



# 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**

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Thursday, April 6, 2017

8:30 AM

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 above written.

8:35 A.M. ROLL CALL

**Present:** 6 - President Clinton Olivier  
Vice President Esmeralda Soria  
Councilmember Oliver L. Baines III  
Councilmember Garry Bredefeld  
Councilmember Paul Caprioglio  
Councilmember Luis Chavez

**Absent:** 1 - Councilmember Steve Brandau

Invocation by Pastor Dale Oquist of The Peoples Church

Pledge of Allegiance to the Flag

### **APPROVE AGENDA**

*City Clerk Spence announced the following changes to the agenda:*

1) *Consent Calendar item 1-I (ID17-475) was removed from the agenda by staff.*

2) *The correct date of introduction for the 11:00 A.M.#2 Scheduled Matter (ID17-458) Bill was March 23, 2017, not March 16. Councilmember Soria later clarified that she did not intend to introduce the Bill at the March 23,*

2017 meeting and that it would be introduced at the current meeting.

3) Councilmember Baines III should be included as a co-sponsor with Vice President Soria for the 10:20 A.M. #1 Scheduled Workshop.

APPROVED AS AMENDED

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

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

**Absent:** 1 - Brandau

## **CEREMONIAL PRESENTATIONS**

[ID17-483](#) Proclamation honoring the Clovis West High School Girls Basketball team, to acknowledge their 2017 California Interscholastic Federation State Open Division title

PRESENTED

[ID17-283](#) Proclamation of "CRIME VICTIMS' RIGHTS WEEK"

PRESENTED

[ID17-392](#) Proclamation honoring The Collegian, the newspaper of California State University, Fresno to acknowledge their awards from The California College Media Association.

PRESENTED

[ID17-474](#) Presentation of the SPCA Pet of the Month

PRESENTED

[ID17-479](#) Proclamation of "Fresno Grizzlies Day"

PRESENTED

## **APPROVE MINUTES**

[ID17-95](#) Approval of minutes from March 23, 2017

*Councilmember Soria stated the minutes should be amended to reflect that her March 23, 2017 motion to continue the 10:15 A.M. #1 Scheduled Hearing (ID17-389) included continuing introduction of the item. City*

*Attorney Sloan subsequently noted introduction of the bill would occur today and approval of the Ordinance would occur during the following City Council meeting.*

*APPROVED AS AMENDED*

**On motion of Councilmember Caprioglio, seconded by Vice President Soria, the above Minutes were approved as amended. The motion carried by the following vote:**

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

**Absent:** 1 - Brandau

### **COUNCILMEMBER REPORTS AND COMMENTS**

*Vice President Soria reported her attendance in Ontario as the Vice-Chair for the League of California Cities Transportation Committee. The group discussed various legislative proposals and she helped to ensure the Fresno perspective was included.*

*Vice President Soria reported she worked with the office of United States Senator Kamala Harris to host several round table discussions with Senator Harris' State Director, Julie Chavez Rodriguez. The topics of discussion included immigration, healthcare and infrastructure impacting the City of Fresno. She said they also met with agricultural leaders to discuss water and immigration. Vice President Soria noted Ms. Rodriguez was born and raised in the valley and had an intimate perspective of the region.*

*Vice President Soria thanked Public Works Director Mozier for attendance at the community meeting at Tilley Elementary on April 4, 2017. The meeting was used to discuss the closure of Clinton and Highway 99. CalTrans and High Speed Rail staff members were also in attendance to discuss impacts of the closure which she said would last about six months.*

*Vice President Soria asked City Manager Rudd to check and see if things were still on track regarding a text amendment that would allow a Starbucks on West Shaw Avenue. She reminded him that the plan was to bring the text amendment to the Planning Commission in April and then to Council in May.*

*Vice President Soria asked City Manager Rudd if the Administration planned to bring the issue of the police satellite station in the Tower District to Council this month. City Manager Rudd stated he would have the leases for*

*the Tower District and District Four station on the April 13, 2017 City Council Agenda.*

