

City of Fresno

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



Meeting Minutes

Thursday, October 13, 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 October 13, 2022, at 9:00 A.M.

9:07 A.M. ROLL CALL

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

Invocation

Pledge of Allegiance to the Flag

APPROVE AGENDA

City Clerk Stermer announced the following changes to the agenda:

ID 22-1184 Proclamation for "National Mental Illness Awareness Week" – was renamed to "Mental Illness Awareness Week," by Councilmember Soria.

Consent Calendar item 1-I (ID 22-1535) regarding Permanent Local Housing Allocation program – the following changes were made to the Staff report; should read "In order to receive the City's annual PLHA allocation, the city is required to submit a streamlined application for the 2022 PLHA Formula Allocation no later than November 30, 2022."

Consent Calendar item 1-P (ID 22-1548) regarding Resolution of Intention to Establish a Community Facilities District (CFD 18 – Public Safety Services) – there is a correction to the agenda title. The public hearing referenced in the agenda should be changed from "Thursday, November 3, 2022," to "Thursday, November 17, 2022." A supplemental staff report and updated exhibit have been distributed.

Consent Calendar item 1-Q (ID 22-1511) regarding the Resolution of Intention to Annex Final Tract Map No. 6325 – the project cross streets are

located in Council District 7, not Council District 4 as noted on the agenda title.

10:00 AM #1 Scheduled Hearing item (ID 22-1595) regarding the Development Code Text Amendment relating to mixed use development – the Bill for this item was introduced during the September 29, 2022, City Council meeting and is Bill B-27. The Ordinance is subject to mayoral veto.

10:00 AM #3 Scheduled Hearing item (ID 22-1210) regarding Plan Amendment Application No. P20-01665, and related Rezone Application and Environmental Assessment – item to be read into the record for staff amendment to Exhibit Y (Plan Amendment Resolution). “Exhibit A to the Resolution amending the General Plan and the Southwest Fresno Specific Plan is revised to have the following language added, ‘Plan and zone employment areas in Southwest Fresno for non-industrial businesses. All previously designated Light Industrial, Heavy Industrial, Business Park, and Regional Business Park land uses should be planned and zoned for Office except for the 92-acre area bounded by Vine Avenue on the north, State Route 41 on the east, Elm Avenue on the west, and East Chester/East Samson Avenue (alignment) on the south, in order to allow the continuation of legally established and non-polluting uses established and operating as of February 18, 2021.’”

Councilmember Soria announced a conflict with Consent Calendar item 1-O (ID 22-1512) and recused herself from the item.

Consent Calendar item 1-R (ID 22-1513), regarding the Fresno Street Corridor Improvements Project, was moved to the Contested Consent Calendar by Councilmember Arias.

THE FOLLOWING ITEMS WERE REMOVED FROM THE AGENDA AND TABLED TO THE OCTOBER 20, 2022, REGULAR MEETING

ID 22-256 – Proclamation regarding October Breast Cancer Awareness Month” – tabled to October 20, 2022, by Councilmember Soria.

1-C (ID 22-1437) regarding agreement with Moss Adams, LLP for consultant

services - tabled to October 20, 2022, by Council President Esparza.

1-G (ID 22-1569) resolution authorizing acceptance of the Staffing for Adequate Fires and Emergency Responses (SAFER) grant – tabled to October 20, 2022, by staff.

1-P (22-1548) regarding intention to establish a Community Facilities District No. 18 - Public Safety Services - tabled to October 20, 2022, by Councilmember Soria.

1-Y (ID 22-1574) resolution adopting program to incentivize job creation along certain corridors – tabled to October 20, 2022, by Councilmember Chavez.

THE FOLLOWING ITEMS WERE MOVED FROM THE AGENDA WITH NO SPECIFIED RETURN DATE

5:00 PM (ID 22-1243) Hearing regarding the West Area Neighborhoods Specific Plan and the final Environmental Impact Report and related actions – tabled by staff with no specific return date.

5-D (ID 22-1597) regarding potential litigation – Council considering whether to initiate litigation: One (1) potential case. – tabled by Vice President Maxwell with no specified return date.

5-E (ID 22-1568) regarding potential and existing litigation – Nelson Esparza v. City of Fresno and People v. Nelson Esparza – tabled by Vice President Maxwell with no specified return date.

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

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

CEREMONIAL PRESENTATIONS

[ID 22-256](#) Proclamation for “October Breast Cancer Awareness Month and Metastatic Breast Cancer Action Week”

The above item was removed from the agenda and tabled to October 20, 2022, by Councilmember Soria.

