



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-Schecter

City Attorney - Douglas T. Sloan

City Clerk - Yvonne Spence, MMC

Thursday, March 8, 2018

9:00 AM

Council Chambers

Regular Meeting

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

9:06 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 Rici Skei

Pledge of Allegiance to the Flag

APPROVE AGENDA

City Clerk Spence announced the following changes to the agenda: Special Meeting regarding Resolution opposing Assembly Bill 3218; File ID 18-0352 (3-C) - Actions pertaining to the Northeast Surface Water Treatment Facility Six-Million Gallon finished Water Reservoir Project: (Council District 6) has been removed from the agenda. Will be placed on the March 22, 2018 agenda rejecting all bids per staff and File ID 18-0354 (5-B) Closed Session regarding Mountain Cascade Incorporated vs. City of

Fresno has been removed from the agenda.

On motion of Councilmember Caprioglio, seconded by Councilmember Chavez, the above item was adopted as amended.

The motion carried by the following vote:

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

1. CONSENT CALENDAR

On motion of Councilmember Chavez, seconded by Councilmember Caprioglio, the below CONSENT CALENDAR was adopted. The motion carried by the following vote:

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

1-A [ID18-0261](#) Actions pertaining to Resolution of Intention No. 1120-D to vacate a portion of East Copper Avenue at North Millbrook Avenue, and vacate a portion of a Public Utility Easement in Outlot A and Lots 1 through 4 of Tract Map No. 6099; and setting the public hearing for April 5, 2018 at 10:00 a.m. (Council District 6).

1. Adopt a finding of Categorical Exemption per staff determination, pursuant to Section 15301 of the California Environmental Quality Act (CEQA) Guidelines, Environmental Assessment No. EA-17-033.
2. Adopt the Resolution of Intention No. 1120-D to vacate a portion of East Copper Avenue at North Millbrook Avenue, and vacate a portion of a Public Utility Easement in Outlot A and Lots 1 through 4 of Tract Map No. 6099.

Sponsors: Public Works Department

1-B [ID18-0292](#) RESOLUTION - Of Intention to Annex the Territory Known as Assessor's Parcel Number 578-010-11 as Annexation No. 25 to the City of Fresno Community Facilities District No. 9 and to Authorize the Levy of Special Taxes (southwest corner of East Copper and North Chestnut Avenues); and setting the public hearing for April 19, 2018 at 10:00 a.m. (Council District 6)

Sponsors: Public Works Department

RESOLUTION 2018-56 ADOPTED

- 1-C [ID18-0293](#) RESOLUTION - Of Intention to annex Final Tract Map No. 6177 as Annexation No. 86 to the City of Fresno Community Facilities District No. 11 and to Authorize the Levy of Special Taxes (northwest corner of North Polk and West Olive Avenues, adjacent to Final Tract Map No. 6139); and setting the public hearing for April 19, 2018 at 10:00 a.m. (Council District 3)

Sponsors: Public Works Department

RESOLUTION 2018-57 ADOPTED

- 1-D [ID18-0285](#) Approve a professional consultant agreement in the amount of \$298,000 with HDR Engineering, Inc., for a basis for design report and comprehensive relocation strategy

Sponsors: Department of Transportation

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

- 1-E [ID18-0291](#) Actions pertaining to the City's Advanced Metering Infrastructure (AMI) System:
1. Affirm the City Manager's finding that Badger Meter, Inc., is uniquely qualified to perform services related to the City's AMI system, in accordance with Administrative Order (AO) 6-19.
 2. Approve a Software Purchase and Services Agreement with Badger Meter, Inc., for a not-to-exceed annual amount of \$350,000 per year, for a term of five years.

Sponsors: Department of Public Utilities

- 1-F [ID18-0329](#) Approve the appointments of Katherine Rexroat and Jean Petty to the District 6 Plan Implementation/ Project Review Committee

Sponsors: City Councilmember Bredefeld

- 1-G [ID18-0347](#) Approve the appointment of Nathan Alonzo to the Capital Projects Oversight Board

Sponsors: Mayor's Office

- 1-H [ID18-0334](#) ***BILL No. B-8 - (Intro. 3/1/2018) (For adoption) - Amending Section 2-1104 of the Municipal Code relating to campaign

contributions. (Subject to Mayor's veto)

Sponsors: City Attorney's Office

ORDINANCE 2018-13 ADOPTED

APPROVE MINUTES

[18-0021](#) Approval of minutes from March 1, 2018.

