

City of Fresno

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



Meeting Agenda - Final

Thursday, November 7, 2024

9:00 AM

Regular Meeting

Council Chambers

City Council

President - Annalisa Perea

Vice President - Mike Karbassi

Councilmembers:

Miguel Angel Arias, Tyler Maxwell, Luis Chavez,

Garry Bredefeld, Nelson Esparza

City Manager - Georgeanne A. White

City Attorney - Andrew Janz

City Clerk - Todd Stermer, CMC

**THE FRESNO CITY COUNCIL WELCOMES YOU TO THE COUNCIL CHAMBER,
LOCATED IN CITY HALL, 2ND FLOOR, 2600 FRESNO STREET, FRESNO,
CALIFORNIA 93721.**

PUBLIC PARTICIPATION – Public participation during Fresno City Council meetings is always encouraged and can occur by attending a meeting in the Council Chambers on the 2nd floor of City Hall located at 2600 Fresno Street, Fresno, CA 93721.

To be called to speak during a meeting, please fill out a speaker card (located throughout the chamber) and place it in the speaker card collection basket at the front of the chamber. You may also approach the speaker podium upon the Council President’s call for any additional public comment.

Unless otherwise announced, all public speakers will have up to 3 minutes to address Council pursuant to Rule No. 10 of the Rules of Procedure for the City Council of the City of Fresno (available in the City Clerk’s Office).

SUBMIT DOCUMENTS / WRITTEN COMMENTS - Pursuant to Rule 11 (c) of the Rules of Procedure, no documents shall be accepted for Council review unless submitted to the City Clerk at least 24 hours prior to the Council Agenda item be heard. Documents / written comments related to an agenda item can be submitted by one of the following methods:

1) eComment – eComment allows the public to submit agenda related comments through a website prior to the meeting. Submitted comments are limited to 1440 characters and will be a part of the official record.

a) Submit an e-Comment by visiting <https://fresno.legistar.com/Calendar.aspx> and selecting the “eComment” link.

b) e-Comment is available for use upon publication of the agenda and closes 24 hours prior to the meeting start time [pursuant to Rule 11(c)].

c) e-Comment is not permitted for Land use or CEQA items.

d) The e-Comment Electronic User Agreement can be viewed at:
<https://www.fresno.gov/cityclerk/#information>

2) E-mail – Agenda related documents and comments can be e-mailed to the Office of the City Clerk at least 24 hours prior to the agenda item being heard, pursuant to Rule 11(c).

a) E-mail the Clerk’s Office at clerk@fresno.gov

b) E-mails should include the agenda date, and the related agenda item number.

VIEWING CITY COUNCIL MEETINGS (non-participatory) - For your convenience, there are several ways to view Fresno City Council meetings live:

- 1) City of Fresno website: <https://fresno.legistar.com/Calendar.aspx> (click "In Progress" to view the live meeting).
- 2) Community Media Access Collaborative website: <https://cmac.tv/>
- 3) YouTube - City of Fresno Council, Boards and Commissions Channel:
<https://www.youtube.com/channel/UC3ld83D8QGn1YBDw6aD5dZA/videos>
- 4) Facebook: <https://www.facebook.com/FresnoCA/videos>
- 5) Cable Television: Comcast Channel 96 and AT&T Channel 99
- 6) Zoom: <https://www.fresno.gov/council-meeting/>

Should any of the six viewing methods listed above experience technical difficulties, the Council meeting will continue uninterrupted. Council meetings will only be paused to address verifiable technical difficulties for all users participating via Zoom or in the Council Chamber.

The City of Fresno's goal is to comply with the Americans with Disabilities Act (ADA). Anyone requiring reasonable ADA accommodations, including sign language interpretation should contact the office of the City Clerk at (559) 621-7650 or clerk@fresno.gov. The office of the City Clerk should also be contacted if spoken language translation is expected to be needed during a meeting. To help ensure availability of these services, you are advised to make your request a minimum of three business days prior to the scheduled meeting.

GOVERNMENT CODE 84308 CONTRIBUTION PROHIBITIONS AND MANDATORY DISCLOSURES - The Political Reform Act of 1974 (Act) restricts campaign contributions over \$250 from a party to or participant in a proceeding involving a license, permit, contract, or entitlement for use before the City. The Act requires disclosure of the contribution and creates a conflict where a decisionmaker has received \$250 or more from a party or participant to a proceeding in the prior 12 months. A decisionmaker must disclose on the record during the proceeding that they have received contributions from a party, participant, or agent of a party or participant, greater than \$250 within the preceding 12 months and the name(s) of the contributor(s). (See 2 CCR 18438.8(a).) Parties and participants to a proceeding are required to disclose on the record if they made contributions over \$250 within the prior 12 months, and are prohibited from making contributions to a decisionmaker during the proceeding and for 12 months after the date a final decision is rendered on the proceeding. Violations of these provisions are punishable as a misdemeanor.

