

City of Fresno

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



Meeting Agenda - Final-revised

Thursday, September 1, 2022

9:00 AM

Regular Meeting

Council Chambers (In Person and/or Electronic)

City Council

President - Nelson Esparza

Vice President - Tyler Maxwell

Councilmembers:

Esmeralda Z. Soria, Mike Karbassi, Miguel Angel Arias, Luis Chavez,

Garry Bredefeld

City Manager - Georgeanne A. White

Interim City Attorney - Rina Gonzales

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: September 1, 2022 9:00 AM Pacific Time (US and Canada)

Topic: September 1, 2022, Regular Meeting

a) Register in advance for this webinar:

https://zoom.us/webinar/register/WN_2RznKZlwSbaA8XLKG6x-Nw

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

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

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

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

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

OR

3. Email: to clerk@fresno.gov

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

b) Emails will be a maximum of 450 words.

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

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

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

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

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 Edward Thomas from Living Word Church

Pledge of Allegiance to the Flag

APPROVE AGENDA

CEREMONIAL PRESENTATIONS

[ID 22-1240](#)

Proclamation for “Mike Reid Day”

Sponsors: Councilmember Karbassi

[ID 22-1344](#)

Proclamation for “Deputy Chief Mindy Casto Day”

Sponsors: Vice President Maxwell and Councilmember Bredefeld

[ID 22-1357](#)

Proclamation for “Officer Steve Hunt”

Sponsors: Councilmember Bredefeld and Office of Mayor & City Manager

COUNCILMEMBER REPORTS AND COMMENTS

MAYOR/MANAGER REPORTS AND COMMENTS

UNSCHEDULED COMMUNICATION

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

1. CONSENT CALENDAR

1.-A. [ID 22-1358](#)

Approve minutes for August 11, 2022, Regular Meeting, August 18, 2022, Regular Meeting, and August 18, 2022, Special Meeting.

Sponsors:

Office of the City Clerk

1.-B. [ID 22-1274](#)

Actions related to the Lease Agreement with John Tomaino, an individual, d.b.a. American Helicopters, which is a

Specialized Aviation Service Operation (SASO) that runs a helicopter and airplane flight training business at Fresno Chandler Executive Airport (FCH). (Council District 3)

1. Adopt a finding of Categorical Exemption pursuant to Section 15301 (Existing Facilities) of the California Environmental Quality Act Guidelines
2. Approve the Lease Agreement (Lease) with John Tomaino, an individual, d.b.a. American Helicopters, to continue operating a helicopter and airplane flight training business at FCH for a term of three (3) years. The amount of potential revenue generated by this Lease is \$57,203.16. (Council District 3)

Sponsors:

Airports Department

1.-C. [ID 22-1349](#)

Actions pertaining to Commercial Cannabis Activity:

1. ***RESOLUTION - Defining the goals of the community benefit fund of the City of Fresno (Subject to Mayor's Veto)

Sponsors:

Office of Mayor & City Manager

1.-D. [ID 22-1148](#)

Actions pertaining to the Equitable Economic Mobility Initiative (EEMI) Grant Program:

1. Authorize the City Manager to accept the \$70,000 in grant funding for the Equitable Economic Mobility Initiative (EEMI) Grant Program from the National League of Cities (NLC)
2. Authorize the City Manager to execute all related documents for the acceptance, modification, extension, and administration of the EEMI Grant Program
3. Authorize the City Manager to execute a Memorandum of Understanding between the City of Fresno and Bitwise Industries Inc. (Bitwise) regarding the EEMI grant

Sponsors:

Economic Development Department

1.-E. [ID 22-1312](#)

Award a consultant services agreement to Blair, Church & Flynn Consulting Engineers in the amount of \$70,900 plus a contingency of \$10,000 for the design and preparation of construction documents for the City Hall Sewer Lift Station Upgrades Project (Council District 3)

Sponsors:

General Services Department

1.-F. [ID 22-1353](#)

Approve the award of a purchase contract to Hometown Trolley of Crandon, Wisconsin for the purchase of three Villager Trolley buses in the amount of \$865,664 for the General Services Department

Sponsors:

General Services Department

1.-G. [ID 22-1325](#)

Actions pertaining to Geographic Information Systems (GIS) software:

1. RESOLUTION - Authorizing a purchase agreement with Environmental Systems Research Institute, Inc. (Esri) for an enterprise licensing agreement without advertised competitive bidding.

