

City of Fresno

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



Meeting Minutes - Final

Thursday, May 26, 2022

9:00 AM

Regular Meeting

Council Chambers (In Person And/Or Electronic)

City Council

President - Nelson Esparza

Vice President - Tyler Maxwell

Councilmembers:

Esmeralda Z. Soria, Mike Karbassi, Miguel Angel Arias, Luis Chavez,

Garry Bredefeld

City Manager - Georgeanne A. White

City Attorney - Douglas T. Sloan

City Clerk - Todd Stermer, CMC

The City Council for the City of Fresno convened in regular session on May 26, 2022, at 9:00 A.M.

9:08 A.M. ROLL CALL

Councilmember Karbassi was absent during roll call and joined the meeting at 9:10 A.M.

Present: 7 - Council President Nelson Esparza
Vice President Tyler Maxwell
Councilmember Esmeralda Z. Soria
Councilmember Mike Karbassi
Councilmember Miguel Angel Arias
Councilmember Luis Chavez
Councilmember Garry Bredefeld

Invocation by Pastor Brian Wiebe of Bethany Church

Pledge of Allegiance to the Flag

APPROVE AGENDA

Assistant City Clerk Parra announced the following changes to the agenda:

Ceremonial Presentation (ID 22-790) regarding the Bicycle & Pedestrian Safety Award Winner Dr. Anthony Molina, Vice President Maxwell was included as a sponsor; Consent Calendar item 1-C (ID 22-849) regarding the 19th amendment to the Salary Resolution amending Unit 2, the sponsor of this item was Personnel Department and not the City Attorney's Office; Consent Calendar item 1-R (ID 22-802) regarding resolution authorizing the PARCS Director to respond to Fresno Unified School District's Request for Qualifications, is Subject to Mayor's veto; Consent Calendar item 1-II (ID 22-837) regarding the Veterans Support Revenue Enhancement Ordinance, the sponsors included are Councilmember Chavez, Councilmember Arias, and Council President Esparza; and; Consent Calendar item 1-LL (ID 22-854) regarding proposed renewal of Measure C, the sponsors included are Councilmember Arias, Councilmember Soria, and Councilmember Chavez.

Assistant City Clerk Parra also announced the budget hearings would start on Monday, June 13, 2022, instead of Friday, June 10, 2022.

Councilmember Bredefeld registered a "no" vote on Consent Calendar Item 1-MM (ID 22-427) regarding the confirming emergency conditions.

Councilmember Arias announced a conflict and recused himself from the Scheduled Hearing 10:00#4 ID 22-820 regarding the Downtown Fresno Property and Business Improvement District (PBID).

Councilmember Chavez announced a conflict and recused himself from Closed Session item 5-I (ID 22-866) regarding Real Property Negotiator UMC property.

Council President Esparza announced a conflict and recused himself from Consent Calendar item 1-EE (ID 22-773) regarding preliminary engineering service agreement with BNSF Railway Company.

THE FOLLOWING ITEMS WERE REMOVED FROM THE AGENDA AND TABLED:

1-U (ID 22-809) regarding the Home Investment Partnerships Program Agreement – removed from the agenda by staff and Councilmember Arias and tabled.

1-V (ID 22-758) regarding summary vacation of P Street between Ventura Avenue and State Route 41 – removed from the agenda by Councilmember Arias and table to no specific date.

1-Y (ID 22-760) regarding the Artistic Crosswalk Policy - removed from the agenda by staff and tabled to June 9, 2022.

1-LL (ID 22-854) regarding the proposed renewal of Measure C – removed the agenda by Councilmember Karbassi and tabled to June 9, 2022. Upon Council consensus this item was tabled to June 9, 2022, contingent on a subcommittee of the council meeting with the COG and the Mayor in advance and having a public presentation.

5-F (ID 22-843) regarding Closed Session Existing Litigation Nelson

Esparza vs. Garry Bredefeld – removed from the agenda by Council Vice President Maxwell and tabled to June 9, 2022.

Councilmember Karbassi motioned to keep item 5-F on the agenda for further discussion. Councilmember Bredefeld and Council President Esparza recused themselves from the discussion and vote. The motion FAILED for lack of second.

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

1-H (ID 22-777) pertaining to a new production well at Pump Station 372 – moved to Contested Consent by Councilmember Arias.

1-J (ID 22-778) pertaining to the re-bid of access structure rehabilitation in Jensen Avenue - moved to Contested Consent by Councilmember Arias.

1-O (ID 22-794) pertaining to a consultant agreement with Blais and Associates - moved to Contested Consent by Councilmember Arias.

1-Q (ID 22-832) pertaining to the appointment of Kathy Bray and Robert Fuentes to the Planning Commission - moved to the Contested Consent by Councilmember Arias.

1-R (ID 22-802) pertaining to the resolution authorizing the Director of PARCS to respond to Fresno Unified School District's Request for Qualification – moved to Contested Consent by Councilmember Soria.

1-T (ID 22-801) pertaining to as needed plan checking and inspection services – moved to Contested Consent by Councilmember Soria.

