

# City of Fresno

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



## Meeting Minutes - Final

Thursday, January 28, 2021

9:00 AM

Regular Meeting

Electronic Meeting

### City Council

*President -Luis Chavez*

*Vice President - Nelson Esparza*

*Councilmembers:*

*Esmeralda Z. Soria, Mike Karbassi, Miguel Arias, Tyler Maxwell, Garry Bredefeld*

*City Manager - Thomas Esqueda*

*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.

9:01 A.M. ROLL CALL

*Councilmember Soria was absent during roll call and joined the meeting at 9:03 A.M.*

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

Invocation

*Invocation given by Deputy Mayor Grundy, Mayor's Office.*

Pledge of Allegiance to the Flag

## **APPROVE AGENDA**

*City Clerk Spence announced the following changes to the agenda: File ID 21-010 (1-A) - Approval of minutes for January 7, 2021 Regular Meeting, item 1-O the header reads "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". The word "Housing" was removed, File ID 21-176 (1-C) - Actions related to leasing 158 acres of City-owned land at the Fresno-Clovis Regional Wastewater Reclamation Facility, the correct title is as follows: Adopt a finding of Categorical Exemption pursuant to Sections 15301/Class 1, 15304/Class 4, and 15325(b)/Class 25 of the California Environmental Quality Act (CEQA) Guidelines, File ID 21-177 (1-D) - Actions related to leasing 125 acres of City-owned land at the Fresno-Clovis Regional Wastewater Reclamation Facility, the correct title is as follows: Adopt a finding of Categorical Exemption pursuant to Sections 15301/Class 1, 15304/Class 4, and 15325(b)/Class 25 of the California Environmental Quality Act (CEQA) Guidelines, File ID 21-151 (1-L) - \*\*\*RESOLUTION - Adopt a resolution authorizing the Public Works Director to execute BUILD Grant Agreements in the amount of \$10,540,582 for the Veterans Boulevard Project (Subject to*

*Mayor's Veto); the resolution is not subject to Mayor's veto, File ID 21-138 (10:00 A.M. #3) – Hearing to adopt resolution and ordinance to annex territory and levy a special tax regarding City of Fresno Community Facilities District No. 11, Annexation No. 117 (Final Tract Map No. 6270) (west side of South Willow Avenue between East Fillmore and Laurel Avenues) was continued to April 8, 2021 at 10:00 A.M., File ID 21-162 (10:05 A.M.) - Hearing to obtain public comments regarding community needs for consideration in the development of the 2021-2022 Annual Action Plan for federal funding through the U.S. Department of Housing and Urban Development's Office of Community Planning and Development (HUD CPD); the item had Spanish, Hmong, and American Sign Language interpreters, and File ID 21-187 (1:45 A.M.) -Hearing to consider Conditional Use Permit Application No. P20-02556 and related Environmental Assessment No. P20-01633/P20-02556 pertaining to property located at 1137 North Chestnut Avenue at the southwest corner of north Chestnut and East Olive Avenue was removed from the agenda by the applicant.*

*The following items were removed from the agenda and continued to a later date:*

- 1. File ID 21-176 (1-C) - Actions related to leasing 158 acres of City-owned land at the Fresno-Clovis Regional Wastewater Reclamation Facility (Council District 3) - was removed from the agenda and continued to February 4, 2021 by Councilmember Arias.*
- 2. File ID 21-177 (1-D) - Actions related to leasing 125 acres of City-owned land at the Fresno-Clovis Regional Wastewater Reclamation Facility (Council District 3) – was removed from the agenda and continued to February 4, 2021 by Councilmember Arias.*

*The following items were pulled from Consent Calendar and moved to Contested Consent for further discussion:*

- 1. File ID 21-062 (1-G) – Actions pertaining to the summary vacation of a portion of East Thomas Avenue, east of north Blackstone Avenue and north of State Route 180) was pulled by Council Vice President Esparza.*

2. File ID 21-151 (1-L) - Resolution – adopt a resolution authorizing the Public Works Director to execute BUILD Grant Agreement s in the amount of \$10,540,582 for the Veterans Boulevard Project was pulled by Councilmember Arias.

3. File ID 21-155 (1-O) - Actions pertaining to Final Map of Tract No. 6198 was pulled by Councilmember Karbassi.

4. File ID 21-164 (1-P) – Award a 5-year agreement for Enterprise Resource Planning System and Implementation Services to Tyler Technologies, in the amount of \$11,045,960 for implementation and hosting (Software as a Service) of Financials, Human Capital Management (ERP) and Utility Billing software was pulled by Councilmember Arias.

