



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, October 13, 2016

9:00 AM

Council Chambers

Regular Session

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

9:05 A.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

Invocation by Pastor Tirso Gonzalez

Pledge of Allegiance to the Flag

APPROVE AGENDA

City Clerk Spence announced the following changes to the agenda: Invocation was by Pastor Tirso Gonzalez and; the 10:10 A.M. #3 Scheduled Matter (File ID# 16-1189) was removed from the agenda by the requestor.

APPROVED AS AMENDED

On motion of Councilmember Soria, seconded by Councilmember Baines III, the Agenda was approved as amended. The motion carried

by the following vote:

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

APPROVE MINUTES

[ID16-160](#) Approval of minutes from September 22, 2016

APPROVED

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

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

COUNCILMEMBER REPORTS AND COMMENTS

Vice President Quintero asked that the meeting be adjourned in the memory of his brother John Quintero. He recalled that his brother was the second longest serving Planning Commissioner in the City of Fresno.

Vice President Quintero asked that the meeting also be adjourned in the memory of Ricardo Duran. Mr. Duran was the Director of Human Relations Commission when it was originally formed in the 1990's. He was also one of the leaders that started the Cesar Chavez celebrations.

Vice President Quintero asked that the meeting also be adjourned in the memory of Ron Garabedian. Mr. Garabedian was an Eligibility Worker / Director at the Economic Opportunities Commission and had run for City Council in the 1980's. Vice President Quintero stated that Mr. Garabedian and his family have contributed a lot to the City of Fresno.

Vice President Quintero thanked the Parks, After School, Recreation and Community Service ("PARCS") Department for the annual Carnival event at the Mosqueda Center. He announced that 3,500 people were in attendance and helped to salute the Police and Fire Departments. The PARCS Department went above and beyond in organizing the event.

Vice President Quintero thanked Del Estabrooke and his team and the Police Department for helping with the CenCalVia event on Ventura Avenue. More than a thousand people attended this first ever event in Fresno. There were information tables, Zumba events, chalk drawing in the streets and

everyone had a great time.

Vice President Quintero thanked Assistant City Manager Smith for helping to procure funding from the State for the City of Fresno. He noted that a majority of the money would be focused on Southeast Fresno. Assistant City Manager Smith explained that the Affordable Housing and Sustainable Communities program was administered by the State Strategic Growth Counsel, Department of Housing and Community Development and the California Air Resources Board. Of the 25 awarded projects, the largest of the valley awards was the 15.6 million dollars awarded to the Cesar Chavez Foundation in District 5. It was a 31.7 million dollar project with an anticipated 135 units along the Bus Rapid Transit corridor. The project had been coordinated by City Departments for more than four years. The second award was 5.7 million dollars for phase one of the South Stadium project on the Fulton mall. That project is a five story mixed use building at Fulton and Inyo and would include 10,000 square feet of office space and 51 residential units. Assistant City Manager Smith stated that Danielle Bergstrom and Claudia Ruiz were instrumental in getting both applications packaged and through state lobbying. City Manager Rudd noted the Cesar Chavez property was acquired years ago as a result of a trade in exchange for traffic signal fees in hopes that there would be some kind of Bus Rapid Transit in the future.

Vice President Quintero read the following statement into the record: "Due to recent property acquisitions by Sanger Unified School District, in the vicinity of Jensen and Church, I am requesting that the DARM Department re-evaluate the General Plan land use dual designations in the quarter section bounded by Fowler, Jensen, Armstrong and Church. If any updates are need to the dual designation due to the school district activity, I am requesting that the DARM Director initiate and process an appropriate General Plan amendment and a re-zone, if necessary."

Councilmember Brandau discussed "Make A Difference Day" held at Chukchansi Park on October 8, 2016. Kids from all over the community showed up to play soccer. The day included bounces houses, the Fire and Police Departments, lunch for 2,000 people plus team photos medals. He noted that volunteers made it all possible. The event encouraged children to do healthy activities and encouraged people to volunteer.

Councilmember Brandau also discussed his day at Ms. Vannata's Government class at Bullard High School. The class had questions for him

about litter and homelessness. He enjoyed the dialogue with the students and was impressed that they were concerned with the same issues discussed at Council.

