

City of Fresno

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



Meeting Minutes - Final

Thursday, July 16, 2020

9:00 AM

Electronic Meeting

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

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

9:04 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

Pledge of Allegiance to the Flag

APPROVE AGENDA

*City Clerk Spence announced the following changes to the agenda:
Councilmember Chavez asked to conclude the Council meeting in memory of Jess Quintero, File ID 20-00925 (1-S) – Resolution– Limiting the filling of positions, raises and promotions was removed from the agenda, File ID 20-00916 (10:00 A.M.#3) - Continued Hearing to consider Annexation Application No. P19-02239, Plan Amendment/Rezone Application No. P19-02237, Vesting Tentative Tract Map No. 6234/UGM, and related Environmental Assessment No. T-6234/P19-02237/P19-02239, for property located on the west side of North Hayes Avenue between West Ashlan and West Shields Avenues (Council District 1) was continued to August 20, 2020, at 10:00 A.M., File ID 20-00881 (10:10 A.M.) - Hearing to Consider Conditional Use Permit Application No. P19-05984 and related Environmental Assessment No. P19-05984, (Council District 6) - Exhibit U - Draft Conditions of Approval was incomplete and was replaced with a supplement, File ID 20-00930 (1-V) - Resolution - regarding effects upon development of the expiration of the 2003 Tax Sharing Agreement with the County of Fresno, Council Vice President Caprioglio was added as a sponsor, and File ID 20-00157 (10:05 A.M.) - Actions pertaining to the Fresno Joint Powers Financing Authority Lease Revenue Refunding Bonds (Various Capital Projects), Series 2004 was continued to August 20, 2020 at 10:05 A.M.*

The following items were pulled from Consent Calendar and moved to

Contested Consent.

1. File ID 20-00890 (1-F) - Actions pertaining to the Restroom Remodels Project (at Frank H. Ball, Highway City and Mary Ella Brown) Project (Bid File 3714) was pulled by Councilmember Soria.

2. File ID 20-00903 (1-O) – Bill No. 23 Amending Article 17, Chapter 9, Section 9-1705 of Fresno Municipal Code, relating to Franchise Tow Agreements. (Subject to Mayor's Veto) was pulled by Council President Arias.

On motion of Councilmember Soria, seconded by Councilmember Esparza, 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

CEREMONIAL PRESENTATIONS

There were no Ceremonial Presentations.

COUNCILMEMBER REPORTS AND COMMENTS

Councilmember Soria announced District 1 will be coordinating with United Health Center for two no cost COVID-19 testing events starting Friday, July 24, 2020 at the Sikh Institute from 8:00 A.M. - 12:00 P.M. and Friday, July 31, 2020 through Saturday, August 1, 2020 at Lions Park from 8:00 A.M. -12:00 P.M. by appointment only. Please call United Health Center at 1-800-492-4227. She also stated they will be giving out free face masks on a first come basis. She gave a shout out to Public Works Director Mozier and his staff who helped with a successful virtual meeting on the bike lane grant.

Councilmember Chavez thanked United Heath Center for the drive through COVID-19 testing in his district where almost 1,500 people were tested each day. He also thanked the staff for the work they did. Councilmember Chavez requested the meeting be adjourned in memory of Jess Quintero, former Councilmember and County Supervisor Sal Quintero's brother.

Councilmember Esparza thanked his residents and students for those who

participated in the at home summer activities program. He announced the next summer contest will be a cook off next week. Councilmember Esparza requested the meeting be adjourned in memory of those (137,000) victims who have lost their lives due to COVID-19.

Councilmember Karbassi addressed the delaying COVID-19 test results and he thanked the Fresno Fire Department for quickly putting out the recent fires in the City of Fresno. He spoke about the flu and encouraged everyone to get their flu shot in spite of COVID-19.

Council President Arias thanked the Information Services Department (ISD) for getting him up and ready to telework from home. He stated he is working with the Administration to clean up the Santa Clara Street. He read two comments from the public regarding their concerns about the Santa Clara Street. He stated he will be bringing a presentation forward on August 20, 2020 regarding the liabilities for the street clean up.