5. File ID 21-117 (1-R) - Actions pertaining to the 2020 Law Enforcement Mental Health & Wellness (LEMHWA) grant program was pulled by Councilmember Arias.

6. File ID 21-137 (1-S) - Actions pertaining to Commercial Cannabis Activity was pulled by Councilmember Bredefeld.

7. File ID 21-167 (1-U) - Approve Second Amendment to contract for COVID-19 testing, tracing, and quarantine support with Fresno Economic Opportunities Commission, extending time for performance was pulled by Councilmember Bredefeld.

8. File ID 21-168 (1-V) - Approve Second Amendment to contract for COVID-19 testing, tracing, and quarantine support with Fresno Building Healthy Communities, extending time for performance was pulled by Councilmember Bredefeld.

9. File ID 21-186 (1-X) - \*\*\*Resolution (AAR) transferring one million dollars from the City Attorney's Office budget to Council District budgets and to a fund for COVID expenses (requires 5 affirmative votes) (subject to veto) was pulled by Councilmember Bredefeld.

**On motion of Councilmember Arias, seconded by Councilmember Soria, the above Action was approved as amended. The motion**

carried by the following vote:

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

## **CEREMONIAL PRESENTATIONS**

*The below presentations were presented to Council.*

[ID 21-078](#) Proclamation for "John DeLucia"

[ID 21-096](#) Proclamation of Fresno Irrigation District's 100th Anniversary Centennial Commemoration.

[ID 21-130](#) Proclamation for "Corin Hoggard Day"

## **COUNCILMEMBER REPORTS AND COMMENTS**

*Councilmember Soria announced the following events: The next food distribution for District 1 will be on Wednesday, February 17, 2021 from 7:00 A.M. to 9:00 A.M. at Heaton Elementary School. On February 10, 2021 she will be holding community meeting, virtually at 6:00 P.M. with District 3 regarding the Belmont and Palm bike way. The link for the meeting will be available on social media. Councilmember Soria spoke regarding the Tower Theater and thanked the community for their input regarding the issue.*

*Councilmember Karbassi thanked Dawn Golik with the Small Business Administration and a District 2 resident for her help in getting Federal Funding for the small businesses in Fresno. He thanked the Fresno County Department of Public Health for supplying COVID-19 vaccines to the community and encouraged everyone to get their vaccine. He thanked Mayor Dyer for the help regarding the issue at Sprouts. Councilmember Karbassi welcomed Councilmember Maxwell and addressed the recent traffic issues and accidents occurring within the City of Fresno.*

*Councilmember Arias stated he supports Tom Flores into hall of fame. He asked the Administration if they can consider reopening the warming and cooling centers for the homeless during the bad weather. He spoke regarding the emails Council and the Administration received on the Tower Theater. Councilmember Arias spoke regarding recruiting police officers from outside City of Fresno and asked for proper background checks from any officers being recruited and asked for an update.*

*Councilmember Maxwell thanked several City staff for helping his district with the transition into Council. He thanked the City Manager's Office, City Clerk's Office, City Attorney's Office, FAX/Transportation Department, PARCs Department, Airports Departments, Department of Public Utilities, and his staff. He spoke regarding his tour of Carry Park and announced there will be an upcoming Blood Drive event on Saturday, January 30, 2021 from 10:00 A.M. to 2:00 P.M. located at 5228 East Pine Avenue. He announced he will be unveiling some new policies under the umbrella of Conserve Fresno; a policy package that is meant to get people vaccinated more quickly, conserving the natural environment, whether it's the air, water, or parks and green spaces*

*Council Vice President Esparza will also be participating in the Blood Drive event with Councilmember Maxwell on Saturday, January 31, 2021. He announced his office will be partnering with Education Leadership Foundation next Thursday, February 4, 2021 for a food distribution at 5:00 P.M. located at Webster Elementary. Council Vice President Esparza spoke regarding the COVID-19 pandemic in the City of Fresno and asked the community to continue to be safe and follow the guidelines.*

## **MAYOR/MANAGER REPORTS AND COMMENTS**

*Mayor Dyer spoke regarding the several emails he has received from the community regarding the Tower Theater. He spoke briefly about the Beautify Fresno kickoff on Monday, January 18, 2021 in the downtown area. He stated there were about 200 volunteers and expressed his appreciation. Mayor Dyer spoke regarding the launch of Project Off Ramp on Monday, January 25, 2021 where 42 individuals were relocated into Housing. He thanked the Governor's Office for partnering with the City of Fresno to address the homeless issue. He addressed a recent issue that occurred where many homeless individuals were displaced due to a fire.*

