



City of Fresno

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

Meeting Minutes City Council

President - Annalisa Perea

Vice President - Mike Karbassi

Councilmembers:

Miguel Angel Arias, Tyler Maxwell, Luis Chavez,

Garry Bredefeld, Nelson Esparza

City Manager - Georgeanne A. White

City Attorney - Andrew Janz

City Clerk - Todd Stermer, CMC

Thursday, September 12, 2024

9:00 AM

Council Chambers

Regular Meeting

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

9:02 A.M. ROLL CALL

Councilmember Chavez arrived at 9:06 A.M.

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

Invocation by Bishop David Rice from the Episcopal Diocese of San Joaquin

Bishop David Rice gave the invocation.

Pledge of Allegiance to the Flag

Councilmember Bredefeld led the Pledge of Allegiance.

APPROVE AGENDA

City Clerk Stermer announced the following changes to the agenda:

2-D (ID 24-1231) regarding the amendment of FMC Section 2-409 related to hearing officer authority – the title should read "Bill (for Introduction)," not

"Ordinance (for introduction)."

2-O (ID 24-1195) regarding first amendment to the lease agreement between the City of Fresno and Tutelian Holdings I, LLC. – section 2 on page 1 of the first amendment references 6,449 square feet as the size of the current space. This should be changed to reflect 6,499 square feet.

THE FOLLOWING ITEMS WERE REMOVED FROM THE AGENDA:

2-F (ID 24-1199) regarding 10th amendment to the annual appropriation resolution (AAR), to appropriate \$3,252,100 in FY 2024 city council department operating and capital carryover and trueing up the department of public works council infrastructure capital project budgeted carryover totals – moved to the September 26, 2024, agenda by Councilmember Chavez and Councilmember Arias.

2-N (ID 24-1147) regarding reject all bids for the requirement contract to furnish and install pavement undulations on various city streets – moved to the September 26, 2024, agenda by Councilmember Arias, and Vice President Karbassi.

2-S (ID 24-1214) regarding amending section 13-305 of the Fresno municipal code, relating to tree preservation – removed from the agenda with no return date by Councilmembers Arias, Maxwell, and Esparza.

2-T (ID 24-1215) regarding repealing and restating resolution 2022-086 establishing the City of Fresno tree policy – removed from the agenda with no return date by Councilmembers Arias, Maxwell, and Esparza.

Councilmember Bredefeld reregistered a "No" vote on Consent Calendar item 2-C (ID 24-1217).

On motion of Councilmember Arias, seconded by Councilmember Chavez, the AGENDA was adopted as amended. The motion PASSED by the following vote:

*Aye (7): Perea, Karbassi, Arias, Maxwell, Chavez, Bredefeld, Esparza
No (0):*

The initial approval of the agenda (above) included Consent Calendar item 2-M (ID 24-1155) moved to Contested Consent by Councilmember

Bredefeld. Councilmember Bredefeld subsequently announced he no longer had questions about the item and moved 2-M (ID 24-1155) back onto the Consent Calendar by motioning to re-open approval of the agenda.

On motion of Councilmember Bredefeld, seconded by Councilmember Chavez to re-open approval of the agenda. The motion carried by the following vote:

*Aye (7): Perea, Karbassi, Arias, Maxwell, Chavez, Bredefeld, Esparza
No (0):*

On motion of Councilmember Arias, seconded by Councilmember Chavez, the item 2-M (ID 24-1155) was moved back to the Consent Calendar and the agenda was ADOPTED AS AMENDED. The motion carried by the following vote:

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

CEREMONIAL PRESENTATIONS

[ID 24-1218](#) Proclamation recognizing the 2024 National Voter Registration Day (Sept 17), Disability Voting Rights Week (Sept 9 to Sept 13), and California High School Voter Education Weeks (Sept 16 through Sept 27)

PRESENTED

[ID 24-1116](#) Proclamation for “Honoring Holy Spirit Catholic Church’s Outreach Committee”

PRESENTED

COUNCILMEMBER REPORTS AND COMMENTS

Councilmember Arias Reports and Comments: Announced the groundbreaking of Heritage Estates, and Broadway Park in District 3. Reported Crime Stoppers taking tips regarding the sale of fentanyl in Fresno.

