

City of Fresno

2600 Fresno Street

Fresno, CA 93721

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Meeting Minutes - Final

Thursday, September 17, 2020

9:00 AM

Electronic Meeting

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

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

10:11 A.M. ROLL CALL

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

Pledge of Allegiance to the Flag

APPROVE AGENDA

*City Clerk Spence announced the following changes to the agenda: File ID 20-001057 (1-B) - Actions pertaining to Commercial Cannabis Activity: section 2. ***Resolution - Adopting the 559th Amendment to the Master Fee Schedule Resolution No. 80-420 adding fees relating to Commercial Cannabis Business permit applications (Subject to Mayor's veto) and section 3. Approve the Cannabis Social Equity Assistance Program Services were continued to October 15, 2020, File ID 20-001060 (1-C) - Resolution - Claiming funds of \$467,374.35 for stale dated (uncashed) utility customer refund checks is Subject to Mayor's veto, File ID 20-001202 (1-K) - ***Bill (for introduction) - Granting a non-exclusive roll-off franchise for roll-off collection within the City of Fresno to True Clean Construction Cleanup, Inc. is not Subject to Mayor's veto, File ID 20-001221 (1-Q) – Approve Purchase and Sale Agreement with Fresno Economic Opportunities Commission for the sale of Pride Park (APN 467-292-05T) was removed from the agenda by Council President Arias, File ID 20-001113 (10:00 A.M.#2) – Continued Hearing regarding Community Facilities District No. 9, Annexation No. 46 was continued to October 29, 2020 at 10:05 A.M., File ID 20-001127 (10:05 A.M.) - Continued Hearing pertaining to Sierra Sky Park (Council District 2) was continued to October 15, 2020 at 10:05 A.M., File ID 20-001118 (10:10 A.M.) – Continued hearing to consider the adoption of Plan Amendment Application No. P19-04226 and related Final Program Environmental Impact Report (FPEIR), State Clearinghouse (SCH) # 2019050005 was continued to October 15, 2020 at 10:05 A.M., File ID 20-001210 (4-D) - ***Resolution - Adopting the*

*"Anti-Oppressive Government Act" (Subject to Mayor's veto), is not Subject to Mayor's veto, File ID 20-001212 (1-O) - ***Resolution - Adopting the "Open City Hall to the Public Act" (Subject to Mayor's Veto) was removed from the agenda by Councilmember Esparza, File ID 20-001214 (1-P) - ***Resolution - adopting the "End the Snitch Hotline Act" (Subject to Mayor's Veto) was removed from the agenda by Councilmember Esparza, File ID 20-001210 (4-D) -Resolution- Adopting the "Anti-Oppressive Government Act" was removed from the agenda by Councilmember Esparza, File ID 20-001211 (4-E) -***Resolution - Adopting the "Business Freedom Act", repealing provision of City Emergency Orders related to COVID-19 that close or restrict the operation of businesses (Subject to Mayor's Veto) was removed from the agenda by Councilmember Esparza.*

*Councilmember Bredefeld motioned to keep File ID 20-001212 (1-O) - ***Resolution - Adopting the "Open City Hall to the Public Act" (Subject to Mayor's Veto), File ID 20-001214 (1-P) - ***Resolution - adopting the "End the Snitch Hotline Act" (Subject to Mayor's Veto), File ID 20-001210 (4-D) -Resolution- Adopting the "Anti-Oppressive Government Act", and File ID 20-001211 (4-E) -***Resolution - Adopting the "Business Freedom Act", repealing provision of City Emergency Orders related to COVID-19 that close or restrict the operation of businesses (Subject to Mayor's Veto) on the agenda for discussion. Councilmember Karbassi seconded the motion. Motion FAILED 5/2 Councilmembers Soria, Chavez, Esparza, Council Vice President Caprioglio and Council President Arias voted no.*

*File ID 20-001060 (1-C) - ***Resolution - Claiming funds of \$467,374.35 for stale dated (uncashed) utility customer refund checks (Subject to Mayor's veto) was pulled from Consent by Councilmember Soria and moved to Contested Consent for further discussion.*

On motion of Vice President Caprioglio, seconded by Councilmember Soria, the above Action was approved as amended. The motion carried by the following vote:

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

No: 1 - Bredefeld

CEREMONIAL PRESENTATIONS

[ID](#) Proclamation in honor of the 25th Anniversary of Jaswant Singh Khalra Day
[20-001197](#)

PRESENTED

5. CLOSED SESSION

Upon call, there was no public comment. City Council recessed into Closed Session at 10:21 A.M. and returned from Closed Session at 12:14 P.M.

