

Agenda Item: File 19-1389

Date: 3/20/2019

FRESNO CITY COUNCIL



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Agenda Related Item(s) – File ID 19-1389

Contents of Supplement: March 14, 2019 Minutes
Item(s)

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City of Fresno

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



Meeting Minutes - Draft

Thursday, March 14, 2019

9:00 AM

Regular Meeting

Council Chambers

City Council

President - Steve Brandau

Vice President - Miguel Angel Arias

Councilmembers:

***Esmeralda Z. Soria, Paul Caprioglio, 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.

9:08 A.M. ROLL CALL

Present: 7 - President Steve Brandau
Vice President Miguel Angel Arias
Councilmember Esmeralda Z. Soria
Councilmember Paul Caprioglio
Councilmember Luis Chavez
Councilmember Garry Bredefeld
Councilmember Nelson Esparza

Invocation by Reverend Raygan Baker from the First Congregational Church

Pledge of Allegiance to the Flag

APPROVE AGENDA

City Clerk Spence announced the following changes to the agenda: File ID 19-1284 - Transgender Day of Visibility was removed from the agenda, File ID 19-1283 - Proclamation of Cesar Chavez Day, Councilmember Chavez was added as a sponsor to the proclamation and current Councilmembers presented the outgoing Council President, Steve Brandau with a proclamation for his service on the city council.

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

Aye: 7 - Brandau, Arias, Soria, Caprioglio, Chavez, Bredefeld and Esparza

APPROVE MINUTES

[ID19-1161](#) Approval of minutes for March 7, 2019.

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

Aye: 7 - Brandau, Arias, Soria, Caprioglio, Chavez, Bredefeld and Esparza

CEREMONIAL PRESENTATIONS

[ID19-1205](#) Fresno Regional Workforce Development Board's 4th Quarter Award Winner.

PRESENTED

[ID19-1281](#) Proclamation of "Safe Place Week"

PRESENTED

[ID19-1282](#) Proclamation of "Women's History Month"

PRESENTED

[ID19-1283](#) Proclamation of "Cesar Chavez Day"

Councilmember Chavez was added as a sponsor to the Proclamation.

PRESENTED

[ID19-1284](#) Proclamation of "Transgender Day of Visibility"

The above Proclamation was removed from the agenda by staff.

[ID19-1325](#) Proclamation of "Small Business Development Center Day"

PRESENTED

Proclamation presented to Council President Brandau, District 2 for his service on the City Council.

PRESENTED

COUNCILMEMBER REPORTS AND COMMENTS

Councilmember Caprioglio reminded everyone that Granville Homes will be kicking off the Homes of Hope event in District 4, Saturday, March 16, 2019 from 9:30 A.M. to 5:00 P.M. and stated the proceeds will be going to the Fresno Police Department Chaplaincy. Councilmember Caprioglio also mentioned the Mountain West Tournament for the Fresno State Basketball game.

Councilmember Chavez thanked Officer Beckwith and Officer Miller for the Homeless Taskforce Tour in Districts 3, 5 and 7.

Councilmember Esparza attended the Finance and Audit Committee

meeting regarding the parking audit on Monday, March 11, 2019. He attended the Fresno Chamber of Commerce, Government Affairs Council meeting, Wednesday, March 13, 2019. Councilmember Esparza stated he will be participating in the University of California, San Francisco (UCSF) Match Day for medical students and residents, Friday, March 15, 2019.

Council President Brandau requested that Council continue to support the Make a Difference Soccer event when he leaves office. Council Vice President Arias and Councilmember Soria stated they will continue to support the event and that Council Vice President Arias' office will take the lead.

1. CONSENT CALENDAR

On motion of Councilmember Caprioglio, seconded by Councilmember Soria, the below CONSENT CALENDAR items were approved. The motion carried by the following vote:

Aye: 7 - Brandau, Arias, Soria, Caprioglio, Chavez, Bredefeld and Esparza

- 1-A** [ID19-1293](#) ***RESOLUTION - Repealing Resolution No. 2017-339 and Clarifying Procedures for Retention and Production of Public Records Contained in Electronic Media (Subject to Mayor's veto)

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

- 1-B** [ID19-1153](#) Accept Real Property Donation from the Fresno-Greater San Joaquin Valley Jr. Golf Foundation - 1604 S. Teilman Ave., Fresno, CA 93706 APN #464-080-15, AKA The Len Ross Golf Center. (Council District 3)

