

City of Fresno

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



Meeting Agenda - Final-revised

Thursday, November 4, 2021

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

Interim City Clerk - Briana Parra, CMC

PUBLIC ADVISORY:

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

You can also 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.

The City Council Chambers are open for public participation. However, members of the public are encouraged to participate electronically because of reduced capacity of seating in the Chambers to allow for social distancing, and masks will be required for the vaccinated and unvaccinated.

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 use to make comments on agenda items. It will be open during the Council meeting and closed at the end of the meeting and will be a part of the official record. 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 4, 2021 9:00 AM Pacific Time (US and Canada)

Topic: November 4, 2021 Regular Meeting

a) Register in advance for this webinar:

https://zoom.us/webinar/register/WN_iYJ3deVoSWmh_LZytG8o9g

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.

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) 6217650 or clerk@fresno.gov. To ensure availability, you are advised to make your request at least three business days prior to the meeting.

The City of Fresno thanks you in advance for taking all precautions to prevent spreading COVID19 virus.

9:00 A.M. ROLL CALL

Invocation by Hajj Reza Nekumanesh from the Islamic Cultural Center of Fresno

Pledge of Allegiance to the Flag

APPROVE AGENDA

CEREMONIAL PRESENTATIONS

[ID 21-124](#) Proclamation for “Veterans Day”

Sponsors: Councilmember Karbassi

[ID 21-778](#) Proclamation for “Prematurity Awareness Month” for November 2021

Sponsors: Councilmember Soria

[ID 21-803](#) Proclamation for “Youth Leadership Institute's (YLI) 30th Year”

Sponsors: Councilmember Soria

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 21-029](#) Approval of the minutes for the October 27, 2021 Special City Council Meeting and the October 28, 2021 Regular City Council Meeting.

Sponsors: Office of the City Clerk

1.-B. [ID 21-679](#) Actions related to the First Amendment to the Consultant Services Agreement with Landry Consulting LLC.;

1. Adopt a finding of Categorical Exemption pursuant to

Section 15301 (Existing Facilities) of the California Environmental Quality Act Guidelines.

2. Approve the First Amendment to the Consultant Services Agreement for an additional \$100,000, with Landry Consulting, LLC., for the implementation of the Airport Safety Management Systems Program at Fresno Yosemite International Airport, the total contract value is not to exceed \$199,970. (Council District 4)

Sponsors:

Airports Department

1.-C. [ID 21-763](#)

Actions related to the Airline Operations Agreement with ExpressJet Airlines LLC.:

1. Adopt a finding of Categorical Exemption pursuant to Section 15301 (Existing Facilities) of the California Environmental Quality Act Guidelines.
2. Approve the new Airline Operations Agreement between the City of Fresno and ExpressJet Airlines LLC., at Fresno Yosemite International Airport, for a lease term of five years. (Council District 4)

Sponsors:

Airports Department

1.-D. [ID 21-735](#)

Actions pertaining to the Fresno Yosemite International Airport SMART Program Bid File No. 3817 (Council District 4):

1. Adopt a finding of Categorical Exemption pursuant to Section 15301 (a) and (d) (Existing Facilities) of the California Environmental Quality Act Guidelines
2. Award a construction contract in the amount of \$1,755,000 to S&L Specialty Construction, of Syracuse, New York for the acoustic treatment of 40 homes in the vicinity of Fresno Yosemite International Airport

Sponsors:

Airports Department

1.-E. [ID 21-775](#)

Actions related to Lease Amendment No. 3 to the Airport Lease Agreement with Don Williams, an individual, and Jim Wood, an individual, dba BCH Aviation Center:

1. Adopt a finding of Categorical Exemption pursuant to Section 15301 (Existing Facilities) of the California Environmental Quality Act Guidelines.

