



City of Fresno

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

Meeting Minutes - Draft 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

Thursday, January 16, 2020

9:00 AM

Council Chambers

Regular Meeting

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

9:02 A.M. ROLL CALL

Councilmember Karbassi was absent during roll call and joined the meeting at 9:05 A.M.

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

Invocation by Pastor Karen Stoffers-Pugh of the Wesley United Methodist Church

Pledge of Allegiance to the Flag

9:00 A.M. 2020 CITY COUNCIL ELECTION

[ID 20-0073](#) Election of Council President and Vice President

Motion to appoint Councilmember Arias as Council President and Councilmember Caprioglio as Council Vice President was approved.

Presentation of plaque recognizing the outgoing Council President Paul Caprioglio.

On motion of Councilmember Soria, 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

[ID 20-0074](#) Election of Chair and Vice Chair to the Successor Agency to the Redevelopment Agency of the City of Fresno

The above item was combined with Item 1-O Boards and Commissions.

APPROVE AGENDA

City Clerk Spence announced the following changes to the agenda: Notice of Special Closed Session Meeting was added to the agenda regarding Performance Evaluation - City Attorney, File ID 20-0074 (9:00 A.M.) Election of Chair and Vice Chair to the Successor Agency to the Redevelopment Agency of the City of Fresno was removed from the agenda and added to the appointments on File ID 20-0069 (1-O) appointing Councilmember Soria as Chair and Council President Arias as Vice Chair, File ID 20-0068 (1:30 P.M.) - Conference with Legal Council - Deciding whether to Initiate Litigation - Government Code Section 54956.9, subdivision (d)(4) - City of Fresno v. Darling Ingredients, Inc. was removed from the agenda, File ID 20-0056 (1-K) - Amending certain designated positions which shall be subject to the Conflict of Interest Code has been removed from the agenda and continued to January 30, 2020, File ID 20-009 (1-N) - Bill for introduction Amending Fresno Municipal Code Chapter 3, Article 1 - Personnel to Update Outdated Language and Gender Specific Terms, Provide Clarity of Respective Provisions, and make other preferred and necessary changes regarding Leave of Absences for all City employees, Employment Outside of City Services, Overtime, and references for the proper appointing authority; Code amendments have been approved by the respective bargaining units, there was an error on page 16 of the document, subsection (f) (Section 3-107). There is a phrase which reads "Sick Leave to attend the funeral of a person other than to attend the funeral of a person other than" the second part of the phrase was repeated and should be deleted, File ID 20-0081 (1-V) - Approving appointments to the

Friends of Fancher Creek - Carolyn Baytes-Welch was removed from the appointments and only four will be approved, File ID 20-0023 (1-AA) - Hearing to consider initiation of the Central Southeast Specific Plan (Plan), was removed from the agenda and File ID 20-0079 (3:00 P.M. #2) - Appearance by Gonzalo Arambula was removed from the agenda and continued to January 30, 2020.

Councilmember Chavez requested the meeting be adjourned in memory of Larry Raven, long time District 5 resident, farmer and developer, Sara Rabara, a teacher's aide for many years at Calwa Elementary and the Grandmother of Mike Rabara who serves on the District 5 Review Committee, John Wilson, long time Council Assistant to former District 5 Councilmember's Mike Dages and Sal Quintero.

Council Vice President Caprioglio requested the meeting be adjourned in memory of Ray O'Canto Former Fresno State Baseball student-athlete and radio broadcaster.

Councilmember Soria requested File ID 20-0020 (10:15 A.M.) - Hearing Appeal Request: Denial of Waiver- Construction of Sidewalk along S. Channing Avenue be removed from the agenda and continued to January 30, 2020 at 10:15 A.M.

Councilmember Karbassi requested File ID 20-0069 (1-O) Council Boards and Commissions Communications, Reports, Assignments and/or Appointments be removed from the agenda and continued to January 30, 2020.

On motion of Vice President Caprioglio, seconded by Councilmember Chavez, the above Agenda was adopted as amended. The motion carried by the following vote:

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

APPROVE MINUTES

[ID20-0001](#) Approval of Minutes for December 12, 2019 and the December 12, 2019 Special Meeting.

