

City of Fresno

2600 Fresno Street

Fresno, CA 93721

www.fresno.gov



Meeting Minutes - Final

Thursday, May 12, 2022

9:00 AM

Regular Meeting

Council Chambers (In Person And/Or Electronic)

City Council

President - Nelson Esparza

Vice President - Tyler Maxwell

Councilmembers:

Esmeralda Z. Soria, Mike Karbassi, Miguel Angel Arias, Luis Chavez,

Garry Bredefeld

City Manager - Georgeanne A. White

City Attorney - Douglas T. Sloan

City Clerk - Todd Stermer, CMC

The City Council for the City of Fresno convened in regular session on May 12, 2022, at 9:00 A.M.

9:06 A.M. ROLL CALL

Councilmember Chavez was absent during roll call and joined the meeting at 9:37 A.M.

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

Invocation by Pastor Brian Erickson from The Well Community Church

Pledge of Allegiance to the Flag

APPROVE AGENDA

City Clerk Stermer announced Consent Calendar item 1-N (ID 22-756) pertaining to the appointment of Kathy Bray to the Planning Commission was removed from the agenda and tabled to May 26, 2022, by staff.

Consent Calendar item 1-DD (ID 22-752) regarding the Tower Theatre indemnity agreement was removed from the agenda by Councilmember Arias with no return date. Councilmember Karbassi motioned to keep the item on the agenda for further discussion. Councilmember Bredefeld seconded the motion which FAILED 2-4, as follows:

Aye: Karbassi, Bredefeld

No: Soria, Arias, Maxwell, Esparza

Absent: Chavez

City Attorney Sloan requested the meeting be adjourned in memory of Consultant Attorney, Larry Donaldson.

Councilmember Soria announced a conflict and recused herself from Consent Calendar item 1-FF (ID 22-731) pertaining to a resolution declaring

property at 887 Fulton Street to be surplus.

CONSENT CALENDAR ITEMS MOVED TO THE CONTESTED CONSENT CALENDAR FOR FURTHER DISCUSSION:

1-B (ID 22-701) pertaining to the removal of printing press and related equipment - moved to Contested Consent by Councilmember Arias.

1-L (ID 22-727) pertaining to the agreement with Campbell Strategy and Advocacy, LLC. - moved to Contested Consent by Councilmember Arias.

1-O (ID 22-707) pertaining to the agreement with Fresno-Madera Area Agency on Aging - moved to Contested Consent by Councilmember Arias.

1-U (ID 22-698) pertaining to a contract with Landscape Maintenance of America - moved to Contested Consent by Councilmember Arias.

AGENDA APPROVED AS AMENDED

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

Aye: 4 - Esparza, Maxwell, Soria and Arias

No: 2 - Karbassi and Bredefeld

Absent: 1 - Chavez

CEREMONIAL PRESENTATIONS

[ID 22-624](#) Proclamation for "CASA Awareness Day"

PRESENTED

[ID 22-720](#) Proclamation of "National Public Works Week"

PRESENTED

[ID 22-685](#) Proclamation for "National Bike Month"

PRESENTED

[ID 22-751](#) Proclamation for "Older Americans Month"

PRESENTED

COUNCILMEMBER REPORTS AND COMMENTS

Councilmember Soria discussed: the Veterans of Foreign Wars Post 8900 project off Ashlan and Blythe; the complete paving projects in District 1 off Norwich and Teilman Avenues; the upcoming paving projects off Ashcroft and Durant Avenues; upcoming community meetings regarding Fiscal Year 2023 budget, and; community input regarding the Blackstone and McKinley grade separation project.

Councilmember Karbassi gave well wishes to former Mayor Lee Brand following a recent surgery.

Councilmember Arias recognized the Daily Elementary School 3rd graders visiting the Council Chamber before their "Mock Council Meeting." He mentioned several park projects including the playground at Dublin Park, the air conditioner at Maxi Park, and the field lights and scoreboard at Hinton Center. He also requested a timeline for fixes to electric vehicle charging stations in downtown. Finally, Councilmember Arias discussed: the unveiling of a mural at JSK Park; a homeless encampment at Clinton and Valentine, and; downtown parking meter enforcement.

