



City of Fresno

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

Meeting Minutes 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

Thursday, October 11, 2018

9:00 AM

Council Chambers

Regular Meeting

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

9:14 A.M. ROLL CALL

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

Invocation by Pastor Tate Hill, Sr.

Pledge of Allegiance to the Flag

APPROVE AGENDA

There were no changes to the agenda.

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

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

1. CONSENT CALENDAR

APPROVAL OF THE CONSENT CALENDAR

Upon call, there was no public comment.

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

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

- 1-A** [ID18-1158](#) Approve the reappointment of Delfino Neira to the Fresno Regional Workforce Development Board

This Appointment was approved on the Consent Calendar.

- 1-B** [ID18-1071](#) Authorize the Chief of Police to enter into a Memorandum of Understanding with the Fresno County Economic Opportunities Commission for the removal of tattoos from gang-affiliated individuals choosing to abandon the gang lifestyle and victims of human trafficking

This Action Item was approved on the Consent Calendar.

- 1-C** [ID18-1137](#) Approve a Second Amendment to Agreement for the Professional Consultant Services Agreement with CDM Smith, Inc., (CDM), in the amount of \$84,400 and extension to March 31, 2019, for the design and implementation of Phase 3 Groundwater Remedial Action for the Fresno Sanitary Landfill (FSL) (Council District 3)

The above item was pulled from the Consent Calendar by Councilmember Bredefeld and moved to the Contested Consent Calendar.

- 1-D** [ID18-1153](#) ***RESOLUTION - Of Intention by the Council of the City of Fresno, California, to grant a Non-Exclusive Franchise for roll-off collection services to BinCo within the City of Fresno and setting the public hearing for November 15, 2018 (Citywide) (Subject to Mayor's Veto)

RESOLUTION 2018-238 ADOPTED

- 1-E [ID18-1154](#) Approve Amendment No. 4 to the Copper River Ranch Water Supply Implementation Agreement approved by Fresno City Council on November 17, 2016 (Council District 6)

This Action Item was approved on the Consent Calendar.

- 1-F [ID18-1142](#) Actions pertaining to the Bridge Preventive Maintenance Program, Phase 1 project - Bid File No 3605
1. Adopt a finding of Categorical Exemption per staff determination, pursuant to Section 15301 of the California Environmental Quality Act Guidelines for the Bridge Preventive Maintenance Program, Phase 1 project
 2. Award a construction contract in the amount of \$255,715 to American Paving Company for the Bridge Preventive Maintenance Program, Phase 1 project (Council Districts 3,5, and 7)

This Action Item was approved on the Consent Calendar.

- 1-G [ID18-1167](#) Actions pertaining to the dedication of a portion of City-owned property for the purpose of providing a public street easement to accommodate existing public streets on Kern Street and Mono Street between the Union Pacific Railroad right-of-way and "H" Street. (Council District 3)
1. Adopt a finding of Categorical Exemption pursuant to Section 15301/Class 1 (existing facility) of the CEQA Guidelines
 2. ***RESOLUTION - Dedicating a portion of City-owned property for the purpose of providing a public street easement to accommodate existing public streets on Kern Street and Mono Street between the Union Pacific Railroad right-of-way and "H" Street. (Subject to Mayor's Veto)

RESOLUTION 2018-239 ADOPTED

This Action Item was approved on the Consent Calendar.

- 1-H [ID18-1169](#) Approve an agreement with Provost & Pritchard Consulting Group of Fresno, CA in the amount of \$77,200 with a contingency amount not to exceed \$5,000 for the design of plans, cost estimates, general construction documents, bidding assistance and contract administration for the Melody Park Splash Pad project. (Council District 4)

This Action Item was approved on the Consent Calendar.

- I-I [ID18-1146](#) Reject the proposal for Water Fountain Maintenance Services, Proposal No. 9434 (Council District 3)

This Action Item was approved on the Consent Calendar.

- 1-J [ID18-1145](#) Approve the award of a purchase contract to Swanson-Fahrney Ford for the purchase of six Ford F-350 cab and chassis trucks in the amount of \$165,214.74

This Action Item was approved on the Consent Calendar.

