



# City of Fresno

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

## Meeting Minutes - Final City Council

---

Thursday, December 18, 2014

1:30 PM

Council Chambers

---

### Regular Session

The City Council met in regular session at the hour of 1:30 P.M. in the Council Chamber, City Hall, on the day above written.

1:39 P.M. ROLL CALL

**Present:** 7 - Council President Steve Brandau  
Acting Council President Oliver Baines  
Councilmember Lee Brand  
Councilmember Paul Caprioglio  
Councilmember Clinton Olivier  
Councilmember Sal Quintero  
Councilmember Blong Xiong

Invocation by Reverend KC Dickie of Operation Heal Our Land

Pledge of Allegiance to the Flag

### **CEREMONIAL PRESENTATIONS**

[ID#14-681](#) Proclamation of "KIM STEPHENS DAY"

**Sponsors:** City Councilmember Olivier

*PRESENTED*

[ID#14-689](#) Recognizing DOCTOR KOOM SIAB

**Sponsors:** City Councilmember Xiong

*PRESENTED*

Without objection, President Brandau announced that City Council Item 3-B (File ID#14-686) regarding a report on a visit to Fresno's Sister City, Kochi Japan, would be heard out of order from the agenda.

### **3 CITY COUNCIL**

- 3-B [ID#14-686](#) Report to Council by Ken Taniguchi on recent Sister City visit to Kochi Japan

**Sponsors:** City Councilmember Xiong

*Fresno Sister City Committee Co-Chair Taniguchi reported on his recent visit to Kochi, Japan.*

### **COUNCILMEMBER REPORTS AND COMMENTS**

*Councilmember Caprioglio commented on the City Council District Offices holiday decorating competition and noted that District Four had won the "Best Overall" award. Councilmember Caprioglio thanked his Assistants, Rios and Eide. The District Four theme was Red, White and Blue, in honor of all veterans - past, present and future. Councilmember Caprioglio stated the decorations were especially meaningful to him because of the veterans in his family: his grandfather served in the Army during WWI; his father served in the US Navy during WWII, and his late brother served in the Marines during Vietnam. Councilmember Caprioglio invited everyone to view the decorations and told Councilmember-elect Soria to be prepared for next year's competition.*

*President Brandau commented on his recent attendance at the funeral of George Sheklian who was killed when the store he was in was robbed. President Brandau noted Mr. Sheklian arrived in the Country as an immigrant from Argentina and worked hard to build a wonderful life in Fresno. President Brandau was concerned about the reports he was receiving about increased crime and felt it was time to move against the tide of crime with the passage of Proposition 47.*

### **APPROVE MINUTES**

Approve City Council minutes of December 11, 2014

*APPROVED*

**On motion of Councilmember Xiong, seconded by Acting President Baines, the above MINUTES were adopted. The motion carried by the following vote:**

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

**APPROVE AGENDA**

*City Clerk Spence announced the following changes to the agenda: a separately noticed 2:00 P.M. Special Closed Session (File ID# 14-694) would be held to discuss the City of Fresno v. Annadale Housing Partners and also Shaffer v. City of Fresno; Consent Calendar Item 1-I (File ID# 14-631) regarding a purchase agreement for 5938 N. La Ventana was moved by staff to the January 8, 2015 meeting.*

*President Brandau announced he was continuing the 5:00 P.M. Scheduled Item (File ID# 14-682), regarding the proposed General Plan Update, for sixty days.*

*Councilmember Brand motioned to overrule President Brandau and keep the 5:00 P.M. Scheduled Item (File ID# 14-682) on the agenda. Acting President Baines seconded the motion to overrule President Brandau which passed by the following vote:*

*Aye: 5 - Baines, Brand, Caprioglio, Quintero and Xiong  
No: 2 - Brandau, Olivier*

*APPROVED AS AMENDED*

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

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

**1. CONSENT CALENDAR**

*Councilmember Quintero moved Consent Calendar Item 1-G (File ID# 14-614) to the Contested Consent Calendar for further discussion.*

*Councilmember Xiong moved Consent Calendar Item 1-D (File ID# 14-588) to the Contested Consent Calendar for further discussion.*

*Councilmember Brand moved Consent Calendar Item 1-L (File ID# 14-660) to the Contested Consent Calendar for further discussion.*

*The following member(s) of the public spoke on Consent Calendar Items: Barbara Hunt (File ID# 14-558).*

## APPROVAL OF THE CONSENT CALENDAR

**On motion of Councilmember Caprioglio, seconded by Acting President Baines, the CONSENT CALENDAR was hereby adopted by the following vote:**

