

City of Fresno

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



Meeting Minutes - Final

Thursday, November 7, 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 written above.

9:05 A.M. ROLL CALL

Councilmember Soria was absent during roll call and joined the meeting at 9:08 A.M.

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 Bhai Sarbjeet Singh from The Sikh Institute of Fresno

Pledge of Allegiance to the Flag

APPROVE AGENDA

*City Clerk Spence announced the following change to the agenda:
Proclamation of "National Run Away Month" was added to the agenda by
Councilmember Karbassi.*

*Councilmember Esparza requested File ID 19-11545 (4-B) - Resolution
amending the Salary Resolution and the Transparency in City Government
Act regarding the compensation of the Fire Chief and the Police Chief (The
Chief Selection Accountability Act) be removed from the agenda.*

*Council Vice President Arias requested File ID 19-11488 (1-E) - Resolution
authorizing the application for funding from the Urban Forestry Grant
Program entitled "Urban and Community Forestry Program" as provided
through the Greenhouse Gas Reduction Fund and File ID 19-11447 (3-D) -
Actions pertaining to the City Hall Municipal Services Center (MSC) energy
savings and sustainability capital improvement projects, be removed from
the agenda and continued to November 14, 2019.*

**On motion of Councilmember Chavez, seconded by Councilmember
Soria, the above Action was approved as amended. The motion
carried by the following vote:**

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

APPROVE MINUTES

[ID19-11464](#) Approval of Minutes for October 24, 2019.

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

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

CEREMONIAL PRESENTATIONS

The below ceremonial presentations were presented and "National Run Away Month" was added by Councilmember Karbassi.

[ID19-11504](#) Proclamation of "GURU NANAK's 550th GURPURB, or BIRTH ANNIVERSARY DAY"

[ID19-11273](#) Mid Valley Disposal to Present their "Recycler of the Year" awards to IEH Labs (District 4) and Chukchansi Park (District 3).

[ID19-11460](#) Proclamation of "National Veterans Small Business Week"

[ID19-11523](#) Proclamation of "North Fresno Lions 70th Anniversary Day"

[ID19-11404](#) Proclamation of "Bob Meyers Day"

Proclamation of "National Run Away Month"

COUNCILMEMBER REPORTS AND COMMENTS

Councilmember Karbassi spoke regarding his meeting with the PARCs Director and City Manager's Office regarding the parking situation at Orchid Park. He announced his first Neighborhood meeting will be November 12, 2019 at Forkner Elementary from 5:30-7 P.M. and he stated the Veterans Boulevard is fully funded by the build grant and thanked the staff for all their hard work.

Councilmember Soria gave a presentation regarding illegal dumping as it relates to District 1.

Councilmember Bredefeld announced City Hall's second and third floor is displaying a memorial for veterans. He mentioned Friday, November 8, 2019 at 10 A.M. in front of City Hall will be the unveiling of the Veterans Memorial and thanked his staff, the Administration and Public Works for all their hard work and support in getting the memorial completed. He spoke regarding the GAP and the "No kill animal shelter."

Council President Caprioglio announced the win for the Fresno State Bulldogs against the Hawaii Rainbow Warriors. He announced the upcoming Fresno State Bulldog game will be Saturday, November 9, 2019 against the Utah State and Sunday, November 10, 2019 at the Save Mart Center at 2 P.M. the Jersey, number 24 worn by Paul George will be retired. Council President Caprioglio spoke regarding Coffee with Cops and thanked McDonalds off Dakota and Cedar, the Northeast Police District for their help and support. He congratulated the Fire Department on their recent awards and promotions. He stated on October 31, 2019 Campus Point had their "Fun O'Ween Day" also known as Trunk or Treat and thanked the Maya Theater, Jamba Juice, Assemblymember Arambula, Senator Hurtado, the Northeast Police and Fire Department for their participation in the event. He stated Fresno State kicked off their celebrations by hosting their "Veteran's Day Celebration" for Veterans Wednesday, November 6, 2019 and he thanked Veteran's Resource Center.

CONSENT CALENDAR

On motion of Councilmember Chavez, seconded by President Caprioglio, 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** [ID19-11294](#) Actions pertaining to as needed plan checking and inspection services:
1. Approve a consultant services agreement with Willdan Engineering, Inc., in an amount not to exceed \$100,000; and
 2. Approve a consultant services agreement with Interwest Consulting Group in and amount not to exceed \$250,000.
- 1-B** [ID19-11407](#) Actions relating to repealing and adding Building Regulations in the Fresno Municipal Code:

1. BILL - (For introduction) - Adopting express findings related to local climatic, topographical and geological conditions that make the City's amendments to the California Mechanical Code and California Plumbing Code reasonably necessary and repealing Sections 11-101 through Section 11-109 of Article1, Chapter 11 of the Fresno Municipal Code and adding Sections 11-101 through Section 11-109 of Article1, of Chapter 11 to adopt and amend the California Building, Residential, Electrical, Mechanical, Plumbing, Energy and Green Building Standards Codes.

