



City of Fresno

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

Meeting Minutes City Council

President - Nelson Esparza

Vice President - Tyler Maxwell

Councilmembers:

Annalisa Perea, Mike Karbassi, Miguel Angel Arias,

Luis Chavez,

Garry Bredefeld

City Manager - Georgeanne A. White

City Attorney - Andrew Janz

City Clerk - Todd Stermer, CMC

Thursday, December 15, 2022

9:00 AM

**Council Chambers (In
Person And/Or Electronic)**

Regular Meeting

9:02 A.M. ROLL CALL

Present: 7 - Council President Nelson Esparza
Vice President Tyler Maxwell
Councilmember Annalisa Perea
Councilmember Mike Karbassi
Councilmember Miguel Angel Arias
Councilmember Luis Chavez
Councilmember Garry Bredefeld

Invocation by Associate Pastor Brent Deffenbacher from CrossCity Christian Church

Pledge of Allegiance to the Flag

APPROVE AGENDA

City Clerk Stermer announced the following changes to the agenda:

Councilmember Arias was requesting an amendment to Consent Calendar item 1-R (ID 22-1876), regarding the Emergency Solutions-Coronavirus Grant Agreement for the operation of mobile showers. The amendment would change Section 2 of the agreement to include the following: City Council offices may modify the locations of the mobile shower trailers in

their respective districts.

Consent Calendar item 1-J (ID 22-1871) regarding the resolution to accept the 2021 SAFER Grant was moved to the January 5, 2023, agenda by the administration.

Consent Calendar item 1-HH (ID 22-1859) regarding the summary vacation of portions of certain streets was moved to the January 5, 2023, agenda by Councilmember Arias.

10:05 A.M. Scheduled Council Hearing (ID 22-1806) regarding Plan Amendment and Rezone Application No. P19-05950 was moved to the January 19, 2023, agenda at 10:05 A.M. by Councilmember Karbassi.

Councilmember Bredefeld registered a "no" vote for Consent Calendar item 1-PP (ID 22-1377) concerning the confirmation of emergency conditions impacting the ability of legislative bodies to meet safely in person.

THE FOLLOWING ITEMS WERE MOVED FROM THE CONSENT CALENDAR TO THE CONTESTED CONSENT CALENDAR FOR FURTHER DISCUSSION

1-L (ID 22-1842) regarding Requirements Contract for Custodial Services - moved to Contested Consent by Councilmember Arias.

1-R (ID 22-1876) regarding the Emergency Solutions-Coronavirus Grant Agreement for the operation of mobile showers - moved to Contested Consent by Councilmember Perea.

1-S (ID 22-1754) regarding 2020 Environmental Protection Agency Brownfields Revolving Loan Fund Grant - moved to Contested Consent by Councilmember Arias.

1-Y (ID 22-1793) regarding consultant services agreement with CDM Smith, Inc - moved to Contested Consent by Councilmember Arias.

1-JJ (ID 22-1867) regarding contract to Witbro Inc. dba Seal Rite Paving &

Grading - moved to Contested Consent by Councilmember Arias.

1-00 (ID 22-1892) regarding grant applications to the California State Transportation Agency funding programs - moved to Contested Consent by Councilmember Arias.

The agenda was first approved as amended with Consent Calendar item AA (ID 22-1843) tabled to January 5, 2023 by Council President Esparza. The motion was made by Councilmember Chavez. Councilmember Arias seconded the motion which PASSED 7-0 by unanimous vote.

Subsequently, Council President Esparza motioned to reconsider approval of the agenda in order to hear the time sensitive Consent Calendar item AA (ID 22-1843) on the Contested Consent Calendar. Councilmember Arias seconded the motion to reconsider approval of the agenda which PASSED 7-0 by unanimous vote.

Following the motion to reconsider, Council President Esparza motioned to move Consent Calendar item AA (ID 22-1843) to the Contested Consent Calendar and approve the agenda as amended. The motion was seconded by Vice President Maxwell and PASSED 7-0 by unanimous vote.

On motion of Council President Esparza, seconded by Vice President Maxwell, the above agenda was APPROVED AS AMENDED. The motion carried by the following vote:

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

CEREMONIAL PRESENTATIONS

COUNCILMEMBER REPORTS AND COMMENTS

Councilmember Perea Reports and Comments. Thanked her fellow Councilmembers for selecting her to serve the remainder of Esmeralda Soria's term as the Councilmember for District 1. Recognized Gilbert Felix and the District 1 team for helping run the office during the transition between Councilmembers. Discussed the successful District 1 toy drive which collected approximately 200 toys for children in need. Declared she would always stand against hate and reaffirmed her commitment to the

LGBTQ community.

