

City of Fresno

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



Meeting Minutes - Final

Thursday, November 19, 2020

9:00 AM

Regular Meeting

Electronic Only

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.

9:10 A.M. ROLL CALL

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

Invocation

Pledge of Allegiance to the Flag

APPROVE AGENDA

City Clerk Spence announced the following changes to the agenda: File ID 20-001547 (1-B): Resolution - amending certain designated positions which shall be subject to the Conflict of Interest Code and defining categories of disclosure for such positions, the following Committees are being removed from Exhibit S: 1. Housing and Community Development, 2. General Plan Implementation Review Committee, and 3. Constituent Participation Budget Committee and Mayor Brand requested the meeting be adjourned in memory of Annie Rini, Executive Assistant to the City Manager and Mayor's Office.

The following items were removed from the agenda:

File ID 20-001446 (1-G) - Actions pertaining to solar projects proposed at three new City of Fresno facilities: 1) Fresno Animal Shelter 2) Fire Station 18, and 3) Southeast Police Sub-Station (Council Districts 1, 4 and 5) was removed from the agenda and continued to December 3, 2020 by Council President Arias.

File ID 20-001542 (1-Q) - Adopt Resolution of Intent Number 1139-D to vacate a portion of East Illinois Avenue between North Valeria Street and North Fresno Street (Council District 7) was removed from the agenda by Council President Arias.

File ID 20-001482 (1-U) - Approve the appointment of Sabrina Kelley to the Housing Authority Board was removed from the agenda by Councilmember Esparza.

File ID 20-001501 (1-V) - Approve the reappointment of Lawrence Garcia to the Fresno Metropolitan Flood Control Board, and the reappointment of Fely Guzman to the Fresno Regional Workforce Investment Board was removed from the agenda by Councilmember Esparza.

File ID 20-001548 (1-Y) - Approve City Attorney amended Contract was removed from the agenda by Council President Arias.

The following items were pulled from the Consent Calendar and moved to Contested Consent for further discussion.

File ID 20-001522 (1-F) - Approve Amendment No. 1 to the Agreement with the Fresno County Transportation Authority for Freeway Litter Abatement Services (Citywide) was pulled by Council President Arias.

File ID 20-001525 (1-J) - Complete Streets Policy Annual Report - first annual report (Citywide) was pulled by Councilmember Soria.

File ID 20-001390 (1-R) - Actions related to Lease Agreement of City-owned land at the Fresno-Clovis Regional Wastewater Reclamation Facility (RWRF) (Council District 3) was pulled by Council President Arias.

File ID 20-001582 (1-W) - Approve - Second Amendment to the Exclusive Negotiation Agreement by and between the City of Fresno and Tutelian & Company, Inc. was pulled by Council President Arias.

File ID 20-001524 (1-X) - Approve an Amendment to the Agreement with Kings View Corporation extending the time of performance to June 30, 2021, and increasing the contract value by \$54,936, for a total contract amount of \$726,883 for homeless outreach and assessment services was pulled by Council President Arias.

File ID 20-001539 (1-BB) - Actions pertaining to Commercial Cannabis Activity, was pulled by Councilmember Bredefeld.

File ID 20-001509 (1-EE) - Consider Amended and Restated Disposition and Development Agreement with Noyan Frazier Capital L.P. for the south Stadium project was pulled by Councilmember Bredefeld.

On motion of Vice President Caprioglio, seconded by President Arias, the above Action was approved as amended. The motion carried by the following vote:

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

CEREMONIAL PRESENTATIONS

The below Ceremonial Presentations were presented to Council.

[ID](#) Proclamation of "Valley Caregivers Month"
[20-00383](#)

[ID](#) Proclamation of "Dr. Joseph Castro Day"
[20-001518](#)

City Council recessed into Closed Session at 9:34 A.M. and returned from closed session at

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

5. CLOSED SESSION

5-A [ID](#) CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Government
[20-001493](#) Code Section 54956.8 Property: 1625 G Street Fresno, CA 93706 (APN 465-084-30) Negotiating Parties: City Manager, 1626 Fresno MRP, LLC
Under Negotiations: Price and terms of acquisition

COUNCILMEMBER REPORTS AND COMMENTS

Councilmember Soria announced the following upcoming District 1 events: District 1 along with Dr. Arambula and Trustee Perea will be hosting a community health day at Fresno City College On November 21, 2020 from 10:00 A.M. to 2:00 P.M. in the front parking lot off McKinley Avenue. There will be free flu shots, masks, COVID testing, and holiday turkey give away,

December 5, 2020 there will be hosting another community health day at Fresno City College from 10:00 A.M. to 2:00 P.M. She stated there will be free flu shots, masks, COVID testing, and a tamale kit give away. On December 7, 2020 from 12:30 P.M. to 2:00 P.M. there will be a free grocery distribution at Steinbeck Elementary and she reminded the community that tomorrow is the due date for grants, and to apply as soon as possible.