BILL 41 INTRODUCED AND LAID OVER

- 1-C** [ID19-11470](#) Approve the Third Amendment to the professional consultant agreement with Stantec Architecture, Inc., to redesign the 65 percent electric bus charging infrastructure design documents to accommodate primary electrical service through PG&E EV Fleet Program in the amount of \$73,987 and authorize the Director of Transportation or designee to execute all related documents
- 1-D** [ID19-11502](#) Actions related to award of a service contract with DILAX Systems Inc., of Quebec, Canada, in the amount of \$67,131
1. Affirm the City Manager's determination that DILAX Systems, Inc., is uniquely qualified to perform maintenance services for the Department of Transportation, FAX Division, Automatic Passenger Counter system (APC)
 2. Affirm the City Manager's determination that DILAX Systems, Inc., is uniquely capable as defined by the Federal Transit Administration for sole-source non-competitive procurements, to perform maintenance services for the Department of Transportation's Automatic Passenger Counter system
 3. Award a two-year maintenance service agreement DILAX Systems, Inc., of Quebec, Canada, in the amount of \$67,131, with two one-year options
- 1-E** [ID19-11488](#) RESOLUTION - Authorizing the Application for Funding from the Urban Forestry Grant Program Entitled "Urban and Community Forestry Program" as Provided Through the Greenhouse Gas Reduction Fund (Citywide)
- The above item was pulled from the agenda by Council Vice President Arias and continued to November 14, 2019.*
- 1-F** [ID19-11490](#) RESOLUTION - Of Intention to Annex Final Parcel Map No. 2016-02 as Annexation No. 26 to the City of Fresno Community Facilities District No. 9 and to Authorize the Levy of Special Taxes; and setting the public hearing for December 5, 2019, at 10:00 am (northwest corner of North Willow and East Shepherd Avenues) (Council District 6)

RESOLUTION 2019-217 ADOPTED

- 1-G** [ID19-11507](#) Approve a Reimbursement Agreement with AT&T for \$166,168.00 to reimburse AT&T for expenses related to design, construction, and oversight communication infrastructure relocations to accommodate the "G" Street Realignment and authorize the Director or his designee to execute an amendment up to a maximum amount of \$34,000. (Council District 3)
- 1-H** [ID19-11508](#) Actions pertaining to the Marks and Nielsen Traffic Signal - Bid File 3669 (Council District 3)
1. Adopt a finding of Categorical Exemption per staff's determination, pursuant to Section 15301(c) of the California Environmental Quality Act Guidelines (CEQA)
 2. Award a construction contract in the amount of \$374,817 to Audeamus Inc., dba Sebastian of Fresno, CA, as the lowest responsive and responsible bidder for the Marks and Nielsen Traffic Signal
- 1-I** [ID19-11512](#) ***Approve a Side Letter of Agreement with the Fresno City Employees Association (FCEA), for Unit 3, Non-Supervisory White Collar, regarding Lateral Hire Incentives for Emergency Services Dispatchers II/III **(Subject to Mayor's Veto)**
- 1-J** [ID19-11518](#) Actions related to the City's Initiative to Combat Human Trafficking:
1. ***BILL NO. B-37 - (Intro. 10/24/2019) (For adoption) - Amending Sections 9-1603, 9-1604, 9-1605, and 9-1609 of the Fresno Municipal Code related to Massage Business Operations (Subject to Mayor's veto)
 2. ***BILL No. B-38 - (Intro. 10/24/2019) (For adoption) - Amending Section 9-105 of the Fresno Municipal Code related to hotel registration (Subject to Mayor's veto)

ORDINANCE 2019-038 ADOPTED

ORDINANCE 2019-039 ADOPTED

2. SCHEDULED COUNCIL HEARINGS AND MATTERS

10:00 A.M.#1

- [ID19-11494](#) **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. 105 (Final Tract Map No. 6100) (west side of North Armstrong Avenue between East Ashlan and Dakota Avenues) (Council District 4)
1. *****RESOLUTION** - To Annex Territory to Community Facilities District No. 11 and Authorizing the Levy of a

Special Tax for Annexation No. 105 (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. 11, Annexation No. 105 (Subject to Mayor's Veto)

The item was called to order at 10:27 A.M. and was introduced to Council by Assistant Director Benelli, Public Works Department. Councilmember Karbassi left the meeting at 10:27 A.M.

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

RESOLUTION 2019-218 ADOPTED

RESOLUTION 2019-219 ADOPTED

RESOLUTION 2019-220 ADOPTED

BILL 42 AND ORDINANCE 2019-040 ADOPTED

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

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

Absent: 1 - Karbassi

10:00 A.M.#2

[ID19-11491](#) **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. 102 (Final Tract Map No. 6191) (north side of Fancher Creek Drive west of North Armstrong Avenue) (Council District 5)

1. *****RESOLUTION** - To Annex Territory to Community Facilities District No. 11 and Authorizing the Levy of a Special Tax for Annexation No. 102 (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. 11, Annexation No. 102 (Subject to Mayor's Veto)

The item was called to order at 10:28 A.M. and was introduced to Council by Assistant Director Benelli, Public Works Department. Councilmember Karbassi returned to the meeting at 10:28 A.M.