Councilmember Karbassi Reports and Comments. Welcomed Councilmember Perea as the District 1 representative. Announced the warming center in Pinedale would be open for people and pets from 7 P.M. to 7 A.M. when temperatures were below 35 degrees Fahrenheit. Wished everyone a happy Christmas and Chanukah then gifted the Council and administration coaster sized rugs that were handmade in Armenia. Acknowledged City Manager White for being a great partner helping District 2 achieve its goals. Thanked District 2 staff for their hard work the past year. Discussed the progress of Safe Routes to School around Star Elementary. Thanked the PARCS Department for help with a recent community meeting. Acknowledged Mayor Dyer, the City Clerk's Office and the Office of the City Attorney.

Councilmember Arias Reports and Comments. Reported 57 families had moved into the Monarch Building before Christmas due to the hard work of City staff. Announced an upcoming LuLu Foundation toy drive in the Chinatown Fresno Neighborhood. Requested a memo from the administration as to whether the Proud Boys were classified as a criminal gang under current definitions. Requested the Old Fresno Water Tower be lit in the LGBTQ colors for the week in recognition of the Respect for Marriage Act passing at the national level.

Councilmember Chavez Reports and Comments. Welcomed Councilmember Perea to the dais. Acknowledged City staff and the Department of Public Works for helping with flooding issues caused by recent rains. Announced bike lanes had been added to First Street which now help connect Hazlewood Boulevard, Peach Avenue and the Fresno Pacific University area. Discussed the upcoming mid-year budget.

Councilmember Bredefeld Reports and Comments. Welcomed Councilmember Perea and recalled working with her father, former City Councilmember Henry R. Perea.

Vice President Maxwell Reports and Comments. Welcomed Councilmember Perea as the newest Councilmember. Recognized and

thanked his staff for helping to accomplish great things in Council District 4 over the past year. Acknowledged the hard work of staff in each of the City departments.

Council President Esparza Reports and Comments. Thanked District 7 and PARCS Department staff for a successful community meeting about Radio Park and Proposition 68 funds. Discussed the recent opening of a City Hall time capsule from 1992.

MAYOR/MANAGER REPORTS AND COMMENTS

City Manager White Reports and Comments. Welcomed Councilmember Perea to the dais and recalled working with her father at City Hall. Noted that Council and administration cooperation accomplished a lot over the past year. Reported the administration was looking for additional items to place into the next time capsule. Recognized the Facilities team for keeping City Hall in great shape for the last thirty years. Acknowledged the hard work put in by each department to serve the people of Fresno. Discussed a memo distributed to Council which reported on potential California Public Utilities Commission changes to Net Energy Metering.

UNSCHEDULED COMMUNICATION

Upon call for unscheduled communication and public comment on Consent Calendar, Contested Consent Calendar and Closed Session items, the following members of the public addressed Council: John Brown, Fernando Paul Elizondo, Sr., Steve Diddy (1-J), Rosio, Isabel Ramos, Zayn Anthony, Alicia, Brandi N., Faith, Dez, Cesar Casamayor (1-V), Jackie Holmes (1-O), Rikki, Robert McCloskey, Shana Bender, Cynthia Piombino, Lisa Flores, Karla Martinez (1-O), Ruben Espinoza (1-V), Haley White, Laura Splotch and Paul Dictos.

Following unscheduled communication, Councilmember Bredefeld provided a brief response to the speakers who were critical of his social media posts about a drag show held the previous weekend.

1. CONSENT CALENDAR

APPROVAL OF THE CONSENT CALENDAR

On motion of Councilmember Arias, seconded by Vice President

Maxwell, the CONSENT CALENDAR was hereby adopted by the following vote:

Aye: 6 - Esparza, Maxwell, Perea, Karbassi, Arias and Bredefeld

Absent: 1 - Chavez

- 1.-A. [ID 22-1864](#) Approval of the minutes for December 1, 2022, Regular Meeting and December 9, 2022, Special Meeting.

APPROVED ON CONSENT CALENDAR

- 1.-B. [ID 22-1767](#) RESOLUTION - amending certain designated positions which shall be subject to the conflict of interest code and defining categories of disclosures for such positions

RESOLUTION 2022-285 ADOPTED

APPROVED ON CONSENT CALENDAR

- 1.-C. [ID 22-1873](#) ***RESOLUTION-Adopt the 4th Amendment to the Position Authorization Resolution (PAR) No. 2022-153 adding (2) full-time positions of Community Coordinators in the General City Purpose Department, Animal Control Division (Subject to Mayor's Veto)

RESOLUTION 2022-286 ADOPTED

APPROVED ON CONSENT CALENDAR

- 1.-D. [ID 22-1894](#) Approve a Second Amendment to the Interfund Loan Agreement between the City of Fresno Sewer Operating Fund and the City of Fresno General Fund for the purchase, acquisition, and operation of the Valley Inn motel to extend repayment for up to three months

APPROVED ON CONSENT CALENDAR

- 1.-E. [ID 22-1891](#) ***RESOLUTION - Adopt the 7th Amendment to FY 2023 Salary Resolution No. 2022-152, amending Exhibit 2, Unit 2 - Non-Represented Management and Confidential Classes, to create the new classification of Senior City Attorney Investigator (Subject to Mayor's Veto)

