

Regular Council Meeting
November 17, 2022

FRESNO CITY COUNCIL



Supplement Packet

ITEM(S)

1-A (22-1751)

Approval of the minutes for November 3, 2022, Regular Meeting

Contents of Supplement

Draft Minutes

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.

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Meeting Minutes

Thursday, November 3, 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 November 3, 2022, at 9:00 A.M.

9:08 A.M. ROLL CALL

Councilmember Karbassi and Councilmember Chavez were absent during roll call. Councilmember Karbassi joined the meeting at 9:09 A.M. and Councilmember Karbassi joined the meeting at 9:14 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 by Rev. Elias Loera, Senior Pastor, with Christian Temple Fresno

Pledge of Allegiance to the Flag

APPROVE AGENDA

City Clerk Stermer announced the following changes to the agenda:

The proclamation for "National Caregivers Month" (ID 22-1681) was moved to November 17, 2022, by Vice President Maxwell.

The proclamation for "Lung Cancer Awareness" (ID 22-1723) was moved to November 17, 2022, by Council President Esparza.

Consent Calendar item 1-D (ID 22-1625) approving an agreement with Arte Americas allocating \$413,175 in American Rescue Plan Act funding was moved to November 17, 2022, by the administration.

Consent Calendar item 1-E (ID 22-1677) regarding the resolution to accept the 2021 SAFER grant was moved to November 17, 2022, by the administration.

Consent Calendar item 1-U (ID 22-1678) regarding the Ventura/Kings Canyon/Avenida Cesar Chavez corridor east of First Street was moved to

November 17, 2022, by Councilmember Chavez.

The ordinance for the 10:20 A.M. Scheduled Matter (ID 22-1552), regarding Vesting Tentative Tract Map No. 6345, is not subject to veto.

Councilmember Bredefeld and Councilmember Karbassi each registered "no" votes for Consent Calendar item 1-B (ID 22-1630). Councilmember Bredefeld also registered a "no" vote for Consent Calendar item 1-N (ID 22-1640).

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

Consent Calendar item 1-P (ID 22-1621) accepting a WaterSMART Water Energy and Efficient Grant – tabled by staff with no specified return date.

Consent Calendar item 1-V (ID 22-1712) regarding the Francher Creek Development Agreement - tabled by Councilmember Chavez with no specified return date.

5-A (ID 22-1508) CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION Case Name(s): Pietro De Santis, et al v. City of Fresno; Catalyst-Fresno, LLC v. City of Fresno; SKG Trinity, LLC v. City of Fresno; Haven #20, LLC v. City of Fresno; TAT Fresno, LLC v. City of Fresno; Renatta Carter-Ford v. City of Fresno, et al. – tabled by staff with no specified return date.

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

1-C (ID 22-1676) to approve an agreement with Moss Adams for consultant services - moved to Contested Consent by Councilmember Arias.

1-F (ID 22-1567) to repeal and add Fire and Life Safety Regulations in the Fresno Municipal Code - moved to Contested Consent by Councilmember Arias.

1-G (ID 22-1160) regarding a PARCS sublease agreement with Integrated Community Development , LLC - moved to Contested Consent by Councilmember Soria.

1-J (ID 22-1652) pertaining to homeless services agreements provided under the Homeless Housing, Assistance and Prevention (HHAP) Program - moved to Contested Consent by Councilmember Arias.

1-N (ID 22-1640) 1st Amendment to the Plan Review and Construction Management Services Agreement with Tutor Perini / Zachry / Parsons Joint Venture - moved to Contested Consent by Councilmember Arias.

On motion of Vice President Maxwell, seconded by Councilmember Soria, 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 22-1707](#) Proclamation for "School Psychology Month"

PRESENTED

[ID 22-1681](#) Proclamation for "National Caregivers Month"

The above proclamation was removed from the agenda by Vice President Maxwell and tabled to November 17, 2022.

