



# 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*

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Thursday, May 18, 2017

1:30 PM

Council Chambers

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### Regular Meeting

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

### **1:35 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

Invocation by Michelle Racusin of the Holy Family Episcopal Church

Pledge of Allegiance to the Flag

### **CEREMONIAL PRESENTATIONS**

[ID17-557](#) Mayor Lee Brand Welcomes Mexican Consul David Preciado  
1. Proclamation of "Consul David Preciado Day"

*PRESENTED.*

[ID17-628](#) Certificate of Recognition of Ramandeep Dhah (Remee), Fresno State  
Maddy Institute Intern

*PRESENTED.*

## **APPROVE AGENDA**

*City Clerk Spence announced the following changes to the agenda:*

*1) Fil ID17-676 (3-A) was removed from the agenda by staff*

*2) File ID17-705 (3:00 P.M.) Proclamation of "Ray Appleton Day" add Mayor Brand and Council President Olivier as co-sponsors along with Council Member Brandau*

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

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

## **APPROVE MINUTES**

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

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

[ID17-99](#) Approval of minutes from May 11, 2017

## **COUNCILMEMBER REPORTS AND COMMENTS**

*Councilmember Caprioglio reported that last Saturday was a very moving day for him and for our community. The Fresno Airport held "Wings for Autism". They took 50 families with Autistic children to the Airport. What happens generally is that Autistic children have to have certainty and regulation in order to survive. That kind of limits their ability to travel.*

*So what the Airport did was created a program together for the Autistic children at the airport where they brought their luggage in, listened to Mayor Brand welcome them, they went to the waiting area, they met the pilots and the staff of the airplanes. It got very noisy and the kids and their families did very well. The kids and families went to the doors of the planes. SKY West spent approximately \$25,000 just to bring in a plane just for this event. The kids got on the plane, took their seats and taxied around and around the airport.*

*I had a wonderful time and this was the first in California. I'd like to thank Kevin Meikle and his airport team, they did an amazing job. I want to thank the many partners such as SKYWest Airlines, TSA, Delta Global, HP and the ARC for their work, dedication and committment to the families.*

## **1. CONSENT CALENDAR**

### APPROVAL OF THE CONSENT CALENDAR

*Councilmembers Brandau and Council President Olivier voted no on item 1-M.*

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

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

- 1-A**     [ID17-640](#)     \*\*\*RESOLUTION - 13th amendment to Fiscal Year 2017 Salary Resolution No. 2016-120, (1) deleting the class of Collection System Maintenance Operator I, retitling the Collection System Maintenance Operator II and III to Collection System Maintenance Technician and Collection System Maintenance Specialist, respectively, and adding the class of Senior Collection System Maintenance Specialist and providing a salary range for the respective class, to Unit 1, Exhibit 1, Non-Supervisory Blue Collar (Local 39); (2) adding the class of Law Clerk and its salary range to Unit 8, Exhibit 8, Non-Represented; and, (3) adding the classes of Wastewater System Supervisor, Wastewater Operations Supervisor, and Wastewater Environmental Supervisor and their respective salary ranges to Unit 13, Exhibit 13-1, Exempt Supervisory and Professional (CFPEA)

*RESOLUTION 2017-133 APPROVED*

**This Action Item was approved on the Consent Calendar.**

- 1-B**     [ID17-706](#)     Actions pertaining to International Union of Operating Engineers, Stationary Engineers, Local 39 for Unit 1
1. \*\*\*Adopt a Memorandum of Understanding between the City of Fresno and the International Union of Operating Engineers, Stationary Engineers, Local 39 for Unit 1 - Non-Supervisory Blue Collar (Local 39)
  2. \*\*\*RESOLUTION: 14th amendment to FY 2017 Salary Resolution No. 2016-120, amending salaries in Exhibit 1, Unit 1 - Non-Supervisory Blue Collar (Local 39), as required by the Memorandum of Understanding between the City of Fresno and the International Union of Operating Engineers, Stationary Engineers, Local 39

*The above item was moved to the Contested Consent Calendar by Councilmember Baines for further discussion*

- 1-C**     [ID17-655](#)     Actions pertaining to Resolution of Intention No. 1116-D to vacate a portion E. Kings Canyon Road at S. Apricot Avenue. (Council District 5).
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. C-14-057.
  2. Adopt Resolution of Intention No. 1116-D to vacate a portion E. Kings Canyon Road at S. Apricot Avenue, and setting the public hearing for June 8, 2017 at 10:00 a.m.

