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Agenda Item: File ID 16-164

Date: 12/1/2016

CITY CLERK, FRESNO CA

## FRESNO CITY COUNCIL



### Supplemental Information Packet

Agenda Related Items – File ID 16-164

## Contents of Supplement: Draft City Council Minutes from November 17, 2016

### Item(s)

Approval of minutes from November 17, 2016

#### **Supplemental Information:**

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# City of Fresno

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

## Meeting Minutes - Draft 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*

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Thursday, November 17, 2016

1:00 PM

Council Chambers

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### Regular Session

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

1:02 P.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

Councilmembers Brandau and Olivier were absent during roll call but joined the meeting at 1:04 P.M.

Vice President Quintero was absent during roll call but joined the meeting at 1:15 P.M.

Invocation by Father Joaquin Arriaga from Our Lady of Mt. Carmel Church

Pledge of Allegiance to the Flag

Councilmember Baines III exited the Council Chamber at 1:07 P.M. and returned at 1:23 P.M.

### **APPROVE AGENDA**

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

*invocation would be by Father Joaquin Arriaga from Our Lady of Mt. Carmel Church; the 2:15 P.M. Scheduled Matter (File ID 16-1300) was removed from the agenda at the request of speaker, and; Council Item 4-B (File ID 16-1353) would be heard as Scheduled Matter 4:30 P.M. #2.*

*City Clerk Spence also read the following into the record regarding Consent Calendar item 1-I (File ID 16-1310): "Page 2, Section 6 of the Agreement and Purchase of Easements and Escrow Instructions document, the following shall be added after the last sentence of the paragraph, 'For any such permanent easements that include landscaping, City shall be responsible for maintaining same on a level comparable to the remaining landscaping of County's Courthouse Park. For any such permanent easements presenting a security risk, City shall be responsible for providing patrolling of such areas.' Page 1 of the APN 466-160-01T (portions) Deed of Easement, the following shall be added as clause 4 of the Deed of Easement, 'For any easements granted herein that include landscaped areas, City shall be responsible for maintaining such landscaping on level comparable to the surrounding landscaping of Fresno County's Courthouse Park. For any such Easements granted herein that included areas presenting a security risk, Grantee shall provide patrolling of such areas.'"*

*City Clerk Spence clarified, for the record, the following changes to the 1:30 P.M. Special Meeting (File ID 16-1377): Section 5.2 on page three of the updated Purchase and Sale Agreement allowed the buyer to deposit the balance of the Purchase Price 30 days after execution of the agreement instead of 15 days. The "Assignment" section, on page seven of the Purchase and Sale Agreement, was updated to include "...THE STATE OF CALIFORNIA, ACTING BY AND THROUGH THE STATE PUBLIC WORKS BOARD, WITH THE CONSENT OF THE CALIFORNIA HIGH SPEED RAIL AUTHORITY..." Page seven was also updated to include a signature block for the State Public Works Board and the State Department of General Services.*

**APPROVED AS AMENDED**

**On motion of Councilmember Brandau, seconded by Councilmember Brand, the Agenda was approved as amended. The motion carried by the following vote:**

**Aye:** 5 - Caprioglio, Brand, Brandau, Olivier and Soria

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

**APPROVE MINUTES**

[ID16-163](#) Approval of minutes from November 3, 2016

*APPROVED*

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

**Aye:** 5 - Caprioglio, Brand, Brandau, Olivier and Soria

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

**COUNCILMEMBER REPORTS AND COMMENTS**

*Councilmember Brandau congratulated Councilmember Brand for winning the mayoral race. He felt it would benefit the city to have a Mayor with experience as a Councilmember.*

*Councilmember Brandau announced the Renew Gathering would be at the Save Mart Center at 6:00 P.M. that night. He stated it was a meeting of prayer and spiritual renewal with evangelist Luis Palau and Francis Chan. He stated the event was free but tickets were required and could be obtained at [palau.webconnex.com/renewfresno](http://palau.webconnex.com/renewfresno)*

*Councilmember Soria congratulated Councilmember Brand for winning the mayor race.*

*Councilmember Soria commented on calls her office received regarding delays with Operation Clean-up. She said the delays intensify illegal dumping and asked if modifications could be made such as shortening the time frame people would be allowed to put trash on the curb. She asked to meet with staff to discuss the process. City Manager Rudd explained that sometimes neighborhoods are inundated by trash from outside the collection zone and agreed that the four week window was too long.*

*Councilmember Soria reported her office had been receiving customer service complaints regarding the SPCA. She stated the City needed to have a conversation regarding the delivery of services provided to the City under contract with the SPCA.*

*Councilmember Soria stated she was involved in a post election press conference on November 16th to reassure the immigrant community in*

*Fresno following the election. She said it was important to be inclusive and let the immigrant community know they were a valuable part of the community and we stand with them. Councilmember Soria spoke with the Chief of Police and reported the City only focused on enforcing local rules and not immigration.*

*Councilmember Soria participated in the Transportation for Inspiration Walk to get bus service to Inspiration Park. She said she would continue to advocate for a deviated route and noted that infrastructure, such as sidewalks to the park, were long term goals she wanted prioritized.*

