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2022 APR 25 A 11:48

CITY OF FRESNO  
CITY CLERK'S OFFICE

## Regular Council Meeting

April 21, 2022

# FRESNO CITY COUNCIL



## Email / eComment Report

The Following item(s) were commented on:

### **File ID 22-613, 1-LL**

Actions Pertaining to the Acquisition of property at 1247 North Wishon (APN 451-265-02) and 777 East Olive Avenue (APN 451-265-03)

**The attached public comments were submitted to the Clerk's Office after the initial distribution of comments to Council, and are being included in the official record.**

#### **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.

**From:** [Greg Guerra](#)  
**To:** [Clerk](#)  
**Subject:** 1-LL ID22-613  
**Date:** Thursday, April 21, 2022 3:04:11 PM

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**External Email: Use caution with links and attachments**

This is not a separate city funded program. They are wasting our money to interfere in a legal, private, and binding agreement. Money that this city already had previously allocated to the betterment of our parks!

If this goes through, we are allowing our city government to persecute religion, and we are setting a dangerous precedent that this city can take whatever they want from whoever they want with our money.

Government has no place in private property deals

--

Greg Guerra



**From:** [Chris Williams](#)  
**To:** [Clerk](#)  
**Subject:** 1-LL ID22-613  
**Date:** Thursday, April 21, 2022 3:14:03 PM

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External Email: Use caution with links and attachments

I oppose the city stepping in to buy the Tower Theatre.

Regarding parking, I have attended concerts and restaurants in the Tower District for the last 20 years and parking has always been difficult when Tower Theatre was holding events. They has historically reserved parking for those who are attending concerts, etc. This isn't an Adventure Church problem, this is an overall planning problem and taking the Theatre isn't the solution.

Sent from my iPhone 13

**From:** [Aaron Martinez](#)  
**To:** [Clerk](#)  
**Subject:** Buying of the Tower Theatre: 1-LL ID22-613  
**Date:** Thursday, April 21, 2022 3:00:00 PM

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External Email: Use caution with links and attachments

My name is Aaron Martinez and I oppose the city using our tax dollars to do something that will put the city in my debt. The city should invest that money back into the community, parks, schools and other existing city buildings

Sent from my iPhone

**From:** [Bret Dalldorf](#)  
**To:** [Clerk](#)  
**Subject:** City Acquisition of the Tower Theater - I support it  
**Date:** Thursday, April 21, 2022 9:11:18 AM

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**External Email:** Use caution with links and attachments

Hello,

I am a Tower Home Owner (1022 N. Ferger, 93728). I support the city in purchasing the Tower Theater and keeping Adventure Church from buying this historical site.

Thanks!

Bret Dalldorf

**From:** [Derek Payton](#)  
**To:** [Clerk](#)  
**Cc:** [REDACTED] [Miguel Arias](#); [Esmeralda Soria](#)  
**Subject:** City Council Agenda ID 22-613: City of Fresno acquiring the Tower Theatre  
**Date:** Wednesday, April 20, 2022 11:48:16 PM

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**External Email: Use caution with links and attachments**

I am the Founder and Executive Director of Root Access, a community makerspace in the Tower District, on Van Ness Ave. I am also a Tower District resident.

I am writing to voice my support for item ID 22-613 on the City Council agenda for April 21, 2022, the City of Fresno acquiring the Tower Theatre.

The economy, culture, and rich history of the Tower District must be preserved, and much of that is rooted with the Tower Theatre. Additionally, any owner of the Tower Theatre has a responsibility to the community that:

- Tower Theatre must continue to operate as a performing arts venue.
- Tower Theatre must be an asset to Tower businesses and the local economy.
- Tower Theater must be supportive of Tower culture and the community.

We believe that the acquisition of the Tower Theatre by the City of Fresno is now the best chance we have for these responsibilities to be upheld. After 15 months of efforts to save the Tower Theatre, we are looking forward to putting an end to this situation with a positive outcome for the community.

Thank you,

**Derek Payton** (he/him) | Executive Director

**Root Access Hackerspace**  
[REDACTED]

[www](#) | [facebook](#) | [twitter](#) | [instagram](#) | [tiktok](#) | [meetup](#)

**From:** [Tower Preservation](#)  
**To:** [Clerk](#); [Jerry Dyer](#); [Miquel Arias](#); [Esmeralda Soria](#); [Mike Karbassi](#); [Tyler Maxwell](#); [Luis Chavez](#); [Garry Bredefeld](#); [Nelson Esparza](#)  
**Subject:** City Council meeting 4/21/2022, statement regarding item 1-LL  
**Date:** Wednesday, April 20, 2022 5:13:59 PM  
**Attachments:** [TDPA Statement of Support for Tower Theatre purchase 4.20.2022.pdf](#)

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**External Email:** Use caution with links and attachments

Good day Councilmembers and Mayor,

Attached you will find our statement in regards to the potential acquisition of the Tower Theatre by the City of Fresno, that we wish to be added to the record related to this matter. Please do not hesitate to reach us with any questions. We appreciate your time in considering our correspondence.

Warm regards,  
The Tower District Preservation Association

**From:** [Rachel Tamayo](#)  
**To:** [Clerk](#)  
**Subject:** City's attempt at purchasing the Tower Theater  
**Date:** Thursday, April 21, 2022 2:28:16 PM

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External Email: Use caution with links and attachments

To whom it may concern,

I strongly oppose the City's attempt to purchase the Tower Theater. It is an outrageous misuse of taxpayer money. Moreover, Adventure Church has provided hope, freedom and help to my family. My husband left me and our 3 kids just before Covid hit. Because of that 2020 was the roughest year of my life but my church family stood by my side in practical and spiritual ways. They continue this kind of support, which is needed in every area of Fresno, especially the tower district.

