



City of Fresno

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

Meeting Minutes - Final 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 - Bruce Rudd

City Attorney - Douglas T. Sloan

City Clerk - Yvonne Spence, CMC

Thursday, April 13, 2017

1:30 PM

Council Chambers

Regular Meeting

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

1:32 P.M. ROLL CALL

Present: 6 - President Clinton Olivier
Vice President Esmeralda Soria
Councilmember Oliver L. Baines III
Councilmember Garry Bredefeld
Councilmember Paul Caprioglio
Councilmember Luis Chavez

Absent: 1 - Councilmember Steve Brandau

Invocation by Lead Pastor Brian Wiebe from Bethany Mennonite Brethren Church

Pledge of Allegiance to the Flag

APPROVE AGENDA

City Clerk Spence announced the following change to the agenda: the lease to be approved as part of Consent Calendar item 1-E (File ID17-511) was to be with Juliet Singh, not Global Strategic Medical Trust.

APPROVED AS AMENDED

On motion of Vice President Soria, seconded by President Olivier, the Agenda was approved as amended. The motion carried by the

following vote:

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

Absent: 1 - Brandau

CEREMONIAL PRESENTATIONS

[ID17-485](#) Proclamation of "Friday Night Live Month"

PRESENTED

[ID17-493](#) "Proclamation of Volunteer Month"

PRESENTED

[ID17-455](#) Proclamation of "Earth Day Fresno 2017"

PRESENTED

[ID17-456](#) Presentation of a Celebratory Check by PG&E to the Cooling Center

PRESENTED

APPROVE MINUTES

[ID17-96](#) Approval of minutes from April 6, 2017

APPROVED

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

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

Absent: 1 - Brandau

COUNCILMEMBER REPORTS AND COMMENTS

Councilmember Caprioglio announced the meeting would be adjourned in the memory of Peggy Heinemann. Mrs. Heinemann was the Supervisor in the City's One Call Center and he recalled that she was a great employee who was always there for him and his staff. She smiled even when things were challenging or tough. Councilmember Caprioglio's thoughts and prayers went out to the family and friends of Mrs. Heinemann.

Councilmember Caprioglio asked Police Chief Dyer to pass a message of

thanks to Sergeant Landon. Sergeant Landon was called to assist with a matter and he had it resolved within hours. The reporting constituent and his neighbors were grateful for the assistance he provided.

Councilmember Caprioglio reported that April 6, 2017 was opening day for the Fresno Grizzlies and the team received a special proclamation from the City. He wished the team the best and said he was looking forward to another championship ring heading to Fresno.

Councilmember Bredefeld announced the April 27, 2017 scheduled agenda item regarding recreational marijuana dispensaries was going to be delayed 30 to 60 days so a more comprehensive ban could be developed with other cities in the county.

1. CONSENT CALENDAR

Councilmember Bredefeld asked for the record to reflect that he was casting a "no" vote for Consent Calendar item 1-G (ID17-554).

Vice President Soria moved Consent Calendar item 1-E (ID17-511) to the Contested Consent Calendar for further discussion.

APPROVAL OF THE CONSENT CALENDAR

On motion of Councilmember Caprioglio, seconded by Councilmember Baines III, the CONSENT CALENDAR was hereby adopted by the following vote (with Councilmember Bredefeld voting "no" on 1-G):

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

Absent: 1 - Brandau

- 1-A** [ID17-426](#) RESOLUTION - Of Intention to annex Final Parcel Map No. 2014-06 and adjacent parcels, Assessor's Parcel Numbers 501-043-06 and 501-044-04, as Annexation No. 16, to City of Fresno Community Facilities District No. 9 (east side of West Herndon Avenue, intersected by North Blythe and West Spatz Avenues) (Council District 2)

RESOLUTION 2017-101 ADOPTED

The above item was approved on the Consent Calendar.

- 1-B** [ID17-460](#) Actions pertaining to Resolution of Intention No. 1115-D to vacate the W. Lansing-W. Dakota Avenue alley between N. Weber Avenue and N. Feland Avenue. (Council District 1).

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. EA-16-029.
2. Adopt Resolution of Intention No. 1115-D to vacate the West Lansing-W. Dakota Avenue alley between N. Weber Avenue and N. Feland Avenue.

APPROVED

The above item was approved on the Consent Calendar.

- 1-C** [ID17-476](#) Actions pertaining to the Lewis Eaton Trail Resurfacing, Audubon to Old Friant Road - Bid File 3510 (Council District 6)
1. Adopt a finding of Categorical Exemption per staff determination, pursuant to Section 15301(c) of the CEQA Guidelines for the Lewis Eaton Trail Resurfacing, Audubon to Old Friant Road
 2. Award a Construction Contract with JT2, Inc., DBA Todd Companies of Visalia, California (Todd Companies) in the amount of \$133,176

APPROVED

The above item was approved on the Consent Calendar.

