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11  
12 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
13 COUNTY OF FRESNO

14 AMERICAN CIVIL LIBERTIES UNION OF  
NORTHERN CALIFORNIA, a nonprofit  
15 corporation, and FIRST AMENDMENT  
COALITION, a nonprofit corporation,

16 Petitioners,

17 v.

18 THE CITY OF FRESNO, and THE FRESNO  
19 CITY COUNCIL,

20 Respondents.

Case No. [23CECG04744](#)

**VERIFIED PETITION FOR  
PEREMPTORY WRIT OF MANDATE  
AND COMPLAINT FOR INJUNCTIVE  
AND DECLARATORY RELIEF**

[Ralph M. Brown Act, Gov. Code § 54950 *et seq.*]

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22 This action seeks to enforce the Ralph M. Brown Act, Gov. Code § 54950, *et seq.*<sup>1</sup>  
23 (“Brown Act” or “Act”). It challenges the chronic failure of the CITY OF FRESNO and THE  
24 FRESNO CITY COUNCIL (the “Council”) (collectively, the “City” or “Respondents”) to hold the  
25 City’s Budget Committee (“Budget Committee”) meetings in public, based on an agenda posted in  
26 advance, and with opportunity for public comment, as the Brown Act requires.

27 <sup>1</sup> Unless otherwise specified, all future statutory references in this Petition are to the California  
28 Government Code.

1 The AMERICAN CIVIL LIBERTIES UNION OF NORTHERN CALIFORNIA and  
2 FIRST AMENDMENT COALITION (collectively, “Petitioners”) seek a writ of mandate and  
3 injunctive and declaratory relief to find that the City violated fundamental provisions of the Brown  
4 Act by discussing and deliberating on the City’s budget in secret and to prevent the City from  
5 continuing to do so in the future. In this verified petition and complaint, Petitioners allege as  
6 follows:

7 **INTRODUCTION**

8 1. Under the California Constitution, the people have “the right of access to  
9 information concerning the conduct of the people’s business.” Cal. Const., art. 1, § 3(b)(1). To that  
10 end, “meetings of public bodies and the writings of public officials and agencies shall be open to  
11 public scrutiny.” *Id.* The Constitution further requires that any “statute, court rule, or other  
12 authority . . . shall be broadly construed if it furthers the people’s right of access, and narrowly  
13 construed if it limits the right of access.” *Id.* at § 3(b)(2).

14 2. The Brown Act provides that “the public commissions, boards and councils and the  
15 other public agencies in this State exist to aid in the conduct of the people’s business. It is the  
16 intent of the law that their actions be taken openly and that their deliberations be conducted  
17 openly.” § 54950.

18 3. As the Brown Act declares, “The people of this State do not yield their sovereignty  
19 to the agencies which serve them. The people, in delegating authority, do not give their public  
20 servants the right to decide what is good for the people to know and what is not good for them to  
21 know. The people insist on remaining informed so that they may retain control over the  
22 instruments they have created.” § 54950.

23 4. The Brown Act was designed “to facilitate public participation in all phases of local  
24 government decisionmaking, and to curb misuse of [the] democratic process by secret legislation  
25 by public bodies.” *Cohan v. City of Thousand Oaks*, 30 Cal. App. 4th 547, 555 (1994), *as modified*  
26 *on denial of reh’g* (Dec. 21, 1994).

1           5.       To that end, all meetings of any legislative body of a local agency shall be open and  
2 public, follow publicly posted agendas, and provide opportunity for public comment. §§ 54953(a);  
3 54954.2, 54954.3(a).

4           6.       The rights of the people to instruct their representatives and petition the  
5 government for redress of grievances depend heavily on opportunities to attend public meetings,  
6 observe and speak at such meetings, and access information pertaining to how local government  
7 conducts the public’s business. Without such opportunities, these rights are significantly impaired.

8           7.       Since at least 2018, Respondents have consistently disregarded these fundamental  
9 principles and violated the Brown Act by holding secret meetings of the Budget Committee  
10 without advance notice, a publicly posted agenda, or opportunity for public comment.

11          8.       The City is a local agency under the Brown Act, and the Budget Committee is a  
12 legislative body of a local agency covered by the Brown Act that was created by formal action of  
13 the Council on or about June 21, 2018.

14          9.       Upon information and belief, since that time, the Budget Committee has held  
15 periodic meetings to reconcile any disparities between the City Mayor’s proposed budget and the  
16 Council’s budget priorities and prepare a new proposed budget to present to the full Council.

17          10.      At the least, the Budget Committee is composed of three of the seven sitting City  
18 councilmembers at any given time. It has repeatedly met over the last several years to discuss and  
19 deliberate on budgetary matters. The Budget Committee has never posted a public agenda for  
20 these meetings, made them open to the public, or offered any opportunity for public comment  
21 during the meetings.

22          11.      The Budget Committee is a standing committee with continuing subject matter  
23 jurisdiction over matters related to the City’s budget. The Council has voted to confirm the  
24 assignment of councilmembers to—and existence of—the Budget Committee on multiple  
25 occasions. The Council has never voted or taken other action to dissolve the Budget Committee  
26 since it was formed in 2018.

27          12.      Referring to the Budget Committee’s work on the Fiscal Year (“FY”) 2024 budget,  
28 the City Mayor, Jerry Dyer, publicly stated “a lot of sausage was being made in the back room.”

1 During its meetings for the FY 2024 budget, the Budget Committee made more than 75 changes  
2 and amendments to the Mayor’s proposed budget, totaling almost \$30 million. These changes  
3 were made without any notice to or input from the public. The Council ultimately adopted a FY  
4 2024 budget that reflected the changes and amendments made by the Budget Committee.

5 13. Accordingly, the Budget Committee’s secrecy has deprived the public of any  
6 meaningful opportunity to comment on the budgeting process, leaving them without input on the  
7 Budget Committee’s process of recommending disposition of their taxpayer dollars and without a  
8 significant or effective voice in decisions on the funding of vital city services.

9 14. Although the Budget Committee may be advisory in name, in practice it effectively  
10 has the final word on the City’s annual budget, which is typically approved by the Council without  
11 significant change to the Budget Committee’s proposal.

12 15. On September 5, 2023, Petitioners sent a timely request to the City to cease and  
13 desist the unlawful practice of conducting these critical budget deliberations in secret. The request  
14 identified the City’s history of holding secret Budget Committee meetings and explained the legal  
15 and factual bases for Petitioners’ belief that the Budget Committee’s closed-session meetings  
16 violate the Brown Act.

17 16. The City Attorney, Andrew Janz, replied to Petitioners’ request to cease and desist  
18 on September 18, 2023, and argued that “there is no legal basis for requiring any further action be  
19 taken by the Fresno City Council concerning this matter.”

20 17. Petitioners therefore bring this suit for mandamus, injunctive, and declaratory  
21 relief, asking the Court to order Respondents to comply prospectively with the Brown Act’s open-  
22 meeting, notice, and public-comment requirements and to declare that Respondents previously  
23 violated the Brown Act.

24 **THE PARTIES**

25 18. Petitioner American Civil Liberties Union of Northern California, Inc. (“ACLU  
26 NorCal”) is a nonprofit public interest organization in good standing under the laws of California.  
27 It is an affiliate of the national American Civil Liberties Union, a nonprofit, nonpartisan civil  
28 liberties organization with more than 1.6 million members dedicated to the principles of liberty

1 and equality embodied in our civil rights laws and both the United States and California  
2 Constitutions. ACLU NorCal is further committed to advancing government transparency and  
3 accountability. As part of its advocacy, ACLU NorCal routinely attends and provides public  
4 comment during Council meetings.

5 19. Petitioner First Amendment Coalition (“FAC”) is a nonprofit, nonpartisan public  
6 interest organization in good standing under the laws of California. It is dedicated to freedom of  
7 expression and promoting the people’s right to know about their government so that they may hold  
8 it accountable.

9 20. Respondent City is a political subdivision of the State of California and a local  
10 agency as defined by section 54951 and thus subject to the Brown Act. The City’s main office is  
11 located at 2600 Fresno Street, in the City of Fresno and the County of Fresno, California.  
12 Respondent City is a Mayor-Council form of government. The executive power of Respondent  
13 City is vested in the office of the Mayor.

14 21. Respondent Council has seven members and is the duly elected governing body of  
15 the City. Each year, the Council elects a President of the Council from among its members to  
16 serve for a one-year term. The President of the Council is the presiding officer of the Council.  
17 Respondent Council is a “legislative body” as defined by section 54952 and thus subject to the  
18 Brown Act.

19 22. Petitioners ACLU NorCal and FAC are “interested person[s]” under section 54960  
20 and 54960.2 and are therefore entitled to enforce the Brown Act.

21 **JURISDICTION AND VENUE**

22 23. This Court has jurisdiction under Article VI, section 10 of the California  
23 Constitution, sections 54960 and 54960.2, and Code of Civil Procedure sections 1085 and 1060.

24 24. Venue is proper in this Court because Respondents are situated in Fresno County,  
25 and the acts and omissions forming the basis of this lawsuit occurred in Fresno County. *See* Cal.  
26 Civ. Proc. Code §§ 393(b), 394(a), 395.

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1 **FACTUAL BACKGROUND**

2 25. The Budget Committee—which the Council often refers to as “the budget  
3 subcommittee,” even though it is not a subsidiary body of another committee—is composed at  
4 least of three of the seven City councilmembers at any given time, and, on information and belief,  
5 it may also include one or more city staff members.

6 26. Upon information and belief, when there are disparities between the City Mayor’s  
7 proposed budget and the Council’s budget priorities, the Budget Committee holds meetings to  
8 reconcile the disparities and prepare a new proposed budget to present to the full Council. The  
9 Budget Committee also addresses other budgetary issues.

10 27. Upon information and belief, the Budget Committee typically meets every January  
11 for a “mid-year review” and again during June for the budget process.

12 **A. The Council created the Budget Committee in 2018 and has voted to retain it every**  
13 **year since, during which time the Budget Committee has exercised continuing subject**  
14 **matter jurisdiction over budgetary matters.**

15 28. The Budget Committee was established by a vote of the Council on or about June  
16 21, 2018. A true and correct copy of the Council meeting minutes noting this vote is attached  
17 hereto as Exhibit A.

18 29. Regardless of whether the Council President or any other individual or body is  
19 responsible for designating who serves on the Committee at any given time, the Budget  
20 Committee was created by ordinance, resolution, or formal action of the Council.

21 30. At least once per year, the Council hears the following agenda item: “Council  
22 Boards and Commissions Communications, Reports, Assignments and/or Appointments,  
23 Reappointments, Removals to/from City and non-City Boards and Commissions.” Deliberations  
24 on this item include determining which councilmembers should be appointed to serve on which  
25 City committees and whether any City committees should be dissolved. Every time the Council  
26 hears this item, it concludes by taking a vote to approve the list of committees and the assignment  
27 of councilmembers to them (the “Committee Roster”).

28 31. The Council heard this agenda item and voted to approve Committee Rosters that  
included the “Budget Sub-Committee” on or about May 2, 2019, September 19, 2019, January 30,

1 2020, February 4, 2021, February 10, 2022, and January 19, 2023. True and correct copies of the  
2 Council meeting minutes noting these votes are attached hereto as Exhibits B–G. True and correct  
3 copies of the final, approved Committee Rosters that were not reproduced in their entirety in the  
4 meeting minutes are attached hereto as Exhibits H-K.

5 32. Since the Budget Committee’s creation in 2018, no Committee Roster, minute of  
6 any City Council meeting, or any resolution, ordinance, or formal action of the City or Council  
7 reflects that the Council ever voted to dissolve, or even discussed dissolving, the Budget  
8 Committee.

9 33. At the time of its creation, the Council formed the Budget Committee to address  
10 budgetary matters such as the disposition of \$13.4 million of City revenue for the FY 2019 budget.

11 34. The Budget Committee met between June 21, 2018, and June 28, 2018, and heard,  
12 discussed, deliberated, or took action on how the City should spend \$13.4 million of revenue.

13 35. The Budget Committee’s meetings in 2018 were not publicized in advance, did not  
14 follow a noticed agenda, were not open and accessible to the public, and did not provide an  
15 opportunity for the public to comment.

16 36. On or about June 28, 2018, the Council voted to approve the FY 2019 City budget,  
17 which included the approval of the funding decisions made by the Budget Committee. There is no  
18 minute noting that the Council ever voted to dissolve the Budget Committee after the approval of  
19 the FY 2019 City budget. A true and correct copy of the Council meeting minutes noting the FY  
20 2019 budget approval is attached hereto as Exhibit L.

21 37. After the approval of the FY 2019 budget, the Budget Committee continued to exist  
22 as a standing committee with continuing subject matter jurisdiction over budgetary matters, such  
23 as negotiating the Council’s budget priorities with the City’s executive administration.

24 38. Upon information and belief, the Budget Committee continued to meet in 2018 to  
25 hear, discuss, deliberate, or take action on budgetary matters after the Council had already  
26 approved the FY 2019 budget.

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1           39.     These meetings were not publicized in advance, did not follow a noticed agenda,  
2 were not open and accessible to the public, and did not provide an opportunity for the public to  
3 comment.

4           40.     On or about November 29, 2018, City staff gave the Council a “budget update”  
5 because there was an unexpected carry-over of \$8.8 million dollars, the disposition of which the  
6 Council needed to decide. During this budget update, then-Council President Esmerelda Soria  
7 proposed that a subset of the funds go to unmet needs in the City parks. During this discussion,  
8 Soria noted that City staff had presented those needs to the Budget Committee, which met and  
9 heard, discussed, deliberated, or took action on that matter.

10          41.     Later in the discussion, the City Manager and Assistant City Manager informed the  
11 Council that they had been working with the Budget Committee on the list of parks projects to be  
12 funded, but City staff was waiting on approval of the list from the Budget Committee before  
13 moving forward with those projects. A true and correct copy of the Council meeting minutes  
14 noting this discussion is attached hereto as Exhibit M.

15          42.     Thus, the Budget Committee was exercising continuing subject matter jurisdiction  
16 over budgetary matters even after the Council passed the FY 2019 budget.

17          43.     The Budget Committee meetings regarding the funding of parks projects were also  
18 not publicized in advance, did not follow a noticed agenda, were not open and accessible to the  
19 public, and did not provide an opportunity for the public to comment.

20 **B.     The Budget Committee is a standing committee of the City that has a continuing**  
21 **subject matter jurisdiction regardless of the City’s failure to follow its own**  
22 **procedures to memorialize the Budget Committee.**

23          44.     The Council adopted Resolution 2004-185 regarding the purported process for  
24 creating and memorializing committees or other bodies of the City. A true and correct copy of  
25 Resolution 2004-185 is attached hereto as Exhibit N.

26          45.     When the Council approved Resolution 2004-185, it purported to adopt two  
27 forms—a resolution form and organizational form. These forms purport to set forth information  
28 about committees or other bodies, including the name, asserted legal authority for the creation of



1 the body, the purpose or mission of the body, how long the body will be in existence, membership,  
2 and its contact information.

3 46. Resolution 2004-185 purports that “[w]hen Council creates a City body, the  
4 resolution form taken together with the organizational form shall be the enabling legislation for  
5 that City body.” Further, it purports that “[t]he City Clerk shall record the information from the  
6 resolution form into the organizational form,” and “[t]he City body shall be responsible for  
7 completing the organizational form filed with the City Clerk, by identifying the name and title of  
8 the contact person for the City body, mailing address, and location of its records.”

9 47. According to Resolution 2004-185, the “City Clerk, with the advice of the City  
10 Attorney, shall designate on the organizational form whether the City body is subject to the Brown  
11 Act.”

12 48. Resolution 2004-185 or any failure to comply with it cannot and do not supersede  
13 the Brown Act’s provisions that determine whether or how a legislative body subject to the Brown  
14 Act is created or remains in existence, and compliance with Resolution 2004-185 is not necessary  
15 to create a legislative body subject to the Brown Act.

16 49. Nothing stated by the City Clerk on any form contemplated by Resolution 2004-  
17 185 can or does supersede this Court’s independent judgment whether a given committee is a  
18 legislative body subject to the Brown Act.

19 50. On or about the time the Council created the Budget Committee, or at various times  
20 thereafter, it had a pattern or practice of failing to follow the procedures stated in Resolution 2004-  
21 185 to memorialize the creation or purpose of its committees or other bodies, the amount of time a  
22 committee or body would be in existence, the asserted legal authority for creation of the  
23 committee or body, and other details that the Council should specify when it creates a committee.

24 51. At a Council meeting on or about March 7, 2019, then-Council President Steve  
25 Brandau used his councilmember report to remind the Council of the documents that it must  
26 provide the City Clerk to properly memorialize the creation of a new committee. He noted that,  
27 when the Council forms a committee, they need to provide the City Clerk “with the proper  
28 documentation . . . because a lot of these committees deserve to be contacted by the public and

1 allowed to have a voice with the committee[.]” The forms are also important because the City  
2 Clerk “needs to know if [the committee is] going to be a Brown Act Committee[.]” According to  
3 Brandau, the Council had created “four or five subcommittees since the beginning of the year”  
4 without the proper documentation.

5 52. When the Council created the Budget Committee, it did not follow the procedures  
6 stated in Resolution 2004-185, consistent with its pattern or practice of failing to do so. The  
7 Council never prepared a resolution form, so the City Clerk did not create an organizational form  
8 for the Budget Committee around the time it was created.

9 53. On or about July 30, 2019, after the City Clerk issued a memo and Councilmember  
10 Brandau made an announcement in an attempt to remedy the Council’s pattern or practice of  
11 noncompliance with Resolution 2004-185, the City created an organizational form for the Budget  
12 Committee. A true and correct copy of that organizational form is attached hereto as Exhibit O.

13 54. Under “[p]urpose/mission” the Budget Committee’s purported organizational form  
14 states, “[a] subcommittee would meet prior to the approval of the FY19 budget to identify specific  
15 projects to spend the \$9.9M and \$3.5M on,” even though the City Clerk prepared the form more  
16 than a year after that stated purpose was complete.

17 55. The Budget Committee in fact remained operational and in existence as a standing  
18 committee with continuing subject matter jurisdiction over budgetary matters well after the  
19 approval of the FY 2019 budget.

20 56. The Budget Committee’s purported organizational form alleges the legal authority  
21 for its creation as “Resolution 2004-185 and the minutes of June 21, 2018.” Under “[h]ow long  
22 body will be in existence[.]” the form states “[a]s needed.” Under “Term of Office,” the  
23 organizational form states, “[u]ntil replaced by another councilmember.”

24 57. Under “Brown Act/open meeting requirement,” the Clerk incorrectly checked “No”  
25 with a parenthetical note next to the checkbox that says “[a]d hoc committee or body created by a  
26 non-legislative body, such as the Mayor or individual Councilmember,” even though the Budget  
27 Committee was created by a legislative body—the Council—and was in fact exercising continuing  
28 subject matter jurisdiction over the City’s budget beyond the FY 2019 budget process..

1           58.     Upon information and belief, the Budget Committee met in 2019 during the  
2 preparation of the City budget for FY 2020 to hear, discuss, deliberate, or take action on matters  
3 related to the budget.

4           59.     The Budget Committee's meetings during 2019 were not publicized in advance, did  
5 not follow a noticed agenda, were not open and accessible to the public, and did not provide an  
6 opportunity for the public to comment.

7           60.     The Budget Committee met from 2020 to 2023 during the preparation of the City  
8 budget for FY 2021, 2022, 2023, and 2024 to hear, discuss, deliberate, or take action on matters  
9 related to the budget for the relevant fiscal year.

10          61.     The Budget Committee's meetings from 2020 to 2023 were not publicized in  
11 advance, did not follow a noticed agenda, were not open and accessible to the public, and did not  
12 provide an opportunity for the public to comment.

13 **C.     In 2020, the Budget Committee met and deliberated throughout the year, outside of**  
14 **the regular budget preparation process that typically takes place in May and June.**

15          62.     In 2020, even before the City began its FY 2021 budget process in May, the  
16 Council directed the Budget Committee to meet and deliberate on financial matters.

17          63.     On or about April 23, 2020, before budget deliberations began, the Council voted  
18 on a resolution to create a community grant program using COVID-19 appropriations.  
19 Councilmember Karbassi commented that he would prefer the Budget Committee and City staff to  
20 work together on a proposal before returning to the Council for consideration, and then-  
21 Councilmember Soria directed the Budget Committee and staff to do so. A true and correct copy  
22 of the Council meeting minutes noting this vote is attached hereto as Exhibit P.

23          64.     The Budget Committee met to hear, discuss, deliberate, or take action on this  
24 matter, but its meeting was not publicized in advance, did not follow a noticed agenda, was not  
25 open and accessible to the public, and did not provide an opportunity for the public to comment.

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1 **D. In 2021, two Councilmembers called upon the Council to remedy its failure to operate**  
2 **its committees with transparency and accountability, but the Budget Committee**  
3 **continued to meet in secret.**

4 65. On or about April 28, 2021, Councilmembers Garry Bredefeld and Mike Karbassi  
5 introduced a proposed resolution, titled the “Public Transparency Act,” to address their concerns  
6 that the City had a pattern or practice of operating its committees without accountability,  
7 transparency, and certain procedures. The resolution would have required all “committees that  
8 include one or more Councilmembers” in the City of Fresno to be subject to the open-and-noticed  
9 meeting requirements of the Brown Act. A true and correct copy of the proposed Public  
10 Transparency Act is attached hereto as Exhibit Q.

11 66. Councilmember Bredefeld’s concerns arose specifically from deliberations of the  
12 City’s CARES Act committee, which decided how \$93 million in CARES Act funds would be  
13 distributed. He noted that committees, such as the CARES Act committee, should be subject to the  
14 Brown Act because “the public has a right to know what’s going on” and because it’s the public’s  
15 money. He stated, “[the taxpayers] don’t know what’s going on, hell, I’m elected, I don’t know  
16 what’s going on, because I’m not on that subcommittee, and that just can’t be allowed to happen.”  
17 He also stated that committees are not transparent and that there is “no real accountability.”

18 67. Councilmember Miguel Arias spoke about how many of the City’s committees are  
19 already subject to the Brown Act and that, in his opinion, imposing those requirements on all  
20 committees would be financially burdensome.

21 68. Councilmember Karbassi responded to Councilmember Arias’ comments by  
22 expressing disappointment with the committees’ transparency and stating that he “wish[ed]  
23 everyone took the Brown Act as seriously as [Councilmember Arias] presented it” because “[i]t  
24 was created for a reason to ensure that local bodies are transparent and that the people have an  
25 equal say at the table.”

26 69. Councilmember Karbassi also added that, while imposing Brown Act requirements  
27 on committees does cost money, it’s “the cost of doing business” and “it’s a good expense when  
28 you’re spending money to encourage public transparency and translation services.”

1           70.     During this discussion, Councilmember Arias also reminded the Council that they  
2 deliberate and vote on decisions to create, dissolve, and appoint members to committees every  
3 time they vote to approve the Committee Rosters. He stated that “every year, when [the Council]  
4 set[s] the committees, [the Council] also debate[s] what committees should go away, what new  
5 ones should be created, and who should serve on those committees.” He also noted that each year,  
6 the Council has “removed and eliminated some committees.”

7           71.     Councilmember Arias also outlined the Council’s process for appointing and  
8 removing members to the committees. He stated that “Councilmembers submit [appointment]  
9 requests to the Council President, the set Council president makes recommendations to the full  
10 body, and in a very public way, [the Council] decide[s] who serves on those committees.”

11          72.     Despite the Council’s “robust” deliberations on the Committee Rosters, as  
12 Councilmember Arias put it, the Council never voted to dissolve, or even discussed dissolving, the  
13 Budget Committee.

14          73.     Councilmember Soria also called on the Council to “professionalize” its  
15 committees and comply with Brown Act requirements for standing committees, recognizing that  
16 every larger city in California does so. She stated that “as the fifth largest city, [Fresno] should  
17 actually be professionalizing [its] committees” and “have standing committees that are full Brown  
18 Act” committees. She provided the cities of Oakland, Long Beach, Sacramento, and Los Angeles  
19 as examples of cities that use open and public committees to get work done.

20          74.     Ultimately, the Council tabled the proposed “Public Transparency Act” because  
21 then-Council President Luis Chavez promised to meet with City staff to create an alternate  
22 proposal to assuage Councilmembers Bredefeld and Karbassi’s concerns. Then-Council President  
23 Chavez never presented an alternate proposal in open session of a Council meeting, and the City’s  
24 Brown Act violations continued.

25          75.     The Budget Committee met on or about May 6, 2021, to hear a proposal to  
26 establish appropriations for a “Homeless Housing Project.” This Budget Committee meeting was  
27 not publicized in advance, did not follow a noticed agenda, was not open and accessible to the  
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1 public, and did not provide an opportunity for the public to comment. A true and correct copy of  
2 the Council meeting minutes noting that this meeting occurred is attached hereto as Exhibit R.

3 **E. In 2023, the Budget Committee negotiated such substantial changes to the proposed**  
4 **budget for FY 2024 that it effectively had the final word on the City’s annual budget,**  
**and the Council formally recognized that it is a standing committee.**

5 76. Upon information and belief, during the FY 2024 budget process in 2023, the  
6 Budget Committee met with the City Mayor’s administration behind closed doors several times  
7 over eight days, starting on or about June 16, 2023.

8 77. These meetings were not publicized in advance, did not follow a noticed agenda,  
9 were not open and accessible to the public, and did not provide an opportunity for the public to  
10 comment.

11 78. The Budget Committee made more than 75 changes and amendments to the  
12 proposed budget for FY 2024, representing almost \$30 million in changed appropriations.

13 79. Upon information and belief, at a news conference on June 22, 2023, City Mayor  
14 Jerry Dyer said of the Budget Committee’s deliberations on the FY 2024 budget, “a lot of sausage  
15 was being made in the back room.”

16 80. In June 2023, Councilmember Karbassi requested that the City Mayor’s  
17 administration provide the Budget Committee with quarterly revenue reports, on a standing basis,  
18 and the administration agreed to do so. True and correct copies of the Council meeting minutes  
19 noting this action are attached hereto as Exhibits S–T.

20 81. On or about January 19, 2023, the Council considered a Committee Roster that  
21 included a note under the “Budget Sub-Committee” that said “[r]ecommend this be a standing  
22 committee, with members Maxwell, Perea, Karbassi.” The Council approved this Committee  
23 Roster on the consent agenda without further discussion.

24 82. Thus, the Council’s January 19, 2023 vote on the Committee Roster confirmed that  
25 the Budget Committee is a standing committee. A true and correct copy of the Committee Roster  
26 approved on or about January 19, 2023, is attached hereto as Exhibit K.

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1 **F. Petitioners demanded that the City take action to comply with the Brown Act, yet the**  
2 **City refused to cease and desist from violating the Act.**

3 83. On September 5, 2023, Petitioners sent the City and Council a demand letter to  
4 cease and desist from violating the Brown Act by conducting the Budget Committee’s meetings in  
5 secret and without notice to the public. Petitioners also requested in their letter that the Council  
6 make “an unconditional commitment to refrain from keeping the Budget Committee closed to the  
7 public and to conduct all future Budget Committee meetings in accordance with the Act’s  
8 requirements set for legislative bodies.” Petitioners sent the letter within nine months of the most  
9 recent alleged violation. A true and correct copy of Petitioners’ cease and desist letter is attached  
10 hereto as Exhibit U.

11 84. The City, through its attorney Andrew Janz, sent a response dated September 18,  
12 2023, to Petitioners’ cease and desist letter, denying that any violation occurred. The Council has  
13 made no unconditional commitment to cease and desist from the violations stated in the cease and  
14 desist letter. A true and correct copy of the City’s response to Petitioners’ cease and desist letter is  
15 attached hereto as Exhibit V.

16 **CAUSE OF ACTION**  
17 **(For Violations of the Brown Act)**  
18 **(Relief Pursuant to §§ 54960, 54960.2; Cal. Civ. Proc. Code §§ 1060, 1085)**

19 85. Petitioners incorporate by reference the allegations of the above paragraphs as  
20 though fully set forth herein.

21 86. A “local agency” subject to the Brown Act includes a “city, whether general law or  
22 chartered.” § 54951.

23 87. A “legislative body” subject to the Brown Act includes, in relevant part, the  
24 “governing body of a local agency” or a “commission, committee, board, or other body of a local  
25 agency, whether permanent or temporary, decisionmaking or advisory, created by charter,  
26 ordinance, resolution, or formal action of a legislative body.” § 54952(a)–(b).

27 88. The Brown Act thus applies to certain “advisory committees,” which legislative  
28 bodies may create to assist with “examination of facts and data.” *Frazer v. Dixon Unified School*  
*Dist.*, 18 Cal. App. 4th 781, 792 (1993).

1           89.     Although “advisory committees, composed solely of the members of the legislative  
2 body that are less than a quorum of the legislative body are not legislative bodies,” the Brown Act  
3 mandates that “standing committees of a legislative body, irrespective of their composition, which  
4 have a continuing subject matter jurisdiction, or a meeting schedule fixed by charter, ordinance,  
5 resolution, or formal action of a legislative body are legislative bodies for purposes of this  
6 chapter.” § 54952(b).

7           90.     A “meeting” subject to the Brown Act “means any congregation of a majority of  
8 the members of a legislative body at the same time and location, including teleconference location  
9 as permitted by Section 54953, to hear, discuss, deliberate, or take action on any item that is  
10 within the subject matter jurisdiction of the legislative body.” § 54952.2(a).

11          91.     The Brown Act mandates that “[a]ll meetings of the legislative body of a local  
12 agency shall be open and public, and all persons shall be permitted to attend any meeting of the  
13 legislative body of a local agency,” except for limited provisions authorizing closed sessions that  
14 are not at issue here. § 54953(a); *see also* § 54962 (except as expressly authorized by the Brown  
15 Act or other law, “no closed session may be held by any legislative body of any local agency”).

16          92.     The Brown Act requires that for each regular meeting, the legislative body or its  
17 designee, “shall post an agenda containing a brief general description of each item of business to  
18 be transacted or discussed at the meeting, including items to be discussed in closed session,” and  
19 with limited exceptions the Act precludes the legislative body from discussing or taking any action  
20 “on any item not appearing on the posted agenda.” § 54954.2(a). Special meetings require a call  
21 and notice posted at least 24 hours in advance, with no business to be discussed that is not  
22 specified in the call and notice. § 54956(a).

23          93.     Regular and special meetings must contain opportunities for public comment on  
24 matters before the legislative body. § 54954.3(a).

25          94.     The Budget Committee was created by ordinance, resolution, or formal action of  
26 the Council on or about June 21, 2018. The Council has never dissolved the Budget Committee,  
27 which has been and remains as a standing committee with continuing subject matter jurisdiction  
28 over matters related to the City budget.



1           95.     In the alternative, if the Budget Committee is not a standing committee with  
2 continuing subject matter jurisdiction, it is an advisory committee of the City composed of both  
3 Councilmembers and other persons.

4           96.     The Budget Committee is a legislative body of a local agency as defined in the  
5 Brown Act. Thus, the Brown Act prohibits the Budget Committee from conducting its meetings in  
6 secret without advance notice, a publicly posted agenda, and opportunity for public comment.

7           97.     From 2018 to the present, Respondents have consistently violated the Brown Act  
8 by holding Budget Committee meetings in secret, without advance notice, a publicly posted  
9 agenda, or opportunity for public comment.

10          98.     Respondents' numerous violations of the Brown Act evidence a pattern and  
11 practice of ignoring the state's open meeting laws, which has deprived Petitioners and members of  
12 the public of proper notice and of their right to address the Budget Committee on the business to  
13 be discussed, which includes budgetary matters of vital importance to every resident of the City.

14          99.     Respondents' ongoing, continuing, or threatened violations of the Brown Act cause  
15 or threaten to cause irreparable harm to Petitioners and other interested persons, citizens, and  
16 taxpayers by denying them notice of and the opportunity to participate in the Budget Committee's  
17 meetings, a right which is guaranteed by law.

18          100.    Because the City's legal counsel has stated that the Council's prior actions did not  
19 violate the Brown Act, and because the City has refused to cease and desist from violating the  
20 Brown Act or adopt an unconditional commitment to that effect, it is likely the City will continue  
21 to violate the Brown Act in the future.

22          101.    Pursuant to sections 54960 and 54960.2, Petitioners request a judicial  
23 determination that Respondents have violated the Brown Act by holding Budget Committee  
24 meetings in secret without advance notice, a publicly posted agenda, or opportunity for public  
25 comment.

26          102.    Pursuant to section 54960, Petitioners seek a writ of mandamus, an injunction,  
27 and/or declaratory relief for the purpose of stopping or preventing violations or threatened  
28

1 violations of the Brown Act and to determine the applicability of the Brown Act to ongoing  
2 actions or threatened future actions of the Budget Committee.

3 103. Petitioners have complied with all notice and demand requirements set forth in  
4 section 54960.2.

5 104. As interested persons entitled to enforce the Brown Act, Petitioners have a present  
6 beneficial interest in the outcome of these proceedings and have a clear, present, and substantial  
7 right to the relief sought herein.

8 105. Through this action, Petitioners seek no greater relief than would be afforded to any  
9 other member of the public.

10 106. A controversy exists between the parties that warrants declaratory relief from the  
11 court: Petitioners contend that Respondents' conduct violated the open-meeting requirements of  
12 the Brown Act and Respondents contend the opposite.

13 107. Respondents have a clear, present, and ministerial duty to conduct the business of  
14 the Budget Committee in conformity with the Brown Act.

15 108. Petitioners have exhausted their administrative remedies. Petitioners have no plain,  
16 speedy, and adequate remedy at law other than this action.

17 109. Petitioners seek to enforce and protect the public's and their own constitutional,  
18 statutory and common law rights as described herein, the violation of which automatically  
19 establishes irreparable harm that cannot be remedied through an action at law.

20 **PRAYER FOR RELIEF**

21 WHEREFORE, Petitioners pray as follows:

22 1. That this Court issue an injunction pursuant to section 54960 prohibiting  
23 Respondents from violating the Brown Act in the future by holding meetings of the Budget  
24 Committee in secret, without advance notice, a publicly posted agenda, or opportunity for public  
25 comment;

26 2. That this Court issue a declaration pursuant to sections 54960 and 54960.2 and  
27 Code of Civil Procedure section 1060 that the Budget Committee has violated and/or continues to  
28

1 violate the Brown Act by discussing, deliberating, or taking action on the City's budget in closed  
2 session;

3 3. That this Court issue a writ of mandate pursuant to section 54960 and Code of Civil  
4 Procedure section 1085 ordering Respondents to hold all future Budget Committee meetings in  
5 compliance with the Brown Act;

6 4. That Petitioners recover attorneys' fees incurred in this action pursuant to section  
7 54960.5 and/or Code of Civil Procedure section 1021.5;

8 5. For an award of costs incurred in this action; and,

9 6. For such other and further relief as the court deems just and proper.

10 Dated: November 15, 2023

11 AMERICAN CIVIL LIBERTIES UNION  
12 FOUNDATION OF NORTHERN CALIFORNIA, INC.

13 By



14 \_\_\_\_\_  
15 ANGÉLICA SALCEDA  
16 Attorney for Petitioner AMERICAN CIVIL  
LIBERTIES UNION OF NORTHERN  
CALIFORNIA

17 Dated: November 15, 2023

18 FIRST AMENDMENT COALITION

19 By



20 \_\_\_\_\_  
21 DAVID LOY  
22 Attorney for Petitioner FIRST AMENDMENT  
23 COALITION  
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**VERIFICATION**

1  
2  
3 I, Angélica Salceda, am the Program Director of the Democracy and Civic Engagement  
4 Program of and attorney for the American Civil Liberties Union Foundation of Northern  
5 California, which has its home office in a county different from the location of my office. I have  
6 read the foregoing Verified Petition for Peremptory Writ of Mandate and am informed, and do  
7 believe, that the matters herein are true. On that ground, I allege that the matters stated herein are  
8 true.

9 I declare under penalty of perjury under the laws of the State of California that the  
10 foregoing is true and correct.

11 Dated: November 15, 2023

  
\_\_\_\_\_  
ANGÉLICA SALCEDA

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**VERIFICATION**

I, David Loy, am the Legal Director of and attorney for the First Amendment Coalition, which has its home office in a county different from the location of my office. I have read the foregoing Verified Petition for Peremptory Writ of Mandate and am informed, and do believe, that the matters herein are true. On that ground, I allege that the matters stated herein are true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: November 15, 2023

  
\_\_\_\_\_  
DAVID LOY

## **Exhibit A**



# City of Fresno

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

## Meeting Minutes - Final City Council

*President - Esmeralda Z. Soria*

*Vice President - Steve Brandau*

*Councilmembers:*

*Oliver L. Baines, III, Paul Caprioglio, Luis Chavez,*

*Garry Bredefeld, Clinton J. Olivier*

*City Manager - Wilma Quan-Schecter*

*City Attorney - Douglas T. Sloan*

*City Clerk - Yvonne Spence, MMC*

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Thursday, June 21, 2018

9:00 AM

Council Chambers

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### Regular Meeting

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

9:13 A.M. ROLL CALL

*Councilmember Olivier was absent during roll call and joined the meeting at 1:33 P.M.*

**Present:** 7 - President Esmeralda Z. Soria  
Vice President Steve Brandau  
Councilmember Oliver L. Baines III  
Councilmember Paul Caprioglio  
Councilmember Luis Chavez  
Councilmember Garry Bredefeld  
Councilmember Clinton Olivier

Invocation by Pastor Mike Cirricone from The Well Community Church

Pledge of Allegiance to the Flag

## **APPROVE AGENDA**

### **1. CONSENT CALENDAR**

On motion of Councilmember Caprioglio, seconded by Vice President Brandau, the below CONSENT CALENDAR items were approved. The motion carried by the following vote:

**Aye:** 6 - Soria, Brandau, Baines III, Caprioglio, Chavez and Bredefeld

**Absent:** 1 - Olivier

- 1-A** [ID18-0735](#) Actions pertaining to the Herndon Trail Improvements between Ingram and College Avenues - Bid File No 3567 (Council District 2)
1. Adopt a Finding of Conformity prepared for Environmental Assessment No. EA-17-020 dated November 17, 2017.
  2. Award a construction contract in the amount of \$423,325 to Witbro Inc., dba Seal Rite Paving and Grading for the Herndon Trail Improvements between Ingram and College Avenues Project (Council District 2)

**Sponsors:** Public Works Department

*The above item was pulled from Consent Calendar by Council Vice President Brandau and moved to Contested Consent for further discussion.*

- 1-B** [ID18-0756](#) RESOLUTION - Of Intention to annex Final Tract Map No. 5464 and 6222 as Annexation No. 92 to the City of Fresno Community Facilities District No. 11 and to Authorize the Levy of Special Taxes (southwest corner of East Hamilton and South Temperance Avenues) (Council District 5)

**Sponsors:** Public Works Department

*RESOLUTION 2018-143 ADOPTED*

- 1-C** [ID18-0673](#) Approve an agreement for Professional Engineering Services with Peters Engineering Group for \$80,295 plus a \$15,000 contingency for design and construction support services for the Jensen Avenue Pavement Rehabilitation Project from Cornelia Avenue to Chateau Fresno Avenue. (Council District 3 and County of Fresno)

**Sponsors:** Public Works Department

- 1-D** [ID18-0680](#) Actions pertaining to the Veteran's Boulevard Project (Council Districts 2 and 6)
1. Adopt a Categorical Exemption pursuant to CEQA Guidelines Sections 15301 as it relates to the billboard relocation
  2. Approve a Billboard Relocation Agreement in the amount of



\$150,000 with Outfront Media, LLC's for the relocation of the billboard located just south of 5965 N. Golden State Boulevard to 102 E. Herndon Avenue for the Veteran's Boulevard Project

**Sponsors:** Public Works Department

*The above item was pulled from Consent Calendar by Council Vice President Brandau and moved to Contested Consent for further discussion.*

- 1-E [ID18-0682](#) Approve agreement with TAM+CZ Architects, Inc., of Fresno, CA in the amount of \$98,500 with a not-to-exceed contingency amount of \$10,000 for the design of plans and general construction contract documents for the City Hall Elevator Modernization Project (Council District 3)

**Sponsors:** Public Works Department

- 1-F [ID18-0690](#) Approve an agreement with Brooks-Ransom Associates, in the amount of \$56,400 with a not-to-exceed contingency of \$5,400 for the design of plans and general construction contract documents for the repairs at Garage 8 within the City of Fresno. (Council District 3)

**Sponsors:** Public Works Department

- 1-G [ID18-0745](#) Actions pertaining to the McKinley Avenue Overlay from Marks Avenue to Hughes Avenue - Bid File 3571 (Council District 3)
1. Adopt a finding of Class 2 Categorical Exemption as set forth in California Environmental Quality Act (CEQA) Guidelines, Section 15301(c) Class 1
  2. Award a construction contract in the amount of \$351,092 to Cal Valley Construction, of Fresno, California as the lowest responsive and responsible bidder, and authorize the Public Works Director or designee to sign the standardized construction contract on behalf of the City of Fresno

**Sponsors:** Public Works Department

- 1-H [ID18-0786](#) Approve the reappointment of Barry Falke to the Housing and Community Development Commission (HCDC)

**Sponsors:** Mayor's Office

- 1-I [ID18-0558](#) Approve an agreement with Industrial Scientific Corporation in

the amount of \$142,191.84 to provide the Fresno Fire Department with gas monitors and monitor services for a four year period.

**Sponsors:** Fire Department

- 1-J [ID18-0729](#) Actions pertaining to the acquisition of real property for expansion of the Water Corporation Yard:
1. Adopt a finding of Categorical Exemption pursuant to CEQA Guidelines Sections 15301 and 15332; and
  2. Approve the acquisition of one parcel located at 1830 E. University Avenue (APN 446-231-08) from Marvin and Jacqueline Scheidt Trust, in the amount of \$243,000. (Council District 7)

**Sponsors:** Department of Public Utilities

*The above item was pulled from Consent Calendar by Council President Soria and moved to Contested Consent for further discussion.*

- 1-K [ID18-0765](#) Actions pertaining to New Access Structures on Millbrook Avenue and Dakota Avenue (Bid File 3597) (Council Districts 4 and 7)
1. Adopt a finding of Categorical Exemption of Class 3, pursuant to Section 15303(d) (New construction or conversion of small structures) and Class 4, pursuant to Section 15304(f) (Minor alterations to land) of the California Environmental Quality Act Guidelines
  2. Award a construction contract in the amount of \$303,900 to Floyd Johnston Construction Company, Inc., of Clovis, CA (Bid File 3597) (Council Districts 4 and 7)

**Sponsors:** Department of Public Utilities

- 1-L [ID18-0760](#) Award a contract to Placeworks, Inc. for consultant services for the City of Fresno's Industrial Compatibility Study in the amount of \$99,900.

**Sponsors:** Development and Resource Management Department

- 1-M [ID18-0794](#) Consideration of an extension of time of a Development Agreement for the Marketplace at El Paseo filed by Gryphon Capital pertaining to the property generally located on the

southwest corner of West Herndon Avenue and North Riverside Drive covering 74.4 acres of property and Conditional Use Permit Application No. C-17-057 filed by Rich Development pertaining to the development of the Marketplace at El Paseo on 18.4 acres of the subject property. (Council District 2),

1. \*\*\*BILL NO B-34 - (Intro. 6/14/2018) (For adoption) - Approving an extension of time of 10 years to February 2028, for the development of the Marketplace at El Paseo. (Subject to Mayor's veto)

**Sponsors:** Development and Resource Management Department

*ORDINANCE 2018-36 ADOPTED*

- 1-N [ID18-0771](#) Actions related to the First Amendment to the Service Facility Lease Agreement with Enterprise Rent-A-Car of Sacramento:
1. Adopt a finding of Categorical Exemption pursuant to Class 1 Section 15301(c) (existing facilities) of the California Environmental Quality Act (CEQA) Guidelines for the First Amendment to the Service Facility Lease Agreement;
  2. Approve the First Amendment to the Service Facility Lease Agreement with Enterprise Rent-A-Car at Fresno Yosemite International Airport to provide additional rental car storage space (Council District 4)

**Sponsors:** Airports Department

- 1-O [ID18-0772](#) \*\*\*Resolution - Authorize the Chief of Police to accept \$100,000 in grant funding for the 2018/2019 Alcoholic Beverage Control grant awarded to the Fresno Police Department from the State of California Alcoholic Beverage Control (Subject to Mayor's veto)

**Sponsors:** Police Department

*RESOLUTION 2018-144 ADOPTED*

- 1-P [ID18-0778](#) Approve the Fourth Amendment to the Consultant Services Agreement with ECS Imaging, Inc., to expand Laserfiche consulting and implementation services for the Finance Department in an amount not to exceed \$13,500, and extend the contract to March 31, 2019.

**Sponsors:** Information Services Department

- 1-Q [ID18-0775](#) Approve the First Amendment to the Disposition and Development Agreement between the City of Fresno, the City in its capacity as the Housing Successor to the former RDA, and Noyan Frazier Capital, LLC.

**Sponsors:** City Manager's Office

*The above item was pulled from Consent Calendar by Council President Soria and moved to Contested Consent for further discussion.*

- 1-R [ID18-0780](#) \*\*\*RESOLUTION - Concerning Measure C Extension Local Transportation Purposes Pass-Through Projects and Program Funds annual allocation for Fiscal Year 2018-2019 (Subject to Mayoral Veto)

**Sponsors:** City Manager's Office

*RESOLUTION 2018-145 ADOPTED.*

- 1-S [ID18-0788](#) \*\*\*BILL NO. B-31 - (Intro. 6/14/2018) (For adoption) - Adopting an ordinance amending Article 4.14 of Chapter 12 of the Fresno Municipal Code relating to the exemption of development impact fees for certain projects in economically disadvantaged neighborhoods (Subject to Mayor's veto)

**Sponsors:** Council President Soria

*ORDINANCE 2018-37 ADOPTED*

- 1-T [ID18-0791](#) \*\*\*BILL NO. B-35 - (Intro. 6/14/2018) (For adoption) - Amending Section 13-218 of the Fresno Municipal Code, Relating to Alleys (Subject to Mayor's veto)  
1. \*\*\*RESOLUTION - Designating expressive alleys within certain regions of the City. (Subject to Mayor's Veto)

**Sponsors:** City Councilmember Baines III

*ORDINANCE 2018-38 ADOPTED*

*RESOLUTION 2018-146 ADOPTED*

- 1-U [ID18-0792](#) \*\*\*BILL NO. B-36 - (Intro. 6/14/2018) (For adoption) - Amending various sections of Article 24 of Chapter 14 of the Fresno Municipal Code relating to parades and other special events. (Subject to Mayor's veto)

1. \*\*\*RESOLUTION - Waiving fees for eligible parades. (Subject to veto)
2. \*\*\*RESOLUTION - Establishing designated parade routes. (Subject to veto)

**Sponsors:** City Councilmember Baines III and Council President Soria

*ORDINANCE 2018-39 ADOPTED*

*RESOLUTION 2018-147 ADOPTED*

*RESOLUTION 2018-148 ADOPTED*

## **CEREMONIAL PRESENTATIONS**

[ID18-0798](#) “Proclaiming June 2018 Alzheimer’s and Brain Awareness Month”.

**Sponsors:** Council President Soria and City Councilmember Caprioglio

*PRESENTED*

[ID18-0638](#) Proclamation of “July as Park and Recreation Month”

1. Presentation of a check from Bank of America to the Youth Job Preparation Program
2. Presentation of Maxie Parks Center Concept Plans by Edison High School students

**Sponsors:** Council President Soria and Mayor's Office

*PRESENTED*

## **APPROVE MINUTES**

[ID18-0787](#) Approval of Budget Hearing minutes for June 11, 2018 and June 12, 2018

**Sponsors:** City Clerk's Office

**On motion of Councilmember Caprioglio, seconded by Vice President Brandau, that the above Minutes be approved. The motion carried by the following vote:**

**Aye:** 6 - Soria, Brandau, Baines III, Caprioglio, Chavez and Bredefeld

**Absent:** 1 - Olivier

[18-0030](#) Approval of minutes from June 14, 2018

**Sponsors:** City Clerk's Office

*THE ABOVE MINUTES WERE CONTINUED TO JUNE 28, 2018*

## **COUNCILMEMBER REPORTS AND COMMENTS**

*Councilmember Caprioglio spoke regarding the June 15, 2018 neighborhood picnic at El Dorado park, the June 20, 2018 Community meeting regarding Temperance Avenue widening project and requested the meeting be adjourned in memory of the Airport Barber, Nick Palamar.*

*Council Vice President Brandau spoke regarding the June 14, 2018 West Area Specific Plan meeting and stated he received the 5 year performance review documents from Administration regarding trash services and said Administration should consider extending the contract.*

## **CONTESTED CONSENT CALENDAR**

- 1-A [ID18-0735](#) Actions pertaining to the Herndon Trail Improvements between Ingram and College Avenues - Bid File No 3567 (Council District 2)
1. Adopt a Finding of Conformity prepared for Environmental Assessment No. EA-17-020 dated November 17, 2017.
  2. Award a construction contract in the amount of \$423,325 to Witbro Inc., dba Seal Rite Paving and Grading for the Herndon Trail Improvements between Ingram and College Avenues Project (Council District 2)

**Sponsors:** Public Works Department

*The above item was introduced to Council by Manager Tyler, Public Works Department.*

*Upon call, there was no public comment.*

*Council Vice President Brandau asked if the Harrison Trail will match the Herndon Trail with landscaping and trees and what is the time frame to from start to finish. Public Works Manager Tyler responded.*

APPROVED

**On motion of Vice President Brandau, seconded by Councilmember**

**Caprioglio, that the above Action Item be approved. The motion carried by the following vote:**

**Aye:** 6 - Soria, Brandau, Baines III, Caprioglio, Chavez and Bredefeld

**Absent:** 1 - Olivier

- 1-D**    [ID18-0680](#)    Actions pertaining to the Veteran's Boulevard Project (Council Districts 2 and 6)
1. Adopt a Categorical Exemption pursuant to CEQA Guidelines Sections 15301 as it relates to the billboard relocation
  2. Approve a Billboard Relocation Agreement in the amount of \$150,000 with Outfront Media, LLC's for the relocation of the billboard located just south of 5965 N. Golden State Boulevard to 102 E. Herndon Avenue for the Veteran's Boulevard Project

**Sponsors:** Public Works Department

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

*Upon call, there was no public comment.*

*Council Vice President Brandau asked staff if the new billboard was a part of the last agreement, where will the billboard be moved from and what is the time frame when it will be removed. Supervising Real Estate Agent Hansen replied it is a different billboard project from the last agreement and staff is hoping to have the project completed in October. Council Vice President Brandau asked staff about the other billboards and what was going on with them. City Manager Quan-Schechter stated Administration is currently working on the project and it is moving forward.*

**APPROVED.**

**On motion of Vice President Brandau, seconded by Councilmember Caprioglio, that the above Action Item be approved. The motion carried by the following vote:**

**Aye:** 6 - Soria, Brandau, Baines III, Caprioglio, Chavez and Bredefeld

**Absent:** 1 - Olivier

- 1-J**    [ID18-0729](#)    Actions pertaining to the acquisition of real property for

expansion of the Water Corporation Yard:

1. Adopt a finding of Categorical Exemption pursuant to CEQA Guidelines Sections 15301 and 15332; and
2. Approve the acquisition of one parcel located at 1830 E. University Avenue (APN 446-231-08) from Marvin and Jacqueline Scheidt Trust, in the amount of \$243,000. (Council District 7)

**Sponsors:** Department of Public Utilities

*The above item was introduced to Council by Interim Director Carbajal, Public Utilities Department.*

*Upon call, there was no public comment.*

*Council President Soria asked staff if the property is being purchased and if there was an Environmental Report done. She also asked what the recommendations were and what are the conditions of the property, parking and building as a whole. Interim Director Carbajal replied. Council President Soria stated the property looks run down and asked if there are funds to make sure the City of Fresno is keeping up with the building maintenance and it looks its best.*

**APPROVED**

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

**Aye:** 6 - Soria, Brandau, Baines III, Caprioglio, Chavez and Bredefeld

**Absent:** 1 - Olivier

- 1-Q** [ID18-0775](#) Approve the First Amendment to the Disposition and Development Agreement between the City of Fresno, the City in its capacity as the Housing Successor to the former RDA, and Noyan Frazier Capital, LLC.

