



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, September 21, 2017

9:00 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.

9:06 A.M. ROLL CALL

Vice President Soria was absent during Roll Call and Approval of Agenda

Councilmember Baines III joined the meeting at 2:00PM

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 Karen Stoffers Pugh of the Wesley United Methodist Church

Pledge of Allegiance to the Flag

APPROVE AGENDA

City Clerk Spence announced the following changes to the agenda:

File ID 17-1282-Proclamation of "Reading Heart Day" was moved to

1:30PM. File ID 17-1276-Proclamation of "National Suicide Prevention Awareness Month" was removed from the agenda. File ID 17-1273 (4:30PM #1) Hearing regarding Recycling Center within the City of Fresno and amending the FMC regarding collection and disposal regulations was continued from 2:30PM to 4:30PM. File ID 17-1291 (4:30PM #2) regarding collection and disposal regulations was removed from the agenda.

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

Aye: 5 - Olivier, Brandau, Bredefeld, Caprioglio and Chavez

Absent: 2 - Soria and Baines III

CEREMONIAL PRESENTATIONS

Vice President Soria joined the meeting at 9:44AM

[ID17-1276](#) Proclamation of "National Suicide Prevention Awareness Month"

THE ABOVE ITEM WAS REMOVED FROM THE AGENDA

[ID17-1255](#) Proclamation of "Childhood Cancer Awareness Month"

PRESENTED

[ID17-1286](#) Proclamation of "Susan G. Komen Central Valley Race for the Cure Day"

PRESENTED

APPROVE MINUTES

[ID17-111](#) Approval of minutes from August 31, 2017

On motion of Vice President Soria, seconded by President Olivier, that the above Minutes be approved. The motion carried by the following vote:

Aye: 6 - Olivier, Soria, Brandau, Bredefeld, Caprioglio and Chavez

Absent: 1 - Baines III

COUNCILMEMBER REPORTS AND COMMENTS

Vice President Soria spoke regarding her attendance for League of Cities Conference, City of Fresno Independence of Mexico reception and asked for

a moment of silence for those in Mexico.

*Councilmember Chavez requested the meeting adjourn in memory of
Celestino Aguilar*

1. CONSENT CALENDAR

APPROVAL OF THE CONSENT CALENDAR

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

Aye: 6 - Olivier, Soria, Brandau, Bredefeld, Caprioglio and Chavez

Absent: 1 - Baines III

- 1-A** [ID17-1205](#) Approve the substitution of a listed Subcontractor, Safety Striping Service, Inc. of Goshen, CA, to install the traffic stripes and pavement markings on the Lewis Eaton Trail Resurfacing Project ID PW00666 (Council District 6)

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

- 1-B** [ID17-1206](#) Approve the Fourth Amendment to the Services Agreement Between the City of Fresno and Risico Claims Management Regarding Worker's Compensation Claims and Authorize the Director of Personnel Services to Execute the Amendment

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

- 1-C** [ID17-1208](#) Approve agreement between the City of Fresno and Avante Behavioral Health to provide an Employee Assistance Program to City of Fresno Employees for \$105,691

APPROVED

This Action Item was approved on the Consent Calendar.

- 1-D** [ID17-1214](#) ***Adopt a Memorandum of Understanding between the City of Fresno and the International Brotherhood of Electrical Workers (IBEW) Local 100 for Unit 7, Non-Supervisory Groups and Crafts (**Subject to Mayor's Veto**)

APPROVED

This Action Item was approved on the Consent Calendar.

- 1-E [ID17-1211](#) RESOLUTION - Consenting to and authorizing investment of monies in the Local Agency Investment Fund in the custody of the State Treasurer for purposes of investment, and authorizing certain Finance Officers in connection therewith

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

- 1-F [ID17-1212](#) RESOLUTION - Of the Board of the Fresno Joint Powers Financing Authority (FJPFA) - Designating and authorizing certain Finance Officers of the City of Fresno to deposit and withdraw funds into and out of the Local Agency Investment Fund (LAIF) in the State Treasury (FJPFA action)

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

- 1-G [ID17-1223](#) ***RESOLUTION - 14th amendment to the Annual Appropriation Resolution (AAR) No. [2017-165](#) appropriating \$27,000 from Kaiser Permanente Community Fund through Fresno United Neighborhoods, a California nonprofit corporation, for various Aquatics programs (Requires 5 affirmative votes) (Subject to Mayor's Veto).

RESOLUTION 2017-242 ADOPTED

This Action Item was approved on the Consent Calendar.

