

City of Fresno

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



Meeting Minutes - Final

Thursday, March 7, 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 Pastor Henry Paul from the Central Community Church

Pledge of Allegiance to the Flag

APPROVE AGENDA

*City Clerk Spence announced the following changes to the agenda: File ID 19-1299 (1-D) - ***RESOLUTION – 7th Amendment to the Position Authorization Resolution (PAR) to allow for discretion in Council District staffing, the Item has been moved from Consent Calendar to General Administration per Council President Brandau; File ID 19-1271 (10:00 A.M. -b) – 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 item 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 is Subject to the Mayor's veto; File ID 19-1294 (5-A) - Conference with Legal Counsel - Existing Litigation- Government Code Section 54956.9, subdivision (d)(1) 1. Lowell Community Development Corp., v. City of Fresno; Fresno County Superior Court Case No. 18CECG01885 Sponsors: City Attorney's Office was removed from the agenda by staff; File ID 19-1299 (1-D) -the first sentence of the revision to Part II should read the following: "Provided however, each Councilmember shall designate to the Personnel*

department the number of requested positions in that Council District office from time to time, which then shall be reflected in the current Position Authorization Resolution numbers"; Proclamation "March Match Up" was added under Ceremonial Presentations and File ID 19-1306 (1-E) - Approve the appointment of Bob Wilson to the Housing and Community Development Commission was removed from the agenda by staff.

On motion of Councilmember Soria, 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

[ID19-1160](#) Approval of minutes for February 28, 2019.

City Clerk Spence announced there were grammatical errors that have been corrected.

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

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

CEREMONIAL PRESENTATIONS

[ID19-1295](#) Presentation of the SPCA Pet of the Month

PRESENTED

[ID19-1188](#) Proclamation of "50th Anniversary of Big Brothers Big Sisters of Central California"

PRESENTED

[ID19-1228](#) Proclamation of "2019 NATIONAL AG DAY/WEEK"

PRESENTED

Proclamation of "March Match Up"

PRESENTED

[ID19-1300](#) Proclamation of "Rogue Festival Day"

PRESENTED

[ID19-1259](#) Proclamation for the Edison High School Decathlon Team.

PRESENTED

COUNCILMEMBER REPORTS AND COMMENTS

Councilmember Caprioglio stated Wednesday, March 6, 2019 was Coffee with Cops at McDonalds off Dakota and Cedar. He announced the Fresno State vs. San Diego game will be Wednesday, March 6, 2019 and he congratulated Council President Brandau on his recent win in the election for Fresno County Board of Supervisors, District 2.

Councilmember Esparza mentioned he held his first District 7 town hall meeting Monday, March 4, 2019 and he invited the public to attend the Finance and Audit Committee meeting to discuss the parking audit Monday, March 11, 2019 at 2:00 P.M. in the Council Chambers.

Council President Brandau reminded his colleagues to please update the City Clerk's Office with the current information for the Council subcommittees.

1. CONSENT CALENDAR

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

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

1-A [ID19-1258](#) Approve an agreement for professional planning services with Toole Design Group for \$305,289 with a contingency of \$20,000 for preparation of a feasibility plan for the expansion of Class I, multi-purpose trails (Citywide)

1-B [ID19-1305](#) ***Approve a Policy on Conditions for Roadway Closures and Lane Closures (Citywide). (Subject to Mayor's veto)

The above item was pulled from Consent Calendar by Council President Brandau and moved to Contested Consent for further discussion.

- 1-C [ID19-1290](#) Approve a Fifth Amendment to the Agreement between the City of Fresno and WestCare California for Street Outreach Services through the HERO Team in the amount of an additional \$84,000.

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

- 1-D [ID19-1299](#) ***RESOLUTION - 7th Amendment to the Position Authorization Resolution (PAR) to allow for **discretion** in Council District staffing. (Subject to Mayor's veto)

The above item was moved to General Administration per changes to the agenda.

- 1-E [ID19-1306](#) Approve the appointment of Bob Wilson to the Housing and Community Development Commission

The above item was removed from the agenda by staff.

CONTESTED CONSENT CALENDAR

- 1-B [ID19-1305](#) ***Approve a Policy on Conditions for Roadway Closures and Lane Closures (Citywide). (Subject to Mayor's veto)

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

Council President Brandau motioned to approve the item with the amendment to include the new road closure policy with any road being closed for three months or more, the Department will include the Councilmember of that district in meetings with the contractor to keep them informed of road closures.

Council Vice President Arias offered a friendly amendment that any proceeds of fines as a result of the street closures would be redirected to the impacted area. Council President Brandau and Councilmember Chavez agreed to the amendment.

Councilmember Bredefeld asked Council President Brandau to consider notifying the Councilmembers within a month rather than three months.

Councilmember Soria agreed with the amendments to the motion and asked that staff continue to notify the Districts when areas are impacted in their district. She thanked the staff for meeting with her district and mentioned she met with the Union Pacific Railroad to help resolve the issues and requested the dollars stay within the neighborhoods.