Councilmember Chavez discussed: the Butler Park tree trimming project; graffiti abatement efforts and budget needs, and; the Beautify Fresno cleanup event at Hanoians.

MAYOR/MANAGER REPORTS AND COMMENTS

City Manager White discussed: the upcoming Camp Fresno tour for Councilmembers; camping opportunities available at Camp Fresno, and; an award of a HomeKey 2 Grant for Parkway Inn. She also announced Brock Buche had been appointed Director of Public Utilities.

UNSCHEDULED COMMUNICATION

Upon call for public comment on all Consent Calendar, Closed Session and unscheduled communications the following members of the public addressed Council: Gary Doesekle, Fernando Paul Elizondo, Cindy Piombino, Jessica Mahoney, Karla Martinez, Lisa Flores, Robert

McCloskey, Alicia Rodriguez, Brandi Nuse-Villegas, Melanie Lamp, Dez Martinez, Haley White, Preston Moore, Ruben Espinoza and Lethal Garcia.

1. CONSENT CALENDAR

APPROVAL OF THE CONSENT CALENDAR

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

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

- 1.-A.** [ID 22-725](#) Approval of the Minutes of April 21, 2022 Regular City Council Meeting, the April 27, 2022 Special City Council Meeting, and the April 28, 2022 Regular City Council Meeting.

APPROVED ON CONSENT CALENDAR

- 1.-C.** [ID 22-616](#) Award a requirements contract in the amount of \$1,194,460.10 to Calgon Carbon Corporation, for delivery, installation, removal and destruction or regeneration of Granular Activated Carbon - Bid File 9625 (Citywide)

APPROVED ON CONSENT CALENDAR

- 1.-D.** [ID 22-664](#) Actions related to Senate Bill 1383 - California's Short-Lived Climate Pollutant Reduction Strategy:
1. BILL - (For introduction) Amending Section 6-223 of the Fresno Municipal Code, relating to special requirements for Commercial Edible Food Generators

BILL B-11 APPROVED, INTRODUCED AND LAID OVER

APPROVED ON CONSENT CALENDAR

- 1.-E.** [ID 22-713](#) Actions pertaining to the Water Main Replacement in Calwa Townsite, Phase I - area bounded by Orange, Church, Cedar, and Vine Avenues (Bid File 3825) (Council District 5 and Fresno County):
1. Adopt a finding of Categorical Exemption pursuant to Sections 15301(b)/Class 1 and 15302(c)/Class 2 of the California Environmental Quality Act
 2. Award a construction contract, inclusive of the City's adopted project labor agreement requirements, to West Valley Construction Company, Inc., of Fresno, California, in the amount of \$6,231,747

APPROVED ON CONSENT CALENDAR**1.-F. [ID 22-714](#)**

Actions pertaining to the reimbursement for water main construction related to the Fresno Unified School District Alternative Education and Campus and Administrative Office (Council District 5):

1. RESOLUTION - Considering Mitigated Negative Declaration SCH No. 2018101040 and adopting findings pursuant to CEQA Guidelines section 15162
2. Infrastructure reimbursement Agreement with Fresno Unified School District, to authorize reimbursement for the construction of a 16-inch diameter replacement water main in East Ventura Avenue from South Tenth Street west across the project frontage; a 16-inch diameter water main in East Ventura Avenue between South Ninth Street and South Cedar Avenue; and an 8-inch diameter water main in South Tenth Street between East Ventura Avenue and East Lane Avenue, in the amount of \$770,655.