- 1-H [ID17-1252](#) Award concessionaire contract for maximum paintball to continue operation and maintenance of the paintball facility at the regional sports complex

APPROVED

This Action Item was approved on the Consent Calendar.

- 1-I [ID17-1245](#) Approve the appointment of Henry Fierro to the City of Fresno Deferred Compensation Board

APPROVED

This Action Item was approved on the Consent Calendar.

- 1-J [ID17-1256](#) Actions pertaining to the 2017 Off-Highway Vehicle (OHV) grant:
1. Authorize the Chief of Police to accept \$13,899 in grant funding for the 2017 Off-Highway Vehicle grant awarded to the Fresno Police Department from the State of California Department of Parks and Recreation
 2. Authorize the Chief of Police to execute the agreement and all related documents applicable to the 2017 OHV grant
 3. ***RESOLUTION - 22nd amendment to the Annual Appropriation

Resolution (AAR) No. 2017-165 appropriating \$13,900 for the Police Department's OHV grant program (Requires 5 affirmative votes) (Subject to Mayor's veto).

RESOLUTION 2017-243 #3 ADOPTED

This Action Item was approved on the Consent Calendar.

- 1-K** [ID17-1263](#) Actions pertaining to the extension and expansion of area coverage in a service contract with ShotSpotter, Inc. ("ShotSpotter"):
1. Authorize the Chief of Police or designee to extend and expand the coverage area within the current ShotSpotter contract providing gunshot detection services through the ShotSpotter Flex™ Gunshot Location, Alert, and Analysis Service.
 2. Amend the current service contract with ShotSpotter, Inc., to include the amount of \$450,000 (\$150,000 per year) for ShotSpotter to expand the current coverage and provide an additional continuous three square mile area of coverage for three years.
 3. Amend the current service contract with ShotSpotter, Inc., to renew the current coverage area for a maximum of three years at a renewal amount of \$150,000 per year.

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

- 1-L** [ID17-1266](#) Actions related to purchasing two Freightliner XT Pro 56 Forestry units:
1. Approve purchase contract in the amount of \$161,875.04 to Utility One Source for the purchase of one Freightliner XT Pro 56 Forestry unit for FY17
 2. Approve purchase contract in the amount of \$161,875.04 to Utility One Source for the purchase of one Freightliner XT Pro 56 Forestry unit in FY18
 3. ***RESOLUTION - 23rd Amendment to the Annual Appropriation Resolution (AAR) No. 2017-165 appropriating \$161,900 for one Freightliner XT Pro 56 Forestry unit (Requires 5 affirmative votes) (Subject to Mayor's veto)

RESOLUTION 2017-244 #3 ADOPTED

This Action Item was approved on the Consent Calendar.

- 1-N** [ID17-1247](#) Action relating to marijuana cultivation within the City of Fresno
1. Adopt a finding of No Possibility pursuant to Section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines
 2. ***BILL NO. B-35 - (Intro. 6/22/2017) (For adoption) - The adoption of an amendment to sections 12-2104 and 12-2105 of the Fresno Municipal Code relating to the cultivation of marijuana. **(Subject to Mayor's veto)**

The above item was pulled from Consent Calendar by Council President Olivier and moved to 2:29PM

CONTESTED CONSENT CALENDAR

- 1-A** [ID17-1205](#) Approve the substitution of a listed Subcontractor, Safety Striping Service, Inc. of Goshen, CA, to install the traffic stripes and pavement markings on the Lewis Eaton Trail Resurfacing Project ID PW00666 (Council District 6)

Councilmember Bredefeld asked Public Works Director Mozier why is the substitution being requested and who made the decision to have the subcontractor.

APPROVED

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

Aye: 5 - Olivier, Soria, Brandau, Bredefeld and Chavez

Absent: 2 - Baines III and Caprioglio

- 1-B** [ID17-1206](#) Approve the Fourth Amendment to the Services Agreement Between the City of Fresno and Risico Claims Management Regarding Worker's Compensation Claims and Authorize the Director of Personnel Services to Execute the Amendment

Councilmember Bredefeld asked City Attorney if he needed to recuse himself from the item due to him being a contractor for Risico. City Attorney Sloan responded with no. Councilmember Bredefeld continued and ask Personnel Director Cardell questions regarding total number of workers compensation cases being administered and the increase of 238 claims and if they are all City Employees with those cases, what percentage of City staff are worker compensation cases currently, in comparison to other cities is the number high, low or normal and is it accurate that were going to spend \$275,000 for additional staff.