Sincerely,

Rachel Tamayo, M.S.  
Anatomy and Physiology instructor  
CSU Fresno  
Clovis Community College



**From:** [Kyla Mitchell](#)  
**To:** [Clerk](#)  
**Subject:** COMMENT: Meeting: City Council on 2022-04-21 9:00 AM - Regular Meeting  
**Date:** Wednesday, April 20, 2022 11:11:16 PM

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**External Email: Use caution with links and attachments**

Hello,

I apologize for the late message. I tried to submit an eComment on the City of Fresno website, but saw that "The online Comment window has expired." I hope this message finds its way!

I am a resident of Fresno and would like to urge the city to purchase the Tower Theater in order to preserve the historical and cultural significance of the site. I was born and raised in Fresno, and feel it is part of our city's long past as well as a time-honored landmark. It is a place many Fresnoans are proud of and I, for one, want it to continue into the future to pass on the history and stories of so many.

Thank you,

Kyla Mitchell

2975 E Indianapolis Ave  


**From:** [Sergio Sanchez](#)  
**To:** [Clerk](#)  
**Subject:** Contact City Clerk Form submitted on City Clerk  
**Date:** Wednesday, April 20, 2022 5:47:18 PM

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**External Email:** Use caution with links and attachments

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<b>First Name</b>	Sergio
<b>Last Name</b>	Sanchez
<b>Email</b>	[REDACTED]
<b>Subject</b>	Tower Theatre
<b>Message</b>	Please don't let Adventure Church control the Tower Theatre. I will provide you many reasons why soon.
<b>IP Address</b>	172.58.33.12
<b>User-Agent (Browser/OS)</b>	Apple Safari 604.1 / OS X
<b>Referrer</b>	<a href="https://www.fresno.gov/cityclerk/contact-clerk/">https://www.fresno.gov/cityclerk/contact-clerk/</a>


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**From:** [Leann Hobbs](#)  
**To:** [Clerk](#)  
**Subject:** Contact City Clerk Form submitted on City Clerk  
**Date:** Thursday, April 21, 2022 9:40:42 AM

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**External Email:** Use caution with links and attachments

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<b>First Name</b>	Leann
<b>Last Name</b>	Hobbs
<b>Email</b>	
<b>Subject</b>	The Tower Theatre
<b>Message</b>	<p>Please, do not let a church buy The Tower Theatre. The issue has nothing to do with Anti-Christian bias. The issue is preserving the only thriving Cultural Arts District in the City of Fresno.</p> <p>Thank you, Leann Hobbs 117 E. Simpson Ave. Fresno, California 93704</p>
<b>IP Address</b>	98.252.65.60
<b>User-Agent (Browser/OS)</b>	Google Chrome 95.0.4638.74 / Android
<b>Referrer</b>	<a href="https://www.fresno.gov/cityclerk/contact-clerk/">https://www.fresno.gov/cityclerk/contact-clerk/</a>

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**From:** [Michael Reyna](#)  
**To:** [Clerk](#)  
**Cc:** [Jerry Dyer](#)  
**Subject:** Fresno Tower Theatre  
**Date:** Wednesday, April 20, 2022 8:00:58 PM  
**Attachments:** [Tower Theater.pdf](#)  
**Importance:** High

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**External Email:** Use caution with links and attachments

*"I'm in strong support of the acquisition of Tower Theater as a city-owned property."*

Sent from [Mail](#) for Windows

**From:** [Kassie Carbajal](#)  
**To:** [Clerk](#)  
**Subject:** Fwd: Opposition for the City to buy Tower Theater  
**Date:** Thursday, April 21, 2022 2:57:53 PM

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**External Email: Use caution with links and attachments**

For item:  
1-LL ID22-613

I would like to express my opposition for the city to illegally interfere with a private sale. As stated previously, spending money for this rather than what it was intended for is a misuse of tax payer money. Adventure Church is simply providing a safe place to a neighborhood that needs it!

Kassie Carbajal

**From:** [Desirae Gomez](#)  
**To:** [Clerk](#)  
**Subject:** Fwd: Tower Theatre 1-LL ID22-613  
**Date:** Thursday, April 21, 2022 3:01:26 PM

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**External Email: Use caution with links and attachments**

Re: Item number: 1-LL ID22-613

Hello City Clerk,

I would like to add a comment to the meeting today discussing the city's proposal to purchase the Tower Theatre--

I strongly oppose the city of Fresno attempting to intervene with an existing private sale of the Tower Theatre.

Council members Soria and Arias have acted illegally to intervene with the private sale and the bilateral contract that is in place (this illegal interference with a private sale of a property is known as Tortious Interference).

The city should not spend taxpayer dollars in a losing legal battle.

The existing pending sale to Adventure Church is protected by real estate law and federal Religious Land Use and Institutionalized Persons Act. If this proposal is passed, the city of Fresno would illegally interfere with a private sale and violate both real estate and federal law.

The city has allowed religious persecution to go on too long. The city needs to intervene with protecting the people who attend church and are being harassed on a weekly basis (for over a year).

Best,

Desirae Gomez  
Adjunct Professor in Art



**Desirae Gomez MA**  
Adjunct Faculty



**CONFIDENTIALITY NOTICE:** This e-mail and its contents may contain privileged or confidential information. If you are not the intended recipient, you are hereby notified that disclosure or use of the information contained in or attached to this email is strictly prohibited, and we ask that you delete this email and its attachments without reading or saving it.

**From:** [Noe Garza](#)  
**To:** [Clerk](#)  
**Subject:** Objection to Tower theater purchase  
**Date:** Thursday, April 21, 2022 2:59:03 PM

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External Email: Use caution with links and attachments

Dear council,

Thank you for taking the time to read this.

My name is Noe Garza. I live off of Shaw and Marks. I just moved to Fresno this year but I lived in Selma for most of my life. My family and I used to look at Fresno as the place where real life happens. It wasn't like our little country town and we admired Fresno for its beauty.

