

City of Fresno

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



Meeting Agenda – Final (Amended)

Thursday, July 15, 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

Interim City Clerk – Briana Parra, CMC

PUBLIC ADVISORY

THE FRESNO CITY COUNCIL WELCOMES YOU TO CITY COUNCIL CHAMBERS, LOCATED IN CITY HALL, 2ND FLOOR, 2600 FRESNO STREET, FRESNO, CALIFORNIA 93721.

To observe the meeting on our City's website, click the URL <https://fresno.primegov.com/public/portal?fromiframe=1> and click on the "In progress" link under "video" for the corresponding meeting. The Council meeting can also be viewed live at 9:00 A.M. on Comcast Channel 96 and AT&T channel 99.

Members of the public are encouraged to participate electronically.

PUBLIC COMMENT: The following options are available for members of the public who want to address City Council:

1. To make a comment electronically go to: <https://fresno.primegov.com/public/portal?fromiframe=1>. Under options, click on the chat icon on the far right side of the page next to the meeting agenda you wish to comment on.

a) eComments will be a maximum of 450 words.

OR

2. You are invited to a Zoom webinar.
When: July 15, 2021 9:00 AM Pacific Time (US and Canada)
Topic: July 15, 2021 Regular Meeting

a) Register in advance for this webinar: https://zoom.us/webinar/register/WN_1lin64RMRbaB6EYlukJguA

After registering, you will receive a confirmation email containing information about joining the webinar.

b) If you do not wish for your name to appear on the screen, then use the drop down menu and click on "rename" to rename yourself.

c) If you wish to address Council during the public comment portion of the agenda, click on the icon labeled "Participants" at the bottom center of your PC or Mac screen. At the bottom of the window on the right side of the screen, click the icon labeled "RaiseHand". Your digital hand will now be raised.

d) Those addressing Council must state their name for the record.

e) To facilitate electronic access, no person shall speak until recognized by the Presiding Officer.

OR

3. Email: to clerk@fresno.gov

a) Residents may also email comments to be read during the meeting. Please include the agenda date and item number you wish to speak on in the subject line of your email.

b) Emails will be a maximum of 450 words.

c) All comments received will be distributed to Council prior and during the meeting and will be a part of the official record.

All participants will be on mute until they are called upon at which point they will be unmuted. To prevent participants from having their video on, we will remove the option to show their video.

The City of Fresno's goal is to comply with the Americans with Disabilities Act, If you need additional accommodations such as interpreters, sign language signers, or the services of a translator, please contact the office of the City Clerk at (559) 621-7650 or clerk@fresno.gov. To ensure availability, you are advised to make your request at least three business days prior to the meeting.

The City of Fresno thanks you in advance for taking all precautions to prevent spreading COVID-19 virus.

9:00 A.M. ROLL CALL

Invocation by Reverend Raygan Baker of The Big Red Church
Pledge of Allegiance to the Flag

APPROVE AGENDA

CEREMONIAL PRESENTATIONS

ID 21-23006 Proclamation of “Patrick Boyd Day”

Sponsors: Councilmember Soria

COUNCILMEMBER REPORTS AND COMMENTS

MAYOR/MANAGER REPORTS AND COMMENTS

UNSCHEDULED COMMUNICATION

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

1. CONSENT CALENDAR

- 1-A ID 21-0250** Approval of minutes for June 22, 2021 Vote on Budget Motions, June 24, 2021 Regular Meeting, and June 24, 2021 Special Meeting.
Sponsors: Office of the City Clerk
- 1-B ID 21-22927** RESOLUTION - Concerning Measure C Extension Local Transportation Purposes Pass-Through Projects and Program Funds annual allocation for Fiscal Year 2021-2022
Sponsors: Budget and Management Studies Division
- 1-C ID 21-22922 ***RESOLUTION –** Adopt the 1st Amendment to FY 2022 Salary Resolution No. 2021-176, amending Exhibit 2, Unit 2, Non-Represented and Confidential Classes to reclassify the salary range for the City Clerk position from E5 (9588-13460) to E4 (11398-16344), effective July 15, 2021. (Subject to Mayor’s Veto)
Sponsors: Council President Chavez
- 1-D ID 21-22920** Reject all bids for the construction of the Solid Waste Convenience Center at 4111 N. Winery Avenue (Bid File 3790) (Council District 4)
Sponsors: Department of Public Utilities
- 1-E ID 21-22928** Actions pertaining to the Closed-Circuit Television Inspections of Large Diameter Sewer Mains (Bid File 9602) (Citywide):
1. Adopt a finding of Categorical Exemption pursuant to Class 6, Section 15306 (Information Collection) of the California Environmental Quality Act Guidelines
 2. Award a Requirements Contract to National Plant Service Inc., in the amount of \$690,224.00
- Sponsors:** Department of Public Utilities

