



# City of Fresno

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

## Meeting Minutes - Final-revised City Council

***President - Paul Caprioglio***

***Vice President - Sal Quintero***

***Councilmembers:***

***Oliver L. Baines, III, Lee Brand, Steve Brandau,***

***Clinton J. Olivier, Esmeralda Z. Soria***

***City Manager - Bruce Rudd***

***City Attorney - Douglas T. Sloan***

***City Clerk - Yvonne Spence, CMC***

---

**Thursday, September 1, 2016**

**1:30 PM**

**Council Chambers**

---

### **Regular Session**

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

1:34 P M. ROLL CALL

**Present:** 7 - President Paul Caprioglio  
Vice President Sal Quintero  
Councilmember Oliver L. Baines III  
Councilmember Lee Brand  
Councilmember Steve Brandau  
Councilmember Clinton Olivier  
Councilmember Esmeralda Soria

**Councilmember Olivier was absent during roll call but entered the Council Chamber at 1:49 P.M.**

**Councilmember Baines III was absent during roll call but entered the Council Chamber at 2:49 P.M.**

Invocation by Pastor Terry Townsend from Peoples Church

Pledge of Allegiance to the Flag

### **APPROVE AGENDA**

*City Clerk Spence announced the following changes to the agenda:  
Consent Calendar item 1-D (File ID 16-980) was continued by staff to the  
September 15, 2016 City Council meeting.*

APPROVED AS AMENDED

On motion of Councilmember Soria, seconded by Councilmember Brand, the agenda was approved as amended. The motion carried by the following vote:

**Aye:** 5 - Caprioglio, Quintero, Brand, Brandau and Soria

**Absent:** 2 - Baines III and Olivier

## **APPROVE MINUTES**

[ID16-157](#) Approval of minutes from August 25, 2016

APPROVED

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

**Aye:** 5 - Caprioglio, Quintero, Brand, Brandau and Soria

**Absent:** 2 - Baines III and Olivier

## **COUNCILMEMBER REPORTS AND COMMENTS**

*Vice President Quintero asked to adjourn the meeting in the memory of Martha "Marty Hreherchuk Wolfenbarger, a lifelong resident of District Five. He remembered Ms. Wolfenbarger as someone who cared for Fresno and for her neighborhood. Even at 93 years old she was an active part of the programs at the Mosqueda center.*

*Vice President Quintero asked the City Manager to speak on the recent news of the improved Moody's bond rating for the City of Fresno. City Manager Rudd said the improvement was due to the combined effort by the Administration, the City Council and the labor representatives. He noted a few of the specific actions that helped increase the rating, including: tough budget decisions; the implementation of strict policies; utilizing five year budget forecasts; payment of internal debts; paying down the Convention Center debt; building reserves and; having a solvent retirement plan.*

*Councilmember Soria thanked staff for continuing Consent Calendar item 1-D (ID 16-980) so she could further research the issue.*

*Councilmember Soria announced a Memorial Day family pancake breakfast*

*at the fairgrounds. She noted the Department of Labor definition of Labor as, "a creation of the Labor Movement dedicated to the social and economic achievements of American workers. It constitutes a yearly National tribute to the contribution workers have made to the strength, prosperity and the well-being of our country." She thanked the workers of Fresno who are responsible for making the City great.*

*Councilmember Soria reported on issues with recycling redemption centers in District One and throughout the city. She played a PowerPoint during her discussion which has been attached to File ID 16-1108 and is available in the City Clerk's Office. She said residents in her district were unhappy with certain recycling operations and their effects on the quality of life. She noted her constituents were distributing a petition in an attempt to rectify the problems. Councilmember Soria stated the negative effects of the facilities included: loitering by people from outside the residential area; attracting recycling debris, and; encouraging theft from recycling bins. To help with the problem, she would like to see consistency among site plans and better monitoring of Conditional use Permit compliance. Councilmember Soria announced she would schedule a community meeting on the subject sometime in the future.*

*Councilmember Brandau announced that Fresno State football was starting up. He reminded everyone the first game would be Saturday, September 3, 2016 in Nebraska. He planned to attend the home opener the following week.*

*President Caprioglio congratulated the Fresno Firefighters that were promoted and those that graduated from the academy last week. He noted sixteen firefighters had been added to the Department roster.*

