



# 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*

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Thursday, August 31, 2017

8:30 AM

Council Chambers

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### Regular Meeting

**Councilmember Chavez may be present via conference call at 9:45 a.m. to participate in the meeting from the lobby located at Philadelphia Downtown Marriott, 1204 Market Street, Philadelphia, Pennsylvania.**

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

**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 Pastor DJ Criner of St. Rest Baptist Church

Pledge of Allegiance to the Flag

### **APPROVE AGENDA**

*City Clerk Spence announced the following changes to the agenda:  
Ceremonial Presentation file ID 17-1207 - Proclamation in Support of*

*Energy Upgrade California has been removed from the agenda. File ID 17-1144 (10:00 AM) was continued to the September 21, 2017 agenda at 2:20PM. File ID 17-1070 (10:20 AM) there was a correction to the title, it should read "California Environmental Quality Act Guideline". Item 3-C (ID 17-1154) was continued to September 21, 2017 by staff.*

**On motion of Councilmember Caprioglio, seconded by President Olivier, 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**

[ID17-1152](#) Proclamation of "El Chavo Del Ocho Day"

*PRESENTED*

**Councilmember Chavez left the meeting at 8:45 AM**

[ID17-1181](#) "Proclamation of Hunger Action Month" - Sponsors Mayor Brand and Councilmember Caprioglio

*PRESENTED*

[ID17-1204](#) Presentation of Certificates of Recognition to the West Fresno Family Resource Center (WFFRC) for sponsoring the 15th Annual Back to School Health Fair

*PRESENTED*

[ID17-1207](#) Proclamation in Support of Energy Upgrade California

*REMOVED FROM THE AGENDA*

## **APPROVE MINUTES**

*Vice President Soria was absent during the approval of the Minutes and Consent Calendar.*

[ID17-109](#) Approval of minutes from August 24, 2017

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

**Aye:** 5 - Olivier, Baines III, Brandau, Bredefeld and Caprioglio

**Absent:** 2 - Soria and Chavez

## **COUNCILMEMBER REPORTS AND COMMENTS**

*Councilmember Caprioglio congratulated Dr. Joseph Castro, Fresno State, for making Fresno State University the 17th top school of the nation and reminded the public of the first game of the season at Fresno State on September 2, 2017.*

*Councilmember Bredefeld thanked Sgt. Dewey from Fresno Police Department and other staff members from the Homeless Task Force for the ride along around the whole City of Fresno with Strategic Initiatives Director Spees.*

### **1. CONSENT CALENDAR**

#### APPROVAL OF THE CONSENT CALENDAR

**On motion of Councilmember Brandau, seconded by President Olivier, the CONSENT CALENDAR was hereby adopted by the following vote:**

**Aye:** 5 - Olivier, Baines III, Brandau, Bredefeld and Caprioglio

**Absent:** 2 - Soria and Chavez

- 1-A**     [ID17-1117](#)     Resolution to claim funds of \$11,125.41 for uncashed checks dated January 3, 2013, through December 20, 2013, and transfer said funds from "Special Fund" 63539 to the General Fund 10101

**RESOLUTION 2017-234 ADOPTED**

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

- 1-B**     [ID17-1142](#)     **RESOLUTION** - Of Intention to annex the territory associated the development of Assessor's Parcel Numbers 480-213-13, 14, and 15 (Development Permit Application No. 2016-111) as Annexation No. 19 to the City of Fresno Community Facilities District No. 9 and to authorize the levy of special taxes (northwest corner of East Church and South Chestnut Avenues) (Council District 5)

**RESOLUTION 2017-235 ADOPTED**

**This Resolution was approved on the Consent Calendar.**

- 1-C [ID17-1143](#) **RESOLUTION** - Of Intention to annex Final Tract Map No. 6130 as Annexation No. 84 to the City of Fresno Community Facilities District No. 11 and to Authorize the Levy of Special Taxes (east side of North Fowler Avenue between East Grant and Illinois Avenues) (Council District 5)

*RESOLUTION 2017-236 ADOPTED*

**This Resolution was approved on the Consent Calendar.**

- 1-D [ID17-1145](#) **RESOLUTION** - Approving the Final Map of Tract No. 6110 and accepting dedicated public uses offered therein - Southeast corner of North Bliss Avenue and East Shields Avenue (Council District 4)

