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County of Fresno
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8 SUPERIOR COURT OF CALIFORNIA

9 COUNTY OF FRESNO

10
11 1 COMMUNITY COMPACT, an
12 unincorporated association of Fresno residents
13 and business owners opposed to and impacted
14 by the City renaming 3 historic streets to Cesar
15 Chavez Blvd.

14 Plaintiff,

15 v.

16
17 CITY OF FRESNO,

18 Defendant.

23CECG02740

CASE NO.:

**COMPLAINT FOR DECLATORY AND
INJUNCTIVE RELIEF; DENIAL OF
CONSTITUTIONAL AND STATUTORY DUE
PROCESS NOTICE REQUIREMENTS;
VIOLATION OF THE POLICE POWER;
VIOLATION OF CEQA; VIOLATION OF
FREE SPEECH AND FREE ASSOCIATION
UNDER THE CALIFORNIA AND U.S.
CONSTITUTION; VIOLATION OF CIVIL
RIGHTS; VIOLATION OF EQUAL
PROTECTION; ILLEGAL EXPENDITURE
AND WASTE OF PUBLIC FUNDS; INVERSE
CONDEMNATION; ATTORNEYS FEES**

19
20 Plaintiff, 1 COMMUNITY COMPACT, alleges as follows:

21
22 **PARTIES**

23 1. Plaintiff, 1 COMMUNITY COMPACT, hereinafter sometimes referred to as The
24 Compact or Plaintiff, is an unincorporated grass roots association with members who live or own
25 or operate a business and own property on the Fresno streets of Kings Canyon Rd., Ventura
26 Ave., or California Ave., and who reside or have businesses in the immediate vicinity of said
27 streets, who have joined together, through meetings, social media petition signing and other
28 outreach, and who are adamantly opposed to the names of historical streets of Kings Canyon Rd.,

1 Ventura Ave., and California being changed to “Cesar Chavez Boulevard.” Plaintiff has been
2 protesting the City action since some of its members heard about it shortly before the City
3 Council meeting on March 9, 2023. Its members and supporters have substantially grown to
4 more than 1,000 individuals, including business owners and operators. Said Compact, and by its
5 individual members and its attorney, have lobbied and protested to the City Council members,
6 the City Manager, Mayor, and the City Attorney to reverse the City Council action of March 9,
7 2023, renaming approximately 10 miles of the three historical streets of Kings Canyon Rd.,
8 Ventura Ave., and California Ave. to Cesar Chavez Blvd. The Compact members objections are
9 described in more detail below.

11 2. Defendant City of Fresno is a charter city in the state of California and a municipal
12 corporation duly created and existing under the constitution of the State of California and the
13 City Charter. The acts of the City Council are the acts of the City of Fresno. Defendant City of
14 Fresno is sometimes referred to herein as the “City.”

15 **JURISDICTION AND VENUE**

16 3. Plaintiff, 1 COMMUNITY COMPACT was formed in the County of Fresno, and its
17 members and those supporting it are residents and business owners in the County of Fresno.

18 4. Defendant, City of Fresno, is in the County of Fresno.

19 5. All the actions complained of herein occurred within the County of Fresno, and the
20 Causes of Action in this Complaint include claims for declaratory and injunctive relief, and civil
21 rights violations and therefore this Court has jurisdiction in this case.

22 **INTRODUCTION AND SUMMARY OF FACTUAL ALLEGATIONS**

23 6. Section 54950 of the California Government Code (commonly referred to as The
24 Brown Act) states that it is the intent of the law that City Council’s actions “be taken openly and
25 that its deliberations be conducted openly.” Said section also states: “The people of this state do
26 not lose their sovereignty to the agencies which serve them. The people, in delegating authority,
27 do not give their public servants the right to decide what is good for the people to know and what
28

