



City of Fresno

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

Meeting Minutes City Council

President - Clinton J. Olivier

Vice President - Esmeralda Z. Soria

Councilmembers:

Oliver L. Baines, III, Steve Brandau, Garry Bredefeld,

Paul Caprioglio, Luis Chavez

City Manager - Bruce Rudd

City Attorney - Douglas T. Sloan

City Clerk - Yvonne Spence, CMC

Thursday, December 7, 2017

8:30 AM

Council Chambers

Regular Meeting

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

8:37 A.M. ROLL CALL

Present: 4 - Councilmember Oliver L. Baines III
Councilmember Garry Bredefeld
Councilmember Paul Caprioglio
Councilmember Luis Chavez

Invocation by Zack Darrah from Fresno Interdenominational Refugee Ministry (FIRM)

Pledge of Allegiance to the Flag

APPROVE AGENDA

Assistant City Clerk Parra announced the following changes to the agenda:

Add-on: Proclamation for Angel McCurn for Third Quarter Award Winner for Fresno Regional Workforce Development Board. File ID 17-1522

(10:00A.M. #3) Continued Hearing to Consider Supplemental Environmental Impact Report (SEIR) No. 10151 for the Producers Dairy Project -Continued to January 11, 2018 at 10:00 A.M.. File ID 17-1563 (3-D) and File ID 17-1641 (3-E) to be heard right before File ID 17-1603 (1:30P.M.) item.

On motion of Councilmember Brandau, seconded by Vice President Soria, the above item was adopted as amended. The motion carried

by the following vote:

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

CEREMONIAL PRESENTATIONS

[ID17-1582](#) Presentation of SPCA Pet of the Month

Sponsors: City Councilmember Caprioglio

PRESENTED

[ID17-1560](#) Presentation to Make a Difference Day Sponsors and Volunteers

Sponsors: Vice President Brandau

PRESENTED

Add-on: Proclamation for Angel McCurn for Third Quarter Award Winner for Fresno Regional Workforce Development Board

PRESENTED

APPROVE MINUTES

[ID17-121](#) Approval of minutes from September 21, 2017 and November 9, 2017

Sponsors: City Clerk's Office

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

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

COUNCILMEMBER REPORTS AND COMMENTS

Councilmember Caprioglio spoke regarding District 4's first Annual Gobble Gobble at El Dorado Park, thanked those individuals who donated food and helped with the event; Valley Industrial Partnership regarding shinning stars awards to honor outstanding Engineers; Safety Walk night at Sierra Madre Avenue and thanked the Mayor and Public Works for their help; November 30, 2017 presented a proclamation to Thomas Uribes for his years of service as the Communications Director at Fresno State; Celebrated the

unveiling of the Veteran's names at the VA hospital; asked Council President to adjourn in memory of all the Pearl Harbor Veterans who have fallen and stated Christmas has arrived at Fresno Airport and encouraged the public to check out the music and decorations.

Vice President Soria congratulated Fresno City College Ram Pantry for their grand opening on December 1, 2017; reminded the public that District 1 is doing their 5th annual toy drive until December 11, 2017 that will go to the under privileged children at Heaton Elementary and asked Administration if they applied for the 2020 Census Local Update of Census Addresses Operation (LUCA) program before the deadline on December 15, 2017.

Councilmember Bredefeld thanked Assistant City Manager Rudd and staff for their participation in putting up the Veterans Memorial at Fresno City Hall first floor.

1. CONSENT CALENDAR

APPROVAL OF THE CONSENT CALENDAR

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

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

- 1-A** [ID17-1557](#) ***RESOLUTION - Requesting County Clerk to Render Services Relating to Conduct of General and Special Municipal Elections (Subject to Mayor's Veto)

Sponsors: City Clerk's Office

RESOLUTION 2017-317 ADOPTED

This Action Item was approved on the Consent Calendar.

- 1-B** [ID17-1558](#) Approval of Agreement between the City of Fresno and the Fresno Council of Governments for Overall Work Program Planning Services

Sponsors: City Manager's Office

APPROVED

This Action Item was approved on the Consent Calendar.

