



City of Fresno

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

Meeting Minutes - Final 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, June 15, 2017

1:30 PM

Council Chambers

Regular Meeting

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

1:36 P.M. ROLL CALL

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

Councilmember Baines III was absent during Roll Call but entered the Council Chambers at 1:38 P.M.

Invocation

Invocation led by Simranjit Singh, Jakara Movement Sikh Youth Director

Pledge of Allegiance to the Flag

Pledge of Allegiance led by retired Fresno Firefighter Micky Kaitangian

APPROVE AGENDA

City Clerk Spence announced the following changes to the agenda:

June 8, 2017 minutes will be continued to June 22, 2017 agenda.

File ID 17-889 (1-B) - requires 5 votes and subject to Mayor's veto.

On motion of Councilmember Caprioglio, 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

[ID17-868](#) Proclamation of "Ananya Vinay Day" for winning the Scripps National Spelling Bee

PRESENTED

[ID17-866](#) Presentation of painting by acclaimed artist Professor Nikol Aghababyan

PRESENTED

APPROVE MINUTES

[ID17-102](#) Approval of Budget Hearing minutes of June 6th and 7th. Minutes from June 8, 2017 will be continued to June 22, 2017

On motion of Councilmember Brandau, seconded by Councilmember Caprioglio, the above Minutes were approved as amended. 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 his meeting with Fresno State and lights all down Campus drive will be lit; He asked for a moment of silence for the San Francisco shooting victims; reminded employees of upcoming active shooters training by Fresno Police Department.

Councilmember Soria wished Councilmembers a Happy Father's Day.

Councilmember Olivier spoke regarding the Council sponsoring their Youth Commissioner for the Youth Commission Conference at Fresno State.

1. CONSENT CALENDAR

Councilmember Brandau moved the following Consent Calendar Items 1-B

(ID 17-889), 1-F (ID 17-846) and 1-G (ID 17-853) to the Contested Consent Calendar for further discussion.

APPROVAL OF THE CONSENT CALENDAR

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

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

- 1-A** [ID17-779](#) Actions pertaining to the summary vacation of a portion of South Clara Avenue, north of East Chester Avenue (Council District 3)
1. Adopt the Categorical Exemption per staff determination, pursuant to Section 15301 of the California Environmental Quality Act (CEQA) Guidelines, Environmental Assessment No. EA-17-009.
 2. RESOLUTION - Ordering the summary vacation of a portion of South Clara Avenue, north of East Chester Avenue.

RESOLUTION 2017-153 ADOPTED

This Action Item was approved on the Consent Calendar.

- 1-B** [ID17-889](#) Actions pertaining to the San Joaquin River Conservancy Eaton Trail Extension Project (Council District 2):
1. RESOLUTION - Adopting the 62nd Amendment to Annual Appropriations Resolution (AAR) No. 2016-118 to appropriate \$97,000 in Measure "C" Trails funding for costs related to the Eaton Trail Extension Project.
 2. Approve a professional services agreement with AECOM, Inc., in substantially the form attached, in the amount of \$71,785 with a \$7,000 contingency, and to authorize the Public Works Director to execute the agreement on behalf of the City.

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

- 1-C** [ID17-798](#) Actions pertaining to the FY 2018 Housing and Urban Development (HUD) Capital grant program
1. Authorize the Chief of Police to enter into three separate agreements between the Housing Authority of the City of Fresno, Southeast Fresno Rental Assistance Demonstration (RAD) and Viking Village Rental Assistance Demonstration to provide additional security and protection services for public housing
 2. Authorize the Chief of Police to execute all related documents

applicable to the FY 2018 HUD Capital grant program

This Action Item was approved on the Consent Calendar.

- 1-D [ID17-848](#) Reject proposals received in response to Request for Proposal for an Employee Assistance Program.

This Action Item was approved on the Consent Calendar.

