

# City of Fresno

2600 Fresno Street

Fresno, CA 93721

[www.fresno.gov](http://www.fresno.gov)



## Meeting Minutes - Final

Thursday, March 24, 2022

9:00 AM

Regular Meeting

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*

*City Attorney - Douglas T. Sloan*

*City Clerk - Todd Stermer, CMC*

The City Council for the City of Fresno convened in regular session on March 24, 2022 at 9:00 A.M.

9:05 A.M. ROLL CALL

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

Invocation by The Very Reverend Samuel Colley-Toothaker from St. James Episcopal Cathedral

Pledge of Allegiance to the Flag

## **APPROVE AGENDA**

*City Clerk Stermer announced the following changes to the agenda:*

*The resolution for Consent Calendar item 1-I (ID 22-461) concerning the San Joaquin Valley Air Pollution Control District was the 58th amendment to the Annual Appropriations Resolution; the resolution for Consent Calendar item 1-O (ID 22-448) regarding the sale of a 7,405 square foot City owned parcel was not subject to Mayoral veto; and Council President Esparza had been added as a sponsor to City Council item 4-B (ID 22-495) regarding an outside forensic audit of Council District operating fund expenditures.*

*City Clerk informed members of the public there was a Spanish translator available in the Council Chambers and instructed translation to be consecutively.*

*The following items were removed from the agenda:*

*1-L (ID 22-483) pertaining to flags and ceremonial lighting at City facilities – removed from the agenda by Councilmember Arias with no specified return date.*

1-U (ID 22-469) pertaining to the Deferred Compensation Plan - removed from the agenda by the Retirement Office with no specified return date.

1-X (ID 22-501) pertaining to District 4 Appropriations – removed from the agenda by Vice President Maxwell with no specified return date.

3-B (ID 22-475) pertaining to the COVID-19 emergency - removed from the agenda by Council President Esparza with no specified return date.

4-C (ID 22-496) pertaining to revocation city credit cards for Councilmembers and their staff - removed from the agenda by Council President Esparza with no specified return date.

The following Consent Calendar items were moved from the Consent Calendar to the Contested Consent for further discussion:

1-G (ID 22-405) regarding rejecting all bids for a Professional Services Contract for On-Call Title VI and Environmental Justice Consulting Services (BID File #10089) – moved to Contested Consent by Councilmember Bredefeld.

1-I (ID 22-461) regarding the San Joaquin Valley Air Pollution Control District – moved to Contested Consent by Councilmember Bredefeld.

1-K (ID 22-474) regarding the fifth amendment to the agreement between the City of Fresno and the Central California Society – moved to Contested Consent by Councilmember Arias.

1-M (ID 22-443) regarding an agreement with Fresno Unified School District - moved to Contested Consent by Councilmember Soria.

1-W (ID 22-500) regarding construction of affordable housing at 1840 Broadway Street and 1940 Broadway Street – moved to Contested Consent by Councilmember Bredefeld.

Councilmember Chavez announced a conflict and recused himself from Consent Calendar item 1-M (ID 22-443) pertaining to an agreement with

*Fresno Unified School District.*

*Councilmember Bredefeld motioned to keep City Council item 4-C (ID 22-496) regarding resolution revoking city credit cards for Councilmembers and their staff for further discussion. Councilmember Karbassi seconded the motion. Motioned FAILED 5-2. Councilmembers Soria, Arias, Chavez, Vice President Maxwell, and Council President Esparza voted no.*

**On motion of Councilmember Chavez, seconded by Councilmember Karbassi, the above Action was APPROVED AS AMENDED. The motion carried by the following vote:**

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

## **CEREMONIAL PRESENTATIONS**

[ID 22-243](#) Proclamation for "Cesar Chavez Day (March 31)"

*PRESENTED*

[ID 22-244](#) Proclamation for "International Transgender Day of Visibility (March 31)"

*PRESENTED*

[ID 22-419](#) Proclamation "American Red Cross Day"

*PRESENTED*

## **COUNCILMEMBER REPORTS AND COMMENTS**

*Councilmember Soria announced the Fresno High School Beautify Club would be repainting of street numbers in the Palm, Van Ness, Clinton and Weldon area on Saturday, March 26, 2022. She discussed the celebration of the 50th Anniversary of "Black Maternal Health Week" that would occur the week of April 11, 2022, through April 17, 2022. Councilmember Soria also recognized her Chief of Staff, Terry Cox, and presented her with a surprise proclamation for her years of services to Council District 1.*

