

City of Fresno

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



Meeting Minutes - Final

Thursday, March 21, 2019

9:00 AM

Regular Meeting

Council Chambers

City Council

President - Steve Brandau

Vice President - Miguel Angel Arias

Councilmembers:

***Esmeralda Z. Soria, Paul Caprioglio, Luis Chavez, Garry Bredefeld,
Nelson Esparza***

City Manager - Wilma Quan

City Attorney - Douglas T. Sloan

City Clerk - Yvonne Spence, MMC

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

9:07 A.M. ROLL CALL

Present: 7 - President Steve Brandau
Vice President Miguel Angel Arias
Councilmember Esmeralda Z. Soria
Councilmember Paul Caprioglio
Councilmember Luis Chavez
Councilmember Garry Bredefeld
Councilmember Nelson Esparza

Invocation Nick Monsma, Pastor of Fresno Christian Reformed Church

Pledge of Allegiance to the Flag

National Anthem was by Sarid "Andy" Morales, Maddy Intern, District 4.

APPROVE AGENDA

City Clerk Spence announced the following changes to the agenda: File ID 19-1335 (3-B) - regarding BILL - modifying sections 1901 and 1905 of Chapter 14 of the Fresno Municipal Code relating to use of aircraft and parking of aircraft on public streets in Sierra Sky Park was removed from the agenda by staff, File ID 19-1336 (1-E) - regarding actions pertaining to Resolution of Intention No. 1128-D to vacate a portion of West Spaatz Avenue and North Doolittle Avenue between North Blythe Avenue and West Herndon Avenue was removed from the agenda by staff and Council President Brandau announced that today public comment will be reduced to two minutes.

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

Aye: 7 - Brandau, Arias, Soria, Caprioglio, Chavez, Bredefeld and Esparza

APPROVE MINUTES

[ID19-1389](#) Approval of minutes for March 14, 2019.

On motion of Vice President Arias, seconded by Councilmember

Soria, that the above Action Item be approved. The motion carried by the following vote:

Aye: 7 - Brandau, Arias, Soria, Caprioglio, Chavez, Bredefeld and Esparza

CEREMONIAL PRESENTATIONS

[ID19-1273](#) Fresno City Council "2019 Women of the Year" Presentation

Council District 1: Marina Magdaleno - Sponsored by Councilmember Esmeralda Soria
Council District 2: Kacey Auston-Tibbetts - Sponsored by Council President Steve Brandau
Council District 3: Debbie J. Darden - Sponsored by Council Vice President Miguel Angel Arias
Council District 4: Deborah Adishian-Astone - Sponsored by Councilmember Paul Caprioglio
Council District 5: Patricia Brown - Sponsored by Councilmember Luis Chavez
Council District 6: Stefani Booroojian - Sponsored by Councilmember Garry Bredefeld
Council District 7: Margarita Rocha - Sponsored by Councilmember Nelson Esparza

PRESENTED

City Council recessed at 10:19 A.M. and returned from recess at 10:44 A.M.

Councilmember Caprioglio left the meeting at 10:44 A.M.

COUNCILMEMBER REPORTS AND COMMENTS

Upon call, there was no Councilmember reports and comments.

1. CONSENT CALENDAR

Upon call, the following member of the public addressed Council: Tom Sanchez

On motion of Councilmember Bredefeld, seconded by Councilmember Chavez, the below CONSENT CALENDAR items were adopted. The motion carried by the following vote:

Aye: 6 - Brandau, Arias, Soria, Chavez, Bredefeld and Esparza

Absent: 1 - Caprioglio

- 1-A** [ID19-1312](#) Actions pertaining to the summary vacation of a portion of North Van Ness Avenue at the northwest corner of Van Ness Avenue and East Madison Avenue. (Council District 3)
1. Adopt a finding of Categorical Exemption per staff determination, pursuant to Section 15301(c)/Class 1 of the California Environmental Quality Act (CEQA) Guidelines, Environmental Assessment No. P19-00180.
 2. **RESOLUTION** - Ordering the summary vacation of North Van Ness Avenue at the northwest corner of Van Ness Avenue and East Madison Avenue.

RESOLUTION 2019-047 ADOPTED

- 1-B** [ID19-1313](#) **RESOLUTION** - Ordering the summary vacation of a portion of Fowler Avenue Frontage Road at Illinois Avenue. (Council District 5.)