9:00 A.M. ROLL CALL

Invocation by Pastor Ron Killian from New Covenant Community Church

Pledge of Allegiance to the Flag

APPROVE AGENDA

CEREMONIAL PRESENTATIONS

- A. [ID 24-1455](#) Proclamation for “Prematurity Awareness Month”
Sponsors: Office of Mayor & City Manager
- B. [ID 24-1073](#) Fresno Animal Center presents “Pet of the Month”
Sponsors: Animal Center Department

COUNCILMEMBER REPORTS AND COMMENTS

MAYOR/MANAGER REPORTS AND COMMENTS

CITY CLERK AND CITY ATTORNEY REPORTS AND COMMENTS

1. SCHEDULED COUNCIL HEARINGS AND MATTERS

9:10 A.M. (CONTINUED TO NOVEMBER 21, 2024, AT 9:10 A.M.)

- [ID 24-1521](#) HEARING to adopt resolutions and ordinance to annex territory and Levy a Special Tax regarding City of Fresno Community Facilities District Number 9, Annexation Number 63 (Territory known as Assessor’s Parcel Number 511-250-02) (Located on the east side of North Blythe Avenue, south of West Ashlan Avenue): (Council District 1)
1. ***RESOLUTION - to Annex Territory to Community Facilities District No. 9 and Authorizing the Levy of a Special Tax for Annexation No. 63; (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 2024-2025 and Future Tax Years Within and Relating to Community Facilities District No. 9, Annexation No. 63. (Subject to Mayor's Veto)

Sponsors: Public Works Department

9:20 A.M. (CONTINUED TO NOVEMBER 21, 2024, AT 9:20 A.M.)

[ID 24-1481](#) HEARING to consider Conditional Use Permit Application No. P21-06064, (Council District 1) - Planning & Development.
1. DENY the appeal and UPHOLD the action of the Planning Commission to deny Conditional Use Permit Application No. P21-06064 requesting authorization to establish a State of California Alcoholic Beverage Control (ABC) Type 20 alcohol license (Off-Sale beer and wine) for a proposed Arco AM/PM combination automobile service station and convenience store.

Sponsors: Planning and Development Department

9:25 A.M.

[ID 24-1395](#) HEARING to consider initiation of the Tower District Specific Plan update, pertaining to all properties located within the boundaries of the Tower District Specific Plan area of the Fresno General Plan.
1. RESOLUTION - Application No. P24-02869 initiating the Tower District Specific Plan Draft Land Use Map and Draft Specific Plan update
2. RESOLUTION - Application No. P24-02871 initiating preparation of the Tower District Specific Plan Objective Design Standards

Sponsors: Planning and Development Department

2. CONSENT CALENDAR

2.-A. [ID 24-1479](#) Actions pertaining to a grant agreement between the City of Fresno and CalRecycle:
1. *** RESOLUTION - 17th Amendment to The Annual Appropriation Resolution (AAR) 2024-122 Appropriating \$100,000 In CalRecycle Tire Cleanup Grant Funding In FY2025 (Requires 5 affirmative votes) (Subject to Mayor's

Veto)

Sponsors:

City Attorney's Office

2.-B. [ID 24-1488](#)

Approve the Second Amendment to extend the term of the Agreement for Administration of City of Fresno Revolving Loan Fund Program for six months to May 31, 2025, with Cen Cal Business Finance Group, Inc., a California Non-profit Corporation.

Sponsors:

Economic Development Department

2.-C. [ID 24-1281](#)

Actions pertaining to a grant agreement between the City of Fresno and the Senior Citizens Village:

1. Adopt a finding of Categorical Exemption pursuant to Class 1, Section 15301 (Existing Facilities) of the California environmental Quality Act (CEQA) Guidelines.
2. Approve a Grant Agreement with The Senior Citizens Village allocating \$376,500 in American Rescue Plan Act (ARPA) funding to support energy efficient lighting and hot water heaters for residents at the facility.

Sponsors:

Finance Department and Councilmember Chavez

2.-D. [ID 24-1483](#)

RESOLUTION- Authorizing the submission of a grant application of up to \$20 million to the Environmental Protection Agency (EPA) Community Change Grant Program to conduct climate action and pollution reduction projects, and authorizing the City Manager or designee to sign all related documents on behalf of the City.