- 1-K [ID18-1148](#) Approve the award of a one-year contract to Van De Pol Enterprises, Inc., of Fresno, California in the amount of \$188,779.45, for the supply of motor oils and lubricants - Bid File 9458

This Action Item was approved on the Consent Calendar.

- 1-L [ID18-1147](#) Actions related to the Third Amendment to the Airport Lease Agreement with D&D Aircraft Services:
1. Adopt a finding of Categorical Exemption pursuant to Article 19, Section 15301/Class 1 (Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines to authorize Lease Amendment No. 3.
 2. Approve Lease Amendment No. 3 between the City of Fresno and D&D Aircraft Services, Inc., at Fresno Chandler Executive Airport. (Council District 3)

This Action Item was approved on the Consent Calendar.

- 1-M [ID18-1149](#) Approve the first amendment to the agreement between the City of Fresno and State Center Community College District (SCCCD) to continue acceptance of the SCCCDC issued identification cards for access on FAX fixed-route buses

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

- 1-N [ID18-1163](#) Authorize the Director of the Development and Resource Management Department or designee to sign the Consulting Services Agreement for \$150,000 with Byrne Software

Technologies, Inc. effective September 28, 2018, to December 31, 2019, for Professional services for Accela System Support.

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

- 1-O [ID18-1205](#) ***BILL NO. B-54 - (Intro. 9/27/2018) (For adoption) - 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) (Subject to Mayor's veto)

ORDINANCE 2018-56 ADOPTED

This Action Item was approved on the Consent Calendar.

CEREMONIAL PRESENTATIONS

[ID18-1010](#) Proclamation of "Disability Awareness Month" and Recognition of the Disability Advisory Commission Award Recipients

PRESENTED

[ID18-1193](#) Proclamation of "Code Enforcement Officer Appreciation Week"

PRESENTED

2. SCHEDULED COUNCIL HEARINGS AND MATTERS

9:30 A.M.

[ID18-1176](#) RESOLUTION - of the Council of the City of Fresno, California, naming the Conference Room at Fresno Yosemite International Airport the "Nick Palomares Room"

RESOLUTION 2018-240 ADOPTED

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

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

APPROVE MINUTES

[18-0039](#) Approval of minutes from September 27, 2018.

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

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

COUNCILMEMBER REPORTS AND COMMENTS

Councilmember Caprioglio reported that District 4 had its first coffee with a cop event. It's a new program that we are trying to institute across the city. This is creating a relationship that will last a long time. He thanked the Northwest Policing District and the Fresno State Police for their hard work and McDonald's for hosting the event on October 3, 2018. A news clip of the event was shown. The next event is scheduled for October 17, 2018, between 8 a.m. and 10 a.m. at Chick fil a on Shaw and First.

Council President Soria said a big thank you to all of the partners who made the first ever District 1 Fall Festival at Inspiration Park a success last month. There was over 800 folks in attendance. She thanked the Fresno City Firefighters, Local 753 for donating and cooking the food for the event. She thanked the Parks Department for making the park accessible and for their hard work. She also thanked all of the local and non-profits that showed up and provided invaluable information to the residents. Council President Soria announced that she has also been doing Coffee and Conversations for four years throughout District 1. This past Tuesday they had one of the District 1 meetings at Starbucks on Shaw and Feland. Council President Soria thanked Captain Burke Farrah who was out there, and she stated that the presence of our police officers out in our community events is very critical. She announced that the next event will take place in the Tower District on Tuesday, October 30, 2018 at 7:30 a.m. at The Revue on Olive.

Council President Soria also made a comment and a statement to her council colleagues, regarding item 3-C which is anticipated sale and revenue. She won't be able to participate in the actual action; however the council will be making a decision on the sale of city property. If approved, she would like to start a conversation regarding the anticipated revenue,

adding her understanding was that there are no current obligations for the current sales proceeds. She would like to make a recommendation that the revenues be allocated to public safety.

CONTESTED CONSENT CALENDAR

- 1-C** [ID18-1137](#) Approve a Second Amendment to Agreement for the Professional Consultant Services Agreement with CDM Smith, Inc., (CDM), in the amount of \$84,400 and extension to March 31, 2019, for the design and implementation of Phase 3 Groundwater Remedial Action for the Fresno Sanitary Landfill (FSL) (Council District 3)

The above item was introduced to Council by Assistant Director Schuber, Public Utilities Department.

