

City of Fresno

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



Meeting Minutes - Final

Thursday, December 14, 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 City Council met in regular session in the Council Chamber, City Hall, on the date and time above written.

9:08 A.M. ROLL CALL

*Present: 7- Councilmember Nelson Esparza
Council President Tyler Maxwell
Vice President Annalisa Perea
Councilmember Mike Karbassi
Councilmember Miguel Angel Arias
Councilmember Luis Chavez
Councilmember Garry Bredefeld*

Invocation by Executive Pastor of Ministries, Reverend Adrian Lee from Family Community Church

Reverend Adrian Lee gave the invocation.

Pledge of Allegiance to the Flag

Councilmember Bredefeld led the Pledge of Allegiance.

APPROVE AGENDA

Assistant City Clerk Parra announced the following changes to the agenda:

Consent Calendar item 1-D (ID 23-1820) regarding actions pertaining to the Warming Center Resolution approved on December 7, 2023 – the following was requested to be read into the record: Pursuant to council direction from the December 7, 2023, council meeting. The Resolution establishing a policy for City cooling and warming centers is modified to include an additional location at ACTS Foundation, 4798 N. Marty Avenue.

Consent Calendar item 1-M (ID 23-1767) regarding the cooperative purchase agreement to Pape Kenworth. For DPU Water Operations Division – there was a change to the fiscal impact section: The Kenworth T880 water pump hoist truck will be financed through the Master Equipment Lease Purchasing Agreement (MELPA) with the first payment estimated to be \$56,279 expected in FY2025. The source of funding for this project is the General Services Department, Fleet Management Division Replacement Fund and the Water Operating Fund generated primarily by the collection of customer user fees.

Consent Calendar item 1-T (ID 23-1763) regarding Resolution to adopt the 9th Amendment to Fiscal Year 2024 Salary - the resolution amending the Fiscal Year 2024 Salary Resolution is being amended to remove the following new classification: Airports Public Safety Agent I, Airports Public Safety Agent II, and Senior Airports Public Safety Agent. These aforementioned new classifications will be brought back at a later date. All references to these new classifications are hereby deleted from the resolution as provided in the updated documents distributed with this update.

Consent Calendar item 1-KK (ID 23-1792) regarding BILL - (For Introduction) Repealing Article 22 of Chapter 14 of the Fresno Municipal Code, relating to Cruising (Subject to Mayor's Veto) - the bill is not subject to Mayor's veto.

THE FOLLOWING ITEMS WERE REMOVED FROM THE AGENDA:

Consent Calendar item 1-A (ID 23-1782) regarding Approval of Minutes for December 7, 2023, Regular Meeting has been moved to the January 11 agenda by staff.

Consent Calendar item 1-II (ID 23-1794) regarding Actions pertaining to a Route 99 Freeway Agreement (0.1 mile south of Chestnut Avenue to Church Avenue) -requested to be removed from the agenda by Councilmember Arias and tabled to an unknown date.

Councilmember Karbassi motioned to keep Consent Calendar item 1-II (ID 23-1794) on the agenda for discussion. Vice President Perea seconded the motion. The Motion PASSED 7-0 with the following votes:

Ayes (7): Perea, Karbassi, Arias, Maxwell, Chavez, Bredefeld, Esparza

Consent Calendar item 1-JJ (ID 23-1760) regarding resolution renaming the Van Ness and Weldon Pocket, Park to "Trolley" Park – was removed from the agenda by Vice President Perea and tabled to January 11, 2024.

Scheduled Hearing and Matters item 10:00am (ID 23-1691) regarding hearing on Office/Warehouse Project located at the northeast intersection of North Marks and West Nielsen Avenues – requested to be removed from the agenda by Councilmember Arias and tabled to an unknown date.

General Administration item 3-A (ID 23-1800) regarding Workshop- Update on Sale of Grizzlies Baseball Club – was requested to be removed by staff and will not be returning.

THE FOLLOWING ITEMS WERE MOVED TO CONTESTED CONSENT FOR FURTHER DISCUSSION:

1-C (ID 23-1358) regarding the City of Fresno’s Downtown Parking Garage 9 storefront leases – was pulled by Councilmember Arias.

1-II (ID 23-1794) regarding Actions pertaining to a Route 99 Freeway Agreement (0.1 mile south of Chestnut Avenue to Church Avenue) - was pulled by Councilmember Arias.

1-S (ID 23-1769) regarding the training services for street outreach – was pulled by Councilmember Arias.

1-V (ID 23-1759) regarding the Organized Retail Theft Prevention Grant Program – was pulled by Councilmember Arias.

1-Z (ID 23-1762) regarding the Prop 218 process for proposed updates – was pulled by Councilmember Arias.

On motion of Councilmember Esparza, seconded by Vice President Perea, the above agenda was APPROVED AS AMENDED. The motion carried by the following vote:

Aye: 7 - Esparza, Maxwell, Perea, Karbassi, Arias, Chavez and Bredefeld

CEREMONIAL PRESENTATIONS

[ID 23-1780](#) Proclamation for “Tony Boren Day”

PRESENTED

COUNCILMEMBER REPORTS AND COMMENTS

Councilmember Karbassi Reports and Comments: Acknowledged Public Works staff on completing the traffic signal project on Sierra and West. Announced repaving of Weber Avenue. Acknowledged Deputy City Clerk Barrios for the Christmas cookies. Congratulated Mindy Casto, for the Fresno Area Polar Express. Wished everyone a Merry Christmas and a Happy Hanukkah. Thanked Council President Tyler Maxwell for his service and positive changes in the council tone. Requested the meeting adjourn in memory of Sally Caglia.

