

Regular Council Meeting
December 1, 2022

FRESNO CITY COUNCIL



Supplement Packet

ITEM(S)

1-A (22-1801)

Approval of the minutes for November 15, 2022, Special Meeting, November 17, 2022, Regular Meeting, and November 17, 2022, Special Meeting.

Contents of Supplement:

Draft Minutes of November 15, 2022, Special Meeting
Draft Minutes of November 17, 2022, Special Meeting
Draft Minutes of November 17, 2022, Regular Meeting

Item(s)

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.

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Draft Minutes of November 15, 2022, Special Meeting



City of Fresno

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

Meeting Minutes City Council

President - Nelson Esparza

Vice President - Tyler Maxwell

Councilmembers:

Esmeralda Z. Soria, Mike Karbassi, Miguel Angel

Arias, Luis Chavez,

Garry Bredefeld

City Manager - Georgeanne A. White

Interim City Attorney - Rina Gonzales

City Clerk - Todd Stermer, CMC

Tuesday, November 15, 2022

1:30 PM

Council Chambers (In
Person and/or Electronic)

Special Meeting

The City Council met in special session in the Council Chamber, City Hall, on the date and time above written.

2:16 P.M. ROLL CALL

Present: 5 - Vice President Tyler Maxwell
Councilmember Mike Karbassi
Councilmember Miguel Angel Arias
Councilmember Luis Chavez
Councilmember Garry Bredefeld

Absent: 2 - Council President Nelson Esparza
Councilmember Esmeralda Z. Soria

APPROVE AGENDA

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

Aye: 5 - Maxwell, Karbassi, Arias, Chavez and Bredefeld

Absent: 2 - Esparza and Soria

[ID 22-1741](#) Special Meeting Notice - Signed

CLOSED SESSION ONLY

Chief Assistant City Attorney Griffin announced the item to be discussed in closed session.

Upon call, Lisa Flores addressed Council with public comment on this item.

Council withdrew to closed session at 2:20 P.M.

[ID 22-1740](#) **CONSIDER PUBLIC EMPLOYEE APPOINTMENT - Government Code Section 54957(b)**

Consider the appointment, employment, evaluation of performance, discipline, or dismissal of a public employee.

Title: City Attorney

The above item was discussed in closed session. Following the closed session discussion, Council resumed in open session and the following report of closed session action was made by Chief Assistant City Attorney Griffin:

Councilmember Karbassi motioned to select Andrew Janz as the next City Attorney. The motion was seconded by Councilmember Arias and PASSED 4-1 by the following vote:

Aye (4): Karbassi, Arias, Maxwell, Esparza

No (1): Bredefeld

Absent (2): Soria, Chavez

The terms of employment will be discussed by Council in closed session during the November 17, 2022, meeting. The expectation is that the employment contract would be approved in open session during the December 1, 2022 meeting.

DISCUSSED WITH OPEN SESSION REPORT OF ACTION

ADJOURNMENT

City Council adjourned from open session at 8:02 P.M.

Draft Minutes of November 17, 2022, Special Meeting



City of Fresno

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

Meeting Minutes City Council

President - Nelson Esparza

Vice President - Tyler Maxwell

Councilmembers:

Esmeralda Z. Soria, Mike Karbassi, Miguel Angel

Arias, Luis Chavez,

Garry Bredefeld

City Manager - Georgeanne A. White

Interim City Attorney - Rina Gonzales

City Clerk - Todd Stermer, CMC

Thursday, November 17, 2022

9:00 AM

Council Chambers (In
Person and/or Electronic)

Special Meeting

The City Council met in special session in the Council Chamber, City Hall, on the date and time above written. The special meeting was concurrent with a separately noticed regular meeting.

9:05 A.M. ROLL CALL

Councilmember Soria was absent during roll call but joined the meeting at 1:51 P.M. during closed session.

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

APPROVE AGENDA

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

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

Absent: 1 - Soria

[ID 22-1788](#) Special Meeting Notice - Signed

Closed Session Only

Interim City Attorney Gonzales announced the items to be heard in closed session. Upon call for public comment, no member of the public addressed Council regarding the special closed session item (ID 22-1787).

