

RECEIVED

Agenda Date: 11/19/2020
Council Meeting

2020 NOV 17 P 2:23

FRESNO CITY COUNCIL

CITY OF FRESNO
CITY CLERK'S OFFICE



Information Packet

ITEM(S)

File ID 20-001533 (1-A)

Approval of minutes for November 5, 2020 Regular Meeting.

Contents of Supplement: Draft Minutes for November 5, 2020.

Item(s)

Supplemental Information:

Any agenda related public documents received and distributed to a majority of the City Council after the Agenda Packet is printed are included in Supplemental Packets. Supplemental Packets are produced as needed. The Supplemental Packet is available for public inspection in the City Clerk's Office, 2600 Fresno Street, during normal business hours (main location pursuant to the Brown Act, G.C. 54957.5(2)). In addition, Supplemental Packets are available for public review at the City Council meeting in the City Council Chambers, 2600 Fresno Street. Supplemental Packets are also available on-line on the City Clerk's website.

Americans with Disabilities Act (ADA):

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, sign language interpreters, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650. Please keep the doorways, aisles and wheelchair seating areas open and accessible. If you need assistance with seating because of a disability, please see Security.

City of Fresno

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



Meeting Minutes - Draft

Thursday, November 5, 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.

9:01 A.M. ROLL CALL

Councilmember Soria was absent during roll call and joined Council at 9:09 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

Pledge of Allegiance to the Flag

APPROVE AGENDA

City Clerk Spence announced the following changes to the agenda: File ID 20-001484 (1-B) - Resolutions – Amending certain designated positions which shall be subject to the Conflict of Interest Code and defining categories of disclosure for such positions was removed from the agenda and continued to November 19, 2020, File ID 20-00001449 (10:00 A.M.) - Continued Hearing to adopt resolutions and ordinance to annex territory and levy a special tax regarding CITY OF FRESNO COMMUNITY FACILITIES DISTRICT NO. 9, Annexation No. 46 (Parcel A of Final Parcel Map No. 2019-06) (northeast corner of North First and East Nees Avenues) (Council District 6) was continued to January 28, 2021 at 10:00 A.M., File ID 20-001511 (3:00 P.M.) - Workshop - Community Report from Summit on Violence and Initial Recommendations, Councilmember Soria and Councilmember Chavez were added as sponsors. File ID 20-001508 (1-Q) - Approve City Attorney amended contract was continued to November 19, 2020, File ID 20-001453 (1-C) - Approve an amendment with Fresno County Economic Opportunities Commission for homeless employment program services, decreasing the contract amount to \$76,122, Councilmember Chavez recused himself from item.

The below items were pulled from Consent Calendar and moved to

Contested Consent for further discussion:

File ID 20-001466 (1-F) - Approve the Third Amendment to the Consultant Services Agreement with Silveira Consulting, Inc., to increase the fee amount by \$5,700 for a total amended contract amount of \$55,650; and to extend the term from June 30, 2020 to June 30, 2021, for professional labor compliance monitoring services for the Fresno-Clovis Regional Wastewater Reclamation Facility Headworks Building Odor Control Upgrade project (Council District 3) was pulled by Councilmember Soria.

File ID 20-001500 (1-G) - Approve the substantive terms of a Fifth Amendment to the Services Agreement with Orange Avenue Disposal Company, Inc., (OAD) to include three weekends in the Spring and Fall for free dump events to customers and to exercise two five-year extensions as part of the original agreement to extend the agreement duration from February 25, 2004 to February 25, 2034. (Citywide) was pulled by Council President Arias.

File ID 20-001507 (1-H) - Actions pertaining to the installation of Immaculight-Illumipure ultraviolet disinfecting fixtures at various Parks, After School, Recreation and Community Services facilities was pulled by Councilmember Karbassi.

File ID 20-00583 (1-O) - Award a contract in the amount of \$2,005,710 to IPS Group Inc. for the purchase, installation, and support of 2,000 credit card enabled parking meters (Bid File 9463) (Council District 3) was pulled by Councilmember Soria.

