

City of Fresno

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



Meeting Minutes - Draft

Thursday, May 2, 2019

1:30 PM

Regular Meeting

Council Chambers

City Council

President - Paul Caprioglio

Vice President - Miguel Angel Arias

Councilmembers:

Esmeralda Z. Soria, District 2 - Vacant, Luis Chavez, Garry Bredefeld,

Nelson Esparza

City Manager - Wilma Quan

City Attorney - Douglas T. Sloan

City Clerk - Yvonne Spence, MMC

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

1:32 P.M. ROLL CALL

Present: 5 - President Paul Caprioglio
Vice President Miguel Angel Arias
Councilmember Esmeralda Z. Soria
Councilmember Luis Chavez
Councilmember Nelson Esparza

Absent: 1 - Councilmember Garry Bredefeld

Invocation given by Deputy Police Chief Patrick Farmer, Fresno Police Department.

Pledge of Allegiance to the Flag

APPROVE AGENDA

*City Clerk Spence announced the following changes to the agenda:
Invocation was by Deputy Police Chief Patrick Farmer, Proclamation of the
"10th Anniversary of CFDI Day" – Change title to read: "10th Anniversary of
Access Plus Capital" and File ID19-1618 (3:30 P.M.) - CONTINUED
HEARING to consider Conditional Use Permit Application Nos. P18-03222
and P18-03223, located on the northwest corner of North Cedar Avenue and
East Tulare Street (Council District 7) was removed from the agenda –
Applicant withdrew application.*

**On motion of Councilmember Soria, seconded by Vice President
Arias, the above item was adopted as amended. The motion carried
by the following vote:**

Aye: 5 - Caprioglio, Arias, Soria, Chavez and Esparza

Absent: 1 - Bredefeld

APPROVE MINUTES

[ID19-1393](#) Approval of minutes for April 25, 2019.

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

Aye: 5 - Caprioglio, Arias, Soria, Chavez and Esparza

Absent: 1 - Bredefeld

CEREMONIAL PRESENTATIONS

[ID19-1614](#) Proclamation of "Municipal Clerk's Week"

PRESENTED

[ID19-1219](#) Proclamation of "Vietnam Veterans Committee Members Day"

PRESENTED

[ID19-1599](#) Proclamation of the "10th Anniversary of Access Plus Capital Day"

PRESENTED

[ID19-1537](#) Proclamation of "Norman "JR" Norwood Jr. Day"

PRESENTED

[ID19-1540](#) Proclamation of "Peace Officers Memorial Day" and May 12 through May 18, 2019 as "National Police Week"

PRESENTED

[ID19-1280](#) Announcement of Marisol Baca as Fresno's Poet Laureate

PRESENTED

[ID19-1627](#) Proclamation of "Camp Kesem Day"

PRESENTED

COUNCILMEMBER REPORTS AND COMMENTS

Council Vice President Arias asked Assistant City Manager Sumpter for an update on the fees being waived as part of the waiver program for the Public Safety Police Department facility fees and requested an updated on the Economic Development Director.

1. CONSENT CALENDAR

Councilmember Soria left the meeting at 2:25 P.M.

On motion of Vice President Arias, seconded by Councilmember

Chavez, the below **CONSENT CALENDAR** items were adopted. The motion carried by the following vote:

Aye: 4 - Caprioglio, Arias, Chavez and Esparza

Absent: 2 - Soria and Bredefeld

- 1-A** [ID19-1592](#) Authorize First Amendment to the November 9, 2017 Memorandum of Understanding between the City of Fresno and Fresno Building Healthy Communities regarding the BMX project at Mary Ella Brown Community Center Park approving project scope, timeline, and budget and authorizing an additional \$135,140 for city-initiated project augmentation (District 3)
- 1-B** [ID19-1596](#) Actions pertaining to 10-Inch Sewer Main Installation in South Willow Avenue (Bid File 3651) (County of Fresno):
1. Adopt a finding of Categorical Exemption pursuant to Class 3, Section 15303(d) (New Construction) of the California Environmental Quality Act Guidelines
 2. Award a Construction Contract to Haydon Construction, Inc., in the amount of \$271,537
 3. Authorize the Director of Public Utilities, or designee, to sign the contract on behalf of the City of Fresno
- 1-C** [ID19-1616](#) ***RESOLUTION - Creating Roles and Responsibilities for the Citywide Records Management Program (Subject to Mayor's veto)

RESOLUTION 2019-091 ADOPTED

- 1-D** [ID19-1621](#) Actions pertaining to the Perrin Avenue and Liberty Hill Road Traffic Signal Modification - Bid File No. 3656 (Council District 6)
1. Adopt a finding of Categorical Exemption per staff determination, pursuant to Section 15301(c) of the CEQA guidelines.
 2. Award a construction contract in the amount of \$207,309 to Sturgeon Electric, LLC., of Chino, CA.