TABLED

[ID 22-1723](#) Proclamation for "Lung Cancer Awareness Month"

The above proclamation was removed from the agenda by Council President Esparza and tabled to November 17, 2022.

TABLED

[ID 22-1578](#) Proclamation for "Luis C. Santana Day"

PRESENTED

[ID 22-1699](#) Proclamation for "In Celebration of Sikh Heritage Month"

PRESENTED**COUNCILMEMBER REPORTS AND COMMENTS**

Councilmember Soria had reports and comments. A successful Annual Fall Festival event was held at Inspiration Park with more than 1,200 people in attendance. A community meeting will be held on November 16, 2022, to provide an update on the status of the Van Ness / Weldon Park - location to be determined.

Councilmember Karbassi had reports and comments. The PARCS Department had a successful three night Halloween event in the Pinedale Community Center. A community meeting was scheduled for November 3, 2022, at the Pinedale community center to discuss the Cultural Arts Plan component of Measure "P."

Councilmember Arias had reports and comments. A grand opening event would be held November 4, 2022, for the California / Tupman Park. Requested the administration provide a workshop on the status of the Commission for Police Reform recommendations.

Councilmember Bredefeld had reports and comments. An emotional unveiling of the Police Officer and Firefighter memorial occurred in front of City Hall on November 2, 2022.

Vice President Maxwell had reports and comments. A successful Second Annual Fall Fest event at Large Park occurred October 29, 2022. Ghost Golf, an arcade and indoor mini-golf establishment at Blackstone and Shaw Avenues, had been selected as the District 4 Business of the Month. District 4 staffers received a behind the scene look at the challenges of being a Firefighter while attending a Firefighter for a Day event. The Police Officer and Firefighter memorial unveiled November 2, 2022, turned out beautifully and recognizes fallen first responders in the City of Fresno.

Council President Esparza had reports and comments. The community came together at the Embrace Diversity event at the Fresno Center. The Manchester Center Trunk-or-Treat event was a success with an estimated 1,000 children in attendance. A well attended Fire Department promotional

ceremony was recently held in the Council Chamber. There will be a Jackson Neighborhood Fall Festival the upcoming weekend.

MAYOR/MANAGER REPORTS AND COMMENTS

Mayor Dyer had reports and comments. Approximately 500 volunteers participated in a Beautify Fresno event the previous weekend at locations throughout the City. Fresno Youth Service Day was scheduled for next Saturday and would see more than 800 volunteers clean up 22 campus locations. Break the Barriers was recognized for the service it provides to veterans challenged as a result of their service to the Country.

UNSCHEDULED COMMUNICATION

Upon call, the following members of the public addressed Council: Fernando Paul Elizando Sr., Gloria Cruz, Lilia Becerril, Maria Gasca, Maria Sotello, Dez Martinez, Karla Martinez, Benita Vasquez, Virginia, Varoujan Der Simonian, Robert McCloskey, Cynthia Piombino, Brandi Nuse-Villegas and Lisa Flores.

1. CONSENT CALENDAR

APPROVAL OF THE CONSENT CALENDAR

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

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

Absent: 1 - Karbassi

- 1.-A.** [ID 22-1665](#) Approval of the special meeting minutes of September 29, 2022, regular meeting minutes of October 13, 2022, regular meeting minutes of October 20, 2022, and special meeting minutes of October 20, 2022.

APPROVED ON THE CONSENT CALENDAR

- 1.-B.** [ID 22-1630](#) Approve the Second Amendment with Make Green Go LLC, for Cannabis Social Equity Business Technical Assistance extending the term to April 28, 2023 and increasing the contract value to \$150,000.

Councilmember Karbassi and Councilmember Bredefeld registered a "no" vote on the above item. This item passed 5-2 by the following vote:

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

No (2): Karbassi, Bredefeld

APPROVED ON THE CONSENT CALENDAR

1.-D. [ID 22-1625](#)

Approve an agreement with Arte Americas allocating \$413,175 in American Rescue Plan Act (ARPA) funding to complete needed capital improvements and necessary repairs to the Arte Americas building and surrounding property.