[ID 22-1184](#) Proclamation for “National Mental Illness Awareness Week”

PRESENTED

[ID 22-1589](#) Proclamation for “Indigenous Peoples' Day”

PRESENTED

[ID 22-1590](#) Proclamation for “Code Enforcement Appreciation Week”

PRESENTED

[ID 22-1515](#) Proclamation for Disability Awareness Month and announcing Disabilities Advisory Commission Awardees

PRESENTED

[ID 22-1516](#) Proclamation for “Hindu American Awareness and Appreciation Month”

PRESENTED

COUNCILMEMBER REPORTS AND COMMENTS

Councilmember Soria made several announcements. The future fire station property on Ashlan had been cleaned up and looks great. There were plans to have a community meeting at the Tower Theater to discuss the process to rent the property. The District 1 Fall Festival event, west of Highway 99, was scheduled for October 29. There had been progress towards securing alleys in the central neighborhoods in District 1. There was a successful community meeting regarding the Dakota/Milburn Park and additional input was needed regarding the skate park portion of the thanked staff for having a community meeting on the Dakota Milburn Park west of the 99 -there is still opportunity to provide input for the skate park.

Councilmember Arias reported on items. The bid for the tot lot at JSK Park was ready to award at the current meeting thanks to the work of the PARCS Department. The PARCS Department was also working on Tupman Park. There had been no status update regarding the artwork returning to Fulton Street and a meeting was requested with the City Manger. The Tower Theater was currently available for use by the public and the Request for

Proposals for the management of the Tower Theatre had hit the street. The Public Works Department had installed the traffic light at Clinton and Valentine.

Vice President Maxwell made a few comments. Exceptional Parents Unlimited, a non-profit organization in District 4, recently celebrate 45 years of work in the City of Fresno. A three story, state of the art Student Union building had been constructed at California State University Fresno to serve the students. Former Councilmember Blong Xiong had been appointed as the Executive Director of the USDA Farm Service Agency and would continue serving the central valley in that capacity. Elisa Rivera had been appointed by District 4 as the latest member to the Fresno Women's Commission to fight on critical issues facing women. Carmen Flores had recently joined the District 4 family as the Media Director. The Public Works team received millions in CDBG funds to finally pave the streets in the neighborhood near Chestnut and McKinley avenues.

Council President Esparza commented on several items. Fresno City College held the "State of the College" event to highlight things happening at the college. The 33rd annual Reel Pride event was also held at the college. Fresno City Code Enforcement held a waste tire amnesty event in District 7 and collected 1,169 tires. The last day to attend the 139th The Big Fresno Fair would be Sunday. Indigenous Peoples Day was celebrated in front of Fresno City Hall the previous Monday.

MAYOR/MANAGER REPORTS AND COMMENTS

City Manager White reported the Fresno Irrigation District responded quickly to a city request to clean up the canal issues at Ashlan and West.

UNSCHEDULED COMMUNICATION

Council President Esparza called for public comment on all Consent, Contested Consent and Closed Session items including Unscheduled Communication. The following members of the public addressed Council: Michael Matthew, Todd Blanco, Terry Ires, Fernando Paul Elizando, Hester Hensley, Jerome Kitchen, Daniel Branick, Cathy Caples, Brenda Quispe, Anna Wells, Natalie Delgado, Dez Martinez, Brandi Nuse-Villegas, Lisa Flores, Karla Martinez and Pedro Navarro-Cruz.

1. CONSENT CALENDAR

APPROVAL OF THE CONSENT CALENDAR

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

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

Absent: 1 - Bredefeld

- 1.-A.** [ID 22-1517](#) Approve minutes for September 29, 2022, Regular Meeting.

APPROVED ON THE CONSENT CALENDAR

- 1.-B.** [ID 22-1452](#)

Actions related to the Lease Agreement Amendment No. 3 with Transportation Security Administration (TSA) for Terminal Space at Fresno Yosemite International Airport (FAT). (Council District 4)

1. Adopt a finding of Categorical Exemption pursuant to Section 15301 (Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines
2. Approve the Lease Agreement Amendment No. 3 (Amendment) with Transportation Security Administration (TSA), for Terminal Space at Fresno Yosemite International Airport for a term of three (3) additional years. The amount of potential revenue generated by this Lease is \$604,208.15 over the additional term. (Council District 4)

APPROVED ON THE CONSENT CALENDAR

- 1.-C.** [ID 22-1437](#) Approve agreement with Moss Adams, LLP for consultant services for agreed-upon procedures for \$190,640 (RFP No. 10121)

The above item was removed from the agenda and tabled to October 20, 2022, by Council President Esparza.

