



# City of Fresno

2600 Fresno Street  
Fresno, CA 93721  
[www.fresno.gov](http://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, October 19, 2017**

**1:30 PM**

**Council Chambers**

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### Regular Meeting

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

### **1:35 P.M. ROLL CALL**

*Councilmember Baines III joined the meeting at 1:50PM.*

**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 Mr. Darryl Du'Chene, Fresno Unified School District Project Manager

Pledge of Allegiance to the Flag

### **APPROVE AGENDA**

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

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

**Absent:** 1 - Baines III

**CEREMONIAL PRESENTATIONS**

[ID17-1433](#) Proclamation of "Domestic Violence Awareness Month"

PRESENTED

[ID17-1378](#) "KaBOOM! at Granny's Park Appreciation Day"

PRESENTED

[ID17-1405](#) Proclamation of "National Day on Writing"

PRESENTED

**APPROVE MINUTES**

[ID17-114](#) Approval of minutes from October 12, 2017

**On motion of Vice President Soria, seconded by Councilmember Caprioglio, that the above Minutes 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 the ASI for the proclamation and thanked the Fresno State Police Department for going above and beyond for the El Dorado Park area and thanked John DeLucia, Graphics Technician, Copy Center for his good work, he walked the neighborhood on Augusta, Monday, October 23, 2017 and will be walking Sierra Madre and survived the neighborhood and asked the public for volunteers to help translate and also mentioned the upcoming Fresno State Bulldogs and San Diego football game.*

*Councilmember Baines III stated the Planning Commission approved the South West Pacific Plan 7-0 and the Darling Agreement 6-1.*

*Vice President Soria thanked City Staff for the Tower District clean up, reminded the public of the participatory budget process, introduced two new interns, Alexandria Sanchez and Ignacio Barbosa for District 1 and requested the meeting adjourned in memory of Rahman Newsome.*

*Councilmember Brandau spoke regarding the Make a Difference day at Chuckchansi Park on Saturday, October 21, 2017 and the opening of Fulton Street.*

## **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**     [ID17-1349](#)     RESOLUTION - Dedicating a portion of City-owned property for the purpose of a public street and trail easements to accommodate the construction of Veterans Boulevard between West Herndon Avenue and West Sierra Avenue. (Council District 2)

*RESOLUTION 2017-283 ADOPTED*

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

- 1-B**     [ID17-1371](#)     Approve an agreement for Professional Engineering Services with Provost and Pritchard Consulting Group for \$294,000 and a \$15,000 contingency for the engineering design and construction support services for the South Van Ness Industrial Area Roadway and Utilities Infrastructure Improvement Project (Council District 3)

*APPROVED*

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

- 1-C**     [ID17-1381](#)     Approve an agreement with Integrated Designs by SOMAM, Inc., of Fresno, CA in the amount of \$103,115 with a not-to-exceed contingency of \$10,000 for the design of and general construction documents for the Americans with Disabilities Act (ADA) Upgrades at the City of Fresno Convention Center (Council District 3).

*APPROVED*

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

- 1-D**     [ID17-1370](#)     Actions related to acquiring and funding improvements to Maxie L. Parks Center:
1. Adopt a Categorical Exemption prepared for Environmental

Assessment No. EA-17-022 dated September 27, 2017, for the Maxie L. Parks Community Center.

2. Authorize the Parks, After School, Recreation and Community Services (PARCS) Department to accept a grant in the amount of \$350,500 from the State of California Department of Forestry and Fire Protection (CAL FIRE) for improvements to Maxie L. Parks Center (Council District 3)
3. \*\*\*RESOLUTION - 16th amendment to the Annual Appropriation Resolution (AAR) No. 2017-165 appropriating \$350,500 from the Department of Forestry and Fire Protection (CAL FIRE) grant for the Maxie L. Parks Center project. (Requires 5 affirmative votes) (Subject to Mayor's veto)
4. Approve the acquisition of an approximate 14,375 square foot commercial zoned site located at 2195 South Elm Avenue adjoining the Maxie L. Parks Center (Council District 3)

**RESOLUTION 2017-284 #3 ADOPTED**

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

**1-E [ID17-1376](#)**

Approve Memorandum of Understanding for On-site Improvements to replace potable water pipes and appurtenances at the Orange Center School, facilitating connection to City of Fresno's water distribution system to provide reliable water to the disadvantaged community (Fresno County; City of Fresno Sphere of Influence).

