

# City Council Minutes

## March 27, 2014

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The City Council met in regular session at the hour of 8:30 A.M. in the Council Chamber, City Hall, on the day above written.

### 8:35 A.M. ROLL CALL

Present:	Oliver Baines III	Acting Council President
	Lee Brand	Councilmember
	Paul Caprioglio	Councilmember
	Clinton Olivier	Councilmember
	Sal Quintero	Councilmember
	Blong Xiong	Councilmember
	Steve Brandau	Council President

Also Present:	Bruce Rudd	City Manager
	Renena Smith	Assistant City Manager
	Doug Sloan	City Attorney
	Yvonne Spence	City Clerk
	Todd Stermer	Assistant City Clerk

Invocation by Pastor Christopher Breedlove of the College Community Congregational Church

Pledge of Allegiance to the Flag

### Ceremonial Presentations:

Proclamation of "CITY OF FRESNO RSVP VOLUNTEERS DAY" – Council President Brandau –  
**Read**

Councilmember Olivier stepped out of the Council Chamber at 8:41 A.M. and returned at 8:44 A.M.

Approve Council minutes of March 20, 2014

**Action Taken:** APPROVED AS SUBMITTED

Motion / Second: Councilmember Caprioglio / President Brandau

Ayes: Baines, Brand, Caprioglio, Quintero, Xiong, Brandau

Noes: None

Absent: Olivier

Councilmember Reports and Comments

**Action Taken:** MADE

Councilmember Xiong thanked Lee Ann Eager of the Economic Development Corporation and her team for putting on a successful event regarding real estate forecasts.

President Brandau announced that he and Councilmember Caprioglio had met with representatives from the City of Clovis to organize a joint meeting which was tentatively set for the evening of April 29, 2014 at the Clovis Memorial building.

Approve Agenda

**Action Taken:** APPROVED

Motion / Second: Councilmember Caprioglio / Councilmember Brand  
Ayes: Baines, Brand, Caprioglio, Quintero, Xiong, Brandau  
Noes: None  
Absent: Olivier

Adopt Consent Calendar

**Action Taken:** APPROVED AS AMENDED

The following members of the public spoke on Item 1-E of the Consent Calendar regarding the prohibition of marijuana cultivation: Michael Green, Derek Payton, Joseph Sheridon, Joan Byrd, Shannon Luce, Diana Kirby, Dustin Lowery, Rick Morse, James R. Hullgems Sr., Shaun Hawkman, Susan Juvay, Andrea Lumscola.

Public speaker Michael Green asked if Council would accept his written comments related to Consent Item 1-E as it was not presented to Council the minimum 24 hours before the item was to be heard. Councilmember Quintero made a motion to accept the document and received a second from Councilmember Olivier. The motion to accept the document failed by the following vote:

Motion / Second: Councilmember Quintero / Councilmember Olivier  
Ayes: Olivier, Quintero  
Noes: Baines, Brand, Caprioglio, Xiong, Brandau

Councilmember Quintero moved Consent Item 1-E, regarding the prohibition of marijuana cultivation, to Contested Consent for further discussion.

Motion / Second: Councilmember Olivier / Councilmember Brand  
Ayes: Baines, Brand, Caprioglio, Olivier, Quintero, Xiong, Brandau  
Noes: None

1. **CONSENT CALENDAR**

- A. Approve the appointment of Tracewell Hanrahan to the Fresno Regional Workforce Investment Board – Council President Brandau

**Action Taken:** APPROVED

- B. **RESOLUTION** - Of Intention to annex Assessor's Parcel Number 403-070-53, Parcel B of Parcel Map No. 2001-01, Annexation No. 6, to City of Fresno Community Facilities District No. 9 and authorize the levy of special taxes and setting the hearing for April 24, 2014 at 10:00 a.M. (northeast corner of N. Chestnut and E. Nees Avenues) (**Property located in District 6**) - Public Works Department  
**Action Taken:** RESOLUTION 2014-50 ADOPTED
  
- C. Approve amendment to agreement with Provost and Pritchard Consulting Group of Fresno, California for professional engineering services to design new sewer infrastructure in the North Avenue industrial growth area for a net increase of \$65,500 (**Property located in District 3**) – Department of Public Utilities  
**Action Taken:** APPROVED
  
- D. Approving the Final Maps of Tract No. 5770 and 5567 and accepting the dedicated public uses offered therein (east side of N. Polk Avenue between W. Clinton and W. Shields Avenues) (**Property located in District 1**) – Public Works Department
  - 1. **RESOLUTION** - To approve the Final Map of Tract No. 5770, accepting dedicated public uses therein except for dedications offered subject to City acceptance of developer installed required improvements  
**Action Taken:** RESOLUTION 2014-51 ADOPTED
  - 2. **RESOLUTION** - To approve the Final Map of Tract No. 5567, accepting dedicated public uses therein except for dedications offered subject to City acceptance of developer installed required improvements  
**Action Taken:** RESOLUTION 2014-52 ADOPTED

**CONTESTED CONSENT CALENDAR**

- E. Actions relating to repealing Article 21 of Chapter 12 and adding Article 21 of Chapter 12 prohibiting cultivation of marijuana in all zone districts within the City – Police Department
  - 1. Consider and adopt an environmental finding pursuant to CEQA Guidelines, Section 15061(b)(3), that the project is exempt from CEQA as it can be seen with certainty that there is no possibility that this project may have a significant effect on the environment  
**Action Taken:** ADOPTED
  - 2. \* **BILL NO. B-17 – (Intro. 3/20/2014) (For adoption)** – Repealing Article 21 of Chapter 12 and adding Article 21 of Chapter 12 prohibiting cultivation of marijuana in all zone districts within the City  
**Action Taken:** ORDINANCE 2014-20 ADOPTED

During discussion on this item, Council created an Ad Hoc Committee to explore options that would allow people to obtain medical marijuana within the City. The committee is comprised of Councilmembers Baines, Olivier and Xiong.

