

City of Fresno

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



Meeting Agenda - Final

Thursday, December 7, 2023

9:00 AM

Regular Meeting

Council Chambers (In Person and/or Electronic)

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

**THE FRESNO CITY COUNCIL WELCOMES YOU TO CITY COUNCIL CHAMBER,
LOCATED IN CITY HALL, 2ND FLOOR, 2600 FRESNO STREET, FRESNO,
CALIFORNIA 93721.**

PUBLIC PARTICIPATION – Public participation during Fresno City Council meetings is always encouraged and can occur in one of the two following ways:

1) Participate In Person: Council Chambers, City Hall, 2nd Floor, 2600 Fresno Street, Fresno, CA 93721

a) To speak during a City Council meeting in person: fill out a speaker card (available in the Council Chamber) and place it in the speaker card collection basket at the front of the Council Chamber. You may also approach the speaker podium upon the Council President's call for public comment.

2) Participate Remotely via Zoom:

https://fresno-gov.zoom.us/webinar/register/WN_TFimc9HaTuGf326RtQY1NQ

a) The above link will allow you to register in advance for remote participation in the meeting via the Zoom platform. After registering, you will receive a confirmation email containing additional details about joining the meeting.

b) To speak during a City Council meeting while attending remotely: while in the Zoom application, click on the icon labeled "Participants" at the bottom of the screen. Then select "RaiseHand" at the bottom of the Participants window. Your digital hand will now be raised. You will be asked to "unmute" when your name is called to speak. You will not be visible via video and there will be no opportunity to share your screen.

All public speakers will have up to 3 minutes to address Council pursuant to Rule No. 10 of the Rules of Procedure for the City Council of the City of Fresno (available in the City Clerk's Office).

SUBMIT DOCUMENTS / WRITTEN COMMENTS - Pursuant to Rule 11 (c) of the Rules of Procedure, no documents shall be accepted for Council review unless submitted to the City Clerk at least 24 hours prior to the Council Agenda item be heard. Documents / written comments related to an agenda item can be submitted by one of the following methods:

1) eComment – eComment allows the public to submit agenda related comments through a website prior to the meeting. Submitted comments are limited to 1440 characters and will be a part of the official record.

- a) Submit an e-Comment by visiting <https://fresno.legistar.com/Calendar.aspx> and selecting the “eComment” link.
- b) e-Comment is available for use upon publication of the agenda and closes 24 hours prior to the meeting start time [pursuant to Rule 11(c)].
- c) e-Comment is not permitted for Land use or CEQA items
- d) The e-Comment Electronic User Agreement can be viewed at:
<https://www.fresno.gov/cityclerk/>

2) E-mail – Agenda related documents and comments can be e-mailed to the Office of the City Clerk at least 24 hours prior to the agenda item being heard, pursuant to Rule 11(c).

- a) E-mail the Clerk’s Office at clerk@fresno.gov
- b) E-mails should include the agenda date, and the related agenda item number.

VIEWING CITY COUNCIL MEETINGS (non-participatory) - For your convenience, there are several ways to view Fresno City Council meetings live:

- 1) City of Fresno website: <https://fresno.legistar.com/Calendar.aspx> (click “In Progress” to view the live meeting).
- 2) Community Media Access Collaborative website: <https://cmac.tv/>
- 3) YouTube - City of Fresno Council, Boards and Commissions Channel:
<https://www.youtube.com/channel/UC3ld83D8QGn1YBDw6aD5dZA/videos>
- 4) Facebook: <https://www.facebook.com/FresnoCA/videos>
- 5) Cable Television: Comcast Channel 96 and AT&T Channel 99

Should any of the five viewing methods listed above experience technical difficulties, the Council meeting will continue uninterrupted. Council meetings will only be paused to address verifiable technical difficulties for all users participating via Zoom or in the Council Chamber.

The City of Fresno’s goal is to comply with the Americans with Disabilities Act (ADA). Anyone requiring reasonable ADA accommodations, including sign language interpreters, or other reasonable accommodations such as language translation, should contact the office of the City Clerk at (559) 621-7650 or clerk@fresno.gov. To help ensure availability of these services, you are advised to make your request a minimum of three business days prior to the scheduled meeting.