On motion of Vice President Caprioglio, seconded by President Arias, the above Action was approved as amended. The motion carried by the following vote:

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

Absent: 1 - Soria

COUNCILMEMBER REPORTS AND COMMENTS

Council Vice President Caprioglio thanked Councilmember Karbassi and Councilmember Chavez for the Senior Aid for Food and Resources (SAFR) Program on Sixth and Shaw. He spoke regarding the Sixth and Shaw

Community Center project and stated next Monday they will starting renovating.

Councilmember Chavez spoke regarding the ceremony for the new street naming for the late Tim Liles at Sunnyside High on Friday, November 6, 2020 at 10:00 A.M.

Councilmember Esparza thanked the community for coming out to the Alley Clean-up on Shields and Fresno. He stated Saturday, October 31, 2020, there was a trunk or treat event across from Roosevelt and he thanked all the volunteers who helped put on a safe Halloween for the community and he thanked all the residents who attended the virtual fall town hall for District 7.

Councilmember Bredefeld spoke regarding his family trip to Texas and acknowledged the clean highways, no homeless encampments, the cleanliness of parks and the low gas prices. He stated there needs to be change in City of Fresno with cleaner highways, parks and no more homeless encampments.

Councilmember Karbassi thanked everyone who participated in the November 3, 2020 Election. He stated sign-ups for the SAFR program begin every Friday at 2:00 P.M. and encourage the residents to call 559-621-SAFR or go to [Fresnocovidhelp.com/SAFR](https://fresnocovidhelp.com/SAFR) to sign up early and he thanked River Tree volunteers for cleaning up the rivers.

Councilmember Soria joined the meeting at 9:09 A.M.

Councilmember Soria announced there will be a free food distribution at Fremont Elementary on Friday, November 13, 2020 at 7:00 A.M. to 9:00 A.M. She will be hosting a community blood drive with School Trustee Annalisa Perea that same day at Gazebo Gardens from 5:00 P.M. to 8:00 P.M., the first 50 people to register for the event will be entered into a raffle for a \$250 gift card to Gazebo Gardens and she will also be providing face masks. She announced Saturday, November 21, 2020 she will be having her next community health day and turkey give away from 10:00 A.M. to 2:00 P.M. at Fresno City College. They will also be providing flue shots and

COVID testing. She mentioned on Saturday, December 5, 2020 from 10:00 A.M. to 2:00 P.M. at Fresno City College she will be having a community health and grocery distribution day. She stated there will be a tamales give away kit that will be included as part of the grocery distribution.

Council President Arias spoke regarding his trip to Phoenix Arizona and discussed the similarities with City of Fresno with regards to blight, the amount of liquor licenses, homeless encampments, etc.

CEREMONIAL PRESENTATIONS

The below Ceremonial Presentations were presented to Council.

[ID 20-0043](#) Proclamation of "Sikh Heritage Month"

[ID 20-0044](#) Proclamation of "Alzheimer's & Caregivers Month"

1. CONSENT CALENDAR

Upon call, there was no public comment.

On motion of President Arias, seconded by Councilmember Karbassi, that the below CONSENT CALENDAR items were adopted as amended. The motion carried by the following vote:

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

1-A [ID 20-001438](#) Approval of minutes for October 15, 2020 Regular Meeting, and October 20, 2020 Vote on Motion Meeting, and October 22, 2020 Regular Meeting, October 22, 2020 Special Emergency Meeting, and October 29, 2020 Special Meeting.

1-B [ID 20-001484](#) RESOLUTION - Amending certain designated positions which shall be subject to the Conflict of Interest Code and defining categories of disclosure for such positions

The above item was removed from the agenda and continued to November 19, 2020.

1-C [ID 20-001453](#) Approve an amendment with Fresno County Economic Opportunities Commission for homeless employment program services, decreasing the contract amount to \$76,122

The above item PASSED 6-0, Councilmember Chavez recused.

