



City of Fresno

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

Meeting Minutes - Draft 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

Thursday, March 5, 2020

9:00 AM

Council Chambers

Regular Meeting

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

9:00 A.M. ROLL CALL

Councilmember Chavez was absent during roll call and joined the meeting at 9:23 A.M.

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 Lewis of the First Missionary Baptist Church.

Pledge of Allegiance to the Flag

APPROVE AGENDA

*City Clerk Spence announced the following changes to the agenda: Revised Agenda removed the time of 1:30 P.M. for the Closed Session items, File ID 20-0013 - Proclamation of "Womens History Month" was removed from the agenda by staff, File ID 20-00320 (1-N) - *** Resolution authorizing*

dissolution of the Capital Project Oversight Board of the City of Fresno and rescinding Resolutions Nos. 2015-34 and 2015-82 (Subject to Mayor's veto) was removed from the agenda by staff, File ID 20-00324 (1-L) - Approve first amendment to the Exclusive Negotiation Agreement by and between the City of Fresno and Tutelian & Company, Inc., was removed from the agenda, File ID 20-00298 (1-K) - Resolution declaring Pride Park (APN 467-29-205T), Belmont/Dewitt (APN 456-030-34T) and 735 H Street (APN 467-040-23ST) to be surplus and directing staff to comply with the Surplus Land Act -adding parking lot 2 to the Surplus Land Act.

City Manager Quan asked why parking lot 2 was being declared as surplus. Council President Arias responded.

Councilmember Bredefeld motioned to keep File ID 20-00324 (1-L) - Approve first amendment to the Exclusive Negotiation Agreement by and between the City of Fresno and Tutelian & Company, Inc. on the agenda for discussion and consideration. Council Vice President Caprioglio seconded the motion. Motion PASSED 6-0, Councilmember Chavez absent.

Councilmember Karbassi and Council President Arias recognized the SPCA pet of the month.

On motion of Vice President Caprioglio, seconded by President Arias, that the above be adopted as amended. The motion carried by the following vote:

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

Absent: 1 - Chavez

CEREMONIAL PRESENTATIONS

The following Ceremonial items were presented.

[ID 20-00250](#) Proclamation of "National Agriculture Day"

[ID 20-0013](#) Proclamation of "Womens History Month"

The above item was removed from the agenda by staff.

[ID](#) Proclamation recognizing International Women's Day Sikh 2020
[20-00162](#)

[ID](#) Proclamation of "Rogue Festival Week"
[20-00268](#)

COUNCILMEMBER REPORTS AND COMMENTS

Council Vice President Caprioglio attended the Support Blue run on Saturday, February 29, 2020 at Woodward Park. He congratulated Fresno State's Maddi Utti for being named Mountain West Player of the Year and Haley Cavinder for being named Mountain West Freshman of the Year. He also congratulated Fresno State's Debbie Astone on receiving the Haak Award from Fresno Compact.

Councilmember Esparza announced Monday, March 2, 2020 was Read Across America Day. He stated he read to students at Burroughs Elementary and Leavenworth Elementary. He thanked City staff for facilitating the Tree Planting event, on Saturday, February 29, 2020.

Councilmember Soria announced on Monday, March 9, 2020 she will be holding her 6th Annual Fresno Women Leading the Way Celebration a celebration of Women's History Month. Also on Monday, March 9, 2020 there will be a ground breaking for Fire Station 18.

Council President Arias announced that the City Clerk has implemented a new Electronic Request to Speak system and asked the members of the public if they wished to speak on an item on the agenda to do so electronically.

Councilmember Chavez joined the meeting at 9:23 A.M.

1. CONSENT CALENDAR

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

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

- 1-A [ID](#) [20-00279](#) Approval of the February 27, 2020 City Council minutes
- 1-B [ID](#) [20-0025](#) 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).