*President Caprioglio thanked Vice President Quintero for filling in for him and presenting a proclamation to Police Chief Jerry Dyer on August 27, 2016. He said he was unable to attend as he was presenting a proclamation to Fresno Grizzlies Manager Tony DeFrancesco. President Caprioglio was honored to recognize Mr. DeFrancesco for his success with the Fresno Grizzlies.*

*President Caprioglio congratulated the students at Fresno State and Fresno State President, Joseph Castro, for the schools number 25 ranking on the list of the top 30 universities in the country.*

[ID16-1108](#) Councilmember Reports and Comments Attachments

## **1. CONSENT CALENDAR**

### APPROVAL OF THE CONSENT CALENDAR

**On motion of Councilmember Brand, seconded by Vice President Quintero, the CONSENT CALENDAR was hereby adopted by the following vote:**

**Aye:** 6 - Caprioglio, Quintero, Brand, Brandau, Olivier and Soria

**Absent:** 1 - Baines III

- 1-A**     [ID16-910](#)     Approve the First Amendment to the Consultant Services Agreement between the City of Fresno and ECS Imaging, Inc., in an amount not to exceed \$36,000, to expand Laserfiche consulting and implementation services into additional Public Works divisions.

*APPROVED*

**The above item was approved on the Consent Calendar.**

- 1-B**     [ID16-924](#)     Actions pertaining to summary vacation of the relinquishment of direct access rights on the north side of E. North Avenue, west of S. Cedar Avenue. (Council District 3)
1. Adopt a finding of Categorical Exemption per staff determination, pursuant to Section 15301(c), Class 1 (Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines, Environmental Assessment No. EA-16-014.
  2. RESOLUTION - Ordering the summary vacation of relinquishment of direct access rights on the north side of E. North Avenue, west of S. Cedar Avenue.

*RESOLUTION 2016-156 APPROVED*

**The above item was approved on the Consent Calendar.**

- 1-C**     [ID16-971](#)     RESOLUTION - Approving the Final Map of Tract No. 6095 and accepting dedicated public uses offered therein - east side of S. Armstrong Avenue between E. California Avenue and E. Church Avenue (Council District 5)

*RESOLUTION 2016-157 ADOPTED*

**The above item was approved on the Consent Calendar.**

- 1-D**     [ID16-980](#)     Approve a consultant services agreement with Bertz-Rosa

Strategy & Creative for an amount not to exceed \$172,757 for community engagement for parks and trails within the City of Fresno.

*CONTINUED TO SEPTEMBER 15, 2016*

- 1-E [ID16-989](#) Approve the Substitution of a listed Subcontractor, Ross Recreation Equipment, to install the Playground Surfacing on the Cultural Arts District Park project (Council District 3)

*APPROVED*

**The above item was approved on the Consent Calendar.**

- 1-F [ID16-993](#) \*\*\*RESOLUTION - 5th amendment to the Annual Appropriation Resolution (AAR) No. 2016-118 appropriating \$27,000 from Kaiser Permanente Community Fund through Fresno United Neighborhoods 501(c)(3) non-profit for various Aquatics programs. (Requires 5 affirmative votes.)

*RESOLUTION 2016-158 ADOPTED*

**The above item was approved on the Consent Calendar.**

## **CEREMONIAL PRESENTATIONS**

[ID16-1011](#) Presentation of the SPCA Pet of the Month

*PRESENTED*

[ID16-977](#) Proclamation of "BILL KUEBLER DAY"

*PRESENTED*

[ID16-1013](#) Proclamation of "JALEN BAILEY DAY"

*PRESENTED*

[ID16-942](#) Proclamation of "HUNGER ACTION MONTH"

*PRESENTED*

## **UNSCHEDULED COMMUNICATION**

*No member of the public chose to address Council upon call for Unscheduled Communication.*

Councilmember Brand exited the Council Chamber at 2:28 P.M. and returned at 2:41 P.M.