Councilmember Arias Reports and Comments: Announced on Saturday, there will be a food distribution and toy giveaway at Tilley Elementary School. Acknowledgment to staff for the completion of the Huntington Boulevard Street repaving project. Mentioned riding the trolley and suggested route improvements. Attended the flag-raising event for Palestine and expressed gratitude for community support. Requested an update on the overhead lighting for Fulton Street. Announced the Central Fresno Truck Study survey.

Councilmember Chavez Reports and Comments: Acknowledged Council President Maxwell for his work during the year. Welcomed incoming Council President Perea. Wished everyone a Merry Christmas and a Happy New Year. Presented the Larry Raven Spirit award to Mrs. Penny Raven at the Huntington Boulevard neighborhood. Mentioned the Lowrider Cruise Toy Drive event. Congratulated Jacinto Tacos for winning the Taco Truck Throwdown. Announced the upcoming toy wrap party at the East Fresno Boys and Girls Club and sought volunteers.

Councilmember Bredefeld Reports and Comments: Acknowledged Council President Maxwell for a job well done over the year.

Councilmember Esparza Reports and Comments: Attended the Larry Raven Spirit Award ceremony. Attended the General Vang Pao's Day Celebration. Invited the community to attend the Annual Manchester Center holiday celebration on Saturday.

Vice President Perea Reports and Comments: Welcomed Mi Cafesito coffee shop, a new business in the Tower District. Hosted the holiday fundraiser reception to benefit the Veterans of War Post 8900. Acknowledged the ACT Foundation serving the unhoused population. Acknowledged Council President Maxwell for his leadership over the year.

MAYOR/MANAGER REPORTS AND COMMENTS

City Manager White Reports and Comments: Acknowledged Council President Maxwell for his leadership over the year. Customer Relationship Management Software for Council is now live.

Mayor Dyer Reports and Comments: Acknowledged Council President Maxwell for his leadership over the year. Toured Downtown Fresno with Senator Pro-tem Mike McGuire. Announced Friday will be recognizing Beautify Fresno Volunteer Appreciation Night at Chukchansi Park.

CITY CLERK AND CITY ATTORNEY REPORTS AND COMMENTS

City Attorney Janz Reports and Comments: Updated Council on illegal activity within the Smoke Shops. Announced a recent fire at La Hacienda Mobile Home Park. Acknowledged Council President Maxwell for his leadership this year.

UNSCHEDULED COMMUNICATION

The following members of the public addressed Council: Kevin Carmichael (10:00am); Cindy Piomino; Fernando Elizando; Louren Lopez; Daisy Porras; Suleiman Algharabli; Yasir; Layla Darwish; Biane Shahin; Jaidaa Hussein; Hanah Elmasry; Samai Munoz; Pricilla Herrera; Lilia Becerril; Kim Sanders; Elmer Blanco; Dr. Sohaib Qadri; Juana Meza; Ben Granholm (1-II); Brandi Nuse-Villegas; Hira Sheikh; Kareem Abonofal; Bob McCloskey; Lethal Garcia; Ivanka Saunders (1-II); Lisa Flores; Fadwa Amireh; Lynn Owens; Mohammad Sheikh, and Juan Barreto.

Councilmember Bredefeld and Councilmember Karbassi spoke in regarding the Hamas and Israel war.

[ID 23-1855](#) Public Comment

1. CONSENT CALENDAR

APPROVAL OF THE CONSENT CALENDAR

On motion of Councilmember Karbassi, seconded by Councilmember Esparza, the CONSENT CALENDAR was hereby adopted by the following vote:

Aye: 7- Esparza, Maxwell, Perea, Karbassi, Arias, Chavez and Bredefeld

- 1.-A. [ID 23-1782](#) Approval of Minutes for December 7, 2023, Regular Meeting

The above item was removed from the agenda by staff and tabled to January 11, 2024.

TABLED

- 1.-B. [ID 23-1797](#) RESOLUTION - amending certain designated positions which shall be subject to the conflict of interest code and defining categories of disclosures for such positions

RESOLUTION 2023-319 ADOPTED

SUCCESSOR AGENCY NO. 53 ADOPTED

APPROVED ON CONSENT CALENDAR

- 1.-D. [ID 23-1820](#) Actions pertaining to the Warming Center Resolution approved on December 7, 2023:

The following was requested to be read into the record: Pursuant to council direction from the December 7, 2023, council meeting. The Resolution establishing a policy for City cooling and warming centers is modified to include an additional location at ACTS Foundation, 4798 N. Marty Avenue.

RESOLUTION 2023-320 ADOPTED AS AMENDED

APPROVED ON CONSENT CALENDAR

- 1.-E. [ID 23-1824](#) ***RESOLUTION - Delegating Authority to the City Manager to Enter into Contracts of up to \$100,000 for Animal Center Operations (Subject to Mayor's Veto)

RESOLUTION 2023-321 ADOPTED

APPROVED ON CONSENT CALENDAR

- 1.-F. [ID 23-1462](#) Actions pertaining to the California For All Animals Shelter Assistance Program Sniptember Grant:

1. Authorize the City Manager to accept \$182,200 in grant funding from the Regents of the University of California on behalf of its Davis Campus School of Veterinary Medicine on behalf of its Koret Shelter Medicine Program in connection with the California for All Animals statewide animal shelter assistance program for the Animal Center Sniptember Grant.
2. Authorize the City Manager or their designee to execute the Shelter Services Grant Agreement, the Services Agreement with Animal Balance, a California Public Benefit Nonprofit Corporation and all related documents, for the California For All Animals Shelter Assistance Program Sniptember Grant.
3. ***RESOLUTION - Adopt the 23rd Amendment to the Annual Appropriation Resolution (AAR) No. 2023-185 appropriating \$182,200 for the Animal Center from the California for All Animals Shelter Assistant Program Sniptember Grant (requires five affirmative votes) (subject to Mayor's Veto).

