

City of Fresno

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



Meeting Agenda - Final

Thursday, November 17, 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 - Georgianne A. White

Interim City Attorney - Rina Gonzales

City Clerk - Todd Stermer, CMC

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

You can participate in the meeting on our City's website click on the URL <https://fresno.legistar.com/Calendar.aspx> and click on the "In progress" link under "video" for the corresponding meeting. The Council meeting can also be viewed live at 9:00 A.M. on Comcast Channel 96 and AT&T Channel 99.

PUBLIC COMMENT: The following options are available for members of the public who want to address City Council:

1. eComment at <https://fresno.legistar.com/Calendar.aspx>.

a) eComments is a tool for citizens to comment on agenda items and those comments will become part of the official record. eComments will be available as soon as the agenda is published and will close 24 hours prior to the start of the meeting. The User Agreement and Procedures document for eComment can be accessed by the URL <https://www.fresno.gov/cityclerk/>

b) eComments will be a maximum of 450 words.

OR

2. You are invited to a Zoom webinar.

When: November 17, 2022, 9:00 AM Pacific Time (US and Canada)

Topic: November 17, 2022, Regular Meeting

a) Register in advance for this webinar:

https://zoom.us/webinar/register/WN_yRVODaOsSdWVmGB1LfX2_Q

After registering, you will receive a confirmation email containing information about joining the webinar.

b) If you do not wish for your name to appear on the screen, then use the drop down menu and click on "rename" to rename yourself.

c) If you wish to address Council during the public comment portion of the agenda, click on the icon labeled "Participants" at the bottom center of your PC or Mac screen. At the bottom of the window on the right side of the screen, click the icon labeled "RaiseHand". Your digital hand will now be raised.

d) Those addressing Council must state their name for the record.

e) To facilitate electronic access, no person shall speak until recognized by the Presiding Officer.

OR

3. Email: to clerk@fresno.gov

a) Residents may also email comments to be read during the meeting. Please include the agenda date and item number you wish to speak on in the subject line of your email.

b) Emails will be a maximum of 450 words.

c) All comments received will be distributed to Council prior and during the meeting and will be a part of the official record.

Pursuant to Rule 11 (c) of the Rules of Procedure for the City Council of the City of Fresno, no documents shall be accepted for Council review unless submitted to the City Clerk at least 24 hours prior to the Council Agenda item be heard.

All participants will be on mute until they are called upon at which point they will be unmuted. To prevent participants from having their video on, we will remove the option to show their video.

The City of Fresno's goal is to comply with the Americans with Disabilities Act. If you need additional accommodations such as interpreters, sign language signers, or the services of a translator, please contact the office of the City Clerk at (559) 621-7650 or clerk@fresno.gov. To ensure availability, you are advised to make your request at least three business days prior to the meeting.

9:00 A.M. ROLL CALL

Invocation by Rev. Elisa Loera, Senior Pastor with Christian Temple Fresno

Pledge of Allegiance to the Flag

APPROVE AGENDA

CEREMONIAL PRESENTATIONS

[ID 22-1732](#) Proclamation for “National Caregivers Month”
Sponsors: Vice President Maxwell and Councilmember Karbassi

[ID 22-1190](#) Proclamation for “World Day of Remembrance for Road Traffic Victims”
Sponsors: Councilmember Karbassi and Vice President Maxwell

[ID 22-1743](#) Proclamation for “Lung Cancer Awareness Month”
Sponsors: Council President Esparza

COUNCILMEMBER REPORTS AND COMMENTS

MAYOR/MANAGER REPORTS AND COMMENTS

UNSCHEDULED COMMUNICATION

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

1. CONSENT CALENDAR

1.-A. [ID 22-1751](#) Approval of the minutes for November 3, 2022, Regular Meeting.
Sponsors: Office of the City Clerk

1.-B. [ID 22-1757](#) ***RESOLUTION - Declaring a proper purpose for separation of emergency and non-emergency demolition contracts in the procurement process. (Subject to Mayor Veto)
Sponsors: City Attorney's Office

1.-C. [ID 22-1739](#)

Actions pertaining to American Rescue Plan Act (ARPA) funding to Community Based Organizations (CBOs)