1-FF (ID 22-788) pertaining to the Jensen Avenue Overlay Project - moved to the Contested Consent by Councilmember Arias.

1-II (ID 22-837) pertaining to the bill for introduction adopting the Veterans Support Revenue Enhancement Ordinance – moved to Contested Consent

by Councilmember Bredefeld.

1-JJ (ID 22-844) pertaining to the bill for introduction amending Management of Real Property Ordinance – moved to Contested Consent by Councilmember Bredefeld. For the record, Councilmember Arias announced he provided the City Clerk’s Office with updated language on this item to address concerns expressed by the Apartment Association.

1-KK (ID 22-845) pertaining to the bill for introduction to remove automatic stay on enforcement when filing an appeal – moved to Contested Consent by Councilmember Bredefeld.

AGENDA APPROVED AS AMENDED

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

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

CEREMONIAL PRESENTATIONS

[ID 22-790](#) Proclamation for “Bicycle & Pedestrian Safety Award Winner Dr. Anthony Molina”

PRESENTED

[ID 22-733](#) Proclamation for “World Championship Competitors - Duncan Dynamics Robotics, Team 3970”

PRESENTED

[ID 22-807](#) Proclamation “Recognizing our Sister City Munster, Germany”

PRESENTED

[ID 22-826](#) Proclamation for “Lupus Awareness Month Proclamation”

PRESENTED

[ID 22-819](#) Proclamation for “Affordable Housing Month”

PRESENTED

COUNCILMEMBER REPORTS AND COMMENTS

Councilmember Soria discussed the 75th Anniversary Celebration of the Veterans of Foreign Wars Post 8900; the paving project at Ashcroft and Durant Avenues; community meetings regarding the Fiscal Year 2023 budget, and; the Super Health Festival at Lions Park.

Councilmember Karbassi discussed the delegation from Muster Germany; Pinedale community meetings and the upcoming Pinedale centennial; the community meeting at River Bluff Elementary; the death of Monique Contreras who had been struck and dragged by a car; the recent elementary school shooting in Uvalde, Texas, and; the returning of School Resource Officers within school districts.

Councilmember Arias discussed his recent trip to Camp Fresno; opening of cooling centers during the summer; the opening of a splash park; communicating free swimming lessons in Spanish, Hmong, and Punjabi; the 559 Market in Chinatown; his meeting with downtown business owners to discuss downtown issues, and; plans for mobile restrooms. He also requested an update on the second phase of the energy efficiency plan.

Vice President Maxwell discussed the Mayor's State of the City Address; new turf volleyball nets at Vinland Park; the new reservation system for park amenities; repaving and resurfacing courts at Vinland Park; his attendance to welcome the returning veterans on the Central Valley Honor Flight in April; Business of the Month Maya Cinema; ribbon cutting at Exceptional Parents Unlimited, and; Camp Fresno.

Council President Esparza discussed the Beautify Fresno event at Hidalgo Elementary; the Kings Canyon Transit Oriented Development workshop; the Mayor's initiative to provide Zoo tickets to 10,000 children; a recent Blackstone Merchants Association meeting, and; congratulated intern Anisa Viveros on finishing her internship with the District.

MAYOR/MANAGER REPORTS AND COMMENTS

City Manager White announced the upcoming hiring fair for the Animal Center and announced a new payment options to pay City of Fresno utility

bills in cash at locations other than City Hall.

UNSCHEDULED COMMUNICATION

Upon call, the following members of the public addressed Council: Michelle DiBudo, Fernando Paul Elizando, Stan Hansen, Julie Cusator, Brandi Nuse-Villegas, Dez Martinez, Yonas Paulos, Lisa Flores, Greg Terzakis, Robert McCloskey, Grecia Elenes, Pedro Navarro Curz, Karla Martinez, Kimberly McCoy, and Phillip Cervantes.

1. CONSENT CALENDAR

APPROVAL OF THE CONSENT CALENDAR

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

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

- 1.-A. [ID 22-803](#) Approval of Minutes for May 12, 2022, Regular City Council Meeting

APPROVED ON CONSENT CALENDAR

- 1.-B. [ID 22-742](#) Approve the First Amendment to Service Contract with Johnson Controls Fire Protection LP in the amount of \$226,021 for the update of the City's access control system (ACS)

APPROVED ON CONSENT CALENDAR

- 1.-C. [ID 22-849](#) ***RESOLUTION - Adopt the Nineteenth Amendment to FY 2022 Salary Resolution No. 2021-176, amending Exhibit 2, Unit 2, Non-Represented Management and Confidential Classes to increase the maximum of the salary range by ten percent for respective job classifications (Subject to Mayor's Veto)

RESOLUTION 2022-120 ADOPTED

APPROVED ON CONSENT CALENDAR

- 1.-D. [ID 22-703](#) Award a requirements contract in the estimated amount of \$233,365 to Websoft Developers, Inc., a California Corporation, for development, implementation, and maintenance of an Environmental Sampling Application for Wastewater Management Division (Bid File 9637) (Council District 3)

