



# City of Fresno

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

## Meeting Minutes City Council

**President - Esmeralda Z. Soria**

**Vice President - Steve Brandau**

**Councilmembers:**

**Oliver L. Baines, III, Paul Caprioglio, Luis Chavez,**

**Garry Bredefeld, Clinton J. Olivier**

**City Manager - Wilma Quan-Schechter**

**City Attorney - Douglas T. Sloan**

**City Clerk - Yvonne Spence, MMC**

---

**Thursday, January 25, 2018**

**10:00 AM**

**Council Chambers**

---

### **Regular Meeting**

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

10:09 A.M. ROLL CALL

*Councilmember Baines was absent during roll call and joined the meeting at 10:11AM.*

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

Invocation by Pastor Edward Lee from Mount Olive Baptist Church.

Pledge of Allegiance to the Flag

### **APPROVE AGENDA**

*City Clerk Spence announced the following changes to the agenda: File ID 18-0053 (4-A)-Changes to #8-Joint Powers Financing Authority, Members should be Mayor Brand, Council President Soria and Councilmember Caprioglio.*

On motion of Councilmember Caprioglio, seconded by Councilmember Chavez, the above item was adopted as amended.

The motion carried by the following vote:

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

## **APPROVE MINUTES**

[18-0017](#) Approval of minutes from January 11, 2018.

**Sponsors:** City Clerk's Office

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

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

## **1. CONSENT CALENDAR**

On motion of Councilmember Caprioglio, seconded by Councilmember Bredefeld, the CONSENT CALENDAR below was hereby adopted by the following vote.

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

- 1-A [18-0054](#) RESOLUTION - Of Intention to Annex the Territory Known as Assessor's Parcel Number 509-020-15 as Annexation No. 24 to the City of Fresno Community Facilities District No. 9 and to Authorize the Levy of Special Taxes (North Salinas Avenue, southwest of North Figarden Drive between West Bullard and North Gates Avenues) (Council District 2)

**Sponsors:** Public Works Department

*RESOLUTION 2018-19 ADOPTED*

- 1-B [18-0103](#) \*\*\*RESOLUTION - 51st amendment to the Annual Appropriation Resolution No. 2017-165 to appropriate \$358,400 for new capital projects in the Public Works Department (Citywide) (Subject to Mayor's veto) (Requires 5 affirmative votes).

**Sponsors:** Public Works Department

*RESOLUTION 2018-20 ADOPTED*

- 1-C [ID18-0114](#) Approve a substitution of listed Subcontractor Ace Pipelining, Inc., for Sewer Rehabilitation in North Abby Street and East Hammond Avenue Project ID RC00164 (Council District 7)

**Sponsors:** Public Works Department

- 1-D [18-0066](#) Actions pertaining to the U.S. Department of Homeland Security Assistance to Firefighters Grant:
1. Approve application for and acceptance of the grant award for \$35,900 and authorize the Fire Chief to complete and sign all required documents.
  2. RESOLUTION - Authorizing the application for and acceptance of FY16 cycle U.S. Department of Homeland Security Assistance to Firefighters Grant Program and authorizing completion of document.
  3. \*\*\*RESOLUTION - 50th amendment to the Annual Appropriation Resolution (AAR) No. 2017-165, Appropriating \$39,500 from the U.S. Department of Homeland Security Assistance to Firefighters Grant Program to the Fire Department for Smoke Alarms and Strobe Smoke Alarms (Subject of Mayor's veto) (Requires 5 affirmative votes).

**Sponsors:** Fire Department

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

- 1-E [ID18-0123](#) Award a contract to purchase eleven relief vehicle sedans from Swanson Fahrney Ford Sales, Inc., in the amount of \$226,476.64 (Bid File 3576)

**Sponsors:** Department of Transportation

- 1-F [ID18-0010](#) Actions pertaining to the 2017 Law Enforcement Specialized Unit Program:
1. \*\*\*Authorize acceptance of \$203,143 in grant funding from the California Governor's Office of Emergency Services' Law Enforcement Specialized Unit Program to the Fresno Police Department. (Subject to Mayoral Veto)
  2. Approve a Memorandum of Understanding with the Marjaree

Mason Center.