2. Approve a three-year Enterprise Agreement No. 00308741.0 with Environmental Systems Research Institute, Inc. (Esri) in the amount of \$1,161,706.

Sponsors:

Information Services Department

1.-H. [ID 22-1289](#)

Actions pertaining to using the Valley Inn located at 933 N. Parkway Drive, Fresno 93728, as an interim low-barrier homeless shelter:

1. Adopt a finding of Categorical Exemption pursuant to Section 15301 of the California Environmental Quality Act (CEQA) guidelines; and

2. Approve a Repair Services Agreement with the Fresno Housing Authority not to exceed \$2,651,648 (District 3)

Sponsors:

Planning and Development Department

1.-I. [ID 22-1318](#)

*** RESOLUTION - Declaring a 10.27-acre property located at the southwest corner of S. Willow Avenue and E. Byrd Avenue in southeast Fresno (APN: 481-110-42T), to be exempt surplus land and directing staff to comply with the open and competitive request for proposals (RFP) process for the disposition of this property for an affordable housing development as required by FMC Section 4-204 (District 5) (Subject to Mayor's Veto)

Sponsors:

Planning and Development Department

1.-J. [ID 22-1369](#)

***RESOLUTION - Adopt the Third Amendment to the FY 2023 Salary Resolution No. 2022-152, amending Section 9, subsection 1.b; and Exhibit 2, Non-Represented Management and Confidential Classes adding the new classification of Project Liaison/Program Administrator and the respective new E13 salary range, retitling the Labor Relations Manager to Chief Labor Negotiator and modifying the salary range from E7 to E6, modifying the Deputy City Manager salary range from E7 to E6, and retitling the Principal Labor Relations Analyst to Principal Labor Relations/Risk Analyst, effective September 5, 2022 (Subject to Mayor's Veto)

Sponsors:

Personnel Services Department

1.-K. [ID 22-1331](#)

Reject all bids for Ready Mix Concrete material requirements contract (Bid File 9648)

Sponsors:

Public Works Department

1.-L. [ID 22-1332](#)

Actions pertaining to solar projects proposed at PARCS and Public Safety sites including Mosqueda Community Center, Roeding Park, Ted C. Wills Community Center, Inspiration Park, Mary Ella Brown Community Center, Fire Department Headquarters, and Police Regional Training Center (Council Districts 1, 3, 5):

1. Adopt findings pursuant to the California Environmental Quality Act (CEQA) Guidelines:
 - a. Adopt a finding of Categorical Exemptions pursuant to Sections 15303/Class 3; 15304-Class 4; and 15311/Class 11 of the CEQA Guidelines;
2. Approve the award of a cooperative purchase Energy Services Agreement-Solar with FFP BTM Solar, LLC, for the design, financing, construction, installation, operation, and maintenance of a 157 kW (DC) (estimated) solar photovoltaic system at Mosqueda Community Center;
3. Approve the award of a cooperative purchase Energy Services Agreement-Solar with FFP BTM Solar, LLC, for the design, financing, construction, installation, operation, and

maintenance of a 162 kW (DC) (estimated) solar photovoltaic system at Roeding Park;

4. Approve the award of a cooperative purchase Energy Services Agreement-Solar with FFP BTM Solar, LLC, for the design, financing, construction, installation, operation, and maintenance of a 219 kW (DC) (estimated) solar photovoltaic system at Ted C. Wills Community Center;

5. Approve the award of a cooperative purchase Energy Services Agreement-Solar with FFP BTM Solar, LLC, for the design, financing, construction, installation, operation, and maintenance of a 78 kW (DC) (estimated) solar photovoltaic system at Inspiration Park;

6. Approve the award of a cooperative purchase Energy Services Agreement-Solar with FFP BTM Solar, LLC, for the design, financing, construction, installation, operation, and maintenance of a 94 kW (DC) (estimated) solar photovoltaic system at Mary Ella Brown Community Center;

7. Approve the award of a cooperative purchase Energy Services Agreement-Solar with FFP BTM Solar, LLC, for the design, financing, construction, installation, operation, and maintenance of a 110 kW (DC) (estimated) solar photovoltaic system at Fire Department Headquarters;

8. Approve the award of a cooperative purchase Energy Services Agreement-Solar with FFP BTM Solar, LLC, for the design, financing, construction, installation, operation, and maintenance of a 110 kW (DC) (estimated) solar photovoltaic system at Police Regional Training Center;

9. Authorize the Public Works Director or designee to execute subsequent documents, instruments, estoppel and acknowledgement certificates, etc. related to securing a financing party;

10. Authorize the Public Works Director or designee to approve of any changes to the PPA rates up to the maximum amount authorized in the agreements;

11. Authorize the Public Works Director or designee to execute the Pacific Gas & Electric (PG&E) Interconnection Agreement required for the project(s).

