

RECEIVED **Regular Council Meeting**

2023 AUG 22 P 4: 18

August 24, 2023

CITY OF FRESNO
CITY CLERK'S OFFICE

FRESNO CITY COUNCIL



Supplement Packet

ITEM(S)

1-A (ID 23-1265)

Approval of Minutes for August 10, 2023, Regular Meeting.

Contents of Supplement: Draft Minutes Regular Meeting

Supplemental Information:

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

Americans with Disabilities Act (ADA):

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



City of Fresno

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

Meeting Minutes 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, August 10, 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.

9:10 A.M. ROLL CALL

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

Invocation by Venerable Bunthon Say, an abbot of Fresno Cambodian Buddhist Society

Venerable Bunthon Say 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-T (ID 23-1214) regarding contract change order

No. 1 to the requirements contract with ScrubCan, Inc.- an updated map was distributed as a supplement yesterday and the following needs to be read into the record:

- The second sentence of the background section of the staff report is amended to read: "Attached is a vicinity map showing the limits of work to be performed under the proposed contract change order, which will include Olive Avenue from Echo to just east of Van Ness, Linden from Olive to Fern, Fern from Linden to Maroa, and Maroa from Olive to Fern, Van Ness from Floradora to Home, Fulton from Olive to Alhambra, plus the Tower Theatre parking.*

Consent Calendar item 1-H (ID 23-1044) regarding the first amendment to Service Agreement entered between the City of Fresno, and ACE Parking Management III, LLC - was removed from the agenda by Vice President Perea and Councilmember Arias with no return date.

Consent Calendar item 1-U (ID 23-1193) regarding agreement with Fresno County Superintendent of Schools - was removed from the agenda by staff with no return date.

Vice President Perea recused herself from Consent Calendar item 1-M (ID 23-1168) regarding the Woodward Park Pickleball Project and Consent Calendar item 1-N (ID 23-1174) regarding agreement for professional engineering services with Quad Knopf Inc., dba QK.

ITEMS MOVED TO CONTESTED CONSENT FOR FURTHER DISCUSSION:

1-G (ID 23-1113) regarding Measure P Expanded Access to Arts and Culture - was moved to the Contested Consent by Council President Maxwell and Councilmember Arias

1-I (ID 23-952) regarding Consultant Services Agreement with Precision Civil Engineering, Inc. - was moved to the Contested Consent by Councilmember Karbassi.

1-J (ID 23-1173) regarding Consultant Services Agreement with Tetra Tech BAS, Inc. - was moved to the Contested Consent by Councilmember Arias.

1-O (ID 23-1169) regarding the Mariposa Plaza Renovations - was moved to the Contested Consent by Councilmember Arias.

1-S (ID 23-1156) regarding the Final Map of Tract No. 6276 located near the Northwest corner of North Parc West Drive and North Grantland Avenue - was moved to the Contested Consent by Councilmember Karbassi.

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 23-893](#) Proclamation for "Dakota Eco-garden 10-year Anniversary"

PRESENTED

[ID 23-1172](#) ASE Blue Seal of Excellence Recognition to the Fleet Management Division of the General Services Department.

PRESENTED

[ID 23-1218](#) Proclamation for "Dale Yurong's 40th Year Anniversary"

PRESENTED

[ID 23-1198](#) Proclamation "Honoring Deputy Mayor Matthew Grundy"

PRESENTED

COUNCILMEMBER REPORTS AND COMMENTS

Councilmember Karbassi Reports and Comments: Announced the updated paving on Hayes and HWY 99. Attended the first outreach for the Senior Center. Acknowledged Code Enforcement and staff for attending to blight in District 2. Attended the funeral of ATU bus driver Mike Reynolds who posthumously received the key to the City. Congratulated the new Fire Chief Billy Alcorn.

Councilmember Arias Reports and Comments: Acknowledged those who helped with the opening of the new campus of west Fresno. Gave an update on Hotel California and reviewed the progress of the facility. Acknowledged the Public Works Department for the bike lanes in the Tower District. Addressed the Cannabis licenses that were terminated in District 3 and acknowledged the administration for addressing the matter and holding the cannabis licenses accountable. Discussed the recent lab operation in Reedley and announced District 3 would be making a formal request from the County of Fresno to follow up on the matter.

Councilmember Bredefeld Reports and Comments: Congratulated the new Fire Chief Billy Alcorn. Addressed the recent lab operations in Reedley, California.

