



City of Fresno

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

Meeting Minutes - Final City Council

President - Clinton J. Olivier

Vice President - Esmeralda Z. Soria

Councilmembers:

Oliver L. Baines, III, Steve Brandau, Garry Bredefeld,

Paul Caprioglio, Luis Chavez

City Manager - Bruce Rudd

City Attorney - Douglas T. Sloan

City Clerk - Yvonne Spence, CMC

Thursday, March 23, 2017

8:30 AM

Council Chambers

Regular Meeting

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

8:33 A.M. ROLL CALL

Present: 7 - President Clinton Olivier
Vice President Esmeralda Soria
Councilmember Oliver L. Baines III
Councilmember Steve Brandau
Councilmember Garry Bredefeld
Councilmember Paul Caprioglio
Councilmember Luis Chavez

Invocation by Dr. Richard Kreigbaum, President of Fresno Pacific University

Pledge of Allegiance to the Flag

The National Anthem sung by Kelsey Schulteis, Miss Fresno County 2016.

APPROVE AGENDA

City Clerk Spence announced the following changes to the agenda:

1) *Ceremonial item Proclamation of "Women's History Month" (File ID17-416) was removed from the agenda.*

2) *The 1:30 P.M. Scheduled Hearing (File ID17-419) was continued to a*

date and time to be determined.

3) *General Administration item 3-C (File ID17-375) was not subject to Mayoral Veto.*

4) *General Administration item 3-F (File ID17-440) stated that discussions began in October. During the staff presentation, the City Manager would clarify the correct date which was earlier in 2016.*

5) *City Council item 4-A (File ID17-433) would be heard at 1:30 P.M.).*

Councilmember Chavez called for City Council item 4-A (File ID17-433) to be removed from the agenda. Councilmember Brandau motioned to keep City Council item 4-A on the agenda. Councilmember Bredefeld seconded the motion which failed 2 to 3 with Councilmembers Brandau and Bredefled voting "Yes," Councilmembers Baines III, Soria and Chavez voting "No" and Councilmembers Olivier and Caprioglio abstaining.

The agenda was approved as amended.

APPROVED AS AMENDED

On motion of Vice President Soria, seconded by Councilmember Caprioglio, the agenda was adopted as amended. The motion carried by the following vote:

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

8:40 A.M. CEREMONIAL PRESENTATIONS

[ID17-415](#) Fresno City Council "2017 Women of the Year" Proclamations

Council District 1: Patience Milrod - Sponsor Vice President Soria

Council District 2: Linda Amparano - Sponsor Councilmember Brandau

Council District 3: Lee Ann Eager - Sponsor Councilmember Baines

Council District 4: Roselyn "Roz" Clark - Sponsor Councilmember Caprioglio

Council District 5: Penny Raven - Sponsor Councilmember Chavez

Council District 6: Gail Pifferini - Sponsor Councilmember
Bredefeld
Council District 7: Kim Contreras - Sponsor Council President
Olivier

PRESENTED

[ID17-416](#) Proclamation of "WOMEN'S HISTORY MONTH"

REMOVED FROM AGENDA

RECESSED 9:53 A.M. to 10:24 A.M.

2. SCHEDULED COUNCIL HEARINGS AND MATTERS

9:00 A.M. JOINT MEETING WITH THE FRESNO REVITALIZATION CORPORATION

The City Council met in Joint Session with the Fresno Revitalization Corporation at 10:24 A.M. to discuss the following:

- [ID17-434](#) Actions pertaining to 532-614 Fulton Street (Fulton) and seven properties rehabilitated under the Neighborhood Stabilization Program:
1. ***RESOLUTION - Approving the amendment (with a principal reduction payment of \$100,000) of an existing \$600,000 Promissory Note to the Fresno Housing Successor (Revised Note) and substituting security to seven properties rehabilitated under the Neighborhood Stabilization Program (NSP) (APNs: 452-156-19, 460-084-07, 461-052-08, 454-191-05, 460-214-09, 459-036-04, 460-234-18) (NSP Properties);
 2. Transfer of fee title of the seven NSP Properties from TFS Investments, LLC. to FRC; and FRC's assumption of NSP obligations on the NSP Properties and the Revised Note;
 3. Amend the existing NSP notes secured by the NSP Properties.

Sponsor: Fresno Revitalization Corporation Executive Director

The above item was introduced to Council by Fresno Revitalization Corporation Executive Director Murphey.

The following member(s) of the public spoke on this item: Bobby Ward with London Properties.

