

Regular Council Meeting

March 9, 2023

FRESNO CITY COUNCIL



Supplement Packet

ITEM(S)

1-A (ID 23-161)

Approval of Minutes for February 23, 2023, Regular Meeting

Contents of Supplement:

Draft Minutes for February 23, 2023. Regular Meeting

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.

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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.



City of Fresno

Meeting Minutes City Council

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

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

Thursday, February 23, 2023

9:00 AM

**Council Chambers (In
Person and/or Electronic)**

Regular Meeting

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

9:09 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 Dr. Sarbjeet Singh, Sikh Association of Fresno

Dr. Sarbjeet Singh 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-C (ID 23-301) regarding the Master Fee Schedule

*Resolution to Add, Adjust, Move, Revise or Delete Various Fees - the following charge was read into the record, on page 60 and related fee on page 120 should be removed "Special Events rate / per motor vehicle **** New \$5.00- \$20.00. and anywhere else that charge appears on the Master Fee Schedule."*

Consent Calendar Item 1-K (ID 23-289) regarding award of a requirements contract to Builders Concrete Inc. – there was a change requested to be read into the record the staff report and Resolution should state, "The City wishes to submit an application to obtain an Cal ICH allocation of ERF-2-R funding in the amount not to exceed \$17,000,000"

Consent Calendar Item 1-W (ID 23-317) regarding install an Intertie/Pressure Valve Connect the City of Fresno Water to the affordable housing project located within Fancher Creek - removed from the agenda by Councilmember Chavez and tabled to March 9, 2023.

THE FOLLOWING ITEMS WERE REMOVED FROM THE CONSENT CALENDAR AND MOVED TO CONTESTED CONSENT FOR FURTHER DISCUSSION

1-B (ID23-295) regarding the appointment of Jacqueline Lyday to the Planning Commission. – moved by Councilmember Arias.

1-C (ID 23-301) regarding the Master Fee Schedule Resolution to Add, Adjust, Move, Revise or Delete Various Fees – moved by Council President Maxwell and Councilmember Arias.

1-D (ID 23-299) regarding to actions related to the Terminal Expansion Project at Fresno Yosemite International Airport– moved by Councilmember Arias.

1-G (ID 23-281) regarding the grant agreement with the Fresno Economic Opportunities Commission - moved by Councilmember Bredefeld.

1-K (ID 23-289) regarding a grant application to the California Interagency Council on Homelessness (Cal ICH) for funding under the Encampment

Resolution Funding Program, round 2.– moved by Councilmember Arias.

1-L (ID 23-292) regarding a Lease Agreement with Tutelian Holdings I, L.L.C., for office space at 2440 Tulare Street.– moved by Councilmember Arias.

1-O (ID 23-260) regarding Professional Engineering Services agreement with PBK Architects, for 911 Emergency Call Center Project.– moved by Councilmember Arias.

1-P (ID 23-270) regarding resolution accepting the Fancher Creek Trail Plan - moved by Councilmember Chavez.

1-T (23-208) regarding professional consulting services contract to Transportation Management & Design, Inc. (TMD) of Carlsbad, California - moved by Council President Maxwell.

On motion of Councilmember Karbassi, seconded by Councilmember Arias, 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 23-79](#) Proclamation for "Lore Doll Fitness Day"

PRESENTED

[ID 23-198](#) Announcement of "OCA Civic Academy Graduates"

PRESENTED

[ID 23-246](#) Fresno Animal Center's "Dog of the Month" presented by Fresno Humane Animal Services

PRESENTED

COUNCILMEMBER REPORTS AND COMMENTS

Councilmember Karbassi Reports and Comments. Attended the unveiling of Fire Station 18 to serve district 1 and district 2. Celebrated district 2 businesses opening at Herndon and West - The Curry Life, Spicy Birdz, and

Bubble Bee Boba. Had a Neighborhood meeting at Herndon-Barstow Elementary. Attended the Funeral of Selma Officer Gonzalo Carrasco, Jr. Announced the upcoming Support the Blue Run at Woodward Park.

