



City of Fresno

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

Meeting Minutes 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, October 5, 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.

9:09 A.M. ROLL CALL

Present: 7 - Councilmember Nelson Esparza
Council President Tyler Maxwell
Vice President Annalisa Perea
Councilmember Mike Karbassi
Councilmember Miguel Angel Arias
Councilmember Luis Chavez
Councilmember Garry Bredefeld

Invocation by Dr. El Sayed Ramadan Imam of Masjid Fresno Islamic Center

Dr. El Sayed Ramadan Imam 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:

A special meeting had been separately noticed for 9:00 a.m. to discuss:

Item ID 23-1480 - regarding resolution clarifying the applicability of Community Facilities District 18.

Consent Calendar item 1-A (ID 23-1430) regarding approval of Minutes for September 28, 2023, Regular Meeting - was removed from the agenda by staff and tabled to October 19, 2023.

Scheduled Hearing and Matters item 3:00 p.m. (ID 23-1436) regarding actions pertaining to proposed Harmony Communities' proposed closure of La Hacienda Mobile Estates - was removed from the agenda by the City Attorney's Office and the item will be re-noticed and rescheduled for November 16, 2023, at 3:00 p.m.

Closed Session item 5-B (ID 23-1406) regarding Conference with Legal Counsel - Anticipated Litigation Government Code Section 54956.9, subdivision (d)(4): 1 potential case – was removed from the agenda by staff with no return date.

ITEMS MOVED TO CONTESTED CONSENT FOR FURTHER DISCUSSION:

1-D (ID 23-1417) regarding the California Department of Toxic Control Substances Equitable Community Revitalization Grant, Round 2 - was moved to Contested Consent by Councilmember Arias.

1-E (ID 23- 1418) regarding the first amendment to the agreement with Poverello House for Village of Hope Emergency Shelter services for increasing funding for tiny home pre-development costs - was moved to Contested Consent by Councilmember Arias.

1-N (ID 23-1461) regarding resolution directing the City Attorney to draft the Workforce Housing Affordability Act - was moved to Contested Consent by Councilmember Karbassi.

1-P (ID 23-1475) regarding resolution directing the Administration to prepare an Annual Appropriation Resolution amendment relating to the Payment of Fees Associated with the Initiation of a Plan Amendment and

Rezone within District 4 - was moved to Contested Consent by Council President Maxwell.

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

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

CEREMONIAL PRESENTATIONS

[ID 23-1071](#) Proclamation for "Domestic Violence Awareness Month"

PRESENTED

[ID 23-1295](#) Proclamation for "Code Enforcement Officer Appreciation Week"

PRESENTED

[ID 23-1400](#) Proclamation for "Frank Ramos Day"

PRESENTED

[ID 23-1394](#) Proclamation for "Phil Roman Day"

PRESENTED

[ID 23-1401](#) Proclamation for "Indigenous Peoples' Day"

PRESENTED

[ID 23-1384](#) "Celebrating Health Literacy Awareness Month"

PRESENTED

COUNCILMEMBER REPORTS AND COMMENTS

Councilmember Karbassi Reports and Comments: Mentioned a recent violent incident where a clerk at a local store was stabbed by a member of the unhoused community. He acknowledged the efforts of the police officers who responded to the incident and expressed his hope for the victim's recovery. Announced the Fresno Fair had recently started and acknowledged Vice President Perea's involvement in the fair board. Discussed partnering with Councilmember Chavez to secure funding for more detectives to address elder abuse, which is often underreported. To

report elder abuse, call 559-600-3383. Gave gratitude to various staff members for attending community meetings and site visits in District 2, particularly related to Public Works and parks. Acknowledged an upcoming agenda item regarding housing and mobile home housing and mentioned his commitment to making an impartial decision based on the facts. Attended and thanked the organizers of the Gibson Elementary School carnival, expressing his enjoyment of attending the event.

