



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 26, 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

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 Pastor Cassandra Topping from the Northeast Assembly of God

Pastor Cassandra Topping 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:

9:45 A.M. (ID 24-1223) regarding the acquisition of fee title interest of parcels to benefit the Blackstone McKinley BNSF Grade Separation Project

- the names on the agenda title had been updated to read "Maninder Singh Sandhu" and "Palwinder Kaur Sandhu."

2-B (ID 24-1296) regarding the airport joint use agreement with the United States of America for use of Airfield Facilities at Fresno Yosemite International Airport (FAT) – references to potential revenue in the amount of \$289,312.56 had been updated to \$325,476.63.

2-H (ID 24-1275) regarding service agreements for One Fresno Youth Jobs Corps Program - Councilmember Arias recused himself for his service on the board of the Downtown Partnership with the Mayor.

2-AA (ID 24-1297) regarding the South Central Fresno AB 617 Community Truck Reroute Study and related Health Assessment - the title had updated to add the words "at no additional cost" to the end of each of the three numbered subparts as follows:

1. Approve a third amendment to consultant agreement with Arcadis, formerly IBI Group, to extend the agreement to December 31, 2024, at no additional cost.
2. Approve a third amendment to research agreement with the University of California, Merced, related to the health assessment, to extend the agreement to December 31, 2024, at no additional cost.
3. Approve a second amendment to the reimbursement agreement with the San Joaquin Valley Air Pollution Control District (District) for the South Central Fresno AB 617 Community Truck Reroute Study and related Health Assessment to extend the agreement to December 31, 2024, at no additional cost.

THE FOLLOWING ITEMS WERE REMOVED FROM THE AGENDA:

9:55 A.M. (ID 24-1192) regarding an appeal related to Conditional Use Permit Application No. P23-03592 and related Environmental Assessment No. P23-03592 - tabled to October 31, 2024, at 1:30 P.M. by Councilmember Arias who also read the following statement into the record:

"The date would be October 31, 2024, the time would be 1:30 P.M. with direction for City staff to provide information regarding the YMCA parcel, its use in relation to current non-conforming use. If the department determines the use of the YMCA parcel is substantially related to the operation of A1 Auto, direct staff to work with the applicant to include the YMCA parcel in the conditional use permit. When the item returns to council, if the YMCA parcel is included, conditions may be placed upon the use of the YMCA parcel so long as the conditions meet the requirements of nexus and rough proportionality."

2-DD (ID 24-1300) regarding a grant agreement with Marjaree Mason Center allocating \$75,000 in funding for the Community Resource Building Project – tabled to October 10, 2024, by staff.

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

2-F (ID 24-1302) regarding a voluntary collection agreement with Homeway.com, Inc., VRBO.com, and its subsidiaries for collection Transient Occupancy Tax - moved to contested consent by Councilmember Arias.

2-I (ID 24-1074) regarding a regulatory agreement and restrictive covenants with Fresno Mission Communities, Inc. - moved to contested consent by Councilmember Arias.

2-J (ID 24-1228) regarding acceptance of donated funds from the Fresno Police Chief's Foundation - moved to contested consent by Councilmember Arias

2-L (ID 24-1303) regarding the "Skywatch" Air Support Unit lease purchase and installation agreements with Airbus, Inc. and Hangar One, Inc. - moved to contested consent by Councilmember Arias.

2-U (ID 24-1315) regarding an extraterritorial water and sewer service and offsite infrastructure agreement with Clovis Unified School District - moved

to contested consent by Councilmember Arias.

2-V (ID 24-1211) regarding the second agreement with the Fresno County Transportation Authority for the Highway Litter Abatement Program - moved to contested consent by Councilmember Arias.

2-AA (ID 24-1297) regarding the South Central Fresno AB 617 Community Truck Reroute Study and related health assessment - moved to contested consent by Vice President Karbassi.

On motion of Councilmember Arias, seconded by Councilmember Chavez, 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 24-1017](#) Proclamation of Childhood Cancer Awareness Month

PRESENTED

[ID 24-1208](#) Proclamation for "Dunn Transport"

PRESENTED

[ID 24-1229](#) Proclamation for "Sophia Maria Lesseos Day"

PRESENTED

[ID 24-1072](#) Fresno Animal Center presents "Pet of the Month"

PRESENTED

COUNCILMEMBER REPORTS AND COMMENTS

Councilmember Arias Reports and Comments: Discussed the success of the recent Why Not Wednesdays event. Announced the upcoming ribbon cutting for Hotel Fresno.

Councilmember Maxwell Reports and Comments: Discussed the Central Valley Honor Flight and thanked fellow Councilmembers for supporting the budgeting of \$100,000 to support the program.

Councilmember Chavez Reports and Comments: Acknowledged United Health Centers for providing the first cancer screening machine available in South Fresno. Thanked the anonymous donor that helped ensure everyone on the Senior AC Program wait list would receive an AC unit. Acknowledged the Iron Workers for their partnership in the Senior AC Program.

