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Agenda Item: Approve Minutes, ID 18-0045

Date: 12/5/2018

Council Meeting Date: 12/6/18

2018 DEC -5 P 4: 22

CITY OF FRESNO
CITY CLERK'S OFFICE

FRESNO CITY COUNCIL



Supplemental Information Packet

Agenda Related Items – ID 18-0045 (Approve Minutes)

Content of Supplement: Draft Minutes of the November 29, 2018 Council Meeting

Item(s)

File ID 18-00451 (Approve Minutes)

Supplemental Information:

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

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City of Fresno

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

Meeting Minutes - Draft City Council

President - Esmeralda Z. Soria

Vice President - Steve Brandau

Councilmembers:

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

Garry Bredefeld, Clinton J. Olivier

City Manager - Wilma Quan-Schecter

City Attorney - Douglas T. Sloan

City Clerk - Yvonne Spence, MMC

Thursday, November 29, 2018

9:00 AM

Council Chambers

SPECIAL MEETING NOTICE

Please Take Notice that the President of the Council of the City of Fresno hereby calls a Special Meeting of the City Council on Thursday, November 29, 2018, at 9:17 a.m., or soon thereafter as it may be heard, in the Council Chambers, Second Floor, City Hall, 2600 Fresno Street, Fresno, California. The purpose of the special meeting is to meet and consider the following:

The City Council met in a special meeting in the Council Chamber, City Hall on the date and time written above

ROLL CALL

Councilmember Olivier and Caprioglio were not present during roll call.

Councilmember Olivier arrived at 9:55 a.m. and Councilmember Caprioglio arrived at 10:01 a.m.

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

Invocation by Pastor Robert Thompson of the Southeast Asian Ministry

Pledge of Allegiance to the Flag

APPROVE AGENDA

There were no changes to the agenda.

On motion of Councilmember Chavez, seconded by Councilmember Bredefeld, that the above be approved. The motion carried by the following vote:

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

Absent: 2 - Caprioglio and Olivier

CEREMONIAL PRESENTATIONS

ID18-1423 Certificate of Recognition to Habitat for Humanity for their contribution to the City of Fresno Affordable Housing.

PRESENTED

ID18-1424 Proclamation of "Matthew Forestiere Day"

PRESENTED

ID18-1425 Proclamation of "National Runaway Prevention Month"

PRESENTED

ID18-1426 Proclamation of "World Prematurity Day"

PRESENTED

ID18-1427 Proclamation recognizing November 2018 - California's Sikh American Awareness and Appreciation Month

PRESENTED

ID18-1441 Presentation of Certificates for Familia en Acción "Vang Pao Neighborhood Revitalization".

PRESENTED

ID18-1453 Proclamation of "Fresno Recycles Day"

PRESENTED

1. CONSENT CALENDAR

APPROVAL OF THE CONSENT CALENDAR

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

Aye: 6 - Soria, Brandau, Caprioglio, Chavez, Bredefeld and Olivier

Absent: 1 - Baines III

- 1-A** ID18-1410 *****RESOLUTION** - Authorizing annual filing of applications for, acceptance of, and execution of all documents and instruments related to Federal Transportation Assistance Authorized by Title 49 U.S.C. Chapter 53 and other federal statutes administered by the Federal Transit Administration, an operating administration of the United States Department of Transportation (Subject to Mayor's Veto)

RESOLUTION 2018-266 ADOPTED

This Action Item was approved on the Consent Calendar.

- 1-B** ID18-1411 Approve a Third Amendment to the Agreement with VSCE, Inc., for construction management services associated with the Bus Rapid Transit project, increasing the contract amount by \$172,885.40 and extending the completion date of the Agreement to December 31, 2018

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

- 1-C** ID18-1412 Approve the award of a requirements contract to United Rotary Brush of Lenexa, Kansas, for the purchase of street sweeper brooms in the amount of \$175,993.53

This Action Item was approved on the Consent Calendar.