**Sponsors:** City Manager's Office

*Council President Soria recused herself from the proceeding.*

*The above item was introduced to Council by Deputy City Manager Gloria,*



*City Manager's Office.*

*Upon call, there was no public comment.*

*Councilmember Baines asked staff why did the Gottschalks agreement expire and what is Administration going to do with the Gottschalk's of the building. Councilmember Baines asked the developers about the project phases and the master plan project. Councilmember Bredefeld asked how long will this project take to complete and how much will it cost. Council Vice President Brandau asked staff for a workshop on downtown.*

*APPROVED.*

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

**Aye:** 5 - Brandau, Baines III, Caprioglio, Chavez and Bredefeld

**Absent:** 1 - Olivier

**Recused:** 1 - Soria

### **10:00 A.M.**

[ID18-0776](#) HEARING to consider adoption of resolution related to the designation of a property to the Local Register of Historic Resources

- 1.\*\*\* RESOLUTION - Designating the Herndon Substation Control Building located at 7430 N Weber Avenue, Fresno, California to the Local Register of Historic Resources (Council District 2) (Subject to Mayor's veto)

**Sponsors:** Development and Resource Management Department

*THE ABOVE ITEM WAS CONTINUED TO JULY 19, 2018*

### **10:05 A.M.**

[ID18-0759](#) Actions pertaining to the Citywide replacement of high pressure sodium (HPS) streetlight fixtures with more energy efficient light-emitting diode (LED) fixtures

1. HEARING to consider adoption of a Resolution to approve a

Finance Agreement and Energy Services Contract with Pacific Gas and Electric Company (PG&E) for implementation of certain energy related services

2. Adopt a finding of Categorical Exemption per staff determination, pursuant to Section 15301(c) of the California Environmental Quality Act Guidelines
3. RESOLUTION- To approve a Finance Agreement and Energy Services Contract with Pacific Gas and Electric Company for implementation of certain energy related services
4. Approval of six agreements with Pacific Gas & Electric (PG&E) in the total amount of \$10,237,062 for a General On-Bill Financing (OBF) Loan
5. Approval of the Master Services Agreement and Work Order for Turnkey Services for the Installation of Light Emitting Diode (LED) Streetlights throughout the City of Fresno (Citywide), in substantially the form attached, and authorize the City Manager to execute the agreement

**Sponsors:** Public Works Department

*The above item as introduced to Council by Director Mozier, Public Works Department.*

*Upon call, the following members of the public addressed Council: Alex Whizel, Eric Czachorski, Pete Porte and Jason Tanko.*

*Councilmember Baines asked staff where the workforce was going to come from and if other proposals were reviewed. Director Mozier responded PG&E will be providing the workforce and it will be done locally. Council President Soria asked to continued the item for the procurement process. City Manager Quan-Schecter asked staff if continuing the item would be an issue. Director Mozier replied no.*

*THE ABOVE ITEM WAS CONTINUED TO JULY 19, 2018.*

## **10:10 A.M. SCHEDULED COMMUNICATION**

[ID18-0804](#) Appearance by Gonzalo Arambula to discuss the damage done to his wheelchair by a FAX Driver while on a City bus and the need to properly train the bus drivers on handling the disabled.

*Mr. Arambula spoke regarding the damage on his wheelchair by FAX Driver while on a City bus and the marijuana tax item.*

*APPEARED.*

*Councilmember Baines left the meeting at 10:58 P.M.*

### **10:30 A.M.**

[ID18-0797](#) BILL - (For introduction) - Adding Article 22 to Chapter 12 of the Fresno Municipal Code to allow At-Risk Development

**Sponsors:** City Councilmember Bredefeld

*The item was called to order at 11:03 A.M.*

*The above item was introduced to Council by Councilmember Bredefeld.*

*Mayor Brand and Dennis Gaab, Century Builders spoke in support of the item.*

*Upon call, there was no public comment.*

*BILL B-37 INTRODUCED AND LAID OVER.*

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

**Aye:** 5 - Soria, Brandau, Caprioglio, Chavez and Bredefeld

**Absent:** 2 - Baines III and Olivier

### **3. GENERAL ADMINISTRATION**

**3-A** [ID18-0766](#) \*\*\*RESOLUTION - 70th Amendment to the Annual Appropriation Resolution (AAR) No. 2017-165 to appropriate \$1,950,000 to the State Revolving Fund Low Interest Loan Fund for the Friant-Kern Canal Pipeline Project (Council District 6 and County) (Requires 5 affirmative votes) (Subject to Mayor's veto)

**Sponsors:** Department of Public Utilities

*The above item was introduced to Council by Interim Director Carbajal,*

*Public Utilities Department.*

*Upon call, there was no public comment.*

*RESOLUTION 2018-149 ADOPTED.*

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

**Aye:** 5 - Soria, Brandau, Caprioglio, Chavez and Bredefeld

**Absent:** 2 - Baines III and Olivier

## **2. SCHEDULED COUNCIL HEARINGS AND MATTERS**

### **9:00 A.M.#1 JOINT MEETING OF THE FRESNO REVITALIZATION CORPORATION AND CITY OF FRESNO IN ITS CAPACITY AS HOUSING SUCCESSOR TO THE REDEVELOPMENT AGENCY.**

[ID18-0779](#) Receive Annual Report and Approve FY 18-19 Program Income Budget for the City of Fresno in its capacity as Housing Successor to the Redevelopment Agency of the City of Fresno

**Sponsors:** Successor Agency to the Redevelopment Agency

*Council Vice President Brandau left the meeting at 11:13 A.M.*

*The above item was introduced to Council by Redevelopment Administrator Murphey, Redevelopment Agency.*

*Upon call, there was no public comment.*

*APPROVED*

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

**Aye:** 4 - Soria, Caprioglio, Chavez and Bredefeld

**Absent:** 3 - Brandau, Baines III and Olivier

**3-B** [ID18-0805](#) Approve a Seventh Amendment to the Professional Consultant

Agreement with CH2M HILL Engineers, Inc., for an amount not-to-exceed \$7,450,000 for Fiscal Year 2019 Program Management Services and for extension of the Agreement term by one year, through October 31, 2019 (Citywide)

**Sponsors:** Department of Public Utilities

*Councilmember Baines returned to the meeting at 11:20 A.M.*

*The above item was introduced to Council by Interim Director Carbajal, Public Utilities Department.*

*Upon call, there was no public comment.*

**APPROVED**

**On motion of Councilmember Caprioglio, seconded by Councilmember Chavez, that the above Action Item be approved. The motion PASSED by the following vote:**

**Aye:** 3 - Caprioglio, Chavez and Bredefeld

**No:** 1 - Soria

**Absent:** 2 - Brandau and Olivier

**Abstain:** 1 - Baines III

**3-C**     [ID18-0692](#)     Actions pertaining to the Orange Avenue Pavement Overlay from California Avenue to Jensen Avenue - Bid File 3601 (County of Fresno and Council District 5)

1. Adopt a finding of Categorical Exemption per staff's determination, pursuant to Section 15301(c) of the California Environmental Quality Act Guidelines (CEQA)
2. Award a construction contract in the amount of \$1,143,341 with Avison Construction Inc., of Madera, California, as the lowest responsive and responsible bidder for the Orange Avenue Pavement Overlay from California Avenue to Jensen Avenue

**Sponsors:** Public Works Department

*THE ABOVE ITEM WAS CONTINUED TO JUNE 28, 2018.*

**3-D**     [ID18-0736](#)     Actions pertaining to the Blackstone Avenue Overlay project, from Shaw Avenue to Ashlan Avenue, Bid File 3561 (Council

Districts 4 and 7)

1. Adopt a finding of a Categorical Exemption per staff determination, pursuant to Section 15301(c) of the California Environmental Quality Act Guidelines for the Blackstone Avenue Overlay project, from Shaw Avenue to Ashlan Avenue
2. Award a Construction Contract in the amount of \$1,740,296.00 with Cal Valley Construction of Fresno, California, as the lowest responsive and responsible bidder for the Blackstone Avenue Overlay Project from Shaw Avenue to Ashlan Avenue

**Sponsors:** Public Works Department

*THE ABOVE ITEM WAS REMOVED FROM THE AGENDA.*

- 3-E [ID18-0747](#) Actions pertaining to the Water Mains Replacement in the Southeast Vicinity of West Barstow Avenue and North Fresno Street - Bid File 3609 (Council District 4)
1. Adopt a finding of Categorical Exemption per staff determination, pursuant to Class 2 Section 15302(c) (Replacement or Restoration) of the California Environmental Quality Act Guidelines for the Water Mains Replacement in the Southeast Vicinity of West Barstow Avenue and North Fresno Street
  2. Award a construction contract in the amount of \$2,389,162.00 to Dawson-Mauldin Construction, Inc., of Fountain Valley, California as the lowest responsive and responsible bidder for the Water Mains Replacement in the Southeast Vicinity of West Barstow Avenue and North Fresno Street

**Sponsors:** Public Works Department

*Council Vice President Brandau returned to the meeting at 11:27 A.M.*

*The above item was introduced to Council by Manager Sehm, Public Works Department.*

*Upon call, there was no public comment.*

**APPROVED.**

**On motion of Councilmember Caprioglio, seconded by President**

**Soria, that the above Action Item be approved. The motion carried by the following vote:**

**Aye:** 6 - Soria, Brandau, Baines III, Caprioglio, Chavez and Bredefeld

**Absent:** 1 - Olivier

- 3-F**    [ID18-0749](#)    Actions pertaining to Maroa Heights, Installation of 8” and 12” Water Mains and Services - Bid File 3594 (Council District 2 and Fresno County)
1. Adopt a finding of Categorical Exemption per staff determination, pursuant to Class 2 Section 15302(c) (Replacement or Restoration) of the California Environmental Quality Act Guidelines for Maroa Heights, Installation of 8” and 12” Water Mains and Services
  2. Award a construction contract in the amount of \$3,472,779.75 to West Valley Construction Company, Inc., of Fresno, California as the lowest responsive and responsible bidder for Maroa Heights, Installation of 8” and 12” Water Mains and Services

**Sponsors:** Public Works Department

*The above item was introduced to Council by Manager Sehm, Public Works Department.*

*Upon call, there was no public comment.*

*APPROVED.*

**On motion of Vice President Brandau, seconded by Councilmember Caprioglio, that the above Action Item be approved. The motion carried by the following vote:**

**Aye:** 6 - Soria, Brandau, Baines III, Caprioglio, Chavez and Bredefeld

**Absent:** 1 - Olivier

- 3-G**    [ID18-0755](#)    RESOLUTION - Authorizing the submission of applications for grant funds from the California Department of Transportation’s 2018 Active Transportation Program Cycle 4 Call for Projects and authorizing the execution of application related documents by the Public Works Director or designee (Council Districts 1, 3, 4, 5, 7)

**Sponsors:** Public Works Department

*The above item was introduced to Council by Director Mozier, Public Works Department. A correction to the staff report was read into the record by Director Mozier.*

*Upon call, there was no public comment.*

*Council President spoke regarding Inspiration Park.*

**RESOLUTION 2018-150 ADOPTED**

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

**Aye:** 6 - Soria, Brandau, Baines III, Caprioglio, Chavez and Bredefeld

**Absent:** 1 - Olivier

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

### **UNSCHEDULED COMMUNICATION**

*Upon call, there was no Unscheduled Communication.*

### **5. CLOSED SESSION**

*City Council recessed into Closed Session from 11:40 P.M. to 12:40: P.M.*

*There was no announcements after Closed Session.*

- 5-A**    [ID18-0800](#)    CONFERENCE WITH LABOR NEGOTIATOR - Government Code Section 54957.6  
City Negotiator(s): Jeffrey Cardell, Ken Phillips  
Employee Organizations:  
1. International Association of Firefighters, Local 753, Unit 10 (Fire Management)  
2. Operating Engineers, Local Union No. 3, Fresno Airport Public Safety Officers (FAPSO)

**Sponsors:** Personnel Services Department



*DISCUSSED*

City Council recessed for lunch at 11:40 A.M. and returned from lunch at 2:14 P.M.

## **9:00 A.M. #2**

### **Actions on the Fiscal Year 2019 Budget and related items - CONTINUED FROM JUNE 19, 2018**

*Councilmember Olivier joined the meeting at 1:35 P.M.*

*The below motions were discussed and voted on as follows:*

*Motion No. 2: Councilmember Chavez motioned for the administration to explore adding 12 Community Service Officers and additional 13 dispatchers. 6-21-2018 amendment: to prioritize the Community Service Officers and dispatchers as funds become available. Council President Soria seconded the motion. Motion PASSED 7-0*

*Motion No. 3: Council President Soria motioned to add a permanent bike unit of two officers in the Tower District. 6-21-2018 amendment: to include a bike unit of two officers for El Dorado Park and the Police Chief will determine the method of obtaining officers for those location, units to be placed by July 1, 2018. Councilmember Baines seconded the motion. Motion PASSED 7-0*

*Motion No. 4: Councilmember Bredefeld motioned to include a Safety Officer position comprised of three Captains and one vehicle for approximately \$535,000 per year and to also split the Water Team with the addition of three firefighters (one per shift) for approximately \$450,000. 6-21-2018 amendment: to bring this item back at the mid-year budget review as a "teir one" issue and to use attrition funds to implement the policy. Council President Soria seconded the motion. Motion PASSED 6-1, Council Vice President Brandau voted, no.*

*Motion No. 5: Councilmember Caprioglio motioned to add the Sierra Madre Neighborhood, the Teague Elementary School Neighborhood and Highway City (South of Shaw) to the list of neighborhoods to be revitalized on page B-45 of the Proposed Budget. Council President Soria seconded the motion.*

*Motion PASSED 7-0*

*Motion No. 6: Councilmember Caprioglio motioned for staff to go back and review the budget to find up to \$213,000 for an increase for the CCSPCA contract to cover minimum wage increases. 6-21-2018 amendment: for the City Manager's Office to provide quarterly reports on alternatives to contracting with the CCSPCA. Council Vice President Brandau seconded the motion. Motion PASSED 5-2, Councilmember Baines and Councilmember Olivier voted, no.*

*Councilmember Bredefeld and Councilmember Caprioglio left the meeting at 3:34 P.M.*

*Motion No. 7-9: Councilmember Baines motioned to fund \$11,000 for the implementation of electronic/digital signature to reduce time for signing contracts, to fund \$30,000 for microfilm and digitize records to preserve and to fund \$17,500 to implementation of Boards and Commissions module of Granicus to better manage the Boards and Commissions vacancies and appointments. Council President Soria seconded the motion. Motion PASSED 5-0. Councilmember Bredefeld and Councilmember Caprioglio absent.*

*Councilmember Caprioglio returned to the meeting at 3:37 P.M.*

*Motion No. 10: Council President Soria motioned to fund a legal secretary \$60,000 and a litigation attorney \$120,000. Council Vice President Brandau seconded the motion. Motion PASSED 5-1. Councilmember Bredefeld absent, Councilmember Olivier voted, no.*

*Councilmember Bredefeld returned to the meeting at 3:38 P.M.*

*Motion No. 11: Councilmember Chavez motioned to allocate \$100,000 to PARCS for continued work on the Mature Adult Center business plan and to look at securing funds from state and federal sources and collaborating partners. Council President Soria seconded the motion. Motion PASSED 7-0.*

*Motion No. 12: Council Vice President Brandau motioned for the Administration to find and appropriate an additional \$150,000 for a total of \$200,000 for each Council District's infrastructure fund. Council President Soria seconded the motion. Motion Passed 6-1. Councilmember Olivier voted, no.*

*Motion No. 13: Council Vice President Brandau motioned to move all sales tax monies from August 2019 (the estimated \$9.9 million) into the General Fund's Emergency Reserve Fund. 6-21-2018 amendment: to include the required "clean up language" to the budget documents drafted by the City Attorney, relating to the resulting change to the Annual Sales Tax Forecast. Councilmember Olivier seconded the motion. Motion FAILED 3-2. Councilmember Caprioglio and Councilmember Chavez abstained, Councilmember Baines and Council President Soria voted, no.*

*Motion No. 14: Council Vice President Brandau motioned to move all RDA repayment monies to be received from Fiscal Year 2019 (the estimated \$3.5 million) into a down payment for Fire Station 18 west of Highway 99. (2nd stipulated the City would pay cash for the station with no borrowing or bonding) 6-21-2018 amendment: to additionally move all sales tax monies from August 2019 (the estimated \$9.9 million) into the General Fund's Emergency Reserve Fund. Councilmember Olivier seconded the motion. Motion FAILED 3-2. Council President Soria and Councilmember Chavez abstained, Councilmember Caprioglio and Councilmember Baines voted, no.*

*Motion No. 15: Councilmember Chavez motioned to move estimated \$9.9 million August 2019 Sales Tax into the Reserve Fund and move estimated \$3.5 million General Fund Reserve Revenue across each Council District's Infrastructure fund. 6-21-2018 amendment: to create a sub-committee with Council President Soria, and Councilmembers Chavez and Caprioglio to discuss the \$3.5 million and \$9.9 million and to come back at the next budget hearing for discussion and vote. Councilmember Baines seconded the motion. Motion PASSED 4-3. Councilmember Bredefeld, Council Vice President Brandau and Councilmember Olivier voted, no.*

*Motion No. 16: Council President Soria motioned to move the election*

contingency money from District One out of contingency and back into the District One budget. Councilmember Baines seconded the motion. Motion PASSED 7-0.

- A. [ID18-0695](#) \*\*\*RESOLUTION - Council Adoption of the Fiscal Year 2018-2019 City of Fresno Budget including the Annual Appropriations Resolution (Subject to Mayoral Veto)
- Sponsors:** Mayor's Office
- THE ABOVE ITEM WAS CONTINUED TO JUNE 28, 2018.*
- B. [ID18-0666](#) \*\*\*RESOLUTION - Adopt the Fiscal Year 2019 Position Authorization Resolution (PAR) (Subject to Mayor's veto)
- Sponsors:** City Manager's Office
- THE ABOVE ITEM WAS CONTINUED TO JUNE 28, 2018.*
- C. [ID18-0665](#) \*\*\*BILL - (For introduction and adoption) - Adoption of Property Tax Override Ordinance (Subject to Mayor's veto)
- Sponsors:** Mayor's Office
- THE ABOVE ITEM WAS CONTINUED TO JUNE 28, 2018.*
- D. [ID18-0767](#) \*\*\*RESOLUTION - Adopt the Fiscal Year 2019 Salary Resolution. (Subject to Mayor's veto)
- Sponsors:** Personnel Services Department
- THE ABOVE ITEM WAS CONTINUED TO JUNE 28, 2018.*
- E. [ID18-0691](#) \*\*\*RESOLUTION - FY 2019 Gann Appropriation Limit Resolution (Subject to Mayoral Veto)
- Sponsors:** Mayor's Office
- THE ABOVE ITEM WAS CONTINUED TO JUNE 28, 2018.*
- F. [ID18-0793](#) \*\*\*RESOLUTION - Approve the City of Fresno (the "City") Investment Policy for Fiscal Year 2017-2018 (Subject to Mayoral Veto)
- Sponsors:** Finance Department
- THE ABOVE ITEM WAS CONTINUED TO JUNE 28, 2018.*

**4. CITY COUNCIL**

- 4-A [ID18-0803](#) \*\*\*RESOLUTION - Submitting to City electors a proposal to amend the charter to modify or eliminate provisions that are contrary to and preempted by State or Federal law (Subject to Mayor's veto)

**Sponsors:** Council President Soria

*THE ABOVE ITEM WAS CONTINUED TO JUNE 28, 2018.*

**ADJOURNMENT**

*City Council adjourned at 4:22 P.M. in memory of the Fresno Airport Barber, Nick Palamar*

## **Exhibit B**



# City of Fresno

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

## Meeting Minutes - Final City Council

**President - Paul Caprioglio**

**Vice President - Miguel Angel Arias**

**Councilmembers:**

**Esmeralda Z. Soria, District 2 - Vacant, Luis Chavez,**

**Garry Bredefeld, Nelson Esparza**

**City Manager - Wilma Quan**

**City Attorney - Douglas T. Sloan**

**City Clerk - Yvonne Spence, MMC**

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Thursday, May 2, 2019

1:30 PM

Council Chambers

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### Regular Meeting

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

1:32 P.M. ROLL CALL

**Present:** 5 - President Paul Caprioglio  
Vice President Miguel Angel Arias  
Councilmember Esmeralda Z. Soria  
Councilmember Luis Chavez  
Councilmember Nelson Esparza

**Absent:** 1 - Councilmember Garry Bredefeld

Invocation given by Deputy Police Chief Patrick Farmer, Fresno Police Department.

Pledge of Allegiance to the Flag

### **APPROVE AGENDA**

*City Clerk Spence announced the following changes to the agenda:  
Invocation was by Deputy Police Chief Patrick Farmer, Proclamation of the  
"10th Anniversary of CFDI Day" – Change title to read: "10th Anniversary of  
Access Plus Capital" and File ID19-1618 (3:30 P.M.) - CONTINUED  
HEARING to consider Conditional Use Permit Application Nos. P18-03222  
and P18-03223, located on the northwest corner of North Cedar Avenue and  
East Tulare Street (Council District 7) was removed from the agenda –  
Applicant withdrew application.*

**On motion of Councilmember Soria, seconded by Vice President Arias, the above item was adopted as amended. The motion carried by the following vote:**

**Aye:** 5 - Caprioglio, Arias, Soria, Chavez and Esparza

**Absent:** 1 - Bredefeld

**APPROVE MINUTES**

[ID19-1393](#) Approval of minutes for April 25, 2019.

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

**Aye:** 5 - Caprioglio, Arias, Soria, Chavez and Esparza

**Absent:** 1 - Bredefeld

**CEREMONIAL PRESENTATIONS**

[ID19-1614](#) Proclamation of "Municipal Clerk's Week"

*PRESENTED*

[ID19-1219](#) Proclamation of "Vietnam Veterans Committee Members Day"

*PRESENTED*

[ID19-1599](#) Proclamation of the "10th Anniversary of Access Plus Capital Day"

*PRESENTED*

[ID19-1537](#) Proclamation of "Norman "JR" Norwood Jr. Day"

*PRESENTED*

[ID19-1540](#) Proclamation of "Peace Officers Memorial Day" and May 12 through May 18, 2019 as "National Police Week"

*PRESENTED*

[ID19-1280](#) Announcement of Marisol Baca as Fresno's Poet Laureate

*PRESENTED*



[ID19-1627](#) Proclamation of "Camp Kesem Day"

*PRESENTED*

## **COUNCILMEMBER REPORTS AND COMMENTS**

*Council Vice President Arias asked Assistant City Manager Sumpter for an update on the fees being waived as part of the waiver program for the Public Safety Police Department facility fees and requested an updated on the Economic Development Director.*

### **1. CONSENT CALENDAR**

*Councilmember Soria left the meeting at 2:25 P.M.*

**On motion of Vice President Arias, seconded by Councilmember Chavez, the below CONSENT CALENDAR items were adopted. The motion carried by the following vote:**

**Aye:** 4 - Caprioglio, Arias, Chavez and Esparza

**Absent:** 2 - Soria and Bredefeld

- 1-A** [ID19-1592](#) Authorize First Amendment to the November 9, 2017 Memorandum of Understanding between the City of Fresno and Fresno Building Healthy Communities regarding the BMX project at Mary Ella Brown Community Center Park approving project scope, timeline, and budget and authorizing an additional \$135,140 for city-initiated project augmentation (District 3)
- 1-B** [ID19-1596](#) Actions pertaining to 10-Inch Sewer Main Installation in South Willow Avenue (Bid File 3651) (County of Fresno):
1. Adopt a finding of Categorical Exemption pursuant to Class 3, Section 15303(d) (New Construction) of the California Environmental Quality Act Guidelines
  2. Award a Construction Contract to Haydon Construction, Inc., in the amount of \$271,537
  3. Authorize the Director of Public Utilities, or designee, to sign the contract on behalf of the City of Fresno
- 1-C** [ID19-1616](#) \*\*\*RESOLUTION - Creating Roles and Responsibilities for the Citywide Records Management Program (Subject to Mayor's veto)

*RESOLUTION 2019-091 ADOPTED*

- 1-D** [ID19-1621](#) Actions pertaining to the Perrin Avenue and Liberty Hill Road Traffic Signal Modification - Bid File No. 3656 (Council District 6)
1. Adopt a finding of Categorical Exemption per staff determination,

- pursuant to Section 15301(c) of the CEQA guidelines.
2. Award a construction contract in the amount of \$207,309 to Sturgeon Electric, LLC., of Chino, CA.

## **2. SCHEDULED COUNCIL HEARINGS AND MATTERS**

### **1:30 P.M.#1 CONTESTED CONSENT CALENDAR**

#### **1:30 P.M.#2**

- [ID19-1420](#) HEARING to Consider Acceptance of the Southern Blackstone Avenue Smart Mobility Strategy
1. ADOPT a finding that there is no possibility that acceptance of the Southern Blackstone Avenue Smart Mobility Strategy will have a significant effect on the environment and is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3);
  2. RESOLUTION - Accepting the Southern Blackstone Avenue Smart Mobility Strategy.

*The item was called to order at 2:28 P.M.*

*The above item was introduced to Council by Planner III Horton, DARM Department and Keith Bergthold, Executive Director of Fresno Metro Ministry.*

*Upon call, the following members of the public addressed Council: John Trotter, Robert Turner, Celeste Martinez, Anne Goodman, Donald Uriquez, Abigail Smurr, Deiglis Wells, James Collins, Zach Antoyan, Fernando Elizondo, Anthony Molina, Gorado Navarro, Randy White, Marie Torres, Gene Richards, Ivan Paz, Sheila Hakimipour and Alejandro Solis.*

*Councilmember Soria returned to the meeting at 2:58 P.M.*

*Councilmember Esparza supports the item as presented and thanked the community for their input.*

*Councilmember Soria supports the item and thanked the community and staff for their hard work and input. She expressed some of her concerns with the consideration of displacement of small business owners and would like to have a plan to find better placement for small businesses in the City of Fresno. She asked the Administration to figure out how to implement the*

*plan and to include it in the next budget. She stated she would like the Administration to make it a priority. Assistant City Manager Schaad responded.*

*Assistant City Manager Schaad spoke regarding funding the construction and stated it will not occur until next year for construction.*

*Council Vice President Arias asked staff several technical questions regarding the current and proposed speed limit on Blackstone. He asked about the potential impact of pollution due to the reduced speed limits and if the whole Blackstone corridor will reduce its speed limit. He asked staff if the current scope covered the entire Blackstone and what the estimated cost would be to improve the Blackstone corridor. Planner III Horton responded. Council Vice President Arias mentioned the City of Fresno is spending \$130 Million on Veterans Blvd and asked the Administration to set aside money for this project, to include funding in the upcoming budget and to make it a priority. He asked Administration if any projects being developed in the corridor will honor any of the strategies or will the road be reconstructed. Assistant City Manager Sumpter responded.*

*Councilmember Chavez asked Executive Director Bergthold of Fresno Metro Ministry how the project fits into the Better Blackstone overall. Executive Director Bergthold of Fresno Metro Ministry replied.*

*Council President Caprioglio thanked everyone and supports the item.*

**RESOLUTION 2019-092 ADOPTED**

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

**Aye:** 5 - Caprioglio, Arias, Soria, Chavez and Esparza

**Absent:** 1 - Bredefeld

**10:00 A.M. (HEARING CONTINUED TO 1:35 P.M.)**

[ID19-1583](#) **HEARING** to adopt resolutions and ordinance to annex territory and levy a special tax regarding City of Fresno Community Facilities District No. 9, Annexation No. 39 (Assessor's Parcel Number 505-281-21) (east side of

North Grantland Avenue between West Barstow and Roberts Avenue)  
(Council District 2)

1. \*\*\* **RESOLUTION** - Annexing Territory to Community Facilities District No. 9 and Authorizing the Levy of a Special Tax (Subject to Mayor's Veto)
2. \*\*\* **RESOLUTION** - Calling Special Mailed-Ballot Election (Subject to Mayor's Veto)
3. \*\*\* **RESOLUTION** - Declaring Election Results (Subject to Mayor's Veto)
4. \*\*\* **BILL** - (For introduction and adoption) - Levying a Special Tax for the Property Tax Year 2018-2019 and Future Tax Years Within and Relating to Community Facilities District No. 9, Annexation No. 39 (Subject to Mayor's Veto)

*The above hearing was continued to 1:35 P.M.*

**City Council recessed at 3:42 P.M. and returned from recess at 3:49 P.M.**

### **1:35 P.M.#1**

[ID19-1615](#) **CONTINUED HEARING** to adopt resolutions and ordinance to annex territory and levy a special tax regarding City of Fresno Community Facilities District No. 9, Annexation No. 39 (Assessor's Parcel Number 505-281-21) (east side of North Grantland Avenue between West Barstow and Roberts Avenue) (Council District 2)

1. \*\*\* **RESOLUTION** - Annexing Territory to Community Facilities District No. 9 and Authorizing the Levy of a Special Tax (Subject to Mayor's Veto)
2. \*\*\* **RESOLUTION** - Calling Special Mailed-Ballot Election (Subject to Mayor's Veto)
3. \*\*\* **RESOLUTION** - Declaring Election Results (Subject to Mayor's Veto)
4. \*\*\* **BILL** - (For introduction and adoption) - Levying a Special Tax for the Property Tax Year 2018-2019 and Future Tax Years Within and Relating to Community Facilities District No. 9, Annexation No. 39 (Subject to Mayor's Veto)

*The item was called to order at 3:50 P.M.*

*Councilmember Chavez left the meeting at 3:50 P.M.*

*The above item was introduced to Council by Assistant Director Benelli,  
Public Works Department.*

*Upon call, there was no public comment.*

*RESOLUTION 2019-093 ADOPTED*

*RESOLUTION 2019-094 ADOPTED*

*RESOLUTION 2019-095 ADOPTED*

*BILL 13 AND ORDINANCE 2019-013 ADOPTED*

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

**Aye:** 4 - Caprioglio, Arias, Soria and Esparza

**Absent:** 2 - Chavez and Bredfeld

### **1:35 P.M. #2 HEARING CONTINUED TO 3:30 P.M.**

[ID19-1612](#) CONTINUED HEARING to consider Conditional Use Permit Application Nos. P18-03222 and P18-03223, located on the northwest corner of North Cedar Avenue and East Tulare Street (Council District 7)

1. **ADOPT** Environmental Assessment Nos. P18-03222 and P18-03223 dated February 20, 2019, a determination that the proposed project is exempt from the California Environmental Quality Act (CEQA) through a Class 32 Categorical Exemption.
2. **ADOPT** findings pursuant to Government Code Section 65863(b) (2) that there is substantial evidence in the record that remaining sites identified in the Housing Element can accommodate the City of Fresno's share of the Regional Housing Needs Assessment (RHNA).
3. **APPROVE** Conditional Use Permit Application No. P18-03222 requesting authorization to develop a 3,052-square-foot convenience store and service station with eight fueling positions, subject to compliance with the Conditions of Approval dated February 20, 2019.
4. **DENY** Conditional Use Permit Application No. P18-03223 requesting authorization to establish a State of California Alcoholic Beverage Control (ABC) Type 20 (Package Store - sale of beer and wine for consumption off the premises where sold) license for the proposed convenience market.

*The above item was continued to 3:30 P.M.*

### **3:30 P.M.**

- [ID19-1618](#) CONTINUED HEARING to consider Conditional Use Permit Application Nos. P18-03222 and P18-03223, located on the northwest corner of North Cedar Avenue and East Tulare Street (Council District 7)
1. **ADOPT** Environmental Assessment Nos. P18-03222 and P18-03223 dated February 20, 2019, a determination that the proposed project is exempt from the California Environmental Quality Act (CEQA) through a Class 32 Categorical Exemption.
  2. **ADOPT** findings pursuant to Government Code Section 65863(b) (2) that there is substantial evidence in the record that remaining sites identified in the Housing Element can accommodate the City of Fresno's share of the Regional Housing Needs Assessment (RHNA).
  3. **APPROVE** Conditional Use Permit Application No. P18-03222 requesting authorization to develop a 3,052-square-foot convenience store and service station with eight fueling positions, subject to compliance with the Conditions of Approval dated February 20, 2019.
  4. **DENY** Conditional Use Permit Application No. P18-03223 requesting authorization to establish a State of California Alcoholic Beverage Control (ABC) Type 20 (Package Store - sale of beer and wine for consumption off the premises where sold) license for the proposed convenience market.

*The above item was removed from the agenda and withdrawn by the applicant.*

### **3. GENERAL ADMINISTRATION**

- 3-A [ID19-1555](#) \*\*\*RESOLUTION - Adopting the City of Fresno's (City) 2019-2020 Annual Action Plan; approving submission to the U.S. Department of Housing and Urban Development (HUD) for application of Community Development Block Grant (CDBG), Home Investment Partnerships (HOME), Emergency Solutions Grant (ESG), and Housing Opportunities for Persons With Aids/HIV (HOPWA) Program Funds; and providing for subrecipient agreements. (Subject to Mayor's veto)

*The above item was introduced to Council by Administrative Manager Jenks, DARM Department.*

*Councilmember Chavez returned to the meeting at 3:52 P.M.*

*Councilmember Chavez recused himself from the Fresno Economic Opportunities Commission (EOC) portion of the item.*

*Upon call, there was no public comment.*

*Council Vice President Arias reminded the Council that they received a supplement in their agenda packets that outlines the recommendations and adjustments from the Community Development Block Grant (CDBG) Subcommittee.*

*Council Vice President Arias motioned to approve the Fresno Economic Opportunities Commission recommendations. Councilmember Soria seconded the motion. Motion PASSED 4-0 vote. Councilmember Chavez recused. Councilmember Bredefeld absent.*

*Council Vice President Arias motioned to approve the CDBG recommendations and the following recommended adjustments: He directed staff to allocate \$500,000 to the Multigenerational Center in the 2020-2021 budget as well as to identify the resources to repair the Fink White Community Center roof so that the Boys and Girls Club can continue to operate. Council President Caprioglio seconded the motion.*

*Councilmember Soria thanked the staff and the committee. She spoke regarding the capacity of the Division and expressed her concerns with having 5 vacancies. She stated she will not approve future consultant contracts for the Division until the vacancies are filled. She directed staff to bring forward an update on the next agenda to discuss how much training the new consultants have done or worked on the issues they were hired for. She asked what the plan was to fill the vacant authorized positions and stated she would like to hear from the consultants at the next meeting. She discussed the issues with affordable housing and stated she is concerned with the lack of capacity in the Division and the staff training the consultants. Director Clark responded.*

*Assistant City Manager Schaad commented on the Multigenerational Center. He stated staff is figuring out how to accelerate the schedule and spend the money. He expressed his concern with not having it done in a timely fashion. His concerns with the \$500,000 might create a risk in the project in scheduling and in cost. He stated that the CDBG money can only*

*be used for eligible projects.*

*Council President Caprioglio suggested looking into outsourcing and that the Multigenerational Center is his top priority. Assistant City Manager Schaad responded.*

**RESOLUTION 2019-096 ADOPTED**

**On motion of Vice President Arias, seconded by President Caprioglio, that the above Action Item be adopted as amended. The motion carried by the following vote:**

**Aye:** 5 - Caprioglio, Arias, Soria, Chavez and Esparza

**Absent:** 1 - Bredefeld

- 3-B** [ID19-1584](#) \*\*\*RESOLUTION - 39th Amendment to the Annual Appropriation Resolution (AAR) No. 2018-157 to appropriate \$2,010,000 for Supplemental Refunds and Reimbursements to approved Developers in the Urban Growth Management and Development Impact Fee Programs (Requires 5 affirmative votes) (Subject to Mayor's veto)

*The above item was introduced to Council by Assistant Director Benelli, Public Works Department.*

*Upon call, there was no public comment.*

*Council Vice President Arias requested that the staff report reflect who the City of Fresno is paying and for what services.*

**RESOLUTION 2019-097 ADOPTED**

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

**Aye:** 5 - Caprioglio, Arias, Soria, Chavez and Esparza

**Absent:** 1 - Bredefeld

**4. CITY COUNCIL**

- 4-A** [ID19-1620](#) Council Boards and Commissions Communications, Reports, Assignments and/or Appointments, Reappointments, Removals to/from City and non-City Boards and Commissions:



1. Association for the Beautification of Highway 99 - **Soria, Arias**
2. Budget Sub-Committee - **Soria, Chavez, Caprioglio**
3. Cannabis Ad Hoc Committee - **Soria, Arias, Caprioglio**
4. Council of Governments - **Mayor Brand-Ex-Officio (Caprioglio)**
5. Council Sub-committee on Homelessness - **Chavez (Chair), Bredefeld, Arias**
6. CDBG Sub-committee - **(Pertaining to Housing and addressing the allocation of Funds) - Caprioglio, Soria, Arias**
7. Code Enforcement Sub-Committee - **Bredefeld, Caprioglio, Soria**
8. Economic Development Corporation Serving Fresno County - **Caprioglio-Ex-Officio, City Manager Wilma Quan and (Chavez - Alternate)**
9. Enterprise and Construction Management Oversight Board - **Chavez, Bredefeld-Alternate**
10. Finance and Audit Committee - **Bredefeld, Esparza-Chair, Vice Chair-Vacant**
11. Fresno Area Workforce Investment Corporation - **Soria**
12. Fresno County Transportation Authority (FCTA) - **Mayor Brand-Ex-Officio, (Caprioglio - Alternate)**
13. Fresno Regional Workforce Development Board - **Soria**
14. Fresno County Zoo Authority - **Mayor Brand-Ex-Officio, (Arias-Alternate)**
15. Fresno Madera Area Agency on Aging Board - **Chavez**
16. Joint Powers Financing Authority - **Mayor Brand, Soria, Caprioglio**
17. League of California Cities (Annual Meeting) - **Soria, Caprioglio - Alternate**
18. Litigation Exposure Reduction Ad Hoc Committee - **Caprioglio-Chair, Soria, Arias**
19. North Kings Groundwater Sustainability Agency (GSA) Joint Powers Authority - **Mayor Brand (Michael Carbajal, Tim Orman - Alternates)**
20. San Joaquin River Conservancy Board - **Mayor Brand-Ex-Officio, (Bredefeld-Alternate)**
21. School Liaison Sub-Committee - **Esparza-Chair, Chavez, Arias**
22. Sub-Committee on Transportation - **Arias, Caprioglio, Soria**
23. Upper Kings Basin Integrated Regional Water Management JPA - **Vacant (Michael Carbajal and Chavez - Alternates)**

*Upon call, there was no public comment.*

1. *Association for the Beautification of Highway 99: Council Vice President Arias was appointed to the committee.*

*Councilmember Soria motioned to appoint Council Vice President Arias to the Association for the Beautification of Highway 99 committee. Council President Caprioglio seconded the motion. The motion PASSED 5-0 vote.*

3. *Cannabis Ad Hoc Committee: Council President Caprioglio and Council Vice President Arias were appointed to the committee.*

*Councilmember Chavez motioned to appoint Council President Caprioglio and Council Vice President Arias to the Cannabis Ad Hoc Committee. Councilmember Esparza seconded the motion. The motion PASSED 5-0 vote.*

10. *Finance and Audit Committee: Councilmember Esparza requested this committee be continued to a future meeting.*

15. *Fresno Madera Area Agency on Aging Board: Councilmember Chavez replaced Councilmember Esparza.*

*Councilmember Esparza resigned from the Fresno Madera Area Agency on Aging Board due to scheduling conflict. Councilmember Esparza motioned to appoint Councilmember Chavez to the Fresno Madera Area Agency on Aging Board. Council President Caprioglio seconded the motion. The motion PASSED 5-0 vote.*

17. *League of California Cities (Annual Meeting): Councilmember Soria announced there were no vacant positions. The members on the committee are Councilmember Soria and Council President Caprioglio as the alternate.*

18. *Litigation Exposure Reduction Ad Hoc Committee: Council Vice President Arias and Councilmember Soria were appointed to the Ad Hoc committee. Council President Caprioglio appointed as the Chair.*

*Councilmember Chavez motioned to appoint Council Vice President Arias and Councilmember Soria to the Litigation Exposure Reduction Ad Hoc Committee and appoint Council President Caprioglio as the Chair. Council President Caprioglio seconded the motion. The motion PASSED 5-0 vote.*

*Council Vice President Arias requested that the Mayor attend more of the San Joaquin River Conservancy Boards and requested legal counsel to update him in Closed Session.*

*Councilmember Esparza gave an update on his first School Liaison Sub-Committee meeting for District 7, District 5 and District 3.*

## **5. CLOSED SESSION**

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

### **UNSCHEDULED COMMUNICATION**

*Upon call, the following member of the public address Council: David Love*

## **ADJOURNMENT**

*City Council adjourned at 4:33 P.M.*

*The above minutes were approved at the May 16, 2019 meeting with a motion from Councilmember Soria and a second from Councilmember Esparza. The motion passed on a 6-0 vote.*

## **Exhibit C**

# **City of Fresno**

*2600 Fresno Street*

*Fresno, CA 93721*

*www.fresno.gov*



## **Meeting Minutes - Final**

**Thursday, September 19, 2019**

**9:00 AM**

**Regular Meeting**

**Council Chambers**

### **City Council**

***President - Paul Caprioglio***

***Vice President - Miguel Angel Arias***

***Councilmembers:***

***Esmeralda Z. Soria, Mike Karbassi, Luis Chavez, Garry Bredefeld,***

***Nelson Esparza***

***City Manager - Wilma Quan***

***City Attorney - Douglas T. Sloan***

***City Clerk - Yvonne Spence, MMC***

The City Council met in regular session in the Council Chambers, City Hall on the date and time written above.

9:02 A.M. ROLL CALL

*Councilmember Bredefeld and Councilmember Karbassi were absent during roll call.*

*Councilmember Bredefeld joined the meeting at 9:03 A.M. and Councilmember Karbassi joined the meeting at 9:06 A.M.*

**Present:** 7 - President Paul Caprioglio  
Vice President Miguel Angel Arias  
Councilmember Esmeralda Z. Soria  
Councilmember Mike Karbassi  
Councilmember Luis Chavez  
Councilmember Garry Bredefeld  
Councilmember Nelson Esparza

Invocation by Reverend Henry Oputa of The Way Christian Fellowship

Pledge of Allegiance to the Flag

## **APPROVE AGENDA**

*City Clerk Spence announced the following changes to the agenda: File ID 19-11284 - Approval of the corrected minutes for August 15, 2019 , Item 10:30 #2- Second Amendment to the Disposition and Development Agreement, the vote should read 4-1, File ID 19-11210 - Approval of minutes for August 22, 2019, additional language was added to item 1-N on pages 15 and 16, File ID 19-11258 - Appearance by Michael Razavi - speaker requested to be removed from the agenda, File ID 11162 (4-A) - Council Boards and Commissions Communications, Reports, Assignments and/or Appointments, Reappointments, Removals to/from City and non-City Boards and Commission; No. 11 the word alternate should be removed, Mayor Brand and Councilmember Caprioglio are the two members, No. 26 Brock Buche replaced Michael Carbajal, File ID 19-11286 (4-B) - Resolution joining the Multi-City/County Amicus Brief in Support of Plaintiffs/Respondents in the Deferred Action for Childhood Arrivals (DACA) cases currently before the United States Supreme Court has been moved to 2:00 P.M. and Councilmember Esparza and Councilmember Soria were*

*added as sponsors to the item. The City Clerk handed Council a late submission to the item and File ID 19-11237 (10:05 #3) - Hearing to adopt resolutions and ordinances to annex territory and levy a special tax regarding Fresno Community Facilities District No. 11, Annexation No. 100 (Final Track Map No. 5587) (northwest corner of West McKinley and North Brawley Avenues) was removed from the agenda by staff and continued to September 26, 2019 at 10:05 A.M.*

**On motion of Councilmember Bredefeld, seconded by Vice President Arias, the above item was adopted as amended. The motion carried by the following vote:**

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

## **APPROVE MINUTES**

**On motion of Vice President Arias, seconded by Councilmember Esparza, the below items were adopted as amended. The motion carried by the following vote:**

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

[ID19-11284](#) Approval of the corrected minutes for August 15, 2019

[ID19-11210](#) Approval of Minutes for August 22, 2019.

*Additional language was added to Item 1-N on pages 15 and 16.*

## **CEREMONIAL PRESENTATIONS**

*The below ceremonial presentations were presented.*

[ID19-11173](#) Proclamation of "National Preparedness Month"

[ID19-11184](#) Proclamation of "Hispanic Heritage Month"

[ID19-11189](#) Proclamation of "REEL Pride Film Festival Week"

[ID19-11222](#) Proclamation of "Jeremy "Elvis" Pearce Day".

## **COUNCILMEMBER REPORTS AND COMMENTS**

*Councilmember Esparza thanked the East Fresno Kiwanis Club for inviting*

him to speak at their monthly luncheon. He thanked the group of 18 volunteers and the PARCs Department for assisting in the cleanup of Romain Park. He also announced he held three (3) District 7 town hall meetings last week.

Councilmember Karbassi attended the event honoring Peter Robertson at Fresno State on Wednesday, September 18, 2019. He recognized Susan Bredefeld, District 6 and his mother in the audience and thanked his mother for being there.

Councilmember Soria attended the first meeting of the Homelessness Regional Council on September 6, 2019 in the City of Modesto. She stated the next meeting will be Friday, September 27, 2019 in Los Angeles and the meetings are open to the public. She announced "Save the Date" Fall Festival in District 1 at Inspiration Park, October 19, 2019 from 4-8 PM.

Council Vice President Arias thanked the PARCs, Planning and Permitting Department for starting the BMX construction in his district and he asked the City Manager's Office for a update regarding gun violence.

Council President Caprioglio attended the 20th Welcome Home Honor Flight and stated the next one will be in April 2020. He announced District 4 hosted their first "Smoothie with Cops" at Jamba Juice and thanked the Northeast Police District team. He thanked his colleagues for attending the 6th Annual Premier Cultural Day and thanked AT&T for awarding the Aspired Grant to Fresno State. Council President Caprioglio congratulated Dr. Castro for being ranked as the top University for having the lowest student debt and he mentioned the Red Wave Fresno State game will be Saturday, September 21, 2019.

## **1. CONSENT CALENDAR**

**On motion of Councilmember Chavez, seconded by Vice President Arias, the below CONSENT CALENDAR items were approved. The motion carried by the following vote:**

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

**1-A** [ID19-11228](#) Actions pertaining to amending the Trapeze Agreement:



1. Approve the 5th Amendment in the amount of \$17,440 for the OPS Sign-In Terminal software license
2. Approve the 6th Amendment in the amount of \$49,000 for the OPS Sign-In Terminal software maintenance

**1-B**     [ID19-11211](#)     Reject all bids for the Shaw Avenue Traffic Signal Priority Intersection Installation Equipment Project and direct staff to rebid the project (Bid File 3665)

**1-C**     [ID19-11215](#)     Actions related to approval of a Memorandum of Understanding between the City of Fresno Department of Transportation and Fresno City College for a Measure C New Technology grant awarded for the Fresno City College West Fresno Satellite Campus Advanced Propulsion Systems Training Campus Project:

1. Adopt a finding of Class 22 Categorical Exemption pursuant to CEQA Guidelines section 15322
2. Approve a Memorandum of Understanding between the City of Fresno Department of Transportation and Fresno City College for a Measure C New Technology grant awarded for the Fresno City College West Fresno Satellite Campus Advanced Propulsion Systems Training Campus Project

*The above item PASSED 5-0 with Councilmember Soria and Councilmember Esparza recusing themselves.*

**1-D**     [ID19-11216](#)     Approve the Second Amendment to the Agreement with Genfare SPX in the amount of \$116,603.79 for the purchase of two ticket vending machines as spares for the Bus Rapid Transit corridor

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

**1-E**     [ID19-11192](#)     Approve a 10-year agreement with Cen Cal Business Finance Group, Inc. (Cen Cal) to administer the Revolving Loan Fund (RLF) Program

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

**1-F**     [ID19-11193](#)     Approve the 2019 Administrative Plan for the City of Fresno's Revolving Loan Fund Program

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

**1-G**     [ID19-11263](#)     Approve the appointment of Dawn Lang to the Disability Advisory Commission

*Councilmember Soria asked the Administration if the applicant resides in the City of Fresno. City Clerk Spence responded that the applicant does not reside in the City of Fresno, but lives in Clovis. Councilmember Soria suggested that the applicants to the Boards and Commissions be City of Fresno residents.*

*The above item was removed from the agenda by staff.*

- 1-H**     [ID19-11209](#)     Approve the appointments of Kevin Wray and Sammy Franco to the District 6 Project Review Committee.

*The above item PASSED 5-1-1. Council Vice President Arias voted no and Councilmember Soria abstained.*

- 1-I**     [ID19-11301](#)     Approve the appointment of Gene Richards to the Bicycle and Pedestrian Advisory Committee.

- 1-J**     [ID19-11229](#)     Actions related to the First Amendment to the Lease Agreement between the City of Fresno and United Parcel Service, Inc., at Fresno Yosemite International Airport:

1. Adopt a finding of Class 1 Categorical Exemption pursuant to CEQA Guidelines section 15301.
2. Approve First Amendment to the existing Lease Agreement between the City of Fresno and United Parcel Service, Inc., an Ohio Corporation, at Fresno Yosemite International Airport. (Council District 4).