RESOLUTION 2019-048 ADOPTED

- 1-C** [ID19-1317](#) **RESOLUTION** - Of Intention to Annex the Territory Known as Assessor's Parcel Number 505-281-21 as Annexation No. 39 to the City of Fresno Community Facilities District No. 9 and to Authorize the Levy of Special Taxes; and setting the hearing for May 2, 2019 at 10:00 a.m. (east side of North Grantland Avenue between West Barstow and Roberts Avenue) (Council District 2)

RESOLUTION 2019-049 ADOPTED

- 1-D** [ID19-1316](#) **RESOLUTION** - Approving the Final Map of Tract No. 6165 and accepting dedicated public uses offered therein except for dedications offered subject to City acceptance of developer installed required improvements - between South Sunnyside Avenue, South Fowler Avenue, East California Avenue and East Church Avenue (Council District 5)

RESOLUTION 2019-050 ADOPTED

- 1-E** [ID19-1336](#) Actions pertaining to Resolution of Intention No. 1128-D to vacate a portion of West Spaatz Avenue and North Doolittle Avenue between North Blythe Avenue and West Herndon Avenue (Council District 2)
1. Adopt a finding of Negative Declaration per staff determination, pursuant to Public Resources Code § 21157.1 and California Environmental Quality Act (CEQA) Guidelines §15177, Master Environmental Impact Report (SCH # 2012111015).
 2. Adopt the attached Resolution of Intention No. 1128-D to vacate a portion of West Spaatz Avenue and North Doolittle Avenue between North Blythe Avenue and West Herndon Avenue.

The above item was removed from the agenda by staff.

- 1-F [ID19-1233](#) Annual update of the Citywide lists for new traffic signal installations and traffic signal left turn phasing modifications. (Citywide)
- 1-G [ID19-1330](#) Actions related to submitting a funding request to the California Department of Transportation Low Carbon Transit Operations Program:
1. Adopt a finding of Categorical Exemption pursuant to Sections 15301/Class 1 of the CEQA Guidelines
 2. RESOLUTION - Authorizing submission of funding requests to the Low Carbon Transit Operations Program for the third year of Increased Frequency Weekend Bus Service and Extended Night Service, purchase and installation of real-time bus stop displays, and execution of related Certifications and Assurances and Authorized Agent Forms

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

- 1-H [ID19-1334](#) Approve Contract Change Order No. 2 to the construction contract with Garney Construction for the Recycled Water Transmission Main, Southwest Quadrant, Project SW1C, to increase the total construction contract amount by \$35,376.15 and add 321 calendar days in the contract time (Bid File 3439) (Council District 3 and Fresno County)

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

- 1-I [ID19-1345](#) ***RESOLUTION - Regarding Council administrative support. (Subject to Mayor's veto)

The above item was removed from the agenda by staff and continued to April 4, 2019.

- 1-J [ID19-1385](#) RESOLUTION - Concerning hiring outside counsel in personnel matters.

The above item was pulled from Consent Calendar by City Manager Quan and moved to Contested Consent for further discussion.

- 1-K [ID19-1401](#) Approve the appointment of Ram Nunna to the City of Fresno Capital Projects Oversight Board

CONTESTED CONSENT CALENDAR

- 1-G [ID19-1330](#) Actions related to submitting a funding request to the California Department of Transportation Low Carbon Transit Operations Program:
1. Adopt a finding of Categorical Exemption pursuant to Sections 15301/Class 1 of the CEQA Guidelines

2. RESOLUTION - Authorizing submission of funding requests to the Low Carbon Transit Operations Program for the third year of Increased Frequency Weekend Bus Service and Extended Night Service, purchase and installation of real-time bus stop displays, and execution of related Certifications and Assurances and Authorized Agent Forms

Councilmember Caprioglio returned to the meeting at 10:50 A.M.

The above item was introduced to Council by Director Barfield, Transportation Department.

Council Vice President Arias asked staff to discuss the item and asked if there is an ability to have services at the veteran's home in West Fresno.

Upon call, there was no public comment.

RESOLUTION 2019-051 ADOPTED

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

Aye: 7 - Brandau, Arias, Soria, Caprioglio, Chavez, Bredefeld and Esparza

- 1-H** [ID19-1334](#) Approve Contract Change Order No. 2 to the construction contract with Garney Construction for the Recycled Water Transmission Main, Southwest Quadrant, Project SW1C, to increase the total construction contract amount by \$35,376.15 and add 321 calendar days in the contract time (Bid File 3439) (Council District 3 and Fresno County)

Council Vice President Arias left the meeting at 10:54 A.M.