- 1-C [ID17-1596](#) ***BILL NO. B-68 - (Intro. 11/9/2017) (For adoption) - Amending Subsection (b) of Section 7-910 of the Fresno Municipal Code, relating to collection compromise and write-off of claims of the City against others (Subject to Mayor's veto)

Sponsors: City Manager's Office, Personnel Services Department and City Attorney's Office

ORDINANCE 2017-66 ADOPTED

This Action Item was approved on the Consent Calendar.

- 1-D [ID17-1566](#) Approve the re-appointments of David Mercer, Lee Ann Eager and Chuck Riojas as Joint City/County members to the Fresno Regional Workforce Development Board (FRWDB)

Sponsors: City Councilmember Olivier

APPROVED

This Appointment was approved on the Consent Calendar.

- 1-E [ID17-1564](#) Approve the re-appointments of Ann Kloose (Councilmember Brandau) and Joe Garcia (Councilmember Bredefeld) to the Enterprise Capital Projects Oversight Board

Sponsors: Vice President Brandau and City Councilmember Bredefeld

APPROVED

This Appointments were approved on the Consent Calendar.

- 1-F [ID17-1608](#) Approve the re-appointment of Anthony Molina to the Bicycle and Pedestrian Advisory Committee

Sponsors: Vice President Brandau

APPROVED

This Appointment was approved on the Consent Calendar.

- 1-G [ID17-1502](#) ***RESOLUTION - 36th amendment to the Annual Appropriation Resolution (AAR) No 2017-165 appropriating \$125,000 to fund the City's reimbursable fire training program with Fresno City College (Requires 5 affirmative votes) (Subject to Mayor's veto)

Sponsors: Fire Department

RESOLUTION 2017-318 ADOPTED

This Resolution was adopted on the Consent Calendar.

- 1-H [ID17-1508](#) Reject all bids for the Cary Park Restroom Replacement Project
- Bid File No. 3554 (Council District 4)

Sponsors: Public Works Department

APPROVED

This Action Item was approved on the Consent Calendar.

- 1-I [ID17-1574](#) RESOLUTION - Of Intention to Annex the Territory Known as Assessor's Parcel Number 303-201-29 as Annexation No. 21 to the City of Fresno Community Facilities District No. 9 and to Authorize the Levy of Special Taxes (west side of N. Fresno Street just south of E. Alluvial Avenue); and setting the public hearing for January 11, 2018 at 10:00 a.m. (Council District 6)

Sponsors: Public Works Department

RESOLUTION 2017-319 ADOPTED

This Resolution was adopted on the Consent Calendar.

- 1-J [ID17-1575](#) RESOLUTION - Of Intention to annex Final Tract Map No. 5538 as Annexation No. 85 to the City of Fresno Community Facilities District No. 11 and to Authorize the Levy of Special Taxes (northwest corner of N. Polk and E. Dakota Avenues); and setting the public hearing for January 11, 2018 at 10:00 a.m. (Council District 1)

Sponsors: Public Works Department

RESOLUTION 2017-320 ADOPTED

This Resolution was adopted on the Consent Calendar.

- 1-K [ID17-1580](#) Actions pertaining to Final Map Tract No. 6056
1. RESOLUTION - Approving the Final Map of Tract No. 6056 and accepting dedicated public uses offered therein - southeast corner of N. Bryan Avenue and W. Gettysburg Avenue (Council District 1)

2. ***RESOLUTION - 41st amendment to the Annual Appropriation Resolution (AAR) No. 2017-165 appropriating \$291,000 in developer contributions for the acquisition of right-of-way for public street and public utility easements for the Final Map of Tract No 6056 on W. Gettysburg Avenue between N. Bryan Avenue and N. Hayes Avenue (Council District 1) (Requires 5 affirmative votes) (Subject to Mayor's veto)

Sponsors: Public Works Department

RESOLUTION 2017-321 ADOPTED

RESOLUTION 2017-322 ADOPTED

This Resolutions were adopted on the Consent Calendar.

