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Agenda Item: ID#15-037 (2-C)

Date: 1/15/15



Supplemental Information Packet

Agenda Related Items – ID#15-037 (2-C)

Contents of Supplement: Letter from Leadership Counsel

Item(s)

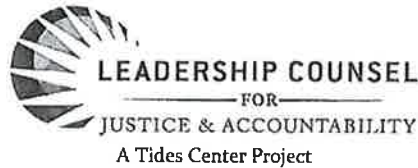
RESOLUTION – Continuing the policy authorizing the City Manager to reduce or eliminate selected citywide impact fees for industrial development projects

Supplemental Information:

Any agenda related public documents received and distributed to a majority of the City Council after the Agenda Packet is printed are included in Supplemental Packets. Supplemental Packets are produced as needed. The Supplemental Packet is available for public inspection in the City Clerk's Office, 2600 Fresno Street, during normal business hours (main location pursuant to the Brown Act, G.C. 54957.5(2)). In addition, Supplemental Packets are available for public review at the City Council meeting in the City Council Chambers, 2600 Fresno Street. Supplemental Packets are also available on-line on the City Clerk's website.

Americans with Disabilities Act (ADA):

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, sign language interpreters, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650. Please keep the doorways, aisles and wheelchair seating areas open and accessible. If you need assistance with seating because of a disability, please see Security.



January 29, 2014

SENT VIA EMAIL

Fresno City Council
Fresno City Hall
2600 Fresno Street, Room 2097
Fresno, CA 93721

Re: January 30, 2014 City Council Agenda Item 2(C)

Dear Councilmembers:

We are writing with respect to Item 2(C) City Council Agenda Item 2(C): "RESOLUTION – Adopting a policy authorizing the City Manager the authority to reduce and/or eliminate selected Citywide impact fees for industrial development projects". We ask that the City Council postpone its vote on this item in order to ensure sufficient opportunity for public input on the item and Council consideration of important questions associated with the City's economic development policies that this item raises.

As of today, one day before City Council is to consider adopting the policy represented by this agenda item, no informational materials relating to the item have been posted on the City Council website. The City Council should not make such critical decisions without the benefit of informed public engagement. It is also unclear whether or not the Council itself has additional information critical to this decision.

According to a Fresno Bee article printed yesterday, the proposed policy would authorize the City Manager to reduce police, fire, and street fees for job-generating industrial projects. Fiscal responsibility requires that the City examine the potential impact of the loss of impact fee revenue on the City budget and on the City's taxpayers and the possibility for recovery of such revenue losses over time. The City Council should decline to vote on this agenda item until it receives and has opportunity to fully consider such an analysis. Furthermore, with no publically available materials, a vote on this agenda item on Thursday would shortchange the Council's constituents of the opportunity to provide the Council with informed input on this matter, undermining the Council's ability to effectively represent said constituents.

Furthermore, Agenda Item 2(C), which forms part of the City's broader initiative to spur industrial development in Fresno, calls for a needed and overdue conversation about the allocation of the benefits and burdens of increased industrial development in the City and the City's engagement of residents who stand to be impacted. The 2035 General Plan Update's economic development strategy and the City's current economic development efforts center on attraction of industrial land uses to "industrial clusters" serviced by requisite infrastructure and in close proximity to the expressway. The land identified for these industrial clusters is located directly adjacent to neighborhoods, including in particular, West Fresno, characterized by highly concentrated poverty, low life expectancy and a disproportionate percentage of residents of color

compared to other City neighborhoods, and existing severe environmental pollution. Despite this, neither the General Plan Update nor any of the City's economic development initiatives directly addresses or seeks to mitigate the additional environmental burdens and impact on neighborhood infrastructure and services that would be imposed on these neighborhoods by the intensification of industrial land uses next door as well as the attendant civil rights and fair housing implications. Nor do these initiatives include proactive policies to engage residents in land use planning and industrial siting decisions from which they stand to be impacted.

We therefore recommend that the City consider how it can use this opportunity to ensure that its economic development policies both benefit and are protective of the health and well-being of all of its residents. The Fresno Bee article on this agenda item states that the Mayor's administration will periodically report to the City Council on key benchmarks to assess the impact of the policy including "jobs created, taxes generated, impact fees lost". That these proposed reports will fail to include any analysis of the allocation of burdens and benefits to impacted neighborhoods associated with the proposed policy, including (1) which neighborhoods are benefiting from job growth, (2) a neighborhood-level analysis of the environmental and health impacts of increased industrial activity and (3) other strategies to maximize benefits and minimize burdens for disadvantaged neighborhoods highlights that this proposal's potential to further disadvantage already vulnerable communities has not been sufficiently considered or accounted for.

In recognition of the significant environmental justice and civil rights issues raised by the City's current economic development initiatives and the lack of substantive discussion or policies adopted to address these issues to date, we recommend that the City delay a vote on this proposal and implement a task force to identify and examine said issues and provide recommendations to the City for incorporation into its various initiatives.

Please feel free to contact me at my office at (559) 269-2786 with any questions or to set up a time to meet.

Sincerely,



Ashley Werner
Attorney
Leadership Counsel for Justice and Accountability