



City of Fresno

2600 Fresno Street
Fresno, CA 93721
www.fresno.gov

Meeting Minutes - Final City Council

President - Paul Caprioglio

Vice President - Sal Quintero

Councilmembers:

Oliver L. Baines, III, Lee Brand, Steve Brandau,

Clinton J. Olivier, Esmeralda Z. Soria

City Manager - Bruce Rudd

City Attorney - Douglas T. Sloan

City Clerk - Yvonne Spence, CMC

Thursday, October 20, 2016

9:00 AM

Council Chambers

Regular Session

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

9:02 A.M. ROLL CALL

Present: 7 - President Paul Caprioglio
Vice President Sal Quintero
Councilmember Oliver L. Baines III
Councilmember Lee Brand
Councilmember Steve Brandau
Councilmember Clinton Olivier
Councilmember Esmeralda Soria

Invocation by Councilmember Clinton J. Olivier

Pledge of Allegiance to the Flag

APPROVE AGENDA

City Clerk Spence announced the following changes to the agenda: the second paragraph under the "Background" heading on Consent Calendar item 1-A (File ID 16-1141) should indicate the bids did not expire on October 5, 2016 as the bidders agreed to extend their bids until November 4, 2016; for the 2:15 P.M. Scheduled Hearing, actions four, five and seven were subject to mayoral veto; there would be an add-on ceremonial proclamation for "National Day on Writing" sponsored by Councilmember Baines III, and; the Environmental Findings and Local Preference section of General

Administration item 2-F (File ID 16-1162) were read into the record as follows:

Environmental Findings: The application and acceptance of grant funding is not a "project" pursuant to California Environmental Quality Act ("CEQA") Guidelines section 15378.

Local Preference: Not applicable because the application and acceptance of grant funding does not involve bidding or contracting.

APPROVED AS AMENDED

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

Aye: 7 - Caprioglio, Quintero, Baines III, Brand, Brandau, Olivier and Soria

APPROVE MINUTES

[ID16-1241](#) Approval of amended minutes of September 1, 2016

APPROVED

On motion of Vice President Quintero, seconded by Councilmember Brand, the above amended Minutes were approved. The motion carried by the following vote:

Aye: 7 - Caprioglio, Quintero, Baines III, Brand, Brandau, Olivier and Soria

[ID16-161](#) Approval of minutes from October 13, 2016

APPROVED

On motion of Vice President Quintero, seconded by Councilmember Brand, the above Minutes were approved. The motion carried by the following vote:

Aye: 7 - Caprioglio, Quintero, Baines III, Brand, Brandau, Olivier and Soria

COUNCILMEMBER REPORTS AND COMMENTS

President Caprioglio thanked the Parks, After School, Recreation and Community Service ("PARCS") Department and staff for their help at the Hoover High event on October 15, 2016. He gave a special thanks to "Manuel, Sean and Chris," and stated the event had a great turn out. He also thanked the Water Conservation team and Nora for the materials and showed examples of coloring projects finished by the kids.

President Caprioglio also reported on his attendance at the Grand Opening of Dave and Busters. He poked fun at Councilmember Brandau by stating the event was bigger than the recent Grand Opening for Hobby Lobby in District 2. President Caprioglio and Councilmember Brand played Pac-Man at the event and President Caprioglio declared himself the "Champion." Councilmember Brand claimed "a tie at worst." President Caprioglio encouraged everyone to visit Dave and Busters to have some fun.

President Caprioglio wished Harry Armstrong joy and happiness in his retirement from the Clovis City Council. Mr. Armstrong had been elected eleven times and finally retired after 46 years of serving the people of Clovis. President Caprioglio and Vice President Quintero presented Mr. Armstrong with a proclamation and shared stories at his retirement. Mr. Armstrong was remembered as a champion for the City of Clovis and the City of Fresno.

President Caprioglio congratulated Fire Chief Donis and the Fresno Fire personnel that were honored at the ceremony on October 17, 2016. It was a great event and was wonderful to hear all the brave things Fresno Firefighters do every day in service to the people of Fresno. President Caprioglio noted there were several promotions at the ceremony and he was glad the economy had picked up so the city could begin promoting deserving staff.

Councilmember Soria announced that October 23, 2016 would be the 10th annual Pooch Parade from 1:00 P.M. to 5:00 P.M. at Detention Billiards in the Tower District. She encouraged people with puppies and dogs to participate at the fun event.

