



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, February 16, 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 above written.

1:31 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

Councilmembers Soria and Baines III were absent during roll call but entered the Council Chamber at 1:33 P.M.

Invocation by Pastor Jerry Voss of the Millbrook Presbyterian Church

Pledge of Allegiance to the Flag

APPROVE AGENDA

City Clerk Spence read the following correction into the record for Consent Calendar item 1-A (File ID17-137): At the request of the Fresno City Employees Association the new classification of "Crime Data Specialist" should be amended to the title of "Crime Specialist."

City Clerk Spence also announced the following change to the agenda: Joint

Closed Session item 5-C (File ID17-258) was removed from the agenda by staff.

APPROVED AS AMENDED

On motion of Vice President Soria, seconded by Councilmember Caprioglio, the Agenda was adopted as amended. The motion carried by the following vote:

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

CEREMONIAL PRESENTATIONS

[ID17-148](#) Proclamation of "CENTRAL VALLEY HONOR FLIGHT DAY"

PRESENTED

[ID17-228](#) Proclamation of "Fresno County Grand Jurors' Association Day"

PRESENTED

APPROVE MINUTES

[ID17-90](#) Approval of minutes from February 9, 2017

APPROVED

On motion of Councilmember Baines III, seconded by Councilmember Chavez, the City Council and Successor Agency Minutes of February 9, 2017 were 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 reported that he helped to distribute valentines prepared by the Fresno Unified and Central Unified School Districts for Veterans in the Veterans Hospital and the assisted living portion of the facility. The Veterans were very appreciative of the valentines and of the time volunteers spent with them listening to their stories. He said it was both a moving and amazing experience and he encouraged others to participate next year.

Councilmember Baines III reported the funeral service for former Fresno City Councilmember Joe Williams was held earlier in the day at Peoples Church

followed by a lunch at the New Exhibit Hall downtown. He thanked the Mayor and City Manager for arranging the location for the lunch. Councilmember Baines III stated he would be inviting the family of the late Mr. Williams to attend a future Council meeting to receive a proclamation recognizing his service to the community.

Vice President Soria thanked the Parks, After School, Recreation and Community Services ("PARCS") Department for hosting the Quigley Park Valentine's Day Carnival. She also congratulated the Golden Restaurant for celebrating their fiftieth anniversary in the Tower District. Vice President Soria said the Golden Restaurant was presented with a special plaque and she encouraged everyone to visit the restaurant with the great food and faithful customers. She noted that "mom and pop" businesses like the Golden Restaurant were the backbone of our economy.

Vice President Soria thanked Bitwise for allowing the District One Young Councilmembers to tour the business. On the tour they heard from Bitwise co-founder and co-CEO Irma Olguin, Jr. and two former Bitwise students that went on to open their own business. The tour exposed the Young Councilmembers to the growing technology movement in Fresno which some of them didn't know existed.

Councilmember Brandau reported on his attendance at a funeral of a longtime friend, Jeff Latham. Mr. Latham passed away at 56 year old. Councilmember Brandau recalled that he worked with Mr. Latham at Costco about twenty years ago and that his son, Steve Latham was a Fresno Police Officer and served on the board of the Fresno Police Officer's Association. Councilmember Brandau asked Council to adjourn in the memory of Jeff Latham.

1. CONSENT CALENDAR

President Olivier moved Consent Calendar item 1-G (File ID17-247) to the Contested Consent Calendar for further discussion.

APPROVAL OF THE CONSENT CALENDAR

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

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

- 1-A [ID17-137](#) *** RESOLUTION - 12th amendment to Fiscal Year 2017 Salary Resolution No. 2016-120: (1) amending Exhibit 2, Unit 2, Non-Represented Management and Confidential Classes, to add one unrepresented Management Analyst II position (Job Code 150032e), and increase the salary range for Payroll Accountant; (2) amending Exhibit 3, Unit 3, Non-Supervisory White Collar, (FCEA) to add the new classification of Crime Specialist; and (3) amending Exhibit 6, Unit 6, Bus Drivers (ATU) to show an F step for the Bus Driver classification for the sole purpose of retirement benchmark calculations.

RESOLUTION 2017-44 ADOPTED

The above item was approved on the Consent Calendar.

- 1-B [ID17-171](#) Annual update of Priority Ranking Lists for new traffic signal installations and traffic signal left turn phasing modifications.

APPROVED

The above item was approved on the Consent Calendar.

- 1-C [ID17-153](#) RESOLUTION - Of Intention to annex Final Parcel Map No. 2012-06, Annexation No. 14, to City of Fresno Community Facilities District No. 9 (northwest corner of East Central and South Orange Avenues); and setting the public hearing for March 16, 2017 at 2:00 p.m. (Council District 3)

RESOLUTION 2017-45 ADOPTED

The above item was approved on the Consent Calendar.

