

City of Fresno

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



Meeting Agenda - Final-revised

Thursday, December 2, 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

City Clerk - Todd Stermer,. 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: December 2, 2021 9:00 AM Pacific Time (US and Canada)

Topic: December 2, 2021 Regular City Council Meeting

a) Register in advance for this webinar:

https://zoom.us/webinar/register/WN_SlyjuDsTS-2yeqkR3xcV_w

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 Pastor DJ Criner with Saint Rest Baptist Church

Pledge of Allegiance to the Flag

APPROVE AGENDA

CEREMONIAL PRESENTATIONS

[ID 21-820](#) “Special Presentation from Fresno County Sheriff Margaret Mims to the Fresno Police Department in Appreciation for Support of the 2020 Creek Fire.”

Sponsors: Council President Chavez

[ID 21-824](#) Proclamation for “Jay Kalpakoff Day”

Sponsors: Councilmember Karbassi

[ID 21-859](#) Proclamation for “Valley Caregivers Month”

Sponsors: Councilmember Karbassi

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 21-031](#) Approval of minutes for the November 3, 2021 Special Closed Session City Council Meeting, the November 4, 2021 Special Closed Session City Council Meeting and the November 4, 2021 Regular City Council Meeting.

Sponsors: Office of the City Clerk

1.-B. [ID 21-865](#) Award a three-year Requirements Contract to RO Bus Sales of Corona, California, for Medium Accessible Paratransit

Cutaways Unleaded Buses for the Department of Transportation Fresno Area Express Handy Ride to purchase no more than 69 buses for a total amount of \$7,235,874.98 plus annual CPI adjustments, and authorize the Director of Transportation, or designee, to execute the contract documents (Bid File 9576).

Sponsors:

Department of Transportation

1.-C. [ID 21-866](#)

Approve the award of a purchase contract to 72 Hour LLC of Watsonville, California, for the purchase of 91 Dodge Durango marked patrol vehicles in the amount of \$3,635,531.35 for the Police Department. Delay of action on this item will result in an additional six months added to the procurement as a result of COVID-19 pandemic supply constraints (Bid File 3841).

Sponsors:

Department of Transportation

1.-D. [ID 21-867](#)

Authorize the Director of Transportation or designee, to execute an agreement between the City of Fresno and California State University, Fresno (CSUF) allowing CSUF students, staff, and faculty to use their university-issued identification cards to access Fresno Area Express (FAX) fixed-route buses at no cost.

Sponsors:

Department of Transportation

1.-E. [ID 21-772](#)

Authorize the Director of the Department of Transportation (or designee) to enter into an Agreement with Fresno Unified School District, to enable the Municipal Fleet Division to become a work-based learning location for non-paid student internships focused on automotive technologies and fleet maintenance through June 1, 2023, with provisions for three one-year extensions, at no cost to the City. This fits within the Mayor's One Fresno Vision for Youth Initiatives and Economic Mobility, as this includes job training, education, and access to a career path.

Sponsors:

Department of Transportation

1.-F. [ID 21-872](#)

Actions pertaining to as needed coating inspection services for Department of Public Utilities infrastructure (Citywide):

1. Approve a consultant services agreement with Bay Area Coating Consultants, Inc., for an amount not to exceed \$250,000
2. Approve a consultant services agreement with Coating Specialists and Inspection Services, Inc., for an amount not to exceed to \$250,000

Sponsors:

Department of Public Utilities

1.-G. [ID 21-880](#)

Actions pertaining to a solar and energy storage project at the Fresno-Clovis Regional Wastewater Reclamation Facility (Council District 3):

1. Adopt the Addendum to Mitigated Negative Declaration SCH No. 2012061089, dated November 10, 2021, prepared for the Fresno-Clovis Regional Wastewater Reclamation Facility Solar Power Project pursuant to CEQA Guidelines Sections 15162 and 15164.
2. Approve an Amended and Restated cooperative purchase Energy Services Agreement-Energy Storage with FFP BTM Solar, LLC, for the design, financing, construction, installation, operation, and maintenance of a 2,310.3 / 9,241.2 kWh (estimated) energy storage system at the Fresno-Clovis Regional Wastewater Reclamation Facility to obtain energy demand reductions.

