

**Regular Council Meeting**  
**July 21, 2022**



**Information Packet**

**ITEM(S)**

**1-A (ID 22-1263)**

Approval of minutes for July 21, 2022, Regular Meeting, July 21, 2022, Special Closed and Open Session Meeting, and July 25, 2022, Special Open Session Meeting.

**Contents of Supplement:**

1. Draft Minutes for July 21, 2022, Regular Meeting
2. Draft Minutes for July 21, 2022, Special Meeting
3. Draft Minutes for July 25, 2022, Special Meeting

**Item(s)**

**Supplemental Information:**

Any agenda related public documents received and distributed to a majority of the City Council after the Agenda Packet is printed are included in Supplemental Packets. Supplemental Packets are produced as needed. The Supplemental Packet is available for public inspection in the City Clerk's Office, 2600 Fresno Street, during normal business hours (main location pursuant to the Brown Act, G.C. 54957.5(2)). In addition, Supplemental Packets are available for public review at the City Council meeting in the City Council Chambers, 2600 Fresno Street. Supplemental Packets are also available on-line on the City Clerk's website.

**Americans with Disabilities Act (ADA):**

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, sign language interpreters, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650. Please keep the doorways, aisles and wheelchair seating areas open and accessible. If you need assistance with seating because of a disability, please see Security.

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CLERK'S OFFICE  
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**DRAFT MINUTES OF 7-21-2022 REGULAR MEETING**

# **City of Fresno**

*2600 Fresno Street*

*Fresno, CA 93721*

*www.fresno.gov*



## **Meeting Minutes**

**Thursday, July 21, 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 July 21, 2022, at 9:00 A.M. concurrently with a separately noticed special meeting.

9:04 A.M. ROLL CALL

*Councilmember Soria was absent during roll call and joined the meeting at 9:30 A.M. Vice President Maxwell was in attendance via Zoom.*

**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 Malkiat Singh with the Sikh Institute Fresno.

Pledge of Allegiance to the Flag

## **APPROVE AGENDA**

*City Clerk Stermer announced there had been separately noticed special meeting items: Special Closed Session item ID 22-1195 regarding Nelson Esparza v. City of Fresno and Special Consent Calendar item ID 22-1196 regarding resolution amending the Council Communication Policy (see July 21, 2022 Special Closed and Open Session agenda and minutes). He also announced a correction to page 11 of the June 30, 2022, minutes by stating the title for the 10:00 A.M. #2 item (ID 22-1027) did not print but would be included in the published minutes.*

*Councilmember Arias read the following amendment into the record for Consent Calendar item 1-Z (ID 22-1159) regarding fee waivers and subsidies for parades and special events: section 3(c) of the resolution shall include, "[C]ash subsidies may be used to fund performances, such as music, dance, and drama, that demonstrate the culture of the City's diverse community. Performance subsidies shall not exceed \$5,000 per performance."*

*Assistant City Manager Barfield announced a correction Consent Calendar item 1-Y (ID 22-1117) regarding Compensation of elective officers. The*

*dollar amount listed in under the second bullet point of section 4, should read, "\$164,450, annually" not "\$1645,450, annually."*

*Councilmembers Soria and Arias announced conflicts and recused themselves from Scheduled Matter 10:00 A.M. #4 (ID 22-1157) regarding the renewal of the Downtown Fresno PBID. Councilmember Soria also announced a conflict and recused herself from Closed Session item 5-C (ID 22-1134) regarding Central Valley NMTC Fund, LLC v. City of Fresno.*

*Council President Esparza announced a conflict and recused himself from the Special Closed Session item ID 22-1195 regarding Nelson Esparza v. City of Fresno*

*Councilmembers Soria and Bredefeld registered "no" votes on Consent Calendar item 1-Y (ID 22-1117) regarding compensation of elective officers. Councilmember Bredefeld also registered "no" votes for Consent Calendar items 1-K (ID 22-1162) and 1-AA (ID 22-1186) regarding Amalgamated Transit Union actions and a resolution to confirm emergency conditions.*

**THE FOLLOWING ITEMS WERE REMOVED FROM THE AGENDA:**

*1-D (ID 22-1177) regarding acquisition for the proposed Senior Center – removed by staff and tabled to August 11, 2022.*

*1-E (ID 22-1151) regarding appointments for Mobile Home Rent Review, Planning Commission, and Disability Advisory Commission - removed by Councilmember Arias and tabled to August 11, 2022.*

*1-X (ID 22-1147) regarding a revenue contract with Lamar Transit LLC - removed by Councilmember Arias and tabled to August 11, 2022.*

*3-B (ID 22-1144) Workshop regarding the FATforward Update - removed by staff and tabled to August 11, 2022.*

*3-C (ID 22-942) regarding the Terminal East Apron Reconfiguration project - removed by staff and tabled to August 11.*

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

*1-C (ID 22-1136) regarding a consultant agreement with Kimley-Horn and Associates - moved to Contested Consent by Councilmember Arias.*

*1-H (ID 22-1143) regarding the sale of property at West Herndon and North Brawley - moved to Contested Consent by Councilmember Karbassi.*

*1-W (ID 22-1150) regarding the addition of seven positions in the Parks, After School, Recreation and Community Services Department - moved to Contested Consent by Councilmember Arias.*