*Councilmember Soria announced she was at the opening of the new Vallarta Supermarket at Clinton and Webber. She appreciated the Gonzales family for opening the market because it brought 270 new jobs to the area and also brought fresh and healthy food to a food dessert. She noted a Starbucks would be joining the shopping center later next year.*

*Vice President Quintero thanked Brian Russel and the Public Works team for the sidewalks and cement work at Jensen Avenue in Calwa. He said their work helped the children in the mobile home park to get to school and avoid mud in the rainy season.*

*Vice President Quintero asked to have the meeting adjourned in memory of Mrs. Hernandez, the mother of Alfonso Hernandez. He said she was a wonderful woman that did a great job raising her children as each of them have done a lot for the community. Vice President Quintero remembered her as a great roll model and a leader in the Sunset District.*

*Councilmember Olivier asked to have the meeting adjourned in memory of John Rose. Mr. Rose was a widely respected community leader from District 7 who was known as The Wizard to people in the neighborhood. Councilmember Olivier remembered him as always having a kind word and being active in ministry and community revitalization.*

*President Caprioglio reported his attendance at the grand opening of the Early Childhood Education Center at Stone Soup at Sixth Street and Shaw Avenue. He and his Chief of Staff helped assemble the playground and paint the classrooms at the center which was finally ready to accommodate 300 pre-school students. He said studies show the more education children have at an early age, the better chance they have for success later in life.*

President Caprioglio reported on the California State University, Fresno ("Fresno State") Helping Hams event. The annual event was a campaign to feed the hungry during the holiday season. He noted that one third of the students at Fresno State go to bed hungry and the Helping Hams drive would help feed the students and others in the community. Fresno State Executive Director of Governmental Relations, Larry Salinas, explained the event was in its ninth year and had a goal of raising \$7,000 and donating 230 hams this year. He recommended everyone buy a Fresno State ham at the Gibson Market to support the school and its students. President Caprioglio challenged his fellow Councilmembers to join him in writing a \$500 check to support Helping Hams. The other Councilmembers agreed to donate to the organization. Councilmember Oliver stated he would donate \$600 which President Caprioglio said he would match.

#### REPORTS AND COMMENTS MADE

### **1. CONSENT CALENDAR**

Councilmember Soria moved Consent Calendar item 1-K (File ID 16-1312) to the Contested Consent Calendar for further discussion.

Councilmembers Brand and Olivier moved Consent Calendar item 1-M (File ID 16-1334) to the Contested Consent Calendar for further discussion.

Councilmember Brandau moved Consent Calendar item 1-I (File ID 16-1310) to the Contested Consent Calendar for further discussion.

#### APPROVAL OF THE CONSENT CALENDAR

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

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

- 1-A**    [ID16-1247](#)    Approve the First Amendment to Agreement with VSCE, a California corporation, in the amount of \$35,973 for additional Material and Special Inspection associated with Fresno Area Express (FAX) Livability Grant Project; and to extend the completion date of the agreement to December 31, 2017.

*APPROVED*

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

- 1-B [ID16-1294](#) Approve the First Amendment to Memorandums of Understanding (MOUs) with California State University Fresno Foundation and Crime Stoppers for projects identified in the 2014 Project Safe Neighborhoods (PSN) grant program agreement with California Office of Emergency Services (CalOES).

*APPROVED*

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

- 1-C [ID16-1264](#) \*\*\*RESOLUTION - Ninth Amendment to Fiscal Year 2017 Salary Resolution No. 2016-120, adding the Transit classification and salary range to Unit 3, Exhibit 3, Non-Supervisory White Collar(FCEA); and amending to provide salary range increases for classifications Water Conservation Representative, Plans Examiner, and Senior Plans Examiner in Unit 3, Exhibit 3, Non-Supervisory White Collar (FCEA), and Parking Supervisor in Unit 13, Exhibit 13-1, Exempt Supervisory and Professional (CFPEA)

*RESOLUTION 2016-231 ADOPTED*

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

- 1-D [ID16-1268](#) Actions pertaining to the acquisition of 2.97 acres from APN 504-081-17s, owned by Gerald T. Griffin, for the construction of the Veterans Boulevard interchange over State Route 99 (Council District 2):
1. Approve the acquisition of 2.97 acres of property owned by Gerald T. Griffin in the amount of \$490,000 for the construction of the Veterans Boulevard interchange over State Route 99 near Bullard Avenue and Bryan Avenue;
  2. Authorize the Public Works Director, or his designee, to sign all documents necessary to complete the transaction.