Councilmember Esparza Reports and Comments: announced a successful 5th annual "Beat the Heat" event at Romain Park. Acknowledged the Central and Southeast Policing Districts for each taking him on a ride along. Acknowledged the Neighborhood Watch for hosting a meeting off Huntington Blvd. Discussed a meet and greet at the Park Grove Commons. Provided back to school backpacks at Fresno City College with partner organizations. Recently discussed opportunities and challenges for Fresno's workforce with Secretary Stewart Knox of the California Labor and Workforce Development Agency. Discussed upcoming community meetings regarding the Senior Activity Center.

Vice President Perea Reports and Comments: Highlighted The Doves Parlour as the District 1 Business of the Month. Acknowledged District 1 team for providing a proclamation to the Valley Center for the Blind for the anniversary of the organization. Announced District 1 and District 3 joined forces to host several educational workshops regarding sidewalks vending and the implementation of the new pilot program. Discussed the hard work of city staff upgrading sidewalk infrastructure. Discussed recent backpack giveaway with partners District 7, Troy Center, Fresno Pro-Am and Quincy Pondexter. Congratulated the Fresno Health Center on the recent grand opening. Announced discussions with Secretary Stewart Knox of the California Labor and Workforce Development Agency regarding future partnerships in the City of Fresno. Announced a recent backpack giveaway

with Assemblywomen Soria at Inspiration Park and thanked the FPOA, Fire Department and other Departments for making the event memorable.

Council President Maxwell Reports and Comments: Announced the 5th annual Impact Church "Kick It" outreach event at Cary Park. Discussed the 3rd annual District 4 "Beat the Heat" at Vinland Park sponsored by numerous community partners. Announced an upcoming community meeting to discuss the, soon to be, largest Senior Center in the central valley. Expressed gratitude to Assistant City Manager Barfield and Mayor Dyer regarding efforts to establish free Wi-Fi on FAX buses.

MAYOR/MANAGER REPORTS AND COMMENTS

Mayor Dyer Reports and Comments: Discussed the free Wi-Fi and other upgrades on FAX buses and acknowledged the Transportation and Information Services Departments. Discussed a recent Beautify Fresno event which collected more than 13,000 pounds of trash. Attended the West Fresno campus opening with Councilmember Arias. Acknowledged LeeAnn Eager for her 14 years with the Economic Development Corporation and her successes in Fresno. Announced the groundbreaking of a 205,000 square foot building for the Coca-cola as they move into Fresno.

CITY CLERK AND CITY ATTORNEY REPORTS AND COMMENTS

City Clerk Stermer Reports and Comments: Announced upcoming elections for Council Districts 2, 4, 6, and Mayor. Discussed election timelines and encouraged members to attend an upcoming elections filing class to be held by the Fresno County Registrar's Office.

UNSCHEDULED COMMUNICATION

Upon call, the following members of the public addressed Council: Gary Doesekle, Steve Diddy, Fernando Elizando, Armando Hernandez, David Marshall (10:25 A.M.), Selena Morales (10:10 #1), Linda Amaranao (10:10 #1), Raymond Juarez, Naindeep Singh (1-W), Sarait Martinez (1-W), Dr. Nirmal Singh (1-W), Sameerr Singh, Jaskeet Kaur (1-W), Harman Singh (1-W), Ramon Perez, Jr., Shar Thompson, Patricia Granillo, Eric Payne (1-J), Leticia Luquin (Mobile Home Park), Luis Gonzalez (4-A), BT Lewis (1-W & 10:25), Kristal Neise, Isaac Mongia, Robert McCloskey, Lisa Flores, Brandi Nuse-Villegas, and Dez Martinez.

