



City of Fresno

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

Meeting Minutes - Final-revised City Council

Council President - Steve Brandau

Acting President - Oliver Baines, III

Councilmembers:

Lee Brand, Paul Caprioglio, Clinton J. Olivier,

Sal Quintero, Blong Xiong

City Manager - Bruce Rudd

City Attorney - Douglas T. Sloan

City Clerk - Yvonne Spence, CMC

Thursday, August 28, 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.

1:38 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 President Brandau

Pledge of Allegiance to the Flag

Ceremonial Presentations

[ID#14-332](#) Proclamation of "CHICANO HISTORY REVISITED"

Sponsors: City Councilmember Quintero

PRESENTED

Approve City Council Minutes

[ID#14-326](#) Approval of City Council minutes from August 21, 2014

Laid over to September 11, 2014

Councilmember Reports and Comments

Councilmember Xiong thanked staff for doing a great job at the community meeting at DiCicco's restaurant the previous day.

Councilmember Caprioglio expressed his gratitude to Fresno State University and students for volunteering their time for a community clean up around Sierra Madre Avenue between Cedar and Maple Avenues during the first week of school. Councilmember Caprioglio also reported that he and Councilmember Xiong had attended the 68th anniversary of India's Independence from Great Britain. Councilmember Caprioglio noted the history of India's independence was a fascinating story and encouraged people to look it up and to attend the event next year.

Acting President Baines asked City Manager Rudd when the transportation and code enforcement sub-committees could be enacted. City Manager Rudd replied that presentations regarding the transportation and code enforcement sub-committees should occur around the first two weeks of October.

Councilmember Quintero thanked Public Utilities staff as well as Water Conservation Supervisor Laikam and Revenue Manager Reams for going above and beyond while assisting members of the public with their watering and conservation concerns. City Manager Rudd also thanked Public Work staff and the Irrigation Specialists who responded to the recent changes and reset all the City's sprinkler timers.

President Brandau expressed his support for Fresno State Football and noted the Bulldogs would be playing USC over the weekend.

Approve Agenda

City Clerk Spence announced there were no changes to the agenda.

On motion of Councilmember Caprioglio, seconded by Councilmember Xiong, the Agenda was approved. The motion carried by the following vote:

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

1. CONSENT CALENDAR**APPROVAL OF THE CONSENT CALENDAR**

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

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

[ID#14-174](#) Approve Automatic and Mutual Aid agreements between the City of Fresno, Fresno County Fire Protection District, California Department of Forestry, and Fire Protection Fresno-Kings Unit

Sponsors: Fire Department

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

[ID#14-222](#) Reject all proposals responding to City's Request for Qualification for Asset Management Services for Management of City Real Estate Assets - Bid File 060614 (Citywide)

Sponsors: Finance Department

APPROVED (Proposals Rejected)

The above item was approved on the Consent Calendar.

[ID#14-227](#) **RESOLUTION** - of Intention to annex Final Tract Map No. 6063, Annexation No. 56, to the City of Fresno Community Facilities District No. 11 (near south corner of North Friant Road and East Copper Avenue) (Council District 6)

Sponsors: Public Works Department

RESOLUTION 2014-137 ADOPTED

The above item was adopted on the Consent Calendar.

[ID#14-233](#)

BILL NO. B-35 - (For adoption; introduced August 21, 2014) Amending the uncodified ordinance to adopt changes and additions to the official list of designated special speed zones for various streets within the City of Fresno pursuant to Section 14-1501 of the Fresno Municipal Code (Citywide)

Sponsors: Public Works Department

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

[ID#14-242](#)

Approve an Agreement with EMG Engineering and Environmental Consulting, of Walnut Creek, California in the amount of \$38,860, with a contingency amount of \$50,000 for a total fee of \$88,860 to conduct the Facilities Condition Assessment (FCA) of the Municipal Service Center (MSC) buildings (Council District 3)

Sponsors: Public Works Department

The above item was moved to the Contested Consent Calendar for further discussion by President Brandau.

[ID#14-248](#)

Request City Council approve the annual participation in the Federal Equitable Sharing Agreement Program for the disposition of funds forfeited in connection with a crime and authorizing the execution of related documents

Sponsors: Police Department

APPROVED

The above item was approved on the Consent Calendar.