There was no announcements after Closed Session and the below items were discussed.

5-A [ID](#) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION;
[20-001172](#) Government Code Section 54956.9, subdivision (d)(2)
1. Significant Exposure to Litigation: Leadership Counsel for Justice and Accountability v. City of Fresno (Planning and Development)

5-C [ID](#) CONFERENCE WITH LEGAL COUNSEL - PUBLIC SECURITY -
[20-001181](#) Government
Code Section 54957(a):
1. Matters posing a threat to the security of public buildings, the security of essential public services, and to the public's right of access to public services and public facilities, and related actions pertaining to the Declaration by Governor Newsom of a State of Emergency to Help State Prepare for Broader Spread of COVID-19, and related local concerns.

5-B [ID](#) CONFERENCE WITH LABOR NEGOTIATORS - Government Code
[20-001183](#) Section 54957.6
City Negotiators: Jeffrey Cardell, Richard Boyd
Employee Organizations:
1. International Union of Operating Engineers, Stationary Engineers, Local 39 (Local 39); 2. Fresno City Employees Association (FCEA); 3. Fresno Police Officers Association (FPOA Basic); 4. International Association of Firefighters, Local 753, Unit 5 (Fire Basic); 5. Amalgamated Transit Union, Local 1027 (ATU); 6. International Brotherhood of Electrical Workers, Local 100 (IBEW); 7. Fresno Police Officers Association (FPOA Management); 8. International Association of Firefighters, Local 753, Unit 10 (Fire Management); 9. City of Fresno Professional Employees Association (CFPEA); 10. City of Fresno Management Employees Association (CFMEA); 11. Operating Engineers, Local Union No. 3, Fresno Airport Public Safety Supervisors (FAPSS); 12. Operating Engineers, Local Union No. 3, Fresno Airport Public Safety Officers

(FAPSO); 13. Unrepresented Employees in Unit 2
 (Non-Represented Management and Confidential Classes): Airport
 Public Safety Manager, Assistant City Attorney, Assistant City
 Manager, Assistant Controller, Assistant Director, Assistant
 Director of Personnel Services, Assistant Director of Public Utilities,
 Assistant Director of Public Works, Assistant Police Chief,
 Assistant Retirement Administrator, Budget Analyst, Budget
 Manager, Chief Assistant City Attorney, Chief Information Officer,
 Chief of Staff to Councilmember, Chief of Staff to the Mayor, City
 Attorney (City Negotiator, Council President Arias), City Attorney
 Investigator, City Clerk (City Negotiator, Council President Arias),
 City Engineer, City Manager (City Negotiator, Mayor Brand),
 Community Coordinator, Community Outreach Specialist,
 Controller, Council Assistant, Deputy City Attorney II , Deputy City
 Attorney III, Deputy City Manager, Director, Director of Aviation,
 Director of Development, Director of Personnel Services, Director
 of Public Utilities, Director of Transportation, Economic
 Development Coordinator, Economic Development Director ,
 Executive Assistant to Department Director, Executive Assistant to
 the City Attorney, Executive Assistant to the City Manager , Fire
 Chief, Governmental Affairs Manager, Human Resources Manager,
 Independent Reviewer, Internal Auditor, Investment Officer, Labor
 Relations Manager, Management Analyst II, Payroll Accountant,
 Payroll Manager, Police Chief, Principal Budget Analyst, Principal
 Internal Auditor, Public Affairs Officer, Public Works Director,
 Retirement Administrator, Retirement Benefits Manager, Senior
 Budget Analyst, Senior Deputy City Attorney I, Senior Deputy City
 Attorney II, Senior Deputy City Attorney III, Senior Human
 Resources/Risk Analyst , Senior Law Clerk, Supervising Deputy
 City Attorney

- 5-D [ID](#) [20-001182](#) CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Government
 Code Section 54956.8 Property: 1625 G Street Fresno, CA 93706 (APN
 465-084-30) Negotiating Parties: City Manager, 1626 Fresno MRP, LLC
 Under Negotiations: Price and terms of acquisition

City Council recessed for lunch at 12:15 A.M. and returned at 2:02 P.M.

1. CONSENT CALENDAR

Upon call, the following member addressed Council: Brandi Villegas.