2. Approve Lease Amendment No. 3 to Airport Lease Agreement between the City of Fresno and BCH Aviation Center at Fresno Chandler Executive Airport, extending the term of the lease by three years. Amount of revenue generated by agreement extension is \$55,155.24, plus annual CPI adjustments. (Council District 3)

Sponsors:

Airports Department

1.-F. [ID 21-739](#)

Actions pertaining to the City of Fresno's Regional Wastewater Reclamation Facility air compressor blower units (Council District 3):

1. Adopt a finding of Categorical Exemption pursuant to Section 15301 (Existing Facilities) of the California Environmental Quality Act
2. Affirm the City Manager's determination that the contractor is uniquely qualified
3. Approve the award of a construction contract with Howden Roots LLC, in the amount of \$218,800 for programmable logic controller upgrades and software integration

Sponsors:

Department of Public Utilities

1.-G. [ID 21-766](#)

Actions pertaining to the award of a Vendor Agreement with Neighborhood Industries, Inc.,:

1. Affirm the City Manager's determination that Neighborhood Industries is uniquely qualified to perform litter abatement and alley way maintenance services employing individuals living in neighborhoods of concentrated poverty
2. Approve a Vendor Agreement with Neighborhood Industries, Inc., for a total amount of \$125,000 to provide litter abatement and alley way maintenance services in the Tower District Neighborhood (Council District 1)

Sponsors:

Department of Public Utilities

1.-H. [ID 21-764](#)

Actions pertaining to North Avenue sewer trunk main realignment (Bid File 3699) (Council Districts 3 and 5):

1. Adopt a finding of Categorical Exemption pursuant to Sections 15302(c) and 15303 of the California Environmental Quality Act Guidelines
2. Award a construction contract to Emmett's Excavation,

Inc., of Clovis, California, in the amount of \$6,372,238

Sponsors:

Department of Public Utilities

1.-I. [ID 21-677](#)

Approve an increase to the Requirements Contract with Kemira Water Solutions, Inc., by \$580,000 to the amount of \$1,798,821.80 for the first year of the contract and by \$336,018.20 to the amount of \$1,554,840.00 for the remaining one-year terms, to purchase additional ferric chloride, and authorize the Director of Public Utilities or designee to sign the amendment on behalf of the City. Bid File 9562 (Citywide)

Sponsors:

Department of Public Utilities

1.-J. [ID 21-730](#)

Approve the First Amendment to the Agreement with Aegis Groundwater Consulting, LLC, for quality control and inspection services for the construction of a new production well at Pump Station 208-2, to expand the scope of services to include Pump Station 36A, increase the contract amount by \$40,950 for a new total fee of \$76,000, and extend the term of the agreement from December 31, 2021 to December 31, 2022 (County and Council District 5)

Sponsors:

Department of Public Utilities

1.-K. [ID 21-690](#)

***RESOLUTION -Adopting the 24th amendment to the Annual Appropriation Resolution (AAR) No. 2021-178 to appropriate \$750,000 for the Local Early Action Planning Support Grant Program to accelerate housing production in the City of Fresno (Requires 5 Affirmative Votes) (Subject to Mayor's Veto).

Sponsors:

Planning and Development Department

1.-L. [ID 21-804](#)

Approve the sale of one Caterpillar MH3022 Wheeled Material Handler with Waste Handling Grapple to Quinn Company of Fresno, California in the amount of \$344,389 matching the original purchase price in 2019 by the Department of Public Utilities for a solid waste convenience center. Quinn Company's proposal valid through November 11, 2021

Sponsors:

Department of Transportation

- 1.-M. [ID 21-774](#) ***RESOLUTION - Adopting the 25th amendment to the Annual Appropriation Resolution (AAR) No. 2021-178 appropriating \$110,000 for the Transformative Climate Communities (TCC) grant projects (Requires 5 Affirmative Votes)(Subject to Mayor's Veto).
Sponsors: Office of Mayor & City Manager
- 1.-N. [ID 21-822](#) Actions pertaining to Commercial Cannabis Activity:
1. ***RESOLUTION - Adopting the 564th Amendment to the Master Fee Schedule Resolution No. 80-420 adding fees relating to Commercial Cannabis Business Permits (Subject to Mayor's Veto).
Sponsors: Office of Mayor & City Manager
- 1.-O. [ID 21-809](#) Approve the Mayor's appointments of Nicole Turpin and Bill Hyatt to the Disability Advisory Commission.
Sponsors: Office of Mayor & City Manager
- 1.-P. [ID 21-780](#) RESOLUTION - Reaffirming the City's compliance with the San Joaquin Valley Air Pollution Control District Rule 9510 (Indirect Source Review) and to direct staff to explore the feasibility of developing required standard conditions of approval to exceed the Rule 9510 requirements.
Sponsors: Planning and Development Department
- 1.-Q. [ID 21-768](#) Authorize the Chief of Police to enter into a First Amendment to the existing contract with ShotSpotter Inc., (SST) through the end of FY 2024 to provide gunshot detection coverage for an additional three square miles in the City of Fresno for a total cost of \$535,849.
Sponsors: Police Department
- 1.-R. [ID 21-771](#) Actions pertaining to the Veterans Boulevard Interchange Project (Council District 2):
1. RESOLUTION - Adopting findings pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15091 and 15093 as required by CEQA Guidelines Section 15096
2. Award a Construction Contract in the amount of

