



City of Fresno

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

Meeting Minutes - Final 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, December 7, 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 - President Tyler Maxwell

Vice President Annalisa Perea

Councilmember Mike Karbassi

Councilmember Miguel Angel Arias

Councilmember Luis Chavez

Councilmember Garry Bredefeld

Councilmember Nelson Esparza

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

Deacon Pete Marquez 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:

THE FOLLOWING ITEMS WERE REMOVED FROM THE AGENDA:

Ceremonial Presentation (ID 23-1636) regarding "Haron Family Legacy Day" - was removed from the agenda and by staff and tabled to January 11, 2024.

Consent Calendar item 1-C (ID 23-1701) regarding Resolution amending designated positions subject to the conflict of interest code - was removed from the agenda by staff and tabled to December 14, 2023.

THE FOLLOWING CORRECTIONS WERE READ INTO THE RECORD:

Consent Calendar item 1-DD (ID 23-1773) regarding the Owner Participation Agreement with Essayons, LP related to the Hye Court Project - the additional unexpected cost should be updated from \$94,277 to \$103,369.

The title for this item should read: "Approve Amendment to Owner Participation Agreement with Essayons, LP relating to the Hye Court Project located at 450 M Street to provide up to an additional \$103,369 for unexpected costs associated with ensuring the historic integrity of the Project (City as Housing Successor and FRC Action)."

Scheduled Hearing and Matters item 3:30 P.M. (ID 23-1671) regarding Fresno Quality HK affordable housing development located at 6051 North Thesta Street:

- Action #2 - Resolution to adopt the 27th amendment to the Annual Appropriations Resolution – was removed from the item.*
- Action #3 - Resolution initiating a rezone to remove a condition of zoning - is not subject to veto.*

Consent Calendar item 1-CC (ID 23-1764) regarding a Marketing Agreement with Utility Service Partners Private Label Inc. - a clarification was read into the record by Councilmember Espasza: To clarify that the logo reference within the document is to the blue Sunburst logo that appears on the city's letterhead.

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

1-D (ID 23-1728) regarding actions pertaining to Warming Centers - was moved to Contested Consent by Councilmember Arias.

1-E (ID 23-1775) regarding resolution to Decrease the Animal Intake at the

City of Fresno Animal Center - was moved to Contested Consent by Councilmember Arias.

1-H (ID 23-1622) regarding a cooperative purchase agreement to Haaker Equipment Company for one Elgin CNG Broom Bear street sweeper - was moved to Contested Consent by Councilmember Arias.

1-J (ID 23-1707) regarding actions pertaining to a lease agreement between the City of Fresno and 747 R Street, LLC - was moved to Contested Consent by Councilmember Chavez.

1-K (ID 23-1718) regarding Resolution adopting modifications to the Measure P Expanded Access to Arts and Culture Grant Guidelines - was moved to Contested Consent by Councilmember Karbassi.

1-P (ID 23-1758) regarding the 581st amendment to the Master Fee Schedule to increase event parking fees - was moved to Contested Consent by Councilmember Arias.

1-W (ID 23-1717) regarding the California Extended Water and Wastewater Arrearage Payment Program - was moved to Contested Consent by Councilmember Arias.

1-X (ID 23-1723) regarding the financial assistance agreements with the California State Water Resources Control Board for the water infrastructure to serve the communities of New Horizon Mobile Home Park and Del Oro-Metropolitan District - was moved to Contested Consent by Councilmember Arias.

1-Y (ID 23-1665) regarding the dedication of 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 - was moved to Contested Consent by Councilmember Arias.

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

Aye: 9 - Esparza, Maxwell, Maxwell, Perea, Perea, Karbassi, Arias, Chavez and Bredefeld

CEREMONIAL PRESENTATIONS

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

PRESENTED

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

The above item was removed from the agenda by staff and tabled to January 11, 2024.

COUNCILMEMBER REPORTS AND COMMENTS

Councilmember Karbassi Reports and Comments: Acknowledged staff for the traffic signal at CRM West. Attended and acknowledged staff for the Christmas tree lighting ceremony. Neighborhood Watch meeting in the west area of Fresno and acknowledged staff. Held the 3rd Annual Operation Gobble Thanksgiving food drive and acknowledged staff and volunteers for their donations and time.

Councilmember Arias Reports and Comments: Announced the demolition of an apartment complex and gave appreciation to Code Enforcement for addressing issues. Acknowledged Public Works staff for several ongoing projects in District 3. Congratulated the high-speed rail team for receiving \$3 billion from the Biden-Harris Administration. Attended the Christmas tree lighting ceremony. Discussed the ongoing efforts to get South Tower Park back on schedule and on time. Announced on Friday at Eaton Plaza there will be the flag raising of the Palestinian flag.