Councilmember Maxwell Reports and Comments: Discussed a recent Neighborhood Watch meeting, and acknowledged Mary Haskin, Captain Gross, the HART Team, and Code Enforcement Team for attending. Congratulated Fresno State Athletics for securing an invitation to the Pac-12 division.

Councilmember Chavez Reports and Comments: Acknowledged Public Works staff for restoring the lights on Huntington Boulevard, and expressed appreciation to the crews for their work. Noted a request was sent to Public Works to review the traffic flow in the area of Tulare and Fowler Avenues where Clovis East student Austin Ly tragically lost his life in a traffic accident. Condolences were expressed to the Ly family and the meeting was requested to adjourn in the memory of Austin Ly.

Councilmember Bredefeld Reports and Comments: Acknowledged the Police Department, Fire Department, and Sheriff's Office for their participation in the "9/11" event at Todd Beamer Park. Acknowledged Teens That Care for reading poems they wrote about the significance of "9/11". Noted the importance of teaching the younger generation about the heroism of the First Responders on "9/11". Recognized Todd Beamer, one of the heroes of "9/11" who led the first counterattack against the terrorists.

Councilmember Esparza Reports and Comments: Participated as a panelist in programming for the Central Valley Latino Leadership Academy, and expressed gratitude to the academy for the opportunity to speak to their fellows. Attended the California "9/11" Memorial alongside First Responders and community members. Announced the Beautify Fresno event in District 7 focusing on cleaning up the Burrows Elementary neighborhood. Announced Fiestas Patrias in downtown Fresno, and the Mexican Independence Festival at Willow and Balch. Reminded the public that flu shots and COVID vaccines were available.

Vice President Karbassi Reports and Comments: Attended the swearing-in ceremony for the new Fresno State Chief of Police, Anthony Martinez. Expressed gratitude for California's Natural Resources Secretary Wade Crowfoot for visiting Fresno and attending the 30x30 event, aiming to increase public access along the Fresno side of the San Joaquin River. Discussed a recent meeting with the new leadership team of the Salvation Army in Fresno. Attended the California Health Science University accreditation celebration and recognized the importance of more physicians in Fresno. Attended the California "9/11" Memorial with Mayor Dyer and Councilmember Esparza, to honor those who lost their lives. Discussed the Beautify Fresno event that cleaned up Stallion Park. Expressed concern over the senseless attack of a sleeping homeless individual and announced a \$1,000 contribution to Crime Stoppers to help identify the assailant. Announced that the Police Department / Fire Department baseball game ended in a tie.

Council President Perea Reports and Comments: Extended gratitude to Council Vice President Karbassi for helping unveil Fresno's Small Business Security Camera Rebate Program in partnership with City of Fresno, Fresno Chamber of Commerce, and Fresno Police Department. Extended an invitation to the public to join the Mayor and City Council in front of City Hall for the Mexican flag-raising ceremony in celebration of Mexican Independence Day.

MAYOR/MANAGER REPORTS AND COMMENTS

Mayor Dyer Reports and Comments: Discussed the admission of Fresno State University into the Pac-12. Expressed condolences for the passing of Kathy Bonilla and announced her memorial. Announced he would be presenting a proclamation to the People's Church for the 70th anniversary. Discussed community projects by the People's Church including painting of the spiral garage. Attended a 9/11 memorial event to honor the firefighters and police officers who lost their lives. Announced throwing the first pitch at the Fire Department / Police Department baseball game that went into extra innings and ended in a tie. Discussed the Chaffee Zoo's participation in the "purple pipe program" for reclaimed water. Expressed gratitude to the city's Assistant City Managers team for handling day-to-day operations while the City Manager is on vacation.

CITY CLERK AND CITY ATTORNEY REPORTS AND COMMENTS

City Clerk Stermer Reports and Comments: Announced that information regarding upcoming committee meetings could be found on the City Clerk's website at "www.fresno.gov/cityclerk." Noted public voter registration information was available on the "Elections and Voter Information" portion of the City Clerk's website.

