



# City of Fresno

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

## Meeting Minutes - Final 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, December 8, 2016

9:00 AM

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 written above.

9:01 A.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

Councilmember Brand was absent during Roll Call but joined the meeting at 9:09 A.M.

Invocation by District Two Councilmember, Steve Brandau

Pledge of Allegiance to the Flag

### **APPROVE AGENDA**

*Councilmember Baines III removed General Administration item 2-D (File ID 16-1368) from the agenda and announced it would be heard next year.*

*Councilmember Brandau removed the 10:30 A.M. Scheduled Matter (File ID 16-1468) from the agenda and announced it would be heard next year. At the request of Councilmember Brand, the item was scheduled for a date*

*certain of February 2, 2017.*

*APPROVED AS AMENDED*

**On motion of Councilmember Baines III, seconded by Councilmember Olivier, the AGENDA was adopted as amended. The motion carried by the following vote:**

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

**Absent:** 1 - Brand

Councilmember Brandau exited the Council Chamber at 9:06 A.M. and returned at 9:07 A.M.

### **APPROVE MINUTES**

[ID16-165](#) Approval of minutes from December 1, 2016

*APPROVED*

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

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

**Absent:** 2 - Brand and Brandau

### **COUNCILMEMBER REPORTS AND COMMENTS**

*Councilmember Quintero announced Council District Five was still collecting new and gently used coats for men, women and children at the Poverello House and the Holy Cross Center for Women. He noted the weather was changing and donating a coat was an opportunity for people to show kindness. Thursday December 22, 2016 would be the final day of the coat drive. He thanked city staff for their donations. He joked that City Manager Rudd promised to donate two vintage "Members Only" jackets.*

*Councilmember Soria announced the launch of the District One Young Councilmember Program. Ten highschool students from Fresno, Bullard and Central Highschools were participating. She said the students would be exposed to local government issues that impact people throughout the city. The goal of the program was to build the next generation of leaders. Councilmember Soria thanked Pacific Gas and Electric Company and the Fresno County Office of Education for sponsoring the program.*

*Councilmember Soria announced that Christmas Tree Lane was open and encouraged all to attend. She noted the next walking night would be Tuesday, December 13, 2016.*

*Councilmember Soria also announced that the fourth annual holiday toy drive, for homeless and foster care children attending school within District One, was underway. She thanked partner organizations Fresno and Central Unified School Districts, Fresno County Office of Education and Sanctuary. She explained that toys would be collected through December 16, 2016 and would be distributed at a special event.*

*Councilmember Brandau announced that representatives in Washington D.C. were discussing a California Water Bill later in the day. The Bill had the support of Senator Feinstein and he was hopeful it would pass.*

*Councilmember Baines III asked for the meeting be adjourned in the memory of Fresno County Probation Officer Rodney Walker who passed away the previous week.*

## **9:00 A.M. SPECIAL CEREMONIAL PRESENTATION**

[ID16-1446](#) Presentation to Make a Difference Day Sponsors and Volunteers

*PRESENTED*

## **1. CONSENT CALENDAR**

### APPROVAL OF THE CONSENT CALENDAR

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

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

**1-A** [ID16-1361](#) Reject the bid for the Traffic Signal Installation at Tulare Avenue and "N" Street - Bid File No. 3489 (Council District 3)

*APPROVED*

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

**1-B** [ID16-1378](#) Actions pertaining to Resolution of Intention No. 1109-D to vacate a portion of an alley between N. Blackstone Avenue and

N. Effie Street north of E. Cornell Avenue. (Council District 7).

1. Adopt a finding of Categorical Exemption per staff determination, pursuant to Section 15301 of the California Environmental Quality Act (CEQA) Guidelines, Environmental Assessment No. C-16-015.
2. Adopt Resolution of Intention No. 1109-D to vacate a portion of an alley between N. Blackstone Ave. and N. Effie St. north of E. Cornell Ave.

*APPROVED*

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

- 1-C**     [ID16-1389](#)     RESOLUTION - Authorizing the submission of an application for grant funds from the California Department of Forestry and Fire Protection Urban and Community Forestry California Climate Investments Grant Program 2016-17 Call for Projects and authorizing the execution of documents by the Public Works Director or designee (Citywide)

*RESOLUTION 2016-253 ADOPTED*

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

- 1-D**     [ID16-1390](#)     Actions pertaining to the Clinton and Thorne Traffic Signal Installation - Project Bid File No. 3454 (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 for the Clinton and Thorne Traffic Signal Installation
  2. Award a construction contract to Kertel Communications Inc., dba Sebastian of Fresno, California, for \$357,907 for the Clinton and Thorne Traffic Signal Installation