RESOLUTION 2023-322 ADOPTED

APPROVED ON CONSENT CALENDAR

- 1.-G. [ID 23-1754](#) Submission and Acceptance of the City of Fresno Clean and Safe Neighborhood Parks Tax (Measure P) Report for Fiscal Year 2023.

APPROVED ON CONSENT CALENDAR

- 1.-H. [ID 23-1751](#) Actions pertaining to the award of two Requirements Contracts for the purchase of new tires for the municipal fleet in the total aggregate amount not-to-exceed \$1,000,000 per year, plus annual CPI increases (Bid File 12401402):
1. Award a Requirements Contract to Delray Tire and Retreading Inc of Fresno, California through June 5, 2025, with two optional one-year extensions
 2. Award a Requirements Contract to East Bay Tire Co of Fresno, California through June 5, 2025, with two optional one-year extensions

APPROVED ON CONSENT CALENDAR

- 1.-I. [ID 23-1752](#) Approve the award of a cooperative purchase agreement to PB Loader Corporation of Fresno, California, for the purchase of one Freightliner M2-106 Hot Patch Truck in the amount of \$318,013 for the Department of Public Works.

APPROVED ON CONSENT CALENDAR

- 1.-J. [ID 23-1757](#) Approve the award of a cooperative purchase agreement to Graybar Electric Company, Inc. of Fresno, California for a citywide Requirements Contract for one year with two optional two-year extensions for the purchase of electrical, lighting, data communications and security products, and related products, not-to-exceed \$850,000 per year plus annual CPI increases (Bid File 9680).

APPROVED ON CONSENT CALENDAR

- 1.-K. [ID 23-1765](#) Award a requirements contract for refuse truck cleaning services to Kept Companies dba FLEETWASH of Fresno, California for three years, with two optional one-year extensions, for an amount not to exceed \$65,666 per year plus annual CPI adjustments (Bid File 12302358).

APPROVED ON CONSENT CALENDAR

- 1.-L. [ID 23-1766](#) Actions pertaining to the award of three purchase contracts to Swanson Fahrney Ford, of Selma, California, for the purchase of a total of 81 Ford vehicles for various departments in the total aggregate amount of \$4,421,353:
1. Award a purchase contract for 30 Ford Super Duty trucks in the amount of \$1,770,747 (Bid file 12401037).
 2. Award a purchase contract for 33 Ford Super Duty trucks in the amount of \$1,844,457 (Bid File 12401132).
 3. Award a purchase contract for 18 Ford vehicles in the amount of \$806,149 (Bid File 12401313).

APPROVED ON CONSENT CALENDAR

- 1.-M. [ID 23-1767](#) Approve the award of a cooperative purchase agreement to Pape Kenworth of Fresno, CA, for the purchase of one Kenworth T880 water pump hoist truck in the amount of \$535,605 for the Department of Public Utilities, Water Operations Division.

There was a change read into the record regarding the fiscal impact section: The Kenworth T880 water pump hoist truck will be financed through the Master Equipment Lease Purchasing Agreement (MELPA) with the first payment estimated to be \$56,279 expected in FY2025. The source of funding for this project is the General Services Department, Fleet Management Division Replacement Fund and the Water Operating Fund generated primarily by the collection of customer user fees.

APPROVED AS CORRECTED

APPROVED ON CONSENT CALENDAR

- 1.-N. [ID 23-1768](#) Approve the award of a cooperative purchase agreement to Pape Kenworth of Fresno, CA, for the purchase of one Kenworth T880 crane truck in the amount of \$465,145 for the Department of Public Utilities, Wastewater Management Division.

APPROVED ON CONSENT CALENDAR

- 1.-O. [ID 23-1786](#) Actions pertaining to the purchase of twelve 40' CNG buses approved by Council on September 14, 2023:
1. Authorize the Purchasing Manager to execute a participating cooperative agreement with the Washington State Department of Enterprise Services for contract #06719-01
 2. Authorize the Purchasing Manager to execute a Cooperative Purchase Agreement with Gillig LLC

APPROVED ON CONSENT CALENDAR

- 1.-P. [ID 23-1813](#) 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 \$364,581.84 annually

APPROVED ON CONSENT CALENDAR

- 1.-Q. [ID 23-1808](#) Approve the Second Amendment to Agreement with CentralSquare, authorizing the CIO to renew the software hosting, maintenance, and support services with CentralSquare in the amount of \$234,551.88.