3. \*\*\*RESOLUTION - 45th amendment to the Annual Appropriation Resolution (AAR) No. 207-165 appropriating \$116,400 for the Police Department's Domestic Violence grant. (Requires 5 affirmative votes) (Subject to Mayoral veto)

**Sponsors:** Police Department

*RESOLUTION 2018-21 ADOPTED*

- 1-G [ID18-0138](#) \*\*\*BILL NO. B-1 (Intro. 1/11/2018) (For adoption) - Amending Section 10-617 of the Fresno Municipal Code relating to Blighted Vacant Buildings (Subject to Mayor's veto)

**Sponsors:** Development and Resource Management Department

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

- 1-H [18-0060](#) Submission for Informational Purposes of the Comprehensive Annual Financial Reports (CAFR) regarding the Financial Activities of the City of Fresno Retirement Systems for the Fiscal Year ending June 30, 2017.

**Sponsors:** Retirement Department

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

## **CEREMONIAL PRESENTATIONS**

- [ID18-0134](#) Presentation of the Winter 2018 Employee of the Quarter Certificates (Light reception immediately following - 2nd floor foyer)

**Sponsors:** City Clerk's Office

*PRESENTED*

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

## **UNSCHEDULED COMMUNICATION**

*Upon call, the following members of the public addressed Council: Patrick Harley spoke regarding Kaiser Park and the issues with parking lots and*

*traffic jams in that area and Amy Fuentes spoke in support of the 4:30PM #2 Woodward Park event.*

## **COUNCILMEMBER REPORTS AND COMMENTS**

*Councilmember Caprioglio requested the meeting adjourn in memory of Clovis Councilman Harry Armstrong, thanked Councilmember Baines for the MLK Community event and thanked Fresno Chamber of Commerce for being business friendly.*

*Council Vice President Brandau spoke regarding the tragic accident that occurred where a member of the public lost their life to a FAX Bus in an accident and expressed his frustrations and stated something needs to be done to correct these problems.*

*Council President Soria mentioned FAX-Q meeting was held at Fresno City College, free bus rides during February 19, 2018 to February 25, 2018, tree planting event at Quigley Park, Saturday, January 27, 2018 from 8:00AM to 11:00AM and Fresno Police Department and Fire Department for young people to participated in the leadership program.*

*City Council recessed at 11:06AM and returned from recess at 1:36PM.*

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

### **10:00 A.M.**

- [ID18-0124](#) (CONTINUE TO FEBRUARY 15, 2018 AT 10:00 A.M.)  
Actions pertaining to the Veterans Boulevard Interchange and Extension Project (Council District 2)
1. CONTINUED HEARING to consider a resolution of public use and necessity for acquisition of a permanent street easement and a temporary construction easement for public street purposes over, under, through and across real property located at 6730 W. Shaw Avenue and Veterans Boulevard in the City of Fresno, (APN: 505-060-19), owned by Robert W. and Juli A. Mitchell; for the construction of Veterans Boulevard, a six lane super arterial, from Herndon Avenue to Shaw Avenue in the City of Fresno.
  2. \*\*\* RESOLUTION-That the public interest and necessity

require and authorize eminent domain for acquisition of a permanent street easement and a temporary construction easement for public purposes over, under, through and across real property for the construction of Veterans Boulevard, a six lane super arterial, from Herndon Avenue to Shaw Avenue. (Requires 5 affirmative votes) (Subject to Mayor' veto).