*CITY COUNCIL RESOLUTION 2017-76 ADOPTED
FRESNO REVITALIZATION CORPORATION RESOLUTION FRC-18
ADOPTED*

FRC VOTE

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

*Aye: 8 - Olivier, Soria, Baines III, Brand, Brandau, Bredefeld,
Caprioglio and Chavez*

CITY COUNCIL VOTE

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

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

ADJOURN

The joint meeting with the Fresno Revitalization Corporation adjourned at 10:34 A.M.

APPROVE MINUTES

[ID17-94](#) Approval of minutes from March 16, 2017

APPROVED

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

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

COUNCILMEMBER REPORTS AND COMMENTS

Councilmember Bredefeld reminded Council that the discussion and vote on the Marijuana ban would be during the April 27th City Council meeting at 2:00 P.M.

Councilmember Bredefeld noted there was a district meeting regarding water issues in Northeast Fresno back in August. He asked City Attorney

Sloan and City Manager Rudd if it was possible to provide an update to the public in light of the current litigation. City Attorney Sloan said he would follow up with the Councilmember and the Administration. City Manager Rudd stated it was difficult to release updates due to the litigation but said he understood the desire to communicate with the public.

Councilmember Baines III asked City Manager Rudd about a report from Reuters in the Fresno Bee regarding lead poisoning and how it related to Fresno and 93701. City Manager Rudd stated the report was based on 2012 findings and since that time federal funds had been received for lead abatement. He noted the County confirmed the source as paint in older homes and not from water. City Manager Rudd also said the City would be applying for additional abatement funds to mediate the impacts. Councilmember Baines III wanted to make sure the information was spread to the public and wanted to ensure the City was doing all it could and that a water source was ruled out. City Manager Rudd noted the City would apply for abatement funds and that some CDBG funds for owner occupied rehab could be used. He also confirmed that the County of Fresno stated in the article the source of the lead was from lead based paint in older homes.

Councilmember Baines III reported on his recent trip to Washington DC regarding his Air Board service. The bad news was the EPA did not give an extension on the latest "PM 2.5 Plan" which triggered a sanction clock for eight counties. The sanction was eighteen months away and threatened \$2.5 billion of federal highway funds. The sanction would also include a federal takeover of the air basin by the EPA to gain compliance. The takeover could include no drive days, no farm days and or no construction days which could last more than one hundred days. The good news was the Air Board delegation had met with EPA Administrator Pruitt who assured the delegation he would work with them. Councilmember Baines III noted a legislative fix was still needed because 85% of the pollution problem in our air basin was from mobile sources which the Air Board was not allowed to regulate. The delegation met with Congressmen Costa, Valadao, McNerney and Olson to prevent sanctions since they are from a source out of the Air Boards control.

Councilmember Caprioglio congratulated and thanked Councilmember Baines III for his hard work on behalf of the City on the Air Board.

Councilmember Caprioglio was glad to thank District Four's Woman of the Year, Roz Clark. He also thanked everyone involved in making the Woman

of the Year ceremony a success, including: his fellow Councilmembers; the City Clerk's Office, Vance Vehrs from ISD, John DeLucia from Central Print, Russell and Michael from Facilities Management and; Laura, Marty and Kathy from the District Four Offices.

Councilmember Caprioglio reported on his attendance at the Mexican Consulate reception in honor of Lee Brand.

Councilmember Brandau reported there would be a Veterans Boulevard town hall meeting on March 29 at Herndon and Barstow Elementary School at 6265 N. Grantland Avenue. He stated the meeting would discuss the Veterans Boulevard project and the \$45 million the City wanted from the federal government.

Councilmember Brandau noted City Council item 4-A (File ID 17-433) to oppose SB 54 was his item and it was removed from the agenda. He said the current U.S. Administration would fight against the bill and the state could lose funding for great projects like Veterans Boulevard. Since his colleagues did not want to have a conversation on the topic, Councilmember Brandau asked for a workshop leading into the budget hearings. The workshop would discuss the types of money the City receives from the federal government. He said the City needed to be prepared with a contingency if the federal government withheld funds. He also stated his goal with City Council item 4-A was not to discuss the complex and important immigration issues but to focus on the federal money essential to Fresno. He said the federal money was being put into jeopardy because the politicians in Sacramento wanted to make a political statement.

