

City of Fresno

2600 Fresno Street

Fresno, CA 93721

www.fresno.gov



Meeting Minutes - Final

Thursday, March 19, 2020

9:00 AM

Regular Meeting

Council Chambers

City Council

President - Miguel Angel Arias

Vice President - Paul Caprioglio

Councilmembers:

Esmeralda Z. Soria, Mike Karbassi, 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.

9:35 A.M. ROLL CALL

Councilmember Esparza and Council Vice President Caprioglio attended the meeting by phone.

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

Invocation by Pastor Brad Liebe from People's Church (District 6)

Pledge of Allegiance to the Flag

APPROVE AGENDA

City Clerk Spence announced the following changes to the agenda: File ID 20-00278 (1-C) - RESOLUTION - 6th Amendment to FY 2020 Salary Resolution No. 2019-135, amending Exhibit 2, Unit 2, Non-Represented Management and Confidential Classes (Non-Represented) to add the classification of Background Investigator and provide an associated salary range, effective March 30, 2020; Exhibit 3, Unit 3, Non-Supervisory White Collar (FCEA) to modify the job titles of Parking Controller I, Parking Controller II and Parking Controller III to Parking Enforcement Officer I, Parking Enforcement Officer II and Parking Enforcement Officer III, effective March 30, 2020; and Exhibit 8, Unit 8, Non-Represented, to remove the classification of Background Investigator, there were corrections made to the staff report under the Background section: Assigned salary range to Background Investigator in Exhibit 2 should read E16 not E15, Attachment - Salary Tables Sixth Amendment to FY20 Salary Resolution No. 2019-135 - Redline: Page 2.1 (remove Final – Page 2) and continue with “corrected salary range assigned to Background Investigator to reflect the E16 range” Add: Salary Tables Sixth Amendment to FY20 Salary Resolution No. 2019-135 – Final: Page 2.1; corrected salary range assigned to Background Investigator to reflect E16 range, File ID 20-00371 (1-S) - Approve amended

Employment Agreement of City Attorney was removed from the agenda, File ID 20-00377 (5-A) - Performance Evaluation title City Attorney was removed from the agenda and File ID 20-00380 (5-B) - Performance Evaluation title City Clerk was removed from the agenda.

Councilmember Bredefeld requested File ID 20-00364 (1-B) - Action pertaining to the 555th amendment to the Master Fee Schedule be removed from the agenda.

After some discussion, Council President Arias motioned to keep File ID 20-00364 (1-B) on the agenda for discussion. Councilmember Karbassi seconded the motion. Motion PASSED 6-1, Councilmember Bredefeld votes no.

File ID 20-00323 (10:15 A.M.) - Appearance by Mary Padilla to discuss bringing peace back to the City of Fresno and everywhere else was removed from the agenda at the speaker's request.

On motion of Vice President Caprioglio, seconded by Councilmember Chavez, the above Action were adopted as amended. The motion carried by the following vote:

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

CEREMONIAL PRESENTATIONS

There were no Ceremonial Presentations

COUNCILMEMBER REPORTS AND COMMENTS

Council Vice President Caprioglio and Councilmember Esparza reported they are working from home until further notice.

Councilmember Bredefeld addressed the March 18, 2020 emergency meeting regarding emergency order 2020-02 - shelter in place and the impact it has on small businesses.

Councilmember Soria thanked the community, Administration, City Attorney's Office, first responders and all city employees for their participation during the difficult time. She also gave a shout out to all the

Grocery Stores, Schools and School Districts for their participation as well.

Councilmember Chavez spoke regarding President Trump and the Centers for Disease Control's (CDC) data regarding the COVID-19 pandemic. He also thanked everyone in the community and the first responders for doing their part, staying home and practicing social distancing.

Council President Arias also spoke regarding the COVID-19 pandemic.

1. CONSENT CALENDAR

Councilmember Chavez left the meeting at 10:01 A.M.

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

Aye: 6 - Arias, Caprioglio, Soria, Karbassi, Bredefeld and Esparza

Absent: 1 - Chavez

1-A [ID](#) Approval of the March 5, 2020 City Council minutes
[20-00367](#)

1-B [ID](#) Action pertaining to the 555th Amendment to the Master Fee Schedule:
[20-00364](#)

1. Adopt a finding of statutory exemption pursuant to CEQA Guidelines Section 15273(a) for amendments to the Fire Department's fees for Fire Inspection and Prevention and related services.
2. ***RESOLUTION - 555th Amendment to the Master Fee Schedule No. 80-420, to add, adjust, revise, or delete various Fire Department fees (subject to Mayor's veto).

