

City of Fresno

2600 Fresno Street

Fresno, CA 93721

www.fresno.gov



Meeting Minutes - Final

Thursday, June 30, 2022

9:00 AM

Regular Meeting / Final Budget Adoption

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 City Council for the City of Fresno convened in regular session on June 30, 2022, at 9:00 A.M.

9:06 A.M. ROLL CALL

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

Invocation by Reza Nekumanesh from the Islamic Cultural Center of Fresno

Pledge of Allegiance to the Flag

APPROVE AGENDA

Councilmember Chavez announced a conflict and recused himself from Closed Session item 5-A (ID 22-1056) regarding Existing Litigation City of Fresno v. United States Department of Interior, Bureau of Reclamation, US Court of Federal Claims.

Councilmember Soria announced a conflict and recused herself from Closed Session item 5-B (ID 22-1077) regarding Potential Exposure to Litigation Central Valley NMTC Fund, LLC., v. City of Fresno.

THE FOLLOWING ITEMS WERE REMOVED FROM THE AGENDA AND TABLED TO JULY 21, 2022:

Consent Calendar item 1-A (ID 22-1078) regarding approval of minutes for the June 23, 2022, Regular Meeting - removed from the agenda and tabled to July 21, 2022.

10:00 A.M. #1 regarding Text Amendment Application No. P21-05809 - tabled to July 21, 2022, at 10:00 A.M. by Councilmember Arias with a request for staff to include the updated information received from the stakeholders in the staff report.

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

1-G (ID 22-1079) regarding to adjust various fees in the Police Department - moved to Contested Consent by Councilmember Arias.

1-K (ID 22-1088) regarding the compensation of elective officer - moved to Contested Consent by Vice President Maxwell.

AGENDA APPROVED AS AMENDED

On motion of Councilmember Soria, seconded by Councilmember Karbassi, the agenda was APPROVED AS AMENDED. The motion carried by the following vote:

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

CEREMONIAL PRESENTATIONS

[ID 22-1072](#) Proclamation Honoring Patsy Montgomery

PRESENTED

COUNCILMEMBER REPORTS AND COMMENTS

Councilmember Arias briefly spoke on Consent Calendar item 1-K regarding the compensation of elective officers.

Council President Esparza wished everyone a happy Pride Month and thanked the budget team for all their hard work.

MAYOR/MANAGER REPORTS AND COMMENTS

There were no reports from the City Manager White or Mayor Dyer.

UNSCHEDULED COMMUNICATION

Upon call, the following members of the public addressed Council: Mary Padilla, Fernando Paul Elizando, Lisa Flores, Zackary Taylor, Deborah, Natalie Torres, John Fuller, and Brandi Nuse-Villegas.

[ID 22-1309](#) Unscheduled Communications Received.

1. CONSENT CALENDAR

APPROVAL OF THE CONSENT CALENDAR

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

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

Absent: 1 - Chavez

- 1-A.** [ID 22-1078](#) Approval of the Minutes for the June 16, 2022, Regular City Council Meeting, June 20, 2022 Special Closed Session Meeting, June 20, 2022 Budget Hearing Meeting, and the June 23, 2022, Regular City Council Meeting.

The minutes for June 23, 2022, Regular Meeting were tabled to July 21, 2022.

APPROVED ON CONSENT CALENDAR

- 1-B.** [ID 22-1021](#) Award an Agreement for 25 Axon Body 3 Flex Body Worn -Video Cameras, with unlimited Data Storage and related services; Authorize the Director of the Airport or Designee to execute this agreement

APPROVED ON CONSENT CALENDAR

- 1-C.** [ID 22-1086](#) ***BILL B-16 (Intro'd 6/23/2022)(For Adoption) - Amending Administrative Abatement, Fresno Municipal Code (FMC) Section 10-616 (Subject to Mayor's Veto).

ORDINANCE 2022-017 ADOPTED

APPROVED ON CONSENT CALENDAR

- 1-D.** [ID 22-1081](#) Actions pertaining to the International Association of Fire Fighters (IAFF), Local 202 for Unit 5 and Unit 10
1. ***Adopt an amended Memorandum of Understanding between the City of Fresno and International Association of Fire Fighters (IAFF), Local 202, Non-Management Fire for Unit 5 (Subject to Mayor's Veto)
 2. ***Adopt an amended Memorandum of Understanding between the City of Fresno and International Association of Fire Fighters (IAFF), Local 202, Fire Management for Unit 10 (Subject to Mayor's Veto)
 3. ***RESOLUTION: Adopt the Twenty-first Amendment to FY 2022 Salary Resolution No. 2021-176, amending Exhibit 5, Fire Non-Management (IAFF), and Exhibit 10, Fire Management, as

required by the amended Memoranda of Understanding between the City of Fresno and International Association of Fire Fighters (IAFF), Local 202 (Subject to Mayor's veto)