Sponsors:

Department of Public Utilities

1.-H. [ID 21-900](#)

Actions pertaining to the waste gas flare at the Fresno-Clovis Regional Wastewater Reclamation Facility (Bid File No. 3750) (District 3):

1. Award a construction contract to W.M. Lyles Co., in the amount of \$6,395,900 for construction of Waste Gas Flare Improvements
2. Approve the Second Amendment to the consultant services agreement with Carollo Engineers, Inc., to extend the term of the contract from March 31, 2022, to January 31, 2023, for professional engineering services during construction (no additional dollars)

Sponsors:

Department of Public Utilities

- 1.-I. [ID 21-877](#) Reject all bids for the Furnish and Install Contract for the purchase and installation of a replacement control valve on the Friant-Kern Canal Pipeline at the City of Fresno's Northeast Surface Water Treatment Facility (Bid File 3786) (Council District 6).

Sponsors:

Department of Public Utilities

- 1.-J. [ID 21-876](#) Approve Amendment No. 7 to the November 17, 2016 Copper River Ranch Water Supply Implementation Agreement requesting to eliminate the requirement for the construction of PS 371 following a new water supply analysis conducted by the Developer (Council District 6).

Sponsors:

Department of Public Utilities

- 1.-K. [ID 21-887](#) Actions pertaining to a Solar Energy Ground Lease between City of Fresno and Fresno Community Solar Developers, LLC., at the Regional Wastewater Reclamation Facility (Council District 3):

1. Adopt Mitigated Negative Declaration No. P21-02498 dated November 10, 2021, and Addendum to Mitigated Negative Declaration No. P21-02498 dated November 23, 2021, prepared pursuant to CEQA Guidelines Sections 15070 through 15075, and find based on the City's own independent judgment and analysis, that with the mitigation incorporated, there is no substantial evidence that the project will have a significant effect on the environment.

2. Approve the Agreement for Solar Energy Ground Lease between City of Fresno and Fresno Community Solar Developers, LLC., to lease 74.41 acres of land at the Fresno Clovis Regional Wastewater Reclamation Facility to generate solar energy under the California Public Utilities Commission Disadvantaged Communities-Green Tariff Program.

Sponsors:

Department of Public Utilities

- 1.-L. [ID 21-882](#) Actions pertaining to a Discontinuation of Residential Water Service for Nonpayment Policy:
1. ***RESOLUTION - Adopting a Discontinuation of Residential Water Service for Nonpayment Policy (Subject to

Mayor's Veto)

2. BILL - (For introduction) Amending Article 1 of Chapter 6 of the Fresno Municipal Code, relating to billing and collection procedures for municipal utilities

Sponsors:

Department of Public Utilities and Finance Department

1.-M. [ID 21-881](#)

***RESOLUTION - Authorizing the Department of Public Utilities to apply for and participate in the California Water and Wastewater Arrearage Payment Program (Subject to Mayor's Veto).

Sponsors:

Department of Public Utilities

1.-N. [ID 21-885](#)

Award a Requirements Contract for Citywide Copier Lease Program in the amount of \$386,500.00 per year for five years with an option for four one-year extensions to Ray Morgan Company, of Fresno, CA, Bid File No. 9592.

Sponsors:

Information Services Department

1.-O. [ID 21-906](#)

Actions pertaining to Commercial Cannabis Activity:

1. ***RESOLUTION - 27th Amendment to the Annual Appropriation Resolution (AAR) No. 2021-178 appropriating \$27,500 for the OpenGov, Inc., software services and support agreement. (Requires 5 Affirmative Votes) (Subject to Mayor's Veto).

2. Approve an Amendment with OpenGov, Inc., for a total contract value of \$71,650, for software services, support, and professional services.

Sponsors:

Office of Mayor & City Manager

1.-P. [ID 21-947](#)

Award of Consultant Services Contract for Fresno Youth Commission Management to California Health Collaborative for one year plus two one-year extensions for a total amount Not to Exceed \$258,048.00

Sponsors:

Office of Mayor & City Manager

1.-Q. [ID 21-765](#)

***RESOLUTION - Authorizing joint application to and participation in the HomeKey Program to sustain and rapidly expand housing for youth experiencing homelessness or at risk of homelessness, and who are, thereby, inherently impacted by or at increased risk for medical diseases or conditions due to the COVID-19 pandemic. (Subject to Mayor's Veto).