1. CONSENT CALENDAR

Upon call, the following member of the public addressed Council: Kim Sambrano.

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

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

Absent: 1 - Caprioglio

- 1-A** [ID](#) Approval of Minutes for the following:
 [20-00912](#) June 11, 2020 Regular Meeting; June 11, 2020 Special Emergency Open Session Meeting; June 15, 2020 Budget Hearings; June 16, 2020 Budget Hearings; June 18, 2020 Regular Meeting; June 22, 2020 Regular Meeting; June 22, 2020 Special Meeting; June 25, 2020 Regular Meeting; June 30, 2020 Budget Hearings; and June 30, 2020 Special Emergency Open Session Meeting
- 1-B** [ID](#) Actions pertaining to Sierra Sky Park (Council District 2):
 [20-00773](#) 1. Adopt a finding of Negative Declaration per staff determination, pursuant to Public Resources Code § 21157.1 and California Environmental Quality Act (CEQA) Guidelines §15177, Master Environmental Impact Report (SCH # 2012111015)

2. BILL - (For Introduction) - Modifying Sections 1901 and 1905 of Chapter 14 of the Fresno Municipal Code relating to use of aircraft and the parking of aircraft on public streets in Sierra Sky Park
3. RESOLUTION - of Intention No. 1128-D to vacate a portion of West Spaatz Avenue and North Doolittle Drive between North Blythe Avenue and West Herndon Avenue

BILL NO. 26 APPROVED/INTRODUCED AND LAID OVER

- 1-C** [ID](#) RESOLUTION - Authorizing the Submission of Grant Applications
[20-00882](#) Requesting up to \$3 Million in Grant Funds from the Fresno Council of Governments (COG) 2020/21 Measure C New Technology Reserve Grant Program for Advanced Transit Projects (New Technology Grant Program) to Install Adaptive Traffic Signal Control Technology and Pedestrian Signal Touchless Push Buttons

RESOLUTION 2020-162 ADOPTED

- 1-D** [ID](#) **RESOLUTION** - Of Intention to Annex Final Tract Map No. 6249 as
[20-00885](#) Annexation No. 111 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, August 20, 2020, at 10:00 am (south side of East Copper Avenue between North Willow and Chestnut Avenues) (Council District 6)

RESOLUTION 2020-163 ADOPTED

- 1-E** [ID](#) Actions pertaining to the City Hall UB&C Counter Remodel Project (Bid
[20-00886](#) File 3720) (Council District 3)
1. Adopt finding of a Categorical Exemption pursuant to Section 15301(a)/Class 1 of the California Environmental Quality Act (CEQA) Guidelines
 2. Award a construction contract with Next Stage Construction, of Fresno, CA, for \$148,000

- 1-F** [ID](#) Actions pertaining to the Restroom Remodels Project (at Frank H. Ball,
[20-00890](#) Highway City, and Mary Ella Brown) Project (Bid File 3714) (Council Districts 2 and 3)
1. Adopt finding of a Categorical Exemption pursuant to Section 15301(a)/Class 1 of the California Environmental Quality Act (CEQA) Guidelines
 2. Award a construction contract with Next Stage Construction, of Fresno, CA, for \$350,000

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

- 1-G** [ID](#) **RESOLUTION** - Of Intention to Annex Final Tract Map No. 6290 as
 [20-00892](#) Annexation No. 45 to the City of Fresno Community Facilities District No. 9
 and to Authorize the Levy of Special Taxes; and setting the public hearing
 for Thursday, August 20, 2020, at 10:00 am (south side of West San Jose
 Avenue, west of North Maroa Avenue between North Nantucket and
 Colonial Avenues) (Council District 2)