- 1-K**     [ID19-11230](#)     Actions related to the Second Amendment to the Lease Agreement between the City of Fresno and Enterprise Rent-A-Car at Fresno Yosemite International Airport:

1. Adopt a finding of Class 1 Categorical Exemption pursuant to CEQA Guidelines Section 15301.
2. Approve Second Amendment to the existing Service Facility Lease Agreement between the City of Fresno and Enterprise Rent-A-Car, a Delaware Limited Liability Company, to update billing responsibilities for the term of the agreement. (Council District 4)

- 1-L**     [ID19-11231](#)     Actions related to the Second Amendment to the Airport Lease Agreement with Frank Ruiz:

1. Adopt a finding of Categorical Exemption pursuant to Section 15301/Class 1 (Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines.
2. Approve the Second Amendment to the Airport Lease

Agreement between the City of Fresno and Frank X. Ruiz Avionics, at Fresno Chandler Executive Airport. (Council District 3)

**1-M** [ID19-11250](#)

RESOLUTION - Authorizing application for, and receipt of, the SB2 Planning Grants Program Application to the California Department of Housing and Community Development in the amount of \$625,000 and Authorizing the Execution of the SB2 Planning Grants Program Application, the PGP Grant Documents, and any amendments thereto by the Planning & Development Director or designee (Subject to Mayor's Veto)

*RESOLUTION 2019-177 ADOPTED*

**1-N** [ID19-11080](#)

Approve an agreement between Quad Knopf Inc., dba QK of Clovis, CA in the amount of \$62,600 plus a contingency of \$6,300 for the design and preparation of construction documents for the Fink-White Park Splash Pad Project (Council District 3)

**1-O** [ID19-11235](#)

**RESOLUTION** - Of Intention to Annex Assessor's Parcel Number 404-071-48 as Annexation No. 41 to the City of Fresno Community Facilities District No. 9 and to Authorize the Levy of Special Taxes; and setting the public hearing for October 24, 2019, at 10:00 am (north side of East Alluvial Avenue between North Chestnut and Maple Avenues) (Council District 6)

*RESOLUTION 2019-178 ADOPTED*

**1-P** [ID19-11281](#)

\*\*\*RESOLUTION - Delegating Authority to the City Attorney to Enter Code Enforcement Contracts of \$50,000 or Less (Subject to Mayor's veto)

*RESOLUTION 2019-179 ADOPTED*

**1-Q** [ID19-11285](#)

RESOLUTION - To authorize submittal of application(s) for CalRecycle grants related to code enforcement, and authorize the City Attorney to sign on behalf of the City

*RESOLUTION 2019-180 ADOPTED*

**1-R** [ID19-11306](#)

Approve an Amendment to a Consultant Services Agreement with Kosmont and Associates, Inc., for professional feasibility evaluation services for Tax Increment Financing, Enhanced Infrastructure Financing District, and Community Revitalization and Investment Authority formation (Citywide)

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

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

### UNSCHEDULED COMMUNICATION

*Upon call, the following members of the public addressed Council: David Love, Jaime Loza and Yonas Paulos.*

### 3. GENERAL ADMINISTRATION

- 3-A**     [ID19-11165](#) Authorize the City Manager or her designee, and the Chief of Police or his designee, to enter into a two-year agreement with the 21st District Agricultural Association for \$696,762.10 to provide police services at the Fresno District Fair.

*The above item was introduced to Council by Chief Hall, Fresno Police Department.*

*Upon call, there was no public comment.*

*There was discussion about additional officers at the fair this year, if the officers policing the exterior of the fair were being paid throught overtime and why the Sheriff's department is not involved. Chief Hall responded.*

*APPROVED*

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

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

- 3-B**     [ID19-11221](#) Actions pertaining to the 2020 Selective Traffic Enforcement Program (STEP) grant:
1. Authorize the Chief of Police to accept \$700,000 in grant funding for the 2020 STEP grant awarded to the Fresno Police Department from the National Highway Traffic Safety Administration (NHTSA) through the California Office of Traffic Safety (OTS)
  2. \*\*\*RESOLUTION - Adopt the 5th Amendment to the Annual Appropriation Resolution (AAR) No. 2019-133 appropriating \$525,000 for the Police Department's STEP grant (Requires 5 affirmative votes) (Subject to Mayor's veto).

*The above item was introduced to Council by Chief Hall, Fresno Police Department.*

*Upon call, there was no public comment.*

*Council Vice President Arias asked staff to explain how a DUI checkpoint location is considered. He requested a memo of the last two years of the locations of the DUI checkpoints Chief Hall responded.*

**RESOLUTION 2019-181 ADOPTED**

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

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

## **2. SCHEDULED COUNCIL HEARINGS AND MATTERS**

### **10:00 A.M.**

[ID19-11253](#) HEARING - To vacate a portion of East Divisadero Avenue between North Blackstone Avenue and North Abby Street (Council District 7)

1. \*\*\*RESOLUTION - Ordering the vacation a portion of East Divisadero Avenue between North Blackstone Avenue and North Abby Street (Subject to Mayor's Veto)

*The hearing was called to order at 10:08 A.M.*

*The above item was introduced to Council by Chief Surveyor Camit, Public Works Department.*

*Upon call, there was no public comment and no Council discussion.*

**RESOLUTION 2019-182 ADOPTED**

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

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

**10:05 A.M.#1**

[ID19-11247](#) **HEARING** to adopt resolutions and ordinance to annex territory and levy a special tax regarding City of Fresno Community Facilities District No. 11, Annexation No. 103 (Final Tract Map No. 6214) (property surrounded by East Clinton, North Armstrong, East McKinley, and North Fowler Avenues) (Council District 4)

1. **\*\*\*RESOLUTION** - to Annex Territory to Community Facilities District No. 11 and Authorizing the Levy of a Special Tax for Annexation No. 103 (Subject to Mayor's Veto)
2. **\*\*\*RESOLUTION** - Calling Special Mailed-Ballot Election (Subject to Mayor's Veto)
3. **\*\*\*RESOLUTION** - Declaring Election Results (Subject to Mayor's Veto)
4. **\*\*\*BILL** - (For introduction and adoption) - Levying a Special Tax for the Property Tax Year 2019-2020 and Future Tax Years Within and Relating to Community Facilities District No. 11, Annexation No. 103 (Subject to Mayor's Veto)

*The hearing was called to order at 10:09 A.M.*

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

*Upon call, there was no public comment and no Council discussion.*

*RESOLUTION 2019-183 ADOPTED*

*RESOLUTION 2019-184 ADOPTED*

*RESOLUTION 2019-185 ADOPTED*

*BILL 28 AND ORDINANCE 2019-027 ADOPTED*

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

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

**10:05 A.M.#2**

[ID19-11236](#) **HEARING** to adopt resolutions and ordinance to annex territory and levy a special tax regarding City of Fresno Community Facilities District No. 9, Annexation No. 40 (R-P East Development, Assessor's Parcel Number 330-021-03) (east side of South East Avenue north of East Central Avenue) (Council District 3)

1. **\*\*\*RESOLUTION** - Annexing Territory to Community Facilities District No. 9 and Authorizing the Levy of a Special Tax (Subject to Mayor's Veto)
2. **\*\*\*RESOLUTION** - Calling Special Mailed-Ballot Election (Subject to Mayor's Veto)
3. **\*\*\*RESOLUTION** - Declaring Election Results (Subject to Mayor's Veto)
4. **\*\*\*BILL** - (For introduction and adoption) - Levying a Special Tax for the Property Tax Year 2019-2020 and Future Tax Years Within and Relating to Community Facilities District No. 9, Annexation No. 40 (Subject to Mayor's Veto)

*The item was called to order at 10:11 A.M.*

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

*Upon call, there was no public comment.*

*Council Vice President Arias asked staff to explain the item before Council and what it does for the general public. He asked for the description of the project being developed. Director Mozier responded.*

*RESOLUTION 2019-186 ADOPTED*

*RESOLUTION 2019-187 ADOPTED*

*RESOLUTION 2019-188 ADOPTED*

*BILL 29 AND ORDINANCE 2019-028 ADOPTED*

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

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

**10:05 A.M.#3**

[ID19-11237](#) **HEARING** to adopt resolutions and ordinance to annex territory and levy a special tax regarding City of Fresno Community Facilities District No. 11, Annexation No. 100 (Final Tract Map No. 5587) (northwest corner of West McKinley and North Brawley Avenues) (Council District 3)

1. **\*\*\*RESOLUTION** - to Annex Territory to Community Facilities District No. 11 and Authorizing the Levy of a Special Tax for Annexation No. 100 (Subject to Mayor's Veto)
2. **\*\*\*RESOLUTION** - Calling Special Mailed-Ballot Election (Subject to Mayor's Veto)
3. **\*\*\*RESOLUTION** - Declaring Election Results (Subject to Mayor's Veto)
4. **\*\*\*BILL** - (For introduction and adoption) - Levying a Special Tax for the Property Tax Year 2018-2019 and Future Tax Years Within and Relating to Community Facilities District No. 11, Annexation No. 100 (Subject to Mayor's Veto)

*The above item was removed from the agenda and continued to September 26, 2019 at 10:05 A.M.*

**10:10 A.M.**

[ID19-11144](#) **HEARING** to approve items related to the granting of a Non-Exclusive Franchise for Roll-Off Collection Services

1. **\*\*\*BILL NO. B-21** - (Intro. 8/15/2019) (For adoption) - Granting a non-exclusive roll-off franchise for roll-off collection within the City of Fresno to HD Matthews Demolition & Excavation (Citywide) (Subject to Mayor's veto)

*The item was called to order at 10:14 A.M.*

*The above item was introduced to Council by Assistant Director Schuber Public Utilities Department.*

*Upon call, there was no public comment.*

*Council Vice President Arias asked City Attorney Sloan if he can explain why there needs to be a public hearing process to add one vendor. City Attorney Sloan responded.*



*ORDINANCE 2019-029 ADOPTED*

**On motion of Vice President Arias, seconded by Councilmember Soria, that the above Ordinance be adopted. The motion carried by the following vote:**

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

**10:15 A.M.**

[ID19-11203](#) CONTINUED HEARING pertaining to Fresno County Airport Land Use Compatibility Plan:

1. ADOPT a finding that it can be seen with certainty that there is no possibility that this project will have a significant effect on the environment pursuant to the common sense exemption set forth in CEQA Guidelines Section 15061(b)(3)
2. RESOLUTION - Finding of Consistency between the City of Fresno's Land Use Plans and Regulations and the December 2018 Fresno County Airport Land Use Compatibility Plan
3. BILL - (For introduction) - Approving Text Amendment Application No. P19-01036 amending sections 15-104-B-4; 15-5206; 15-5306; 15-5506-D; 15-5811-A; 15-5905-A; 15-6006-A; and 15-6104-B of the Fresno Municipal Code (FMC), which gives the December 2018 Fresno County Airport Land Use Compatibility Plan priority over all other local land use plans and regulations in the event of a conflict

*The item was called to order at 10:15 A.M.*

*The above item was introduced to Council by Assistant Director Zack, Planning and Development Department.*

*Upon call, there was no public comment.*

*Councilmember Esparza asked if Planning and Development Department has been in compliance and adjusting to the projects accordingly. Assistant Director Zack responded.*

*Council Vice President Arias expressed his frustrations with the Airport Land Use Commission. He stated they made a significant overreach when they adopted the plan that would require the City of Fresno to rezone half the parcels which has caused a major impact in District 3.*

*RESOLUTION 2019-189 ADOPTED  
BILL 30 INTRODUCED AND LAID OVER*

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

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

### **GENERAL ADMINISTRATION (CONTINUED)**

**3-C**     [ID19-11225](#)

Actions pertaining to the purchase of RC Cationic Polymer for the Regional Wastewater Reclamation Facility (RWRF):

1. Reject all proposals for the Product Requirements Contract: RC Cationic Polymer (Bid File 9465)
2. Approve a two-year cooperative purchase requirements contract in the amount of \$1,830,000 per year, with SNF Polydyne, Inc., not to exceed \$3,660,000 (Bid File 9465) (Citywide)

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

*Upon call, there was no public comment and Council discussion.*

*APPROVED*

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

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

**3-D**     [ID19-11218](#) Actions related to award of a service contract with Trapeze Software Group, Inc., of Cedar Rapids, Iowa, in the amount of \$651,433:

1. Affirm the City Manager's determination that Trapeze Software Group, Inc., is uniquely qualified to perform maintenance services for the Department of Transportation's computer-aided dispatch automatic vehicle locator (CAD/AVL) system.
2. Affirm the City Manager's determination that Trapeze Software Group, Inc. is uniquely capable as defined by the Federal Transit Administration for sole source non-competitive procurements, to perform maintenance

services for the Department of Transportation's computer-aided dispatch automatic vehicle locator (CAD/AVL) system.

3. Award a three-year maintenance service agreement Trapeze Software Group, Inc., of Cedar Rapids, Iowa, in the amount of \$651,43, with two one-year options.

*The above item was introduced to by Director Barfield, Transportation Department.*

*Upon call, there was no public comment and no Council discussion.*

**APPROVED**

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

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

**3-E** [ID19-11233](#) Actions pertaining to entering into four funding agreements totaling \$1,223,079 with the Fresno County Transportation Authority for 2018/19 Cycle VII Measure "C" Transit Oriented Development Infrastructure for In-fill Program (Districts 1, 3, 5, and 7)

1. Approve four Funding Agreements with the Fresno County Transportation Authority for 2018/19 Cycle VII Measure "C" Transit Oriented Development Infrastructure for In-fill Projects for \$1,223,079 for the Kings Canyon Transit Oriented Development Connectivity Plan, the Transit Oriented Tower, the Fancher Creek Trail, and the Merced Street Reconnection
2. \*\*\*RESOLUTION - 3rd Amendment to the Annual Appropriations Resolution No. 2019-133 appropriating \$583,200 for three funding agreements (Requires 5 affirmative votes) (Subject to Mayor's veto)

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

*Upon call, there was no public comment.*

*Councilmember Soria asked what the timeline was for the projects specifically in the Tower District project and how long will the project take. Assistant Director Morrison replied.*

*Council Vice President Arias asked staff to describe each project. Assistant*

*Director Morrison responded.*

**RESOLUTION 2019-190 ADOPTED**

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

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

- 3-F** [ID19-11234](#) 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)

*The above item was introduced to Council by Licensed Engineer Gormley, Public Works Department.*

*Upon call, there was no public comment.*

*Councilmember Soria asked staff what areas were lowered and how they decided on the area to lower the speed limit. She asked if signs have been posted and she spoke regarding her concerns with the speeders in school zones. She asked if speed limits have been reduced around schools and the surrounding areas and requested there be more enforcement. Licensed Engineer Gormely responded.*

*Councilmember Karbassi asked if any areas have been increased and spoke regarding his concerns with Browning from Marks to Van Ness with speeders taking the residential streets to avoid traffic. He requested future reports submitted to Council identify changes by district. Licensed Engineer Gormely responded.*

*Council Vice President Arias asked staff what is the process for communicating to the public that speed limits have been reduced at any given street. He requested the department to update the community through social media when speed limits are reduced. Licensed Engineer Gormely and Chief Hall responded.*

*Councilmember Esparza spoke regarding his town hall meeting and the residents' concerns regarding speeding in his district. He asked staff about other methods to control speeds. Licensed Engineer Gormely replied.*

**On motion of Councilmember Karbassi, seconded by Councilmember Chavez, that the above Action Item be continued to September 26, 2019. The motion carried by the following vote:**

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

### **10:35 A.M. - SCHEDULED COMMUNICATION**

[ID19-11258](#) Appearance by Michael Razavi to discuss sending wasted food to food banks and animal shelters (Speaker resides in District 1)

*The above item was removed from the agenda by the requested speaker.*

[ID19-11259](#) Appearance by Mary Padilla to discuss peace and gun control (Speaker resides in District 2)

*APPEARED*

[ID19-11275](#) Appearance by Jason Sisk to discuss the closure of the IRS Submission Processing Site and free parking at 700 "P" Street building under construction (Speaker resides in the County)

*APPEARED*

### **10:45 A.M.**

[ID19-11238](#) HEARING to consider Development Permit Application No. P19-02013 and related Environmental Assessment No. P19-02013 filed by Brian Wright of Orchards II, LLC. This application pertains to approximately 3.73 acres located at the northeast corner of North Dante and West Bullard Avenues. (Council District 2)

1. **ADOPT** Environmental Assessment for P19-02013, a determination the proposed project is exempt from the California Environmental Quality Act (CEQA) through a Class 32 Categorical Exemption dated May 31, 2019.
2. **ADOPT** findings pursuant to Government Code Section 65863(b) (2) that there is substantial evidence in the record that remaining sites identified in the Housing Element can accommodate the City of Fresno's share of the Regional Housing Needs Assessment (RHNA).
3. **APPROVE** Development Permit Application No. P19-02013 requesting authorization to construct a 64-unit multi-family

development in a RM-2/UGM/cz (Residential Multi-Family - Urban Neighborhood/Urban Growth Management/conditions of zoning) zone district, on the subject property.

*The item was called to order at 10:49 A.M.*

*The above item was introduced to Council by Planner III Aanonson, Planning and Development Department.*

*Upon call, there was no public comment.*

*Council Vice President Arias asked staff to describe a brief description of the item before Council. Planner III Aanonson responded.*

*Councilmember Karbassi thanked staff and the residents of Northwest Fresno for their support of the project.*

**APPROVED**

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

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

**10:30 A.M.**

[ID19-11116](#) Actions pertaining to the Program Year (PY) 2018 Consolidated Annual Performance and Evaluation Report (CAPER):

1. WORKSHOP - pertaining to the PY 2018 CAPER;
2. HEARING to obtain public comments regarding the PY 2018 CAPER; and
3. Adopt PY 2018 CAPER and authorize submission to the U.S. Department of Housing and Urban Development (HUD).

*The item was called to order at 10:52 A.M.*

*The above item was introduced to Council by Director Clark, Project Manager Castaneda, Project Manager Corrina Nunez, Housing and Community Development Consultants Haigh, Robinson and Vybiral, Planning and Development Department.*

*Councilmember Soria asked about the 83 pending applications and if the Department expects to have the 83 completed at some point. She asked about the 40 program fiscal year and if all the money was spent and if not how much was the carryover. She asked if it is normal to have carryover and if there needs to be more staffing. She asked if the City is meeting the timeline to spend the funding in terms of what the City of Fresno is responsible for. Project Manager Castaneda responded.*

*Council Vice President Arias asked when the recommendation for the agreements for projects will be brought before Council. He asked why most of the affordable housing projects takes place in the Southern parts of the City and if providers look at the City as a whole. Project Manager Nunez responded. Council Vice President Arias asked staff why we are under performing with persons with AIDS and HIV and only serving 17 out of the 36 individuals. He asked if the full 36 individuals will be served at some point. He asked why the organizations do not maintain their own facilities and to include that in their operations budget that they submit for programing. Housing and Community Development Consultant Haigh and Director Clark responded.*

*Council President Caprioglio complimented the Stone Soup project.*

*Council Vice President Arias asked staff what is preventing the City of Fresno from putting solar panels on our community park centers. Director Clark responded. City Manager Quan stated there will be a workshop at the next meeting regarding energy efficiency.*

*Councilmember Soria stated she has received a couple complaints on the quality of the senior hot meals and asked if the service is providing healthy options for the seniors and after school programs. Director Clark and Assistant City Manager Schaad responded. She recommended to survey those who are being served. She asked staff to update the Council on other CDCs in the City of Fresno.*

*Council Vice President Arias spoke regarding the value of the partnership with the Fair Housing Council. He would like to revisit this in the next round. Director Clark responded.*

*Upon call, the following member of the public addressed Council: Yanos Paulos.*

*Councilmember Chavez was absent from the above item.*

*APPROVED*

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

**Aye:** 6 - Caprioglio, Arias, Soria, Karbassi, Bredefeld and Esparza

**Absent:** 1 - Chavez

### **11:00 A.M.**

[ID19-11148](#) BILL - (For Introduction) Adding Section 7-1249 to the Fresno Municipal Code relating to short-term rentals.

*The above item as introduced to Council by Councilmember Bredefeld, District 6.*

*Councilmember Bredefeld moitoned to approve the item as presented. Council President Caprioglio seconded the motion.*

*Council President Caprioglio thanked Roselyn Clark, Captain Castro, Lieutenant Hughes, Sergeant Akinson and the Northeast policing district for dealing with the above issue. Council President Caprioglio stated this is not about a tax it is about accountability.*

*Council President Caprioglio amended the motion that each policing district and Council districts shall be notified of applications that are approved through the Finance Department. Councilmember Bredefeld seconded the amendment.*

*Upon call, the following members of the public addressed Council: Roselyn Clark and Susan Clark.*

*City Manager Quan suggested the item be tabled until the first meeting in*



October so the Administration can work through the business license and planning permit process. She suggested the item be tied to the business license process. Councilmember Bredefeld responded and requested City Attorney Sloan address the process issue. Director Clark responded. City Attorney Sloan stated the item is not a land use permit, it is only an operational business type permit.

Councilmember Esparza thanked the sponsors for bringing the item forward for discussion. He expressed his concerns with reducing Airbnbs and requested the following amendments be included in the motion. He would like one simple streamline permitting process that is electronic if possible; a fee study to be sure there isn't an over charge and to not exceed \$60.00. Upon submission, he would like to see the provisional status as the application is being considered. He would like Transient Occupancy Tax (TOT) that is collected to go towards Code Enforcement and the applicant should provide consent to be notified by mail and some type of digital form.

Councilmember Chavez stated he has had some issues with Airbnbs in his district. He asked how many units are operating in the City of Fresno. Councilmember Chavez asked how is the enforcement going to be paid and will it be a standard fee. Councilmember Bredefeld and City Attorney Sloan responded. He asked about the description of the property be reviewed and taken into consideration with the item.

Councilmember Karbassi stated his district is more concerned about party houses than Airbnbs. He expressed his concerns with requiring Airbnbs to inform all residents within 500 feet, causing additional problems where there may not be. He stated he does not feel they should go through the business license process but does agree with having them be permitted. He also stated he does not agree with if you lose your license for that property and that site, you lose any and all other properties. He asked if there was a warning system.

Councilmember Karbassi requested the motion to include the following amendments: page 2, (d) (1) remove "Obtains and maintains at all times a city business license, and is current on business license tax owed"; page 4 (8) add "and electronic mail"; (8) (e) remove "Notice of permit application,

*The City's Planning and Development Department shall provide notice of a short-term permit application by First Class Mail delivery to all property owners of record within a 500 foot radius" and on page 5 (3) remove language "or any other location owned by the same applicant."*  
Councilmember Bredefeld and Council President Caprioglio agreed to the amendment.

*Council Vice President Arias asked Chief Hall what precludes the Police Department from shutting down a party house. He asked if the Police Department has the authority to shut down party houses and Airbnbs. Chief Hall responded.*

*City Manager Quan requested the reference be changed from permit to license and tie it to Business license tax. Councilmember Karbassi responded.*

*City Council recessed for lunch at 12:12 P.M. and return from lunch at 1:30 P.M.*

*City Council went into Closed Session at 1:30 P.M. and returned from Closed Session at 1:52 P.M.*

*Councilmember Soria addressed her concerns and would like the local chambers to add their input at the next meeting. She suggested the guidelines should be similar to the rentals. She requested a redline version be provided to Council with all the amendments before a final vote at the next meeting.*

*Councilmember Esparza requested the following amendments be included in the motion: Permit Applicants will be provided a provisional status to operate a short-term rental once they have tiled a permit application with the City, and that status shall expire upon the City's issuance or denial of the application. He requested the permit application be as concise as possible. He stated he would like all the Transient Occupancy Tax (TOT) collected, be designated for code enforcement matters related to short-term rentals. He would like the first violation to be a written warning and shall be provided to the permit holder. For all subsequent violations, the short-term*

*rental permit holder may be subject to revocation. A violation may result in a suspension of up to 12 months and if a permit that is suspended or revoked it is eligible to submit a renewal application for that location after the required time period expired. Councilmember Bredefeld stated the fee will be based off the cost of staff time. He asked about the levels of personal/private information being protected by the City of Fresno. City Attorney Sloan responded. Councilmember Bredefeld and Council President Caprioglio agreed to the amendments.*

*Council Vice President Arias asked staff how many Airbnbs in the City and how many of those have been an issue for the City of Fresno. He asked if the Ordinance contains fines and suggested a fine system to be included in the Ordinance to cover the cost of Code Enforcement. City Attorney Sloan and Councilmember Bredefeld responded.*

**BILL 32 APPROVED AS AMENDED AND INTRODUCED AND LAID OVER**

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

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

## **5. CLOSED SESSION**

*City Council recessed into Closed Session at 1:30 P.M. and returned from Closed Session at 1:52 P.M.*

*There was no announcements after Closed Session.*

- 5-B** [ID19-11214](#) CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION - Government Code Section 54956.9, subdivision (d)(1)
1. City of Fresno v. Shell Oil Company, et al.; San Bernardino County Superior Court Case No.: SCVSS120627 (Public Utilities Department).

*DISCUSSED*

## **1:30 P.M. - CONTESTED CONSENT CALENDAR**

- 1-D** [ID19-11216](#) Approve the Second Amendment to the Agreement with Genfare SPX in

the amount of \$116,603.79 for the purchase of two ticket vending machines as spares for the Bus Rapid Transit corridor

*The above item was introduced to Council by Director Barfield, Transportation Department.*

*Councilmember Bredefeld asked staff how the machine was damaged, how it took place and how much each machine costs. Councilmember Bredefeld asked staff how BRT was doing overall. Director Barfield responded..*

*Councilmember Chavez stated he has had a couple of complaints from riders on Kings Canyon about the machines not working properly. He asked what has been the overall success rate and how many machines are operational and working properly. He asked what is the success rate for those who use BRT and pay the fees. Director Barfield responded.*

*Council Vice President Arias asked staff what their thoughts were on the current vendor and/or if there should be consideration for a new vendor. He asked if the current vendor is making the adjustments and improving customer service. Director Barfield responded.*

**APPROVED**

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

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

- 1-R** [ID19-11306](#) Approve an Amendment to a Consultant Services Agreement with Kosmont and Associates, Inc., for professional feasibility evaluation services for Tax Increment Financing, Enhanced Infrastructure Financing District, and Community Revitalization and Investment Authority formation (Citywide)

*The above item was introduced to Council by Councilmember Esparza, District 7.*

*Councilmember Karbassi left the meeting at 2:22 P.M.*

**APPROVED**

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

**Aye:** 6 - Caprioglio, Arias, Soria, Chavez, Bredefeld and Esparza

**Absent:** 1 - Karbassi

- 1-E** [ID19-11192](#) Approve a 10-year agreement with Cen Cal Business Finance Group, Inc. (Cen Cal) to administer the Revolving Loan Fund (RLF) Program

*The above item was introduced to Council by Economic Development Analyst Trevino, Mayor's Office.*

*Councilmember Karbassi returned to the meeting at 2:24 P.M.*

*Councilmember Soria addressed her concerns with approving a 10-year contract and only receiving one interested party. She stated she reached out to Access Plus Capital and asked staff if there is a reason why they are only receiving one interested bidder. She asked if it's the way the Request for Proposal (RFP) is crafted and perhaps weeds out other individuals. She asked staff what other groups were reached out to and has there been any correspondence with the local small businesses. Councilmember Soria stated she would like to see more outreach to small businesses. Economic Development Analyst Trevino and Assistant City Manager Schaad responded.*

*Councilmember Soria motioned to approve the contract for 5 years instead of 10 and come back with a broader outreach. Council Vice President Arias seconded the motion.*

*Councilmember Karbassi asked staff if Cen Cal Business has performed well in the past and stated in the future District 1 and District 2 will be holding workshops on the general procurement process. He asked if the item was postponed what would be the side effects and if at any point can the contract be cancelled. Economic Development Analyst Trevino responded.*

*Council Vice President Arias expressed his concerns with approving a 10-year contract and supports the amendment to the motion.*

*Councilmember Karbassi expressed his concerns with City of Fresno's perception of not being business friendly. He stated that Cen Cal Business has done their part and there is no reason to change its practice.*

*APPROVED AS AMENDED*

**On motion of Councilmember Soria, seconded by Vice President Arias, that the above Action Item be approved as amended . The motion carried by the following vote:**

**Aye:** 5 - Caprioglio, Arias, Soria, Chavez and Esparza

**No:** 2 - Karbassi and Bredefeld

- 1-F** [ID19-11193](#) Approve the 2019 Administrative Plan for the City of Fresno's Revolving Loan Fund Program

*The above item was discussed and approved with File ID 19-11192 (1-E).*

*APPROVED AS AMENDED*

**On motion of Councilmember Soria, seconded by Vice President Arias, that the above Action Item be approved as amended. The motion carried by the following vote:**

**Aye:** 5 - Caprioglio, Arias, Soria, Chavez and Esparza

**No:** 2 - Karbassi and Bredefeld

### **GENERAL ADMINISTRATION (CONTINUED)**

- 3-G** [ID19-11298](#) Approve City of Fresno Tax Rebate Agreement with Darling Ingredients, Inc.

*The above item was introduced to Council by Assistant City Attorney Avedisian-Favini, City Attorney's Office.*

*Councilmember Soria left the meeting at 2:36 P.M.*

*Upon call, there was no public comment.*

*Councilmember Bredefeld asked staff to address the property tax rebate for 30 years. Assistant City Attorney Avedisian-Favini responded.*

*APPROVED*

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

**Aye:** 6 - Caprioglio, Arias, Karbassi, Chavez, Bredefeld and Esparza

**Absent:** 1 - Soria

#### **4. CITY COUNCIL**

- 4-A**    [ID19-11162](#) Council Boards and Commissions Communications, Reports, Assignments and/or Appointments, Reappointments, Removals to/from City and non-City Boards and Commissions:
1. Association for the Beautification of Highway 99 - **Soria, Arias, Karbassi**
  2. Budget Sub-Committee - **Soria, Chavez, Caprioglio**
  3. Cannabis Ad Hoc Committee - **Soria, Caprioglio, Arias**
  4. Council of Governments - **Mayor Brand-Ex-Officio (Caprioglio)**
  5. CDBG Sub-committee - **(Pertaining to Housing and addressing the allocation of Funds) - Caprioglio, Soria, Arias**
  6. Code Enforcement Sub-Committee - **Bredefeld, Caprioglio, Soria**
  7. Economic Development Corporation Serving Fresno County - **Caprioglio-Ex-Officio, City Manager Wilma Quan and (Chavez - Alternate)**
  8. Enterprise and Construction Management Oversight Board - **Chavez, Bredefeld-Alternate**
  9. Finance and Audit Committee - **Esparza- Chair, Bredefeld- Vice Chair, Arias**
  10. Fresno Area Workforce Investment Corporation - **Soria**
  11. Fresno County Transportation Authority (FCTA) - **Mayor Brand-Ex-Officio, Caprioglio**
  12. Fresno Regional Workforce Development Board - **Soria**
  13. Fresno County Zoo Authority - **Mayor Brand-Ex-Officio, (Arias-Alternate)**
  14. Fresno Madera Area Agency on Aging Board - **Esparza**
  15. **Homeless (HEAP Funding Plan) Sub-Committee - Chavez-Chair, Bredefeld, Arias**
  16. Joint Powers Financing Authority - **Mayor Brand, Soria, Caprioglio**
  17. League of California Cities (Annual Meeting) - **Caprioglio, (Soria and Chavez - Alternates)**
  18. Litigation Exposure Reduction Ad Hoc Committee - **Arias, Soria, Caprioglio-Chair**

19. Lobbyist Committee- Soria, Arias and Esparza
20. North Kings Groundwater Sustainability Agency (GSA) Joint Powers Authority - **Mayor Brand (Michael Carbajal, Tim Orman - Alternates)**
21. Parks & Public Safety Subcommittee - **Arias, Soria, Esparza**
22. San Joaquin River Conservancy Board - **Mayor Brand-Ex-Officio, (Bredfeld-Alternate)**
23. San Joaquin Valley Special City Selection Committee - **Primary Representative-Arias, Alternate Representative-Vacant**
24. School Liaison Sub-Committee - **Esparza-Chair, Chavez, Arias**
25. Sub- Committee on Transportation - **Arias, Caprioglio, Soria**
26. Upper Kings Basin Integrated Regional Water Management JPA - **Vacant (Brock Buche and Chavez - Alternates)**

*The above item was approved as amended.*

*1. Association for the Beautification of Highway 99 - Soria, Arias and Councilmember Karbassi was added to the committee.*

*9. Finance and Audit Committee - Chair Esparza, Vice Chair Bredfeld and Member Arias.*

*11. Fresno County Transportation Authority (FCTA) - Mayor Brand - Ex-officio and member Caprioglio was added as a member, not an alternate.*

*14. Fresno Madera Area Agency on Aging Board - Member Chavez appointed Councilmember Esparza to take his place.*

*21. Parks and Public Safety Subcommittee - Arias, Soria, and Councilmember Espzara replaced Councilmember Chavez.*

*24. School Liaison Subcommittee - Chair Esparza, Member Chavez and Member Arias. Chair Esparza announced the next School Liaison Meeting will be Monday, September 23, 2019, Council Chambers at 6 P.M.*

- 4-C** [ID19-11287](#) BILL - (for introduction) Amending Sections 1-308 and 11-307 of the Fresno Municipal Code relating to Code Enforcement administrative citations and serial violators.

*The above item was introduced to Council by Council Vice President Arias, District 3.*



*Councilmember Chavez left the meeting at 2:44 P.M.*

*Upon call, there was no public comment.*

*Councilmember Bredefeld asked about the tenth citation and fines tied to the citations.*

**BILL 31 INTRODUCED AND LAID OVER**

**On motion of Vice President Arias, seconded by Councilmember Soria, that the above Ordinance be approved. The motion carried by the following vote:**

**Aye:** 6 - Caprioglio, Arias, Soria, Karbassi, Bredefeld and Esparza

**Absent:** 1 - Chavez

- 4-B** [ID19-11286](#) RESOLUTION - Joining the Multi-City/County Amicus Brief in Support of Plaintiffs/Respondents in the Deferred Action for Childhood Arrivals (DACA) Cases Currently Before the United States Supreme Court

*The above item was introduced to Council Vice President Arias, District 3.*

*Councilmember Chavez returned to the meeting at 2:46 P.M.*

*Upon call, the following members of the public addressed Council: Juan Carrillo, Jr. Bernard Reunoso, Margarita Rocha, Juan Carlos Carrillo, Erica Ramos, and David Love.*

*Councilmember Bredefeld asked for clarification on the portion of the resolution that states "DACA recipients make up 27% of all sales, office, and administration workers nationwide." Council Vice President Arias responded that the resolution should read "of the nearly million DACA recipient, 27% work in the industry." and that there is a percentage involved in food preparation and construction jobs.*

*Councilmember Bredefeld spoke regarding his concerns with supporting illegal immigration and stated he support those who follow the law by immigrating here legally.*

*Councilmember Chavez spoke regarding the dream center approved in 2013 and stated he supports the item as presented.*

*Councilmember Soria thanked the members of the public who addressed Council and shared their stories. She spoke regarding her support for the item as presented and stated that this impacts the City of Fresno and therefore should be discussed and supported by the Council.*

*Councilmember Karbassi thanked the members of the public for addressing Council. He spoke regarding the vote in 2013 that recognized DACA and stated the issue is a national issue and should not be weighed in on. Instead the Council should focus and prioritize local issues such as homelessness and stated he abstains from the matter. He suggested that each Councilmember go to [dacascotus.com](http://dacascotus.com) and support the matter individually.*

*Councilmember Esparza spoke regarding his support on the item and stated the Council's voice counts and should support the resolution as presented.*

*Council Vice President Arias stated that if DACA is eliminated, more than 5,000 people will be unemployed which will be a direct and financial impact to the City of Fresno.*

*Council President Caprioglio spoke regarding the 2013 adopted document and stated he wants to stay focus on City issues but does support the item as presented.*

**RESOLUTION 2019-191 ADOPTED AS AMENDED**

**On motion of Vice President Arias, seconded by Councilmember Chavez, that the above Resolution be adopted as amended. The motion carried by the following vote:**

**Aye:** 5 - Caprioglio, Arias, Soria, Chavez and Esparza

**No:** 1 - Bredefeld

**Abstain:** 1 - Karbassi

**CLOSED SESSION (CONTINUED)**

*City Council recessed into Closed Session at 3:23 P.M. and returned from Closed Session at 5:00 P.M.*

*There was no announcements after Closed Session.*

- 5-A**    [ID19-11213](#)    CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION - Government Code Section 54956.9, subdivision (d)(1)  
1. Craig Agabashian, et al. v. City of Fresno, et al.; Fresno Superior Court Case No.: 17CECG02627 (Planning and Development Department).

*DISCUSSED*

- 5-C**    [ID19-11239](#)    CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION - Government Code Section 54956.9, subdivision (d)(1)  
1. Howard Lacy v. City of Fresno, et al.; Fresno Superior Court Case No.: 19CECG03160

*DISCUSSED*

- 5-D**    [ID19-11254](#)    CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Government Code Section 54956.8  
Property: 4736 N. Blythe  
Negotiating Parties: City Manager Wilma Quan, Oceanside Investment Group, LLC.

*DISCUSSED AND CONTINUED TO OCTOBER 10, 2019*

- 5-E**    [ID19-11296](#)    CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Government Code Section 54956.8  
Property: 1911 Merced, APN 466-206-50T, -51T  
Negotiating Parties: City Manager Wilma Quan, Uptown Investments, LP., Tutelian & Company, Inc.

*DISCUSSED*

- 5-F**    [ID19-11300](#)    CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Government Code Section 54956.8  
Property: 735 H Street  
Negotiating Parties: City Manager Wilma Quan, Promontory Investments, LLC., Rookspire Incorporated

*DISCUSSED AND CONTINUED TO OCTOBER 10, 2019*

## **ADJOURNMENT**

*City Council adjourned at 5:00 P.M.*



## **Exhibit D**

# City of Fresno

2600 Fresno Street  
Fresno, CA 93721  
[www.fresno.gov](http://www.fresno.gov)



## Meeting Minutes - Final

Thursday, January 30, 2020

9:00 AM

Regular Meeting

Council Chambers

## City Council

*President - Miguel Angel Arias*

*Vice President - Paul Caprioglio*

*Councilmembers:*

*Esmeralda Z. Soria, Mike Karbassi, Luis Chavez, Garry Bredefeld,*

*Nelson Esparza*

*City Manager - Wilma Quan*

*City Attorney - Douglas T. Sloan*

*City Clerk - Yvonne Spence, MMC*

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

9:06 A.M. ROLL CALL

**Present:** 6 - President Miguel Angel Arias  
Councilmember Esmeralda Z. Soria  
Councilmember Mike Karbassi  
Councilmember Luis Chavez  
Councilmember Garry Bredefeld  
Councilmember Nelson Esparza

**Absent:** 1 - Vice President Paul Caprioglio

Invocation by Pastor Jim Mattix of the Northeast Assembly of God

Pledge of Allegiance to the Flag

**APPROVE AGENDA**

*City Clerk Spence announced the following changes to the agenda: File ID 20-00154 (3-B) - Closed Session item - City of Fresno v. Darling Ingredients, Inc. was removed from the agenda, File ID 20-00156 (3-C) - Closed Session item – City of Fresno v. Shell Oil Company, et al was removed from the agenda and File ID 20-00145 (1-M) - Resolution - Amending certain designated positions which shall be subject to the Conflict of Interest Code and defining categories of disclosure for such positions was continued to February 13, 2020.*

**On motion of Councilmember Soria, seconded by Councilmember Chavez, the above ACTION was approved as amended. The motion carried by the following vote:**

**Aye:** 6 - Arias, Soria, Karbassi, Chavez, Bredefeld and Esparza

**Absent:** 1 - Caprioglio

**APPROVE MINUTES**

[ID 20-00151](#) Approval of Minutes for January 16, 2020 and Special Meeting Minutes for January 16, 2020.

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

**Aye:** 6 - Arias, Soria, Karbassi, Chavez, Bredefeld and Esparza

**Absent:** 1 - Caprioglio

## **CEREMONIAL PRESENTATIONS**

*The following Ceremonial items were presented:*

[ID 20-00115](#) Recognition of the City of Fresno as a Bronze Level Bicycle Friendly Community by the League of American Bicyclists.

*Upon call, the following members of the public addressed Council: Gene Richards, Susan Smith and Anthony Molina.*

[ID 20-0029](#) Fresno City College Soccer - California Community College Athletic Association State Soccer Champions  
And  
Fresno City College Wrestling - California Community College Athletic Association State Wrestling Champions

## **COUNCILMEMBER REPORTS AND COMMENTS**

*Councilmember Esparza spoke regarding his townhall meetings in District 7 and stated he is working with the Administration and the constituents of Parking District 10, VA parking; and thanked everyone including Parking Manager Gaffery who helped improve the quality of life for the residents. Councilmember Esparza was invited to speak for the new Maddy Institute Cohort at Fresno State and welcomed Esther Bautista to his District 7 team.*

### **1. CONSENT CALENDAR**

*Councilmember Chavez left the meeting at 9:15 A.M.*

**On motion of Councilmember Soria, seconded by Councilmember Esparza, the below CONSENT CALENDAR items were adopted. The motion carried by the following vote:**

**Aye:** 5 - Arias, Soria, Karbassi, Bredefeld and Esparza

**Absent:** 2 - Caprioglio and Chavez

**1-A** [ID 20-00104](#) **RESOLUTION** - Of Intention to annex Final Tract Map No. 6215 as Annexation No. 108 to the City of Fresno Community Facilities District No. 11 and to Authorize the Levy of Special Taxes; and setting the public hearing for Thursday, February 27, 2020, at 10:00 am (southwest corner of North Hayes and West Gettysburg Avenues) (Council District 1)



*RESOLUTION 2020-013 ADOPTED*

- 1-B**     [ID](#)             Actions pertaining to design for the ADA Upgrades at the City of Fresno  
[20-00113](#)             Convention Center (Council District 3):
1. Approve Second Amendment to Agreement with Integrated Designs by SOMAM, Inc. in the amount of \$11,525; and
  2. Approve Third Amendment to Agreement with Integrated Designs by SOMAM, Inc. in the amount of \$12,760 increasing the contract amount to \$131,715.
- 1-C**     [ID](#)             Actions pertaining to Cedar Avenue Pavement Overlay from Barstow  
[20-00116](#)             Avenue to Bullard Avenue - Bid File No. 3700 (Council District 4)
1. Adopt a finding of Categorical Exemption per staff's determination, pursuant to Section 15301 Class 1 of the California Environmental Quality Act (CEQA) Guidelines
  2. Award a construction contract in the amount of \$563,240 to Cal Valley Construction, Inc., of Fresno, CA, as the lowest responsive and responsible bidder for the Cedar Avenue Pavement Overlay project
- 1-D**     [ID](#)             Actions pertaining to Herndon Avenue and Shaw Avenue Corridor  
[20-00117](#)             Pedestrian Signalization Upgrades - Bid File No. 3710 (Council District 1, 2, 4, and 6)
1. Adopt a finding of Categorical Exemption per staff determination, pursuant to Section 15301/Class 1, 15302/Class 2, and 15303/Class 3 of the California Environmental Quality Act (CEQA) Guidelines
  2. Award a construction contract in the amount of \$137,772.00 to Cen-Pac Engineering of Fresno, CA, as the lowest responsive and responsible bidder for the Herndon Avenue and Shaw Avenue Corridors Pedestrian Signalization Upgrade project
- 1-E**     [ID](#)             Actions pertaining to the Homeless Emergency Aid Program Grant:  
[20-00107](#)             1. Approve Agreement with Fresno County Economic Opportunities Commission in the amount of \$100,053.90 for homeless employment program
2. Approve Revised Spending Plan for City of Fresno's HEAP funds

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

- 1-F**     [ID](#)             Actions pertaining to the 2017 Transformative Climate Communities (TCC)  
[20-00108](#)             Grant and Transform Fresno Plan projects:
1. Adopt a finding that the project is categorically exempt from CEQA pursuant to the Class 1 and Class 2 Categorical Exemption set forth in CEQA Guidelines Section 15300.2; and

2. Approve a Sub-Recipient Agreement with the City of Fresno Department of Public Works for Project 11 Southwest Urban Forest Expansion totaling \$212,199.21

- 1-G**     [ID](#)  
[20-00109](#)     Actions pertaining to the 2017 Transformative Climate Communities (TCC) Grant and Transform Fresno Plan project regarding the Workforce Development Project - West Fresno Advance Transportation Technical (WFATT) training program:
1. Approve Sub-Recipient Agreement with the Fresno Area Workforce Investment Corporation totaling \$1,249,432
  2. \*\*\*RESOLUTION - 26th amendment to the Annual Appropriation Resolution (AAR) No. 2019-133 appropriating \$1,249,400 for the TCC grant (requires 5 affirmative votes) (Subject to Mayor's Veto).

*RESOLUTION 2020-014 ADOPTED*

- 1-H**     [ID 20-0046](#)     Approve a Sub-Recipient Agreement with the City of Fresno Department of Public Works for Park at MLK Magnet Core totaling \$5,430,466.53 pertaining to the 2017 Transformative Climate Communities (TCC) grant and Transform Fresno plan.
- 1-I**     [ID](#)  
[20-00123](#)     Approve the Fifth Amendment to the Agreement with Provost and Pritchard Consulting Group, Inc., amending the work completion date to March 31, 2021 for Engineering Design and Feasibility Analysis for Removal of 1,2,3-Trichloropropane from Groundwater Extraction Wells, with no impact to the previously approved contract amount of \$1,044,000 (Citywide)
- 1-J**     [ID](#)  
[20-00125](#)     Approve the first amendment for engineering consultant services with Stantec Consulting Services, Inc., a New York corporation, for \$31,718 increasing the contract total to \$862,036 and extending the term through June 2020 for the Design of a New Odor Control System for the Headworks building at the Fresno-Clovis Regional Wastewater Reclamation Facility (Council District 3)
- 1-K**     [ID](#)  
[20-00126](#)     Actions pertaining to Water Distribution System Hydraulic Modeling On-call Services Contract (Citywide)
1. Approve a Consultant Services Agreement with Akel Engineering Group, Inc., for on-call water distribution system hydraulic modeling services for a period of three years in the amount not to exceed \$450,000
  2. Authorize the Director of Public Utilities, or designee, to sign all documents on behalf of the City of Fresno

1-L [ID 20-00124](#) Approve the appointment of Cierra Jones to the Friends of Fancher Creek and the appointment of Gurjant Singh to the District 5 Project Review Committee

1-M [ID 20-00145](#) RESOLUTION - Amending certain designated positions which shall be subject to the Conflict of Interest Code and defining categories of disclosure for such positions

*The above item was removed from the agenda and continued to February 13, 2020.*

1-N [ID 20-0087](#)

*The above item PASSED 5-0 vote, Councilmember Esparza recused himself from the item. Council Vice President Caprioglio was absent.*

**RESOLUTION 2020-015 ADOPTED**

1-O [ID 20-00147](#)

1. Council Boards and Commissions Communications, Reports, Assignments and/or Appointments, Reappointments, Removals to/from City and non-City Boards and Commissions
2. Approve the appointments of Councilmember Soria as Chair and Council President Arias as Vice Chair to the Successor Agency to the Redevelopment Agency of the City of Fresno

1-P [ID 20-00153](#) RESOLUTION - To Amend the Council Rules of Procedure

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

1-Q [ID 20-00150](#) Action related to amending the Cannabis Retail Business and Commercial Cannabis Business Ordinance:

1. \*\*\*BILL NO. B-3 - (Intro. 1/16/2020) (For adoption) - Amending Sections 9-3306, 9-3307, 9-3308, 9-3309, 9-3310, 9-3311, 9-3312, 9-3313, 9-3314, 9-3316, 9-3317, 9-3318, 9-3319, 9-3321, 9-3325, 9-3328, 9-3335, and 9-3337 of the Fresno Municipal Code related to Cannabis Retail Business and Commercial Cannabis Business. (Subject to Mayor's veto)

*The above item PASSED 3-2 vote, Councilmember Karbassi and Councilmember Bredefeld voted no. Council Vice President Caprioglio and Councilmember Chavez was absent.*

**ORDINANCE 2020-002 ADOPTED.**

1-R [ID](#) [20-00152](#) Approve the appointment of Lori Buffington to the District 2 Project Review Committee

1-S [ID](#) [20-0084](#) \*\*\*RESOLUTION - Authorizing a Grant Application to the California State Department of Housing and Community Development For Funding Under the CalHome Program and Execution of a Standard Agreement and Other Required Program Documents For the Repair, Rehabilitation or Replacement of Manufactured Homes in the City of Fresno (Subject to Mayor's Veto)

*RESOLUTION 2020-017 ADOPTED*

1-T [ID](#) [20-00142](#) \*\*\*RESOLUTION - 7th Amendment to the Position Authorization Resolution No. 2019-134 adding a total of one (1) Senior Network Systems Specialist position to the Information Services Department, effective February 1, 2020. (Subject to Mayor's veto)

*RESOLUTION 2020-018 ADOPTED*

1-U [ID](#) [20-00146](#) \*\*\*BILL NO. B-2 - (Intro. 1/16/2020) (For adoption) - Amending Fresno Municipal Code Chapter 3, Article 1 - Personnel to Update Outdated Language and Gender Specific Terms, Provide Clarity of Respective Provisions, and Make Other Preferred and Necessary Changes Regarding Leaves of Absences for all City employees, Employment Outside of City Service, Overtime, and References for the Proper Appointing Authority; Code amendments have been approved by the respective bargaining units. (Subject to Mayor's veto)

*ORDINANCE 2020-003 ADOPTED*

1-V [ID](#) [20-00140](#) \*\*\*RESOLUTION - 6th Amendment to Position Authorization Resolution No. 2019-134, adding 16 permanent, full-time positions to the Fresno Police Department (FPD), as follows: two (2) Background Investigators, four (4) Emergency Services Dispatchers I, two (2) Laborers, three (3) Property and Evidence Technicians, and five (5) Police Support Services Clerks, effective February 1, 2020 (Subject to Mayor's veto).

