

City of Fresno

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



Meeting Minutes - Final

Thursday, August 16, 2018

9:00 AM

Regular Meeting

Council Chambers

City Council

President - Esmeralda Z. Soria

Vice President - Steve Brandau

Councilmembers:

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

City Manager - Wilma Quan-Schecter

City Attorney - Douglas T. Sloan

City Clerk - Yvonne Spence, MMC

9:09 A.M. ROLL CALL

Councilmember Baines was absent during roll call and joined the meeting at 9:11 A.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 Reverend Raygan Baker from the Big Red Church

Pledge of Allegiance to the Flag

APPROVE AGENDA

City Clerk Spence announced the following changes to the agenda: Proclamation of "Women's Equality Day" and presentation of a certificate of Recognition for District 1 intern Jorge Lopez were added to the agenda and File ID 18-0875 (5-A) Closed Session Item regarding Security of City Hall and other City Facilities has been continued to August 23, 2018.

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 Caprioglio, seconded by Councilmember Chavez, the below CONSENT CALENDAR items were approved. The motion carried by the following vote:

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

1-A [ID18-0919](#) RESOLUTION - Of Intention to annex Final Tract Map No. 6216 as Annexation No. 89 to the City of Fresno Community Facilities District No. 11 and to Authorize the Levy of Special Taxes; and

setting the public hearing for September 20, 2018 at 10:00 A.M.
(southwest corner of North Temperance and East Dakota
Avenues) (Council District 4)

RESOLUTION 2018-192 ADOPTED

1-B [ID18-0920](#) RESOLUTION - Of Intention to annex Final Tract Map No. 6217 as Annexation No. 93 to the City of Fresno Community Facilities District No. 11 and to Authorize the Levy of Special Taxes; and setting the public hearing for September 20, 2018 at 10:00 A.M. (a portion of the southeast corner of North Bryan and West Gettysburg Avenues) (Council District 1)

RESOLUTION 2018-193 ADOPTED

1-C [ID18-0921](#) RESOLUTION - Of Intention to Annex the Territory Known as Assessor's Parcel Number 326-160-41 as Annexation No. 33 to the City of Fresno Community Facilities District No. 9 and to Authorize the Levy of Special Taxes; and setting the public hearing for September 20, 2018 at 10:00 A.M. (south side of West Nielsen Avenue west of South Marks Avenue) (Council District 3)

RESOLUTION 2018-194 ADOPTED

1-D [ID18-0922](#) RESOLUTION - Of Intention to Annex the Territory Known as Assessor's Parcel Number 408-062-07 and 27 as Annexation No. 34 to the City of Fresno Community Facilities District No. 9 and to Authorize the Levy of Special Taxes; and setting the public hearing for September 20, 2018 at 10:00 A.M. (southeast corner of East Herndon Avenue (Frontage) and North Howard Avenue) (Council District 6)

RESOLUTION 2018-195 ADOPTED

1-E [ID18-0917](#) RESOLUTION - Approving the Final Map of Tract No. 6135 and accepting dedicated public uses offered therein - West side of North Chestnut Avenue between East Copper Avenue and East Spey Valley Drive (Council District 6)

RESOLUTION 2018-196 ADOPTED

1-F [ID18-0924](#) Actions pertaining to acquisition of public rights-of-way for

Tentative Map No. 5538 (Council District 1)

1. *** RESOLUTION - 4th amendment to the Annual Appropriation Resolution (AAR) No. 2018-157 appropriating \$47,500 for the public street and public utility easement right-of-way acquisition for Tract Map 5538 on the northwest corner of Dakota and Polk Avenues (Requires 5 affirmative votes) (Subject to Mayor's veto)
2. Approve the acquisition of 3,388 square feet of permanent easement from property owned by Maria D. Meraz, in the amount of \$47,500 (3836 North Polk Avenue, APN 511-012-01) to widen North Polk Avenue

RESOLUTION 2018-197 ADOPTED

1-G [ID18-0900](#) Actions related to the Second Amendment to the Land Lease and Agreement with Sandhu Brothers Gas Station, Inc.:

1. Adopt a finding of Categorical Exemption pursuant to Class 1 Section 15301(c) (existing facilities) of the California Environmental Quality Act (CEQA) Guidelines for the Second Amendment to the Land Lease and Agreement;
2. Approve the Second Amendment to the Land Lease and Agreement with Sandhu Brothers Gas Station, Inc., at Fresno Yosemite International Airport to terminate the sublease between Sandhu Brothers due to the acquisition of SNL Corporation by Sandhu Brothers and to update to the insurance requirements (Council District 4)

1-H [ID18-0907](#) Actions pertaining to the purchase of department motorcycles:

1. Authorize the use of funds budgeted for the lease purchase of ten plain vehicles to be utilized for the lease purchase of ten original equipment manufacturer police motorcycles (City-wide Bid File 9340)