Councilmember Soria reminded everyone the first Weekend Recreation Fitness program would take place at Fresno High on October 29, 2016 from noon to 4:00 P.M. The PARCS Department set a Pokémon Go theme and Councilmember Soria expected the event to be lots of fun.

Councilmember Soria announced her Office had started a Young Councilmember Leadership program for high school children her district. She encouraged children attending DeWolf, Fresno and Central High to apply for the program.

Councilmember Soria noted that October 24, 2016 was the last day to register to vote for the November 8, 2016 election. She encouraged everyone to be engaged and to have their voices heard by voting.

Councilmember Brand announced his attendance at the Dave and Busters Grand Opening. He said it was one of the fastest projects he had seen processed through the City of Fresno and was a good example of Business Friendly Fresno. He called the business a new and exciting entertainment venue that "was like a slice of Las Vegas in Fresno."

Councilmember Baines III stated he went to Dave and Busters with Councilmember Soria and Brandau the previous week and "duked it out" on a lot of the games. He said they had a great time and stated, for the record, that he won almost all of the games they played. Councilmember Brandau quickly replied that Councilmember Baines III won at basketball, and he won at baseball. He also noted that they lost to DARM Assistant Director Furtado and DPU Assistant Director White at four person air-hockey.

1. CONSENT CALENDAR

APPROVAL OF THE CONSENT CALENDAR

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

Aye: 7 - Caprioglio, Quintero, Baines III, Brand, Brandau, Olivier and Soria

- 1-A** [ID16-1141](#) Actions pertaining to the Traffic Signal Improvements at the intersection of Tulare Street and R Street - Project Bid File No. 3397 (Council District 3)
1. Adopt a finding of Categorical Exemption pursuant to Class 1 Section 15301(c) (existing facilities) of the California Environmental Quality Act (CEQA) Guidelines for the Traffic Signal Protected Left-Turn Phasing Improvements at the intersection of Tulare Street and R Street

2. Award a construction contract to A-C Electric Company, Inc. of Fresno, California, in the amount of \$406,300 for the Traffic Signal Improvements at the intersection of Tulare Street and R Street

APPROVED

The above item was approved on the Consent Calendar.

- 1-B** [ID16-1164](#) Adopt Resolution of Intention No. 1111-D to vacate the Broadway Diagonal between “H” Street and Broadway Plaza and the Broadway Plaza - “H” Street alley between Merced Street and the Broadway Diagonal. (Council District 3.)

APPROVED

The above item was approved on the Consent Calendar.

- 1-C** [ID16-1165](#) RESOLUTION - Approving, authorizing and directing the execution and delivery of the Agreement to terminate the Central California Joint Powers Health Financing Authority between the City of Fresno and the City of Clovis

RESOLUTION 2016-203 ADOPTED

The above item was approved on the Consent Calendar.

- 1-D** [ID16-1184](#) Actions Pertaining to the Engineering Services to Evaluate Solids Digestion and High Strength Waste Handling Systems at the Fresno/Clovis Regional Wastewater Reclamation Facility (Council District 3)
1. ***RESOLUTION - 19th amendment to the Annual Appropriation Resolution No. 2016-118 appropriating \$366,600 for engineering services to evaluate solids digestion and high strength waste systems (Requires 5 affirmative votes)
 2. Award a professional engineering services contract for \$351,600, with \$10,000 contingency, to Black & Veatch Corporation, of Rancho Cordova, California

RESOLUTION 2016-204 ADOPTED

The above item was approved on the Consent Calendar.

- 1-E** [ID16-1187](#) Actions pertaining to Resolution of Intention No. 1110-D to vacate the “F” - “G” alley between Stanislaus Street and Tuolumne Street and a portion of Tuolumne Street. (Council District 3).

1. Adopt a finding of Categorical Exemption per staff determination, pursuant to Section 15301 of the California Environmental Quality Act (CEQA) Guidelines, Environmental Assessment No. EA-16-022-HSR.
2. Adopt Resolution of Intention No. 1110-D to vacate the "F" - "G" alley between Stanislaus Street and Tuolumne Street and a portion of Tuolumne Street.

APPROVED

The above item was approved on the Consent Calendar.

- 1-F** [ID16-1190](#) A. Approve the First Amendment to the SunGard Public Sector, Inc., Application Service Provider Agreement and Ratify Extension to Agreement between the City of Fresno and SunGard Public Sector, Inc., increasing the contract amount by \$6,280 annually.

APPROVED

The above item was approved on the Consent Calendar.