Councilmember Bredefeld asked Assistant Director Schuber to explain the increase in the cost. Assistant Director Schuber said that the cost increased due to some equipment that wasn't supported by the devices that were already installed, so they had to do an upgrade. Also there was a time extension for items that they did not anticipate.

Upon call, there was no public comment.

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

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

- 1-N** [ID18-1163](#) Authorize the Director of the Development and Resource Management Department or designee to sign the Consulting Services Agreement for \$150,000 with Byrne Software Technologies, Inc. effective September 28, 2018, to December 31, 2019, for Professional services for Accela System Support.

The above item was introduced by Director Clark, DARM Department. Councilmember Bredefeld asked how much did the City pay for the Accela program. Director Clark responded a little over \$3 million dollars for the program that included the design of the structure of the program, all of the data transfer (20+ years worth of data), and the migration of the data. This

particular contract is with a consultant who is licensed and certified to work on Accela systems and help the department with reports, record types, specific fixes and workflow changes.

Councilmember Bredefeld questioned the \$150,000 and Director Clark clarified that they are asking to accept the contract for \$150,000 and to authorize up to an additional \$50,000 in case they need it over the course of the year. There was discussion regarding the additional \$50,000 and some of the councilmembers felt more comfortable if staff came back to council if and when they needed the additional funding. There was discussion on whether or not staff needed to come back to council for the additional \$50,000. The City Attorney clarified that anytime the total amount is over \$50,000, it must come to council.

Council President Soria asked to make an amendment to the motion to include that if the additional \$50,000 is needed that staff would come back to council for approval. The amendment was accepted by the maker and the second of the motion.

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

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

Absent: 1 - Brandau

- 1-M** [ID18-1149](#) Approve the first amendment to the agreement between the City of Fresno and State Center Community College District (SCCCD) to continue acceptance of the SCCC issued identification cards for access on FAX fixed-route buses

Council President Soria called this item up for discussion and recused herself due to a conflict.

The above item was introduced to Council by Interim Director Barfield, Transportation Department stating that this item is an amendment to an existing agreement between the City of Fresno and the State Center Community College District (SCCCD) to continue acceptance of the SCCC issued identification cards for access on FAX fixed route buses.

When called, there was no public comment.

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

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

Absent: 1 - Brandau

Recused: 1 - Soria

10:00 A.M.

[ID18-1173](#) Appearance by Gonzalo Arambula to discuss the Police and Sheriff's Departments

NOT PRESENT WHEN CALLED

3. GENERAL ADMINISTRATION

- 3-A** [ID18-1160](#) Approve Amendment No. 2 to the Parking Lot Management Agreement with SP Plus Corporation at Fresno Yosemite International Airport to extend the term of the agreement, update management fees for the extended term and expense provisions. (Council District 4)

The above item was introduced by Director Meikle, of the Aviation Department. He explained that this was an extension of an existing contract.

Councilmember Chavez was away from the dais from 10:09am - 10:11am.

Upon call, there was no public comment.

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

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

Absent: 1 - Chavez

- 3-B** [ID18-1112](#) BILL - (For introduction) Adding Article 33 to Chapter 9 of the Fresno Municipal Code, relating to Shared Mobility Devices

The above item was introduced by Assistant City Manager Schaad.

Councilmember Baines was away from the dais from 10:25am - 10:30am.

Councilmember Caprioglio requested this item be continued for two weeks in order to give him time to speak with Dr. Castro at Fresno State and engage him and other stakeholder to get their input on the policy. He doesn't have an issue with discussing the policy, but he would like to hold off on voting on this item for two weeks.

Councilmember Olivier would like to see a vote on this item today.

Councilmember Olivier asked Katie Stevens, Sr. Director for Strategic Development for Lime to come up and speak. Ms. Stevens gave the council an overview of what her company has to offer the City of Fresno and talked about the other cities they operate in.