1. CONSENT CALENDAR

APPROVAL OF THE CONSENT CALENDAR

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

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

- 1.-A.** [ID 23-1183](#) Approval of Minutes for July 20, 2023, Regular Meeting

APPROVED ON CONSENT CALENDAR

- 1.-B.** [ID 23-1179](#) ***BILL B-24 - (Intro'd July 20, 2023) (For Adoption) to Amend Section 2-1105 of the Fresno Municipal Code, relating to Campaign Contributions - Limitations on amount and document filing methods. (Subject to Mayor's Veto)

ORDINANCE 2023-024 ADOPTED

APPROVED ON CONSENT CALENDAR

- 1.-C.** [ID 23-1075](#) RESOLUTION - Concerning Measure C Extension Local Transportation Purposes Pass-Through Projects and Program Funds Annual Allocation for Fiscal Year 2023-2024

RESOLUTION 2023-221 ADOPTED

APPROVED ON CONSENT CALENDAR

- 1.-D.** [ID 23-1199](#) Actions pertaining to an agreement with the Fresno Area Hispanic Foundation for the Small Business Façade Program for \$1,000,000:
1. Affirm the City Manager's determination that Fresno Area Hispanic Foundation is uniquely qualified to administer the Small Business Façade Program on behalf of the City of Fresno.
 2. Approve an agreement with Fresno Area Hispanic Foundation allocating \$1,000,000 for the Small Business Façade Program providing grants to underserved and minority small businesses located in Council Districts 1 and 4 in an effort to improve the façade of their brick-and-mortar business.

APPROVED ON CONSENT CALENDAR

- 1.-E.** [ID 23-1195](#) Award a requirements contract for automotive, heavy-duty, and construction equipment batteries for the municipal fleet to Motive Energy, LLC of

Fresno, California, for three years with three, one-year optional extensions, for a total contract amount of \$397,532, plus annual CPI adjustments

APPROVED ON CONSENT CALENDAR

- 1.-F. [ID 23-1160](#) Actions pertaining to the California Automated Permit Processing (CalAPP) grant.
1. Authorize the Chief Information Officer to accept \$100,000 in grant funding for the CalAPP grant awarded to the City of Fresno from the California Energy Commission.
 2. Authorize the Chief Information Officer to execute the Grant Agreement, extensions and all related documentation applicable to the CalAPP grant.
 3. ***RESOLUTION - Adopt the 2nd Amendment to the Annual Appropriation Resolution (AAR) No 2023-185 appropriating \$100,000 for the CalAPP grant (Requires five affirmative votes) (Subject to Mayor's veto).

RESOLUTION 2023-222 ADOPTED**APPROVED ON CONSENT CALENDAR**

- 1.-H. [ID 23-1044](#) Approve First Amendment to Service Agreement entered between the City of Fresno, and ACE Parking Management III, LLC to provide revenue controls, customer service, and maintenance at the City's portfolio of parking assets adding Tower Theater Parking Lot for an increase of \$51,040.80 for a total fee of \$13,230,332.

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

TABLED

- 1.-K. [ID 23-1188](#) Approve an increase to the requirements contract with Dawson-Mauldin, LLC., for permanent asphalt concrete pavement repairs, in the amount of \$960,000 for a total contract amount of \$6,664,400 (Citywide).

APPROVED ON CONSENT CALENDAR

- 1.-L. [ID 23-1190](#) Approve the First Amendment to the consultant services agreement with Pcubed Associates Incorporated to extend the term of the contract to December 31, 2024, for the previously approved contract in the amount of \$129,030, for the Forensic Investigation of Structural Components at the Fresno-Clovis Regional Wastewater Reclamation Facility (Council District 3).

APPROVED ON CONSENT CALENDAR

- 1.-M. [ID 23-1168](#) Actions pertaining to the Woodward Park Pickleball Project (Council District 6)
1. ***RESOLUTION - 1st Amendment to the Annual Appropriation Resolution No. 2023-185 appropriating \$283,500 for professional engineering services and design phase project management costs (Requires 5 Affirmative Votes)(Subject to Mayor's Veto)
 2. Approve an agreement for professional engineering services with Quad Knopf Inc., dba QK, of Fresno, California for \$196,200, with a \$25,000 contingency, for design and construction support services

Vice President Perea recused herself from the above item.

RESOLUTION 2023-225 ADOPTED

APPROVED ON CONSENT CALENDAR

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

Recused: 1 - Perea

- 1.-N. [ID 23-1174](#) Approve an agreement for professional engineering services with Quad Knopf Inc., dba QK, of Fresno, California for \$86,930 with a \$10,000 contingency, for design and construction support services for the Roeding Park Court Repurposing Project (Council District 3)

Vice President Perea recused herself from the above item.