9:00 A.M. ROLL CALL

Invocation by Rev. Pete Marquez, Deacon from Holy Spirit Catholic Church

Pledge of Allegiance to the Flag

APPROVE AGENDA

CEREMONIAL PRESENTATIONS

[ID 23-1753](#) Proclamation for “Fresno Unified School District’s Expanded Learning Camps”

Sponsors: Councilmember Arias

[ID 23-1636](#) “Haron Family Legacy Day”

Sponsors: Office of Mayor & City Manager

COUNCILMEMBER REPORTS AND COMMENTS

MAYOR/MANAGER REPORTS AND COMMENTS

CITY CLERK AND CITY ATTORNEY REPORTS AND COMMENTS

UNSCHEDULED COMMUNICATION

PLEASE NOTE: UNSCHEDULED COMMUNICATION IS NOT SCHEDULED FOR A SPECIFIC TIME AND MAY BE HEARD ANY TIME DURING THE MEETING

1. CONSENT CALENDAR

1.-A. [ID 23-1737](#) Approval of Minutes for November 16, 2023, Regular Meeting

Sponsors: Office of the City Clerk

1.-B. [ID 23-1600](#) Approval of City Council Meeting Schedule for Calendar Year 2024.

Sponsors: Office of the City Clerk

1.-C. [ID 23-1701](#) RESOLUTION - amending certain designated positions which shall be subject to the conflict of interest code and defining categories of disclosures for such positions

Sponsors: Office of the City Clerk

1.-D. [ID 23-1728](#)

Actions pertaining to Warming Centers:

1. ***RESOLUTION - Amending Resolution 2022-212, Establishing a Policy for City Cooling and Warming Centers. (Subject to Mayor's Veto)
2. Approve a Services Agreement with Poverello House, in an Amount Not to Exceed \$356,500.00, to Operate City of Fresno Warming Centers.

Sponsors:

Office of Mayor & City Manager

1.-E. [ID 23-1775](#)

RESOLUTION - to Decrease the Animal Intake at the City of Fresno Animal Center

Sponsors:

Office of Mayor & City Manager, Council President Maxwell, Vice President Perea and Councilmember Karbassi

1.-F. [ID 23-1703](#)

Actions related to amending agreement #A211006364 with the California Office of Emergency Services (Cal OES)

1. Approve acceptance of Cal OES amendments one through five for an increase of \$341,800 for Haz Mat training agreement #A211006364 and authorize the Fire Chief to compensate Fire personnel to staff vacancies caused by training attendance.
2. ***RESOLUTION - Adopt the 28th Amendment to the Annual Appropriation Resolution 2023-185 to appropriate \$341,800 from the Cal OES to provide Haz Mat training (Requires Five Affirmative Votes) (Subject to Mayor's Veto).

Sponsors:

Fire Department

1.-G. [ID 23-1621](#)

Approve the award of a cooperative purchase agreement to Pape Kenworth of Fresno, California, for the purchase of three Kenworth T880 dump trucks in the amount of \$805,471 for the Department of Public Works.

Sponsors:

General Services Department

1.-H. [ID 23-1622](#)

Approve the award of a cooperative purchase agreement to Haaker Equipment Company Inc. of La Verne, California, for the purchase of one Elgin CNG Broom Bear street sweeper in the amount of \$586,677 for Department of Public Utilities, Solid Waste Management Division.

Sponsors: General Services Department

- 1.-I. [ID 23-1713](#) Approve the award of a citywide Requirements Contract to Home Depot USA, Inc. of Fresno, California for three years for the purchase of maintenance, repair, operating supplies, industrial supplies, and related products, not-to-exceed \$250,000 per year plus annual CPI increases (Bid File 9678).

