

RECEIVED Regular Council Meeting
January 27, 2022

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CITY OF FRESNO
CITY CLERK

FRESNO CITY COUNCIL



Information Packet

ITEM(S)

File ID 22-02, 1-A

Approval of Minutes for the January 13, 2022 Regular City Council Meeting and the January 20, 2022 Special Closed Session City Council Meeting.

Contents of Supplement:

Draft Minutes for the January 13, 2022 Regular City Council Meeting

Item(s)

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.

City of Fresno

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



Meeting Minutes

Thursday, January 13, 2022

9:00 AM

Regular Meeting

In Person and/or Electronic

City Council

President - Luis Chavez

Vice President - Nelson Esparza

Councilmembers:

***Esmeralda Z. Soria, Mike Karbassi, Miguel Angel Arias, Tyler Maxwell,
Garry Bredefeld***

City Manager - Thomas Esqueda

City Attorney - Douglas T. Sloan

City Clerk - Todd Stermer, CMC

The City Council for the City of Fresno convened in regular session on January 13, 2022 at 9:00 A.M.

9:16 A.M. ROLL CALL

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

Invocation - Pastor B.T. Lewis II from Rising Star Missionary Baptist Church

Pledge of Allegiance to the Flag

APPROVE AGENDA

City Clerk Stermer announced the following changes to the agenda:

The meeting would be adjourned in memory of retired Senior Deputy City Clerk, Cindy Bruer; Consent Calendar item 1-C (ID 22-87) pertaining to the expansion of the Litigation Unit in the City Attorney's Office would be the fourth amendment to the Position Authorization Resolution, not the sixth amendment; General Administration item 3-B (ID 22-106) regarding a summary of 2021 Homeless Services Investments should be identified as a "workshop" on the agenda; Closed Session item 5-E (ID 22-96) concerning a conference with real property negotiator incorrectly identifies the property as 1807 W. Olive Avenue but should be listed as 1804 E. Olive Avenue, and; Councilmember Arias would be making an amendment to Consent Calendar item 1-R (ID 22-72) regarding Substantial Amendment 2020-03 to the Fiscal Year (FY) 2020-2021 Annual Action Plan.

The following Consent Calendar items were removed from the agenda with a return date of January 27, 2022:

1-T (ID 22-30) regarding a Cooperative Purchase Agreement with Shade Structures, Inc. to supply and install new cloth fabric shades for the Woodward Park Amphitheater Shade Structure project - moved to January

27, 2022, by Councilmember Maxwell.

1-BB (ID 22-51) regarding Annual Review and Acceptance of the FY 2021 Summary of Impact Fee Waivers - moved to January 27, 2022, by Councilmember Maxwell.

1-DD (ID 22-117) regarding preparation of an agreement between the City of Fresno and San Joaquin Air Pollution Control District - moved to January 27, 2022, by Councilmember Arias.

The following Consent Calendar items were moved from the Consent Calendar to the Contested Consent Calendar for further discussion:

1-D (ID 22-98) regarding clarification to limits for access to restricted areas where abatements are taking place - moved to Contested Consent by Councilmember Maxwell.

1-I (ID 22-19) regarding submission of a grant application to the California Department of Water Resources - moved to Contested Consent by Councilmember Arias

1-J (ID 22-67) regarding award of a construction contract to Clean Cut Landscape Incorporated, of Clovis, California - moved to Contested Consent by Councilmember Arias.

1-K (ID 22-74) regarding good cause and clear and convincing benefit to vary from the Request for Proposals process outlined in the Fresno Municipal Code Section 4-204 - moved to Contested Consent by Councilmember Maxwell.

1-L (ID 22-04) regarding the Master Equipment Lease Purchase Agreement and Resolution - moved to Contested Consent by Councilmember Arias.

1-Q (ID 22-75) regarding supplemental Emergency Solutions Grant funding provided by the U.S. Department of Housing and Community Development to prevent, prepare for, and respond to the Coronavirus - moved to Contested Consent by Councilmember Arias.

1-R (ID 22-72) regarding Substantial Amendment 2020-03 to the Fiscal Year (FY) 2020-2021 Annual Action Plan - moved to Contested Consent by Councilmembers Soria and Arias.

1-V (ID 22-58) regarding the Fire Regional Training Center Project - moved to Contested Consent by Councilmember Arias.

1-Y (ID 22-54) pertaining to executing a Consultant Agreement with NBS Government Services - moved to Contested Consent by Councilmember Bredefeld.

1-AA (ID 22-35) concerning a requirements contract to West Coast Arborists, Inc. in the amount of \$3,827,900.00 per year for Annual Tree Trimming - moved to Contested Consent by Councilmembers Arias and Maxwell.

1-EE (ID 22-113) regarding amending the Response to Covid-19 Emergency, FMC section 2-514, to remove moratorium on commercial evictions - moved to Contested Consent by Councilmember Arias.

Councilmember Chavez announced a conflict and recused himself from Closed Session item 5-C (ID 22-125) concerning negotiation of the price and terms of sale for the UMC Campus.

