

# **City of Fresno**

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



## **Meeting Minutes - Final**

**Thursday, August 9, 2018**

**1:30 PM**

**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-Schechter***

***City Attorney - Douglas T. Sloan***

***City Clerk - Yvonne Spence, MMC***

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

### **1:39 P.M. ROLL CALL**

*Councilmember Caprioglio was absent during roll call and joined the meeting at 3:04 P.M. via conference call.*

**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 Reza Nekumanesh from the Islamic Culture Center of Fresno.

Pledge of Allegiance to the Flag

### **APPROVE AGENDA**

*City Clerk Spence announced the following change to the agenda: File ID 18-0937 (5-A) - Council Boards and Commissions Communications, Reports, Assignments and/or Appointments, Reappointment, Removal to/from City and non-City Board and Commissions: 13. League of California Cities (Annual Meeting-Set for September 14, 2018) - Council President Soria Voting Member, (Vice President Brandau, Councilmember Caprioglio-Alternates)*

**On motion of Councilmember Baines III, seconded by Vice President Brandau, the above item was adopted as amended. The motion carried by the following vote:**

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

**Absent:** 1 - Caprioglio

### **1. CLOSED SESSION**

*City Council entered into Closed Session at 1:43 P.M.*

- 1-A**     [ID18-0925](#)     CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION - Government Code Section 54956.9, subdivision (d)(1)

Veronica Nelson, et al. v. City of Fresno, et al.  
United States District Court Case No.:  
1:16-CV-01754-DAD-BAM;  
Darren Noble, et al. v. City of Fresno, et al.  
United States District Court Case No.:  
1:16-CV-01690-DAD-BAM.

*City Attorney Sloan announced there was a settlement agreement made between Nelson vs Noble case and that a press statement is available at the City Attorney's Office.*

*DISCUSSED*

- 1-B**    [ID18-0913](#)    CONFERENCE WITH LABOR NEGOTIATOR - Government Code Section 54957.6  
City Negotiator(s): Jeffrey Cardell, Ken Phillips  
Employee Organization:  
International Association of Firefighters, Local 753, Unit 5  
(Non-Management Fire)

*DISCUSSED*

*Closed session ended at 2:20 P.M.*

## **2. CONSENT CALENDAR**

**On motion of Councilmember Bredefeld, seconded by President Soria, the below CONSENT CALENDAR items were approved. The motion carried by the following vote:**

**Aye:** 5 - Soria, Brandau, Chavez, Bredefeld and Olivier

**Absent:** 2 - Baines III and Caprioglio

- 2-A**    [ID18-0843](#)    Award three consultant agreements for Certified Access Specialist (CASp) Inspection Services for the Accessible Fresno Small Business Initiative to Lars Andersen & Associates, Inc., SZS Engineering Access, Inc., and The Taylor Group Architects for an amount not to exceed \$105,000 (Citywide).
- 2-B**    [ID18-0934](#)    Approve the reappointment of Paul J. Bauer to the Fresno Workforce Development Board

**CEREMONIAL PRESENTATIONS**

[ID18-0927](#) Certificate of Recognition to Meghan Kelly - Environmental Defense Fund Climate Corps Fellow  
Certificate of Recognition to Richard McCoy - City of Fresno 2018 Summer Youth Intern  
Certificate of Recognition to Eliza Guzman - City of Fresno 2018 Summer Youth Intern

*PRESENTED*

[ID18-0935](#) Special Presentation in Honor of Barbara Hunt  
*Friends and family spoke regarding Ms. Hunt.*

*PRESENTED*

**APPROVE MINUTES**

[18-0034](#) Approval of minutes from July 26, 2018.