1. SCHEDULED COUNCIL HEARINGS AND MATTERS

9:10 A.M. #1

[ID 24-1201](#) HEARING to adopt resolutions and ordinance to annex territory and Levy a Special Tax regarding City of Fresno Community Facilities District Number 9, Annexation Number 61 (Territory known as Assessor's Parcel Number 506-470-48S) (Located on the east side of North Cecelia Avenue and West Ellery Way) (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. 61 (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 2024-2025 and Future Tax Years Within and Relating to Community Facilities District No. 9, Annexation No. 61. (Subject to Mayor’s Veto)

The above item was called to order at 9:43 A.M. and was presented to Council by Supervising Engineering Technician Gonzalez. Upon call, no members of the public addressed Council. Public comment closed at 9:45 A.M.

There was no Council discussion.

RESOLUTION 2024-208 ADOPTED

RESOLUTION 2024-209 ADOPTED

RESOLUTION 2024-210 ADOPTED

BILL B-30 APPROVED / ORDINANCE ADOPTED AS 2024-0029

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

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

9:10 A.M. #2

[ID 24-1212](#) HEARING to consider of an appeal regarding the denial of Conditional Use Permit Application No. P22-03906, requesting authorization to establish a State of California Alcoholic Beverage Control (ABC) Type 21 (Off-Sale Beer, Wine, & Distilled Spirits) alcohol license for Circle “D” Food & Liquor store located at 2520 East Olive Avenue on the southeast corner of North Fresno Street and East Olive Avenue. (Council District 7)

- 1. DENY the appeal and UPHOLD the action of the Planning and Development Department Director to deny CUP Application No. P22-03906 requesting authorization to establish a State of California Alcoholic Beverage Control Type 21 (Off-Sale Beer, Wine, & Distilled Spirits) alcohol license for a Circle “D” Food & Liquor store.

The above item was called to order at 9:46 A.M. and was presented to Council by Planning Manager Siegrist. Upon call, the following members of

the public addressed Council: Dirk Poeschel, Fernando Paul Elizondo, Sr., Dez Martinez, Adel Resender, Nancy Her, Kaylee Tadena, Valeria Salazar, Daniel Gonzales, Julio Lopez, Heldy Velasquez, Michael Yamamura, Noel Aguilar, Joe Escobedo, and "Mrs. 52/50" Lynn Owens. Public comment closed at 10:58 A.M.

Council discussion included: The number of existing liquor licenses in the census tract, and saturation according to state law, crime levels, and the Police Chief's determination. The process and reasoning behind granting an exemption for liquor licenses. Relationship between liquor stores and calls for service. The City's authority to revoke Conditional Use Permits (CUPs) for businesses that become problematic. The possibility of operating a store without a liquor license to avoid needing exemptions. Whether the CUP is considered new, and all regulations in the Responsible Neighborhood Market Act (RNMA) that apply to the new CUP. The RNMA's failure to account for businesses struck by disasters. ABC (Alcoholic Beverage Control) violations at the location, and complaints from law enforcement. Support from other businesses, and people in the area. Protocols for preventing sales to minors, and whether the operator ever had an incident of selling to minors. Percentage of alcohol sales occupied by the store's floor area, and how it contributes to the store's profit. Amount of alcohol sales a store like this would normally generate. Examples of healthy choices that would be offered at the store. The proposed operating hours for the business as outlined within the RNMA. The possibility to condition the business to operate without tobacco use or selling tobacco paraphernalia. Past instances the city approved liquor stores near schools and imposed restrictions on alcohol sales. Whether the establishment would be selling alcohol from 6:00 a.m. until 2:00 a.m. as currently proposed.

