



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, April 21, 2016

10:00 AM

Council Chambers

Regular Session

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

10:06 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

Councilmember Baines III was absent during roll call and entered the Council Chamber at 2:22 P.M.

Invocation by Pastor Pauls of the Central Community Church

Pledge of Allegiance to the Flag

APPROVE AGENDA

City Clerk Spence announced the following changes to the agenda: Consent Calendar item 1-F and 1-J (both ID 16-387) were duplicates and 1-J would be removed from the agenda, and; the title for General Administration item 2-I (ID 16-464) should include the words, "of Chapter 10" to read as "BILL - (For introduction) - Amending Article 7 of Chapter 10 of the Fresno Municipal Code relating to Management of Real Property".

Councilmember Brandau announced he was continuing the 5:00 P.M. Scheduled Hearing to 5:00 P.M. on April 28, 2016.

APPROVED AS AMENDED

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

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

Absent: 1 - Baines III

APPROVE MINUTES

[ID16-144](#) Approval of minutes from March 31, 2016

APPROVED

On motion of Councilmember Soria, seconded by Councilmember Brandau, the minutes were approved. The motion carried by the following vote:

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

Absent: 1 - Baines III

COUNCILMEMBER REPORTS AND COMMENTS

Councilmember Brand reported there would be a Multiple Sclerosis walk at Fig Garden the following weekend and encouraged people to attend. He also announced that he would be leaving the council meeting at 6:00 P.M. to attend a forum.

Councilmember Soria reported that she was at the Fresno Grizzlies home opening game. She said attendance was excellent and hoped the team would keep up the momentum from last year's championship season.

Councilmember Soria reported that, last week, she hosted the South San Joaquin Valley general meeting of the League of Cities. The meeting concerned water and Senator Feinstein sent her staff to discuss her bill that would help improve the valley's water situation. Councilmember Soria said she would put together a proposal for Council support of the bill.

Councilmember Soria discussed her attendance at a conference in San

Diego as part of the League of Cities for the Public Safety and Transportation Policy committees. She announced she would be in Sacramento on Wednesday for legislative advocacy with the League of Cities. She also announced an upcoming community meeting at Inspiration Park to discuss public safety issues, including safety concerns at the park. She said the community meeting would include a presentation by the Fresno Police Department regarding the Beware software by Intrado. Councilmember Soria encouraged attendance at the community meeting so residents could learn about the software and share their concerns.

Councilmember Soria reported she would bring a resolution to the next council meeting to bring awareness to sexual violence prevention. She said April 27 would be Denim Day - a day for people to wear denim to express support for Sexual Violence Prevention and Awareness Week.

Councilmember Soria asked the Office of the City Manager to look into the city's compliance with Senate Bill 1222 which set a cap on permit fees for residential solar. She also asked staff to look into whether the city was meeting the streamlined process goal of granting approval of permits in three days. If the goal was not being met, she asked staff to find out why. Assistant City Manager Smith said her office would look into those issues and report back to Council.

Councilmember Brandau reported that he was in Sacramento last week at an affordable housing conference. While in Sacramento he met with Councilmember Soria and Mayor Swearingin to petition the California Tax Credit Board to offer tax credits to Nordstrom to build its new plant in California. The petition was successful and the board agreed to offer the incentive to Nordstrom. Councilmember Brandau noted that if Nordstrom built the new facility in California, it would end up in either Fresno or Visalia.

President Caprioglio thanked the Northeast Police District and the Narcotics Unit for taking out a huge drug operation on Bulldog Lane near Stone Soup. He thanked Lieutenant Brogdon, Sergeant Landon, Detective Lee, Sergeant Beckwith and Sergeant Tietjen. The search warrant resulted in the recovery of three handguns and large amounts of marijuana and cash.

President Caprioglio thanked the Public Works team for repairing lights in District Four. He thanked Scott Mozier, Brian Russell, Timothy Smith, Dan Turner, Aaron Aguirre and Stacy Wharton.