*City Manager Esqueda thanked the interpreters for being available for the City Council meetings. He gave a quick update on the following: Tax Sharing Agreement, the Operations Agreement for the Grizzlies, Selland Arena surplus land act for a piece of property, and is now sending tray memos to the City Council to keep them updated on several projects.*

## **UNSCHEDULED COMMUNICATION**

*Upon call, the following members of the public addressed Council: Tyler Mackey, Becca Martinez, Lisa Flores, Brandy Villegas, Lisa Walzem, Chelsea Besson, Michael Birdsong, Dez Martinez, Jason Winfree, Chris Johnson, Aaron Gossett, Chris Williams, Terry Story, Haley White, and Marcus Cardenas.*

[ID 21-243](#) Emails received for Unscheduled Communication.

### **1. CONSENT CALENDAR**

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

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

**1-A** [ID 21-010](#) Approval of minutes for January 7, 2021 Regular Meeting, and January 7, 2021 Special Meeting.

**1-B** [ID 21-136](#) Approve the Second Amendment to the Consultant Services Agreement with Silveira Consulting, Inc., to extend the term from December 31, 2020 to June 30, 2021, for professional labor compliance monitoring services associated with the construction of the Southwest Recycled Water Distribution System, Project SW1D (Council District 3 and Fresno County)

**1-C** [ID 21-076](#) Actions related to leasing 158 acres of City-owned land at the Fresno-Clovis Regional Wastewater Reclamation Facility (Council District 3):

1. Adopt a finding of Categorical Exemption pursuant to Sections 15301/Class 1, 15304/Class 4, and 15325(b)/Class 25 of the California Environmental Quality Act Guidelines
2. Approve an agricultural Lease and Agreement with Bakersfield Properties Inc. in the amount of \$466,890 for lease of 158 acres for an initial term ending on December 31, 2025, with two one-year option terms

*The above item was continued to February 4, 2021.*

**1-D** [ID 21-077](#) Actions related to leasing 125 acres of City-owned land at the Fresno-Clovis Regional Wastewater Reclamation Facility (Council District

3):

1. Adopt a finding of Categorical Exemption pursuant to Sections 15301/Class 1, 15304/Class 4, and 15325(b)/Class 25 of the California Environmental Quality Act Guidelines
2. Approve an agricultural Lease and Agreement with Brad Weis, a sole proprietorship, in the amount of \$261,640.62 for the lease of 125 acres for an initial term ending on December 31, 2025, with two one-year option terms

*The above item was continued to February 4, 2021.*

**1-E** [ID 21-156](#)

Award a requirements contract in the estimated amount of \$1,218,821.80 to Kemira Water Solutions, Inc. a Delaware Corporation, for Ferric Chloride (Bulk Delivery) to the Fresno-Clovis Regional Wastewater Reclamation Facility (RWRF) Bid File 9562 (Council District 3)

**1-F** [ID 21-045](#)

Approve the First Amendment to the consultant services agreement between the City of Fresno and De Novo Planning Group, regarding land use, planning and environmental services for the Specific Plan of the West Area and Environmental Impact Report, extending the contract performance period by one year and to increase the total contract amount by an additional \$29,880, for a total contract value of \$429,606. (Plan Area is in Council Districts 1, 2 and 3).

**1-G** [ID 21-062](#)

Actions pertaining to the summary vacation of a portion of East Thomas Avenue, east of North Blackstone Avenue and north of State Route 180 (Council District 7)

1. Adopt a finding of Categorical Exemption per staff determination, pursuant to Section 15301(c)/Class 1 of the California Environmental Quality Act (CEQA) Guidelines, Environmental Assessment Number P20-01139
2. \*\*\*RESOLUTION - Ordering the summary vacation of a portion of East Thomas Avenue, east of North Blackstone Avenue and north of State Route 180 (Subject to Mayor's veto)

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

**1-H** [ID 21-001](#)

**RESOLUTION** - Of Intention to Annex Final Tract Map No. 6240 as Annexation No. 119 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, March 4, 2021, at 10:00 am (southwest corner of East Dakota and North Armstrong Avenues) (Council District 4)

**RESOLUTION 2021-012 ADOPTED**



1-I [ID 21-004](#) Approve a six (6) month extension contract for custodial services at Fresno City Hall in the amount of \$179,163 to Lincoln Training Center (LTC) of Fresno, CA (Council District 3)