*RESOLUTION 2020-019 ADOPTED*

**CONTESTED CONSENT CALENDAR**

1-E [ID](#) [20-00107](#) Actions pertaining to the Homeless Emergency Aid Program Grant:  
1. Approve Agreement with Fresno County Economic Opportunities Commission in the amount of \$100,053.90 for homeless employment program

2. Approve Revised Spending Plan for City of Fresno's HEAP funds

*The above item was introduced to Council by Director Strategic Initiative Spees, Mayor's Office.*

*Upon call the following members of the public addressed Council: Director Misty Balnco, Yonas Paulos and Brandi Villages.*

*Director Strategic Initiative Spees responded to questions by the Council.*

**APPROVED**

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

**Aye:** 5 - Arias, Soria, Karbassi, Bredefeld and Esparza

**Absent:** 1 - Caprioglio

**Recused:** 1 - Chavez

- 1-P**     [ID](#)             **RESOLUTION** - To Amend the Council Rules of Procedure  
[20-00153](#)

*Discussion held and several Councilmembers addressed their concerns with the proposed amendments to the Council Rules of Procedures.*

*Councilmember Bredefeld motioned to remove the amended language from Rule No. 6 Section e "No presentation materials not in compliance with this Rule shall be accepted for presentation at a Council meeting unless prior approval is granted by the Council President, or as may be approved by five votes of the Council at the Council meeting" and to keep the original language. Councilmember Chavez seconded the motion. Motion PASSED 6-0, Council Vice President Caprioglio was absent.*

*Councilmembers and City Attorney Sloan discussed the additional proposed language added to Rule No. 10, Section 3 item d regarding Scheduled and Unscheduled Communications. Upon consensus of the Council, the additional language was approved.*

*Councilmember Bredefeld discussed the proposed language added to Rule*

*No. 12 Section f.*

*Councilmembers and City Attorney Sloan discussed Rule No. 22 Questions of Order and Appeals to Rulings of Chair Sections a and c.*

*Councilmember Soria motioned to keep the current language in Section a without any amendments. Council President Arias seconded the motion. Motion PASSED 6-0, Council Vice President Caprioglio was absent.*

*Councilmember Bredefeld motioned to amend the language “preferably should” in proposed Section c to state “shall”. Council President Arias seconded the motion. After discussion, Council President Arias withdrew his second and Councilmember Chavez seconded the motion. Motion FAILED 2-4, Councilmember Bredefeld and Councilmember Chavez votes yes, Councilmember Soria, Councilmember Karbassi, Councilmember Esparza and Council President Arias voted no. Council Vice President Caprioglio was absent.*

*Councilmember Soria motioned to remove the proposed Rule No. 22 Section c all together. Councilmember Karbassi seconded the motion. Motion PASSED 6-0, Council Vice President Caprioglio was absent.*

*Council President Arias motioned to approve the remaining Rules of Procedures. Councilmember Esparza seconded the motion.*

*Upon call, there was no public comment.*

*RESOLUTION 2020-016 ADOPTED AS AMENDED*

**On motion of President Arias, seconded by Councilmember Esparza, that the above Resolution be adopted as amended. The motion carried by the following vote:**

**Aye:** 6 - Arias, Soria, Karbassi, Chavez, Bredefeld and Esparza

**Absent:** 1 - Caprioglio

## **2. SCHEDULED COUNCIL HEARINGS AND MATTERS**

**10:05 A.M.**

- [ID 20-0030](#) HEARING to consider adoption of resolution related to the designation of a property to the Local Register of Historic Resources
1. \*\*\* RESOLUTION - Designating the Ridge Electric Motor Company Building located at 1235 G Street, Fresno, California to the Local Register of Historic Resources (Council District 3) (Subject to Mayor's veto)

*Councilmember Chavez left the meeting at 10:34 A.M.*

*The hearing was called to order at 10:34 A.M. and was introduced to Council by Historic Preservation Specialist van Onna, Planning and Development Department. Upon call, there was no public comment and no Council discussion.*

*RESOLUTION 2020-020 ADOPTED*

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

**Aye:** 5 - Arias, Soria, Karbassi, Bredefeld and Esparza

**Absent:** 2 - Caprioglio and Chavez

### **10:15 A.M.**

- [ID 20-00148](#) CONTINUED HEARING - Appeal Request: Denial of Waiver - Construction of Sidewalk Along S. Channing Avenue, APNs: 464-220-058, P19-01742

*The hearing was called to order at 10:36 A.M. and introduced to Council by Assistant Director Benelli, Public Works Department and Applicant representative Sami Mourtada with Grand Bridge Inc. Upon call, there was no public comment.*

*Councilmember Chavez returned to the meeting at 10:51 A.M.*

*Discussion held.*

*APPROVED*

**On motion of President Arias, seconded by Councilmember Soria, that**

the above appeal be approved. The motion carried by the following vote:

**Aye:** 6 - Arias, Soria, Karbassi, Chavez, Bredefeld and Esparza

**Absent:** 1 - Caprioglio

### **10:20 A.M. SCHEDULED COMMUNICATION**

[ID](#) Appearance by Gonzalo Arambula to discuss work and labor issues  
[20-00143](#)

*DID NOT APPEAR*

[ID](#) Appearance by Mary Padilla to discuss restoring peace back to our City  
[20-00144](#) (Speaker resides in District 2)

*APPEARED*

### **10:30 A.M.**

[ID](#) **WORKSHOP - Regarding Tower District Beautification Plan**  
[20-00155](#)

*The above workshop was presented to Council by Councilmember Soria, District 1, Council President Arias, District 3 and Anthony "AP" Armour, Executive Director of Neighborhood Industries.*

*PRESENTED*

### **11:00 A.M.**

[ID](#) **WORKSHOP - Presentation on Tax Increment Financing ("TIF") District**  
[20-00102](#) Preliminary Feasibility Analysis

*The above workshop was presented to Council by Councilmember Esparza, District 7 and Senior Vice President Joseph Dieguez with Kosmont.*

*Councilmember Soria requested more information be provided to her office regarding the details between the partnership with the City of Fresno and the County of Fresno.*

*PRESENTED*



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

**UNSCHEDULED COMMUNICATION**

*Upon call, there was no Unscheduled Communication.*

**3. 1:30 P.M. CLOSED SESSION**

*City Council recessed for Closed Session at 1:32 P.M. and returned from Closed Session at 1:56 P.M.*

*There was no announcements after Closed Session and the below items were discussed.*

**3-A**     [ID](#)  
[20-00127](#)     CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION - Government Code Section 54956.9, subdivision (d)(1)  
1. Jeeteen Vallabh, et al. v. City of Fresno, et al.; Fresno Superior Court Case No.: 19CECG01582 (Transportation Department).

**3-B**     [ID](#)  
[20-00154](#)     CONFERENCE WITH LEGAL COUNSEL- DECIDING WHETHER TO INITIATE LITIGATION - Government Code Section 54956.9, subdivision (d) (4); City of Fresno v. Darling Ingredients, Inc.

*The above item was removed from the agenda.*

**3-C**     [ID](#)  
[20-00156](#)     CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION - Government Code Section 54956.9, subdivision (d)(1)  
1. City of Fresno v. Shell Oil Company, et al.; San Bernardino County Superior Court Case No.: SCVSS120627(Public Utilities Department)

*The above item was removed from the agenda.*

**3-D**     [ID](#)  
[20-00158](#)     CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Government Code Section 54956.8  
Property: 3400 Gap Drive (portion)  
Negotiating Parties: City Manager Wilma Quan  
Under Negotiation: Terms and Conditions of Property Acquisition

**4. GENERAL ADMINISTRATION**

*There were no items under General Administration.*

**5. CITY COUNCIL**

*There were no items under City Council.*

**ADJOURNMENT**

*City Council adjourned at 1:56 P.M. in memory of Former Fresno Unified trustee Janet Ryan.*

## **Exhibit E**

# **City of Fresno**

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



## **Meeting Minutes - Final**

**Thursday, February 4, 2021**

**9:00 AM**

**Regular Meeting**

**Electronic Meeting**

### **City Council**

***President -Luis Chavez***

***Vice President - Nelson Esparza***

***Councilmembers:***

***Esmeralda Z. Soria, Mike Karbassi, Miguel Arias, Tyler Maxwell, Garry Bredefeld***

***City Manager - Thomas Esqueda***

***City Attorney - Douglas T. Sloan***

***City Clerk - Yvonne Spence, MMC***

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

9:00 A.M. ROLL CALL

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

Invocation

*Invocation was given by Karen Pugh with Wesley United Methodist Church*

Pledge of Allegiance to the Flag

**APPROVE AGENDA**

*City Clerk Spence announced the following changes to the agenda: The following items are being removed from the agenda, with no return date:*

- 1. File ID 21-207 (1-D): Approve a First Amendment to Agreement to the services agreement with Pinnacle Training Systems, LLC for \$200,000 to provide OSHA required COVID-19 testing for employees who work at exposed workplaces was removed by Jeffrey Cardell Director of Personnel.*
- 2. File ID 21-245 (1-U): Consideration of Third and Final Amendment to the Exclusive Negotiation Agreement by and between the City of Fresno and Tutelian & Company, Inc. was removed by Councilmember Arias.*

*Councilmember Bredefeld motioned to keep item 1-U Consideration of Third and Final Amendment to the Exclusive Negotiation Agreement by and between the City of Fresno and Tutelian & Company, Inc. Councilmember Karbassi seconded the motion. Motion Failed 4/3 Councilmember Arias, Councilmember Soria, Councilmember Maxwell, and Council Vice President Esparza voted no.*

- 3. File ID 21-240 (1-W): Council Boards and Commissions Communications, Reports, Assignments and/or Appointments,*

*Reappointments, Removals to/from City and non-City Boards and Commissions was removed by Councilmember Karbassi.*

*Council Vice President Esparza motioned to keep item 1-W Council Boards and Commissions Communications, Reports, Assignments and/or Appointments, Reappointments, Removals to/from City and non-City Boards and Commissions on the agenda for further discussion. Councilmember Arias seconded the motion. Motion PASSED 5/2 Councilmember Bredefeld and Councilmember Karbassi voted no.*

*The following items are being removed from the agenda, to a future date:*

*1. File ID 21-178 (1-E) -\*\*\*Resolution - Adopt the 3rd Amendment to FY 2021 Salary Resolution No. 2020-157, amending Exhibit 2, Unit 2, Non-Represented Management and Confidential Classes (Non-Represented) by retitling Airport Public Safety Manager to Airport Police Chief, effective February 15, 2021; amending Exhibit 11, Unit 11, Airport Public Safety Officers by retitling Airport Public Safety Officer to Airport Police Officer, effective February 15, 2021; and amending Exhibit 15, Unit 15, Airport Public Safety Supervisors by retitling Airport Public Safety Supervisor to Airport Police Captain, effective February 15, 2021 (Subject to Mayor's Veto) was removed by Councilmember Arias, tabled to February 18, 2021.*

*2. File ID 21-197 (3-A): Actions pertaining to supplemental funding provided by the U.S. Department of Housing and Community Development Office of Community Planning and Development (HUD CPD) to prevent, prepare for, and respond to the Coronavirus was removed by Councilmember Arias, tabled to February 18, 2021.*

*The following are changes to the agenda:*

*1. File ID 21-011 (1-A): Approval of minutes for January 28, 2021 Regular Meeting. Councilmember Soria requested to include in the motion for the 10:15 A.M. item "a condition that a streetlight at Grantland and Gettysburg is to be installed when 100 homes are built".*

2. File ID 21-240 (1-W): Council Boards and Commissions Communications, Reports, Assignments and/or Appointments, Reappointments, Removals to/from City and non-City Boards and Commissions. Councilmember Soria is being removed from the Cannabis Ad Hoc Committee and will need another member appointed.

3. File ID 21-223 (4-A): A Non-Binding Resolution in support of increase vaccine supplies in Fresno County: the resolution has a typo in the 4th Paragraph, the word "severed" should be replaced with "severe": was requested by Councilmember Karbassi.

The following items are being pulled from the Consent Calendar and moved to Contested Consent for further discussion:

1. File ID 21-085 (1-B): Submission and Acceptance of the City of Fresno Comprehensive Annual Financial Report (CAFR) and the Comprehensive Annual Debt Report (CADR) for Fiscal Year 2020 was pulled by Councilmember Maxwell.

2. File ID 21-0217 (1-N): Approve Second Amendment to the Cooperative Agreement with Fresno County Transportation Authority (FCTA) for the Highway Litter Abatement Program in the amount of \$100,000, increasing the total agreement amount to \$200,000. (Citywide) was pulled by Councilmember Arias.

3. File ID 21-0233 (1-T): Actions pertaining to deferment of projects to fund Citywide tree trimming was pulled by Councilmember Maxwell and Councilmember Arias, City Manager's Office will be adding an amendment to the resolution clarifying an item.

**On motion of Councilmember Arias, seconded by Councilmember Maxwell, the above Action was approved as amended. The motion carried by the following vote:**

**Aye:** 6 - Chavez, Esparza, Soria, Arias, Maxwell and Bredefeld

**No:** 1 - Karbassi

## **CEREMONIAL PRESENTATIONS**

The below Ceremonial Presentations were presented to Council.

[ID 21-235](#) Proclamation Presentation for Teen Dating Violence Awareness Month - February.

[ID 21-250](#) Proclamation for "National Human Trafficking Awareness Month"

## **COUNCILMEMBER REPORTS AND COMMENTS**

*Councilmember Soria announced the next two food distribution will be on Wednesday, February 17, 2021 from 7:00 A.M. to 9:00 A.M. located at Keaton Elementary. After that, Saturday, February 27, 2021 form 10:00 A.M. to 1:00 P.M. located at Lion's Park in the parking lot. She spoke briefly about her joint community meeting with District 3, Councilmember Arias regarding the Belmont and Palm Avenue bike way. She is encouraging community input and stated the information and zoom link will be found on social media platforms. She spoke regarding Women of the Year for District 1 and asked for nominations of women in the community no later than March 2, 2021, there will also be a City Women of the Year. Councilmember Soria acknowledged the recent street racing happening West of the 99 and stated there has been recent law enforcement and discussion on safer alternatives.*

*Councilmember Karbassi announced the Senior Aide Food and Resources (SAFR) program will resume, starting next week on Wednesday, February 10, 2021, however, sign-ups will start Mondays. Sign-ups can be found on [Fresnocovidhelp.com](http://Fresnocovidhelp.com) or call the hotline at 559-621-7237. He also acknowledged the North West Police Station, Captain Anthony Martinez and stated Captain Burke Farrah has moved to the Central District. He thanked Captain Farrah for his participated in the Pinedale Santa Village in previous years. Councilmember Karbassi attended the memorial services for Allison Chang who was the editor and chief in her school paper, a swimmer and very outgoing. Allison was one of the victims of the terrible accident at Bullard and Palm around the holidays.*

*Councilmember Arias spoke regarding food distribution centers that will be publicized to the community through Facebook and he invited the community to participate in the District 3 Meet Mayor Dyer Community meeting on Thursday, February 11, 2021 at 5:30 P.M. through Zoom.*



*Councilmember Maxwell announced Saturday, February 6, 2021 at 11:00 A.M. located at Cary Park, District 4 will be starting the 100 days 100 trees initiative and will continue to plant trees until Earth Day. He will be teaming up with the Mayor and Administration starting at Cary Park and organize with the community to clean up the park, trim trees, clean up the trash and get involved with the community. He announced they are looking for candidates for the Bicycle and Pedestrian Committee and encouraged members to apply to the committee and also looking for a District 4 representative on the Immigrant Affairs Committee. He spoke regarding an Ad Hoc District 4 Community Engagement Commission, training individuals on how to engage the community, cleaning up parks on a daily basis, using FresGo, etc. Please send applications to District 4 at District4@fresno.gov.*

*Council Vice President Esparza spoke regarding the successful Blood Drive on Saturday, January 31, 2021 in partnership with SEIU 521 and Central California Blood Center. There were about 50 people who donated. He announced Thursday, February 4, 2021 at 5:00 P.M. there will be a food distribution at Webster Elementary. He stated on Saturday, February 6, 2021 at 3:00 P.M. located at the Sikh Institute Fresno, he will be standing in solidarity with the Indian community with the protest that is occurring in India by Indian farmers.*

*Council President Chavez thanked all the Nonprofits and Community Base Organizations who have served over 3,000 families for the food distribution. He spoke regarding the vaccine distribution in City Hall and stated Assistant City Manager Barfield is working on the project and announcements will be coming shortly.*

## **MAYOR/MANAGER REPORTS AND COMMENTS**

*Mayor Dyer thanked Councilmember Karbassi for participating on Saturday, January 31, 2021 for Beautify Fresno off Shaw and 99; there were about 100 volunteers. He stated they picked up over 800 pounds of trash. He spoke regarding Project Off Ramp and successfully placed 10 individuals and cleaned up a great amount of trash on the freeway. There will be another relocation next Friday, February 11, 2021. Mayor Dyer stated he will be with Council Vice President Esparza on Saturday, February 6, 2021 standing in solidarity with the Indian community in support of the Indian*

farmer. On Saturday, February 6, 2021 Mayor Dyer and Councilmember Arias will be at the Southeast corner of Amador and B Street to dedicate four (4) homes with Habitat for Humanity.

Council President Chavez stated there will be a number of workshops for the public and council to have a conversation regarding the homeless problem, the increase in crime, potholes, etc. for the public to weigh in on and for the Administration and council to formulate a plan and work through some of the challenges the City of Fresno faces.

City Manager Esqueda gave an updated on the tray memos that have been distributed to Council.

## **1. CONSENT CALENDAR**

On motion of Councilmember Arias, seconded by Councilmember Soria, the below **CONSENT CALENDAR** items were adopted. The motion carried by the following vote:

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

**1-A** [ID 21-011](#) Approval of minutes for January 28, 2021 Regular Meeting.

*APPROVED AS AMENDED*

**1-B** [ID 21-085](#) Submission and Acceptance of the City of Fresno Comprehensive Annual Financial Report (CAFR) and the Comprehensive Annual Debt Report (CADR) for Fiscal Year 2020.

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

**1-C** [ID 21-169](#) Approve the award of a purchase contract to Toyota of Selma, CA, for the purchase of 10 Toyota Prius vehicles in the amount of \$241,951.50 to be utilized by the Code Enforcement Division (Bid File 3787)

**1-D** [ID 21-207](#) Approve a First Amendment to Agreement to the services agreement with Pinnacle Training Systems, LLC for \$200,000 to provide OSHA required COVID-19 testing for employees who work at exposed workplaces.

*The above item was removed from the agenda.*

**1-E** [ID 21-178](#) \*\*\*RESOLUTION - Adopt the 3rd Amendment to FY 2021 Salary Resolution No. 2020-157, amending Exhibit 2, Unit 2, Non-Represented

Management and Confidential Classes (Non-Represented) by retitling Airport Public Safety Manager to Airport Police Chief, effective February 15, 2021; amending Exhibit 11, Unit 11, Airport Public Safety Officers by retitling Airport Public Safety Officer to Airport Police Officer, effective February 15, 2021; and amending Exhibit 15, Unit 15, Airport Public Safety Supervisors by retitling Airport Public Safety Supervisor to Airport Police Captain, effective February 15, 2021 **(Subject to Mayor’s Veto)**

*The above item was continued to February 18, 2021.*

**1-F**     [ID 21-165](#)     Approve a First Amendment to the Neighborhood Stabilization Program Agreement with the Housing Authority of the City of Fresno authorizing the City to subordinate to a senior mortgage lender on the property located at 844 Chance Avenue, Fresno, CA 93702.

**1-G**     [ID 21-246](#)     Consideration of an amendment to sections 9-2102 and 9-2115(c) of the Fresno Municipal Code regarding the permitted location of card rooms.

**BILL No. B-59** (Intro. 12/10/2020) (For adoption) - Amending sections 9-2102 and 9-2115(c) of the Fresno Municipal Code pertaining to the permitted location of card rooms.

*ORDINANCE 2021-004 ADOPTED*

**1-H**     [ID 21-183](#)     **RESOLUTION** - Of Intention to Annex Final Tract Map No. 6224 as Annexation No. 120 to the CITY OF FRESNO COMMUNITY FACILITIES DISTRICT NO. 11 and to Authorize the Levy of Special Taxes; and setting the public hearing for Thursday, March 18, 2021, at 10:00 am (southeast corner of East Shields and North Temperance Avenues) (Council District 4)

*RESOLUTION 2021-030 ADOPTED*

**1-I**     [ID 21-184](#)     Action pertaining to Blackstone Avenue and Friant Road Corridor ITS Adaptive Synchronization Project; Dynamic Downtown Fresno Street, Van Ness Avenue, and BRT Path Corridors ITS Adaptive Synchronization Project; N. Blackstone Avenue and N. Abby Street Corridors ITS Adaptive Synchronization Project; Ventura Avenue and Kings Canyon Road Corridor ITS Adaptive Synchronization Project (Citywide)

1. Adopt a finding of Categorical Exemption per staff’s determination, pursuant to Section 15301(c) Class 1 of the California Environmental Quality Act Guidelines (CEQA)
2.     \*\*\*RESOLUTION - To dispense with the competitive bidding requirements and authorize the Public Works Director to enter into four contracts with Cubic ITS Inc. for the purchase of traffic signal adaptive

- modules for central processing unit, licenses, configuration, training, and warranty (Subject to Mayor Veto)
3. Award a purchase contract in the amount of \$427,497 to Cubic ITS Inc., for the purchase of Synchro Green modules for the 23 intersections for the Blackstone Avenue and Friant Road Corridor ITS Adaptive Synchronization Project
  4. Award a purchase contract in the amount of \$509,411 to Cubic ITS Inc., for the purchase of Synchro Green modules for the 22 intersections for the Dynamic Downtown Fresno Street, Van Ness Avenue, and BRT Path Corridors ITS Adaptive Synchronization Project
  5. Award a purchase contract in the amount of \$152,918 to Cubic ITS Inc., for the purchase of Synchro Green modules for the 8 intersections for the N. Blackstone Avenue and N. Abby Street Corridors ITS Adaptive Synchronization Project
  6. Award a purchase contract in the amount of \$229,377 to Cubic ITS Inc., for the purchase of Synchro Green modules for the 12 intersections for the Ventura Avenue and Kings Canyon Road Corridor ITS Adaptive Synchronization Project

*RESOLUTION 2021-031 ADOPTED*

- 1-J [ID 21-194](#) Actions pertaining to Final Map of Tract No. 6258

1. **RESOLUTION** - Approving the Final Map of Tract No. 6258, of Vesting Tentative Tract Map No. 5891, and accepting dedicated public uses offered therein except for dedications offered subject to City acceptance of developer installed required improvements - north side of Ashlan between Hayes and Bryan Avenue (Council District 1)
2. **\*\*\*RESOLUTION** - 56th— Amendment to the Annual Appropriation Resolution (AAR) No. 2020-159 to appropriate \$507,100 in developer contributions for the acquisition of right-of-way for public street and public utility easements for the Final Map of Tract No 6258 at the Ashlan and Hayes intersection and on both the north and south side of Ashlan between Hayes and Bryan. (Council District 1) (Requires five affirmative votes)(Subject to Mayor's Veto)

*RESOLUTION 2021-032 ADOPTED*

*RESOLUTION 2021-033 ADOPTED*

- 1-K [ID 21-198](#) Actions pertaining to Final Map of Tract No. 6243

**RESOLUTION** - Approving the Final Map of Tract No. 6243, phase 2 of Vesting Tentative Tract Map No. 5493, and accepting dedicated public uses offered therein except for dedications offered subject to City

acceptance of developer installed required improvements - east side of Bryan Avenue between Gettysburg Avenue and Shaw Avenue. (Council District 1)

**RESOLUTION 2021-034 ADOPTED**

- 1-L**     [ID 21-212](#)     Actions pertaining to the dedication of a portion of City-owned property for public street purposes, to accommodate the rehabilitation and relocation of a public sidewalk along the northwesterly side of Tulare Street, easterly of P Street. (Council District 3)
1. Adopt a finding of Categorical Exemption per staff determination, pursuant to Section 15301, Section 15302, and Section 15305 of the California Environmental Quality Act (CEQA) Guidelines, Environmental Assessment Number PW00044.
  2. RESOLUTION - Dedicating a portion of City-owned property for public street purposes to accommodate the rehabilitation and relocation of a public sidewalk along the northwesterly side of Tulare Street, easterly of P Street.

**RESOLUTION 2021-035 ADOPTED**

- 1-M**     [ID 21-185](#)     Actions pertaining to the Ashlan Avenue Sidewalks from Effie Street to State Route 41 - Bid File No. 3782 (Council District 7)
1. \*\*\*RESOLUTION - 54th Amendment to the Annual Appropriation Resolution No. 2020-159 appropriating \$193,400.00 for the Ashlan Avenue Sidewalks from Effie Street to State Route 41 (Requires 5 affirmative votes) (Subject to Mayor's veto)
  2. Award a construction contract in the amount of \$242,303.00 to Seal Rite Grading and Paving of Fresno, CA, as the lowest responsive and responsible bidder for the Ashlan Avenue Sidewalks from Effie Street to State Route 41 Project

**RESOLUTION 2021-036 ADOPTED**

- 1-N**     [ID 21-217](#)     Approve Second Amendment to the Cooperative Agreement with Fresno County Transportation Authority (FCTA) for the Highway Litter Abatement Program in the amount of \$100,000, increasing the total agreement amount to \$200,000. (Citywide)

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

- 1-O**     [ID 21-190](#)     Actions pertaining to the City of Fresno's existing sanitary sewer collection system:
1. Adopt a finding of Categorical Exemption, pursuant to Section 15306 and Statutory Exemption pursuant to Section 15262 of the California Environmental Quality Act (CEQA) Guidelines
  2. Approve a Consultant Services Agreement with V&A Consulting

Engineers, Inc., to conduct an odor and corrosion investigation and prepare a Basis of Design Report outlining corrective control measures, for an amount not to exceed \$221,401 (Citywide)

**1-P**     [ID 21-192](#)

Actions pertaining to the accepting additional Groundwater Sustainability Grant funds from the State of California for removal of Perchloroethylene from Groundwater and construction of water well improvements at pump stations PS 117 and PS 284 (Bid File 3775) (Council District 2 and County Island within):

1. Amend the Funding Agreement with the State Water Resources Control Board Groundwater Sustainability Grant to increase funds from \$2,254,040 to \$4,095,937;
2. Approve a Fifth Amendment to Agreement with Provost & Pritchard Consulting Group, Inc., to extend the term of the Agreement from December 31, 2020 to December 31, 2021;
3. Award a construction contract to Steve Dovali Construction, Inc., in the amount of \$3,948,242.25.

**1-Q**     [ID 21-241](#)

Actions related to leasing 158 acres of City-owned land at the Fresno-Clovis Regional Wastewater Reclamation Facility (Council District 3):

1. Adopt a finding of Categorical Exemption pursuant to Sections 15301/Class 1, 15304/Class 4, and 15325(b)/Class 25 of the California Environmental Quality Act (CEQA) Guidelines
2. Approve an agricultural Lease and Agreement with Bakersfield Properties Inc. in the amount of \$466,890 for lease of 158 acres for an initial term ending on December 31, 2025, with two one-year option terms

**1-R**     [ID 21-242](#)

Actions related to leasing 125 acres of City-owned land at the Fresno-Clovis Regional Wastewater Reclamation Facility (Council District 3):

1. Adopt a finding of Categorical Exemption pursuant to Sections 15301/Class 1, 15304/Class 4, and 15325(b)/Class 25 of the California Environmental Quality Act (CEQA) Guidelines
2. Approve an agricultural Lease and Agreement with Brad Weis, a sole proprietorship, in the amount of \$261,640.62 for the lease of 125 acres for an initial term ending on December 31, 2025, with two one-year option terms

**1-S**     [ID 21-230](#)

Actions pertaining to extension of rental assistance service contracts:

1. \*\*\*RESOLUTION - 63rd Amendment to the Annual Appropriation Resolution (AAR) appropriating \$5,473,200 to fund amendments to

- existing rental assistance service contracts. (Requires 5 affirmative votes)  
(Subject to Mayor's Veto)
2. Approve First Amendment to Amended and Restated Agreements with the following City of Fresno Housing Retention Grant Program administrators amending the fee, extending the term, and expanding the scope to include distribution of federal Emergency Rental Assistance program funds:
    1. Reading and Beyond
    2. The Fresno Center
    3. Centro La Familia
    4. Education and Leadership Foundation
    5. Jakara Fresno
    6. West Fresno Family Resource Center

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

- 1-T**    [ID 21-233](#)    Actions pertaining to deferment of projects to fund Citywide tree trimming
1. \*\*\*RESOLUTION - 64th amendment to the Annual Appropriation Resolution (AAR) No. 2020-159 to appropriate \$700,000 for tree trimming by transfer of \$350,000 from Housing Fund and \$350,000 from Multi-Generational Facility Project (requires 5 affirmative votes)  
(Subject to Mayor's Veto)

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

- 1-U**    [ID 21-245](#)    Consideration of Third and Final Amendment to the Exclusive Negotiation Agreement by and between the City of Fresno and Tutelian & Company, Inc.

*The above item was removed from the agenda.*

- 1-V**    [ID 21-234](#)    Approve the appointment of Ruben Zarate to the Immigrant Affairs Committee.

- 1-W**    [ID 21-240](#)    Council Boards and Commissions Communications, Reports, Assignments and/or Appointments, Reappointments, Removals to/from City and non-City Boards and Commissions

*The above item was pulled from Consent Calendar by Council Vice President Esparza and moved to Contested Consent for further discussion.*

## **UNSCHEDULED COMMUNICATION**

*Upon call, the following members of the public addressed Council: Dez*

*Martinez, Brandi Villegas, Cliff Tutelian, and Cindy Piombino.*

[ID 21-257](#) Emails received for Unscheduled Communication.

## **CONTESTED CONSENT CALENDAR**

- 1-B** [ID 21-085](#) Submission and Acceptance of the City of Fresno Comprehensive Annual Financial Report (CAFR) and the Comprehensive Annual Debt Report (CADR) for Fiscal Year 2020.

*The above item was introduced to Council by Director Lima, Finance Department.*

*Councilmember Maxwell motioned to continue to February 18, 2021 and directed staff to present the Comprehensive Annual Financial Report (CAFR) before the Finance and Audit Committee next week.*

*Councilmember Karbassi seconded the motion. Motion was withdrawn.*

*Discussion was held between Councilmembers and staff regarding the time sensitivity of the report and directed staff to provide Council a workshop on the auditing process in the future.*

*Councilmember Bredefeld motioned to accept the report. Motion FAILED for lack of second.*

*Council President Chavez motioned to accept the report and directed staff to reach out to the Councilmembers and provide them questions and answers, and develop a process for next year. Councilmember Karbassi seconded the motion.*

**On motion of President Chavez, 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

- 1-N** [ID 21-217](#) Approve Second Amendment to the Cooperative Agreement with Fresno County Transportation Authority (FCTA) for the Highway Litter Abatement Program in the amount of \$100,000, increasing the total agreement amount to \$200,000. (Citywide)

*The above item was introduced to Council by Director Mozier, Public Works*



*Department.*

*Councilmember Arias spoke regarding the second increase in cost and if there will be cleanup on the Golden State freeway. Director Mozier responded.*

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

- 1-S**     [ID 21-230](#)     Actions pertaining to extension of rental assistance service contracts:
1. \*\*\*RESOLUTION - 63rd Amendment to the Annual Appropriation Resolution (AAR) appropriating \$5,473,200 to fund amendments to existing rental assistance service contracts. (Requires 5 affirmative votes) (Subject to Mayor's Veto)
  2. Approve First Amendment to Amended and Restated Agreements with the following City of Fresno Housing Retention Grant Program administrators amending the fee, extending the term, and expanding the scope to include distribution of federal Emergency Rental Assistance program funds:
    1. Reading and Beyond
    2. The Fresno Center
    3. Centro La Familia
    4. Education and Leadership Foundation
    5. Jakara Fresno
    6. West Fresno Family Resource Center

*The above item was introduced to Council by City Manager Esqueda, City Manager's Office.*

*Councilmember Soria motioned to approve with condition upon going back and allocating additional dollars at different percentages for their capacity and bring forward the dollars that are left. Councilmember Maxwell seconded the motion.*

*Councilmember Karbassi asked the Administration to explore what can be done to help the City of Fresno who are behind on their city utility bill and PG&E bill.*

*RESOLUTION 2021-037 ADOPTED*

**On motion of Councilmember Soria, seconded by Councilmember Maxwell, 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-T**    [ID 21-233](#)    Actions pertaining to deferment of projects to fund Citywide tree trimming
1. \*\*\*RESOLUTION - 64th amendment to the Annual Appropriation Resolution (AAR) No. 2020-159 to appropriate \$700,000 for tree trimming by transfer of \$350,000 from Housing Fund and \$350,000 from Multi-Generational Facility Project (requires 5 affirmative votes) (Subject to Mayor's Veto)

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

*Councilmember Maxwell motioned to adopt as amended with the following changes to the resolution "That the intent is to replace such dollars from new funding sources that may be received in the current fiscal year or General Fund dollars in Fiscal Year 2022." Councilmember Arias seconded the motion.*

*RESOLUTION 2021-038 ADOPTED AS AMENDED*

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

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

- 1-W**    [ID 21-240](#)    Council Boards and Commissions Communications, Reports, Assignments and/or Appointments, Reappointments, Removals to/from City and non-City Boards and Commissions

1. *Association for Beautification of 99 - was dissolved.*
2. *Budget Sub-Committee (Leadership) - Soria, Bredefeld, Esparza.*
3. *Cannabis Ad Hoc Committee - Nelson, Arias, Karbassi.*

4. CDBG Sub-committee – (Pertaining to Housing and addressing the allocation of Funds) – Maxwell, Soria, Arias. - No Changes

5. Census/Redistricting Ad Hoc Committee – Esparza, Arias, Maxwell - No Changes

Councilmember Bredefeld motioned to replace Councilmember Arias with Councilmember Karbassi to the Census/Redistricting Ad Hoc Committee. Councilmember Karbassi seconded the motion. Motion FAILED 4-2-1, Councilmember Arias, Councilmember Maxwell, Councilmember Soria, and Council Vice President Esparza voted no, Council President Chavez abstained.

6. Code Subcommittee - Terminated

Councilmember Arias motioned to terminated the Code Subcommittee, Council Vice President Esparza seconded the motion. Motion PASSED 7-0.

7. Council of Governments – Mayor Dyer-Ex-Officio, Soria - No Changes

8. Economic Development Corporation Serving Fresno County – Karbassi-Ex-Officio, City Manager Esqueda and (Chavez– Alternate) - Approved by consensus

9. Enterprise & Construction Management - Leave in tact by consensus

10. Finance and Audit Committee – Esparza- Chair, Bredefeld-Vice Chair, Arias -Approved by consensus

11. Fresno Area Workforce Investment Corporation – Karbassi - No Changes

12. Fresno County Transportation Authority (FCTA) – Mayor Dyer-Ex-Officio, Soria - No Changes

13. Fresno County Zoo Authority – Mayor Dyer-Ex-Officio, (Arias-Alternate)

- No Changes

14. Fresno EIFD Public Financing Authority – Esparza-Chair, Soria, Arias - No Changes

15. Fresno Madera Area Agency on Aging Board – Chavez - No Changes

16. Fresno Regional Workforce Development Board –Karbassi - No Changes

17. Homeless (HEAP Funding Plan) Sub-Committee – Soria, Bredefeld, Arias - No Changes

18. COVID Program Subcommittee- Soria, Karbassi, Arias -Chair -Approved by consensus

19. Joint Powers Financing Authority – Mayor Dyer, Chair Bredefeld, Esparza - Approved by consensus

20. League of California Cities (Annual Meeting) – Arias (Maxwell-Alternates) - No Changes

21. Litigation Exposure -Terminated

Councilmember Soria motioned to terminate the Litigation Exposure Committee. Councilmember Arias seconded the motion. Motion PASSED 7-0.

22. Lobbyist Committee- Soria, Chavez and Esparza - No Changes

23. North Kings Groundwater Sustainability Agency (GSA) Joint Powers Authority – Mayor Dyer (Michael Carbajal, Tim Orman – Alternates) - No Changes

24. Parks & Public Safety -Terminated

Councilmember Arias to terminated the Parks & Public Safety Committee.

*Councilmember Bredefeld seconded the motion. Motion PASSED 7-0.*

*25. San Joaquin River Conservancy Board - Mayor Dyer-Ex-Officio, (Karbassi-Alternate) - No Changes*

*26. San Joaquin Valley Special City Selection Committee – Primary Representative-Arias, Alternate Representative-Vacant - No Changes*

*27. School Liaison Sub-Committee – Esparza–Chair, Karbassi, Bredefeld -Approved by consensus*

*28. Special Events -Terminated*

*Councilmember Soria motioned to terminated the Special Events Committee. Councilmember Arias seconded the motion. Motion PASSED 7-0.*

*29. Street2Home Fresno County Board – Arias - No Changes*

*30. Sub-Committee on Transportation – Arias, Maxwell, Soria - No Changes*

*31. Upper Kings Basin Integrated Regional Water Management JPA – Vacant (Brock Burche and Chavez – Alternates) - No Changes*

*32.Measure P Sub-committee - Maxwell, Soria, Arias - No Changes*

*33.PLA Sub-committee - Esparza, Arias, Soria - No Changes*

## **2. SCHEDULED COUNCIL HEARINGS AND MATTERS**

### **3. GENERAL ADMINISTRATION**

**3-A**     [ID 21-197](#)     Actions pertaining to supplemental funding provided by the U.S. Department of Housing and Community Development Office of Community Planning and Development (HUD CPD) to prevent, prepare for, and respond to the Coronavirus:

1. \*\*\*RESOLUTION - Adopting Substantial Amendment 2019-06 to the 2019-2020 Annual Action Plan and COVID-19 Amendments to the Citizen Participation Plan to submit a request to HUD to program

\$7,980,086 of Community Development Block Grant-Coronavirus (CDBG-CV) funds to prevent, prepare for, and respond to the Coronavirus (COVID-19); approving allocations to activities in accordance therewith; and authorizing the City Manager or designee to sign all implementing documents as approved to form by the City Attorney (Subject to Mayor's veto)

2. Approve first revision of ESG-CV Activity Allocations to allocate \$5,960,899 of Emergency Solutions Grant-Coronavirus, 2nd tranche (ESG-CV2) to activities to prevent, prepare for, or respond to the Coronavirus among homeless populations and persons at risk of homelessness; and authorizing the City Manager or designee to sign all implementing documents as approved to form by the City Attorney
3. \*\*\*RESOLUTION - Adopting the 59th amendment to the Annual Appropriation Resolution No. 2020-159 appropriating \$3,796,000 for COVID-19-related CDBG activities (Requires 5 affirmative votes) (Subject to Mayor's veto)

*The above item was continued to February 18, 2021.*

#### **4. CITY COUNCIL**

- 4-A**     [ID 21-223](#)     A Non-Binding Resolution in support of increase vaccine supplies in Fresno County

*The above item was introduced to Council by Councilmember Karbassi, District 2. Upon call, there was no public comment.*

*Councilmember Karbassi motioned to approve as amended to administer 45,000 COVID-19 immunizations per week. Councilmember Maxwell seconded the motion.*

*Councilmember Arias spoke regarding the concerns of individuals getting vaccines when they have not been in the deployment schedule.*

**RESOLUTION 2021-039 ADOPTED AS AMENDED**

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

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

#### **5. CLOSED SESSION**

*City Council recessed into Closed Session at 11:32 A.M. and returned from Closed Session at 12:29 P.M. There was no announcements after Closed Session and the below items were discussed.*

**5-A**     [ID 21-231](#)     CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Government Code Section 54956.8; Property: APN 438-021-92T, 35T, 93T, and 60T, and 438-062-37T and 53T Negotiating Parties: City Manager, CVCSF.

**5-B**     [ID 21-232](#)     CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION - Government Code Section 54956.9, subdivision (d)(1) 1. Terance Frazier, et al. v. City of Fresno, et al.; United States District Court Case No.: 1:20-CV-01069

**ADJOURNMENT**

*City Council adjourned at 12:29 P.M.*

## **Exhibit F**



# City of Fresno

2600 Fresno Street  
Fresno, CA 93721  
[www.fresno.gov](http://www.fresno.gov)



## Meeting Minutes - Final

Thursday, February 10, 2022

9:00 AM

Regular Meeting

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*

*City Attorney - Douglas T. Sloan*

*City Clerk - Todd Stermer, CMC*

The City Council for the City of Fresno convened in regular session on February 10, 2022 at 9:00 A.M.

9:15 A.M. ROLL CALL

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

Invocation by Reverend Ana Maria Ten Bears Lopez from New Thought Community

Pledge of Allegiance to the Flag

### **APPROVE AGENDA**

*City Clerk Stermer announced the following changes to the agenda:*

*Councilmember Arias was added as a co-sponsor to the Black History Month proclamation (ID 22-291).*

*The following items were removed from the agenda:*

*1-D (ID 22-114) regarding approve an increase to the requirements contract with Air Liquide U.S. LP, doing business as Alliance Gas Products, for bulk liquid oxygen -moved to February 17, 2022, by City Manager's Office.*

*1-K (ID 22-234) regarding Resolution of Intention Number 1146-D to vacate the most northerly corner cut-off of M Street and Inyo Street - removed from the agenda by Councilmember Arias with no specified return date.*

*1-O (ID 22-246) regarding resolution to pursue the formation of a Veterans Memorial District in the City of Fresno - moved to February 17, 2022, agenda by Councilmember Chavez.*

*The following items were moved from the Consent Calendar to the Contested Consent Calendar for further discussion:*

1-C (ID 22-247) regarding amending administrative abatement, FMC section 10-616, to clarify limits on access to restricted areas where abatements are taking place - moved to Contested Consent by Councilmember Arias.

1-G (ID 22-231) regarding resolution authorizing the Director or Designee of the Office of Neighborhood Safety and Community Engagement Division (ONSCE) within Parks, After School, Recreation and Community Services (PARCS) to submit a grant application totaling up to \$2,200,000 to the California Violence Intervention and Prevention Program - moved to Contested Consent by Vice President Maxwell.

1-H (ID 22-171) regarding resolution to adopt the 5th amendment to Position Authorization Resolution (PAR), adding one hundred seven (107) full-time and two (2) permanent part-time positions Citywide - moved to Contested Consent by Vice President Maxwell.

AGENDA APPROVED AS AMENDED

**On motion of Councilmember Karbassi, seconded by Vice President Maxwell, the agenda was approved as amended. The motion carried by the following vote:**

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

## **CEREMONIAL PRESENTATIONS**

[ID 22-240](#) Proclamation Honoring Central High Varsity Competition Cheer "NCA National Champions"

PRESENTED

[ID 22-165](#) Proclamation for "World Day of Remembrance for Road Traffic Victims"

PRESENTED

[ID 22-291](#) Proclamation for "Black History Month"

PRESENTED

[ID 22-294](#) Announcement of Winter Employee of the Quarter (EOQ) Recipients

PRESENTED

## **COUNCILMEMBER REPORTS AND COMMENTS**

*Councilmember Soria discussed: the Winter Employee of the Quarter; cleanup of the Ashland and West area; the cleanup at Palm and McKinley; and the 24th Annual Mardi Gras parade in the Tower District.*

*Councilmember Karbassi discussed: trash on the Herndon median; his fathers 80th birthday; and the birthday of Council Assistant Andrew Kloose.*

*Councilmember Arias discussed: speed humps in Tower District and West Fresno; community participation for the South Tower Park development and redesign; the town hall meeting with the un-housed population at Motel Drive; barriers to affordable housing; potential impacts of proposed tax increases upon a population that could not afford them; and attendance at the League of Cities.*

*Councilmember Chavez discussed: the cleanup of Butler Park; the Mayor's Don't be a Litterhead initiative; and the cleanup of southeast neighborhoods and streets.*

*Councilmember Bredefeld discussed: dump trucks littering on the freeways with fly away trash; safer roads off Herndon; congratulated Legal Eagles Mock Trial team; and the impacts of tax increases upon people that can not afford them.*

*Vice President Maxwell discussed: Beautify Fresno community event at Duncan Polytechnical High School; his tour of the future community center at Bulldog and Sixth streets near El Dorado Park; and a community meeting regarding the Fresno Rescue Mission's City Center which will support the un-housed in Fresno.*

*Council President Esparza discussed the Fresno Rescues Mission's City Center and the Mid-Town Trail groundbreaking.*

## **MAYOR/MANAGER REPORTS AND COMMENTS**

*Mayor Dyer discussed: Beauty Fresno events at Kirk Elementary; Duncan*

*Polytechnical High school; Francher Creek and San Joaquin Memorial. He also discussed the cleanup of the San Benito and H street area and the Ashland and West area. The cleanups included providing resources to the un-housed people at those locations.*

*City Manager White congratulated recipients of Winter Employee of the Quarter. She reported Council received memos from the administration regarding Transform Fresno, Community Based Organization applications for ARPA funds and the status of bus stops in the city.*

## **UNSCHEDULED COMMUNICATION**

*Upon call, the following members of the public addressed Council: Lisa Flores, Brandi Nuse-Villegas, Ruben Espinoza, Karla Martinez and Dennis Balakian.*

## **1. CONSENT CALENDAR**

*Upon call, the following members of the public addressed Council and spoke in opposition of item 1-C: Brunette Harris; Philip; Janine Nkosi; Ed Howard; Ruben Espinoza; Ashley Tippen; Breighanne Rendon; Cindy Pambino; Grecia Elenes; Brandi Nuse-Villegas; Barbara Fiske; Dez Martinez; Marisa Moraza; Josefa Vega; Raygan Baber; Raine Chamberlin; Alexandra Alverado; D'Aungillique Jackson; Robert McKlosey; Pedro Navarro-Cruz; Imelda Cruz; Clare Serrate; Sherrie Phillips; Fernando Elizondo; Lisa Flores; Lethal Garcia; Glenda Jackson; Jessica Ramirez; Audra Hewlett; and Pandora Lerma.*

### APPROVAL OF THE CONSENT CALENDAR

**On motion of Councilmember Arias, seconded by Councilmember Chavez, the CONSENT CALENDAR was adopted by the following vote:**

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

- 1.-A.** [ID 22-260](#) Approval of the minutes of the January 27, 2022 Special City Council Meeting and the January 27, 2022 Regular City Council Meeting.

### **APPROVED ON CONSENT CALENDAR**

- 1.-B.** [ID 22-224](#) Approve a one-year cooperative purchase agreement with DLT Solutions using a Maricopa County, AZ contract with DLT Solutions through OMNIA

Partners in the amount of \$348,762.83 for support services for Oracle databases

**APPROVED ON CONSENT CALENDAR**

- 1.-D. [ID 22-114](#) Approve an increase to the Requirements Contract with Air Liquide U.S. LP, doing business as Alliance Gas Products, for Bulk Liquid Oxygen to an annual amount of \$275,000, and extend the contract for an additional two years (Bid File 9452) (Citywide).

*The above item was removed from the agenda and continued to February 17, 2022.*

**CONTINUED**

- 1.-E. [ID 22-235](#) Actions pertaining to a requirements contract to Rehabilitate Reclamation Wells at the Fresno-Clovis Regional Wastewater Reclamation Facility (Bid File 9630) (Districts 3):
1. Adopt a finding of Categorical Exemption pursuant to Section 15301/Class 1 (Existing Facilities) of the California Environmental Quality Act Guidelines for the rehabilitation of reclamation wells at the Fresno-Clovis Regional Wastewater Reclamation Facility.
  2. Award a requirements contract to Zim Industries, Inc., for a term of one year in the amount not to exceed \$493,080 per year, with provisions for up to two one-year extensions.

**APPROVED ON CONSENT CALENDAR**

- 1.-F. [ID 22-131](#) \*\*\*RESOLUTION - Supporting FCTC Family, LP's submission of a Low-Income Housing Tax Credit application for the construction of affordable housing at 200 N. Salma and expressing the City's intent to contribute to the Project in an amount not to exceed \$6,180,000 upon full award of tax credit funding for the Project. (Subject to Mayor's Veto)

*RESOLUTION 2022-028 ADOPTED*

**APPROVED ON CONSENT CALENDAR**

- 1.-I. [ID 22-229](#) \*\*\*RESOLUTION - Adopt the 13th Amendment to FY 2022 Salary Resolution No. 2021-176, amending Exhibit 4, Unit 4 - Non-Management Police (FPOA); Exhibit 5, Unit 5 - Fire Non-Management (IAFF); Exhibit 8, Unit 8, Non-Represented; Exhibit 9, Unit 9 - Police Management; Exhibit 10, Unit 10 - Fire Management; and Exhibit 16 - Benchmarked Deleted Job Classifications or Deleted Pay Step, Since 1/28/16 (**Subject to Mayor's Veto**).

*RESOLUTION 2022-030 ADOPTED*

**APPROVED ON CONSENT CALENDAR**

- 1.-J. [ID 22-201](#) Reject all bids for Ready Mix Concrete material requirements contract (Bid File 9619)

**APPROVED ON CONSENT CALENDAR**

- 1.-K. [ID 22-234](#) Actions pertaining to Resolution of Intention Number 1146-D to vacate the most northerly corner cut-off of M Street and Inyo Street (Council District 3)
1. Adopt a finding of Categorical Exemption per Environmental Assessment Number P21-04415 per staff determination, pursuant to Section 15301/Class 1 of the California Environmental Quality Act (CEQA) Guidelines
  2. RESOLUTION - Adopt the attached Resolution of Intention Number 1146-D to vacate the most northerly corner cut-off of M street and Inyo Street

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

**TABLED**

- 1.-L. [ID 22-238](#) Actions pertaining to Resolution of Intention Number 1147-D to vacate a portion of East Kaviland Avenue at South Rose Avenue (Council District 3):
1. Adopt a finding of Categorical Exemption per Environmental Assessment Number P21-00192 per staff determination, pursuant to Section 15332/Class 32 of the California Environmental Quality Act (CEQA) Guidelines
  2. RESOLUTION - Adopt the attached Resolution of Intention Number 1147-D to vacate a portion of East Kaviland Avenue at South Rose Avenue

**APPROVED ON CONSENT CALENDAR**

- 1.-M. [ID 22-218](#) Actions pertaining to the PARCS and Public Safety facilities energy efficiency savings and sustainability capital improvement projects (Citywide):
1. Adopt findings of Categorical Exemptions pursuant to Sections 15301(c), 15301(d), and 15301(e) of the California Environmental Quality Action Guidelines
  2. Award a Design Build contract to Alliance Building Solutions, Inc. (ABS), for \$17,947,480, for an Energy Efficiency Program and equipment, including but not limited to LED efficient lighting, HVAC upgrades and replacements, system controls and monitoring, and transformer upgrades for implementation of energy and sustainability services
  3. Authorize the City Manager or designee to enter into an On-Bill Financing (OBF) 0% loan agreement with Pacific Gas and Electric

(PG&E) not to exceed \$1,757,712.19

- 4. Approve the Resolution authorizing the City Manager or designee to enter into a 15-year financing agreement not to exceed \$17,947,480 with Alliance Funding Solutions, Inc., for the energy efficiency projects at a rate not to exceed 2.62%

*RESOLUTION 2022-031 ADOPTED*

**APPROVED ON CONSENT CALENDAR**

- 1.-N. [ID 22-245](#) \*\*\*RESOLUTION - Adopting the 46th Amendment to the Annual Appropriation Resolution (AAR) No. 2021-178 to appropriate \$20,526,200 for operating programs and previously approved capital improvement projects in the Public Works Department (Citywide) (Requires 5 Affirmative Votes) (Subject to Mayor’s Veto).

*RESOLUTION 2022-032 ADOPTED*

**APPROVED ON CONSENT CALENDAR**

- 1.-O. [ID 22-246](#) \*\*\*RESOLUTION - To Pursue the Formation of a Veterans Memorial District in the City of Fresno (Subject to Mayor’s Veto).

*The above item was removed from the agenda and continued to February 17, 2022.*

*CONTINUED*

- 1.-P. [ID 22-270](#) RESOLUTION - In support of Bryn Forhan’s reappointment to the San Joaquin River Conservancy Board

*RESOLUTION 2022-033 ADOPTED*

**APPROVED ON CONSENT CALENDAR**

**CONTESTED CONSENT CALENDAR**

- 1.-C. [ID 22-247](#) \*\*\*BILL No. 2 (Intro’d 1/27/2022) (For Adoption) - Amending Administrative Abatement, FMC section 10-616, to clarify limits on access to restricted areas where abatements are taking place (Subject to Mayor’s Veto).

*There was no staff presentation on this item. City Attorney Sloan clarified the amendment to the item would change paragraph b(2) of the Administrative Abatement Ordinance to remove the reference to persons “authorized” to provide services to instead read, “...those persons providing services...” He explained the intent of the amendment was to clarify that*



*anyone providing services or advocating on behalf of occupants would be treated as such without the need to show they are “authorized” to do so.*

*Councilmember Arias motioned to approve the item with the amendment described by the City Attorney. Councilmember Chavez seconded the motion.*

**BILL B-2 REINTRODUCED AS AMENDED AND LAID OVER**

**On motion of Councilmember Arias, seconded by Councilmember Chavez, the above Action Item was REINTRODUCED AS AMENDED AND LAID OVER. The motion carried by the following vote:**

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

- 1.-G.** [ID 22-231](#) **\*\*\*RESOLUTION -** Authorizing the Director or Designee of the Office of Neighborhood Safety and Community Engagement Division (ONSCE) Within Parks, After School, Recreation and Community Services (PARCS) to Submit a Grant Application Totaling up to \$2,200,000 to the California Violence Intervention and Prevention Program to Fund Violence Intervention Programming at Camp Fresno, Fresno Summer Nights Programming, a Community Coordinator and Street Outreach Coalition Training Modules, and Authorizing Execution of the Grant Agreement with the Board of State and Community Corrections by the PARCS Director or Designee (Citywide)(Subject to Mayor’s Veto).

