

# **City of Fresno**

*2600 Fresno Street*

*Fresno, CA 93721*

*www.fresno.gov*



## **Meeting Minutes - Draft**

**Thursday, September 27, 2018**

**9:00 AM**

**Regular Meeting**

**Council Chambers**

### **City Council**

***President - Esmeralda Z. Soria***

***Vice President - Steve Brandau***

***Councilmembers:***

***Oliver L. Baines, III, Paul Caprioglio, Luis Chavez, Garry Bredefeld,***

***Clinton J. Olivier***

***City Manager - Wilma Quan-Schechter***

***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.

9:13 A.M. ROLL CALL

**Present:** 5 - President Esmeralda Z. Soria  
Vice President Steve Brandau  
Councilmember Paul Caprioglio  
Councilmember Luis Chavez  
Councilmember Garry Bredefeld

**Absent:** 2 - Councilmember Oliver L. Baines III  
Councilmember Clinton Olivier

Invocation by Pastor Kevin Foster of the LifeBridge Community Church

Pledge of Allegiance to the Flag

**APPROVE AGENDA**

*City Clerk Spence announced the following changes to the agenda: File ID 18-1100 (1-P) -Actions related to the Fourth Amendment to the Services Agreement with Orange Avenue Disposal Company, Inc. has been removed from the agenda; Proclamation of "Susan G. Komen Northern and Central California - Race for the Cure 20th Anniversary" was added to Ceremonial Presentations and File ID 18-1094 (4-A) - Actions related to Francker Creek Parkway was pulled from the agenda and continued to October 11, 2018.*

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

**Aye:** 5 - Soria, Brandau, Caprioglio, Chavez and Bredefeld

**Absent:** 2 - Baines III and Olivier

**1. CONSENT CALENDAR**

**On motion of Vice President Brandau, seconded by Councilmember Caprioglio, the below CONSENT CALENDAR items were adopted. The motion carried by the following vote:**

**Aye:** 5 - Soria, Brandau, Caprioglio, Chavez and Bredefeld

**Absent:** 2 - Baines III and Olivier

- 1-A [ID18-1023](#) Approve a Sixth Amendment to the contracts with Brooks Ransom and Associates and Interwest Consulting Group, to conduct professional plan check services for Building and Safety customer projects.
- 1-B [ID18-1083](#) Authorize the Chief of Police to execute an agreement with Paragon Aircraft Sales to broker the sale of a Police Department airplane for \$129,900 or other acceptable offer the Chief of Police and City Manager agrees to accept. Upon locating a buyer, the broker would execute the sale of the airplane and receive a sales commission of 6% of the selling price.
- 1-C [ID18-1064](#) Actions pertaining to the dissemination of traffic collision reports online:
1. Authorize the Chief of Police to amend an existing agreement with Crossroads Software Inc. to facilitate the dissemination of traffic collision reports online.
  2. Authorize the Chief of Police to enter into and execute a reoccurring agreement with LexisNexis, through a partnership with Crossroads Software Inc., to disseminate traffic collision reports online.
- 1-D [ID18-1088](#) Actions pertaining to the 2018 Off-Highway Vehicle (OHV) grant:
1. Authorize the Chief of Police to accept \$31,947 in grant funding for the 2018 Off-Highway Vehicle grant awarded to the Fresno Police Department from the State of California Department of Parks and Recreation;
  2. Authorize the Chief of Police to execute the agreement and all related documents applicable to the 2018 OHV grant including amendments and extensions; and
  3. \*\*\*RESOLUTION\*\*\* - 11th Amendment to the Annual Appropriation Resolution (AAR) No. 2018-157 appropriating \$31,900 for the Police Department's OHV grant program (Requires 5 affirmative votes) (Subject to Mayor's veto).

*RESOLUTION 2018-231 ADOPTED*

- 1-E [ID18-1099](#) 1.\*\*\*Approve Side Letters of Agreement with the International Union of Operating Engineers, Stationary Engineers, Local 39 (Local 39) representing Unit 1; Fresno Police Officers Association (FPOA) representing Unit 4 and Unit 9;

Amalgamated Transit Union, Local 1027 (ATU) representing Unit 6; the International Brotherhood of Electrical Workers (IBEW), Local 100 representing Unit 7; the International Association of Fire Fighters, Local 753, (IAFF-Management) representing Unit 10; Operating Engineers, Local 3 (OE3) representing Unit 11 and Unit 15; the City of Fresno Professional Employees Association (CFPEA) representing Unit 13-1 and Unit 13-2; and; City of Fresno Management Employees Association (CFMEA) representing Unit 14, modifying MOU provisions on dues deductions (Subject to Mayor's Veto)

