

City of Fresno

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



Meeting Minutes - Final

Thursday, May 21, 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, City Hall on the date and time written above.

9:05 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 20-00603 (1-R) - Approval of the 2020 Management Agreement between the City of Fresno and ASM Global for the management of the Fresno Convention and Entertainment Center, is being continued to June 11, 2020, File ID 20-00645 (2:45 P.M.) - ***Approve the 48th Amendment to Annual Appropriations Resolution No. 2019-133 to Appropriate \$1,012,900 for the Purpose of Funding the Transfer of State of California COVID-19 Emergency Homeless Funding to the County of Fresno (Subject to Mayor's veto), Requires 5 Votes, and File ID 20-00487 (3-A) -***RESOLUTION - Adopting the 2020-2024 Consolidated Plan Including Citizen Participation Plan, 2020-2021 Annual Action Plan, and Analysis of Impediments to Fair Housing Choice; authorizing submission to the U.S. Department of Housing and Urban Development (HUD) for application of the Community Development Block Grant (CDBG), HOME Investment Partnerships (HOME), Emergency Solutions Grant (ESG), and Housing Opportunities for Persons with AIDS (HOPWA) Programs and authorizing the City Manager to sign all implementing documents required by HUD (Subject to Mayor's Veto), the second page of the resolution, third paragraph, should indicate that eight comments were received per staff.*

File ID 20-00628 (10:15 A.M.) - Resolution repealing all City Emergency Orders related to COVID-19, was removed from the agenda by Council Vice President Caprioglio.

Councilmember Bredefeld motioned to keep File ID 20-00628 (10:15 A.M.) - Resolution repealing all City Emergency Orders related to COVID-19 on the agenda for discussion. The motion FAILED for lack of second.

The following items were pulled from Consent Calendar and moved to Contested Consent for further discussion:

File ID 20-00630 (1-G) - Approve Contract Change Order No. 1, increasing the contract amount by \$119,500, from \$197,376 to \$316,876 for the Highway Litter Control Contract between the City of Fresno and Landscape Maintenance of America dba California Highway Adoption California Highway Adoption Co. was pulled by Council President Arias.

File ID 20-00597 (1-Q) - Actions pertaining to the Police Department's Axon Body Worn Cameras was pulled by Councilmember Esparza.

On motion of Councilmember Soria, seconded by Councilmember Esparza, the above action was adopted as amended. The motion carried by the following vote:

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

No: 1 - Bredefeld

CEREMONIAL PRESENTATIONS

There were no Ceremonial Presentations

COUNCILMEMBER REPORTS AND COMMENTS

Councilmember Soria thanked everyone that sponsored the ability to distribute face masks to the community, along with State Center Community District Trustee Annalisa Perea and she gave a big shout out to everyone working the food distribution centers. She congratulated Central Student Hodda Alazani for being the recipient of 2020 Janessa Ramirez Scholarship.

Councilmember Karbassi announced he will be giving a proclamation for "National Emergency Medical Services (EMS) Week." Council Vice President Caprioglio congratulated the Emergency Medical Services team and thanked all of them for their contribution to the City of Fresno.

Councilmember Chavez thanked the Fresno Economic Opportunities

Commission (EOC) for their partnership in delivering over 200 meals to the Southeast senior residents and he also worked with Elizabeth Arambula with Feed the Frontlines Fresno and delivered sandwiches to the first responders.

Councilmember Bredefeld spoke regarding his 10:15 A.M. Item he brought forward regarding repealing all City Emergency Orders related to COVID-19. He announced Mayor Brand will be holding a press conference later in the afternoon regarding the Emergency Orders. He stated the shelter in place is unconstitutional and that all businesses should be open and residents should not be required to wear masks. He stated all Churches and Gun stores to be opened now. He spoke regarding the growing number of unemployment and mentioned possible layoffs and furloughs the City of Fresno might have to go through. He also mentioned Mayor Brand will be delaying next years budget to October.

