



City of Fresno

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

Meeting Minutes City Council

President - Clinton J. Olivier

Vice President - Esmeralda Z. Soria

Councilmembers:

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

Paul Caprioglio, Luis Chavez

City Manager - Wilma Quan-Schechter

City Attorney - Douglas T. Sloan

City Clerk - Yvonne Spence, MMC

Thursday, December 14, 2017

8:30 AM

Council Chambers

Regular Meeting

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

8:41 A.M. ROLL CALL

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

Invocation by Pastor Tom Sims of 4141 Ministries

Pledge of Allegiance to the Flag

APPROVE AGENDA

Assistant City Clerk Parra announced the following change to the agenda: File ID 17-1678 (4-C) was removed by staff: Bill (for introduction) Repealing Ordinance 2006-100 and adopting and Ordinance setting forth the compensation of elective officers.

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

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

CEREMONIAL PRESENTATIONS

[ID17-1615](#) Recognition of the American Public Works Association Central California Chapter Awards for 2017 Project of the Year - Fulton Street Reconstruction Project - City of Fresno

Sponsors: Public Works Department

PRESENTED

[ID17-1662](#) Proclamation of "Fresno City College Men's Soccer Team Day"
Proclamation of "Fresno City College Women's Soccer Team Day"
Proclamation of "Fresno City College Wrestling Team Day"

Sponsors: Vice President Soria

PRESENTED

APPROVE MINUTES

[ID17-122](#) Approval of minutes from December 4, and December 7, 2017

Sponsors: City Clerk's Office

On motion of Councilmember Caprioglio, seconded by Councilmember Brandau, that the above Minutes be approved. The motion carried by the following vote:

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

Absent: 1 - Soria

COUNCILMEMBER REPORTS AND COMMENTS

Councilmember Baines spoke regarding the reasons why item 4-C was removed from the agenda and stated that the item will come back early 2018 to Council after further discussion.

Councilmember Brandau spoke regarding Highway City Community Center Christmas event where the public received a gift, free lunch and photo with

Santa, Santa's Village at Pinedale's Community Center, San Joaquin River Conservancy Board meeting vote passed to began construction of the trail project at the river bottom West of 41, the project will provide two new access points to the main river and thanked Administration for their hard work.

Council Vice President Soria thanked those who helped with the 5th annual toy drive and distribution at Heaton Elementary.

Councilmember Bredefeld and Council President Olivier attended the Jeremy Elvis Pearce show.

1. CONSENT CALENDAR

APPROVAL OF THE CONSENT CALENDAR

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

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

- 1-A** [ID17-1571](#) Approve Consultant Services Agreement with CDX Wireless Technology Consulting, Inc. for the next phase of the Radio System Needs Evaluation for public safety wireless systems in an amount not to exceed \$94,000.

Sponsors: Information Services Department

APPROVED

This Action Item was approved on the Consent Calendar.

- 1-B** [ID17-1668](#) Approve Consultant Services Agreement with AMS.NET for \$135,900 to provide a comprehensive network assessment and upgrade recommendation priced from a cooperative agreement, Merced County FOCUS Agreement (FOCUS)

Sponsors: Information Services Department

APPROVED

This Action Item was approved on the Consent Calendar.

- 1-C [ID17-1623](#) Award a requirements contract to Air Products and Chemicals, Inc., for Bulk Liquid Oxygen in the amount of \$132,161.40 annually, for a term of three years with the possibility of two one-year extensions. Bid File 9419 (Citywide)

Sponsors: Department of Public Utilities

APPROVED

This Action Item was approved on the Consent Calendar.

- 1-D [ID17-1660](#) ***BILL NO. B-70 - (Intro. 12/7/2017) (For adoption) - Amending Section 10-611 of the Fresno Municipal Code relating to Illegal Dumping within the City of Fresno (Citywide) (Subject to Mayor's veto)

Sponsors: Department of Public Utilities

The above item was pulled from Consent Calendar by Councilmember Bredefeld and moved to Contested Consent for further discussion.

- 1-E [ID17-1595](#) ***RESOLUTION - Clarifying Procedures for Retention and Production of Public Records Contained in Electronic Media (Subject to Mayor's veto)

Sponsors: City Clerk's Office

RESOLUTION 2017-339 ADOPTED

This Resolution was adopted on the Consent Calendar.