Councilmember Brandau displayed photographs of his Make a Difference Day and Ms. Vannata's Class. The photographs have been attached to file ID 16-1250 and are available in the City Clerk's Office.

Councilmember Baines III announced he was at the Global Cities Initiative event in Washington D.C. with President Caprioglio and Economic Development Director Westerlund. The team worked on a Direct Foreign Investment project and previously completed an Export Plan project.

Councilmember Baines III reported he was in Washington D.C with President Caprioglio and Lee Ann Eager of the Fresno County Economic Development Corporation to discuss workforce development in Fresno. He noted there were many opportunities heading to Fresno and said the City needed to be prepared with a strong workforce. The team argued for investment and training dollars in Fresno with the Department of Labor, the Department of Education and the Economic Development Association in Washington D.C. He also announced the City was awarded \$862,000 to replicate the Cyprus Mandela Training Center here in Fresno. It would be called the Central Valley Mandela Training Center.

Councilmember Baines III announced he was in Sacramento with Councilmember Soria to present the city's resolution of support for High Speed Rail. He also stated he was very happy about the 70 million dollar minimum investment promised to the city by the state. He said that he testified at the Strategic Growth Council along with Councilmember Soria, President Caprioglio, Mayor Swearingin, Lee Ann Eager and others.

Councilmember Baines III reported that he made a second argument for investment and training dollars in Fresno with President Caprioglio and Lee Ann Eager. The second argument was made in Sacramento while meeting with the California Department of Labor, CalTrans and the California Workforce Investment Board.

Councilmember Soria reported her attendance at the California League of Cities the previous week. She was appointed as the Vice Chair of the Transportation, Communication and Public Works Policy Committee and was appointed to the General Resolutions Committee. She stated she was

also on the executive board of the Latino Caucus and the San Joaquin Valley Division that represents many cities in the valley. While at the League of Cities, she had the opportunity to listen to various experts and economists. She learned about different policy issues and how other cities were addressing them.

Councilmember Soria announced there would be a follow up meeting to the Homan Elementary School community meeting regarding recycling issues. The meeting was tentatively scheduled for October 24, 2016.

Councilmember Soria stated that people in her district were starting to report trash containers left in the street after pick up. City Manager Rudd noted the visible trash container ordinance was still not being enforced but patrol staff would be looking for people rummaging through containers.

Councilmember Olivier asked the Council to adjourn in the memory of Bill Edholm. Mr. Edholm was remembered as a fantastic person and a community activist that did a lot of work on political campaigns. Councilmember Olivier recalled that Mr. Edholm would spend all day on neighborhood walks for a campaign and always had a kind word and a smile, no matter a person's political views. He was also part of a volunteer group at Valley Children's Hospital that would volunteer time to hold and rock babies.

Councilmember Olivier announced he received a letter from Harris Construction dated September 8, 2016. The letter stated the Zoo Authority owed Harris Construction millions of dollars for work it had performed. Councilmember Olivier wanted to know if the City had authority to tell the Zoo Authority to pay its bills. City Manager Rudd said the City did not have authority over the Zoo Authority in that manner and said it appeared to be a standard construction dispute. City Manager Rudd noted both parties had retained Council.

President Caprioglio announced the third annual Sierra Madre Neighborhood Picnic was a success. He thanked Fresno State Associated Students Incorporated, the Mosque, the Fresno Police Department, the Fresno State Police Department, and the Fresno Fire Department for participating. He noted the children love the safety vehicles that show up at the event. He also said the event gets larger every year and allowed neighbors to get out and meet neighbors.

President Caprioglio invited everyone to Hoover High School for an afternoon of activities, food and games on Saturday, October 15, 2016 from noon to 4:00 P.M.

President Caprioglio reported his attendance at the California League of Cities. He enjoyed the conferences, which were designed to help attendees better understand the policy making process. He noted the conferences were effective because participants from all over California were able to exchange ideas.

President Caprioglio announced that it was a pleasure to be a part of the three member team to argue for investment and training dollars while in Sacramento and Washington D.C. He applauded Lee Ann Eager for her efforts and noted the team was so busy they didn't even stop for lunch.

