

City of Fresno

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



Meeting Minutes - Final

Thursday, April 23, 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

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

9:12 A.M. ROLL CALL

Present: 6 - President Miguel Angel Arias
Councilmember Esmeralda Z. Soria
Councilmember Mike Karbassi
President Luis Chavez
Councilmember Garry Bredefeld
Vice President Nelson Esparza

Pledge of Allegiance to the Flag

5. CLOSED SESSION

City Council opened the meeting for Closed Session at 9:16 A.M. and returned from Closed Session at 9:57 A.M.

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

- 5-A** [ID](#) CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION
[20-00490](#) Government Code Section 54956.9, subdivision (d)(1)
- Case Name: *Kevin Mahan, et al. v. City of Fresno, et al.*
Fresno Superior Court Case No.: 18CECG03292 (Police Department).
- 5-B** [ID](#) CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Government
[20-00498](#) Code Section 54956.8 Property: APN 505-080-36ST Negotiating Parties:
City Manager, Outfront Media, LLC Under Negotiations: Price and terms
of acquisition

City Council recessed at 9:57 A.M. and returned from recess at 10:10 A.M.

APPROVE AGENDA

City Council opened the meeting for regular session at 10:10 A.M.

Assistant City Clerk Parra went over the April 23, 2020 Council procedures.

City Clerk Spence announced the following changes to the agenda: File ID 20-00477 (1-A) - April 9, 2020 Regular Meeting Minutes item (1-F) File ID 20-00430 - actions pertaining to the City of Fresno Electric Vehicle

Charging Pilot Program –Comments by Councilmember Karbassi were added to the minutes, File ID 20-00465 (1-C) - Resolution of intention to establish a Community Facilities District No. 17 – the following changes were made to the Resolution of Intention: page 4, paragraph 10 has been revised to change the hearing date from June 11, 2020 at 10:00 A.M. to May 21, 2020 at 10:00 A.M.; page 6, paragraph 13 has been revised to update the voting procedure language to reflect that the matter of the special tax will be submitted to the qualified electors at an election, the time, place, and conditions of which shall be specified by a separate resolution, and in accordance with applicable law; Exhibit B, page. B-1 was revised to clarify that the services that are to be financed by the Community Facilities District (CFD) are any and all services defined by applicable law and that the services may include the costs attributable not only to a sewer lift station but also to any corresponding pressure mains, File ID 20-00495 (1-T) – Actions pertaining to Granite Park – Councilmember Karbassi was removed as a sponsor, File ID 20-00466 (10:05 A.M.) – Actions pertaining to the acquisition and removal of Billboard 68080 on a City-owned parcel, located on the east side of State Route 99, approximately one mile north of West Shaw Avenue. Changes on the second to the last paragraph of page 3, it says “Council approved the Relocation agreement on June 21, 2017” however the date should read “June 21, 2018”, File ID 20-00491 (4-A) – Resolution to reallocate funding previously allocated to the Darling relocation to efforts to combat COVID-19 and underlying health conditions in West Fresno through the Development Across West Fresno Neighborhoods Initiative. The resolution was amended on page 2, 3rd paragraph Whereas, the Mayor and Council President will collaborate with Concerned Citizens of West Fresno to develop an action plan to implement the Development Across West Fresno Neighborhoods Initiative for the Fresno City Council's consideration.

The following items were pulled by Councilmembers:

File ID 20-00493 (1-S) - Consider emergency amendment to FMC Article 5, Emergency Services Ordinance, to extend the eviction moratorium for so long as the City's declaration of local emergency is in effect (requires 5 affirmative votes). –Pulled by Councilmember Bredefeld

File ID 20-00495 (1-T) – Actions pertaining to Granite Park – was removed from the agenda.

On motion of Councilmember Soria, seconded by Councilmember Bredefeld, the above Action was approved as amended. 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](#)
[20-00464](#)

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. 44 (corner lot fronting West Herndon and Farrington Avenues) (Council District 2)

1. *****RESOLUTION** - Annexing Territory to Community Facilities District No. 9 and Authorizing the Levy of a Special Tax (Subject to Mayor's Veto)
2. *****RESOLUTION** - Calling Special Mailed-Ballot Election (Subject to Mayor's Veto)
3. *****RESOLUTION** - Declaring Election Results (Subject to Mayor's Veto)
4. *****BILL** - (For introduction and adoption) - Levying a Special Tax for the Property Tax Year 2019-2020 and Future Tax Years Within and Relating to Community Facilities District No. 9, Annexation No. 44 (Subject to Mayor's Veto)

The item was called to order at 10:22 A.M. There was no introduction to Council, no public comment and no Council discussion.