Sponsors:

Parks, After School and Recreation and Community Services Department

2.-E. [ID 24-1523](#)

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 (Management Classes - Unit 14) (Subject to Mayor's veto)
2. ***RESOLUTION: Adopt the Sixth Amendment to FY 2025 Salary Resolution No. 2024-120, 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 (Management Classes - Unit 14) (Subject to Mayor's veto)

Sponsors:

Personnel Services Department

2.-F. [ID 24-1524](#)

Actions pertaining to the Fresno Airport Public Safety Officers Association, FAPSOA for Unit 11

1. ***Adopt a new Memorandum of Understanding between the City of Fresno and Fresno Airport Public Safety Officers Association (FAPSOA - Unit 11) (Subject to Mayor's veto)
2. ***RESOLUTION: Adopt the Fifth Amendment to FY 2025 Salary Resolution No. 2024-120, amending Exhibit 8, Unit 8 - Non-Represented to remove Airport Public Safety Officers and Airport Public Safety Supervisors from the exhibit; amending Section 18 to remove the benefits and terms and conditions for Airport Public Safety Officers and Airport Public Safety Supervisors; amending Section 13 to add Fresno Airport Public Safety Officers Association as Exhibit 11; and adding Exhibit 11, Unit 11 - Fresno Airport Public Safety Officers Association to provide a salary increase for respective classes as required by the Memorandum of Understanding between the City of Fresno and Fresno Airport Public Safety Officers Association (FAPSOA - Unit 11) (Subject to Mayor's veto)

Sponsors:

Personnel Services Department

2.-G. [ID 24-1467](#)

Approve a three-year Consultant Agreement with option for one two-year extension for professional forensic toxicology testing services with Central Valley Toxicology (CVT), Inc. for cost not to exceed \$150,000 annually or \$450,000 over three years or \$750,000 over five years.

Sponsors:

Police Department

2.-H. [ID 24-1431](#)

Award a construction contract in the amount of \$2,099,923 to Cal Valley Construction Incorporated, of Fresno, California for the Southwest Fresno Trail Project. (Bid File No. 12500364) (Council District 3)

Sponsors:

Capital Projects Department and Public Works Department

- 2.-I. [ID 24-1416](#) Approve First Amendment to Consultant Services Agreement with AECOM Technical Services, Inc. in the amount of \$1,185,261.00 bringing the total contract amount to \$7,669,047.23, with \$325,000.00 of remaining contingency, for additional professional engineering services required for the design of plans and general construction documents for the Blackstone Avenue & McKinley Avenue BNSF Grade Separation Project. (Council Districts 1 and 7)

Sponsors:

Capital Projects Department and Public Works Department

- 2.-J. [ID 24-1487](#) RESOLUTION- Authorizing the Submission of additional Grant Applications to the California Department of Transportation's Active Transportation Program (ATP) Cycle 7 Regional Call for Projects totaling up to \$3 million in requests for funding; and Authorizing the Execution of Grant Applications and Grant Agreement documents by the Public Works Director or Designee. (Council District 2)

Sponsors:

Public Works Department

- 2.-K. [ID 24-1434](#) RESOLUTION - Authorize the submission of a grant application for \$4,055,000.00 in formulaic grant funds for the Herndon Avenue BNSF Bridge Widening Project (Polk to Milburn) from the Local Partnership Program and Authorizing the execution of all grant documents and agreements by the Director of Public Works or designee. (Council District 2)

Sponsors:

Public Works Department

- 2.-L. [ID 24-1436](#) Actions pertaining to Final Map of Tract No. 6234:
1. RESOLUTION - Approving the Final Map of Tract No. 6234, and accepting dedicated public uses offered therein except for dedications offered subject to City acceptance of developer installed required improvements - located on the southwest corner of North Hayes Avenue and West Dakota Avenue; (Council District 1)
 2. ***RESOLUTION - 20th Amendment to the Annual Appropriation Resolution (AAR) No. 2024-122 to appropriate \$816,100 in developer contributions for the acquisition of right-of-way for public street and public utility easements for the Final Map of Tract No 6234 at the southwest corner of

Hayes and Dakota. (Council District 1) (Requires 5 affirmative votes) (Subject to Mayor's Veto)

Sponsors:

Public Works Department

2.-M. [ID 24-1370](#)

Actions pertaining to the purchase of El Dorado Park:

1. Adopt a finding that the project is exempt from CEQA pursuant to the Commonsense Exemption set forth in the CEQA Guidelines 15061(b)(3).
2. Approve a Real Property Purchase and Sale Agreement and Escrow Instructions between the City of Fresno and Wesley United Methodist Church for the purchase of El Dorado Park.
3. Approve an Agreement and Covenant between the City of Fresno and Wesley United Methodist Church.