APPROVED ON CONSENT CALENDAR

- 1.-R. [ID 23-1756](#) ***RESOLUTION - Authorizing the City Manager or designee to submit a proposal requesting reimbursement from Fresno Unified School District (FUSD) for providing aquatics programming at up to seven high schools in an amount not to exceed \$350,000 and authorizing the City Manager or designee to enter into 2024 aquatics related funding agreements on behalf of the City of Fresno (Citywide) (Subject to Mayor's Veto)

RESOLUTION 2023-323 ADOPTED

APPROVED ON CONSENT CALENDAR

- 1.-T. [ID 23-1763](#) ***RESOLUTION: Adopt the Ninth Amendment to Fiscal Year 2024 Salary Resolution No. 2023-183, amending Exhibit 3, Unit 3, Non-Supervisory White Collar (FCEA) by adding the new classifications and providing a monthly salary step plan range for Radio Frequency (RF) Network Engineer I, Radio Frequency (RF) Network Engineer II, Senior Radio Frequency (RF) Network Engineer and Airports Public Safety Agent I, Airports Public Safety Agent II, Senior Airports Public Safety Agent, effective December 18, 2023 (Subject to Mayor's Veto); and amending Section 18, Benefits for Police Cadets, Permanent Part-Time Employees, and Limited Employees; and Benefits and Terms and Conditions for Permanent Airport Public Safety Officers and Permanent Airport Public Safety Supervisors, to update the Section 18 and Subsection C headings to include Temporary Employees and modify Subsection C to add a standby premium pay and respective provisions for limited and temporary employees in non-exempt job classifications; retroactively effective December 4, 2023 (Subject to Mayor's Veto)

There was a correction read into the record: the resolution amending the Fiscal Year 2024 Salary Resolution is being amended to remove the following new classification: Airports Public Safety Agent I, Airports Public Safety Agent II, and Senior Airports Public Safety Agent. These aforementioned new classifications will be brought back at a later date. All references to these new classifications are hereby deleted from the resolution as provided in the updated documents distributed with this update.

RESOLUTION 2023-324 ADOPTED AS AMENDED

APPROVED ON CONSENT CALENDAR

- 1.-U. [ID 23-1715](#) Actions pertaining to on-call plan check, back check, and inspection services.
1. Approve a consultant service agreement with Interwest Consulting Group, Inc in an amount not to exceed \$150,000 for a performance term through December 31, 2025; and
 2. Approve a consultant service agreement with BPR Consulting Group, LLC in an amount not to exceed \$150,000; for a performance term through December 31, 2025.

APPROVED ON CONSENT CALENDAR

- 1.-W. [ID 23-1704](#) Actions pertaining to the Willow and Balch Play Structure Replacement Project Bid File No. 12400566 (Council District 7):
1. Adopt a finding of Categorical Exemption per staff's determination,

pursuant to Section 15301 and 15302 of the California Environmental Quality Act (CEQA) Guidelines

2. Award a construction contract in the amount of \$457,290 to R E Schultz Construction, Inc. of Orange, California, as the lowest responsive and responsible bidder for the Willow and Balch Play Structure Replacement Project

APPROVED ON CONSENT CALENDAR

- 1.-X. [ID 23-1724](#) Actions pertaining to the Midtown Fresno Trail: McKinley Avenue Gap Closure Project, Millbrook Avenue to Clovis Avenue (Council Districts 4 & 7):
1. Award a construction contract in the amount of \$6,633,609 to Avison Construction, Inc. of Madera, CA, as the lowest responsive and responsible bidder, for the Midtown Fresno Trail: McKinley Avenue Gap Closure Project, Millbrook Avenue to Clovis Avenue (Bid File No. 12400950).
 2. Approve a Joint Project Agreement with the Fresno Irrigation District to provide for cost sharing on erosion repairs, for an estimated City contribution in the amount of \$181,350, plus a 10% contingency.

APPROVED ON CONSENT CALENDAR

- 1.-Y. [ID 23-1796](#) ***RESOLUTION - Adopting the 30th Amendment to the Annual Appropriations Resolution (AAR) No. 2023-185 appropriating \$2,200,000 for the Capital Projects Department operating budget to allocate funding for the remaining fiscal year operating expenditures (Requires 5 Affirmative Votes) (Subject to Mayor's Veto).

RESOLUTION 2023-328 ADOPTED

APPROVED ON CONSENT CALENDAR

- 1.-AA. [ID 23-1774](#) Actions pertaining to the Fresno-Clovis Regional Wastewater Reclamation Facility Energy Savings and Sustainability Capital Improvements Project (Council District 3):
1. Adopt a finding of Categorical Exemption pursuant to Sections 15302 of the California Environmental Quality Act (CEQA) Guidelines
 2. Award a Design Build contract to Alliance Building Solutions, Inc., for a total amount of \$24,234,109, for the Fresno-Clovis Regional Wastewater Reclamation Facility Energy Savings and Sustainability Capital Improvements Project
 3. ***RESOLUTION - Authorizing the Director of Public Utilities, or

designee, to execute and deliver an installment purchase agreement, an escrow agreement, and equipment schedule (Subject to Mayor's Veto)

RESOLUTION 2023-329 ADOPTED

APPROVED ON CONSENT CALENDAR

- 1.-BB. [ID 23-1781](#) Annual Review and Acceptance of the FY 2023 Summary of Impact Fee Waivers

APPROVED ON CONSENT CALENDAR

- 1.-CC. [ID 23-1698](#) ***RESOLUTION - Authorizing the Public Works Director or Designee to Submit a Grant Application in an amount not to exceed \$400,000 for the 2024-2025 California Department of Transportation (Caltrans) Sustainable Transportation Planning Grant (STPG) Program to fund the development of a City of Fresno Mobility Design Guide (MDG), and Authorizing Execution, Acceptance of the Grant, and Completion of Restricted Grant Agreements and Amendments for the Project with Caltrans by the Public Works Director or Designee (Citywide) (Subject to Mayor's Veto).