RESOLUTION 2022-287 ADOPTED

APPROVED ON CONSENT CALENDAR

- 1.-F. [ID 22-1734](#) Actions relating to the purchase and installation of License Plate Recognition System (LPR) as a part of the Parking and Control Revenue System equipment (PARCS) from SKIDATA, Inc., a Delaware Corporation, (SKIDATA) for the Surface Parking Lot project at Fresno Yosemite International Airport (Council District 4):

1. Adopt a finding of Categorical Exemption pursuant to Section 15301/Class 1 (Existing Facilities) of the California Environmental Quality Act Guidelines.
2. RESOLUTION - Approving an Exception to Formal Bidding Requirements and Authorizing a Sole Source Contract for License Plate Recognition System.
3. Award a contract to SKIDATA Inc., for the purchase and installation of License Plate Recognition System (LPR) as a part of the Parking and Revenue Control System equipment (PARCS) for all entrances and exits of Airport Parking with Grant Funds in the amount of \$350,340.

RESOLUTION 2022-288 ADOPTED

APPROVED ON CONSENT CALENDAR

1.-G. [ID 22-1763](#)

Actions related to the Lease Agreement with John Tomaino, an individual, d.b.a. American Helicopters, which is a Specialized Aviation Service Operation (SASO) that runs a helicopter and airplane flight training business at Fresno Chandler Executive Airport (FCH). (Council District 3)

1. Adopt a finding of Categorical Exemption pursuant to Section 15301 (Existing Facilities) of the California Environmental Quality Act Guidelines
2. Approve the revised Lease Agreement (Lease), which contains amended language (staff received direction from the City Council on September 29, 2022), with John Tomaino, an individual, d.b.a. American Helicopters, to continue operating a helicopter and airplane flight training business at FCH for a term of three (3) years. The amount of potential revenue generated by this Lease is \$57,101.59, plus an annual CPI adjustment. (Council District 3)

APPROVED ON CONSENT CALENDAR

1.-H. [ID 22-1865](#)

Actions related to the Baggage Cart Concession Agreement with Smarte Carte, Inc.:

1. Adopt a finding of Categorical Exemption pursuant to Section 15301 (Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines.
2. Approve the Baggage Cart Concession Agreement between the City of Fresno and Smarte Carte, Inc., at Fresno Yosemite International Airport. The term of the agreement is 5 years plus a 5 -year option. Total annual revenue is estimated to be \$5,700. Total anticipated revenue during the full term of the agreement is approximately \$28,500. (Council District 4)

APPROVED ON CONSENT CALENDAR

- 1.-I. [ID 22-1898](#) Submission and Acceptance of the City of Fresno Clean and Safe Neighborhood Parks Tax (Measure P) Report for Fiscal Year 2022.

APPROVED ON CONSENT CALENDAR

- 1.-J. [ID 22-1871](#) ***RESOLUTION - Authorize the acceptance of 2021 Staffing for Adequate Fire and Emergency Response (SAFER) grant award for \$7,246,600 from the Federal Emergency Management Agency (FEMA) and authorize the Fire Chief to complete all required documents (Subject to Mayor's Veto)

The above item was tabled to January 5, 2023, by staff.

TABLED

- 1.-K. [ID 22-1834](#) Actions pertaining to the award of a sole source purchase agreement with Powerscreen of Dixon, California, for the purchase of one Chieftain 1400 tracked mobile inclined screener in the amount of \$401,500:
1. RESOLUTION - Adopt a Resolution approving an exception to formal bidding procedures and award a sole source purchase agreement for one Chieftain 1400 tracked mobile inclined screener
 2. Approve the award of a purchase agreement to Powerscreen of Dixon, California for the purchase of one Chieftain 1400 tracked mobile inclined screener in the amount of \$401,500 for the Department of Public Works, Street Maintenance Division

RESOLUTION 2022-289 ADOPTED

APPROVED ON CONSENT CALENDAR

- 1.-M. [ID 22-1779](#) ***RESOLUTION - Adopt the 6th Amendment to FY 2023 Salary Resolution No. 2022-152, amending Exhibit 8, Unit 8, Non-Represented to increase the salary range for the Lifeguard, Services Aide and Intern classifications from \$15.00 - \$19.00 per hour to \$15.50 - \$19.50 per hour; increase the Police Cadet I classification salary range from \$15.00 - \$20.00 to \$15.50 to \$20.50 per hour; increase the Senior Lifeguard classification salary range from \$15.50 - \$20.00 to \$16.00 - \$20.50 per hour; increase the minimum salary range of Sports Official classification from \$15.00 to \$15.50 per game; and amend the Cashier Clerk classification salary range from Flat Rate to Hourly with a salary range of \$15.50 - \$19.50 per hour, effective January 1, 2023 (Subject to Mayor's Veto)

