

Absent: 1 - Soria

- 1-A** [ID16-1395](#) Actions pertaining to Fresno City Hall landscaping (Council District 3)
1. Approve a Landscape Maintenance Agreement with the Department of Water Resources and the California Conservation Corps to maintain the re-landscaped area and irrigation modifications funded by and installed at City Hall as part of the Institutional Turf Replacement Program.
 2. Authorize the Public Works Director or designee to execute the agreement on behalf of the City.

APPROVED

The above item was approved on the Consent Calendar.

- 1-B** [ID16-1424](#) Actions pertaining to the E. Butler Avenue Bike Lane from S. Hazelwood Boulevard to S. Peach Avenue - Bid File No. 3465 (Council District 5)
1. Adopt a finding of Categorical Exemption per staff determination, pursuant to Section 15301(c) Class 1 of the

California Environmental Quality Act (CEQA) guidelines for the E. Butler Avenue Bike Lane from S. Hazelwood Boulevard to S. Peach Avenue Project

2. Award a construction contract in the amount of \$358,000 to VSS International, Inc., for the E. Butler Avenue Bike Lane from S. Hazelwood Boulevard to S. Peach Avenue Project

APPROVED

The above item was approved on the Consent Calendar.

- 1-C [ID16-1427](#) Reject all bids for Landscape and Irrigation Rehabilitation along the east side of Sommerville Drive between Shepherd Avenue and Matus Avenue - Bid File No 3492 (Council District 6)

APPROVED (bids rejected)

The above item was approved on the Consent Calendar.

- 1-D [ID16-1454](#) Actions pertaining to Design of Water Main Replacement in the Sierra Sky Park Neighborhood (Council District 2) and the (County)
1. Approve professional consultant services agreement with Blair, Church & Flynn Consulting Engineers, Inc., for an amount not to exceed \$156,100 for the Design of the Sierra Sky Park Neighborhood Water Main and Water Service Replacement Project
 2. Authorize the Director of Public Utilities, or designee, to sign all documents on behalf of the City of Fresno

APPROVED

The above item was approved on the Consent Calendar.

- 1-E [ID16-1456](#) Approve an amendment not to exceed \$200,000 to the contract with Interwest Consulting Group, to conduct professional plan check services for Building and Safety customer projects.

APPROVED

The above item was approved on the Consent Calendar.

- 1-F [ID16-1459](#) Approve Seventh Amendment to the Consultant Services Agreement with Provost & Pritchard Engineering Group, for \$201,000 to provide Construction Phase and General Construction Contract Administration Services and a partial redesign for the City of Fresno's Friant-Kern Canal Pipeline

Project (Council District 6, and the County of Fresno).

APPROVED

The above item was approved on the Consent Calendar.

- 1-G** [ID16-1359](#) Annual Review and Acceptance of the FY 2016 Impact Fee Annual Report (the “Annual Audited Financial Report”) as required by California Government Code (all Council Districts)

APPROVED

The above item was approved on the Consent Calendar.

- 1-H** [ID16-1408](#) Reject all bids for the Memorial Auditorium Stage Grid Ladder and Guardrail project (Bid File No. 3478) (Council District 3)

APPROVED (bids rejected)

The above item was approved on the Consent Calendar.

- 1-I** [ID16-1434](#) RESOLUTION - Declaration of Results from the November 8, 2016, Consolidated General Election

RESOLUTION 2016-261 ADOPTED

The above item was approved on the Consent Calendar.

- 1-J** [ID16-1469](#) Actions related to service agreements with Social Vocational Services, Inc.:
1. Adopt a Class 1 Categorical Exemption pursuant to CEQA Guidelines 15301.
 2. Approve a Services Agreement with Social Vocational Services, Inc. in the amount of \$17,520.00 for monthly landscape maintenance services along four City of Fresno (City) trails.
 3. Approve a Services Agreement with Social Vocational Services, Inc. in the amount of \$17,520.00 for custodial services at four City of Fresno parks (Cary, Radio, Quigley and Victoria West).
 4. Approve a Services Agreement with Social Vocational Services, Inc. in the amount of \$7,620.00 for landscape maintenance services at FAX Transit Facilities at Courthouse Park, Manchester Transit FAX Operations, and Maintenance Centers.
 5. Approve a Services Agreement with Social Vocational Services, Inc. in the amount of \$17,520.00 for daily FAX Transit

Bus cleaning at the FAX Maintenance Facility.