**Sponsors:** Public Works Department

*THE ABOVE ITEM WAS CONTINUED TO FEBRUARY 15, 2018 AT 10:00AM.*

### **10:05 A.M.**

#### **18-0109**

(CONTINUE TO FEBRUARY 8, 2018 AT 10:00 A.M.)  
HEARING to consider Plan Amendment Application No. A-17-010, Rezone Application No. R-17-014, and the related environmental assessment, filed by Jeff Roberts of East Shields Development, for approximately ±13.76 acres of property located on the east side of North Fowler Avenue between East Shields and East Princeton Avenues. (Council District 4 - Caprioglio)

1. ADOPT the Mitigated Negative Declaration prepared for Environmental Assessment No. A-17-010/R-17-014 dated December 1, 2017.
2. RESOLUTION Approving Plan Amendment Application No. A-17-010 proposing to amend 8.89 acres of the Fresno General Plan and the McLane Community Plan from the Business Park planned land use to the Medium Density Residential (5-12 du/acre) planned land use. In addition, 4.87 acres of the subject property is proposed to be redesignated from the Community Commercial and Light Industrial planned land uses to the Urban Neighborhood Residential (16-30 du/acre) planned land use.
3. BILL (For introduction and adoption) - Approving Rezone Application No. R-17-014 requesting authorization to reclassify 8.89 acres of the subject property from the BP/UGM (Business Park/Urban Growth Management) zone district to the RS-5/UGM (Residential Single-Family, Medium Density/Urban Growth Management) zone district. The remaining 4.87 acres of the subject property will be reclassified from the CC/UGM (Community Commercial/Urban Growth Management) and IL/UGM (Light Industrial/Urban Growth Management) zone

districts to the RM-2/UGM (Residential Multi-Family, Urban Neighborhood/Urban Growth Management) zone district.

**Sponsors:** Development and Resource Management Department

*THE ABOVE ITEM WAS CONTINUED TO FEBRUARY 8, 2018 AT 10:00AM.*

### **11:45 A.M.**

- [18-0104](#) (CONTINUE TO 4:30 P.M.#1)  
HEARING to consider Development Permit Application No. D-16-109, located on the north side of East Central Avenue between South Orange and South Cedar Avenues (Council District 3) - Development and Resource Management Department.
1. ADOPT the Mitigated Negative Declaration prepared for Environmental Assessment No. D-16-109, dated September 18, 2017;
  2. DENY the appeal and UPHOLD the Director's approval of Development Permit Application No. D-16-109 authorizing the development of an industrial business park for industrial uses with up to seven reinforced concrete buildings ranging in size from 124,200 square feet to 1,000,000 square feet, with a total building square footage not to exceed ±2,145,420.

**Sponsors:** Development and Resource Management Department

*THE ABOVE ITEM WAS CONTINUED TO 4:30PM #1.*

### **1:30 P.M.#2**

- [18-0108](#) Proclamation of "National Slavery and Human Trafficking Prevention Month"

**Sponsors:** City Councilmember Olivier

*PRESENTED*

### **1:30 P.M.#1**

- [ID18-0133](#) RESOLUTION - Renaming the Pinedale Community Center the "Paula S. Guzman Pinedale Community Center"

**Sponsors:** Vice President Brandau

*PRESENTED AND RESOLUTION 2018-22 ADOPTED*

**On motion of Council Vice President Brandau, seconded by Councilmember Chavez, that the above Resolution be adopted. The motion carried by the following vote:**

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

**1:45 P.M. SCHEDULED COMMUNICATION**

[ID18-0131](#) Appearance by Debra Cabral to address the Council on the occasion of National Catholic Schools Week, 2018  
1. Proclamation of National Catholic Schools Week - President Soria

*PRESENTED*

[ID18-0132](#) Appearance by Robert E. Solis discuss Site Inspectors versus the City of Fresno Permit Department

*Mr. Solis appeared and expressed his concerns and frustrations with DARM Department and their permitting process.*

