City of Fresno

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

Meeting Minutes

Thursday, April 21, 2022

9:00 AM

Regular Meeting

Council Chambers (In Person And/Or Electronic)

City Council

President - Nelson Esparza
Vice President - Tyler Maxwell
Councilmembers:
Esmeralda Z. Soria, Mike Karbassi, Miguel Angel Arias, Luis Chavez, Garry Bredefeld
City Manager - Georgeanne A. White
City Attorney - Douglas T. Sloan
City Clerk - Todd Stermer, CMC

The City Council for the City of Fresno convened in regular session on April 21, 2022, at 9:00 A.M.

9:03 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 Father Alex Gaitan from St Anthony's Church

Senior Pastor Nerses Balabanian of Pilgrim Armenian Congregational Church performed the invocation in place of Father Gaitan.

Pledge of Allegiance to the Flag

APPROVE AGENDA

The following changes were made to the agenda:

City Clerk Stermer announced a numbering change to the resolution for Consent Calendar item 1-JJ (ID 22-633) regarding a City of Fresno Tree Policy. The last two paragraphs of the resolution should be numbered "26" and "27," not “28” and “29.”

City Clerk Stermer announced the resolution attached to Consent Calendar item 1-LL (ID 22-613) regarding acquisition of property at 1247 North Wishon and 777 East Olive Avenue, was subject to Mayoral veto.

CONSENT CALENDAR ITEMS TABLED UNTIL NEXT MEETING

1-P (ID 22-497) regarding Public Safety Radio signal strength improvement - tabled until April 28, 2022, by staff.

1-V (ID 22-543) regarding a grant application to the California Interagency Council on Homelessness - tabled until April 28, 2022, by Councilmember Soria.

CONSENT CALENDAR ITEMS MOVED TO THE CONTESTED CONSENT CALENDAR FOR FURTHER DISCUSSION

1-S (ID 22-548) regarding homeless services agreements - moved to Contested Consent by Councilmember Bredefeld.

1-U (ID 22-467) regarding a Bill for introduction relating to At-Risk Development – moved to Contested Consent by Vice President Maxwell.

1-II (ID 22-612) regarding the Council Communication Policy - moved to Contested Consent by Councilmember Bredefeld.

1-LL (ID 22-613) regarding acquisition of property at 1247 North Wishon and 777 East Olive Avenue - moved to Contested Consent by Councilmember Bredefeld.

AGENDA APPROVED AS AMENDED

On motion of Vice President Maxwell, seconded by Councilmember Soria, 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 22-623 Proclamation for "A Day of Remembrance of the Anniversary of the Armenian Genocide"

PRESENTED

ID 22-509 Proclamation for "National Crime Victims' Rights Week (April 24th- April 30th, 2022)"

PRESENTED

ID 22-530 Proclamation for "John Walker Day"

PRESENTED

ID 22-604 Proclamation for "Essential Workers Day"

PRESENTED

ID 22-618 Proclamation for “Sexual Assault Awareness Month”

PRESENTED

COUNCILMEMBER REPORTS AND COMMENTS

Councilmember Soria discussed: homeless encampments and illegal dumping at 311 W. Shields; requested an update on the crime prevention grant for at risk youth, and; announced an upcoming block party on Pleasant Avenue.

Councilmember Karbassi discussed: neighborhood improvements west of Highway 99; improvements and tree trimming; ongoing street racing issues, and; concerns over the recent actions of a self proclaimed homeless advocate at City Hall.

Councilmember Arias discussed: upcoming community meetings concerning the budget priorities of his constituents; an upcoming tree planting event at Dickey Park; the need for routine cleanup of wireless parking meters and routine repair of electric vehicle charging stations; tree trimming in Tower District; completion of sidewalks near West Fresno Elementary; receipt of public comment regarding the Tower Theatre item (1-LL, ID 22-613), and; actions of homeless advocates verbally attacking social service workers at a cleanup event at Ronquillo Way.

Vice President Maxwell discussed: protected bike lanes and a related community meeting Vinland Park; recent issues regarding volleyball at Vinland Park and doing better as a city to make sure no group feels marginalized, and; an Earth Day tree planting event at Vinland Park.

