

City of Fresno

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



Meeting Minutes - Draft

Thursday, September 26, 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 Reza Nekumanesh of the Islamic Cultural Center

Pledge of Allegiance to the Flag

APPROVE AGENDA

City Clerk Spence announced the following changes to the agenda: File ID 19-11329 - Approval of Minutes for September 19, 2019 - page 21, 2nd paragraph should read, "not to exceed \$60.00" not "\$16.00", File ID 19-11224 (1-A) - 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 May 1, 2020 was removed from the agenda by staff and continued to October 10, 2019 and File ID 19-11319 (1-E) - Bill for introduction - 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 - 2 minor changes were read into the record: 1. Ordinance page 2 of 14 - the limits for Broadway should read "Cherry to Inyo," rather than "East to Inyo." Also in the staff report the limits for Broadway should read "Cherry to Inyo," rather than "East to Inyo". 2. The narrative lists "Dante from Bulter to Polk" should read "Dante from Bullard to Polk."

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

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

APPROVE MINUTES

[ID19-11329](#) Approval of Minutes for September 19, 2019

File ID 19-11329 - page 21, 2nd paragraph should read "not to exceed \$60.00" not "\$16.00."

On motion of Councilmember Esparza, seconded by Councilmember Bredefeld, that the above Minutes be adopted as amended. 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.

[ID19-11091](#) Proclamation of "Walk to School Month"

[ID19-11175](#) Honoring Fresno & Münster Student Ambassadors

[ID19-11240](#) Proclamation to "The American Red Cross"

COUNCILMEMBER REPORTS AND COMMENTS

Councilmember Esparza held a School Liaison Subcommittee meeting in the City Hall Council Chambers on Monday, September 23, 2019. Councilmember Karbassi has joined the Subcommittee replacing Councilmember Chavez.

Council President Caprioglio congratulated the Fresno State Bulldogs' on their win and mentioned they will be playing New Mexico State on Saturday, September 28, 2019. He announced several upcoming events in District 4: National Night Out, October 1, 2019 at Wesley United Methodist Church from 4-7 P.M., 2nd Annual Coffee with Cops at McDonald's off Cedar and Shaw, October 2, 2019 from 7-10 A.M. and Neighborhood Picnic at Sierra Madre, October 6, 2019. He attended State of the County, and mentioned "Fuel Your School Program" sponsored by Chevron. Chevron will donate \$1.00 for each fill-up and will fund material and supplies for local public schools through donorschoose.org.

Councilmember Soria announced District 1 Young Councilmember Program is now accepting application for 2020. She encouraged students to apply and stated it is open to local high school students who live or attend schools in District 1. She announced the following events in District 1: Short Film Festival at Tower Theater, October 5, 2019 from 7:30-10:30 P.M., District 1 Fall Festival, October 19, 2019 at Inspiration Park from 4-8 P.M., K9 Carnival and Costume Contest, October 28, 2019 in Tower District and the Day of the Dead event in Tower District Friday, November 1, 2019.

Councilmember Karbassi attended the Pinedale History Project Grand Opening off Blackstone. He thanked Public Works Director Mozier and staff for all their hard work on Phase 1 for the Veterans Boulevard Project, which connects Bullard Avenue to Riverside Drive. He mentioned there was a fire off Polk on the rail line and asked City Manager Quan for an update on staffing for adequate fire and emergency response grants. He asked how the process was going and if the Administration was applying for those grants. City Manager Quan responded. Councilmember Karbassi thanked the Administration for helping him with the transition into District 2.

Councilmember Chavez thanked the PARCs Department, the County of Fresno and their Department Directors for assisting him in the Carnival event in District 5.

Council President Caprioglio gave a shout out to Airports Director Meikle, the airport team, and the marketing team for all that they have done in at the Fresno Airport. He shared a short video with keynote speaker Tyra Banks for the Woman's Conference. In the video, Tyra Banks shared her enthusiasm with Fresno Airport.

1. CONSENT CALENDAR

On motion of Councilmember Soria, seconded by Councilmember Chavez, 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** [ID19-11224](#) 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 May 1, 2020

The above item was removed from the agenda by staff and continued to October 10, 2019.