*Vice President Soria asked for the meeting to be adjourn in memory of Judge Armando Rodríguez. She remembered Judge Rodríguez as an influential Latino Community leader and trail blazer. He was the first Latino elected to the Fresno County Board of Supervisors. He was the first Latino to serve on the Fresno Superior Court. He served on the Fresno Housing and Community Development Commission for nine years. Judge Rodríguez was a founder of Arte Américas and the founder of the Fresno/Torreon sister city relationship. Vice President Soria said he came from humble beginnings and was a very important leader in the community. She was saddened by his passing.*

*Councilmember Caprioglio remembered Judge Rodríguez as a good friend and neighbor for many years. He said Judge Rodríguez was an inspiration to him and noted that his wife, Betty, was also a great leader. Mrs. Rodríguez had a library named after her at Shields and Cedar Avenues.*

*Councilmember Caprioglio commented on the passing of former ABC news anchor John Wallace. He said his thoughts and prayers were with Mr. Wallace, his family and friends. Councilmember Caprioglio remembered Mr. Wallace as a great leader in the community who was at every local event doing great things for the City and County of Fresno.*

*Councilmember Caprioglio reported on the Feed the Children event at the Save Mart Center. He thanked the Professional Bull Riders, the Rider Relief Fund, and the Feed the Children Group for partnering to bring hope to families in need. He stated food and hygiene products were distributed to 400 families. The event also provided haircuts, manicures and books. Finally, he thanked Fresno State.*

*Councilmember Caprioglio reported on a renovation and gala event at the Discovery Center. He thanked Fresno MOMS Club, Pittman Farms, Charles McMurray Company, Selma Auto Mall for their dedication and passion to the Discovery Center. He also thanked Anna Camille McMurray, President of Fresno MOMS Club for heading the renovation and gala event.*

*Councilmember Caprioglio reported that he attended the State of Downtown event. He recalled that Mayor Brand gave a great speech and had great dance moves.*

*Councilmember Caprioglio reported on his attendance at the City Fest Leadership Luncheon at Save Mart Center. It was an inspirational time and he thanked Fresno State for the invitation and hoped the University would continue its partnership with the City.*

*Councilmember Bredefeld thanked Aaron Aguirre and the Public Works crew for working to fix up the Sugar Pine Trail for the Run for the Reef.*

*Councilmember Bredefeld reported the Fresno Youth Leadership was previously at City Hall sponsored by the Parks, After School, Recreation and Community Services ("PARCS") Department. He said Trent Dilfer was terrific and noted Vice President Soria and Councilmember Baines III both gave inspirational speeches at the great event.*

## **1. CONSENT CALENDAR**

*Councilmember Soria announced that Consent Calendar item 1-H (ID17-480) had been amended to include only the District One application.*

- 1-A**     [ID17-396](#)     Actions pertaining to the Shaw Avenue overlay eastbound from Blythe Avenue to Brawley Avenue - Bid File No. 3521 (Council Districts 1 and 2)
1. Adopt a finding of Categorical Exemption per staff determination, pursuant to Section 15301(c) Class 1 of the California Environmental Quality Act guidelines for the Shaw Avenue overlay eastbound from Blythe Avenue to Brawley Avenue
  2. Award a construction contract for \$249,144 to Agee Construction Corporation of Clovis, California for the Shaw Avenue overlay eastbound from Blythe Avenue to Brawley Avenue

*APPROVED*

**The above item was approved on the Consent Calendar.**

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

**Absent:** 1 - Brandau

- 1-B**     [ID17-448](#)     Approve an agreement between Blair Church & Flynn Consulting Engineers, Inc. (BCF), for \$106,500 plus a contingency of \$15,000 for design and preparation of construction documents for the Polk Avenue Widening Project,

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Shaw Avenue to Gettysburg Avenue (Council District 1 and 2)

*APPROVED*

**The above item was approved on the Consent Calendar.**

- 1-C [ID17-441](#) Approve the appointment of Shelly Tarver to the Fresno Regional Workforce Development Board

*APPROVED*

**The above item was approved on the Consent Calendar.**

- 1-D [ID17-444](#) Award a Consultant Services Agreement in an amount not to exceed \$80,630 to HF&H Consultants, LLC pertaining to a Commercial Franchise Contractors Performance Review as outlined in the Request for Proposals issued by the City (Bid File 9393) (Citywide)

*APPROVED*

**The above item was approved on the Consent Calendar.**

- 1-E [ID17-445](#) Actions pertaining to rehabilitating a 16-Inch Diameter Well to 460 Feet Deep at Pump Station 150, located at 1348 E. Teague Avenue, Fresno, California (Council District 6):
1. Adopt a finding of Class 1 Categorical Exemption set forth in the California Environmental Quality Act Guidelines, Section 15301(b).
  2. Award a contract in the amount of \$104,062.50 to Anderson Pump Company, Inc., (Bid File 3517).