Sponsors: City Clerk's Office

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

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

CEREMONIAL PRESENTATIONS

[ID18-0351](#) Presentation of the SPCA Pet of the Month

Sponsors: City Councilmember Olivier

PRESENTED

[ID18-0315](#) Recognition of "University High School Academic Decathlon Team"

Sponsors: City Councilmember Caprioglio and Mayor's Office

PRESENTED

[ID18-0333](#) Proclamation of Southeast Police Officer David Standley Day

Sponsors: City Councilmember Chavez

PRESENTED

COUNCILMEMBER REPORTS AND COMMENTS

Council Vice President Brandau announced the opening of the new Northwest Police Station building on Shaw and West and thanked Chief Dyer, Captain Farrah, Officer Musser, Zinkin Family, Mayor Brand and City Manager.

Councilmember Caprioglio requested the meeting be adjourned in memory

of Judge Gene Gomes, congratulated all those who were recognized at the Restaurant Association Dinner, Restaurateur of the year: Lorraine Salazar - Sal's Mexican Restaurant, Best Fine Dining: The Annex Kitchen, Best Sport Bar: Mad Duck, Best Steakhouse: Flemmings, Best Banquet: Pardini's, Best Catering: Love & Garlic and Best Craft Brewery: Mad Duck. Councilmember Caprioglio spoke regarding Kids Day, March 7, 2018 and thanked the Magic Team for cleaning up the mess near University.

Council President Soria mentioned the opening of the new Northwest Police Station building, thanked those who participated in Read Across America, made a special invitation to Leadership Day for the Aspin Valley School and she participated in Kids Day.

Councilmember Bredefeld asked City Attorney Sloan if a Councilmember or the Council requests a City document, do they have the authority to review any City documents with the exceptions of legal issues. City Attorney Sloan responded yes, the Council is essentially the Board of Directors of the City and in charge of the City and that the Council will be entitled to see any document that would be subject to a Public Records request, in addition the Council would be entitled to see anything that is not legally protected of certain personal records or attorney client privilege. There was further discussion regarding Councilmembers request for documents. City Manager Quan-Schechter requested to meet with Councilmember Bredefeld after the meeting to go over any and all documents that were requested by his office.

CONTESTED CONSENT CALENDAR

- 1-D [ID18-0285](#) Approve a professional consultant agreement in the amount of \$298,000 with HDR Engineering, Inc., for a basis for design report and comprehensive relocation strategy

Sponsors: Department of Transportation

The above item was introduced to Council by Assistant Director Barfield, Transportation Department.

Councilmember Bredefeld asked staff to share with the Council the purpose of the item and why do we need a consultant and stated he can not support the item.

Councilmember Bredefeld motioned to reject the item. Motion dies for lack of second.

Upon call, there was no public comment.

Council Vice President Brandau asked staff if the item was time sensitive and if this is something that can be done in house.

City Manager Quan-Schecter stated that staff does not have the capacity and a consultant will help us get there.

Councilmember Baines asked staff about the skill sets that are needed.

*Councilmember Baines motioned to approve the item as presented.
Councilmember Caprioglio seconded the motion.*

Council President Soria directed staff to provide more information on the staff reports regarding the second bids and why they were not selected and will not be voting on the item due to lack of information presented to Council.

Councilmember Baines withdrew his previous motion.

Council President Soria motioned to continue the item and directed staff to provide complete information and asked the City Administration staff that when they are bringing various bids forward that they provide more information on all bids.

On motion of President Soria, seconded by Vice President Brandau, that the above Action Item be continued. 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

Upon call, there was no Unscheduled Communication.

3. GENERAL ADMINISTRATION

- 3-B** [ID18-0349](#) Actions pertaining to improvements at Chukchansi Park funded by the Chukchansi Park Capital Reserve fund:
1. ***RESOLUTION - 60th amendment to the Annual Appropriation Resolution (AAR) No. 2017-165 appropriating \$1,200,000 for non-structural capital improvements at Chukchansi Park (Requires 5 affirmative votes) (Subject to Mayor's veto)
 2. Adopt a finding of Categorical Exemptions per staff determination, pursuant to Sections 15301, 15302, and 15303 of the California Environmental Quality Act Guidelines
 3. Approve the use of up to \$1,200,000 for non-structural capital improvements at Chukchansi Park consistent with the Third Amendment to the Amended and Restated Sublease Agreement between the City of Fresno and Fresno Baseball Club, LLC.

Sponsors: City Manager's Office

The above item was introduced to Council by Chief of Staff Orman, Mayor's Office.

Upon call, there was no public comment.

Council President Soria asked staff if these were funds that were already set aside for the stadium.

Councilmember Olivier stated that the City of Fresno is a town where they want to go to the stadium to be entertained and not necessarily to watch the game. Councilmember Baines agreed with Councilmember Olivier.

Chief of Staff Orman also mentioned that on March 17, 2018 there will be a kick for Fresno Baseball Club.

RESOLUTION 2018-58 ADOPTED.