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

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

**Absent:** 1 - Caprioglio

**Abstain:** 1 - Soria

**COUNCILMEMBER REPORTS AND COMMENTS**

*Councilmember Bredefeld thanked Wastewater Manager Alvarez and his crew for their immediate response to issues that came about in District 6 and thanked Public Works Manager Aguirre and his crew for placing waste bins on the Sugar Pine Trail.*

*Councilmember Chavez thanked City Manager Quan-Schechter and Administration for the big Francher Creek clean-up.*

**CONTESTED CONSENT CALENDAR****3. SCHEDULED COUNCIL HEARINGS AND MATTERS**

**10:15 A.M.**

[ID18-0915](#) (CONTINUE TO 2:15 P.M.)  
CONTINUED HEARING to consider adoption of resolution  
related to the designation of a property to the Local Register of  
Historic Resources

**2:10 P.M. SCHEDULED COMMUNICATION**

[ID18-0911](#) Appearance by Mary Esther Correa to discuss the fines she has  
received from Code Enforcement (Speaker resides in District 7)

*DID NOT APPEAR*

*Councilmember Olivier left the meeting at 3:00 P.M.*

**2:15 P.M.**

[ID18-0936](#) CONTINUED HEARING to consider adoption of resolution  
related to the designation of a property to the Local Register of  
Historic Resources  
1.\*\*\* RESOLUTION - Designating the Herndon Substation  
Control Building located at 7430 N Weber Avenue, Fresno,  
California to the Local Register of Historic Resources (Council  
District 2) (Subject to Mayor's veto)

*THE ABOVE ITEM WAS DISCUSSED AND CONTINUED*

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

**Aye:** 5 - Soria, Brandau, Baines III, Chavez and Bredefeld

**Absent:** 2 - Caprioglio and Olivier

**3:00 P.M.**

[ID18-0902](#) Actions pertaining to Fresno Clean and Safe Neighborhood  
Parks Tax Ordinance Initiative Measure:  
1. RESOLUTION - Accepting Election Official's Certificate of  
Sufficiency for the Fresno Clean and Safe Neighborhood Parks  
Tax Initiative Petition; and

2. Take one of the following actions:
  - a. \*\*\*RESOLUTION - Adopting the Fresno Clean and Safe Neighborhood Parks Tax Ordinance and Submitting the Measure to City Voters at the Next Regular Municipal Election to be Held on November 6, 2018; Requesting the County to Conduct the Election; and Requesting Consolidation of the Election with any Other Election held on that Date (Subject to Mayor's Veto); or
  - b. \*\*\*RESOLUTION - Submitting the Initiative Ballot Measure Proposal to Impose a Fresno Clean and Safe Neighborhood Parks Tax at the Next Regular Municipal Election to be Held on November 6, 2018; Requesting the County to Conduct the Election; and Requesting Consolidation of the Election with any Other Election held on that Date (Subject to Mayor's Veto); or
  - c. Order a report pursuant to Elections Code Sections 9215(c) and 9212 relating to the impacts or effects of the Proposed Ordinance, to be presented to Council within 30 days.

*The item was called to order at 3:03 P.M.*

*Councilmember Caprioglio joined the meeting at 3:04 P.M.*

*The above item was introduced to Council by City Clerk Spence.*

*Councilmember Olivier returned to the meeting at 3:14 P.M.*

*Upon call, the following members of the public addressed Council: Amy Kitchener, Michael Seley, Mary Savalt, Alan Pierrot, Mark Kepplar, Lee Ayres, Elliott Balch, Vincent Correll, Rev. Simon Biasell, Lilia Chavez, Larry Powell, Mas Masumoto, Judy Peracchi, Juan Arambula, Jose Barraza, Cherella Nicholson, Joan Eaton, Paul Gibson, David Jimenez, Efrain Botello, Hilary Ross, Vivian Paz, Gebrial Lozano, Sarah Parkes, Micttece Pracy, Eric Payne, Jolene Telles, Hugo Morales, Sandra Celedon, Tom Bohigian, Daniel O'Connell, Thomas Weiler, Marco Sanchez, Luico Avila, Richardo Cisneros, Alejandro Mendoza, Steve Gutierrez and Linda Sanchez.*

*Councilmembers Bredefeld, Olivier, Caprioglio and Chavez support putting the item on the November ballot but they expressed they will not be voting in support of the measure.*

*Council President Soria and Council Vice President Brandau support the item to be placed on the November ballot.*