Councilmember Kabassi discussed the extension of the Senior Assistant Food Resources (SAFR) program, and that sign-up next week has moved to Monday, Tuesday, and Wednesday for distribution.

Council Vice President Caprioglio invited everyone to Sixth and Shaw center renovation. He spoke about the tank at Melody park for the splash pad. Council Vice President Caprioglio stated next Tuesday will be Operation Gobble's 5th Annual event, there will be 500 Thanksgiving dinners given away by reservation through District 4. MeatHead Movers, volunteers and everyone who helped in every way were thanked.

Councilmember Chavez thanked the CBO and Reading Beyond, there was close to 900 food boxes that was given away.

Councilmember Esparza spoke regarding COVID-19 and asked the community to celebrate safely and responsibly.

Council President Arias spoke regarding the upcoming Holiday, and asked the community to celebrate Thanksgiving safely.

2. SCHEDULED COUNCIL HEARINGS AND MATTERS

10:00 A.M.

[ID](#)
[20-001520](#)

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. 115 (Final Tract Map No. 6280) (northeast corner of North Polk and West Dante Avenues) (Council District 2)

1. *****RESOLUTION** - to Annex Territory to Community Facilities District No. 11 and Authorizing the Levy of a Special Tax for Annexation No. 115 (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. 115 (Subject to Mayor's Veto)

The item was called to order at 10:07 A.M. There was no introduction to Council, no public comment and no Council discussion.

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

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

10:05 A.M.

[ID](#)
[20-001546](#)

Consideration of Variance Application No. P20-02831, a request to vary height standards to allow for the development of an 80-foot tall, 14-foot high by 48-foot wide double-sided digital LED billboard at 7221 North Howard Avenue, located on the west side of North Howard Street, between Herndon and Alluvial Avenues. (Council District 6) - Planning & Development Department.

1. **CONSIDER** Environmental Assessment No. P20-02831, dated November 4, 2020, a determination that the proposed project is exempt from the California Environmental Quality Act (CEQA) through a Class 3 Categorical Exemption; and,
2. **CONSIDER** Variance Application No. P20-02831 requesting authorization to vary height standards to allow for an 80-foot tall, 14-foot high by 48-foot wide double-sided digital LED billboard to be located on the subject property.

The item was called to order at 10:09 A.M. and introduced to Council by Planner III, Valenzuela, Planning and Development Department and Applicant Armen Devejian. Upon call, the following members of the public addressed Council: Lisa Flores.

Councilmember Bredefeld expressed his opposition for the application and

the variance, he spoke regarding the requirements that Council previously adopted in December. He asked staff why they denied the application. Planning Manager Tackett responded.

Councilmember Bredefeld motioned to deny the application and affirm the appeal. Motion FAILED for lack of seconded.

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

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

No: 1 - Bredefeld

Absent: 1 - Chavez

1. CONSENT CALENDAR

Upon call, the following member of the public addressed Council: Brandi Villegas, Lisa Flores, and Rebecca Rangel.

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

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

- 1-A** [ID](#) Approval of minutes for November 5, 2020 Regular Meeting.
 [20-001533](#)
- 1-B** [ID](#) RESOLUTION - Amending certain designated positions which shall be
 [20-001547](#) subject to the Conflict of Interest Code and defining categories of
 disclosure for such positions
- RESOLUTION 2020-293 ADOPTED*
- 1-C** [ID](#) Approve the 2021 Council Meeting Schedule.
 [20-001581](#)
- 1-D** [ID](#) Actions pertaining to Ventura Street-Kings Canyon Road Corridor
 [20-001444](#) Intelligent Transportation System (ITS) Adaptive Project (from Van Ness to
 Chestnut Avenues) - Bid File No. 3767 (Council Districts 3, 5 and 7)
1. Adopt a finding of Categorical Exemption per staff's determination,
 pursuant to Section 15301(c) Class 1 of the California

