

## Regular Council Meeting

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December 7, 2023

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# FRESNO CITY COUNCIL

CITY OF FRESNO  
CITY CLERK'S OFFICE



## Supplement Packet

### ITEM(S)

#### 1-A (ID 23-1737)

Approval of Minutes for November 16, 2023, Regular Meeting

**Contents of Supplement:** Draft Minutes for November 16, 2023, Regular Meeting

#### **Supplemental Information:**

Any agenda related public documents received and distributed to a majority of the City Council after the Agenda Packet is printed are included in Supplemental Packets. Supplemental Packets are produced as needed. The Supplemental Packet is available for public inspection in the City Clerk's Office, 2600 Fresno Street, during normal business hours (main location pursuant to the Brown Act, G.C. 54957.5(2)). In addition, Supplemental Packets are available for public review at the City Council meeting in the City Council Chambers, 2600 Fresno Street. Supplemental Packets are also available on-line on the City Clerk's website.

#### **Americans with Disabilities Act (ADA):**

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, sign language interpreters, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650. Please keep the doorways, aisles and wheelchair seating areas open and accessible. If you need assistance with seating because of a disability, please see Security.



# City of Fresno

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

## Meeting Minutes - Draft City Council

**President - Tyler Maxwell**

**Vice President - Annalisa Perea**

**Councilmembers:**

**Mike Karbassi, Miguel Angel Arias, Luis Chavez,**

**Garry Bredefeld, Nelson Esparza**

**City Manager - Georgeanne A. White**

**City Attorney - Andrew Janz**

**City Clerk - Todd Stermer, CMC**

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**Thursday, November 16, 2023**

**9:00 AM**

**Council Chambers (In  
Person and/or Electronic)**

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### Regular Meeting

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

9:10 A.M. ROLL CALL

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

Invocation by Reverend Jose Sanchez from St. Anthony Mary Claret Church.

*Reverend Jose Sanchez 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:*

*Consent Calendar item 1-D (ID 23-1674) regarding Execution of*

*Implementing Documents regarding the Downtown Fresno Infrastructure Plan – Staff requested the following changes be read into the record:*

*On numbered paragraph two on page two of the resolution the words “and use” should be stricken. The sentence should read, “[c]ouncil hereby authorizes and directs the City Manager, or designee, to enter into agreements with the State of California to receive state funding for the purposes for which those funds are granted, subject to approval as to form by the City Attorney.”*

*Consent Calendar item 1-P (ID 23-1609) regarding the First Amendment to the Professional Architectural Services Agreement with Temple-Andersen-Moore Architects, LLP– Staff requested the following changes be read into the record:*

*The First Amendment Compensation identified in the First Amendment to the Agreement for Parts 3, 4 and 5 was incorrectly calculated. The correct First Amendment Compensation for Parts 3, 4 and 5 shall be:*

*Part 3: Construction Document Phase (16%) - \$9,600*

*Part 4: Bid Support Phase (24%) - \$14,400*

*Part 5: Construction and Contract Administration (60%) - \$36,000*

*Total Professional Services Fee - \$60,000*

*Consent Calendar item 1-M (ID 23-1578) regarding Actions pertaining to funding provided by the U.S. Department of Housing and Community Development Office of Community Planning and Development (HUD CPD) Councilmember Arias requested the following amendment to the motion be read into the record:*

- \$785,494 for the Knight Avenue Street Improvements will not be reprogrammed.*
- The remaining money will be reprogrammed so (1) \$1,000,000 is for relocation assistance and (2) \$794,635 is for land acquisition to develop affordable housing.*
- Staff is directed to revise all documents as necessary before submitting to*

HUD

*THE FOLLOWING ITEMS WERE MOVED TO CONTESTED CONSENT FOR FURTHER DISCUSSION:*

*1-E (ID 23-1317) regarding a consultant services agreement with Magellan Advisors for project design engineering for Last Mile broadband deployment in an amount not to exceed \$496,874 – was moved to Contested Consent by Councilmember Arias and Councilmember Karbassi.*

*1-J (ID 23-1642) regarding Resolution adopting the Measure P Expanded Access to Arts and Culture Grant guidelines. - was moved to Contested Consent by Council President Maxwell, Councilmember Arias, Councilmember Karbassi, and Councilmember Chavez.*

*1-P (ID 23-1609) regarding the First Amendment to the Professional Architectural Services Agreement with Temple-Andersen-Moore Architects, LLP - was moved to Contested Consent by Council President Maxwell.*