- 1-D [ID](#) [20-001437](#) ***RESOLUTION - Claiming funds of \$441,187.01 for stale dated (uncashed) utility customer refund checks dated December 28, 2000, through December 30, 2016, and transferring said funds from Utility Sales Clearing Fund 52502 to Water Enterprise Fund 40101, Solid Waste Operating Fund 41001, Community Sanitation Operating Fund 41501, and Wastewater Operating Fund 40501. (Subject to Mayor's Veto)

RESOLUTION 2020-288 ADOPTED

- 1-E [ID](#) [20-001465](#) Approve the First Amendment to the Consultant Services Agreement with Provost & Pritchard Consulting Group, Inc., to extend the Agreement term from August 30, 2020 to October 29, 2021, for design and construction support services on the Armstrong - Kings Canyon to Butler Water Main Replacement Project, for a previously approved contract amount of \$63,500 (Council District 5)

- 1-F [ID](#) [20-001466](#) Approve the Third Amendment to the Consultant Services Agreement with Silveira Consulting, Inc., to increase the fee amount by \$5,700 for a total amended contract amount of \$55,650; and to extend the term from June 30, 2020 to June 30, 2021, for professional labor compliance monitoring services for the Fresno-Clovis Regional Wastewater Reclamation Facility Headworks Building Odor Control Upgrade project (Council District 3)

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

- 1-G [ID](#) [20-001500](#) Approve the substantive terms of a Fifth Amendment to the Services Agreement with Orange Avenue Disposal Company, Inc., (OAD) to include three weekends in the Spring and Fall for free dump events to customers and to exercise two five-year extensions as part of the original agreement to extend the agreement duration from February 25, 2004 to February 25, 2034. (Citywide)

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

- 1-H [ID](#) [20-001507](#) Actions pertaining to the installation of Immaculight-Illumipure ultraviolet disinfecting fixtures at various Parks, After School, Recreation and Community Services facilities:
1. Adopt finding of Categorical Exemption pursuant to sections 15301(c), 15301(d) and 15301(e) of the California Environmental Quality Act Guidelines

2. Approve a change order to construction contract with Alliance Building Solutions, Inc. utilizing CARES funding in the amount of \$991,000 to provide and install 200 Immaculight-Illumipure ultraviolet disinfecting fixtures at various Parks, After School, Recreation and Community Services facility locations

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

- 1-I [ID](#) **RESOLUTION** - Of Intention to Amend Annexation Map No. 14, Final
[20-001447](#) Tract Map No. 5232, of the CITY OF FRESNO COMMUNITY FACILITIES
DISTRICT NO. 11 (northwest of the intersection of East Kings Canyon
Road and North Fowler Avenue) (Council District 5)

RESOLUTION 2020-289 ADOPTED

- 1-J [ID](#) **RESOLUTION** - Of Intention to Annex Final Tract Map No. 6291 as
[20-001448](#) Annexation No. 116 to the CITY OF FRESNO COMMUNITY FACILITIES
DISTRICT NO. 11 and to Authorize the Levy of Special Taxes; and setting
the public hearing for Thursday, December 10, 2020, at 10:05 am (west
side of North Fowler Avenue north of East Fancher Creek Drive) (Council
District 5)

RESOLUTION 2020-290 ADOPTED

- 1-K [ID](#)
[20-001451](#) Approve the Agreement for Purchase and Sale of a 24,674 square foot
Easement to facilitate the Peach Avenue Widening Project from a portion
of 2122 South Peach Avenue (APN: 481-020-47), located on the west side
of South Peach Avenue, owned in equal shares by Rose Avedisian, Martin
Dedekian, Darlene Jarvis, Robert Ohanesian, Stephen Ohanesian, and
Charlene Shuttera for \$90,000 in monetary compensation (Council District
5)

- 1-L [ID](#)
[20-001452](#) Actions pertaining to the acquisition of a 10,260 square foot street
easement to facilitate the East Central Avenue and South Orange Avenue
Intersection Improvement Project (Council District 3)
1. Adopt findings of Categorical Exemption pursuant to Sections 15301 of
the California Environmental Quality Act (CEQA) Guidelines
 2. Approve the Agreement for Purchase and Sale of an Easement and
Escrow Instructions for the acquisition of a 10,260 square foot
easement from a portion of APN 330-021-09, with 9,828 square
feet located on the northeast corner of East Central Avenue and
South Orange Avenue, and 432 square feet located on the
southeast corner of East Central Avenue and South Orange Avenue,

owned by Orange Avenue Disposal Company, Inc., a California Corporation, for \$36,000 in monetary compensation, and authorize the Public Works Director or his designee to sign all documents necessary to complete the subject acquisition

