

# City of Fresno

2600 Fresno Street

Fresno, CA 93721

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## Meeting Minutes - Draft

Thursday, January 7, 2021

9:00 AM

Regular Meeting

Electronic Meeting

## City Council

*President -Luis Chavez*

*Vice President - Nelson Esparza*

*Councilmembers:*

*Esmeralda Z. Soria, Mike Karbassi, Miguel Arias, Tyler Maxwell, Garry Bredefeld*

*City Manager - Thomas Esqueda*

*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.

**CEREMONIAL PRESENTATIONS**

*Ceremonial Presentations began at 9:01 A.M.*

[ID 21-060](#) Statements and Administration of Oaths of Office to Councilmembers-elect

- 1) Mike Karbassi - District 2  
Oath Administered by District Attorney Lisa A. Smittcamp
- 2) Tyler Maxwell - District 4  
Oath Administered by Richard Trevino and Fernanda Santiago
- 3) Garry Bredefeld - District 6  
Oath Administered by Derek Bredefeld

[ID 21-061](#) Statement and Administration of the Oath of Office to Mayor-elect Jerry Dyer - Oath Administered by Jeremy Dyer and Janelle Hastings

[ID 21-058](#) Statement by Outgoing Councilmember - Paul Caprioglio - District 4

[ID 21-059](#) Statement by Outgoing Mayor - Lee Brand

**Q & A WILL IMMEDIATELY BE HEARD FOLLOWING THE FINAL SPEECH**

**SCHEDULED COUNCIL HEARINGS AND MATTERS**

**10:15 A.M.**

[ID 21-075](#) (CONTINUED TO JANUARY 28, 2021 AT 10:15 A.M.)  
HEARING to consider Plan Amendment and Rezone Application No. P19-00417, Vesting Tentative Tract Map Nos. 6212/UGM and 6276/UGM, and Final Environmental Impact Report (EIR) State Clearinghouse (SCH) No. 2020039061 for the proposed "Parc West" development on the west side of North Grantland Avenue between the West Gettysburg and West Ashlan Avenue alignments. (Council District 1) - Planning and Development Department

- 1. **RESOLUTION** - Certifying Final EIR SCH No. 2020039061 for an overall proposed 844-lot single-family residential development; and,
  - a. ADOPT Findings of Fact as required by Public Resources Code Section 21082(a) and CEQA Guidelines, Section 15091; and,

- b. APPROVE the Mitigation Monitoring and Reporting Program as required by Public Resources Code Section 21081.6 and CEQA Guidelines Section 15092; and,
  - c. ADOPT the Statement of Overriding Considerations as required by Public Resources Code, Section 21081(b) and CEQA Guidelines, Section 15093; and
  - d. ADOPT the Water Supply Assessment (WSA) attached to the FEIR in compliance with Section 10901 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. **RESOLUTION** - Approving Plan Amendment Application No. P19-00417 proposing to amend the Fresno General Plan from the Community Commercial ( $\pm 11$  acres) planned land use designation to the Medium Density Residential ( $\pm 11$  acres) planned land use designation, and to amend the transportation element to identify the proposed collector street and modified trail network.
3. **BILL** (for introduction and adoption) - Approving Rezone Application No. P19-00417 proposing to amend the Official Zone Map to reclassify an  $\pm 11$  acre portion of the subject property from the CC/UGM/cz (*Commercial - Community/Urban Growth Management/conditions of zoning*) zone district to the RS-5/UGM/cz (*Single Family Residential, Medium Density/Urban Growth Management/conditions of zoning*) zone district.
4. **APPROVE** Vesting Tentative Tract Map No. 6212/UGM which requests authorization to subdivide an approximately 14.41 acre portion of the subject property for purposes of creating an 84-lot single family residential subdivision on the southwest corner of North Grantland and the West Indianapolis Avenue (alignment) subject to the findings and compliance with the Conditions of Approval included within the Staff Report to the Planning Commission dated December 2, 2020.
5. **APPROVE** Vesting Tentative Tract Map No. 6276/UGM which requests authorization to subdivide an approximately 14.17 acre portion of the subject property for purposes of creating an 83-lot single family residential subdivision on the northwest corner of North Grantland and the West Indianapolis Avenue (alignment) subject to

the findings and compliance with the Conditions of Approval included within the Staff Report to the Planning Commission dated December 2, 2020.