*RESOLUTION 2017-237 ADOPTED*

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

- 1-E [ID17-1178](#) Actions pertaining to the 2017 Edward Byrne Memorial Justice Assistance Grant (JAG) Program
1. Authorize the Chief of Police to apply for and accept \$264,557 in total grant funding for the 2017 JAG Program from the U.S. Department of Justice, Bureau of Justice Assistance for the City and County of Fresno
  2. Authorize the Chief of Police to execute all related documents to the application, acceptance, and administration of 2017 JAG Program

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

- 1-F [ID17-1047](#) Approve the FY 16 amended and FY 17 annual participation agreements for the Federal Equitable Sharing Agreement and Certification Program for the disposition of funds forfeited in connection with a crime and authorize the City Manager and the Chief of Police to execute related documents

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

- 1-G [ID17-1156](#) Approve an amendment to the consultant service agreement for the design of the sewer rehabilitation/replacement in Glenn Avenue, N Street, Tuolumne Street, Van Ness Avenue, Merced Street, and Thorne Avenue in the amount of \$37,756 with Blair, Church & Flynn Consulting Engineers (Council District 3)

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

- 1-H [ID17-1159](#) Approve Change Order No. 10 to the construction contract with W.M. Lyles

Company for the City of Fresno's Southeast Surface Water Treatment Facility to increase the lump sum scope of work by \$198,063 (Citywide)

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

### **3. GENERAL ADMINISTRATION**

**3-A**     [ID17-1148](#)     Actions related to purchasing vehicles for the Development and Resources Management Department:

1. Approve the award of a purchase agreement to Swanson Farney Ford of Selma, California, for the purchase of 24 Ford F-150 regular cab, short bed, pickups, in the amount of \$542,250.45
2. Approve the option to purchase up to 40 additional F-150 pickups at this same unit price through March 30, 2018

*The above item was introduced to Council by Assistant Director Schaad, Department of Transportation.*

*Upon call, there was no public comment.*

*Councilmember Brandau asked Assistant Director Schaad about the use of the trucks, if the trucks will be available for other use for the DARM Department and what was the process in selecting the dealership. The response was the trucks will be for rental inspections and code enforcement only. The vehicles were completely bid.*

*Councilmember Bredefeld asked if its solely for rental inspection program or will the trucks be used for code enforcement. There is a combination of divisions that will be utilizing the vehicles.*

*Vice President Soria asked if any of the vehicles would be replacing old inventory and what timeline does the department expect to receive these vehicles. These are all new vehicles to be adding to the existing fleet. There is an 8-10 week period to remove the vehicles.*

**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:** 5 - Olivier, Soria, Baines III, Bredefeld and Caprioglio

**Absent:** 2 - Brandau and Chavez

**3-B**     [ID17-1087](#)     Authorize a lease-purchase agreement between the Fresno Fire

Department and Smeal Manufacturing utilizing a Cooperative Purchasing Agreement to acquire three (3) fire engines as part of the department's 8-year apparatus replacement program.

*The above item was introduced to Council by Chief Donis, Fire Department.*

*Upon call, there was no public comment.*

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

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

**Absent:** 1 - Chavez

- 3-C**     [ID17-1154](#)     Actions pertaining to drilling a new water production well at the Fresno/Clovis Regional Wastewater Reclamation Facility (RWRF) located at 5607 West Jensen Avenue (Bid File 3558) (Council District 3):
1. Adopt a Mitigated Negative Declaration pursuant to Environmental Assessment D-17-052, State Clearinghouse No. 2017071055.
  2. Award a Contract to Anthony J. Prieto Water Well Drilling, Inc., in the amount of \$591,950 to drill a new water production well at the RWRF.