Councilmember Esparza announced he is seeking college students and recent graduate interns for his District 7 office to obtain public service experience.

Council President Arias expressed gratitude to Mayor Brand, Mayor Elect Dyer, Councilmembers, and all the City staff for all that they have been doing during this pandemic.

1. CONSENT CALENDAR

On motion of Vice President Caprioglio, seconded by Councilmember Chavez, 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](#) Approval of Minutes for the May 14, 2020 Regular Meeting and May 14, 2020 Special Emergency Closed Session Meeting.
[20-00620](#)
- 1-B** [ID](#) Actions related to an Aviation Land and Building Lease and Agreement with Mid-Valley Disposal, LLC.:
[20-00598](#)
1. Adopt a finding of Categorical Exemption pursuant to Section 15301 (Existing Facilities) of the California Environmental Quality

Act Guidelines

2. Approve a Lease between the City of Fresno and Mid-Valley Disposal, LLC., to operate as a Specialized Aviation Service Operator and related aviation operations at Fresno Chandler Executive Airport (Council District 3)

1-C

[ID](#)

[20-00566](#)

Actions pertaining to the Animal Control Facility Project: (Council District 4)

1. ***RESOLUTION - Declaring an urgent necessity for the preservation of life, health, property and authorizing the award of a construction contract without competitive bidding to Northstar General, Inc. (Subject to Mayor Veto)
2. Award a construction contract with Northstar General Inc., of Fresno, CA, for \$14,500,000
3. RESOLUTION - Declaring its official intent to reimburse certain expenditures from proceeds of indebtedness for expenses incurred related to the construction of the Animal Control Facility, in an amount not exceeding \$20 million (Requires 5 votes)
4. ***RESOLUTION - the 44th Amendment to Annual Appropriations Resolution No. 2019-133 appropriating \$15,029,800 for construction of the new Animal Control Facility Project (Subject to Mayor Veto's) (Requires 5 votes)
5. Approve Inter-fund Loan Agreement from the Water Enterprise Fund, for the Animal Control Facility Construction, pursuant to Article VI of the City of Fresno Reserve Management Act and Article IV of the Taxpayer Protection Act, providing a cumulative \$18,543,000 loan

RESOLUTION 2020-107 ADOPTED

RESOLUTION 2020-108 ADOPTED

RESOLUTION 2020-109 ADOPTED

1-D

[ID](#)

[20-00567](#)

Approve an agreement for consultant services with SWCA Environmental Consultants of San Luis Obispo, California, in the amount of \$73,939, for the preparation of environmental studies and technical memos for the Polk Avenue Widening Project (Council District 1).

1-E

[ID](#)

[20-00589](#)

Actions pertaining to Resolution of Intent Number 1137-D to vacate a portion of Mono Street and a portion of the R Street and S Street alley, east of R Street (Council District 3)

1. Adopt a finding of Categorical Exemption for Environmental Assessment Number P19-02935 per staffs determination, pursuant to Section 15301/Class 1 and Section 15303/Class 3 of the California Environmental Quality Act (CEQA) Guidelines
2. Adopt Resolution of Intent Number 1137-D to vacate a portion of Mono Street and a portion of the R-S alley, east of R Street

- 1-F [ID](#)
[20-00590](#) Actions pertaining to the summary vacation of a portion of North Parkway Drive and a pedestrian easement south of West Weldon Avenue (Council District 3)
1. Adopt a finding of Categorical Exemption per staff determination, pursuant to Section 15301(c)/Class 1 of the California Environmental Quality Act (CEQA) Guidelines, Environmental Assessment Number PW12149
 2. ***RESOLUTION - Ordering the summary vacation of a portion of North Parkway Drive and a pedestrian easement south of West Weldon Avenue (Subject to Mayor's Veto)

RESOLUTION 2020-110 ADOPTED

- 1-G [ID](#)
[20-00630](#) Approve Contract Change Order No. 1, increasing the contract amount by \$119,500, from \$197,376 to \$316,876 for the Highway Litter Control Contract between the City of Fresno and Landscape Maintenance of America dba California Highway Adoption California Highway Adoption Co.