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

- 1-C [ID](#) [20-00280](#)

RESOLUTION 2020-038 ADOPTED

- 1-D [ID](#) [20-00217](#) Actions pertaining to Blackstone Avenue-Friant Road Corridor Intelligent Transportation System (ITS) Adaptive Project (from McKinley to Shepherd Avenues) - Bid File No. 3712 (Council Districts 2, 4, 6 and 7)
1. Adopt a finding of Categorical Exemption per staff's determination, pursuant to Section 15301(c) Class 1 of the California Environmental Quality Act Guidelines (CEQA)
 2. Award a construction contract in the amount of \$1,776,613 to Audeamus Inc., dba Sebastian of Fresno, CA, as the lowest responsive and responsible bidder for the Blackstone Avenue-Friant Road Corridor ITS Adaptive Project (from McKinley to Shepherd Avenues)
- 1-E [ID](#) [20-00233](#) Annual update of the Traffic Operations and Planning Division lists for new traffic signal installations and traffic signal left turn phasing modifications. (Citywide)

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

- 1-F [ID](#) [20-00258](#) Approve an agreement for Professional Engineering Services with Mark Thomas & Company, Inc. for \$192,338 with a \$10,000 contingency for design and construction support services for the Ashlan Avenue Widening Project between Polk Avenue and Cornelia Avenue (Council District 1)
- 1-G [ID](#) [20-00260](#) ***RESOLUTION - 29th Amendment to the Annual Appropriation Resolution (AAR) No 2019-133 to appropriate \$85,000 for the Trail

Network Wayfinding Plan Project (Citywide) (Subject to Mayor's veto)
(Requires 5 affirmative votes)

RESOLUTION 2020-039 ADOPTED

- 1-H** [ID](#) Actions pertaining to the South Van Ness Industrial Area Roadway and
[20-00261](#) Utilities Infrastructure Improvement Project (Project) - Bid File No. 3662
(Council Districts 3 and 5)
1. Adopt a finding of Categorical Exemption per staff determination, pursuant to Sections 15301/Class 1, 15302/Class 2, 15303/Class 3 and 15304/Class 4 of the California Environmental Quality Act guidelines
 2. Award a construction contract in the amount of \$3,290,000.00 to Doug Ross, Inc., dba Central Valley Asphalt of Fresno, California

- 1-I** [ID](#) Actions pertaining to the Veterans Boulevard Grade Separation Project
[20-00288](#) (Council District 2):
1. RESOLUTION - Adopting findings pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15091 and 15093 as required by CEQA Guidelines Section 15096
 2. Approve First Amendment to Reimbursement Agreement No. HSR 16-57 with the California High Speed Rail Authority (CHSRA), to increase the agreement amount by \$1,845,500 for a total of \$29,845,500
 3. ***RESOLUTION - 31st Amendment to the Annual Appropriation Resolution No. 2019-133 appropriating \$1,534,500 for the Veterans Boulevard Grade Separation Project (Requires 5 affirmative votes) (Subject to Mayor's veto)
 4. Approve an agreement for Construction Inspection Services with Ghirardelli Associates for \$582,044.15 plus a \$29,000.00 contingency
 5. Award a Construction Contract in the amount of \$20,038,376.39 to Granite Construction Company, of Fresno, California, as the lowest responsive and responsible bidder

RESOLUTION 2020-040 ADOPTED

RESOLUTION 2020-041 ADOPTED

- 1-J** [ID](#) Approve an agreement for professional engineering services with WRT,
[20-00291](#) Inc. of San Francisco, California for \$357,000, plus a \$35,700 contingency,
for design and construction support services for the Mariposa Plaza
Project (Council District 3)

- 1-K** [ID](#) RESOLUTION - Declaring Pride Park (APN 467-29-205T), Belmont/Dewitt
[20-00298](#) (APN 456-030-34T) and 735 H Street (APN 467-040-23ST) 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-L [ID 20-00324](#) APPROVE - First Amendment to the Exclusive Negotiation Agreement by and between the City of Fresno and Tutelian & Company, Inc.