- 1-B** [ID19-11232](#) Approve a Service Agreement with Granicus, Inc., for the 2019-2020 annual subscription renewal for software suites and services in the amount of \$80,857.85
- 1-C** [ID19-11288](#) **RESOLUTION** - Approving the Final Map of Tract No. 5493 and accepting dedicated public uses offered therein except for dedications offered subject to City acceptance of developer installed required improvements - Northeast corner of West Gettysburg Avenue and North Bryan Avenue (Council District 1)

RESOLUTION 2019-192 ADOPTED

- 1-D** [ID19-11299](#) Adopt Resolution of Intent Number 1133-D to vacate a portion of North Colonial Avenue and West San Jose Avenue (Council District 2)
- 1-E** [ID19-11319](#) BILL (For introduction) - 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)

City Clerk Spence read into the record 2 minor changes: 1. Ordinance page 2 of 14 - the limits for Broadway should read "Cherry to Inyo," rather than "East to Inyo." Also in the staff report the limits for Broadway should read "Cherry to Inyo," rather than "East to Inyo". 2. The narrative lists "Dante from Bulter to Polk" should read "Dante from Bullard to Polk."

BILL 33 APPROVED AS AMENDED, INTRODUCED AND LAID OVER

- 1-F** [ID19-11316](#) Action pertaining to Fresno County Airport Land Use Compatibility Plan:
1. ***BILL NO. B-30 - (Intro. 9/19/2019) (For adoption) - Approving Text Amendment Application No. P19-01036 amending sections 15 -104-B-4; 15-5206; 15-5306; 15-5506-D; 15-5811-A; 15-5905-A; 15-6006-A; and 15-6104-B of the Fresno Municipal Code (FMC), which gives the December 2018 Fresno County Airport Land Use Compatibility Plan priority over all other local land use plans and regulations in the event of a conflict (Subject to Mayor's veto)

ORDINANCE 2019-030 ADOPTED

- 1-G** [ID19-11297](#) Actions pertaining to the Mission Ranch Municipal Well Agreement

(Council District 3):

1. Adopt findings of Categorical Exemption under California Environmental Quality Act 15061(b)(3) General Rule
2. Approve Municipal Well and Exclusive License Agreements between C & A Farms, LLC, and the City of Fresno for the construction of a municipal public water supply well to serve the Mission Ranch Project Area
3. Waive the requirements of Fresno Municipal Code Section 15-2716
-11
4. Authorize the City Manager, or designee, to execute all documents on behalf of the City of Fresno

1-H [ID19-11315](#) Approve the appointment of Brian Whelan to the Capital Project Oversight Board; and Evelyn Gamble to the Fresno Youth Commission

1-I [ID19-11318](#) ***BILL NO. B-32 - (Intro. 9/19/2019) (For adoption) Adding Section 7-1249 to the Fresno Municipal Code relating to short-term rentals.
(Subject to Mayor's veto)

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

1-J [ID19-11320](#) ***BILL NO. B-31- (Intro. 9/19/2019) (For adoption) - Amending Sections 1-308 and 11-307 of the Fresno Municipal Code relating to Code Enforcement administrative citations and serial violators. (Subject to Mayor's veto)

City Attorney Sloan read the following changes into the record: page 3, paragraph (d) should read "different than a violator", page 8, paragraph (2) should read "Any Property Owner who receives at least one citation for each of ten or more of its properties within a twelve month period shall be deemed a Serial Violator."

Council Vice President Arias requested the item be brought back to Council on October 10, 2019 for final adoption.

1-K [ID19-11326](#) Approve the appointment of Lourdes Monica Diaz to the Planning Commission

Council Vice President Arias requested the item be removed from the agenda and continue to October 10, 2019.

There was discussion from the Councilmembers whether the item should remain on the agenda and discussed during Contested Consent or if the

item should be pulled and continued to the next meeting, October 10, 2019.

Councilmember Bredefeld motion to keep the above item on the agenda and move the item to Contested Consent. Councilmember Soria seconded the motion. Motion PASSED 6-1 Councilmember Karbassi voted no.

3. GENERAL ADMINISTRATION

- 3-A** [ID19-11280](#) Award a five-year requirements contract, with two one-year options, to Bridgestone American Tire Operations, LLC, of Nashville, Tennessee, for the leasing of transit radial tires to the Department of Transportation/FAX in the amount of \$1,596,904.88 (Bid File No. 9512)

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

Councilmember Bredefeld asked about the leasing of tires. Director Barfield responded.

APPROVED

On motion of Vice President Arias, seconded by Councilmember Soria, 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** [ID19-11292](#) RESOLUTION - Authorizing Submission of Applications for Grant Funds From the 2019/2020 Congestion Mitigation and Air Quality Improvement Program and the Surface Transportation Block Grant Program Call for Projects from the Fresno Council of Governments and Authorizing the Execution of all Application Related Documents by the Public Works Director, Director of Transportation, or designees (Citywide)

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

RESOLUTION 2019-193 ADOPTED

On motion of Councilmember Chavez, seconded by Vice President Arias, 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-C [ID19-11290](#) WORKSHOP - Energy Efficiency and the Path to Sustainability

The above Workshop was presented to Council by Sustainability Manager Kloose, Public Works Department.