RESOLUTION 2023-330 ADOPTED

APPROVED ON CONSENT CALENDAR

- 1.-DD. [ID 23-1730](#) Active Transportation Advisory Committee (ATAC) Semi-Annual Report (April 2023 through October 2023) (Citywide)

APPROVED ON CONSENT CALENDAR

- 1.-EE. [ID 23-1733](#) Actions pertaining to Resolution of Intention Number 1154-D to vacate a portion of excess public street right of way on the northeast side of North Weber Avenue, northwest of West Herndon Avenue (Council District 2):
1. Adopt the attached Resolution of Intention Number 1154-D to vacate a portion of excess public street right of way on the northeast side of North Weber Avenue, northwest of West Herndon Avenue
 2. Set the required public hearing at 10:05 a.m. on January 11, 2024

APPROVED ON CONSENT CALENDAR

- 1.-FF. [ID 23-1776](#) Award a Requirements Contract to Briner & Son Landscape Management of Fresno, California to provide weekly landscape maintenance services to all community facilities districts (CFDs) and community parks within the City of Fresno, east of Freeway 41 for one year with seven optional one-year extensions in an amount up to \$944,424.00 per year plus an annual 20% contingency (RFP No. 12400071) (Council Districts 4, 5, 6 and 7).

APPROVED ON CONSENT CALENDAR

- 1.-GG. [ID 23-1777](#) Award a Requirements Contract to Briner & Son Landscape Management of Fresno, California to provide weekly landscape maintenance services to all community facilities districts (CFDs) and community parks within the City of Fresno, west of Freeway 41 for one year with seven optional one-year extensions in an amount up to \$1,051,596.00 per year plus an annual 20% contingency (RFP No. 12400220) (Council Districts 1, 2 and 3).

APPROVED ON CONSENT CALENDAR

- 1.-HH. [ID 23-1793](#) Authorize the Public Works Director to enter into Reimbursement Agreement No. HSR23-41 with the California High Speed Rail Authority (CHSRA), in substantially the form presented, to reimburse the City for work on specified CHRSA matters (Council Districts 1, 2, & 3).

APPROVED ON CONSENT CALENDAR

- 1.-JJ. [ID 23-1760](#) RESOLUTION - Renaming the Van Ness and Weldon Pocket Park to "Trolley" Park

The above item was removed from the agenda by Vice President Perea and tabled to January 11, 2024.

TABLED

- 1.-KK. [ID 23-1792](#) ***BILL - (For Introduction) Repealing Article 22 of Chapter 14 of the Fresno Municipal Code, relating to Cruising (Subject to Mayor's Veto)

There was a correction read into the record - the bill is not subject to Mayor's veto

BILL B-36 APPROVED AS CORRECTED, INTRODUCED AND LAID OVER

APPROVED ON CONSENT CALENDAR

- 1.-LL. [ID 23-1821](#) ***RESOLUTION - Directing administration to publish a Notice of Funding Availability within 30 days of all available funds for the acquisition, improvement, and preservation of affordable housing in mobile home parks within the City of Fresno (Subject to Mayor's veto)

RESOLUTION 2023-332 ADOPTED

APPROVED ON CONSENT CALENDAR

- 1.-MM. [ID 23-1835](#) RESOLUTION - Authorizing the Submission of a Grant Application to the Fresno Council of Governments (Fresno COG) for the 2023 Regional Early

Action Plan 2.0 Grant Program (REAP) for The West Creek Village In-Fill Affordable Housing Project in an amount not to exceed \$1,500,000; and Authorizing the Execution of Grant Agreement Documents by the City Manager or Designee (Council District 3)

RESOLUTION 2023-333 ADOPTED

APPROVED ON CONSENT CALENDAR

JOINT MEETING OF THE CITY COUNCIL, THE CITY OF FRESNO IN ITS CAPACITY AS HOUSING SUCCESSOR TO THE REDEVELOPMENT AGENCY OF THE CITY OF FRESNO, THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF FRESNO, AND FRESNO REVITALIZATION CORPORATION

- 1.-NN. [ID 23-1799](#) Actions pertaining to the disposition and development of a 7.94-acre parcel (APN 477-060-04T) at the southeast corner of East Florence and Plumas Avenues for Heritage Estates, a 33-unit single-family housing development:
 - 1. ***RESOLUTION -Finding Substantial Community Benefits that justify a price less than fair market value pursuant to Fresno Municipal Code Section 4-204 relating to the disposition of real property (Subject to Mayor’s veto)
 - 2. Approve a Disposition and Development Agreement between the City of Fresno in its capacity as Housing Successor and Fresno Housing Authority.

RESOLUTION 2023-334 ADOPTED

APPROVED ON CONSENT CALENDAR

CONTESTED CONSENT CALENDAR

- 1.-C. [ID 23-1358](#) Actions pertaining to the City of Fresno’s Downtown Parking Garage 9 storefront leases (District 3):
 - 1. Adopt a finding of Categorical Exemption pursuant to Section 15301/Class 1 of the California Environmental Quality Act (CEQA) Guidelines
 - 2. Approve a Three-Year Lease Agreement located at 1231 Van Ness (Unit A), with Kocky’s Bar and Grill
 - 3. Approve a Three-Year Lease Agreement located at 1241 Van Ness (Unit C), with Vivian Sanders, dba, All About Nails & Season Trends
 - 4. Approve a Three-Year Lease Agreement located at 1245 Van Ness (Unit E), with Fresno Arts Council

Councilmember Arias moved this item to Contested Consent to discuss downtown parking garage 9 storefront lease.