*APPROVED*

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

- 1-E**     [ID16-1391](#)     Actions pertaining to the Phase I Citywide Streetlight light emitting diode (LED) Retrofit Project Bid File No 3484
1. Adopt a finding of Categorical Exemption pursuant to Class 1 Section 15301(c) (existing facilities) of the California Environmental Quality Act (CEQA) Guidelines for the Citywide Streetlight LED Retrofit
  2. Award a construction contract to Siemens Industry, Inc. of Austin, Texas for \$273,310 for the Phase I Citywide Streetlight

## LED Retrofit Project

*APPROVED*

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

- 1-F**     [ID16-1392](#)     Approve a Cooperative Agreement with the California Department of Transportation (Caltrans) for the Installation of Intelligent Transportation System (ITS) communication at various locations on State Route 41, 168, and 180 in the City of Fresno. (Council Districts 3, 4, 6 and 7)

*APPROVED*

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

- 1-G**     [ID16-1406](#)     Approve Amendment No. 9 to Agreement between City of Fresno and ERM-West, Inc., to provide ongoing engineering, environmental and remedial actions concerning groundwater contamination at Fresno Yosemite International Airport for an amount not to exceed \$388,285 (Council District 4)

*APPROVED*

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

- 1-H**     [ID16-1407](#)     Consider a resolution of application authorizing the Development and Resource Management Director to initiate proceedings to annex to the City of Fresno approximately 20 acres of property located on the northeast corner of E. Central and S. Cherry (Council District 3)
- a. RESOLUTION - Of application by the Council of the City of Fresno, California, authorizing the Development and Resource Management Director to initiate the annexation of the "Central-Cherry No. 1 Reorganization" with the Fresno Local Agency Formation Commission (LAFCO)

*RESOLUTION 2016-254 ADOPTED*

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

- 1-I**     [ID16-1420](#)     Actions related to leasing 125 acres of City-owned land at the Fresno-Clovis Regional Wastewater Reclamation Facility (Council District 3):
1. Adopt findings of Categorical Exemptions pursuant to Sections 15301/Class 1, 15304/Class 4, and 15325(b)/Class 25 of the CEQA Guidelines.

2. Approve an agricultural Lease and Agreement with James Cook in the amount of \$114,000 for lease of 125 acres for a three-year term.

*APPROVED*

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

- 1-J [ID16-1421](#) Adopt a Minor Amendment to the Metropolitan Water Resources Management Plan Update (Metro Plan Update) (Citywide, Fresno County).

*APPROVED*

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

- 1-K [ID16-1403](#) Actions pertaining to the National Endowment for the Arts Our Town Program Grant for the proposed redesign of the Mariposa Plaza, commission artists to create and install new artwork
1. \*\*\*RESOLUTION - 29th amendment to the Annual Appropriation Resolution (AAR) No. 2016- 118 appropriating \$150,000 in grant funds from the National Endowment for the Arts Our Town Program Grant for the redesign of Mariposa Plaza, and move grant match appropriations from the General City Purpose Department to the Development and Resource Management Department (Requires 5 affirmative votes)
  2. RESOLUTION - Authorizing the City of Fresno to accept a grant in the amount of \$150,000 from the National Endowment for the Arts Our Town Program for the redesign of the Mariposa Plaza, commission artists to create and install new artwork

*RESOLUTION 2016-255 ADOPTED*

*RESOLUTION 2016-256 ADOPTED*

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

- 1-L [ID16-1419](#) Actions related to leasing 550 acres of City-owned land at the Fresno-Clovis Regional Wastewater Reclamation Facility (Council District 3):
1. Adopt findings of Categorical Exemptions pursuant to Sections 15301/Class 1, 15304/Class 4, and 15325(b)/Class 25 of the CEQA Guidelines.
  2. Approve an agricultural Lease and Agreement with James Cook in the amount of \$795,300 for lease of 550 acres for a three-year term.

*APPROVED*

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

- 1-M**    [ID16-1436](#)    \*\*\*BILL NO. B-51 - (Intro. 12/1/2016) (For adoption) - Amending Sections 10-1103 and 10-1105 of the Fresno Municipal Code (FMC), Article 11 - the Smoking Pollution Control Ordinance (Smoking Ordinance)

*ORDINANCE 2016-50 ADOPTED*

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

- 1-N**    [ID16-1437](#)    \*\*\*BILL NO. B-54 - (Intro. 12/1/2016) (For adoption) - Adding Article 17 to Chapter 12 of the Fresno Municipal Code, Adopting a Mills Act Program

*ORDINANCE 2016-51 ADOPTED*

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

- 1-O**    [ID16-1438](#)    Action pertaining to the City's loan program for installation of sewer lines, abandonment of existing septic tank(s) and cesspool systems, and for single family residence connection to the City sanitary sewer system (Citywide).  
1. \*\*\*BILL NO. B-52 - (Intro. 12/1/2016) (For adoption) - Amending Section 6-305 of the Fresno Municipal Code relating to the City's loan program for mandatory connections to the City's sewer system for single family residences, increasing the loan amount per residence from \$5,000 to \$15,000 and term from 15 years to 20 years.