On motion of Councilmember Chavez, seconded by Councilmember

Soria, 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 following Ceremonial items were presented:

[ID 20-0028](#) Proclamation of "Central High School Football Team Day"

[ID20-000110](#) Proclamation of "National Slavery and Human Trafficking Prevention Month" presented to Fresno Economic Opportunities Commission Central Valley Against Human Trafficking (CVAHT) program

[ID 20-0012](#) Proclamation of "Point in Time Count in Fresno County"

CLOSED SESSION

City Council recessed into Closed Session 9:54 A.M. and returned from Closed Session at 11:29 A.M.

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

[ID 20-0083](#) CONFERENCE WITH LABOR NEGOTIATORS - Government Code Section 54957.6
City Negotiators: Jeffrey Cardell, Ken Phillips
Employee Organizations:
1. International Union of Operating Engineers, Stationary Engineers, Local 39 (Local 39)

Upon call, the following member of the public addressed Council: Marina Magdaleno Business Representative at Local 39

[ID 20-0061](#) CONFERENCE WITH LEGAL COUNSEL - PUBLIC SECURITY - Government Code Section 54957(a): Discuss security of City Hall

[ID 20-0070](#) CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Government Code Section 54956.8
Property: 3400 Gap Drive (portion)
Negotiating Parties: City Manager Wilma Quan
Under Negotiation: Terms and Conditions of Property Acquisition

Please see Special Closed Session Meeting for January 16, 2020 at 9:00 A.M. regarding Closed Session: Performance Evaluation for City Attorney.

COUNCILMEMBER REPORTS AND COMMENTS

Councilmember Soria spoke regarding Governor Newsom's Homeless Regional Council interim report.

Council Vice President Caprioglio thanked the Homeless Taskforce and the Northeast Police District for attending the El Dorado Park meeting and he welcomed Deputy Salazar. He gave a special thanks to Caltrans and the CHP for their hard work at Chestnut and Santa Anna. He announced Wesley Church will be holding a townhall on Census 2020, January 16, 2020 at 6 P.M. located at 1343 E Barstow and on January 22, 2020 from 6-8 P.M. they will be hosting a Community meeting with Fresno Housing.

1. CONSENT CALENDAR

On motion of Vice President Caprioglio, seconded by Councilmember Chavez, the below CONSENT CALENDAR item were approved. The motion carried by the following vote:

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

- 1-A** [ID 20-005](#) ***BILL NO B-1 - (Intro. 1/16/2020) (For adoption) - Amending Section 9-2601 of the Fresno Municipal Code, relating to the use and possession of weapons. (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-B** [ID 20-0010](#) Actions pertaining to the Technical Assistance (TA) grant for the Transformative Climate Communities Program:
1. Approve a Grant Agreement with the State of California Department of Conservation on behalf of the Strategic Growth Council (SGC) for technical assistance funding specifically relating to the implementation of the Transform Fresno project in the amount of \$133,333; and
 2. ***RESOLUTION - 24th amendment to the Annual Appropriation Resolution (AAR) No. 2019-133 appropriating \$133,300 for the TA grant (Requires 5 affirmative votes) (Subject to Mayor's veto).

RESOLUTION 2020-001 ADOPTED

- 1-C [ID20-00011](#) ¹ ***RESOLUTION - 22nd Amendment to the Annual Appropriation Resolution (AAR) No. 2019-133 to appropriate \$38,000 and other future interest accrued from the deposit of grant funds from the Homeless Emergency Aid Program (HEAP) Grant for HEAP related activities (citywide) (Requires 5 affirmative votes) (Subject to Mayor's veto)

RESOLUTION 2020-002 ADOPTED

- 1-D [ID 20-008](#) Approve the reappointments of Edward S. Saliba to the Fresno Madera Area Agency on Aging Board and Paul J. Bauer to the Fresno Regional Workforce Development Board
- 1-E [ID 20-0017](#) RESOLUTION - Adopting the Fresno County Multi-Jurisdictional Hazard Mitigation Plan.