Environmental Quality Act Guidelines (CEQA)

2. ***RESOLUTION - 45th Amendment to the Annual Appropriation Resolution No. 2020-159 appropriating \$382,000 for the Ventura Street-Kings Canyon Road Corridor Intelligent Transportation System (ITS) Adaptive Project (Requires 5 affirmative votes) (Subject to Mayor's veto)
3. Award a construction contract in the amount of \$1,578,972 to Audeamus Inc., dba Sebastian of Fresno, CA, as the lowest responsive and responsible bidder for the Ventura Street-Kings Canyon Road Corridor ITS Adaptive Project (from Van Ness to Chestnut Avenues)

RESOLUTION 2020-294 ADOPTED

- 1-E** [ID](#) Actions pertaining to the Shields Avenue Bankside Trail Project from
[20-001445](#) Fresno Street to First Street (Council District 7):

1. Adopt Environmental Assessment No. P20-01778, dated October 21, 2020, a determination that the proposed project for the Mid-Town Trail qualifies for the streamlined analysis set forth in the California Environmental Quality Act (CEQA) Guidelines Section 15183 (Projects Consistent w/ a Community Plan, General Plan, or Zoning)
2. RESOLUTION - Authorizing the Public Works Director or designee to negotiate and execute all right-of-way acquisition documents and agreements necessary to complete the Shields Avenue Bankside Trail Project from Fresno Street to First Street

RESOLUTION 2020-295 ADOPTED

- 1-F** [ID](#) Approve Amendment No. 1 to the Agreement with the Fresno County
[20-001522](#) Transportation Authority for Freeway Litter Abatement Services (Citywide)

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

- 1-G** [ID](#) Actions pertaining to solar projects proposed at three new City of Fresno
[20-001446](#) facilities: 1) Fresno Animal Shelter 2) Fire Station 18, and 3) Southeast Police
Sub-Station (Council Districts 1, 4 and 5):

1. Adopt findings pursuant to the California Environmental Quality Act (CEQA) Guidelines;
 - a. Adopt an Addendum to the Finding of Conformity prepared for Environmental Assessment No. EA-16-011, dated October 15, 2020 for the Energy Services Agreement-Solar with FFP BTM Solar, LLC at the Southeast Police Substation;
 - b. Adopt a finding of Categorical Exemptions pursuant to Sections 15303/Class 3; 15304-Class 4; and 15311/Class 11 of the

- CEQA Guidelines for the Energy Services Agreement-Solar with FFP BTM Solar, LLC at Fire Station 18;
2. Approve the award of a cooperative purchase Energy Services Agreement-Solar with FFP BTM Solar, LLC, for the design, financing, construction, installation, operation, and maintenance of a 337 kW (DC) (estimated) solar photovoltaic system at the Animal Shelter;
 3. Approve the award of a cooperative purchase Energy Services Agreement-Solar with FFP BTM Solar, LLC, for the design, financing, construction, installation, operation, and maintenance of a 78 kW (DC) (estimated) solar photovoltaic system Storage at Fresno Fire Station 18;
 4. Approve the award of a cooperative purchase Energy Services Agreement-Solar with FFP BTM Solar, LLC, for the design, financing, construction, installation, operation, and maintenance of a 102 kW (DC) (estimated) solar photovoltaic system at the Southeast Police Substation;
 5. Authorize the Public Works Director or designee to execute subsequent documents, instruments, estoppel and acknowledgement certificates, etc. related to securing a financing party;
 6. Authorize the Public Works Director or designee to approve of any changes to the PPA rates up to the maximum amount authorized in the agreements;
 7. Authorize the Public Works Director or designee to execute the Pacific Gas & Electric (PG&E) Interconnection Agreement required for the project(s).

The above item was removed from the agenda by Council President Arias and continued to December 3, 2020.

