



City of Fresno

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

Meeting Minutes - Draft City Council

President - Oliver L. Baines, III
Vice President - Paul Caprioglio
Councilmembers:

Lee Brand, Steve Brandau, Clinton J. Olivier,
Sal Quintero, Esmeralda Z. Soria
City Manager - Bruce Rudd
City Attorney - Douglas T. Sloan
City Clerk - Yvonne Spence, CMC

Thursday, November 12, 2015

1:30 PM

Council Chambers

Regular Session

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

1:41 P.M. ROLL CALL

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

Invocation by Councilmember Quintero

Pledge of Allegiance to the Flag

CEREMONIAL PRESENTATIONS

There were no ceremonial presentations.

APPROVE MINUTES

No minutes were on the agenda for approval.

1. CONSENT CALENDAR

No items were on the Consent Calendar for approval.

CONTESTED CONSENT CALENDAR

No items were moved to the Contested Consent Calendar

2. GENERAL ADMINISTRATION

- 2-A [ID#15-103](#) ***RESOLUTION: Concerning appointing authority and
[1](#) responsibility

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

RESOLUTION 2015-201 ADOPTED

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

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

COUNCILMEMBER REPORTS AND COMMENTS

Councilmember Caprioglio reported that his son spent the day as a Firefighter at Fires Station No. 3 on November 7, 2015. He said the Firefighter for a day experience provided excellent insight as to what it takes to be a Firefighter. He thanked the Fire Department and all the training partners for what they do.

Vice President Caprioglio also reported he attended the Veterans Day Parade in Downtown Fresno on November 6, 2015. He stated it was the largest parade west of the Mississippi. He recalled that the many floats were meant to honor the living service men and women of the Country. Vice President Caprioglio urged everyone to thank Veterans everyday and not just on Veterans Day.

Vice President Caprioglio also thanked the Corvette Club of Fresno that provided his ride on the parade route.

Councilmember Soria reminded residents that the Fresno Filmworks Film Festival would start on November 13, 2015 in the Tower District. She invited all to attend and watch the films.

Councilmember Soria also reported that November 14, 2015 would be the grand opening of the universally accessible park - Inspiration Park. She announced that the ribbon cutting was scheduled to occur at 11:00 A.M.

accompanied by free food, information booths, and lots of fun for the kids.

Councilmember Quintero announced he would be unable to attend the Development Code Update portion of the meeting due to a previously scheduled and ongoing standing commitment. He stated he would read the transcripts and follow up with staff concerning any questions he might have.

Councilmember Olivier announced that he had seen a KMPH Fox 26 News report by Erik Rosales. The report touched on ways to address the issues of vagrancy and homelessness. Councilmember Olivier played the news clip for Council. Councilmember Olivier stated the issues related to homelessness and vagrancy were the largest crisis facing the City. He applauded Channel 26 for producing the story and he applauded the work of Police Sergeant Dewey and the City Administration. He stated that housing first was a good strategy but cautioned it should not become housing only. Councilmember Olivier suggested homelessness and vagrancy were common issues in each district and the Councilmembers should take up the challenge together. Vice President Caprioglio asked if the story could be re-broadcast in different media and to different cities and counties. City Manager Rudd replied that the City would be pursuing a media campaign to address the issue by the end of the year.

APPROVE AGENDA

City Clerk Spence announced that City Council item 3-A (File ID#15-1028) should include a resolution for adoption and an amendment for approval.

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

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

3. CITY COUNCIL

3-A [ID#15-1028](#) Approve Amendment to the Transparency in City Government Act

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

For the record, Councilmember Brand thanked Councilmember Soria for making the suggestion to put "teeth" into the Transparency in City

Government Act.

The following member(s) of the public spoke on this item: Fresno Firefighter James Scoggins; Heather Phillips, General Council for the Fresno City Employees Association; Dee Barnes, President of the Fresno City Employee Association; Tania Keller of the Fresno Police Department and Sandy Juarez of the Fresno City Employees Association.

Vice President Caprioglio directed the administration to provide documentation showing all bonuses, the amount of the bonuses and dates paid to to all employees in Unit Two. He also directed the administration to provide him with the dollar amount of all Unit Two raises and the effective date of those raises. The information should reflect any current transactions and go back through the year 2012.