*APPEARED***1:40 P.M. CONTESTED CONSENT CALENDAR**

*The Contested Consent Items below were heard at 2:20PM*

- 1-D**     [18-0066](#)     Actions pertaining to the U.S. Department of Homeland Security Assistance to Firefighters Grant:
1. Approve application for and acceptance of the grant award for \$35,900 and authorize the Fire Chief to complete and sign all required documents.
  2. RESOLUTION - Authorizing the application for and acceptance of FY16 cycle U.S. Department of Homeland Security Assistance to Firefighters Grant Program and authorizing completion of document.
  3. \*\*\*RESOLUTION - 50th amendment to the Annual Appropriation Resolution (AAR) No. 2017-165, Appropriating \$39,500 from the U.S. Department of Homeland Security Assistance to Firefighters Grant Program to the Fire Department



for Smoke Alarms and Strobe Smoke Alarms (Subject of Mayor's veto) (Requires 5 affirmative votes).

**Sponsors:** Fire Department

*Councilmember Bredefeld asked staff about the smoke alarms and who is getting them and how that was determined.*

*Upon call, there was no public comment.*

RESOLUTION 2018-23 ADOPTED

RESOLUTION 2018-24 ADOPTED

**On motion of Councilmember Bredefeld, seconded by Councilmember Chavez, that the above Resolution be adopted. The motion carried by the following vote:**

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

- 1-G**     [ID18-0138](#)     \*\*\*BILL NO. B-1 (Intro. 1/11/2018) (For adoption) - Amending Section 10-617 of the Fresno Municipal Code relating to Blighted Vacant Buildings (Subject to Mayor's veto)

**Sponsors:** Development and Resource Management Department

*Councilmember Bredefeld pulled the item for further discussion but got his questions answered by Assistant Director Furtado.*

*Upon call, there was no public comment.*

ORDINANCE 2018-6 ADOPTED

**On motion of Councilmember Bredefeld, seconded by Councilmember Chavez, that the above Ordinance be adopted. The motion carried by the following vote:**

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

- 1-H**     [18-0060](#)     Submission for Informational Purposes of the Comprehensive Annual Financial Reports (CAFR) regarding the Financial Activities of the City of Fresno Retirement Systems for the Fiscal Year ending June 30, 2017.

**Sponsors:** Retirement Department

*Councilmember Bredefeld commended staff for a job well done on the Comprehensive Annual Financial Reports (CAFR) for year ending June 30, 2017.*

*Upon call, there was no public comment.*

**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 - Soria, Brandau, Baines III, Caprioglio, Chavez, Bredefeld and Olivier

**1:55 P.M. JOINT MEETING OF THE CITY COUNCIL, SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF FRESNO, AND THE FRESNO REVITALIZATION CORPORATION**

[ID18-0154](#) Successor Agency to the Redevelopment Agency of the City of Fresno and Fresno Revitalization Corporation (FRC) to consider:

1. Approving the Memorandum of Understanding (MOU) between the FRC and California Court of Appeal, 5th Appellate District
2. Authorizing the Executive Director to execute the MOU.

**Sponsors:** Successor Agency to the Redevelopment Agency of the City of Fresno

*The item was called to order at 2:24PM.*

*The above item was introduced to Council by Redevelopment Administrator Murphey.*

*Upon call, there was no public comment.*

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

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

**3. GENERAL ADMINISTRATION**

- 3-A**     [18-0107](#)     Actions pertaining to Permanent Asphalt Concrete Pavement Repairs - Bid File No. 9425 (City-wide)
1. Adopt a finding of Class 1, Class 2, Class 3 and Class 4, Categorical Exemption, pursuant to sections 15301, 15302, 15303 and 15304, of the CEQA guidelines, for Permanent Asphalt Concrete Pavement Repairs
  2. Award a contract to West Valley Construction, Inc., in the amount of \$601,486 for Permanent Asphalt Concrete Pavement Repairs and authorize the Public Works Director or designee to sign the contract on behalf of the City
  3. Authorize the Public Works Director, or designee, to sign the agreement on behalf of the City

**Sponsors:** Department of Public Utilities

*The above item was introduced to Council by Water System Manager Tickel, Public Utilities Department.*