RESOLUTION 2020-164 ADOPTED

- 1-H** [ID](#) Approve an Improvement and Reimbursement Agreement with the
 [20-00893](#) Veteran's Administration for the Traffic Signal Installation Project at the
 intersection of Clinton Avenue and Angus Street (Council District 7)
- 1-I** [ID](#) Reject all bids for the Ashlan Avenue Sidewalks from Effie Street to State
 [20-00891](#) Route 41 - Bid File No. 3719 (Council District 7)
- 1-J** [ID](#) Reject all bids for the Barstow Avenue and Palm Avenue Traffic Signal
 [20-00895](#) Project - Bid File No. 3748 (Council Districts 2)
- 1-K** [ID](#) Reject all bids for the Armstrong Avenue and Lane Avenue Traffic Signal
 [20-00897](#) Project - Bid File No. 3743 (Council Districts 5)
- 1-L** [ID](#) **RESOLUTION** - Of Intention to Annex the Territory Known as Parcel A of
 [20-00899](#) Final Parcel Map No. 2019-06 as Annexation No. 46 to the City of Fresno
 Community Facilities District No. 9 and to Authorize the Levy of Special
 Taxes; and setting the public hearing for Thursday, August 20, 2020 at
 10:00 am (northeast corner of North First and East Nees Avenues)
 (Council District 6)

RESOLUTION 2020-165 ADOPTED

- 1-M** [ID](#) Approve service contract with A-C Electric Company in the amount not to
 [20-00914](#) exceed \$107,734 for the Fresno-Clovis Regional Wastewater Reclamation
 Facility for Replacement of Programmable Logic Controller Equipment,
 Supervisory Control and Data Acquisition System Replacement and
 Configuration Integration. (Bid File 3753) (Citywide)
- 1-N** [ID](#) Actions Pertaining to Small Cell Fees:
 [20-00828](#)
 1. Adopt a finding that this approval is statutorily exempt from the
 requirements of the California Environmental Quality Act (CEQA)
 pursuant to CEQA Guidelines Section 15273(a)
 2. ***RESOLUTION - Adopting the 557th Amendment to the Master
 Fee Schedule Resolution No. 80-420 to add a conduit/conductor
 fee related to Small Cell Deployment. (Subject to Mayor's veto)

RESOLUTION 2020-166 ADOPTED

- 1-O [ID](#) [20-00903](#) ***BILL NO. B-23 - (Intro. 6/25/2020) (For adoption) - Amending Article 17, Chapter 9, Section 9-1705 of Fresno Municipal Code, relating to Franchise Tow Agreements. (Subject to Mayor's veto)

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

- 1-P [ID](#) [20-00904](#) ***BILL NO. B-24 - (Intro. 6/25/2020) (For adoption) - Amending Section 2-514 of the Fresno Municipal Code in response to the COVID-19 pandemic : (Requires 5 affirmative votes if treated as an Emergency Ordinance) (Subject to Mayor's veto)

Councilmember Bredefeld voted no on the above item. The item PASSED 5-1. Council Vice President Caprioglio was absent.

ORDINANCE 2020-024 ADOPTED

- 1-Q [ID](#) [20-00908](#) Actions pertaining to Commercial Cannabis Activity:
1. ***RESOLUTION - Approving an Application for Authorization to Access State and Federal Level Summary Criminal History Information for Cannabis Employment, Contractors, Licensing or Certification Purposes (Subject to Mayor's Veto)

RESOLUTION 2020-167 ADOPTED

- 1-R [ID](#) [20-00923](#) Approve the appointment of Marcelino Valdez to the Immigration Affairs Committee.
- 1-S [ID](#) [20-00925](#) ***RESOLUTION - Limiting the filling of positions, raises, and promotions (Subject to Mayor's Veto)

The above item was removed from the agenda by Council President Arias and City Manager's Office.