RESOLUTION 2022-290 ADOPTED

APPROVED ON CONSENT CALENDAR

- 1.-N. [ID 22-1874](#) ***RESOLUTION-Adopt the 5th Amendment to the Position Authorization

Resolution (PAR) No. 2022-153 adding one (1) permanent part time position of Senior HR/Risk Analyst in the Personnel Services Department (Subject to Mayor's Veto)

RESOLUTION 2022-291 ADOPTED

APPROVED ON CONSENT CALENDAR

- 1.-O. [ID 22-1872](#) ***RESOLUTION - Adopting Substantial Amendment 2022-01 to the Fiscal Year (FY) 2022-2023 Annual Action Plan and authorizing submission to the U.S. Department of Housing and Urban Development (HUD) to reprogram \$3,840,768.21 in Community Development Block Grant (CDBG) funds from prior year CDBG project savings and repayment (Subject to Mayor's Veto)

RESOLUTION 2022-292 ADOPTED

APPROVED ON CONSENT CALENDAR

- 1.-P. [ID 22-1878](#) ***RESOLUTION - Adopting the 16th Amendment to the Annual Appropriation Resolution (AAR) No. 2022-154 appropriating \$59,946,400 for Homekey Program related activities (Requires 5 Affirmative Votes) (Subject to Mayor's Veto)

RESOLUTION 2022-293 ADOPTED

APPROVED ON CONSENT CALENDAR

- 1.-Q. [ID 22-1860](#) ***RESOLUTION - Adopting the 19th Amendment to the Annual Appropriation Resolution (AAR) No. 2022-154 appropriating \$380,700 in Emergency Solutions Grant-Coronavirus (ESG-CV) (Requires 5 Affirmative Votes) (Subject to Mayor's Veto)

RESOLUTION 2022-294 ADOPTED

APPROVED ON CONSENT CALENDAR

- 1.-T. [ID 22-1781](#) Approve a \$2.5 million State and Local Fiscal Recovery Funds (part of the American Rescue Plan) Agreement with Fresno 1101 Parkway, LP for the proposed Sun Lodge project, which consists of the rehabilitation of the former Days Inn Motel and the introduction of new construction at the site to create 64 affordable permanent housing units in west central Fresno (District 3)

APPROVED ON CONSENT CALENDAR

- 1.-U. [ID 22-1863](#) Actions pertaining to the acquisition of three undeveloped properties by Assignment of Purchase and Sale Agreements for the development of affordable housing (District 3):

1. Approve Assignment of Purchase and Sale Agreement for the amount \$192,000 from the Fresno Housing Authority for 1.03 acres of undeveloped land (APNs 44934203, 44934204, & 44934205).
2. Approve Assignment of Purchase and Sale Agreement for the amount of \$69,000 from the Fresno Housing Authority for 0.28 acres of undeveloped land (APN 44934202)
3. Approve Assignment of Purchase and Sale Agreement for the amount of \$125,000 from the Fresno Housing Authority for 0.84 acres of undeveloped land (APN 44932118).

APPROVED ON CONSENT CALENDAR

1.-V. [ID 22-1877](#)

Actions pertaining to the Proposition 64 Health and Safety Grant Cohort 2 (Prop. 64) Grant program

1. Authorize the Chief of Police to accept \$1,958,057 in grant funding for the Proposition 64 Health and Safety Cohort 2 (Prop. 64) Grant awarded to the Fresno Police Department from the State of California, Board of State and Community Corrections (BSCC).
2. ***RESOLUTION - Adopt a Resolution authorizing acceptance of \$1,958,057 in grant funding from the State of California Board of State and Community Corrections (BSCC) for the Fresno Police Department's Proposition 64 Public Health and Safety Cohort 2 (Prop. 64) grant (Subject to Mayor's Veto)
3. ***RESOLUTION - Adopt the 6th Amendment to the Position Authorization Resolution (PAR) No. 2022-153 adding one full-time position of Community Services Officer to act as a liaison between Fresno Police Department and residents of the city of Fresno for the Police Department's Proposition 64 Public Health and Safety Cohort 2 (Prop. 64) grant (Subject to Mayor's Veto)
4. ***RESOLUTION - Adopt the 20th Amendment to the Annual Appropriation Resolution (AAR) No. 2022-154 appropriating \$604,400 for the Police Department's Proposition 64 Public Health and Safety Cohort 2 (Prop. 64) Grant (Requires 5 Affirmative Votes) (Subject to Mayor's Veto)
5. Authorize the Chief of Police to enter into a Memorandum of Understanding (MOU) with the City of Mendota to hire personnel, purchase equipment, attend training and conduct public outreach and events to raise awareness about the legalization of cannabis in the amount of \$452,510 over the three-year performance period of the grant
6. Authorize the Chief of Police to enter into a Memorandum of Understanding (MOU) with the Fresno Economic Opportunities Commission (FEOC) for the hiring of personnel to provide therapy and counseling for youth referrals from project partners and conduct monthly

youth-focused activities in both the cities of Fresno and Mendota in the amount of \$1,100,637 over the three-year performance period of the grant