- 1-F ID 21-22888** Approve the award of a cooperative purchase agreement to Terex Utilities, Inc., of Watertown, South Dakota, for the purchase of one Terex digger derrick truck in the amount of \$307,770 procured by means of a cooperative purchase agreement with Sourcewell, for the Department of Public Works, Street Maintenance Division
Sponsors: Department of Transportation
- 1-G ID 21-22890** Approve the award of a cooperative purchase agreement to Pape Kenworth of Fresno, CA, for the purchase of two Kenworth T880 dump trucks in the amount of \$359,124, procured by means of a cooperative purchase agreement with Sourcewell, for the Department of Public Works Street Maintenance Division and Department of Public Utilities Wastewater Management Division
Sponsors: Department of Transportation
- 1-H ID 21-22891** Approve Contract Change Order 03 to Red Wave Communications, Inc., in the amount of \$22,990.66 with a total contract value of \$552,936 for additional fire life safety requirements at the Department of Transportation Fresno Area Express maintenance building and bus yard associated with the Fire Alarm Upgrade Project
Sponsors: Department of Transportation
- 1-I ID 21-22919** Reject all bids for the Fresno Area Express (FAX) Wi-Fi Pilot Project (Bid File #9573)
Sponsors: Department of Transportation
- 1-J ID 21-22926** Approve the Third Amendment to the professional Consultant Agreement with SZS Engineering, Inc., in the amount of \$6,690 above the base contract for additional Americans with Disabilities Act bus stop assessments as a result of recent route changes and operational improvements with a total contract value of \$248,674.86
Sponsors: Department of Transportation
- 1-K ID 21-22952** Award a construction contract to Avison Construction Inc., of Madera, California, in the amount of \$894,500.00 for the Department of Transportation Fresno Area Express rebid of the Bus Entry Gate project and authorize the Director of Transportation to execute the documents (Bid File #3797)
Sponsors: Department of Transportation
- 1-L ID 21-22964** Approve a one-year Sub-Recipient Agreement with Fresno Economic Opportunities Commission (FEOC) to operate social service transportation in Urban Fresno County for an amount not to exceed \$1,230,666
Sponsors: Department of Transportation
- 1-M ID 21-22792-01 ***BILL No. 31 (Intro 6/24/2021) (For Adoption) – Amending Section 9-1609 of the Fresno Municipal Code relating to suspension and revocation of massage business registration certificates. (Subject to Mayor’s veto)**
Sponsors: Office of Mayor & City Manager
- 1-N ID 21-22872** Actions pertaining to housing stability service contracts through the Emergency Rental Assistance program:

1. Approve an agreement with Marjaree Mason Center for \$500,000 to provide housing stability services for victims of domestic violence.
 2. Approve an agreement with Breaking the Chains for \$250,000 to provide housing stability services for victims of human trafficking.
- Sponsors:** Office of Mayor & City Manager
- 1-O ID 21-22683** Actions pertaining to the fixed license plate recognition equipment and software.
1. Adopt a finding of categorical exemption pursuant Section 15301 (Existing Facilities) of the California Environmental Quality Act Guidelines.
 2. Approve the first amendment to the consulting services agreement with Vigilant Solutions, LLC., to increase the original contract amount of \$217,341, by \$25,190, for a total amended contract amount of \$242,531, to complete the expanded scope of work.
- Sponsors:** Planning & Development Department
- 1-P ID 21-22832** Approve a First Amendment to the HOME Investment Partnerships Program Agreement between the City and Better Opportunity Builders for the acquisition and substantial rehabilitation of the Brierwood Court authorizing the City to subordinate its \$900,000 HOME loan to the new senior lender and to clarify the affordability restrictions encumbering Brierwood Court
- Sponsors:** Planning & Development Department
- 1-Q ID 21-22871 (CONTINUED TO JULY 29, 2021)**
 ***RESOLUTION – Adopting submission of Substantial Amendment 2020-01 to the Fiscal Year (FY) 2020-2021 Annual Action Plan and authorizing submission to the U.S. Department of Housing and Urban Development (HUD) to reprogram \$1,649,409.94 in Community Development Block Grant (CDBG) funds from prior year CDBG project savings and program \$1,159,704.42 in program income from the HOME Investment Partnership Program (HOME) (Subject to Mayor’s Veto)
- Sponsors:** Planning & Development Department
- 1-R ID 21-22924** Actions pertaining to the City of Fresno Local Housing Trust Fund:
1. ***RESOLUTION - Establishing the City of Fresno Local Housing Trust Fund (Subject to Mayor’s veto)
 2. ***RESOLUTION - Authorizing and directing submission of an application for funding under the State of California Local Housing Trust Fund Grant program to provide matching funds to the City of Fresno Local Housing Trust Fund (Subject to Mayor’s veto)
- Sponsors:** Planning & Development Department
- 1-S ID 21-22776** Approve a Contract Change Order Number 1 to Durham Construction Inc., of Clovis, California in the amount of \$536,825 for additional work at the Travel Inn Motel Rehabilitation for Homeless Relocation Project (Council District 3)
- Sponsors:** Public Works Department
- 1-T ID 21-22860** RESOLUTION - Of Intention to Annex Final Tract Map No. 6271 as Annexation No. 124 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, August 19, 2021, at 10:00 am (Phase 3 of Vesting Tentative Tract Map No. 6258, area on the west side of North Hayes Avenue, north of West Ashlan Avenue) (Council District 1)

Sponsors: Public Works Department

1-U ID 21-22877 RESOLUTION - Of Intention to Annex Final Tract Map No. 6159 as Annexation No. 113 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, August 19, 2021, at 10:00 am (east side of North Fowler Avenue and along the south side of Fancher Creek) (Council District 5)

Sponsors: Public Works Department

1-V ID 21-22972 RESOLUTION - In Support of Northwest Fresno's Sierra Sky Park

Sponsors: Councilmember Karbassi

1-W ID 21-22917 BILL - (For Introduction) - Modifying Sections 1901 and 1905 of Chapter 14 of the Fresno Municipal Code relating to taxiing aircraft and parking of aircraft and other vehicles on public streets in Sierra Sky Park (District 2)

Sponsors: Public Works Department

1-X ID 21-22953 Actions pertaining to Resolution of Intention No. 1142-D to vacate a portion of West Spaatz Avenue and North Doolittle Drive between North Blythe Avenue and West Herndon Avenue (Council District 2)

1. Adopt a finding of Negative Declaration per staff determination, pursuant to Public Resources Code § 21157.1 and California Environmental Quality Act (CEQA) Guidelines §15177, Master Environmental Impact Report (SCH # 2012111015)

2. RESOLUTION - Adopt Resolution of Intention No. 1142-D to vacate a portion of West Spaatz Avenue and North Doolittle Drive between North Blythe Avenue and West Herndon Avenue

Sponsors: Public Works Department

1-Y ID 21-22975 Approve an agreement with Wallace, Roberts and Todd, Inc., in the amount of \$552,090 with a \$50,000 contingency for Planning Services related to Measure P Implementation, including an update of the Parks Master Plan.