Motion / Second: Councilmember Brand / Acting President Baines  
 Ayes: Baines, Brand, Caprioglio, Quintero, Xiong, Brandau  
 Noes: Olivier

Councilmember Caprioglio stepped out of the Council Chamber at 9:43 A.M. and returned at 9:47 A.M.

## 2. **GENERAL ADMINISTRATION**

- A. Approve a consultant agreement in the amount of \$757,956 and a \$72,362 contingency with Stantec Consulting Services Incorporated, a New York Corporation of Fresno, CA for the design of a new odor control system for the Headworks building located at the Fresno/Clovis Regional Wastewater Reclamation Facility (**Property located in District 3**) - Department of Public Utilities  
**Action Taken:** APPROVED

Motion / Second: Councilmember Quintero / Councilmember Brand  
Ayes: Baines, Brand, Olivier, Quintero, Xiong, Brandau  
Noes: None  
Absent: Caprioglio

- B. **WORKSHOP** - Budget Update - Mayor/City Manager's Office

HELD

## 3. **CITY COUNCIL**

### **SCHEDULED COUNCIL HEARINGS AND MATTERS**

- 10:00 A.M. HEARING** to consider Rezone Application No. R-13-003 and related environmental findings, filed by Stericycle Inc., for the property located on W. Swift Avenue, between N. Golden State Blvd and State Highway Route 99 (**Property located in District 1**) – Development and Resource Management Department

**Action Taken:** HELD

- a. Consider and adopt the environmental finding of a Finding of Conformity with the 2025 Fresno General Plan MEIR and Air Quality MND prepared for Environmental Assessment No. C-13-020/R-13-003

**Action Taken:** ADOPTED

- b. **BILL** - Amending the Official Zone Map to rezone the subject property from the C-6/UGM (*Heavy Commercial District/Urban Growth Management*) zone district to the C-M/UGM (*Commercial & Light Manufacturing District/Urban Growth Management*) zone district

**Action Taken:** BILL B-18 & ORDINANCE 2014-21 ADOPTED

Motion / Second: Councilmember Xiong / Acting President Baines  
Ayes: Baines, Brand, Caprioglio, Olivier, Quintero, Xiong, Brandau  
Noes: None

**10:30 A.M. HEARING** to adopt resolutions and ordinance to annex territory and levy a special tax regarding Community Facilities District No. 11, Annexation No. 53 (Final Tract Map No. 6044) (***Property located in District 2***) (northeast corner of N. Garfield and W. Barstow Avenues) – Public Works Department

**Action Taken:** HELD

a. **RESOLUTION** – Annexing territory to Community Facilities District No. 11 and authorizing the levy of a special tax

**Action Taken:** RESOLUTION 2014-53 ADOPTED

b. **RESOLUTION** – Calling a special mailed-ballot election

**Action Taken:** RESOLUTION 2014-54 ADOPTED

c. **RESOLUTION** – Declaring election results

**Action Taken:** RESOLUTION 2014-55 ADOPTED

d. \* **BILL (*For introduction of adoption*)** – Levying a special tax for the property tax year 2013-2014 and future years with and relating to Community Facilities District No. 11, Annexation No. 53

**Action Taken:** BILL B-19 & ORDINANCE 2014-22 ADOPTED

The following member of the public spoke on this item: Jeff Roberts.

Motion / Second: President Brandau / Councilmember Brand  
Ayes: Baines, Brand, Caprioglio, Olivier, Quintero, Xiong, Brandau  
Noes: None

#### **UNSCHEDULED COMMUNICATION**

Upon call, no members of the public addressed Council with unscheduled communication.

#### **4. CLOSED SESSION**

The City Council met in closed session in Room 2125 from 11:12 A.M. to 11:40 A.M. to discuss the following:

**A. CONFERENCE WITH REAL PROPERTY NEGOTIATOR-** Government Code Section 54956.8

**Properties:** APNs 418-261-22 (portion), 418-262-06 (portion), 418-262-09 (portion), 418-261-21 (portion), 418-261-26 (portion), 418-262-02 (portion), 418-262-05 (portion), 418-262-10 (portion), 418-262-12 (portion), 418-262-11 (portion), 418-262-08 (portion), 418-261-19 (portion), 418-262-04 (portion)

**Negotiating Parties:** City Manager Bruce Rudd

**Under Negotiation:** Price and Terms of Payment

**Action Taken:** HELD

No announcement was made.

**B. CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Government Code Section 54956.8**

**Property:** 468-167-01T  
**Negotiating Parties:** City Manager Bruce Rudd  
**Under Negotiation:** Price and Terms of Payment  
**Action Taken:** HELD

No announcement was made.

**ADJOURNED – 11:40 A.M.**

**Approved** on the 3<sup>rd</sup> day of April, 2014.

[Signature] ATTEST: [Signature]  
Steve Brandau, Council President Todd Stermer, Assistant City Clerk