- 1-L [ID17-1586](#) ***RESOLUTION - 1st Amendment to the Annual Appropriation Resolution (AAR) No. 2017-165 appropriating \$175,000 for Stadium Street Lighting along Bulldog Lane and Millbrook Avenue (Council District 4) (Requires 5 affirmative votes) (Subject to Mayor's veto)

Sponsors: Public Works Department

RESOLUTION 2017-323 ADOPTED

This Resolution was adopted on the Consent Calendar.

- 1-M [ID17-1632](#) Actions pertaining to the Fulton Street Reconstruction Project construction contract with American Paving Company of Fresno, California (Council District 3)
1. Approve Contract Change Order No. 64, which increases the contract amount by \$52,540.06
 2. Approve Contract Change Order No. 66, which decreases the contract amount by \$33,830.41
 3. Approve Contract Change Order No. 67, which increases the contract amount by \$28,600.00
 4. Approve Contract Change Order No. 68, which increases the contract amount by \$26,955.60
 5. Approve Contract Change Order No. 69, which increases the contract amount by \$75,000.00
 6. Approve Contract Change Order No. 70, which decreases the contract amount by \$7,695.32

Sponsors: Public Works Department

APPROVED

This Action Item was approved on the Consent Calendar.

- 1-N [ID17-1562](#) Award a Requirements Contract for the purchase of pH/Chlorine Residual Analyzers and associated equipment for an amount of \$220,524.58 to Hopkins Technical Products for the purchase of corrosion control equipment for water wells (Bid File 9416) (Citywide)

Sponsors: Department of Public Utilities

APPROVED

This Action Item was approved on the Consent Calendar.

- 1-O [ID17-1592](#) Actions pertaining to installation of an energy-passive groundwater recharge product at the City of Fresno's Leaky Acres Groundwater Recharge Facility (Council District 4):
1. Adopt a finding of Categorical Exemption pursuant to California Environmental Quality Act Guidelines Section 15304(f)
 2. RESOLUTION - Approving an exception to formal bidding procedures to award an agreement to The Water Group, LLC (Requires 5 affirmative votes)
 3. Approve construction agreement with The Water Group, LLC., for \$212,387

Sponsors: Department of Public Utilities

RESOLUTION 2017-324 ADOPTED

This Action Item was approved on the Consent Calendar.

- 1-P [ID17-1600](#) Actions pertaining to the Agreement with Provost & Pritchard Consulting Group, Inc. (Citywide):
1. Approve the First Amendment to Agreement with Provost & Pritchard Consulting Group, Inc. for an amount not to exceed \$99,000 for Engineering Design for Removal of 1,2,3 Trichloropropane (TCP) from Groundwater at Well Pump Station 70.
 2. Authorize the Director of Public Utilities, or designee, to sign all documents on behalf of the City of Fresno.

Sponsors: Department of Public Utilities

APPROVED

This Action Item was approved on the Consent Calendar.

- 1-Q [ID17-1588](#) Approve the Second Amendment to the Professional Consultant Services Agreement with Provost and Pritchard Engineering Group, Inc., to extend the Agreement to October 31, 2018, to complete the Project for the design of well head treatment improvements at Pump Stations 117 and 284 (County Island within Council District 2)

Sponsors: Department of Public Utilities

APPROVED

This Action Item was approved on the Consent Calendar.

- 1-R [ID17-1565](#) Approve the financing of four (4) vehicles for the M.A.G.E.C. expansion, using the City's existing Master Equipment Lease Purchase Agreement

Sponsors: Police Department

APPROVED

This Action Item was approved on the Consent Calendar.

- 1-S [ID17-1579](#) ***RESOLUTION - 6th amendment to Salary Resolution No. 2017-179 adding the new classification of Graffiti Abatement Technician with the associated salary range in Exhibit 1, Unit 1, Non-Supervisory Blue Collar (Local 39); and amending the minimum hourly rate for Cashier Clerk, Lifeguard, Senior Lifeguard, Pool Supervisor, Police Cadet I, Police Cadet II, Services Aide, Sports Official and Student Aide II in Exhibit 8, Non-Represented (Subject to Mayor's Veto)

Sponsors: Personnel Services Department

RESOLUTION 2017-325 ADOPTED

This Resolution was adopted on the Consent Calendar.