[ID#14-258](#) Authorize the Chief of Police to enter into an agreement with Central Unified School District to provide two School Resource Officers at 100% of the actual officer's cost, a police sergeant at 10% of the actual sergeant's cost, plus administrative fees and the operation/maintenance costs of two patrol vehicles for a total of \$267,483

Sponsors: Police Department

The above item was moved to the Contested Consent Calendar for further discussion by President Brandau.

[ID#14-274](#) **RESOLUTION** - Approving the Final Map of Tract No. 5914 and accepting dedicated public uses offered therein -northeast corner of North Hayes Avenue and West Herndon Avenue (Council District 2)

Sponsors: Public Works Department

RESOLUTION 2014-138 ADOPTED

The above item was adopted on the Consent Calendar.

[ID#14-278](#)

Adopt Resolution of the Council of the City of Fresno, California, authorizing submittal of grant applications for and acceptance of California Department of Resources Recycling and Recovery (CalRecycle), funding for all available grants for which the City of Fresno is eligible

Sponsors: Department of Public Utilities

RESOLUTION 2014-139 ADOPTED

The above item was adopted on the Consent Calendar.

[ID#14-280](#) Approve Amendment No. 6 between the City and ERM-West, Inc. (ERM) to provide ongoing engineering, environmental, and remedial actions concerning groundwater contamination at Fresno Yosemite International Airport (FAT) for an amount not to exceed \$72,700

Sponsors: Airports

APPROVED

The above item was approved on the Consent Calendar.

[ID#14-292](#)

Approve the Third Amendment to the Cooperative Agreement with the Fresno County Transportation Authority (FCTA) re-allocating funds in the amount of \$241,000 from the construction phase to preliminary engineering phase of the Willow Avenue Widening Project, 0.25 miles south of Nees to Shepherd Avenue under the Measure “C” Tier 1 Program (Council District 6)

Sponsors: Public Works Department

APPROVED

The above item was approved on the Consent Calendar.

[ID#14-293](#)

Approve a Cooperative Agreement in the amount of \$303,658 with the Fresno County Transportation Authority (FCTA) for the Broadway Project Off-site Improvements under the Measure “C” Transit Oriented Development (TOD) Program (Council District 3)

Sponsors: Public Works Department

APPROVED

The above item was approved on the Consent Calendar.

[ID#14-294](#)

Approve a Cooperative Agreement in the amount of \$121,342 with the Fresno County Transportation Authority (FCTA) for the Met Block Project Off-site Improvements under the Measure “C” Transit Oriented Development (TOD) Program (Council District 3)

Sponsors: Public Works Department

APPROVED

The above item was approved on the Consent Calendar.

[ID#14-299](#) Authorize the Director of Aviation to execute a consultant services agreement with Kimley-Horn and Associates, Inc., Consulting Airport Engineers, to provide professional civil engineering consulting services for the rehabilitation/reconstruction of the west side terminal apron at Fresno Yosemite International Airport (FAT) in an amount not to exceed \$485,000

Sponsors: Airports

APPROVED

The above item was approved on the Consent Calendar.

[ID#14-319](#) Approve the appointment of Lawrence Garcia to the Planning Commission

Sponsors: Mayor's Office

The above item was moved to the Contested Consent Calendar for further discussion by President Brandau.

[ID#14-325](#) * **BILL NO. B-36** - (For adoption; Introduced August 21, 2014) - Repealing Section 12-328 of the Fresno Municipal Code and adding Article 22 of Chapter 12 to the Fresno Municipal Code relating to outdoor dining

Sponsors: Development and Resource Management Department

ORDINANCE 2014-38 ADOPTED

The above item was adopted on the Consent Calendar.

CONTESTED CONSENT CALENDAR

[ID#14-174](#) Approve Automatic and Mutual Aid agreements between the City of Fresno, Fresno County Fire Protection District, California Department of Forestry, and Fire Protection Fresno-Kings Unit

Sponsors: Fire Department

Councilmembers asked questions of Fresno Fire Chief Donis, CAL Fire Chief Johnson, City Manager Rudd, City Attorney Sloan, IIAF Local 753 President Flores and Mr. Scroggins of the Firefighters Association.