Council withdrew to closed session at 2:18 P.M.

[ID 22-1787](#) **CONFERENCE WITH LABOR NEGOTIATORS - Government Code Section 54957.6.** City Negotiator(s): Council President Nelson Esparza; Unrepresented Employee: City Attorney

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

DISCUSSED

ADJOURNMENT

The meeting was adjourned from closed session.

Draft Minutes of November 17, 2022, Regular Meeting



City of Fresno

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

Meeting Minutes City Council

President - Nelson Esparza

Vice President - Tyler Maxwell

Councilmembers:

Esmeralda Z. Soria, Mike Karbassi, Miguel Angel

Arias, Luis Chavez,

Garry Bredefeld

City Manager - Georgeanne A. White

Interim City Attorney - Rina Gonzales

City Clerk - Todd Stermer, CMC

Thursday, November 17, 2022

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.

9:05 A.M. ROLL CALL

Councilmember Soria was absent during roll call but joined the meeting at 1:51 P.M. during closed session.

Present: 6 - Council President Nelson Esparza
Vice President Tyler Maxwell
Councilmember Mike Karbassi
Councilmember Miguel Angel Arias
Councilmember Luis Chavez
Councilmember Garry Bredefeld

Invocation by Rev. Elisa Loera, Senior Pastor with Christian Temple Fresno

Pledge of Allegiance to the Flag

APPROVE AGENDA

City Clerk Stermer announced the following changes to the agenda:

A special closed session was separately noticed for 9:00 A.M. for a

conference with labor negotiators to discuss unrepresented employee, City Attorney (ID 22-1787).

The proclamation for "Lung Cancer Awareness Month" (ID 22-1743) was removed from the agenda with no specified return date by Council President Esparza.

Consent Calendar Item 1-C (ID 22-1739) regarding the American Rescue Plan Act (ARPA) funding to Community Based Organizations - the following correction was read into the record: adoption of the CEQA finding would be the first action by Council followed by approval of the Arte Americas agreement as the second action.

Consent Calendar item 1-Q (ID 22-1655) regarding the fourth amendment to the consultant services agreement with Blair, Church & Flynn Consulting Engineers - the following correction was read into the record: the "Fiscal Impact," section of the staff report should be made to replace "Water Enterprise Fund," with "Water Capacity Fee Fund," as follows: [t]he Project is funded in the Water Division's five-year Capital Improvement Program budget within the Water Capacity Fee Fund 40202, WC00085.

Consent Calendar item 1-X (ID 22-1746) regarding incentivizing job creation along the Ventura / Kings Canyon / Avenida Cesar Chavez corridor - the following change by the item sponsor was read into the record: the program will be a pilot program and will expire in 18 months.

Consent Calendar item 1-E (ID 22-1749), regarding the SAFER Grant, was moved to the December 1, 2022, agenda by staff.

Scheduled Hearing 10:05 A.M. #2 (ID 22-1541), regarding Plan Amendment P19-05950, was moved to the December 15, 2022, agenda at 10:05 A.M. by Councilmember Karbassi.

Councilmember Bredefeld registered a "no" vote for Consent Calendar item 1-W (ID 22-1376) concerning the confirmation of emergency conditions impacting the ability to meet safely.

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

1-C (ID 22-1739) regarding the American Rescue Plan Act (ARPA) funding to Community Based Organizations - moved to Contested Consent by Councilmember Bredefeld.

1-G (ID 22-1756) regarding a change order with 72 Hour LLC for Dodge Durango patrol vehicles - moved to Contested Consent by Councilmember Arias.

1-K (ID 22-1658) regarding the California Violence Intervention and Prevention Grant - moved to Contested Consent by Councilmember Arias.

1-M (ID 22-1765) regarding compensation and benefits for city employees and charter officials - moved to Contested Consent by staff for a presentation.

1-P (ID 22-1733) regarding the first amendment to a consultant services agreement with MLA Green, Inc. - moved to Contested Consent by Councilmember Arias.

1-U (ID 22-1735) regarding a requirements contract for the purchase of Solar Real Time digital displays to Way Sine, LLC. - moved to Contested Consent by Councilmember Arias.