6. Approve a Services Agreement with Social Vocational Services, Inc. in the amount of \$17,520.00 for daily Fleet Management Building/Wash Bay cleaning at the Municipal Service Center.

APPROVED

The above item was approved on the Consent Calendar.

- 1-K [ID16-1472](#) Approve an amendment to the contract with Brooks-Ransom Associates, for professional engineering services to conduct structural engineering plan check services for Building and Safety customer projects.

APPROVED

The above item was approved on the Consent Calendar.

- 1-L [ID16-1484](#) Actions pertaining to the purchase of 270 Colt Manufacturing patrol rifles:
1. RESOLUTION - Declaring an urgent necessity for the preservation of life, health, property and authorizing the Purchasing Manager to purchase 270 Colt Manufacturing patrol rifles for sworn officers without competitive bidding (Requires 5 affirmative votes)
 2. Approve the purchase of 270 Colt Manufacturing patrol rifles for an amount not to exceed \$325,000

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

- 1-M [ID16-1487](#) Approve the second amendment to the contract with Moore Iacofano Goltsman, Inc. (MIG), a California Corporation, to extend the end date of the contract from December 31, 2016 to December 31, 2017 and to increase the contract by an amount not to exceed \$13,500 for consulting services to complete the Housing Element Amendment and to authorize the City Manager or his or her designee to execute documents

APPROVED

The above item was approved on the Consent Calendar.

- 1-N [ID16-1505](#) Actions pertaining to Amalgamated Transit Union (ATU) Local 1027
1. ***Adopt a Side Letter of Agreement between the City of Fresno and the Amalgamated Transit Union (ATU) Local 1027 for Unit 6 - Transit Drivers, effective January 1, 2017.
 2. ***RESOLUTION: Adopt the 10th Amendment to FY 2017 Salary Resolution No. 2016-120, amending salaries in Exhibit 6 and moving Student Bus Driver from Unit 8 - Non Represented to Unit 6 - Transit Drivers.

RESOLUTION 2016-262 ADOPTED

The above item was approved on the Consent Calendar.

- 1-O [ID16-1520](#) Council approve an agreement with Fresno County Cradle to Career Partnership

APPROVED

The above item was approved on the Consent Calendar.

- 1-P [ID16-1503](#) ***BILL NO. B-59 - (Intro.12/8/2016) (For adoption) Amending Fresno Municipal Code Section 12-4.705 pertaining to developer dedication and construction of park facilities.

Councilmember Brandau and Councilmember Olivier each voted "No" on this individual Consent Calendar item.

ORDINANCE 2016-57 ADOPTED

The above item was approved on the Consent Calendar.

Councilmember Soria joined the meeting by teleconference at 2:41 P.M.

3. SCHEDULED COUNCIL HEARINGS AND MATTERS

2:00 P.M.#1

- [ID16-1498](#) RESOLUTION - Initiating a Text Amendment to the Zoning Ordinance of the City of Fresno pursuant to FMC Section 15-5803-A (1) to establish zoning and use regulations for CRV Recycling Centers within the City of Fresno.

The above item was introduced to Council by Planning Manager Emerson with the Development and Resources Mangment Department.

The following people spoke on this item: Teri Brymer with California Business Machines; Nancy Waidtlow with Fresno Eco Village Project.

President Caprioglio stated, for the record, that he would like to thank the following people for being part of the amazing team that put the above item together: Councilmember Baines III, City Manager Rudd and his administration, City Attorney Sloan; Deputy City Attorney Raterman-Doidge, Chief Assistant City Attorney Doerr, Legal Secretary Navarro, Development and Resources Management Director Clark, Planning Manager Emerson, Lieutenant Brogdon, Sergeant Landon and Detective Lee.