TABLED

On motion of Acting President Baines, seconded by Councilmember Quintero, the above item was tabled until the meet and confer process was complete, but no longer than thirty days. The motion carried by

the following vote:

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

[ID#14-233](#)

BILL NO. B-35 - (For adoption; introduced August 21, 2014) Amending the uncodified ordinance to adopt changes and additions to the official list of designated special speed zones for various streets within the City of Fresno pursuant to Section 14-1501 of the Fresno Municipal Code (Citywide)

Sponsors: Public Works Department

Public Works Director Mozier introduced the above item to Council.

Councilmember Quintero exited the Council Chamber at 2:52 P.M. and returned at 2:54 P.M.

ORDINANCE 2014-39 ADOPTED

On motion of Councilmember Caprioglio, seconded by Councilmember Xiong, that the above Ordinance be adopted. The motion carried by the following vote:

Aye: 6 - Brandau, Baines, Brand, Caprioglio, Olivier and Xiong

Absent: 1 - Quintero

[ID#14-242](#)

Approve an Agreement with EMG Engineering and Environmental Consulting, of Walnut Creek, California in the amount of \$38,860, with a contingency amount of \$50,000 for a total fee of \$88,860 to conduct the Facilities Condition Assessment (FCA) of the Municipal Service Center (MSC) buildings (Council District 3)

Sponsors: Public Works Department

Assistant Director Andersen of Public Works introduced the above item to Council.

APPROVED

On motion of President Brandau, 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

5. SCHEDULED COUNCIL HEARINGS AND MATTERS

2:00 P.M. Scheduled Communication

[ID#14-304](#) Appearance by Ike Gerwal to request Council approve a fee reduction for the use of the Convention Center

Mr. Grewal appeared and spoke before Council to invite Council to the West American Truck Show at the Fresno Convention and Entertainment Center on September 6th and 7th.

UNSCHEDULED COMMUNICATION

The following member(s) of the public spoke to Council about items not on the agenda:

Rick Stietz - discussed public safety on Fresno Area Express busses and the promise of council to increase security by utilizing Police Cadets.

CONTESTED CONSENT CALENDAR CONTINUED

[ID#14-258](#) Authorize the Chief of Police to enter into an agreement with Central Unified School District to provide two School Resource Officers at 100% of the actual officer's cost, a police sergeant at 10% of the actual sergeant's cost, plus administrative fees and the operation/maintenance costs of two patrol vehicles for a total of \$267,483

Sponsors: Police Department

Police Chief Dyer introduced the above item to Council.

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

[ID#14-319](#) Approve the appointment of Lawrence Garcia to the Planning Commission

Sponsors: Mayor's Office

Councilmember Xiong exited the Council Chamber at 3:16 P.M. and returned at 3:19 P.M.

APPROVED

On motion of President Brandau, seconded by Councilmember Quintero, the above appointment was approved. The motion carried by the following vote:

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

Absent: 1 - Xiong

2. GENERAL ADMINISTRATION

[ID#14-209](#) Approve an Agreement with VSCE in the amount of \$2,199,691 for the construction management services on the City of Fresno Bus Rapid Transit Project (BRT)

Sponsors: Public Works Department

Assistant Director Andersen of Public Works introduced the above item to Council.

Councilmember Olivier exited the Council Chamber at 3:18 P.M. and returned at 3:21 P.M.

APPROVED

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

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

No: 1 - Brandau

Absent: 1 - Olivier

[ID#14-247](#) Implementation of Fire Department Self-Inspection Program and Fire Inspection Policy Change Recommendations

1. * RESOLUTION - 1st amendment to the Position Authorization Resolution No. 2014-96 adding two (2) Fire Inspector positions to the

Fire Department and two (2) Fire Inspector positions to the Development and Resource Management Department

Sponsors: Fire Department

Fire Chief Donis introduced the above item to Council.

