



City of Fresno

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

Meeting Minutes City Council

President - Tyler Maxwell

Vice President - Annalisa Perea

Councilmembers:

Mike Karbassi, Miguel Angel Arias, Luis Chavez,

Garry Bredefeld, Nelson Esparza

City Manager - Georgeanne A. White

City Attorney - Andrew Janz

City Clerk - Todd Stermer, CMC

Thursday, January 19, 2023

9:00 AM

Council Chambers (In
Person and/or Electronic)

Regular Meeting

The City Council met in regular session in the Council Chamber, City Hall, on the date and time above written.

9:05 A.M. ROLL CALL

Present: 7 - Councilmember Nelson Esparza
Council President Tyler Maxwell
Vice President Annalisa Perea
Councilmember Mike Karbassi
Councilmember Miguel Angel Arias
Councilmember Luis Chavez
Councilmember Garry Bredefeld

Invocation by Edward D. Thomas II from Living Word International Church

Edward D. Thomas II gave the invocation.

Pledge of Allegiance to the Flag

Councilmember Bredefeld led the Pledge of Allegiance.

APPROVE AGENDA

City Clerk Stermer announced the following changes to the agenda:

Consent Calendar Item 1-D (ID 23-93) regarding resolution authorizing

acceptance of the 2021 Staffing for Adequate Fire and Emergency Response (SAFER) grant – removed from the agenda and tabled to February 9, 2023, by staff.

Consent Calendar Item 1-U (ID 23-120) regarding resolution amending Rule 2 of the Council Rules of procedure relating to the election of Council President and Vice President - removed from the agenda and tabled to February 9, 2023, by Councilmember Karbassi.

10:00 A.M. # 2 Scheduled Council Hearing Item (ID 23-66) regarding actions pertaining to Final Map of Tract No. 5388 – removed from the agenda and tabled to February 9, 2023, under Consent Calendar by staff.

10:10 A.M. #C Scheduled Council Hearing (ID 23-109) regarding signing checks and banking documents - the following correction was read into the record: the agenda title should include the word 'resolution' as the item was approving a resolution.

10:10 A.M. #D Scheduled Council Hearing Item (ID 23-110) regarding authorizing of the investment of monies in the Local Agency Investment Fund - the following correction was read into the record: the agenda title should include the word 'resolution' as the item was approving a resolution.

Closed Session Item 5-H (ID 23-133) regarding conference with Real Property Negotiator regarding 592 N. Fowler – removed from the agenda by administration with no return date.

Councilmember Esparza and Councilmember Bredefeld announced a conflict and recused themselves from Closed Session item 5-I (ID 23-141) regarding Nelson Esparza v. Garry Bredefeld.

Councilmember Karbassi requested the meeting be adjourned in the memory of John Shehadey and James Hendricks.

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

1-E (ID 23-116) regarding first amendment to the Bank of America contract – moved to Contested Consent by Councilmember Arias.

1-G (ID 23-114) regarding lease agreement with Bericon Partners - moved to Contested Consent by Councilmember Arias.

1-O (ID 23-104) regarding receiving non-storable flood flows from Millerton Lake - moved to Contested Consent by Councilmember Arias.

1-P (ID 23-96) regarding 2022 Project Safe Neighborhoods grant program - moved to Contested Consent by Councilmember Arias.

1-Q (ID 23-94) regarding 2023 Law Enforcement Specialized Unit Program - moved to Contested Consent by Councilmember Arias.

1-V (ID 23-90) regarding resolution confirming emergency conditions impacting the ability to meet safely in person - moved to Contested Consent by Councilmember Arias.

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

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

CEREMONIAL PRESENTATIONS

[ID 23-101](#) Proclamation for “Frances ‘Skip’ Echeverria Day”

PRESENTED

[ID 23-19](#) Proclamation for “Dope Barbershop Day” in the City of Fresno

PRESENTED

[ID 23-131](#) Proclamation for “Human Trafficking Awareness Month”

PRESENTED

[ID 23-122](#) Proclamation for “Michael Lopez Day”

PRESENTED

COUNCILMEMBER REPORTS AND COMMENTS

Councilmember Karbassi Reports and Comments. Discussed the importance of Martin Luther King Jr. (MLK) Day and the events held throughout the community. Recognized retiring Fire Chief Kerri Donis for her service to the City of Fresno. Requested the meeting be adjourned in the memory of philanthropist John Shehadey and former RDA Director James Hendricks. Discussed the need for regular road maintenance in light of the potholes appearing in neighborhoods following recent storms.