- 1-D** ID18-1413 Approve the First Amendment to the professional consultant agreement with Stantec Architecture, Inc., to provide additional design and engineering services in the amount of \$105,077.75

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

- 1-E** ID18-1415 **RESOLUTION** - Of Intention to annex Final Tract Map No. 6165 and the territory known as Assessor's Parcel Number 404-500-62 and 404-500-63 as Annexation No. 90 to the City of Fresno Community Facilities District No. 11 and to Authorize the Levy of Special Taxes; and setting the public hearing for December 13, 2018 at 10:00 a.m. (north side of East Church

Avenue between South Fowler and Sunnyside Avenues) (Council District 5)

RESOLUTION 2018-267 ADOPTED

This Action Item was approved on the Consent Calendar.

- 1-F ID18-1416 Approve an agreement with Energy Experts International Inc., (EEI) for a Lump Sum of \$70,273.50 for the design and preparation of construction documents for the Pacific Gas and Electric Company (PG&E) gas and electrical infrastructure relocations to accommodate the "G" Street Realignment. (Council District 3)

This Action Item was approved on the Consent Calendar.

- 1-G ID18-1414 *****RESOLUTION** - 8th Amendment to FY 2019 Salary Resolution No. 2018-159, increasing the Payroll Accountant classification to a new E20 salary range in Exhibit 2, Unit 2, Non-Represented Management and Confidential Classes (Non-Represented); amending salaries in Exhibit 13-1, Unit 13, Exempt Supervisory and Professional (CFPEA) for Chief Surveyor, Street Maintenance Superintendent, Senior Electrical Safety Consultant and Senior Environmental & Safety Consultant classifications; and amending the Salary Step Plan section, the Annual Leave for Employees in Exhibit 2 section, and Compensation for Full-Time Employees Occupying Permanent Positions in Exhibit 2 section of the Salary Resolution, to add the new E20 salary range. **(Subject to Mayor's Veto).**

RESOLUTION 2018-268 ADOPTED

This Action Item was approved on the Consent Calendar.

- 1-H ID18-1421 Approve the award of a service contract to Aramark Uniforms & Career Apparel of Fresno, California for the rental of uniforms and linen and dust control products in the amount of \$176,576.40.

This Action Item was approved on the Consent Calendar.

- 1-I ID18-1433 Actions pertaining to the 2018 National Sexual Assault Kit Initiative (SAKI) grant program, herein referred to as the SAKI grant
1. Authorize the Chief of Police to accept \$1,000,000 in grant funding for the SAKI grant awarded to the Fresno Police Department from the U.S. Department of Justice, through the Office of Justice Programs Bureau of Justice Assistance (BJA)
 2. Authorize the Chief of Police to enter into a Memorandum of Understanding (MOU) with Rape Counseling Centers of Fresno

(RCS) for a part time victim advocate throughout the three year grant performance period totaling \$53,618

- 3. ***RESOLUTION - 16th amendment to the Annual Appropriation Resolution (AAR) No. 2018-157 appropriating \$281,500 for the Police Department's SAKI grant (Requires 5 affirmative votes) (Subject to Mayor's veto).

RESOLUTION 2018-269 ADOPTED

This Action Item was approved on the Consent Calendar

1-J ID18-1439

RESOLUTION - To authorize submittal of application for payment programs and related authorizations to CalRecycle (Citywide)

RESOLUTION 2018-270 ADOPTED

This Action Item was approved on the Consent Calendar.

CONTESTED CONSENT CALENDAR

- 1-B ID18-1411 Approve a Third Amendment to the Agreement with VSCE, Inc., for construction management services associated with the Bus Rapid Transit project, increasing the contract amount by \$172,885.40 and extending the completion date of the Agreement to December 31, 2018

This item was presented to Council by Assistant Director Barr, Transportation Department. Councilmember Bredefeld and Council Vice President Brandau expressed their concerns about projects going out to bid and staff coming back to Council requesting amendments requiring additional funds for the project. They said this seems to be happening in many departments. More discussion ensued regarding whether or not these projects are going to the Oversight Board for review. Council Vice President Brandau stated that he will be voting "No" on items 1B and 1D because he feels more review and oversight is needed.

Upon call, there was no public comment.

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

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

No: 1 - Brandau

Absent: 1 - Chavez

- 1-D ID18-1413 Approve the First Amendment to the professional consultant agreement with Stantec Architecture, Inc., to provide additional design and engineering services in the amount of \$105,077.75

This item was presented to Council by Assistant Director Barr, Transportation Department. Council Vice President Brandau stated that he will be voting "No" on items 1B and 1D because he feels more review and oversight is needed. There was more discussion regarding change orders and contingencies. Council President Soria suggested that if contingencies are used it should be included in the staff report to keep Council informed.