AGENDA APPROVED AS AMENDED

On motion of Councilmember Soria, seconded by Vice President Esparza, the agenda was approved as amended. The motion carried by the following vote:

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

[ID 22-25](#) ***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).

There was no staff presentation on this item.

Upon call, the following members of the public addressed Council on this item: Lisa Flores and Brandi Nuse-Villegas.

There was no Council discussion.

RESOLUTION 2022-001 ADOPTED

On motion of Vice President Esparza, seconded by Councilmember Arias, the above Action Item was approved. The motion carried by the following vote:

Aye: 6 - Chavez, Esparza, Soria, Karbassi, Arias and Maxwell

No: 1 - Bredefeld

9:00 A.M. 2022 CITY COUNCIL ELECTION

[ID 22-78](#) Election of Council President and Vice President

*Councilmember Soria nominated Vice President Esparza to be Council President and Councilmember Maxwell to be Vice President.
Councilmember Arias seconded the nominations.*

Upon call, there was no public comment and no Council discussion.

APPROVED

On nomination of Councilmember Soria, seconded by Council Member Arias, Nelson Esparza was elected Council President and Tyler Maxwell was elected Vice President. The motion carried by the following vote:

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

No: 1 - Bredefeld

Absent: 1 - Karbassi

[ID 22-79](#) Election of Chair and Vice Chair to the Successor Agency to the Redevelopment Agency of the City of Fresno

Council President Esparza nominated Councilmember Arias to continue serving as the Chair and nominated himself to continue serving as the Vice Chair to the Successor Agency to the Redevelopment Agency of the City of

Fresno. Vice President Maxwell seconded the nominations.

Upon call, there was no public comment and no Council discussion.

APPROVED

On nomination of Council President Esparza, seconded by Vice President Maxwell, Miguel Arias was re-elected Chair and Nelson Esparza was re-elected Vice Chair of the Successor Agency to the Redevelopment Agency of the City of Fresno. The motion carried by the following vote:

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

No: 2 - Karbassi and Bredefeld

CEREMONIAL PRESENTATIONS

[ID 22-108](#) Proclamation for “National Slavery and Human Trafficking Prevention Month”

PRESENTED

COUNCILMEMBER REPORTS AND COMMENTS

Councilmember Soria discussed the Sikh Women's Organization free vaccination event scheduled for Sunday, January 16, 2022 at the Sikh Institute of Fresno.

Councilmember Arias thanked city staff for installing EV charging stations in the parking lot. He also thanked the Transportation Director for remotely engaging in the Transportation Committee while sick, and PARCS staff for progress on District 3 projects. The Councilmember stated he was working with the administration on: Fulton Street lighting and missing trees; downtown infrastructure including sidewalks, and; a garbage compactor for the Brewery District. Councilmember Arias discussed the Martin Luther King march scheduled for Monday, January 17, 2022 in District 3. Finally, Councilmember Arias announced President Biden had appointed Fresno leader, and former Councilmember, Blong Xiong, to head the US Department of Agriculture's Farm Service Agency in California.

Councilmember Chavez discussed the Omicron Covid-19 variant, the need

for additional testing kits and how to prepare for additional outbreaks. He thanked Beautify Fresno staff for the Martin Luther King clean up and he thanked Pao Yang at the Fresno Center for collaborating with city staff.

Councilmember Bredefeld announced the Kashian family donated \$25,000 for the new City of Fresno animal shelter. The donation had been accepted by him, Mayor Dyer, and Councilmembers Karbassi and Chavez. He discussed the logistics of opening the animal shelter and moving away from the Central California SPCA.

Vice President Maxwell thanked Councilmember Chavez for his leadership as Council President in 2021. He announced he was looking forward to serving the citizens of Fresno as Vice President and recalled the numerous policies he was able to implement during his first year as the District 4 representative. The Vice President thanked the people and organizations that helped make the inaugural District 4 Toy Drive a success.

Council President Esparza wished everyone a Happy New Year and invited the public to enjoy an outdoor reception at 5:30 P.M. on the second floor of City Hall. He thanked Councilmember Chavez and staff for helping prepare him for the role of Council President. He thanked the partner organizations that made the Santa's Workshop event a success over the holiday. He invited members of the community to join the Martin Luther King march in District 3, on Monday, January 17, 2022. Finally, the Council President discussed the impacts of Covid-19 on city employees and encouraged everyone to stay safe.

MAYOR/MANAGER REPORTS AND COMMENTS

Mayor Dyer noted the recommendations for American Rescue Plan funds would be presented to Council on January 27, 2022 and would address many of the infrastructure needs mentioned by Councilmember Arias. He announced the midyear budget would also be on the January 27, 2022 agenda. Finally, the Mayor announced a comprehensive housing strategy would be brought to Council by the end of March.

City Manager Esqueda stated the Annual Comprehensive Financial Report was coming due and that Councilmembers could expect meetings with City

Controller Lima. He announced the cannabis appeal hearings were scheduled for February 16, 2022. Lastly, City Manager Esqueda announced the SAFER grant was being prepared and would be submitted by February 4, 2022.