*Councilmember Karbassi discussed the ongoing issues of mailbox break-ins and the timing for USPS to replace them. He also discussed "Operation Stay Safe" which focused on street racing.*

*Councilmember Arias discussed the clean up in Chinatown, Tower District, and the downtown Fresno area. He also discussed the Chivas and Pumas soccer game held at Grizzlies Stadium.*

*Councilmember Bredefeld addressed credit card charges by Councilmembers and expenses for Cit Council offices. City Manager White addressed the process of the audit.*

*Councilmember Chavez discussed tree trimming in Butler Park; the installation of a crosswalk for John Walsh Elementary in early May; Rebuild Fresno for repaving neighborhoods; Tot Lot improvements to be installed at Hamilton; Tiny Homes projects in Fresno; the forthcoming Health clinics in Southwest and Southeast Fresno; upcoming ribbon cutting at Kings Canyon on April 19, 2022, and; the Veterans Memorial District Initiative.*

*Vice President Maxwell discussed street paving, community meetings, zero fare transportation and the work of done by Councilmembers for their districts. He also discussed the tone of the City Council and the resulting verbal assault and threats he had received by members of the public.*

*Council President Esparza responded to Vice President Maxwell's comments regarding the tone of the City Council. He also commented on the Chamber of Commerce Resource Fair and the Manchester Town Hall community meeting. Finally, the Council President discussed his attendance at a luncheon honoring Roz Clark; the Reyes Scholarship funds for Roosevelt High School students; and the State Center Community College reception for Chancellor Carol Goldsmith.*

*Councilmember Bredefeld motioned to continue discussion and respond to comments made by Vice President Maxwell. Councilmember Karbassi seconded the motion. The motion FAILED 4/3, Councilmember Soria, Councilmember Arias, Vice President Maxwell, and Council President voted no.*

## **MAYOR/MANAGER REPORTS AND COMMENTS**

*Mayor Dyer discussed his attendance of the ceremony to honor late Fresno Police Officer Phia Vang; the Mexican Consulates celebration of the 60th*

*birthday anniversary of former President Benito Juarez, and; the funeral of City of Fowler Mayor David Cardenas. He Also announced the 60th Anniversary for Airports Department and discussed Beautify Fresno event at Shaw and Gettysburg and One Fresno Housing Initiative.*

*City Manager White reported that Councilmembers had been provided with memos regarding the "I Defer" 2021 Annual Report and the status of the City of Fresno Animal Center. She also discussed the Rebuild Fresno initiative.*

*Assistant City Manager Barfield stated testing for non vaccinated employees will stop as of March 25, 2022.*

## **UNSCHEDULED COMMUNICATION**

*Upon call, the following members of the public addressed Council: Leslie Wright (Opposed 5-B); Barbara Smith (Opposed 5-B); Patricia Shawn (Opposed 5-B); Jovanny Rivas (Opposed 5-B); Patsy Rojskup (Opposed 5-B); Mariah Thompson (Opposed 5-B) Linda Martinez (Opposed 5-B); Victoria Santillan (Opposed 5-B); Eulalio Gonzalez (Opposed 5-B); Fernando Elizondo; Eric Payne; Lisa Flores; Janine Nkosi (Opposed 5-B); Dez Martinez; and Karla Martinez (Opposed 5-B).*

**City Council recessed for lunch at 12:45 P.M. and returned from lunch at 2:00 P.M.**

## **1. CONSENT CALENDAR**

*Upon call, the following members of the public addressed Council: Brandi Nuse-Villegas; Alexandra Alvarado; and Lisa Flores.*

### APPROVAL OF THE CONSENT CALENDAR

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

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

- 1.-A.** [ID 22-477](#) Approval of the Minutes of the March 10, 2022 Regular City Council Meeting and the March 10, 2022 Special City Council Meeting

**APPROVED ON CONSENT CALENDAR**

1.-B. [ID 22-452](#)

Actions related to the Non-Exclusive License Agreement to Operate an Automated Teller Machine (ATM) Inside the Terminal Building with Educational Employees Credit Union, a California Corporation, 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 Guidelines
2. Approve the Non-Exclusive License Agreement to Operate an Automated Teller Machine (ATM) inside FAT's Terminal Building with Educational Employees Credit Union, a California Corporation, for an initial term of five years, with one option to extend the initial term for an additional five years for a total of ten years. The amount of potential revenue generated by this Non-Exclusive License Agreement is \$64,800. (Council District 4)