Councilmember Arias Reports and Comments. Acknowledged that warming centers were open 24 hours a day and were a safe place for everyone in the community to shelter from the storms thanks to the work of the PARCS Department and Red Cross. Discussed the fast response times of city crews to clear trees that had fallen in the storms. Stated that maintenance of existing roads should be prioritized over the creation of new roads. Expressed concerns about long processing times to complete certain permits in the City of Fresno. Noted the 7/11 convenience store across from City Hall was violating its Conditional Use Permit by allowing loitering which was creating a nuisance.

Councilmember Chavez Reports and Comments. Recognized the PARCS Department for an amazing job operating the warming center at the Mosqueda Community Center. Acknowledged the Public Works Department for taking steps ahead of the recent storms to prevent flooding.

Councilmember Bredefeld Reports and Comments. Recognized the Public Works Department and administration for quickly dealing with flooding issues during recent storms. Acknowledged the excellent work by city crews to address the potholes that have appeared due to the rain.

Councilmember Esparza Reports and Comments. Attended a Police Department promotions and swearing in ceremony and lauded the increasing numbers of Police Officers. Discussed the annual MLK Day March and the hard work by the Unity Committee to make the events happen. Acknowledged the School Area Team for engaging people to gain compliance and beautify neighborhoods. Noted the quick response of city

crews to address potholes at the intersection of Fresno Street and Clinton Avenue. Discussed the need to install proper infrastructure on the fringes of the City. Wished Mayor Dyer success at the U.S. Conference of Mayors in Washington D.C.

Vice President Perea Reports and Comments. Announced a joint cleanup with Beautify Fresno at Shield and West avenues. Discussed partnering with Code Enforcement to help eliminate code violations in District 1. Acknowledged the Public Works Department for keeping streets safe during the rains and the PARCS Department for operation of the 24 hour warming centers.

Council President Maxwell Reports and Comments. Thanked city staff, the administration and public partners for keeping people safe and addressing issues caused by recent storms. Recognized Brian Domingos as the President of the Fresno Realtors Association and Haley Wagner-Drilling as Chair of the Fresno Chamber of Commerce. Acknowledged Gail Gaston and everyone that had a hand in organizing the MLK Day events in Fresno. Thanked Pastor Edward D. Thomas for organizing the Countdown to King event at the Tower Theatre. Discussed the Fresno County Athletic Hall of Fame at the Save Mart Center in District 4.

MAYOR/MANAGER REPORTS AND COMMENTS

City Manager White Comments. Discussed the preparation for, and remarkable performance by, all City Departments and staff to lessen the impact of the storms that hit the City of Fresno. Discussed the security gate in the City Hall parking lot which was expected to be completed in March. Reported Mayor Dyer was attending the U.S. Conference of Mayors in Washington D.C.

UNSCHEDULED COMMUNICATION

[ID 23-173](#) Public Comment Received for January 19, 2023, Regular Meeting

*Upon call, the following members of the public addressed Council:
Fernando Paul Elizando, Steve Diddy (1-K), Barbera Smith, Amazing Jones, Daniel Dominguez, Shawn Lee Broyles Sr., Gloria, Natasha, Krystal Pothier, Patricia Minder, Dez Martinez, Nefesha Yisrael, Brandi Nuse-Villegas, Robert McCloskey, Lisa Flores, Karla Martinez, Lethal Garcia, and Rex*

Hime (1-K).

1. CONSENT CALENDAR

APPROVAL OF THE CONSENT CALENDAR

On motion of Councilmember Bredefeld, seconded by Councilmember Chavez, the CONSENT CALENDAR was hereby adopted by the following vote:

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

Absent: 1 - Karbassi

1.-A. [ID 23-89](#) Approval of Minutes for January 5, 2023, Regular Meeting.