1 is not. The people insist on remaining informed so they may retain control over the instruments
2 they have created.” The Fresno City Council issued its own rules of procedure for the City
3 Council and its meetings. The City (and virtually every other local government) in the posting of
4 meeting agendas and the actual meetings permits items to be placed on the “consent calendar”
5 but only if the items are “considered routine” and “not controversial.” In the proceedings at
6 issue in this case, the Fresno City Council heard on its “consent calendar” extremely
7 controversial measures and which were not routine—and the City Council knew it. Plaintiff
8 alleges that in order to limit notice and public participation in contravention of the Brown Act,
9 Due Process and the City Council’s own rules, the City Council placed the matters complained
10 of herein on the “consent calendar” to hide these matters from those most impacted by their
11 decisions and to limit Council debate and public participation. These actions were taken by the
12 City Council to rename over 10 miles of Fresno streets, consisting of the historical streets of
13 Kings Canyon Road, Ventura Avenue, and California Avenue, affecting thousands of businesses
14 and residents, and to rename said streets after a controversial figure “Cesar Chavez Boulevard”.
15 The City Council’s renaming was for ideological and political reasons—reasons outside the
16 city’s police power. The City Council knew that when its actions were passed, that it would
17 dramatically impact the property and personal rights of business and property owners, operators
18 and residents on those three historic streets, would cost business and property owners and
19 operators tens of thousands of dollars to comply with the address change, would detrimentally
20 affect the good will and value of the businesses on those streets and eviscerate from history the
21 street names, two of which have been in existence for over 150 years, and named in the
22 beginning history of the city of Fresno. The City Council also knew that the residents of those
23 three streets would also be financially burdened by the street name change and would feel
24 marginalized by having their street name changed, a street they have lived on or had businesses
25 on for decades and longer. Plaintiff’s members and supporters also knew that the City Council
26 did not seek their input, did not want to hear their objections, and that by putting the item on the
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28

1 “consent calendar” the City Council had already made up their minds, and had no intent to
2 debate the issue. The residents and business owners and operators on those three streets had no
3 affiliation or closeness to Cesar Chavez and were upset that the City Council would not even
4 seek other ways to honor Cesar Chavez if that was its intent, which would not impact Plaintiff
5 members or erase from Fresno history three iconic streets.
6

7 7. The Fresno City Council was aware that changing said street names would be very
8 divisive and repugnant to the residents, business and property owners and operators on those
9 streets because in 1993 the City Council also passed a resolution to rename Kings Canyon Road,
10 Ventura Avenue and California Avenue to Cesar Chavez Boulevard, but it caused such uproar
11 and protest that the City Council reconsidered its resolution (number 1993-395) and reversed its
12 previous decision to rename those streets as it “determined that it is in the best interest of the
13 citizens of the City of Fresno to rename Cesar Chavez Boulevard to the original names given to
14 said streets,” and further proclaimed, that after taking public testimony on October 12th, October
15 26th and November 30th it found that the names “Kings Canyon, Ventura and California have
16 special prominence and significance to the culture of this city of Fresno...”. Thus, on November
17 30, 1993, the City reversed its previous decision, and reinstated the original names of Kings
18 Canyon, California and Ventura Avenues.
19

20 8. Then, approximately 30 years later, on February 17, 2022, the City Council placed on
21 its “consent agenda”, and without notifying the residents and business owners on those streets,
22 that it was again the Council’s intent to change those street names to Cesar Chavez Boulevard.
23 No notice was provided to those most impacted by such a decision—those who resided or had
24 businesses on those streets-- and the Council heard the matter on its “consent agenda” and passed
25 resolution number 2022-053 (a true and correct copy is attached hereto and marked Exhibit “A”).
26 The City Council knew that the action was very controversial, was driven by ideology and
27 politics, that the members did not wish to debate it, did not want the opposition to know about it,
28 and already knew they would pass it. This time the City’s resolution was stated to only change