RESOLUTION 2014-140 ADOPTED

On motion of President Brandau, 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

- [ID#14-249](#) Actions pertaining to the Herndon Avenue Widening from Brawley Avenue to Valentine Avenue, Bid File No. 3271 (Council District 2)
1. Approve a common use agreement between the City of Fresno and the Fresno Irrigation District (FID) for the installation of a multipurpose trail
 2. Award a construction contract to Emmett's Excavation Inc., of Fresno, California in the amount of \$1,689,986 for the construction of Herndon Avenue widening from Brawley Avenue to Valentine Avenue

Sponsors: Public Works Department

Public Works Manager Son introduced the above item to Council.

Councilmember Caprioglio exited the Council Chamber at 3:30 P.M. and returned at 3:35 P.M.

APPROVED

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

Aye: 6 - Brandau, Baines, Brand, Olivier, Quintero and Xiong

Absent: 1 - Caprioglio

[ID#14-276](#) *RESOLUTION - Adopt the First Amendment to the FY15 Salary Resolution No. 2014-108, reducing benefits and increasing salary ranges for Unit 2 (unrepresented) employees; adding new classifications of represented employees; modifying salaries to reflect change in minimum wage; additional technical changes1st Amendment to Salary Resolution No. 2014-108

Sponsors: Personnel Services Department

Personnel Services Director Cardell introduced the above item to Council and clarified for the record that the effective date of the resolution would be August 25, 2014.

RESOLUTION 2014-141 ADOPTED

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

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

No: 1 - Brandau

[ID#14-307](#) BILL - (For introduction) - Repealing and adding Section 4-111 of the Fresno Municipal Code relating to Project Labor Agreements

Sponsors: City Attorney's Office

Deputy City Attorney Collet introduced the above item to Council.

BILL B-38 INTRODUCED AND LAID OVER

On motion of Councilmember Xiong, seconded by Acting President Baines, the above item was introduced and laid over. The motion carried by the following vote:

Aye: 4 - Baines, Brand, Quintero and Xiong

No: 3 - Brandau, Caprioglio and Olivier

[ID#14-275](#)

Approve the Third Amendment to Agreement with Sharp Inspection Group in the amount of \$626,968 and extend the completion to April 27, 2015 for the construction management services on the City of Fresno Commercial Water Meter Retrofit Project (Citywide)

Sponsors: Public Works Department

Assitant Director Andersen of Public Works introduced the above item to Council.

Councilmember Caprioglio exited the Council Chamber at 3:57 P.M. and returned at 4:01 P.M.

APPROVED

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

Aye: 5 - Baines, Brand, Olivier, Quintero and Xiong

No: 1 - Brandau

Absent: 1 - Caprioglio

[ID#14-279](#)

* RESOLUTION of the Council of the City of Fresno Adopting the 2nd Amendment to the Annual Appropriation Resolution No. 2014-95 to appropriate \$900,000 in the 2010 Water Revenue Bond A-1 Fund for the Acquisition of Permanent Pipeline Right-of-Way Easement and Temporary Construction Easements for the Construction of the Raw Water Pipeline from the Friant-Kern Canal to the Northeast Surface Water Treatment Facility (requires 5 affirmative votes)

Sponsors: Department of Public Utilities

Supervising Professional Engineer Buche introduced the above item to Council.

RESOLUTION 2014-142 ADOPTED

On motion of Acting President Baines, seconded by Councilmember Brand, the above item was adopted. The motion carried by the

following vote:

Aye: 6 - Brandau, Baines, Brand, Olivier, Quintero and Xiong

Absent: 1 - Caprioglio

[ID#14-255](#) Approval of Amendment No. 2 to the Professional Consultant Agreement with CH2MHILL Engineers, Inc., for an amount not-to-exceed \$6,900,000 for Fiscal Year (FY 2015) Program Management Services (Citywide)

Sponsors: Department of Public Utilities

Public Utilities Director Esqueda introduced the above item to Council.

Councilmember Xiong requested documentation regarding the scope and scale of outreach for this item.

APPROVED

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

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

3. CITY COUNCIL

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

4:00 P.M. Scheduled Matter

[ID#14-320](#) Resolution of the Council of the City of Fresno requesting action by Congress on Pending Water Legislation

Sponsors: Mayor's Office

Mayoral Chief of Staff White introduced the above item to Council followed by Mario Santoyo of the Friant Water Authority. Public Utilities Director Esqueda answered questions.

