

Regular Council Meeting
October 13, 2022

FRESNO CITY COUNCIL



Supplemental Packet

ITEM(S)

1-A (ID 22-1517)

Approve minutes for September 29, 2022, Regular Meeting

Contents of Supplement

Draft regular meeting minutes of September 29, 2022.

RECEIVED
2022 OCT 12 A 11:39
CITY OF FRESNO
CITY CLERK'S OFFICE

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.

City of Fresno

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



Meeting Minutes

Thursday, September 29, 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 City Council for the City of Fresno convened in regular session on September 29, 2022, at 9:00 A.M.

9:00 A.M. ROLL CALL

Councilmember Soria was absent during roll call and joined the meeting at 9:16 A.M.

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

The invocation was led by Father Byron Macias of St. Paul Catholic Newman Center.

Pledge of Allegiance to the Flag

Vice President Maxwell led the Pledge of Allegiance.

APPROVE AGENDA

A special closed session meeting was separately noticed for 12:00 P.M. regarding Public Employee Performance Evaluation for the City Controller (ID 22-1536).

During approval of the agenda, Councilmember Arias motioned to keep Closed Session item 5-I (ID 22-1476) on the agenda after it had been removed by Councilmember Karbassi. The motion included direction to move City Council item 4-A (ID 22-1501) to closed session for discussion with 5-I (ID 22-1476). Council President Esparza announced a conflict with Closed Session item 5-I (ID 22-1476) and left the Council Chamber for the discussion and vote. Councilmember Soria seconded the motion which PASSED 5-1 by the following vote:

*Aye (5): Soria, Arias, Chavez, Bredefeld, Maxwell
No (1): Karbassi*

Recused (1): Esparza

City Clerk Stermer announced the following changes to the agenda:

Consent Calendar item 1-C (ID 22-1436) regarding a lease agreement with John Tomaino - announced an amendment to the Tomaino lease as follows: the monthly rent shall be increased to the fair market value for leased space, which shall be \$1,833.33, commencing on year two of the term lease.

Consent Calendar item 1-I (ID 22-1505) regarding flags and ceremonial lighting at city facilities – announced the flag of El Salvador had been added to the resolution approving the list of honorary flag raisings for Fiscal Year 2023. He announced updated support material had been distributed as a supplement.

Consent Calendar item 1-TT (ID 22-1502) regarding public education services for Measure "M" and Measure "C" – announced a correction that the dollar amount of the JSA contract was not to exceed \$200,000 and dollar amount for the LGSC contract was not to exceed \$450,000. He announced a revised staff report had also been distributed as a supplement for this item.

10:20 AM Scheduled item (ID 22- 1445) regarding Vesting Tentative Tract Map No. 6345 and the related environmental assessment - announced the Department of Public Utilities (DPU) memorandum dated April 29, 2022, had been superseded by a revised DPU memorandum dated September 22, 2022. The revised memorandum removed the requirement of the construction of a well site for Vesting Tentative Tract Map No. 6345. As such, Condition No. 64, within Exhibit "K," was revised to state, "[c]omply with all of the requirements included within the attached Public Utilities Department memorandum dated September 22, 2022." He announced the revised exhibits had been distributed as a supplement for this item.

Councilmember Arias registered a "no" vote on Consent Calendar items 1-I (ID 22-1505), regarding flags and ceremonial lighting at city facilities, and 1-QQ (ID 22-1347), regarding emergency conditions and remote

teleconferencing.

Council President Esparza announced conflicts with Closed Session items 5-I (ID 22-1476) and 5-J (ID 22-1425) and recused himself from those items.

THE FOLLOWING CONSENT CALENDAR ITEMS WERE REMOVED FROM THE AGENDA

1-H (ID 22-1434) regarding the 573rd amendment to the Master Fee Schedule - tabled to October 13, 2022, by staff.

1-L (ID 22-1313) regarding the 2021 SAFER grant - tabled by staff with no specific return date.

1-W (ID 22-1367) regarding use of Parking Garage 7 - tabled to October 13, 2022, by Councilmember Arias.

1-DD (ID 22-1421) regarding Community Facilities District 18 - tabled to October 13, 2022 by staff.

1-FF (ID 22-1450) regarding the Artistic Crosswalk Policy - tabled by Councilmember Arias with no specific return date.

1-OO (ID 22-1420) regarding business hours for pawn brokers and secondhand dealers - tabled to October 13, 2022, by Councilmember Arias with direction to provide an exception from the ordinance for electronic retail/resale businesses.

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

1-B (ID 22-1405) regarding a solar energy power purchase agreement with Energea Fresno LLC - moved to Contested Consent by Councilmember Arias.

1-G (ID 22-1388) regarding auditing sales tax records - moved to Contested

Consent by Councilmember Arias.

1-N (ID 22-1422) regarding a purchase contract for three Villager Trolley buses - moved to Contested Consent by Vice President Maxwell and Councilmember Arias.

1-S (ID 22-1454) regarding translation and interpretation services - moved to Contested Consent by Councilmember Arias.

1-T (ID 22-1496) regarding solar projects at PARCS and Public Safety sites - moved to Contested Consent by Councilmember Arias.

1-V (ID 22-1419) regarding an amendment to the FY 2023 Salary Resolution - moved to Contested Consent by Councilmember Arias.

1-CC (ID 22-1389) regarding the Veterans Boulevard North Extension Project - moved to Contested Consent by Councilmember Soria.

1-HH (ID 22-1453) regarding the submission of a grant application to the US Department of Transportation - moved to Contested Consent by Councilmember Arias.

1-KK (ID 22-1415) regarding Title VI Fare Equity Analyses – moved to Contested Consent by Vice President Maxwell.

1-LL (ID 22-1372) regarding solar projects at Department of Transportation sites - moved to Contested Consent by Councilmember Arias.

1-TT (ID 22-1502) regarding Measure "M" and Measure "C" - moved to Contested Consent by Councilmember Arias.

1-WW (ID 22-1495) regarding the Hye Project - moved to Contested Consent by Councilmember Karbassi.

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

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

No: 1 - Karbassi

CEREMONIAL PRESENTATIONS

[ID 22-255](#) Proclamation for “Latino Heritage Month”

PRESENTED

[ID 22-1494](#) Proclamation for “Centro La Familia’s 50th Anniversary”

PRESENTED

[ID 22-1408](#) Proclamation for “Sons of Italy 100th Anniversary”

PRESENTED

COUNCILMEMBER REPORTS AND COMMENTS

Councilmember Soria made several announcements. There would be a Neighborhood Blitz cleanup event with Beautify Fresno near Wilson Elementary and Cooper Middle School on October 1. A community meeting would be held at Steinbeck Elementary School to discuss the future Dakota Milburn park on October 11. She asked the administration for assistance to abate the horrendous conditions of the property on Ashlan Avenue that had been acquired by the City for Fire Station 12.

Councilmember Karbasi was attending the Council meeting remotely from Armenia and reported on his trip. He visited the Holy See, located in Etchmiadzin, a Sister City to Fresno. He met with Etchmiadzin Mayor, Diana Gasparyan, and US Ambassador, Lynne Tracy. He asked for support for Armenia as the country was still experiencing the horrors of war.

Councilmember Arias made announcements. The electric vehicle charging stations that had been repaired were still not powered on. Thanks to many people, the Fiestas Patrias was a successful event the previous Saturday. He asked the administration for an update on the return of artwork to Fulton Street.

Councilmember Chavez announced the start of The Big Fresno Fair and the artists that would be performing. He discussed the preparations made to the Kings Canyon corridor for the event.

Councilmember Bredefeld reported on the pending completion of the Public Safety Memorial and the unveiling planned for November 2, 2022.