RESOLUTION 2020-085 ADOPTED

RESOLUTION 2020-086 ADOPTED

RESOLUTION 2020-087 ADOPTED

BILL 14/ORDINANCE 2020-014 ADOPTED

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

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

10:05 A.M.

[ID](#)
[20-00466](#)

Actions pertaining to the acquisition and removal of Billboard 68080 on a City-owned parcel, located on the east side of State Route 99, approximately one mile north of West Shaw Avenue, Assessor's Parcel Number 505-080-36ST, to construct a public street for the Veterans Boulevard Project (Council District 2)

1. HEARING to consider a resolution of public use and necessity for acquisition and removal of Outfront Media, LLC.'s Billboard 68080, Panel numbers "A" and "O," located on City-owned real property and right of way, APN 505-080-36ST, on the east side of State Route 99, approximately one mile north of Shaw Avenue, for the purpose of constructing a public street for the Veteran's Boulevard Project
2. ***RESOLUTION - Determining that public interest and necessity requires acquisition of a leasehold interest, tenant improvements pertaining to the real property, and all other interests related to Billboard Number 68080, Panels A and O, located on City-owned real property and right of way (APN 505-080-36ST) on the east side of State Route 99, approximately one mile north of West Shaw Avenue, owned and operated by Outfront Media, LLC, for the purpose of constructing the Veterans Boulevard Project, and authorizing eminent domain proceedings for public use and purpose (Requires 5 Affirmative Votes) (Subject to Mayor's Veto)

The item was called to order at 10:24 A.M. There was no introduction to Council, no public comment and no Council discussion.

RESOLUTION 2020-088 ADOPTED

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

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

No: 1 - Arias

CEREMONIAL PRESENTATIONS

There were no Ceremonial Presentations.

COUNCILMEMBER REPORTS AND COMMENTS

Councilmember Bredefeld stated everyone needs to continue to follow the Centers for Disease Control (CDC) guidelines in social distance, keeping themselves and their neighbors safe. He announced there was another 5.5

million people who have filed for unemployment making it 26 million residents in the Country who have filed for unemployment with 3 million of those in California. He discussed all of the issues that are occurring during this pandemic. He spoke regarding the potential layoffs for the City of Fresno and encouraged Mayor Brand to open up the non-essential small businesses, requiring them to follow the same CDC guidelines in social distancing and mentioned Los Angeles and Sacramento are reopening. Councilmember Bredefeld would like to have meetings held in the Council Chambers allowing the members of the public to attend meeting in person.

Councilmember Esparza stated the number of unemployment is 4.427 million.

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

UNSCHEDULED COMMUNICATION

Upon call, the following members addressed Council for Unscheduled Communication and Consent Calendar: Brandi Villegas, Yonas Paulos, Yenifer Gallegos, Lisa Flores, Pedro Hernandez, Madeline Harris, Jaimee Olsen, Janine Nkosi, Ivanka Saunders, Gurdeep Singh, Jessica Ramirez, Marisa Marasa, Juan Carlos Carillo, and Father Alex Gaitan.

Councilmember Karbassi addressed comments made during public comment and spoke regarding the newly formed Fresno Recovery Committee and having representation from the youth and will be talking to the Youth Commission to get their input.

Councilmember Soria requested translation services be available while using Zoom for all future meetings.

1. CONSENT CALENDAR

On motion of Councilmember Soria, seconded by Vice President Esparza, the below CONSENT CALENDAR items were approved. The motion carried by the following vote:

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

- 1-A [ID](#)
[20-00477](#) Approval of regular and special emergency minutes for April 9, 2020 and special emergency minutes for April 16, 2020.
- 1-B [ID](#)
[20-00432](#) Safer Routes to School Program (Resolution 2020-012) - 90-day check-in report regarding school related sidewalk project selections and prioritization, funding options, and buildout timelines. (Citywide)
- 1-C [ID](#)
[20-00465](#) **RESOLUTION** - Of Intention to Establish a Community Facilities District (Community Facilities District No. 17 - Sewer Lift Station Maintenance District) and to Authorize the Levy of a Special Tax; and setting the public hearing for Thursday, June 11, 2020, at 10:00 am (Annadale Commons, near the northwest corner of Annadale and Elm, Tract No. 5434, northeast corner of Temperance and McKinley Avenues) (Council Districts 3 and 4)

Hearing date and time set for May 21, 2020 at 10:00 A.M.