1-J [ID 21-140](#) RESOLUTION - Authorizing the Public Works Director or Designee to Submit a Grant Application in an Amount not to Exceed \$325,000 to the 2021-2022 California Department of Transportation (Caltrans) Sustainable Transportation Planning Grant (STPG) Program to fund the City of Fresno Active Transportation Plan (ATP) Update, and Authorizing Execution of Restricted Grant Agreements and Amendments for the Project With Caltrans by the Public Works Director or Designee (Citywide)

*RESOLUTION 2021-013 ADOPTED*

1-K [ID 21-150](#) **RESOLUTION** - Of Intention to Annex Final Tract Map No. 6261 as Annexation No. 118 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, March 4, 2021, at 10:05 am (Phase II of Vesting Tentative Tract Map No. 6258 centered within the block of North Hayes Avenue, West Gettysburg, North Bryan, and Ashlan Avenues) (Council District 1)

*RESOLUTION 2021-014 ADOPTED*

1-L [ID 21-151](#) RESOLUTION - Adopt a resolution authorizing the Public Works Director to execute BUILD Grant Agreements in the amount of \$10,540,582 for the Veterans Boulevard Project (Council District 2)

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

1-M [ID 21-153](#) Actions pertaining to the Maple Avenue Cycle Track Improvements Project - Bid File No. 3740 (Council Districts 4)

1. Adopt a finding of Categorical Exemption per staff determination, pursuant to Section 15301(c), Class 1 of the California Environmental Quality Act guidelines
2. Award a construction contract in the amount of \$184,882 to Glick Corporation of Visalia, CA

1-N [ID 21-154](#) Approve Amendment to City Hall Solar Power Purchase Agreement (PPA) to adjust the construction schedule and project completion date to provide additional time as requested by Fresno Street Solar Project, LLC.

1-O [ID 21-155](#) Actions pertaining to Final Map of Tract No. 6198

1. **RESOLUTION** - Approving the Final Map of Tract No. 6198, of Vesting Tentative Tract Map No. 6198, and accepting dedicated public uses offered therein except for dedications offered subject to City acceptance of developer installed required improvements - northwest corner of Shaw Avenue and Grantland Avenue (Council District 2)

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

- 1-P [ID 21-164](#) Award a 5-year agreement for Enterprise Resource Planning System and Implementation Services to Tyler Technologies, in the amount of \$11,045,960 for implementation and hosting (Software as a Service) of Financials, Human Capital Management (ERP) and Utility Billing software.

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

- 1-Q [ID 21-116](#) Submission for informational purposes of the Comprehensive Annual Financial Reports (“CAFR”) regarding the Financial Activities of the City of Fresno Retirement Systems for the Fiscal Year ending June 30, 2020

- 1-R [ID 21-117](#)
- Actions pertaining to the 2020 Law Enforcement Mental Health & Wellness (LEMHWA) grant program
1. Authorize the Chief of Police to accept \$98,624 in grant funding for the 2020 Law Enforcement Mental Health & Wellness (LEMHWA) grant awarded to the Fresno Police Department from the U.S. Department of Justice, through the Office of Community Oriented Policing Services (COPS)
  2. \*\*\*RESOLUTION - Adopt the 53rd Amendment to the Annual Appropriation Resolution (AAR) No. 2020-159 appropriating \$59,600 for the Police Department’s Law Enforcement Mental Health and Wellness (LEMWHA) grant (requires five affirmative votes) (subject to Mayor’s veto)
  3. \*\*\*RESOLUTION - Adopt the 3rd Amendment to Position Authorization Resolution No. 2020-160, adding .75 FTE Police Cadet position to the Fresno Police Department

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

- 1-S [ID 21-137](#) Actions pertaining to Commercial Cannabis Activity:
1. \*\*\*RESOLUTION - Creating The Equity Assistance Program Fund (Subject to Mayor’s Veto)

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

- 1-T**    [ID 21-047](#)    Council Boards and Commissions Communications, Reports, Assignments and/or Appointments, Reappointments, Removals to/from City and non-City Boards and Commissions

*The above item was continued to February 4, 2021.*

- 1-U**    [ID 21-167](#)    Approve Second Amendment to contract for COVID-19 testing, tracing, and quarantine support with Fresno Economic Opportunities Commission, extending time for performance

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

- 1-V**    [ID 21-168](#)    Approve Second Amendment to contract for COVID-19 testing, tracing, and quarantine support with Fresno Building Healthy Communities, extending time for performance

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

- 1-W**    [ID 21-203](#)    Appoint Christine Barker, Laura Splotch, Andrew Feil, Samantha Gonzales to the District 1 Project Review Committee

Appoint Janay Conley and Anthony Armour to the Tower District Design Review Committee.