President Caprioglio also thanked Fire Chief Donis and her crew for working with the Mosque on 4th and Shaw Avenues during the remodel. He reported that, last Sunday, the Mosque and the Fresno State Associated Students Incorporated hosted a picnic for Sierra Madre residents - more than 260 people attended. He thanked Fires Station 11 and the Police Department for their involvement and said the children loved the fire truck and squad cars. President Caprioglio noted the event helped bring the neighborhood children together and said he looked forward to an even larger event next year.

1. CONSENT CALENDAR

President Caprioglio moved Consent Calendar items 1-K (ID 16-427) and 1-L (ID 16-321) to the Contested Consent Calendar for further discussion.

The following member of the public spoke on Consent items: Barbara Hunt discussed Consent item 1-K (ID 16-427).

APPROVAL OF THE CONSENT CALENDAR

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

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

Absent: 1 - Baines III

- 1-A** [ID16-328](#) RESOLUTION - Of Intention to annex Final Tract Map No. 6095, Annexation No. 68, to the City of Fresno Community Facilities District No. 11 (east side of S. Armstrong Avenue between E. Church and California Avenues) (Council District 5)

RESOLUTION 2016-44 ADOPTED

The above item was approved on the Consent Calendar.

- 1-B** [ID16-339](#) RESOLUTION - Of Intention to annex Final Tract Map No. 5595, Annexation No. 69, to the City of Fresno Community Facilities District No. 11 (area bounded by W. Spruce Avenue, N. Thiele Avenue and W. Farrington Avenue, north of W. Herndon Avenue) (Council District 2)

RESOLUTION 2016-45 ADOPTED

The above item was approved on the Consent Calendar.

- 1-C [ID16-341](#) RESOLUTION - In support of realigning water service boundaries for the City of Fresno Department of Public Utilities Water Division (City) and the Pinedale County Water District (District) (Citywide)

RESOLUTION 2016-46 ADOPTED

The above item was approved on the Consent Calendar.

- 1-D [ID16-344](#) RESOLUTION - Of Intention to annex Final Tract Map No. 6067, Annexation No. 70, to the City of Fresno Community Facilities District No. 11 (east side of N. Locan Avenue between E. Shields and Dakota Avenues) (Council District 4)

RESOLUTION 2016-47 ADOPTED

The above item was approved on the Consent Calendar.

- 1-E [ID16-381](#) RESOLUTION - Of Intention to annex territory, Assessor's Parcel Numbers 408-070-23, 32 and 33, as Annexation No. 10, to City of Fresno Community Facilities District No. 9 (Southeast corner of N. Fresno Street and E. Herndon Avenue) (Council District 6)

RESOLUTION 2016-48 ADOPTED

The above item was approved on the Consent Calendar.

- 1-F [ID16-387](#) RESOLUTION - Approving the Final Map of Tract No. 5967 and accepting dedicated public uses offered therein - east side of N. Polk Avenue between W. Shaw Avenue and W. Gettysburg Avenue (Council District 1)

RESOLUTION 2016-49 ADOPTED

The above item was approved on the Consent Calendar.

- 1-G [ID16-399](#) Approve a contract change order in the amount of \$262,730 for change order work associated with the Recycled Water Transmission Main, Southwest Quadrant, Project SW1A (BF3410) (Council District 3 and Fresno County)

APPROVED

The above item was approved on the Consent Calendar.

- 1-H [ID16-400](#) Actions pertaining to utility cover rehabilitation on Jensen Avenue and Harrison Avenue (Bid File 3426) (Council District 1)

and Fresno County)

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 \$107,424 to National Coating & Lining Company of Murrieta, California

APPROVED

The above item was approved on the Consent Calendar.

- 1-I [ID16-402](#) Approve a consulting agreement with Unison Consulting, Inc., for preparation of a Passenger Facility Charges Application at Fresno Yosemite International Airport, in an amount not to exceed \$79,752. (Council District 4).

APPROVED

The above item was approved on the Consent Calendar.

- 1-J [ID16-387](#) RESOLUTION - Approving the Final Map of Tract No. 5967 and accepting dedicated public uses offered therein - east side of N. Polk Avenue between W. Shaw Avenue and W. Gettysburg Avenue (Council District 1)

The above item was removed from the calendar as a duplicate of Consent Calendar item 1-F.