RESOLUTION 2020-083 ADOPTED AS AMENDED

- 1-D [ID](#)
[20-00467](#) Actions pertaining to Resolution of Intent Number 1136-D to vacate a portion of a public utility easement in North Dearing Avenue (now abandoned) between East Fir Avenue and East Herndon Avenue (Council District 6)
1. Adopt a finding of Categorical Exemption for Environmental Assessment Number P19-00141 per staffs determination, pursuant to Section 15332/Class 32 of the California Environmental Quality Act (CEQA) Guidelines
 2. Adopt Resolution of Intent Number 1136-D to vacate a portion of a public utility easement in North Dearing Avenue (now abandoned) between East Fir Avenue and East Herndon Avenue
- 1-E [ID](#)
[20-00468](#) Actions pertaining to the Melody Park Splash Pad Project (Bid File 3688) (Council District 4)
1. Adopt finding of a Categorical Exemption pursuant to Sections 15301(e)/Class 1 and 15303/Class 3 of the California Environmental Quality Act (CEQA) Guidelines
 2. Award a construction contract with American Paving Co., Fresno, CA, for \$782,282
- 1-F [ID](#)
[20-00469](#) Approve an agreement for engineering services with DeWalt Corporation of Bakersfield, California for \$389,000 plus \$30,000 as a contingency for design and construction support services for the Transformative Climate Communities (TCC) Chinatown Urban Greening Project (Council District 3)
- 1-G [ID](#)
[20-00470](#) Approve a Measure "C" Transit-Oriented Development Program Infrastructure Project Reimbursement Agreement for the Blackstone & McKinley Transit Oriented Development Project with the Corporation for

Better Housing, in the amount of \$478,000. (Council District 1)

- 1-H [ID](#)
[20-00471](#) Actions pertaining to the First Street Pavement Grind and Overlay Improvements - Bid File No. 3729 (Council District 6)
1. Adopt a finding of Categorical Exemption per staff determination, pursuant to Section 15301 (Class 1) and 15302 (Class 2) of the California Environmental Quality Act (CEQA) guidelines
 2. Award a construction contract in the amount of \$714,204 to Asphalt Design by Juan Gomez of Fresno, CA
- 1-I [ID](#)
[20-00472](#) Actions pertaining to First Street Corridor Pedestrian Signalization Upgrades - Bid File No. 3734 (Council District 3, 4, 5, 6, and 7)
1. Adopt a finding of Categorical Exemption per staff determination, pursuant to Section 15301/Class 1, 15302/Class 2, and 15303/Class 3 of the State of California Environmental Quality Act (CEQA) Guidelines
 2. Award a construction contract in the amount of \$108,640.00 to Cen-Pac Engineering of Fresno, CA, as the lowest responsive and responsible bidder for First Street Corridor Pedestrian Signalization Upgrade project
- 1-J [ID](#)
[20-00474](#) Actions pertaining to the Chestnut Avenue and Shields Avenue Traffic Signal Improvements Project Bid File No. 3660 (Council District 4)
1. Adopt a finding of Categorical Exemption per staff's determination, pursuant to Section 15301(c) and 15304 of the California Environmental Quality Act Guidelines
 2. Award a construction contract in the amount of \$457,322 to Madco Electric, Inc., of Selma, CA, as the lowest responsive and responsible bidder for the Chestnut Avenue and Shields Avenue Traffic Signal Improvements Project
- 1-K [ID](#)
[20-00476](#) Approve a consultant services agreement with Kimley-Horn and Associates, Inc., to provide professional engineering services for the Terminal East Apron Reconfiguration Project at the Fresno Yosemite International Airport in an amount not to exceed \$432,776 (Council District 4)
- 1-L [ID](#)
[20-00473](#) Reject all bids due to failure to meet required specifications for a 40' Low Floor, Long Range, Battery Electric Bus and direct staff to rebid (Bid File 9518)
- 1-M [ID](#)
[20-00478](#) Approve the award of a cooperative purchase agreement to Altec Industries, Inc., of Birmingham, Alabama, for the purchase of three Altec bucket trucks in the amount of \$530,700