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

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

2. SCHEDULED COUNCIL HEARINGS AND MATTERS

10:00 A.M.

- [ID18-0330](#) CONTINUED HEARING to consider Official Plan Lines (OPL) for the South Temperance Avenue alignment from East Jensen Avenue to State Route 180, and, related Environmental Assessment No. EA-17-017. (Council District 5)
- a. ADOPT the Finding of Conformity to the Fresno General Plan Master Environmental Impact Report (MEIR #2012111015) as prepared for Environmental Assessment No. EA-17-017, filed September 29, 2017.
 - b. BILL - (For introduction and adoption) - approving the Official Plan Lines for the South Temperance Avenue alignment from East Jensen Avenue to State Route 180 pursuant to the Fresno General Plan Land Use and Circulation Map.

Sponsors: Public Works Department

The hearing was called to order at 10:23A.M.

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

Upon call the following member of the public addressed Council: Charles Sells

Councilmember Chavez asked staff what the timeline of the project will be and requested that the resident's property is secured and that he be compensated at the end of the project in 2035. Councilmember Chavez asked City Attorney Sloan about the disclosures of the lines on the properties. City Attorney Sloan said it is public record and does not require individual disclosure. Councilmember Chavez continued to ask any property that the City of Fresno takes will the residents be 100 percent compensated. City Attorney Sloan said yes they will be compensated at fair market value and relocation cost.

*Councilmember Chavez motion to approve the item as presented.
Councilmember Bredefeld seconded the motion.*

Councilmember Baines asked staff how much of the yard will be removed and why do we need six lanes. Director Mozier responded that the general plan requires six lanes. Councilmember Baines asked Mr. Sells how large is his property and asked if 10 feet less would be fine. Councilmember Baines asked if 10 feet less would impact traffic patterns. Director Mozier said it could be done with the trail.

Councilmember Chavez suggested that the item be continued for further research. Councilmember Chavez withdrew his previous motion and motioned to continue the item to April 5, 2018 at 10:00A.M. Councilmember Bredefeld seconded the motion.

On motion of Councilmember Chavez, seconded by Councilmember Bredefeld, that the above Action Item be continued to April 5, 2018 at 10:00A.M.. The motion carried by the following vote:

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

10:05 A.M.

[ID18-0350](#) Appearance by Mary Esther Correa to discuss Code Enforcement (Speaker resides in District 7)

Ms. Correa appeared and discussed her issues with Code Enforcement and the fines they have against her property.

3-A [ID18-0290](#) Award a five-year contract with the option for two one-year extensions for banking services for the City of Fresno Finance Department to Bank of America, N.A. (Bid File 9412)

Sponsors: Finance Department

The above item was introduced to Council by Director Lima, Finance Department.

Upon call, there was no public comment.

Councilmember Bredefeld spoke regarding a number of concerns he had

with the item. Councilmember Bredefeld referred to an article on Bank of America regarding a fine of \$2.2 million dollars on racial discrimination and their unfair lending practices as well as Wells Fargo Bank. Councilmember Bredefeld asked City Attorney Sloan if there is any problem with him voting on the item since he has stocks with Wells Fargo. City Attorney Sloan stated no.

Councilmember Bredefeld motion to reject the recommendation of Bank of America and Wells Fargo and request that City staff come back with other alternatives for the Council to consider and suggested local banks. Councilmember Baines seconded the motion.

City Manager Quan-Schechter requested that the item be continued to allow staff time to discuss the matter further.

Councilmember Bredefeld asked City Manager Quan-Schechter what would the delay do and stated he will not support the item no matter what.

Councilmember Caprioglio motioned to continue the item. Council Vice President Brandau seconded the motion.

Councilmember Baines thanked Councilmember Bredefeld for bringing up the item and will not be supporting the item and stated that Bank of America does very little Community Reinvestment (CRA) in the Fresno community. Councilmember Baines asked staff how much do we have in deposits over a year. Director Lima stated over \$20 million.

Council Vice President Brandau thanked Councilmember Bredefeld for bringing up the item and stated he needs to research the matter further and supports a continuance.

City Attorney Sloan stated the Council can take up both motions, that they could reject Bank of America and Wells Fargo and continue as to the rest if Council so chooses to.

Councilmember Bredefeld agreed to reject Bank of America and Wells Fargo and continue the item. Councilmember Bredefeld asked staff if Bank

of America and Wells Fargo are the only banks that meet the capacity and can do business with the City of Fresno. Director Lima responded yes.

City Manager Quan-Schechter asked for more time and stated the other banks do not have the capacity to support City of Fresno.

Council President Soria agreed with Councilmember Bredefeld to reject Bank of America and Wells Fargo and to make a statement that this type of behavior is unacceptable. Council President Soria expressed that it is an important factor that these banks invest in our City.