*1-Y (ID 23-1625) regarding the First Amendment to the Service Agreement with Kochergen Farms Composting, Inc. - was moved to Contested Consent by Councilmember Chavez.*

*1-BB (ID 23-1604) regarding Actions pertaining to professional consulting services for the Active Transportation Plan Update (Citywide) - was moved to Contested Consent by Council President Maxwell.*

*THE FOLLOWING ITEMS WERE REMOVED FROM THE AGENDA:*

*Consent Calendar item 1-B (ID 23-1576) regarding Resolution amending certain designated positions which shall be subject to the conflict of interest code and defining categories of disclosures for such positions – was removed from the agenda by staff and tabled to December 7, 2023*

*Consent Calendar item 1-I (ID 23-1638) regarding Actions pertaining to a lease agreement between the City of Fresno and 747 R Street, LLC, a California limited liability company, for the lease of office space located at*

*747 R Street – was removed from the agenda by staff and tabled to December 7, 2023.*

*Consent Calendar item 1-DD (ID 23-1645) regarding Resolution directing the City Manager or Designee to Notify the Council of Any Delays to Existing Citywide and District Projects Caused by New Public Works or Capital Projects, Acceptance of Grant Funds, or the Reprogramming of Funds (Subject to Mayor's Veto) – was removed from the agenda by Council President Maxwell and tabled to no return date.*

*THE FOLLOWING ITEM WAS REQUESTED TO CONTINUE BY THE APPLICANT – Las Hacienda*

*Scheduled Hearing and Matters item 3:00 P.M. (ID 23-1508) regarding actions pertaining to Harmony Communities' (Harmony or Owner) proposed closure of La Hacienda Mobile Estates – A request was received from the applicant to continue this item to the December 7, 2023, City Council agenda. Upon approval of the agenda, the item was not voted on to be continued and remained on the agenda for discussion.*

**On motion of Councilmember Karbassi, seconded by Vice President Perea, the above agenda was ADOPTED AS AMENDED. The motion carried by the following vote:**

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

## **CEREMONIAL PRESENTATIONS**

[ID 23-1577](#) Proclamation for "School Psychology Month"

*PRESENTED*

[ID 23-1646](#) Celebrating Department of Public Works Transportation Awards

*PRESENTED*

[ID 23-1605](#) Fresno Animal Center presents "Pet of the Month"

*PRESENTED*

## **COUNCILMEMBER REPORTS AND COMMENTS**

*Councilmember Karbassi Reports and Comments: Acknowledged the PARCS Department, highlighting the \$1.2 million budget dedicated to enchanting the Herndon Overlook. Acknowledged the Public Works Department for their work on the concrete repair initiative in the Logan Park Neighborhood. Wished everyone a Happy Thanksgiving and gave details about the Operation Goble which will distribute 400 holiday meals to families Vouchers can be found at the Marjorie Mason Center., Pinedale and Nelson Elementary, National Guard, and other nonprofits. Announced the completion of the Veterans Boulevard and gave appreciation to the Public Works Department, the administration, the Council, and project managers for their efforts on the project.*

*Councilmember Arias Reports and Comments: Attended the Assembly Revenue and Taxation Committee for the California Assembly to discuss the recent changes related to the point of origin taxation model. Acknowledged the Mayor's Office and staff for their support during the preparation of the public testimony given at the community meeting. Acknowledged the Tower Community for their support in a bike and helmet giveaway event, where over 100 helmets were distributed to kids in partnership with Vice President Perea's office. Acknowledged those who participated in the "pop off and hop on" trolley event in downtown Fresno and requested the City Manager publish the pickup and drop-off schedules for the trolley.*

*Councilmember Chavez Reports and Comments: Wished everyone a Happy Thanksgiving. Acknowledged the Public Works, Police, Fire, and PARCS Department for collective efforts in making it a successful year for the City of Fresno. Acknowledged Sunnyside Diner, churches, nonprofits, and organizations for their partnership in organizing a family turkey giveaway in Southeast Fresno. Announced and discussed the toy drive initiative with plans to expand and pair it with upcoming legislation to lift the ban on cruising in the City of Fresno.*

*Councilmember Bredefeld Reports and Comments: Acknowledged the Heart Team and Police Department for addressing problems related to homelessness, particularly in the Fresno and Nees areas near Highway 41. Addressed the release of the Congressional report on the Reedley Chinese*

*bio lab and expressed gratitude to those involved in addressing the issue.*

*Councilmember Esparza Reports and Comments: Attended the Fresno Veterans Day Parade and acknowledged the Fire Department. Attended the Ramona Way block party where Kim and Michael Crowley were honored for hosting the 15th annual block party. Attended Fresno Neighborhood Watch events. Attended an event for a new nonprofit called Casita Feliz, dedicated to serving the LGBTQ community.*