*AGENDA APPROVED AS AMENDED*

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

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

**Absent:** 1 - Soria

## **CEREMONIAL PRESENTATIONS**

[ID 22-1167](#) Proclamation for “Parks and Recreation Month”

*PRESENTED*

[ID 22-1170](#) Proclamation for “Disability Pride and 32nd Anniversary of ADA”

*PRESENTED*

[ID 22-1175](#) Proclamation for “Honoring CSO Arlene Medina”

*PRESENTED*

[ID 22-1180](#) Proclamation for “Dr. Benjamin Boone Day”

*PRESENTED*

[ID 22-1158](#) Announcement of Summer Employee of the Quarter (EOQ) Recipients

*PRESENTED*

**COUNCILMEMBER REPORTS AND COMMENTS**

*Councilmember Soria announced: the Code School Area Team would be at Steinbeck Elementary School to provide community resources on July 23; there would be a back-to-school block party at Teague Community Center on July 23, complete with free school supplies and resources, and; street and concrete improvements were occurring at Polk and Gettysburg including the installation of sidewalks.*

*Councilmember Karbassi announced volunteers could still sign up for the Beautify Fresno cleanup event to be held July 23 in Pinedale.*

*Councilmember Arias discussed the grass and sprinklers at the Old Fresno Water Tower and welcomed Ruthie Quinto to the administration as the newest Assistant City Manager.*

*Councilmember Chavez discussed the City's approach to non-functional / non-purposeful lawns in light of the current drought.*

*Vice President Maxwell announced: he walked District 4 with his staff and canvassed residents about their concerns and needs; "Beat the Heat" events would be held at Vineland Park on August 4 and at Carry Park on August 10, and; that concrete repair in the Rotary Park neighborhood was continuing.*

*Council President Esparza announced he intended to fulfill his entire term as the District 7 Councilmember and, despite the headlines, there had only been good things coming out of City Hall and no wrong doing. He also discussed: his attendance at the White House for the signing of the Safer Communities Act; the success of the community block party held the previous Saturday by the Fellowship Missionary Baptist Church; District 7's annual "Beat the Heat" event at Romain Park held the previous Tuesday, and; his engagement as one of the orientation speakers at the Fresno City College "First Year Experience" cohort program.*

**MAYOR/MANAGER REPORTS AND COMMENTS**

*Mayor Dyer discussed the "Neighborhood Blitz" cleanup event in Pinedale*

*which had already begun with graffiti removal and sidewalk / pothole repairs and would conclude on July 23 with volunteer cleanup of the neighborhood. He also announced a city wide Community Cleanup event scheduled for August 6.*

*City Manager White congratulated the Employees of the Summer Quarter; recognized the son of PARCS Director Aguirre for representing California on the Cal Ripken 11 and Under Baseball Team, and; discussed memos from the administration regarding taxicab rate comparisons, bus passenger satisfaction, West Area Neighborhood Specific Plan timelines, and the status of the highway litter contract.*

**City Council withdrew into Closed Session at 10:13 A.M. and returned to open session at 10:52 A.M.**

## **UNSCHEDULED COMMUNICATION**

*Upon call, the following members of the public addressed Council: Ruth Ann Hill, Lisa Flores; Fernando Paul Elizando, Ruben Espinoza, Gloria Hernandez, Valerie Torres, Sherry; Brandi Nuse-Villegas, Alexia; Deborah; Dez Martinez, Robert McCloskey, Janet, James, and Ruben.*

[ID 22-1310](#) Unscheduled Communication(s) Received

## **1. CONSENT CALENDAR**

### APPROVAL OF THE CONSENT CALENDAR

**On motion of Councilmember Karbassi, seconded by Councilmember Bredefeld, 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 22-1126](#) Approval of the Minutes for the June 23, 2022, Regular City Council Meeting, the June 30, 2022, Regular City Council Meeting, the July 12, 2022, Special Closed Session Meeting, and the July 14, 2022, Special Closed Session Meeting.

*Approved with correction to the June 30, 2022, Regular Meeting minutes.*

**APPROVED ON CONSENT**



**1.-B. [ID 22-947](#)**

\*\*\*RESOLUTION - Declaring the results of the Statewide Direct Primary Election held on June 7, 2022. (Subject to Mayor's veto)

*A typo was noted in the spelling of the name for the District 1 Councilmember-elect, Annalisa Perea. The resolution will be updated with the correct spelling.*

**RESOLUTION 2022-162 ADOPTED WITH CORRECTION**

**APPROVED ON CONSENT**

**1.-D. [ID 22-1177](#)**

Actions pertaining to the property acquisition for the proposed senior center facility (Council District 4)