I got connected to Adventure Church after being a part of other churches in Fresno. I fell in love with the church because I saw what I believed to be a genuine heart for the city. Adventure has done so much to prove to me that they are willing to go and care for the city even when it costs them.

To my dismay, the purchase of the tower theater has become a hot topic because I believe that certain parties have negative biases towards churches and we have been unjustly caught in their anger from previous hurts that didn't involve our church.

I've seen firsthand how the church has loved on our community. And they have never done something that was illegal or even morally wrong.

If you love our city, which I believe you do, partner with Adventure Church and allow us to be the beacon of hope in our community that we have been for years

I strongly oppose the acquisition of the tower by the City of Fresno. You can trust that Adventure Church will be incredible stewards of the Tower. Our presence will prove to be a boon to business and safety in the community.

Thank you

**From:** [Kassie Carbajal](#)  
**To:** [Clerk](#)  
**Subject:** Opposition for the City to buy Tower Theater  
**Date:** Thursday, April 21, 2022 2:39:17 PM

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**External Email:** Use caution with links and attachments

I would like to express my opposition for the city to illegally interfere with a private sale. As stated previously, spending money for this rather than what it was intended for is a misuse of tax payer money. Adventure Church is simply providing a safe place to a neighborhood that needs it!

Kassie Carbajal



**From:** [Jackson Carbajal](#)  
**To:** [Clerk](#)  
**Subject:** Opposition of City buying theater 1-LL ID22-613  
**Date:** Thursday, April 21, 2022 3:16:29 PM

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External Email: Use caution with links and attachments

1-LL ID22-613

Tower district is a scary place to be at certain times. I went down there for a zombie crawl 7 years ago and was stabbed 8 times. I'm lucky to be alive. I never wanted to return back to that area, for obvious reasons. That was until I met Pastor Anthony Flores. That man is a true example of how people should behave. Is he perfect? Absolutely not. But he treats people with love and respect, even when they don't treat him the same way. I came back to tower district ONLY to attend Adventure Church. It is an honor and a privilege to go to that church and be around the people that go there. I am completely against the city purchasing Tower Theater in an attempt to not let someone else use it. It's like a kid trying to take their toy away from someone only so they can't have it. It's very childish.

Jackson Carbajal

Sent from my iPhone

**From:** [pajia05@yahoo.com](mailto:pajia05@yahoo.com)  
**To:** [Clerk](#)  
**Subject:** Public comment regarding purchase of Tower Theater  
**Date:** Thursday, April 21, 2022 2:34:07 PM

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External Email: Use caution with links and attachments

I oppose the purchase of Tower Theater by the city. Our priority should be focus on promoting safety and addressing the many other pressing needs of our community.

Respectfully,  
Pajia Thao-Trevino

**From:** [Brandi Nuse-Villegas](#)  
**To:** [Clerk](#)  
**Subject:** Public comment, item 1-5  
**Date:** Wednesday, April 20, 2022 2:27:13 PM

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**External Email: Use caution with links and attachments**

Dear council. I know it is guaranteed that Turning point will get the increased funding. I ask that you reflect on the testimony of people who are at these shelters who have come to city council, the homeless townhall, and have been protesting poor treatment.

The city is responsible for this money and how it is used. I ask that you hold Turning Point and any provider accountable and ensure that the concerns that the residents have voiced, like being unfairly kicked out, be addressed. I ask for careful monitoring through third party to continue listening to the vulnerable people living in these places and ensure that every one is working in a professional, compassionate manner.

I also ask that this be the last funding to Turning Point and that the city invest in looking for alternative providers who are equipped to work with the unhoused community with dignity and the training needed, that is trauma informed, mental health informed, and so forth.

**From:** [Debby Jo Wagner](#)  
**To:** [Clerk](#)  
**Subject:** Purchase of the Tower Theater  
**Date:** Wednesday, April 20, 2022 11:09:40 PM

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**External Email:** Use caution with links and attachments

Message to the Fresno City Council;

The Tower Theater is at the center of our theater and arts district. To me it has always felt like the beating heart of Fresno. The Tower must remain a place that features live and filmed performance. It is critical to the life of the district and our city. I support the purchase of the theater by the City of Fresno.

Deborah Wagner, property owner and tax-payer in the city of Fresno

**From:** [Janet Baker](#)  
**To:** [Clerk](#)  
**Subject:** Re: Tower Theater acquisition  
**Date:** Thursday, April 21, 2022 11:54:56 AM

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External Email: Use caution with links and attachments

In addition to the previous comments, I believe the acquisition of the theater will benefit the city financially because of sales taxes that will come to the city from people making a night with a concert and dinner. There will be a greater feeling of safety in the neighborhood. When I lived in Merced I came to the Tower theater for events. This will not happen if Adventure is allowed to proceed with this sale. Janet Baker

Sent from my iPhone

> On Apr 21, 2022, at 10:55 AM, Janet Baker <[jkblawoffice@yahoo.com](mailto:jkblawoffice@yahoo.com)> wrote:

>

> I am watching the meeting this morning. I am in full support of the city's acquisition of the theater. I hope and pray that you not be intimidated by the threat of litigation in moving forward, as there are numerous improper dealings by the owner and Adventure Church in their proposed sale. I have been appalled at the failure to enforce zoning regulations and pandemic restrictions. Your proposed acquisition is fundamentally sound. Please move forward. Janet Baker

>

> Sent from my iPhone

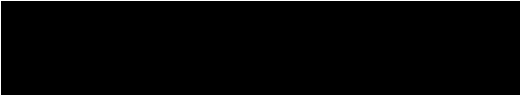
**From:** [Fools Collaborative](#)  
**To:** [Clerk](#); [Jerry Dyer](#); [Mike Karbassi](#); [Tyler Maxwell](#); [Luis Chavez](#); [Garry Bredefeld](#); [Nelson Esparza](#); [Esmeralda Soria](#); [Miguel Arias](#)  
**Subject:** Re: Tower Theatre- Community Letter for Public Comment on item 1-LL  
**Date:** Thursday, April 21, 2022 8:24:05 AM  
**Attachments:** [Community Letter SAVE TOWER.pdf](#)

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**External Email: Use caution with links and attachments**

An updated PDF version of our community letter is attached. Again, the zipcodes of all who signed, as well as additional commentary from many of the signers, can be provided upon request.