APPROVED ON CONSENT CALENDAR

1.-E. [ID 22-774](#)

Approve a consultant services agreement with Carollo Engineers, Inc., to provide project management and engineering design services for the Sidestream Treatment System at the Fresno-Clovis Regional Wastewater Reclamation Facility for an amount not to exceed \$4,505,160 (Citywide)

APPROVED ON CONSENT CALENDAR1.-F. [ID 22-775](#)

Approve a consultant services agreement with AECOM Technical Services, Inc., to provide engineering design services for wellhead treatment improvements at Pump Station 101A for an amount not to exceed \$253,200 (Council District 7)

APPROVED ON CONSENT CALENDAR1.-G. [ID 22-776](#)

Approve a consultant services agreement with Provost & Pritchard Engineering Group, Inc., dba Provost & Pritchard Consulting Group, to provide engineering design services for wellhead treatment improvements at Pump Station 102A for an amount not to exceed \$235,986 (Council District 5)

APPROVED ON CONSENT CALENDAR1.-I. [ID 22-815](#)

Actions related to Senate Bill 1383 - California's Short-Lived Climate Pollutant Reduction Strategy:

1. ***BILL B-11 - (Intro 5/12/2022) (For Adoption) Amending Section 6 -223 of the Fresno Municipal Code, relating to special requirements for Commercial Edible Food Generators (Subject to Mayor's Veto)

*ORDINANCE 2022-011 ADOPTED***APPROVED ON CONSENT CALENDAR**1.-K. [ID 22-779](#)

Approve a consultant services agreement with Michael K. Nunley & Associates, Inc., for the design, bidding, and construction support services of the Reclamation Well Pipeline and Associated Site Improvements project at the Fresno-Clovis Regional Wastewater Reclamation Facility for an amount not to exceed \$426,045, inclusive of a contingency in an amount not to exceed \$55,570 (Council District 3)

APPROVED ON CONSENT CALENDAR1.-L. [ID 22-781](#)

Approve the Second Amendment to the consultant services agreement

with Electrical Power Systems, Inc., to increase the contract amount of \$182,003 by \$20,242 for a total amended contract amount of \$202,245, to provide expanded services on the Substation Expansion at the Fresno-Clovis Regional Wastewater Reclamation Facility (Council District 3)

APPROVED ON CONSENT CALENDAR

1.-M. [ID 22-783](#)

Approve a consultant services agreement in the total amount of not to exceed \$117,902 with Michael K. Nunley & Associates, Inc., for the design of booster pump replacements at Pump Stations 89A, 133 and 150 (Council District 6)

APPROVED ON CONSENT CALENDAR

1.-N. [ID 22-785](#)

Approve a consultant services agreement with Michael K. Nunley & Associates, Inc., for the design of wellhead treatment at Well 345-1 for a total amount not to exceed \$151,600 (Unincorporated Fresno County)

APPROVED ON CONSENT CALENDAR

1.-P. [ID 22-795](#)

Approve a consultant services agreement with Kleinfelder, Inc., to provide hydrogeological services for the drilling and construction of a new municipal production well at Pump Station 372 in an amount not to exceed \$58,415 (Council District 3).

APPROVED ON CONSENT CALENDAR

1.-S. [ID 22-824](#)

***Approve a Side Letter of Agreement with the Fresno Police Officers Association (FPOA), for Unit 4 - Non-Management Police, regarding Minimum Staffing (Subject to Mayor's Veto)

APPROVED ON CONSENT CALENDAR

1.-U. [ID 22-809](#)

Approve a \$2.7 million HOME Investment Partnerships Program Agreement with Fresno 1101 Parkway, LP for the proposed Sun Lodge project which consists of the rehabilitation of the former Days Inn Motel and the introduction of new construction to the site, to create a 64-unit affordable housing project in west central Fresno (District 3).

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

TABLED

- 1.-V. [ID 22-758](#) Actions pertaining to the summary vacation of P Street between Ventura Avenue and State Route 41 (Council District 3):
1. Adopt a finding of Categorical Exemption per staff determination, pursuant to Section 15301/Class 1, Section 15303/Class 3, and Section 15332/Class 32 of the California Environmental Quality Act (CEQA) Guidelines, Environmental Assessment Number P21-06011
 2. RESOLUTION - Ordering the summary vacation of P Street between Ventura Avenue and State Route 41

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

TABLED

- 1.-W. [ID 22-830](#) Actions pertaining to Initiating Proceedings and Declaring Intention to Levy the Annual Assessment for the City of Fresno Landscaping and Lighting Maintenance District No. 1; and setting the public hearing for June 30, 2022, at 10:00 a.m. (Citywide)
1. RESOLUTION - Initiating proceedings for the annual levy of assessment for Landscaping and Lighting Maintenance District No. 1
 2. RESOLUTION - Of Intention to levy and collect the annual assessment for landscaping and lighting maintenance District No. 1

RESOLUTION 2022-122 ADOPTED

RESOLUTION 2022-123 ADOPTED

APPROVED ON CONSENT CALENDAR

- 1.-X. [ID 22-759](#) ***RESOLUTION - adopting the 66th Amendment to the Annual Appropriation Resolution (AAR) No. 2021-178 to appropriate \$41,000 for Supplemental Refunds and Reimbursements to approved Developers in the Urban Growth Management and Development Impact Fee Programs (Requires 5 Affirmative Votes) (Subject to Mayor's Veto)

RESOLUTION 2022-124 ADOPTED

APPROVED ON CONSENT CALENDAR

- 1.-Y. [ID 22-760](#) ***RESOLUTION - Adopting the Artistic Crosswalk Policy (Subject to Mayor's Veto)

The above item was removed from the agenda by staff and tabled to June 9, 2022.