UNSCHEDULED COMMUNICATION

Upon call for Unscheduled Communication and public comment on Consent Calendar, Contested Consent and Closed Session items, the following members of the public addressed Council: Cindy Pimbeno (opposed 1-D and 1-FF); Heather Parish; Ed Howard (opposed 1-D and 1-FF); Robert McCloskey (opposed 1-D and 1-FF); Andre Gillo; Gerald Bill (opposed 1-D and 1-FF); Lisa Flores; Nancy Waidthow (opposed 1-D and 1-FF); Shar Thompson; Jessica Ramirez; Haley White (opposed 1-D and 1-FF); Melanie Lamp; Brandi Villegas; Alexandra Alvarado; Yonas Paulos; Marissa Juarez; Dez Martinez; Fernando Paul Elizondo; Lorie Kruse; Carla Martinez (opposed 1-D and 1-FF); Laura Splotch, and Erica Kruse (opposed 1-D and 1-FF).

[ID 22-170](#) Unscheduled Communication - eComments and Emails

1. CONSENT CALENDAR

APPROVAL OF THE CONSENT CALENDAR

On motion of Vice President Maxwell, seconded by Council President Esparza, the CONSENT CALENDAR was hereby adopted by the following vote:

Aye: 5 - Esparza, Soria, Karbassi, Maxwell and Bredefeld

Absent: 2 - Chavez and Arias

- 1.-A. [ID 22-01](#) Approval of Minutes for the December 2, 2021 Regular Meeting, December 2, 2021 Special Closed Session Meeting, December 9, 2021 Regular Meeting and the December 9, 2021 Special Closed Session Meeting.

APPROVED ON CONSENT CALENDAR

- 1.-B. [ID 22-68](#) Actions pertaining to environmental site investigations at Fresno Yosemite International Airport (Council District 4):
1. Adopt a finding of Categorical Exemption pursuant to Section 15301, Class 6 - Information Collection
 2. ***RESOLUTION - Adopting the 35th Amendment to the Annual

Appropriation Resolution (AAR) No. 2021-178 to appropriate \$362,800 for engineering, site investigation and testing to determine the presence of Per- and Polyfluoroalkyl Substances at Fresno Yosemite International Airport (Requires 5 Affirmative Votes) (Subject to Mayor's Veto).

3. Approve an agreement with BSK Associates of Fresno, California, to provide engineering, site investigation and testing to determine the presence of Per- and Polyfluoroalkyl Substances in the amount of \$362,776

RESOLUTION 2022-002 ADOPTED

APPROVED ON CONSENT CALENDAR

- 1.-C. [ID 22-87](#) Actions pertaining to the expansion of the Litigation Unit in the City Attorney's Office:
1. ***RESOLUTION - Adopt the 6th Amendment to the Position Authorization Resolution ("PAR") No. 2021-179, adding three full-time positions of Senior Paralegal, Paralegal, and Executive Assistant in the City Attorney's Office (Subject to Mayor's Veto).

RESOLUTION 2022-003 ADOPTED

APPROVED ON CONSENT CALENDAR

- 1.-E. [ID 22-46](#) Approve the Sixth Amendment the consultant services agreement Provost and Pritchard Engineering Group, Inc., to extend the agreement term from December 31, 2021 to January 1, 2023 for design services during construction of water well treatment system improvements at Pump Stations 117 and 284 for removal of Perchloroethylene from groundwater. This amendment does not add any project costs to the contract. (Council District 2 and County Island).

APPROVED ON CONSENT CALENDAR

- 1.-F. [ID 22-55](#) Approve the Seventh Amendment to the consultant services agreement with Provost and Pritchard Consulting Group, Inc., to extend the agreement term from January 15, 2022 to January 31, 2023 for Engineering Design and Feasibility Analysis for Removal of 1,2,3-Trichloropropane from Groundwater Extraction Wells. This amendment does not add any project costs to the contract. (Citywide).

APPROVED ON CONSENT CALENDAR

- 1.-G. [ID 22-20](#) Actions related to an Amendment to a Lease and Agreement of City-owned land at the Fresno-Clovis Regional Wastewater Reclamation

Facility (RWRF) (Council District 3):

1. Adopt a finding of Categorical Exemption pursuant to Section 15301/Class 1 of the California Environmental Quality Act (CEQA) Guidelines
2. Approve a Fifth Amendment to the Lease and Agreement between the City of Fresno and James Cook, an individual, for 485 acres of City-owned land at the RWRF revising acreage for APN 327-030-22s from 127 acres to 36 acres for the remaining three one-year extensions and adjusting the total leased acreage to 394 acres at \$189,908 per year

APPROVED ON CONSENT CALENDAR

1.-H. [ID 22-10](#)

Actions pertaining to the upgrade of the ozone generation system at the Northeast Surface Water Treatment Facility (NESWTF):

1. RESOLUTION - Authorizing a purchase agreement with Suez treatment solutions (SUEZ) for equipment to upgrade the ozone generation system at the NESWTF in an amount not to exceed \$352,800 without advertised competitive bidding;
2. Approve a purchase agreement with SUEZ, in the amount of \$352,800, for the upgrade of the existing ozone generation system (System) at the NESWTF.