Vice President Maxwell made several announcements. Public Works was continuing to trim trees, pave roads and repair sidewalks in Council District 4. There was a recent Neighbors Night Out event at University Park where members of the Central Policing District were introduced to residents. X Lanes at Fashion Fair Mall had been awarded the "September Business of the Month." Robinson Elementary students were provided a tour of City Hall by the District 4 Councilmember. There was a ground breaking for 57 units of studio apartments as part of a mixed use infill development near California State University, Fresno. The "Little Free Library" initiative had begun in District 4 and there were plans to incorporate every neighborhood in Council District 4. Vice President Maxwell was part of a recent Honor Flight to help welcome back veterans who had been flown to Washington DC to visit war memorials and meet politicians. He attended the annual League of Cities event and collaborated with other politicians with plans to establish Youth Caucus to give millennial legislators a larger seat at the table.

President Esparza announced his attendance at the National League of Cities. He also announced that a successful Beautify Fresno event took place the previous weekend at Leavenworth Elementary. The Council President also attended a community meeting regarding the reshaping of boundaries for Parking District 10.

MAYOR/MANAGER REPORTS AND COMMENTS

Mayor Dyer reported his plan to attend the upcoming Neighborhood Blitz cleanup event in District 1. He reported on his travels to Vienna, with numerous politicians and representatives from California, to discuss ways to address the housing crisis. He mentioned the Women's Conference that was recently held in Downtown Fresno. He reported on his meeting with Congressman Costa to discuss various housing and homeless initiatives in the City of Fresno. He also discussed the plans for the Manchester Center mixed use development that would include 522 housing units.

City Manager White made several announcements. In response to Councilmember Soria, she reported City staff had started cleaning up Station 12 the week before last and the remaining issues would be resolved the following week. The administration had provided several memos to Council regarding: the work begun by the highway litter contractor; the status of the South Central Specific Plan update; an update for the SB1383 Utility Rate Study; the status of the park irrigation repairs for greening of City parks; answers to Council questions from the mixed use text amendment workshop; the status on the Planning Building and Safety Operations Improvement update; the One Fresno housing Strategy update, and; the fiscal impact from delays to the solar projects.

UNSCHEDULED COMMUNICATION

The following members of the public addressed Council: Fernando Paul Elizando, Mary Padilla, Kay Bertken, Gloria Hernandez, Yvonne Gordon, Hester Hensley, Gene Harrison, Rosa Garcia, Richard Marquez Jr., anonymous speaker, Dez Martinez, Alfredo Molina, Kevin Hall, Jason Martinez, Karla Martinez, Cindy Piombino, Lisa Flores, Anthony Molina, Robert McCloskey, Eric Payne, Janet Corza-Lara, Brandi Nuse-Villegas, Cristina Barrios Garcia, George Bursik and Brunette Harris.

[ID 22-1564](#) Public Comment received for September 29, 2022, Regular Meeting

City Council recessed for lunch at 12:02 P.M. and resumed the meeting at 1:42 P.M.

City Council also recessed for dinner at 7:55 P.M. and resumed the meeting at 8:41 P.M.

1. CONSENT CALENDAR

APPROVAL OF THE CONSENT CALENDAR

On motion of Vice President Maxwell, seconded by Councilmember Bredefeld, 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 22-1409](#) Approve minutes for August 31, 2022 Special Meeting, September 1, 2022, Regular Meeting.

APPROVED ON CONSENT CALENDAR

- 1.-C. [ID 22-1436](#) Actions related to the Lease Agreement with John Tomaino, an individual, d.b.a. American Helicopters, which is a Specialized Aviation Service Operation (SASO) that runs a helicopter and airplane flight training business at Fresno Chandler Executive Airport (FCH). (Council District 3)
1. Adopt a finding of Categorical Exemption pursuant to Section 15301 (Existing Facilities) of the California Environmental Quality Act Guidelines
 2. Approve the Lease Agreement (Lease) with John Tomaino, an individual, d.b.a. American Helicopters, to continue operating a helicopter and airplane flight training business at FCH for a term of three (3) years. The amount of potential revenue generated by this Lease is \$57,203.16. (Council District 3)

During approval of the agenda, the following amendment from Councilmember Arias was read into the record: the monthly rent shall be increased to the fair market value for leased space, which shall be \$1,833.33, commencing on year two of the term lease.

APPROVED AS AMENDED**APPROVED ON CONSENT CALENDAR**

- 1.-D. [ID 22-1458](#) Approve a consultant services agreement with Unison Consulting, Inc., to provide professional services for Financial Feasibility Report for bond financing of the Fresno Yosemite International Airport Terminal Expansion not to exceed \$200,000. (Council District 4)

APPROVED ON CONSENT CALENDAR

- 1.-E. [ID 22-1463](#) Approve the Second Amendment to the Design Contract with Q&D Construction for additional preconstruction services required for the Fresno Yosemite International Airport Terminal Expansion Project in the amount of \$1,378,974.00 (Council District 4)

APPROVED ON CONSENT CALENDAR

- 1.-F. [ID 22-1364](#) Actions pertaining to Air Service Development at Fresno Yosemite International Airport:
1. Uphold the City Manager's finding that InterVISTAS Consulting Group, Inc. is uniquely qualified vendor for Air Service Development at Fresno Yosemite International Airport (FAT)
 2. Approve an agreement with InterVISTAS Consulting Group, Inc. for Air Service Development at FAT

APPROVED ON CONSENT CALENDAR

- 1.-H. [ID 22-1434](#) ***RESOLUTION - Adopt the 573rd Amendment to the Master Fee Schedule Resolution No. 80-420 to add and revise various fees for the Tower Theater in the General Government Section (Subject to Mayor's Veto)

The above item was removed from the agenda by staff and tabled to October 13, 2022.

TABLED

- 1.-I. [ID 22-1505](#) Actions pertaining to flags and ceremonial lighting at City facilities:
1. ***RESOLUTION - Providing for honorary flag raising and lighting at City facilities (Subject to Mayor's Veto)
 2. ***RESOLUTION - Approving list of Honorary Flag Raising and/or Light Events for Fiscal Year 2023 (Subject to Mayor's Veto)

Councilmember Bredefeld registered a "no" vote on the above item. This item passed 5-1 by the following vote:

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

No (1): Bredefeld

Absent (1): Soria

RESOLUTION 2022-201 ADOPTED

RESOLUTION 2022-202 ADOPTED

APPROVED ON CONSENT CALENDAR

- 1.-J. [ID 22-1442](#) ***Resolution - Adopt the 11th Amendment to the Annual Appropriation Resolution (AAR) No 2022-154 establishing appropriations in the amount of \$975,000 for Fire Department Station 12 Design and Engineering. (Requires 5 affirmative votes)(Subject to Mayor's Veto)

RESOLUTION 2022-203 ADOPTED

APPROVED ON CONSENT CALENDAR

- 1.-K. [ID 22-1387](#) Approve acceptance of 2021 Assistance to Firefighters Grant (AFG) Award in the amount of \$260,250, requiring a City match of \$23,660.
1. ***RESOLUTION - Authorizing the acceptance of the 2021 AFG grant and authorizing completion and submission of all required documents (Subject to Mayor's veto)

*RESOLUTION 2022-204 ADOPTED***APPROVED ON CONSENT CALENDAR**

- 1.-L. [ID 22-1313](#) ***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 removed from the agenda by staff with no specific return date.

