



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 - Bruce Rudd

City Attorney - Douglas T. Sloan

City Clerk - Yvonne Spence, CMC

Thursday, March 9, 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 above written.

8:34 A.M. ROLL CALL

Present: 6 - President Clinton Olivier
Councilmember Oliver L. Baines III
Councilmember Steve Brandau
Councilmember Garry Bredefeld
Councilmember Paul Caprioglio
Councilmember Luis Chavez

Absent: 1 - Vice President Esmeralda Soria

Invocation by H Spees, City of Fresno

Pledge of Allegiance to the Flag

APPROVE AGENDA

City Clerk Spence announced the following changes to the agenda:

1) The City of Fresno v. Simon Thaler and Michael Thaler portion of the Closed Session item (File ID17-362) on the separately noticed Joint Special Meeting had been removed from the agenda.

2) If approved, the resolution in Consent Calendar item 1-C (File ID17-287), would be the 45th amendment to the Annual Appropriation Resolution, not

the 34th amendment as listed on the agenda.

3) The 10:15 A.M. #1 Scheduled Hearing (File ID17-0013) had been continued to March 23, 2017 at 10:15 A.M. #1

4) The 10:15 A.M. #2 Scheduled Matter (File ID17-333) had been continued to March 23, 2017 at 10:15 A.M. #2

5) General Administration item 3-A (File ID17-279) had been removed from the agenda.

6) The Proclamation of "National Agriculture Week" (File ID17-358) had been continued to March 16, 2017.

APPROVED AS AMENDED

On motion of Councilmember Caprioglio, seconded by Councilmember Baines III, the agenda was approved as amended. The motion carried by the following vote:

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

Absent: 1 - Soria

CEREMONIAL PRESENTATIONS

[ID17-358](#) Proclamation of "National Agriculture Week"

The above item was continued to March 16, 2017

CONTINUED

APPROVE MINUTES

[ID17-92](#) Approval of minutes from March 2, 2017

The minutes of March 2, 2017 were not discussed and will be considered during the March 16, 2017 City Council meeting.

COUNCILMEMBER REPORTS AND COMMENTS

Councilmember Caprioglio reported on the March 4, 2017 grand opening of the sports fields at Granite Park. He said the location was once blighted but had been transformed into a thriving place for kids and adults.

Councilmember Caprioglio noted a baseball tournament took place that day

with 39 teams participating. Everyone had a great time during that "historical day in District Four." He thanked his council colleagues, the Mayor, the City Manager, the City Attorney and his team, Terance Frazier and T.J. Cox for their efforts.

Councilmember Caprioglio reported on his attendance at the United Khmer Cultural Preservation cultural and entertainment event at the 509 Club. He thanked Fresno Police Detective Danny Kim for working with the community to put on the event. Councilmember Caprioglio noted that Detective Kim had an excellent voice and was "Mr. Entertainment" the entire night.

Councilmember Caprioglio commented on his attendance at the California Restaurant Association Awards on March 4, 2017. He congratulated Jim Pardini for receiving the Lifetime Achievement Award and the Best Italian Restaurant. Councilmember Caprioglio noted it was a family affair that started with Jim Pardini's father and has continued with Jim's son.

Councilmember Caprioglio thanked Mayor Brand and his council colleagues for participating in Kids Day at the "Celebrity Corner" at Blackstone and Shaw on March 7, 2017. He stated the goal was to reach \$625,000 and the current tally was at \$400,000. Councilmember Caprioglio felt the Kids Day fundraiser would reach its goal in support of Valley Children's Hospital which he said performed miracles every day.

Councilmember Bredefeld thanked City Manager Rudd, Public Works Director Mozier, Development and Resources Management Director Clark, Public Utilities Director Esqueda, Deputy Police Chief Farmer, Police Captain Bridges and Police Sergeant Landon for their support at his first District Six meeting. He referred to them as "tremendous public servants" for attending the meeting from 6:00 P.M. to 7:30 P.M after a long day at work.