*Upon call, there was no public comment.*

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

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

- 3-B**     [18-0065](#)     WORKSHOP: Status update related to the implementation of the Accela Civic Platform Land Management System (Citywide)

**Sponsors:** Development and Resource Management Department

*The workshop was presented by Planning Manager Emerson, DARM Department.*

*PRESENTED*

*Councilmember Olivier left the meeting at 2:30PM.*

*Council Vice President Brandau left the meeting at 2:44PM*

- 3-C [ID18-0145](#) RESOLUTION - Appointing Councilmember Drew M. Bessinger, City of Clovis to the vacant position on the San Joaquin Valley Air Pollution Control District

**Sponsors:** City Clerk's Office

*The above item was introduced to Council by City Clerk Spence.*

*Upon call, there was no public comment.*

*RESOLUTION 2018-25 ADOPTED*

**On motion of Councilmember Chavez, seconded by Councilmember Bredefeld, that the above Resolution be adopted. The motion carried by the following vote:**

**Aye:** 5 - Soria, Baines III, Caprioglio, Chavez and Bredefeld

**Absent:** 2 - Brandau and Olivier

**Councilmember Olivier returned to the meeting at 2:50PM**

**Council Vice President Brandau returned to the meeting at 2:52PM**

- 3-D [18-0076](#) Submission and Acceptance of the City of Fresno Comprehensive Annual Financial Report (CAFR) and the Comprehensive Annual Debt Report (CADR) for Fiscal Year 2017.

**Sponsors:** Finance Department

*The above item was introduced to Council by Director Lima, Finance Department.*

*Upon call, there was no public comment.*

*Councilmember Caprioglio congratulated Director Lima and his team for a job well done. Councilmember Caprioglio asked staff about the \$20 million in reserves and if there was another recession how far will that money go. Director Lima stated about a month in a half to two months of payments.*

**On motion of Councilmember Caprioglio, seconded by Council Vice President Brandau, that the above Action Item be approved. The**

**motion carried by the following vote:**

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

- 3-E**     [18-0105](#)     RESOLUTION - Authorizing submission of lifeline applications for grant funds for the 2017/18 Congestion Mitigation and Air Quality Improvement Program and the Surface Transportation Block Grant Program Call for Projects from the Fresno Council of Governments (Citywide)

**Sponsors:** Public Works Department

*The above item was introduced to Council by Director Mozier, Public Works Department.*

*Upon call, there was no public comment.*

**RESOLUTION 2018-26 ADOPTED**

**On motion of Councilmember Bredefeld, seconded by Councilmember Chavez, that the above Resolution be adopted. The motion carried by the following vote:**

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

- 3-F**     [ID18-0135](#)     RESOLUTION - Approving the Application for Grant Funds from the California Transportation Commission's Local Partnership Program for the Veterans Boulevard Interchange and Extension Project and Authorizing the Execution of Documents by the Public Works Director or Designee (Council District 2)

**Sponsors:** Public Works Department

*The above item was introduced to Council by Director Mozier, Public Works Department.*

*Upon call, there was no public comment.*

**RESOLUTION 2018-27 ADOPTED**

**On motion of Council Vice President Brandau, seconded by Councilmember Olivier, that the above Resolution be adopted. The**

**motion carried by the following vote:**

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

**4. CITY COUNCIL**

- 4-A**     [18-0053](#)     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 - Mayor Brand, Olivier, Baines,
  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, Thomas Esqueda and Vacant - Alternates)
  12.    Economic Development Corporation Serving Fresno County - Brandau-Ex-Officio, City Manager Wilma Quan-Schechter 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.    Sub- Committee on Transportation - Baines, Caprioglio, Soria
  17.    Code Enforcement Sub-Committee - Baines, Caprioglio, Soria

18. Enterprise and Construction Management Oversight Board  
- Councilmember Soria
19. School Liaison Sub-Committee - Soria - Chair, Olivier,  
Baines
20. North Kings Groundwater Sustainability Agency (GSA)  
Joint Powers Authority - Mayor Brand (Thomas Esqueda, Tim  
Orman - Alternates)