*Council President Maxwell Reports and Comments: Announced the upcoming event on Sunday, November 19, 2023, at 3:30 p.m. will be the third annual Operation Goble located at El Dorado Park and gave appreciation to the partnership of those who gave their contributions. Attended the Senior Center open house and mentioned 30% of the design for the upcoming senior activities were presented for feedback. Discussed the new Fresno Hop trolley services providing quick transportation from Campus Point to the Brewery District.*

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

*Mayor Dyer Reports and Comments: Announced upcoming "The One Table" event on Saturday, at the Fresno Mission, located at City Center. Discussed a series of meetings with the Palestinian community and Muslim leaders in Fresno. Three meetings have taken place, including one with Jewish community leaders at Fresno State and an invitation was extended for members of the community to meet with his office.*

*City Manager White Reports and Comments: Gave appreciation to the Council, Mayor, and the staff. Acknowledged all city staff and recognized the Employee Services Awards event. Recognized and gave appreciation to the administration staff for their hard work and wished everyone a Happy Thanksgiving.*

## **CITY CLERK AND CITY ATTORNEY REPORTS AND COMMENTS**

*City Clerk Stermer Reports and Comments: Announced several vacancies on City of Fresno boards and commissions, with a specific highlight on the Civil Service Board and the Parks, Recreation, and Arts Commission. Provided information about the upcoming election on March 5, 2024, with*

*the nomination period opening on November 13th and running through December 8th. Open seats include the Office of the Mayor and Council Districts 2, 4, and 6. Reminded attendees to register to vote.*

## **UNSCHEDULED COMMUNICATION**

*Upon call, the following members of the community addressed Council: Carol Goiburn; Yusuf Robinson; Janan Jahar; Layla Darwish; Linda Merson; Filemon Lopez (1-J); Suleiman Algharabli; Gloria Hernandez; Brandi Nuse-Villegas; Hina; Patricia Wells (1-J); Brunette Harris (1-L); Anjum Afshan; Diane Smith (1-M); Yvonne Gordon (1-M); Bobby Parks (1-L); Yaser Amireh; Jaidda Hussein; Sarah Saier; Hugo Morales (1-J); Abdulkareem Abonofal; Dennis Dulharme (10:10 a.m.); Reza Nekumanesh; Mohsin; Dr. Sohaib Qadri; Hira Sheikh; Manpreet Romana; Lisa Flores; Amy Kitchener (1-J); Dez Martinez; Sadaf Qazi, and Lutfi Escheik.*

[ID 23-1722](#) Public Comment

## **1. CONSENT CALENDAR**

### APPROVAL OF THE CONSENT CALENDAR

**On motion of Councilmember Chavez, seconded by Councilmember Esparza, the CONSENT CALENDAR was hereby adopted by the following vote:**

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

**Absent:** 2 - Perea and Arias

- 1.-A. [ID 23-1637](#) Approval of Minutes for November 2, 2023, Regular Meeting, and November 2, 2023, Special Meeting

### **APPROVED ON CONSENT CALENDAR**

- 1.-B. [ID 23-1576](#) RESOLUTION - amending certain designated positions which shall be subject to the conflict of interest code and defining categories of disclosures for such positions

*The above item was removed from the agenda by staff and tabled to December 7, 2023.*

### **TABLED**

- 1.-C. [ID 23-1641](#) Approve the appointments of Fire Battalion Chief Lawrence French to the Fire and Police Retirement Board for a term that is continuous, Paul-Albert



Marquez to the Active Transportation Advisory Committee for a term ending November 16, 2026, and Sarah Johnston to the Historic Preservation Commission for a term ending June 30, 2027.

### APPROVED ON CONSENT CALENDAR

- 1.-D. [ID 23-1674](#) \*\*\*RESOLUTION - Authorizing and directing acceptance of state funding to the City of Fresno and execution of implementing documents regarding the Downtown Fresno Infrastructure Plan (Subject to Mayor's Veto)

*The following changes were read into the record: On numbered paragraph two on page two of the resolution the words "and use" should be stricken. The sentence should read, "[c]ouncil hereby authorizes and directs the City Manager, or designee, to enter into agreements with the State of California to receive state funding for the purposes for which those funds are granted, subject to approval as to form by the City Attorney."*