Councilmember Chavez asked staff if this policy is for the permit process and not for the procurement process. Director Mozier replied. Councilmember Chavez asked Council Vice President Arias for clarification in the investments he is requesting and he asked if the term impact mitigation to the neighborhood fee would be appropriate. Council Vice President Arias responded. Assistant City Manager Schaad clarified they are not fines but liquidated damages.

Councilmember Esparza asked staff when it comes to road closures what portion will be one month or more and will the Councilmembers be included in every road closure and he suggested a radius of the area. Director Mozier responded. Council Vice President Arias stated he would default the radius to the staff as the area impacted may be dramatically different. Assistant City Manager Schaad responded.

Upon call, there was no public comment.

Council President Brandau asked staff how many road closures have happened due to an emergency. Director Mozier responded. Council President Brandau agreed to the amendments, and that the fines from the road closures will be spent in the area impacted to mitigate the problems that may be created.

APPROVED AS AMENDED

On motion of President Brandau, seconded by Councilmember Chavez, that the above Action Item be approved as amended to include any road being closed for three months or more, the Council District shall be notified and involved in the meetings with the staff and contractors and that the proceeds from the fine be redirected and spent in the impacted area. The motion carried by the following vote:

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

- 1-C** [ID19-1290](#) Approve a Fifth Amendment to the Agreement between the City of Fresno and WestCare California for Street Outreach Services through the HERO Team in the amount of an additional \$84,000.

Councilmember Caprioglio left the meeting at 10:27 A.M.

Councilmember Esparza asked staff why they are coming back to Council with an additional request for \$84,000 when Council recently approved \$420,000. Councilmember Chavez responded that the \$84,000 is bridge funding and that staff is in the process of issuing a new Request for Proposal (RFP) for HEAP dollars and that this will fill the gap until the new Request for Proposal is developed. Director Strategic Initiatives, Spees responded. Councilmember Esparza expressed his issues with the way the service has been handled and wants to be transparent and clear to the public.

Councilmember Chavez spoke regarding the new RFP process and the designated areas of concern.

Upon call, there was no public comment.

APPROVED

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

Aye: 6 - Brandau, Arias, Soria, Chavez, Bredefeld and Esparza

Absent: 1 - Caprioglio

2. SCHEDULED COUNCIL HEARINGS AND MATTERS

10:00 A.M.

- [ID19-1271](#) 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) - Development and Resource Management Department.

- 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.
- 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 10:30 A.M.

Councilmember Caprioglio returned to the meeting at 10:30 A.M.

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

Council Vice President Arias asked staff to confirm that the zoning of the general plan included for this area is being recommended for a change. He also asked if the Church was approved by the County of Fresno and if it will remain on the water wells. He asked staff if the church would be required to connect to the water well and he expressed his concerns with the proposal and with the amended general plan. Planner III Trejo responded.

Upon call, the following members of the public addressed Council: Pastor Alex Maldonado, Jackie Dugan and Elisa Bilios.

Council Vice President Arias asked staff who the developer was for the record. Planner III Trejo responded, Lennar Corporation.

Council President Brandau requested the item be continued to March 14, 2019 at 10:00 A.M. and he and Councilmember Soria will meet with staff and administration.

10:05 A.M.

[ID19-1278](#) Appearance by Moas Alphega Jezrell Leavel II Crawford to discuss creating a Black Spiritual Consulate of Fresno in District 1 and 3. (Speaker resides in District 3)

Mr. Crawford spoke regarding creating a Black Spiritual Consulate in City of Fresno and asked to meet with District 1 and District 3.

APPEARED

4. CITY COUNCIL

- 4-A** [ID19-1279](#) RESOLUTION - Directing City staff and the City Attorney to prepare and negotiate a Project Labor Agreement for Airport FATForward projects

The above item was introduced to Council by Councilmember Caprioglio, District 4.

Councilmember Caprioglio motioned to approve the item and include the creation of an Ad-Hoc Committee and volunteered to be the Chairman and include Councilmember Soria and Councilmember Chavez as committee members.

Several Councilmembers spoke and expressed support regarding the workforce opportunities and keeping the money local and back into the community.

Mayor Brand thanked the subcommittee for working with the Administration and spoke regarding the issues with education and he wants to have opportunities for residents to have jobs and affordable housing.

Council President Brandau asked staff if they are authorizing the negotiations and if it will return to council for approval? He expressed his

concerns about nonunion and he would like to know if nonunion labor will be a part of the negotiations and if all contractors will be allowed to bid on the work. Councilmember Caprioglio and Council Vice President Arias responded. Council President Brandau asked for a commitment that in the negotiation process all voices will be at the table and asked to come back to Council for a vote. Councilmember Chavez responded.

Councilmember Chavez asked City Attorney Sloan since the Ad-Hoc committee has been formed what are ways for other Councilmembers who are not a part of the subcommittee, get information without breaking the Brown Act? City Attorney Sloan responded.

Council Vice President Arias added that some Councilmembers have already met with the opposition of project labor agreements.

Upon call, the following members of the public addressed Council: Kate Bremer-Bavmann, Chuck Riojas, Nicole Goehring, Eric Christen, Marshawn, Ahjah Cruise, Danielle Zavala and Daniel O'Connell.