APPROVED ON CONSENT CALENDAR

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

Recused: 1 - Perea

- 1.-P. [ID 23-1165](#) Actions pertaining to the Fresno Street and Browning Avenue Intersection Improvements Project - Bid File 12301325 (Council District 4)
1. Adopt a finding of Categorical Exemption per staff's determination pursuant to Section 15301/Class 1, 15302/Class 2, and 15304/Class 4 of the California Environmental Quality Act (CEQA) Guidelines
 2. Award a construction contract in the amount of \$816,000 to St. Francis Electric, LLC., of San Leandro, California

APPROVED ON CONSENT CALENDAR

- 1.-Q. [ID 23-1164](#) ***BILL B-25 - (Intro'd July 20, 2023) (For adoption) - Amending Section 4-117 to the Fresno Municipal Code relating to National Targeted Hiring in contracts for any Public Work of Improvement not covered by a Project Labor Agreement and increasing median income levels for National Economically Disadvantaged Area (Subject to Mayor's Veto)

*ORDINANCE 2023-025 ADOPTED***APPROVED ON CONSENT CALENDAR**

- 1.-R. [ID 23-1159](#) RESOLUTION - Approving the Final Map of Tract No. 6350, and accepting dedicated public uses offered therein except for dedications offered subject to City acceptance of developer installed required improvements - located on North Parc West Drive west of North Grantland Avenue (Council District 1)

*RESOLUTION 2023-226 ADOPTED***APPROVED ON CONSENT CALENDAR**

- 1.-T. [ID 23-1214](#) Approve Contract Change Order No. 1 to a requirements contract with ScrubCan, Inc. of Fresno, CA, for Business Corridor Litter Abatement Services in the amount of \$245,856 for a one-year contract to include the Olive Avenue, Linden Avenue, Wishon Avenue, Fern Avenue and Van Ness Avenue business corridors in the Tower District, bringing the total contract value to \$359,616 (Council District 1)

APPROVED ON CONSENT CALENDAR

- 1.-U. [ID 23-1193](#) Approve an agreement with the Fresno County Superintendent of Schools (FCSS) for the Fresno Police Department to provide a student resource officer (SRO) at the high school, Violet Heintz Educational Academy to perform regular law enforcement duties.

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

TABLED

- 1.-V. [ID 23-1150](#) Approve the First Amendment to the professional consultant agreement with PCubed Associates for the FAX Maintenance Facility HVAC and Building Improvements project to provide additional design and engineering services in the amount of \$99,300.00.

APPROVED ON CONSENT CALENDAR

- 1.-W. [ID 23-1220](#) Bill (for introduction) - Amending Sections 3-610, 3-616, 7-1510, 9-234 and 9-915 of the Fresno Municipal Code, relating to human rights, including protections against discrimination based on an individual's caste and indigeneity

Councilmember Arias motioned to include the following amendment to this item as part of the Consent Calendar approval: application of the ordinance shall be subject to the meet and confer process, as applicable; and shall be

subject to all City policies and all City, state, and federal laws and only apply to the extent provided for by law.

The motion to include the amendment for this item as part of the Consent Calendar vote was seconded by Vice President Perea and PASSED 7-0 by unanimous vote.

APPROVED ON CONSENT CALENDAR AS AMENDED

CONTESTED CONSENT CALENDAR

1.-G. [ID 23-1113](#) Actions Pertaining to Measure P Expanded Access to Arts and Culture:

1. Adopt a finding that the Cultural Arts Plan is statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15262
2. ***RESOLUTION - Adopting the City of Fresno Cultural Arts Plan as recommended by the Parks, Recreation and Arts Commission (PRAC) (Subject to Mayor's Veto)
3. ***RESOLUTION - A Resolution of the Council of the City of Fresno Adopting the 10th Amendment to the Annual Appropriation Resolution No. 2023-185 to appropriate \$194,500 for Measure P Administration Costs and \$9,528,100 for grants for Expanded Access to Arts and Culture. (Requires 5 Affirmative Votes) (Subject to Mayor's Veto)
4. Approve a five-year Administrative Services Agreement with the Fresno Arts Council for the Expanded Access to Arts and Culture Grant Program for a total annual fee not to exceed 2% of Measure P Expenditure Category 4, and authorize the City Manager or designee to execute all contract related documents on behalf of the City

Council President Maxwell and Councilmember Arias moved this item to the Contested Consent Calendar for clarifications on the ability of Council to amend the grant process, if needed.

Council President Maxwell motioned to approve this item with an amendment to allow the City Council to amend the grant guidelines in accordance with Measure "P," at any time, for the Scope of Work for deliverable number one.