- 1-T [ID17-1590](#) Actions pertaining to amending Sections 3-107 and 3-264 of the Fresno Municipal Code
1. ***BILL NO. B-66 - (Intro. 11/9/2017) (For adoption) - Amending Section 3-107 of Chapter 3, Article 1 of the Fresno

Municipal Code Relating to Sick Leave and Special Leave
(Subject to Mayor's veto)

2. ***BILL NO. B-67 - (Intro. 11/9/2017) (For adoption) -
Amending Section 3-264 of Chapter 3, Article 2 of the Fresno
Municipal Code Relating to Special Provisions for the Fireman
Trainee Class (Subject to Mayor's veto)

Sponsors: Personnel Services Department

ORDINANCE 2017-67 ADOPTED

ORDINANCE 2017-68 ADOPTED

This Ordinance was adopted on the Consent Calendar.

- 1-U [ID17-1597](#) Approve a consulting services agreement with Intervistas Consulting, Inc. to conduct an Airport Ground Transportation Needs Study for Fresno Yosemite International Airport for an amount not to exceed \$78,748 (Council District 4)

Sponsors: Airports Department

APPROVED

This Action Item was approved on the Consent Calendar.

- 1-V [ID17-1601](#) Approve a Prepaid Financial Services Agreement between City of Fresno and Ready Credit Corporation to provide prepaid financial services at Fresno Yosemite International Airport. (Council District 4)

Sponsors: Airports Department

APPROVED

This Action Item was approved on the Consent Calendar.

3. GENERAL ADMINISTRATION

- 3-A [ID17-1587](#) Approve Change Order No. 12 to the construction contract with W.M. Lyles Company for the City of Fresno's Southeast Surface Water Treatment Facility to increase the lump sum scope of work by \$990,191 (Citywide)

Sponsors: Department of Public Utilities

The above item was introduced to Council by Planning Manager Michael Corbajal, Public Utilities Department.

Upon call, there was no public comment.

APPROVED

On motion of Councilmember Caprioglio, seconded by President Olivier, the above Action Item be approved. The motion carried by the following vote:

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

- 3-B** [ID17-1578](#) Award a requirements contract in the amount of \$571,371 to Calgon Carbon Corporation, for delivery, installation, removal and destruction or regeneration of Granular Activated Carbon-Bid File 9404 (Citywide)

Sponsors: Department of Public Utilities

The above item was introduced by Assistant Director Brain Spindor, Public Utilities Department.

Upon call, there was no public comment.

APPROVED

On motion of Councilmember Caprioglio, seconded by President Olivier, that the above Action Item be approved. The motion carried by the following vote:

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

- 3-C** [ID17-1598](#) BILL - (For introduction) - Amending Section 10-611 of the Fresno Municipal Code relating to Illegal Dumping within the City of Fresno (Citywide)

Sponsors: Department of Public Utilities

The above item was introduced to Council by Assistant Direction Jerry Schuber, Public Utilities Department.

Upon call, there was no public comment.

Councilmember Brandau made a comment that he was in Highway City and saw a few couches and loveseats that were dumped illegally and looks forward to adding more cameras and participating in making the City of Fresno's fines stricter. Councilmember Brandau continued to state that many of the illegal dumping are from apartment complex residences.

Councilmember Brandau motioned to approve the item as presented. Councilmember Caprioglio seconded the motion.

Vice President Soria asked staff how effective is it going to be to increase fines and what the percentages of fines are collected in terms of enforcement. Staff stated that currently, 85 percent of the fines have been collected. Vice President Soria continued to ask if the increase in fines will cover the actual cost of going out and cleaning up the dumping. Soria continued to ask if staff feels confident that the increase in fines will help stop the illegal dumping and would impounding their vehicle happen as the first citation or after multiple fines. Vice President Soria asked what the time frame at the convenience center for individuals to dump legally.

Councilmember Bredefeld asked staff where the cameras are located and how many cameras are there. Councilmember Bredefeld went on to asked staff if they are putting liens on tax returns and if any vehicles have been impounded at this point. Bredefeld continued to ask what the procedures are to impound vehicles and at what point would staff be impounding the vehicle. Councilmember Bredefeld suggested that staff work on a specific plan on impounding vehicles and to come back to Council for approval.