RESOLUTION 2020-003 ADOPTED

- 1-F [ID 20-0026](#) Actions pertaining to the Fresno County Community Corrections Partnership (CCP), herein referred to as the ACT Agreement
1. Authorize the Chief of Police to enter into an agreement with the County of Fresno for the reimbursement of seven (7) Police Officers, one (1) Police Sergeant, and one (1) Crime Analyst who will be assigned to the Adult Compliance Team (ACT)
 2. ***RESOLUTION - 21st Amendment to the Annual Appropriation Resolution (AAR) No. 2019-133 appropriating \$73,000 to fully fund MAGEC and ACT staff. (Requires 5 affirmative votes) (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-G [ID 20-0047](#) Approve a First Amendment to the Consultant Services Agreement with Akel Engineering Group, Inc., in the amount of not to exceed \$14,067, for Wastewater Collection System Hydraulic Modeling Services, adjusting the contract amount to \$143,421 (Citywide)
- 1-H [ID 20-0048](#) Actions pertaining to construction of 163 linear feet of water main replacement in North Thorne Avenue south of West Napa Avenue (Council District 3):
1. Adopt a finding of Categorical Exemption per staff determination, pursuant to Class 2 Section 15302(c) (Replacement or Reconstruction) of the California Environmental Quality Act Guidelines

for Thorne Avenue Water Main Replacement.

2. Award a construction contract to West Valley Construction, Inc., in the amount of \$410,984
3. Authorize the Director of Public Utilities, or designee, to sign the agreement on behalf of the City of Fresno

1-I [ID 20-0049](#)

Approve Contract Change Order No. 3 to the construction contract with Vido Artukovich & Son, Inc./VIDMAR, Inc., a JV, for the Phase 2 Regional Transmission Main Segments B&C Project (Bid File 3452), to decrease the total construction contract amount by \$154,421.66 and to add 141 days in the contract time, adjusting the contract amount to \$11,550,816.87. (Council Districts 4, 5, and 7 and Fresno County)

1-J [ID 20-0051](#)

Submission for Informational Purposes of the Comprehensive Annual Financial Reports (CAFR) Regarding the Financial Activities of the City of Fresno Retirement Systems for the Fiscal Year Ending June 30, 2019

1-K [ID 20-0056](#)

RESOLUTION - Amending certain designating positions which shall be subject to the Conflict of Interest Code and defining categories of disclosure for such positions. (Council Action Only)

The above item was removed from the agenda and continued to January 30, 2020.

1-L [ID 20-0057](#)

Actions pertaining to the City of Fresno Management Employees Association (CFMEA) for Unit 14

1. ***Adopt a successor Memorandum of Understanding between the City of Fresno and the City of Fresno Management Employees Association (CFMEA) for Unit 14 - Management Classes **(Subject to Mayor's veto)**
2. ***RESOLUTION - 4th Amendment to FY 2020 Salary Resolution No. 2019-135, amending Exhibit 14, Unit 14 - Management Classes (CFMEA), to convert Executive Pay Ranges to Salary Step Ranges; provide a salary increase for respective classes as required by the Memorandum of Understanding between the City of Fresno and the City of Fresno Management Employees Association; and to remove the classification of Transit Maintenance Manager **(Subject to Mayor's veto)**

RESOLUTION 2020-005 ADOPTED

1-M [ID 20-0058](#)

Actions pertaining to the International Union of Operating Engineers, Stationary Engineers, Local 39 for Unit 1

1. ***Adopt a successor Memorandum of Understanding between the City of Fresno and International Union of Operating Engineers, Stationary Engineers, Local 39, for Unit 1 **(Subject to Mayor's veto)**
2. ***RESOLUTION - 5th Amendment to FY 2020 Salary Resolution No.

2019-135, amending Exhibit 1, Unit 1 - Non-Supervisory Blue Collar (Local 39), to provide a salary increase for respective classes as required by the Memorandum of Understanding between the City of Fresno and International Union of Stationary Engineers, Stationary Engineers, Local 39
(Subject to Mayor's veto)

RESOLUTION 2020-006 ADOPTED

- 1-N** [ID 20-009](#) BILL - (For Introduction) - Amending Fresno Municipal Code Chapter 3, Article 1 - Personnel to Update Outdated Language and Gender Specific Terms, Provide Clarity of Respective Provisions, and Make Other Preferred and Necessary Changes Regarding Leaves of Absences for all City employees, Employment Outside of City Service, Overtime, and References for the Proper Appointing Authority; Code amendments have been approved by the respective bargaining units.