6. **APPROVE** Indemnification Agreement with “Applicant” for indemnity related to claims arising from EIR SCH# 2020039061.

*The above item was continued to January 28, 2021 at 10:15 A.M.*

**City Council recessed for lunch at 11:56 A.M. and returned from lunch at 1:33 P.M.**

## **REGULAR COUNCIL MEETING (CONTINUED)**

1:33 P.M. ROLL CALL

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

[ID 21-054](#) Election of Council President and Vice President

*Upon call, the following member of the public addressed Council: Lisa Flores.*

*Councilmember Karbassi motioned to take the Council President and the Council Vice President positions separately. Councilmember Bredefeld seconded the motion. Motion FAILED 5/2, Councilmember Soria, Councilmember Arias, Councilmember Maxwell, Councilmember Chavez and Councilmember Esparza voted no.*

*Councilmember Arias motion to appoint Councilmember Chavez as Council President and Councilmember Esparza as Council Vice President. Motioned PASSED 4/2, Councilmember Karbassi and Councilmember Bredefeld voted no and Councilmember Chavez abstained from the vote.*

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

**Aye:** 4 - Esparza, Soria, Arias and Maxwell

**No:** 2 - Karbassi and Bredefeld

**Abstain:** 1 - Chavez

[ID 21-055](#) Election of Chair and Vice Chair to the Successor Agency to the Redevelopment Agency to the City of Fresno

*Councilmember Soria motioned to appoint Councilmember Arias as Chair and Councilmember Espzara as Vice Chair. Councilmember Maxwell seconded the motion.*

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

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

## **APPROVE AGENDA**

*City Clerk Spence announced the following changes to the agenda: File ID 21-053 (1-G) -Consideration of an amendment to sections 9-2102 and 9-2115(c) of the Fresno Municipal Code regarding the permitted location of card room was removed from the agenda by Councilmember Maxwell, File ID 21-090 (1-J) - \*\*\*Approve 3rd Amendment to Position Authorization Resolution No. 2019-160, adding one (1) Executive Assistant full-time position to the Council City Support Division, effective January 7, 2021 was removed from the agenda by Councilmember Arias, File ID 21-082 (1-K) - Actions pertaining to adding one full-time position to Council City Support Division was removed from the agenda by Councilmember Maxwell.*

*City Clerk Spence announced that there was a Special Meeting Agenda to discuss File ID 21-122 regarding RESOLUTION - Expressing solidarity with farmers protesting the passage of farming bills in India and in support of affected members of Fresno's South Asian community.*

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

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

Council President Chavez call the Special Meeting to Order at 1:44 P.M. and returned to the Regular Council Meeting at 1:52 P.M.

## **APPROVE MINUTES**

[ID 21-009](#) Approval of minutes for December 8, 2020 Special Open and Closed Session, December 8, 2020 Special Emergency Closed Session Meeting, December 10, 2020 Regular Meeting, December 10, 2020 Special Open and Closed Session Meeting, December 10, 2020 Special Emergency Open and Closed Session Meeting, and December 31, 2020 Special Emergency Meeting.

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

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

## **CEREMONIAL PRESENTATIONS (CONTINUED)**

[ID 21-088](#) Proclamation in remembrance of LaVera Williams.

## **COUNCILMEMBER REPORTS AND COMMENTS**

*Councilmember Soria requested the meeting be adjourned in memory of Zoyer Zyndel. She thanked the new Administration and the City Manager for working with District 1 regarding the sale of the Tower Theater.*

*Councilmember Karbassi presented an outgoing gift to Council President Arias.*

*Councilmember Arias thanked his colleagues for the outgoing gift. He thanked the Major League Baseball for partnering with the City of Fresno and District 3 for providing COVID testing. He thanked the new Administration for working with District 3. He reflected on 2020 as Council President for City Council and District 3 representative. Councilmember Arias spoke regarding the recent violence that took place at the Nations Capitol. He thanked the residents for participating in the Police Reform and Parks projects.*

*Councilmember Maxwell spoke regarding the Nations Capitol and spoke*

*regarding his vision for District 4.*

*Councilmember Bredefeld spoke regarding the Nations Capitol and condemns all violence that took place in 2020.*