1 Kings Canyon and Ventura Ave. to Cesar Chavez Boulevard, and there was no mention of
2 California Avenue. After announcing in the resolution their idealization of Cesar Chavez it stated
3 that the process for renaming a street had to be “a deliberative process that provides guidance of
4 considering the renaming of city streets and include steps to ensure the process protects the
5 historical significance of current street names” and that “community and neighborhood
6 involvement in the proposed process of a street renaming is of utmost importance to the council.”
7 It further stated that “appointing a committee of affected business owners and residents affected
8 by the proposed name change will provide guidance when considering the renaming of the city
9 streets.” The resolution was dishonest because, among other things, by renaming the streets it
10 would eviscerate—not “protect”— their historical significance. The resolution directed the
11 Administration to pursue the process to change the name of “Kings Canyon and Ventura
12 Boulevard to Avenida Cesar Chavez and shall return to the Council in 30 days with information
13 about the process and steps to affect the name change”. And in that same resolution the City
14 Council further directed “the formation of the Avenida Cesar Chavez Citizens Advisory
15 Committee, comprised of business owners and residents who will be affected by this Resolution.
16 The chairperson shall be appointed by councilmember Chavez. The committee shall meet as
17 needed and will be subject to The Brown Act.” However, no committee was ever formed, and no
18 meetings ever occurred. The City Council never referred the matter to the City’s Historical
19 Preservation Commission—which should have heard the matter—nor for a CEQA review—
20 which should have been done.
21

22 9. Then on July 21, 2022, buried within the Fresno City Council agenda, the Public
23 Works Department conducted a power point presentation regarding the procedures for street
24 name changes. No notice was provided to the residents, its business and property owners and
25 operators, impacted by the street name change. The agenda for that meeting was only disclosed
26 under the category of “General Administration” an agenda item ID Number 22-1135 entitled
27 "WORKSHOP—PROCEDURES FOR STREET NAME CHANGES". There was no reference
28

1 on the agenda to the street names in question. However, the power point was directed at all 3
2 streets, even California Ave. which was not even included in the February 2022 resolution. It
3 mentioned public outreach, public hearings before the Planning Commission and City Council,
4 mentioned a Planning Commission public hearing to consider a staff report and environmental
5 documentation (CEQA, which never occurred), Public Safety Review and ceremonial street
6 naming options—none of which ever occurred. It also provided to give notice to all property
7 owners and tenants located within a thousand feet--which notice never occurred. It also stated
8 that the labor and materials to replace 260 signs was \$135,000.00, and the street name changes
9 would affect 775 parcels and 3,150 addresses. Section 15-6204 of the Fresno City Code
10 regarding street name changes, states: “street name changes shall comply with the adopted City
11 policies regarding street name procedures.” However, the City has not adopted any policies
12 regarding street name procedures. However, prior to 2015, any street name changes were
13 required to proceed through the Planning Department which would have public comment and
14 participation.
15

16 10. Nothing again was heard from the Planning Department or the Public Works
17 Department. Then on March 9, 2023, the City Council buried in the meeting agenda a “consent”
18 item, along with approximately 30 other matters on the consent agenda, ID-403 titled “To Begin
19 the Process to Change the Kings Canyon/Ventura Boulevard Alignment to ‘Cesar Chavez
20 Boulevard’”. There was no mention of California Ave., in the meeting agenda. In the body of the
21 City Resolution, (a true and correct copy of said Resolution, No. 2023-056, is attached hereto
22 and marked as Exhibit “B)” the City Council directed the Administration to proceed with the
23 renaming of E. Kings Canyon Road, E. Ventura Avenue, and W. California Avenue Alignment,
24 which runs east to west between Marks Avenue and Temperance Avenue to ‘Cesar Chavez
25 Boulevard’.” It further stated that notices would be sent to all property owners and tenants within
26 1,000 feet of the affected areas via U.S. mail and or by publication in the Fresno Bee.” None of
27 the property owners, business owners, operators or tenants with businesses located on these
28