*ORDINANCE 2016-52 ADOPTED*

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

- 1-P**    [ID16-1442](#)    \*\*\*BILL NO. B-53 - (Intro. 12/1/2016) (For adoption) - Amending Subsection (d) of Section 6-507 of the Fresno Municipal Code relating to the deferment of water system connection and related charges.

*ORDINANCE 2016-53 ADOPTED*

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

- 1-Q [ID16-1443](#) \*\*\*BILL NO. B-55 - (Intro. 12/1/2016) (For adoption) - On December 10, 2015, Article 4.15 to Chapter 12 of the Fresno Municipal Code relating to the exemption of development impact fees for the replacement or reconstruction of existing commercial structures was introduced to City Council and adopted on December 17, 2015.

*ORDINANCE 2016-54 ADOPTED*

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

- 1-R [ID16-1444](#) \*\*\*BILL NO. B-56 - (Intro. 12/1/2106) (For adoption) - On December 10, 2015, Article 4.14 to Chapter 12 of the Fresno Municipal Code relating to the exemption of development impact fees for certain projects in economically disadvantaged neighborhoods was introduced to City Council and adopted on December 17, 2015.

*ORDINANCE 2016-55 ADOPTED*

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

Councilmember Brand exited the Council Chamber at 9:45 A.M. and returned at 9:48 A.M.

## **2. GENERAL ADMINISTRATION**

- 2-A [ID16-1358](#) Award a requirements contract to Brasco International, Inc. of Madison Heights, Minnesota, for \$1,356,957.52 for transit shelters and associated passenger amenities - Bid File No. 9383

*The above item was introduced to Council by Transportation Director Marshall. Project Manager Barr with the Transportation Department also spoke on this item.*

*APPROVED*

**On motion of Vice President Quintero, 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



Councilmember Soria exited the Council Chamber at 9:49 A.M. and returned after the Closed Session at 10:30 A.M.

- 2-B**     [ID16-1362](#)     Actions pertaining to the Blackstone and Shields Avenues Intersection Improvements - Bid File No. 3488 (Council District 7)
1. Adopt a finding of Categorical Exemption pursuant to Section 15301(c) (existing facilities) of the California Environmental Quality Act (CEQA) Guidelines for the Blackstone and Shields Avenues intersection improvements Project
  2. Award a construction contract to American Paving Company of Fresno, California, for \$1,801,314 for the Blackstone and Shields Avenues intersection improvements

*The above item was introduced to Council by Supervising Professional Engineer Goonawardena with the Public Works Department.*

*APPROVED*

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

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

**Absent:** 1 - Soria

- 2-C**     [ID16-1422](#)     \*\*\*RESOLUTION - To revise Pledge Revenue Resolution to increase Safe Drinking Water State Revolving Fund Low Interest Loan funding for the City of Fresno's Regional Transmission Main Project to \$75,900,000 (Citywide)

*The above item was introduced to Council by Water Division Manager Carbajal with the Department of Public Utilities.*

*RESOLUTION 2016-257 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, Brand, Brandau and Olivier

**Absent:** 1 - Soria

- 2-D [ID16-1368](#) BILL - (For Introduction) - Adding Article 7 to Chapter 13 of the Fresno Municipal Code relating to Publication Dispensing Racks Citywide and in Special Districts. (Citywide)

*The above item was removed from the Agenda by Councilmember Baines III to be heard next year at a date uncertain.*

REMOVED FROM AGENDA

## **5. CLOSED SESSION**

*City Council met in Closed Session in Room 2125 from 9:54 A.M. to 10:30 A.M. to discuss the following:*

- [ID16-1381](#) CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION - Government Code Section 54956.9, subdivision (d)(1)
1. ARNOLD, Connie v. City of Fresno, and Does 1 through 10 - Case No.: 1:16-CV-01625-LJO-EPG

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

- [ID16-1382](#) CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION - Government Code Section 54956.9, subdivision (d)(1)
1. MARTIN, Michelle v. Fresno Storyland, Inc.; Case No.: 1:16-CV-00972-LJO-BAM

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

## **2:00 P.M. Special Meeting Closed Session (Separately Noticed)**

- [ID16-1523](#) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION  
Government Code Section 54956.9(d)(4)  
City of Fresno v. North Central Fire Protection District

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

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

Councilmember Soria exited the Council Chamber at 10:50 A.M. and returned at 10:51 A.M.