- 1-T [ID](#) [20-00927](#) Approve a services agreement with Pinnacle Training Systems for the Annual Wellness, Fitness and Physicals Program in an amount not to exceed \$140,000.
- 1-U [ID](#) [20-00928](#) Actions pertaining to COVID-19 response and the Central Valley Children Services Network:
1. Authorize the City Manager to execute a grant agreement with Central Valley Children Services Network for child care services for

essential workers in the amount of \$2,389,808

2. ***RESOLUTION - Adopting the 1st Amendment to the Annual Appropriation Resolution No. 2020-159 appropriating \$2,389,808 from the City's Coronavirus Relief Fund to fund the Central Valley Children Services Network child care program (Requires 5 affirmative votes) (Subject to Mayor's Veto)

RESOLUTION 2020-168 ADOPTED

- 1-V [ID](#) RESOLUTION - Regarding Effects Upon Development of the Expiration of the 2003 Tax Sharing Agreement with the County of Fresno
[20-00930](#)

RESOLUTION 2020-169 ADOPTED

- 1-W [ID](#) Actions related to Fresno Micro Farmers Farm to Family Program:
[20-00931](#) 1. ***RESOLUTION - Amending the Fresno Micro Farmers Farm to Family Program to increase the maximum grant amount (Subject to Mayor's Veto)

RESOLUTION 2020-170 ADOPTED

CONTESTED CONSENT CALENDAR

- 1-F [ID](#) Actions pertaining to the Restroom Remodels Project (at Frank H. Ball, Highway City, and Mary Ella Brown) Project (Bid File 3714) (Council Districts 2 and 3)
[20-00890](#)
1. Adopt finding of a Categorical Exemption pursuant to Section 15301(a)/Class 1 of the California Environmental Quality Act (CEQA) Guidelines
 2. Award a construction contract with Next Stage Construction, of Fresno, CA, for \$350,000

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

Councilmember Soria motioned to approve the item as presented with an amendment to include touchless features in the restrooms in the parks. Council President Arias seconded the motion.

Council President Arias spoke regarding the hydration station and directed the Administration to upgrade them. Assistant City Manager Schaad responded.

APPROVED AS AMENDED

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

the above Action Item be approved as amended. The motion carried by the following vote:

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

Absent: 1 - Caprioglio

- 1-O [ID](#) [20-00903](#) ***BILL NO. B-23 - (Intro. 6/25/2020) (For adoption) - Amending Article 17, Chapter 9, Section 9-1705 of Fresno Municipal Code, relating to Franchise Tow Agreements. (Subject to Mayor's veto)

The above item was introduced to Council by Chief Hall, Fresno Police Department.

Council President Arias asked several questions regarding the expiration date of the original contract, when the extension ends, and what is the rational for having multiple companies. He also asked about previous companies who violated their contract and if they are still in contract with the City of Fresno. Council President Arias asked what was the last time the tow contract went out for bid, what the cost justification to the City Budget will be and if it would be more expensive going with the company. Chief Hall responded.

Councilmember Chavez asked about the impound towed period.

Councilmember Soria asked why using one contract is more expensive then having two. Chief Hall responded.

Council President Arias asked what happens when a contractor violates their contract and he would like to know what the cost increase is to the City budget.

Councilmember Chavez motioned to continued the item to August 20, 2020 and with more clarity on the 30 day impound contract and the violation of the contract. Council President Arias seconded the motion.

Councilmember Soria directed staff to provide Council with a memo with more information on the policy of when an officer encounters an unlicensed driver and how is that dealt with.

Councilmember Bredefeld spoke in support to approve the item forward today rather than continue to the next meeting.

Councilmember Karbassi asked what the deadline was of the current contract and supports continuing the item to the next meeting. City Attorney Sloan responded.

On motion of Councilmember Chavez, seconded by President Arias, that the above Action Item be continued to August 20,2020. 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

10:00 A.M.#1

[ID](#)
[20-00883](#)

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. 110 (Final Parcel Map No. 2018-04; Parcels A to E, and the Remainder Parcel) (north side of West Providence Avenue between North Cornelia and Lodi Avenues) (Council District 3)

1. *****RESOLUTION** - to Annex Territory to Community Facilities District No. 11 and Authorizing the Levy of a Special Tax for Annexation No. 110 (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 2020-2021 and Future Tax Years Within and Relating to Community Facilities District No. 11, Annexation No. 110 (Subject to Mayor's Veto)

The item was called to order at 10:47 A.M. There was no introduction to Council, no public comment and no Council discussion.