TABLED

- 1.-D.** [ID 22-1542](#) Approve the first amendment to the animal control services agreement between the City of Fresno and Fresno Humane Animal Services to allow the City to advance a one-time payment of \$300,000 for future reimbursements (cash account.)

APPROVED ON THE CONSENT CALENDAR

- 1.-E. [ID 22-1566](#) ***RESOLUTION - Supporting the 144th Fighter Wing and the recapitalization of next-generation aircraft squadrons to ensure that the Air National Guard continues to thrive in the City of Fresno. (Subject to Mayor's Veto)

RESOLUTION 2022-219 ADOPTED

APPROVED ON THE CONSENT CALENDAR

- 1.-F. [ID 22-1565](#) Approve the Reappointment of James Sponsler to the Historic Preservation Commission (Resident of District 3).
Approve the Reappointment of Melanie Ruvalcaba to the Bicycle Pedestrian and Advisory Committee (Resident of District 6).
Approve the Reappointment of Frances Reyes Acosta to the Disability Advisory Commission (Resident of District 4).
Approve the Appointment of Sandra Vicente to the Fresno Regional Workforce Development Board (Resident of District 5).

APPROVED ON THE CONSENT CALENDAR

- 1.-G. [ID 22-1569](#) ***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 and tabled to October 20, 2022, by the administration.

TABLED

- 1.-H. [ID 22-1561](#) ***RESOLUTION - Adopting the 12th Amendment to the Annual Appropriation Resolution (AAR) No 2022-154 to transfer funds and re-appropriate \$420,000 from the Station 12 Debt Service Fund to the Station 12 Construction Fund for the demolition phase of the construction project. (Subject to Mayor Veto)

RESOLUTION 2022-220 ADOPTED

APPROVED ON THE CONSENT CALENDAR

- 1.-I. [ID 22-1535](#) ***RESOLUTION - Authorizing application for and acceptance of funding from the Permanent Local Housing Allocation (PLHA) program of the California Housing and Community Development Department for the development of affordable multifamily and single-family housing, owner occupied home rehabilitation, and down payment assistance to benefit low- and moderate-income persons and authorizing the City Manager to sign all necessary implementing documents. (Subject to Mayor's Veto)

During the approval of the agenda, the following changes to the staff report

were read into the record: "In order to receive the City's annual PLHA allocation, the city is required to submit a streamlined application for the 2022 PLHA Formula Allocation no later than November 30, 2022."

RESOLUTION 2022-221 ADOPTED

APPROVED ON THE CONSENT CALENDAR

- 1.-J. [ID 22-1507](#) Approve the Sixth Amendment to the consultant services agreement with Ascent Environmental, Inc., extending the contract performance period to December 31, 2023, and authorizing additional compensation in the amount of \$211,310 for the South Central Specific Plan Environmental Impact Report.

APPROVED ON THE CONSENT CALENDAR

- 1.-K. [ID 22-1532](#) Actions pertaining to homeless services agreements provided under the Homeless Housing, Assistance, and Prevention (HHAP) program:
1. Approve an Agreement with Fresno County Economic Opportunities Commission to operate two additional units at the Youth Bridge Housing program in the total amount of \$84,333.
 2. Approve an Agreement with Fresno County Economic Opportunities Commission to operate four units at the HOPE Youth Bridge Housing program in the total amount of \$399,067.

APPROVED ON THE CONSENT CALENDAR

- 1.-L. [ID 22-1551](#)
1. ADOPT 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 B-29 (Intro'd 09/29/2022) (For Adoption) 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. (Subject to Mayor's Veto)

ORDINANCE 2022-028 ADOPTED

APPROVED ON THE CONSENT CALENDAR

- 1.-M. [ID 22-1474](#) Actions pertaining to the South Peach Avenue Park Phase 1 Project (Council District 5):
1. Affirm the City Manager's finding that Blair, Church & Flynn Consulting Engineers, Inc., is uniquely qualified: and

2. Approve a Consultant Services Agreement with Blair, Church & Flynn Consulting Engineers Inc., in the amount of \$626,000, with a contingency amount not to exceed \$60,000, for the design and preparation of construction documents for the South Peach Avenue Park Phase 1 Project
3. Authorize the Public Works Director or designee to execute the contract and amendments approved by the City Attorney's Office on behalf of the City of Fresno