TABLED

- 1.-Z. [ID 22-764](#) Actions pertaining to the Marks Avenue Overlay Project from Ashlan Avenue to Dakota Avenue - Bid File No. 3746 (Council District 1):
1. Adopt a finding of Categorical Exemption per staff determination, pursuant to Sections 15301, and 15302 of the California Environmental Quality Act (CEQA) guidelines
 2. Award a construction contract in the amount of \$577,252.50 to Dave Christian Construction Co. Inc., of Fresno, California

APPROVED ON CONSENT CALENDAR

- 1.-AA. [ID 22-765](#) Actions pertaining to the Transit-Oriented Development Tower Project at Van Ness Avenue and Olive Avenue - Bid File No. 3835 (Council Districts 1 and 3):
1. Adopt a finding of Categorical Exemption per staff determination, pursuant to Sections 15301 and 15302 of the California Environmental Quality Act (CEQA) guidelines
 2. Award a construction contract in the amount of \$254,821 to American Paving Co., of Fresno, California

APPROVED ON CONSENT CALENDAR

- 1.-BB. [ID 22-769](#) Approve a Third Amendment to the Consultant Services Agreement with Blair Church & Flynn Consulting Engineers, Inc., in the amount of \$26,900, for a total increased contract amount of \$169,730, with an additional \$8,000 remaining in contingency, for civil engineering design services and preparation of construction documents for the Southbound Polk Avenue Widening Project from Gettysburg Avenue to Shaw Avenue (Council District 1)

APPROVED ON CONSENT CALENDAR

- 1.-CC. [ID 22-771](#) Approve an agreement for Professional Engineering Services with Provost and Pritchard Consulting Group, Inc. of Clovis, California in the amount of \$132,070, with a \$10,000 contingency, for design and construction support services for the Merced Street Reconnection Project from H Street to Congo Alley (Council District 3)

APPROVED ON CONSENT CALENDAR

- 1.-DD. [ID 22-772](#) Approve a Preliminary Engineering Services Agreement with BNSF Railway Company in the amount of \$100,000 for the Figarden Loop Traffic Signal Improvements Project (Council District 2)

APPROVED ON CONSENT CALENDAR

- 1.-EE. [ID 22-773](#) Approve a Preliminary Engineering Services Agreement, with BNSF Railway Company in the amount of \$104,900 for the Quiet Zone Phase 3 Project (Council Districts 1 and 7)

Council President Esparza recused himself from the above item and the motion PASSED 6-0.

APPROVED ON CONSENT CALENDAR

- 1.-GG. [ID 22-789](#) Approve Amendment No. 2 to Cooperative Project Agreement, Grade Separation Program, for the Blackstone Avenue and McKinley Avenue BNSF Grade Separation Project, in the amount of \$27,000,000, with the Fresno County Transportation Authority (Council Districts 1 and 7)

APPROVED ON CONSENT CALENDAR

- 1.-HH. [ID 22-805](#) RESOLUTION - Of Intention to Annex Final Tract Map No. 6201 as Annexation No. 129 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, June 30, 2022, at 10:00 am (property located on northeast corner of North Armstrong and East Floradora) (Council District 7)

RESOLUTION 2022-125 ADOPTED

APPROVED ON CONSENT CALENDAR

- 1.-LL. [ID 22-854](#) Actions pertaining to proposed renewal of Measure C:
1. **RESOLUTION** - Calling on the Fresno Transportation Authority and Fresno Council of Governments of the Measure C Renewal Effort for Placement on the Ballot in 2024

The above item was removed from the agenda by Councilmember Karbassi and tabled to June 9, 2022.

TABLED

1. [ID 22-427](#) ***RESOLUTION - Confirming emergency conditions continue to directly
-MM. impact the ability of legislative bodies to meet safely in person, and authorizing remote teleconference meetings of City legislative bodies for 30 days, pursuant to Brown Act provisions (Subject to Mayor's Veto).

Councilmember Bredefeld registered a no on the above item and the motion PASSED 6-1.

RESOLUTION 2022-126 ADOPTED

APPROVED ON CONSENT CALENDAR

CONTESTED CONSENT CALENDAR

1.-H. [ID 22-777](#)

Actions pertaining to the construction of a new production well at Pump Station 372 (Council District 3):

1. Adopt Environmental Assessment No. P19-04891, dated June 21, 2021, a Negative Declaration for the proposed project pursuant to the California Environmental Quality Act (CEQA);
2. Award a construction contract to Zim Industries, Inc., in the amount of \$855,935 to drill a new production well at Pump Station 372 (Bid File 3861).