APPROVED AS AMENDED

RESOLUTION 2023-223 ADOPTED

RESOLUTION 2023-224 ADOPTED

On motion of Council President Maxwell, seconded by Councilmember Arias, 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 23-952](#)** Actions pertaining to the Consultant Services Agreement with Precision Civil Engineering, Inc.:
1. Affirm the City Manager's determination that Precision Civil Engineering is uniquely qualified to provide the planning and environmental services related to the Residential in Office Text Amendment.
 2. Approve a consultant agreement with Precision Civil Engineering for planning and environmental services related to the Residential in Office Text Amendment in the amount of \$83,200.

Councilmember Karbassi moved this item to Contested Consent to clarify the scope of the item as it relates to the conversion of existing office space, vacant land zoned for office use and other mechanisms that might allow the conversion of vacant land zoned for office use. Staff clarified the scope looks at existing office space.

APPROVED

On motion of Councilmember Karbassi, seconded by Councilmember Esparza, 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.-J. [ID 23-1173](#)** Approve a consultant services agreement with Tetra Tech BAS, Inc., for an amount not to exceed \$363,700, to conduct a composting facility feasibility study for the Fresno-Clovis Regional Wastewater Reclamation Facility (Council District 3).

Councilmember Arias moved this item to Contested Consent to request the administration hold community meetings prior to moving forward with the item.

Councilmember Arias motioned to continue the item to the next Council meeting.

CONTINUED TO AUGUST 24, 2023.

On motion of Councilmember Arias, seconded by Councilmember Esparza, that the above Action Item be TABLED to the next Council meeting. The motion carried by the following vote:

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

No: 1 - Karbassi

- 1.-O.** [ID 23-1169](#) Actions pertaining to the Mariposa Plaza Renovations - Bid File No. 12302138 (Council District 3):
1. Adopt a finding of Categorical Exemption per staff's determination, pursuant to Section 15302/Class 2 (Replacement or Reconstruction) of the California Environmental Quality Act Guidelines
 2. Award a construction contract in the amount of \$2,691,094 to American Paving Co. of Fresno, California
 3. Approve a service agreement in the amount of \$178,633.44 with Pacific Gas and Electric Company

Councilmember Arias moved this item to the Contested Consent to obtain clarification on the full scope of the project and funding sources. To avoid conflicts with the scheduling of events, he requested notice of start dates to be sent to his office and to the Downtown Partnership.

APPROVED

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.-S.** [ID 23-1156](#) RESOLUTION - Approving the Final Map of Tract No. 6276, and accepting dedicated public uses offered therein except for dedications offered subject to City acceptance of developer installed required improvements - located near the northwest corner of North Parc West Drive and North Grantland Avenue (Council District 1)

Councilmember Karbassi moved this item to Contested Consent to discuss Community Facility Districts (CFDs) and specifically CFD 18.

RESOLUTION 2023-227 ADOPTED

On motion of Vice President Perea, 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

2. SCHEDULED COUNCIL HEARINGS AND MATTERS

10:00 A.M.

- [ID 23-1078](#) Hold a public hearing and approve items related to the granting of a Non-Exclusive Roll-Off Franchise for roll-off collection services (Citywide)
1. Hearing in accordance with Fresno City Charter Section 1303 related to ordinance and adoption of ordinance
 2. ***BILL No. B-22 (Introduced June 29, 2023) (For adoption) of the City of Fresno, which grants to Valley Dumpster Service LLC, a non-exclusive franchise for roll-off collection services within the City of Fresno (Subject to Mayor's veto)
 3. Authorize the Director of Public Utilities to execute an agreement of Non-Exclusive Franchise for Roll-off Collection Services with the City of Fresno

The above hearing was called to order at 1:36 P.M. Upon call, there was no public comment and no Council discussion. The public comment period closed at 1:36 P.M.

ORDINANCE 2023-026 ADOPTED

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

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

10:05 A.M. #1

- [ID 23-1192](#) HEARING to adopt resolutions and ordinance to annex territory and levy a special tax regarding City of Fresno Community Facilities District Number 11, Annexation Number 146 (Final Tract Map Number 6383) (Located on the northeast corner of North Armstrong Avenue and East Floradora 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. 146 (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 2023-2024 and Future Tax Years Within and Relating to Community Facilities District No. 11, Annexation No. 146 (Subject to Mayor's Veto)

The above hearing was called to order at 1:37 P.M. Upon call, there was no public comment and no council discussion. The public comment period closed at 1:38 P.M.