**This Action Item was approved on the Consent Calendar.**

- 1-D**     [ID17-667](#)     Actions pertaining to Resolution of Intention No. 1117-D to vacate a portion N. Doolittle Drive, north of W. Herndon Avenue. (Council District 2)
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-16-013.
  2. Adopt Resolution of Intention No. 1117-D to vacate a portion N. Doolittle Drive, north of W. Herndon Avenue, and setting the public hearing for June 8, 2017, at 10:05 a.m.

**This Action Item was approved on the Consent Calendar.**

- 1-E**     [ID17-735](#)     **RESOLUTION** - Approving the Final Map of Tract No. 5449 and accepting dedicated public uses offered therein - northeast corner of East Butler Avenue and South Villa Avenue (Council District 5)

*RESOLUTION 2017-134 APPROVED.*

**This Action Item was approved on the Consent Calendar.**

- 1-F**     [ID17-670](#)     Actions pertaining to accepting funds from the California Board of State and Community Corrections (BSCC) and Addendum No. 4 to the Agreement with partner cities and Fresno County:
1. Accept funding of \$460,328 from the BSCC; and
  2. Approve Addendum No. 4 to the Memorandum of Understanding between the City of Fresno, Cities of Clovis, Coalinga, Firebaugh, Fowler, Huron, Kerman, Kingsburg, Mendota, Orange Cove, Parlier, Reedley, Sanger, Selma and the County of Fresno

**This Action Item was approved on the Consent Calendar.**

- 1-G**     [ID17-672](#)     Approve a Facility Usage Reservation Agreement with Central Unified

School District to provide swim lessons at Central High School East Campus for the community

*The above item was moved to the Contested Consent Calendar by Councilmember Soria for further discussion.*

- 1-H**     [ID17-683](#)     Approve Agreement with Fresno Unified School District (FUSD) for use of District pools for the PARCS Summer Swim Program.

*The above item was moved to the Contested Consent Calendar by Councilmember Soria for further discussion.*

- 1-I**     [ID17-679](#)     Approve Amendment No. 1, in the amount of \$40,248, to the consulting services agreement with Unison Consulting, Inc., to complete a Passenger Facility Charges Application for Fresno Yosemite International Airport (Council District 4).

*The above item was moved to the Contested Consent Calendar by Councilmember Caprioglio.*

- 1-J**     [ID17-684](#)     Actions related to Amendment No. 3 to the Lease between the City of Fresno and John Tomaino, an individual D.B.A. American Helicopters at Fresno Chandler Executive Airport:
1. Adopt finding of a Categorical Exemption pursuant to Section 15301/Class 1 of the California Environmental Quality Act Guidelines;
  2. Approve Lease Amendment No. 3 between the City of Fresno and John Tomaino, an individual D.B.A. American Helicopters at Fresno Chandler Executive Airport (Council District 3).

**This Action Item was approved on the Consent Calendar.**

- 1-K**     [ID17-714](#)     Approve Workforce Innovation and Opportunity Act Mandated Partner Memorandum of Understanding between the Fresno Regional Workforce Development board (FRWDB) and California Indian Manpower Consortium

**This Action Item was approved on the Consent Calendar.**

- 1-L**     [ID17-715](#)     Approve Workforce Innovation and Opportunity Act Mandated Partner Memorandum of Understanding Between the Fresno Regional Workforce Development Board (FRWDB) and National Council on Aging.

**This Action Item was approved on the Consent Calendar.**

- 1-M**     [ID17-674](#)     Action related to previously approved Reimbursement Agreement, California High Speed Rail Heavy Maintenance Facility (HMF) with the Fresno County Transportation Authority (FCTA):

1. \*\*\*RESOLUTION - 56th amendment to the Annual Appropriation Resolution (AAR) No. 2016-118 to appropriate \$250,000 for purchase and sales agreements to acquire properties within the proposed Fresno High Speed Rail HMF footprint. (Requires 5 affirmative votes)

*Councilmember Brandau and Council President voted NO on this item.*

**RESOLUTION 2017-135 ADOPTED**

**This Action Item was approved on the Consent Calendar.**

- 1-N**     [ID17-666](#)     Approve the first amendment to a professional consultant agreement in the amount of \$50,335 with Ascent Environmental, Inc., a Sacramento-based California corporation, to conduct an Initial Study per CEQA 15063

*The above item was moved to the Contested Consent Calendar by Councilmember Bredefeld.*