*APPROVED*

**The above item was approved on the Consent Calendar.**

- 1-F [ID17-436](#) Approve an Escrow Agreement with BOK Financial to be used in conjunction with a Master Equipment Lease Purchase Agreement with Banc of America Public Capital Corp.

*APPROVED*

**The above item was approved on the Consent Calendar.**

- 1-G [ID17-453](#) \*\*\*RESOLUTION - 532th amendment to the Master Fee Schedule Resolution No. 80-420 to adjust rates and charges at Fresno Yosemite International Airport (Council District 4)

*The above item was moved to the Contested Consent Calendar by*

*Councilmember Bredefeld for further discussion.*

- 1-H [ID17-480](#) RESOLUTION - Authorizing the Submission of Applications for Grant Funds from the San Joaquin Valley Air Pollution Control District Public Benefit Grants Program and Authorizing Execution of Application-Related Documents by the City Manager or Designee (Council District 1, 3, and 5)

*RESOLUTION 2017-89 ADOPTED AS AMENDED (to approve only the District One application)*

**The above item was approved as amended (to approve only the District One application) on the Consent Calendar.**

- 1-I [ID17-475](#) Comments on San Joaquin River Conservancy Eaton Trail Extension Project Draft Environmental Impact Report  
1. \*\*\*RESOLUTION providing comments on the San Joaquin River Conservancy Eaton Trail Extension Project Draft Environmental Impact Report and recommending the adoption of Alternative 5.

*The above item was removed from the agenda by staff.*

## **CONTESTED CONSENT CALENDAR**

- 1-G [ID17-453](#) \*\*\*RESOLUTION - 532th amendment to the Master Fee Schedule Resolution No. 80-420 to adjust rates and charges at Fresno Yosemite International Airport (Council District 4)

*The above item was introduced to Council by Daniel Weber, Assistant Director of Aviation. City Manager Rudd also spoke on this item.*

*The following member(s) of the public also spoke on this item: Debbie McKenzie.*

**REJECTED**

**On motion of Councilmember Bredefeld, seconded by Councilmember Baines III, the above item was rejected. The motion carried by the following vote:**

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

**No:** 1 - Caprioglio

**Absent:** 1 - Brandau

President Olivier left the Council Chamber at 10:02 A.M. and returned at 10:39 A.M.

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

### **9:45 A.M.**

[ID17-486](#) Briefing by the Fresno County Health Department on Lead Hazards

*The above workshop was presented by Fresno County Public Health Director David Pomaville and Childhood Lead Prevention Program Coordinator Mary Morrison. Director Clark from the Development and Resources Management ("DARM") Department and City Manager Rudd also spoke during the workshop.*

*Following the workshop Councilmembers asked questions on the following topics: steps taken when paint is identified as the source of lead; possibilities for grants to deal with lead issues; past attempts to secure lead grants; the history of lead abatement in Fresno; the cost of lead abatement; applications for and distributions of grant funding; possible funding sources for lead abatement aside from grants; pro-active steps to identify lead poisoning; working with Community Based Organizations; partnering with schools, and; reaching out to non-English speaking communities.*

#### **WORKSHOP HELD**

Councilmember Caprioglio left the Council Chamber at 10:33 A.M. and returned at 10:35 A.M.