- 1-C** [ID19-1297](#) Approve Amendment No. 11 to Agreement between City of Fresno and ERM-West, Inc., to provide ongoing engineering, environmental and remedial actions concerning groundwater contamination at Fresno Yosemite International Airport for an amount not to exceed \$441,778 (Council District 4)

- 1-D** [ID19-1298](#) Approve Consultant Services Agreement with Jacobs Engineering Group, Inc., a Delaware corporation, in the amount of not to exceed \$245,606 to provide a condition assessment of capital equipment and components at the Fresno/Clovis Regional Wastewater Reclamation Facility and sewer lift

stations (Citywide)

- 1-E [ID19-1339](#) Approve the appointment of Jasjit Kamboj and the reappointments of Annalisa Perea and William Simon to the Tower District Design Review Committee

CONTESTED CONSENT CALENDAR

- 1-A [ID19-1293](#) ***RESOLUTION - Repealing Resolution No. 2017-339 and Clarifying Procedures for Retention and Production of Public Records Contained in Electronic Media (Subject to Mayor's veto)

The above item was introduced to Council by Chief Information Officer Horn, ISD Department.

Councilmember Esparza stated he would like this item to be tabled and asked staff to clarify the language for destroying emails after 30 days and asked who it applied to. Chief Information Officer Horn responded the language applies to everyone and only the deleted items will go away after 30 days, the inbox and emails in all other folders will be destroyed seven years.

Councilmember Soria asked for further discussion and agreed to table the item. She asked for a broader conversation about record retention and would like a comparison with other municipalities when it comes to email retention.

Council Vice President Arias suggested that when the item returns to Council that the item be presented by legal counsel. He asked that the item be brought back with a full scope of how the City of Fresno handles records for electronic, paper and video production, to have the ability to respond to public records in a timely manner and to make any adjustments if needed internally.

City Manager Quan agreed to partner with the City Attorney's Office and bring back to Council a workshop in the next month.

Councilmember Soria and Council Vice President Arias asked Chief Information Officer Horn for faster internet service and to reduce the firewall in order for their staff to have the ability to access the internet and research.

Upon consensus of the Council the above item was tabled to next month.

2. SCHEDULED COUNCIL HEARINGS AND MATTERS

10:00 A.M.

- [ID19-1340](#) CONTINUED HEARING to Consider Annexation Application No. ANX-18-002, Plan Amendment Application No. A-18-001; Pre-zone Application No. R-18-002; Vesting Tentative Tract Map No. 6198/UGM; and, related Environmental Assessment No. ANX-18-002/A-18-001/R-18-002/T-6198 for approximately 26.92 acres of property located on the northwest corner of West Shaw and North Grantland Avenues (Council District 2)
- a. ADOPT the Finding of a Mitigated Negative Declaration prepared for Environmental Assessment No. ANX-18-002/A-18-001/R-18-002/T-6198 dated May 11, 2018 and Addendum dated December 19, 2018.
 - b. ***RESOLUTION - Approving Annexation Application No. ANX-18-002 (for the Shaw-Grantland No. 4 Reorganization) proposing detachment from the North Central Fire Protection District and the Kings River Conservation District and annexation to the City of Fresno. (Subject to Mayor's veto)
 - c. RESOLUTION - Approving Plan Amendment Application No. A-18-001 proposing to amend the Fresno General Plan and the West Area Community Plan to change the planned land use designations for the subject property from Community Commercial (±12.66 acres) and Urban Neighborhood (±14.26 acres) to Medium Density Residential (±26.92 acres).
 - d. BILL approving Pre-zone Application No. R-18-002 proposing to pre-zone the subject property from the Fresno County RR (*Rural Residential*) zone district to the RS-5/UGM (*Residential Single Family/Urban Growth Management*) zone district.
 - e. APPROVE Vesting Tentative Tract Map No. 6198/UGM subject to compliance with the Conditions of Approval dated December 19, 2018.

The item was called to order at 10:07 A.M.

The above item was introduced to Council by Planner III Trejo, DARM Department.

Council Vice President Arias asked staff when the supplement was provided to Council. Planner III Trejo responded.

Planner III Trejo summarized the letter that was sent to God's Family Church. Planner III Trejo mentioned that the letter gives three options: 1. Connection to sewer, 2. Connection to water and 3. Trash pickup.

Council President Brandau asked Jackie Dugan with God's Family Church to speak regarding their thoughts on the letter and the supplement that was provided to the Council. Ms. Dugan responded by stating the supplement that Council received was incorrect and not the one that the Church agreed upon. Council President Brandau asked City Attorney Sloan if Council could make changes to the supplement. City Attorney Sloan responded. Council Vice President Arias requested the item be continued until all supporting documents are reviewed by City Council and City Attorney's Office.

