

City of Fresno

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



Meeting Minutes - Final

Thursday, December 12, 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 Chambers, City Hall on the date and time above written.

9:03 A.M. ROLL CALL

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 Scott Mozier, Director of Public Works

Pledge of Allegiance to the Flag

APPROVE AGENDA

City Clerk Spence announced the following changes to the agenda: File ID19-11673 (1-N): Withdraw Michael Ledieff from the District 2 Project Review Committee. File ID19-11677 (5-D) - Conference with Legal Counsel - Potential Litigation - Government Code Section 54956.9 subdivision (d)(2): 1. Lennar Homes v. City of Fresno is removed from the agenda. File ID19-11659 (3-D) re: a proposed \$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 is removed from the agenda.

City Clerk Spence announced that there is a Special Meeting at 11 A.M. to consider a resolution to appoint a General Plan Review Committee sponsored by Councilmember Chavez, Councilmember Karbassi, Council Vice President Arias and Mayor Brand. Councilmember Chavez stated for the record that the special meeting will be replacing the 10:45 A.M. item on today's agenda.

Councilmember Esparza requested to continue items 1-R and 1-S to January 16, 2020. After discussion Council Vice President Arias made a motion to keep item 1-S on the agenda. The motion was seconded by Councilmember Soria. The motion to keep item 1-S on the agenda passed

on a 7-0 vote. Requests were made to move the following items to the January 16, 2020 meeting: 1-Q by Councilmember Soria, 1-J by Councilmember Bredefeld, 3-E and 1-O by Council Vice President Arias.

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

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

APPROVE MINUTES

[ID19-11467](#) Approval of Minutes for December 5, 2019.

On motion of Councilmember Chavez, seconded by Vice President Arias, the above MINUTES were 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:

[ID19-11481](#)

Proclamation to "Jennifer Phan" - The California State University Trustee Award Winner

COUNCILMEMBER REPORTS AND COMMENTS

Councilmember Karbassi wished everyone a happy holiday season, Merry Christmas, Happy Hanukkah, Kwanzaa and Hmong New Year. He thanked his colleagues and their staff for helping him get through his partial year. He also thanked Council President Caprioglio for serving as the Council President. Councilmember Karbassi announced that his office is sponsoring a free event in Pinedale, Santa's Village the North Pole tomorrow from 4-7 pm. There will be crafts, games and train rides and each child will get a free corn dog and picture with Santa while supplies last.

Council President Caprioglio thanked the Northeast Police District, they

hosted a Santa's Village last Friday at Scandinavia Elementary School. He specifically thanked Captain Castro, Lieutenant Hughes, Sergeant Atkinson and all the other officers and volunteers that helped on that day. Council President Caprioglio also thanked the PARCS team, Deputy City Attorney II Papazian from City Attorneys Code Enforcement team, Senior Account Clerk Sanchez and the Public Works Street Team.

1. CONSENT CALENDAR

Councilmember Esparza made a motion to table item 1-S to January 16, 2020. The motion was seconded by Councilmember Karbassi. City Manager Quan reiterated that this item is time sensitive and she would like for it to be heard today. The motion carried 7-0.

On motion of Councilmember Soria, seconded by Councilmember Chavez, that the below CONSENT CALENDAR item were adopted as amended. The motion carried by the following vote:

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

1-A [ID19-11501](#)

Approve the Chief of Police to enter into an agreement with Peace Officers Research Association of California (PORAC) to reimburse the City of Fresno \$351,779 for the two-year cost of one full time police officer elected to serve on the PORAC Board of Directors, effective January 1, 2020 through December 31, 2021

1-B [ID19-11503](#)

Authorize the Chief of Police to enter into five separate agreements between the Housing Authority of the City of Fresno, Fresno Edison Apartments I, LP, Fresno Edison Apartments II, LP, Southeast Fresno Rental Assistance Demonstration and Viking Village Rental Assistance Demonstration to provide additional security and protection services for public housing

