

Regular Council Meeting

May 11, 2023

FRESNO CITY COUNCIL



Supplement Packet

ITEM(S)

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CITY OF FRESNO
CITY CLERK'S OFFICE

1-A (ID 23-728)

Approval of Minutes for April 20, 2023, and April 27, 2023, Regular Meeting and April 27, 2023, Special Meeting.

Contents of Supplement: Minutes for the April 20, and April 27, 2023, regular meetings and the April 27, 2023, special meeting.

Item(s)

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.

DRAFT MINUTES OF APRIL 20, 2023, REGULAR MEETING



City of Fresno

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

Meeting Minutes 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

Thursday, April 20, 2023

9:00 AM

Council Chambers (In
Person and/or Electronic)

Regular Meeting

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

9:04 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 Pastor Rev. Robin Mathews-Johnson from the Wesley United Methodist Church

Pastor Rev. Robin Mathews-Johnson 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-N (ID 23-415) regarding consultant services

agreement with AM Consulting Engineers – the “Local Preference” section of the staff report should only read as follows: Local preference was implemented, AM Consulting Engineers, Inc., is a local business as defined by the Fresno Municipal Code.

Consent Calendar item 1-H (ID 23-587) regarding the eighth amendment to the Position Authorization Resolution No. 2022-153 to add four positions to the Parks, After School, Recreation and Community Services (PARCS) Department - removed from the agenda by Councilmember Arias and tabled to April 27, 2023.

Consent Calendar item 1-X (ID 23-618) regarding resolution to adopt a pilot program to incentivize job creation in portions of District 1 – removed from the agenda by Vice President Perea and tabled to April 27, 2023.

Consent Calendar item 1-Y (ID 23-554) regarding resolution to amend Council Communication Policy - removed by Councilmember Karbassi and tabled to April 27, 2023.

10:20 A.M. Scheduled Hearing (ID 23-541) regarding the designation of a property to the Local Register of Historic Resources - removed from the agenda by Councilmember Arias and tabled to April 27, 2023 at 10:20 A.M.

10:25 A.M. #1 Scheduled Hearing (ID 23-550) regarding appearance by Gary Christy - withdrawn from the agenda by the speaker.

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

1-B (ID 23-534) regarding Commercial Cannabis Activity - moved to Contested Consent by Councilmember Arias.

1-F (ID 23-614) regarding the Transient Room Tax - moved to Contested Consent by Councilmember Arias.

1-I (ID 23-470) - regarding a project specific Tax Sharing Agreement between the City of Fresno and the County of Fresno - moved to Contested

Consent by Councilmember Bredefeld.

1-K (ID 23-575) regarding the State of California's Homekey 3 Program and Quality Inn Located at 6051 North Thesta Street - moved to Contested Consent by Councilmember Bredefeld.

1-L (ID 23-576) regarding the State of California's Homekey 3 Program and development of permanent affordable housing at 6507 North Polk Avenue - moved to Contested Consent by Councilmember Arias.

On motion of Councilmember Arias, 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 23-525](#) Emergency Dispatcher's Appreciation Week

PRESENTED

[ID 23-413](#) Proclamation for "National Crime Victims' Rights Week"

PRESENTED

[ID 23-311](#) Proclamation for "National Donate Life Month"

PRESENTED

[ID 23-602](#) Proclamation "Honoring Fresno Poet Laureate Joseph Rios"

PRESENTED

COUNCILMEMBER REPORTS AND COMMENTS

Councilmember Karbassi Reports and Comments. Discussed the progress made on the Veteran's Boulevard project and his tour of the area with Vice President Perea. Announced his recent site visit to the Dispatch Center. Attended opening day for the Fresno Grizzlies and promoted the attraction as the "best deal in town." Attended the California League of Cities, City Leadership Summit where he lead a discussion on organized retail crime. Discussed the re-opening of the Fig Garden Branch Library which included

attendance by the California Poet Laureate, Lee Herrick.

Councilmember Arias Reports and Comments. Discussed the four community meetings held in his district to gather input on community budget priorities. Invited the Mayor to attend the Tower District Farmer's Market later in the evening. Requested an update from the City Attorney on the vacant property at Olive and Glenn and an update on the renovation of Hardy's Theatre. Discussed recent meetings to help improve services for the homeless and noted the need for the County of Fresno to be a better partner in the effort. Asked if the administration was prepared to deal with the recent collapse of the Dinkey Creek bridge.

Councilmember Chavez Reports and Comments. Acknowledged Community Base Organizations (CBO) and the administration for clean up events in District 5. Discussed a future trail cleanup in Calawa near Saint Anthony Claret Church. Announced the second and final community meeting was being scheduled to discuss the 49 acre park in Southeast Fresno. Announced the High-Speed Rail Authority reached out to discuss the pending closure of Church Avenue. Acknowledged students from Roosevelt and Sequoia High for working to clean up the community during spring break.

Councilmember Bredefeld Reports and Comments. Announced a District 6 cleanup event at Woodward Park and encouraged people to participate, meet their neighbors and help keep the community clean.

Councilmember Esparza Reports and Comments. Attended the 34th Annual World Languages Fair at McLane High School. District 7 staff attended the Broadband Workshop held at Fresno City College. Participated in the Beautify Fresno cleanup event at Webster Elementary School. Attended an Easter Celebration with the Jackson Neighborhood Association. Re-scheduled the Play Streets event on Huntington Boulevard to May 13, 2023, due to weather. Requested the administration provide the proposed budget to Council by May 15 to help minimize the number of budget motions.

Vice President Perea Reports and Comments. Acknowledged City staff for

the great progress on Veteran's Boulevard while keeping the project on time and under budget. Discussed her first town hall meeting west of the 99 and acknowledged the dedication of the many City staffers and the District 1 team that made the meeting a success. Attended the Buddhist New Year Celebration the previous weekend. Announced the Tower District Farmers Market and ribbon cutting event taking place later in the evening and subsequently every Thursday from 5:00 p.m. to 9:00 p.m.

Council President Maxwell Reports and Comments. Hosted a successful Easter egg hunt event at Einstein Park. Discussed a well attended roundtable meeting in the Airports District to determine the types of investments businesses want in the area. Discussed the "On the Same Page Initiative" to provide free access to books around District 4 neighborhoods and the "1000 Books in 30 Days" book drive to support the Initiative.

MAYOR/MANAGER REPORTS AND COMMENTS

Mayor Dyer Reports and Comments. Reported on his presentation to the CalTrans Supervisors about the success of Fresno in removing freeway encampments and housing the homeless. Discussed the success of the Great American Cleanup over the weekend. Acknowledged Councilmember Esparza's request to receive the proposed budget three weeks prior to the scheduled budget hearings.

City Manager White Reports and Comments. Commented on the successful return to in-person recognition of employees and acknowledged the City Clerk's Office for organizing the event. Reported the collapsed Dinkey Creek Bridge was owned by the U.S. Forest Service and the City of Fresno would offer support for its replacement. Stated the City was working closely with the High Speed Rail authority to ensure the closing of Church Avenue would be a smooth process. Announced the distribution of a memo detailing the restarting of delinquent utility bill processing and the availability of payment plans for customers.

UNSCHEDULED COMMUNICATION

Upon call for unscheduled communication and public comment on Consent Calendar, Contested Consent Calendar and Closed Session items, the

following members of the public addressed Council: Susan Neville (1-D); Pratik Suchak (1-K); David Willis; Scott Petersen (1-D); Kim Sands; Brandi Nuse-Villegas; Linda Martinez; Leticia Casillas; Perla Jaimes; Patsy Rajskup; Mariah Thompson; Becerra Richard; Sam Frank; Fernando Elizando; Dez Martinez (1-L); Lisa Pridard (1-K); Kristin Pothier; Michael Rabara (3-A); Elizabeth Moreno; Cesar Casamayor; Jeffrey Neville (1-D); Lisa Flores; Alicia Rodriguez (1-D); Robert McCloskey (1-J, 1-M); Laura Splotch (1-D), and Cindy Piombino.

[ID 23-698](#) Public Comment Received for April 20, 2023.

1. CONSENT CALENDAR

APPROVAL OF THE CONSENT CALENDAR

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

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

Absent: 1 - Chavez

1.-A. [ID 23-605](#) Approval of Minutes for March 30, 2023, Regular Meeting

APPROVED ON THE CONSENT CALENDAR

1.-C. [ID 23-610](#) Approve the appointment of Areli Rios to the Fresno Housing Authority for a term ending on April 30, 2025.

APPROVED ON THE CONSENT CALENDAR

1.-D. [ID 23-639](#) Approve a professional services agreement for three years with two one-year extensions with 809 Olive Avenue, LLC, to provide operations and management services of the Tower Theatre and Lounge with a fee equal to 12% of the gross receipts estimated for the first year at \$159,480 (RFQ No.100722RQ) (District 1)

APPROVED ON THE CONSENT CALENDAR

1.-E. [ID 23-569](#) Approve a consultant agreement with PBK in the total amount of \$64,000 plus a not-to-exceed contingency amount of \$5,000 to conduct a facility condition assessment of the Tower Theatre property and authorize the Director of General Services or designee to execute all related documents (Council District 1)

APPROVED ON THE CONSENT CALENDAR

- 1.-G. [ID 23-563](#) Approve an increase in the licensing costs for the City's Microsoft Enterprise Agreement in the amount of \$216,658.87.

APPROVED ON THE CONSENT CALENDAR

- 1.-H. [ID 23-587](#) ***RESOLUTION - Adopt the Eighth Amendment to the Position Authorization Resolution ("PAR") No. 2022-153 entitled, "A Resolution of the Council of the City of Fresno establishing the number of positions authorized in the various departments and offices of the City for Fiscal Year 2023," to add a total of four positions: one full time Projects Administrator; one full time Program Manager; and two full time Senior Management Analysts, in the Parks, After School, Recreation, and Community Services ("PARCS") Department. (Subject to Mayor's veto).

