



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 - Wilma Quan-Schechter

City Attorney - Douglas T. Sloan

City Clerk - Yvonne Spence, CMC

Thursday, October 12, 2017

8:30 AM

Council Chambers

Regular Meeting

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

8:36 A.M. ROLL CALL

Councilmember Baines III joined the meeting at 8:40AM

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 Deputy Police Chief Patrick Farmer

Pledge of Allegiance to the Flag

APPROVE AGENDA

File ID17-1345 (1-B) – RESOLUTION re: Final Map of Tract No. 6130 has been moved to October 19, 2017 per staff. File ID17-1322 (1-E) - re: CRV Recycling Centers - A request has been made to remove this item from the Consent Calendar so a discussion can take place. File ID17-1365 (10:05 A.M.) – Appearance by Mary Esther Correa – Ms. Correa requested her

appearance be continued to the October 19, 2017 Council Meeting. File ID17-1310 (3-A) - re: Fresno County Adult Compliance Team Agreement with the County – the Amount of the AAR needs to be revised from \$968,984 to \$969,000.

On motion of Councilmember Caprioglio, seconded by Councilmember Brandau, 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

CEREMONIAL PRESENTATIONS

[ID17-1367](#) Presentation of the Fall 2017 Employee of the Quarter Certificates (Light Reception Immediately Following - 2nd Floor Foyer)

PRESENTED

APPROVE MINUTES

[ID17-113](#) Approval of minutes from September 28, 2017

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

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

1. CONSENT CALENDAR

APPROVAL OF THE CONSENT CALENDAR

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

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

1-A [ID17-1290](#) **RESOLUTION** - Of Intention to Annex the Territory Known as Assessor's Parcel Number 403-021-03 as Annexation No. 20 to the City of Fresno Community Facilities District No. 9 and to Authorize the Levy of Special Taxes (south side of East Shepherd Avenue between North Millbrook and Cedar Avenues (Council District 6))

RESOLUTION 2017-274 ADOPTED

This Resolution was approved on the Consent Calendar.

1-B [ID17-1345](#)

RESOLUTION - Approving the Final Map of Tract No. 6130 and accepting dedicated public uses offered therein - Southeast corner of N. Fowler Avenue and E. Grant Avenue (Council District 5)

ITEM MOVED TO OCTOBER 19, 2017

1-C [ID17-1292](#)

Approve the Second Amendment to the Catering Services Agreement between SMG and Pardini's Inc. for the Fresno Convention & Entertainment Center.

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

1-D [ID17-1304](#)

Actions pertaining to the Fresno Airport Public Safety Supervisors, Operating Engineers, Local 3 (FAPSS/OE3) for Unit 15, Airport Public Safety Supervisors

1. ***Adopt a Memorandum of Understanding between the City of Fresno and the Fresno Airport Public Safety Supervisors, Operating Engineers, Local 3 (FAPSS/OE3) for Unit 15, Airport Public Safety Supervisors (**Subject to Mayor's Veto**)
2. ***RESOLUTION - 5th amendment to FY 2018 Salary Resolution No. 2017-176, amending salaries in Exhibit 15, Unit 15 - Airport Public Safety Supervisors (FAPSS), as required by the Memorandum of Understanding between the City of Fresno and the Fresno Airport Public Safety Supervisors, Operating Engineers, Local 3 (FAPSS/OE3) (**Subject to Mayor's Veto**)

RESOLUTION 2017-275 ADOPTED #2

This Action Item was approved on the Consent Calendar.

1-E [ID17-1322](#)

Actions pertaining to CRV Recycling Centers

1. Adopt Environmental Assessment No. TA-17-002 dated October 4, 2017 prepared for this matter approving a Finding of No Possibility pursuant to Section 15061 (b)(3) of the Environmental Quality Act Guidelines
2. ***BILL NO. B-51 - (Intro. 9/21/2017) (For adoption) - Approving Text Amendment Application No. TA-17-002 addressing CRV Recycling Centers by amending subsection (B) of Section 15-2750 of the Fresno Municipal Code. (Subject to Mayor's veto)

Upon call, the following members of the public address Council: Leonard

Lang, Debbie Nard, Fernando Hernandez, Ricardo Hernandez Jr., Joshua Hernandez, Ricardo Hernandez and Diane Smith.

