

City of Fresno

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

Meeting Minutes City Council

President - Nelson Esparza
Vice President - Tyler Maxwell
Councilmembers:
Annalisa Perea, Mike Karbassi, Miguel Angel Arias,
Luis Chavez,
Garry Bredefeld
City Manager - Georgeanne A. White
City Attorney - Andrew Janz
City Clerk - Todd Stermer, CMC

Thursday, January 5, 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.

9:08 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 DJ Criner from Saint Rest Baptist Church.

Pastor DJ Criner gave the invocation.

Pledge of Allegiance to the Flag

Vice President Maxwell led the Pledge of Allegiance.

Performances By:

Bagpiping Performance by Aaron Lipinski

PERFORMED

Mariachi Cachanilla

PERFORMED

Folklorico Performance by Los Niños de Aztlán (The Children of Aztlán)

PERFORMED

Hmong Culture and Art Performance by Viv Ncaus Koom Siab (Sisters in Harmony)

PERFORMED

APPROVE AGENDA

City Clerk Stermer announced the following changes to the agenda:

The oath of office for Councilmember-elect Perea (ID 23-02) would be administered by her father, Henry R. Perea, and her mother, Grace Daniels.

The proclamation for "Corin Hoggard Day" (ID 23-41) was moved to the January 19, 2023, agenda by Councilmember Karbassi and Councilmember Arias.

Consent Calendar item 1-E (ID 23-09), regarding the Staffing for Adequate Fire and Emergency Response (SAFER) grant, was moved to the January 19, 2023, agenda by staff.

Councilmember Karbassi and Councilmember Bredefeld each registered "no" votes for Consent Calendar item 1-G (ID 23-48) regarding the purchase of the Accela Cannabis Module.

Councilmember Karbassi requested the meeting be adjourned in the memory of life long Fresno resident and U.S. Army veteran, Donal Lacy Gregory.

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

1-D (ID 23-27) regarding the payoff of the Roeding Business Park loan - moved to Contested Consent by Councilmember Arias.

1-I (ID 23-15) regarding the summary vacation of certain streets - moved to Contested Consent by Councilmember Arias.

1-P (ID 23-57) regarding declaration of a local state of emergency to address affordable housing and homelessness - moved to Contested Consent by Councilmember Chavez.

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

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

UNSCHEDULED COMMUNICATION

Upon call, the following members of the public addressed Council: Steve Diddy (1-G), Debra Godbout (1-P), Dez, Brandi Nuse-Villegas (1-P), F. Elizando, Karla Martinez (1-B and 1-P), Joe Martinez (1-P), Shawn Anthony Horigan, Gloria Wyatt (1-P), Crystal, Shawn Lee Broyles Sr., Robert McCloskey, Kristin Pothier, Lisa Flores and Ruben Espinoza (1-P).

CEREMONIAL PRESENTATIONS

Installation and Administration of Oaths of Office to Councilmembers-Elects & Statements by the Newly Sworn in Councilmembers

ID 23-02Councilmember Annalisa Perea - District 1Oath Administered by Former Fresno County Supervisor Henry R. Perea

OATH ADMINISTERED

ID 23-03Councilmember Miguel Arias - District 3Oath Administered by Anaii Zamora-Arias and Diego Angel Zamora-Arias

OATH ADMINISTERED

<u>ID 23-04</u> Councilmember Luis Chavez - District 5
Oath Administered by Pablo Villagrana

OATH ADMINISTERED

ID 23-05Councilmember Nelson Esparza - District 7Oath Administered by Sandra Garcia and Dania Michelle Esparza

OATH ADMINISTERED

<u>ID 23-06</u> Election of Chair and Vice Chair to the Successor Agency to the Redevelopment Agency of the City of Fresno

Upon call, there was no public comment on the above item.

COUNCILMEMBER ARIAS ELECTED CHAIR
VICE PRESIDENT PEREA ELECTED VICE CHAIR

On motion of Councilmember Esparza, seconded by Councilmember Chavez, to elect Councilmember Arias as the Chair and Councilmember Perea as the Vice Char of the Successor Agency to the Redevelopment Agency of the City of Fresno. The motion carried by the following vote:

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

ID 23-07 Election of Council President and Vice President

Upon call, the following members of the public addressed Council: Lisa Flores, Sam Frank, Fernando Paul Elizando Sr., Dez Martinez, Reyna Rodriguez and Michelle.

VICE PRESIDENT MAXWELL ELECTED PRESIDENT
COUNCILMEMBER PEREA ELECTED VICE PRESIDENT

On motion of Councilmember Arias, seconded by Councilmember Esparza, to elect Councilmember Maxwell as President and Councilmember Perea as Vice President of the Council. The motion carried by the following vote:

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

ID 23-08 Comments by Council President & Vice President

There were no comments from the Council President or Vice President following the election. President Maxwell opened the floor to allow comments from all Councilmembers and from the administration.