RESOLUTION 2022-005 ADOPTED

APPROVED ON CONSENT CALENDAR

1.-M. [ID 22-14](#)

Actions pertaining to a Service Agreement for training and consulting:

1. Approve the finding that Esri, Inc. is uniquely qualified; and
2. Approve a Service Agreement with Esri, Inc. in the amount of \$65,400 for the Esri Enterprise Advantage Program for training and consulting services.

APPROVED ON CONSENT CALENDAR

1.-N. [ID 22-60](#)

Approve the purchase of a new access control system in the amount of \$612,200 to Johnson Controls Inc., for the replacement of the City's current system. Bid File No. 3813.

APPROVED ON CONSENT CALENDAR

1.-O. [ID 22-53](#)

Actions pertaining to Operating Engineers, Local Union No. 3 (Airport Public Safety Supervisors) for Unit 15 (FAPSS/OE3):

1. ***Adopt a successor Memorandum of Understanding between the City of Fresno and Operating Engineers, Local Union No. 3 (Airport Public Safety Supervisors) for Unit 15 (FAPSS/OE3) (Subject to Mayor's Veto).

2. ***RESOLUTION - Adopt the Eleventh Amendment to FY 2022 Salary Resolution No. 2021-176 amending salaries in Exhibit 15, Unit 15 - Airport Public Safety Supervisors (FAPSS), as required by the Memorandum of Understanding between the City of Fresno and Operating Engineers, Local Union No. 3 (OE3) for Unit 15 (FAPSS/OE3) (Subject to Mayor's Veto).

RESOLUTION 2022-008 ADOPTED

APPROVED ON CONSENT CALENDAR

- 1.-P. [ID 22-65](#) ***RESOLUTION - Adopt the 12th Amendment to FY 2022 Salary Resolution No. 2021-176, amending "Exhibit 8, Unit 8, Non-Represented effective January 1, 2022," to adjust the salary range for the Intern classification from a maximum of \$17.00 per hour to a maximum of \$19.00 per hour (Subject to Mayor's Veto).

RESOLUTION 2022-009 ADOPTED

APPROVED ON CONSENT CALENDAR

- 1.-S. [ID 22-59](#) Approve Fourth Amendment to the Consultant Services Agreement, dated January 2, 2019, with Blair, Church, and Flynn Consulting Engineers, Inc., in the amount of \$55,400, increasing the total contract amount to \$268,179.72, for the Midtown Fresno Trail Project on the north bank of the Mill Ditch along McKinley Avenue from Millbrook Avenue to Clovis Avenue (Council Districts 4 & 7).

APPROVED ON CONSENT CALENDAR

- 1.-T. [ID 22-30](#) Approve a Cooperative Purchase Agreement with Shade Structures, Inc. dba USA SHADE & Fabric Structures, Inc. of Dallas, TX in the amount of \$297,750.59 to supply and install new cloth fabric shades for the Woodward Park Amphitheater Shade Structure project (**Council District 6**).

The above item was tabled to January 27, 2022.

TABLED

- 1.-U. [ID 22-31](#) Approve an agreement with O'Dell Engineering in the amount of \$249,400 with a contingency amount not to exceed \$15,000 for the design and preparation of construction documents for the South Tower Park; and the conceptual design of the San Pablo/HWY 180 Park Renovations and the Ted C. Wills Soccer Fields project (Council District 3).

APPROVED ON CONSENT CALENDAR

- 1.-W. [ID 22-47](#) Actions pertaining to Final Map of Tract No. 6187:

1. **RESOLUTION** - Approving the Final Map of Tract No. 6187, of Vesting Tentative Tract Map No. 6187, and accepting dedicated public uses offered therein except for dedications offered subject to City acceptance of developer installed required improvements - Northwest corner of East Annadale Avenue and South Ivy Avenue (Council District 3).

RESOLUTION 2022-012 ADOPTED

APPROVED ON CONSENT CALENDAR

- 1.-X. [ID 22-49](#) Actions pertaining to Final Map of Tract No. 6272:
 1. **RESOLUTION** - Approving the Final Map of Tract No. 6272, Phase 4 of Vesting Tentative Tract Map No. 6258, and accepting dedicated public uses offered therein except for dedications offered subject to City acceptance of developer installed required improvements - north side of Ashlan between Hayes and Bryan Avenue (Council District 1).

