

# **City of Fresno**

*2600 Fresno Street  
Fresno, CA 93721  
[www.fresno.gov](http://www.fresno.gov)*



## **Meeting Minutes - Final**

**Thursday, June 25, 2020**

**9:00 AM**

**Regular Meeting**

**Council Chambers/Electronic Meeting**

### **City Council**

***President - Miguel Angel Arias***

***Vice President - Paul Caprioglio***

***Councilmembers:***

***Esmeralda Z. Soria, Mike Karbassi, Luis Chavez, Garry Bredefeld,***

***Nelson Esparza***

***City Manager - Wilma Quan***

***City Attorney - Douglas T. Sloan***

***City Clerk - Yvonne Spence, MMC***

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

9:11 A.M. ROLL CALL

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

**Absent:** 1 - Vice President Paul Caprioglio

Pledge of Allegiance to the Flag

### **APPROVE AGENDA**

*City Clerk Spence announced the following changes to the agenda: File ID 20-00816 (1-A) – Approval of Minutes, was moved to July 16, 2020, File ID 20-00684 (1-T) –Approval of a Fourth Amendment to the Agreement entered between the City of Fresno and the Central California Society for the Prevention of Cruelty to Animals in the amount of \$5,345,000 for a one-year term beginning July 1, 2020 to June 30, 2021, the following changes were made: Page 2, first paragraph, the rest of the first sentence (that carries over from bottom of page 1) should read: ...(Renewal Term) of amounts sufficient to make payments due hereunder during the successive Renewal Term, for up to six Renewal Terms.” (not seven), Page 2, 2nd paragraph, the first sentence should read “The sixth Renewal Term may be extended by up to 90 days at a cost of \$1,350,000.” The word “sixth” was added and Exhibit B - Fee Schedule 2. the last 2 words of that paragraph (“this Agreement”) were changed to the third Amendment, File ID 20-00842 (1-U) - \*\*\*Resolution limiting the filling of positions, raises, and promotions, was removed from the agenda by Council President Arias, File ID 20-00847 (1-X) – Resolution amending the Save our Small Business Act, Councilmember Karbassi was added as a sponsor and it should read "Subject to Mayor’s Veto", File ID 20-00854 (1-Y) – Bill No. 20 amending Section 9-3316 of the Fresno Municipal Code, relating to initial application process for cannabis retail business and commercial cannabis business (Subject to Mayor’s Veto), Bill number should be Bill No. 22, File ID20-00819 (1-Z) – Bill (for introduction) – Amending Section 9-2601 of the Fresno Municipal Code related to use*

*and possession of weapons was removed from the agenda by Councilmember Karbassi, File ID 20-00855 (4-B) – Resolution not to support any further annexation into the City unless and until a fair tax sharing agreement is in place, was moved to Consent Calendar by Councilmember Chavez, File ID 20-00821 (5-A) – Conference with Legal Counsel –Existing Litigation Case Name: City of Fresno v. Douglas Crasnick, Trustee of the Ehrlich Investment Trust et al., the name of the case should read “Donald Crasnick” and was removed from the agenda, and the 9:00 A.M.#3: File ID 20-00595 (A), File ID 20-00774 (B), File ID 20-00829 (C), File ID 20-00825 (D), File ID 20-00826 (E) and File ID 20-00827 (F) regarding the budget was removed from the agenda and continued to June 30, 2020 at 9:00 A.M.*

*Councilmember Soria requested File ID 20-00778 (10:00 A.M.) - Hearing to consider Annexation Application No. P19-00239, Plan Amendment/Rezone Application No. P19-02237, Vesting Tentative Tract Map No. 6234/UGM, and related Environmental Assessment No. T-6234/P19-02237/P19-02239, for property located on the west side of North Hayes Avenue between West Ashlan and West Shields Avenues, be removed from the agenda and continued to July 16, 2020 at 10:00 A.M.*

*The following items were pulled from Consent Calendar and will be heard under Contested Consent for further direction.*

*1. File ID 20-00802 (1-P) – Actions pertaining to solar and energy storage projects proposed at the Fresno-Clovis Regional Wastewater Reclamation Facility, Northeast Surface Water Treatment Plant, and Southeast Surface Water Treatment Plant, was pulled by Councilmember Soria.*

*2. File ID 20-00855 (4-B) – Resolution not to support any further annexation into the City unless and until a fair tax sharing agreement is in place, was pulled by Councilmember Bredefeld.*

**On motion of Councilmember Soria, seconded by Councilmember Karbassi, the above Action were approved as amended. The motion carried by the following vote:**

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

Absent: 1 - Caprioglio

## **CEREMONIAL PRESENTATIONS**

[ID](#) Proclamation "In Recognition & Appreciation of the Fresno Police  
[20-00861](#) Department"

PRESENTED

## **COUNCILMEMBER REPORTS AND COMMENTS**

*Councilmember Chavez thanked the Fresno Center for working the Big Food Giveaway and thanked the Police Department for helping with the traffic control.*

*Councilmember Soria spoke regarding the comments made by Central Unified Trustee Richard Atkins and stated there needs to be more cultural awareness training. She thanked the residents who participated in giving their input with the proposed budget. Councilmember Soria made the following motions:*

*Councilmember Soria motioned to move the Graffiti Abatement Division from the Police Department to Code Enforcement and create a pilot program to create murals and work with local artists to deter repeated graffiti. Councilmember Esparza seconded the motion.*

