



City of Fresno

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

Meeting Minutes - Final City Council

President - Esmeralda Z. Soria

Vice President - Steve Brandau

Councilmembers:

Oliver L. Baines, III, Paul Caprioglio, Luis Chavez,

Garry Bredefeld, Clinton J. Olivier

City Manager - Wilma Quan-Schecter

City Attorney - Douglas T. Sloan

City Clerk - Yvonne Spence, MMC

Thursday, December 6, 2018

9:00 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.

9:10 A.M. ROLL CALL

Councilmember Baines was absent during roll call and arrived at 9:45 A.M.

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

Invocation by Joe White of the Neighborhood Church in Southeast Fresno

Pledge of Allegiance to the Flag

APPROVE AGENDA

City Clerk Spence announced the following changes to the agenda: File ID18-1440 (Ceremonial) Proclamation for Valley Caregivers Month has been removed from the agenda per District 4. File ID18-1454 (1-A) Re: Results of the General Election held on November 6, 2018 has been continued to December 13, 2018. File ID18-0045 - Should read - Approval

of minutes of November 29, 2018 not November 15, 2018. File ID18-1402 Closed Session (5-A), Re: Central Valley Community Sports Foundation has been removed from the agenda; File ID18-1517 Closed Session (5-B) Re: South Central Neighbors United v. City of Fresno has been continued to December 13, 2018. Add on item - Notice of Joint Special Meeting for Employee Performance Evaluation and Conference with Labor Negotiators for Executive Director, Fresno Revitalization Corporation. File ID18-1483, 11:00 A.M. item, the speaker Mr. J.D. McCubbin will speak next week on the December 13, 2018 agenda. File ID18-1405 (1-W) was pulled from the agenda by staff. File ID18-1516 (4-A) is being continued to the December 13, 2018 meeting. File ID18-1520, 10:05 A.M. #3 is being continued to the December 13, 2018 meeting.

On motion of Councilmember Olivier, seconded by Councilmember Caprioglio, the above item was adopted as amended. The motion carried by the following vote:

Aye: 6 - Soria, Brandau, Caprioglio, Chavez, Bredefeld and Olivier

Absent: 1 - Baines III

CEREMONIAL PRESENTATIONS

[ID18-1389](#) Special presentation to the Make a Difference Day Sponsors and Volunteers

PRESENTED

[ID18-1357](#) Proclamation of "Cristian Robles Day"

PRESENTED

APPROVE MINUTES

[18-0045](#) Approval of minutes from November 29, 2018

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

Aye: 6 - Soria, Brandau, Caprioglio, Chavez, Bredefeld and Olivier

Absent: 1 - Baines III

COUNCILMEMBER REPORTS AND COMMENTS

Councilmember Caprioglio congratulated the Fresno State football team on becoming the Mountain West Champions, and on December 15th they will play Arizona State in the Las Vegas Bowl. He also congratulated Coach Tedford for being named a finalist for the 2nd year in a row for the Eddie Robinson Coach of the Year award. Councilmember Caprioglio gave a shout out to several Public Works employees, and also thanked John DeLucia in the Copy Center.

Council Vice President Brandau also talked about the Fresno State game. He announced that next Thursday is Santa's Village in Pinedale and it's their 4th year hosting this event. Santa Clause will be there and will be taking free pictures with the kids. There will also be free gifts, food for the kids, games and raffles. This event will be next Thursday around 4pm in the afternoon.

Council President Soria announced that one of the favorite local spots in the Tower District, Livingston's Restaurant which has been there for over 30 years is reopening. The restaurant has been closed for the last two years due to damage from an arson fire. December 12th will be the grand opening for the restaurant. Council President Soria also reminded everyone that she is still collecting toys for Steinbeck Elementary and thanked those who already donated.

1. CONSENT CALENDAR

APPROVAL OF THE CONSENT CALENDAR

Upon call, there was no public comment.

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

Aye: 6 - Soria, Brandau, Caprioglio, Chavez, Bredefeld and Olivier

Absent: 1 - Baines III

1-A [ID18-1454](#) *****RESOLUTION - Declaration of Results of the Consolidated General Election held within the City of Fresno on November 6, 2018**

THIS ITEM IS CONTINUED TO DECEMBER 13, 2018

This Action Item was approved on the Consent Calendar.

- 1-B** [ID18-1507](#) ***RESOLUTION - Amending Resolution No. 2008-243 to conform retention of police records to California law. (Subject to Mayor's veto)

RESOLUTION 2018-278 ADOPTED

This Resolution was approved on the Consent Calendar.

- 1-C** [ID18-1387](#) Approval of City Council Meeting Schedule for Calendar Year 2019

THIS ITEM WAS PULLED BY COUNCIL VICE PRESIDENT BRANDAU AND WAS MOVED TO THE CONTESTED CONSENT CALENDAR FOR FURTHER DISCUSSION.

- 1-D** [ID18-1179](#) Actions pertaining to the Peace Officers Research Association of California (PORAC):
1. Approve the Chief of Police to enter into an agreement with PORAC to reimburse the City of Fresno \$163,700 for the annual cost of one full time police officer elected to serve on the PORAC Board of Directors, effective January 1 through June 2019.
 2. ***RESOLUTION - 4th Amendment to the Position Authorization Resolution (PAR) No. 2018-158, adding one police officer position to the Fresno Police Department, effective January 1, 2019 (Subject to Mayor's Veto)
 3. ***RESOLUTION - 14th Amendment to the Annual Appropriation Resolution (AAR) No. 2018-157 appropriating \$72,900, to fund a full time police officer from January through June 2019. (Requires 5 affirmative votes) (Subject to Mayor's Veto)

RESOLUTION 2018-279 ADOPTED

RESOLUTION 2018-280 ADOPTED

This Action Item was approved on the Consent Calendar.