ORDINANCE 2017-54 ADOPTED #2

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

- 1-F** [ID17-1362](#) Approve the appointment of Candice Antaramian to the District 6 Plan Implementation Committee

APPROVED

This Appointment was approved on the Consent Calendar.

- 1-G** [ID17-1351](#) Approve Contract for continuation of Software License, Hosting, Maintenance and Services for Airport Properties and Billing with GCR, Inc., for an initial cost of \$192,105 (Council District 4)

APPROVED

This Action Item was approved on the Consent Calendar.

- 1-H** [ID17-1360](#) Actions pertaining to Outdoor Environmental Education Facilities Grant Funds
1. RESOLUTION - Approving the application for Outdoor Environmental Education Facilities Grant Funds
 2. Acceptance of Outdoor Environmental Education Facilities Program funds in the amount of up to \$500,000 from the State of California Department of Parks and Recreation for the Highway City Neighborhood Center (DISTRICT 2)
 3. Designation and approval of the PARCS Assistant Director as signatory for execution of program participation documents

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

- 1-I** [ID17-1387](#) ***BILL NO. B-53 - (Intro.) (For adoption) - Amending the uncodified ordinance to adopt changes and additions to the official list of designated special speed zones for various streets within the City of Fresno pursuant to Section 14-1501 of the Fresno Municipal Code (Citywide) (Subject to Mayor's veto)

ORDINANCE 2017-55 ADOPTED

This Action Item was approved on the Consent Calendar.

CONTESTED CONSENT CALENDAR

- 1-C [ID17-1292](#) Approve the Second Amendment to the Catering Services Agreement between SMG and Pardini's Inc. for the Fresno Convention & Entertainment Center.

The above item was introduced to Council by Councilmember Brandau.

Councilmember Brandau asked about big wedding events and individuals providing their own alcohol and what issues that would be for the Convention Center.

Bill Overfelt addressed Councilmember Brandau's questions and stated there was liquor license and control issues of excessive drinking, Assistant City Manager Rudd spoke regarding the catering services and pouring services for special events.

APPROVED

On motion of Councilmember Brandau, seconded by Vice President Soria, 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 [ID17-1360](#) Actions pertaining to Outdoor Environmental Education Facilities Grant Funds
1. RESOLUTION - Approving the application for Outdoor Environmental Education Facilities Grant Funds
 2. Acceptance of Outdoor Environmental Education Facilities Program funds in the amount of up to \$500,000 from the State of California Department of Parks and Recreation for the Highway City Neighborhood Center (DISTRICT 2)
 3. Designation and approval of the PARCS Assistant Director as signatory for execution of program participation documents

Councilmember Brandau spoke regarding the positive results that came from the half million dollar grant

On motion of Councilmember Brandau, seconded by Vice President

Soria, 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

COUNCILMEMBER REPORTS AND COMMENTS

Councilmember Caprioglio thanked Department of Public Works for the sidewalk repairs they did in District 4, thanked Mike Sanchez for his hard work, welcome home 68 veterans who returned from Washington DC and the next event is April 18, 2018, acknowledged Food Max for their donation, New Mexico and Fresno State Bulldogs game and requested that the meeting be adjourned in memory of the victims in Las Vegas shooting.

Councilmember Brandau spoke regarding Granville homes meeting regarding the development of West of 99.

Councilmember Baines III and Vice President Soria communicated their concerns with comments that were made at the September 28, 2017 Council meeting by Councilmember Bredefeld.

Councilmember Bredefeld apologized and thanked Councilmember Baines III and members of the public for their comments and shared his reasons for his comments made at the September 28, 2017 Council meeting.

