



# 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**

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**Thursday, March 22, 2018**

**9:00 AM**

**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 written above.**

**9:00 A.M. ROLL CALL**

*Councilmember Olivier was absent during roll call and joined the meeting at 9:13A.M.*

**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 DJ Criner of Saint Rest Baptist Church

Pledge of Allegiance to the Flag

### **APPROVE AGENDA**

*City Clerk Spence announced the following changes to the agenda: File ID 18-0299- Proclamation of Cesar Chavez Day, File ID 18-0298-Proclamation of "Woment's History Month" and File ID 18-0377-Conference with Legal Counsel -Existing Litigation -Government Code Section 54956.9,*

*subdivision (d)(1) Sonia Ramirez et al. v. City of Fresno, et al.; Fresno Superior Court Case No. 15CECG03551 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

National Anthem performed by Christy Bourbon (From Congressman Jim Costa's Office)

## **1. CONSENT CALENDAR**

**On motion of Councilmember Caprioglio, seconded by Councilmember Baines III, the below CONSENT CALENDAR was approved. The motion carried by the following vote:**

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

- 1-A**     [ID18-0396](#)     Approve a professional consultant agreement in the amount of \$297,723.20 with HDR Engineering, Inc., for a basis for design report, preliminary/conceptual design and comprehensive re-location strategy

**Sponsors:** Department of Transportation

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

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

**No:** 1 - Bredefeld

- 1-B**     [ID18-0360](#)     Approve the First Amendment to the professional consultant agreement with Siegfried Engineering, Inc., in the amount of \$116,660 for design and engineering services to incorporate new bus stop locations, bus pads, and recommendations from an Americans with Disabilities Act evaluation (Citywide)

**Sponsors:** Department of Transportation

*The above item was pulled from Consent Calendar and moved to Contested*

*Consent by Councilmember Bredefeld for further discussion.*

- 1-C [ID18-0363](#) Reject all bids for motor oil and lubricants requirements contract  
- Bid File No. 9411

**Sponsors:** Department of Transportation

- 1-D [ID18-0249](#) Actions pertaining to the lease of 10-acres at the Fresno-Clovis Regional Water Reclamation Facility:
1. Adopt a finding of Categorical Exemption per staff determination pursuant to Section 15301 Class 1 of the CEQA Guidelines
  2. Approve the First Amendment to the Ground Lease for Energy Storage System between the City and Amber Kinetics (Council District 3)

**Sponsors:** Department of Public Utilities

- 1-E [ID18-0371](#) Actions pertaining to Cleaning and Dewatering of Digester 3 and 10 at the Fresno/Clovis Regional Wastewater Reclamation Facility (Bid File 3572) (Council District 3)
1. Adopt a finding of Categorical Exemption of Class 1, pursuant to Section 15301(b) (Existing facilities) of the California Environmental Quality Act Guidelines
  2. Award a construction contract in the amount of \$298,960 to Wastewater Solids Management, Inc., of Yachats, Oregon

**Sponsors:** Department of Public Utilities

- 1-F [ID18-0374](#) Actions pertaining to well rehabilitation at City of Fresno Pump Station 44A
1. Adopt a finding of Class 1 Categorical Exemption set forth in the California Environmental Quality Act Guidelines, Section 15301
  2. Award a contract in the amount of \$144,036 to Zim Industries, Inc., of Fresno, for well rehabilitation at City of Fresno Pump Station 44A (Bid File 3578) (Council District 2)

**Sponsors:** Department of Public Utilities

- 1-G [ID18-0375](#) Actions pertaining to Professional Consultant Service Agreements for the design of sewer rehabilitation/replacement in the City of Fresno: (Council District 3 and 7)

1. Approve an Agreement in the amount of \$78,910 with Blair, Church and Flynn Consulting Engineers for the design of sewer rehabilitation/replacement in the vicinity of Fresno Street and Shields Avenue (Council District 7)
2. Approve an Agreement in the amount of \$107,700 with Provost & Pritchard Consultant Group for the design of sewer rehabilitation/replacement in the vicinity of First Street and Dakota Avenue (Council District 7)
3. Approve an Agreement in the amount of \$99,870 with Carollo Engineers, Inc., for the design of sewer rehabilitation/replacement in the vicinity of Martin Luther King Boulevard and Jensen Avenue (Council District 3)
4. 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 pulled from Consent Calendar and moved to Contested Consent by Councilmember Bredefeld for further discussion.*

- 1-H     [ID18-0378](#)     Approve the First Amendment to the Professional Consultant Services Agreement with Provost and Pritchard Engineering Group, Inc., in the amount of \$18,437 for the design of the Recycled Water Transmission Main along Madison Avenue, Valentine Avenue, Whitesbridge Avenue, and Brawley Avenue (Council District 3 and Fresno County)