Thank you.

On Wed, Apr 20, 2022 at 10:35 PM Fools Collaborative  wrote:

Dear City Council Members,

We, the undersigned, represent Tower District stakeholders and supporters. We are writing to voice our united support for City of Fresno ownership of the Tower Theatre. For 15 months, the Tower District has been under threat of losing its economic base and cultural uniqueness because of the unlawful use of the Tower Theatre by Adventure Church, at the allowance of current theatre owner Laurence Abbate. The city's strategic inaction to enforce its own municipal codes has left the heavy lifting of defending the district squarely on the shoulders of local citizens. While none of us are naive enough to believe city ownership will be an entirely smooth and conflict-free solution for this situation, we all agree it is the best path forward at this time.

Among other insults, Anthony Flores has [alluded to our neighborhood](#) as "the gates of hell" and the "middle of the enemy's kingdom", and his fellow pastor DeShawn Carraway [has said](#) Tower is "where the greatest darkness [is]". Those of us who live, work, and play here believe Tower is a special, unique, and vital part of our city... AS IS. We have no desire to be given a "[redemptive lift](#)", and we resent the assertion that we need one. Adventure Church has never once made a positive case why they should be granted an extraordinary exception to the Tower District Specific Plan and Fresno Municipal Code, which were created to preserve the neighborhood's character and the interests of existing residents and businesses. In fact, they have spent the past year-and-a-half calling our community members "evil," "nasty," "liars" rather than addressing valid community concerns in a civilized way. They have also been the cause of various nuisances themselves, including monopolizing neighborhood parking, operating their sound equipment above legal volume requirements, and embracing and [facilitating the support](#) of Proud Boys and other alt-right extremists.

We need an entity operating the Tower Theatre who not only recognizes the vital economic, cultural, artistic, and historic contributions our neighborhood makes to the city and county of Fresno, but who appreciates and respects it as well. When the zoning and conditional use

permits of Tower businesses are no longer at risk, the Tower District can get back to business providing all of Fresno with a fun, eclectic, artistic nightlife scene. We will continue to pay close attention to the matter, even if this deal moves forward, but for now we applaud the leadership that the City Council has shown in taking bold action to finally resolve this conflict.

In Community,

The Fools Collaborative  
Tower District Marketing Committee  
Tower District Preservation Association  
Save Tower Theatre Demonstration Committee  
Chase Flower Shop  
Good Company Players  
Hi-Top Coffee  
House of FAB  
Irene's Cafe, Inc  
Libelula  
Lincoln Pub and Grub  
Livingstone's Restaurant  
Ragin' Records  
Roger Rocka's Dinner Theater  
Rogue Festival  
Root Access  
Tower Properties  
Aerial Arts Fresno  
Al's Distributing, Inc  
Anzula  
Blare Media  
Celaya home repair/Celaya Uber  
Color Me Chula Salon & Spa  
Crisp Pools  
Democratic Socialists of America, Fresno Chapter  
Designer's Image  
Divia Express Insurance Agency  
Fresbrew  
Fresloca  
Fresno EOC Sanctuary and Support Services  
Fresno Flyer  
Fresno Spectrum Center  
Fresno Free College Foundation  
Green Party of Fresno County  
Haydock Real Estate  
Healthy Environment for All Lives  
Hella Comfy  
Holy Shish  
Johnson Architecture  
Junk in the Trunk Thrift Store  
Ken Wagner Investigations  
Krystle Healing

Law Office of Dean B. Gordon  
KFCF Community Radio  
Neighborhood Industries  
Next Image Media  
Palo Verde Bakery  
Parola Design  
Phoenix Creative Collective  
Powers Electric Products  
Rakefet Unlimited  
RavenMortem Hearse Club  
Safe Space Personal Training Studio  
Shooting Stars Fresno  
Something Extra  
Sour Milk  
South Tower Trust  
SmileyCBD  
Sterlingworth Media  
Sunny Side Dancewear  
Swede Fest  
The Fresnan  
The Munro Review  
The Smokin Burrito  
Unapologetic Coterie  
UR Here Theater  
Unitarian Universalist Church of Fresno  
uSpark Valley  
Vintage Fresno  
Vivily Vintage  
Whites Moving and Storage  
Woven Community Presbyterian Church

3 Guys Playin' the Blues  
Art of Blisse  
Arthur Robinson: Freelance Photographer  
Eye Candy Entertainment  
For The Record  
JoyousArtBySarah  
JMBart  
Kamileos'  
Sad Kwon Do  
Sweet October Photography  
Carol Kim LCSW  
Toni M Onkka, LCSW

Rev. Anna Maria Lopez  
Rev. April Alkema  
Rev. Lily Dale Reed  
Rev. Simon Biasell  
Rev. Tim Kutzmark  
Pastor Julia Penner-Zook



Pastor Grace Spencer  
Pastor Katerina Friesen

And 1075+ individuals, of varied faiths, listed [here](#).\*

\*This is a partial list. We started collecting signatures Tuesday morning, and we'll provide an updated list tomorrow morning before the council meeting with others who sign between now and the meeting.

Please note that zipcodes of all who signed, as well as additional commentary from many of the signers, can be provided upon request. We are trying to limit this public link to bare minimum information as many of the Save Tower organizers and supportives have been doxxed and harassed during the past 15 months.

