

Agenda Item: ID#17-116

Date: 11/2/17

REC'D OCT 31 '17 AM 9:41
FRESNO CITY CLERK

FRESNO CITY COUNCIL



Supplemental Information Packet

Agenda Related Item(s) – ID#17-116

Contents of Supplement: October 26, 2017 Council minutes Item(s)

Approval of minutes from October 26, 2017

Supplemental Information:

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City of Fresno

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

Meeting Minutes - Draft 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 - Wilma Quan-Schechter

City Attorney - Douglas T. Sloan

City Clerk - Yvonne Spence, CMC

Thursday, October 26, 2017

1:00 PM

Council Chambers

Regular Meeting

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

1:05 P.M. ROLL CALL

Present: 7 - President Clinton Olivier
Vice President Esmeralda Soria
Councilmember Oliver L. Baines III
Councilmember Steve Brandau
Councilmember Garry Bredefeld
Councilmember Paul Caprioglio
Councilmember Luis Chavez

Invocation by Dr. Joseph Jones, future President of Fresno Pacific University

Pledge of Allegiance to the Flag

APPROVE AGENDA

*City Clerk Spence announced the following changes to the Agenda:
File ID17-1444 (1-G) - re: a Restated Disposition and Development Agreement with the Cesar Chavez Foundation has been continued to 11/2/2017 per staff. File ID17-1418 (3-A) – Amend agreement with Enterprise Asset Management (EAM) has been continued to 11/2/2017 per staff. File ID17-1454 (2:15 P.M.) – WORKSHOP regarding High Speed Rail and Workforce Development has been moved to 11/9/2017.*

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

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

CEREMONIAL PRESENTATIONS

ID17-1185 **Proclamation of "Disability Awareness Month" and Recognition of the Disability Advisory Commission Award Recipients**

PRESENTED

ID17-1333 **Proclamation of "Lively Arts Foundation"**

PRESENTED

APPROVE MINUTES

ID17-115 **Approval of minutes from October 19, 2017**

On motion of Councilmember Caprioglio, seconded by Councilmember Brandau, that the above Minutes be approved. The motion carried by the following vote:

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

COUNCILMEMBER REPORTS AND COMMENTS

Councilmember Caprioglio thanked the Solid Waste Team Jerry Schuber for all the illegal dumping that was taken care of; he discussed National Red Ribbon week; thanked Scott Brian and the paving team for taking care of the streets and Sierra Madre; thanked Officer Ruben and the ASI students for all their participation in the survey; announced Sierra Madre community picnic will be on Sunday, October 29, 2017 from 12:00P.M. to 3:00P.M.; and he reminded everyone that there will be a Fresno State Football game on Saturday, October 28, 2017.

Vice President Soria announced Resource Fair, Saturday, October 28, 2017 at Inspiration Park from 10:00A.M. to 2:00P.M., Invited the public to come out to the Tower District for the Annual Tower District Pooch Parade, Sunday, October 29, 2017 from 1:00P.M. to 5:00P.M.

Councilmember Brandau spoke regarding the 9th Annual Youth Soccer Make a Difference Day, October 21, 2017 Chuckchansi Park event which was a success and he thanked his Chief of Staff, Lindsay Barsamian for her hard work; there was a ribbon cutting for Raise the Roof event at the Poverallo House; and he spoke about Resolution 2017-61 which was adopted March 2, 2017 to initiate an amendment to Fresno General Plan Policy RC-9-C pursuant to Fresno Municipal Code Section 14-4902-B and 15-5803-C for Farmland Mitigation. Councilmember Brandau addressed the timeline that was adopted for the Resolution that has not been met nor was there an update provided to Council. He asked City Manager Quan-Schechter for an update as to why these timelines have not been met. City Manager Quan-Schechter stated that she will bring the requested information back to Councilmember Brandau in a few days. More discussion on this item ensued.

Councilmember Chavez asked City Attorney Sloan on items such as this, was there a process for sending work out to consultants if DARM was too busy and asked if that was still an available option for the City. City Attorney Sloan stated he did not believe that process had been implemented in a while. Councilmember Chavez asked City Attorney Sloan to take a look into that procedure and see if it could be applied to today. City Attorney Sloan said he would look into it.

Councilmember Brandau asked City Attorney Sloan if there were any other avenues to get this item done. City Attorney will work with DARM to get this done as possible. Councilmember Brandau said he would like to have this item done by the first of the year.