Councilmember Arias Reports and Comments. Announced the mobile shower and restrooms are open from 8:00 A.M. to 1:00 P.M in front of City Hall every Tuesday and the parking lot of former CVS off Fulton Street every Wednesday. Gave an update on the Hinton Center restrooms. Requested an update on the Monarch Building alley gate completion project and an update on the Chinatown cleanup.

Councilmember Chavez Reports and Comments. Thanked Beautify Fresno event for Fancher Creek parkway cleanup. Attended the Fire Station 18 unveiling. Acknowledged staff for the Fancher Creek Park Trail plan and discussed the trails, bike lanes, and using infrastructure funding to prioritize the trail from the Calwa community to Peach feeding into the 49-acres park.

Councilmember Bredefeld Reports and Comments. Announced the upcoming Fresno Support the Blue Run at Woodward Park and District 6 community meeting on March 8, 2023, at Liberty Elementary School.

Councilmember Esparza Reports and Comments. Announced Beautify Fresno event at Webster Elementary School, Community Meeting at Fresno Art Museum at the Fresno Radio Park to discuss Proposition 68. Reported a new launch of Playstreet event on March 11, 2023, off Huntington Blvd, between First and Third Street. Acknowledged staff for the completion of the new parking lot at Romain Park and the tree planting on McKinzie Avenue.

Vice President Perea Reports and Comments. Visited Veterans on Valentine's Day. Participated in the Leadership Fresno panel on local politics and government. Participated in the Marti Gras Parade. Attended the unveiling of Fire Station 18. Acknowledged Assembly member Soria for the planning of Fire Station 18. Attended neighborhood watch meeting at the Link in District 1. Recognized Community Services Officer Guzman. Participated in a ride along with Advance Peace.

MAYOR/MANAGER REPORTS AND COMMENTS

Mayor Dyer Reports and Comments. Spoke at the Economic Opportunities Commission retreat. Attended Fire Station 18 unveiling. Attended ribbon cutting at Alegre Commons - Fresno Housing. Participated in the soft launch of Bitzworks Mobility Hub - clean Mobility e-bike downtown. Announced Black History Month event at Fresno Chaffee Zoo.

City Manager White Reports and Comments. Discussed the Fagan security gates that are ready to be installed. Update on the following tray memos: The crisis intervention team and recruitment and training update for Fresno Police Department. Sent out update for the constituent management software and how it will work with future FresGo replacement.

UNSCHEDULED COMMUNICATION

Upon call for unscheduled communication and public comment on Consent Calendar, Contested Consent Calendar and Closed Session items, the following members of the public addressed Council: Hector Luna (1-P), Mary Macias (1-W), Stephanie Bouvier, Lori Dolqueist (1-W), Altetha Lang (1-P), Bret Rush (1-P), Fernando Elizando, Tyler MacKey (1-U), Aaron Gosseh (1-U), Bianica Lopez (1-U), Peter DeYoung (1-U), Rene Rios, Kirwin Wong, Bobby J. Gentry, Krystal, Kristin P., William P., Dez Martinez, Robert McCloskey, Anthony Armour (1-U), Lisa Flores (1-B, 1-C, 1-J), Karla Martinez (3-B), Gidai Maaza, Cynthia Piombino, Shar Thompson, Brandi Nuse-Villegas (1-G, 1-K, 1-U), Rubin Espinoza, and Alexandra Alvarado.

