



City of Fresno

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

Meeting Minutes - Final 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, November 2, 2017

8:30 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.

8:39 A.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 Pastor Brian Wiebe from Bethany Church

Pledge of Allegiance to the Flag

APPROVE AGENDA

*City Clerk Spence announced the following corrections to the agenda:
File ID17-1500 (Under Ceremonial) -Correction to Romane Lesage's name.
File ID17-1451 (1-F) Resolution -539th Amendment to the Master Fee
Schedule (MFS) adjusting various fees. There is was a slight problem with
the MFS-the language on page 3 on Exhibit A-under Landing Fee, minimum
per landing, needs to read 10,000 pounds or less, not 1,000 pounds. File
ID17-1473 (1-H) Bill No. B-59 Granting a non-exclusive roll off franchise*

collection was removed from the agenda per staff. File ID17-1474 (1-I) regarding DD&A with Darling Ingredientat, Inc., is not subject to veto. File ID 17-1491 (4-A) Bill Amending Section 2-1104 of the Fresno Municipal Code relating to oof-year contribution prohibition removed from the agenda per staff.

Ms. Auston spoke regarding the 10:00AM item being moved to December 2, 2017.

On motion of Councilmember Caprioglio, seconded by Councilmember Brandau, 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

[ID17-1480](#) Presentation of the SPCA Pet of the Month

PRESENTED

[ID17-1458](#) Proclamation of "Ambassador Phillip V Sanchez Day"

PRESENTED

[ID17-1449](#) Proclamations of "Cregg Jerri and Jimmy Turner Day"

PRESENTED

[ID17-1500](#) **Welcome Certificates** for three exchange students from Chateauroux France:
Romane Lesage
Diem Damien Etieve
Adele Leroy

PRESENTED

[ID17-1501](#) Proclamation for "**National Runaway Prevention Month**"

PRESENTED

APPROVE MINUTES

[ID17-116](#) Approval of minutes from October 26, 2017

On motion of Councilmember Caprioglio, seconded by President Olivier, 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 spoke regarding Fresno Discovery Center and the unveiling of two new dinosaur replica, Sierra Mondre picnic, National Red Ribbon week at Finland Elementary School, November 4, 2017 Fresno State Bulldog game, congratulated Houston Astro's on the winning of the World Series.

Councilmember Brandau also congratulated Houston Astro's on their winning of the World Series.

Vice President Soria attended the Annual Resource Fair, Fresno and Central Unified State of the Education events and announced Fresno FAX restructure and upcoming workshop at Fresno City College, November 4, 2017 at 11:00AM.

1. CONSENT CALENDAR

APPROVAL OF THE CONSENT CALENDAR

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

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

1-A [ID17-1321](#)

Actions related to the sale of abandoned water well property on APN 460-323-24T (PS-19A) to Mr. Jiwan Kumar: (District 7)

1. Adopt a finding of Categorical Exemption pursuant to CEQA Guidelines Section 15312(b) for the sale of a small abandoned water well property.
2. Approve the sale of a small abandoned water well property known as APN 460-323-24T (PS-19A) in the amount of \$ 100.00 in the Maple Avenue alley south of East Iowa Avenue

to adjacent property owner Mr. Jiwan Kumar.

APPROVED

This Action Item was approved on the Consent Calendar.

- 1-B** [ID17-1431](#) Approve a substitution of a listed Subcontractor DSA, Inc., for the Frank H. Ball Swimming Pool Renovation Project ID PC00150 (Council District 3)

APPROVED

This Action Item was approved on the Consent Calendar.

- 1-C** [ID17-1457](#) **RESOLUTION** - Of Consideration to change the rate and method of apportioning the special tax and establishing a new maximum special tax for Final Tract Map No. 6073, Annexation No. 54, of the City of Fresno Community Facilities District No. 11 (north side of East Church Avenue between South Chestnut and Willow Avenues) (Council District 5)

RESOLUTION 2017-304 ADOPTED

This Resolution was approved on the Consent Calendar.

- 1-D** [ID17-1461](#) Actions pertaining to amending Sections 3-107 and 3-264 of the Fresno Municipal Code
1. BILL - (For introduction) - Amending Section 3-107 of Chapter 3, Article 1 of the Fresno Municipal Code Relating to Sick Leave and Special Leave
 2. BILL - (For introduction) - Amending Section 3-264 of Chapter 3, Article 2 of the Fresno Municipal Code Relating to Special Provisions for the Fireman Trainee Class

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

- 1-E** [ID17-1487](#) 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 pulled from the Consent Calendar by Councilmember Bredefeld and moved to Contested Consent for further discussion.

- 1-F** [ID17-1451](#) ***RESOLUTION - 539th amendment to the Master Fee Schedule (MFS) Resolution No. 80-420 to add, adjust, revise or delete various fees (Subject to Mayor's veto)

RESOLUTION 2017-305 ADOPTED ON A 4-3 Vote, with Councilmembers Brandau, Bredefeld and President Olivier voting, No.

This Action Item was approved on the Consent Calendar.

- 1-G** [ID17-1485](#) Approve the First Amendment to the Amended and Restated Memorandum of Understanding between the County of Fresno and the City of Fresno, dated January 6, 2003, relating to annexation, development, and property and sales tax allocation.

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

- 1-H** [ID17-1473](#) ***BILL NO. B-59 - (Intro. 10/26/2017) (For adoption) - 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) (Subject to Mayor's Veto)

The above item was removed from the agenda

- 1-I** [ID17-1474](#) BILL NO. B-62 - (Intro. 10/26/2017) (For adoption) - 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.

ORDINANCE 2017-62 ADOPTED

This Action Item was approved on the Consent Calendar.