The above item was removed from the agenda by Councilmember Arias and tabled to April 27, 2023.

TABLED

- 1.-J. [ID 23-574](#) Actions pertaining to the State of California's Homekey 3 Program and Travelodge located at 3876 North Blackstone Avenue (436-260-22) to facilitate the development of permanent affordable housing (District 4)
1. Adopt a finding of Categorical Exemption pursuant to Section 15301/Class 1 and Section 15332/Class 32 of the California Environmental Quality Act (CEQA) guidelines;
 2. Approve the Purchase and Sale Agreement with PRABHATBHAI T. PATEL and SUSHILABEN P. PATEL as TRUSTEES of The Prabhatbhai T. Patel and Sushilaben P. Patel Living Trust u/t/d/ dated September 12, 2019, for \$4,400,000;
 3. ***RESOLUTION - Authorizing joint application and acceptance of funding from participation in the State of California's Homekey 3 Program to sustain and rapidly expand housing for persons experiencing or at risk of homelessness and authorizing the City Manager to sign all required implementing documents (Subject to Mayor's veto); and
 4. ***RESOLUTION - Declaring a commitment for a future City contribution of funds for rehabilitation expenses in an amount not to exceed \$5,000,000 upon full award of Homekey 3 funding for the Travelodge Project (Subject to Mayor's veto).

RESOLUTION 2023-097 ADOPTED.

RESOLUTION 2023-098 ADOPTED

APPROVED ON THE CONSENT CALENDAR

- 1.-M. [ID 23-584](#) Actions related to the acquisition of Clarion Pointe Motel, located at 4061 North Blackstone Avenue (434-143-06) to facilitate an Interim Homeless Shelter (District 4):
1. Adopt a finding of Categorical Exemption pursuant to Sections 15301/Class 1 and 15332/Class 32 of the California Environmental Quality Act (CEQA) Guidelines
 2. Approve the Purchase and Sale Agreement with Kush Hospitality Inc., a California Corporation for \$11,800,000

APPROVED ON THE CONSENT CALENDAR

- 1.-N. [ID 23-415](#) Award a consultant services agreement to AM Consulting Engineers, Inc., to provide engineering services for the 2-Water Booster Pump Station Redundancy Improvements at the Regional Wastewater Reclamation Facility for an amount not to exceed \$187,590, inclusive of a \$18,000 contingency (Bid File 12300511-1) (Council District 3)

APPROVED ON THE CONSENT CALENDAR

- 1.-O. [ID 23-461](#) ***RESOLUTION - Rescinding Resolution Number 2017-332 and ordering the vacation of a portion of North Carnegie Avenue, between West Bullard Avenue and Union Pacific Railroad (Subject to Mayor's Veto) (Council District 2)

RESOLUTION 2023-099 ADOPTED

APPROVED ON THE CONSENT CALENDAR

- 1.-P. [ID 23-564](#) RESOLUTION - Of Intention to Annex Final Tract Map No. 6370 as Annexation No. 143 to the City of Fresno Community Facilities District No. 11 and to Authorize the Levy of Special Taxes; and setting the public hearing for Thursday, May 25, 2023, at 10:10 am (located on the west side of North Chestnut Avenue and East Powers Avenue) (Council District 6)

RESOLUTION 2023-100 ADOPTED

APPROVED ON THE CONSENT CALENDAR

- 1.-Q. [ID 23-571](#) RESOLUTION - Of Intention to Annex Final Tract Map No. 6350 as Annexation No. 142 to the City of Fresno Community Facilities District No. 11 and to Authorize the Levy of Special Taxes; and setting the public hearing for Thursday, May 25, 2023, at 10:05 am (located on the northwest corner of North Parc West Drive and West Holland Avenue) (Council District 1)

RESOLUTION 2023-101 ADOPTED

APPROVED ON THE CONSENT CALENDAR

[ID 23-698](#) Public Comment Received for April 20, 2023.

- 1.-R. [ID 23-572](#) RESOLUTION - Of Intention to Annex Final Tract Map No. 6212, 6276, and 6350 as Annexation No. 002 to the City of Fresno Community Facilities District No. 18 and to Authorize the Levy of Special Taxes; and setting the public hearing for Thursday, May 25, 2023 at 10:00 am (T6212, located at the southwest corner of North Parc West Drive and North Grantland Avenue; T6276, located on the northwest corner of North Parc West Drive and North Grantland Avenue; T6350, located on the northeast corner of North Parc West Drive and West Holland Avenue) (Council District 1)

RESOLUTION 2023-102 ADOPTED

APPROVED ON THE CONSENT CALENDAR

- 1.-S. [ID 23-565](#) Actions pertaining to the award of a requirements contract to Vulcan Materials Co. in the amount up to \$5,826,127.50 for the purchase of Asphalt Concrete Material. (Bid File 12300991) (City-wide)

APPROVED ON THE CONSENT CALENDAR

- 1.-T. [ID 23-578](#) Actions pertaining to the Citywide Countdown Pedestrian Head Project - Bid File 12300990 (Citywide)
1. Adopt a finding of Categorical Exemption per staff determination pursuant to Section 15301/Class 1 and Section 15302/Class 2 of the California Environmental Quality Act (CEQA) Guidelines
 2. Award a construction contract in the amount of \$214,934 to Pelagic Engineering, of Oxnard, California

APPROVED ON THE CONSENT CALENDAR

- 1.-U. [ID 23-603](#) Actions pertaining to the new Fire Station 12 Project (Council District 1)
1. Adopt a finding of Categorical Exemption per staff determination, pursuant to Section 15332/Class 32 of the California Environmental Quality Act (CEQA) Guidelines
 2. Award a construction contract in the amount of \$78,445 to CVE Demolition Inc., of Fresno, CA, as the lowest responsive and responsible bidder for the Demolition of the 3315 West Ashlan Avenue Building - Bid File 12301188

APPROVED ON THE CONSENT CALENDAR

- 1.-V. [ID 23-320](#) ***RESOLUTION - 25th Amendment to the Annual Appropriation Resolution (AAR) No. 2022-154 to appropriate \$2,716,400 from the Transportation Development Act (TDA) pass-through revenues. (Requires 5 Affirmative Votes)(Subject to Mayor's veto)

RESOLUTION 2023-103 ADOPTED**APPROVED ON THE CONSENT CALENDAR**

- 1.-W. [ID 23-590](#) ***Bill B-5 (Intro'd 3/30/2023)(For Adoption) - Amending Section 12-4.1603 of the Fresno Municipal Code, revising the definition of infill project for purposes of the fee waiver program for certain residential infill projects (Subject to Mayor's Veto)

ORDINANCE 2023-010 ADOPTED**APPROVED ON THE CONSENT CALENDAR**

- 1.-X. [ID 23-618](#) ***RESOLUTION - adopting a pilot program to incentivize job creation within a portion of the Tower District and the portion of the area west of Highway 99 between Clinton Avenue and Shaw Avenue located within District 1. (Subject to Mayor's Veto)

The above item was removed from the agenda by Vice President Perea and tabled to April 27, 2023.

TABLED

- 1.-Y. [ID 23-554](#) RESOLUTION - Amending the Council Communication Policy

The above item was removed from the agenda by Councilmember Karbassi and tabled to April 27, 2023.

TABLED

- 1.-Z. [ID 23-622](#) Approve the appointment of Tania Castillo to the Immigration Affairs and Resident Committee for a term which serves at the pleasure of the Councilmember

APPROVED ON THE CONSENT CALENDAR**CONTESTED CONSENT CALENDAR**

- 1.-B. [ID 23-534](#) Actions pertaining to Commercial Cannabis Activity:
1. Approve the Loan Agreement for Maritza Estrada (the Owner) of Traditional - Fresno - ME LLC, a cannabis social equity business, in the amount of \$75,000 to assist with the start-up, regulatory costs, and operating costs of opening a retail commercial cannabis business in the City of Fresno.
 2. Approve the Loan Agreement for Isaac Fonseca (the Owner) of Beyond Rooted 559 LLC, a cannabis social equity business, in the amount of \$75,000 to assist with the start-up, regulatory costs, and

operating costs of opening a retail commercial cannabis business in the City of Fresno.

Councilmember Arias moved the above item to the Contested Consent Calendar for an explanation of the program and to discuss how the opening of the two business entities would be impacted if the loan agreements were approved.

Council discussion on this item included: the Equity Assistance Program; the timelines required to be met by the license holders; possible revisions to the ordinance to cancel the licenses if the timelines are not met, and; the details regarding loan amounts and terms.

APPROVED

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

Aye: 5 - Esparza, Maxwell, Perea, Arias and Chavez

No: 1 - Bredefeld

Absent: 1 - Karbassi

- 1.-F.** [ID 23-614](#) Actions pertaining to Transient Room Tax:
1. BILL- (For introduction) Amending Section 7-602 of the Fresno Municipal Code, relating to compelling short-term rental crowdsourcing entities such as Airbnb, VRBO, etc. to collect Transient Occupancy Tax (TOT) on the City's behalf and to remit the revenue to the City.

Councilmember Arias moved the above item to the Contested Consent Calendar for an overview on how the item will allow the City to collect the room tax from Airbnb customers.

Council discussion on this item included: direct reporting instead of self-reporting; how often the remittance would be collected; STR regulations and permitting; the increased room tax expected to be collected due to this item; utilizing the same process for other entities similar to Airbnb; the accountability process and ensuring the Transit Oriented Tax is managed; current permit fees; using data to get more users registered; how comparable cities handle short term rental permits, how to limit short term

rental in light of the permanent housing crisis.