*The above item was pulled from Consent Calendar by Vice President Soria and moved to Contested Consent for further discussion.*

**1-F [ID17-1380](#)**

\*\*\*RESOLUTION - Authorizing the Director of Public Utilities (Director) or designee to sign financing agreement, amendments, and certifications for funding with the State Water Resource Control Board (SWRCB) from the Cleanup and Abatement Account (CAA); authorizing the Director or designee to approve claims for reimbursement; authorizing the Director or designee to execute budget and expenditure summary; authorizing the Director or designee to sign the final release form; and, authorizing the Director or designee to sign the certification of project completion. (Subject to Mayor's Veto) (Fresno County; City of Fresno Sphere of Influence)

**RESOLUTION 2017-285 ADOPTED**

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

**1-G**     [ID17-1417](#)

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 NO. B-57 - (Intro. 10/12/2017) (For adoption) - Amending Fresno Municipal Code Sections 6-501, 6-502, and 6-520 relating to regulations for Urban Water Conservation and Excessive Water Use (Subject to Mayor's veto)

*ORDINANCE 2017-56 #2 ADOPTED*

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

**1-H**     [ID17-1416](#)

\*\*\*BILL NO. B-56 - (Intro. 10/12/2017) (For adoption) - 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 pertaining to the indemnification of security and electric fences (Subject to Mayor's veto)

*ORDINANCE 2017-57 ADOPTED*

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

**1-I**     [ID17-1427](#)

**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)

*RESOLUTION 2017-286 ADOPTED*

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

## **CONTESTED CONSENT CALENDAR**

**1-E**     [ID17-1376](#)

Approve Memorandum of Understanding for On-site Improvements to replace potable water pipes and appurtenances at the Orange Center School, facilitating connection to City of Fresno's water distribution system to provide reliable water to the disadvantaged community (Fresno County; City of Fresno Sphere of Influence).

*Vice President Soria expressed her strong support for the item.*

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

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

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

### **2:10 P.M.**

[ID17-1354](#) HEARING to consider Conditional Use Permit Application No. C-17-079, located on the northwest corner of East Jensen Avenue and State Highway 99. (Council District 3)

1. DENY Conditional Use Permit Application No. C-17-079 requesting to establish a State of California Alcoholic Beverage Control Type 20 alcohol license (Package Store - sale of beer and wine for consumption off the premises where sold) for a proposed convenience store.

*The item was called to order at 2:27PM*

*The above item was introduced to Council by Planner II Siegrist, DARM Department.*

*Upon call the following members of the public addressed Council: George Beal of Beal Development and Bill Bunnell.*

*Councilmember Baines III spoke regarding his reasons for appealing the Planning Commissions decision and recommended that the CUP be approved.*

*Councilmember Brandau spoke regarding the request for Liquor License for District 2 and census tracks.*

*DARM Director Clark clarified the census track issues and spoke regarding the changes in the state Alcoholic Beverage Control (ABC) code.*

*Vice President Soria stated there is an opportunity to modify the codes to work with the over concentration of alcohol around neighborhoods.*

*Councilmember Caprioglio spoke regarding mixed messages to City Staff and suggested the code be cleaned up to reduce confusion.*

*Councilmember Bredefeld asked if the applicant would accept all the*

*limitation as stated in the Police Departments conditions.*

*Councilmember Baines III motioned to approve the Conditional Use Permit (CUP) plus the CEQA categorical exemption and local restriction item C. Councilmember Soria seconded the motion.*

*APPROVED*

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

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

### **2:15 P.M.**

[ID17-1379](#) Appearance by Moas Jezrell Crawford to request the City of Fresno build homes for the homeless. (Speaker resides in District 7)

*Moas Jezrell appeared and spoke regarding homes for the homeless.*

*APPEARED*

### **2:20 P.M.**

[ID17-1432](#) Appearance by Mary Esther Correa to discuss the Code Enforcement fines she has incurred. (Speaker located in District 7)

*Mary Esther Correa appeared and spoke regarding her code enforcement fines.*

*APPEARED*

### **4:00 P.M.**

[ID17-1407](#) RESOLUTION - Of the Council supporting House Resolution 3282, the "ELD Extension Act of 2017"

*The item was called to order at 4:14PM*

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

*Upon call, there was no public comment.*

*RESOLUTION 2017-292 ADOPTED*

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

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

**Abstain:** 1 - Olivier

### **3. GENERAL ADMINISTRATION**

**3-A**    [ID17-1221](#)    WORKSHOP regarding Weekend Recreation and Fitness Program

*Workshop presented by Recreation Manager Schaefer, Parks, After School and Recreation and Community Services Department.*

**3-B**    [ID17-1363](#)    RESOLUTION - Approving the application for grant funds from the United States Department of Transportation's Infrastructure for Rebuilding America Program and authorizing the execution of documents by the Public Works Director or designee (Council District 2)

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

*Upon call, there was no public comment.*

*RESOLUTION 2017-287 ADOPTED*

**On motion of Councilmember Brandau, seconded by Councilmember Baines III, 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

**3-C**    [ID17-1364](#)    RESOLUTION - Authorizing submission of regional bid applications for grant funds for the 2017/18 Congestion Mitigation and Air Quality Improvement Program and the Surface Transportation Block Grant Program Call for Projects from the Fresno Council of Governments (Citywide)

