

City of Fresno

2600 Fresno Street

Fresno, CA 93721

www.fresno.gov



Meeting Minutes - Final

Thursday, November 4, 2021

9:00 AM

Regular Meeting

In Person and/or Electronic

City Council

President - Luis Chavez

Vice President - Nelson Esparza

Councilmembers:

Esmeralda Z. Soria, Mike Karbassi, Miguel Angel Arias, Tyler Maxwell,

Garry Bredefeld

City Manager - Thomas Esqueda

City Attorney - Douglas T. Sloan

Interim City Clerk - Briana Parra, CMC

9:03 A.M. ROLL CALL

Councilmember Soria was absent during roll call and joined the meeting at 9:04 A.M.

Present: 7 - President Luis Chavez
Vice President Nelson Esparza
Councilmember Esmeralda Z. Soria
Council Member Mike Karbassi
Council Member Miguel Angel Arias
Councilmember Tyler Maxwell
Councilmember Garry Bredefeld

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

Pledge of Allegiance to the Flag

APPROVE AGENDA

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

The following are changes to the agenda:

Proclamation for “Youth Leadership Institute’s (YLI) 30th Year”, was sponsored by all Councilmembers and Mayor Dyer.

3-A - File ID 21-769 -Actions pertaining to the Ombudsperson Workers Compensation Alternative Dispute Resolution Program with Fresno Olive Officers Association:

- 1. Affirm the City Manager’s determination that Mariotto Resolutions, Inc., is uniquely qualified to perform as the Ombudsperson for the Workers’ Compensation Alternative Dispute Resolution Program with Fresno Olive Officers Association*
- 2. Approve Professional Services Agreement between Mariotto Resolutions, Inc., and the City of Fresno for \$320,000.*
- 3. Authorize the Personnel Services Department Director or designee to sign the agreement on behalf of the City. There was a typo in the title and it should read Fresno Police Officers Association” and NOT “Olive” Officers Association*

The following items are being requested to be pulled from the agenda to a future date.

1-E File ID 21-775 - Actions related to Lease Amendment No. 3 to the Airport Lease Agreement with Don Williams, an individual, and Jim Wood, an individual, dba BCH Aviation Center:

- 1. Adopt a finding of Categorical Exemption pursuant to Section 15301 (Existing Facilities) of the California Environmental Quality Act Guidelines*
- 2. Approve Lease Amendment No. 3 to Airport Lease Agreement between the City of Fresno and BCH Aviation Center at Fresno Chandler Executive Airport, extending the term of the lease by three years. Amount of revenue generated by agreement extension is \$55,155.24, plus annual CPI adjustments. (Council District 3) was tabled to no return date by Councilmember Arias.*

10:00 A.M. #1 File ID 21-658- 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 was continued to December 2, 2021 at 10:00 A.M.*

10:00 #2 File ID 21-777 - 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 was continued to December 2, 2021 at 10:00 A.M.*

The following items were pulled from Consent Calendar and moved to Contested Consent for further discussion:

1-G File ID 21-766 - Actions pertaining to the award of a Vendor Agreement with Neighborhood Industries, Inc.

1. Affirm the City Manager's determination that Neighborhood Industries is uniquely qualified to perform litter abatement and alley way maintenance services employing individuals living in neighborhoods of concentrated poverty

2. Approve a Vendor Agreement with Neighborhood Industries, Inc., for a total amount of \$125,000 to provide litter abatement and alley way maintenance services in the Tower District Neighborhood (Council District 1) was pulled by Councilmember Bredefeld.

1-P File ID 21-780 - RESOLUTION - Reaffirming the City's compliance with the San Joaquin Valley Air Pollution Control District Rule 9510 (Indirect Source Review) and to direct staff to explore the feasibility of developing required standard conditions of approval to exceed the Rule 9510 requirements was pulled by Councilmember Soria.