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

#### **2:30 P.M.#2 (Continued from 10:00 A.M.#2)**

[ID16-933](#) CONTINUED HEARING to consider adoption of a resolution related to the designation of a property to the Local Register of Historic Resources

1. \*\*\*RESOLUTION- Designating the Albert C. Wilke Home located at 532 E. Terrace Avenue, Fresno, California to the Local Register of Historic Resources (Council District 1)

*The above hearing was called to order at 2:29 P.M. The item was introduced to Council by Historic Preservation Project Manager Hattersley-Drayton.*

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

*The hearing was closed at 2:31 P.M.*

**RESOLUTION 2016-159 ADOPTED**

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

**Aye:** 5 - Caprioglio, Quintero, Brandau, Olivier and Soria

**Absent:** 2 - Baines III and Brand

#### **1:45 P.M.**

[ID16-931](#) WORKSHOP - Fresno Area Express (FAX) Strategic Services Evaluation

*The above workshop was presented to Council by Transportation Director Marshall.*

*During the workshop, Council touched on the following topics: stakeholders and the process for outreach; past recommendations; growth of the system; the source of report data; Bus Rapid Transit versus normal bus service; route planning; proposal trade-offs; Amalgamated Transit Union opinions on the proposal; community input; access to the Universally Accessible Park and areas West of Highway 99; lack of infrastructure; getting drivers out of*

*their vehicles; sweeper busses to take people home after work; efficiency versus servicing people dependent upon the service; past service to the Willow State Center Campus; possible Malaga route changes, and; timelines.*

*Councilmember Soria clarified with City Manager Rudd, for the record, that outreach and community engagement had occurred once before and additional outreach was planned for the future. City Manager Rudd stated the Federal Transit Administration required extensive public and community outreach / engagement before restructuring of the transit system. He noted the next step was to hire a consultant for the outreach effort then come back to Council in eight months with recommendations which would include the input from the community.*

*Councilmember Brandau and Councilmember Olivier requested meetings with staff to further discuss the transit system.*

#### **WORKSHOP HELD**

Councilmember Soria and Councilmember Olivier exited the Council Chamber at 3:24 P.M. and both returned at 3:34 P.M.

#### **2:50 P.M. (Continued from 10:20 A.M.)**

### **CONTINUED JOINT MEETING OF THE CITY OF FRESNO, THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF FRESNO AND THE FRESNO REVITALIZATION CORPORATION**

*City Council, in it's capacity as Housing Successor, met in joint session with the Fresno Revitalization Corporation at 3:27 P.M. to discuss the following:*

#### **ID16-1005 JOINT MEETING OF CITY (IN ITS CAPACITY AS HOUSING SUCCESSOR) AND FRESNO REVITALIZATION CORPORATION**

Action pertaining to sale of 0.39 acres of property at 473 N. Glenn Ave. (APN 459-061-29T)

1. Adopt a finding of Categorical Exemption pursuant to CEQA Guidelines section 15332
2. Approve a Purchase and Sale Agreement between the City in its capacity as Housing Successor Agency and Brad Hardie and WITR, LLC.



*The above item was introduced to Council by Successor Agency Executive Director Murphey.*

*For the record, Director Murphey highlighted the following changes to the Purchase and Sale agreement: there would be 10 days for a deposit instead of 15 days for the entire purchase; there would be 45 days to close instead of 60 days, and; with proper notice in a timely manner, the deposit could be returned to the buyer.*

**APPROVED**

**COUNCIL AS HOUSING SUCCESSOR VOTE**

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

**Aye:** 5 - Caprioglio, Quintero, Baines III, Brand and Brandau

**Absent:** 2 - Olivier and Soria

**FRC VOTE:**

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

**Aye:** 5 - Caprioglio, Quintero, Baines III, Brand and Brandau

**Absent:** 3 - Olivier, Soria and Swearengin

**ADJOURN JOINT MEETING**

*The Joint Meeting adjourned at 3:30 P.M.*

**2:40 P.M. (Continued from 10:10 A.M.)**

**ID16-992**

CONTINUED HEARING to consider Plan Amendment Application No. A-16-004, Rezone Application No. R-16-005, and related Environmental Assessment No. A-16-004/R-16-005, filed by Dirk Poeschel Land Development, on behalf of Topanga Management Co. These applications pertain to approximately 4.7 acres of property located on the east side of N. Maple Avenue between E. Gettysburg Avenue and E. Shaw Avenue. (Council District 4)

- a. Adopt the Mitigated Negative Declaration prepared for Environmental Assessment No. A-16-004/R-16-005 dated June 24, 2016.
- b. RESOLUTION - Approving Plan Amendment Application No.