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

1-C [ID19-11573](#)

1. Authorize the Chief of Police to enter into a Lease Agreement between the City of Fresno and Signature Flight Support Corporation for the continued lease of office and hangar space used by the Fresno Police Department's Air Support "Skywatch" Unit at the Fresno Yosemite International Airport

1-D [ID19-11648](#)

Actions pertaining to the 2019 Off-Highway Vehicle (OHV) Grant Program:

1. Authorize the Chief of Police to accept \$46,242 in grant funding for the 2019 Off-Highway Vehicle grant program awarded to the Fresno Police Department from the State of California Department of Parks and Recreation;
2. Authorize the Chief of Police to execute the agreement and all related documents applicable to the 2019 OHV grant including amendments and extensions; and
3. ***RESOLUTION - 20th Amendment to the Annual Appropriation Resolution (AAR) No. 2019-133 appropriating \$46,300 for the Police Department's OHV grant program (Requires 5 affirmative votes) (Subject to Mayor's veto).

RESOLUTION 2019-267 ADOPTED #1

RESOLUTION 2019-249 ADOPTED #3

- 1-E** [ID19-11607](#) ***BILL NO. B-47 (Intro. 11/14/2019) (- (For adoption) - Amending sections 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, 9-3328, 9-3335, and 9-3337 of the Fresno Municipal Code related to Cannabis Retail Business and Commercial Cannabis Business. (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-F** [ID19-11619](#) Actions related to Lease Agreement of City-owned land at the Fresno-Clovis Regional Wastewater Reclamation Facility (RWRF) (Council District 3):
1. Adopt findings of Categorical Exemptions pursuant to Sections 15301/Class 1, 15304/Class 4, and 15325 /Class 25 of the California Environmental Quality Act (CEQA) Guidelines.
 2. Approve a Third Amendment to the Lease and Agreement with Mr. James Cook for 550 acres of City-owned land at the RWRF, deleting APN 327-030-38T to the leasehold, with a revised revenue of \$233,770 per year.
 3. Approve first one-year extension of the Lease and Agreement for the period of January 2020 to December 2020.

- 1-G** [ID19-11629](#) Actions related to a Standardized Extraterritorial Agreement regarding water and sewer services with customers located outside the City of Fresno (City) limits and within the City's Sphere of Influence (SOI) (citywide):
1. Approve the Standardized Extraterritorial Agreement pertaining to water and sewer services within the City's Sphere of Influence.
 2. Authorize the Director of Public Utilities, or designee, to execute all

documents related to the Agreement on behalf of the City of Fresno.

1-H [ID19-11657](#)

Actions pertaining to the design of 4,298 linear feet of 66-inch diameter sewer trunk main in North Avenue between Orange Avenue and Golden State Boulevard (Council District 3 and County of Fresno):

1. Award a Consultant Services Agreement to Blair, Church & Flynn Consulting Engineers, in the amount of not to exceed \$220,150
2. Authorize the Director of Public Utilities, or designee, to sign the agreement on behalf of the City of Fresno

1-I [ID19-11624](#)

***RESOLUTION - Approving the Application for the State of California State Department of Forestry and Fire Protection for Fire Prevention Grant Program at Camp Fresno (Subject to Mayor's Veto)

RESOLUTION 2019-250 ADOPTED

1-J [ID19-11627](#)

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

THE ABOVE ITEM IS CONTINUED TO JANUARY 16, 2020

1-K [ID19-11683](#)

***RESOLUTION - Adopting the 23rd Amendment to the Annual Appropriation Resolution No. 2019-133 to appropriate \$25,000.00 as funding support towards the Hmong Cultural New Year Celebration (Requires 5 affirmative votes) (Subject to Mayor's Veto)

RESOLUTION 2019-251 ADOPTED

Mitch Herr spoke regarding the Hmong Cultural New Year's Celebration

1-L [ID19-11655](#)

Authorize the Director of Planning and Development or designee to sign the Second Amendment to the Consulting Services Agreement with Byrne Software Technologies, Inc., for professional services for Accela Land Management System Support. The amendment is a request to increase the contract by an additional \$100,000 and extend the contract term to June 30, 2020.