PRESENTED

3-D [19-11292](#) WORKSHOP - Keep Fresno Beautiful

The above Workshop was presented to Council by Communications Director Standriff, Mayor's Office and Director Mozier, Public Works Department.

PRESENTED

2. SCHEDULED COUNCIL HEARINGS AND MATTERS

10:00 A.M.

[ID19-11256](#) Actions pertaining to the acquisition of an easement and right of way to construct a public sidewalk on East Ashlan Avenue between North Effie Street and State Route 41 (Council District 7)

1. HEARING to consider a resolution of public use and necessity for acquisition of an easement and right of way for public purposes over, under, through and across a portion of the real property located at 1929 East Ashlan Avenue in the City of Fresno (APN: 428-233-18), owned by the Estate of Adalberto Zuniga, for the purpose of constructing a public sidewalk on the north and south side of East Ashlan Avenue between North Effie Street and State Route 41.
2. Adopt a finding of Categorical Exemption Class 1 pursuant to CEQA Guidelines Section 15301
3. ***RESOLUTION - Determining that public interest and necessity require acquisition of an easement and right-of-way for public purposes over, under, through and across a portion of the real property located at 1929 E. Ashlan Avenue in the City of Fresno (APN: 428-233-18), owned by the Estate of Adalberto Zuniga, for the purpose of constructing a public sidewalk on the north and south side of Ashlan Avenue between North Effie Street and State Route 41 and authorizing eminent domain proceedings for public use and purpose (Requires 5 affirmative votes) (Subject to Mayor's Veto)

Councilmember Soria left the meeting at 10:54 A.M.

The item was called to order at 10:55 A.M. and introduced to Council by Supervising Real Estate Agent Beyelia, Public Works Department. Upon call, there was no public comment and no Council discussion.

RESOLUTION 2019-194 ADOPTED

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

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

Absent: 1 - Soria

10:05 A.M.

[ID19-11344](#) **CONTINUED HEARING** to adopt resolutions and ordinance to annex territory and levy a special tax regarding City of Fresno Community Facilities District No. 11, Annexation No. 100 (Final Tract Map No. 5587) (northwest corner of West McKinley and North Brawley Avenues) (Council District 3)

1. *****RESOLUTION** - to Annex Territory to Community Facilities District No. 11 and Authorizing the Levy of a Special Tax for Annexation No. 100 (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 2018-2019 and Future Tax Years Within and Relating to Community Facilities District No. 11, Annexation No. 100 (Subject to Mayor's Veto)

The item was called to order at 10:56 A.M. and introduced to Council by Assistant Director Benelli, Public Works Department. Upon call, there was no public comment and no Council discussion.

RESOLUTION 2019-195 ADOPTED

RESOLUTION 2019-196 ADOPTED

RESOLUTION 2019-197 ADOPTED

BILL 34 AND ORDINANCE 2019-031 ADOPTED

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

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

Absent: 1 - Soria

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 members of the public addressed Council: David Love and Paul Elizowdo.

GENERAL ADMINISTRATION (CONTINUED)

3-F [ID19-11295](#)

Actions pertaining to the Northeast Surface Water Treatment Facility 4.5-Million Gallon Tank and Improvements Project (Council District 6) (Bid File 3626-2):

1. RESOLUTION - Closing Resolution for execution of a \$14,000,000 Drinking Water State Revolving Fund low interest loan
2. ***RESOLUTION - 6th Amendment to the Annual Appropriation Resolution No. 2019-133 in the amount of \$3,770,600 to fully fund the construction of the Northeast Surface Water Treatment Facility 4.5-Million Gallon Tank and Improvements Project (Requires 5 affirmative votes) (Subject to Mayor's veto)
3. Award a construction contract to W.M. Lyles Co., in the amount of \$14,063,940
4. Approve a consultant services agreement with Jacobs Engineering Group in the amount of not to exceed \$437,800, for Services During Construction
5. Authorize the Director of Public Utilities, or designee, to execute all documents on behalf of the City of Fresno

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

RESOLUTION 2019-198 ADOPTED

RESOLUTION 2019-199 ADOPTED

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

the following vote:

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

Absent: 1 - Soria

- 3-G** [ID19-11082](#) WORKSHOP - Sustainable Groundwater Management Act (SGMA) and North Kings Groundwater Sustainability Plan (NKGSP)

Councilmember Soria returned to the meeting at 11:12 A.M.