A-16-004 proposing to amend the Fresno General Plan and Hoover Community Plan from the Medium High Density Residential planned land use designation to the Urban Neighborhood land use designation.

c. BILL (For introduction and adoption) - Approving Rezone Application No. R-16-005 to rezone the subject property from the RM-1 (Residential Multiple Family, Medium High Density) to RM-2 (Residential Multiple Family, Urban Neighborhood) zone district.

*The above hearing was called to order at 3:30 P.M. The item was introduced to Council by Planner Noguera.*

*Upon call for public comment, the following person addressed Council:*

*Dirk Poeschel on behalf of the applicant - spoke to the high quality project the applicant had planned, and the community engagement that had been undertaken. He asked Council to approve the staff recommendation.*

*The hearing was closed at 3:37 P.M.*

**RESOLUTION 2016-160 ADOPTED  
BILL B-32 INTRODUCED AND ADOPTED AS  
ORDINANCE 2016-29**

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

**Aye:** 7 - Caprioglio, Quintero, Baines III, Brand, Brandau, Olivier and Soria

Councilmember Brand exited the Council Chamber at 3:38 P.M. and returned at 3:42 P.M.

### **2:30 P.M.#1 (Continued from 10:00 A.M.#1)**

**ID16-973**

Hold a public hearing and approve items related to the granting of a Non-Exclusive Franchise for Roll-Off Collection Services

1. HEARING in accordance with Fresno City Charter Section 1301 related to ordinance and adoption of ordinance
2. \*\*\*BILL NO. B-31 (Intro. 08/25/2016) (For adoption) of the

City of Fresno, which grants to Red Bin Services and JPA Construction Clean-Up Services, Inc., a non-exclusive franchise for roll-off collection services within the City of Fresno

3. Authorize the Director of Public Utilities or designee, to execute an agreement of nonexclusive franchise for roll-off collection services with the City of Fresno.

*The above hearing was called to order at 3:38 P.M. The item was introduced to Council by Public Utilities Assistant Director Schuber.*

*Upon call, no one chose to address Council during Public Comment.*

*The hearing was closed at 3:39 P.M.*

**ORDINANCE 2016-30 ADOPTED**

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

**Aye:** 6 - Caprioglio, Quintero, Baines III, Brandau, Olivier and Soria

**Absent:** 1 - Brand

## **2. GENERAL ADMINISTRATION**

- 2-A**     [ID16-974](#)     Approve a Funding Agreement with the Fresno County Transportation Authority (FCTA) for \$4,600,000 to advance to the City the necessary funds for expenses related to the Midtown Trail (Council Districts 4 and 7)

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

**APPROVED**

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

**Aye:** 7 - Caprioglio, Quintero, Baines III, Brand, Brandau, Olivier and Soria

- 2-B**     [ID16-976](#)     Actions pertaining to the installation of water mains in neighborhood streets bounded by Bullard Avenue, Van Ness Boulevard, Wrenwood Lane and Pleasant Avenue - Bid File 3394 (Council District 2 and Fresno County)

1. Adopt a finding of Class 2 Categorical Exemption set forth in California Environmental Quality Act (CEQA) Guidelines, Section 15302(c), for the installation of 8" and 12" water mains in neighborhood streets bounded by Bullard Avenue, Van Ness Boulevard, Wrenwood Lane and Pleasant Avenue
2. Award a construction contract in the amount of \$2,444,991 to West Valley Construction Company, Inc., of Fresno, California as the lowest responsive and responsible bidder for the installation of 8" and 12" water main in neighborhood streets bounded by Bullard Avenue, Van Ness Boulevard, Wrenwood Lane and Pleasant Avenue, and authorize the Public Works Director, or designee, to sign the standardized construction contract on behalf of the City of Fresno

*The above item was introduced to Council by Design Services Manager Goonawardena.*

**APPROVED**

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

**Aye:** 7 - Caprioglio, Quintero, Baines III, Brand, Brandau, Olivier and Soria

- 2-C**     [ID16-991](#)     Approve First Amendment to the Consultant Services Agreement with Blair, Church & Flynn Consulting Engineers, a California Corporation, in the amount of \$999,996 to provide additional Design Phase Engineering Services and Construction Phase Engineering Services for the City of Fresno's Phase 2 Regional Transmission Mains (Council Districts 1, 3, 4, 5, and 7, County of Fresno).