The above item was tabled to November 17, 2022, by staff.

TABLED

1.-E. [ID 22-1677](#)

***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 tabled to November 17, 2022, by staff.

TABLED

1.-H. [ID 22-1393](#)

***RESOLUTION - Authorizing and directing submission of an application to the State of California Prohousing Designation program (Subject to Mayor's Veto)

RESOLUTION 2022-240 ADOPTED

APPROVED ON THE CONSENT CALENDAR

1.-I. [ID 22-1687](#)

Action relating to repealing and adding Building Regulations in the Fresno Municipal Code

1. ***BILL B-34 (Intro'd 10/20/2022) (For Adoption) - Adopting express findings related to local climatic, topographical and geological conditions that make the City's amendments to the California Mechanical Code and California Plumbing Code reasonably necessary and repealing Sections 11-101 through Section 11-109 of Article 1, Chapter 11 of the Fresno Municipal Code and adding Sections 11-101 through Section 11-109 of Article 1, of Chapter 11 to adopt and amend the California Building, Residential, Electrical, Mechanical, Plumbing, Energy and Green Building Standards Codes (Subject to Mayor's Veto)

ORDINANCE 2022-034 ADOPTED

APPROVED ON THE CONSENT CALENDAR

- 1.-K. [ID 22-1656](#) RESOLUTION - Awarding Community Development Block Grant (CDBG) subrecipient agreements to Resources for Independence Central Valley (RICV) for \$50,000 to operate a Fair Housing Outreach Program and \$35,000 for a Fair Housing Public Services Program in accordance with the 2022-2023 Annual Action Plan; and authorizing the City Manager to sign all implementing documents required by the U.S. Department of Housing and Urban Development (HUD) as approved to form by the City Attorney.

RESOLUTION 2022-242 ADOPTED

APPROVED ON THE CONSENT CALENDAR

- 1.-L. [ID 22-1635](#) Actions pertaining to Resolution of Intention Number 1149-D to vacate a portion of the southeasterly side of North State Street between West Mission Avenue and Golden State Boulevard (Council District 1):
1. Adopt a finding of Categorical Exemption per Environmental Assessment Number P21-04762 per staff determination, pursuant to Sections 15332/Class 32, 15301/Class 1, and 15303/Class 3 of the California Environmental Quality Act (CEQA) Guidelines
 2. Adopt the attached Resolution of Intention Number 1149-D to vacate a portion of the southeasterly side of North State Street between West Mission Avenue and Golden State Boulevard

APPROVED ON THE CONSENT CALENDAR

- 1.-M. [ID 22-1636](#) Actions pertaining to Resolution of Intention Number 1150-D to vacate a portion of the North Glenn Avenue-North Blackstone Avenue Alley, between East Simpson Avenue and East Cornell Avenue (Council District 7):
1. Adopt a finding of Categorical Exemption per Environmental Assessment Number D-17-153 per staff determination, pursuant to Sections 15332/Class 32, 15301/Class 1, and 15303/Class 3 of the California Environmental Quality Act (CEQA) Guidelines
 2. Adopt the attached Resolution of Intention Number 1150-D to vacate a portion of the North Glenn Avenue-North Blackstone Avenue Alley, between East Simpson Avenue and East Cornell Avenue

APPROVED ON THE CONSENT CALENDAR

- 1.-O. [ID 22-1688](#) ***BILL B-35 (Intro'd 10/20/2022) (For Adoption) Amending the uncoded ordinance to adopt changes and additions to the official list of designated special speed zones for various streets within the City of Fresno pursuant to Section 14-1501 of the Fresno Municipal Code (Citywide) (Subject to Mayor's Veto)

ORDINANCE 2022-035 ADOPTED

APPROVED ON THE CONSENT CALENDAR**1.-P. [ID 22-1621](#)**

Actions related to acceptance of a WaterSMART Water Energy and Efficiency Grant award from the United States Department of the Interior, Bureau of Reclamation:

1. Adopt a finding of Categorical Exemption pursuant to Section 15301(a)/Class 1 of the California Environmental Quality Act (CEQA) Guidelines
2. ***Approve an Assistance Agreement with the United States Department of the Interior, Bureau of Reclamation and accept receipt of a \$379,390 WaterSMART grant for the Smart Irrigation Timers Direct Install Project (subject to Mayor's veto)

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

TABLED**1.-Q. [ID 22-1653](#)**

Reject all bid proposals for Product Requirements Contract for PH/Chlorine Residual Analyzer and Associated Equipment (Bid File 9652) (Citywide)

APPROVED ON THE CONSENT CALENDAR**1.-R. [ID 22-1622](#)**

Award a consultant services agreement to Sable Computer Inc., dba KIS, of Fremont, California in the amount of not to exceed \$68,250, to provide a Site Wireless Network Study at the Fresno-Clovis Regional Wastewater Reclamation Facility (Council District 3).

APPROVED ON THE CONSENT CALENDAR**1.-S. [ID 22-1660](#)**

Actions related to the California State of Good Repair (SGR) Program for funding to rehabilitate the FAX facility security camera system and to conduct FAX maintenance facility roof and HVAC repairs:

1. Adopt a finding of Class 1 Categorical Exemption for Existing Facilities pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15301.
2. ***RESOLUTION - Authorizing submission of a project description for and acceptance of funding from the SGR program, approving the associated FY 2022-23 project list, and authorizing execution of grant documents. (Subject to Mayor's Veto)

RESOLUTION 2022-243 ADOPTED

APPROVED ON THE CONSENT CALENDAR

- 1.-T. [ID 22-1727](#) Approval of the appointment of Austin Ferreria to the District 2 Project Review Committee

APPROVED ON THE CONSENT CALENDAR

- 1.-U. [ID 22-1678](#) ***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 tabled to November 17, 2022, by Councilmember Chavez.

TABLED

- 1.-V. [ID 22-1712](#) Fancher Creek 10-year Amendment to Development Agreement

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

TABLED

CONTESTED CONSENT CALENDAR

- 1.-C. [ID 22-1676](#) Approve agreement with Moss Adams, LLP for consultant services for agreed-upon procedures for \$190,640 (RFP No. 10121)

Councilmember Arias moved this item to Contested Consent to announce the Finance and Audit Committee recommended a ten year audit of credit cards and for the item to be combined with the audit of the Finance Department to occur simultaneously.

Council Discussion of this item included: the ability to modify the Request for Proposal while approving this item; factors impacting how long the audit would take to complete; capacity of firms to handle the proposed audit; and the usefulness of a ten year audit of credit card transactions when backup material does not go back that far.

Councilmember Arias motioned to reject all bids and to direct City staff to proceed with a new Request for Proposal to conduct an engage and review of the Finance Department and complete an audit of City of Fresno credit cards over the past five years.

ALL BIDS REJECTED WITH DIRECTION

On motion of Councilmember Arias, seconded by Council President Esparza, that all bids be rejected with direction for a new Request for Proposal to include an engage and review of the Finance Department and a complete audit of City of Fresno credit cards over the past five years. The motion carried by the following vote:

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

- 1.-F.** [ID 22-1567](#) Action pertaining to Repealing and Adding Fire and Life Safety Regulations in the Fresno Municipal Code:
1. Adopt the finding that this project is not subject to the requirements of the California Environmental Quality Act pursuant to CEQA Guidelines, Section 15061(b)(3) as there is clearly no possibility the adoption of the 2022 California Fire Code or amendments may have a significant adverse effect on the environment.
 2. RESOLUTION - Making and Adopting express findings that modifications or changes to the California Fire Code are reasonably necessary because of local climatic, geological and topographical conditions
 3. BILL (For Introduction) - Adopting express findings of necessity related to local climatic, topographical, and geological conditions, which make the City's amendments to the California Fire Code reasonably necessary, repealing Article 10 of Chapter 5, and adding Article 10 to Chapter 5 of the Fresno Municipal Code relating to fire and life safety regulations.