- 1-F [ID17-1599](#) Actions pertaining to the widening of Clinton Avenue between Fowler Avenue and Locan Avenue, as conditioned for the Benchmark Communities development, Tract Map 5341 (Council District 4)
1. Approve the acquisition of 6,928 square feet of permanent street easement from property owned by Anthony J. Rocha and Emily K. Rocha, in the amount of \$33,000.00 (APN: 310-041-20) to widen Clinton Avenue between Fowler Avenue and Locan Avenue.
 2. Authorize the Public Works Director, or his designee, to sign all documents necessary to complete the transaction.

Sponsors: Public Works Department

APPROVED

This Action Item was approved on the Consent Calendar.

- 1-G [ID17-1572](#) Annual Review and Acceptance of the FY 2017 Impact Fee Annual Report as required by California Government Code

Sponsors: Public Works Department

APPROVED

This Action Item was approved on the Consent Calendar.

- 1-H [ID17-1629](#) Approve the Sustainable Communities Restricted Grant Agreement between the City of Fresno and the California Department of Transportation. (City Wide)

Sponsors: Public Works Department

APPROVED

This Action Item was approved on the Consent Calendar.

- 1-I [ID17-1640](#) ***RESOLUTION - 43rd Amendment to the Annual Appropriation Resolution No. 2017-165 to appropriate \$80,000 for Supplemental Refunds and Reimbursements to approved Developers in the Urban Growth Management (UGM) and Development Impact Fee Programs (Requires 5 affirmative votes) (Subject to Mayor's veto)

Sponsors: Public Works Department

RESOLUTION 2017-340 ADOPTED

This Resolution was adopted on the Consent Calendar.

- 1-J [ID17-1644](#) ***RESOLUTION - 42nd amendment to the Annual Appropriation Resolution (AAR) No. 2017-165 to appropriate \$220,000 in developer contributions for the acquisition of right-of-way for public street and public utility easements for Conditional Use Permit No. C-17-057 on the west side of Riverside Drive south of Palo Alto Avenue (Council District 2) (Requires 5 affirmative votes) (Subject to Mayor's veto)

Sponsors: Public Works Department

RESOLUTION 2017-341 ADOPTED

This Resolution was adopted on the Consent Calendar.

- 1-K [ID17-1645](#) Approve a substitution of a listed Subcontractor, Centec Environmental Inc., for the Fire Station No. 11 Remodel, Project ID FS00011 (Council District 4)

Sponsors: Public Works Department

APPROVED

This Action Item was approved on the Consent Calendar.

- 1-L [ID17-1646](#) Actions pertaining to Resolution of Intention No. 1121-D to vacate a portion of the "M"- "N" alley southeasterly of the Mariposa Mall. (Council District 3)
1. Adopt a finding of Categorical Exemption per staff determination, pursuant to Section 15301/Class 1 of the California Environmental Quality Act (CEQA) Guidelines, Environmental Assessment No. EA-17-026.
 2. Adopt Resolution of Intention No. 1121-D to vacate a portion of the "M"- "N" alley southeasterly of the Mariposa Mall.

Sponsors: Public Works Department

APPROVED

This Action Item was approved on the Consent Calendar.

- 1-M [ID17-1626](#) ***RESOLUTION - Approving the Joint Exercise of Powers Agreement Relating to the California Public Finance Authority. (Subject to Mayor's veto)

Sponsors: Finance Department

RESOLUTION 2017-342 ADOPTED

This Resolution was adopted on the Consent Calendar.

- 1-N [ID17-1567](#) Approve the award of a three-year purchase contract to Powerstride Batteries of Fresno, California, for the supply of batteries to the Fleet Management Division for \$93,309.22 (Bid File 9410)

Sponsors: Department of Transportation

APPROVED

This Action Item was approved on the Consent Calendar.

- 1-O [ID17-1610](#) Approve a Consultant Services Agreement with Campbell Strategy and Advocacy, LLC., for an Amount Not to Exceed \$180,000 for Professional Lobbying and Consulting Services in California.

Sponsors: Mayor's Office

Councilmember Bredefeld registered a no vote on the above item.

APPROVED

This Action Item was approved on the Consent Calendar.