Sponsors:

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

1.-M. [ID 22-1333](#)

Approve the use of the CalEnviroScreening Score Analyzer as the tree equity scoring criteria to be used by staff in accordance with the City of Fresno Tree Policy.

Sponsors:

Public Works Department

1.-N. [ID 22-1334](#)

RESOLUTION - Authorizing the Submission of Grant Applications to the California Department of Transportation Highway Safety Improvement Program Cycle 11 Call for Projects Totaling Up to \$2 Million in Requests for Funding; and Authorizing the Execution of Grant Application and Grant Agreement Documents by the Public Works Director or Designee (Council Districts 1, 3, 4 & 7)

Sponsors:

Public Works Department

1.-O. [ID 22-1335](#)

Actions pertaining to the Midtown Fresno School Area Multimodal Interconnectivity Project - Bid File No. 3834 (Council Districts 1, 3 and 7):

1. Adopt a finding of Categorical Exemption per staffs determination, pursuant to Sections 15301, 15302, 15303, and 15304 of the California Environmental Quality Act (CEQA) guidelines
2. Award a construction contract in the amount of \$2,214,587 to American Paving Company of Fresno, California

Sponsors:

Public Works Department

1.-P. [ID 22-1336](#)

Approve an agreement for Professional Engineering Services with Peters Engineering Group for \$216,260, with a \$10,000 contingency, for design and construction support services for the Highway City Street Improvement Project (Council District 1)

Sponsors:

Public Works Department

1.-Q. [ID 22-1337](#)

RESOLUTION - Of Intention to Annex Final Tract Map No. 6310 as Annexation No. 133 to the CITY OF FRESNO COMMUNITY FACILITIES DISTRICT NO. 11 and to Authorize the Levy of Special Taxes; and setting the public

hearing for Thursday, October 13, 2022, at 10:00 am
(Located on north side of West Dakota Avenue, between
North Hayes and North Polk Avenues) (Council District 1)

Sponsors:

Public Works Department

1.-R. [ID 22-1346](#)

Actions pertaining to Final Map of Tract No. 6336

RESOLUTION - Approving the Final Map of Tract No. 6336,
Phase 2 of Vesting Tentative Tract Map No. 6214, and
accepting dedicated public uses offered therein except for
dedications offered subject to City acceptance of developer
installed required improvements - located on the east side of
North Fowler Avenue, south of East Clinton Avenue (Council
District 7)

Sponsors:

Public Works Department

1.-S. [ID 22-1368](#)

***BILL B-26 (Intro'd 8/18/2022)(For Adoption) - Amending
Section 6-520 of the Fresno Municipal Code, relating to
regulations for urban water conservation (Subject to Mayor's
Veto)

Sponsors:

Department of Public Utilities

1.-T. [ID 22-1382](#)

Approve the First Amendment to extend the current
Consultant Services Agreement (Agreement) between the
City of Fresno and JSA Inspections (JSA) for consultant and
testing services for hazardous materials (i.e., lead and
asbestos) until February 10, 2023.

Sponsors:

City Attorney's Office

1.-U. [ID 22-1384](#)

***RESOLUTION - Establishing a policy for City cooling and
warming centers (Subject to Mayor's Veto)

Sponsors: Councilmember Arias, Councilmember Soria, and
Councilmember Chavez

1.-V. [ID 22-1350](#)

Approve the appointment of Stefanie Diaz to the City of
Fresno Women's Commission

Sponsors: Councilmember Bredefeld

1.-W. [ID 22-1307](#)

BILL (for introduction) - Repealing Section 9-609 of the Fresno Municipal Code relating to the business hours of pawnbrokers and secondhand dealers.