- 1-J** [ID17-1475](#) ***BILL NO. B-63 - (Intro. 10/26/2017) (For adoption) - 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 (Subject to Mayor's veto)

ORDINANCE 2017-63 ADOPTED

This Action Item was approved on the Consent Calendar.

- 1-K** [ID17-1476](#) ***BILL NO. B-60 - (Intro. 10/26/2017) (For adoption) - Amending Section 14-2010 of the Fresno Municipal Code relating to lost or stolen residential parking permits. (Subject to Mayor's veto)

ORDINANCE 2017-64 ADOPTED

This Action Item was approved on the Consent Calendar.

- 1-L [ID17-1497](#) Approve Appointment of Kacey Auston to the Fresno Metropolitan Flood Control District

APPROVED

This Action Item was approved on the Consent Calendar.

CONTESTED CONSENT CALENDAR

- 1-D [ID17-1461](#) Actions pertaining to amending Sections 3-107 and 3-264 of the Fresno Municipal Code
1. BILL - (For introduction) - Amending Section 3-107 of Chapter 3, Article 1 of the Fresno Municipal Code Relating to Sick Leave and Special Leave
 2. BILL - (For introduction) - Amending Section 3-264 of Chapter 3, Article 2 of the Fresno Municipal Code Relating to Special Provisions for the Fireman Trainee Class

The above item was introduced by Labor Relations Manager Phillips, Personnel Department.

Councilmember Chavez asked staff about AB1522 and if the City of Fresno was using the expanded definition of family or was that something internal that City of Fresno determine when there are negotiations and when can we expend language to be used for the groups. Councilmember Chavez continued to ask if AB1522 gives municipal parameters or is this something mandated. Staff responded with yes, its mandated for 6 months and we are in compliance. Councilmember Chavez and Vice President Soria asked to include the expanded amount of sick leave be added and brought back to the next Council meeting for approval. Councilmember Chavez asked to meet with staff.

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

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

- 1-E [ID17-1487](#) 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 introduced to Council by Business Manager Gloria, City Manager's Office.

Councilmember Bredefeld asked if the developing group was from Los Angeles and where the money was awarded, and how the oversight is handled for the funds.

APPROVED

On motion of Councilmember Chavez, seconded by Councilmember Bredefeld, 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

- 1-G** [ID17-1485](#) Approve the First Amendment to the Amended and Restated Memorandum of Understanding between the County of Fresno and the City of Fresno, dated January 6, 2003, relating to annexation, development, and property and sales tax allocation.

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

Vice President Soria requested to meet with staff.

APPROVED

On motion of Vice President Soria, seconded by President Olivier, 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

10:00 A.M.

- [ID17-1420](#) HEARING to Consider Supplemental Environmental Impact Report (SEIR) No. 10151 (State Clearinghouse (SCH) No. 2017031030), Development Permit No. D-16-088 and
Variance Application No. V-17-01 for the Producers Dairy Project located on the south side of East Belmont Avenue between North Ferger and North Roosevelt Avenues in the City of Fresno. (Council District 3 - Baines)
1. RESOLUTION -Certifying Supplemental Final EIR No. 10151 (SCH No.

2017031030), for the Producers Dairy Project located at 450 East Belmont Avenue; and,

- 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.
 - c. APPROVE a Mitigation Monitoring and Reporting Program as required by Public Resources Code Section 21081.6 and CEQA Guidelines Section 15097; and,
2. APPROVE Development Permit Application No. D-16-088 (subject to the attached Conditions of Approval dated October 4, 2017).
 3. APPROVE Variance Application No. V-17-001.

Upon consensus, the above item was continued to December 7, 2017 at 10:00A.M.

10:15 A.M. SCHEDULED COMMUNICATION

[ID17-1479](#) Appearance by Mary Esther Correa to discuss the Code Enforcement fines she has incurred. (Speaker resided in District 7)

Mary Esther Correa spoke during Unscheduled Communication

3. GENERAL ADMINISTRATION

3-A [ID17-1445](#)

Approve a Memorandum of Understanding Regarding Coordination, Cooperation, and Cost Sharing On Preconstruction Activities Related to the Temperance Flat Reservoir Project for a Total of \$500,000 to be Expended During Fiscal Years 2018, 2019, and 2020.

The above item was introduced to Council by Director Esqueda, Department of Public Utilities.

Upon call, there was no public comment.

APPROVED

3-B [ID17-1456](#)

Approve the annual Index-Based Rate Adjustments (Rate Period 7) for Commercial Solid Waste Franchise Services as Requested by Allied Waste Services and Mid Valley Disposal for Disposal of Multi-Family, Commercial Solid Waste, Recyclable and Organic Material (Citywide)

The above item was introduced to Council by Assistant Director Schuber, Department of Public Utilities.

Upon call, there was no public comment.

Councilmember Brandau requested the item be continued and to meet with staff.

Councilmember Bredefeld asked what the rate increase was based on, how much would the rate increase be per customer and how many years has there been rate increases.

Councilmember Chavez asked if this included the new fuel cost and agreed to continue the item and meet with staff.

Upon consenses of the Councilmembers, this item was continued to Novmeber 9, 2017.

4. CITY COUNCIL

- 4-A** [ID17-1491](#) BILL (for introduction) - Amending Section 2-1104 of the Fresno Municipal Code relating to off-year contribution prohibition.

The above item was removed from the agenda by staff.

5. CLOSED SESSION

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 follwing member of the public addressed Council: Mary Esther Correa spoke regrading her Code Enforcement fines.

ADJOURNMENT

City Council adjourned at 9:59 A.M.

The above minutes were approved at the November 9, 2017 meeting with a motion from Councilmember Caprioglio and a second from Councilmember

Baines. The motion passed on a 6-0 vote with Council President Olivier absent.