RESOLUTION 2020-171 ADOPTED

RESOLUTION 2020-172 ADOPTED

RESOLUTION 2020-173 ADOPTED

BILL NO. 27/ORDINANCE 2020-025 ADOPTED

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

Aye: 4 - Arias, Karbassi, Bredefeld and Esparza

Absent: 3 - Caprioglio, Soria and Chavez

10:00 A.M.#2

[ID](#)
[20-00884](#)

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. 35 (Assessor's Parcel Numbers 504-092-34S, 504-092-38S, and 504-092-42S (El Paseo Phase II Development) (southwest side of North Riverside Drive, south of West Herndon Avenue) (Council District 2)

1. *****RESOLUTION** - to Annex 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 2020-2021 and Future Tax Years Within and Relating to Community Facilities District No. 9, Annexation No. 35 (Subject to Mayor's Veto)

The item was called to order at 10:49 A.M. There was no introduction to Council, no public comment and no Council discussion.

RESOLUTION 2020-174 ADOPTED

RESOLUTION 2020-175 ADOPTED

RESOLUTION 2020-176 ADOPTED

BILL NO. 28/ORDINANCE 2020-026 ADOPTED

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

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

Absent: 2 - Caprioglio and Soria

10:00 A.M.#3

ID
20-00916

(CONTINUE TO AUGUST 20, 2020 AT 10:00 A.M.)

CONTINUED HEARING to consider Annexation Application No. P19-02239, Plan Amendment/Rezone Application No. P19-02237, Vesting Tentative Tract Map No. 6234/UGM, and related Environmental Assessment No. T-6234/P19-02237/P19-02239, for property located on the west side of North Hayes Avenue between West Ashlan and West Shields Avenues (Council District 1) - Planning and Development Department.

1. ADOPT the finding of a Mitigated Negative Declaration as prepared for Environmental Assessment No. T-6234/P19-02237/P19-02239 dated March 13, 2020 for the proposed project pursuant to the California Environmental Quality Act (CEQA).
2. ***RESOLUTION - Approving Annexation Application No. P19-02239 proposing to initiate proceedings for the Dakota-Hayes No. 4 Reorganization to annex the ±235 acre property to the City of Fresno; and detachment from the North Central Fire Protection District and the Kings River Conservation District. (Subject to Mayor's Veto.)
3. RESOLUTION - Approving Plan Amendment Application No. P19-02237 proposing to amend the Fresno General Plan and the West Area Community Plan to change the planned land use designations for the subject property from the Low Density Residential (±1.06 acres), Medium-High Density Residential (±9.76 acres), Urban Neighborhood (±17.26 acres) and Open Space/Neighborhood Park (±5.25 acres) planned land use designations to the Medium Density Residential (±35.88 acres) land use designation.
4. BILL (For introduction and adoption) - Approving Pre-zone Application No. P19-02237 proposing to pre-zone the subject property from the Fresno County RR (*Rural Residential*) to the City of Fresno RS-3/UGM/ANX (*Single Family Residential, Low Density/Urban Growth Management/Annexed Rural Residential Transitional Overlay*), RS-5/UGM (*Residential Single Family, Urban Growth Management*), RS-5/UGM/ANX (*Residential Single Family, Medium Density/Urban Growth Management/Annexed Rural Residential Transitional Overlay*), RM-2/UGM/ANX (*Residential Multi-Family, Urban Neighborhood Density/Urban Growth Management/Annexed Rural Residential Transitional Overlay*) and OS/UGM/ANX (*Open Space/Urban Growth Management/Annexed Rural Residential Transitional Overlay*) zone districts in accordance with the Fresno General Plan and pursuant to the proposed General

Plan Amendment.