Councilmember Chavez announced he attended the ribbon cutting ceremony at the new Steak and Shake restaurant in his district. He recalled that the food was so good he had been to the restaurant three times that week and noted there was always a line. He recommended everyone try the food and support the local business which was planning on opening five restaurants locally.

President Olivier announced he had authored an editorial in the Fresno Bee on March 5, 2017 concerning the sad state of senior citizens in the

community. He was prompted to write the piece after the Fresno Unified School District closed a "community-type center" with classes at Manchester Center. President Olivier received many calls after the closing and realized seniors had no place to go in Fresno. He noted many comperable cities had at least one, and even as many as six, senior centers. He said it should be a source of shame that Fresno has no senior centers. He felt it was time for a discussion and that budget prioritiztion should be a tool used to establish a senior center. President Olivier announced he would propose, in a few weeks or months, a task force with members from the Administration, Council, and stake holders such as seniors and members from the Fresno Madera Area Agency on Aging.

Councilmember Bredefeld and Councilmember Caprioglio commented on President Olivier's editorial and the lack of senior centers in Fresno.

1. CONSENT CALENDAR

Councilmember Bredefeld moved Consent Calendar item 1-A (File ID17-284) to the Contested Consent Calendar for further discussion.

APPROVAL OF THE CONSENT CALENDAR

On motion of Councilmember Caprioglio, seconded by Councilmember Baines III, the CONSENT CALENDAR was hereby adopted by the following vote:

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

Absent: 1 - Soria

- 1-A** [ID17-284](#) Award of a Consultant Services Agreement not to exceed \$139,000 to Clements Environmental Corporation, pertaining to a feasibility study relating to the siting and planning of a residential convenience center drop-off location (Bid File 9388) (Citywide)

The above item was moved to the Contested Consent Calendar for further discussion.

- 1-B [ID17-275](#) Approve the purchase of network equipment from AMS.NET for \$429,441.38 for the Departments of Public Utilities and Information Services, in accordance with purchasing procedures from cooperative agreements as set forth in Administrative Order 3-1.

APPROVED

The above item was approved on the Consent Calendar.

- 1-C [ID17-287](#) Actions pertaining to a United States Soccer Federation Foundation, Inc. grant:
1) Authorize the Parks, After School, Recreation and Community Services (PARCS) Department to accept a grant for \$96,900 from the United States Soccer Federation Foundation, Inc. to provide soccer fundamentals and physical fitness enhancement to youth within identified PARCS programming at designated sites throughout the community
2) ***RESOLUTION - 45th amendment to the Annual Appropriation Resolution (AAR) No. 2016 - 118 appropriating \$34,600 from the United States Soccer Federation Foundation, Inc. to provide soccer fundamentals and physical fitness enhancement to youth (Requires 5 affirmative votes.)

RESOLUTION 2017-62 ADOPTED

The above item was approved on the Consent Calendar.

- 1-D [ID17-349](#) ***BILL NO. B-12 - (Intro.3/2/2017) (For adoption) - Relating to the 2017 Weed Abatement Program

ORDINANCE 2017-14 ADOPTED

The above item was approved on the Consent Calendar.

CONTESTED CONSENT CALENDAR

- 1-A [ID17-284](#) Award of a Consultant Services Agreement not to exceed \$139,000 to Clements Environmental Corporation, pertaining to a feasibility study relating to the siting and planning of a residential convenience center drop-off location (Bid File 9388) (Citywide)

Assistant Director Schuber with the Department of Public Utilities discussed the above item with Council.

NOT APPROVED

Councilmember Baines III motioned to approve the item and Councilmember Caprioglio made the second. The motion FAILED by the following vote:

Aye: 3 - Baines III, Caprioglio and Chavez

No: 3 - Olivier, Brandau and Bredefeld

Absent: 1 - Soria

5. CLOSED SESSION

City Council met in Closed Session in Room 2125 from 9:00 A.M. to 10:22A.M. to discuss the following:

- 5-A** [ID17-319](#) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - Government Code Section 54956.9, subdivision (d)(2)
1. Significant Exposure to Litigation: North Central Fire Protection District v. City of Fresno

The above item was discussed during closed session. No open session announcements were made regarding this item.