*There was no staff presentation on this item. PARCS Director Aguirre and City Manager White responded to questions.*

*Discussion on this item included: touring Camp Fresno; timeline of expired contracts; concerns with approving positions and funds the day before a grant application was due; the budget for Camp Fresno; long term benefits of Camp Fresno; partnerships with nonprofits; and addressing issues with Quigley Park*

*Councilmembers Bredefeld and Karbassi exited the Council Chamber at 12:05 P.M.*

**RESOLUTION 2022-029 ADOPTED**

**On motion of Vice President Maxwell, seconded by Councilmember**

**Arias, the above Action Item was ADOPTED. The motion carried by the following vote:**

**Aye:** 5 - Esparza, Maxwell, Soria, Arias and Chavez

**Absent:** 2 - Karbassi and Bredefeld

- 1.-H. [ID 22-171](#) Actions pertaining to the FY22 Position Authorization Resolution No. 2021-179:  
1: \*\*\*RESOLUTION - Adopt the 5th Amendment to Position Authorization Resolution No. 2021-179, adding one hundred seven (107) full-time and two (2) permanent part-time positions Citywide. (Subject to Mayor's Veto).

*There was no staff presentation on this item. City Manager White and Police Chief Balderrama responded to questions.*

*Discussion on this item included: the overall cost of the positions; workload and current staff capacity; support staff for council districts; ARPA funds; 3 to 5 year projection of costs for the positions; the return of the bike units in Tower District and downtown; class and compensation studies; and City reserves.*

*Vice President Maxwell requested the item be continued to the February 17, 2022, Council meeting and asked the administration to provide a fiscal analysis of the positions and the overall cost.*

*Upon consensus, the council agreed to continue the matter to February 17, 2022.*

- 1.-Q. [ID 22-226](#) Council Boards and Commissions Communications, Reports, Assignments and/or Appointments, Reappointments, Removals to/from City and non-City Boards and Commissions.

1. Animal Center Sub-Committee - Bredefeld, Arias, Soria
2. Budget Sub-Committee (Leadership) - Soria, Bredefeld, Esparza
3. Cannabis Ad Hoc Committee - Arias (Chair), Esparza, Karbassi
4. CDBG Sub-committee - (Pertaining to Housing and addressing the allocation of Funds) -Maxwell, Soria, Arias.
5. Census/Redistricting Ad Hoc Committee - Esparza, Arias, Maxwell

6. Council of Governments - Mayor Dyer-Ex-Officio, Soria
7. COVID Program Subcommittee - Arias (Chair), Karbassi, Soria
8. Economic Development Corporation Serving Fresno County - Karbassi-Ex-Officio, City Manager Esqueda and (Chavez- Alternate)
9. Enterprise & Construction Management - Chavez, Bredefeld (Alternate)
10. Finance and Audit Committee - Esparza- Chair, Bredefeld-Vice Chair, Arias
11. Fresno Area Workforce Investment Corporation - Karbassi
12. Fresno County Transportation Authority (FCTA) - Mayor Dyer-Ex-Officio, Soria
13. Fresno County Zoo Authority - Mayor Dyer-Ex-Officio, Arias (Alternate)
14. Fresno EIFD Public Financing Authority - Esparza (Chair), Arias (Vice Chair), Soria
15. Fresno Madera Area Agency on Aging Board - Chavez
16. Fresno Regional Workforce Development Board -Karbassi
17. Homeless (HEAP Funding Plan) Sub-Committee - Soria, Bredefeld, Arias
18. Joint Powers Financing Authority - Bredefeld (Chair), Mayor Dyer, Esparza
19. League of California Cities (Annual Meeting) - Arias (Maxwell- Alternates)
20. Lobbyist Committee- Soria, Chavez, and Esparza
21. Measure P Sub-Committee - Maxwell, Arias, Soria
22. North Kings Groundwater Sustainability Agency (GSA) Joint Powers Authority - Mayor Dyer (Michael Carbajal, Tim Orman - Alternates)
23. PLA Sub-committee - Esparza, Arias, Soria

24. San Joaquin River Conservancy Board - Mayor Dyer-Ex-Officio, (Karbassi-Alternate)
25. San Joaquin Valley Special City Selection Committee - Primary Representative-Arias, Alternate Representative-Vacant
26. School Liaison Sub-Committee - Esparza (Chair), Karbassi, Bredefeld
27. Street2Home Fresno County Board - Arias
28. The Local Mobile Food Vendor Association Committee - Chavez, Arias, Soria
29. Transportation Sub-Committee - Arias, Maxwell, Soria
30. Upper Kings Basin Integrated Regional Water Management JPA - Vacant (Brock Burche and Chavez - Alternates)

*City Attorney Sloan clarified that so long as a member of the prevailing side agreed, this item which had been approved on the Consent Calendar, it could be amended by a vote of the Council.*

*Councilmember Bredefeld requested to amend the appointment list attached to the item so that he could serve on the Housing Subcommittee. Councilmember Chavez offered to be replaced by Councilmember Bredefeld.*

*Councilmember Karbassi requested to be placed back on the Economic Development Corporation Serving Fresno County. Council President Esparza agreed to nominating Councilmember Karbassi as the primary member and to making himself the alternate.*

*Councilmember Arias motioned to approve the appointment list as amended by replacing Councilmember Chavez with Councilmember Bredefeld on the Housing Subcommittee and making Council President Esparza the alternate member and Councilmember Karbassi the primary member for the Economic Corporation Serving Fresno County. Councilmember Bredefeld seconded the motion.*

**APPROVED AS AMENDED**

**On motion of Councilmember Arias, seconded by Councilmember**

**Bredefeld, the above Action Item was ADOPTED AS AMENDED. The motion carried by the following vote:**

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

## **2. SCHEDULED COUNCIL HEARINGS AND MATTERS**

### **10:00 A.M. #1**

[ID 22-215](#) Appearance by Sue Hague to discuss the “revision of current parking permit fees in residential areas near FSU” (Resides in District 1).

*Sue Hague appeared and addressed Council.*

### **10:00 A.M. #2**

[ID 22-210](#) Appearance by Jorge Zavala to discuss the lack of communication from various City departments, as well as the difficulties of obtaining records (Resides in District 4).

*Jorge Zavala appeared and addressed Council.*

### **10:00 A.M. #3**

[ID 22-236](#) HEARING to consider the vacation of a portion of Stanislaus Street and L Street adjacent to Block 89 of the Town (now City) of Fresno, and a portion of an alley in Block 89 of the Town (now City) of Fresno (Council District 3)  
1. \*\*\*RESOLUTION - Ordering the vacation of a portion of Stanislaus Street and L Street adjacent to Block 89 of the Town (now City) of Fresno, and a portion of an alley in Block 89 of the Town (now City) of Fresno (Subject to Mayor’s Veto)

*The above hearing was called to order at 12:21 P.M. There was no staff presentation and no Council discussion on this item. Upon call, there was no public comment.*

*Council recessed for lunch at 12:23 P.M. and resumed this item at 2:47 P.M.*

*RESOLUTION 2022-034 ADOPTED*

**On motion of Councilmember Arias, seconded by Council President Esparza, the above Action Item was ADOPTED. The motion carried by the following vote:**

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

City Council recessed for lunch at 12:23 P.M. and returned at 2:07 P.M.

### **3. GENERAL ADMINISTRATION**

- 3.-A. [ID 22-225](#) \*\*\*RESOLUTION - Adopting a Residential Speed Hump Policy (Citywide) (Subject to Mayor's Veto).

*The above was introduced to Council by Public Works Director Mozier. Transportation Director Vargas and City Manager White also addressed Council.*

*Upon call, there was no public comment.*

*Councilmember Chavez exited the Council Chamber at 3:19 P.M.*

*Councilmember Bredefeld spoke in opposition of the above item and expressed support for allowing private citizens to pay for speed humps.*

*Discussion on this item included: funding speed humps privately; current city resources to pay for speed humps; and cost differences for privately funded speed humps versus city acquired speed humps.*

*Councilmember Arias motioned to approve as amended with the following: 1. Residents will not have the ability to fund the installation of speed humps via private contractor, 2. The requester will not be responsible for the application fee defined in the Master Fee Schedule, and 3. The eligibility of a transit route has been removed. Vice President Maxwell seconded the motion.*

*Councilmember Bredefeld motioned to amend the motion on the floor to allowing residents to privately fund the installations of speed humps. Councilmember Karbassi seconded the motion. The motion FAILED by the following vote:*

*Aye: 2 - Karbassi, Bredefeld*

*No: 3 - Arias, Maxwell, Esparza*

*Abstain: 1 - Soria*

*Absent: 1 - Chavez*

*RESOLUTION 2022-035 ADOPTED AS AMENDED*

**On motion of Councilmember Arias, seconded by Vice President Maxwell, the above Action Item was ADOPTED AS AMENDED. The motion carried by the following vote:**

**Aye:** 4 - Esparza, Maxwell, Soria and Arias

**No:** 2 - Karbassi and Bredefeld

**Absent:** 1 - Chavez

**3.-B. [ID 22-237](#) WORKSHOP - SB 1383 Updates**

*The above workshop was presented to Council by Public Utilities Assistant Director Alkhayyat and Eugene Clarke with CalRecycle. City Manager White also addressed Council.*

*Discussion on this item included: renegotiating with service providers versus submitting a new Request for Proposal; the compliance status of other cities; overflowing of trash bins; stolen trash bins; redirecting food to homeless shelters; the cost of implementation; and downtown commercial compactors.*

*PRESENTED*

**3.-C. [ID 22-94](#) WORKSHOP - Proposed ARPA Expenditure Plan**

*The above workshop was presented to Council by City Manager White and Deputy Mayor Grundy. Mayor Dyer and Finance Director Lima also addressed Council.*

*Discussion on this item included: City of Fresno Health Care; ARPA regulations; mid-year budget projects funded by ARPA; the impacts of Covid-19 on green space; H Street warehouse; and funding positions with carryover.*

*PRESENTED*

**3.-D. [ID 22-273](#) WORKSHOP - FY2022 Mid-Year Budget Review**

*The above workshop was presented to Council by Budget Manager Fierro and City Manager White.*

*Councilmembers discussed the following: the operational plan for the animal shelter; a pilot program for infill housing on properties with less than 5 acres; PBID funding maintenance; ADA for Amtrak; and ARPA revenue replacement.*

*PRESENTED*

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

*Upon call, there was no public comment for Closed Session items and City Council adjourned into Closed Session at 5:43 P.M.*

*During open session, City Attorney Sloan announced the Closed Session items listed on the agenda and stated the following closed session items were removed from the agenda: 5-A (ID 22-296) regarding Existing Litigation: J&A Mash & Barrel, LLC; 5-C (ID 22-297) regarding Property Negotiator: 809 E Olive Avenue; 5-D (ID 22-283) regarding Property Negotiator: 1343 E. Barstow; and 5-E (ID 22-303) regarding Property Negotiator: APN 468-400-54T. He stated there would be no announcements following Closed Session.*

**5.-A. [ID 22-296](#)**

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION  
Government Code 54956.9(d)(1);  
Existing Litigation: J & A Mash & Barrel, LLC. v. Superior Court of Fresno County.

*The above item was removed from the agenda.*

**5.-B. [ID 22-298](#)**

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION  
Government Code 54956.9(d)(1); Existing Litigation: South Fresno Community Alliance v. City of Fresno

*DISCUSSED*



5.-C. [ID 22-297](#)

CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Government Code Section 54956.8; Property: 809 E Olive Ave; Negotiating Parties: City Manager, Lawrence Abbate; Under Negotiation: Terms and Conditions of Property Acquisition.

*The above item was removed from the agenda.*

5.-D. [ID 22-283](#)

CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Government Code Section 54956.8  
Property: 1343 E. Barstow;  
Negotiating Parties: City Manager, Wesley United Methodist Church;  
Under Negotiation: Price and terms of sale or lease.

*The above item was removed from the agenda.*

5.-E. [ID 22-303](#)

CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Government Code Section 54956.8  
Property: APN 468-400-54T  
Negotiating Parties: City Manager, Prosperous Terra, LLC (Ruelas, Inc.)  
Under Negotiations: Price and terms of sale

*The above item was removed from the agenda.*

5.-F. [ID 22-285](#)

CONFERENCE WITH LABOR NEGOTIATORS - Government Code Section 54957.6  
City Negotiators: TJ Miller  
Employee Organizations: 1. 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)

*DISCUSSED*

**ADJOURNMENT**

*Adjourned from Closed Session at 7:02 P.M.*

## **Exhibit G**



# City of Fresno

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

## Meeting Minutes - Final 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**

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Thursday, January 19, 2023

9:00 AM

Council Chambers (In  
Person and/or Electronic)

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### Regular Meeting

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

9:05 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 Edward D. Thomas II from Living Word International Church

*Edward D. Thomas II gave the invocation.*

Pledge of Allegiance to the Flag

*Councilmember Bredefeld led the Pledge of Allegiance.*

### **APPROVE AGENDA**

*City Clerk Stermer announced the following changes to the agenda:*

*Consent Calendar Item 1-D (ID 23-93) regarding resolution authorizing*

*acceptance of the 2021 Staffing for Adequate Fire and Emergency Response (SAFER) grant – removed from the agenda and tabled to February 9, 2023, by staff.*

*Consent Calendar Item 1-U (ID 23-120) regarding resolution amending Rule 2 of the Council Rules of procedure relating to the election of Council President and Vice President - removed from the agenda and tabled to February 9, 2023, by Councilmember Karbassi.*

*10:00 A.M. # 2 Scheduled Council Hearing Item (ID 23-66) regarding actions pertaining to Final Map of Tract No. 5388 – removed from the agenda and tabled to February 9, 2023, under Consent Calendar by staff.*

*10:10 A.M. #C Scheduled Council Hearing (ID 23-109) regarding signing checks and banking documents - the following correction was read into the record: the agenda title should include the word 'resolution' as the item was approving a resolution.*

*10:10 A.M. #D Scheduled Council Hearing Item (ID 23-110) regarding authorizing of the investment of monies in the Local Agency Investment Fund - the following correction was read into the record: the agenda title should include the word 'resolution' as the item was approving a resolution.*

*Closed Session Item 5-H (ID 23-133) regarding conference with Real Property Negotiator regarding 592 N. Fowler – removed from the agenda by administration with no return date.*

*Councilmember Esparza and Councilmember Bredefeld announced a conflict and recused themselves from Closed Session item 5-I (ID 23-141) regarding Nelson Esparza v. Garry Bredefeld.*

*Councilmember Karbassi requested the meeting be adjourned in the memory of John Shehadey and James Hendricks.*

**THE FOLLOWING CONSENT CALENDAR ITEMS WERE MOVED TO THE  
CONTESTED CONSENT CALENDAR FOR FURTHER DISCUSSION**

1-E (ID 23-116) regarding first amendment to the Bank of America contract – moved to Contested Consent by Councilmember Arias.

1-G (ID 23-114) regarding lease agreement with Bericon Partners - moved to Contested Consent by Councilmember Arias.

1-O (ID 23-104) regarding receiving non-storable flood flows from Millerton Lake - moved to Contested Consent by Councilmember Arias.

1-P (ID 23-96) regarding 2022 Project Safe Neighborhoods grant program - moved to Contested Consent by Councilmember Arias.

1-Q (ID 23-94) regarding 2023 Law Enforcement Specialized Unit Program - moved to Contested Consent by Councilmember Arias.

1-V (ID 23-90) regarding resolution confirming emergency conditions impacting the ability to meet safely in person - moved to Contested Consent by Councilmember Arias.

**On motion of Councilmember Arias, seconded by Councilmember Chavez, the 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 23-101](#) Proclamation for “Frances ‘Skip’ Echeverria Day”

*PRESENTED*

[ID 23-19](#) Proclamation for “Dope Barbershop Day” in the City of Fresno

*PRESENTED*

[ID 23-131](#) Proclamation for “Human Trafficking Awareness Month”

*PRESENTED*

[ID 23-122](#) Proclamation for “Michael Lopez Day”

*PRESENTED*

**COUNCILMEMBER REPORTS AND COMMENTS**

*Councilmember Karbassi Reports and Comments. Discussed the importance of Martin Luther King Jr. (MLK) Day and the events held throughout the community. Recognized retiring Fire Chief Kerri Donis for her service to the City of Fresno. Requested the meeting be adjourned in the memory of philanthropist John Shehadey and former RDA Director James Hendricks. Discussed the need for regular road maintenance in light of the potholes appearing in neighborhoods following recent storms.*

*Councilmember Arias Reports and Comments. Acknowledged that warming centers were open 24 hours a day and were a safe place for everyone in the community to shelter from the storms thanks to the work of the PARCS Department and Red Cross. Discussed the fast response times of city crews to clear trees that had fallen in the storms. Stated that maintenance of existing roads should be prioritized over the creation of new roads. Expressed concerns about long processing times to complete certain permits in the City of Fresno. Noted the 7/11 convenience store across from City Hall was violating its Conditional Use Permit by allowing loitering which was creating a nuisance.*

*Councilmember Chavez Reports and Comments. Recognized the PARCS Department for an amazing job operating the warming center at the Mosqueda Community Center. Acknowledged the Public Works Department for taking steps ahead of the recent storms to prevent flooding.*

*Councilmember Bredefeld Reports and Comments. Recognized the Public Works Department and administration for quickly dealing with flooding issues during recent storms. Acknowledged the excellent work by city crews to address the potholes that have appeared due to the rain.*

*Councilmember Esparza Reports and Comments. Attended a Police Department promotions and swearing in ceremony and lauded the increasing numbers of Police Officers. Discussed the annual MLK Day March and the hard work by the Unity Committee to make the events happen. Acknowledged the School Area Team for engaging people to gain compliance and beautify neighborhoods. Noted the quick response of city*

*crews to address potholes at the intersection of Fresno Street and Clinton Avenue. Discussed the need to install proper infrastructure on the fringes of the City. Wished Mayor Dyer success at the U.S. Conference of Mayors in Washington D.C.*

*Vice President Perea Reports and Comments. Announced a joint cleanup with Beautify Fresno at Shield and West avenues. Discussed partnering with Code Enforcement to help eliminate code violations in District 1. Acknowledged the Public Works Department for keeping streets safe during the rains and the PARCS Department for operation of the 24 hour warming centers.*

*Council President Maxwell Reports and Comments. Thanked city staff, the administration and public partners for keeping people safe and addressing issues caused by recent storms. Recognized Brian Domingos as the President of the Fresno Realtors Association and Haley Wagner-Drilling as Chair of the Fresno Chamber of Commerce. Acknowledged Gail Gaston and everyone that had a hand in organizing the MLK Day events in Fresno. Thanked Pastor Edward D. Thomas for organizing the Countdown to King event at the Tower Theatre. Discussed the Fresno County Athletic Hall of Fame at the Save Mart Center in District 4.*

## **MAYOR/MANAGER REPORTS AND COMMENTS**

*City Manager White Comments. Discussed the preparation for, and remarkable performance by, all City Departments and staff to lessen the impact of the storms that hit the City of Fresno. Discussed the security gate in the City Hall parking lot which was expected to be completed in March. Reported Mayor Dyer was attending the U.S. Conference of Mayors in Washington D.C.*

## **UNSCHEDULED COMMUNICATION**

[ID 23-173](#) Public Comment Received for January 19, 2023, Regular Meeting

*Upon call, the following members of the public addressed Council:  
Fernando Paul Elizando, Steve Diddy (1-K), Barbera Smith, Amazing Jones, Daniel Dominguez, Shawn Lee Broyles Sr., Gloria, Natasha, Krystal Pothier, Patricia Minder, Dez Martinez, Nefesha Yisrael, Brandi Nuse-Villegas, Robert McCloskey, Lisa Flores, Karla Martinez, Lethal Garcia, and Rex*



*Hime (1-K).*

## **1. CONSENT CALENDAR**

### APPROVAL OF THE CONSENT CALENDAR

**On motion of Councilmember Bredefeld, seconded by Councilmember Chavez, the CONSENT CALENDAR was hereby adopted by the following vote:**

**Aye:** 6 - Esparza, Maxwell, Perea, Arias, Chavez and Bredefeld

**Absent:** 1 - Karbassi

- 1.-A. [ID 23-89](#) Approval of Minutes for January 5, 2023, Regular Meeting.

### **APPROVED ON CONSENT CALENDAR**

- 1.-B. [ID 23-35](#) Actions pertaining to Airports Department - Job Order Contracting (Bid File 12300168) (Council District 4)
1. Adopt a finding of Categorical Exemption pursuant to Section 15301 of the California Environmental Quality Act (CEQA) Guidelines
  2. Award Job Order Contracting contracts for General Building construction to EXBON Development, Inc., Durham Construction Company, Inc., Ardent General and Puma Construction Co., Inc.; for HVAC construction to Strategic Mechanical, and Mesa Energy Systems, Inc.; and for Electrical construction to Collins Electrical Company, Inc., and Valley Unique

### **APPROVED ON CONSENT CALENDAR**

- 1.-C. [ID 23-69](#) Approve a consultant services agreement with CSDA Design Group to provide professional noise abatement related consultant services for the Fresno Yosemite International Airport Residential Sound Insulation Program in an amount not to exceed \$376,617.62 (Phase 18, Bid Group 26A) (Council District 4)

### **APPROVED ON CONSENT CALENDAR**

- 1.-D. [ID 23-93](#) \*\*\*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)

*The above item was tabled to February 9, 2023, by staff.*

**TABLED**

- 1.-F. [ID 23-80](#) Approve the award of three citywide Requirements Contracts to CORE, Facility Designs, and Tangram for five years with two one-year optional extensions for the purchase of furniture, installation, and related products and services, not to exceed \$750,000 per year plus annual CPI increases (Bid File 9666)

**APPROVED ON CONSENT CALENDAR**

- 1.-H. [ID 23-87](#) \*\*\*RESOLUTION - Authorizing a Grant Application Totaling up to \$250,000 to the California Office of Traffic Safety (CA OTS) to Fund Bicycle and Pedestrian Safety Programming and Authorizing the Execution of Related Documents by the Parks, After School, Recreation and Community Services (PARCS) Department Director or Designee. (Subject to Mayor's Veto) (Citywide)

*RESOLUTION 2023-009 ADOPTED*

**APPROVED ON CONSENT CALENDAR**

- 1.-I. [ID 23-105](#) \*\*\*RESOLUTION - Authorizing and directing submission of an application for funding under the State of California Regional Early Action Planning Grants of 2021 (REAP 2.0) Higher Impact Transformative (HIT) Allocation for \$10,000,000 for water/wastewater infrastructure improvements near the future High Speed Rail station (Subject to Mayor's veto)

*RESOLUTION 2023-010 ADOPTED*

**APPROVED ON CONSENT CALENDAR**

- 1.-J. [ID 23-65](#) Approve the Fifth Amendment to the Consultant Services Agreement with Blair, Church & Flynn, Consulting Engineers, Inc., of Clovis, California in the amount of \$24,962 to provide additional civil engineering design, bidding and construction support services for the Peach Avenue Widening Project between Butler and Jensen Avenues, for a total contract amount of \$351,924 (Council District 5)

**APPROVED ON CONSENT CALENDAR**

- 1.-K. [ID 23-72](#) Approve a substitution of listed Subcontractors Fresno Fab-Tech and Boneso Brothers for FAX Facility Improvement Project (Council District 3)

**APPROVED ON CONSENT CALENDAR**

- 1.-L. [ID 23-85](#) **RESOLUTION** - Of Intention to Annex Final Tract Map No. 6400 as Annexation No. 136 to the CITY OF FRESNO COMMUNITY FACILITIES DISTRICT NO. 11 and to Authorize the Levy of Special Taxes; and setting the public hearing for Thursday, February 23, 2023 at 10:00 a.m. (southwest corner of

East Clinton Avenue and North Armstrong Avenue) (Council District 7)

*RESOLUTION 2023-011 ADOPTED*

**APPROVED ON CONSENT CALENDAR**

**1.-M.** [ID 23-81](#)

Approve the First Amendment to the consultant services agreement with Kleinfelder, Inc., to increase the contract amount by \$46,785 for a total fee not to exceed \$95,200 with \$10,000 remaining in contingency, to provide hydrogeological support services during the drilling and construction of the new public water supply well at Pump Station 372 (Council District 3).

**APPROVED ON CONSENT CALENDAR**

**1.-N.** [ID 23-63](#)

Actions related to acceptance of a WaterSMART Water Energy and Efficiency Grant award from the United States Department of the Interior, Bureau of Reclamation:

1. Adopt a finding of Categorical Exemption pursuant to Section 15301(a)/Class 1 of the California Environmental Quality Act (CEQA) Guidelines
2. \*\*\*Approve an Assistance Agreement with the United States Department of the Interior, Bureau of Reclamation and accept receipt of a \$379,390 WaterSMART grant for the Smart Irrigation Timers Direct Install Project (Subject to Mayor’s veto)
3. \*\*\*Resolution - Adopt the 18th Amendment to the Annual Appropriation Resolution (AAR) No 2022-154 establishing appropriations in the amount of \$843,700 for the WaterSMART grant for the Smart Irrigation Timers Direct Install Project (Requires 5 affirmative votes) (Subject to Mayor’s Veto)

*RESOLUTION 2023-012 ADOPTED*

**APPROVED ON CONSENT CALENDAR**

**1.-R.** [ID 23-84](#)

Submission for Informational Purposes of the Annual Comprehensive Financial Reports (“ACFR”) regarding the Financial Activities of the City of Fresno Retirement Systems for the Fiscal Year Ending June 30, 2022

**APPROVED ON CONSENT CALENDAR**

**1.-S.** [ID 23-137](#)

\*\*\*RESOLUTION - Updating the Policy Entitled “School Liaison Act” (Subject to Mayor’s Veto)

*RESOLUTION 2023-017 ADOPTED*

**APPROVED ON CONSENT CALENDAR**

- 1.-T. [ID 23-59](#) Council Boards and Commissions Communications, Reports, Assignments and/or Appointments, Reappointments, Removals to/from City and non-City Boards and Commissions

**APPROVED ON CONSENT CALENDAR**

- 1.-U. [ID 23-120](#) RESOLUTION - Amending Rule 2 of the Council Rules of Procedure Relating to the Election of Council President and Vice President

*The above item was tabled to February 9, 2023, by Councilmember Karbassi.*

**TABLED**

**Joint Meeting of The City Council, The City in Its Capacity as Housing Successor to the Redevelopment Agency of the City of Fresno and The Fresno Revitalization Corporation**

- 1.-W. [ID 23-64](#) \*\*\* RESOLUTION - Declaring a .29-acre vacant parcel located at the southeast corner of E. Ventura Street and S. Seventh Street (APN: 470-052-01T), a 2.85-acre vacant parcel located on E. Ventura Street between S. Eighth Street and S. Seventh Street (APN: 470-052-02T), and a .26-acre vacant parcel located at the southeast corner of S. Eighth Street and E. El Monte Way (APN: 470-052-03T), to be exempt surplus land and directing staff to comply with the open and competitive request for proposals process for the disposition of these parcels for a mixed-use mixed-income housing development as required by FMC Section 4-204 (District 5) (Subject to Mayor's Veto)

*RESOLUTION 2023-019 ADOPTED*

*SUCCESSOR AGENCY RESOLUTION NO. 51 ADOPTED*

**APPROVED ON CONSENT CALENDAR**

- 1.-X. [ID 23-88](#) Successor Agency to the Redevelopment Agency of the City of Fresno and Fresno Revitalization Corporation (FRC) consider adopting:  
1. RESOLUTION - Approving the Recognized Obligation Payment Schedule 23-24

*SUCCESSOR AGENCY RESOLUTION NO. 52 ADOPTED*

**APPROVED ON CONSENT CALENDAR**

**CONTESTED CONSENT CALENDAR**

- 1.-E. [ID 23-116](#) Approve the first amendment to the Bank of America contract for banking services to allow for amendments to the Services that are not included in the scope of services but are necessary for City business operations

*Councilmember Arias moved this item to the Contested Consent Calendar to discuss plans to pursue bids related to the pending expiration of the Bank of America agreement and blight at vacant Bank of America buildings.*

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

- 1.-G.** [ID 23-114](#) Approve a lease agreement between the City of Fresno and Bericon Partners, LLC, a California limited liability company, to lease office space in amount of \$69,561.60 annually in rent payments for three years, totaling \$208,684.80 in rent plus the cost of utilities

*Councilmember Arias moved this item to the Contested Consent Calendar to ask if a purchase of office space had been considered as a lease dating back to 1977 demonstrates an ongoing need.*

*Discussion included the need to perform a comprehensive analysis of City leases and the City Attorney's Office need for more space.*

*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.-O.** [ID 23-104](#) Actions pertaining to receiving non-storable flood flows from Millerton Lake:
1. Adopt a finding of statutory exemption pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15282(u).
  2. \*\*\*RESOLUTION - Authorizing the Execution of a contract for Temporary Water Service between the United States and the City of Fresno to purchase and accept non-storable flood flows from Millerton Lake during the current water year.(Subject to Mayor's Veto)

*Councilmember Arias moved this item to the Contested Consent Calendar*

*to: hear a full explanation of what approval of this item would do; to clarify the cost of purchasing the excess water, and; determine what authority would be provided to the Director of Public Utilities.*

**RESOLUTION 2023-013 ADOPTED**

**On motion of Councilmember Arias, seconded by Vice President Perea, 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.-P. [ID 23-96](#)**

Actions pertaining to the 2022 Project Safe Neighborhoods grant program

1. Authorize the Chief of Police to accept \$430,318 in grant funding from the Office of Justice Program (OJP) through the Bureau of Justice Assistance (BJA) and execute the grant agreement for the 2022 Project Safe Neighborhoods grant.
2. \*\*\*RESOLUTION - Adopt the 21st amendment to the Annual Appropriation Resolution No. 2022-154 appropriating \$427,300 to the Police Department's FY 2023 budget for the Project Safe Neighborhoods grant program (Requires 5 affirmative votes)(Subject to Mayor's veto).
3. RESOLUTION - Authorizing the Chief of Police or his Designee to execute a contract with Penlink, Ltd. for the purchase of hardware, software and maintenance services, in the amount of \$320,000 without advertised competitive bidding.

*Councilmember Arias moved this item to the Contested Consent Calendar to obtain clarification on the difference between the tactical ballistic rated vests and other vests utilized in the Police Department.*

**RESOLUTION 2023-014 ADOPTED**

**RESOLUTION 2023-015 ADOPTED**

**On motion of Councilmember Arias, 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.-Q. [ID 23-94](#)** Actions pertaining to the 2023 Law Enforcement Specialized Unit

Program:

1. Authorize acceptance of \$203,143 in grant funding from the California Governor's Office of Emergency Services' Law Enforcement Specialized Unit Program to the Fresno Police Department
2. \*\*\*RESOLUTION - Adopt the 23rd Amendment to the Annual Appropriation Resolution (AAR) No. 2022-154 appropriating \$203,100 for the Police Department's Law Enforcement Specialized Unit Program Grant in the department's Domestic Violence Unit (requires five affirmative votes) (Subject to Mayor's veto)
3. Approve a Memorandum of Understanding with the Marjaree Mason Center

*Councilmember Arias moved this item to the Contested Consent Calendar to discuss the deliverables and number of people expected to be served under the partnership.*

**RESOLUTION 2023-016 ADOPTED**

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

**Aye:** 6 - Esparza, Maxwell, Perea, Arias, Chavez and Bredefeld

**Absent:** 1 - Karbassi

- 1.-V. [ID 23-90](#)** \*\*\*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).

*Councilmember Arias moved this item to the Contested Consent Calendar to have a discussion with Council about whether it was time to discontinue the emergency resolution.*

*Council discussion on this item included: the benefits of ill Councilmembers being able to participate in meetings without the risk of exposing the public; being able to continue offering remote participation for the public regardless of the emergency resolution; the risks associated with Covid-19 as opposed to other illnesses; staying home when sick and moving back towards normalcy; whether Covid-19 precautions were effective; the pending expiration of Governor Newsom's Covid-19 related emergency declaration; remaining consistent in messaging by ending the emergency as most all Covid-19 precautions have been removed; remote meeting options*

*available under Assembly Bill 2449, and; the consequences of not approving the current emergency resolution.*

*The City Attorney's Office would send a memo to Council and the administration outlining meeting options following expiration of Governor Newsom's emergency declaration.*

**RESOLUTION 2023-018 ADOPTED**

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

**Aye:** 5 - Esparza, Maxwell, Perea, Karbassi and Chavez

**No:** 2 - Arias and Bredefeld

## **2. SCHEDULED COUNCIL HEARINGS AND MATTERS**

### **10:00 A.M. #1**

[ID 23-92](#)

HEARING to adopt resolutions and ordinance to annex territory and levy a special tax regarding City of Fresno Community Facilities District No. 11, Annexation No. 135 (Final Tract Map No. 5388) (located along West San Jose Avenue north of North Salinas Avenue) (Council District 2)

1. \*\*\*RESOLUTION - to Annex Territory to Community Facilities District No. 11 and Authorizing the Levy of a Special Tax for Annexation No. 135 (Subject to Mayor's Veto)
2. \*\*\*RESOLUTION - Calling Special Mailed-Ballot Election (Subject to Mayor's Veto)
3. \*\*\*RESOLUTION - Declaring Election Results (Subject to Mayor's Veto)
4. \*\*\*BILL - (For introduction and adoption) - Levying a Special Tax for the Property Tax Year 2022-2023 and Future Tax Years Within and Relating to Community Facilities District No. 11, Annexation No. 135 (Subject to Mayor's Veto)

*The above hearing was called to order at 2:03 P.M. Upon call, there was no public comment for this item. The public comment period was closed at 2:04 P.M. There was no Council discussion.*



RESOLUTION 2023-020 ADOPTED

RESOLUTION 2023-021 ADOPTED

RESOLUTION 2023-022 ADOPTED

BILL B-1 INTRODUCED/ ADOPTED AS ORDINANCE 2023-001

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

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

## **10:00 A.M. #2**

[ID 23-66](#)

Actions pertaining to Final Map of Tract No. 5388

**RESOLUTION** - Approving the Final Map of Tract No. 5388, and accepting dedicated public uses offered therein except for dedications offered subject to City acceptance of developer installed required improvements - located at the intersection of North Salinas Avenue and West San Jose Avenue (Council District 2)

*The above item was tabled to February 9, 2023, by staff with direction to be placed on the Consent Calendar.*

*TABLED*

## **10:05 A.M.**

[ID 23-16](#)

HEARING to consider Plan Amendment and Rezone Application No. P19-05950 and related Environmental Assessment No. P19-05950, for approximately 1.73 acres of property located on the south side of West Nees Avenue, between North Blackstone and North Ingram Avenues (Council District 2)

1. ADOPT the Negative Declaration as prepared for Environmental Assessment No. P19-05950 dated July 29, 2022, for the proposed project pursuant to the California Environmental Quality Act (CEQA).
2. RESOLUTION - Approving Plan Amendment Application No. P19-05950 proposing to amend the Fresno General Plan to change the planned land use designation for the subject property from High Density Residential (±1.73 acres) to Regional Mixed Use (±1.73 acres).
3. BILL (for introduction and adoption) - Approving Rezone Application No. P19-05950 proposing to amend the Official Zoning Map of the City of Fresno to rezone the subject property from the RM-3/UGM/CZ

(Multi-Family Residential, High Density/Urban Growth Management/conditions of zoning) zone district to the RMX (Regional Mixed Use) zone district in accordance with Plan Amendment Application No. P19-05950.

*The above hearing was called to order at 2:05 P.M. Upon call, there was no public comment. The public comment period was closed at 2:05 P.M. Planning and Development Director Clark, Supervising Planner Lang and the applicant's representative, Dirk Poeschel, responded to questions.*

*Council discussion on this item included: rezoning when no project has been identified; the ability to place a condition upon the entitlement requiring lost housing density to be relocated within the same area; the applicability of Senate Bill 330 requirements to replace lost housing capacity at the same meeting; who maintains liability related to the housing offset; land uses allowed under Regional Mixed Use zoning; the applicants duty to make up lost housing density; opportunities for review, comment and appeal of Conditional Use Permits, and; lack of opposition to the rezone during the neighborhood meeting, and from the District 2 Implementation Committee and the Planning Commission.*

RESOLUTION 2023-023 ADOPTED

BILL B-2 INTRODUCED/ ADOPTED AS ORDINANCE 2023-002

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

**Aye:** 5 - Maxwell, Perea, Karbassi, Chavez and Bredefeld

**No:** 2 - Esparza and Arias

**10:10 A.M.**

**JOINT MEETING WITH THE FRESNO JOINT POWERS FINANCING AUTHORITY (JPFA). MEMBERS OF JPFA BOARD: MAYOR DYER, CHAIR BREDEFELD, COUNCILMEMBER KARBASSI**

**JPFA ACTION**

- A.** [ID 23-107](#) HEARING designating and authorizing certain Finance Officers of the City of Fresno ("City") to sign various investment and commercial banking documents, and to provide verbal instruction required for prudent financial

administration and safekeeping of Fresno Joint Powers Finance Authority (“JPFA”) funds and property

*The above item was discussed simultaneously with JPFA item B (ID 23-108). The hearing was called to order at 3:11 P.M. Upon call, there was no public comment. The public comment period closed at 3:11 P.M.*

*There was no staff presentation and no discussion on this item.*

**RESOLUTION JPFA 56 ADOPTED**

**On motion of Member Bredefeld, seconded by Member Karbassi, the above JPFA action item was adopted. The motion PASSED by the following vote:**

**Aye: 2 - Bredefeld, Karbassi**

**Absent: 1 - Dyer**

- B.**     [ID 23-108](#)     HEARING to consent to and authorize the investment monies in the Local Agency Investment Fund (“LAIF”) in the custody of the State Treasurer for purposes of prudent financial administration and safekeeping of Fresno Joint Powers Finance Authority (“JPFA”) funds, and authorize certain Finance Officers of the City of Fresno (“City”) in connection therewith

*The above item was discussed simultaneously with JPFA item A (ID 23-107). The hearing was called to order at 3:11 P.M. Upon call, there was no public comment. The public comment period closed at 3:11 P.M.*

*There was no staff presentation and no discussion on this item.*

**RESOLUTION JPFA 57 ADOPTED**

**On motion of Member Bredefeld, seconded by Member Karbassi, the above JPFA action item was adopted. The motion PASSED by the following vote:**

**Aye: 2 - Bredefeld, Karbassi**

**Absent: 1 - Dyer**

**CITY ACTION**

- C.**     [ID 23-109](#)     Appoint and authorize certain Finance Officers of the City of Fresno (“City”) to sign City checks and various investment and commercial banking

documents, and to provide verbal instruction required for the prudent financial administration and safekeeping of City funds

*The above item was heard simultaneously with City Action item D (23-110).  
Upon call, there was no public comment.*

*There was no staff presentation and no discussion on this item.*

#### **RESOLUTION 2023-024 ADOPTED**

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

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

- D.** [ID 23-110](#) Consent to and authorization of the investment of monies in the Local Agency Investment Fund ("LAIF") in the custody of the State Treasurer for purposes of investment and authorize certain Finance Officers in connection therewith

*The above item was heard simultaneously with City Action item C (23-109).  
Upon call, there was no public comment.*

*There was no staff presentation and no discussion on this item.*

#### **RESOLUTION 2023-025 ADOPTED**

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

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

### **3. GENERAL ADMINISTRATION**

- 3.-A.** [ID 23-121](#) Progress of Code Enforcement, including ASET Quarterly report.

*The above item was presented to Council by Chief Assistant City Attorney Camarena and Assistant City Attorney Roberson.*

*Council discussion included: the citation process; the cost of each citation;*

*the number of cameras used to locate illegal dumpers, and; the likelihood of needing additional funds for demolition.*

*PRESENTED*

#### **4. CITY COUNCIL**

**4.-A.** [ID 23-132](#) Workshop - Constituent Service Software- Fireside

*The above workshop was presented to Council by Scott Crosby with Fireside.*

*Council discussion on this item included: timelines for the project; the competitive process; the authority to determine a uniquely qualified software; obtaining feedback from Council and staff when it comes to constituent services; the ability for Councilmembers to obtain information through FresGO; the RFP process; the cost of licenses, and; system security and access to information.*

*PRESENTED*

#### **5. CLOSED SESSION**

*During open session, City Attorney Janz announced the items that would be discussed in closed session. Councilmember Bredefeld and Councilmember Esparza each announced a conflict and recusal from closed session item 5-I (ID 23-141).*

*Council withdrew from open session to hear closed session items at 3:37 P.M.*

**5.-A.** [ID 23-73](#)

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

*Joshua Spengeman v. City of Fresno*

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

*DISCUSSED*

5.-B. [ID 23-74](#)

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

Case Name: *Lori Brown (Richard Brown, Dec'd) v. City of Fresno, PSI, Admin by Tristar Risk Management*; WCAB No.: ADJ14667282

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

*DISCUSSED*

5.-C. [ID 23-75](#)

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

Case Name: *William Hunter v. City of Fresno, PSI, Admin. by Tristar Risk Management*; WCAB Case No. ADJ11218501; Claim No.: 1010102289.

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

*DISCUSSED*

5.-D. [ID 23-76](#)

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

Case Name: *Joseph Ploharz v. City of Fresno, PSI, Admin by Tristar Risk Management*; ADR Case No.: FP-ADR-01387

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

*DISCUSSED*

5.-E. [ID 23-77](#)

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

Case Name: *Cary Weigant v. City of Fresno, PSI, Admin by Tristar Risk Management*; IDR Case No.: FP-ADR-01250

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

**DISCUSSED**

- 5.-F.** [ID 23-97](#) CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION  
Government Code Section 54956.9, subdivision (d)(1)

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.-G.** [ID 23-118](#) CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION  
Government Code Section 54956.9, subdivision (d)(1)

Case Name: *Sonia Quintero-Perez v. City of Fresno, et al.* Fresno  
Superior Court Case No. 18CECG00843

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

**DISCUSSED**

- 5.-H.** [ID 23-133](#) 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

*The above item was tabled by staff with no return date.*

**TABLED**

- 5.-I.** [ID 23-141](#) CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION  
Government Code Section 54956.9, subdivision (d)(1)

Case Name: *Nelson Esparza v. Garry Bredefeld*; Fresno Superior Court  
Case No. 22CECG01469

*The above item was discussed in closed session. Councilmember Esparza and Councilmember Bredefeld were recused from this item and were not present for the discussion. There were no open session announcements regarding this item.*

*DISCUSSED*

**ADJOURNMENT**

*Adjourned from closed session at 4:43. P.M. in the memory of John Shehadey and James Hendricks.*

**The above minutes were approved by unanimous vote of the City Council during the February 23, 2023, regular meeting.**



## **Exhibit H**

**Council Boards and Commissions Communications, Reports, Assignments and/or Appointments, Reappointments, Removals to/from City and non-City Boards and Commissions:**

1. Association for the Beautification of Highway 99 – **Soria, Arias, Karbassi**
2. Budget Sub-Committee – **Soria, Chavez, Caprioglio**
3. Cannabis Ad Hoc Committee – **Soria, Caprioglio, Arias**
4. Council of Governments – **Mayor Brand-Ex-Officio (Caprioglio)**
5. CDBG Sub-committee – **(Pertaining to Housing and addressing the allocation of Funds) – Caprioglio, Soria, Arias**
6. Code Enforcement Sub-Committee – **Bredefeld, Caprioglio, Soria**
7. Economic Development Corporation Serving Fresno County – **Caprioglio-Ex-Officio, City Manager Wilma Quan and (Chavez – Alternate)**
8. Enterprise and Construction Management Oversight Board – **Chavez, Bredefeld-Alternate**
9. Finance and Audit Committee – **Esparza- Chair, Bredefeld- Vice Chair, Arias**
10. Fresno Area Workforce Investment Corporation – **Vacant**
11. Fresno County Transportation Authority (FCTA) – **Mayor Brand-Ex-Officio, Caprioglio**
12. Fresno Regional Workforce Development Board – **Vacant**
13. Fresno County Zoo Authority – **Mayor Brand-Ex-Officio, (Arias-Alternate)**
14. Fresno Madera Area Agency on Aging Board - **Chavez**
15. Homeless (HEAP Funding Plan) Sub-Committee – **Soria, Bredefeld, Arias**

16. Joint Powers Financing Authority – **Mayor Brand, Soria, Caprioglio**
17. League of California Cities (Annual Meeting) – **Soria, (Caprioglio - Alternates)**
18. Litigation Exposure Reduction Ad Hoc Committee – **Arias, Soria, Caprioglio-Chair**
19. Lobbyist Committee- Soria, Arias and Esparza
20. North Kings Groundwater Sustainability Agency (GSA) Joint Powers Authority – **Mayor Brand  
(Michael Carbajal, Tim Orman – Alternates)**
21. Parks & Public Safety Subcommittee – **Arias, Soria, Esparza**
22. San Joaquin River Conservancy Board - **Mayor Brand-Ex-Officio, (Karbassi-Alternate)**
23. **San Joaquin Valley Special City Selection Committee – Primary Representative-Arias,  
Alternate Representative-Vacant**
24. School Liaison Sub-Committee – **Esparza–Chair, Karbassi, Arias**
25. Sub- Committee on Transportation – **Arias, Caprioglio, Soria**
26. Upper Kings Basin Integrated Regional Water Management JPA – **Vacant (Brock Burche and  
Chavez – Alternates)**
27. Census/Redistricting Ad Hoc Committee – **Arias, Soria, Esparza**
28. Street2Home Fresno County Board – **Arias**
29. Special Events Ad Hoc Committee – **Arias, Soria, Caprioglio**

**Updated: January 24, 2020**



## **Exhibit I**

## **Council Boards and Commissions Communications, Reports, Assignments and/or Appointments, Reappointments, Removals to/from City and non-City Boards and Commissions:**

~~1. Association for Beautification of 99 – Soria, Karbassi, Arias (Cancel?)~~

2. Budget Sub-Committee (Leadership) – Soria, Chavez, Esparza

3. Cannabis Ad Hoc Committee – Soria, Arias, Karbassi

4. CDBG Sub-committee – (Pertaining to Housing and addressing the allocation of Funds) – Maxwell, Soria, Arias

5. Census/Redistricting Ad Hoc Committee – Esparza, Arias, Maxwell

~~6. Code Subcommittee (Cancel)~~

7. Council of Governments – Mayor Dyer-Ex-Officio, Soria

8. Economic Development Corporation Serving Fresno County – (?) -Ex-Officio, City Manager Esqueda and (Chavez – Alternate)

~~9. Enterprise & Construction Management (Cancel)~~

10. Finance and Audit Committee – Esparza- Chair, Soria-Vice Chair, Arias

11. Fresno Area Workforce Investment Corporation – Vacant (Karbassi)

12. Fresno County Transportation Authority (FCTA) – Mayor Dyer-Ex-Officio, Soria

13. Fresno County Zoo Authority – Mayor Dyer-Ex-Officio, (Arias-Alternate)

14. Fresno EIFD Public Financing Authority – Esparza-Chair, Soria, Arias

15. Fresno Madera Area Agency on Aging Board – Chavez

16. Fresno Regional Workforce Development Board – Vacant (Karbassi)

17. Homeless (HEAP Funding Plan) Sub-Committee – Soria, Bredefeld, Arias

18. COVID Program Subcommittee- Soria, Esparza, Chavez

19. Joint Powers Financing Authority – Mayor Dyer, Chair Arias, Esparza

20. League of California Cities (Annual Meeting) – Maxwell (Arias- Alternates)

~~21. Litigation Exposure (Cancel)~~

22. Lobbyist Committee- Soria, Chavez and Esparza

23. North Kings Groundwater Sustainability Agency (GSA) Joint Powers Authority – Mayor Dyer  
(Michael Carbajal, Tim Orman – Alternates)

~~24. Parks & Public Safety (Cancel)~~

25. San Joaquin River Conservancy Board - Mayor Dyer-Ex-Officio, (Karbassi-Alternate)

26. San Joaquin Valley Special City Selection Committee – Primary Representative-Arias,  
Alternate Representative-Vacant

27. School Liaison Sub-Committee – Esparza–Chair, Karbassi, Arias

~~28. Special Events (Cancel)~~

29. Street2Home Fresno County Board – Arias

30. Sub- Committee on Transportation – Arias, Maxwell, Soria

31. Upper Kings Basin Integrated Regional Water Management JPA – Vacant (Brock Burche and  
Chavez – Alternates)

32. Measure P Sub-committee - Maxwell, Soria, Arias

33. PLA Sub-committee - Esparza, Arias, Soria

## **Exhibit J**



## Appointments

1. Animal Center Sub-Committee - Maxwell, Bredefeld, Karbassi
2. Budget Sub-Committee (Leadership) - Esparza, Maxwell, Arias
3. Cannabis Ad Hoc Committee – Esparza, Karbassi, Arias
4. CDBG Sub-committee- Soria, Arias, Maxwell
5. Census/Redistricting Ad Hoc Committee - Dissolving
6. Council of Governments- Dyer, Soria as alternate
7. COVID Program Subcommittee - Arias, Chavez, Soria
8. Economic Development Corporation Serving Fresno County - Esparza. Alternate Karbassi
9. Enterprise & Construction Management- Chavez - non-voting member Bredefeld (alternate)
10. Finance & Audit Committee- Esparza (Chair)
11. Fresno Area Workforce Investment Corporation- Karbassi
12. Fresno County Transportation Authority (FCTA)- Dyer, Soria
13. Fresno County Zoo Authority – Dyer, Arias as alternate
14. Fresno EIFD Public Financing Authority- Esparza (Chair), Arias (Vice Chair), Soria
15. Fresno Madera Area Agency on Aging Board - Chavez
16. Fresno Regional Workforce Development Board - Karbassi
17. Revise: Housing Subcommittee- Esparza, Chavez, Arias
18. Joint Powers Financing Authority - Bredefeld (Chair) and Karbassi
19. League of California Cities (Annual Meeting) - Arias, Maxwell Alternate, Esparza as the 2<sup>nd</sup> alternate
20. Lobbyist Committee - Karbassi, Arias, Chavez
21. Measure P Sub-Committee -Revise: Parks Subcommittee- Maxwell, Soria, Arias

## **Appointments**

22. North Kings Groundwater Sustainability Agency (GSA) Joint Powers Authority - Dyer, Georgeanne as Alternate
23. PLA Subcommittee- Esparza, Maxwell, Arias
24. San Joaquin River Conservancy Board: Dyer, Karbassi as alternate
25. San Joaquin Valley Special City Selection Committee- Arias, Vacant - alternate
26. School Liaison Sub-Committee- Esparza (Chair), Karbassi, Bredefeld
27. Street2Home Fresno County Board - Arias
28. The Local Mobile Food Vendor Association Committee: Arias, Chavez, Soria
29. Transportation Sub-Committee – Arias, Maxwell, Soria
30. Upper Kings Basin Integrated Regional Water Management JPA- Chavez, Brock as alternate
31. NEW: Economic Development Sub-Committee- Esparza, Karbassi, Maxwell

## **Exhibit K**

**Regular Council Meeting**  
**January 19, 2023**

**FRESNO CITY COUNCIL**



**Supplement Packet**

**ITEM(S)**

**1-T (23-59)**

Council Boards and Commissions Communications, Reports, Assignments and/or Appointments, Reappointments, Removals to/from City and non-City Boards and Commissions

**Contents of Supplement:**

Redline version Boards and Commissions Council list

**Item(s)**

**Supplemental Information:**

Any agenda related public documents received and distributed to a majority of the City Council after the Agenda Packet is printed are included in Supplemental Packets. Supplemental Packets are produced as needed. The Supplemental Packet is available for public inspection in the City Clerk's Office, 2600 Fresno Street, during normal business hours (main location pursuant to the Brown Act, G.C. 54957.5(2)). In addition, Supplemental Packets are available for public review at the City Council meeting in the City Council Chambers, 2600 Fresno Street. Supplemental Packets are also available on-line on the City Clerk's website.