- 1-E** [ID18-1452](#) Actions pertaining to the 2018 National Sexual Assault Kit Initiative (SAKI) grant program, herein referred to as the SAKI grant
1. ***RESOLUTION - 3rd Amendment to Position Authorization Resolution (PAR) No. 2018-158, adding two Police Officer

positions to the Fresno Police Department, effective October 1, 2018. (Subject to Mayor's Veto)

RESOLUTION 2018-281 ADOPTED

This action item was approved on the Consent Calendar

- 1-F [ID18-1477](#) Actions pertaining to the 2017 Edward Byrne Memorial Justice Assistance Grant (JAG) Program
1. Authorize the Chief of Police to apply for and accept \$264,557 in total grant funding for the 2017 JAG Program from the U.S. Department of Justice, Bureau of Justice Assistance for the City and County of Fresno
 2. Authorize the Chief of Police to execute all related documents to the application, acceptance, and administration of 2017 JAG Program
 3. Authorize the Chief of Police to execute a joint agreement between the City of Fresno and the County of Fresno regarding the 2017 JAG program
 4. ***RESOLUTION - 23rd amendment to the Annual Appropriation Resolution (AAR) No. 2018-157 appropriating \$103,600 from the 2017 JAG program award from the U.S. Department of Justice, Bureau of Justice Assistance (Requires 5 affirmative votes) (Subject to Mayor's Veto)

RESOLUTION 2018-282 ADOPTED

This Action Item was approved on the Consent Calendar.

- 1-G [ID18-1309](#) RESOLUTION - Authorizing certain Finance Officers of the City of Fresno (City) to sign City checks as well as various investment and commercial banking documents, and to provide verbal instruction required for the prudent financial administration and safekeeping of City funds

RESOLUTION 2018-283 ADOPTED

This Action Item was approved on the Consent Calendar.

- 1-H [ID18-1310](#) RESOLUTION - Designating and authorizing certain Finance Officers of the City of Fresno (City) to sign various investment and commercial banking documents, and to provide verbal instruction required for prudent financial administration and

safekeeping of Fresno Joint Powers Finance Authority (JPFA) funds and property

RESOLUTION 2018-284 ADOPTED

This Action Item was approved on the Consent Calendar.

- 1-I [ID18-1311](#) RESOLUTION - Consenting and authorizing the investment of monies in the Local Agency Investment Fund (LAIF) in the custody of the State Treasurer for purposes of investment and authorize certain Finance Officers in connection therewith

RESOLUTION 2018-285 ADOPTED

This Action Item was approved on the Consent Calendar.

- 1-J [ID18-1312](#) RESOLUTION - Designating and authorizing the investment monies in the Local Agency Investment Fund in the custody of the State Treasurer for purposes of prudent financial administration and safekeeping of Fresno Joint Powers Financing Authority funds, and authorize certain Finance Officers of the City of Fresno in connection therewith

RESOLUTION 2018-286 ADOPTED

This Action Item was approved on the Consent Calendar.

- 1-K [ID18-1467](#) RESOLUTION - Authorizing the execution and delivery of a Master Equipment Lease Purchase Agreement and certain separate lease schedules with respect to the acquisition, purchase, financing and leasing of equipment for the public benefit; and authorizing the execution and delivery of documents required in connection therewith.

RESOLUTION 2018-287 ADOPTED

This Action Item was approved on the Consent Calendar.

- 1-L [ID18-1494](#) Approve the reappointment of Tony Canales to the Fresno Regional Workforce Development Board

This Appointment was approved on the Consent Calendar.

- 1-M [ID18-1498](#) BILL (for introduction) - Extending the exemption on development impact fees for certain projects in economically disadvantaged neighborhoods

BILL NO. 60 INTRODUCED/LAID OVER

This Action Item was approved on the Consent Calendar.

- 1-N [ID18-1499](#) BILL (for introduction) - Extending the exemption on development impact fees for the replacement or reconstruction of existing commercial structures.

BILL NO. 61 INTRODUCED/LAID OVER

This Action Item was approved on the Consent Calendar.

- 1-O [ID18-1492](#) Approve the award of a purchase contract to Braun Northwest Inc., a Washington-based corporation, for the purchase of a North Star 234-5 Type V SWAT command vehicle in the amount of \$267,753.00

This Action Item was approved on the Consent Calendar.

- 1-P [ID18-1323](#) Approve the acquisition of 5,115 square feet of permanent easement from property owned by Jenco Farms, L.P., (APN 504-091-32 and 504-091-33) in the amount of \$51,200 to widen West Herndon Avenue (Council District 2).

This Action Item was approved on the Consent Calendar.

- 1-Q [ID18-1324](#) Approve the acquisition of 6,349 square feet of permanent easement from property owned by Jenco Farms, L.P., (APN 503-020-12) in the amount of \$57,200 to widen West Herndon Avenue (Council District 2).

This Action Item was approved on the Consent Calendar.

- 1-R [ID18-1325](#) Approve First Amendment to Agreement with Blair Church & Flynn Consulting Engineers, Inc., for \$29,330 for civil engineering design service and preparation of construction documents for the Polk Avenue Widening Project, Shaw Avenue to Gettysburg Avenue (Council Districts 1 and 2).