### RESOLUTION 2023-292 ADOPTED AS CORRECTED ON THE RECORD

### APPROVED ON CONSENT CALENDAR

- 1.-F. [ID 23-1575](#) Actions pertaining to the Local Immigrant Integration and Inclusion Grant (LIIIG) Program:
1. Authorize the City Manager to accept the \$380,650 in grant funding for the Local Immigrant Integration and Inclusion Grant Program from the State of California Governor's Office of Business and Economic Development.
  2. Authorize the City Manager to execute all related documents for the acceptance, and administration of the Local Immigrant Integration and Inclusion Grant Program.
  3. Authorize the City Manager to execute a service agreement between the City of Fresno and the Central Valley Immigrant Integration Collaborative regarding the Local Immigrant Integration and Inclusion Grant Program.
  4. \*\*\*RESOLUTION - Adopt 26th Amendment to the Annual Appropriation Resolution (AAR) No. 2023-185 appropriating \$194,900 in fiscal year 2024 for the Local Immigrant Integration and Inclusion Grant Program from the State of California Governor's Office of Business and Economic Development (Requires Five Affirmative Votes) (Subject to Mayor's Veto)

### RESOLUTION 2023-294 ADOPTED

### APPROVED ON CONSENT CALENDAR

- 1.-G. [ID 23-1583](#) Award a requirements contract for municipal fleet motor oils and lubricants

to Van De Pol Petroleum of Fresno, California for three years, with three optional one-year extensions, for an amount not-to-exceed \$134,408 per year plus annual CPI adjustments (Bid File 12400150).

**APPROVED ON CONSENT CALENDAR**

- 1.-H. [ID 23-1606](#) Approve the award of a cooperative purchase agreement to PB Loader Corporation of Fresno, California, for the purchase of two Model L-250-CT PB Loaders in the amount of \$748,158 for the Department of Public Works.

**APPROVED ON CONSENT CALENDAR**

- 1.-I. [ID 23-1638](#) Actions pertaining to a lease agreement between the City of Fresno and 747 R Street, LLC, a California limited liability company, for the lease of office space located at 747 R Street (Council District 3):
1. Adopt a finding of Categorical Exemption per staff determination, pursuant to Section 15301/Class 1 (Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines
  2. Approve a seven-year lease agreement between the City of Fresno and 747 R Street, LLC, a California limited liability company with three optional one-year extensions in the amount of \$800,301.60 annually, with annual increases of 3%, plus the proportionate CAM (Common Area Maintenance) charges at \$297,890.04 annually

*The above item was removed from the agenda by staff and tabled to December 7, 2023.*

**TABLED**

- 1.-K. [ID 23-1629](#) \*\*\*RESOLUTION: Adopt the Seventh Amendment to Fiscal Year 2024 Salary Resolution No. 2023-183, amending Exhibit 14, Unit 14, Management Classes (CFMEA) by adding the new classification and providing a monthly salary step plan range for Animal Behaviorist, effective November 20, 2023 (Subject to Mayor's Veto)

**RESOLUTION 2023-296 ADOPTED****APPROVED ON CONSENT CALENDAR**

- 1.-L. [ID 23-1623](#) Actions pertaining to the HOME Investment Partnerships Program, Community Housing Development Organization, Agreement with Habitat for Humanity Fresno County, Inc.
1. Adopt a finding of Categorical Exemption pursuant to Section 15303/Class 3 of the California Environmental Quality Act (CEQA) Guidelines.
  2. Approve a \$253,673.00 HOME Investment Partnerships Program,

Community Housing Development Organization Agreement with Habitat for Humanity Fresno County, Inc., for the construction of a single-family house at 64 E. Atchison Street in southwest Fresno (Council District 3).

**APPROVED ON CONSENT CALENDAR**

- 1.-M. [ID 23-1578](#) Actions pertaining to funding provided by the U.S. Department of Housing and Community Development Office of Community Planning and Development (HUD CPD):

1. \*\*\*RESOLUTION - Adopting Substantial Amendment 2023-02 to the Fiscal Year (FY) 2023-2024 Annual Action Plan and authorizing submission to the U.S. Department of Housing and Urban Development (HUD) to reprogram \$2,580,129.32 in Community Development Block Grant (CDBG) funds; and authorizing the City Manager or designee to sign all implementing documents as approved to form by the City Attorney (Subject to Mayor's Veto)

*The above item was amended during the changes to the agenda as the following:*

- *\$785,494 for the Knight Avenue Street Improvements will not be reprogrammed.*
- *The remaining money will be reprogrammed so (1) \$1,000,000 is for relocation assistance and (2) \$794,635 is for land acquisition to develop affordable housing.*
- *Staff is directed to revise all documents as necessary before submitting to HUD*

