

City of Fresno

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



Meeting Agenda - Final

Thursday, November 16, 2023

9:00 AM

Regular Meeting

Council Chambers (In Person and/or Electronic)

City Council

President - Tyler Maxwell

Vice President - Annalisa Perea

Councilmembers:

Mike Karbassi, Miguel Angel Arias, Luis Chavez,

Garry Bredefeld, Nelson Esparza

City Manager - Georgeanne A. White

City Attorney - Andrew Janz

City Clerk - Todd Stermer, CMC

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

PUBLIC PARTICIPATION – Public participation during Fresno City Council meetings is always encouraged and can occur in one of the two following ways:

1) Participate In Person: Council Chambers, City Hall, 2nd Floor, 2600 Fresno Street, Fresno, CA 93721

a) To speak during a City Council meeting in person: fill out a speaker card (available in the Council Chamber) and place it in the speaker card collection basket at the front of the Council Chamber. You may also approach the speaker podium upon the Council President's call for public comment.

2) Participate Remotely via Zoom:

https://fresno-gov.zoom.us/webinar/register/WN_Oa0RHviiT_uxx7jw_KujLg

a) The above link will allow you to register in advance for remote participation in the meeting via the Zoom platform. After registering, you will receive a confirmation email containing additional details about joining the meeting.

b) To speak during a City Council meeting while attending remotely: while in the Zoom application, click on the icon labeled "Participants" at the bottom of the screen. Then select "RaiseHand" at the bottom of the Participants window. Your digital hand will now be raised. You will be asked to "unmute" when your name is called to speak. You will not be visible via video and there will be no opportunity to share your screen.

All public speakers will have up to 3 minutes to address Council pursuant to Rule No. 10 of the Rules of Procedure for the City Council of the City of Fresno (available in the City Clerk's Office).

SUBMIT DOCUMENTS / WRITTEN COMMENTS - Pursuant to Rule 11 (c) of the Rules of Procedure, 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. Documents / written comments related to an agenda item can be submitted by one of the following methods:

1) eComment – eComment allows the public to submit agenda related comments through a website prior to the meeting. Submitted comments are limited to 1440 characters and will be a part of the official record.

- a) Submit an e-Comment by visiting <https://fresno.legistar.com/Calendar.aspx> and selecting the “eComment” link.
- b) e-Comment is available for use upon publication of the agenda and closes 24 hours prior to the meeting start time [pursuant to Rule 11(c)].
- c) e-Comment is not permitted for Land use or CEQA items
- d) The e-Comment Electronic User Agreement can be viewed at:
<https://www.fresno.gov/cityclerk/>

2) E-mail – Agenda related documents and comments can be e-mailed to the Office of the City Clerk at least 24 hours prior to the agenda item being heard, pursuant to Rule 11(c).

- a) E-mail the Clerk’s Office at clerk@fresno.gov
- b) E-mails should include the agenda date, and the related agenda item number.

VIEWING CITY COUNCIL MEETINGS (non-participatory) - For your convenience, there are several ways to view Fresno City Council meetings live:

- 1) City of Fresno website: <https://fresno.legistar.com/Calendar.aspx> (click “In Progress” to view the live meeting).
- 2) Community Media Access Collaborative website: <https://cmac.tv/>
- 3) YouTube - City of Fresno Council, Boards and Commissions Channel:
<https://www.youtube.com/channel/UC3ld83D8QGn1YBDw6aD5dZA/videos>
- 4) Facebook: <https://www.facebook.com/FresnoCA/videos>
- 5) Cable Television: Comcast Channel 96 and AT&T Channel 99

Should any of the five viewing methods listed above experience technical difficulties, the Council meeting will continue uninterrupted. Council meetings will only be paused to address verifiable technical difficulties for all users participating via Zoom or in the Council Chamber.

The City of Fresno’s goal is to comply with the Americans with Disabilities Act (ADA). Anyone requiring reasonable ADA accommodations, including sign language interpreters, or other reasonable accommodations such as language translation, should contact the office of the City Clerk at (559) 621-7650 or clerk@fresno.gov. To help ensure availability of these services, you are advised to make your request a minimum of three business days prior to the scheduled meeting.

9:00 A.M. ROLL CALL

Invocation by Reverend Jose Sanchez from St. Anthony Mary Claret Church.