- 1-K [ID16-427](#) Approve the first amendment to the contract with Moore, Iacofano Goltsman (MIG), Inc., a California Corporation, in an amount not to exceed \$17,000 for consulting services to complete the Housing Element

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

- 1-L [ID16-321](#) Approve a service contract agreement for Homeless Outreach and Assessment in the amount of \$420,000 with WestCare California, Inc.

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

2. GENERAL ADMINISTRATION

- 2-A [ID16-223](#) Actions pertaining to Lease Agreement for a Central District

Police Substation

1. Adopt a finding of Categorical Exemption Class 1/Section 15301 (Existing Facilities) of the California Environmental Quality Act Guidelines
2. Approve a lease between the City of Fresno and Omninet Properties Manchester Center, LLC, for lease of space at Manchester Center for use by Police Department's Central Policing District

The above item was introduced to Council by Police Chief Dyer. City Manager Rudd also spoke on the item.

The following members of the public spoke on this item: Lisa Flores; Barbara Hunt; Damon Kurtz, Vice President of the Fresno Police Officers Association; Roslyn Clark, President of the Fresno Police and Neighborhood Watch Association, and; Morel Bagunu, General Manager of Manchester Mall.

Vice President Quintero asked Chief Dyer, for the record, how he planned to address safety concerns over parking and the locker room at the proposed facility. Chief Dyer replied that the locker room was initially intended to be on the far west side of the building at Manchester. He later learned the hallway separating the locker room from other office spaces was a fire lane and could not be blocked off without creating a new fire lane for the other tenants. The owner said he would build a new fire lane. An alternative to blocking off the hallway would be to move the existing locker room into the other building so it would be self contained. Chief Dyer said he preferred the option of moving the locker room and that the owner was also agreeable to that solution as well.

As for parking, Chief Dyer explained the preferred parking was the downstairs parking garage because it was self contained with 80 to 90 stalls. He said the public could not access the parking garage and that officers would enter through a secure elevator and stairwell. The garage would be used for police cars and personal vehicles. He mentioned that six to eight patrol cars would remain outside of the garage, by the exits, for presence.

Following the motion and second to approve the item, Councilmember Soria motioned to amend the item to require resolution of safety concerns held by the Fresno Police Officer's Association as a condition of approval. President Caprioglio seconded the motion. The motion to amend the item failed with a three to three tie vote. The "Ayes," were President Caprioglio, Vice

President Quintero and Councilmember Soria. The "Noes" were Councilmembers Brand, Brandau and Olivier. Councilmember Baines III was absent.

APPROVED

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

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

Absent: 1 - Baines III

Councilmember Brand exited the Council Chamber at 11:35 A.M. and returned at 11:37 A.M.

Councilmember Brandau exited the Council Chamber at 11:35 A.M. and returned at 11:44 A.M.

SCHEDULED COUNCIL HEARINGS AND MATTERS

10:00 A.M.

[ID16-210](#) CONTINUED HEARING - Regarding the vacation of the alleys south of E. Franklin Avenue between N. Broadway Avenue and State Route Freeway 180 (Council District 3)
1. RESOLUTION - Ordering the vacation of the alleys south of E. Franklin Avenue between N. Broadway Avenue and State Route Freeway 180

The above hearing was called to order at 11:35 A.M. The item was introduced to Council by Public Works Assistant Director Benelli.

Upon call, no member of the public chose to speak on this item and public comment was closed.

The hearing was closed at 11:37 A.M.

RESOLUTION 2016-50 ADOPTED

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

Aye: 4 - Caprioglio, Quintero, Olivier and Soria

Absent: 3 - Baines III, Brand and Brandau

2. GENERAL ADMINISTRATION CONTINUED

- 2-B** [ID16-383](#) RESOLUTION - Approving Master Agreement for Federal-Aid Local Transportation Projects between the City of Fresno (City) and the State of California, acting through its Department of Transportation (Caltrans) and authorizing execution of documents

The above item was introduced to Council by Public Works Capital Program Manager Bell.

The following member of the public spoke on this item" Barbara Hunt.