APPROVED ON CONSENT CALENDAR

1.-B. [ID 23-35](#) Actions pertaining to Airports Department - Job Order Contracting (Bid File 12300168) (Council District 4)

1. Adopt a finding of Categorical Exemption pursuant to Section 15301 of the California Environmental Quality Act (CEQA) Guidelines
2. Award Job Order Contracting contracts for General Building construction to EXBON Development, Inc., Durham Construction Company, Inc., Ardent General and Puma Construction Co., Inc.; for HVAC construction to Strategic Mechanical, and Mesa Energy Systems, Inc.; and for Electrical construction to Collins Electrical Company, Inc., and Valley Unique

APPROVED ON CONSENT CALENDAR

1.-C. [ID 23-69](#) Approve a consultant services agreement with CSDA Design Group to provide professional noise abatement related consultant services for the Fresno Yosemite International Airport Residential Sound Insulation Program in an amount not to exceed \$376,617.62 (Phase 18, Bid Group 26A) (Council District 4)

APPROVED ON CONSENT CALENDAR

1.-D. [ID 23-93](#) ***RESOLUTION - Authorize the acceptance of 2021 Staffing for Adequate Fire and Emergency Response (SAFER) grant award for \$7,246,600 from the Federal Emergency Management Agency (FEMA) and authorize the Fire Chief to complete all required documents (Subject to Mayor’s Veto)

The above item was tabled to February 9, 2023, by staff.

TABLED

- 1.-F. [ID 23-80](#) Approve the award of three citywide Requirements Contracts to CORE, Facility Designs, and Tangram for five years with two one-year optional extensions for the purchase of furniture, installation, and related products and services, not to exceed \$750,000 per year plus annual CPI increases (Bid File 9666)

APPROVED ON CONSENT CALENDAR

- 1.-H. [ID 23-87](#) ***RESOLUTION - Authorizing a Grant Application Totaling up to \$250,000 to the California Office of Traffic Safety (CA OTS) to Fund Bicycle and Pedestrian Safety Programming and Authorizing the Execution of Related Documents by the Parks, After School, Recreation and Community Services (PARCS) Department Director or Designee. (Subject to Mayor's Veto) (Citywide)

RESOLUTION 2023-009 ADOPTED

APPROVED ON CONSENT CALENDAR

- 1.-I. [ID 23-105](#) ***RESOLUTION - Authorizing and directing submission of an application for funding under the State of California Regional Early Action Planning Grants of 2021 (REAP 2.0) Higher Impact Transformative (HIT) Allocation for \$10,000,000 for water/wastewater infrastructure improvements near the future High Speed Rail station (Subject to Mayor's veto)

RESOLUTION 2023-010 ADOPTED

APPROVED ON CONSENT CALENDAR

- 1.-J. [ID 23-65](#) Approve the Fifth Amendment to the Consultant Services Agreement with Blair, Church & Flynn, Consulting Engineers, Inc., of Clovis, California in the amount of \$24,962 to provide additional civil engineering design, bidding and construction support services for the Peach Avenue Widening Project between Butler and Jensen Avenues, for a total contract amount of \$351,924 (Council District 5)

APPROVED ON CONSENT CALENDAR

- 1.-K. [ID 23-72](#) Approve a substitution of listed Subcontractors Fresno Fab-Tech and Boneso Brothers for FAX Facility Improvement Project (Council District 3)

APPROVED ON CONSENT CALENDAR

- 1.-L. [ID 23-85](#) **RESOLUTION** - Of Intention to Annex Final Tract Map No. 6400 as Annexation No. 136 to the CITY OF FRESNO COMMUNITY FACILITIES DISTRICT NO. 11 and to Authorize the Levy of Special Taxes; and setting the public hearing for Thursday, February 23, 2023 at 10:00 a.m. (southwest corner of

East Clinton Avenue and North Armstrong Avenue) (Council District 7)

RESOLUTION 2023-011 ADOPTED

APPROVED ON CONSENT CALENDAR

1.-M. [ID 23-81](#)

Approve the First Amendment to the consultant services agreement with Kleinfelder, Inc., to increase the contract amount by \$46,785 for a total fee not to exceed \$95,200 with \$10,000 remaining in contingency, to provide hydrogeological support services during the drilling and construction of the new public water supply well at Pump Station 372 (Council District 3).