Councilmember Arias moved this item to Contested Consent but announced his questions regarding this item had been addressed.

RESOLUTION 2022-239 ADOPTED

BILL B-36 INTRODUCED AND LAID OVER

On motion of Councilmember Arias, seconded by Councilmember Bredefeld, 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.-G.** [ID 22-1160](#) Authorize the Parks, After School, Recreation and Community Services Department (PARCS) to enter into a sublease agreement with Integrated Community Development, LLC for 1800 square feet of space at 1505 N. Blackstone Ave. to be operated as The Link @ Blackstone Community Center in the amount of \$1 per year for a total of \$15 for a 15-year term

plus the City's share of operating expenses attributable to the portions of the building utilized by the center (Council District 1).

Councilmember Soria moved this item to Contested Consent to discuss with the administration, the opportunity to partner with Fresno City College regarding programming for the senior center.

APPROVED

On motion of Councilmember Soria, seconded by Councilmember Arias, 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.-J. [ID 22-1652](#)

Actions pertaining to homeless services agreements provided under the Homeless Housing, Assistance, and Prevention (HHAP) program:

1. ***RESOLUTION - Authorizing application to and acceptance of funding from the State of California Business, Consumer Services and Housing Agency's (BCSH) California Interagency Council on Homelessness (Cal ICH) as an individual applicant for the fourth round of Homeless Housing, Assistance, and Prevention Program (HHAP) and authorizing the City Manager to sign all required implementing documents. (Subject to Mayor's Veto)
2. Approve the State of California Business, Consumer Services and Housing Agency's (BCSH) California Interagency Council on Homelessness (Cal ICH) joint service plan and updated local homelessness action plan as an individual application for the fourth round of Homeless Housing, Assistance, and Prevention Program (HHAP)

Councilmember Arias moved this item to Contested Consent to determine if recent actions by the Governor of California would impact it. Mayor Dyer, City Manager White and Assistant Director Skei responded to questions.

RESOLUTION 2022-241 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 22-1640](#) Approve the First Amendment to the Plan Review and Construction Management Services Agreement, in the amount of \$1,800,000, for a total increased contract amount of \$3,600,000, with Tutor Perini/Zachry/Parsons, a Joint Venture (Council Districts 1, 2 and 3)

Councilmember Arias moved this item to the Contested Consent Calendar to determine what additional work was being done to require the additional expense. Director Mozier responded to questions.

APPROVED

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

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

No: 1 - Bredefeld

2. SCHEDULED COUNCIL HEARINGS AND MATTERS

10:00 A.M.

- [ID 22-1718](#) Discuss and consider providing direction to staff to hire a consultant to perform a feasibility study for the City of Fresno to provide electricity to its residents in response to Pacific Gas and Electric's failure to timely energize facilities and to provide all options including possibility of the City of Fresno forming its own District as is done in some other cities in California.

The above Scheduled Matter was called to order at 11:23 A.M. Vice President Maxwell, Councilmember Bredefeld and Mayor Dyer introduced this item to Council.

Upon call, the following members of the public addressed Council: Mike Prandini with the Building Industry Association, Melisa Munoz, Hunter Stern with IBEW 1245, Lisa Flores, Eric Payne.

The public comment period was closed at 11:36 A.M.