This Action Item was approved on the Consent Calendar.

- 1-S [ID18-1463](#) ***RESOLUTION - 20th Amendment to the Annual Appropriation Resolution (AAR) No. 2018-157 to appropriate \$219,000 Supplemental Refunds and Reimbursements to approved Developers in the Urban Growth Management and Development

Impact Fee Programs (Requires 5 affirmative votes) (Subject to Mayor's veto)

RESOLUTION 2018-288 ADOPTED

This Action Item was approved on the Consent Calendar.

- 1-T [ID18-1490](#) 1. ***BILL NO. B-59 - (Intro. 11/29/2018) (For adoption) - Levying a Special Tax for the Property Tax Year 2018-2019 and Future Tax Years Within and Relating to Community Facilities District No. 11, Annexation No. 95 (Final Tract Map No. 5493) (east side of North Bryan Avenue between West Shaw and Gettysburg Avenues) (Council District 1) (Subject to Mayor's veto)

ORDINANCE 2018-60 ADOPTED

This action was approved on the Consent Calendar.

- 1-U [ID18-1217](#) Approve a vendor agreement with Sculpture Conservation Studio in the amount of \$164,500 to provide non-professional maintenance services for 32 artworks located on Fulton Street between Inyo Street and Tuolumne Street (Council District 3)

This Action Item was approved on the Consent Calendar.

- 1-V [ID18-1462](#) Annual Review and Acceptance of the FY 2018 Impact Fee Annual Report As Required By California Government Code

This Action Item was approved on the Consent Calendar.

- 1-W [ID18-1405](#) Approve Sponsorship Agreement with Pepsi Beverages Company to be Exclusive Non-Alcoholic Beverage Provider for the Fresno Convention & Entertainment Center

THIS ITEM WAS PULLED FROM THE AGENDA BY STAFF

This Action Item was approved on the Consent Calendar.

- 1-X [ID18-1470](#) ***RESOLUTION - Authorizing the Director of Aviation or other authorized representative to: execute all implicated documentation for pre-application and application to the Federal Aviation Administration (FAA) for Airport Improvement Program (AIP) grants for federal fiscal years 2019 and 2020 for both Fresno Yosemite International Airport (FAT) and Fresno

Chandler Executive Airport (FCH), accept FAA AIP grant(s) for FY 2019 and FY 2020 projects at both airports including all subsequent amendments thereto offered by the FAA; and apply for and accept grants and all subsequent amendments thereto offered by the California Department of Transportation Aeronautics Division for matching funds for FY 2019 and 2020 FAA grants for the Fresno Chandler Executive Airport (Subject to Mayor's Veto)

RESOLUTION 2018-289 ADOPTED

This Action Item was approved on the Consent Calendar.

- 1-Y [ID18-1480](#) Approve Contract Change Order No. 17 to the construction contract with W.M. Lyles Company for the City of Fresno's Southeast Surface Water Treatment Facility Project, to reduce of the total construction contract amount by \$1,015,444 (Citywide)

This Action Item was approved on the Consent Calendar.

- 1-Z [ID18-1481](#) Actions pertaining to cleaning and dewatering of Digester 7 at the Fresno/Clovis Regional Wastewater Reclamation Facility (Bid File 3623) (Council District 3):
1. Adopt a finding of Categorical Exemption of Class 1, pursuant to Section 15301 (Existing Facilities) of the California Environmental Quality Act Guidelines
 2. Award a construction contract in the amount of \$431,818 to Evoqua Water Technologies

This Action Item was approved on the Consent Calendar.

- 1-AA [ID18-1497](#) ***RESOLUTION - 9th Amendment to FY 2019 Salary Resolution No. 2018-159, amending Exhibit 13-2, Unit 13, Non-Exempt Supervisory and Professional (CFPEA) to add the classification of Senior Legal Secretary and providing a salary range for the respective class; amending Exhibit 14, Unit 14, Management Classes to add the classification of ADA Coordinator and providing a salary range for the respective class, and retitle the classifications of Public Works Manager to Public Works/Public Utilities Manager and Public Works Manager - Licensed Engineer to Public Works/Public Utilities Manager - Licensed Engineer (Subject to Mayor's Veto)

RESOLUTION 2018-290 ADOPTED

This Action Item was approved on the Consent Calendar.

- 1-BB** [ID18-1515](#) Approve an Exclusive Negotiation Agreement with Tutelian & Company, Inc., for North Fulton Mall Development Opportunities

This Action Item was approved on the Consent Calendar.

CLOSED SESSION

THE COUNCIL RECESSED TO GO INTO CLOSED SESSION FOR THE JOINT SPECIAL MEETING ITEM FROM 9:45 A.M. TO 9:55 A.M.

CONTESTED CONSENT CALENDAR

- 1-C** [ID18-1387](#) Approval of City Council Meeting Schedule for Calendar Year 2019

The above item was presented to Council by Council Vice President Brandau. He added three additional meeting dates to the 2019 Council Calendar. The dates added are: March 14, April 25, and December 19. Council Vice President Brandau stated that he is adding more meetings to allow more time for Council to hear all of the important items without overloading the meeting agenda like it is today.

Upon call, there was no public comment.

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

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

2. SCHEDULED COUNCIL HEARINGS AND MATTERS

10:00 A.M.

- [ID18-1444](#) TEFRA HEARING - To hear and to consider information concerning the proposed issuance of Health Facility Revenue Bonds by the Michigan Finance Authority in an amount not to exceed \$1,500,000,000, of which no more than \$35,000,000 will be used for the purpose of financing or refinancing the costs of

acquisition, construction, furnishing, and equipping of certain health care facilities located in Fresno.

