

City of Fresno

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



Meeting Minutes - Final

Thursday, October 10, 2019

9:00 AM

Regular Meeting

Council Chambers

City Council

President - Paul Caprioglio

Vice President - Miguel Angel Arias

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

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

9:00 A.M. ROLL CALL

Present: 7 - President Paul Caprioglio
Vice President Miguel Angel Arias
Councilmember Esmeralda Z. Soria
Councilmember Mike Karbassi
Councilmember Luis Chavez
Councilmember Garry Bredefeld
Councilmember Nelson Esparza

Invocation by Naindeep Singh Chann

Pledge of Allegiance to the Flag

APPROVE AGENDA

City Clerk Spence announced the following change to the agenda: File ID 19-11405 (4-A) - Bill (for introduction) - Adding the Toni Hunter Organ Donor Protection Act, Section 3-126 to the Fresno Municipal Code related to paid leave for organ and bone marrow donors. This item was moved to 11:00 A.M.

Councilmember Soria requested the meeting be adjourned in memory of Guddi Sidhu a member of the Sikh community.

Councilmember Bredefeld recused himself from items 3-G and 3-H.

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

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

APPROVE MINUTES

[ID19-11397](#) Approval of Minutes for September 26, 2019.

On motion of Councilmember Soria, seconded by Councilmember Chavez, that the above Minutes be approved. The motion carried by

the following vote:

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

CEREMONIAL PRESENTATIONS

The below ceremonial presentations were presented.

[ID19-11226](#) Proclamation of "Code Enforcement Officer Appreciation Week" and Proclamation of "John Luttrull Day"

[ID19-11348](#) Proclamation of "Domestic Violence Awareness Month"

[ID19-11227](#) Proclamation of "Breast Cancer Awareness Month"

COUNCILMEMBER REPORTS AND COMMENTS

Councilmember Karbassi congratulated the new Deputy City Manager, Aldi Dodds. He announced the passing of FAX Maintenance Storekeeper, Steve Andrada. Councilmember Karbassi spoke at the opening ceremony of the Fresno Fair on October 2, 2019. He met with the Kaiser Area Manager to learn about the projects in the City of Fresno and met with the residents west of 99 regarding the opening of Veterans Boulevard. Councilmember Karbassi requested the meeting be adjourned in memory of Ray Ensher.

Councilmember Soria thanked the Public Works Department regarding the upcoming District 1 tree trimming and she announced Saturday, October 19, 2019 is the Fall Festival at Inspiration Park from 4-8 PM.

Council President Caprioglio attended the following events in District 4: October 1, 2019 National Night Out at Wesley United Methodist Church, October 2, 2019 thanked McDonalds off Cedar and Shaw for hosting the annual Coffee with Cops, October 5, 2019 attended the Fresno Airports Flight with the wings for Autism program, October 6, 2019 Neighborhood Picnic at Sierra Madre and October 8, 2019 Wesley Church, Fresno Police Department, PARCs and Fresno State launched Youth Outreach Through Art (YOTA) Program.

1. CONSENT CALENDAR

On motion of Councilmember Esparza, seconded by Vice President Arias, the below CONSENT CALENDAR items were adopted. The

motion carried by the following vote:

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

- 1-A** [ID19-11293](#) Actions pertaining to the acquisition of a 24,709 square foot permanent street easement and a 50 square foot temporary construction easement from a portion of 3740 South East Avenue (APN 330-021-31), located at the intersection of East Central Avenue and South East Avenue, owned by Philip F. Heck, Jr., Trustee et al. for \$123,800 in monetary consideration (Council District 3)
1. Adopt findings of Categorical Exemption pursuant to Sections 15301, 15302 and 15304 of the California Environmental Quality Act Guidelines
 2. Approve the Agreement for Purchase and Sale of a Street Easement and Temporary Construction Easement and Escrow Instructions, for the acquisition of 24,709 square feet of permanent street easement and a 50 square foot temporary construction easement from a portion of 3740 South East Avenue (APN 330-021-31), located at the intersection of East Central Avenue and South East Avenue, owned by Philip F. Heck, Jr. Trustee, et al. for \$123,800 in monetary consideration, and authorize the Public Works Director or his designee to sign all documents necessary to complete the subject acquisition