APPROVED ON THE CONSENT CALENDAR

- 1.-N. [ID 22-1529](#) Actions pertaining to the Jaswant Singh Khalra Park Tot Lot Replacement Project Bid File 3865 (Council District 3)
1. Adopt a finding of Categorical Exemption per staff's determination, pursuant to Section 15301 (d) and 15302 of the California Environmental Quality Act (CEQA) Guidelines
 2. Award a construction contract in the amount of \$449,000 to Rakkar Development and Construction of Fresno, CA, as the lowest responsive and responsible bidder for the Jaswant Singh Khalra Park Tot Lot Replacement Project

APPROVED ON THE CONSENT CALENDAR

- 1.-O. [ID 22-1512](#) Actions pertaining to the acquisition of a 3.39-acre vacant parcel located at 4461 East Dakota Avenue (APN: 438-022-21) for the development of a City park (Council District 4)
1. Adopt a finding of Categorical Exemption pursuant to Class 16 Section 15326 (transfer of ownership of land in order to create parks) of the California Environmental Quality Act (CEQA)
 2. Approve a Purchase and Sale Agreement with Won K. Lee and Sang D. Lee for \$1,165,685

Councilmember Soria announced a conflict and was recused on this item.

As such, this item was APPROVED 5-0 by the following vote:

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

No (0): -

Absent (1): Bredefeld

Recused (1): Soria

APPROVED ON THE CONSENT CALENDAR

- 1.-P. [ID 22-1548](#) 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 10:00am (T-6310, near the northwest corner of Dakota and Polk Avenues; T-6234, southwest corner of Dakota & Hayes Avenues; future annexation area encompasses entire City of Fresno) (Citywide)

During approval of the agenda, the following correction to the agenda title was read into the record: The public hearing referenced in the agenda should be changed from "Thursday, November 3, 2022," to "Thursday, November 17, 2022."

The above item was removed from the agenda and tabled to October 20, 2022, by Councilmember Soria.

TABLED

- d1.-Q.** [ID 22-1511](#) RESOLUTION - Of Intention to Annex Final Tract Map No. 6325 as Annexation No. 134 to the City Of Fresno Community Facilities District No. 11 and to Authorize the Levy of Special Taxes; and setting the public hearing for Thursday, December 1, 2022, at 10:00 am (Located on the northwest corner of North Armstrong Avenue and East Clinton Avenue) (Council District 4)

During approval of the agenda, it was noted the cross streets were located in Council District 7, not Council District 4.

RESOLUTION 2022-222 ADOPTED

APPROVED ON THE CONSENT CALENDAR

- 1.-S.** [ID 22-1510](#) RESOLUTION - Of Intention to Annex Conditional Use Permit No. P20-04902 as Annexation No. 56 to the City of Fresno Community Facilities District No. 9 and to Authorize the Levy of Special Taxes; and setting the public hearing for Thursday, November 17, 2022, at 10:00 am (located on East Tulare Ave between South Clovis Avenue and North Fowler Avenue) (Council District 5)

RESOLUTION 2022-223 ADOPTED

APPROVED ON THE CONSENT CALENDAR

- 1.-T.** [ID 22-1465](#) Award an architect and engineering contract to Provost and Pritchard Consulting Group, of Fresno, California, in the amount of \$225,554.72 for full design services for seventy-five (75) Fresno Area Express Standard Bus Stops (Bid File #10129)

APPROVED ON THE CONSENT CALENDAR

- 1.-U. [ID 22-1462](#) Approve the Department of Transportation/FAX 2022 Title VI Program

APPROVED ON THE CONSENT CALENDAR

- 1.-V. [ID 22-1562](#) BILL (for introduction) - Amending Section 9-613 of the Fresno Municipal Code relating to Exceptions from the Pawnbrokers and Secondhand Dealers Ordinance.

BILL B-30 INTRODUCED AND LAID OVER

APPROVED ON THE CONSENT CALENDAR

- 1.-W. [ID 22-1554](#) Approve the appointment of Sean Zweifler to the Bicycle and Pedestrian Advisory (BPAC)

APPROVED ON THE CONSENT CALENDAR

- 1.-X. [ID 22-1592](#) Approve the Appointment of Sarah Harris to the Fresno County Transportation Authority (FCTA) as the Urban Representative (Resident of District 3).

APPROVED ON THE CONSENT CALENDAR

- 1.-Y. [ID 22-1574](#) ***RESOLUTION - Adopting a program to incentivize job creation along the Ventura/Kings Canyon/Avenida Cesar Chavez corridor east of First Street (Subject to Mayor's Veto)

The above item was removed from the agenda and tabled to October 20, 2022, by Councilmember Chavez.