RESOLUTION 2023-228 ADOPTED

RESOLUTION 2023-229 ADOPTED

RESOLUTION 2023-230 ADOPTED

BILL B-28 INTRODUCED / ADOPTED AS ORDINANCE 2023-027

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

10:05 A.M. #2 (REMOVED FROM THE AGENDA WITH NO RETURN DATE)

[ID 23-1120](#) HEARING to consider the adoption of the Central Southeast Area Specific Plan and related Environmental Assessment, State Clearinghouse (SCH No. 2023020138), and related actions:

1. ADOPT the Subsequent Mitigated Negative Declaration, Environmental Assessment No. P22-00400 dated February 1, 2023 (Exhibit I), prepared pursuant to CEQA Guidelines Section 15162 and 15070 et. Seq. and the Mitigation Monitoring and Reporting Program prepared pursuant to CEQA Guidelines Section 15097.
2. APPROVE Plan Amendment Application P22-00400 which proposes to:
 - a. RESOLUTION - Approving repeal of the Roosevelt Community Plan, pertaining to approximately 15,721 acres (Exhibit N)
 - b. BILL (For Introduction)(For Adoption) - Approving the repeal

- of the Butler/Willow Specific Plan, pertaining to approximately 563 acres (Exhibit O)
- c. ***RESOLUTION - Approving adoption of the Central Southeast Area Specific Plan and accompanying Planned Land Use Map (Exhibit P) (Subject to Mayor's Veto)
 - d. RESOLUTION - Approving adoption of the Planned Land Use Map (Figure LU-1) of the Fresno General Plan to incorporate the land use changes proposed in the Central Southeast Area Specific Plan (Exhibit Q)
 - e. BILL (For Introduction)(For Adoption) - Approving the rezone of approximately 136 acres of property within the Central Southeast Area Specific Plan area to be consistent with the planned land uses proposed in the Plan (Exhibit R)
3. RESOLUTION - Authorizing the Planning Department Director or her designee to correct any typographical errors and update the text, policies, maps, tables, and exhibits contained in the Central Southeast Area Specific Plan, the Fresno General Plan, and the Development Code to reflect the final action taken by the Council, to the extent that such updates are necessary to maintain consistency (Exhibit S).

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

TABLED

10:05 A.M. #3

- [ID 23-1129](#) Consideration of Plan Amendment and Rezone Application No. P22-04389, Development Permit Application No. P22-02376, and related Environmental Assessment No. P22-04389/P22-02376 pertaining to ±4.39 acres of property located on the east side of North Armstrong Avenue between East Clinton and East Shields Avenues (Council District 7) - Planning & Development Department.
- 1. ADOPT - Mitigated Negative Declaration as prepared for Environmental Assessment No. P22-02376/P22-04389, dated June 16, 2023, for the proposed project pursuant to the State of California Environmental Quality Act (CEQA).
 - 2. RESOLUTION - approving Plan Amendment Application No. P22-04389, requesting authorization to amend the Fresno General Plan and McLane Community Plan to change the planned land use designation for the subject property from Low Density Residential to Medium High Density Residential.
 - 3. BILL - (For introduction and adoption) Rezone Application No. P22-04389, requesting authorization to amend the Official Zoning Map of the City of Fresno to rezone the subject property from the

RS-1 (*Residential Single-Family, Extremely Low Density*) (± 4.39 acres) zone district to RM-1 (*Residential Multi-Family, Medium High Density*) (±4.39 acres) zone district in accordance with the Plan Amendment Application.

4. APPROVE - Development Permit Application No. P22-02376, requesting authorization to construct a 64-unit, two-story multi-family residential development including a community building, subject to compliance with the Conditions of Approval dated August 10, 2023.

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

RESOLUTION 2023-231 ADOPTED

BILL B-29 INTRODUCED / ADOPTED AS ORDINANCE 2023-028

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

10:10 A.M. #1

[ID 23-1121](#) HEARING to Consider Plan Amendment and Rezone Application No. P22-00507, Development Permit Application No. P22-00505, and related Environmental Assessment No. P22-00507/P22-00505 pertaining to ±1.23 acres of property located on the west side of North Sugar Pine Avenue between West Fir Avenue and West Beechwood Avenues. (Council District 2) - Planning & Development Department.