Pledge of Allegiance to the Flag

APPROVE AGENDA

CEREMONIAL PRESENTATIONS

[ID 23-1577](#) Proclamation for “School Psychology Month”

Sponsors: Councilmember Karbassi

[ID 23-1646](#) Celebrating Department of Public Works Transportation Awards

Sponsors: Office of Mayor & City Manager

[ID 23-1605](#) Fresno Animal Center presents “Pet of the Month”

Sponsors: Office of Mayor & City Manager

COUNCILMEMBER REPORTS AND COMMENTS

MAYOR/MANAGER REPORTS AND COMMENTS

CITY CLERK AND CITY ATTORNEY 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 23-1637](#) Approval of Minutes for November 2, 2023, Regular Meeting, and November 2, 2023, Special Meeting

Sponsors: Office of the City Clerk

1.-B. [ID 23-1576](#) RESOLUTION - amending certain designated positions which shall be subject to the conflict of interest code and defining categories of disclosures for such positions

Sponsors: Office of the City Clerk

- 1.-C. [ID 23-1641](#) Approve the appointments of Fire Battalion Chief Lawrence French to the Fire and Police Retirement Board for a term that is continuous, Paul-Albert Marquez to the Active Transportation Advisory Committee for a term ending November 16, 2026, and Sarah Johnston to the Historic Preservation Commission for a term ending June 30, 2027.
- Sponsors:** Office of Mayor & City Manager
- 1.-D. [ID 23-1674](#) ***RESOLUTION - Authorizing and directing acceptance of state funding to the City of Fresno and execution of implementing documents regarding the Downtown Fresno Infrastructure Plan (Subject to Mayor's Veto)
- Sponsors:** Office of Mayor & City Manager
- 1.-E. [ID 23-1317](#) Approve a consultant services agreement with Magellan Advisors for project design engineering for Last Mile broadband deployment in an amount not to exceed \$496,874 (RFQ No. 12303131).
- Sponsors:** Information Services Department
- 1.-F. [ID 23-1575](#) Actions pertaining to the Local Immigrant Integration and Inclusion Grant (LIIG) Program:
1. Authorize the City Manager to accept the \$380,650 in grant funding for the Local Immigrant Integration and Inclusion Grant Program from the State of California Governor's Office of Business and Economic Development.
 2. Authorize the City Manager to execute all related documents for the acceptance, and administration of the Local Immigrant Integration and Inclusion Grant Program.
 3. Authorize the City Manager to execute a service agreement between the City of Fresno and the Central Valley Immigrant Integration Collaborative regarding the Local Immigrant Integration and Inclusion Grant Program.
 4. ***RESOLUTION - Adopt 26th Amendment to the Annual Appropriation Resolution (AAR) No. 2023-185 appropriating \$194,900 in fiscal year 2024 for the Local Immigrant Integration and Inclusion Grant Program from the State of California Governor's Office of Business and Economic Development (Requires Five Affirmative Votes) (Subject to Mayor's Veto)
- Sponsors:** Economic Development Department

- 1.-G. [ID 23-1583](#) Award a requirements contract for municipal fleet motor oils and lubricants to Van De Pol Petroleum of Fresno, California for three years, with three optional one-year extensions, for an amount not-to-exceed \$134,408 per year plus annual CPI adjustments (Bid File 12400150).

Sponsors: General Services Department

- 1.-H. [ID 23-1606](#) Approve the award of a cooperative purchase agreement to PB Loader Corporation of Fresno, California, for the purchase of two Model L-250-CT PB Loaders in the amount of \$748,158 for the Department of Public Works.

Sponsors: General Services Department

- 1.-I. [ID 23-1638](#) Actions pertaining to a lease agreement between the City of Fresno and 747 R Street, LLC, a California limited liability company, for the lease of office space located at 747 R Street (Council District 3):
1. Adopt a finding of Categorical Exemption per staff determination, pursuant to Section 15301/Class 1 (Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines
 2. Approve a seven-year lease agreement between the City of Fresno and 747 R Street, LLC, a California limited liability company with three optional one-year extensions in the amount of \$800,301.60 annually, with annual increases of 3%, plus the proportionate CAM (Common Area Maintenance) charges at \$297,890.04 annually

Sponsors: General Services Department and Capital Projects Department

- 1.-J. [ID 23-1642](#) RESOLUTION - Adopting the Measure P Expanded Access to Arts and Culture Grant guidelines.