1-M [ID19-11670](#)

***BILL NO. B-50 - (Intro. 12/5/2019) (For adoption) - Amending Section 3-252 of Chapter 3, Article 2 of the Fresno Municipal Code relating to Certification and Appointment of Eligibles. (Subject to Mayor's veto)

ORDINANCE 2019-048 ADOPTED

1-N [ID19-11673](#)

Approve the appointment of Blake Zante to the District 6 Project Review Implementation Committee - Councilmember Bredefeld; and the

appointments of Robert Lindemann, and Nicholas Westburg to the District 2 Project Review Implementation Committee - Councilmember Karbassi

1-O [ID19-11674](#)

***BILL NO. B-45 (Intro. 11/7/2019) (For adoption) - Adding Section 2-804 to the Fresno Municipal Code relating to Planning Commission composition (Subject to Mayor's veto)

THE ABOVE ITEM IS CONTINUED TO JANUARY 16, 2020

1-P [ID19-11626](#)

Approve an Amendment to the subdivision agreement and a bond reduction for Tract Map 5224 Brentwood Ranch and set the new bond amount at \$728,000. (Council District 2).

1-Q [ID19-11631](#)

Annual Review and Acceptance of the FY 2019 Summary of Impact Fee Waivers

THE ABOVE ITEM IS CONTINUED TO JANUARY 16, 2020

1-R [ID19-11632](#)

Annual Review and Acceptance of the FY 2019 Impact Fee Annual Report As Required By California Government Code

THE ABOVE ITEM IS CONTINUED TO JANUARY 16, 2020

1-S [ID19-11688](#)

BILL - (For introduction) - Amending Section 9-2601 of the Fresno Municipal Code, relating to the use and possession of weapons.

THE ABOVE ITEM IS CONTINUED TO JANUARY 16, 2020

1-T [ID19-11693](#)

Actions pertaining to the City Hall Electrical System Bus Duct and associated repairs:

1. Adopt a finding of Categorical Exemption per staff's determination, pursuant to Section 15301(b) and 15301(d) of the CEQA Guidelines
2. ***RESOLUTION - Declaring an Urgent Necessity for the Preservation of Life, Health, Property, and Authorizing the Purchasing Manager of the Finance Department or Designee to Contract for the Replacement of the City Hall Electrical System Bus Duct and Associated Repairs Without Advertised Competitive Bidding to A-C Electric Company (District 3) (Subject to Mayor's Veto) (Requires 5 votes)
3. Award a contract to A-C Electric not to exceed \$400,000

RESOLUTION 2019-252 ADOPTED

3. GENERAL ADMINISTRATION

- 3-C** [ID19-11665](#) Actions pertaining to six additional positions at Fresno Yosemite International Airport (FAT) (Council District 4) - Airports Department
1. ***RESOLUTION - 13th Amendment to the Annual Appropriations Resolution (AAR) No. 2019-133 appropriating \$768,700 to Fresno Yosemite International Airport (Requires 5 affirmative votes) (Subject to Mayor's veto).
 2. ***RESOLUTION - 4th Amendment to Position Authorization Resolution (PAR) No. 2019-134, adding six positions to the Airports Department (Subject to Mayor's veto).

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

Discussion held.

RESOLUTION 2019-253 ADOPTED

RESOLUTION 2019-254 ADOPTED

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

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

- 3-B** [ID19-11577](#) Award a Requirements Contract for Custodial Services at Fresno Police Facilities in the amount of \$1,440,204 and for a period of three years to Janitorial, Inc., Bid File No. 9519

The above item was introduced to Council by Chief Hall, Police Department. Upon call, there was no public comment.

Discussion held.