**APPROVED ON CONSENT CALENDAR**

1.-C. [ID 22-445](#)

Approve a consultant services agreement with Provost & Pritchard Consulting Group, Inc., in the amount not to exceed \$160,388, inclusive of \$14,600 in contingency, to design concrete liners for Drying Ponds 1 and 2 at the Northeast Surface Water Treatment Facility (Council District 6)

**APPROVED ON CONSENT CALENDAR**

1.-D. [ID 22-408](#)

Approve a consultant services agreement with --Michael K. Nunley & Associates, Inc., for the design, bidding and construction support of the Southwest Recycled Water System Storage Tank and Booster Pump Station project for an amount not to exceed \$618,316, inclusive of a \$56,000 contingency (Citywide & Fresno County)

**APPROVED ON CONSENT CALENDAR**

1.-E. [ID 22-466](#)

Approve an extension to the Requirements Contract with Chemtrade Chemicals, US, LLC, of Parsippany, New Jersey, for bulk aluminum sulfate, for two additional one-year terms for an annual amount of \$401,500 (Bid File 9478) (Citywide)

**APPROVED ON CONSENT CALENDAR**

1.-F. [ID 22-447](#)

Actions related to award of a contract with Trapeze Software Group, Inc. of Cedar Rapids, Iowa, in the amount of \$670,408:

1. Affirm the City Manager's determination that Trapeze Software Group, Inc. is uniquely qualified to perform maintenance services for existing Trapeze-based software products and provide new enterprise asset management software to meet the

Department of Transportation’s regulatory needs for transit asset management

- 2. Affirm the City Manager’s determination that Trapeze Software Group, Inc. is uniquely capable as defined by the Federal Transit Administration for sole source non-competitive procurements, to perform software maintenance services and transit asset management services for the Department of Transportation
- 3. Award a services contract to Trapeze Software Group, Inc. for the maintenance of existing Trapeze-based software products and the purchase of new enterprise asset management software in the amount of \$670,408
- 4. Authorize the Director of Transportation to execute all related documents

**APPROVED ON CONSENT CALENDAR**

- 1.-H. [ID 22-425](#) Award a one-year Requirements Contract with four one-year extensions to Douglas Truck Bodies of Bakersfield, California, for the purchase of utility, flatbed, and dump truck bodies as needed to complete municipal fleet vehicle acquisitions not to exceed the annual amount of \$1,010,155, plus CPI adjustments (Bid File 9631).

**APPROVED ON CONSENT CALENDAR**

- 1.-J. [ID 22-391](#) Approve the annual renewal of hosting and support for Cornerstone Learning Content Management system in the amount of \$133,776.40

**APPROVED ON CONSENT CALENDAR**

- 1.-L. [ID 22-483](#) 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 2022 (Subject to Mayor’s Veto)

*City Attorney Sloan clarified that the Armenian Flag raising to recognize the Armenian Genocide will not be impacted since it has been raised before.*

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

*TABLED*

- 1.-N. [ID 22-459](#) Actions pertaining to homeless services agreements provided under the Homeless Housing, Assistance, and Prevention (HHAP) program:
  - 1. Approve an Agreement with Elevate Community Services to operate the Ambassador Inn as a low-barrier emergency homeless shelter in



the total amount of \$829,988.50.

2. Approve an Agreement with Elevate Community Services to operate the Villa Motel as a low-barrier emergency homeless shelter in the total amount of \$879,428.00

### APPROVED ON CONSENT CALENDAR

- 1.-O. [ID 22-448](#) Actions pertaining to the sale of a 7,405 square foot City owned parcel of undeveloped land located on the northwest corner of First Street and Nevada Avenue, APN: 459-282-13T (Council District 7):
1. Adopt a finding of no possibility of significant effect pursuant to CEQA Guidelines Section 15061 and Categorical Exemption pursuant to CEQA Guidelines Section 15312/Class 12 (Surplus Government Property Sales) for the proposed project pursuant to the California Environmental Quality Act (CEQA)
  2. \*\*\*RESOLUTION - Finding there are substantial community benefits resulting from the sales agreement that justify a price less than market value as outlined in Fresno Municipal Code Section 4-204 relating to the disposition of real surplus property APN 459-282-13T (First Street & Nevada Avenue) (Subject to Mayor's Veto)
  3. Authorize the Public Works Director or designee to execute the Purchase and Sale Agreement with Mark Guevara for \$5,000 upon confirmation from the California Department of Housing and Community Development in compliance with the Surplus Land Act