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

- 1-A**    [ID#14-539](#)    RESOLUTION - Amend Resolution Nos. 2007-118 and 2007-318 providing time extensions relating to Underground Utility Districts (UUD) Numbers 69 and 84 (Council Districts 1, 3 and 7)

**Sponsors:** Public Works Department

*RESOLUTION 2014-208 ADOPTED*

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

- 1-B**    [ID#14-558](#)    Actions pertaining to the Caltrans Utility Agreement for City staff to design and inspect the utility relocations of City infrastructure associated with the State Route 99 Relocation Project
1. Approve a Caltrans Utility Agreement (No. 06-1398.011) for City staff to design and inspect the utility relocations of City infrastructure associated with the State Route 99 Relocation Project
  2. \*\*\*RESOLUTION - 24th amendment to Annual Appropriations Resolution (AAR) No. 2014-95 appropriating \$270,100 for design and inspection costs for the State Route 99 Utility Relocation Project in FY2015 (Requires 5 affirmative votes)

**Sponsors:** Public Works Department

*RESOLUTION 2014-209 ADOPTED*

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

- 1-C**    [ID#14-578](#)    Actions pertaining to Parking Permit Agreement between Housing Authority and the City of Fresno:
1. Adopt a finding of Categorical Exemption pursuant to Section 15301 (Existing Facility) of California Environmental Quality Act (CEQA) Guidelines; and
  2. Approve a Parking Permit Agreement for up to 25 parking spaces in City of Fresno Parking Garage #7 located at 801 Van Ness at a base rate of \$35 per month per stall for a two (2) year term (Council District 3)

**Sponsors:** Development and Resource Management Department

*APPROVED*

The above item was approved on the Consent Calendar.

- 1-D [ID#14-588](#) Actions pertaining to the October 13, 2013 Council approval of the Environmental Justice Grant for “The 41 and North Corridor Community Design Plan - West Fresno” from the California Department of Transportation (Caltrans)
1. \*\*\*RESOLUTION - 27th amendment to the Annual Appropriation Resolution (AAR) No. 2014-95 appropriating \$139,900 for public outreach, consulting services, and miscellaneous City expenses related to The 41 and North Corridor Community Design Plan  
**(Requires 5 affirmative votes)**
  2. Authorize the Director of DARM to enter into a Subapplicant/professional services agreement with Habitat for Humanity Fresno County (HFHFC), not to exceed \$64,824, for public outreach and engagement services and require/approve HFHFC’s local match cost share in-kind services in the amount of \$13,990
  3. Authorize the Director of DARM to enter into a professional services agreement with Wallace, Roberts and Todd, LLC., not to exceed \$73,075, for development of the related Streetscape Plan

**Sponsors:** Development and Resource Management Department

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

- 1-E [ID#14-604](#)
1. Adopt finding of no possibility of significant effect pursuant to CEQA Guidelines Section 15061(b) (3) and Categorical Exemption pursuant to CEQA Guidelines Section 15312 for the sale of a small abandoned water well parcel
  2. Approve the quitclaim and grant deed sale of a small abandoned water well parcel near the intersection of San Jose Avenue south of N. First Street APN 418-234-16t, to adjacent property owner Cecilia Porras (Council District 4)

**Sponsors:** Public Works Department

APPROVED

The above item was approved on the Consent Calendar.

- 1-F [ID#14-613](#) Actions pertaining to the dedication of City owned property for public street purposes on the west side of N. Willow Avenue south of E. Teague Avenue (Council District 6)
1. Adopt the proposed Mitigated Negative Declaration as the finding for Environmental Assessment (EA) No. EA-11-008 for the widening of N. Willow Avenue
  2. RESOLUTION - Dedicating a portion of City owned property for public street purposes on the west side of N. Willow Avenue

south of Teague Avenue

**Sponsors:** Public Works Department

*RESOLUTION 2014-210 ADOPTED*

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

- 1-G**    [ID#14-614](#)    **RESOLUTION** - Of intent and consideration to amend the existing boundary map, change the types of services and the rate and method of apportioning the special tax, and to establish a new Maximum Special Tax for Final Tract Map No. 5626, Annexation No. 29, of the City of Fresno Community Facilities District No. 11 (southeast corner of S. Fowler and E. Hamilton Avenues) (Council District 5)

**Sponsors:** Public Works Department

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

- 1-H**    [ID#14-620](#)    Approve Amendment No. 2 with Live Oak Associates to provide professional services for the environmental investigative studies and permitting support services for the Friant-Kern Raw Water Pipeline Project for an amount not to exceed \$48,000