*Councilmember Soria motioned to move the Violence Intervention and Community Service Unit (formerly Mayor's Gang Prevention Initiative) (3 positions and all of its funding sources) to the PARCS Department, as a stand-alone division titled, "Office of Neighborhood Safety and Community Engagement (ONCE)." ONCE will continue to work with the Police Department to have access to the Police Department Intel network. The office will also be charged with the additional programs such as Advance Peace Fresno, Youth Jobs (Make sure \$100,000 is allocated with balance of Fiscal Year 2019-2020 and \$200,000 from the Fresno Workforce Development Board along with PG&E Grant of \$20,000 is moved to this office), Youth Job Preparation, and a liaison to the Youth Commission. ONCE will continue to do service referrals, work with an advisory board, tattoo removal, residents academy, street outreach, and provide Community Based Organization & Community Partner support. Council President Arias*

*seconded the motion.*

*Councilmember Soria amended her Motion #4: Motioned to create a working group, the Homeless Taskforce, work with the Homeless Advocates, Behavioral Health and the Police Department and return to Council within 60 days with an alternative plan to respond to homeless encampments. To only use the Police Department as backup when needed. Council President Arias agreed to the amendment.*

*Councilmember Esparza spoke regarding the Emergency Order on wearing masks indoor.*

*Councilmember Soria amended her Motion #27: Motioned to transfer oversight of the 8th Council District budget and staffing to the Council President's Office. Mayor and City Manager to reimburse the 8th District budget for 1/2 of the staffing and operating expenses. Council President Arias agreed to the amendment.*

*Councilmember Soria amended her Motion #43: Motioned to identify available funding to fund feasibility study and construction of vacation and realignment of Fresno High School area at Echo and Weldon of \$100,000, and explore Community Development Block Grant (CDBG) funding as first option. Councilmember Karbassi agreed to the amendment.*

*Councilmember Soria amended her Motion #44. Motioned to If acquisition of street right away is not Community Development Block Grant (CDBG) eligible, then identify funding and fund the final engineering and acquisition of the East side of Polk Avenue widening from Gettysburg to Shaw with priority of Southeast corner of Shaw and Polk; funding should be up to \$3 million. Councilmember Karbassi agreed to the amendment.*

*Councilmember Karbassi spoke regarding the Save our Small Business Act grant and motioned to add the \$1.5 million to the City Attorney Office's base budget of approximately \$16.8 million for a total of \$18.3 million to be the City Attorney Office's budget. Council Vice President Arias seconded the motion.*

*Council President Arias amended his Motion #33. Motioned to fund \$1 million in Community Development Block Grant (CDBG) funding to restore the historic Armenian Town buildings. Councilmember Karbassi seconded the motion.*

*Council President Arias motioned to allocate \$250,000 for regular clean up of Chinatown and Santa Clara Street utilizing Homeless funds. Councilmember Soria seconded the motion.*

*Council President Arias acknowledged the inappropriate comments made by former Central Unified Trustee Richard Atkins and Madera Unified Trustee Sara Wilkins and the accountability they took by resigning.*

## **1. CONSENT CALENDAR**

*Upon call, there was no public comment.*

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

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

**Absent:** 1 - Caprioglio

- 1-A**    [ID](#)                      Approval of Minutes for the June 11, 2020 Regular and Special Emergency Open Session, June 15, 2020 Budget Meeting, June 16, 2020 Budget Meeting, and the June 18, 2020 Regular Meeting.

*The above item was continued to July 16, 2020.*

- 1-B**    [ID](#)                      BILL (For introduction) - Amendment to Article 17, Chapter 9, Section 9-1705 of Fresno Municipal Code, relating to Franchise Tow Agreements.

**BILL 23 APPROVED/INTRODUCED AND LAID OVER**

- 1-C**    [ID](#)                      Award a consulting services agreement to Intuero Consulting, Inc., of Irvine, California, in the amount of \$387,063.66 to provide consultation and expert opinion for a multiphase project to upgrade or replace the existing radio based Computer Aided Dispatch and Automated Vehicle Location system for FAX (Bid File 3645)

- 1-D**    [ID](#)                      \*\*\*RESOLUTION - Authorizing submission of funding requests to the Low Carbon Transit Operations Program for bus service operating support,

installation of solar lighting at bus stops, and the planning and design of accessibility improvements to ADA bus stops, execution of grant award documents if awarded, and execution of related Certifications and Assurances and Authorized Agent Forms (Subject to Mayor's Veto)

*RESOLUTION 2020-148 ADOPTED*

- 1-E** [ID](#)  
[20-00707](#) Authorize the Public Works Director to enter into a Cooperative Project Agreement (Agreement) in the form presented totaling \$6,000,000.00 with the Fresno County Transportation Authority (FCTA); and adopt a Statutory Environmental Exemption per Sections 21080.13(a) of the California Public Resources Code, and 15282(g) of the California Environmental Quality Act (CEQA) Guidelines for the Blackstone McKinley BNSF Grade Separation Project. (Council Districts 1 and 7)
- 1-F** [ID](#)  
[20-00770](#) Reject all bids for the Tulare Street and Q Street Traffic Signal Improvements (Council District 3)
- 1-G** [ID](#)  
[20-00771](#) Approve a substitution of a listed Subcontractor Valhalla Construction Co., for Fresno Fire Station No. 18 (Council District 1)
- 1-H** [ID](#)  
[20-00772](#) **RESOLUTION** - Approving the Final Map of Tract No. 6210 and accepting dedicated public uses offered therein - west side of North Armstrong Avenue between East Shields Avenue and East Clinton Avenue (Council District 4)