TABLED

- 1.-M. [ID 22-1397](#) Approve the award of a citywide requirements contract to Office Depot, LLC for five years with two one-year optional extensions for the purchase of office supplies, in the amount of \$750,000 per year plus annual CPI increases. (Bid File 9621)

APPROVED ON CONSENT CALENDAR

- 1.-O. [ID 22-1464](#) Approve the award of a purchase contract to Fire Apparatus Solutions of Rialto, California, for the purchase of one SVI Incident support, and one SVI Hazmat heavy fire apparatus in the amount of \$2,214,297 for the Fresno Fire Department

APPROVED ON CONSENT CALENDAR

- 1.-P. [ID 22-1471](#) Approve the award of a purchase contract to 72 Hour LLC of Watsonville, California, for the purchase of 80 Dodge Durango marked patrol vehicles in the amount of \$3,619,710.04 for the Police Department (Bid File 12300303)

APPROVED ON CONSENT CALENDAR

- 1.-Q. [ID 22-1472](#) Approve the award of a purchase contract to Golden State Fire Apparatus Inc. of Sacramento, California, for the purchase of two Boise Mobile Equipment type-six wildland fire engines in the amount of \$682,757 for the Fresno Fire Department

APPROVED ON CONSENT CALENDAR

- 1.-R. [ID 22-1398](#) Actions pertaining to the Pilibos Park Irrigation Pump Controller and Turf Replacement Project:
1. Adopt finding of a Categorical Exemption pursuant to Section 15301 Existing Facilities of the California Environmental Quality Act (CEQA) Guidelines
 2. Award a construction contract to Clean Cut Landscape Inc. of Clovis, CA in the amount of \$598,955 for the construction of the

Pilibos Park Irrigation Pump Controller and Turf Replacement
Project (Bid File 3877) (District 5)

3. Authorize the Director of General Services or designee to execute all related documents.

APPROVED ON CONSENT CALENDAR

- 1.-U. [ID 22-1444](#) ***RESOLUTION - Adopt the Fourth Amendment to the FY 2023 Salary Resolution No. 2022-152, amending Exhibit 3, Unit 3, Non-Supervisory White Collar (FCEA) by adding the new classification of Park Ranger I, Park Ranger II and Senior Park Ranger and providing a salary step plan range for the respective classifications, effective October 3, 2022 (Subject to Mayor's Veto)

RESOLUTION 2022-205 ADOPTED

APPROVED ON CONSENT CALENDAR

- 1.-W. [ID 22-1367](#) Actions pertaining to the use of Parking Garage 7:
1. Adopt a finding of Categorical Exemption pursuant to Section 15301 (Existing Facilities) of the California Environmental Quality Act Guidelines.
 2. Approve the Second Amendment to the License Agreement between the City of Fresno, and T-Mobile West, LLC., to license use of certain real property, together with access and utility rights located at the Fresno City Parking Garage 7 (801 Van Ness Avenue, Fresno, CA 93721) for four (4) five-year terms and total contract revenue of \$436,920 (District 3)

The above item was removed from the agenda by Councilmember Arias and tabled to October 13, 2022.

TABLED

- 1.-X. [ID 22-1399](#) Approve the Agreement with Mental Health Systems (MHS) to operate the Fresno HOME as a low-barrier emergency homeless shelter in the total amount of \$981,908.68 using Homeless Housing Assistance and Prevention (HHAP) funds and authorize the City Manager or designs to sign all implementing documents as approved to form by the City Attorney.

APPROVED ON CONSENT CALENDAR

- 1.-Y. [ID 22-1417](#) Approve the fourth Amendment to the Agreement with Turning Point of Central California, Inc., to increase the number of beds from 50 to 100 for triage center services at the Golden State Triage Center using HHAP funds.

APPROVED ON CONSENT CALENDAR

- 1.-Z. [ID 22-1466](#) Approve the third Amendment to the Agreement with Turning Point of Central California, Inc., for triage center services at the Journey Home Triage Center.

APPROVED ON CONSENT CALENDAR

- 1.-AA. [ID 22-1429](#) Actions pertaining to the 2023 Selective Traffic Enforcement Program (STEP) grant
1. ***Authorize the Chief of Police to accept \$500,000 in grant funding for the 2023 STEP grant awarded to the Fresno Police Department from the National Highway Traffic Safety Administration (NHTSA) through the California Office of Traffic Safety (OTS)(Subject to Mayor's Veto)
 2. Authorize the Chief of Police or his designee to execute the agreement, extensions and all related documentation applicable to the 2023 STEP grant
 3. ***RESOLUTION - Adopt the 9th Amendment to the Annual Appropriation Resolution (AAR) No. 2022-154 appropriating \$375,000 for the Police Department's STEP grant (Requires five affirmative votes) (Subject to Mayor's veto).

RESOLUTION 2022-207 ADOPTED**APPROVED ON CONSENT CALENDAR**

- 1.-BB. [ID 22-1265](#) Bicycle and Pedestrian Advisory Committee (BPAC) Semi-Annual Report (October 2021 through April 2022) (Citywide)

APPROVED ON CONSENT CALENDAR

- 1.-DD. [ID 22-1421](#) RESOLUTION - Of Intention to Establish a Community Facilities District (Community Facilities District No. 18 - Public Safety Services) and future annexation area and to Authorize the Levy of a Special Tax; and setting the public hearing for Thursday, November 3, 2022, at 10:00 am (Tract 6310, near the northwest corner of Dakota and Polk Avenues; and Tract 6234, southwest corner of Dakota and Hayes Avenues; future annexation area encompasses entire City of Fresno) (Citywide)

The above item was removed from the agenda by staff and tabled to October 13, 2022.

TABLED

- 1.-EE. [ID 22-1390](#) Approve an agreement for Professional Engineering Services with Provost and Pritchard Consulting Group for \$1,650,000, with a \$62,500

contingency, for design and construction support services for the River West Eaton Trail Extension Project (Council District 2)

APPROVED ON CONSENT CALENDAR

- 1.-FF. [ID 22-1450](#) ***RESOLUTION - Adopting the Artistic Crosswalk Policy (Subject to Mayor's veto)

The above item was removed from the agenda by Councilmember Arias with no specific return date.

TABLED

- 1.-GG. [ID 22-1451](#) Actions pertaining to the Barton Avenue and Florence Avenue Improvements Project at Calwa Park - Bid File 3831 (Council District 5):
1. Adopt a finding of Categorical Exemption per staff 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 \$636,396 to Terra West Construction of Clovis, California

APPROVED ON CONSENT CALENDAR

- 1.-II. [ID 22-1394](#) Actions pertaining to the North Avenue sewer trunk main realignment (Council Districts 3 and 5)
1. RESOLUTION - Adopt Resolution authorizing an exception to the formal bidding procedures and award a sole source signal relocation agreement with Burlington Northern Santa Fe Railway Company
 2. Award a signal relocation agreement in the amount of \$379,906 with Burlington Northern Santa Fe Railway Company for the relocation of signal equipment that conflicts with the North Avenue sewer trunk main realignment

RESOLUTION 2022-210 ADOPTED

APPROVED ON CONSENT CALENDAR

- 1.-JJ. [ID 22-1404](#) Approve the First Amendment to the consultant services agreement with SEAM Group, LLC, to increase the compensation by \$150,000, for a total amended contract amount not to exceed \$387,200, inclusive of a \$20,000 contingency, for the Occupational Safety and Health Administration Compliant Lockout-Tagout Program for electrical and mechanical equipment at the Fresno-Clovis Regional Wastewater Reclamation Facility (Council District 3)

APPROVED ON CONSENT CALENDAR

1. [ID 22-1473](#) Approve the cooperative purchase of fourteen (14) medium-accessible paratransit cutaway unleaded vehicles from Houston-Galveston Area Council (H-GAC) for the Department of Transportation/FAX, in the amount of \$1,768,955.35
- MM.