There was no staff presentation on the above item. Public Utilities Manager Gonzalez, Supervising Professional Engineer Maraccini, and City Manager White responded to questions.

Discussion on this item included: location of the pump; the purpose of drilling a new well in the area; location of distribution centers; the water source for surrounding communities, and; possible violations of the current legal settlement agreement.

CONTINUED

On motion of Councilmember Arias, seconded by Vice President Maxwell, the above Action Item was CONTINUED to June 9, 2022. The motion carried by the following vote:

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

No: 1 - Karbassi

1.-J. [ID 22-778](#)

Actions pertaining to the Re-bid of Access Structure Rehabilitation in Jensen Avenue from Fruit Avenue to Cherry Avenue (Bid File 3870) (Council District 3, Fresno County):

1. Adopt a finding of Categorical Exemption pursuant to Section 15302/Class 2 of the California Environmental Quality Act Guidelines (CEQA)
2. Award a construction contract to Floyd Johnston Construction, Inc., of Clovis, California, in the amount of \$843,262

There was no staff presentation on the above item. Councilmember Arias

asked for more information on the project and the explanation of access structures. Public Utilities Manager Gonzalez responded to questions.

APPROVED

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

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

1.-O. [ID 22-794](#)

Approve a consultant services agreement with Blais and Associates, LLC, for Grant Application and Administration Services for the Department of Public Utilities in the amount of a total fee not to exceed \$450,000 for a three-year term (Bid File No. 10109) (City-Wide)

There was no staff presentation on the above item. Supervising Professional Engineer Maraccini and City Manager White responded to questions.

Discussion on this item included: the competing bids; the rationale for selecting the contractor; why an in house grant writer was not used, and; needing more information in the staff report as to why the selection was made.

APPROVED

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

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

City Council recessed for lunch at 12:00 P.M. and returned from lunch at 1:34 P.M.

1.-Q. [ID 22-832](#) Approve the Appointments of Kathy Bray (Resident of District 7) and Robert Fuentes (Resident of District 3) to the Planning Commission

There was no staff presentation on the above item. City Manager White, Chief of Staff to the Mayor Furtado, and Mayor Dyer responded to questions.

Councilmember Arias motioned to table the item to June 9, 2022.

Councilmember Soria seconded the motion. The motion FAILED 3-3, as follows:

Aye (3): Soria, Arias, Chavez

No (3): Bredefeld, Maxwell, Esparza

Absent (1): Karbassi

Discussion on this item included: new candidates; office terms; lack of quorum due to attendance issues; qualifications of applicants; broader outreach for new candidates; vacating seats in the middle of terms; conflict of interests of the Planning Commissioners; upcoming reappointments, and; the request to amend the Planning Commissions policies regarding appointments.

APPROVED

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

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

- 1.-R.** [ID 22-802](#) RESOLUTION - Authorizing the Director of Parks, After School, Recreation and Community Services (PARCS) or Designee to respond to Fresno Unified School District's (FUSD) Request for Qualifications (RFQ) for reimbursement for Aquatics Programming at up to seven FUSD School Sites totaling up to \$350,000 under the California Department of Education's Expanded Learning Opportunity Program administered by FUSD and Authorizing the Director of PARCS or Designee to Enter into Aquatics Related Funding Agreements Associated with the RFQ on Behalf of the City of Fresno (City).

There was no staff presentation on the above item. PARCs Assistant Director Ramirez responded to questions.

Discussion on this item included: partnering with Central Unified School District; accessibility to pools for residents west of Highway 99, and; recruitments for lifeguards.

RESOLUTION 2022-121 ADOPTED

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

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

- 1.-T. [ID 22-801](#)** Actions pertaining to as needed plan checking and inspection services:
1. Approve a consultant services agreement with Interwest Consulting Group, Inc. in an amount not to exceed \$100,000; and
 2. Approve a consultant services agreement with CSG Consultants, Inc. in an amount not to exceed \$100,000.

There was no staff presentation on the above item. Planning and Development Director Clark responded to questions.

Discussion on this item included: long term issues due to the increase in building and development in the city; guidelines for Certified Access Specialists; staffing capacity; current number of building inspectors in the department, and; long term needs on staffing.

APPROVED

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

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

Absent: 1 - Karbassi

- 1.-FF. [ID 22-788](#)** Actions pertaining to the Jensen Avenue Overlay Project between Cornelia Avenue and Chateau Fresno Avenue - Bid File No. 3788 (Council District 3):
1. Adopt a finding of Categorical Exemption per staff determination, pursuant to Sections 15301/Class 1 and 15302/Class 2 of the California Environmental Quality Act guidelines
 2. Award a construction contract in the amount of \$2,945,049.12 to Emmett's Excavation, Inc., of Clovis, California

There was no staff presentation on the above item. Public Works Assistant Director Morrison responded to questions.