1. Approve an agreement with Arte Americas allocating \$413,175 in ARPA funding to complete needed capital improvements and necessary repairs to the Arte Americas building and surrounding property.
2. Adopt a finding of Categorical Exemption pursuant to CEQA Guidelines Section 15301/Class 1 for to proposed project pursuant to the California Environmental Quality Act (CEQA)

Sponsors:

Finance Department

1.-D. [ID 22-1753](#)

Actions pertaining to American Rescue Plan Act (ARPA) funding to Community Based Organizations (CBOs)

1. Approve an agreement with Fresno Area Hispanic Foundation allocating \$2,000,000 in ARPA funding to provide: \$1,000,000 in micro grants to underserved and minority small business that have suffered negative economic impacts; \$500,000 to small businesses that are at risk of eviction due to the COVID-19 pandemic; and \$500,000 for a micro-business assistance program specific to mobile food vendors.

Sponsors:

Finance Department

1.-E. [ID 22-1749](#)

***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)

Sponsors:

Fire Department

1.-F. [ID 22-1750](#)

***BILL B-36 (Intro'd 11/3/2022) (For Adoption) - Adopting express findings of necessity related to local climatic, topographical, and geological conditions, which make the City's amendments to the California Fire Code reasonably necessary, repealing Article 10 of Chapter 5, and adding Article 10 to Chapter 5 of the Fresno Municipal Code relating to fire and life safety regulations (Subject to Mayor's Veto)

Sponsors:

Fire Department

1.-G. [ID 22-1756](#) Approve a change order in the amount of \$1,131,160 to a purchase contract with 72 HOUR LLC previously awarded by Council on September 29, 2022, to increase the quantity of Dodge Durango marked patrol vehicles from 80 to 105 for a total revised contract value of \$4,750,870.04 (Bid File 12300303)

Sponsors: General Services Department

1.-H. [ID 22-1684](#) Approve the award of a cooperative purchase agreement to PB Loader of Fresno, California, for the purchase of two Freightliner asphalt patch trucks in the amount of \$362,054 for the Department of Public Utilities

Sponsors: General Services Department

1.-I. [ID 22-1506](#) Actions pertaining to Master License Agreement for Small Cell Infrastructure with Verizon Wireless:
1. Adopt a finding of Categorical Exemption pursuant to CEQA Guidelines Section 15301/Class 1 for the Proposed Project pursuant to the California Environmental Quality Act (CEQA);
2. Approve a Master License Agreement with MSA Limited Partnership, d/b/a Verizon Wireless for placement of telecommunication equipment on City assets as defined by Federal Communications Commission (FCC) Order 18-133.

Sponsors: Information Services Department

1.-J. [ID 22-1736](#) Approve the purchase of computer equipment (laptops and docking stations) from Dell Technologies (Dell) in an amount not to exceed \$1.6 million, utilizing National Association of State Procurement Officials (NASPO) Contract MNWNC-108/715034003 as part of the Citywide Computer Replacement Plan.

Sponsors: Information Services Department

1.-K. [ID 22-1658](#) Actions pertaining to the California Violence Intervention and Prevention Grant 2022 (CalVIP 2022) awarded to the City of Fresno (City) on June 9, 2022:
1. ***RESOLUTION - Adopting the 2nd Amendment to "A Resolution of the Council of the City of Fresno Establishing

the Number of Positions Authorized in the Various Departments and Offices of the City for Fiscal Year 2023," Resolution No. 2022-153 (PAR), adding one Community Coordinator position in the Office of Neighborhood Safety and Community Engagement Division (ONSCE) within Parks, After School, Recreation and Community Services (PARCS) Department funded under the CalVIP 2022 grant. (Subject to Mayor's Veto)

2. ***RESOLUTION - Adopting the 12th Amendment to the Annual Appropriation Resolution (AAR) No. 2022-154 appropriating \$607,900 of the CalVIP 2022 grant award for year one programming and grant administration for Camp Fresno, Fresno Summer Nights, and Street Outreach Training Modules. (Requires five affirmative votes) (Subject to Mayor's Veto)

Sponsors: Parks, After School and Recreation and Community Services Department

1.-L. [ID 22-1713](#)

***RESOLUTION - Authorizing the Director or Designee of the Parks, After School, Recreation and Community Services (PARCS) Department to Submit a Grant Application to KABOOM! to Fund and Implement Community Engagement, Project Management, Design, and Community Organizing for the Construction of a New Play Structure at University Park, and Authorizing Execution of the Grant Agreement and Any Related Documents with KABOOM! By the PARCS Director or Designee (Subject to Mayor's Veto) (Council District 4).