BILL B-11 APPROVED, INTRODUCED AND LAID OVER

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

- 1.-I. [ID 23-470](#) Approve a Project-Specific Tax Sharing Agreement Between the City of Fresno and the County of Fresno Regarding California-Willow No. 4 Reorganization for approximately 79.75 acres of property located on the southeast and southwest corners of the East California Avenue alignment (railroad right-of-way) and South Willow Avenue (Council District 5).

The above item was moved to the Contested Consent Calendar by Councilmember Bredefeld. There was no staff presentation and no council discussion, there were no further questions.

APPROVED

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

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

- 1.-K. [ID 23-575](#) Actions pertaining to the State of California's Homekey 3 Program and Quality Inn located at 6051 North Thesta Street (APN 409-200-43), to facilitate the development of permanent affordable housing (District 6)
1. Adopt a finding of Categorical Exemption pursuant to Section 15301/Class 1 and Section 15332/Class 32 of the California Environmental Quality Act (CEQA) guidelines;
 2. ***RESOLUTION - Authorizing a joint application to and acceptance of funding from participation in Project Homekey 3.0 to sustain and rapidly expand housing for persons experiencing homelessness or at risk of homelessness, and who are, thereby inherently impacted by or at increased risk for medical diseases or conditions due to the COVID-19 pandemic or other communicable diseases and authorizing the City Manager to sign all required implementing documents (Subject to Mayor's veto); and

3. ***RESOLUTION - Supporting a future City contribution of funds for rehabilitation expenses in an amount not to exceed \$6,000,000 associated with Upholding California, LLC's Quality Inn Project under funding through the State of California's Homekey 3 Program (Subject to Mayor's veto).

Councilmember Bredefeld moved the above item to the Contested Consent Calendar to discuss the concerns of the surrounding businesses regarding this project.

Council discussion on this item included: the project creating permanent housing, not additional shelters; outreach to the surrounding businesses; timing of the awards and when the final project would be brought before the council.

Councilmember Bredefeld motioned to approve this item with direction that the city hold several community meetings with the surrounding businesses in the locations to address the concerns of business owners.

RESOLUTION 2023-095 ADOPTED

RESOLUTION 2023-096 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 - Esparza, Maxwell, Perea, Karbassi, Arias, Chavez and Bredefeld

- 1.-L. [ID 23-576](#) Actions pertaining to the State of California's Homekey 3 Program and development of permanent affordable housing at 6507 North Polk Avenue (506-130-04) (District 2):
 1. ***RESOLUTION - Authorizing joint application to and participation in the State of California's Homekey 3 Program to sustain and rapidly expand housing for persons experiencing homelessness or at risk of homelessness and authorizing the City Manager or designee to sign all required implementing documents. (Subject to Mayor's Veto).
 2. ***RESOLUTION - In support of future City Contribution of Funds for construction and development expenses associated with the project in an amount not to exceed \$2,800,000 upon full award of Homekey 3 funding for the ACTS Foundation project. (Subject to Mayor's Veto).

Councilmember Arias moved the above item to the Contested Consent Calendar to address concerns that: the operating organization lacks experience running shelters; the operating organization has existed for less than a year and will likely struggle in the highly regulated field, and; the public comments included numerous complaints regarding the operating organization.

Council discussion on this item included the following: the proposed organization not supporting the LGBTQ community; the requirements in the Request for Proposal; the demographics the organization will serve and whether they are allowed to discriminate; unit allocation commitments; whether or not there have been similar projects before the council; the comments and concerns of the community; what the ACTS Foundation brings to the project and whether another partner could be substituted; accredited foster facilities; the total state funding to be applied; the overall cost of the project, and; the potential to lose funding if the project is denied.

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

Aye: 2 - Maxwell and Karbassi

No: 4 - Esparza, Perea, Arias and Bredefeld

Absent: 1 - Chavez

2. SCHEDULED COUNCIL HEARINGS AND MATTERS

10:00 A.M.#1

[ID 23-567](#)

HEARING to adopt resolutions and ordinance to annex territory and levy a special tax regarding City of Fresno Community Facilities District No. 11, Annexation No. 140 (Final Tract Map No. 6338) (Northeast corner of East Church Avenue and South Sunnyside Avenue) (Council District 5)

1. ***RESOLUTION - to Annex Territory to Community Facilities District No. 11 and Authorizing the Levy of a Special Tax for Annexation No. 140 (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 2022-2023 and Future Tax Years Within and Relating to Community Facilities District No. 11, Annexation No. 140 (Subject to Mayor's Veto)

The above hearing was called to order at 1:38 P.M. Upon call, there was no public comment for this item. The public comment period closed at 1:38 P.M. There was no staff presentation and no Council discussion.

RESOLUTION 2023-089 ADOPTED

RESOLUTION 2023-090 ADOPTED

RESOLUTION 2023-091 ADOPTED

BILL B-9 INTRODUCED/ADOPTED AS ORDINANCE 2023-008

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

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

10:00 A.M.#2

[ID 23-577](#)

Actions pertaining to Final Map of Tract No. 6338:

RESOLUTION - Approving the Final Map of Tract No. 6338, and accepting dedicated public uses offered therein except for dedications offered subject to City acceptance of developer installed required improvements - located near the northeast corner of East Church Avenue and South Sunnyside Avenue (Council District 5)

The above hearing was called to order at 1:38 P.M. Upon call, there was no public comment for this item. The public comment period closed at 1:39 P.M. There was no staff presentation and no Council discussion.

RESOLUTION 2023-104 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: 7 - Esparza, Maxwell, Perea, Karbassi, Arias, Chavez and Bredefeld

10:05 A.M.

- [ID 23-570](#) HEARING to adopt resolutions and ordinance to annex territory and levy a special tax regarding City of Fresno Community Facilities District No. 11, Annexation No. 141 (Final Tract Map No. 6212 and Parc West Drive) (Southwest corner of North Parc West Drive and North Grantland Avenue) (Council District 1)
1. ***RESOLUTION - to Annex Territory to Community Facilities District No. 11 and Authorizing the Levy of a Special Tax for Annexation No. 141 (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 2022-2023 and Future Tax Years Within and Relating to Community Facilities District No. 11, Annexation No. 141 (Subject to Mayor's Veto)

The above hearing was called to order at 1:39 P.M. Upon call, there was no public comment for this item. The public comment period closed at 1:39 P.M. There was no staff presentation and no Council discussion.

RESOLUTION 2023-105 ADOPTED

RESOLUTION 2023-106 ADOPTED

RESOLUTION 2023-107 ADOPTED

BILL B-12 INTRODUCED/ADOPTED AS ORDINANCE 2023-011

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

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

10:10 A.M. (CONTINUED TO MAY 25, 2023, AT 10:00 A.M.)

- [ID 23-612](#) HEARING - To adopt Resolutions and Ordinance to annex territory and levy a special tax regarding City of Fresno Community Facilities District No. 18, Annexation No. 002 (T6212, located at the southwest corner of North Parc West Drive and North Grantland Avenue; T6276, located on the northwest corner of North Parc West Drive and North Grantland

Avenue; T6350, located on the northeast corner of North Parc West Drive and West Holland Avenue) (Council District 1)

The above item was removed from the agenda by staff and tabled to May 25, 2023, at 10:00 A.M.

TABLED

10:15 A.M.#1

[ID 23-566](#)

HEARING to adopt resolutions and ordinance to annex territory and levy a special tax regarding City of Fresno Community Facilities District No. 11, Annexation No. 138 (Final Tract Map No. 6371) (located north of East Floradora Avenue and east of North Armstrong Avenue) (Council District 7)

1. ***RESOLUTION - to Annex Territory to Community Facilities District No. 11 and Authorizing the Levy of a Special Tax for Annexation No. 138 (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 2022-2023 and Future Tax Years Within and Relating to Community Facilities District No. 11, Annexation No. 138 (Subject to Mayor's Veto)

The above hearing was called to order at 1:39 P.M. Upon call, there was no public comment for this item. The public comment period closed at 1:40 P.M. There was no staff presentation and no Council discussion.

RESOLUTION 2023-092 ADOPTED

RESOLUTION 2023-093 ADOPTED

RESOLUTION 2023-094 ADOPTED

BILL B-10 INTRODUCED/ADOPTED AS ORDINANCE 2023-009

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

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

10:15 A.M.#2[ID 23-589](#)

Actions pertaining to Final Map of Tract No. 6371:

RESOLUTION - Approving the Final Map of Tract No. 6371, and accepting dedicated public uses offered therein except for dedications offered subject to City acceptance of developer installed required improvements - located near the northeast corner of East Floradora Avenue and North Armstrong Avenue (Council District 7)

The above hearing was called to order at 1:40 P.M. Upon call, there was no public comment for this item. The public comment period closed at 1:40 P.M. There was no staff presentation and no Council discussion.

RESOLUTION 2023-108 ADOPTED

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

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

10:20 A.M.[ID 23-541](#)

HEARING to consider adoption of a resolution related to the designation of a property to the Local Register of Historic Resources

1. ***RESOLUTION - Designating the Sequoia Hotel/Fink & Skopp building located at 925-933 Van Ness Avenue, Fresno California to the Local Register of Historic Resources (APN46825403) (District 3) (Subject to Mayor Veto).

The above item was removed from the agenda by Councilmember Arias and tabled to April 27, 2023 at 10:20 A.M.

TABLED

10:25 A.M.#1[ID 23-550](#)

Appearance by Gary Christy to discuss off-site sidewalk, landscaping and ADA ramp requirements from Public Works. (District 1 Resident)

The above item was withdrawn from the agenda by Gary Christy with no return date.