- 1-M** [ID](#)
[20-001464](#) ***RESOLUTION - Authorizing the Director of Aviation or other authorized representative to: execute all implicated documentation for pre-application and application to the Federal Aviation Administration (FAA) for Airport Improvement Program (AIP) grants for federal fiscal years 2021 and 2022 for both Fresno Yosemite International Airport (FAT) and Fresno Chandler Executive Airport (FCH), accept FAA AIP grant(s) for FY 2021 and FY 2022 projects at both airports including all subsequent amendments thereto offered by the FAA; and apply for and accept grants and all subsequent amendments thereto offered by the California Department of Transportation Aeronautics Division for matching funds for FY 2021 and 2022 FAA grants for the Fresno Chandler Executive Airport. (Requires 5 votes) (Subject to Mayor's veto)

RESOLUTION 2020-291 ADOPTED

- 1-N** [ID](#)
[20-001473](#) Approve amendment to contract between the City of Fresno and LSA Associates, Inc., for environmental consulting services for a Recirculated General Plan Program Environmental Impact Report in the amount of \$92,890.

- 1-O** [ID](#)
[20-00583](#) Award a contract in the amount of \$2,005,710 to IPS Group Inc. for the purchase, installation, and support of 2,000 credit card enabled parking meters (Bid File 9463) (Council District 3).

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

- 1-P** [ID](#)
[20-001454](#) Reject all bids for the purchase of ten Toyota Prius hybrid vehicles and staff will do a 30-day rebid (Bid File 3780)

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

- 1-Q** [ID](#)
[20-001508](#) Approve City Attorney amended contract.

The above item was continued to November 19, 2020.

- 1-R** [ID](#)
[20-001513](#) ***BILL No. 57 (Intro. 10/29/2020) (For adoption) - Repealing the Money Back Guarantee/Business Streamlining Act (Subject to Mayor's Veto)

The above item PASSED 6-1, Councilmember Bredefeld voted no.

ORDINANCE 2020-054 ADOPTED

- 1-S** [ID](#) Approve a Consultant Services Agreement with Blair Church & Flynn Consulting Engineers for legal description services in relation to the Fresno Enhanced Infrastructure Financing District in an amount not to exceed \$50,000.
[20-001512](#)
- 1-T** [ID](#) ***RESOLUTION - Amending the Housing Retention Grant Program
[20-001510](#) (Subject to Mayor's Veto)

RESOLUTION 2020-292 ADOPTED

UNSCHEDULED COMMUNICATION

Upon call, the following members of the public addressed Council: Dez Martinez and Larry Salinas.

CONTESTED CONSENT CALENDAR

- 1-G** [ID](#) Approve the substantive terms of a Fifth Amendment to the Services Agreement with Orange Avenue Disposal Company, Inc., (OAD) to include three weekends in the Spring and Fall for free dump events to customers and to exercise two five-year extensions as part of the original agreement to extend the agreement duration from February 25, 2004 to February 25, 2034. (Citywide)
[20-001500](#)

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

Council President Arias thanked the staff and contractor for including a program for the public to take their bulk items without having to pay.

*Council President Arias motioned to approve with the following conditions:
1. Council may modify the terms and conditions of the Program, including but not limited to the date, time and materials collected by the Processing Facility and 2. Council shall approve any extensions of this Agreement.
Councilmember Chavez seconded the motion.*

Councilmember Chavez asked how many of the community clean up models

will be done per year and how would the City of Fresno ensure they are City residents and not those coming from other Cities. Assistant Director Schuber responded.

Councilmember Karbassi asked staff to explain the current delay in the program. Assistant Director Schuber responded.

Councilmember Soria asked if the cost of the program is incorporated in the budget. She asked about the Litter Fund, how much is in the Litter Fund and what else can be spent from the Litter fund. Assistant Director Schuber responded.

Council President Arias suggested the staff come back to Council in six months with an update on the program and budget. Assistant City Manager Schaad stated a tray memo will go out to Council.