Vice President Soria reported the State Assembly Health Care Committee met in the Council Chamber on March 22 to discuss the Affordable Care Act and its impacts. She was concerned over the vote at the federal level regarding the act and the potential loss of jobs, the economic impact and the impact to seniors and children in need of healthcare. Vice President Soria said the committee was there to let the citizens know the potential impacts. She also thanked Helen Takahashi for reserving the room and Michael Kountz and Mark Stephens from ISD for helping with the press conference.

Vice President Soria reported on a Highway 99 realignment meeting meant to inform the public and answer questions. She stated she would have follow up community meetings on the topic in April. The April meetings would also cover the water pipeline project.

Vice President Soria stated the City would be doing outreach regarding the closures on McKinley near Fresno City College later in the summer.

Vice President Soria asked City Manager Rudd about the status of the Tower District Police Satellite Station. City Manager Rudd noted the costs for the initial location exceeded appropriations but an alternative had been identified and terms were being negotiated. He anticipated the item would be to Council mid-April and an early May "move-in" date for the Tower District police writing station. City Manager Rudd also stated the District Four writing station and Northwest Police substation items would also be to Council mid-April but with different "move-in" dates.

Councilmember Chavez stated that a review of the federal money utilized by the City of Fresno should also be accompanied by a look at the state money utilized by the City.

Mayor Brand reported that it was a great reception at the Mexican Consulate. He stated he planned to have the Consulate to City Hall for a ceremony and would let everyone know when the date had been determined.

2. SCHEDULED COUNCIL HEARINGS AND MATTERS

CONTINUED

10:45 A.M.

[ID17-427](#) Proclamation of "FresYes Fest Day"

PRESENTED

Councilmember Brandau left the Council Chamber at 11:05 A.M. and returned at 11:13 A.M.

1. CONSENT CALENDAR

Councilmember Bredefeld moved Consent Calendar item 1-J (ID17-326) to the Contested Consent Calendar for further discussion.

President Olivier moved Consent Calendar item 1-M (ID17-417) to the Contested Consent Calendar for further discussion.

APPROVAL OF THE CONSENT CALENDAR

On motion of Councilmember Caprioglio, seconded by Vice President

Soria, the **CONSENT CALENDAR** was hereby adopted by the following vote:

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

Absent: 1 - Brandau

- 1-A [ID17-298](#) RESOLUTION - Of Intention to annex Final Tract Map No. 5537, Annexation No. 77, to the City of Fresno Community Facilities District No. 11 (west side of North Polk Avenue between West Shields and Dakota Avenues); and setting the public hearing for April 27, 2017 at 10:00 a.m. (Council District 1)

RESOLUTION 2017-77 ADOPTED

The above item was approved on the Consent Calendar.

- 1-B [ID17-304](#) ***RESOLUTION - 48th amendment to the Annual Appropriation Resolution (AAR) No. 2016-188 to appropriate \$31,500 for the completion of previously approved Convention Center Outstanding Permit Items capital project. (Requires 5 affirmative votes)

RESOLUTION 2017-78 ADOPTED

The above item was approved on the Consent Calendar.

- 1-C [ID17-306](#) RESOLUTION - Of Intention to annex Final Tract Map No. 6091, Annexation No. 79, to the City of Fresno Community Facilities District No. 11 (east side of North Cornelia between West McKinley and Clinton Avenues); and setting the public hearing for April 27, 2017 at 10:05 a.m. (Council District 3)

RESOLUTION 2017-79 ADOPTED

The above item was approved on the Consent Calendar.

- 1-D [ID17-321](#) Approve Amendment No. 1 to the Measure "C" Cooperative Project Agreement for the Herndon Avenue Westbound Widening From Brawley Avenue to Blythe Avenue (Urban Project K5C) (Council District 2)

APPROVED

The above item was approved on the Consent Calendar.

- 1-E [ID17-342](#) RESOLUTION - Of Intention to annex Final Tract Map No. 6090, Annexation No. 78, to the City of Fresno Community Facilities

District No. 11 (north side of West Bullard Avenue between North Grantland Avenue and State Highway 99) (Council District 2)

RESOLUTION 2017-80 ADOPTED

The above item was approved on the Consent Calendar.

- 1-F [ID17-347](#) Documents related to the Belmont Avenue Widening Project from Clovis Avenue to Fowler Avenue (Council District 5):
1. Approve the acquisition of four street easements totaling 42,898 square feet of right-of-way from four properties (APN 310-111-13, 301-111-31 & 35 and 310-120-37) owned by Gallo Winery Corporation, in order to widen East Belmont Avenue between Clovis and Fowler Avenues, for a total compensation of \$185,000.
 2. Authorize the Public Works Director, or designee, to sign all documents necessary to complete the transactions.