- 1-D** [ID17-512](#) RESOLUTION - Authorizing the submittal of a grant application to the State Department of Forestry and Fire Protection for funding from the Urban and Community Forestry grant program as provided through the Greenhouse Gas Reduction Fund for the Maxie L. Parks Center Improvements (District 3)

RESOLUTION 2017-102 ADOPTED

The above item was approved on the Consent Calendar.

- 1-E** [ID17-511](#) Actions pertaining to five-year Lease Agreements at 1302 N. Wishon Avenue and 1322 E. Shaw Avenue #190 for general office space for the Fresno Police Department.
1. Adopt a finding of Categorical Exemption Class 1/Section 15301 (Existing Facilities) of the California Environmental Quality Act Guidelines
 2. Approve a lease between the City of Fresno and Juliet Singh for lease of general office space at 1302 N. Wishon Avenue for use by the Police Department as a report writing office
 3. Approve a lease between the City of Fresno and Zepol Road,

LLC for lease of general office space at 1322 E. Shaw Avenue #190 for use by the Police Department as a report writing office

The above item was moved to the Contested Consent Calendar by Councilmember Soria.

- 1-F [ID17-538](#) RESOLUTION - Approving the reallocation of \$50,000 from contingency in the City Attorney's budget to hire a Budget Analyst

RESOLUTION 2017-103 ADOPTED

The above item was approved on the Consent Calendar.

- 1-G [ID17-554](#) Action pertaining to proposed water capacity fees (Citywide):
1. ***BILL NO. B-17 (Intro. 4/6/2017) (For adoption) - Amending Article 5 of Chapter 6 of the Fresno Municipal Code and Article 4.5 of Chapter 12 to repeal various fees associated with providing water capacity for new and expanded connections to the water system 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.

ORDINANCE 2017-19 ADOPTED

The above item was approved on the Consent Calendar with Councilmember Bredefeld voting "no."

CONTESTED CONSENT CALENDAR

- 1-E [ID17-511](#) Actions pertaining to five-year Lease Agreements at 1302 N. Wishon Avenue and 1322 E. Shaw Avenue #190 for general office space for the Fresno Police Department.
1. Adopt a finding of Categorical Exemption Class 1/Section 15301 (Existing Facilities) of the California Environmental Quality Act Guidelines
2. Approve a lease between the City of Fresno and Juliet Singh for lease of general office space at 1302 N. Wishon Avenue for use by the Police Department as a report writing office
3. Approve a lease between the City of Fresno and Zepol Road, LLC for lease of general office space at 1322 E. Shaw Avenue #190 for use by the Police Department as a report writing office

Vice President Soria introduced the above item to Council. City Manager Rudd and Police Chief Dyer also spoke on this item.

At the request of Councilmember Caprioglio, former California State University alumnus and current student, Dan Waterhouse, addressed Council regarding a Police Department report writing station in District Four.

APPROVED

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

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

Absent: 1 - Brandau

UNSCHEDULED COMMUNICATION

Upon call, the following member(s) of the public addressed Council during Unscheduled Communication:

Mary Esther Correa with Correas Rentals and Homes - discussed code violations and citations she received on her property. She felt the fines were wrong because the problems were caused by the homeless, scammers and the people who rent her property. She said the police will not do anything about the homeless and the homeless have threatened her and the neighbors.

2. SCHEDULED COUNCIL HEARINGS AND MATTERS

2:00 P.M. (Continued from 10:00 A.M.)

- [ID17-510](#) CONTINUED HEARING to adopt resolutions and ordinance to annex territory and levy a special tax regarding City of Fresno Community District No. 9, Annexation No. 15 (Conditional Use Permit No. 2015-191 Development) (southeast corner of N. Brawley and W. Herndon Avenues) (Council District 2)
1. ***RESOLUTION - Annexing Territory to Community Facilities District No. 9 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 2016-2017 and Future Tax Years Within and Relating to Community Facilities District No. 9, Annexation No. 15

The above hearing was called to order at 2:24 P.M. The item was introduced to Council by Assistant Director Benelli with the Department of Public Works.

Upon call for public comment, no members of the public chose to address Council and public comment was closed.

The hearing was closed at 2:25 P.M.

*RESOLUTION 2017-104 ADOPTED
RESOLUTION 2017-105 ADOPTED
RESOLUTION 2017-106 ADOPTED
BILL B-18 INTRODUCED AND ADOPTED AS
ORDINANCE 2017-20*

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

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

Absent: 1 - Brandau

2:05 P.M.

[ID17-443](#) WORKSHOP - Water Conservation Program

The above workshop was presented by Public Utilities Director Esqueda.