On motion of Vice President Caprioglio, seconded by Councilmember Esparza, the below Consent Calendar items were approved. The motion carried by the following vote:

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

Absent: 1 - Chavez

1-A [ID](#) [20-001144](#) Approval of Minutes for the August 27, 2020 Special Council Meeting and the August 27, 2020 Regular Council Meeting

1-B [ID](#) [20-001057](#) Actions pertaining to Commercial Cannabis Activity:

1. BILL- (For introduction) Amending Sections 9-3304, 9-3306, 9-3308, and 9-3315 of the Fresno Municipal Code, relating to the regulation of cannabis microbusinesses.
2. ***RESOLUTION - Adopting the 559th Amendment to the Master Fee Schedule Resolution No. 80-420 adding fees relating to Commercial Cannabis Business permit applications (Subject to Mayor's veto).
3. Approve the Cannabis Social Equity Assistance Program Services

The above sections 2 and 3 were removed from the agenda and continued to October 15, 2020.

BILL 42 APPROVED, INTRODUCED AND LAID OVER

1-C [ID](#) [20-001060](#) ***RESOLUTION - Claiming funds of \$467,374.35 for stale dated (uncashed) utility customer refund checks dated December 28, 2000, through December 30, 2016, and transferring said funds from Utility Sales Clearing Fund 52502 to Water Enterprise Fund 40101, Solid Waste Operating Fund 41001, Community Sanitation Operating Fund 41501, and Wastewater Operating Fund 40501. (Subject to Mayor's Veto)

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

1-D [ID](#) [20-001152](#) Approve a second amendment to the Agreement with BKF Engineers in the amount of \$17,850, for a total contract amount of \$82,920, to provide additional consulting services for the Shields Avenue Bankside Trail from Fresno Street to First Street (Council District 7)

1-E [ID](#) [20-001153](#) **RESOLUTION** - Of Intention to Annex Final Tract Map No. 6235 as Annexation No. 114 to the City of Fresno Community Facilities District No. 11 and to Authorize the Levy of Special Taxes; and setting the public hearing for Thursday, October 22, 2020, at 10:00 am (northeast corner of North Armstrong and East Olive Avenues) (Council District 4)

RESOLUTION 2020-225 ADOPTED

- 1-F [ID](#)
[20-001154](#) **RESOLUTION** - Approving the Final Map of Tract No. 6275 and accepting dedicated public uses offered therein - northwest corner of North Chestnut Avenue and East Copper Avenue (Council District 6)

RESOLUTION 2020-226 ADOPTED

- 1-G [ID](#)
[20-001155](#) Actions pertaining to Veterans Boulevard Project (Council District 2):
1. ***RESOLUTION - 18th Amendment to the Annual Appropriation Resolution (AAR) No. 2020-159 appropriating \$900,000 for the Veterans Boulevard Right-of-Way Project (Requires 5 affirmative votes) (Subject to Mayor's veto)
 2. Approve the Agreement for Purchase and Sale of a 20,959 square foot Permanent Canal Easement from a portion of 6785 W. Barstow Avenue, Fresno (APN: 505-060-08), owned by Adamas, LLC., a California Limited Liability Company in consideration for \$73,400 in compensation, on behalf of the Fresno Irrigation District (FID), to facilitate the Veterans Boulevard South Extension Project
 3. Authorize the Public Works Director or his designee to sign all documents necessary to complete the subject acquisition

RESOLUTION 2020-227 ADOPTED

- 1-H [ID](#)
[20-001159](#) ***RESOLUTION - Adopting the 21st Amendment to the Annual Appropriation Resolution No 2020-159 to appropriate \$724,500 for the MLK Center Active Transportation Project, also known as the Transformative Climate Communities Leverage Project Southwest Offsite Improvements (Subject to Mayor's veto) (Requires 5 affirmative votes) (Council District 3)

RESOLUTION 2020-228 ADOPTED

- 1-I [ID](#)
[20-001160](#) ***RESOLUTION - 24th Amendment to the Annual Appropriation Resolution (AAR) No. 2020-159 to appropriate \$346,600 for 5G Cellular Plan Review and Inspection. (Requires five affirmative votes) (Subject to Mayor's veto).