RESOLUTION 2014-143 ADOPTED

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

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

3:00 P.M. JOINT MEETING OF THE CITY OF FRESNO AND THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF FRESNO AND FRESNO REVITALIZATION CORPORATION

The City Council met in joint session with the Successor Agency to the Redevelopment Agency of the City of Fresno and Fresno Revitalization Corporation at 4:24 P.M. to discuss the following:

[ID#14-308](#)

Successor Agency to the Redevelopment Agency of the City of Fresno and Fresno Revitalization Corporation (FRC) consider adopting:

1. RESOLUTION - Approving the Recognized Obligation Payment Schedule for January - June, 2015 (14-15B)

Sponsors: Successor Agency to the Redevelopment Agency

Redevelopment Administrator Murphey introduced the above item to Council.

**SUCCESSOR AGENCY RESOLUTION SA-25 ADOPTED
FRESNO REVITALIZATION RESOLUTION FRC-14 ADOPTED**

SUCCESSOR AGENCY VOTE

On motion of Vice Chair Caprioglio, seconded by Member Brandau, the above item was adopted. The motion carried by the following vote:

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

FRESNO REVITALIZATION VOTE

On motion of Vice Chair Caprioglio, seconded by Member Brandau, the above item was adopted. The motion carried by the following vote:

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

[ID#14-309](#)

Consider Property Disposition Guidelines of the Oversight Board of the Successor Agency to the Redevelopment Agency of the City of Fresno

Sponsors: Successor Agency to the Redevelopment Agency

Successor Agency Executive Director Murphey introduced the above item to

Council.

Councilmember Baines stated, for the record, that Council was committed to maximizing value through the disposition process and would only turn to the auction process as an option of last resort because it provides the lowest returns.

APPROVED

SUCCESSOR AGENCY VOTE

On motion of Chairman Baines, seconded by Member Xiong, the above item was approved. The motion carried by the following vote:

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

FRESNO REVITALIZATION VOTE

On motion by Chairman Baines, seconded by Member Xiong, the above item was adopted. The motion carried by the following vote:

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

JOINT MEETING ADJOURNMENT

The open session portion of the joint meeting adjourned at 4:32 P.M.

UNSCHEDULED COMMUNICATION CONTINUED

The following member(s) of the public spoke to Council about items not on the agenda:

Anthonia Washington - discussed the possibility of Council granting an exception for disabled people unable to pay for additional parking placards.

Pino Borrelli - discussed possible extensions to permit requirements to allow his business, Club Imperio, to continue operating.

RECESSED 4:46P.M. to 5:15 P.M.

4. CLOSED SESSION

The City Council met in closed session and joint closed session in Room 2125 from 5:15 P.M. to 6:08 P.M. to discuss the following:

[ID#14-176](#) **JOINT CLOSED SESSION of the City of Fresno and the Successor Agency to the Redevelopment Agency of the City of Fresno and the Fresno Revitalization Corporation**
CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Government Code Section 54956.9, Subdivision (d)(1)
1. City of Fresno v. Raps Fresno LLC, et al. (Hotel Fresno); Case No. 05 CE CG 01744 MS

Sponsors: City Attorney's Office

The above item was discussed in joint closed session. No open session announcements were made regarding this item.

[ID#14-321](#) **CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION**
Government Code Section 54956.9, subdivision (d)(1)

Case Name: *Luis Sanchez, et al. v. City of Fresno, et al.*
United States District Court Case No. 12-CV00428 LJO-SKO

Sponsors: City Attorney's Office

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

[ID#14-323](#) **CONFERENCE WITH LABOR NEGOTIATOR** - Government Code Section 54957.6

City Negotiator(s): Jeffrey Cardell, Ken Phillips

Employee Organization(s):

City of Fresno Management Employees Association (CFMEA)
City of Fresno Professional Employees Association (CFPEA)
IUOE, Stationary Engineers, Local 39 (L39)
Fresno City Employees Association (FCEA)
Fresno Police Officers Association (FPOA Basic)
International Association of Firefighters, Local 753 (Fire Basic)
Amalgamated Transit Union, Local 1027 (ATU)
International Brotherhood of Electrical Workers, Local 100 (IBEW)
Fresno Police Officers Association (FPOA Management)
International Association of Firefighters, Local 753 (Fire Mgmt.)
Fresno Airport Public Safety Supervisors (FAPSS)