Councilmember Bredefeld Reports and Comments: Acknowledged the Mayor, and Councilmembers that initiated the "no camping ordinance" and the City Attorney and Police Department for enforcing it.

Councilmember Esparza Reports and Comments: Acknowledged District 7 resident Mrs. Scott for hosting a recent Neighbors Night Out event. Welcomed new resources in District 7 including: Fresno Interdenominational Refugee Ministries' new Refuge Welcome Center; Every Neighborhood Partnership's new facility, and; BoldAge's new PACE senior care facility. Discussed the success of Fresno Greek Fest.

Vice President Karbassi Reports and Comments: Discussed the life of Ramiro U. Estalilla Jr. and requested the meeting adjourn in his memory. Acknowledged the excellent work by Fresno Police, Code Enforcement, CUSD Trustee Olivier, Linda Amparano, and Principal Debra Bolls advocating for the Pinedale Elementary neighborhood and dealing with the un-housed population. Announced his meeting with Bullard Talent Principal Catherine Aujero to find solutions to the traffic safety issues around the school. Discussed his meeting with the Assistant Director of the Fresno County Public Health Department to learn more about the services provided by the organization. Acknowledged staff for getting the Pinedale community pool operational and allowing it to remain open longer than usual. Announced Public Works had completed median work Herndon Avenue and a left turn phasing signal at Van Ness and Herndon Avenues. Wished a happy Rosh Hashanah to the local Jewish American community and to Temple Beth Israel in District 2. Criticized the rhetoric in the media surrounding Fresno State President Dr. Saúl Jiménez-Sandoval.

Council President Perea Reports and Comments: Attended a League of

Cities Conference in Washington, D.C. Discussed the challenges, concerns and benefits relating to the implementation of Class IV Bikeways and alternate means of transportation. Announced the meeting would be adjourned in the memories of Ramiro U. Estalilla Jr. and Henry John Abels Rodriguez.

MAYOR/MANAGER REPORTS AND COMMENTS

There were no reports or comments from Mayor Dyer, or City Manager White.

CITY CLERK AND CITY ATTORNEY REPORTS AND COMMENTS

There were no reports from City Clerk Stermer, or City Attorney Janz.

1. SCHEDULED COUNCIL HEARINGS AND MATTERS

9:15 A.M.

[ID 24-1261](#) 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 60 (territory known as Assessor's Parcel Number 487-150-45S & 487-150-46S) (Southwest corner of East Jensen Avenue & South Holloway Avenue) (Council District 5);

1. ***RESOLUTION - to Annex Territory to Community Facilities District No. 9 and Authorize the Levy of a Special Tax for Annexation No. 60 (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. 60 (Subject to Mayor's Veto)

The above item was called to order at 9:58 A.M. and was presented to Council by Supervising Engineering Technician Gonzales. Upon call, no members of the public addressed Council. Public comment closed at 10:00 A.M.

There was no Council discussion.

RESOLUTION 2024-219 ADOPTED

RESOLUTION 2024-220 ADOPTED

RESOLUTION 2024-221 ADOPTED

BILL B-32 APPROVED / ORDINANCE ADOPTED AS 2024-030

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

Aye: 5 - Perea, Karbassi, Arias, Chavez and Bredefeld

Absent: 2 - Maxwell and Esparza

9:20 A.M. #1

[ID 24-1259](#) HEARING to adopt Resolutions and Ordinance to annex territory and levy a Special Tax regarding City of Fresno Community Facilities District Number 18, Annexation Number 001 (Final Tract Map Number 6362) (Located on the northeast corner of West Indianapolis Avenue and North Garfield Avenue) (Council District 1);

1. ***RESOLUTION - to Annex Territory to Community Facilities District No. 18 and Authorize the Levy of a Special Tax for Annexation No. 001 (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. 18, Annexation No. 001 (Subject to Mayor's Veto)

The above item was called to order at 10:00 A.M. and was presented to Council by Supervising Engineering Technician Gonzales. Upon call, the following members of the public addressed Council: Fernando Paul Elizondo. Public comment closed at 10:14A.M.

Council discussion included: Clarification on the purpose and benefits of Community Facilities Districts (CFDs); whether it was fair to require payment for the services provided to CFDs; how past tax agreements with the County of Fresno have impacted City services; the effects high property taxes might have on future developments and CFDs; eligible infrastructure and operational costs under CFDs normally covered by the general fund of a

city, and; impact fees paid by developers.

RESOLUTION 2024-222 ADOPTED

RESOLUTION 2024-223 ADOPTED

RESOLUTION 2024-224 ADOPTED

BILL B-33 INTRODUCED / ADOPTED AS ORDINANCE 2024-031

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

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

9:20 A.M. #2(CONTINUED TO OCTOBER 31, 2024 AT 9:20 A.M.)