Council discussion on this item included: the past due rent for Kocky's Bar; the status of the office space next to the Arts Council; details on the deferred rent from Grizzlies agreement; outstanding rent and the provision to waive it in 2025; the revenue generated from parking garages; the completion status of the improvements funded for parking garages; the responsibility for building improvements, and ADA compliance improvements.

APPROVED

On motion of Councilmember Arias, seconded by Vice President Perea, that the above Action Item be APPROVED. The motion carried by the following vote:

Aye: 7- Esparza, Maxwell, Perea, Karbassi, Arias, Chavez and Bredefeld

- 1.-S.** [ID 23-1769](#) Actions pertaining to training services for street outreach (RFP #12401231):
1. Award an 18-month Consultant Services Agreement in an amount not to exceed \$300,000 to the Connie Rice Institute for Urban Peace dba Urban Peace Institute for street outreach training services.
 2. Authorize the City Manager or designee to execute the agreement and all related documents.

Councilmember Arias moved this item to Contested Consent to discuss training services for Street Outreach.

Council discussion on this item included: selection of Urban Peace Institute; local respondents; relevant experience of respondents, and the purpose of the contract.

APPROVED

On motion of Councilmember Arias, seconded by Councilmember Bredefeld, that the above Action Item be APPROVED. The motion carried by the following vote:

Aye: 7 - Esparza, Maxwell, Perea, Karbassi, Arias, Chavez and Bredefeld

1.-V. [ID 23-1759](#)

Actions pertaining to the Organized Retail Theft Prevention Grant program:

1. Authorize the Chief of Police to accept \$23,663,194 in grant funding for the Organized Retail Theft Prevention Grant awarded to the Fresno Police Department from the State of California, Board of State and Community Corrections (BSCC);
2. RESOLUTION - Adopt a Resolution authorizing acceptance of \$23,663,194 in grant funding from the State of California Board of State and Community Corrections (BSCC) for the Fresno Police Department's Organized Retail Theft Prevention grant;
3. ***RESOLUTION - Adopt the 6th Amendment to the Position Authorization Resolution (PAR) No. 2023-184 adding twenty-four full-time positions of sworn Police Officers and one full-time Police Sergeant to focus on organized retail theft, catalytic converter theft and vehicle theft at all levels and two full-time Police Support Services Technicians to focus on processing investigative reports related to organized retail theft and auto theft for the Police Department's Organized Retail Theft Prevention grant (Subject to Mayor's veto);
4. ***RESOLUTION - Adopt the 29th Amendment to the Annual Appropriation Resolution (AAR) No. 2023-185 appropriating \$9,049,000 for the Police Department's Organized Retail Theft Prevention Grant (requires five affirmative votes) (Subject to Mayor's veto);
5. Authorize the Chief of Police to enter into a Memorandum of Understanding (MOU) with the City of Clovis Police Department to hire personnel, obtain equipment and supplies, in accordance with the procurement process as required by the Fresno Municipal Code, to support program specific and dedicated operations for organized retail theft enforcement, investigations and administration in the amount of \$6,068,700 over the three-year performance period of the grant;
6. Authorize the Chief of Police to enter into a Memorandum of Understanding (MOU) with the Fresno County Probation Department for overtime for Deputy Probation Officers, obtain equipment and supplies, in accordance with the procurement process as required by the Fresno Municipal Code, and community awareness campaigns to collaborate with FPD to take a proactive approach in preventing and responding to organized retail theft, motor vehicle or motor vehicle accessory theft, or cargo theft in the amount of \$1,089,975 over the three-year performance period of the grant;
7. Authorize the Chief of Police to enter into a Memorandum of Understanding (MOU) with the Fresno County District Attorney's Office to hire part-time personnel, overtime for District Attorney Investigators, obtain equipment and supplies, in accordance with the procurement process as required by the Fresno Municipal Code, to exclusively

dedicate to prosecuting specific offenders under this grant and enhance the capabilities of the regional Cyber and Forensic Lab thereby contributing to the aggressive prosecution of such offenders in the amount of \$854,519 over the three-year performance period of the grant;

- 8. Authorize the Chief of Police to enter into a Memorandum of Understanding (MOU) with California State University of Fresno, Foundation to prepare a pre-and post-Local Evaluation Report in the amount of \$75,000 over the three-year performance period of the grant;
- 9. Affirm the City Manager’s determination that Flock Safety is uniquely qualified;
- 10. Approve the Agreement between the City of Fresno Police Department and Flock Safety, in an amount not to exceed \$1,498,690.41 for three (3) years for the subscription services of Automated License Plate Readers (ALPR), cameras, and software.

Councilmember Arias moved this item to Contested Consent to discuss the organized retail theft prevention grant program.

Council discussion on this item included: grant details; staffing and reallocation; the impact on specialty units; Prop 47 and legal challenges; enforcement strategies for small businesses; charging individuals in organized theft; efforts to connect with small businesses, and the potential impact of the grant on overall crime rates and the strategy for addressing property crime.

*RESOLUTION 2023-325 ADOPTED
RESOLUTION 2023-326 ADOPTED
RESOLUTION 2023-327 ADOPTED*

On motion of Councilmember Arias, seconded by Council President Maxwell, that the above Action Item be ADOPTED. The motion carried by the following vote:

Aye: 7 - Esparza, Maxwell, Perea, Karbassi, Arias, Chavez and Bredefeld

1.-Z. [ID 23-1762](#)

Actions related to initiating the Proposition 218 process for proposed updates to the schedule of rates for residential solid waste services:

- 1. Direct City staff to initiate the Proposition 218 process for proposed updates to rates for residential solid waste services, and
- 2. Set a public hearing to consider proposed updates to the rates for residential solid waste services on May 2, 2024, at 5:00 p.m.