**Americans with Disabilities Act (ADA):**

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, sign language interpreters, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650. Please keep the doorways, aisles and wheelchair seating areas open and accessible. If you need assistance with seating because of a disability, please see Security.

## **Council Boards and Commissions Communications, Reports, Assignments and/or Appointments, Reappointments, Removals to/from City and non-City Boards and Commissions:**

1. Animal Center Sub-Committee – Maxwell, Bredefeld, Karbassi – **Maxwell, Bredefeld, Karbassi**
2. Budget Sub-Committee (Leadership) – ~~Esparza, Maxwell, Arias~~ – **Recommend this be a standing committee, with members Maxwell, Perea, Karbassi**
3. Cannabis Ad Hoc Committee – Soria, Karbassi, Arias – **Esparza, Karbassi, Arias**
4. CDBG Sub-committee – ~~Soria, Arias, Maxwell~~ – **Maxwell, Perea, Arias**
5. ~~COVID Program Subcommittee – Arias (Chair), Karbassi, Soria~~ – **Recommend Terminating (per February 4, 2021 minutes)**
6. Economic Development Corporation Serving Fresno County – ~~Karbassi, Esparza, City Manager White~~ – **Esparza, Karbassi (Alternate), City Manager White**
7. Economic Development Sub-Committee – ~~Esparza, Karbassi, Maxwell~~ – **Perea, Karbassi, Esparza**
8. ~~Enterprise & Construction Management – Chavez, Bredefeld (Alternate)~~ – **Recommend terminating**
9. Finance and Audit Committee – Esparza- Chair, Maxwell-Vice Chair, Arias
10. Fresno Area Workforce Investment Corporation – Karbassi
11. Fresno County Transportation Authority (FCTA) – Mayor Dyer-Ex-Officio, ~~Soria~~ – **Arias**

12. Fresno EIFD Public Financing Authority – ~~Esparza (Chair), Arias (Vice Chair), Soria~~  
Esparza (Chair), Maxwell (Vice Chair), Arias
13. ~~Housing Retention Grant Program Subcommittee – Soria, Arias, Chavez~~ – Recommend terminating (according to Resolution 2020-118)
14. ~~Homeless (HEAP Funding Plan) Sub-Committee – Soria, Bredefeld, Arias~~  
Recommend retitle to Housing and Homelessness Sub-Committee with members Perea, Bredefeld, Arias
15. League of California Cities (Annual Meeting) – ~~Arias (Maxwell Alternates)(Esparza 2<sup>nd</sup> Alternate~~  
Alternate – Maxwell (Perea – Alternate, Arias – 2<sup>nd</sup> Alternate)
16. Lobbyist ~~Sub-committee- Karbassi, Arias, Chavez~~ – Perea, Esparza, Karbassi
17. ~~Measure P Sub-Committee – Maxwell, Arias, Soria~~ – Recommend Measure P and PRAC Sub-Committee with Maxwell, Perea, Arias
18. ~~PLA Sub-committee – Esparza, Maxwell, Arias~~ – Recommend to terminate
19. RDA Transition Sub-Committee – Perea, Arias
20. San Joaquin Valley Special City Selection Committee – Primary Representative-Arias,  
Alternate Representative-Vacant
21. School Liaison Sub-Committee – Esparza (Chair), ~~Karbassi, Bredefeld~~ – Esparza (Chair)  
Chair is recommended to appoint to more members
22. ~~Street2Home Fresno County Board – Arias~~ – Recommend terminating

~~23. The Local Mobile Food Vendor Association Committee – Chavez, Arias, Soria~~

Recommend termination (per Resolution 2021-091)

24. Transportation Sub-Committee – ~~Arias, Maxwell, Soria~~ – Maxwell, Perea, Arias

25. Upper Kings Basin Integrated Regional Water Management JPA – Chavez (Brock  
Burché– Alternates)

**New Committees:**

1. Fresno Metropolitan Flood Control District (FMFCD) Park Conversion Sub-Committee

(Ad Hoc) – Maxwell, Karbassi, Bredefeld

2. Public Safety Sub-Committee – Arias, Karbassi, Bredefeld

3. Energy Efficiency and Affordability Sub-Committee – Maxwell, Bredefeld, Chavez

## **Exhibit L**



# **City of Fresno**

*2600 Fresno Street  
Fresno, CA 93721  
[www.fresno.gov](http://www.fresno.gov)*



## **Meeting Minutes - Final**

**Thursday, June 28, 2018**

**9:00 AM**

**Regular Meeting**

**Council Chambers**

### **City Council**

***President - Esmeralda Z. Soria***

***Vice President - Steve Brandau***

***Councilmembers:***

***Oliver L. Baines, III, Paul Caprioglio, Luis Chavez, Garry Bredefeld,***

***Clinton J. Olivier***

***City Manager - Wilma Quan-Schecter***

***City Attorney - Douglas T. Sloan***

***City Clerk - Yvonne Spence, MMC***

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

9:18 A.M. ROLL CALL

**Present:** 7 - President Esmeralda Z. Soria  
Vice President Steve Brandau  
Councilmember Oliver L. Baines III  
Councilmember Paul Caprioglio  
Councilmember Luis Chavez  
Councilmember Garry Bredefeld  
Councilmember Clinton Olivier

Invocation by Rev. Adrian Lee from the Family Community Church

Pledge of Allegiance to the Flag

## **APPROVE AGENDA**

*City Clerk Spence announced the following changes to the agenda: There was a change in the invocator - Reverend Adrian Lee from Family Community Church, Proclamation was added "Tyler Ward Day", File ID 18-0746 (3-B) - Award a construction contract in the amount of \$4,693,392.60 to American Paving Company, of Fresno California for the Veterans Boulevard Project - Bullard Extension Package from Bullard Avenue to the Riverside Drive and Veterans Boulevard Intersection - Bid File No. 3582 was removed from the agenda, File ID 18-0828 (3-E) - Has been pulled by staff and will be heard at 1:55 P.M. according to the special meeting notice filed by staff and File ID 18-0837 (2:00 P.M.) - Hearing to consider a proposed parks and public safety transactions and use tax item was removed from the agenda by staff.*

**On motion of Councilmember Caprioglio, seconded by President Soria, the above item was adopted as amended. The motion carried by the following vote:**

**Aye:** 7 - Soria, Brandau, Baines III, Caprioglio, Chavez, Bredefeld and Olivier

## **1. CONSENT CALENDAR**

**On motion of Councilmember Caprioglio, seconded by Councilmember Chavez, the below CONSENT CALENDAR items were**

adopted. The motion carried by the following vote:

**Aye:** 7 - Soria, Brandau, Baines III, Caprioglio, Chavez, Bredefeld and Olivier

- 1-A** [ID18-0694](#) Actions pertaining to Initiating Proceedings and Declare Intention to Levy the Annual Assessment for the City of Fresno Landscaping and Lighting Maintenance District No. 1; and setting the public hearing for July 26, 2018 at 10:10 a.m. (City-wide)
1. RESOLUTION - Initiating proceedings for the annual levy of assessment
  2. RESOLUTION - Of Intention to levy and collect the annual assessment

**Attachments:** [18-0694 Resolution to Proceed.pdf](#)  
[18-0694 Resolution of Intention.pdf](#)  
[18-0694 Exhibit A Vicinity Maps.pdf](#)  
[18-0694 Exhibit B Description of Existing Improvements.pdf](#)

*RESOLUTION 2018-151 ADOPTED*

*RESOLUTION 2018-152 ADOPTED*

- 1-B** [ID18-0761](#) \*\*\*RESOLUTION - Dedicating a portion of City-owned property at 8090 N. Palm Avenue for the purpose of providing a private access easement to the adjacent property. (Council District 2) (Subject to Mayor's Veto)

**Attachments:** [18-0761 Vicinity Map.pdf](#)  
[18-0761 Resolution.pdf](#)

*Upon call, the following member of the public addressed Council: Sharon Weaver.*

*RESOLUTION 2018-153 ADOPTED*

- 1-C** [ID18-0785](#) RESOLUTION - Of Intention to Annex Assessor's Parcel Number 329-130-17, 18, and 19 as Annexation No. 30 to the City of Fresno Community Facilities District No. 9 and to Authorize the Levy of Special Taxes (northwest corner of East Central and South East Avenues) (Council District 3)

**Attachments:** [18-0785 Location Map.pdf](#)  
[18-0785 Resolution of Intention.pdf](#)

*RESOLUTION 2018-154 ADOPTED*

- 1-D**    [ID18-0789](#)    \*\*\*BILL NO. B-37 - (Intro. 6/21/2018) (For adoption) - Adding Article 22 to Chapter 12 of the Fresno Municipal Code to allow At-Risk Development (Subject to Mayor's veto)

**Attachments:** [Ord- At Risk Development 6.22.18.pdf](#)  
[Supplement - Amended At-Risk Development Ordinance.pdf](#)

*The above item was pulled from Consent Calendar by Council President Soria and moved to Contested Consent for further discussion.*

- 1-E**    [ID18-0796](#)    Approve the First Amended and Restated Memorandum of Understanding Regarding Coordination, Cooperation, and Cost Sharing on Preconstruction Activities Related to the Temperance Flat Reservoir Project

**Attachments:** [First Amended and Restated MOU Regarding Coordination Cooperation and Cost Sharing on Preconstruction Activities Related to the TFR Project.pdf](#)  
[November 2 2017 Report to the City Council for MOU Regarding Coordination Cooperation and Cost Sharing on Preconstruction Activities Related to the TFR Project.pdf](#)

*The above item was pulled from Consent Calendar by Council Vice President Brandau and moved to Contested Consent for further discussion.*

- 1-F**    [ID18-0809](#)    \*\*\*Approve a Side Letter of Agreement with the Fresno Police Officers Association (FPOA), representing Unit 4, Non-Supervisory Police, regarding Lateral Hire Incentives (Subject to Mayor's veto)

**Attachments:** [Side Letter of Agreement with FPOA.pdf](#)

*The above item was pulled from Consent Calendar by Council Vice President Brandau and moved to Contested Consent for further discussion.*

- 1-G**    [ID18-0827](#)    Approve a professional consultant agreement in the amount of \$152,526 with Ascent Environmental, Inc., a Sacramento-based California corporation, to prepare an EIR for the proposed Darling Rendering Plant Relocation Project.

**Attachments:** [Contract with Ascent Environmental, Inc.](#)

- 1-H [ID18-0833](#) Approve the Second Amendment to the Consultant Services Agreement with the Youth Leadership Institute, in an amount not to exceed the appropriations for fiscal years 2018 and 2019, and extend the contract to June 30, 2020, with the option of two one-year extensions

**Attachments:** [Youth Leadership Institute re Youth Commission Consultant.pdf](#)  
[Youth Leadership Institute 1st Amend to Agreement.pdf](#)  
[Youth Leadership Second Amend - Extend term.pdf](#)

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

## **CEREMONIAL PRESENTATIONS**

### **Proclamation of "Tyler Ward Day"**

*PRESENTED*

## **APPROVE MINUTES**

- [18-0030](#) Approval of minutes from June 14, 2018

**Attachments:** [Draft Minutes for 6-14-2018.pdf](#)

**On motion of Councilmember Caprioglio, seconded by Councilmember Chavez, that the above Minutes be approved. The motion carried by the following vote:**

**Aye:** 7 - Soria, Brandau, Baines III, Caprioglio, Chavez, Bredefeld and Olivier

- [ID18-0818](#) Approval of Budget Hearing minutes from June 19, 2018

**Attachments:** [Draft Budget Meeting Minutes 6-19-2018.pdf](#)

**On motion of Councilmember Caprioglio, seconded by Councilmember Chavez, that the above Minutes be approved. The motion carried by the following vote:**

**Aye:** 7 - Soria, Brandau, Baines III, Caprioglio, Chavez, Bredefeld and Olivier

- [18-0031](#) Approval of minutes from June 21, 2018.

**Attachments:** [Draft Minutes 6-21-18.pdf](#)

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

**Aye:** 7 - Soria, Brandau, Baines III, Caprioglio, Chavez, Bredefeld and Olivier

## **COUNCILMEMBER REPORTS AND COMMENTS**

*Councilmember Caprioglio attended the June 25, 2018 press conference announcing Terry Tumey as Fresno State Bulldogs athletics director.*

*Council Vice President Brandau announced on June 28, 2018 at the Fresno Veterans Home of California, there was a presentation of freedom canes presented to approximately 60 veterans.*

*Council President Soria announced that City of Fresno received the 2018 Helen Putman Award of Excellence and recognized for Fresno Youth Commission at the League of California Cities.*

## **CONTESTED CONSENT CALENDAR**

- 1-D**    [ID18-0789](#)    \*\*\*BILL NO. B-37 - (Intro. 6/21/2018) (For adoption) - Adding Article 22 to Chapter 12 of the Fresno Municipal Code to allow At-Risk Development (Subject to Mayor's veto)

**Attachments:** [Ord- At Risk Development 6.22.18.pdf](#)  
[Supplement - Amended At-Risk Development Ordinance.pdf](#)

*Council President Soria pulled the item for discussion.*

*Upon call, the following member of the public addressed Council: Ashley Werner, Senior Attorney at Leadership Counsel for Justice and Accountability addressed her concerns about the California Environmental Quality Act (CEQA) and the impacts of the neighborhoods.*

*Councilmember Bredefeld addressed Ms. Werner's concerns and asked City Attorney Sloan to address the CEQA analysis. City Attorney Sloan stated the ordinance is not a CEQA project and no CEQA is required to approve the ordinance change as presented.*

*Councilmember Baines asked City Attorney Sloan about the at risk permit if it is issued does it have to come after the appropriate CEQA work. City Attorney Sloan replied that CEQA is required to be done at the time of the first discretionary permit is issued. Council President Soria asked about the changes of the project for the purpose of CEQA. City Attorney Sloan responded changes in the physical ordinance does not change the environment and that this is procedural and is not a project for CEQA purposes.*

*ORDINANCE 2018-17 ADOPTED.*

**On motion of Councilmember Bredefeld, seconded by Councilmember Caprioglio, that the above Ordinance be adopted. The motion carried by the following vote:**

**Aye:** 7 - Soria, Brandau, Baines III, Caprioglio, Chavez, Bredefeld and Olivier

- 1-E**     [ID18-0796](#)     Approve the First Amended and Restated Memorandum of Understanding Regarding Coordination, Cooperation, and Cost Sharing on Preconstruction Activities Related to the Temperance Flat Reservoir Project

**Attachments:** [First Amended and Restated MOU Regarding Coordination Cooperation and Cost Sharing on Preconstruction Activities Related to the TFR Project.pdf](#)  
[November 2 2017 Report to the City Council for MOU Regarding Coordination Cooperation and Cost Sharing on Preconstruction Activities Related to the TFR Project.pdf](#)

*The above item was introduced to Council by Interim Director Carbajal, Public Utilities Department.*

*Council Vice President Brandau asked staff questions regarding the Memorandum of Understanding and the Joint Powers Agreement concerning Temperance Flat. Interim Director Carbajal responded.*

*Upon call, the following member of the public addressed Council: Jaime Loza.*

*Council President Soria asked staff about the original Memorandum of Understanding in the amount of \$100,000 out of the Water Enterprise funds*

*and what are we getting out of the \$100,000. Interim Director Carbajal responded the Memorandum of Understanding does not include additional expenditures that it is only administrative changes. Council President Soria also asked about the state dollars.*

*APPROVED*

**On motion of Vice President Brandau, seconded by Councilmember Caprioglio, that the above Action Item be approved. The motion carried by the following vote:**

**Aye:** 7 - Soria, Brandau, Baines III, Caprioglio, Chavez, Bredefeld and Olivier

- 1-F**     [ID18-0809](#)     \*\*\*Approve a Side Letter of Agreement with the Fresno Police Officers Association (FPOA), representing Unit 4, Non-Supervisory Police, regarding Lateral Hire Incentives (Subject to Mayor's veto)

**Attachments:**     [Side Letter of Agreement with FPOA.pdf](#)

*The above item was introduced to Council by Director Cardell, Personnel Services Department.*

*Upon call, there was no public comment.*

*Council Vice President Brandau asked staff about the side letter and if it changes any previous agreements about lateral hire incentive package or does it just extend it. Director Cardell responded that this is just an extension. Council Vice President Brandau asked Chief Dyer to discuss the effectiveness and how many officers have been attracted. Chief Dyer responded.*

*APPROVED*

**On motion of Vice President Brandau, seconded by Councilmember Caprioglio, that the above Action Item be approved. The motion carried by the following vote:**

**Aye:** 7 - Soria, Brandau, Baines III, Caprioglio, Chavez, Bredefeld and Olivier



- 1-H [ID18-0833](#) Approve the Second Amendment to the Consultant Services Agreement with the Youth Leadership Institute, in an amount not to exceed the appropriations for fiscal years 2018 and 2019, and extend the contract to June 30, 2020, with the option of two one-year extensions

**Attachments:** [Youth Leadership Institute re Youth Commission Consultant.pdf](#)  
[Youth Leadership Institute 1st Amend to Agreement.pdf](#)  
[Youth Leadership Second Amend - Extend term.pdf](#)

*Councilmember Bredefeld spoke regarding his concerns about the money being spent that oversee the program and does not support the expenditure part of the item.*

*Upon call, the following member of the public addressed Council: Jose Espinoza, Youth Commission Program Coordinator.*

*Councilmember Baines stated the money spent on the organization is a benefit to our youth.*

APPROVED

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

**Aye:** 4 - Soria, Baines III, Caprioglio and Chavez

**No:** 3 - Brandau, Bredefeld and Olivier

## **2. SCHEDULED COUNCIL HEARINGS AND MATTERS**

### **10:00 A.M.**

- [ID18-0764](#) HEARING Regarding Increasing the Annual Assessment for Tract 3884 of Landscaping and Lighting Maintenance District No. 1. (Council District 2)
1. Submission by City Clerk of Affidavit Certifying the Mailing of Notices and Ballots for Hearing
  2. \*\*\*RESOLUTION - Declaring the Results of the Majority Protest Public Hearing Proceedings to Increase Assessments for Tract 3884 of Landscaping and Lighting Maintenance District

## No. 1 and Authorizing the Levy of Increased Assessments

**Attachments:** [18-0764 7-Clerk Certification re Mailing of Notice and Ballot.pdf](#)  
[18-0764 Engineer's Report 5\\_2\\_18.pdf](#)  
[18-0764 RESOLUTION.pdf](#)

*The hearing was called to order at 10:04 A.M.*

*The above item was introduced to Council by Manager Aguirre, Public Works Department.*

*City Attorney Sloan spoke regarding the process of the ballot, public hearing period and announced the ballot count will be conducted by City Clerk Spence in the City Clerk's Office Room 2133.*

*Upon call, there was no public comment.*

*The hearing was closed at 10:06 A.M.*

*City Clerk Spence announced the following: There was a total of 185 ballots mailed out, 57 voted yes equalling to 55.9% and 45 voted no equalling to 44.1% with a total of 102 returned ballots counted. Therefore a majority protest does not exist and Council can vote to approve the item.*

**RESOLUTION 2018-155 ADOPTED**

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

**Aye:** 7 - Soria, Brandau, Baines III, Caprioglio, Chavez, Bredefeld and Olivier

**10:05 A.M.**

[ID18-0751](#) HEARING to consider Pre-zone Application No. R-17-020 and related Environmental Assessment No. R-17-020, filed by Jeffrey Roberts, on behalf of the Assemi Group. The application pertains to ±1.43 acres of property located on the south side of West San Jose Avenue between North Maroa and North Del Mar Avenues in the unincorporated portion of City's Sphere of Influence

boundary. The proposed site is currently under the jurisdiction of Fresno County and will be annexed to the City of Fresno (Council District 2).

1. ADOPT the Mitigated Negative Declaration prepared for Environmental Assessment No. R-17-020 dated April 20, 2018.
2. BILL - (For introduction and adoption) - Approving Pre-zone Application No. R-17-020 which proposes to amend the Official Zone Map from the R-1 (Single Family Residential, 6,000 sq. foot minimum) County of Fresno zone district to the RS-5 (Single Family Residential, Medium Density ) City of Fresno zone district.

**Attachments:** [Exhibit A Vicinity Map](#)  
[Exhibit B Aerial Photograph](#)  
[Exhibit C Public Hearing Notice Mailing List Vicinity Map.pdf](#)  
[Exhibit D Fresno General Plan Planned Land Use Map.pdf](#)  
[Exhibit E Proposed Pre-zone and Annexation Map.pdf](#)  
[Exhibit F Project Information Tables](#)  
[Exhibit G Fresno Municipal Code Findings](#)  
[Exhibit H Environmental Assessment No. R-17-020, Mitigated Negative Declaration dated April 20 2018.pdf](#)  
[Exhibit I Application.pdf](#)  
[Exhibit J Ordinance Bill.pdf](#)

*The item was called to order at 10:06 A.M.*

*The above item was introduced to Council by Project Manager Barnes, DARM Department.*

*Upon call, the following member of the public addressed Council: Jeff Roberts.*

**BILL B-38 AND ORDINANCE 2018-40 ADOPTED**

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

**Aye:** 7 - Soria, Brandau, Baines III, Caprioglio, Chavez, Bredefeld and Olivier

### **3. GENERAL ADMINISTRATION**

- 3-B**     [ID18-0746](#)     Award a construction contract in the amount of \$4,693,392.60 to American Paving Company, of Fresno, California for the Veterans Boulevard Project - Bullard Extension Package from Bullard Avenue to the Riverside Drive and Veterans Boulevard Intersection - Bid File No. 3582 (Council District 2)

**Attachments:**   [18-0746 Bid Evaluation.pdf](#)  
[18-0746 Fiscal Impact Statement.pdf](#)  
[18-0746 Vicinity Map.pdf](#)  
[18-0746 Standarized Contract.PDF](#)

*THE ABOVE ITEM WAS REMOVED FROM THE AGENDA*

- 3-C**     [ID18-0783](#)     RESOLUTION - Authorizing the submission of the application for grant funds from the United States Department of Transportation’s Better Utilizing Investments to Leverage Development (BUILD) Program and authorizing the execution of documents by the Public Works Director or designee (Council District 2)

**Attachments:**   [18-0783 Resolution.pdf](#)  
[18-0783 Project Map.pdf](#)

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

*Upon call, there was no public comment.*

*RESOLUTION 2018-156 ADOPTED*

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

**Aye:** 7 - Soria, Brandau, Baines III, Caprioglio, Chavez, Bredefeld and Olivier

- 3-D**     [ID18-0748](#)     Actions pertaining to the Herndon Avenue Westbound Widening Project, from Brawley Avenue to Blythe Avenue - Bid File 3606 (Council District 2):
1. Adopt a finding of Categorical Exemption per City of Fresno Environmental Assessment EA-15-028, pursuant to Section

15301/Class 1, Section 15302/Class 2 and Section 15332/Class 32 of the State of California Environmental Quality Act Guidelines for the Herndon Avenue Widening Project, from Brawley Avenue to Blythe Avenue.

2. Award a construction contract in the amount of \$845,722.30 to Dave Christian Construction Company, of Fresno, California as the lowest responsive and responsible bidder for the Herndon Avenue Westbound Widening Project, from Brawley Avenue to Blythe Avenue.

**Attachments:** [18-0748 Bid Evaluation.pdf](#)  
[18-0748 Fiscal Impact Statement.pdf](#)  
[18-0748 Vicinity Map.pdf](#)  
[18-0748 Standard Contract.pdf](#)

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

*Upon call, there was no public comment.*

*Council Vice President Brandau spoke about the Herndon widening project, streets and problems with traffic.*

**APPROVED**

**On motion of Vice President Brandau, seconded by Councilmember Olivier, that the above Action Item be approved. The motion carried by the following vote:**

**Aye:** 7 - Soria, Brandau, Baines III, Caprioglio, Chavez, Bredefeld and Olivier

- 3-E**    [ID18-0828](#)    Actions pertaining to the Orange Avenue Pavement Overlay from California Avenue to Jensen Avenue - Bid File 3601 (County of Fresno and Council District 5)
1. Adopt a finding of Categorical Exemption per staff's determination, pursuant to Section 15301(c) of the California Environmental Quality Act Guidelines (CEQA)
  2. Award a construction contract in the amount of \$1,143,341 with Avison Construction Inc., of Madera, California, as the lowest responsive and responsible bidder for the Orange Avenue

Pavement Overlay from California Avenue to Jensen Avenue

**Attachments:** [18-0692 Bid Evaluation.pdf](#)  
[18-0692 Fiscal Impact Statement.pdf](#)  
[18-0692 Vicinity Map.pdf](#)  
[18-0692 Standardized Contract.pdf](#)

*THE ABOVE ITEM WAS REMOVED FROM THE AGENDA.*

**10:15 A.M.**

**JOINT MEETING OF THE SUCCESSOR AGENCY OF THE  
REDEVELOPMENT AGENCY OF THE CITY OF FRESNO AND THE  
FRESNO REVITALIZATION CORPORATION**

[ID18-0820](#) Actions pertaining to approximately 4.79 acres located at 1153 Fresno Street (APN 467-310-12T):

1. Adopt a finding of Categorical Exemption pursuant to Section 15301 of California Environmental Quality Act Guidelines
2. Approve a Purchase, Sale and Settlement Agreement in the amount of \$1,912,915 for sale of the Kearney Palms Shopping Center Parking Lot to Kearney Palms, LLC. (Council District 3)

**Attachments:** [Kearney Palms Purchase Sale and Settlement Agreement.pdf](#)  
[Kearney Palms Appraisal Summary.pdf](#)  
[Kearney Palms Location Map.pdf](#)  
[Kearney Palms Disposition and Development Agreement.pdf](#)  
[Kearney Palms Covenants for Public Parking Lease. .pdf](#)

*The above item was introduced to Council by Redevelopment Administrator Murphy, Redevelopment Agency Department.*

*Upon call, there was no public comment.*

**APPROVED**

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

**Aye:** 7 - Soria, Brandau, Baines III, Caprioglio, Chavez, Bredefeld and Olivier

**10:20 A.M. SCHEDULED COMMUNICATION**

[ID18-0834](#) Appearance by Mary Esther Correa to discuss the fines she has received from Code Enforcement (Speaker resides in District 7)

*Ms. Correa spoke regarding her fines from Code Enforcement.*

APPEARED.

[ID18-0835](#) Appearance by Gonzalo Arambula to discuss the damage done to his wheelchair by a FAX Driver while on a City bus and the need to properly train the bus drivers on handling the disabled.

**Attachments:** [Request to Appear.pdf](#)

*Mr. Arambula spoke regarding the damage on his wheelchair from a FAX driver.*

APPEARED.

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

**UNSCHEDULED COMMUNICATION**

*Upon call, the following member of the public addressed Council: Jaime Loza*

**Actions on the Fiscal Year 2019 Budget and related items -  
CONTINUED FROM JUNE 21, 2018**

1. [ID18-0821](#) \*\*\*RESOLUTION - Council Adoption of the Fiscal Year 2018-2019 City of Fresno Budget including the Annual Appropriations Resolution (Subject to Mayor's Veto)

**Attachments:** [19 AAR Resolution.pdf](#)  
[Supplement - 2019 Final AAR.pdf](#)

*RESOLUTION 2018-157 ADOPTED AS AMENDED.*

**On motion of President Soria, seconded by Councilmember Caprioglio, that the above Resolution be adopted as amended. The motion carried by the following vote:**

**Aye:** 5 - Soria, Baines III, Caprioglio, Chavez and Olivier

**No:** 2 - Brandau and Bredefeld

2. [ID18-0822](#) \*\*\*RESOLUTION - Adopt the Fiscal Year 2019 Position Authorization Resolution (PAR) (Subject to Mayor's veto)

Attachments: [19 PAR Reso.pdf](#)  
[19 PAR Part V Draft.pdf](#)  
[Supplement - 19 PAR V Final.pdf](#)

*RESOLUTION 2018-158 ADOPTED AS AMENDED.*

**On motion of President Soria, seconded by Councilmember Caprioglio, that the above Resolution be adopted as amended. The motion carried by the following vote:**

**Aye:** 5 - Soria, Baines III, Caprioglio, Chavez and Olivier

**No:** 2 - Brandau and Bredefeld

3. [ID18-0823](#) \*\*\*BILL - (For introduction and adoption) - Adoption of Property Tax Override Ordinance (Subject to Mayor's veto)

Attachments: [19 PTO ORD.pdf](#)

*BILL B-39 AND ORDINANCE 2018-41 ADOPTED*

**On motion of President Soria, seconded by Councilmember Caprioglio, that the above Ordinance be adopted. The motion carried by the following vote:**

**Aye:** 5 - Soria, Baines III, Caprioglio, Chavez and Olivier

**No:** 2 - Brandau and Bredefeld

4. [ID18-0824](#) \*\*\*RESOLUTION - Adopt the Fiscal Year 2019 Salary Resolution. (Subject to Mayor's veto)

Attachments: [FY19 Salary Resolution.pdf](#)  
[FY19 Salary Resolution with Strikeouts.pdf](#)

*RESOLUTION 2018-159 ADOPTED AS AMENDED.*

**On motion of President Soria, seconded by Councilmember Caprioglio, that the above Resolution be adopted as amended. The motion carried by the following vote:**

**Aye:** 5 - Soria, Baines III, Caprioglio, Chavez and Olivier



**No:** 2 - Brandau and Bredefeld

5. [ID18-0825](#) \*\*\*RESOLUTION - FY 2019 Gann Appropriation Limit Resolution  
(Subject to Mayor's Veto)

Attachments: [19 GANN Resolution.pdf](#)  
[19 GANN Attachment A.pdf](#)

*RESOLUTION 2018-160 ADOPTED*

**On motion of President Soria, seconded by Councilmember Caprioglio, that the above Resolution be adopted. The motion carried by the following vote:**

**Aye:** 5 - Soria, Baines III, Caprioglio, Chavez and Olivier

**No:** 2 - Brandau and Bredefeld

6. [ID18-0826](#) RESOLUTION - Approve the City of Fresno (the "City")  
Investment Policy for Fiscal Year 2018-2019

Attachments: [Resolution Adopting Investment Policy for FY 18-19.pdf](#)  
[Investment Policy for Fiscal Year 2018\\_2019.pdf](#)

*RESOLUTION 2018-161 ADOPTED.*

**On motion of President Soria, seconded by Councilmember Caprioglio, that the above Resolution be adopted. The motion carried by the following vote:**

**Aye:** 5 - Soria, Baines III, Caprioglio, Chavez and Olivier

**No:** 2 - Brandau and Bredefeld

**City Council discussed the budget and made additional motions.**

*Budget Manager Fierro introduced the budget items to Council and announced corrections to the Annual Appropriations Resolution (AAR) and stated the approval of the budget will be adopted as amended.*

*The following motions amend the above approved Resolutions.*

*Upon call, the following members of the public addressed Council and spoke regarding the Senior Center: Ismael Gimeno, Dave Crosby, Dorthy Smith, Diane Dimon, Sherley Peters, Carment Navarro, Karen Jerkisms,*

*John Crawford, Donna Callahan, Mary Correa, Carmen Mendoza and Kirwin Wong.*

*Councilmember Caprioglio motioned to include the following: 1) The August 2019 sales tax revenue of approximately \$9.9 million will be recognized in the FY19 budget, with appropriate language to implement this drafted by the City Attorney inserted in the AAR. 2) \$9.9 million of the August 2019 sales tax revenue will be allocated to the General Fund Reserve per the Reserve Management Act. This will achieve or exceed the goal of a 10% General Fund reserve. 3) For the approximate \$3.4 million of the FY19 RDA debt repayment revenue (General Fund) that was to be allocated to the General Fund reserve, instead it will be appropriated as follows: a) \$1 million toward a community/senior center in District 4; b) \$1 million toward a housing fund (funds will be designated for first home buyer down payment assistance, rehab housing, and affordable housing developments); c) \$1 million toward a park infrastructure fund (designated for maintenance and irrigation projects in Council districts) - non-regional, neighborhood (smaller) parks; d) \$300,000 to Infrastructure Fund for Council districts (evenly divided) for projects under \$100,000; e) \$100,000 to the City Attorney's Office to use for law clerks and code enforcement related expenses, at the City Attorney's discretion. 4. Amounts in excess of \$9.9 million from the August 2019 sales tax revenue and \$3.4 million of the RDA debt repayment revenue actually received will be added to the Council offices budget, for purposes to be decided by Council when the amounts become known. Councilmember Chavez seconded the motion. Motion PASSED 5-2. Councilmember Bredefeld and Council Vice President Brandau voted no.*

*Councilmember Bredefeld motioned to use the \$3.4 million of FY19 RDA debt repayment revenue (General Fund) as follows: \$1 million to the District 4 Community / Senior Center, \$1.4 million to the Police Department to be used at the discretion of the Police Chief and \$1 million to the Fire Department to be used at the discretion of the Fire Chief. Councilmember Olivier seconded the motion. Motion FAILED 2-4. Councilmember Chavez abstained, Councilmember Caprioglio, Council Vice President Brandau, Councilmember Baines and Council President Soria voted no.*

Councilmember Olivier motioned to use \$500,000 from cannabis tax, off the top, to be used for an interim senior center; place in contingency until revenue actually appears. Council President Soria seconded the motion. Motion PASSED 5-2. Councilmember Bredefeld and Council Vice President Brandau voted no.

Councilmember Baines motioned to authorize 12 additional FTE's (from 311 to 323 authorized positions) with FY19 money. Also to defund the 11 remaining vacant positions and move those dollars to the Fire Department overtime budget account. Should the North Central Firefighters move back to the City of Fresno in FY19, then the defunded positions would automatically be refunded. If there are MOU conflicts arising from this motion, then the item would be brought back to Council. Council Vice President Brandau seconded the motion. Motion PASSED 4-3. Councilmember Chavez, Councilmember Bredefeld and Councilmember Olivier voted no.

**City Council recessed to lunch at 12:24 P.M. and returned from lunch at 2:06 P.M.**

### **1:55 P.M.**

- [ID18-0829](#) Actions pertaining to the Orange Avenue Pavement Overlay from California Avenue to Jensen Avenue - Bid File 3601 (County of Fresno and Council District 5)
1. Adopt a finding of Categorical Exemption per staff's determination, pursuant to Section 15301(c) of the California Environmental Quality Act Guidelines (CEQA)
  2. Award a construction contract in the amount of \$1,141,217 with Dave Christian Construction Co., Inc., of Fresno, California, as the lowest responsive and responsible bidder for the Orange Avenue Pavement Overlay from California Avenue to Jensen Avenue

**Attachments:** [18-0829 Bid Evaluation.pdf](#)  
[18-0829 Fiscal Impact Statement.pdf](#)  
[18-0829 Vicinity Map.pdf](#)  
[18-0829 Standardized Contract.pdf](#)  
[Signed Agenda.pdf](#)

*The above item was introduced to Council by Director Mozier, Public Works*

*Department.*

*Upon call, there was no public comment.*

**APPROVED**

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

**Aye:** 7 - Soria, Brandau, Baines III, Caprioglio, Chavez, Bredefeld and Olivier

**2:00 P.M.**

- [ID18-0837](#) HEARING to Consider a Proposed Parks and Public Safety Transactions and Use Tax:
1. \*\*\*BILL - (For introduction and adoption) - Adding Article 15 to Chapter 7 of the Fresno Municipal Code Relating to a Parks and Public Safety Transactions and Use Tax (Requires 5 affirmative votes) (Subject to Mayor's veto)
  2. \*\*\*RESOLUTION - Calling a General Election to be held on November 6, 2018, for a Ballot Measure Proposal to Impose a Parks and Public Safety Transactions and Use Tax; Requesting the County to Conduct the Election; and Requesting Consolidation of the Election with any Other Election held on that Date (Subject to Mayor's veto)

**Attachments:** [Ord -Parks and Public Safety Tran. and Use Tax.pdf](#)  
[Reso - Parks and Public Safety Tran. and Use Tax.pdf](#)  
[Supplement - Updated Ordinance.pdf](#)

**THE ABOVE ITEM WAS REMOVED FROM THE AGENDA**

**3-A** [ID18-0628](#) WORKSHOP - Transit Restructure and Title VI

**Attachments:** [Transit Restructure Wkshop Final 061818.pptx](#)

*The above workshop was presented by Director Schaad, Transportation Department.*

**PRESENTED**

**4. CITY COUNCIL**

**5. CLOSED SESSION**

*City Council recessed into Closed Session at 3:20 P.M. and returned from Closed Session at 3:40 P.M.*

*There was no announcements after Closed Session*

- 5-A**    [ID18-0830](#)    CONFERENCE WITH REAL PROPERTY NEGOTIATOR -  
Government Code Section 54956.8  
Property: Fresno Irrigation District property along Herndon Canal  
between McKinley Ave and Millbrook Ave  
Negotiating Parties: City Manager Wilma Quan-Schecter  
Under Negotiation: Terms and Conditions of Property Acquisition

*DISCUSSED*

- 5-B**    [ID18-0831](#)    CONFERENCE WITH LABOR NEGOTIATOR - Government  
Code Section 54957.6  
City Negotiator(s): Jeffrey Cardell, Ken Phillips  
Employee Organizations:  
1. City of Fresno Professional Employees Association (CFPEA)

*DISCUSSED*

- 5-C**    [ID18-0838](#)    CONFERENCE WITH LABOR NEGOTIATOR - Government  
Code Section 54957.6  
City Negotiator(s): Jeffrey Cardell, Ken Phillips  
Employee Organizations:  
1. International Association of Firefighters, Local 753, Unit 10  
(Fire Management)

*DISCUSSED*

**ADJOURNMENT**

*City Council adjourned at 3:40 P.M.*



## **Exhibit M**



# City of Fresno

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

## Meeting Minutes - Final City Council

*President - Esmeralda Z. Soria*

*Vice President - Steve Brandau*

*Councilmembers:*

*Oliver L. Baines, III, Paul Caprioglio, Luis Chavez,*

*Garry Bredefeld, Clinton J. Olivier*

*City Manager - Wilma Quan-Schechter*

*City Attorney - Douglas T. Sloan*

*City Clerk - Yvonne Spence, MMC*

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Thursday, November 29, 2018

9:00 AM

Council Chambers

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### SPECIAL MEETING NOTICE

Please Take Notice that the President of the Council of the City of Fresno hereby calls a Special Meeting of the City Council on Thursday, November 29, 2018, at 9:17 a.m., or soon thereafter as it may be heard, in the Council Chambers, Second Floor, City Hall, 2600 Fresno Street, Fresno, California. The purpose of the special meeting is to meet and consider the following:

The City Council met in a special meeting in the Council Chamber, City Hall on the date and time written above

### ROLL CALL

*Councilmember Olivier and Caprioglio were not present during roll call.*

*Councilmember Olivier arrived at 9:55 a.m. and Councilmember Caprioglio arrived at 10:01 a.m.*

**Present:** 7 - President Esmeralda Z. Soria  
Vice President Steve Brandau  
Councilmember Oliver L. Baines III  
Councilmember Paul Caprioglio  
Councilmember Luis Chavez  
Councilmember Garry Bredefeld  
Councilmember Clinton Olivier

Invocation by Pastor Robert Thompson of the Southeast Asian Ministry

Pledge of Allegiance to the Flag



**APPROVE AGENDA**

*There were no changes to the agenda.*

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

**Aye:** 5 - Soria, Brandau, Baines III, Chavez and Bredefeld

**Absent:** 2 - Caprioglio and Olivier

**CEREMONIAL PRESENTATIONS**

[ID18-1423](#) Certificate of Recognition to Habitat for Humanity for their contribution to the City of Fresno Affordable Housing.

*PRESENTED*

[ID18-1424](#) Proclamation of "Matthew Forestiere Day"

*PRESENTED*

[ID18-1425](#) Proclamation of "National Runaway Prevention Month"

*PRESENTED*

[ID18-1426](#) Proclamation of "World Prematurity Day"

*PRESENTED*

[ID18-1427](#) Proclamation recognizing November 2018 - California's Sikh American Awareness and Appreciation Month

*PRESENTED*

[ID18-1441](#) Presentation of Certificates for Familia en Acción "Vang Pao Neighborhood Revitalization".

*PRESENTED*

[ID18-1453](#) Proclamation of "Fresno Recycles Day"

*PRESENTED*

**1. CONSENT CALENDAR**

APPROVAL OF THE CONSENT CALENDAR

**On motion of Councilmember Caprioglio, seconded by Councilmember Chavez, the CONSENT CALENDAR was hereby adopted by the following vote:**

**Aye:** 6 - Soria, Brandau, Caprioglio, Chavez, Bredefeld and Olivier

**Absent:** 1 - Baines III

- 1-A**    [ID18-1410](#)    **\*\*\*RESOLUTION** - Authorizing annual filing of applications for, acceptance of, and execution of all documents and instruments related to Federal Transportation Assistance Authorized by Title 49 U.S.C. Chapter 53 and other federal statutes administered by the Federal Transit Administration, an operating administration of the United States Department of Transportation (Subject to Mayor's Veto)

*RESOLUTION 2018-266 ADOPTED*

**This Action Item was approved on the Consent Calendar.**

- 1-B**    [ID18-1411](#)    Approve a Third Amendment to the Agreement with VSCE, Inc., for construction management services associated with the Bus Rapid Transit project, increasing the contract amount by \$172,885.40 and extending the completion date of the Agreement to December 31, 2018

*The above item was pulled from the Consent Calendar by Councilmember Bredefeld and moved to the contested consent calendar for further discussion.*

- 1-C**    [ID18-1412](#)    Approve the award of a requirements contract to United Rotary Brush of Lenexa, Kansas, for the purchase of street sweeper brooms in the amount of \$175,993.53

**This Action Item was approved on the Consent Calendar.**

- 1-D**    [ID18-1413](#)    Approve the First Amendment to the professional consultant agreement with Stantec Architecture, Inc., to provide additional design and engineering services in the amount of \$105,077.75

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

- 1-E**    [ID18-1415](#)    **RESOLUTION** - Of Intention to annex Final Tract Map No. 6165 and the territory known as Assessor's Parcel Number 404-500-62 and 404-500-63 as Annexation No. 90 to the City of Fresno Community Facilities District No. 11 and to Authorize the Levy of Special Taxes; and setting the public hearing for December 13, 2018 at 10:00 a.m. (north side of East Church

Avenue between South Fowler and Sunnyside Avenues) (Council District 5)

*RESOLUTION 2018-267 ADOPTED*

**This Action Item was approved on the Consent Calendar.**

- 1-F [ID18-1416](#) Approve an agreement with Energy Experts International Inc., (EEI) for a Lump Sum of \$70,273.50 for the design and preparation of construction documents for the Pacific Gas and Electric Company (PG&E) gas and electrical infrastructure relocations to accommodate the "G" Street Realignment. (Council District 3)

**This Action Item was approved on the Consent Calendar.**

- 1-G [ID18-1414](#) **\*\*\*RESOLUTION** - 8th Amendment to FY 2019 Salary Resolution No. 2018-159, increasing the Payroll Accountant classification to a new E20 salary range in Exhibit 2, Unit 2, Non-Represented Management and Confidential Classes (Non-Represented); amending salaries in Exhibit 13-1, Unit 13, Exempt Supervisory and Professional (CFPEA) for Chief Surveyor, Street Maintenance Superintendent, Senior Electrical Safety Consultant and Senior Environmental & Safety Consultant classifications; and amending the Salary Step Plan section, the Annual Leave for Employees in Exhibit 2 section, and Compensation for Full-Time Employees Occupying Permanent Positions in Exhibit 2 section of the Salary Resolution, to add the new E20 salary range. **(Subject to Mayor's Veto).**

*RESOLUTION 2018-268 ADOPTED*

**This Action Item was approved on the Consent Calendar.**

- 1-H [ID18-1421](#) Approve the award of a service contract to Aramark Uniforms & Career Apparel of Fresno, California for the rental of uniforms and linen and dust control products in the amount of \$176,576.40.

**This Action Item was approved on the Consent Calendar.**

- 1-I [ID18-1433](#) Actions pertaining to the 2018 National Sexual Assault Kit Initiative (SAKI) grant program, herein referred to as the SAKI grant
1. Authorize the Chief of Police to accept \$1,000,000 in grant funding for the SAKI grant awarded to the Fresno Police Department from the U.S. Department of Justice, through the Office of Justice Programs Bureau of Justice Assistance (BJA)
  2. Authorize the Chief of Police to enter into a Memorandum of Understanding (MOU) with Rape Counseling Centers of Fresno

(RCS) for a part time victim advocate throughout the three year grant performance period totaling \$53,618

- 3. \*\*\*RESOLUTION - 16th amendment to the Annual Appropriation Resolution (AAR) No. 2018-157 appropriating \$281,500 for the Police Department's SAKI grant (Requires 5 affirmative votes) (Subject to Mayor's veto).

RESOLUTION 2018-269 ADOPTED

This Action Item was approved on the Consent Calendar

1-J [ID18-1439](#)

RESOLUTION - To authorize submittal of application for payment programs and related authorizations to CalRecycle (Citywide)

RESOLUTION 2018-270 ADOPTED

This Action Item was approved on the Consent Calendar.

**CONTESTED CONSENT CALENDAR**

- 1-B [ID18-1411](#) Approve a Third Amendment to the Agreement with VSCE, Inc., for construction management services associated with the Bus Rapid Transit project, increasing the contract amount by \$172,885.40 and extending the completion date of the Agreement to December 31, 2018

*This item was presented to Council by Assistant Director Barr, Transportation Department. Councilmember Bredefeld and Council Vice President Brandau expressed their concerns about projects going out to bid and staff coming back to Council requesting amendments requiring additional funds for the project. They said this seems to be happening in many departments. More discussion ensued regarding whether or not these projects are going to the Oversight Board for review. Council Vice President Brandau stated that he will be voting "No" on items 1B and 1D because he feels more review and oversight is needed.*

*Upon call, there was no public comment.*

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

**Aye:** 5 - Soria, Baines III, Caprioglio, Bredefeld and Olivier

**No:** 1 - Brandau

**Absent:** 1 - Chavez

- 1-D [ID18-1413](#) Approve the First Amendment to the professional consultant agreement with Stantec Architecture, Inc., to provide additional design and engineering services in the amount of \$105,077.75

*This item was presented to Council by Assistant Director Barr, Transportation Department. Council Vice President Brandau stated that he will be voting "No" on items 1B and 1D because he feels more review and oversight is needed. There was more discussion regarding change orders and contingencies. Council President Soria suggested that if contingencies are used it should be included in the staff report to keep Council informed.*

*Upon call, there was no public comment.*

**On motion of Councilmember Caprioglio, seconded by Councilmember Baines III, the above item was approved. The motion carried by the following vote:**

**Aye:** 6 - Soria, Baines III, Caprioglio, Chavez, Bredefeld and Olivier

**No:** 1 - Brandau

## **APPROVE MINUTES**

[ID18-1435](#) Approval of minutes from November 8, 2018.