*The above item was introduced to Council by Planning Manager Carbajal.*

**APPROVED**

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

**Aye:** 7 - Caprioglio, Quintero, Baines III, Brand, Brandau, Olivier and Soria

**4. CITY COUNCIL**

- 4-A     [ID16-1012](#)     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 - Swearengin-Ex-Officio (Olivier-Alternate)
  2.     Finance and Audit Committee - Brand, Olivier, Brandau
  3.     Fresno Area Workforce Investment Corporation - Baines
  4.     Fresno County Transportation Authority (FCTA) - Swearengin, Brandau
  5.     Fresno Regional Workforce Investment Board - Baines
  6.     Fresno County Zoo Authority - Swearengin (Baines-Alternate)
  7.     Fresno Madera Area Agency on Aging Board - Olivier
  8.     Joint Powers Financing Authority - Baines, Brandau, Swearengin
  9.     San Joaquin River Conservancy Board - Swearengin (Brandau-Alternate)
  10.    Association for the Beautification of Highway 99 - Baines
  11.    Upper Kings Basin Integrated Regional Water Management JPA - Brandau (Soria, Georgeanne White and Thomas Esqueda - Alternates)
  12.    Economic Development Corporation Serving Fresno County - Brandau-Ex-Officio, City Manager Bruce Rudd and (Baines - Alternate)
  13.    League of California Cities (Annual Meeting) - Swearengin (Olivier-Alternate)
  14.    San Joaquin Valley Air Pollution Control District - Baines
  15.    Litigation Exposure Reduction Ad Hoc Committee - Brandau, Caprioglio
  16.    Convention Center Oversight Advisory Board - Baines, (Brand-Alternate), City Manager Bruce Rudd, and SMG General Manager and one representative from each of SMG's organizations
  17.    Sub- Committee on Transportation - Baines, Caprioglio, Soria
  18.    Code Enforcement Sub-Committee - Baines, Olivier, and Caprioglio
  19.    Enterprise and Construction Management Oversight Board - Councilmember Soria

20. Fresno- Clovis Metropolitan Solid Waste Commission- JPA - Brandau, Soria, Caprioglio
21. School Liaison Sub-Committee - Soria - Chair, Olivier, Baines

*Councilmember Baines III provided an update on the San Joaquin Valley Air Pollution Control District ("Air Board"). He reported that Air Board staff would provide a presentation to Council in the future regarding the Environmental Protection Agency's ("EPA") interpretation of the Clean Air Act. Councilmember Baines III explained the presentation was necessary because the EPA interpretations could have detrimental effects upon the San Joaquin Valley including the loss of all federal funding for transportation and highway maintenance. The Air Board was preparing a strategic response which could include litigation against the EPA.*

Councilmember Olivier exited the Council Chamber at 3:52 P.M. and did not return until after Closed Session at 4:33 P.M.

## **2. GENERAL ADMINISTRATION CONTINUED**

- 2-D [ID16-996](#) BILL - (For introduction) - Amending Subsection (d) of Section 2-1105 of the Fresno Municipal Code relating to threshold limits that require electronic filing of statements, reports and other documents described by Chapter 4 of the Government Code commencing with Section 84100.

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

*BILL B-33 INTRODUCED AND LAID OVER*

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

**Aye:** 6 - Caprioglio, Quintero, Baines III, Brand, Brandau and Soria

**Absent:** 1 - Olivier

## **5. CLOSED SESSION**

*City Council met in Closed Session in Room 2125 from 3:56 P.M. to 4:33 P.M. to discuss the following:*

- [ID16-1027](#) CONFERENCE WITH LEGAL COUNSEL - DECIDING WHETHER TO INITIATE LITIGATION  
Government Code Section 54956.9, subdivision (d)(4)