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

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

Absent: 1 - Soria

CEREMONIAL PRESENTATIONS

[ID 22-1732](#) Proclamation for "National Caregivers Month"

PRESENTED

[ID 22-1190](#) Proclamation for “World Day of Remembrance for Road Traffic Victims”

PRESENTED

[ID 22-1743](#) Proclamation for “Lung Cancer Awareness Month”

The above proclamation was removed from the agenda by Council President Esparza with no specified return date.

TABLED

COUNCILMEMBER REPORTS AND COMMENTS

Councilmember Arias Reports and Comments. Public Works has been trimming the trees downtown and scheduled a follow up meeting in the Tower neighborhood regarding protected bike lanes. The PARCS and Public Works Departments worked hard on the reopening of Tupman Park and were doing work at Hinton Park and MLK Park.

Councilmember Karbassi Reports and Comments. The District 2 Operation Gobble event will partner with Pinedale and Nelson Elementary Schools to provide 400 families with Thanksgiving groceries for Thanksgiving dinners.

Councilmember Chavez Reports and Comments. District 5 will sponsor Thanksgiving for the seniors at Senior Citizens Village.

Vice President Maxwell Reports and Comments. Free wifi will be added to bus lines 9 and 38 which serve the Highway City and Calwa neighborhoods. The District 4 Operation Gobble event will take place at Wesley United Methodist Church and will provide hundreds of Thanksgiving meals due to the efforts of numerous partners.

Council President Esparza Reports and Comments. The Council President participated in the Jackson Elementary Fall Festival and the downtown annual Veterans Day Parade. District 7 hosted a Beautify Fresno event in partnership with Building Healthy Communities and a mock council meeting and civic engagement workshop in partnership with Delta Sigma Theta alumni. A townhall meeting was recently held with merchants from the Blackstone Avenue corridor to discuss various issues.

MAYOR/MANAGER REPORTS AND COMMENTS

City Manager White Reports and Comments. On November 20, 2022, the Old Fresno Water tower will be lit yellow in honor of World Day of Remembrance for road traffic victims. Since the previous meeting, the administration provided memos to Council concerning: IDIFER Q1, Q2 and Q3 report; efforts to secure a firm for the Measure "P" audit; options and alternatives regarding re-energizing the solar farm at the airport; and reducing long term absences in the Police Department. In the spirit of Thanksgiving all city employees and elected officials were recognized for work they do to keep the City moving forward.

Mayor Dyer Reports and Comments. Mayor Dyer and Councilmember Karbassi introduced a delegation visiting from Ersekë, Albania to study good government practices. The delegation consisted of Ersekë Mayor Erion Isai, his wife and municipal team.

UNSCHEDULED COMMUNICATION

Upon call for unscheduled communication and public comment on consent calendar, contested consent calendar and closed session items, the following members of the public addressed Council: Steve Diddy (1-C), Philip Neufeld (3-A), Craig Jones, Fernando Paul Elizondo Sr., Joe Martinez, Kevin Miller (3-A), Dez Martinez, Lisa Flores, Latanya Beamon, Brandi Nuse-Villegas and Laura Splotch.

1. CONSENT CALENDAR

APPROVAL OF THE CONSENT CALENDAR

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

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

Absent: 1 - Soria

- 1.-A.** [ID 22-1751](#) Approval of the minutes for November 3, 2022, Regular Meeting.

APPROVED ON CONSENT CALENDAR

- 1.-B.** [ID 22-1757](#) ***RESOLUTION - Declaring a proper purpose for separation of emergency and non-emergency demolition contracts in the procurement process. (Subject to Mayor Veto)

*RESOLUTION 2022-249 ADOPTED***APPROVED ON CONSENT CALENDAR****1.-D. [ID 22-1753](#)**

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

1. Approve an agreement with Fresno Area Hispanic Foundation allocating \$2,000,000 in ARPA funding to provide: \$1,000,000 in micro grants to underserved and minority small business that have suffered negative economic impacts; \$500,000 to small businesses that are at risk of eviction due to the COVID-19 pandemic; and \$500,000 for a micro-business assistance program specific to mobile food vendors.