President Caprioglio reported that the Global Cities Initiative was a worldwide event sponsored by JP Morgan Chase and the Brookings Institute. He thanked Lee Ann Eager, Larry Westerlund and the Mayor's Office for their hard work on the matter. He said the team made its way to individual Congressional Offices to urge support for the development of the Central Valley Mandela Training Center. Councilmember Baines III noted that Congressman Costa, Valadao and Nunes were very supportive of the Fresno delegations efforts.

President Caprioglio also thanked the Mayor and the Fresno citizens that showed up to support the 70 million dollars minimum investment from the state for the City of Fresno.

[ID16-1250](#) Councilmember Reports and Comment attachments

Councilmember Brand exited the Council Chamber at 9:38 A.M. and returned at 9:41 A.M.

1. CONSENT CALENDAR

APPROVAL OF THE CONSENT CALENDAR

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

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

Absent: 1 - Brand

- 1-A [ID16-1121](#) Actions pertaining to the U.S. Department of Homeland Security Assistance to Firefighters Grant Program
1. Approve application for and acceptance of grant award for \$36,581 from the U.S. Department of Homeland Security Assistance to Firefighters Grant Program and authorize the Fire Chief to complete all required documents
 2. RESOLUTION - Authorizing the application for and acceptance of FY15 Cycle U.S. Department of Homeland Security Assistance to Firefighters Grant Program and authorizing completion of documents
 3. ***RESOLUTION - 16th amendment to the Annual Appropriation Resolution (AAR) No. 2016-118, appropriating \$33,300 from the U.S. Department of Homeland Security Assistance to Firefighters Grant Program to the Fire Department to provide personal protective equipment (helmets) (Requires 5 affirmative votes)

RESOLUTION 2016-192 ADOPTED

RESOLUTION 2016-193 ADOPTED

The above item was approved on the Consent Calendar.

- 1-B [ID16-1133](#) Approve first amendment to the agreement for forensic interview services with Family Healing Center, Inc., to extend the term of the agreement for one year and increase the total contract dollar amount to \$70,000.

APPROVED

The above item was approved on the Consent Calendar.

- 1-C [ID16-1140](#) Approve a Non-Exclusive License Agreement to Conduct Commercial Aviation Ground Handling and Support Services between Flight Services and Systems, Inc. and the City of Fresno to provide ground handling services at Fresno Yosemite International Airport, for a term of five years.

APPROVED

The above item was approved on the Consent Calendar.

- 1-D [ID16-1142](#) RESOLUTION - Approving the Final Map of Tract No. 6097 and accepting dedicated public uses offered therein - northeast corner of N. Fowler Avenue and E. Clinton Avenue (Council District 4)

RESOLUTION 2016-194

The above item was approved on the Consent Calendar.

- 1-E [ID16-1143](#) RESOLUTION - Approving the Final Map of Tract No. 6079 and accepting dedicated public uses offered therein - northeast corner of N. Fowler Avenue and E. Clinton Avenue (Council District 4)

RESOLUTION 2016-195 ADOPTED

The above item was approved on the Consent Calendar.

- 1-F [ID16-1145](#) Award a contract for an amount not to exceed \$139,500 to California CAD Solutions for professional consulting services to convert Geographical Information System (GIS) data from Oracle Spatial Extension (OSE) organization to Feature Data Object (FDO) organization for the Department of Public Utilities (DPU).

APPROVED

The above item was approved on the Consent Calendar.

- 1-G [ID16-1154](#) Actions Pertaining to Lift Station 4 Improvements at W. Riverview Drive and W. Bluff Avenue (Bid File 3487) (Council District 2)
1. Adopt a finding of Categorical Exemption of Class 1, pursuant to Section 15301(d) (Existing facilities) and Class 2, pursuant to Section 15302(c) (Replacement or reconstruction) of the California Environmental Quality Act Guidelines
 2. Award a construction contract in the amount of \$205,890.95 to JT2, Inc., dba Todd Companies of Visalia, California

APPROVED

The above item was approved on the Consent Calendar.