- 1-D [ID17-172](#) Approve an agreement between Provost & Pritchard Engineering Group, Inc. dba Provost & Prichard Consulting Group (Provost & Pritchard) in the amount of \$69,500 plus a contingency of \$5,000 for design and preparation of construction documents for the Blackstone Avenue Overlay Project from Shaw Avenue to Ashlan Avenue (Council Districts 4 and 7)

APPROVED

The above item was approved on the Consent Calendar.

- 1-E [ID17-184](#) Actions pertaining to an award of a construction contract to Strategic Mechanical, Inc. of Fresno, CA, for \$211,520 for the Police Department Headquarters Boiler Replacement Project (Bid File 3514) (Council District 3)

1. Adopt finding of a Categorical Exemption pursuant to Section 15303 of the California Environmental Quality Act (CEQA) Guidelines
2. Award a construction contract with Strategic Mechanical, Inc. of Fresno, CA, for \$211,520 for the Police Department Headquarters Boiler Replacement Project

APPROVED

The above item was approved on the Consent Calendar.

- 1-F** [ID17-191](#) Actions pertaining to the dedication of a portion of a City-owned property for the purpose of a Public Trail and Pedestrian easement, to accommodate the rehabilitation of the Fairview Trail located on the East Belgravia Alignment between South Fairview Avenue and South Lee Avenue. (Council District 3)
1. Adopt a finding of Categorical Exemption per staff determination, pursuant to Section 15301, Section 15302, and Section 15304 of the California Environmental Quality Act (CEQA) Guidelines, Environmental Assessment No. EA-16-039.
 2. RESOLUTION - Dedicating a portion of a City-owned property for the purpose of a Public Trail and Pedestrian Easement, to accommodate the rehabilitation of the Fairview Trail located on the East Belgravia Alignment between South Fairview Avenue and South Lee Avenue.

RESOLUTION 2017-46 ADOPTED

The above item was approved on the Consent Calendar.

- 1-G** [ID17-247](#) RESOLUTION - Amending the Council Rules of Procedure to clarify and conform to current practice.
Sponsor: Councilmember Olivier

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

- 1-H** [ID17-253](#) Approve the reappointments of James Poptanich and Rodney Ashley, and the appointment of Edward S. Saliba to the Fresno Madera Area Agency on Aging Board

APPROVED

The above item was approved on the Consent Calendar.

CONTESTED CONSENT CALENDAR

- 1-G [ID17-247](#) RESOLUTION - Amending the Council Rules of Procedure to clarify and conform to current practice.
Sponsor: Councilmember Olivier

President Olivier discussed the above item with City Attorney.

RESOLUTION 2017-47 ADOPTED

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

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

4. CITY COUNCIL

- 4-A [ID17-252](#) RESOLUTION - Supporting the introduction of the Gaining Responsibility on Water Act

The above item was introduced to Council by the District Director for Congressman Valadao, Justin Mendes.

Councilmember Baines III noted, for the record, that Congressman Costa was also in support of this item.

RESOLUTION 2017-48 ADOPTED

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

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

2. SCHEDULED COUNCIL HEARINGS AND MATTERS

2:00 P.M.

- [ID17-157](#) HEARING to adopt resolutions and ordinance to annex territory and levy a special tax regarding City of Fresno Community Facilities District No. 11, Annexation No. 73 (Final Tract Map No. 6163) (south of East Dakota Avenue along the east and west side of North Saddleback Avenue) (Council District 4)
1. ***RESOLUTION - Annexing Territory to Community

Facilities District No. 11 and authorizing the Levy of a Special Tax

2. ***RESOLUTION - Calling Special Mailed-Ballot Election
3. ***RESOLUTION - Declaring Election Results
4. ***BILL - (For introduction and adoption) - Levying a Special Tax for the Property Tax Year 2016-2017 and Future Tax Years Within and Relating to Community Facilities District No. 11, Annexation No. 73

The above hearing was called to order at 2:19 P.M. The item was introduced to Council by Assistant Director Benelli with Public Works.

Upon call for public comment, no members of the public chose to address Council and public comment was closed.

The hearing was closed at 2:20 P.M.

RESOLUTION 2017-49 ADOPTED

RESOLUTION 2017-50 ADOPTED

RESOLUTION 2017-51 ADOPTED

*BILL B-7 INTRODUCED AND ADOPTED AS
ORDINANCE 2017-9*

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

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

3. GENERAL ADMINISTRATION

3-A-1 [ID17-132](#) WORKSHOP - Radio System Needs Evaluation Project

The above workshop was conducted by Chief Information Officer Horn with the Information Services Department.