APPROVED ON CONSENT CALENDAR**1.-E. [ID 22-1749](#)**

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

The above item was tabled to December 1, 2022, by staff.

TABLED**1.-F. [ID 22-1750](#)**

***BILL B-36 (Intro'd 11/3/2022) (For Adoption) - Adopting express findings of necessity related to local climatic, topographical, and geological conditions, which make the City's amendments to the California Fire Code reasonably necessary, repealing Article 10 of Chapter 5, and adding Article 10 to Chapter 5 of the Fresno Municipal Code relating to fire and life safety regulations (Subject to Mayor's Veto)

*ORDINANCE 2022-037 ADOPTED***APPROVED ON CONSENT CALENDAR****1.-H. [ID 22-1684](#)**

Approve the award of a cooperative purchase agreement to PB Loader of Fresno, California, for the purchase of two Freightliner asphalt patch trucks in the amount of \$362,054 for the Department of Public Utilities

APPROVED ON CONSENT CALENDAR**1.-I. [ID 22-1506](#)**

Actions pertaining to Master License Agreement for Small Cell Infrastructure with Verizon Wireless:

1. Adopt a finding of Categorical Exemption pursuant to CEQA Guidelines Section 15301/Class 1 for the Proposed Project pursuant to the California Environmental Quality Act (CEQA);
2. Approve a Master License Agreement with MSA Limited

Partnership, d/b/a Verizon Wireless for placement of telecommunication equipment on City assets as defined by Federal Communications Commission (FCC) Order 18-133.

APPROVED ON CONSENT CALENDAR

- 1.-J. [ID 22-1736](#) Approve the purchase of computer equipment (laptops and docking stations) from Dell Technologies (Dell) in an amount not to exceed \$1.6 million, utilizing National Association of State Procurement Officials (NASPO) Contract MNWNC-108/715034003 as part of the Citywide Computer Replacement Plan.

APPROVED ON CONSENT CALENDAR

- 1.-L. [ID 22-1713](#) ***RESOLUTION - Authorizing the Director or Designee of the Parks, After School, Recreation and Community Services (PARCS) Department to Submit a Grant Application to KABOOM! to Fund and Implement Community Engagement, Project Management, Design, and Community Organizing for the Construction of a New Play Structure at University Park, and Authorizing Execution of the Grant Agreement and Any Related Documents with KABOOM! By the PARCS Director or Designee (Subject to Mayor's Veto) (Council District 4).

RESOLUTION 2022-252 ADOPTED

APPROVED ON CONSENT CALENDAR

- 1.-N. [ID 22-1650](#) Actions pertaining to the Travel Inn Shelter:
1. Affirm the City Manager's finding that Elevate Community Services is uniquely qualified to operate the Travel Inn Shelter; and
 2. Approve an Emergency Solutions Grant- Coronavirus Agreement with Elevate Community Services in the amount of \$253,266.21 to add three full time case managers to the staff at the Travel Inn Shelter.

APPROVED ON CONSENT CALENDAR

- 1.-O. [ID 22-1731](#) RESOLUTION - Authorizing the submission of grant applications to the United States Department of Transportation 2022 Strengthening Mobility and Revolutionizing Transportation Grants Program totaling up to \$2 million in requests for funding; and authorizing the execution of grant application and grant agreement documents by the Public Works Director.

RESOLUTION 2022-256 ADOPTED

APPROVED ON CONSENT CALENDAR

- 1.-Q. [ID 22-1655](#) Approve the Fourth Amendment to the consultant services agreement with

Blair, Church & Flynn Consulting Engineers, Inc., to expand scope of services and increase the contract amount by \$80,900, for an amended total not to exceed amount of \$407,868, for the Van Ness Avenue Transmission Grid Main Project. (District 3)

APPROVED ON CONSENT CALENDAR

1.-R. [ID 22-1742](#)

Reject the sole bid received for the Northeast Surface Water Treatment Facility Sodium Hypochlorite Tank Replacement (Bid File 3881) (Council District 6)

APPROVED ON CONSENT CALENDAR

1.-S. [ID 22-1738](#)

Actions pertaining to the water main replacement along East Jensen Avenue between South Clovis and South Fowler Avenues. (Bid File 3871) (Council District 5 and County):