***** While making his motion, Councilmember Esparza stated the motion was made based on the following findings evidenced in the record: The applicant is excepted from the location restrictions in the Responsible Neighborhood Market Act (RNMA) because the use is not within an area where the Chief of Police has determined that this use would be detrimental to the health safety and welfare of the people in the area, or increases the severity of existing law enforcement or public nuisance problems in the area. This is because the Chief of Police authored memo that was discussed earlier, dated September 5, 2024, supporting the RNMA location restriction exemption. Additionally, the sale of alcoholic beverages is incidental and appurtenant to the larger retail use because the project meets the definition of a General Market by primarily selling food and grocery items for off-site*

preparation and consumption with 54 square feet, to be exact, out of the total store size of 2,932 square feet dedicated to selling alcoholic beverages. Additionally, the project would serve as a public convenience or necessity to an under-served portion of the community without presenting significant adverse impacts on public health or safety because the project would align with State priorities to use general markets and small markets to expand access to foods such as fruits, vegetables, nuts, meats, and dairy products to a greater number of residents. The input from the surrounding neighbors weighed very heavily, so their support of this establishment did weigh heavy in the final decision. Additionally, the primary use of the establishment meets the definition of a General Market based on the totality of information provided by the applicants as the Planning Department has already noted earlier here in the hearing. So, based on the evidence in the record the findings for the CUP can be made specifically because the proposed use is allowed within the zone district and complies with all other applicable provisions of the Fresno Municipal Code, because the site is zoned Commercial General which allows alcohol sales with a CUP it has been deemed exempted from location restrictions in the RNMA, and it complies with all the other provisions of the Fresno Municipal Code. Also, because the proposed use is consistent with the general plan as noted by staff here and within the exhibits within the staff report, and is consistent with the general plan policies as it serves as a public convenience and does not present a significant adverse impact on public health, and we know this because of the pre-existing nature of the actual establishment, and what the stats are now. As just noted, the use will not substantially impact public health adversely, safety, or general welfare of the community or be detrimental to the surrounding properties. The design, location, size, operating characteristics of the project are compatible with the existing, and reasonably foreseeable future land uses within the vicinity because prior to the fire damaging to the business in 2018, they have operated since 1994 without incident - and tend to reopen aligned with its operation prior to the incident. The site is physically suitable for this type of use the density, and the intensity of the use being proposed because the building currently sits in operational, and there was no proposed change to the land use of the zone district between the fire in 2018 and today so that land use is still the same and again it will be nice to have for the community there in the neighborhood to have an operational business there again the proposed use is not located within an area of influence of the Fresno County airport land use compatibility plan as well that had to be noted for the record.

Councilmember Esparza noted that, as a smoke-shop policy would be

forthcoming, he would not include a ban on tobacco sales or tobacco paraphernalia in his motion.

Councilmember Esparza motioned to approve the Conditional Use Permit (CUP) and the California Environmental Quality Act (CEQA) to uphold the appeal, to (i) adopt a categorical exemption pursuant to section 15301, class one of the California Environmental Quality act guidelines, and (ii) approve conditional use permit application number P22-03906 requesting authorization to establish a state California type 21 license for this General Market in the application. The motion included changing the hours for alcohol sales to conclude at midnight.

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

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

No: 1 - Arias

9:15 A.M.

[ID 24-1162](#) Actions pertaining to the Program Year (PY) 2023 Consolidated Annual Performance Evaluation Report (CAPER) for U.S. Department of Housing and Urban Development (HUD) Community Planning and Development (CPD) programs:

1. HEARING to obtain public comments regarding the PY 2023 CAPER; and
2. Adopt PY 2023 CAPER and authorize submission to the U.S. Department of Housing and Urban Development (HUD).

The above item was called to order at 11:24 A.M. and was presented to Council by Karen Jenks. Upon call, the following members of the public addressed Council: Brandi N, Dez Martinez, Adel Resender, Ivanka Sanders, Lynn Owens, and Fernando Paul Elizondo, Sr. Public comment closed at 11:44 A.M.

Council discussion included: Exploitation of homeless children, poverty, and homeless funds. Public Comment, and pros and cons of free speech. Verbal attacks on the council and the mayor.