Sponsors: Parks, After School and Recreation and Community Services Department

1.-M. [ID 22-1765](#)

Actions pertaining to amendments to resolutions and ordinances related to compensation and benefits for city employees and charter officials

1.***RESOLUTION - Adoption of 5th Amendment to the FY 2023 Salary Resolution No. 2022-152 (Subject to Mayor's Veto)

2.***RESOLUTION - Adoption of Amendment to the "Transparency in City Government Act" (Transparency Act) (Subject to Mayor's Veto)

3.*** Resolution Adopting the 3rd Amendment to "A

Resolution of the Council of the City of Fresno Establishing the Number of Positions Authorized in the Various Departments and Offices of the City for Fiscal Year 2023 removing the 8 positions from the Budget Division of the Mayor and City Manager's Offices and adding 10 positions to the newly created Department of Budget and Management Studies (Subject to Mayor's Veto)
4. Introduction of Bill, Amending Ordinance No. 2022-22 of the Fresno Municipal Code and Adopting an Ordinance Setting Forth the Compensation of Elective Officers
5. Introduction of Bill, Amending Ordinance No. 2017-10 of the Fresno Municipal Code and Adopting an Ordinance Related to Reimbursement of Expenses for Elected Officials

Sponsors:

Personnel Services Department

1.-N. [ID 22-1650](#)

Actions pertaining to the Travel Inn Shelter:

1. Affirm the City Manager's finding that Elevate Community Services is uniquely qualified to operate the Travel Inn Shelter; and
2. Approve an Emergency Solutions Grant- Coronavirus Agreement with Elevate Community Services in the amount of \$253,266.21 to add three full time case managers to the staff at the Travel Inn Shelter.

Sponsors:

Planning and Development Department

1.-O. [ID 22-1731](#)

RESOLUTION - Authorizing the submission of grant applications to the United States Department of Transportation 2022 Strengthening Mobility and Revolutionizing Transportation Grants Program totaling up to \$2 million in requests for funding; and authorizing the execution of grant application and grant agreement documents by the Public Works Director.

Sponsors:

Public Works Department

1.-P. [ID 22-1733](#)

Approve the First Amendment to the Consultant Services Agreement with MLA Green Inc., DBA Studio MLA in the amount of \$44,000, increasing the total contract amount to \$859,695, for landscape architectural design services and preparation of construction documents for the No.13 Park at MLK Magnet Core Project (Council District 3)

<u>Sponsors:</u>	Public Works Department
1.-Q. ID 22-1655	Approve the Fourth Amendment to the consultant services agreement with Blair, Church & Flynn Consulting Engineers, Inc., to expand scope of services and increase the contract amount by \$80,900, for an amended total not to exceed amount of \$407,868, for the Van Ness Avenue Transmission Grid Main Project. (District 3)
<u>Sponsors:</u>	Department of Public Utilities
1.-R. ID 22-1742	Reject the sole bid received for the Northeast Surface Water Treatment Facility Sodium Hypochlorite Tank Replacement (Bid File 3881) (Council District 6)
<u>Sponsors:</u>	Department of Public Utilities
1.-S. ID 22-1738	Actions pertaining to the water main replacement along East Jensen Avenue between South Clovis and South Fowler Avenues. (Bid File 3871) (Council District 5 and County): 1. Adopt a finding of categorical exemption pursuant to Section 15301 (Existing Facilities) and 15302 (Replacement or Reconstruction) of the California Environmental Quality Act Guidelines 2. Award a construction contract to Emmett's Excavation, Inc., in the amount of \$1,669,031
<u>Sponsors:</u>	Department of Public Utilities
1.-T. ID 22-1646	Approve a professional consultant agreement in the amount of \$533,600 with PCubed Associates, a California corporation, for design and engineering services to implement the Department of Transportation/Fresno Area Express (FAX) Maintenance Facility HVAC and Building Improvements project
<u>Sponsors:</u>	Department of Transportation
1.-U. ID 22-1735	Award a two-year Requirements Contract, with options for three one-year extensions, for the purchase of Solar Real Time Digital Displays to Way Sine LLC (Bid File 9663).
<u>Sponsors:</u>	Department of Transportation