At the request of Councilmember Olivier, President Caprioglio motioned to approve the item with additional language to prohibit recycling centers within two miles of schools and parks. Councilmember Baines III seconded the motion.

RESOLUTION 2016-263 ADOPTED AS AMENDED

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

Aye: 7 - Olivier, Soria, Brandau, Baines III, Caprioglio, Quintero and Brand

2. GENERAL ADMINISTRATION

- 2-M** [ID16-1519](#) Approve Transformative Climate Communities Project Labor Agreement

The above item was heard as 2:15 P.M. item #1 and was introduced to Council by Councilmember Baines III. Mayor Swearingen also spoke on this item.

City Attorney Sloan read the changes made by the final supplement to this item into the record as follows:

The existing language in the fourth line of the first paragraph that begins "Whereas" on page two of the document will be replaced with following: "High Speed Rail Station area in disadvantaged communities around the city"

Beginning with the second line of the second "Whereas" paragraph, the new language will be, "Construction projects related to pedestrian walkways,

bikelanes, trails, parks and other projects within one mile of the High Speed Rail Station, and in surrounding areas according to the TCC program guidelines." The remainder of the language in that paragraph to be deleted.

The following language to be deleted from section 2.2(a)(1) on page six: "located within 1 mile of the high speed rail station located on the block bounded by Tulare, "H," Fresno and "G" Streets."

The following people spoke on this item: Nicole Goehring with ABC NorCal; Chuck Riojas with Building Trades; Esther Postiglione; Kevin Dayton with Coalition for Fair Employment in Construction; Cherie Cabral with Building Trades; Yaobin Ou with IBEW; Nathan Alonzo with the Fresno Chamber of Commerce, and; Kimberly McCoy.

Councilmember Baines III made a motion to approve the item and Vice President Quintero seconded the motion. Councilmember Brandau made a competing motion to reject the item that was seconded by Councilmember Olivier. The motion to reject the item was not voted upon as the initial motion to approve the item was dealt with first and was successful.

APPROVED

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

Aye: 5 - Soria, Baines III, Caprioglio, Quintero and Brand

No: 2 - Olivier and Brandau

3. SCHEDULED COUNCIL HEARINGS AND MATTERS

CONTINUED

Councilmember Baines III left the Council Chamber at 3:46 P.M. and returned at 3:50 P.M.

2:00 P.M.#2

- [ID16-1348](#) HEARING - Regarding the vacation of a portion of W. Bullard Avenue, west of N. Brawley Avenue (Council District 2).
1. ***RESOLUTION - Ordering the vacation of a portion of W. Bullard Avenue, west of N. Brawley Avenue.

The above hearing was called to order at 3:45 P.M. The item was introduced to Council by Chief Surveyor Camit with Public Works.

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

The hearing was closed at 3:48 P.M.

RESOLUTION 2016-264 ADOPTED

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

Aye: 6 - Olivier, Soria, Brandau, Caprioglio, Quintero and Brand

Absent: 1 - Baines III

2:10 P.M.

[ID16-1342](#) HEARING - Regarding the vacation of portions of N. Parkway Drive and N. Lafayette Avenue, north of W. Weldon Avenue Alignment (Council District 3).

1. ***RESOLUTION - Ordering the vacation of portions of N. Parkway Drive and N. Lafayette Avenue, north of W. Weldon Avenue Alignment.

The above hearing was called to order at 3:48 P.M. The item was introduced to Council by Chief Surveyor Camit with Public Works.

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

The hearing was closed at 3:49 P.M.

RESOLUTION 2016-265 ADOPTED

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

Aye: 6 - Olivier, Soria, Brandau, Caprioglio, Quintero and Brand

Absent: 1 - Baines III

2:05 P.M.