1 streets were notified by U.S. mail. The City has not responded to a Public Records Act Request
2 regarding any notices in the Fresno Bee, but none of the 1 Community Compact members ever
3 saw such a notice in the Fresno Bee, nor were they ever made aware of such notice. Also, in said
4 Resolution it was stated that “the Fresno County Board of Supervisors shall be notified of the
5 renaming project and requested and encouraged to effectuate the change within the County
6 jurisdiction along the alignment of the Renaming Project.” The Fresno County Board of
7 Supervisors met on April 11, 2023, and unanimously rejected renaming those streets in the
8 County jurisdiction. Despite the County rejection, the City Council has not met to reconsider its
9 March 9, 2023, Resolution. Since the County rejected the name change, and there are County
10 islands within the City limits along the affected corridor the street names will hopscotch between
11 the two names, causing significant mischief to emergency services, deliveries and GPS and map
12 makers. The City Council did not consult with police, fire or ambulance services for their input
13 and concerns for emergency service responses. In said Resolution, the City Council also
14 identified and allocated \$1 million dollars in the fiscal year 2022-2023 budget in conjunction
15 with the Renaming Project “to cover the application fees, labor and materials, replacement of
16 existing street signs, replacement of Caltrans freeway signage”, and “reimburse businesses
17 whose addresses are impacted by the street name change for actual and reasonable costs
18 associated with the Renaming Project and to reimburse the County for all actual costs associated
19 with any County portion of the alignment”. There was no allocation by the City for reimbursing
20 residents, property owners, business operators or tenants also affected. The city provided no
21 criteria for business reimbursement and the resolution was intentionally left vague on any
22 specifics.
23
24

25 11. Thereafter, through phone calls, submission of petitions, and letters, the City Council
26 has been requested to reconsider the March 9, 2023 Resolution, being advised that if it did not a
27 lawsuit would be filed, and in e-mail letters from the Plaintiff’s counsel to the City it was
28 outlined what some of the claims in the suit would be if it did not reverse the Resolution,

1 including seeking an injunction.

2 12. Plaintiff claims that this entire process by the City denied the Plaintiff members and
3 the public of their statutory Due Process notice rights, and its federal and state constitutional Due
4 Process notice rights. Plaintiff also claims that said action by the City constituted an unlawful use
5 of the police power of the City, was an illegal waste of public funds, violated equal protection
6 and violated the free speech and association rights of Plaintiff members and those who have
7 residents and businesses on any of the three streets. The City's renaming was done for purely
8 political and ideological reasons, the residents, business and property owners and operators are
9 being conscripted to convey the City's messages by being forced to proclaim that City message
10 on numerous documents and signage and voicing that name change. If said Resolution is not
11 reversed, the Plaintiff claims that the City has engaged in inverse condemnation and interference
12 with the residential and business and property owners' substantial private property rights and
13 costs associated therewith. Plaintiff also contends that the Resolution also violated Article 16
14 Section 12 of the City Code regarding the Historical Preservation ordinance and its procedural
15 and substantive requirements and that the City violated the CEQA requirements. Plaintiff also
16 contends that it is entitled to attorney's fees pursuant to C.C.P. section 1021.5 as well as 42 USC
17 Section 1988, the violation of Plaintiffs civil rights pursuant to 42 USC Section 1983.

18
19
20 **BRIEF PERTINENT HISTORY OF THE CITY OF FRESNO**

21 13. Fresno was founded by the Central Pacific Railroad Company in 1872. Fresno
22 became the county seat in 1874 and was incorporated in 1885. Fresno's founding fathers
23 envisioned agriculture colonies being formed because of the Kings River and irrigation and
24 proclaimed that Fresno would be their new town. The Central Pacific Railroad laid out Fresno
25 and resorted to standard naming used elsewhere in the San Joaquin Valley. Parallel streets were
26 alphabetized, and cross streets were most often given the names of California counties. As
27 Fresno expanded in population and size more streets, avenues, and boulevards were built and
28 named. Fresno has had an ethnic mix from the earliest years with Chinese railroad workers and