There was a discussion regarding what other entities need to be included besides Fresno State. Councilmember Olivier asked Mr. Salinas, Executive Director of Governmental Relations at Fresno State to speak. Mr. Salinas conveyed that President Castro is wanting more time to have a full discussion and to meet with Councilmember Caprioglio, the City Manager and staff to see how the ordinance can apply to the University.

Councilmember Olivier called up Marty Fadoo, Government Partnership with Bird. Bird is active in 85 U.S. cities and they are also active internationally. He went on to speak more about Bird and what they have to offer the City of Fresno.

Councilmember Olivier asked if the maker and second of the motion would be willing to pass the ordinance today and leave out Fresno State to negotiate at a later time. The maker of the motion did not accept the amendment from Councilmember Olivier.

More discussion ensued regarding safety, where the bikes are allowed to operate and park, and what the liability to the City would be. Some of the councilmembers felt the issues pertaining to the proposed regulation of the

scooters was too much and want to see it scaled back. There was also questions regarding the scooters being stolen or missing and the statistics on this information from other cities.

This item was continued to the October 25, 2018 meeting as a timed item.

On motion of Councilmember Caprioglio, seconded by Councilmember Chavez, the above item was continued as noted. The motion carried by the following vote:

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

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

UNSCHEDULED COMMUNICATION

The following people spoke during Unscheduled Communication:

Mary Murray and Hector Cerda spoke regarding the parking issue in the neighborhood near the Veteran's Hospital.

Councilmember Bredefeld was away from the dais from 11:12am - 11:15am; Councilmember Olivier was away from the dais from 11:15am - 11:30am

Councilmember Bredefeld wanted to clarify if the enforcement would be suspended. Thomas Gaffrey, Parking Manager stated that as part of the implementation the City can suspend enforcement in the Southwest corner of the neighborhood (Clinton, Fresno St and Hwy 41) while this issue is being discussed.

Councilmember Brandau added that when this item comes back, the Council needs to talk about conquering the real problem, the VA and the lack of parking spaces available.

Councilmember Olivier announced that he would bring back an agenda item to give Council and the citizens an update on the parking around the VA Hospital.

David Love also spoke regarding District 5 and the upcoming election.

- 3-C** [ID18-1138](#) Actions pertaining to the sale of APN 467-040-20ST & 467-040-22ST consisting of approximately a 216,493 square foot surface parking lot located on H Street between Kern and Mono to Fresno Sports & Events Partners LLC:
1. Adopt a finding of Categorical Exemption pursuant to Section 15301/Class 1 of the California Environmental Quality Act (CEQA) Guidelines
 2. Approve the Purchase and Sale Agreement for approximately a 216,493 square foot surface parking lot located on H Street between Kern and Mono to Fresno Sports & Events Partners LLC for \$1,900,000 (District 3)

The item above was introduced by Deputy City Manager Gloria.

Council President Soria left the dais and recused herself from this item due to a conflict. Council President Soria was away from the dais from 11:18am - 11:33a.m.

Deputy City Manager Gloria stated that in regards to the Council President's previous comment regarding the proceeds, per the staff report, the proceeds will be deposited into the Asset Sale Reserve Funds per the Reserve Management Act.

Councilmember Bredefeld stated that the council should decide how the proceeds from this sale should be used. He recommended the money go to public safety (Fire/Police) particularly towards the 911 dispatchers. He requested a workshop for the next council meeting from Fire and Police to express their needs. He requested that this be a timed item with he and Council President Soria as the sponsors. He also requested that staff return in two weeks with budget amendments on how to appropriate those funds for public safety.

City Manager Quan-Schecter called upon Controller Lima to explain the action council previously took regarding the Reserve Management Act. Controller Lima stated that on December 7, 2017, the council previously took action to amend the Reserve Management Act which addresses the funds from asset sales. He also stated that \$1.9 million dollars from the

sale will go into the asset sales and reserve fund. The Reserve Management Act says the funds will be spent down over a period of 5-10 years. The topic of spending the \$1.9 million dollars will come to council as part of the budget and how it will be spent. The act says that 10% of the money has to go to Capital Projects and the other 90% can go to operating funds.

There was discussion regarding the Reserve Management Act and if council could change or amend the Act in order to use the \$1.9 million dollars. City Attorney Sloan stated that an Act approved by council can be changed by council. Councilmember Bredefeld made his request again to have a workshop at the next meeting.