**RESOLUTION 2023-293 ADOPTED AS AMENDED****APPROVED ON CONSENT CALENDAR**

- 1.-N. [ID 23-1612](#) Approve the First Amendment to the service contract with Bode Cellmark Forensics, Inc., to increase the contract amount by not to exceed \$518,400 to cover the expenses incurred and projected through FY 2024 (Bid File 9616)

**APPROVED ON CONSENT CALENDAR**

- 1.-O. [ID 23-1597](#) Approve the Third Amendment to the Professional Architectural Service Agreement with O'Dell Engineering Inc., of Fresno, CA, in the amount of \$140,500, increasing the total contract amount to \$610,400, with a remaining contingency of \$3,500, for professional engineering services to

provide design and construction support services for the development of accessibility improvement plans for the Play Structure Improvements Project (Council Districts 2, 3, 4, 5, 6 ,7).

#### **APPROVED ON CONSENT CALENDAR**

- 1.-Q. [ID 23-1602](#) Approve the First Amendment to the Professional Engineering Services Agreement with Stearns, Conrad and Schmidt Consulting Engineers, of Long Beach, California to expand the scope of services for the design of the Renewable Natural Gas Diversion into Natural Gas Pipeline Project, increasing the total contract amount by \$137,356.58, for a total increased contract amount of \$360,115.22, with a remaining contingency of \$20,000.00, and extend the agreement term from December 30, 2023 to December 31, 2026 (Council District 3 and unincorporated Fresno County).

#### **APPROVED ON CONSENT CALENDAR**

- 1.-R. [ID 23-1585](#) Approve Contract Change Order No. 3 with American Paving Company, to increase Contract Time by thirty-five (35) working days, for the Barstow Avenue Class IV Bikeway Project - Project ID PW00972 (Council District 4).

#### **APPROVED ON CONSENT CALENDAR**

- 1.-S. [ID 23-1468](#) Approve an agreement for Professional Engineering Services with Mark Thomas & Company, Inc. for \$180,913, with an \$18,000 contingency, for Preliminary Engineering services for the Shields Avenue and Van Ness Boulevard Section 130 Railroad Grade Crossing Improvements Project (Council Districts 1 and 7).

#### **APPROVED ON CONSENT CALENDAR**

- 1.-T. [ID 23-1541](#) Approve an agreement for professional engineering services with BKF Engineers, Inc. of Walnut Creek, CA for \$140,465, with a \$17,000 contingency, for design and construction support services for the Herndon Avenue Overlay Project from Valentine Avenue to Marks Avenue (District 2).

#### **APPROVED ON CONSENT CALENDAR**

- 1.-U. [ID 23-1610](#) Actions pertaining to the Southwest Green Trail Replacing Cast-In-Place Pipe with Pre-Cast Project (Bid File No. 12400534) (Council District 3):
1. Adopt an Addendum to the previously adopted Mitigated Negative Declaration, Doc. No. E202010000079, dated February 2020, in accordance with Section 15164 of the California Environmental Quality Act (CEQA) Guidelines
  2. Award a construction contract in the amount of \$369,450 to West

Valley Construction Company, Inc. of Fresno, California

**APPROVED ON CONSENT CALENDAR**

- 1.-V. [ID 23-1611](#) Approve the Second Amendment to the Consultant Services Agreement with Sherwood Design Engineers, Inc. of Santa Cruz, California, in the amount of \$62,217, for a total increased contract amount of \$215,341, with a remaining contingency of \$1,799, for professional engineering services for the Southwest Fresno Trail Project (Council District 3).

**APPROVED ON CONSENT CALENDAR**

- 1.-W. [ID 23-1557](#) Approve a consultant services agreement with Black & Veatch Corporation, for design of Dewatering Cake Pump Improvements at the Fresno-Clovis Regional Wastewater Reclamation Facility for an amount not to exceed \$637,686 (Bid File 12400070) (Citywide)

**APPROVED ON CONSENT CALENDAR**

- 1.-X. [ID 23-1618](#) Actions pertaining to the Fresno-Clovis Regional Wastewater Reclamation Facility raw sewage pump repair (Council District 3):
1. Adopt a finding of Categorical Exemption pursuant to Class 1, set forth in the California Environmental Quality Act (CEQA) Guidelines Sections 15301(b)&(d) (Existing Facilities).
  2. \*\*\* RESOLUTION - Declare an urgent necessity exemption under the Fresno Charter, Procurement and Competitive Bidding Section 1208(A)(5)(V) for the repair, installation, and commissioning of a rebuilt raw sewage pump at the Fresno-Clovis Regional Wastewater Reclamation Facility by JM Squared Associates, Inc., in an amount not to exceed \$229,517. (Subject to Mayor's Veto) (Requires 5 Affirmative Votes)
  3. Award a product and service agreement to JM Squared Associates, Inc., in the amount of \$229,517, to repair, install, and commission a rebuilt raw sewage pump at the Fresno-Clovis Regional Wastewater Reclamation Facility.