### RESOLUTION 2022-070 ADOPTED

### APPROVED ON CONSENT CALENDAR

- 1.-P. [ID 22-435](#) Actions pertaining to the Traffic Signal and Sidewalk Improvements at Gettysburg Avenue and Polk Avenue - Bid File 3832 (Council District 1)
1. Adopt a finding of Categorical Exemption per staff's determination pursuant to Section 15301/Class 1, Section 15303/Class 3, and Section 15304/Class 4 of the California Environmental Quality Act Guidelines
  2. Award a construction contract in the amount of \$1,269,194 to Emmett's Excavation, Inc. of Clovis, California

### APPROVED ON CONSENT CALENDAR

- 1.-Q. [ID 22-436](#) Actions pertaining to amending Job Order Contracting Agreements:
1. Adopt findings of Categorical Exemption pursuant to Section 15301 (d) of the California Environmental Quality Act (CEQA) Guidelines
  2. Approve amendment to Job Order Contracting (JOC) agreements between City of Fresno and Durham Construction Co., Inc., Puma

Construction Co., Inc., and Strategic Mechanical, Inc., adding \$700,000 for the current year to the 3 year agreement with each for a maximum contract value of \$4,400,000, for both Dunham Construction Inc., and Puma Construction and a maximum contract value of \$3,700.00 for Strategic Mechanical, Inc., to complete such projects as the Water Tower Painting and Fencing, DPU Admin Building (Old Fresno Bee) HVAC repairs, California/Tupman Park Playground Installation and Granny's Park Security Lighting

#### **APPROVED ON CONSENT CALENDAR**

- 1.-R. [ID 22-444](#) Actions pertaining to the Clinton Avenue and Valentine Avenue Traffic Signal and Storm Drain Project - Bid File No. 3751 (Council Districts 3):
1. Adopt a finding of Categorical Exemption per staff determination, pursuant to Sections 15301/Class 1, 15303/Class 3, and 15304/Class 4 of the California Environmental Quality Act (CEQA) Guidelines
  2. Approve an Inter-fund Loan Agreement between the Developer Cash-in-Lieu Improvements Funds and the Cash-in-Lieu Loan Fund, pursuant to Article VI of the City of Fresno Reserve Management Act and Article IV of the Taxpayer Protection Act, providing a \$277,800 loan
  3. Approve Interagency Agreement with the Fresno Metropolitan Flood Control District for Design and Construction of Stormwater Master Plan Facilities in Clinton Avenue, in the amount of \$271,501
  4. Award a construction contract in the amount of \$1,334,053 to Emmett's Excavation, Inc. of Clovis, California

#### **APPROVED ON CONSENT CALENDAR**

- 1.-S. [ID 22-456](#) Approve an agreement with Provost & Pritchard Consulting Group, a California Corporation, of Clovis, CA in the amount of \$66,000 plus a contingency of \$9,000 for the design and preparation of construction documents for the Historic Water Tower Site ADA Upgrades Project (Council District 3)

#### **APPROVED ON CONSENT CALENDAR**

- 1.-T. [ID 22-453](#) RESOLUTION - Of Intention to Annex the Territory Known as Assessor's Parcel Number 330-021-40 (Parcel H of Parcel Map 96-22) as Annexation No. 55 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, APRIL 21, 2022, at 10:00 am (South Northpointe Drive south of East Fortune Avenue) (Council District 3)

*RESOLUTION 2022-071 ADOPTED*

#### **APPROVED ON CONSENT CALENDAR**

- 1.-U. [ID 22-469](#) Adopt Restatement of the City of Fresno Deferred Compensation Plan Document

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

*TABLED*

- 1.-V. [ID 22-472](#) \*\*\*BILL No. 4 (for introduction) - Amending Section 12-4.1603 of the Fresno Municipal Code, relating to fee waiver program for certain residential infill projects (Subject to Mayor's Veto).