- 1-B** [ID19-11375](#) **RESOLUTION** - Of Intention to annex Final Tract Map No. 6100 as Annexation No. 105 to the City of Fresno Community Facilities District No. 11 and to Authorize the Levy of Special Taxes; and setting the public hearing for November 7, 2019, at 10:00 am (west side of North Armstrong Avenue between East Ashlan and Dakota Avenues) (Council District 4)

RESOLUTION 2019-201 ADOPTED

- 1-C** [ID19-11377](#) **RESOLUTION** - Of Intention to annex Final Tract Map No. 6191 as Annexation No. 102 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, November 7, 2019, at 10:00 am (north side of Fancher Creek Drive west of North Armstrong Avenue) (Council District 5)

RESOLUTION 2019-202 ADOPTED

- 1-D** [ID19-11380](#) Approve the Second Amendment to the Utility Agreement (No. 06-1398.15) with the California Department of Transportation (Caltrans) for Caltrans to relocate City water and sewer utilities associated with the State Route 99 Relocation Project in the amount of \$165,972.41 (Council Districts 1 and 3).
- 1-E** [ID19-11386](#) ***BILL NO. B-33 - (Intro. 9/26/2019) (For adoption) - Amending the uncodified ordinance to adopt changes and additions to the official list of

designated special speed zones for various streets within the City of Fresno pursuant to Section 14-1501 of the Fresno Municipal Code (Citywide) (Subject to Mayor's veto)

ORDINANCE 2019-033 ADOPTED

- 1-F** [ID19-11372](#) Approve a Second Amendment to the Agreement between the City of Fresno and California State University, Fresno (FSU), extending the term to October 31, 2020, to provide transit services for FSU students, faculty, and staff on FAX fixed-route buses
- 1-G** [ID19-11373](#) Approve the award of a cooperative purchase agreement to Pape Kenworth of Fresno, CA, for the purchase of one Kenworth T800 truck tractor in the amount of \$161,989
- 1-H** [ID19-11374](#) Actions related to the Fire Alarm Upgrade project for the FAX facility:
1. Adopt a finding of Categorical Exemption pursuant to Section 15301/Class 1 of the California Environmental Quality Act Guidelines:
 2. Award a construction contract to Red Wave Communications Inc. in the amount of \$431,100.00 for the FAX facility fire alarm upgrade project
- 1-I** [ID19-11327](#) Approve the appointment of Kathryn Wilbur to the Housing and Community Development Commission
- 1-J** [ID19-11389](#) Action pertaining to Shared Mobility Devices:
1. ***BILL NO. B-35 - (Intro. 9/26/2019) (For adoption) - Amending the Fresno Municipal Code Relating to Shared Mobility Devices (Subject to Mayor's veto)

ORDINANCE 2019-034 ADOPTED

- 1-K** [ID19-11347](#) Approve the appointment of Paul Caprioglio to the Fresno County Transportation Authority
- 1-L** [ID19-11354](#) Approve a Second Amendment to the Consultant Services Agreement with SDI Presence LLC., in the amount of \$10,000 and extending the completion date to September 1, 2020
- 1-M** [ID19-11355](#) RESOLUTION - Amending the Council Rules of Procedure related to Closed Session materials

RESOLUTION 2019-203 ADOPTED

- 1-N** [ID19-11366](#) Actions pertaining to the design of 2,700 linear feet of 16-inch water main for the Water Replacement Project in North Armstrong Avenue between

East Kings Canyon Road and East Butler Avenue (Council District 5 and Fresno County):

1. Award a consultant service agreement to Provost & Pritchard Consulting Group, in the amount of not to exceed \$63,500
2. Authorize the Director of Public Utilities, or designee, to sign the agreement on behalf of the City of Fresno

1-O [ID19-11370](#) Actions pertaining to the Disposition and Development Agreement between the City of Fresno and Upside Enterprises, LLC for property located at 1517 L Street and 2139 Stanislaus:

1. Approve an Amended and Restated Disposition and Development Agreement between the City of Fresno and Upside Enterprises, LLC, and
2. Approve an Assignment and Assumption of Amended and Restated Disposition and Development Agreement between Upside Enterprises, LLC and Uptown, LP

1-P [ID19-11383](#) Approve the reappointment of Michael Lopez to the Capital Projects Oversight Board

1-Q [ID19-11387](#) ***BILL NO. B-31- (Intro. 9/19/2019) (For adoption) - Amending Sections 11-308 and 11-307 of the Fresno Municipal Code relating to Code Enforcement administrative citations and serial violators. (Subject to Mayor's veto)

ORDINANCE 2019-035 ADOPTED

3. GENERAL ADMINISTRATION

3-A [ID19-11356](#) Actions pertaining to cellular and FirstNet connectivity:

1. Approve an agreement with AT&T to provide the Fresno Fire Department with cellular and FirstNet connectivity through mobile devices for a five year period, in the amount of \$131,513
2. Approve a service agreement with AT&T, in the amount of \$458,200

The above item was introduced to Council by Chief Donis, Fresno Fire Department. Upon call, there was no public comment and no Council discussion.

APPROVED

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

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

- 3-B** [ID19-11357](#) Approve a lease-purchase agreement between the Fresno Fire Department and Smeal Manufacturing utilizing a Cooperative Purchasing Agreement to acquire one Aerial Ladder Fire Truck as part of the department's eight-year apparatus replacement program in the amount of \$1,390,903 which includes base contract cost of \$1,078,291 plus \$209,880 in equipment outfitting costs and \$102,732 in CA sales tax.

The above item was introduced to Council by Chief Donis, Fresno Fire Department. Upon call, there was no public comment.

Councilmember Chavez left the meeting at 9:47 A.M.

Discussion held.

APPROVED

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

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

Absent: 1 - Chavez

- 3-C** [ID19-11346](#) Approve the award of a purchase contract to Swanson Fahrney Ford of Selma, California, for the purchase of twenty-five (25) police patrol sport utility vehicles in the amount of \$955,200.84 (Bid File 3680)

The above item was introduced to Council by Director Barfield, Transportation Department. Upon call, there was no public comment.

Councilmember Chavez returned to the meeting at 9:48 A.M.

APPROVED

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

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

- 3-D** [ID19-11379](#) RESOLUTION - Authorizing the Submission of the Public Works Fancher Creek Trail Plan and FAX Electric Vehicle Infrastructure Planning Projects to the California Department of Transportation for the 2020-21 Sustainable Transportation Planning Grant Program Call for Projects and Authorizing the Execution of Restricted Grant Agreements and Amendments for the Project with the California Department of Transportation by the Public Works Director, Director of Transportation or Designees (District 5)

The above item was introduced to Council by Senior Management Analyst MacNab, Public Works Department. Upon call, there was no public comment and no Council discussion.

RESOLUTION 2019-204 ADOPTED

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

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

- 3-E** [ID19-11205](#) ***RESOLUTION - Adopting a Complete Streets Policy (Citywide) (Subject to Mayor's Veto)

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

Council discussed the above item and directed staff to provide more information on compare and contrast, to ensure the City of Fresno is using the best practice approach. Council also asked staff to reach out to the City of Clovis regarding sidewalks being placed on the City of Fresno and City of Clovis boundary lines.

RESOLUTION 2019-205 ADOPTED

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

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

2. SCHEDULED COUNCIL HEARINGS AND MATTERS

10:00 A.M.

[ID19-11378](#) HEARING to consider the vacation of a portion of North Colonial Avenue and West San Jose Avenue (Council District 2)

1. ***RESOLUTION - Ordering the vacation a portion of North Colonial Avenue and West San Jose Avenue (Subject to Mayor's Veto)

The item was called to order at 10:19 A.M. and introduced to Council by Chief Surveyor Camit, Public Works Department.