- 1-X**    [ID 21-186](#)    \*\*\*Resolution (AAR) transferring one million dollars from the City Attorney's Office budget to Council District budgets and to a fund for COVID expenses (requires 5 affirmative votes)(subject to veto).

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

## **10:05 A.M.**

- [ID 21-162](#)    HEARING to obtain public comments regarding community needs for consideration in the development of the 2021-2022 Annual Action Plan for federal funding through the U.S. Department of Housing and Urban Development's Office of Community Planning and Development (HUD CPD).

*The above item was called to order at 11:01 A.M. Upon call, the following members of the public addressed Council: Brandi Villegas, Estela Ortega, Karla Martinez, Tina Robertson, Yonas Paulos, and Susan Coulter. The*

*public comment period closed at 11:20 A.M.*

*Councilmember Maxwell read Ms. Bobbitt and Bertha Aguilar's public comments from District 4 into the record:*

## **CONTESTED CONSENT CALENDAR**

- 1-G**    [ID 21-062](#)    Actions pertaining to the summary vacation of a portion of East Thomas Avenue, east of North Blackstone Avenue and north of State Route 180 (Council District 7)
1. Adopt a finding of Categorical Exemption per staff determination, pursuant to Section 15301(c)/Class 1 of the California Environmental Quality Act (CEQA) Guidelines, Environmental Assessment Number P20-01139
  2. \*\*\*RESOLUTION - Ordering the summary vacation of a portion of East Thomas Avenue, east of North Blackstone Avenue and north of State Route 180 (Subject to Mayor's veto)

*The above item was introduced to Council by Assistant Director Sanchez, Planning and Development Department.*

*Council Vice President Esparza asked several questions regarding the larger project currently being proposed, if the project is asking for a gas stations and what does the timeline look like. He asked why the project can't be sold instead. Assistant Director Sanchez responded.*

**RESOLUTION 2021-011 ADOPTED**

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

**Aye:** 5 - Chavez, Esparza, Karbassi, Maxwell and Bredfeld

**No:** 1 - Arias

**Absent:** 1 - Soria

- 1-L**    [ID 21-151](#)    RESOLUTION - Adopt a resolution authorizing the Public Works Director to execute BUILD Grant Agreements in the amount of \$10,540,582 for the Veterans Boulevard Project (Council District 2)

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

*Councilmember Arias directed staff to provide the Council with a full update on the status of the Veteran's Boulevard.*

**RESOLUTION 2021-015 ADOPTED**

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

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

**Absent:** 1 - Soria

**1-O** [ID 21-155](#)

Actions pertaining to Final Map of Tract No. 6198

- 1. RESOLUTION** - Approving the Final Map of Tract No. 6198, of Vesting Tentative Tract Map No. 6198, and accepting dedicated public uses offered therein except for dedications offered subject to City acceptance of developer installed required improvements - northwest corner of Shaw Avenue and Grantland Avenue (Council District 2)

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

*Councilmember Karbassi spoke regarding the increase in traffic off Shaw and Grantland and if there are any measures being taken to accommodate the increase in traffic. Director Mozier responded.*

**RESOLUTION 2021-016 ADOPTED**

**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 - Chavez, Esparza, Soria, Karbassi, Arias, Maxwell and Bredefeld

**1-P** [ID 21-164](#)

Award a 5-year agreement for Enterprise Resource Planning System and Implementation Services to Tyler Technologies, in the amount of \$11,045,960 for implementation and hosting (Software as a Service) of Financials, Human Capital Management (ERP) and Utility Billing software.

*The above item was introduced to Council by Director Horn, Information Services Department.*

*Councilmember Arias spoke regarding the recommendations from the Police Reform Commission and the funding that is going to the Police Department's software upgrade. Director Horn responded.*

**APPROVED**

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

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

**1-R** [ID 21-117](#)

Actions pertaining to the 2020 Law Enforcement Mental Health & Wellness (LEMHWA) grant program