APPROVED ON CONSENT CALENDAR

1.-N. [ID 23-63](#)

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

1. Adopt a finding of Categorical Exemption pursuant to Section 15301(a)/Class 1 of the California Environmental Quality Act (CEQA) Guidelines
2. ***Approve an Assistance Agreement with the United States Department of the Interior, Bureau of Reclamation and accept receipt of a \$379,390 WaterSMART grant for the Smart Irrigation Timers Direct Install Project (Subject to Mayor's veto)
3. ***Resolution - Adopt the 18th Amendment to the Annual Appropriation Resolution (AAR) No 2022-154 establishing appropriations in the amount of \$843,700 for the WaterSMART grant for the Smart Irrigation Timers Direct Install Project (Requires 5 affirmative votes) (Subject to Mayor's Veto)

RESOLUTION 2023-012 ADOPTED

APPROVED ON CONSENT CALENDAR

1.-R. [ID 23-84](#)

Submission for Informational Purposes of the Annual Comprehensive Financial Reports ("ACFR") regarding the Financial Activities of the City of Fresno Retirement Systems for the Fiscal Year Ending June 30, 2022

APPROVED ON CONSENT CALENDAR

1.-S. [ID 23-137](#)

***RESOLUTION - Updating the Policy Entitled "School Liaison Act" (Subject to Mayor's Veto)

RESOLUTION 2023-017 ADOPTED

APPROVED ON CONSENT CALENDAR

- 1.-T. [ID 23-59](#) Council Boards and Commissions Communications, Reports, Assignments and/or Appointments, Reappointments, Removals to/from City and non-City Boards and Commissions

APPROVED ON CONSENT CALENDAR

- 1.-U. [ID 23-120](#) RESOLUTION - Amending Rule 2 of the Council Rules of Procedure Relating to the Election of Council President and Vice President

The above item was tabled to February 9, 2023, by Councilmember Karbassi.

TABLED

Joint Meeting of The City Council, The City in Its Capacity as Housing Successor to the Redevelopment Agency of the City of Fresno and The Fresno Revitalization Corporation

- 1.-W. [ID 23-64](#) *** RESOLUTION - Declaring a .29-acre vacant parcel located at the southeast corner of E. Ventura Street and S. Seventh Street (APN: 470-052-01T), a 2.85-acre vacant parcel located on E. Ventura Street between S. Eighth Street and S. Seventh Street (APN: 470-052-02T), and a .26-acre vacant parcel located at the southeast corner of S. Eighth Street and E. El Monte Way (APN: 470-052-03T), to be exempt surplus land and directing staff to comply with the open and competitive request for proposals process for the disposition of these parcels for a mixed-use mixed-income housing development as required by FMC Section 4-204 (District 5) (Subject to Mayor's Veto)

RESOLUTION 2023-019 ADOPTED

SUCCESSOR AGENCY RESOLUTION NO. 51 ADOPTED

APPROVED ON CONSENT CALENDAR

- 1.-X. [ID 23-88](#) Successor Agency to the Redevelopment Agency of the City of Fresno and Fresno Revitalization Corporation (FRC) consider adopting:
1. RESOLUTION - Approving the Recognized Obligation Payment Schedule 23-24

SUCCESSOR AGENCY RESOLUTION NO. 52 ADOPTED

APPROVED ON CONSENT CALENDAR

CONTESTED CONSENT CALENDAR

- 1.-E. [ID 23-116](#) Approve the first amendment to the Bank of America contract for banking services to allow for amendments to the Services that are not included in the scope of services but are necessary for City business operations

Councilmember Arias moved this item to the Contested Consent Calendar to discuss plans to pursue bids related to the pending expiration of the Bank of America agreement and blight at vacant Bank of America buildings.

APPROVED

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

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

- 1.-G.** [ID 23-114](#) Approve a lease agreement between the City of Fresno and Bericon Partners, LLC, a California limited liability company, to lease office space in amount of \$69,561.60 annually in rent payments for three years, totaling \$208,684.80 in rent plus the cost of utilities

Councilmember Arias moved this item to the Contested Consent Calendar to ask if a purchase of office space had been considered as a lease dating back to 1977 demonstrates an ongoing need.

Discussion included the need to perform a comprehensive analysis of City leases and the City Attorney's Office need for more space.