Upon call, the following members of the public addressed Council: Jeff Roberts, Stephen Rettic, Carolyn Nolan, Carol Nalbandian and Jaime Loza.

Discusson held.

RESOLUTION 2019-206 ADOPTED

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

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

10:10 A.M. SCHEDULED COMMUNICATION

[ID19-11349](#) Appearance by Robert L. Abrahamian to discuss reinstating the bus stop at Cedar and Illinois Avenues (Speaker resides in District 7)

DID NOT APPEAR

[ID19-11350](#) Appearance by David Love to discuss various issues. (Speaker resides in District 5)

APPEARED

[ID19-11398](#) Appearance by Kelly and Johnny Nelum, Sr. to discuss Police Department concerns (Speakers reside in District 3)

APPEARED

10:05 A.M.

[ID19-11323](#) HEARING - To consider the adoption of the Elm Avenue Revitalization Strategy, which pertains to approximately 1,092 acres in the DA-1 South

Development Area: (Council District 3)

1. Environmental Assessment - A determination that the proposed project is statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15262 as a feasibility and planning study for possible future actions which the City has not yet approved, adopted, or funded; and
2. RESOLUTION - Adopting the Elm Avenue Revitalization Strategy: A Brownfields Area-Wide Plan.

The item was called to order at 10:54 A.M. and introduced to Council by Planner III Wilson, Planning and Development Department.

Upon call, the following members of the public addressed Council: Ivanka Saunders, Jaime Loza, Michaelynn Lewis and Kimberly McCoy.

Discussion held.

RESOLUTION 2019-207 ADOPTED

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

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

4. CITY COUNCIL

4-A [ID19-11405](#)

BILL - (For introduction) - Adding the Toni Hunter Organ Donor Protection Act, Section 3-126 to the Fresno Municipal Code related to paid leave for organ and bone marrow donors.

The above item was moved to 11:00 A.M. and was introduced to Council by Council President Caprioglio, District 4 and Councilmember Karbassi, District 2.

Councilmember Karbassi motioned to amend the ordinance to include part-time employees in section (b), to add "work days" in sections (1) and (2) and add "is not a break in their continuous service" in section (d). Council President Caprioglio seconded the motion.

BILL 36 APPROVED AS AMENDED, INTRODUCED AND LAID OVER

On motion of Councilmember Karbassi, seconded by President Caprioglio, that the above Ordinance be approved as amended. The motion carried by the following vote:

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

GENERAL ADMINISTRATION (CONTINUED)

3-F [ID19-11369](#)

Actions pertaining to the pre-purchase of a power transformer for the Substation Expansion Project at the Fresno/Clovis Regional Wastewater Reclamation Facility (Council District 3):

1. Award a purchase agreement to HighPoint Power Systems in the amount of \$868,437.50 for the purchase of a new 70 kilovolt to 12 kilovolt transformer
2. Authorize the Director of Public Utilities, or designee, to sign agreement on behalf of the City of Fresno

The above item was introduced to Council by Professional Engineer Gonzalez, Public Utilities Department. Upon call, there was no public comment and no Council discussion.

APPROVED

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

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

3-G [ID19-1986](#)

Actions pertaining to the 2017 Transformative Climate Communities (TCC) Grant and Transform Fresno Plan project regarding the Chinatown Housing Project:

1. Approve a Sub-Recipient Agreement with the Housing Authority of the City of Fresno, CA for the Chinatown Housing Project totaling \$10,807,319.
2. Approve a Memorandum of Understanding with the Housing Authority of the City of Fresno, CA for the Chinatown Sustainable Transportation Infrastructure (STI) improvements totaling \$977,902.

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

Councilmember Bredefeld recused himself from the above item.

Councilmember Chavez left the meeting at 11:27 A.M .

APPROVED

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

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

Absent: 1 - Chavez

Recused: 1 - Bredefeld

- 3-H** [ID19-11388](#) Approve a \$397,118 HOME Investment Partnerships Program Agreement with Doragon @ Chinatown, LP for the construction of 57 affordable rental units to be located at 1101 F Street in the Chinatown area

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

Councilmember Bredefeld recused himself from the above item.