7. Authorize the Chief of Police to enter into a Memorandum of Understanding (MOU) with the Boys & Girls Clubs of Fresno County for the implementation of youth prevention programs including drug prevention and intervention in the amount of \$124,410 over the three-year performance period of the grant
8. Authorize the Chief of Police to enter into a Memorandum of Understanding (MOU) with California State University of Fresno, Foundation to prepare a pre-and post-Local Evaluation Report in the amount of \$15,000 over the three-year performance period of the grant

RESOLUTION 2022-296 ADOPTED

RESOLUTION 2022-297 ADOPTED

RESOLUTION 2022-298 ADOPTED

APPROVED ON CONSENT CALENDAR

- 1.-W. [ID 22-1890](#) Authorize the Chief of Police to enter an agreement with County of Fresno for the reimbursement of five Fresno Police Officers, one Police Sergeant, and one Crime Analyst which will be assigned to the Adult Compliance Team (ACT) in an amount not to exceed \$1,660,661 for Fiscal Year 2022-23.

APPROVED ON CONSENT CALENDAR

- 1.-X. [ID 22-1792](#) Approve the Second Amendment to the consultant services agreement with Stearns, Conrad, and Schmidt Consulting Engineers, Inc., to expand the scope of services, to extend the agreement to December 31, 2023, and increase the previously amended contract amount of \$84,540 by \$65,024 for a total amended contract amount of \$149,564, for professional consulting services for SB 1383 compliance planning. (Citywide)

APPROVED ON CONSENT CALENDAR

- 1.-Z. [ID 22-1855](#) Reject all bids received for Requirements Contract to Furnish and Install Concrete and Paving Repairs at the Fresno-Clovis Regional Wastewater Reclamation Facility. (Bid File 9642) (Council District 3)

APPROVED ON CONSENT CALENDAR

- 1.-BB. [ID 22-1844](#) Reject all bids for the BRT Corridor ATP Pedestrian Intersection Improvements Project - Bid File 3820 (All Council Districts)

APPROVED ON CONSENT CALENDAR

- 1.-CC. [ID 22-1845](#) Annual Review and Acceptance of the FY 2022 Summary of Impact Fee Waivers

APPROVED ON CONSENT CALENDAR

- 1.-DD. [ID 22-1846](#) Approve the Tenth Amendment to the California High Speed Rail Authority Reimbursement Agreement No. HSR 11-29, which extends the contract end date by 12 months to December 31, 2023 (Council District 1, 2, & 3)

APPROVED ON CONSENT CALENDAR

- 1.-EE. [ID 22-1847](#) Approve an agreement for Professional Engineering Services with Peters Engineering Group for \$258,770, with a \$30,000 contingency, for design and construction support services for the Clinton Avenue Widening Project from 600 feet west of Marks Avenue to 500 feet west of Valentine Avenue (Council District 3)

APPROVED ON CONSENT CALENDAR

- 1.-FF. [ID 22-1856](#) Actions pertaining to professional on-call civil engineering services for the Public Works Engineering Division on City of Fresno neighborhood infrastructure capital projects (Citywide)
1. Approve an On-Call Consultant Services Agreement with Mark Thomas & Company, Inc., in the amount of \$1,500,000
 2. Approve an On-Call Consultant Services Agreement with Peters Engineering Group, in the amount of \$1,500,000
 3. Approve an On-Call Consultant Services Agreement with Provost & Pritchard Consulting Group, in the amount of \$1,500,000

APPROVED ON CONSENT CALENDAR

- 1.-GG. [ID 22-1858](#) Bicycle and Pedestrian Advisory Committee (BPAC) Semi-Annual Report (May 2022 through October 2022) (Citywide)

APPROVED ON CONSENT CALENDAR

- 1.-HH. [ID 22-1859](#) Actions pertaining to the summary vacation of a portion of the southeast corner of North Parkway Drive and West Shields Avenue; a portion of North Parkway Drive, north of West Weldon Avenue; and a portion of North Marks Avenue, north of the Marks-Shields Connector (Council District 3)
1. Adopt finding of Categorical Exemption per staff determination, pursuant to Sections 15301/Class 1 (Existing Facilities) and 15305/Class 5 (Minor Alteration in Land Use Limitations) of the California Environmental Quality Act (CEQA) Guidelines, Environmental Assessment Number PW00663-SR99-01 for the Southeast corner of North Parkway Drive and West Shields Avenue
 2. Adopt findings of Categorical Exemption per staff determinations,

pursuant to Sections 15301/Class 1 (Existing Facilities) and 15305/Class 5 (Minor Alteration in Land Use Limitations) of the California Environmental Quality Act (CEQA) Guidelines, Environmental Assessment Number PW00663-SR99-02 for a portion of North Parkway Drive, north of West Weldon Avenue