[ID 24-1250](#) 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

9:25 A.M. #1

[ID 24-1263](#) HEARING to adopt resolutions and ordinance to annex territory and levy a special tax regarding City of Fresno Community Facilities District Number 11, Annexation Number 151 (Final Tract Map Number 6362) (Located on the northeast corner of West Indianapolis Avenue and North Garfield Avenue) (Council District 1)

1. ***RESOLUTION - to Annex Territory to Community Facilities District No. 11 and Authorize the Levy of a Special Tax for Annexation No. 151 (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. 11, Annexation No.

151 (Subject to Mayor's Veto)

The above item was called to order at 10:15 A.M. and was presented to Council by Supervising Engineering Technician Gonzales. Upon call, no members of the public addressed Council. Public comment closed at 10:16 A.M.

There was no Council discussion on this item.

RESOLUTION 2024-225 ADOPTED

RESOLUTION 2024-226 ADOPTED

RESOLUTION 2024-227 ADOPTED

BILL B-34 INTRODUCED / ADOPTED AS ORDINANCE 2024-032

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

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

9:25 A.M. #2(CONTINUED TO OCTOBER 10, 2024, AT 9:25 A.M.)

[ID 24-1170](#) HEARING to consider initiation of the Tower District Specific Plan update, pertaining to all properties located within the boundaries of the Tower District Specific Plan area of the Fresno General Plan.

1. RESOLUTION - Application No. P24-02869 initiating the Tower District Specific Plan Draft Land Use Map and Draft Specific Plan update
2. RESOLUTION - Application No. P24-02420 initiating preparation of the Tower Entertainment District Overlay
3. RESOLUTION - Application No. P24-02871 initiating preparation of the Tower District Specific Plan Objective Design Standards
4. Second contract amendment extending the Consultant Services Agreement with Wallace, Roberts and Todd (WRT) to June 30, 2025.

CONTINUED AS NOTED

9:35 A.M.

[ID 24-1213](#)

Actions pertaining to adopting an ordinance granting Non-Exclusive Roll-Off Franchises (Citywide):

1. Hold a hearing on September 26, 2024, at 9:35 a.m. in accordance

- with Fresno City Charter Section 1303 related to the ordinance and adoption of the ordinance;
2. ***BILL No. B-28 (Introduced August 29, 2024) (For adoption) of the City of Fresno, California, to grant Big Bros Dumpsters Rentals, E&E Transport, LLC., Everyday Junk Removal & Hauling, Inc., and UC Cleanup Services a Non-Exclusive Franchise for Roll-Off Collection Services within the City of Fresno (Subject to Mayor's veto);
 3. Authorize the Director of Public Utilities, or designee, to execute the agreements of Non-Exclusive Franchise for Roll-Off Collection Services with the City of Fresno.

The above item was called to order at 10:17 A.M. and was presented to Council by Assistant Director Alkhayyat. Upon call, no members of the public addressed Council. Public comment closed at 10:20 A.M.

Council discussion included: whether vendor assessments included checking for citations and business licenses, and; if any vendors were left off the approved list.

The initial motion and vote on the above item occurred prior to taking public comment. The initial motion was made by Councilmember Arias, seconded by Councilmember Bredefeld to adopt the item. The motion carried by the following vote:

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

Council President Perea called the hearing back to order to allow for public comment and a subsequent vote was taken.

ORDINANCE 2024-033 ADOPTED

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

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

Absent: 1 - Maxwell

9:40 A.M.

[ID 24-1222](#) Actions pertaining to the acquisition of fee title interest of a parcel to benefit the Blackstone McKinley BNSF Grade Separation Project (Council

Districts 1 and 7):

1. HEARING to consider a Resolution of Necessity for acquisition of fee title interest for rights of way for public street purposes of Assessor Parcel Numbers 451-071-17 and 451-071-34, owned by Arthur and Patricia Velasquez, for the construction of the Blackstone McKinley BNSF Grade Separation Project;
2. ***RESOLUTION - Determining that public interest and necessity require acquisition of fee interest for rights of way for public street purposes of Assessor's Parcels Numbers 451-071-17 and 451-071-34, owned by Arthur and Patricia Velasquez, for the construction of the Blackstone McKinley BNSF Grade Separation Project and authorizing eminent domain proceedings for public use and purpose. (Requires 5 affirmative votes) (Subject to Mayor's Veto)

The above item was called to order at 10:32 A.M. and was presented to Council by Supervising Real Estate Agent Bruno, and Licensed Professional Engineer Bain. Upon call, the following members of the public addressed Council: Yonas Paulos. Public comment closed at 10:40 A.M.

Council discussion included: the improved quality of the work; the details of the agreement and approximate appraised value of the property, and discussion about what would occur if escrow did not close.

RESOLUTION 2024-228 ADOPTED

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

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

9:45 A.M.