Sponsors: General Services Department

- 1.-J. [ID 23-1707](#) Actions pertaining to a lease agreement between the City of Fresno and 747 R Street, LLC, a California limited liability company, for the lease of office space located at 747 R Street (Council District 3):
1. Adopt a finding of Categorical Exemption per staff determination, pursuant to Section 15301/Class 1 (Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines
 2. Approve a seven-year lease agreement between the City of Fresno and 747 R Street, LLC, a California limited liability company, with three optional one-year extensions in the amount of \$800,301.60 annually, with annual increases of 3%, plus the proportionate CAM (Common Area Maintenance) charges at \$364,581.84 annually

Sponsors: General Services Department and Capital Projects Department

- 1.-K. [ID 23-1718](#) RESOLUTION - Adopting modifications to the Measure P Expanded Access to Arts and Culture Grant Guidelines

Sponsors: Parks, After School and Recreation and Community Services Department

- 1.-L. [ID 23-1694](#) ***RESOLUTION - Approving the Application for Outdoor Equity Grants Program (OEP) Funds totaling up to \$300,000 to expand science education and access to outdoor recreation, and authorizing the City Manager or designee to execute all related grant documents (Subject to Mayor's Veto) (District 3.)

Sponsors: Parks, After School and Recreation and Community Services Department

- 1.-M. [ID 23-1727](#) ***RESOLUTION - Adopt the Eighth Amendment to FY 2024 Salary Resolution No. 2023-183, amending Exhibit 8, Unit 8, Non-Represented to increase the salary range for the Cashier Clerk, Lifeguard, Services Aide, Intern, Youth Jobs Corps Program Ambassador, and Youth Jobs Corps Program Participant classifications from \$15.50 - \$19.50 per hour to \$16.00 - \$20.00 per hour; increase the Police Cadet I classification salary range from \$15.50 - \$20.50 to \$16.00 to \$21.00 per hour; increase the Senior Lifeguard and Youth Jobs Corps Program Mentor classification salary range from \$16.00 - \$20.50 to \$16.50 - \$21.00 per hour; and adjust the Sports Official salary from \$15.50 - \$50.00 Per Game to \$16.00 - \$25.00 Per Hour; effective January 1, 2024 (Subject to Mayor's Veto).

Sponsors:

Personnel Services Department

- 1.-N. [ID 23-1563](#) *** RESOLUTION - Declaring a 0.91-acre parcel of land identified as Assessor's Parcel Number 436-260-22 to be exempt surplus land and directing staff to comply with the open and competitive request for proposals (RFP) process for the disposition of this property for an affordable housing development as required by Fresno Municipal Code Section 4-204 (Council District 4) (Subject to Mayor's Veto)

Sponsors:

Planning and Development Department

- 1.-O. [ID 23-1598](#) Approve the Second Amendment to the Agreement with Poverello House for Homeless Family Services extending the contract term to June 30, 2024, and increasing funding by \$31,680.00 for a total amount of \$298,221.87.

Sponsors:

Planning and Development Department

- 1.-P. [ID 23-1758](#) ***RESOLUTION - Adopting the 581st amendment to the Master Fee Schedule No. 80-420 to increase event parking fees under the Planning and Development Section (Subject to Mayor's Veto)

Sponsors:

Planning and Development Department

- 1.-Q. [ID 23-1521](#) Actions pertaining to Dickey Parking Lot Security Gate Project (Bid File 12301721) (Council District 3):

1. Adopt a finding of Categorical Exemption per staff's determination, pursuant to Section 15301 of the California Environmental Quality Act (CEQA) Guidelines
2. ***RESOLUTION - Adopting the 19th Amendment of the Annual Appropriation Resolution (AAR) No. 2023-185 appropriating \$322,000 for construction of the Parking Lot Security Gate Project at the Dickey Youth Community Center (Requires 5 Affirmative Votes) (Subject to Mayor's Veto)
3. Award a construction contract in the amount of \$332,098 to Alliance Construction Solutions, Inc. of Madera, California, as the lowest responsive and responsible bidder for Dickey Parking Lot Security Gate Project

Sponsors:

Capital Projects Department, Parks, After School and Recreation and Community Services Department

1.-R. [ID 23-1702](#)

Approve a substitution of a listed subcontractor Avila Traffic Safety, for the Midtown Trail Segment 1 (Phase I) Project (Council District 7)

Sponsors:

Capital Projects Department and Public Works Department

1.-S. [ID 23-1709](#)

Award a construction contract in the amount of \$5,296,359 to Avison Construction, Inc of Madera, California for the Chinatown Sustainable Transportation Infrastructure Project 1 and Chinatown Urban Greening Project 6 - Bid File No. 12302719 (Council District 3).