BILL 2 INTRODUCED AND LAID OVER AS AMENDED

- 1-O** [ID 20-0069](#) 1. Council Boards and Commissions Communications, Reports, Assignments and/or Appointments, Reappointments, Removals to/from City and non-City Boards and Commissions

The above item was removed from the agenda and continued to January 30, 2020.

- 1-P** [ID 20-003](#) Annual Review and Acceptance of the FY 2019 Summary of Impact Fee Waivers

- 1-Q** [ID 20-004](#) Annual Review and Acceptance of the FY 2019 Impact Fee Annual Report As Required By California Government Code

- 1-R** [ID 20-0060](#) Approve a Contract with Landscape Maintenance of America dba California Highway Adoption Co. in the amount of \$197,376, to provide monthly highway litter control along California State Routes 41, 99, 168 and 180.

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

- 1-S** [ID 20-0062](#) Approve an agreement in the amount of \$150,000 with the State of California - Department of Transportation (Caltrans) for the initiation of a Feasibility Study for the State Route (SR) 99/Shaw Avenue interchange (Districts 1 and 2)

- 1-T** [ID 20-0063](#) **RESOLUTION** - Of Intention to annex Final Tract Map No. 5434 as Annexation No. 107 to the City of Fresno Community Facilities District No. 11 and to Authorize the Levy of Special Taxes; and setting the public

hearing for February 27, 2020, at 10:00 am (northeast corner of North Temperance and East McKinley Avenues) (Council District 4)

RESOLUTION 2020-007 ADOPTED

- 1-U** [ID 20-0066](#) Approve a First Amendment to the Traffic Signal Maintenance Agreement between the City of Fresno and the County of Fresno. (Citywide)
- 1-V** [ID 20-0081](#) Approve the appointments of Adrienne Aguirre, Michael E. Vasquez, Peggy Lee Ailanjian and Melissa Craddock to the Friends of Fancher Creek

APPROVED AS AMENDED

- 1-W** [ID 20-0067](#) Actions pertaining to the installation of Traffic Signal Priority Intersection equipment for the Department of Transportation/FAX Division Shaw Avenue Traffic Signal Priority Project (Bid File 3690)
1. Adopt a finding of Categorical Exemption pursuant to Section 15301 of the CEQA Guidelines
 2. Award a construction contract to Sturgeon Electric California LLC., of Chino, California, in the amount of \$211,868
- 1-X** [ID 20-0024](#) Submission and Acceptance of the City of Fresno Comprehensive Annual Financial Report (CAFR) and the Comprehensive Annual Debt Report (CADR) for Fiscal Year 2019.
- 1-Y** [ID 20-0021](#) Approve a \$1,420,500 HOME Investment Partnerships Program Agreement with FCTC Senior, LP for the construction of 180 affordable senior rental housing units at the Fancher Creek Master Plan Development site located at Marion Avenue and Fancher Creek Drive in southeast Fresno. (District 5)
- 1-Z** [ID 20-0088](#) Actions related to amending the Cannabis Retail Business and Commercial Cannabis Business Ordinance:
1. Adopt a finding that there is no possibility that this approval will have a significant effect on the environment pursuant to the common sense exemption set forth in CEQA Guidelines Section 15061(b)(3); and
 2. BILL - (For introduction) - Amending Sections 9-3306, 9-3307, 9-3308, 9-3309, 9-3310, 9-3311, 9-3312, 9-3313, 9-3314, 9-3316, 9-3317, 9-3318, 9-3319, 9-3321, 9-3325, 9-3328, 9-3335, and 9-3337 of the Fresno Municipal Code related to Cannabis Retail Business and Commercial Cannabis Business.

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

- 1-AA** [ID 20-0023](#) (WAS ORIGINALLY SCHEDULED AT 4:00 P.M.)

HEARING to consider initiation of the Central Southeast Specific Plan (Plan), pertaining to approximately 2,200 acres in the Established Neighborhoods South of Shaw Area of the Fresno General Plan, filed by the City of Fresno Planning and Development Department Director.