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

- 1-H [ID](#)
[20-00576](#) Approve the award of a purchase contract to Ruckstell Sales of Fresno, California, for the purchase of one 520 Peterbilt rear-loading refuse truck in the amount of \$304,900
- 1-I [ID](#)
[20-00578](#) Approve the award of a purchase contract to Pape Kenworth of Fresno, California, for the purchase of two Kenworth T370 water trucks in the amount of \$286,830
- 1-J [ID](#)
[20-00579](#) Approve the award of a cooperative purchase agreement to Quinn Company of Fresno, California, for the purchase of one Caterpillar 914M wheel loader in the amount of \$146,610
- 1-K [ID](#)
[20-00600](#) ***RESOLUTION - Approval and implementation of the Public Transit Agency Safety Plan as required by the Federal Transit Administration (Subject to Mayor's Veto)

RESOLUTION 2020-111 ADOPTED

- 1-L [ID](#)
[20-00601](#) Approve the consultant agreement with Element Markets, a Texas based Limited Liability Company, for the supply of Renewable Natural Gas and Management of Low Carbon Fuel Standard and Renewable Identification Number credits (Proposal No. 9509)

- 1-M [ID](#)
[20-00607](#) Approve a Second Amendment to the Consultant Services Agreement between the City of Fresno and Quad Knopf, Inc., to prepare an Environmental Impact Report evaluating the proposed regulation and permitting of commercial cannabis activities not to exceed the amount of \$300,000.
- 1-N [ID](#)
[20-00596](#) Award a Construction Contract to Zim Industries, Inc., in the amount of \$442,519 to drill and construct a new production well at Pump Station 28A, located at 505 West Olive Avenue (Bid File 3707) (Council District 3)
- 1-O [ID](#)
[20-00602](#) Approve the First Amendment to the Professional Consultant Services Agreement with Jacobs Engineering Group, Inc., to extend the work completion date from November 1, 2019 to June 1, 2020, to provide a condition assessment of capital equipment and components at the Fresno-Clovis Regional Wastewater Reclamation Facility and Sewer Lift Stations, for a previously approved contract amount of \$245,606. (Citywide)
- 1-P [ID](#)
[20-00605](#) Actions pertaining to Water Main Replacement in Congo Alley between Fresno Street and Merced Street (Bid File 3696) (Council District 3):
1. Adopt a finding of Categorical Exemption per staff determination, pursuant to Section 15301 (Existing Facilities) and Section 15302 (Replacement or Reconstruction) of the California Environmental Quality Act.
 2. Award a construction contract to West Valley Construction Company, Inc., in the amount of \$309,670
- 1-Q [ID](#)
[20-00597](#) Actions pertaining to the Police Department's Axon Body Worn Cameras
1. Award a sole source contract in the amount of \$839,900 for the first year and \$788,500 per year for the remaining four years, for the maintenance and upgrade of 556 Taser X26P conducted energy weapons (CEW's, also known as "TASERS"), 556 Flex 2 body-worn video cameras, and unlimited video storage through TASER's Evidence.com storage service.
 2. ***RESOLUTION - Adopt a Resolution authorizing the establishment of a contract for the purchase and service of body-worn cameras, data storage, and conducted electrical weapons with Axon International, Inc. without advertised competitive bidding (Subject to Mayor's Veto)

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

- 1-R [ID](#) [20-00603](#) Approval of the 2020 Management Agreement between the City of Fresno and ASM Global for the management of the Fresno Convention and Entertainment Center

The above item was continued to June 11, 2020

- 1-S [ID](#) [20-00623](#) Approve the reappointment of Kristi Lawrence to the Fresno Mosquito Abatement District.