Sponsors:

Capital Projects Department and Public Works Department

1.-T. [ID 23-1710](#)

Actions pertaining to the Southbound Polk Avenue Widening Project between Shaw Avenue and Gettysburg Avenue (Council District 1):

1. Adopt a finding of Negative Declaration per staff determination, pursuant to Sections 15070 to 15075 of the California Environmental Quality Act (CEQA) guidelines
2. Approve the Agreement for Purchase and Sale of Real Property and Escrow Instructions to acquire fee interest of a 0.163-acre (7,087 square feet) parcel, improved with a single-family residence located at 4919 North Polk Avenue (Assessor's Parcel Number (APN) 510-120-13), owned by Carolyn S. Brown, in the amount of \$298,000.00, for the construction of the widening of Southbound Polk Avenue

between Shaw Avenue and Gettysburg Avenue

Sponsors:

Capital Projects Department and Public Works Department

1.-U. [ID 23-1706](#)

Approve a cooperative purchase agreement with SNF Polydyne, Inc., for the purchase of Cationic Polymer in the amount of \$3,700,000 per year plus annual consumer price index increases, for the Fresno-Clovis Regional Wastewater Reclamation Facility (Bid File 12303012) (Citywide)

Sponsors:

Department of Public Utilities

1.-V. [ID 23-1716](#)

Approve the Fifth Amendment to the consultant services agreement with Carollo Engineers, Inc., to extend the term of the agreement from December 31, 2023, to December 31, 2025 to respond to pending comments from the Central Valley Regional Water Quality Control Board (Regional Board) (Citywide).

Sponsors:

Department of Public Utilities

1.-W. [ID 23-1717](#)

***RESOLUTION - Authorizing the Department of Public Utilities to apply for and participate in the California Extended Water and Wastewater Arrearage Payment Program (Subject to Mayor's Veto) (Citywide).

Sponsors:

Department of Public Utilities

1.-X. [ID 23-1723](#)

***RESOLUTION - Authorize the Director of Public Utilities or designee(s) to prepare and submit applications, accept funds, and execute the financial assistance agreements and any amendments thereto with the California State Water Resources Control Board on behalf of the City of Fresno for the planning, design, and construction of water infrastructure to serve the communities of New Horizon Mobile Home Park and Del Oro-Metropolitan District: City Of Fresno Regional Consolidation Project Group 1. (Unincorporated Fresno County) (Subject to Mayor's Veto)

Sponsors:

Department of Public Utilities

1.-Y. [ID 23-1665](#)

Actions pertaining to the dedication of those portions of City-owned property for the purpose of a public street easement, to accommodate the construction of Merced Street between Congo Alley and H Street (Council District 3):

1. Adopt a finding of Categorical Exemption per staff determination, pursuant to Section 15302 of the California Environmental Quality Act (CEQA) Guidelines, Environmental Impact Report Number 10126

2. RESOLUTION - Dedicating those portions of City-owned property for public street purposes to accommodate the construction of Merced Street between Congo Alley and H Street

Sponsors:

Public Works Department

1.-Z. [ID 23-1682](#)

***RESOLUTION - Authorizing the submission of a grant application to the United States Department of Energy for up to \$494,390 in funding from the 2023 Energy Efficiency and Conservation Block Grant Program; and authorizing the execution of grant application and grant agreement documents by the Public Works Director or designee. (Subject to Mayor's Veto)

Sponsors:

Public Works Department

1. [ID 23-1696](#)

-AA.