APPROVED

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

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

- 1.-O.** [ID 23-104](#) Actions pertaining to receiving non-storable flood flows from Millerton Lake:
1. Adopt a finding of statutory exemption pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15282(u).
 2. ***RESOLUTION - Authorizing the Execution of a contract for Temporary Water Service between the United States and the City of Fresno to purchase and accept non-storable flood flows from Millerton Lake during the current water year.(Subject to Mayor's Veto)

Councilmember Arias moved this item to the Contested Consent Calendar

to: hear a full explanation of what approval of this item would do; to clarify the cost of purchasing the excess water, and; determine what authority would be provided to the Director of Public Utilities.

RESOLUTION 2023-013 ADOPTED

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

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

1.-P. [ID 23-96](#)

Actions pertaining to the 2022 Project Safe Neighborhoods grant program

1. Authorize the Chief of Police to accept \$430,318 in grant funding from the Office of Justice Program (OJP) through the Bureau of Justice Assistance (BJA) and execute the grant agreement for the 2022 Project Safe Neighborhoods grant.
2. ***RESOLUTION - Adopt the 21st amendment to the Annual Appropriation Resolution No. 2022-154 appropriating \$427,300 to the Police Department's FY 2023 budget for the Project Safe Neighborhoods grant program (Requires 5 affirmative votes)(Subject to Mayor's veto).
3. RESOLUTION - Authorizing the Chief of Police or his Designee to execute a contract with Penlink, Ltd. for the purchase of hardware, software and maintenance services, in the amount of \$320,000 without advertised competitive bidding.

Councilmember Arias moved this item to the Contested Consent Calendar to obtain clarification on the difference between the tactical ballistic rated vests and other vests utilized in the Police Department.

RESOLUTION 2023-014 ADOPTED

RESOLUTION 2023-015 ADOPTED

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

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

1.-Q. [ID 23-94](#) Actions pertaining to the 2023 Law Enforcement Specialized Unit

Program:

1. Authorize acceptance of \$203,143 in grant funding from the California Governor's Office of Emergency Services' Law Enforcement Specialized Unit Program to the Fresno Police Department
2. ***RESOLUTION - Adopt the 23rd Amendment to the Annual Appropriation Resolution (AAR) No. 2022-154 appropriating \$203,100 for the Police Department's Law Enforcement Specialized Unit Program Grant in the department's Domestic Violence Unit (requires five affirmative votes) (Subject to Mayor's veto)
3. Approve a Memorandum of Understanding with the Marjaree Mason Center

Councilmember Arias moved this item to the Contested Consent Calendar to discuss the deliverables and number of people expected to be served under the partnership.

RESOLUTION 2023-016 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, Perea, Arias, Chavez and Bredefeld

Absent: 1 - Karbassi

- 1.-V. [ID 23-90](#)** ***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 Arias moved this item to the Contested Consent Calendar to have a discussion with Council about whether it was time to discontinue the emergency resolution.

Council discussion on this item included: the benefits of ill Councilmembers being able to participate in meetings without the risk of exposing the public; being able to continue offering remote participation for the public regardless of the emergency resolution; the risks associated with Covid-19 as opposed to other illnesses; staying home when sick and moving back towards normalcy; whether Covid-19 precautions were effective; the pending expiration of Governor Newsom's Covid-19 related emergency declaration; remaining consistent in messaging by ending the emergency as most all Covid-19 precautions have been removed; remote meeting options

available under Assembly Bill 2449, and; the consequences of not approving the current emergency resolution.

The City Attorney's Office would send a memo to Council and the administration outlining meeting options following expiration of Governor Newsom's emergency declaration.

RESOLUTION 2023-018 ADOPTED

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

Aye: 5 - Esparza, Maxwell, Perea, Karbassi and Chavez

No: 2 - Arias and Bredefeld

2. SCHEDULED COUNCIL HEARINGS AND MATTERS

10:00 A.M. #1

[ID 23-92](#)

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. 135 (Final Tract Map No. 5388) (located along West San Jose Avenue north of North Salinas Avenue) (Council District 2)

1. ***RESOLUTION - to Annex Territory to Community Facilities District No. 11 and Authorizing the Levy of a Special Tax for Annexation No. 135 (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. 135 (Subject to Mayor's Veto)

The above hearing was called to order at 2:03 P.M. Upon call, there was no public comment for this item. The public comment period was closed at 2:04 P.M. There was no Council discussion.