1. ***RESOLUTION - Approving the issuance of the Michigan Finance Authority Revenue Bonds on behalf of Trinity Health Corporation, in one or more series, for the purpose among other things, of financing or refinancing the costs of acquisition, construction, improvement, and equipping of health care facilities owned and operated by Saint Agnes Medical Center and certain other matters relating thereto. (Subject to Mayor's Veto)

The above item was presented to Council by Director/Controller Lima, Finance Department.

Upon call, there was no public comment.

RESOLUTION 2018-291 ADOPTED

On motion of Councilmember Bredefeld, seconded by Councilmember Chavez, that the above Action Item be approved. The motion carried by the following vote:

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

10:05 A.M.#1

[ID18-1079](#) WORKSHOP - Restore Fresno

This presentation was conducted by Director H. Spees of the Mayor's Office, Chief Dyer, Preston Prince, Fresno Housing Authority, Artie Padilla, Neighborhood Resource Team Director, Bob Nelson, Fresno Unified Superintendent, and Tim Rios, Wells Fargo.

10:10 A.M.

[ID18-1406](#) Hold a continued public hearing and approve items related to the granting of a Non-Exclusive Roll-Off Franchise for roll-off collection services (Citywide)

1. CONTINUED HEARING in accordance with Fresno City Charter Section 1301 related to ordinance and adoption of ordinance
2. ***BILL NO. B-55 (Intro. 10/25/2018) (For adoption) of the

City of Fresno, which grants to BinCo., a Non-Exclusive Franchise for Roll-Off Collection Services within the City of Fresno (Subject to Mayor's veto)

3. Authorize the Director of Public Utilities or designee, to execute an Agreement of Non-Exclusive Franchise for Roll-Off Collection Services with the City of Fresno

The above item was presented to Council by Assistant Director Schuber, Public Utilities Department.

Upon call, there was no public comment

ORDINANCE 2018-61 ADOPTED

On motion of President Soria, seconded by Councilmember Chavez, that the above Action Item be approved. The motion carried by the following vote:

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

Absent: 1 - Olivier

10:05 A.M.#2

[ID18-1482](#) RESOLUTION - Declaring a shelter crisis pursuant to Senate Bill 850 and authorizing application for \$3,105,519 in Homeless Emergency Aid Program grant funds

The above item was presented to Council by H. Spees, Director, Mayor's Office.

Upon call, the following members of the public spoke: Preston Prince, Madison Allen, Dez Martinez, Yonaz, Shaun Jenkins, Brandi Nuez-Villegas, and Monroe Taliano

RESOLUTION 2018-292 ADOPTED

On motion of President Soria, seconded by Councilmember Chavez, that the above Action Item be approved. The motion carried by the following vote:

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

CITY COUNCIL

- 4-C** [ID18-1513](#) BILL - (For introduction) Repealing Ordinance No. 2006-100 and adopting an ordinance setting forth the compensation of elective officers.

The above item was presented to Council by Councilmember Baines.

Upon call, the following members of the public spoke: Jim Cobb

Councilmember Bredefeld supports this item but requested that the portion of the motion that pertains to the County Supervisors be removed.

Councilmember Baines agreed to the request.

BILL NO 62 INTRODUCED/LAID OVER

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

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

No: 2 - Brandau and Olivier

GENERAL ADMINISTRATION

- 3-C** [ID18-1139](#) Actions pertaining to the sale of APN 468-255-11 & 468-255-15 consisting of approximately a 53,040 SF Retail Building commonly referred to as the City-owned portion of the former Gottschalks building and a 214,292 SF parking structure commonly referred to as the Spiral Garage to Brixton Capital AC LLC for \$1,700,000:

1. Adopt a finding of Categorical Exemption pursuant to Section 15332/Class 32 of the California Environmental Quality Act (CEQA) Guidelines.

2. Approve the Disposition and Development Agreement with Brixton Capital AC LLC for the sale of APN 468-255-11 & 468-255-15 consisting of approximately a 53,040 SF Retail Building commonly referred to as the City-owned portion of the former Gottschalks building and a 214,292 SF parking structure

commonly referred to as the Spiral Garage for \$1,700,000
(District 3)

Council President Soria recused herself due to a conflict of interest.

The above item was presented to Council by Deputy City Manager Gloria, City Manager's Office. Kyle Kirkland, President of Club One Casino spoke on this item. Mr. Kirkland stated that the project will cost between \$13M – \$15M dollars, take 24 months to complete, and will add approximately 50 new jobs. Councilmember Baines wanted it on the record that Club One is a good neighbor, he asked Mr. Kirkland to speak about how Club One is a good neighbor.

Councilmember Baines made a motion to approve staff recommendation.

Council Vice President Brandau was asked to look into a parking authority downtown. He spoke with the City Manager about it and was told that in the 1980's the City tried it and it did not work. Council Vice President Brandau gave direction to staff to take a fresh look at a downtown parking authority analysis. Councilmember Baines accepted the amendment. Council Vice President Brandau mentioned that we are acquiring the spiral parking lot at the appraised value.

Upon call, there was no public comment.

The Council recessed for lunch at 12:18 P.M. and will return at 1:43 P.M.