**Sponsors:** Department of Public Utilities

*APPROVED*

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

- 1-I**    [ID#14-631](#)    Authorize the City Manager or designee to execute an agreement for purchase and sale of property and escrow instructions for APN 505-150-31, 5938 N. La Ventana, Fresno, California 93723 (Tract 5247, lot 59) for \$385,000 from Seller, Grantland Avenue, LLC, a California Limited Liability Company

**Sponsors:** Fire Department

*The above item was moved to January 8, 2015 by staff.*

*CONTINUED*

- 1-J**    [ID#14-640](#)    \*\*\*Adopt the Second Amendment to Salary Resolution No. 2014-108 to: (1) amend who is eligible for the Bilingual Certification Program; (2) add the new classification of Payroll Manager in Exhibit 2, Unit 2; (3) modify the salaries for the classifications of Commercial Building Inspector and Senior Commercial Building Inspector; and (4) delete the salaries effective 1/1/15 for classes in Exhibit 4, Unit 4, Non-Supervisory Police and Exhibit 9, Unit 9, Police Management, as required by the adopted

Memoranda of Understanding between the City of Fresno and the Fresno Police Officers Association, effective September 11, 2014

**Sponsors:** Personnel Services Department

*RESOLUTION 2014-211 ADOPTED*

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

- 1-K [ID#14-654](#) **RESOLUTION** - Approving the Final Map of Tract No. 5531 and accepting dedicated public uses offered therein - north and south sides of E. California Avenue between S. Armstrong and S. Temperance Avenues (Council District 5)

**Sponsors:** Public Works Department

*RESOLUTION 2014-212 ADOPTED*

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

- 1-L [ID#14-660](#) Approve a twelve (12) month interim contract extension, not to exceed \$498,000 with Ray Morgan Company ("RMC") of Fresno, California, to continue to provide uninterrupted printing and copying services at City Hall and other City facilities

**Sponsors:** Finance Department

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

- 1-M [ID#14-664](#) \*\*\*RESOLUTION - 29th amendment to the Annual Appropriation Resolution (AAR) No. 2014-95 appropriating \$250,000 for the application of wire theft deterrents to post top streetlight poles throughout the City of Fresno (Requires 5 affirmative votes)

**Sponsors:** Public Works Department

*RESOLUTION 2014-213 ADOPTED*

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

- 1-N [ID#14-666](#) Approve an agreement with Peters Engineering Group in the amount of \$71,723, with a contingency amount of \$10,000 (total not to exceed \$81,723), to provide consultant services for Herndon Avenue westbound widening from Brawley Avenue to Blythe Avenue and to authorize the Public Works Director or designee to sign and execute the standardized agreement on behalf of the City (Council District 2)

**Sponsors:** Public Works Department

*APPROVED*

The above item was approved on the Consent Calendar.

- 1-O [ID#14-669](#) Approve third amendment to agreement with CDM Smith Inc. in the amount of \$265,600 for groundwater monitoring and reporting for the Fresno Sanitary Landfill and authorize the Public Utilities Director or his designee to execute the agreement on behalf of the City (Council District 3)

**Sponsors:** Department of Public Utilities

APPROVED

The above item was approved on the Consent Calendar.

- 1-P [ID#14-683](#) Approve the reappointment of James Poptanich to the Fresno-Madera Area Agency on Aging Board and the appointment of Ken Elvington to the Disability Advisory Commission

**Sponsors:** Mayor's Office

APPROVED

The above appointments were approved on the Consent Calendar.

- 1-Q [ID#14-684](#) Approval of City Council Meeting Schedule for calendar year 2015

**Sponsors:** City Clerk's Office

APPROVED

The above item was approved on the Consent Calendar.

## **CONTESTED CONSENT CALENDAR**

- 1-G [ID#14-614](#) **RESOLUTION** - Of intent and consideration to amend the existing boundary map, change the types of services and the rate and method of apportioning the special tax, and to establish a new Maximum Special Tax for Final Tract Map No. 5626, Annexation No. 29, of the City of Fresno Community Facilities District No. 11 (southeast corner of S. Fowler and E. Hamilton Avenues) (Council District 5)

**Sponsors:** Public Works Department

*Public Works Assistant Director Benelli introduced the above item to Council and answered questions.*