Council President Esparza discussed: an April 27, 2022, special council meeting to discuss the Housing Plan; opening day for the Fresno Grizzlies; the recent City of Fresno Women of the Year event; his meeting with Jackson neighborhood residents new to District 7; School Area Team work in the Borrows neighborhood; new District 7 staff member, Diana Gallardo, and; the acceptance of District 7 staff members Carson Trigueiro and Navkaran Singh Gurm into law school.

MAYOR/MANAGER REPORTS AND COMMENTS

Mayor Dyer discussed: participation of the Police Department in Operation No Fly Zone which target gangs; the Great American Cleanup event and tree planting scheduled for the following Saturday, and; completion of the Fresno Housing Plan.

City Manger White had no updates for the City Council.

UNSCHEDULED COMMUNICATION

The following members of the public addressed Council: Fernando Paul Elizondo; Robert McCloskey, and; Dez Martinez.

The following members of the public addressed Council regarding Consent Calendar item 1-LL (ID 22-613) regarding acquisition of property at 1247 North Wishon and 777 East Olive Avenue: Paula Balekian; Alysia Rodiguez; Joshua Hawk; Lisa Flores; Laura Splotch; John Brown; Brandi Nuse-Villegaas; Dr. Caitlyn Nichols; Anoush Ekparian; Jessica Mahony; Miley Grub; Sanita; Haily White; Miguel Castillo; Micahel S. Reyna; Tyler Mackey; Pedro Navarro Cruz; Lauren Baker; Joanna moore; Miguel Gastelum; Melony Lem; Andrea Gillo; Kevin Hall; Jacob Baily; Jose Solorio; Father Nelson Serrano; Reverend Reagan Baker; Reverend Tim Custmark; Lethal Garcia; Jeremiah Lee; John Brown; Julie Shows; Carlo Gomez; Bill Richardson; Anthony Flores; Mike Cook; Deshawn Carrawy; Troy Simeon; Mandy Flores; Jessica Rivera; David Emersian; Andrea M.; Branch Burgen; Dennis McCourt; Fred Vanderis; Molly Ann; Sean Burdine; Chris Williams; Karren Franco; Janet Richardson; Dominic Harwood; Trina Harwood; John Flores; Phyllis Upton; John Gannopoulos; Ruby Garrison; DJ Aldape; Armando Armas; Kathy McCoy; Pastor Jim Franklin; Doc Scheison; Cindy; RIP Hovde, and; Diane Sandoval.

City Council recessed for lunch at 12:48 P.M. and resumed in closed session at 2:03 P.M. Council returned to open session at 3:00 P.M.

1. CONSENT CALENDAR

APPROVAL OF THE CONSENT CALENDAR

On motion of Councilmember Arias, seconded by Councilmember Karbassi, the CONSENT CALENDAR was hereby adopted by the

following vote:

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

1.-A. ID 22-523 Approval of the Minutes for the March 24, 2022, Regular City Council Meeting, the April 7, 2022, Special City Council Meeting, and the April 11, 2022 Special Closed Session City Council Meeting.

APPROVED ON CONSENT CALENDAR

1.-B. ID 22-518 Cancel Construction Contract between the City of Fresno and 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)

APPROVED ON CONSENT CALENDAR

1.-C. ID 22-539

Actions pertaining to professional consulting services for Senate Bill 1383 (SB 1383) compliance planning:

1. Affirm City Manager's determination that Stearns, Conrad, and Schmidt Consulting Engineers (SCS Engineers, Inc.) is uniquely qualified
2. Approve the First Amendment to the consultant services agreement with SCS Engineers, Inc., to expand the scope of services and increase the original contract amount of $49,600 by $34,940 for a total amended contract amount of $84,540, for professional consulting services for SB 1383 compliance planning. (Citywide)

APPROVED ON CONSENT CALENDAR

1.-D. ID 22-547 Approve the First Amendment to the consultant services agreement with Blair, Church & Flynn Consulting Engineers, Inc., to expand the scope of services and increase the original contract amount of $220,150 by $34,400, for a total amended amount of $254,550, for the design of plans and general construction contract documents for North Avenue 66-inch Sewer Trunk Main (Council District 3 and County of Fresno).