Sponsors: Public Works Department, Parks, After School and Recreation, and Community Services Department

1-Z ID 21-23007 ***RESOLUTION – To allow children to swim free at City pools (Subject to Mayor's veto)

Sponsors: Councilmember Arias

CONTESTED CONSENT CALENDAR

2. SCHEDULED COUNCIL HEARINGS AND MATTERS

2-A 10:00 A.M. #1

ID 21-22859 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. 52 (the territory known as Assessor's Parcel Number 505-281-18) (northeast corner of North Grantland and West Barstow Avenues) (Council District 2)

1. ***RESOLUTION – to Annex Territory to Community Facilities District No. 9 and Authorizing the Levy of a Special Tax for Annexation No. 52 (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. 52 (Subject to Mayor's Veto)

Sponsors: Public Works Department

2-B 10:00 A.M. #2

ID 21-22875 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. 96 (Final Tract Map No. 6281) (area northwest of the intersection, fronting the north side of East Clinton & the west side of North Temperance 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. 96 (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. 11, Annexation No. 96 (Subject to Mayor's Veto)

Sponsors: Public Works Department

2-C 10:00 A.M. #3

ID 21-22667 HEARING to consider the Club One Card Room Application.

Sponsors: Office of Mayor & City Manager

2-D 10:05 A.M.

ID 21-22925 Actions pertaining to the adoption of the 2020 Urban Water Management Plan, 2020 Water Shortage Contingency Plan, and Addendum to the 2015 Urban Water Management Plan (Citywide):

1. HEARING to discuss and consider the adoption of the adoption of the 2020 Urban Water Management Plan, 2020 Water Shortage Contingency Plan, and Appendix L – Addendum to the City of Fresno's 2015 Urban Water Management Plan

2. Adopt a finding of statutory exemption pursuant to Section 15282(v) of the California Environmental Quality Act (CEQA) Guidelines and Section 10652 of the California Water Code for the adoption of the 2020 Urban Water Management Plan, the 2020 Water Shortage Contingency Plan, and Appendix L - Addendum to the City of Fresno's 2015 Urban Water Management Plan
3. ***RESOLUTION – Adopting 2020 Urban Water Management Plan (Subject to Mayor's veto)
4. ***RESOLUTION – Adopting 2020 Water Shortage Contingency Plan and authorizing the City Manager to declare the appropriate water conservation stages and implement the associated shortage response actions (Subject to Mayor's veto)
5. ***RESOLUTION – Adopting Appendix L – Addendum to the City of Fresno's 2015 Urban Water Management Plan (Subject to Mayor's veto)

Sponsors: Department of Public Utilities

2-E 6:15 P.M.

ID 21-22962 Public Hearing to Receive Input from the Community Regarding the Redrawing of Election District Boundaries (Third Update)

Sponsors: Councilmember Arias, Council Vice President Esparza, Councilmember Maxwell

3. GENERAL ADMINISTRATION

4. CITY COUNCIL

5. CLOSED SESSION

5-A ID 21-22796 CONFERENCE WITH LEGAL COUNSEL-DECIDING WHETHER TO INITIATE LITIGATION - Government Code Section 54956.9(d)(4) Action for declaratory relief: City of Fresno v. Friant Water Authority

Sponsors: City Attorney's Office

5-B ID 21-22800 CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION Government Code Section 54956.9, subdivision (d)(1) City of Fresno v. Shell Oil Company, et al. (Public Utilities Department) San Bernardino County Superior Court Case No.: SCVSS120627

Sponsors: City Attorney's Office

5-C ID 21-22874 CONFERENCE WITH LEGAL COUNSEL - DECIDING WHETHER TO INITIATE LITIGATION - Government Code Section 54956.9, subdivision (d)(4): City of Fresno v. Lyles Construction

Sponsors: City Attorney's Office

5-D ID 21-22921 CONFERENCE WITH REAL PROPERTY NEGOTIATOR – Government Code Section 54956.8

Property: 2004 N. Van Ness Blvd, APN 444-15-328s

Negotiating Parties: City Manager

Under Negotiation: Terms and Conditions of Property Acquisition

Sponsors: Councilmember Soria

5-E ID 21-22969 CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION
Government Code Section 54956.9, subdivision (d)(1) City of Fresno v. Donald Crasnick, et al. (Public Works Department) Fresno County Superior Court Case No.: 17CECG02352