[ID16-1386](#) TEFRA HEARING - To hear and to consider information concerning the proposed plan of finance providing for the issuance of Health Facility Revenue Bonds by the Michigan Finance Authority in one or more series of Bonds in an aggregate principal amount not to exceed \$1,220,000,000, including an amount not to exceed \$150,000,000 with respect to capital facilities located in the City of Fresno.

1. ***RESOLUTION - Approving the issuance of the Michigan Finance Authority Revenue Bonds, in one or more series, for the purpose among other things, of financing or refinancing the costs of acquisition, construction, improvement, and equipping of health care facilities owned and operated by Saint Agnes Medical Center and certain other matters relating thereto.

The above hearing was called to order at 3:49 P.M. Finance Director Lima introduced the item to Council.

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

The hearing was closed at 3:51 P.M.

RESOLUTION 2016-266 ADOPTED

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

Aye: 7 - Olivier, Soria, Brandau, Baines III, Caprioglio, Quintero and Brand

Councilmember Soria ended her participation by conference call at 3:51 P.M. and was absent the remainder of the meeting.

4. CLOSED SESSION

City Council met in Closed Session in Room 2125 from 3:51 P.M. to 4:06 P.M. to discuss the following:

[ID16-1508](#) CONFERENCE WITH LEGAL COUNSEL - Deciding Whether to Initiate Litigation, Declaratory Judgment - Government Code Section 54956.9, subdivision (d)(4) 1. City of Fresno v. Fresno

Irrigation District

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

3. SCHEDULED COUNCIL HEARINGS AND MATTERS

CONTINUED

2:20 P.M.

- [ID16-1477](#) HEARING to Consider Rezone Application No. R-16-014, Vesting Tentative Tract Map No. 6130/UGM, Conditional Use Permit Application No. C-16-052 and related Environmental Assessment No. T-6130/C-16-052, (Council District 5) - Development and Resource Management Department.
- a. ADOPT the Finding of Conformity to the Fresno General Plan Master Environmental Impact Report (MEIR #2012111015) as prepared for Environmental Assessment No. T-6130/C-16-052, dated September 2, 2016.
 - b. BILL - (For introduction and adoption) - Approving Rezone Application No. R-16-014 to amend the Official Zone Map to rezone approximately 13.78 acres from the RS-5/UGM (Single Family Residential Zone District/Urban Growth Management) zone district to the RS-5/PD/UGM (Single Family Residential District/Planned Development/Urban Growth Management) zone district.
 - c. APPROVE Conditional Use Permit No. C-16-052 subject to compliance with the Conditions of Approval dated November 2, 2016, and as recommended by the Planning Commission.
 - d. APPROVE Vesting Tentative Tract Map No. T-6130/UGM subject to compliance with the Conditions of Approval dated November 2, 2016, and as recommended by the Planning Commission.

The above hearing was called to order at 4:07 P.M. City Manager Rudd introduced the item to Council.

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

The hearing was closed at 4:08 P.M.

BILL B-60 INTRODUCED AND ADOPTED AS

ORDINANCE 2016-58

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

Aye: 6 - Olivier, Brandau, Baines III, Caprioglio, Quintero and Brand

Absent: 1 - Soria

2:25 P.M.

- [ID16-1479](#) HEARING to consider Rezone Application No. R-16-016, Vesting Tentative Tract Map No. 6099, Conditional Use Permit Application No. C-16-030 and related Environmental Assessment No. T-6099/C-16-030, (Council District 6) - Development and Resource Management Department.
- a. ADOPT the Finding of Conformity (and Addendum) to the Fresno General Plan Master Environmental Impact Report (MEIR #2012111015) as prepared for Environmental Assessment No. T-6099/C-16-030, dated September 30, 2016.
 - b. BILL - (For introduction and adoption) - Approving Rezone Application No. R-16-016 to amend the Official Zone Map to rezone the approximately 11.80 acres subject property from the RM-1/CZ (Residential Multi-Family District/Conditions of Zoning) zone district to the RM-1/PD/CZ (Residential Multi-Family District/Planned Development/Conditions of Zoning) zone district.
 - c. APPROVE Conditional Use Permit No. C-16-030 subject to compliance with the Conditions of Approval dated December 7, 2016.
 - d. APPROVE Vesting Tentative Tract Map No. T-6099 subject to compliance with the Conditions of Approval dated December 7, 2016.