- 1-N** [ID](#)
[20-00481](#) Approve the First Amendment to the Professional Consultant Services Agreement with Blair, Church & Flynn Consulting Engineers, to increase the fee amount by \$55,270 and the contingency by \$8,000, for a total amended contract amount of \$194,970; to extend the time for performance from July 31, 2020 to July 30, 2021; and to modify the scope of services for the design of the Recycled Water Extension to West Creek Village/Martin Luther King Activity Center (Council District 3 and Fresno County)
- 1-O** [ID](#)
[20-00482](#) Approve the Fourth Amendment to the Professional Consultant Services Agreement with Blair, Church, & Flynn Consulting Engineers, Inc., to extend the Agreement from August 31, 2019 to May 31, 2020, for the City of Fresno's Phase 2 Regional Transmission Mains, for the previously approved contract amount of \$3,836,191 (Council Districts 1, 3, 4, 5, and 7, County of Fresno)
- 1-P** [ID](#)
[20-00483](#) Actions pertaining to the 2017 Transformative Climate Communities (TCC) Grant and Transform Fresno Plan project regarding the Southwest Fresno Trail Project:
1. Adopt the February 2020 Southwest Fresno Green Trail Wildlife Doc. No. E202010000079, a Mitigated Negative Declaration for the proposed project pursuant to the California Environmental Quality Act (CEQA).
 2. Approve a Sub-Recipient Agreement with the City of Fresno's Department of Public Works for the Southwest Fresno Trail Project totaling \$1,978,959.
- 1-Q** [ID](#)
[20-00101](#) Proclaim April 19 -25, 2020 as National Crime Victims' Rights Week in the City of Fresno
- 1-R** [ID](#)
[20-00497](#) RESOLUTION - Of Intention to Establish the Fresno Enhanced Infrastructure Financing District to Finance the Construction, and/or Acquisition, and Maintenance of Capital Improvements; Establish a Public Financing Authority; and Authorize Certain Other Actions Related Thereto
- RESOLUTION 2020-084 ADOPTED*
- 1-S** [ID](#)
[20-00493](#) Consider emergency amendment to FMC Article 5, Emergency Services Ordinance, to extend the eviction moratorium for so long as the City's declaration of local emergency is in effect (requires 5 affirmative votes).
- The above item was pulled from Consent Calendar by Councilmember Bredefeld and moved to Contested Consent for further discussion.*
- 1-T** [ID](#)
[20-00495](#) Actions pertaining to Granite Park:
1. Approve Amended and Restated Ground Lease and Operating Agreement with Granite Park Sports Complex

2. ***RESOLUTION - Adopting the 42nd Amendment to the Annual Appropriation Resolution (AAR) No. 2019-133 reallocating \$165,000 of existing appropriations and appropriating \$38,500 to provide \$200,000 for operations at Granite Park (Requires 5 votes) (Subject to Mayor's Veto)

The above item was removed from the agenda.

- 1-U [ID](#) [20-00486](#) Approve the appointment of Lawrence Garcia to the Fresno Metropolitan Flood Control District. Approve the reappointment of Adrian Jones to the Fresno Housing Authority.

CONTESTED CONSENT CALENDAR

- 1-S [ID](#) [20-00493](#) Consider emergency amendment to FMC Article 5, Emergency Services Ordinance, to extend the eviction moratorium for so long as the City's declaration of local emergency is in effect (requires 5 affirmative votes).

The above item was introduced to Council by Councilmember Soria, District 1.

Councilmember Soria motioned to approve the item as presented. Council President Arias seconded the motion.

Councilmember Chavez requested an amended to the motion regarding section 3, replace with the language "in accordance with state law." Councilmember Soria agreed to the amendment.

Councilmember Soria requested to include in the amendment "without limitation, a mobile home tenant." Council President Arias agreed to the amendment.

Councilmember Esparza supports the proposed amendments. He addressed the 30 days stay before coming a legal tenant regarding hotel stays and requested the number of days be reduced from 30 days to 14 or 21 days. Councilmember Soria agreed to all hotel occupants.

Councilmember Esparza amended the motion to also include the reduction of the thresh hold for becoming a tenant in hotel from 30 days to 21 days. Councilmember Chavez stated lowing the thresh hold from 30 day to 21 days will potentially cause issues with Motels/Hotel turning residents away.

Councilmember Karbassi requested the reduction of the thresh hold be continued to another date for further discussion. Councilmember Esparza agreed and withdrew his amendment to the motion and would also like to include the length of time to pay back the rent by the tenants as a future discussion.

Councilmember Bredefeld asked what does "in accordance with state law" means and does not support extending the length of time to pay back rent by the tenants, causing more hardship on the landlords. He also spoke regarding the 30 day threshold on hotels.

Councilmember Soria spoke regarding her consumer report item to assist those concerns with landlords.

BILL 16/ORDINANCE 2020-016 ADOPTED AS AMENDED

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

3. GENERAL ADMINISTRATION

There was no General Administration items.