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

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

Recused: 1 - Soria

PLEASE NOTE: UNSCHEDULED COMMUNICATION IS NOT SCHEDULED FOR A SPECIFIC TIME AND MAY BE HEARD ANY TIME DURING THE MEETING

UNSCHEDULED COMMUNICATION

Upon call, the following members of the public spoke: Brandi Nuez-Villegas

10:05 A.M.#3

- [ID18-1520](#) Update on HERO Team
***RESOLUTION - 25th amendment to the Annual Appropriation Resolution (AAR) No. 2018-157 to appropriate \$420,000 for homeless services provided by the Hero Team (WestCare) - Mayor's Office
- 1.

THIS ITEM IS BEING CONTINUED TO THE DECEMBER 13, 2018 MEETING

10:15 A.M.

- [ID18-1407](#) CONTINUED HEARING to consider Pre-zone Application No. R-17-019 and related Environmental Assessment No. R-17-019. This application pertains to ±39.3 acres of property located on the north and south sides of West Clinton Avenue between North Hayes and North Polk Avenues (Council District 3-Baines).
1. ADOPT the Mitigated Negative Declaration prepared for Environmental Assessment No. R17-019 dated September 28, 2018.
 2. BILL (for introduction and adoption) - Approving Pre-zone Application No. R-17-019 pertaining to property north of West Clinton Avenue which proposes to amend the Official Zone Map from the Fresno County RR (Rural Residential) zone district to the City of Fresno RS-5/UGM (Residential Single Family, Medium Density/Urban Growth Management-14.64 acres) and the RS-4/UGM (Residential Single Family, Medium Low Density -20 acres) zone districts and that portion south of Clinton Avenue from County R-R (Rural Residential) zone district to the RS-5/UGM/cz (Residential Single Family, Medium Density/Urban Growth Management, conditions of zoning- 4.66 acres) consistent with the Fresno General Plan planned land uses.

The above item was introduced to Council by Planning Manager Emerson, Development and Resources Management Department.

Jeff Roberts, spoke on behalf of the property owner.

Upon call, there was no public comment.

*BILL NO 63 INTRODUCED/LAID OVER
ORDINANCE 2018-62 ADOPTED*

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

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

10:20 A.M.

[ID18-1496](#) HEARING to consider of Plan Amendment and Rezone Application No. P18-03514, Development Code Text Amendment Application No. P18-03517 , and related Environmental Finding filed by the Development and Resource Management Department Director pertaining to 207 acres within the City of Fresno:

1. ADOPT Environmental Assessment No. P18-03514, an Addendum to Final Master Environmental Impact Report SCH No. 2012111015 (MEIR) certified by the Fresno City Council on December 18, 2014 for the Fresno General Plan and Development Code, and to Program Environmental Impact Report SCH No. 2012041009 certified by the Fresno City Council on October 20, 2016 for the Downtown Plans and Code pursuant to California Environmental Quality Act Guidelines Sections 15162 and 15164.
2. RESOLUTION - Approving Plan Amendment Application No. P18-03514, pertaining to approximately 207 acres (sites 1-10 and 12-17 as described in Exhibit A), to amend the Fresno General Plan Land Use Map (Figure LU-1), the Bullard, Fresno High, McLane, Hoover, Woodward and Downtown Neighborhoods Community Plans, the Tower District Specific Plan, the Fresno Chandler Executive Airport Land Use Compatibility Plan, the Fresno-Chandler Downtown Airport Master and Environs Specific Plan and the Fresno Yosemite Airport Land Use Compatibility Plan, as described in Exhibit A.
3. BILL - (For introduction and adoption) - Approving Rezone

Application No. P18-03514, pertaining to 207 acres sites 1-10 and 12-17 as described in Exhibit A.

4. BILL - (For introduction) - Approving Text Amendment Application No. P18-03517 for minor changes to the Development Code in order to improve functionality, clarity, internal consistency, and consistency with State law. Proposed amendments affect the following sections: 15-107, Overlay Districts; 15-310, Determining Residential Density; 15-902, Use Regulations for Residential Single-Family Districts; 15-903, Lot and Density Standards for Single Family Districts; 15-904, Driveway Paving; 15-1002, Use Regulations for Residential Multi-Family Districts; 15-1004, On-Site Open Space for Multi-Family Districts; 15-1102, Use Regulations for Mixed Use Districts; 15-1104, On-Site Open Space for Mixed-Use Districts; 15-1202, Use Regulations for Commercial Districts; 15-1302, Use Regulations for Employment Districts; 15-1502, Use Regulations for Downtown Districts; 15-2004, Accessory Buildings; 15-2006, Fences, Walls, and Hedges; 15-2008, Screening Between Land Uses; 15-2009, Security Fencing; 15-2010, Electric Fences; 15-2015, Outdoor Lighting; 15-2016, Trash and Refuse Collection Areas; 15-2303 and 2305, Landscaping; 15-2402, Parking Applicability; 15-2409, Parking for Affordable Housing; 15-2412, Parking Exceptions; 15-2418, Parking Design; 15-2419, Parking Lot Surfaces; 15-2420, Parking Lighting; 15-2421, Parking Lot Landscaping; 15-2422, Parking Lot Trees; 15-2424, Carport Solar Panels; 15-2429, Bicycle Parking; 15-2430, On-Site Loading; 15-2609, Signs; 15-2612, Master Sign Programs; 15-2614, Electronic Fuel Price Signs; 15-2702, Specific Uses and Activities; 15-2717, Commercial Modular Buildings; 15-2722, Corner Commercial; 15-2737, Large-Format Retail; 15-2741, Mobile Vendors; 15-2754, Accessory Dwellings; 15-3105, 3303, 3304, 3305, 3307, Subdivisions; 15-3902, 3903, 3904, 3909, Condominiums; 15-4105, 4108, Subdivisions; 15-5102, Zone Clearance Applicability; and 6704 and 6705, Definitions as described in Exhibit G.