*Council Vice President Esparza spoke regarding the Nations Capitol*

*Council President Chavez thanked the organizations who have helped with the food distributions throughout the City of Fresno and addressed the small businesses that have closed during the pandemic. He addressed 2020 and the challenges that had to be overcome and stated he is looking forward to working with the new Administration and positive changes. He welcomed Councilmember Maxwell and Mayor Dyer.*

*Mayor Dyer spoke regarding the Nations Capitol and condemns all violence. He spoke regarding the collaboration with City Manager Esqueda and the Council and is looking forward to a great year and working with each Councilmember.*

## **1. CONSENT CALENDAR**

*Upon call, the following members addressed Council: Clint Olivier and Lisa Flores.*

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

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

**1-A**    [ID 21-002](#)    Actions pertaining to Final Map of Tract No. 6249

1. **RESOLUTION** - Approving the Final Map of Tract No. 6249, of Vesting Tentative Tract Map No. 6249, and accepting dedicated public uses offered therein except for dedications offered subject to City acceptance of developer installed required improvements - South side of East Copper Avenue between North Chestnut Avenue and North Willow Avenue (Council District 6)
2. **\*\*\*RESOLUTION** - 51st Amendment to the Annual Appropriation Resolution (AAR) No. 2020-159 to appropriate \$125,000 in

developer contributions for the Final Map of Tract No. 6249 for the acquisition of right-of-way for public street and public utility easements on the Northeast corner of Copper Avenue and Willow Avenue (Council District 6) (Requires 5 affirmative votes)(Subject to Mayor's Veto)

RESOLUTION 2021-001 ADOPTED

RESOLUTION 2021-002 ADOPTED

- 1-B [ID 21-003](#) Annual Review and Acceptance of the FY 2020 Summary of Impact Fee Waivers

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

- 1-C [ID 21-050](#) Approve Contract Change Order 18 in the amount of \$0.00 to Klassen Corporation to increase contract time by seventy-eight (78) working days for the Police Department Southeast Substation, Project ID FA00007 (Council District 5)

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

- 1-D [ID 21-071](#) RESOLUTION - Authorizing the Public Works Director to execute common use agreements of a routine nature with public utilities (Citywide)

RESOLUTION 2021-003 ADOPTED

- 1-E [ID 21-073](#) RESOLUTION - Approving the Final Map of Tract No. 6280 and accepting dedicated public uses offered therein except for dedications offered subject to City acceptance of developer installed required improvements - Southeast corner of North Polk Avenue and North Dante Avenue (Council District 2)

RESOLUTION 2021-004 ADOPTED

- 1-F [ID 21-105](#) RESOLUTION - Approving the Final Map of Tract No. 6291 and accepting dedicated public uses offered therein except for dedications offered subject to City acceptance of developer installed required improvements - West of North Fowler Avenue between East Tulare Street and Fancher Creek Drive. (Council District 5)

RESOLUTION 2021-005 ADOPTED

- 1-G [ID 21-053](#) Consideration of an amendment to sections 9-2102 and 9-2115(c) of the Fresno Municipal Code regarding the permitted location of card rooms.

**BILL No. B-59** (Intro. 12/10/2020) (For adoption) - Amending sections

9-2102 and 9-2115(c) of the Fresno Municipal Code pertaining to the permitted location of card rooms.

*The above item was removed from the agenda.*

1-H [ID 21-052](#) Approve City Attorney amended contract.

1-I [ID 21-081](#) Approve the reappointment of Daniel Galvan to the Fresno Youth Commission.

1-J [ID 21-090](#) \*\*\*Approve 3rd Amendment to Position Authorization Resolution No. 2019-160, adding one (1) Executive Assistant full-time position to the Council City Support Division, effective January 7, 2021. (Subject to Mayor's Veto)

*The above item was removed from the agenda.*

1-K [ID 21-082](#) Actions pertaining to adding one full-time position to Council City Support Division.