**10:05 A.M.**

- [ID16-1428](#) HEARING to consider Official Plan Lines (OPL) for E. McKinley Avenue between N. Sunnyside and N. Temperance Avenues; and related Environmental Assessment No. EA-16-023.
- a. Adopt the Finding of Conformity to the Fresno General Plan Master Environmental Impact Report (MEIR #2012111015) as prepared for Environmental Assessment No. EA-16-023, filed September 16, 2016.
  - b. BILL - (For introduction and adoption) - Approving the Official Plan Lines for E. McKinley Avenue between N. Sunnyside and N. Temperance Avenues pursuant to the Fresno General Plan Land Use and Circulation Map.

*The above hearing was called to order at 10:38 A.M. The item was introduced to Council by Supervising Planner Tackett with the Development and Resources Management Department.*

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

*Bob Waterston - wanted to know why the city would build a project that goes nowhere instead of completing the project through Clovis Avenue. Planner Tackett responded that the City was proposing an alignment for a future major street.*

*The hearing was closed at 10:43 A.M.*

**BILL B-58 INTRODUCED AND ADOPTED AS  
ORDINANCE 2016-56**

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

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

**Absent:** 1 - Soria

**10:15 A.M.#1**

- [ID16-1384](#) Actions Pertaining to Development Impact Fees
1. HEARING - Regarding amendment to the City of Fresno's Master Fee Schedule to increase the existing citywide impact fees for traffic signals, streets, fire facilities, and park facilities

2. Adopt a Finding of Statutory Exemption per staff determination, pursuant to Section 15273 of the California Environmental Quality Act (CEQA) Guidelines for the impact fee update, Environmental Assessment No. EA-16-038 Accept and Adopt the Public Review Draft Nexus Study Reports for the Impact Fee Programs associated with Citywide Regional Streets, New Growth Area Major Streets, Traffic Signals, Police Facilities, Fire Facilities, Park Facilities and Quimby Parkland Dedication Fees; and adopt associated Findings pursuant to the Mitigation Fee Act
3. \*\*\*RESOLUTION - 529th Amendment to the Master Fee Schedule Resolution No. 80-420 to increase and decrease various Development Impact Fees
4. \*\*\*RESOLUTION - Amending the Implementing Policies for the Citywide Regional Street and New Growth Area Major Street Impact Fees as previously adopted by Resolution No. 2007-291 and as amended by Resolutions No. 2007-347, 2007-348, 2008-278, 2008-349 and 2013-27
5. BILL - (for Introduction) Amending Fresno Municipal Code Section 12-4.705 pertaining to developer dedication and construction of park facilities

*Council discussed the 10:15 A.M. #1 (File ID 16-1384) and 10:15 A.M. #2 (File ID 16-1385) Hearings concurrently but took two separate votes.*

*The above hearing was called to order at 10:38 A.M. The above item was introduced to Council by Public Works Director Mozier, Public Utilities Director Esqueda and consultant Ellen Martin from Economic and Planning Systems Incorporated.*

*Upon call for public comment regarding impact fees (10:15 A.M. #1), the following people addressed Council:*

*Mike Prandini, President of the Building Industry Association ("BIA") of Fresno/Madera Counties - stated the BIA was not opposed to all of the stated fees, but had concerns about parks and how they were established and had questions about the assumptions that were used. He noted BIA questions regarding fire fees had been resolved. He asked that the item be postponed to allow the industry to have further discussions with staff regarding park fees.*

*Jeffrey Reid, attorney for BIA - stated, for the record, the city attorney sent*

him a letter clarifying the intent was not to impose the new impact fees on vesting tentative maps. He also discussed bonded indebtedness and said the City sold bonds in 2008 that were due in 2029. With the bonds, the City developed parkland complete with amenities. He said the study figured existing amenities were benefitting new development and that was the basis for a reasonable relationship between the need for the public facility and the type of development on which the fee was imposed. He noted that under the study, it appeared new development would be required to pay for the 2.4 acres of new parks and amenities as well as those existing parks and amenities which would be the cause of many problems. He requested the item be postponed so it could be done correctly the first time.

Public comment was closed at 11:53 A.M.

Councilmember Olivier motioned to: approve the impact fees without parks; to continue the water capacity fee for sixty days, and; to hold off on implementation of the infill fees to allow time for another nexus study to see if Fresno could be more competitive with the City of Clovis. Councilmember Brandau seconded the motion which was later withdrawn by Councilmember Olivier.

Councilmember Brand motioned to approve the impact fees (10:15 A.M. #1 - File ID 16-1384) as presented and to continue the water capacity fee (10:15 A.M. #2 - File ID 16-1385) for sixty days. Councilmember Baines III seconded the motion.

The hearing was closed at 12:34 P.M.