1. Adopt a finding of categorical exemption pursuant to Section 15301 (Existing Facilities) and 15302 (Replacement or Reconstruction) of the California Environmental Quality Act Guidelines
2. Award a construction contract to Emmett's Excavation, Inc., in the amount of \$1,669,031

APPROVED ON CONSENT CALENDAR

1.-T. [ID 22-1646](#)

Approve a professional consultant agreement in the amount of \$533,600 with PCubed Associates, a California corporation, for design and engineering services to implement the Department of Transportation/Fresno Area Express (FAX) Maintenance Facility HVAC and Building Improvements project

APPROVED ON CONSENT CALENDAR

1.-V. [ID 22-1745](#)

Approve Agreement with Bell Memorials & Granite Works, Inc., in the amount of \$117,534.55 for design, fabrication and installation services

APPROVED ON CONSENT CALENDAR

1.-W. [ID 22-1376](#)

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

Councilmember Bredefeld registered a "no" vote on the above item. As such, this item was APPROVED 5-1 by the following vote:

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

No (1): Bredefeld

Absent (1): Soria

RESOLUTION 2022-257 ADOPTED

APPROVED ON CONSENT CALENDAR

- 1.-X. [ID 22-1746](#) ***RESOLUTION - Adopting a program to incentivize job creation along the Ventura/Kings Canyon/Avenida Cesar Chavez corridor east of First Street (Subject to Mayor’s Veto)

The above item was approved with the additional information read into the record during approval of the agenda. The additional information stated the item was a pilot program and would expire in 18 months.

RESOLUTION 2022-258 ADOPTED

APPROVED ON CONSENT CALENDAR

CONTESTED CONSENT CALENDAR

- 1.-C. [ID 22-1739](#)

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

1. Approve an agreement with Arte Americas allocating \$413,175 in ARPA funding to complete needed capital improvements and necessary repairs to the Arte Americas building and surrounding property.
2. Adopt a finding of Categorical Exemption pursuant to CEQA Guidelines Section 15301/Class 1 for to proposed project pursuant to the California Environmental Quality Act (CEQA)

Councilmember Bredefeld moved this item to the Contested Consent Calendar to question whether or not the \$7,000,000 Arte Americas was recently awarded by the state of California could be used for capital improvements.

APPROVED

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

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

Absent: 2 - Soria and Karbassi

- 1.-G. [ID 22-1756](#) Approve a change order in the amount of \$1,131,160 to a purchase contract with 72 HOUR LLC previously awarded by Council on September 29, 2022, to increase the quantity of Dodge Durango marked patrol vehicles from 80 to 105 for a total revised contract value of \$4,750,870.04 (Bid File 12300303)

Councilmember Arias moved this item to the Contested Consent Calendar to get details behind the large change order and to ask questions regarding how the additional costs would be paid.

APPROVED

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

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

Absent: 1 - Soria

- 1.-K. [ID 22-1658](#) Actions pertaining to the California Violence Intervention and Prevention Grant 2022 (CalVIP 2022) awarded to the City of Fresno (City) on June 9, 2022:
1. ***RESOLUTION - Adopting the 2nd Amendment to "A Resolution of the Council of the City of Fresno Establishing the Number of Positions Authorized in the Various Departments and Offices of the City for Fiscal Year 2023," Resolution No. 2022-153 (PAR), adding one Community Coordinator position in the Office of Neighborhood Safety and Community Engagement Division (ONSCE) within Parks, After School, Recreation and Community Services (PARCS) Department funded under the CalVIP 2022 grant. (Subject to Mayor's Veto)
 2. ***RESOLUTION - Adopting the 12th Amendment to the Annual Appropriation Resolution (AAR) No. 2022-154 appropriating \$607,900 of the CalVIP 2022 grant award for year one programming and grant administration for Camp Fresno, Fresno Summer Nights, and Street Outreach Training Modules. (Requires five affirmative votes) (Subject to Mayor's Veto)

Councilmember Arias moved this item to the Contested Consent Calendar to clarify that the grant application had been previously approved and that PARCS staff would run Camp Fresno, Fresno Summer Nights and the training modules.