3. Adopt findings of Categorical Exemption per staff determinations, pursuant to Sections 15301/Class 1 (Existing Facilities) and 15305/Class 5 (Minor Alteration in Land Use Limitations) of the California Environmental Quality Act (CEQA) Guidelines, Environmental Assessment Number PW00663-SR99-03 for a portion of North Marks Avenue, north of the Marks-Shields Connector
4. ***RESOLUTION - Ordering the summary vacation of a portion of the Southeast corner of North Parkway Drive and West Shields Avenue; a portion of North Parkway Drive, north of West Weldon Avenue; and a portion of North Marks Avenue, north of the Marks-Shields Connector (Subject to Mayor's Veto)

The above item was tabled to January 5, 2023, by Councilmember Arias.

- 1.-II. [ID 22-1862](#) RESOLUTION - Of Intention to Annex Final Tract Map No. 5388 as Annexation No. 135 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, January 19, 2023, at 10:00 am (located along West San Jose Avenue north of North Salinas Avenue) (Council District 2)

RESOLUTION 2022-300 ADOPTED

APPROVED ON CONSENT CALENDAR

- 1.-KK. [ID 22-1868](#) Actions pertaining to on-call professional environmental assessment and technical study support services for the Public Works Engineering Division on City of Fresno capital improvement projects (Citywide)
1. Approve an On-Call Consultant Services Agreement with Harris & Associates, Inc., in the amount of \$4,000,000
 2. Approve an On-Call Consultant Services Agreement with LSA Associates, Inc., in the amount of \$4,000,000
 3. Approve an On-Call Consultant Services Agreement with SWCA Environmental Consultants, Inc., in the amount of \$4,000,000

APPROVED ON CONSENT CALENDAR

- 1.-LL. [ID 22-1869](#) Actions pertaining to Final Map of Tract No. 6238
RESOLUTION - Approving the Final Map of Tract No. 6238, and accepting dedicated public uses offered therein except for dedications offered subject to City acceptance of developer

installed required improvements - located near the southeast corner of North Alicante Drive and North Crest View Drive (Council District 6)

RESOLUTION 2022-301 ADOPTED

APPROVED ON CONSENT CALENDAR

1. [ID 22-1875](#) Approve Third Amendment to Reimbursement Agreement No. HSR 16-57
-MM. with the California High Speed Rail Authority for the Veterans Boulevard Grade Separation (Council District 2)

APPROVED ON CONSENT CALENDAR

- 1.-NN. [ID 22-1882](#) Actions pertaining to the Fink-White Park Splash Play Area Project - Bid File 12300706 (Council District 3)
1. Adopt a finding of Categorical Exemption per staff's determination, pursuant to Section 15301 (d)/Class 1 and 15302/Class 2 of the California Environmental Quality Act Guidelines
 2. Award a construction contract in the amount of \$1,271,280 to American Paving Company of Fresno, California, as the lowest responsive and responsible bidder

APPROVED ON CONSENT CALENDAR

- 1.-PP. [ID 22-1377](#) ***RESOLUTION - Confirming emergency conditions continue to directly impact the ability of legislative bodies to meet safely in person and authorizing remote teleconference meetings of City legislative bodies for 30 days, pursuant to Brown Act provisions (Subject to Mayor's Veto).

Councilmember Bredefeld registered a "no" vote on the above item. As such, this item was APPROVED 5-1 by the following vote:

Aye (5): Perea, Karbassi, Arias, Maxwell, Esparza

No (1): Bredefeld

Absent (1): Chavez

RESOLUTION 2022-305 ADOPTED

APPROVED ON CONSENT CALENDAR

JOINT MEETING OF THE CITY COUNCIL, FRESNO REVITALIZATION CORPORATION, THE CITY OF FRESNO IN ITS CAPACITY AS HOUSING SUCCESSOR TO THE REDEVELOPMENT AGENCY OF THE CITY OF FRESNO, AND THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF FRESNO

- 1.-QQ. [ID 22-1885](#) Actions pertaining to the affordable residential housing project at 1241-1263 Broadway Mall, commonly known as Hotel Fresno
1. ***RESOLUTION - Supporting Broadway Plaza Family Apartments, LP's Hotel Fresno project and awarding \$1.5 million in Permanent Local Housing Allocation funds for development of the Hotel Fresno Housing Project in downtown Fresno (District 3) (Subject to Mayor's Veto) (City Action Only)
 2. Approve a Fourth Amendment to the Amended and Restated Owner Participation Agreement with Broadway Plaza Family Apartments, LP

RESOLUTION 2022-306 ADOPTED

APPROVED ON CONSENT CALENDAR

CONTESTED CONSENT CALENDAR

- 1.-L. [ID 22-1842](#) Actions Pertaining to a Requirements Contract for Custodial Services:
1. Approve the Award of a Requirements Contract to ScrubCan Inc. for Three Years with Two One-year Optional Extensions for Routine and Deep Clean Custodial Services at Parks, Afterschool, Recreation and Community Services (PARCS) Facilities (Bid File 9658)
 2. Authorize Spending Authority for Custodial Services in an Amount Not to Exceed \$700,000 Per Year with no Minimum Spending Guarantee Expressed or Implied Under Any Respective Requirements Contract
 3. Authorize the PARCS Director or Designee to Execute all Related Documents on Behalf of the City

Councilmember Arias moved this item to the Contested Consent Calendar to clarify which services would be provided under the contract.