*RESOLUTION 2020-149 ADOPTED*

- 1-I** [ID](#)  
[20-00782](#) Approve an agreement for Professional Engineering Services with Toole Design Group for \$100,691 with a \$10,000 contingency for the preparation of the Travel by Trail, Fresno! Trail Network Wayfinding Plan (Citywide)
- 1-J** [ID](#)  
[20-00764](#) Actions pertaining to the City of Fresno Accela Land Management System:
1. Approve the First Amendment to the Consulting Services Agreement with Accela, Inc., effective July 1, 2020 to June 30, 2023 for a 3-year licensing renewal, implementation, and maintenance of the Accela Land Management System in the amount of \$771,920.55.
  2. Approve the Third Amendment to the Consultant Services Agreement with Byrne Software Technologies, Inc., for professional services for Accela Land Management Support. The amendment is a request to extend the contract term length to June 30, 2021 with no additional allocation of funding.

- 1-K [ID](#)  
[20-00817](#) \*\*\*RESOLUTION - Authorizing Application for, and Receipt of, Local Government Planning Support Grant Program Funds from the California State Department of Housing and Community Development and Execution of a Standard Agreement and Other Required Program Documents for a Local Early Action Planning Grant to Accelerate Housing Production in the City of Fresno (Subject to Mayor's Veto).

*RESOLUTION 2020-150 ADOPTED*

- 1-L [ID](#)  
[20-00811](#) \*\*\*RESOLUTION - Adopting Substantial Amendment 2019-04 to the 2019-2020 Annual Action Plan and Second COVID-19 Amendment to the Citizen Participation Plan to submit a request to the U.S. Department of Housing and Urban Development (HUD) to reprogram \$7.11 million HOME Investment Partnerships (HOME) and Community Development Block Grant (CDBG) funds for the development of affordable housing in areas of opportunity and authorizing the City Manager to sign all necessary implementing documents (Subject to Mayor's Veto)

*RESOLUTION 2020-151 ADOPTED*

- 1-M [ID](#)  
[20-00787](#) Actions pertaining to Lift Station 1, 13, and 14 Improvements at East Jensen Avenue, North Jackson Avenue and West Alluvial Avenue (Bid File 3717) (Council Districts 2, 3 and County of Fresno):
1. Adopt a finding of Categorical Exemption pursuant to Class 1, Section 15301 (b) and (d) (Existing Facilities) of the California Environmental Quality Act Guidelines
  2. Award a construction contract to HPS Mechanical., Inc., in the amount of \$1,317,391.69

- 1-N [ID](#)  
[20-00788](#) Actions pertaining to the rehabilitation of Digester 6 at the Fresno-Clovis Regional Wastewater Reclamation Facility (Bid File 3730) (Council Districts 3):
1. Adopt a finding of Categorical Exemption pursuant to Class 1, Section 15301 (b) and (d) (Existing Facilities) of the California Environmental Quality Act Guidelines
  2. Award a construction contract to Euro Style, in the amount of \$673,714
  3. Award a Consultant Services Agreement to Bay Area Coating Consultants, Inc., in the amount not to exceed \$72,016

- 1-O [ID](#)  
[20-00789](#) Actions pertaining to the rehabilitation of Digester 8 at the Fresno/Clovis Regional Wastewater Reclamation Facility (Bid File 3731) (Council Districts 3):
1. Adopt a finding of Categorical Exemption pursuant to Class 1, Section 15301 (b) and (d) (Existing Facilities) of the California Environmental



## Quality Act Guidelines

2. Award a construction contract to Euro Style, in the amount of \$677,554

1-P

[ID](#)  
[20-00802](#)

Actions pertaining to solar and energy storage projects proposed at the Fresno-Clovis Regional Wastewater Reclamation Facility, Northeast Surface Water Treatment Plant, and Southeast Surface Water Treatment Plant (Council Districts 3, 6, 4):

1. Adopt the following environmental documents prepared pursuant to the requirements of the California Environmental Quality Act (CEQA):
  - a. Adopt the Addendum to Mitigated Negative Declaration SCH No. 2012061089, dated June 16, 2020, prepared for the Fresno-Clovis Regional Wastewater Reclamation Facility Solar Power Project pursuant to CEQA Guidelines Sections 15162 and 15164;
  - b. Adopt the Addendum to Mitigated Negative Declaration SCH No. 2015081062, dated June 16, 2020, prepared for the Southeast Surface Water Treatment Facility Solar Power Project pursuant to CEQA Guidelines Sections 15162 and 15164;
  - c. Adopt the Addendum to Mitigated Negative Declaration SCH No. 2017041061, dated June 16, 2020, prepared for Northeast Surface Water Treatment Facility Solar Power Project pursuant to CEQA Guidelines Sections 15162 and 15164;
2. Approve the award of a cooperative purchase Energy Services Agreement-Solar with FFP BTM Solar, LLC, for the design, financing, construction, installation, operation, and maintenance of a 17,053.7 kW (DC) (estimated) solar photovoltaic system at the Fresno-Clovis Regional Wastewater Reclamation Facility and the purchase of energy generated by the system;
3. Approve the award of a cooperative purchase Energy Services Agreement-Energy Storage with FFP BTM SOLAR, LLC, for the design, financing, construction, installation, operation, and maintenance of a 2,500 kW, 4960 kWh (estimated) energy storage system at Fresno-Clovis Regional Wastewater Reclamation Facility to obtain energy demand reductions;
4. Approve the award of a cooperative purchase Energy Services Agreement-Solar with FFP BTM Solar, LLC, for the design, financing, construction, installation, operation, and maintenance of a 1,401.57 kW (DC) (estimated) solar photovoltaic system at the