Upon call, there was no public comment.

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

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

No: 1 - Brandau

APPROVE MINUTES

ID18-1435 Approval of minutes from November 8, 2018.

On motion of Councilmember Caprioglio, seconded by Councilmember Baines III, that the above Minutes be approved. The motion carried by the following vote:

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

COUNCILMEMBER REPORTS AND COMMENTS

Councilmember Caprioglio expressed some concerns regarding several of his constituents calling his office regarding the 180 closure at Temperance Avenue which did not have enough signage for the residents to understand what was going on, how to get on, how to get off, and the alternative routes. He said that we need to inform the residence of the area and also let the council offices know when these things happen. City Manager Quan-Schechter stated that this is a DPU project and she will look into it and get back to his office. Councilmember Caprioglio also reminded everyone that on Saturday, Fresno State will be facing Boise for the Championship of

the Mountain West Conference. He thanked Public Works and the Police for their hard work in installing the sidewalk in front of Tioga Elementary School. The District 4 Operation Gobble was held on Tuesday, November 20th at Wesley United Methodist Church, and it was a great success. There were over 100 volunteers serving complete Thanksgiving meals for over 600 people, and he thanked all of their sponsors. Councilmember Caprioglio requested to adjourn in loving memory of Mary Stanley.

Council President Soria announced that she is hosting her 6th annual toy drive in District 1 and there are several local businesses participating. She encouraged the community to support the underserved children in the City of Fresno by contributing a toy and she thanked all of the businesses for their support.

2. SCHEDULED COUNCIL HEARINGS AND MATTERS

10:00 A.M. #1

ID18-1408 Actions Pertaining to the FY 2019 Budget Update

1. *****RESOLUTION** - 19th amendment to the Annual Appropriation Resolution (AAR) No. 2018-157 to appropriate \$8,160,500 for operating programs and capital improvement projects citywide. (Requires 5 affirmative votes) **(Subject to Mayor's veto)**

This item was presented to Council by Budget Manager Fierro of the Budget Department.

Upon call, the following members of the public spoke on this item: Mike Prandini, Nathan Alonzo, Joshua Peterson, LeAnn Eager, John Walsberg, and Darius Assemi.

Councilmember Caprioglio made several comments and then made a motion to take the North Central Fund deficit payoff of \$1,390,100 as well as the Crescent building fountain repair contract in the amount of \$340,000 for a total of \$1,730,100 and move that money into PARCS to develop the multi-generational community center for District 4. The motion was seconded by Council Vice President Brandau. Council President Soria asked if they would allow her to include the HERO Team's contractual line item for \$420,000 for additional one-time needs for PARCS.

Councilmember Caprioglio stated the he is willing to amend his motion to include funds from the HERO Team to use for some of the needs of our existing community parks.

Councilmember Caprioglio stated that the parks department was asked to put together a list of priorities that totaled \$1 million dollars, and that we are addressing the remainder of items that have not been funded. Assistant City Manager Sumpter clarified that the \$1 million dollar list has been approved so that they can begin working the projects on that list.

City Manager Quan-Schecter stated that money for the HERO Team is already contractually obligated, and the Administration's recommendation would be to pay off the \$420,000 obligation. City Attorney Sloan stated they could not find a current HERO Team obligation. City Manager Quan-Schecter asked if there was an amendment that goes through June 2019. City Attorney Sloan stated that the 4th amendment has not been executed.

City Manager Quan-Schecter stated that abandoning the HERO Team would hurt the work being done with the homeless, and she called upon Tim Orman to speak to Council regarding the HERO Team funds and the impact using that money for something else would have. Chief of Staff Orman of the Mayor's Office explained that the HERO Team provides outreach, identification, assessment, and navigation services for veterans and other individuals and families experiencing chronic homelessness within the City of Fresno. He also stated that if the \$420,000 is defunded from the HERO Team, the work with the homeless would stop tomorrow. West Care and the Poverello House would not be able to continue their work. In his opinion it would be a mistake to take the money from the HERO Team.