The above item was presented to Council by Assistant Director Zack, Development and Resource Management Department.

Upon call, the following members of the public spoke: Jeff Roberts, Mike Prandini, Jack Swertfigure, Brady McGiness

There was a typo in the resolution which was read into the record by Assistant Director Zack, " On page 5, item b. iii., it should read "13,712" not "3712".

*RESOLUTION 2018-293 ADOPTED
BILL NO 64 INTRODUCED/LAID OVER
ORDINANCE 2018-63 ADOPTED
BILL NO 65 INTRODUCED/LAID OVER*

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

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

10:40 A.M.

- [ID18-1459](#) HEARING to consider General Plan Text Amendment Application No. P18-3553 and related Environmental Finding initiated by the Fresno City Council on March 3, 2017 through Council Resolution No. 2017-61 pertaining to all prime farmland, unique farmland or farmland of statewide importance within the sphere of influence of the City of Fresno
1. ADOPT Environmental Assessment No. P18-03553, an Addendum to Final Master Environmental Impact Report SCH No. 2012111015 (MEIR) certified by the Fresno City Council on December 18, 2014 for the Fresno General Plan and Development Code, and to Program Environmental Impact Report SCH No. 2017031012 certified by the Fresno City Council on October 26, 2017 for the Southwest Fresno Specific Plan pursuant to California Environmental Quality Act Guidelines Sections 15162 and 15164.
 2. RESOLUTION - Approving the General Plan Text Amendment No. P18-03553 amending Farmland Preservation Program Policy RC-9-c, as described in Exhibit A.

THIS ITEM IS CONTINUED TO DECEMBER 13, 2018 AT 10:40 A.M.

11:00 A.M.

[ID18-1483](#) Appearance by Mr. J.D. McCubbin to request an explanation of the procedure of evacuating the City in case of an emergency

THIS ITEM WAS CONTINUED TO DECEMBER 13, 2018 MEETING

CITY COUNCIL

- 4-B [ID18-1518](#) Actions pertaining to Commercial Cannabis Activity:
1. Adopt a finding of statutory exemption to the California Environmental Quality Act (CEQA) pursuant to Section 26055(h) of the California Business and Professions Code.
 2. ***RESOLUTION - Setting cannabis business license tax rates. (Subject to Mayor's veto)
 3. BILL - (for introduction) Adding Article 33 to Chapter 9 of the Fresno Municipal Code relating to Medicinal Cannabis Retail Business and Commercial Cannabis Business.
 4. BILL - (for introduction) Adding Article 34 to Chapter 9 of the Fresno Municipal Code relating to Adult Use and Medicinal Cannabis Retail Business and Commercial Cannabis Business.

The above item was presented to Council by Councilmember Caprioglio. He made a motion to adopt Article 34 with the following changes: a) Section 9-3404 – add the cannabis innovation zone definition; i. “Cannabis Innovation Zone” is the area bounded by State Route 41, Golden State Blvd, Church Ave., East Avenue, and Parallel Avenue; 1) This does not have location restrictions, so all commercial cannabis business could go in here regardless of surrounding uses; b) Section 9-3406 maximum number; i) Allow a total of 16 cultivators, distributors or manufacturers; 1. Does not matter how many of each kind, just 16 total; c) Section 9-3408 Location; i. 8 cultivators, distributors, or manufactures must be located within the Cannabis Innovation Zone (Blue Zone); ii. 8 cultivators, distributors, or manufactures can be located in the Green Buffer Zone, subject to distance requirements; 1. Optional to be located within a Hub, but not required.

When called, several members of the public spoke.

Councilmember Bredefeld stated that allowing recreational marijuana will not eliminate the illicit market. He asked Chief Dyer for his comments,

which he gave. Councilmember Bredefeld also stated that the Mayor gave his word that he would not support recreational marijuana.

Council Vice President Brandau read from the minutes of the December 14, 2017 meeting which was the last time the council addressed this item. It was clear that only medicinal marijuana was the focus.

Councilmember Olivier explained that within a few weeks, the State of California Bureau of Cannabis Control is going to ratify the State regulations, the State regulations are going to contain a provision which allows any licensee in the State of California to deliver cannabis to any address in the State of California, and it will be legal. The ideal behind moving toward Adult Use in the City of Fresno has everything to do with that regulation.

Councilmember Olivier made the following amendment – 9-3418, number 1, he requested to remove the words “has been denied a cannabis license or permit”. Under Section 9-3316 with the consent of the maker and second of the motion he added “At the time of filing, each applicant shall include a social equity element as part of the application. The contents of the social equity element are at the discretion of the applicant. The weight of the social equity portion of the application will be considered in the overall scoring of the application.”

Councilmember Baines addressed Council Vice President Brandau's concerns.

Councilmember Chavez asked for a compromise requesting that a phased in approach be used. Phasing in medicinal marijuana the first year and phasing in the recreational marijuana in year 2.

More discussion ensued. Councilmember Caprioglio explained the difference between Articles 33 and 34. City Attorney Sloan explained that no vote is required today since it is only being introduced.

Councilmember Chavez wanted to be clear on what was agreed upon which was to phase in the medicinal marijuana year one, and phase in recreational marijuana in year 2.