APPROVED

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

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

- 1.-R. [ID 22-1876](#) Approve the Emergency Solutions-Coronavirus (ESG-CV) Grant agreement between the City of Fresno and Gracebound Inc. in the amount of \$185,000 for the operation of mobile showers.

Councilmember Perea moved this item to the Contested Consent Calendar

to determine how mobile shower site locations were determined and requested to work with staff to bring a location to the Tower District.

Councilmember Arias noted he worked with the administration and requested Section 2 of the agreement be amended to indicate that City Council offices may work with the administration to modify the locations of movable shower trailers in their respective districts. The motion to approve this item included the amendment suggested by Councilmember Arias.

Councilmember Arias stated, for the record, he was interested in finding a location for mobile showers in Downtown Fresno.

APPROVED AS AMENDED

On motion of Councilmember Perea, seconded by Councilmember Karbassi, that the above Action Item be APPROVED AS AMENDED.

The motion carried by the following vote:

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

1.-S. [ID 22-1754](#) Actions pertaining to the 2020 Environmental Protection Agency Brownfields Revolving Loan Fund Grant and the 2019 Environmental Protection Agency Brownfields Coalition Assessment Grant:

1. *****RESOLUTION** - Adopting the 17th amendment to the Annual Appropriation Resolution (AAR) No. 2022-154 to appropriate \$694,000 for the Environmental Protection Agency Brownfields Revolving Loan Fund Grant (Requires 5 Affirmative Votes) (Subject to Mayor's Veto)
2. Approve the Second Amendment to the consultant services agreement between the City of Fresno and Stantec Consulting Services, Inc., regarding planning services for the Brownfields Coalition Assessment Grant to increase the scope of work, extending the contract performance period to January 31, 2026, and authorizing additional compensation in the amount up to \$100,000.

Councilmember Arias moved this item to the Contested Consent Calendar for clarification on the status of the projects.

RESOLUTION 2022-295 ADOPTED

On motion of Councilmember Arias, seconded by Council President Esparza, that the above Action Item be ADOPTED. The motion carried

by the following vote:

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

1.-Y. [ID 22-1793](#)

Approve First Amendment to the consultant services agreement with CDM Smith, Inc., to expand the scope of services, extend the agreement to December 31, 2023, and increase the contract amount by \$230,600 for a total contract amount of \$660,450, for groundwater investigation and remedial action at the City of Fresno Sanitary Landfill. (Council District 3)

Councilmember Arias moved this item to the Contested Consent Calendar to receive a summary update of the superfund landfill.

APPROVED

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

Aye: 6 - Esparza, Maxwell, Perea, Arias, Chavez and Bredefeld

Absent: 1 - Karbassi

1.-JJ. [ID 22-1867](#)

Award a requirements contract to Witbro Inc. dba Seal Rite Paving & Grading up to \$411,611.55 per year to furnish and install pavement undulations on various streets (Bid File 9661) (Citywide)

Councilmember Arias moved this item to the Contested Consent Calendar for the purposes of amending this item as a one year contract without extensions.

APPROVED AS AMENDED

On motion of Councilmember Arias, seconded by Councilmember Chavez, that the above Action Item be ADOPTED AS AMENDED. The motion carried by the following vote:

Aye: 6 - Esparza, Maxwell, Perea, Arias, Chavez and Bredefeld

Absent: 1 - Karbassi

1.-OO. [ID 22-1892](#)

Actions pertaining to grant applications to the California State Transportation Agency funding programs

1. RESOLUTION - Approve a grant application for the Blackstone and McKinley BNSF Grade Separation Project for grant funds up to the

- amount of \$80,000,000 from the California State Transportation Agency Port and Freight Infrastructure Program (Council Districts 1 and 7)
2. RESOLUTION - Approve a grant application for the Blackstone and McKinley BNSF Grade Separation Project for grant funds up to the amount of \$80,000,000 from the California State Transportation Agency Transit and Intercity Rail Capital Program (Council Districts 1 and 7)
 3. RESOLUTION - Approve a grant application for the FAX Zero-Emissions Technology Investment Project for grant funds up to the amount of \$37,500,000 from the California State Transportation Agency Transit and Intercity Rail Capital Program (All Council Districts)

Councilmember Arias moved this item to Contested Consent to point out that the item was underfunded. He recommended utilizing Measure "C" funding allocated for interchange projects in District 3 to help complete this item.