[ID 24-1223](#) Actions pertaining to the acquisition of fee title interest of parcels to benefit the Blackstone McKinley BNSF Grade Separation Project (Council Districts 1 and 7):

1. HEARING to consider a Resolution of Necessity for acquisition of fee title interest for rights of way for public street purposes of Assessor Parcel Numbers 446-232-36 and 446-232-40, owned by Maninder Singh and Palwinder Kaur Singh, for the construction of the Blackstone McKinley BNSF Grade Separation Project;
2. ***RESOLUTION - Determining that public interest and necessity require acquisition of fee interest for rights of way for public street

purposes of Assessor's Parcels Numbers 446-232-36 and 446-232-40, owned by Maninder Singh Sandhu and Palwinder Kaur Sandhu, for the construction of the Blackstone McKinley BNSF Grade Separation Project and authorizing eminent domain proceedings for public use and purpose. (Requires 5 affirmative votes) (Subject to Mayor's Veto)

During the approval of the agenda, City Clerk Stermer announced the agenda title should be updated so the names read Maninder Singh Sandhu and Palwinder Kaur Sandhu.

The above item was called to order at 10:40 A.M. and was presented to Council by Supervising Real Estate Agent Bruno, and Licensed Professional Engineer Bain. Upon call, no members of the public addressed Council. Public comment closed at 10:45 A.M.

There was no Council discussion on this item.

RESOLUTION 2024-229 ADOPTED

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

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

9:55 A.M.

[ID 24-1192](#) HEARING to consider an appeal related to Conditional Use Permit Application No. P23-03592 and related Environmental Assessment No. P23-03592, pertaining to an existing ±11,250 square-foot vacant building located on a ±0.26-acre parcel at the northwest corner of Stanislaus and M Streets in downtown Fresno (Council District 3) - Planning & Development Department.

1. CONSIDERATION of Environmental Assessment No. P23-03592, dated July 23, 2024, a determination that the proposed project is exempt from the California Environmental Quality Act (CEQA) through a Class 1 (Existing Facilities) Categorical Exemption; and,
2. DENY the appeal and UPHOLD the action of the Planning Commission to approve Conditional Use Permit Application No. P23-03592 and related Environmental Assessment No. P23-03592, authorizing the expansion of an existing legal non-conforming Auto/Vehicle Repair (Major) land use and related site operations

into a vacant building located across the street subject to compliance with the Conditions of Approval dated April 23, 2024.

During the approval of the agenda, City Clerk Stermer announced this item was removed from the agenda and tabled to October 31, 2024 at 1:30 P.M. by Councilmember Arias.

Councilmember Arias read the following statement into the record: The date would be October 31, 2024, the time would be 1:30 P.M. with direction for City staff to provide information regarding the YMCA parcel, its use in relation to current non-conforming use. If the department determines that the use of the YMCA parcel is substantially related to the operation of A1 Auto; direct staff to work with the applicant to include the YMCA parcel in the conditional use permit. When the item returns to council, if the YMCA parcel is included, conditions may be placed upon the use of the YMCA parcel so long as the conditions meet the requirements of nexus and rough proportionality.

10:00 A.M.

[ID 24-1294](#) Appearance by the Fresno Valley Dream Center to discuss Love Note evidence based curriculum

APPEARED

10:03 A.M.

[ID 24-1224](#) Appearance by Fernando Paul Elizondo to discuss the use of eminent domain and public comment. (District 3 Resident)

APPEARED

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: Diane Smith (all agenda items), Miss 5250 (closed session).

During the approval of the Consent Calendar, Councilmember Arias Recused himself from agenda item 2-H (ID 24-1275) due to serving on the board of the Downtown Partnership.

During the approval of the Consent Calendar, Councilmember Karbassi

registered a NO vote on agenda item 2-G (ID 24-1255).

APPROVAL OF THE CONSENT CALENDAR

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

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

- 2.-A. [ID 24-1292](#) Approval of the minutes for September 12, 2024, regular meeting

APPROVED ON CONSENT CALENDAR

- 2.-B. [ID 24-1296](#) Actions related to the Airport Joint Use Agreement with the United States of America covering the use of Airfield Facilities at Fresno Yosemite International Airport (FAT) by California Air National Guard (CANG). (Council District 4)

1. Adopt a finding of Categorical Exemption pursuant to Section 15301 (Existing Facilities) of the California Environmental Quality Act Guidelines; and
2. Approve an Airport Joint Use Agreement with the United States of America covering the use of Airfield Facilities at FAT by California Air National Guard (CANG) for the term of seven (7) years. The amount of potential revenue generated by this Agreement is \$289,312.56 for fees from the two (2) year holdover period, and an additional \$1,076,489.70 in fees from years 3-7 for the remaining term of the Agreement. Total anticipated revenue during the full term of the Agreement is approximately \$1,365,802.26, plus annual CPI adjustments not to exceed 3%.

During the approval of the agenda City Clerk Stermer announced – the amount of potential revenue generated by this Agreement reads \$289,312.56, the amount should read \$325,476.63 for fees from the two 2-year holdover period, and an additional \$1,076,489.70 in fees from years 3-7 for the remaining term of the agreement.