- 1-G** [ID16-1177](#) B. Actions Related to Retaining of Consultant for Automated Billing Paying Services:
1. Approve the City Manager's determination that Consultant is uniquely qualified
 2. Approve a consultant services agreement with First Billing Services for a total fee of \$13,000 per month for Electronic Billing Payment Presentation Services and up to \$14,630 per month for Optional Print Services for City of Fresno utility customers (Citywide).

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

- 1-H** [ID16-1192](#) Consideration of Policy and Procedure TR 1.3.1, Titled "Wireless Telecommunications Facilities within the Public Right-Of-Way" (Citywide)
1. Consider the Finding of No Possibility that the project will have impacts on the environment pursuant to Section 15061(b) (3) of the CEQA Guidelines
 2. RESOLUTION - Approving Policy and Procedure No. TR 1.3.1, Wireless Telecommunications Facilities within Public Right-of-Way

The above item was continued to the next council meeting by

Councilmember Brandau.

- 1-I [ID16-1206](#) Actions pertaining to a Lease Agreement at Manchester Center for temporary space for Manchester Transit Center the Utility Billing and Collections Division:
1. Adopt a finding of Categorical Exemption Class 1 pursuant to CEQA Guidelines Section 15301 (existing facilities)
 2. Approve a lease between the City of Fresno and Omninet Properties Manchester Center, LLC., for lease of space at Manchester Center for use by the Departments of Transportation and Public Utilities

APPROVED

The above item was approved on the Consent Calendar.

- 1-J [ID16-1225](#) Actions pertaining to a lease agreement for a new property/evidence warehouse:
1. ***RESOLUTION 25th amendment to the Annual Authorizing Resolution (AAR) No. 2016-118 appropriating \$250,000 for the purpose of purchasing shelving and racking for evidence storage; a large walk-in cold box; relocating a back-up generator; necessary technology equipment and services for computer connectivity; and moving expenses for relocating all of our property/evidence to the new warehouse. (Requires 5 affirmative votes)
 2. Approve a lease agreement with CARLULU, LLC., for office and warehouse space to be used for the storage of property/evidence and Police Department specialty vehicles.

RESOLUTION 2016- 205 APPROVED

The above item was approved on the Consent Calendar.

- 1-K [ID16-1215](#) ***BILL NO. B-39 - (Intro. 10/13/2016) (For adoption) - Repealing and adding Section 6-301 of the Fresno Municipal Code related to General Provisions; Purpose and Policy of Sewage and Water Disposal (Citywide).

ORDINANCE 2016-42 ADOPTED

The above item was approved on the Consent Calendar.

- 1-L [ID16-1217](#) ***BILL NO. B-40 - (Intro. 10/13/2016) (For adoption) - Council Approval of First Amendment to the Development Agreement between the City of Fresno, a municipal corporation, and Betts

Company, a California corporation, recorded with the Fresno County Recorder dated April 28, 2008, including incentives; and, authorizing the City Manager to sign the First Amendment to the Development Agreement.

ORDINANCE 2016-37 ADOPTED

The above item was approved on the Consent Calendar.

JOINT CITY AND SUCCESSOR AGENCY CONSENT CALENDAR

[ID16-1239](#) Actions pertaining to a lease of space at the Convention Center for use by the Successor Agency:

1. Adopt a finding of categorical exemption of Class 1 pursuant to CEQA Guidelines section 15301 (existing facilities)
2. Approve a lease with SMG, a Pennsylvania general partnership

APPROVED

The above item was approved on the Consent Calendar.

2. GENERAL ADMINISTRATION

2-A [ID16-1090](#) Award a construction contract in the amount of \$18,204,180 to Floyd Johnston Construction Company, Inc. for the City of Fresno Phase 2 Regional Transmission Mains Segment A2 Project (Bid File 3450) (Council District 1, 3, and 7).

The above item was introduced to Council by Planning Manager Carbajal with the Department of Public Utilities ("DPU").

APPROVED

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

Aye: 7 - Caprioglio, Quintero, Baines III, Brand, Brandau, Olivier and Soria

Councilmember Olivier exited the Council Chamber at 9:20 A.M. and returned at 9:24 A.M.