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

- 1.-K. [ID 23-1629](#) ***RESOLUTION: Adopt the Seventh Amendment to Fiscal Year 2024 Salary Resolution No. 2023-183, amending Exhibit 14, Unit 14, Management Classes (CFMEA) by adding the new classification and providing a monthly salary step plan range for Animal Behaviorist, effective November 20, 2023 (Subject to Mayor's Veto)

Sponsors: Personnel Services Department

- 1.-L. [ID 23-1623](#) Actions pertaining to the HOME Investment Partnerships Program, Community Housing Development Organization, Agreement with Habitat for Humanity Fresno County, Inc.
1. Adopt a finding of Categorical Exemption pursuant to Section 15303/Class 3 of the California Environmental Quality Act (CEQA) Guidelines.
 2. Approve a \$253,673.00 HOME Investment Partnerships Program, Community Housing Development Organization Agreement with Habitat for Humanity Fresno County, Inc., for the construction of a single-family house at 64 E. Atchison Street in southwest Fresno (Council District 3).

Sponsors: Planning and Development Department

- 1.-M. [ID 23-1578](#) Actions pertaining to funding provided by the U.S. Department of Housing and Community Development Office of Community Planning and Development (HUD CPD):
1. ***RESOLUTION - Adopting Substantial Amendment 2023-02 to the Fiscal Year (FY) 2023-2024 Annual Action Plan and authorizing submission to the U.S. Department of Housing and Urban Development (HUD) to reprogram \$2,580,129.32 in Community Development Block Grant (CDBG) funds; and authorizing the City Manager or designee to sign all implementing documents as approved to form by the City Attorney (Subject to Mayor's Veto)

Sponsors: Planning and Development Department

- 1.-N. [ID 23-1612](#) Approve the First Amendment to the service contract with Bode Cellmark Forensics, Inc., to increase the contract amount by not to exceed \$518,400 to cover the expenses incurred and projected through FY 2024 (Bid File 9616)

Sponsors: Police Department

- 1.-O. [ID 23-1597](#) Approve the Third Amendment to the Professional Architectural Service Agreement with O'Dell Engineering Inc., of Fresno, CA, in the amount of \$140,500, increasing the total contract amount to \$610,400, with a remaining contingency of \$3,500, for professional engineering services to provide design and construction support services for the development of accessibility improvement plans for the Play Structure Improvements Project (Council Districts 2, 3, 4, 5, 6, 7).

Sponsors:

Capital Projects Department, Parks, After School and Recreation and Community Services Department

- 1.-P. [ID 23-1609](#) Approve the First Amendment to the Professional Architectural Services Agreement with Temple-Andersen-Moore Architects, LLP, in the amount of \$60,000, increasing the total contract amount to \$187,880, with a remaining contingency of \$10,000, due to increased scope of services for the Paul "Cap" Caprioglio Community Center Remodel Project (Council District 4)

Sponsors:

Capital Projects Department, Parks, After School and Recreation and Community Services Department

- 1.-Q. [ID 23-1602](#) Approve the First Amendment to the Professional Engineering Services Agreement with Stearns, Conrad and Schmidt Consulting Engineers, of Long Beach, California to expand the scope of services for the design of the Renewable Natural Gas Diversion into Natural Gas Pipeline Project, increasing the total contract amount by \$137,356.58, for a total increased contract amount of \$360,115.22, with a remaining contingency of \$20,000.00, and extend the agreement term from December 30, 2023 to December 31, 2026 (Council District 3 and unincorporated Fresno County).

Sponsors:

Capital Projects Department and Department of Public Utilities

- 1.-R. [ID 23-1585](#) Approve Contract Change Order No. 3 with American Paving Company, to increase Contract Time by thirty-five (35) working days, for the Barstow Avenue Class IV Bikeway Project - Project ID PW00972 (Council District 4).

Sponsors:

Capital Projects Department and Public Works Department

- 1.-S. [ID 23-1468](#) Approve an agreement for Professional Engineering

Services with Mark Thomas & Company, Inc. for \$180,913, with an \$18,000 contingency, for Preliminary Engineering services for the Shields Avenue and Van Ness Boulevard Section 130 Railroad Grade Crossing Improvements Project (Council Districts 1 and 7).

Sponsors:

Capital Projects Department and Public Works Department

1.-T. [ID 23-1541](#)

Approve an agreement for professional engineering services with BKF Engineers, Inc. of Walnut Creek, CA for \$140,465, with a \$17,000 contingency, for design and construction support services for the Herndon Avenue Overlay Project from Valentine Avenue to Marks Avenue (District 2).