RESOLUTION 2020-229 ADOPTED

- 1-J [ID](#)
[20-001158](#) Reject all bids for replacement control valve purchase contract for the Friant-Kern Canal Pipeline at the City of Fresno's Northeast Surface Water Treatment Facility (Bid File 3735) (Council District 6)

- 1-K [ID](#)
[20-001202](#) BILL - (for Introduction) - Granting a non-exclusive roll-off franchise for

roll-off collection within the City of Fresno to True Clean Construction Cleanup, Inc., in preparation for a public hearing on the matter and final vote to approve the Non-Exclusive Roll-Off Franchise on October 29, 2020 (Citywide)

BILL 35 APPROVED, INTRODUCED AND LAID OVER

1-L [ID](#) [20-001164](#) Reject all bids for a Requirements Contract for FAX Monthly Passes and Tickets (Bid File 9536)

1-M [ID](#) [20-001179](#) ***RESOLUTION - Accepting electronic signatures and scanned copies of original signatures (Subject to Mayor's Veto)

RESOLUTION 2020-230 ADOPTED

1-N [ID](#) [20-001190](#) Actions pertaining to Marjaree Mason Center:

1. Approve agreement with Marjaree Mason Center awarding CARES funding for emergency shelter and food services
2. ***RESOLUTION - Adopting the 23rd Amendment to the Annual Appropriation Resolution No. 2020-159 to appropriate \$518,800 in CARES Act Funds for emergency shelter and food services (Requires 5 affirmative votes) (Subject to Mayor's Veto)

RESOLUTION 2020-231 ADOPTED

1-O [ID](#) [20-001212](#) ***RESOLUTION - Adopting the "Open City Hall to the Public Act" (Subject to Mayor's veto)

The above item was removed from the agenda by Councilmember Esparza.

1-P [ID](#) [20-001214](#) ***RESOLUTION - Adopting the "End the Snitch Hotline Act" (Subject to Mayor's veto)

The above item was removed from the agenda by Councilmember Esparza.

1-Q [ID](#) [20-001221](#) Approve Purchase and Sale Agreement with Fresno Economic Opportunities Commission for the sale of Pride Park (APN 467-292-05T)

The above item was removed from the agenda by Council President Arias.

1-R [ID](#) [20-001222](#) BILL (for introduction and adoption) - An Emergency Ordinance amending Section 2-506 of the Fresno Municipal Code relating to the powers and duties of the Director of Emergency Services during a Disaster, Emergency, or State of Emergency (Requires 5 affirmative votes)

City Attorney Sloan read the following change into the record – The bill is amended to add the following language to the 1st paragraph after the word

“vote” – “except for subsections (a), (b), and (o) below”.

BILL 36/ORDINANCE 2020-033 ADOPTED

CONTESTED CONSENT CALENDAR

- 1-C [ID 20-001060](#) ***RESOLUTION - Claiming funds of \$467,374.35 for stale dated (uncashed) utility customer refund checks dated December 28, 2000, through December 30, 2016, and transferring said funds from Utility Sales Clearing Fund 52502 to Water Enterprise Fund 40101, Solid Waste Operating Fund 41001, Community Sanitation Operating Fund 41501, and Wastewater Operating Fund 40501. (Subject to Mayor's Veto)

The above item was presented to Council by Director Lima, Finance Department. Upon call, there was no public comment.

Councilmember Soria asked several questions regarding the publication and notification of the unclaimed/uncashed check. She asked if the legal notification requirements were met and if the notices were posted in multiple languages. She asked if the money goes back into the General Fund and if the item was time sensitive. Director Lima responded.

Councilmember Soria motioned to continue the item until October 15, 2020 and directed staff to do additional outreach and requested the administration post a banner on the front page of the City of Fresno website with information on unclaimed checks. Council President Arias seconded motion.

On motion of Councilmember Soria, seconded by President Arias, that the above Action Item be continued to October 15, 2020. The motion carried by the following vote:

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

COUNCILMEMBER REPORTS AND COMMENTS

Councilmember Soria wanted to thank the staff for working with Council President Arias and District 1 on the Palm and Belmont protective bike way project. She stated the project was granted \$1.4 million in state funding and will later come to Council. She announced her office is continuing to ask for community engagement on the design for the Milburn and Dakota park, west

of the 99 freeway. There will be a build the park activity and she will be accepting input from now until September 25, 2020. She announced on September 15, 2020 there was a kickoff of the "Latino Heritage Month" and will run until October 15, 2020. She recognized all Latino immigrants and those who are essential workers. She asked for an update on the Tower District bike units and stated there have been issues in the area. City Manager Quan responded she will circle back with her office next week. Councilmember Soria spoke regarding RV encampments and the lack of enforcement. City Attorney Sloan responded. She announced there will be a procurement workshop with the importance of helping local businesses and working with Fresno purchasing and various chambers and an announcement will be made shortly.