RESOLUTION 2016-51 ADOPTED

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

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

Absent: 2 - Baines III and Brandau

- 2-C** [ID16-384](#) Actions pertaining to an agreement for parking citation services:
1. Adopt a finding of Categorical Exemption of Class 1, pursuant to Section 15301 of the California Environmental Quality Act Guidelines
 2. Award a three-year contract in the amount of \$508,640 to Turbo Data Systems, Inc. with the option of up to four (4) two-year extensions

The above item was introduced to Council by Development and Resources Management ("DARM") Housing and Neighborhood Revitalization Manager Estabrooke.

The following member of the public spoke on this item: Barbara Hunt.

APPROVED

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

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

Absent: 1 - Baines III

- 2-D** [ID16-390](#) Actions pertaining to the Requirements Contract to Furnish and Install Slurry Seal on Various Streets, Project Bid File 9343 (Various Council Districts)
1. Adopt a finding of Categorical Exemption pursuant to Class 1 Section 15301(c) (Existing Facilities) of the CEQA Guidelines for the Requirements Contract to Furnish and Install Slurry Seal on Various Streets
 2. Award a requirements contract to Roy Allan Slurry Seal, Inc. with an annual budgeted allocation of \$700,000 to Furnish and Install Slurry Seal on Various Streets

The above item was introduced to Council by Public Works Assistant Director Andersen. Public Works Director Mozier also spoke on this item.

The following member of the public spoke on this item: Barbara Hunt.

Councilmember Soria directed staff to contact her office as work begins in her district.

President Caprioglio directed staff to provide all Councilmembers with copies of the 2016 Neighborhood Paving Program documentation.

APPROVED

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

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

Absent: 1 - Baines III

- 2-E** [ID16-407](#) Approve a consultant services agreement with SafeworkCM for an amount not to exceed \$1,265,000 to provide Construction Safety Oversight Consulting Services for various water infrastructure capital improvement projects (citywide)

The above item was introduced to Council by Public Utilities Water Operations Division Manager Carbajal. Public Utilities Director Esqueda also spoke on this item.

The following member of the public spoke on this item: Barbara Hunt.

CONTINUED TO APRIL 28, 2016

On motion of Councilmember Brand, seconded by Vice President Quintero, the above item was continued to April 28, 2016. The motion carried by the following vote:

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

Absent: 1 - Baines III

- 2-F** [ID16-409](#) Award a construction contract in the amount of \$15,157,862 to Mountain Cascade Inc. for the City of Fresno Friant-Kern Canal Pipeline Project - Bid File 3372-2 (District 6, County).

The above item was introduced to Council by Public Utilities Water Operations Division Manager Carbajal.

The following members of the public also spoke on this item: Barbara Hunt and Mitch Eperly.

APPROVED

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

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

Absent: 1 - Baines III

UNSCHEDULED COMMUNICATION

The following member(s) of the public addressed Council during Unscheduled Communication:

Barbara Hunt - expressed concerns about how the Redevelopment Agency was spending money and why it needs to be paid back to the State of California. She suggested there was a conflict of interest by the City Council serving as the Redevelopment Agency.

RECESSED 12:20 P.M. to 1:38 P.M.

Councilmember Olivier was absent following the recess and re-joined the meeting at 1:52 P.M.

Vice President Quintero was absent following the recess and re-joined the meeting at 2:20 P.M.

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

1:30 P.M.#1

CONTESTED CONSENT CALENDAR

Council heard Contested Consent items 1-K (ID 16-427) and 1-L (ID 16-321) together and took only one vote to approve both items.

- 1-K [ID16-427](#) Approve the first amendment to the contract with Moore, Iacofano Goltsman (MIG), Inc., a California Corporation, in an amount not to exceed \$17,000 for consulting services to complete the Housing Element

The above item and item 1-L (ID 16-321) were introduced to Council by DARM Housing and Neighborhood Revitalization Manager Trujillo. Mayoral Deputy Chief of Staff Furtado (transitioning to DARM) also spoke on these items.

Manager Trujillo stated he would provide Council with additional information related to accountability covering how money is spent on these programs.

WestCare Senior Vice President Shawn Jenkins also answered questions from Council.