1-Q File ID 21-768 -Authorize the Chief of Police to enter into a First Amendment to the existing contract with ShotSpotter Inc., (SST) through the end of FY 2024 to provide gunshot detection coverage for an additional three square miles in the City of Fresno for a total cost of \$535,849 was pulled by Councilmember Arias.

1-R File ID 21-771 - Actions pertaining to the Veterans Boulevard Interchange Project (Council District 2):

1. RESOLUTION - Adopting findings pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15091 and 15093 as required by CEQA Guidelines Section 15096

2. Award a Construction Contract in the amount of \$48,025,000 to A. Teichert & Son Inc., M.C.M. Construction, Inc. (Joint Venture), of

Sacramento, California, as the lowest responsive and responsible bidder
3. *Approve a Distribution and Service Extension Agreement with Pacific Gas and Electric Company in the amount of \$58,427.40 to install electric service facilities for the Veterans Boulevard Interchange Project was pulled by Councilmember Soria.*

1-T File ID 21-722 - Approve three on-call agreements with 1) Hamner, Jewell & Associates, 2) Continental Field Services, and 3) Universal Field Services, for Right of Way Acquisition Project Management Services, each with three-year terms and a total compensation not to exceed \$500,000 individually to assist Public Works staff with the acquisition of privately owned real property and land rights to facilitate City public infrastructure projects (Citywide) was pulled by Councilmember Arias.

1-U File ID 21-796 - Requesting additional appropriations for purchase order 78513 for Highway Litter Control in the amount of \$119,500 to Landscape Maintenance of America dba California Highway Adoption Company for Highway Litter Control (City Wide) was pulled by Councilmember Arias.

*1-W File ID 21-646 - ***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) was pulled by Councilmember Bredefeld.*

On motion of Council Member Karbassi, seconded by Councilmember Soria, that the above be approved as amended. The motion carried by the following vote:

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

CEREMONIAL PRESENTATIONS

The below Ceremonial Presentations were presented to Council

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

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

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

COUNCILMEMBER REPORTS AND COMMENTS

Councilmember Soria gave a shout out to the PARCs Department for partnering up with District 1 for the Fall Festival on Saturday, October 30, 2021 at Inspiration Park, the Fire Department for providing helmet for the community members, the Street Maintenance Crews who have repaved and striped Olive Avenue from Roosevelt to Palm and the section from Palm to Fruit Avenue. She joined District 3, Miguel Arias and Mayor Jerry Dyer on promoting the extension of the Beautification Program and beautifying the Tower District neighborhoods.

Councilmember Arias congratulated the new PARCS Director, Aaron Aguirre. He requested a meeting with the Administration, business owners, and the downtown partnerships before fully activating the parking meters downtown.

Councilmember Bredefeld announced the upcoming Veterans Day Parade on Thursday, November 11, 2021 at 10:00 A.M. He acknowledged Mayor Dyer for assisting the committee with the event. He spoke regarding the Veterans Memorial and encouraged the community to visit the memorial outside City Hall. He reminded the community that there will be a District 6 townhall meeting on Tuesday, November 9, 2021 from 6:00 P.M. to 7:30 P.M. at Liberty Elementary School located at 1250 East Liberty Hill.

Council Vice President Esparza reminded the community of the upcoming 6:00 P.M. redistricting hearing on the agenda and encouraged members of the public to participate.

Council President Chavez thanked the Police Department for the capturing an individual who is a sexual predator at Senior Citizen Village. He stated there will be a community meeting at the Senior Citizen Village with the Fresno Police Department. He spoke regarding the recent passing of Mike Cavallero who was the current Fresno Police Officer Association (FPOA) Director and he expressed his condolences to the family.

MAYOR/MANAGER REPORTS AND COMMENTS

Mayor Dyer spoke regarding the recent passing of Mike Cavallero and gave his condolences to the family. He recognized the PARCS Director Aaron Aguirre. He thanked Director Miller for all that she did for the PARCS Department. He spoke regarding the ARPA funding and stated the Administration will be before Council on December 2, 2021 with a preliminary expenditure plan for a portion of the funds. He announced on Saturday, November 6, 2021, Chief Donis will be hosting her Girls Empowerment at the Fire Department.