**RESOLUTION 2023-297 ADOPTED**

**APPROVED ON CONSENT CALENDAR**

- 1.-Z. [ID 23-1626](#) Approve a First Amendment to a product requirements contract with Badger Meter, Incorporated, to increase monetary consideration, for the purchase of water meters, parts, and software technology, in the amount of \$1,800,000 for a total contract amount of \$7,800,000 (Bid File No. 9546) (Citywide)

**APPROVED ON CONSENT CALENDAR**

**1.-AA. [ID 23-1627](#)**

\*\*\*RESOLUTION - Amending Resolution 2023-075, declaring an urgent necessity for the preservation of life, health, property and authorizing the City Manager or designee, to enter into agreements without advertised competitive bidding for the emergency repair of the North Avenue sewer trunk main to increase the not to exceed cost from \$3,200,000 to \$4,200,000. (Requires 5 Affirmative Votes) (Subject to Mayor's Veto) (Council Districts 3, 5, and Fresno County)

*RESOLUTION 2023-299 ADOPTED*

**APPROVED ON CONSENT CALENDAR**

**1.-CC. [ID 23-1640](#)**

\*\*\*BILL B-34 - (Intro'd November 2, 2023) (For Adoption) Amending the uncodified ordinance to adopt changes and additions to the official list of designated special speed zones for various streets within the City of Fresno pursuant to Section 14-1501 of the Fresno Municipal Code (Citywide) (Subject to Mayor's Veto).

*BILL B-34 APPROVED / ORDINANCE ADOPTED AS 2023-033*

**APPROVED ON CONSENT CALENDAR**

**1.-DD. [ID 23-1645](#)**

\*\*\*Resolution - Directing the City Manager or Designee to Notify the Council of Any Delays to Existing Citywide and District Projects Caused by New Public Works or Capital Projects, Acceptance of Grant Funds or the Reprograming of Funds (Subject to Mayor's Veto)

*The above item was removed from the agenda by Council President Maxwell and tabled with no return date.*

**TABLED**

**1.-EE. [ID 23-1661](#)**

\*\*\*Resolution - Amending the Powers and Duties of the City of Fresno Women's Commission (Subject to Mayor's Veto)

*RESOLUTION 2023-300 ADOPTED*

**APPROVED ON CONSENT CALENDAR**

**CONTESTED CONSENT CALENDAR****1.-E. [ID 23-1317](#)**

Approve a consultant services agreement with Magellan Advisors for project design engineering for Last Mile broadband deployment in an amount not to exceed \$496,874 (RFQ No. 12303131).

*Councilmember Karbassi moved this item to Contested Consent to discuss planning and preparation phase for Last Mile Broadband deployment in Northwest Fresno.*

*Council discussion on this item included: project design and implementation for the connectivity of areas in Northwest Fresno; concerns with errors in the mapping, including misidentifying low-income areas and irrelevant locations; concerns about lack of infrastructure particularly broadband connectivity, at community centers throughout the town; clarification on the number of community centers involved; the status of these community centers in the plan, and the funding challenges for community centers.*

**APPROVED**

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

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

**Absent:** 2 - Perea and Arias

- 1.-J.** [ID 23-1642](#) RESOLUTION - Adopting the Measure P Expanded Access to Arts and Culture Grant guidelines.

*Council President Maxwell moved the item to Contested Consent to discuss comprehensive review of the Measure P guidelines, addressing concerns about eligibility, application processes, and specific requirements for funded projects.*

*Council discussion on this item included: the definition of cultural arts, the self-identification process for organizations on Form 990, and the fixed timeframe for grant applications; the role of the Parks, Recreation, and Arts Commission; eligibility criteria related to organizations receiving funds through the city's budget line item; and concerns; application process and redline edits; location requirements for funded projects and discounts for city residents.*

*Council President Maxwell motioned to approve the Measure P guidelines with specific amendments. The proposed changes include omitting the line item language, eliminating questions for emerging artists, providing flexibility for art pieces to travel outside Fresno, and granting a one-year extension to develop a plan for offering discounts to city residents and be considered for revision on December 7, 2023.*