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

- 1-M [ID 20-0064](#) RESOLUTION - To Adopt an Updated Appointment Process for City of Fresno Boards and Commissions

RESOLUTION 2020-043 ADOPTED

- 1-N [ID 20-00320](#) ***RESOLUTION - Authorizing Dissolution of the Capital Project Oversight Board of the City of Fresno and rescinding Resolutions Nos. 2015-34 and 2015-82 (Subject to Mayor's Veto)

The above item was removed from the agenda by staff.

- 1-O [ID 20-00321](#) Reject all bids for a Services Agreement for weeds and public nuisance abatement. (Bid File 9522)

- 1-P [ID 20-00327](#) RESOLUTION - Allowing Deferral of Mandatory Sewer Connection for Seven Residential Parcels Located at North Temperance and East Clinton Avenues (Council District 4)

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

CONTESTED CONSENT CALENDAR

- 1-B [ID 20-0025](#) 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).

The above item was introduced to Council by Chief Donis, Fire Department.

Upon call, the following members addressed Council: Adam Hagans, Jennifer Schnell, Mike Prandini, Sheldon Schlesinger and Oliver Germond.

Discussion was held between Councilmembers and Chief Donis, Fire Department.

Councilmember Soria motioned to approve the recommendation and to make sure that the funds stay within the Fire Department to address the needs and directed the Administration to apply for a Staffing for Adequate Fire and Emergency Response (SAFER) Grant to build the capacity of the Fire Department and increase the minimum daily staffing and decrease the response time. Council President Arias seconded the motion.

Councilmember Bredefeld asked that the item be continued to a later date and to pay for a Time and Motion study that will come up with efficiency that might reduce some fees with a more current fee study. He stated he does not support tripling fees based on a study that is nine years old, tripling the nonprofits booths, and does not support putting the \$2 Million back into the General Fund and not into the Fire Department.

City Manager Quan recommended that Council approve staff's recommendation with the ability to come back with a more comprehensive study within the calendar year and asked that the revenue not be kept in the Fire Department but to put it back into the General Fund.

Councilmember Esparza stated he does support the proposed fee schedule as presented and agrees that the revenue should stay within the Fire Department.

Council Vice President Caprioglio proposed the fees go directly into the Fire Department's budget and that the General Fund dollars come back out of the Fire Department budget to balance out equally. City Manager Quan responded.

Councilmember Karbassi motioned to table the item to March 19, 2020. Council Vice President Caprioglio seconded the motion.

Council President Arias asked City Attorney Sloan if there is a reason why Council cannot impose a fee on the wholesaler if the nexus study determines there is a cost to provide any service for their products. City

Attorney Sloan stated there will need to be a fee study.

On motion of Councilmember Karbassi, seconded by Vice President Caprioglio, that the above Action Item be continued to April 9, 2020.

The motion carried by the following vote:

Aye: 4 - Caprioglio, Karbassi, Chavez and Bredefeld

No: 3 - Arias, Soria and Esparza

- 1-E** [ID](#) Annual update of the Traffic Operations and Planning Division lists for new traffic signal installations and traffic signal left turn phasing modifications. (Citywide)
[20-00233](#)

The above item was introduced to Council by Licensed Engineer Gormley, Public Works Department. Upon call, there was no public comment.

Discussion held.

Councilmember Esparza directed staff to look into the left turning signal off Clinton and Millbrook.

APPROVED

On motion of Councilmember Esparza, seconded by Councilmember Karbassi, 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-P** [ID](#) RESOLUTION - Allowing Deferral of Mandatory Sewer Connection for Seven Residential Parcels Located at North Temperance and East Clinton Avenues (Council District 4)
[20-00327](#)

The above item was introduced to Council by Assistant Director Benelli, Public Works Department. Upon call, there was no public comment.

Discussion was held between Councilmembers and Assistant Director Benelli Public Works Department.