- 5-B** [ID17-352](#) CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION - Government Code Section 54956.9, subdivision (d)(1)
1. Chris Willis, et al. v. City of Fresno, et al.; United States District Court Case No.: 09-CV-01766-LJO-DLB

The above item was discussed during closed session. No open session announcements were made regarding this item.

JOINT SPECIAL MEETING OF THE FRESNO CITY COUNCIL AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF FRESNO (SEPARATELY NOTICED)

8:30 A.M.

- [ID17-362](#) CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION - Government Code Section 54956.9, subdivision (d)(1)
1. ARNOLD, Connie v. City of Fresno, and Does 1 through 10; Case No.: 1:16-CV-01625-LJO-EPG

JOINT CLOSED SESSION OF THE CITY OF FRESNO AND
THE SUCCESSOR AGENCY TO THE REDEVELOPMENT
AGENCY OF THE CITY OF FRESNO

CONFERENCE WITH LEGAL COUNSEL - DECIDING
WHETHER TO INITIATE LITIGATION; Government Code
Section 54956.9, subdivision (d)(4)

1. City of Fresno v. Simon Thaler and Michael Thaler

City of Fresno v. Simon Thaler and Michael Thaler was removed from the agenda and not discussed.

The remaining Special Joint Closed Session item (Arnold, Connie v. City of Fresno) was discussed during closed session. No open session announcements were made regarding this item.

2. SCHEDULED COUNCIL HEARINGS AND MATTERS

10:00 A.M.#1

[ID17-336](#) RESOLUTION - In support of Assembly Bill 301, related to third party testing for commercial driver's license skill tests

The above item was introduced to Council by President Olivier and Field Representative Sinclair from Assemblyman Patterson's Office. Transportation Director Marshall also spoke on this item.

The following member(s) of the public spoke on this item: Barbara Hunt

RESOLUTION 2017-63 ADOPTED

On motion of Councilmember Chavez, seconded by President Olivier, the above item was approved. The motion carried by the following vote:

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

Absent: 1 - Soria

10:00 A.M.#2

[ID17-286](#) CONTINUED HEARING to consider adoption of resolutions related to the designation of properties to the Local Register of

Historic Resources

- 1.*** RESOLUTION - Designating the C.J. Ryland Home located at 573 E. Terrace Avenue, Fresno, California to the Local Register of Historic Resources (Council District 1).
- 2.*** RESOLUTION - Designating the J.B. Inderrieden Company Building located at 2721 Ventura Street, Fresno, California to the Local Register of Historic Resources (Council District 3).

The above hearing was called to order at 10:36 A.M. The item was introduced to Council by Assistant Director Zack with the Development and Resources Management Department.

Upon call for public comment, the following people addressed Council:

William Dyck with BitWise - spoke in support of the item and discussed the vision BitWise had for the property on Ventura Street.

Barbara Hunt - spoke in support of the item as stated that the city should place more properties on the Local Register of Historic Resources.

The hearing was closed at 10:39 A.M.

RESOLUTION 2017-64 ADOPTED

RESOLUTION 2017-65 ADOPTED

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

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

Absent: 1 - Soria

10:15 A.M.#1

- [ID17-0013](#) Actions pertaining to proposed water capacity fees (Citywide):
1. CONTINUED HEARING regarding the proposed Water Capacity Fees.
 2. Adopt findings that the proposed Water Capacity Fees and Municipal Code amendments are exempt from environmental review under a Statutory Exemption to the California Environmental Quality Act (CEQA) for rates, tolls, fares, and charges (pursuant to Public Resources Code section 21080(b))

(8) and CEQA Guidelines section 15273(a)(4).

3. BILL - (For introduction) - Amending Article 5 of Chapter 6 of the Fresno Municipal Code and Article 4.5 of Chapter 12 to repeal various fees associated with providing water capacity for new and expanded connections to the water system and create a new Water Capacity Fee classification, and to adopt Water Capacity Fees as proposed by and justified in the nexus study prepared by Bartle Wells Associates.