RESOLUTION 2022-013 ADOPTED

APPROVED ON CONSENT CALENDAR

- 1.-Z. [ID 22-62](#) Actions pertaining to Resolution of Intention No. 1145-D to vacate a portion of Stanislaus Street and L Street adjacent to Block 89 of the Town (now City) of Fresno, and a portion of an alley in Block 89 of the Town (now City) of Fresno (Council District 3)
 1. Adopt a finding of Categorical Exemption per Environmental Assessment Number P21-02255/P21-01805 per staff determination, pursuant to Section 15332/Class 32 of the California Environmental Quality Act (CEQA) Guidelines
 2. **RESOLUTION** - Adopt the attached Resolution of Intention No. 1145 -D to vacate a portion of Stanislaus Street and L Street adjacent to Block 89 of the Town (now City) of Fresno, and a portion of an alley in Block 89 of the City of Fresno

APPROVED ON CONSENT CALENDAR

- 1.-BB. [ID 22-51](#) Annual Review and Acceptance of the FY 2021 Summary of Impact Fee Waivers.

The above item was tabled to January 27, 2022.

TABLED

- 1.-CC. [ID 22-97](#) Approve the appointments of Robert Nielsen, Danae Garza, and Denise Duerksen-Nemeroff to the District 6 Project Review Committee.

APPROVED ON CONSENT CALENDAR

- 1.-DD. [ID 22-117](#) ***RESOLUTION - Directing staff to prepare an agreement between the City of Fresno and San Joaquin Air Pollution Control District regarding notification and processing procedures for applications within the South Central Fresno community as defined in the Central South Fresno CERP pursuant to AB 617 (Subject to Mayor's Veto).

The above item was tabled to January 27, 2022.

TABLED

- 1.-FF. [ID 22-111](#) Ordinance (for introduction) - Amending Unlawful Dumping, FMC section 10-611, to apply to illegal use of land.

BILL B-1 APPROVED, INTRODUCED AND LAID OVER

INTRODUCED

- 1.-GG. [ID 22-45](#) Approve the appointment of Christine Miktarian to the Fresno EIFD Public Financing Authority.

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.-HH. [ID 22-64](#) Successor Agency to the Redevelopment Agency of the City of Fresno and Fresno Revitalization Corporation (FRC) consider adopting:
1. RESOLUTION - Approving the Recognized Obligation Payment Schedule 22-23

RESOLUTION 2022-015 ADOPTED

SUCCESSOR AGENCY NO. 49 ADOPTED

FRESNO REVITALIZATION CORPORATION NO. 21 ADOPTED

APPROVED ON CONSENT CALENDAR

CONTESTED CONSENT CALENDAR

- 1.-D. [ID 22-98](#) Ordinance (for introduction) - Amending Administrative Abatement, FMC section 10-616, to clarify limits on access to restricted areas where abatements are taking place.

There was no staff presentation on this item. City Attorney Sloan responded

the concerns of Vice President Maxwell regarding discretion on the severity of penalties.

CONTINUED TO JANUARY 27, 2022

By consensus of the Council, the above item was continued the following City Council meeting.

- 1.-I. [ID 22-19](#) ***RESOLUTION - Authorizing the submission of a grant application to the California Department of Water Resources through its Urban and Multibenefit Drought Relief Grant Program for the Critical Well Rehabilitation for Drought Response Project and authorizing the Director of Public Utilities or designee to execute all application and grant agreement documents on behalf of the City of Fresno (Council Districts 5 and 6) (Subject to Mayor's veto).

There was no staff presentation for this item. Councilmember Arias discussed the risks of bringing grant items to Council close to submission deadlines.

RESOLUTION 2022-004 ADOPTED

On motion of Councilmember Arias, seconded by Councilmember Chavez, the above Action Item was approved. The motion carried by the following vote:

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

- 1.-J. [ID 22-67](#) Award a construction contract to Clean Cut Landscape Incorporated, of Clovis, California, in the amount of \$3,278,014.60 for the Department of Transportation Fresno Area Express' High-Frequency Network Bus Stop Improvement project along Shaw and Cedar Avenues and authorize the Director of Transportation or designee, to execute all related documents. Bids will expire on January 26, 2022 (Bid File #3812) (Council Districts 1, 2, 4, 5 and 7)

There was no staff presentation in this item. City Manager Esqueda, Public Works Director Mozier and City Attorney Sloan responded to questions.

Councilmember Arias requested the administration provide Council a memo regarding the condition of all bus stops including renovation statuses. He also requested a memo clarifying when projects would be subject to Project Labor Agreements.

APPROVED

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

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

City Council recessed for lunch at 12:01pm and returned from lunch at 1:33pm. Councilmember Soria returned from the lunch recess at 3:37 P.M.

- 1.-K. [ID 22-74](#) RESOLUTION - Finding good cause and clear and convincing benefit to vary from the Request for Proposals process outlined in the Fresno Municipal Code Section 4-204 relating to the disposition of real surplus property APN 507-030-48ST (Herndon & Brawley) (Council District 2) (Requires 5 Affirmative Votes).

There was no staff presentation on this item. Economic Development Director Perez and City Attorney Sloan responded to questions.

Vice President Maxwell motioned to approve this item with an amendment to include a list of all proposals received. Councilmember Arias seconded the motion.