Vice President Caprioglio motioned to amend the Transparency in City Government Act to prohibit the granting of future bonuses to non-represented Unit Two Management and Confidential employees. Councilmember Soria seconded the motion. Councilmember Soria seconded the motion which passed by a vote of 6 to 1 with President Baines voting "no."

Council recessed from 2:36 P.M. to 2:40 P.M. so the President could discuss procedures on the order of motions with the City Attorney.

Council President Baines directed the City Attorney to get started on the independent budget auditor project previously approved by Council as an item budgeted as outside legal council. Councilmember Olivier directed the City Attorney to return to the City Council with an update in 14 or 30 days.

City Manager Rudd stated, for the record, that the Fresno Police Officer Association bonus was part of a side letter that was approved by Council.

Councilmember Soria stated, for the record, that even though the motion was to remove bonuses, the City Council would be able to reward City staff and Department heads by adjusting salaries.

Councilmember Soria directed the City Attorney to evaluate City compliance with applicable Acts passed by the Council. The review should look back at the last six years.

APPROVED AS AMENDED TO END BONUSES FOR NON REPRESENTED UNIT TWO MANAGEMENT AND CONFIDENTIAL EMPLOYEES

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

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

RECESSED 3:45 P.M. to 4:02 P.M.

Councilmember Quintero did not return to the Council Chamber following the 3:45 P.M. recess.

4. CLOSED SESSION

There were no Closed Session items on the agenda.

5. SCHEDULED COUNCIL HEARINGS AND MATTERS

1:30 P.M.

[ID#15-102](#) WORKSHOP on the Citywide Development Code
[6](#)

The above workshop was presented to Council by Development and Resources Management ("DARM") Assistant Director Zack.

Councilmember Brandau directed Assistant Director Zack to meet with him following the workshop to discuss notice to neighbors regarding by right, high density developments.

RECESSED 5:27 P.M. to 6:00 P.M.

5:30 P.M.

[ID#15-988](#) HEARING to consider Text Amendment Application No. TA-15-001, Plan Amendment Application No. A-15-003, related environmental finding for adoption of the Citywide Development Code, and four resolutions related to finalization and implementation of the Citywide Development Code. Text Amendment Application No. TA-15-001 proposes to add Chapter 15 to the Fresno Municipal Code, repeal Chapter 12, Articles 1-4, 5, 6, 9-14, 17, 18 and 22, repeal Chapter 10, Article

12; and amend Chapter 1, Section 1-203, Chapter 9, Articles 6, 9-2602 and 1; Chapter 10, Articles 2 and 3; and Chapter 13, Article 3. Plan Amendment Application No. A-15-003 proposes to update tables that reference the Citywide Development Code in Chapter 3: Urban Form, Land Use, and Design (Tables 3-1 and 3-3); Chapter 11: Housing Element Consistency (Tables 11-3, 11-4, 11-5, 11-7, 11-8, 11-9, 11-10, 11-11, 11-12 and 11-13); and Chapter 12: Implementation (Table 12-1).

1. ADOPT the environmental findings of Environmental Assessment No. TA-15-001/A-15-003, an Addendum to Final Master Environmental Impact Report SCH No. 2012111015 for the Fresno General Plan and Citywide Development Code pursuant to CEQA Guidelines Section 15162 and 15164;
2. BILL - (For introduction and adoption)- Approving Text Amendment Application No. TA-15-001, including all revisions recommended by Planning Commission on September 30, 2015 and additional revisions made by staff enumerated in Exhibit D, adding Chapter 15, Citywide Development Code, to the Fresno Municipal Code, repealing Chapter 12, Articles 1-4, 5, 6, 9-14, 17, 18 and 22, repealing Chapter 10, Article 12; and amending Chapter 1, Section 1-203; Chapter 9, Articles 6, 9-2602 and 1; Chapter 10, Articles 2 and 3; and Chapter 13, Article 3;
3. RESOLUTION - Establishing the Zoning Designation Translation Table for the interim period between adoption of the Citywide Development Code and adoption of the corresponding zoning map;
4. RESOLUTION- Approving Plan Amendment Application No. A-15-003, updating tables in the Fresno General Plan that reference the Citywide Development Code in Chapter 3: Urban Form, Land Use, and Design (Tables 3-1 and 3-3); Chapter 11: Housing Element Consistency (Tables 11-3, 11-4, 11-5, 11-7, 11-8, 11-9, 11-10, 11-11, 11-12 and 11-13); and Chapter 12: Implementation (Table 12-1).
5. RESOLUTION - Authorizing the City Clerk to make Numerical Classification and Cross Referencing Corrections in the Fresno Municipal Code in coordination with the City Attorney's Office;
6. RESOLUTION - Authorizing the Development and Resource Management Director or her designee to update the text, policies, maps, tables and exhibits contained in the Citywide

Development Code to reflect the final action taken by the City Council, to the extent that such updates are necessary to maintain consistency.