10:25 A.M.#2

[ID 23-615](#) Appearance by Mary Padilla to discuss who do we represent. (District 2 Resident)

Mary Padilla was not present when called.

DID NOT APPEAR

3. GENERAL ADMINISTRATION

3.-A. [ID 23-271](#) Approval of revised Route 99 Freeway Agreement with State of California Department of Transportation (Caltrans) (Council Districts 1, 2, and 3)

The above item was introduced to Council by Public Works Director Mozier. CalTrans District 6 Deputy Director Abi-Rached, and Councilmember Arias also spoke on this item.

APPROVED

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

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

Absent: 1 - Karbassi

4. CITY COUNCIL

4.-A. [ID 23-621](#) Bill (For Introduction) - Amending Chapter 9, Article 26 of the Fresno Municipal Code to add Section 9-2610, "Sideshow, Street Races, and Reckless Driving Exhibitions," prohibiting the knowing participation as a driver, passenger, or spectator in sideshows, street races, or reckless driving exhibitions.

Councilmember Bredefeld, Vice President Perea, and Police Chief Balderrama introduced the above item to Council.

Council discussion on this item included: the initiatives' logistics; the definition of participant, passenger, and spectator; if tow trucks will be subject to the initiative; the parameters within the area of the spectators the initiative applies to; Page 6(1) regarding accountability for evidence of prior acts; the criteria for City Attorney's Office to prosecute; assault on a police officer; the Police Department's participation of the initiative; traffic-related

deaths; the language to include parking garages; the role of the District Attorney to prosecute misdemeanors; strengthening the language around “300 feet” and “intent” with more definition and clarity; if personal and police body-worn camera video be used as evidence; building a local case of the collective ecosystem; consider Assembly Bill 645 regarding speed camera; if this initiative has been done in other cities and if there are any policing or legal issues from those cities; have there been any challenges, and what is the oldest ordinances in other municipalities.

CONTINUED TO APRIL 27, 2023

On motion of Councilmember Karbassi, seconded by Councilmember Esparza, that the above Action Item be CONTINUED to April 27, 2023. The motion carried by the following vote:

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

5. CLOSED SESSION

During open session, Chief Assistant City Attorney Badhesha announced the items that would be discussed in closed session.

Council withdrew from open session to hear closed session items at 2:52 p.m.

5.-A. [ID 23-619](#)

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

Case Name: Terance Frazier, et al. v. City of Fresno, et al.; United States
District Court Case No.: 1:20-CV-01069

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

DISCUSSED

5.-B. [ID 23-620](#)

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION
Government Code Section 54956.9, subdivision (d)(2)

Significant Exposure to Litigation: Central Valley NMTC Fund, LLC., v. City of Fresno.

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

DISCUSSED

- 5.-C. [ID 23-637](#) 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 regarding this item.

DISCUSSED

- 5.-D. [ID 23-635](#) CONFERENCE WITH LABOR NEGOTIATORS - Government Code Section 54957.6
City Negotiators: TJ Miller
Employee Organizations:
1. International Union of Operating Engineers, Stationary Engineers, Local 39 (Local 39); 2. Fresno City Employees Association (FCEA); 3. Fresno Police Officers Association (FPOA Basic), Unit 4; 4. International Association of Firefighters, Local 753, Unit 5 (Fire Basic); 5. Amalgamated Transit Union, Local 1027 (ATU); 6. International Brotherhood of Electrical Workers, Local 100 (IBEW); 7. Fresno Police Officers Association (FPOA Management); 8. International Association of Firefighters, Local 753, Unit 10 (Fire Management); 9. City of Fresno Professional Employees Association (CFPEA); 10. City of Fresno Management Employees Association (CFMEA); 11. Operating Engineers, Local Union No. 3, Fresno Airport Public Safety Supervisors (FAPSS); 12. Operating Engineers, Local Union No. 3, Fresno Airport Public Safety Officers (FAPSO)

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

DISCUSSED

ADJOURNMENT

City Council adjourned from closed session at 4:05 p.m.

DRAFT MINUTES OF APRIL 27, 2023, REGULAR MEETING



City of Fresno

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

Meeting Minutes 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

Thursday, April 27, 2023

9:00 AM

Council Chambers (In
Person and/or Electronic)

Regular Meeting

The City Council met in regular session in the Council Chamber, City Hall, on the date and time above written. The regular meeting was held concurrently with a separately noticed 1:30 p.m. special meeting.

9:09 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 Pastor Doug Lanier with Christian Life Assembly Church.

Pastor Doug Lanier 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:

A special meeting had been separately noticed for 1:30 p.m. to discuss:

- Item “A” (ID 23-702) regarding amendment of the Better Business Act to provide exceptions for affordable housing, senior affordable housing and mixed-use projects that benefit public health, safety and welfare of the city, and;*
- Item “B” (ID 23-703) regarding support for city contribution of funds to or on behalf of FCTC Senior, LP. for construction of water infrastructure necessary to meet fire suppression requirements.*

Consent Calendar item 1-Y (ID 23-647) regarding support of a city contribution of funds to FCTC Senior, LP - removed from the agenda with no return date as a related item was the subject of the special meeting.

Consent Calendar item 1-BB (ID 23-662) regarding an amendment to the Council Communication Policy – removed from the agenda by Councilmember Karbassi with no return date.

Consent Calendar item 1-CC (ID 23-689) regarding the Homekey 3 Program at 6507 North Polk Avenue - Councilmember Karbassi should be listed as co-sponsor.

Closed Session item 5-A (23-658) regarding anticipated litigation for Bakman Water Company v. City of Fresno – removed from the agenda by the City Attorney’s Office with no return date.

Councilmember Karbassi and Councilmember Bredefeld each registered a "no" vote on Consent Calendar item 1-D (ID 23-663) regarding Commercial Cannabis Activity.

THE FOLLOWING ITEMS WERE MOVED TO THE MAY 11, 2023, AGENDA

Consent Calendar item 1-AA (ID 23-661) regarding a pilot program to incentivize job creation within portions of the Tower District – moved to the May 11, 2023, agenda by Vice President Perea and Councilmember Arias.

General Administration item 3-A (ID 23-465) regarding a workshop for the

Annual Review of the Community Workforce Agreement – moved to the May 11, 2023, agenda by the administration.

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

1-B (ID 23-636) regarding Bid File 12300507 soliciting proposals to manage and operate Food & Beverage Concessions and News & Convenience Concessions at Fresno Yosemite International Airport (FAT). – moved to Contested Consent by Councilmember Arias.

1-I (ID 23-671) regarding the eighth amendment to the Position Authorization Resolution - moved to Contested Consent by Councilmember Bredefeld.

1-L (ID 23-642) regarding the 2021 National Sexual Assault Kit Initiative (SAKI) grant program – moved to Contested Consent by Councilmember Arias and Councilmember Esparza.

1-M (ID 23-631) regarding the COPS Metro Bike Unit Grant – moved to Contested Consent by Council President Maxwell and Councilmember Esparza.

1-O (ID 23-634) regarding a grant application to the California Department of Transportation for the Clean California local grant program cycle 2 - moved to Contested Consent by Council President Maxwell.

1-S (ID 23-596) regarding the 34th amendment to the Annual Appropriations Resolution (AAR) for the Parks and Public Safety Energy Efficiency Projects – moved to Contested Consent by Councilmember Arias.

1-X (ID 23-463) regarding the disposal of vacated roadway properties associated with the State Route 99 Realignment Project – was moved by Councilmember Arias.

On motion of Vice President Perea, seconded by Councilmember Chavez, the above agenda was APPROVED AS AMENDED. The

motion carried by the following vote:

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

CEREMONIAL PRESENTATIONS

[ID 23-293](#) Proclamation for “Officer Lindsay Dozier”

PRESENTED

[ID 23-535](#) Proclamation for “Fair Housing Month”

PRESENTED

[ID 23-628](#) Proclamation for “Peace Officer Memorial Week”

PRESENTED

[ID 23-449](#) Proclamation for “Arbor Day”

PRESENTED

[ID 23-562](#) Proclamation for “National and California Community College Month”

PRESENTED

[ID 23-556](#) Fresno Animal Center’s “Pet of the Month” presented by Fresno Humane Animal Services

PRESENTED

COUNCILMEMBER REPORTS AND COMMENTS

Councilmember Karbassi Reports and Comments. Discussed the Great American Cleanup at River Bottom Park and the work by Caglia Environmental and River Tree Volunteers to gather volunteers. Discussed the annual flag raising in recognition of the Armenian genocide and the multi generational participation by the local Armenian community.

Councilmember Arias Reports and Comments. Announced work had begun on the outdoor patio, parklet and bike racks next to South of Shaw Beer Company in downtown Fresno. Noted the first annual West Fresno Home Buyers Conference would occur at the Westside Church of God on Saturday to help West Fresno residents become home owners. Reported the next China Town 559 Market would occur on Friday and was a great family

friendly event. Acknowledged the PARCS team for the excellent maintenance of the sports fields at the Regional Sports Complex. Discussed recent successful concerts at Chukchansi Stadium and the need to have police officers walk the vicinity and the need for increased cellular capacity during events. Reported that Cooks Communication, located in downtown Fresno, was interested in discussions with the administration on how to keep City of Fresno business local. Apologized to the residents of the Trails End Mobile Home Park as he feels the new owners blatantly lied when they promised to keep the property as an affordable mobile home park - he will work with Councilmember Bredefeld to see what options the City has to help the residents.

