

City of Fresno

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



Meeting Agenda - Final

Thursday, December 1, 2022

9:00 AM

Regular Meeting

Council Chambers (In Person And/Or Electronic)

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

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

You can participate in the meeting on our City's website click on the URL <https://fresno.legistar.com/Calendar.aspx> and click on the "In progress" link under "video" for the corresponding meeting. The Council meeting can also be viewed live at 9:00 A.M. on Comcast Channel 96 and AT&T Channel 99.

PUBLIC COMMENT: The following options are available for members of the public who want to address City Council:

1. eComment at <https://fresno.legistar.com/Calendar.aspx>.

a) eComments is a tool for citizens to comment on agenda items and those comments will become part of the official record. eComments will be available as soon as the agenda is published and will close 24 hours prior to the start of the meeting. The User Agreement and Procedures document for eComment can be accessed by the URL <https://www.fresno.gov/cityclerk/>

b) eComments will be a maximum of 450 words.

OR

2. You are invited to a Zoom webinar.

When: December 1, 2022 9:00 AM Pacific Time (US and Canada)

Topic: December 1, 2022 Regular Meeting

a) Register in advance for this webinar:

https://zoom.us/webinar/register/WN_0hMhHM43StST6EM34-48Fw

After registering, you will receive a confirmation email containing information about joining the webinar.

b) If you do not wish for your name to appear on the screen, then use the drop down menu and click on "rename" to rename yourself.

c) If you wish to address Council during the public comment portion of the agenda, click on the icon labeled "Participants" at the bottom center of your PC or Mac screen. At the bottom of the window on the right side of the screen, click the icon labeled "RaiseHand". Your digital hand will now be raised.

d) Those addressing Council must state their name for the record.

e) To facilitate electronic access, no person shall speak until recognized by the Presiding Officer.

OR

3. Email: to clerk@fresno.gov

a) Residents may also email comments to be read during the meeting. Please include the agenda date and item number you wish to speak on in the subject line of your email.

b) Emails will be a maximum of 450 words.

c) All comments received will be distributed to Council prior and during the meeting and will be a part of the official record.

Pursuant to Rule 11 (c) of the Rules of Procedure for the City Council of the City of Fresno, 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.

All participants will be on mute until they are called upon at which point they will be unmuted. To prevent participants from having their video on, we will remove the option to show their video.

The City of Fresno's goal is to comply with the Americans with Disabilities Act, If you need additional accommodations such as interpreters, sign language signers, or the services of a translator, please contact the office of the City Clerk at (559) 621-7650 or clerk@fresno.gov. To ensure availability, you are advised to make your request at least three business days prior to the meeting.

9:00 A.M. ROLL CALL

Invocation by Rev. Mike Chastain, Pastor with New Covenant Community Church, Fresno

Pledge of Allegiance to the Flag

APPROVE AGENDA

CEREMONIAL PRESENTATIONS

[ID 22-1188](#) Proclamation for "Dr. Lori Bennett, President of Clovis Community College"

Sponsors: Councilmember Bredefeld and Office of Mayor & City Manager

[ID 22-1762](#) Proclamation for "Trans Day of Remembrance"

Sponsors: Council President Esparza

COUNCILMEMBER REPORTS AND COMMENTS

MAYOR/MANAGER 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 22-1801](#) Approval of the minutes for November 15, 2022, Special Meeting, November 17, 2022, Regular Meeting, and November 17, 2022, Special Meeting.

Sponsors: Office of the City Clerk

1.-B. [ID 22-1804](#) Approval of City Council Meeting Schedule for Calendar Year 2023.