**Sponsors:** Department of Public Utilities

- 1-I     [ID18-0331](#)     Actions pertaining to adding a Student Resource Officer to the Police Department assigned to Duncan Polytechnic High School within the Fresno Unified School District (Council District 4)
1. \*\*\*RESOLUTION - 55th amendment to the Annual Appropriation Resolution (AAR) No. 2017-165 appropriating \$61,000 for one additional Student Resource Officer for the Fresno Unified School District at Duncan Polytechnic High School. (Requires 5 affirmative votes) (Subject to Mayor's veto)
  2. \*\*\*RESOLUTION - 4th Amendment to Resolution No. 2017-166 entitled "A Resolution of the Council of the City of Fresno establishing the number of positions authorized in the various departments and offices of the City for Fiscal Year 2018"

(Subject to Mayor's veto)

**Sponsors:** Police Department

RESOLUTION NO. 2018-60 ADOPTED

RESOLUTION NO. 2018-61 ADOPTED

- 1-J [ID18-0362](#) Actions pertaining to the Decisions For Life program
1. \*\*\*RESOLUTION - 58th amendment to the Annual Appropriation Resolution (AAR) No. 2017-165 appropriating \$68,000 of Decisions For Life (DFL) program carryover to continue operating this program during this fiscal year (Requires 5 affirmative votes) (Subject to Mayor's veto).

**Sponsors:** Police Department

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

- 1-K [ID18-0338](#) Approve the acquisition of 7,037 square feet of permanent easement and 533 square feet of temporary construction easement from property owned by Robert W. Mitchell and Juli A. Mitchell in the amount of \$ 50,362.00 (APN 505-060-19) for the future Veterans Boulevard Project. (Council District 2)

**Sponsors:** Public Works Department

- 1-L [ID18-0348](#) RESOLUTION - Of Intention to annex Final Tract Map No. 6158 as Annexation No. 87 to the City of Fresno Community Facilities District No. 11 and to Authorize the Levy of Special Taxes (northeast of the intersection of East Kings Canyon Road and North Fowler Avenue); and setting the public hearing for May, 10, 2018 at 10:00 a.m. (Council District 5)

**Sponsors:** Public Works Department

RESOLUTION NO. 2018-62 ADOPTED

- 1-M [ID18-0343](#) Approve lease agreement between the City of Fresno and Children's Musical Theaterworks Inc. for use of office and storage space in the Veterans Memorial Auditorium (Council District 3)

**Sponsors:** Parks, After School and Recreation and Community Services Department

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

- 1-N [ID18-0359](#) Award a contract to Community Design + Architecture, Inc., for consultant services for the City of Fresno's Southern Blackstone Avenue Smart Mobility Plan project in the amount of \$168,000

**Sponsors:** Development and Resource Management Department

- 1-O [ID18-0386](#) Approve a Parking Agreement for bulk monthly parking with the Judicial Council of California to provide juror parking in City Parking Facilities

**Sponsors:** Development and Resource Management Department

- 1-P [ID18-0372](#) Authorize the Director of Aviation to execute reimbursable agreement AJW-FN-WSA-18-WP-001933 with the Federal Aviation Administration in the amount of \$178,587.63 (Council District 4)

**Sponsors:** Airports Department

- 1-Q [ID18-0379](#) Approve Amendment No. 10 to Agreement between City of Fresno and ERM-West, Inc., to provide ongoing engineering, environmental and remedial actions concerning groundwater contamination at Fresno Yosemite International Airport for an amount not to exceed \$405,707 (Council District 4)

**Sponsors:** Airports Department

- 1-R [ID18-0407](#) Approve the appointment of Felipe Arballo to the District 2 Plan Implementation Committee

**Sponsors:** Vice President Brandau

- 1-S [ID18-0412](#) Approve the appointment of Diana Rice to the District 6 Plan Implementation/Project Review Committee

**Sponsors:** City Councilmember Bredefeld

- 1-T [ID18-0413](#) Approve the appointment of Anne Speake to the Capital Projects Oversight Board

**Sponsors:** Mayor's Office

**CEREMONIAL PRESENTATIONS**

[ID18-0299](#) Proclamation of Cesar Chavez Day”

**Sponsors:** Council President Soria

*THE ABOVE ITEM WAS REMOVED FROM THE AGENDA.*

[ID18-0298](#) Proclamation of “Women’s History Month”

**Sponsors:** Council President Soria

*THE ABOVE ITEM WAS REMOVED FROM THE AGENDA.*

[ID17-1693](#) Fresno City Council “2018 Women of the Year” Proclamations

Council District 1: Socorro Pelayo - Sponsor Council President Soria

Council District 2: Jenelle Higton - Sponsor Vice President Brandau

Council District 3: Valarie Metoyer Binion and Mary A. Curry - Sponsor Councilmember Baines

Council District 4: Vice Detective Belinda “Boggie” Anaya - Sponsor Councilmember Caprioglio

Council District 5: Mattie Bell Thomas - Sponsor Councilmember Chavez

Council District 6: Lynn M. Nile, MD - Sponsor Councilmember Bredefeld

Council District 7: Chale’ Wesson - Sponsor Councilmember Olivier

**Sponsors:** City Councilmember Caprioglio

*PRESENTED*

City Council recessed at 10:34A.M. and returned from recess at 11:08A.M.