The above hearing was called to order at 4:08 P.M. Planner Trejo with the Development and Resources Management Department introduced the item to Council.

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

Jeff Roberts with Granville Homes - concurred with the staff and Planning Commission recommendations and appreciated the clarification made regarding decibel levels.

The hearing was closed at 4:12 P.M.

*BILL B-61 INTRODUCED AND ADOPTED AS
ORDINANCE 2016-59*

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

Aye: 6 - Olivier, Brandau, Baines III, Caprioglio, Quintero and Brand

Absent: 1 - Soria

2:30 P.M.

[ID16-1475](#) Actions related to a Revised, Amended, and Restated Cooperative Agreement Between the Fresno Irrigation District and the City of Fresno for Water Utilization and Conveyance:

1. Adopt findings of a Statutory Exemption pursuant to section 15261 and a Class 1 Categorical Exemption pursuant to section 15301 of the CEQA Guidelines.
2. Approve Revised, Amended, and Restated Cooperative Agreement Between the Fresno Irrigation District and the City of Fresno for Water Utilization and Conveyance, and Authorize the City Manager, or Designee, to sign the Agreement on behalf of the City.

The above item was introduced to Council by Public Utilities Assistant Director White. Mayor Swearingin also spoke on this item.

The following members of the public spoke on this item: Gary Serrato with the Fresno Irrigation District and Jeff Roberts of Granville Homes.

APPROVED

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

Aye: 6 - Olivier, Brandau, Baines III, Caprioglio, Quintero and Brand

Absent: 1 - Soria

2. GENERAL ADMINISTRATION CONTINUED

- 2-L [ID16-1517](#) Actions pertaining to an Economic Incentive Agreement with Golden State FC LLC, a Delaware limited liability corporation:
1. Adopt an Addendum to the Mitigated Negative Declaration prepared for Environmental Assessment No. TPM-2012-06 in accordance with Section 15164 of the California Environmental Quality Act (CEQA) Guidelines.
 2. Approve the attached Economic Incentive Agreement with Golden State FC LLC, for the initial creation of approximately 2,000 jobs at a Business Activity Center(s), including, but not limited to, a fulfillment center(s) to be located in Fresno.
 3. Authorize the City Manager to negotiate and sign the final Economic Incentive Agreement with Golden State FC LLC, consistent with the material terms approved by Council.

The above item was introduced to Council by Economic Development Director Westerlund. Mayor Swearingin also spoke on this item.

Director Westerlund stated, for the record, that Golden State FC LLC was a wholly owned subsidiary of Amazon.com.

The following members of the public spoke on this item: Janet Slagter and Quin Boyce.

APPROVED

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

Aye: 6 - Olivier, Brandau, Baines III, Caprioglio, Quintero and Brand

Absent: 1 - Soria

3. SCHEDULED COUNCIL HEARINGS AND MATTERS **CONTINUED**

2:15 P.M.

- [ID16-1474](#) HEARING to consider Plan Amendment Application No. A-16-015, and related environmental finding filed by the Development and Resource Management Department Director pertaining to the Active Transportation Plan (ATP) as follows:
1. ADOPT Environmental Assessment No. A-16-015 a Mitigated Negative Declaration dated November 17, 2016
 2. RESOLUTION - Adopting the ATP and Approving Plan Amendment Application No. A-16-015, to amend the Fresno General Plan Map (Figure MT-2: Paths and Trails) and related text, as described in Exhibit B

The above hearing was called to order at 4:51 P.M. The item was introduced to Council by Traffic Engineer Gormley with Public Works. Consultant Hananouchi of Fehr and Peers also spoke on the item.