1.-V. [ID 22-1745](#) Approve Agreement with Bell Memorials & Granite Works, Inc., in the amount of \$117,534.55 for design, fabrication and installation services
Sponsors: Councilmember Bredefeld

1.-W. [ID 22-1376](#) ***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).
Sponsors: Council President Esparza

1.-X. [ID 22-1746](#) ***RESOLUTION - Adopting a program to incentivize job creation along the Ventura/Kings Canyon/Avenida Cesar Chavez corridor east of First Street (Subject to Mayor's Veto)
Sponsors: Councilmember Chavez

CONTESTED CONSENT CALENDAR

2. SCHEDULED COUNCIL HEARINGS AND MATTERS

10:00 A.M.

[ID 22-1729](#) HEARING to adopt resolutions and ordinance to annex territory and levy a special tax regarding CITY OF FRESNO COMMUNITY FACILITIES DISTRICT NO. 9, Annexation No. 56 (Conditional Use Permit No. P20-04902) (Located on East Tulare Street between North Fowler Avenue and North Claremont Avenue) (Council District 5)

1. ***RESOLUTION - to Annex Territory to Community Facilities District No. 9 and Authorizing the Levy of a Special Tax for Annexation No. 56 (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. 9, Annexation No. 56 (Subject to Mayor's Veto)

Sponsors: Public Works Department

10:05 A.M. #1

[ID 22-1659](#)

Consideration of Plan Amendment Application No. P21-06440; Rezone Application No. P21-06440; Tentative Tract Map No. 6402; Planned Development Permit Application No. P22-00795; Conditional Use Permit Application No. P21-06515; and related Environmental Assessment No. T-6402/P21-06440/P22-00795/P21-06515 for approximately 4.83 acres of property located on the north side of East Alluvial Avenue, between North Paula and North Willow Avenues (Council District 6).

1. ADOPT - Mitigated Negative Declaration prepared for Environmental Assessment No. T-6402/P21-06440/P22-00795/P21-06515 dated September 23, 2022, for the proposed project pursuant to California Environmental Quality Act (CEQA) Guidelines.
2. RESOLUTION - Approving Plan Amendment Application No. P21-06440 proposing to amend the Fresno General Plan and Woodward Park Community Plan to change the planned land use designation for approximately 3.00-acres of the subject property from Low Density Residential to Medium Density Residential.
3. BILL - (For introduction and adoption) - Approving Rezone Application No. P21-06440 proposing to rezone the approximately 3.00-acres of the subject property from the RS-3 (Single-Family Residential, Low Density) zone district to the RS-5 (Single-Family Residential, Medium Density) zone district.
4. APPROVE - Tentative Tract Map No. 6402 proposing to subdivide approximately 3.00 acres of the subject property into a 15-lot, 28-unit duplex residential development subject to compliance with the Conditions of Approval dated October 19, 2022.
5. APPROVE - Planned Development Permit Application No. P22-00795 proposing to modify the RM-1 zone district development standards to allow for a reduction in the front

yard, rear yard, and landscape buffer setbacks, and gated private streets.

6. APPROVE - Conditional Use Permit Application No. P21-06515 proposing to allow for duplex uses in the RS-5 zone district.

Sponsors: Planning and Development Department

10:05 A.M. #2

[ID 22-1541](#)

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.

Sponsors: Planning and Development Department

10:10 A.M.

[ID 22-1700](#)

TEFRA HEARING - To hear and to consider information concerning the proposed issuance of tax-exempt Health Facility Revenue Bonds by the Michigan Finance Authority for the purpose of financing, or refinancing to the Borrower,

the cost of acquisition, construction, improvement, and equipping of health care facilities in the City of Fresno. Proceeds of the Bonds will be loaned to Trinity Health Corporation, an Indiana nonprofit corporation, and the sole corporate member of Saint Agnes Medical Center, a California nonprofit corporation.

