

# **City of Fresno**

*2600 Fresno Street  
Fresno, CA 93721  
[www.fresno.gov](http://www.fresno.gov)*



## **Meeting Minutes - Final**

**Thursday, January 30, 2020**

**9:00 AM**

**Regular Meeting**

**Council Chambers**

### **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***

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

9:06 A.M. ROLL CALL

**Present:** 6 - President Miguel Angel Arias  
Councilmember Esmeralda Z. Soria  
Councilmember Mike Karbassi  
Councilmember Luis Chavez  
Councilmember Garry Bredefeld  
Councilmember Nelson Esparza

**Absent:** 1 - Vice President Paul Caprioglio

Invocation by Pastor Jim Mattix of the Northeast Assembly of God

Pledge of Allegiance to the Flag

## **APPROVE AGENDA**

*City Clerk Spence announced the following changes to the agenda: File ID 20-00154 (3-B) - Closed Session item - City of Fresno v. Darling Ingredients, Inc. was removed from the agenda, File ID 20-00156 (3-C) - Closed Session item – City of Fresno v. Shell Oil Company, et al was removed from the agenda and File ID 20-00145 (1-M) - Resolution - Amending certain designated positions which shall be subject to the Conflict of Interest Code and defining categories of disclosure for such positions was continued to February 13, 2020.*

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

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

**Absent:** 1 - Caprioglio

## **APPROVE MINUTES**

[ID 20-00151](#) Approval of Minutes for January 16, 2020 and Special Meeting Minutes for January 16, 2020.

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

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

**Absent:** 1 - Caprioglio

## **CEREMONIAL PRESENTATIONS**

*The following Ceremonial items were presented:*

[ID](#) Recognition of the City of Fresno as a Bronze Level Bicycle Friendly  
[20-00115](#) Community by the League of American Bicyclists.

*Upon call, the following members of the public addressed Council: Gene Richards, Susan Smith and Anthony Molina.*

[ID 20-0029](#) Fresno City College Soccer - California Community College Athletic  
Association State Soccer Champions  
And  
Fresno City College Wrestling - California Community College Athletic  
Association State Wrestling Champions

## **COUNCILMEMBER REPORTS AND COMMENTS**

*Councilmember Esparza spoke regarding his townhall meetings in District 7 and stated he is working with the Administration and the constituents of Parking District 10, VA parking; and thanked everyone including Parking Manager Gaffery who helped improve the quality of life for the residents. Councilmember Esparza was invited to speak for the new Maddy Institute Cohort at Fresno State and welcomed Esther Bautista to his District 7 team.*

### **1. CONSENT CALENDAR**

*Councilmember Chavez left the meeting at 9:15 A.M.*

**On motion of Councilmember Soria, seconded by Councilmember Esparza, the below CONSENT CALENDAR items were adopted. The motion carried by the following vote:**

**Aye:** 5 - Arias, Soria, Karbassi, Bredefeld and Esparza

**Absent:** 2 - Caprioglio and Chavez

**1-A** [ID](#) **RESOLUTION** - Of Intention to annex Final Tract Map No. 6215 as  
[20-00104](#) Annexation No. 108 to the City of Fresno Community Facilities District No. 11 and to Authorize the Levy of Special Taxes; and setting the public hearing for Thursday, February 27, 2020, at 10:00 am (southwest corner of North Hayes and West Gettysburg Avenues) (Council District 1)