2. SCHEDULED COUNCIL HEARINGS AND MATTERS

1:30 P.M.#1 CONTESTED CONSENT CALENDAR

1:30 P.M.#2

- [ID19-1420](#) HEARING to Consider Acceptance of the Southern Blackstone Avenue Smart Mobility Strategy
1. ADOPT a finding that there is no possibility that acceptance of the Southern Blackstone Avenue Smart Mobility Strategy will have a significant effect on the environment and is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3);

2. RESOLUTION - Accepting the Southern Blackstone Avenue Smart Mobility Strategy.

The item was called to order at 2:28 P.M.

The above item was introduced to Council by Planner III Horton, DARM Department and Keith Bergthold, Executive Director of Fresno Metro Ministry.

Upon call, the following members of the public addressed Council: John Trotter, Robert Turner, Celeste Martinez, Anne Goodman, Donald Uriquez, Abigail Smurr, Deiglis Wells, James Collins, Zach Antoyan, Fernando Elizondo, Anthony Molina, Gorado Navarro, Randy White, Marie Torres, Gene Richards, Ivan Paz, Sheila Hakimipour and Alejandro Solis.

Councilmember Soria returned to the meeting at 2:58 P.M.

Councilmember Esparza supports the item as presented and thanked the community for their input.

Councilmember Soria supports the item and thanked the community and staff for their hard work and input. She expressed some of her concerns with the consideration of displacement of small business owners and would like to have a plan to find better placement for small businesses in the City of Fresno. She asked the Administration to figure out how to implement the plan and to include it in the next budget. She stated she would like the Administration to make it a priority. Assistant City Manager Schaad responded.

Assistant City Manager Schaad spoke regarding funding the construction and stated it will not occur until next year for construction.

Council Vice President Arias asked staff several technical questions regarding the current and proposed speed limit on Blackstone. He asked about the potential impact of pollution due to the reduced speed limits and if the whole Blackstone corridor will reduce its speed limit. He asked staff if the current scope covered the entire Blackstone and what the estimated cost would be to improve the Blackstone corridor. Planner III Horton responded.

Council Vice President Arias mentioned the City of Fresno is spending \$130 Million on Veterans Blvd and asked the Administration to set aside money for this project, to include funding in the upcoming budget and to make it a priority. He asked Administration if any projects being developed in the corridor will honor any of the strategies or will the road be reconstructed. Assistant City Manager Sumpter responded.

Councilmember Chavez asked Executive Director Bergthold of Fresno Metro Ministry how the project fits into the Better Blackstone overall. Executive Director Bergthold of Fresno Metro Ministry replied.

Council President Caprioglio thanked everyone and supports the item.

RESOLUTION 2019-092 ADOPTED

On motion of Councilmember Esparza, seconded by Councilmember Soria, that the above Action Item be adopted. The motion carried by the following vote:

Aye: 5 - Caprioglio, Arias, Soria, Chavez and Esparza

Absent: 1 - Bredefeld

10:00 A.M. (HEARING CONTINUED TO 1:35 P.M.)

[ID19-1583](#) **HEARING** to adopt resolutions and ordinance to annex territory and levy a special tax regarding City of Fresno Community Facilities District No. 9, Annexation No. 39 (Assessor's Parcel Number 505-281-21) (east side of North Grantland Avenue between West Barstow and Roberts Avenue) (Council District 2)

1. *** **RESOLUTION** - Annexing Territory to Community Facilities District No. 9 and Authorizing the Levy of a Special Tax (Subject to Mayor's Veto)
2. *** **RESOLUTION** - Calling Special Mailed-Ballot Election (Subject to Mayor's Veto)
3. *** **RESOLUTION** - Declaring Election Results (Subject to Mayor's Veto)
4. *** **BILL** - (For introduction and adoption) - Levying a Special Tax for the Property Tax Year 2018-2019 and Future Tax Years Within and Relating to Community Facilities District No. 9, Annexation No. 39 (Subject to Mayor's Veto)

The above hearing was continued to 1:35 P.M.