APPROVED

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

- 1-H** [ID](#) Actions pertaining to the installation of Immaculight-Illumipure ultraviolet
[20-001507](#) disinfecting fixtures at various Parks, After School, Recreation and
 Community Services facilities:
1. Adopt finding of Categorical Exemption pursuant to sections 15301(c), 15301(d) and 15301(e) of the California Environmental Quality Act Guidelines
 2. Approve a change order to construction contract with Alliance Building Solutions, Inc. utilizing CARES funding in the amount of \$991,000 to provide and install 200 Immaculight-Illumipure ultraviolet disinfecting fixtures at various Parks, After School, Recreation and Community Services facility locations

The above item was introduced to Council by Director Mozier, Public Works Department and Chris Fall with Alliance Business Solutions. Upon call, there was no public comment.

Councilmember Karbassi is supportive of using the technology for the Fire

and the Community Centers Facilities.

Council President Arias spoke regarding the need for the technology for the Community Centers. Assistant City Manager Schaad responded.

Council President Arias motioned to approve as amended to include the Fire Station Facilities in the amount of \$916,675.00 for the purchase of 185 UV Units. Councilmember Karbassi seconded the motion.

APPROVED AS AMENDED

On motion of President Arias, seconded by Councilmember Karbassi, 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

1-F

[ID](#)

[20-001466](#)

Approve the Third Amendment to the Consultant Services Agreement with Silveira Consulting, Inc., to increase the fee amount by \$5,700 for a total amended contract amount of \$55,650; and to extend the term from June 30, 2020 to June 30, 2021, for professional labor compliance monitoring services for the Fresno-Clovis Regional Wastewater Reclamation Facility Headworks Building Odor Control Upgrade project (Council District 3)

The above item was introduced to Council by Director Carbajal, Department of Public Utilities. Upon call, there was no public comment.

Councilmember Soria asked staff to explain the delays and who was responsible for the delays. She asked about the Contractors performance and why the contractor is not responsible for paying for the delay. Director Carbajal responded.

Councilmember Soria motioned to approve with the condition that the contractor cover the additional cost within the legal means. Councilmember Bredefeld seconded the motion.

APPROVED AS AMENDED

On motion of Councilmember Soria, seconded by Councilmember Bredefeld, 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

- 1-O** [ID](#) Award a contract in the amount of \$2,005,710 to IPS Group Inc. for the purchase, installation, and support of 2,000 credit card enabled parking meters (Bid File 9463) (Council District 3).
[20-00583](#)

The above item was introduced to Council by Deputy City Manager Gaffery, City Manager's Office. Upon call, there was no public comment.

Councilmember Soria asked to explain the list of proposers and why the less costly were not recommended, was the \$2 million set aside to cover the cost and what other Cities are recognizable that use IPS Group, Inc. Deputy City Manager Gaffery responded.

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

- 1-P** [ID](#) Reject all bids for the purchase of ten Toyota Prius hybrid vehicles and staff will do a 30-day rebid (Bid File 3780).
[20-001454](#)

Councilmember Soria asked staff if any of the bidders were local and if there are any issues in getting local businesses to bid. She stated she would like staff to do more outreach and inform and encourage local businesses to bid. Assistant Director Barr and Assistant City Manager Schaad responded.

APPROVED

On motion of Councilmember Soria, 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

2. SCHEDULED COUNCIL HEARINGS AND MATTERS

10:00 A.M.

ID

20-001449

CONTINUED HEARING to adopt resolutions and ordinance to annex territory and levy a special tax regarding CITY OF FRESNO COMMUNITY FACILITIES DISTRICT NO. 9, Annexation No. 46 (Parcel A of Final Parcel Map No. 2019-06) (northeast corner of North First and East Nees Avenues) (Council District 6)

1. *****RESOLUTION** - to Annex Territory to Community Facilities District No. 9 and Authorizing the Levy of a Special Tax for Annexation No. 46 (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 2020-2021 and Future Tax Years Within and Relating to Community Facilities District No. 9, Annexation No. 46 (Subject to Mayor's Veto)

The above item was continued to January 28, 2021 at 10:00 A.M.

10:05 A.M.