APPROVED ON CONSENT CALENDAR

- 1.-NN. [ID 22-1285](#) Approve the Sixth Amendment to the professional consultant agreement with Stantec Architecture, Inc., to incorporate additional design due to differing as-built conditions, future facility needs, and project grant and compliance requirements for the Department of Transportation/Fresno Area Express Division Facility Improvement Project in the amount of \$19,467.00 and authorize the Director of Transportation or designee to execute all related documents

APPROVED ON CONSENT CALENDAR

- 1.-OO. [ID 22-1420](#) BILL (for introduction) - Repealing Section 9-609 of the Fresno Municipal Code relating to the business hours of pawnbrokers and secondhand dealers.

The above item was removed from the agenda by Councilmember Arias and tabled to October 13, 2022, with direction to provide an exception from the ordinance for electronic resale retail businesses.

TABLED

- 1.-PP. [ID 22-1443](#) Approve the appointment of Lois White Murphy to the Council District 6 Project Review Committee.

APPROVED ON CONSENT CALENDAR

- 1.-QQ. [ID 22-1374](#) ***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. This item passed 5-1 by the following vote:

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

No (1): Bredefeld

Absent (1): Soria

RESOLUTION 2022-211 ADOPTED

APPROVED ON CONSENT CALENDAR

- 1.-RR. [ID 22-1423](#) ***RESOLUTION - Establishing a policy for City cooling and warming centers (Subject to Mayor's Veto)

RESOLUTION 2022-212 ADOPTED

APPROVED ON CONSENT CALENDAR

- 1.-SS. [ID 22-1499](#) Approve the appointment of Elisa Rivera to the City of Fresno Women's Commission.

APPROVED ON CONSENT CALENDAR

- 1.-UU. [ID 22-1503](#) ***RESOLUTION - Directing the donation and transfer of Southern Pacific Engine 1238 (Subject to Mayor's Veto)

RESOLUTION 2022-213 ADOPTED

APPROVED ON CONSENT CALENDAR

Joint Meeting of The City Council, The City in Its Capacity as Housing Successor to the Redevelopment Agency of the City of Fresno and The Fresno Revitalization Corporation

- 1.-VV. [ID 22-1468](#) Actions pertaining to the disposition of the 8-acre property located at the southeast corner of East Florence and South Plumas Avenues (APN 477-060-04T) (District 3).
1. ***Resolution - Declaring property at the southeast corner of East Florence and South Plumas Avenues to be exempt surplus land and directing staff to comply with the Surplus Land Act (Subject to Mayor's Veto)
 2. Resolution - Finding good cause and clear and convincing benefit to the public to vary from the Request for Proposals process pursuant to FMC Section 4-204 (Requires 5 Affirmative Votes)

RESOLUTION 2022-214 ADOPTED

RESOLUTION 2022-215 ADOPTED

APPROVED ON CONSENT CALENDAR**CONTESTED CONSENT CALENDAR**

- 1.-B. [ID 22-1405](#) Actions pertaining to Solar Energy Power Purchase Agreements with Energea Fresno LLC at Fresno Yosemite International Airport (Council District 4):
1. Adopt finding of a Categorical Exemption pursuant to Section 15301 of the California Environmental Quality Act Guidelines

2. Approve the Amended and Restated Solar Energy Power Purchase Agreement (SGIP) between Energea Fresno LLC and the City of Fresno for the 1,000 kW (AC) solar photovoltaic system
3. Approve the Amended and Restated Solar Energy Power Purchase Agreement (CSI) between Energea Fresno LLC and the City of Fresno for the 1,000 kW (AC) solar photovoltaic system under the CSI rules

Councilmember Arias moved this item to Contested Consent and was concerned by the precedent that would be set by not holding the vendor responsible under the previous contract and allowing an additional 20 years for the vendor to recapture the cost of replacing the panels through the current agenda item.

There was no staff presentation for the above item. City Manager White, Assistant City Manager Barfield, Airports Director Thompson, and Public Works Director Mozier responded to questions.

Council discussion included: the reason for solar panel failures at the airport; the use of long term contracts; warranty requirements; possible remedies under contract law; the benefits of a Request for Proposal (RFP) in this situation; non-local companies hiring local people; the potential impacts of not approving this item; pending changes to Net Energy Metering (NEM) rules; having a lobbyist advocate with the California Public Utilities Commission; why solar energy rates may become more expensive; timelines to complete an RFP; the need to see a finance to own option compared to a power purchase agreement.

Councilmember Karbassi requested a memorandum from the administration on how the lobbyist would advocate for the City of Fresno on the NEM issue.

Councilmember Arias motioned to REJECT the item with direction to pursue an RFP as quickly as possible and for staff to provide the comparisons of a finance to own option against a power purchase agreement.

REJECTED WITH DIRECTION TO STAFF

On motion of Councilmember Arias, seconded by Councilmember Soria, that the above Action Item be REJECTED with direction to staff.

The motion carried by the following vote:

Aye: 4 - Esparza, Maxwell, Soria and Arias

No: 2 - Karbassi and Bredefeld

Abstain: 1 - Chavez

- 1.-G.** [ID 22-1388](#) Actions pertaining to auditing sales tax records:
1. ***RESOLUTION - Authorizing the examination of sales or transactions and use tax records (Subject to Mayor's veto);
 2. Approve the Second Amendment and Resolution to the consultant services agreement with MuniServices, LLC (MuniServices) authorizing MuniServices to access and examine sales tax records from the California Department of Tax and Fee Administration (CDTFA) that correspond to the Fresno Clean and Safe Neighborhood Parks Tax - Measure P, as well as authorize the Controller, or designee, to sign the Second Amendment on behalf of the City

Councilmember Arias moved this item to Contested Consent and raised concerns about the amount of time it takes the administration to release the vendor analysis and data to the City Council and other bodies.

There was no staff presentation on the above item. City Manager White and Budget Manager Fierro responded to questions.

RESOLUTION 2022-200 ADOPTED

On motion of Councilmember Arias, 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

- 1.-N.** [ID 22-1422](#) Approve the award of a purchase contract to Hometown Trolley of Crandon, Wisconsin for the purchase of three Villager Trolley buses in the amount of \$865,664 for the General Services Department

Vice President Maxwell and Councilmember Arias moved this item to Contested Consent. Vice President Maxwell expected to see continued efforts to offer zero fare transportation through the Kaiser Grant to senior citizens, Medicare recipients and to people with disabilities.

Councilmember Arias expressed concerns over complications with Conditional Use Permits and how DUI's were tracked back to establishments.

There was no staff presentation on the above item. General Services Director Barr, Assistant City Manager Barfield and Mayor Dyer responded to questions.

Council discussion included: the operational plan for the trolley buses; complications concerning Conditional Use Permits and how police track DUI's to the last establishment visited; balancing public transportation options for the most vulnerable and for people seeking entertainment; projected ridership and the annual cost of operation; the affordability of ridesharing compared to free public transportation; operation of the trolley buses under the General Services Department as opposed to the Transportation Department; approaching deadlines to lock in the best rate for the trolley purchases; the ability to reach the trolley destinations through Fresno Area Express bus routes with transfers; fairness to other parts of the city not covered by the trolleys; discussions with Amalgamated Transit Union (ATU) members, and; ATU working under contract with the Economic Opportunities Commission.

Councilmember Maxwell motioned to approve this item contingent on the operating plan going through the Transportation Subcommittee and then to Council for approval.