RESOLUTION 2014-210 ADOPTED

On motion of Councilmember Quintero, seconded by Councilmember



**Brand, the above item was adopted. The motion carried by the following vote:**

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

- 1-D**    [ID#14-588](#)    Actions pertaining to the October 13, 2013 Council approval of the Environmental Justice Grant for “The 41 and North Corridor Community Design Plan - West Fresno” from the California Department of Transportation (Caltrans)
1.    \*\*\*RESOLUTION - 27th amendment to the Annual Appropriation Resolution (AAR) No. 2014-95 appropriating \$139,900 for public outreach, consulting services, and miscellaneous City expenses related to The 41 and North Corridor Community Design Plan  
**(Requires 5 affirmative votes)**
  2.    Authorize the Director of DARM to enter into a Subapplicant/professional services agreement with Habitat for Humanity Fresno County (HFHFC), not to exceed \$64,824, for public outreach and engagement services and require/approve HFHFC’s local match cost share in-kind services in the amount of \$13,990
  3.    Authorize the Director of DARM to enter into a professional services agreement with Wallace, Roberts and Todd, LLC., not to exceed \$73,075, for development of the related Streetscape Plan

**Sponsors:** Development and Resource Management Department

*Development and Resources Management Administrative Manager Agabashian introduced the above item to Council and answered questions. Public Works Director Mozier also answered questions.*

**RESOLUTION 2014-215 ADOPTED**

**On motion of Councilmember Xiong, seconded by Councilmember Brandau, the above item was adopted. The motion carried by the following vote:**

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

- 1-L**    [ID#14-660](#)    Approve a twelve (12) month interim contract extension, not to exceed \$498,000 with Ray Morgan Company (“RMC”) of Fresno, California, to continue to provide uninterrupted printing and copying services at City Hall and other City facilities

**Sponsors:** Finance Department

*Finance Department Purchasing Manager Watahira introduced the above*

*item to Council and answered questions. City Manager Rudd also answered questions.*

*APPROVED*

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

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

**No:** 1 - Brandau

## **2. GENERAL ADMINISTRATION**

**2-A**     [ID#14-603](#)     Actions pertaining to the acquisition of 22.49 acres of property owned by Abbey Transportation System

1. Approve the acquisition of 22.49 acres of property owned by Abbey Transportation System, a California Corporation, in the amount of \$3,000,000 for the construction of Veterans Boulevard overcrossing near Golden State and Bullard Avenue
2. Authorize the Public Works Director, or his designee, to sign all documents necessary to complete the transaction as delegated by City Manager

**Sponsors:** Public Works Department

*Public Works Senior Real Estate Agent Caldwell introduced the above item to Council and answered Questions. Public Works Director Mozier also answered questions.*

*The following member(s) of the public spoke on this item: Barbara Hunt.*

*APPROVED*

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

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

Councilmember Brand exited the Council Chamber at 2:41 P.M. and returned at 2:46 P.M.

**2-B**     [ID#14-657](#)     Actions pertaining to the sewer rehabilitation in West and Weber Avenues (Council Districts 1 and 3)

1. Adopt a finding of Class 1 Categorical Exemption, pursuant to

- Section 15301(b) (Existing facilities of both investor and publicly-owned utilities used to provide electric power, natural gas, sewerage, or other public utility services) and Class 2 Categorical Exemption, pursuant to Section 15302(c) (Replacement or reconstruction) of the California Environmental Quality Act Guidelines
2. \*\*\*RESOLUTION - 26th amendment to the Annual Appropriation Resolution (AAR) No. 2014-95 appropriating \$904,000 for the sewer rehabilitation in West and Weber Avenues (Requires 5 affirmative votes)
  3. Award a \$880,159 construction contract to Repipe California LP of Riverside, California

**Sponsors:** Department of Public Utilities

*Public Utilities Supervising Professional Engineer Norgaard introduced the above item to Council.*

*The following member(s) of the public spoke on this item: Barbara Hunt.*

**RESOLUTION 2014-216 ADOPTED**

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

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

**Absent:** 1 - Brand

- 2-C** [ID#14-665](#) Actions pertaining to the Recycled Water Distribution System, Southwest Quadrant California Environmental Quality Act document and County Agreement (Council District 3 and a portion of Fresno County)
1. Adopt a finding of Mitigated Negative Declaration, pursuant to Sections 15178(b)(1) and (2), of the California Environmental Quality Act Guidelines for the Recycled Water Distribution System, Southwest Quadrant
  2. Approve the Agreement for Repair of Fresno County roads for the Southwest Quadrant Recycled Water Distribution System project
  3. Authorize the Director of Public Utilities or his designee to sign the County Agreement on behalf of the City

**Sponsors:** Department of Public Utilities

*Public Utilities Assistant Director Hogg introduced the above item to Council.*

*The following member(s) of the public spoke on this item: Barbara Hunt.*

**APPROVED**

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

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

Councilmember Xiong exited the Council Chamber at 2:56 P.M. and returned at 3:09 P.M.