2-B [ID16-1195](#) Actions pertaining to Sewer Rehabilitation/Replacement in the Congo and H/Broadway Downtown Alleys (Bid File 3429) (Council District 3)

1. Adopt findings of Categorical Exemption Class 1, pursuant to Section 15301(d) (Existing facilities) and Categorical Exemption Class 2, pursuant to Section 15302(c) (Replacement or reconstruction) of the California Environmental Quality Act Guidelines
2. ***RESOLUTION - 18th amendment to Annual Appropriation Resolution (AAR) No. 2016-118 appropriating \$770,000 for Sewer Rehabilitation/Replacement in the Congo and H/Broadway Downtown Alleys (Requires 5 affirmative votes)
3. Award a \$609,270 contract to Emmett's Excavation, Inc., of Fresno, California

The above item was introduced to Council by DPU Supervising Professional Engineer Norgaard.

Vice President Caprioglio directed staff to check with Historic Preservation staff to determine if there were any historic resources in the area that might need to be addressed.

RESOLUTION 2016-206 ADOPTED

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

Aye: 6 - Caprioglio, Quintero, Baines III, Brand, Brandau and Soria

Absent: 1 - Olivier

Councilmember Brand exited the Council Chamber at 9:27 A.M. and returned at 9:34 A.M.

- 2-C** [ID16-1176](#) ***RESOLUTION - 17th amendment to the Annual Appropriation Resolution (AAR) No. 2016-118 to appropriate \$2,490,200 for new and existing capital projects in the Public Works Department (Citywide) (Requires 5 affirmative votes)

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

Vice President Quintero directed staff to provide him with a timeline for the Armstrong project.

RESOLUTION 2016-207 ADOPTED

On motion of Councilmember Brandau, seconded by Councilmember Soria, the above item was approved. The motion carried by the

following vote:

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

Absent: 1 - Brand

- 2-D** [ID16-1181](#) RESOLUTION - Approving assignment of Annadale Housing Partners' \$2,996,720 loan to DHI King's View Associates, L.P., a California limited partnership and conversion of the loan to a fifty-five-year residual receipts loan at 0% interest

The above item was introduced to Council by Development and Resources Management ("DARM") Assistant Director Furtado. DARM Project Manager Nunez also spoke on this item.

RESOLUTION 2016-208 ADOPTED

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

Aye: 7 - Caprioglio, Quintero, Baines III, Brand, Brandau, Olivier and Soria

- 2-E** [ID16-1196](#) Actions pertaining to Supervisory Control and Data Acquisition and Programmable Logic Control Software Installation and Integration for the City of Fresno's Southeast Surface Water Treatment Facility and Kings River Pipeline Project (All Districts):
1. Reject all bids for Supervisory Control and Data Acquisition, and Programmable Logic Control Software Installation and Integration services for the City of Fresno's Southeast Surface Water Treatment Facility and Kings River Pipeline Project. (Bid File 3472).
 2. Approve Project Change Order No. 5 to WM Lyles Company in the amount of \$2,493,750 for Supervisory Control and Data Acquisition and Programmable Logic Control Software Installation and Integration Services for the City of Fresno's Southeast Surface Water Treatment Facility and Kings River Pipeline Project.
 3. Approve a one-time extension of the current limits of Construction Contract Change Order Authority for the City of Fresno's Chief Administrative Officer to \$3,500,000 as related to the Southeast Surface Water Treatment Facility.

The above item was introduced to Council by DPU Water Division Manager Carbajal.

APPROVED

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

Aye: 7 - Caprioglio, Quintero, Baines III, Brand, Brandau, Olivier and Soria

- 2-F** [ID16-1162](#) Actions pertaining to FY 2015 Staffing for Adequate Fire and Emergency Response (SAFER) grant
1. Approve application for and acceptance of FY 2015 Staffing for Adequate Fire and Emergency Response (SAFER) grant award for \$2,069,400 through the U.S. Department of Homeland Security, and authorize the Fire Chief to complete all required documents during the grant period.
 2. RESOLUTION - Authorizing the application for and acceptance of FY 2015 Cycle Staffing for Adequate Fire and Emergency Response (SAFER) funding issued by the U.S. Department of Homeland Security Grant Program and authorizing completion of all required documents.

The above item was introduced to Council by Fire Chief Donis. City Manager Rudd also spoke on the item.

RESOLUTION 2016-209 ADOPTED

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

Aye: 7 - Caprioglio, Quintero, Baines III, Brand, Brandau, Olivier and Soria

- 2-G** [ID16-1236](#) BILL - (For introduction and adoption) - An emergency ordinance of the City of Fresno, California, amending Section 1-308(g) of the Fresno Municipal Code, relating to Administrative Citations and Penalties and amending and adding Subsections to Section 11-307 of the Fresno Municipal Code, relating to Code Violations (Requires five affirmative votes).