Discussion on this item included: the condition of Jensen Avenue; reconstruction timelines for Jensen Avenue from the wastewater facility to Highway 99 and 41; cost sharing with Fresno County, and; the possibility for Measure C funding.

APPROVED

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

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

- 1.-II.** [ID 22-837](#) BILL (For Introduction) - Adopting the Veterans Support Revenue Enhancement Ordinance

There above item was presented to Council by Councilmember Chavez.

Discussion on this item included: boundaries; a central location for veteran services; access to transportation; funding; working with the Clovis Veteran's Memorial Districts; ways to generating revenue; development of an oversight committee, and; improvements to veteran facilities.

Council directed the City Attorney's Office to work with the consultant on a 1/8 cent framework and to begin working with veteran organizations on a list of all the programs, services, and support that the City of Fresno should be providing if the assessment succeeds. The City Attorney's Office will return to Council for approval before placing the item on the ballot.

APPROVED WITH DIRECTION

- 1.-JJ.** [ID 22-844](#) BILL (For Introduction) - Amending Management of Real Property Ordinance, FMC sections 10-701 - 10-706.

There was no staff presentation on the above item and no Council discussion on the above item.

TABLED

On motion of Councilmember Arias, seconded by Vice President

Maxwell, that the above Action Item be TABLED to June 9, 2022. The motion carried by the following vote:

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

- 1.-KK.** [ID 22-845](#) BILL (For Introduction) - Amending Filing a Notice of Appeal, FMC section 1-407, to remove automatic stay on enforcement when filing an appeal.

There was no staff presentation on the above item and no Council discussion on the above item.

TABLED

On motion of Councilmember Arias, seconded by Vice President Maxwell, that the above Action Item be TABLED to June 9, 2022. The motion carried by the following vote:

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

2. SCHEDULED COUNCIL HEARINGS AND MATTERS

(CONTINUED FROM MAY 12, 2022) 10:00 A.M. #1

- [ID 22-757](#) HEARING to receive public comment on the 2021:
A. Housing Element Annual Progress Report
B. General Plan Annual Progress Report

The above item was called to order at 3:51 P.M. and was presented to Council by Planning Manager Pagoulatos. There was no Council discussion on the above item.

Upon call, the following members of the public addressed Council: Brandi Nuse-Villages, Karla Martinez, and Lisa Flores.

Public hearing closed at 3:58 P.M.

APPROVED

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

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

(CONTINUED FROM MAY 12, 2022) 10:00 A.M. #2

ID 22-749

Actions pertaining to the 2022-2023 Annual Action Plan:

1. HEARING to obtain public comments regarding the Draft 2022-2023 Annual Action Plan; and
2. ***RESOLUTION - Adopting the 2022-2023 Annual Action Plan; approving submission to the U.S. Department of Housing and Urban Development (HUD) for application of \$6,839,072 Community Development Block Grant (CDBG), \$3,625,073 HOME Investment Partnerships (HOME), \$603,908 Emergency Solutions Grant (ESG), and \$875,943 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 item was called to order at 4:00 P.M. and was presented to Council by Housing and Neighborhood Revitalization Manager Jenks. Planning and Development Assistant Director Skei, Assistant City Manager Barfield, City Manager White, and Public Works Assistant Director Russell responded to questions.

Upon call, the following members of the public addressed Council: Leticia Campos, Brunette Harris, Diane Smith, and Brandi Nuse-Villegas.

Public hearing closed at 4:13 P.M.

Discussion on this item included: domestic violence and homelessness issues; the capacity of the emergency safe housing; the increase in crimes due to season change; plans for domestic violence victims; funding for services as it relates to domestic violence; funding for shelter beds; Poverello House and Marjory Mason Center involvement; prioritizing women and children of domestic violence; availability of beds; and; the funding source for neighborhood infrastructure projects in District 1.

RESOLUTION 2022-127 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: 6 - Esparza, Maxwell, Soria, Arias, Chavez and Bredefeld

Absent: 1 - Karbassi

Councilmember Karbassi left the meeting at 6:09 P.M.

10:00 A.M. #3

ID 22-811

Actions pertaining to the 2021-2022 Annual Action Plan:

1. HEARING to obtain public comments regarding Substantial Amendment 2021-01 and the Draft HOME-American Rescue Plan (HOME-ARP) Allocation Plan; and
2. ***RESOLUTION - Adopting and approving the submission of Substantial Amendment 2021-01 to the 2021-2022 Annual Action Plan and the HOME American Rescue Plan (HOME-ARP) Allocation Plan to the U.S. Department of Housing and Urban Development (HUD) for application of \$11,922,873 HOME-ARP program funds; approving allocations to activities in accordance therewith; and Authorizing the City Manager or designee to sign all implementing documents required by HUD and as approved to form by the City Attorney (Subject to Mayor's Veto)

The above item was called to order at 6:09 P.M. Councilmember Arias gave the Council and update on the above item. Councilmember Bredefeld asked staff if there was proper noticing to the community. Planning and Development Assistant Director Skei responded to questions.