*BILL NO. 4 APPROVED, INTRODUCED AND LAID OVER*

**APPROVED ON CONSENT CALENDAR**

- 1.-X. [ID 22-501](#) District 4 Appropriation

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

*TABLED*

### **CONTESTED CONSENT CALENDAR**

- 1.-G. [ID 22-405](#) Reject all bids for a Professional Services Contract for On-Call Title VI and Environmental Justice Consulting Services (Bid File #10089)

*There was no staff presentation on this item. Transportation Director Vargas and Assistant City Manager Barfield responded to questions.*

*Discussion on this item included: clarification on the equity analysis; cost to change fleet to zero emissions; climate change for disadvantage communities; and costs of the program.*

*APPROVED*

**On motion of Councilmember Bredefeld, seconded by Vice President Maxwell, 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.-I. [ID 22-461](#)

Actions pertaining to the San Joaquin Valley Air Pollution Control District (SJVAPCD) (Council District 1):

1. \*\*\*RESOLUTION - Authorizing the City of Fresno to accept a grant

in the amount of \$1,843,572 from the SJVAPCD for the development of 88 multifamily residential units and commercial/retail space at 1501 N. Blackstone Avenue TOD project (Subject to Mayor's Veto)

2. \*\*\*RESOLUTION - adopting the Amendment to the Annual Appropriation Resolution (AAR) No. 2022-appropriating \$1,843,572 in grant funds from the San Joaquin Valley Air Pollution Control District (SJVAPD) Public Benefit Grants Program (Program) for the development of 88 multifamily residential units and commercial/retail space at 1501 N. Blackstone Avenue Transit Oriented Development (TOD) project (Requires 5 Affirmative Votes) (Subject to Mayor's Veto)

*There was no staff presentation on this item. Economic Development Director Perez responded to questions.*

*Discussion on this item included: cost per unit for the project; if this was additional funding received; and cost of the units not being affordable to tax payers. Councilmember Soria clarified that is it not additional funding but previously approved loan agreement by Council in 2019 and San Joaquin Valley Air Pollution Control District Board in 2017.*

**RESOLUTION 2022-068 ADOPTED**

**RESOLUTION 2022-069 ADOPTED**

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

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

**No:** 1 - Bredefeld

- 1.-K. [ID 22-474](#) Approve a Fifth Amendment to the Agreement entered between the City of Fresno and the Central California Society for the Prevention of Cruelty to Animals in the amount not to exceed \$ 2,898,498 for a six-month term beginning January 1, 2022 to June 30, 2022.

*There was no staff presentation on this item. City Manager White responded to questions.*

*Discussion on this item included: the cost of the service; non-profit providing service to the city is getting more expensive but other entities are*

*audited and have a debate before granting more money; treating other providers with same grace as the CCSPCA when asking for additional funds; routine to allocate additional money; audits for the CCSPCA; the expiration of the current contract; contract management - no operating under expired contracts; and only using CCSPCA for the spay and neuter program along with all other providers within the City.*

*Councilmembers requested an update on the committee for Animal Shelter and a workshop presentation to Council. City Manager White stated she provided the Council with a treasury memo that explains why the increase was needed.*

*The above item was approved as presented 6-1, Councilmember Arias voted no.*

**APPROVED**

- 1.-M.** [ID 22-443](#) Actions pertaining to an agreement with Fresno Unified School District.
1. Approve a one-year agreement between the City of Fresno (City) and Fresno Unified School District (FUSD) to conduct Sports Play Active Recreation for Kids (SPARK) After School Programming at up to twenty-nine school sites from August 2022 through June 2023.
  2. Authorize the Director of Parks, After School, Recreation and Community Services (PARCS) to execute the agreement on behalf of the City with FUSD in the amount of \$443,484 administered by FUSD, with a City contribution of \$50,210. This item is time sensitive as the agreement will need to go before the FUSD Board for consideration in April 2022.

*Councilmember Chavez recused himself from the above item and was not present for the course of the discussion.*

*There was no staff presentation on this item. Assistant Director Ramirez responded to questions.*

*Discussion on the item included: providing Central Unified similar services to Fresno Unified and to ensure the west of 99 isn't forgotten and includes services like the after school programs and recreational activities.*

**APPROVED**

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

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

**Recused:** 1 - Chavez

- 1.-W. [ID 22-500](#)** Actions pertaining to construction of affordable housing at 1840 Broadway Street and 1940 Broadway Street (Council District 3):
1. Adopt a finding of Categorical Exemption pursuant to Section 15301/Class 1 and Section 15302/Class 2 of the California Environmental Quality Act (CEQA) Guidelines.
  2. \*\*\*RESOLUTION - Supporting the Housing Authority of the City of Fresno's construction of affordable housing at 1840 Broadway Street and 1940 Broadway Street and expressing the City's intent to contribute to the Projects in an amount not to exceed \$3,000,000 upon full financing for the Project (Subject to Mayor's Veto).