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

1-C [ID](#) ***RESOLUTION - 6th Amendment to FY 2020 Salary Resolution No. 2019-135, amending Exhibit 2, Unit 2, Non-Represented Management and Confidential Classes (Non-Represented) to add the classification of Background Investigator and provide an associated salary range, effective March 30, 2020; Exhibit 3, Unit 3, Non-Supervisory White Collar (FCEA) to modify the job titles of Parking Controller I, Parking Controller II and Parking Controller III to Parking Enforcement Officer I, Parking Enforcement Officer II and Parking Enforcement Officer III, effective March 30, 2020; and Exhibit 8, Unit 8, Non-Represented, to remove the classification of Background

Investigator (Subject to Mayor's Veto)

RESOLUTION 2020-054 ADOPTED AS CORRECTED

- 1-D [ID](#)
[20-00319](#) Actions pertaining to the 2017 Transformative Climate Communities (TCC) Grant and Transform Fresno Plan project regarding the Annadale Mode Shift Project:
1. Adopt a Class 3 Categorical Exemption under Section 15301(e) of the State of California Environmental Quality Act (CEQA) Guidelines
 2. Approve a Sub-Recipient Agreement with the Self Help Enterprises for the Annadale Mode Shift Project totaling \$343,000.
 3. ***RESOLUTION - 36th amendment to the Annual Appropriation Resolution (AAR) No. 2019-133 appropriating \$257,300 for the TCC grant (Requires 5 affirmative votes) (Subject to Mayor's Veto).

RESOLUTION 2020-055 ADOPTED

- 1-E [ID](#)
[20-00344](#) RESOLUTION - Declaring property located on the southwest corner of West Herndon and North Brawley Avenues (APN 507-03-048ST) to be surplus and directing staff to comply with the Surplus Land Act

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

- 1-F [ID](#)
[20-00392](#) RESOLUTION - Revising the City's Ticket Distribution and Disclosure Policy of Complimentary Tickets and Passes pursuant to Fair Political Practices Commission Regulation 18944.1

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

- 1-G [ID](#)
[20-00329](#) Award a requirements contract for retreading of commercial truck tires to Delray Tire and Retreading of Fresno, California, in the amount of \$243,915.53 (Bid File 9532)

- 1-H [ID](#)
[20-00331](#) Reject all bids for a Bus Rapid Transit shelter purchase contract and direct staff to rebid (Bid File 3723)

- 1-I [ID](#)
[20-00333](#) Approve the award of a purchase contract to Swanson Fahrney Ford of Selma, California, for the purchase of five hybrid police patrol sport utility vehicles in the amount of \$201,584.49 (Bid File 3713)

- 1-J [ID](#)
[20-00334](#) Approve the award of a cooperative purchase contract to Stommel Inc., dba Lehr Automotive, a Sacramento California-based company, for the purchase of 30 sets of police vehicle hardware in the amount of \$505,792.29

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

- 1-K [ID](#) RESOLUTION - Authorizing the periodic filing of applications for, acceptance of, and execution of all documents and instruments in relation to the Volkswagen Environmental Mitigation Trust Fund (VW Trust) administered by the California Air Resources Board (CARB)

RESOLUTION 2020-058 ADOPTED

- 1-L [ID](#) Actions pertaining to Sewer Access Structure Rehabilitation on North and Church Avenues (Bid File 3703) (Council District 3):
1. Adopt a finding of Categorical Exemption pursuant to Class 1, Sections 15301(b)&(d) (Existing Facilities) and Class 2, Section 15302(c) (Replacement or Reconstruction) of the California Environmental Quality Act
 2. Award a construction contract in the amount of \$139,550 to Sancon Technologies, Inc., of Huntington Beach, California

- 1-M [ID](#) ***RESOLUTION - To authorize submittal of application for payment programs to CalRecycle and related authorizations (Citywide) (Subject to Mayor's Veto)

RESOLUTION 2020-059 ADOPTED

- 1-N [ID](#) Actions pertaining to Sewer Rehabilitation in the Vicinity of South Martin Luther King Jr. Boulevard and East Jensen Avenue (Bid File 3677) (Council District 3):
1. Adopt a finding of Categorical Exemption pursuant to Class 1, Sections 15301(b)&(d) (Existing Facilities) and Class 2, Section 15302(c) (Replacement or Reconstruction) of the California Environmental Quality Act
 2. Award a construction contract in the amount of \$979,125 to Emmett's Excavation, Inc., of Clovis California