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

[ID17-371](#) HEARING to adopt resolutions and ordinance to annex territory and levy a special tax regarding City of Fresno Community Facilities District No. 11, Annexation No. 75 (Final Tract Map No. 5449) (north side of E. Butler Avenue between S. Villa and Minnewawa Avenues) (Council District 5)

1. \*\*\*RESOLUTION - Annexing Territory to Community Facilities District No. 11 and Authorizing the Levy of a Special Tax
2. \*\*\*RESOLUTION - Calling Special Mailed-Ballot Election
3. \*\*\*RESOLUTION - Declaring Election Results
4. \*\*\*BILL - (For introduction and adoption) - Levying a Special Tax for the Property Tax Year 2016-2017 and Future Tax Years



Within and Relating to Community Facilities District No. 11,  
Annexation No. 75

*The above hearing was called to order at 10:33 A.M. The item was introduced to Council by Assitant Director Benelli with the Public Works Department.*

*Upon call for public comment, no one chose to address Council and public comment was closed.*

*The hearing was closed at 10:34 A.M.*

*RESOLUTION 2017-90 ADOPTED  
RESOLUTION 2017-91 ADOPTED  
RESOLUTION 2017-92 ADOPTED  
BILL B-15 INTDOCUED AND ADOPTED AS  
ORDINANCE 2017-17*

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

**Aye:** 4 - Soria, Baines III, Bredefeld and Chavez

**Absent:** 3 - Olivier, Brandau and Caprioglio

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

[ID17-372](#) HEARING to adopt resolutions and ordinance to annex territory and levy a special tax regarding City of Fresno Community Facilities District No. 11, Annexation No. 76 (Final Tract Map No. 5971) (west side of N. Locan Avenue between E. Ashlan and Dakota Avenues, adjacent to the Gould Canal) (Council District 4)

1. \*\*\*RESOLUTION - Annexing Territory to Community Facilities District No. 11 and Authorizing the Levy of a Special Tax
2. \*\*\*RESOLUTION - Calling Special Mailed-Ballot Election
3. \*\*\*RESOLUTION - Declaring Election Results
4. \*\*\*BILL - (For introduction and adoption) - Levying a Special Tax for the Property Tax Year 2016-2017 and Future Tax Years Within and Relating to Community Facilities District No. 11, Annexation No. 76

*The above hearing was called to order at 10:34 A.M. The item was*

*introduced to Council by Assitant Director Benelli with the Public Works Department.*

*Upon call for public comment, no one chose to address Council and public comment was closed.*

*The hearing was closed at 10:35 A.M.*

*RESOLUTION 2017-93 ADOPTED  
RESOLUTION 2017-94 ADOPTED  
RESOLUTION 2017-95 ADOPTED  
BILL B-16 INTDOCUED AND ADOPTED AS  
ORDINANCE 2017-18*

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

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

**Absent:** 2 - Olivier and Brandau

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

[ID17-471](#) Presentation by the Fresno Youth Commission

*The above presentation was made to Council by Fresno Youth Commission Chair Nina Narahari, Second Vice-Chair Jovan Mendez and Commissioner Jason Phillips. Senior Director of Programs Yammilette Rodriguez, with the Youth Leadership Institute, introduced the Commissioners.*

*Following the presentation, Council had no questions for the Commissioners but lauded the efforts and recommendations of the Commission.*

*PRESENTED*

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

[ID17-457](#) Appearance by Mary Esther Correa to discuss Code violations she received on her home located on Iowa Street, Fresno California (Property is located in District 7)

*During her comments, Ms. Correa provided handouts which have been attached to ID17-457 and are available in the City Clerk's Office.*

APPEARED

## **UNSCHEDULED COMMUNICATION**

*Upon call, no member of the public chose to address Council during Unscheduled Communication.*

### **10:20 A.M.#1**

[ID17-496](#) WORKSHOP - Presentation by Fresno County Preterm Birth Collective.

*The above workshop was presented by Sandra Flores, Program Director for the Fresno County Preterm Birth Collective. Ms. Flores provided handouts which have been attached to ID17-496 and are available in the City Clerk's Office.*

*Following the presentation Council had no questions but commented on community partners, measurable outcomes and the ubiquity of the issue.*

WORKSHOP HELD

## **5. CLOSED SESSION**

*City Council met in Closed Session in Room 2125 from 11:28 A.M. to 11:45 A.M. to discuss the following:*

- 5-A [ID17-472](#) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - Government Code Section 54956.9, subdivision (d)(2)  
Significant Exposure to Litigation: Josh Peterson, Wathen Castanos Homes; Mike Miller, Lennar Homes; Dave Williams, California Commercial Land Sales; Mike Prandini, Building Industry Association; Darius Assemi, Granville Homes, et al. v. City of Fresno.