APPROVED ON CONSENT CALENDAR

- 2.-C. [ID 24-1276](#) ***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).

*RESOLUTION 2024-230 ADOPTED***APPROVED ON CONSENT CALENDAR**

- 2.-D. [ID 24-1280](#) ***Bill B-31 (Intro'd September 12, 2024) (For Adoption) - Amending Hearing Officer Authority, FMC section 1-409, to provide authority for limited reductions in fines. (Subject to Mayor's Veto)

*BILL B-31 APPROVED / ORDINANCE ADOPTED AS 2024-034***APPROVED ON CONSENT CALENDAR**

- 2.-E. [ID 24-1253](#) Approve the Third Amendment to the Agreement with the Fresno Area Hispanic Foundation for the Small Business Façade Program adding \$400,000 in additional funding and extending the term to December 31, 2025

APPROVED ON CONSENT CALENDAR

- 2.-G. [ID 24-1255](#) Actions Pertaining to the Bureau of Justice Assistance (BJA) Byrne Discretionary Grant:
1. Approving a grant subrecipient agreement (Agreement) with the Fresno Economic Opportunities Commission (EOC) to provide reimbursement for licensed mental health services for Advance Peace Fellows and violence impacted individuals in amount not to exceed \$270,000.
 2. Authorizing the City Manager or Designee to execute the Agreement on behalf of the City of Fresno.

During approval of the Consent Calendar, Vice President Karbassi reregistered a NO vote on this item. As such, this item was approved 6-1 by the following vote:

Aye: 6 – Perea, Arias, Maxwell, Chavez, Bredefeld, Esparza

No: 1 – Karbassi

APPROVED ON CONSENT CALENDAR

- 2.-H. [ID 24-1275](#) Actions pertaining to service agreements for One Fresno Youth Jobs Corps Program between the City of Fresno (City) and the CBOs:
1. Approve the Second Amendment to the agreement between the City and Downtown Association of Fresno to extend the term through June 30, 2025 and increase compensation in the total amount to not exceed \$703,030.
 2. Approve the First Amendment to the agreement between the City and Career Nexus to extend the term through June 30, 2025 and increase compensation in the total amount to not exceed \$176,820.

3. Approve the First Amendment to the agreement between the City and Community Media Access Collaborative (CMAC) to extend the term through June 30, 2025 and increase compensation in the total amount to not exceed \$84,510.
4. Approve the First Amendment to the agreement between the City and Fresno County Economic Opportunities Commission (Fresno EOC) to extend the term through June 30, 2025 and increase compensation in the total amount to not exceed \$285,110.
5. Approve the First Amendment to the agreement between the City and Poverello House to extend the term through June 30, 2025 and increase compensation in the total amount to not exceed \$276,850.

During the approval of the agenda City Clerk Stermer announced Councilmember Arias has recused himself due to service on the board of the Downtown Partnership with the Mayor. As such, this item was approved 6-0 by the following vote:

Aye: 6 – Perea, Karbassi, Maxwell, Chavez, Bredefeld, Esparza

No: 0 –

Recused: 1 – Arias

APPROVED ON CONSENT CALENDAR

- 2.-K.** [ID 24-1272](#) Actions pertaining to the 2025 Selective Traffic Enforcement Program (STEP) grant
1. Authorize the Chief of Police to accept \$673,000 in grant funding for the 2025 STEP grant awarded to the Fresno Police Department from the National Highway Traffic Safety Administration (NHTSA) through the California Office of Traffic Safety (OTS)
 2. Authorize the Chief of Police or her designee to execute the agreement, extensions and all related documentation applicable to the 2025 STEP grant
 3. ***RESOLUTION - Adopt the 14th Amendment to the Annual Appropriation Resolution (AAR) No. 2024-122 appropriating \$502,500 for the Police Department's STEP grant (Requires 5 Affirmative Votes) (Subject to Mayor's Veto).

RESOLUTION 2024-231 ADOPTED

APPROVED ON CONSENT CALENDAR

- 2.-M.** [ID 24-1256](#) ***RESOLUTION - Adopting the 15th Amendment to the Annual Appropriations Resolution No. 2024-122 appropriating \$18,635,900 for the Capital Projects Department budget to allocate retained earnings from the Downtown Fresno Infrastructure Grant for the remaining fiscal year

expenditures and reappropriate \$4,254,100 from Public Works Department to Capital Projects Department. (Requires 5 Affirmative Votes) (Subject to Mayor's Veto)

RESOLUTION 2024-216 ADOPTED

APPROVED ON CONSENT CALENDAR

2.-N. [ID 24-1233](#) Actions pertaining to professional on-call engineering design services for the Capital Projects Department on City of Fresno water, wastewater, and recycled water capital improvement projects (Bid File 12400575) (Citywide):

1. Approve an On-Call Consultant Services Agreement with AECOM Technical Services, Inc., of Fresno, California in the amount of \$1,000,000;
2. Approve an On-Call Consultant Services Agreement with Blair, Church, & Flynn Consulting Engineers, Inc., of Clovis, California in the amount of \$1,000,000;
3. Approve an On-Call Consultant Services Agreement with Carollo Engineers, Inc., of Fresno, California in the amount of \$1,000,000;
4. Approve an On-Call Consultant Services Agreement with Michael K. Nunley & Associates, of Fresno, California, in the amount of \$1,000,000;
5. Approve an On-Call Consultant Services Agreement with Provost & Pritchard Consulting Group, of Clovis, California in the amount of \$1,000,000.