**CONTESTED CONSENT**

- 1-B [ID18-0360](#) Approve the First Amendment to the professional consultant agreement with Siegfried Engineering, Inc., in the amount of \$116,660 for design and engineering services to incorporate new bus stop locations, bus pads, and recommendations from an

## Americans with Disabilities Act evaluation (Citywide)

**Sponsors:** Department of Transportation

*Councilmember Bredefeld asked staff if there was anyone in-house who has the ability to do the work instead of hiring a professional consultant. Director Schaad stated no.*

**APPROVED**

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

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

- 1-G**     [ID18-0375](#)     Actions pertaining to Professional Consultant Service Agreements for the design of sewer rehabilitation/replacement in the City of Fresno: (Council District 3 and 7)
1. Approve an Agreement in the amount of \$78,910 with Blair, Church and Flynn Consulting Engineers for the design of sewer rehabilitation/replacement in the vicinity of Fresno Street and Shields Avenue (Council District 7)
  2. Approve an Agreement in the amount of \$107,700 with Provost & Pritchard Consultant Group for the design of sewer rehabilitation/replacement in the vicinity of First Street and Dakota Avenue (Council District 7)
  3. Approve an Agreement in the amount of \$99,870 with Carollo Engineers, Inc., for the design of sewer rehabilitation/replacement in the vicinity of Martin Luther King Boulevard and Jensen Avenue (Council District 3)
  4. Authorize the Director of Public Utilities, or designee, to sign the agreement on behalf of the City

**Sponsors:** Department of Public Utilities

*Councilmember Bredefeld asked staff if there was anyone in-house that has the ability to do the services. Planning Manager Carbajal responded no, that these projects are more specialized and required professional consultant services.*

APPROVED

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

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

- 1-J [ID18-0362](#) Actions pertaining to the Decisions For Life program
1. \*\*\*RESOLUTION - 58th amendment to the Annual Appropriation Resolution (AAR) No. 2017-165 appropriating \$68,000 of Decisions For Life (DFL) program carryover to continue operating this program during this fiscal year (Requires 5 affirmative votes) (Subject to Mayor's veto).

**Sponsors:** Police Department

*Councilmember Bredefeld recognized Chief Dyer and the Fresno Police Department and asked Chief Dyer to speak about the item above.*

RESOLUTION NO. 2018-63 ADOPTED.

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

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

- 1-M [ID18-0343](#) Approve lease agreement between the City of Fresno and Children's Musical Theaterworks Inc. for use of office and storage space in the Veterans Memorial Auditorium (Council District 3)

**Sponsors:** Parks, After School and Recreation and Community Services Department

*Councilmember Bredefeld recognized Communications Director Standriff for all his hard work on the above item and asked Communication Director Standriff to speak about Children's Musical Theaterworks Inc.*

*Councilmember Baines recognized Assistant City Manager Rudd for all his hard work on the above item.*

APPROVED

**On motion of Councilmember Bredefeld, seconded by Councilmember Baines III, that the above Action Item be approved.**

**The motion carried by the following vote:**

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

## **APPROVE MINUTES**

[18-0022](#) Approval of minutes from March 8, 2018 and March 8, 2018  
Special Meeting Notice

**Sponsors:** City Clerk's Office

**On motion of President Soria, seconded by Councilmember Baines III, that the above Minutes be 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 requested the meeting be adjourned in memory of Celia "Cil" Gamber, thanked Graphics Technician, John DeLucia, Network System Specialist Vance Vehrs, Sal Regalado with maintenance, Russell Lichti with Public Works and District 1 interns for the work they did on the 2018 Woman of the Year programs. Councilmember Caprioglio mentioned Wednesday, April 4, 2018 at 6:00P.M. there will be a community meeting at Roger Orazo Elementary School, congratulated the Department of Transportation for their new FAX video called "Change is here, get the FAX".*

*Councilmember Bredefeld congratulated Clovis West Girls Basketball team for winning the Valley championships, thanked Councilmember Caprioglio for the 2018 Women of the Year awards, attended the Saint Rest Baptist Church 2018 Fresno Citywide revival, thanked Pastor DJ Criner for inviting him to the event and mentioned Pastor Cosby who will be preaching tomorrow, Friday, March 23, 2018 at 7:00P.M at Saint Rest Baptist Church.*

*Council Vice President Brandau spoke about the 95th Anniversary Pinedale Parade on Saturday, March 24, 2018 10:00A.M. at Pinedale Community Center, the celebration also includes renaming the community center to the Paula S. Guzman Pinedale Community Center and went out to the Hmong community where the Yang family nominated their first president of the clan.*

*Councilmember Baines and Councilmember Olivier attended the Tuesday, March 2018 California Cannabis Association conference and discussed the policy issues on cannabis and related issues in California.*

*Council President Soria announced on Saturday, March 17, 2018 was the first Women's Empowerment at Fresno City College she thanked California for Energy for Independents, California Latino Leadership, Fresno City College and California Resource Corporation for putting on the event. Council President Soria spoke regarding the Women Leading the Way luncheon, the opening day for the Fresno Soccer team RMLS and asked City Manager Quan-Schechter about SMG policies for events and security. Council President Soria directed City Manager Quan-Schechter to find a way to fix and update SMG's internal policies for smoother events. Council President Soria went on to speak about the delays and issues the Taco Truck event at Tioga ran into, she mentioned she had an issue with enforcing policy requiring fingerprinting for mobile food vendor trucks.*