RESOLUTION 2022-250 ADOPTED

RESOLUTION 2022-251 ADOPTED

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

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

Absent: 1 - Soria

- 1.-M.** [ID 22-1765](#) Actions pertaining to amendments to resolutions and ordinances related to compensation and benefits for city employees and charter officials
- 1.***RESOLUTION - Adoption of 5th Amendment to the FY 2023 Salary Resolution No. 2022-152 (Subject to Mayor's Veto)
 - 2.***RESOLUTION - Adoption of Amendment to the "Transparency in City Government Act" (Transparency Act) (Subject to Mayor's Veto)
 - 3.*** Resolution Adopting the 3rd Amendment to "A Resolution of the Council of the City of Fresno Establishing the Number of Positions Authorized in the Various Departments and Offices of the City for Fiscal Year 2023 removing the 8 positions from the Budget Division of the Mayor and City Manager's Offices and adding 10 positions to the newly created Department of Budget and Management Studies (Subject to Mayor's Veto)
 - 4.Introduction of Bill, Amending Ordinance No. 2022-22 of the Fresno Municipal Code and Adopting an Ordinance Setting Forth the Compensation of Elective Officers
 - 5.Introduction of Bill, Amending Ordinance No. 2017-10 of the Fresno Municipal Code and Adopting an Ordinance Related to Reimbursement of Expenses for Elected Officials

The above item was moved to the Contested Consent Calendar by staff for a presentation. Assistant City Manager Miller presented the item to Council.

There was no Council discussion on this item.

RESOLUTION 2022-253 ADOPTED

RESOLUTION 2022-254 ADOPTED

RESOLUTION 2022-255 ADOPTED

BILL B-38 INTRODUCED AND LAID OVER

BILL B-39 INTRODUCED AND LAID OVER

On motion of Councilmember Arias, seconded by Councilmember Chavez, that the above Action Item be APPROVED. The motion carried

by the following vote:

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

Absent: 2 - Soria and Karbassi

- 1.-P. [ID 22-1733](#) Approve the First Amendment to the Consultant Services Agreement with MLA Green Inc., DBA Studio MLA in the amount of \$44,000, increasing the total contract amount to \$859,695, for landscape architectural design services and preparation of construction documents for the No.13 Park at MLK Magnet Core Project (Council District 3)

Councilmember Arias moved this item to the Contested Consent Calendar to receive an update on the design of the MLK Park.

APPROVED

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

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

Absent: 2 - Soria and Karbassi

- 1.-U. [ID 22-1735](#) Award a two-year Requirements Contract, with options for three one-year extensions, for the purchase of Solar Real Time Digital Displays to Way Sine LLC (Bid File 9663).

Councilmember Arias moved this item to the Contested Consent Calendar to determine why District 3 was not yet in "phase one."

APPROVED

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

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

Absent: 1 - Soria

2. SCHEDULED COUNCIL HEARINGS AND MATTERS

10:00 A.M.

- [ID 22-1729](#) HEARING to adopt resolutions and ordinance to annex territory and levy a special tax regarding CITY OF FRESNO

COMMUNITY FACILITIES DISTRICT NO. 9, Annexation No. 56 (Conditional Use Permit No. P20-04902) (Located on East Tulare Street between North Fowler Avenue and North Claremont Avenue) (Council District 5)

1. ***RESOLUTION - to Annex Territory to Community Facilities District No. 9 and Authorizing the Levy of a Special Tax for Annexation No. 56 (Subject to Mayor's Veto)
2. ***RESOLUTION - Calling Special Mailed-Ballot Election (Subject to Mayor's Veto)
3. ***RESOLUTION - Declaring Election Results (Subject to Mayor's Veto)
4. ***BILL - (For introduction and adoption) - Levying a Special Tax for the Property Tax Year 2022-2023 and Future Tax Years Within and Relating to Community Facilities District No. 9, Annexation No. 56 (Subject to Mayor's Veto)

The above hearing was called to order at 10:24 A.M. Upon call, there were no public comments on this item. The public comment period was closed at 10:24 A.M. There was no Council discussion.