4. ***RESOLUTION - 530th amendment to the Master Fee Schedule (MFS) Resolution No. 80-420 adopting Water Capacity Fees under the Public Utilities Section.

The above item was removed from the agenda and Continued to March 23, 2017 at 10:15 A.M. #1

CONTINUED

10:15 A.M.#2

[ID17-333](#) ***RESOLUTION - Amending the Economic Expansion Act

The above item was removed from the agenda and Continued to March 23, 2017 at 10:15 A.M. #2

CONTINUED

3. GENERAL ADMINISTRATION

- 3-A [ID17-279](#) Actions pertaining to International Union of Operating Engineers, Stationary Engineers, Local 39 for Unit 1 - Non-Supervisory Blue Collar (Local 39)
1. ***Adopt a Memorandum of Understanding between the City of Fresno and the International Union of Operating Engineers, Stationary Engineers, Local 39 for Unit 1 - Non-Supervisory Blue Collar (Local 39)
 2. ***RESOLUTION: 13th amendment to FY 2017 Salary Resolution No. 2016-120, amending salaries in Exhibit 1, Unit 1 - Non-Supervisory Blue Collar (Local 39), as required by the Memorandum of Understanding between the City of Fresno and the International Union of Operating Engineers, Stationary Engineers, Local 39

The above item was removed from the agenda.

REMOVED FROM AGENDA

- 3-B** [ID17-300](#) BILL - (For Introduction) - Amending subsection (f) of Section 3-402 and adding Section 3-427 to Article 4 of Chapter 3 of the Fresno Municipal Code (FMC), of Tier 2 of the Fire and Police Retirement System to allow the election to redeposit retirement contributions upon reemployment with the City

The above item was introduced to Council by Labor Relations Manager Phillips with the Personnel Services Department.

The following member(s) of the public spoke on this item: Barbara Hunt.

BILL B-13 INTRODUCED AND LAID OVER

On motion of Councilmember Baines III, seconded by Councilmember Chavez, the above item was introduced and laid over. The motion carried by the following vote:

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

Absent: 1 - Soria

- 3-C** [ID17-323](#) RESOLUTION - Approving the reallocation of \$3,000,000 from the Liability Self-Insurance Fund Contingency to fund refunds and claims

The above item was introduced to Council by Risk Manager Payne with the Personnel Services Department.

The following member(s) of the public spoke on this item: Barbara Hunt.

RESOLUTION 2017-66 ADOPTED

On motion of Councilmember Bredefeld, seconded by President Olivier, the above item was approved. The motion carried by the following vote:

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

Absent: 1 - Soria

4. CITY COUNCIL

- 4-A [ID17-337](#) ***RESOLUTION - Delegating contracting authority to individual councilmembers for contracts funded with Council District funds.

The above item was introduced to Council by Councilmember Caprioglio.

The following member(s) of the public spoke on this item: Barbara Hunt.

RESOLUTION 2017-67 ADOPTED

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

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

Absent: 1 - Soria

UNSCHEDULED COMMUNICATION

Upon call, the following members of the public addressed Council during Unscheduled Communication:

Barbara Hunt - noted that former Mayor Ashley Swearengin had changed her appearance in the past and said it was difficult to recognize anyone anymore. She felt it was God's plan for men to lead and for women to stay at home to take care of their children.

Marina Magdaleno Local 39 Business Representative - Spoke on General Administration item 3-A (File ID17-279) which had been removed from the agenda. She stated the city unilaterally changed the terms and conditions of the Memorandum of Understanding that had been tentatively agreed upon by both parties which was why the item had been removed from the agenda.

Councilmember Brandau replied to Ms. Magdaleno and stated he wasn't supportive of the item because he personally felt it was rewarding employees for "simply doing their job" and it wasn't the right approach.

ADJOURNMENT

Adjourned at 10:57 A.M.

The above minutes were approved by a six to zero vote of Council during the March 16, 2017 meeting with Councilmember Soria abstaining.