1. CONSENT CALENDAR

APPROVAL OF THE CONSENT CALENDAR

On motion of Councilmember Bredefeld, seconded by Vice President Perea, the CONSENT CALENDAR was hereby adopted by the following vote:

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

- 1.-A.** [ID 23-282](#) Approval of Minutes for January 19, 2023, Regular Meeting and February 9, 2023, Regular Meeting

APPROVED ON THE CONSENT CALENDAR

- 1.-E.** [ID 23-204](#) Approve the award of a citywide requirements contract to W.W. Grainger, Inc. for five years with two one-year optional extensions for the

purchase of maintenance and operations supplies, parts, equipment, and materials, in the amount of \$600,000 per year plus annual CPI increases. (Bid File 9667)

APPROVED ON THE CONSENT CALENDAR

- 1.-F. [ID 23-294](#) Approve the award of a Requirements Contract to Stommel Inc., dba Lehr Automotive, of Sacramento, California, for three years with two optional one-year extensions for the purchase of patrol vehicle hardware and safety equipment, not to exceed \$4,000,000 annually plus annual CPI increases for the Police Department

APPROVED ON THE CONSENT CALENDAR

- 1.-H. [ID 23-261](#) Approve the First Amendment to the repair services agreement with RH Community Builders, Inc. (RH Community Builders) to amend the Project Homekey rehabilitation budget of \$5,981,700.00 by \$150,000 for a total amendment contract amount of \$6,131,700.00 for repairs and maintenance at The Ambassador Inn (Property), located at 1804 W. Olive Avenue, Fresno, California (APN 449-231-11)

APPROVED ON THE CONSENT CALENDAR

- 1.-I. [ID 23-278](#) Approve the First Amendment to the repair services agreement with RH Community Builders, Inc. (RH Community Builders) to amend the Project Homekey rehabilitation budget of \$4,702,108.00 by \$450,000.00 for a total amended contract amount of \$5,152,108.00 for repairs and maintenance at The Villa Motel (Property), located at 817 North Parkway Drive, Fresno, CA (APN 449-335-25).

APPROVED ON THE CONSENT CALENDAR

- 1.-J. [ID 23-263](#) Approve a \$964,482 State and Local Fiscal Recovery Funds (part of the American Rescue Plan Act) Grant Agreement with Poverello House for the construction of 26 tiny homes to be used as non-traditional permanent housing for those experiencing homelessness.

APPROVED ON THE CONSENT CALENDAR

- 1.-M. [ID 23-255](#) Actions pertaining to the award of a requirements contract to Builders Concrete Inc. of Fresno, California in the amount up to \$1,275,442.03 for the purchase of Ready Mix Concrete. (Bid File 12300757)

APPROVED ON THE CONSENT CALENDAR

- 1.-N. [ID 23-257](#) Approve Contract Change Order No. 03 with Avison Construction extending the date of completion to May 1, 2023 for the Shields Bankside Trail Project ID PW00725 (Council District 7)

APPROVED ON THE CONSENT CALENDAR

- 1.-Q. [ID 23-273](#) Approve Contract Change Order No. 06 with Avison Construction Inc., in the amount of \$0 and an increase in contract time of one hundred seventy-four (174) calendar days for the Rebid Fresno Area Express Bus Entry Gate, Project ID FC00036 (Council District 3).

APPROVED ON THE CONSENT CALENDAR

- 1.-R. [ID 23-279](#) Approve Contract Change Order No. 23 with Granite Construction Company extending the date of completion to April 28, 2023 for the Veterans Boulevard Grade Separation, Project ID PW00683 (Council District 2)

APPROVED ON THE CONSENT CALENDAR

- 1.-S. [ID 23-323](#) ***RESOLUTION - Authorizing the Submission of a Grant Application to the Fresno Council of Governments for the 2023 Measure "C" Transit Oriented Infrastructure for In-Fill Development Grant Program in the amount of up to \$2,700,000 for the Senior Activity Center And Housing Street Improvements, the Planning Grant For West Area Mixed Use Town Center, and the Ventura & 7th Housing Streetscape Projects; and Authorizing the Execution of Grant Application and Grant Agreement Documents by the Public Works Director or Designee. (Council Districts 1, 2, 4 and 5) (Subject to Mayor's Veto)

*RESOLUTION 2023-041 ADOPTED***APPROVED ON THE CONSENT CALENDAR**

- 1.-U. [ID 23-314](#) ***RESOLUTION of the Council of the City of Fresno, California, supporting the success of the Tower District Farmer's Market on Thursday evenings (Subject to Mayor's Veto)