Councilmember Arias Reports and Comments: Announced a partnership with Vice President Perea's office to repaint the artwork on the crosswalk on Olive and Wishon, scheduled for October 14, 2023. Announced there will be a free bike and helmet giveaway to celebrate the completion of new protected bike lanes. Announced the upcoming ribbon-cutting event at Roeding Park for a new dog park. Announced the interest list for Hotel Fresno is now open for individuals to complete an application to live in the Historic Hotel Fresno. Invited the Council to join the South of Shaw patio ribbon cutting, Thursday, October 5, 2023. Addressed complaints from employees about receiving parking tickets in the South lot behind City Hall and expressed the need for warning before parking tickets are enforced.

Councilmember Chavez Reports and Comments: Announced the kickoff of the Fresno Fair and acknowledged the efforts of Public Works in preparing the area for the fair. Discussed the issue of elder abuse, emphasizing the importance of addressing it and acknowledged the collaboration with staff and nonprofits in raising awareness and working to address the problem. Announced the Mega Texas Barbecue moving from District 7 to District 5 and opening a sit-down brick-and-mortar restaurant located on the corner of Butler and Orange.

Councilmember Bredefeld Reports and Comments: Announced the upcoming community meeting for Wednesday, October 18, 2023, from 6:00 p.m. to 7:30 p.m. located at McCardle Elementary School to give residents an opportunity to discuss various community related topics and concerns.

Vice President Perea Reports and Comments: Requested the meeting be adjourned in memory of Kimberly Mayhew, who fought on behalf of the Tower District community in the Tower District issue. Announced October is

Breast Cancer Awareness Month and stressed the importance of early detection. Announced the upcoming crosswalk painting event at the intersection of Olive and Wishon, on October 7, 2023, at 8:00 a.m. Acknowledged the previous crosswalk painting event at the corner of Weldon and Van Ness. Held a community meeting in the Fresno High School area and canvassing a portion of their district, west of the 99 and north of Clinton, to connect with constituents and offer them services.

MAYOR/MANAGER REPORTS AND COMMENTS

Mayor Dyer Reports and Comments: Announced that the Department of Housing and Urban Development (HUD) had awarded \$20 million for the senior center project.

City Manager White Reports and Comments: Responded to concerns about city employees parking in a private lot at Community Hospital, and emphasized the importance of responsibility, noted that private parking enforcement is done on request, encouraged city employees to be mindful of their parking locations, and offered to discuss concerns directly.

CITY CLERK AND CITY ATTORNEY REPORTS AND COMMENTS

City Clerk Stermer Reports and Comments: Announced the opportunity for individuals to serve on a City of Fresno board or commission, encouraged interested individuals to review vacancies on the city clerk's website and reminded those who will be 18 years of age or older by election day to register to vote for the presidential primary scheduled for March 5, 2024, with the registration deadline on February 20, 2024.

City Attorney Janz Reports and Comments: Announced a Waste Tire Amnesty Day event to be held on Saturday, October 7, 2023.

UNSCHEDULED COMMUNICATION

Patience Milrod (Special Meeting); Fernando Elizando; Steve Diddy; Patricia Shawn (3:00 P.M.); Kim (3:00 P.M.); David Willis (3:00 P.M.); Mariah Thompson (3:00 P.M.); Traci Robinson; Brandi Nuse-Villegas (3:00 P.M.); Lisa Flores, and Robert McCloskey (3:00P.M.).

1. CONSENT CALENDAR

APPROVAL OF THE CONSENT CALENDAR

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

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

1.-A. [ID 23-1430](#) Approval of Minutes for September 28, 2023, Regular Meeting

The above item was removed from the agenda by staff and tabled to October 19, 2023.