APPROVED WITH DIRECTION

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

Aye: 4 - Esparza, Maxwell, Soria and Arias

No: 3 - Karbassi, Chavez and Bredefeld

- 1.-S.** [ID 22-1454](#) Actions pertaining to Citywide Translation and Interpretation Services on an as-needed/on-demand Basis:
1. Approve an agreement with Deaf and Hard of Hearing Service Center authorizing expenditures not-to-exceed \$300,000 over a two-year period for professional American Sign Language (ASL)

- interpretation services on an as-needed/on-demand basis;
2. Approve an agreement with Focus Language authorizing expenditures not-to-exceed \$800,000 over a two-year period for professional translation and interpretation services on an as-needed/on-demand basis;
 3. Approve an agreement with Hanna Interpreting Services LLC authorizing expenditures not-to-exceed \$800,000 over a two-year period for professional translation and interpretation services on an as-needed/on-demand basis;
 4. Approve an agreement with Translating Services, Inc. DBA Lazar Translating & Interpreting authorizing expenditures not-to-exceed \$800,000 over a two-year period for professional translation and interpretation services on an as-needed/on-demand basis;
 5. Approve an agreement with Voyce, Inc. authorizing expenditures not-to-exceed \$500,000 over a two-year period for over-the-phone (OPI) and on-demand video remote interpretation (VRI) on an as-needed/on-demand basis;
 6. The City will only compensate Consultants for those services performed under the Agreements;
 7. Authorize the PARCS Director or designee to execute agreements approved as to form by the City Attorney; and
 8. Authorize the PARCS Director or designee to extend the agreements for a two-year term with an additional value not to exceed the original agreement amount.

Councilmember Arias moved this item to Contested Consent and asked questions regarding timing and the process by which Councilmembers would be able to obtain translation services.

There was no staff presentation on this item. City Manager White and PARCS Assistant Director Ramirez responded to questions.

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

- 1.-T.** [ID 22-1496](#) Actions pertaining to solar projects proposed at PARCS and Public Safety sites including Mosqueda Community Center, Roeding Park, Ted C. Wills Community Center, Inspiration Park, Mary Ella Brown Community Center, Fire Department Headquarters, and Police Regional Training Center

(Council Districts 1, 3, 5):

1. Adopt findings pursuant to the California Environmental Quality Act (CEQA) Guidelines:
 - a. Adopt a finding of Categorical Exemptions pursuant to Sections 15303/Class 3; 15304-Class 4; and 15311/Class 11 of the CEQA Guidelines;
2. Approve the award of a cooperative purchase Energy Services Agreement-Solar with FFP BTM Solar, LLC, for the design, financing, construction, installation, operation, and maintenance of a 157 kW (DC) (estimated) solar photovoltaic system at Mosqueda Community Center;
3. Approve the award of a cooperative purchase Energy Services Agreement-Solar with FFP BTM Solar, LLC, for the design, financing, construction, installation, operation, and maintenance of a 162 kW (DC) (estimated) solar photovoltaic system at Roeding Park;
4. Approve the award of a cooperative purchase Energy Services Agreement-Solar with FFP BTM Solar, LLC, for the design, financing, construction, installation, operation, and maintenance of a 219 kW (DC) (estimated) solar photovoltaic system at Ted C. Wills Community Center;
5. Approve the award of a cooperative purchase Energy Services Agreement-Solar with FFP BTM Solar, LLC, for the design, financing, construction, installation, operation, and maintenance of a 78 kW (DC) (estimated) solar photovoltaic system at Inspiration Park;
6. Approve the award of a cooperative purchase Energy Services Agreement-Solar with FFP BTM Solar, LLC, for the design, financing, construction, installation, operation, and maintenance of a 94 kW (DC) (estimated) solar photovoltaic system at Mary Ella Brown Community Center;
7. Approve the award of a cooperative purchase Energy Services Agreement-Solar with FFP BTM Solar, LLC, for the design, financing, construction, installation, operation, and maintenance of a 110 kW (DC) (estimated) solar photovoltaic system at Fire Department Headquarters;
8. Approve the award of a cooperative purchase Energy Services Agreement-Solar with FFP BTM Solar, LLC, for the design, financing, construction, installation, operation, and maintenance of a 110 kW (DC) (estimated) solar photovoltaic system at Police Regional Training Center;
9. Authorize the Public Works Director or designee to execute subsequent documents, instruments, estoppel and

acknowledgement certificates, etc. related to securing a financing party;

10. Authorize the Public Works Director or designee to approve of any changes to the PPA rates up to the maximum amount authorized in the agreements;
11. Authorize the Public Works Director or designee to execute the Pacific Gas & Electric (PG&E) Interconnection Agreement required for the project(s).

Councilmember Arias moved this item to Contested Consent and expressed concerns that the proposed project lacked efficiency and infrastructure upgrades in addition to the solar panels for a complete green energy package.

There was no staff presentation on the above item. Public Works Director Mozier, City Manager White and Assistant City Manager Barfield responded to questions. City Manager White stated, for the record, she was concerned the additional Requests For Proposal (RFP) for various solar projects would not be completed before changes to the Net Energy Metering rules.

Council discussion included: solar project assumptions included in the budget; adjusting mid-year financial projections; needing a sustainability office within the City of Fresno; staff capacity to produce additional RFPs, and; the possibility of outsourcing solar RFPs.

Councilmember Arias motioned to REJECT the item with direction that staff pursue an RFP and return to Council with a complete green energy package. The motion included authorization to outsource the RFP, if it was viable and the preferred option for staff.

REJECTED WITH DIRECTION

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

Aye: 4 - Esparza, Maxwell, Soria and Arias

No: 3 - Karbassi, Chavez and Bredefeld

- 1.-V.** [ID 22-1419](#) ***RESOLUTION - Adopt the Third Amendment to the FY 2023 Salary Resolution No. 2022-152, amending Section 9, subsection 1.b; and Exhibit

2, Non-Represented Management and Confidential Classes adding the new classification of Project Liaison/Program Administrator and the respective new E13 salary range, retitling the Labor Relations Manager to Chief Labor Negotiator and modifying the salary range from E7 to E6, modifying the Deputy City Manager salary range from E7 to E6, and retitling the Principal Labor Relations Analyst to Principal Labor Relations/Risk Analyst, effective October 3, 2022 (Subject to Mayor's Veto)

Councilmember Arias moved this item to Contested Consent and discussed the Deputy City Manager qualifications and salary changes.

There was no staff presentation on the above item. City Manager White and Personnel Director Sanchez responded to questions.

RESOLUTION 2022-206 ADOPTED

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

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

- 1.-CC.** [ID 22-1389](#) Actions pertaining to the Veterans Boulevard North Extension Project (Bid File No. 3854) (Council District 2):
1. RESOLUTION - Adopting findings pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15091 and 15093 as required by CEQA Guidelines Section 15096 for the Veterans Boulevard North Extension Phase 4B Project
 2. Award a Construction Contract in the amount of \$7,085,420.50 to Yarbs Grading and Paving Inc, of Fowler, California, as the lowest responsive and responsible bidder

Councilmember Soria moved this item to Contested Consent to discuss Project Labor Agreement applicability and why local hire goals were not utilized.

There was no staff presentation on the above item. City Manager White and Public Works Director Mozier responded to questions.

Council discussion included: applicability of a Project Labor Agreement to this item; the ability to view the CalTrans policy for local hires to ensure compliance with the City Charter; the City of Fresno moving towards local

hiring for other infrastructure projects; Measure "C" funding and related changes to the Veteran's Boulevard extension project, and; prioritizing existing streets.

RESOLUTION 2022-208 ADOPTED

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

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

- 1.-HH. [ID 22-1453](#)** RESOLUTION - Authorizing the Submission of a Grant Application to the United States Department of Transportation Reconnecting Communities Pilot Discretionary Grant Program Totaling Up to \$2 Million in Request for Funding; and Authorizing the Execution of Grant Application and Grant Agreement Documents by the Public Works Director or Designee (Council District 3)

Councilmember Arias moved this item to Contested Consent.

There was no staff presentation on this item and no Council discussion.