- 2-D**    [ID#14-670](#)    Actions pertaining to the California Gang Reduction, Intervention and Prevention (CalGRIP) grant program from 2015 to 2017
1. Authorize the Chief of Police to accept \$1,500,000 in total grant funding from the Board of State and Community Corrections (BSCC) for the CalGRIP program for 2015, 2016 and 2017, and execute the grant agreement with BSCC for the 2015/2015 CalGRIP grant program
  2. \*\*\*RESOLUTION - 30th amendment to the Annual Appropriation Resolution (AAR) No. 2014-95 appropriating \$189,900 into the Police Department's FY 2015 budget for the CalGRIP grant program (Requires 5 affirmative votes)

**Sponsors:** Police Department

*Police Chief Dyer introduced the above item to Council.*

*The following member(s) of the public spoke on this item: Barbara Hunt.*

*RESOLUTION 2014-217 ADOPTED*

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

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

**Absent:** 1 - Xiong

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

Acting President Baines exited the Council Chamber at 2:59 P.M. and returned at 3:01 P.M.

### **2:00 P.M. #1**

[ID#14-649](#)    **HEARING** to adopt resolutions and ordinance to annex territory and levy a special tax regarding City of Fresno Community District No. 11, Annexation No. 59 (Final Tract

Map No. 6051) (southeast corner of N. Garfield and W. Barstow Avenues) (Council District 2)

1. **RESOLUTION** - Annexing Territory to Community Facilities District No. 11 and authorizing the levy of a special tax
2. **RESOLUTION** - Calling Special Mailed-Ballot Election
3. **RESOLUTION** - Declaring Election Results
4. **\*\*\* BILL** - (For introduction and adoption) - Levying a special tax for the property tax year 2014-2015 and future tax years within and relating to Community Facilities District No. 11, Annexation No. 59, Final Tract Map No. 6051

**Sponsors:** Public Works Department

*Public Works Assistant Director Benelli introduced the above item to Council.*

*The following member(s) of the public spoke on this item: Barbara Hunt and Mike Para of Lennar Homes.*

*RESOLUTION 2014-218 ADOPTED*

*RESOLUTION 2014-219 ADOPTED*

*RESOLUTION 2014-220 ADOPTED*

*BILL B-53 INTRODUCED AND ADOPTED AS  
ORDINANCE 2014-54*

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

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

**Absent:** 2 - Baines and Xiong

## **2:00 P.M. #2**

[ID#14-655](#) **RESOLUTION** - Approving the Final Map of Tract No. 6051 and accepting dedicated public uses offered therein -south side of W. Barstow Avenue between N. Garfield Avenue and N. Grantland Avenue (Council District 2)

**Sponsors:** Public Works Department

*Public Works Supervising Engineer Technician Bartel introduced the above item to Council.*

*The following member(s) of the public spoke on this item: Barbara Hunt and*

*Mike Para of Lennar Homes.*

*RESOLUTION 2014-221 ADOPTED*

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

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

**Absent:** 1 - Xiong

**2:00 P.M. #3**

[ID#14-571](#) HEARING: To Approve the Renewal of the Fresno-Clovis Tourism Business Improvement District

1. \*\*\*RESOLUTION - Approving the Renewal of the Fresno-Clovis Tourism Business Improvement District

**Sponsors:** City Manager's Office

*Melanee Cottrill with Civitas introduced the above item to Council and answered questions. Layla Forstedt of the Fresno Convention & Visitors Bureau also answered questions.*

*For the record, Ms. Cottrill noted the following administrative edits to the management plan: the number of hotels is actually 94, not 89 as stated, the water mark has been removed, the date has been updated and the collection now reads as, "at least quarterly" rather than "monthly or quarterly."*

*The following member(s) of the public spoke on this item: Barbara Hunt.*

*RESOLUTION 2014-222 ADOPTED*

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

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

**Absent:** 1 - Xiong

**UNSCHEDULED COMMUNICATION**

*The following member(s) of the public addressed Council during Unscheduled Communication:*

*Barbara Hunt - discussed unfair procedures favoring Granville Homes during public comment at last weeks General Plan Update Hearing held at the Convention Center.*

*Albert Harrow - discussed lack of sound walls on Highway 180 from Highway 99 to Clovis.*

*Arthur Maye of Foundation for Fresno's Future - discussed the General Plan and felt it should move forward and the details should be worked out during implementation.*