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

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

No: 1 - Arias

9:20 A.M.(CONTINUED TO SEPTEMBER 26, 2024 AT 9:20 A.M.#2)

[ID 24-1173](#) HEARING to consider Conditional Use Permit Application No. P21-06064, (Council District 1) - Planning & Development.

1. DENY the appeal and UPHOLD the action of the Planning Commission to deny Conditional Use Permit Application No. P21-06064 requesting authorization to establish a State of California Alcoholic Beverage Control (ABC) Type 20 alcohol license (Off-Sale beer and wine) for a proposed Arco AM/PM combination automobile service station and convenience store.

CONTINUED AS NOTED

2. CONSENT CALENDAR

Upon call, for public comment on all Consent, Contested Consent and Closed Session items, the following members of the public addressed Council: Brand N. (2-C, 2-Q) Lynn Owens (Consent Calendar, Closed Session) Dez Martinez (Council Rules and Procedures, Agenda).

APPROVAL OF THE CONSENT CALENDAR

On motion of Councilmember Arias, seconded by Vice President Karbassi, the CONSENT CALENDAR was hereby adopted by the following vote:

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

Absent: 1 - Esparza

- 2.-A. [ID 24-1220](#) Approval of the minutes for August 29, 2024, regular meeting

APPROVED ON CONSENT CALENDAR

- 2.-B. [ID 24-1194](#) Approve the appointment of Ryan Eddings to the Historic Preservation Commission to a term ending June 30, 2028. Approve the appointment of Mahon Brown to the Fresno/Clovis Community Media Authority to a term ending June 30, 2026.

APPROVED ON CONSENT CALENDAR

- 2.-C. [ID 24-1217](#) Actions pertaining to allocation of American Rescue Plan Act funding:
 1. Approve the recommendation of seven service proposals allocating American Rescue Plan Act (ARPA) funding for local Community Based Organizations (CBOs) totaling \$100,000 (Bid File 12402305) to the following organizations: (1) Trans-e-motion \$10,000; (2) BlaQueer

Fresno \$20,000; (3) Casita Feliz \$13,500; (4) Dulce Upfront Labs \$13,600; (5) South Tower Land Trust \$5,000; (6) LGBTQ Fresno \$12,740; (7) Oasis Legal \$25,160;

2. RESOLUTION - Repealing and replacing Resolution No. 2024-192 and Granting Authority to the City Manager or designee to enter into agreements with Community Based Organizations to provide programs and services funded by the American Rescue Plan Act (ARPA) to aid in the COVID-19 Recovery Effort.

During approval of the Consent Calendar, Councilmember Bredefeld reregistered a NO vote. As such, this item was approved 5-1-1 by the following vote:

Aye: 5 - Perea, Karbassi, Arias, Maxwell, Chavez

No: 1 - Bredefeld

Absent: 1 - Esparza

RESOLUTION 2024-211 ADOPTED

APPROVED ON CONSENT CALENDAR

- 2.-D. [ID 24-1231](#) Ordinance (for introduction) - Amending Hearing Officer Authority, FMC section 1-409, to provide authority for limited reductions in fines.

During approval of the agenda, City Clerk Stermer announced the title should read bill (for introduction).

BILL B-31 INTRODUCED AND LAID OVER

APPROVED ON CONSENT CALENDAR

- 2.-E. [ID 24-1044](#)

Actions pertaining to the 2023 Bureau of Justice Assistance Patrick Leahy Bulletproof Vest Partnership Program grant award (Council District 4):

1. Authorize the Director of Aviation to accept the Bureau of Justice Assistance (BJA) Patrick Leahy Bulletproof Vest (BVP) program grant award totaling \$6,512.50 for the reimbursement of up to 50 percent of the cost of body armor vests purchased for law enforcement officers at the Airport.
2. Authorize the City Manager or designee to execute all related documents for acceptance, modification, extension and administration of the 2023 BJA BVP grant program.
3. ***RESOLUTION - Adopt the 8th Amendment to the Annual Appropriation Resolution (AAR) No. 2024-122 appropriating \$6,600 for the Bureau of Justice Assistance (BJA) Patrick Leahy Bulletproof Vest Partnership (BVP) Fifty-Percent Grant Match Program (Requires

5 affirmative votes) (Subject to Mayor's veto).