**Sponsors:** Council President Soria

*Council Vice President Brandau motioned to nominate Councilmember Caprioglio as Ex-Officio and Council President Soria nominated Councilmember Chavez as Alternate to the Economic Development Corporation Serving Fresno County. Council President Soria seconded the motion. Motion PASSED 7-0*

*Council President Soria motioned to nominate herself as a member of the Fresno Area Workforce Investment Corporation. Councilmember Chavez seconded the motion. Motion PASSED 7-0*

*Council President Soria motioned to nominate Councilmember Chavez as Primary and Councilmember Bredefeld as the Alternate for the Enterprise and Construction Management Oversight Board. Councilmember Chavez seconded the motion. Motion PASSED 7-0*

*Council President Soria and Councilmember Baines removed the San Joaquin Valley Air Pollutin Control District from Boards and Commissions.*

*Upon call, there was no public comment.*

*APPROVED AS AMENDED*

- 4-C**     [ID18-0152](#)     \*\*\*RESOLUTION - Terminating covenants imposing “community benefit fees” on home transfers (Subject to Mayor’s veto)

**Sponsors:** City Councilmember Chavez

*The above item was introduced to Council by Councilmember Chavez.*

*Upon call, there was no public comment.*

*RESOLUTION 2018-28 ADOPTED*

**On motion of Councilmember Chavez, seconded by Councilmember Baines III, that the above Resolution be adopted. The motion carried by the following vote:**

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

**4-B**    [ID18-0146](#)    Legal Workshop

**Sponsors:** City Attorney's Office

*The above item was removed from the agenda and continued to February 8, 2018*

*Council recessed to Closed Session at 3:27PM*

## **5. CLOSED SESSION**

*There was no announcements after Closed Session.*

- 5-A**    [18-0110](#)    CONFERENCE WITH LEGAL COUNSEL-EXISTING  
LITIGATION - Government Code Section 54956.9, subdivision  
(d)(1)  
1. Peter Dern v. City of Fresno, PSI, administered by Risico  
Claims Management;  
Workers' Compensation Appeals Board Case No.: ADJ9940299

**Sponsors:** City Attorney's Office

*DISCUSSED*

- 5-B**    [18-0111](#)    CONFERENCE WITH LEGAL COUNSEL-EXISTING  
LITIGATION -Government Code Section 54956.9, subdivision (d)  
(1)  
1. Peter Dern and Kimberly Dern v. Julia Beth Ann Harper, et.  
al.; Fresno County Superior Court Case No.: 15CECG0389

**Sponsors:** City Attorney's Office

*DISCUSSED*

- 5-C**    [ID18-0005](#)    CONFERENCE WITH LEGAL COUNSEL-EXISTING  
LITIGATION - Government Code Section 54956.9, subdivision  
(d)(1)



1. Stephen Leong v. City of Fresno Fire Department, psi, administered by Risico Claims Management (Workers' Compensation Appeals Board Case No.: ADJ10219464)

**Sponsors:** Personnel Services Department

*DISCUSSED*

- 5-D**     [ID18-0149](#)     CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION - Government Code Section 54956.9, subdivision (d)(1)
1. Lydia Gonzalez v. City of Fresno, et al.; Fresno Superior Court Case No.: 16CECG03275.

**Sponsors:** City Attorney's Office

*SETTLED - NO DISCUSSION*

- 5-E**     [ID18-0159](#)     CONFERENCE WITH LABOR NEGOTIATOR - Government Code Section 54957.6
- City Negotiator(s): Jeffrey Cardell, Ken Phillips, TJ Miller
- Employee Organizations: City of Fresno Professional Employees Association (CFPEA)

**Sponsors:** Council President Soria

*DISCUSSED*

*Council returned from Closed Session at 4:15PM*

*Council recessed at 4:15PM and returned from recess at 4:45PM*

## **4:30 P.M.#2**

- [18-0106](#)     Approve License Agreement Special Event - Woodward Park Between IAN Group, LLC and the City of Fresno