RESOLUTION 2022-108 ADOPTED**APPROVED ON CONSENT CALENDAR****1.-G. [ID 22-715](#)**

Actions pertaining to a requirements contract to Repair Public Water Supply Well Pumping Assemblies (Bid File 9638) (City Wide):

1. Adopt a finding of Categorical Exemption pursuant to Section 15301/Class 1 (Existing Facilities) and Section 15302/Class 2 (Replacement or Reconstruction) of the California Environmental Quality Act (CEQA) Guidelines for the repair of public water supply well pumping assemblies;
2. Award a requirements contract to Rain for Rent, for a term of one year in the amount not to exceed \$844,251 per year, with provision for up to two one-year extensions

APPROVED ON CONSENT CALENDAR**1.-H. [ID 22-694](#)**

***RESOLUTION - Authorizing the Department of Public Utilities to enroll and participate in the California Low-Income Household Water Assistance Program (Subject to Mayor's Veto)

RESOLUTION 2022-109 ADOPTED**APPROVED ON CONSENT CALENDAR****1.-I. [ID 22-638](#)**

Memorandum of Understanding for Administrative Support between the City of Fresno and the Fresno Enhanced Infrastructure Financing District

APPROVED ON CONSENT CALENDAR

- 1.-J. [ID 22-723](#) ***BILL B-9 (Intro. 4/28/2022) (For Adoption) - Amending the Fireworks Ordinance, FMC sections 10-55602.2 to 10-55602.4, to add liability for "social hosts" and increase the fine structure of the fireworks ordinance (Subject to Mayor's Veto).

ORDINANCE 2022-009 ADOPTED

APPROVED ON CONSENT CALENDAR

- 1.-K. [ID 22-726](#) Approve a Consultant Services Agreement with Simon and Company, Inc. for an amount not to exceed \$129,999.92 for Professional Lobbying and Consulting Services in Washington DC.

APPROVED ON CONSENT CALENDAR

- 1.-M. [ID 22-734](#) Approve an agreement between the City of Fresno and Fresno Humane Animal Services to provide animal control services in the amount not to exceed \$ 6,500,000 for a 14-month term beginning May 12, 2022 through June 30, 2023.

APPROVED ON CONSENT CALENDAR

- 1.-N. [ID 22-756](#) Approve the Appointment of Kathy Bray to the Planning Commission (Resident of District 7)

The above item was removed from the agenda and tabled to May 26, 2022, by staff.

TABLED

- 1.-P. [ID 22-716](#) Actions pertaining to the Fresno City Employees Association (FCEA) for Unit 3
1. ***Adopt a Side Letter of Agreement with the Fresno City Employees Association (FCEA) for Unit 3, Non-Supervisory White Collar (Subject to Mayor's Veto)
 2. ***RESOLUTION- Adopting the Seventeenth Amendment to Fiscal Year 2022 Salary Resolution No. 2021-176, amending Exhibit 3, Unit 3, Non-Supervisory White Collar (FCEA), as required by the Side Letter of Agreement with the Fresno City Employees Association (Subject to Mayor's Veto)

RESOLUTION 2022-112 ADOPTED

APPROVED ON CONSENT CALENDAR

- 1.-Q. [ID 22-739](#) Actions pertaining to Hiring Incentives and Referral Incentives for Qualified Police Officer Recruits, Lateral Police Officers, and Lateral Emergency Services Dispatcher II/IIIs:

1. ***RESOLUTION- Adopting the Eighteenth Amendment to FY 2022 Salary Resolution No. 2021-176, adding a new Section 26 to provide a Referral Incentive for employees who refer eligible candidates for Police Officer Recruit, lateral Police Officer, and lateral Emergency Services Dispatchers II or III who are hired by the City; and renumbering subsequent sections of the Salary Resolution accordingly (Subject to Mayor's Veto)
2. ***Approve a Side Letter of Agreement with the Fresno Police Officers Association (FPOA), for Unit 4 - Non-Management Police, regarding Police Officer Lateral Hire Incentives (Subject to Mayor's Veto)
3. ***Approve a Side Letter of Agreement with the Fresno City Employees Association (FCEA), for Unit 3 - Non-Supervisory White Collar, regarding Emergency Services Dispatcher Lateral Hire Incentives (Subject to Mayor's Veto)

RESOLUTION 2022-113 ADOPTED

APPROVED ON CONSENT CALENDAR

- 1.-R. [ID 22-729](#) Actions pertaining to a Donation Agreement with River Park Properties II, a California limited partnership for APN 456-030-44 located north of the intersection at Belmont Avenue and DeWitt Avenue (Council District 7):
1. Adopt a finding of no possibility of significant effect pursuant to CEQA Guidelines Section 15061(b)(3)
 2. Approve an Agreement for Donation of Property for 5.53 acres of housing development.