Councilmember Caprioglio encouraged staff to find a way to impound vehicles to make a statement to the residences.

Councilmember Chavez asked staff how easily the cameras can be removed and placed elsewhere. Councilmember Chavez asked what would be the criteria for placing cameras in a certain with Assistant Director Schuber responding.

Councilmember Bredefeld asked Council to amend the motion to make a policy that after the second offense and on a different day staff will impound

the vehicle. Councilmember Brandau and Councilmember Caprioglio agreed to include the amendment to the main motion.

City Attorney Sloan stated that impoundment of a vehicle only applies when there is misdemeanor prosecution and not a civil penalty. Mr. Sloan stated that under state law the judge can impose an impoundment if there was a prior conviction for the same thing, that Council can then direct the City Attorney's office to pursue impoundment upon the second conviction.

Councilmember Brandau and Councilmember Baines suggested that the amendment come back to Council on a separate day for approval once all information has been established.

Assistant City Manager Rudd suggested that a formal policy come back to Council stating that once a second citation is issued on a different day, the vehicle would be impounded.

Councilmember Baines and Vice President Soria stated they do not support the amendment but suggested that the policy come back at a later date for approval once the information is collected.

Councilmember Bredefeld withdrew his amendment to the motion and directed staff to come back to Council with a formal policy for approval.

Council President Olivier left the meeting at 9:39 A.M. and returned to Council at 9:58: A.M.

BILL B-70 INTRODUCED AND LAIDOVER

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

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

- 3-F** [ID17-1584](#) Approve the award of a cooperative purchase agreement to Ruckstell Sales of Fresno, California, for the purchase of two 520 Peterbilt rear-loading refuse trucks in the amount of

\$606,000

Sponsors: Department of Transportation

The above item was introduced to Council by Director Jim Schaad, Transportation Department.

Council President Olivier and Councilmembers Brandau, Caprioglio left the meeting at 10:03 A.M.

Upon call, there was no public comment.

APPROVED

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

Aye: 4 - Soria, Baines III, Bredefeld and Chavez

Absent: 3 - Olivier, Brandau and Caprioglio

2. SCHEDULED COUNCIL HEARINGS AND MATTERS

10:00 A.M.#1

- [ID17-1577](#) HEARING to adopt resolutions and ordinance amending Annexation No. 74 of the City of Fresno Community District No. 11, Final Tract Map No. 6139, to change the rate and method of apportionment of the special tax, and the Maximum Special Tax to be levied (Northeast corner of N. Polk Avenue and W. Olive Avenue) (Council District 3)
1. ***RESOLUTION - Authorizing the Amendment of Annexation No. 74 of Community Facilities District No. 11 and to Authorize the Change in the Rate and Method of Apportionment of the Special Tax and the Levy of a New Maximum 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) - Amending Ordinance No. 2017-12 and Levying a Changed Maximum

Special Tax for the Property Tax Year 2017-2018 and Future
Tax Years Within and Relating to Community Facilities District
No. 11, Annexation No. 74 (Subject to Mayor's Veto)

Sponsors: Public Works Department

The hearing was called to order.

Councilmember Caprioglio returned to the meeting at 10:06 A.M.

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

Upon call, there was no public comment.

RESOLUTION 2017-326 ADOPTED

RESOLUTION 2017-327 ADOPTED

RESOLUTION 2017-328 ADOPTED

BILL B-71 ADOPTED

ORDINANCE 2017-69 ADOPTED

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

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

Absent: 2 - Olivier and Brandau

10:00 A.M.#2

[ID17-1576](#) HEARING to adopt resolutions and ordinance amending
Annexation No. 54 of the City of Fresno Community District No.
11, Final Tract Map No. 6073, to change the rate and method of
apportionment of the special tax, and the Maximum Special Tax
to be levied (Southeast corner of N. Fowler and E. Hamilton
Avenues) (Council District 5)
1. ***RESOLUTION - Authorizing the Amendment of Annexation
No. 54 of Community Facilities District No. 11 and to Authorize
the Change in the Rate and Method of Apportionment of the
Special Tax and the Levy of a New Maximum 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) - Amending Ordinance No. 2014-37 and Levying a Changed Maximum Special Tax for the Property Tax Year 2017-2018 and Future Tax Years Within and Relating to Community Facilities District No. 11, Annexation No. 54 (Subject to Mayor's Veto)

Sponsors: Public Works Department

The hearing was called to order.