1-I [ID18-0909](#) Actions pertaining to adding a Student Resource Officer to the Police Department assigned to Central Unified School District

1. ***RESOLUTION - 3rd amendment to the Annual Appropriation Resolution (AAR) No. 2018-157 appropriating \$137,800 for one additional Student Resource Officer and annual costs for three patrol vehicles for the Central Unified School District. (Requires 5 affirmative votes) (Subject to

Mayor's veto)

2. ***RESOLUTION - 1st Amendment to Position Authorization Resolution (PAR) No. 2018-158, adding one Police Officer position to the Fresno Police Department, retroactively effective August 1, 2018. (Subject to Mayor's veto)
3. Authorize the Chief of Police to enter into an agreement with Central Unified School District to provide three student resource officers at 100 percent of actual officer's cost and one sergeant at 10 percent of actual sergeant's cost, plus administrative fees and the patrol vehicle lease costs of three patrol vehicles for an annual total of \$433,447.

RESOLUTION 2018-198 ADOPTED

RESOLUTION 2018-199 ADOPTED

1-J [ID18-0923](#) Actions related to accepting a WaterSMART Water and Energy Efficiency Grant from the United Stated Department of the Interior, Bureau of Reclamation:

1. Adopt a finding of Categorical Exemption pursuant to Class 1 Section 15301 (existing facilities) of the California Environmental Quality Act Guidelines;
2. ***Approve an Assistance Agreement with the United States Department of the Interior, Bureau of Reclamation and accept receipt of \$300,000 grant for the Fresno Public Landscape Water Conservation Project to provide for the City of Fresno to install irrigation system improvements to conserve water. (Districts 2, 3, 5, and 6) (Subject to Mayor's veto)

1-K [ID18-0949](#) Approve the appointment of Elba Gomez to the Civil Service Board

1-L [ID18-0952](#) ***BILL NO. B-44 - (Intro. 8/9/2018) (for adoption) - Amending sections 1-302 and 1-308 of the Fresno Municipal Code, relating to General Enforcement Authority (Subject to Mayor's veto)

ORDINANCE 2018-46 ADOPTED

CEREMONIAL PRESENTATIONS

[ID18-0951](#) Presentation of the SPCA Pet of the Month

PRESENTED

[ID18-0899](#) Proclamation of "Mike Rhodes Day"

PRESENTED

Proclamation of "Women's Equality Day"

PRESENTED

Presentation of a Certificate of Recognition for Intern Jorge Lopez

PRESENTED

APPROVE MINUTES

[ID18-0950](#) Approval of minutes from August 9, 2018.

On motion of Councilmember Caprioglio, seconded by Councilmember Chavez, 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 thanked everyone who assisted in the National Night Out at El Dorado neighborhood; recognized Fresno State for the Money Magazine award; he thanked Police Department and City Manager's Office for the bike unit that is now in District 4 and asked Assistant City Manager Sumpter about the rule 20 issue on Shaw Avenue in front of the SaveMart Center.

Council Vice President Brandau requested the Council meeting adjourn in memory of Marcus Lester.

Council President Soria announced the grand opening for Fatte's Pizza on August 15, 2018; Tower District Energy Fair on August 1, 2018 and August 9, 2018 the Highway City groundbreaking for the new Community Resource Center.

CONTESTED CONSENT CALENDAR

3. GENERAL ADMINISTRATION

3-A [ID18-0860](#) WORKSHOP regarding Recycled Water Projects Update.

The above Workshop was presented to Council by Director Carbajal, Public Utilities Department.

PRESENTED

Councilmember Olivier left the meeting at 9:48 A.M.

3-B [ID18-0621](#) ***RESOLUTION - To revise Reimbursement Resolution No. 2014-205 to increase Clean Water State Revolving Fund Low Interest Loan funding for the City of Fresno's Recycled Water Distribution System, Southwest Quadrant to \$70,600,000 (Citywide) (Subject to Mayor's veto)

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

Upon call, there was no public comment.

Council Vice President Brandau asked staff questions regarding the application and loan approval amount, the end result cost for the City of Fresno, how much additional cost will the City of Fresno have to pay and will this cause an increase in the rate payers. Staff responded.

RESOLUTION 2018-200 ADOPTED.

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

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

Absent: 1 - Olivier

2. SCHEDULED COUNCIL HEARINGS AND MATTERS

10:00 A.M.

[ID18-0918](#) HEARING - Actions pertaining to a Resolution of the Council of the City of Fresno, California, establishing Underground Utility District No. FRE-96, ("UUD FRE-96") (Council District 3).

1. RESOLUTION - Establishing Underground Utility District No. FRE-96, ("UUID FRE-96")

The above item was introduced to Council by Supervising Engineering Technician Polsgrove, Public Works Department.

Upon call, there was no public comment.