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

DISCUSSED

- 5-B [ID17-482](#) CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION - Government Code Section 54956.9, subdivision (d)(1)

1. HH-Fresno LLC v. City of Fresno, et al.; Federal Court for the Eastern District of California Case No.: 1:17-CV-00163-LJO-BAM.

*The above item was discussed during closed session. In open session, City Attorney Sloan announced Council approved the settlement per the terms placed on the record in court.*

*DISCUSSED*

RECESSED 11:45 A.M. to 1:33 P.M.

### **3. GENERAL ADMINISTRATION**

- 3-A**     [ID17-449](#)     \*\*\*RESOLUTION - Authorizing submittal of a final application to the State Water Resources Control Board for its Groundwater Sustainability Grant Program to fund planning, monitoring and implementation projects for mitigation of 123-Trichloropropane from groundwater wells located throughout the City of Fresno in the amount of \$1,000,000 (Citywide).

*The above item was introduced to Council by Water Division Planning Manager Carbajal with the Department of Public Utilities.*

*RESOLUTION 2017-96 ADOPTED*

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

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

**Absent:** 1 - Brandau

- 3-B**     [ID17-413](#)     Actions pertaining to the Traffic Signal Improvements at Tulare and "N" Streets - Rebid, Bid File No. 3520 (Council District 3)
1. Adopt a finding of Categorical Exemption pursuant to Section 15301(c) (existing facilities) of the California Environmental Quality Act (CEQA) Guidelines for the Traffic Signal Improvements at Tulare and "N" Streets - Rebid
  2. Award a construction contract to American Paving Co. of Fresno, California, for \$526,143 for the Traffic Signal Improvements at Tulare and "N" Streets - Rebid

*The above item was introduced to Council by Design Services Manager*

*Goonawardena with the Public Works Department.*

APPROVED

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

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

**Absent:** 1 - Brandau

- 3-C**    [ID17-451](#)    Authorize City Manager to enter into the attached "Reimbursement Agreement, California High Speed Rail Heavy Maintenance Facility" with the Fresno County Transportation Authority

*The above item was introduced to Council by City Manager Rudd.*

APPROVED

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

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

**Absent:** 1 - Brandau

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

**10:20 A.M.#2**

### **JOINT MEETING WITH THE FRESNO JOINT POWERS FINANCING AUTHORITY ("JPFA")**

*The City Council met in Joint Session with the Joint Powers Financing Authority at 1:41 P.M. to discuss the following:*

- [ID17-422](#)    Actions pertaining to Refinance of City of Fresno Lease Revenue Bonds:
1. \*\*\*RESOLUTION - Approving the issuance and sale of Series 2017A (tax exempt) and Series 2017B (federally taxable) bonds by the Fresno Joint Powers Financing Authority under the Master Lease Projects in a principal amount not to exceed an aggregate \$140 million, authorizing the execution and delivery of

all documents and the taking of all necessary action relating to the financing. (City action)

2. RESOLUTION of the Fresno Joint Powers Financing Authority authorizing the issuance and sale of Series 2017A (tax exempt) and Series 2017B (federally taxable) bonds under the Master Lease Projects in a principal amount not to exceed an aggregate \$140 million, authorizing the execution and delivery of all documents and the taking of all necessary action relating to the financing. (Mayor Brand, Council President Olivier, Successor Agency Chair Baines)

3. Approval of a revised Debt Management Policy. (City action)

*The above item was introduced during the Joint Meeting by Finance Director Lima. Director Lima clarified the correct bond figure was \$200 million as stated in the resolutions, not the \$140 million dollar figure listed in the staff report.*

**RESOLUTION 2017-97 ADOPTED**

**RESOLUTION JPFA-41 ADOPTED**

**JPFA VOTE**

*On motion of Member Baines III, seconded by Vice Chair Olivier, the above item was approved. The motion carried by the following JPFA vote:*

*Aye: 3 - Baines III, Brand, Olivier*

**CITY COUNCIL VOTE**

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

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

**Absent:** 1 - Brandau

## **ADJOURN AUTHORITY**

*The joint meeting adjourned at 1:52 P.M.*

## **11:00 A.M.#1**

[ID17-446](#)

Actions pertaining to award of a construction contract for the installation of a 2 megawatt (MW) emergency generator at the Northeast Surface Water Treatment Facility (NESWTF) (Council District 6):