APPROVED

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

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

Absent: 1 - Chavez

Recused: 1 - Bredefeld

- 3-I** [ID19-11399](#) Actions pertaining to the 2019 Environmental Protection Agency Brownfields Coalition Assessment Grant:
1.***RESOLUTION - 8th amendment to the Annual Appropriation Resolution (AAR) No. 2019-133 appropriating \$600,000 for the Environmental Protection Agency Brownfields Coalition Assessment Grant (Subject to Mayor's Veto) (Requires 5 affirmative votes)
2. Authorize the Planning and Development Director to accept \$600,000 in

total grant funding for the Brownfields Coalition Assessment grant for the TCC project area and execute all related documents applicable to the 2019 Environmental Protection Agency Brownfields Area-Wide Planning Grant

There was no introduction to the above item. Upon call, there was no public comment and no Council discussion.

RESOLUTION 2019-208 ADOPTED

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

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

Absent: 1 - Chavez

- 3-J** [ID19-11393](#) ASET and Code Enforcement Report and Obtain Council Direction on structural changes, funding, and enforcement priorities.

The above item was presented to Council by City Attorney Sloan, City Attorney's Office, Chief Assistant City Attorney Camarena, Assistant City Attorney Roberson, Housing and Neighborhood Revitalization Managers Wakins and Skei, Code Enforcement. Upon call, there was no public comment.

Councilmember Chavez returned to the meeting at 11:30 A.M.

City Council recessed for lunch at 12:04 P.M. and returned from lunch at 1:38 P.M.

City Attorney Sloan requested Council restore the \$250,000 funding to Code Enforcement.

Discussion held.

Council Vice President Arias directed staff to enforce code equally across the City of Fresno. He would like more enforcement with razor wires in residential areas, trash bins in the downtown area and requested motels to be expedited with every room inspected. He would also like to have

neighborhood and schools prioritized. Council Vice President Arias suggested that there be no more items added to the carryover priority list after the requested \$250,000 be restored to Code Enforcement.

Councilmember Chavez requested a memo of an evaluation of the assessments and effectiveness of the program since transferring to the City Attorney's Office.

Councilmember Soria requested staff prioritize and balance health and safety.

Council President Caprioglio motioned to 1: combine area teams with the Neighborhood Revitalization Team (NRT), and to tailor the services and enforcement to represent each district priorities, 2. Responsiveness - for accountability directly to the Councilmembers to ensure their priorities are implemented and 3. Results – for each district to be fulfill, seen and operated on. He also would like to include multiple languages in the noticing. Councilmember Chavez seconded the motion. Motion PASSED 6-1, Councilmember Karbassi voted no.

City Manager Quan requested not to combine the NRT until the Administration has time to review and present additional information to Council.

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

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

No: 1 - Karbassi

1:30 P.M. CONTESTED CONSENT CALENDAR

There were no item pulled from Consent Calendar for further discussion.

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

UNSCHEDULED COMMUNICATION

Upon call, the following member addressed Council: Fernando Elizowdo.

5. CLOSED SESSION

City Council recessed for Closed Session at 2:39 P.M. and returned from Closed Session at 3:57 P.M.

The below Closed Session items were discussed and there was no announcements after Closed Session.

- 5-A** [ID19-11217](#) CONFERENCE WITH LEGAL COUNSEL - PUBLIC SECURITY - Government Code Section 54957(a)
1. Discussion regarding Cybersecurity
- 5-B** [ID19-11403](#) CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Government Code Section 54956.8
Property: APN 505-081-028ST, APN 505-081-30ST, and APN 494-030-42S
Negotiating Parties: City Manager Wilma Quan, Gap, Inc.
- 5-C** [ID19-11406](#) CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Government Code Section 54956.8
Property: 1707 W Jensen Ave, Fresno, CA
Negotiating Parties: City of Fresno, Fresno Foxes

ADJOURNMENT

City Council adjourned in memory of Ray Ensher and Guddi Sidhu at 3:58 P.M.