1. **RESOLUTION** - Initiating the Central Southeast Specific Plan Proposed Land Use Map and Guiding Principles and the corresponding amendment of the General Plan, and repeal or amendment of the Specific Plan for the Butler/Willow Area and the Roosevelt Community Plan pertaining to approximately 2,200 acres located in the Established Neighborhoods South of Shaw Area to allow for future adoption of the Central Southeast Specific Plan, pursuant to Fresno Municipal Code Section 15-4902-B.

The above item was removed from the agenda and continued to a later date and time.

- 1-BB [ID 20-0095](#) Approve a consultant services agreement with Northstar General, Inc., in the amount of \$344,300 plus a \$50,000 contingency, for architectural and engineering design services for an Animal Control Facility (District 2)

2. CONTESTED CONSENT CALENDAR

- 1-A [ID 20-005](#) ***BILL NO B-1 - (Intro. 1/16/2020) (For adoption) - Amending Section 9-2601 of the Fresno Municipal Code, relating to the use and possession of weapons. (Subject to Mayor's veto)

The above item was introduced to Council by Mayor Brand, Mayor's Office.

City Attorney Sloan announced the following amendments to the proposed ordinance:

Section (j) no person shall bring into or possess a weapon, including a concealed weapon as defined in PC Section 171b, in City Hall or any city owned or leased building, as may be posted at the entrance(s) of each building, except as follows: (1) sworn law enforcement personnel on duty, (2) sworn law enforcement off duty, upon showing law enforcement identification up entry, (3) armed security under contract with the city, (4) retired City of Fresno police department officers authorized to carry weapons, upon showing proper identification upon entry and (5) the Fresno Police Independent Reviewer, if authorized to carry weapons.

Section (k) The city shall establish one or more points of entry to City Hall

with a security checkpoint, including metal detector, to identify the presence of weapons or other prohibited items; all persons shall submit to screening of their person and possessions upon entry to City Hall as a condition of entry to City Hall, except as follows: (1) those identified as exceptions to subsection (j) above; and (2) City of Fresno charter officials, and anyone accompanying the Charter official into the building.

Section (l) City of Fresno charter officials shall have electronic key card access to areas of City Hall as provided in a Council resolution.

Section (m) In furtherance of City Hall security, that area of the City Hall parking lot providing for parking for charter officials shall be fenced and gated, and admission to that area shall be limited to charter officials and their vehicles, along with anyone accompanying the charter official.

Section (n) A person otherwise lawfully in possession of a concealed weapon in violation of subsection (j) of this section, upon entering City Hall and being advised at a security checkpoint, shall be given the opportunity to immediately remove the weapon from the building rather than being cited under this section.

Section (o) This ordinance shall not prohibit city officials and employees from carrying pepper spray at work and in city buildings, subject to approval of and conditions imposed by their appointing authority, and provisions of any applicable labor agreement.

Section (p) The Council, by resolution, may provide for and publish further security regulations and/or exceptions to implement this section.

Council President Arias motioned to approve the proposed ordinance with the amendments read into the record. Councilmember Esparza seconded the motion.

Chief Hall and Police Officer Frazier, Fresno Police Department spoke regarding the City Hall security and those who will be allowed to carry their weapon and responded to questions by the Council.

Upon call, the following members of the public addressed Council: Monica Harrison, Sam Frank, Martha Kolstad, Liz Kolstad, Kam Nigrant, Vanessa Kachadurian, Kristin Green, Darleta Hopper, Robert Simpson, Ron Sawl, Steven Wood, Ron Dupras and Nicole Staliard.

Discussion held.

Councilmember Esparza motioned to limit Council discussion to 90 second. Motion FAILED for lack of second.