RESOLUTION 2018-201 ADOPTED

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

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

Absent: 1 - Olivier

10:05 A.M.#3

[ID18-0941](#) WORKSHOP relating to procurement

The above Workshop was presented to Council by Senior Deputy Attorney Collet, Senior Procurement Specialist Rapp and Purchasing Manager Knittel.

Councilmember Olivier returned at 10:29 A.M.

PRESENTED

10:10 A.M. SCHEDULED COMMUNICATION

[ID18-0948](#) Appearance by Timothy Nolt to discuss Air Bed and Breakfasts in the City of Fresno.

Mr. Nolt discussed Air Bed and Breakfast in the City of Fresno.

APPEARED

[ID18-0969](#) Appearance by Mary Esther Correa to discuss the fines she has received from Code Enforcement (Speaker resides in District 7)

DID NOT APPEAR

10:05 A.M.#1

[ID18-0916](#) WORKSHOP pertaining to the Citywide replacement of high pressure sodium (HPS) streetlight fixtures with more energy efficient light-emitting diode (LED) fixtures

The above Workshop was presented to Council by Director Mozier, Public Works Department.

PRESENTED

10:05 A.M.#2

[ID18-0912](#) Actions pertaining to the Citywide replacement of high pressure sodium (HPS) streetlight fixtures with more energy efficient light-emitting diode (LED) fixtures

1. CONTINUED HEARING to consider adoption of a Resolution to approve a Finance Agreement and Energy Services Contract with Pacific Gas and Electric Company (PG&E) for implementation of certain energy related services
2. Adopt a finding of Categorical Exemption per staff determination, pursuant to Section 15301 c of the California Environmental Quality Act Guidelines
3. RESOLUTION - To approve a Finance Agreement and Energy Services Contract with Pacific Gas and Electric Company for implementation of certain energy related services
4. Approval of six agreement with Pacific Gas and Electric (PG&E) in the total amount of \$10,237,062 for a General On-Bill Financing (OBF) Loan
5. Approval of a Master Services Agreement and Work Order for Turnkey Services for the Installation of Light Emitting Diode (LED) Streetlights throughout the City of Fresno (Citywide), in substantially the form attached, and authorize the City Manager to execute the agreement

The item was called to order at 11:36 A.M.

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

Upon call the following members of the public addressed Council: David Taylor, Jeffrey Gillis, John Sofranac and William Oliver.

Councilmember Bredefeld asked a number of questions to Director Mozier, Tanko representative Alex Haizel and PG&E representative Ann Kloose regarding the \$2.2 million dollars in savings, how much would City of Fresno be saving and why the project did not go through the competitive bid process.

City Council recessed for lunch at 11:55 A.M. and returned from lunch at 1:44 P.M.

Councilmember Baines asked various questions regarding sole sourcing, piggybacking, the competitive bid process, if the workforce is going to be local, what the savings will be in a year as opposed to eight years, he also asked what is the Color Rendering Index (CRI) recommendation and what the importance was. City Attorney Sloan, Tanko Representative Haizel and PG&E Representative Kloose responded.

Councilmember Olivier asked Deputy Attorney Collet if anyone can do the bid process. Deputy Collet responded no.

Councilmember Caprioglio spoke regarding his support for the item and does not support delaying the item.

Councilmember Bredefeld expressed his concerns on the competitive bid process and will not support the item as presented.

Council President Soria asked if there was any flexibility in moving forward and asked about the workforce and apprenticeship for locals.

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

Councilmember Bredefeld motioned to amend the main motion to put PG&E on hold, to go out for a full competitive bid process and return to Council and compare the bids with PG&E and vote for final approval.

Councilmember Olivier seconded the motion. Motion FAILED 2-4-1 with Councilmembers Baines, Caprioglio, Vice President Brandau and Council President Soria voting "No". Councilmember Chavez abstained.

Councilmember Baines offered an amendment to the main motion to allow the flexibility for Council to have final authority on the lighting manufacturer contract, to use local manufacturers for their final selection and that the lights meet or exceed City of Fresno standards. Councilmember Caprioglio agreed to the amendment.

RESOLUTION 2018-202 ADOPTED AS AMENDED.

On motion of Councilmember Caprioglio, seconded by Councilmember Chavez, that the above Action Item be adopted as amended to allow the flexibility for Council to have final authority on the lighting manufacturer contract, to use local manufacturers for their final selection and that the lights meet or exceed City of Fresno standards. The motion carried by the following vote:

Aye: 5 - Soria, Brandau, Baines III, Caprioglio and Chavez

No: 2 - Bredefeld and Olivier

4. CITY COUNCIL

5. CLOSED SESSION

5-A [ID18-0875](#) CONFERENCE WITH LEGAL COUNSEL - PUBLIC SECURITY
- Government Code Section 54957(a)
1. Discuss security of City Hall and other City facilities

THE ABOVE ITEM WAS REMOVED FROM THE AGENDA

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.

ADJOURNMENT

City Council adjourned at 3:12 P.M. in memory of Marcus Lester