Councilmember Olivier asked if Bank of America paid their fines and have they changed their ways and moved forward from their past practices and stated more research is needed before rejecting the two banks.

Councilmember Chavez asked staff about the capacity and what exactly do they provide that a local bank does not. Director Lima stated they provide a pay card for temporary employee or an employee who does not have a bank account and that checks are no longer issued. Director Lima continued to state they provide a paymood service.

Councilmember Caprioglio asked staff if Bank of America has done anything to rehabilitate themselves or change their ways.

Councilmember Baines asked the representative of Bank of America if he knew anything in regards to the lawsuit and if he would speak towards the article. The Bank of America representative stated he was not aware of the lawsuit and can not speak towards the matter. Councilmember Baines asked Councilmember Bredefeld if his motion is to continue the matter but reject Bank of America and Wells Fargo. Councilmember Bredefeld agreed and stated that was his motion.

Councilmember Caprioglio withdrew his motion to continue.

City Manager Quan-Schechter notified the Council that the current contract expires at the end of March and asked what extension opportunities does Administration have to get the City by for the next couple of months. City

Attorney Sloan stated the contract ends at the end of March. City Manager Quan-Schechter asked City Attorney if it is possible to ask the Council to extend the contract while Administration figures out the next steps.

Councilmember Bredefeld asked staff how long will it take to come back to Council with other options. Director Lima stated it will take about six months. City Manager Quan-Schechter requested a contract extension. Councilmember Bredefeld agreed to extending the contract for six months.

City Attorney Sloan asked City Council for a break to do more research on the current contract.

City Council postponed the item at 11:09A.M. City Council resumed the item at 12:07P.M.

City Attorney Sloan provided an updated to the Council and stated the Council can terminate the contract without cause with seven days notice and that Council can add to the motion to extend the contact for six months through September of this year and come back with other proposals.

City Manager Quan-Schechter requested that the extension be nine months instead of six as originally discussed.

Councilmember Bredefeld stated he would like to stick to six months and asked if Bank of America would agree to a six month extension. The Bank of America representative agreed to extending the contract out to six months and month to month after that. Councilmember Bredefeld stated he would like to extend the contract out for six months until September 30, 2018 with the same terms and allow the City to terminate the contract without cause with a seven day notice and to approve more time if needed.

Councilmember Bredefeld directed staff to not bring back renewed contracts 30 days before they expire instead suggested 4 months out.

Councilmember Baines requested discrimination and violations clause be added to the Request for Proposal. City Manager Quan-Schechter asked City Attorney Sloan if that can be added legally. City Attorney Sloan stated yes.

Council President Soria suggested the Council get a workshop on contract and the City's procurement process.

Councilmember Bredefeld motioned to reject staff recommendation of Bank of America and Wells Fargo, come back within six months or sooner with other alternatives for the Council to consider and that the contract be extended for six months with a renewal of three months with the same terms. Councilmember Baines seconded the motion.

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

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

Absent: 1 - Brandau

- 3-C** [ID18-0352](#) Actions pertaining to the Northeast Surface Water Treatment Facility Six-Million Gallon Finished Water Reservoir Project: (Council District 6)
1. Award a Design-Build contract in the amount of \$11,758,200 to W. M. Lyles Co., for the City of Fresno's Northeast Surface Water Treatment Facility (NESWTF) Six-Million Gallon Finished Water Reservoir Project (Project) - Bid File No. 3531(Council District 6)
 2. Authorize the Director of Public Utilities, or designee, to sign the agreement on behalf of the City

Sponsors: Department of Public Utilities

THE ABOVE ITEM WAS REMOVED FROM THE AGENDA AND WILL BE PLACED ON THE MARCH 22, 2018 AGENDA.

4. CITY COUNCIL

City Council Recessed to Closed Session at 12:20P.M.

5. CLOSED SESSION

City Council returned from Closed Session at 12:40P.M.

There was no announcements after Closed Session.

- 5-A** [ID18-0345](#) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED

LITIGATION; Government Code Section 54956.9, subdivision (d)
(2)
Significant Exposure to Litigation: South Central Neighbors
United vs. City of Fresno

Sponsors: City Attorney's Office

DISCUSSED

- 5-B [ID18-0354](#) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED
LITIGATION - Government Code Section 54956.9, subdivision
(d)(2)
1. Significant Exposure to Litigation: Mountain Cascade
Incorporated v. City of Fresno

Sponsors: City Attorney's Office

THE ABOVE ITEM WAS REMOVED FROM THE AGENDA

ADJOURNMENT

City Council Adjourned in Memory of Judge Gene Gomes at 12:40P.M.