1. Authorize the Chief of Police to accept \$98,624 in grant funding for the 2020 Law Enforcement Mental Health & Wellness (LEMHWA) grant awarded to the Fresno Police Department from the U.S. Department of Justice, through the Office of Community Oriented Policing Services (COPS)
2. \*\*\*RESOLUTION - Adopt the 53rd Amendment to the Annual Appropriation Resolution (AAR) No. 2020-159 appropriating \$59,600 for the Police Department's Law Enforcement Mental Health and Wellness (LEMHWA) grant (requires five affirmative votes) (subject to Mayor's veto)
3. \*\*\*RESOLUTION - Adopt the 3rd Amendment to Position Authorization Resolution No. 2020-160, adding .75 FTE Police Cadet position to the Fresno Police Department

*The above item was introduced to Council by City Manager Esqueda, City Manager's Office. There was no Council discussion.*

**RESOLUTION 2021-017 ADOPTED**

**RESOLUTION 2021-018 ADOPTED**

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

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

- 1-S**     [ID 21-137](#)     Actions pertaining to Commercial Cannabis Activity:  
1.     \*\*\*RESOLUTION - Creating The Equity Assistance Program Fund  
         (Subject to Mayor's Veto)

*The above item was introduced to Council by Project Manager Ruiz, City Manager's Office and City Manager Esqueda, City Manager's Office.*

*Discussion was held between Councilmembers and staff regarding the formula for the funding, the purpose of the funds, the number of businesses that will be awarded, and how the social equity applications are being qualified.*

**RESOLUTION 2021-019 ADOPTED**

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

**Aye:** 5 - Chavez, Esparza, Soria, Arias and Maxwell

**No:** 2 - Karbassi and Bredefeld

- 1-V**     [ID 21-168](#)     Approve Second Amendment to contract for COVID-19 testing, tracing, and quarantine support with Fresno Building Healthy Communities, extending time for performance

*The above item was introduced to Council by Council President Chavez, District 5 and Councilmember Arias, District 3.*

*Councilmember Bredefeld asked about the extension time of performance and asked about the other organizations that provided the same service and why their time was not extended. Council President Chavez and Assistant City Manager Barfield responded.*

**APPROVED**

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



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

- 1-X**    [ID 21-186](#)    \*\*\*Resolution (AAR) transferring one million dollars from the City Attorney's Office budget to Council District budgets and to a fund for COVID expenses (requires 5 affirmative votes)(subject to veto).

*The above item was introduced to Council by Council President Chavez, District 5 and City Manager Esqueda, City Manager's Office.*

*Discussion was held between Councilmembers and staff regarding the extra \$50,000 to Council's budget, the reason for it, will the analysis be provided to Council and will it be equally distributed amongst the Council districts. City Manager Esqueda responded.*

**RESOLUTION 2021-020 ADOPTED**

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

**Aye:** 6 - Chavez, Esparza, Soria, Arias, Maxwell and Bredefeld  
**No:** 1 - Karbassi

- 1-U**    [ID 21-167](#)    Approve Second Amendment to contract for COVID-19 testing, tracing, and quarantine support with Fresno Economic Opportunities Commission, extending time for performance

*Council President Chavez recused himself from the above item.*

*There was no introduced to Council and no Council discussion.*

**APPROVED**

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

**Aye:** 6 - Esparza, Soria, Karbassi, Arias, Maxwell and Bredefeld  
**Recused:** 1 - Chavez

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



[ID 21-158](#) Appearance by Tim Bakman to discuss the Cannabis Sensitivity Zone.  
(Speaker resides in District 6)

*APPEARED*

City Council recessed for lunch at 12:14 P.M. and returned at 1:31 P.M.

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

### **10:00 A.M. #1**

[ID 21-141](#) **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. 49 (Assessor's Parcel Number 506-130-36S, The Orchards Apartment Complex) (northeast corner of West Bullard and North Dante Avenues) (Council District 2)

1. **\*\*\*RESOLUTION** - to Annex Territory to Community Facilities District No. 9 and Authorizing the Levy of a Special Tax for Annexation No. 49 (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. 49 (Subject to Mayor's Veto)

*The item was called to order at 1:31 P.M. and the item was introduced to Council by Assistant Director Benelli, Public Works Department. Upon call, there was no public comment and no Council discussion.*

*RESOLUTION 2021-021 ADOPTED*

*RESOLUTION 2021-022 ADOPTED*

*RESOLUTION 2021-023 ADOPTED*

*BILL 1/ORDINANCE 2021-001 ADOPTED*

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

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

Absent: 1 - Soria

### 10:00 A.M. #2

[ID 21-142](#) **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. 117 (Final Tract Map No. 6270) (west side of South Willow Avenue between East Fillmore and Laurel Avenues) (Council District 7)