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

Councilmember Soria asked staff why the agreement needed an additional 321 calendar day extension. She asked what the delay was and who caused it. She also asked staff if they felt comfortable with the increase of \$35,376 and the extension they are requesting. Director Carbajal responded.

Upon call, there was no public comment.

APPROVED

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

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

Absent: 1 - Arias

1-J [ID19-1385](#) RESOLUTION - Concerning hiring outside counsel in personnel matters.

Councilmember Caprioglio left the meeting at 10:56 A.M.

City Manager Quan asked City Attorney Sloan for clarification and if the proposed resolution conflicts with any other provisions in any of the executive contracts. City Attorney Sloan responded it does not. City Manager Quan expressed her concerns with the approval of the item.

Upon call, there was no public comment.

RESOLUTION 2019-052 ADOPTED

On motion of Councilmember Soria, seconded by Councilmember Esparza, that the above Resolution be adopted. The motion carried by the following vote:

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

Absent: 2 - Arias and Caprioglio

2. SCHEDULED COUNCIL HEARINGS AND MATTERS

10:00 A.M.#1

[ID19-1292](#) **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. 23 (the development of Assessor's Parcel Number 501-153-05S and 501-153-06S as United Health Center, Development Permit Application no. 2017-051) (northwest corner of West Herndon and North Brawley Avenues) (Council District 2)

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 2018-2019 and Future Tax Years Within and Relating to Community Facilities District No. 9, Annexation No. 23 (Subject to Mayor's Veto)

The item was called to order at 11:00 A.M.

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

Upon call, the following member of the public addressed Council: Bill Robinson

RESOLUTION 2019-053 ADOPTED

RESOLUTION 2019-054 ADOPTED

RESOLUTION 2019-055 ADOPTED

BILL 7 AND ORDINANCE 2019-007 ADOPTED

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

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

Absent: 2 - Arias and Caprioglio

10:00 A.M.#2

- [ID19-1380](#) CONTINUED HEARING to Consider Annexation Application No. ANX-18-002, Plan Amendment Application No. A-18-001; Pre-zone Application No. R-18-002; Vesting Tentative Tract Map No. 6198/UGM; and, related Environmental Assessment No. ANX-18-002/A-18-001/R-18-002/T-6198 for approximately 26.92 acres of property located on the northwest corner of West Shaw and North Grantland Avenues (Council District 2)
- a. ADOPT the Finding of a Mitigated Negative Declaration prepared for Environmental Assessment No. ANX-18-002/A-18-001/R-18-002/T-6198 dated May 11, 2018 and Addendum dated December 19,

2018.

- b. ***RESOLUTION - Approving Annexation Application No. ANX-18-002 (for the Shaw-Grantland No. 4 Reorganization) proposing detachment from the North Central Fire Protection District and the Kings River Conservation District and annexation to the City of Fresno (Subject to Mayor's Veto).
- c. RESOLUTION - Approving Plan Amendment Application No. A-18-001 proposing to amend the Fresno General Plan and the West Area Community Plan to change the planned land use designations for the subject property from Community Commercial (±12.66 acres) and Urban Neighborhood (±14.26 acres) to Medium Density Residential (±26.92 acres).
- d. BILL - Approving Pre-zone Application No. R-18-002 proposing to pre-zone the subject property from the Fresno County RR (*Rural Residential*) zone district to the RS-5/UGM (*Residential Single Family/Urban Growth Management*) zone district.
- e. APPROVE Vesting Tentative Tract Map No. 6198/UGM subject to compliance with the Conditions of Approval dated December 19, 2018.

The item was called to order at 11:02 A.M.

Councilmember Caprioglio and Council Vice President Arias returned to the meeting at 11:03 A.M.

The above item was introduced to Council by Planner III, Trejo, DARM Department.

Upon call, the following members of the public addressed Council: Jackie Dugan and Bill Walls.

RESOLUTION 2019-056 ADOPTED

RESOLUTION 2019-057 ADOPTED

BILL 8 AND ORDINANCE 2019-008 ADOPTED

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

Aye: 7 - Brandau, Arias, Soria, Caprioglio, Chavez, Bredefeld and Esparza

3. GENERAL ADMINISTRATION

- 3-A** [ID19-1315](#) Actions pertaining to the Shields Avenue and Weber Avenue Traffic Signal Installation Project - Bid File No. 3483 (Council District 1)
1. Adopt a finding of Categorical Exemption per staff determination, pursuant to Section 15301(c) Class 1 of the California Environmental Quality Act guidelines.
 2. Award a construction contract in the amount of \$755,689.00 to American Paving Company of Fresno, California.