Sponsors: Councilmember Bredefeld

1.-X. [ID 22-1370](#)

Approve an agreement with Fresno Police & Neighborhood Watch, in the amount of \$300,000, for outreach and marketing services

Sponsors: Council President Esparza

1.-Y. [ID 22-1385](#)

Approve override of Mayoral Veto regarding the following actions pertaining to acceptance of State of California funds allocated to the City of Fresno as pass-through entity to be distributed to local non-profits pursuant to AB 178:

1. *** RESOLUTION - Accepting \$7 million in state funds to the City of Fresno, as pass-through entity for Arte Americas; Accepting \$1.5 million in state funds to the City of Fresno, as pass-through entity for Neighborhood Industries; and accepting \$1 million in state funds to the City of Fresno, as pass-through entity for Planned Parenthood Mar Monte (veto override requires 5 votes)

2. ***RESOLUTION - Adopting the 7th Amendment to the Annual Appropriation Resolution (AAR) No. 2022-154 to appropriate \$1 million from the State of California to the City of Fresno as pass-through entity, which funds are earmarked for local non-profit Planned Parenthood Mar Monte (veto override requires 5 votes)

Sponsors: Councilmember Arias

1.-Z. [ID 22-1391](#)

Local Government Strategic Consulting, LLC., Contract Amendment

Sponsors: Councilmember Chavez

CONTESTED CONSENT CALENDAR

2. SCHEDULED COUNCIL HEARINGS AND MATTERS**3. GENERAL ADMINISTRATION**

- 3.-A. [ID 22-1219](#) WORKSHOP - Community Cat Program - Trap, Neuter/Spay, and Return (TNR)

Sponsors: Office of Mayor & City Manager

- 3.-B. [ID 22-1373](#) WORKSHOP - Office of Community Affairs: Strategic Plan Overview

Sponsors: Office of Mayor & City Manager

- 3.-C. [ID 22-1343](#) WORKSHOP - Mixed Use Text Amendment (Development Code and General Plan Text Amendment No. P22-02413)

Sponsors: Planning and Development Department

- 3.-D. [ID 22-1380](#) Update by S. Elm Avenue property owners on project status and discussion on options available to the City concerning Senate Bill 330

Sponsors: Councilmember Arias

4. CITY COUNCIL**5. CLOSED SESSION**

- 5.-A. [ID 22-1365](#) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Government Code Section 54956.9, subdivision (d)(2)

Case Names: City of Fresno v. Cheng His Hsia; City of Fresno v. Guan Huixian

Sponsors: City Attorney's Office

- 5.-B. [ID 22-1383](#) Discussion pertaining to Tower Theatre:
1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION Government Code 54956.9(d)(1); Existing Litigation: J & A Mash & Barrel, LLC. v. Superior Court of Fresno County.
 2. Government Code section 54956.9(d)(2); Claims by

Adventure Church against City of Fresno dated May 4, 2022, June 6, 2022, and June 24, 2022.

3. CONFERENCE WITH REAL PROPERTY NEGOTIATOR
- Government Code Section 54956.8; Property: 777 E Olive Ave; Negotiating Parties: City Manager, J&A Mash & Barrel, LLC; Under Negotiation: Terms and Conditions of Sale

Sponsors:

City Attorney's Office

ADJOURNMENT

UPCOMING SCHEDULED COUNCIL HEARINGS AND MATTERS

September 15, 2022

10:10 A.M. - Public Hearing on the Consolidated Annual Performance Evaluation Report for PY 2021

September 15, 2022

1:30 P.M. - Study session/workshop on the Multi-jurisdictional Housing Element update

October 13, 2022

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. 133 (Final Tract Map No. 6310) (property located on north side of West Dakota Avenue between North Hayes & North Polk Avenues) (Council District 1)

UPCOMING EMPLOYEE CEREMONIES

October 19, 2022 - Employee of the Fall Quarter

November 16, 2022 -Employee Service Awards

2022 CITY COUNCIL MEETING SCHEDULE

SEPTEMBER 8, 2022 - NO MEETING

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

SEPTEMBER 22, 2022 - NO MEETING

SEPTEMBER 29, 2022 - 9:00 A.M.

OCTOBER 6, 2022 - NO MEETING

OCTOBER 13, 2022 - 9:00 A.M.

OCTOBER 20, 2022 9:00 A.M.

OCTOBER 27, 2022 - NO MEETING

NOVEMBER 3, 2022 - 9:00 A.M.

NOVEMBER 10, 2022 - NO MEETING

NOVEMBER 17, 2022 - 9:00 A.M.

NOVEMBER 24, 2022 - NO MEETING

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

DECEMBER 8, 2022 - NO MEETING

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

DECEMBER 22, 2022 - NO MEETING

DECEMBER 29, 2022 - NO MEETING