*RESOLUTION 2023-295 ADOPTED AS AMENDED*

**On motion of Council President Maxwell, seconded by Councilmember Karbassi, that the above Action Item be ADOPTED AS AMENDED. The motion carried by the following vote:**

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

**Absent:** 1 - Perea

- 1.-P.** [ID 23-1609](#) Approve the First Amendment to the Professional Architectural Services Agreement with Temple-Andersen-Moore Architects, LLP, in the amount of \$60,000, increasing the total contract amount to \$187,880, with a remaining contingency of \$10,000, due to increased scope of services for the Paul “Cap” Caprioglio Community Center Remodel Project (Council District 4)

*The following changes were read into the record during changes to the agenda: The First Amendment Compensation identified in the First Amendment to the Agreement for Parts 3, 4 and 5 was incorrectly calculated. The correct First Amendment Compensation for Parts 3, 4 and 5 shall be:*

*Part 3: Construction Document Phase (16%) - \$9,600*

*Part 4: Bid Support Phase (24%) - \$14,400*

*Part 5: Construction and Contract Administration (60%) - \$36,000*

*Total Professional Services Fee - \$60,000*

*Council President Maxwell moved this item to Contested Consent to discuss the reasons for project delays, exploring alternative options, and seeking clarification on the scope and timeline of the Community Center remodel project.*

*Council discussion on this item included: The scope of the project, specifically regarding the Community Center remodel project and the improvements outlined in the amendment; infrastructure issues at the north building that led to its temporary closure and the need for long-term repairs; completion date for the south building; the need to repackage the plan and if the improvements for the north building could be packaged separately to*



*expedite the opening of the south building; exploring other options and possibilities; a suggestion to make temporary repairs to the south building; addressed concerns were with the delays in various projects, and expressed a wish for expedited progress.*

**APPROVED AS CORRECTED**

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

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

**Absent:** 2 - Perea and Arias

**1.-Y. [ID 23-1625](#)** Actions pertaining to the First Amendment to the Service Agreement with Kochergen Farms Composting, Inc., to comply with Senate Bill 1383 Short-Lived Climate Pollutants (citywide):

1. RESOLUTION - Adopt findings pursuant to California Environmental Quality Act (CEQA) Guidelines Sections 15091 and 15093 as required for Responsible Agencies by California Environmental Quality Act (CEQA) Guidelines Section 15096 for Senate Bill 1383 Regulations Short-Lived Climate Pollutants: Organic Waste Methane Emission Reduction
2. Approve the First Amendment to the Service Agreement related to receiving and processing of organic waste with Kochergen Farms Composting, Incorporated

*Councilmember Chavez moved this item to Contested Consent to discuss the city's plans in implementing composting programs in line with Senate Bill 1383.*

*Council discussion on this item included: Plans for compliance with Senate Bill 1383; current processing volume for City of Fresno; anticipated volume increase and participation percentage; current capacity and plans to expand; ongoing negotiations with West Coast Waste; confirmation that the city would handle the educational component of compliance; approval of the outreach plan; comparison with other cities and their programs, including incentives, and the expectations from composting programs and the observation that recycling may not have met initial expectations.*

**RESOLUTION 2023-298 ADOPTED**

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

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

**Absent:** 2 - Perea and Arias

**1.-BB. [ID 23-1604](#)** Actions pertaining to professional consulting services for the Active Transportation Plan Update (Citywide):

1. Approve a Professional Consultant Services Agreement with TJKM Transportation Consultants, in the amount not to exceed \$398,000.

*Council President Maxwell moved this item to Contested Consent to discuss the scope of services, the percentage of project design, and the process of identifying and approving specific projects.*

*Council discussion on this item included: Clarification on the routine nature of updating the Active Transportation Plan every five years; the inclusion of preparing 30% design preliminary engineering plans for three high-priority Active Transportation projects within the scope of services; identification of the three projects; percentage of the project design; concerns about approving the contract without knowing the specific projects; Councils inclusion in project identification; and process, especially regarding traffic safety priorities; timing of the projects; and a caveat that the list of identified projects would come back to the council for approval.*

*Council President Maxwell motioned to approve with the list to come back to Council for approval. Councilmember Esparza seconded the motion.*

**APPROVED AS AMENDED**

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

**Aye:** 4 - Esparza, Maxwell, Karbassi and Bredefeld

**Absent:** 3 - Perea, Arias and Chavez

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

**10:05 A.M. (CONTINUED TO DECEMBER 14, 2023, AT 10:05 AM)**

[ID 23-1639](#) HEARING for Consideration of Text Amendment Application No. P23-01018 and related Environmental Finding for Environmental Assessment No. P23-01018, amending Section 15-2009 of the Fresno Municipal Code, relating to Zone Districts where razor wire fencing is permitted.