Sponsors:

Planning and Development Department

1.-R. [ID 21-921](#)

***RESOLUTION - Authorizing application to and participation in the Homekey Program to sustain and rapidly expand housing for persons experiencing homelessness or at risk of homelessness, and who are, thereby, inherently impacted by or at increased risk for medical diseases or conditions due to the COVID-19 pandemic. (Subject to Mayor's Veto).

Sponsors:

Planning and Development Department

1.-S. [ID 21-905](#)

Authorize the Chief of Police to enter an agreement with County of Fresno for the reimbursement of five Fresno Police Officers, one Police Sergeant, and one Crime Analyst which will be assigned to the Adult Compliance Team (ACT) in an amount not to exceed \$1,596,691 for Fiscal Year 2021-22.

Sponsors:

Police Department

1.-T. [ID 21-888](#)

Approve First Amendment to Agreement with Provost & Pritchard Consulting Group adding \$22,700 for a total of \$195,150 with a contingency amount of \$17,245 for the Van Ness and Weldon Pocket Park project (Council District 1).

Sponsors:

Public Works Department

1.-U. [ID 21-891](#)

Actions pertaining to Final Map of Tract No. 6335:

1. RESOLUTION - Approving the Final Map of Tract No. 6335, Phase 2 of Vesting Tentative Tract Map No. 6235, and accepting dedicated public uses offered therein except for dedications offered subject to City acceptance of developer installed required improvements - northeast corner of Olive Avenue and Armstrong Avenue (Council District 4).

Sponsors: Public Works Department

- 1.-V. [ID 21-892](#) Actions pertaining to Final Map of Tract No. 6270:
1. RESOLUTION - Approving the Final Map of Tract No. 6270, of Vesting Tentative Tract Map No. 6270, and accepting dedicated public uses offered therein except for dedications offered subject to City acceptance of developer installed required improvements - West side of South Willow Avenue, between East Fillmore Avenue and East Laurel Avenue (Council District 7).

Sponsors: Public Works Department

- 1.-W. [ID 21-853](#) Approve the appointment of Amy Fuentes to the Council District 2 Project Review Committee.

Sponsors: Councilmember Karbassi

- 1.-X. [ID 21-964](#) Items related to Campus Pointe development:
A. Approve Implementation Agreement modifying 2007 Settlement Agreement with Kashian Enterprises, L.P.; and
B. ***Approve Annual Appropriation Resolution (AAR) amendment for a total of \$517,022.00, for reimbursement of certain development fees paid under protest (Requires 5 Affirmative Votes) (Subject to Veto).

Sponsors: Councilmember Maxwell

- 1.-Y. [ID 21-811](#) ***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.-Z. [ID 21-862](#) Approve Employment Agreement of City Clerk, Effective November 15, 2021.

Sponsors: Council President Chavez

1. [ID 21-838](#) Approval of City Council Meeting Schedule for Calendar Year
-AA. 2022

Sponsors: Office of the City Clerk

CONTESTED CONSENT CALENDAR

2. SCHEDULED COUNCIL HEARINGS AND MATTERS

10:00 A.M. #1

[ID 21-810](#)

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 a total of 599 single-family residential homes as a component of Vesting Tentative Tract Map Nos. 5456, 5463, 6183, and 6184 (Council District 3) - Planning and Development Department.

1. ADOPT an addendum to the previously adopted Mitigated Negative Declaration for Environmental Assessment No. T-6183/T-6184 dated June 26, 2020, environmental finding for Environmental Assessment Nos. R-05-43/T-5456 dated October 19, 2005 and R-05-45/T-5463/C-05-140 dated February 9, 2006, pursuant to Section 15164 of the California Environmental Quality Act (CEQA) Guidelines.

2. BILL (For Introduction) - Approving the Development Agreement by and between the City of Fresno and Fagundes Bros. Dairy, pertaining to the Oasis Master Plan Area, which consists of Vesting Tentative Tract Map Nos. 5456, 5463, 6183, and 6184, situated on the east and west side of South Valentine Avenue, north of West Madison Avenue.