1. ADOPT the Mitigated Negative Declaration as prepared for Environmental Assessment No. P22-00505/P22-00507, dated December 9, 2022, for the proposed project pursuant to the State of California Environmental Quality Act (CEQA); and,
2. RESOLUTION - Approving Plan Amendment Application No. P22-00507, requesting authorization to amend the Fresno General Plan to change the planned land use designation for the subject property from Residential - Medium Density (±1.23 acres) to Commercial - General (±1.23 acres); and,
3. BILL - (For introduction and adoption) - Approving Rezone Application No. P22-00507, requesting authorization to amend the Official Zoning Map of the City of Fresno to rezone the subject property from the RS-5 (*Residential Single Family, Medium*

Density) (±1.23 acres) zone district to the CG (*Commercial - General*) (±1.23 acres) zone district in accordance with the Plan Amendment Application; and,

4. APPROVE - Development Permit Application No. P22-00505, requesting authorization to construct an 11,664-square-foot medical clinic and associated parking, circulation, and infrastructure improvements on the approximately 1.23-acre site, subject to compliance with Conditions of Approval dated March 1, 2023.

The above hearing was called to order at 1:39 P.M. Upon call, the following member of the public addressed Council: Linda Amaranao (spoke in support). The public comment period closed at 1:40 P.M.

RESOLUTION 2023-232 ADOPTED

BILL B-30 INTRODUCED / ADOPTED AS ORDINANCE 2023-029

On motion of Councilmember Karbassi, 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

10:10 A.M. #2

[ID 23-1162](#) HEARING to consider the vacation of a portion of North Hayes Avenue, south of West Bullard Avenue (Council District 2):

1. ***RESOLUTION - Ordering the vacation a portion of North Hayes Avenue, south of West Bullard Avenue (Subject to Mayor's Veto)

The above hearing was called to order at 1:42 P.M. Upon call, there was no public comment and no council discussion. The public comment period closed at 1:43 P.M.

RESOLUTION 2023-233 ADOPTED

On motion of Councilmember Karbassi, 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

10:15 A.M.

[ID 23-1030](#) HEARING - Consideration of an appeal of the City Manager's decision to approve the change of location for retail Commercial Cannabis Business Permit No. C-20-88 (Council District 5)

The above hearing was called to order at 2:09 P.M. and was introduced to Council by Councilmember Chavez and was followed by a presentation from the applicant. Upon call, there was no public comment. The public comment period was closed at 2:40 P.M.

Council discussion on this item included: outreach conducted by the applicant including to the fairgrounds, administrative staff of Roosevelt High School and the substance abuse facility but not to the foster youth mental health treatment facility; the details behind the "non-compliance" sale in a Colorado facility owned by one of the three co-applicants and the changes made following the incident; the foot traffic generated by families and unaccompanied minors walking to the fairgrounds.

Councilmember Arias noted, for the record, he was not confident the applicants could successfully operate at the current proposed location without putting minors at undue risk based on (i) the applicants not being able to determine the initial location was across from a high school under construction, (ii) a citation was issued for a minor being allowed to enter a Colorado cannabis facility owned by one of the applicants and, (iii) the fact that the current location was in a corridor in which many unaccompanied minors walk for the fairgrounds, bus rapid transit and nearby schools.

Following the discussion, Councilmember Chavez dropped his appeal and noted he would reserved his right to lodge an appeal during the Conditional Use Permit process.

APPEAL DROPPED - NO ACTION TAKEN

Councilmember Chavez dropped his appeal of the City Manager's approval of the location change for retail Commercial cannabis Business Permit No. C-20-88. Councilmember Chavez noted he would reserved his right to lodge an appeal during the Conditional Use Permit process.

10:20 A.M. (CONTINUED TO AUGUST 24, 2023 10:20 A.M.)

[ID 23-1131](#)

Hearing to Consider Development Permit Application No. P22-01346 and related Environmental Assessment No. P22-01346 pertaining to ±0.69 acres of property located on the northwest corner of East McKinley and South Fine Avenues (Council District 4) - Planning & Development Department.