- 1-H [ID16-1155](#) RESOLUTION - Authorizing the Director of Aviation or other authorized representative to: execute all implicated documentation for pre-application and application to the Federal Aviation Administration (FAA) for Airport Improvement Program (AIP) grants for federal fiscal years 2017 and 2018 for both Fresno Yosemite International Airport (FAT) and Fresno Chandler Executive Airport (FCH), as shown in the City's fiscal year (FY) 2017 budget capital improvement plan; accept FAA

AIP grant(s) for FY 2017 and FY 2018 projects at both airports including all subsequent amendments thereto offered by the FAA; and apply for and accept of grants and all subsequent amendments thereto offered by the California Department of Transportation Aeronautics Division for matching funds for FY 2017 and 2018 FAA grants for the Fresno Chandler Executive Airport

RESOLUTION 2016-196 ADOPTED

The above item was approved on the Consent Calendar.

- 1-I [ID16-1156](#) Actions pertaining to the Fresno/Clovis Regional Wastewater Reclamation Facility consultant contract to revise and update a Request for Proposal for a design-build contract for a new 2-Megawatt Solar Energy Facility (Council District 3)

1. *** RESOLUTION - 15th amendment to the Annual Appropriation Resolution (AAR) No. 2016-118 to appropriate \$256,000 for engineering services for the preparation of an RFP for a design-build contract for a 2-Megawatt Solar Energy Facility (Requires 5 affirmative votes)
2. Uphold City Manager's determination that Parsons Water and Infrastructure, Inc. is uniquely qualified.
3. Award a \$250,560 consultant contract (including a \$25,000 contingency) to Parsons Water and Infrastructure, Inc., a Delaware corporation, for the preparation of an RFP for a design-build contract for a 2-Megawatt Solar Energy Facility

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

- 1-J [ID16-1166](#) Approve the appointment of Ron McNary to the Historic Preservation Commission; and the reappointments of Kendall Groom and Jennette Williams to the Fresno Metropolitan Flood Control District.

APPROVED

The above item was approved on the Consent Calendar.

- 1-K [ID16-1160](#) Actions pertaining to the amendment of the Developer Agreement between the City of Fresno, a municipal corporation, and Betts Company, Inc., a California corporation.
1. BILL - (For Introduction) Council Approval of First

Amendment to the Development Agreement between the City of Fresno, a municipal corporation, and Betts Company, a California corporation, recorded with the Fresno County Recorder dated April 28, 2008, including incentives; and, authorizing the City Manager to sign the First Amendment to the Development Agreement.

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

2. GENERAL ADMINISTRATION

- 2-A** [ID16-793](#) RESOLUTION - Establishing Fire Station Service Areas 10R, 12, 19, 24, 25 and 26 within the Urban Growth Management Boundary (Council Districts 2, 3, 4 and 5).

The above item was introduced to Council by Public Works Director Mozier.

RESOLUTION 2016-197 ADOPTED

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

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

- 2-B** [ID16-1169](#) Actions pertaining to the City of Fresno and the International Association of Fire Fighters (IAFF), Local 753 for Unit 10
1. ***Adopt a successor Memorandum of Understanding between the City of Fresno and the International Association of Fire Fighters (IAFF), Local 753 for Unit 10 - Fire Management, effective October 17, 2016
 2. ***RESOLUTION - 8th amendment to FY 2017 Salary Resolution No. 2016-120, amending salaries in Exhibit 10, Unit 10, Fire Management, as required by adoption of the successor Memorandum of Understanding between the City of Fresno and the International Association of Fire Fighters (IAFF), Local 753 for Unit 10

The above item was introduced to Council by Labor Relations Manager Phillips.

RESOLUTION 2016-198 ADOPTED

On motion of Vice President Quintero, seconded by Councilmember

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

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

- 2-C** [ID16-1086](#) Actions pertaining to sewer rehabilitation and replacement in North Central Downtown (Council District 3)
1. Adopt findings of Categorical Exemption of Class 1, pursuant to Section 15301(b) (Existing facilities of both investor and publicly-owned utilities) and Class 2, pursuant to Section 15302(c) (Replacement or reconstruction) of the California Environmental Quality Act Guidelines, and
 2. Award a construction contract in the amount of \$1,526,786 to Bill Nelson GEC., Inc. of Fresno California

The above item was introduced to Council by Supervising Professional Engineer Norgaard.

