



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, January 14, 2016

8:30 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.

8:44 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 joined the meeting at 9:02 A.M.

Invocation by Fire Chief Kerri Donis

Pledge of Allegiance to the Flag

APPROVE AGENDA

City Clerk Spence announced the following changes: City Council item 4-C (File ID 16-071) was removed from the agenda; City Council item 4-A (File ID 16-065) was rescheduled to the January 28, 2016 agenda by Consensus of Council.

APPROVED AS AMENDED

On motion of Vice President Quintero, seconded by President Caprioglio, 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

[ID16-062](#) Approval of City Council minutes from January 7, 2016

APPROVED

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

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

Absent: 1 - Baines III

COUNCILMEMBER REPORTS AND COMMENTS

Councilmember Soria asked if the council could consider putting item 4A back on the agenda because there are some large capital projects coming up that this board needs to work on. She and Councilmember Caprioglio discussed whether to put it on the agenda or not. She made the motion to reconsider putting it back on the agenda. Councilmember Olivier seconded the motion. Councilmember Brand spoke up supporting Councilmember Soria. Councilmember Brand asked President Caprioglio if he minded if they brought the item back in two weeks. The Council agreed by consensus to bring the item back on January 28, 2016.

Councilmember Soria announced that the California Tiny House is outside of City Hall on display and that she and the Mayor will be having a press conference at lunch time and she invited all of her colleagues to join her and people will be able to tour the house. It is exciting because Fresno is taking the lead on this issue, we just approved standards in our development code and Fresno is one of the first cities in the State to do so. She also mentioned that she heard we are potentially pursuing the central station and it is very exciting to see that this may be a possibility in the very near future.

Councilmember Olivier mentioned that the Bee published an article updating the status of Summerset Village Apartments. In that article there was some encouraging news about the situation in terms of not just getting the heat

back on, but now we are looking at a renovation of the units of the entire property. There is a video tour of the units in the article. Councilmember Olivier informed the City Manager that he had been contacted by a handful of people if the city would bring the hammer down on the owner. He talked about the owner putting his money where his mouth is in bringing the units up to code. He questioned the City Manager about the penalty to the landlord and whether or not he would face a penalty. City Manager Rudd spoke on the subject.

Councilmember Brandau announced that he was at a breakfast this morning at the Westside Church of God for Martin Luther King, Jr. Day of Reconciliation. Councilmember Baines was also there and it was a fantastic kickoff to the Martin Luther King Jr. weekend. Councilmember Brandau asked City Manager Rudd about Fresno being on the top of the list for drugs report, a nationwide article and that he and Councilmember Baines already spoke to Chief Dyer, and had a workshop on it. He asked if he could get an update on what is going on with this. City Manager Rudd spoke on the item.

Councilmember Soria asked City Manager Rudd how many code enforcement officers we have today. City Manager Rudd responded that he can get her that information and also let her know that information is online in the Position Allocation Resolution (PAR). City Manager Rudd clarified that Councilmember Soria wants to know how many positions are filled versus those that are funded. Councilmember Soria announced that she will be in Sacramento next week and let everyone know that she was appointed to the League of Cities with the San Joaquin Division and she was appointed to the Public Safety, Transportation, Communications and Public Works Committees and she is happy to be a part of the committee to make sure Fresno's needs are represented at the State level.

Council President Caprioglio attended the Board of Supervisors meeting last Tuesday. Buddy Mendez has been appointed their new Chairman. Yesterday Council President Caprioglio was at the Fresno Chamber of Commerce and they asked for some Presidential perspectives on how we are handling the new leadership and they were very supportive. He also asked that today's meeting be adjourned in memory and honor of Martin Luther King Jr.

1. CONSENT CALENDAR

Councilmember Brandau announced that he is recusing himself from consent calendar item 1-C, file ID#16-008.

APPROVAL OF THE CONSENT CALENDAR

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

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

Absent: 1 - Baines III

- 1-A** [ID16-002](#) RESOLUTION - Of intention to amend Annexation Map No. 14, Final Tract Map No. 5232, of the City of Fresno Community Facilities District No. 11 (northwest of the intersection of E. Kings Canyon Road and N. Fowler Avenue) (Council District 5)

RESOLUTION 2016-4 ADOPTED.

The above item was approved on the Consent Calendar.

- 1-B** [ID16-010](#) 16-010 Actions pertaining to approval of funds for the Emergency Solutions Grant (ESG) Program for street outreach, homeless prevention, emergency shelter, rapid rehousing, and administrative costs for the following:
1. The Marjaree Mason Center in the amount of \$194,750;
 2. The Fresno Economic Opportunities Commission in the amount of \$82,000;
 3. The Fresno Housing Authority in the amount of \$26,100 for HMIS;
 4. The Poverello House in the amount of \$15,000;
 5. The City of Fresno for administrative costs in the amount of \$35,000; and
 6. WestCare California Inc., in the amount of \$207,000.