APPROVED ON CONSENT CALENDAR

- 1.-S. [ID 22-549](#) ***RESOLUTION - Adopting the 62nd amendment to the Annual Appropriation Resolution (AAR) No. 2022-178 to appropriate \$1,000,000 in the City of Fresno Local Housing Trust Fund (Requires 5 Affirmative Votes) (Subject to Mayor's Veto)

RESOLUTION 2022-114 ADOPTED

APPROVED ON CONSENT CALENDAR

- 1.-T. [ID 22-724](#) ***BILL B- 10 (Intro. 4/28/2022) (For Adoption) - Adding Chapter 5, Article 6 to the Fresno Municipal Code establishing rules for the Fresno Police Department to fund, acquire and use military equipment as defined in Assembly Bill 481 (Subject to Mayor's Veto).

ORDINANCE 2022-010 ADOPTED

APPROVED ON CONSENT CALENDAR

- 1.-V. [ID 22-695](#) Approve Contract Change Order No. 02 in the amount of \$105,795 and forty-five (45) additional contract working days to Nor-Cal Pump & Well Drilling for the Drill New Production Well at Pump Station 36A project, Project ID WC00016 (Council District 5 and Fresno County)

APPROVED ON CONSENT CALENDAR

- 1.-W. [ID 22-699](#) Approve an agreement for Professional Engineering Services with Provost and Pritchard Engineering Group Inc. in the amount of \$149,900 with a \$10,000 contingency for design and construction support services for the Blackstone Avenue Smart Mobility Project between Shields Avenue and McKinley Avenue (Council District 7)

APPROVED ON CONSENT CALENDAR

- 1.-X. [ID 22-696](#) Actions pertaining to the Audubon Avenue and Nees Avenue Traffic Signal Modification Project - Bid File 3821 (Council District 2):
1. Adopt a finding of Categorical Exemption per staff determination pursuant to Section 15301/Class 1, Section 15302/Class 2, and Section 15304/Class 4 of the California Environmental Quality Act (CEQA) Guidelines
 2. Award a construction contract in the amount of \$598,236.50 to American Paving Co., of Fresno, California

APPROVED ON CONSENT CALENDAR

- 1.-Y. [ID 22-697](#) Action pertaining to Resolution of Intention Number 1148-D to vacate a portion of the northeast corner of North Van Ness Avenue and East Weldon Avenue (Council District 1):
1. RESOLUTION - Adopting Resolution of Intention Number 1148-D to vacate a portion of the northeast corner of North Van Ness Avenue and East Weldon Avenue

APPROVED ON CONSENT CALENDAR

- 1.-Z. [ID 22-700](#) Actions pertaining to Final Map of Tract No. 6211:
RESOLUTION - Approving the Final Map of Tract No. 6211, of Vesting Tentative Tract Map No. 6211, and accepting dedicated public uses offered therein except for dedications offered subject to City acceptance of developer installed required improvements - located on the West side of North Millbrook Avenue, between East Nees Avenue and East Goshen Avenue (Council District 6)

RESOLUTION 2022-115 ADOPTED

APPROVED ON CONSENT CALENDAR

- 1.-AA. [ID 22-706](#) Actions pertaining to the Blythe Avenue and Gates Avenue Traffic Signal

Improvement Project - Bid File 3845 (Council District 2):

1. Adopt a finding of Categorical Exemption per staff determination pursuant to Section 15301/Class 1 of the California Environmental Quality Act (CEQA) Guidelines
2. Award a construction contract in the amount of \$507,777 to Alfaro Communications Construction, Inc. of Compton, California