Councilmember Chavez Reports and Comments: Presented the first Larry Raven proclamation and signs were replaced in the Huntington area. Announced a Low Rider Toy drive to take place on the upcoming Saturday.

Vice President Perea Reports and Comments: Attended the Operations Gobble at Steinbeck Elementary School. Held a Tamale Drive in partnership with Casa De Tamale in Tower District. Announced Business of the Month - The Red Room. Gave a reminder to all about the Tower District Farmers Market.

Council President Reports and Comments: Announced and acknowledged the 3rd Annual Holiday Toy drive held at Club One Casino. Attended the Christmas Tree Lighting Ceremony.

MAYOR/MANAGER REPORTS AND COMMENTS

City Manager White Reports and Comments: Introduced the new Assistant City Managers Michael Rogers and Nick Mascia.

CITY CLERK AND CITY ATTORNEY REPORTS AND COMMENTS

City Clerk Stermer Reports and Comments: Announced the upcoming Elections and reminded everyone to register to vote.

City Attorney Janz Reports and Comments: Discussed police operation against Smoke Shops and acknowledged the Code Enforcement team for their efforts in holding the shops accountable.

UNSCHEDULED COMMUNICATION

Upon call, the following members of the public addressed Council: Fernando Elizando; Daisy Porras; Laura Ward (1-K); Jill Thiessen (1-E); Sharlene Evands (1-E); Yasir Amireh; Hugo Morales (1-K); Filemon Lopez (1-K); Amy Kitchener (1-K); Elayne Gonzalez (1-E); Robin Seaberg; David Jacobs; Layla Darwish; Jaidaa Hussein; Hanan Elmasry; Suleiman Algharabli; Dr. Sohaib Quadri; Matthew Gillian; Haya Qutob; Kyle Kirkland (1-E); Robert McCloseky; Dez Martinez (3:30pm); Elyse Mize (1-E); Anjum Afshan; Chris Schneider (1-K); Julie Virga (1-E); Cindy Piombino (1-D); Hira Sheikh; Umama Qarni; Maria Calderon (1-E); Atziri Barboza; Lisa Flores (1-E); Lynn Owen; Brandi Nuse-Villegas (1-D); Krystal Pothier (1-E), and Yonas Paulos (1-D).

1. CONSENT CALENDAR

APPROVAL OF THE CONSENT CALENDAR

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

Aye: 9 - Esparza, Maxwell, Maxwell, Perea, Perea, Karbassi, Arias, Chavez and Bredefeld

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

APPROVED ON CONSENT CALENDAR

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

APPROVED ON CONSENT CALENDAR

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

The above item was removed from the agenda by staff and tabled to December 14, 2023.

TABLED

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).

RESOLUTION 2023-304 ADOPTED

APPROVED ON CONSENT CALENDAR

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.

APPROVED ON CONSENT CALENDAR

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).

APPROVED ON CONSENT CALENDAR

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.)

RESOLUTION 2023-306 ADOPTED

APPROVED ON CONSENT CALENDAR

- 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).

RESOLUTION 2023-307 ADOPTED

APPROVED ON CONSENT CALENDAR

- 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)

RESOLUTION 2023-308 ADOPTED

APPROVED ON CONSENT CALENDAR

- 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.

APPROVED ON CONSENT CALENDAR

- 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

*RESOLUTION 2023-310 ADOPTED***APPROVED ON CONSENT CALENDAR**

- 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)

APPROVED ON CONSENT CALENDAR

[ID 23-1854](#) Public Comment

- 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).

APPROVED ON CONSENT CALENDAR

- 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

APPROVED ON CONSENT CALENDAR

- 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)

APPROVED ON CONSENT CALENDAR

- 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).

APPROVED ON CONSENT CALENDAR

- 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)

RESOLUTION 2023-314 ADOPTED

APPROVED ON CONSENT CALENDAR

- 1.-AA. [ID 23-1696](#) 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)

RESOLUTION 2023-315 ADOPTED

APPROVED ON CONSENT CALENDAR

- 1.-BB. [ID 23-1699](#) 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).

APPROVED ON CONSENT CALENDAR

- 1.-CC. [ID 23-1764](#) Approve a Marketing Agreement with Utility Service Partners 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

The following clarification was read into the record: "The logo reference within the document is to the blue Sunburst logo that appears on the city's letterhead."

APPROVED WITH CLARIFICATION

APPROVED ON CONSENT CALENDAR

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

- 1.-DD. [ID 23-1773](#) Approve Amendment to Owner Participation Agreement with 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).

The following changes were read into the record: The additional unexpected cost should be updated from \$94,277 to \$103,369.

The title for this item should read: "Approve Amendment to Owner Participation Agreement with Essayons, LP relating to the Hye Court Project located at 450 M Street to provide up to an additional \$103,369 for unexpected costs associated with ensuring the historic integrity of the Project (City as Housing Successor and FRC Action)."