Sponsors: Office of the City Clerk

1.-C. [ID 22-1657](#) ***RESOLUTION - Authorizing the Director of Aviation or other authorized representative to: execute all implicated documentation for pre-application and application to the

Federal Aviation Administration (FAA) for Airport Improvement Program (AIP) grants for federal fiscal years 2023 and 2024 for both Fresno Yosemite International Airport (FAT) and Fresno Chandler Executive Airport (FCH), accept FAA AIP grant(s) for FY 2023 and FY 2024 projects at both airports including all subsequent amendments thereto offered by the FAA; and apply for and accept grants and all subsequent amendments thereto offered by the California Department of Transportation Aeronautics Division for matching funds for FY 2023 and 2024 FAA grants for the Fresno Chandler Executive Airport. (Requires 5 votes) (Subject to Mayor's Veto)

Sponsors:

Airports Department

1.-D. [ID 22-1818](#)

RESOLUTION - Declaring its official intent to use proceeds of indebtedness to reimburse the City for certain expenditures related to the Terminal Expansion Project at Fresno Yosemite International Airport (Requires 5 votes).

Sponsors:

Airports Department

1.-E. [ID 22-1817](#)

1. ***RESOLUTION: Adopt the Sixth Amendment to FY 2023 Salary Resolution No. 2022-152, amending Exhibit 2, Unit 2 - Non-Represented Management and Confidential Classes, to create the new classification of Senior City Attorney Investigator (Subject to Mayor's Veto)

Sponsors:

City Attorney's Office

1.-F. [ID 22-1829](#)

Approve the reappointments of Gerald Lee to the Fresno/Clovis Community Media Authority, and Michael McDonald to the Civil Service Board. Approve the appointments of Julie Federico and Elizabeth Laval to the Historic Preservation Commission, and Ruth F. Quinto, CPA to the City of Fresno Employees Retirement Board

Sponsors:

Office of Mayor & City Manager

1.-G. [ID 22-1805](#)

***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)

Sponsors: Fire Department

- 1.-H. [ID 22-1716](#) Award a construction contract with Bush Engineering Incorporated, of Fresno, California, in the amount of \$811,122 for the construction of a new Park at North Van Ness Boulevard and East Weldon Avenue and authorize the Director of General Services or designee to sign and execute related documents (Bid File 12300704) (District 1)

Sponsors: General Services Department

- 1.-I. [ID 22-1811](#) Actions pertaining to adopting the ordinances related to compensation and benefits for city employees and charter officials
1. ***Bill B-38 (Intro'd 11/17/2022) (For Adoption) -Amending Ordinance No. 2022-22 of the Fresno Municipal Code and Adopting an Ordinance Setting Forth the Compensation of Elective Officers (Subject to Mayor's Veto)
 2. ***Bill B-39 (Intro'd 11/17/2022) (For Adoption) -Amending Ordinance No. 2017-10 of the Fresno Municipal Code and Adopting an Ordinance Related to Reimbursement of Expenses for Elected Officials (Subject to Mayor's Veto)

Sponsors: Personnel Services Department

- 1.-J. [ID 22-1803](#) Actions Pertaining to the Bureau of Justice Assistance Grant:
1. Authorize the PARCS Director or Designee to Accept \$300,000 in Federal Grant Funding from the Byrne Community Project/ Byrne Discretionary Grants Program and Enter into Grant Related Agreements Subject to Review as to Form by the City Attorney (Citywide).
 2. ***RESOLUTION - Adopting the 15th Amendment to the Annual Appropriation Resolution No. 2022-154 to Appropriate \$100,000 From the Bureau of Justice Assistance U.S. Department of Justice. (Requires five affirmative votes) (Subject to Mayor's Veto)

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

- 1.-K. [ID 22-1807](#) RESOLUTION - Authorizing City Manager or Designee to Enter into a Memorandum of Understanding (MOU) with the American Red Cross (Red Cross) and any related Facility

Use Agreements for Emergency Readiness and Response Activities Including Warming Center Operations (Citywide)

Sponsors:

Parks, After School and Recreation and Community Services Department

1.-L. [ID 22-1752](#)

Approve the Fifth Amendment to the consultant services agreement with Rami + Associates, Inc., extending the contract performance period to June 30, 2023. No additional funding is requested.