5. APPROVE Vesting Tentative Tract Map No. 6234/UGM, proposing to subdivide approximately 88.1 acres of the subject property into a 486 -lot single-family residential development subject to compliance with the Conditions of Approval dated May 20, 2020, and contingent upon approval of Annexation No. P19-02239, Plan Amendment/Rezone Application No. P19-02237 and the related environmental assessment.
6. APPROVE Indemnification Agreement with Edward D. Fannuchi for indemnity related to claims arising from SB 330.

The above item was continued to August 20, 2020 at 10:00 A.M.

10:05 A.M. MEETING WITH THE JOINT POWERS FINANCING AUTHORITY

[ID](#)
[20-00157](#)

Actions pertaining to the Fresno Joint Powers Financing Authority Lease Revenue Refunding Bonds (Various Capital Projects), Series 2004:

1. RESOLUTION of the City Council of the City of Fresno authorizing the release of facilities and amendment to the Facilities Lease and Facilities Sublease relating to the Fresno Joint Powers Financing Authority Lease Revenue Refunding Bonds (Various Capital Projects), Series 2004 and approving the taking of all necessary or desirable actions in connection therewith (Council action)
2. RESOLUTION of the Fresno Joint Powers Financing Authority authorizing the release of facilities and amendment of the Facilities Sublease relating to the Fresno Joint Powers Financing Authority Lease Revenue Refunding Bonds (Various Capital Projects), Series 2004 and approving the taking of all necessary or desirable action in connection therewith (Authority action)

The above item was continued to August 20, 2020 at 10:05 A.M.

10:10 A.M.

[ID](#)
[20-00881](#)

HEARING to Consider Conditional Use Permit Application No. P19-05984 and related Environmental Assessment No. P19-05984, (Council District 6) - Planning & Development Department.

1. CONSIDER Environmental Assessment No. P19-05984, dated July 16, 2020, a determination that the proposed project is exempt from the California Environmental Quality Act (CEQA) through a Class 1 Categorical Exemption; and,
2. DENY the applicant's appeal and UPHOLD the action of the Planning Commission and the Planning and Development Department Director to deny Conditional Use Permit Application No. P19-05984 requesting to upgrade the Johnny Quik Type 20

(Off-Sale Beer & Wine) alcohol sales license to a Type 21 (Off-Sale General License) to include distilled spirits.

The item was called to order at 10:50 A.M. and introduced to Council by Planner III Siegrist, Planning and Development Department. Staff recommends that Council deny the appeal and uphold the actions of the Planning and Development Department and the Planning Commission. Upon call, there was no public comment.

Councilmember Bredefeld explained his position and motioned to overrule the Planning Commission and approve the application, with a finding that the proposed use is incidental and appurtenant to the larger retail use and provides for a more complete and convenient shopping experience. Councilmember Esparza seconded the motion.

Councilmember Chavez asked if the child care facility or residents were in opposition. Planner III Siegrist responded.

Councilmember Esparza asked about the net impact in terms of the number of licenses in the City of Fresno and is there any other 21 licenses being transferred. Planner III Siegrist responded.

Council President Arias stated September 17, 2020 is the final day the Council will be adopting the proposed Ordinance and he asked several questions regarding the location of the applicant and the number of licenses in the surrounding area and how far is the Child Care facility. Planning III Siegrist responded. Council President Arias asked the applicant why they wanted to upgrade to a 21 license and where the license is coming from. Applicant George Beal responded. Council President Arias expressed his concerns and does not support the motion.

Council President Arias asked for a friendly amendment to allow license 20 of the existing business expire and that the license 21 only come from the City of Fresno. Councilmember Bredefeld and Councilmember Esparza agreed to the amendment.