RESOLUTION 2022-302 ADOPTED

RESOLUTION 2022-303 ADOPTED

RESOLUTION 2022-304 ADOPTED

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

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

1.-AA. [ID 22-1843](#) Actions pertaining to Final Map of Tract No. 6325

RESOLUTION - Approving the Final Map of Tract No. 6325, and accepting dedicated public uses offered therein except for dedications offered subject to City acceptance of developer installed required improvements - located on the northwest corner of North Armstrong Avenue and East Clinton Avenue (Council District 7)

Council President Esparza moved this item to Contested Consent. City Clerk Stermer read the entire agenda title for the above item for the clarification of the public.

Upon call for public comment, Lisa Flores addressed Council.

RESOLUTION 2022-299 ADOPTED

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

Aye: 6 - Esparza, Maxwell, Perea, Karbassi, Arias and Bredefeld

Absent: 1 - Chavez

2. SCHEDULED COUNCIL HEARINGS AND MATTERS

10:05 A.M.

[ID 22-1806](#) HEARING to consider Plan Amendment and Rezone Application No. P19-05950 and related Environmental Assessment No. P19-05950, for approximately 1.73 acres of property located on the south side of West Nees Avenue, between North Blackstone and North Ingram Avenues (Council District 2)

1. ADOPT the Negative Declaration as prepared for Environmental Assessment No. P19-05950 dated July 29, 2022, for the proposed project pursuant to the California Environmental Quality Act (CEQA).
2. RESOLUTION - Approving Plan Amendment Application No. P19-05950 proposing to amend the Fresno General Plan to change the planned land use designation for the subject property from High Density Residential (±1.73 acres) to Regional Mixed Use (±1.73 acres).
3. BILL (for introduction and adoption) - Approving Rezone Application No. P19-05950 proposing to amend the Official Zoning Map of the City of Fresno to rezone the subject property from the RM-3/UGM/CZ (*Multi-Family Residential, High Density/Urban Growth Management/conditions of zoning*) zone district to the RMX (*Regional Mixed Use*) zone district in accordance with Plan Amendment Application No. P19-05950.

The above item was tabled to January 19, 2023, at 10:05 A.M. by Councilmember Karbassi.

3. GENERAL ADMINISTRATION

- 3.-A.** [ID 22-1857](#) Update on State Center Community College District Projects by Chancellor Dr. Carole Goldsmith

The above workshop was presented by Dr. Carole Goldsmith, Chancellor of State Center Community College District. Following the presentation,

Council discussion included the topics of TCC grant improvements to Church Avenue and water access to the First Responder Campus.

PRESENTED

4. CITY COUNCIL

5. CLOSED SESSION

During open session, Chief Assistant City Attorney Badhesha announced the items that would be discussed in closed session. Council President Esparza and Councilmember Bredefeld each announced they would be recused from closed session item 5-C (ID 22-1900) due to conflicts.

Council withdrew from open session to hear closed session items at 11:30 A.M.

5.-A. [ID 22-1883](#)

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

Case Name(s): Desiree Martinez, et al. v. City of Fresno; Eastern District Court Case No. 1:22-cv-00307

The above item was discussed in closed session. There were no open session announcements following the discussion.

DISCUSSED

5.-B. [ID 22-1901](#) CONFERENCE WITH LABOR NEGOTIATORS - Government Code Section 54957.6

City Negotiators: TJ Miller

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), Unit 4; 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, Background Investigator, Budget Analyst, Budget Manager, Chief Assistant City Attorney, Chief Information Officer, Chief Labor Negotiator, Chief of Staff to Councilmember, Chief of Staff to the Mayor, City Attorney (City Negotiator, Council President Esparza), City Attorney Investigator, City Clerk (City Negotiator, Council President Esparza), City Engineer, City Manager (City Negotiator, Mayor Dyer), 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, Executive Assistant to the Mayor, Fire Chief, Governmental Affairs Manager, Human Resources Manager, Independent Reviewer, Internal Auditor, Investment Officer, Management Analyst II, Payroll Accountant, Payroll Manager, Police Chief, Principal Budget Analyst, Principal Internal Auditor, Principal Labor Relations Analyst, Project Liaison/Program Administrator, Public Affairs Officer, Public Works Director, Retirement Administrator, Retirement Benefits Manager, Retirement Office 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

The above item was discussed in closed session. There were no open session announcements following the discussion.

DISCUSSED

5.-C. [ID 22-1900](#)

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

Case Name: *Nelson Esparza v. Garry Bredefeld*; Fresno Superior Court
Case No. 22CECG01469

The above item was discussed in closed session. Council President Esparza and Councilmember Bredefeld were recused from this item and

were not present for the discussion. There were no open session announcements following the discussion of this item.

DISCUSSED

ADJOURNMENT

City Council adjourned at 12:14 P.M.