APPROVED ON CONSENT CALENDAR

1.-E. ID 22-557

Actions pertaining to Sewer Rehabilitation in the area bound by Blackstone, Maroa, McKinley, and Clinton Avenues (Bid File 3836) (Council Districts 1 and 7):

1. Adopt a finding of Categorical Exemption pursuant to Class 1, Sections 15301(b)&(d) (Existing Facilities) and Class 2, Section 15302(c)

(Replacement or Reconstruction) of the California Environmental Quality Act Guidelines

2. Award a construction contract, inclusive of the City's adopted project labor agreement requirements, to Emmett's Excavation, Inc., in the amount of $1,578,078

APPROVED ON CONSENT CALENDAR

1.-F. ID 22-564

Award a consultant services agreement to Blair, Church and Flynn Consulting Engineers, Inc., to provide engineering, bidding and construction support services for the sewer rehabilitation in the area bound by Shields, Fruit, Dakota and Palm Avenues for an amount not exceed $251,460, inclusive of a $22,860 contingency (Council District 1)

APPROVED ON CONSENT CALENDAR

1.-G. ID 22-567

Actions pertaining to the Department of Public Utilities Operations & Maintenance Facility (Bid File 10082)(Council District 3)

1. Reject all proposals for the Building Renovations, Site Improvements, and Master Planning Services for the Department of Public Utilities Operations & Maintenance Facility.
2. Approve a consultant services agreement with Blair, Church and Flynn Consulting Engineers Inc., in the amount of $210,860, inclusive of a $20,000 contingency, for design services.

APPROVED ON CONSENT CALENDAR

1.-H. ID 22-568 Approve a Cooperative Purchase Agreement with TK Elevator Corporation, in the amount of $160,258, to modernize the passenger elevator at the Department of Public Utilities Operations and Maintenance Facility located at 1625 G Street (Council District 3).

APPROVED ON CONSENT CALENDAR

1.-I. ID 22-503 Reject all bids for a two-year Requirements Contract, with options for three one-year extensions for the purchase of Solar Real Time Digital Displays for bus stops as no responsive bids were received (Bid File 9589)

APPROVED ON CONSENT CALENDAR

1.-J. ID 22-525 Award a professional service contract for physical inventory services to Bureau Veritas for a sum of $98,080.48 (RFP File 10090)

APPROVED ON CONSENT CALENDAR

1.-K. ID 22-535 RESOLUTION - Authorizing submission of funding requests to the Low Carbon Transit Operations Program for bus service operating support and

maintenance facility improvements, execution of grant award documents if awarded, and execution of related Certifications & Assurances and Authorized Agent Forms

RESOLUTION 2022-078 ADOPTED

APPROVED ON CONSENT CALENDAR

1.-L. ID 22-526 Approve the award of a purchase contract to Haaker Equipment Company Inc. of La Verne, California for the purchase of one Vactor sewer cleaning truck in the amount of $579,593 for the Department of Public Works

APPROVED ON CONSENT CALENDAR

1.-M. ID 22-544 Actions related to the award of a consulting services agreement with The LeFlore Group, LLC, of Whittier, California, not to exceed the amount of $269,360

1. Affirm the City Manager's determination that the LeFlore Group, LLC is uniquely qualified to provide technical expert services to the Department of Transportation
2. Approve the Consultant Services Utilizing the California Multiple Award Schedule (CMAS) to Establish a 3-year Contract with the LeFlore Group, LLC, Not to Exceed $269,360 to Provide Technical Expert Services for Federal Transit Administration (FTA) funded activities

APPROVED ON CONSENT CALENDAR

1.-N. ID 22-529 Approve a one (1) year extension option to the existing agreement with the County of Fresno for County Aid Dispatch services.

APPROVED ON CONSENT CALENDAR

1.-O. ID 22-522 Approve Amendment No. 4 to the Rimini Street, Inc. Services Agreement decreasing the application support for its PeopleSoft and Human Capital Management systems fees by $98,166 due to the implementation of Tyler Munis Financials for an annual total support fee in FY22 of $344,451.00.

APPROVED ON CONSENT CALENDAR

1.-P. ID 22-497 Actions pertaining to Public Safety Radio signal strength improvement.