Councilmember Arias moved this item to discuss the total revenue that would result if the fees would be approved as recommended.

Council discussion on this item included: total revenue expected from the proposed rate increases, the department's financial reserves; additional services, pickup options, future rate adjustments, the need for garbage compactors, funding certain services, trash can management, public trash can services; the department's ability to accommodate new service accounts, and discussed expanded affordability programs and new pickup options.

APPROVED

On motion of Council President Maxwell, seconded by Councilmember Esparza, that the above Action Item be APPROVED. The motion carried by the following vote:

Aye: 5 - Esparza, Maxwell, Perea, Karbassi and Bredefeld

No: 2 - Arias and Chavez

- 1.-II.** [ID 23-1794](#) Actions pertaining to a Route 99 Freeway Agreement (0.1 mile south of Chestnut Avenue to Church Avenue) (Council District 3):
1. RESOLUTION - Approving an addendum to EIR SCH NO. 2019039121 and adopting findings pursuant to California Environmental Quality Act (CEQA) Guidelines Sections 15091 and 15093 as required for responsible agencies by CEQA Guidelines Section 15096 for the South Fresno State Route 99 Corridor Project.
 2. Approval of Route 99 Freeway Agreement with State of California Department of Transportation (Caltrans)

Councilmember Arias moved the item to the Contested Consent to discuss what the item encompasses and the expected results. Upon call, there was no public comment.

Council discussion on this item included: safety improvements and accident statistics; litigation status; the impact of the 3,000-acre industrial park; the impact of the Environment Impact Report of the industrial park imposed by

the County; time sensitivity of the item; potential impact on traffic flows and accommodation for future development; bike lanes; engagement with businesses; public health impact, and consideration in Environmental Analysis.

RESOLUTION 2023-331 ADOPTED

On motion of Councilmember Chavez, seconded by Councilmember Esparza, that the above Action Item be APPROVED. The motion carried by the following vote:

Aye: 5 - Esparza, Perea, Karbassi, Chavez and Bredefeld

No: 2 - Maxwell and Arias

2. SCHEDULED COUNCIL HEARINGS AND MATTERS

10:00 A.M.

[ID 23-1691](#) HEARING to consider Development Permit Application No. P21-02699, Vesting Tentative Parcel Map No. 2021-09, and related Final Environmental Impact Report (FEIR), State Clearinghouse (SCH) No. 2022050265, regarding an Office/Warehouse Project located on approximately ± 48.03 acres of property at the northeast intersection of North Marks and West Nielsen Avenues (Council District 3)

1. **CERTIFY** Final Environmental Impact Report (SCH No. 2022050265), apply the Council's independent judgment and analysis to the review, and then adopt the resolution certifying the FEIR as having been completed in compliance with the California Environmental Quality Act (CEQA) on the proposed Final EIR and comments thereon; and;
 - a. ADOPT the Water Supply Assessment (WSA) attached to the FEIR as Appendix K in compliance with Section 10910 of the California Water Code and Section 15155 of the CEQA Guidelines, and adopt the WSA as a technical addendum to the Environmental Impact Report; and,
 - b. ADOPT Findings of Fact pursuant to CEQA Guidelines Section 15091; and,
 - c. ADOPT a Mitigation Monitoring and Reporting Program (MMRP) pursuant to CEQA Guidelines section 15097; and,
2. **DENY** the appeal and **UPHOLD** the action of the Planning Commission in the approval of Development Permit Application No. P21-02699 which requests authorization to construct four office/warehouse buildings with a total gross floor area of

approximately ± 901,438 square feet, subject to compliance with the Conditions of Approval dated October 4, 2023; and,

3. **DENY** the appeal and **UPHOLD** the action of the Planning Commission in the approval of Vesting Tentative Parcel Map No. 2021-09 which requests authorization to subdivide the subject property into four parcels: Parcel A ± 11.68 acres, Parcel B ± 5.38 acres, Parcel C ± 5.14 acres, Parcel D ± 26.15 acres, subject to compliance with the Conditions of Approval dated October 4, 2023.

The above item was removed from the agenda by Councilmember Arias and tabled to January 11, 2024, at 10:00 A.M.

TABLED

10:05 A.M. (CONTINUED TO AN UNDETERMINED DATE AND TIME)

[ID 23-1688](#) 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.

The above item was removed from the agenda with no return date.

TABLED

10:15 A.M.

[ID 23-1712](#) Actions pertaining to consideration of Annexation Application No. P23-03757; Pre-zone Application No. P23-03758; and related Environmental Assessment No. P23-03757/P23-03758 for approximately 141 acres of property generally located along the north and south sides of West Ashlan Avenue between North Bryan and North Polk Avenues (Council District 1).

1. ADOPT Mitigated Negative Declaration prepared for Environmental Assessment No. P23-03757/P23-03758 dated November 10, 2023, for the proposed project pursuant to California Environmental Quality Act (CEQA) Guidelines.
2. RESOLUTION - Approving Annexation Application No. P23-03757 (for the Ashlan-Hayes Nos. 2, 3, and 4 Reorganization) proposing

detachment from the Kings River Conservation District and North Central Fire Protection District and annexation to the City of Fresno.