- 1-E [ID17-820](#) Approve a First Amendment to the Agreement between the City of Fresno and Air-Transport IT Services, Inc., to provide one additional engineer for maintenance and technical support of airline common use and related facilities at Fresno Yosemite International Airport in the amount of \$100,000. (Council District 4)

This Action Item was approved on the Consent Calendar.

- 1-F [ID17-846](#) Approve the amended and restated Wireless Marketing Agreement with 5 Bars Communities a dba of XG Communities, LLC., allowing 5 Bars to actively market wireless service infrastructure for City designated sites and authorize the City Manager or designee to execute related documents.

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

- 1-G [ID17-853](#) Approve the appointment of Pao Yang and the reappointment of Kathy Bray to the Planning Commission

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

- 1-H [ID17-823](#) RESOLUTION - Authorizing the City Manager or designee to pursue a KaBOOM! Grant to build a play structure at Granny's Park and execute the enabling documents necessary to accept the grant (Council District 7)

RESOLUTION 2017-154 APPROVED

This Action Item was approved on the Consent Calendar.

CONTESTED CONSENT CALENDAR

- 1-B [ID17-889](#) Actions pertaining to the San Joaquin River Conservancy Eaton Trail Extension Project (Council District 2):
1. RESOLUTION - Adopting the 62nd Amendment to Annual Appropriations Resolution (AAR) No. 2016-118 to appropriate \$97,000 in Measure "C" Trails funding for costs related to the Eaton Trail Extension Project.

2. Approve a professional services agreement with AECOM, Inc., in substantially the form attached, in the amount of \$71,785 with a \$7,000 contingency, and to authorize the Public Works Director to execute the agreement on behalf of the City.

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

The following members of the public spoke on this item: Radley Reep and Sharon Weaver, River Parkway Trust.

RESOLUTION 2017-155 ADOPTED

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

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

Abstain: 2 - Soria and Caprioglio

- 1-F** [ID17-846](#) Approve the amended and restated Wireless Marketing Agreement with 5 Bars Communities a dba of XG Communities, LLC., allowing 5 Bars to actively market wireless service infrastructure for City designated sites and authorize the City Manager or designee to execute related documents.

The item was introduced to Council by Information Services Department Director Horn. Councilmember Brandau asked City Manager Rudd for clarification on the terms of the contracts. City Manager Rudd gave his recommendation for the options of 25 year contract versus in perpetuity contract. City Attorney Sloan gave an update on changes in state law and "terms of contracts".

APPROVED AS AMENDED.

On motion of Councilmember Brandau, seconded by President Olivier, the above item was approved with the parameters that the City Manager has laid out today with the exception that this contract never comes to a final conclusion unless one of the two parties terminate. At that point, it will automatically dissolve and can be renegotiated under different rules. Without that, it would continue extending by five year contract for infinity. The motion carried by the following vote:

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

- 1-G** [ID17-853](#) Approve the appointment of Pao Yang and the reappointment of Kathy Bray to the Planning Commission

Councilmember Brandau commented on the reappointment of Kathy Bray and appointment Pao Yang as a great addition to Planning Commission.

APPROVED

This Appointment was approved.

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

2. SCHEDULED COUNCIL HEARINGS AND MATTERS

2:00 P.M.

[ID17-796](#) Actions pertaining to Substantial Amendment 2017-02 to the FY 2016-2017 (FY 2017) Annual Action Plan:

1. HEARING to obtain public comments regarding the implementation of proposed Substantial Amendment 2017-02; and
2. RESOLUTION adopting Substantial Amendment No. 2017-02 to the FY 2017 Annual Action Plan; approving submission to the U.S. Department of Housing and Urban Development (HUD) for reprogramming \$1,054,879 of Community Development Block Grant (CDBG) program funds.