APPROVED

The above item was approved on the Consent Calendar.

- 1-G [ID17-394](#) Approve a License Agreement between the City of Fresno and Fresno Unified School District for the construction and maintenance of the Fairview Trail (Council District 3).

APPROVED

The above item was approved on the Consent Calendar.

- 1-H [ID17-360](#) Actions pertaining to replacing the entity to serve as the Integrated Waste Management Local Task Force in Fresno County:
1. RESOLUTION - Authorizing Dissolution of the Fresno-Clovis Metropolitan Solid Waste Commission and Granting Approval for Termination of the JPA and MOU by Mutual Agreement, and acceptance of the remaining Enterprise Trust Fund monies split evenly between the City of Fresno, the City of Clovis, and the County of Fresno
 2. RESOLUTION - Authorizing the designation of the AB 939 MOU Committee to serve in the capacity and perform the functions of the Integrated Waste Management Local Task Force, in order to facilitate the development of AB 939 related plans and programs that are best accomplished and coordinated on a regional basis

RESOLUTION 2017-81 ADOPTED

RESOLUTION 2017-82 ADOPTED

The above item was approved on the Consent Calendar.

- 1-I [ID17-363](#) ***RESOLUTION - Authorizing submittal of Payment Program applications for California Department of Resources Recycling and Recovery Payment Programs (Citywide)

RESOLUTION 2017-83 ADOPTED

The above item was approved on the Consent Calendar.

- 1-J [ID17-326](#) Approve a twelve-month interim contract with Bank of America to continue to provide government banking services to the City of Fresno

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

- 1-K [ID17-364](#) Approve Amended and Restated Disposition and Development Agreement between Cesar Chavez Foundation and the City of Fresno

APPROVED

The above item was approved on the Consent Calendar.

- 1-L [ID17-424](#) RESOLUTION - Amending Resolution No. 2016-208 and revising the interest rate on DHI King's View Associates, L.P.'s Note as follows: zero percent annually years one through five and increasing to the annual long term Applicable Federal Rate, as published on the date of close of escrow, at the commencement of year six.

RESOLUTION 2017-84 ADOPTED

The above item was approved on the Consent Calendar.

- 1-M [ID17-417](#) Approve Amendment to Transformative Climate Communities Project Labor Agreement

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

CONTESTED CONSENT CALENDAR

- 1-J [ID17-326](#) Approve a twelve-month interim contract with Bank of America

to continue to provide government banking services to the City of Fresno

The above item was introduced to council by Finance Director Lima. City Manager Rudd also spoke on this item.

APPROVED

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

1-M [ID17-417](#) Approve Amendment to Transformative Climate Communities Project Labor Agreement

The above item was introduced to Council by Councilmember Baines III. Jon Holtzman, Labor Attorney for the City, also spoke on this item.

The following member(s) of the public also spoke on this item: Nicole Goehring with ABC NorCal.

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

No: 2 - Olivier and Brandau

UNSCHEDULED COMMUNICATION

Upon call, the following member(s) of the public addressed Council during Unscheduled Communication:

Ben Berquam - was disappointed Council was not going to vote on City Council item 4-A (ID17-433) which was removed from the agenda and opposed Senate Bill 54. He said Senate Bill 54 would give sanctuary to criminal aliens that should be deported. Mr. Berquam felt state representatives in support of Senate Bill 54 were "derelict-ing their duties to uphold their oath of office" and Councilmembers opposing City Council item 4-A were doing the same.

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

10:00 A.M.

- [ID17-249](#) HEARING - Regarding the vacation of a portion of Arroyo Avenue and an alley northeast of North "H" Street between Freeway 180 and the Dry Creek Canal. (Council District 3).
1. RESOLUTION - Ordering the vacation of a portion of the alley northeast of North "H" Street between Freeway 180 and the Dry Creek Canal.

The above hearing was called to order at 11:24 A.M. The item was introduced to Council by Chief Surveyor Camit with the Public Works Department.

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

Dirk Puschel – spoke in support of the staff recommendation on behalf of the property owner Jon Valentino and his company, Truxell and Valentino Landscape. Mr. Puschel utilized a diagram while speaking. A copy of the diagram has been attached to File ID17-249 and is available in the City Clerk's Office.

The hearing was closed at 11:27 A.M.