Sponsors:

Councilmember Maxwell

2.-N. [ID 24-1533](#)

Bill - (For Introduction) - Adding Chapter 10, Article 26 To The Fresno Municipal Code, Entitled "The Sidewalk Vending Ordinance"

Sponsors:

City Council

CONTESTED CONSENT CALENDAR

3. GENERAL ADMINISTRATION

3.-A. [ID 24-1468](#)

WORKSHOP - The Highest-Need Neighborhoods Definition Update

Sponsors:

Parks, After School and Recreation and Community Services Department

UNSCHEDULED COMMUNICATION

PLEASE NOTE: UNSCHEDULED COMMUNICATION IS NOT SCHEDULED FOR A SPECIFIC TIME AND MAY BE HEARD ANY TIME DURING THE MEETING

4. CITY COUNCIL

5. CLOSED SESSION

5.-A. [ID 24-1469](#)

CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION

Government Code Section 54956.9, subdivision (d)(1)
La Hacienda Mobile Estates, LLC v. City of Fresno, et al;
Case Number: 24CECG00271

Sponsors:

City Attorney's Office

5.-B. [ID 24-1470](#)

CONFERENCE WITH LEGAL COUNSEL-EXISTING
LITIGATION

Government Code Section 54956.9, subdivision (d)(1)
In Re La Hacienda Mobile Estates, LLC, US Bankruptcy
Court, Eastern District of California;
Case Number: 24-11967-A-11

Sponsors:

City Attorney's Office

5.-C. [ID 24-1471](#)

CONFERENCE WITH LEGAL COUNSEL-EXISTING
LITIGATION

Government Code Section 54956.9, subdivision (d)(1)
Hacienda Homeowners for Justice, et al, v. La Hacienda
Mobile Estates, LLC, et al;
Fresno Superior Court, Case Number: 23CECG03987; and
California Court of Appeal,
Fifth Appellate District, Case Number: F087978

Sponsors:

City Attorney's Office

5.-D. [ID 24-1535](#)

CONFERENCE WITH LEGAL COUNSEL-EXISTING
LITIGATION

Government Code Section 54956.9, subdivision (d)(1) South
Fresno Community Alliance v. City of Fresno
Fresno Superior Court Case No.: 21CECG03237

Sponsors:

City Attorney's Office

5.-E. [ID 24-1534](#)

CONFERENCE WITH LEGAL COUNSEL-EXISTING
LITIGATION

Government Code Section 54956.9, subdivision (d)(1)
Paula Dodd v. City of Fresno, et al.; Fresno Superior Court
Case No. 24CECG02140

Sponsors:

City Attorney's Office

5.-F. [ID 24-1507](#)

CONFERENCE WITH LABOR NEGOTIATORS -
Government Code Section 54957.6

City Negotiators: Jennifer Misner; Sumeet Malhi
Employee Organization(s): 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), Unit 4; 4. International Association of Firefighters, Local 202, 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) Unit 10; 8. International Association of Firefighters, Local 202, Unit 10 (Fire Management); 9. City of Fresno Professional Employees Association (CFPEA); 10. City of Fresno Management Employees Association (CFMEA); 11. Fresno Airports Public Safety Officers Association (FAPSOA)

Sponsors: Office of Mayor & City Manager

ADJOURNMENT

UPCOMING SCHEDULED COUNCIL HEARINGS AND MATTERS

NOVEMBER 21, 2024 9:10 A.M - HEARING to adopt resolutions and ordinance to annex territory and Levy a Special Tax regarding City of Fresno Community Facilities District Number 9, Annexation Number 63

NOVEMBER 21, 2024 9:20 A.M. - HEARING to consider Conditional Use Permit Application No. P21-06064, (Council District 1) - Planning & Development.

NOVEMBER 21, 2024 9:30 A.M - HEARING to consider the vacation of portions of excess public street right of way on the northeast side of North Weber Avenue and the southeast side of West Farrington Avenue, northwest of West Herndon Avenue (Council District 2)

NOVEMBER 21, 2024 9:40 A.M. - Resolution to vacate a portion of public street right of way at the Northeast corner of South Hughes Avenue and West Dan Ronquillo Drive

UPCOMING EMPLOYEE CEREMONIES

EMPLOYEE SERVICE AWARDS

• November 20, 2024 (Wednesday) - Employee Service Awards - 10:00 A.M.

2024 CITY COUNCIL MEETING SCHEDULE

November 21, 2024 - 9:00 A.M. (Regular Meeting)

December 5, 2024 - 9:00 A.M. (Regular Meeting)

December 12, 2024 - 9:00 A.M. (Regular Meeting)