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

Assistant Director Benelli made corrections to the title.

Upon call, there was no public comment.

RESOLUTION 2017-329 ADOPTED

RESOLUTION 2017-330 ADOPTED

RESOLUTION 2017-331 ADOPTED

BILL B-72 ADOPTED

ORDINANCE 2017-70 ADOPTED

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

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

Absent: 2 - Olivier and Brandau

10:00 A.M.#3

(CONTINUE TO JANUARY 11, 2018 AT 10:00 A.M.)

[ID17-1522](#) CONTINUED HEARING to Consider Supplemental Environmental Impact Report (SEIR) No. 10151 (State Clearinghouse (SCH) No. 2017031030), Development Permit

No. D-16-088 and Variance Application No. V-17-01 for the Producers Dairy Project located on the south side of E. Belmont Avenue between N. Ferger and N. Roosevelt Avenues in the City of Fresno. (Council District 3)

1. RESOLUTION -Certifying Supplemental Final EIR No. 10151 (SCH No. 2017031030), for the Producers Dairy Project located at 450 East Belmont Avenue; and,

a. ADOPT Findings of Fact as required by Public Resources Code Section 21081(a) and CEQA Guidelines, Section 15091; and

b. ADOPT the Statement of Overriding Considerations as required by Public Resources Code, Section 21081(b) and CEQA Guidelines, Section 15093.

c. APPROVE a Mitigation Monitoring and Reporting Program as required by Public Resources Code Section 21081.6 and CEQA Guidelines Section 15097; and,

2. APPROVE Development Permit Application No. D-16-088 (subject to the attached Conditions of Approval dated October 4, 2017).

3. APPROVE Variance Application No. V-17-001.

Sponsors: Development and Resource Management Department

The above item was continued to January 11, 2018 at 10:00 A.M.

10:05 A.M.

[ID17-1581](#) Hold a continued public hearing and approve items related to the granting of a Non-Exclusive Roll-Off Franchise for roll-off collection services (Citywide)

1. CONTINUED HEARING in accordance with Fresno City Charter Section 1301 related to ordinance and adoption of ordinance

2. ***BILL NO. B-59 (Intro. 10/26/2017) (For adoption) of the City of Fresno, which grants to Eagle Transportation and North Cal Hauling Company, a Non-Exclusive Franchise for Roll-Off Collection Services within the City of Fresno (Subject to Mayor's veto)

3. Authorize the Director of Public Utilities or designee, to execute an Agreement of Non-Exclusive Franchise for Roll-Off Collection Services with the City of Fresno

Sponsors: Department of Public Utilities

The hearing was called to order.

Councilmember Brandau returned to the meeting at 10:08 A.M. and Councilmember Chavez left the meeting at 10:09 A.M.

The above item was introduced by Director Esqueda, Public Utilities Department.

Upon call, there was no public comment.

ORDINANCE 2017-71 ADOPTED

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

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

Absent: 2 - Olivier and Chavez

10:10 A.M.

ID17-1499 HEARING - Regarding the vacation of a portion of N. Carnegie Avenue between Union Pacific Railroad and W. Bullard Avenue (Council District 2)

1. ***RESOLUTION - Ordering the vacation of N. Carnegie Avenue between Union Pacific Railroad and W. Bullard Avenue (Subject to Mayor's veto)

Sponsors: Public Works Department

The hearing was called to order.

The above item was introduced to Council by Chief Surveyor Jason Camit, Public Works Department.

Upon call, there was no public comment.