- 1-O**     [ID17-741](#)     \*\*\*BILL NO. B-23 - (Re-introduced 5/11/2017) (For adoption) - Amending Section 5-302, 5-303, 5-304, 5-305, 5-307, 5-308, and adding Sections 5-310, 5-311, 5-312, and 5-313 to Article 3 of Chapter 5 of the Fresno Municipal Code, relating to fare evasion and enforcement

*The above item was moved to the Contested Consent Calendar by Council President Olivier.*

**CONTESTED CONSENT CALENDAR**

- 1-B**     [ID17-706](#)     Actions pertaining to International Union of Operating Engineers, Stationary Engineers, Local 39 for Unit 1
1. \*\*\*Adopt a Memorandum of Understanding between the City of Fresno and the International Union of Operating Engineers, Stationary Engineers, Local 39 for Unit 1 - Non-Supervisory Blue Collar (Local 39)
  2. \*\*\*RESOLUTION: 14th amendment to FY 2017 Salary Resolution No. 2016-120, amending salaries in Exhibit 1, Unit 1 - Non-Supervisory Blue Collar (Local 39), as required by the Memorandum of Understanding between the City of Fresno and the International Union of Operating Engineers, Stationary Engineers, Local 39

**RESOLUTION 2017-136 APPROVED**

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

**Aye:** 4 - Soria, Baines III, Caprioglio and Chavez

**No:** 3 - Olivier, Brandau and Bredefeld

- 1-G**     [ID17-672](#)     Approve a Facility Usage Reservation Agreement with Central Unified School District to provide swim lessons at Central High School East Campus for the community

*Shaun Schaefer of the Parks, After School and Recreation and Community Services (PARCS) Department presented the item to Council.*

*APPROVED*

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

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

- 1-H**     [ID17-683](#)     Approve Agreement with Fresno Unified School District (FUSD) for use of District pools for the PARCS Summer Swim Program.

*Shaun Schaefer of the Parks, After School and Recreation and Community Services (PARCS) Department presented the item to Council.*

*APPROVED*

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

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

- 1-I**     [ID17-679](#)     Approve Amendment No. 1, in the amount of \$40,248, to the consulting services agreement with Unison Consulting, Inc., to complete a Passenger Facility Charges Application for Fresno Yosemite International Airport (Council District 4).

*Director Meikle of Airports presented the item to Council.*

*APPROVED.*

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

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

- 1-N [ID17-666](#) Approve the first amendment to a professional consultant agreement in the amount of \$50,335 with Ascent Environmental, Inc., a Sacramento-based California corporation, to conduct an Initial Study per CEQA 15063

*This item was introduced to council by Director Clark of the Development and Resource Management Department (DARM) .*

**On motion of Councilmember Brandau, seconded by Councilmember Caprioglio, that the above Discussion Item be approved. The motion carried by the following vote:**

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

- 1-O [ID17-741](#) \*\*\*BILL NO. B-23 - (Re-introduced 5/11/2017) (For adoption) - Amending Section 5-302, 5-303, 5-304, 5-305, 5-307, 5-308, and adding Sections 5-310, 5-311, 5-312, and 5-313 to Article 3 of Chapter 5 of the Fresno Municipal Code, relating to fare evasion and enforcement

*The item was introduced to Council by Assistant Director Barfield with the Transportation Department.*

*Council President made a motion to approve the item. No one seconded the item. Councilmember Soria made a motion to strike the misdemeanor language. Councilmember Baines seconded the motion with the following amendment to add a banning of rides instead of a misdemeanor, which was accepted by Councilmember Soria.*

*Councilmember Bredfeld stated that he cannot support that motion. Councilmember Brandau asked to bring the item back in two weeks when it's completely cleaned up. Councilmember Caprioglio seconded the motion. City Attorney Sloan added if the item was bought back in two weeks, it would come back for introduction and then the following meeting for adoption.*

*Councilmember Soria made a motion to approve the item at introduction today with the change that would eliminate the misdemeanor language and provide for banning on the 3rd violation and retaining the administrative process too. The first violation is a warning, the 2nd violation is an infraction, and the third violation is being banned from riding the bus for a certain amount of time. This is a new introduction and will have a new adoption date at the next meeting which was later changed to June 8, 2017.*