*Councilmember Bredefeld stated he wished Sacramento lowered taxes on other business not just marijuana.*

*Councilmember Olivier thanked Councilmember Bredefeld for his comments and discussed his trip to Sacramento to lower marijuana taxes.*

*Councilmember Chavez also spoke about the issues with the mobile food truck vendors and the current policies needing to be updated.*

## **UNSCHEDULED COMMUNICATION**

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

*Upon call the following member from the public addressed Council: Arthur (Mickey) Kaitangian spoke regarding the Veteran's Memorial Parking*

*issues in residential neighborhoods.*

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

*City Council recessed for Closed Session at 11:53A.M.*

### **10:00 A.M.#1 CLOSED SESSION**

*There was no announcements after Closed Session.*

[18-0168](#) CONFERENCE WITH SECURITY OFFICIALS - Government Code Section 54957(a)  
Topic: Security Assessment

**Sponsors:** Information Services Department and Public Works Department

*DISCUSSED*

[ID18-0377](#) CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION - Government Code Section 54956.9, subdivision (d)(1)  
1. Sonia Ramirez et al. v. City of Fresno, et al.; Fresno Superior Court Case No.: 15CECG03551.

**Sponsors:** City Attorney's Office

*THE ABOVE ITEM WAS REMOVED FROM THE AGENDA*

[ID18-0395](#) CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Government Code Section 54956.8  
Property: 911 H Street, APN 467-040-24  
Negotiating Parties: City Manager Wilma Quan-Schechter; EIE Alpha, LLC

**Sponsors:** City Attorney's Office

*DISCUSSED*

[ID18-0404](#) PUBLIC EMPLOYEE PERFORMANCE EVALUATION - Government Code Section 54957  
Title: City Attorney  
Sponsor: Council President Esmeralda Z. Soria

CONFERENCE WITH LABOR NEGOTIATORS - Government Code Section 54957.6

City Negotiator(s): Council President Esmeralda Z. Soria  
Unrepresented Employee: City Attorney

**Sponsors:** Council President Soria

*THE ABOVE ITEM WAS REMOVED FROM THE AGENDA*

[ID18-0405](#) PUBLIC EMPLOYEE PERFORMANCE EVALUATION -  
Government Code Section 54957  
Title: City Clerk  
Sponsor: Council President Esmeralda Z. Soria

CONFERENCE WITH LABOR NEGOTIATORS - Government  
Code Section 54957.6  
City Negotiator(s): Council President Esmeralda Z. Soria  
Unrepresented Employee: City Clerk

**Sponsors:** Council President Soria

*THE ABOVE ITEM WAS REMOVED FROM THE AGENDA*

*City Council returned from Closed Session at 12:30P.M.*

*City Council recessed for lunch at 12:30P.M. and returned from lunch at  
1:47P.M.*

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

[ID18-0340](#) HEARING - To vacate a public water main easement and an  
emergency access easement south of previously vacated East  
Hamilton Avenue between South Parallel Avenue and South  
Third Avenue. (Council District 5)  
1. \*\*\*RESOLUTION - Ordering the vacation of a public water  
main easement and an emergency easement south of previously  
vacated East Hamilton Avenue between South Parallel Avenue  
and South Third Avenue (Subject to Mayor's veto)

**Sponsors:** Public Works Department

*The above hearing was called to order at 1:48P.M.*

*Councilmember Baines left the meeting at 1:49P.M.*

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

*Upon call, there was no public comment.*

*RESOLUTION NO. 2018-64 ADOPTED.*

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

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

**Absent:** 1 - Baines III

### **10:15 A.M.**

[ID18-0332](#) (CONTINUE TO APRIL 5, 2018 AT 10:05 A.M.)  
HEARING to Consider Pre-zone Application No. R-17-015, Annexation Application No. ANX-17-007 and related Environmental Assessment No. R-17-015/ANX-17-007. These applications pertain to approximately a 1.86 acre site located on the north side of East Belmont Avenue between North Fowler and North Armstrong Avenues in the unincorporated portion of City's Sphere of Influence boundary (Council District 5).  
1. ADOPT the Mitigated Negative Declaration prepared for Environmental Assessment No. R-17-015/ANX-17-007 dated January 19, 2018.  
2. BILL - (For introduction and adoption) - Approving Pre-zone Application No. R-17-015 which proposes to amend the Official Zone Map from the AE-20 (Ag, Exclusive 20-Acres) County of Fresno zone district to the City of Fresno BP/UGM(Business Park/Urban Growth Management) zone district consistent with the Fresno General Plan planned land use of Business Park.  
3. RESOLUTION - Approving Annexation Application No. ANX-17-007, which proposes detachment of the property from the Kings River Conservation District and the Fresno County Fire Protection District and annexation to the City of Fresno. These actions are under the jurisdiction of the Local Agency Formation Commission (LAFCO).