TABLED

1.-B. [ID 23-1444](#) Actions pertaining to the California For All Animals Shelter Assistance Program Off-Cycle Grant

1. Authorize the City Manager to accept \$350,400 in grant funding for the Animal Center from the Regents of the University of California on behalf of its Davis Campus School of Veterinary Medicine on behalf of its Koret Shelter Medicine Program in connection with the California for All Animals statewide animal shelter assistance program.
2. Authorize the City Manager or his designee to execute the Shelter Services Agreement and any related documents, for the California For All Animals Shelter Assistance Program Off-Cycle Grant.
3. ***RESOLUTION - Adopt the 22nd Amendment to the Annual Appropriation Resolution (AAR) No. 2023-185 appropriating \$350,400 for the Animal Center from the California for All Animals Shelter Assistant Program Off-Cycle Grant (requires five affirmative votes) (subject to Mayor's veto).

RESOLUTION 2023-267 ADOPTED

APPROVED ON CONSENT CALENDAR

1.-C. [ID 23-1402](#) Approve the award of a citywide requirements contract to Knight's Site Services, Inc. of Fresno, California for two years with three optional one-year extensions for the rental, delivery, regular maintenance, and removal of portable toilets, handwashing stations, and 250-gallon waste tanks in an amount not to exceed \$250,000 per year plus annual CPI increases (Bid File 9670)

APPROVED ON CONSENT CALENDAR

- 1.-F. [ID 23-1459](#) ***RESOLUTION: Adopt the Fourth Amendment to Fiscal Year 2024 Salary Resolution No. 2023-183, amending Exhibit 13-1, Unit 13, Exempt Supervisory and Professional (CFPEA) by adding the new classifications of Registered Veterinary Technician and Animal Programs Coordinator, and providing a salary step plan range for the respective classifications; effective October 9, 2023 (Subject to Mayor's Veto).

RESOLUTION 2023-269 ADOPTED

APPROVED ON CONSENT CALENDAR

- 1.-G. [ID 23-1454](#) Approve the First Amendment to the consultant services agreement with Carollo Engineers Inc., to expand the scope of services and increase the contract amount by \$2,300,406, for a total amount of \$3,111,279, for the Downtown Area Water and Wastewater Infrastructure Improvements Study (Council District 3)

APPROVED ON CONSENT CALENDAR

- 1.-H. [ID 23-1365](#) Award a requirements contract to ACCO Engineered Systems, Inc. for one year with four optional one-year extensions in the amount up to \$165,900.00 per year to provide annual backflow assembly testing and certification for various facilities and parks (Bid File 12301639) (City Wide)

APPROVED ON CONSENT CALENDAR

- 1.-I. [ID 23-1442](#) RESOLUTION- Authorizing the submission of grant applications to United States Department of Transportation (DOT) Strengthening Mobility and Revolutionizing Transportation (SMART) Grants Program for Smart City or Community Technologies and Systems Projects totaling up to \$2 million in requests of grant application funding and authorizing the execution of grant application and grant agreement documents by the Public Works Director or Designee(s).

RESOLUTION 2023-270 ADOPTED

APPROVED ON CONSENT CALENDAR

- 1.-J. [ID 23-1388](#) Actions pertaining to the Butler Avenue and 8th Street and Orange Avenue and Lowe Avenue Signalization Project - Bid File 12301153 (Councils District 5)
1. Adopt a finding of Categorical Exemption per staff's determination pursuant to Section 15301/Class 1 and 15302/Class 2 of the California Environmental Quality Act (CEQA) Guidelines
 2. Award a construction contract in the amount of \$1,774,274 to American Paving Company, Fresno, California

APPROVED ON CONSENT CALENDAR

- 1.-K. [ID 23-1407](#) Award a construction contract in the amount of \$4,809,694 to Agee Construction Corporation of Clovis, California for the Peach Avenue Widening Project from Butler Avenue to Florence Avenue (Phase 1) - Bid File No. 12301971 (Council District 5).