1. Adopt the Mitigated Negative Declaration for Proposed Acquisition for Senior Center and Housing Project pursuant to the California Environmental Quality Act (CEQA) guidelines
2. \*\*\*RESOLUTION - Adopt the 2nd amendment of the Annual Appropriation Resolution No. 2022-154 appropriating \$4,993,300 in Community Development Block Grant (CDBG) funds for the acquisition of 4343 North Blackstone Avenue (APN 426-253-17) and 4323-4333 North Blackstone Avenue (APN 426-253-19) (Subject to Mayor's veto) (Requires 5 affirmative votes)
3. Approve the Agreement for Purchase and Sale of two parcels totaling 5.51 acres located at 4343 North Blackstone Avenue (APN 426-253-17) and 4323-4333 North Blackstone Avenue (APN 426-253-19) for \$6,460,000 with Robert M. Mochizuki, M.D. and Susan M. Mochizuki, Co-Trustees of The Mochizuki Family Trust, Dated November 20, 2000; Gregory G. Miyake and Patricia S. Miyake, Co-Trustees of The Miyake Family Trust, dated February 6, 2009; Kenneth (Douglas) Miyake; Harry Miya and Nancy Miya, Trustees of the Harry Miya and Nancy Miya Family Revocable Trust of May 19, 1992; Michael K. Miya, Trustee of the Miya Family Revocable Trust dated August 7, 2007; Melynda K. Miya, Trustee of the Melynda K. Miya Revocable Trust dated February 11, 2008; and Mark K. Miya, Trustee of the Mark K. Miya Revocable Trust dated February 28, 2008, collectively referred to as "Sellers"

*The above item was tabled to August 11, 2022, by staff.*

**TABLED**

**1.-E. [ID 22-1151](#)**

Approve the Appointments of Kathryn Wilbur to the Mobile Home Rent Review and Stabilization Commission. Approve the Reappointments of Peter Vang, Monica Diaz, and Brad Hardie to the Planning Commission. Approve the Reappointment of Ken Elvington and Dr. Jenelle Pitt Parker to

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the Disability Advisory Commission

*The above item was tabled to August 11, 2022, by Councilmember Arias.*

**TABLED**

**1.-F. [ID 22-1152](#)**

Actions pertaining to allocation of One Fresno Youth Jobs Corps program funding for wrap-around services:

1. Approve three (3) Service Agreements allocating One Fresno Youth Jobs Corps grant program funding to local Community Based Organizations (CBOs) totaling \$851,818 (RFP 3857) to the following organizations: (1) CASA of Fresno and Madera Counties \$249,150; (2) Fresno Area Workforce Investment Corporation \$281,550; and (3) Hope Now for Youth, Inc. \$321,118.
2. RESOLUTION Granting Authority to the City Manager or his or her designee to enter into agreements with Community Based Organizations to provide programs and services funded by the One Fresno Youth Jobs Corps program for wrap-around services for Fellows hired in the program.

**RESOLUTION 2022-163 ADOPTED**

**APPROVED ON CONSENT**

**1.-G. [ID 22-1146](#)**

Actions pertaining to water lobbying, consulting, and regulatory services:

1. Affirm the City Manager's finding that The Gualco Group is uniquely qualified;
2. Approve a Consultant Services Agreement with The Gualco Group Inc., for an Amount Not to Exceed \$60,000 Annually, Plus All Reimbursable Costs Incurred Under This Agreement, Not to Exceed \$5,000 for the Term of the Agreement effective through July 31, 2024.

**APPROVED ON CONSENT**

**1.-I. [ID 22-1133](#)**

Actions pertaining to Hiring Incentives and Referral Incentives for Qualified Police Officer Recruits, Lateral Police Officers, and Lateral Emergency Services Dispatcher II/IIIs:

1. \*\*\* Approve a Side Letter of Agreement with the Fresno Police Officers Association (FPOA), for Unit 4 - Non-Management Police, regarding Police Officer Lateral Hire and Referral Incentives and Police Officer Recruit Hire Incentives (Subject to Mayor's Veto)
2. \*\*\* Approve a Side Letter of Agreement with the Fresno City Employees Association (FCEA), for Unit 3 - Non-Supervisory White Collar, regarding Emergency Services Dispatcher Lateral Hire and

## Referral Incentives (Subject to Mayor's Veto)

**APPROVED ON CONSENT**

- 1.-J. [ID 22-1161](#) Actions pertaining to the City of Fresno Management Employees Association (CFMEA) for Unit 14
1. \*\*\*Adopt a successor Memorandum of Understanding between the City of Fresno and the City of Fresno Management Employees Association (CFMEA) for Unit 14 - Management Classes (Subject to Mayor's Veto)
  2. \*\*\*RESOLUTION: Adopt the First Amendment to FY 2023 Salary Resolution No. 2022-152, amending Exhibit 14, Unit 14 - Management Classes (CFMEA), to provide a salary increase for respective classes as required by the Memorandum of Understanding between the City of Fresno and the City of Fresno Management Employees Association (CFMEA) (Subject to Mayor's veto)

*RESOLUTION 2022-165 ADOPTED***APPROVED ON CONSENT**

- 1.-K. [ID 22-1162](#) Actions pertaining to the Amalgamated Transit Union, Local 1027 (ATU) for Unit 6
1. \*\*\*Adopt a successor Memorandum of Understanding between the City of Fresno and the Amalgamated Transit Union, Local 1027 (ATU) (Bus Drivers and Student Drivers - Unit 6) (Subject to Mayor's Veto)
  2. \*\*\*RESOLUTION: Adopt the Second Amendment to FY 2023 Salary Resolution No. 2022-152, amending Exhibit 6, Unit 6 - Bus Drivers and Student Drivers (ATU), to provide a salary increase for respective classes as required by the Memorandum of Understanding between the Amalgamated Transit Union, Local 1027 (ATU) (Bus Drivers and Student Drivers - Unit 6) (Subject to Mayor's veto)