There was discussion regarding the existing contract with West Care and how many times it was amended. There were concerns expressed regarding the results and outputs the City has received for the millions of dollars spent on these services for the homeless. Councilmember Chavez stated that he would like to see H. Spees present on the homeless and suggested that the Council wait until after the presentation before approving any funding. There was discussion regarding working with the County of

Fresno in regard to the homeless issues.

Councilmember Baines felt that both topics (homeless and Parks) deserve further discussion, and asked if this item could come back next week stating that they need to find a way to fund both.

After more discussion and feedback, Councilmember Caprioglio restated his motion to approve his recommendation and withhold the HERO Team funds in order to allow the Council to receive more information regarding the HERO Team.

Councilmember Chavez stated that the Council still needs to have a comprehensive conversation on the homeless and requested a full audit and accountability of the homeless and the funds the City has expended on the homeless.

City Manager Quan-Schecter stated that moving the money from the HERO Team to the community center will mean that the City will still need to address the deficit. Assistant Manager Sumpter confirmed that they will be bringing this funding back as part of the 2020 budget per the Reserve Management Act as an intra-fund loan that will be paid off over the next 2 ½ years to repay that deficit.

Council Vice President Brandau suggested that he and Councilmember Chavez sponsor a formal request in the form of a resolution requesting a formal audit of the services provided to the homeless by the City. Councilmember Caprioglio requested that the information in the audit be delivered to the Council by district.

There was more discussion regarding a strategy to find the funds to avoid taking out a loan. Councilmember Caprioglio agreed to meet with the Mayor and his team to identify ways to avoid a loan. The City Manager's Office agreed to include this in the presentation.

RESOLUTION 2018-271 ADOPTED

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

following vote:

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

Absent: 1 - Olivier

10:00 A.M.#2

ID18-1401 **CONTINUED HEARING** to adopt resolutions and ordinance to annex territory and levy a special tax regarding City of Fresno Community Facilities District No. 11, Annexation No. 95 (Final Tract Map No. 5493) (east side of North Bryan Avenue between West Shaw and Gettysburg Avenues) (Council District 1)

1. *****RESOLUTION** - to Annex Territory to Community Facilities District No. 11 and Authorizing the Levy of a Special Tax for Annexation No. 95 (Subject to Mayor's Veto)
2. *****RESOLUTION** - Calling Special Mailed-Ballot Election (Subject to Mayor's Veto)
3. *****RESOLUTION** - Declaring Election Results (Subject to Mayor's Veto)
4. **BILL** - (For introduction) - Levying a Special Tax for the Property Tax Year 2018-2019 and Future Tax Years Within and Relating to Community Facilities District No. 11, Annexation No. 95

This item was presented to Council by Director Mozier, Public Works Department.

Upon call, there was no public comment.

RESOLUTION 2018-272 ADOPTED

RESOLUTION 2018-273 ADOPTED

RESOLUTION 2018-274 ADOPTED

BILL 59 INTRODUCED

City Council recessed for lunch at 11:55 A.M. to 1:41 P.M.

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

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

Absent: 1 - Olivier

10:05 A.M. JOINT MEETING OF THE CITY OF FRESNO IN ITS CAPACITY AS THE HOUSING SUCCESSOR TO THE REDEVELOPMENT AGENCY OF THE CITY OF FRESNO, THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF FRESNO, AND THE FRESNO REVITALIZATION CORPORATION

- A. ID18-1428 RESOLUTION - Designating positions which shall be subject to the Conflict of Interest Code and defining categories of disclosure for such positions. (Council and Agency action)

This item was presented to Council by City Clerk Spence.

Upon call, there was no public comment.

RESOLUTION 2018-275 ADOPTED

RESOLUTION SA-41 ADOPTED

On motion of President Soria, seconded by Councilmember Bredefeld, that the above Resolution be approved. The motion carried by the following vote:

Aye: 4 - Soria, Brandau, Chavez and Bredefeld

Absent: 3 - Baines III, Caprioglio and Olivier

- B. ID18-1409 Repayment of Affordable Housing Loans to the City of Fresno in its Capacity as Housing Successor related to 1608 and 1636-1660 Broadway (Council action)

This item was presented to Council by Chief Financial Officer Barletta, Successor Agency to the Redevelopment Agency.