APPROVED AS AMENDED

On motion of Councilmember Bredefeld, seconded by

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

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

Absent: 1 - Caprioglio

10:15 A.M. JOINT MEETING OF THE CITY COUNCIL, THE CITY OF FRESNO IN ITS CAPACITY AS HOUSING SUCCESSOR TO THE REDEVELOPMENT AGENCY OF THE CITY OF FRESNO AND THE FRESNO REVITALIZATION CORPORATION

[ID](#)
[20-00922](#)

Approve Second Amendment to the Amended and Restated Owner Participation Agreement with Broadway Plaza Family Apartments, LP relating to the residential project at 1241-1263 Broadway Mall, commonly known as Hotel Fresno

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

APPROVED

On motion of President Arias, seconded by Councilmember Soria, 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

3. GENERAL ADMINISTRATION

3-A

[ID](#)
[20-00873](#)

Actions pertaining to the Permanent Local Housing Allocation 5-Year Plan:

1. ***RESOLUTION - Authorizing submission of a five-year Plan to the California Housing and Community Development Department in application for funding from the Permanent Local Housing Allocation (PLHA) for the development of affordable multifamily and single family housing, owner occupied home rehabilitation, and down payment assistance to benefit low- and moderate- income persons and authorizing the City Manager to sign all necessary implementing documents (Subject to Mayor's Veto)
2. ***RESOLUTION - 2nd amendment to the Annual Appropriation Resolution No. 2020-159 appropriating \$3,407,700 for affordable housing development, housing rehabilitation, and homebuyer assistance through state entitlement grant programs (Requires 5

affirmative votes) (Subject to Mayor's veto)

The above item was introduced to Council by Administrative Manager Jenks, Planning and Development Department. Upon call, there was no public comment and no Council discussion.

CONTINUED TO AUGUST 20, 2020

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

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

Absent: 1 - Caprioglio

- 3-B** [ID](#) Approve a \$1,462,000 HOME Investment Partnerships Program, [20-00901](#) Community Housing Development Organization Agreement with Self-Help Enterprises for the construction of its proposed Annadale Phase II Single-Family Housing Project consisting of 22 affordable single-family homes on Annadale Avenue west of Elm Avenue in southwest Fresno (District 3)

The above item was introduced to Council by Project Manager Nunez, Planning and Development Department. Upon call, the following member of the public addressed Council: Betsy McGovern-Garcia.

Councilmember Soria directed staff to have self help do outreach to South Fresno.

APPROVED

On motion of President Arias, seconded by Councilmember Soria, 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

4. CITY COUNCIL

- 4-A** [ID](#) Approve agreement with the Fresno Economic Opportunities Commission [20-00924](#) (Fresno EOC) for the implementation of the DAWN Initiative (Development Across West Fresno Neighborhoods).

Councilmember Chavez recused himself from the above item.

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

Councilmember Bredefeld addressed his concerns with the money going to Fresno Economic Opportunities Commission (EOC) and requested the City of Fresno oversee the funds. Council President Arias responded and Assistant City Manager Schaad stated that the funds will be overseen by the Finance Department. Councilmember Bredefeld asked about the deliverables. Dr. Venise Curry responded.

Councilmember Karbassi asked if the funding is General Fund dollars and if the full amount of money will be spent on the program through CARES Act. He asked if the University of California, San Francisco (UCSF) is training those who are providing testing. Dr. Venise Curry responded.

APPROVED

On motion of President Arias, seconded by Councilmember Esparza, 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

City Council recessed for lunch at 11:38 A.M. and returned from lunch at 1:11 P.M.

5. CLOSED SESSION

City Council recessed into Closed Session at 1:11 P.M. and returned from Closed Session at 4:40 P.M.