RESOLUTION - Authorizing the Submission of a Grant Application to the Fresno Council of Governments (Fresno COG) for the 2023 Regional Early Action Plan 2.0 Grant Program (REAP) for Capital Improvement Projects that Promote In-Fill Affordable Housing near High-Quality Transit in an amount not to exceed \$13,000,000 for the further implementation and construction of the Blackstone Avenue Smart Mobility Project from State Route 180 to Pine Avenue; and Authorizing the Execution of Grant Application and Grant Agreement Documents by the Public Works Director or Designee (Council Districts 1, 3 and 7)

Sponsors:

Public Works Department

1. [ID 23-1699](#)

-BB.

Approve the First Amendment to the Consultant Services Agreement with Dudek extending the consultants performance period by three months to March 31, 2024, to continue professional services related to the development of the Urban Forest Management Plan (Citywide).

Sponsors:

Public Works Department

1. [ID 23-1764](#) Approve a Marketing Agreement with Utility Service Partners
-CC. Private Label Inc., dba SLWA Insurance Services, in the amount of \$123,000 per year for a total of \$615,000 to be paid to the City of Fresno, to market service plans city residents for sewer and water line laterals

Sponsors: Councilmember Esparza

THE CITY IN ITS CAPACITY AS HOUSING SUCCESSOR TO THE REDEVELOPMENT AGENCY OF THE CITY OF FRESNO AND FRESNO REVITALIZATION CORPORATION

1. [ID 23-1773](#) Approve Amendment to Owner Participation Agreement with
-DD. Essayons, LP relating to the Hye Court Project located at 450 M Street to provide up to an additional \$94,277 for unexpected costs associated with ensuring the historic integrity of the Project (City as Housing Successor and FRC Action).

Sponsors: Successor Agency to the Redevelopment Agency and Councilmember Arias

CONTESTED CONSENT CALENDAR

2. SCHEDULED COUNCIL HEARINGS AND MATTERS

10:00 A.M.

- [ID 23-1697](#) 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 147 (Final Tract Map Number 6269) (Located on the southwest corner of Willow Avenue and Alicante Drive) (Council District 6):
1. ***RESOLUTION - to Annex Territory to Community Facilities District No. 11 and Authorizing the Levy of a Special Tax for Annexation No. 147 (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. 147 (Subject to Mayor's Veto)

Sponsors:

Public Works Department

10:05 A.M.

[ID 23-1654](#)

HEARING to obtain public comments regarding community needs for consideration in the development of the 2024-2025 Annual Action Plan for federal funding through the U.S. Department of Housing and Urban Development's Office of Community Planning and Development (HUD CPD).

Sponsors:

Planning and Development Department

10:15 A.M.

[ID 23-1720](#)

Appearance by Patricia Ann Dickson to discuss illegal electrical activity and currency in practice on the westside of Fresno (District 3 Resident)

Sponsors:

Office of the City Clerk

3:30 P.M.

[ID 23-1671](#)

Actions pertaining to the Fresno Quality HK affordable housing development located at 6051 North Thesta Street, Fresno, California (District 6):

1. ***RESOLUTION - Authorizing acceptance of funding from the California Department of Housing and Community Development Homekey Round 3 Program in the amount of \$16,450,000 for the Fresno Quality HK project and authorizing the City Manager, or designee, to enter into and execute a standard agreement to secure the Homekey Round 3 program funds and participate in the Homekey Round 3 Program. (Subject to Mayor's veto)
2. ***RESOLUTION - Adopt the 27th Amendment to the Annual Appropriation Resolution (AAR) No. 2023-185 to appropriate \$16,450,000 for the Fresno Quality HK project from the Homekey Round 3 Program Grant. (Requires 5 Affirmative Votes) (Subject to Mayor's veto)
3. ***RESOLUTION - Initiating a rezone to remove a

condition of zoning requiring a recorded covenant for real property located at 6051 North Thesta Street, APN 409-20-043 pursuant to Fresno Municipal Code Section 15-5803-B.