1 Scandinavian farmers joined by Germans from Russia, Japanese, and Armenian, and by the early
2 20th century a larger Spanish population. African- Americans were early settlers in Fresno
3 primarily residing in the south-west part of Fresno with Armenians in south-central Fresno.
4 There are now more than 70 ethnic groups in the metropolitan area and Fresno has prided itself
5 in its rich history. The City has incorporated in its city code, Fresno City Ordinance Article 16
6 Section 12-1601, et sec., which established the city’s Historic Preservation Commission. Section
7 12-1602 describes its intent and purpose to protect and preserve historical sites, buildings,
8 objects, districts, and structures, and really focusing on such places at least 50 years old.
9 (12-1603(O)). Two of the streets here are approximately 150 years old, and the other one, Kings
10 Canyon Rd is over 70 years old. The Commission refers all nominations to the Local Register of
11 Historic Resources, approves or denies permits through historic properties and comments on
12 projects and plans that may affect the city’s historic and cultural heritage. For over 100 years The
13 Fresno County Historical Society has sought to collect, preserve, interpret, and hold in public
14 trust the records and artifacts that document the people of Fresno County and the Central Valley
15 of California. The three streets at issue here are decidedly historical to Fresno’s rich history—but
16 the City has just eviscerated that history, and for no substantial or municipal purpose reason. It
17 certainly was not done for any legitimate police power reason.
18

19 HISTORY OF THE THREE FRESNO STREETS

20
21 14. **Ventura Avenue:** Ventura Avenue appears on Fresno maps dating from 1873 to the
22 present and is one of the original streets named in the city of Fresno. Ventura Avenue emerged as
23 the southernmost street in the grid laid out by the Central Pacific Railroad. Located at 2226
24 Ventura Avenue is the Holy Trinity Armenian Apostolic Church, completed in 1914 and is one
25 of the earliest Armenian churches in America. In addition to its being listed as a Fresno historical
26 site it is also listed on the National Register of Historical Places. Ventura Avenue was the
27 original heart of the Fresno-Armenian people to settle in Fresno and was known as Armenian
28 town. Also, a very distinguished site is the Fifth District Court of Appeals located at 2424

1 Ventura Avenue. The City did not confer with that prestigious and busy court how its business
2 will be impacted by the street name change. There are also numerous historical businesses
3 located on Ventura Avenue, including Fresno’s oldest car dealership, and many of the businesses
4 include the Ventura Avenue name in their business name, websites, signage, and identity, and
5 some have used the name for over a half century.
6

7 **15. W. California Avenue:** Spanish explorers branded “California” as the State’s name
8 in 1562. In Fresno, California Street was named in 1881. The construction of highway 99 in
9 1919 demolished and dissected East and West California streets while creating two streets where
10 West California Avenue merged east into Ventura Avenue, and East California Avenue
11 proceeded straight and mostly east. By the end of the 19th century Fresno County began the
12 recruitment of African-American farm laborers from back east and southeast. The black
13 population increased to approximately 40 in 1880 and to 485 by 1890. Policies of redlining made
14 it virtually impossible for black Americans, who came to Fresno in greater numbers after World
15 War II, to move anywhere in the city but the city’s southwest area. By 1950 nearly 100% of
16 black Fresnans lived on the west side where California Ave, was the dominant street. The
17 construction of highway 99 created a physical barrier between the west side and the rest of
18 Fresno and destroyed more than 20 blocks of existing housing. Despite all this discrimination,
19 California Avenue became the center of the black experience in Fresno having been an
20 established and vital business and residential artery since 1881. For over 142 years and through
21 several generations of families have developed, relationships have formed, memories have been
22 made and lifelong friendships have been established where California Avenue is one of the
23 centerpieces of life lived in South-West Fresno. South-West Fresno, especially California
24 Avenue is a centerpiece of African-American history and heritage in Fresno. No other high
25 school in the city carries the mantle of the African-American heritage and history like Thomas
26 Alva Edison High School located on West California Avenue. The Mayors and City Council
27 claim to aspire to “One Fresno” as its vision but eliminating the name “California Avenue”
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1 eviscerates that African-American history and heritage in the city of Fresno. Also, the CalVet
2 Veterans Home is a 300-bed long-term facility located on W, California Ave. An address change
3 will affect everyone who resides there.
4