*Councilmember Bredefeld registered a "no" vote on the above Consent Calendar item which PASSED 5-1 with Councilmember Karbassi absent.*

*RESOLUTION 2022-166 ADOPTED***APPROVED ON CONSENT**

- 1.-L. [ID 22-1142](#) Actions pertaining to the land acquisition, predevelopment costs, and hard construction costs of Sarah's Court Apartments, a 120-unit affordable rental housing project, to be located at 200 N. Salma Avenue in southeast Fresno as part of the Fancher Creek Master Plan Development (District 5).

1. Authorize the City Manager to execute a Permanent Local Housing Allocation (PLHA) Agreement with FCTC Family, LP, in the amount of \$530,966; and
2. Approve a Community Development Block Grant (CDBG) Agreement with FCTC Family, LP, in the amount of \$2,480,000; and
3. Approve a HOME Investment Partnerships Program Agreement with FCTC Family, LP, in the amount of \$3,169,034

**APPROVED ON CONSENT**

- 1.-M. [ID 22-1108](#) Approve an amendment to the current Student Resource Officer (SRO) contract with Central Unified School District (CUSD) to provide SROs at CUSD middle schools.

**APPROVED ON CONSENT**

- 1.-N. [ID 22-1104](#) Approve contract with the Sanger Unified School District (SUSD) to provide a student resource officer (SRO) to be assigned to their high school.

**APPROVED ON CONSENT**

- 1.-O. [ID 22-1103](#) Approve an amendment to the current Student Resource Officer (SRO) contract with Fresno Unified School District (FUSD) to provide SROs at FUSD middle schools.

**APPROVED ON CONSENT**

- 1.-P. [ID 22-1025](#) Approve a Consultant Agreement with Dudek in the amount of \$249,958 to be used for the development of a comprehensive Urban Forest Management Plan (UFMP) for the City.

**APPROVED ON CONSENT**

- 1.-Q. [ID 22-1131](#) Approve an agreement for Professional Engineering Services with Peters Engineering Group for \$51,790, with a \$5,000 contingency, for design and construction support services for the Shaw Avenue Lighting Project from Cedar Avenue to Chestnut Avenue (Council District 4)

**APPROVED ON CONSENT**

- 1.-R. [ID 22-1137](#) Actions pertaining to the design and preparation of construction documents for the Radio Park Improvement Project (Council District 7):
1. Affirm the City Manager's finding that Melton Design Group, Inc., is uniquely qualified; and
  2. Approve a Landscape Architectural Consultant Services Agreement with

Melton Design Group Inc., in the amount of \$524,202, with a contingency amount not to exceed \$40,000

**APPROVED ON CONSENT**

- 1.-S. [ID 22-1138](#) Approve the First Amendment to the three on-call agreements with 1) Hamner, Jewell & Associates, 2) Continental Field Services, and 3) Universal Field Services, for Right of Way Acquisition Project Management Services, in the amount of \$1,200,000 individually for a total compensation not to exceed \$1,700,000 individually and authorize the Public Works Director or designee to execute all related documents (Citywide)

**APPROVED ON CONSENT**

- 1.-T. [ID 22-1139](#) Award a construction contract in the amount of \$1,342,148 to BUSH Engineering, Inc., of Fresno, CA, as the lowest responsive and responsible bidder, for the Midtown Trail Segment 1 (Phase I) Project, along Shields Avenue from Blackstone Avenue to the Manchester Center entrance intersection. (Bid File No. 3846-12012) (Council District 7)

**APPROVED ON CONSENT**

- 1.-U. [ID 22-1130](#) Approve Contract Change Order No. 05 in the amount of \$500,000 to Emmett's Excavation, Inc. for the North Avenue Sewer Trunk Main Realignment Project ID RC00177 (Council Districts 3 and 5)

**APPROVED ON CONSENT**

- 1.-V. [ID 22-1145](#) Approve the Second Amendment to the consultant services agreement with V&A Consulting Engineers, Inc., to conduct comparative trials of different treatment systems, increasing the fee by \$313,886 for a total contract amount of \$535,287, and extending the contract completion date to December 31, 2023. (Citywide)

**APPROVED ON CONSENT**

- 1.-X. [ID 22-1147](#) Award a revenue contract for bus advertising services to Lamar Transit LLC for \$2,190,000 over five years (Bid Eval 9650)

*The above item was removed from the agenda by Councilmember Arias and tabled to August 11, 2022.*

**TABLED**

- 1.-Y. [ID 22-1117](#) \*\*\*BILL B-18 (Re-Intro'd 6/30/2022)(For Adoption) - Repealing Ordinance No. 2018-67 of the Fresno Municipal Code and adopting an ordinance setting forth the compensation of elective officers. (Subject to Mayor's veto)