RESOLUTION 2017-85 ADOPTED

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

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

10:15 A.M.#1

- [ID17-389](#) Actions pertaining to proposed water capacity fees (Citywide):
1. CONTINUED HEARING regarding the proposed Water Capacity Fees.
 2. BILL - (For introduction) - Amending Article 5 of Chapter 6 of the Fresno Municipal Code and Article 4.5 of Chapter 12 to repeal various fees associated with providing water capacity for

new and expanded connections to the water system and create a new Water Capacity Fee classification, and to adopt Water Capacity Fees as proposed by and justified in the nexus study prepared by Bartle Wells Associates.

3. ***RESOLUTION - 530th amendment to the Master Fee Resolution No. 80-420 adopting Water Capacity Fees under the Public Utilities Section.

The above hearing was called to order at 11:27 A.M. Public Utilities Director Esqueda introduced the item to Council. Mayor Brand, City Manager Rudd, Public Utilities Assistant Director White and City Attorney Sloan also spoke on this item.

City Attorney Sloan confirmed to Vice President Soria that adoption of the Water Capacity Fee alone was not a project under the California Environmental Quality Act purposes ("CEQA"). He further clarified his reasoning for the determination to Councilmember Baines III.

RECESSED 11:57 A.M. to 1:31 P.M.

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

Claudia Cazares with Granville Homes - stated revenue generated by the impact fee would not be apportioned as previously stated by the city. Ms. Cazares said fees charged for an impact need to be spent mitigating the impact otherwise the fee was misleading.

Josh Peterson with Wathen Castanos - agreed with the growth component of the plan and related \$156 million increase. Mr. Peterson said the \$161 million for the Northeast treatment facility and infrastructure was troublesome because he felt it was a project under CEQA. He also pointed out inconsistencies related to costs within city documents. He felt there would be support for the facility part of the item if fees were established after CEQA steps were taken and after the project was bid to make sure it was size appropriate.

Todd Wynkoop, counsel for Building Industry Association ("BIA") of Fresno and Madera Counties - opined that the item was subject to CEQA and stated there were inconsistencies in the staff report. He noted the ordinance would allow the City Manager to require a developer to build a facility even when it was supported by a standalone water system - he said specifics needed to be listed in the ordinance regarding when a facility could be required. He felt

that clarification was needed regarding the enforcement of the "orderly sequence of development." Mr. Wynkoop felt the BIA would support the fee increase, at the lower rate, if the open issues regarding new construction were resolved.

Tim Taylor, counsel for Granville Homes and Wathen Castanos - requested council direct staff to remove the Northeast facility from the vote and meet with interested parties to work out the remaining concerns and issues about the facility. He felt CEQA was applicable pursuant to CEQA Guideline 15273(b) which states that rate increases to fund capital projects for the expansion of systems were subject to CEQA. Mr. Taylor also said, when the item was slated for the March 9, 2017 City Council meeting, city staff referred to this item as a "project" that was exempt under CEQA.

Michael Slater, counsel for Lennar Homes of California, Lennar Fresno, Inc. - agreed with the CEQA comments and arguments of Granville Homes and Wathen Castanos as put forth by Tim Taylor and Josh Peterson.

Darius Assemi with Granville Homes - wanted to ensure new home buyers paid their fair share of new fees and said the Northeast facility portion should not move forward until after stakeholders worked out issues with the City. He noted the staff report stated the fee would "fund unknown future projects" and page two of the nexus study identified a project. Mr. Assemi said the California Code of Regulations stated rate increases to fund capital projects for the expansion of systems were subject to CEQA. He also noted the City's proposed cost of the facility had fluctuated over the years and there were discrepancies in current city documents concerning ozone and backwash regulators. Mr. Assemi provided a handout to Council. The handout has been attached to File ID17-389 and is available in the City Clerk's Office.

Michael Prandini with the BIA of Fresno and Madera Counties - asked for the portion of the item dealing with fees for the Northeast facility be continued until all parties were on the same page.

Victor Gonzales - stated he was a local real estate agent and was concerned with housing affordability in the City which had been declining since 2012. He felt the proposed fees would further worsen housing affordability. Mr. Gonzales noted water related disclosures were being distributed by real estate companies to potential purchasers of Northeast Fresno homes. He said the disclosures effected property values and

increased liability for people working in that area. Mr. Gonzales provided copies of two disclosures to Council which have been attached to File ID17-389 and are available in the City Clerk's Office. He urged council to take very careful consideration when making any decision because Council decisions can have grave ramifications for constituents.

Public comment was closed at 1:53 P.M.