1. City of Fresno v. Fresno County Local Agency Formation Commission (LAFCo)

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

- [ID16-1030](#) CONFERENCE WITH LABOR NEGOTIATOR - Government Code Section 54957.6  
City Negotiator(s): Jeffrey Cardell, Ken Phillips  
Employee Organizations:
1. International Brotherhood of Electrical Workers, Local 100 (IBEW)
  2. International Association of Firefighters, Local 753, Unit 10 (Fire Management)

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

## **2. GENERAL ADMINISTRATION CONTINUED**

- 2-E [ID16-1021](#) Actions pertaining to International Association of Fire Fighters (IAFF), Local 753 for Unit 5 - Non-Management Fire
1. \*\*\*Adopt a successor Memorandum of Understanding between the City of Fresno and the International Association of Fire Fighters (IAFF), Local 753 for Unit 5 - Non-Management Fire, effective September 5, 2016.
  2. \*\*\*RESOLUTION: 2nd amendment to FY 2017 Salary Resolution No. 2016-120, amending salaries in Exhibit 5, Unit 5, Non-Management Fire, as required by adoption of the successor Memorandum of Understanding between the City of Fresno and the International Association of Fire Fighters (IAFF), Local 753 for Unit 5.

*The above item was introduced to Council by Labor Relations Manager Phillips. Firefighter Scoggins from the Executive Board of Local 753 also spoke on this item.*

### **RESOLUTION 2016-161 ADOPTED**

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

**Aye:** 7 - Caprioglio, Quintero, Baines III, Brand, Brandau, Olivier and Soria

- 2-F [ID16-1022](#) Actions pertaining to International Union of Operating Engineers, Stationary Engineers, Local 39 (Local 39) for Unit 1
1. \*\*\*Adopt a Side Letter of Agreement with the International Union of Operating Engineers, Stationary Engineers, Local 39 (Local 39) for Unit 1 - Non-Supervisory Blue Collar employees effective September 5, 2016
  2. \*\*\*RESOLUTION -3rd amendment to FY 2017 Salary Resolution No. 2016-120, amending salaries in Exhibit 1, Unit 1, Non-Supervisory Blue Collar (Local 39), as required by adoption of the Side Letter of Agreement between the City of Fresno and the International Union of Operating Engineers, Stationary Engineers, Local 39 (Local 39) for Unit 1
  3. \*\*\*RESOLUTION - 3rd amendment to the Annual Appropriation Resolution (AAR) No. 2016-118 appropriating \$2,468,500 for additional costs as required by adoption of the Side Letter of Agreement between the City of Fresno and the International Union of Operating Engineers, Stationary Engineers, Local 39 (Local 39) (Requires 5 affirmative votes)

*The above item was introduced to Council by Labor Relations Manager Phillips.*

*Mr. Phillips read the following correction into the record: "the Side Letter exhibit and the Salary Resolution Amendment should reflect a salary range of \$3,223 to \$3,917 for the class, 'Wastewater Treatment Operator in Training'."*

**RESOLUTION 2016-162 ADOPTED**

**RESOLUTION 2016-163 ADOPTED**

**On motion of Councilmember Soria, seconded by Councilmember Baines III, the above item was approved as corrected on the record.  
The motion carried by the following vote:**

**Aye:** 7 - Caprioglio, Quintero, Baines III, Brand, Brandau, Olivier and Soria

- 2-G [ID16-1023](#) Actions pertaining to the Operating Engineers, Local 3 for Unit 11 - Airport Public Safety Officers
1. \*\*\*Adopt a Memorandum of Understanding between the City of Fresno and the Operating Engineers, Local 3 for Unit 11 - Airport Public Safety Officers



2. \*\*\*RESOLUTION: 4th amendment to FY 2017 Salary Resolution No. 2016-120, amending salaries in Exhibit 11, Unit 11, Airport Public Safety Officers, as required by the Memorandum of Understanding between the City of Fresno and the Operating Engineers, Local 3 (FAPSO/OE3)