*APPROVED*

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

- 1-E [ID16-1277](#) \*\*\*RESOLUTION - 6th amendment to the Annual Appropriation Resolution (AAR) No. 2016-118 to appropriate \$250,000 in developer contributions for the acquisition of right-of-way for public street and public utility easements for Tract Map 5341 on Clinton Avenue between Fowler Avenue and Locan Avenue

(Council District 4) (Requires 5 affirmative votes)

*RESOLUTION 2016-232 ADOPTED*

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

- 1-F [ID16-1280](#) Approve and ratify a Memorandum of Understanding with the Fresno Food Exposition for \$125,000

*APPROVED*

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

- 1-G [ID16-1301](#) Approve First Amendment to Lease Agreement between the City of Fresno and SkyWest Airlines, Inc., for hangar facility and ramp space at Fresno Yosemite International Airport (Council District 4)

*APPROVED*

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

- 1-H [ID16-1307](#) Actions related to Cost Sharing of State Highway Electrical Facilities:
1. Approve an agreement with the State of California Department of Transportation (Caltrans) for Cost Sharing of State Highway Electrical Facilities
  2. RESOLUTION - Granting Authority to the Public Works Director or Designee to sign an Agreement and Future Amendments for Sharing the Cost of State Highway Electrical Facilities with the State of California Department of Transportation

*RESOLUTION 2016-233 ADOPTED*

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

- 1-I [ID16-1310](#) Authorize the Director of Public Works, or his designee, to sign on behalf of the Director of Transportation in order to execute a purchase agreement between the City of Fresno and Fresno County, allowing the City of Fresno to purchase easement deeds in Courthouse Park for a total price of \$150,531, supporting improvements to Fresno Area Express Courthouse Park Intermodal Transit Center and Bus Rapid Transit projects (District 3)

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



- 1-J [ID16-1311](#) Approve the Department of Transportation Title VI Triennial Program

*APPROVED*

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

- 1-K [ID16-1312](#) Actions pertaining to the Clinton and Palm Traffic Signal Modification - Project Bid File No. 3463 (Council District 1)
1. Adopt a finding of Categorical Exemption pursuant to Class 1 Section 15301(c) (existing facilities) of the California Environmental Quality Act (CEQA) Guidelines
  2. Award a construction contract to Kertel Communications Inc., dba Sebastian of Fresno, California for \$379,382

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

- 1-L [ID16-1325](#) Action relating to repealing and adding Building Regulations in the Fresno Municipal Code
1. \*\*\*BILL NO. B-46 (Intro. 11/3/16) (For adoption) - Adopting express findings related to local climatic, topographical and geological conditions that make the City's amendments to the California Mechanical Code and California Plumbing Code reasonably necessary and repealing Sections 11-101 through Section 11-109 of Article1, Chapter 11 of the Fresno Municipal Code and adding Sections 11-101 through Section 11-109 of Article1, of Chapter 11 to adopt and amend the California Building, Residential, Electrical, Mechanical, Plumbing, Energy and Green Building Standards Codes.

*ORDINANCE 2016-44 ADOPTED*

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

- 1-M [ID16-1328](#) Actions related to repealing and adding Fire and Life Safety Regulations in the Fresno Municipal Code
1. Adopt the finding that this project is not subject to the requirements of the California Environmental Quality Act pursuant to CEQA Guidelines, Section 15061(b)(3) as there is clearly no possibility the adoption of the 2016 California Fire Code or amendments may have a significant adverse effect on the environment.
  2. \*\*\*BILL NO. B-47 - (Intro. 11/3/2016) (For adoption) -

Repealing Article 5 of Chapter 10, and adding Article 5 to Chapter 10 of the Fresno Municipal Code relating to fire and life safety regulations

*The above item was moved to the Contested Consent Calendar for further discussion by Councilmembers Brand and Olivier.*

- 1-N**    [ID16-1334](#)    Actions pertaining to Digester #2 Rehabilitation at the Regional Wastewater Reclamation Facility (Bid File 3470) (Council District 3)
1. Adopt a finding of Categorical Exemption of Class 1, pursuant to Section 15301(b) (Existing facilities) of the California Environmental Quality Act Guidelines
  2. \*\*\*RESOLUTION - 23rd amendment to Annual Appropriation Resolution (AAR) No. 2016-118 appropriating \$630,000 for Rehabilitation of Digester #2 at the Regional Wastewater Reclamation Facility (Requires 5 affirmative votes)
  3. Award a \$543,070 contract to F.D. Thomas, Inc., of Central Point, Oregon

*RESOLUTION 2016-234 ADOPTED*

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

- 1-O**    [ID16-1352](#)    RESOLUTION - Amending the Council Rules of Procedure concerning eligibility for Council President.

*RESOLUTION 2016-235 ADOPTED*

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

- 1-P**    [ID16-1330](#)    \*\*\*BILL NO. B-48 (Intro. 11/3/2016) (For adoption) - Adding subsection (c) to Section 2-402 of the Fresno Municipal Code, relating to City Manager authority.

*ORDINANCE 2016-45 ADOPTED*

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

## **CEREMONIAL PRESENTATIONS**

[ID16-1284](#)    Proclamation of "S. BEN BENAVIDEZ DAY"

*PRESENTED*

[ID16-462](#)    Proclamation of "PREMATURITY AWARENESS MONTH"

PRESENTED

## CONTESTED CONSENT CALENDAR

- 1-M**    [ID16-1328](#)    Actions related to repealing and adding Fire and Life Safety Regulations in the Fresno Municipal Code
1. Adopt the finding that this project is not subject to the requirements of the California Environmental Quality Act pursuant to CEQA Guidelines, Section 15061(b)(3) as there is clearly no possibility the adoption of the 2016 California Fire Code or amendments may have a significant adverse effect on the environment.
  2. \*\*\*BILL NO. B-47 - (Intro. 11/3/2016) (For adoption) - Repealing Article 5 of Chapter 10, and adding Article 5 to Chapter 10 of the Fresno Municipal Code relating to fire and life safety regulations