*RESOLUTION 2023-042 ADOPTED***APPROVED ON THE CONSENT CALENDAR**

- 1.-V. [ID 23-303](#) ***BILL B-3 (Intro'd 2/9/2023)(For Adoption) Ordinance to prohibit the unlawful possession of catalytic converters (Citywide) (Subject to Mayor's Veto)

*ORDINANCE 2023-003 ADOPTED***APPROVED ON THE CONSENT CALENDAR**

- 1.-W. [ID 23-317](#) Install an Intertie/Pressure Valve Connecting the City of Fresno Water to the affordable housing project located within Fancher Creek to assist in the fire suppression efforts for the Brand Haven facility

The above item was removed from the agenda by Councilmember Chavez and tabled to March 9, 2023.

TABLED

- 1.-X. [ID 23-319](#) Approve the appointment of Jesse Rojas to the Immigrant Affairs Committee to a term which serves at the pleasure of the Councilmember

APPROVED ON THE CONSENT CALENDAR

- 1.-Y. [ID 23-339](#) ***Resolution - Adopt the 26th Amendment to the Annual Appropriation Resolution (AAR) No 2022-154 appropriating \$25,000 received from the California Commission on the Status of Women and Girls for capacity building establishing the City of Fresno Women's Commission (Requires 5 affirmative votes) (Subject to Mayor's Veto)

RESOLUTION 2023-043 ADOPTED

APPROVED ON THE CONSENT CALENDAR

CONTESTED CONSENT CALENDAR

- 1.-B. [ID 23-295](#) Approve the appointment of Jacqueline Lyday (Resident of District 6) to the Planning Commission for a term ending on June 30, 2025.

Councilmember Arias moved this item to the Contested Consent Calendar to discuss the appointments from various districts.

Council discussion on this item included: quorum issues; the replacement of Brad Hardie; monitoring and disclosing of conflict of interest for Commissioners; the interview process of applicants; the liability for engaging in decision making when there is a conflict; appointments and representation from different districts; qualified applicants; most Planning Commission members are from North Fresno who are making decisions for South Fresno; future district 1 and district 3 appointees; the obligation for members to disclose their conflict of interests, and the qualifications of the proposed applicant.

APPROVED

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

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

No: 1 - Arias

- 1.-C. [ID 23-301](#) ***RESOLUTION - Adopting the 575th Amendment to the Master Fee Schedule Resolution No. 80-420 to Add, Adjust, Move, Revise or Delete Various Fees (Subject to Mayor's veto).

*Correction read into the record that the following charge on page 60 and related fee on page 120 should be removed "Special Events rate / per motor vehicle **** New \$5.00-\$20.00".*

Councilmember Arias and President Maxwell moved this item to the Contested Consent Calendar to discuss the PARCs and Chandler Airports Master Fee Schedule.

Council discussion on this item included: the in fees per hour for the mobile science unit; neighborhood parks and fields for tournaments fees; electronic QR system to handle park reservations; deposit fee for reservation in the parks department; increase in the cost for airport employee badges; fees for enforcement rules and regulations for tents of the airport; financial penalties for lease holders who do not follow security rules; Hanger wait list fee; increase in office space fees at the airport; the cleanup for the convention center for banquet rooms; the Memorial Auditorium Apes fee increase; the completion of the improvements on the Memorial Auditorium facility; cleanup deposit for the park facility fee; processing refund fee for fees over \$50; streamlining processes to lessen fees to process refunds; fields reservation increase per day cost, and Camp Fresno fee increase.

Councilmember Arias motioned to approve with amendment to not increase the Refund Fee in PARCS and Memorial Auditorium APES Fee. Chandler Airport fees are separated out and will come back to Council. PARCS fees will be separated out and go to Measure P and PRAC Subcommittee.

RESOLUTION 2023-038 ADOPTED AS AMENDED

On motion of Councilmember Arias, seconded by Council President Maxwell, that the above Action Item be APPROVED AS AMENDED.