1. ***RESOLUTION: Adopt the 57th amendment to the Annual Appropriation Resolution (AAR) No 2021-178 appropriating $250,000 from the Information Services Department (ISD) FY22 carryover (Requires 5 Affirmative Votes) (Subject to Mayor's Veto); and
2. Affirm the City Manger's determination that Crown Castle is uniquely

qualified to perform the services that establish a presence on their tower; and

3. Authorize the Chief Information Officer (CIO) to enter into an agreement with Crown Castle in the amount of $232,444 for the implementation fees for radio equipment to establish a new signal presence for radio improvement; and
4. Authorize the Chief Information Officer to enter into an agreement with Crown Castle for monthly rent in the amount of $4,750 per month to attach radio equipment on the tower.

The above item was moved to the April 28, 2022, City Council agenda by staff.

TABLED

1.-Q. ID 22-533 Actions pertaining to Commercial Cannabis Activity:

1. ***BILL- (For introduction) Amending Section 9-3307 of the Fresno Municipal Code, relating to the location of retail cannabis businesses (Subject to Mayor's Veto).

BILL B-6 INTRODUCED AND LAID OVER

APPROVED ON CONSENT CALENDAR

1.-R. ID 22-527 Actions pertaining to the City's Participation in a Multijurisdictional Housing Element Update process:

***RESOLUTION - to Participate in the Fresno County Multijurisdictional Housing Element Update and Cost Sharing Agreement (Subject to Mayor's Veto).

RESOLUTION 2022-079 ADOPTED

APPROVED ON CONSENT CALENDAR

1.-T. ID 22-569 Approve a $110,000 Community Development Block Grant Agreement with Habitat for Humanity Fresno County, Inc., for acquisition, closing costs, and a Fresno Irrigation District Fee related to the new construction of two affordable single-family houses to be located on the west side of N. Barcus Avenue between W. Rialto Avenue and W. San Gabriel Avenue in northwest Fresno (District 1)

APPROVED ON CONSENT CALENDAR

1.-V. ID 22-543 ***RESOLUTION - Authorizing a grant application to the California Interagency Council on Homelessness (Cal ICH) for funding under the Family Homelessness Challenge Grant for accelerating efforts by local jurisdictions and continuums of care to address and end family homelessness by making families' experiences of homelessness rare,

brief, and one-time and authorizing the City Manager to sign all required implementing documents (Subject to Mayor's Veto)

The above item was moved to the April 28, 2022, City Council agenda by Councilmember Soria.

TABLED

1.-W. ID 22-572 RESOLUTION - Approving an Amendment to the Five-Year Plan to the California Housing and Community Development Department application for funding from the Permanent Local Housing Allocation (PLHA) for the development of affordable multifamily and single-family housing, owner occupied home rehabilitation, and down payment assistance to benefit low-and moderate-income persons and authorizing the city manager to sign all necessary implementing documents.

RESOLUTION 2022-080 ADOPTED

APPROVED ON CONSENT CALENDAR

1.-X. ID 22-502 Authorize the Chief of Police to execute an agreement with Benchmark Analytics in the amount of approximately $386,250, over a 3 year period, for employee management software.

APPROVED ON CONSENT CALENDAR

1.-Y. ID 22-528 Award a Requirements Contract for property board up services in the amount of $25,650.00 for a three-year contract with an option for two one-year extensions to Beam and Company, Inc of Fresno CA, Bid File No. 9610.

APPROVED ON CONSENT CALENDAR

1.-Z. ID 22-204 Award a requirements contract to Pavement Coatings Co. in the amount of $4,285,800.00 per year to furnish and install slurry seal on various streets (Bid File 9622).