TABLED

CONTESTED CONSENT CALENDAR

- 1.-R. [ID 22-1513](#) Actions pertaining to Fresno Street Corridor Improvements Project (Council Districts 3, 4, 6, and 7)
1. Adopt a finding of Categorical Exemption per staff determination pursuant to Section 15301/Class 1 and Section 15303/Class 3 of the California Environmental Quality Act (CEQA) Guidelines
 2. Approve the Application for Custom Work - Actual Cost Basis with AT&T in the amount of \$85,315.81 to relocate telecommunication facilities

Councilmember Arias moved this item to Contested Consent and asked for an explanation on why the High-Intensity Activated crossWalks (HAWK) system was not being installed in southwest Fresno.

There was no staff presentation for the above item. Licensed Engineer Sehm, and Director Mozier 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

2. SCHEDULED COUNCIL HEARINGS AND MATTERS

10:00 A.M. #1

[ID 22-1595](#) 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, and Section 15-1104 of the Fresno Municipal Code and adding Section 15-1106 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 adoption) amending the Fresno Municipal Code, Tables 15-1102, 15-1103, 15-1202, 15-1203, and Section 15-1104 of the Fresno Municipal Code and adding Section 15-1106 and to the Fresno Municipal Code, relating to mixed-use development.
3. RESOLUTION (continued from September 29, 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

City Clerk Stermer announced Bill B-27 was introduced during the September 29, 2022, City Council meeting and the Ordinance is subject to mayoral veto.

The above hearing was called to order at 11:28 A.M. There was no staff presentation on the above item.

Upon call, the following members of the public addressed Council: Brunette Harris, Ivonka Saunders, Nisha Vyas, Brian Flynn, Michaelynn Lewis, Eric Payne, and Kiel Lopez-Schmidt. Public comment closed at 11:41 A.M.

Council discussed the applicability of an Environmental Impact Report as opposed to a Negative Declaration. Director Clark and Precision Civil Engineering staff responded to questions.

Councilmember Arias motioned to approve the item as previously revised to eliminate the ministerial provisions.

RESOLUTION 2022-224 ADOPTED

ORDINANCE 2022-029 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: 6 - Esparza, Maxwell, Soria, Arias, Chavez and Bredefeld

No: 1 - Karbassi

10:00 A.M. #2

[ID 22-1598](#) 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 called to order at 11:46 A.M. Supervising Planner Siegrist introduced the item to Council.

Upon call, the following members of the public addressed Council: Brunette Harris, Lilly, Ivanka Saunders, Shaun Robinson, Reef Goodwin, John Kinsey, Mitch Michino, Emily Brent, Nisha Vyas, Kiel Lopez-Schmidt, Lisa Flores, Anna Wells, Eric Payne Michaelynn Lewis. Public Comment was closed at 12:22 P.M.

Council discussion on this item included: the unified opposition by the black community; the level of community engagement by the businesses in the area; the support for the project from the District 3 Residents Committee and the Planning Commission; the issues created by placing single family residential zoning next to heavy industrial uses and the need for buffers; and the environmental study conclusion that pollution would be reduced by consolidating facilities.

RESOLUTION 2022-225 ADOPTED

BILL B-31 APPROVED/ORDINANCE 2022-030

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

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

No: 1 - Karbassi

City Council recessed for lunch at 12:23 P.M. and resumed the meeting at 2:16 P.M.

10:00 A.M. #3

[ID 22-1210](#) Consideration of Plan Amendment Application No. P20-01665, Rezone Application No. P20-01665 and the related Environmental Assessment No. P20-01665 pertaining to ±92.53 acres of property bounded by East Vine Avenue to the north, State Route 41 to the east, South Elm Avenue to the west and East Chester/East Samson Avenue (alignment) to the south (Council District 3).

1. ADOPT - Addendum to Final Program EIR (SCH No. 2017031012) for the Southwest Fresno Specific Plan, dated January 12, 2021, for the proposed project pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15164.
2. ***RESOLUTION - Approving Plan Amendment Application No. P20-01665 proposing to amend the Fresno General Plan and the Southwest Fresno Specific Plan to change the planned land use designation for the subject properties from Neighborhood Mixed Use to Light Industrial Employment and to amend Southwest Fresno Specific Plan Policy LU-8.1. (Subject to Mayor's Veto)
3. ***BILL - (for introduction and adoption) - Approving Rezone Application No. P20-01665 proposing to rezone the subject properties from the NMU (Neighborhood Mixed-Use) zone district to the IL (Light Industrial) zone district. (Subject to Mayor's Veto)

Clerk Stermer read the following into the record: Exhibit A to the Resolution amending the General Plan and the Southwest Fresno Specific Plan is revised to have the following language added, 'Plan and zone employment areas in Southwest Fresno for non-industrial businesses. All previously designated Light Industrial, Heavy Industrial, Business Park, and Regional Business Park land uses should be planned and zoned for Office except for the 92-acre area bounded by Vine Avenue on the north, State Route 41 on the east, Elm Avenue on the west, and East Chester/East Samson Avenue (alignment) on the south, in order to allow the continuation of legally established and non-polluting uses established and operating as of February 18, 2021.'