RESOLUTION 2022-149 ADOPTED

APPROVED ON CONSENT CALENDAR

- 1-E. [ID 22-1090](#) ***BILL B-20 (Intro'd 6/23/2022)(For Adoption) - Approving the Development Agreement by and between the City of Fresno and Parc West Development, Inc. for purposes of the Parc West Project, pertaining to ±160 acres of property located on the west side of North Grantland Avenue between West Ashlan Avenue and the West Gettysburg Avenue alignment (Subject to Mayor's Veto).

ORDINANCE 2022-018 ADOPTED

APPROVED ON CONSENT CALENDAR

- 1-F. [ID 22-1038](#) Actions pertaining to using the Parkway Inn located at 959 N. Parkway Drive, Fresno 93728, as an interim low-barrier homeless shelter:
1. Adopt a finding of Categorical Exemption pursuant to Section 15301 of the California Environmental Quality Act (CEQA) guidelines
 2. Approve a Repair Services Agreement with the Fresno Housing Authority not to exceed \$5,406,505 (District 3)

APPROVED ON CONSENT CALENDAR

- 1-H. [ID 22-1023](#) RESOLUTION - Authorizing the Submission of Grant Applications to the Fresno Council of Governments 2022/23 Measure C New Technology Reserve Grant Program for Advanced Transit and Transportation Projects Totalling Up to \$4.4 Million in Requests for Funding; and Authorizing the Execution of Grant Application and Grant Agreement Documents by the Public Works and Transportation Directors or Designees (Citywide)

RESOLUTION 2022-151 ADOPTED

APPROVED ON CONSENT CALENDAR

- 1-I. [ID 22-1024](#) Actions pertaining to the Milburn and Dakota New Park Project:
1. Affirm City Manager's determination that the Community Design Works Group is uniquely qualified to provide design services
 2. Approve an agreement with (CWDG) in the amount of \$689,690 plus a contingency amount not to exceed \$50,000 for the design and preparation of construction documents for the Milburn and Dakota New Park Project (Council District 1)

APPROVED ON CONSENT CALENDAR

- 1-J. [ID 22-1087](#) ***BILL B-17 (Intro'd 6/23/2022)(For Adoption) - Creating the Tenant Relocation Benefits Following City Order To Vacate Due To Immediate Health And Safety Risk Ordinance, FMC section 11-338 (Subject to Mayor's Veto).

ORDINANCE 2022-019 ADOPTED

APPROVED ON CONSENT CALENDAR

CONTESTED CONSENT CALENDAR

- 1-G. [ID 22-1079](#) ***RESOLUTION - Adopt the 569th Amendment to the Master Fee Schedule Resolution No. 80-420 to adjust various fees in the Police Department (Subject to Mayor's Veto)

There was no staff presentation on the above item. There was no discussion on this item.

Councilmember Arias motioned to approve the above item with the exception of the police vehicle rate that will come back with an updated formula once they make the appropriate assessments and adjustments. Council President Esparza seconded the motion.

RESOLUTION 2022-150 ADOPTED AS AMENDED

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

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

- 1-K. [ID 22-1088](#) ***BILL B-18 (Intro'd 6/23/2022)(For Adoption) - Repealing Ordinance No. 2018-67 of the Fresno Municipal Code and adopting an ordinance setting forth the compensation of elective officers (Subject to Mayor's Veto).

The above item was presented to Council by Vice President Maxwell and Councilmember Chavez.

Discussion on this item included community input and feedback regarding the proposed salary increase, the analysis of the new pay structure, and not capping the mayor's salary increase.

Mayor Dyer requested the mayor's salary be capped at \$149,500 and that

be the only increase for the life of his term(s).

Councilmember Bredefeld spoke in opposition of the salary increase.

Councilmember Chavez motioned to amend the proposed ordinance setting the compensation of elective officers as follows; 1. Section 2 of the ordinance is amended to state that Councilmembers compensation will be \$92,000 starting January 1, 2023, \$101,200 starting on January 1, 2024, and \$111,320 starting on January 1, 2025, and continuing until otherwise modified. 2. Section 3 of the ordinance is amended to state that the Council President's compensation shall be 12.5% greater than Councilmember's compensation. 3. Section 4 of the ordinance is amended to state that the Mayor's compensation will be \$149,500 starting January 1, 2023, \$164,450 starting on January 1, 2024, and \$180,895 starting on January 1, 2025 and continuing until otherwise modified. Councilmember Karbassi seconded the motion.