RESOLUTION 2016-258 ADOPTED  
RESOLUTION 2016-259 ADOPTED  
BILL B-59 INTRODUCED AND LAID OVER

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

## **10:15 A.M.#2**

[ID16-1385](#) Actions pertaining to proposed water capacity fees (Citywide):

1. Hold a public hearing regarding the proposed Water Capacity Fees.
2. Adopt findings that the proposed Water Capacity Fees and Municipal Code amendments are exempt from environmental review under a Statutory Exemption to the California Environmental Quality Act (CEQA) for rates, tolls, fares, and charges (pursuant to Public Resources Code section 21080(b) (8) and CEQA Guidelines section 15273(a)(4).
3. BILL - (For introduction) - Amending Article 5 of Chapter 6 of the Fresno Municipal Code and Article 4.5 of Chapter 12 to repeal various fees associated with water connection and capacity issues and create a new Water Capacity Fee classification, and to adopt Water Capacity Fees as proposed by and justified in the nexus study prepared by Bartle Wells Associates.
4. \*\*\*RESOLUTION - 530th amendment to the Master Fee Resolution (MFS) No. 80-420 adopting Water Capacity Fees under the Public Utilities Section.

*Council discussed the 10:15 A.M. #1 (File ID 16-1384) and 10:15 A.M. #2 (File ID 16-1385) Hearings concurrently but took two separate votes.*

*The above hearing was called to order at 10:38 A.M. The above item was introduced to Council by Public Works Director Mozier, Public Utilities Director Esqueda and consultant Ellen Martin from Economic and Planning Systems Incorporated.*

*Upon call for public comment regarding water capacity fees (10:15 A.M. #2), the following people addressed Council:*

*Mike Prandini, President of the Building Industry Association ("BIA") of Fresno/Madera Counties – requested the item be postponed for at least sixty days so BIA questions could be addressed. He said the BIA does not understand the 20% buy-in or how it was calculated. He requested clarification regarding the changes to how reimbursements would be made to developers. Mr. Prandini also expressed concerns and requested clarification on the City's options for growing its water system to address newly annexed areas.*

*Jeffrey Reid, attorney for BIA - handed a letter dated December 2, 2016 to the clerk. Mr. Reid asked Council to confirm his previously received correspondence that the new fees would not be applied to vesting tentative*

maps. He also noted that AB1600 standards for charging a development for the cost of services were not applicable to the merger of two systems having negotiations of a buy in. He said if there was need for new capacity, the new development would need to create it. Mr. Reid said the proposal was based upon the claim that there was 20% existing capacity in the system, much of which was funded by prior new growth development. He claimed the costs of that system were inflated to present dollar values then were allocated back to developers for a second time without any analysis of how that 20% was appropriate or why new facilities were required in light of the existing capacity. Mr. Reid argued that City options for growing the system were not in the nexus study or the in the resolutions. He suggested the matter be tabled for at least sixty days.

Patience Milord - confirmed with Council that *Unscheduled Communication* would be heard following the conclusion of the 10:15 A.M. hearings.

Gary Gianetta, Civil Engineer – request the item be delayed so the industry could better understand the water capacity fee. He noted one of the many issues was how the fees would be collected. He explained that the current fees were calculated by unit or acreage and the new fee would be based on meters. He said that without an implementation plan, the industry would not know how to deal with the new calculations. Mr. Gianetta pointed out that, besides domestic services, there were meters for water services, median islands, landscape services and fire services.

Rick Ginder, apartment complex developer - foresaw problems for water capacity fees and hook-up fees based on meter size. Mr. Ginder stated the mandated fire hydrants and fire sprinklers required two six inch meters regardless the size of a project. He said his projects were very water efficient but the hydrants and sprinklers required larger pipes and therefore larger fees.

Jeff Roberts of Granville Homes - requested the park fee and water capacity fee discussion be continued to a later date. Mr. Roberts stated it would be unfair for those property in the sphere of influence, but not yet annexed into the city, to be forced to either contract with an irrigation district for water or build their own system.

Public comment was closed at 11:53 A.M.

Councilmember Olivier motioned to: approve the impact fees without parks; to continue the water capacity fee for sixty days, and; to hold off on

*implementation of the infill fees to allow time for another nexus study to see if the city could be more competitive with the City of Clovis. Councilmember Brandau seconded the motion which was later withdrawn by Councilmember Olivier.*

*Councilmember Brand motioned to approve the impact fees (10:15 A.M. #1 - File ID 16-1384) as presented and to continue the water capacity fee (10:15 A.M. #2 - File ID 16-1385) for sixty days. Councilmember Baines III seconded the motion.*

*The hearing was closed at 12:34 P.M.*

**CONTINUED FOR SIXTY DAYS**

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

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

**10:30 A.M.**

[ID16-1468](#) BILL - (For introduction) - Adding Article 16 to Chapter 10 of the Fresno Municipal Code related to a residential rental inspection program.