*Councilmember Brand started the discussion for this item by speaking with Michael Pickett of Don Picket and Associates, Michael Prandini of the Building Industry Association of Fresno and Madera Counties, Fresno Fire Chief Donis, Fresno Fire Deputy Chief Simoneous and Development and Resources Development Director Clark.*

*Councilmember Brand directed staff to get input from people in the building industry, including Michael Pickett and Michael Prandini and motioned to continue the item until the December 1, 2016 City Council meeting. Councilmember Olivier seconded the motion.*

CONTINUED TO DECEMBER 1, 2016

**On motion of Councilmember Brand, seconded by Councilmember Olivier, the above item was continued to December 1, 2016. The motion carried by the following vote:**

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

Councilmember Brand exited the Council Chamber at 1:54 P.M. and returned after the Closed Session item at 2:39 P.M.

- 1-K**    [ID16-1312](#)    Actions pertaining to the Clinton and Palm Traffic Signal Modification - Project Bid File No. 3463 (Council District 1)
1. Adopt a finding of Categorical Exemption pursuant to Class 1 Section 15301(c) (existing facilities) of the California

Environmental Quality Act (CEQA) Guidelines

- 2. Award a construction contract to Kertel Communications Inc., dba Sebastian of Fresno, California for \$379,382

*The above item was introduced to Council by Design Services Manager Goonawardena with the Public Works Department.*

**APPROVED**

**On motion of Councilmember Soria, seconded by Councilmember Baines III, 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

- 1-I [ID16-1310](#) Authorize the Director of Public Works, or his designee, to sign on behalf of the Director of Transportation in order to execute a purchase agreement between the City of Fresno and Fresno County, allowing the City of Fresno to purchase easement deeds in Courthouse Park for a total price of \$150,531, supporting improvements to Fresno Area Express Courthouse Park Intermodal Transit Center and Bus Rapid Transit projects (District 3)

*The above item was introduced to Council by Transportation Director Marshall.*

*Councilmember Brandau and Councilmember Soria each requested a meeting with staff to further discuss the item.*

*CONTINUED TO DECEMBER 15, 2016*

**On motion of Councilmember Brandau, seconded by Councilmember Olivier, the above item was continued to December 15, 2016. The motion carried by the following vote:**

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

**Absent:** 1 - Brand

**3. SCHEDULED COUNCIL HEARINGS AND MATTERS**

**2:00 P.M.**

- [ID16-1188](#) HEARING - Regarding the vacation of the "F" - "G" alley

between Stanislaus Street and Tuolumne Street and a portion of Tuolumne Street. (Council District 3).

1. \*\*\*RESOLUTION - Ordering the vacation of the "F" - "G" alley between Stanislaus Street and Tuolumne Street and a portion of Tuolumne Street.

*The above hearing was called to order at 2:01 P.M. The item was introduced to Council by Chief Surveyor Camit with the Public Works Department.*

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

*The hearing was closed at 2:03 P.M.*

**RESOLUTION 2016-236 ADOPTED**

**On motion of Councilmember Baines III, seconded by President Caprioglio, 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

## **5. CLOSED SESSION**

*City Council met in Closed Session in Room 2125 from 2:03 P.M. to 2:39 P.M. to discuss the following:*

[ID16-1337](#) CONFERENCE WITH REAL PROPERTY NEGOTIATOR -  
Government Code Section 54956.8  
Property: APN 466-215-20T (1903 Mariposa)  
Negotiating Party: City Manager Bruce Rudd  
Under Negotiation: Price and terms of payment

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

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

### **1:30 P.M. SPECIAL MEETING (Separately Noticed)**

[ID16-1377](#) Approve exercise of right of first refusal and Purchase and Sale Agreement for 2.81 acres of property at 1903 Mariposa (APN

466-215-20T), and assignment of Purchase and Sale Agreement to California High Speed Rail Authority.

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

*Upon call for public comment, the following people addressed Council: Terance Frazier of TFS Investments, and; Diana Gomez with the California High Speed Rail Authority.*

*Councilmember Brandau motioned to reject the right of first refusal. Councilmember Olivier seconded the motion which failed 2 votes to 5 with Councilmembers Caprioglio, Baines III, Brand, Quintero and Soria voting "No."*

**APPROVED**

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

**Aye:** 5 - Caprioglio, Quintero, Baines III, Brand and Soria

**No:** 2 - Brandau and Olivier

### **2:20 P.M.**

[ID16-1331](#) Appearance by Zoyer Zyndel to discuss the Annual International Transgender Day of Remembrance to honor those in the transgender community who have died by suicide or murder

*Mr. Zyndel addressed Council and provided flyers for a November 18, 2016, Transgender Day of Remembrance Rally, Vigil and March and a November 20, 2016, Transgender Day of Remembrance event. Copies of the flyers have been attached to File ID 16-1331 and are available in the City Clerk's Office.*

**APPEARED**

### **2:05 P.M.**

[ID16-1299](#) HEARING regarding the vacation of 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)

1. \*\*\*RESOLUTION - Ordering the vacation of the Broadway

Diagonal between "H" Street and Broadway Plaza and the Broadway Plaza - "H" Street Alley between Merced Street and the Broadway Diagonal.