**Sponsors:** Development and Resource Management Department

*THE ABOVE ITEM WAS CONTINUED TO APRIL 5, 2018 AT 10:05A.M.*

**10:25 A.M.**

[ID18-0402](#) Appearance by Mary Esther Correa to discuss fines received from Code Enforcement (Speaker resides in District 7)

*DID NOT APPEAR*

**3. GENERAL ADMINISTRATION**

*Councilmember Baines returned to the meeting at 1:55P.M.*

- 3-A** [ID18-0137](#) Actions pertaining to a ten year Lease Agreement at 2510 South East Avenue Suite 400, Fresno CA 93706
1. Adopt a finding of Categorical Exemption Class 1/Section 15301 (Existing Facilities) of the California Environmental Quality Act Guidelines; and
  2. Approve a lease between the City of Fresno and the County of Fresno and Foundry Park Investors, LP, A California Limited Partnership, Frank Solomon JR., an individual, Solomon Family Partnership LP and Frank Solomon JR. Family Living Trust for use by the Police Department as general office space.

**Sponsors:** Police Department

*The above item was introduced to Council by Chief Dyer, Fresno Police Department.*

*Upon call, there was no public comment.*

*Council President Soria asked staff what the previous rent was. Chief Dyer stated it was a \$1.05 per sq ft. Council President Soria asked staff what and how much is the savings.*

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

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

- 3-B** [ID18-0384](#) Actions pertaining to the acquisition of controlled surplus equipment from the federal government.

1. Approve and authorize the Chief of Police or designee to apply for and acquire armored vehicles and controlled equipment including; one MRAP vehicle and/or two up armored HMMWV (Humvee) vehicles from the federal government.
2. RESOLUTION - To allow the Fresno Police Department to request and acquire controlled equipment via the Military Surplus 1033 program.

**Sponsors:** Police Department

*Councilmember Olivier left the meeting at 1:58P.M.*

*The above item was introduced to Council by Chief Dyer, Fresno Police Department.*

*Upon call, there was no public comment.*

*Council Vice President Brandau asked if there was two humvees, do they get delivered ready to go or do they need to be modified and would the paint job look like the Fresno Police Department vehicles.*

*Councilmember Caprioglio asked staff if the vehicle would be used by other agencies, who would maintain the vehicles, where will the vehicles be stored, would the cost be shared with the other agencies and will other agencies be interested in purchasing their own vehicle in the future.*

*Councilmember Chavez asked staff about the badge of the brotherhood program and if we still participated in the program.*

*Councilmember Bredefeld asked what the vehicles will be used for and what kind of weapons have been fired at the Fresno Police Officers and if there have been situations where individuals have had automatic weapons. Councilmember Bredefeld went on to say he supports Chief Dyer to do what is necessary to protect his officers.*

**RESOLUTION NO. 2018-65 ADOPTED.**

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

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

**Absent:** 1 - Olivier

### **10:00 A.M.#2**

[ID18-0339](#) HEARING - To vacate a portion of North Thorne Avenue, south of West Belmont Avenue.

1. \*\*\*RESOLUTION - Ordering the vacation of a portion of North Thorne Avenue, south of West Belmont Avenue. (Subject to Mayor's veto)

**Sponsors:** Public Works Department

*Councilmember Olivier returned to the meeting at 2:09P.M.*

*The hearing was called to order at 2:09P.M.*

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

*Upon call, there was no public comment.*

*Councilmember Baines asked staff if this is being done to allow ingress/egress truck traffic and what is the area zoned. Chief Surveyor Camit stated it is zoned industrial.*

**RESOLUTION NO. 2018-66 ADOPTED.**

**On motion of Councilmember Baines III, seconded by President Soria, that the above Resolution be adopted. The motion carried by the following vote:**

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

- 3-C**     [ID18-0171](#)     Actions pertaining to Fresno Municipal Code Chapter 13, Article 3, relating to street trees
1. Adopt a finding of Categorical Exemption pursuant to sections 15301, 15304 and 15308 of California Environmental Quality Act Guidelines
  2. BILL - (For introduction) - Amending Sections 13-305 and 13-

306 and adding Sections 13-310 and 13-311 of the Fresno Municipal Code, relating to street trees.

3. \*\*\*RESOLUTION - 541st amendment to the Master Fee Schedule (MFS) Resolution No. 80-420 adding the Street Tree Replanting Fee. (Subject to Mayor's veto)

**Sponsors:** Public Works Department

*The above item was introduced to Council by Public Works Manager Aguirre, Public Works Department.*

*Upon call, there was no public comment.*

*Council Vice President Brandau asked staff what does the City do with the \$230 dollars they get from residents and asked City Manager Quan-Schechter if the residents will be notified of the new policy through their utility bill.*

*Councilmember Caprioglio encouraged residents to not cut down healthy trees only those that cause big problems.*

*Councilmember Chavez asked staff what would be the notification of others in the neighborhood when a tree will be removed and will there be a list of individuals who are certified to cut down trees and make sure that there are certain trees that are not to be removed.*

*Council President Soria asked staff to make sure residents replant trees as other trees are cut down, what is the implementation of the trees, will there be a season for planting of trees, how fast will a tree be replaced and how do you make the determination where the tree goes.*

**BILL B-11 INTRODUCED AND LAID OVER  
RESOLUTION NO. 67 ADOPTED**

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

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

- 3-D [ID18-0337](#) Annual update of the Traffic Operations and Planning Division lists for new traffic signal installations and traffic signal left turn phasing modifications.