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



**Baines III, that the above Ordinance be approved. The motion carried by the following vote:**

**Aye:** 4 - Soria, Baines III, Caprioglio and Chavez

**No:** 3 - Olivier, Brandau and Bredefeld

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

### **SCHEDULED COMMUNICATION**

#### **2:50 P.M.**

[ID17-658](#) Appearance by Enrique Reade of the China Town Merchants Association to discuss the hazardous issues occurring in the Chinatown community and to discuss possible solution for a safe business community

*Upon call, Enrique Reade of the China Town Merchants Association discussed the hazardous issues occurring in the Chinatown community and to discuss possible solution for a safe business community.*

#### **2:55 P.M.**

[ID17-736](#) Appearance by Mary Esther Correa to dispute the fines she has incurred by Code Enforcement on her Iowa Street property (Speaker's property located in District 7)

*Mary Esther Correa discussed code violations and citations she received on her property. Someone recently broke into her home through the back door with a crowbar and was in her home charging his phone. The person who broke into her home, damaged the door and Code Enforcement fined her for that too.*

#### **3:00 P.M.**

[ID17-705](#) Proclamation of "Ray Appleton Day"

*Mayor Brand, Council President Olivier, Councilmembers Brandau and Caprioglio presented a proclamation to Ray Appleton, and pronounced May 18, 2017 as "Ray Appleton Day" in the City of Fresno.*

**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 during*

*Unscheduled Communication regarding Chinatown Community Concerns:*

*Mark Carson, Rosemary Moreno, Barbara Wilson, Renatta Carter-Ford, Kathy Omachi, Jimmie Bogdanovich, and Sue Ewert*

### **3:30 P.M.**

[ID17-744](#) Recognition of City of Fresno Youth Commissioners

*Councilmember Soria recognized the graduating seniors who sit on the Fresno Youth Commission.*

## **3. GENERAL ADMINISTRATION**

### **3-A [ID17-676](#)**

Actions pertaining to a \$12,000,000 State Revolving Fund Low Interest Loan through the State Water Resources Control Board for construction of a 6-million gallon finished water reservoir at the City of Fresno's Northeast Surface Water Treatment Facility (Council District 6)

1. \*\*\*RESOLUTION - Authorizing its Director of Public Utilities (Director) or designee to sign financing agreement, amendments, and certifications for funding under the Drinking Water State Revolving Fund (DWSRF); authorizing its director or designee to approve claims for reimbursement; authorizing its Director or designee to execute budget and expenditure summary; authorizing its director or designee to sign the final release form and its Director or designee to sign the certification of project completion; and pledging and dedicating net water revenues to payment of DWSRF Financing
2. \*\*\*RESOLUTION - To pledge revenues and fund(s) to satisfy repayment obligations for financial assistance agreement with the California State Water Resources Control Board for a 6-million gallon water storage tank at the City of Fresno's Northeast Surface Water Treatment Facility

*THIS ITEM WAS REMOVED FROM THE AGENDA.*

### **3-B [ID17-664](#) Approve Contract Change Order Number 1 for \$787,952 to Roy Allan Slurry Seal, Inc. for a Requirements Contract to Furnish and Install Slurry Seal on Various Streets (various Council Districts)**

*The above item was present to Council by Director Mozier.*

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

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

- 3-C**     [ID17-673](#)     Action related to Supplemental Reimbursements for the Urban Growth Management (UGM) and Development Impact Fee Programs.
1.        \*\*\*RESOLUTION - 57th amendment to the Annual Appropriation Resolution (AAR) No. 2016-118 to appropriate \$650,200 for Supplemental Refunds and Reimbursements to approved Developers in the Urban Growth Management (UGM) and Development Impact Fee Programs (Requires 5 affirmative votes).

*The item above was presented to Council by Director Mozier of the Public Works Department.*

*RESOLUTION 2017-137 APPROVED.*

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

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

#### **4. CITY COUNCIL**

#### **5. CLOSED SESSION**

- 5-A**     [ID17-740](#)     PUBLIC EMPLOYEE PERFORMANCE EVALUATION -  
Government Code Section 54957  
Title: City Attorney  
Sponsor: Council President Olivier

CONFERENCE WITH LABOR NEGOTIATORS - Government Code  
Section 54957.6  
City Negotiator(s): Council President Clint J. Olivier  
Unrepresented Employee: City Attorney

*No announcements made.*

#### **ADJOURNMENT**

*Adjourned at 4:33 p.m.*

*The above minutes were approved at the May 25, 2017 meeting with a motion from Councilmember Caprioglio and a second by Vice President Soria on a vote of 7-0.*