**Sponsors:** Parks, After School and Recreation and Community Services Department

*The item above was called to order at 4:45PM.*

*Councilmember Bredefeld requested that the item be postpone for two weeks and return to Council on February 8, 2018 at 4:30PM and asked Councilmember Chavez and Councilmember Olivier to join him in meeting*

*with the promoters and City staff to find a solution that works best for both sides.*

*Councilmember Bredefeld motion to continue the item to February 8, 2018 at 4:30PM and meet with the promoters, City staff, Councilmember Chavez and Councilmember Olivier to find a solution that works best for both sides. Councilmember Chavez seconded the motion. Motion PASSED 5/2, Council President Soria and Councilmember Caprioglio voted No.*

*Council Vice President Brandau asked Councilmember Bredefeld if there was enough time to postpone the item and if there was anything pressing that needed to be decided today. Council Vice President Brandau asked Councilmember Bredefeld that if an agreement is not met that the Councilmember will notify the public immediately so no one is surprised. Councilmember Brandau supported the request to continue the item.*

*Councilmember Baines supported the request to continue and was curious how the continuation will impact the event.*

*Councilmember Caprioglio disagreed to the continuation and suggested to proceed with the item and hear public comment. Councilmember Caprioglio is concerned about the delay and subject to legal damages.*

*Council President Soria requested that Council hear public comment today.*

*Councilmember Baines agrees with Council President Soria and would like to hear public comment today.*

*Councilmember Bredefeld expressed his concerns about hearing public comment when the item will not be voted on and suggested that the public comment be postponed until February 8, 2018 at 4:30PM.*

*Councilmember Chavez stated that some of the concerns of the community might be resolved between now and then and requested that the public comment be postponed until February 8, 2018.*

*Council President Soria stated there will be public comment.*

*Public comment opened at 6:13PM and closed at 6:27PM.*

*Upon call, the following members of the public addressed Council: Aaron Gomes, Rick Virk, Cody McDivitt, Aren Hekimian and Stephen Maya Jr.*

**On motion of Councilmember Bredefeld, seconded by Councilmember Chavez, that the above Action Item be continued to February 8, 2018 at 4:30PM. The motion carried by the following vote:**

**Aye:** 5 - Brandau, Baines III, Chavez, Bredefeld and Olivier

**No:** 2 - Soria and Caprioglio

#### **4:00 P.M.**

[ID18-0126](#) CONTINUED HEARING to consider Plan Amendment Application No. A-17-016, and related environmental finding filed by the Development and Resource Management Department Director pertaining to the Parks Master Plan as follows:

1. ADOPT Environmental Assessment No. A-17-016 a Mitigated Negative Declaration dated November 14, 2017;
2. RESOLUTION - Adopting the Parks Master Plan and Approving Plan Amendment Application No. A-17-016, amending the narrative of section 5.1 and the language of policy POSS-1 -a, of the Fresno General Plan, Parkland Standard, to reflect the Parks Master Plan;

**Sponsors:** Development and Resource Management Department

*The hearing was called to order at 4:56PM*

*The above item was introduced to Council by Assistant City Manager Rudd and Consultant Gibbs with Wallace, Roberts and Todd (WRT).*

*Upon call, the following members of the public addressed Council: Baylynn Van Wagenen, Pat Morales, Mary Curry, Venise Curry, Lisa Flores, Mary Savala, Elisia White, Brandie Bey, Grace Poulsen, Terance Frazier, Sarah Parkes, Veva Islas, Manuel Cunha, Linda Sanchez, Henster Hensly and Graicia Lenas.*

*Public comment closed at 6:13PM.*

*Councilmember Baines thanked the PARCs Department for the work that was done and is looking forward to making parks a priority.*