*The above hearing was called to order at 3:05 P.M. The item was introduced to Council by Chief Surveyor Camit with the Public Works Department.*

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

*The hearing was closed at 3:06 P.M.*

**RESOLUTION 2016-237 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

**2:10 P.M.**

- [ID16-1314](#) HEARING to consider Plan Amendment Application No. A-16-005, Rezone Application No. R 16 006, Development Permit Application No. D-16-031 and related Environmental Assessment No. A-16-005/R-16-006/D-16-031, filed by Nick Yovino Jr. of California Land Consulting, on behalf of Marcil Awad of Drew Court LLC. These applications pertain to approximately ±2.27 acres of property located on the south side of E. Shepherd Avenue between N. Millbrook and N. Cedar Avenues.
- a. Adopt the Mitigated Negative Declaration prepared for Environmental Assessment No. A-16-005/R-16-006/D-16-031 dated June 3, 2016.
  - b. RESOLUTION - Approving Plan Amendment Application No. A-16-005 proposing to amend the Fresno General Plan and Woodward Park Community Plan to change the planned land use designation for the subject property from Medium Low Density Residential planned land use to the Medium High Density Residential planned land use designation.
  - c. BILL (For introduction and adoption) - Approving Rezone Application No. R-16-006 to rezone the subject property from

the RS-4/UGM (Residential Single Family, Medium low Density/Urban Growth Management) zone district to the RM-1/UGM (Residential Multiple Family, Medium High Density/Urban Growth Management) zone district.

d. Approve Development Permit Application No. D-16-031 proposing a gated, 32-unit multiple family residential development in three buildings with enhanced architectural features, including concrete roof tiles, stucco and stone veneers, decorative railings and window treatments, and courtyards central to each building. Landscaping for the project is dense along property lines to promote privacy and within the project to compliment architectural features and a colored concrete entry drive, landscaping, and wrought iron fencing along East Shepherd Avenue, subject to the Conditions of Approval dated July 6, 2016, as amended by Planning Commission and as amended by the revised Exhibit A dated October 31, 2016.

*The above hearing was called to order at 3:07 P.M. The item was introduced to Council by Planning Manager Emerson with the Development and Resources Management Department.*

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

*Nick Yovino Sr., representative for the applicant - concurred with the recommendations in the staff report and recommended Council approval of the project. He felt the project set a high standard and was a good example of how the city's new General Plan infill policies could work and could be implemented under the new Development Code. Mr. Yovino stated the largest contributing factor to sprawl was Fresno County's approval of hundreds of rural residential lots, which were difficult for the city to annex and difficult to supply with infrastructure. He noted that rural residential lots typically resulted in development building around them. He stated the current project provided an example of how rural residential lots could be re-used for moderate density residential infill.*

*Todd Wynkoop, attorney for several adjacent property owners - stated that his clients now support the project after changes made as a result of several meetings organized by Mayor-elect Brand. The meetings brought the developer, architect, city staff and homeowners together so the issues could be discussed and resolved. He suggested lessons to be learned included: requiring "line of sight drawings" so laypeople could better understand the impact of projects, and; being creative in a way that allows staff and the*



*Planning Commission to work with homeowners and developers to blend the aspirations of all parties involved. Mr. Wynkoop stated that his clients fully support the project under the conditions set forth in his e-mail.*

*The hearing was closed at 3:13 P.M.*

**RESOLUTION 2016-238 ADOPTED  
BILL B-49 INTRODUCED AND ADOPTED AS  
ORDINANCE 2016-46**

**On motion of Councilmember Brand, 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.**

[ID16-1300](#) Appearance by Yolanda L. Moreno to discuss the maintenance of her alley and the property line

*The above item was removed from the agenda at the request of the speaker.*

### **3:00 P.M.**

[ID16-1363](#) Actions pertaining to Economic Incentive Agreement with ULTA, Inc., a Delaware Corporation

1. Adopt an Environmental Finding of No Possibility of Significant Effect Environmental Assessment No. EA-16-036.
  
2. Approve the attached Economic Incentive Agreement with ULTA, Inc. a Delaware Corporation for the creation of up to 1,200 jobs at a Business Activity Center(s), including but not limited to an e-commerce distribution/fulfillment center to be located in Fresno.

*The above item was introduced to Council by Economic Development Director Westerlund and Supply Chain Vice President Elliott Rodgers with Ulta Inc.*

*The following member of the public spoke on this item: Jose Mora, Client Services Manager with the Fresno County Economic Development*

*Corporation.*

*APPROVED*

**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. GENERAL ADMINISTRATION**

- 2-G**    [ID16-1329](#)    Actions related to Copper River Ranch Water Supply Implementation Agreement:
1. Approve Copper River Ranch Water Supply Implementation Agreement.
  2. \*\*\*RESOLUTION - 28th amendment to the Annual Appropriation Resolution (AAR) No. 2016-118 to appropriate \$4,291,300 for water supply infrastructure. (Requires 5 affirmative votes)

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

*The following members of the public spoke on this item: Gary McDonald of Gary McDonald Homes, and; Martha Cabella.*

*RESOLUTION 2016-239 ADOPTED*

**On motion of Councilmember Brandau, seconded by Councilmember Brand, 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 3:49P.M. and returned at 3:57 P.M.