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

Councilmember Olivier exited the Council Chamber at 9:46 A.M. and returned at 9:59 A.M.

Councilmember Soria exited the Council Chamber at 9:50 A.M. and returned at 9:55 A.M.

- 2-D** [ID16-1157](#) Approve an agreement establishing and joining the North Kings Groundwater Sustainability Agency, a Joint Powers Authority.

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

APPROVED

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

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

Absent: 2 - Olivier and Soria

Councilmember Brandau exited the Council Chamber at 10:07 A.M. and returned at 10:10 A.M.

- 2-E** [ID16-1159](#) Actions pertaining to the U.S. Department of Commerce Economic Development Administration (EDA) Grant for the City of Fresno's South Van Ness Industrial Area Roadway and Utilities Infrastructure Project (Project)
1. Adopt a finding of Class 1 Categorical Exemption per staff determination, pursuant to CEQA Guidelines, Section 15301.
 2. ***RESOLUTION - 20th amendment to the Annual Appropriation Resolution (AAR) No. 2016-118 appropriating \$3,044,200 in grant funds for the US Department of Commerce Economic Development Administration Grant for the City of Fresno's South Van Ness Industrial Area Roadway and Utilities Infrastructure Improvement Project (Requires 5 affirmative votes)
 3. RESOLUTION - Authorizing the City Manager or Designee to execute a Financial Aid Award Agreement with the U.S. Department of Commerce Economic Development Administration for the City of Fresno's South Van Ness Industrial Area Roadway and Utilities Infrastructure Improvement Project.

The above item was introduced to Council by Economic Development Director Westerlund.

*RESOLUTION 2016-199 ADOPTED
RESOLUTION 2016-200 ADOPTED*

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 - Caprioglio, Quintero, Baines III, Brand, Olivier and Soria

Absent: 1 - Brandau

Councilmember Soria exited the Council Chamber at 10:09 A.M. and returned at 10:15 A.M.

Councilmember Brand exited the Council Chamber at 10:10 A.M. and returned at 10:15:A.M.

3. SCHEDULED COUNCIL HEARINGS AND MATTERS

10:00 A.M.

[ID16-1033](#) HEARING - Regarding the vacation of a portion of San Benito Street between the "F"- "G" alley and "G" Street, and the "F"- "G" alley between Santa Clara and San Benito Streets. (Council District 3).

1. ***RESOLUTION - Ordering the vacation of a portion of San Benito Street between the "F"- "G" alley and "G" Street, and the "F"- "G" alley between Santa Clara and San Benito Streets.

The above hearing was called to order at 10:09 A.M. The item was introduced to Council by Chief Surveyor Camit with the Public Works Department.

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

The hearing was closed at 10:12 A.M.

RESOLUTION 2016-201 ADOPTED

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

Aye: 4 - Caprioglio, Quintero, Baines III and Olivier

Absent: 3 - Brand, Brandau and Soria

10:10 A.M.#1

[ID16-1175](#) Appearance by Andy Chhikara, President of the Fresno Chapter of APCA (American Petroleum and Convenience Store Association) to discuss the illegal signs and banners at convenient store locations (Speaker resides in District 5)

Prior to the presentation by Mr. Chhikara, Vice President Quintero announced his office had been meeting with the American Petroleum and Convenience Store Association ("APCA") for three years to develop an ordinance to regulate the number of signs allowed on convenience store windows and landscaping. During his presentation, Mr. Chhikara played a slide show depicting convenience stores with bad sign practices. The photographs from the slide show are attached to file ID 16-1175 and are available in the City Clerk's Office. As request to appear items are not

subject to public comment, President Caprioglio asked the people that strongly agreed with Mr. Chhikara's comments to stand. Once standing, President Caprioglio noted that "a lot of people" agreed with Mr. Chhikara. Council discussion ensued on the topic.

Vice President Quintero called Bill Bunnell of APCA to the dais to speak on the topic. Councilmember Baines III called youth advocates Janet Salcedo and Karina Reyes to the dais to speak on store front advertising. City Manager Rudd stated he would work with Vice President Quintero to follow up with APCA on the issue but noted that code enforcement was already stretched very thin. President Caprioglio called Mr. Shehadey to the dais to speak on the topic.