**On motion of Councilmember Caprioglio, seconded by Councilmember Baines III, that the above Minutes be approved. The motion carried by the following vote:**

**Aye:** 7 - Soria, Brandau, Baines III, Caprioglio, Chavez, Bredefeld and Olivier

## **COUNCILMEMBER REPORTS AND COMMENTS**

*Councilmember Caprioglio expressed some concerns regarding several of his constituents calling his office regarding the 180 closure at Temperance Avenue which did not have enough signage for the residents to understand what was going on, how to get on, how to get off, and the alternative routes. He said that we need to inform the residence of the area and also let the council offices know when these things happen. City Manager Quan-Schechter stated that this is a DPU project and she will look into it and get back to his office. Councilmember Caprioglio also reminded everyone that on Saturday, Fresno State will be facing Boise for the Championship of*

*the Mountain West Conference. He thanked Public Works and the Police for their hard work in installing the sidewalk in front of Tioga Elementary School. The District 4 Operation Gobble was held on Tuesday, November 20th at Wesley United Methodist Church, and it was a great success. There were over 100 volunteers serving complete Thanksgiving meals for over 600 people, and he thanked all of their sponsors. Councilmember Caprioglio requested to adjourn in loving memory of Mary Stanley.*

*Council President Soria announced that she is hosting her 6th annual toy drive in District 1 and there are several local businesses participating. She encouraged the community to support the underserved children in the City of Fresno by contributing a toy and she thanked all of the businesses for their support.*

## **2. SCHEDULED COUNCIL HEARINGS AND MATTERS**

### **10:00 A.M. #1**

The above was

[ID18-1408](#) Actions Pertaining to the FY 2019 Budget Update

1. **\*\*\*RESOLUTION** - 19th amendment to the Annual Appropriation Resolution (AAR) No. 2018-157 to appropriate \$8,160,500 for operating programs and capital improvement projects citywide. (Requires 5 affirmative votes) **(Subject to Mayor's veto)**

*This item was presented to Council by Budget Manager Fierro of the Budget Department.*

*Upon call, the following members of the public spoke on this item: Mike Prandini, Nathan Alonzo, Joshua Peterson, LeAnn Eager, John Walsberg, and Darius Assemi.*

*Councilmember Caprioglio made several comments and then made a motion to take the North Central Fund deficit payoff of \$1,390,100 as well as the Crescent building fountain repair contract in the amount of \$340,000 for a total of \$1,730,100 and move that money into PARCS to develop the multi-generational community center for District 4. The motion was seconded by Council Vice President Brandau. Council President Soria asked if they would allow her to include the HERO Team's contractual line item for \$420,000 for additional one-time needs for PARCS.*

*Councilmember Caprioglio stated the he is willing to amend his motion to include funds from the HERO Team to use for some of the needs of our existing community parks.*

*Councilmember Caprioglio stated that the parks department was asked to put together a list of priorities that totaled \$1 million dollars, and that we are addressing the remainder of items that have not been funded. Assistant City Manager Sumpter clarified that the \$1 million dollar list has been approved so that they can begin working the projects on that list.*

*City Manager Quan-Schecter stated that money for the HERO Team is already contractually obligated, and the Administration's recommendation would be to pay off the \$420,000 obligation. City Attorney Sloan stated they could not find a current HERO Team obligation. City Manager Quan-Schecter asked if there was an amendment that goes through June 2019. City Attorney Sloan stated that the 4th amendment has not been executed.*

*City Manager Quan-Schecter stated that abandoning the HERO Team would hurt the work being done with the homeless, and she called upon Tim Orman to speak to Council regarding the HERO Team funds and the impact using that money for something else would have. Chief of Staff Orman of the Mayor's Office explained that the HERO Team provides outreach, identification, assessment, and navigation services for veterans and other individuals and families experiencing chronic homelessness within the City of Fresno. He also stated that if the \$420,000 is defunded from the HERO Team, the work with the homeless would stop tomorrow. West Care and the Poverello House would not be able to continue their work. In his opinion it would be a mistake to take the money from the HERO Team.*

*There was discussion regarding the existing contract with West Care and how many times it was amended. There were concerns expressed regarding the results and outputs the City has received for the millions of dollars spent on these services for the homeless. Councilmember Chavez stated that he would like to see H. Spees present on the homeless and suggested that the Council wait until after the presentation before approving any funding. There was discussion regarding working with the County of*

*Fresno in regard to the homeless issues.*

*Councilmember Baines felt that both topics (homeless and Parks) deserve further discussion, and asked if this item could come back next week stating that they need to find a way to fund both.*

*After more discussion and feedback, Councilmember Caprioglio restated his motion to approve his recommendation and withhold the HERO Team funds in order to allow the Council to receive more information regarding the HERO Team.*

*Councilmember Chavez stated that the Council still needs to have a comprehensive conversation on the homeless and requested a full audit and accountability of the homeless and the funds the City has expended on the homeless.*

*City Manager Quan-Schecter stated that moving the money from the HERO Team to the community center will mean that the City will still need to address the deficit. Assistant Manager Sumpter confirmed that they will be bringing this funding back as part of the 2020 budget per the Reserve Management Act as an intra-fund loan that will be paid off over the next 2 ½ years to repay that deficit.*

*Council Vice President Brandau suggested that he and Councilmember Chavez sponsor a formal request in the form of a resolution requesting a formal audit of the services provided to the homeless by the City.*

*Councilmember Caprioglio requested that the information in the audit be delivered to the Council by district.*

*There was more discussion regarding a strategy to find the funds to avoid taking out a loan. Councilmember Caprioglio agreed to meet with the Mayor and his team to identify ways to avoid a loan. The City Manager's Office agreed to include this in the presentation.*

**RESOLUTION 2018-271 ADOPTED**

**On motion of Councilmember Caprioglio, seconded by Vice President Brandau, the above item was approved. The motion carried by the**



following vote:

**Aye:** 6 - Soria, Brandau, Baines III, Caprioglio, Chavez and Bredefeld

**Absent:** 1 - Olivier

## **10:00 A.M.#2**

[ID18-1401](#) **CONTINUED HEARING** to adopt resolutions and ordinance to annex territory and levy a special tax regarding City of Fresno Community Facilities District No. 11, Annexation No. 95 (Final Tract Map No. 5493) (east side of North Bryan Avenue between West Shaw and Gettysburg Avenues) (Council District 1)

1. **\*\*\*RESOLUTION** - to Annex Territory to Community Facilities District No. 11 and Authorizing the Levy of a Special Tax for Annexation No. 95 (Subject to Mayor's Veto)
2. **\*\*\*RESOLUTION** - Calling Special Mailed-Ballot Election (Subject to Mayor's Veto)
3. **\*\*\*RESOLUTION** - Declaring Election Results (Subject to Mayor's Veto)
4. **BILL** - (For introduction) - Levying a Special Tax for the Property Tax Year 2018-2019 and Future Tax Years Within and Relating to Community Facilities District No. 11, Annexation No. 95

*This item was presented to Council by Director Mozier, Public Works Department.*

*Upon call, there was no public comment.*

**RESOLUTION 2018-272 ADOPTED**

**RESOLUTION 2018-273 ADOPTED**

**RESOLUTION 2018-274 ADOPTED**

**BILL 59 INTRODUCED**

*City Council recessed for lunch at 11:55 A.M. to 1:41 P.M.*

**On motion of President Soria, seconded by Vice President Brandau, the above item was approved. The motion carried by the following vote:**

**Aye:** 6 - Soria, Brandau, Baines III, Caprioglio, Chavez and Bredefeld

**Absent:** 1 - Olivier

**10:05 A.M. JOINT MEETING OF THE CITY OF FRESNO IN ITS CAPACITY AS THE HOUSING SUCCESSOR TO THE REDEVELOPMENT AGENCY OF THE CITY OF FRESNO, THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF FRESNO, AND THE FRESNO REVITALIZATION CORPORATION**

- A. [ID18-1428](#) RESOLUTION - Designating positions which shall be subject to the Conflict of Interest Code and defining categories of disclosure for such positions.  
(Council and Agency action)

*This item was presented to Council by City Clerk Spence.*

*Upon call, there was no public comment.*

*RESOLUTION 2018-275 ADOPTED*

*RESOLUTION SA-41 ADOPTED*

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

**Aye:** 4 - Soria, Brandau, Chavez and Bredefeld

**Absent:** 3 - Baines III, Caprioglio and Olivier

- B. [ID18-1409](#) Repayment of Affordable Housing Loans to the City of Fresno in its Capacity as Housing Successor related to 1608 and 1636-1660 Broadway (Council action)

*This item was presented to Council by Chief Financial Officer Barletta, Successor Agency to the Redevelopment Agency.*

*Upon call, there was no public comment.*

**On motion of Councilmember Bredefeld, seconded by President Soria, the above item was approved. The motion carried by the following vote:**

**Aye:** 6 - Soria, Brandau, Baines III, Caprioglio, Chavez and Bredefeld

**Absent:** 1 - Olivier

### **3. GENERAL ADMINISTRATION**

- 3-A**    [ID18-1418](#)    RESOLUTION - Authorizing the Submission of Grant Applications to the California Department of Transportation for the 2019-20 Sustainable Transportation Planning Grant Program Call for Projects and Authorizing the Execution of Documents by the Public Works Director or Designee (Citywide)

*This item was presented to Council by Grants Administrator, McNab, Public Works Department.*

*Upon call, there was no public comment.*

*RESOLUTION 2018-276 ADOPTED*

**On motion of Councilmember Olivier, seconded by Councilmember Chavez, the above item was approved. The motion carried by the following vote:**

**Aye:** 7 - Soria, Brandau, Baines III, Caprioglio, Chavez, Bredefeld and Olivier

### **5. CLOSED SESSION**

*City Council recessed into Closed Session at 1:49 P.M. and returned from Closed Session at 2:15 P.M.*

*There were no announcements after Closed Session.*

- 5-A**    [ID18-1431](#)    CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - Government Code Section 54956.9, subdivision (d)(2)  
1. City of Fresno v. Helen Woodward

*DISCUSSED*

- 5-B**    [ID18-1432](#)    CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION - Government Code Section 54956.9, subdivision (d)(1)  
1. South Central Neighbors United v. City of Fresno et al. - Fresno County Superior Court, Case No. 18CECG00690

*DISCUSSED*

### **2:00 P.M.**

- [ID18-1417](#)    RESOLUTION - Establishing an eleven (11) member Displacement Task

Force

*This item was introduced to Council by Planning Manager Pagoulatos, Development and Resources Management Department.*

*Upon call, the following members of the public spoke: Luis Avila, Dallas Lyncher, and Diane Smith.*

*Councilmember Baines made a motion to accept staff's recommendation to include broadening the scope beyond rent prices.*

*City Attorney Sloan expressed concern about broadening the scope and wants to make sure that all of the specific tasks included in the Housing Element are not interfered with.*

*Councilmember Chavez asked to amend the motion to include that the Mayor appoints members to the taskforce with the City Council's confirmation. This amendment was accepted by the maker of the motion.*

*There was discussion regarding the City having to complete the taskforce by the end of the year or having flexibility to complete it in January.*

**RESOLUTION 2018-277 ADOPTED**

**On motion of Councilmember Baines III, seconded by Councilmember Bredefeld, the above item was approved as amended. The motion carried by the following vote:**

**Aye:** 7 - Soria, Brandau, Baines III, Caprioglio, Chavez, Bredefeld and Olivier

**2:15 P.M.**

[ID18-1419](#) Award a contract to LSA Associates, Inc., for environmental consulting services for the General Plan Environmental Impact Report Update in the amount of \$499,844.

*This item was presented to Council by Planning Manager Pagoulatos, Development and Resource Management Department.*

*Upon call, the following members of the public spoke: Ashley Werner*

*Council President Soria asked about the Public Engagement Component and when the process begins.*

**On motion of Vice President Brandau, seconded by Councilmember Caprioglio, the above item was approved. The motion carried by the following vote:**

**Aye:** 6 - Soria, Brandau, Caprioglio, Chavez, Bredefeld and Olivier

**Absent:** 1 - Baines III

### **2:30 P.M.**

[ID18-1420](#) Authorizing the Director of Development and Resource Management to enter into an agreement not to exceed \$500,000 with Ascent Environmental, Inc. to complete an Environmental Impact Report assessing a Priority Industrial Area Specific Plan.

*This item was introduced to Council by Director Clark, Development and Resource Management Department.*

*Upon call, the following members of the public spoke: Luis Avila, Veniece Curry, Leland Parnagian, Ethan Smith, and Diane Smith.*

*Councilmember Baines wants to ensure that the local residents living in these areas get those jobs. As part of the EIR we should have some recommendations for local hires in there. The Mayor addressed Councilmember Baines' comments stating that he fully supports local residents getting the jobs. Councilmember Baines wants this language included in the incentive package. He also wants there to be a menu of items to choose from upfront, not after the fact. The Mayor committed to doing everything that is legal to get locals hired, they will do outreach with job fairs. Councilmember Baines asked Councilmember Chavez to work with the administration to make sure this happens. Councilmember Baines made the motion to accept staff's recommendation and include Councilmember Chavez in the process and putting together the menu of options, and to be included in the EIR process.*

*Councilmember Bredefeld wants to know if there is a way to find out how many employees are residents of Fresno. City Attorney Sloan stated that going forward the City can specify that they provide us this data.*

*Councilmember Chavez stated when they toured Ulta, it was much more than a community job fair. They are working with people who have had a difficult life. He said that it was powerful to see our local non-profit organizations putting people to work.*

**On motion of Councilmember Baines III, seconded by Councilmember Caprioglio, the above item was approved as amended. The motion carried by the following vote:**

**Aye:** 6 - Soria, Brandau, Baines III, Caprioglio, Chavez and Bredefeld

**Absent:** 1 - Olivier

#### **4. CITY COUNCIL**

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

#### **UNSCHEDULED COMMUNICATION**

*Upon call, Diane Smith spoke during Unscheduled Communication*

#### **ADJOURNMENT**

*The City Council meeting was adjourned at 3:33 P.M. in loving memory of Mary Stanley.*

*The above minutes were approved at the December 6, 2018 meeting with a motion from Councilmember Caprioglio, and a second from Council Vice President Brandau. The motion passed on a 6-0 vote with Councilmember Baines absent.*



## **Exhibit N**



**RESOLUTION NO.** 2004-185

RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO ESTABLISHING A PROCEDURE FOR THE CREATION OF BOARDS, COMMISSIONS, COMMITTEES, AND SIMILAR BODIES OF THE CITY OF FRESNO BY COUNCIL, MAYOR AND INDIVIDUAL COUNCILMEMBERS.

WHEREAS, the City of Fresno has a number of boards, commissions, committees, and similar bodies (collectively "bodies") that carry out the duties of City government; and

WHEREAS, members who serve on City bodies are public officers and may be subject to various state and local laws; and

WHEREAS, establishing a procedure for the creation of City bodies will ensure that its mission and its internal governance are clearly established and recorded; and

WHEREAS, maintaining accurate records of City bodies will assist in the administration of City bodies and ensure compliance with applicable laws.

NOW THEREFORE, BE IT RESOLVED THAT THE COUNCIL OF THE CITY OF FRESNO HEREBY:

1. Adopts the resolution form which is attached, for use by Council when creating a City board, commission, committee, or similar body. (Exhibit "A").
2. Adopts the organizational form which is attached, for use by the Mayor or individual Councilmember when creating a City board, commission, committee, or similar body. (Exhibit "B").
3. When Council creates a City body, the resolution form taken together with the organizational form shall be the enabling legislation for that City body. The City

Adopted \_\_\_\_\_  
Approved \_\_\_\_\_  
Effective \_\_\_\_\_

5/25/04

Clerk shall record the information from the resolution form into the organizational form which is attached as Exhibit "B".

4. The City body shall be responsible for completing the organizational form filed with the City Clerk, by identifying the name and title of the contact person for the City body, mailing address, and location of its records. The City Clerk, with the advice of the City Attorney, shall designate on the organizational form whether the City body is subject to the Brown Act and whether its members must file annual Statements of Economic Interest pursuant to the Political Reform Act.

5. The organizational form shall also be used by the Mayor or individual Councilmember when creating a City body. It shall be the responsibility of the Mayor or individual Councilmember creating the City body, to complete the organizational form and have it filed with the City Clerk. The City Clerk, with the advice of the City Attorney, shall complete that portion of the form as to whether its members must file Statements of Economic Interest pursuant to the Political Reform Act.

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\*\*\*\*\*

CLERK'S CERTIFICATION

STATE OF CALIFORNIA )  
COUNTY OF FRESNO ) ss.  
CITY OF FRESNO )

I, REBECCA E. KLISCH, City Clerk of the City of Fresno, certify that the foregoing Resolution was adopted by the Council of the City of Fresno, California, at a regular meeting thereof, held on the 25<sup>th</sup> day of May, 2004.

AYES: Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Castillo  
NOES: None  
ABSTAIN: None  
ABSENT: None

Mayor Approval: \_\_\_\_\_ N/A \_\_\_\_\_, 2004  
Mayor Approval/No Return: \_\_\_\_\_ N/A \_\_\_\_\_, 2004  
Mayor Veto: \_\_\_\_\_ N/A \_\_\_\_\_, 2004  
Council Override Vote: \_\_\_\_\_ N/A \_\_\_\_\_, 2004

REBECCA E. KLISCH  
City Clerk

By: Rebecca E. Klisch  
Deputy

APPROVED AS TO FORM:  
HILDA CANTÚ MONTÓY

By: Tei Yukimoto  
TEI YUKIMOTO  
Deputy City Attorney

Exhibit A- Resolution Form  
Exhibit B- Organizational Form

TY:sz[30283sz/reso] 05/17/04

RESOLUTION NO.

RESOLUTION OF THE COUNCIL ESTABLISHING [NAME OF CITY BOARD, COMMISSION, COMMITTEE, OR SIMILAR BODY OF THE CITY OF FRESNO.]

WHEREAS, [Recitals explaining need for the particular board. . . .];

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Fresno as follows:

1.       [NAME]       is hereby established.
2. The Purpose of       [NAME]       is to \_\_\_\_\_.
3. The       [NAME]       shall continue to exist until \_\_\_\_\_ (e.g., date, for "x" period of time; until the budget is adopted; until the mission of the body is completed; other).       [NAME]       shall automatically terminate four years from its creation unless expressly provided for herein or extended by Council resolution.
4. The membership shall consist of:
  - a. \_\_\_\_\_ [Number] members.
  - b. The members shall be appointed in the following manner \_\_\_\_\_ (e.g., by Council as a body, by an individual Councilmember, by the President of the Council, by the Mayor, by particular community organization, or other).
  - c. Qualifications for the members include: \_\_\_\_\_ (e.g., city residency, district residency, particular expertise).
5. The term of office shall be \_\_\_\_\_ [e.g., "x period" or "at pleasure of the appointing authority"]. (Members appointed to a definite term may be removed for cause only, whereas pleasure appointments may be removed without cause.)
6. (If applicable) Compensation shall be \_\_\_\_\_ [AMOUNT] \_\_\_\_\_.
7. The Staff Representative shall be \_\_\_\_\_ [NAME OF INDIVIDUAL] \_\_\_\_\_.

\* \* \* \* \*

CLERK'S CERTIFICATION

STATE OF CALIFORNIA )  
COUNTY OF FRESNO ) ss.  
CITY OF FRESNO )

I, REBECCA E. KLISCH, City Clerk of the City of Fresno, certify that the foregoing resolution was adopted by the Council of the City of Fresno, at a regular meeting held on the \_\_\_ day of \_\_\_\_\_, 2004.

AYES :  
NOES :  
ABSENT :  
ABSTAIN :

REBECCA E. KLISCH  
City Clerk

BY: \_\_\_\_\_  
DEPUTY

APPROVED AS TO FORM;  
CITY ATTORNEY'S OFFICE

BY: \_\_\_\_\_

Deputy City Attorney

TY:sz[30284sz/reso] 5/26/04

**ORGANIZATIONAL FORM FOR CITY OF FRESNO  
BOARDS, COMMISSIONS, COMMITTEES, AND SIMILAR BODIES.**

This form shall be completed and filed with the City Clerk's Office when the Council, Mayor, or individual Councilmember creates a City board, commission, committee, or similar body ("body"). The City Clerk shall complete the form when the body is created by Council action. If the body is created by the Mayor or individual Councilmember, the Mayor or that Councilmember is responsible for ensuring that the form is completed and filed with the City Clerk.

1. **Name.**

---

---

2. **Legal authority for creation. (Federal law, state law, Charter, ordinance, resolution, or other.)**

---

3. **Purpose/ mission.**

---

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---

4. **How long body will be in existence.**

---

\*All boards, commissions, committees and similar bodies not created by Charter, ordinance, or resolution of Council will automatically terminate two years from their creation unless otherwise specified by Council pursuant to Fresno Municipal Code Section 2-902.

5. **Membership.**

a. **Number of members.**

---

b. **How members are appointed.**

---

---

**c. Membership qualifications.**

---

---

\*Examples include City residency, special expertise, etc.

**d. Term of Office.**

---

\*Appointments for a definite term of office requires removal for cause only. Pleasure appointments may be removed without cause by the appointing authority.

**6. Contact person.**

---

\*This individual shall also be responsible for ensuring that the information provided in this form is accurate and up to date.

**7. Mailing address:**

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**8. Location of the records.**

---

**To be completed by City Clerk, with advice from City Attorney.**

**9. Brown Act/open meeting requirement.**

Yes \_\_\_\_\_ No \_\_\_\_\_ (Ad hoc committee or body created by a non-legislative body, such as the Mayor or individual Councilmember)

**10. Must file Statements of Economic Interest.**

Yes \_\_\_\_\_ No \_\_\_\_\_

**Date** \_\_\_\_\_

## **Exhibit O**



**ORGANIZATIONAL FORM FOR CITY OF FRESNO  
BOARDS, COMMISSIONS, COMMITTEES, AND SIMILAR BODIES.**

This form shall be completed and filed with the City Clerk's Office when the Council, Mayor, or individual Councilmember creates a City board, commission, committee, or similar body ("body"). The City Clerk shall complete the form when the body is created by Council action. If the body is created by the Mayor or individual Councilmember, the Mayor or that Councilmember is responsible for ensuring that the form is completed and filed with the City Clerk.

**1. Name.**

Budget Subcommittee

**2. Legal authority for creation. (Federal law, state law, Charter, ordinance, resolution, or other.)**

Resolution 2004-185 and the minutes of June 21, 2018, Motion No. 15 as amended

**3. Purpose/ mission.**

A subcommittee would meet prior to the approval of the FY19 budget to identify specific projects to spend the \$9.9M and \$3.5M on.

**4. How long body will be in existence.**

As needed

\*All boards, commissions, committees and similar bodies not created by Charter, ordinance, or resolution of Council will automatically terminate two years from their creation unless otherwise specified by Council pursuant to Fresno Municipal Code Section 2-902.

**5. Membership.**

**a. Number of members:**

3

**b. How members are appointed.**

By City Council

**c. Membership qualifications.**

Must be a Councilme

\*Examples include City residency, special expertise, etc.

**d. Term of Office.**

Until replaced by another councilmember.

\*Appointments for a definite term of office require removal for cause only.  
Pleasure appointments may be removed without cause by the appointing authority.

**6. Contact person.**

Terry Cox

\*This individual shall also be responsible for ensuring that the information provided in this form is accurate and up to date.

**7. Mailing address:**

2600 Fresno Street, Fresno, CA 93721

**8. Location of the records.**

**To be completed by City Clerk, with advice from City Attorney.**

**9. Brown Act/open meeting requirement.**

Yes  No  (Ad hoc committee or body created by a non-legislative body, such as the Mayor or individual Councilmember)

**10. Must file Statements of Economic Interest.**

Yes  No

**Date** 7/30/19

## **Exhibit P**

# **City of Fresno**

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



## **Meeting Minutes - Final**

**Thursday, April 23, 2020**

**9:00 AM**

**Notice of Special Open Session Meeting**

**Council Chambers**

### **City Council**

***President - Miguel Angel Arias***

***Vice President - Paul Caprioglio***

***Councilmembers:***

***Esmeralda Z. Soria, Mike Karbassi, Luis Chavez, Garry Bredefeld,***

***Nelson Esparza***

***City Manager - Wilma Quan***

***City Attorney - Douglas T. Sloan***

***City Clerk - Yvonne Spence, MMC***

City Council met in special open session in City Hall on the date and time written above.

## **APPROVE AGENDA**

*City Council approved the special open session meeting agenda during the regular meeting. The special open session meeting began at 3:30 P.M.*

**Present:** 7 - President Miguel Angel Arias  
Vice President Paul Caprioglio  
Councilmember Esmeralda Z. Soria  
Councilmember Mike Karbassi  
Councilmember Luis Chavez  
Councilmember Garry Bredefeld  
Councilmember Nelson Esparza

[ID](#)  
[20-00531](#)

\*\*\*RESOLUTION - Directing appropriations to the COVID-19 Emergency Response Fund to create a Consumer Grant Program to assist Fresno families impacted by job loss or reduction in working hours, and directing appropriations to the Save our Small Business Program (Subject to Mayor's Veto)

*The above item was introduced to Council by Councilmember Soria, District 1. Upon call, the following members of the public addressed Council: Dave S., Shayna Rose, Jaimee Olsen, Grecia Elenes, Estela Ortega, Dan and Kacey Austin Tibbetts.*

*Councilmember Soria motioned to approve the item as presented.*

*Councilmember Esparza is supportive of the concept of providing the grants; however, he does not agree leaving the funding source too flexible, particularly the housing dollars.*

*Councilmember Esparza offered a second to the motion as a placeholder and amended the motioned to protect the housing dollars, utilized the COVID relief in the CARES Act, and retroactively turn the previous loans into grants to be eligible to be recovered and reimbursed by the CARES Act. Councilmember Soria agreed to the amendment.*

*Councilmember Chavez supported Councilmember Esparza's amendments to retroactively turn the loans into a grant to make it reimbursable to prevent*

*small businesses from closing and helping residents stay in their home. He asked to also include in the motion resources for the Small Business program increasing the amount from \$1 million to \$1.5 million to the Small Business program and give the City Manager the flexibility for the other pot of money and to come back to Council with a final plan to be voted on. Councilmember Soria agreed to the amendment.*

*City Attorney Sloan stated only COVID related expenses can be reimbursed.*

*Councilmember Karbassi stated he would like more time to review the proposal. He suggested the Council Budget Subcommittee work with the Administration and come up with a plan before bringing it back to Council for approval. He agrees the Small Business program should be a grant rather than a loan and he would like Fresno Economic Opportunities Commission (EOC) to be involved.*

*City Manager Quan requested Assistant City Manager Sumpter be the point person to do the research regarding the utilization of the funds.*

*Council President Arias stated no money would be spent until the program is completed by the Administration.*

*Councilmember Karbassi does not support the item as presented and suggested the program go before the Council Budget Subcommittee first.*

*Councilmember Bredefeld asked if the Consumer Grant Program is available to those who are in the Country illegally. Councilmember Soria stated it is open to all Fresno residents. Councilmember Bredefeld stated residents want to get back to work and earn a living and does not support the item as presented.*

*Council Vice President Caprioglio agreed with Councilmember Karbassi and would have liked more time to review the information; he stated he does not support cashing checks when there is no money and addressed his concerns with the spending of the \$750,000 for the Small Business Act. Therefore, he does not support the item as presented.*

*Councilmember Chavez stated they are trying to be proactive, saving one small business at a time and trying to prevent potential families from becoming homeless. He suggested the proposal be sent to the Council Budget Subcommittee.*

*Councilmember Soria directed the Administration to work with the Council Budget Subcommittee on the allocation before coming to Council for final approval of the proposal.*

*Council President Arias spoke regarding the Small Business program and immediate relief to Fresno residents.*

*Councilmember Soria motioned to direct the Administration to prepare for Council consideration an appropriation of an additional \$1.5 million to the Save our Small Business program. Funds shall be issued as grants and reimbursed with Federal funding to the extent legally permissible. The City Manager shall also identify funds and the Council Budget Subcommittee shall review the proposal before returning to Council for consideration. Councilmember Esparza seconded the motion.*

**RESOLUTION 2020-091 ADOPTED**

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

**Aye:** 4 - Arias, Soria, Chavez and Esparza

**No:** 3 - Caprioglio, Karbassi and Bredefeld

[ID](#) RESOLUTION - Directing the City Manager to return to Council with an agreement to bring additional energy savings to the City of Fresno.  
[20-00533](#)

*The above item was introduced to Council by Council President Arias, District 3 and Councilmember Soria, District 1. Upon call, there was no public comment.*

*Discussion was held between Councilmember Soria and Assistant City Manager Schaad regarding the future agreement to include local jobs, future workforce and if there will be immediate savings. They discussed the*

*Request for Qualification (RFQ) process and the pre-apprenticeship program. City Attorney Sloan added the Attorney's office will work with the Administration to come up with a competitive bid.*

*Councilmember Karbassi does not support the item as an emergency item and stated he would like more time to review and that he would like to go forward with the RFQ process.*

*Councilmember Bredefeld asked the Administration if the cost savings can be utilized in other ways like Public Works projects. Assistant City Manager Schaad responded the energy savings dollars will be used to pay off the infrastructure loans for seven to ten years and there will be no cost savings until then.*

*Councilmember Soria suggested she and Council President Arias meet with the Administration to discuss the RFQ requirements before coming back to Council. Assistant City Manager Schaad replied.*

*Upon consensus of the Council, the item was tabled to a later date.*

[ID](#)  
[20-00532](#)

RESOLUTION - Honoring and acknowledging frontline workers providing essential services and who risk their own lives to make sure the people in our community are supported and taken care of during the COVID-19 pandemic.

*The above item was introduced to Council by Council Vice President Caprioglio, District 4 and Councilmember Soria, District 1. Upon call, there was no public comment.*

*Councilmember Soria encouraged the community to participate in a standing ovation to honor and acknowledge the frontline workers providing essential services and those who risk their own lives during the COVID-19 pandemic on May 1, 2020 at 7:00 P.M.*

**RESOLUTION 2020-092 ADOPTED**

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



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

**eComments**

[ID](#) eComments received for the Special Open Session Meeting.  
[20-00572](#)

**ADJOURNMENT**

*City Council adjourned the special open session meeting at 4:45 P.M.*

## **Exhibit Q**

BILL NO. \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA,  
AMENDING SECTION 2-316 OF THE FRESNO MUNICIPAL  
CODE, COUNCIL COMMITTEES

THE COUNCIL OF THE CITY OF FRESNO DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 2-316 of the Fresno Municipal Code is amended to read:

SEC. 2-316. SPECIAL COMMITTEES.

[(a)] All special committees shall be appointed by the presiding officer, unless otherwise directed by the Council.

[(b) All committees that include one or more Councilmembers shall be subject to the Ralph M. Brown Act, Government Code Sections 54950 et seq., and the Council Rules of Procedure. Compliance shall include, without limitation, agenda preparation and publication at least 72 hours in advance of meetings; meetings being open to the public for in-person and/or electronic participation; keeping recordings of meetings and making them available on the City Clerk’s web pages; and the City Clerk, or the City Clerk’s designee, being responsible to make and publish all committee agendas and minutes.]

SECTION 2. This ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty-first day after its final passage.

\* \* \* \* \*

Date Adopted:  
Date Approved  
Effective Date:  
City Attorney Approval: \_\_\_\_\_

Ordinance No.

STATE OF CALIFORNIA )  
COUNTY OF FRESNO ) ss.  
CITY OF FRESNO )

I, YVONNE SPENCE, City Clerk of the City of Fresno, certify that the foregoing ordinance was adopted by the Council of the City of Fresno, at a regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_ 2021.

AYES :  
NOES :  
ABSENT :  
ABSTAIN :

Mayor Approval: \_\_\_\_\_, 2021  
Mayor Approval/No Return: \_\_\_\_\_, 2021  
Mayor Veto: \_\_\_\_\_, 2021  
Council Override Vote: \_\_\_\_\_, 2021

YVONNE SPENCE, MMC CRM  
City Clerk

By: \_\_\_\_\_  
Deputy Date

APPROVED AS TO FORM:  
DOUGLAS T. SLOAN  
City Attorney

By: \_\_\_\_\_  
Douglas T. Sloan Date  
City Attorney

## **Exhibit R**

# City of Fresno

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



## Meeting Minutes – Final

Thursday, May 27, 2021

9:00 AM

Regular Meeting

Electronic Only

City Council

***President – Luis Chavez***

***Vice President – Nelson Esparza***

***Councilmembers:***

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

***City Manager – Thomas Esqueda***

***City Attorney – Douglas T. Sloan***

***City Clerk – Yvonne Spence, MMC***

9:00 A.M. ROLL CALL

Council President called the City Council meeting to order at 9:02 A.M. Councilmember Arias was absent during roll call and joined the meeting at 9:04 A.M.

Council President Luis Chavez  
Council Vice President Nelson Esparza

**Present:** 7 – Councilmember Esmeralda Soria  
Councilmember Mike Karbassi  
Councilmember Miguel Arias  
Councilmember Tyler Maxwell  
Councilmember Garry Bredefeld

**Absent:** 0 –

Invocation by Pastor Edward Lee from Mount Olive Baptist Church

Pledge of Allegiance to the Flag

## **APPROVE AGENDA**

*City Clerk Spence announced the following changes to the agenda:*

*The following items were requested to be pulled from the agenda to a future date:*

- 1. File ID 21-0222 (1-A): Approval of minutes for May 13, 2021 Regular Meeting was requested to be continued to June 10, 2021 by the City Clerk's Office*
- 2. File ID 21-1836 (1-B): Actions related to residential recycling (City wide) was requested to be continued to June 10, 2021 by Council Vice President Esparza and Councilmember Maxwell*
- 3. File ID 21-22496 (1-L): Actions pertaining to the acquisition of The Valley Inn, a 107-room motel located at 933 N. Parkway Drive (APN 44933532), to provide temporary shelter and prevent COVID-19 among individuals experiencing homelessness in the City of Fresno was requested to be continued to June 10, 2021 by Councilmember Arias*
- 4. File ID 21- 22546 (1-DD): RESOLUTION – Initiating a Text Amendment to the Zoning Ordinance of the City of Fresno to Amend Chapter 15, Article 27, Section 15-2706 of the Fresno Municipal Code relating to the Sale of Alcoholic Beverages for Off-site Consumption – The Responsible Neighborhood Market Act was requested to be continued to June 10, 2021 by Councilmember Karbassi*
- 5. File ID 21- 22475 (1-FF): \*\*\*RESOLUTION – Amending the Citywide Records*

*Management Program (Subject to Mayor's veto) was requested to be continued to June 10, 2021 by Council President Chavez*

*6. File ID 21-22455 (3-B): Workshop 2021-2022 Water Supply Update and Preliminary Drought Response Actions was requested to be continued to June 10, 2021 by Council Vice President Esparza*

*Councilmember Bredefeld motioned to keep item 1-L File ID 21-22496: Actions pertaining to the acquisition of The Valley Inn, a 107-room motel located at 933 N. Parkway Drive (APN 44933532), to provide temporary shelter and prevent COVID-19 among individuals experiencing homelessness in the City of Fresno on the agenda for discussion. The motion FAILED for lack of second.*

*Council Vice President Esparza motioned to eliminate Council discussion on item 4-A File ID 21-22450 – Workshop – Presentation from Fuego FC, Selland Arena Property. Councilmember Karbassi seconded the motion. Motion PASSED 7-0*

*Councilmember Karbassi requested item 4-D File ID 21-22553 – \*\*\* Resolution – Creating the Municipal Arrears Relief Act and Delinquent City Utilities be removed from the agenda with no date to return.*

*Councilmember Karbassi requested item 2-C File ID 21-5745 (10:10 A.M.) – Hearing to Consider Conditional Use Permit Application No. P20-01589 and related Environmental Assessment No. P20-01589 for a project site located at 5747 North Palm Avenue; be heard at 2:00 P.M. or thereafter.*

*Councilmember Bredefeld recused himself from 1-Z File ID 21-1925-01 -\*\*\*Bill No. 21-(Intro. 5/13/2021)(For adoption) – Amending the Rental Housing Improvement Act, FMC sections 10-1601-10-1605.*

*The following are changes to the agenda:*

- 1. File ID 21-22538: Proclamation for "Affordable Housing Month". Councilmember Soria and Councilmember Arias were added as co-sponsors by Council Vice President Esparza*
- 2. File ID 21-22541 (1-N): Approve the appointment of Marina Magdaleno to the Civil Service Board, approve the reappointment of Caine Christensen, Sharon Wilson-Williams, and Donyell Wilkins to the Housing Authority, and approve the reappointment of Felipe Arballo to the Bicycle and Pedestrian Advisory Committee. The appointment of Donyell Wilkins to the Housing Authority was continued to an unknown date by the Office of Mayor & City Manager*



*Council Vice President Esparza requested item 1-N File ID 21-22541 – the reappointment of Caine Christensen, Sharon Wilson-Williams, and Donyell Wilkins to the Housing Authority be tabled to an unknown date.*

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

- 1. File ID 21- 11743 (1-H): Approve the award of a purchase contract to Swanson Fahrney Ford of Selma, California, for the purchase of 42 Ford vehicles for Department of Public Works, Department of Public Utilities, Department of Transportation, and Airports Department in the amount of \$1,289,875 (Bid File 3807) was pulled by Councilmember Arias and Councilmember Bredefeld for further discussion.*
- 2. File ID 21- 11684 (1-I): Approve the award of a purchase contract to Haaker Equipment Company Inc. of La Verne, California for the purchase of two Elgin CNG Broom Bear street sweepers in the amount of \$812,417 for the Department of Public Works was pulled by Councilmember Bredefeld for further discussion.*
- 3. File ID 21- 5469 (1-J): Approve the award of a purchase contract to Haaker Equipment Company Inc., of La Verne, California for the purchase of one Elgin Broom Bear street sweeper in the amount of \$323,246 for the Airports Department was pulled by Councilmember Bredefeld for further discussion.*
- 4. File ID 21- 22468 (1-P): Authorize the Chief of Police to enter into the Third Amendment to an existing contract with ShotSpotter Inc. (SST), through the end of FY 2024 to provide gunshot detection coverage for 14.46 square miles in the City of Fresno in an amount not to exceed \$2,076,384 over three years was pulled by Councilmember Arias for further discussion.*
- 5. File ID 21- 12412 (1-Q): Authorize the Chief of Police to enter into a Memorandum of Understanding with ShotSpotter Inc. (SST) through the end of FY 2021 to assume two contracts for gunshot detection coverage areas of 8.26 square miles that were previously entered into by the City of Fresno Bus Rapid Transit Authority and SST (2.26 square miles) and Fresno Unified School District and SST (6 square miles) in the amount of \$245,589 was pulled by Councilmember Arias for further discussion.*

**On motion of Councilmember Soria, seconded by Council Vice President Esparza, the above item be Adopted as Amended. The motion carried by the following vote:**

**Aye:** Chavez, Esparza, Soria, Karbassi, Arias, Maxwell, Bredefeld

**Status:** 7 – 0 –

## **CEREMONIAL PRESENTATIONS**

The below Ceremonial Presentations were presented to Council

**ID 21-1928** Proclamation for "Anthem Blue Cross"

**Sponsors:** Council President Chavez

**ID 21-5887** Proclamation for "Vanessa Richardson Day"

**Sponsors:** Councilmember Karbassi

**ID 21-22493** National Public Works Week Proclamation

**Sponsors:** Office of Mayor and City Manager

**ID 21-22538** Proclamation for "Affordable Housing Month"

**Sponsors:** Council Vice President Esparza

### **COUNCILMEMBER REPORTS AND COMMENTS**

*Councilmember Arias addressed the Mayor regarding the concerns of the Proud Boys protesters in Tower District and asked the Administration and Police Chief Balderrama to meet with the business owners and find alternative ways to manage the protest in the Tower District. He spoke regarding the issues with human trafficking on Parkway. He thanked Director Mozier in Public Works for working quickly on Palm Avenue.*

*Councilmember Maxwell spoke regarding the Beautify Fresno event at Granite Park and the success of collecting about 1,100 pounds of trash. He thanked Director Mozier in Public Works for assisting in District 4's seven week concrete repair project. He thanked several community partners in the district, the Discovery Center, Colonel Troy Havener and the 144 Air Fighters, and congratulated Fresno State's newest President Dr. Saul Jimenez-Sandoval.*

*Council Vice President Esparza attended the United Against the Hate Rally. He attended Roosevelt High School Civics Government event. He announced he will be having a Beautify Fresno event, Saturday, June 5, 2021 at Webster Elementary at 9:00 A.M.*

*Council President Chavez spoke regarding Roosevelt High School Civics Government event that he attended alongside Council Vice President Esparza. He thanked the Administration for working with the Council on the upcoming budget presentation.*

### **MAYOR/MANAGER REPORTS AND COMMENTS**

*Mayor Dyer spoke regarding his participation with Stop the Violence Rally at the Water Tower and City Hall; Beautify Fresno event at Granite Park where a 126 volunteers*

showed up, he visited Fresno Pacific College. He announced Kimberly McCoy as the new elected Chair and Jon Dohlin as the elected Vice Chair for the Parks, Recreations, and Arts Commission. They held their first meeting, Tuesday, May 25, 2021 and will be meeting 1<sup>st</sup> and 3<sup>rd</sup> Monday of the month. He attended the Prayer Breakfast at Chuckchansi.

City Manager Esqueda briefly spoke regarding the tray memos provided to Council on the following: Upcoming budget, American Rescue Plan Act funds, Zero Fair Feasibility Act, ShotSpotter data, COVID Committee Rescinding all the Emergency Orders and the reopening of City Hall on July 6, 2021. He thanked the Councilmember for working with the Administration on the Fresno County Tax Sharing Agreement proposal. He addressed the water supply update.

**1. CONSENT CALENDAR**

**On motion of Councilmember Arias, seconded by Council Vice President Esparza, the below CONSENT CALENDAR items were approved. The motion carried by the following vote:**

**Aye: Chavez, Esparza, Soria, Karbassi, Arias, Maxwell, Bredefeld  
Status: 7-0**

- 1-A ID 21-0222** Approval of minutes for May 13, 2021 Regular Meeting.  
**Sponsors:** Office of the City Clerk

*The above item was removed from the agenda and continued to June 10, 2021 by the City Clerk’s Office*

- 1-B ID 21-1836** Actions related to residential recycling (City wide):
  1. Approve a Second Amendment to the Service Agreement with Mid-Valley Recycling, LLC., extending the term of the contract to June 30, 2036; and
  2. Approve a Second Amendment to the Service Agreement with Cedar Avenue Recycling and Transfer Station, LP extending the term of the contract to June 30, 2036**Sponsors:** Department of Public Utilities

*The above item was removed from the agenda and continued to June 10, 2021 by Councilmember Maxwell and Council Vice President Esparza.*

- 1-C ID 21-12408** Award a Construction Contract to Steve Dovali Construction, Inc., in the amount of \$450,260 for construction of well site improvements at Pump Station 156, located at 4069 West Kadota Avenue (Bid File 3648) (Council District 2)  
**Sponsors:** Department of Public Utilities

- 1-D ID 21-12410** Actions pertaining to the construction of 2,656 linear feet of 8-inch diameter water main for the North Feland and West Swift Avenues Water Main Replacement located northwest of West Ashlan and North Marks Avenues (Bid File 3800) (Council District 1):
1. Adopt a finding of Categorical Exemption pursuant to CEQA Section 15301 (Existing Facilities) and CEQA Section 15302 (Replacement or Reconstruction) of the California Environmental Quality Act
  2. Award a construction contract to West Valley Construction Company, Inc., in the amount of \$794,964
- Sponsors:** Department of Public Utilities
- 1-E ID 21-18419** Approve a cooperative purchase agreement with AMS.NET, Inc., of Cisco, for the purchase of computer network hardware and services in the amount of \$668,772.58, to expand the scope of work of the Department of Public Utilities (DPU) Water Division's (Water) enterprise network system upgrade to ensure continuity of operations utilizing a cooperative purchase agreement; and authorize the Director of Public Utilities, or designee, to approve the cooperative agreement.
- Sponsors:** Department of Public Utilities
- 1-F ID 21-19464** Actions pertaining to the construction of 2,660 linear feet of 12-inch diameter water main for the Martin Luther King Jr. Boulevard Water Main Replacement between West Church Avenue and West Jensen Avenue (Bid File 3783) (Council District 3 and Fresno County):
1. Adopt a finding of Categorical Exemption pursuant Sections 15301/Class 1 (Existing Facilities) and 15302/Class 2 (Replacement or Reconstruction) of the California Environmental Quality Act (CEQA) Guidelines
  2. Award a Construction Contract to Emmett's Excavation, Inc., in the amount of \$659,080
- Sponsors:** Department of Public Utilities
- 1-G ID 21-22211** Approve a Consultant Services Agreement with Blair, Church & Flynn Consulting Engineers, Inc., to perform recycled water service connection feasibility studies and prepare improvement plans relating to the conversion of irrigation facilities from potable water to recycled water at City Hall, Fulton Street and Fink White Park, in an amount not to exceed \$137,200 (Council District 3)
- Sponsors:** Department of Public Utilities
- 1-H ID 21-11743** Approve the award of a purchase contract to Swanson Fahrney Ford of Selma, California, for the purchase of 42 Ford vehicles for Department of Public Works, Department of Public Utilities, Department of Transportation, and Airports Department in the amount of \$1,289,875 (Bid File 3807)
- Sponsors:** Department of Transportation

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

- 1-I ID 21-11684** Approve the award of a purchase contract to Haaker Equipment Company Inc. of La Verne, California for the purchase of two Elgin CNG Broom Bear street sweepers in the amount of \$812,417 for the Department of Public Works  
**Sponsors:** Department of Transportation

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

- 1-J ID 21-5469** Approve the award of a purchase contract to Haaker Equipment Company Inc., of La Verne, California for the purchase of one Elgin Broom Bear street sweeper in the amount of \$323,246 for the Airports Department  
**Sponsors:** Department of Transportation

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

- 1-K ID 21-22464** Actions pertaining to Commercial Cannabis Activity:  
1. \*\*\*BILL No. 14 - (Re-Intro 5-13-21)(For Adoption) Amending Sections 9-3316 and 9-3325 of the Fresno Municipal Code, relating to the regulation of cannabis. (Subject to Mayor's veto)  
**Sponsors:** Office of Mayor and City Manager

**ORDINANCE 2021-021 ADOPTED**

- 1-L ID 21-22496** Actions pertaining to the acquisition of The Valley Inn, a 107-room motel located at 933 N. Parkway Drive (APN 449-335-32), to provide temporary shelter and prevent COVID-19 among individuals experiencing homelessness in the City of Fresno  
1. Adopt a finding of Categorical Exemption pursuant to Section 15301/Class 1 of the California Environmental Quality Act (CEQA) guidelines  
2. \*\*\*RESOLUTION – Approving an Interfund Loan Agreement between the City of Fresno Sewer Operating Fund and the City of Fresno General Fund (Subject to Mayor's veto)  
3. \*\*\*RESOLUTION - Adopting the 86th amendment to the Annual Appropriations Resolution (AAR) No. 2020-159 appropriating \$10,000,000 to the General Fund from the Sewer Operating Fund. (Requires 5 affirmative votes) (Subject to Mayor's veto)  
4. Approve an Assignment and Assumption Agreement with Fresno Housing Authority for the purchase of the Valley Inn for no more than \$6,955,000

**Sponsors:** Office of Mayor and City Manager

*The above item was removed from the agenda and continued to June 10, 2021 by Councilmember Arias.*

- 1-M ID 21-22534** Actions pertaining to the FY2021 Mid-Year Budget Review:
1. \*\*\*RESOLUTION – 80th Amendment to the Annual Appropriation Resolution (AAR) No. 2020-159 to appropriate \$2,685,800 to the first CDBG repayment per the settlement with the Office of Inspector General at the U.S. Department of Housing and Urban Development. The second repayment of \$2,685,700 is budgeted in FY 2022 under the Planning & Development Department and 10502 Housing General Fund. (Requires 5 affirmative votes)(Subject to Mayor’s Veto)
  2. \*\*\*RESOLUTION – 83rd Amendment to Annual Appropriation Resolution (AAR) No. 2020-159 to re-establish appropriations of \$700,000 to the original funding sources (Housing GF and PARCS’ MultiGen Project) per the 64th Amendment to the Annual Appropriation Resolution (Adopted Resolution No. 2021-038). (Requires 5 affirmative votes)(Subject to Mayor’s Veto).
  3. \*\*\*RESOLUTION – 84th Amendment to Annual Appropriation Resolution (AAR) No. 2020-159 to establish appropriations of \$600,000 for Homeless Housing Project (Travel Inn) as presented during FY 2021 Mid-year workshop to City Council on April 8, 2021 and during Council Budget Subcommittee meeting on May 6, 2021. (Requires 5 affirmative votes)(Subject to Mayor’s Veto)

**Sponsors:** Office of Mayor and City Manager

*RESOLUTION 2021-133 ADOPTED*

*RESOLUTION 2021-134 ADOPTED*

*RESOLUTION 2021-135 ADOPTED*

- 1-N ID 21-22541** Approve the appointment of Marina Magdaleno to the Civil Service Board, approve the reappointment of Caine Christensen, Sharon Wilson-Williams, and Donyell Wilkins to the Housing Authority, and approve the reappointment of Felipe Arballo to the Bicycle and Pedestrian Advisory Committee.

**Sponsors:** Office of Mayor and City Manager

*The reappointments for Caine Christensen, Sharon Wilson-Williams, and Donyell Wilkins to the Housing Authority was removed from the agenda by Council Vice President Esparza and tabled to an unknown date.*

*The appointment of Marina Magdaleno to the Civil Service Board was approved. The reappointment of Felipe Arballo to the Bicycle and Pedestrian Advisory Committee was approved.*

- 1-O ID 21-22492** Approve a consultant services agreement with Economic & Planning

Systems, Inc., for professional municipal fiscal analysis project services related to the General Plan implementation fiscal impact analysis, in the amount of \$214,500.  
**Sponsors:** Planning & Development Department

- 1-P ID 21-22468** Authorize the Chief of Police to enter into the Third Amendment to an existing contract with ShotSpotter Inc. (SST), through the end of FY 2024 to provide gunshot detection coverage for 14.46 square miles in the City of Fresno in an amount not to exceed \$2,076,384 over three years.  
**Sponsors:** Police Department

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

- 1-Q ID 21-12412** Authorize the Chief of Police to enter into a Memorandum of Understanding with ShotSpotter Inc. (SST) through the end of FY 2021 to assume two contracts for gunshot detection coverage areas of 8.26 square miles that were previously entered into by the City of Fresno Bus Rapid Transit Authority and SST (2.26 square miles) and Fresno Unified School District and SST (6 square miles) in the amount of \$245,589.  
**Sponsors:** Police Department

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

- 1-R ID 21-19883** RESOLUTION - Adopt Resolution approving State-Only Master Agreement for State-Aid Local Transportation Projects between the City of Fresno and the State of California, acting through its Department of Transportation (Caltrans) and authorizing execution of documents  
**Sponsors:** Public Works Department

*RESOLUTION 2021-136 ADOPTED*

- 1-S ID 21-20045** Actions pertaining to the Romain Park Southwest Parking Lot Reconstruction Project (Bid File 3762) (Council District 7):  
1. Adopt finding of a Categorical Exemption pursuant to Sections 15301(d)/Class 1 of the California Environmental Quality Act (CEQA) Guidelines  
2. Award a construction contract with ARES General Engineering of Prather, CA, for \$193,965  
**Sponsors:** Public Works Department
- 1-T ID 21-22458** Actions pertaining to Final Map of Tract No. 6240 (Council District 4):  
1. RESOLUTION - Approving the Final Map of Tract No. 6240, of Vesting Tentative Tract Map No. 6131, and accepting dedicated public uses offered therein except for dedications offered subject to City acceptance of developer installed required

improvements – Southwest corner of East Dakota Avenue and North Armstrong Avenue

2. \*\*\*RESOLUTION – 72nd Amendment to the Annual Appropriation Resolution (AAR) No. 2020-159 to appropriate \$361,300 in developer contributions for the acquisition of right-of-way for public street and public utility easements for the Final Map of Tract No 6240 on the Southwest corner of East Dakota Avenue and North Armstrong Avenue (Requires 5 affirmative votes)(Subject to Mayor’s Veto)

**Sponsors:** Public Works Department

*RESOLUTION 2021-137 ADOPTED*

*RESOLUTION 2021-138 ADOPTED*

**1-U ID 21-22459** Actions pertaining to Final Map of Tract No. 6285

1. RESOLUTION - Approving the Final Map of Tract No. 6285, of Vesting Tentative Tract Map No. 6285, and accepting dedicated public uses offered therein except for dedications offered subject to City acceptance of developer installed required improvements – south side of East Clinton between North Temperance and North Armstrong Avenue (Council District 4)

2. \*\*\*RESOLUTION – 73rd Amendment to the Annual Appropriation Resolution (AAR) No. 2020-159 to appropriate \$39,400 in developer contributions for the acquisition of right of way for public street and public utility easements for the Final Map of Tract No 6285 on the south side of East Clinton between North Temperance and North Armstrong Avenue (Council District 4) (Requires 5 affirmative votes)(Subject to Mayor’s Veto)

**Sponsors:** Public Works Department

*RESOLUTION 2021-139 ADOPTED*

*RESOLUTION 2021-140 ADOPTED*

**1-V ID 21-22460** RESOLUTION - Of Intention to Annex the Territory Known as Assessor’s Parcel Number 505-281-18 as Annexation No. 52 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, July 15, 2021, at 10:00 am (northeast corner of North Grantland and West Barstow Avenues) (Council District 2)

**Sponsors:** Public Works Department

*RESOLUTION 2021-141 ADOPTED*

**1-W ID 21-22462** Actions pertaining to the Chestnut Avenue Overlay Project between Herndon Avenue and Bullard Avenue – Bid File No. 3791 (Council District 6)

1. Adopt a finding of Categorical Exemption per staff determination, pursuant to Sections 15301, and 15302 of the California Environmental Quality Act guidelines



2. Award a construction contract in the amount of \$1,094,754.60 to Dave Christian Construction Co. Inc., of Fresno, California

**Sponsors:** Public Works Department

**1-X ID 21-22449** \*\*\*Bill No. 22 - (Intro 5/13/2021) (For Adoption) - Amending FMC sections 4-203 and 4-204 concerning disposition of City real property. (Subject to Mayor's veto)

**Sponsors:** Councilmember Maxwell, Council Vice President Esparza

*ORDINANCE 2021-022 ADOPTED*

**1-Y ID 21-22465** Ordinance (for introduction) – Amending the Vacant Building Ordinance, FMC section 10-617

**Sponsors:** Councilmember Arias

*BILL 23 APPROVED, INTRODUCED AND LAID OVER*

**1-Z ID 21-1925-01** \*\*\*Bill No. 21 - (Intro 5/13/2021) (For adoption) – Amending the Rental Housing Improvement Act, FMC sections 10-1601 – 10-1605. (Subject to Mayor's veto)

**Sponsors:** Council Vice President Esparza, Councilmember Arias

*Councilmember Bredefeld recused himself from the above item. the item PASSED 6-0.*

*ORDINANCE 2021- 023 ADOPTED*

**1-AA ID 21-22510** \*\*\*RESOLUTION - Approving the reallocation of \$27,000 from the Finance Department to the PARCS Department. (Requires 5 affirmative votes) (Subject to Mayor's veto)

**Sponsors:** Council Vice President Esparza

*Councilmember Bredefeld and Councilmember Karbassi registered a no vote on the above item. The item PASSED 5-2.*

*RESOLUTION 2021-142 ADOPTED*

**1-BB ID 21-22544** BILL (for introduction) – Amending Section 5-510 of the Fresno Municipal Code relating to the Fresno Youth Commission

**Sponsors:** Councilmember Karbassi

*BILL 24 APPROVED, INTRODUCED AND LAID OVER*

**1-CC ID 21-22536** Approve the appointment of Katie Purdy to the Fresno Youth Commission.  
**Sponsors:** Councilmember Karbassi

**1-DD ID 21-22546** RESOLUTION – Initiating a Text Amendment to the Zoning Ordinance of the City of Fresno to Amend Chapter 15, Article 27, Section 15-2706 of the Fresno Municipal Code relating to the Sale of Alcoholic Beverages for Off-site Consumption – The Responsible Neighborhood Market Act  
**Sponsors:** Councilmember Karbassi

*The above item was removed from the agenda by Councilmember Karbassi and continued to June 10, 2021*

**1-EE ID 21-22548 \*\*\*RESOLUTION** - Encouraging and directing local law enforcement and City Attorney’s Office to enforce state law related to immigration consultants or Notario Publico fraud (subject to Mayor’s veto).  
**Sponsors:** Council President Chavez

*RESOLUTION 2021-143 ADOPTED*

**1-FF ID 21-22475 \*\*\*RESOLUTION** – Amending the Citywide Records Management Program (Subject to Mayor’s veto)  
**Sponsors:** City Attorney's Office

*The above item was removed from the agenda and continued to June 10, 2021*

**CONTESTED CONSENT CALENDAR**

*The following items were discussed under Contested Consent:*

1. *1-H File ID 21-11743 Approve the award of a purchase contract to Swanson Fahrney Ford of Selma, California, for the purchase of 42 Ford vehicles for Department of Public Works, Department of Public Utilities, Department of Transportation, and Airports Department in the amount of \$1,289,875 (Bid File 3807)*

*The above item was introduced to Council by Assistant Director Barr, Department of Transportation.*

**APPROVED**

**On motion of Councilmember Arias, seconded by Councilmember Soria, the above item be Approved. The motion carried by the following vote:**

**Aye: Chavez, Esparza, Soria, Karbassi, Arias, Maxwell, Bredefeld**  
**Status: 7-0**

2. 1-I File ID 21-11684 Approve the award of a purchase contract to Haaker Equipment Company Inc. of La Verne, California for the purchase of two Elgin CNG Broom Bear street sweepers in the amount of \$812,417 for the Department of Public Works.