ID

20-001497

*****BILL NO. 35** (Intro. 9/17/2020) (For adoption) - Granting a non-exclusive roll-off franchise for roll-off collection within the City of Fresno to True Clean Construction Cleanup, Inc., in preparation for a public hearing on the matter and final vote to approve the Non-Exclusive Roll-Off Franchise on November 5, 2020 (Citywide) (Subject to Mayor's Veto)

The item was called to order at 10:36 A.M. and introduced to Council by Assistant Director Schuber, Department of Public Utilities. Upon call, there was no public comment and no Council discussion.

ORDINANCE 2020-055 ADOPTED

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

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

Absent: 1 - Soria

10:10 A.M.

[ID](#)
[20-001472](#)

Actions pertaining to the Program Year (PY) 2019 Consolidated Annual Performance Evaluation Report (CAPER) for U.S. Department of Housing and Urban Development (HUD) Community Planning and Development (CPD) programs:

1. HEARING to obtain public comments regarding the PY 2019 CAPER; and
2. Adopt PY 2019 CAPER and authorize submission to the U.S. Department of Housing and Urban Development (HUD).

The item was called to order at 10:37 A.M. There was no introduced to Council and upon call, there was no public comment and no Council discussion.

APPROVED

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

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

Absent: 1 - Soria

10:15 A.M.

[ID](#)
[20-001468](#)

HEARING to consider Conditional Use Permit Application No. P19-04594, a request to establish a Type 20 alcohol license (Package Store - sale of beer and wine for consumption off the premises where sold) for a Johnny Quik Service Station located at 6940 West Barstow Avenue at the northeast corner of West Barstow and North Grantland Avenues (Council District 2) - Planning & Development Department.

Based upon the evaluation contained in this report and appeal received from the appellant, staff recommends that the City Council take the following action:

1. **CONSIDER** Environmental Assessment No. P19-04594, dated August 5, 2020, a determination that the proposed project is exempt from the California Environmental Quality Act (CEQA) through a Class 32 Categorical Exemption; and,

2. DENY the appeal and **UPHOLD** the action of the Planning Commission, and Planning Director, to deny Conditional Use Permit Application No. P19-04594 requesting to establish the Type 20 off-sale beer & wine alcohol sales license.

The item was called to order at 10:39 A.M. and introduced to Council by Supervising Planner Kachadourian and Planner III Valenzuela, Planning and Development Department. Upon call, the following members of the public addressed Council: George Beal, Elisa Bilios, Curtis Williamson, Peter Estrada, and Tony Simone.

Councilmember Karbassi asked several questions regarding the letter for denial of the Conditional Use Permit (CUP), if it is zoned community commercial, the Day Care Center, the staff recommendations and findings, and stated he does not support single alcohol sales. Director Clark responded. Councilmember Karbassi asked the applicant several questions regarding blight, public safety and recommended a survey be sent out to the community to see what the residents would like. Applicant Beal responded.

Councilmember Soria spoke regarding the possibility to add art to the building. Applicant Beal responded.

Council President Arias asked City Attorney Sloan if there can be a change in single sales down the road and if the applicant can put Amazon boxes outside with out the City Council's approval. City Attorney Sloan responded. Council President Arias asked several questions regarding the additional liquor license to an already saturated area and outside Amazon boxes. Council President Arias spoke regarding the bus stop and how the applicant plans to mitigate the impact of the neighborhood, what the hours of operations for sale of alcohol for the week day and weekends. Applicant Beal responded.

Discussion was held between Councilmembers and the Applicant regarding the hours of operation for sale of alcohol, outside Amazon boxes and the bus stop.

Councilmember Kabassi motioned to approve the development along with the Conditional Use Permit (CUP) with the following conditions: 1. No single

sale of alcohol is allowed, ever, 2. Alcohol sales cannot exceed 12:00 A.M. everyday, 3. No Amazon boxes will be permitted, 4. The Applicant will work with the neighborhood on a mural or art project at the area, and 5. The Applicant will also address any blight issues and they are open to the potential upgrades for the adjacent neighbors that share the property line. Councilmember Bredefeld seconded the motion.

APPROVED AS AMENDED

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

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

No: 1 - Arias

City Council recessed for lunch at 11:49 P.M. and returned from lunch at 1:34 P.M.

1:30 P.M.