Councilmember Chavez Reports and Comments. Discussed the recent Great American Cleanup events in District 5 and recognized Familias en Accion for the great job in the Liberty and Hazelwood area. Asked the administration for clarification on how services will be impacted in light of recent developments at the Animal Center. Announced there was interest from foster youth organizations to participate in City of Fresno youth jobs programs and he would connect the organizations with the administration to discuss the possibilities.

Councilmember Bredefeld Reports and Comments. Discussed the emotional flag raising in recognition of the Armenian genocide. Recognized the volunteers who participated in the Great American Cleanup at Woodward Park. Reported on the success of the "Boots in the Park" concert recently held at Woodward Park. Informed Council of threats he and his Chief of Staff received from a known individual during a press conference earlier in the day - he announced he would file a police report concerning the threats.

Councilmember Esparza Reports and Comments. Announced the California Commission on the Status of Women and Girls awarded a \$100,000 grant to the City of Fresno to continue the programming of the City of Fresno Women's Commission. Congratulated Centro La Familia for opening a neighborhood resource center at Dakota and Blackstone. Announced he would attend an upcoming Jackson Association neighborhood meeting.

Vice President Perea Reports and Comments. Reported that an estimated 4,500 attended the first Tower District Farmers Market the previous week. Future Farmers Market will see an increase in fresh produce to help deal with the food desert in the area. Invited the public to attend "Porch Fest" - a fun, family friendly, walkable concert throughout the Tower District and historical Fresno High community. Reported on several area clean up events during Earth Day. Recognized Public Works for continually working with District 1 to deal with pot holes.

MAYOR/MANAGER REPORTS AND COMMENTS

Mayor Dyer Reports and Comments. Announced more than 1,700 volunteers help to remove 16,000 pounds of trash from twenty locations throughout the City. Presented certificates to Student Ambassadors in the Fresno / Châteauroux Exchange Program, with Council Vice President Perea.

City Manager White Reports and Comments. Thanked the Fresno Grizzlies for providing the infield mix which was utilized for the turf at the Regional Sports Complex. Reported that ten memos on various subjects had been provided to the Council over the past week by the administration.

UNSCHEDULED COMMUNICATION

Upon call, the following members of the public addressed Council: Yvonne Gordon (1-N, 10:05 am); Brunette Harris (1-N), 10:05 am; Betty Francis (1-N); Emily Brandt (1-N, 10:05 am); Shawn Robinson (1-D); Steve Diddy (1-T); Rex Hime (3-A); Fernando Elizondo; Patricia Shawn; Lyindy Owens; Adolfo Castillo (1-D); Hester Hensley; Brandi Nuse-Villegas (1-E, 1-N); Lisa Flores; G Ray Howell; Candis Crowley; Edward Castro Jr.; Karla Martinez; Edith Rico; Leslie Martinez; Maria Gonzalez; Andrea Balanos; Ruben Espinoza; Soccord Vivar; Benita Vasquez, and Bob McClaskey.

[ID 23-713](#) Public Comment received for the April 27, 2023, Regular Meeting.

1. CONSENT CALENDAR

APPROVAL OF THE CONSENT CALENDAR

On motion of Councilmember Arias, seconded by Vice President Perea, the CONSENT CALENDAR was hereby adopted by the

following vote:

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

Absent: 1 - Karbassi

- 1.-A. [ID 23-524](#) ***RESOLUTION - Declaring a portion of the Fresno Yosemite International Airport (FAT) and a portion of the Fresno Chandler Executive Airport (FCH) (APNs 464-220-43T and 464-020-28T) to be exempt Surplus Land for leasing purposes only as it pertains to the City's use pursuant to the Surplus Land Act (SLA). (Districts 3 and 4) (Subject to Mayor's Veto)

RESOLUTION 2023-113 ADOPTED

RESOLUTION 2023-114 ADOPTED

APPROVED ON THE CONSENT CALENDAR

- 1.-C. [ID 23-607](#) ***RESOLUTION - Adopt the 37th Amendment to the Annual Appropriation Resolution (AAR) No. 2022-154 to appropriate \$2,383,200 from FY 2023 General Fund surplus to various City Departments (Requires 5 Affirmative Votes) (Subject to Mayor's Veto).

RESOLUTION 2023-115 ADOPTED

APPROVED ON THE CONSENT CALENDAR

- 1.-D. [ID 23-663](#) Actions pertaining to Commercial Cannabis Activity:
1. Approve the Loan Agreement for Eddie Rodriguez (the Owner) of Truffle Tree LLC, a cannabis social equity business, in the amount of \$75,000 to assist with the start-up, regulatory costs, and operating costs of opening a retail commercial cannabis business in the City of Fresno.
 2. Adopt a Resolution Authorizing the City Manager to award \$114,006.85 in State of California Cannabis Equity Act Grant Funding to each approved Social Equity Applicants.

Councilmember Bredefeld and Councilmember Karbassi each registered a "no" vote on the above item. As Councilmember Karbassi was absent during approval the Consent Calendar, the item was APPROVED 5-1 by the following vote:

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

No: 1 - Bredefeld

Absent: 1- Karbassi

*RESOLUTION 2023-116 ADOPTED***APPROVED ON THE CONSENT CALENDAR**

- 1.-E. [ID 23-611](#) Actions pertaining to the 2022 Community Project Funding (CPF) grant through the department of Housing and Urban Development (HUD):
1. Accept the CPF grant award from HUD totaling \$665,000 for the Urban Heat Island Mitigation and Edible Food Rescue and Distribution project led by Fresno Metro Ministry
 2. Approve Sub-Recipient Agreement with Fresno Metro Ministry totaling \$665,000
 3. ***RESOLUTION - A resolution of the council of the City of Fresno Adopting the 24th amendment to the annual appropriation resolution No. 2022-154 to appropriate \$665,000 from the Department of Housing and Urban Development (HUD) for the Community Project Fund (CPF) grant (Requires five Affirmative Votes) (Subject to Mayor's Veto).

*RESOLUTION 2023-117 ADOPTED***APPROVED ON THE CONSENT CALENDAR**

- 1.-F. [ID 23-649](#) Actions pertaining to Transient Room Tax:
1. ***BILL B-11 (Intro'd 4/20/2023)(For Adoption) Amending Section 7 -602 of the Fresno Municipal Code, relating to compelling short-term rental crowdsourcing entities such as Airbnb, VRBO, etc. to collect Transient Occupancy Tax (TOT) on the City's behalf and to remit the revenue to the City. (Subject to Mayor's Veto)

*ORDINANCE 2023-012 ADOPTED***APPROVED ON THE CONSENT CALENDAR**

- 1.-G. [ID 23-625](#) ***RESOLUTION - Authorizing a Grant Application for \$100,000 to California Automated Permit Processing (CalAPP) Program for establishing an eligible automated, solar permitting platform and authorizing the Planning and Development Department Director or designee to accept grant funds and execute all related documents. (Subject to Mayor's Veto) (Citywide)

*RESOLUTION 2023-118 ADOPTED***APPROVED ON THE CONSENT CALENDAR**

- 1.-H. [ID 23-467](#) Actions pertaining to the agreement with Tyler Technologies for implementation and hosting of Financials, Human Capital Management and Utility Billing software:
1. Approve Amendment 2 reallocating \$161,400 within the project

from unused services. No additional funding is requested.

2. Approve Amendment 3 reallocating \$58,400 within the project from unused services. No additional funding is requested.

APPROVED ON THE CONSENT CALENDAR

- 1.-J. [ID 23-623](#) ***RESOLUTION - Adopt the 13th Amendment to the FY 2023 Salary Resolution No. 2022-152, amending Exhibit 1, Unit 1, Non-Supervisory Blue Collar (Local 39) by adding the new classification of Park Equipment Mechanic I to be flexibly staffed with Park Equipment Mechanic II as a series, and providing a monthly salary step plan range of \$3,715-\$4,515 for the Park Equipment Mechanic I classification; amending Exhibit 3, Unit 3, Non-Supervisory White Collar (FCEA) by adding the new classification of Airports Credentialing Technician and providing a monthly salary step plan range of \$3,780-\$4,540 for the classification; and amending Exhibit 13-1, Unit 13, Exempt Supervisory and Professional (CFPEA) by adding the new classification of Airports Credentialing Supervisor and providing a monthly salary step plan range of \$5,527-\$6,693 for the classification, retroactively effective April 24, 2023 (Subject to Mayor's Veto)

RESOLUTION 2023-120 ADOPTED

APPROVED ON THE CONSENT CALENDAR

- 1.-K. [ID 23-629](#) Actions pertaining to the 2021 Project Safe Neighborhoods grant program
1. Authorize the Chief of Police to accept \$374,046 in grant funding from the Office of Justice Program (OJP) through the Bureau of Justice Assistance (BJA) and execute the sub award grant agreement between San Diego Association of Governments for the 2021 Project Safe Neighborhoods grant
 2. ***RESOLUTION - Adopt the 32nd amendment to the Annual Appropriation Resolution No. 2022-154 to appropriate \$124,700 for the Project Safe Neighborhoods (PSN) 21 grant program (Requires 5 Affirmative Votes) (Subject to Mayor's Veto)

RESOLUTION 2023-121 ADOPTED

APPROVED ON THE CONSENT CALENDAR

- 1.-N. [ID 23-638](#) ***RESOLUTION - 35th Amendment to the Annual Appropriation Resolution (AAR) No. 2022-154 to appropriate \$77,000 for the Knight Avenue Improvement Project and \$90,400 for the Traffic Signal Improvement Project at Church and Walnut Avenues (Council District 3) (Requires 5 affirmative votes) (Subject to Mayor's veto)