RESOLUTION 2022-006 ADOPTED AS AMENDED

On motion of Vice President Maxwell, seconded by Councilmember Arias, the above Action Item was adopted as amended. The motion carried by the following vote:

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

Absent: 1 - Soria

- 1.-L. [ID 22-04](#) Actions pertaining to executing the Master Equipment Lease Purchase Agreement and Resolution:
1. RESOLUTION - Authorizing the execution and delivery of a Master Equipment Lease Purchase Agreement and certain separate lease schedules with respect to the acquisition, purchase, financing and leasing of equipment for the public benefit; and authorizing the execution and delivery of documents required in connection therewith.
 2. Approve an agreement of the Master Equipment Lease Purchase

Agreement (MELPA) with Banc of America Public Capital Corp. (BAPCC)

There was no staff presentation for this item. Councilmember Arias announced he no longer had questions on this item.

RESOLUTION 2022-007 ADOPTED

On motion of Councilmember Arias, seconded by Council President Esparza, the above Action Item was approved. The motion carried by the following vote:

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

Absent: 1 - Soria

- 1.-Q.** [ID 22-75](#) Actions pertaining to supplemental Emergency Solutions Grant funding provided by the U.S. Department of Housing and Community Development Office of Community Planning and Development (HUD CPD) to prevent, prepare for, and respond to the Coronavirus:
1. Approve an Agreement with the Housing Authority City of Fresno (FHA) to provide a functioning Homeless Management Information System (HMIS) in the amount of \$56,000.
 2. Approve an Agreement with the Marjaree Mason Center (MMC) for the operation of a Temporary Emergency Shelter in the amount of \$300,000.
 3. Approve an Agreement with the Poverello House for the operation of a Village of Hope I - Temporary Emergency Shelter in the amount of \$237,377.28.
 4. Approve Services Agreements with the Elevate Community Services (Elevate), a 501(c)(3) non-profit, to operate the Ambassador Inn and Villa Motel as temporary low-barrier emergency homeless shelters in the total amount of \$1,256,368.33.
 5. Approve an Agreement with University of California, San Francisco (UCSF) for the operation of COVID-19 Educational Workshops, Outreach Events, and COVID-19 Vaccination and Testing Events in the amount of \$438,566.
 6. Approve the fourth revision of Emergency Solutions Grant-Coronavirus (ESG-CV) Activity Allocations to allocate \$2,288,311.61 of ESG-CV 2 to activities for HMIS, temporary emergency shelter operations, and COVID-19 Educational Workshops, Outreach Events, and Vaccination and Testing events.

There was no staff presentation on this item. Planning and Development Director Clark confirmed nothing additional was needed to move this item forward.

APPROVED

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

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

Absent: 1 - Soria

- 1.-R. [ID 22-72](#) ***RESOLUTION - Adopting submission of Substantial Amendment 2020-03 to the Fiscal Year (FY) 2020-2021 Annual Action Plan and authorizing submission to the U.S. Department of Housing and Urban Development (HUD) to reprogram \$4,181,189.24 in Community Development Block Grant (CDBG) funds from prior year CDBG project savings and repayments (Subject to Mayor's Veto).

There was no staff presentation on this item. Councilmember Arias motioned to approve this item with the following amendment: to cancel the Community Development Block Grant (CDBG) funded California/Tupman Pocket Park project and reprogram the \$225,655 of CDBG funds for the acquisition of the Senior Center and to use the \$298,000 proposed for the Neighborhood Street and Sidewalk Improvements (Maple-Gettysburg-Woodrow paving projects) to instead fund the Neighborhood Street and Sidewalk Improvements for Maple to Gettysburg to Holland for \$168,000 and Neighborhood Street and Sidewalk Improvements – Shields to Millbrook, Dakota to Cedar for \$130,000. Council Vice President Maxwell seconded the motion.

RESOLUTION 2022-010 ADOPTED AS AMENDED

On motion of Councilmember Arias, seconded by Vice President Maxwell, the above Action Item was adopted as amended. The motion carried by the following vote:

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

Absent: 1 - Soria

- 1.-V. [ID 22-58](#) Actions pertaining to the Fire Regional Training Center Project (Council District 3):
1. Approve an agreement with RossDrulisCusenbery Architecture, Inc., of Sonoma, CA in the amount of \$1,810,960 with a contingency amount not to exceed \$25,000 for the design of 30% Schematic

Design level full site plans and probable construction cost estimates for the Fire Regional Training Center project.

2. ***RESOLUTION - Adopting the 47th Amendment to the Annual Appropriations Resolution (AAR) No. 2021-178, appropriating \$25,000,000 for the Fire Regional Training Center Project granted through revenues from the California State Office of Emergency Services (Requires 5 Affirmative Votes) (Subject to Mayor's Veto).

There was no staff presentation on this item. City Manager Esqueda responded to questions regarding the total cost of the facility.