1. CONSIDER Environmental Assessment (EA) No. P21-01346, dated December 8, 2022, a determination that the proposed project is categorically exempt under Section 15332/Class 32 (In-Fill Development Project) of the State of California Environmental Quality Act (CEQA) Guidelines; and,

2. DENY the appeal and **UPHOLD** the action of the Planning Commission and Planning and Development Department Director to approve Development Permit Application No. P22-01346, authorizing the construction of an automated car wash facility subject to compliance with the Conditions of Approval dated December 8, 2022.

The above item was removed from the agenda by staff and tabled to August 24, 2023, at 10:20 A.M.

TABLED

10:25 A.M.[ID 23-1161](#)

Hearing to consider adoption of resolutions related to the designation of properties to the Local Register of Historic Resources and adoption of findings necessary to support recommendation pursuant to FMC 12-1609

1. ***RESOLUTION - A Resolution of the City Council of the City of Fresno, California, designating the Dr. Earl R. Meyers Sr. & Mrs. Mattie B. Meyers Fresno Street Medical Arts Center located at 444 Fresno Street, Fresno California to the Local Register of Historic Resources (Council District 3) (Subject to Mayor's veto).

The above hearing was called to order at 2:40 P.M. and introduced to Council by Proponent David Marshall. There was no staff presentation. Public comment was not held as the item was tabled.

Discussion on this item included the plans to renovate the building and current ownership.

Councilmember Arias motioned the item be delayed until the next Council

meeting in order to allow time for legal ownership of the building to be properly established.

TABLED TO AUGUST 24, 2023

On motion of Councilmember Arias, seconded by Vice President Perea, that the above Action Item be TABLED to the next Council meeting. The motion carried by the following vote:

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

3. GENERAL ADMINISTRATION

4. CITY COUNCIL

- 4.-A.** [ID 23-1216](#) Approve a Memorandum of Understanding between the City of Fresno and the California State Office of the Attorney General (OAG) to develop a Cannabis Administrative Prosecutor Program (CAPP).

The above item was introduced to Council by City Attorney Janz and Department of Justice Justin Buller. Upon call, the following member of the public addressed Council: Rita Tsalyuk.

Council discussion on this item included: cross support for illicit sales in smoke shops; staffing capacity to support the program without impacting current code enforcement activities, plans for cost recovery, how to handle pop-up vendors that operate for a limited time and advertise through social media.

APPROVED

On motion of Councilmember Esparza, 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

5. CLOSED SESSION

During open session, Councilmember Bredefeld and Councilmember Chavez each announced they would be recused from Closed Session item 5-G (ID 23-1217). City Attorney Janz announced the items that would be

discussed in closed session.

Council entered closed session at 11:34 A.M. and again at 3:25 P.M.

- 5.-A. [ID 23-1177](#) CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION
Government Code Section 54956.9, subdivision (d)(1)

*TAT Fresno, LLC v. City of Fresno; Fresno Superior Court Case No.:
22CECG00234*

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

DISCUSSED

- 5.-B. [ID 23-1178](#) CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION
Government Code Section 54956.9, subdivision (d)(1)

*HAVEN #20, LLC v. City of Fresno; Fresno Superior Court Case No.:
22CECG00238*

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

DISCUSSED

- 5.-C. [ID 23-1152](#) CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION
Government Code Section 54956.9, subdivision (d)(1)

*Case name: 1 Community Compact v. City of Fresno, Fresno Superior
Court Case No. 23CECG02740*

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

DISCUSSED

- 5.-D. [ID 23-1200](#) CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION
Government Code Section 54956.9, subdivision (d)(1)

*Ellen Nelson v. City of Fresno, et al.; Fresno Superior Court Case No.:
21CECG02750*

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

DISCUSSED

- 5.-E. [ID 23-1204](#) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION
Government Code Section 54956.9, subdivision (d)(2): 1 potential case

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

DISCUSSED

- 5.-F. [ID 23-1207](#) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION
Government Code Section 54956.9, subdivision (d)(4): 1 potential case

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

DISCUSSED

- 5.-G. [ID 23-1217](#) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION
Government Code Section 54956.9, subdivision (d)(4): 1 potential case

The above item was discussed in closed session. Councilmember Bredefeld and Councilmember Chavez were recused from this item and were not present during the discussion. There were no open session announcements regarding this item.

DISCUSSED

- 5.-H. [ID 23-1223](#) 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.-I. [ID 23-1182](#) 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

ADJOURNMENT

Adjourned from closed session at 4:04 P.M.