CONTESTED CONSENT CALENDAR

- 1-G [ID](#) [20-00630](#) Approve Contract Change Order No. 1, increasing the contract amount by \$119,500, from \$197,376 to \$316,876 for the Highway Litter Control Contract between the City of Fresno and Landscape Maintenance of America dba California Highway Adoption California Highway Adoption Co.

Council President Arias motioned to approve the item with direction to staff to come back with a proposal to clean up the litter on Golden State more frequently. Councilmember Karbassi seconded the motion.

Discussion was held between Councilmembers and Director Mozier regarding prevailing wages, man hours, how time is being tracked and how many local people were employed through the contract.

Council Vice President Caprioglio spoke regarding the Federal order of the relocation of homeless individuals from freeways for the health and safety of the person. City Attorney Sloan will be looking into the order and will follow up with Council.

APPROVED AS DIRECTED TO STAFF

On motion of President Arias, 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-Q [ID](#) [20-00597](#) Actions pertaining to the Police Department's Axon Body Worn Cameras
1. Award a sole source contract in the amount of \$839,900 for the first year and \$788,500 per year for the remaining four years, for the maintenance and upgrade of 556 Taser X26P conducted energy

weapons (CEW's, also known as "TASERS"), 556 Flex 2 body-worn video cameras, and unlimited video storage through TASER's Evidence.com storage service.

2. ***RESOLUTION - Adopt a Resolution authorizing the establishment of a contract for the purchase and service of body-worn cameras, data storage, and conducted electrical weapons with Axon International, Inc. without advertised competitive bidding (Subject to Mayor's Veto)

Discussion was held between Councilmembers and Chief Hall regarding updating the equipment, if the cost was built into the next years budget and if there has been a reduction in lawsuits due to the body worn cameras.

RESOLUTION 2020-112 ADOPTED

On motion of Councilmember Esparza, seconded by Councilmember Soria, 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. GENERAL ADMINISTRATION

- 3-B** [ID](#) BILL - (For Introduction) Adding California Building Code Title 24 Appendix
[20-00641](#) 0104 To Section 11-102 of the Fresno Municipal Code relating to
Amendments to the California Building Code regarding Emergency
Sleeping Cabins.

Council President Arias motioned to approve the item with the following conditions: 1) No more than 2 people are allowed in the units during the COVID emergency; 2) No families with children are allowed to sleep in the temporary units; and 3) Move forward with the Santa Clara Street Improvement Plan to include the China Town area. Councilmember Chavez seconded the motion.

Upon call, the following members of the public addressed Council: Zack Darrah, Melissa Warner, Mr. Gidai, Dez Martinez, and Brandi Villages.

Discussion was held between Councilmembers and Director Clark regarding the eligibility of the temporary sleeping cabins within the whole City of Fresno, who will be paying for the sleeping cabins and what do the sleeping cabins look like and what will the units provide.

BILL 18 APPROVED, INTRODUCED AND LAID OVER

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

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

- 3-A** [ID](#) [20-00487](#) ***RESOLUTION - Adopting the 2020-2024 Consolidated Plan Including Citizen Participation Plan, 2020-2021 Annual Action Plan, and Analysis of Impediments to Fair Housing Choice; authorizing submission to the U.S. Department of Housing and Urban Development (HUD) for application of the Community Development Block Grant (CDBG), HOME Investment Partnerships (HOME), Emergency Solutions Grant (ESG), and Housing Opportunities for Persons with AIDS (HOPWA) Programs and authorizing the City Manager to sign all implementing documents required by HUD (Subject to Mayor's Veto)

The above item was introduced to Council by Administrative Manager Jenks, Planning and Development Department. Upon call the following members of the public addressed Council: Ivanka Saunders, Grecia Elenes, Brandi Villegas and Dez Martinez.

Discussion was held between Councilmembers and Director Clark regarding status quo and wanting different approaches and strategies long term as it relates to affordable housing, homelessness, mental health, and domestic violence due to COVID-19.