*There was no staff presentation on the item. Councilmember Arias responded to questions.*

*Councilmember Bredefeld asked what is the source of the \$3 million.*

*RESOLUTION 2022-072 ADOPTED*

**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

## **2. SCHEDULED COUNCIL HEARINGS AND MATTERS**

### **10:00 A.M. #1**

- [ID 22-434](#) 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. 131 (Final Tract Map No. 6187) (Northwest corner of East Annadale and South Ivy avenues) (Council District 3)
1. \*\*\*RESOLUTION - to Annex Territory to Community Facilities District No. 11 and Authorizing the Levy of a Special Tax for Annexation No. 131 (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. 131 (Subject to Mayor's Veto)

*The hearing was called to order at 2:00 P.M. Upon call, there was no public comment, no staff presentation on this item, and no Council discussion. The hearing was closed at 2:01 P.M.*

*RESOLUTION 2022-073 ADOPTED*

*RESOLUTION 2022-074 ADOPTED*

*RESOLUTION 2022-075 ADOPTED*

*ORDINANCE 2022-004 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

### **3. GENERAL ADMINISTRATION**

- 3.-A.** [ID 22-458](#) WORKSHOP - Airport Concessions RFP Update - Fresno Yosemite International Airport

*The above workshop was presented to Council by Airports Properties Manager Garza-Perry.*

*Discussion on this item included: phased process, scale of restaurants; serving food representative of the groups driving growth at the Airport; drafting the Request for Proposal in such a way that a variety of local vendors can participate; insurance issues; food trucks for vendors in front of the Airport; providing an airport welcome message in other languages, pet relief area; and Fresno Airport Transition Audit.*

*PRESENTED*

- 3.-B. [ID 22-475](#) Actions pertaining to COVID-19 emergency:
1. WORKSHOP - Discussion of Emergency Order (EO) 2021-02 (Modified COVID-19 Emergency Order); EO 2020-09 (Employee COVID-19 Self-Screening); EO 2020-10 (Employee Leave Pay); EO 2020-15 (Telework by City Employees)
  2. \*\*\*RESOLUTION - Confirming the termination of the local emergency related to COVID-19 (Subject to Mayor's Veto)

*Discussion was held between Councilmembers and City Manager White regarding whether to keep the item on the agenda for discussion. City Manager White requested the Workshop remain on the agenda and be presented to Council. A Majority of the Council stated they are not ready to support the item and lift any emergency orders.*

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

*TABLED*

#### **4. CITY COUNCIL**

- 4.-A. [ID 22-463](#) WORKSHOP - West Fresno California Ave. Choice Neighborhood Initiative - presented by Fresno Housing CEO, Tyrone Roderick Williams.

*The above workshop was presented to Council by Fresno Housing CEO, Tyrone Roderick Williams and Councilmember Arias. Assistant City Manager Barfield responded to questions.*

*Discussion on this item included: affordable housing; the goal and vision of the project; including infrastructure as a part of the plan; expanding broadband; applying for grants for phase 1 and phase 2; zoning changes; high density housing; and green space.*

*PRESENTED*

- 4.-B. [ID 22-495](#) \*\*\*RESOLUTION - Directing an outside forensic audit of Council District operating fund expenditures (Subject to Mayor's Veto).

*There was no staff presentation on this item and Council President Esparza gave an update from the Finance and Audit Committee meeting held on Wednesday, March 23, 2022.*



*Council President Esparza motioned to approve with the following amendments: 1) Expenditure review of the last 10 years for everyone who holds or held a credit card, and/or receives reimbursements; 2) Include an evaluation of all council and mayoral expenditures at large over the last 10 years (i.e. the non-credit card expenditures); 3) Include a comparative analysis of all council expenditures over the last five (5) years that council has had cards vs. analysis of all expenditures going back five (5) years prior to those cards being introduced on the council side; 4) Include a cost-benefit analysis of this external review. We want to know if it was ultimately worth it. It should answer the question of how many \$38 dollar uber eats charges, community snow cones, and pairs of air pods would it have taken to catch up to the cost of what this audit will be; 5) This review will be funded through the District 6 operating budget, seeing as that Councilmember Bredefeld had volunteered to fund this review that our own City controller admitted would not otherwise be conducted because of the extremely low risk for fraud, waste, and abuse within the small budgets of the council and mayor. Specifically, up to \$500,000 from the district 6 Operating budget, with any balance or shortfall to be covered by the district 2 Operating budget up to \$250,000, Vice President Maxwell seconded the motion.*