1. **\*\*\*RESOLUTION** - to Annex Territory to Community Facilities District No. 11 and Authorizing the Levy of a Special Tax for Annexation No. 117 (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. 117 (Subject to Mayor's Veto)

*The item was called to order at 1:33 P.M. and the item was introduced to Council by Assistant Director Benelli, Public Works Department. Upon call, there was no public comment and no Council discussion.*

*RESOLUTION 2021-024 ADOPTED*

*RESOLUTION 2021-025 ADOPTED*

*RESOLUTION 2021-026 ADOPTED*

*BILL 2-ORDINANCE 2021-002 ADOPTED*

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

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

**Absent:** 1 - Soria

### 10:00 A.M. #3

[ID 21-138](#) **CONTINUED 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. 46 (Parcel A of Final Parcel Map No. 2019-06) (northeast corner of North First and East Nees Avenues) (Council District 6)

1. **\*\*\*RESOLUTION** - to Annex Territory to Community Facilities District No. 9 and Authorizing the Levy of a Special Tax for Annexation No. 46 (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. 46 (Subject to Mayor's Veto)

*The above item was continued to April 8, 2021 at 10:00 A.M.*

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

[ID 21-005](#)

(CONTINUED FROM JANUARY 7, 2021 AT 10:15 A.M.)

HEARING to consider Plan Amendment and Rezone Application No. P19-00417, Vesting Tentative Tract Map Nos. 6212/UGM and 6276/UGM, and Final Environmental Impact Report (EIR) State Clearinghouse (SCH) No. 2020039061 for the proposed "Parc West" development on the west side of North Grantland Avenue between the West Gettysburg and West Ashlan Avenue alignments. (Council District 1) - Planning and Development Department

1. **REVIEW AND CONSIDER** Final EIR SCH No. 2020039061 for an overall proposed 844-lot single-family residential development, apply the Council's independent judgment and analysis to the review, and then adopt the resolution certifying the FEIR, as having been completed in compliance with the California Environmental Quality Act (CEQA) based on the Planning Commission's recommendations on the proposed Final EIR and comments thereon; and,
  - a. **ADOPT** Findings of Fact as required by Public Resources Code Section 21082(a) and CEQA Guidelines, Section 15091; and,
  - b. **ADOPT** the Statement of Overriding Considerations as required by Public Resources Code, Section 21081(b) and CEQA Guidelines, Section 15093; and
  - c. **APPROVE** the Mitigation Monitoring and Reporting Program as

required by Public Resources Code Section 21081.6 and CEQA Guidelines Section 15092; and,

- d. ADOPT the Water Supply Assessment (WSA) attached to the FEIR in compliance with Section 10901 of the California Water Code and Section 15155 of the CEQA Guidelines, and adopt the WSA as a technical addendum to the Environmental Impact Report
2. **RESOLUTION** - Approving Plan Amendment Application No. P19-00417 proposing to amend the Fresno General Plan transportation element to identify the proposed collector street and modified trail network.
  3. **BILL** (for introduction and adoption) - Approving Rezone Application No. P19-00417 proposing to replace the existing Conditions of Zoning for the ±160 acre property with new Conditions of Zoning specific to the proposed project.
  4. **APPROVE** Vesting Tentative Tract Map No. 6212/UGM which requests authorization to subdivide an approximately 14.41 acre portion of the subject property for purposes of creating an 84-lot single family residential subdivision on the southwest corner of North Grantland and the West Indianapolis Avenue (alignment) subject to the findings and compliance with the Conditions of Approval included within the Staff Report to the Planning Commission dated December 2, 2020.
  5. **APPROVE** Vesting Tentative Tract Map No. 6276/UGM which requests authorization to subdivide an approximately 14.17 acre portion of the subject property for purposes of creating an 83-lot single family residential subdivision on the northwest corner of North Grantland and the West Indianapolis Avenue (alignment) subject to the findings and compliance with the Conditions of Approval included within the Staff Report to the Planning Commission dated December 2, 2020.
  6. **APPROVE** Indemnification Agreement with GVM Investments, LLC for indemnity related to claims arising from EIR SCH# 2020039061 and related land use approvals.