APPROVED ON CONSENT CALENDAR

- 1.-BB. [ID 22-693](#) **RESOLUTION** - Of Intention to Annex Parcel Map No. 2020-05 as Annexation No. 54 to the CITY OF FRESNO COMMUNITY FACILITIES DISTRICT NO. 9 and to Authorize the Levy of Special Taxes; and setting the public hearing for THURSDAY, JUNE 23, 2022, at 10:00 am (Northeast corner of South Maple Avenue and East Jensen Avenue) (Council District 5)

RESOLUTION 2022-116 ADOPTED

APPROVED ON CONSENT CALENDAR

- 1.-CC. [ID 22-711](#) **RESOLUTION** - (1) Authorizing the California Statewide Communities Development Authority to form a Community Facilities District within the territorial limits of the City of Fresno to finance certain public improvements and development impact fees; (2) embodying a joint community facilities agreement setting forth the terms and conditions of the community facilities district financing; and (3) authorizing staff to cooperate with the authority and its consultants in connection therewith. (Property located near the intersection of East Belmont Avenue and North Armstrong Avenue, in Council District 5)

RESOLUTION 2022-117 ADOPTED

APPROVED ON CONSENT CALENDAR

- 1.-DD. [ID 22-752](#) Actions relating to Tower Theatre indemnity agreement:
1. Approve amendment to joint litigation, defense, and indemnity agreement by and between the City of Fresno, the Tower Theatre Entities, and Sequoia Brewery
 2. Approve issuance of subpoena for Lawrence Abbate

The above item was removed from the agenda by Councilmember Arias with no return date.

TABLED

- 1.-EE. [ID 22-763](#) ***RESOLUTION - Approving a program providing zero fare for seniors,

Medicare card holders, and persons with disability placards (Subject to Mayor's Veto)

RESOLUTION 2022-119 ADOPTED

APPROVED ON CONSENT CALENDAR

JOINT MEETING OF THE CITY COUNCIL, THE CITY OF FRESNO IN ITS CAPACITY AS HOUSING SUCCESSOR TO THE REDEVELOPMENT AGENCY OF THE CITY OF FRESNO AND THE FRESNO REVITALIZATION CORPORATION

1.-FF. [ID 22-731](#)

***RESOLUTION- Declaring property at 887 Fulton Street generally located at the southwest corner of Fulton and Kern Streets (APN 468-282-21T) to be surplus and directing staff to comply with the Surplus Land Act (Subject to Veto).

Councilmember Soria recused herself from the above item.

RESOLUTION 2022-118 ADOPTED

APPROVED ON CONSENT CALENDAR

CONTESTED CONSENT CALENDAR

1.-B. [ID 22-701](#)

Reject all proposals for the removal of printing press and related equipment located at 1626 E Street, Fresno, California (Bid File 3851) (District 3)

There was no staff presentation on the above item. Councilmember Arias asked about the timeline and process to rebid. Public Utilities Director Buche responded to questions.

APPROVED

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

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

1.-L. [ID 22-727](#)

Approve a Consultant Services Agreement with Campbell Strategy and Advocacy, LLC., for an Amount Not to Exceed \$180,000 annually, for Professional Lobbying and Consulting Services.

There was no staff presentation on the above item. Governmental Affairs Manager Ellis responded to questions.

Discussion on this item included: not utilizing the lobbyist for online gambling; the benefits of a policy requiring Council approval before declaring City of Fresno support of items; monthly reports to Councilmembers; regular meetings and updates from the lobbyist to Councilmembers, and; the benefits to the City of Fresno from lobbyist activities.