During the presentation Council discussed the following topics: interoperability with surrounding agencies; collaborating with other agencies on interoperability; why the preferred alternative was the least expensive alternative; the possibility of utilizing grants; asking the federal government to create a regional infrastructure grant; up-front consideration of lifecycle costs; maintenance costs; general fund and enterprise fund contributions; cost sharing with other agencies; expansion-ability of the preferred

alternative; the expected longevity of the preferred alternative; grants as opposed to bonds, and; the alternatives should grant money not materialize.

WORKSHOP HELD

- 3-A-2** [ID17-267](#) Request Council direct Fire Department to bring an AAR at the next council meeting to authorize expenditure of funds in Communications Savings Account to be spent on 370 Vote Scan add-ons for existing radios and 25 mobile radios.

The above item was introduced to Council by Councilmember Brandau and Fire Chief Donis.

The title for this agenda item was changed from "Approve Fire Ground Radio Communications Improvement" to "Request Council direct Fire Department to bring an AAR at the next council meeting to authorize expenditure of funds in Communications Savings Account to be spent on 370 Vote Scan add-ons for existing radios and 25 mobile radios" in the February 14, 2017 supplement which contained the updated staff report.

Councilmember Brandau requested the City Manager, in conjunction with the Fire Department, come back to Council with an AAR for this item.

REQUEST MADE

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

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

- 3-B** [ID17-254](#) Approve the renewal of the Oracle Public Sector Technical Support Services Agreement for \$303,285.75 per year and authorize the Chief Information Officer to execute related documents.

The above item was introduced to Council by Chief Information Officer Horn with the Information Services Department.

APPROVED

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

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

4. CITY COUNCIL CONTINUED

4-B [ID17-262](#) BILL - (For introduction) - Amending Resolution No. 2004-88 relating to reimbursement of expenses for elected officials.

The above item was introduced to Council by Councilmember Bredefeld. City Attorney Sloan also spoke on this item.

BILL B-8 INTRODUCED AND LAID OVER

On motion of Councilmember Bredefeld, seconded by Vice President Soria, the above Bill was introduced and laid over. The motion carried by the following vote:

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

UNSCHEDULED COMMUNICATION

Upon call, the following member of the public addressed Council during Unscheduled Communication:

Larry Taylor - spoke in opposition to a proposed basketball court at Eaton Plaza. He requested a full public hearing on the matter and stated he preferred the previous plan that was developed year ago and included green space.

At the request of Councilmember Bredefeld, City Manager Rudd replied that the previous plan was developed in 2004 but funding was never set aside for the 6.8 million dollar project. He said the current plan was for one or two basketball courts as a public amenity to increase use of the park. He noted the Police Department and PARCS Department could provide youth programs at the courts since they would be across the street from the police station. City Manager Rudd concluded by stating there would be notice to the community regarding the proposed basketball courts and said the previous plan was inconsistent with the current Downtown Specific Plan.

4. CITY COUNCIL CONTINUED

4-C [ID17-265](#) BILL - (For Introduction) - Adding Section 3-125 to Chapter 3 of the Fresno Municipal Code relating to Stipends for City Council

Interns. (All Council Districts)

The above item was introduced to Council by Vice President Soria.

BILL B-9 INTRODUCED AND LAID OVER

On motion of Vice President Soria, seconded by Councilmember Chavez, the above Bill was introduced and laid over. The motion carried by the following vote:

Aye: 6 - Soria, Baines III, Brandau, Bredefeld, Caprioglio and Chavez

No: 1 - Olivier

5. CLOSED SESSION

City Council met in Closed Session in Room 2125 from 3:20 P.M. to 4:15 P.M. to discuss the following:

- 5-A** [ID17-244](#) CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION - Government Code Section 54956.9, subdivision (d)(1)
1. HH-Fresno LLC v. City of Fresno, et al.; Federal Court for the Eastern District of California Case No.: 1:17-CV-00163-LJO-BAM.

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

- 5-B** [ID17-250](#) CONFERENCE WITH LEGAL COUNSEL - DECIDING WHETHER TO INITIATE LITIGATION - Government Code Section 54956.9, subdivision (d)(4)
1. City of Fresno v. Barbara J. Davis (496 E. Sample)

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

JOINT CLOSED SESSION OF THE CITY OF FRESNO AND THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF FRESNO

- 5-C** [ID17-258](#) CONFERENCE WITH LEGAL COUNSEL - DECIDING WHETHER TO INITIATE LITIGATION
Government Code Section 54956.9, subdivision (d)(4)
1. City of Fresno v. Simon Thaler and Michael Thaler

REMOVED FROM AGENDA

ADJOURNMENT

The meeting adjourned from Closed Session at 4:15 P.M. in memory of Jeffery Latham.

The above minutes were approved by unanimous vote of Council during the March 2, 2017 meeting.