Councilmember Brandau motioned to approve the fees that everyone agreed upon and continue the fees related to the Northeast facility for an additional thirty days. He then amended his motion to continue everything for thirty days to allow staff to present a comparison between the City's \$4,246 figure and the possibility of utilizing a bond as requested by Vice President Soria. Vice President Soria seconded the motion. City Manager Rudd stated he would base the information on the average number of homes built in the City of Fresno over the last three or four years.

Councilmember Brandau subsequently modified his motion to, "accept a rate increase, total package, both pieces, \$3,900." Vice President Soria withdrew her second to Councilmember Brandau's motion. Councilmember Bredefeld seconded the modified motion.

Vice President Soria made a procedural motion (procedural motions take precedent over main motions) to continue the item for two weeks. Councilmember Chavez seconded the motion. Councilmember Soria directed staff to provide the cost and breakdown of the options which the \$4,246 figure could possibly support to fulfill the 30 million gallons per day capacity increase required. She clarified that her direction did not include a requirement to meet with the industry, but did not preclude staff from doing so.

CONTINUED TWO WEEKS

On procedural motion of Vice President Soria, second by Councilmember Chavez, the above item was continued, in its entirety, for two weeks with direction to staff. The motion carried by the following vote:

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

No: 2 - Olivier and Brandau

10:15 A.M.#2

[ID17-391](#) ***RESOLUTION - Amending the Economic Expansion Act

The above item was removed from the agenda by staff.

10:30 A.M.

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

The City Council met in Joint Session with the Joint Powers Financing Authority at 3:17 P.M. to discuss the following:

[ID17-432](#) Election of Fresno Joint Powers Financing Authority Chairperson and Vice-Chairperson (Authority action - Mayor Brand, Council President Olivier and Successor Agency Chair Baines)

City Attorney Sloan introduced the above item to the JPFA members.

*MAYOR BRAND ELECTED JPFA CHAIR
PRESIDENT OLIVIER ELECTED JPFA VICE-CHAIR*

JPFA VOTE

On motion of Member Baines III, seconded by Member Olivier, Mayor Brand was elected JPFA Chair and President Olivier was elected JPFA Vice Chair. The motion carried by the following vote:

Aye: 3 - Baines III, Brand, Olivier

Councilmember Brandau left the Council Chamber at 3:17 P.M. and returned at 3:26 P.M.

Vice President Soria left the Council Chamber at 3:20 P.M. and returned at 3:22 P.M.

[ID17-401](#) Actions pertaining to Unwinding Of The Prior New Market Tax Credit transaction By Dissolving The Investment Fund And Repaying The Fresno Joint Powers Financing Authority's Loan To The Investment Fund:
1. RESOLUTION - Approving the unwinding of a New Market Tax Credit Transaction by authorizing the City Manager to (1) execute a Member Interest Purchase Agreement; (2) execute a confirmation and reaffirmation of Qalichb Guaranty; (3) dissolve

FBB Investment Fund, LLC., and (4) distribute the assets of the FBB Investment Fund to the Fresno Joint Powers Financing Authority in exchange for cancellation of the loan made by the Fresno Joint Powers Financing Authority to the investment fund; and

2. RESOLUTION - Consenting to the redemption of FBB Investment Fund, LLC's interest in Clearinghouse NMTC (Sub-18), LLC., and accepting the assignment of FBB Investment Fund's assets as repayment of Joint Powers Financing Authority loan to FBB Investment Fund

The above item was introduced during the Joint Meeting by Finance Director Lima.

*RESOLUTION 2017-86 ADOPTED
RESOLUTION JPFA-40 ADOPTED*

JPFA VOTE

On motion of Member Baines III, seconded by City Councilmember Bredefeld, 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 Councilmember Bredefeld, that the above Action Item be approved. The motion carried by the following City Council vote:

Aye: 5 - Olivier, Baines III, Bredefeld, Caprioglio and Chavez

Absent: 2 - Soria and Brandau

ADJOURN AUTHORITY

The joint meeting adjourned at 3:22 P.M.

Councilmember Bredefeld motioned to reconsider Contested Consent Calendar 1-J (File ID 17-326). President Olivier seconded the motion. Finance Director Lima answered additional questions from Council. Mayor Brand also spoke on the item. Upon conclusion of the questions, Councilmember Bredefeld withdrew his motion for reconsideration of Contested Consent Calendar item 1-J.

1:30 P.M.

[ID17-419](#) CONTINUED HEARING to consider application by the property

owners to delist the Frank J. Craycroft Home (HP#182) located at 6545 N. Palm Avenue from the Local Register of Historic Resources pursuant to FMC 12-1614 (Council District 2)
(Continued - Date and time to be determined)

The above item was continued to a date and time to be determined.