Upon call, the following members of the public addressed Council: Brunette Harris; Diane Smith; Brandi Nuse-Villegas; and Lisa Flores.

Public hearing closed at 6:19 P.M.

RESOLUTION 2022-128 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: 6 - Esparza, Maxwell, Soria, Arias, Chavez and Bredefeld

Absent: 1 - Karbassi

Councilmember Chavez left the meeting at 6:22 P.M.

10:00 A.M. #4

[ID 22-820](#) HEARING to approve items related to the renewal of the Downtown Fresno Property and Business Improvement District (DFPBID) upon verification of sufficient number of valid petitions collected to support the renewal of the district:

1. RESOLUTION - of Intention to Renew the DFPBID; and setting the public hearing for THURSDAY, JULY 21, 2022, at 9:00 am.

Councilmember Arias recused himself from the above item and was not a part of the discussion.

The above item was called to order at 6:22 P.M. The above item was presented to Council by Assistant City Manager Barfield. Upon call there was no public comment and no Council discussion.

Public hearing closed at 6:25 P.M.

RESOLUTION 2022-128 ADOPTED

RESOLUTION 2022-129 ADOPTED

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

Aye: 4 - Esparza, Maxwell, Soria and Bredefeld

Absent: 2 - Karbassi and Chavez

Recused: 1 - Arias

(CONTINUED FROM MAY 12, 2022) 10:05 A.M. #1

[ID 22-750](#) HEARING to Consider a proposed Amendment to the Development Agreement by and between the City of Fresno and 2500 MLK, LLC filed by Jeff Reid of McCormick Barstow LLP, on behalf of Sylvesta Hall of Blue Ocean Development America, LLC, pertaining to ±115 acres of property bounded by East Church Avenue to the north, South Martin Luther King, Jr. Boulevard to the east, East Jensen Avenue to the south, and South Knight Avenue to the west (Council District 3):

1. ADOPT - an Addendum to Environmental Assessment No. A-17-007/R-17-010/TPM-17-06/ANX-17-005 dated August 24, 2017, and

Environmental Assessment No. P18-03290 dated February 13, 2020, in accordance with Section 15164 of the California Environmental Quality Act (CEQA) Guidelines.

2. BILL - (For introduction) - Approving an Amendment to the Development Agreement by and between the City of Fresno and 2500 MLK, LLC for purposes of amending Section 3.9(a) of the Development Agreement which limits the specific number of units relative to respective residential housing types within the West Creek Village project area.

The above item was called to order at 6:25 P.M. The above item was presented to Council by Councilmember Arias. There was no discussion from Council.

Upon call, the following members of the public addressed Council: Brunette Harris and Diane Smith.

Public hearing closed at 6:32 P.M.

APPROVED

BILL B-12 INTRODUCED AND LAID OVER

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

Aye: 5 - Esparza, Maxwell, Soria, Arias and Bredefeld

Absent: 2 - Karbassi and Chavez

(CONTINUED TO JUNE 9, 2022) 10:05 A.M. #2

[ID 22-791](#)

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. 132 (Final Tract Map No. 6336) (property surrounded by East Clinton, North Armstrong, East McKinley and North Fowler Avenues) (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. 132 (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. 132 (Subject to Mayor's Veto)

The above item was removed from the agenda by staff and tabled to June 9, 2022.

TABLED

(CONTINUED to JUNE 9, 2022) 10:15 A.M.

[ID 22-814](#) HEARING to consider Rezone Application No. P22-00451 and related Environmental Assessment No. P22-00451 pertaining to ±5.57 acres of property located on the southwest corner of West Bullard Avenue and North Del Mar Avenue (Council District 4) - Planning and Development Department.

1. ADOPT Environmental Assessment No. P22-00451, dated May 18, 2022, a determination that the proposed project is in compliance with Section 15183 (Projects Consistent with a Community Plan, General Plan, or Zoning) of the California Environmental Quality Act (CEQA); and,
2. BILL - (For Introduction and Adoption) - Approving Rezone Application No. P22-00451 requesting authorization to rezone the subject property from the PI/cz (*Public and Institutional/conditions of zoning*) zone district to the PI (*Public and Institutional*) zone district in order to remove conditions of zoning tied to the ±5.57 acres of property located at 255 West Bullard Avenue.

The above item was removed from the agenda by staff and tabled to June 9, 2022.

TABLED

11:00 A.M.

[ID 22-851](#) Presentation of Mayor's Proposed Fiscal Year 2023 Budget

The above item was presented to Council by Mayor Dyer. City Manager White, Assistant City Manager Barfield, and Mayor Dyer responded to questions.

Discussion on this item included: doubling of Measure P funds; plans for extra Measure P dollars; bike units in the districts; a General Fund trolley system; compressed natural gas models; funding for the increased FAX police officers; additional graffiti abatement; trash buildup in class 4 bike lanes; increase in public safety; Police Department vacancies; General Fund reserves; the recession; School Resource Officers; a team to address street racing; long term investments and impact in the community; carryover into Fiscal Year 2023; street paving in West Fresno and Tower District; the homelessness, housing, and mental health crisis; investing in youth; park improvements; evictions, and; sidewalks for safe routes to schools.