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

5-A

[ID](#)
[20-00900](#)

CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION;
Government Code Section 54956.9, subdivision (d)(1)

Case Name: Isiah Murrietta-Golding, et al. v. City of Fresno, et al.; United States District Court Case No.: 1:18-CV-00314 (Police Department)

5-B

[ID](#)
[20-00907](#)

CONFERENCE WITH LABOR NEGOTIATORS - Government Code Section 54957.6

City Negotiators: Jeffrey Cardell, Richard Boyd

Employee Organizations:

1. International Union of Operating Engineers, Stationary Engineers, Local 39 (Local 39); 2. Fresno City Employees Association (FCEA); 3. Fresno Police Officers Association (FPOA Basic); 4. International Association of Firefighters, Local 753, Unit 5 (Fire Basic); 5. Amalgamated Transit Union, Local 1027 (ATU); 6. International Brotherhood of Electrical Workers, Local 100 (IBEW); 7. Fresno Police Officers Association (FPOA Management); 8. International Association of Firefighters, Local 753, Unit 10 (Fire Management); 9. City of Fresno Professional Employees Association (CFPEA); 10. City of Fresno Management Employees Association (CFMEA); 11. Operating Engineers, Local Union No. 3, Fresno Airport Public Safety Supervisors (FAPSS); 12. Operating Engineers, Local Union No. 3, Fresno Airport Public Safety Officers (FAPSO); 13. Unrepresented Employees in Unit 2 (Non-Represented Management and Confidential Classes): Airport Public Safety Manager, Assistant City Attorney, Assistant City Manager, Assistant Controller, Assistant Director, Assistant Director of Personnel Services, Assistant Director of Public Utilities, Assistant Director of Public Works, Assistant Police Chief, Assistant Retirement Administrator, Budget Analyst, Budget Manager, Chief Assistant City Attorney, Chief Information Officer, Chief of Staff to Councilmember, Chief of Staff to the Mayor, City Attorney (City Negotiator, Council President Arias), City Attorney Investigator, City Clerk (City Negotiator, Council President Arias), City Engineer, City Manager (City Negotiator, Mayor Brand), Community Coordinator, Community Outreach Specialist, Controller, Council Assistant, Deputy City Attorney II, Deputy City Attorney III, Deputy City Manager, Director, Director of Aviation, Director of Development, Director of Personnel Services, Director of Public Utilities, Director of Transportation, Economic Development Coordinator, Economic Development Director, Executive Assistant to Department Director, Executive Assistant to the City Attorney, Executive Assistant to the City Manager, Fire Chief, Governmental Affairs Manager, Human Resources Manager, Independent Reviewer, Internal Auditor, Investment Officer, Labor Relations Manager, Management Analyst II, Payroll Accountant, Payroll Manager, Police Chief, Principal Budget Analyst, Principal Internal Auditor, Public Affairs Officer, Public Works Director, Retirement Administrator, Retirement Benefits Manager, Senior Budget Analyst, Senior Deputy City Attorney

I, Senior Deputy City Attorney II, Senior Deputy City Attorney III, Senior Human Resources/Risk Analyst, Senior Law Clerk, Supervising Deputy City Attorney

- 5-C** [ID](#) CONFERENCE WITH LEGAL COUNSEL - PUBLIC SECURITY -
[20-00921](#) Government Code Section 54957(a)
Matters posing a threat to the security of public buildings, the security of essential public services, and to the public's right of access to public services and public facilities, and related actions pertaining to the Declaration by Governor Newsom of a State of Emergency to Help State Prepare for Broader Spread of COVID-19, and related local concerns.
- 5-D** [ID](#) CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION -
[20-00926](#) Government Code - Section 54956.9, subdivision (d)(1)
1. City of Fresno v. Fresno Building Healthy Communities; Fresno Superior Court Case No.: 19CECG00422 (PARCS), and
2. Fresno Building Healthy Communities v. City of Fresno; Fresno Superior Court Case No.: 19CECG00432 (PARCS).
- 5-E** [ID](#) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION or
[20-00929](#) DECIDING WHETHER TO INITIATE LITIGATION - Government Code
Section 54956.9, subdivision (d)(2)
1. City of Fresno v. The State of California, Cal Trans

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.

ADJOURNMENT

City Council adjourned at 4:40 P.M. and in memory of Jess Quintero and all the victims of COVID-19.