- 1-P [ID17-1628](#) Actions pertaining to the disposition and development of City-owned property located at Willow Avenue and Byrd Avenue:
1. Approve Habitat for Humanity's second extension to the Exclusive Negotiation Agreement for the disposition and development of City-owned property located at Willow Avenue and Byrd Avenue, and
 2. Adopt a Resolution for joint application in the State of California Infill Infrastructure Grant Program

Sponsors: Development and Resource Management Department

RESOLUTION 2017-343 ADOPTED

This Resolution was adopted on the Consent Calendar.

- 1-Q [ID17-1661](#) Approve the appointment of Brian Whelan to the Capital Projects Oversight Board

Sponsors: Council President Olivier

APPROVED

This Appointment was approved on the Consent Calendar.

- 1-R [ID17-1665](#) BILL (for introduction) - Extending the exemption on Development Impact Fees for certain projects in economically disadvantaged neighborhoods.

Sponsors: Vice President Soria and Council President Olivier

The above item was pulled from Consent Calendar by Councilmember Brandau and moved to Contested Consent for further discussion.

- 1-S [ID17-1666](#) BILL (for introduction) - Extending the exemption for Development Impact Fees for the replacement or reconstruction of existing commercial structures.

Sponsors: Vice President Soria and Council President Olivier

The above item was pulled from Consent Calendar by Councilmember Brandau and moved to Contested Consent for further discussion.

- 1-T [ID17-1667](#) BILL (for introduction) - Amending Section 4-107 of the Fresno Municipal Code relating to City Manager's contracting authority.

Sponsors: City Manager's Office

The above item was pulled from Consent Calendar by Councilmember Bredefeld and moved to Contested Consent for further discussion.

- 1-U [ID17-1673](#) Actions pertaining to Woodward Park Rotary Amphitheatre:
1. Adopt a finding of Categorical Exemption pursuant to California Environmental Quality Act Guidelines Section 15301
 2. Approve License Agreement between the City of Fresno and Rotary Club of Fresno Appropriating \$100,000 to Fund Improvements to the Woodward Park Rotary Amphitheatre.

Sponsors: City Manager's Office

APPROVED

This Action Item was approved on the Consent Calendar.

- 1-V [ID17-1671](#) Actions pertaining to Vinland Elementary School - Vinland Park
1. Adopt a finding of Categorical Exemption pursuant to California Environmental Quality Act Guidelines Section 15301
 2. Approve a Second Amendment to the Joint Use Agreement with Fresno Unified School District (FUSD) for the Weekend Recreation and Fitness Program (WRFPP) to add Vinland Elementary School - Vinland Park (District 4)

Sponsors: Parks, After School and Recreation and Community Services Department

APPROVED

This Action Item was approved on the Consent Calendar.

CONTESTED CONSENT CALENDAR

- 1-D [ID17-1660](#) ***BILL NO. B-70 - (Intro. 12/7/2017) (For adoption) - Amending Section 10-611 of the Fresno Municipal Code relating to Illegal Dumping within the City of Fresno (Citywide) (Subject to Mayor's veto)

Sponsors: Department of Public Utilities

Councilmember Bredefeld asked staff if the item presented today included the impounding of vehicles as discussed at the previous Council meeting, with staff stating not a this time.

ORDINANCE 2017-72 ADOPTED.

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

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

- 1-R [ID17-1665](#) BILL (for introduction) - Extending the exemption on Development Impact Fees for certain projects in economically disadvantaged neighborhoods.

Sponsors: Vice President Soria and Council President Olivier

Councilmember Brandau asked Council Vice President Soria for an update on the fee waiver and what the fee waivers looked like for the previous year. Councilmember Brandau continued to ask if this item was time sensitive or could this be continued until an update or workshop came before Council. City Manager Quan-Schechter responded that a tray memo will be issued at the end of the year. Council President Olivier agreed a workshop would be necessary to have at the January 11, 2018 meeting. City Attorney Sloan stated the current fee waiver will expire at the end of this year.

BILL B-73 INTRODUCED AND LAID OVER.

On motion of Vice President Soria, seconded by President Olivier, that the above Ordinance be approved. The motion carried by the following vote:

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

- 1-S** [ID17-1666](#) BILL (for introduction) - Extending the exemption for Development Impact Fees for the replacement or reconstruction of existing commercial structures.

Sponsors: Vice President Soria and Council President Olivier

BILL B-74 INTRODUCED AND LAID OVER.