APPEARED

10:10 A.M.#2

[ID16-1178](#) Appearance by George Boyadjian to present a business proposal to allow for medical cannabis retail and cultivation business in the City of Fresno (Speaker resides in District 7)

Mr. Boyadjian addressed Council regarding medical cannabis and cultivation in the City of Fresno. As request to appear items are not subject to public comment, President Caprioglio asked the people that agreed with Mr. Boyadjian to stand. Once standing, President Caprioglio noted that "quite a few people" agreed with Mr. Boyadjian. Council discussion ensued on the topic.

APPEARED

10:10 A.M.#3

[ID16-1186](#) Appearance by Jeffrey Roberts of Granville Homes to discuss the "Property Development Standards"

The above item was removed from the agenda by the requestor.

2. GENERAL ADMINISTRATION CONTINUED

- 2-I [ID16-945](#) Action pertaining to the sale of the parking lot located at the northwest corner of Fresno Street and H Street
1. Authorize the City Manager or designee to execute a grant deed for the sale of the parking lot located at the northwest corner of Fresno Street and H Street (Boxcar Lot, APN 465-040-

33ST & 467-030-35ST) in the amount of \$1,392,200 to the State of California High Speed Rail Authority (Council District 3)

The above item was introduced to Council by Supervising Real Estate Agent Hansen with the Public Works Department.

Councilmember Soria suggested the administration release budget notices earlier than the ten days required by the Charter so the public could provide meaningful input.

While discussing unanticipated revenue, City Manager Rudd stated he would re-circulate the descriptions of Tier 1 and Tier 2 deferred maintenance projects to Council.

APPROVED

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

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

Councilmember Brand exited the Council Chamber at 11:08 A.M. and returned at 11:09 A.M.

2-K [ID16-1185](#) Approve a consulting services agreement with Kimley-Horn and Associates, Inc. to prepare an Airport Master Plan Update for Fresno Yosemite International Airport for an amount not to exceed \$1,167,103 (Council District 4)

The above item was introduced to Council by Aviation Director Meikle.

APPROVED

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

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

Absent: 1 - Brand

2-M [ID16-1147](#) BILL - (For Introduction) - Repealing and adding Section 6-301 of the Fresno Municipal Code related to General Provisions; Purpose and Policy of Sewage and Water Disposal (Citywide).

The above item was introduced to Council by Wastewater Manager Lau-Staggs from the Department of Public Utilities. Economic Development Director Westerlund also spoke on this item.

Councilmember Soria requested a separate meeting with staff to discuss this item.

BILL B-39 INTRODUCED AND LAID OVER

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

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

- 2-L** [ID16-1197](#) Actions pertaining to the proposed Fresno High Speed Rail Heavy Maintenance Facility footprint
1. Authorize the City Manager to enter into conditional purchase and sales agreements to acquire properties within the proposed Fresno High Speed Rail Heavy Maintenance Facility footprint which will allow the City to control the property for 12 months through non-refundable deposit(s) for a total amount not to exceed \$250,000.
 2. Authorize the City Manager to work with other community stakeholders in seeking a reimbursement for these agreements from funding previously allocated by the Fresno County Transportation Authority in support of a Heavy Maintenance Facility in Fresno County.

The above item was introduced to Council by Economic Development Director Westerlund. City Manager Rudd also spoke on this item. Councilmember Brand asked Lee Ann Eager, Fresno County Economic Development Corporation ("EDC") President, to speak on this item.

The following members of the public spoke on this item: Nathan Alonzo, Government Affairs Manager with the the Fresno Chamber of Commerce, and; Lee Ann Eager, President of the Fresno County EDC.

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

No: 2 - Brandau and Olivier

3. SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

11:30 A.M.

CLOSED SESSION

City Council met in Closed Session in Room 2125 from 11:47 A.M. to 12:15 P.M. to discuss the following:

[ID16-1117](#) CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION - Government Code Section 54956.9, subdivision (d)(1)
1. Angel Keith Toscano, et al. v. Fresno Police Department, et al.; United States District Court Case No. 13-CV-01987 SAB

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

[ID16-1144](#) CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION - Government Code Section 54956.9, subdivision (d)(1)
1. Jaime Reyes, Jr., et al. v. City of Fresno, et al.; United States District Court Case No.: 13-CV-00418 LJO/SKO

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

RECESSED 12:15 P.M. TO 1:34 P.M.

3. SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

1:30 P.M.#2

CEREMONIAL PRESENTATIONS

[ID16-1183](#) Presentation of the P.R.I.D.E. Team Certificates for the Fall Quarter (Reception immediately following - 2nd floor foyer)

The following employees have provided outstanding public service to the people of the City of Fresno and have set the standard of excellence in

performance. They were selected by their departments for exemplifying the principles of the acronym PRIDE: Professionalism, Responiveness, Innovation, Direction and Excellence.

The recipients of the 2016 Employee of the Quarter certificates were: Amanda Freeman with the City Attorney's Office; Christine Rein with the Development and Resources Management Department; Bradley J. Dandrige, Jeffrey V. Guynn and Kenneth W. Morris with the Fresno Fire Department; Mark Stevens with the Information Services Department; Cheryl Burns with the Mayor's Office; Kayla Shields with the Parks, After School, Recreation and Community Services Department; Heidi Briggs with the Personnel Services Department; Rudy Montoya, Catalina Rodriguez, Vincent Zavala and Ron Flowers with the Police Department; Tamara McCloud, Michael Del Carlo and Eddie Costa with the Department of Public Utilities; Tony Freitas, Martin Perry, Shaun Cain and Viridiana Llanos with the Public Works Department, and; Maria Cantu, Robert Hogg, Olustee Smith, Ron Tickel and Mike Zwolenski with the Transportation Department.

PRESENTED

RECESSED 2:02 P.M. TO 2:14 P.M.

2. GENERAL ADMINISTRATION CONTINUED

- 2-F [ID16-1161](#) RESOLUTION - Authorizing the submittal of grant applications to the Department of Parks and Recreation and acceptance of Youth Soccer and Recreation Development Program grant funds in the amount of \$1,050,000, and authorizing execution of documents by the Parks, After School, Recreation and Community Services (PARCS) Director, or designee (Districts 3 and 7).

The above item was introduced to Council by PARCS Director Mollinedo.

RESOLUTION 2016-202 ADOPTED

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

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

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

1:30 P.M.#1

CONTESTED CONSENT CALENDAR

- 1-I [ID16-1156](#) Actions pertaining to the Fresno/Clovis Regional Wastewater Reclamation Facility consultant contract to revise and update a Request for Proposal for a design-build contract for a new 2-Megawatt Solar Energy Facility (Council District 3)

1. *** RESOLUTION - 15th amendment to the Annual Appropriation Resolution (AAR) No. 2016-118 to appropriate \$256,000 for engineering services for the preparation of an RFP for a design-build contract for a 2-Megawatt Solar Energy Facility (Requires 5 affirmative votes)
2. Uphold City Manager's determination that Parsons Water and Infrastructure, Inc. is uniquely qualified.
3. Award a \$250,560 consultant contract (including a \$25,000 contingency) to Parsons Water and Infrastructure, Inc., a Delaware corporation, for the preparation of an RFP for a design-build contract for a 2-Megawatt Solar Energy Facility

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

Councilmember Brandau motioned to approve the item. Councilmember Brand second the motion to approve. Councilmember Baines had questions about costs and services and motioned to continue the item.

Councilmember Olivier seconded the motion to continue. Upon approval of the motion to continue, the initial motion by Councilmember Brandau was not considered.

CONTINUED

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

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

- 1-K [ID16-1160](#) Actions pertaining to the amendment of the Developer

Agreement between the City of Fresno, a municipal corporation, and Betts Company, Inc., a California corporation.

1. BILL - (For Introduction) Council Approval of First Amendment to the Development Agreement between the City of Fresno, a municipal corporation, and Betts Company, a California corporation, recorded with the Fresno County Recorder dated April 28, 2008, including incentives; and, authorizing the City Manager to sign the First Amendment to the Development Agreement.

The above item was introduced to Council by Economic Development Director Westerlund.