RESOLUTION 2023-124 ADOPTED

APPROVED ON THE CONSENT CALENDAR

- 1.-P. [ID 23-633](#) Actions pertaining to Downtown Fresno Neighborhood Beautification and Cleanup Project on Blackstone Avenue and Abby Street from Olive Avenue to Belmont Avenue, and on Belmont Avenue from Abby Street to First Street (RFP No. 12301221) (Council Districts 3 & 7):
1. Adopt finding of Categorical Exemption per staff determination, pursuant to Sections 15301/Class 1 (Existing Facilities) and 15302/Class 2 (Replacement or Reconstruction) of the California Environmental Quality Act (CEQA) Guidelines, Environmental Assessment Number PW01012, dated April 12, 2023
 2. Award a requirements contract to ScrubCan, Inc. of Fresno, CA, in the amount of \$113,760 for a one-year contract for Business Corridor Litter Abatement Services on Blackstone Avenue, Abby Street, and Belmont Avenue business corridors

APPROVED ON THE CONSENT CALENDAR

- 1.-Q. [ID 23-609](#) Actions pertaining to the Veterans Boulevard Grade Separation Project (Council District 2)
1. ***RESOLUTION - 36th Amendment to the Annual Appropriation Resolution (AAR) No. 2022-154 appropriating \$413,500 for the Veterans Boulevard Grade Separation Project (Requires 5 Affirmative Votes) (Subject to Mayor's veto)
 2. Approve Contract Change Order No. 28 in the amount of \$218,740 and an increase in contract time of nine (9) working days with Granite Construction Company for the Veterans Boulevard Grade Separation Project, Project ID PW00683

*RESOLUTION 2023-126 ADOPTED***APPROVED ON THE CONSENT CALENDAR**

- 1.-R. [ID 23-608](#) Actions pertaining to Final Map of Tract No. 6400
- RESOLUTION - Approving the Final Map of Tract No. 6400, and accepting dedicated public uses offered therein except for dedications offered subject to City acceptance of developer installed required improvements - located near the northeast corner of East Clinton Avenue and North Armstrong Avenue (Council District 7)

*RESOLUTION 2023-127 ADOPTED***APPROVED ON THE CONSENT CALENDAR**

- 1.-T. [ID 23-595](#) Actions pertaining to the Department of Transportation Fresno Area Express Replace HVAC FAX Administration Building Project, Project ID: FC00036

1. Approve Contract Change Order No. 4 to Strategic Mechanical, Inc. in the amount of \$93,898.43
2. Approve Contract Change Order No. 5 to Strategic Mechanical, Inc. in the amount of \$1,644.74

APPROVED ON THE CONSENT CALENDAR

- 1.-U. [ID 23-594](#) Approve an agreement for professional engineering services with O'Dell Engineering, Inc. for \$429,400, with a \$44,000 contingency, for design and construction support services for the Play Structure Improvements Project (Council Districts 2, 3, 4, 5, 6, 7)

APPROVED ON THE CONSENT CALENDAR

- 1.-V. [ID 23-593](#) Approve an agreement for professional engineering services with O'Dell Engineering, Inc. for \$93,900, with a \$22,000 contingency, for design and construction support services for the Milburn Overlook Redesign and Construction Project (Council District 2)

APPROVED ON THE CONSENT CALENDAR

- 1.-W. [ID 23-573](#) ***RESOLUTION - Approving the application for project funding from the San Joaquin River Conservancy and authorizing the Director of Public Works or Designee to accept project funds and execute all application and funding related documents with the San Joaquin River Conservancy on behalf of the City of Fresno for the construction of a Traffic Signal and Intersection Improvements at Audubon Drive and Del Mar Avenue (Council District 2) (Subject to Mayor's Veto)

*RESOLUTION 2023-129 ADOPTED***APPROVED ON THE CONSENT CALENDAR**

- 1.-Y. [ID 23-647](#) A Resolution of the Council of the City of Fresno, California, Supporting a City contribution of funds to FCTC Senior, LP for the construction of water infrastructure necessary to meet fire suppression requirements, in an amount not to exceed \$2,700,000, associated with the Fancher Creek Town Center Development and Affordable Housing project therein.

The above item was removed from the agenda by Councilmember Chavez with no return date.

TABLED

- 1.-Z. [ID 23-672](#) Bill (For Introduction) - Amending Chapter 9, Article 26 of the Fresno Municipal Code to add Section 9-2610, "Sideshow, Street Races, and Reckless Driving Exhibitions," prohibiting the knowing participation as a driver, passenger, or spectator in sideshows, street races, or reckless driving exhibitions.

BILL B-13 APPROVED, INTRODUCED AND LAID OVER

APPROVED ON THE CONSENT CALENDAR

- 1.-AA. [ID 23-661](#) ***RESOLUTION - Adopting a pilot program to incentivize job creation within portions of the Tower District located within Districts 1 and 3 and the portion of the area west of Highway 99 between Clinton Avenue and Shaw Avenue located within District 1. (Subject to Mayor's Veto)

The above item was tabled to May 11, 2023, by Vice President Perea.

TABLED

- 1.-BB. [ID 23-662](#) RESOLUTION - Amending the Council Communication Policy

The above item was removed from the agenda by Councilmember Karbassi with no return date.

ADOPTED

- 1.-CC. [ID 23-689](#) Actions pertaining to the State of California's Homekey 3 Program and development of permanent affordable housing at 6507 North Polk Avenue (506-130-04) (District 2):
1. ***RESOLUTION - Authorizing joint application to and participation in the State of California's Homekey 3 Program to sustain and rapidly expand housing for persons experiencing homelessness or at risk of homelessness and authorizing the City Manager or designee to sign all required implementing documents. (Subject to Mayor's Veto).
 2. ***RESOLUTION - In support of future City Contribution of Funds for construction and development expenses associated with the project in an amount not to exceed \$2,800,000 upon full award of Homekey 3 funding for Valley Teen Ranch's Welcome Home project. (Subject to Mayor's Veto)

RESOLUTION 2023-109 ADOPTED

RESOLUTION 2023-110 ADOPTED

APPROVED ON THE CONSENT CALENDAR

CONTESTED CONSENT CALENDAR

- 1.-B. [ID 23-636](#) Actions related to Bid File 12300507 soliciting proposals to manage and operate Food & Beverage Concessions and News & Convenience Concessions at Fresno Yosemite International Airport (FAT). (Council District 4)

1. Award a fifteen-year term Agreement to SSP America, Inc. dba SSP America FAT, LLC, for Food & Beverage Concessions (F&B) at Fresno Yosemite International Airport (FAT) and authorize the Director of Aviation (Director) to execute the contractual document(s) (Bid File 12300507) (District 4); and
2. Award a fifteen-year term Agreement to Hudson Group Retail, LLC, dba HG Fresno Concessionaires JV, for News & Convenience Concessions (N&C) at Fresno Yosemite International Airport (FAT) and authorize the Director of Aviation (Director) to execute the documents (Bid File 12300507) (District 4). The potential revenue of both contracts is \$1,295,045 annually. Total anticipated revenue during the full term of both contracts is approximately \$19,425,673.

Councilmember Arias moved this item to Consented Consent to discuss the vendor's history of litigation concerning overtime and the possibility of amending the contract to limit exposure on labor issues.

Council discussion on this item included: provide a six month update to Council following implementation of the agreement; termination provisions in the agreement; potential issues for termination of the contract, and requesting the theme for the international terminal to be authentic Mexican cuisine.

APPROVED

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

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

- 1.-I. [ID 23-671](#) ***RESOLUTION - Adopt the Eighth Amendment to the Position Authorization Resolution ("PAR") No. 2022-153 entitled, "A Resolution of the Council of the City of Fresno establishing the number of positions authorized in the various departments and offices of the City for Fiscal Year 2023," to add a total of four positions: one full time Projects Administrator; one full time Program Manager; and two full time Senior Management Analysts, in the Parks, After School, Recreation, and Community Services ("PARCS") Department. (Subject to Mayor's veto).

Councilmember Bredefeld moved this item to Consented Consent but subsequently received an answer to his question. There was no council discussion.

RESOLUTION 2023-119 ADOPTED

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

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

- 1.-L. [ID 23-642](#) Actions pertaining to the 2021 National Sexual Assault Kit Initiative (SAKI) grant program, herein referred to as the SAKI grant
1. Authorize the Chief of Police or his designee to accept \$1,000,000 in grant funding for the SAKI grant awarded to the Fresno Police Department from the U.S. Department of Justice, through the Office of Justice Programs Bureau of Justice Assistance (BJA)
 2. Authorize the Chief of Police or his designee to enter into a Memorandum of Understanding (MOU) with the Fresno County District Attorney's Office to fund .10 of the full-time equivalent Senior Deputy District Attorney for years two and three of the three-year grant performance period totaling \$51,120 (\$25,560 Year 2 and \$25,560 Year 3)
 3. ***RESOLUTION -Adopt the 9th Amendment to Position Authorization Resolution ("PAR") No. 2022-153 entitled "a Resolution of the Council of the City of Fresno establishing the number of positions authorized in the various departments and offices of the City for Fiscal Year 2023;" adding two full-time Crime Specialist positions to the Fresno Police Department (Subject to Mayor's Veto)

Councilmember Arias and Councilmember Esparza moved the above item to Consented Consent to discuss the accountability for the funding allocated to the District Attorney's Office.

Council discussion on this item included: what guarantees does the city have on the full-time equivalent being utilized for the purpose and what is the accountability for receiving the services.

