

City of Fresno

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



Meeting Agenda - Final-revised

Thursday, October 20, 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

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.

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 which will become part of the official record. It will be available as soon as the agenda is published and will close 24 hours prior to the start of the meeting. 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: October 20, 2022 9:00 AM Pacific Time (US and Canada)

Topic: October 20, 2022 Regular Meeting

a) Register in advance for this webinar:

https://zoom.us/webinar/register/WN_YcvsScDgQ32xBvq-4urbuA

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.

9:00 A.M. ROLL CALL

Invocation

Pledge of Allegiance to the Flag

APPROVE AGENDA

CEREMONIAL PRESENTATIONS

[ID 22-1610](#) Proclamation for “October Breast Cancer Awareness Month and Metastatic Breast Cancer Action Week”

Sponsors: Councilmember Soria

[ID 22-1606](#) Proclamation for “Health Literacy Awareness Month”

Sponsors: Office of Mayor & City Manager

[ID 22-1602](#) Announcement of Fall Employee of the Quarter (EOQ) Recipients

Sponsors: Office of the City Clerk

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 22-1601](#) Approval of the regular meeting minutes of October 13, 2022 and special meeting minutes of September 29, 2022.

Sponsors: Office of the City Clerk

1.-B. [ID 22-1546](#) ***RESOLUTION - Adopting the 573rd Amendment to the Master Fee Schedule Resolution No. 80-420 to add and revise various fees for the Tower Theatre and move all Tower Theatre fees from the General Government Section to the Parks, After School, Recreation, and Community Services

Section (Subject to Mayor's Veto)

Sponsors:

Office of Mayor & City Manager

1.-C. [ID 22-1615](#)

Approve agreement with Moss Adams, LLP for consultant services for agreed-upon procedures for \$190,640 (RFP No. 10121)

Sponsors:

Office of Mayor & City Manager

1.-D. [ID 22-1616](#)

***RESOLUTION - Authorize the acceptance of 2021 Staffing for Adequate Fire and Emergency Response (SAFER) grant award for \$7,246,600 from the Federal Emergency Management Agency (FEMA) and authorize the Fire Chief to complete all required documents (Subject to Mayor's veto)

Sponsors:

Fire Department

1.-E. [ID 22-1509](#)

Award a two-year Requirements Contract with three one-year extensions to West Star Environmental, Inc. of Fresno, California, for citywide fuel site maintenance, repair, and testing required to remain in compliance with the County of Fresno and San Joaquin Valley Air Pollution Control District regulations not to exceed the five-year total amount of \$280,162 plus CPI adjustments (Bid File 9636) (Citywide)

Sponsors:

General Services Department

1.-F. [ID 22-1608](#)

Actions pertaining to the Local Agency Technical Assistance (LATA) grant:

1. Authorize the Chief information Officer to accept \$496,874 in grant funding for the LATA grant awarded to the City of Fresno from the California Public Utilities Commission (CPUC).
2. ***RESOLUTION - Adopt the 13th Amendment to the Annual Appropriation Resolution (AAR) No. 2022-154 appropriating \$496,874 for the LATA grant (Requires five affirmative votes) (Subject to Mayor's veto).

Sponsors:

Information Services Department

1.-G. [ID 22-1599](#)

Actions pertaining to the allocation of funding for the Violence Intervention and Prevention Initiative Grant Program:

1. Approve the recommendation of grant proposals allocating

\$950,000 from American Rescue Plan Act (ARPA) and \$550,000 in General funding to local Community Based Organizations totaling \$1,500,000 to the following organizations: Boys & Girls Club of Fresno County (\$165,000); Every Neighborhood Partnership (\$75,000); Focus Forward (\$50,000); Fresno Economic Opportunities Commission/Advance Peace (\$375,000); Fresno Police Activities League (\$75,000); HandsOn Central California/Fresno Street Saints (\$75,000); Hope Now for Youth (\$130,000); Live Again Fresno (\$150,000); Take a Stand Committee (\$50,000); The Resiliency Center (\$50,000); Trauma Research and Education Foundation of Fresno (\$130,000); West Fresno Health Care Coalition dba West Fresno Family Resource Center (\$150,000) and Integral Community Solutions Institute (\$25,000) for evaluation services.