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

RESOLUTION 2019-221 ADOPTED

RESOLUTION 2019-222 ADOPTED

RESOLUTION 2019-223 ADOPTED

BILL 43 AND ORDINANCE 2019-041 ADOPTED

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

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

4. CITY COUNCIL

- 4-C** [ID19-11548](#) BILL - (For introduction) - Approve an ordinance of the City of Fresno, California, adding Section 2-319 of the Fresno Municipal Code, relating to confidentiality of attorney-client privileged and personnel records.

The above item was introduced to Council by Councilmember Karbassi, District 2 and Councilmember Bredefeld, District 6. Councilmember Karbassi stated there will be no penalty for whistle blowers and this ordinance will not apply to the media, only elected officials and City employees.

Upon call, the following member of the public addressed Council: Crystal Cabrera.

Discussion held.

Councilmember Chavez suggested paragraph (e) remove "the City Attorney" from the section.

Council Vice President Arias directed staff to provide City Council with the total cost of the leaks that were leaked from Closed Session.

Councilmember Soria requested the final ordinance for adoption be timed so the members of the public can participate.

BILL 43 INTRODUCED AND LAID OVER

1:30 P.M. CONTESTED CONSENT CALENDAR

There were no items pulled for Contested Consent.

3. GENERAL ADMINISTRATION

- 3-A** [ID19-11411](#) Approve the award of a purchase contract to Haaker Equipment Company, Inc., of La Verne, California, for the purchase of three Elgin CNG Broom Bear street sweepers in the amount of \$1,189,640

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

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-B** [ID19-11506](#) ***RESOLUTION - 12th Amendment to the Annual Appropriation Resolution (AAR) No. 2019-133 to appropriate \$2,022,700 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.

Discussion held.

RESOLUTION 2019-224 ADOPTED

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

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

- 3-C** [ID19-11428](#) Actions pertaining to the East Nees Avenue Pavement Rehabilitation Project from North First Street to North Millbrook Avenue - Bid File No. 3687 (Council District 6)
1. Adopt a finding of Categorical Exemption per staff determination, pursuant to Section 15301(c) Class 1 and 15302/Class 2 of the California Environmental Quality Act guidelines.
 2. Award a construction contract in the amount of \$1,387,220.00 to Avison Construction, Inc. of Madera, California.

The above item was introduced to Council by Supervising Engineering Tech Bartel, 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-D** [ID19-11447](#) Actions pertaining to the City Hall and Municipal Services Center (MSC) energy savings and sustainability capital improvement projects: (Council District 3)
1. Adopt findings of Categorical Exemptions pursuant to Sections 15301(c), 15301(d), and 15301(e) of the California Environmental quality Action Guidelines
 2. Approve a design build agreement with Alliance Building Solutions, Inc., in the amount of \$5,555,258 for an Energy Efficiency Program and equipment, including but not limited to efficient lighting, air-conditioning and control and monitoring systems, roof replacement, elastomeric coating, and solar panels for implementation of certain energy related and sustainability services

3. Approve a Solar Power Purchase Agreement with Fresno Street Solar Project 2019, LLC., for City Hall
4. Approve a Solar Power Purchase Agreement with El Dorado Street Solar Project 2019, LLC., for the MSC
5. Approve a Solar Energy System Lease Agreement with Fresno Street Solar Project 2019, LLC.,
6. Approve a Solar Energy System Lease Agreement with El Dorado Street Solar Project 2019, LLC., and
7. Authorize the City Manager to enter into a Financing Agreement for the City Hall and MSC Energy Efficiency Project for a rate not to exceed 2.95%

The above item was pulled from the agenda by Council Vice President Arias and continued to November 14, 2019.

- 3-E** [ID19-11487](#) ***RESOLUTION - 9th Amendment to the Annual Appropriation Resolution (AAR) No. 2019-133 to appropriate \$544,600 for new capital improvement projects in the Public Works Department (citywide) (Subject to Mayor's veto) (Requires 5 affirmative votes)

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

Discussion held.

RESOLUTION 2019-225 ADOPTED

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

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

CITY COUNCIL (CONTINUED)

- 4-A** [ID19-11526](#) BILL (for introduction) - Adding Section 2-804 to the Fresno Municipal Code relating to Planning Commission composition

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

Discussion held.

Department).

- 5-D** [ID19-11528](#) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - Government Code Section 54956.9, subdivision (d)(2)
1. Significant Exposure to Litigation: Landscape Maintenance of America dba California Highway Adoption Co. v. City of Fresno (Public Works)
- 5-E** [ID19-11547](#) CONFERENCE WITH LABOR NEGOTIATORS - Government Code Section 54957.6
- City Negotiators: Jeffrey Cardell, Ken Phillips
- Employee Organizations:
1. Fresno Police Officers Association (FPOA Basic)
 2. Fresno Police Officers Association (FPOA Management)

ADJOURNMENT

City Council adjourned at 3:24 P.M. in memory of all the Veterans.