The above item was introduced to Council by Assistant Director Barr, Department of Transportation.

APPROVED

**On motion of Councilmember Bredefeld, seconded by Council Vice President Esparza, the above item be Approved. The motion carried by the following vote:**

**Aye: Chavez, Esparza, Soria, Karbassi, Arias, Maxwell, Bredefeld**  
**Status: 7-0**

3. 1-J File ID 21-5469 Approve the award of a purchase contract to Haaker Equipment Company Inc., of La Verne, California for the purchase of one Elgin Broom Bear street sweeper in the amount of \$323,246 for the Airports Department.

The above item was introduced to Council by Assistant Director Barr, Department of Transportation.

APPROVED

**On motion of Councilmember Bredefeld, seconded by Council Vice President Esparza, the above item be Approved. The motion carried by the following vote:**

**Aye: Chavez, Esparza, Soria, Karbassi, Arias, Maxwell, Bredefeld**  
**Status: 7-0**

4. 1-P File ID 21-22468 Authorize the Chief of Police to enter into the Third Amendment to an existing contract with ShotSpotter Inc. (SST), through the end of FY 2024 to provide gunshot detection coverage for 14.46 square miles in the City of Fresno in an amount not to exceed \$2,076,384 over three years.

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

***On motion of Councilmember Maxwell, seconded by Council Karbassi, the above item be tabled to an unknown date, and directed the Chief of Police to reach out to each Councilmember to see if there is any interest in expanding the program and that the Administration provide the Council with the arrest data. The motion carried by the following vote:***

***Aye: Chavez, Esparza, Soria, Karbassi, Arias, Maxwell, Bredefeld  
Status: 7-0***

5. 1-Q File ID 21-12412 Authorize the Chief of Police to enter into a Memorandum of Understanding with ShotSpotter Inc. (SST) through the end of FY 2021 to assume two contracts for gunshot detection coverage areas of 8.26 square miles that were previously entered into by the City of Fresno Bus Rapid Transit Authority and SST (2.26 square miles) and Fresno Unified School District and SST (6 square miles) in the amount of \$245,589.

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

***On motion of Councilmember Maxwell, seconded by Councilmember Karbassi, the above item be Approved. The motion carried by the following vote:***

***Aye: Chavez, Esparza, Soria, Karbassi, Arias, Maxwell, Bredefeld  
Status: 7-0***

## **2. SCHEDULED COUNCIL HEARINGS AND MATTERS**

### **2-A 10:00 A.M.**

**ID 21-22461** (CONTINUED FROM APRIL 8, 2021 10:00 A.M. #2)

CONTINUED HEARING to adopt resolutions and ordinance to annex territory and levy a special tax regarding City of Fresno Community Facilities District No. 9, Annexation No. 46 (Parcel A of Final Parcel Map No. 2019-06) (northeast corner of North First and East Nees Avenues) (Council District 6)

1. \*\*\*RESOLUTION - to Annex Territory to Community Facilities District No. 9 and Authorizing the Levy of a Special Tax for Annexation No. 46 (Subject to Mayor's Veto)

2. \*\*\*RESOLUTION - Calling Special Mailed-Ballot Election (Subject to Mayor's

Veto)

3. \*\*\*RESOLUTION - Declaring Election Results (Subject to Mayor's Veto)
4. \*\*\*BILL – (For introduction and adoption) - Levying a Special Tax for the Property Tax Year 2020-2021 and Future Tax Years Within and Relating to Community Facilities District No. 9, Annexation No. 46 (Subject to Mayor's Veto)

**Sponsors:** Public Works Department

*The item was called to order at 11:38 A.M. There was no introduction to Council, no Council discussion, and no public comment.*

*RESOLUTION 2021-144 ADOPTED  
RESOLUTION 2021-145 ADOPTED  
RESOLUTION 2021-146 ADOPTED  
BILL 25/ORDINANCE 2021-024 ADOPTED*

**On motion of Councilmember Bredefeld, seconded by Council Vice President Esparza, the above item be Adopted. The motion carried by the following vote:**

**Aye:** Chavez, Esparza, Soria, Karbassi, Arias, Maxwell, Bredefeld

**Status:** 7 – 0 –

**2-B      10:05 A.M.**

**ID 21-19743** Hearing regarding a proposed Development Agreement by and between the City of Fresno and Lennar Homes of California, Inc. relating to the development of the final two phases of Vesting Tentative Tract Map 5232 (Council District 5) – Planning and Development Department:

1. Environmental Assessment No. P21-00079 dated May 05, 2021, an addendum to the previously adopted Environmental Impact Report (EIR) No. 10133, pursuant to Section 15164 of the California Environmental Quality Act (CEQA) Guidelines.
2. BILL – (for introduction) Approving the Development Agreement by and between Lennar Homes of California, Inc. and the City of Fresno pertaining to Vesting Tentative Map 5232, and Final Maps 6158 and 6159 thereunder, situated east of Fowler Avenue between Kings Canyon Road and Fancher Creek.

**Sponsors:** Planning & Development Department

*The item was called to order at 11:36 A.M. There was no introduction to Council, public comment, and no Council discussion.*

*BILL 26 APPROVED, INTRODUCED AND LAID OVER*

**On motion of Council President Chavez, seconded by Councilmember Bredefeld, the above item be approved. The motion carried by the following vote:**

**Aye:** Chavez, Esparza, Soria, Karbassi, Arias, Maxwell, Bredefeld

**Status:** 7 – 0 –

**2-C     10:10 A.M.**

**ID 21-5745** HEARING to Consider Conditional Use Permit Application No. P20-01589 and related Environmental Assessment No. P20-01589 for a project site located at 5747 North Palm Avenue; located on the south side of an existing retail/commercial center at the southwest corner of North Palm and West Bullard Avenues, (Council District 2) – Planning & Development Department.

1. ADOPT Environmental Assessment No. P20-01589, dated March 17, 2021, a determination that the proposed project is exempt from the California Environmental Quality Act (CEQA) through Section 15303/Class 3 and Section 15332/Class 32 Categorical Exemptions: and,

2. DENY the appeal and UPHOLD the action of the Planning and Development Department Director to approve Conditional Use Permit Application No. P20-01589 requesting to construct a new 80-foot tall mono-eucalyptus telecommunications tower and facility with associated ground equipment.

**Sponsors:** Planning & Development Department

*The item was called to order at 4:16 P.M. The above item was introduced to Council by Verizon Representatives Kevin Gallagher, and Paul Albritton. Upon call, the following members of the public addressed Council: Alex Ramos-O'Casey, Dennis and Reuben Lucero.*

**APPROVED**

**On motion of Council President Chavez, seconded by Councilmember Arias, the above item be Approved. The motion carried by the following vote:**

**Aye:** Chavez, Esparza, Soria, Arias, Maxwell

**No:** Karbassi, Bredefeld

**Status:** 5 – 2 –

**3.     GENERAL ADMINISTRATION**

**3-A     ID 21-1855** Workshop - for CARES Spending

**Sponsors:** Finance Department

*The above workshop was presented to Council by Director Lima, Finance Department.*

PRESENTED

*City Council recessed for lunch at 12:09 P.M. and returned from lunch at 1:39 P.M.*

- 3-B ID 21-22455** Workshop - 2021-2022 Water Supply Update and Preliminary Drought Response Actions  
**Sponsors:** Department of Public Utilities

*The above item was removed from the agenda by Council Vice President Esparza and continued to June 10, 2021*

- 3-C ID 21-22545** Presentation of Mayor's Proposed Fiscal Year 2022 Budget  
**Sponsors:** Office of Mayor and City Manager

*The above presentation was presented to Council by Mayor Dyer, Office of Mayor & City Manager*

PRESENTED

*City Council recessed at 3:04 P.M. and Council President Chavez called the special meeting to order at 3:04 P.M. the special meeting adjourned at 4:04 P.M.*

**4. CITY COUNCIL**

- 4-A ID 21-22450** Workshop - Presentation from Fuego FC, Selland Arena Property.  
**Sponsors:** City Council, Office of Mayor and City Manager

*The workshop was presented to Council by Fuego FC representative Chris Wilson.*

PRESENTED

- 4-B ID 21-22490** Ordinance (for introduction) – Creating the Mobilehome Parks Act, FMC sections 10-1901 – 10-1910.  
**Sponsors:** Councilmember Bredefeld, Office of Mayor and City Manager

*The above item was introduced to Council by Councilmember Bredefeld, District*

6. and Mayor Dyer, Office of Mayor & City Manager. Upon call, the following members of the public addressed Council: Karla Martinez, Brandi Villegas, and Gloria Hernandez.

*BILL 27 APPROVED, INTRODUCED AND LAID OVER*

**On motion of Councilmember Bredefeld, seconded by Councilmember Arias, the above item be Approved. The motion carried by the following vote:**

**Aye:** Chavez, Esparza, Soria, Arias, Maxwell, Bredefeld

**Absent:** Karbassi

**Status:** 6 – 0 –

**4-C ID 21-22495 RESOLUTION** – Establishing the Tower District Specific Plan Implementation Committee

**Sponsors:** Councilmember Soria, Councilmember Arias

*The above item was introduced to Council by Councilmember Soria, District 1. Upon call the following members of the public addressed Council Keil Lopez-Schmidt, Alicia R., Brandi Villegas, and Lisa Flores.*

*RESOLUTION 2021-147 ADOPTED*

**On motion of Councilmember Soria, seconded by Councilmember Arias, the above item be Approved. The motion carried by the following vote:**

**Aye:** Chavez, Esparza, Soria, Karbassi, Arias, Maxwell, Bredefeld

**Status:** 7 – 0 –

**4-D ID 21-22553 \*\*\*RESOLUTION** – Creating the Municipal Arrears Relief Act and Directing the Use of Emergency Rental Assistance Program Funds for Payment of Delinquent City Utilities (Subject to Mayor’s Veto)

**Sponsors:** Councilmember Karbassi

*The above item was removed from the agenda by Councilmember Karbassi and tabled to an unknown dated.*

**5. CLOSED SESSION**

City Council recessed into Closed Session at 4:51 P.M. and returned from Closed Session at 5:11 P.M. Upon call, there was no public comment and there was no announcements after Closed Session.



- 5-A ID 21-11858** CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - Government Code Section 54956.9, subdivision (d)(2); Case Name: Graves Family Trust v. City of Fresno.  
**Sponsors:** Personnel Services Department

*The above item was continued to June 10, 2021*

- 5-B ID 21-11864** CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - Government Code Section 54956.9, subdivision (d)(2); Case Name: Warren Kessler v. City of Fresno.  
**Sponsors:** Personnel Services Department

*The above item was continued to June 10, 2021*

- 5-C ID 21-22472** CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION Government Code Section 54956.9, subdivision (d)(1):  
1. Fresno MSA Limited Partnership d/b/a Verizon Wireless vs. City of Fresno. United States District Court Case No.: 1:21-CV-00717 (Planning Department)  
**Sponsors:** City Attorney's Office

*DISCUSSED*

- 5-D ID 21-12418** 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.: F080264 & Fresno Building Healthy Communities v. City of Fresno; Court of Appeal Case No.: F080265 (PARCS Department)  
**Sponsors:** City Attorney's Office

*The above item was continued to June 10, 2021*

- 5-E ID 21-22473** CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION Government Code Section 54956.9, subdivision (d)(1)  
Case Name: Bruce Batti v. City of Fresno, et al. Fresno County Superior Court Case No.: 18CECG04427 (PARCS)  
**Sponsors:** City Attorney's Office

*DISCUSSED*

- 5-F ID 21-22488** CONFERENCE WITH REAL PROPERTY NEGOTIATOR Government Code Section 54956.8

Property: APN 468-400-54T

Negotiating Parties: City Manager Esqueda, Prosperous Terra, LLC. (Ruelas, Inc.);  
Under Negotiation: Price and terms of sale.

**Sponsors:** City Manager's Office

*The above item was continued to June 10, 2021*

- 5-G ID 21-22540** CONFERENCE WITH REAL PROPERTY NEGOTIATOR -  
Government Code Section 54956.8; Property: APN 438-021-92T, 35T, 93T, and  
60T, and 438-062-37T and 53T Negotiating Parties: City Manager, CVCSF.  
**Sponsors:** City Attorney's Office

*DISCUSSED*

- 5-H ID 21-22539** CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION -  
Government Code Section 54956.9, subdivision (d)(1) Terance Frazier, et al. v.  
City of Fresno, et al.; United States District Court Case No.: 1:20-CV-01069  
**Sponsors:** City Attorney's Office

*DISCUSSED*

- 5-I ID 21-22547** CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION -  
Government Code Section 54956.9, subdivision (d)(1) Pismo's of Fresno, LLC, et  
al. v. City of Fresno, et al.; Fresno County Superior Court Case No.:  
20CECG03646  
**Sponsors:** City Attorney's Office

*The above item was continued to June 10, 2021*

**UNSCHEDULED COMMUNICATION**

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

**ID 21-22491** Email / eComment Report

*Upon call, the following members addressed Council for Unscheduled Communication,  
Consent Calendar, and Closed Session: Lisa Flores, Dez Martinez, Robert McCloskey,  
Tyler Mackey, Karla Martinez, Alicia R., Dorothy Smith, and Brandi Villegas.*

**ADJOURNMENT**

*City Council adjourned the regular meeting at 5:11 P.M.*

## **Exhibit S**

# City of Fresno

2600 Fresno Street  
Fresno, CA 93721  
[www.fresno.gov](http://www.fresno.gov)



## Meeting Minutes - Final

Monday, June 5, 2023

9:00 AM

**Budget Hearings - Commencing on June 5, 2023, the budget hearings will be considered one continuous 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***

**Budget Hearings - Commencing on June 6, 2023, the budget hearings will be considered one continuous meeting**

**The City Council met in budget hearing open session in the Council Chamber, City Hall, on the date and time above written.**

9:11 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

Pledge of Allegiance to the Flag

*Councilmember Bredefeld led the Pledge of Allegiance.*

### **Approve Agenda**

*City Clerk announced a special meeting was separately noticed to discuss the following items:*

*Open Session item A (ID 23-896) regarding hearing to adopt Resolutions and Ordinance to Annex Territory and Levy a Special Tax regarding City of Fresno Community Facilities District Number 9, Annexation Number 58 (Final Parcel Map Number 2007-41) (Northeast and Southeast corners of East Tulare Avenue and North Clovis Avenue) (Council District 5).*

*Open Session item B (ID 23-940) regarding Resolution - In Support of California Governor Gavin Newsom's \$250 Million Recommendation to Fund Downtown Fresno Infrastructure Projects.*

### **Monday, June 5, 2023 - 9:00 A.M.**

*Council President Maxwell announced public comment would be taken at the beginning of each budget hearing for the departments to be discussed that day. Upon call, the following members of the public addressed Council: Lisa Flores, Debbie Darden, Brandi Nuse-Villegas, and Sam Frank.*

*REQUEST FOR MORE INFORMATION WAS MADE DURING THE JUNE 5, 2023, BUDGET OVERVIEW:*

*Councilmember Arias requested information on the amount received from Measure P year-to-date, the amount set aside for the Cultural Arts Plan, and the rest of the programs.*

*Councilmember Chavez requested a list of budgeted positions that were filled and not filled and asked the information be filtered by department.*

*Vice President Perea requested a memo regarding the up-to-date list of all incomplete or not completely funded District 1 PARCs projects.*

*Council President Maxwell requested the amount of allocation in Fiscal Year 2024 budget for the city's water conservation rebates in total and what the amount of the allocation is for each program and would also like to know where the allocation is referenced in the budget with the list of specific page numbers and sections.*

*Council President Maxwell requested a reference of the budget page numbers where District 4's pending Department of Public Works projects are listed in the proposed Fiscal Year 2024 budget and a list of the funding amount for the Public Works Streets and Landscape Division projects.*

*Council President Maxwell requested information on all Department of Public Works projects, and if any funding is leftover from Fiscal Year 2023 will be carried over into Fiscal Year 2024.*

*Council President Maxwell requested information regarding the project time frame to begin construction for the following projects, including a list of construction that is anticipated to begin in Fiscal Year 2023 in the following locations: Traffic signal at Fresno and Browning, Traffic Signal at Barstow and Bond, and Traffic signal scramble at Chestnut and Weldon Hawk, and Fresno Rapid Rectangular Flashing Beacon.*

*Council President Maxwell requested the following information regarding the District 4 bicycle unit: Is the El Dorado Park/Shaw bike unit included in*

*the Fiscal Year 2024 budget? If so, he requested a list of the page reference and funding amount, including how many officers will be dedicated to the El Dorado Park/Shaw bike unit.*

*Council President Maxwell requested information regarding a list of projects anticipated to begin construction in Fiscal Year 2024, the construction cost, and if the project is funded or unfunded.*

[ID 23-782](#) General Fund Overview

*The above General Fund Overview was presented to Council by Director Fierro.*

*Discussion was held between Council and the administration.*

**REQUEST FOR MORE INFORMATION WAS MADE DURING THE GENERAL FUND BUDGET OVERVIEW:**

*Councilmember Karbassi requested that property taxes and cannabis revenue be shared quarterly with the Budget subcommittee.*

*Councilmember Arias requested information on the Fiscal Year 2023 estimate and the year-to-date actuals for cannabis receipts.*

*Councilmember Arias requested the comparison of actual property taxes receipts from April 2023 to a year ago.*

[ID 23-783](#) General Services Department

*The above General Services Overview was presented to Council by Director Barr.*

*Discussion was held between Council and the administration.*

**REQUEST FOR MORE INFORMATION WAS MADE DURING THE GENERAL SERVICES BUDGET OVERVIEW:**

*Councilmember Arias requested information on how many new vehicles are being funded in the Fiscal Year 2024 budget, and would like the information*

*by department, how many are new, and which vehicles are associated with past purchases.*

*Councilmember Arias requested the percentage of new purchases/vehicles that are EVs.*

*Councilmember Arias requested additional information on the electric update and asked if any of the upgrades facilitate the transition to electrification.*

*Councilmember Arias requested additional options for alternative financing for electrical updates apart from ARPA funding.*

[ID 23-784](#) Information Services Department

*The above Information Services Department overview was presented to Council by Director Horn.*

*Discussion was held between Council and the administration and there were no motions or directions made at this time.*

[ID 23-785](#) Finance Department

*The above Finance Department Overview was presented to Council by Director Danisi.*

*Discussion was held between Council and the administration.*

**REQUEST FOR MORE INFORMATION WAS MADE DURING THE FINANCE DEPARTMENT BUDGET OVERVIEW:**

*Councilmember Arias requested the following information regarding Bitwise: Where has their past revenue been reflected over the past few years, and where is it in the proposed budget.*

*Councilmember Arias requested confirmation that the bonding would be an appropriate use to fund telecommunication infrastructure for public safety.*

*Councilmember Arias requested a list of public facilities that have been*



*bonded against and the amounts.*

*Councilmember Arias requested an audit of cannabis companies to ensure tax revenue is accounted for and asked to exercise the right to perform its audit by the City.*

*Councilmember Arias requested staff to confirm when "no neighborhood left behind" bonds were paid off.*

*Councilmember Esparza requested information on the budget account for the outgoing revenue for Fresno Enhanced Infrastructure Financing District (EIFD).*

*Councilmember Esparza requested what amount of General Fund is going towards debt service.*

*Councilmember Esparza requested a memo informing if the City has the collateral capacity to enter into \$1 billion worth of bond(s) to address public works deferred maintenance and the resulting debt service requirement from said bond(s).*

*Vice President Perea requested Finance to work with Tower District mobile vendors and work towards compliance.*

[ID 23-786](#) Budget & Management Studies Department

*The above Budget & Management Studies Department Overview was presented to Council by Director Fierro.*

*Discussion was held between Council and the administration.*

**REQUEST FOR MORE INFORMATION WAS MADE DURING THE BUDGET & MANAGEMENT STUDIES DEPARTMENT BUDGET OVERVIEW:**

*Councilmember Arias requested staff provide details on the error for Measure P revenues.*

[ID 23-787](#) Airport Department

*The above Airport Department Overview was presented to Council by Director Thompson.*

*Discussion was held between Council and the administration.*

**REQUEST FOR MORE INFORMATION WAS MADE DURING THE AIRPORT DEPARTMENT BUDGET OVERVIEW:**

*Council President Maxwell requested information on the average for federal grants every year for noise abatement, how many households it allows Airports to assist per fiscal year, and how many it has served so far.*

*Council President Maxwell requested the following information regarding noise abatement: Who does the city contract with, what is the system used to administer, was it a competitive bid, when was the last time Airports bid out that service, the terms of the contract, the terms of eligibility for residents, and specification on the noise mitigation measures provided to homes.*

**THE FOLLOWING MOTION WAS MADE DURING BUDGET OVERVIEW:**

*Council President Maxwell motioned to allocate \$500,000 toward the noise mitigation project. Councilmember Esparza seconded the motion.*

## **Adjournment**

*City Council recessed the June 5, 2023 Budget Hearings at 2:50 P.M. The next Budget Hearings is scheduled for Tuesday, June 6, 2023.*

**The above minutes were approved by unanimous vote of the City Council during the June 15, 2023, regular meeting.**

## **Exhibit T**



# City of Fresno

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

## Meeting Minutes - Final 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**

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Wednesday, June 14, 2023

9:00 AM

Council Chambers (In  
Person and/or Electronic)

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**Budget Hearings Continued From June 8, 2023. The budget hearings will be considered one continuous meeting.**

**City Council resumed the budget hearings in open session in the Council Chamber, City Hall, on the date and time above written.**

9:11 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

Pledge of Allegiance to the Flag

### **Wednesday, June 14, 2023 - 9:00 A.M. (Vote on Motions)**

[ID 23-804](#) Vote on Council Motions

*Council President Maxwell announced public comment would be taken at the beginning of budget meeting. Upon call, the following members of the public addressed Council: Kat Fobear, Karla Martinez, Alan McCuen, Annie McCuen, Nishea Balajadia, Jasmin Guzman, Brandi Nuse-Villegas, Tony Quezada, Jamed Ruelas, Juana Echeveste-Davis, Pedro Navarro Cruz, and*

*Mavern Hardy.*

*Councilmember Karbassi, Councilmember Arias, Councilmember Esparza and Vice President Perea all registered a “no” vote on motion No.84: motion to Fund \$50,000 for the Obria Medical Clinic.*

*Councilmember Bredefeld registered a "no" vote on the following motion numbers: 58, 78, 91, 92, 93, and 94.*

*REQUEST FOR MORE INFORMATION WAS MADE DURING BUDGET OVERVIEW:*

*Councilmember Karbassi amended direction No.24: Request that the Administration meet quarterly with the Council Budget Subcommittee to provide and review quarterly reports on revenue.*

*Councilmember Karbassi requested a tray memo reviewing the 2017 report on the Planning Department “The Ramirez” report and a summary of accepted/rejected recommendations and how they have been implemented over the last 6 years.*

*Councilmember Arias requested activity reports for the Office of Community Affairs members for the last 12 months. Changed from motion No.76 to direction No.151.*

*Councilmember Arias requested motion to fund capital improvements remaining in the Northpointe Settlement Agreement.*

*Councilmember Arias requested Fund and execute legislative charter officers’ welcome message and council district profile at Airport within 30 days.*

*THE FOLLOWING MOTIONS WERE MADE DURING BUDGET HEARINGS:*

*Councilmember Karbassi amended motion No.37: to allocate \$50,000 for the installation of irrigation infrastructure at vacant lot at the Contessa*

*Avenue landscape buffer.*

*Councilmember Karbassi amended motion No.7: to allocate \$100,000 for Project Spotlight to feed video images into the Fresno Police Departments Real Time Crime Center, or any other technology, equipment or service to combat organized retail crime.*

*Councilmember Karbassi motioned to allocated \$244,000 into the Shift Replacement Budget in the Fresno Fire Department to aid in achieving a minimum daily staffing level of 103. Vice President Perea seconded the motion.*

*Councilmember Karbassi motioned to allocate \$500,000 for improvements to the City's community center in Pinedale. Council President Maxwell seconded the motion.*

*Councilmember Karbassi motioned to allocate \$40,204 for tablets for inspectors in the Public Works Department. Vice President Perea seconded the motion.*

*Councilmember Karbassi motioned to allocate \$900,000 to implement left turn phasing on West Shaw Avenue at Feland. Councilmember Bredefeld seconded the motion.*

*Councilmember Karbassi motioned to allocate \$800,000 to complete the security gate fencing project around the South lot at City Hall. Councilmember Bredefeld seconded the motion.*

*Councilmember Karbassi motioned to allocate \$69,000 to convert the tennis courts at Logan Park to pickleball courts. Councilmember Bredefeld seconded the motion.*

*Councilmember Karbassi motioned to set aside \$1 million for organizations to apply for funds for projects that fit within the scope of Measure P. Specific criteria and guidelines to be set by a subcommittee of the Measure P Commission (in compliance with applicable laws). Councilmember Bredefeld seconded the motion.*

*Councilmember Arias rescinded motion No.76: Motion to reallocate funding and positions of the Office of Community Affairs under the City Council support services division.*

*Councilmember Arias amended motion No.55: Motion to identify Basin XX as a high-priority, high-needs for the joint use agreement with the Flood Control District to make it a dual-purpose space; green space and water basin and allocate \$1M from the existing \$8M designated for New Parks/Facilities under Measure P for the construction phase of Basin XX.*

*Councilmember Arias rescinded motion No.72: Motion to fund capital improvements remaining in the Northpointe Settlement Agreement.*

*Councilmember Karbassi motioned to allocate \$200,000 for the City Attorney's office to lease additional office space. Vice President Perea seconded the motion.*

*Councilmember Arias rescinded motion No.73: to fund and execute legislative charter officers' welcome message and council district profile at Airport within 30 days.*

*Councilmember Bredefeld rescinded motion No.19: Fund \$800,000 in construction costs to finish the Pickleball Facility at Rotary East Park at Sierra and Cedar. This will update the number of courts, add amenities, and meet the ADA accessibility requirements.*

*Councilmember Bredefeld rescinded motion No.21: to allocate \$52,500 for 3 Code Enforcement cameras to catch illegal dumping.*

*Councilmember Esparza amended motion No.22: motion to fund the construction of a roundabout on Wishon and Fountain for \$900,000.*

*Councilmember Esparza motioned to fund the construction of a roundabout on Wishon and Cortland for \$900,000 Councilmember Karbassi seconded the motion.*

*Vice President Perea motioned to allocate \$50,000 for pilot program for e-bike and scooter rebates Councilmember Esparza seconded the motion.*

*Vice President Perea motioned to bring and fund Tower District stringlights under Department of Public Works. Councilmember Arias seconded the motion.*

*Vice President Perea amended motion No.42: Allocate \$2.8 Million to complete a grind and overlay on Fruit Avenue from Clinton to Dakota.*

*Vice President Perea rescinded motion No.38. Motion for \$65,000 to close the Gap funding needed to complete the Yale paving project*

*Council President Maxwell amended motion No.2: Motion for \$500,000 to fund Zero Fare for seniors, persons with a disability, Medicare card holders, and children aged 0-12 contingent upon the City of Fresno not receiving grant funding to offset the costs.*

*Council President Maxwell amended motion No.1: Motion to treat 100 homes through the Airport Noise Abatement Program in Fiscal Year 2024.*

*Council President Maxwell amended motion No.3: Motion to add \$23,000 for the design of 9 district 4 bus stops to the list of 75 bus stops in our ADA transition plan.*

*Council President Maxwell motioned to add \$1,000,000 to fund the District 1 and 4 ARPA façade improvement program for businesses and non-profits. Vice President Perea seconded the motion.*

*Council President Maxwell motioned to add \$2.25 Million to the City Attorney's Budget to continue funding the City of Fresno's Eviction Protection Program (EPP) Vice President Perea seconded the motion.*

*Council President Maxwell motioned to carryover the \$50,000 allocated in Fiscal Year 2023 under the City Manager's budget to dedicate toward outreach for EPP/Tenant Relocation Benefits Vice President Perea seconded the motion.*



*Council President Maxwell motioned to \$20,000 to the Youth Sports Fee Waiver Program to add additional sports & extended league time frames. Vice President Perea seconded the motion.*

*Council President Maxwell motioned to carryover \$100,000 set-aside in the Fiscal Year 2023 budget for Sensitive Uses Text Amendment. Vice President Perea seconded the motion.*

*Council President Maxwell motioned to add \$10,000 to increase all water conservation rebates at the same rate of CPI for the last 12 months. Vice President Perea seconded the motion.*

*Council President Maxwell motioned to add \$2.8 Million to fund the road paving of the Tioga Middle School Neighborhood at Fairmont-Millbrook-Gettysburg-First. Vice President Perea seconded the motion.*

*Council President Maxwell motioned to fund more frequent District 4 median island litter removal. Vice President Perea seconded the motion.*

*Council President Maxwell motioned to add \$500,000 in general fund dollars for Reedy Park Improvements. Vice President Perea seconded the motion.*

*Council President Maxwell motioned to reprogram \$30,000 from to the University Park monument to Reedy Park improvements. Vice President Perea seconded the motion.*

*Council President Maxwell motioned to add \$150,000 to fund the design and construction of a splash pad shade structure at Melody Park. Vice President Perea seconded the motion.*

*Council President Maxwell motioned to add \$1.7 Million to fund the construction of a rod iron fence along the perimeter of Rotary West Park. Vice President Perea seconded the motion.*

*Council President Maxwell motioned to add \$175,000 to fund the resurfacing of the volleyball and tennis ball courts at Einstein Park. Vice President Perea seconded the motion.*

*Council President Maxwell motioned to add an additional \$65,000 for the Cary Park Bleachers and Petanque Improvements. Vice President Perea seconded the motion.*

*Council President Maxwell motioned to fund the construction of rod iron fencing along the perimeter of Reedy Park. Vice President Perea seconded the motion.*

*Council President Maxwell motioned to fund the road paving of McKinley Avenue from Chestnut to Clovis. Vice President Perea seconded the motion.*

*Council President Maxwell motioned to fund the full construction of a multi-use futsal and pickleball court at Vinland Park. Vice President Perea seconded the motion.*

*Council President Maxwell motioned to Motion to allocate \$200,000 to fund upgrades for the Valley Dream Center, a local 501(c)3 community benefit organization. Vice President Perea seconded the motion.*

*Councilmember Arias motioned to repave Echo Ave. between McKinley and Olive Avenues using Measure C Street Maintenance funds or other available City infrastructure funds. Councilmember Bredefeld seconded the motion.*

*Council President Maxwell noted the following motion number were rescinded by the makers: 19, 21, 38, 72, 73 and 76. Motion 84 did not receive enough votes to move forward.*

*Councilmember Arias motioned to approve the remaining motions. Councilmember Esparza seconded the motion. The Motion carried by the following vote:*

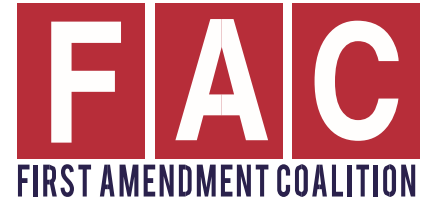
*Aye: 7 - Esparza, Maxwell, Perea, Karbassi, Arias, Chavez, and Bredefeld*

**ADJOURNMENT**

*City Council recessed the June 14, 2023 Budget Hearings at 10:12 A.M.  
The budget hearing was scheduled to resume Thursday, June 22, 2023, at  
9:00 A.M.*

**The above minutes were approved by unanimous vote of the City Council during the  
June 22, 2023, regular meeting.**

## **Exhibit U**



**Sent Via E-Mail**

September 05, 2023

Honorable Members of the Fresno City Council  
c/o Todd Stermer, Clerk of the City Council  
2600 Fresno Street  
Fresno, CA 93721

**Re: Cease and Desist, Fresno City’s Budget Committee**

Dear Honorable Members of the Fresno City Council:

We write on behalf of Fresnoland Media, the American Civil Liberties Union of Northern California and the First Amendment Coalition to express concern regarding the recent reports that the Fresno City Council engaged in ongoing closed-door deliberations about its budget process and to notify the Council of several related violations of the Ralph M. Brown Act. Cal. Gov’t Code §§ 54950 *et seq.*<sup>1</sup> The Council’s conduct—namely holding secret committee meetings about Fresno’s budget process without any notice or opportunity for the public to comment on such process—flies in the face of democratic principles. This letter serves as a demand to **cease and desist** the practice of conducting budget deliberations in secret.

### **Fresno’s Budget Process**

On August 16, 2023, *Fresnoland* published a news article reporting that during the final rush to adopt a budget before its deadline, Fresno Mayor Jerry Dyer’s team “met with the budget subcommittee several times over eight days behind closed doors.”<sup>2</sup> Behind those closed-door discussions, “[m]ore than 75 changes and amendments to the proposed budget emerged from those meetings totaling almost \$30 million.”<sup>3</sup> As the mayor admitted, “A lot of sausage was being made in the back room.”

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<sup>1</sup> All further references are to the California Government Code, unless otherwise noted.

<sup>2</sup> Omar Shaikh Rashad, *Fresno’s budget subcommittee doesn’t meet in public. Legal experts say it’s a ‘major problem’*, *Fresnoland* (Aug. 16, 2023), <https://fresnoland.org/2023/08/16/fresno-budget-subcommittee/>; see also Omar Shaikh Rashad, *Which Fresno streets should be repaved first? Why most of the debate will happen behind closed doors*, *Fresnoland* (June 19, 2023), <https://fresnoland.org/2023/06/19/budget-subcommittee-will-balance-budget-in-private/>.

<sup>3</sup> Omar Shaikh Rashad, *Fresno’s budget subcommittee doesn’t meet in public. Legal experts say it’s a ‘major problem’*, *Fresnoland* (Aug. 16, 2023).

**American Civil Liberties Union Foundation of Northern California**

FRESNO • SACRAMENTO • SAN FRANCISCO  
39 Drumm St. San Francisco, CA 94111

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The budget committee is composed of three of the seven City councilmembers and has been repeatedly meeting in secret since at least 2018 during each year's budget process.<sup>4</sup> As reported by *Fresnoland*, there is no paperwork that confirms the dissolution of the committee following the passage of a budget every year.<sup>5</sup>

The budget committee meets every January for a "mid-year review" and "again during June for the budget process."<sup>6</sup> The primary purpose of the committee is to reconcile the mayor's budget priorities with the Council's budget priorities.

During the 2023 budget process, the budget committee started its secret committee meetings on or around June 16, 2023.<sup>7</sup> The task of the committee, as described by Councilmember Tyler Maxwell, was to "either remove some of the mayor's items and replace them with [the council's items] or take out some of the council motions."<sup>8</sup>

Similarly, Councilmember Luis Chavez described the subcommittee's purpose as taking the Council's budget priorities "into the back room and negotiat[ing] on behalf of the council."<sup>9</sup> The backroom deals culminated in the adoption of a record-breaking \$1.87 billion City budget that was approved by the Council on June 22, 2023.

Regardless of whether the budget committee is formally an advisory body, its detailed deliberations are effectively the final word on the complex policy and financial decisions embodied in the City's budget. As Councilmember Chavez said of the committee's discussions, "The council has outlined the vision, the mayor has brought forward his recommendation, and now it's time to actually reconcile those two but also make sure you're including key investments.... So by the time it came back, it was pretty spot on, and there was not a lot of discussion or debate out on the dais" at the City Council meeting where the budget was approved.<sup>10</sup>

The City of Fresno is one of the largest cities in California by population that does not utilize an open, public budget committee. The budget committees of the Los Angeles, San Diego, San Francisco, Sacramento, Long Beach, Oakland, Anaheim, and Bakersfield city councils all hold their meetings in public.<sup>11</sup> Thus, it is troubling that Fresno's budget committee deliberated in secret on a record-breaking budget that impacts all its residents.

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<sup>4</sup> The budget committee is currently composed of Councilmember Tyler Maxwell, Councilmember Annalisa Perea, and Councilmember Mike Karbassi.

<sup>5</sup> Omar Shaikh Rashad, *Fresno's budget subcommittee doesn't meet in public. Legal experts say it's a 'major problem'*, *Fresnoland* (Aug. 16, 2023).

<sup>6</sup> *Id.* (quoting Councilmember Maxwell).

<sup>7</sup> Although city officials may call it a "subcommittee," it is more properly deemed a committee of the City Council because it is not a subsidiary body of another committee.

<sup>8</sup> Omar Shaikh Rashad, *Which Fresno streets should be repaved first? Why most of the debate will happen behind closed doors*, *Fresnoland* (June 19, 2023).

<sup>9</sup> Omar Shaikh Rashad, *"Fresno's budget subcommittee doesn't meet in public. Legal experts say it's a 'major problem'"*, *Fresnoland* (Aug. 16, 2023).

<sup>10</sup> *Id.*

<sup>11</sup> *Id.*

## **The Brown Act**

Our state constitution could not be clearer on the fundamental right to open government. “The people have the right of access to information concerning the conduct of the people’s business, and, therefore, the meetings of public bodies and the writings of public officials and agencies shall be open to public scrutiny.” Cal. Const., Art. I, § 3(b)(1).

To that end, the Brown Act declares, “The people of this State do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.” § 54950.

A law such as the Brown Act “shall be broadly construed if it furthers the people’s right of access, and narrowly construed if it limits the right of access.” Cal. Const., Art. I, § 3(b)(2); *see also, e.g., Julian Volunteer Fire Co. Assn. v. Julian-Cuyamaca Fire Prot. Dist.*, 62 Cal. App. 5th 583, 601 (2021) (noting Brown Act’s provisions must be “construed liberally in favor of openness in conducting public business”).

The Brown Act’s central purpose is to ensure that the public has an opportunity to oversee the actions of its representatives and provide informed and meaningful input to a legislative body before that body can take any action. The Act therefore mandates, “All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency,” except for limited provisions authorizing closed sessions. § 54953(a).

The Act also requires that all meetings conducted by legislative bodies must—absent any emergency situation—be publicized in advance, follow a noticed agenda, be accessible, and provide an opportunity for the public to comment. §§ 54954–54954.3, 54954.5–54956.5, 54956.7–54957.10, 54962.

Nowhere are these requirements more important than in the budget process, given “the strong public interest in knowing how the government spends its money.” *International Fed’n of Pro. & Tech. Engineers, Local 21, AFL-CIO v. Superior Court of Alameda Cnty.*, 42 Cal. 4th 319, 333 (2007). Disregarding the compelling public interest in transparency, the City of Fresno has repeatedly violated the Brown Act by conducting budget committee deliberations in secret, without any notice, agenda, or opportunity for the public to comment.

The available facts demonstrate that the budget committee is a “legislative body” subject to the Brown Act because it was “created by charter, ordinance, resolution, or formal action” and is a “standing committee[]” with “a continuing subject matter jurisdiction,” if not “a meeting schedule fixed by charter, ordinance, resolution, or formal action of a legislative body,” regardless of whether it is “advisory” or composed of “less than a quorum” of the City Council, § 54952(b).

As evidenced in a document cited by *Fresnoland*, the budget committee was apparently created by the City Council on or about June 21, 2018, and its members are appointed by the City Council.<sup>12</sup> That is more than sufficient to establish “formal action” creating the committee. See *Frazer v. Dixon Unified School Dist.*, 18 Cal. App. 4th 781, 792-93 (1993); *Joiner v. City of Sebastopol*, 125 Cal. App. 3d 799, 801 (1981).

Under any construction of the Brown Act, broad or otherwise, the facts show that the budget committee has been a standing committee with continuing subject matter jurisdiction over budget matters since its formation, regardless of whether it has had a regular meeting schedule. In reality, the budget committee has regularly exercised “the responsibility of providing advice on budgets” to the City Council, and therefore it is “subject to the notice, agenda, and public participation requirements of the Act.” 79 Ops. Cal. Att’y. Gen. 69 (1996).

Given the “purposes and requirements” of the Brown Act, courts “must follow function over form in carrying out the Legislature’s purposes” to guarantee open government and accountability. *Id.* Any disclaimer that the budget committee is ad hoc or does “not exercise continuing subject matter jurisdiction,” is not “determinative” of whether the committee is subject to the Brown Act. *Id.* actual function, the budget committee is a legislative body that has routinely violated the Brown Act’s core requirements of open public meetings with notice, agenda, and opportunity for public comment.

### **Cease and Desist Demand**

To address and remedy the concerns expressed in this letter, we demand that the Council ensure that the budget committee ceases and desists from conducting its deliberations in secret and in violation of the Brown Act. The Council must acknowledge the Brown Act violation set forth in this letter by making an unconditional commitment to refrain from keeping its budget committee closed to the public and to conduct all future budget committee meetings in accordance with the Act’s requirements set for legislative bodies. The Council has 30 days from receiving this cease and desist letter to provide the unconditional commitment, which must be approved by the Council in open session during a regular or special meeting as a separate item of business on the non-consent agenda. If the Council fails or refuses to ensure that the budget committee ceases and desists its secret meetings, we may file an action pursuant to § 54960.2, in which case, we will seek an award of court costs and reasonable attorney fees pursuant to § 54960.5.

The Council should also take note that the City is potentially exposed to Brown Act liability to the extent its other standing committees are also violating the Brown Act by meeting in secret. If such issues are not addressed, they may become the subject of a future cease and desist letter or Brown Act litigation.

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<sup>12</sup> Organizational Form for City of Fresno Boards, Commissions, Committees, and Similar Bodies, <https://fresnoland.org/wp-content/uploads/2023/08/2018-Org-Form-Budget-Subcommittee-1.pdf>.



Governance shrouded in secrecy is an anathema to the democratic ideal. We urge you to stop hiding behind closed doors when deliberating on important issues concerning the residents of Fresno. Your constituents can provide necessary and valuable insight. They are not obstacles to be avoided.

Please let us know by September 15, 2023 if you intend to cease and desist from the violations raised in our letter.

Sincerely,

**s/Angélica Salceda**

Angélica Salceda

ACLU Foundation of Northern California

**s/David Loy**

David Loy

First Amendment Coalition

**s/Danielle Bergstrom**

Danielle Bergstrom

Fresnoland Media

## **Exhibit V**



**ANDREW JANZ**  
City Attorney

September 18, 2023

VIA E-MAIL [asalceda@aclunc.org](mailto:asalceda@aclunc.org)

Angelica Salceda  
ACLU of Northern California  
39 Drumm Street  
San Francisco, California 94111

Re: Response by City of Fresno to Cease and Desist Letter

Dear Ms. Salceda:

This correspondence responds to your letter dated September 5, 2023, concerning “recent reports” that the Ad Hoc Budget Subcommittee (comprised of less than a quorum of city councilmembers) for the Fiscal Year 2023/24 budget is violating the Brown Act by not having public meetings as a standing committee.

As a threshold matter, your threats of litigation against the City of Fresno (City) are moot because the Ad Hoc Budget Subcommittee was dissolved on June 23, 2023, when the Fiscal Year 2023/24 City budget was approved by the City Council.

Additionally, the Ad Hoc Budget Subcommittee for the Fiscal Year 2023/24 budget was only in existence between January 19, 2023 until June 23, 2023 (less than six months). The primary authority that your letter relies on is California Attorney General Opinion No. 95-614 (June 10, 1996). However, the subcommittee that was at issue there did not have a limited term (unlike here where the Ad Hoc Budget Subcommittee for the Fiscal Year 2023/24 budget was in existence for less than six months).

The Fresno City Council approved the Fiscal Year 2023/24 City budget in open session at a city council meeting (after receiving public comments) on June 22, 2023, and the agenda package for that city council meeting was posted on the City’s website and made publicly available on June 16, 2023. Every budget-related hearing included public comment. Thus, there is no basis for your claims that the City lacked transparency in adopting the City budget.

While this dispute is moot and the Ad Hoc Budget Subcommittee has been dissolved, the City is also providing a response to your arguments that the Ad Hoc Budget Subcommittee, which is no longer in existence and lasted less than six months, allegedly violated the Brown Act.

Specifically, your letter contains no analysis about the Fresno City Charter. While you argue that other cities in California handle their budget subcommittees as standing committees, you have not considered that each charter city in California operates

differently based on the procedures established in their city charters (as approved by the voters of that city).

Under Fresno City Charter Section 400, subsections (d) and (f), the Mayor prepares the City budget and the City Council does not control the Mayor and the City Manager's decisions on how to prepare the budget. Unlike most cities, a council ad hoc subcommittee cannot direct the preparation of the budget because the Mayor and City Manager have the subject matter jurisdiction for budget preparation per the Fresno City Charter.

Additionally, under Fresno City Charter Section 400, the Mayor is in charge of directing the City Manager and not the City Council. Therefore, an Ad Hoc Budget Subcommittee (comprised of less than a quorum of city councilmembers) has no power to control how City staff prepares the City budget (unlike in most cities in California where a city council has the power to hire and fire a city manager).

Moreover, the legal authority cited in your letter is also distinguishable (as explained above) and there is authority that is more closely on point in this matter. For example, in *Taxpayers for Livable Communities v. City of Malibu* (2005) 126 Cal.App.4th 1123, the trial court ruled that no Brown Act violation occurred because the ad hoc council subcommittee there did not have subject matter jurisdiction over the matter the ad hoc was reviewing. The trial court's ruling was affirmed by the Court of Appeal.

There, in September 2001, the Coastal Commission released for public comment a draft of one component of Malibu's eventual LCP, a Land Use Plan (LUP). In the months following, two of the five members of Malibu's City Council, Jennings and House, held a number of private meetings with various individuals, constituents, and city staff to "go over the City's response to the Coastal Commission's draft LUP." Jennings and House did not invite the general public to their meetings. At the Malibu City Council's regular session in December 2001, Jennings and House submitted to the City Council their recommendations on how Malibu should respond to the draft LUP.

The Court of Appeal held that Jennings and House did not meet as members of the City of Malibu's Land Use and Planning Committee. The Land Use and Planning Committee had jurisdiction over planning and zoning code enforcement. It did not, however, have jurisdiction over Malibu's response to the Coastal Commission's LUP for Malibu. The Malibu City Council had instead reserved to itself jurisdiction over the City's response to the commission's plans. (*Id.* at pp. 1127 – 1128) Additionally, the Court held that Jennings and House could not bind the Malibu City Council because the Council kept for itself all future decisions involving the LUP by placing the plan on its agenda as a permanent item until resolved. (*Id.* at pp. 1128 – 1129)

Here, the Fresno City Council does not have subject matter jurisdiction over the preparation of the City budget (as explained above) per the Fresno City Charter stating that function is controlled by the Mayor and not by the City Council. Thus, the same line of reasoning that the Court of Appeal applied in the *City of Malibu* case applies here.

Additionally, under Fresno Municipal Code Section 2-316, the Council President appoints special committees rather than the City Council as a whole. For example, in *Farron v.*

*City and County of San Francisco* (1989) 216 Cal.App.3d 1071, a lawsuit was filed against the City and County of San Francisco seeking a temporary restraining order to prevent a mayoral appointed task force from meeting in private, a declaration that the task force was subject to the open meeting requirements of the Brown Act and a writ of mandate compelling the task force to hold its meetings in public. The task force was formed by the mayor to formulate legislation creating permanent zoning controls regarding the demolition of single family houses, and it included two of the five members of the City's board of supervisors.

The Court of Appeal held that the task force was not a legislative body within the meaning of Government Code Section 54952. The Court found that there was no evidence that the members of the board of supervisors were appointed to the task force to represent the board's interests, the city's charter did not require board members to serve on the task force nor were there any bylaws of the task force requiring such participation, and there was no evidence that the board of supervisors required its members to serve on the task force or exercised any control over their actions.

Thus, the Court held that the members of the Board Of Supervisors did not serve on the task force in their official capacity. The Court also held that since the Mayor created the task force rather than the Board of Supervisors as a whole it was not a standing committee. (*Id.* at p. 1075)

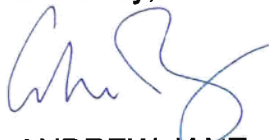
Here, you claim that there is a potential dispute that could arise in the future concerning if the Fresno City Council President could decide to form or not form an Ad Hoc Budget Subcommittee for the Fiscal Year 2024/25 budget is premature and not ripe for judicial review.

The request at the end of your letter that the City provide assurances that any future Ad Hoc Budget Subcommittee will be a standing committee is a hypothetical situation that does not require a response under Government Code Section 54960.1. As explained above, cities can form Ad Hoc Subcommittees without being required to treat all Ad Hoc Subcommittees as standing committees.

In closing, there is no legal basis for requiring any further action be taken by the Fresno City Council concerning this matter for the reasons that are explained above.

If you have any questions, please let me know.

Sincerely,



ANDREW JANZ  
City Attorney

c: Danielle Bergstrom, Fresnoland Media ([danielle@fresnoland.org](mailto:danielle@fresnoland.org))  
David Loy, First Amendment Coalition ([dloy@firstamendmentcoalition.org](mailto:dloy@firstamendmentcoalition.org))