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

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

- 1-T** [ID17-1667](#) BILL (for introduction) - Amending Section 4-107 of the Fresno Municipal Code relating to City Manager's contracting authority.

Sponsors: City Manager's Office

Councilmember Bredefeld asked City Attorney Sloan what types of contracts are being discussed. City Attorney Sloan stated contracts under \$50,000 and contracts that pay under \$50,000 to the City of Fresno.

BILL B-75 INTRODUCED AND LAID OVER.

On motion of Councilmember Bredefeld, seconded by Councilmember Baines III, that the above Bill ws introduced and laid over. The motion carried by the following vote:

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

3. GENERAL ADMINISTRATION

- 3-A** [ID17-1627](#) Award a three-year contract with the option for two one-year extensions for professional public information services for the Department of Public Utilities to Jeffrey Scott Advertising, Inc. in the amount of \$520,555 (Bid File 9402)

Sponsors: Department of Public Utilities

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

Upon call, the following member of the public addressed Council: Greg Grannis with JP Marketing spoke regarding the bid process and the lowest bid was JP Marketing and not Jeffrey Scott Advertising, Inc.

Councilmember Bredefeld asked staff if Jeffrey Scott Advertising (JSA) had the account for the last 15 years with City of Fresno and what was the last contract amount awarded. Councilmember Bredefeld continued to state that Jeffrey Scott Advertising was \$80,000 more than JP Marketing. Staff responded with yes and that this is the estimated cost of what we may use and the amount would not exceed \$522,000. Councilmember Bredefeld asked staff why the selection committee felt that JP Marketing did not meet the marketing approach with the City of Fresno outreach vision. Councilmember Bredefeld stated that the bid should have gone to JP Marketing based on them meeting the qualifications and were the lower cost.

Councilmember Bredefeld motioned to award the contract to the lowest responsible bidder, JP Marketing. Council President Olivier seconded the motion. Motion PASSED 5/2, Councilmember Chavez and Councilmember Caprioglio voted no.

Councilmember Chavez asked staff what the scoring process was when selecting the best bidders, if there was communication to the bidders regarding the selection process and who develops the language for the request for proposal. Councilmember Chavez continued to ask staff what outreach would Jeffrey Scott Advertising be providing the City of Fresno in 2018, if the outreach will be in multiple languages and expressed his concerns with the transparency for the process of the request for proposal.

City Manager Quan-Schechter stated that the request for proposals process allows discretion for staff to go through the interview process, receive and read each bidder and decided what is best value is or the City of Fresno.

Bruce Batti with Jeffrey Scott Advertising stated that with the request for

proposal process there was a not to exceed amount and mentioned that there was no increase in the agency's hourly rate since 2013.

Councilmember Caprioglio stated that he finds the process valid and the history of Jeffrey Scott Advertising is excellent and stated he supports Director Esqueda's decision.

Councilmember Baines asked Communications Director Standriff, a member of the selection committee, what the qualitative difference was between the two firms, Jeffrey Scott Advertising and JP Marketing. Communications Director Standriff stated he worked with Jeffrey Scott Advertising for the past 15 years and was comfortable with the firms outreach. Councilmember Baines asked what the weight and point system was when awarding the contract to a company. Deputy City Attorney Collet spoke to the process of the request for proposal and how the scoring is conducted. Councilmember Baines continued to question Director Esqueda about the 218 process and if that was the reason why Jeffrey Scott Advertising was selected and suggested that the selection committee should communicate what the process will be when selecting a firm in the future. Assistant City Manager Rudd responded to why Jeffrey Scott Advertising was selected.

Council Vice President Soria asked Director Esqueda if JP Marketing qualified with the 218 process and agrees that there needs to be better transparency with the process of the request for proposal and will not support the item as presented.

Councilmember Chavez motioned to reject all bids and direct staff to come back with a more refined request for proposal process that is more transparent and clear and to include a two year plan for Council to consider. There was no second to the motion

APPROVED AS AMENDED.

On motion of Councilmember Bredefeld, seconded by President Olivier, that the above three year contract be awarded to JP Marketing. The motion carried by the following vote:

Aye: 5 - Olivier, Soria, Baines III, Brandau and Bredefeld

No: 2 - Caprioglio and Chavez

2. SCHEDULED COUNCIL HEARINGS AND MATTERS

10:00 A.M.