RESOLUTION 2022-209 ADOPTED

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

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

- 1.-KK. [ID 22-1415](#)** Approve two Title VI Fare Equity Analyses for the Department of Transportation/Fresno Area Express (FAX), including (1) an updated analysis of the new fare structure enacted in September 2021 which now contains a determination on free fares for veterans and active-duty military, and (2) an analysis of temporary free fares for Reduced Fare riders.

The above item was moved to Contested Consent by Vice President Maxwell and he requested the City Attorney's Office and the administration, within the next few weeks, determine whether a permanent zero fare resolution for certain populations (seniors over 65, Medicare recipients and people with disabilities), would be covered by this Title VI item.

There was no staff presentation on the above item. Assistant City Manager Barfield responded to questions.

APPROVED

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

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

1.-LL. [ID 22-1372](#) Actions pertaining to solar projects proposed at Department of Transportation/Fresno Area Express (FAX) sites including the FAX Employee Parking Lot and Bus Yard

1. Adopt findings pursuant to the California Environmental Quality Act (CEQA) Guidelines:
 - a. Adopt a finding of Categorical Exemptions pursuant to Sections 15303/Class 3; 15304/Class 4; and 15311/Class 11 of the California Environmental Quality Act (CEQA) Guidelines and exempt pursuant to Section 21080.35.(a) of the California Public Resources Code (PRC);
2. Approve the award of a cooperative purchase Energy Services Agreement-Solar with FFP BTM SOLAR, LLC, for the design, financing, construction, installation, operation, and maintenance of a 1.07 mW (DC) (estimated) solar photovoltaic system at the FAX Bus Yard;
3. Approve the award of a cooperative purchase Energy Services Agreement-Solar with FFP BTM Solar, LLC, for the design, financing, construction, installation, operation, and maintenance of a 219 kW (DC) (estimated) solar photovoltaic system at the FAX Employee Parking Lot;
4. Authorize the Director of Transportation or designee to execute subsequent documents, instruments, estoppel and acknowledgement certificates, etc. related to securing a financing party;
5. Authorize the Director of Transportation or designee to approve of any changes to the PPA rates up to the maximum amount authorized in the agreements;
6. Authorize the Director of Transportation or designee to execute the Pacific Gas & Electric (PG&E) Interconnection Agreement required for the project(s).

Councilmember Arias moved this item to Contested Consent and noted the focus was on Transportation Department Employees.

There was no staff presentation on the above item and no Council discussion.

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.-TT. [ID 22-1502](#) Actions pertaining to public education services for Measure M and Measure C

1a. Uphold the City Manager's finding that Local Government Strategic Consulting (LGSC) is uniquely qualified to provide public education services related to Measure M (Veterans' Services and Facilities)

1b. Approve a consultant services agreement with Local Government Strategic Consulting in an amount not to exceed \$500,000

2a. Uphold the City Manager's finding that Jeffrey Scott Agency (JSA) is uniquely qualified to provide public education services related to Measure C (Transportation)

2b. Approve a consultant services agreement with Jeffrey Scott Agency (JSA) to provide public education services regarding Measure C in an amount not to exceed \$250,000

There was no staff presentation on the above item. Per request of Councilmember Arias and consensus of the Council, there would be one vote to approve the Measure "M" portion of this item (subparts 1a and 1b) and one vote to approve the Measure "C" portion of this item (subparts 2a and 2b).

During approval of the agenda, City Clerk Stermer announced corrections to the dollar amounts of the contracts. The corrected JSA contract was not to exceed \$200,000 and dollar amount for the corrected LGSC contract was not to exceed \$450,000.

Councilmember Arias motioned to approve the Measure "M" portions of this item (subparts 1a and 1b) as corrected. The motion included direction for the City Attorney's Office to review and approve all material as factual and impartial. Councilmember Chavez seconded the motion which PASSED 6-0 by the following vote:

Aye (6): Karbassi, Arias, Chavez, Bredefeld, Maxwell, Esparza

No (0): -

Absent (1): Soria

SUBPARTS 1A AND 1B APPROVED AS CORRECTED AND WITH DIRECTION

Vice President Maxwell motioned to approve the Measure "C" portions of this item (subparts 2a and 2b) as corrected. The motion included direction for the City Attorney's Office to review and approve all materials as factual and impartial. Councilmember Chavez seconded the motion which FAILED 3-2 for lack of a majority of the quorum by the following vote:

Aye (3): Karbassi, Chavez, Maxwell

No (2): Arias, Bredefeld

Abstain (1): Esparza

Absent (1): Soria

As a member of the prevailing side to the failed Measure "C" motion, Councilmember Bredefeld motioned to reconsider the item. Councilmember Karbassi seconded the motion to reconsider which PASSED 4-1 by the following vote:

Aye (4): Karbassi, Chavez, Bredefeld, Maxwell

No (1): Arias

Abstain (1): Esparza

Absent (1): Soria

Councilmember Bredefeld motioned to approve the Measure "C" portions of this item (subparts 2a and 2b) for \$150,000. The motion included direction

for the City Attorney's Office to review and approve all materials as factual and impartial.

SUBPARTS 2A AND 2B APPROVED AS AMENDED AND WITH DIRECTION

On motion of Councilmember Bredefeld, seconded by Councilmember Chavez, that the Measure "C" portion of the above item (subparts 2a and 2b) be APPROVED AS AMENDED AND WITH DIRECTION. The motion carried by the following vote:

Aye: 4 - Maxwell, Karbassi, Chavez and Bredefeld

No: 1 - Arias

Absent: 1 - Soria

Abstain: 1 - Esparza

1. [ID 22-1495](#) Actions pertaining to the Hye Project for the rehabilitation as affordable housing of historic resources located at M and Santa Clara Streets:
-WW.
1. RESOLUTION - Authorizing the distribution of funds from FRC Canyon Crest, LLC., to the Fresno Revitalization Corporation (FRC Action)
 2. Approve Owner Participation Agreement with Essayons, LP., for the Hye Project to rehabilitate three single family homes at M and Santa Clara Streets (City as Housing Successor and FRC Action)
 3. Approve Facade Covenant (Successor Agency Action)

The above item was moved to Contested Consent by Councilmember Karbassi who asked for clarification about the property.

There was no staff presentation on the above item. Councilmember Arias, Housing Successor Director Murphy and Planning and Development Director Clark responded to questions.

Council discussion included: the history of the property; previous requests by the Armenian Consult regarding construction of a consulate at the site; restrictions on the property; how long the development agreement had been in place; the best way to preserve the historic houses; providing security for the remaining houses by utilizing them as home, and; the Historic Preservation Commission requirements for the project.

FRC RESOLUTION 22 ADOPTED

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

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

No: 1 - Karbassi

Absent: 1 - Soria

2. SCHEDULED COUNCIL HEARINGS AND MATTERS

10:00 A.M. #1

[ID 22-1407](#) Consideration of Development Code Text Amendment Application No. P22-02413 and related Environmental Finding for Environmental Assessment No. P22-02413, amending Tables 15-1102, 15-1103, 15-1202, 15-1203, 15-4907 and Section 15-1104 of the Fresno Municipal Code and adding Sections 15-1106 and 15-5102-E to the Fresno Municipal Code, and corresponding General Plan Text Amendment relating to mixed-use development:

1. ADOPT a finding set forth in Environmental Assessment No. P22-02413 dated July 6, 2022, and recirculated on August 19, 2022, of a Mitigated Negative Declaration pursuant to CEQA Guidelines Section 15168(d)
2. BILL (for introduction) amending the Fresno Municipal Code, Tables 15-1102, 15-1103, 15-1202, 15-1203, 15-4907 and Section 15-1104 of the Fresno Municipal Code and adding Sections 15-1106 and 15-5102-E to the Fresno Municipal Code, relating to mixed-use development, with staff corrections as recommended by Planning Commission on July 20, 2022.
3. RESOLUTION (continued to October 13, 2022) Amending Chapter 3, the Urban Form, Land Use, and Design Element of the Fresno General Plan, Table 3-1, and pages 3-41 and 3-42 consistent with the Development Code Text Amendment described above and as set forth in General Plan Text Amendment Application No. P22-02413

The above item was called to order at 5:44 P.M. and introduced to Council by Planning Manager Pagoulatos.