Prior to the conclusion of the staff presentation and without hearing public comment, Council agreed by consensus to continue the item to an unspecified date after the first of the new year.

CONTINUED

2. GENERAL ADMINISTRATION CONTINUED

- 2-I [ID16-1467](#) Award a sole source service contract in the amount of \$132,000 over five years to West Corporation, a Delaware corporation, for Beware® browser-based software to extract information from public and commercial sources applicable to 9-1-1 calls, providing law enforcement with location-based, incident-related information (Citywide)

The above item was introduced to Council by Police Chief Dyer.

The following members of the public spoke on this item: Taymah Jahsi, Nebyou Borhe, Stacy Williams, Tamika Thomas; Victoria Garrity. President Caprioglio allowed Dr. Stuart Chandler to speak on City Council item 5-B (File ID 16-1501) regarding disclosure of police video evidence.

Councilmember Brand asked for the item to be continued to the following

month so the Citizens Police Advisory Board he would be implementing as Mayor could review the item. Councilmember Baines III announced he was removing City Council item 5-B (File ID 16-1501) regarding disclosure of police video evidence so the Citizens Police Advisory Board could review that item.

The item was continued to an unspecified date in January 2017 by a consensus of the Council.

CONTINUED

- 2-E [ID16-1439](#) Award a purchase contract in the amount of \$1,817,920.26 to Swanson Fahrney Ford for the purchase of OEM Police Patrol Vehicles - City-Wide Bid File 9387

The above item was introduced to Council by Transportation Director Marshall.

APPROVED

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

Aye: 6 - Olivier, Brandau, Baines III, Caprioglio, Quintero and Brand

Absent: 1 - Soria

CONTESTED CONSENT CALENDAR

- 1-L [ID16-1484](#) Actions pertaining to the purchase of 270 Colt Manufacturing patrol rifles:
1. RESOLUTION - Declaring an urgent necessity for the preservation of life, health, property and authorizing the Purchasing Manager to purchase 270 Colt Manufacturing patrol rifles for sworn officers without competitive bidding (Requires 5 affirmative votes)
 2. Approve the purchase of 270 Colt Manufacturing patrol rifles for an amount not to exceed \$325,000

President Caprioglio announced the above item would be heard and immediately took public comment.

The following people spoke on this item: Quin Boyce; Gerald Bill with Central California Criminal Justice Committee; Nancy Waidtlow with Fresno

Eco Village Project; Archie Dews; Thomas Weiler of Faith in the Valley for Booker T. Lewis; Camille Russell; Nebyou Borhe; David Sasser; Justice Medina; Tamika Thomas of Mothers of Black Sons, Fresno; Taymah Jahsi of Faith in the Valley, and; Stacy Williams.

RESOLUTION 2016-267 ADOPTED

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

Aye: 5 - Olivier, Brandau, Caprioglio, Quintero and Brand

Absent: 1 - Soria

Abstain: 1 - Baines III

RECESSED 6:11 P.M. to 6:41 P.M.

Councilmember Baines III returned to the Council Chamber following the break at 6:44 P.M.

2. GENERAL ADMINISTRATION CONTINUED

- 2-A** [ID16-1400](#) Approve an Exclusive Negotiation Agreement to prepare a Disposition and Development Agreement for City-owned property located at Willow Avenue and Byrd Avenue to Habitat for Humanity for the development of affordable housing (Council District 5)

The above item was introduced to Council by Development and Resources Management Assistant Director, Furtado.

APPROVED

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

Aye: 5 - Olivier, Brandau, Caprioglio, Quintero and Brand

Absent: 2 - Soria and Baines III

- 2-B** [ID16-1433](#) Award of a construction contract for a Concrete Turnout, Headwall, Distribution Structure at 540 N Brawley (Bid File 3493) in the amount of \$740,915 to Floyd Johnston Construction of Clovis, California. (Council District 3)

The above item was introduced to Council by Supervising Professional Engineer Norgaard with the Department of Public Utilities.