BILL 1 APPROVED AS AMENDED, INTRODUCED AND LAID OVER

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

No: 1 - Bredefeld

- 1-Z** [ID 20-0088](#) Actions related to amending the Cannabis Retail Business and Commercial Cannabis Business Ordinance:
1. Adopt a finding that there is no possibility that this approval will have a significant effect on the environment pursuant to the common sense exemption set forth in CEQA Guidelines Section 15061(b)(3); and
 2. BILL - (For introduction) - Amending Sections 9-3306, 9-3307, 9-3308, 9-3309, 9-3310, 9-3311, 9-3312, 9-3313, 9-3314, 9-3316, 9-3317, 9-3318, 9-3319, 9-3321, 9-3325, 9-3328, 9-3335, and 9-3337 of the Fresno Municipal Code related to Cannabis Retail Business and Commercial Cannabis Business.

There was no introduced to Council, no Council discussion and upon call, there was no public comment.

BILL 3 INTRODUCED AND LAID OVER

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

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

No: 2 - Karbassi and Bredefeld

- 1-F** [ID 20-0026](#) Actions pertaining to the Fresno County Community Corrections

Partnership (CCP), herein referred to as the ACT Agreement

1. Authorize the Chief of Police to enter into an agreement with the County of Fresno for the reimbursement of seven (7) Police Officers, one (1) Police Sergeant, and one (1) Crime Analyst who will be assigned to the Adult Compliance Team (ACT)

2. ***RESOLUTION - 21st Amendment to the Annual Appropriation Resolution (AAR) No. 2019-133 appropriating \$73,000 to fully fund MAGEC and ACT staff. (Requires 5 affirmative votes) (Subject to Mayor's veto)

There was no introduction to Council. Upon call, there was no public comment.

Discussion held and Deputy Chief Farmer responded to questions of the Council.

RESOLUTION 2020-004 ADOPTED

On motion of Vice President Caprioglio, 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

1-R [ID 20-0060](#) Approve a Contract with Landscape Maintenance of America dba California Highway Adoption Co. in the amount of \$197,376, to provide monthly highway litter control along California State Routes 41, 99, 168 and 180.

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

Discussion held.

APPROVED

On motion of Councilmember Bredefeld, 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. SCHEDULED COUNCIL HEARINGS AND MATTERS

10:15 A.M.

[ID 20-0020](#) HEARING - Appeal Request: Denial of Waiver - Construction of Sidewalk Along S. Channing Avenue, APNs: 464-220-058, P19-01742

The above item was removed from the agenda and continued to January 30, 2020 at 10:15 A.M.

10:35 A.M.

[ID 20-0065](#) HEARING to consider Rezone Application No. P19-00801; Annexation Application No. P19-00843; Planned Development Permit Application No. P19-00846; Vesting Tentative Tract Map Nos. 6201/UGM & 6235/UGM; and, related Environmental Assessment No. P19-00801/P19-00843/P19-00846/T-6201/T-6235 pertaining to ±125 acres of property located on the east side of North Armstrong Avenue between East Clinton and East Olive Avenues (Council District 4).

1. ADOPT the Mitigated Negative Declaration prepared for Environmental Assessment (EA) No. P19-00801/P19-00843/P19-00846/T-6201/T-6235 dated December 23, 2019 for purposes of the proposed project.
2. BILL - (For introduction and adoption) - Approving Rezone Application No. P19-00801 proposing to amend the Official Zoning Map of the City of Fresno to pre-zone the subject property from the Fresno County AE-20 (*Exclusive 20-acre Agricultural District*) to the City of Fresno RS-3/UGM/ANX (*Residential Single Family, Low Density / Urban Growth Management / Annexed Rural Residential Transitional Overlay*) & RS-5/UGM/ANX (*Residential Single Family, Medium Density / Urban Growth Management / Annexed Rural Residential Transitional Overlay*) zone districts in accordance with the Fresno General Plan Land Use Map.
3. RESOLUTION - Approving Annexation Application No. P19-00843 to initiate annexation proceedings for the McKinley-Armstrong No. 2 Reorganization proposing incorporation of the subject property within the City of Fresno and detachment from the Kings River Conservation District and Fresno County Fire Protection District with the Fresno County Local Agency Formation Commission (LAFCO).
4. APPROVE - Planned Development Permit Application No. P19-00846 proposing the creation of a public street planned development to establish custom development standards and authorize a density transfer within the subdivision boundaries of Vesting Tentative Tract Map Nos. 6201/UGM and 6235/UGM in accordance with Section 15-310-C of the Fresno Municipal Code; subject to, adoption of the

Fresno Municipal Code Findings, and compliance with the Conditions of Approval, included within the Staff Report to the City Council dated January 16, 2020.