*Councilmembers Soria and Bredefeld registered "no" votes on the above*

*Consent Calendar item which PASSED 4-2 with Councilmember Karbassi absent.*

**ORDINANCE 2022-022 ADOPTED AS CORRECTED**

**APPROVED ON CONSENT**

- 1.-Z.** [ID 22-1159](#) \*\*\*RESOLUTION - Providing for fee waivers and subsidies for eligible parades and special events. (Subject to Mayor's Veto)

*Councilmember Arias read the following amendment into the record for the above Consent Calendar item: section 3(c) of the resolution shall include, "[C]ash subsidies may be used to fund performances, such as music, dance, and drama, that demonstrate the culture of the City's diverse community. Performance subsidies shall not exceed \$5,000 per performance."*

**RESOLUTION 2022-168 ADOPTED AS AMENDED**

**APPROVED ON CONSENT**

- 1.-AA.** [ID 22-1186](#) \*\*\*RESOLUTION - Confirming emergency conditions continue to directly impact the ability of legislative bodies to meet safely in person, and authorizing remote teleconference meetings of City legislative bodies for 30 days, pursuant to Brown Act provisions (Subject to Mayor's Veto).

*Councilmember Bredefeld registered a "no" vote on the above Consent Calendar item which PASSED 5-1 with Councilmember Karbassi absent.*

**RESOLUTION 2022-169 ADOPTED**

**APPROVED ON CONSENT**

## **CONTESTED CONSENT CALENDAR**

- 1.-C.** [ID 22-1136](#) Approve a consultant services agreement with Kimley-Horn and Associates, Inc., to provide professional engineering services for the Airport Pavement Management System Update at Fresno Chandler Executive Airport in an amount not to exceed \$89,300 (Council District 3)

*There was no staff presentation on the above item. Councilmember Arias discussed when the condition of the pavement leading to the Airport would be assessed.*

**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 Bredefeld

**Absent:** 1 - Chavez

- 1.-H. [ID 22-1143](#) Actions pertaining to the sale of an approximate 14.58± acre property located at the southwest corner of West Herndon and North Brawley Avenues, (Council District 2):
1. Adopt a finding pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15312/Class 12 (Surplus Government Property Sales) for the proposed project as the property has been declared surplus and is not located in an area of statewide, regional, or areawide concern identified in Section 15206(b)(4)
  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 507-030-48ST (Herndon and Brawley Avenue) (Subject to Mayor's Veto)
  3. 3. Authorize the City Manager or designee to execute the Purchase and Sale Agreement with Lakhjit S. Sandhu, MD upon approval from the California Department of Housing and Community Development in compliance with the Surplus Land Act.

*There was no staff presentation on the above item. Councilmember Karbassi spoke in opposition of the item and read the following statement into the record:*

*"I do not agree with the recommendation to sell the property to Mr. Sandhu because Mr. Sandhu, or those acting on his behalf, violated the City's no contact ordinance by contacting all Councilmembers regarding the Blosser Property RFP, which was, in my opinion, an attempt to influence the Council's decision. The purpose of the City's no contact ordinance is to disincentivize persons from trying to lobby Councilmembers how to vote and Mr. Sandhu violated that ordinance. As the Councilmember for the district where the Blosser Property is located, I want to state on the record my objections to allowing Mr. Sandhu to purchase the Blosser Property."*

*City Manager White discussed the no contact ordinance and the exception in the Fresno Municipal Code. She explained the administration's position was that Mr. Sandhu's contact did not affect the integrity or outcome of the*



*procurement process as the communication was related to the extended period of time it was taking the City to get the item before Council.*

*Councilmember Arias noted, for the record, that Councilmembers regularly receive complaints from applicants expressing frustration with the slowness of government. He felt the communication from Mr. Sandhu was similar and did not impact the content, analysis or conclusion for any of the proposals.*

**RESOLUTION 2022-164 ADOPTED**

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

**Aye:** 4 - Esparza, Maxwell, Soria and Arias

**No:** 2 - Karbassi and Bredefeld

**Absent:** 1 - Chavez

- 1.-W.** [ID 22-1150](#) \*\*\*RESOLUTION - Adopting the First Amendment to “A Resolution of the Council of the City of Fresno Establishing the Number of Positions Authorized in the Various Departments and Offices of the City for Fiscal Year 2023” (Position Authorization Resolution (PAR) No. 2022-153) adding seven positions in the Parks, After School, Recreation and Community Services (PARCS) Department to operate the Senior Fitness Program year-round at the seven community center locations that offer Senior Programming. (Subject to Mayor’s Veto)

*There was no staff presentation on the above item. Councilmember Arias confirmed the item was part of the approved budget.*

**RESOLUTION 2022-167 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:** 6 - Esparza, Maxwell, Soria, Karbassi, Arias and Bredefeld

**Absent:** 1 - Chavez

**2. SCHEDULED COUNCIL HEARINGS AND MATTERS**

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



[ID 22-1037](#) **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. 130 (Final Tract Map No. 6308) (property located on northeast corner of West Ashlan Ave. and North Bryan Ave.) (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. 130 (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 2022-2023 and Future Tax Years Within and Relating to Community Facilities District No. 11, Annexation No. 130 (Subject to Mayor's Veto)

*The above item was called to order at 1:48 P.M. There was no Council discussion and upon call, there was no public comment. Public comment was closed at 1:49 P.M.*