The above hearing was called to order. The item was introduced to Council by Assistant Director Furtado with Development and Resource Management Department. Councilmember Chavez spoke regarding lead abatement program, senior paint program, Economic Opportunities Commission (EOC) program, initiative to establish an apprentice program and Paul McLain-Lugowski with the Fresno EOC gave overview of the conservation corp program.

The hearing was open for public comment. Upon call there was no public comment. Hearing closed.

RESOLUTION 2017-156 ADOPTED FOR #2

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

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

2:10 P.M.**ID17-797**

HEARING to Consider Environmental Assessment No. EA-17-003, Plan Amendment Application No. A-17-003, Rezone Application No. R-17-005, and Conditional Use Permit Application No. C-17-044, filed by Betsy McGovern-Garcia of Self-Help Enterprises, for approximately ± 8.02 acres of property located on the north side of East Annadale Avenue between South Elm Avenue and South Tupman Street. (Council District 3).

1. Adopt the Mitigated Negative Declaration prepared for Environmental Assessment No. EA-17-003 dated March 17, 2017.
2. RESOLUTION - Approving Plan Amendment Application No. A-17-003 proposing to amend the Fresno General Plan and the Edison Community Plan from the High Density Residential (30-45 du/ac) planned land use designation to the Medium Density Residential (6-12 du/ac) planned land use designation.
3. BILL (For introduction and adoption) - Approving Rezone Application No. R-17-005 requesting authorization to rezone the subject properties from the RM-3 (*Residential Multi-Family, High Density*) zone district to the RS-5 (*Residential Single Family, Medium Density*) zone district.
4. Approve Conditional Use Permit Application No. C-17-044 requesting authorization to construct 40 affordable senior multi-family residential dwelling units subject to compliance with the Conditions of Approval dated May 17, 2017.

The above hearing was called to order. The item was introduced to Council by Planner III Olsen, with Development and Resource Management Department.

Upon call for public comment, the following people addressed Council:

Larry Johnson and Eric Payne with West Fresno CDC gave powerpoint presentation and asked questions of the applicant. Betsy McGovern-Garcia, Self-Help Enterprises responded and Ruben Chavez, Clinica Sierra Vista, gave his support to approve this project

RESOLUTION 2017-157 APPROVED FOR #2

BILL NO. B-32 AND ORD 2017-32 APPROVED FOR #3

On motion of Councilmember Baines III, seconded by Vice President Soria, the above Action Item hereby be approved. The motion carried by the following vote:

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

2:15 P.M.

**REPORT TO FRESNO REVITALIZATION CORPORATION AND
HOUSING SUCCESSOR TO THE REDEVELOPMENT AGENCY OF
THE CITY OF FRESNO**

The above meeting started at 3:20 P.M.

[ID17-877](#) Annual Fresno Revitalization Corporation (FRC) Meeting and Election of Officers (FRC action)

Chairperson Baines III recommended Board Member Soria as Chairperson.

On motion of Chairperson Baines III, seconded by Board Member Chavez, to approve Board Member Soria as Chairperson. The motion carried by the following vote:

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

Chairperson Soria recommended Board Member Caprioglio as Vice Chairperson.

On motion of Chairperson Soria, seconded by Board Member Chavez, approved Board Member Caprioglio as Vice Chairperson. The motion carried by the following vote:

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

Chairperson Soria recommended City Clerk Spence as Secretary

On motion of Chairperson Soria, seconded by Vice Chairperson Caprioglio, approved City Clerk Spence as Secretary. The motion carried by the following vote:

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

Chairperson Soria recommended Debrah Barletta as Treasure

On motion of Chairperson Soria, seconded by Vice Chairperson Caprioglio, approved Debbie Burletta as Treasure. The motion carried

by the following vote:

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

ADJOURN

Fresno Revitalization Corporation meeting adjourned 3:29 P.M.

2:20 P.M.