1. \*\*\*RESOLUTION - 50th Amendment to Annual Appropriation Resolution (AAR) No. 2016-118 to appropriate \$300,000.00 for the installation of an emergency generator for the NESWTF (Requires 5 affirmative votes).
2. Adopt findings of Categorical Exemption pursuant to Section 15301 (Class 1/Existing Facilities), Section 15303 (Class 3/New Construction of Small Structures) and Section 15311 (Accessory Structures) of the California Environmental Quality Act (CEQA) Guidelines for the installation of an emergency generator at the NESWTF.
3. Award a construction contract to Davis Moreno Construction, Inc., of Fresno, California, for \$782,719.06, as the lowest responsive and responsible bidder for the installation of an emergency generator and automatic transfer switch.

*The above item was introduced to Council by Public Utilities Director Esqueda. City Manager Rudd also spoke on this item.*

**RESOLUTION 2017-98 ADOPTED**

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

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

**Absent:** 1 - Brandau

**11:00 A.M.#2**

**[ID17-458](#)**

- Actions pertaining to proposed water capacity fees (Citywide):
1. \*\*\*BILL NO. B-15 (Intro. 3/23/2017) (For adoption) - 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.
  2. \*\*\*RESOLUTION - 530th amendment to the Master Fee Resolution No. 80-420 adopting Water Capacity Fees under the Public Utilities Section.

*The above item was called to order at 1:55 P.M. Public Utilities Director Esqueda introduced the item to Council. City Manager Rudd also spoke on*

*this item.*

*Earlier in the meeting, Councilmember Soria clarified that the bill on this item had not yet been introduced as her March 23, 2017 motion was to continue the item (10:15 A.M. #1 Scheduled Hearing, ID17-389) in its entirety. City Attorney Sloan subsequently noted introduction of the bill would occur at this meeting and approval of the Ordinance would occur during the following City Council meeting.*

*President Olivier announced that public comment had concluded during the March 23, 2017 discussion of this item but was open to allowing the public to comment if the other Councilmembers called for it. Councilmember Bredefeld invited any interested members of the public forward to speak on this item without time limits.*

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

*John Kinsey, counsel for Granville Homes and Wathen Castanos Homes - noted the staff report indicated the meeting today would be a public hearing. Mr. Kinsey Stated that CEQA applied because the fees were for a project that was going to occur. Stated that pursuant to subdivision "C" under 66-013 of the enabling code the City could only expend the funds collected for the purpose for which they were collected and therefore was committing itself and therefore had triggered CEQA. Stated that if there was no identified project, then he questioned whether the nexus to establish a fee existed from a constitutional perspective. Mr. Kinsey also said the Sustainable Groundwater Management Act implementation measures were not yet known so planning for infrastructure was premature.*

*Jeff Roberts with Granville Homes - provided a handout to Council which has been attached to 17-446 and is available in the City Clerk's Office. The new growth expansion fee was not approved by the Planning Commission or the City Council. Project not fully engineered yet for a firm number on price. Project not yet vetted under CEQA. City has not yet determined when or if the project will be needed. Page 11 of the staff report unknown future projects, which is inconsistent with the PowerPoint Presentation by Public Utilities Director Esqueda which discussed the Northeast Surface Water Plant. Asked for the fee to the Northeast Surface Plant be kept out of the approval.*

*Darius Assemi with Granville Homes - Stated if there was no project, then a*



*study is need to justify the rate hike and if there was a project, then CEQA was required and California law must be followed. He stated the City of Clovis did require CEQA for fee raises and read from an e-mail. The email has been attached to 17-446 and is available in the City Clerk's Office.*

*Josh Peterson with Wathen Castanos Homes - agreed with the City Manager that a bond for this kind of project is not a good idea. Stated that no one was asking for the project to be value engineered but said people were concerned because there were many mistakes, errors and ambiguities in the project that needed to be addressed. Mr. Petereson said CEQA needed to be completed and the cost of the project needed to be determined before the City moved forward.*

*Claudia Cazares with Granville Homes - stated the City did perform CEQA the last time it adopted fees in December 2016. Ms. Cazares argued the "pay as you go" method was not in the nexus study or the resolution. She said the money would go toward debt service payment and developer reimbursements and none would be set aside to expand the Northeast plant. She also said the City was risking liability if it did not comply with CEQA.*