PRESENTED

3. GENERAL ADMINISTRATION

- 3.-A. [ID 22-728](#) Actions pertaining to COVID-19 emergency:
1. ***RESOLUTION - Confirming the termination of the local emergency related to COVID-19 (Subject to Mayor's Veto)
 2. ***RESOLUTION - Adopting Administrative Order on COVID-19 applicable to City Council and City Council staff, the City Attorney and City Attorney staff, and the City Clerk and City Clerk staff (Subject to Mayor's Veto)

The above item was removed from the agenda and tabled to June 9, 2022.

TABLED

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

Aye: 5 - Esparza, Maxwell, Soria, Arias and Bredefeld

Absent: 2 - Karbassi and Chavez

4. CITY COUNCIL

There were no City Council items on the agenda.

5. CLOSED SESSION

Upon call, there was no public comment for Closed Session items.

During open session, Chief Assistant City Attorney Doerr announced each

of the Closed Session items listed on the agenda.

Council withdrew from Open Session to hear Closed Session items at the following times: 4:40 P.M. and 6:34 P.M.

5.-A. [ID 22-855](#)

CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Government Code Section 54956.8
Property: 4343 and 4323-4333 N. Blackstone Avenue
Negotiating Parties: City Manager, Robert M. Mochizuki, M.D. and Susan M. Mochizuki, Co-Trustees of The Mochizuki Family Trust, Dated November 20, 2000; Gregory G. Miyake and Patricia S. Miyake, Co-Trustees of The Miyake Family Trust, dated February 6, 2009; Kenneth (Douglas) Miyake; Harry Miya and Nancy Miya, Trustees of the Harry Miya and Nancy Miya Family Revocable Trust of May 19, 1992; Michael K. Miya, Trustee of the Miya Family Revocable Trust dated August 7, 2007; Melynda K. Miya, Trustee of the Melynda K. Miya Revocable Trust dated February 11, 2008; and Mark K. Miya, Trustee of the Mark K. Miya Revocable Trust dated February 28, 2008
Under Negotiation: Terms and conditions of sale

There were no open session announcements following the above closed session item.

DISCUSSED

5.-B. [ID 22-736](#)

CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION
Government Code Section 54956.9, subdivision (d)(1)
Case Name: *Channel Centeno, et al. v. City of Fresno, et al.*; Fresno Superior Court Case No. 16CECG00897

There were no open session announcements following the above closed session item.

DISCUSSED

5.-C. [ID 22-737](#)

CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION
Government Code Section 54956.9, subdivision (d)(1)
Case Name: *Maria Silva, et al. v. City of Fresno, et al.*; Fresno Superior Court Case No. 18CECG01923

There were no open session announcements following the above closed

session item.

DISCUSSED

5.-D. [ID 22-822](#)

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
Government Code 54956.9(d)(1);
Existing Litigation: J & A Mash & Barrel, LLC. v. Superior Court of Fresno
County

Government Code section 54956.9(d)(2);
Claim by Adventure Church against City of Fresno dated May 4, 2022

There were no open session announcements following the above closed session item.

DISCUSSED

5.-E. [ID 22-842](#)

CONFERENCE WITH LEGAL COUNSEL - PUBLIC SECURITY -
Government Code Section 54957(a)
Matters posing a threat to the security of public buildings, the security of essential public services, and to the public's right of access to public services and public facilities, and related actions pertaining to the Declaration by Governor Newsom of a State of Emergency to Help State Prepare for Broader Spread of COVID-19, and related local concerns.

There were no open session announcements following the above closed session item.

DISCUSSED

5.-F. [ID 22-843](#)

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

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

The above item was removed from the agenda by Vice President Maxwell and tabled to June 9, 2022.

5.-G. [ID 22-846](#)

CONFERENCE WITH LABOR NEGOTIATORS - Government Code

Section 54957.6

City Negotiator: 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); 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).

There were no open session announcements following the above closed session item.

DISCUSSED

5.-H. [ID 22-823](#)

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 Nelson Esparza

Unrepresented Employee: City Attorney

Chief Assistant City Attorney Griffin announced in open session that Senior Deputy City Attorney, Rina Gonzales, was appointed the Interim City Attorney by unanimous vote of the City Council. The appoint would be effective close of business Friday, June 3, 2022 and Council would review and approve the contract during the June 9, 2022, council meeting.

5.-I. [ID 22-866](#)

CONFERENCE WITH REAL PROPERTY NEGOTIATOR -Government Code Section 54956.8

Property: 461-020-03T (UMC Campus)

Negotiating Parties: City Manager, County of Fresno

Under negotiations: Price and terms of sale

Councilmember Chavez recused himself and was not a part of the discussion of the above item. There were no open session announcements following discussion of this item.

DISCUSSED

ADJOURNMENT

City Council adjourned from closed session at 8:21 P.M.