RESOLUTION 2023-020 ADOPTED

RESOLUTION 2023-021 ADOPTED

RESOLUTION 2023-022 ADOPTED

BILL B-1 INTRODUCED/ ADOPTED AS ORDINANCE 2023-001

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

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

10:00 A.M. #2

[ID 23-66](#)

Actions pertaining to Final Map of Tract No. 5388

RESOLUTION - Approving the Final Map of Tract No. 5388, and accepting dedicated public uses offered therein except for dedications offered subject to City acceptance of developer installed required improvements - located at the intersection of North Salinas Avenue and West San Jose Avenue (Council District 2)

The above item was tabled to February 9, 2023, by staff with direction to be placed on the Consent Calendar.

TABLED

10:05 A.M.

[ID 23-16](#)

HEARING to consider Plan Amendment and Rezone Application No. P19-05950 and related Environmental Assessment No. P19-05950, for approximately 1.73 acres of property located on the south side of West Nees Avenue, between North Blackstone and North Ingram Avenues (Council District 2)

1. ADOPT the Negative Declaration as prepared for Environmental Assessment No. P19-05950 dated July 29, 2022, for the proposed project pursuant to the California Environmental Quality Act (CEQA).
2. RESOLUTION - Approving Plan Amendment Application No. P19-05950 proposing to amend the Fresno General Plan to change the planned land use designation for the subject property from High Density Residential (±1.73 acres) to Regional Mixed Use (±1.73 acres).
3. BILL (for introduction and adoption) - Approving Rezone Application No. P19-05950 proposing to amend the Official Zoning Map of the City of Fresno to rezone the subject property from the RM-3/UGM/CZ

(Multi-Family Residential, High Density/Urban Growth Management/conditions of zoning) zone district to the RMX (Regional Mixed Use) zone district in accordance with Plan Amendment Application No. P19-05950.

The above hearing was called to order at 2:05 P.M. Upon call, there was no public comment. The public comment period was closed at 2:05 P.M. Planning and Development Director Clark, Supervising Planner Lang and the applicant's representative, Dirk Poeschel, responded to questions.

Council discussion on this item included: rezoning when no project has been identified; the ability to place a condition upon the entitlement requiring lost housing density to be relocated within the same area; the applicability of Senate Bill 330 requirements to replace lost housing capacity at the same meeting; who maintains liability related to the housing offset; land uses allowed under Regional Mixed Use zoning; the applicants duty to make up lost housing density; opportunities for review, comment and appeal of Conditional Use Permits, and; lack of opposition to the rezone during the neighborhood meeting, and from the District 2 Implementation Committee and the Planning Commission.

RESOLUTION 2023-023 ADOPTED

BILL B-2 INTRODUCED/ ADOPTED AS ORDINANCE 2023-002

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

Aye: 5 - Maxwell, Perea, Karbassi, Chavez and Bredefeld

No: 2 - Esparza and Arias

10:10 A.M.

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

JPFA ACTION

- A.** [ID 23-107](#) HEARING designating and authorizing certain Finance Officers of the City of Fresno ("City") to sign various investment and commercial banking documents, and to provide verbal instruction required for prudent financial

administration and safekeeping of Fresno Joint Powers Finance Authority ("JPFA") funds and property

The above item was discussed simultaneously with JPFA item B (ID 23-108). The hearing was called to order at 3:11 P.M. Upon call, there was no public comment. The public comment period closed at 3:11 P.M.

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

RESOLUTION JPFA 56 ADOPTED

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

Aye: 2 - Bredefeld, Karbassi

Absent: 1 - Dyer

- B.** [ID 23-108](#) HEARING to consent to and authorize the investment monies in the Local Agency Investment Fund ("LAIF") in the custody of the State Treasurer for purposes of prudent financial administration and safekeeping of Fresno Joint Powers Finance Authority ("JPFA") funds, and authorize certain Finance Officers of the City of Fresno ("City") in connection therewith

The above item was discussed simultaneously with JPFA item A (ID 23-107). The hearing was called to order at 3:11 P.M. Upon call, there was no public comment. The public comment period closed at 3:11 P.M.