Council discussion on this item included concerns with the ministerial approvals allowed by the amendment and the notification requirements.

Upon call, the following members of the public addressed Council: Ivanka

Saunders, Susan Williams, Gregory Terzakis, Lisa Flores.

Vice President Maxwell motioned to approved this item excluding the changes for ministerial approvals.

APPROVED AS AMENDED

BILL B-27 INTRODUCED AND LAID OVER

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

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

Absent: 1 - Soria

10:00 A.M. #2 (CONTINUED TO OCTOBER 13, 2022, AT 10:00 AM)

ID 22-1203 HEARING to Consider Plan Amendment and Rezone Application No. P20-04209, Development Permit Application No. P20-04211, and related Environmental Assessment No. P20-04209/P20-04211 pertaining to ±18.9 acres of property located on the southeast corner of South West and West Church Avenues (Council District 3) - Planning & Development Department.

1. **ADOPT** the Negative Declaration as prepared for Environmental Assessment No. P20-04211/P20-04209, dated March 4, 2022, for the proposed project pursuant to the State of California Environmental Quality Act (CEQA); and,
2. **RESOLUTION** - Approving Plan Amendment Application No. P20-04209, requesting authorization to amend the Fresno General Plan and Southwest Fresno Specific Plan to change the planned land use designation for the subject property from Residential - Medium Density (±18.9 acres) to Employment - Light Industrial (±18.9 acres); and,
3. **BILL** - (For introduction and adoption) - Approving Rezone Application No. P20-04209, requesting authorization to amend the Official Zoning Map of the City of Fresno to rezone the subject property from the RS-5/UGM (*Residential Single Family, Medium Density/Urban Growth Management*) (±18.9 acres) zone district to the IL (*Light Industrial/Urban Growth Management*) (±18.9 acres) zone district in accordance with the Plan Amendment Application; and

4. **APPROVE** - Development Permit Application No. P20-04211, requesting authorization to construct a state of the art ±477,470 square-foot two (2) story food production, warehousing, and distribution facility, subject to compliance with Conditions of Approval dated May 18, 2022.

The above hearing was removed from the agenda and continued to October 13, 2022, at 10:00 A.M.

TABLED

10:05 A.M.

[ID 22-1401](#) HEARING to consider Official Plan Line (OPL) for the West North Avenue alignment from South Marks Avenue to South Elm Avenue, and related Environmental Assessment No. EA-18-004. (Council District 3)

1. ADOPT Environmental Assessment No. EA-18-004, filed May 18, 2018, resulting in a Mitigated Negative Declaration for purposes of the proposed project
2. ***BILL - (For introduction and adoption) - Approving the Official Plan Line for the West North Avenue alignment from South Marks Avenue to South Elm Avenue pursuant to the Fresno General Plan Land Use and Circulation Map (Subject to Mayor's Veto)

The above hearing was called to order at 6:16 P.M. and was introduced to Council by Public Works Manager Tyler.

Upon call, the following members of the public addressed Council: Yvonne Gordon, Brunette Harris, Lisa Flores. Public comment was closed at 6:27 P.M.

BILL B-28 INTRODUCED / ADOPTED AS ORDINANCE 2022-027

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

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

10:10 A.M.

[ID 22-1392](#)

Actions pertaining to the Program Year (PY) 2021 Consolidated Annual

Performance Evaluation Report (CAPER) for U.S. Department of Housing and Urban Development (HUD) Community Planning and Development (CPD) programs:

1. HEARING to obtain public comments regarding the PY 2021 CAPER; and
2. Adopt PY 2021 CAPER and authorize submission to the U.S. Department of Housing and Urban Development (HUD).

The above hearing was called to order at 10:35 A.M. and was presented to Council by Assistant Director Skei from the Planning and Development Department.

Upon call, the following members of the public addressed Council: Lisa Flores, Brandi Nuse-Villegas, Brunette Harris, Gloria Hernandez, Hester Hensley, Robert McCloskey, and Dez Martinez. Public comment was closed at 10:48 A.M.

APPROVED

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

10:15 A.M.

[ID 22-1411](#) HEARING for Consideration of Text Amendment Application No. P21-05809 and related Environmental Finding for Environmental Assessment No. P21-05809, amending Chapter 15 of the Fresno Municipal Code, Tables 15-1102, 15-1402, and 15-1502, and Section 15-2010, 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 commonsense 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. BILL (For Introduction) Amending Chapter 15 of the Fresno Municipal Code, Tables 15-1102, 15-1402, and 15-1502 and

Section 15-2010, relating to the Zone Districts where Electrified Fences are permitted.

The above hearing was called to order at 6:29 P.M.

Upon call, the following members of the public addressed Council: Lisa Flores and Dez Martinez. Public comment was closed at 6:32 PM.

Councilmember Chavez motioned to adopt the findings in Environmental Assessment No. P21-05809 that occurred on April 20, 2022, as outlined in the staff recommendation. The motion included an introduction of an amendment to Chapter 15 of the Fresno Municipal Code in Exhibit "O" to the staff report, entitled "Revised Text Amendment City Council's Updated Recommendations Relating to Electrified Fences."

APPROVED

BILL B-29 INTRODUCED AS AMENDED

On motion of Councilmember Chavez, seconded by Vice President Maxwell, 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

10:20 A.M.

[ID 22-1445](#) Consideration of Vesting Tentative Tract Map No. 6345; and related Environmental Assessment No. T-6345/P22-00411/P22-00442 for approximately 36.75 acres of property located on the southeast corner of the East California Avenue alignment and South Willow Avenue (Council District 5).

1. ADOPT - Mitigated Negative Declaration prepared for Environmental Assessment No. T-6345/P22-00411/P22-0442 dated August 12, 2022, for the proposed project pursuant to California Environmental Quality Act (CEQA) Guidelines.
2. ***RESOLUTION - Approving Annexation Application No. P22-00411 to initiate annexation proceedings for the California-Willow No. 4 Reorganization proposing incorporation of the subject property within the City of Fresno; and, detachment from the Kings River Conservation District and Fresno County Fire Protection

District. (Subject to Mayor's Veto)

3. ***BILL - (For introduction and adoption) - Approving Pre-zone Application No. P22-00442 proposing to pre-zone: approximately 38.37 acres of the subject property from the Fresno County AL20 (*Limited Agriculture*) zone district to the City of Fresno RS-5 (*Single-Family Residential, Medium Density*) zone district; approximately 37.90 acres of the subject property from the Fresno County AL20 (*Limited Agriculture*) zone district to the RS-5/ANX (*Single-Family Residential, Medium Density/Annexed Rural Residential Transitional Overlay*) zone district; and, approximately 41.70 acres of the subject property from the Fresno County AL20 (*Limited Agriculture*) zone district to the City of Fresno RM-2/ANX (*Multi-Family Residential, Urban Neighborhood/Annexed Rural Residential Transitional Overlay*) zone district. (Subject to Mayor's Veto)
4. APPROVE - Vesting Tentative Tract Map No. 6345, proposing to subdivide approximately 36.75 acres of the subject property into a 199-lot conventional single-family residential development subject to compliance with the Conditions of Approval dated September 21, 2022.