*Marc Forestiere - discussed the status of the Forestiere Underground Gardens motion made by President Brandau during last weeks General Plan Update hearing.*

*Dr. Robert Merrill - discussed the negative impacts of the motions made by Councilmembers at the behest of developers during the General Plan Update hearing at the previous meeting.*

*Nyla Zender of the League of Women Voters - discussed the General Plan update and requested more time for the public to analyze the latest documents.*

*Ashley Werner of Leadership Counsel for Justice and Accountability - urged rejection of Councilmember motions 2, 12 "a" thru "i" and 17 to the General Plan Update for the negative impacts the motions would create.*

*Leticia Corona of Leadership Counsel for Justice and Accountability - discussed the General Plan Update and suggested a delay in the vote so the public could have additional time to review the recently released documents.*

*Mary Curry of Concerned Citizens of West Fresno - discussed council procedures and the unfair procedure that favored Granville Homes during the public comment portion of the General Plan Hearing update last week*

*Dr. Venice Curry of Communities for a New California Education Fund - requested the vote on the General Plan Update be delayed so the public would have the opportunity to comment on the latest documents.*

*Christine Barker of Fresno Metro Ministries - supported the General Plan*

*Update with as few changes and policy changes as possible.*

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

**2:30 P.M.**

[ID#14-637](#)

HEARING to consider:

1. Consider and adopt the Environmental Finding of Conformity to the 2025 General Plan Master Environmental Impact Report ("MEIR") No. 10130 and the Mitigated Negative Declaration for Plan Amendment A-09-02 ("Air Quality MND") prepared for Environmental Assessment No. EA-13-003, for street widening and the installation of curb, gutter, and sidewalk
2. \*\*\*RESOLUTION of Public Use and Necessity for the acquisition of a street easement for the construction of intersection improvements at Shields Avenue and Fowler Avenue and public road purposes from Assessor's Parcel Number 496-192-10s owned by Forest Sunrise, LLC (**Requires 5 affirmative votes**) (Council District 4)

**Sponsors:** Public Works Department

*Public Works Supervising Real Estate Agent Hansen introduced the above item to Council.*

*The following member(s) of the public spoke on this item: Barbara Hunt.*

**RESOLUTION 2014-223 ADOPTED**

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

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

## **3. CITY COUNCIL CONTINUED**

- 3-A** [ID#14-678](#) RESOLUTION - To amend the Rules of Procedure for the City Council by changing reference to Office of Acting President to Vice President

**Sponsors:** City Councilmember Baines

*Acting President Baines introduced the above item to Council.*

*The following member(s) of the public spoke on this item: Barbara Hunt.*



*RESOLUTION 2014-224 ADOPTED*

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

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

**4. CLOSED SESSION****2:00 P.M. SPECIAL CLOSED SESSION (separately noticed)**

[ID#14-694](#) **CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**  
- Government Code Section 54956.9(d)(4)  
City of Fresno v. Annadale Housing Partners, a California Limited Partnership

**CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION -**  
Government Code Section 54956.9(d)(1)

Case Name: *Shaffer v. City of Fresno*  
Fresno County Superior Court No. 11CECG00632

*The above items were discussed in Special Closed Session. No open session announcements were made regarding these items.*

**5. SCHEDULED COUNCIL HEARINGS AND MATTERS**  
**CONTINUED****5:00 P.M.**

[ID#14-682](#) **CONTINUED HEARING** to consider approvals related to the Proposed General Plan Update (**Citywide**) (Continued from December 11, 2014 and public comment closed)

1. Consideration of General Plan Update and certification of the related Environmental Impact Report (EIR) SCH No. 2012111015 filed by Jennifer K. Clark, Development and Resource Management Director, on behalf of the City of Fresno, citywide application

a. \*\*\*Consider Council motions to amend General Plan Update

b. **RESOLUTION** - Certifying Final Environmental Impact Report (EIR) No. SCH 2012111015 prepared for the General Plan Update and the Development Code Update; and,

i. Adopting Findings of Fact as required by Public Resources

Code, section 21081(a) and CEQA Guidelines, Section 15091; and

ii. Approving a Mitigation Monitoring Program as required by Public Resources Code, section 21081.6 and CEQA Guidelines, section 15097; and

iii. Adopting the Statement of Overriding Considerations as required by Public Resources Code, Section 21081(b) and CEQA Guidelines, Section 15093

**c. \*\*\*RESOLUTION** - Adopting the proposed Fresno General Plan as an update to the 2025 General Plan, including all text, policies, maps, tables, and exhibits and contained in the Fresno General Plan document dated December, 2014