*RESOLUTION 2020-013 ADOPTED*

- 1-B**     [ID](#)             Actions pertaining to design for the ADA Upgrades at the City of Fresno  
             [20-00113](#)         Convention Center (Council District 3):  
                         1. Approve Second Amendment to Agreement with Integrated Designs by  
                         SOMAM, Inc. in the amount of \$11,525; and  
                         2. Approve Third Amendment to Agreement with Integrated Designs by  
                         SOMAM, Inc. in the amount of \$12,760 increasing the contract amount to  
                         \$131,715.
- 1-C**     [ID](#)             Actions pertaining to Cedar Avenue Pavement Overlay from Barstow  
             [20-00116](#)         Avenue to Bullard Avenue - Bid File No. 3700 (Council District 4)  
                         1. Adopt a finding of Categorical Exemption per staff's determination,  
                         pursuant to Section 15301 Class 1 of the California Environmental  
                         Quality Act (CEQA) Guidelines  
                         2. Award a construction contract in the amount of \$563,240 to Cal  
                         Valley Construction, Inc., of Fresno, CA, as the lowest responsive  
                         and responsible bidder for the Cedar Avenue Pavement Overlay  
                         project
- 1-D**     [ID](#)             Actions pertaining to Herndon Avenue and Shaw Avenue Corridor  
             [20-00117](#)         Pedestrian Signalization Upgrades - Bid File No. 3710 (Council District 1,  
                         2, 4, and 6)  
                         1. Adopt a finding of Categorical Exemption per staff determination,  
                         pursuant to Section 15301/Class 1, 15302/Class 2, and  
                         15303/Class 3 of the California Environmental Quality Act (CEQA)  
                         Guidelines  
                         2. Award a construction contract in the amount of \$137,772.00 to  
                         Cen-Pac Engineering of Fresno, CA, as the lowest responsive and  
                         responsible bidder for the Herndon Avenue and Shaw Avenue  
                         Corridors Pedestrian Signalization Upgrade project
- 1-E**     [ID](#)             Actions pertaining to the Homeless Emergency Aid Program Grant:  
             [20-00107](#)         1. Approve Agreement with Fresno County Economic Opportunities  
                         Commission in the amount of \$100,053.90 for homeless employment  
                         program  
                         2. Approve Revised Spending Plan for City of Fresno's HEAP funds
- The above item was pulled from Consent Calendar by Councilmember  
Bredefeld and moved to Contested Consent for further discussion.*
- 1-F**     [ID](#)             Actions pertaining to the 2017 Transformative Climate Communities (TCC)  
             [20-00108](#)         Grant and Transform Fresno Plan projects:  
                         1. Adopt a finding that the project is categorically exempt from CEQA  
                         pursuant to the Class 1 and Class 2 Categorical Exemption set forth  
                         in CEQA Guidelines Section 15300.2; and

2. Approve a Sub-Recipient Agreement with the City of Fresno Department of Public Works for Project 11 Southwest Urban Forest Expansion totaling \$212,199.21

- 1-G**     [ID](#)     Actions pertaining to the 2017 Transformative Climate Communities (TCC) Grant and Transform Fresno Plan project regarding the Workforce Development Project - West Fresno Advance Transportation Technical (WFATT) training program:
1. Approve Sub-Recipient Agreement with the Fresno Area Workforce Investment Corporation totaling \$1,249,432
  2. \*\*\*RESOLUTION - 26th amendment to the Annual Appropriation Resolution (AAR) No. 2019-133 appropriating \$1,249,400 for the TCC grant (requires 5 affirmative votes) (Subject to Mayor's Veto).

**RESOLUTION 2020-014 ADOPTED**

- 1-H**     [ID 20-0046](#)     Approve a Sub-Recipient Agreement with the City of Fresno Department of Public Works for Park at MLK Magnet Core totaling \$5,430,466.53 pertaining to the 2017 Transformative Climate Communities (TCC) grant and Transform Fresno plan.
- 1-I**     [ID](#)     Approve the Fifth Amendment to the Agreement with Provost and Pritchard Consulting Group, Inc., amending the work completion date to March 31, 2021 for Engineering Design and Feasibility Analysis for Removal of 1,2,3-Trichloropropane from Groundwater Extraction Wells, with no impact to the previously approved contract amount of \$1,044,000 (Citywide)
- 1-J**     [ID](#)     Approve the first amendment for engineering consultant services with Stantec Consulting Services, Inc., a New York corporation, for \$31,718 increasing the contract total to \$862,036 and extending the term through June 2020 for the Design of a New Odor Control System for the Headworks building at the Fresno-Clovis Regional Wastewater Reclamation Facility (Council District 3)
- 1-K**     [ID](#)     Actions pertaining to Water Distribution System Hydraulic Modeling On-call Services Contract (Citywide)
1. Approve a Consultant Services Agreement with Akel Engineering Group, Inc., for on-call water distribution system hydraulic modeling services for a period of three years in the amount not to exceed \$450,000
  2. Authorize the Director of Public Utilities, or designee, to sign all documents on behalf of the City of Fresno

1-L [ID](#) [20-00124](#) Approve the appointment of Cierra Jones to the Friends of Fancher Creek and the appointment of Gurjant Singh to the District 5 Project Review Committee

1-M [ID](#) [20-00145](#) RESOLUTION - Amending certain designated positions which shall be subject to the Conflict of Interest Code and defining categories of disclosure for such positions

*The above item was removed from the agenda and continued to February 13, 2020.*

1-N [ID](#) [20-0087](#)

*The above item PASSED 5-0 vote, Councilmember Esparza recused himself from the item. Council Vice President Caprioglio was absent.*

**RESOLUTION 2020-015 ADOPTED**

1-O [ID](#) [20-00147](#)

1. Council Boards and Commissions Communications, Reports, Assignments and/or Appointments, Reappointments, Removals to/from City and non-City Boards and Commissions
2. Approve the appointments of Councilmember Soria as Chair and Council President Arias as Vice Chair to the Successor Agency to the Redevelopment Agency of the City of Fresno

1-P [ID](#) [20-00153](#) **RESOLUTION** - To Amend the Council Rules of Procedure