Council President Brandau asked staff if this item is time sensitive. Assistant Director Sanchez responded.

Councilmember Soria asked that the staff report reflect the changes requested by Council and to make sure City Attorney's Office reviews the report. Council President Brandau requested a meeting with Councilmember Soria and staff to review the documents to make sure the staff report includes all the new information that was provided to the church. Council Vice President Arias asked Council President Brandau to give the City Council a status update from the meeting in advance of the next Council meeting.

Upon consensus of the Council the item was continued to March 21, 2019 at 10:00 A.M.

3. GENERAL ADMINISTRATION

3-A [ID19-1296](#)

Award a Construction Contract to Dawson-Mauldin, LLC, in the amount of not to exceed \$744,725 to construct well site improvements at Pump Station 210A, located at 4104 N. Fruit Avenue (Bid File 3633) (Council District No. 1)

The above item was introduced to Council by Licensed Engineer Pavic, Public Utilities Department.

Upon call, there was no public comment.

Councilmember Soria asked staff about the lowest bid in the amount of \$744,725 and if the staff felt comfortable that there will not be change orders in the future as a result of the lowest bid. She asked what was the budget that was set when the Request for Proposal (RFP) went out. Licensed Engineer Pavic responded.

APPROVED

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

Aye: 7 - Brandau, Arias, Soria, Caprioglio, Chavez, Bredefeld and Esparza

- 3-B** [ID19-1327](#) Approve Revised Spending Plan for City of Fresno's Homeless Emergency Aid Program (HEAP) funds in the amount of \$3,105,519.90 in HEAP Funding awarded by the State of California Coordinating and Financing Council to the City of Fresno December 20, 2018.

The above item was introduced to Council by Director Strategic Initiative Spees, Mayor's Office.

Upon call, there was no public comment.

Councilmember Esparza asked staff to clarify Attachment A under the outreach program and what it meant to recalibrate the Hero team. Director Strategic Initiative Spees responded.

Council Vice President Arias asked staff to speak to the history of the investments of dollars for triage and outreach for the homeless. He asked if it would be limited to the Community Development Block (CDBG) Funds. Council Vice President Arias also asked if it was fair to say that the investment is a record investment on behalf of the City of Fresno and the area of triage and outreach for homeless. Director Strategic Initiative Spees responded.

Director Strategic Initiative Spees mentioned that all of Councilmember

Soria's initial requests were included in the project; 1. Youth funds were augmented, 2. A portion of the outreach funds went towards mitigation by hiring homeless individuals and 3. Family services.

Councilmember Soria asked staff if the triage centers are making the shelters look like tiny home villages. Director Strategic Initiative Spees replied. Councilmember Soria asked City Clerk's Office to removed the two supplemental letters that were attached to this item as they do not apply to the item as presented.

APPROVED

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

Aye: 7 - Brandau, Arias, Soria, Caprioglio, Chavez, Bredefeld and Esparza

SCHEDULED COUNCIL HEARINGS AND MATTERS (CONTINUED)

10:30 A.M.

[ID19-1328](#) ***RESOLUTION - Approving the installation of the Fresno Veterans Memorial on the south lawn adjacent to the flag poles in front of City Hall. The memorial is dedicated to the veterans of Fresno who sacrificed their lives in service to our country during war. (Subject to Mayor's veto)

The above item was introduced to Council by Councilmember Bredefeld, District 6, Councilmember Soria, District 1 and Mayor Brand, Mayor's Office.

Councilmember Chavez asked Deputy Director Mike Harris about the Legion of Valor Museum. Mr. Harris responded. Councilmember Chavez asked to form a veterans district to support the Legion of Valor Museum.

Councilmember Caprioglio asked Councilmember Bredefeld if in the future the monument could expand past Fresno and include those who lost their lives that were not City of Fresno residents.

Council Vice President Arias spoke about the condition of the Veterans

Memorial Hall and stated the building needs to be focused on and addressed the need for major repairs. He stated that before the monument is completed, should there be a plan for a veterans district that will outline how Council will fix Veterans Memorial Museum and that the plan be approved by the City Council prior to completing the monument.

Councilmember Soria spoke regarding the upcoming budget and the opportunity to fix the Veterans Memorial Museum and supports the request to focus on the Veterans Memorial Museum before the completion of the monument.

Councilmember Caprioglio encouraged the Council to reach out to Sacramento to apply for funding to help with the Veterans Memorial Museum.

Upon call, the following member of the public addressed Council: Minerva Garcia.