RESOLUTION 2023-122 ADOPTED

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

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

- 1.-M. [ID 23-631](#) Actions pertaining to the FY 2022 Community Oriented Policing Services (COPS) Hiring Program grant, herein referred to as the COPS Metro Bike Unit grant
1. Authorize the Chief of Police or his designee to accept \$1,500,000 in grant funding for the 2022 COPS Hiring Program grant awarded to the Fresno Police Department from the U.S. Department of Justice, through the Office of Community Oriented Policing Services (COPS) and to execute all related documents applicable to the COPS Hiring Program
 2. ***RESOLUTION -Adopt the 10th Amendment to Position Authorization Resolution ("PAR") No. 2022-153 entitled "a Resolution of the Council of the City of Fresno establishing the number of positions authorized in the various departments and offices of the City for fiscal year 2023"; adding twelve full-time Police Officer positions to the Fresno Police Department (subject to Mayor's veto)

Council President Maxwell and Councilmember Esparza moved this item to Consented Consent for additional clarification.

Council discussion on this item included: is the financing similar to SAFR, where the city is helping subsidize the positions; taking experienced officers and putting them on the Bike Units; what does a dedicated bike position mean; the locations the bike unit will cover, El Dorado Park, Fashion Fair Mall, Tower District, Kings Canyon Corridor, Shaw and Marks, and Shaw and Blackstone area; buddy system - two bike officers per bike team; enforcement will be Monday through Sunday; the ideal time for the bike officers during regular business hours; flexibility in the policing area; how flexible is the grant money to reallocate the bike officers throughout the day; patrolling the Blackstone Avenue area; is the three per team adjustable to patrol Blackstone; where the bike unit will be most effective; what Fiscal Year will be paid for the total cost; what is the split between now and then; will the upcoming budget reflect additional officers; the data on the effectiveness on the existing special units; are there any special unit under performing and have dissolved; long term absences and if the unit it still active to reduce workmen's comp, and a request to schedule a ride along for District 1 and District 3 to ride along the Tower District.

RESOLUTION 2023-123 ADOPTED

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

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

- 1.-O.** [ID 23-634](#) ***RESOLUTION - Authorizing the Submission of a Grant Application to the California Department of Transportation for the Clean California Local Grant Program Cycle 2 in the amount of \$5,000,000 for the South Fresno Litter Abatement, Beautification, and Placemaking Project at Shields Avenue from Weber Avenue to Hughes Avenue, Brawley Avenue and Fountain Way, Kearney Boulevard from Fresno Street to Marks Avenue, Midtown Trail Segment 4, Van Ness Avenue from Floradora Avenue to Home Avenue, and Highway Litter Abatement on SR-41, SR-180, SR-99, and Golden State Boulevard; and Authorizing the Execution of Grant Application and Grant Agreement Documents by the Public Works Director or Designee (Council Districts 1, 3, 4 and 7) (Subject to Mayor's Veto)

Council President Maxwell moved this item to Consented Consent for a clarification of what items are and are not included in the grant.

Council discussion on this item included: the District 4 specific portion; when will the fixtures be implemented on the trail; will there be any benches, trees, or lighting on the project; litter abatement and will additional appropriations be needed to add the additional fixtures.

RESOLUTION 2023-125 ADOPTED

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

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

- 1.-S.** [ID 23-596](#) ***RESOLUTION - Adopting the 34th amendment to the Annual Appropriations Resolution (AAR) No. 2022-154 appropriating \$1,761,500 for the Parks and Public Safety Energy Efficiency Projects (Citywide) (Requires 5 Affirmative Votes)(Subject to Mayor's Veto)

Councilmember Arias moved this item to Consented Consent to request a list of projects that were still pending.

RESOLUTION 2023-128 ADOPTED

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

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

- 1.-X.** [ID 23-463](#) Actions pertaining to the disposal of vacated roadway properties associated with the State Route 99 Realignment Project (Council District 3):
1. ***RESOLUTION - Declaring a portion of the southeast corner of North Parkway Drive and West Shields Avenue; a portion of North Parkway Drive, north of West Weldon Avenue; and a portion of North Marks Avenue, north of the Marks-Shields Connector to be exempt surplus land (Subject to Mayor's Veto)
 2. RESOLUTION - Finding Good Cause and Clear and Convincing Benefit to the Public pursuant to Fresno Municipal Code section 4-204, relating to the Disposition of Real Surplus Property being a portion of the southeast corner of North Parkway Drive and West Shields Avenue; a portion of North Parkway Drive, north of West Weldon Avenue; and a portion of North Marks Avenue, north of the Marks-Shields Connector (Requires 5 Affirmative Votes)
 3. Approve the execution of the Property Transfer Agreement and authorize the Public Works Director or designee to execute the Property Transfer Agreement and associated Grant Deeds with Caltrans for the transfer of the Subject Properties

Councilmember Arias moved this item to Consented Consent in order to make a motion to approve the item with the following amendment: to eliminate section "B" in the exhibit, which is the North Parkway Drive property.

*RESOLUTION 2023-130 ADOPTED AS AMENDED**RESOLUTION 2023-131 ADOPTED*

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

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

Absent: 1 - Chavez

2. SCHEDULED COUNCIL HEARINGS AND MATTERS

10:00 A.M. #1[ID 23-617](#)

Tax Equity and Financial Responsibility Act (TEFRA) public hearing.

TEFRA HEARING - To hear and consider information concerning the proposed issuance of tax-exempt bonds by California Enterprise Development Authority for the purpose of financing the acquisition, construction, installation and equipping of a healthcare facility located at 4615 & 4623 North First Street, Fresno, California 93726 (the Facility) and paying certain costs of issuance in connection with such financing by United Health Centers of the San Joaquin Valley.

1. ***RESOLUTION - Approving the issuance by the California Enterprise Development Authority of not to exceed \$10,000,000 aggregate principal amount of the California Enterprise Development Authority's Revenue Bonds for the purpose of financing the cost of developing, constructing, installing, equipping and furnishing of a facility for the benefit of United Health Centers of the San Joaquin Valley and other matters relating thereto (Subject to Mayor's veto).

The above hearing was called to order at 11:55 a.m. Upon call, there was no public comment for this item. The public comment period closed at 11:56 a.m. There was no staff presentation and no Council discussion.

RESOLUTION 2023-132 ADOPTED

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

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

10:00 A.M. #2[ID 23-640](#)

Actions pertaining to the City of Fresno Airport Revenue Bonds:

1. TEFRA HEARING - Tax Equity and Fiscal Responsibility Act (TEFRA) to hear and consider information concerning the proposed issuance of tax-exempt bonds by the City of Fresno of exempt facility bonds for the purpose of financing various improvements at Fresno Yosemite International Airport
2. ***RESOLUTION - Authorizing the issuance, sale and delivery of City of Fresno Airport Revenue Bonds, Series 2023 Bonds, authorizing the execution and delivery of a fourth supplemental indenture, bond purchase contract, escrow agreement, continuing disclosure certificate, official statement, and related documents, and authorizing

certain other actions and the execution of certain other documents in connection therewith. (Requires 5 Affirmative Votes) (Subject to Mayor's veto)

The above hearing was called to order at 11:56 a.m. Upon call, there was no public comment for this item. The public comment period closed at 11:58 a.m.

Council discussion on this item included: the bond refinancing authority includes sufficient dollars to incorporate the expansion to the international terminal that the council previously requested; the design of the additional capacity in the international terminal, and the staff was congratulated for their hard work with the bond issuance and recognized the rating was a stable "A+."

RESOLUTION 2023-133 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 - Esparza, Maxwell, Perea, Karbassi, Arias, Chavez and Bredefeld

10:05 A.M.

[ID 23-613](#)

Actions pertaining to the 2023-2024 Annual Action Plan:

1. HEARING to obtain public comments regarding the Draft 2023-2024 Annual Action Plan; and
2. ***RESOLUTION - Adopting the 2023-2024 Annual Action Plan; approving submission to the U.S. Department of Housing and Urban Development (HUD) for application of \$6,897,161 Community Development Block Grant (CDBG), \$3,578,083 HOME Investment Partnerships (HOME), \$601,082 Emergency Solutions Grant (ESG), and \$990,192 Housing Opportunities for Persons with AIDS/HIV (HOPWA) program funds; providing for subrecipient agreements; and Authorizing the City Manager to sign all implementing documents required by HUD as approved to form by the City Attorney (Subject to Mayor's Veto)

The above hearing was called to order at 2:38 p.m. Housing and Neighborhood Revitalization Manager Jenks and Planning Director Clark made the presentation to Council. Upon call, the following members of the

public addressed Council: Brandi Nuse-Villegas and Emily Brandt. The public comment period was closed at 2:45 p.m.

Councilmember Arias motion to approve the item with the following amendment: the city will move \$796,711 in the CBDG funds from the Parks, After School, and Senior programs to affordable housing development and land acquisition. Councilmember Arias clarified the City would still run the programs but would do so with existing city funds, not with CDBG funds.

RESOLUTION 2023-134 ADOPTED AS AMENDED

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

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

10:10 A.M.#1

[ID 23-645](#) Appearance by Cruz Gonzales to discuss Kings Canyon Renaming Project. (District 4 Resident)

Upon call, Cruz Gonzales addressed Council.

APPEARED

10:10 A.M.#2

[ID 23-646](#) Appearance by Community Compact to discuss rescinding the Kings Canyon renaming Resolution. (District 5 Resident)

Upon call Pastor BT Lewis addressed Council on behalf of Community Compact.

APPEARED

10:20 A.M.

[ID 23-673](#) HEARING to consider adoption of a resolution related to the designation of a property to the Local Register of Historic Resources

1. ***RESOLUTION - Designating the Sequoia Hotel/Fink & Skopp building located at 925-933 Van Ness Avenue, Fresno California to the Local Register of Historic Resources (APN46825403) (District 3) (Subject

to Mayor Veto).