Sponsors: City Attorney's Office

5-F ID 21-22971 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); 13. Unrepresented Employees in Unit 2 (Non-Represented Management and Confidential Classes): Airport Public Safety Manager, Assistant City Attorney, Assistant City Manager, Assistant Controller, Assistant Director, Assistant Director of Personnel Services, Assistant Director of Public Utilities, Assistant Director of Public Works, Assistant Police Chief, Assistant Retirement Administrator, Budget Analyst, Budget Manager, Chief Assistant City Attorney, Chief Information Officer, Chief of Staff to Councilmember, Chief of Staff to the Mayor, City Attorney (City Negotiator, Council President Chavez), City Attorney Investigator, City Clerk (City Negotiator, Council President Chavez), City Engineer, City Manager (City Negotiator, Mayor Dyer), Community Coordinator, Community Outreach Specialist, Controller, Council Assistant, Deputy City Attorney II, Deputy City Attorney III, Deputy City Manager, Director, Director of Aviation, Director of Development, Director of Personnel Services, Director of Public Utilities, Director of Transportation, Economic Development Coordinator, Economic Development Director, Executive Assistant to Department Director, Executive Assistant to the City Attorney, Executive Assistant to the City Manager, Executive Assistant to the Mayor, Fire Chief, Governmental Affairs Manager, Human Resources Manager, Independent Reviewer, Internal Auditor, Investment Officer, Labor Relations Manager, Management Analyst II, Payroll Accountant, Payroll Manager, Police Chief, Principal Budget Analyst, Principal Internal Auditor, Public Affairs Officer, Public Works Director, Retirement Administrator, Retirement Benefits Manager, Retirement Office Manager, Senior Budget Analyst, Senior Deputy City Attorney I, Senior Deputy City Attorney II, Senior Deputy City Attorney III, Senior Human Resources/Risk Analyst, Senior Law Clerk, Supervising Deputy City Attorney

Sponsors: Personnel Services Department

5-G ID 21-22963 CONFERENCE WITH LEGAL COUNSEL-POTENTIAL LITIGATION -

Government Code Section 54956.9, subdivision (d)(2): Yvonne Spence v. City of Fresno Sponsor: City Attorney's Office

Sponsors: City Attorney's Office

5-H ID 21-22682-02 PUBLIC EMPLOYEE PERFORMANCE EVALUATION

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

Title: City Clerk

Government Code Section 54957.6: Conference with Labor Negotiator City Negotiator: Council President Luis Chavez Unrepresented Employee: City Clerk

Sponsors: Council President Chavez

ADJOURNMENT

UPCOMING SCHEDULED COUNCIL HEARINGS AND MATTERS

August 19, 2021

10:00 A.M. - HEARING for the consideration of the General Plan Recirculated Program EIR

August 19, 2021

10:00 A.M. #1 - 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. 124 (Final Tract Map No. 6271) (Phase 3 of Vesting Tentative Tract Map No. 6258, area on the west side of North Hayes Avenue, north of West Ashlan Avenue) (Council District 1)

August 19, 2021

10:00 A.M. #2 - 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. 113 (Final Tract Map No. 6159) (east side of North Fowler Avenue and along the south side of Fancher Creek) (Council District 5)

August 19, 2021

10:05 A.M. – HEARING Resolution - to vacate a portion of west Spaatz Avenue and North Doolittle Drive between North Blythe Avenue and West Herndon Avenue

September 2, 2021

10:00 A.M. – 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. 126 (Final Tract Map No. 6272) (Phase 4 of Vesting Tentative Tract Map No. 6258, area on the west side of North Hayes Avenue, north of West Ashlan Avenue) (Council District 1)

UPCOMING EMPLOYEE CEREMONIES

July 21, 2021 (Wednesday - 2:00 P.M.) - Employee of the Summer Quarter

October 20, 2021 (Wednesday - 2:00 P.M.) - Employee of the Fall Quarter

November 17, 2021 (Wednesday - 2:00 P.M.) - Employee Service Awards

2021 CITY COUNCIL MEETING SCHEDULE JULY 22, 2021 – NO MEETING

JULY 29, 2021 – 9:00 A.M. MEETING

AUGUST 5, 2021 – NO MEETING

AUGUST 12, 2021 – NO MEETING

AUGUST 19, 2021 – 9:00 A.M. MEETING
AUGUST 26, 2021 – NO MEETING