Councilmember Brandau asked Director Cardell to give an update on the response time when it comes to worker's compensation treatment for Police Officers and if there is any opportunity to extend that time of action to the rest of City employees.

Councilmember Bredefeld asked for a break down of where and what department had the most injuries and where they are taking place and how quickly the process takes for the employees to get back to work.

APPROVED

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

Aye: 6 - Olivier, Soria, Brandau, Bredefeld, Caprioglio and Chavez

Absent: 1 - Baines III

- 1-E** [ID17-1211](#) RESOLUTION - Consenting to and authorizing investment of monies in the Local Agency Investment Fund in the custody of the State Treasurer for purposes of investment, and authorizing certain Finance Officers in connection therewith

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

Vice President Soria asked staff if this was the first time we are doing this, what type of monies authorizes staff to use in this process and what kind of benefits does the City get in these types of investments. She continued to ask where the 7 million was from, how often do we get returns and how much is the returns a month and if the monies is being put aside. Vice President Soria asked staff to send reports to Council on an update of the investments.

RESOLUTION 2017-245 ADOPTED

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

Aye: 6 - Olivier, Soria, Brandau, Bredefeld, Caprioglio and Chavez

Absent: 1 - Baines III

- 1-F** [ID17-1212](#) RESOLUTION - Of the Board of the Fresno Joint Powers Financing Authority (FJPFA) - Designating and authorizing certain Finance Officers of the City of Fresno to deposit and withdraw funds into and out of the Local Agency Investment Fund (LAIF) in the State Treasury (FJPFA action)

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

Council President Olivier motioned to approved the above item. Mayor Brand seconded the motion. Motion PASSED 2/0 vote. Councilmember Baines III absent.

JPFA-43 ADOPTED

- 1-K** [ID17-1263](#) Actions pertaining to the extension and expansion of area coverage in a service contract with ShotSpotter, Inc. ("ShotSpotter"):
1. Authorize the Chief of Police or designee to extend and expand the coverage area within the current ShotSpotter contract providing gunshot detection services through the ShotSpotter Flex™ Gunshot Location, Alert, and Analysis Service.
 2. Amend the current service contract with ShotSpotter, Inc., to include the amount of \$450,000 (\$150,000 per year) for ShotSpotter to expand the current coverage and provide an additional continuous three square mile area of coverage for three years.
 3. Amend the current service contract with ShotSpotter, Inc., to renew the current coverage area for a maximum of three years at a renewal amount of \$150,000 per year.

Councilmember Brandau asked for more information about ShotSpotter and the if the County of Fresno was going to participate and how many additional miles of coverage have been added. Mayor Brand will follow up with County of Fresno.

Vice President Soria asked about the school lock downs and encouraged staff to reach out to Central Unified School District for potential partnership.

Councilmember Chavez suggested staff reach out to School Districts, Community Hospitals and State Center to find ways to expand the coverage.

APPROVED

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

Aye: 6 - Olivier, Soria, Brandau, Bredefeld, Caprioglio and Chavez

Absent: 1 - Baines III

3. GENERAL ADMINISTRATION

- 3-B** [ID17-1274](#) Actions pertaining to drilling a new water production well at the Fresno/Clovis Regional Wastewater Reclamation Facility (RWRF) located at 5607 West Jensen Avenue (Bid File 3558) (Council District 3):
1. Adopt a Mitigated Negative Declaration pursuant to Environmental Assessment D-17-052, State Clearinghouse No. 2017071055.
 2. Award a Contract to Anthony J. Prieto Water Well Drilling, Inc., in the amount of \$591,950 to drill a new water production well at the RWRF.

The above item was introduced to Council by Planning Manager Carbajal, Public Utilities Department.

Upon call, there was no public comment.

APPROVED

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

Aye: 6 - Olivier, Soria, Brandau, Bredefeld, Caprioglio and Chavez

Absent: 1 - Baines III

- 3-C** [ID17-1278](#) Authorize the City Manager or her designee, and the Chief of Police or his designee, to enter into a two-year agreement with the 21st District Agricultural Association for \$678,466.00 to provide police services at the Fresno District Fair.

The above item was introduced to Council by Lieutenant Tucker, Police Department

Upon call, there was no public comment.

Councilmember Chavez thanked Police Department for all their hard work at the fair.

Vice President Soria asked how many additional officers were going to be at the fair for the 12 day period.

APPROVED.