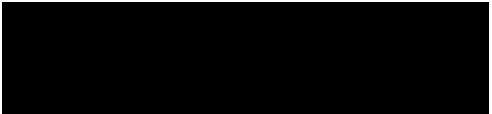
**From:** [Fools Collaborative](#)  
**To:** [Clerk](#); [Jerry Dyer](#); [Mike Karbassi](#); [Tyler Maxwell](#); [Luis Chavez](#); [Garry Bredefeld](#); [Nelson Esparza](#); [Esmeralda Soria](#); [Miguel Arias](#)  
**Subject:** Re: Tower Theatre- Community Letter for Public Comment on item 1-LL  
**Date:** Thursday, April 21, 2022 10:30:41 AM  
**Attachments:** [Community Letter - SAVE TOWER.pdf](#)

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**External Email: Use caution with links and attachments**

Apologies all. There was a glitch in that last letter and it was missing individuals with last names A- H. This is most current.

On Wed, Apr 20, 2022 at 10:35 PM Fools Collaborative wrote:



Dear City Council Members,

We, the undersigned, represent Tower District stakeholders and supporters. We are writing to voice our united support for City of Fresno ownership of the Tower Theatre. For 15 months, the Tower District has been under threat of losing its economic base and cultural uniqueness because of the unlawful use of the Tower Theatre by Adventure Church, at the allowance of current theatre owner Laurence Abbate. The city's strategic inaction to enforce its own municipal codes has left the heavy lifting of defending the district squarely on the shoulders of local citizens. While none of us are naive enough to believe city ownership will be an entirely smooth and conflict-free solution for this situation, we all agree it is the best path forward at this time.

Among other insults, Anthony Flores has [alluded to our neighborhood](#) as "the gates of hell" and the "middle of the enemy's kingdom", and his fellow pastor DeShawn Carraway [has said](#) Tower is "where the greatest darkness [is]". Those of us who live, work, and play here believe Tower is a special, unique, and vital part of our city... AS IS. We have no desire to be given a "[redemptive lift](#)", and we resent the assertion that we need one. Adventure Church has never once made a positive case why they should be granted an extraordinary exception to the Tower District Specific Plan and Fresno Municipal Code, which were created to preserve the neighborhood's character and the interests of existing residents and businesses. In fact, they have spent the past year-and-a-half calling our community members "evil," "nasty," "liars" rather than addressing valid community concerns in a civilized way. They have also been the cause of various nuisances themselves, including monopolizing neighborhood parking, operating their sound equipment above legal volume requirements, and embracing and [facilitating the support](#) of Proud Boys and other alt-right extremists.

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Libelula  
Lincoln Pub and Grub  
Livingstone's Restaurant  
Ragin' Records  
Roger Rocka's Dinner Theater  
Rogue Festival  
Root Access  
Tower Properties  
Aerial Arts Fresno  
Al's Distributing, Inc  
Anzula  
Blare Media  
Celaya home repair/Celaya Uber  
Color Me Chula Salon & Spa  
Crisp Pools  
Democratic Socialists of America, Fresno Chapter  
Designer's Image  
Divia Express Insurance Agency  
Fresbrew  
Fresloca  
Fresno EOC Sanctuary and Support Services  
Fresno Flyer  
Fresno Spectrum Center  
Fresno Free College Foundation  
Green Party of Fresno County  
Haydock Real Estate  
Healthy Environment for All Lives  
Hella Comfy  
Holy Shish  
Johnson Architecture  
Junk in the Trunk Thrift Store  
Ken Wagner Investigations  
Krystle Healing  
Law Office of Dean B. Gordon  
KFCF Community Radio  
Neighborhood Industries  
Next Image Media

Palo Verde Bakery  
Parola Design  
Phoenix Creative Collective  
Powers Electric Products  
Rakefet Unlimited  
RavenMortem Hearse Club  
Safe Space Personal Training Studio  
Shooting Stars Fresno  
Something Extra  
Sour Milk  
South Tower Trust  
SmileyCBD  
Sterlingworth Media  
Sunny Side Dancewear  
Swede Fest  
The Fresnan  
The Munro Review  
The Smokin Burrito  
Unapologetic Coterie  
UR Here Theater  
Unitarian Universalist Church of Fresno  
uSpark Valley  
Vintage Fresno  
Vivily Vintage  
Whites Moving and Storage  
Woven Community Presbyterian Church

3 Guys Playin' the Blues  
Art of Blisse  
Arthur Robinson: Freelance Photographer  
Eye Candy Entertainment  
For The Record  
JoyousArtBySarah  
JMBart  
Kamileos'  
Sad Kwon Do  
Sweet October Photography  
Carol Kim LCSW  
Toni M Onkka, LCSW

Rev. Anna Maria Lopez  
Rev. April Alkema  
Rev. Lily Dale Reed  
Rev. Simon Biasell  
Rev. Tim Kutzmark  
Pastor Julia Penner-Zook  
Pastor Grace Spencer  
Pastor Katerina Friesen

And 1075+ individuals, of varied faiths, listed [here](#).\*

\*This is a partial list. We started collecting signatures Tuesday morning, and we'll provide an updated list tomorrow morning before the council meeting with others who sign between now and the meeting.

Please note that zipcodes of all who signed, as well as additional commentary from many of the signers, can be provided upon request. We are trying to limit this public link to bare minimum information as many of the Save Tower organizers and supportives have been doxxed and harassed during the past 15 months.