**Sponsors:** Public Works Department

*The above item was introduced to Council by Public Works Manager Gormley, Public Works Department.*

*Upon call, there was no public comment.*

*Council President Soria asked staff about the difference between the 2017 and 2018 list and asked what the justification for moving down the traffic signal locations were, how many are accomplished during a fiscal year and asked why the Golden State and Ashlan traffic signal was no longer on the list.*

**APPROVED.**

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

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

- 3-E [ID18-0369](#) Actions pertaining Groundwater Well Construction Project for Phase 3 Groundwater Remedial Action for the Fresno Sanitary Landfill (FSL) (Bid File 3579) (Citywide) (Council District 3):
1. Adopt a finding of Categorical Exemption per staff determination, pursuant to Section 15308 (Class 8) of the CEQA guidelines for the groundwater well construction project of the Phase 3 Groundwater Remedial Action for the FSL
  2. Approve bid proposal in the amount of \$563,024 provided by Bradley & Sons, Inc., Drilling and Pump Systems (Bradley & Sons)
  3. Authorize the Public Works Director or designee to execute the contract on behalf of the City

**Sponsors:** Department of Public Utilities

*The above item was introduced to Council by Assistant Director Schuber,*

*Public Utilities Department.*

*Upon call, there was no public comment.*

**APPROVED.**

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

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

- 3-F**     [ID18-0380](#)     Approve a Professional Consultant Services Agreement with Carollo Engineers, Inc., for an amount not to exceed \$499,871 and a contingency of \$25,000 for preparation of a Biosolids Master Plan for the Fresno/Clovis Regional Wastewater Reclamation Facility (Citywide)

**Sponsors:** Department of Public Utilities

*Councilmember Olivier left the meeting at 2:44P.M.*

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

*Upon call, there was no public comment.*

*Council President Soria asked staff to break down the cost, is it the lowest cost we could get, how long is the proposed work, will this plan provide long term cost savings, can we duplicate the work from other agencies and is there cost saving for the residents. Council President Soria asked if Clovis agreed to the 9 percent.*

*Councilmember Caprioglio asked staff if Clovis is participating with the cost of the project, is the 9 percent that Clovis covers a part of the \$499,871.*

*Councilmember Bredefeld asked if only two consultants responded to the request for qualification.*

**APPROVED.**

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

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

**Absent:** 1 - Olivier

- 3-G**     [ID18-0364](#)     Actions related to the City of Fresno's Northeast Surface Water Treatment Facility Six-Million Gallon Finished Water Reservoir Project:
1. Reject all Design-Build proposals received for the City of Fresno's Northeast Surface Water Treatment Facility Six-Million Gallon Finished Water Reservoir Project - Bid File No. 3531 (Council District 6)
  2. Rescind staff's finding that Mountain Cascade Inc., is non-responsible

**Sponsors:** Department of Public Utilities

*Councilmember Olivier returned to the meeting at 2:46P.M.*

*The above item was introduced to Council by Supervisor Professional Engineer Pavic, Public Utilities Department.*

*Upon call, the following member of the public addressed Council: David Hicks*

*Councilmember Baines asked staff about the original request for proposal for design build contract and what does it mean that Mountain Cascade was not responsible. Councilmember Baines asked City Attorney Sloan what does it mean that they are non-responsible and why are we rescinding the non-responsible portion. City Attorney Sloan stated the company was non-responsible because they have not done a project like this before as a design builder. Councilmember Baines asked City Attorney Sloan why are we removing the non-responsible language from the findings. Councilmember Baines asked Mountain Cascade representative if they are qualified for this project. Department of Public Utilities Director Esqueda stated in the contract the word "lead" should have been included in the contract, because it was not included the process needed to start over.*

*APPROVED.*

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

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

- 3-H**     [ID18-0370](#)     Actions pertaining to the Groundwater Integration Project for Phase 3 Groundwater Remedial Action for the Fresno Sanitary Landfill (FSL) (Bid File 3580) (Citywide) (Council District 3):
1. Adopt a finding of Categorical Exemption per staff determination, pursuant to Section 15308 (Class 8) of the CEQA guidelines for the groundwater integration project of the Phase 3 Groundwater Remedial Action for the FSL
  2. \*\*\*RESOLUTION - 56th Amendment to the Annual Appropriations Resolution (AAR) No. 2017-165, to appropriate \$372,300 for the Groundwater Integration Project for Phase 3 Groundwater Remedial Action for the Fresno Sanitary Landfill (Requires 5 affirmative votes) (Subject to Mayor's veto)
  3. Approve bid proposal in the amount of \$1,512,500 provided by Stearns, Conrad & Schmidt, Consulting Engineers
  4. Authorize the Public Works Director or designee to execute the contract on behalf of the City

**Sponsors:** Department of Public Utilities

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

*Upon call, there was no public comment.*

**RESOLUTION NO. 2018-68 ADOPTED.**

**On motion of Councilmember Chavez, seconded by President Soria, that the above Resolution adopted. The motion carried by the following vote:**

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

- 3-I [ID18-0411](#) Approve a 90 day extension to the Government Banking Services Agreement with Bank of America, N.A.