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

1-Q [ID](#) [20-00150](#) Action related to amending the Cannabis Retail Business and Commercial Cannabis Business Ordinance:

1. \*\*\*BILL NO. B-3 - (Intro. 1/16/2020) (For adoption) - 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. (Subject to Mayor's veto)

*The above item PASSED 3-2 vote, Councilmember Karbassi and Councilmember Bredefeld voted no. Council Vice President Caprioglio and Councilmember Chavez was absent.*

**ORDINANCE 2020-002 ADOPTED.**

1-R [ID](#) [20-00152](#) Approve the appointment of Lori Buffington to the District 2 Project Review Committee

1-S [ID](#) [20-0084](#) \*\*\*RESOLUTION - Authorizing a Grant Application to the California State Department of Housing and Community Development For Funding Under the CalHome Program and Execution of a Standard Agreement and Other Required Program Documents For the Repair, Rehabilitation or Replacement of Manufactured Homes in the City of Fresno (Subject to Mayor's Veto)

*RESOLUTION 2020-017 ADOPTED*

1-T [ID](#) [20-00142](#) \*\*\*RESOLUTION - 7th Amendment to the Position Authorization Resolution No. 2019-134 adding a total of one (1) Senior Network Systems Specialist position to the Information Services Department, effective February 1, 2020. (Subject to Mayor's veto)

*RESOLUTION 2020-018 ADOPTED*

1-U [ID](#) [20-00146](#) \*\*\*BILL NO. B-2 - (Intro. 1/16/2020) (For adoption) - 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. (Subject to Mayor's veto)

*ORDINANCE 2020-003 ADOPTED*

1-V [ID](#) [20-00140](#) \*\*\*RESOLUTION - 6th Amendment to Position Authorization Resolution No. 2019-134, adding 16 permanent, full-time positions to the Fresno Police Department (FPD), as follows: two (2) Background Investigators, four (4) Emergency Services Dispatchers I, two (2) Laborers, three (3) Property and Evidence Technicians, and five (5) Police Support Services Clerks, effective February 1, 2020 (Subject to Mayor's veto).

*RESOLUTION 2020-019 ADOPTED*

**CONTESTED CONSENT CALENDAR**

1-E [ID](#) [20-00107](#) Actions pertaining to the Homeless Emergency Aid Program Grant:  
1. Approve Agreement with Fresno County Economic Opportunities Commission in the amount of \$100,053.90 for homeless employment program

2. Approve Revised Spending Plan for City of Fresno's HEAP funds

*The above item was introduced to Council by Director Strategic Initiative Spees, Mayor's Office.*

*Upon call the following members of the public addressed Council: Director Misty Balnco, Yonas Paulos and Brandi Villages.*

*Director Strategic Initiative Spees responded to questions by the Council.*

**APPROVED**

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

**Aye:** 5 - Arias, Soria, Karbassi, Bredefeld and Esparza

**Absent:** 1 - Caprioglio

**Recused:** 1 - Chavez

**1-P**     [ID](#)     **RESOLUTION** - To Amend the Council Rules of Procedure  
[20-00153](#)

*Discussion held and several Councilmembers addressed their concerns with the proposed amendments to the Council Rules of Procedures.*

*Councilmember Bredefeld motioned to remove the amended language from Rule No. 6 Section e "No presentation materials not in compliance with this Rule shall be accepted for presentation at a Council meeting unless prior approval is granted by the Council President, or as may be approved by five votes of the Council at the Council meeting" and to keep the original language. Councilmember Chavez seconded the motion. Motion PASSED 6-0, Council Vice President Caprioglio was absent.*

*Councilmembers and City Attorney Sloan discussed the additional proposed language added to Rule No. 10, Section 3 item d regarding Scheduled and Unscheduled Communications. Upon consensus of the Council, the additional language was approved.*

*Councilmember Bredefeld discussed the proposed language added to Rule*



*No. 12 Section f.*

*Councilmembers and City Attorney Sloan discussed Rule No. 22 Questions of Order and Appeals to Rulings of Chair Sections a and c.*

*Councilmember Soria motioned to keep the current language in Section a without any amendments. Council President Arias seconded the motion. Motion PASSED 6-0, Council Vice President Caprioglio was absent.*

*Councilmember Bredefeld motioned to amend the language “preferably should” in proposed Section c to state “shall”. Council President Arias seconded the motion. After discussion, Council President Arias withdrew his second and Councilmember Chavez seconded the motion. Motion FAILED 2-4, Councilmember Bredefeld and Councilmember Chavez votes yes, Councilmember Soria, Councilmember Karbassi, Councilmember Esparza and Council President Arias voted no. Council Vice President Caprioglio was absent.*