1. CONSENT CALENDAR

APPROVAL OF THE CONSENT CALENDAR

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

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

1-A ID17-1410

Approve Amendment No. 2 to the Copper River Ranch Water Supply Implementation Agreement approved by Fresno City Council on November 17, 2016 (Council District 6)

The above item was pulled from Consent Calendar by Councilmember Bredefeld and moved to the Contested Consent for further discussion.

1-B ID17-1393

RESOLUTION - Approving the Final Map of Tract No. 6153 and accepting dedicated public uses offered therein - North Friant Road and East Copper Avenue, within the Copper River Ranch Planned Community (Council District 6)

RESOLUTION 2017-293 ADOPTED

This Action Item was approved on the Consent Calendar.

1-C ID17-1446

***BILL NO. B-58 - (Intro. 10/19/2017) (For adoption) Adding Article 32 to Chapter 9 of the Fresno Municipal Code, relating to Pedicabs which allow alcohol to be consumed onboard. (Subject to Mayor's veto)

ORDINANCE 2017-58 ADOPTED

This Ordinance was adopted on the Consent Calendar.

1-D ID17-1425

Actions pertaining to the installation of an Intelligent Transportation System fiber optic line located within the right-of-way on Clovis Avenue between Olive Avenue and Lamona Avenue (Bid File 3559) (Council District 4):

1. Adopt a finding of Class 1 Categorical Exemption set forth in the California Environmental Quality Act Guidelines, Section 15301;
2. ***RESOLUTION - 30th amendment to the Annual Appropriation Resolution (AAR) No. 2017-165 to appropriate \$167,800 to fund the installation of an Intelligent Transportation System fiber optic line located within the right-of-way on Clovis Avenue between Olive Avenue and Lamona Avenue (Requires 5 affirmative votes) (Subject to Mayor's veto);
3. Award a Construction Contract to Cable Links Construction Group, Inc., in the amount of \$152,583.40 to install an Intelligent Transportation System fiber optic line;
4. Authorize the Director of Public Utilities, or designee, to execute all documents on behalf of the City of Fresno.

RESOLUTION 2017-294 ADOPTED

This Action Item was approved on the Consent Calendar.

1-E ID17-1428

Approve Services Agreement with ValveTek Utility Services, Inc., for the Neutral Output Discharge Elimination System (NO-DES) water distribution system flushing services in Southeast Fresno for three months in the amount of \$122,500 to reduce potential water quality issues for customers when the Southeast Surface Water Treatment Facility (SESWTF) begins providing treated water to the distribution system in May 2018 (City Wide)

APPROVED

This Action Item was approved on the Consent Calendar.

1-F ID17-1419

BILL - (for Introduction) - Granting a non-exclusive roll-off franchise for roll-off collection within the City of Fresno to Eagle Transportation and North Cal Hauling Company in preparation for a public hearing on the matter and final vote to approve the non-exclusive roll-off franchise on November 30, 2017 (Citywide)

BILL B-59 ADOPTED

This Action Item was approved on the Consent Calendar.

1-G ID17-1444

Approve First Amendment to the Amended and Restated Disposition and Development Agreement between Cesar Chavez Foundation and the City of Fresno

The above item was moved to the November 2, 2017 agenda

1-H ID17-1412

Actions pertaining to a purchase contract with Papé Kenworth:

1. ***RESOLUTION - 31st amendment to the Annual Appropriation Resolution (AAR) No. 2017-165 appropriating \$306,000 for two Kenworth T300 cab and chassis, two utility bodies, and two high volume air compressors (Requires 5 affirmative votes) (Subject to Mayor's veto)

2. Approve the award of a purchase contract to Papé Kenworth of Fresno, CA, for the purchase of two Kenworth T300 cab and chassis in the amount of \$136,000

RESOLUTION 2017-295 ADOPTED

This Action Item was approved on the Consent Calendar.

1-I ID17-1429

Actions pertaining to a purchase contract with Papé Kenworth:

1. ***RESOLUTION - 32nd amendment to the Annual Appropriation Resolution (AAR) No. 2017-165 appropriating \$212,500 for Kenworth T300 cab and chassis, larger bodies, and high volume air compressors to complete this project (Requires 5 affirmative votes) (Subject to Mayor's veto)

2. Approve the award of a purchase contract to Papé Kenworth of Fresno

CA, for the purchase of two Kenworth T300 cab and chassis in the amount of \$136,000

RESOLUTION 2017-296 ADOPTED

This Action Item was approved on the Consent Calendar.