2. \*\*\*Approve a Side Letter of Agreement with the City of Fresno Professional Employees Association (CFPEA) representing Unit 13-2 providing for a Uniform Allowance for Supervising Crime Scene Technicians (Subject to Mayor's Veto)

- 1-F [ID18-1101](#) Approve the reappointment of Scott Miller to the Fresno Workforce Development Board
- 1-G [ID18-0882](#) Approval of a Second Amendment to the Agreement entered between the City of Fresno and the Central California Society for the Prevention of Cruelty to Animals.
- 1-H [ID18-1036](#) Actions pertaining to a Service Agreement with Granicus, Inc.
1. \*\*\*RESOLUTION - Amending Council Rules of Procedures (Subject to Mayor's Veto)
  2. Approve the Third Amendment to the Granicus, Inc. Service Agreement between Granicus, Inc. and the City of Fresno, CA

*RESOLUTION 2018-232 ADOPTED*

- 1-I [ID18-1061](#) \*\*\*RESOLUTION - Authorizing the application for and execution of Certifications and Assurances for and approving the FY 2018-19 project list for the California State of Good Repair Program (Subject to Mayor's Veto)

*RESOLUTION 2018-233 ADOPTED*

- 1-J [ID18-1078](#) BILL - (For introduction) Amending the uncodified ordinance to adopt changes and additions to the official list of designated special speed zones for various streets within the City of Fresno pursuant to Section 14-1501 of the Fresno Municipal Code (Citywide)

*BILL B-54 INTRODUCED AND LAID OVER*

- 1-K [ID18-1084](#) Award a Construction Contract in the amount of \$328,722 to Jim Crawford Construction Co. Inc., of Clovis, California for the South Marks Avenue Temporary Storm Drain Basin Construction, Street Improvements and Veterans Home Basin Backfill project, Bid File 3611(Council District 3)
- 1-L [ID18-1085](#) RESOLUTION - Of Intention to annex Final Tract Map No. 5558 as Annexation No. 94 to the City of Fresno Community Facilities District No. 11 and to Authorize the Levy of Special Taxes (northwest corner of West Herndon Avenue and North Riverside Drive) (Council District 2)

*RESOLUTION 2018-234 ADOPTED*

- 1-M [ID18-1090](#) Award a requirements contract to Tech Air of Northern California, LLC., doing business as Alliance Gas Products, for Bulk Liquid Oxygen in the amount of \$137,786.37, for a term of one year with the possibility of two one-year extensions. Bid File 9452 (Citywide)
- 1-N [ID18-1091](#) Reject all bids for the Requirements Contract for Bulk Calcium Hydroxide - Bid File 9454 (Citywide)
- 1-O [ID18-1095](#) Actions pertaining to the Design of a New Central Boiler Plant at the Fresno/Clovis Regional Wastewater Reclamation Facility (Council District 3)
1. Award a consultant services agreement in the amount of \$200,000 and a contingency of \$10,000 to Lawrence Engineering Group, for professional engineering services for the Design of a New Central Boiler Plant at the Fresno/Clovis Regional Wastewater Reclamation Facility (Council District 3)
  2. Authorize the Director of Public Utilities, or designee, to sign agreement on behalf of the City
- 1-P [ID18-1100](#) Actions related to the Fourth Amendment to the Services Agreement with Orange Avenue Disposal Company, Inc.:
1. Adopt a finding of Class 1/Existing Facilities Categorical Exemption pursuant to Section 15301 of the California Environmental Quality Act.

2. Approve a Fourth Amendment to the Services Agreement with Orange Avenue Disposal Company, Inc., to increase per-ton charges for transfer, processing, and disposal of waste, capturing unforeseeable costs due to change in law and economic conditions (Citywide)

*THE ABOVE ITEM WAS PULLED FROM THE AGENDA*

**1-Q**    [ID18-1097](#)    Approve the Fifth Amendment to the Consultant Services Agreement with ECS Imaging, Inc., to expand Laserfiche consulting and implementation services for the Public Works Department in an amount not to exceed \$36,000.

**1-R**    [ID18-1115](#)    \*\*\*BILL NO. B-53 - (Intro. 9/20/2018) (For adoption) - Adding Section 10-1707 to the Fresno Municipal Code relating to the enforcement of the unlawful camping ordinance (Subject to Mayor’s veto)

*ORDINANCE 2018-55 ADOPTED*

**On motion of Vice President Brandau, seconded by Councilmember Caprioglio, that the above Ordinance be adopted. The motion carried by the following vote:**

**Aye:** 4 - Brandau, Caprioglio, Chavez and Bredefeld

**No:** 1 - Soria

**Absent:** 2 - Baines III and Olivier

**APPROVE MINUTES**

[18-0038](#)    Approval of minutes from September 20, 2018.