Sponsors:

Capital Projects Department and Public Works Department

1.-U. [ID 23-1610](#)

Actions pertaining to the Southwest Green Trail Replacing Cast-In-Place Pipe with Pre-Cast Project (Bid File No. 12400534) (Council District 3):

1. Adopt an Addendum to the previously adopted Mitigated Negative Declaration, Doc. No. E202010000079, dated February 2020, in accordance with Section 15164 of the California Environmental Quality Act (CEQA) Guidelines
2. Award a construction contract in the amount of \$369,450 to West Valley Construction Company, Inc. of Fresno, California

Sponsors:

Capital Projects Department and Public Works Department

1.-V. [ID 23-1611](#)

Approve the Second Amendment to the Consultant Services Agreement with Sherwood Design Engineers, Inc. of Santa Cruz, California, in the amount of \$62,217, for a total increased contract amount of \$215,341, with a remaining contingency of \$1,799, for professional engineering services for the Southwest Fresno Trail Project (Council District 3).

Sponsors:

Capital Projects Department and Public Works Department

1.-W. [ID 23-1557](#)

Approve a consultant services agreement with Black & Veatch Corporation, for design of Dewatering Cake Pump Improvements at the Fresno-Clovis Regional Wastewater Reclamation Facility for an amount not to exceed \$637,686 (Bid File 12400070) (Citywide)

Sponsors:

Department of Public Utilities

1.-X. [ID 23-1618](#)

Actions pertaining to the Fresno-Clovis Regional Wastewater

Reclamation Facility raw sewage pump repair (Council District 3):

1. Adopt a finding of Categorical Exemption pursuant to Class 1, set forth in the California Environmental Quality Act (CEQA) Guidelines Sections 15301(b)&(d) (Existing Facilities).
2. *** RESOLUTION - Declare an urgent necessity exemption under the Fresno Charter, Procurement and Competitive Bidding Section 1208(A)(5)(V) for the repair, installation, and commissioning of a rebuilt raw sewage pump at the Fresno-Clovis Regional Wastewater Reclamation Facility by JM Squared Associates, Inc., in an amount not to exceed \$229,517. (Subject to Mayor's Veto) (Requires 5 Affirmative Votes)
3. Award a product and service agreement to JM Squared Associates, Inc., in the amount of \$229,517, to repair, install, and commission a rebuilt raw sewage pump at the Fresno-Clovis Regional Wastewater Reclamation Facility.

Sponsors:

Department of Public Utilities

1.-Y. [ID 23-1625](#)

Actions pertaining to the First Amendment to the Service Agreement with Kochergen Farms Composting, Inc., to comply with Senate Bill 1383 Short-Lived Climate Pollutants (citywide):

1. RESOLUTION - Adopt findings pursuant to California Environmental Quality Act (CEQA) Guidelines Sections 15091 and 15093 as required for Responsible Agencies by California Environmental Quality Act (CEQA) Guidelines Section 15096 for Senate Bill 1383 Regulations Short-Lived Climate Pollutants: Organic Waste Methane Emission Reduction
2. Approve the First Amendment to the Service Agreement related to receiving and processing of organic waste with Kochergen Farms Composting, Incorporated

Sponsors:

Department of Public Utilities

1.-Z. [ID 23-1626](#)

Approve a First Amendment to a product requirements contract with Badger Meter, Incorporated, to increase monetary consideration, for the purchase of water meters, parts, and software technology, in the amount of \$1,800,000 for a total contract amount of \$7,800,000 (Bid File No. 9546)

(Citywide)

Sponsors:

Department of Public Utilities

1. [ID 23-1627](#)

-AA.

***RESOLUTION - Amending Resolution 2023-075, declaring an urgent necessity for the preservation of life, health, property and authorizing the City Manager or designee, to enter into agreements without advertised competitive bidding for the emergency repair of the North Avenue sewer trunk main to increase the not to exceed cost from \$3,200,000 to \$4,200,000. (Requires 5 Affirmative Votes) (Subject to Mayor's Veto) (Council Districts 3, 5, and Fresno County)

Sponsors:

Department of Public Utilities

1. [ID 23-1604](#)

-BB.

Actions pertaining to professional consulting services for the Active Transportation Plan Update (Citywide):

1. Approve a Professional Consultant Services Agreement with TJKM Transportation Consultants, in the amount not to exceed \$398,000.

Sponsors:

Public Works Department

1. [ID 23-1640](#)

-CC.

***BILL B-34 - (Intro'd November 2, 2023) (For Adoption) Amending the uncodified ordinance to adopt changes and additions to the official list of designated special speed zones for various streets within the City of Fresno pursuant to Section 14-1501 of the Fresno Municipal Code (Citywide) (Subject to Mayor's Veto).