APPROVED

On motion of President Caprioglio, 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-A** [ID19-11647](#) Actions pertaining to the 2019 National Sexual Assault Kit Initiative (SAKI)

grant program, herein referred to as the SAKI grant

1. Authorize the Mayor or his designee to accept \$1,000,000 in grant funding for the SAKI grant awarded to the Fresno Police Department from the U.S. Department of Justice, through the Office of Justice Programs Bureau of Justice Assistance (BJA)
2. Authorize the Mayor or his designee to enter into a Memorandum of Understanding (MOU) with Fresno County District Attorney's Office for a full time Deputy District Attorney throughout the three year grant performance period totaling \$551,001
3. ***RESOLUTION - 19th Amendment to the Annual Appropriation Resolution (AAR) No. 2019-133 appropriating \$264,500 for the Police Department's SAKI grant (requires five affirmative votes) (subject to Mayor's veto)
4. ***RESOLUTION - 5th Amendment to Position Authorization Resolution No. 2019-134, adding one Police Officer position to the Fresno Police Department (subject to Mayor's veto)

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

RESOLUTION 2019-255 ADOPTED

RESOLUTION 2019-256 ADOPTED

On motion of Councilmember Esparza, 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-F** [ID19-11685](#) ***RESOLUTION - 16th amendment to the Annual Appropriation Resolution No. 2019-133 to appropriate \$8,160,000 for operating programs and previously approved capital improvement projects in the Public Works Department (Citywide) (Requires 5 affirmative votes) (Subject to Mayor's veto)

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

Councilmember Karbassi left the Chambers at 9:43 A.M.

Discussion held.

RESOLUTION 2019-257 ADOPTED

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

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

Absent: 1 - Karbassi

2. SCHEDULED COUNCIL HEARINGS AND MATTERS

9:45 A.M.

[ID19-11684](#) Approval of the 2019 Management Agreement between the City of Fresno and ASM Global for the management of the Fresno Convention and Entertainment Center

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

Councilmember Karbassi returned to the meeting.

Mayor Brand recommended that the Council extend the existing contract up to one year with all of the existing provisions including catering and concessions. The Mayor would put a committee together to include two councilmembers, the Chamber, the people involved and the vendors. The Mayor felt that the committee could work things out in about 90 days. This would be subject to ASM also concurring.

Discussion held.

The following members of the public addressed Council: Nathan Ahle, Fresno Chamber of Commerce, Jim Pardini, Jeff Pardini, Victoria Bernhardt, Rusty Rocca, Kristy Montgomery, Ajum Haro, Jason Lawton, Mario Viramontes, David Holland, Jared Medaris, Mariah Walton, Layla Forstedt and Marilyn Scott.

Councilmember Karbassi motioned to extend the current contract for up to one year maintaining the existing vendor while the committee figures out what to do in the future. Councilmember Esparza seconded the motion.

Council President Caprioglio made a friendly amendment to change the extension from one year to nine months. Councilmember Karbassi accepted

the friendly amendment. Council President Caprioglio also wants to give direction to the council committee to address future events.

Councilmember Soria made a competing motion to continue with the current agreement but start the entire process over with the committee and stakeholders and also look at the possibility of bringing this task in house. She stated that we should not just use the nine months to negotiate with ASM, but we should also be looking at other options. Motion dies for lack of second.

Discussion continued.

Councilmember Karbassi stated that his existing motion would address Councilmember Soria's concerns.

Council Vice President Arias made a friendly amendment to change the timeframe to come back to council in six months instead of nine months. The amendment was accepted by Councilmember Karbassi and Councilmember Esparza.

Councilmember Chavez would like to see th audit and have a conversation about subsidies. He also stated for the record that he will not support anything that will negatively impact the local vendors.

APPROVED AS AMENDED

On motion of Councilmember Karbassi, seconded by Councilmember Esparza, that the above Action Item be approved as amended to extend the current contract for up to six months maintaining the existing vendor while the Committee figures out what to do in the future. The motion carried by the following vote:

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

No: 1 - Bredefeld

10:00 A.M.