*The above item was introduced to Council by Planner III Lang, Planning and Development Department and Councilmember Soria, District 1. Upon call, Jeff Roberts, Elisa Bilios, Lisa Flores, Victor Gonzalez, Rebecca Wharton, Betsy Garcia, Brandon Cline, and Ashlee Perritte.*

*Councilmember Soria motioned to approve with the following conditions: that the developer will install curb, gutter, paving and trails on the west side of Grantland between Ashlan Avenue and the entrance of the development prior to the City issuing more than a hundred building permits for new homes to ensure that all the new residents have a safe route to school and that a streetlight at Grantland and Gettysburg is to be installed when 100 homes are built. Councilmember Maxwell seconded the motion.*

*Councilmember Soria stated that when there is new development that they provide additional green space and going above the minimum requirement for green space. She stated she is not supportive of rezoning commercial outside the area.*

**RESOLUTION 2021-027 ADOPTED**

**RESOLUTION 2021-028 ADOPTED**

**BILL 3/ORDINANCE 2021-003 ADOPTED**

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

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

### **1:45 P.M.**

[ID 21-187](#)

(CONTINUED FROM JANUARY 7, 2021 AT 1:45 P.M.)

HEARING to Consider Conditional Use Permit Application No. P20-02556 and related Environmental Assessment No. P20-01633/P20-02556 pertaining to property located at 1137 North Chestnut Avenue at the southwest corner of North Chestnut and East Olive Avenues, (Council District 7) - Planning & Development Department.

1. CONSIDER Environmental Assessment No. P20-01633/P20-02556, dated January 7, 2021, a determination that the proposed project is exempt from the California Environmental Quality Act (CEQA) through a Class 32 (In-fill Development Projects) Categorical Exemption; and,
2. DENY the appeal and UPHOLD the action of the Planning Commission to deny Conditional Use Permit Application No. P20-02556 requesting to establish a Type 20 Off-Sale Beer & Wine

alcohol sales license for a proposed 7-Eleven convenience store and service station to be located at 1137 North Chestnut Avenue at the southwest corner of North Chestnut and East Olive Avenues.

*The above item was removed from the agenda.*

### **3. GENERAL ADMINISTRATION**

- 3-A [ID 21-160](#) WORKSHOP - 2021 Council Redistricting Process, Timeline, and Legal Issues

*The above workshop was presented to Council by Chris Skinnell, Partner with Nielsen Merksamer Parrinello Gross & Leoni LLP.*

### **4. CITY COUNCIL**

- 4-A [ID 21-131](#) A Resolution Of The City Council Of The City Of Fresno Urging That NFL Legend Tom Flores Be Inducted Into The 2021 Pro Football Hall Of Fame

*The above item was introduced to Council by Councilmember Soria, District 1 and Councilmember Arias, District 3. Upon call, there was no public comment.*

*RESOLUTION 2021-029 ADOPTED*

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

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

### **5. CLOSED SESSION**

*Upon call, there was no public comment. City Council recessed into Closed Session at 2:48 P.M. and returned from Closed Session at 5:20 P.M. There were no announcements made after Closed Session and the below items were discussed.*

- 5-A [ID 21-125](#) CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION  
Government Code Section 54956.9, subdivision (d)(1)

Case Name: *Fabian Lara, et al. v. City of Fresno, et al.*  
Fresno County Superior Court Case No.:18CECG03514  
(Public Works Department)

- 5-B**     [ID 21-163](#)     CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION  
Government Code Section 54956.9, subdivision (d)(1)
- Case Name: *Lasha Johnson, individually and as successor-in-interest to Gerald Johnson, et al. v. City of Fresno, et al.*; United States District Court Case No.: 1:20-CV-01320 (Police Department)
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- 5-C**     [ID 21-051](#)     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 Luis Chavez  
Unrepresented Employee: City Clerk
- 
- 5-D**     [ID 21-191](#)     CONFERENCE WITH LEGAL COUNSEL - PUBLIC SECURITY -  
Government Code Section 54957(a): Discuss security of City Facilities.
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- 5-E**     [ID 21-193](#)     CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Government Code Section 54956.8; Property: APN 444-153-28S; Negotiating Parties: City Manager Esqueda, Scott Speakes; Under Negotiation: Terms and conditions of possible acquisition.
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- 5-F**     [ID 21-204](#)     CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Government Code Section 54956.8; Property: 809 E Olive Ave; Negotiating Parties: City Manager Thomas Esqueda, Lawrence Abbate; Under Negotiation: Terms and Conditions of Property Acquisition.
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- 5-G**     [ID 21-205](#)     CONFERENCE WITH LEGAL COUNSEL - POTENTIAL LITIGATION -  
Government Code Section 54956.9 subdivision (d)(2): Significant Exposure to Litigation: City of Fresno v. Lawrence Abbate.

## **ADJOURNMENT**

*City Council adjourned at 5:21 P.M.*