*THE ABOVE ITEM WAS CONTINUED TO SEPTEMBER 21, 2017 BY STAFF.*

- 3-D**     [ID17-1158](#)     Approve the Third Amendment to the Professional Consultant Services Agreement with Blair, Church & Flynn Consulting Engineers in the amount of \$940,280 for the design of the Recycled Water Distribution System, Southwest Quadrant (Council District 3 and Fresno County)

*The above item was introduced to Council by Planning Manager Carbajal, Public Utilities Department.*

*Upon call, there was no public comment.*

**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 - Olivier, Soria, Baines III, Brandau, Bredefeld and Caprioglio

**Absent:** 1 - Chavez

- 3-E**     [ID17-1160](#)     Actions Pertaining to the Recycled Water Transmission Main, Southwest

Quadrant, Project SW1C2 (Bid File 3526) (Council District 3 and Fresno County)

1. Adopt an addendum to the Fresno Recycled Water Distribution System, Initial Study/Tiered Mitigated Negative Declaration (State Clearing House No. 2014081078)
2. Award a construction contract in the amount of \$7,682,290 to Bill Nelson General Engineering Construction, Inc., of Fresno, California

*The above item was introduced to Council by Planning Manager Carbajal, Public Utilities Department.*

*Upon call, there was no public comment.*

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

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

**Absent:** 1 - Chavez

**3-F**     [ID17-1165](#)

Actions pertaining to the WaterSMART Grant Application for the Airport Satellite Water Reclamation

Project (Council District 4 and Fresno County):

1. \*\*\*RESOLUTION - Authorizing an application to the United States Department of Interior, Bureau of Reclamation for a Title XVI Water Recycling Projects under the WIIN Act grant funding opportunity for FY18 for the Airport Satellite Water Reclamation Plant (Subject to Mayor's veto)
2. Authorize the Director of Public Utilities or designee(s) to execute all application documents on behalf of the City

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

*Upon call, there was no public comment.*

**RESOLUTION 2017-238 ADOPTED**

**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 - Olivier, Soria, Baines III, Brandau, Bredefeld and Caprioglio

**Absent:** 1 - Chavez

**3-G**     [ID17-1170](#)

Actions pertaining to construction of the Sewer Rehabilitation and Reconstruction in Merced Street (Bid File 3540) (Council District 3):

1. \*\*\*RESOLUTION - 18th amendment to the Annual Appropriation Resolution (AAR) No. 2017-165 appropriating \$7,728,500 for the Sewer Rehabilitation and Reconstruction in Merced Street (Requires 5 affirmative votes) (Subject to Mayor's veto).
2. Adopt a finding of Categorical Exemption pursuant to Sections 15301 and 15302 of the California Environmental Quality Act Guidelines.
3. Award a Construction Contract to Mountain Cascade Inc., of Livermore, California, in the amount of \$7,398,497.

*The above item was introduced to Council by Planning Manager Carbajal, Public Utilities Department.*

*Upon call, there was no public comment.*

**RESOLUTION 2017-239 ADOPTED**

**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:** 5 - Olivier, Baines III, Brandau, Bredefeld and Caprioglio

**Absent:** 2 - Soria and Chavez

**3-H**     [ID17-1193](#)     Approve Contract Change Order No. 65 for the Reconstruction of Sewer and Water Mains in Merced, Tuolumne and Tulare Streets bid package FMR 02 for the Fulton Mall Reconstruction Project

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

*Upon call, there was no public comment.*

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

**Aye:** 5 - Olivier, Baines III, Brandau, Bredefeld and Caprioglio





*consultant to research the cost to enforce recreational and medical marijuana, how to monitor and regulate 6 plants, the impact of the black market, how many dispensaries, the impact on land decisions and so on. Mayor Brand believes he will not need more than \$50,000 to hire a consultant and requested that the City Manager create an RFQ on a consultant and allow the subcommittee to review the outcome of the RFQ and come back to Council within 60 to 90 days for both medical and recreational marijuana.*

*Councilmember Caprioglio asked Council President if there was a need to consider the item since it is within the jurisdiction of the Mayor and doesn't need authorization from the Council. Council President Olivier disagrees and would like to take action on the item.*

*Upon call, the following members of the public addressed Council: Ted Miller, Mary Ester Correa, Michael Green, Carol Lapeer, Sam Pete, Leslie Otta, Susan Gervais, Marcus Martinez, George Boyjian, Dennis Ebacure, Martha Kolstad, Melissa Farris, Kim Castro, Sister Freya, Jason Crouse and Robert Huggins spoke on this item.*

*Councilmember Baines III supports Council President and Mayor Brand in obtaining a professional consultant.*