\$48,025,000 to A. Teichert & Son Inc., M.C.M. Construction, Inc. (Joint Venture), of Sacramento, California, as the lowest responsive and responsible bidder

3. Approve a Distribution and Service Extension Agreement with Pacific Gas and Electric Company in the amount of \$58,427.40 to install electric service facilities for the Veterans Boulevard Interchange Project

Sponsors:

Public Works Department

1.-S. [ID 21-723](#)

Approve a three-year On-Call Land Surveying Service Agreement with Blair, Church & Flynn Consulting Engineers, Inc., with a total not to exceed amount of \$300,000, to provide land surveying services to facilitate City-wide infrastructure improvement projects (Citywide)

Sponsors:

Public Works Department

1.-T. [ID 21-722](#)

Approve three on-call agreements with 1) Hamner, Jewell & Associates, 2) Continental Field Services, and 3) Universal Field Services, for Right of Way Acquisition Project Management Services, each with three-year terms and a total compensation not to exceed \$500,000 individually to assist Public Works staff with the acquisition of privately owned real property and land rights to facilitate City public infrastructure projects (Citywide)

Sponsors:

Public Works Department

1.-U. [ID 21-796](#)

Approve Contract Change Order No. 3 to the Highway Litter Control Contract with Landscape Maintenance of America dba California Highway Adoption Company, in the amount of \$119,500, increasing the total two year contract from \$709,446 to \$828,946 (Citywide)

Sponsors:

Public Works Department

1.-V. [ID 21-794](#)

RESOLUTION- Of Intention to Annex the Territory Identified as the Adjusted Parcel B of Lot Line Adjustment No. 2020-15 as Annexation No. 53 (DSS Campus West Dakota Avenue HAWK Traffic Signal) 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, December 9, 2021, at 10:00 am (southeast corner of West Dakota Avenue and East Airways Boulevard)
(Council District 4)

Sponsors:

Public Works Department

1.-W. [ID 21-647](#)

***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 Chavez

1.-X. [ID 21-823](#)

Approve the appointment of Jessica Vaughn to the Council District 2 Project Review Committee.

Sponsors:

Councilmember Karbassi

CONTESTED CONSENT CALENDAR

2. SCHEDULED COUNCIL HEARINGS AND MATTERS

10:00 A.M. #1

[ID 21-685](#)

HEARING to Consider Text Amendment Application No. P21-05185 and related Environmental Finding for Environmental Assessment No. P21-05185, amending Section 15-2706 of the Fresno Municipal Code, relating to the sale of alcoholic beverages for off-site consumption (Citywide) - Planning and Development Department

1. ADOPT Environmental Assessment No. P21-05185, dated October 20, 2021, that Text Amendment Application No. P21-05185 is exempt from the California Environmental Quality Act (CEQA) pursuant to the Common Sense Exemption that it can be seen with certainty that there is no possibility that the proposed Text Amendment may have a significant effect on the environment pursuant to CEQA Guidelines Section 15061(b)(3).
2. BILL (For introduction) - Amending Section 15-2706 to the Fresno Municipal Code, relating to the use regulations for alcohol sales.

Sponsors: Planning and Development Department

10:00 A.M. #2

[ID 21-658](#) Actions pertaining to Club One Casino, Inc. Card Room Permit Application:
1. HEARING to consider the Club One Casino, Inc. Card Room Permit Application.
2. RESOLUTION - Amending Resolution 2021-225 relating to the Card Room Permit held by Club One Casino by increasing the number card room tables from 31 to 51.