Councilmember Caprioglio changed his motion to approve Article 34, except in the first year from the date of adoption, retail can be medicinal only, with the changes Councilmember Caprioglio previously recited, to include the additional amendment by Councilmember Olivier. This would be in effect for one year from the date of adoption unless changed by the incoming council. At the end of one year, the council would look at implementing adult use of marijuana and include the police chief in those discussions. Council President Soria made the following comments: There are about 9 schools in her district that are in the one mile buffer and she recommended that the one mile buffer be reduced to one-half of a mile buffer in her district in order for her to support what is before the council. She would also like to make sure that the City Manager who is charged with authorization, notify the Councilmember when there is an applicant for a facility in their district prior to any decisions being made so that the Councilmembers are involved in the process. After more discussion it was determined that the process for obtaining a CUP has not been written yet. Council President Soria requested that the District Implementation Committees be part of the process before it goes to the Planning Commission. A couple of Councilmembers who are on the subcommittee cautioned that an elected official should not be part of the approval process. More discussion ensued regarding the one mile buffer and the request to change it to a half mile buffer. Council President Soria stated that she would not be supportive of this item if the buffer cannot be changed to a half mile. After additional discussion, the committee members agreed to change the buffer to a half mile citywide.

Council President Soria also stated that she wants to be involved in the social equity policy and feels that a subcommittee should be created to work with the administration to finalize the social equity policy and she would like to be part of that subcommittee. Council President Soria also talked about the additional revenue that is anticipated from the sales tax, she thinks it is important for the council to be involved and would like to create a committee that would make recommendations to the administration on how to spend the money before the budget process.

There was also discussion regarding the districts that will be impacted

because of this industry coming into their district such as increased traffic and other issues. The council and administration should be mindful that these districts should get direct benefits from the revenues that come into the City. Council President Soria would like to create a standing cannabis committee. This committee would have input in creating the framework for both the social equity policy and be the body to make recommendations before budget and determine how the committees are made up and the framework would be adopted at a later meeting.

This item is for introduction today and will be voted on at the next meeting. Item 4-B (2) is the resolution setting cannabis business license tax rates.

Councilmember Caprioglio introduced item 4-B(2), the resolution setting cannabis business license tax rate. City Attorney Sloan stated that the voters approved up to 10% of gross receipts for retail, manufacturing, distribution, and testing laboratories, cultivation was approved at \$12 per canopy square foot. The City Council has the authority to set up to those limits.

Councilmember Baines made a motion to approve the following rates: retail at 4%, manufacturing at 4%, distribution at 1%, test laboratories at 0%, and cultivation at \$6 per canopy square foot. The motion was seconded by Councilmember Caprioglio.

*RESOLUTION 2018-294 ADOPTED
BILL NO 66 INTRODUCED/LAID OVER*

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

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

No: 1 - Brandau

Absent: 1 - Bredefeld

3. GENERAL ADMINISTRATION

- 3-A** [ID18-1434](#) Authorize the City of Fresno to enter in to a three year agreement with California State University, Fresno for

\$721,672.74 to provide police services at California State University, Fresno events. (Council District 4)

The above item was introduced to Council by Deputy Chief Reid, Police Department.

Upon call, there was no public comment.

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

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

Absent: 1 - Bredefeld

- 3-B** [ID18-1472](#) Approve award of a requirements contract to Urban Solar, Inc., an Oregon-based corporation, to purchase bus stop solar powered lighting in the amount of \$547,703.19 (Citywide)

The above item was introduced to Council by Interim Director Barfield, Transportation Department.

Upon call, there was no public comment.

On motion of Councilmember Chavez, seconded by Councilmember Olivier, that the above Action Item be approved. The motion carried by the following vote:

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

Absent: 1 - Bredefeld

- 3-D** [ID18-1403](#) ***RESOLUTION - 546th Amendment to the Master Fee Schedule (MFS) Resolution No. 80-420 to Add, Adjust, Revise or Delete Various Fees (Subject to Mayor's veto)

The above item was introduced by Assistant City Manager, Sumpter, City Manager's Office.

Council President Soria made a motion to approve the item but remove the room fees from the schedule.

Upon call, there was no public comment.

RESOLUTION 2018-295 ADOPTED

On motion of President Soria, seconded by Councilmember Chavez, that the above Action Item be approved as amended. The motion carried by the following vote:

Aye: 4 - Soria, Baines III, Chavez and Olivier

Absent: 3 - Brandau, Caprioglio and Bredefeld

- 3-E** [ID18-1382](#) Actions pertaining to the sale of approximately ±3.39 acres of vacant land at the intersection of Ventura Avenue and South 7th Street (APN 470-052-01T, 470-052-02T, 470-052-03T) to MM Shirin Properties, LLC.:
1. Adopt a finding of Categorical Exemption pursuant to Section 15301/Class 1, Section 15312/Class 12, and Section 15332/Class 32 of the California Environmental Quality Act (CEQA) Guidelines.
 2. Approve the Disposition and Development Agreement with MM Shirin Properties, LLC for the sale of approximately ±3.39 acres of vacant land at the intersection of Ventura Avenue and South 7th Street (APN 470-052-01T, 470-052-02T, 470-052-03T) to MM Shirin Properties, LLC for \$575,000 (District 5)

The above item was introduced to Council by Deputy City Manager Gloria, City Manager's Office.

Upon call, there was no public comment.