RESOLUTION 2022-259 ADOPTED

RESOLUTION 2022-260 ADOPTED

RESOLUTION 2022-261 ADOPTED

BILL B-40 INTRODUCED / ADOPTED AS ORDINANCE 2022-038

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

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

Absent: 1 - Soria

10:05 A.M. #1

[ID 22-1659](#) Consideration of Plan Amendment Application No. P21-06440; Rezone Application No. P21-06440; Tentative Tract Map No. 6402; Planned Development Permit Application No. P22-00795; Conditional Use Permit Application No. P21-06515; and related Environmental Assessment No. T-6402/P21-06440/P22-00795/P21-06515 for approximately 4.83 acres of property located on the north side of East Alluvial Avenue, between North Paula and North Willow Avenues (Council District 6).

1. ADOPT - Mitigated Negative Declaration prepared for Environmental Assessment No. T-6402/P21-06440/P22-

- 00795/P21-06515 dated September 23, 2022, for the proposed project pursuant to California Environmental Quality Act (CEQA) Guidelines.
2. RESOLUTION - Approving Plan Amendment Application No. P21-06440 proposing to amend the Fresno General Plan and Woodward Park Community Plan to change the planned land use designation for approximately 3.00-acres of the subject property from Low Density Residential to Medium Density Residential.
 3. BILL - (For introduction and adoption) - Approving Rezone Application No. P21-06440 proposing to rezone the approximately 3.00-acres of the subject property from the RS-3 (*Single-Family Residential, Low Density*) zone district to the RS-5 (*Single-Family Residential, Medium Density*) zone district.
 4. APPROVE - Tentative Tract Map No. 6402 proposing to subdivide approximately 3.00 acres of the subject property into a 15-lot, 28-unit duplex residential development subject to compliance with the Conditions of Approval dated October 19, 2022.
 5. APPROVE - Planned Development Permit Application No. P22-00795 proposing to modify the RM-1 zone district development standards to allow for a reduction in the front yard, rear yard, and landscape buffer setbacks, and gated private streets.
 6. APPROVE - Conditional Use Permit Application No. P21-06515 proposing to allow for duplex uses in the RS-5 zone district.

The above scheduled matter was called to order at 10:25 A.M. Upon call, there were no public comments on this item. The public comment period was closed at 10:25 A.M. There was no Council discussion.

RESOLUTION 2022-262 ADOPTED

BILL B-41 INTRODUCED / ADOPTED AS ORDINANCE 2022-039

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

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

Absent: 1 - Soria

10:05 A.M. #2

[ID 22-1541](#) HEARING to consider Plan Amendment and Rezone Application No. P19-05950 and related Environmental Assessment No. P19-05950, for approximately 1.73 acres of property located on the south side of West Nees Avenue, between North Blackstone and North Ingram Avenues (Council District 2)

1. ADOPT the Negative Declaration as prepared for Environmental Assessment No. P19-05950 dated July 29, 2022, for the proposed project pursuant to the California Environmental Quality Act (CEQA).
2. RESOLUTION - Approving Plan Amendment Application No. P19-05950 proposing to amend the Fresno General Plan to change the planned land use designation for the subject property from High Density Residential (± 1.73 acres) to Regional Mixed Use (± 1.73 acres).
3. BILL (for introduction and adoption) - Approving Rezone Application No. P19-05950 proposing to amend the Official Zoning Map of the City of Fresno to rezone the subject property from the RM-3/UGM/CZ (*Multi-Family Residential, High Density/Urban Growth Management/conditions of zoning*) zone district to the RMX (*Regional Mixed Use*) zone district in accordance with Plan Amendment Application No. P19-05950.

The above item was removed from the agenda by Councilmember Karbassi and tabled to December 15, 2022, at 10:05 A.M.

TABLED

10:10 A.M.

[ID 22-1700](#) TEFRA HEARING - To hear and to consider information concerning the proposed issuance of tax-exempt Health Facility Revenue Bonds by the Michigan Finance Authority for the purpose of financing, or refinancing to the Borrower, the cost of acquisition, construction, improvement, and equipping of health care facilities in the City of Fresno. Proceeds of the Bonds will be loaned to Trinity Health Corporation, an Indiana nonprofit corporation, and the sole corporate member of Saint Agnes Medical Center, a California nonprofit corporation.