Sponsors: Office of Mayor & City Manager

4:45 P.M.

[ID 21-777](#) WORKSHOP - Police Department Alternative Dispute Resolution (ADR) Program

Sponsors: Office of Mayor & City Manager and Personnel Services Department

6:00 P.M.

[ID 21-802](#) HEARING Regarding redistricting

Sponsors: Vice President Esparza, Arias and Councilmember Maxwell

3. GENERAL ADMINISTRATION

- 3.-A. [ID 21-769](#) Actions pertaining to the Ombudsperson Workers Compensation Alternative Dispute Resolution Program with Fresno Olive Officers Association:
1. Affirm the City Manager's determination that Mariotto Resolutions, Inc., is uniquely qualified to perform as the Ombudsperson for the Workers' Compensation Alternative Dispute Resolution Program with Fresno Olive Officers Association
2. Approve Professional Services Agreement between Mariotto Resolutions, Inc., and the City of Fresno for \$320,000.
3. Authorize the Personnel Services Department Director or

designee to sign the agreement on behalf of the City.

Sponsors:

Personnel Services Department

3.-B. [ID 21-770](#)

Actions relating to an agreement for mediation services and director services for the Workers' Compensation Alternative Dispute Resolution program

1. Approve Professional Services Agreement with Steven Siemers Dispute Resolution, LLC for an amount not to exceed \$50,000 for mediation services and serving as Director for the Workers' Compensation Alternative Dispute Resolution program with the Fresno Police Officers Association;
2. Affirm the City Manager's determination that the provider is uniquely qualified;
3. Authorize the Personnel Services Department Director or designee to sign the agreement on behalf of the City.

Sponsors:

Personnel Services Department

3.-C. [ID 21-807](#)

Actions Related to Improving Operations and Maintenance in Parks and Trails:

1. ***RESOLUTION - Adopting the 22nd Amendment to Annual Appropriations Resolution No. 2021-178 appropriating \$3,235,800 for Measure P Operating and Capital Projects in the PARCS and Public Works Departments (Requires 5 Affirmative Votes)(Subject to Mayor's Veto)
2. ***RESOLUTION - Adopting the 2nd Amendment to Position Authorization Resolution No. 2021-179, adding 13 Positions in the Public Works Department and 41 Positions in the PARCS Department (Subject to Mayor's Veto)

Sponsors:

Public Works Department, Parks, After School and Recreation and Community Services Department

3.-D. [ID 21-798](#)

Actions pertaining to the acquisition of the UMC Campus Property (APN 461-02-003T):

1. *** RESOLUTION - Authorize the Administration to submit an offer to purchase the University Medical Center (UMC) Campus (APN 461-02-003T) in the vicinity of East Kings Canyon Road and South Cedar Avenue from Fresno County. (Subject to Mayor's Veto)

Sponsors: Office of Mayor & City Manager and Vice President Esparza

4. CITY COUNCIL

5. CLOSED SESSION

- 5.-A. [ID 21-808](#) CONFERENCE WITH REAL PROPERTY NEGOTIATOR -
Government Code Section 54956.8
Property: 461-020-03T (UMC Campus)
Negotiating Parties: City Manager, County of Fresno
Under negotiations: Price and terms of sale

Sponsors: Office of Mayor & City Manager

- 5.-B. [ID 21-816](#) CONFERENCE WITH REAL PROPERTY NEGOTIATOR -
Government Code Section 54956.8
Property: 591 N. Fowler (Fowler and Tulare)
Negotiating Parties: City Manager; BN Diversified, LLC.
(Bonadelle Homes)
Under negotiations: Price and terms of sale

Sponsors: Council President Chavez

- 5.-C. [ID 21-817](#) CONFERENCE WITH REAL PROPERTY NEGOTIATOR -
Government Code Section 54956.8
Property: 316-022-21 (Church and Sunnyside)
Negotiating Parties: City Manager; Lennar Homes of
California, Inc.
Under negotiations: Price and terms of sale