5 **16. Kings Canyon Road:** Kings Canyon Road was created as Legislative Route 41 from
6 General Grant Grove to the Kings River Canyon in 1905 and upgraded to Fresno in 1919. The
7 Kings River Canyon Highway was completed and dedicated in October of 1939. In November of
8 1950, The Fresno County Board of Supervisors re-designated the County portion of Ventura
9 Avenue and Highway 180 to Kings Canyon National Park as Kings Canyon Road. Kings Canyon
10 Road flourishes with many cultures and is the namesake for the internationally famous Kings
11 River Canyon and Kings Canyon National Park. At South Cedar Avenue East Ventura Avenue
12 ends and East Kings Canyon Road begins. A large and well renowned California Armenian
13 home, established in 1952 is located on East Kings Canyon Road and is dedicated to seniors
14 along with assisted living and memory care facilities currently housing over 300 residents with
15 limited resources, all of whom will be affected by the street name change. Kings Canyon Road is
16 a nationally known and frequently traveled east/west artery and has very historical significance.
17 The Fresno County Fairgrounds is listed as a California historic landmark for the “Temporary
18 Japanese American Detention Camp/Assembly Center Fresno” has a Landmark/Monument on
19 Kings Canyon Rd.
20

21 **1 COMMUNITY COMPACT and THE THREE HISTORICAL STREETS**

22 17. Not because of any notification by the City to the residents, and or property owners
23 and operators of West California Avenue, Ventura Avenue, and East Canyon Road, a few of
24 them heard about a February 2022 City Council meeting which passed Resolution No. 2022-053
25 (a copy of which is enclosed and attached hereto as Exhibit “A”), where the City Council
26 claimed it would pursue the process to change the name of Kings Canyon Road and Ventura
27 Avenue to “ Cesar Chavez Boulevard”, but that it would conduct numerous meetings for
28 business owners and residents on and surrounding those streets to receive their input about