[ID](#)
[20-001495](#)

CONTINUED Consideration of Conditional Use Permit Application No. P20-00545, located on the northwest corner of North Cedar Avenue and East Tulare Street (Council District 7) - Planning and Development Department.

1. **ADOPT** Environmental Assessment No. P20-00545 dated July 23, 2020, a determination that the proposed project is exempt from the California Environmental Quality Act (CEQA) through a CEQA Guidelines 15332/Class 32 Categorical Exemption (In-fill development).
2. **ADOPT** the finding pursuant to Government Code Section 65863(b)(2) that there is substantial evidence in the record that remaining sites identified in the Housing Element can accommodate the City of Fresno's share of the Regional Housing Needs Assessment (RHNA).
3. **DENY** the appeal and **UPHOLD** the Planning Commission's and Planning and Development Director's actions on approval of Conditional Use Permit Application No. P20-00545 which requested authorization to develop a 3,131-square-foot 7-11 convenience store and service station, subject to compliance with the Conditions of

Approval dated July 23, 2020.

The item was called to order at 1:34 P.M. and introduced to Council by Planner II Veatch, Planning and Development Department and Applicant Representative Bonique Emerson with Precision Civil Engineering. Upon call, the following members of the public addressed Council: Larry Lopez, Lee Ann Eager, and Tony Molina.

Councilmember Esparza motioned to deny the Conditional Use Permit (CUP). Council President Arias seconded the motion. Motion FAILED 5-2, Councilmember Soria, Councilmember Karbassi, Council Vice President Caprioglio, Councilmember Chavez and Councilmember Bredefeld voted no.

Councilmember Bredefeld asked several questions regarding the contribution of the Roosevelt High School score board, and the development and investment of the property. Applicant Wiener and Planner II Veatch responded.

Councilmember Karbassi asked about the entrances to the 7-Eleven. Applicant Wiener responded.

Councilmember Chavez spoke regarding the investment of the property, the surrounding amenities, and asked the applicant if they would be agreeable to working with the City of Fresno on the design and what the marking would look like. He addressed the importance of partnerships and their commitment in keeping the area and building clean. He asked if there was a possibility of an internship for the youth and if they would be willing to work with the Arts Council on a mural.

Councilmember Chavez motioned to approve the Conditional Use Permit (CUP). Councilmember Soria seconded the motion.

Council President Arias asked several questions regarding the amount of gas stations and convenient stores in proximity of the proposed project. He asked about the hours of operations and what precautions will be taken during school peak hours and who is going to be responsible for making sure the rules that are put in place are followed. Applicant Wiener and

Applicant Representative Bonique responded. Council President Arias asked City Attorney Gonzales if this is considered a food desert in the area. Deputy City Attorney III Gonzales responded.

APPROVED

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

Aye: 5 - Caprioglio, Soria, Karbassi, Chavez and Bredefeld

No: 2 - Arias and Esparza

City Council recessed at 2:48 P.M. and returned from break at 3:02 P.M.

3:00 P.M.

[ID 20-001511](#) WORKSHOP - Community Report from Summit on Violence and Initial Recommendations

The above workshop was presented to Council by Marsel Woodrow, Paloma Sanchez, Camron Evans, and Jaziah Cooper.

Council President Arias stated there will be a sub committee at the next Council meeting on November 19, 2020.

3. GENERAL ADMINISTRATION

4. CITY COUNCIL

5. CLOSED SESSION

Upon call, there was no public comment. City Council recessed into Closed Session at 4:00 P.M. and returned from Closed Session at 4:45 P.M.

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

- 5-A [ID 20-001485](#) PUBLIC EMPLOYEE PERFORMANCE EVALUATION
 1. Government Code Section 54957(b): Consider the appointment, employment, evaluation of performance, discipline, or dismissal of a public employee

Title: City Clerk

2. Government Code Section 54957.6: Conference with Labor Negotiator

City Negotiator: Council President Miguel Arias

Unrepresented Employee: City Clerk

5-B

[ID](#)

[20-001496](#)

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

Case Name: *Sonia Quintero Perez v. City of Fresno, et al.*

Fresno County Superior Court Case No.: 18CECG00843 (Planning & Development Department)

ADJOURNMENT

City Council adjourned at 4:45 P.M.