*The above item was removed from the agenda.*

**CONTINUED TO FEBRUARY 2, 2017**

RECESSED 12:34 P.M. to 12:50 P.M.

**UNSCHEDULED COMMUNICATION**

*Each speaker during Unscheduled Communication spoke on the subject of the 10:30 A.M. residential rental inspection program (File ID 16-1468) that was removed from the agenda.*

*Upon call for unscheduled communication, the following people addressed Council:*

*Nancy Waidtlow who deferred to Andy Levine of Faith in Community – stated tenants in Fresno were concerned with slum housing and that stake holders had found best practices included routine interior inspections. He*



said the City needed a baseline inspection of all units to get an idea of the depth of the problem. Mr. Levine was encouraged that the Mayor brought forth an interior inspection program, but cautioned that the City still needed to listen to experts in the field to maximize results. He was disappointed the item would not be heard immediately and felt there was no reason to delay.

Jed Soberal with Faith and Community – opined that not taking action today was not the correct thing to do. He said Sommerset was a good example. Mr. Soberal recalled a time in 1991 when a lack of follow up to two fire code inspections resulted in deaths. He announced that tenants from Hotel California would speak about their situations. He noted that by delaying the item again, the tenants of Hotel California would be forced to go longer without heat. He also stated that "residential units" should be defined to include residential hotels to cover hotels like Hotel California that cater to people in need of a permanent residence.

Guadalupe Ramos, Hotel California tenant – stated she had been in Hotel California for four months. There was no heat and the hotel was infested with roaches and mice. She said the ceiling in her unit was about to fall down because of bad plumbing and the landlord was trying to evict her.

Michael Baldwin, Hotel California tenant - felt that by deciding not to hear this item, the City Council was allowing the mistreatment and harassment of tenants to continue. He said that tenants would continue to face retaliation by the owner.

Antoinette Castaneda, Hotel California tenant - said that waiting until February to take action on the matter meant tenants will be suffering longer without heat in unites with deteriorating walls and ceilings. She suggested the Councilmembers needed to see the conditions to believe them. She was facing eviction until she got help from an attorney, Code Enforcement and Joaquin Arambula.

Mona Green, Hotel California tenant - stated she had been in Hotel California for almost a year. The units had no heat, and were infested with roaches and mice. Her unit also had a leaking bathroom sink. Ms. Green said the tenants need help because the owner does not care and harasses them. She said she was being evicted but still paid rent.

Estefania Torres-Santiago with Faith in the Valley - stated Fresno needed a baseline interior inspection. She said the conditions for many tenants in

*Fresno were inhumane and unacceptable. She asked Council not to neglect the pleas from the community.*

*Leticia Valencia with Faith in Community - asked why Council was continuing the item when they claimed to understand the problem. She said that last time she was at a Council meeting, Council asked her for the addresses to slum properties so they could help people. She stated that a baseline inspection would provide them with the address to every problem property in the city. She asked Council if they were waiting for a tragedy like a fire before they took action. She felt Council was making a choice to ignore the cries of tenants in favor of land owners and the Apartment Association.*

*Esther Delahay of Lowel Community Development Corp. - stated her organization was educating tenants and was compiling a report. She noted 25% of the people she dealt with had electrical problems and others were without smoke detectors, and were plagued by a number of habitability issues. She told Council that interior inspections were needed sooner rather than later. Ms. Delahay said the Lowel Community Development Corp. understood both sides of the issue because it worked with tenants and was now a land owning entity. She estimated the costs for interior inspections for a good landowner to be a low, per unit price. She said that only owners of substandard units would experience higher costs for inspections.*

*Barbara Fiske - appreciated that council knew the facts but said action was needed immediately. Ms. Fiske read from the minutes of a 10x10 Blue Ribbon Affordable Housing meeting from last year to show the Apartment Association was involved as a partner on this matter. She felt the Apartment Associations continuing involvement was not very public and was the reason things were moving slow. Ms. Fisk noted the Apartment Association was not an authority over bad landlords who choose not to follow the Association's ethics.*

*Reverend Steve Ratsliff with Faith and Community – he urged the city to begin interior inspections before the end of December. He said faith leaders were pained by the moral costs and told Council that people deserved dignity, a safe roof over their heads and elected officials that would stand up for them. Reverend Ratsliff said action was long overdue and a baseline inspection followed by routine inspections and oversight was required.*

*Daniel O'Connell of the Central Valley Partnership – stated the measure of a society was how the most vulnerable were cared for and protected. He felt*