**d. \*\*\*RESOLUTION** - Adopting plan modifications recommended by staff and identified as "City of Fresno Staff Preferred Land Use" in the "Land Use Change Requests" and "Land Use and Circulation Map," and denying the remaining plan modifications

**e. \*\*\*RESOLUTION** - Authorizing the Development and Resource Management Director or her designee to update the text, policies, maps, tables, and exhibits contained in the Fresno General Plan document to reflect the final action taken by Council, to the extent that such updates are necessary to maintain consistency

**Sponsors:** Development and Resource Management Department

*Development and Resources Management Director Clark introduced the above item to Council.*

*President Brandau extended an opportunity for Public Agency representatives to comment on the General Plan Update but, upon call, no one addressed Council.*

*President Brandau motioned to postpone the vote on the General Plan Update for sixty days. Councilmember Olivier seconded the motion which failed by the following vote:*

*Aye - 2: Brandau and Olivier*

*No: - 5: Baines, Brand, Caprioglio, Quintero and Xiong*

*Councilmember Caprioglio withdrew the motion identified as "12 D" in the supplemental staff report.*

*President Brandau opened the floor to new motions:*

*Councilmember Quintero made a new motion that staff analyze the impact of designating a three acre parcel on the southeast corner of Kings Canyon and Minnewawa as low-medium density residential with instructions to report back to Council. Councilmember Caprioglio seconded the motion. This motion was later included under the "Category B" motion as detailed in the supplemental staff report.*

*Councilmember Xiong made a new motion that staff analyze the impact of keeping Ashlan and Grantland (3888 and 3832 N. Grantland) as medium density instead of changing it to high density per the General Plan proposal with instructions to report back to Council. Acting President Baines seconded the motion. This motion was later included under the "Category B" motion as detailed in the supplemental staff report.*

*Councilmember Quintero made a new motion for Fresno Pacific University, the northwest corner of Butler and Winery, to allow neighborhood mixed used, not a corridor mixed use. Acting President Baines seconded the motion. This motion was later included under the "Category A" motion as detailed in the supplemental staff report.*

*Councilmember Quintero made a new motion for the Sunnyside area, that 10 acres on the southwest corner of Kings Canyon and Minnewawa, a park and medium low residential, instead of corridor mixed use. Councilmember Caprioglio seconded the motion. This motion was later included under the "Category A" motion as detailed in the supplemental staff report.*

*Councilmember Caprioglio made a new motion to approve the interim consistency matrix 12"a" and to approve 12"c" as modified by staff (12"a" and 12"c" are detailed in the supplemental staff report). Councilmember Brand seconded the motion. The motion regarding 12"a" was later included under the "Category B" motion as detailed in the supplemental staff report. The motion regarding 12"c" was later included under the "Category A" motion as detailed in the supplemental staff report."*

*President Brandau made a new motion that staff analyze the impact of changing the designation from medium low residential to medium high residential for APN's 442-060-33, 504-081-35, 504-081-38, 504-081-39, 504-081-40 with instructions to report back to Council in sixty days. Councilmember Olivier seconded the motion.*

*President Brandau made a motion to remove the language found in chapter 7, page 45, of the plan, about farmland preservation set aside requirements. The motion failed for lack of a second.*

*President Brandau announced that Council would next vote on the motions made during the General Plan hearing from the previous week:*

*Councilmember Brand motioned to approve the staff recommendations to approve all motions identified under "Category A" of the supplemental staff report. Councilmember Baines seconded the motion. President Brandau announced that Council would vote on each motion from last weeks General Plan hearing individually, rather than as a bundled items. Councilmember Caprioglio motioned to overrule President Brandau's direction to vote on each motion individually. Councilmember Quintero seconded the motion to overrule President Brandau which passed by the following vote:*

*Aye - 6: Baines, Brand, Caprioglio, Olivier, Quintero and Xiong  
No - 1: Brandau*

*Council then voted on Councilmember Brand's motion to approve the staff recommendation to approve all motions identified under "Category A" of the supplemental staff report as seconded by Councilmember Baines. The motion passed by the following vote:*

*Aye - 7: Brandau, Baines, Brand, Caprioglio, Olivier, Quintero and Xiong  
No - 0:*

*Councilmember Caprioglio motioned to approve the staff recommendation to send all motions under "Category B" in the supplemental staff report back to staff for further analysis. Acting President Baines seconded the motion.*

*President Brandau noted the makers of the "Category B" motions would have a chance to modify or amend their motions before voting on Councilmember Caprioglio's motion to send the Category "B" items back to staff for further analysis.*