For the record, Interim City Attorney Gonzales clarified that, under section 605(c)(2) of the City Charter, neither the resolution approving the plan amendment nor the bill approving the rezone application were subject to mayoral veto.

The above hearing was called to order at 2:16 P.M. There was no staff presentation on this item. John Kinsey, attorney for the property owners on Elm Avenue, addressed Council.

Upon call, the following members of the public addressed Council: Joe Livaich, Dennis Woods, Steve Brock, Nick Audino, Stephen Rayburn, BT Lewis, Shaun Riggins, Dr. Venise Curry, Bob Mitchell, Joseph Kalpakoff, Natalie Delgado, Nisha Vyas, Lisa Flores, Debbie Darden, Ivanka Saunders, June Stanfield, Eric Payne, Michaelynn Lewis, and Mary Curry. The public comment period was closed at 3:14 P.M.

Council discussion on this item included: the timelines related to illegal non-conforming uses; whether the amended motion would satisfy the needs of all the businesses in the area; the desire of the residents in the area to implement an overlay; what would be required to complete the overlay proposed by the residents. Councilmember Arias, Director Clark, and City Manager White responded to questions.

Councilmember Arias motioned to:

APPROVE General Plan Amendment Application No. P20-01665 with the following modifications:

Approve the amendment to the Fresno General Plan and the Southwest Fresno Specific Plan to change the planned land use designation for the project area from Annadale to Vine only from Neighborhood mixed Use to Light Industrial, and approve the amendment to Southwest Fresno Specific Plan Policy LU-8.1 as revised by this motion to read as follows:

“Except for the area bounded by Vine Avenue on the north, State Route 41 on the east, Elm Avenue on the west, and Annadale Ave on the south, in order to allow the continuation of legally established and non-polluting uses established and operating as of February 18, 2021.”

Deny the plan amendment as to the remainder of the project area south of Annadale Ave.

APPROVE Rezone application No. P20-01665 with the following modifications

APPROVE the rezone from the NMX (Neighborhood Mixed-Use) zone district to the IL (Light Industrial) zone district for the project area from Annadale to Vine only and deny the rezone for the project area south of Annadale.

For the area from Vine to Annadale that is proposed to be rezoned to the IL (Light Industrial) zone district, the following conditions of zoning shall also apply to all parcels within the rezoned area:

- The interior footprint of any existing structure shall not be expanded by an area greater than twenty percent (20%) of the existing interior footprint as depicted in the most recent site plan for any structure on file with the City as of October 13, 2022.*
- The following additional used restrictions shall apply to all parcels within the rezoned area:*

A. Consistent with Section 15-1302 of the City Code, the following uses shall be subject to a Conditional Use Permit regardless of any future changes in the City Code:

- 1. Public Safety Facilities*
- 2. Automobile/Vehicle Repair, Major*
- 3. Service Station*
- 4. (automobile) Washing*
- 5. General Industrial*
- 6. Research and Development*
- 7. Chemical and Mineral Storage*
- 8. CRV Recycling Center*
- 9. Recycling Processing Facility*
- 10. Light Fleet Based Services*
- 11. Waste Transfer Facility*

B. Notwithstanding any contrary provisions in the City Code, the following

land uses SHALL NOT be permitted:

- 1. Emergency Shelter*
- 2. Hospital*
- 3. Parking, Public or Private*
- 4. Adult-Oriented Business*
- 5. Aircraft Sales, Services and Storage*
- 6. Kennels*
- 7. Large Vehicle and Equipment Sales, Services and Rental*
- 8. Motorcycle/Riding Club*
- 9. Airports and Heliports*
- 10. Utilities, Major*
- 11. Agricultural Processing*
- 12. Agricultural Support Services*
- 13. Crop Cultivation*
- 14. Concrete Batch Plants*
- 15. Shooting/Archery Range*
- 16. Swap Meet / Flea Market*
- 17. Towing and Impound*

C. Pursuant to Section 15-1302 of the City Code, the following uses are currently not permitted in the IL (Light Industrial) zone district. The prohibition of any such land uses shall continue to apply even if the City adopts less restrictive citywide use limitations for the IL zoning District.