*the City of Fresno had been grossly negligent. He noted the measure was only moderate in its depth and was the result of a two year process. Mr. O'Connell said the measure represented best practices and that a vote was needed immediately because of health and safety concerns. He said if there was no vote, advocates would push even harder for a stronger measure. He said it was known that some people invest in Fresno because they feel there were no regulations and he said those people need to be held accountable.*

*Juan Arambula, former California State Assemblyman – urged Council to vote upon the item because the public deserved to know how each Councilmember stood on the issue. He said it was not clear why a two month delay was required. Mr. Arambula suggested the issue be placed on the next council agenda and that the other Councilmembers not support a motion to remove the item. He said if Council was concerned about making the measure stronger, they could vote without delay and make changes later. He asked Council not to give consideration to the industry because it was Christmas time. He said it was Christmas time for the tenants too and they had to worry about roaches crawling into their children's' ears. He also reminded Council the tenants also faced other health and safety concerns and needed heat.*

*Dillon Savory Political Director of Central Labor Council - expressed displeasure with the Council for removing the residential rental inspections item and for making people wait to speak to Council about it. He was also upset that the Councilmember who removed the item was not present for public comment. He challenged the Councilmembers to visit some of the problem properties and said substandard rental properties were problems throughout the city. He said the measure was not about punishing the good property owners. Mr. Savory said organized labor would stand with the people that needed help and would fill the chambers when it came time to vote to bring slums up to health and safety code standards.*

*Sukaina Hussain - stated the substandard housing issue affected people of all backgrounds and faith and immediate action was needed. She said If changes were going to be made to the measure, the measure should be strengthened by adding a baseline inspection and increasing the number of units inspected from 10% to 25%. She asked Council to stand with people and to make the measure stronger.*

*Thomas Weiler of Faith in the Valley- urged Council to take an immediate*

*vote on the residential rental inspection program. He felt the timing of the proposal made a mockery of democracy. Mr. Weiler said the measure had been moved around so many times that it was disrespectful and citizens could not possibly keep track of it. He said the decision was a moral choice and Council needed to side with either the slum lords or the most vulnerable of the population. Mr. Weiler said the next proposal should be tough and: allow the withholding of rent if problems were not fixed; require more inspections, and; make use of receiverships. He said Faith in the Valley would continue to pursue the issue and he asked Council to act on behalf of the people they represented instead of irresponsible land owners.*

*Sara Salgado with Fe En Comunidad - said her apartment was very clean but there were rats in the walls which would get into her apartment. She developed an allergy and her granddaughter got pneumonia because of the rats. She said Council should see where she lived and how she was living. The previous rental was also rat infested and should have been an embarrassment to the property owner. Ms. Salgado said that JD Homes was an irresponsible company that did not respond to the needs of tenants. She asked Council from whom she should demand help.*

*Ashley Werner of Leadership Counsel for Justice and Accountability - stated the current substandard housing issue was a crisis. She said Leadership Counsel hears every day from people that live in apartments with cockroaches and structural issues that put families at risk. She explained that Tenants were afraid to contact the city because they would be threatened with eviction. Ms. Werner said there was no moral, logical or ethical reason keeping Council from voting on the issue immediately and that waiting only kept residents at risk. Leadership Counsel wanted Council to strengthen the ordinance by adopting the best practices which have already been vetted by other cities and were proven to work. She was surprised that the issue was still being debated by the City of Fresno.*

*Mathew Jendian of Faith in Community - stated that everyone knew what the problems were and everyone knew what the solutions were. He said the problem was figuring out how to do it and the issue had become political. Mr. Jendian said the people live in substandard housing and filth and they had spoken. He said the people were not seeking to defeat anyone but were seeking respect and understanding. By delaying a vote on the issue, Mr. Jendian said, the Council was denying the reality of what these people were going through.*

*Tracy McDonald – stated her apartment had been without power for 5 days because of a negligent owner. She explained that the negligence of the owner caused the displacement of all the tenants, some of whom became homeless. She said action needed to be taken against slum lords because their properties were not fit for dogs. Ms. McDonald felt that all rental property should, at least, meet the Section 8 housing standards.*

*Juaquin Arambula, State Assemblyman - Thanked the Mayor for presenting the measure on residential rental inspections. He called the measure a "moderate compromise" and "middle ground." He expressed disappointment in the leadership of the Council. Assemblyman Arambula said inaction would greatly impact the citizens that were living in pain and the Councilmembers couldn't fully comprehend what they were doing because they lived in privilege. He said the people were standing up to remind them that government was meant to work for the people and for the most vulnerable. He did not understand how the city could think it was meeting its health and safety obligations. He failed to see the logic in delaying action which would only prolong suffering. He was offended that the Councilmember that removed the item from the agenda was not present to listen to the people. He said he would do his best, at the state level, to see that the city met its obligations under the health and safety codes.*