APPROVED ON CONSENT CALENDAR

2.-O. [ID 24-1235](#) Actions pertaining to professional On-Call Construction Management Services for the Capital Projects Department on City of Fresno capital improvement projects: (Bid File 12402167) (Citywide);

1. Approve an On-Call Consultant Services Agreement with NV5, Incorporated of Fresno, California in the amount of \$5,000,000;
2. Approve an On-Call Consultant Services Agreement with Anser Advisory of Bakersfield, California in the amount of \$5,000,000;
3. Approve an On-Call Consultant Services Agreement with CCME, Incorporated of Fresno, California in the amount of \$5,000,000.

APPROVED ON CONSENT CALENDAR

2.-P. [ID 24-1240](#) Reject all bids received for the Paul “Cap” Caprioglio Community Center Remodel Project. (Bid File No. 12403201) (Council District 4)

APPROVED ON CONSENT CALENDAR

2.-Q. [ID 24-1244](#) Approve a Consultant Services Agreement with WRT Inc., of San

Francisco, California in the amount of \$900,969, with a contingency amount not to exceed \$120,000, for the design and construction support services for the Fresno Metropolitan Flood Control District Basins Project. (Council District 2, 3, 4 and 6)

APPROVED ON CONSENT CALENDAR

- 2.-R. [ID 24-1247](#) ***RESOLUTION - Authorizing the Public Works Director, Capital Projects Director, or their respective designees to negotiate and execute, on behalf of the City, all project-related documents and agreements, including amendments, with utility companies, public or otherwise, for public work of improvement no greater than the formal bid limit. (Citywide) (Subject to Mayor's Veto)

RESOLUTION 2024-232 ADOPTED

APPROVED ON CONSENT CALENDAR

- 2.-S. [ID 24-1266](#) Approve the First Amendment to the consultant services agreement with Partners in Control Inc., dba Enterprise Automation, in the amount of \$200,000, increasing the total contract amount to \$650,000. (Citywide)

APPROVED ON CONSENT CALENDAR

- 2.-T. [ID 24-1274](#) Award a Product Requirements Contract for Bulk Sodium Hypochlorite with Thatcher Company of California, Inc., for three years with an option for two one-year extensions; with a total not to exceed contract amount of \$5,371,126.20, plus annual Consumer Price Index increases (Bid File 12401016-1) (Citywide).

APPROVED ON CONSENT CALENDAR

- 2.-W. [ID 24-1248](#) RESOLUTION - Authorizing the Submission of a Grant Application to the United States Department of Transportation Reconnecting Communities Pilot Grant Program Cycle 3 Call For Projects Totaling up to \$2 Million in Request for Funding; and Authorizing the Execution of a Planning Grant Application and Grant Agreement documents by the Public Works Director or Designee (Council District 3 and 5)

RESOLUTION 2024-234 ADOPTED

APPROVED ON CONSENT CALENDAR

- 2.-X. [ID 24-1258](#) RESOLUTION - Of Intention to Annex Final Parcel Map Number 2004-36 as Annexation Number 59 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 9:15 am. (East Belmont Avenue and North Laverne Avenue) (Council District 5)

*RESOLUTION 2024-235 ADOPTED***APPROVED ON CONSENT CALENDAR**

- 2.-Y. [ID 24-1260](#) RESOLUTION - Of Intention to Annex the Territory Known as Assessor's Parcel Number 511-250-02 as Annexation Number 63 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 31, 2024, at 9:10 am (Located on the east side of North Blythe Avenue, south of West Ashlan Avenue) (Council District 1)

*RESOLUTION 2024-236 ADOPTED***APPROVED ON CONSENT CALENDAR**

- 2.-Z. [ID 24-1277](#) Award a requirements contract to Witbro Inc. dba Seal Rite Paving & Grading for one year with four optional one-year extensions in an amount not to exceed \$406,611.55 per year to furnish and install pavement undulations on various streets (Bid File 12402144) (Citywide).

APPROVED ON CONSENT CALENDAR

- 2.-BB. [ID 24-1239](#) RESOLUTION -Authorizing submission of a funding request in the amount of \$2,194,113 to the Low Carbon Transit Operations Program for the purchase of two (2) Hydrogen Fuel Cell Electric Buses, execution of grant award documents if awarded, and execution of related certifications and assurances and authorized agent forms.