APPROVED

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

Aye: 5 - Olivier, Brandau, Caprioglio, Quintero and Brand

Absent: 2 - Soria and Baines III

- 2-C** [ID16-1460](#) Approve Professional Consultant Services Agreement with Akel Engineering Group, Inc., a California Corporation for \$600,000 for Water Distribution System Hydraulic Modeling. (Citywide)

The above item was introduced to Council by Public Utilities Director Esqueda.

APPROVED

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

Aye: 6 - Olivier, Brandau, Baines III, Caprioglio, Quintero and Brand

Absent: 1 - Soria

- 2-D** [ID16-1425](#) Actions pertaining to the HOME Investment Partnerships, Community Housing Development Organization Agreement with Habitat for Humanity for the B Street and Amador Street Single-Family Housing Project:
1. RESOLUTION - For Substantial Amendment No. 2017-001 to the fiscal year 2016-2017 Annual Action Plan authorizing a \$580,263 HOME Investment Partnerships, Community Housing Development Organization Agreement; and
 2. Approve a \$580,263 HOME Investment Partnerships, Community Housing Development Organization Agreement

The above item was introduced to Council by Development and Resources Management Director Clark.

RESOLUTION 2016-268 ADOPTED

On motion of Councilmember Baines III, seconded by President

Caprioglio, the above item was approved. The motion carried by the following vote:

Aye: 6 - Olivier, Brandau, Baines III, Caprioglio, Quintero and Brand

Absent: 1 - Soria

- 2-F** [ID16-1457](#) Actions pertaining to awarding a contract for construction of site improvements and transit shelters at Fresno Area Express's Courthouse Park:
1. Adopt a finding of categorical exemption under Sections 15301/Class 1 and 15302/Class 2 of the California Environmental Quality Act (CEQA) Guidelines,
 2. Award a construction contract to Davis Moreno Construction Inc. of Fresno, California in the amount of \$1,629,672.65 for the construction of site improvements and transit shelters at Fresno Area Express's (FAX's) Courthouse Park Transit Center (Bid File 3500) (District 3).

The above item was heard concurrently with General Administration item 2-G (File ID 16-1458). This item was introduced to Council by Transportation Director Marshall.

APPROVED

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

Aye: 6 - Olivier, Brandau, Baines III, Caprioglio, Quintero and Brand

Absent: 1 - Soria

- 2-G** [ID16-1458](#) Actions pertaining to awarding a contract for construction of site improvements and an exterior façade remodel at Fresno Area Express's Manchester Transit Center:
1. Adopt a finding of categorical exemption under section 15302 of the California Environmental Quality Act (CEQA) Guidelines,
 2. Award a construction contract to Davis Moreno Construction Inc. of Fresno, California in the amount of \$1,445,814.77 for the construction of site improvements and an exterior façade remodel at Fresno Area Express's (FAX's) Manchester Transit Center (Bid File 3501) (District 7).

The above item was heard concurrently with General Administration item 2-F (File ID 16-1457). This item was introduced to Council by

Transportation Director Marshall.

APPROVED

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

Aye: 6 - Olivier, Brandau, Baines III, Caprioglio, Quintero and Brand

Absent: 1 - Soria

- 2-J** [ID16-1489](#) Actions pertaining to development at Blackstone and Shaw:
1. ***RESOLUTION - In support of a proposed development by Erganian Family Partnership at Blackstone and Shaw, and Blackstone and Freeway 41.
 - 2.***RESOLUTION - Authorizing the submission of the Blackstone and Shaw streetscape project application for grant funds from the Regional Surface Transportation Program to the Fresno Council of Governments and authorizing the execution of application related documents by the Public Works Director or designee.

The above item was introduced to Council by Mayor Swarengin and Economic Development Coordinator Ruiz. Property owner representatives Jerry Mitchell and Matt Brown also spoke on this item.

The following members of the public spoke on this item: Kelsey McVey with Fresno Metro Ministry and Better Blackstone Association on behalf of Keith Bergthold.