Councilmember Brand exited the Council Chamber at 3:54 P.M. and returned at 3:57 P.M.

- 2-A**    [ID16-1350](#)    \*\*\*RESOLUTION - 528th amendment to the Master Fee Schedule (MFS) Resolution No. 80-420

*The above item was introduced to Council by Budget Manager Sumpter.*

*Councilmember Soria confirmed with DARM Director Clark, for the record, that the fee for single family residential tree removal had been eliminated.*

*Councilmember Soria motioned to approve the item and President Caprioglio seconded the motion. Councilmember Baines III asked to include a friendly amendment to eliminate the increase to the low income swim lesson fee. Councilmember Soria and President Caprioglio agreed to the friendly amendment which was then incorporated into the motion.*

**RESOLUTION 2016-240 ADOPTED AS AMENDED**

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

**Aye:** 4 - Caprioglio, Quintero, Baines III and Soria

**No:** 1 - Brandau

**Absent:** 2 - Brand and Olivier

- 2-B**    [ID16-1351](#)    Actions Pertaining to the FY 2017 Budget Update for the General Fund.
1. \*\*\*RESOLUTION - 21st amendment to the Annual Appropriation Resolution (AAR) No. 2016-118 to appropriate \$6,710,900 for operating programs and capital improvement projects citywide (Requires 5 affirmative votes)
  2. \*\*\*RESOLUTION - 2nd amendment to the Position Authorization Resolution (PAR) No. 2016-119, adding three positions to the Development and Resource Management Department, effective November 3, 2016

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

*Councilmember Brandau motioned to use the \$190,000 in fines from the Summerset Apartment matter to help fund six months of the the Anti Slum Enforcement Team that was scheduled to be heard by Council at 4:30 P.M. (File ID 16-1353). Councilmember Brandau later withdrew his motion to utilize the Summerset Apartment funds.*

**RESOLUTION 2016-241 ADOPTED**

*RESOLUTION 2016-242 ADOPTED*

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

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

- 2-C**    [ID16-1238](#)    Actions pertaining to Fresno Police Officers Association (FPOA), representing Unit 4, Non-Supervisory Police
1. \*\*\*Approve a Side Letter of Agreement with the Fresno Police Officers Association (FPOA), representing Unit 4, Non-Supervisory Police, Regarding Police Corporal Assignments
  2. \*\*\*Approve a Side Letter of Agreement with the Fresno Police Officers Association (FPOA), representing Unit 4, Non-Supervisory Police, Regarding Senior Police Officer, Corporal, and Sergeant Assignments
  3. \*\*\*Approve a Side Letter of Agreement with the Fresno Police Officers Association (FPOA), representing Unit 4, Non-Supervisory Police, Regarding Patrol Matrix Assignments and Preferred Staffing

*The above item was introduced to Council by Labor Relations Manager Phillips with the Personnel Services Department.*

*APPROVED*

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

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

Councilmember Brandau exited the Council Chamber at 4:19 P.M. and returned at 4:27 P.M.

- 2-D**    [ID16-1302](#)    Approve the Index-Based Rate Adjustments (Rate Period 6) for Commercial Solid Waste Franchise Services as Requested by Allied Waste Services and Mid Valley Disposal for Disposal of Multi-Family, Commercial Solid Waste, Recyclable and Organic Material.

*The above item was introduced to Council by Public Utilities Assistant*

*Director Schuber. City Manager Rudd also spoke on this item.*

*APPROVED*

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

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

**Absent:** 1 - Brandau

- 2-E**     [ID16-1303](#)     Approve a revised funding agreement in the amount of \$28 million with the California High-Speed Rail Authority (CHSRA) for construction of a new overpass over the high-speed rail alignment and the Union Pacific Railroad (UPRR) tracks at Veterans Boulevard (Council District 2).

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

*APPROVED*

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

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

**Absent:** 1 - Brandau

Vice President Quintero exited the Council Chamber at 4:25 P.M. and returned after the recess at 4:38 P.M.

- 2-F**     [ID16-1304](#)     Actions pertaining to the Herndon Avenue widening between Polk Avenue and Milburn Avenue (Council District 2)
1. Approve Amendment No. 1 to the Measure "C" Cooperative Agreement for the widening of Herndon Avenue from Polk Avenue to Milburn Avenue (Urban Project K-11) to reallocate previously approved funding between project phases
  2. Authorize the Public Works Director or designee to execute the amendment, on behalf of the City

*The above item was introduced to Council by Capital Projects Manager Bell with the Public Works Department.*

*APPROVED*

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

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

**Absent:** 2 - Quintero and Brandau

### **UNSCHEDULED COMMUNICATION**

*No member of the public chose to address Council upon call for Unscheduled Communication.*

Recessed 4:31 P.M. to 4:38 P.M.

### **4. CITY COUNCIL**

- 4-A [ID16-1333](#) Actions pertaining to taxicab regulations:
1. BILL - (for introduction) - Amending portions of Chapter 9, Article 9 of the Fresno Municipal Code relating to taxicab regulations.
  2. \*\*\*RESOLUTION - Establishing rates of fare to be charged by taxicabs in the City of Fresno.