APPROVED ON CONSENT CALENDAR

- 1.-L. [ID 23-1356](#) Actions related to the California State of Good Repair (SGR) Program for funding to conduct FAX maintenance facility improvements:
1. Adopt a finding of Class 1 Categorical Exemption for Existing Facilities pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15301.
 2. ***RESOLUTION - Authorizing submission of a project description for and acceptance of funding from the California State of Good Repair (SGR) program, approving the associated FY 2023-24 project list, and authorizing execution of grant documents. (Subject to Mayor's veto)

*RESOLUTION 2023-271 ADOPTED***APPROVED ON CONSENT CALENDAR**

- 1.-M. [ID 23-1448](#) ***BILL B-33 (Intro'd September 28, 2023) (For Adoption) Adding Section 9-110 to Chapter 9 of the Fresno Municipal Code, Adding the Infectious Disease Lab Accountability and Transparency Ordinance. (Subject to Mayor's Veto)

*BILL B-33 INTRODUCED/ORDINANCE ADOPTED AS 2023-032***APPROVED ON CONSENT CALENDAR**

- 1.-O. [ID 23-1465](#) ***RESOLUTION - Affirming Solidarity with the North American Sikh Community in the Face of International Threats (Subject to Mayor's Veto)

*RESOLUTION 2023-272 ADOPTED***APPROVED ON CONSENT CALENDAR****CONTESTED CONSENT CALENDAR**

- 1.-D. [ID 23-1417](#) Actions pertaining to the California Department of Toxic Control Substances Equitable Community Revitalization Grant, Round 2 (Council District 3):
1. ***RESOLUTION - Authorizing and directing submission of a grant application to the California Department of Toxic Control

Substances Equitable Community Revitalization Grant, Round 2, for up to \$10,000,000 in a funding request for the remediation of 1457 H Street; and authorizing the City Manager, or designee, to sign all required applying documents. (Subject to Mayor's Veto)

2. Approve the Standard Voluntary Agreement between the City of Fresno and the California Department of Toxic Control Substances in the amount of \$143,750 for voluntary oversight of the remediation of 1457 H Street.

Councilmember Arias moved the above item to Contested Consent to discuss the California Department of Toxic Control Substances Equitable Community Revitalization Grant and the status of the demolition of the H Street Warehouse.

RESOLUTION 2023-268 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: 7 - Esparza, Maxwell, Perea, Karbassi, Arias, Chavez and Bredefeld

- 1.-E. [ID 23-1418](#) Approve the first amendment to the agreement with Poverello House for Village of Hope Emergency Shelter services increasing funding for tiny home pre-development costs by \$75,578.60 for a total amount of \$4,738,133.39.

Councilmember Arias moved the above item to Contested Consent, upon call, there was no staff presentation and no council discussion.

APPROVED

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

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

- 1.-N. [ID 23-1461](#) RESOLUTION - Directing the City Attorney to Draft the Workforce Housing Affordability Act, an Ordinance to Dissolve Community Facilities District No. 18 (Public Safety Services)

Councilmember Karbassi moved the above item to Contested Consent,

*upon call, there was no staff presentation and no council discussion.
Councilmember Karbassi expressed a desire to postpone this item.*

TABLED

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

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

- 1.-P.** [ID 23-1475](#) ***RESOLUTION - Directing the Administration to Prepare an Annual Appropriations Resolution Amendment Relating to the Payment of Fees Associated with the Initiation of a Plan Amendment and Rezone within District 4 (Subject to Mayor's Veto)

Council President Maxwell moved the above item to Contested Consent to discuss the process involved to initiate a plan amendment and rezone within District 4.

Council discussion on this item included: the process for a plan amendment and rezone; the timeline for completing the initial study; the potential environmental impacts that need to be addressed; the cost estimates for the initial study, EIR, and associated fees; the Vehicle Miles Traveled (VMT) standard differ between commercial and industrial projects; the type of vehicles used in industrial projects be factored into VMT calculations; when council receive an update on the initial study's findings and potential environmental impacts, and who is responsible for funding the costs associated with the EIR and other expenses related to this project.

Council President Maxwell motioned to continue the above item with no specified return date.