Vice President Perea Comments. The Public Works Department has diligently responded to flooding issues in Council District 1. Council

District 1 partnered with Assembly Member Soria to provide approximately 100 toys to homeless and migrant youth in the Central Unified School District. The public is welcome to attend the ribbon cutting ceremony for Alchemist Coffee Lab in the Tower District on January 9, 2023.

City Manager White Comments. The administration distributed memos to the Council concerning: the status of electric vehicle chargers; the status of the long range planning for the Air National Guard base relocation; updates regarding Yosemite International Airport, and; operational and programming impacts at the community centers utilized as warming centers.

1:00 P.M. MEETING TO RESUME IN CHAMBERS

At 10:34 A.M., following the election of the Council President and Vice President, the meeting was recessed for lunch and resumed at 1:05 P.M.

<u>CEREMONIAL PRESENTATIONS (CONTINUED)</u>

ID 23-41 Proclamation for "Corin Hoggard Day"

The above proclamation was tabled to the January 19, 2023, agenda by Councilmember Karbassi and Councilmember Arias.

TABLED

1. CONSENT CALENDAR

APPROVAL OF THE CONSENT CALENDAR

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

- **Aye:** 7 Esparza, Maxwell, Perea, Karbassi, Arias, Chavez and Bredefeld
- **1.-A.** ID 23-01 Approval of Minutes for December 15, 2022, Regular Meeting and December 22, 2022, Special Meeting.

APPROVED ON CONSENT CALENDAR

- **1.-B.** <u>ID 23-28</u> Actions related to the One Fresno Housing Strategy to address the production of new housing and leveraging adaptive reuse opportunities:
 - 1. ***RESOLUTION Adopting the 22nd Amendment to the Annual Appropriation Resolution (AAR) No. 2022-154 Appropriating

- \$175,000 for One Fresno Housing Strategy Related Activities (Requires 5 Affirmative Votes) (Subject to Mayor's Veto)
- 2. Affirm the City Manager's Finding that LeSar Support Services is Uniquely Qualified
- 3. Approve a Consultant Agreement with LeSar Support Services for \$175,000 to Provide Consultant and Grant Writing Services

RESOLUTION 2023-001 ADOPTED

APPROVED ON CONSENT CALENDAR

1.-C. ID 23-10

Actions pertaining to American Rescue Plan Act (ARPA) funding to Community Based Organizations (CBOs)

- Adopt a finding of Categorical Exemption pursuant to CEQA Guidelines Section 15301/Class 1 for to proposed project pursuant to the California Environmental Quality Act (CEQA)
- 2. Approve an agreement with Helping Others Pursue Excellence (HOPE) allocating \$500,000 in ARPA funding for small business assistance and to construct a commercial kitchen at an existing space on the Vision View campus.

APPROVED ON CONSENT CALENDAR

1.-E. ID 23-09

***RESOLUTION - Authorize the acceptance of 2021 Staffing for Adequate Fire and Emergency Response (SAFER) grant award for \$7,246,600 from the Federal Emergency Management Agency (FEMA) and authorize the Fire Chief to complete all required documents (Subject to Mayor's Veto)

The above item was tabled to January 19, 2023, by staff.

TABLED

1.-F. ID 23-42

Approve an agreement with DataProse, LLC., in the not-to-exceed amount of \$206,874.40 annually, plus annual CPI adjustments, for three years with three one-year optional extensions for the Finance Department's print and mail services for utilities, business tax, and animal license billings and authorize the City Controller/Finance Director to execute all related documents (Bid File 9641)

APPROVED ON CONSENT CALENDAR

1.-G. ID 23-48 Approve the purchase of licensing for the Accela Cannabis Module for our on-premise Accela Civic Platform in the amount of \$20,000.

Councilmember Karbassi and Councilmember Bredefeld each registered a "no" vote on the above item. As such, this item was APPROVED 5-2 by the following vote:

Aye (5): Arias, Chavez, Esparza, Perea, Maxwell

No (2): Karbassi, Bredefeld

APPROVED ON CONSENT CALENDAR

***RESOLUTION - Adopt the 8th Amendment to the FY 2023 Salary Resolution No. 2022-152, amending Exhibit 2, Unit 2, Non-Represented Management and Confidential Classes to decrease the E13 minimum salary range from \$9,766 to \$9,092 per month for the affected classification of Project Liaison/Program Administrator, effective January 2, 2023 (Subject to Mayor's Veto)

RESOLUTION 2023-003 ADOPTED

APPROVED ON CONSENT CALENDAR

1.-J. Approve the Fourth Amendment to the professional consultant services agreement with Carollo Engineers, Inc., to expand the scope of services and increase the contract amount by \$111,810 for a total fee not to exceed \$1,101,141 (Council District 3).