SCHEDULED COMMUNICATION

[ID17-883](#) Appearance by Mary Esther Correa to dispute the fines she has incurred by Code Enforcement on her Iowa Street property (Speaker's property located in District 7)

Ms. Correa appeared and addressed Council regarding dismissing \$13,000.00 code enforcement fine. She stated she fixed the repairs and would like the fine to be dismissed. She spoke regarding Code Inspector to be on salary and not commission. Lastly, she mentioned her best friend a Professor from Fresno State had passed.

3. GENERAL ADMINISTRATION

3-A [ID17-873](#)

Actions pertaining to contract change orders and amendments for various City Contracts:

1. RESOLUTION - Establishing procedures for the approval of certain contract change orders, additional bid quantities, and extensions of time for performance; and rescinding Resolution 84-142, 89-470, 94-114, and Article VI of the Construction Management Act as adopted by Resolution 2015-82
2. RESOLUTION - Establishing procedures for the approval of certain amendments to product contracts

The above item was introduced to Council by Deputy City Engineer, Morrison with Public Works Department

*Councilmember Brandau motioned to approve the item without the \$50,000 change order. The motion was seconded by President Olivier.
Motion was withdrawn*

Councilmember Brandau motioned to approve the item as presented.

RESOLUTION 2017-158 APPROVED #1

RESOLUTION 2017-159 APPROVED #2

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

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

- 3-B** [ID17-851](#) Actions pertaining to the Bullard Avenue Overlay, Marks Avenue to Blackstone Avenue project Bid File 3522 (Council District 2 and County of Fresno)
1. Adopt a finding of a Categorical Exemption per staff determination, pursuant to Section 15301(c) of the CEQA Guidelines for the Bullard Avenue Overlay, Marks Avenue to Blackstone Avenue project.
 2. Award a Construction Contract to Emmett's Excavation Inc. of Fresno, California in the amount of \$1,755,995.

The above item was introduced to Council by Assistant Director Anderson with Public Works Department.

Upon call, there was no public comment.

APPROVED.

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

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

4. CITY COUNCIL

5. CLOSED SESSION

City Council met in Closed Session in Room 2125 from 3:49 P.M. to 6:00 P.M. to discuss the following:

- 5-A** [ID17-862](#) CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION - Government Code Section 54956.9, subdivision (d)(1)
1. Familias Addams Por Un Mejor Futuro, et al. v. City of Fresno; Fresno Superior Court Case No. 16ECEG00317.

The above item was discussed during closed session. No open session announcements were made regarding this item.

- 5-B** [ID17-890](#) CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Government Code Section 54956.8
Property: 1800 Tulare Street
Negotiating Parties: City Manager Bruce Rudd ; Fresno Baseball Club, LLC
Under Negotiation: Price and Terms of Payment

The above item was discussed during closed session. No open session announcements were made regarding this item.

- 5-C** [ID17-872](#) **CONFERENCE WITH LABOR NEGOTIATOR** - Government Code Section 54957.6
City Negotiator(s): Jeffrey Cardell, Ken Phillips
Employee Organizations:
Fresno Police Officers Association (FPOA Basic - Unit 4)

The above item was discussed during closed session. No open session announcements were made regarding this item.

- 5-D** [ID17-875](#) PUBLIC EMPLOYEE PERFORMANCE EVALUATION - Government Code Section 54957
Title: City Clerk
Sponsor: Council President Olivier
- CONFERENCE WITH LABOR NEGOTIATORS - Government Code Section 54957.6
City Negotiator(s): Council President Clint J. Olivier
Unrepresented Employee: City Clerk

The above item was discussed during closed session. No open session announcements were made regarding this item.

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(s) of the public addressed Council during Unscheduled Communication:

Woody Hustain spoke regarding energy issues.

ADJOURNMENT

City Council Adjourned at 6:00 P.M.

The above minutes were approved on June 22, 2017 on a motion by Councilmember Chavez and a second by Councilmember Bredefled. The motion passed on a vote of 6-0 with Councilmember Baines III absent.