Director Westerlund clarified that the contract included a provision for yearly updates to the Council.

BILL B-40 INTRODUCED AND LAID OVER

On motion of Councilmember Soria, seconded by Vice President Quintero, the above Bill was introduced and laid over. The motion carried by the following vote:

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

2. GENERAL ADMINISTRATION CONTINUED

2-J [ID16-1171](#) Approve a consultant services agreement with Bertz-Rosa Strategy & Creative for an amount not to exceed \$172,757 for community engagement for parks and trails within the City of Fresno.

The above item was introduced to Council by Special Policy Advisor Bergstrom from the Office of the Mayor. Mayor Swearengin and City Manager Rudd also spoke on this item. Suzanne Bertz-Rosa, Cary Catalano and Sandra Celedon-Castro also spoke on this item when Vice President Quintero invited members of the Bertz-Rosa team to the dais.

Councilmember Baines III motioned to approve the item. Vice President Quintero seconded the motion to approve the item. Councilmember Olivier motioned to amend Councilmember Baines III's motion by directing the \$172, 757 to the PARCS Department for the creation of a Park Ranger program and two Park Ranger positions. Councilmember Soria seconded the motion. City Attorney Sloan clarified that a motion to amend the original

motion can be made and voted on before the original motion, so long as there was a second. The motion to amend the original motion failed by a vote of 3 to 4 with Councilmembers Caprioglio, Baines III, Brand and Quintero voting "No."

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: 4 - Caprioglio, Quintero, Baines III and Brand

No: 3 - Brandau, Olivier and Soria

UNSCHEDULED COMMUNICATION

Upon call, the following members of public addressed Council during Unscheduled Communication:

Lee Ventresca - discussed issues with Van Ness Boulevard trees and street lights. He also suggested using low level inmates to clean up trash in city parks.

2. GENERAL ADMINISTRATION CONTINUED

2-H [ID16-1172](#) WORKSHOP - Weekend Recreation and Fitness Program Six-Month Overview

The above workshop was conducted by PARCS Director Mollinedo. City Manager Rudd and Recreation Manager Schaefer also spoke on this item.

Following the staff presentation, Council discussed the item and touched on the following topics: community outreach; increasing levels of participation; the possibility of adding programs for baby boomers; senior aquatics and ceramics programs; funding cycles and program updates; the staff assessment of the program; frisbee golf; utilizing free Public Service Announcements, and; providing outreach in multiple languages.

President Caprioglio announced there would be a fifth installment of the weekend recreation program at Hoover High School on Saturday, October 15, 2016 and invited all to attend.

WORKSHOP HELD

- 2-G [ID16-1170](#) Workshop and Study Session: Long Range Planning Project Status for the Downtown Area and the Housing Element
1. Streamlined Approach to Downtown residential projects-new proposed code changes
 2. Housing Element Update:
 - a. Review of HCD's recommendations on the Housing Element
 - b. Outreach schedule for Housing Element Amendment

The above workshop was conducted by Assistant Direct Zack and Planning Manager Pagoulatos from the Development and Resources Management Department. City Manager Rudd also spoke on this item.

The following members of the public spoke on this item: Cherylyn Smith, and; Ashley Werner of Leadership Counsel for Justice and Accountability representing Familias Adams Para un Mejor Futuro. Ms. Smith provided two handouts which have been attached to file ID 16-1170 and are available in the City Clerk's Office.

Following the staff presentation, Council discussed the item and touched on the following topics: how the City plans to address the shortcoming noted by the State; the Equitable Communities Policy; penalties for non-compliance; impacts to funding sources; the inclusion of the Leadership Counsel for Justice and Accountability in the stakeholder meetings; housing for the homeless; creating opportunities outside of high poverty areas; increasing the number of affordable housing developers; incentives for developers, and; vacant sites in high opportunity areas.

WORKSHOP HELD

4. CITY COUNCIL

There were no City Council items on the agenda.

ADJOURNMENT

Adjourned at 5:21 P.M. in memory of John Quintero, Ricardo Duran, Ron Garabedian and Bill Edholm.

The above minutes were approved by unanimous vote of the City Council during the October 20, 2016 City Council meeting.