APPROVED ON CONSENT CALENDAR

- **1.-K.** <u>ID 23-12</u> Actions pertaining to Reclamation Well Power Poles Replacement (Bid File 12300454) (Council District 3):
 - Adopt a finding of Categorical Exemption per staff determination pursuant to Class 1, Section 15301(b)&(d) (Existing Facilities) and Section 15302(c) (Replacement or Reconstruction) of the California Environmental Quality Act Guidelines; and
 - 2. Award a construction contract to A-C Electric Company, in the amount of \$176,700.00.

APPROVED ON CONSENT CALENDAR

1.-L. ID 23-13

Approve consultant services agreement with Electrical Power Systems, Inc., for an amount not to exceed \$87,362, to provide a required Arc Flash Review and Update Study at the Fresno-Clovis Regional Wastewater Reclamation Facility. (Council District 3)

APPROVED ON CONSENT CALENDAR

- **1.-M.** ID 23-26

 Actions pertaining to roof repairs at the Department of Public Utilities Operations & Maintenance Facility located at 1626 E Street, Fresno, California (Bid File 12300671) (Council District 3):
 - Adopt a finding of Categorical Exemption per staff determination pursuant to Section 15302/Class 1 of the California Environmental Quality Act (CEQA) Guidelines

2. Award a contract in the amount of \$248,315.43 to Nations Roof West, LLC of Fresno, California

APPROVED ON CONSENT CALENDAR

1.-N. <u>ID 23-30</u> Actions pertaining

Actions pertaining to the submission of grant applications for the California Department of Water Resources 2022 Urban Community Drought Relief Program:

- ***RESOLUTION Authorizing the submission of a 2022 Urban Community Drought Relief Grant Program grant application to the California Department of Water Resources for the Critical Wells for Drought Relief Project, and authorizing the Director of Public Utilities or designee to accept grant funds and execute all application and grant agreement documents on behalf of the City of Fresno (Council Districts 5, 6, and 7) (Subject to Mayor's Veto)
- 2. ***RESOLUTION Authorizing the submission of a 2022 Urban Community Drought Relief Grant Program grant application to the California Department of Water Resources for the Leaky Acres Groundwater Recharge Improvements Project, and authorizing the Director of Public Utilities or designee to accept grant funds and execute all application and grant agreement documents on behalf of the City of Fresno (Council District 4) (Subject to Mayor's Veto)

RESOLUTION 2023-005 ADOPTED RESOLUTION 2023-006 ADOPTED

APPROVED ON CONSENT CALENDAR

***RESOLUTION - Authorize acceptance of funding in the amount of \$100,000 from the Pacific Gas and Electric (PG&E) Foundation Better Together Nature Positive Program, approving the associated Community College Rides Free project, and authorizing execution of grant documents. (Subject to Mayor's veto)

RESOLUTION 2023-007 ADOPTED

APPROVED ON CONSENT CALENDAR

CONTESTED CONSENT

1.-D. ID 23-27

***RESOLUTION - Approving the payoff of the Roeding Business Park
Loan in the amount of \$1,220,801.51 between the City of Fresno and the
California Infrastructure and Economic Development Bank (Subject to
Mayor's Veto.)

Councilmember Arias moved this item to the Contested Consent Calendar so the public and Council could fully understand what this item would do, if approved. Council discussion on this item included: which funds would be used to pay off the loan; concerns about approving the payoff before mid-year budgets have been calculated; the ability to pay off the loan with salary savings from the General Fund as opposed to General Fund dollars appropriated for the Animal Shelter; providing consultant projections for sales tax to the Council;

Councilmember Arias motioned to approve the item with an amendment to utilize General Fund salary savings instead of Animal Shelter appropriations. The motion also included direction that staff not bring forward any new expenditures, that would spend mid year budgets, until after presentation of the mid-year budget to Council.