RESOLUTION 2022-011 ADOPTED

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

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

Absent: 1 - Soria

- 1.-Y. [ID 22-54](#) Actions pertaining to executing a Consultant Agreement with NBS Government Services:

1. Authorize the Public Works Director to execute a Consultant Agreement with NBS Government Services in the amount of \$48,500 with a \$4,800 contingency, for assistance with the formation of a Community Facilities District (CFD) for Police and Fire Services (Council Districts 1 and 3)
2. ***RESOLUTION - 29th Amendment to the Annual Appropriation Resolution (AAR) No. 2021-178 to appropriate \$61,500 from developer contributions of \$37,500 and future CFD assessment district revenue of \$24,000 to assist in funding the formation of a Community Facilities District for Police and Fire Services (Requires 5 Affirmative Votes) (Subject to Mayor's Veto)

There was no staff presentation on this item. Public Works Director Mozier responded to questions regarding funding short falls and why a Community Facilities District was needed.

RESOLUTION 2022-014 ADOPTED

On motion of Councilmember Bredefeld, seconded by Council President Esparza, the above Action Item was approved. The motion carried by the following vote:

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

Absent: 1 - Soria

- 1.-AA.** [ID 22-35](#) Award a requirements contract to West Coast Arborists, Inc. in the amount of \$3,827,900.00 per year for Annual Tree Trimming

There was no staff presentation on this item. Public Works Assistant Director Russell responded to questions regarding development of the tree trimming schedule; replacement of removed trees, and; the price and value of bids.

APPROVED

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

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

Absent: 1 - Soria

- 1.-EE.** [ID 22-113](#) Ordinance (for introduction) - Amending Response to Covid-19 Emergency, FMC section 2-514, to remove moratorium on commercial evictions.

There was no staff presentation on this item. Councilmember Karbassi responded to questions. Mayor Dyer, City Manager Esqueda and City Attorney Sloan also addressed Council on this item.

Discussion on this item included: procedures to remove emergency orders; removing all emergency orders versus certain emergency orders; timing of recommendations from the administration; the temporary nature of the emergency orders; the impact new Covid-19 variant surge; learning to live with Covid-19; the ability to assist property owners with available funds; the state elimination of the residential moratorium.

THE ABOVE ITEM FAILED WITH A 2-3 VOTE

On motion to approve by Councilmember Karbassi, seconded by Councilmember Bredefeld, the above Action Item failed by the following vote:

Aye: 2 - Karbassi and Bredefeld

No: 3 - Esparza, Arias and Maxwell

Absent: 2 - Chavez and Soria

2. SCHEDULED COUNCIL HEARINGS AND MATTERS

10:00 A.M. #1

[ID 22-21](#) Appearance by Clifford Dorsey to discuss banning styrofoam takeout containers within the City of Fresno (County Resident).

Clifford Dorsey appeared and addressed Council.

APPEARED

10:00 A.M. #2

[ID 22-61](#) Appearance by Rudy Chavez to discuss apartment management accountability and enforcement for utility bills on apartments in which rooms are individually leased, with shared spaces (District 4).

Rudy Chavez appeared and addressed Council.

APPEARED

10:00 A.M. #3

[ID 22-44](#) HEARING to consider the vacation of East Townsend Avenue, South Garden Avenue, and East Heaton Avenue, lying west of South Winery Avenue in Tract Number 1552 - Campus Homesites (Council District 5)
1. ***RESOLUTION - Ordering the vacation of East Townsend Avenue, South Garden Avenue, and East Heaton Avenue, lying west of South Winery Avenue in Tract Number 1552 - Campus Homesites (Subject to Mayor's Veto)

The above hearing was called to order at 11:40 A.M.

Upon call, there was no introduction, no public comment, and no Council discussion.

RESOLUTION 2022-016 ADOPTED

On motion of Councilmember Chavez, seconded by Councilmember Karbassi, the above Action Item was approved. The motion carried by the following vote:

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

10:00 A.M. #4

[ID 22-48](#)

Actions pertaining to amendments to the Master Fee Schedule Resolution No. 80-420 to Add, Adjust, or Delete Various Fees:

1. HEARING to Consider Adoption of the 566th Amendment to the Master Fee Schedule Resolution No. 80-420 to Add, Adjust, or Delete Various Development Fees Associated with the Current Planning, Building and Safety Services Divisions of the Planning and Development Department (Citywide)
2. ***RESOLUTION -566th Amendment the Master Fee Schedule Resolution No. 80-420 Making Various Changes to the Regulatory, Development, and User Fees in the Current Planning, Building and Safety Services, and Divisions of the Planning and Development Department. (Subject to Mayor's Veto)
3. ***RESOLUTION - 565th Amendment to the Master Fee Schedule Resolution No. 80-420 to Add, Adjust, Revise or Delete Various Fees in the Department of Public Utilities and the Department of Public Works (Subject to Mayor's Veto)

The item was called to order at 11:41 A.M. and was introduced to Council by Budget Manager Fierro. Fire Chief Donis also addressed Council on this item.

Upon call, there was no public comment.

Discussion on this item included free smoke alarm installations and Fire Department fees for false alarms.