Council President Brandau asked Mayor Brand for a commitment that all voices will be heard at the table including nonunion labor in the negotiations. Mayor Brand responded.

RESOLUTION 2019-045 ADOPTED AS AMENDED

On motion of Councilmember Caprioglio, seconded by Councilmember Soria, that the above Resolution be adopted as amended to include the creation of an Ad-Hoc Committee and Councilmember Caprioglio volunteered to be the Chairman and Councilmember Soira and Councilmember Chavez be a part of the committee. The motion carried by the following vote:

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

City Council recessed at 11: 28 A.M and returned to Council at 11:32 P.M.

3. GENERAL ADMINISTRATION

3-A [ID19-1267](#)

Actions pertaining to the Northeast Surface Water Treatment Facility 4.5-million gallon finished water reservoir project: (Council District 6)

1. ***RESOLUTION - Pledging and dedicating gross water revenues for repayment of a \$14,000,000 Safe Drinking Water State Revolving Fund Low Interest Loan for construction of a 4.5-million gallon finished water reservoir at the City of Fresno's Northeast Surface Water Treatment Facility (Subject to Mayor's veto)
2. Authorize the Director of Public Utilities, or designee, to execute all documents on behalf of the City of Fresno

Councilmember Soria left the meeting at 11:37 A.M.

The above item was introduced to Council by Professional Engineer Knapp, Public Utilities Department.

Upon call, there was no public comment.

RESOLUTION 2019-043 ADOPTED

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

Aye: 6 - Brandau, Arias, Caprioglio, Chavez, Bredefeld and Esparza

Absent: 1 - Soria

3-B [ID19-1307](#) Legal Workshop

The above workshop was presented to Council by City Attorney Sloan, City Attorney's Office.

Councilmember Soria returned to the meeting at 11:38 A.M.

Councilmember Caprioglio left the meeting at 11:43 A.M.

Council Vice President Arias directed City Attorney's Office to confirm the California Environmental Quality Act (CEQA) recommendations from DARM Department to ensure the best interest in the City of Fresno. He requested the City Attorney's Office create a policy and process so that City Council can approve the disposing of real estate property in the amount over \$50,000 for transparency.

PRESENTED

- 1-D [ID19-1299](#) ***RESOLUTION - 7th Amendment to the Position Authorization Resolution (PAR) to allow for **discretion** in Council District staffing. (Subject to Mayor's veto)

Clty Clerk Spence read into the record the change to the first sentence of the revision to Part II that should read as follows: "Provided however, each Councilmember shall designate to the Personnel department the number of requested positions in that Council District office from time to time, which then shall be reflected in the current Position Authorization Resolution numbers."

The above item was introduced to Council by Councilmember Esparza, District 7.

Council President Brandau expressed his concerns with transparency within the Council budget process and the movement of money within Council budget and asked that in the future the public is made aware of where the money will be moved from to fund the personnel request. Councilmember Esparza responded.

Assistant City Manager Schaad asked Council what the process will be when the Councilmember wants to add a position and what account and funds will be used. Councilmember Esparza responded that the General Fund will not be impacted and the money will come from the Operational and Personnel budget.

Upon call, there was no public comment.

RESOLUTION 2019-044 ADOPTED AS AMENDED

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

Aye: 6 - Brandau, Arias, Soria, Chavez, Bredefeld and Esparza

Absent: 1 - Caprioglio

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

UNSCHEDULED COMMUNICATION

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

City Council recessed into Closed Session at 12:21 P.M.

5. CLOSED SESSION

There was no announcements after Closed Session.

- 5-A [ID19-1294](#) CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION - Government Code Section 54956.9, subdivision (d)(1)
1. Lowell Community Development Corp., v. City of Fresno; Fresno County Superior Court Case No. 18CECG01885

The above item was removed from the agenda by staff.

- 5-B [ID19-1308](#) CONFERENCE WITH LABOR NEGOTIATOR - Government Code Section 54957.6
City Negotiator(s): Jeffrey Cardell, Ken Phillips
Employee Organizations: 1. International Union of Operating Engineers, Stationary Engineers, Local 39 (Local 39); 2. Fresno City Employees Association (FCEA); 3. Fresno Police Officers Association (FPOA Basic); 4. International Association of Firefighters, Local 753, Unit 5 (Fire Basic); 5. Amalgamated Transit Union, Local 1027 (ATU); 6. International Brotherhood of Electrical Workers, Local 100 (IBEW); 7. Fresno Police Officers Association (FPOA Management); 8. International Association of Firefighters, Local 753, Unit 10 (Fire Management); 9. City of Fresno Professional Employees Association (CFPEA); 10. City of Fresno Management Employees Association (CFMEA); 11. Operating Engineers, Local Union No. 3, Fresno Airport Public Safety Supervisors (FAPSS); 12. Operating Engineers, Local Union No. 3, Fresno Airport Public Safety Officers (FAPSO).

DISCUSSED

ADJOURNMENT

City Council adjourned at 12:30 P.M.