Discussion on the above item included: the excellent work done by IBEW 1245 and PG&E workers; mismanagement by PG&E administrators; the real world impacts to people due to delays in electrification of projects within the

City and rising electricity rates; the ability of the City of Fresno to provide utilities to the City of Fresno; the need to determine the options available to address the issues through a feasibility study; the amount of renewable energy produced in the City of Fresno; the limited details with the 1938 franchise agreement; PG&E rate increases; options for funding a feasibility study; the limited details behind the agenda item; comparisons to the City San Diego study for Community Choice Aggregation versus the City of Fresno feasibility study to look at available options; the bonding capacity for the City; the possibility of utilizing eminent domain for PG&E assets; energy experts consulted about this item; the position of the City Sustainability Department on this item; whether or not employee compensation would be included in the scope of the feasibility study; discussions with labor groups; the possibility of bringing back a feasibility study with a more defined scope; supply chain issues being resolved but not addressing time frame issues; and the possibility of including partners such as the County of Fresno when developing a scope for the feasibility study.

Councilmember Bredefeld motioned to approve this item and received a second from Vice President Maxwell. Before a vote could be taken on the motion to approve, Councilmember Arias made a procedural motion to table the item until the administration had more information regarding the feasibility study. The procedural motion was seconded by Council President Esparza and FAILED 3-3-1 by the following vote:

Aye (3): Karbassi, Arias, Esparza

No (3): Chavez, Bredefeld, Maxwell

Abstain (1): Soria

Councilmember Soria made a procedural motion to table this item until the December 1, 2022, City Council meeting.

TABLED TO DECEMBER 1, 2022

On motion of Councilmember Soria, seconded by Councilmember Arias, that the above Action Item be TABLED until December 1, 2022. The motion carried by the following vote:

Aye: 4 - Esparza, Soria, Karbassi and Arias

No: 3 - Maxwell, Chavez and Bredefeld

10:10 A.M.

[ID 22-1664](#) Appearance by Gabrielle Avedian regarding Old Armenian Town. (District 6)

Gabrielle Avedian addressed Council via Zoom.

APPEARED

10:20 A.M.

[ID 22-1552](#) 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.

The above Scheduled Matter was called to order at 11:20 P.M. The item was introduced to Council by Councilmember Chavez.

Upon call, the following members of the public addressed Council: Sarah Pilibos and Catherine Pilibos West. The public comment period was closed at 11:22 P.M.

Councilmember Chavez motioned to approve as amended to exclude the Pilibos parcels that lay north of the East California Avenue alignment from the proposed rezone and annexation.

Councilmember Chavez noted the Pilibos parcels were excluded based on the location of an orange orchard on the properties. He noted the stakeholders and original applicant were in support of the recommendation to exclude the parcels.

**RESOLUTION 2022-244 ADOPTED AS AMENDED
BILL B-37 INTRODUCED AS AMENDED AND ADOPTED AS ORDINANCE
2022-036**

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

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

11:00 A.M. (Continued to November 17, 2022, at 11:00 A.M.)

[ID 22-1686](#) HEARING to consider an amendment to Residential Permit Parking District #10

1. Adopt a finding of Categorical Exemption pursuant to Class 1/Section 15301 of the CEQA Guidelines
2. RESOLUTION - Amending Residential Permit Parking District #10

The above item was continued to November 17, 2022, at 11:00 A.M. as noted.

CONTINUED

3. GENERAL ADMINISTRATION

3.-A. [ID 22-1634](#) Actions related to the One Fresno Housing Strategy:

1. ***RESOLUTION - Approving funding for the Voucher Incentive Program (Subject to Mayor's Veto); and
2. Affirm the City Manager's finding that the Fresno Housing Authority is uniquely qualified to implement the Voucher Incentive Program; and
3. Approve a State and Local Fiscal Recovery Funds Agreement under the American Rescue Plan Act (ARPA) with Fresno Housing Authority for \$1,000,000 to implement the Voucher Incentive Program

General Administration items 3-A (ID 22-1634), 3-B (ID 22-1697) and 3-C (ID 22-1698) were heard by Council simultaneously and approved with a single motion and vote.

Mayo Dyer, Vice President Maxwell and Councilmember Arias introduced these items to Council.

Discussion on these items included how the land trust funds in 3-B (ID 22-1697) would be spent and how oversight responsibilities would work.