RESOLUTION 2024-212 ADOPTED

APPROVED ON CONSENT CALENDAR

- 2.-F. [ID 24-1199](#) ***RESOLUTION - Adopt the 10th Amendment to the Annual Appropriation Resolution (AAR) No. 2024-122 to appropriate \$3,252,100 in FY 2024 City Council Department operating and capital carryover and trueing up the Department of Public Works Council Infrastructure Capital Project budgeted carryover totals (Requires 5 Affirmative Votes) (Subject to Mayor's Veto).

Councilmembers Chavez, and Arias tabled the above item to September 26, 2024.

TABLED

- 2.-G. [ID 24-1156](#) Approve a Grant Agreement with The Central Valley Honor Flight allocating \$100,000 in American Rescue Plan Act (ARPA) funding to support and honor 70 Valley veterans by providing resources to pay for a trip to Washington, DC to visit their military memorials.

APPROVED ON CONSENT CALENDAR

- 2.-H. [ID 24-1169](#) Approve Contract Change Order No. 05 in the amount of \$0.00 with American Paving Company of Fresno, California, which extends the date of completion to June 21, 2024 by increasing the contract time by twenty-two (22) additional working days, for the Fink-White Splash Play Area Project. (Council District 3)

APPROVED ON CONSENT CALENDAR

- 2.-I. [ID 24-1172](#) Approve a professional engineering services agreement with Provost & Pritchard Engineering Group Inc., dba Provost & Pritchard Consulting Group, of Fresno, California, in the amount of \$310,567 for the design of Improvements for the Leaky Acres Groundwater Recharge Facility Project. (Council District 4)

APPROVED ON CONSENT CALENDAR

- 2.-J. [ID 24-1160](#) Actions pertaining to the Kaviland and Villa Park Improvements Project (Bid File 12402849) (Council District 5):
1. Adopt a finding of Categorical Exemption per staff's determination, pursuant to Sections 15301/Class 1, 15302/Class 2, and 15303/Class 3 of the California Environmental Quality Act Guidelines, Environmental Assessment No. PW01041, for the Kaviland and Villa Park Improvements Project;
 2. Award a construction contract in the amount of \$220,713.75 to

Geometric Construction, Inc. of Fresno, California, as the lowest responsive and responsible bidder for the Kaviland and Villa Park Improvements Project.

APPROVED ON CONSENT CALENDAR

- 2.-K. [ID 24-1167](#) Award a construction contract in the amount of \$6,860,785.12 to Yarbs Grading and Paving Inc. of Fowler, California for the MLK Center Active Transportation Project. (Bid File No. 12401530) (Council District 3)

APPROVED ON CONSENT CALENDAR

- 2.-L. [ID 24-1174](#) Approve Amendment No. 3 to Measure "C" Cooperative Project Agreement, Grade Separation Program, for the Blackstone & McKinley BNSF Grade Separation Project, in the amount of \$23,380,062, for a total increased agreement amount not to exceed \$58,500,000, with the Fresno County Transportation Authority. (Council Districts 1 and 7)

APPROVED ON CONSENT CALENDAR

- 2.-M. [ID 24-1155](#) RESOLUTION - Of Intention to Annex the Territory Known as Assessor's Parcel Number 444-092-40 as Annexation Number 62 to the City of Fresno Community Facilities District Number 9 and to Authorize the Levy of Special Taxes; and setting the Public Hearing for Thursday, October 10, 2024, at 9:10 am. (Located on the south side of East Clinton Avenue, west of North Blackstone Avenue) (Council District 7)

RESOLUTION 2024-213 ADOPTED

APPROVED ON CONSENT CALENDAR

- 2.-N. [ID 24-1147](#) Reject all bids for the requirement contract to Furnish and Install Pavement Undulations on Various City Streets. (Bid File 12402144) (Citywide)

Councilmember Arias and Karbassi tabled the above item to September 26, 2024.