Councilmember Esparza stated he does not support the item as presented.

RESOLUTION 2020-044 ADOPTED

2. SCHEDULED COUNCIL HEARINGS AND MATTERS

10:00 A.M. #1

[ID](#)
[20-00315](#)

CONTINUED 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. 107 (Final Tract Map No. 5434) (northeast corner of North Temperance and East McKinley Avenues) (Council District 4)

1. *****RESOLUTION** - to Annex Territory to Community Facilities District No. 11 and Authorizing the Levy of a Special Tax for Annexation No. 107 (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. 11, Annexation No. 107 (Subject to Mayor's Veto)

The item was called to order at 10:56 A.M. There was no introduction to Council, no public comment and no Council discussion.

RESOLUTION 2020-045 ADOPTED

RESOLUTION 2020-046 ADOPTED

RESOLUTION 2020-047 ADOPTED

BILL 7/ORDINANCE 2020-007 ADOPTED

On motion of Vice President Caprioglio, 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

10:00 A.M.#2

[ID](#)
[20-00316](#)

CONTINUED 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. 108 (Final Tract Map No. 6215) (southwest corner of North Hayes and West Gettysburg Avenues) (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. 108 (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. 11, Annexation No. 108 (Subject to Mayor's Veto)

The item was called to order at 10:57 A.M. There was no introduction to Council, no public comment and no Council discussion.

RESOLUTION 2020-048 ADOPTED

RESOLUTION 2020-049 ADOPTED

RESOLUTION 2020-050 ADOPTED

BILL 8/ORDINANCE 2020-008 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

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

UNSCHEDULED COMMUNICATION

Upon call, there was no Unscheduled Communication.

10:10 A.M. SCHEDULED COMMUNICATION

[ID](#) Appearance by George Boyadjian to discuss the re-opening of his
[20-00271](#) dispensary. (Speaker resides in District 7)

George Boyadjian appeared. Attorney Bill McPike also spoke regarding the above item.

[ID](#) Appearance by Michael Mayfield to discuss community solar in Fresno and
[20-00290](#) the status of a scoping project. (Speaker resides in District 4)

APPEARED

3. GENERAL ADMINISTRATION

There were no items on General Administration.

4. CITY COUNCIL

- 4-A [ID](#) RESOLUTION - Directing City staff to work with State Center Community
[20-00304](#) College District and other area educational institutions on a program for
discounted FAX bus passes for students

The above item was introduced to Council by Councilmember Soria, District 1 and Director Barfield, Transportation Department. Upon call, the following members of the public addressed Council: President Carole Goldsmith, Fresno City College and Yonas Paulos.

Discussion was held between Councilmembers, Director Barfield, Transportation Department and President Goldsmith, Fresno City College.

Councilmembers expressed their concerns and frustration with the decision of the Chancellor removing the \$300,000 from the budget and placing it in deferred maintenance.

Councilmember Karbassi requested Council take a break to review and possibly make changes to the language of the Resolution. The request was denied.

RESOLUTION 2020-051 ADOPTED

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

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

- 4-B [ID](#) Actions pertaining to the 2020 Census Outreach and Canvassing:
[20-00317](#)
1. Approve one or multiple contracts, not to exceed \$250,000
 2. ***RESOLUTION - Directing staff to administer and implement the terms of contracts regarding census outreach consistent with

Council direction (Subject to Mayor's veto)

Councilmember Chavez recused himself from the above item.

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

RESOLUTION 2020-052 ADOPTED

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

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

No: 1 - Bredefeld

Recused: 1 - Chavez

CONTESTED CONSENT CALENDAR (CONTINUED)

- 1-L [ID](#) APPROVE - First Amendment to the Exclusive Negotiation Agreement by
[20-00324](#) and between the City of Fresno and Tutelian & Company, Inc.