*RESOLUTION 2018-187 ADOPTED (1)*

*RESOLUTION 2018-188 ADOPTED (2B)*

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

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

**City Council recessed at 4:54 P.M. and returned from recess at 5:05 P.M.**

#### **4. GENERAL ADMINISTRATION**

- 4-A**     [ID18-0845](#)     Award a Requirements Contract for Custodial Services at Various City Facilities in the amount of \$491,286.12 per year for three years with an option for two one-year year extensions to Scrubcan Inc., of Fresno, CA, Bid File No. 9444 (Citywide)

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

*Upon call, there was no public comment.*

*Council President Soria asked staff to explain why one of the bidder was so low and if that is the amount that has been paid for the last few years. Assistant Director Anderson responded.*

**APPROVED**

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

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

- 4-B**     [ID18-0877](#)     RESOLUTION - Authorizing the submission of grant applications

to the California Department of Transportation (Caltrans)  
Highway Safety Improvement Program (HSIP) Cycle 9 and  
authorizing the execution of all application related documents by  
the Public Works Director or designee (Citywide)

*The above item was introduced to Council by Senior Manager Analyst  
MacNab, Public Works Department.*

*Upon call, there was no public comment.*

*Council President Soria asked to include Shields and Hughes in the motion.*

**RESOLUTION 2018-189 ADOPTED AS AMENDED.**

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

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

- 4-C**     [ID18-0914](#)     Actions related to introducing and adopting an Emergency Ordinance for public health, amending Fresno Municipal Code subsection 6-520(a) to allow watering public median islands serving a community purpose:
1. Adopt a finding of Categorical Exemption pursuant to Class 1 Section 15301 (existing facilities) of the California Environmental Quality Act Guidelines for the Emergency Ordinance;
  2. \*\*\*BILL (For introduction and adoption) - Emergency Ordinance Of The City Of Fresno, California Amending Subsection (a) of Section 6-520 of the Fresno Municipal Code Relating to Regulations for Urban Water Conservation (Requires 5 affirmative votes) (Districts 1, 2 and 7).

*Councilmember Baines left the meeting at 5:13 P.M.*

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

*Upon call, there was no public comment.*



*BILL B-43 AND ORDINANCE 2018-45 ADOPTED.*

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

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

**Absent:** 1 - Baines III

- 4-D**    [ID18-0938](#)    \*\*\*RESOLUTION - Submitting to City Electors a proposal to amend the Charter to modify or eliminate provision that are contrary to and preempted by state or federal law and providing for the placement of the measure on the November 6, 2018, General Election ballot. (Subject to Mayor's Veto.)

*Councilmember Baines returned to the meeting at 5:18 P.M.*

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

*Upon call the following member of the public addressed Council: Doug Vagim*

*City Attorney Sloan clarified the item and what changes are being made in the City Charter. City Attorney Sloan explained the provision in section 309 - limits when candidates who are running for City office can raise money; section 701 -requires City Manager to be a resident of the City within six months of taking office; section 1225 prohibits residential water heaters and section 1207-requires a balance budget.*

*Council Vice President Brandau asked City Attorney Sloan to speak more about the residential water heater and asked if the provision is required in all of the state of California and asked if they can be put on the ballot as one item. Council Vice President Brandau also asked what it would be like to separate the items and suggested to vote on the item individually. City Attorney Sloan said it would cost about \$10,000 for more printing space.*

*Councilmember Baines asked City Attorney Sloan about the communication that was received today and what was the response. City Attorney Sloan replied that placing all the items under one item would not violate the single subject rule.*

*City Attorney Sloan read into the record additional technical language to be included into the resolution.*

*RESOLUTION 2018-190 ADOPTED AS AMENDED.*

**On motion of President Soria, seconded by Councilmember Bredefeld, that the above Resolution be adopted as amended. The motion carried by the following vote:**

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

**No:** 1 - Brandau

**4-E**     [ID18-0939](#)     \*\*\*RESOLUTION - Submitting to the City electors a Balanced Budget Charter Amendment. (Subject to Mayor's veto)

*City Attorney Sloan read into the record additional technical language to be included into the resolution.*

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

*Upon call, there was no public comment.*

*Councilmember Olivier asked City Attorney Sloan if it was state law that Municipalities have to have a balanced budget. City Attorney Sloan responded no there is no requirement.*