The above item was introduced to Council by City Manager Rudd. City Attorney Sloan also spoke on this item.

Vice President Quintero motioned to approve the item. President Caprioglio seconded the motion.

Councilmember Baines III asked the motion makers to include an amendment to the Bill and Ordinance that would change the word "may" to "shall" in Section C (1) of the resolution. ("An egregious violator SHALL be subject to double penalties...")

Councilmember Soria asked the motion makers to include the word "owners" in the first sentence of Section C. (Egregious violator. OWNERS committing health and safety or building code violations...).

Vice President Quintero and President Caprioglio agreed to incorporate the amendments by Councilmembers Baines III and Soria into their motion to approve the item.

Councilmember Soria stated, for the record, that even with the new rules in place, the city would continue to improve the process and search for new tools to help tenants affected by unresponsive and neglectful property owners.

Councilmember Brand asked to meet with the City Attorney to discuss the possibility of additional regulations concerning vacant homes.

**BILL B-41 INTRODUCED AS AMENDED
ORDINANCE 2016-38 ADOPTED**

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

Aye: 6 - Caprioglio, Quintero, Baines III, Brand, Brandau and Soria

Abstain: 1 - Olivier

Councilmember Baines III exited the Council Chamber at 10:28 P.M. and returned after recess at 1:37 P.M.

3. SCHEDULED COUNCIL HEARINGS AND MATTERS

10:00 A.M.

- [ID16-1194](#) HEARING to consider Annexation Application No. ANX-16-003, Rezone Application No. R-16-009, Conditional Use Permit Application No. C-16-046, and related Environmental Assessment No. ANX-16-003/R-16-009/C-16-046, filed by The Vincent Company Architects, on behalf of Louis Brosi. These applications pertain to approximately 18.52 acres of property located on the northwest corner of East Alluvial and North Chestnut Avenues.
1. Adopt the Finding of Conformity to the Fresno General Plan Master Environmental Impact Report (MEIR SCH#2012111012), EA No. ANX-16-003/R-16-009/C-16-046, dated September 2, 2016.
 2. BILL - (For introduction and adoption) - Approving Rezone Application No. R-16-009 to pre-zone the property from Fresno County RA-20 (Residential Agricultural, 20 acres) zone district to the City of Fresno RS-5/UGM (Residential Single Family, Medium Density/Urban Growth Management) zone district.
 3. ***RESOLUTION - Approving Annexation Application No. ANX-16-003 to initiate annexation proceedings for incorporation of the subject property to the City of Fresno and detachment from the Fresno County Fire Protection District and the Kings River Conservation District.
 4. Approve Conditional Use Permit No. C-16-046, to allow for a planned development that includes a 30-lot single family residential subdivision (tentative map to be submitted at a later date) and a 176-unit multiple family residential complex with a density transfer, subject to the conditions of approval dated September 21, 2016.
 5. ***RESOLUTION - Approving the certification to the Fresno County Auditor the amount of the cancellation valuation fee for the cancellation of Agricultural Land Conservation Contract No. AP-1366, as required by Section 51283(b) of the California Government Code.

The above hearing was called to order at 10:26 A.M. The item was introduced to Council by Planner Noguera with DARM. She noted a near by resident called staff on October 19, 2016 to discuss the timing for removal of the existing vacant buildings on the property. Ms. Noguera stated the

buildings would be removed with the development of the respective phase and, in the meantime, would be rennovated and occupied.

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

Winnie Nishimine - had no oposition to the project but wanted to make Council aware of neighborhood concerns including: traffic; increased enrollment at the elementary school; neighborhood safety: water well use; lack of sidewalks on one side of the street, and; zoning at the Northwest corner of Chestnut and Alluvial.

Marion Marino - was concerned about recent burglaries and the traffic that would be created by the project. She stated Alluvial was a single lane in each direction and there was an elementary schooll on the road. She objected to the rezoning and density which she calculated would bring 800 more people and 400 more vehciles to the area and would choke Alluvial and Chestnut. Ms. Marino questioned the need for apartments as she felt that every other home in the neighborhood was a rental.

Dennis Ward - was concerned with the projects impact on crime, parking, traffic and property values. He would prefer to see additional single family homes instead of an apartment complex. Mr. Ward said events at the school caused traffic and people parked their cars on residential streets.