**From:** [Andrea Gillo](#)  
**To:** [Miguel Arias](#); [Clerk](#); [Jerry Dyer](#); [Esmeralda Soria](#); [mike.karabassi@fresno.gov](mailto:mike.karabassi@fresno.gov); [Tyler Maxwell](#); [Luis Chavez](#); [Garry Bredefeld](#); [Nelson Esparza](#)  
**Subject:** Support acquisition of Tower Theater  
**Date:** Wednesday, April 20, 2022 10:48:39 PM

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External Email: Use caution with links and attachments

Hello,

I am a District 3 resident and I have made many statements expressing my disappointment at the council's inaction in this matter.

I want you to know that I fully support the city's intervention in purchasing the Tower Theater and hope that you will take further steps to ensure Fresno municipal code Section 15-1202 is enforced equally for all who wish to be a part of the Tower District community.

Thank You  
Andrea Gillo

Sent from iPhone

**From:** [REDACTED]  
**To:** [Clerk](#)  
**Subject:** Tower theater issue.  
**Date:** Wednesday, April 20, 2022 5:00:05 PM

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**External Email:** Use caution with links and attachments

As a resident and neighbor in the Tower District I approve of the City of Fresno's decision to purchase the Tower Theater. It is important to me that the neighborhood not be rezoned and drive business away.

Thank you for your time.

Deric P. McQueen

1329 N Van Ness Ave.

*Sent from my LG Stylo 5+, an AT&T 4G LTE smartphone*

**From:** [Nicole MacIntosh](#)  
**To:** [Clerk](#)  
**Subject:** Tower Theatre  
**Date:** Thursday, April 21, 2022 2:34:08 PM

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**External Email: Use caution with links and attachments**

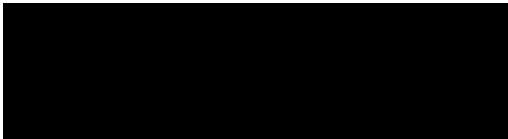
I oppose the purchase of the Tower Theatre by the City of Fresno. I do not want my tax dollars going to the City's purchase of the Tower Theatre.

Not only are they illegally interfering in a private sale, but they are planning on spending funds that should be going towards hiring more police officers, fixing up or building more parks (especially in the tower area where there are none!), or going to other areas in our city that are currently neglected.

Our tax dollars should not be used to over spend on a building that is already on the National Register of Historic Places that Adventure Church & it's volunteers work hard to clean up every week (which might I ad is continually graffitied and covered in needles, broken glass, cigarette butts, urine & feces) and improve to make ADA compliant while remaining in compliance with the orders as a historical building.

To say that this is a zoning issue is just an excuse. Adventure Church has the same intentions as the city claims they have to keep it as an entertainment venue with Sunday services being incidental. They claim we can use it as we always have, but will only allow us to rent it and not buy it. Clear and total discrimination.

Nicole Mac Intosh



***\* I am in the office Monday-Friday from 7am – 4pm***

**\* For Billing & Payment Release Inquiries, Contact** 

**\* For Subcontract, Submittal & Close-Out Inquiries, Contact** 

**\* For Insurance, RFI & Safety Inquiries, Contac** 



**From:** [Fools Collaborative](#)  
**To:** [Clerk](#); [Jerry Dyer](#); [Mike Karbassi](#); [Tyler Maxwell](#); [Luis Chavez](#); [Garry Bredefeld](#); [Nelson Esparza](#); [Esmeralda Soria](#); [Miguel Arias](#)  
**Subject:** Tower Theatre- Community Letter for Public Comment on item 1-LL  
**Date:** Wednesday, April 20, 2022 10:36:22 PM

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**External Email: Use caution with links and attachments**

Dear City Council Members,

We, the undersigned, represent Tower District stakeholders and supporters. We are writing to voice our united support for City of Fresno ownership of the Tower Theatre. For 15 months, the Tower District has been under threat of losing its economic base and cultural uniqueness because of the unlawful use of the Tower Theatre by Adventure Church, at the allowance of current theatre owner Laurence Abbate. The city's strategic inaction to enforce its own municipal codes has left the heavy lifting of defending the district squarely on the shoulders of local citizens. While none of us are naive enough to believe city ownership will be an entirely smooth and conflict-free solution for this situation, we all agree it is the best path forward at this time.

Among other insults, Anthony Flores has [alluded to our neighborhood](#) as "the gates of hell" and the "middle of the enemy's kingdom", and his fellow pastor DeShawn Carraway [has said](#) Tower is "where the greatest darkness [is]". Those of us who live, work, and play here believe Tower is a special, unique, and vital part of our city... AS IS. We have no desire to be given a "[redemptive lift](#)", and we resent the assertion that we need one. Adventure Church has never once made a positive case why they should be granted an extraordinary exception to the Tower District Specific Plan and Fresno Municipal Code, which were created to preserve the neighborhood's character and the interests of existing residents and businesses. In fact, they have spent the past year-and-a-half calling our community members "evil," "nasty," "liars" rather than addressing valid community concerns in a civilized way. They have also been the cause of various nuisances themselves, including monopolizing neighborhood parking, operating their sound equipment above legal volume requirements, and embracing and [facilitating the support](#) of Proud Boys and other alt-right extremists.

We need an entity operating the Tower Theatre who not only recognizes the vital economic, cultural, artistic, and historic contributions our neighborhood makes to the city and county of Fresno, but who appreciates and respects it as well. When the zoning and conditional use permits of Tower businesses are no longer at risk, the Tower District can get back to business providing all of Fresno with a fun, eclectic, artistic nightlife scene. We will continue to pay close attention to the matter, even if this deal moves forward, but for now we applaud the leadership that the City Council has shown in taking bold action to finally resolve this conflict.