*Councilmember Bredefeld will not support the item. Councilmember Bredefeld believes the Mayor's staff as well as District 6 staff have the ability to research and provide Council with the necessary information needed. Bredefeld also mentioned that the \$50,000 would most likely be coming from the General Fund.*

*Councilmember Brandau stated hiring a consultant now is premature and would like to wait until there is enough data to review and then at that time if a consultant is needed to hire one. He opposed the item.*

*Councilmember Caprioglio asked Council President Olivier if the person from League of Cities was a consultant. Councilmember also stated that he would like the information to be provided now verse waiting that year. Councilmember Caprioglio supports the item.*

*Council President Olivier motioned to approve item as amended by removing the \$100,000 dollar amount and to include a Council subcommittee to help our professional City staff to set the parameters for the RFQ. Councilmember Baines III seconded the motion.*

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

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

**No:** 2 - Brandau and Bredefeld

**Absent:** 1 - Chavez

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

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

[ID17-1144](#) **HEARING** to adopt resolutions and ordinance to annex territory and levy a special tax regarding the territory associated with the development of Assessor's Parcel Number 313-280-73 and 313-280-75, Conditional Use Permit Application No. 2014-057, Annexation No. 17 of the City of Fresno Community Facilities District No. 9 (north side of East Kings Canyon Road east of North Armstrong Avenue) (Council District 5)  
(CONTINUE TO SEPTEMBER 21, 2017 AT 2:20 P.M.)

1. **\*\*\*RESOLUTION** - Annexing Territory to Community Facilities District No. 9 and Authorizing the Levy of a Special Tax (Subject to Mayor's Veto)
2. **\*\*\*RESOLUTION** - Calling Special Mailed-Ballot Election (Subject to Mayor's Veto)
3. **\*\*\*RESOLUTION** - Declaring Election Results (Subject to Mayor's Veto)
4. **\*\*\*BILL** - (For introduction and adoption) - Levying a Special Tax for the Property Tax Year 2017-2018 and Future Tax Years Within and Relating to Community Facilities District No. 9, Annexation No. 17 (Subject to Mayor's Veto)

*THE ABOVE HEARING WAS CONTINUED TO SEPTEMBER 21, 2017 AT 2:20 PM*

### **10:05 A.M.**

[ID17-1229](#)

WORKSHOP regarding the City of Fresno Water Supply Investment Opportunities - Temperance Flat Reservoir and CalWaterFix Twin Tunnels

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

**10:30 A.M.**[ID17-1146](#)

HEARING to consider Annexation Application No. ANX-17-001, Pre-zone Application No. R-17-002, and related Environmental Assessment No. ANX-17-001/R-17-002, filed by Bill Robinson of Sol Development, on behalf of Don Orosco of D.B.O. Development. These applications pertain to approximately 38.80 acres of property located on the northeast corner of N. Polk and W. Shields Avenues. (Council District 1).

1. Adopt the Finding of Conformity to the Fresno General Plan Master Environmental Impact Report as prepared for the annexation and rezone, dated May 5, 2017 for purposes of the proposed project.
2. BILL - (For introduction and adoption) Approving Pre-zone Application No. R-17-002 to pre-zone the property from the Fresno County RR (*Rural Residential*) zone district to the City of Fresno CC/UGM (*Commercial - Community/Urban Growth Management*) and OS/UGM (*Open Space/Urban Growth Management*) zone districts.
3. \*\*\*RESOLUTION - Approving Annexation Application No. ANX-17-001 to initiate annexation proceedings for detachment from the North Central Fire Protection District and the Kings River Conservation District and annexation to the City of Fresno. (Subject to Mayor's veto)

*The above hearing was called to order at 11:42 A.M. The item was introduced to Council by Planner II Lang, of the DARM Department.*

*Upon call Bill Robinson spoke supporting the item.*

*The hearing was closed at 11:43 A.M.*

**BILL # B-45 #2 ADOPTED**

**ORDINANCE # 2017-45 #2 ADOPTED**

**2017-240 #3 ADOPTED**

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

**Bredefeld, that the above Action Item be . The motion carried by the following vote:**

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

**Absent:** 1 - Chavez

### **10:35 A.M. SCHEDULED COMMUNICATION**

[ID17-1215](#) Appearance by Mary Esther Correa to discuss Code Enforcement and the fines she has incurred and the issue of homelessness