Scott Vincent, project architect for the applicant - stated the project had evolved from the original plan due to neighborhood meetings and, as a result, some neighbors that had opposed the project now supported it. He said traffic would be addressed by building out the Alluvial and Chestnut frontages to their full widths with two lanes in each direction and turn lanes. The traffic study showed the service level of the road would improve from a failing "E" level to a "C" level of service despite the increased traffic. He stated the project would be gated and was not expected contribute to crime. Mr. Vincent noted the crime stemmed from the vacant property and the park and those would be addressed by building out the property and by watching the park.

The hearing was closed at 10:48 A.M.

*BILL B-42 INTRODUCED AND ADOPTED AS
ORDINANCE 2016-39
RESOLUTION 2016-210 ADOPTED*

RESOLUTION 2016-211 ADOPTED

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

Aye: 6 - Caprioglio, Quintero, Brand, Brandau, Olivier and Soria

Absent: 1 - Baines III

UNSCHEDULED COMMUNICATION

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

RECESSED 10:49 A.M. TO 1:31 P.M.

1:30 P.M.#2**CEREMONIAL PRESENTATIONS**

The "National Day on Writing" add-on proclamation was continued to a later meeting by Councilmember Baines III.

[ID16-1222](#) Presentation of the SPCA Pet of the Month

PRESENTED

[ID16-1111](#) Proclamation of "DISABILITY AWARENESS MONTH"

PRESENTED

[ID16-1220](#) Proclamation of "COMMUNITY MEDIA DAY"

PRESENTED

[ID16-1207](#) Proclamation to honor the Veterans Memorial Museum for 25 years of Service.
"Home of the Legion of Valor".

PRESENTED

[ID16-459](#) Proclamation of "NATIONAL BREAST CANCER MONTH"

PRESENTED

[ID16-461](#) Proclamation of "ARTS AND HUMANITIES MONTH"

PRESENTED

[ID16-1139](#) Resolution of Commendation to Airport Operations Specialists Team

PRESENTED

[ID16-1221](#) Fresno Regional Workforce Development Board Outstanding Achievement Awards - Third Quarter Award Winner - Lourdes Zavala

PRESENTED

1:30 P.M.#1

CONTESTED CONSENT CALENDAR

- 1-G [ID16-1177](#) B. Actions Related to Retaining of Consultant for Automated Billing Paying Services:
1. Approve the City Manager’s determination that Consultant is uniquely qualified
 2. Approve a consultant services agreement with First Billing Services for a total fee of \$13,000 per month for Electronic Billing Payment Presentation Services and up to \$14,630 per month for Optional Print Services for City of Fresno utility customers (Citywide).

The above item was introduced to Council by DPU Revenue Manager Reams. DPU Assistant Director Schuber also spoke on this item.

Councilmember Brandau requested a meeting with DPU Director Esqueda and Assistant Director Schuber.

APPROVED

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

Aye: 7 - Caprioglio, Quintero, Baines III, Brand, Brandau, Olivier and Soria

2:15 P.M.

[ID16-1158](#) HEARING - To consider adoption of the Downtown Neighborhoods Community Plan, the Fulton Corridor Specific Plan, the Downtown Development Code and related Final

Program Environmental Impact Report (FPEIR), State Clearinghouse (SCH) # 2012041009. The following applications have been filed by the City of Fresno Development and Resource Management Department Director and pertain to approximately 7,290 acres in the Downtown Planning Area:

1. RESOLUTION - Certifying Final Program EIR (SCH No. 2012041009), for the Downtown Neighborhoods Community Plan, the Fulton Corridor Specific Plan, and the Downtown Development Code.
 - a. ADOPT Findings of Fact as required by Public Resources Code Section 21081(a) and CEQA Guidelines, Section 15091; and,
 - b. APPROVE a Mitigation Monitoring and Reporting Program as required by Public Resources Code Section 21081.6 and CEQA Guidelines Section 15097; and,
 - c. ADOPT the Statement of Overriding Considerations as required by Public Resources Code, Section 21081(b) and CEQA Guidelines, Section 15093.