Councilmember Karbassi mentioned he went to Shaver and met with the Battalion Chief of Fresno Cal Fire and stated he appreciates all the first responders and public safety for all their hard work putting the wild fires out. He spoke regarding the SAFR program, a Citywide program available for all senior residents that provides a week supply of groceries. He asked the meeting be adjourned in memory of Robert (Bob) L. Crowell Mayor of Carson City, Nevada who passed away over the weekend.

Council Vice President Caprioglio thanked the Public Works Department for paving of roads in District 4 and he thanked the Administration for helping with several projects and programs in his district. Council Vice President Caprioglio spoke regarding the SAFR program and the distribution of groceries at Vinland Park and stated there will be another grocery distribution next Thursday in District 4.

Councilmember Esparza will be hosting his third mobile COVID-19 drive through testing next Friday, September 25, 2020 at McLane High School from 8:00 A.M. to 12:00 P.M., registration is required and masks will be provided.

Council Present Arias thanked the staff and all who were involved in the Santa Clara Street cleanup and stated cameras were installed to catch illegal dumping. He thanked District 7 and the Administration for fixing First Street. He mentioned there will be a Townhall meeting with Central

California Legal Services regarding the rules and rights of rentals and tenants. He requested an updated from the Administration on the improvements of the JSK Park and an update on the mutual aide provided to other jurisdictions and the impact its had on the City of Fresno. Assistant City Manager Schaad responded.

2. SCHEDULED COUNCIL HEARINGS AND MATTERS

10:00 A.M.#1

[ID](#)

[20-001151](#)

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. 112 (Final Tract Map No. 6258) (north side of West Ashlan Avenue near the northwest corner of North Hayes and West Ashlan Avenue) (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. 112 (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 2020-2021 and Future Tax Years Within and Relating to Community Facilities District No. 11, Annexation No. 112 (Subject to Mayor's Veto)

The item was called to order at 2:33 P.M. There was no introduced to Council. Upon call, there was no public comment and no Council discussion.

RESOLUTION 2020-232 ADOPTED

RESOLUTION 2020-233 ADOPTED

RESOLUTION 2020-234 ADOPTED

BILL 37/ORDINANCE 2020-034 ADOPTED

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

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

10:00 A.M.#2

[ID](#)
[20-001113](#)

CONTINUED 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. 46 (Parcel A of Final Parcel Map No. 2019-06) (northeast corner of North First and East Nees 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. 46 (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 2020-2021 and Future Tax Years Within and Relating to Community Facilities District No. 9, Annexation No. 46 (Subject to Mayor's Veto)

The above item was continued to October 29, 2020 at 10:05 A.M.

10:05 A.M.

[ID](#)
[20-001127](#)

(CONTINUE TO SEPTEMBER 24, 2020 AT 10:05 A.M.)

CONTINUED HEARING pertaining to Sierra Sky Park (Council District 2):

1. *****BILL NO. B-26** - (Intro. 7/16/2020) (For adoption) - Modifying Sections 1901 and 1905 of Chapter 14 of the Fresno Municipal Code relating to use of aircraft and the parking of aircraft on public streets in Sierra Sky Park (Subject to Mayor's Veto)
2. **RESOLUTION** - To vacate a portion of West Spaatz Avenue and North Doolittle Drive between North Blythe Avenue and West Herndon Avenue

The above item was continued to October 15, 2020 at 10:05 A.M.

10:10 A.M.

[ID](#)
[20-001118](#)

(CONTINUED TO OCTOBER 15, 2020 AT 10:05 A.M.)

CONTINUED HEARING to consider the adoption of Plan Amendment Application No. P19-04226 and related Final Program Environmental Impact Report (FPEIR), State Clearinghouse (SCH) # 2019050005. The

following applications have been filed by the Planning and Development Department Director and pertain to the Planning Area of the City of Fresno:

1. **REVIEW AND CONSIDER Final Program Environmental Impact Report** (Draft PEIR SCH No. 2019050005 and Response to Comments Document), apply the Council's independent judgment and analyses to the review, and then adopt the resolution certifying the FPEIR including the GHG Reduction Plan set forth in Appendix G of the FPEIR, as having been completed in compliance with the California Environmental Quality Act (CEQA), based on the Planning Commission's recommendations on the proposed Final Program EIR and comments thereon.
 - a. **ADOPT** an appropriate Mitigation Monitoring and Reporting Program (MMRP) as required by Public Resources Code Section 21081.6 and CEQA Guidelines Section 15097;
 - b. **FIND** that based upon testimony presented by staff, there are significant, unavoidable, environmental impacts which have not been mitigated to a level below significant. Therefore, the City Council should adopt the findings of fact and adopt an appropriate statement of overriding considerations pursuant to Public Resources Code Section 21081 and CEQA Guidelines Sections 15091 and 15093; and
 - c. **ADOPT** the Greenhouse Gas Reduction Plan Update set forth in Appendix G, pursuant to CEQA Guidelines Section 15183.5(b).
2. **APPROVE Plan Amendment Application No P19-04226** which requests authorization to amend the text of the Fresno General Plan Mobility and Transportation Element to add a Vehicle Miles Traveled policy consistent with California Senate Bill (SB) 743 and to revise policies and text relating to Level of Service (LOS) metrics to update applicability.