Councilmembers congratulated Aaron Aguirre on his recent appointed position.

City Manager Esqueda updated the Council on the following: Upcoming cannabis licenses in December, potential compactors downtown, the future bidding process for the convention center facilities. He met with the Economic Development Department on the facade program and stated he will be working with the Councilmembers and the Mayor on putting together on how to roll the dollars out. He announced the Fresno State Bulldogs qualified for the list on the National Championship and he announced Art Hop tonight at 6:00 P.M. downtown. He gave Council and update on the status of District 7's cleanup crew.

UNSCHEDULED COMMUNICATION

Upon call, the following members of the public addressed Council: Lisa Flores, Ivanka Saunders, Karla Martinez, Fernando Paul Elizondo, Amber Crowell, Janine Nkosi, Ashley Werner, Francisca Albas, Brandi Villegas, Ariel Rodriguez, Alexandra Alvarado, and Jasmine Buenrostro.

1. CONSENT CALENDAR

On motion of Councilmember Maxwell, seconded by Vice President Esparza, that the below Consent Calendar Items be approved. The motion carried by the following vote:

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

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

- 1.-B. [ID 21-679](#) Actions related to the First Amendment to the Consultant Services Agreement with Landry Consulting LLC.,:
1. Adopt a finding of Categorical Exemption pursuant to Section 15301 (Existing Facilities) of the California Environmental Quality Act Guidelines.
 2. Approve the First Amendment to the Consultant Services Agreement for an additional \$100,000, with Landry Consulting, LLC., for the implementation of the Airport Safety Management Systems Program at Fresno Yosemite International Airport, the total contract value is not to exceed \$199,970. (Council District 4)
- 1.-C. [ID 21-763](#) Actions related to the Airline Operations Agreement with ExpressJet Airlines LLC.,:
1. Adopt a finding of Categorical Exemption pursuant to Section 15301 (Existing Facilities) of the California Environmental Quality Act Guidelines.
 2. Approve the new Airline Operations Agreement between the City of Fresno and ExpressJet Airlines LLC., at Fresno Yosemite International Airport, for a lease term of five years. (Council District 4)
- 1.-D. [ID 21-735](#) Actions pertaining to the Fresno Yosemite International Airport SMART Program Bid File No. 3817 (Council District 4):
1. Adopt a finding of Categorical Exemption pursuant to Section 15301 (a) and (d) (Existing Facilities) of the California Environmental Quality Act Guidelines
 2. Award a construction contract in the amount of \$1,755,000 to S&L Specialty Construction, of Syracuse, New York for the acoustic treatment of 40 homes in the vicinity of Fresno Yosemite International Airport
- 1.-E. [ID 21-775](#) Actions related to Lease Amendment No. 3 to the Airport Lease Agreement with Don Williams, an individual, and Jim Wood, an individual, dba BCH Aviation Center:
1. Adopt a finding of Categorical Exemption pursuant to Section 15301 (Existing Facilities) of the California Environmental Quality Act Guidelines.
 2. Approve Lease Amendment No. 3 to Airport Lease Agreement between the City of Fresno and BCH Aviation Center at Fresno Chandler Executive Airport, extending the term of the lease by three years. Amount of revenue generated by agreement extension is \$55,155.24, plus annual CPI adjustments. (Council District 3)

The above item was tabled with no return date by Councilmember Arias

- 1.-F. [ID 21-739](#) Actions pertaining to the City of Fresno's Regional Wastewater

Reclamation Facility air compressor blower units (Council District 3):

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

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

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

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

The above item was pulled from the Consent Calendar by Councilmember Bredefeld and moved to Contested Consent for future discussion.

The item was introduced to Council by Director Carbajal, Department of Public Utilities.