CONTINUED

3:00 P.M.

[ID17-297](#) WORKSHOP presented by the League of Cities regarding Proposition 64

The above workshop was conducted by Legislative Representative Tim Cromartie with the League of California Cities.

During the presentation Council discussed the following topics: Proposition 64's interaction with the current city ban on indoor cultivation; types of regulations that could be placed on indoor cultivation; cultivation permits and reasonable fees; transportation of marijuana through jurisdictions with bans; banning marijuana deliveries; marijuana as a schedule one narcotic and the possibility of liability to the city of Fresno if dispensaries were shut down by the federal government; taxes and fees; the ability to obtain state grants from marijuana taxation under different prohibition scenarios; types of marijuana tax grants; establishing marijuana intoxication levels, and; traffic fatalities in jurisdictions that have legalized marijuana.

Due to time constraints, Council took a break from the Proposition 64 workshop from 4:19 P.M. to 4:28 P.M. to hear General Administration item 3-F (File ID17-440).

Upon resuming the Proposition 64 Workshop, Council discussed the following topics: relating fees for indoor cultivation to regulatory expenses; using medical marijuana cards to avoid taxes; banking issues related to marijuana sales; violence related to marijuana, and; marijuana commercials.

Following the presentation by Mr. Cromartie, Councilmember Brandau announced he had accepted an offer from businessman Lawrence Garcia to go on a field trip to learn more about marijuana as a business. Councilmember Brandau asked Mr. Garcia to address Council. Mr. Garcia stated he and his partner had arranged a visit to a large facility in Northern California for any interested Councilmembers and the Mayor. In order to

make rules that work best for our city, he said it would be a good idea to educate ourselves on all aspects of the industry. He stated the facility was 60,000 square feet and was unlike what anyone has seen before. He distributed a handout about the facility. The handout was attached to File ID17-297 and is available in the Clerk's Office. Mr. Garcia noted the invitation to tour the facility was not open to the public.

WORKSHOP HELD

3. GENERAL ADMINISTRATION

- 3-F [ID17-440](#) RESOLUTION - Directing giving notice of termination of the Service Agreement for Fire Protection and Emergency Services with North Central Fire Protection District based upon findings that the City of Fresno's revenue streams are limited beyond its control; the City is not able to provide levels of service described in the Agreement; the parties have failed to meet and make annual adjustments pursuant to the Agreement; and the District is accumulating a substantial reserve while the City is incurring an ongoing deficit under the Agreement

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

City Manager Rudd made reference to the sentence on page two of three of the resolution which read, "WHEREAS, in October 2016, the City initiated informal discussions with the District to discuss the Agreement's fee structure, but the fee dispute was not resolved." He noted, for the record, the first written correspondence on the topic was in May 2016 with prior informal discussions with the District.

RESOLUTION 2017-87 ADOPTED

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

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

No: 1 - Chavez

RECESSED 4:56 P.M. to 5:07 P.M.

Councilmember Baines III and Councilmember Caprioglio return from recess at 5:10 P.M.

- 3-A** [ID17-397](#) Approve Amendment No. 1 to the Copper River Ranch Water Supply Implementation Agreement approved by Fresno City Council November 17, 2016

The above item was introduced to Council by Public Utilities Director Esqueda.

APPROVED

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

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

Absent: 2 - Baines III and Caprioglio

- 3-B** [ID17-395](#) Actions pertaining to Consultant Services Agreement with Clements Environmental Corporation (City wide)
1. Award of a Consultant Services Agreement with a six-task, base scope of services not-to-exceed \$139,000 to Clements Environmental Corporation, to conduct a multi-discipline feasibility study for the construction and operation of a residential convenience center drop-off location in the City of Fresno (Bid File 9388)
 2. Authorize Clements Environmental Corporation to perform a seventh task (Task 7) not-to-exceed \$15,000 to provide community outreach services to assess community concerns for the construction and operation of a convenience center at three potential locations.

The above item was introduced to Council by Assistant Director Schuber with the Department of Public Utilities. Public Utilities Director Esqueda and Chip Clements of Clements Environmental Corporation also spoke on this item.

Councilmember Baines III asked, for the record, if a consultant was needed on the project. Assistant Director Schuber stated the city had the expertise for the operational side of the proposed project but lacked the time, resources and availability to build and work the plan.