The above Workshop was presented to Council by Director Carbajal, Public Utilities Department.

PRESENTED

City Council recessed for lunch at 12:05 P.M. and returned from lunch at 1:30 P.M.

City Council recessed for Closed Session at 1:30 P.M. and returned from Closed Session at 1:52 P.M.

5. CLOSED SESSION

There was no announcements after Closed Session.

- 5-A** [ID19-11325](#) CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION - Government Code Section 54956.9, subdivision (d)(1)
1. Pamela Motley, et al. v. Fresno Police Officer Joseph Smith, et al.; United States District Court Case No.: 15 CV-00905 BAM (Police Department).

DISCUSSED

SCHEDULED COUNCIL HEARINGS AND MATTERS (CONTINUED)

1:30 P.M.#2

- [ID19-11321](#) RESOLUTION - Of support, petitioning the California State Legislature to designate State Route 168, beginning at the interchange with State Route 180, to honor and commemorate the legacy of Former City Councilwoman Esther Padilla.

The above item was introduced to Council by Councilmember Soria, District 1 and Councilmember Chavez, District 5.

Upon call, the following members of the public addressed Council:

Assemblymember Joaquin Arambula, Gilbert Padilla, Gloria Hernandez, German Amezcua, Jewel Hurtado, Elisa Rivera, Chris Schneider, Humberto Gomez Jr., Lourdes Medina, Barbara Rile, Monica Etheridge, Eddie Verela, JePahl White, Eva Ruiz, Venancis Gaona, Veva Islas, Richardo Franio, Howard Watkins and Stella Jauregui.

Councilmembers expressed their support for the above item in honor of Former City Councilwoman Esther Padilla.

RESOLUTION 2019-200 ADOPTED

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

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

City Council recessed from 2:48 P.M. and returned at 2:51 P.M.

1:30 P.M.#1 CONTESTED CONSENT CALENDAR

- 1-I** [ID19-11318](#) ***BILL NO. B-32 - (Intro. 9/19/2019) (For adoption) Adding Section 7-1249 to the Fresno Municipal Code relating to short-term rentals. (Subject to Mayor's veto)

The above item was introduced to Council by Councilmember Bredefeld, District 6.

City Attorney Sloan announced the following change to the ordinance: paragraph (g) should read "in the event that a short-term rental permit holder violates this Chapter, a written warning shall be provided to the permit holder for the first nuisance violation."

Upon call, there was no public comment.

ORDINANCE 2019-032 ADOPTED AS AMENDED

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

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

- 1-K** [ID19-11326](#) Approve the appointment of Lourdes Monica Diaz to the Planning Commission

The above item was introduced to Council by Council Vice President Arias, District 3. Upon call, there was no public comment.

There was discussion and concerns regarding representation for each district, the qualifications of the applicants and the vetting process for the commission.

APPROVED

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

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

GENERAL ADMINISTRATION (CONTINUED)

- 3-E** [ID19-11170](#) Actions pertaining to Shared Mobility Devices:
1. BILL - (For Introduction) - Amending the Fresno Municipal Code Relating to Shared Mobility Devices
 2. Authorize the City Manager or designee to sign a six-month pilot Franchise Agreement on behalf of the City of Fresno

The above item was introduced to Council by Division Manager Gaffery, Planning and Development Department.

Upon call, the following members of the public addressed Council: Katie Stevens and Vidal Medina.

Council President Caprioglio motioned to approve as amended paragraph (4), Locations identified where an operator shall use geofencing or similar technology to prevent users from ending a ride, including, without limitation, Fashion Fair Mall and the California State University, Fresno Campus, without express written permission from the property owner to the operator. Councilmember Chavez seconded the motion.

There was discussion regarding the pilot program, concerns regarding geofencing around certain areas and changes to the ordinance versus the agreements. Council asked questions regarding the process for selecting a vendor and what the advantages and disadvantages would be if one vendor were utilized.

Councilmember Soria requested staff to work with Fresno City College on geofencing. She stated Fresno City College would like to work with the vendor to offer designated nest areas on campus. She suggested a robust helmet safety program.

Council further discussed issues with riding on the sidewalk, properly locking the scooters and the accountability of the riders.

BILL 35 APPROVED AS AMENDED, INTRODUCED AND LAID OVER

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

4. CITY COUNCIL

There were no City Council items.

ADJOURNMENT

City Council adjourned at 3:43 P.M.