2. RESOLUTION - Granting Authority to the Parks, After School, Recreation and Community Services (PARCS) Director or their Designee to Enter Into Agreements with Community Based Organizations For One Year With The Option of One, One-Year Extension and Amendment to Provide Programs and Services Funded by the American Rescue Plan Act (ARPA) and General Fund to Aid in the COVID-19 Recovery Effort. (Citywide)

Sponsors:

Parks, After School and Recreation and Community Services Department

1.-H. [ID 22-1547](#)

Actions pertaining to the use of Parking Garage 7:

1. Adopt a finding of Categorical Exemption pursuant to Section 15301 (Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines.
2. Approve the Second Amendment to the License Agreement between the City of Fresno, and T-Mobile West, LLC., to license use of certain real property, together with access and utility rights located at the Fresno City Parking Garage 7 (801 Van Ness Avenue, Fresno, CA 93721) for four (4) five-year terms and total contract revenue of \$436,920 (District 3)

Sponsors:

Planning and Development Department

1.-I. [ID 22-1530](#)

Action relating to repealing and adding Building Regulations in the Fresno Municipal Code

1. BILL (For Introduction) - Adopting express findings related to local climatic, topographical and geological conditions that make the City's amendments to the California Mechanical Code and California Plumbing Code reasonably necessary and repealing Sections 11-101 through Section 11-109 of Article 1, Chapter 11 of the Fresno Municipal Code and adding Sections 11-101 through Section 11-109 of Article 1, of Chapter 11 to adopt and amend the California Building, Residential, Electrical, Mechanical, Plumbing, Energy and Green Building Standards Codes

Sponsors:

Planning and Development Department

1.-J. [ID 22-1623](#)

RESOLUTION - Of Intention to Establish a Community Facilities District (Community Facilities District No. 18 - Public Safety Services) and future annexation area and to Authorize the Levy of a Special Tax; and setting the public hearing for Thursday, December 1, 2022 at 10:10am (T-6310, near the northwest corner of Dakota and Polk Avenues; T-6234, southwest corner of Dakota & Hayes Avenues; future annexation area encompasses entire City of Fresno) (Citywide)

Sponsors:

Public Works Department

1.-K. [ID 22-1457](#)

Authorize the Chief of Police to execute a services and facilities contract with the Fresno County Department of Behavioral Health (DBH) to enhance the Fresno Police Department's response to calls involving individuals experiencing a mental health crisis by continuing our existing partnership with DBH and contract mental health service providers

Sponsors:

Police Department

1.-L. [ID 22-1543](#)

RESOLUTION - Approve a grant application for the Blackstone Avenue and McKinley Avenue BNSF Grade Separation Project for formulaic grant funds in the amount of

\$1,904,000 from the Local Partnership Program (Council Districts 1 and 7)

Sponsors:

Public Works Department

1.-M. [ID 22-1544](#)

Approve the Sixth Amendment to the Consultant Services Agreement with QK Consulting Engineers, Inc., of Clovis, CA in the amount of \$5,928, for a total increased contract amount of \$86,998, for professional civil engineering design services and preparation of construction documents for the Jensen Avenue Overlay Project from State Route 41 to Martin Luther King Jr. Boulevard (Council District 3)

Sponsors:

Public Works Department

1.-N. [ID 22-1591](#)

BILL - (For introduction) 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.-O. [ID 22-1618](#)

***BILL B-30 (Intro'd 10/13/2022) (For Adoption) - Amending Section 9-613 of the Fresno Municipal Code relating to Exceptions from the Pawnbrokers and Secondhand Dealers Ordinance. (Subject to Mayor's Veto)

Sponsors:

Councilmember Bredefeld

1.-P. [ID 22-1617](#)

***RESOLUTION - Adopting a program to incentivize job creation along the Ventura/Kings Canyon/Avenida Cesar Chavez corridor east of First Street (Subject to Mayor's Veto)

Sponsors:

Councilmember Chavez

1.-Q. [ID 22-1375](#)

***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 Esparza

- 1.-R. [ID 22-1631](#) RESOLUTION - Amending Rule 6 of the Council Rules of Procedure Related to Sponsorship of Agenda Items.

Sponsors: Vice President Maxwell

CONTESTED CONSENT CALENDAR

2. SCHEDULED COUNCIL HEARINGS AND MATTERS

10:00 A.M.

[ID 22-1603](#) Appearance by Mary Padilla to discuss Returning Rightful Living to America. (Speaker Resides in District 2)

Sponsors: Office of the City Clerk

10:05 A.M.