5. APPROVE - Vesting Tentative Tract Map No. 6201/UGM proposing to subdivide an approximately 39.51 net acre portion of the subject property for the purpose of creating a 257-lot single-family residential development; subject to, adoption of the Fresno Municipal Code Findings, and compliance with the Conditions of Approval, included within the Staff Report to the City Council dated January 16, 2020.
6. APPROVE - Vesting Tentative Tract Map No. 6235/UGM proposing to subdivide an approximately 18.90 net acre portion of the subject property for the purpose of creating a 122-lot single-family residential development; subject to, adoption of the Fresno Municipal Code Findings, and compliance with the Conditions of Approval, included within the Staff Report to the City Council dated January 16, 2020.

The above item was introduced to Council by Planning Manager Tackett, Planning and Development Department. There was no Council discussion.

Planning Manager Tackett announced the following changes to the Resolution, an additional 100 feet of right-of-way on North Armstrong Avenue south of the center line of its near section with all of it being included in the annexation.

Upon call, the following member addressed Council: Dirk Poeschel, Greg Smith, Curt Blank and Doug Hanson.

*BILL 4/ORDINANCE 2020-001 ADOPTED
RESOLUTION 2020-009 ADOPTED AS AMENDED*

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

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

City Council recessed for lunch at 12:57 P.M. and returned from lunch at 1:45 P.M.

1:30 P.M. CLOSED SESSION

City Council recessed into Closed Session 1:45 P.M. and returned from

Closed Session at 2:10 P.M.

The items below were discussed.

- [ID 20-0055](#) CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION - Government Code Section 54956.9, subdivision (d)(1)
1. Efen Gonzales, et al. v. City of Fresno, et al.; Fresno Superior Court Case No.: 19CECG00371(Department of Public Utilities)

City Attorney Sloan announced there was a settlement agreement.

- [ID 20-0068](#) CONFERENCE WITH LEGAL COUNSEL- DECIDING WHETHER TO INITIATE LITIGATION - Government Code Section 54956.9, subdivision (d) (4)
1. City of Fresno v. Darling Ingredients, Inc.

The above item was removed from the agenda.

- [ID 20-0072](#) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Government Code Section 54956.9 subdivision (d)(1):
1. William Shubin as the Trustee for the Shubin Family Trust v. Successor Agency to the Redevelopment Agency of the City of Fresno, and City of Fresno

2:00 P.M.

- [ID 20-0018](#) Presentation from the Fresno County Clerk, Brandi L. Orth Regarding the Voters Choice Act

The above was presented to Council by Fresno County Clerk, Brandi Orth.

Councilmember Soria asked the Administration to put a link on the City of Fresno website that connects to the Fresno County Elections Office.

Council President Arias requested the recruitment video for poll workers be distributed to the Council Districts.

10:20 A.M.

- [ID 20-007](#) Actions pertaining to the 554th Amendment to the Master Fee Schedule:
1. Adopt a finding of statutory exemption pursuant to CEQA Guidelines Section 15273(a) for amendments to fees pertaining to: (1) Public Utilities - (a) Solid Waste, (b) Waste Water, and (c) Water Division; (2) PARCS; (3) Parking Division - (a) Event Parking; (4) Police; (5) Public Works.

2. ***RESOLUTION - 554th Amendment to the Master Fee Schedule (MFS) Resolution No. 80-420 to Add, Adjust, Revise or Delete Various Fees (Subject to Mayor's veto)

The above item was introduced to Council by Budget Manager Fierro, Budget Office. Upon call, there was no public comment and no Council discussion.

Councilmember Karbassi, Councilmember Bredefeld and Council Vice President Caprioglio left the meeting.

RESOLUTION 2020-008 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: 4 - Arias, Soria, Chavez and Esparza

Absent: 3 - Caprioglio, Karbassi and Bredefeld

2:30 P.M. - JOINT MEETING OF THE CITY OF FRESNO, FRESNO REVITALIZATION CORPORATION AND THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY

[ID 20-0085](#) Approve Legal Services Agreement between the Successor Agency to the Redevelopment Agency of the City of Fresno and the City of Fresno

The Joint Meeting was called to order at 2:40 P.M.