Upon call, the following members of the public addressed Council on these items: Greg Terzakis, Kiel Lopez-Schmidt, Lisa Flores, Brandi Nuse-Villegas, Esther Carver and Ruben Espinoza.

RESOLUTION 2022-245 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

3.-B. [ID 22-1697](#) Actions related to the One Fresno Housing Strategy:

1. ***RESOLUTION - Approving funding for the Central California Land Trust (Subject to Mayor's Veto)
2. Affirm the City Manager's finding that the Central California Land Trust

is uniquely qualified to develop a community land trust plan

3. Approve a State and Local Fiscal Recovery Funds Grant Agreement with Central California Land Trust for \$222,500 to develop a community land trust plan.

General Administration items 3-A (ID 22-1634), 3-B (ID 22-1697) and 3-C (ID 22-1698) were heard by Council simultaneously and approved with a single motion and vote.

Mayo Dyer, Vice President Maxwell and Councilmember Arias introduced these items to Council.

Discussion on these items included how the land trust funds in 3-B (ID 22-1697) would be spent and how oversight responsibilities would work.

Upon call, the following members of the public addressed Council on these items: Greg Terzakis, Kiel Lopez-Schmidt, Lisa Flores, Brandi Nuse-Villegas, Esther Carver and Ruben Espinoza.

RESOLUTION 2022-246 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

- 3.-C.** [ID 22-1698](#) Actions related to the One Fresno Housing Strategy to fund a Mixed Income Neighborhood Trust:

1. Adopt a finding of Categorical Exemption pursuant to Section 15301/Class 1 of the California Environmental Quality Act (CEQA) Guidelines
2. ***RESOLUTION - Approving funding for Central Fresno Neighborhood Trust to Implement a Mixed Income Neighborhood Trust Program (Subject to Mayor's Veto)
3. Approve a State and Local Fiscal Recovery Funds Grant Agreement with the Central Fresno Neighborhood Trust for \$1,950,000 to acquire and rehabilitate 50 rent restricted affordable housing units

General Administration items 3-A (ID 22-1634), 3-B (ID 22-1697) and 3-C (ID 22-1698) were heard by Council simultaneously and approved with a single motion and vote.

Mayo Dyer, Vice President Maxwell and Councilmember Arias introduced these items to Council.

Discussion on these items included how the land trust funds in 3-B (ID 22-1697) would be spent and how oversight responsibilities would work.

Upon call, the following members of the public addressed Council on these items: Greg Terzakis, Kiel Lopez-Schmidt, Lisa Flores, Brandi Nuse-Villegas, Esther Carver and Ruben Espinoza.

RESOLUTION 2022-247 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

4. CITY COUNCIL

- 4.-A.** [ID 22-1720](#) ***RESOLUTION - Establishing the No Place Like Home Initiative (Subject to Mayor's Veto)

The above item was introduced to Council by Councilmember Soria. Mayor Dyer, City Manager White and Deputy Mayor Grundy also addressed Council.

Discussion on this item included: PLHA income caps; potential funding sources; other cities installing tiny homes on properties in exchange for affordability covenants; additional details needed to be worked out with the administration; provisions for owner occupied homes; ARPA funds set aside for housing; the consequences for not paying on a loan; whether or not General Fund dollars should be utilized on the program; the cost of developing a tiny home village; how tiny home village sites will be determined; possible unintended consequences of moving "full steam ahead;" creating a physical space for the Southwest Community Development Center; how displacement and gentrification risks would be minimized; how accountability and oversight is addressed by this item.

Upon call, the following members of the public addressed Council: Brandi Nuse-Villegas; Lilia Becerril; Lisa Flores; Hope Valdez;

Councilmember Soria motioned to approve the item with three amendments. First, tiny homes to be eligible for down payment assistance. Second, Section 1 of the resolution, discussing the Down Payment Assistance Program and American Rescue Funds, shall be updated to include, "or other eligible funds." Third, Section 3 of the resolution will be updated to replace "...and shall partner with the Housing Authority of the City of Fresno..." with "...and explore a partnership with the Housing Authority of the City of Fresno..."