RESOLUTION 2020-117 ADOPTED

On motion of Councilmember Karbassi, 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

2. SCHEDULED COUNCIL HEARINGS AND MATTERS

10:00 A.M. #2

[ID](#)
[20-00591](#)

HEARING to adopt Resolutions and Ordinance to Consider the Formation of a Community Facilities District (Community Facilities District No. 17 - Sewer Lift-Station Maintenance District) and Authorize the Levy of a Special Tax (Annadale Commons Development Final Tract Map No. 6187; Assessor's Parcel Number 479-270-33), near the northwest corner of Annadale and Elm; Final Tract Map No. 5434, northeast corner of Temperance and McKinley Avenues) (Council Districts 3 and 4)

1. *****RESOLUTION** - of Formation of Community Facilities District No. 17, Authorizing the Levy of a Special Tax, and Preliminarily Establishing an Appropriations Limit (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. 17 (Subject to Mayor's Veto)

The above item was called to order at 10:42 A.M. There was no introduction to Council, no Council discussion and no public comment.

RESOLUTION 2020-113 ADOPTED

RESOLUTION 2020-114 ADOPTED

RESOLUTION 2020-115 ADOPTED

BILL 19/ORDINANCE 2020-019 ADOPTED

On motion of President Arias, 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

10:10 A.M.

[ID](#)
[20-00622](#)

Hearing to consider General Plan Text Amendment Application No. P20-01529 and related Environmental Finding which proposes, in the Local Hazard Mitigation section of the Noise and Safety Element of the General Plan, to delete an outdated adoption date of the Fresno County Multi-Jurisdictional Hazard Mitigation Plan and City of Fresno Local Hazard Mitigation Plan Annex consistent with the requirements of Federal and

State law, and General Plan Policy NS-6-a.

1. **ADOPT** Environmental Assessment No. P20-01529, a finding that the application is exempt from the California Environmental Quality Act (CEQA) pursuant to the “common sense” exemption set forth in CEQA Guidelines Sections 15161(b)(3) that there is no possibility that the Plan Amendment Application will have a significant effect on the environment.
2. **ADOPT RESOLUTION** - Approving the General Plan Text Amendment No. P20-01529 amending the Local Hazard Mitigation section of the Noise and Safety Element of the General Plan, as described in Exhibit A.

The above item was called to order at 10:43 A.M. The item was introduced to Council by Planning Manager Pagoulatos, Planning and Development Department. Upon call, there was no public comment.

Discussion was held between Councilmembers and Planning Manager Pagoulatos regarding the changes made to the Local Hazard Mitigation and if it had any effect and spoke regarding the environmental issues and climate adaptation, and when the revision phase will happen.

RESOLUTION 2020-116 ADOPTED

On motion of Councilmember Karbassi, seconded by Councilmember Esparza, 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. #1

[ID](#) WORKSHOP - Parking Financial and Operational Analysis and Parking
[20-00496](#) Authority Feasibility Study

The above item was presented to Council by Deputy City Manager Gaffery, City Manager's Office and Chrissy Mancini with Walker Consultants.

PRESENTED

10:15 A.M.

[ID](#) RESOLUTION - Repealing all City Emergency Orders related to COVID-19
[20-00628](#)

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

2:45 P.M.

[ID
20-00645](#)

***Approve the 48th Amendment to Annual Appropriations Resolution No. 2019-133 to appropriate \$1,012,900 for the Purpose of Funding the Transfer of State of California COVID-19 Emergency Homeless Funding to the County of Fresno (Requires 5 Votes) (Subject to Mayor's veto)

The above item was removed from regular session and added to the special emergency closed and open session meeting.

4. CITY COUNCIL

There was no City Council items.

5. CLOSED SESSION

There was no Closed Session Items.

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

UNSCHEDULED COMMUNICATION

Members of the public addressed Council during Consent Calendar.

eComments

[ID
20-00696](#)

eComments received for the Regular Session Meeting.

ADJOURNMENT

City Council adjourned the regular meeting at 11:06 A.M.