*RESOLUTION 2022-170 ADOPTED*

*RESOLUTION 2022-171 ADOPTED*

*RESOLUTION 2022-172 ADOPTED*

*BILL B-23 INTRODUCED / ADOPTED AS ORDINANCE 2022-023*

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

**Aye:** 5 - Esparza, Maxwell, Karbassi, Arias and Chavez

**Absent:** 2 - Soria and Bredefeld

## **10:00 A.M. #2**

[ID 22-1140](#) Actions pertaining to Final Map of Tract No. 6308:

RESOLUTION - Approving the Final Map of Tract No. 6308, and accepting dedicated public uses offered therein except for dedications offered subject to City acceptance of developer installed required improvements - located on the northeast corner of West Ashlan Avenue

and North Bryan Avenue (Council District 1)

*The above item was called to order at 1:55 P.M. There was no Council discussion and upon call, the following member of the public addressed Council: Lisa Flores. Public comment was closed at 1:57 P.M.*

**RESOLUTION 2022-173 ADOPTED**

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

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

**10:00 A.M. #3 (CONTINUED FROM JUNE 30, 2022)**

[ID 22-1116](#) HEARING for Consideration of Text Amendment Application No. P21-05809 and related Environmental Finding for Environmental Assessment No. P21-05809, amending Section 15-2010 of the Fresno Municipal Code, relating to the Zone Districts where Electrified Fences are permitted.

1. RECOMMEND ADOPTION of a finding set forth in Environmental Assessment No. P21-05809 dated April 20, 2022, that Text Amendment Application No. P21-05809 is exempt from the California Environmental Quality Act (CEQA) pursuant to the common sense 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. RECOMMEND APPROVAL WITH CONDITIONS set forth by the Planning Commission of Text Amendment Application No. P21-05809, to amend Section 15-2010 of the Fresno Municipal Code relating to the Zone Districts where Electrified Fences are permitted.

*The above hearing was called to order at 1:58 P.M. Supervising Planner Wilson with the Planning and Development (P&D) Department introduced the item to Council. Keith Kaneko, representing the applicant, AMAROK, also made a presentation to Council with requests for changes to this item. P&D Director Clark and Assistant City Attorney Badhesha responded to questions.*

*Upon call, the following members of the public addressed Council: Gene*

*Diew, James Gray, Lisa Flores, and Lori Ramirez. Public comment was closed at 2:10 P.M.*

*Discussion on this item included: the process to obtain and install an electric fence; the process to obtain an exception for an electric fence; current applications; business complaints of theft and availability of electric fences, and; district approval or rejection of electric fence projects.*

*Councilmember Chavez motioned to accept the applicants modifications and return to the Planning Commission to include a provision that when an applicant applies for an electric fence they go through the District Implementation Committees. Councilmember Bredefeld seconded the motion.*

*Councilmember Arias requested Council offices be notified of applications and that District Implementation Committees provide feedback to the Councilmembers.*

*APPROVED AS AMENDED*

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

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

**No:** 1 - Karbassi

#### **10:00 A.M. #4**

[ID 22-1157](#) HEARING regarding the renewal of the Downtown Fresno PBID:  
\*\*\*RESOLUTION - Declaring the results of the majority public hearing proceedings and renew the Downtown Fresno PBID and authorize the levy of district assessments (Subject to Mayor's Veto)

*Councilmember Soria and Councilmember Arias recused themselves and were not present in the Council Chamber for the duration of the above item.*

*City Clerk Stermer outlined the procedures of the public hearing and the above item was called to order at 10:55 A.M. Upon call, there was no public comment and the public comment period was closed at 10:57 A.M. A last call was made for anyone wishing to drop of a ballot before the collection*

*period was closed at 10:57 A.M. There was no Council discussion.*

*After a recess of this item, City Clerk Stermer announced the Clerk's Office had tabulated the assessment ballots submitted and not withdrawn, and determined the assessment represented by the opposition ballots did not exceed the ballots in favor of the proposed assessment. The percentage of ballots in favor of the assessment, based on assessed value, was 84.3% and the percentage of ballots in opposition was 15.7%.*

**RESOLUTION 2022-174 ADOPTED**

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

**Aye:** 5 - Esparza, Maxwell, Karbassi, Chavez and Bredefeld

**Recused:** 2 - Soria and Arias

**10:05 A.M.**

[ID 22-1127](#) HEARING to consider Conditional Use Permit Application No. P21-06304 and related Environmental Assessment, for property located at 640 R Street; located on the east corner of Mono Street and R Street abutting State Route 41, in the corner of an outdoor storage area. (Council District 3) - Planning and Development Department.

1. ADOPT Environmental Assessment No. P21-06304 dated February 24, 2022, a determination that the proposed project is exempt from the California Environmental Quality Act (CEQA) through a Section 15303/Class 3 and Section 15332/Class 32 Categorical Exemptions.
2. DENY the appeal and UPHOLD the action of the Planning and Development Department Director in the approval of Conditional Use Permit Application No. P21-06304 authorizing the construction of an 80-foot mono-pine telecommunications tower and facility with associated ground equipment to operate a wireless telecommunications facility.