The above item was introduced to Council by Licensed Engineer Tyler, Public Works Department.

Upon call, there was no public comment.

APPROVED

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

Aye: 7 - Brandau, Arias, Soria, Caprioglio, Chavez, Bredefeld and Esparza

- 3-B** [ID19-1335](#) Actions Pertaining to Sierra Sky Park:
1. BILL - (For Introduction) - Modifying Sections 1901 and 1905 of Chapter 14 of the Fresno Municipal Code relating to use of aircraft and parking of aircraft on public streets in Sierra Sky Park (District 2)

The above item was removed from the agenda by staff.

- 3-C** [ID19-1346](#) ***RESOLUTION - Amending the "Economic Expansion Act" and Adopting the Southwest Revitalization Incentive Program" (Subject to the Mayor's veto)

Upon call, there was no public comment.

RESOLUTION 2019-058 ADOPTED

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

Aye: 7 - Brandau, Arias, Soria, Caprioglio, Chavez, Bredefeld and Esparza

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

UNSCHEDULED COMMUNICATION

Upon call, the following members of the public addressed Council during Unscheduled Communication: Julia Dulley Najieb, Lennie Najieb, Darren Middleton, David Love, Jaime Loza, Dolores Mosely and Emmanuel Lopez.

Council Vice President Arias suggested Ms. Najieb and Mr. Najieb speak with the City Manager Quan.

4. CITY COUNCIL

- 4-A** [ID19-1381](#) ***RESOLUTION - 548th Amendment to the Master Fee Schedule Resolution No. 80-240 to allow free regional park admission for active and retired military, law enforcement, and firefighters. (Subject to Mayor's veto)

The above item was introduced to Council by Councilmember Bredefeld, District 6. He is proposing to change the Master Fee Schedule to allow free regional park admission for active and retired military, law enforcement, seniors and firefighters.

Councilmember Bredefeld asked City Manager Quan to bring back an evaluation to determine how many active and retired military, law enforcement, firefighters and senior citizens there are and return to Council in 90 days for discussion. City Manager Quan responded.

Councilmember Soria suggested that the Administration include children in their study. She stated she would like staff to explore other options that would include children having a discount fee or having free admission to the parks. Councilmember Soria also asked Councilmember Bredefeld if the resolution only pertains to Fresno residents or other cities as well.

Councilmember Bredefeld stated he is only proposing active and retired law enforcement, military, firefighters and senior citizens of Fresno. He expressed his concerns with giving children free admission to the regional parks and stated the general fund would be severely impacted if children were free. City Manager Quan responded.

Council Vice President Arias expressed his concerns with the resolution and stated if law enforcement, fire fighters, military and senior citizens are free then everyone should be free and treated equal.

Councilmember Chavez stated if there was a discount for everyone the general fund would lose about \$2 million dollars and stated the cost per vehicle is only \$5.00. PARCs Director Miller responded.

Council President Brandau asked for clarification on the \$2 million dollar revenue from the three regional parks. Director Miller responded.

Councilmember Bredefeld responded to the comments and concerns of the other Councilmembers.

Councilmember Soria asked if Councilmember Bredefeld would be open to a discount option. Councilmember Bredefeld agreed to the discussion.

Council Vice President Arias asked Director Miller what the cost of maintaining and operating the regional parks will be. Council Vice President Arias requested that the study include the clarity of the balance budget act that was passed last November and stated any money that is taken out should be replaced. He asked that the study be brought back to Council for discussion and be a part of the adopted budget. Director Miller responded.

Upon call, there was no public comment.

City Council recessed into Closed Session at 11:36 A.M. and returned from Closed Session at 12:15 P.M.

5. CLOSED SESSION

- 5-A** [ID19-1342](#) CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION - Government Code Section 54956.9, subdivision (d)(1)
1. Lowell Community Development Corp., v. City of Fresno; Fresno County Superior Court Case No. 18CECG01885

DISCUSSED

- 5-B** [ID19-1359](#) CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION -
Government Code Section 54956.9, subdivision (d)(1)
1. *Estate of Casimero Casillas, et al v. City of Fresno, et al.*; United
States District Court Case No.: 1:16-CV-01042AWI SAB.