- 1. Animal Raising*
- 2. Dairy*
- 3. Intensive Industrial*
- 4. Mining and Quarrying*
- 5. Rendering*
- 6. Salvage and Wrecking*
- 7. Sales Lot, Feed Lot, Stockyard*
- 8. Slaughterhouse*

The above motion included direction for city staff to work with the residents and businesses and return in 90 days with a proposed draft overlay.

RESOLUTION 2022-226 ADOPTED

BILL B-32 INTRODUCED AS AMENDED AND ADOPTED AS ORDINANCE

2022-031

On motion of Councilmember Arias, 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

10:00 A.M. #4

[ID 22-1514](#) HEARING to adopt resolutions and ordinance to annex territory and levy a special tax regarding CITY OF FRESNO COMMUNITY FACILITIES DISTRICT NO. 11, Annexation No. 133 (Final Tract Map No. 6310) (Located on north side of West Dakota Avenue, between North Hayes and North Polk Avenues) (Council District 1)

1. ***RESOLUTION - to Annex Territory to Community Facilities District No. 11 and Authorizing the Levy of a Special Tax for Annexation No. 133 (Subject to Mayor's Veto)
2. ***RESOLUTION - Calling Special Mailed-Ballot Election (Subject to Mayor's Veto)
3. ***RESOLUTION - Declaring Election Results (Subject to Mayor's Veto)
4. ***BILL - (For introduction and adoption) - Levying a Special Tax for the Property Tax Year 2021-2022 and Future Tax Years Within and Relating to Community Facilities District No. 11, Annexation No. 133 (Subject to Mayor's Veto)

The above item was called to order at 4:13 P.M. There was no staff presentation and no Council discussion on the above item.

Upon call, there was no public comment. The public comment period was closed at 4:14 P.M.

RESOLUTION 2022-227 ADOPTED

RESOLUTION 2022-228 ADOPTED

RESOLUTION 2022-229 ADOPTED

BILL B-33 INTRODUCED AND ADOPTED AS ORDINANCE 2022-032

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

10:05 A.M.

JOINT MEETING WITH THE FRESNO JOINT POWERS FINANCING AUTHORITY (JPFA). MEMBERS OF JPFA BOARD: MAYOR DYER, CHAIR BREDEFELD, COUNCILMEMBER KARBASSI

JPFA ACTION

- A.** [ID 22-1555](#) HEARING to adopt Resolution designating and authorizing certain Finance Officers of the City of Fresno ("City") to take certain actions as required for prudent financial administration and safekeeping of Fresno Joint Powers Finance Authority ("JPFA") funds and property

The above item was discussed simultaneously with JPFA item B (ID 22-1558).

The hearing was called to order at 4:17 P.M. Upon call, there was no public comment. The public comment period was closed at 4:18 P.M.

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

RESOLUTION JPFA - 52 ADOPTED

On motion of Member Bredefeld, seconded by Member Karbassi, the above JPFA action item was adopted. The motion PASSED by the following vote:

Aye (3): Bredefeld, Karbassi, Dyer

No (0): -

- B.** [ID 22-1558](#) HEARING to adopt Resolution designating and authorizing certain Finance Officers of the City of Fresno to deposit and withdraw funds into and out of the Local Agency Investment Fund ("LAIF") in the custody of the State Treasurer

The above item was discussed simultaneously with JPFA item A (ID 22-1555).

The hearing was called to order at 4:17 P.M. Upon call, there was no public

comment. The public comment period was closed at 4:18 P.M.

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

RESOLUTION JPFA - 53 ADOPTED

On motion of Member Bredefeld, seconded by Member Karbassi, the above JPFA action item was adopted. The motion PASSED by the following vote:

Aye (3): Bredefeld, Karbassi, Dyer

No (0): -

CITY ACTION

- C.** [ID 22-1556](#) RESOLUTION - Authorizing certain Finance Officers of the City of Fresno ("City") to sign City checks and various investment and commercial banking documents, and to provide verbal instruction required for the prudent financial administration and safekeeping of City funds

The above item was heard simultaneously with City Action item D (ID 22-1557). There was no staff presentation and no Council discussion.

Upon call, there was no public comment.