Upon call, there was no public comment.

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

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

Absent: 1 - Olivier

3. GENERAL ADMINISTRATION

- 3-A ID18-1418 RESOLUTION - Authorizing the Submission of Grant Applications to the California Department of Transportation for the 2019-20 Sustainable Transportation Planning Grant Program Call for Projects and Authorizing the Execution of Documents by the Public Works Director or Designee (Citywide)

This item was presented to Council by Grants Administrator, McNab, Public Works Department.

Upon call, there was no public comment.

RESOLUTION 2018-276 ADOPTED

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

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

5. CLOSED SESSION

City Council recessed into Closed Session at 1:49 P.M. and returned from Closed Session at 2:15 P.M.

There were no announcements after Closed Session.

- 5-A ID18-1431 CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - Government Code Section 54956.9, subdivision (d)(2)
1. City of Fresno v. Helen Woodward

DISCUSSED

- 5-B ID18-1432 CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION - Government Code Section 54956.9, subdivision (d)(1)
1. South Central Neighbors United v. City of Fresno et al. - Fresno County Superior Court, Case No. 18CECG00690

DISCUSSED

2:00 P.M.

- ID18-1417 RESOLUTION - Establishing an eleven (11) member Displacement Task

Force

This item was introduced to Council by Planning Manager Pagoulatos, Development and Resources Management Department.

Upon call, the following members of the public spoke: Luis Avila, Dallas Lyncher, and Diane Smith.

Councilmember Baines made a motion to accept staff's recommendation to include broadening the scope beyond rent prices.

City Attorney Sloan expressed concern about broadening the scope and wants to make sure that all of the specific tasks included in the Housing Element are not interfered with.

Councilmember Chavez asked to amend the motion to include that the Mayor appoints members to the taskforce with the City Council's confirmation. This amendment was accepted by the maker of the motion.

There was discussion regarding the City having to complete the taskforce by the end of the year or having flexibility to complete it in January.

RESOLUTION 2018-277 ADOPTED

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

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

2:15 P.M.

ID18-1419 Award a contract to LSA Associates, Inc., for environmental consulting services for the General Plan Environmental Impact Report Update in the amount of \$499,844.

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

Upon call, the following members of the public spoke: Ashley Werner

Council President Soria asked about the Public Engagement Component and when the process begins.

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

Aye: 6 - Soria, Brandau, Caprioglio, Chavez, Bredefeld and Olivier

Absent: 1 - Baines III

2:30 P.M.

ID18-1420 Authorizing the Director of Development and Resource Management to enter into an agreement not to exceed \$500,000 with Ascent Environmental, Inc. to complete an Environmental Impact Report assessing a Priority Industrial Area Specific Plan.

This item was introduced to Council by Director Clark, Development and Resource Management Department.

Upon call, the following members of the public spoke: Luis Avila, Veniece Curry, Leland Parnagian, Ethan Smith, and Diane Smith.

Councilmember Baines wants to ensure that the local residents living in these areas get those jobs. As part of the EIR we should have some recommendations for local hires in there. The Mayor addressed Councilmember Baines' comments stating that he fully supports local residents getting the jobs. Councilmember Baines wants this language included in the incentive package. He also wants there to be a menu of items to choose from upfront, not after the fact. The Mayor committed to doing everything that is legal to get locals hired, they will do outreach with job fairs. Councilmember Baines asked Councilmember Chavez to work with the administration to make sure this happens. Councilmember Baines made the motion to accept staff's recommendation and include Councilmember Chavez in the process and putting together the menu of options, and to be included in the EIR process.

Councilmember Bredefeld wants to know if there is a way to find out how many employees are residents of Fresno. City Attorney Sloan stated that going forward the City can specify that they provide us this data.

Councilmember Chavez stated when they toured Ulta, it was much more than a community job fair. They are working with people who have had a difficult life. He said that it was powerful to see our local non-profit organizations putting people to work.

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

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

Absent: 1 - Olivier

4. CITY COUNCIL

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

UNSCHEDULED COMMUNICATION

Upon call, Diane Smith spoke during Unscheduled Communication

ADJOURNMENT

The City Council meeting was adjourned at 3:33 P.M. in loving memory of Mary Stanley.