BILL B-18 REINTRODUCED AS AMENDED

On motion of Councilmember Chavez, seconded by Councilmember Karbassi, that the above item be REINTRODUCED AS AMENDED. The motion carried by the following vote:

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

No: 2 - Soria and Bredefeld

2. SCHEDULED COUNCIL HEARINGS AND MATTERS

9:00 A.M. - ACTIONS ON THE FISCAL YEAR 2023 BUDGET AND RELATED ITEMS

City Manager White addressed and introduced the budget adoption documents to the Council.

Upon call, the following members of the public addressed Council: Gloria Hernandez, Lisa Flores, Gabriel Lozano, Kimberly McCoy, Astrid Morales, Karla Martinez, Brandi Nuse-Villegas, and Jose Leon Barraza, Kiel Lopez-Schmidt, Pedro Navarro Cruz, Cindy, Christopher Washington, Dez Martinez, Anna Medrano, and Ruben Espinoza.

Discussion on the item included: Establishing and Housing Division for housing the homeless; allocation of funds to new housing developments; maintaining and improving parks; gun violence and gang intervention; Advance Peace; improvements to downtown parking garages; repaving streets in the communities; neighborhood infrastructure; construction of Fire Station 12; the plan for bond financing for the training facility; the reconciliation summary of Quigley Park; fund the carryover for Emerson median island; irrigation repairs and upkeep of the parks; a Police Station West of the 99; planning for a recession; increase rebates for water conservation; funding slurry seals on the streets; upgrade to Pinedale; raising more funds for the reserves; the increase in Police Officers, and; bicycle proactive unit.

City Clerk Stermer read a correction into the record regarding the Fiscal Year 2023 Position Authorization Resolution as follows: the last page of the supplement under part 6 Transportation Department was omitted and should read "Transportation Department section 25.1 Fax Operating Division, Transportation Maintenance Division, Transportation Administration Division, Transportation Planning Division, and Support Services Division months authorized full year number of positions authorized 25, full-time equivalent 20."

Council President Esparza announced on June 23, 2022, the Council adopted Budget Motions 1-91 and 93 which resulted in the General Fund for the proposed Fiscal Year 2023 budget being out of balance by approximately \$60 million. Previously, \$27 million from ARPA and \$12.4 million in General Fund carryover was appropriated by the Council to fund Public Works for neighborhood infrastructure projects. He noted the Administration and Council Budget Subcommittee met to negotiate a resolution that would allow the Council to adopt a balanced budget as required by the City Charter. The Annual Appropriations Resolution (AAR) and related budget documents for consideration would accomplish the balanced budget requirement. A reconciliation summary sheet outlining the changes contained in the AAR had been distributed along with the budget documents.

Council President Esparzal moved to adopt Item 2-C, the Fiscal Year 2023

Annual Appropriation Resolution, and related items 2-A, 2-B, 2-D, 2-E, and 2-F and noted the motion would supersede all previous budget motions. Vice President Maxwell seconded the motion.

- A** [ID 22-1082](#) ***RESOLUTION - Adopt the FY 2023 Salary Resolution (Subject to Mayor's Veto).

RESOLUTION 2022-152 ADOPTED

On motion of Council President Esparza, seconded by Vice President Maxwell, that the above Action Item be ADOPTED. The motion carried by the following vote:

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

- B.** [ID 22-1045](#) ***RESOLUTION - Adopt the FY 2023 Position Authorization Resolution. (Subject to Mayor's veto)

RESOLUTION 2022-153 ADOPTED

On motion of Council President Esparza, seconded by Vice President Maxwell, that the above Action Item be ADOPTED. The motion carried by the following vote:

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

- C.** [ID 22-1046](#) ***RESOLUTION - Adopt the FY 2023 Annual Appropriation Resolution. (Subject to Mayor's veto)

Council President Esparza announced a conflict with the ARPA item related to Fiscal Year 2022-Budget Motion 58, found on Page 2 of the Fiscal Year 2023 Budget Reconciliation Summary, and will recused himself from that item only because of the item's proximity to his primary residence.

RESOLUTION 2022-154 ADOPTED

On motion of Council President Esparza, seconded by Vice President Maxwell, that the above Action Item be ADOPTED. The motion carried by the following vote:

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

- D.** [ID 22-1048](#) ***RESOLUTION - FY 2023 Gann Appropriation Limit Resolution

(Subject to Mayor's veto)

Council President Esparza registered a "no" vote for the above item.