In Community,

The Fools Collaborative  
Tower District Marketing Committee  
Tower District Preservation Association

Save Tower Theatre Demonstration Committee  
Chase Flower Shop  
Good Company Players  
Hi-Top Coffee  
House of FAB  
Irene's Cafe, Inc  
Libelula  
Lincoln Pub and Grub  
Livingstone's Restaurant  
Ragin' Records  
Roger Rocka's Dinner Theater  
Rogue Festival  
Root Access  
Tower Properties  
Aerial Arts Fresno  
Al's Distributing, Inc  
Anzula  
Blare Media  
Celaya home repair/Celaya Uber  
Color Me Chula Salon & Spa  
Crisp Pools  
Democratic Socialists of America, Fresno Chapter  
Designer's Image  
Divia Express Insurance Agency  
Fresbrew  
Fresloca  
Fresno EOC Sanctuary and Support Services  
Fresno Flyer  
Fresno Spectrum Center  
Fresno Free College Foundation  
Green Party of Fresno County  
Haydock Real Estate  
Healthy Environment for All Lives  
Hella Comfy  
Holy Shish  
Johnson Architecture  
Junk in the Trunk Thrift Store  
Ken Wagner Investigations  
Krystle Healing  
Law Office of Dean B. Gordon  
KFCF Community Radio  
Neighborhood Industries  
Next Image Media  
Palo Verde Bakery  
Parola Design  
Phoenix Creative Collective  
Powers Electric Products  
Rakefet Unlimited  
RavenMortem Hearse Club  
Safe Space Personal Training Studio

Shooting Stars Fresno  
Something Extra  
Sour Milk  
South Tower Trust  
SmileyCBD  
Sterlingworth Media  
Sunny Side Dancewear  
Swede Fest  
The Fresnan  
The Munro Review  
The Smokin Burrito  
Unapologetic Coterie  
UR Here Theater  
Unitarian Universalist Church of Fresno  
uSpark Valley  
Vintage Fresno  
Vivily Vintage  
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Art of Blisse  
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Rev. Anna Maria Lopez  
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**From:** [Greg Guerra](#)  
**To:** [Clerk](#)  
**Subject:** Tower Theatre council meeting  
**Date:** Thursday, April 21, 2022 2:38:02 PM

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**External Email: Use caution with links and attachments**

This is not a separate city funded program. They are wasting our money to interfere in a legal, private, and binding agreement. Money that this city already had previously allocated to the betterment of our parks!

If this goes through, we are allowing our city government to persecute religion, and we are setting a dangerous precedent that this city can take whatever they want from whoever they want with our money.

Government has no place in private property deals.

--

Greg Guerra



**From:** [Aaron Sciandra](#)  
**To:** [Clerk](#)  
**Subject:** Tower Theatre hearing tomorrow  
**Date:** Wednesday, April 20, 2022 2:21:37 PM

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**External Email: Use caution with links and attachments**

To whom it may concern:

I am writing to express my strong support for the city buying the Tower Theatre and preserving it as a cultural institution. Not only is this important, but it is absolutely crucial. The Tower District is the center of Fresno's queer and cultural communities. As a teenager I spent a lot of time at the Tower Theatre performing with the Fresno Youth Symphony. The theatre and surrounding neighborhood were enormously influential in my development as well as the development of so many others.

The Adventure "Church" is a morally bankrupt organization that has been outwardly hostile towards the queer community and is clearly profit motivated, despite being a registered 501(c)3. Despite calling themselves "Christians" they have continually conducted themselves in the least Christ-like manner possible. They have no place in the Tower District or the Tower Theatre. Fresno's queer and cultural communities are a huge part of what makes it so great and their preservation is crucial the future of the city.

Regards,  
Aaron Sciandra

**From:** [Brenda Sandoval](#)  
**To:** [Clerk](#)  
**Subject:** Tower Theatre  
**Date:** Thursday, April 21, 2022 9:18:06 AM

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**External Email: Use caution with links and attachments**

Hello Fresno,

As a born and raised citizen of Fresno, I would like to say that I adore our tower district. It has all the culture and history that makes Fresno...Fresno. Over these past handful of years Ive seen so much potential for Fresno's tower district as well as downtown. Let me tell you, that keeping these places alive is one of the best things that could be done for this City. Otherwise, Because of the amount of friends, family, colleagues and acquaintances I know, I do believe people will find not much culture/history in Fresno, and move out. It's something I dont want to see happen.

Help us to save Tower Theatre please.

Thank you!

--

*Brenda Ysel Sandoval*

**From:** [Desirae Gomez](#)  
**To:** [Clerk](#)  
**Subject:** Tower Theatre  
**Date:** Thursday, April 21, 2022 2:42:29 PM

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**External Email: Use caution with links and attachments**

Hello City Clerk,

I would like to add a comment to the meeting today discussing the city's proposal to purchase the Tower Theatre--

I strongly oppose the city of Fresno attempting to intervene with an existing private sale of the Tower Theatre.

Council members Soria and Arias have acted illegally to intervene with the private sale and the bilateral contract that is in place (this illegal interference with a private sale of a property is known as Tortious Interference).

The city should not spend taxpayer dollars in a losing legal battle.

The existing pending sale to Adventure Church is protected by real estate law and federal Religious Land Use and Institutionalized Persons Act. If this proposal is passed, the city of Fresno would illegally interfere with a private sale and violate both real estate and federal law.

The city has allowed religious persecution to go on too long. The city needs to intervene with protecting the people who attend church and are being harassed on a weekly basis (for over a year).

Best,

Desirae Gomez  
Adjunct Professor in Art



**Desirae Gomez MA**  
Adjunct Faculty  
Phone:



**CONFIDENTIALITY NOTICE:** This e-mail and its contents may contain privileged or confidential information. If you are not the intended recipient, you are hereby notified that disclosure or use of the information contained in or attached to this email is strictly prohibited, and we ask that you delete this email and its attachments without reading or saving it.