[ID 22-1604](#) Appearance by Steve Markus to discuss alley gate breaches. (Speaker Resides in District 7)

Sponsors: Office of the City Clerk

3. GENERAL ADMINISTRATION

- 3.-A. [ID 22-1626](#) WORKSHOP - Fresno Chaffee Zoo Master Plan - presented by Fresno Chaffee Zoo Chief Executive Officer & Zoo Director, Jon Forrest Dohlin.

Sponsors: Councilmember Arias

4. CITY COUNCIL

5. CLOSED SESSION

- 5.-A. [ID 22-1534](#) CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION
Government Code Section 54956.9, subdivision (d)(1)

Case Name: City of Fresno v. Fresno Building Healthy Communities
Court of Appeal Case No.: F084662; and

Case Name: Fresno Building Healthy Communities v. City of

Fresno

Court of Appeal Case No.: F084666 (PARCS Department)

Sponsors:

City Attorney's Office

5.-B. [ID 22-1613](#)

CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION

Government Code Section 54956.9, subdivision (d)(1)

Gianna Provenzano v. City of Fresno, et al.

Fresno Superior Court Case No. 21CECG01263

Sponsors:

City Attorney's Office

5.-C. [ID 22-1614](#)

CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Government Code Section 54956.8

Property: 937-945 F Street; APN 467-07-402

Negotiating Parties: City Manager, Wilson and Yolanda Wong

Under Negotiation: Terms and conditions of sale

Sponsors:

Councilmember Arias

5.-D. [ID 22-1612](#)

CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Government Code Section 54956.8 Property: APN

468-400-54T Negotiating Parties: City Manager White,

Prosperous Terra, LLC., (Ruelas, Inc.) Under

Negotiation: Price and terms of sale

Sponsors:

Office of Mayor & City Manager

5.-E. [ID 22-1627](#)

CONSIDER PUBLIC EMPLOYEE APPOINTMENT -

Government Code Section 54957(b):

Consider the appointment, employment, evaluation of performance, discipline, or dismissal of a public employee.

Title: City Attorney

Sponsors:

Council President Esparza

5.-F. [ID 22-1620](#)

CONFERENCE WITH LEGAL COUNSEL - POTENTIAL LITIGATION,

Government Code Section 54956.9(d)(4) - City Council is considering whether to initiate litigation: One (1) potential case

Sponsors:

Office of Mayor & City Manager

- 5.-G. [ID 22-1629](#) CONFERENCE WITH LEGAL COUNSEL - POTENTIAL LITIGATION, Government Code Section 54956.9, subdivision (d)(2);

Nelson Esparza v. City of Fresno

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

People v. Nelson Esparza (F22905037)

- 5.-H. [ID 22-1633](#) CONFERENCE WITH LEGAL COUNSEL - POTENTIAL LITIGATION,
Government Code Section 54956.9(d)(4) - City Council is considering whether to initiate litigation: One (1) potential case

ADJOURNMENT

UPCOMING SCHEDULED COUNCIL HEARINGS AND MATTERS

November 17, 2022

10:00 A.M. - Located on East Tulare Ave between South Clovis Avenue and North Fowler Avenue

December 1, 2022

10:00 A.M.#1 - Located on the northwest corner of North Armstrong Avenue and East Clinton Avenue

December 1, 2022

10:00 A.M. #2 - PROPOSED VACATION A PORTION OF THE SOUTHEASTERLY SIDE NORTH STATE STREET BETWEEN WEST MISSION AVENUE AND GOLDEN STATE BOULEVARD

December 1, 2022

10:00 A.M. #3 - HEARING to adopt resolutions and ordinance to Consider the Formation of a Community Facilities District (Community Facilities District No. 18 – Public Safety Services) and future annexation area and to Authorize the Levy of

a Special Tax; (T6310, near the northwest corner of Dakota and Polk Avenues; T6234, southwest corner of Dakota and Hayes Avenues; future annexation area encompasses entire City of Fresno) (Districts 1-7)

December 1, 2022

10:05 A.M. - PROPOSED VACATION A PORTION OF THE NORTH GLENN AVENUE-NORTH BLACKSTONE AVENUE ALLEY, BETWEEN EAST SIMPSON AVENUE AND EAST CORNELL AVENUE

UPCOMING EMPLOYEE CEREMONIES

November 16, 2022 -Employee Service Awards

2022 CITY COUNCIL MEETING SCHEDULE

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