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

Aye: 6 - Olivier, Soria, Brandau, Bredefeld, Caprioglio and Chavez

Absent: 1 - Baines III

- 3-D** [ID17-1279](#) Actions pertaining to the 2018 Selective Traffic Enforcement Program (STEP) grant
1. Authorize the Chief of Police to accept \$690,000 in grant funding for the 2018 STEP grant awarded to the Fresno Police Department from the National Highway Traffic Safety Administration (NHTSA) through the California Office of Traffic Safety (OTS)
 2. ***RESOLUTION - 24th amendment to the Annual Appropriation Resolution (AAR) No. 2017-165 appropriating \$518,300 for the Police Department's STEP grant (Requires 5 affirmative votes) (Subject to Mayor's veto).

The above item was introduced to Council by Deputy Police Chief Hall, Police Department.

Upon call, there was no public comment.

RESOLUTION 2017-246 #2 ADOPTED

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

Aye: 6 - Olivier, Soria, Brandau, Bredefeld, Caprioglio and Chavez

Absent: 1 - Baines III

- 3-A** [ID17-1246](#) ***RESOLUTION - 4th amendment to Fiscal Year 2018 Salary Resolution No. 2017-176 amending the job titles of Senior Water Treatment Operator to Senior Water Treatment Plant Operator, and Water Distribution Technician, Water Distribution Specialist and Senior Water Distribution Operator to Water Distribution/Production Technician, Water Distribution/Production Specialist and Senior Water Distribution/Production Operator in Exhibit 1, Unit 1, Non-Supervisory Blue Collar (Local 39); adding the new classification of Digital Forensics Analyst to Exhibit 3, Non-Supervisory White Collar, (FCEA); increasing 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 (IBEW); adding the new

classification of Historic Preservation Specialist to Exhibit 13-1, Unit 13, Exempt Supervisory and Professional (CFPEA); increasing the salary range for Airports Planning Manager in Exhibit 14, Unit 14, Management Classes (CFMEA); and amending the Salary Step Plan section and the Annual Leave for Employees in Exhibit 2 **(Subject to Mayor's Veto)**

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

Upon call, there was no public comment.

RESOLUTION 2017-247 ADOPTED.

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

Aye: 5 - Soria, Brandau, Bredefeld, Caprioglio and Chavez

Absent: 2 - Olivier and Baines III

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

UNSCHEDULED COMMUNICATION

Upon call, there was no Unscheduled Communication

5. CLOSED SESSION

Council recessed to Closed Session at 10:15AM

Council returned from Closed Session at 10:27AM

There was no announcements after Closed Session.

5-A [ID17-1301](#)

CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION - Government Code Section 54956.9, subdivision (d)(1)

1. Marcia Clark v. City of Fresno, et al.; Fresno County Superior Court Case No.: 16CECG00018.

3-E [ID17-1264](#) WORKSHOP on the Southwest Fresno Specific Plan

The above item was introduced to Council by Planning Manager Pagoulatos, DARM Department.

Councilmember Brandau asked about the General Plan and why 25% zoning needs to be changed. City Manager Quan-Schechter responded that it was 25% of the south west specific plan area.

Vice President Soria asked about notices and if the residents could have more than one opportunity to address their concerns. Soria directed staff to send out notices and flyers to allow more opportunity for the public to participate on multiple occasions.

Councilmember Brandau asked about the compliance with the housing element, the impact on water and how does this interact with the TCC process. Brandau continued to ask if this included in the BRT roll out, where the proposed campus was and who owns the land.

Councilmember Chavez expressed his support for the item.

2. SCHEDULED COUNCIL HEARINGS AND MATTERS

10:30 A.M.#1

[ID17-1167](#) Presentation by Paul Saito regarding the extension of hours at the Shinzen Japanese Garden in Woodward Park

The above item was called at 10:56AM

Presentation given by Paul Saito with Shinzen Japanese Garden.

Councilmember Bredefeld thanked Saito for his presentation.

City Manager Quan-Schechter stated she would have staff work with Mr. Saito and the Board to increase advertising and will bring back to Council with a few recommendations and supports opening for longer hours.

Councilmember Brandau agrees to extend the hours of the garden and suggested to talk with Fresno State to help maintain the garden.

PRESENTED

10:30 A.M.#2

[ID17-1035](#) CCSPCA Workshop

The above item was called at 11:19AM

The item was presented by Linda Van Kirk, with SPCA.

Vice President Soria asked how they determine what neighborhoods are focused on, if there is a way to improve the process for contacting owners as soon as possible and making sure the owners are not being charged a fee when the SPCA takes longer than usual. Soria requested to collaborate with SPCA on complaints and wanted to know why the fourth quarter report only had two complaints when her office receives several a year. Vice President Soria stated her concerns about the issues she and her residents have in contacting the SPCA. Additionally, Vice President Soria requested to be involved in the quarterly meetings with staff and SPCA and asked for more information to be provided on the reports such as where the 25% of monies go in the City of Fresno and continued to request that the SPCA look into public service announcements and more grants to help expand their budget.