APPROVED

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

Aye: 4 - Caprioglio, Brand, Brandau and Soria

Absent: 3 - Quintero, Baines III and Olivier

- 1-L [ID16-321](#) Approve a service contract agreement for Homeless Outreach and Assessment in the amount of \$420,000 with WestCare California, Inc.

The above item and item 1-K (ID 16-427) were introduced to Council by

DARM Housing and Neighborhood Revitalization Manager Trujillo. Mayoral Deputy Chief of Staff Furtado (transitioning to DARM) also spoke on these items.

Manager Trujillo stated he would provide Council with additional information related to accountability covering how money is spent on these programs.

WestCare Senior Vice President Shawn Jenkins also answered questions from Council.

APPROVED

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

Aye: 4 - Caprioglio, Brand, Brandau and Soria

Absent: 3 - Quintero, Baines III and Olivier

1:30 P.M.#2

CEREMONIAL PRESENTATIONS

[ID16-451](#) Employee Recognition Program Spring Quarter 2016
(Reception immediately following - 2nd floor foyer)

The following employees were recognized as exemplifying the principles found in acronym PRIDE: Professionalism, Responsiveness, Innovation, Direction, and Excellence. The departments select these employees for providing outstanding public service to the people of the City of Fresno and for setting the standard of excellence in performance:

Noemi Schwartz from the City Attorney's Office; Victoria Cuevas from Council District Four; Bonnie Christian from DARM; Soonie Djaffer from the Finance Department; Andrew Noel and Cody Charette from the Fire Department; Joe Gonzalez from the Information Services Department; David Harvey and Margaret Gastelo from the Parks, After School, Recreation and Community Services ("PARCS") Department; Joe Valenzuela from the Personnel Services Department; Brenda Liston, Todd Frazier, Mike Palomino and Kham Xiong from the Police Department; Johna Morales, Lisette Solis, Steve Lynch and Shawn Born from the Department of Public Utilities; Dennis Laughlin, Matt Connell, Maddie Morse and Scott Sehm from the Public Works Department; Jack Buchanan, Gregory McClain and Gus

Sandate from the Transportation Department.

PRESENTED

COUNCILMEMBER REPORTS AND COMMENTS CONTINUED

Councilmember Baines III reported that, last week, he traveled with the San Joaquin Valley Air Pollution Control District Board ("Air Board") to Washington D.C. to attend a subcommittee hearing on the modernization of the Clean Air Act. The remainder of his time in Washington was spent with the Fresno Council of Governments ("COG") where he attended several meetings and met several policy makers. He noted that Washington politicians were "entrenched" in their ideological and philosophical positions. He explained that the main issue for the Fresno COG was water and that Senator Feinstein had a bill in the Senate that would help. He said Congressman Valadao also had a water bill that has already made it through the House. Councilmember Baines III said the Fresno COG would keep up the pressure and take aggressive positions on behalf of water.

Councilmember Baines III explained that he was late to the meeting because he was the Chair of the Air Board and there was a meeting that morning. Following the Air Board meeting, he was on a conference call with the White House regarding modernization of the Clean Air Act.

2. GENERAL ADMINISTRATION CONTINUED

2-G [ID16-421](#) WORKSHOP regarding Joint Facility Assessment

Public Works Director Mozier presented the workshop to Council. City Manager Rudd also spoke on this item.

Councilmember Soria directed the City Manager and staff to look into all options for solar energy, including state grants, as a source of renewable power at city facilities.

Councilmember Brandau directed staff to provide Council with a list that prioritizes the identified maintenance needs of city facilities.

WORKSHOP PRESENTED

2-H [ID16-455](#) BILL - (For introduction and adoption) - An emergency ordinance of the City of Fresno, California, amending Subsection (f) of Section 1-409 of the Fresno Municipal Code

relating to Hearing Officer authority (Requires 5 affirmative votes)

The above item was introduced to Council by DARM Housing and Neighborhood Revitalization Manager Estabrooke. City Manager Rudd and City Attorney Sloan also spoke on this item.

The following member of the public spoke on this item: Claudia Cazares of Granville Homes.