The motion carried by the following vote:

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

1.-D. [ID 23-299](#)

Actions related to the Terminal Expansion Project at Fresno Yosemite International Airport (Council District 4):

1. Approve Design-Build Contract Amendment No. 3 for Phase Two of a Progressive Design-Build contract with Q&D Construction, to construct a New Terminal Expansion at Fresno Yosemite International Airport in an amount not to exceed \$126,868,863
2. Approve a consulting agreement with Moore Twining Associates, Inc. of Fresno, California, to provide geotechnical quality assurance testing and inspection services for the New Terminal Expansion at Fresno Yosemite International Airport in the amount of \$777,667

Councilmember Arias moved this item to the Contested Consent Calendar to discuss the Project Labor Agreement construction project.

Council discussion on this item included: participation for the Project Labor Agreement; status of the parking garage; total cost and time of the parking garage, and the design of the international area; funding for the bonds for the project; \$2 million adjustment to the project to accommodate the international design.

Councilmember Arias directed staff to come back with a change order in the amount of \$2 million to adjust the design of the international area to include more indoor waiting area.

APPROVED

On motion of Councilmember Arias, seconded by Councilmember Esparza, 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 23-281](#)

Approve the grant agreement in the amount of \$100,000 with the Fresno Economic Opportunities Commission to support services provided by the Fresno Economic Opportunities Commission LGBTQ+ Resource Center.

Councilmember Bredefeld moved this item to the Contested Consent Calendar to discuss the scope of work.

Council discussion on this item included: the agreement scope of work; the Q-Closet; gender affirm guidance; age of those who are being guided; parental consent for youth and unaccompanied minors; safe spaces; stress busters; mindfulness workshops; sex positive supplies and education, and funding assistance from the County of Fresno for mental health.

Councilmember Bredefeld spoke in opposition of the item and does not support gender affirming agenda. Councilmember Bredefeld motioned to deny the above item. The motion died for lack of second.

APPROVED

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

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

No: 1 - Bredefeld

- 1.-K. [ID 23-289](#)** ***RESOLUTION - Authorizing and directing a grant application to the California Interagency Council on Homelessness (Cal ICH) for funding under the Encampment Resolution Funding Program, round 2, second disbursement (ERF-2-R) for actionable, person-centered local proposals that resolve the experience of unsheltered homelessness for people residing in encampments by addressing the safety and wellness of people within encampments, resolve critical encampment concerns, and transition individuals into interim shelter with clear pathways to permanent housing or directly into permanent housing, using data informed, non-punitive, low-barrier, person-centered, housing first, and coordinated approaches and authorizing the City Manager to sign all required implementing documents (Subject to Mayor's veto)

Correction read into the record a change to the Staff Report and Resolution should state, "The City wishes to submit an application to obtain an Cal ICH allocation of ERF-2-R funding in the amount not to exceed \$17,000,000"

Councilmember Arias moved this item to the Contested Consent Calendar to discuss the grant and scope of work for the grant.

Council discussion on this item included: additional support services and outreach for people utilizing warming and cooling centers and providing

permanent and transitional housing in downtown in a location where the encampments exist.

RESOLUTION 2023-039 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: 6 - Esparza, Maxwell, Perea, Karbassi, Arias and Bredefeld

Absent: 1 - Chavez

- 1.-L. [ID 23-292](#)** Authorize the City Manager to enter into a Lease Agreement between the City of Fresno and Tutelian Holdings I, L.L.C., a California Limited Liability Company for office space at 2440 Tulare Street, Civic Center Square, for the Housing and Community Development Division

Councilmember Arias moved this item to the Contested Consent Calendar to discuss vacant city owned business for the office space.

Council discussion on this item included: temporary solution for the office space; getting a great rate for the office space; address vacant commercial buildings owned by the city, and occupy vacant city own property before leasing.