*The above item was introduced to Council by Labor Relations Manager Phillips.*

**RESOLUTION 2016-164 ADOPTED**

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

**Aye:** 7 - Caprioglio, Quintero, Baines III, Brand, Brandau, Olivier and Soria

- 2-H**     [ID16-1024](#)     Actions pertaining to the International Brotherhood of Electrical Workers, Local 100 (IBEW)
1. \*\*\*Adopt a Memorandum of Understanding between the City of Fresno and the International Brotherhood of Electrical Workers, Local 100 for Unit 7 - Non-Supervisory Groups and Crafts
  2. \*\*\*RESOLUTION - 5th amendment to FY 2017 Salary Resolution No. 2016-120, amending salaries in Exhibit 7, Unit 7 - Non-Supervisory Groups and Crafts (IBEW), as required by the Memorandum of Understanding between the City of Fresno and the International Brotherhood of Electrical Workers, Local 100 (IBEW)

*The above item was introduced to Council by Labor Relations Manager Phillips.*

**RESOLUTION 2016-165 ADOPTED**

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

**Aye:** 7 - Caprioglio, Quintero, Baines III, Brand, Brandau, Olivier and Soria

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

#### **CONTINUED**

#### **3:00 P.M. CONTESTED CONSENT CALENDAR**

*No items were moved to the Contested Consent Calendar.*

Councilmember Brand exited the Council Chamber at 5:13 P.M. and returned at 7:54 P.M.

#### **5:00 P.M.**

- [ID16-1002](#) CONTINUED HEARING to consider Plan Amendment Application No. A-16-006, Rezone Application No. R-16-007, Development Code Text Amendment Application No. TA-16-001 and related environmental finding filed by the Development and Resource Management Department Director pertaining to 316.09 acres of property as follows:
1. ADOPT Environmental Assessment No. A-16-006, R-16-007, TA-16-001, an Addendum to Final Master Environmental Impact Report SCH No. 2012111015 (MEIR) certified by the Fresno City Council on December 18, 2014 for the Fresno General Plan and Development Code, pursuant to California Environmental Quality Act Guidelines Sections 15162 and 15164;
  2. RESOLUTION - Approving Plan Amendment Application No. A-16-006, pertaining to 249.06 acres, to amend the Fresno General Plan (Figure LU-1: Land Use and Circulation Map, and Figure LU-2: Dual Designation Diagram), the Bullard, Fresno High, McLane, Roosevelt, West Area, and Woodward Park Community Plans, the Tower District Specific Plan, the Fresno Yosemite Airport Land Use Compatibility Plan and the Sierra Sky Park Land Use Policy Plan, as described in Exhibit A (with Errata);
  3. BILL - (For introduction and adoption) Approving Rezone Application No. R-16-007, to amend the City of Fresno Zoning Map to effect technical changes to zoning on properties that were inadvertently omitted from the zoning map update. The rezones are requested to attain consistency with the approved general plan land use designation, and are further described in Exhibit A (with Errata);
  4. BILL - (For introduction) - Approving Text Amendment Application No. TA-16-001 for minor changes to the

Development Code in order to improve functionality, clarity, and internal consistency. Proposed amendments affect the following standards and/or procedures: rear setbacks, private open space, fencing, signage, hours of operation for establishments serving alcohol, design standards within mixed use districts, the apartment house overlay, intersection visibility; the addition of produce stands, urban farms and large family day care to certain zone districts; the deletion of the airport environs and planned development overlay districts (due to redundancy); and posting requirements, among others (see Exhibit B for complete text amendment). The affected sections are 15-404-F, 15-904-A, 15-1004-C-1, 15-1004-D-1-a, 15-1104-D-1, 15-2006-F, 15-2305-C-2, 15-2609-B, 15-2610-E-2, 15-2611-G, 15-2735-G, 15-2741-A-7-a, Table 15-2744-A, 15-2744-C-1, 15-2747, Table 15-751-G, 15-4906-D-1, 15-4906-H, 15-5003-A, 15-5302-D, 15-5602-A, 15-6703, 15-104-A, Table 15-107-B, 15-313, Table 15-902, Table 15-1002, Table 15-1102, 15-1104-G.1, Table 15-1202, Table 15-1302, Table 15-1402, 15-1601, 15-1602, 15-1609-B, 15-2006-F, Table 15-2015-B.4, 15-2018, 15-2102-A, 15-2707, 15-2754, 15-5007-C, 15-5810-A.