1. \*\*\*Approve 4th Amendment to Position Authorization Resolution No. 2020-160, adding one (1) full-time position in the Council City Support Division, effective January 7, 2021. (Subject to Mayor's Veto)
2. \*\*\*RESOLUTION - Approve Non-AAR Reallocation of \$60,000 from the City Attorney's Department/Code Section to the City Council Department, Council City Support Section. (Subject to Mayor's Veto)

*The above item was removed from the agenda.*

1-L [ID 21-095](#) \*\*\*RESOLUTION - Declaring APN 459-282-13T to be surplus and directing staff to comply with the Surplus Land Act (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-M [ID 21-100](#) \*\*\*RESOLUTION - Directing City staff and the City Attorney to negotiate and prepare a project labor agreement for citywide public work of improvement projects (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-N [ID 21-087](#) Amendment to Agreement with Economic Planning & Systems, Inc. in the Amount of \$10,230 for an Analysis of the City/County Property Tax Sharing Agreement

**JOINT MEETING OF THE CITY COUNCIL, THE CITY OF FRESNO IN ITS CAPACITY AS HOUSING SUCCESSOR TO THE REDEVELOPMENT AGENCY OF THE CITY OF FRESNO AND THE FRESNO REVITALIZATION CORPORATION**

- 1-0 [ID 21-083](#) Successor Agency to the Redevelopment Agency of the City of Fresno and Fresno Revitalization Corporation (FRC) consider adopting:
1. RESOLUTION - Approving the Recognized Obligation Payment Schedule 21-22

*SUCCESSOR AGENCY VOTE*

*Member Arias motioned to adopt the item as presented. Member Bredefeld seconded the motion. Motion PASSED 7-0.*

*SA-46 ADOPTED*

*FRESNO REVITALIZATION CORPORATION VOTE*

*Member Arias motioned to adopt the item as presented. Member Bredefeld seconded the motion. Motion PASSED 7-0, Mayor Dyer Absent.*

*FRC-19 ADOPTED*

*CITY COUNCIL VOTE*

*Councilmember Arias motioned to adopt the item as presented. Councilmember Bredefeld seconded the motion. Motion PASSED 7-0.*

*RESOLUTION 2021-008*

**CONTESTED CONSENT CALENDAR**

- 1-B [ID 21-003](#) Annual Review and Acceptance of the FY 2020 Summary of Impact Fee Waivers

*The above item was presented to Council by Director Mozier, Public Works Department. Upon call, there was no public comment.*

*Councilmember Arias asked several questions regarding fee waivers for impact fees and asked if the Administration will continue to waive the Fire and Police impact fees. City Manager Esqueda and Director Mozier responded.*

APPROVED

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

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

- 1-C**    [ID 21-050](#)    Approve Contract Change Order 18 in the amount of \$0.00 to Klassen Corporation to increase contract time by seventy-eight (78) working days for the Police Department Southeast Substation, Project ID FA00007 (Council District 5)

*The above item was presented to Council by Director Mozier, Public Works Department. Upon call, there was no public comment.*

*Councilmember Arias asked staff to explain the increase in the original contract amount and the extension of the contract working days. Director Mozier responded.*

APPROVED

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

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

- 1-L**    [ID 21-095](#)    \*\*\*RESOLUTION - Declaring APN 459-282-13T to be surplus and directing staff to comply with the Surplus Land Act (Subject to Mayor's veto)

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

*Councilmember Bredefeld asked several questions regarding the size of the parcel and the use for that property. Council Vice President Esparza responded.*

RESOLUTION 2021-006 ADOPTED

**On motion of Vice President Esparza, seconded by Councilmember**

**Bredefeld, that the above Action Item be adopted. The motion carried by the following vote:**

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

- 1-M** [ID 21-100](#) \*\*\*RESOLUTION - Directing City staff and the City Attorney to negotiate and prepare a project labor agreement for citywide public work of improvement projects (Subject to Mayor's Veto)

*The above item was introduced to Council by Councilmember Arias, District 3. Upon call, the following members of the public addressed Council: Richard Markuson, Jose Leon-Barraza, Jose Lubas, Kathryn Bremer-Baumann, Lisa Flores, Norma Villagrana, Nathan Ahle, Christina Flores, Chuck Riojas, Pablo Villagrana, Michael Lopez, Juan Rosales, Chris Smith, Nicole Goehring, and Richard Valenzuela.*

*Councilmember Bredefeld spoke regarding his concerns with a Citywide policy mandating that City Public Works projects that automatically go to a project labor agreement (PLA) and does not support the item.*

*Councilmember Karbassi spoke regarding a transparent process and asked that there be a public input process to help shape the policy and to keep the dollars local. .*

**RESOLUTION 2021-007 ADOPTED**

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

**Aye:** 6 - Chavez, Esparza, Soria, Karbassi, Arias and Maxwell

**No:** 1 - Bredefeld

## **2. SCHEDULED COUNCIL HEARINGS AND MATTERS (CONTINUED)**

**1:45 P.M.**

- [ID 21-080](#) HEARING to Consider Conditional Use Permit Application No. P20-02556 and related Environmental Assessment No. P20-01633/P20-02556 pertaining to property located at 1137 North Chestnut Avenue at the southwest corner of North Chestnut and East Olive Avenues, (Council District 7) - Planning & Development Department.