[ID19-11511](#) HEARING to consider the vacation of a portion of South Golden State Boulevard, south of San Benito Street, between G Street and F Street (Council District 3)

1. ***RESOLUTION - Ordering the vacation of a portion of South Golden State Boulevard, south of San Benito Street, between G Street and F Street (Subject to Mayor's Veto)

The above item was introduced to Council by Chief Surveyor Camit, Public Works Department. The hearing was called to order at 11:28 A.M. Upon call, there was no public comment and no Council discussion.

RESOLUTION 2019-258 ADOPTED

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

10:45 A.M.

[ID19-11678](#) RESOLUTION - Initiating a comprehensive update to the Fresno General Plan; initiate the amendment of the Woodward Park Community Plan; the Bullard Community Plan (which includes the Pinedale Neighborhood Plan and the Sierra Sky Park Land Use Policy Plan); the Hoover Community Plan (which includes the El Dorado Park Neighborhood Plan); the West Area Community Plan; the Fresno High-Roeding Community Plan; the McLane Community Plan; the Downtown Neighborhoods Community Plan; the Edison Community Plan; the Roosevelt Community Plan; the Butler-Willow Specific Plan; the Fresno-Chandler Downtown Airport Master Plan; the Fresno Yosemite International Airport Land Use Compatibility Plan; the Fulton Corridor Specific Plan; the Highway City Neighborhood Plan; the North Avenue Industrial Triangle; the Southwest Fresno Specific Plan; the Tower District Specific Plan; and the Yosemite School Area Specific Plan pursuant to Fresno Municipal Code Section 15-4902-B.

The above item was removed from the agenda and will be heard at 11 A.M. during the Special Called Meeting.

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 addressed Council: Ginger Rainey, John Endar, Brunette Harris, Brian Jefferson, Brian Herman and David Love.

SCHEDULED COUNCIL HEARINGS AND MATTERS (CONTINUED)

10:15 .A.M.

[ID19-11656](#) HEARING to Consider Environmental Assessment P19-02033; Plan Amendment & Rezone Application No. P19-02030; Development Permit Application No. P19-02033; and, related Environmental Assessment No. P19-02033, pertaining to ±11.8 acres of property located at 4259 West Bullard Avenue; filed by Bryan Sassano on behalf of Spencer Enterprises, Inc., pertaining to approximately 11.8 acres of property near the southeast corner of West Bullard Avenue and North Figarden Drive (Council District 2).

1. **ADOPT** CEQA Environmental Assessment No. P19-02033, a Mitigated Negative Declaration dated November 13, 2019.
2. **RESOLUTION** - Approving Plan Amendment Application No. P19-02030 proposing to amend the Fresno General Plan and Bullard Community Plan to change the planned land use designation for the ±11.8 acre subject property from the Commercial - Community planned and use to the Residential - Urban Neighborhood (16-30 du/acre) planned land use.
3. **BILL - (For introduction and adoption)** - Approving Rezone Application No. P19-02030 proposing to amend the official Zoning Map of the City of Fresno to reclassify the ±11.8 acre subject property from the CC/UGM/cz (*Commercial - Community/Urban Growth Management/conditions of zoning*) zone district to the RM-2/UGM (*Residential - Urban Neighborhood/Urban Growth Management/conditions of zoning*) zone district.
4. **APPROVE** - Development Permit Application No. P19-02033 which proposes the construction of 192 market rate multi-family dwelling units on the ±11.8 acre subject property at a density of ± 16.27 du/acre.

The above item was introduced to Council by Planner II George, Planning and Development Department. Upon call, the following member of the public addressed Council: Bill Robinson. There was no Council discussion.

RESOLUTION 2019-259 ADOPTED

BILL NO. 52/ORDINANCE 2019-049 ADOPTED

On motion of Councilmember Karbassi, 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

10:20 A.M.