1. ***RESOLUTION - To Approve the issuance Revenue Bonds (Trinity Health Credit Group), by the Michigan Finance Authority, in one or more series, in an aggregate principal amount not to exceed \$900,000,000, for the purpose among other things, of financing or refinancing the costs of acquisition, construction, improvement, and equipping of health care facilities owned and operated by Saint Agnes Medical Center and certain other matters relating thereto. (Subject to Mayor's Veto.)

The above hearing was called to order at 10:26 A.M. Upon call, there were no public comments on this item. The public comment period was closed at 10:26 A.M. There was no Council discussion.

RESOLUTION 2022-263 ADOPTED

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

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

Absent: 1 - Soria

11:00 A.M.

[ID 22-1717](#) Actions pertaining to Residential Permit Parking District #10

1. HEARING to consider an amendment to Residential Permit Parking District #10
2. Adopt a finding of Categorical Exemption pursuant to Class 1/Section 15301 of the CEQA Guidelines
3. ***RESOLUTION - Amending Residential Permit Parking District #10 (Subject to Mayor's Veto)

The above hearing was called to order at 11:31 A.M. Upon call, the following people addressed Council: "Tax Paying Citizen" and Lisa Flores. Public comment was closed at 11:47 A.M.

Parking Division Manager Almaguer presented this item to Council.

RESOLUTION 2022-264 ADOPTED

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

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

Absent: 2 - Soria and Chavez

2:00 P.M.

[ID 22-1761](#) Workshop - Safe Access to Woodward Park Study

The above workshop was presented by Laura Gromis, Executive Director of USGBC Central California and Garrett Fortin, Policy and Program Analyst at UC Berkeley SafeTREC.

PRESENTED

3. GENERAL ADMINISTRATION

3.-A. [ID 22-1737](#) WORKSHOP - Broadband Strategic Plan

The above workshop was presented by Chief Information Officer Horn and Information Services Supervisor Zhou. Councilmember Arias requested a list detailing who uses the fiber connections and how much they pay for doing so.

Council discussion on this item included: how the determinations are made about where fiber is laid; why not all community centers are connected; why conduit and fiber would be placed outside city limits; public partnerships versus private partnerships; quality of service to be provided; and possibly revisiting the pilot sites to include under served areas.

PRESENTED

4. CITY COUNCIL**4.-A.** [ID 22-1766](#) Resolution in support of the women and children of Iran as they stand against the government of Iran in its persecution of women and violations of human rights

The above item was introduced to Council by Councilmember Karbassi.

Upon call, the following members of the public addressed council: Lisa Flores, Brandi Nuse-Villegas and Latanya Beamon.

RESOLUTION 2022-265 ADOPTED

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

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

Absent: 1 - Soria

5. CLOSED SESSION

During open session, Interim City Attorney Gonzales announced the items that would be discussed in closed session, including the separately noticed special meeting item (ID 22-1787). Council President Esparza announced he would be recused from closed session item 5-D (ID 22-1760) due to a

conflict.

Council withdrew from open session to hear closed session items at 1:35 P.M. and 2:18 P.M.

5.-A. [ID 22-1609](#)

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

City of Fresno v. Shell Oil Company, et al. (Public Utilities Department)
San Francisco County Superior Court Case No.: CGC-22-600974

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

DISCUSSED

5.-B. [ID 22-1675](#)

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

Desiree Martinez, et al. v. City of Fresno; Eastern District Court Case No.
1:22-cv-00307

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

DISCUSSED

5.-C. [ID 22-1764](#) **CONSIDER PUBLIC EMPLOYEE APPOINTMENT - Government Code Section 54957(b)**

Consider the appointment, employment, evaluation of performance, discipline, or dismissal of a public employee.

Title: City Attorney

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

DISCUSSED

5.-D. [ID 22-1760](#)

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

Nelson Esparza v. City of Fresno

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

People v. Nelson Esparza (F22905037)

The above item was discussed in closed session. Council President Esparza was recused from this item and was not present for the discussion. There were no open session announcements regarding this item.

DISCUSSED

ADJOURNMENT

City Council adjourned the open session portion of the meeting at 2:18 P.M.