RESOLUTION 2022-155 ADOPTED

On motion of Council President Esparza, seconded by Vice President Maxwell, that the above Action Item be ADOPTED. The motion carried by the following vote:

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

No: 1 - Esparza

- E. [ID 22-979](#) ***RESOLUTION - To Adopt an Investment Policy for Public Funds for Fiscal Year 2022-2023. (Subject to Mayor's Veto)

RESOLUTION 2022-156 ADOPTED

On motion of Council President Esparza, seconded by Vice President Maxwell, that the above Action Item be ADOPTED. The motion carried by the following vote:

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

- F. [ID 22-1044](#) ***BILL - (For introduction and adoption) - Adoption of Property Tax Override Ordinance (Subject to Mayor's veto)

BILL B-21 INTRODUCED / ADOPTED AS ORDINANCE 2022-020

On motion of Council President Esparza, seconded by Vice President Maxwell, that the above Action Item be ADOPTED. The motion carried by the following vote:

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

(CONTINUED FROM JUNE 23, 2022) 10:00 A.M. #1

[ID 22-989](#) HEARING Consideration of Text Amendment Application No. P21-05809 and related Environmental Finding for Environmental Assessment No. P21-05809, amending Section 15-2010 of the Fresno Municipal Code, relating to the Zone Districts where Electrified Fences are permitted.

1. RECOMMEND ADOPTION of a finding set forth in Environmental Assessment No. P21-05809 dated April 20, 2022, that Text Amendment Application No. P21-05809 is exempt from the California Environmental Quality Act (CEQA) pursuant to the

common sense exemption that it can be seen with certainty that there is no possibility that the proposed text amendment may have a significant effect on the environment pursuant to CEQA Guidelines Section 15061(b)(3).

2. RECOMMEND APPROVAL WITH CONDITIONS set forth by the Planning Commission Text Amendment Application No. P21-05809, to amend Section 15-2010 of the Fresno Municipal Code relating to the Zone Districts where Electrified Fences are permitted.

The above item was tabled to July 21, 2022 at 10:00 A.M. by Councilmember Arias.

TABLED

10:00 A.M. #2

[ID 22-1027](#)

The above hearing was called to order at 10:16 A.M. There was no staff presentation on the above item and no Council discussion. Upon call, the following member of the public addressed Council: Lisa Flores. Public comment was closed at 10:20 A.M.

RESOLUTION 2022-157 ADOPTED

RESOLUTION 2022-158 ADOPTED

RESOLUTION 2022-159 ADOPTED

BILL B-22 INTRODUCED / ADOPTED AS ORDINANCE 2022-021

On motion of Council President Esparza, seconded by Vice President Maxwell, that the above Action Item be ADOPTED. The motion carried by the following vote:

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

10:05 A.M.

[ID 22-1026](#)

HEARING to consider the proposed Annual Assessment for the City of Fresno Landscaping and Lighting Maintenance District No. 1 (Citywide)

1. ***RESOLUTION - Confirming the diagram and assessment and levy of annual assessment, 2022-2023, for Landscaping and Lighting District No. 1 (Subject to Mayor's Veto)

The above hearing was called to order at 10:20 A.M. There was no staff

presentation, no Council discussion. Upon call, there was no public comment. Public comment was closed at 10:21 A.M.

RESOLUTION 2022-160 ADOPTED

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

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

3. GENERAL ADMINISTRATION

There were no General Administration items on the agenda.

4. CITY COUNCIL

There were no City Council items on the agenda.

- 4-A.** [ID 22-1084](#) RESOLUTION - Initiating a General Plan Amendment and Rezone of Real Property located on North Emerson Avenue between North Marks Avenue and North West Avenue

The above item was introduced to Council by Councilmember Soria. There was no Council discussion.

Upon call, the following members of the public addressed Council: Mary Padilla and Lisa Flores.

RESOLUTION 2022-161 ADOPTED

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

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

5. CLOSED SESSION

Upon call, there was no public comment for Closed Session items.

During open session, Interim City Attorney Gonzales announced each of the Closed Session items listed on the agenda.

Council withdrew from Open Session to hear Closed Session items at 2:04 P.M.

- 5.-A. [ID 22-1056](#) CONFERENCE WITH LEGAL COUNSEL--EXISTING LITIGATION - Government Code Section 54956.9, subdivision (d)(1):
City of Fresno v. United States Department of Interior, Bureau of Reclamation; US Court of Federal Claims 1:16-cv-01276

Councilmember Chavez recused himself and was not present for the discussion of the above item. There were no open session announcements following the above closed session item.