APPROVED

The above item was approved on the Consent Calendar.

- 1-C** [ID16-008](#) 1. ADOPT the Addendum to the Finding of Conformity prepared for Environmental Assessment No. R-15-005/C-15-025 for Rezone Application No. R-15-005 and Conditional Use Permit Application No. C-15-025, pursuant to CEQA Guidelines Section

15162 and 15164;

2. Authorize the City Manager or designee to execute a Ground Lease and Option to Purchase 3.34+/- acres located at the southwest corner of N. Brawley and W. Herndon Avenues, APN 507-030-12ST (Council District 2)

Councilmember Brandau announced he recused himself on this item.

APPROVED.

The above item was approved on the Consent Calendar.

- 1-D** [ID16-007](#) Actions pertaining to Parking Permit Agreement between J. Colin Computing Systems, Inc., a California Corporation, DBA J - I.T. Outsource and the City of Fresno:
1. Adopt a finding of Categorical Exemption pursuant to Section 15301 (Existing Facility) of California Environmental Quality Act (CEQA) Guidelines; and
 2. Approve a Parking Permit Agreement for up to 30 parking spaces in City of Fresno Underground Garage #8 located at 1077 Van Ness Ave at a base rate of \$40 per month per stall for a one (1) year term (Council District 3)

APPROVED

The above item was approved on the Consent Calendar.

3. GENERAL ADMINISTRATION

- 3-A** [ID16-009](#) WORKSHOP: Parking Facilities Assessment

Workshop presented by Manager Estabrooke and Consultant Puwan Gupta

WORKSHOP HELD

- 3-C** [ID16-061](#) WORKSHOP - Update on the Status of the Construction Contract for the Fulton Street Reconstruction Project. (Council District 3)

The above item was presented by Project Manager Morrison, Public Works Department.

WORKSHOP HELD.

Councilmember Baines entered the Council Chamber at 9:02 A.M.

- 3-D [ID16-059](#) Actions pertaining to the Fulton Street Reconstruction Project (Council District 3)
1. Approve an amendment to the contract with Axis Art Consulting, LLC for artwork conservation consulting services on the Fulton Street Reconstruction Project for a net increase of \$50,000.00, which will be funded from the Construction Management/Consultants portion of the approved Fulton Street Reconstruction Project budget;
 2. Approve a professional services agreement with FirstCarbon Solutions in the amount of \$354,252.40 with a contingency amount of \$95,000 for environmental construction monitoring services on the Fulton Street Reconstruction Project, which will be funded from the Construction Management/Consultants portion of the approved Fulton Street Reconstruction Project budget.

This item was presented by Project Manager Morrison, Public Works Department

APPROVED

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

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

No: 1 - Caprioglio

JOINT MEETING OF SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY, CITY (IN ITS CAPACITY AS HOUSING SUCCESSOR), AND FRESNO REVITALIZATION CORPORATION

The City Council met in joint session with the Successor Agency to the Redevelopment Agency of the City of Fresno and Fresno Revitalization Corporation at 10:34 A.M. to discuss the following:

- [ID16-068](#) Actions pertaining to a mixed-use development at Blackstone and McKinley Avenues (City action only):
1. Adopt a finding of No Possibility pursuant to Article 5, Section 15061(b)(3) of the California Environmental Quality Act (CEQA)
 2. Approve an Owner Participation Agreement with 1501 N. Blackstone Avenue, L.P.

Sponsor: City in its capacity as Housing Successor to the Redevelopment Agency

City Clerk Spence made the following announcement:

In the second paragraph under the heading of Proposal it reads -- eight (9) units shall be available to households earning 30% or less of AMI. It should read ...nine (9) units..

On page 2 under performance schedule it reads ...with an award date of October 2015. It should readOctober 2017.

On page 2 under OPA highlights under number 4 it reads October 15, 2018. It should read ...October 15, 2017

Director Murphey presented the item to council.

The following members of the public spoke: Principal, Ben Lingo and Senior Vice President, Jake Lingo of Integrated Community Development LLC.

APPROVED

CITY COUNCIL VOTE:

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

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

[ID16-078](#) RESOLUTION - Approving the Recognized Obligation Payment Schedule (ROPS) for July 1, 2016 to June 30, 2017 (Successor Agency Action)
Sponsors: Successor Agency

Director Murphey presented the item to Council.