Sponsors: Council President Chavez

- 5.-D. [ID 21-779](#) CONFERENCE WITH LABOR NEGOTIATORS -
Government Code Section 54957.6
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); 13. Unrepresented Employees in Unit 2 (Non-Represented Management and Confidential Classes): Airport Public Safety Manager, Assistant City Attorney, Assistant City Manager, Assistant Controller, Assistant Director, Assistant Director of Personnel Services, Assistant Director of Public Utilities, Assistant Director of Public Works, Assistant Police Chief, Assistant Retirement Administrator, Budget Analyst, Budget Manager, Chief Assistant City Attorney, Chief Information Officer, Chief of Staff to Councilmember, Chief of Staff to the Mayor, City Attorney (City Negotiator, Council President Chavez), City Attorney Investigator, City Clerk (City Negotiator, Council President Chavez), City Engineer, City Manager (City Negotiator, Mayor Dyer), Community Coordinator, Community Outreach Specialist, Controller, Council Assistant, Deputy City Attorney II, Deputy City Attorney III, Deputy City Manager, Director, Director of Aviation, Director of Development, Director of Personnel Services, Director of Public Utilities, Director of Transportation, Economic Development Coordinator, Economic Development Director, Executive Assistant to Department Director, Executive Assistant to the City Attorney, Executive Assistant to the City Manager, Executive Assistant to the Mayor, Fire Chief, Governmental Affairs Manager, Human Resources Manager, Independent Reviewer, Internal Auditor, Investment Officer, Labor Relations Manager, Management Analyst II, Payroll Accountant, Payroll Manager, Police Chief, Principal Budget Analyst, Principal Internal Auditor, Public Affairs Officer, Public Works Director, Retirement Administrator, Retirement Benefits Manager, Retirement Office Manager, Senior Budget Analyst, Senior Deputy City Attorney I, Senior Deputy City Attorney II, Senior Deputy City Attorney III, Senior Human Resources/Risk Analyst, Senior Law Clerk, Supervising

Sponsors:

Deputy City Attorney
Office of Mayor & City Manager

5.-E. [ID 21-714](#)

CONSIDER PUBLIC EMPLOYEE APPOINTMENT -
Government Code Section 54957(b):
Consider the appointment, employment, evaluation of
performance, discipline, or dismissal of a public employee.
Position: City Clerk

Sponsors:

Council President Chavez

ADJOURNMENT**UPCOMING SCHEDULED COUNCIL HEARINGS AND MATTERS**

December 2, 2021

10:00 A.M. - HEARING regarding a proposed Development Agreement by and between the City of Fresno and Fagundes Bros. Dairy, relating to the development of the Oasis Master Plan Area, which consists of Vesting Tentative Tract Map Nos. 5456, 5463, 6183, and 6184 (Council District 3).

December 2, 2021

*6:00 P.M.- HEARING regarding redistricting.
Location: Fresno City Hall, 2nd Floor*

December 9, 2021

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. 9, Annexation No. 53 (the Adjusted Parcel B of Lot Line Adjustment No. 2020-15, DSS Campus West Dakota Avenue HAWK Traffic Signal) (southeast corner of West Dakota Avenue and East Airways Boulevard) (Council District 4).

December 9, 2021

*6:00 P.M.- HEARING regarding redistricting.
Location: Fresno City Hall, 2nd Floor*

January 6, 2021

10:00 A.M. #1 - Hearing to adopt Resolution to vacate East Townsend Avenue, South Garden Avenue, and East Heaton Avenue, lying west of South Winery

Avenue in Tract Number 1552 – Campus Homesites.

January 6, 2021

10:05 A.M. - Proposed vacation of a portion of West Van Buren Avenue, North of West Herndon and the vacation of the relinquishment of abutters right along a portion of West Herndon Avenue.

UPCOMING EMPLOYEE CEREMONIES

November 17, 2021 (Wednesday - 2:00 P.M.) - Employee Service Awards

2021 CITY COUNCIL MEETING SCHEDULE

NOVEMBER 11, 2021 – NO MEETING

NOVEMBER 18, 2021 – NO MEETING (CANCELLED)

NOVEMBER 25, 2021 – NO MEETING

DECEMBER 2, 2021 – 9:00 A.M.

DECEMBER 9, 2021 – 9:00 A.M.

DECEMBER 16, 2021 – NO MEETING (CANCELLED)

DECEMBER 23, 2021 – NO MEETING

DECEMBER 30, 2021 – NO MEETING