2. RESOLUTION - Approving Plan Amendment Application No A-16-009 which proposes to repeal the Central Area Community Plan, pertaining to approximately 1,701 acres located in the Downtown Planning Area.
3. BILL (For introduction and adoption) - Approving Plan Amendment Application No. A-16-010 which proposes to repeal the Fulton-Lowell Specific Plan, pertaining to approximately 495 acres located in the Downtown Planning Area.
4. ***RESOLUTION - Approving Plan Amendment Application No. A-16-011 which proposes to adopt the July 27, 2016 draft as amended by the October 2016 changes of the Downtown Neighborhoods Community Plan, pertaining to approximately 7,290 acres located in the Downtown Planning Area.
5. ***RESOLUTION - Approving Plan Amendment Application No. A-16-012, which proposes to adopt the July 27, 2016 draft as amended by the October 2016 changes of the Fulton Corridor Specific Plan, pertaining to approximately 655 acres and located within the boundaries of the Downtown Planning Area.
6. RESOLUTION - Approving Plan Amendment Application No. A-16-008, which proposes to update the text and Land Use Map (Figure LU-1) of the Fresno General Plan to incorporate the

Downtown Neighborhoods Community Plan and the Fulton Corridor Specific Plan as well as to correspondingly amend the Edison, Roosevelt and West Area Community Plans and the Fresno Chandler Executive Airport Land Use Compatibility Plan and the Fresno-Chandler Downtown Airport Master and Environs Specific Plan.

7. ***BILL - (For introduction) Approving Text Amendment Application No. TA-16-002 which proposes amendments to the Citywide Development to incorporate the updated October 2016 draft of the Downtown Development Code. This code includes form-based zoning requirements for development within the DNCP and FCSP plan areas. New sections proposed to be added to the Citywide Development Code include standards for three new Downtown zones: Downtown Core, Downtown General and Downtown Neighborhood (Article 15 of Chapter 15 of the FMC) along with provisions related to Parking and Loading (Section 15-2407-A). In addition, an Urban Campus Overlay District is added in Section 15-1610 and a Neighborhood Revitalization Overlay District is added in Section 15-1611. Amended sections include Determining Frontage Coverage (Section 15-317), Fences, Walls and Hedges (Section 15-2006), Summary of Primary Planning Permits and Actions (Table 15-4907), Zone Clearance Applicability (Section 15-5102), Apartment Overlay District, (Section 15-1609), Signs (Sections 15-2608 and 15-2610), and Terms and Definitions (Sections 15-5501 and 15-5502).

8. BILL - (For Introduction and Adoption) Approving Rezone Application No. R-16-011, which proposes to rezone all of the property within the Downtown Neighborhoods Community Plan and the Fulton Corridor Specific Plan areas to be consistent with the planned land use. The rezone covers approximately 7.290 acres. This action would necessitate repealing Resolution 2016-28, which created interim zoning in the Downtown Planning Area until such time as the final proposed zoning could be adopted.

9. RESOLUTION - Repealing Resolution No. 2016-28, adopted on February 25, 2016, to amend the zoning designation translation table for the Downtown Planning Area. This resolution created interim zone districts in the Downtown Planning Area until such time as the final proposed zoning could be adopted. It will no longer be necessary with approval of

Rezone Application No. R-16-011, proposed with these applications.

10. RESOLUTION - Authorizing the Development and Resource Management Director or her designee to correct any typographical errors and update the text, policies, maps, tables, and exhibits contained in the Downtown Neighborhoods Community Plan, the Fulton Corridor Specific Plan, the Fresno General Plan and the Downtown Development Code to reflect the final action taken by the Council, to the extent that such updates are necessary to maintain consistency.

The above hearing was called to order at 2:54 P.M. The matter was introduced to Council by Mayor Swarengin and DARM Assistant Director Zack.

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

Zachary Antoyan - was excited for adoption of the update and urged the Council to support it. He stated the update set forth an image of Fresno that people could be proud of and would excite people about Fresno.

Aaron Blair of the Downtown Fresno Partnership - stated the update would make Fresno stand out and developers across the state were excited for the changes. He felt it was one of the best planning documents he had seen.

Tracewell Hanrahan of Fresno Housing Authority - was in strong support of the code update and felt it supported developers.

Craig Scharton - spoke in support of the code update and felt it would add value to businesses and neighborhoods and would lead to investment in the city. He also stated the community outreach on this item was unprecedented.

Eric Larsen - spoke in favor of the update and felt the plan was a good incentive to get developers into Downtown Fresno.

Will Dyck - felt the update would make things easier for developers and would be positive for all of Fresno. He urged Council to support the update.

Chris Johnson - believed the update was overdue but was well put together and would improve downtown and the urban environment. He stated the ideas in the update were not novel, but Fresno was slow to adopt the

modern ideas.