*Discussion on this item included: Council districts operating budgets; claims on Councilmembers expenses and expenditures; possible violations of the Brown Act, Municipal Code, and City Charter; the purchase of masks with CARES Act money during the pandemic; leaked information regarding the phishing scam; all expenditures are public record; future updated on Administrative Order 1-4 and 1-9; and annual audits from the Finance Department.*

*City Manager White responded to questions from the Council regarding the current administrative policies and procedures on credit card usage and the audit process.*

*Upon call, the following members of the public addressed Council: Lisa Flores; Janine Nkosi; and Dez Martinez.*

**RESOLUTION 2022-076 ADOPTED AS AMENDED**

On motion of Council President Esparza, 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

- 4.-C. [ID 22-496](#) \*\*\*RESOLUTION - Revoking city credit cards for Councilmembers and their staff (Subject to Mayor's Veto).

*Councilmember Bredefeld motioned to keep the item on the agenda for further discussion. Councilmember Karbassi seconded the motion. The motion FAILED 2-5, Councilmember Soria, Councilmember Arias, Councilmember Chavez, Vice President Maxwell, and Council President Esparza voted no.*

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

*TABLED*

## **5. CLOSED SESSION**

*Upon call, there was no public comment for Closed Session items and City Council adjourned into Closed Session at 4:15 P.M.*

*During open session, City Attorney Sloan announced each of the Closed Session items listed on the agenda and stated there would be nothing to announce following Closed Session.*

- 5.-A. [ID 22-404](#)

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

*Catalyst-Fresno LLC v. City of Fresno; Writ of Mandate Fresno County Superior Court Case No. 21CECG03543*

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

*Perfect Union v. City of Fresno; Writ of Mandate Fresno County Superior Court Case No. 21CECG03388*

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

DISCUSSED

5.-B. [ID 22-491](#)

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

*Sharon Richardson, et al. v. Trails End Mobile Home Park, City of Fresno, et al.*, Fresno Superior Court Case No. 22CECG00280

DISCUSSED

5.-C. [ID 22-494](#)

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

*City of Fresno v. Joan Kevorkian, et al.*, Fresno Superior Court Case No. 21CECG02816

DISCUSSED

5.-D. [ID 22-493](#)

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

*Terance Frazier, et al. v. City of Fresno, et al.*; United States District Court Case No.: 1:20-CV-01069.

*Councilmember Soria recused herself from the above item and was not present for the course of the discussion.*

DISCUSSED

5.-E. [ID 22-492](#)

CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Government Code Section 54956.8

Property: APN 438-021-92T, 35T, 93T, and 60T, and 438-062-37T and 53T  
Negotiating Parties: City Manager, CVCSF.

*Councilmember Soria recused herself from the above item and was not present for the course of the discussion.*

DISCUSSED

5.-F. [ID 22-490](#)

CONFERENCE WITH LABOR NEGOTIATORS - Government Code Section 54957.6

City Negotiator: TJ Miller

Employee Organizations: 1. International Union of Operating Engineers, Stationary Engineers, Local 39 (Local 39); 2. Fresno City Employees Association (FCEA); 3. Fresno Police Officers Association (FPOA Basic); 4. International Association of Firefighters, Local 753, Unit 5 (Fire Basic); 5. Amalgamated Transit Union, Local 1027 (ATU); 6. International Brotherhood of Electrical Workers, Local 100 (IBEW); 7. Fresno Police Officers Association (FPOA Management); 8. International Association of Firefighters, Local 753, Unit 10 (Fire Management); 9. City of Fresno Professional Employees Association (CFPEA); 10. City of Fresno Management Employees Association (CFMEA); 11. Operating Engineers, Local Union No. 3, Fresno Airport Public Safety Supervisors (FAPSS); 12. Operating Engineers, Local Union No. 3, Fresno Airport Public Safety Officers (FAPSO).

*DISCUSSED*

**ADJOURNMENT**

*City Council adjourned from closed session at 5:30 P.M.*

**These minutes were approved by unanimous vote of the City Council during the April 21, 2022 Regular Council meetings.**