*Councilmember Soria motioned to remove the proposed Rule No. 22 Section c all together. Councilmember Karbassi seconded the motion. Motion PASSED 6-0, Council Vice President Caprioglio was absent.*

*Council President Arias motioned to approve the remaining Rules of Procedures. Councilmember Esparza seconded the motion.*

*Upon call, there was no public comment.*

**RESOLUTION 2020-016 ADOPTED AS AMENDED**

**On motion of President Arias, seconded by Councilmember Esparza, 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

## **2. SCHEDULED COUNCIL HEARINGS AND MATTERS**

**10:05 A.M.**

[ID 20-0030](#) HEARING to consider adoption of resolution related to the designation of a property to the Local Register of Historic Resources

1. \*\*\* RESOLUTION - Designating the Ridge Electric Motor Company Building located at 1235 G Street, Fresno, California to the Local Register of Historic Resources (Council District 3) (Subject to Mayor's veto)

*Councilmember Chavez left the meeting at 10:34 A.M.*

*The hearing was called to order at 10:34 A.M. and was introduced to Council by Historic Preservation Specialist van Onna, Planning and Development Department. Upon call, there was no public comment and no Council discussion.*

*RESOLUTION 2020-020 ADOPTED*

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

**Aye:** 5 - Arias, Soria, Karbassi, Bredefeld and Esparza

**Absent:** 2 - Caprioglio and Chavez

### **10:15 A.M.**

[ID 20-00148](#) CONTINUED HEARING - Appeal Request: Denial of Waiver - Construction of Sidewalk Along S. Channing Avenue, APNs: 464-220-058, P19-01742

*The hearing was called to order at 10:36 A.M. and introduced to Council by Assistant Director Benelli, Public Works Department and Applicant representative Sami Mourtada with Grand Bridge Inc. Upon call, there was no public comment.*

*Councilmember Chavez returned to the meeting at 10:51 A.M.*

*Discussion held.*

**APPROVED**

**On motion of President Arias, seconded by Councilmember Soria, that**

the above appeal be approved. The motion carried by the following vote:

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

**Absent:** 1 - Caprioglio

### **10:20 A.M. SCHEDULED COMMUNICATION**

[ID](#) Appearance by Gonzalo Arambula to discuss work and labor issues  
[20-00143](#)

*DID NOT APPEAR*

[ID](#) Appearance by Mary Padilla to discuss restoring peace back to our City  
[20-00144](#) (Speaker resides in District 2)

*APPEARED*

### **10:30 A.M.**

[ID](#) **WORKSHOP - Regarding Tower District Beautification Plan**  
[20-00155](#)

*The above workshop was presented to Council by Councilmember Soria, District 1, Council President Arias, District 3 and Anthony "AP" Armour, Executive Director of Neighborhood Industries.*

*PRESENTED*

### **11:00 A.M.**

[ID](#) **WORKSHOP - Presentation on Tax Increment Financing ("TIF") District**  
[20-00102](#) Preliminary Feasibility Analysis

*The above workshop was presented to Council by Councilmember Esparza, District 7 and Senior Vice President Joseph Dieguez with Kosmont.*

*Councilmember Soria requested more information be provided to her office regarding the details between the partnership with the City of Fresno and the County of Fresno.*

*PRESENTED*

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

### **UNSCHEDULED COMMUNICATION**

*Upon call, there was no Unscheduled Communication.*

### **3. 1:30 P.M. CLOSED SESSION**

*City Council recessed for Closed Session at 1:32 P.M. and returned from Closed Session at 1:56 P.M.*

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

- 3-A [ID](#)  
[20-00127](#) CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION - Government Code Section 54956.9, subdivision (d)(1)  
1. Jeeteen Vallabh, et al. v. City of Fresno, et al.; Fresno Superior Court Case No.: 19CECG01582 (Transportation Department).

- 3-B [ID](#)  
[20-00154](#) CONFERENCE WITH LEGAL COUNSEL- DECIDING WHETHER TO INITIATE LITIGATION - Government Code Section 54956.9, subdivision (d) (4); City of Fresno v. Darling Ingredients, Inc.

*The above item was removed from the agenda.*

- 3-C [ID](#)  
[20-00156](#) CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION - Government Code Section 54956.9, subdivision (d)(1)  
1. City of Fresno v. Shell Oil Company, et al.; San Bernardino County Superior Court Case No.: SCVSS120627(Public Utilities Department)

*The above item was removed from the agenda.*

- 3-D [ID](#)  
[20-00158](#) 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

### **4. GENERAL ADMINISTRATION**

*There were no items under General Administration.*

## **5. CITY COUNCIL**

*There were no items under City Council.*

## **ADJOURNMENT**

*City Council adjourned at 1:56 P.M. in memory of Former Fresno Unified trustee Janet Ryan.*