*Jeff Reid, counsel for the Building Industry Association of Fresno and Madera Counties - noted the fees were \$200 million less because of previous discussions with the industry. Mr. Reid said the problem was the nexus study still included an analysis which attempted to justify the illegitimate approach with the previous higher fee. He asked that, the adopting resolution / ordinance disclaim reliance on that portion of the mitigation study which claims the City could adopt a higher maximum fee.*

*Councilmember Bredefeld saw no additional members of the public wanting to speak on this item and concluded public comment at 2:38 P.M.*

*Councilmember Baines III, confirmed with City Attorney Sloan and noted for the record, the city would be required to and would follow CEQA at the time the city decided to bring the proper capacity to the system, by whatever means.*

*Vice President Soria stated, for the record, the decision was not easy and the Council was not rubber stamping this item. For the record, she also confirmed that if the fee was not adopted and growth occurred as assumed, the rate payers would need to pick up the cost difference for the future expansions.*

*BILL B-17 INTRODUCED AND LAID OVER  
RESOLUTION 2017-99 ADOPTED*

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

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

**No:** 1 - Bredefeld

**Absent:** 1 - Brandau

### **11:00 A.M.#3**

[ID17-459](#) \*\*\*RESOLUTION - Amending the Economic Expansion Act  
*The above item was introduced to Council by Mayor Brand.*

*RESOLUTION 2017-100 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, Soria, Baines III, Bredefeld, Caprioglio and Chavez

**Absent:** 1 - Brandau

## **4. CITY COUNCIL**

- 4-A** [ID17-473](#) 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 - Baines
  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 - Baines, Brandau,

Mayor Brand

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, Georgeanne White and Thomas Esqueda - Alternates)
12. Economic Development Corporation Serving Fresno County - Brandau-Ex-Officio, City Manager Bruce Rudd and (Baines - Alternate)
13. League of California Cities (Annual Meeting) - Mayor Brand, (Olivier-Alternate)
14. San Joaquin Valley Air Pollution Control District - Baines
15. Litigation Exposure Reduction Ad Hoc Committee - Brandau, Caprioglio
16. Convention Center Oversight Advisory Board - Baines, (Vacant-Alternate), City Manager, SMG General Manager and one representative from each of SMG's organizations
17. Sub-Committee on Transportation - Baines, Caprioglio, Soria
18. Code Enforcement Sub-Committee - Baines, Olivier, and Caprioglio
19. Enterprise and Construction Management Oversight Board - Councilmember Soria
20. School Liaison Sub-Committee - Soria - Chair, Olivier, Baines
21. North Kings Groundwater Sustainability Agency (GSA) Joint Powers Authority - Mayor Brand (Thomas Esqueda, Georgeanne White - Alternates)

*The above item was not discussed and was continued to April 13, 2017.*

CONTINUED

## **5. CLOSED SESSION CONTINUED**

*City Council met in Closed Session in Room 2125 from 3:19 P.M. to 4:15 P.M. to discuss the following:*

- 5-C**    [ID17-477](#)    PUBLIC EMPLOYEE PERFORMANCE EVALUATION - Government Code Section 54957  
Title: City Attorney  
Sponsor: Council President Olivier

CONFERENCE WITH LABOR NEGOTIATORS - Government  
Code Section 54957.6  
City Negotiator(s): Council President Clint J. Olivier  
Unrepresented Employee: City Attorney

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

*DISCUSSED*

5-D [ID17-478](#) PUBLIC EMPLOYEE PERFORMANCE EVALUATION -  
Government Code Section 54957  
Title: City Clerk  
Sponsor: Council President Olivier

CONFERENCE WITH LABOR NEGOTIATORS - Government  
Code Section 54957.6  
City Negotiator(s): Council President Clint J. Olivier  
Unrepresented Employee: City Clerk

*The above item was not discussed during closed session.*

*NOT DISCUSSED*

**ADJOURNMENT**

*Adjourned from closed session at 4:15 P.M. in the memory of Judge Armando Rodríguez and John Wallace.*

**The above minutes were approved by unanimous vote of the City Council during the April 13, 2017 City Council meeting with Councilmember Brandau absent.**