Councilmember Soria stated, for the record, that she was not supportive of any ordinance that would stick tenants with a large bills when those tenants are the victims of slum lords. City Manager Rudd replied that the ordinance in question would not penalize the victims of slum lords.

**BILL B-13 INTRODUCED AND ADOPTED AS
ORDINANCE 2016-11**

On motion of Councilmember Brand, 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 Brandau exited the Council Chamber at 3:43 P.M. and returned following the recess at 4:03 P.M.

2-I [ID16-464](#) BILL - (For Introduction) - Amending Article 7 of the Fresno Municipal Code relating to Management of Real Property.

City Manager Rudd asked the Council to continue the above item to April 28, 2016.

CONTINUED TO APRIL 28, 2016

On motion of Councilmember Brand, seconded by Vice President Quintero, the above item was continued to April 28, 2016. The motion carried by the following vote:

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

Absent: 1 - Brandau

RECESSED 3:45 P.M. to 4:03 P.M.

3. CITY COUNCIL

- 3-A** [ID16-422](#) ***BILL NO. B-11 - (Intro. 3/31/2016) (For adoption) - Amending Subsection (b) and adding Subsection (c) to Section 4-113 of the Fresno Municipal Code, relating to utilization of apprentices.

Councilmember Baines III announced he was removing the above item from the Agenda.

REMOVED FROM AGENDA

- 3-B** [ID16-423](#) ***BILL NO. B-12 - (Intro. 3/31/2016) (For adoption) - Adding Section 4-117 to the Fresno Municipal Code relating to National Targeted Hiring in contracts for any Public Work of Improvement

The above item was introduced to Council by District Three Chief of Staff Barfield and Councilmember Baines III.

Councilmember Baines III motioned to approve the item with (i) a six month delay of implementation to allow time to work with contractors and training partners, and (ii) a stipulation that the program would be voluntary for the first six months after implementation.

The following members of the public spoke on this item: Chuck Riojas with Building Trades (provided handout); Blake Konczal of the Work Force Investment Board; Pat Bhar with Labor Training; Craig Panabaker with Trades Union; Carlos French with Trades Union; Terryll Woods with Local 246; Ruben Galindo with Local 246; Nicole Goehring with Associated Builders and Contractors; Ray Leon of Green Jobs Coalition; Jose Mora of the Fresno County Economic Development Commission; Kate Murgan with the Associated General Contractors of California; Debbie Kumpe, and; Tony Flores.

Councilmember Brand clarified, for the record, that this item would have a one year review and evaluation by the Council.

ORDINANCE 2016-12 ADOPTED

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 Baines III exited the Council Chamber at 5:15 P.M. and returned at 5:18 P.M.

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

3:00 P.M.#1

[ID16-401](#) Actions pertaining to the Recycled Water Pump Station, Tertiary Treatment and Disinfection Facility, located at the Fresno-Clovis Regional Wastewater Reclamation Facility (Bid File 3448) (Council District 3 and Fresno County)

1. ***RESOLUTION - 37th Amendment to the Annual Appropriation Resolution (AAR) No. 2015-104 appropriating \$2,300,000 for the Recycled Water Pump Station (Requires 5 affirmative votes)
2. Award a construction contract in the amount of \$1,833,967 to Clark Bros., Inc. of Fresno, California, for the construction of the Recycled Water Pump Station.
3. Approve an amendment to the professional services contract with Carollo Engineers, Inc., a Delaware corporation of Walnut Creek, California, in the amount of \$165,384 to provide construction management services for the Recycled Water Pump Station.
4. Approve an amendment to the professional services contract with Moore Twining Associates, Inc. in the amount of \$171,134.23 for materials testing and special inspection services for the Recycled Water Pump Station.

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

RESOLUTION 2016-52 ADOPTED

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

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

Absent: 1 - Baines III

3:00 P.M.#2

[ID16-403](#) Actions pertaining to the Recycled Water Transmission Main,

Southwest Quadrant, Project SW1C (Bid File 3439) (Council District 3 and Fresno County)

1. ***RESOLUTION - 36th amendment to the Annual Appropriation Resolution (AAR) No. 2015-104 appropriating \$4,303,100 for the Southwest Recycled Water Distribution System (Requires affirmative 5 votes)
2. Award a construction contract in the amount of \$4,198,175 to Garney Construction of Livermore, California

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

The following member of the public spoke on this item: David Wells (discussed: timing of unscheduled comments at council meetings; Fresno housing plans; experimental research on housing material development in conjunction with California State University Fresno; housing the homeless).