Sponsors: Personnel Services Department

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

[ID#14-330](#) **CONFERENCE WITH REAL PROPERTY NEGOTIATOR** - Government Code Section 54956.8

Property: Fresno Irrigation District property along Herndon Canal between McKinley Ave and Millbrook Ave

Negotiating Parties: City Manager Bruce Rudd

Under Negotiation: Terms and Conditions of Property Acquisition

Sponsors: City Attorney's Office

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

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

6:00 P.M. Hearing

[ID#14-297](#) **HEARING** to consider Site Plan Review Application No. S-13-047 and related environmental assessment for the property located on the west side of North Hughes Avenue between West Nielson and West Belmont Avenues **(District 3)**

- a. Consider and adopt the environmental finding of a Mitigated Negative Declaration prepared for Environmental Assessment No. S-13-047 for the purpose of the proposed project
- b. **RESOLUTION** - Granting appeal and approving Site Plan Review Application No. S-13-047 requesting authorization to construct a 53,787 square foot metal building to be used as a chemical

warehouse (Brenntag Pacific, Inc.), a portion of which will be used as a 3,000 square foot shipping office and a 181 square foot front entry canopy, in addition to, two detached storage canopies (2,000 and 2,500 square feet) and twelve external storage tanks with their appropriate containment slabs

Sponsors: Development and Resource Management Department

Planner Bouvet introduced the above item to Council followed by Brenntag Pacific President Willenborg and Vice President of Operations Roberts.

City Attorney Sloan and Development and Resource Management Director Clark answered questions.

The following members of the public spoke on this item: Al Smith, Hester Hensley, John Brelsford, Ethan Smith, Tony Gastelum, Pat Kenny, Bob Mitchell, Gloria Ponce Rodriguez, Ashley Werner, Sabina Gonzalez, Cesar Casamayor, Barron Alexander, Pedro Gutierrez, Maria Villa, Maria Padron, Keshawn Givins, John Draper, Sandra Celedon-Castro, Ozzie Rodriguez, Dr. Venise C. Curry, Rosalba Cardenas, Zoila Vasquez, Zenaida Ventura, Veronica Garibay, Gloria Tapia, Debbie Darden, Harlan Kelly, Maria Hernandez, Maria Guzman, Luisa Medina, Sarah Reyes, Mary A. Curry, Andy Levine, Cesar Camos, Sandra Toscano, Leslie Maldonado, Janaki Jagannath, Axel, Roberto Monteres,

City Attorney Sloan stated the following for the record: "Fresno Municipal Code section 12-405(a)(3) says, for site plans, 'a site plan shall be approved only when it is found that: a) all applicable provisions of this code are complied with and, in addition, that the following are so arranged that traffic congestion is avoided, pedestrian and vehicular safety and welfare are protected, and surrounding property is protected from adverse effect.' Then it has a list: 'facilities and improvements, vehicular ingress, egress and internal circulation, setbacks, height of buildings, location of buildings, walls, landscaping, lighting, signs and recycling areas,' so that is what is being analyzed."

President Brandau stated, for the record, that a previous vote on river access which was mentioned by Acting President Baines, was not an accurate comparison to the current vote before Council. President Brandau explained the river access vote involved a group that wanted access to the San Joaquin river through a residential neighborhood even though the residential road was not built to handle the increased traffic. President Brandau noted the river access vote was not comparable to the current vote

because, in this case, the current site and zoning exactly match the use proposed by the applicant.

Acting President Baines motioned to reject the proposed item and received a second from Councilmember Quintero. The motion failed with "noes" from President Baines and Councilmembers Brand, Caprioglio and Olivier.

RESOLUTION 2014-144 ADOPTED

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

Aye: 4 - Brandau, Brand, Caprioglio and Olivier

No: 3 - Baines, Quintero and Xiong

ADJOURNMENT

Adjourned at 9:26 P.M.