*Councilmember Brand motioned to amend his "Category B" item, identified as "12e" in the supplemental staff report, by approving parts 21a1, 21a3b and 21a11 while sending the remainder of the "12e" items to staff for further analysis. Acting President Baines seconded the motion which passed by the following vote:*

*Aye - 7: Brandau, Baines, Brand, Caprioglio, Olivier, Quintero and Xiong  
No - 0:*

*Councilmember Xiong motioned that his earlier motion regarding the density of 3888 and 3832 N. Grantland and Member Quinteros motions regarding the southeast corner of Kings Canyon and Minnewawa, the northwest corner of Butler and Winery and the southwest corner of Kings Canyon and Minnewawa be included in the "Category B" vote. Councilmember Baines seconded the motion which passed by the following vote:*

*Aye - 7: Brandau, Baines, Brand, Caprioglio, Olivier, Quintero and Xiong  
No - 0:*

*Council then voted on Councilmember Caprioglio's motion and Acting President Baines' second to approve the staff recommendation to send all remaining motions under "Category B" from the supplemental staff report back to staff for further analysis as amended by the previous two votes. The motion passed by the following vote:*

*Aye - 7: Brandau, Baines, Brand, Caprioglio, Olivier, Quintero and Xiong  
No - 0:*

*Councilmember Caprioglio motioned to approved the staff recommendation to deny all motions remaining under "Category C" of the supplemental staff report. ("12h" regarding the 58 acres of Artisan Square was the only remaining item under "Category C" as "12d" was previously withdrawn by Councilmember Caprioglio). Councilmember Xiong seconded the motion which passed by the following vote:*

*Aye - 7: Brandau, Baines, Brand, Caprioglio, Olivier, Quintero and Xiong  
No - 0:*

*President Brandau announced it was time to vote on the remainder of the new motions that were made earlier during the meeting. The only remaining new motion was President Brandau's motion that staff analyze the impact of changing the designation from medium low residential to medium high residential for APN's 442-060-33, 504-081-35, 504-081-38, 504-081-39, 504-081-40 and report back to Council in sixty days. Councilmember Olivier had seconded the motion. The motion passed by the following vote:*

*Aye - 7: Brandau, Baines, Brand, Caprioglio, Olivier, Quintero and Xiong  
No - 0:*

*Councilmember Olivier motioned, and President Brandau seconded, to add the following text to part "12.3 - Infill Initiatives" found in Chapter 12 of the General Plan:*

*"The passage of the BUILD ACT of June 2013 represented a creative and practical approach toward addressing the problem of incentivizing infill development in the City of Fresno by waiving fees on properties in core neighborhoods where there would be no impact to major streets, streetlights, parks, police and fire.*

*The Act's goal is to make infill development more financially attractive to developers who are considering building in the core. Moving forward, the BUILD ACT should be promoted and considered a model as city staff consider future incentives to infill development."*

*Councilmember Olivier's motion regarding the Build Act passed by the following vote:*

*Aye - 7: Brandau, Baines, Brand, Caprioglio, Olivier, Quintero and Xiong  
No - 0:*

*Councilmember Brand motioned to approve the General Plan update and the related Environmental Impact Report with instructions that staff bring a draft of the Development Code update to council within 90 days and that there be an annual progress report prepared by the Planning Department as suggested by Councilmember Caprioglio. Acting President Baines seconded the motion.*

*City Attorney Sloan recommended taking Councilmember Brand's motion in two votes - one vote for the Environmental Impact Report and one vote on the remainder of the item.*

*On Councilmember Brand's motion to approve the Environmental Impact Report, seconded by Acting President Baines, the motion passed by the following vote:*

*Aye - 5: Baines, Brand, Caprioglio, Quintero and Xiong  
No - 2: Brandau and Olivier*

*RESOLUTION 2014-225 ADOPTED*

*RESOLUTION 2014-226 ADOPTED AS AMENDED*

*RESOLUTION 2014-227 ADOPTED AS AMENDED*

*RESOLUTION 2014-228 ADOPTED*

**On motion of Councilmember Brand, seconded by Councilmember Olivier, the General Plan update was approved with instructions that staff bring a draft of the Development Code update to Council within 90 days and there be an annual progress report prepared by the Planning Department as suggested by Councilmember Caprioglio. The motion carried by the following vote:**

**Aye:** 5 - Baines, Brand, Caprioglio, Quintero and Xiong

**No:** 2 - Brandau and Olivier

ADJOURNMENT

*Adjourned at 8:42 P.M.*