*The above hearing was called to order at 12:06 P.M. There was no staff presentation. Upon call, the following member of the public addressed Council: Shawn Boyd. Public comment was closed at 12:11 P.M.*

*Councilmember Arias motion to uphold the action of the Planning Director in approving the CUP Application for a cell tower on R Street with the condition that the camouflage design will make the tower look like a building that is lit up with an illuminating light feature. Councilmember Bredefeld seconded the motion.*

*APPROVED AS AMENDED*

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

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

**Absent:** 1 - Chavez

**City Council recessed for lunch at 12:14 P.M. and returned from lunch at 1:48 P.M.**

### **10:10 A.M.**

[ID 22-1183](#) Actions pertaining to Fresno Veterans Support Revenue Enhancement Ordinance:

1. **\*\*\*RESOLUTION** - Approving the Fresno Veterans Support Revenue Enhancement Ordinance, a Transactions and Use Tax for Veterans Facilities and Services; Ordering the Submission of the Measure to City Voters at a Special Municipal Election to be Held on November 8, 2022; Requesting the County Conduct the Special Municipal Election; and Requesting Consolidation of the Election with the Statewide Election held on that Date (Subject to Mayor's Veto)

*The above hearing was called to order at 3:03 P.M. and was introduced to Council by Councilmember Chavez and Alex Tavlian with Local Government Strategic Consulting, LLC.*

*Upon call, the following member of the public addressed Council: Yonas Paulos. Public comment was closed at 3:18 P.M.*

*Discussion on this item included polling numbers, and timing of the vote.*

**RESOLUTION 2022-175 ADOPTED**

**BILL B-24 INTRODUCED / ADOPTED AS ORDINANCE 2022-024**

On motion of Councilmember Chavez, 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

### **3. GENERAL ADMINISTRATION**

- 3.-A. [ID 22-1179](#) WORKSHOP - Community Cat Program - Trap, Neuter/Spay, and Return (TNR)

*City Manager White noted the above workshop would be rescheduled to August 11, 2022, as the presenter from UC Davis was no longer available.*

*TABLED*

- 3.-B. [ID 22-1144](#) WORKSHOP - FATforward Update - Moving Fresno Yosemite International Airport into the Future

*The above item was tabled to August 11, 2022, by staff.*

*TABLED*

- 3.-C. [ID 22-942](#) Actions pertaining to the Terminal East Apron Reconfiguration project at Fresno Yosemite International Airport (Council District 4):

1. Award a construction contract to A. Teichert & Son, Inc. dba Teichert Construction, of Fresno, California, for the Terminal East Apron Reconfiguration project at Fresno Yosemite International Airport in the amount of \$10,130,425 (Bid File 3859)
2. Approve a consulting agreement with Moore Twining Associates of Fresno, California, to provide geotechnical quality assurance testing and inspection services for the Terminal East Apron Reconfiguration project at Fresno Yosemite International Airport in the amount of \$255,288

*The above item was tabled to August 11, 2022, by staff.*

*TABLED*

- 3.-D. [ID 22-1135](#) WORKSHOP - Procedures for Street Name Changes

*Licensed Engineer Gormley with the Public Works Department presented the above item to Council. Supervising Planner Trejo also addressed Council.*

*Discussion on this item included: actual renaming of streets as opposed to ceremonial changes; timelines, and; the process of forming a street naming committee.*

*PRESENTED*

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

*There were no Council items on the agenda.*

#### **5. CLOSED SESSION**

*Upon call, there was no public comment for Closed Session items.*

*During open session, Interim City Attorney Gonzales announced the items to be discussed in Closed Session.*

*Council withdrew from Open Session to hear Closed Session the following times: 10:13 A.M. to 10:52 A.M. and 3:42 P.M. to 4:17 P.M.*

##### **5.-A. [ID 22-1106](#)**

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

Case Name: *London Wallace, et al. v. City of Fresno, et al.*; Eastern  
District Court Case No 1:19-cv-01199

*There were no open session announcements following the above closed session item.*

*DISCUSSED*

##### **5.-B. [ID 22-1122](#)** CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION Government Code Section 54956.9, subdivision (d)(2): Case Name: Verizon Wireless vs. City of Fresno.

*The above item was not discussed by Council during closed session.*

*NOT DISCUSSED*

##### **5.-C. [ID 22-1134](#)**

POTENTIAL EXPOSURE TO LITIGATION: Government Code Section  
54956.9(d)(2): *Central Valley NMTC Fund, LLC., v. City of Fresno.*

*There were no open session announcements following the above closed session item. Councilmember Soria recused herself and was not present for the discussion.*

*DISCUSSED*

**ADJOURNMENT**

*City Council adjourned from Closed Session at 4:17 P.M.*



**DRAFT MINUTES OF 7-21-2022 SPECIAL MEETING**

# **City of Fresno**

*2600 Fresno Street*

*Fresno, CA 93721*

*www.fresno.gov*



## **Meeting Minutes**

**Thursday, July 21, 2022**

**9:00 AM**

**Special Closed and Open Session**

**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 special meeting on July 21, 2022, at 9:00 A.M. concurrently with the regular meeting.