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

*Upon call, there was no public comment.*

**RESOLUTION 2017-288 ADOPTED**

**On motion of Councilmember Caprioglio, 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

- 3-D**     [ID17-1318](#)     Actions related to Senate Bill 1 (SB1) Road Maintenance and Rehabilitation Account (RMRA) revenues:
1. Review the Public Works Department's current five-year capital improvement plan
  2. Approve the Public Works Department's SB1 street project list for FY2018
  3. Approve a priority list for SB1 expenditures for FY2019 through FY2022

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

*Upon call there was no public comment.*

**APPROVED**

**On motion of Councilmember Caprioglio, seconded by Councilmember Chavez, 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

- 3-E**     [ID17-1391](#)     Actions pertaining to the Fire Station No. 11 Remodel project (Council District 4):
1. \*\*\*RESOLUTION - 12th Amendment to the Annual Appropriation Resolution (AAR) No. 2017-165, to appropriate \$535,000 to fully fund the Fire Station No. 11 Remodel project (Requires 5 affirmative votes) (Subject to Mayor's veto)
  2. RESOLUTION - Providing for a loan from the Fire Station 10 Urban Growth Management (UGM) Fund to the Fire Station UGM Citywide Facility Fund
  3. Adopt finding of a Categorical Exemption pursuant to Section 15301(a) of the California Environmental Quality Act (CEQA) Guidelines
  4. Award a construction contract with R&H Construction of Fresno, CA, for

\$443,900 to remodel Fire Station No. 11

*The above item was introduced to Council by Supervising Engineering Tech Benard, Public Works Department.*

*Upon call there was no public comment*

**RESOLUTION 2017-289 #1 ADOPTED**

**RESOLUTION 2017-290 #2 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:** 7 - Olivier, Soria, Baines III, Brandau, Bredefeld, Caprioglio and Chavez

**3-F**     [ID17-1377](#)

RESOLUTION - Of Intention by the Council of the City of Fresno, California, to grant a Non-Exclusive Franchise for roll-off collection services within the City of Fresno and setting the public hearing for November 30, 2017 at 10:05 A.M. (Citywide)

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

*Upon call, there was no public comment.*

**RESOLUTION 2017-291 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 - Soria, Baines III, Brandau, Bredefeld, Caprioglio and Chavez

**No:** 1 - Olivier

**3-G**     [ID17-1404](#)     WORKSHOP - Bus Rapid Transit (BRT) Status

*Workshop presented by Director Schaad, Department of Transportation.*

**3-H**     [ID17-1358](#)     BILL - (For introduction) Adding Article 32 to Chapter 9 of the Fresno Municipal Code, relating to Pedicabs which allow alcohol to be consumed onboard.

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

*Upon call, there was no public comment.*

*BILL B-58 ADOPTED.*

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

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

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

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

*City Council recessed into Closed Session at 4:19PM*

*City Council returned from Closed Session at 5:19PM*

*There was no announcement after Closed Session*

##### **5-A     [ID17-1392](#)**

CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION -  
Government Code Section 54956.9, subdivision (d)(1)

1. Ma v. City of Fresno, et al.; United States District Court Case No.: 1:15-CV-01426 WBS.

*DISCUSSED*

##### **5-B     [ID17-1421](#)**

CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION  
Government Code Section 54956.9, subdivision (d)(1)

1. Peter Dern v. City of Fresno, PSI, administered by Risico Claims Management;  
Workers' Compensation Appeals Board Case No.: ADJ9940299

*DISCUSSED*

##### **5-C     [ID17-1422](#)**

CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION -  
Government Code Section

54956.9, subdivision (d)(1)

1. Peter Dern and Kimberly Dern v. Julia Beth Ann Harper, et. al.; Fresno County Superior Court Case No.: 15CECG0389

*DISCUSSED*

**5-D**     [ID17-1434](#)

CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Government  
Code Section 54956.8

Property: 911 H Street

Negotiating Parties: City Manager Wilma Quan-Schecter; Jason M. Geil  
and Kymberly D. Geil, Trustees of the Jason and Kymberly Geil Family  
Trust

*DISCUSSED*

**5-E**     [ID17-1438](#)     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*

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

**UNSCHEDULED COMMUNICATION**

*Upon call, the following member of the public addressed Council. George  
Hostetter, CV Observer asked what item in closed session would Attorney  
Jim Sanchez be attending. City Attorney Sloan stated that it was not public  
information.*

**ADJOURNMENT**

*City Council adjourned at 5:19 PM in memory of of Rahman Newsome.*

*The above minutes were approved at the October 26, 2017 meeting with a  
motion from Councilmember Caprioglio and a second from Councilmember  
Brandau. The motion passed on a 7-0 vote.*