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

**Aye:** 5 - Soria, Brandau, Caprioglio, Chavez and Bredefeld

**Absent:** 2 - Baines III and Olivier

**COUNCILMEMBER REPORTS AND COMMENTS**

*Councilmember Chavez spoke regarding the Francher Creek clean-up and thanked their partners. Announced that the Fresno Fair Grounds is open*

*from 11:00 A.M. to 2:00 P.M. for Fresno City Employees who will be able to enter during lunch hours with their City ID's.*

*Councilmember Bredefeld asked City Manager Quan-Schechter about the water study and fines and asked when the program is ending and when the results will come in. City Manager Quan-Schechter responded the program ends October 1, 2018 and Administration will be coming before Council at the end of October with a workshop.*

*Councilmember Caprioglio thanked and congratulated the Northeast Police Department and Fresno State Police Department for all their hard work and hosting their first Cookies with Cops and He also announced the October 7, 2018 Susan G. Komen race for cure at the Chukchansi Park.*

*Council Vice President Brandau asked City Manager Quan-Schechter about the Farmland Agriculture Mitigation and when the item will be brought before Council again and asked about Firestation 18. Council Vice President Brandau requested to meet with Administration, City Manager Quan-Schechter off line.*

*Council President Soria also asked to meet with Administration regarding Firestation 18; she announced District 1 Fall Festival on September 29, 2018 from 6:00 P.M. to 9:00 P.M. at Inspiration Park. Council President Soria mentioned the City of Fresno Youth Commission is accepting applications for districts 1, 3, 4 and 7 and requested the meeting be adjourned in memory of City Employee Brian Leong with DARM Department.*

## **CEREMONIAL PRESENTATIONS**

[ID18-1087](#) Proclamation of "Ray Garcia Day" FAX Employee

*PRESENTED*

[ID18-1068](#) Recognition of Fresno Regional Workforce Development Board's Quarterly Business of Excellence Award

*PRESENTED*

[ID18-1136](#) Presentation of Certificate of Recognition to District Four Andrea

Garcia

*PRESENTED*

Presentation of "Susan G. Komen Northern and Central California - Race for the Cure 20th Anniversary"

*PRESENTED*

[ID18-1128](#) Proclamation of "Hispanic Heritage Month"

*PRESENTED*

## **CONTESTED CONSENT CALENDAR**

### **2. SCHEDULED COUNCIL HEARINGS AND MATTERS**

#### **10:00 A.M. SCHEDULED COMMUNICATION**

[ID18-1059](#) Appearance by Mr. Sammy Franco to speak to the City Council about Granite Park and its operators.

*Mr. Franco spoke regarding his concerns with Granite Park.*

*APPEARED*

#### **10:05 A.M.**

[ID18-1135](#) CONTINUED HEARING - To vacate a street, pipeline, and utility easement in Lot 8 of Tract Map No. 4043. (Council District 1)  
1. \*\*\*RESOLUTION - Ordering the vacation of a street, pipeline, and utility easement in Lot 8 of Tract Map No. 4043. (Subject to Mayor's Veto)

*The item was called to order at 10:18 A.M.*

*The above item was introduced by Chief Surveyor Camit, Public Works Department.*

*Upon call, the following members of the public addressed Council: John White and Joseph Brophy.*

*Council President Soria asked staff if City of Fresno has any jurisdiction or rights to the land and asked if we owned lot 8. Chief Surveyor Camit*



*responded. Council President Soria asked Deputy Fire Chief Semonious to talk about the conditions that are required to have the easement in terms of access points and the effects of closing the access points in case of an emergency. Deputy Fire Chief Semonious responded.*

*Council Vice President Brandau spoke regarding the congestion of the area and asked what is the main reason City of Fresno wants to do away with the road. Council President Soria responded.*

*Councilmember Caprioglio asked Mr. Brophy about the hundred signatures that was submitted last week.*

*Council President Soria asked staff if the item was time sensitive and how much money does it cost to renote the item. Director Mozier responded.*

*Council President Soria requested that the item be continued to a later date, which was approved on consensus.*

### **10:10 A.M. JOINT MEETING OF THE CITY OF FRESNO IN ITS CAPACITY AS THE HOUSING SUCCESSOR TO THE REDEVELOPMENT AGENCY OF THE CITY OF FRESNO AND THE FRESNO REVITALIZATION CORPORATION**

[ID18-1126](#) Consider proposed amendment to the restated and amended owner participation agreement regarding the Hotel Fresno

*The item was called to order at 10:52 A.M.*

*The above item was introduced to Council by Redevelopment Administrator Murphey, Redevelopment Agency of the City of Fresno.*