City Council recessed at 3:42 P.M. and returned from recess at 3:49 P.M.

1:35 P.M.#1

[ID19-1615](#) **CONTINUED HEARING** to adopt resolutions and ordinance to annex territory and levy a special tax regarding City of Fresno Community Facilities District No. 9, Annexation No. 39 (Assessor's Parcel Number 505-281-21) (east side of North Grantland Avenue between West Barstow and Roberts Avenue) (Council District 2)

1. *** **RESOLUTION** - Annexing Territory to Community Facilities District No. 9 and Authorizing the Levy of a Special Tax (Subject to Mayor's Veto)
2. *** **RESOLUTION** - Calling Special Mailed-Ballot Election (Subject to Mayor's Veto)
3. *** **RESOLUTION** - Declaring Election Results (Subject to Mayor's Veto)
4. *** **BILL** - (For introduction and adoption) - Levying a Special Tax for the Property Tax Year 2018-2019 and Future Tax Years Within and Relating to Community Facilities District No. 9, Annexation No. 39 (Subject to Mayor's Veto)

The item was called to order at 3:50 P.M.

Councilmember Chavez left the meeting at 3:50 P.M.

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

Upon call, there was no public comment.

RESOLUTION 2019-093 ADOPTED

RESOLUTION 2019-094 ADOPTED

RESOLUTION 2019-095 ADOPTED

BILL 13 AND ORDINANCE 2019-013 ADOPTED

On motion of Vice President Arias, seconded by Councilmember Esparza, that the above Action Item be adopted. The motion carried by the following vote:

Aye: 4 - Caprioglio, Arias, Soria and Esparza

Absent: 2 - Chavez and Bredefeld

1:35 P.M. #2 HEARING CONTINUED TO 3:30 P.M.**ID19-1612**

CONTINUED HEARING to consider Conditional Use Permit Application Nos. P18-03222 and P18-03223, located on the northwest corner of North Cedar Avenue and East Tulare Street (Council District 7)

1. **ADOPT** Environmental Assessment Nos. P18-03222 and P18-03223 dated February 20, 2019, a determination that the proposed project is exempt from the California Environmental Quality Act (CEQA) through a Class 32 Categorical Exemption.
2. **ADOPT** findings pursuant to Government Code Section 65863(b) (2) that there is substantial evidence in the record that remaining sites identified in the Housing Element can accommodate the City of Fresno's share of the Regional Housing Needs Assessment (RHNA).
3. **APPROVE** Conditional Use Permit Application No. P18-03222 requesting authorization to develop a 3,052-square-foot convenience store and service station with eight fueling positions, subject to compliance with the Conditions of Approval dated February 20, 2019.
4. **DENY** Conditional Use Permit Application No. P18-03223 requesting authorization to establish a State of California Alcoholic Beverage Control (ABC) Type 20 (Package Store - sale of beer and wine for consumption off the premises where sold) license for the proposed convenience market.

The above item was continued to 3:30 P.M.

3:30 P.M.**ID19-1618**

CONTINUED HEARING to consider Conditional Use Permit Application Nos. P18-03222 and P18-03223, located on the northwest corner of North Cedar Avenue and East Tulare Street (Council District 7)

1. **ADOPT** Environmental Assessment Nos. P18-03222 and P18-03223 dated February 20, 2019, a determination that the proposed project is exempt from the California Environmental Quality Act (CEQA) through a Class 32 Categorical Exemption.
2. **ADOPT** findings pursuant to Government Code Section 65863(b) (2) that there is substantial evidence in the record that remaining sites identified in the Housing Element can accommodate the City of Fresno's share of the Regional Housing Needs Assessment (RHNA).
3. **APPROVE** Conditional Use Permit Application No. P18-03222 requesting authorization to develop a 3,052-square-foot convenience store and service station with eight fueling positions, subject to

compliance with the Conditions of Approval dated February 20, 2019.