DISCUSSED

- 5.-B. [ID 22-1077](#) POTENTIAL EXPOSURE TO LITIGATION: Government Code Section 54956.9(d)(2):
Central Valley NMTC Fund, LLC., v. City of Fresno

Councilmember Soria recused herself and was not a present for the discussion of the above item. There were no open session announcements following the above closed session item.

DISCUSSED

- 5.-C. [ID 22-1091](#) CONFERENCE WITH LABOR NEGOTIATORS - Government Code Section 54957.6
City Negotiators: TJ Miller
Employee Organizations:
1. International Union of Operating Engineers, Stationary Engineers, Local 39 (Local 39); 2. Fresno City Employees Association (FCEA); 3. Fresno Police Officers Association (FPOA Basic), Unit 4; 4. International Association of Firefighters, Local 753, Unit 5 (Fire Basic); 5. Amalgamated Transit Union, Local 1027 (ATU); 6. International Brotherhood of Electrical Workers, Local 100 (IBEW); 7. Fresno Police Officers Association (FPOA Management); 8. International Association of Firefighters, Local 753, Unit 10 (Fire Management); 9. City of Fresno Professional Employees Association (CFPEA); 10. City of Fresno Management Employees Association (CFMEA); 11. Operating Engineers, Local Union No. 3, Fresno Airport Public Safety Supervisors (FAPSS); 12. Operating Engineers, Local Union No. 3, Fresno Airport Public Safety Officers (FAPSO); 13. Unrepresented Employees in Unit 2 (Non-Represented

Management and Confidential Classes): Airport Public Safety Manager, Assistant City Attorney, Assistant City Manager, Assistant Controller, Assistant Director, Assistant Director of Personnel Services, Assistant Director of Public Utilities, Assistant Director of Public Works, Assistant Police Chief, Assistant Retirement Administrator, Background Investigator, Budget Analyst, Budget Manager, Chief Assistant City Attorney, Chief Information Officer, Chief of Staff to Councilmember, Chief of Staff to the Mayor, City Attorney (City Negotiator, Council President Esparza), City Attorney Investigator, City Clerk (City Negotiator, Council President Esparza), City Engineer, City Manager (City Negotiator, Mayor Dyer), Community Coordinator, Community Outreach Specialist, Controller, Council Assistant, Deputy City Attorney II , Deputy City Attorney III, Deputy City Manager, Director, Director of Aviation, Director of Development, Director of Personnel Services, Director of Public Utilities, Director of Transportation, Economic Development Coordinator, Economic Development Director , Executive Assistant to Department Director, Executive Assistant to the City Attorney, Executive Assistant to the City Manager, Executive Assistant to the Mayor, Fire Chief, Governmental Affairs Manager, Human Resources Manager, Independent Reviewer, Internal Auditor, Investment Officer, Labor Relations Manager, Management Analyst II, Payroll Accountant, Payroll Manager, Police Chief, Principal Budget Analyst, Principal Internal Auditor, Principal Labor Relations Analyst, Public Affairs Officer, Public Works Director, Retirement Administrator, Retirement Benefits Manager, Retirement Office Manager, Senior Budget Analyst, Senior Deputy City Attorney I, Senior Deputy City Attorney II, Senior Deputy City Attorney III, Senior Human Resources/Risk Analyst, Senior Law Clerk, Supervising Deputy City Attorney

There were no open session announcements following the above closed session item.

DISCUSSED

- 5.-D. [ID 22-1100](#) CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION
Government Code Section 54956.9, subdivision (d)(2): Case Name:
Verizon Wireless vs. City of Fresno.

The above item was tabled to July 21, 2022, by Vice President Maxwell.

TABLED

- 5.-E. [ID 22-1101](#) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
Government Code 54956.9(d)(1); Existing
Litigation: J & A Mash & Barrel, LLC. v. Superior Court of Fresno County.

Government Code section 54956.9(d)(2);
Claim by Adventure Church against City of Fresno dated May 4, 2022.

CONFERENCE WITH REAL PROPERTY NEGOTIATOR -
Government Code Section 54956.8; Property: 809 E Olive Ave;
Negotiating Parties: City Manager, Lawrence Abbate; Under Negotiation:
Terms and Conditions of Property Acquisition.

There were no open session announcements following the above closed session item.

DISCUSSED

ADJOURNMENT

City Council adjourned from Closed Session at 3:35 P.M.