RESOLUTION 2017-332 ADOPTED

On motion of Councilmember Brandau, seconded by Councilmember

Baines III, that the above Action Item be approved. The motion carried by the following vote:

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

Absent: 2 - Olivier and Chavez

- 3-G** [ID17-1585](#) Approve the award of a purchase contract to Quinn Company of Fresno, California, for the purchase of one Caterpillar Model AP1055F asphalt paver in the amount of \$528,175

Sponsors: Department of Transportation

The above item was introduced to Council by Director Jim Schaad, Transportation Department.

Councilmember Chavez returned to the meeting at 10:13 A.M.

Upon call, there was no public comment.

Vice President Soria asked staff how often is the equipment replaced. Staff responded every 10 years.

Council President Olivier returned to the meeting at 10:15 A.M.

APPROVED.

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

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

- 3-H** [ID17-1604](#) Approve the award of a cooperative purchase agreement to Ruckstell Sales of Fresno, California, for the purchase of eleven Peterbilt side-loading refuse trucks in the amount of \$3,973,500

Sponsors: Department of Transportation

The above item was introduced to Council by Director Jim Schaad, Transportation Department.

Upon call, there was no public comment.

APPROVED.

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

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

- 3-I** [ID17-1591](#) ***RESOLUTION - 34th amendment to the Annual Appropriation Resolution (AAR) No. 2017-165 appropriating \$4,626,700 for operating programs and previously approved capital improvement projects in the Public Works Department (Citywide) (Requires 5 affirmative votes) (Subject to Mayor's veto)

Sponsors: Public Works Department

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

Upon call, there was no public comment.

Vice President Soria asked staff if the item included Senate Bill 1 dollars and questioned what the time frame was for when the project would be up and running and are the dollars we have now being used.

RESOLUTION 2017-333 ADOPTED

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

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

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

UNSCHEDULED COMMUNICATION

Upon call, there was no unscheduled communication

10:20 A.M. SCHEDULED COMMUNICATION

[ID17-1593](#) Appearance by Mary Esther Correa and George Torres to discuss the Code Enforcement fines she has received on her property located in District 7

DID NOT APPEAR

City Council recessed to Closed Session at 10:22 A.M.

There was no announcements after Closed Session

5. CLOSED SESSION

- 5-A [ID17-1607](#) CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION - Government Code Section 54956.9, subdivision (d)(1)
1. City of Fresno vs. Eluid Hernandez; Fresno County Superior Court Case No.: 17CECG01665;
 2. Eluid Hernandez vs. City of Fresno; Fresno County Superior Court Case No.: 17CECG03630

Sponsors: City Attorney's Office

DISCUSSED

City Council recessed at 10:30 A.M.

City Council returned from recess at 1:40 P.M.

- 3-D [ID17-1563](#) ***RESOLUTION - Amending Reserve Management Act (Subject to Mayor's veto)

Sponsors: Mayor's Office

The above item was introduced to Council by Mayor Brand.

Upon call, there was no public comment.

Councilmember Bredefeld asked staff if there was money in the fund and if the money should be in the reserve.

RESOLUTION 2017-334 ADOPTED.

On motion of Councilmember Caprioglio, seconded by

Councilmember Baines III, that the above Action Item be approved.

The motion carried by the following vote:

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

- 3-E** [ID17-1641](#) Actions pertaining to the sale of approximately ±0.74 acres of land at the northeast corner of Inyo and M Street (APN 468-212-20T) to Metro Hospitality Services, Inc.:
1. Adopt a finding of Categorical Exemption pursuant to Section 15332/Class 32 of the California Environmental Quality Act (CEQA) Guidelines.
 2. Approve the Disposition and Development Agreement with Metro Hospitality Services, Inc. for the sale of approximately ± 0.74 acres of land at the northeast corner of Inyo and M Street (APN 468-212-20T) Hospitality Services for \$644,688 (District 3)

Sponsors: City Manager's Office

The above item was introduced to Council by Business Manager Laura Gloria, City Manager's Office.

Upon call, there was no public comment.

Councilmember Bredefeld asked staff when will the project be constructed.

APPROVED.