TABLED

- 2.-O. [ID 24-1195](#) Approve the first amendment to the lease agreement between the City of Fresno and Tutelian Holdings I, LLC, a California limited liability company to expand the office space by 928 square feet, for \$20,602 annually, with an annual increase averaging 2.5%, plus the proportionate share of the building and operating costs estimated at \$10,580 annually

During approval of the agenda, City Clerk Stermer announced section 2 on page 1 of the first amendment references 6,449 square feet as the size of the current space. This should be changed to reflect 6,499 square feet.

APPROVED ON CONSENT CALENDAR

- 2.-P. [ID 24-1200](#) ***RESOLUTION - Adopting the 12th Amendment to the Annual Appropriation Resolution (AAR) No. 2024-122 to appropriate \$107,500 from Fresno Unified School District (FUSD) to the Parks, After School, Recreation, and Community Services (PARCS) Department for Summer Swim (Aquatics) programming. (Citywide) (Requires 5 Affirmative Votes) (Subject to Mayor's Veto).

RESOLUTION 2024-214 ADOPTED

APPROVED ON CONSENT CALENDAR

- 2.-Q. [ID 24-1004](#) ***RESOLUTION - Adopt a resolution authorizing submission of an application and acceptance of funding from the State of California Department of Housing and Community Development Local Housing Trust Fund Grant program to provide matching funds to the City of Fresno Local Housing Trust Fund and authorizing the City Manager or designee to sign and submit the application and all necessary implementing documents (Subject to Mayor's veto)

RESOLUTION 2024-215 ADOPTED

APPROVED ON CONSENT CALENDAR

- 2.-R. [ID 24-1149](#) Actions pertaining to the FAX Bus Stop ADA Upgrades Phase A project:
1. Adopt Environment Assessment No. P24-1149, dated September 12, 2024, a determination that the proposed project qualifies for categorical exemption as set forth in the California Environmental Quality Act (CEQA) Guidelines Section 15301/Class 1 and Section 15302/Class 2, of the State of California CEQA Guidelines.
 2. Award a construction contract to Harris Development Corp. dba HBC Enterprises, of Clovis California, in the amount of \$577,999 for the Department of Transportation Fresno Area Express (FAX) Bus Stop ADA Upgrades Phase A project, within the City of Fresno, and authorize the Director of Transportation to execute all related documents. Bids will expire on date October 9, 2024 (Bid File #12403045)

APPROVED ON CONSENT CALENDAR

- 2.-S. [ID 24-1214](#) Bill - (For Introduction) - Amending Section 13-305 of the Fresno Municipal Code, relating to Tree Preservation

Councilmembers Arias, Maxwell, and Esparza tabled the above item with no return date.

TABLED

- 2.-T. [ID 24-1215](#) ***RESOLUTION - Repealing and Restating Resolution 2022-086 Establishing the City of Fresno Tree Policy (Subject to Mayor's Veto)

Councilmembers Arias, Maxwell, and Esparza tabled the above item with no return date.

TABLED

- 2.-U. [ID 24-1216](#) ***BILL B-29 - (Intro'd August 29, 2024) (For Adoption) - Adding Chapter 10, Article 24 To The Fresno Municipal Code, Authorizing Local Businesses To Enforce Private Property Rights Against Trespassers At Privately Owned Locations Open To The Public (Subject to Mayor's Veto).

BILL B-29 APPROVED / ORDINANCE ADOPTED AS 2024-028

APPROVED ON CONSENT CALENDAR

CONTESTED CONSENT CALENDAR

3. GENERAL ADMINISTRATION

- 3.-A. [ID 24-1209](#) WORKSHOP - South Central Fresno AB 617 Community Truck Reroute Study

The above item was presented to Council by Assistant Director Gormley, and Project Manager Aguilar.