- 1-H [ID](#) [20-001521](#) Approve the second amendment to the consultant agreement for Certified Access Specialist (CAsp) Inspection Services with The Taylor Group Architects for a total contract value of \$210,000(Citywide)
- 1-I [ID](#) [20-001523](#) Approve a Consent to Assignment for Landscape Maintenance Services performed by All Commercial Landscape Service, Bid Files No. 9273 and 9433 (Citywide)

- 1-J [ID](#) [20-001525](#) Complete Streets Policy Annual Report - first annual report (Citywide)

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

- 1-K [ID](#) [20-001526](#) Approve agreement for sale of 0.87 acres vernal pool preservation credits in the amount of \$60,900 from the Great Valley Conservation Bank owned by California Conservation Holdings, LLC, a California Limited Liability Company, for the Veterans Boulevard State Route 99 Interchange and Extension Project (Council District 2)

- 1-L [ID](#) [20-001527](#) Actions pertaining to the Blackstone Avenue and Abby Street Corridors (from Divisadero Street to Olive Avenue) Intelligent Transportation System (ITS) Adaptive Project - Bid File No. 3759 (Council Districts 3 and 7)
1. Adopt a finding of Categorical Exemption per staff's determination, pursuant to Section 15301(c) Class 1 of the California Environmental Quality Act Guidelines (CEQA)
 2. ***RESOLUTION - 42nd Amendment to the Annual Appropriation Resolution No. 2020-159 appropriating \$301,000 for the Blackstone Avenue and Abby Street Intelligent Transportation System (ITS) Adaptive Project from McKinley Avenue to Divisadero Street (Requires 5 affirmative votes) (Subject to Mayor's veto)
 3. Award a construction contract in the amount of \$1,420,012 to Audeamus Inc., dba Sebastian of Fresno, CA, as the lowest responsive and responsible bidder

RESOLUTION 2020-296 ADOPTED

- 1-M [ID](#) [20-001528](#) Approve an agreement for Professional Engineering Services with TJKM of Pleasanton, California in the amount \$85,410 with a \$5,000 contingency for the design and construction support services for the Midtown Fresno Multimodal Interconnectivity Project (Council Districts 1, 3, and 7)
- 1-N [ID](#) [20-001529](#) Actions pertaining to the Olive Avenue Streetscape Project from Roosevelt Avenue to Yosemite Avenue - Bid File No. 3745 (Council Districts 1 and 3)
1. Adopt a finding of Categorical Exemption per staff determination, pursuant to Sections 15301/ Class 1, 15302/Class 2, and 15304/Class 4 of the California Environmental Quality Act guidelines
 2. Award a construction contract in the amount of \$834,681.00 to A.J. Excavation of Fresno, California
- 1-O [ID](#) [20-001530](#) Actions pertaining to the Chestnut Avenue Overlay Project between Kings Canyon Road and Butler Avenue (Council District 5):
1. ***RESOLUTION - 44th Amendment to the Annual Appropriation Resolution No. 2020-159 appropriating \$98,000 for the Chestnut Avenue AC Overlay Project from Kings Canyon Road to Butler Avenue (Requires 5 votes) (Subject to Mayor's Veto)
 2. Approve an agreement for Professional Engineering Services with North Coast Engineering Inc. of Paso Robles, California in the amount of \$97,997 with a \$5,000 contingency for design and construction support services

RESOLUTION 2020-297 ADOPTED

- 1-P [ID](#) [20-001532](#) Actions pertaining to the Tulare Avenue Complete Streets Project between 6th Street to Cedar Avenue (Council Districts 5 and 7):

to exceed \$625,000

RESOLUTION 2020-299 ADOPTED

- 1-T [ID](#) [20-001455](#) Approve the award of a cooperative purchase agreement to AMS.NET of Livermore, California, in the amount of \$338,136, for networking equipment and associated wireless equipment to be installed at the Department of Transportation FAX Division bus yard and authorize the Director of Transportation to execute the documents

- 1-U [ID](#) [20-001482](#) Approve the appointment of Sabrina Kelley to the Housing Authority Board.

The above item was removed from the agenda by Councilmember Esparza and continued.

- 1-V [ID](#) [20-001501](#) Approve the reappointment of Lawrence Garcia to the Fresno Metropolitan Flood Control Board, and the reappointment of Fely Guzman to the Fresno Regional Workforce Investment Board.

The above item was removed from the agenda by Councilmember Esparza and continued.

- 1-W [ID](#) [20-001582](#) APPROVE - Second Amendment to the Exclusive Negotiation Agreement by and between the City of Fresno and Tutelian & Company, Inc.