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

Aye: 4 - Soria, Baines III, Caprioglio and Chavez

Absent: 3 - Brandau, Bredefeld and Olivier

- 3-F** [ID18-1473](#) Actions pertaining to the Street Lighting Improvements on Blackstone and Abby Avenues from Divisadero to Shields Avenues - Project Bid File No. 3583 (Council Districts 1, 3, and 7)
1. Adopt finding of a Categorical Exemption pursuant to Class 1 Section 15301(c) (existing facilities) of the California

Environmental Quality Act Guidelines for the Street Lighting Improvements on Blackstone and Abby Avenues from Divisadero to Shields Avenues.

2. Award a construction contract to Sebastian of Fresno, California, in the amount of \$1,103,000 for the Street Lighting Improvements on Blackstone and Abby Avenues from Divisadero to Shields Avenues.

The above item was introduced to Council by Manager Sehm, Public Works Department.

Upon call, there was no public comment.

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

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

Absent: 2 - Bredefeld and Olivier

3-G [ID18-1476](#) Actions pertaining to the McKinley and Blackstone Traffic Signal Modification and Railroad Improvement - Bid File 3619 (Council Districts 1 and 7)

1. Adopt a finding of Categorical Exemption per staff's determination, pursuant to Section 15301(c) of the California Environmental Quality Act Guidelines (CEQA)

2. Award a Construction Contract to American Paving Co., of Fresno, CA in the amount of \$956,015.50

The above item was introduced to Council by Deputy City Engineer Avittia, Public Works Department.

Upon call, there was no public comment.

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

Aye: 4 - Soria, Brandau, Caprioglio and Chavez

Absent: 3 - Baines III, Bredefeld and Olivier

3-H [ID18-1315](#) WORKSHOP - Impact Fee Waiver

THIS ITEM IS CONTINUED TO DECEMBER 13, 2018

- 3-I [ID18-1457](#) Approve a \$2,568,000 HOME Investment Partnerships, Community Housing Development Organization Program Agreement with Self-Help Enterprises for the construction of the proposed Annadale Commons Apartments, a 40-unit affordable senior rental housing project at Annadale Avenue and Elm Avenue in southwest Fresno

The above item was introduced to Council by Assistant Director Furtado, Development and Resource Management Department.

Upon call, there was no public comment.

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

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

Absent: 2 - Bredefeld and Olivier

- 3-J [ID18-1475](#) Actions related to entering into three Funding Agreements totaling \$4,309,448 with the Fresno County Transportation Authority for 2018/19 Measure "C" New Technology Reserve Grant Program for Advance Transit and Transportation Projects:
1. Adopt a finding of Class 6 Categorical Exemption per staff determination, pursuant to Section 15306 of the CEQA Guidelines for a Microtransit Pilot Project.
 2. Adopt a finding of a Class 1 Categorical Exemption per staff determination, pursuant to Section 15301(c) of the CEQA Guidelines for an Adaptive Signal Control Technology system in Downtown Fresno along Fresno Street, Van Ness and the Downtown Bus Rapid Transit (BRT) corridor.
 3. Adopt a finding of Class 22 Categorical Exemption per staff determination, pursuant to Section 15322 of the CEQA Guidelines for an Advance Propulsion Systems Training Program.
 4. Approve three Funding Agreements with the Fresno County Transportation Authority for 2018/19 Measure "C" New Technology Reserve Grant Program for Advance Transit and Transportation Projects, totaling \$4,309,448 for the three

projects named above.

The above item was introduced to Council by Interim Director Barfield, Transportation Department.

Upon call, there was no public comment.

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

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

Absent: 2 - Bredefeld and Olivier

- 3-K** [ID18-1464](#) Actions pertaining to the Police Department Southeast (PDSE) Substation (Council District 5)
1. Adopt Finding of Conformity to Master Environmental Impact Report (MEIR) SCH No. 2012111015
 2. ***RESOLUTION - 22nd Amendment to the Annual Appropriations Resolution (AAR) appropriating \$1,200,000 for the construction of the PDSE Substation (Requires 5 affirmative votes) (Subject to Mayor's veto)
 3. Award a construction contract to Klassen Corporation of Bakersfield, CA in the amount of \$6,405,000, for the Base Bid amount of \$6,515,000 less the two deductive alternates totaling (\$110,000), for the PDSE Substation Bid File 3599

The above item was introduced to Council by Project Manager Bernard, Public Works Department.

Upon call, there was no public comment.

RESOLUTION 2018-296 ADOPTED

On motion of Councilmember Chavez, seconded by Councilmember Caprioglio, that the above Action Item be approved. The motion carried by the following vote:

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

Absent: 2 - Bredefeld and Olivier

4. CITY COUNCIL

- 4-A [ID18-1516](#) ***RESOLUTION - Directing an audit of homeless services funded by the City. (Subject to Mayor's veto)

THIS ITEM IS BEING CONTINUED TO THE DECEMBER 13, 2018 MEETING

5. CLOSED SESSION

- 5-A [ID18-1402](#) CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Government Code Section 54956.8
Property: APN 438-021-92T, 35T, 93T, and 60T, and 438-062-37T and 53T
Negotiating Parties: City Manager Wilma Quan-Schechter, Central Valley Community Sports Foundation

THIS ITEM WAS REMOVED FROM THE AGENDA

- 5-B [ID18-1517](#) CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION - Government Code Section 54956.9, subdivision (d)(1)
1. South Central Neighbors United v. City of Fresno et al. - Fresno County Superior Court, Case No. 18CECG00690

THIS ITEM WAS CONTINUED TO DECEMBER 13, 2018

ADJOURNMENT

The City Council meeting was adjourned at 4:00 p.m.