1. ADOPTION of a finding set forth in Environmental Assessment No. P23-01018, that Text Amendment Application No. P23-01018 is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15303/Class 3.
2. BILL (for introduction) amending Chapter 15 of the Fresno Municipal Code Section 15-2009, relating to the Zone Districts where razor wire fencing is permitted.

*The above item was removed from the agenda by staff and tabled to December 14, 2023, at 10:05 A.M.*

#### **TABLED**

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

[ID 23-1522](#) Consideration of an appeal filed regarding Conditional Use Permit Application No. P23-00244 and related Environmental Assessment for property located at 3045 West Bullard Avenue on the southwest corner of West Bullard and North Marks Avenues (Council District 2).

1. ADOPT Environmental Assessment No. P23-00244, dated July 1, 2023, a determination that the proposed project is exempt from the California Environmental Quality Act (CEQA) through a Section 15301/Class 1 Categorical Exemption.
2. DENY the appeal and UPHOLD the action of the Planning Commission to approve Conditional Use Permit Application No. P23-00244 authorizing the extension of the hours of operation for an existing restaurant with alcohol sales with a State of California Alcoholic Beverage Control (ABC) Type 47 alcohol license (On-Sale General - Eating Place), subject to the Conditions of Approval dated October 4, 2023, as amended by the Planning Commission.

*The above hearing was called to order at 3:00 p.m. and was introduced to Council by Planning Manager Siegrist and Applicant Attorney Richard Lima.*

*Upon call, the following members of the public addressed Council who were in favor of the item: James Barr; Tim Lowe; Mike Alexander; Sandy Renteria; John Clifton; Anthony Martinez; Gary Miller; Bill Clifton; James Castro; unknown speaker, and Lisa Flores. Upon call there was no*

*opposition to the item and the public comment period closed at 3:41 p.m.*

*Council discussion on this item included: The current status of the business; the current operating hours; potential impacts on public safety and the history of service calls; potential violations of the current conditions of use permit, and contract policing services.*

*Councilmember Karbassi motioned to uphold the appeal with the modification that the business can continue to operate under its current conditional use permit (CUP) conditions without any changes. Council Member Bredefeld seconds the motion.*

**APPROVED**

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

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

**Absent:** 1 - Perea

### **3:00 P.M.**

#### **ID 23-1508**

Actions pertaining to Harmony Communities' (Harmony or Owner) proposed closure of La Hacienda Mobile Estates:

1. HEARING to consider sufficiency of Conversion Impact Report and Relocation Plan.
2. RESOLUTION - Rejecting the Conversion Impact Report and Relocation Plan for the Proposed Closure of La Hacienda Mobile Estates Under Government Code 65863.7.

*The above item was called to order at 4:48 p.m. and was introduced to Council by Senior Deputy City Attorney Papazian and Applicant Attorney Jason Dilday.*

*Upon call, the following members of the public spoke in opposition of the item: Patricia Shawn; Unknown Speaker; Maria Montellano; Teresa Jaimes; Alicia; Alejandro Bautista; Leticia Casillas; Victoria; Brandi Nuse-Villegas; David Willis; Kim Sands; Mariah Thompson; Patricia Van Dyke, and Lisa Flores. Upon call, there was no members of the public in favor of the item. The public comment period closed at 5:45 p.m.*

*Council discussion on the item included: the acknowledgment of the displaced residents and concerns with the impact report.*

*Councilmember Bredefeld motioned to adopt the resolution rejecting the conversion impact report and relocation plan for the proposed closure of La Hacienda Mobile Estate.*

**RESOLUTION 2023-301 ADOPTED**

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

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

**Absent:** 1 - Perea

**3. GENERAL ADMINISTRATION**

**4. CITY COUNCIL**

**5. CLOSED SESSION**

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

*Council withdrew to closed session at 1:30 p.m.*

**5.-A. [ID 23-1679](#)**

CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION

Government Code Section 54956.9, subdivision (d)(1)

*Veronica A. Flores v. City of Fresno, et al.*; Fresno Superior Court Case No.: 20CECG01711

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

**DISCUSSED**

**5.-B. [ID 23-1648](#) 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 Tyler Maxwell.

Unrepresented Employee: City Attorney

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

*DISCUSSED*

## **ADJOURNMENT**

*City Council adjourned from open session at 5:58 p.m.*