Councilmember Chavez stated his district does not get a lot of phone calls and is happy with the SPCA and asked about the education in school districts.

Council President Olivier thanked the staff for the presentation and expressed his concerns about SPCA being closed off to the public and the fact that it is hard to get patched through when someone calls.

Council recessed for lunch at 12:06PM

Council returned from lunch at 1:43PM

1:30 P.M.

[ID17-1282](#) Proclamation of "Reading Heart Day"

PRESENTED

2:00 P.M.#1

[ID17-1249](#) **HEARING** to adopt resolutions and ordinance to annex territory

and levy a special tax regarding City of Fresno Community Facilities District No. 11, Annexation No. 83 (Final Tract Map No. 6140) (south side of East Powers Avenue, west of North Maple Avenue) (Council District 6)

1. *****RESOLUTION** - Annexing Territory to Community Facilities District No. 11 and Authorizing the Levy of a Special Tax (Subject to Mayor's Veto)
2. *****RESOLUTION** - Calling Special Mailed-Ballot Election (Subject to Mayor's Veto)
3. *****RESOLUTION** - Declaring Election Results (Subject to Mayor's Veto)
4. *****BILL** - (For introduction and adoption) - Levying a Special Tax for the Property Tax Year 2017-2018 and Future Tax Years Within and Relating to Community Facilities District No. 11, Annexation No. 83 (Subject to Mayor's Veto)

The hearing was called to order at 2:00PM.

The above item was introduced to Council by Assistant Director Benelli, Public Works Department.

Upon call, there was no public comment.

RESOLUTION 2017-248 #1 ADOPTED

RESOLUTION 2017-249 #2 ADOPTED

RESOLUTION 2017-250 #3 ADOPTED

BILL B-47 #4 ADOPTED

ORDINANCE 2017-47 #4 ADOPTED

On motion of Councilmember Bredefeld, seconded by President Olivier, that the above Resolution be approved. The motion carried by the following vote:

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

2:00 P.M.#2

[ID17-1250](#) **HEARING** to adopt resolutions and ordinance to annex territory and levy a special tax regarding City of Fresno Community Facilities District No. 11, Annexation No. 82 (Final Tract Map No. 6056) (southeast corner of West Gettysburg and North Bryan Avenues) (Council District 1)

1. *****RESOLUTION** - to Annex Territory to Community Facilities District No. 11 and Authorizing the Levy of a Special Tax for Annexation No. 82 (Subject to Mayor's Veto)
2. *****RESOLUTION** - Calling Special Mailed-Ballot Election (Subject to Mayor's Veto)
3. *****RESOLUTION** - Declaring Election Results (Subject to Mayor's Veto)
4. *****BILL** - (For introduction and adoption) - Levying a Special Tax for the Property Tax Year 2017-2018 and Future Tax Years Within and Relating to Community Facilities District No. 11, Annexation No. 82 (Subject to Mayor's Veto)

The hearing was called to order at 2:02PM

The above item was introduced to Council by Assistant Director Benelli, Public Works Department.

Upon call, there was no public comment.

RESOLUTION 2017-251 #1 ADOPTED

RESOLUTION 2017-252 #2 ADOPTED

RESOLUTION 2017-253 #3 ADOPTED

BILL B-48 #4 ADOPTED

ORDINANCE 2017-48 #4 ADOPTED

On motion of Vice President Soria, seconded by Councilmember Bredefeld, that the above Resolution be approved. The motion carried by the following vote:

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

Council resessed at 2:05PM

Council returned from recess at 2:12PM

2:00 P.M.#3

[ID17-1254](#) **HEARING** to adopt resolutions and ordinance to annex territory and levy a special tax regarding City of Fresno Community Facilities District No. 9, Annexation No. 18 (the development of Assessor's Parcel Number 329-130-01 by Valley Wide

Beverage Company, Development Permit Application No. 2017-016) (west side of South East Avenue north of East Central Avenue) (Council District 3)

1. *****RESOLUTION** - Annexing Territory to Community Facilities District No. 9 and Authorizing the Levy of a Special Tax (Subject to Mayor's Veto)
2. *****RESOLUTION** - Calling Special Mailed-Ballot Election (Subject to Mayor's Veto)
3. *****RESOLUTION** - Declaring Election Results (Subject to Mayor's Veto)
4. *****BILL** - (For introduction and adoption) - Levying a Special Tax for the Property Tax Year 2017-2018 and Future Tax Years Within and Relating to Community Facilities District No. 9, Annexation No. 18 (Subject to Mayor's Veto)

The hearing was called to order at 2:03PM

The above item was introduced by Assistant Director Benelli, Public Works Department.