APPROVED

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

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

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

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

1. Adopt a finding of Categorical Exemption pursuant to Sections 15302(c) and 15303 of the California Environmental Quality Act Guidelines
2. Award a construction contract to Emmett's Excavation, Inc., of Clovis, California, in the amount of \$6,372,238

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

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

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

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

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

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

RESOLUTION 2021-293 ADOPTED**1.-L. [ID 21-804](#)**

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

1.-M. [ID 21-774](#)

***RESOLUTION - Adopting the 25th amendment to the Annual Appropriation Resolution (AAR) No. 2021-178 appropriating \$110,000 for the Transformative Climate Communities (TCC) grant projects (Requires 5 Affirmative Votes)(Subject to Mayor's Veto).

RESOLUTION 2021-294 ADOPTED**1.-N. [ID 21-822](#)**

Actions pertaining to Commercial Cannabis Activity:

1. ***RESOLUTION - Adopting the 564th Amendment to the Master Fee Schedule Resolution No. 80-420 adding fees relating to Commercial Cannabis Business Permits (Subject to Mayor's Veto).

RESOLUTION 2021-295 ADOPTED**1.-O. [ID 21-809](#)**

Approve the Mayor's appointments of Nicole Turpin and Bill Hyatt to the Disability Advisory Commission.

Attachment (s):
Nicole Turpin Appointment Form
Nicole Turpin Application
Nicole Turpin Resume
Bill Hyatt Appointment Form
Bill Hyatt Application
Bill Hyatt Resume

- 1.-P. [ID 21-780](#) RESOLUTION - Reaffirming the City's compliance with the San Joaquin Valley Air Pollution Control District Rule 9510 (Indirect Source Review) and to direct staff to explore the feasibility of developing required standard conditions of approval to exceed the Rule 9510 requirements.

Councilmember Arias requested the above item be reconsidered and motioned to table the with no return date.

On motion of Councilmember Arias, seconded by President Chavez, that the above Action Item be tabled with no return date. The motion carried by the following vote:

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

- 1.-Q. [ID 21-768](#) Authorize the Chief of Police to enter into a First Amendment to the existing contract with ShotSpotter Inc., (SST) through the end of FY 2024 to provide gunshot detection coverage for an additional three square miles in the City of Fresno for a total cost of \$535,849.

The above item was pulled from the Consent Calendar by Councilmember Arias and moved to Contested Consent for further discussion.

The item was introduced to Council by Chief Balderrama, Police Department.

Councilmember Arias requested the Administration provide Council with a try memo on the current data on the effectiveness of shot spotter, how much money the City has spent, and how many arrests have been taken place.

APPROVED

On motion of Councilmember Arias, seconded by Councilmember Maxwell, that the above Action Item be approved. The motion carried

by the following vote:

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

- 1.-R. [ID 21-771](#) Actions pertaining to the Veterans Boulevard Interchange Project (Council District 2):
1. RESOLUTION - Adopting findings pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15091 and 15093 as required by CEQA Guidelines Section 15096
 2. Award a Construction Contract in the amount of \$48,025,000 to A. Teichert & Son Inc., M.C.M. Construction, Inc. (Joint Venture), of Sacramento, California, as the lowest responsive and responsible bidder
 3. Approve a Distribution and Service Extension Agreement with Pacific Gas and Electric Company in the amount of \$58,427.40 to install electric service facilities for the Veterans Boulevard Interchange Project

The above item was pulled from the Consent Calendar by Councilmember Soria and moved to Contested Consent for further discussion.

The item was introduced to Council by Assistant Director Morrison, Public Works Department.

Councilmember Soria directed staff to provide the Council with a list of all the subcontractors.