*Richard Ginder – stated he had been an apartment developer for 30 years and had two current, and several planned, projects. He said the cause of slum problem was affordability and a lack of supply. Mr. Grinder said the City of Fresno had a 26% poverty rate and many people could not afford to live in his apartments because building costs were so high. He reiterated that he was not a slum lord and explained that he had zero deferred maintenance and no health and safety problems at his units. He stated the problem was real, but the problem would not be fixed by inspecting his apartments. He explained that he already paid people to inspect his apartments and didn't think the City needed to do it again. Mr. Grinder suggested an exemption for Freddie Mac and Fannie Mae financed buildings since they already had inspection requirements.*

*Richard Burrell with Live Again Fresno – his organization works with people in the Adams and Roeding Park areas and he urged Council to pass this item because children were suffering every day due to slum conditions. Mr. Burrell said he has taken children to the hospital for asthma attacks cause by black mold. He has taken infants to the emergency rooms because they were so severely covered in bed bug bites. He had seen children miss four*

*and five days of school because of ear infections caused by cockroaches in their ears. He said some of the problems persisted due to a lack of code enforcement follow through. He stated these situations were routine for tenants and Council needed to help by taking action on the residential rental inspection program.*

*Maria Rivera – had low income housing concerns, especially for people with disabilities. She wanted to know how low income housing could be made better and how the services could be made better.*

*Patience Millrod – said that the substandard rental issue was an emergency, with no good reason for the delay. She asked Council to vote on the item or put it on the following agenda with a baseline inspection requirement. She agreed with a previous speaker that the problem existed because of a "ridiculously inadequate" supply of affordable housing. She said the City had a role to play in fixing the affordable housing supply, but that would take a long time. The immediate action, she said, would be to pass the interior inspection measure to help the people at the mercy of slum lords. Ms. Millrod said code enforcement was not functioning and the measure would quickly address many problems. She asked the Councilmembers to take action because it was their job to do so.*

RECESSED 2:19 P.M. to 2:28 P.M.

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

#### **1:45 P.M.**

- [ID16-1478](#) CONTINUED 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 (The public input portion of the meeting was closed on 11/17/2016)
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 listed continued hearing was called to order at 2:28 P.M. Councilmember Baines III announced there would be no additoinal public comment during this portion of the meeting as public comment was heard and closed at the previous meeting.*

*Councilmember Baines III motioned to approve item with the following five amendments:*

*First amendment: once 85% of heavy industrial has been occupied in the "reverse triangle", then the parcels along the east side of Elm Avenue, south of North Avenue will become Office and Light Industrial.*

*Second amendment: change the zoning from Light Medium Residential to Public Institution along North Avenue between Martin Luther King Boulevard and West Avenue.*

*Third amendment, the Industrial Compatability Assessment study will be completed in one year.*

*Fourth amendment - change the zoning on the southeast corner of Church and Walnut Avenues to Neighborhood Mixed Use.*

*Fifth amendment - include the Darling Ingredients, Inc. property in the plan.*

*After announcing the first three amendments, Councilmember Baines III asked Mrs. Mary Curry and Bob Mitchell to address the Council. Ms. Curry thanked everyone for their hard work over the last sixteen month. She agreed with the three amendments and asked the Council to continue supporting Southwest Fresno. Mr. Mitchell thanked everyone for their efforts on the project and said that everyone could be proud of the final product. He felt the three amendments complimented the plan and the intentions of the plan. Councilmember Baines III introduced the fourth and fifth amendments following the comments from Mrs. Curry and Mr. Mitchell.*

*A member of the public requested to comment on the fourth amendment regarding Church and Walnut Avenues, but was reminded by Councilmember Baines III that public comment had closed at the previous*

*meeting.*

*RESOLUTION 2016-260 ADOPTED AS AMENDED*

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

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

**Absent:** 1 - Brandau

**1:30 P.M.**

**CONTESTED CONSENT CALENDAR**

*No items were moved to the Contested Consent Calendar.*

**CEREMONIAL PRESENTATIONS**

[ID16-1450](#) Presentation of the SPCA Pet of the Month

*The SPCA Pet of the Month ceremonial item did not take place.*

[ID16-1426](#) Recognition of the American Public Works Association Central California Chapter Awards for Young Leader of the Year - Mr. Randall Morrison and Public Works Project of the Year - Inspiration Park

*Presented*

**4. CITY COUNCIL**

**ADJOURNMENT**

*Adjourned at 2:58 P.M. in the memories of Douglas Joseph Godbehere, Rodney Walker and John Glenn*

**The above minutes were approved by unanimous vote of the City Council during the December 15, 2016 City Council meeting with Councilmember Soria absent.**