*Councilmember Chavez asked staff about whether we count green space within the City that is not currently maintained by our City PARCs, examples are the new subdivisions that have their own parks, do we opt to not count them. Councilmember Chavez continued to asked about creative ways about leveraging resources. He asked how does that plan fit into the future expansion and what kind of conversations are being held between Fresno Unified and Central Unified and the districts that operate within the City. Councilmember Chavez asked staff if they feel this parks master plan is structured in a way where they can scale up. What was going to be the next step for the City and if they were going to go after some dollars. Lastly, Councilmember Chavez asked staff if City plans for an ongoing committee that will advise on the implementation piece of the parks master plan.*

*Council President Soria thanked the staff and residence who have been involved with the project and stated the least amount of green space is in District 1 and to find resources to address District 1 issues. Council President Soria asked about Roeding Park and the parking space, how does it impact in terms of the ratio of the green space. Council President Soria recommended to staff to look into programming for parks after dark and the hours on the Joint Use Agreement being closed at 5:00PM and suggested that the time be extended to 7:00PM at Fresno High.*

*Councilmember Caprioglio thanked staff for their hard work and the blue space in District 4.*

#### **RESOLUTION 2018-29 ADOPTED**

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

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

**4:30 P.M.#1**

- [ID18-0129](#) CONTINUED HEARING to consider Development Permit Application No. D-16-109, located on the north side of East Central Avenue between South Orange and South Cedar Avenues (Council District 3) - Development and Resource Management Department.
1. ADOPT the Mitigated Negative Declaration prepared for Environmental Assessment No. D-16-109, dated September 18, 2017;
  2. DENY the appeal and UPHOLD the Director's approval of Development Permit Application No. D-16-109 authorizing the development of an industrial business park for industrial uses with up to seven reinforced concrete buildings ranging in size from 124,200 square feet to 1,000,000 square feet, with a total building square footage not to exceed  $\pm 2,145,420$ .

**Sponsors:** Development and Resource Management Department

*The item was called to order at 6:27PM*

*The above item was introduced to Council by Supervising Planner Conteras, DARM Department and Economic Development Director Westerlund.*

*City Attorney Sloan clarified the item before Council and stated that this is the first time that a development permit has been appealed to the Council. City Attorney Sloan continued to say, this property already has zoning and already has general plan land use for industrial uses and what is before Council for approval is the kind of building that is going to be put up and how is it going to connect to the streets and utilities.*

*Applicant Caglia addressed Council.*

*Public comment opened at 6:40PM and closed at 7:34PM.*

*Upon call, the following members of the public addressed Council: Tom Thomas, Mary Lou Rodriguez, Ken Hudson, Leo Malias, Yery Olivars, Daniel Macias, Mary Curry, Lee Ann Eager, Shaun Kuykendall, Kayla Franklins, Laura Jacinto, Augie Blancas, B.T. Lewis, Vicente Quirarte, Gabriel Rodriguez, Joaquin Arriega, Nathan Alazno, Ethan Smith, Sandra*

*Vasquez, Estella Ortega, Charles Garabedian, Art Gramaje, Thomas Weiler, Pedro Hernandez, Steven Rodriguez, Ashley Warner, Erica Fernandez and Sandra C.*

*Councilmember Baines expressed his concerns about the public and their lack of understanding of the item before Council and clarified that the item is not approving a project. Councilmember Baines referred to City Attorney Sloan's email and asked the public to read the email to get a better understanding of the item before approval.*

*Council Vice President Brandau expressed his frustration with Leadership Council for Justice and Accountability and discussed City Attorney Sloan's email and stated it is available upon request.*

*Councilmember Caprioglio asked Mr. Dunkel with Precision Civil Engineering what the improvements will result if the area is developed.*

*Council President Soria thanked Councilmember Baines for clarifying what was being vote on today and supports the project as presented.*

**On motion of Councilmember Baines III, seconded by Council Vice President Brandau, that the above Discussion Item be approved. The motion carried by the following vote:**

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

## **ADJOURNMENT**

*City Council adjourned at 7:51PM in memory of Clovis Councilman Harry Armstrong.*