*The above item was introduced to Council by Councilmember Olivier and District Seven Council Assistant Willis.*

*RESOLUTION 2016-243 ADOPTED  
BILL B-50 INTRODUCED AND LAID OVER*

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

**Aye:** 5 - Caprioglio, Quintero, Brand, Brandau and Olivier

**No:** 2 - Baines III and Soria

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

#### **4:30 P.M. #1**

[ID16-1271](#) HEARING to consider initiation of the Southwest Fresno Specific Plan, pertaining to approximately 3,255 acres in the South Development Area of the Fresno General Plan, filed by the City of Fresno Development and Resource Management

Department Director

1. Direct staff to continue working with the Steering Committee and community to refine the plan and commence the Program Environmental Impact Report.
2. RESOLUTION - Initiating the Southwest Fresno Specific Plan Draft Preferred Alternative and the corresponding amendment of the Fresno General Plan, the Fresno Chandler Airport Land Use Compatibility Plan and Airport Environs Plan, and the Repeal or Amendment of the Edison Community Plan pertaining to approximately 3,255 acres located in the South Development Area to allow for future adoption of a Southwest Fresno Specific Plan.

*The above hearing was called to order at 5:05 P.M. The item was introduced to Council by Planning Manager Pagoulatos with the Development and Resources Management Department. Southwest Specific Plan Steering Committee member, Tate Hill, addressed Council on behalf of the Committee. Consultant Bruce Brubaker from Placeworks also addressed Council as part of the presentation.*

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

*Jeff Roberts of Granville Homes - spoke in support of the Specific Plan. Mr. Roberts stated that Granville Homes had a residential property in the subject area, and was satisfied with the current status of the property and was equally satisfied with the recommendation to allow commercial and multi-family uses on the property.*

*Christine Miktarian with State Center Community College District - stated the College District was appreciative and supportive of the efforts and process of the Steering Committee. She noted the College District and Fresno City College had made no commitments to the physical placement of the Fresno City College West Fresno Campus despite labels on the planning documents. She noted the final location of the facility would be determined with additional community input from a comprehensive community educational needs analysis planned for the Spring of 2017.*

*Debbie Darden, Southwest Specific Plan Committee Member - Ms Darden read a statement from the Golden West High Planning Committee which noted some community members did not support the proposed plans opposition to all forms of industrial development as there was a need for positive and environmentally safe, light industrial development. The*

*statement also said community members were not in support of the "re-mixed use development" along "M" Avenue at South Jensen because there were already too many heavy industrial uses to make mixed use a safe choice.*

*Mary Savala with the League of Women Voters - asked the Council to re-open public comment on the matter when the Council votes on the matter at the next Council meeting. She stated that any changes made at after the current meeting would require public comment to be re-opened at the next meeting to avoid Brown Act violations.*

*Grecia Elenes with Leadership Counsel for Justice and Accountability - stated the community did not want any kind of industrial in the area. She urged the council to support the plan as presented because it included everything residents in the area desired.*

*Dolores Weller with Central Valley Air Quality Coalition - the coalition supported the plan as recommended by the committee. The committee and the residents do not want any additional industrial activity in the area. The plan was a solution to the multiple levels of environmental health impacts present in the Southwest Fresno.*

*Jose Acosta - the pollution and odors from industry was directly affecting Mr. Acosta and his family. He said the health of children was being affected. He wanted industry in the area to be limited to the kind that would not pose a threat to the health of neighbors. He also suggested the area needed more schools and parks.*

*Andy Levine on behalf of Pastor Booker T. Lewis from Rising Star Missionary Baptist Church - he was excited for the proposed changes and asked for the preferred alternative to be approved by the Council. He said the area needed the same access to amenities that other parts of Fresno enjoyed. He also said West Fresno land use had been industrial too long and was having negative results on the health of residents. Long life and a healthy future was a right deserved by all. He noted West Fresno contained three of the most polluted census tracts in California.*

*Francisco Mendez - supported the plan in hopes of approving the area for residents. He said there was a lack of infrastructure like lights, sidewalks and busses in the area. There was also a lack of non-industrial businesses and shops. The area was full of pollution and the parks were not taken care*



of. He asked that Handi-Ride transportation be improved in the area.

Sabina Gonzalez - supported the suggestion of the Steering Committee and Planning Commission on this topic. She felt it was time to clean up Southwest Fresno and the Preferred Alternative should be approved without changes.

Jacinto Sepulveda - noted that most people living near polluting industries did not work at the factories but were still subject to the negative impacts. She also stated infrastructure was needed in the area.

Dr. Venise Curry - supported the plan and felt it represented what the residents had sought for forty plus years. She felt it was a reasonable plan to address concerns such as public health. The plan would eliminate industrial zoning which she felt was not in the best interest of the residents. She said it was a step towards one healthy Fresno and asked Council to pass the plan in its current form.

Mary Curry with Concerned Citizens of West Fresno - thanked everyone for their hard work on the matter. Mrs. Curry also warned against closing public comment at the conclusion of this meeting even though the Council was not going to vote on the item until the next Council meeting. She said the Golden West High Planning Committee's idea to allow some light industrial should be taken only as a minority report since the process was open and fair and the majority decided to remove all industrial. She said many jobs can be brought to the area where "offices" were allowed thanks to the broad definition.