4. Approve a HOME Investment Partnerships - American Rescue Plan Program (HOME-ARP) Agreement with Fresno Quality Homekey LP, in the amount of \$1,749,835.24 to acquire the Fresno Quality Inn for affordable housing development.

5. Approve a Community Development Block Grant (CDBG) Agreement with Fresno Quality Homekey LP, in the amount of \$4,250,164.76 to acquire the Fresno Quality Inn for affordable housing development.

6. Approve a Cost Sharing and Reimbursement Agreement between the City of Fresno and Fresno Quality Homekey LP and UP Holdings, LLC.

7. Approve a Rental Assistance Agreement between the City of Fresno and Fresno Quality Homekey LP, in the amount of \$690,000 in rental subsidy funds for the Fresno Quality HK project.

Sponsors:

Planning and Development Department

3. GENERAL ADMINISTRATION

4. CITY COUNCIL

5. CLOSED SESSION

5.-A. [ID 23-1755](#) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Government Code Section 54956.9, subdivision (d)(2)

Case Name: Ignacio Ruiz v. City of Fresno

Sponsors:

City Attorney's Office

5.-B. [ID 23-1772](#) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Government Code Section 54956.9, subdivision (d)(4): 1 potential case

Sponsors:

City Attorney's Office

5.-C. [ID 23-1741](#)

CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION

Government Code Section 54956.9, subdivision (d)(1)
Pauline Nickels v. City of Fresno, et al.; Fresno Superior Court Case No.: 20CECG01119

Sponsors:

City Attorney's Office

5.-D. [ID 23-1743](#)

CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION

Government Code Section 54956.9, subdivision (d)(1)

Case Name: Brian Martens v. City of Fresno, et al.; Tristar Risk Management Claim No.: 1010104351-ADR-1

Sponsors:

City Attorney's Office

5.-E. [ID 23-1746](#)

CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION

Government Code Section 54956.9, subdivision (d)(1)

Case Name: Thomas Rowe v. City of Fresno, et al.; Tristar Risk Management Claim No.: 1010105295-ADR-1

Sponsors:

City Attorney's Office

5.-F. [ID 23-1750](#)

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

1. Government Code Section 54957(b): consider the appointment, employment, evaluation of performance, discipline, or dismissal of a public employee.

Title: City Clerk

2. Government Code Section 54957.6: conference with labor negotiator. City Negotiator: Council President Tyler Maxwell.

Unrepresented Employee: City Clerk

Sponsors:

Council President Maxwell

ADJOURNMENT**UPCOMING SCHEDULED COUNCIL HEARINGS AND MATTERS**

DECEMBER 14, 2023

10:00 A.M. - HEARING to consider Development Permit Application No.

P21-02699, Vesting Tentative Parcel Map No. 2021-09, and related Final

Environmental Impact Report (FEIR), State Clearinghouse (SCH) No. 2022050265, regarding an Office/Warehouse Project located on approximately ± 48.03 acres of property at the northeast intersection of North Marks and West Nielsen Avenues

10:05 A.M. -HEARING for Consideration of Text Amendment Application No. P23-01018 and related Environmental Finding for Environmental Assessment No. P23-01018, amending Section 15-2009 of the Fresno Municipal Code, relating to Zone Districts where razor wire fencing is permitted.

10:10 A.M. -HEARING to consider Text Amendment Application No. P23-02808 and related Environmental Finding - Planning & Development Department.

10:15 A.M. -HEARING to consider Annexation Application No. P23-03757; Pre-zone Application No. P23-03758; and related Environmental Assessment No. P23-03757/P23-03758 for approximately 141 acres of property generally located along the north and south sides of West Ashlan Avenue between North Bryan and North Polk Avenues

JANUARY 11, 2024

10:00 A.M. - Hold a public hearing and approve items related to the granting of a Non-Exclusive Roll-Off Franchise for roll-off collection services (Citywide)

UPCOMING EMPLOYEE CEREMONIES

2023 CITY COUNCIL MEETING SCHEDULE

December 14, 2023 - 9:00 A.M.

January 11, 2024 - 9:00 A.M.