4. CITY COUNCIL

- 4-A** [ID](#) ***RESOLUTION - To reallocate funding previously allocated to the Darling relocation to efforts to combat COVID-19 and underlying health conditions in West Fresno through the Development Across West Fresno Neighborhoods Initiative. (Subject to Mayor's Veto)

The above item was introduced to Council by Council President Arias, District 3 and residents Mary Curry and Dr. Venice Curry. Upon call, the following members of the public addressed Council: Shantay Davies-Blanch, Lisa Flores, and Milton Curry.

Councilmember Chavez stated he will only support the item if the funds were available to the Southeast, Central, Pinedale and high poverty areas.

Councilmember Esparza supports the allocation of funds as it is presented.

Councilmember Karbassi agreed with Councilmember Chavez and stated before spending money the City of Fresno needs to know where we stand financially before giving false information to residents.

Council President Arias spoke regarding the constant struggles the Southeast Fresno residents have been experiencing over the years and that this area is most vulnerable to COVID-19 due to the concentrated area.

Councilmember Chavez would like a plan to come back to include a high concentrated poverty areas.

Councilmember Soria is supportive of the item and agreed with Councilmember Chavez to looking into all areas of poverty.

Councilmember Chavez requested an amendment to the motion to bring back to Council for consideration to include all high poverty areas in the City of Fresno with additional resources and funds. Council President Arias and Councilmember Soria agreed to the amendment.

Councilmember Karbassi requested a friendly amendment to the motion to include the language contingent upon the provisions of the federal money. After discussion the amendment was not included.

Council Vice President Caprioglio will support the item so long as all areas including District 4 will be looked into and are equally addressed.

RESOLUTION 2020-089 ADOPTED AS AMENDED

On motion of President Arias, seconded by Councilmember Soria, 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

City Council recessed for lunch at 12:50 P.M. and returned from lunch at 2:05 P.M.

4-B [ID](#) Update by Administration on Federal and State COVID19 funding.
[20-00513](#)

The above item was introduced to Council by Councilmember Soria, District 1 and Assistant City Manager Sumpter, City Manager's Office, Director Lima, Finance Department.

Assistant City Manager Sumpter gave an overview of the current budget and the loss of revenue due to COVID-19 and what a five year forecast may look like in the future. Director Lima discussed the list of relief funds that the City of Fresno received and will be applying for.

Councilmember Esparza asked for clarification on the numbers. Assistant City Manger Sumpter responded there will be a \$7 million short fall for the rest of the Fiscal Year, making that 5% of the General Fund.

Councilmember Bredefeld spoke regarding the decrease in Measure C and Senate Bill1. He discussed the reserves being depleted very quickly and stated people may get laid off or furloughed. He also discussed businesses that are closed and deemed non-essential where other cities have the same businesses open. He would like all businesses to open up.

Councilmember Chavez would like to get a summary of all of the pots of money and have them broken down and what eligible items are available for reimbursements. He would also like a breakdown of the State funds. He asked the City Manager's Office about possible layoffs. City Manager Quan responded what other cities were doing in regards to furloughs and stated the Administration will be working with Personnel Director Cardell regarding opened positions to determine if the jobs are essential and they will be speaking with various labor units to determine what furloughs and layoffs may look like. She will provide Council with a memo sometime next week.

Councilmember Karbassi asked about the impact this will have on the City of Fresno residents.He addressed his concerns about the shortfall, layoffs, and furloughs. He asked if there is any way we could use any of the CARES Act to build up our reserves. Finance Director Lima responded no.

Councilmember Soria requested a list of the expenses that were incurred so

the Council could see what kind of expenses were made. She asked if there was a timeframe to expend the dollars for Community Development Block Grant (CDBG) and other funds. Director Lima responded.

Council President Arias spoke regarding the reserves and \$39 million shortfall for Fiscal Year 2020 and 2021. He asked if the Administration was looking at cutting funds from shotspotter, salary raises, and if the Administration has made decisions to freeze salary raises whether it is merit or required by contracts. Assistant City Manager Sumpter stated that it would need a meet and confer if labor units are involved. Council President Arias asked if the Administration was doing anything to slow spending and requested a list or a memo of positions that are essential and would like the Administration to look at future hiring, salary increases and promotions before laying employees off. He stated the money from COVID-19 should be spent to support the City of Fresno residents and small business.

eComments

[ID](#) eComments received for the Regular Session Meeting.
[20-00573](#)

ADJOURNMENT

City Council adjourned at 3:21 P.M.