Sponsors:

Planning and Development Department

1.-M. [ID 22-1799](#)

***RESOLUTION - Adopting the 14th Amendment to the Annual Appropriation Resolution (AAR) No. 2022-154 appropriating \$3,500,000 in the City of Fresno Local Housing Trust Fund (requires 5 Affirmative Votes) (Subject to Mayor's Veto)

Sponsors:

Planning and Development Department

1.-N. [ID 22-1797](#)

***RESOLUTION - Adopting the 16th Amendment to the Annual Appropriation Resolution (AAR) No. 2022-154 appropriating \$59,946,400 for Homekey Program related activities (requires 5 Affirmative Votes) (Subject to Mayor's Veto)

Sponsors:

Planning and Development Department

1.-O. [ID 22-1744](#)

Approve the award of a cooperative purchase agreement to Lehr Auto of Sacramento, California for the purchase of 24 Panasonic CF-33 Toughbook laptops in the amount of \$161,900 to replace aging, out of date computers in Police vehicles.

Sponsors:

Police Department

1.-P. [ID 22-1802](#)

Authorize the Chief of Police to enter into a three-year contract with two one-year extensions with The Fresno Police Chaplaincy to provide chaplain services to the Fresno Police Department in an amount not to exceed \$75,000 each year (\$375,000 over five years).

Sponsors:

Police Department

- 1.-Q. [ID 22-1730](#) Approve an agreement for Professional Engineering Services with Mark Thomas & Company, Inc. for \$455,407.11, with a \$45,000 contingency, for design and construction support services for the Midtown Trail Segment 1 (Phase II) Project (Council District 7)

Sponsors:

Public Works Department

- 1.-R. [ID 22-1770](#) Annual Review and Acceptance of the FY 2022 Impact Fee Annual Report as Required by California Government Code

Sponsors:

Public Works Department

- 1.-S. [ID 22-1771](#) Approve a substitution of a listed Subcontractor DeAnda Company, for Prefabricated Restroom at Hinton Park. (Council District 3)

Sponsors:

Public Works Department

- 1.-T. [ID 22-1780](#) Actions pertaining to the Capital Improvement Projects within the City of Fresno street right of way (All Council Districts)
1. Approve agreement in the amount of \$958,000 with RMA GeoScience for materials testing and acceptance services
 2. Approve agreement in the amount of \$958,000 with Salem Engineering Group Inc. for materials testing and acceptance services
 3. Approve agreement in the amount of \$958,000 with Krazan & Associates, Inc. for materials testing and acceptance services
 4. Approve agreement in the amount of \$117,000 with Moore Twining & Associates, Inc. for independent assurance testing
 5. Authorize the Public Works Director or designee to execute the agreements on behalf of the City

Sponsors:

Public Works Department

- 1.-U. [ID 22-1773](#) Actions pertaining to Final Map of Tract No. 6201

RESOLUTION - Approving the Final Map of Tract No. 6201, and accepting dedicated public uses offered therein except for dedications offered subject to City acceptance of developer installed required improvements - located on the northeast corner of North Armstrong Avenue and East

Floradora Avenue (Council District 7)

Sponsors:

Public Works Department

1.-V. [ID 22-1791](#)

Approve a Cost Share Agreement with the Fresno Irrigation District, the City of Clovis, and the County of Fresno, for Consultant Services Related to Legislative Support for Big Dry Creek Reservoir Operational Changes in the amount of \$15,000 for the time period from January 1, 2022, to December 31, 2022, with three optional one-year extensions in the amount of \$15,000 per year, for a total of \$60,000.