RESOLUTION 2021-296 ADOPTED

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

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

- 1.-S. [ID 21-723](#) Approve a three-year On-Call Land Surveying Service Agreement with Blair, Church & Flynn Consulting Engineers, Inc., with a total not to exceed amount of \$300,000, to provide land surveying services to facilitate City-wide infrastructure improvement projects (Citywide)
- 1.-T. [ID 21-722](#) Approve three on-call agreements with 1) Hamner, Jewell & Associates, 2) Continental Field Services, and 3) Universal Field Services, for Right of Way Acquisition Project Management Services, each with three-year terms

and a total compensation not to exceed \$500,000 individually to assist Public Works staff with the acquisition of privately owned real property and land rights to facilitate City public infrastructure projects (Citywide)

The above item was pulled from the Consent Calendar by Councilmember Arias and moved to Contested Consent for further discussion.

The item was introduced to Council by Supervising Real Estate Agent Beyelia, Public Works Department.

APPROVED

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

Aye: 6 - Chavez, Esparza, Karbassi, Arias, Maxwell and Bredefeld

Absent: 1 - Soria

- 1.-U.** [ID 21-796](#) Approve Contract Change Order No. 3 to the Highway Litter Control Contract with Landscape Maintenance of America dba California Highway Adoption Company, in the amount of \$119,500, increasing the total two year contract from \$709,446 to \$828,946 (Citywide)

The above item was pulled from the Consent Calendar by Councilmember Arias and moved to Contested Consent for further discussion.

The item was introduced to Council by Director Mozier, Public Works Department.

Council directed staff to stay local and provide Council with a summary of all the programs, departments, initiatives, and how individual assigned to litter and trash pickup.

APPROVED

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

Aye: 6 - Chavez, Esparza, Karbassi, Arias, Maxwell and Bredefeld

Absent: 1 - Soria

- 1.-V. [ID 21-794](#) **RESOLUTION-** Of Intention to Annex the Territory Identified as the Adjusted Parcel B of Lot Line Adjustment No. 2020-15 as Annexation No. 53 (DSS Campus West Dakota Avenue HAWK Traffic Signal) to the CITY OF FRESNO COMMUNITY FACILITIES DISTRICT NO. 9 and to Authorize the Levy of Special Taxes; and setting the public hearing for Thursday, December 9, 2021, at 10:00 am (southeast corner of West Dakota Avenue and East Airways Boulevard) (Council District 4)

RESOLUTION 2021-297 ADOPTED

- 1.-W. [ID 21-647](#) ***RESOLUTION - Confirming emergency conditions continue to directly impact the ability of legislative bodies to meet safely in person, and authorizing remote teleconference meetings of City legislative bodies for 30 days, pursuant to Brown Act provisions (Subject to Mayor's Veto).

The above item was pulled from the Consent Calendar by Councilmember Bredefeld and moved to Contested Consent for further discussion.

Councilmember Bredefeld spoke in opposition of the item and opposes ongoing mandates.

APPROVED

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

Aye: 5 - Chavez, Esparza, Karbassi, Arias and Maxwell

No: 1 - Bredefeld

Absent: 1 - Soria

- 1.-X. [ID 21-823](#) Approve the appointment of Jessica Vaughn to the Council District 2 Project Review Committee.

CONTESTED CONSENT CALENDAR

2. SCHEDULED COUNCIL HEARINGS AND MATTERS

10:00 A.M. #1

- [ID 21-685](#) HEARING to Consider Text Amendment Application No. P21-05185 and related Environmental Finding for Environmental Assessment No. P21-05185, amending Section 15-2706 of the Fresno Municipal Code, relating to the sale of alcoholic beverages for off-site consumption (Citywide) - Planning and Development Department

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

The above item was continued to December 2, 2021 at 10:00 A.M.

10:00 A.M. #2

ID 21-658

Actions pertaining to Club One Casino, Inc. Card Room Permit Application:

1. HEARING to consider the Club One Casino, Inc. Card Room Permit Application.
2. RESOLUTION - Amending Resolution 2021-225 relating to the Card Room Permit held by Club One Casino by increasing the number card room tables from 31 to 51.

The above item was continued to December 2, 2021 at 10:00 A.M.

4:45 P.M.