Upon call, there was no public comment.

RESOLUTION 2017-254 #1 ADOPTED

RESOLUTION 2017-255 #2 ADOPTED

RESOLUTION 2017-256 #3 ADOPTED

BILL B-49 #4 ADOPTED

ORDINANCE 2017-49 #4 ADOPTED

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

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

2:10 P.M.

[ID17-1241](#) TEFRA HEARING - To hear and consider information concerning the proposed issuance of Revenue Obligations by California Enterprise Development Authority for the purpose of financing the development, construction, installation, equipping and furnishing of a facility by United Health Centers of the San Joaquin Valley.

1. *****RESOLUTION** - Approving a tax-exempt obligation financing to be

issued by the Authority to benefit United Health Centers of the San Joaquin Valley in the aggregate principal amount not to exceed \$18 million (Subject to Mayor's veto)

The hearing was called to order at 2:12PM.

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

Upon call, there was no public comment.

RESOLUTION 2017-257 #1 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

Council recessed at 2:13PM

Council returned from recess at 2:30PM

2:20 P.M.

[ID17-1222](#) **CONTINUED HEARING** to adopt resolutions and ordinance to annex territory and levy a special tax regarding the territory associated with the development of Assessor's Parcel Number 313-280-73 and 313-280-75, Conditional Use Permit Application No. 2014-057, Annexation No. 17 of the City of Fresno Community Facilities District No. 9 (north side of East Kings Canyon Road east of North Armstrong Avenue) (Council District 5)

1. **RESOLUTION** - Directing Preparation of a Modified District Report Analyzing Impact of Proposed Decrease in Special Tax and Modifying Council Resolution No 2017-200
2. **RESOLUTION** - Receiving and Approving the Modified District Report and Modifying Council Resolution No 2017-200
3. *****RESOLUTION** - Annexing Territory to Community Facilities District No. 9 and Authorizing the Levy of a Special Tax (Subject to Mayor's Veto)
4. *****RESOLUTION** - Calling Special Mailed-Ballot

Election (Subject to Mayor's Veto)

5. *****RESOLUTION** - Declaring Election Results (Subject to Mayor's Veto)
6. *****BILL** - (For introduction and adoption) - Levying a Special Tax for the Property Tax Year 2017-2018 and Future Tax Years Within and Relating to Community Facilities District No. 9, Annexation No. 17 (Subject to Mayor's Veto)

The hearing was called to order at 2:33PM

The above item was introduced by Assistant Director Benelli, Public Works Department

Upon call, there was no public comment

RESOLUTION 2017-258 #1 ADOPTED

RESOLUTION 2017-259 #2 ADOPTED

RESOLUTION 2017-260 #3 ADOPTED

RESOLUTION 2017-261 #4 ADOPTED

RESOLUTION 2017-262 #5 ADOPTED

BILL B-50 #6 ADOPTED

ORDINANCE 2017-50 #6 ADOPTED

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

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

2:25 P.M.

[ID17-1139](#)

Actions pertaining to the Program Year 2016 Consolidated Annual Performance and Evaluation Report (CAPER):

1. HEARING to obtain public comments regarding the CAPER; and
2. Approve the CAPER and authorize submission to the U.S. Department of Housing and Urban Development (HUD).

The hearing was called to order at 2:35PM

The above item was introduced by Assistant Director, Furtado, DARM

Department

Upon call, there was no public comment

APPROVED

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

2:35 P.M. SCHEDULED COMMUNICATION

[ID17-1253](#) Appearance by Mary Esther Correa to discuss Code Enforcement and the fines she has incurred and the issue of homelessness (Speaker resides in District 7)

NOT PRESENT WHEN CALLED

- 1-N** [ID17-1247](#) Action relating to marijuana cultivation within the City of Fresno
1. Adopt a finding of No Possibility pursuant to Section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines
 2. ***BILL NO. B-35 - (Intro. 6/22/2017) (For adoption) - The adoption of an amendment to sections 12-2104 and 12-2105 of the Fresno Municipal Code relating to the cultivation of marijuana. **(Subject to Mayor's veto)**

Council President Olivier asked City Attorney Sloan to explain to the Councilmembers and the Public what the significance of the vote was. City Attorney Sloan stated, if passed this would be the final adoption of the vote that would allow 6 plants per residence to be grown in doors with certain restrictions but prohibits all other cultivation. Council President Olivier continued to ask City Attorney Sloan what happens if the Council votes no on the item and rejects the item. City Attorney Sloan responded the item would not be approved and the process would have to start over.