APPROVED ON CONSENT CALENDAR

1.-AA. ID 22-446 RESOLUTION- Adopting the Travel by Trail, Fresno! Trail Network Wayfinding, Promotion and Connectivity Plan

RESOLUTION 2022-081 ADOPTED

APPROVED ON CONSENT CALENDAR

1.-BB. ID 22-540 Approval of an agreement between Integrated Designs by SOMAM, Inc., of Fresno, CA in the amount of $87,000 plus a contingency of $12,000 for the design and preparation of construction documents for the Maxie L. Parks

Community Center HVAC Upgrade Project (Council District 3)

APPROVED ON CONSENT CALENDAR

1.-CC. ID 22-536 **RESOLUTION** - Approving the Final Map of Tract No. 6318, Phase 2 of Vesting Tentative Tract Map No. 6241, and accepting dedicated public uses offered therein except for dedications offered subject to City acceptance of developer installed required improvements - located on the West side of North Armstrong Avenue, South of East Clinton Avenue (Council District 7)

RESOLUTION 2022-082 ADOPTED

APPROVED ON CONSENT CALENDAR

1.-DD. ID 22-537 ***RESOLUTION - Adopting the 59th Amendment to the Annual Appropriation Resolution (AAR) No. 2021-178 to appropriate $115,800 for the Downtown Fresno Neighborhood Beautification and Cleanup Project (Council Districts 3 & 7) (Requires 5 Affirmative Votes) (Subject to Mayor's Veto).

RESOLUTION 2022-083 ADOPTED

APPROVED ON CONSENT CALENDAR

1.-EE. ID 22-538 Actions pertaining to the First Street Cycle Track, Hazelwood Boulevard to Tulare Street - Bid File 3805 (Council Districts 3, 5, and 7)

1. Adopt a finding of Categorical Exemption per staff determination pursuant to Section 15301/Class 1 of the California Environmental Quality Act (CEQA) Guidelines
2. Award a construction contract in the amount of $899,025 to Bush Engineering, Inc. of Fresno, California

APPROVED ON CONSENT CALENDAR

1.-FF. ID 22-570 ***RESOLUTION - Adopt the 16th Amendment to FY 2022 Salary Resolution No. 2021-176, amending Section 9, subsection 1.b; Exhibit 2, Non-Represented Management and Confidential Classes; Exhibit 3, Unit 3 - Non Supervisory White Collar (FCEA); Exhibit 7, Unit 7 - Non-Supervisory Groups and Crafts (IBEW); Exhibit 13-1, Unit 13 - Exempt Supervisory and Professional (CFPEA); and Exhibit 13-2, Unit 13 - Non-Exempt Professional (Subject to Mayor's Veto)

RESOLUTION 2022-084 ADOPTED

APPROVED ON CONSENT CALENDAR

1.-GG. ID 22-545 Adopt Restatement of the City of Fresno Deferred Compensation Plan Document

APPROVED ON CONSENT CALENDAR

1.-HH. ID 22-521 ***BILL No. 4 (Re-intro'd 3/24/2022) (For Adoption) - Amending Section 12-4.1603 of the Fresno Municipal Code, relating to fee waiver program for certain residential infill projects (Subject to Mayor's Veto).

ORDINANCE 2022-005 ADOPTED

APPROVED ON CONSENT CALENDAR

1.-JJ. ID 22-633 ***RESOLUTION - Adopting the City of Fresno Tree Policy (Subject to Mayor's Veto)

RESOLUTION 2022-086 ADOPTED

APPROVED ON CONSENT CALENDAR

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

1.-KK. ID 22-597

Approve a requirements contract to Fresno County Economic Opportunities Commission, in an amount not to exceed $89,118.26 per year for Property Maintenance and Year-Round Weed Control services.

APPROVED ON CONSENT CALENDAR

CONTESTED CONSENT CALENDAR

1.-S. ID 22-548 Actions pertaining to homeless services agreements provided under the Homeless Housing, Assistance, and Prevention (HHAP) program:

1. Approve a Third Amendment with Turning Point of California, Inc., to increase funding by $346,080 for triage center security services at the Golden State Triage for a total award of $4,858,776.19
2. Approve a Second Amendment with Turning Point of Central California, Inc., to increase funding by $224,448 for triage center security services at the Journey Home Triage Center for a total award of $724,448.
3. Approve an Agreement with Turning Point of Central California, Inc., for triage center security services at the Step-up Triage Center in the amount of $224,448.
4. Approve an Agreement with Turning Point of Central California, Inc., for triage center security services at the Sun Lodge Triage Center in the amount of $80,640.

There was no staff presentation and no Council discussion on this item.