4. **DENY** Conditional Use Permit Application No. P18-03223 requesting authorization to establish a State of California Alcoholic Beverage Control (ABC) Type 20 (Package Store - sale of beer and wine for consumption off the premises where sold) license for the proposed convenience market.

The above item was removed from the agenda and withdrawn by the applicant.

3. GENERAL ADMINISTRATION

- 3-A** [ID19-1555](#) ***RESOLUTION - Adopting the City of Fresno's (City) 2019-2020 Annual Action Plan; approving submission to the U.S. Department of Housing and Urban Development (HUD) for application of Community Development Block Grant (CDBG), Home Investment Partnerships (HOME), Emergency Solutions Grant (ESG), and Housing Opportunities for Persons With Aids/HIV (HOPWA) Program Funds; and providing for subrecipient agreements. (Subject to Mayor's veto)

The above item was introduced to Council by Administrative Manager Jenks, DARM Department.

Councilmember Chavez returned to the meeting at 3:52 P.M.

Councilmember Chavez recused himself from the Fresno Economic Opportunities Commission (EOC) portion of the item.

Upon call, there was no public comment.

Council Vice President Arias reminded the Council that they received a supplement in their agenda packets that outlines the recommendations and adjustments from the Community Development Block Grant (CDBG) Subcommittee.

Council Vice President Arias motioned to approve the Fresno Economic Opportunities Commission recommendations. Councilmember Soria seconded the motion. Motion PASSED 4-0 vote. Councilmember Chavez recused. Councilmember Bredefeld absent.

Council Vice President Arias motioned to approve the CDBG recommendations and the following recommended adjustments: He directed staff to allocate \$500,000 to the Multigenerational Center in the 2020-2021 budget as well as to identify the resources to repair the Fink White Community Center roof so that the Boys and Girls Club can continue to operate. Council President Caprioglio seconded the motion.

Councilmember Soria thanked the staff and the committee. She spoke regarding the capacity of the Division and expressed her concerns with having 5 vacancies. She stated she will not approve future consultant contracts for the Division until the vacancies are filled. She directed staff to bring forward an update on the next agenda to discuss how much training the new consultants have done or worked on the issues they were hired for. She asked what the plan was to fill the vacant authorized positions and stated she would like to hear from the consultants at the next meeting. She discussed the issues with affordable housing and stated she is concerned with the lack of capacity in the Division and the staff training the consultants. Director Clark responded.

Assistant City Manager Schaad commented on the Multigenerational Center. He stated staff is figuring out how to accelerate the schedule and spend the money. He expressed his concern with not having it done in a timely fashion. His concerns with the \$500,000 might create a risk in the project in scheduling and in cost. He stated that the CDBG money can only be used for eligible projects.

Council President Caprioglio suggested looking into outsourcing and that the Multigenerational Center is his top priority. Assistant City Manager Schaad responded.

RESOLUTION 2019-096 ADOPTED

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

Aye: 5 - Caprioglio, Arias, Soria, Chavez and Esparza

Absent: 1 - Bredefeld

- 3-B** [ID19-1584](#) ***RESOLUTION - 39th Amendment to the Annual Appropriation Resolution (AAR) No. 2018-157 to appropriate \$2,010,000 for Supplemental Refunds and Reimbursements to approved Developers in the Urban Growth Management and Development Impact Fee Programs (Requires 5 affirmative votes) (Subject to Mayor's veto)

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

Upon call, there was no public comment.

Council Vice President Arias requested that the staff report reflect who the City of Fresno is paying and for what services.

RESOLUTION 2019-097 ADOPTED

On motion of Vice President Arias, seconded by Councilmember Soria, that the above Action Item be adopted. The motion carried by the following vote:

Aye: 5 - Caprioglio, Arias, Soria, Chavez and Esparza

Absent: 1 - Bredefeld

4. CITY COUNCIL

- 4-A** [ID19-1620](#) Council Boards and Commissions Communications, Reports, Assignments and/or Appointments, Reappointments, Removals to/from City and non-City Boards and Commissions:
1. Association for the Beautification of Highway 99 - **Soria, Arias**
 2. Budget Sub-Committee - **Soria, Chavez, Caprioglio**
 3. Cannabis Ad Hoc Committee - **Soria, Arias, Caprioglio**
 4. Council of Governments - **Mayor Brand-Ex-Officio (Caprioglio)**
 5. Council Sub-committee on Homelessness - **Chavez (Chair), Bredefeld, Arias**
 6. CDBG Sub-committee - **(Pertaining to Housing and addressing the allocation of Funds) - Caprioglio, Soria, Arias**
 7. Code Enforcement Sub-Committee - **Bredefeld, Caprioglio, Soria**
 8. Economic Development Corporation Serving Fresno County - **Caprioglio-Ex-Officio, City Manager Wilma Quan and (Chavez - Alternate)**
 9. Enterprise and Construction Management Oversight Board - **Chavez, Bredefeld-Alternate**
 10. Finance and Audit Committee - **Bredefeld, Esparza-Chair, Vice**

Chair-Vacant

11. Fresno Area Workforce Investment Corporation - **Soria**
12. Fresno County Transportation Authority (FCTA) - **Mayor Brand-Ex-Officio, (Caprioglio - Alternate)**
13. Fresno Regional Workforce Development Board - **Soria**
14. Fresno County Zoo Authority - **Mayor Brand-Ex-Officio, (Arias-Alternate)**
15. Fresno Madera Area Agency on Aging Board - **Chavez**
16. Joint Powers Financing Authority - **Mayor Brand, Soria, Caprioglio**
17. League of California Cities (Annual Meeting) - **Soria, Caprioglio - Alternate**
18. Litigation Exposure Reduction Ad Hoc Committee -**Caprioglio-Chair, Soria, Arias**
19. North Kings Groundwater Sustainability Agency (GSA) Joint Powers Authority - **Mayor Brand (Michael Carbajal, Tim Orman - Alternates)**
20. San Joaquin River Conservancy Board - **Mayor Brand-Ex-Officio, (Bredefeld-Alternate)**
21. School Liaison Sub-Committee - **Esparza-Chair, Chavez, Arias**
22. Sub-Committee on Transportation - **Arias, Caprioglio, Soria**
23. Upper Kings Basin Integrated Regional Water Management JPA - **Vacant (Michael Carbajal and Chavez - Alternates)**

Upon call, there was no public comment.

1. Association for the Beautification of Highway 99: Council Vice President Arias was appointed to the committee.

Councilmember Soria motioned to appoint Council Vice President Arias to the Association for the Beautification of Highway 99 committee. Council President Caprioglio seconded the motion. The motion PASSED 5-0 vote.

3. Cannabis Ad Hoc Committee: Council President Caprioglio and Council Vice President Arias were appointed to the committee.

Councilmember Chavez motioned to appoint Council President Caprioglio and Council Vice President Arias to the Cannabis Ad Hoc Committee.

Councilmember Esparza seconded the motion. The motion PASSED 5-0 vote.

10. Finance and Audit Committee: Councilmember Esparza requested this committee be continued to a future meeting.

15. Fresno Madera Area Agency on Aging Board: Councilmember Chavez replaced Councilmember Esparza.

Councilmember Esparza resigned from the Fresno Madera Area Agency on Aging Board due to scheduling conflict. Councilmember Esparza motioned to appoint Councilmember Chavez to the Fresno Madera Area Agency on Aging Board. Council President Caprioglio seconded the motion. The motion PASSED 5-0 vote.

17. League of California Cities (Annual Meeting): Councilmember Soria announced there were no vacant positions. The members on the committee are Councilmember Soria and Council President Caprioglio as the alternate.

18. Litigation Exposure Reduction Ad Hoc Committee: Council Vice President Arias and Councilmember Soria were appointed to the Ad Hoc committee. Council President Caprioglio appointed as the Chair.

Councilmember Chavez motioned to appoint Council Vice President Arias and Councilmember Soria to the Litigation Exposure Reduction Ad Hoc Committee and appoint Council President Caprioglio as the Chair. Council President Caprioglio seconded the motion. The motion PASSED 5-0 vote.

Council Vice President Arias requested that the Mayor attend more of the San Joaquin River Conservancy Boards and requested legal counsel to update him in Closed Session.

Councilmember Esparza gave an update on his first School Liaison Sub-Committee meeting for District 7, District 5 and District 3.

5. CLOSED SESSION

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

UNSCHEDULED COMMUNICATION

Upon call, the following member of the public address Council: David Love

ADJOURNMENT

City Council adjourned at 4:33 P.M.