APPROVED

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

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

Absent: 1 - Chavez

- 1.-O. [ID 23-260](#)** Approve an agreement for Professional Engineering Services with PBK Architects, Inc. for \$678,300, with a \$60,000 contingency, for design and construction support services for the 911 Emergency Call Center Project (Council District 3)

Councilmember Arias moved this item to the Contested Consent Calendar to discuss the timeline for award and completion.

Council discussion on this item included: property located on El Dorado and

G Street as the location; it will be new construction, and the FAX buildings are old and need to be addressed.

APPROVED

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

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

Absent: 1 - Chavez

- 1.-P. [ID 23-270](#)** RESOLUTION - Accepting the Fancher Creek Trail Plan (Council District 5)

Councilmember Chavez moved this item to the Contested Consent Calendar to discuss the Bridal Creek Trail, the canal bank and the feasibility study.

RESOLUTION 2023-040 ADOPTED

On motion of Councilmember Chavez, 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

- 1.-T. [ID 23-208](#)** Approve the award of a professional consulting services contract to Transportation Management & Design, Inc. (TMD) of Carlsbad, California, for Title VI analyses for a total not to exceed \$185,000 over the course of five years (RFP NO. 12300935)

Councilmember Council President Maxwell moved this item to the Contested Consent Calendar to get clarification on why the city is paying for a consulting service.

Council discussion on this item included: keeping the consulting services on retainer for the requirement contract; fair changes for calendar 2023; service changes to increase frequency; ensuring compliances performing equity analyses for all services changes that exceed Council-approved threshold and required match to be sourced from FAX enterprise funds.

APPROVED

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

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

2. SCHEDULED COUNCIL HEARINGS AND MATTERS

10:00 A.M.

ID 23-256

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. 136 (Final Tract Map No. 6400) (southwest corner of East Clinton Avenue and North Armstrong Avenue) (Council District 7)

1. ***RESOLUTION - to Annex Territory to Community Facilities District No. 11 and Authorizing the Levy of a Special Tax for Annexation No. 136 (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. 136 (Subject to Mayor's Veto)

The above hearing was called to order at 11:33 A.M. Upon call, there was no public comment for this item. The public comment period was closed at 11:33 A.M. There was no Council discussion.

RESOLUTION 2023-044 ADOPTED

RESOLUTION 2023-045 ADOPTED

RESOLUTION 2023-046 ADOPTED

BILL B-4 INTRODUCED/ADOPTED AS ORDINANCE 2023-004

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

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

10:05 A.M.

- [ID 23-269](#) Appearance by The People's Fresno LLC to discuss preliminary license to be reinstated to complete CUP process, the cannabis social equity program, and social equity policy be changed (District 3 Resident)

APPEARED

10:10 A.M.

- [ID 23-283](#) Appearance by the Fresno Valley Dream Center

APPEARED

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

10:15 A.M.

- [ID 23-343](#) Actions pertaining to the disposition of approximately 2.28 acres generally located at the southwest corner of Florence and Walnut and the northwest corner of Florence and Plumas Avenue for development of a 14-unit single-family affordable housing project:
1. HEARING to consider disposition of property located at the southwest corner of Florence and Walnut Avenue and northwest corner of Florence and Plumas Avenue
 2. ***RESOLUTION - Finding Substantial Community Benefits resulting from the Amended and Restated Disposition and Development Agreement that justify a price less than fair market value pursuant to Fresno Municipal Code Section 4-204 relating the disposition of real property (Subject to Mayor's veto)
 3. Approve an Amended and Restated Disposition and Development Agreement between the City of Fresno in its capacity as Housing Successor and Self-Help Enterprises

The above hearing was called to order at 1:34 P.M. Upon call, there was no public comment. Executive Director Murphey and Director of Real Estate Development with Self-Help Enterprises Betsy McGovern Garcia introduced the item to council.

Councilmember Arias spoke in support of the item; it is one of 27 housing projects in district 3 and acknowledged Project Liaison Cox for keeping the project on schedule.