Following the workshop Councilmembers asked questions on the following topics: conservation rebate activity; why the poorest communities have lowest use of rebates; restructuring rebate programs; low rebate numbers in certain areas; strategies to increase rebate use; outreach strategies; the impact to rebates when people purchase used appliances as opposed to new appliances; the possibility of sliding scale rebates; the location of water wasters; proposed watering schedules; watering schedules for neighboring cities; the impact to median island watering in light of the Governor's declaration regarding the drought; fine revenues for low income rebate programs; irrigation systems in parks; working with schools on efficiency and conservation measures; the amount of funds available for rebate programs each year, and; the possibility of establishing partnerships to help get rebates used.

Councilmembers Baines III, requested to meet with Director Esqueda to

discuss outreach strategies regarding rebates. Councilmember Chavez, Vice President Soria and President Olivier also expressed interest about meeting with Director Esqueda to discuss rebate outreach strategies.

WORKSHOP HELD

2:15 P.M.

JOINT MEETING OF CITY (IN ITS CAPACITY AS HOUSING SUCCESSOR) AND FRESNO REVITALIZATION CORPORATION

The City Council met in Joint Session with the Fresno Revitalization Corporation at 3:05 P.M. to discuss the following:

[ID17-548](#)

Actions pertaining to approximately 8.02 acres of property located on the north side of East Annadale Avenue approximately 440 feet west of South Elm Avenue (APNs 479-270-02T, -03T, -04T, -05T, -06T, -15T, -16T, -24T)

1. Adopt a Mitigated Negative Declaration, pursuant to Sections 15070 - 15075 of the CEQA Guidelines, for the development of single family residences and affordable senior rental housing located at Annadale and Elm Avenues, on property currently owned by the City of Fresno in its capacity as Housing Successor.
2. Approve a Disposition and Development Agreement between the City of Fresno in its capacity as Housing Successor and Self-Help Enterprises for property located at Annadale and Elm Avenues within the Southwest Fresno GNRA Redevelopment Project Area

Sponsors: City in its capacity as Housing Successor to the Redevelopment Agency and Fresno Revitalization Corporation

The above item was introduced to Council by Fresno Revitalization Corporation Executive Director Murphey.

The following member(s) of the public spoke on this item: Betsy McGovern-Garcia with Self-Help Enterprises and Ruben Chavez with Clinica Sierra Vista.

APPROVED

FRC VOTE

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

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

Absent: 1- Brandau

CITY COUNCIL VOTE

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

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

Absent: 1 - Brandau

ADJOURN

The joint meeting adjourned at 3:18 P.M.

3. GENERAL ADMINISTRATION

There were no General Administration items on the agenda.

4. CITY COUNCIL

- 4-A [ID17-556](#) Council Boards and Commissions Communications, Reports, Assignments and/or Appointments, Reappointments, Removals to/from City and non-City Boards and Commissions:
1. Council of Governments - Mayor Brand-Ex-Officio (Olivier-Alternate)
 2. Finance and Audit Committee - Bredefeld, Olivier, Brandau
 3. Fresno Area Workforce Investment Corporation - Baines
 4. Fresno County Transportation Authority (FCTA) - Mayor Brand-Ex-Officio, (Brandau-Alternate)
 5. Fresno Regional Workforce Development Board - Baines
 6. Fresno County Zoo Authority - Mayor Brand-Ex-Officio, (Baines-Alternate)
 7. Fresno Madera Area Agency on Aging Board - Olivier
 8. Joint Powers Financing Authority - Baines, Brandau, Mayor Brand
 9. San Joaquin River Conservancy Board - Mayor Brand-Ex-Officio, (Brandau-Alternate)
 10. Association for the Beautification of Highway 99 - Baines

11. Upper Kings Basin Integrated Regional Water Management JPA - Brandau (Olivier, Georgeanne White and Thomas Esqueda - Alternates)
12. Economic Development Corporation Serving Fresno County - Brandau-Ex-Officio, City Manager Bruce Rudd and (Baines - Alternate)
13. League of California Cities (Annual Meeting) - Mayor Brand, (Olivier-Alternate)
14. San Joaquin Valley Air Pollution Control District - Baines
15. Litigation Exposure Reduction Ad Hoc Committee - Brandau, Caprioglio
16. Convention Center Oversight Advisory Board - Baines, (Vacant-Alternate), City Manager, SMG General Manager and one representative from each of SMG's organizations
17. Sub-Committee on Transportation - Baines, Caprioglio, Soria
18. Code Enforcement Sub-Committee - Baines, Olivier, and Caprioglio
19. Enterprise and Construction Management Oversight Board - Councilmember Soria
20. School Liaison Sub-Committee - Soria - Chair, Olivier, Baines
21. North Kings Groundwater Sustainability Agency (GSA) Joint Powers Authority - Mayor Brand (Thomas Esqueda, Georgeanne White - Alternates)

None of the Councilmembers had comments regarding their Board or Commission service.