Eddie Clemment - spoke in support of the update. He thanked everyone for moving the plan forward as part of the larger picture of making Fresno a great place and moving the city forward. He said with all the recent improvements by the City (High Speed Rail, Bus Rapid Transit, water infrastructure) this item would be the final piece that told people the City was committed to moving forward.

Manuel Orosco Jr. with the Drywall / Lathers & Carpenters Union- spoke in support of the update and was excited for the changes to the Fulton Mall. He felt the changes to the code would create a many jobs for locals.

Rod McNeely - spoke in favor of the code update. He stated the previous development code was "old, clumsy and frustrating." He felt it was strategic to place the Fulton Community Specific Plan and the Downtown Community Neighborhood Plan on hold to bring the city wide Development Code forward fist. Together, the Downtown, Specific and Community plans would bring more than goals and policies but would also bring implementing measures, zoning and codification that would allow development to proceed in the manner people expected. Mr. McNeely also stated the EIR mitigation measures for traffic control were well done.

Patience Millrod - was excited for the update and noted recent additions to the plan included planning for displacement. She urged approval with the additions for displacement as they provide a voice for long standing stakeholders.

Delores Weller with Central Valley Air Quality Coalition - felt the process for the EIR was thorough. She recommended the Industrial Compatibility Assessment ("ICA") timeline and additional funding for the ICA, be included within the plan.

Gurllermana Leon - asked for funds for the Fulton Mall to also be invested in the Jane Adams neighborhood in District 3 because there was need for low income housing in the area. She stated home prices would rise in light of the High Speed Rail and that would make it even more difficult for low income families to buy a home. Ms. Leon suggested meetings be held after work so people could attend and provide input. She also recommended the meetings be announced on television and radio.

Juan Castillo - suggested Downtown Fresno needed to be reflective of the people of the City of Fresno and he was not certain "buildings next to buildings" would make a great downtown. He suggested the people downtown and their interactions, make a great downtown.

Paul Miller - spoke in support of the update and felt it was perfect for downtown. He stated the update would make adaptive re-use, new construction, and renovation projects a more attractive option for people.

Ashley Warner of Leadership Counsel for Justice and Accountability - read a previously submitted letter into the record as it was not distributed to Council for being received less than twenty four hours before the meeting. The letter addressed the Downtown Code in relation to the Housing Element. She stated the City was obliged to make sites available to meet the City's need for affordable housing in the current planning period as well as its unmet need from the previous period. She said the update does not comply with the requirements of Government Code section 65583.2(h) as the update does not require developers to satisfy the standards on identified sites, but would allow them to obtain by right approval. Another concern was the concentration of sites for affordable housing in areas of Racially and Ethnically Concentrated Areas of Poverty which would exacerbate the problem. Ms. Warner also stated the city failed to provide a diligent effort to achieve the participation of all economic segments of the community in its preparation and adoption of a housing element.

Public comment was closed at 3:54 P.M.

Councilmember Baines III motioned to approve the item with the addition of green space / park, library and community center in the vicinity of Olive and Marks with the cooperation with the County of Fresno. Councilmember Soria seconded the motion. Councilmember Baines III later removed his Olive and Marks addition from the motion.

Councilmember Soria asked the motion maker to include her recommended changes to Section 7.12 as outlined in a handout that she provided to the Councilmembers. Councilmember Baines III agreed to include her amendments in his motion. The handout has been attached to File ID 16-1158 and a copy is available in the City Clerk's Office.

RESOLUTION 2016-212 ADOPTED

RESOLUTION 2016-213 ADOPTED

*BILL B-43 INTRODUCED AND ADOPTED AS
ORDINANCE 2016-40
RESOLUTION 2016-214 ADOPTED AS AMENDED
RESOLUTION 2016-215 ADOPTED
RESOLUTION 2016-216 ADOPTED
BILL B-44 INTRODUCED AND LAID OVER
BILL B-45 INTRDODUCED AND ADOPTED AS
ORDINANCE 2016-41
RESOLUTION 2016-217 ADOPTED
RESOLUTION 2016-218 ADOPTED*

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

Aye: 7 - Caprioglio, Quintero, Baines III, Brand, Brandau, Olivier and Soria

4. CITY COUNCIL

There were no City Council items on the agenda.

5. CLOSED SESSION

There were no Closed Session items on the agenda.

ADJOURNMENT

The meeting adjourned at 4:32 P.M.

The above minutes were approved by a unanimous vote of Council during the November 3, 2016 City Council meeting.