CONTESTED CONSENT CALENDAR

1-A ID17-1410

Approve Amendment No. 2 to the Copper River Ranch Water Supply Implementation Agreement approved by Fresno City Council on November 17, 2016 (Council District 6)

Councilmember Bredefeld asked Director Esqueda, Department of Public Utilities about the defaults. Director Esqueda responded.

On motion of Councilmember Bredefeld, seconded by Councilmember Chavez, that the above Action Item be approved. The motion carried by the following vote:

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

2. SCHEDULED COUNCIL HEARINGS AND MATTERS

2:00 P.M.

ID17-1440 Anti-Slum Enforcement Team (ASET) Quarterly Status Report and Update on Rental Housing Improvement Act

The above item was introduced to Council by City Attorney Sloan and Assistant City Attorney Espinosa. City Attorney Sloan provided an overview of the program and stated that the primary recommendation is training. Assistant Attorney Espinosa provided details and reported on successes.

Councilmember Chavez spoke regarding the realistic timeline for implementation and asked that this item be done right and not rushed. Councilmember Chavez spoke about the citizenship status of individuals and how the City is incorporating that into the rental housing inspection and asked what happens if a landlord goes after an individual for their citizenship status and what is the role of City of Fresno should that happen. Councilmember Chavez stated that renters have left and his office is getting reports that landlords are charging more and not making any repairs and asking the tenants their citizenship status. Councilmember Chavez stated he

placed a call to California Apartment Association and wanted to know what they were doing for the City of Fresno.

Councilmember Caprioglio also stated his office is receiving calls that landlords are raising rents for no reason.

Vice President Soria asked who do individuals report violations to. Assistant City Attorney Espinosa responded that the City takes information through Fresno, 621-CITY, the City Attorney's Office, Code Enforcement or Council Offices.

City Manager Quan-Schechter recognized members of the division for the Anti-Slum Enforcement Team (ASET) and DARM Director Clark and Assistant Director Furtado gave an update on the rental housing improvement program.

2:10 P.M.

ID17-1462 Appearance by Mary Esther Correa to discuss the Code Enforcement fines she has incurred. (Speaker located in District 7)

Mary Esther Correa appeared and spoke regarding her fines from Code Enforcement

APPEARED

2:15 P.M.

ID17-1454 WORKSHOP regarding High Speed Rail and Workforce Development

The above item was moved to November 9, 2017 agenda.

3. GENERAL ADMINISTRATION

3-A ID17-1418

Amend agreement with Infor to increase Enterprise Asset Management (EAM) software seat licensing within the Department of Public Utilities. (Citywide).

The above item was moved to November 2, 2017 agenda.

3-B ID17-1426

***RESOLUTION - 33rd amendment to Annual Appropriation Resolution

(AAR) No. 2017-165 to appropriate \$861,600 for the installation of chemical feed equipment for water wells (Requires 5 affirmative votes) (Citywide)

RESOLUTION 2017-297 ADOPTED

On motion of Councilmember Caprioglio, seconded by Councilmember Chavez, that the above Action Item be adopted. The motion carried by the following vote:

Aye: 5 - Olivier, Baines III, Brandau, Caprioglio and Chavez

Absent: 2 - Soria and Bredefeld

3-C ID17-1424

WORKSHOP - Illegal Dumping

Workshop presented by Jerry Schuber, Assistant Director of Public Utilities.

4. CITY COUNCIL

4-A ID17-1448

BILL (for introduction) - Amending Section 14-2010 of the Fresno Municipal Code relating to lost or stolen residential parking permits.

BILL# B-60 ADOPTED

On motion of Councilmember Baines III, seconded by Councilmember Caprioglio, that the above Action Item be adopted. The motion carried by the following vote:

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

5. CLOSED SESSION

5-A ID17-1368

CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Government Code Section 54956.8
Property: APN 505-060-19 (Portion) (Right of Way for Veteran's Boulevard)
Negotiating Parties: City Manager Wilma Quan-Schecter; Robert and Julie Mitchell

City Council recessed into Closed Session at 3:12 p.m.

Close Session ended at 3:19 p.m.

There was no announcements after Closed Session.

City Council reconvened at 4:39 p.m. to hear the 4:30 items.