- [ID19-11563](#) 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 item above was introduced to Council by Budget Manager Fierro, Budget Office. Upon call, there was no public comment.

Discussion held.

**On motion of Vice President Arias, seconded by Councilmember Chavez, that the above Action Item be continued to January 16, 2020.
The motion carried by the following vote:**

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

GENERAL ADMINISTRATION (CONTINUED)

- 3-G** [ID19-11625](#) Actions pertaining to Traffic Signal Improvements at North Gates and West San Jose Avenues - Bid File 3705 (Council District 2)
1. Adopt a finding of Categorical Exemption for Environmental Assessment No. P19-00261 per staff's determination, pursuant to Section 15301/Class 1 and Section 15303/Class 3 of the State of California Environmental Quality Act (CEQA) Guidelines
 2. Award a construction contract in the amount of \$532,550 to A-C Electric Company of Fresno, CA, as the lowest responsive and responsible bidder for the Traffic Signal Improvements at North Gates and West San Jose Avenues

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

Councilmember Bredefeld and Councilmember Soria left the meeting.

APPROVED

On motion of Councilmember Karbassi, seconded by Councilmember

Esparza, that the above Action Item be approved. The motion carried by the following vote:

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

Absent: 2 - Soria and Bredefeld

SCHEDULED COUNCIL HEARINGS AND MATTERS (CONTINUED)

10:10 A.M.

[ID19-11578](#) **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. 42 (Assessor's Parcel Number 509-040-03 and 509-040-04) (northwest corner of the intersection West Jennifer and West Jacquelyn Avenues) (Council District 2)

1. *****RESOLUTION** - Annexing Territory to Community Facilities District No. 9 and Authorizing the Levy of a Special Tax (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 2019-2020 and Future Tax Years Within and Relating to Community Facilities District No. 9, Annexation No. 42 (Subject to Mayor's Veto)

The above item was introduced to Council by Assistant Director Beneli, Public Works Department. The hearing was called to order at 11:57AM. Upon call, there was no public comment and no Council discussion.

RESOLUTION 2019-260 ADOPTED

RESOLUTION 2019-261 ADOPTED

RESOLUTION 2019-262 ADOPTED

BILL NO. 53/ORDINANCE 2019-050 ADOPTED

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

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

Absent: 2 - Soria and Bredefeld

GENERAL ADMINISTRATION (CONTINUED)

- 3-K** [ID19-11652](#) Actions pertaining to grant applications to the San Joaquin Valley Air Pollution Control District and the California Electric Vehicle Implementation Project (Citywide):
1. Authorize the Public Works Director, or designee, to execute the application, agreement, amendments and all related documents applicable to the grants for San Joaquin Valley Air Pollution Control District (SJVAPCD) and the California Electric Vehicle Implementation Project (CALEVIP)
 2. ***RESOLUTION - Authorizing the submittal of a grant application to the SJVAPCD and the CALEVIP and acceptance of grant funds. (Subject to Mayor's veto)

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

RESOLUTION 2019-263 ADOPTED

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: 5 - Caprioglio, Arias, Karbassi, Chavez and Esparza

Absent: 2 - Soria and Bredefeld

4. CITY COUNCIL

- 4-B** [19-11690](#) Approve the 2020 City Council Meeting schedule

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

Discussion held.

Council President Caprioglio made a friendly amendment to remove the July 30, 2020 meeting from the schedule. The friendly amendment was accepted by Council Vice President Arias and Councilmember Esparza.

ADOPTED AS AMENDED

On motion of Vice President Arias, seconded by Councilmember

Esparza, that the above Action Item be approved. The motion carried by the following vote:

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

Absent: 2 - Soria and Bredefeld

3. GENERAL ADMINISTRATION (CONTINUED)

- 3-D** [ID19-11659](#) 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)

THIS ITEM WAS REMOVED FROM THE AGENDA.