Executive Director Murphey introduced this item to Council and announced that under the newly approved SB 107, the ROPS is now covering a 12 month period rather than six months as it has in the past. So the ROPS before you today will cover the period of July 1, 2016 to June 30, 2017. It shows the total outstanding obligation and the estimated amount needed for all of the enforceable obligations during that period and that total is about \$7,298,000. No one from the public spoke on this item.

Councilmember Brandau asked City Manager Rudd and Executive Director Murphey if it would be possible to move Successor Agency staff over to City Hall and what would it look like. Executive Director Murphey explained that the rent they currently pay is \$.98 per square foot and the rent at city hall is \$3.50 a square foot, more than three times that amount.

After discussion about other locations to move the Successor Agency staff to Councilmember Brandau gave direction to City Manager Rudd and Executive Director Murphey to continue looking at options for City property to move to in order to get a net increase to the general fund and report back to Council in a week or two.

President Caprioglio made the following announcements before adjourning the meeting: Power Point slides are due at least one week before the meeting. Ceremonials need to be input a couple of weeks earlier if possible. If consent items are pulled, they will be heard at 1:30 p.m. and ceremonials will be heard at 1:30 p.m. as well. I just wanted to remind everyone and if we don't get things in on time we will be taking items off the agenda.

RESOLUTION SA-30 ADOPTED

SUCCESSOR AGENCY VOTE:

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

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

ADJOURN JOINT MEETING

The joint meeting was adjourned at 10:52 a.m.

GENERAL ADMINISTRATION CONTINUED

- 3-B** [ID16-048](#) Approve an agreement with Tutor Perini/Zachary/Parsons for City Plan Review and Construction Management Services as related to the High Speed Rail Project for a lump sum of \$1,900,000, in substantially the form presented (Council Districts 1, 2 and 3).

Scott Mozier, Director of Public Works presented this item to Council

APPROVED.

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

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

No: 1 - Brandau

3-E [ID16-057](#) WORKSHOP - Housing Element Update

Sophia Pagoulatos, Supervising Planner, DARM and Veronica Tam, Veronica Tam & Associates presented this item to Council.

PRESENTED

3-F [ID16-024](#) Approve Option-to-Lease Agreement between the City of Fresno and Amber Kinetics for 25 acres of land at the Fresno-Clovis Regional Water Reclamation Facility at 2201 South Cornelia Avenue, Fresno, California 93706 (Council District 3)

Tommy Esqueda, Director Public Utilities presented this item to Council

APPROVED.

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

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

UNSCHEDULED COMMUNICATION

No one from the audience chose to speak during Unscheduled Communication.

4. CITY COUNCIL

4-B [ID16-067](#) ***RESOLUTION - Amending the Better Business Act providing an exception for businesses with a market capitalization of at least one billion dollars

Councilmember Brand introduced this item to Council. The changes contained in the amendment act include the following:

1) The applicant is a publicly traded company with a market capitalization of

at least \$1 billion as verified by a review of security exchange Commission Filings

2) The city is not guaranteeing payment or providing subsidy in excess of direct income the city would receive as a result of the proposed project based on incentive based subsidies

3) Ok as written

4) Ok as written

5) Add..the City Manager provides an opinion of the financial risk of approving the agreement is very low

No one from the public spoke on this item.

RESOLUTION 2016-5 APPROVED

On motion of Councilmember Brand, 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

- 4-A** [ID16-065](#) Actions pertaining to the Oversight Board for the Enterprise Accountability and Oversight Act and Construction Management Accountability and Oversight Act:
 - 1.***RESOLUTION - Amending the Enterprise Accountability and Oversight Act related to Enterprise and Construction Management Oversight Board appointments
 - 2.Fill vacant Oversight Board position(s)

THE ABOVE ITEM WAS CONTINUED TO JANUARY 28, 2016.

- 4-C** [ID16-071](#) RESOLUTION - Recognizing the November 1984 Anti-Sikh Violence in India as "Genocide"

THIS ITEM WAS REMOVED FROM THE AGENDA BY STAFF.

5. CLOSED SESSION

The City Council met in Closed Session in Room 2125 from 11:44 A.M. to 12:00 Noon to discuss the following:

- [ID16-056](#) A. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - Government Code Section 54956.9, subdivision (d)(2)
1. City of Fresno, et al. v. General Chemical, et al.

The above item was discussed during Closed Session. No Open Session announcement was made regarding this item.

ADJOURNMENT

The Council meeting was adjourned at 11:45 A.M. in honor of Martin Luther King, Jr.

The above minutes were approved by a unanimous vote of the City Council on January 28, 2016