Council discussion included: roads designated as truck routes and when they must be utilized. State laws limiting restrictions on truck routes. Inconsistent traffic conditions, and development standards between county and city jurisdictions. Warehouse impacts on neighborhoods. Concerns about truck routes near sensitive uses. Whether large corporations are held to the same standards of mitigation as residential developments. Budget allocations to fix roads in South Fresno, especially those impacted by industrial traffic. Who was involved in the truck route policy formation, and how outreach occurred. The level of California Environmental Quality Act (CEQA) conducted for the study. The ability of Council to modify the proposed truck routes. The 1,000-foot setback between truck routes and sensitive receptors.

PRESENTED

UNSCHEDULED COMMUNICATION

Upon call, the following people addressed Council with unscheduled communication: Fernando Paul Elizondo, Sr., Krystal, Khresta Duncan, and

Dez Martinez.

4. CITY COUNCIL

5. CLOSED SESSION

During open session, City Attorney Janz announced each of the items that would be discussed in closed session.

Council withdrew to closed session at 3:22 P.M.

5.-A. [ID 24-1205](#)

CONFERENCE WITH LABOR NEGOTIATORS - Government Code Section 54957.6

City Negotiators: Jennifer Misner; Sumeet Malhi

Employee Organization(s): 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 202, 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) Unit 10; 8. International Association of Firefighters, Local 202, Unit 10 (Fire Management); 9. City of Fresno Professional Employees Association (CFPEA); 10. City of Fresno Management Employees Association (CFMEA); 11. Fresno Airports Public Safety Officers Association (FAPSOA)

The above item was discussed in closed session. There were no open session announcements for this item.

DISCUSSED

5.-B. [ID 24-1183](#)

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

Case Name: *Craig Attkisson v. City of Fresno, PSI, administered by Tristar Risk Management; Claim No.: 1010104343-ADR-1.*

The above item was discussed in closed session. There were no open session announcements for this item.

DISCUSSED

5.-C. [ID 24-1232](#) CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION

Government Code Section 54956.9, subdivision (d)(1) South Fresno
Community Alliance v. City of Fresno;
Fresno Superior Court Case No.: 21CECG03237

The above item was discussed in closed session.

Following closed session, City Attorney Janz made the following announcement in open session:

Today in close session direction to seek appellate review was given by a 6 to 1 vote with council member Arias voting no. Once initiated the action defendants in the other particular shall once formally commence be disclosed to any person upon inquiry.

DISCUSSED

- 5.-D. [ID 24-1234](#) CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION
Government Code Section 54956.9, subdivision (d)(1)
ACLU, et al. v. City of Fresno, et al.; Fresno Superior Court Case No.:
23CECG04744

The above item was discussed in closed session. There were no open session announcements for this item.

DISCUSSED

- 5.-E. [ID 24-1236](#) CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION
Government Code Section 54956.9, subdivision (d)(1)
La Hacienda Mobile Estates, LLC v. City of Fresno, et al;
Case Number: 24CECG00271

The above item was discussed in closed session. There were no open session announcements for this item.

DISCUSSED

- 5.-F. [ID 24-1237](#) CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION
Government Code Section 54956.9, subdivision (d)(1)
In Re La Hacienda Mobile Estates, LLC, US Bankruptcy Court,
Eastern District of California; Case Number: 24-11967-A-11

The above item was discussed in closed session. There were no open session announcements for this item.

DISCUSSED

- 5.-G. [ID 24-1238](#) CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION
Government Code Section 54956.9, subdivision (d)(1)
Hacienda Homeowners for Justice, et al, v. La Hacienda Mobile Estates, LLC, et al; Fresno Superior Court, Case Number: 23CECG03987; and California Court of Appeal, Fifth Appellate District, Case Number: F087978

The above item was discussed in closed session. There were no open session announcements for this item.

DISCUSSED

- 5.-H. [ID 24-1204](#) 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 Attorney
 2. Government Code Section 54957.6: conference with labor negotiator.
City Negotiator: Council President Annalisa Perea.
Unrepresented Employee: City Attorney

The above item was discussed in closed session. There were no open session announcements for this item.

DISCUSSED

ADJOURNMENT

The Council meeting adjourned from session in memory of Austin Ly at 4:45 P.M.

The above minutes were approved by unanimous vote of the City Council during the September 26, 2024, regular meeting.