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

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

**1:30 P.M. JOINT MEETING OF THE CITY OF FRESNO, THE
SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF
THE CITY OF FRESNO, AND FRESNO REVITALIZATION
CORPORATION**

- A** [ID17-1603](#) Actions pertaining to the Owner Participation Agreement with 1501 N. Blackstone Avenue, L.P.:

- 1.***RESOLUTION - Approving an Interfund Loan Agreement between the General Fund and the Low and Moderate Income Housing Asset Fund (Requires 5 affirmative votes) (Subject to Mayor's veto) (Council and FRC action)
- 2.***RESOLUTION - 37th amendment to the Annual Appropriation Resolution (AAR) No. 2017-165 to appropriate \$600,000 for the project at 1501 N. Blackstone Avenue, L.P. (Requires 5 affirmative votes) (Subject to Mayor's veto) (Council and FRC action)
- 3.***RESOLUTION - 38th amendment to the Annual Appropriation Resolution (AAR) No. 2017-165, to appropriate \$500,000 to fund the Project at 1501 N. Blackstone Avenue, L.P. (Requires 5 affirmative votes) (Subject to Mayor's veto) (Council action)
4. Approve the First Amended and Restated Owner Participation Agreement with 1501 N. Blackstone Avenue, L.P. (Council and FRC action)

Sponsors: Council President Soria

The hearing was called to order at 1:48 P.M.

The above item was introduced by Mayor Brand and Vice President Soria.

Upon call the following members of the public addressed council: Eric Payne, Donald Lopez, Ruben Chavez, Dorthy Smith and Keith Bergthold.

Hearing closed at 2:22 P.M.

Jake Lingo, Integrated Community Development spoke regarding the future development for Blackstone and McKinley.

*Vice President Soria motioned to approve the item as presented.
Councilmember Baines seconded the motion.*

Councilmember Brandau thanked Mayor Brand for his presentation, stated he is opposed to the project and asked Mayor Brand if he would be prepared to support the project five years from now. Councilmember Brandau continued to ask the applicant what the rent per various sized units and why

the huge rent range between the units. Councilmember Brandau opposed the project on the basis that the selected model for \$38 million only provides 88 units instead of choosing a different model that would provided 200 units.

Councilmember Bredefeld agreed with Councilmember Brandau and asked staff what is the number that is needed for affordable housing and stated that the cost is going up while the units have remained at 88.

Councilmember Bredefeld also opposed the chosen model and the proposed project.

Councilmember Baines acknowledged Vice President Soria for all her work on the project. Councilmember Baines stated that affordable housing is important and commented about the potential economic development investment opportunity from the property value increasing and that this will benefit the General Fund and create jobs.

Councilmember Chavez stated he agreed with both sides that the project has a few issues but supports the potential that this brings for Fresno residence.

Councilmember Brandau offered solutions and stated to remove prevailing wages, zero sum-energy program that is a political payoff and remove owners regulations that penalizes green field.

Mayor Brand spoke regarding the project and the community investment for about 400 individuals.

Council President Olivier addressed two articles in the Fresno Bee and stated Blackstone is not bad nor is it in need of revitalization instead the area is a great place to live and work.

Vice President Soria motioned to approve the items 1-3 as presented. Councilmember Baines seconded the motion. Motion PASSED 5/2, Councilmembers Brandau and Bredefeld voted No.

Vice President Soria motioned to approve item 4 as presented. Councilmember Baines seconded the motion. Motion PASSES 4/3,

Councilmembers Brandau, Bredefeld and Council President Olivier voted no.

RESOLUTION 2017-335 ADOPTED

RESOLUTION 2017-336 ADOPTED

RESOLUTION 2017-337 ADOPTED

APPROVED

- B** [ID17-1561](#) RESOLUTION - Designating positions which shall be subject to the conflict of interest code and defining categories of disclosure for such positions

Sponsors: City Clerk's Office

RESOLUTION 2017-338 ADOPTED

SA-39 ADOPTED

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

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

4. CITY COUNCIL

ADJOURNMENT

City Council adjourned at 3:29 P.M. in memory of the fallen Pearl Harbor Veterans.

The above minutes were approved at the December 14, 2018 meeting with a motion from Councilmember Caprioglio and a second from Councilmember Brandau. The motion passed on a 6-0 vote.