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

- 1-X [ID](#) [20-001524](#) Approve an Amendment to the Agreement with Kings View Corporation extending the time of performance to June 30, 2021, and increasing the contract value by \$54,936, for a total contract amount of \$726,883 for homeless outreach and assessment services

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

- 1-Y [ID](#) [20-001548](#) Approve City Attorney amended contract.

The above item was removed from the agenda by Council President Arias and continued.

- 1-Z [ID](#) [20-001269](#) Actions pertaining to agreement between the City of Fresno and Omni Financial, LLC:
1. Adopt a finding of Categorical Exemption pursuant to Section 15301/Class 1 of the California Environmental Quality Act (CEQA)

guidelines.

2. Approve an agreement between the City of Fresno and Omni Financial, LLC, a California limited partnership, for parking and common area maintenance at North Cedar Avenue between East Hampton Way and Dakota Avenue.

1-AA [ID](#)
[20-001470](#)

Actions pertaining to the acquisition of 1625 G Street (APN 465-084-30):

1. Adopt a finding that this approval is exempt from the requirements of CEQA pursuant to the common sense exemption set forth in CEQA Guidelines 15061(b)(3), and that it can be seen with certainty that there is no possibility that this approval will have significant effect on the environment
2. Approve Purchase and Sale Agreement with 1626 Fresno MRP, LLC, in the amount of \$5,750,000 for real property located at 1625 G Street (APN 465-084-30) (District 3)
3. Authorize the City Manager, or designee, to approve Environmental Site Assessment and Property Condition Assessment consultant services in accordance with AO 6-19, not to exceed \$250k

1-BB [ID](#)
[20-001539](#)

Actions pertaining to Commercial Cannabis Activity:

1. ***RESOLUTION - 46th Amendment to the Annual Appropriation Resolution No. 2020-159 appropriating \$71,700 for the Cannabis Consulting and Support Services Agreement (Subject to Mayor's Veto)
2. Approve an Agreement Amendment with Hinderliter, de Llamas, and Associates for Professional Cannabis Consulting and Support Services

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

1-CC [ID](#)
[20-001556](#)

RESOLUTION - Initiating a Rezone and adding a condition of zoning to prohibit the issuance of an alcohol license for real property located at the northwest corner of North Cedar Avenue and East Tulare Street pursuant to Fresno Municipal Code Section 15-5803-B

RESOLUTION 2020-301 ADOPTED

1-DD [ID](#)
[20-001557](#)

Approve Purchase and Sale Agreement with Fresno Economic Opportunities Commission for the sale of Pride Park (APN 467-292-05T)

The above item PASSED 6-0, Councilmember Chavez recused himself from

the item.

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

- 1-EE [ID](#) Consider Amended and Restated Disposition and Development
[20-001509](#) Agreement with Noyan Frazier Capital L.P. for the South Stadium project.

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

CONTESTED CONSENT CALENDAR

- 1-F [ID](#) Approve Amendment No. 1 to the Agreement with the Fresno County
[20-001522](#) Transportation Authority for Freeway Litter Abatement Services (Citywide)

The above item was introduced to Council by Director Mozier, Public Works Department. Upon call, the following member of the public addressed Council: Brandi Villegas,

Council President Arias asked several questions regarding the Request for Proposal (RFP) process. Director Mozier responded.

Councilmember Soria suggested exploring various programs where the City partners with the homeless population in picking up the litter around the City of Fresno much like the City of San Jose. Director Mozier responded.

Council Vice President Caprioglio requested staff to reach out to the City of San Jose and other jurisdictions to see how they have implemented their programs.

Councilmember Soria want the motion to include "seek the opportunity to implement clean up programs." Council Vice President Caprioglio responded.

Council President Arias motioned to approve with direction to staff to include in the Request for Proposal (RFP) process a program where we partner with the homeless population to pick up the garbage around the City of Fresno. Council Vice President Caprioglio seconded the motion.

APPROVED AS AMENDED

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

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

1-J [ID](#) Complete Streets Policy Annual Report - first annual report (Citywide)
[20-001525](#)

The above item was introduced to Council by Director Mozier, and Licensed Engineer Gormely, Public Works Department.