ID 21-777

WORKSHOP - Police Department Alternative Dispute Resolution (ADR) Program

The above item was called to order at 4:48 P.M. and introduced to council by Assistant City Manager White, Office of the Mayor and City Manager, FPOA President Damon Kurtz, and Works Compensation Judge Steve Steamers.

PRESENTED

6:00 P.M.

ID 21-802

HEARING Regarding redistricting

The above hearing was called to order at 6:00 P.M. and was introduced to Council by Councilmember Arias, District 3 and Consultant Jeff Titlian and Counselor Chris Skinnell.

Upon call, the following members addressed Council: Eric Payne, Brandi

Villegas, Pedro Navarro Cruz, Oliva Seideman, Mario Mangahiello, Imelda Ramirez, Ariana Marmolejo, Harman Singh, Ganeev Vick, Jaspreet Birk, Lisa Flores, Khushmeen Dhoother, Baldev Birk, and Maya Flores.

HEARING HELD

3. GENERAL ADMINISTRATION

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

The above item was introduced to Council by Assistant City Manager White, Office of the Mayor and City Manager and Maria Mariotto with Ombudsperson.

Council directed staff to do an audit on the program and provide Council with a quarterly report.

APPROVED AS CORRECTED

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

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

- 3.-B.** [ID 21-770](#) Actions relating to an agreement for mediation services and director services for the Workers' Compensation Alternative Dispute Resolution program
1. Approve Professional Services Agreement with Steven Siemers Dispute Resolution, LLC for an amount not to exceed \$50,000 for mediation services and serving as Director for the Workers' Compensation Alternative Dispute Resolution program with the Fresno Police Officers Association;

2. Affirm the City Manager's determination that the provider is uniquely qualified;
3. Authorize the Personnel Services Department Director or designee to sign the agreement on behalf of the City.

APPROVED

On motion of Councilmember Bredefeld, seconded by Council Member Karbassi, that the above Action Item be approved. The motion carried by the following vote:

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

- 3.-C.** [ID 21-807](#) Actions Related to Improving Operations and Maintenance in Parks and Trails:
1. ***RESOLUTION - Adopting the 22nd Amendment to Annual Appropriations Resolution No. 2021-178 appropriating \$3,235,800 for Measure P Operating and Capital Projects in the PARCS and Public Works Departments (Requires 5 Affirmative Votes)(Subject to Mayor's Veto)
 2. ***RESOLUTION - Adopting the 2nd Amendment to Position Authorization Resolution No. 2021-179, adding 13 Positions in the Public Works Department and 41 Positions in the PARCS Department (Subject to Mayor's Veto)

The above item was introduced to Council by Director Aguirre, PARCs Department.

Upon call, the following member of the public addressed Council: Lisa Flores.

Director Aguirre reported out the Parks, Recreation, and Arts Commissions recommendation to Council: The commission recommended to approve the PARCs positions, however, they would like the money to be allocated from the General Fund to help support these positions and directed the PARCs department to focus on homelessness and public safety. For Public Works, the commission does not recommend the positions. They would like a presentation from the Active Transportation Plan (ATP) on what trails are being created and changed before making a recommendation of allocation using Measure P funds for these positions.

Council President Chavez directed staff to provide council with a memo on the details of the highest need parks, future park expenses, and what that means.

RESOLUTION 2021-299 ADOPTED

RESOLUTION 2021-300 ADOPTED

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

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

City Council recessed for lunch at 12:04 P.M. and returned at 1:30 P.M.

- 3.-D.** [ID 21-798](#) Actions pertaining to the acquisition of the UMC Campus Property (APN 461-02-003T):
1. *** RESOLUTION - Authorize the Administration to submit an offer to purchase the University Medical Center (UMC) Campus (APN 461-02-003T) in the vicinity of East Kings Canyon Road and South Cedar Avenue from Fresno County. (Subject to Mayor's Veto)

Council President Chavez recused from the above item.

The item was introduced to Council by City Manager Esqueda.