APPROVED AS CORRECTED

APPROVED ON CONSENT CALENDAR

CONTESTED CONSENT CALENDAR

- 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.

Councilmember Arias moved the item to Contested Consent to discuss the Pinedale location.

Council discussion on this item included: the shutting down of the Pinedale location; transportation and travel time to other warming centers; other alternative sites to Pinedale; outreach efforts, and the plan for existing warming centers when they reach capacity.

Councilmember Arias motioned to approve with direction to staff to come back with an alternative site.

RESOLUTION 2023-302 ADOPTED

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

Aye: 9 - Esparza, Maxwell, Maxwell, Perea, Perea, Karbassi, Arias, Chavez and Bredefeld

- 1.-E. [ID 23-1775](#) RESOLUTION - to Decrease the Animal Intake at the City of Fresno Animal Center

Councilmember Arias moved the item to Contested Consent to discuss the intake closure of the Animal Center. The above item was introduced to Council by City Manager White.

Council discussion on this item included: the time frame of the intake closure; updates to MuniCode; intake for unhealthy and injured animals only; referral and resource plan; spay and neuter vouchers; City Manager spending authority; mobile spay and neuter clinics; operating budget for the department; current filled and vacant PCNs; current capacity of cats and dogs; foster homes; urgency grant program; and operating hours; an analysis report in 60 days; central place for animals to go to when turned away; the assessment of an aggressive animal; free adoption, and illegal breeding within the city.

Councilmember Chavez motioned to bring back a resolution giving the City Manager the authority to enter into contracts of up to certain spending authority for the Animal Center operations and bring it back to Council for approval at the next Council meeting and to waive all adoption fees during the decrease in animal intake.

RESOLUTION 2023-303 ADOPTED WITH DIRECTION

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

Aye: 9 - Esparza, Maxwell, Maxwell, Perea, Perea, Karbassi, Arias, Chavez and Bredefeld

- 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.

Councilmember Arias moved the item to Contested Consent to discuss the

funding source.

Council discussion on this item included: Community Sanitation Fund; the financial status; money available in the fund; the purchase of sanitation vehicles, and if the purchase was contingent on increasing utility rates under Prop 218.

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

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

Councilmember Chavez moved the item to Contested Consent to discuss the aspects of the purchase of the building.

Council discussion on this item included: lease terms and duration, estimated purchase price of the building; annual rent overhead; current appraisal value; usage and subleasing of the space; potential legal implications, and parking situations.

Councilmember Arias motioned to continue the item to December 14, 2023, for briefing in closed session under real estate negotiations and then back for public consideration.

CONTINUED TO DECEMBER 14, 2023

On motion of Councilmember Arias, seconded by Councilmember

Chavez, that the above Action Item be CONTINUED. The motion carried by the following vote:

Aye: 9 - Esparza, Maxwell, Maxwell, Perea, Perea, Karbassi, Arias, Chavez and Bredefeld

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

Councilmember Karbassi moved the item to Contested Consent to discuss modifications to the Measure P expanded access to arts and culture grant guidelines.

Council discussion on this item included: information about the target audience of grantees and how they plan to capture that data in the operating grant guidelines; process numerous applications for events on city property after grants are awarded.

Councilmember Arias motioned to include the following questions in the Operating Grant Guidelines under the Narrative Questions Section 1 Organizing Description "Who is the target audience anticipated for this project. How will you capture who participates (age, ethnicity, income level, geography, etc). Also, to change the following language in Section D of Applications Components of Project Specific Grant "For Project Specific Grants which may include festivals in parks or streets, or the use of other City owned property [city building right of way language], applicants have 30 days to submit the following: [eligibility form/city review] after acceptance of the grant"

RESOLUTION 2023-305 ADOPTED AS AMENDED

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

Aye: 8 - Esparza, Maxwell, Maxwell, Perea, Perea, Karbassi, Arias and Chavez

Absent: 1 - Bredefeld

- 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)

Councilmember Arias moved the item to Contested Consent to discuss the

proposed increase in street parking fees up to \$50. There was no council discussion on this item.

RESOLUTION 2023-309 ADOPTED

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

Aye: 8 - Esparza, Maxwell, Maxwell, Perea, Perea, Karbassi, Arias and Chavez

Absent: 1 - Bredefeld

- 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).

Councilmember Arias moved the item to Contested Consent to discuss the details of the program and its implications for the city's efforts to address uncollected water and sewer fees.

Council discussion on this item included: uncollected water and sewer fees; determination of accounts that will benefit from the grant funds; how the money will be applied to qualifying accounts; and a request for the Council to be notified when individuals are being sent to collections.

RESOLUTION 2023-311 ADOPTED

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

Aye: 8 - Esparza, Maxwell, Maxwell, Perea, Perea, Karbassi, Arias and Chavez

Absent: 1 - Bredefeld

- 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)

Councilmember Arias moved the item to Contested Consent to discuss the financial assistance agreement and any amendments with the California State Water Resources Control Board.