**Sponsors:** Finance Department

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

*Upon call, there was no public comment.*

*Councilmember Baines recommended that City of Fresno include discriminatory practices in future and all Request for Proposals and what remedies have been taken to correct the behavior , how far did the discrimination go inside the institution and require all banks have Community Reinvestment (CRA) dollars in the Fresno communities.*

*Council Vice President Brandau supports the motion.*

*City Manager Quan-Schechter asked Councilmember Baines if his motion includes an option for the City to issue an addendum and all the proposer's can respond. Councilmember Baines responded with a yes as long as past practices and disclosures are included in the Request for Proposals.*

*Councilmember Bredefeld agreed with Councilmember Baines and requested staff to give enough time in the future to make proper decisions and not to bring forth items 30 days before termination. Councilmember Bredefeld continued to ask if there is any opportunity for local banks to upgrade their software in order for them to participate in the request for proposal process. Councilmember Bredefeld asked City Attorney Sloan if this process can be reopened. City Attorney Sloan stated the current process can not be reopened to new proposer's and there are some financial restrictions on who the City of Fresno can do business with.*

*Council President Soria asked City Attorney Sloan if we could open it up if Council rejects staff recommendations today and reopen the process. City Attorney Sloan stated yes if staff rejects all recommendations. Council President Soria expressed her frustration with Bank of America only allowing a 90 day extension and stated we should be supporting City of Fresno's local banks.*

*Councilmember Baines recommends a workshop on banking and banking needs.*

*Councilmember Olivier stated the first thing that should be done is to provide stability and to protect taxpayer's and organizations.*

*Councilmember Chavez asked which local bank was the one that said it was too big of a project. Director Lima stated it was West America Bank. Councilmember Chavez supports the motion.*

*Council Vice President Brandau asked Bank of America representative what has Bank of America done to fix the issues of discrimination, what has Bank of America done to mitigate the concerns, what has Bank of America invested in locally.*

*Councilmember Caprioglio supports the motion.*

*Councilmember Baines motioned to approve a 90 day extension and issue an addendum requiring all of the current respondents to list whatever discrimination lawsuits they have been involved in and to also list the remedies that have taken place since the lawsuit. For each respondent, the city also wants to know the CRA investments they have in the City of Fresno. Councilmember Caprioglio seconded the motion.*

*APPROVED AS AMENDED.*

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

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

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

- 4-A**     [ID18-0222](#)     RESOLUTION - Establishing an eleven (11) member West Area Specific Plan Steering Committee, and the apportionment of the committee membership

**Sponsors:** City Councilmember Baines III, Vice President Brandau and Council President Soria

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

*Upon call, there was no public comment.*

**RESOLUTION NO. 2018-69 ADOPTED.**

**On motion of President Soria, seconded by Councilmember Baines III, that the above Resolution adopted. The motion carried by the following vote:**

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

### **3:45 P.M.**

**ID18-0355** RESOLUTION - Supporting the Reducing Crime and Keeping California Safe Act of 2018

**Sponsors:** City Councilmember Olivier

*The item was called to order at 3:53P.M.*

*The above item was introduced to Council by Councilmember Olivier.*

*Upon call, the following members of the public addressed Council:  
Assemblyman Jim Patterson, Deborah Rush, District Attorney Lisa Smittcamp, Chief Jerry Dyer, Sheriff Margaret Mims*

*Councilmember Olivier announced there were corrections to the Resolution. Councilmember Olivier asked that in the second Whereas, the second and third sentence be removed from the Resolution.*

*Council Vice President Brandau asked Assememblymean Patterson if there is a funding stream.*

**RESOLUTION NO. 2018-70 ADOPTED AS AMENDED.**

**On motion of Councilmember Olivier, seconded by Councilmember Caprioglio, that the above Resolution be adopted as amended. The**

**motion carried by the following vote:**

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

**City Council recessed at 4:20P.M. and returned from recess at 4:43P.M.**

### **4:30 P.M. #1**

[ID18-0403](#) BILL - (For introduction) - Adding Article 22 to Chapter 12 of the Fresno Municipal Code, the "Money Back Guarantee/Business Streamlining Act," to make the development/business streamlining process more transparent, accountable, and user friendly.