1. ***RESOLUTION - To Approve the issuance Revenue Bonds (Trinity Health Credit Group), by the Michigan Finance Authority, in one or more series, in an aggregate principal amount not to exceed \$900,000,000, for the purpose among other things, of financing or refinancing the costs of acquisition, construction, improvement, and equipping of health care facilities owned and operated by Saint Agnes Medical Center and certain other matters relating thereto. (Subject to Mayor's Veto.)

Sponsors: Finance Department

11:00 A.M.

[ID 22-1717](#)

Actions pertaining to Residential Permit Parking District #10

1. HEARING to consider an amendment to Residential Permit Parking District #10
2. Adopt a finding of Categorical Exemption pursuant to Class 1/Section 15301 of the CEQA Guidelines
3. ***RESOLUTION - Amending Residential Permit Parking District #10 (Subject to Mayor's Veto)

Sponsors: Planning and Development Department and Council President Esparza

2:00 P.M.

[ID 22-1761](#)

Workshop - Safe Access to Woodward Park Study

Sponsors: Councilmember Karbassi

3. GENERAL ADMINISTRATION

3.-A. [ID 22-1737](#) WORKSHOP - Broadband Strategic Plan

Sponsors: Information Services Department

4. CITY COUNCIL

4.-A. [ID 22-1766](#) Resolution in support of the women and children of Iran as they stand against the government of Iran in its persecution of women and violations of human rights

Sponsors: Councilmember Karbassi

5. CLOSED SESSION

5.-A. [ID 22-1609](#) CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION
Government Code Section 54956.9, subdivision (d)(1)

City of Fresno v. Shell Oil Company, et al. (Public Utilities Department)
San Francisco County Superior Court Case No.: CGC-22-600974

Sponsors: City Attorney's Office

5.-B. [ID 22-1675](#) CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION
Government Code Section 54956.9, subdivision (d)(1)

Desiree Martinez, et al. v. City of Fresno; Eastern District Court Case No. 1:22-cv-00307

Sponsors: City Attorney's Office

5.-C. [ID 22-1764](#) CONSIDER PUBLIC EMPLOYEE APPOINTMENT -
Government Code Section 54957(b)
Consider the appointment, employment, evaluation of performance, discipline, or dismissal of a public employee.

Title: City Attorney

Sponsors: Council President Esparza

5.-D. [ID 22-1760](#) CONFERENCE WITH LEGAL COUNSEL - POTENTIAL LITIGATION, Government Code Section 54956.9, subdivision (d)(2);

Nelson Esparza v. City of Fresno

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

People v. Nelson Esparza (F22905037)

Sponsors: Councilmember Bredefeld

ADJOURNMENT

UPCOMING SCHEDULED COUNCIL HEARINGS AND MATTERS

December 1, 2022

10:00 A.M.#1 - Located on the northwest corner of North Armstrong Avenue and East Clinton Avenue

December 1, 2022

10:00 A.M. #2 - PROPOSED VACATION A PORTION OF THE SOUTHEASTERLY SIDE NORTH STATE STREET BETWEEN WEST MISSION AVENUE AND GOLDEN STATE BOULEVARD

December 1, 2022

10:00 A.M. #3 - HEARING to adopt resolutions and ordinance to Consider the Formation of a Community Facilities District (Community Facilities District No. 18 – Public Safety Services) and future annexation area and to Authorize the Levy of a Special Tax; (T6310, near the northwest corner of Dakota and Polk Avenues; T6234, southwest corner of Dakota and Hayes Avenues; future annexation area encompasses entire City of Fresno) (Districts 1-7)

December 1, 2022

10:05 A.M. - PROPOSED VACATION A PORTION OF THE NORTH GLENN AVENUE-NORTH BLACKSTONE AVENUE ALLEY, BETWEEN EAST SIMPSON AVENUE AND EAST CORNELL AVENUE

UPCOMING EMPLOYEE CEREMONIES

2022 CITY COUNCIL MEETING SCHEDULE

NOVEMBER 24, 2022 - NO MEETING

DECEMBER 1, 2022 - 9:00 A.M.

DECEMBER 8, 2022 - NO MEETING

DECEMBER 15, 2022 - 9:00 A.M.

DECEMBER 22, 2022 - NO MEETING

DECEMBER 29, 2022 - NO MEETING