*RESOLUTION 2024-237 ADOPTED***APPROVED ON CONSENT CALENDAR**

- 2.-CC. [ID 24-1262](#) Actions related to the California State of Good Repair (SGR) Program for funding to conduct FAX maintenance facility improvements:
1. Adopt a finding of Class 1 Categorical Exemption for Existing Facilities pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15301.
 2. ***RESOLUTION - Authorizing submission of a project description for and acceptance of funding in the amount of \$1,348,874 from the California State of Good Repair (SGR) program, approving the associated FY 2024-25 project list, and authorizing execution of grant documents. (Subject to Mayor's veto)

*RESOLUTION 2024-238 ADOPTED***APPROVED ON CONSENT CALENDAR**

- 2.-DD. [ID 24-1300](#) Approve Grant Agreement with Marjaree Mason Center (MMC) allocating

\$75,000 in funding for the MMC Community Resource Building Project.

During the approval of the agenda, City Clerk Stermer announced the above item was removed from the agenda, and tabled to October 10, 2024 by staff

TABLED

- 2.-EE. [ID 24-1301](#) Approve Grant Agreement with Marjaree Mason Center (MMC) allocating \$300,000 in funding for Domestic Violence Emergency Response and Safe Housing Programs

APPROVED ON CONSENT CALENDAR

CONTESTED CONSENT CALENDAR

- 2.-F. [ID 24-1302](#) Approve a Voluntary Collection Agreement with HOMEAWAY.COM, INC. (Vrbo.com) and its subsidiaries for collection of City of Fresno Transient Occupancy Tax and authorize the City Controller to execute the Agreement.

Councilmember moved the above item to the Contested Consent Calendar to clarify how the collection agreement would work.

Council discussion included: differences between the Vacation Rentals By Owner (VRBO) and Airbnb platforms; fines and legal consequences for failing to report, and; the agreement effective date.

APPROVED

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

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

- 2.-I. [ID 24-1074](#) Approve a Regulatory Agreement and Declaration of Restrictive Covenants between the City of Fresno and Fresno Mission Communities, Inc., and for the benefit as a third-party beneficiary the State of California Department of Housing and Community Development for the Homekey 3 City Studios project located at 3876 North Blackstone Avenue, Fresno, California (Council District 4)

Councilmember Arias moved the above item to the Contested Consent Calendar to discuss details of the agreement.

Council discussion included whether the contract ensured participation in religious activities aligned with the organization was not a condition of receiving benefits and which entity would enforce violations.

APPROVED

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

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

- 2.-J.** [ID 24-1228](#) Approve acceptance of donated funds from the Fresno Police Chief's Foundation, in the total amount of \$33,500 to secure five (5) additional Automated License Plate Readers subscriptions for two years from Flock Safety.

Councilmember Arias moved the above item to the Contested Consent Calendar for clarification on the process.

Council discussion included: how the operations of the Police Chief's Foundation are made transparent and accountable; safeguards to ensure rankings and recommendations are fair and unbiased without influence from donations; the separation between officers and the board of directors, and; placement of the equipment.

APPROVED

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

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

- 2.-L.** [ID 24-1303](#)

Actions pertaining to the Fresno Police Department's Air Support "Skywatch" Unit lease purchase and installation agreements with Airbus, Inc. and Hangar One, Inc.

1. Award a sole source agreement with Airbus Inc. for a lease of 10 years in an amount not to exceed \$4,700,833.01 including 8.35% tax for the purchase and maintenance of one H125 helicopter to

provide airborne law enforcement, fire suppression, air ambulance, search and rescue and many other public and private operations with specific mission needs within the city.

2. Award a sole source agreement with Hangar One, Inc. for a lease of 10 years in an amount not to exceed \$2,226,224.54 including 7.75% tax for purchase and installation of police equipment on the H125 helicopter.
3. ***RESOLUTION - Adopt a resolution authorizing an exception to formal bidding procedures and approving the sole source purchase of an Airbus H125 Helicopter for the Fresno Police Department (Subject to Mayor's Veto)
4. ***RESOLUTION - Adopt a Resolution authorizing an exception to formal bidding procedures and approving the sole source purchase and installation of Police equipment on an Airbus H125 Helicopter for the Fresno Police Department (Subject to Mayor's Veto)

Councilmember Arias moved the above item to the Contested Consent Calendar to discuss statistics of the Skywatch program and the budget for the program.

Council discussion included: higher maintenance costs for older helicopters; funding for the nine years of lease payments, and; affordability of the agreement.