The above hearing was called to order at 2:46 p.m. Planning Director Clark made the presentation to Council. Upon call, the following members of the public addressed Council: Armen Devejian and James Sponslor. The public comment period was closed at 2:59 p.m.

Councilmember Arias discussed the history of the building and recommended to deny the request to designate the building to allow the path to be clear for a new building to be built.

Councilmember Arias motion to deny the historic designation in the local registry.

MOTION TO DENY HISTORIC DESIGNATION APPROVED

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

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

3. GENERAL ADMINISTRATION

- 3.-A.** [ID 23-465](#) WORKSHOP - Annual Review of the Community Workforce Agreement (Project Labor Agreement)

The above item was removed from the agenda by staff and tabled to May 11, 2023.

TABLED

- 3.-B.** [ID 23-651](#) WORKSHOP - NLC Service Line Warranty Program by HomeServe

The above workshop was presented to Council by Senior Director, Business Development Larry Byrne.

Council discussion on this item included: the proposing optional insurance for residential customers at no cost to the city; what is the average cost to the homeowner, and if other companies offer the product.

PRESENTED

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 4:05 p.m. and returned to open session at 4:49 p.m.

5.-A. [ID 23-658](#)

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION
Government Code Section 54956.9, subdivision (d)(2)

Significant Exposure to Litigation: Bakman Water Company v. City of Fresno

The above item was removed from the agenda by the City Attorney's Office .

TABLED WITH NO RETURN DATE

5.-B. [ID 23-674](#)

CONFERENCE WITH LABOR NEGOTIATORS - Government Code
Section 54957.6

City Negotiators: TJ Miller

Employee Organizations:

1. International Union of Operating Engineers, Stationary Engineers, Local 39 (Local 39); 2. Fresno City Employees Association (FCEA); 3. Fresno Police Officers Association (FPOA Basic), Unit 4; 4. International Association of Firefighters, Local 753, Unit 5 (Fire Basic); 5. Amalgamated Transit Union, Local 1027 (ATU); 6. International Brotherhood of Electrical Workers, Local 100 (IBEW); 7. Fresno Police Officers Association (FPOA Management); 8. International Association of Firefighters, Local 753, Unit 10 (Fire Management); 9. City of Fresno Professional Employees Association (CFPEA); 10. City of Fresno Management Employees Association (CFMEA); 11. Operating Engineers, Local Union No. 3, Fresno Airport Public Safety Supervisors (FAPSS); 12. Operating Engineers, Local Union No. 3, Fresno Airport Public Safety Officers (FAPSO); 13. Unrepresented Employees in Unit 2 (Non-Represented Management and Confidential Classes): Airport Public Safety Manager, Assistant City Attorney, Assistant City Manager, Assistant Controller, Assistant Director, Assistant Director of Personnel Services, Assistant Director of Public Utilities, Assistant Director of Public Works, Assistant

Police Chief, Assistant Retirement Administrator, Background Investigator, Budget Analyst, Budget Manager, Chief Assistant City Attorney, Chief Information Officer, Chief Labor Negotiator, Chief of Staff to Councilmember, Chief of Staff to the Mayor, City Attorney (City Negotiator, Council President Maxwell), City Attorney Investigator, City Clerk (City Negotiator, Council President Maxwell), City Engineer, City Manager (City Negotiator, Mayor Dyer), Community Coordinator, Community Outreach Specialist, Controller, Council Assistant, Deputy City Attorney II, Deputy City Attorney III, Deputy City Manager, Director, Director of Aviation, Director of Development, Director of Personnel Services, Director of Public Utilities, Director of Transportation, Economic Development Coordinator, Economic Development Director, Executive Assistant to Department Director, Executive Assistant to the City Attorney, Executive Assistant to the City Manager, Executive Assistant to the Mayor, Fire Chief, Governmental Affairs Manager, Human Resources Manager, Independent Reviewer, Internal Auditor, Investment Officer, Management Analyst II, Payroll Accountant, Payroll Manager, Police Chief, Principal Budget Analyst, Principal Internal Auditor, Principal Labor Relations Analyst, Project Liaison/Program Administrator, Public Affairs Officer, Public Works Director, Retirement Administrator, Retirement Benefits Manager, Retirement Office Manager, Senior Budget Analyst, Senior Deputy City Attorney I, Senior Deputy City Attorney II, Senior Deputy City Attorney III, Senior Human Resources/Risk Analyst, Senior Law Clerk, Supervising Deputy City Attorney

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

DISCUSSED

- 5.-C. [ID 23-677](#) 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 regarding this item.

DISCUSSED

- 5.-D. [ID 23-52](#) PUBLIC EMPLOYEE PERFORMANCE EVALUATION
1. Government Code Section 54957(b): consider the appointment, employment, evaluation of performance, discipline, or dismissal of a public employee.
Title: City Clerk
 2. Government Code Section 54957.6: conference with labor

negotiator. City Negotiator: Council President Tyler Maxwell.
Unrepresented Employee: City Clerk

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

DISCUSSED

- 5.-E. [ID 23-51](#) 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

The meeting adjourned at 4:59 p.m.

DRAFT MINUTES OF APRIL 27, 2023, SPECIAL MEETING



City of Fresno

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

Meeting Minutes 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

Thursday, April 27, 2023

1:30 PM

Council Chambers (In
Person and/or Electronic)

Special Meeting

The City Council met in special session in the Council Chamber, City Hall, on the date and time above written. The special meeting was held concurrently with a separately noticed regular meeting.

ROLL CALL

The special meeting was called to order at 1:33 p.m.

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

APPROVE AGENDA

On motion of Vice President Perea, seconded by Councilmember Chavez, the above agenda was **APPROVED**. The motion carried by the following vote:

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

[ID 23-701](#) Notice of Special Meeting - Signed

OPEN SESSION

- A. [ID 23-702](#) RESOLUTION - Amending the Better Business Act Providing an Exception for Affordable Housing, Senior Affordable Housing, and Mixed-Use Projects Benefitting the Public Health, Safety, and Welfare of the City

The above item was discussed simultaneously with open session item B (ID 23-703) and introduced to the Council by Councilmember Chavez.

Council discussion on these items included: applicability of the current Better Business Act to the Fancher Creek Town Center Development and affordable housing projects; the purpose of the proposed Better Business Act changes to expedite affordable housing projects; why the Act was being amended; the length of time to complete the report; the need for clarification as to whether the developer made a personal guarantee or utilized a performance bond; the Fancher Creek project being 100% affordable housing and the ability to adjust the Better Business Act moving forward; the possibility of utilizing ARPA funding; the projections established by the Better Business Act; the amount of money the City of Fresno has already invested in the Fancher Creek project and the amount of private investment in the project; the requirements found in the development agreement; how the City can step in to cover the cost which was determined to be the obligation of the developer; the history of the City covering some construction costs for projects, but not for connecting city roadways and utilities, and; the developer's assurance there will be no additional requests to cover costs for Bakman Water.

Upon call, the following members of the public addressed Council: Emily Brandt; Lisa Flores; Westly Harris, and Shar Thompson.

Councilmember Chavez motion to approve item A (ID 23-702) and item B (ID 23-703) with an amendment to Section 1 of item A as follows: projects that have a 100% affordable housing component for which the city is contributing funds from State or Federal allocations to fulfill required health and safety related conditions of approval shall be exempt upon the adoption of a finding by the council that the city contribution would benefit the public health, safety, and welfare.

RESOLUTION 2023-111 ADOPTED AS AMENDED FOR ITEM A (ID 23-702)

RESOLUTION 2023-112 ADOPTED FOR ITEM B (ID 23-703)

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

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

- B.** [ID 23-703](#) ***RESOLUTION - Supporting a City Contribution of Funds to, or on Behalf of, FCTC Senior, LP for the Construction of Water Infrastructure Necessary to Meet Fire Suppression Requirements, in an Amount Not to Exceed \$2,700,000, Associated with the Fancher Creek Town Center Development and Affordable Housing Projects therein (Subject to Mayor's Veto)

The above item was discussed simultaneously with open session item A (ID 23-7002) and was introduced to the Council by Councilmember Chavez.

Council discussion on these items included: applicability of the current Better Business Act to the Fancher Creek Town Center Development and affordable housing projects; the purpose of the proposed Better Business Act changes to expedite affordable housing projects; why the Act was being amended; the length of time to complete the report; the need for clarification as to whether the developer made a personal guarantee or utilized a performance bond; the Fancher Creek project being 100% affordable housing and the ability to adjust the Better Business Act moving forward; the possibility of utilizing ARPA funding; the projections established by the Better Business Act; the amount of money the City of Fresno has already invested in the Fancher Creek project and the amount of private investment in the project; the requirements found in the development agreement; how the City can step in to cover the cost which was determined to be the obligation of the developer; the history of the City covering some construction costs for projects, but not for connecting city roadways and utilities, and; the developer's assurance there will be no additional requests to cover costs for Bakman Water.

Upon call, the following members of the public addressed Council: Emily Brandt; Lisa Flores; Westly Harris, and Shar Thompson.

Councilmember Chavez motion to approve item A (ID 23-702) and item B (ID 23-703) with an amendment to Section 1 of item A as follows: projects that have a 100% affordable housing component for which the city is contributing funds from State or Federal allocations to fulfill required health and safety related conditions of approval shall be exempt upon the adoption of a finding by the council that the city contribution would benefit the public health, safety, and welfare.

RESOLUTION 2023-111 ADOPTED AS AMENDED FOR ITEM A (ID 23-702)

RESOLUTION 2023-112 ADOPTED FOR ITEM B (ID 23-703)

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

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

ADJOURNMENT

Council adjourned from special session at 2:38 P.M.