The above item was introduced to Council by Redevelopment Administrator Murphey, Successor Agency to the Redevelopment Agency of the City of Fresno. Upon call, there was no public comment and no Council discussion.

APPROVED

Councilmember Esparza motioned to approve the item as presented. Chair Soria seconded the motion. Motion PASSED 4-0. Councilmember Karbassi, Councilmember Bredefeld and Councilmember Caprioglio were absent.

[ID 20-0059](#) RESOLUTION - Approving the Recognized Obligation Payment Schedule 20-21

The above item was introduced to Council by Redevelopment Administrator

Murphey, Successor Agency to the Redevelopment Agency of the City of Fresno. Upon call, there was no public comment and no Council discussion.

Redevelopment Administrator Murphey announced the following changes to the Resolution: item C and item G of the summary, line 38 and 39 are being shifted and the totals remain the same. The excess bond proceeds agreement is on the list of the ROPS and the legal services agreement is a new addition to the ROPS.

RESOLUTION 2020-010/SA-44 ADOPTED AS AMENDED

Vice Chair Arias motioned to approved the item as amended. Chair Soria seconded the motion. Motion PASSED 4-0, Councilmember Karbassi, Councilmember Bredefeld and Councilmember Caprioglio were absent.

The Joint Meeting adjourned at 2:44 P.M.

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 of the public addressed Council: David Love.

Councilmember Bredefeld returned to the meeting at 2:48 P.M.

City Council recessed at 2:48 P.M. and returned at 3:00 P.M.

3:00 P.M.#2 SCHEDULED COMMUNICATION

[ID 20-0079](#) Appearance by Gonzalo Arambula to discuss work and labor issues

The above item was removed from the agenda and continued to January 30, 2020.

[ID 20-0080](#) Appearance by Jason D. Poulter to discuss civil rights as a concerned citizen

APPEARED

5. CITY COUNCIL

5-A [ID 20-0090](#) ***RESOLUTION - Adopting the Safer Sidewalks to School Program

The above item was introduced to Council by Councilmember Chavez, District 5. Upon call, there was no public comment and no Council discussion.

Councilmember Chavez motioned to approve the item as presented. Councilmember Soria seconded the motion. Motion PASSED 5-0, Councilmember Karbassi and Council Vice President Caprioglio were absent.

Councilmember Karbassi returned to the meeting at 3:02 P.M.

Councilmember Karbassi requested the item be reconsidered and opened up for discussion.

Councilmember Chavez motioned to reconsider the item. Council President Arias seconded the motion. Motion PASSED 6-0, Council Vice President Caprioglio was absent.

Councilmember Karbassi requested amendments to the Resolution section 1 to add "develop plans to", and section 3 to add "Councilmember will inform the Public Works Director of proposed sidewalk projects near school in their District."

RESOLUTION 2020-012 ADOPTED AS AMENDED

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

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

Absent: 1 - Caprioglio

3:00 P.M.#1

[ID 20-0031](#) RESOLUTION - In support of establishing a city-wide rising youth award and ceremony to be hosted at City Hall

The above item was introduced to Council by Councilmember Esparza, District 7 and Youth Commissioners, Adriana Reyes, J'ryana Horne, Evelyn Gamble, Janette Vergara, Gabriela Martinez and Luis Guzman and Program Coordinator Jose Espinoza. Upon call, there was no public comment.

Council President Arias pledged \$250 per recipient from District 3 budget.

Councilmember Karbassi pledged \$250 per recipient from District 2 budget.

Councilmember Esparza pledge \$500 per recipient from District 7 budget.

Councilmember Esparza requested an amendment to the resolution to the last provision to read "Councilmember of their choice."

RESOLUTION 2020-011 ADOPTED AS AMENDED

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

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

Absent: 1 - Caprioglio

4. GENERAL ADMINISTRATION

There were no General Administration items.

ADJOURNMENT

City Council adjourned at 3:13 P.M. in memory of Larry Raven, Sara Rabara, John Wilson and Ray O'Canto.