APPROVED

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

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

- 1.-O. [ID 22-707](#)** Actions pertaining to an agreement with Fresno-Madera Area Agency on Aging:
1. Approve a one-year agreement between the City of Fresno (City) and the Fresno-Madera Area Agency on Aging (FMAAA) for the Senior Hot Meals Program at seven senior center sites. The term of the agreement is from the date of execution to June 30, 2024.
 2. Authorize the Director of Parks, Afterschool, Recreation, and Community Services (PARCS) Department to execute the agreement on behalf of the City with FMAAA in the amount of \$162,512 with \$50,000 being appropriated in Fiscal Year (FY) 2022 to support startup expenses. The agreement is funded by the American Rescue Plan and administrated by FMAAA with a 100% match requirement from the City; match will be met through volunteer hours and the in-kind value of space utilized for programming according to the Master Fee Schedule.
 3. ***RESOLUTION - Authorizing the PARCS Director to execute the agreement with FMAAA. (Subject to Mayor's Veto)
 4. ***RESOLUTION - Adopting the 67th Amendment to the Annual Appropriation Resolution (AAR) No. 2021-178 to appropriate \$50,000 towards a one-year agreement to support the Senior Hot Meals Program (Requires 5 Affirmative Votes) (Subject to Mayor's Veto)

There was no staff presentation on the above item. PARCS Assistant

Director Ramirez and PARCS Director Aguirre responded to questions.

Discussion on this item included: Senior Hot Meals Program funding and long-term plans. Councilmember Chavez requested to meet with the PARCS department to discuss options for taking meals off-site and transportation issues.

RESOLUTION 2022-110 ADOPTED

RESOLUTION 2022-111 ADOPTED

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

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

- 1.-U.** [ID 22-698](#) Award a requirements contract to Landscape Maintenance of America dba California Highway Adoption Company, in the amount of \$865,956 for a one year contract for highway litter removal.

There was no staff presentation on the above item. City Manager White, Public Works Assistant Director Russell, and Jason Miao, CalTrans Chief of Maintenance, responded to questions.

City Attorney Sloan explained the contract could be awarded on the basis of best value as opposed to lowest bidder.

Discussion on this item included: the dollar difference between the bidders; local minority owned businesses; safety records; experience working on freeways; qualifications; locals employed by the applicants, and; contract timelines.

APPROVED AS AMENDED

On motion of Councilmember Arias, seconded by Councilmember Soria, that the above Action Item be APPROVED AS AMENDED to award the contract to the lowest bidder Scrubcan Inc. The motion carried by the following vote:

Aye: 5 - Esparza, Maxwell, Soria, Arias and Chavez

No: 2 - Karbassi and Bredefeld

2. SCHEDULED COUNCIL HEARINGS AND MATTERS

10:00 A.M. #1

[ID 22-686](#) Appearance by Troy Fox to discuss COVID and Homelessness

Vice President Maxwell called for the speaker at 10:10 A.M.

DID NOT APPEAR

(CONTINUED to MAY 26, 2022) 10:00 A.M. #2

[ID 22-659](#) HEARING to receive public comment on the 2021 Housing Element Annual Progress Report

The above item was removed from the agenda and tabled to May 26, 2022.

TABLED

(CONTINUED TO May 26, 2022) 10:05 A.M. #1

[ID 22-660](#)

Actions pertaining to the 2022-2023 Annual Action Plan:

1. HEARING to obtain public comments regarding the Draft 2022-2023 Annual Action Plan; and
2. ***RESOLUTION - Adopting the 2022-2023 Annual Action Plan; approving submission to the U.S. Department of Housing and Urban Development (HUD) for application of \$7,535,331.93 Community Development Block Grant (CDBG), \$3,694,681 HOME Investment Partnerships (HOME), \$606,586 Emergency Solutions Grant (ESG), and \$875,943 Housing Opportunities for Persons with AIDS/HIV (HOPWA) program funds; providing for subrecipient agreements; and Authorizing the City Manager to sign all implementing documents required by HUD as approved to form by the City Attorney (Subject to Mayor's veto)

The above item was removed from the agenda and tabled to May 26, 2022.