The above item was introduced to Council by Councilmember Bredefeld.

Upon call the following members of the public addressed Council: Ted Miller, Kalam Kellerhals, William Carney, Tim Boissonneault, Michael Green, Kathy Polter, Steven, Leslie and Marcus Martinez

Councilmember Bredefeld stated that the above item was not about a ban but about regulations on cultivation and allowing up to 6 plants and making sure the plants are grown in a private, legally occupied residence within a locked space with no detectable odor from outside and it not be visible from a public place or residence. He restated that the above item is not about banning marijuana or banning the growing of marijuana.

*Councilmember Bredefeld motioned to adopt the item as presented.
Councilmember Brandau seconded the motion.*

City Attorney Sloan stated that with or without the ordinance you can grow up to 6 plants in doors and that the current ordinance is not consistent with state law. Sloan continued to state the the above ordinance addresses additional regulations in addition to growing the 6 plants in doors.

Vice President Soria reminded Council that there was a vote and direction given to administration a couple weeks prior to hire a consultant to address the issues and encourages Council to wait.

Councilmember Baines III expressed his frustration on the above item and the confusion is presents to the public. Councilmember Baines continued to ask City Attorney if he could make the motion to remove the ban on medicinal cultivation. City Attorney stated he can amend the main motion or give direction to staff to bring back to Council a different ordinance. City Attorney Sloan suggested to vote on the main motion and if it fails then make another motion with direction to lift the ban on cultivation.

Councilmember Chavez stated he does not support the recreational but is in support of the medicinal cultivation. Councilmember Chavez asked City Attorney if the item is voted on today and Council brings back an ordinance for medicinal marijuana would that medicinal piece supersede the above item.

Councilmember Baines III clarified and read into the record section 12-2104 of the ordinance which states cultivation is banned.

City Attorney Sloan stated, "if this ordinance is adopted, all cultivation will

be banned expect for growing 6 plants per in door residence under certain conditions"

Vice President Soria stated if the ordinance is not approved today, residence will still have the ability to grow 6 plants.

Council President Olivier suggested to wait 30 to 60 days to come up with a better policy.

Councilmember Caprioglio stated his support on the removal of the ban on medicinal cultivation.

Council President Olivier called for the vote.

Councilmember Bredefeld motioned to approve the item as presented.

Councilmember Brandau seconded the motion. Motion FAILS 4/3 vote.

Councilmembers Baines III, Caprioglio, Vice President Soria and President Olivier vote no.

Councilmember Baines III motioned to repeal the current ban on cultivation for medical marijuana and return to Council for adoption when the CEQA is ready. President Olivier seconded the motion.

On motion of Councilmember Baines III, seconded by President Olivier, that the above Ordinance be adopted as amended. The motion carried by the following vote:

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

No: 2 - Brandau and Bredefeld

2:30 P.M.

ID17-1269

Consider Text Amendment Application No. TA-17-006 and the related environmental finding to address recreational marijuana operations, dispensaries, sales, and public consumption by prohibiting them in all zone districts within the City

1. Adopt Environmental Assessment No. TA-17-006 prepared for this matter approving a Finding of No Possibility pursuant to Section 15061 (b)(3) of the Environmental Quality Act Guidelines
2. ***BILL NO. B-46 - (Intro. 8/31/2017) (For adoption) - Approving Text Amendment Application No. TA-17-006 prohibiting recreational

marijuana activities by adding Section 15-2739.1 to the Fresno Municipal Code. (Subject to Mayor's veto)

The item was called to order at 3:36PM

The above item was introduced to Council by Councilmember Bredefeld.

Upon call the following members of the public addressed Council: William Carney, Ted Miller, Michael Green, Tim Bossonneault, Susan Juvay, Leslie, Steven, Laren Carney, Ellen, Kalam Kellerhals and Marcus Martinez

Dustin McDonald, Weed Maps and John Zimmerman, MGO gave their professional opinion on licensing cannibas and spoke regarding other jurisdictions and their process to implement cannibas and the cost to inforce the policy.

Council President Olivier motioned to table the above item until the consultant recommendations come back to Council. Councilmember Baines III seconded the motion.