*Upon call, there was no public comment.*

*Council Vice President Brandau directed staff to update Council every 90 days or by the end of the year, December 31, 2018.*

**APPROVED**

**On motion of President Soria, seconded by Councilmember**

Caprioglio, that the above Action Item be approved as amended. The motion carried by the following vote:

**Aye:** 5 - Soria, Brandau, Caprioglio, Chavez and Bredefeld

**Absent:** 2 - Baines III and Olivier

### **3. GENERAL ADMINISTRATION**

- 3-A**     [ID18-1092](#)     Actions pertaining to 4,100 linear feet of water main installation in North Armstrong Avenue (Council District 4 and County):
1. Adopt findings of Section 15282 (Other Statutory Exemptions) of the California Environmental Quality Act Guidelines for a new water main Installation project in North Armstrong Avenue
  2. \*\*\*RESOLUTION - 10th Amendment to the Annual Appropriation Resolution (AAR) No. 2018-157 to appropriate \$984,600 to fund installation of a water main in North Armstrong Avenue (Requires 5 affirmative votes) (Subject to Mayor's Veto)
  3. Award a construction contract to Floyd Johnston Construction Co., Inc., in the amount of \$710,994 for water main Installation project in North Armstrong Avenue
  4. Authorize the Director of Public Utilities, or designee, to sign the contract on behalf of the City

*The above item was introduced to Council by Director Carbajal, Public Utilities Department.*

*Upon call the following member of the public address Council: Jaime Loza.*

*Council President Soria asked staff about the bid process and if the \$710,994 is the cost of the whole project. Director Carbajal responded.*

#### **RESOLUTION 2018-235 ADOPTED**

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

**Aye:** 5 - Soria, Brandau, Caprioglio, Chavez and Bredefeld

**Absent:** 2 - Baines III and Olivier

- 3-B**     [ID18-1096](#)     Actions pertaining to the following items (Citywide)

1. Adopt a finding of statutory exemption pursuant to Section 15262 of the California Environmental Quality Act Guidelines for engineering design for removal of 1,2,3 - Trichloropropane from five groundwater wells
2. \*\*\*RESOLUTION - Authorizing entering into a funding Agreement with the State Water Resources Control Board and authorizing and designating a representative for the Sustainable Groundwater Planning Grant Program for funding related to planning, monitoring and implementation projects for conducting a Feasibility Study to evaluate alternatives for the prevention or cleanup of 1,2,3 - Trichloropropane contamination in groundwater that serves or has served as a source of drinking water for the City of Fresno and authorizing the execution of documents (Subject to Mayor's Veto)
3. \*\*\*RESOLUTION - 9th Amendment to the Annual Appropriation Resolution (AAR) No. 2018-157 to appropriate \$990,600 from the Proposition 1 Sustainable Groundwater Planning Grant Program and local match funding from the Water Enterprise Fund for a 1,2,3 - Trichloropropane mitigation feasibility study (Requires 5 affirmative votes) (Subject to Mayor's Veto)
4. Approve the Third Amendment to Agreement with Provost & Pritchard Engineering Group, Inc., in the amount of \$677,000 for engineering design for removal of 1,2,3 - Trichloropropane from five groundwater wells and authorize the Director of Public Utilities, or designee, to sign all documents on behalf of the City

*The above item was introduced to Council by Engineer Bullis, Public Utilities Department.*

*Upon call, there was no public comment.*

**RESOLUTION 2018-236 ADOPTED**

**RESOLUTION 2018-237 ADOPTED**

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

**Aye:** 5 - Soria, Brandau, Caprioglio, Chavez and Bredefeld

**Absent:** 2 - Baines III and Olivier

**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: Jaime Loza and David Love*

**4. CITY COUNCIL**

- 4-A [ID18-1094](#) Actions related to Fancher Creek Parkway:
1. \*\*\*RESOLUTION - Adopting the Fancher Creek Parkway Act. (Subject to Mayor's veto)
  2. RESOLUTION - Initiating the Fancher Creek Parkway Concept Plan Pursuant to Fresno Municipal Code Section 15-4902-B

*THE ABOVE ITEM WAS PULLED FROM THE AGENDA AND CONTINUED TO OCTOBER 11, 2018.*

**5. CLOSED SESSION**

*City Council recessed into Closed Session at 11:11 A.M. and returned from Closed Session at 11: 20 A.M.*

*There was no announcements after Closed Session.*

- 5-A [ID18-1131](#) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - Government Code Section 54956.9, subdivision (d)(2)  
Significant Exposure to Litigation: Richard Felix v. City of Fresno, et al.

*DISCUSSED*

**ADJOURNMENT**

*City Council adjourned at 11:21 A.M. in memory of City Employee Brian Leong with DARM Department.*