RESOLUTION 2023-002 ADOPTED AS AMENDED

On motion of Councilmember Arias, seconded by Councilmember Chavez, 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

1.-I. ID 23-15

Actions pertaining to the summary vacation of 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 (Council District 3)

- Adopt finding of Categorical Exemption per staff determination, pursuant to Sections 15301/Class 1 (Existing Facilities) and 15305/Class 5 (Minor Alteration in Land Use Limitations) of the California Environmental Quality Act (CEQA) Guidelines, Environmental Assessment Number PW00663-SR99-01 for the Southeast corner of North Parkway Drive and West Shields Avenue
- 2. Adopt findings of Categorical Exemption per staff determinations, to Sections 15301/Class 1 pursuant (Existing Facilities) 15305/Class 5 (Minor Alteration in Land Use Limitations) of the (CEQA) California Environmental Quality Act Guidelines, Number PW00663-SR99-02 Assessment Environmental for portion of North Parkway Drive, north of West Weldon Avenue
- 3. Adopt findings of Categorical Exemption per staff determinations, to Sections 15301/Class (Existing Facilities) pursuant 1 15305/Class 5 (Minor Alteration in Land Use Limitations) of the (CEQA) California Environmental Quality Act Guidelines, PW00663-SR99-03 Environmental Assessment Number for

- portion of North Marks Avenue, north of the Marks-Shields Connector
- 4. ***RESOLUTION Ordering the summary vacation of 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 (Subject to Mayor's Veto)

Councilmember Arias moved this item to the Contested Consent Calendar to clarify that, due to the lack of pedestrian facilities, he would not support future development of shelters that would place children and families in the subject area.

RESOLUTION 2023-004 ADOPTED

On motion of Councilmember Arias, seconded by Vice President Perea, 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.-P.** <u>ID 23-57</u> Declaring local state of emergency to address affordable housing and homelessness

Councilmember Chavez moved this item to the Contested Consent Calendar to gauge the interest and the will of Council to move forward with prioritizing policies to assist with the homelessness crisis.

In response to a questions, City Attorney Janz clarified that, at this stage, declaring an emergency would not be defensible and would not be binding upon the administration for a number of reasons mostly based on state law. He stated the recommended method to address the situation would be to declare a shelter crisis by resolution.

Council discussion on this item included: creating a process to legalize "mother-in-law units" that meet health and safety standards; creating a pre-approval model for new construction of affordable housing; the market forces and political decisions that have contributed to the homelessness and affordable housing problems; the possibility of utilizing the Convention Center to ease the crisis and the potential complications with that option; the benefits of adding ministerial approvals for affordable housing projects;

the possibility of preventing expiration of planning entitlements such as tentative maps; the status of the pending RFP for the Selland Arena and Convention Center; the lack of information the administration and others received about this agenda item prior to the meeting and the frustrations it created, and; the actions that can be taken under a shelter crisis.

Councilmember Arias requested a memo detailing the steps that must be taken to terminate any contracts for the use of the Convention Center and Selland Arena if they were to be used to address the homelessness issue.

No action was taken on this item.

DISCUSSED

2. SCHEDULED COUNCIL HEARINGS AND MATTERS

There were no Scheduled Council Hearings and Matters on the agenda.

3. GENERAL ADMINISTRATION

There were no General Administration items on the agenda.

4. CITY COUNCIL

4.-A. ID 23-25 RESOLUTION of the City of Fresno, California Honoring Fresno State Athletics and Urging Admission to a Power Five Conference.

The above item was introduced to Council by Council President Maxwell. Mayor Dyer and President Jiménez-Sandoval of California State University, Fresno, also spoke on this item.

RESOLUTION 2023-008 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

5. CLOSED SESSION

During open session, City Attorney Janz announed the items that would be discussed in closed session. Councilmember Bredefeld and

Councilmember Esparza each announced a conflict and recusal from closed session item 5-E (ID 23-43).

Council withdrew from open session to hear closed session items at 3:45 P.M.

5.-A. ID 23-17

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 Esparza), City Attorney Investigator, City Clerk (City Negotiator, Council President Esparza), 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.-B. ID 23-44

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

Case Name(s): Adventure Church, Inc. v. City of Fresno; Terance Frazier; Fresno Superior Court Case No. 22CECG04022

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

DISCUSSED

5.-C. ID 23-45

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

Case Name(s): PW Fund B, LP; Span Development, LLC; Robin W. Martella Trust v. City of Fresno

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

DISCUSSED

5.-D. ID 23-46 CONFERENCE WITH LEGAL COUNSEL - PUBLIC SECURITY - Government Code Section 54957(a): Discuss security of City Hall.

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

DISCUSSED

5.-E. ID 23-43

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 discussed in closed session. Councilmember Esparza and Councilmember Bredefeld were recused from this item and were not present for the discussion. There were no open session announcements regarding this item.

DISCUSSED

ADJOURNMENT

Adjourned from closed session at 4:30 P.M. in the memory of Mr. Donal Lacy Gregory.

The above minutes were approved by unanimous vote of the City Council during the January 19, 2023, regular meeting with Councilmember Karbassi absent.