Sponsors:

Department of Public Utilities

1.-W. [ID 22-1772](#)

Designate alternates to serve as the City of Fresno's representative on the Board of Directors of the Upper Kings Basin Integrated Regional Water Management Joint Powers Authority (Citywide)

Sponsors:

Department of Public Utilities

1.-X. [ID 22-1837](#)

Actions pertaining to an Extraterritorial Service and Offsite Infrastructure Agreement with State Center Community College District for the First Responders Campus Project (County):

1. Resolution - Adopting findings pursuant to California Environmental Quality Act (CEQA) Guidelines Sections 15091 and 15093 as required for Responsible Agencies by CEQA Guidelines Section 15096 for the First Responders Campus Project

2. Approve an Extraterritorial Service and Offsite Infrastructure Agreement with State Center Community College District to provide for connections to the City of Fresno's municipal water and sewer systems

Sponsors:

Department of Public Utilities

1.-Y. [ID 22-1813](#)

Approve the Title VI Fare Equity Analysis for the Department of Transportation/Fresno Area Express (FAX) for reduced student fares.

Sponsors:

Department of Transportation

- 1.-Z. [ID 22-1814](#) ***RESOLUTION - Adopting the 574th Amendment to the Master Fee Schedule Resolution No. 80-420 to Add and Adjust Various Fees in the Transportation/FAX Department. (Subject to Mayor's Veto)

Sponsors:

Department of Transportation

1. [ID 22-1701](#)
-AA. Authorize the Department of Transportation Director or their Designee to execute revenue agreements with the State Community Center College District and California State University, Fresno, subsidizing transit fares on Fresno Area Express buses

Sponsors:

Department of Transportation

1. [ID 22-1812](#)
-BB. Approve At-Will Employment Agreement of City Attorney

Sponsors:

Council President Esparza

CONTESTED CONSENT CALENDAR

2. SCHEDULED COUNCIL HEARINGS AND MATTERS

10:00 A.M. #1

[ID 22-1776](#)

HEARING to adopt resolutions and ordinance to annex territory and levy a special tax regarding City of Fresno Community Facilities District No.11, Annexation No. 134 (Final Tract Map No. 6325) (Northwest corner of East Clinton Avenue and North Armstrong Avenue) (Council District 7)

1. ***RESOLUTION - to Annex Territory to Community Facilities District No. 11 and Authorizing the Levy of a Special Tax for Annexation No. 134 (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. 11, Annexation No. 134 (Subject to Mayor's Veto)

Sponsors: Public Works Department

10:00 A.M. #2

[ID 22-1768](#)

HEARING to consider the vacation of a portion of the southeasterly side of North State Street between West Mission Avenue and Golden State Boulevard (Council District 1)

1. ***RESOLUTION - Ordering the vacation of a portion of the southeasterly side of North State Street between West Mission Avenue and Golden State Boulevard (Subject to Mayor's Veto)

Sponsors: Public Works Department

10:05 A.M. #1

[ID 22-1769](#)

HEARING to consider the vacation of a portion of the North Glenn Avenue-North Blackstone Avenue Alley, between East Simpson Avenue and East Cornell Avenue (Council District 7):

1. ***RESOLUTION - Ordering the vacation of a portion of the North Glenn Avenue-North Blackstone Avenue Alley, between East Simpson Avenue and East Cornell Avenue (Subject to Mayor's Veto)

Sponsors: Public Works Department

10:05 A.M. #2

[ID 22-1759](#)

HEARING to obtain public comments regarding community needs for consideration in the development of the 2023-2024 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

10:10 A.M. #1

[ID 22-1800](#)

Appearance by Mary Padilla to discuss Renewing Values and Morals. (Speaker Resides in District 2)

Sponsors: Office of the City Clerk

10:10 A.M. #2[ID 22-1790](#)

HEARING to adopt resolutions and ordinance to establish a Community Facilities District (Community Facilities District No. 18 - Public Safety Services), future annexation area, and Authorizing the Levy of a Special Tax (T6234, southwest corner of Dakota and Hayes Avenues; T6310, near the northwest corner of Dakota and Polk Avenues; future annexation area encompasses entire City of Fresno) (new Citywide district; projects located in District 1)

1. ***RESOLUTION - to Establish a Community Facilities District (Community Facilities District No. 18 - Public Safety Services), future annexation area and Authorizing the Levy of a Special Tax (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. 18 (Subject to Mayor's Veto)

Sponsors:

Public Works Department

10:10 A.M. #3[ID 22-1703](#)

Presentation regarding "Community Choice Energy" by Destiny Rodriguez.