The above item was introduced to Council by Council President Arias, District 3. Upon call, the following members addressed Council: Developer Cliff Tutelian with Tutelian & Company and Eddie Clement.

Council President Arias motioned to approve the item with the following changes. Approve the extension for six month with an additional 90 days if they meet the following conditions: 1) Draft a Disposition and Development Agreement (DDA) within the term limit of the Exclusive Negotiation Agreement (ENA); 2) The City of Fresno receives a complete pro forma and proof of necessary financing availability; 3) Provide the City of Fresno a letter of interest from CVS with the essential terms of its approval to an agreement; 4) The developers address and relocate the historical artwork; 5) Indemnify the City of Fresno for any legal challenges; and 6) Parking lot 2 which is not necessary for the relocation of CVS and the housing project on the proposed parcel, would be omitted from this project and would be declared as surplus property and made available to the applicant and anyone else who wishes to bring forward a proposal to the City of Fresno. Councilmember Esparza seconded the motion.

Deputy City Manager Dodd stated that the developer would need a 12 month extension to meet all of the conditions and milestones presented today and the City Manager's Office agrees. Deputy City Manager Dodds stated the ENA includes parking lot 2 as part of the bigger vision.

Discussion was held between Councilmembers, Developer Tutelian and City Manager Quan regarding the extension for 12 or 9 months rather than six months and whether parking lot 2 should be included in the recommendation.

Councilmember Chavez recommended to omit parking lot 2 and have the developer come back within six months and if they are close to finalizing the project that the City Council will not pull the plug on the project. Council President Arias stated he is supportive of omitting parking lot 2 from the item and going to surplus.

Council President Arias modified his motion to indicate the total of nine months before it comes to Council with setting aside parking lot 2 for future discussion.

Councilmember Soria requested the Administration provide a memo to Council in six months giving a status update.

Councilmembers requested clarification on the motion and parking lot 2 being set aside for further discussion and stated they cannot support the motion if parking lot 2 is not included.

After further discussion, Councilmember Esparza withdrew his second to the motion stating if parking lot 2 was removed from the original motion he cannot support the motion. When he stated "remove" lot 2, he meant removing it from the Surplus Land Act. There was no second to the motion.

After more discussion Council President Arias made a motion to approve the item with the following changes. Approve the extension of the ENA for nine months. The developer will meet the following conditions: 1) Draft a Disposition and Development Agreement (DDA) within the term limit of the Exclusive Negotiation Agreement (ENA); 2) The City of Fresno receives a

complete pro forma and proof of necessary financing availability; 3) Provide the City of Fresno a letter of interest from CVS with the essential terms of its approval to an agreement; 4) The developers address and relocate the historical artwork; 5) Indemnify the City of Fresno for any legal challenges; and 6) Include parking lot 2 which is not necessary for the relocation of CVS and the housing project on the proposed parcel and direct staff to provide a memo to Council in six months with a status update of the project .
Councilmember Esparza seconded the motion.

APPROVED AS AMENDED

On motion of President Arias, seconded by Councilmember Esparza, that the above Action Item be approved 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 12:55 P.M. and returned from lunch at 2:00 P.M.

CLOSED SESSION

City Council recessed into Closed Session at 2:00 P.M. and returned from Closed Session at 3:09 P.M.

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

[ID](#)
[20-00325](#)

1. PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Government Code Section 54957
Title: City Clerk

2. CONFERENCE WITH LABOR NEGOTIATORS -
Government Code Section 54957.6
City Negotiator(s): Council President Miguel Arias
Unrepresented Employee: City Clerk

[ID](#)
[20-00326](#)

1. PUBLIC EMPLOYEE PERFORMANCE EVALUATION -
Government Code Section 54957
Title: City Attorney

2. CONFERENCE WITH LABOR NEGOTIATORS - Government Code

Section 54957.6

City Negotiator(s): Council President Arias; Unrepresented Employee:

City Attorney

ADJOURNMENT

City Council adjourned at 3:09 P.M.