- [ID17-1602](#) Actions pertaining to the Veterans Boulevard Interchange and Extension Project (Council District 2)
1. HEARING to consider a resolution of public use and necessity for acquisition of a permanent street easement and a temporary construction easement for public street purposes over, under, through and across real property located at 6730 W. Shaw Avenue and Veterans Boulevard in the City of Fresno, (APN: 505-060-19), owned by Robert W. and Juli A. Mitchell; for the construction of Veterans Boulevard, a six lane super arterial, from Herndon Avenue to Shaw Avenue in the City of Fresno.
 2. *** RESOLUTION-That the public interest and necessity require and authorize eminent domain for acquisition of a permanent street easement and a temporary construction easement for public purposes over, under, through and across real property for the construction of Veterans Boulevard, a six lane super arterial, from Herndon Avenue to Shaw Avenue. (Requires 5 affirmative votes) (Subject to Mayor' veto).

Sponsors: Public Works Department

The hearing was called to order at 10:23 A.M.

The above item was introduced to Council by Supervising Real Estate Agent Hansen, Public Works Department.

Upon call the following member of the public addressed Council: Robert Mitchell expressed concern with the location of the basin, stated other than the basin location he supported the item as presented.

Councilmember Brandau asked Mr. Mitchell what his major concerns were about the basin. Councilmember Brandau asked staff if other locations were looked at for the temporary basins. Public Works's Director Mozier stated the basin is at a location where it is most cost effective for construction.

Councilmember Brandau asked staff if they have any idea when metro flood

will be purchasing the land for the permanent basin and if there was any objection to postponing the item to allow time to look for other locations for the basin.

Councilmember Brandau motioned to continued the item to January 25, 2018. Councilmember Chavez seconded the motion. Motion PASSED 7-0.

On motion of Councilmember Brandau, seconded by Councilmember Chavez, that the above Action Item be continued to January 25, 2018 at 10:00 A.M. The motion carried by the following vote:

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

10:15 A.M.

[ID17-1605](#) WORKSHOP regarding High Speed Rail and Workforce Development

Sponsors: City Councilmember Brandau

PRESENTED

3-C [ID17-1663](#) Approve a five-year agreement between the City of Fresno and the Economic Development Corporation serving Fresno County to assist in implementing and administering local economic development business attraction, expansion and retention activities.

Sponsors: City Manager's Office

The above item was introduced to Council by Assistant Director Westerlund, City Manager's Office.

Upon call, there was no public comment.

APPROVED

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

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

10:30 A.M.

- [ID17-1638](#) Action pertaining to replacement of the City of Fresno's Microwave Data and Radio Console Networks that provide interoperable radio communications for Public Safety dispatch:
1. ***RESOLUTION - 39th amendment to the Annual Appropriation Resolution (AAR) No. 2017-165 appropriating \$400,100 from the Public Safety Communications Equipment Reserve Fund for the City's Microwave Data and Radio Console Networks upgrade project. (Requires 5 affirmative votes) (Subject to Mayor's veto)
 2. Authorize a cooperative purchase agreement in the amount of \$3,626,500 to Nokia, Inc., to upgrade the City's Microwave Data Network for Public Safety.
 3. Authorize a cooperative purchase agreement in the amount of \$1,391,200 to Zetron to upgrade the Radio Console Network providing interoperable radio communications.

Sponsors: Information Services Department

The above item was introduced to Council by Director Horn, Information Services Department.

Upon call, there was no public comment.

Chief Dyer spoke regarding his support to the item as presented.

RESOLUTION 2017-344 ADOPTED

On motion of Councilmember Bredefeld, seconded by Councilmember Chavez, that the above Resolution was adopted. The motion carried by the following vote:

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

4. CITY COUNCIL

- 4-A** [ID17-1559](#) Approval of City Council Meeting Schedule for Calendar Year 2018

Sponsors: Vice President Soria

APPROVED

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

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

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

UNSCHEDULED COMMUNICATION

Upon call, there was no unscheduled communication

Council recessed at 12:01 P.M.

Council returned from recess at 1:41 P.M.