Vice President Soria replaced President Olivier as a member of the Code Enforcement Sub-Committee.

DISCUSSED

5. CLOSED SESSION

City Council met in Closed Session in Room 2125 from 3:21 P.M. to 4:15 P.M. to discuss the following:

- 5-A** [ID17-544](#) CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION-Government Code Section 54956.9, subdivision (d)(1)
1. Karen Micheli et.al., v. City of Fresno; Vulcan Construction &

Maintenance; Measurement Control Systems, et. al.; and does 1
-100. Fresno Superior Court Case No. 16CECG02937.

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

DISCUSSED

RECESSED 4:15 P.M. TO 5:16 P.M.

2. SCHEDULED COUNCIL HEARINGS AND MATTERS **CONTINUED**

5:00 P.M.

[ID17-492](#) Hearing to consider Plan Amendment Application No. A-17-001 and related environmental findings for the Housing Element Amendment, filed by the Development and Resource Management Department Director pertaining to the following:

1. ADOPT the environmental findings of Environmental Assessment No. A-17-001, an Addendum to Final Master Environmental Impact Report SCH No. 2012111015 (MEIR) certified by the Fresno City Council on December 18, 2014 for the Fresno General Plan and Development Code, and to Program Environmental Impact Report SCH No. 2012041009 (PEIR) certified by the Fresno City Council on October 20, 2016 for the Downtown Neighborhoods Community Plan, the Fulton Corridor Specific Plan, and the Downtown Development Code pursuant to California Environmental Quality Act Guidelines Sections 15162 and 15164; and
2. RESOLUTION -To adopt Plan Amendment Application No. A-17-001, amending the text of Chapter 11 of the Fresno General Plan to incorporate the Housing Element Amendment, including all Text, Policies, Maps, Tables, and Exhibits contained in the Fresno Housing Element Amendment Revised Public Draft document dated March 2017.

The above hearing was called to order at 5:16 P.M. The item was introduced to Council by Planning Manager Pagoulatos with the Development and Resources Management Department. City Manager Rudd also spoke on this item.

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

Jeff Roberts with Granville Homes - spoke in support of the Housing Element. With regards to the "no net loss" provision, Mr. Roberts felt the burden of doing a plan amendment to bring housing stock levels back into Regional Housing Needs Allocation compliance should fall on the city rather than developers.

Ashley Werner with Leadership Counsel for Justice and Accountability for Familias Addams por un Mejor Futuro - she noted there was a housing crisis in Fresno and people were impacted by substandard housing, the burden of rent due to the high poverty rate, and a lack of housing in areas with the parks and infrastructure needed to thrive. She said the community had participated on the Housing Element project and has noted the need for: full and inclusive opportunities for public participation including for people who are immigrants and those with limited or no English; programs that affirmatively further fair housing at all income levels throughout the city, not just in areas of racially and ethnically concentrated poverty; the inclusion of mobile home parks as a significant and important sources of affordable housing. Ms. Werner was pleased with the steps the city had taken towards improvement of the Housing Element adopted a year ago.

Rosa Cardenas (spoke to Council with the assistance of a Spanish to English translator) - stated that low income people needed access to better education and help with money and programs but were ignored when they sought help. She said low income people needed assistance so they could live in proper homes. Ms. Cardenas had sought lighting for her mobile home park for two years but Council would not help but instead allowed construction there. She asked for the Council to listen to what the people were asking since it was the people that put them in office.

Maria Padron with the Mothers of Jane Adams School (spoke to Council with the assistance of a Spanish to English translator) - people in her area need programs in addition to the infrastructure and housing. Ms. Padron experienced fraud when purchasing her home and it has caused her family to struggle. The house was fixed only superficially so it could be sold and they had been working on repairs, including to the foundation, for more than two years. She said there need to be programs for non-English speaks regarding loans, information for first time buyers and programs to cover many other things she didn't have time to list. She stated the community needed their Councilmembers. Ms. Padron also invited the Councilmembers to a community cleaning on April 25, 2017 near Jane

Adams School, where the children walk. She noted there were no sidewalks in the area and the grass was very tall and harbored animals.

Public comment was closed at 5:47 P.M.

The hearing was closed at 6:04 P.M.

RESOLUTION 2017-107 ADOPTED

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

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

Absent: 1 - Brandau

ADJOURNMENT

The meeting adjourned in the memory of Peggy Heinemann at 6:04 P.M.

The above minutes were approved by unanimous vote of the City Council during the April 27, 2017 City Council meeting with Councilmbmer Chavez absent.