RESOLUTION 2023-037 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

3. GENERAL ADMINISTRATION

- 3.-A. [ID 23-349](#)** ***RESOLUTION - Adopt a Resolution of the Council of the City of Fresno, California, to Authorize the examination of sales or transactions and use tax records by Fresno City Councilmembers (Subject to Mayor's Veto)

Councilmember Arias and City Manager White introduced the above item to Council. Upon call, there was no public comment.

Council discussion on this item included: if other jurisdiction require Non-Disclosure Agreement; concerns with Confidential information being weaponized; legal consequences of violations of confidentiality; confidential material watermarked and held in the City Attorney's Office; criminal liability for exposing confidential information; no cell phone assess when reviewing confidential information;

City Attorney Janz is recommending against passing the resolution.

Councilmember Arias motioned to approve with the following amendment that the information is watermarked with each council district.

RESOLUTION 2023-047 ADOPTED AS AMENDED

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

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

No: 2 - Karbassi and Bredefeld

3.-B. [ID 23-316](#) WORKSHOP - FY 2023 Mid-Year Budget Review

The above workshop was presented to Council by Director Fierro.

Council discussion on this item included: revenue generated from cannabis dispensaries; the reasons for the delays for getting cannabis dispensaries online; apply changes retro actively for cannabis license; the life of a conditional use permit; a list of capital projects that are incomplete; property tax and request to contact the County Assessor's Office to see if we should be getting more property tax; request a list of capital funds projects from Public Works, PARCs, and ARPA; annual transfer changes / discrepancies; the status of the Community Benefits Commission; discussion on the number of dispensaries per district; Slide 5 net ending balance approved commitments budgeted in Fiscal Year 23; the pending ARPA reimbursements; cannabis market; carryover of infrastructure projects in council districts; requested a list of all projects that were not established in the adopted budget but through and AAR amendment and how much each cost; the amount of city revenue generated by Club One Casino; the safe guard for cannabis licenses set to expired annually once the cannabis permit is not used; a request for legal advice on the status of the cannabis licenses; funds in the reserve and requirements of the Management Reserve Act; AirBnB fees collected; a request to legal council on what is need to make automated collection from AirBnB; list of vacant positions within city departments and the length the positions have been vacant; requested information on the amount of savings if there was a hiring freeze; reduction in sales tax; how projections are made; generated room tax from the convention center; the project of franchise fees; extra funds in the budget; and assessment on investors for cannabis.

PRESENTED

4. CITY COUNCIL

5. CLOSED SESSION

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

Council withdrew from open session to hear closed session items at 4:24 P.M.

5.-A. [ID 23-123](#)

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

Christina Hernandez, et al. v. City of Fresno, et al; Fresno County
Superior Court Case No.: 20CECG00052

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

DISCUSSED

5.-B. [ID 23-129](#)

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

Douglas Hecker, et al. v. City of Fresno; Fresno County Superior Court
Case No.: 18CECG01593

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

DISCUSSED

5.-C. [ID 23-304](#)

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.-D. [ID 23-305](#)

CONFERENCE WITH LEGAL COUNSEL- POTENTIAL EXPOSURE TO
LITIGATION: Government Code Section 54956.9(d)(2): Central Valley
NMTC Fund, LLC., v. City of Fresno

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

DISCUSSED

- 5.-E. [ID 23-354](#) CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Government Code Section 54956.8
Property: 2487 South Walnut Avenue, Fresno, CA 93706 (APN 479-050-04)
Negotiating Parties: City Manager; Ruth McDonald and Florine Parish
Under negotiations: Price and terms of property acquisition

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

DISCUSSED

- 5.-F. [ID 23-313](#) CONFERENCE WITH LABOR NEGOTIATORS - Government Code Section 54957.6
City Negotiators: TJ Miller
Employee Organization: Fresno City Employees Association (FCEA), for Unit 3 - Non-Supervisory White Collar, regarding Emergency Services Dispatcher.

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

DISCUSSED

- 5.-G. [ID 23-321](#) 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), Unit 4; 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)

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

DISCUSSED

ADJOURNMENT

Adjourned from Closed Session at 6:10 P.M.