1 whether they would accept the changes to the street names. Approximately one year later the
2 City Council met on March 9, 2023, and without notice to the residents, business and property
3 owners, operators, or tenants the City Council almost unanimously voted to rename Ventura
4 Avenue, E. California Avenue and Kings Canyon Road to “Cesar Chavez Boulevard”. A number
5 of those impacted had heard about what the City Council was up to, were shocked they were not
6 notified by the City and showed up at the meeting to protest. These events will be described later
7 in this Complaint. Shortly before the March 9, 2023, meeting and thereafter a number of citizens
8 impacted by the proposed name change began having their own community meetings and using
9 social media to advise others on Ventura Avenue, W. California Avenue and Kings Canyon
10 Road, about what the City was doing and those individuals who were either residents, or
11 business or property owners, or operators, on one of those streets became very upset and shocked
12 about the lack of notice and process about what The City Council was doing, and banned
13 together and formed Plaintiff, 1 Community Compact. It consists of hundreds of members who
14 signed petitions protesting the renaming of those three historic and iconic streets and were
15 protesting the City Council at subsequent City Council meetings requesting the City Council
16 rescind the March 9, 2023, resolution. Plaintiff organized and conducted a press conference in
17 front of City Hall before a City Council meeting on April 27, 2023. Besides the enormous costs
18 to each business or property owner, operator, tenant, and residents when the street name is
19 changed (which will be alleged later) those street names are part of their personal or business
20 history, a name the City will attempt to erase or rewrite history. It is seen by Plaintiff as the City
21 Council’s direct attack on the history of those streets and the communities surrounding those
22 streets as vindictiveness and to hoist their “hero” Cesar Chavez, above all other historical,
23 cultural and financial considerations. The City Council’s action was done for political and
24 ideological purposes only. Any street name change to those three streets would be objectionable
25 to Plaintiffs, but to change it to a divisive laborer organizer by renaming over 10 miles of historic
26 streets for that individual was extremely objectionable because: 1. Cesar Chavez was very
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1 divisive, alienated many farmers, packing houses and grocery stores and retaliated against those
2 who did not join his union; 2. He was not a Fresno native and never lived in Fresno; 3. He was
3 already honored in a number of other ways: a California State paid holiday, California State
4 Educational Curriculum, the Adult School in Fresno (Cesar E. Chavez Adult Education Center),
5 a downtown mural in his honor, a statue of him at the Peace Garden at C.S.U. Fresno, a
6 Monument Marker at 1405 E. California (Edison Social Hall), and an Edison High School mural
7 at 540 E. California Avenue; 4. His name would erase street names that have been apart of
8 Fresno communities for over 150 years. In addition, the only cultural and financial burden and
9 impact in changing these street names are to those who reside on or have businesses located on
10 any of those three streets and those closely associated with those three streets, and who wish to
11 preserve the history of those streets. There was no public meeting before the City Council where
12 alternatives were considered in honoring Cesar Chavez besides renaming over 10 miles of
13 historic streets. Moreover, the City Council did everything it could to avoid public notice and
14 participation in the decision-making process. However, Council Members have, on several
15 occasions, stated publicly that notice was given to all as required, but it has never said how or
16 when. The City Council knew its proposed resolution was exceptionally controversial, that
17 hundreds would protest if they found out about it, that it would cost business and property
18 owners, tenants, operators, and residents tens of thousands of dollars to change street name
19 addresses, a multitude of hours of time to accomplish it, cause a severe disruption and loss of
20 their business and its operation, caused by a significant loss of their property rights. In addition
21 to those who have businesses on any of those three streets or resided on those three streets being
22 financially impacted by the City Council's decision they are not the only ones whose time would
23 be impacted by the street name change decision. Other residents or businesses in Fresno that
24 have a relation, or same- branded business operating in Fresno will also be impacted financially,
25 directly, and expressly due to the street name changes against their will.
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1 CPAs and spend valuable time accomplishing all these changes. In addition, if the business
2 address is listed on the driver licenses, California IDs, Real California IDs and passports those
3 would have to be changed, and the business owners would have to expect longer response time
4 of emergency service providers. Many may be required to remove exterior or street-front
5 signage, which costs thousands of dollars and will have a greater impact if the street name is a
6 part of the business name. Many of the business owners are members of 1 Community Compact
7 and will suffer business losses because of the street name change, because of their prime location
8 known by their businesses on the Kings Canyon and Ventura corridors, and California Ave., and
9 the City's action amounts to inverse condemnation pursuant to Article I Section 19 of the
10 California Constitution. Since the Resolution takes valuable property rights which are the street
11 addresses on Kings Canyon, Ventura, or California Avenues, and/or their property has been
12 damaged for which the City claims it has done so for a public purpose in order to honor a labor
13 leader, the City will have committed inverse condemnation.
14

15 **20. The Residents of Non-Business Addresses:** The time and expense could also be
16 substantial to residents which would include changes of addresses to: trust, wills, insurances
17 (vehicle, homeowner, automobile etc.), social security checks, State or federal assistance income,
18 medical or education/school mailings or notices, bank and credit union accounts, credit card
19 companies, utilities, delivery services, property deeds, passports, driver licenses, property tax
20 statements--- or legal descriptions, any professional licenses, loan documents, mortgages, IRS,
21 Franchise Tax Board, Medi-Care, social security data, stocks and bonds, data registrations,
22 vehicle registrations, and other documents and services requiring a correct address.
23