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

UNSCHEDULED COMMUNICATION

Upon call members of the public addressed their feelings towards Councilmember Bredefeld and the comments that were made at the September 28, 2017 Council meeting.

Luis Marquez spoke regarding improving downtown

Council recessed for lunch at 12:24AM

Council returned from lunch at 1:43PM

Council recessed to Closed Session at 1:43PM

Council returned from Closed Session at 2:48PM

5. CLOSED SESSION

There was no announcements after Closed Session

- 5-A** [ID17-1331](#) CONFERENCE WITH LEGAL COUNSEL-DECIDING WHETHER TO INITIATE LITIGATION- Government Code Section 54956.9(d)(4)
1. Action for declaratory relief: City of Fresno v. Esparza

DISCUSSED

- 5-B** [ID17-1382](#) CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION - Government Code Section 54956.9, subdivision (d)(1)
1. City of Fresno v. Eliud Hernandez (3231 E. Townsend) Case No.: 17CECG01665 JYH; and City of Fresno v. David Sweet (345 N. Broadway) Case No.: 17CECG01684 MWS. Fresno County Superior Court

DISCUSSED

- 5-C** [ID17-1389](#) CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION - Government Code Section 54956.9, subdivision (d)(1)
1. North Central Fire Protection District v. City of Fresno, et al.

DISCUSSED

2. SCHEDULED COUNCIL HEARINGS AND MATTERS

10:00 A.M.

- [ID17-1265](#) Consider Text Amendment Application No. TA-17-007, Initiated June 22, 2017, by Council direction, and related environmental finding pertaining to the indemnification of security and electric fences:
1. **ADOPT** Environmental Assessment No. TA-17-007 approving a Finding of No Possibility pursuant to Section 15061 (b)(3) of the California Environmental Quality Act Guidelines.
 2. **BILL - (For introduction)** Approving Text Amendment Application No. TA-17-007 amending subsection F of Section 15-2009, and subsection I of Section 15-2010 of the Fresno Municipal Code.

The item was called to order at 2:50PM

The above item was introduced to Council by Planning Manager Pagoulatos, DARM Department.

Upon call, there was no public comment.

BILL B-56 ADOPTED

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

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

Absent: 1 - Bredefeld

SCHEDULED COMMUNICATION

10:05 A.M.

[ID17-1365](#) Appearance by Mary Esther Correa to discuss the Code Enforcement fines she has incurred. (Speaker located in District 7)

The above item was continued to October 19, 2017

SPECIAL MEETING

Actions pertaining to Lease Agreement for Northwest District Police Station to be located at 3080 - 3082 W. Shaw Avenue:

- 1. Adopt a finding of Categorical Exemption Class 1 Section 15301 (Existing Facility) and Class 32 Section 15332 (In-Fill) of the California Environmental Quality Act Guidelines**
- 2. Approve Lease Agreement between the City of Fresno and Ami Winepress, L.P. to lease commercial space along Shaw Avenue for the Northwest District Police Station and authorize the Chief of Police to execute related documents. (Council District 2)**

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

Upon, call there was no public comment.

Councilmember Brandau asked if the tentative improvements issues have been taken care of.

APPROVED

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

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

3. GENERAL ADMINISTRATION

3-A [ID17-1310](#)

Actions pertaining to the Fresno County Adult Compliance Team agreement with the County of Fresno:

1. Approve the Third Amendment to the agreement with the County of Fresno to reimburse the City of Fresno for four Police Officers and one Crime Analyst to be assigned to the Multi-Agency Gang Enforcement Consortium (M.A.G.E.C. Team).
2. ***RESOLUTION - 1st amendment to Position Authorization Resolution (PAR) No. 2017- 166, adding four Police Officers and one Crime Analyst assigned to the M.A.G.E.C. Team. (Subject to Mayor's Veto)
3. ***RESOLUTION - 17th amendment to the Annual Appropriation Resolution (AAR) No. 2017-165 appropriating \$969,000.00 for the Fresno Police Department personnel assigned to the M.A.G.E.C. Team. (Requires 5 affirmative votes) (Subject to Mayor's Veto)

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

Upon call, there was no public comment.