Councilmember Baines III, asked Mr. Green if he knew how many dispensaries are operating in Fresno currently. He continued to say we need more information to do a total recreational ban and supports tabling the issue until more information is provided.

Councilmember Bredefeld asked City Attorney to clarify the prior vote and the current ban in City of Fresno.

Council President Olivier calls for the first vote. Motion to table the item until the consultant recommendations come back to Council. Motion FAILS 3/4. Councilmembers Bredefeld, Brandau, Chavez and Caprioglio vote no.

Councilmember Bredefeld motion to approved the item as presented. Councilmember Brandau seconded the motion.

On motion of President Olivier, seconded by Councilmember Baines III, that the above Ordinance be approved. The motion carried by the

following vote:

Aye: 4 - Brandau, Bredefeld, Caprioglio and Chavez

No: 3 - Olivier, Soria and Baines III

3:20 P.M.

[ID17-1308](#) Certificate of Recognition for Bradley Salvador and Alex Honeycutt representing Central High School at the NYSHS Business Model Competition in New York, NY

PRESENTED

3:30 P.M.

[ID17-1240](#) Appearance by The Youth Leadership Institute to administer the Oath of Office to the new Youth Commissioners

PRESENTED AND OATH ADMINISTERED

4:30 P.M. #1

[ID17-1273](#) HEARING to consider Text Amendment Application No. TA-17-002 and related Environmental Finding for Environmental Assessment No. TA-17-002, proposing to modify zoning and use regulations for California Redemption Value (CRV) Recycling Centers within the City of Fresno (Citywide)

1. **Adopt** Environmental Assessment No. TA-17-002 dated July 26, 2017 prepared for this matter approving a Finding of No Possibility pursuant to Section 15061 (b)(3) of the Environmental Quality Act Guidelines
2. **BILL** - (For introduction) - Approving Text Amendment Application No. TA-17-002 addressing CRV Recycling Centers by amending subsection (B) of Section 15-2750 of the Fresno Municipal Code.

The hearing was called to order at 4:48PM

The above item was introduced to Council by Councilmember Caprioglio.

Vice President Soria commented on the map and the amount of recycling centers in her district.

Councilmember Caprioglio motioned to approved the item as presented.

Councilmember Baines III seconded the motion.

Mayor Brand spoke regarding his concerns for the crimes the recycling centers attract.

Upon call the following members of the public address Council: Jim Koch, Keith Dettman, Susan Moore, Darryl Hanoian, Jack Marion, Angel Gomez, Nathan Alonzo, Nicholas Tasi, Megan Oxelson, Francisco Delrincoy, Brian Jackson, Leonardo Lang, John Migliazzo, Richard Hernandez, Richard Hernandez Jr., Susan Collins, Garth Zambrann, Jared Gordon, Richard Willis, Lorie Blevins, Matt Lockett, Joe Blevins, Nannette Miranda, Darren Baze, Tim James, Sana Rezai, Terri and Fernando Hernandez

Councilmember Brandau asked a couple questions of the public about the recycling centers that closed down due to lack of customers and asked what could City of Fresno do to help with Sacramento. He stated the hardship of addressing homeless issues and will bring forth a resolution to petition Sacramento to address the public concerns to redefine the convenience zones and to talk about the \$36,000 and he will send it to the elected officials at State level.

Vice President Soria spoke regarding her community meetings where constituents who came out to complain about the recycling center on Shields and West. She continued to thank the public for expressing their concerns and agrees that Sacramento needs to help in this issues. Soria asked staff if there are changes made in the stores to make them compliant to the ordinance is there any fees associated with a conditional use permit. Lastly, Soria supports a modified conditional use permit and does not approve of additional fees for the grocery stores.

Mayor Brand thanked the public and agreed to support Councilmember Brandau in pursuing Sacramento.

Councilmember Bredefeld expressed his support for the above item.

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

4:30 P.M.#2

[ID17-1291](#) BILL - (For introduction) - Amending subsections (b) and (i) of Section 6-205 of the Fresno Municipal Code relating to collection and disposal regulations

THE ABOVE ITEM WAS REMOVED FROM THE AGENDA

4. CITY COUNCIL

ADJOURNMENT - In Memory of Sandra Farris Cliff Fitzgerald requested by Council President Olivier

Council meeting adjourn in memory of Celestino Aguilar at 6:43PM

The above minutes were approved at the September 28, 2017 meeting with a motion from Vice President Soria and a second from Councilmember Bredefeld. The motion passed on a 4-0 vote with Councilmembers Baines, Brandau and Caprioglio absent.