I want to respond to some of the public comments made by the attorney for AC: Relevant here because they AC's oppose the purchase proposal because they claim to be competitor purchasers. But the City's purchase is on solid legal ground because:

- a. I don't see a full and current contract in the public sources I've reviewed. I have not seen proof of an extension of AC's purchase contract with TTP, beyond March 2021; and if AC has such extension, it needs to publicly prove it.
- c. The City is not violating eminent domain law. The City does not limit itself to any particular statute or procedure and it is not violating any authority for the acquisition; TTP will instead simply sell the Theatre to the City in an arms length transaction, without formalities and delay under eminent domain statutes.
- d. As between the City and the megachurch corporation, the City has a compelling interest to purchase the building to avoid unmitigated harm that will come from restricting public access and conflicting with surrounding alcohol-serving businesses.
- e. I further note that AC failed to exhaust its administrative remedies. They have no basis to complain at this late stage that their purchase proposal needs to be revived. Instead, AC broke all social norms and never publicly explained nor sought input on its plans to purchase the building and restrict public access to it. It has arrogantly and blatantly flaunted its violations of the zoning ordinance, and told its membership that it is not subject to Tower District land use plans. Nor has the megachurch corporation ever explained how they would mitigate for the numerous conflicts they will cause in the short and long-term.

ITEM 22-613

# Where Religious Assemblies are Permitted Under Official Fresno Zoning Map

## Map Legend

- Fresno City Limit
- Where Churches are Allowed by Right or CUP Within City Limits
- Where Churches are Allowed in County Islands by CUP



2.5 5 mi

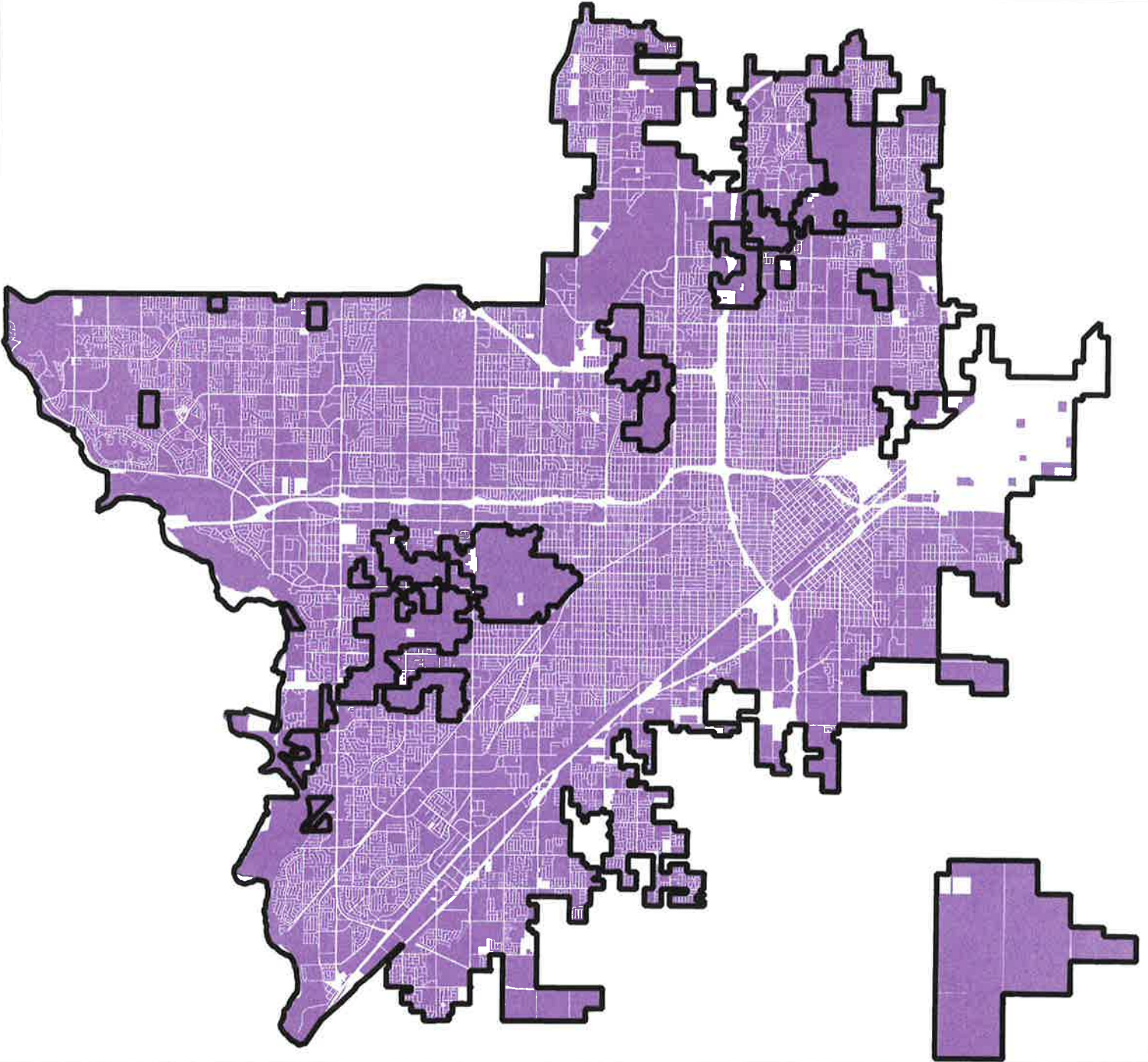


Permitted on approximately 56,000 acres, or approximately 93% of the total City of Fresno land area, and approximately 98% of all legal land parcels in the City (figures include totals of both large and small assemblies and exclude County islands).

Coordinate System: World Geodetic System 1984 (WGS 1984)

GIS Data Source: City of Fresno. (2022). Zoning [Data file]. Retrieved from <https://gis4u.fresno.gov/downloads/>

QGIS Development Team, 2022. QGIS Geographic Information System. Open Source Geospatial Foundation Project. <http://qgis.osgeo.org>.



ITEM 22-613