- Northeast Surface Water Treatment Facility and the purchase of energy generated by the system;
5. Approve the award of a cooperative purchase Energy Services Agreement-Energy Storage with FFP BTM Solar, LLC, for the design, financing, construction, installation, operation, and maintenance of a 1,000 kW / 1,984 kWh (estimated) energy storage system at the Northeast Surface Water Treatment Facility to obtain energy demand reductions;
  6. Approve the award of a cooperative purchase Energy Services Agreement-Solar with FFP BTM Solar, LLC, for the design, financing, construction, installation, operation, and maintenance of a 1,738.3 kW (DC) (estimated) solar photovoltaic system at the Southeast Surface Water Treatment Facility and the purchase of energy generated by the system;
  7. Approve the award of a cooperative purchase Energy Services Agreement-Energy Storage with FFP BTM Solar, LLC, for the design, financing, construction, installation, operation, and maintenance of a 2,000 kW / 3,968 kWh (estimated) energy storage system at the Southeast Surface Water Treatment Facility to obtain energy demand reductions;
  8. Authorize the Director of Public Utilities or designee to execute the Energy Services Agreements and associated General Terms and Conditions on behalf of the City of Fresno;
  9. Authorize the Director of Public Utilities or designee to execute any subsequent documents, instruments, estoppel and acknowledgement certificates, etc. related to FFP BTM Solar, LLC.'s financing of the solar and energy storage systems;
  10. Authorize the Director of Public Utilities or designee to approve any changes to the Power Purchase Agreement rates and energy storage system size, up to the maximum amount authorized in the agreements;
  11. Authorize the Director of Public Utilities or designee to execute any Pacific Gas & Electric (PG&E) Interconnection Agreement required for the proposed systems.

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

1-Q

[ID](#)  
[20-00759](#)

Actions pertaining to the Fresno Fire Department's Firefighting Turnouts

1. Award a 3-year sole source contract, not to exceed \$566,900 to LN Curtis for the purchase of Globe firefighting turnouts as a sole-source provider based on unique features only available with Globe turnouts.
2. RESOLUTION - Adopt Resolution authorizing the Fire Department Chief or designee to enter into a three year contract with LN Curtis without advertised competitive bidding.

*RESOLUTION 2020-152 ADOPTED*

1-R [ID](#) [20-00818](#) Approve the appointments of Bill Hyatt and Yonas Paulos to the Disability Advisory Commission and the reappointments of Frances Reyes Acosta, Ken Elvington, Mary Beth Randall and Dr. Jenelle Pitt to the Disability Advisory Commission.

1-S [ID](#) [20-00823](#) Approve the reappointment of Stacy A. Vaillancourt to the Housing Authority Board.

*The above item PASSED 5-0, Councilmember Bredefeld recused himself from the above item and Council Vice President Caprioglio was absent.*

1-T [ID](#) [20-00684](#) Approval of a Fourth Amendment to the Agreement Entered Between the City of Fresno and the Central California Society for the Prevention of Cruelty to Animals in the Amount of \$5,345,000 for a One-Year Term Beginning July 1, 2020, to June 30, 2021.

*The above item PASSED 5-1, Councilmember Soria voted no and Council Vice President Caprioglio was absent.*

1-U [ID](#) [20-00842](#) \*\*\*RESOLUTION - Limiting the filling of positions, raises, and promotions (Subject to Mayor's Veto)

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

1-V [ID](#) [20-00822](#) \*\*\*RESOLUTION - Concerning Measure C Extension Local Transportation Purposes Pass-Through Projects and Program Funds Annual Allocation for Fiscal Year 2020-2021 (Subject to Mayor's Veto)

*RESOLUTION 2020-153 ADOPTED*

1-W [ID](#) [20-00845](#) Approve the appointment of Marty Plenert to the Friends of Fancher Creek Board.

1-X [ID](#) [20-00847](#) \*\*\*RESOLUTION - Amending the Save Our Small Business Act. (Subject to Mayor's Veto)

*RESOLUTION 2020-154 ADOPTED*

1-Y [ID](#) [20-00854](#) \*\*\*BILL No. 22 - (Intro. 6/18/2020)(For adoption) Amending Section 9-3316 of the Fresno Municipal Code, relating to initial application process for cannabis retail business and commercial cannabis business. (Subject to

Mayor's veto)

*The item PASSED 5-1, Councilmember Bredefeld voted no and Council Vice President Caprioglio was absent.*

**ORDINANCE 2020-022 ADOPTED**

- 1-Z**     [ID](#)                      BILL (for introduction) - Amending Section 9-2601 of the Fresno Municipal  
[20-00819](#)                      Code related to use and possession of weapons

*The above item was removed from the agenda by Councilmember Karbassi.*

- 4-B**     [ID](#)                      RESOLUTION - Not to support any further annexation into the City unless  
[20-00855](#)                      and until a fair tax sharing agreement is in place.