- 3-B** [ID17-1507](#) Actions pertaining to the Herndon Avenue Widening Project between Polk and Milburn Avenues (Council District 2)
1. Approve an agreement for Professional Engineering Services with BKF Engineers for \$869,526 plus \$52,000 for contingencies for design and construction support services for the Herndon Avenue Widening Project between Polk and Milburn Avenues
 2. ***RESOLUTION - 40th amendment to the Annual Appropriations Resolution (AAR) No. 2017-165, to appropriate \$871,600 in Measure "C" Tier 1 funding for the Herndon Avenue Widening Project between Polk and Milburn Avenues (Requires 5 affirmative votes) (Subject to Mayor's veto)

Sponsors: Public Works Department

The above item was introduced to Council by Professional Engineer Holly, Public Works Department.

Upon call, there was no public comment.

Councilmember Brandau asked staff if the bridge between Milburn and Polk will be widened to three lanes and whether there would be a bike trail on the north side of the road and questioned if there was a time frame provided an to update to the constituents in that area. Councilmember Brandau asked

staff for an update regarding the 700 foot strip off Herndon and Brawley where the lanes go from three lanes to two lanes to three lanes.

RESOLUTION 2017-345 ADOPTED

On motion of Councilmember Brandau, seconded by President Olivier, that the above Resolution was adopted. The motion carried by the following vote:

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

- 4-B** [ID17-1677](#) RESOLUTION - Of initiation of a text amendment to allow marijuana operations, cultivation, manufacture, extraction, testing, distribution, delivery, and medical dispensaries within the City of Fresno

Sponsors: Council President Olivier, City Councilmember Baines III and City Councilmember Caprioglio

The above item was introduced to Council by Council President Olivier, Councilmember Baines and Councilmember Caprioglio.

Councilmember Baines asked City Attorney Sloan to provide more detail to what was being presented and adopted.

City Attorney Sloan stated that the resolution would begin the process of amending the zoning code to allow for cannabis operations, cultivation, manufacture, extraction, testing, distribution, delivery, and medical dispensaries within the City of Fresno. City Attorney Sloan continued to say, the proposed action today, if finally approved, would, in effect, partially repeal what was approved by Council when the recreational use ban was enacted several months ago. The proposal before Council would not allow for recreational dispensaries, but would allow for cultivation, manufacturing, etc., but only medical dispensaries. City Attorney Sloan stated that his office will be posting a memo on the City Attorney's website to provide information for potential cannabis businesses.

Upon call, the following members of the public addressed Council: Blake Gunderson, Roamie Horn, Kimberly Castro, Michael Green, Andreas Borgeas, Charles Miguel, Shannon Luce, Steve Zyszkiewicz, Cynthia

Muniz, Michael Smith, Nicolas Cardella, Bill McPike, Cesar Casamayor, Lesley Miller, Ainlo Majia, George Boyadjian, Tim B, Daniel Garsas, Mia, David Mock, Brenda Linder, Cruz Vanwelloes, Sonia Loraco, Jay, Kelly Dackwood, Evan A.

Chief Dyer spoke regarding his opposition to any type of recreational sales of marijuana in City of Fresno. Chief Dyer expressed his concerns for the increase in the use of marijuana and the increase in the black market.

Councilmember Brandau asked Chief Dyer if Fresno Police Department has done any type of study on the increase of resources the Police Department would need to tackle both medicinal and recreational marijuana.

Councilmember Brandau stated he isn't opposed to medicinal marijuana but opposes recreational marijuana. Councilmember Brandau asked City Attorney Sloan what type of issues could the City of Fresno face if they approve the item as presented. City Attorney Sloan stated if the Federal Government were to strictly enforce Federal law, it would effectively nullify what City of Fresno is doing and would not be liable or criminally liable for anything but Federal law can shut down cultivation operations that would supersede what City of Fresno will be approving today. Councilmember Brandau asked Council President Olivier if the item before Council was about medicinal marijuana only and stated his concerns with the language of the resolution of initiation. Councilmember Brandau continued to state his concerns as to why the item was placed on the agenda at the last minute and would prefer that the City of Fresno work together with the County of Fresno before proceeding and does not support the item as presented. Councilmember Brandau continued to discuss the previous Council action where a consultant was requested to bring back more information to Council and suggested that the item be continued until after a consultant was hired and have the item come before Council in January 2018. Council President Olivier respectfully declined the request.