CONTINUED

On motion of Council President Maxwell, seconded by Councilmember Karbassi, that the above Action Item be CONTINUED WITH NO RETURN DATE. The motion carried by the following vote:

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

2. SCHEDULED COUNCIL HEARINGS AND MATTERS

10:25 A.M.

[ID 23-1463](#) Consideration of an appeal filed regarding Vesting Tentative Tract Map No. 6366, Planned Development Permit Application No. P22-04877, and related Environmental Assessment No. T-6366/P22-04877 for approximately 7.94 acres of property located on the west side of North Bliss Avenue between East Shields and East Princeton Avenues (Council District 7).

1. ADOPT Environmental Assessment No. T-6366/P22-04877 dated July 12, 2023, an Addendum to Environmental Assessment No. P22-01202, in accordance with Section 15164 of the California Environmental Quality Act (CEQA) Guidelines.
2. DENY the appeal and UPHOLD the action of the Planning Commission in the approval of Vesting Tentative Tract Map No. 6366 proposing to subdivide approximately 7.94 acres of the subject property into a 71-lot single-family residential development subject to the following:
 - a. Development shall take place in accordance with the Conditions of Approval for Vesting Tentative Tract Map No. 6366 dated August 2, 2023.
3. DENY the appeal and UPHOLD the action of the Planning Commission in the approval of Planned Development Permit Application No. P22-04877 proposing to modify the RS-5 (*Single-Family Residential, Medium Density*) zone district development standards to allow for a reduction in the garage setback, rear yard setback, garage to façade setback, minimum lot size, minimum lot depth, an increase in maximum lot coverage, and gated private streets subject to the following:
 - a. Development shall take place in accordance with the Conditions of Approval for Planned Development Permit Application No. P22-04877 dated August 2, 2023.

The above item was called to order at 2:24 p.m. Upon call, there was no public comment, no staff presentation, and no council discussion.

APPROVED CONSISTENT WITH RESOLUTION 2023-273.

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

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

3:00 P.M.

[ID 23-1436](#)

Actions pertaining to proposed Harmony Communities' proposed closure of La Hacienda Mobile Estates:

1. HEARING on sufficiency of Conversion Impact Report and Relocation Plan (the Report).
2. ADOPT findings required by Government Code Section 65863.7.
3. Take one of the following actions:
 - i. APPROVE the Report OR
 - ii. APPROVE the Report subject to conditions of approval OR
 - iii. DENY the Report

The above item was removed from the agenda by City Attorney's Office and will be re-noticed and rescheduled for November 16, 2023, at 3:00 p.m.

TABLED

3. GENERAL ADMINISTRATION

- 3.-A. [ID 23-1435](#) Progress of Code Enforcement, including ASET Quarterly report.

The above item was removed from the agenda by staff with no return date.

TABLED

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 2:30 p.m.

- 5.-A. [ID 23-1426](#)

CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION

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

Sharon Jackson v. City of Fresno; Fresno Superior Court Case No.: 20CECG03206

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

DISCUSSED

- 5.-B. [ID 23-1406](#) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION
Government Code Section 54956.9, subdivision (d)(4): 1 potential case

The above item was removed from the agenda by staff with no return date.

TABLED

- 5.-C. [ID 23-1453](#) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION
Government Code Section 54956.9, subdivision (d)(4): 1 potential case

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

DISCUSSED

- 5.-D. [ID 23-1457](#) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION
Government Code Section 54956.9, subdivision (d)(4): 1 potential case.

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

DISCUSSED

- 5.-E. [ID 23-1445](#) 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 Attorney
 2. Government Code Section 54957.6: conference with labor negotiator.
City Negotiator: Council President Tyler Maxwell.
Unrepresented Employee: City Attorney

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

DISCUSSED

ADJOURNMENT

*City Council adjourned in regular session at 3:30 P.M. in memory of
Kimberly Mayhew.*