*City Attorney Sloan announced that Council did authorize post trial motions
and an appeal if necessary.*

- 5-C** [ID19-1378](#) CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Government
Code Section 54956.8
Property: 5607 W. Jensen
Negotiating Parties: City Manager Wilma Quan; Darling Ingredients, Inc.
Under Negotiation: Price and Terms of Payment

DISCUSSED

City Council recessed for lunch at 12:15 P.M. and returned from lunch at 1:47 P.M.

SCHEDULED COUNCIL HEARINGS AND MATTERS (CONTINUED)

1:30 P.M.#1

- [ID19-1318](#) Presentation of the 2018 Caltrans Excellence in Transportation Award for
the Fulton Street Reconstruction Project

PRESENTED

1:30 P.M.#2

- [ID19-1368](#) Carnegie Hero Fund Commission to present a Carnegie Medal to Cregg Jerri for
performing an act of heroism

PRESENTED

1:30 P.M.#3

- [ID19-1337](#) Actions pertaining to the Fulton Street Reconstruction Project construction
contract with American Paving Company of Fresno, California (Council
District 3)
1. Approve Contract Change Order No. 72, which decreases the
contract amount by \$283,408.21
2. Approve Contract Change Order No. 73, which increases the
contract amount by \$360,000.00

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

Assistant Director Morrison read into the record change order number 73 amended as follows: "This Contract Change Order fully and completely resolves all claims between American Paving Company and the City of Fresno. The settlement excludes warranties and/or latent construction defects as to the design, work performed and/or equipment and materials supplied on the project. By signing this change order, the City and the Contractor mutually agree that payment authorized by this change order is a full settlement of all claims and is full resolution of all matters surrounding the claims between the parties."

Councilmember Caprioglio asked about the funding source for the contracts and what was the total amount used. Assistant Director Morrison responded.

Upon call, there was no public comment.

APPROVED AS AMENDED

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

Aye: 6 - Brandau, Arias, Soria, Chavez, Bredefeld and Esparza

No: 1 - Caprioglio

City Council returned to Closed Session at 2:02 P.M. and returned at 3:26 P.M.

CLOSED SESSION (CONTINUED)

5-D [ID19-1386](#)

PUBLIC EMPLOYEE PERFORMANCE EVALUATION - Government
Code Section 54957

Title: City Attorney

Sponsor: Council President Steve Brandau

CONFERENCE WITH LABOR NEGOTIATORS - Government Code
Section 54957.6

City Negotiator(s): Council President Steve Brandau

Unrepresented Employee: City Attorney

DISCUSSED

5-E [ID19-1387](#)

PUBLIC EMPLOYEE PERFORMANCE EVALUATION -Government Code
Section 54957

Title: City Clerk

Sponsor: Council President Steve Brandau

CONFERENCE WITH LABOR NEGOTIATORS -Government Code
Section 54957.6

City Negotiator(s): Council President Steve Brandau

Unrepresented Employee: City Clerk

DISCUSSED

SCHEDULED COUNCIL HEARINGS AND MATTERS (CONTINUED)**3:00 P.M.**

[ID19-1409](#) BILL - (For Introduction) - "Safe Transfer of Objects to Pedestrians (STOP)."

The above item was introduced to Council by Council President Brandau, District 2, Councilmember Caprioglio, District 4 and Councilmember Chavez, District 5.

Council President Brandau motioned to approve and amend letter (f) in the ordinance to read "the city shall utilize the city's portion of any fine collected under this article either for traffic safety improvements or to be provided to homeless services providers as directed by the Council." Section 2 to read "the city is conducting a request for proposals for expenditure of HEAP funding. \$100,000 of the HEAP funding shall be used for a homeless work program where the City will offer employment to homeless people who are cited for violating this ordinance." Section 3 to read "this ordinance shall sunset and be of no effect should the City's HEAP funding be exhausted or terminated." Councilmember Chavez seconded the motion.

Councilmember Chavez amended the motion to include in the Request for Proposal (RFP) that individuals who are homeless get priority to participate in the homeless work program in lieu of the citation that was discussed.

Councilmember Esparza spoke regarding the lack of notification of the item and thanked the public for showing up and participating in the meeting. He asked to reconsider the approach in solving the homeless crisis and public safety. Councilmember Esparza stated he will not support the item and votes no.

Councilmember Esparza left the meeting at 3:43 P.M.

Council President Brandau spoke regarding Kids Day and the event having an activity permit.

Councilmember Caprioglio stated that the ordinance is a proactive approach and is based on safety to prevent deaths and property damage. He stated he does not want to impede on the first amendment rights of the public and addressed the confusion of the item and stated the money will be used for a homeless work program and fixing the roads.