*The above hearing was called to order at 5:00 P.M. The item was introduced to Council by Development and Resources Management, Assistant Director Zack. Assistant Director Zack clarified that the items for approval included an additional 180 day extension for property owners to have their properties revert back to previous land use designations, as discussed at the previous workshop.*

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

*Laura P. Kalchik - spoke in support of the staff recommendation.*

*Mark Kalchik - requested Council approve the staff recommendation.*

*George Goehing - stated that apartments were not a good fit for his parcels on the Southwest corner of Shaw and Bryan Avenues. Assistant Director Zack clarified that the proposed zoning was for mixed use which would allow commercial, residential or a combination of the two.*

*Dirk Poeschel - represented the owners of the property on the Southwest corner of Fruit and Shields Avenues and supported the staff recommendation.*

*Tom Thomas - stated he was a resident of Clovis and wanted to laud Assistant Director Zack for the professional manner in which he dealt with an issue in the Shaw and Bryan area.*

*George Beal - asked that his property on the Southwest corner of Van Ness and Belmont be removed from the current action.*

*Patience Milrod - spoke in support of the staff recommendation and discussed agreements made in January.*

*Ashley Werner of the Leadership Counsel for Justice and Accountability - requested that densities not be reduced or the city comply with Government Code section 65863(b). She said many of the sites to be re-zoned were included in the city's Housing Element Sites Inventory. Government Code section 65863(b) required the City to make specific findings before reducing the density of sites in the sites inventory or before changing sites to non-residential. Ms. Werner noted the staff materials did not include the findings required by the Government Code. She also noted the Fresno Bee notice stating the related material were ready for public viewing was posted early because when she arrived to view them, she was told they were not ready.*

*Sarah Pilibos of Stephen Investments - spoke in support of the staff recommendation to keep the zoning consistent for all contiguous properties at Cedar and Gettysburg.*

*Public comment was closed at 5:21 P.M.*

*The hearing was closed at 5:45 P.M.*

*Councilmember Brandau motioned to approve the staff recommendation with an amendment to remove site three from the action and to remove the Beal property (Southwest corner of Van Ness and Belmont) from the action.*

**RESOLUTION 2016-166 ADOPTED**

**BILL B-34 INTRODUCED AS AMENDED AND ADOPTED AS  
ORDINANCE 2016-31**

**BILL B-35 INTRODUCED AS AMENDED AND LAID OVER**

**On motion of Councilmember Brandau, seconded by Councilmember Baines III, the above item was approved as amended including an additional 180 days for owners to request previous land use designations. The motion carried by the following vote:**

**Aye:** 6 - Caprioglio, Quintero, Baines III, Brandau, Olivier and Soria

**Absent:** 1 - Brand

RECESSED 5:45 P.M. to 6:17 P.M.

### **6:00 P.M.**

[ID16-1007](#) \*\*\*RESOLUTION - Recognizing the November 1984 Anti-Sikh Violence in India as Genocide

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

*At the request of Councilmember Soria, Deputy City Attorney Badesha provided summarized translations of Punjabi to English and English to Punjabi for the duration of the meeting. President Caprioglio took an informal survey by a show of hands and determined that nearly every member of the public in the overflowing council chamber was in support of the resolution and no one opposed it.*

*Upon call for public comment, the following people addressed Council in support of the resolution: Bill Nijjer; Raj Beasla; Doctor Kanwar Gill; Mangal Kaur; Naindeep Singh; Gurdeep Shergill; Tadeh Iskhanian; Mayor Pro Tem Ruby Dhaliwal, and; Mohinder S. Kahlon.*

*President Caprioglio announced the meeting would be recessed for several minutes to allow time for Councilmember Brand to return for the vote on this item.*

RECESSED 7:26 P.M. to 7:54 P.M.

### **RESOLUTION 2016-167 ADOPTED**

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

**Aye:** 5 - Baines III, Brand, Brandau, Olivier and Soria

**Abstain:** 2 - Caprioglio and Quintero

## **ADJOURNMENT**

*Adjourned at 8:13 P.M. in the memory of Martha "Marty" Hreherchuk  
Wolfenbarger.*

The above minutes were approved by unanimous vote of the City Council during the September 15, 2016 City Council meeting with Councilmembers Baines III and Brand absent.