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

RESOLUTION JPFA 57 ADOPTED

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

Aye: 2 - Bredefeld, Karbassi

Absent: 1 - Dyer

CITY ACTION

- C.** [ID 23-109](#) Appoint and authorize certain Finance Officers of the City of Fresno ("City") to sign City checks and various investment and commercial banking

documents, and to provide verbal instruction required for the prudent financial administration and safekeeping of City funds

The above item was heard simultaneously with City Action item D (23-110). Upon call, there was no public comment.

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

RESOLUTION 2023-024 ADOPTED

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

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

- D. [ID 23-110](#) Consent to and authorization of the investment of monies in the Local Agency Investment Fund (“LAIF”) in the custody of the State Treasurer for purposes of investment and authorize certain Finance Officers in connection therewith

The above item was heard simultaneously with City Action item C (23-109). Upon call, there was no public comment.

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

RESOLUTION 2023-025 ADOPTED

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

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

3. GENERAL ADMINISTRATION

- 3.-A. [ID 23-121](#) Progress of Code Enforcement, including ASET Quarterly report.

The above item was presented to Council by Chief Assistant City Attorney Camarena and Assistant City Attorney Roberson.

Council discussion included: the citation process; the cost of each citation;

the number of cameras used to locate illegal dumpers, and; the likelihood of needing additional funds for demolition.

PRESENTED

4. CITY COUNCIL

4.-A. [ID 23-132](#) Workshop - Constituent Service Software- Fireside

The above workshop was presented to Council by Scott Crosby with Fireside.

Council discussion on this item included: timelines for the project; the competitive process; the authority to determine a uniquely qualified software; obtaining feedback from Council and staff when it comes to constituent services; the ability for Councilmembers to obtain information through FresGO; the RFP process; the cost of licenses, and; system security and access to information.

PRESENTED

5. CLOSED SESSION

During open session, City Attorney Janz announced the items that would be discussed in closed session. Councilmember Bredefeld and Councilmember Esparza each announced a conflict and recusal from closed session item 5-I (ID 23-141).

Council withdrew from open session to hear closed session items at 3:37 P.M.

5.-A. [ID 23-73](#)

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

Joshua Spengeman v. City of Fresno

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

DISCUSSED

5.-B. [ID 23-74](#)

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

Case Name: *Lori Brown (Richard Brown, Dec'd) v. City of Fresno, PSI, Admin by Tristar Risk Management*; WCAB No.: ADJ14667282

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

DISCUSSED

5.-C. [ID 23-75](#)

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

Case Name: *William Hunter v. City of Fresno, PSI, Admin. by Tristar Risk Management*; WCAB Case No. ADJ11218501; Claim No.: 1010102289.

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

DISCUSSED

5.-D. [ID 23-76](#)

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

Case Name: *Joseph Ploharz v. City of Fresno, PSI, Admin by Tristar Risk Management*; ADR Case No.: FP-ADR-01387

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

DISCUSSED

5.-E. [ID 23-77](#)

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

Case Name: *Cary Weigant v. City of Fresno, PSI, Admin by Tristar Risk Management*; IDR Case No.: FP-ADR-01250

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

DISCUSSED

- 5.-F. [ID 23-97](#) 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

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

DISCUSSED

- 5.-G. [ID 23-118](#) CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION
Government Code Section 54956.9, subdivision (d)(1)

Case Name: *Sonia Quintero-Perez v. City of Fresno, et al.* Fresno
Superior Court Case No. 18CECG00843

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

DISCUSSED

- 5.-H. [ID 23-133](#) CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Government
Code Section 54956.8

Property: 591 N. Fowler (Fowler and Tulare)
Negotiating Parties: City Manager; BN Diversified, LLC. (Bonadelle
Homes)
Under negotiations: Price and terms of sale

The above item was tabled by staff with no return date.

TABLED

- 5.-I. [ID 23-141](#) CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION
Government Code Section 54956.9, subdivision (d)(1)

Case Name: *Nelson Esparza v. Garry Bredefeld*; Fresno Superior Court
Case No. 22CECG01469

The above item was discussed in closed session. Councilmember Esparza and Councilmember Bredefeld were recused from this item and were not present for the discussion. There were no open session announcements regarding this item.

DISCUSSED

ADJOURNMENT

Adjourned from closed session at 4:43. P.M. in the memory of John Shehadey and James Hendricks.