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

**CONTESTED CONSENT CALENDAR**

- 1-P**     [ID](#)  
[20-00802](#)                      Actions pertaining to solar and energy storage projects proposed at the Fresno-Clovis Regional Wastewater Reclamation Facility, Northeast Surface Water Treatment Plant, and Southeast Surface Water Treatment Plant (Council Districts 3, 6, 4):

1. Adopt the following environmental documents prepared pursuant to the requirements of the California Environmental Quality Act (CEQA):
  - a. Adopt the Addendum to Mitigated Negative Declaration SCH No. 2012061089, dated June 16, 2020, prepared for the Fresno-Clovis Regional Wastewater Reclamation Facility Solar Power Project pursuant to CEQA Guidelines Sections 15162 and 15164;
  - b. Adopt the Addendum to Mitigated Negative Declaration SCH No. 2015081062, dated June 16, 2020, prepared for the Southeast Surface Water Treatment Facility Solar Power Project pursuant to CEQA Guidelines Sections 15162 and 15164;
  - c. Adopt the Addendum to Mitigated Negative Declaration SCH No. 2017041061, dated June 16, 2020, prepared for Northeast Surface Water Treatment Facility Solar Power Project pursuant to CEQA Guidelines Sections 15162 and

15164;

2. Approve the award of a cooperative purchase Energy Services Agreement-Solar with FFP BTM Solar, LLC, for the design, financing, construction, installation, operation, and maintenance of a 17,053.7 kW (DC) (estimated) solar photovoltaic system at the Fresno-Clovis Regional Wastewater Reclamation Facility and the purchase of energy generated by the system;
3. Approve the award of a cooperative purchase Energy Services Agreement-Energy Storage with FFP BTM SOLAR, LLC, for the design, financing, construction, installation, operation, and maintenance of a 2,500 kW, 4960 kWh (estimated) energy storage system at Fresno-Clovis Regional Wastewater Reclamation Facility to obtain energy demand reductions;
4. Approve the award of a cooperative purchase Energy Services Agreement-Solar with FFP BTM Solar, LLC, for the design, financing, construction, installation, operation, and maintenance of a 1,401.57 kW (DC) (estimated) solar photovoltaic system at the Northeast Surface Water Treatment Facility and the purchase of energy generated by the system;
5. Approve the award of a cooperative purchase Energy Services Agreement-Energy Storage with FFP BTM Solar, LLC, for the design, financing, construction, installation, operation, and maintenance of a 1,000 kW / 1,984 kWh (estimated) energy storage system at the Northeast Surface Water Treatment Facility to obtain energy demand reductions;
6. Approve the award of a cooperative purchase Energy Services Agreement-Solar with FFP BTM Solar, LLC, for the design, financing, construction, installation, operation, and maintenance of a 1,738.3 kW (DC) (estimated) solar photovoltaic system at the Southeast Surface Water Treatment Facility and the purchase of energy generated by the system;
7. Approve the award of a cooperative purchase Energy Services Agreement-Energy Storage with FFP BTM Solar, LLC, for the design, financing, construction, installation, operation, and maintenance of a 2,000 kW / 3,968 kWh (estimated) energy storage system at the Southeast Surface Water Treatment Facility to obtain energy demand reductions;
8. Authorize the Director of Public Utilities or designee to execute the Energy Services Agreements and associated General Terms and Conditions on behalf of the City of Fresno;
9. Authorize the Director of Public Utilities or designee to execute any subsequent documents, instruments, estoppel and acknowledgement certificates, etc. related to FFP BTM Solar,

- LLC.'s financing of the solar and energy storage systems;
10. Authorize the Director of Public Utilities or designee to approve any changes to the Power Purchase Agreement rates and energy storage system size, up to the maximum amount authorized in the agreements;
  11. Authorize the Director of Public Utilities or designee to execute any Pacific Gas & Electric (PG&E) Interconnection Agreement required for the proposed systems.

*The above item was introduced to Council by Director Carbajal, Public Utilities Department and Division Manager Kloose, Public Works Department.*

*Councilmember Soria asked what the difference in the process was from three years ago to the current process regarding either piggyback or Request for Proposal (RFP). She expressed her concerns with the inconsistency in making the best deal for the City of Fresno. Assistant City Manager Schaad and Division Manager Kloose responded. She asked about the cost savings and if it will be a cost savings to the General Fund. Director Carbajal responded it is not General Fund cost savings. Councilmember Soria stated the the project needs to have a local workforce program and gives priority to the Fresno residents especially in disadvantage areas.*

*Councilmember Karbassi spoke regarding a letter his office received from The International Brotherhood of Electrical Workers, Local 100 (IBEW) and read the letter into the record and stated the workforce is very important for the City of Fresno.*

*Council President Arias spoke regarding the Request for Proposal (RFP), Request for Qualification (RFQ) and the Piggyback process and asked for consistency from the department when bring a project forward.*

**APPROVED**

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

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

**Absent:** 1 - Caprioglio

- 4-B** [ID](#) RESOLUTION - Not to support any further annexation into the City unless  
[20-00855](#) and until a fair tax sharing agreement is in place.