The above item was continued to October 15, 2020 at 10:05 A.M.

10:15 A.M.

[ID
20-001123](#)

CONTINUED HEARING to consider Annexation Application No. P19-02239, Plan Amendment/Rezone Application No. P19-02237, Vesting Tentative Tract Map No. 6234/UGM, and related Environmental Assessment No. T-6234/P19-02237/P19-02239, for property located on the west side of North Hayes Avenue between West Ashlan and West Shields Avenues (Council District 1)

1. ADOPT the finding of a Mitigated Negative Declaration as prepared for Environmental Assessment No. T-6234/P19-02237/P19-02239

- dated March 13, 2020 for the proposed project pursuant to the California Environmental Quality Act (CEQA).
2. ***RESOLUTION - Approving Annexation Application No. P19-02239 proposing to initiate proceedings for the Dakota-Hayes No. 4 Reorganization to annex the ±235 acre property to the City of Fresno; and detachment from the North Central Fire Protection District and the Kings River Conservation District, subject to approval of a Revenue and Taxation Code Section 99 tax sharing agreement between the City of Fresno and the County of Fresno. (Subject to Mayor's Veto.)
 3. RESOLUTION - Approving Plan Amendment Application No. P19-02237 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 the Low Density Residential (±1.06 acres), Medium-High Density Residential (±9.76 acres), Urban Neighborhood (±17.26 acres) and Open Space/Neighborhood Park (±5.25 acres) planned land use designations to the Medium Density Residential (±35.88 acres) land use designation.
 4. BILL (For introduction and adoption) - Approving Pre-zone Application No. P19-02237 proposing to pre-zone the subject property from the Fresno County RR (*Rural Residential*) to the City of Fresno RS-3/UGM/ANX (*Single Family Residential, Low Density/Urban Growth Management/Annexed Rural Residential Transitional Overlay*), RS-5/UGM (*Residential Single Family, Urban Growth Management*), RS-5/UGM/ANX (*Residential Single Family, Medium Density/Urban Growth Management/Annexed Rural Residential Transitional Overlay*), RM-2/UGM/ANX (*Residential Multi-Family, Urban Neighborhood Density/Urban Growth Management/Annexed Rural Residential Transitional Overlay*) and OS/UGM/ANX (*Open Space/Urban Growth Management/Annexed Rural Residential Transitional Overlay*) zone districts in accordance with the Fresno General Plan and pursuant to the proposed General Plan Amendment.
 5. APPROVE Vesting Tentative Tract Map No. 6234/UGM, proposing to subdivide approximately 88.1 acres of the subject property into a 486 -lot single-family residential development subject to compliance with the Conditions of Approval dated May 20, 2020, and contingent upon approval of Annexation No. P19-02239, Plan Amendment/Rezone Application No. P19-02237 and the related environmental assessment.
 6. APPROVE Indemnification Agreement with Edward D. Fannuchi for indemnity related to claims arising from SB 330.

The item was called to order at 2:35 P.M. and introduced to Council by Councilmember Soria, District 1. Upon call, the following member of the

public addressed Council: Daniel Brannick.

Councilmember Soria stated for the record the annexation is moving forward contingent upon a new Memorandum of Understanding (MOU) in terms of a tax sharing agreement. She recommends staff do a fiscal analysis of what impacts will be to the General fund.

Councilmember Soria motioned to approve as amended contingent upon a new Memorandum of Understanding (MOU) with the following conditions: 1) The annexation will be subject to a negotiated City/County tax share agreement, 2) Applicant will remove at the minimum 3 planned residential lots and convert into developed green space, 3) Applicant will provide a dedicated dog park space within the project, and 4) Applicant to withdraw appeal to staff condition of two traffic lights at (Hayes and Shields) and (Polk and Shields). Council President Arias seconded the motion.