APPROVED AS AMENDED

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

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

Absent: 1 - Karbassi

5. CLOSED SESSION

Council entered closed session at 10:10 A.M. and 5:14 P.M. Interim City Attorney Gonzales announced the items that would be discussed in closed session. Upon call, there was no public comment.

5.-A. [ID 22-1508](#)

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

Case Name(s): Pietro De Santis, et al v. City of Fresno; Fresno
Superior Court Case No. 21CECG02863

Catalyst-Fresno, LLC v. City of Fresno; Fresno
Superior Court Case No. 21CECG03543

SKG Trinity, LLC v. City of Fresno; Fresno Superior
Court Case No. 21CECG03601

Haven #20, LLC v. City of Fresno; Fresno Superior
Court Case No. 22CECG00238

TAT Fresno, LLC v. City of Fresno; Fresno Superior
Court Case No. 22CECG00234

Renatta Carter-Ford v. City of Fresno, et al.; Fresno
Superior Court Case No. 22CECG1478

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

TABLED

5.-B. [ID 22-1721](#)

CONFERENCE WITH LABOR NEGOTIATORS - Government Code
Section 54957.6

City Negotiators: TJ Miller

Employee Organizations:

Unrepresented Employees in Unit 2 (Non-Represented Management and Confidential Classes): Airport Public Safety Manager, Assistant City Attorney, Assistant City Manager, Assistant Controller, Assistant Director, Assistant Director of Personnel Services, Assistant Director of Public Utilities, Assistant Director of Public Works, Assistant Police Chief, Assistant Retirement Administrator, Background Investigator, Budget Analyst, Budget Manager, Chief Assistant City Attorney, Chief Information Officer, Chief Labor Negotiator, Chief of Staff to Councilmember, Chief of Staff to the Mayor, City Attorney (City Negotiator, Council President Esparza), City Attorney Investigator, City Clerk (City Negotiator, Council President Esparza), City Engineer, City Manager (City Negotiator, Mayor Dyer), Community Coordinator, Community Outreach Specialist, Controller, Council Assistant, Deputy City Attorney II, Deputy City Attorney III, Deputy City Manager, Director, Director of Aviation, Director of Development, Director of Personnel Services, Director of Public Utilities, Director of Transportation, Economic Development Coordinator, Economic Development Director, Executive Assistant to Department Director, Executive Assistant to the City Attorney, Executive Assistant to the City Manager, Executive Assistant to the Mayor, Fire Chief, Governmental Affairs Manager, Human Resources Manager, Independent Reviewer, Internal Auditor, Investment Officer, Management Analyst II, Payroll Accountant, Payroll Manager, Police Chief, Principal Budget Analyst, Principal Internal Auditor, Principal Labor Relations Analyst, Project Liaison/Program Administrator, Public Affairs Officer, Public Works Director, Retirement Administrator, Retirement Benefits Manager, Retirement Office Manager, Senior Budget Analyst, Senior Deputy City Attorney I, Senior Deputy City Attorney II, Senior Deputy City Attorney III, Senior Human Resources/Risk Analyst, Senior Law Clerk, Supervising

Deputy City Attorney

The above item was discussed in closed session. Following the discussion, there was no open session report.

DISCUSSED

5.-C. [ID 22-1722](#)

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 Controller.

The above item was discussed in closed session. Following the closed session, interim City Attorney Gonzales made the following report of action: by unanimous 7-0 vote, the City Council approved the City Manager's decision to appoint Santino Danisi as the next City Controller.

DISCUSSED AND REPORT MADE

5.-D. [ID 22-1726](#)

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 discussed in closed session. Council President Esparza announced a conflict with this item and was recused from the discussion. Following the discussion, there was no open session report.

DISCUSSED

ADJOURNMENT

Adjourned from open session at 5:14 P.M.