*City Clerk Spence announced page 2 of 3 of the attachment was missing from Granicus and has been uploaded on the City Clerk's website.*

*Councilmember Bredefeld spoke regarding his concerns with extending the contract for a number of year and potential litigation between the City of Fresno and the County of Fresno. Council President Arias asked City Attorney Sloan if there can be a discussion on the above item including the discussion held in Closed Session. City Attorney stated all discussions in Closed Session can not be heard in public unless Council waives those rights.*

*City Council recessed at 10:30 A.M. and returned at 10:36 A.M.*

*County Administrative Officer Jean Rousseau spoke regarding the Tax Sharing Agreement. Councilmember Bredefeld asked City Attorney Sloan if the agreement is not extended what would happen legally. City Attorney Sloan responded, once the agreement expires, annexations can still proceed with the City of Fresno and the County of Fresno should they agree on a tax sharing percentage. If the City of Fresno and the County of Fresno can not come to an agreement it will have to be negotiated on good faith. It would be a case by case basis. Councilmember Bredefeld does not agree to extending the contract for a year.*

*Councilmember Bredefeld motioned to create a Committee to work with County. The Committee would consist of, the County Administrative Officer Rousseau, two County of Fresno Supervisors, and three Councilmembers. Councilmember Soria seconded the motion.*

*Council President Arias asked to include the City Attorney's Office and the districts most impacted by the annexation. Councilmember Bredefeld and Councilmember Soria agreed to the amendment.*

*Councilmember Esparza stated he would like the agreement to continue*

*while the committee is in negotiations.*

*Councilmember Chavez spoke regarding the Nexus study report. He nominated Councilmembers Soria, Bredefeld and Council President Arias to be representatives of the Committee. City Manager Quan asked if the Mayor's office can be included.*

*Councilmember Karbassi asked that Mayor Elect Jerry Dyer be a participate in the Committee as well.*

*Councilmember Soria does not support extending the contract for a year.*

*Council President Arias addressed his frustrations with the County of Fresno regarding the South Fresno Homeless Testing Station for COVID-19, new shelter space, Clovis Agreement between the County of Fresno and City of Fresno and the lack of the County of Fresno's participations.*

*Councilmember Karbassi asked City Attorney Sloan how long will a lawsuit take, City Attorney Sloan responded and suggested that they would first enter into mediation of the current agreement which expires on August 29, 2020, then it would be a case by case basis and could take about a year for each.*

*Councilmember Bredefeld motioned to create a committee of Councilmembers, Soria, and Bredefeld, and Council President Arias to help negotiate an agreement with the City Attorney and the Mayor's Office and should the agreement expire to proceed with annexations on a case by case basis. Additionally making the Nexus study available to the public and allow the contract to expire at the end of August. Councilmember Soria seconded the motion.*

*Upon call, the following members of the public addressed Council: Lisa Flores, Mike Parandini, D'Aungillique Jackson, Dee Barns, Yenifer Gallegos-Mejia, Daniel Brannick, Brandi Villegas, and Lilia Becerril.*

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



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

**Absent:** 1 - Caprioglio

## **2. SCHEDULED COUNCIL HEARINGS AND MATTERS**

### **9:00 A.M. #3**

*The below items were continued to June 30, 2020.*

- A**     [ID](#)                \*\*\*RESOLUTION - Adopt the Fiscal Year 2021 Salary Resolution (Subject  
[20-00595](#)                to Mayor's Veto)
- B**     [ID](#)                \*\*\*RESOLUTION - To Adopt an Investment Policy for Public Funds for  
[20-00774](#)                Fiscal Year 2020-2021. (Subject to Mayor's Veto)
- C**     [ID](#)                \*\*\*RESOLUTION - Council adoption of the Fiscal Year 2020-2021 City of  
[20-00829](#)                Fresno budget including the Annual Appropriations Resolution (**Subject to  
Mayor's veto**)
- D**     [ID](#)                \*\*\*BILL - (For introduction and adoption) - Adoption of Property Tax  
[20-00825](#)                Override Ordinance (Subject to Mayor's veto)
- E**     [ID](#)                \*\*\*RESOLUTION - Adopt the FY 2021 Position Authorization Resolution  
[20-00826](#)                (**Subject to Mayor's veto**)
- F**     [ID](#)                \*\*\*RESOLUTION - FY 2021 GANN Appropriation Limit Resolution  
[20-00827](#)                (**Subject to Mayor's veto**)

### **10:00 A.M.**

[ID](#)                HEARING to consider Annexation Application No. P19-02239, Plan  
[20-00778](#)                Amendment/Rezone Application No. P19-02237, Vesting Tentative Tract  
Map No. 6234/UGM, and related Environmental Assessment No.  
T-6234/P19-02237/P19-02239, for property located on the west side of  
North Hayes Avenue between West Ashlan and West Shields Avenues  
(Council District 1) - Planning and Development Department.

1. ADOPT the finding of a Mitigated Negative Declaration as prepared for Environmental Assessment No. T-6234/P19-02237/P19-02239 dated March 13, 2020 for the proposed project pursuant to the California Environmental Quality Act (CEQA).
2. \*\*\*RESOLUTION - Approving Annexation Application No. P19-02239 proposing to initiate proceedings for the Dakota-Hayes No. 4

Reorganization to annex the ±235 acre property to the City of Fresno; and detachment from the North Central Fire Protection District and the Kings River Conservation District. (Subject to Mayor's Veto.)