Sponsors:

Public Works Department

1. [ID 23-1645](#)

-DD.

***Resolution - Directing the City Manager or Designee to Notify the Council of Any Delays to Existing Citywide and District Projects Caused by New Public Works or Capital Projects, Acceptance of Grant Funds or the Reprogramming of Funds (Subject to Mayor's Veto)

Sponsors:

Council President Maxwell

1. [ID 23-1661](#)

-EE.

***Resolution - Amending the Powers and Duties of the City of Fresno Women's Commission (Subject to Mayor's Veto)

Sponsors:

Councilmember Esparza

CONTESTED CONSENT CALENDAR

2. SCHEDULED COUNCIL HEARINGS AND MATTERS**10:05 A.M. (CONTINUED TO DECEMBER 14, 2023, AT 10:05 AM)**[ID 23-1639](#)

HEARING for Consideration of Text Amendment Application No. P23-01018 and related Environmental Finding for Environmental Assessment No. P23-01018, amending Section 15-2009 of the Fresno Municipal Code, relating to Zone Districts where razor wire fencing is permitted.

1. ADOPTION of a finding set forth in Environmental Assessment No. P23-01018, that Text Amendment Application No. P23-01018 is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15303/Class 3.
2. BILL (for introduction) amending Chapter 15 of the Fresno Municipal Code Section 15-2009, relating to the Zone Districts where razor wire fencing is permitted.

Sponsors:

Planning and Development Department

10:10 A.M.[ID 23-1522](#)

Consideration of an appeal filed regarding Conditional Use Permit Application No. P23-00244 and related Environmental Assessment for property located at 3045 West Bullard Avenue on the southwest corner of West Bullard and North Marks Avenues (Council District 2).

1. ADOPT Environmental Assessment No. P23-00244, dated July 1, 2023, a determination that the proposed project is exempt from the California Environmental Quality Act (CEQA) through a Section 15301/Class 1 Categorical Exemption.
2. DENY the appeal and UPHOLD the action of the Planning Commission to approve Conditional Use Permit Application No. P23-00244 authorizing the extension of the hours of operation for an existing restaurant with alcohol sales with a State of California Alcoholic Beverage Control (ABC) Type 47 alcohol license (On-Sale General - Eating Place), subject to the Conditions of Approval dated October 4, 2023, as amended by the Planning Commission.

Sponsors:

Planning and Development Department

3:00 P.M.[ID 23-1508](#)

Actions pertaining to Harmony Communities' (Harmony or Owner) proposed closure of La Hacienda Mobile Estates:

1. HEARING to consider sufficiency of Conversion Impact Report and Relocation Plan.
2. RESOLUTION - Rejecting the Conversion Impact Report and Relocation Plan for the Proposed Closure of La Hacienda Mobile Estates Under Government Code 65863.7.

Sponsors:

City Attorney's Office

3. GENERAL ADMINISTRATION**4. CITY COUNCIL****5. CLOSED SESSION**5.-A. [ID 23-1679](#)

CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION

Government Code Section 54956.9, subdivision (d)(1)
Veronica A. Flores v. City of Fresno, et al.; Fresno Superior Court Case No.: 20CECG01711

Sponsors:

City Attorney's Office

5.-B. [ID 23-1648](#)

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 Tyler Maxwell.

Unrepresented Employee: City Attorney

Sponsors:

Council President Maxwell

ADJOURNMENT**UPCOMING SCHEDULED COUNCIL HEARINGS AND MATTERS***DECEMBER 7, 2023*

10:00 A.M. - HEARING to adopt resolutions and ordinance to annex territory and levy a special tax regarding City of Fresno Community Facilities District No. 11,

Annexation No. 147 (Final Tract Map No. 6269) (located on the southwest corner of North Willow Avenue and North Alicante Drive) (Council District 6)

DECEMBER 14, 2023

10:05 A.M. -HEARING for Consideration of Text Amendment Application No. P23-01018 and related Environmental Finding for Environmental Assessment No. P23-01018, amending Section 15-2009 of the Fresno Municipal Code, relating to Zone Districts where razor wire fencing is permitted.

JANUARY 11, 2024

10:00 A.M. - Hold a public hearing and approve items related to the granting of a Non-Exclusive Roll-Off Franchise for roll-off collection services (Citywide)

UPCOMING EMPLOYEE CEREMONIES

2023 CITY COUNCIL MEETING SCHEDULE

December 7, 2023 - 9:00 A.M.

December 14, 2023 - 9:00 A.M.