RESOLUTION 2016-269 ADOPTED

RESOLUTION 2016-270 ADOPTED

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

Aye: 6 - Olivier, Brandau, Baines III, Caprioglio, Quintero and Brand

Absent: 1 - Soria

- 2-K** [ID16-1134](#) BILL - (For introduction) - Amending Section 14-1006 of the Fresno Municipal Code relating to the Prohibited Use of Streets for Storage of Vehicles

The above item was introduced to Council by Parking Manager Estabrooke with the Development and Resources Management Department.

President Caprioglio announced, for the record, that the "eighteen feet" mentioned on page three will be changed to "twenty feet."

BILL B-62 INTRODUCED AS AMENDED AND LAID OVER

On motion of President Caprioglio, seconded by Councilmember Brandau, the above item was introduced as amended and laid over. The motion carried by the following vote:

Aye: 6 - Olivier, Brandau, Baines III, Caprioglio, Quintero and Brand

Absent: 1 - Soria

UNSCHEDULED COMMUNICATION

No member of the public chose to address Council upon call for Unscheduled Communication.

Vice President Quintero stated, for the record, that he and the City Council wished to thank Deputy City Attorney Amanda Freeman for her work on the Fresno Irrigation District reconveyance agreement.

2. GENERAL ADMINISTRATION CONTINUED

- 2-H** [ID16-1466](#) WORKSHOP- General Plan Annual Report

The above workshop was presented to Council by Mayor Swearingin and Special Policy Advisor Bergstrom.

Council had no questions following the presentation.

5. CITY COUNCIL

The City Council items were mistakenly listed as "4-A", "4-B" and "4-C" on the agenda instead of "5-A", "5-B" and "5-C" to match the section header, "5. City Council."

- 5-A** [ID16-1497](#) BILL - (for introduction) - Amending Section 4-108 of the Fresno Municipal Code relating to local preference

The above item was introduced to Council by Councilmember Baines III.

City Attorney Sloan read the following addition to this item into the record. The additional language was meant to clarify the intent of the change and would be added to both sections concerned: "Local preference will be demonstrated by the total number of individuals a business employs within Fresno County. In order to obtain the five (5) percent differential, the bidder shall submit at time of bid a certification to self-perform a minimum of 30% of the contract amount with individuals employed within Fresno County. The bidder shall also submit a certification that a minimum of 50% of the total value of the contract would be performed by either the bidder or subcontractors meeting the local preference criteria."

BILL B-63 INTRODUCED AS AMENDED AND LAID OVER

On motion of Councilmember Baines III, seconded by President Caprioglio, the above Bill was introduced and laid over. The motion carried by the following vote:

Aye: 6 - Olivier, Brandau, Baines III, Caprioglio, Quintero and Brand

Absent: 1 - Soria

- 5-C** [ID16-1524](#) ***RESOLUTION - Imploring the President of the United States to sign the Water Infrastructure Improvements for the Nation Act

The above item was introduced to Council by Councilmember Brandau.

RESOLUTION 2016-271 ADOPTED

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

Aye: 6 - Olivier, Brandau, Baines III, Caprioglio, Quintero and Brand

Absent: 1 - Soria

- 5-B** [ID16-1501](#) ***RESOLUTION - Regarding disclosure of police video evidence

President Caprioglio allowed Dr. Stuart Chandler to speak on this item during the public comment portion of General Administration item 2-I (File ID 16-1467). During General Administration item 2-I, Councilmember Baines III announced he was removing this item from the agenda so that it could be reviewed by Mayor-Elect Brand's forthcoming Citizens Police Advisory

Board.

CONTINUED

ADJOURNMENT

Adjourned at 7:41 P.M. in honor of Sal Quintero, Ashley Swearengin, Lee Brand and in the memory of George Grandison and Henry Lemay.

The above minutes were approved by unanimous vote of the City Council during the January 5, 2017 City Council meeting with Vice President Quintero and Councilmember Brand abstaining.