- 3-H** [ID19-11628](#) Approve a Ninth Amendment to Reimbursement Agreement No. HSR 11-29 with the California High Speed Rail Authority (CHSRA), for the purposes of extending the contract end date by 36 months to December 31, 2022, and increasing the agreement amount by \$508,000 for a total of \$1,929,000 (Council Districts 1, 2, & 3).

The above item was introduced to Council by Deputy City Engineer Avitia, Public Works Department. Upon call, there was no public comment and no Council discussion.

APPROVED

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

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

Absent: 2 - Soria and Bredefeld

- 3-I** [ID19-11630](#) Actions Pertaining to Acceptance of Subdivision Improvements:
1. BILL - (For Introduction) - Adding Subsection U to Section 3804 of Chapter 15 of the Fresno Municipal Code relating to the deferral of certain sidewalk construction, driveway approaches and street trees in subdivisions until prior to occupancy of single family homes.

The above item was introduced to Council by Assistant Director Benelli, Public Works Department.

Councilmember Karbassi stated for the record that he supports the item as

presented.

Discussion held.

On motion of Councilmember Chavez, seconded by Vice President Arias, that the above Action Item be continued January 16, 2020. The motion carried by the following vote:

Aye: 4 - Caprioglio, Arias, Chavez and Esparza

No: 1 - Karbassi

Absent: 2 - Soria and Bredefeld

City Council recessed for lunch at 12:17 P.M. and returned from lunch at 1:31 P.M.

11:00 A.M. SPECIAL MEETING

Please see separate meeting minutes for the Special Meeting.

Councilmember Bredefeld and Councilmember Soria returned to the meeting at 1:31 P.M.

1:30 P.M. CONTESTED CONSENT CALENDAR

- 1-B** [ID19-11503](#) Authorize the Chief of Police to enter into five separate agreements between the Housing Authority of the City of Fresno, Fresno Edison Apartments I, LP, Fresno Edison Apartments II, LP, Southeast Fresno Rental Assistance Demonstration and Viking Village Rental Assistance Demonstration to provide additional security and protection services for public housing

The above item was introduced to Council by Deputy Police Chief Reid, Police Department.

Discussion held.

Council President Caprioglio left the meeting.

APPROVED

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

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

Absent: 1 - Caprioglio

Recused: 1 - Bredefeld

- 1-E** [ID19-11607](#) ***BILL NO. B-47 (Intro. 11/14/2019) (- (For adoption) - Amending sections 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, 9-3328, 9-3335, and 9-3337 of the Fresno Municipal Code related to Cannabis Retail Business and Commercial Cannabis Business. (Subject to Mayor's veto)

Council President Caprioglio returned to the meeting.

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

Discussion held.

ORDINANCE 2019-051 ADOPTED

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

Aye: 4 - Arias, Soria, Chavez and Esparza

No: 3 - Caprioglio, Karbassi and Bredefeld

SCHEDULED COUNCIL HEARINGS AND MATTERS (CONTINUED)

2:00 P.M.

- [ID19-11672](#) Actions pertaining to noise regulations at the Woodward Park Amphitheater
1. BILL - (For introduction) Adding Section 10-112 to the Fresno Municipal Code relating to noise regulations at the Woodward Park Amphitheater
 2. ***RESOLUTION - Regarding contracts for use of Woodward Park Amphitheater (Subject to Mayor's veto)

The above item was introduced to Council by Councilmember Bredefeld, District 6 and Director Miller, PARCs Department.

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

Poshel, Chris Miller, Jason Laurton, Robert Bashian, Stephen Clayton, Steve Thacher, Eddy Burgos and Brad Silva.

Councilmember Esparza left the meeting.

Councilmember Bredefeld motioned to approve a bill that states the Amphitheater at Woodward Park shall not exceed 70 decibels, and a resolution that states the City Manager and Parks Department shall not enter into any contracts for use of the Woodward Park Amphitheater inconsistent with the terms of the proposed ordinance. Councilmember Chavez seconded the motion.

Discussion held.