Sponsors: Planning and Development Department

10:00 A.M. #2

[ID 21-837](#)

(CONTINUED FROM NOVEMBER 4, 2021, AT 10:00 A.M.)
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

10:00 A.M. #3

[ID 21-870](#)

(CONTINUED FROM NOVEMBER 4, 2021, AT 10:00 A.M.)

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

10:05 A.M.

[ID 21-734](#)

WORKSHOP - Defining highest-need neighborhoods as it pertains to the Fresno Clean and Safe Neighborhood Parks Transactions and Use Tax, also known as Measure P (Citywide).

Sponsors:

Parks, After School and Recreation and Community Services Department

6:00 P.M.

[ID 21-889](#)

Actions pertaining to Redistricting:

1. HEARING - regarding redistricting

2. BILL (for introduction) - Adopting new Council District boundaries pursuant to the Council redetermination process set forth in Section 304.1 of the Charter of the City of Fresno, Section 21621-21629 of the California Elections Code, and Article 2, Chapter 2, of the Fresno Municipal Code

Sponsors:

Vice President Esparza, Councilmember Arias and Councilmember Maxwell

3. GENERAL ADMINISTRATION

3.-A. [ID 21-924](#)

Action pertaining to budgeting American Rescue Plan Act of 2021 (ARPA) funds:

1. ***RESOLUTION - 30th Amendment to the Annual Appropriations Resolution (AAR) No. 2021-178 appropriating \$38,155,000 for citywide operational support that will be funded from first tranche of ARPA funds (Requires 5 Affirmative Votes)(Subject to Mayor's Veto)

Sponsors:

Office of Mayor & City Manager

4. CITY COUNCIL

5. CLOSED SESSION

5.-A. [ID 21-840](#)

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

Case Name: Martin Lopez v. City of Fresno, et al.; Fresno County Superior Court Case No. 18CECG03618. (Department of Transportation)

Sponsors:

City Attorney's Office

5.-B. [ID 21-848](#)

CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Government Code Section 54956.8

Property: APN 303-082-37

Negotiating Parties: City Manager, Omar Yanez

Under Negotiation: Price and terms of sale

Sponsors:

Councilmember Karbassi

5.-C. [ID 21-920](#)

CONFERENCE WITH LEGAL COUNSEL - PUBLIC SECURITY - Government Code Section 54957(a):

Matters posing a threat to the security of public buildings, the security of essential public services, and to the public's right of access to public services and public facilities, and related actions pertaining to the Declaration by Governor Newsom of a State of Emergency to Help State Prepare for Broader Spread of COVID-19, and related local concerns.

Sponsors:

Office of Mayor & City Manager

5.-D. [ID 21-939](#)

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)

Sponsors:

Office of Mayor & City Manager

ADJOURNMENT

UPCOMING SCHEDULED COUNCIL HEARINGS AND MATTERS

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

10:05 A.M. - HEARING to consider Plan Amendment and Rezone Application No. P21-01875, Vesting Tentative Tract Map Nos. 6238 and 6246, and the Subsequent Environmental Impact Report State Clearinghouse No. 2000021003, for the "Copper River Ranch" development located near East Copper Avenue and North Friant Road (Council District 6)

December 9, 2021

10:10 A.M. #1 - HEARING to consider Plan Amendment and Rezone Application No. P19-00417 and the Addendum to Final Environmental Impact Report (EIR) State Clearinghouse (SCH) No. 2020039061 for the proposed "Parc West" development on the northwest corner of North Grantland and West Ashlan Avenues. (Council District 1)

December 9, 2021

10:10 A.M. #2 - HEARING to consider Plan Amendment and Rezone Application No. P21-01202 and related Environmental Assessment No. P21-01202, for property located on the east side of North Fowler Avenue between East Shields and East Princeton Avenues (Council District 4).

December 9, 2021

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

UPCOMING EMPLOYEE CEREMONIES

2021 CITY COUNCIL MEETING SCHEDULE

DECEMBER 9, 2021 – 9:00 A.M.

DECEMBER 16, 2021 – NO MEETING (CANCELLED)

DECEMBER 23, 2021 – NO MEETING

DECEMBER 30, 2021 – NO MEETING