TABLED

(CONTINUED TO May 26, 2022) 10:05 A.M. #2

[ID 22-730](#) HEARING to Consider a Major Amendment to Section 3.9(a) of the West

Creek Village Development Agreement filed by Jeff Reid of McCormick Barstow LLP, on behalf of Sylvesta Hall of Blue Ocean Development America, LLC, pertaining to ±115 acres of property bounded by East Church Avenue to the north, South Martin Luther King, Jr. Boulevard to the east, East Jensen Avenue to the south, and South Knight Avenue to the west (Council District 3).

1. **ADOPT** an Addendum to Environmental Assessment No. A-17-007/R-17-010/TPM-17-06/ANX-17-005 dated August 24, 2017 and Environmental Assessment No. P18-03290 dated February 13, 2020, in accordance with Section 15164 of the California Environmental Quality Act (CEQA) Guidelines.
2. **BILL - (For introduction)** - Approving an amendment to Section 3.9(a) of the West Creek Village Development Agreement.

The above item was removed from the agenda and tabled to May 26, 2022.

TABLED

11:00 A.M.

[ID 22-741](#) Appearance by John A. Costa to discuss the Roles and Benefits of Amalgamated Transit union (ATU) at the Federal and Local Levels

Vice President Maxwell called for the speaker at 11:17 A.M.

Discussion on this item included: ATU leveraging resources; additional resources for transportation; contract negotiations; lack of information provided to council; video cameras; industry standard on cameras; ATU leadership changes; Council and ATU communication gaps, and; essential workers.

APPEARED

3. GENERAL ADMINISTRATION

There were no General Administration items on the agenda.

4. CITY COUNCIL

There were no City Council items on the agenda.

5. CLOSED SESSION

Upon conclusion of the open session items, Council adjourned into closed session at 11:35 A.M.

Before entering closed session, City Attorney Sloan announced each of the closed session items to be discussed and stated there would be no announcements.

- 5.-A. [ID 22-766](#) CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Government Code Section 54956.8 Property: 1343 E. Barstow; Negotiating Parties: City Manager, Wesley United Methodist Church; Under Negotiation: Price and terms of sale or lease.

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

DISCUSSED

- 5.-B. [ID 22-755](#) CONFERENCE WITH LEGAL COUNSEL - DECIDING WHETHER TO INITIATE LITIGATION Government Code Section 54956.9, subdivision (d) (4)
Case Name: *City of Fresno v. Chinatown Revitalization, Inc.*

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

DISCUSSED

- 5.-C. [ID 22-738](#) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
Government Code 54956.9(d)(1);
Existing Litigation: J & A Mash & Barrel, LLC. v. Superior Court of Fresno County

Government Code section 54956.9(d)(2);
Claim by Adventure Church against City of Fresno dated May 4, 2022

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

DISCUSSED

- 5.-D. [ID 22-753](#)

CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION

Government Code Section 54956.9, subdivision (d)(1)

Case Name: *Janel Nadeau v. City of Fresno, et al.*;

Tristar Risk Management Claim No.: 1010102046-ADR-1

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

DISCUSSED

5.-E. [ID 22-754](#)

CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION

Government Code Section 54956.9, subdivision (d)(1)

Case Name: *Brian Rogers v. City of Fresno, et al.*;

Tristar Risk Management Claim No.: 1010104071-ADR-1.

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

DISCUSSED

5.-F. [ID 22-735](#)

CONFERENCE WITH LABOR NEGOTIATORS - Government Code Section 54957.6

City Negotiator: TJ Miller

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

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

DISCUSSED

5.-G. [ID 22-740](#)**PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

1. Government Code Section 54957(b): consider the appointment, employment, evaluation of performance, discipline, or dismissal of a public employee.

Title: City Attorney

2. Government Code Section 54957.6: conference with labor negotiator.

City Negotiator: Council President Nelson Esparza

Unrepresented Employee: City Attorney

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

DISCUSSED

ADJOURNMENT

City Council adjourned from closed session at 3:59 P.M. and in memory of Consultant Attorney Larry Donaldson.

These minutes were approved by unanimous vote of the City Council during the May 26, 2022 Regular Council meetings.