RESOLUTION 2024-217 ADOPTED

RESOLUTION 2024-218 ADOPTED

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

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

- 2.-U.** [ID 24-1315](#) Actions pertaining to an Extraterritorial Water and Sewer Service and Offsite Infrastructure Agreement between Clovis Unified School District and the City of Fresno (City of Fresno Sphere of Influence and County of Fresno):

1. RESOLUTION - Considering Mitigated Negative Declaration SCH No. 2005101054 and adopting findings pursuant to California Environmental Quality Act Guidelines section 15162;
2. Approve an Extraterritorial Water and Sewer Service and Offsite Infrastructure Agreement between Clovis Unified School District and the City of Fresno for the Terry Bradley Educational Center.

Councilmember Arias moved the above item to Contested Consent to discuss Clovis Unified's costs for the service.

Council discussion included: the size and scope of the infrastructure development; the ability to accommodate future sprawl or development; anticipated timelines for annexation, and; County and City responsibilities for Police and Fire services.

RESOLUTION 2024-233 ADOPTED

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

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

- 2.-V.** [ID 24-1211](#) Approve Funding Agreement No. 2 with the Fresno County Transportation Authority (FCTA) for the Highway Litter Abatement Program (LAP) in the amount of \$300,000. (Citywide)

Councilmember Arias moved the above item to Contested Consent to discuss re-appropriating funds for other programs.

Council discussion included: if Measure "P" funds could be re-appropriated since Measure "C" funds were paying for highway litter abatement, and; the inability for "bucket five" of Measure "P" funds to replace the dying trees at Roeding Park.

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

- 2.-AA.** [ID 24-1297](#) Actions pertaining to South Central Fresno AB 617 Community Truck Reroute Study and related Health Assessment: (Council Districts 1, 3, 5, and 7),
1. Approve a Third Amendment to Consultant Agreement with Arcadis,

- formerly IBI Group, to extend the agreement to December 31, 2024;
2. Approve a Third Amendment to Research Agreement with the University of California, Merced, related to the Health Assessment, to extend the agreement to December 31, 2024;
 3. Approve a Second Amendment to the Reimbursement Agreement with the San Joaquin Valley Air Pollution Control District (District) for the South Central Fresno AB 617 Community Truck Reroute Study and relate Health Assessment to extend the agreement to December 31, 2024.

Vice President Karbassi moved the above item to Contested Consent to discuss additional costs for extending the agreement.

Council discussion included: whether additional stakeholders could be included in the process before a final decision was made; meeting with industry stakeholders separately to gather feedback; recommendations regarding traffic mitigation; current or planned traffic analysis and planned routes; public availability of final maps showing land use changes; a recent court ruling which threatens jobs and halts on hundreds of housing units and threatens the tax base.

APPROVED

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

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

3. GENERAL ADMINISTRATION

3.-A. [ID 24-1305](#) WORKSHOP - Tower District Specific Plan Update

The above item was presented to Council by Supervising Planner Asadoorian.

Council discussion included: the process utilized when a majority of elected officials have a conflict with an item; the density decisions in the southern part of the city; disparities between affluent and less affluent areas in terms of demographics, poverty, infrastructure, property values, and violations of housing discrimination laws; relationship between increased density and

reduced green space; the Specific Plan's proposal for adding bike lanes and its correlation with existing plans regarding pedestrian, bicycle, car, and truck traffic; the rationale for excluding certain neighborhoods from the 1991 plan in the current plan; evaluations of neighborhoods recommended for historic designation; consistency in operational hours, noise control, and last call to mitigate late-night disturbances; expected delays due to Environmental Impact Report issues; staff recommendations versus committee recommendations; notifications to owners regarding potential land use changes; whether changes would allow tri-plexes, four-plexes, and the missing middle housing; dog park proposals; development allowed in apartment house overlay zones; retaining industrial zoning for the property on Franklin Avenue; proposed designations for the Old Cheese Factory site, and canal embankments; the need for trail designations; the State Center Community College District's stance on the zoning of its properties, and; housing units added and the impact to the housing element.

PRESENTED

UNSCHEDULED COMMUNICATION

Upon call, the following people addressed Council with unscheduled communication: Brooke Payton, Brunette Harris, Yvonne Gordon, Bobbie, Diane Smith, Yonas Paulos, Miss 5250, Kevin Julio, Vern Webber, and Brandi N.

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 24-1206](#)

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 24-1252](#)

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

Emilia Lizeth Rivera Silva v. City of Fresno, et al.; Fresno Superior Court
Case No. 21CECG00913

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

DISCUSSED

5.-C. [ID 24-987](#)

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

Margarita Cingoz v. City of Fresno, et al.; Fresno Superior Court Case
No.: 23CECG04597

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

DISCUSSED

5.-D. [ID 24-1313](#)

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

Adventure Church, Inc. v. City of Fresno; Terance Frazier; Fresno Superior
Court Case No. 22CECG04022 and Court of Appeal F086428

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

DISCUSSED

- 5.-E. [ID 24-1282](#) CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION
Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section
54956.9: 1 potential case

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

DISCUSSED

ADJOURNMENT

The Council meeting adjourned from closed session in memory of Ramiro U. Estalilla Jr., and Henry John Abels Rodriguez at 4:22 P.M.