APPROVED

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

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

1.-U. ID 22-467 BILL - (For introduction) - Amending Article 22 of Chapter 12 of the Fresno Municipal Code, relating to At-Risk Development.

There was no staff presentation on this item. Planning Director Clark and Building Services Manager Clark responded to questions.

Discussion on this item included: what entails an at risk development; certificates of occupancy; application to single family homes; the determination process; comparisons to other cities, and; demolition permits for historical properties.

BILL B-7 INTRODUCED AND LAID OVER

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

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

Absent: 1 - Soria

1.-II. ID 22-612 Resolution amending the Council Communication Policy.

There was no staff presentation on the item. Councilmember Chavez and City Attorney Sloan responded questions.

Discussion included: when Councilmembers would be informed of requests for public documents made to the City Attorney's Office; unintended consequence of the resolution; limiting the ability of Councilmembers to verify facts; the distinction between an investigation and producing documents, and; the background behind the Council Communication Policy.

Council President Esparza and Councilmember Karbassi requested a friendly amendment that the matter be only effective for 90 days unless renewed by the Council. Councilmember Chavez agreed to the friendly amendment.

Councilmember Chavez motioned to approve the item with the friendly amendment and with language to limit dispersal of requested documents to other Councilmembers to times when, in the judgment of the City Attorney, the documents concern or affect other Councilmembers. Councilmember Arias seconded the motion.

RESOLUTION 2022-085 ADOPTED AS AMENDED

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

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

1.-LL. ID 22-613 Actions Pertaining to the Acquisition of property at 1247 North Wishon (APN 451-265-02) and 777 East Olive Avenue (APN 451-265-03)

1. Adopt a finding of Categorical Exemption pursuant to Section 15301/Class 1 (Existing Facilities) of the California Environmental Quality Act (CEQA) guidelines for the project.
2. Approve a Resolution Establishing a Policy for the Preservation and Use of the Tower Theatre Property and Authorizing Purchase of the Tower Theatre Property.
3. Approve a Joint Litigation, Defense, and Indemnity Agreement by and between the City of Fresno, the Tower Theatre Entities and Sequoia Brewery
4. Approve a Purchase and Sale Agreement and Joint Escrow Instructions by and between City of Fresno, Tower Theater Productions, Fidelity National Title Insurance Company, and Tower Theatre Productions for the Performing Arts for real property at 1247 North Wishon (APN 451-265-02) and 777 East Olive Avenue (APN 451-265-03) for $6,500,000.
5. Approve a Purchase and Sale Agreement and Joint Escrow Instructions by and between City of Fresno and J&A Mash & Barrell, LLC., and Fidelity National Title Insurance Company for a portion of the real property at 777 East Olive Avenue (APN 451-265-03) for $1,200,000.

There was no staff presentation by staff. City Attorney Sloan responded to

questions.

Discussion on this item included: Measure P investments in parks; home values; diversity; improvements in the Tower District; mediation and the people involved; Adventure Church actions to purchase Tower Theatre; past communication with Councilmembers about Tower Theatre; the possibility of issuing a subpoena for Lawrence Abbate; zoning; financing details; indemnification and potential costs of future actions; General Fund dollars, and; the interest rate for Sequoia Brewery.

Councilmember Karbassi made a procedural motion to subpoena Lawrence Abbate to appear before Council to answer questions. Councilmember Bredefeld seconded the motion which FAILED 3-3 as follows:

Aye: 3 - Karbassi, Chavez, Bredefeld
No: 3 - Arias, Maxwell, Esparza
Abstain: 1 - Soria

Councilmember Karbassi made a procedural motion to vote separately on part three of this item concerning the Joint Litigation Defense and Indemnity Agreement. Councilmember Bredefeld seconded the motion which FAILED 3-4 as follows:

Aye: 3 - Karbassi, Chavez, Bredefeld
No: 3 - Soria, Arias, Maxwell, Esparza

RESOLUTION 2022-087 ADOPTED

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

Aye: 4 - Esparza, Maxwell, Soria and Arias

No: 3 - Karbassi, Chavez and Bredefeld

2. SCHEDULED COUNCIL HEARINGS AND MATTERS

10:00 A.M.