There was no staff presentation on the above item. Council President Esparza noted the applicant had requested another agenda date.

Upon call, the following members of the public addressed Council on this item: Lisa Flores.

By consensus of the Council, the above item was tabled to November 3, 2022, at 10:20 A.M.

TABLED TO NOVEMBER 3, 2022 AT 10:20 A.M.

1:30 P.M.

[ID 22-1410](#) Workshop on the proposed Fresno County Multi-Jurisdictional Housing Element Update.

The above workshop was presented by Chelsey Payne, Director of Urban Design and Planning with Ascent Environmental.

Discussion on this item included: respective to population, why the City of Fresno was overburdened with additional housing requirements compared to the City of Clovis; Regional Housing Need Assessment determinations

made by the Fresno Council of Governments and the expiration of the appeal period, and; potential impacts of current legislative bills.

WORKSHOP PRESENTED

3. GENERAL ADMINISTRATION

3.-A. [ID 22-1467](#) Actions related to One Fresno Housing Strategy:

1. ***RESOLUTION - Create a Voucher Incentive Program (Subject to Mayor's Veto)
2. ***RESOLUTION - Create a Rent Stabilization Program (Subject to Mayor's Veto)
3. ***RESOLUTION - Fund the Central California Land Trust (Subject to Mayor's Veto)
4. ***RESOLUTION - Fund the Fresno Mixed-Income Neighborhood Trust (Subject to Mayor's Veto)
5. ***RESOLUTION - Allocate American Rescue Plan Funding to the City of Fresno Local Housing Trust Fund (Subject to Mayor's Veto)
6. ***RESOLUTION - Fund the Fresno City College Tiny Home Construction Partnership (Subject to Mayor's Veto)
7. ***RESOLUTION - Acknowledge the Continuance of the Eviction Protection Program (Subject to Mayor's Veto)

The above item was introduced to Council by Mayor Dyer. Deputy Mayor Grundy, Assistant Director Skei and Fresno Housing CEO Williams also addressed Council.

Upon call, the following members of the public addressed Council: Karla Martinez, Dez Martinez, Brandi Nuse-Villegas, Marisa Moraza, Lisa Flores, Gregory Terzakis, Sharrah Thompson, Ester Carver, Shelly Cha, Allis Vallejo, Christine Barker, Arte Padilla

Council discussion included: the utilization rate of housing vouchers; how landlord participation in a voucher program would be encouraged with American Rescue Plan funds; Councilmember input on where tiny homes should be located within each Council District; how the housing trust fund had evolved; broad policy goals, and; the need for details about how the One Fresno Housing Strategy programs would work.

Mayor Dyer requested the Council President appoint two or three people to work with the administration on the On Fresno Housing Strategy details.

Councilmember Karbassi motioned to approve the Tiny Home resolution (item six) and the Eviction Protection Program resolution (item seven) and to add \$3.5 million in the local housing trust fund (item 5) to get the \$5 million maximum.

RESOLUTION 2022-216 ADOPTED AS AMENDED

RESOLUTION 2022-217 ADOPTED

RESOLUTION 2022-218 ADOPTED

On motion of Councilmember Karbassi, seconded by Councilmember Soria, 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

3.-B. [ID 22-1413](#) WORKSHOP - Office of Community Affairs: Strategic Plan Overview

The above workshop was presented by Deputy Mayor Gurndy. City Manager White and Deputy City Manager Torres also addressed Council.

Council discussion included: the activities by the City of Fresno prior to the formation of the Office of Community Affairs; the lack of smart goals to diversify the people hired and those applying for critical boards and commissions; going beyond activities and engagement and the need to show improvement and success with facts and figures.

WORKSHOP PRESENTED

3.-C. [ID 22-1456](#) WORKSHOP - West Area Neighborhoods Specific Plan (P22-01351, P22-01352, & P22-01353)

The above workshop was presented by Planner Lauderdale.

Council discussion included: esthetic and visual resources; the plan amendment process; issues concerning notices to the public; why density was being lost where that was happening; if the plan anticipated Veteran's Boulevard extending to Highway 180; the density at Ashlan Avenue near Highway 99, and; regional park decisions.

Councilmember Arias requested copies of the public notices that had been distributed and copies of the 19 requests received by the City.

WORKSHOP PRESENTED

3.-D. [ID 22-1475](#) WORKSHOP - South Central Specific Plan - Status Update

The above workshop was presented by Director Clark. Assistant City Manager Barfield also addressed Council.

Council discussion included the status of the citywide truck study and the Commute Benefit agreement.

WORKSHOP PRESENTED

4. CITY COUNCIL

4.-A. [ID 22-1501](#) Council consideration of general enforcement approaches to address illegal disclosures of confidential closed session communications to the media that have taken place over the past two years.

The above item was moved to Closed Session during approval of the agenda. There were no open session announcements regarding this item.

DISCUSSED IN CLOSED SESSION.

5. CLOSED SESSION

In open session, Chief Assistant City Attorney Badhesha listed the items that would be heard in closed session, including the separately noticed special meeting item, Public Employee Performance Evaluation for the City Controller (ID 22-1536) and City Council Item 4-A (ID 22-1505) regarding general enforcement approaches to enforce illegal disclosures.

5.-A. [ID 22-1354](#)

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

Case Name: *Jeanine Watts v. City of Fresno, et al.* WCAB Case No.
ADJ9940300

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

DISCUSSED

5.-B. [ID 22-1355](#)

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

Case Name: *Michael Johnson v. City of Fresno, et al.* Claim No.
1010103576-ADR-1

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

DISCUSSED

5.-C. [ID 22-1356](#)

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

Case Name: *Robin Garcia (Gregory Crawford, Dec'd) v. COF, et al.*
WCAB Case No.: ADJ11870021

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

DISCUSSED

5.-D. [ID 22-1378](#)

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

Micheli/Flannery v. City of Fresno; (Department of Public Utilities)
Fresno Superior Court Case No. 16CECG02937

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

DISCUSSED

5.-E. [ID 22-1352](#)

CONFERENCE WITH LEGAL COUNSEL - POTENTIAL LITIGATION
Government Code Section 54956.9, subdivision (d)(4)

Case Name: *City of Fresno v. Hope Beam*

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

DISCUSSED

5.-F. [ID 22-1469](#)

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

Case Name: *International Union of Operating Engineers, Stationary Engineers, Local 39 v. City of Fresno*, Grievance Arbitration Case No. ARB-20-01250

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

DISCUSSED

5.-G. [ID 22-1414](#)

CONFERENCE WITH LABOR NEGOTIATORS - Government Code
Section 54957.6
City Negotiators: TJ Miller

Employee Organizations: International Union of Operating Engineers,
Stationary Engineers, Local 39 (Local 39);

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

DISCUSSED

5.-H. [ID 22-1504](#) CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Government
Code Section 54956.8
Property: APN 468-400-54T Negotiating Parties: City Manager White,
Prosperous Terra, LLC.,
(Ruelas, Inc.) Under
Negotiation: Price and terms of sale.

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

DISCUSSED

- 5.-I. [ID 22-1476](#) CONFERENCE WITH LEGAL COUNSEL - POTENTIAL LITIGATION, Government Code section 54956.9. subdivision (d)(4)
City Council is considering whether to initiate litigation: One (1) potential case.

In open session, Council President Esparza announced a conflict recused himself from the above item. He was absent for the duration of the discussion. There were no open session announcements regarding this item.

DISCUSSED

- 5.-J. [ID 22-1425](#) 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)

In open session, Council President Esparza announced a conflict recused himself from the above item. He was absent for the duration of the discussion. There were no open session announcements regarding this item.

DISCUSSED

ADJOURNMENT

Adjourned from open session at 11:53 PM