RESOLUTION 2017-277 #2 ADOPTED

RESOLUTION 2017-278 #3 ADOPTED

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

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

Absent: 1 - Soria

3-C [ID17-1357](#) Anti-Slum Enforcement Team (ASET) Quarterly Status Report and Update on Rental Housing Improvement Act

The above item was postponed to October 19, 2017

3-D [ID17-721](#)

Actions related to updating water conservation measures and the City's Water Shortage Contingency Plan:

- 1 Adopt the Negative Declaration prepared for Environmental Assessment No. EA-17-014, dated August 11, 2017;
2. BILL (for introduction) - Amending Fresno Municipal Code Sections 6-501, 6-502, and 6-520 relating to regulations for Urban Water Conservation and Excessive Water Use;
3. ***RESOLUTION - Amending the City of Fresno Water Shortage Contingency Plan; (Subject to Mayor's Veto)
4. ***RESOLUTION - 534th Amendment to the Master Fee Resolution (MFS) No. 80-420 adopting a new schedule of fines associated with Urban Water Conservation and Excessive Water Use in the Conditions of Services Works in the Public Utilities Department Section. (Subject to Mayor's Veto)

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

Upon call, there was no public comment.

BILL B-57 #2 ADOPTED

RESOLUTION 2017-279 #3 ADOPTED

RESOLUTION 2017-280 #4 ADOPTED

On motion of Councilmember Caprioglio, seconded by Councilmember Brandau, that the above Action Item be approved.

The motion carried by the following vote:

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

Absent: 1 - Soria

3-B [ID17-1355](#)

Actions pertaining to the Taxiway C Reconstruction project at Fresno Yosemite International Airport (Council District 4):

1. Adopt a finding of Categorical Exemption pursuant to Section 15301(c)/Class 1 (Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines for the Taxiway C Reconstruction
2. ***RESOLUTION - 28th amendment to the Annual Appropriations Resolution (AAR) No. 2017-165 appropriating \$20,912,500 for the

- Taxiway C Reconstruction project at Fresno Yosemite International Airport (Requires 5 affirmative votes) (Subject to Mayor's veto)
3. Award a construction contract to Security Paving Company, Inc., of Sylmar, California, for the Taxiway C Reconstruction project at Fresno Yosemite International Airport in the amount of \$13,070,242 (Base Bid + Additive Alternate No. 3)(Bid File 3519)
 4. Approve a consulting agreement with RMA GeoScience of Fresno, California, to provide geotechnical quality assurance testing and inspection services for the Taxiway C Reconstruction project at Fresno Yosemite International Airport in the amount of \$442,088

The above item was introduced by Director Meikle, Airports Department

Upon call, there was no public comment.

RESOLUTION 2017-281 #2 ADOPTED

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

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

Absent: 2 - Soria and Brandau

3-E [ID17-1369](#) WORKSHOP - Parks Master Plan

The above item was introduced to Council by Assistant City Manager Rudd

4. CITY COUNCIL

4-A [ID17-1313](#) ***RESOLUTION - Amending the Council Residency Act (Subject to Mayor's Veto).

The above item was introduced by City Clerk Spence.

Upon call, there was no public comment.

RESOLUTION 2017-282 ADOPTED

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

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

Absent: 2 - Brandau and Bredefeld

- 4-B [ID17-1332](#) Approve an agreement with the Southwest Community Development Corporation for \$100,000, for Fiscal Year 2017-2018 (Council District 3)

The above item was introduced by Councilmember Baines III

Upon call, there was no public comment.

APPROVED

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

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

Absent: 2 - Brandau and Bredefeld

ADJOURNMENT

City Council adjourned at 3:57PM in memory of the victims of Las Vegas shooting and the victims of the Northern California fires.

The above minutes were approved at the October 19, 2017 meeting with a motion from Council Vice President Soria and a second from Councilmember Caprioglio. The motion passed on a 7-0 vote.