Upon call, the following member of the public addressed Council: Brandi Villegas

RESOLUTION 2021-301 ADOPTED

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

Aye: 6 - Esparza, Soria, Karbassi, Arias, Maxwell and Bredefeld

Recused: 1 - Chavez

4. CITY COUNCIL

5. CLOSED SESSION

City Council recessed for closed session at 1:30 P.M. and return from

*Closed Session at 2:17 P.M. and reconvene at 2:31 P.M. and returned from
Closed Session at 4:48 P.M.*

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

Council President Chavez recused himself from the above item

DISCUSSED

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

DISCUSSED

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

DISCUSSED

- 5.-D. [ID 21-779](#) CONFERENCE WITH LABOR NEGOTIATORS - Government Code
Section 54957.6
International Union of Operating Engineers, Stationary Engineers, Local 39
(Local 39); 2. Fresno City Employees Association (FCEA); 3. Fresno
Police Officers Association (FPOA Basic); 4. International Association of
Firefighters, Local 753, Unit 5 (Fire Basic); 5. Amalgamated Transit Union,
Local 1027 (ATU); 6. International Brotherhood of Electrical Workers, Local
100 (IBEW); 7. Fresno Police Officers Association (FPOA Management);
8. International Association of Firefighters, Local 753, Unit 10 (Fire
Management); 9. City of Fresno Professional Employees Association
(CFPEA); 10. City of Fresno Management Employees Association
(CFMEA); 11. Operating Engineers, Local Union No. 3, Fresno Airport
Public Safety Supervisors (FAPSS); 12. Operating Engineers, Local Union
No. 3, Fresno Airport Public Safety Officers (FAPSO); 13. Unrepresented
Employees in Unit 2 (Non-Represented Management and Confidential
Classes): Airport Public Safety Manager, Assistant City Attorney, Assistant

City Manager, Assistant Controller, Assistant Director, Assistant Director of Personnel Services, Assistant Director of Public Utilities, Assistant Director of Public Works, Assistant Police Chief, Assistant Retirement Administrator, Budget Analyst, Budget Manager, Chief Assistant City Attorney, Chief Information Officer, Chief of Staff to Councilmember, Chief of Staff to the Mayor, City Attorney (City Negotiator, Council President Chavez), City Attorney Investigator, City Clerk (City Negotiator, Council President Chavez), City Engineer, City Manager (City Negotiator, Mayor Dyer), Community Coordinator, Community Outreach Specialist, Controller, Council Assistant, Deputy City Attorney II , Deputy City Attorney III, Deputy City Manager, Director, Director of Aviation, Director of Development, Director of Personnel Services, Director of Public Utilities, Director of Transportation, Economic Development Coordinator, Economic Development Director , Executive Assistant to Department Director, Executive Assistant to the City Attorney, Executive Assistant to the City Manager, Executive Assistant to the Mayor, Fire Chief, Governmental Affairs Manager, Human Resources Manager, Independent Reviewer, Internal Auditor, Investment Officer, Labor Relations Manager, Management Analyst II, Payroll Accountant, Payroll Manager, Police Chief, Principal Budget Analyst, Principal Internal Auditor, Public Affairs Officer, Public Works Director, Retirement Administrator, Retirement Benefits Manager, Retirement Office Manager, Senior Budget Analyst, Senior Deputy City Attorney I, Senior Deputy City Attorney II, Senior Deputy City Attorney III, Senior Human Resources/Risk Analyst, Senior Law Clerk, Supervising Deputy City Attorney

DISCUSSED

- 5.-E. [ID 21-714](#) CONSIDER PUBLIC EMPLOYEE APPOINTMENT - Government Code Section 54957(b):
Consider the appointment, employment, evaluation of performance, discipline, or dismissal of a public employee.
Position: City Clerk

City Attorney Sloan announced the City Council appointed Todd Stermer as City Clerk to the City of Fresno.

DISCUSSED

ADJOURNMENT

City Council adjourned at 7:16 P.M. in memory of retired Officer and Current Fresno Police Officer Association (FPOA) Director, Mike Cavallero.