RESOLUTION 2022-017 ADOPTED (#2)

RESOLUTION 2022-018 ADOPTED (#3)

On motion of Vice President Maxwell, seconded by Council President Esparza, the above Action Item was approved. The motion carried by the following vote:

Aye: 6 - Esparza, Soria, Karbassi, Arias, Maxwell and Bredefeld

Absent: 1 - Chavez

3. GENERAL ADMINISTRATION

3.-A. [ID 22-56](#) WORKSHOP - Prop 218 Process

The above workshop was presented to Council by City Manager Esqueda. Assistant City Manager White also addressed Council.

Discussion on this item included: updated fee structures; timing; solid waste goals; funding for wastewater projects; purple pipe funding, and; plans for non-rate payer funded expansions.

PRESENTED

3.-B. [ID 22-106](#) WORKSHOP - Summary of 2021 Homeless Services Investments

The above workshop was presented to Council by Homeless and Housing Director Spees. The following people also addressed Council as part of the presentation: Mayor Dyer; City Manager Esqueda; Turning Point of California Regional Director Ketcheside, and; Poverello House Chief Program Officer Mirhadi;

Discussion on this item included: funding allocations across jurisdictions versus expansion of unhoused populations; reasons people might be removed from shelters; conversion of safe housing to permanent housing; plans for unhoused people not ready for assistance; cleaning canal embankments; billing entities responsible for properties clean by the City of Fresno; tiny homes; prioritizing unhoused Fresnans; social distancing in pallet shelters; status of motel conversions; mental health expertise needed by staff; a forthcoming proposal for a medical treatment facility in the Motel Drive corridor, and; the need to address the root causes driving the increases in homelessness.

Councilmember Chavez requested the administration quantify the numbers of dwellings available under each potential housing solution.

PRESENTED

3.-C. [ID 22-17](#) WORKSHOP - Update on Transform Fresno projects and the Transformative Climate Communities (TCC) Grant

The above workshop was continued to January 27, 2022 by Council President Esparza.

CONTINUED TO JANUARY 27, 2022

4. CITY COUNCIL

5. CLOSED SESSION

Upon call, there was no public comment for Closed Session items.

During open session, City Attorney Sloan announced each of the Closed Session items listed on the agenda and stated there would be nothing to announce following Closed Session. He also announced Closed Session would be held entirely through Zoom and that Councilmember Chavez would be recused from Closed Session item 5-C (ID 22-125) due to his proximity to the UMC Campus.

Council withdrew to Closed Session at 3:42 P.M.

- 5.-A. [ID 22-91](#) CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Government Code Section 54956.8 Property: Grizzlies Stadium; Negotiating Parties: City Manager, Fresno Sports and Events, LLC.; Under Negotiations: Price and terms of lease.

DISCUSSED

- 5.-B. [ID 22-109](#) CONFERENCE WITH LEGAL COUNSEL - DECIDING WHETHER TO INITIATE LITIGATION
Government Code Section 54956.9, subdivision (d)(2)
Case Name: *City of Fresno v. Fresno Sports and Events, LLC.*

DISCUSSED

- 5.-C. [ID 22-125](#) CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Government Code Section 54956.8
Property: UMC Campus;
Negotiating Parties: City Manager, County of Fresno;
Under Negotiations: Price and terms of sale.

Councilmember Chavez recused himself from the above item and was not present for the course of the discussion.

DISCUSSED

5.-D. [ID 22-95](#)

CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Government
Code Section 54956.8
Property: 817 N. Parkway Drive, APN 449-335-25
Negotiating Parties: City Manager, Hemantkumar Patel
Under Negotiation: Terms and conditions of sale

DISCUSSED

5.-E. [ID 22-96](#)

CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Government
Code Section 54956.8
Property: 1804 E. Olive Avenue, APN 449-231-11
Negotiating Parties: City Manager, Shaileshkumar C. Patel, and
Kalpanaben N. Patel
Under Negotiation: Terms and conditions of sale

DISCUSSED

5.-F. [ID 22-69](#)

CONFERENCE WITH LABOR NEGOTIATORS - Government Code
Section 54957.6
1. International Union of Operating Engineers, Stationary Engineers, Local
39, Unit 1 (Local 39); 2. Fresno City Employees Association, Unit 3
(FCEA); 3. Fresno Police Officers Association, Unit 4 (FPOA Basic); 4.
International Association of Firefighters, Local 753, Unit 5 (IAFF Fire
Basic); 5. Amalgamated Transit Union, Local 1027, Unit 6 (ATU); 6.
International Brotherhood of Electrical Workers, Local 100, Unit 7 (IBEW);
7. Fresno Police Officers Association, Unit 9 (FPOA Management); 8.
International Association of Firefighters, Local 753, Unit 10 (IAFF Fire
Management); 9. Fresno Airport Public Safety Supervisors, Unit 11
(FAPSO); 10. City of Fresno Professional Employees Association, Unit 13
(CFPEA); 11. City of Fresno Management Employees Association, Unit 14
(CFMEA); 12. Fresno Airport Public Safety Supervisors, Local 3, Unit 15
(FAPSS)

DISCUSSED

ADJOURNMENT

*Adjourned from Closed Session at 5:32 P.M. in memory of retired Senior
Deputy City Clerk, Cindy Bruer.*