The above hearing was called to order at 6:00 P.M. DARM Assistant Director Zack introduced the item to Council. City Manager Rudd and DARM Assistant Director Sanchez also spoke on this item.

Upon call, the following member(s) of the public addressed council concerning this item:

Dirk Poeschel - discussed conflicts.

Michael Pate - discussed electric fences.

Jeff Roberts of Granville Homes - discussed preferred alternatives.

Claudia Cazares of Granville Homes - discussed preferred alternatives.

Eric Gibbons of Granville Homes- discussed flexibility in the code.

Gregg Terzakis of Granville Homes - discussed preferred alternatives.

Virginia Midweno of the American Lung Association - discussed using the update to provide a healthy future for residents.

Mike Prandini of the Building Industry Association - discussed concerns with the code update.

Santa Hernandez - discussed payday lending.

Jared Gordon - discussed legal and legal non conforming uses of property.

Matthew Ziff of Granville Homes - discussed building codes and flexibility.

Matthew Jendian - discussed modern urban design.

Ashley Perritte of White Pine Lumber - discussed cul de sacs.

Renee Avena of Granville Homes - discussed cul de sacs.

Guillermina Leon - discussed access to stores and food, mobile vendors and

government transparency.

Teresa Castillo - discussed mobile vendors.

Cesar Casamayor - discussed rushing of the code update and lack of councilmember discussion with residents.

James Cardoza - discussed flexibility in driveway sizes.

Esther Postiglione - discussed commitments made in the General Plan.

Mary Curry - discussed notice, by right issues and a lack of opportunity to read code updates.

Eric Johnson of E.R. Johnson Consulting - discussed telecommunication.

Sandra Celedon-Castro of Building Healthy Communities - discussed disadvantaged communities and the time allotted to review the code.

Robert Merrill - discussed affordable housing and parks.

Brandon Broussard of Black Ops Brewing - discussed classification of breweries.

Genoveva Islas of Cultiva La Salud - discussed equity and equal access to healthy foods and physical activities.

Venise Curry of Communities for a New California - discussed where the city places industrial zones and businesses.

Ara Kalarizian - discussed implementation concerns and flexibility.

Jennifer Hidalgo of the American Lung Association - discussed health and walkable neighborhoods.

Michele Garcia - discussed Public Health.

Holly Bartel - discussed cul de sacs.

Josh Peterso of Wathen Castanos - discussed market driven housing products.

Victor Gonzales - discussed cul de sacs.

Bill Robinson of Sol Development Associates - discussed parking standards.

Unnamed Speaker - discussed the wants of constituents as opposed to developers.

Ashley Werner - discussed liquor store concentrations and industrial uses.

Bill Winell of APCA - discussed Liquor stores, signs and cul de sacs.

Sheila Hakimipour of Urban Diversity Design - discussed bike trails and the need for further development code updates.

Laura Rosenburger - discussed rent and homelessness

Darius Assemi of Granville Homes - discussed traffic recommendations and preferred alternatives for the code.

Veronica Gariby of Leadership Counsel for Justice and Accountability - discussed public notices and industrial uses.

Claudia Cayetano - discussed a market driven home market.

Gary McDonald - discussed equitable planning, cul de sacs, Conditional Use Permits and appeals.

Keith Bergthold of Fresno Metro Ministries - discussed competitive economic conditions.

Upon call, no other members of the public chose to speak on this item and the public comment portion of the hearing was closed at 8:05 P.M.

Councilmember Brandau called upon Sandra Celedon-Castro and Jared Gordon for further discussion.

Councilmember Brandau directed DARM Assistant Director Zack to meet with him to discuss the relationship between the many types of plans (concept, general, specific and others) and the development code.

At 8:18 P.M. President Baines announced the hearing would be continued to November 19, 2015 at 5:30 P.M. in the Council Chamber.

CONTINUED TO NOVEMBER 19, 2015 AT 5:30 P.M.

ADJOURNMENT

Adjourned at 8:18 P.M.