APPROVED

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: 2 - Brandau and Bredefeld

- 3-C** [ID17-375](#) RESOLUTION authorizing submission of a State Revolving Fund Low Interest Loan funding application, to the State Water Resources Control Board in the amount of \$12,000,000 for construction of a 6-million gallon finished water reservoir at the City of Fresno's Northeast Surface Water Treatment Facility (Council District 6)

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

RESOLUTION 2017-88 ADOPTED

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

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

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

4:00 P.M.

- [ID17-348](#) RESOLUTION - In opposition of Assembly Bill 199, related to possibly overturning current law and mandating higher labor costs for the construction of new residential housing in California

The above item was introduced to Council by Councilmember Bredefeld and Councilmember Brandau.

Upon call for public comment, the following people addressed Council: Greg Terzakis with the California Apartment Association; Nathan Alonzo with the Fresno Chamber of Commerce; Ashleigh Fleenor with Granville Homes; Matthew McCauley and; Jon Casey.

FAILED (requires majority of quorum per FMC 2-307)

Councilmember Bredefeld motioned to approve the item and

Councilmember Bradnau made the second. The motion FAILED by the following vote:

Aye: 2 - Brandau and Bredefeld

Abstain: 5 - Olivier, Soria, Baines III, Caprioglio and Chavez

3. GENERAL ADMINISTRATION CONTINUED

- 3-D** [ID17-420](#) Actions pertaining to the Shields Avenue Pavement Overlay from Blackstone to Palm Avenues - Bid File 3518 (Council Districts 1 and 7)
1. Adopt a finding of Categorical Exemption per staff determination, pursuant to Section 15301(c) 1 of the California Environmental Quality Act Guidelines (CEQA) for the Shields Avenue Pavement Overlay from Blackstone to Palm Avenues
 2. Award a Construction Contract with Cal Valley Construction of Fresno, California (Cal Valley) in the amount of \$661,583 for the Shields Avenue Pavement Overlay from Blackstone to Palm Avenues and authorize the Public Works Director or designee to sign a contract on behalf of the City

The above item was introduced to Council by Engineer Johnson with the Public Works Department. Design Services Manager Goonawardena also spoke on this item.

APPROVED

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

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

- 3-E** [ID17-428](#) Approve the First Amendment to the Professional Consultant Services Agreement with The Solís Group for \$48,230 for additional services for the City of Fresno's 80-million gallon per day Southeast Surface Water Treatment Facility project (citywide).

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

The initial motion to approve the item by Vice President Soria, second by Councilmember Caprioglio, failed by a vote of 3 to 4 with Councilmembers

Olivier, Chavez, Brandau and Bredefeld voting "No."

After clarification by Director Esqueda, Councilmember Chavez called for reconsideration of the item which was seconded by Councilmember Baines III.

APPROVED

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

Aye: 5 - Soria, Baines III, Brandau, Caprioglio and Chavez

No: 2 - Olivier and Bredefeld

4. CITY COUNCIL

- 4-A [ID17-433](#) RESOLUTION - Of the Council of the City of Fresno, California, opposing Senate Bill 54, the California Values Act, related to California becoming a "Sanctuary State" and jeopardizing Federal Funding for the City of Fresno

The above item was removed from the agenda.

REMOVED FROM AGENDA

5. CLOSED SESSION

City Council met in Closed Session in Room 2125 from 6:23 P.M. to 7:30 P.M. to discuss the following:

- 5-A [ID17-356](#) CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Government Code Section 54956.8
Property: APNs 504-091-17; 505-060-74; 504-081-15 (Right of way for Veteran's Boulevard) (Public Works)
Negotiating Parties: City Manager Bruce Rudd; Lambe Trust; Ehrlich Investment Trust; GVM Development

With the exception of APN 504-081-15, the above item was discussed during closed session. No open session announcements were made regarding this item.

- 5-B [ID17-425](#) CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION - Government Code Section 54956.9, subdivision (d)(1)

1. Patrick Rhames v. City of Fresno, PSI, administered by Risico Claims Management; City of Fresno Workers' Compensation Alternative Dispute Prevention and Resolution Program (Case No.: FP-ADR-00364)

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

- 5-C** [ID17-431](#) CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION - Government Code Section 54956.9, subdivision (d)(1)
1. Familias Addams Por Un Mejor Futuro, et al. v. City of Fresno; Fresno Superior Court Case No. 16CECG00317

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

- 5-D** [ID17-429](#) 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.

- 5-E** [ID17-430](#) 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 discussed during closed session. No open session announcements were made regarding this item.

ADJOURNMENT

Adjourned from Closed Session at 7:30 P.M.