RESOLUTION 2022-230 ADOPTED

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

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

- D.** [ID 22-1557](#) RESOLUTION - Consenting to and authorizing investment of monies in the Local Agency Investment Fund ("LAIF") in the custody of the State Treasurer for purposes of investment, and authorizing certain Finance Officers in connection therewith

The above item was heard simultaneously with City Action item C (ID 22-1556). There was no staff presentation and no Council discussion.

Upon call, there was no public comment.

RESOLUTION 2022-231 ADOPTED

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

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

5:00 P.M.[ID 22-1243](#)

Hearing - To consider the adoption of the West Area Neighborhoods Specific Plan and Final Environmental Impact Report (FEIR), State Clearinghouse (SCH No. 2019069117), and related actions:

1. RESOLUTION - Certifying FEIR (SCH No. 2019069117), for the West Area Neighborhoods Specific Plan and related plan amendment, rezones, and text amendment to the Development Code.
 - a. ADOPT Findings of Fact as required by Public Resources Code Section 21081(a) and CEQA Guidelines, Section 15091; and,
 - b. ADOPT the Statement of Overriding Considerations as required by Public Resources Code, Section 21081(b) and CEQA Guidelines, Section 15093; and c. APPROVE a Mitigation Monitoring and Reporting Program as required by Public Resources Code Section 21081.6 and CEQA Guidelines Section 15097.
2. RESOLUTION - Approving Plan Amendment Application P22-01351 which proposes to repeal the West Area Community Plan, pertaining to approximately 12,341 acres located in the Development Area-1 West Development Area, and the portion of the Highway City Neighborhood Specific Plan that overlaps the West Area Neighborhoods Specific Plan Boundary, approximately 455 acres.
3. RESOLUTION - Approving Plan Amendment Application P22-01352 which proposes to adopt the West Area Neighborhoods Specific Plan and accompanying Planned Land Use Map.
4. RESOLUTION - Approving Plan Amendment Application P22-01353 which proposes to update the Planned Land Use Map (Figure LU-1) of the Fresno General Plan to incorporate the land use changes proposed in the West Area Neighborhoods Specific Plan.
5. BILL - (For Introduction and Adoption) Approving Rezone Application P22-01353 which proposes to rezone approximately 1,078 acres of property within the West Area Neighborhoods Specific Plan area to

be consistent with the planned land uses proposed in the Plan.

6. RESOLUTION - Authorizing the Planning Department Director or her designee to update the text, policies, maps, tables, and figures contained in the West Area Neighborhoods Specific Plan document to reflect the final action taken by City Council, to the extent that such updates are necessary to maintain consistency.
7. RESOLUTION - Directing staff to perform needed analysis to initiate a follow-up Plan Amendment to the West Area Neighborhoods Specific Plan to include staff-recommended land use change requests and an updated dual land use map.

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

TABLED

3. GENERAL ADMINISTRATION

- 3.-A. [ID 22-1553](#) Progress of Code Enforcement, including ASET Quarterly report.

Chief Assistant City Attorney Camarena and Assistant City Attorney Roberson provided the update to Council.

PRESENTED

4. CITY COUNCIL

There were no City Council items on the agenda.

5. CLOSED SESSION

In open session, Interim City Attorney Gonzales listed the items that would be heard in closed session.

- 5.-A. [ID 22-1470](#)

CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION
Government Code Section 54956.9, subdivision (d)(1)
Alexa Smith, et al. v. City of Fresno, et al.; (Police Department)
Fresno Superior Court Case No. 20CECG01010

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

DISCUSSED

- 5.-B. [ID 22-1588](#)

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION,
Government Code Section 54956.9(d)(2)

Significant Exposure to Litigation: *Howard Jarvis Taxpayers Assn. v. City of Fresno*

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

DISCUSSED

5.-C. [ID 22-1571](#) CONSIDER PUBLIC EMPLOYEE APPOINTMENT - Government Code Section 54957(b):

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

Title: City Attorney

During open session, interim City Attorney Gonzales announced her recusal from this item due to a conflict. The above item was discussed in closed session. There were no open session announcements regarding this item.

DISCUSSED

5.-D. [ID 22-1597](#)

CONFERENCE WITH LEGAL COUNSEL - POTENTIAL LITIGATION,
Government Code Section 54956.9(d)(4) - City Council is considering whether to initiate litigation: One (1) potential case

The above item was removed from the agenda by Vice President Maxwell with no specific return date.

TABLED

5.-E. [ID 22-1568](#)

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

Nelson Esparza v. City of Fresno

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

People v. Nelson Esparza (F22905037)

The above item was removed from the agenda by Vice President Maxwell with no specific return date.

TABLED

ADJOURNMENT

Council adjourned from open session at 4:39 P.M.