*Councilmember Baines asked Assistant City Manager Sumpter have we ever adopted an unbalanced budget in the past and asked staff to explain what a balanced budget is. Assistant City Manager Sumpter responded. Council Vice President Brandau asked City Attorney Sloan does Council have the power to direct Administration on what expenditures are being spent. City Attorney Sloan replied.*

*Council President Soria asked Assistant City Manager Sumpter who the burden lies when making the budget balanced. Assistant City Manager Sumpter responded.*

*Mayor Brand, Councilmember Olivier and Councilmember Chavez spoke regarding there support for a balanced budget.*

*Councilmember Caprioglio spoke regarding his opposition to the item.*

*RESOLUTION 2018-191 ADOPTED AS AMENDED.*

**On motion of Vice President Brandau, seconded by Councilmember Chavez, that the above Resolution be adopted as amended. The motion carried by the following vote:**

**Aye:** 4 - Brandau, Chavez, Bredefeld and Olivier

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

## **5. CITY COUNCIL**

- 5-A**     [ID18-0937](#)     Council Boards and Commissions Communications, Reports, Assignments and/or Appointments, Reappointments, Removals to/from City and non-City Boards and Commissions:
1.     Council of Governments - Mayor Brand-Ex-Officio (Olivier-Alternate)
  2.     Finance and Audit Committee - Bredefeld, Olivier, Brandau
  3.     Fresno Area Workforce Investment Corporation - Soria
  4.     Fresno County Transportation Authority (FCTA) - Mayor Brand-Ex-Officio, (Brandau-Alternate)
  5.     Fresno Regional Workforce Development Board - Baines
  6.     Fresno County Zoo Authority - Mayor Brand-Ex-Officio, (Baines-Alternate)
  7.     Fresno Madera Area Agency on Aging Board - Olivier
  8.     Joint Powers Financing Authority - Mayor Brand, President Soria, Councilmember Caprioglio
  9.     San Joaquin River Conservancy Board - Mayor Brand-Ex-Officio, (Brandau-Alternate)
  10.    Association for the Beautification of Highway 99 - Baines
  11.    Upper Kings Basin Integrated Regional Water Management JPA - Brandau (Olivier, Michael Carbajal and Vacant - Alternates)
  12.    Economic Development Corporation Serving Fresno County - Caprioglio-Ex-Officio, City Manager Wilma Quan-Schechter and (Chavez - Alternate)

13. League of California Cities (Annual Meeting -September 14, 2018) - Council President Soria, voting member, (Council Vice President Brandau and Councilmember Caprioglio, Alternates)
14. Litigation Exposure Reduction Ad Hoc Committee - Brandau, Caprioglio
15. Sub- Committee on Transportation - Baines, Caprioglio, Soria
16. Code Enforcement Sub-Committee - Baines, Caprioglio, Soria
17. Enterprise and Construction Management Oversight Board - Councilmember Chavez, Bredefeld-Alternate
18. School Liaison Sub-Committee - Soria - Chair, Olivier, Baines
19. North Kings Groundwater Sustainability Agency (GSA) Joint Powers Authority - Mayor Brand (Michael Carbajal, Tim Orman - Alternates)

*Changes to item 13. League of California Cities annual meeting -Set for September 14, 2018. Council President Soria, voting member (Vice President Brandau, Councilmember Caprioglio -Alternates)*

**APPROVED**

- 5-B**     [ID18-0944](#)     BILL - (For introduction) - Amending sections 1-302 and 1-308 of the Fresno Municipal Code, relating to General Enforcement Authority  
Sponsors: Vice President Brandau and Councilmember Chavez

*The above item was introduced to Council by City Attorney Sloan, Attorney's Office.*

*Upon call, there was no public comment.*

**BILL B-44 INTRODUCED AND LAID OVER**

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

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

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

**UNSCHEDULED COMMUNICATION**

*Upon call Barbara Powlery spoke regarding Cancer Exclude No One (CENO)*

**ADJOURNMENT**

*City Council adjourned at 6:00 P.M. in memory of Millard Villines.*