ID 22-541 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. 55 (Assessor's Parcel Number 330-021-40) (Northpointe Drive south of Fortune Ave) (Council District 3)

1. ***RESOLUTION - to Annex Territory to Community Facilities District No. 9 and Authorizing the Levy of a Special Tax for Annexation No. 55 (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 2021-2022 and Future Tax Years Within and Relating to Community Facilities District No. 9, Annexation No. 55 (Subject to Mayor's Veto)

The above hearing was called to order at 5:27 P.M. There was no staff presentation and no Council discussion on this item. Upon call, there was no public comment. The public comment period was closed at 5:27 P.M.

RESOLUTION 2022-088 ADOPTED
RESOLUTION 2022-089 ADOPTED
RESOLUTION 2022-090 ADOPTED
BILL B-8 AND ORDINANCE 2022-006 ADOPTED

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

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

10:05 A.M.

ID 22-542 HEARING to consider the vacation of the most northerly corner cut-off of M street and Inyo Street (Council District 3)

1. ***RESOLUTION - Ordering the vacation of the most northerly corner cut-off of M Street and Inyo Street (Subject to Mayor's Veto)

The above hearing was called to order at 5:28 P.M. There was no staff presentation on this item. Upon call, there was no public comment. The public comment period closed at 5:28 P.M. Assistant City Manager Barfield responded to questions.

Discussion on this item included: initiation of construction; construction zone; and staging of construction equipment.

RESOLUTION 2022-091 ADOPTED

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

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

3. GENERAL ADMINISTRATION

3.-A. ID 22-464 WORKSHOP- Presentation of the Annual Report of the Downtown Fresno Partnership

City Manager White announced this item would be tabled to the next meeting as staff was no longer available for the presentation.

TABLED

3.-B. ID 22-584 WORKSHOP - Animal Center Presentation

The above workshop was presented by Deputy City Manager Torres. City Manager White and Dr. Karsten of the UC Davis Shelter Medicine Program also addressed Council.

Discussion on this item included: cost of diversion; accountability; the costs of housing animals; community engagement and education in multiple languages; public awareness campaigns; expectations of the public; tracking owners; euthanasia rates; community feedback and participation; an October update, and; the Spay and Neuter program.

PRESENTED

3.-C. ID 22-601 Actions pertaining to COVID-19 emergency:

1. WORKSHOP - Discussion of Emergency Order (EO) 2021-02 (Modified COVID-19 Emergency Order); EO 2020-09 (Employee COVID-19 Self-Screening); EO 2020-10 (Employee Leave Pay); EO 2020-15 (Telework by City Employees)

The above workshop was presented by Assistant City Manager Barfield.

City Manager White also addressed Council.

Discussion on this item included: Council's rights during an emergency; eviction moratorium 90 day grace period for commercial tenants; allocation of funding for commercial rental assistance; potential responses to a future surge, and; updated Administrative Orders to respond to future emergencies.

PRESENTED

4. CITY COUNCIL

5. CLOSED SESSION

Upon call, there was no public comment for Closed Session items.

During open session, City Attorney Sloan announced each of the Closed Session items listed on the agenda and stated there would be nothing to announced following Closed Session.

Council withdrew from Open Session to hear Closed Session items at the following times: 2:03 P.M. and 6:18 P.M.

5.-A. ID 22-559

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.

DISCUSSED

5.-B. ID 22-560

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.

DISCUSSED

5.-C. ID 22-578

CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION
Government Code Section 54956.9, subdivision (d)(1)
City of Fresno v. Bassam Mohammad Khai Ali Hamad, Fresno Superior Court Case No. 21CECG02487

DISCUSSED

5.-D. ID 22-620

CONFERENCE WITH LABOR NEGOTIATORS - Government Code Section 54957.6

City Negotiator: 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

5.-E. ID 22-631 PUBLIC EMPLOYEE PERFORMANCE EVALUATION

1. Government Code Section 54957(b): consider the appointment, employment, evaluation of performance, discipline, or dismissal of a public employee.

   Title: City Attorney

2. Government Code Section 54957.6: conference with labor negotiator.
   City Negotiator: Council President Nelson Esparza

   Unrepresented Employee: City Attorney

DISCUSSED

ADJOURNMENT

Adjourned from Closed Session at 6:31 P.M.