3. RESOLUTION - Approving Plan Amendment Application No. P19-02237 proposing to amend the Fresno General Plan and the West Area Community Plan to change the planned land use designations for the subject property from the Low Density Residential (±1.06 acres), Medium-High Density Residential (±9.76 acres), Urban Neighborhood (±17.26 acres) and Open Space/Neighborhood Park (±5.25 acres) planned land use designations to the Medium Density Residential (±35.88 acres) land use designation.
4. BILL (For introduction and adoption) - Approving Pre-zone Application No. P19-02237 proposing to pre-zone the subject property from the Fresno County RR (*Rural Residential*) to the City of Fresno RS-3/UGM/ANX (*Single Family Residential, Low Density/Urban Growth Management/Annexed Rural Residential Transitional Overlay*), RS-5/UGM (*Residential Single Family, Urban Growth Management*), RS-5/UGM/ANX (*Residential Single Family, Medium Density/Urban Growth Management/Annexed Rural Residential Transitional Overlay*), RM-2/UGM/ANX (*Residential Multi-Family, Urban Neighborhood Density/Urban Growth Management/Annexed Rural Residential Transitional Overlay*) and OS/UGM/ANX (*Open Space/Urban Growth Management/Annexed Rural Residential Transitional Overlay*) zone districts in accordance with the Fresno General Plan and pursuant to the proposed General Plan Amendment.
5. APPROVE Vesting Tentative Tract Map No. 6234/UGM, proposing to subdivide approximately 88.1 acres of the subject property into a 486 -lot single-family residential development subject to compliance with the Conditions of Approval dated May 20, 2020, and contingent upon approval of Annexation No. P19-02239, Plan Amendment/Rezone Application No. P19-02237 and the related environmental assessment.
6. APPROVE Indemnification Agreement with Edward D. Fannuchi for indemnity related to claims arising from SB 330.

*The above item was continued by Councilmember Soria to July 16, 2020 at 10:00 A.M.*

**10:10 A.M.**

[ID](#)  
[20-00843](#)

Hearing to consider adoption of Vehicle Miles Traveled Thresholds pursuant to Senate Bill 743, which requires local jurisdictions in California to adopt such thresholds by July 1, 2020:

1. RESOLUTION - Adopting Vehicle Miles Traveled Thresholds as described in the "CEQA Guidelines for Vehicle Miles Traveled Thresholds" document dated June 18, 2020, prepared pursuant to the requirements of California Public Resources Code Section 21099, and CEQA Guidelines Sections 15064.3(b) and 15064.7
2. Direct staff to pursue a mitigation program that includes creation of a citywide mitigation bank, exchange, or other mechanism to allow more options for VMT mitigation.

*The item was called to order at 11:20 A.M. The above item was introduced to Council by Planning Manager Pagoulatos, Planning and Development Department. Upon call the following members addressed Council: Lisa Flores, Denise Rogers-Haydt, Ivanka Saunders, D'Aungillique Jackson and Grecia Elenes.*

*Discussion was held between Councilmembers and Planning Manager Pagoulatos regarding projects generating less than 500 average daily trips, why light industrial is included, will it cost more to develop homes on previous agricultural land, what the screen criteria is for the project, what the limitations of the Vehicle Miles Traveled and the impact for residents. .*

*Councilmember Karbassi made an amendment to the motion to approve staff recommendation with direction to staff to come back in six months with a draft mitigation plan, and every six months provide the council with updates on the impact on the implementation of the Vehicles Miles Traveled (VMT), as well as any recommendations to revisit the threshold and evaluate cost and the effect on cost of housing.*

*Councilmember Karbassi asked City Attorney's Office what happens if the threshold is not voted on today. Supervising Deputy City Attorney Kolluri responded.*

**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: 5 - Arias, Soria, Karbassi, Chavez and Esparza**

**No:** 1 - Bredefeld

**Absent:** 1 - Caprioglio

**9:00 A.M. #2 JOINT MEETING OF THE FRESNO REVITALIZATION CORPORATION AND CITY OF FRESNO IN ITS CAPACITY AS HOUSING SUCCESSOR TO THE REDEVELOPMENT AGENCY**

[ID 20-00757](#) Receive Annual Report and Approve FY 20-21 Program Income Budget for the City of Fresno in its capacity as Housing Successor to the Redevelopment Agency of the City of Fresno.

*There was no introduction on the above item, no Council discussion and upon call, there was no public comment.*

*Council President Arias asked that all budget motions and budget directions be posted on the City of Fresno's website.*

*APPROVED*

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

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

**Absent:** 1 - Caprioglio

**City Council recessed for lunch at 12:13 P.M. and returned from lunch at 1:35 P.M.**

**3. GENERAL ADMINISTRATION**

*There was no General Administration Items.*

**4. CITY COUNCIL**

**4-A** [ID 20-00846](#) BILL (for introduction and adoption) - Amending Section 2-514 of the Fresno Municipal Code in response to the COVID-19 pandemic (requires 5 votes)

*The above item was introduced to Council by Councilmember Esparza, District 7. Upon call, the following members of the public addressed Council: Lisa Flores and Brandi Villegas.*

*Councilmember Chavez asked questions regarding the mask requirement*

*from the State, and if this included in the Emergency Order. He asked if the call in number is with Code Enforcement or a separate additional line. He spoke regarding the outdoor requirements of wearing a mask. Councilmember Esparza responded.*

*Councilmember Bredefeld asked what are the administrative citations for violating the mask order. City Attorney Sloan responded. He asked about the reporting hot line for residents to call and complain on business and individuals who are not wearing their masks. He stated he does not support the item.*

*Councilmember Karbassi asked City Attorney Sloan if Code Enforcement has addressed complaints and if they have followed through on the complaints. City Attorney Sloan responded.*

*Councilmember Soria stated a lot of business are complying with the mask policy but business owners are having trouble enforcing individuals who choose not to follow the order and if there is any way to encourage individuals to wear the masks and that people are held accountable to not following the policy.*

*Councilmember Esparza amended his motion to include the policy applies all employers Citywide.*