Councilmember Soria asked several questions regarding the percentage of the Transportation budget and if there is a way to increase the amount in the future. She asked about the departments goals in terms of 2021 in Active Transportation projects. Councilmember Soria spoke regarding equal distribution amongst the City and asked that staff come back to Council with a presentation or workshop to discuss where the money will be going, the departments goals for next year and how the City can achieve the Gold or Silver level. Councilmember Soria also asked about the Clinton project and how the exceptions work. Director Mozier and Licensed Engineer Gormely responded.

Council President Arias asked staff to include an update on the SB1 priority projects and the funding in the workshop. He asked staff to reach out to Councilmember Elect Maxwell, District 4 and Mayor Elect Dyer.

Councilmember Soria motion to direct staff to come back to Council early next year with a workshop and directed staff to meet with the Councilmembers to discuss district priority projects before the next budget. Council President seconded the motion.

APPROVED

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

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

1-R

[ID](#)

[20-001390](#)

Actions related to Lease Agreement of City-owned land at the Fresno-Clovis Regional Wastewater Reclamation Facility (RWRF) (Council District 3):

1. Adopt a finding of Categorical Exemption pursuant to Sections 15301/Class 1, 15304/Class 4, and 15325/Class 25 of the California Environmental Quality Act (CEQA) Guidelines;
2. Approve a Fifth Amendment to the Lease and Agreement with Mr. James Cook for 550 acres of City-owned land at the RWRF, to include a payment arrangement for an amount totaling \$116,885 to be paid in 17 installments of \$6,875.59, beginning the fourth quarter of calendar year 2020 and continuing on a quarterly basis for 16 subsequent quarters; and to grant one four-year extension, for the period of January 1, 2021 through December 31, 2024.

The above item was introduced to Council by Council President Arias, District 3 and Director Carbajal, Department of Public Utilities. Upon call,

Councilmember Soria expressed her concerns with extending the contract for four year and would like to extend the contract for a year at a time so the City can maximize the ROI and set up a payment plan. Director Carbajal and Deputy City Attorney Il Quintanilla responded.

Councilmember Soria motioned to approve a one year extension and the Council will do a referral on the rent and set up a payment plan after the one year if the contract does not extend for the four years. Council President Arias seconded the motion.

There was additional discussion regarding the four year extension between Councilmembers and staff.

Council President Arias motioned to continue to December 3, 2020. Councilmember Soria seconded the motion.

On motion of President Arias, 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

- 1-W** [ID](#) APPROVE - Second Amendment to the Exclusive Negotiation Agreement
 [20-001582](#) by and between the City of Fresno and Tutelian & Company, Inc.

The above item was introduced to Council by Council President Arias, District 3 and Applicant Cliff Tutelian with Tutelian and Company, Inc. Upon call, there was no public comment.

Discussion was held between Councilmembers and staff regarding the days of extension.

Councilmember Bredefeld motioned to extend the agreement for 90 days. Councilmember Karbassi seconded the motion.

Council President Arias motioned to approve with a 60 days extension from December 3, 2020. Councilmember Esparza seconded the motion. Motion PASSED 4-3, Councilmember Bredefeld, Councilmember Karbassi, Council Vice President Caprioglio voted no

APPROVED

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

Aye: 4 - Arias, Soria, Chavez and Esparza

No: 3 - Caprioglio, Karbassi and Bredefeld

- 1-X** [ID](#) Approve an Amendment to the Agreement with Kings View Corporation
 [20-001524](#) extending the time of performance to June 30, 2021, and increasing the
 contract value by \$54,936, for a total contract amount of \$726,883 for
 homeless outreach and assessment services

The above item was introduced to Council by Director Strategic Initiatives Spees, Mayor's Office and Virginia Sparks with Kings View Corporation. Upon call, the following member of the public addressed Council: Lisa Flores.

Discussion was held between Councilmembers and staff regarding the success of the contract, what is being accomplished and will the additional

funding be used for. Councilmember Soria asked for staff to provide Council and the Subcommittee with a report on the data of all the individuals that have been assisted.

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: 5 - Arias, Caprioglio, Soria, Bredefeld and Esparza

No: 1 - Chavez

Absent: 1 - Karbassi

City Council recessed for lunch at 12:05 P.M. and returned at 1:02 P.M.