**Sponsors:** City Councilmember Bredefeld

*The item was called to order at 4:43P.M.*

*The above item was introduced to Council by Councilmember Bredefeld.*

*Upon call, the following members of the public addressed Council: Ali Nekumanesh, Kiel Schmidt, John Belfort, Nick Yovino, Bob Solis, Nathan Alonzo, John Person, Ron Martin, Darius Assemi and Jose Barraza.*

*Public comment closed at 5:25P.M.*

*Mayor Brand thanked everyone for attending the meeting and continued to express his opposition of the item as presented before Council. Mayor Brand asked Director Clark and Assistant City Manager Rudd to address the building permits process.*

*Councilmember Bredefeld respectfully disagreed with Mayor Brand and spoke about the issues Development and Resources Management Department has with their permitting process and expressed how he would like to find a way to fix the problem so that City of Fresno is better at being Business Friendly.*

*Council Vice President Brandau commended Councilmember Bredefeld for bringing the item forward for discussion. Council Vice President Brandau*

*mentioned the article he wrote in Fresno Bee titled "Business -Strangling culture in Fresno is costly. What will City Hall do about it?" Council Vice President Brandau stated culture is the biggest problem in the Planning Department that needs to be addressed and that he would like Code Enforcement split from the DARM Department. Council Vice President Brandau asked Administration to expedite Business Friendly 2.0!, to meet monthly and bring solutions to the table as soon as possible.*

*Councilmember Baines stated there is an obligation for the Council to work with the Administration to solve community problems.*

*BILL B-12; ITEM WAS DISCUSSED, NO ACTION WAS TAKEN*

## **4:30 P.M. #2**

### **18-0100**

CONTINUED HEARING to consider Supplemental Environmental Impact Report (SEIR) No. 10151 (State Clearinghouse (SCH) No. 2017031030), Rezone Application No. R-17-021, Development Permit No. D-16-088 and Variance Application No. V-17-01 for the Producers Dairy Project located on the south side of E. Belmont Avenue between N. Ferger and N. Roosevelt Avenues in the City of Fresno. (Council District 3)

1. RESOLUTION -Certifying Supplemental Final EIR No. 10151 (SCH No. 2017031030), for the Producers Dairy Project located at 450 E. Belmont Avenue; and,
  - a. ADOPT Findings of Fact as required by Public Resources Code Section 21081(a) and CEQA Guidelines, Section 15091; and
  - b. ADOPT the Statement of Overriding Considerations as required by Public Resources Code, Section 21081(b) and CEQA Guidelines, Section 15093.
  - c. APPROVE a Mitigation Monitoring and Reporting Program as required by Public Resources Code Section 21081.6 and CEQA Guidelines Section 15097; and,
2. BILL-(for Introduction and Adoption) - Approving Rezone Application No. R-17-021 requesting to rezone the subject property from IL/cz (conditions of zoning) to IL/cz (conditions of zoning).

3. APPROVE Development Permit Application No. D-16-088 (subject to the attached Conditions of Approval dated October 4, 2017).
4. APPROVE Variance Application No. V-17-001.

**Sponsors:** Development and Resource Management Department

*The hearing was called to order at 6:12P.M.*

*The above item was introduced to Council by Assistant Director Sanchez, DARM Department.*

*Upon call, the following members of the public addressed Council: Bruce Owdom, Jason Hatwig, Robert Boro, Daniel Brannick, Keil Schmidt, Natalie Clark, Malyn Rose, Scott Miller, Craig Scharton, Chris Rocha, Nathan Alonzo, Maria Del Carmen and Erica Fernandez.*

*Public comment closed at 7:06P.M.*

*Councilmember Baines stated he will not break the covenant and motioned to reject staff's recommendation in it's entirety. Council President Soria seconded the motion.*

*Councilmember Olivier asked staff how many trucks a day come in and out now, how many trucks will be running in and out if the project is approved, can the land be revoked and force Producers to not use the lot for their trucks any longer, can the buildings be occupied, is it possible to save the buildings, how much is it going to cost and if producers do not perform will it be taken by the City of Fresno. Councilmember Olivier asked if the buildings were safe to occupy and if not, how much will it cost to get it up to date for occupation of the building.*

*City Manager Quan-Schechter stated the property will be treated no differently than other properties.*

*Councilmember Bredefeld asked staff to speak about the unavoidable impact. Councilmember Bredefeld asked what hours can the trucks operate and is there another alterative for the family if the project gets turned down. Councilmember Bredefeld continued to ask about the noise levels and*

*stated he does not support the item as presented.*

*Councilmember Caprioglio stated he will support continuing the item.*

*Councilmember Olivier offered a compromise by offering the owners of the building to tear down the buildings and not allow them to put the trucks there. Councilmember Baines does not support the compromise.*

*Councilmember Chavez supports the covenant and rejects staff recommendation and agreed to continue the item.*

*Councilmember Baines supports the continuance and City Manager Quan-Schechter requested the continuance be for 90 days instead of 60 days.*

*Council President Soria suggested that the matter be addressed and voted on today instead of a continuance.*

*City Council recessed at 8:05P.M. and returned from Council at 8:12P.M.*

*Councilmember Baines supports the continuance only if the covenant will not be consider.*

*Councilmember Caprioglio motioned to continue the item for 90 days for potential mitigation for the location. Councilmember Chavez seconded the motion.*

**On motion of Councilmember Caprioglio, seconded by Councilmember Chavez, that the above Action Item be continued for 90 days. The motion carried by the following vote:**

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

## **ADJOURNMENT**

*City Council adjourned at 8:20P.M. in memory of Celia "Cil" Gamber.*