Councilmember Chavez asked City Attorney Sloan that the item still will have an introduction and ratification in the near future. Councilmember Chavez agreed that he too does not support recreational marijuana. Councilmember Chavez continued to state that if whatever comes back does not have specific safe guards and a certain process then he will reserve the

right not to support the item and that Council is making sure the item is done correctly.

County of Fresno District Attorney Lisa Smittcamp spoke regarding her concerns for the victims of crimes that are associated with marijuana, the increase in the black market, the increase of issues that Proposition 64 creates with taxes which will increase in robberies.

Councilmember Bredefeld stated he supports medicinal marijuana and commented on the consequences, cost of law enforcement, traffic enforcement and treatment and asked if there are ways to identify if an individual is under the influence. Councilmember Bredefeld asked District Attorney Smittcamp to explain how the criminal gangs will increase and if the demand for marijuana will increase. Councilmember Bredefeld continued to say he will only support medicinal dispensaries and will not support recreational marijuana and agreed that this item should have been discussed with County of Fresno before it came before City Council.

Council President Olivier asked County District Attorney Smittcamp if individuals who rent are not allowed to grow at home what should the individual do at that point.

Councilmember Baines stated that the item before Council is just the initiation and will need to go through the right process before approval. Councilmember Baines continued to speak regarding the black market and discussed medicinal use and applaud those who support the item.

Councilmember Brandau motioned to approve the resolution limiting the marijuana uses to medical marijuana only. Councilmember Bredefeld seconded the motion. Motion PASSED 7-0

Council President Olivier asked City Attorney Sloan to clarify what the motion was.

City Attorney Sloan stated the motion was to approve the resolution but confine all of the stated uses to medical marijuana only.

Council President Olivier requested a break to meet with the co-sponsors of the item.

Council recessed at 3:46 P.M and returned at 3:59 P.M.

Councilmember Bredefeld expressed his concerns regarding the requested break requested by Council President Olivier and objects to the action that was taken by the Council President Olivier.

Council President Olivier stated he and the co-sponsors will be voting no on the current motion made by Councilmember Brandau.

Councilmember Brandau asked Council President Olivier to support the item if it is truly about medicinal use only and asked the City Manager Quan-Schecter to weigh in for Mayor Brand. City Manager Quan-Schecter stated Mayor Brand reserves the right to support the initiation and this process which the Administration feels will be fully informed by the consultant and subcommittee and which time the item will be brought back to Council for approval.

RESOLUTION 2017-346 ADOPTED AS AMENDED.

On motion of Councilmember Brandau, seconded by Councilmember Bredefeld, that the above Resolution be adopted as amended. The motion carried by the following vote:

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

Council recessed at 4:11 P.M.

Councilmember Brandau and Councilmember Bredefeld left the meeting at 4:11 P.M.

2:00 P.M.

[ID17-1631](#) HEARING to consider Plan Amendment Application No. A-17-016, and related environmental finding filed by the Development and Resource Management Department Director pertaining to the Parks Master Plan as follows:
1. ADOPT Environmental Assessment No. A-17-016 a Mitigated Negative Declaration dated November 14, 2017;

2. RESOLUTION - Adopting the Parks Master Plan and Approving Plan Amendment Application No. A-17-016, amending the narrative of section 5.1 and the language of policy POSS-1 -a, of the Fresno General Plan, Parkland Standard, to reflect the Parks Master Plan;

Sponsors: Development and Resource Management Department

Council returned from recess at 4:32 P.M.

Council President Olivier asked staff if it was okay to continue the above item to a later date. Assistant City Manager Rudd responded with a no and wished to proceed with the item.

Council Vice President Soria stated she would like more time to review the materials and meet with staff and motioned to continue the item.

Council Vice President Soria motioned to continue the above item to January 25, 2018 at 4:00 P.M. Council President Olivier seconded the motion. Motion PASSES 5-0

On motion of Vice President Soria, seconded by President Olivier, that the above Action Item be continued. The motion carried by the following vote:

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

Absent: 2 - Brandau and Bredefeld

4-C [ID17-1678](#) BILL (for introduction) - Repealing Ordinance 2006-100 and adopting and Ordinance setting forth the compensation of elective officers.

Sponsors: City Councilmember Baines III

The above item was removed from the agenda.

5. CLOSED SESSION

ADJOURNMENT

City Council adjourned at 4:38 P.M.