SCHEDULED COUNCIL HEARINGS AND MATTERS

4:30 P.M.#1

- ID17-1439 HEARING to consider Plan Amendment Application No. A-17-008, Rezone Application No. R-17-011 and related Environmental Assessment No. A-17-008/R-17-011 as part of a City-initiated Plan Amendment and Rezone pursuant to Fresno Municipal Code (FMC) Section 15-5803:
1. **ADOPT** Environmental Assessment No. A-17-008/R-17-011, a Mitigated Negative Declaration dated September 2017.
 2. **RESOLUTION** - Approving Plan Amendment Application No. A-17-008 to amend the Fresno General Plan from the Public Facilities planned land use designation to the Heavy Industrial planned land use designation.
 3. **BILL** - (For introduction and adoption) - Approving Rezone Application No. R-17-011 to amend the Official Zone Map to reclassify the subject property from the PI/UGM (*Public and Institutional/Urban Growth Management*) zone district to IH (*Heavy Industrial*) zone district.
 4. **BILL** - (For introduction) - Approving the Disposition Agreement and Development Agreement by and between the City of Fresno and Darling Ingredients Inc., pertaining to the relocation and the transfer and development of real property on the southwest corner of Jensen and Cornelia Avenues.

Council President Olivier stated that public comment was limited to two minutes due to the large number of speakers.

Councilmember Baines introduced the item. He stated that this journey began for him six years ago and it was a very contentious item at the time. This issue in the Southwest community has highlighted the disparity in treatment of one community over another. The community has been involved in this issue for over 60 years.

Councilmember Baines called on Jennifer Clark, Director of DARM to introduce the item. Director Clark provided more information and then introduced Ricky Capperton, Planner III, DARM to further discuss the item. Planner Capperton gave a brief overview of the item and then he called up

Mike Parker, Sr. Project Manager with Accent Environmental who were the consultants for the initial study. Sr. Project Manager Parker went over the findings of the IS/MND and the summary of the mitigation measures.

After the presentation Councilmember Baines made a motion to approve this item. Councilmember Brandau seconded the motion. Councilmember Brandau had a question about the traffic and roads and whether they can accommodate this move. Scott Mozier responded to the question stating that they received a comment letter from Fresno County regarding two items. 1) Long term plans for improving intersections; 2) The pavement conditions on Jensen Avenue.

Public Works Director Mozier read the following information into the record: The County of Fresno and the City of Fresno Public Works and Planning staff have agreed to develop an agreement for the design, construction, and funding of these jointly funded roadways in the City's sphere of influence as identified on the exhibit of the map of the Fresno Area Citywide Map where the shared streets are shown in red. The exhibit identifies those roadways shown in red. County and City staff will be meeting and working on that agreement and will return to both the Board of Supervisors and the City Council within 60 days with a proposed agreement for the Board of Supervisors and City Council action. The goal is a master agreement.

Upon call for public comment, the following people spoke on the item: Mary Curry, C. William Brewer, Chris Mendez, James Cook, Ivanka Saunders, Ines Mendez, Florentino Ventura, Grecia Elenes, Lidia Rodriguez, Kimberly McCoy, Venise Curry, Tate Hill, Maria Erana, Francisco Mendez, Tonia Pacheco Werner, Leoncio Vasquez, Dr. Carol Wolsmith, Sarah Hedgepeth-Harris, Hester Hensley, Margerita Colechop, Lee Jacobson, David Bluniz, Ray White. Council President Olivier closed public comment.

The Environmental Assessment No. A-17-008/R-17-011, a Mitigated Negative Declaration dated September 2017, and associated errata and MMRP for the IS/MND recommended for approval by the Planning Commission on October 18, 2017 was ADOPTED as amended. (Item 1).

RESOLUTION 2017-298 ADOPTED

BILL- 61 ADOPTED

ORDINANCE 2017-59 ADOPTED

BILL - 62 ADOPTED

On motion of Councilmember Baines III, seconded by Councilmember Brandau, that the above Action Item be approved. The motion carried by the following vote:

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

The City Council recessed from 6:29 p.m. to 6:45 p.m.

Council reconvened at 6:49 p.m. for the 4:30 p.m. #2 Item

4:30 P.M.#2

ID17-1325 HEARING - To consider the adoption of the Southwest Fresno Specific Plan and related Final Program Environmental Impact Report (FPEIR), State Clearinghouse (SHC) # 2017031012. The following applications have been filed by the Fresno City Council and pertain to approximately 3,255 acres in the DA-1 South Development Area:

1. **RESOLUTION - Certifying Final Program EIR** (SCH No. 2017031012), for the Southwest Fresno Specific Plan and related plan amendment, rezones, and text amendment to the Development Code.
 - a. ADOPT Findings of Fact as required by Public Resources Code Section 21081(a) and CEQA Guidelines, Section 15091; and,
 - b. ADOPT the Statement of Overriding Considerations as required by Public Resources Code, Section 21081(b) and CEQA Guidelines, Section 15093; and
 - c. APPROVE a Mitigation Monitoring and Reporting Program as required by Public Resources Code Section 21081.6 and CEQA Guidelines Section 15097.
2. **RESOLUTION - Approving Plan Amendment Application No A-17-13** which proposes to repeal the Edison Community Plan, pertaining to approximately 10,019 acres located in the DA-1 South Development Area
3. **RESOLUTION - Approving Plan Amendment Application No. A-17-14** which proposes to adopt the October 2017

Redline Draft and accompanying technical map changes of the Southwest Fresno Specific Plan (Figure 3-2), and the changes recommended by Planning Commission on October 18, 2017, pertaining to approximately 3,255 acres located in the DA-1 South Development Area

4. **RESOLUTION - Approving Plan Amendment Application No. A-17-15** which proposes to update the Land Use Map (Figure LU-1) and the Dual Designation Map (Figure LU-2) of the Fresno General Plan to incorporate the land use changes proposed in the Southwest Fresno Specific Plan and the changes recommended by Planning Commission on October 18, 2017; and to correspondingly amend the Fresno Chandler Executive Airport Land Use Compatibility Plan and the Fresno-Chandler Downtown Airport Master and Environs Specific Plan
5. **BILL - (For Introduction) Approving Text Amendment Application No. TA-17-08** which proposes amendments to the Citywide Development (Fresno Municipal Code Chapter 15) to incorporate the Kearney Boulevard Historic Corridor (KB) Overlay District and the California Avenue Transit Corridor (CA) Overlay District
6. **BILL - (For Introduction and Adoption) Approving Rezone Application No. R-17-17** which proposes to apply the Kearney Boulevard Historic Corridor (KB) Overlay District to approximately 50.65 acres and to apply the California Avenue Transit Corridor (CA) Overlay District to approximately 40 acres
7. **BILL - (For Introduction and Adoption) Approving Rezone Application No. R-17-18** which proposes to rezone approximately 910 acres of property within the Southwest Fresno Specific Plan Area, including the changes recommended by Planning Commission on October 18, 2017, to be consistent with the planned land use
8. **RESOLUTION - Authorizing the Development and Resource Management Director or her designee to correct any typographical errors** and update the text, policies, maps, tables, and exhibits contained in the Southwest Fresno Specific Plan, the Fresno General Plan and the Development Code to reflect the final action taken by the Council, to the extent that such updates are necessary to maintain consistency.

Sophia Pagoulatos, Planning Manager, DARM presented the item to Council. Prior to Planning Manager Pagoulatos giving her presentation, two members of the steering committee wanted to address the City Council.

The first member to speak was Eric Payne, steering committee member. Leoncio Vasquez was also to speak on this item, however he was not present when called. Planning Manager Pagoulatos continued with her presentation to the City Council.

When called the following members from the public spoke on this item:

Grecia Elenes, Velisha Smith, June Standfield, Juan Esquivel, Brunnett Harris, Diane Smith, Hester Hensley, Marina Harutyunyan, Mary Curry, Venise Curry, Leoncio Vasquez, Ines Mendez, Francisco Mendez, and Jeff Roberts. Council President closed public comments.

Councilmember Baines made a motion to approve this item as amended, Vice President Soria seconded the motion. The amendment is as follows: Council adopted land use changes that were recommended by the Planning Commission which required updating/inserting tables to reflect the correct acreage.

RESOLUTION 2017-299 ADOPTED

RESOLUTION 2017-300 ADOPTED

RESOLUTION 2017-301 ADOPTED (Subject to Mayor's Veto)

RESOLUTION 2017-302 ADOPTED

BILL-63 ADOPTED

BILL-64 ADOPTED

ORDINANCE 2017-60 ADOPTED

BILL-65 ADOPTED

ORDINANCE 2017-61 ADOPTED

RESOLUTION 2017-303 ADOPTED

On motion of Councilmember Baines III, seconded by Vice President Soria, that the above Action Item be approved. The motion carried by the following vote:

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

UNSCHEDULED COMMUNICATION

One speaker spoke on unscheduled communication thanking the council for approving both of the 4:30 p.m. items.

PLEASE NOTE: UNSCHEDULED COMMUNICATION IS NOT SCHEDULED FOR A SPECIFIC TIME AND MAY BE HEARD ANY TIME DURING THE MEETING

ADJOURNMENT

The meeting adjourned at 7:58p.m.