*APPEARED*

### **10:20 A.M.**

[ID17-1070](#) **HEARING to consider** Text Amendment Application No. TA-17-006 and the related environmental finding to address recreational marijuana operations, dispensaries, sales, and public consumption by prohibiting them in all zone districts within the City, with the exception of laboratory testing in industrial districts

1. **Recommend approval** of Environmental Assessment No. TA-17-006 prepared for this matter approving a Finding of No Possibility pursuant to Section 15061 (b)(3) of the Environmental Quality Act Guidelines
2. **Recommend approval** of the adoption of Text Amendment Application No. TA-17-006

*Councilmember Chavez joined the meeting at 11:47AM by conference call.*

*The above hearing was called to order at 11:47AM The item was introduced to Council by Councilmember Bredefeld.*

*Councilmember Bredefeld motioned to approve as presented.*

*Councilmember Chavez seconded the motion.*

*Mayor Brand spoke in support of the recreational marijuana ban but opposes cultivation of marijuana.*

*Upon call the following members of the public addressed Council. Ted Miller and Martha Kolstad, both in support of the item.*

*Council President Olivier asked Councilmembers if they would like to recess until 1:30PM or continue on with the agenda item. It was a*

*consensus to continue with the hearing.*

*Councilmember Baines III suggested to Council President to closed public comment and allow the Councilmembers to debate the item. Baines III also stated he is opposed to this item.*

*The hearing was closed at 11:58AM*

*Councilmember Baines III motioned to continued this item until we come back with the report from the consultant and there can be a discussion on cannabis in the City with actual facts. Vice President Soria seconded the motion.*

*Both Vice President Soria and Council President Olivier agreed to the request to continue the item and suggested they wait until more information was provided by the consultant.*

*Councilmember Caprioglio asked Mayor Brand his position on continuing the item. Mayor Brand suggested there be a vote. Councilmember Brandau agreed to take action on the item and opposed the request to continue.*

*Council President Olivier called for a vote on the second motion. Motion to continue this item until we come back with the report from the consultant and there can be a discussion on cannabis in the City with actual facts. Motion FAILS 3/4. Councilmembers Brandau, Bredefeld, Caprioglio and Chavez voting no.*

**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:** 4 - Brandau, Bredefeld, Caprioglio and Chavez

**No:** 3 - Olivier, Soria and Baines III

**Council recessed at 12:08 PM**

**City Council returned from recess at 4:45 PM**

**4:30 P.M.**

[ID17-1153](#) Presentation of Certificate of Recognition to "Jasbir Kaur"

*PRESENTED*

[ID17-1155](#) Presentation of a Certificate of Recognition to "Sharanjit Kaur"

*PRESENTED*

**4:45 P.M.**

[ID17-1224](#) RESOLUTION - Renaming the park at Clinton and Brawley the "Jaswant Singh Khalra Park"

*The above item was introduced to Council by Councilmember Baines III.*

*Presentation by members of the Punjabi and Sikh community*

*Upon call the following members of the public addressed Council: Manjit Singh Patter, Khushmeen Dhothar, Dr. Hasmesh Kumar, Syde Defina, Simvaajit Sran, Deep Singh, Tajinder Nishar, Jaskeet Raika, Gurdeep Singh Shergill, Bhajan Singh and Jasdeep Atwal, all thanked the Councilmembers and are in support of the resolution and expressed their appreciation and honor it is to rename the park to "Jaswant Singh Khaira Park".*

*Vice President Soria and Councilmember Caprioglio thanked the community for attending the meeting and the young people for making a difference in City of Fresno community and encouraged the youth to continue to grow in their education.*

*Councilmember Bredefeld expressed his joy in approving the resolution and to the community for bringing this item forward.*

**RESOLUTION 2017-241 ADOPTED**

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

**Aye:** 5 - Olivier, Soria, Baines III, Bredefeld and Caprioglio

**Absent:** 2 - Brandau and Chavez

## **ADJOURNMENT**

*City Council adjourned at 5:34 PM*

*The above minutes were approved at the September 21, 2017 meeting with a motion from Council Vice President Soria and a second from Council President Olivier, the motion passed on a vote of 6-0 with Councilmember Baines absent.*