Council discussion on this item included: Whether the funds acquired from the state would allow for the connection of mobile home parks to the city water and sewer system; if fees will be waived for the project, and fees for connecting to the city's system.

RESOLUTION 2023-312 ADOPTED

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

Aye: 8 - Esparza, Maxwell, Maxwell, Perea, Perea, Karbassi, Arias and Chavez

Absent: 1 - Bredefeld

- 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

Councilmember Arias moved the item to Contested Consent to discuss the space between the IRS building and Hotel Fresno.

Council discussion on this item included: the location of the project; the concerns with IRS national security, and a request to get requirements, conditions, and adjustments in writing from the IRS.

RESOLUTION 2023-313 ADOPTED

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

Aye: 9 - Esparza, Maxwell, Maxwell, Perea, Perea, Karbassi, Arias, Chavez and Bredefeld

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)

The above hearing was called to order at 3:06 p.m. There was no staff presentation, no public comment, and no council discussion on this item.

RESOLUTION 2023-316 ADOPTED

RESOLUTION 2023-317 ADOPTED

RESOLUTION 2023-318 ADOPTED

BILL B-35 INTRODUCED / ORDINANCE ADOPTED AS 2023-034

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

Aye: 9 - Esparza, Maxwell, Maxwell, Perea, Perea, Karbassi, Arias, Chavez and Bredefeld

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).

The above hearing was called to order at 3:07 P.M. and introduced to Council by Senior Management Analyst Sisk.

Upon call, the following members of the public addressed Council: Brandi Nuse-Villegas, Lisa Flores, Lynn Owens, and Dez Martinez. The public comment period closed at: 3:24 P.M.

HEARING HELD

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)

APPEARED

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.

The following changes were read into the record: Action #2 - Resolution to adopt the 27th amendment to the Annual Appropriations Resolution – was removed from the item. Action #3 - Resolution initiating a rezone to remove a condition of zoning - is not subject to veto.

The above hearing was called to order at 3:31 P.M. and introduced to Council by Assistant Director Skei and City Manager White.

Upon call, the following members of the public addressed Council: Damead Holmes (Support); Kayal; Elizabeth Scharnicle-Emory (Opposition); Dr. Varoojan Mirzayan (Opposition); Deanna Kivett (Support); Keith Berghold (Support); Loren Dubberke (Support); Jayson Martinez; Rogelio Valenzuela; Simon Biasell; Pratik Suchak (Opposition); Lisa Prichard (Opposition); Rhonda Dueck (Support); Lisa Oliveira (Opposition); Kathleen Crowder (Support); Samantha Ortiz (Support); Terry Seambray (Opposition); Dez Martinez (Support); Brandi Nuse-Villegas (Support); Bonna Rogers (Opposition); Lynn Owens (Support); Robert McCloskey (Support), and Lisa Flores (Support). The public comment period closed at: 4:31 P.M.

Council discussion on this item included: affordable housing; tenant obligations; rent structures; ownership entities; potential for borrowing against the asset; maintaining affordability and compliance with legal restrictions; comprehensive approach to affordable housing; affordability covenants; funding commitments; police services; security measures; timing of rezoning actions; legal considerations; budget concern; transparency in the process; location considerations; equitable distribution of affordable housing projects across the city.

Councilmember Bredefeld motioned to deny the item in its entirety. Seconded by Councilmember Arias.

On motion of Councilmember Bredefeld, seconded by Councilmember Arias, that the above Action is to DENY the item in its entirety. The motion carried by the following vote:

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

No: 3 - Esparza, Perea and Perea

3. GENERAL ADMINISTRATION**4. CITY COUNCIL****5. CLOSED SESSION**

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

Council withdrew to closed session at 2:02 P.M.

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*

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

DISCUSSED

5.-B. [ID 23-1772](#) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION
Government Code Section 54956.9, subdivision (d)(4): 1 potential case

City Attorney Janz reported the following vote from Closed Session:

The Fresno City Council approved the filing of an injunction against La Hacienda Mobile Estates LLC and Harmony Communities, Inc. The City Attorney's Office will ask the court to not allow closure and sale of the mobile home park without the city first being able to approve a closure report. The vote carried 6-0:

Ayes (6): Perea, Karbassi, Arias, Maxwell, Bredefeld, Esparza

No (0):

Absent (1): Chavez

DISCUSSED

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

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

session announcements regarding this item.

DISCUSSED

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

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

DISCUSSED

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

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

DISCUSSED

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

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

DISCUSSED

ADJOURNMENT

City Council adjourned from closed session at 7:50 P.M.

The above minutes were approved by unanimous vote of the City Council during the January 11, 2024, regular meeting.