Councilmember Baines made a motion to approve staff's recommendation. Councilmember Baines believes that the most appropriate time to address budget needs is during the budget process. More discussion ensued regarding the needs of the departments, and mid-year budget.

Upon call, there was no public comment.

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

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

Recused: 1 - Soria

- 3-D** [ID18-1157](#) Actions related to initiating the Proposition 218 process for proposed changes to the schedule of rates for water, wastewater and solid waste services:
1. Direct City staff to initiate the Proposition 218 process for proposed changes to rates for water, wastewater and solid waste services, and
 2. Set public hearings regarding proposed changes to rates for water, wastewater, and solid waste services to December 6, 2018, at 5:00 p.m.

Prior to introducing item 3-D, Councilmember Olivier announced that he was able to meet with the neighbors, the Planning Department and the

Parking Department regarding the parking issue in the neighborhood around the Veteran's hospital. He believes they have worked out a solution and he will be sharing the solution when this item comes back to the council at the next meeting. He thanked his colleagues for being patient.

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

When called, there was no public comment.

Councilmember Baines stated that he will be supportive of this item and explained why. He is concerned that the item may not have the support it needs to pass. Councilmember Baines asked Director Carbajal several questions regarding this item.

Council President Soria recessed the meeting at 12:04 p.m for lunch.

4. CITY COUNCIL

- 4-A** [ID18-1171](#) 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 meeting reconvened at 1:48 p.m.

The above item was introduced by Councilmember Chavez.

Upon call, there was no public comment.

Councilmember Baines was away from the dais from 1:48pm to 1:53pm.

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

Aye: 6 - Soria, Brandau, Caprioglio, Chavez, Bredefeld and Olivier

Absent: 1 - Baines III

- 3-D [ID18-1157](#) Actions related to initiating the Proposition 218 process for proposed changes to the schedule of rates for water, wastewater and solid waste services:
1. Direct City staff to initiate the Proposition 218 process for proposed changes to rates for water, wastewater and solid waste services, and
 2. Set public hearings regarding proposed changes to rates for water, wastewater, and solid waste services to December 6, 2018, at 5:00 p.m.

Discussion and/or action on this item was resumed from earlier today.

Councilmember Caprioglio was away from the dais from 1:49 p.m. to 1:52 p.m.

Some of the comments from the councilmembers included support for the item, others were concerned about the timing of this rate increase, some were concerned over the existing tax items on the November election ballot and how some citizens are already struggling economically. There were also concerns regarding the lack of community involvement prior to initiating the Prop 218 process, and the promises that were made in 2015 that were not kept. Other concerns were the lack of community outreach, the lack of energy cost savings and the low income program.

On motion of Councilmember Baines III, seconded by Councilmember Caprioglio, that the above Action Item be approved. The motion FAILED by the following vote:

Aye: 3 - Baines III, Caprioglio and Olivier

No: 4 - Soria, Brandau, Chavez and Bredefeld

5. CLOSED SESSION

The City Council recessed into Closed Session at 2:38pm to 3:43pm. There were no announcements after the Closed Session.

- 5-A [ID18-1122](#) CONFERENCE WITH LABOR NEGOTIATOR - Government Code Section 54957.6
City Negotiator(s): Jeffrey Cardell, Ken Phillips
Employee Organization:

Amalgamated Transit Union, Local 1027 (ATU)

DISCUSSED

- 5-B** [ID18-1144](#) CONFERENCE WITH LEGAL COUNSEL-DECIDING WHETHER TO INITIATE LITIGATION - Government Code Section 54956.9, subdivision (d)(4)
1. City of Fresno v. Sticky Fingers Delivery, People's Cure Inc., One OZ 88, and Green Leaf

DISCUSSED

- 5-C** [ID18-1184](#) CONFERENCE WITH LEGAL COUNSEL-POTENTIAL LITIGATION - Government Code Section 54956.9(d)(2)
1. Shaun Schaefer v. City of Fresno

DISCUSSED

ADJOURNMENT

The meeting was adjourned at 2:38 p.m.

The Council met in closed session from 2:45 p.m. to 3:43 p.m.