- 1-O [ID](#) Actions pertaining to the City of Fresno's water meters, parts and software technology (Citywide):
1. ***RESOLUTION - Approve an exception to formal bidding procedures to award a Sole Source/Single Source agreement to Badger Meter Incorporated for Water Meters, parts and software technology. (Subject to Mayor's Veto)
 2. Award a three-year requirements contract to Badger Meter Incorporated in the amount of \$1,200,000 per year, for three years

and up to two one-year extensions

RESOLUTION 2020-060 ADOPTED

1-P [ID](#) Approve the appointment of Diana Rice to the Capital Oversight Board
[20-00227](#)

1-Q [ID](#) **RESOLUTION** - Of Intention to Annex the Territory Known as Assessor's
[20-00343](#) Parcel Number 504-092-06S as Annexation No. 44 to the City of Fresno
Community Facilities District No. 9 and to Authorize the Levy of Special
Taxes; and setting the public hearing for Thursday, April 23, 2020, at 10:00
am (corner lot fronting West Herndon and Farrington Avenues) (Council
District 2)

RESOLUTION 2020-061 ADOPTED

1-R [ID](#) Reject bid for the Granny's Park Modular Building Replacement project -
[20-00349](#) Bid File No. 3666

1-S [ID](#) Approve Amended Employment Agreement of City Attorney
[20-00371](#)

The above item was removed from the agenda.

1-T [ID](#) ***RESOLUTION - 9th Amendment to the Position Authorization Resolution
[20-00387](#) (PAR) No. 2019-134 adding a total of four (4) positions to the Code
Enforcement Division of the City Attorney's Office: two (2) Laborer
positions and two (2) Light Equipment Operators, effective March 1, 2020
(Subject to Mayor's veto)

RESOLUTION 2020-062 ADOPTED

1-U [ID](#) Approve the appointment of David (DJ) Criner to the Planning Commission
[20-00391](#)

1-V [ID](#) Actions pertaining to FATforward, Fresno Yosemite International Airport's
[20-00339](#) expansion program (Council District 4):
1. Adopt the FATforward Initial Study and Mitigated Negative
Declaration dated January 27, 2020, pursuant to the California
Environmental Quality Act
2. Approve Phase One of a Progressive Design-Build Contract with
Q&D Construction to provide design services related to the terminal
expansion at Fresno Yosemite International Airport in an amount not
to exceed \$8,450,000
3. ***RESOLUTION - 39th Amendment to the Annual Appropriations
Resolution (AAR) No. 2019-133 appropriating \$8,850,000 to

Fresno Yosemite International Airport for the Phase One Design-Build terminal expansion contract and related work (Requires 5 affirmative votes) (Subject to Mayor's veto)

RESOLUTION 2020-063 ADOPTED

CONTESTED CONSENT CALENDAR

- 1-B** [ID](#) [20-00364](#) Action pertaining to the 555th Amendment to the Master Fee Schedule:
1. Adopt a finding of statutory exemption pursuant to CEQA Guidelines Section 15273(a) for amendments to the Fire Department's fees for Fire Inspection and Prevention and related services.
 2. ***RESOLUTION - 555th Amendment to the Master Fee Schedule No. 80-420, to add, adjust, revise, or delete various Fire Department fees (subject to Mayor's veto).

Councilmember Chavez returned to the meeting at 10:02 A.M.

Councilmember Bredefeld motioned to approve the item as presented by staff with the following conditions: to increase the fire fees, that the revenue remain in the Fire Department's budget, direct the Administration to apply for Federal funds including the Staffing for Adequate Fire & Emergency Response (SAFER) Grant, to bring it back to the Council if the grant was received and that the firework fee will remain at the current level. Council President Arias seconded the motion.

Discussion was held between Councilmembers and Chief Donis regarding the amount of the fees raised, if the fees should go into the Fire Department or remain in the General Fund and to keep the fireworks fees at it's current level in the Master Fee Schedule.

Councilmember Esparza asked what percentage of the fees would be lost if the firework fee remains at the current level. Chief Donis responded.

Council Vice President Caprioglio stated he does not support the motion.

Upon call, the following member of the public addressed Council: One Hawk Hirajeta.

RESOLUTION 2020-053 ADOPTED AS AMENDED

On motion of Councilmember Bredefeld, seconded by President Arias, that the above Discussion Item be adopted as amended. The motion carried by the following vote:

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

No: 1 - Caprioglio

- 1-E** [ID](#) RESOLUTION - Declaring property located on the southwest corner of
[20-00344](#) West Herndon and North Brawley Avenues (APN 507-03-048ST) to be
surplus and directing staff to comply with the Surplus Land Act

Councilmember Soria directed staff to include more description of the surplus land in the staff report such as the size and history of the property, how and why it was obtained and why the property is no longer needed. Deputy City Manager Dodds, City Manager's Office and Director Mozier, Public Works Department responded.