3. BILL - (for introduction and adoption) - Approving Pre-zone Application No. P23-03758 proposing to pre-zone: approximately 97.55 acres of property from the Fresno County RR/NB (*Rural Residential/Neighborhood Beautification*) zone district to the City of Fresno RS-5/ANX (*Single-Family Residential, Medium Density/Annexed Rural Residential Transitional Overlay*) zone district; approximately 18.65 acres of property from the Fresno County RR/NB (*Rural Residential/Neighborhood Beautification*) zone district to the City of Fresno RS-1/ANX (*Single-Family Residential, Low Density/Annexed Rural Residential Transitional Overlay*) zone district; approximately 14.13 acres of property from the Fresno County RR/NB (*Rural Residential/Neighborhood Beautification*) zone district to the City of Fresno RM-2/ANX (*Multi-Family Residential, Urban Neighborhood/Annexed Rural Residential Transitional Overlay*) zone district; and approximately 1.76 acres of property from the Fresno County RR/NB (*Rural Residential/Neighborhood Beautification*) to the OS/ANX (*Open Space/Annexed Rural Residential Transitional Overlay*) zone district.

The above hearing was called to order at 11:53 A.M. and was introduced to Council by Supervising Planner Holt. There was no council discussion.

Upon call the following member of the public addressed Council: Juan Barreto. The public comment period closed at 12:01 P.M.

RESOLUTION 2023-335 ADOPTED

BILL B-37 INTRODUCED/ORIDNANCE ADOPTED AS 2023-035

On motion of Vice President Perea, seconded by Councilmember Karbassi, that the above Action Item be ADOPTED. The motion carried by the following vote:

Aye: 7 - Esparza, Maxwell, Perea, Karbassi, Arias, Chavez and Bredefeld

1:00 P.M.

[ID 23-1798](#) Appearance by Gail Gaston to discuss Martin Luther King Jr. Day events from January 12th-15th 2024 in the City of Fresno. (District 6 Resident)

APPEARED

1:03 P.M.

[ID 23-1806](#) Appearance by Doctor Su Kapoor to discuss Martin Luther King Jr. Day events from January 12th- 15th 2024, in the City of Fresno (District 6 Resident)

APPEARED

3. GENERAL ADMINISTRATION

3.-A. [ID 23-1800](#) Workshop- Update on Sale of Grizzlies Baseball Club

The above item was removed from the agenda by staff and tabled to an unknown date.

TABLED

3.-B. [ID 23-1735](#) Actions pertaining to the 2018 Amended and Restated Stadium Sublease Agreement between the City of Fresno and Fresno Sports and Events, LLC.:

1. Approve the Second Amendment to the 2018 Amended and Restated Stadium Sublease Agreement

The above workshop was presented to Council by City Manager White and Bryan Slater.

Council discussion on this item included: non-relocation agreement; liquidated damages, back rent; the potential for the ownership group to prioritize other teams over the one in Fresno; ownership structure involving investment firms and individuals; profit-sharing arrangements; the impact of the pandemic on baseball operations; the ownership group's plans for the team and the stadium; audits; potential profits from the sale of the team; the timeframe for confirming financial details; the capital fund; potential future MLB requirements and capital projects, and the owners suite.

Councilmember Esparza motioned to approve to amend the agreement to include the condition that the city will be assigned suite 23 the owners suite.

APPROVED AS AMENDED

On motion of Councilmember Esparza, seconded by Councilmember Arias, that the above Action Item be ADOPTED AS AMENDED. The motion carried by the following vote:

Aye: 7 - Esparza, Maxwell, Perea, Karbassi, Arias, Chavez and Bredefeld

4. CITY COUNCIL

5. CLOSED SESSION

During open session, City Attorney Janz announced the items that would be discussed in closed session.

Council withdrew to closed session at 5:37 p.m.

- 5.-A. [ID 23-1811](#) CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION
Government Code Section 54956.9, subdivision (d)(1)
Case Name: Terance Frazier, et al. v. City of Fresno, et al.; United States District Court Case No.: 1:20-CV-01069.

The above item was discussed in closed session. There were no open session announcements regarding this item.

DISCUSSED

- 5.-B. [ID 23-1812](#) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION
Government Code Section 54956.9, subdivision (d)(2)
Significant Exposure to Litigation: 1 potential case

The above item was discussed in closed session. There were no open session announcements regarding this item.

DISCUSSED

- 5.-C. [ID 23-1810](#) CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION
Government Code Section 54956.9, subdivision (d)(1)
Name of case: ACLU, et al. v. City of Fresno, et al.; Fresno Superior Court Case No.: 23CECG04744

The above item was discussed in closed session. There were no open session announcements regarding this item.

DISCUSSED

- 5.-D. [ID 23-1816](#) CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Property: 747 R Street, Fresno, CA 93721
Agency negotiator: City Manager
Negotiating parties: 747 R Street, LLC
Under negotiation: price, terms of payment

The above item was removed from the agenda as Consent Calendar item 1-P (ID 23-1813) was approved.

- 5.-E. [ID 23-56](#) 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

The above item was discussed in closed session. There were no open session announcements regarding this item.

DISCUSSED

- 5.-F. [ID 23-1827](#) 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 Clerk
 2. Government Code Section 54957.6: conference with labor negotiator. City Negotiator: Council President Tyler Maxwell.
Unrepresented Employee: City Clerk

The above item was discussed in closed session. There were no open session announcements regarding this item.

DISCUSSED

ADJOURNMENT

City Council adjourned from closed session at 6:29 P.M. in memory of Sally Caglia.

The above minutes were approved by unanimous vote of the City Council during the January 11, 2024, regular meeting.