Council President Arias expressed his frustrations of applicants not addressing the impacts and conditions they are creating West of the 99 freeway regarding the traffic and safety congestion.

Councilmember Chavez asked several questions regarding the tax sharing agreement between the City of Fresno and the County of Fresno and if it will be a case by case basis. He asked what would happen with the project if there is no agreement before the end of the calendar year. Councilmember Soria and City Attorney Sloan responded.

RESOLUTION 2020-235 ADOPTED AS AMENDED

RESOLUTION 2020-236 ADOPTED

BILL 38/ORDINANCE 2020-035 ADOPTED

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

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

10:20 A.M.

[ID](#)
[20-001166](#)

HEARING to consider Text Amendment Application No. P19-02978, ordinance amendments, and related Final Environmental Impact Report (FEIR), regarding the proposed regulation and permitting of commercial cannabis activities in the city of Fresno.

1. REVIEW AND CONSIDER Final Environmental Impact Report (SCH No. 2019070123), for the proposed regulation and permitting of commercial cannabis activities, apply the Council's independent judgment and analysis to the review, and then adopt the resolution certifying the FEI, as having been completed in compliance with the California Environmental Quality Act (CEQA) based on the Planning Commission's recommendations on the proposed Final EIR and comments thereon; and,
 - a. ADOPT Findings of Fact as required by Public Resources Code Section 21081(a) and CEQA Guidelines, Section 15091; and,
 - b. ADOPT the Statement of Overriding Considerations as required by Public Resources Code, Section 21081(b) and CEQA Guidelines, Section 15093; and
 - c. APPROVE the Mitigation Monitoring and Reporting Program as required by Public Resources Code Section 21081.6 and CEQA Guidelines, Section 15097; and
 - d. ADOPT the Water Supply Assessment (WSA) attached to the FEIR as Appendix H in compliance with Section 10910 of the California Water Code and Section 15155 of the CEQA Guidelines, and adopt the WSA as a technical addendum to the Environmental Impact Report
2. **BILL - (For introduction)** - Repealing Sections 15-2739 and 15-2739.1 of the Fresno Municipal Code and replacing with Section 15-2739 relating to adult use and medicinal cannabis retail business and commercial cannabis business regulation.
3. **BILL - (For introduction)** - Amending Section 12-2104 of the Fresno Municipal Code relating to marijuana cultivation.
4. **BILL - (For introduction)** - Amending Section 12-2302 of the Fresno Municipal Code relating to Money Back Guarantee/Business Streamlining Act to exclude Cannabis Conditional Use Permits.

The item was called to order at 2:58 P.M. The above item was introduced to Council by City Attorney Sloan, City Attorney's Office. Upon call, there was no public comment.

Supervising Planner Trejo announced the following technical corrections to the Staff Report to tables 5-1, 5-2 and 5-3 in regards to the Water Supply Assessment: The data within the Environment Impact Report (EIR) is correct and staff would like the data from 4.19-5, 4.19-6, and 4.19-7 be transferred

to the table of the Water Supply Assessment, Exhibit K page 42

BILL 39 APPROVED, INTRODUCED AND LAID OVER

BILL 40 APPROVED, INTRODUCED AND LAID OVER

BILL 41 APPROVED, INTRODUCED AND LAID OVER

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

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

No: 1 - Bredefeld

3. GENERAL ADMINISTRATION

- 3-A** [ID](#) [20-001148](#) RESOLUTION - Approving allocations and awarding subrecipient agreements in accordance with the 2020-2021 Annual Action Plan to include Community Development Block Grant (CDBG) funds of: \$1,028,001 for Housing Rehabilitation, \$161,000 for Non-Profit Public Services, and \$35,000 for Micro-Enterprise Assistance; HOME Investment Partnerships funds of \$711,789 for Tenant-Based Rental Assistance; Emergency Solutions Grant (ESG) funds of \$717,230 for homeless and homelessness prevention; and Housing Opportunities for Persons with HIV/AIDS (HOPWA) funds of \$617,040; and authorizing the City Manager to sign all implementing documents required by the U.S. Department of Housing and Urban Development (HUD) as approved to form by the City Attorney

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

RESOLUTION 2020-237 ADOPTED

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

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

- 3-B** [ID](#) [20-001167](#) Award a three-year contract in the amount of \$25,183,393 to National Express Transit for the continued provision of paratransit services with the option of four one-year extensions and authorize the Director of Transportation to execute the documents (Bid File 9524)

The above item was introduced to Council by Director Barfield, Transportation Department. Upon call, the following members addressed Council: Sandi Hill and Yonas Paulos.