Council Vice President Arias stated that he could not support this item, and recommended that the ordinance be brought back to increase the noise level so that there won't be any inconsistency between the policy and the practice.

On motion of Councilmember Bredefeld, seconded by Councilmember Chavez, that the above Ordinance be approved. The motion FAILED by the following vote:

Aye: 2 - Chavez and Bredefeld

No: 4 - Caprioglio, Arias, Soria and Karbassi

Absent: 1 - Esparza

- 3-E** [ID19-11613](#) 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.

THE ABOVE ITEM WAS CONTINUED TO JANUARY 16, 2020

- 3-J** [ID19-11676](#)

Actions pertaining to Darling Ingredients relocation to Wastewater Treatment Facility (District 3):

1. Approve Jensen Road Transfer Agreement between the City and County of Fresno related to the transfer of ownership and

- maintenance of Jensen Avenue right of way to the City between South Chateau Fresno and approximately 660 feet west of South Fig Avenue, and payment of certain property taxes to City.
2. Approve Amendment to City of Fresno Tax Rebate Agreement between the City of Fresno and Darling Ingredients, Inc.
 3. ***RESOLUTION - Authorizing the City Manager to grant an easement to Darling Ingredients, Inc., for fire access between the Wastewater Treatment Plant and the new Darling Rendering Plant (Subject to Mayor's Veto)

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

Discussion held.

RESOLUTION 2019-265 ADOPTED

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

Absent: 1 - Esparza

CITY COUNCIL (CONTINUED)

- 4-A** [ID19-11586](#) RESOLUTION - In support of continuing the Fresno Police Department's Southwest Policing District's "Bringing Broken Neighborhoods Back to Life" program

The above item was introduced to Council by Council Vice President Arias, District 3 and Chief Hall, Police Department.

Councilmember Bredefeld left the meeting.

RESOLUTION 2019-266 ADOPTED

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

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

Absent: 2 - Bredefeld and Esparza

5. CLOSED SESSION

City Council recessed into Closed Session 3:33 P.M. and returned from Closed Session at 4:16 P.M.

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

- 5-A** [ID19-11654](#) 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.: 15CV-00905 BAM (Police Dpeartment)
 2. London Wallace, et al. v. City of Fresno, et al.; Fresno Superior Court Case No.: 19CECG02704 (Police Department).
 3. Anthony Perez, et al. v. City of Fresno, et al.; United States District Court Case No.: 1:18-CV-00127 (Police Department).
 4. Lee Corpus, et al. v. City of Fresno, et al.; Fresno Superior Court Case No.: 16CECG02393 (Police Department).
 5. Channel Centeno, et al. v. City of Fresno, et al.; United States District Court Case No.: 16-CV-00653 (Police Department).
 6. Estate of Casimero Casillas, et al. v. City of Fresno, et al.; United States District Court Case No.: 1:16-CV-01042 AWI SAB (Fresno Police Department).
- 5-B** [ID19-11675](#) CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION - Government Code Section 54956.9, subdivision (d)(1)
1. Isiah Murrietta-Golding, et al. v. City of Fresno, et al.; United States District Court Case No.: 1:18-CV-00332 (Police Department).
- 5-C** [ID19-11557](#) CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION - Government Code Section 54956.9, subdivision (d)(1)
1. Julian Valencia, et al. v. City of Fresno, et al.; Fresno Superior Court Case No.: 17CECG04165 (Police Department).
- 5-D** [ID19-11677](#) CONFERENCE WITH LEGAL COUNSEL - POTENTIAL LITIGATION - Government Code Section 54956.9 subdivision (d)(2):
1. Lennar Homes v. City of Fresno

THIS ITEM WAS REMOVED FROM THE AGENDA

- 5-E** [ID19-11691](#) 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)
2. City of Fresno Management Employees Association (CFMEA)

ADJOURNMENT

The Council Meeting adjourned at 3:33 P.M. in Honor of the 2019 City Council President Caprioglio.