Council President Brandau supports the creation of the veterans district and does not agree with putting the monument on hold until the Veterans Memorial Museum is finished. Council President Brandau donated \$10,000 of District 2 infrastructure funds and is applying it to the project.

RESOLUTION 2019-046 ADOPTED

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

Aye: 7 - Brandau, Arias, Soria, Caprioglio, Chavez, Bredefeld and Esparza

4. CITY COUNCIL

4-A [ID19-1229](#) RESOLUTION - Creating Roles and Responsibilities for the Citywide Records Management Program

City Manager Quan requested the item be tabled and brought back with the resolution for retention and production of public records contained in electronic media.

The above item was introduced to Council by City Clerk Spence, City Clerk's Office.

Council President Brandau asked that the City Clerk be involved in the meetings for both items.

Council Vice President Arias asked that no records be destroyed in the meantime until there is clarity.

Upon call, there was no public comment.

Upon consensus of the Council the above item was tabled to next month and staff was directed to stop destroying records until there is a policy and to include Council President and Council Vice President Arias in the meeting.

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 members of the public addressed Council: David Love and Russell Letsinger

Council Vice President Arias suggested Mr. Letsinger make an appointment with Director Strategic Initiative Spees in the Mayor's Office.

CITY COUNCIL (CONTINUED)

- 4-B** [ID19-1301](#) Presentation of parking audit findings and Council direction regarding role and purpose of the Council Finance and Audit Committee.

The above item was presented to Council by Councilmember Esparza, District 7, Council President Brandau, District 2, Councilmember Bredefeld, District 6, City Manager Quan, City Manager and Director Lima, Finance Department.

Council Vice President Arias asked Director Lima for a full presentation of the parking audit and he asked several questions regarding the process and procedures of the audit. Director Lima responded. Council Vice President Arias asked Principal Internal Auditor Agrawal several questions regarding

the final scope, the timeline of the audit and the audit that was conducted and finalized. Internal Auditor Agrawal responded. Council Vice President Arias asked that the Council have clear definition for the role of the Finance and Audit Committee and he would like the Finance and Audit Committee to have access to draft findings, but not be able to change any of the findings. Council Vice President Arias would like to have a way to present the audit findings to the full Council and he would like a policy, procedure and protocol for the Finance and Audit Committee.

Councilmember Chavez thanked City Manager Quan for being proactive on the audit and the corrections that have been made so far. He stated he is interested in the policy of what the Finance and Audit Committee would be guided by. He suggested each Councilmember send their recommendations for what they would like to see in the role and responsibilities of the Finance and Audit Committee to the City Attorney's Office and then bring it back for consideration. City Manager Quan asked that staff be engaged in the conversation and that the integrity of the audit is upheld and follows the Generally Accepted Government Auditing Standards requirements without influences from anyone. Councilmember Chavez asked City Attorney Sloan to send a copy of the original policy to Council.

Council President Brandau expressed his concerns regarding the insertion of Councilmembers and the politics that may be involved or interjecting themselves in the early stages of the audit.

Councilmember Soria asked about the money that was not collected and what will happen with the money that is owed to the City of Fresno. City Manager Quan responded. Councilmember Soria asked how much has been collected up to date from the County of Fresno and if there is anything else that needs to be collected. She also asked if the Club One agreement will be resolved and if the dollars will go back to General Fund. Parking Manager Gaffery responded.

PRESENTED

City Council recessed for lunch at 12:05 P.M. and returned from lunch at 1:30 P.M.

5. CLOSED SESSION

Council recessed into Closed Session at 1:30 P.M.

There was no announcements after Closed Session.

5-A [ID19-1268](#)

PUBLIC EMPLOYEE PERFORMANCE EVALUATION - Government
Code Section 54957

Title: City Attorney

Sponsor: Council President Steve Brandau

CONFERENCE WITH LABOR NEGOTIATORS - Government Code
Section 54957.6

City Negotiator(s): Council President Steve Brandau

Unrepresented Employee: City Attorney

The above item was continued to March 21, 2019.

5-B [ID19-1269](#)

PUBLIC EMPLOYEE PERFORMANCE EVALUATION -Government Code
Section 54957

Title: City Clerk

Sponsor: Council President Steve Brandau

CONFERENCE WITH LABOR NEGOTIATORS -Government Code
Section 54957.6

City Negotiator(s): Council President Steve Brandau

Unrepresented Employee: City Clerk

The above item was continued to March 21, 2019.

ADJOURNMENT

City Council adjourned at 3:30 P.M.