Council Vice President Caprioglio asked if the current labor contract will remain in effect. Director Barfield responded.

Councilmember Chavez asked what assurances of services of the contract will be held accountable specifically to seniors. Director Barfield responded. Councilmember Chavez recommended the vendor do outreach particularly the senior village.

Councilmember Soria spoke regarding the 60 days clause to opt out of the contract, she asked if there will be an annual evaluation and input/outreach from the community. Director Barfield responded.

Council President Arias asked if this will result in a new provider and new equipment. Director Barfield responded.

APPROVED

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

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

- 3-C** [ID](#) ***RESOLUTION - Adopting the 14th Amendment to the Annual
[20-001168](#) Appropriation Resolution (AAR) No. 2020-159 to appropriate \$1,970,400
of the \$32,479,800 of Coronavirus Aid, Relief, and Economic Security
(CARES) Act funding for transit operating, capital, and COVID-19 related
expenses (Requires 5 affirmative votes) (Subject to Mayor's veto)

The above item was introduced to Council by Director Barfield, Transportation Department. Upon call, there was no public comment and no Council discussion.

RESOLUTION 2020-238 ADOPTED

On motion of Councilmember Esparza, seconded by Councilmember

Karbassi, 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

- 4-B** [ID](#) BILL (for introduction and adoption) - Adopting as an emergency ordinance the "Business is Essential to Local Economies Act," adding Section 2-516 and amending Section 2-514 of the Fresno Municipal Code (Requires 5 affirmative votes)

The above item was introduced to Council by Councilmember Karbassi, District 2 and Councilmember Chavez, District 5. Upon call, there was no public comment.

Councilmember Bredefeld expressed his concerns with restricting the third party applications and putting limits on what can be charged and does not support the item as presented.

Councilmember Esparza expressed his concerns with some of the language in the Ordinance and motioned to removed the following provision "no cause of action shall exist against a business for COVID-19 infections alleged to stem from the business, so long as the business is in full compliance with State and local mandatory safety measures related to COVID-19." Motion FAILED for lack of second.

Councilmember Esparza motioned to establish a more proactive level of Code Enforcement. Motion FAILED for lack of second.

Council President Arias added an amendment to the motion to approve the item as submitted with direction to the City Attorney to come back to Council with a proactive educational plan to give proactive education with businesses to ensure that they are compliant with the CDC Guidelines and local orders. This amendment was accepted by the Councilmember Chavez and Council member Karbassi.

BILL 43/ORDINANCE 2020-036 ADOPTED AS AMENDED

On motion of Councilmember Chavez, seconded by Councilmember Karbassi, that the above Resolution be adopted as amended. The motion carried by the following vote:

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

No: 1 - Bredefeld

Absent: 1 - Soria

- 4-C** [ID](#) ***RESOLUTION - Approving the Infrastructure Financing District Plan for
[20-001203](#) the Fresno Enhanced Infrastructure Financing District and the Allocation of
the City's Incremental Tax Revenue from the Project Area Pursuant to
Government Code Section 53398.75 et seq. (Subject to Mayor's Veto)

The above item was introduced to Council by Councilmember Esparza, District 7. Upon call, there was no public comment.

City Manager Quan asked if there will be any impacts on the General Fund and asked the item can be continued until there is a presentation of the City budget. Kosmont Representative Joseph Dieguez responded.

RESOLUTION 2020-239 ADOPTED

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

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

- 4-A** [ID](#) WORKSHOP on Homelessness
[20-001147](#)

The workshop was presented to Council by Director Strategic Initiatives Spees, City Manager's Office.

PRESENTED

- 4-D** [ID](#) RESOLUTION - Adopting the "Anti-Oppressive Government Act"
[20-001210](#)

The above item was removed from the agenda by Councilmember Esparza.

- 4-E [ID](#) [20-001211](#) ***RESOLUTION - Adopting the "Business Freedom Act," repealing provisions of City Emergency Orders related to COVID-19 that close or restrict the operation of businesses (Subject to Mayor's veto)

The above item was removed from the agenda by Councilmember Esparza.

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

UNSCHEDULED COMMUNICATION

Unscheduled Communication was taken during Consent Calendar.

eComments/E-Mails

- [ID](#) [20-001326](#) eComments and Emails received for September 17, 2020 Regular Meeting

ADJOURNMENT

City Council adjourned at 4:23 P.M. and in memory of Robert (Bob) L. Crowell Mayor of Carson City, Nevada.