Upon call, the following members of the public addressed Council: Xonas Paulos, Rev. Ryan Newman, Ellis Vance, Michael Evans, Irene Zupko, Charlene Delgado, Joseph O'Neil, Dez Martinez, Kathleen Miles, Cynthia Reyes, Jordan Fitzpatrick, Emily Cameron, Marisa Moraza, Dallas Blanchard, Paul Ecizoad, Tim Curley, Nancy Griesser, Daniel O'Connell, Brandi Villegas, Alex Orozco, Myra Coble, Jim Grant, Rev. Tim Kutzmark, Mary Curry, Martha Kolstal, Paul Sanchez, Paige Alexander, Carmen Zomora, Anne Petrorich, Sharon Rodriguez, Chuck Krugman, Sukaina Hussain, Ansar, Josefa Veca, Pamela Martinez, Stacy Williams, Venice Curry, Marcus Martinez, Rabbi Rick, Reza Nekumanesh, Pedro Navarro, Imelda Cruz, Eddie Deleon, Emmanuel Lopez, Kianna Ricks, Kiki Wells, Akifa Frost, Mark Felten, Leoncio Vasquez, Christy Gutierrez, Alphonso Williams, Catherine Villegas, Angela Martin, Monica Harrison, Tyler Mackey, Antino Jauregu, Ismael Caldern, Tommy Martinez and Robert Kolstad.

Chief Dyer spoke to the number of deaths caused by panhandlers and expressed his concerns with the bond between the community and the Fresno Police Department. He also stated he would direct his officers to exercise leniency when citing the individual.

Council Vice President Arias asked Chief Dyer how many pedestrian deaths were panhandlers. He asked staff if they had the resources to enforce the ordinance as it was currently drafted. Chief Dyer responded.

Councilmember Bredefeld asked staff if he would be willing or able to enforce the ordinance. He stated "giving the homeless money encourages and enables them to remain homeless". Chief Dyer replied.

Councilmember Soria expressed her concerns with the ordinance and feels it is criminalizing the homeless. She stated that by voting for the ordinance it will be violating their first amendment rights and could be subject to future litigation.

City Council recessed at 6:12 P.M. and returned from recess at 6:30 P.M.

Council Vice President Arias asked City Attorney Sloan if there was any data for pedestrians deaths, accidents or deaths in any major intersections in the City. He asked what the rules were for billboards, campaign signs and people in costume advertising for their company. Council Vice President Arias also asked what the process and cost is for the permits and what would happen if the ordinance passed and went to litigation and challenged in court. City Attorney Sloan responded.

Councilmember Chavez thanked the members of the public for their comments, and expressed his concerns with Chief Dyer who has reservations with the ordinance. He withdrew his support from the motion and suggested the item be pulled and continued for further discussion.

Council President Brandau amended the motion to include Article 24 and 25 in section (d) of the ordinance.

Councilmember Caprioglio requested the item be continued to a later date.

Councilmember Bredefeld spoke regarding the issues with homeless individuals and spoke towards finding a solution to the problem and stated he does not support the item moving forward at the time.

Council Vice President Arias seconded the motion.

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

Aye: 2 - Brandau and Caprioglio

No: 3 - Arias, Soria and Bredefeld

Absent: 1 - Esparza

Abstain: 1 - Chavez

3:30 P.M.

[ID19-1410](#) ***RESOLUTION - In support of the Voter's Choice Act. (Subject to Mayor's veto)

Council Preident Brandau and Councilmember Bredefeld left the meeting at 6:50 P.M.

The above item was introduced to Council by Councilmember Caprioglio, District 4.

Councilmember Caprioglio amended paragraph 4 to delete the language "anyone showing a ballot can receive free City bus transportation to and from Voting Assistance Centers."

Mayor Brand stated he supports the item.

Upon call, the following member of the public addressed Council: Brandi Villeges.

Council Vice President Arias asked the Administration to find resources to help with the outreach and education when transitioning to the new voting system so that the public is well informed.

Councilmember Caprioglio announced the first outreach will be Thursday, March 28, 2019 at the Betty Rodriguez Library located at 3040 N. Cedar

Avenue from 3:00 P.M. to 6:00 P.M. and stated there will be four other opportunities to meet.

RESOLUTION 2019-059 ADOPTED

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

Aye: 4 - Arias, Soria, Caprioglio and Chavez

Absent: 3 - Brandau, Bredefeld and Esparza

ADJOURNMENT

City Council adjourned at 6:57 P.M.