Kimberly McCoy - asked Council to adopt the plan put forth by the Southwest Specific Plan Steering Committee. She said industrial businesses were no longer wanted in the area and caused numerous health problems for the nearby residents.

Terance Frazier - felt the committee did a good job, but as a developer with property in the area, he suggested certain changes to draw more investment to the area including: more neighborhood mixed use on major streets and corridors; regional mixed use on major cross streets; additional higher density housing; and support for transit.

Sylvesta M. Hall of Blue Ocean Development of America - stated his investment group was committed to investing \$150 million dollars in

*Southwest Fresno in the next five years. He was excited for the Specific Plan because it was exactly what was needed to attract businesses like WinCo, Burlington, Ross, Yogurtland and Jimmy John's.*

*Bob Mitchell - supported the Specific Plan but did not support the ban on all industrial uses. He felt the community needed light, non-polluting, industry as part of the specific plan to help make the community stronger. Eliminating the possibility of any industry would be a mistake as it would keep out clean industry which could bolster the community without the negative impacts to health and the environment.*

*Larry Kong - supported the Specific Plan and stated industry near his house created bad odors and noise pollution from the big trucks that run all night. He said the junkyard near Hughes and Marks Avenues also smelled. Mr. Kong stated he was sick and tired of putting up with these issues.*

*Ashley Werner with Leadership Counsel for Justice and Accountability - asked Council to approve the Southwest Specific Plan. She felt the process included strong community outreach and produced a good result and she noted it was supported by developers, residents, the Steering Committee and the Planning Commission. She said the committee was bold in setting a course radically different from the previous path. She explained the plan allowed existing industrial to remain, but created new opportunities in education and for jobs through retail and office space. Ms. Werner also mentioned the plan allowed for Bus Rapid Transit and new park space.*

*Chris Foxen with TFS Investments, LLC. - noted that he became involved in the specific plan process when his property was rezoned at the last minute without notice. He was excited for the direction the Steering Committee was taking. He was discouraged when he was almost not allowed to speak at one of the meetings and when committee member Sylvesta Hall yelled at him and used racially profiled sentiments towards him. He supported the plan but recommended reviewing density and the other recommendations made by Terance Frazier.*

*Ian Hall of Community Choice Energy - attempted to speak about Community Choice Energy but was halted by the Council President for being speaking off topic.*

*Sandra Celedon with Fresno Building Healthy Communities - supported the Southwest Specific Plan and the robust community engagement that went*

into it. The plan addresses a long standing need for a community plan in Southwest Fresno and will revitalize the community. She stated the loss of additional industrial would not harm jobs since items 7, 8 and 9 of the draft allowed for: large scale and regional retail opportunities as well as institutional uses including educational and medical facilities. She also noted the definition of "office" was broad and would allow for many business types that would lead to employment opportunities. She said pollution from industrial and light industrial uses caused distress and did not bring many jobs. She urged the Council to adopt the plan as presented.

Lucilo Ávila with Central La Familia Advocacy Services - lauded the Steering Committee for a job well done. He cautioned that adding light industrial would add lots of additional truck traffic into the area and asked the Council to approve the plan as presented.

Public Comment ended and was closed at 6:21 P.M.

Councilmember Baines reiterated that the public comment period had been closed and that Council would deliberate and vote on the item during the December 1, 2016 Council Meeting. He stated that if there were changes to the item before the vote, Council would consider re-opening public comment.

CONTINUED TO DECEMBER 1, 2016

Recessed 6:24 P.M. to 6:39 P.M.

#### **4:30 P.M. #2 (previously City Council Item 4-B)**

[ID16-1353](#) \*\*\*RESOLUTION - Regarding the Anti-Slum Enforcement Team and Landlord-Tenant Ombudsman Program

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

The following members of the public spoke on this item: Assemblymember Joaquin Arambula; Nathan Alonzo of the Fresno Chamber of Commerce; speaker on behalf of Esther Delahay of the Lowell Community Development Council; Victoria Garrity; Sara Salgado; Pahoua Lor; Patience Milrod; Greg Terzakis of California Apartment Association; Andy Levine; Leticia Valencia; Jackie Holmes; Dr. Matthew Jendian; Monica Jones Harrison Snowdan; Dee Barnes; William Reyes; Taymah Jahsi; Alexia Kirkland with Tenants Together, and; Santa Hernandez.

*Councilmember Brandau motioned to approve the item without the final sentence of paragraph 12 of the resolution regarding "ASET" pursuing violations caused by the tenant or occupant. Councilmember Oliver seconded the motion.*

*RESOLUTION 2016-244 ADOPTED AS AMENDED*

**On motion of Councilmember Brandau, seconded by Councilmember Olivier, that the above Resolution be approved. The motion carried by the following vote:**

**Aye:** 5 - Caprioglio, Brand, Brandau, Olivier and Soria

**No:** 2 - Quintero and Baines III

**ADJOURNMENT**

*Adjourned in the memories of Mrs. Hernandez and John Rose at 8:50 P.M.*