Councilmember Soria was absent during roll call and joined the meeting at 9:30 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

## **APPROVE AGENDA**

*Special Consent Calendar item ID 22-1196 regarding a resolution amending the Council Communication Policy was moved to the Contested Consent Calendar by Councilmember Karbassi.*

[ID 22-1193](#) Notice of Special Closed Session Meeting - Signed

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

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

**Absent:** 1 - Soria

## **CLOSED SESSION**

*Upon call, there was no public comment for Closed Session items.*

*During open session, Interim City Attorney Gonzales announced the items to be discussed in Closed Session.*

*Council withdrew from Open Session to hear the Special Closed Session item at 10:13 A.M. to 10:52 A.M.*

- A.** [ID 22-1195](#) CONFERENCE WITH LEGAL COUNSEL - POTENTIAL LITIGATION, Government Code Section 54956.9(d)(2); Nelson Esparza v. City of Fresno

*There were no open session announcements following the above closed session item. Council President Esparza recused himself and was not*

*present for the discussion.*

*DISCUSSED*

## **CONSENT CALENDAR**

## **CONTESTED CONSENT CALENDAR**

**A.** [ID 22-1196](#) RESOLUTION - Amending the Council Communication Policy

*There was no staff presentation on the above item. Councilmember Karbassi read the following statement into the record:*

*"I do share the concerns of my colleagues not wanting the City Attorney's Office weaponized by Councilmembers, which is why I voted, last time, to put the policy into place for just 90 days - to see how it would pan out in practice. However, given recent events, I am very hesitant to extend this policy that can, in anyway, be abused or aide in criminal acts."*

*RESOLUTION 2022-176 ADOPTED*

**On motion of Councilmember Arias, seconded by Councilmember Chavez, 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

## **ADJOURNMENT**

*City Council adjourned the Special meeting at 4:17 P.M.*

**DRAFT MINUTES OF 7-25-2022 SPECIAL MEETING**

# **City of Fresno**

*2600 Fresno Street*

*Fresno, CA 93721*

*www.fresno.gov*



## **Meeting Minutes**

**Monday, July 25, 2022**

**9:00 AM**

**Special Meeting**

**Electronic Meeting Only**

## **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 special session on July 25, 2022, at 9:00 A.M.

**9:04 A.M. ROLL CALL**

**Present:** 6 - Council President Nelson Esparza  
Vice President Tyler Maxwell  
Councilmember Esmeralda Z. Soria  
Councilmember Mike Karbassi  
Councilmember Miguel Angel Arias  
Councilmember Luis Chavez

**Absent:** 1 - Councilmember Garry Bredefeld

**APPROVE AGENDA**

**On motion of Vice President Maxwell, seconded by Council President Esparza, the Agenda was APPROVED. The motion carried by the following vote:**

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

**Absent:** 1 - Bredefeld

[ID 22-1220](#) Notice of Special Meeting - Signed

**1. OPEN SESSION**

- 1-A.** [ID 22-1213](#) Actions pertaining to the property acquisition for the proposed senior center facility (Council District 4)
1. Adopt the Mitigated Negative Declaration for Proposed Acquisition for Senior Center and Housing Project pursuant to the California Environmental Quality Act (CEQA) guidelines
  2. \*\*\*RESOLUTION - Adopt the 2nd amendment of the Annual Appropriation Resolution No. 2022-154 appropriating \$4,993,300 in Community Development Block Grant (CDBG) funds for the acquisition of 4343 North Blackstone Avenue (APN 426-253-17) and 4323-4333 North Blackstone Avenue (APN 426-253-19) (Subject to Mayor's veto) (Requires 5 affirmative votes)
  3. Approve the Agreement for Purchase and Sale of two parcels totaling 5.51 acres located at 4343 North Blackstone Avenue (APN 426-253-17) and 4323-4333 North Blackstone Avenue (APN 426-253-19) for \$6,460,000 with Robert M. Mochizuki, M.D. and Susan M. Mochizuki, Co-Trustees of The Mochizuki Family Trust, Dated November 20, 2000; Gregory G. Miyake and Patricia S. Miyake, Co-Trustees of The Miyake Family Trust, dated February 6, 2009;

Kenneth (Douglas) Miyake; Harry Miya and Nancy Miya, Trustees of the Harry Miya and Nancy Miya Family Revocable Trust of May 19, 1992; Michael K. Miya, Trustee of the Miya Family Revocable Trust dated August 7, 2007; Melynda K. Miya, Trustee of the Melynda K. Miya Revocable Trust dated February 11, 2008; and Mark K. Miya, Trustee of the Mark K. Miya Revocable Trust dated February 28, 2008, collectively referred to as "Sellers"

*The above item was introduced to Council by Assistant City Manager Miller and Mayor Dyer. Upon call, the following members of the public addressed Council: Brandi Nuse-Villegas and Jeffrey Hallock.*

*Councilmember Chavez requested staff provide details as plans to transport people from other community centers to the proposed senior center are developed.*

**RESOLUTION 2022-177 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:** 6 - Esparza, Maxwell, Soria, Karbassi, Arias and Chavez

**Absent:** 1 - Bredefeld

[ID 22-1311](#) **Unscheduled Communication(s) Received**

**ADJOURNMENT**

*City Council adjourned the Special meeting at 9:17 A.M.*