RESOLUTION 2016-53 ADOPTED

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

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

5:00 P.M.

[ID16-404](#) CONTINUED HEARING to Consider Plan Amendment Application No. A-16-001, filed by the Development and Resources Management Department Director, to amend the text of Chapter 11 of the Fresno General Plan, the Housing Element Consistency Chapter, with an updated Housing Element that would be valid until 2023. The Housing Element is the City's policy document for meeting its housing needs, including housing affordable to low- and moderate-income households and special needs groups. Plan Amendment A-16-001 also includes amendments to the text of Fresno General Plan Chapter 3, Urban Form, Land Use, and Design, to incorporate an analysis of Disadvantaged Unincorporated Communities within or adjacent to the Sphere of Influence, and minor amendments to Chapter 9, the Noise and Safety Element, to comply with Government Code requirements related to the Housing Element.

1. ADOPT the environmental findings of Environmental Assessment No. A-16-001, a Finding of Conformity to the Fresno General Plan Final Master Environmental Impact Report SCH No. 2012111015 (MEIR) certified by the Fresno City Council on December 18, 2014 pursuant to Section 21157.1 of the California Public Resource Code (California Environmental Quality Act) and an Addendum to the Finding of Conformity pursuant to CEQA Guidelines Section 15162 and 15164.
2. RESOLUTION - To adopt Plan Amendment Application No. A-16-001, amending the text of Chapter 11 of the Fresno General Plan to incorporate the Housing Element, including all Text, Policies, Maps, Tables, and Exhibits contained in the Fresno Housing Element Revised Public Draft document dated March 2016, and including revisions recommended by staff and proposed amendments to Chapters 3 and 9 of the General Plan as set forth in the exhibits herein
3. RESOLUTION - To authorize the Director of the Development and Resource Management Department to update the Text, Tables, and Exhibits contained In the 2015-2023 Housing Element to reflect the final action taken by Council to the extent such updates are necessary to maintain consistency and to correct typographical errors

CONTINUED TO APRIL 28, 2016 AT 5:00 P.M.

4. CLOSED SESSION

Councilmember Brandau suggested continuing the Closed Session items to April 28, 2016. City Manager Rudd cautioned council that the closed session items should not be continued any further than April 28, 2016 because the city's Housing Element must adhere to certain deadlines. By consensus, the Council agreed to continued the closed session items to April 28, 2016.

[ID16-410](#) CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION - Government Code Section 54956.9, subdivision (d)(1)
1. Peter Dern v. City of Fresno, et al. EAMS No. ADJ9940299

CONTINUED TO APRIL 28, 2016

[ID16-425](#) CONFERENCE WITH LEGAL COUNSEL - DECIDING WHETHER TO INITIATE LITIGATION
Government Code Section 54956.9, subdivision (d)(4)

1. City of Fresno, psi, administered by Risico Claims Management vs. State Center Community College District; Fresno City College; Fresno City College Police Academy, et al.

CONTINUED TO APRIL 28, 2016

[ID16-431](#) CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION
Government Code Section 54956.9, subdivision (d)(1)
Case Name: Familias Addams Por Un Mejor Futuro, et al. v. City of Fresno, FCSC No. 16CECG00317

CONTINUED TO APRIL 28, 2016

ADJOURNMENT

President Caprioglio made the following announcements before adjourning the meeting: Councilmember Soria was about to celebrate her 29 birthday and he wished her the best; California State University, Fresno would have an event at the Armenian Memorial on Saturday, April 23, to commemorate the 101st anniversary of the Armenian Genocide.

President Caprioglio adjourned the meeting at 5:34 P.M. in the memory of the Armenian Genocide.

The above minutes were approved by unanimous vote of the City Council during the April 28, 2016 City Council meeting with Councilmember Olivier absent.