Sponsors:

Councilmember Chavez

10:10 A.M. #4[ID 22-1840](#)

Update on State Center Community College District Projects by Chancellor Dr. Carole Goldsmith

Sponsors:

Councilmember Arias

10:15 A.M.**JOINT MEETING WITH THE FRESNO JOINT POWERS FINANCING AUTHORITY (JPFA). MEMBERS OF JPFA BOARD: MAYOR DYER, CHAIR BREDEFELD, COUNCILMEMBER KARBASSI****JPFA ACTION**

- A. [ID 22-1783](#) HEARING to adopt Resolution designating and authorizing certain Finance Officers of the City of Fresno (“City”) to take certain actions as required for prudent financial administration and safekeeping of Fresno Joint Powers Finance Authority (“JPFA”) funds and property

Sponsors:

Finance Department

- B. [ID 22-1784](#) HEARING to adopt Resolution designating and authorizing certain Finance Officers of the City of Fresno to deposit and withdraw funds into and out of the Local Agency Investment Fund (“LAIF”) in the custody of the State Treasurer

Sponsors:

Finance Department

CITY ACTION

- C. [ID 22-1785](#) RESOLUTION - Authorizing certain Finance Officers of the City of Fresno (“City”) to sign City checks and various investment and commercial banking documents, and to provide verbal instruction required for the prudent financial administration and safekeeping of City funds

Sponsors:

Finance Department

- D. [ID 22-1786](#) RESOLUTION - Consenting to and authorizing investment of monies in the Local Agency Investment Fund (“LAIF”) in the custody of the State Treasurer for purposes of investment, and authorizing certain Finance Officers in connection therewith

Sponsors:

Finance Department

3. GENERAL ADMINISTRATION

4. CITY COUNCIL

- 4.-A. [ID 22-1841](#) ***RESOLUTION - Naming the Park Located at Dakota and Milburn Avenues "Dolores Huerta Park" (Subject to Mayor's Veto)

Sponsors: Councilmember Soria

5. CLOSED SESSION

- 5.-A. [ID 22-1728](#) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION
Government Code Section 54956.9, subdivision (d)(2)

Case Name: Graves Family Trust v. City of Fresno

City Attorney's Office

Sponsors:

- 5.-B. [ID 22-1815](#) CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION
Government Code Section 54956.9, subdivision (d)(1)

Case Name: Pismos of Fresno, LLC, et al. v. City of Fresno, et al. Fresno Superior Court Case No. 20CECG03646

City Attorney's Office

Sponsors:

- 5.-C. [ID 22-1816](#) CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION
Government Code Section 54956.9, subdivision (d)(1)

Gianna Provenzano v. City of Fresno, et al.

Fresno Superior Court Case No. 21CECG01263

Sponsors:

City Attorney's Office

- 5.-D. [ID 22-1810](#) 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)

Sponsors: Special Counsel Meyers Nave

ADJOURNMENT

UPCOMING SCHEDULED COUNCIL HEARINGS AND MATTERS

December 15, 2022

10:05 A.M. 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)

UPCOMING EMPLOYEE CEREMONIES

2022 CITY COUNCIL MEETING SCHEDULE

DECEMBER 8, 2022 - NO MEETING

DECEMBER 15, 2022 - 9:00 A.M.

DECEMBER 22, 2022 - NO MEETING

DECEMBER 29, 2022 - NO MEETING