*City Attorney Sloan stated the only issue is a privacy issues with other employees who may have tested positive. He stated those who receive the calls who have to stick to the policy and will train people to keep all calls confidential. City Manager Quan stated he can work with the Information Services Department to establish a new phone number.*

*Council President Arias offered a friendly amendment to the motion to use the 559-621-8400 for the call in number instead of a different number. Councilmember Esparza agreed to the amendment.*

*Councilmember Karbassi does not support the item as presented and that there are already enough measures in place to continue being safe in the community. He asked if this bill could only apply to those areas that are*

*high risk instead of across the City of Fresno. Councilmember Esparza responded.*

*Councilmember Karbassi directed the City Attorney's Office to give notice to all business owners so they are aware of the new policy.*

*BILL 24 APPROVED/INTRODUCED AND LAID OVER*

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

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

**No:** 2 - Karbassi and Bredefeld

**Absent:** 1 - Caprioglio

**\*\*\*All votes on the FY21 Budget motions are contained in "Attachment A"\*\*\***

## **9:00 A.M. #1 CONTINUED BUDGET HEARING**

[ID](#) Vote on Motions and Directions  
[20-00856](#)

*Assistant City Manager Sumpter presented the City Budget to Council. Upon call, the following members of the public addressed Council: Mr. Michael, Ivanka Saunders, Sarah Thong, James Mendez, Kimberly McCoy, Brandi Villegas, Rev. Tim Cussmart, Ome Lopez, Jonathan Fuchs, Josh Cruzat, Anthony Molina, Heather Brown, Carolina Garza De Luna, Booker T. Lewis, Kiel Lopez-Schmidt, Venise Curry, and Dez Martinez.*

*ALL VOTES ON THE FY21 BUDGET MOTIONS ARE CONTAINED IN ATTACHMENT A*

## **5. CLOSED SESSION**

5-A [ID](#)  
[20-00808](#) CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION  
Government Code Section 54956.9, subdivision (d)(1)

Case Name: *City of Fresno v. Shell Oil Company, et al.*  
San Bernardino County Superior Court Case No.:  
SCVSS120627

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(Public Utilities Department)

*The above item was continued to June 30, 2020.*

5-B

[ID](#)

[20-00821](#)

CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION;  
Government Code Section 54956.9, subdivision (d)(1)  
Case Name: City of Fresno v. Donald Crasnick, Trustee of the Ehrlich Investment Trust, et al.  
Fresno County Superior Court Case No.:17CECG02352 (Public Works Department)

*The above item was removed from the agenda.*

5-C

[ID](#)

[20-00820](#)

CONFERENCE WITH LABOR NEGOTIATORS - Government Code Section 54957.6  
City Negotiators: Jeffrey Cardell, Richard Boyd  
Employee Organizations:  
1. International Union of Operating Engineers, Stationary Engineers, Local 39 (Local 39); 2. Fresno City Employees Association (FCEA); 3. Fresno Police Officers Association (FPOA Basic); 4. International Association of Firefighters, Local 753, Unit 5 (Fire Basic); 5. Amalgamated Transit Union, Local 1027 (ATU); 6. International Brotherhood of Electrical Workers, Local 100 (IBEW); 7. Fresno Police Officers Association (FPOA Management); 8. International Association of Firefighters, Local 753, Unit 10 (Fire Management); 9. City of Fresno Professional Employees Association (CFPEA); 10. City of Fresno Management Employees Association (CFMEA); 11. Operating Engineers, Local Union No. 3, Fresno Airport Public Safety Supervisors (FAPSS); 12. Operating Engineers, Local Union No. 3, Fresno Airport Public Safety Officers (FAPSO); 13. Unrepresented Employees in Unit 2 (Non-Represented Management and Confidential Classes): Airport Public Safety Manager, Assistant City Attorney, Assistant City Manager, Assistant Controller, Assistant Director, Assistant Director of Personnel Services, Assistant Director of Public Utilities, Assistant Director of Public Works, Assistant Police Chief, Assistant Retirement Administrator, Budget Analyst, Budget Manager, Chief Assistant City Attorney, Chief Information Officer, Chief of Staff to Councilmember, Chief of Staff to the Mayor, City Attorney (City Negotiator, Council President Arias), City Attorney Investigator, City Clerk (City Negotiator, Council President Arias), City Engineer, City Manager (City Negotiator,

Mayor Brand), Community Coordinator, Community Outreach Specialist, Controller, Council Assistant, Deputy City Attorney II , Deputy City Attorney III, Deputy City Manager, Director, Director of Aviation, Director of Development, Director of Personnel Services, Director of Public Utilities, Director of Transportation, Economic Development Coordinator, Economic Development Director , Executive Assistant to Department Director, Executive Assistant to the City Attorney, Executive Assistant to the City Manager , Fire Chief, Governmental Affairs Manager, Human Resources Manager, Independent Reviewer, Internal Auditor, Investment Officer, Labor Relations Manager, Management Analyst II, Payroll Accountant, Payroll Manager, Police Chief, Principal Budget Analyst, Principal Internal Auditor, Public Affairs Officer, Public Works Director, Retirement Administrator, Retirement Benefits Manager, Senior Budget Analyst, Senior Deputy City Attorney I, Senior Deputy City Attorney II, Senior Deputy City Attorney III, Senior Human Resources/Risk Analyst , Senior Law Clerk, Supervising Deputy City Attorney

*The above item was continued to July 16, 2020.*

**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.*

**ADJOURNMENT**

*City Council adjourned at 5:20 P.M.*