1-BB [ID](#)
[20-001539](#)

Actions pertaining to Commercial Cannabis Activity:

1. ***RESOLUTION - 46th Amendment to the Annual Appropriation Resolution No. 2020-159 appropriating \$71,700 for the Cannabis Consulting and Support Services Agreement (Subject to Mayor's Veto)
2. Approve an Agreement Amendment with Hinderliter, de Llamas, and Associates for Professional Cannabis Consulting and Support Services

The above item was introduced to Council by Project Manager Ruiz, City Manager's Office. Upon call, there was no public comment.

Councilmember Bredefeld asked about the status of the consultant work and the cost per hour rate. Upon call, there as no public comment.

RESOLUTION 2020-300 ADOPTED

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

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

No: 1 - Bredefeld

Absent: 1 - Karbassi

- 1-EE [ID](#) Consider Amended and Restated Disposition and Development
[20-001509](#) Agreement with Noyan Frazier Capital L.P. for the South Stadium project.

Councilmember Soria recused herself from the above item. The above item was introduced to Council by Council President Arias, District 3. Upon call, the following member addressed Council: Lisa Flores.

Discussion was held between Councilmember and staff regarding the number of extensions to the contract and the challenges the project is facing during the pandemic.

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, Caprioglio, Karbassi, Chavez and Esparza

No: 1 - Bredefeld

Recused: 1 - Soria

Council President Arias called the special meeting to order at 1:27 P.M. and adjourned the special meeting at 2:04 P.M.

4. CITY COUNCIL

- 4-B [ID](#) Approve agreement with United Health Centers to fund COVID testing
[20-001578](#) events

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

APPROVED

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

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

Absent: 2 - Caprioglio and Chavez

- 4-A** [ID](#) Extension of the Senior Aid for Food and Resources Program
[20-001565](#)

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

APPROVED

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

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

Absent: 2 - Caprioglio and Chavez

1:00 P.M.

- [ID](#) RESOLUTION- Accepting and approving the report from the Commission
[20-001560](#) on Police Reform, and creating an ongoing committee to oversee
 implementation

The above item was presented to Council by Chair Oliver Baines and Sandra Celedon. Upon call, the following members of the public addressed Council: Gerry Blll, Briana Zweifler, Cindy Piombino, Amber Crowell, Brandi Villegas, and Dez Martinez.

Councilmember Chavez asked to include language that outlines the process for the implementation committee give direction to staff to come back with a process that works working with Council, Mayor's Office, and the implementation committee. Councilmember Chavez recommended Oliver Baines be a member of the implementation committee.

Council President Arias motion to accept recommendations and establish the implementation team composed of 7 members appointed by each council member, 1 member appointed by the Mayor. The implementation team will be appointed on January 7, 2021. Additionally, the Council directs the City Attorney to draft a implementation process for the Council's consideration. Councilmember Soria seconded the motion.

RESOLUTION 2020-305 ADOPTED AS AMENDED

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

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

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

Absent: 1 - Caprioglio

CLOSED SESSION (CONTINUED)

City Council recessed into Closed Session at 3:40 P.M. and returned from Closed Session at

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

- 5-B** [ID](#)
[20-001537](#) CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION
Government Code Section 54956.9, subdivision (d)(1)
- Case Name: *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-C** [ID](#)
[20-001544](#) CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION
Government Code Section 54956.9, subdivision (d)(1)
- Case Name: *Estate of Steven Willis, et al. v. City of Fresno, et al.*
(*Everest National Insurance Company*)
United States District Court Case No.: 1:09-CV-01766-LJO-DLB
(Personnel/Risk Department)
- 5-D** [ID](#)
[20-001558](#) CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION -
Government Code Section 54956.9, subdivision (d)(1):
- Case Name: *City of Fresno v. United States Department of Interior, Bureau of Reclamation; US Court of Federal Claims 16-1276L*
- 5-E** [ID](#)
[20-001577](#) PUBLIC EMPLOYEE PERFORMANCE EVALUATION
1. Government Code Section 54957(b): Consider the appointment, employment, evaluation of performance, discipline, or dismissal of a public employee
Title: City Clerk
 2. Government Code Section 54957.6: Conference with Labor Negotiator

City Negotiator: Council President Miguel Arias
Unrepresented Employee: City Clerk

Sponsor: Council President Arias

3. GENERAL ADMINISTRATION

There were no General Administration Items

UNSCHEDULED COMMUNICATION

Upon call, the following member addressed Council: Lisa Flores.

ADJOURNMENT

City Council adjourned at 4:24 P.M.