Councilmember Soria requested the item be continued to the next meeting. Councilmember Karbassi disagreed and suggested that the item be heard and voted on today.

Discussion was held between Councilmembers and Deputy City Manager Dodds, City Managers Office.

Upon call, there was no public comment.

RESOLUTION 2020-056 ADOPTED

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

Aye: 5 - Arias, Caprioglio, Karbassi, Chavez and Bredefeld

No: 2 - Soria and Esparza

- 1-J** [ID](#) Approve the award of a cooperative purchase contract to Stommel Inc.,
[20-00334](#) dba Lehr Automotive, a Sacramento California-based company, for the
purchase of 30 sets of police vehicle hardware in the amount of
\$505,792.29

Discussion was held between Councilmembers and Director Barfield, Transportation Department. Upon call, there was no public comment.

APPROVED

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

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

- 1-F [ID](#) RESOLUTION - Revising the City’s Ticket Distribution and Disclosure Policy of Complimentary Tickets and Passes pursuant to Fair Political Practices Commission Regulation 18944.1
- [20-00392](#)

There was no introduction to Council, no Council discussion and no public comment.

RESOLUTION 2020-057 ADOPTED

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

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

2. SCHEDULED COUNCIL HEARINGS AND MATTERS

10:00 A.M.

- [ID](#) HEARING to consider the vacation of a portion of East Palo Alto Avenue, west of North Fresno Street (Council District 6)
- [20-00340](#)
- 1. ***RESOLUTION - Ordering the vacation of a portion of East Palo Alto Avenue, west of North Fresno Street (Subject to Mayor’s Veto)

The item was called to order at 10:34 A.M. There was no introduction to Council, no Council discussion and no public comment.

RESOLUTION 2020-064 ADOPTED

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

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

10:10 A.M.

[ID](#)
[20-00341](#)

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. 43 (Assessor's Parcel Number 403-030-07) (southeast corner of East Shepherd and North Chance Avenues) (Council District 6)

1. *****RESOLUTION** - To Annex Territory to Community Facilities District No. 9 and Authorizing the Levy of a Special Tax for Annexation No. 43 (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 2019-2020 and Future Tax Years Within and Relating to Community Facilities District No. 9, Annexation No. 43 (Subject to Mayor's Veto)

The item was called to order at 10:35 A.M. There was no introduction to Council, no Council discussion and no public comment.

RESOLUTION 2020-065 ADOPTED

RESOLUTION 2020-066 ADOPTED

RESOLUTION 2020-067 ADOPTED

BILL 11/ORDINANCE 2020-011 ADOPTED

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

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

10:15 A.M. SCHEDULED COMMUNICATION

[ID](#)
[20-00323](#)

Appearance by Mary Padilla to discuss bringing peace back to the City of Fresno and everywhere else. (Speaker resides in District 2)

The above item was removed from the agenda at the speaker's request.

3. GENERAL ADMINISTRATION

- 3-A [ID](#) [20-00388](#) ***RESOLUTION - Staying implementation of City employee security protocols due to Coronavirus (COVID-19) (Subject to Mayor's veto)

There was no introduction to Council, no Council discussion. Upon call, the following member of the public addressed Council: Sam Frank, representative of FCEA.

RESOLUTION 2020-068 ADOPTED

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

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

4. CITY COUNCIL

There was no City Council items.

5. CLOSED SESSION

- 5-A [ID](#) [20-00377](#)
1. Government Code Section 54957(b): Consider the appointment, employment, evaluation of performance, discipline, or dismissal of a public employee.
Title: City Attorney
 2. Government Code Section 54957.6: Conference with Labor Negotiator.
City Negotiator: Council President Miguel Arias
Unrepresented Employee: City Attorney

The above item was removed from the agenda.

- 5-B [ID](#) [20-00380](#)
1. Government Code Section 54957(b): consider the appointment, employment, evaluation of performance, discipline, or dismissal of a public employee.
Title: City Clerk
 2. Government Code Section 54957.6: conference with labor negotiator.
City Negotiator: Council President Miguel Arias
Unrepresented Employee: City Clerk

The above item was removed from the agenda.

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 member of the public addressed Council: John MCubbin.

ADJOURNMENT

City Council adjourned at 10:43 A.M.