1. CONSIDER Environmental Assessment No. P20-01633/P20-02556, dated January 7, 2021, a determination that the proposed project is exempt from the California Environmental Quality Act (CEQA) through a Class 32 (In-fill Development Projects) Categorical Exemption; and,
2. DENY the appeal and UPHOLD the action of the Planning Commission to deny Conditional Use Permit Application No. P20-02556 requesting to establish a Type 20 Off-Sale Beer & Wine alcohol sales license for a proposed 7-Eleven convenience store and service station to be located at 1137 North Chestnut Avenue at the southwest corner of North Chestnut and East Olive Avenues.

*The item was called to order at 3:57 P.M. and was introduced to Council by the Applicant, Michael Singelyn. Upon call, there was no public comment.*

*Discussion was held between Councilmembers and the applicant regarding the findings and the Responsible Neighborhood Market Act (RNMA).*

*Council Vice President Esparza motioned to continue the item to January 28, 2021 at 1:45 P.M. Councilmember Arias seconded the motion.*

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

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

### **3. GENERAL ADMINISTRATION**

*There were no General Administration Items.*

### **4. CITY COUNCIL**

- 4-A**    [ID 21-113](#)    RESOLUTION - In Support of Measure P Passing by a Simple Majority Vote

*The above item was introduced to Council by Councilmember Maxwell, District 4. Upon call, the following members of the public addressed Council: Jose Leon-Barraza and Elisa Bilios.*

*Councilmember Bredefeld and Councilmember Karbassi spoke in opposition of the above item.*

*Councilmember Maxwell, Councilmember Soria, Councilmember Arias and Council Vice President Esparza spoke in support of the Resolution supporting Measure P. Council President Chavez requested staff to release the timeline to the public.*

**RESOLUTION 2021-009 ADOPTED**

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

**Aye:** 5 - Chavez, Esparza, Soria, Arias and Maxwell

**No:** 2 - Karbassi and Bredefeld

- 4-B**    [ID 21-084](#)    Workshop - Discuss Right to Counsel proposal and alternatives to provide residential tenant legal representation.

*The above workshop was presented to Council by Council Vice President Esparza, District 7. Upon call, the following members of the public addressed Council: Alexandra Alvarado, Janine Nkosi, Jessica Maldonado, Ivanka Saunders, and Amber Crowell.*

*Council President Chavez nominated Councilmember Soria, Councilmember Arias, and Council Vice President Esparza to work with the Administration and outside stakeholders to figure out a more comprehensive approach and bring it back to Council for consideration.*

**PRESENTED**

**UNSCHEDULED COMMUNICATION**

*Upon call, there was no unscheduled communication.*

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

**5. CLOSED SESSION**

*Upon call, there was no public comment and City Council recessed into Closed Session at 5:47 P.M. and returned from Closed Session at 6:31 P.M. There were no announcements made after Closed Session and the below*

*items were discussed.*

**5-A**     [ID 21-036](#)

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

Case Name: *City of Fresno v. Fresno Building Healthy Communities*;  
Court of Appeal Case No.:  
F080264 & *Fresno Building Healthy Communities v. City of Fresno*;  
Court of Appeal Case No.: F080265 (PARCS Department)

**5-B**     [ID 21-114](#)

CONFERENCE WITH LEGAL COUNSEL - DECIDING WHETHER TO  
INITIATE LITIGATION - Government Code Section 54956.9, subdivision  
(d)(4):

*City of Fresno v. Stephani Robinson and Robinson Realty, LLC.*

## **ADJOURNMENT**

[ID 21-089](#)     City Council Adjourns in honor of LaVera Williams and Fresno Police  
officer Angel De La Fuente

*City Council adjourned at 6:31 P.M. and in memory of LaVera Williams,  
Angel De La Fuente and Zoyer Zyndel.*