24 21. The City's Resolution of March 9, 2023, states that it is allocating \$1 Million Dollars
25 in the fiscal year budget to cover the application fee, labor, and materials for replacement of
26 existing City Street signs, and "reimburse businesses whose addresses are impacted by the street
27 name change for actual and reasonable cost associated with the Renaming Project. At the July
28 21, 2022, City Council meeting where the Public Works Department presented this analysis, it

1 claimed that the application fee would cost \$11,656.00, labor and materials would cost
2 \$135,000.00 to replace 260 signs which would affect 775 parcels and 3,150 address. The
3 Resolution does not provide for the thousands of residents on the three streets in which the
4 change of address would apply and the cost to those residents would be substantial and time
5 consuming to accomplish. For the hundreds of businesses located on those three streets, the \$1
6 Million Dollars minus the cost of materials for the signs would be significantly inadequate to
7 reimburse those businesses with the actual costs associated with the Renaming Project. The
8 Resolution does not describe whether the street number will change or not, what the estimated
9 timeline is for that change, or how the City will determine what are “reasonable costs associated”
10 with each business or owner entity, nor does it claim what would be the cap on those costs.
11 Obviously with only \$1 Million Dollars devoted to the entire project including manufacturing
12 and placement of the signs, and the multiple millions of dollars required to provide the actual
13 reimbursement to those on those 3 streets of said costs, the City has not allocated sufficient funds
14 to reimburse business owners and it allocated no funds to reimburse residents for their expenses.
15

16 **FIRST CAUSE OF ACTION**

17 **(THE CITY’S ADOPTION OF A NAME CHANGE OF THREE HISTORIC STREETS IS** 18 **BEYOND ITS POLICE POWER; DECLARATORY AND INJUNCTIVE RELIEF)**

19 22. Plaintiff incorporates by reference, as though fully set forth all the allegations
20 contained in the previous paragraphs of this Complaint.
21

22 23. Article XI Section 7 of the California Constitution provides that a City may make and
23 enforce within its limits all local, police, sanitary and other ordinances, and regulations to protect
24 the public’s health, safety, and welfare. Plaintiff alleges that pursuant to that Constitutional
25 power and the Fresno’s Charter City powers it does not have the authority to change historic
26 street names to honor a labor-leader the City Council wishes to idealize. By the City’s own
27 Municipal Code, it must heed the historic preservation of streets, street names and historical
28 communities associated with those street names. The City chose approximately 10.3 miles,

1 consisting of three historic streets and changed the name of those streets solely for political and
2 ideological reasons and because the majority of those City Council members could honor
3 someone they idealize and thereby gain political recognition and aggrandizement. But in the eyes
4 of many others Cesar Chavez should not be idealized to the extreme detriment of erasing the
5 three historical streets and substantially impacting those who reside or have businesses on those
6 streets. The City could have chosen various other alternatives to honor Cesar Chavez where the
7 burden of that would not fall directly on its residents, property owners and businesses on those
8 three streets. The thousands of those who reside or have businesses on any of those three streets
9 were not consulted nor were they entitled to vote on the name change. Never once at any City
10 Council meeting did the City Council discuss alternative ways to honor someone that the City
11 Council members subjectively wish to honor. Cesar Chavez is already honored in numerous
12 ways within the City of Fresno and already has a state holiday named in his honor. The City's
13 police power is being abused; a new City Council could reverse the change, or, at its whim, it
14 could rename other historic streets. The three streets at issue here are not named after any racists
15 or bigots, and the street names are not controversial in any way; they are historical and iconic.

16
17 24. Plaintiffs are entitled to declaratory relief, a declaration by the Court that the City's
18 Resolution renaming Kings Canyon Rd., Ventura Avenue, and W. California Ave., is beyond its
19 police power. Plaintiff is also entitled to injunctive relief, a preliminary and permanent injunction
20 enjoining the City from renaming those three streets.
21

22 **SECOND CAUSE OF ACTION**

23 **(DENIAL OF STATUTORY DUE PROCESS NOTICE RE: FEBRUARY 2022** 24 **MEETING; DECLARATORY AND INJUNCTIVE RELIEF)**

25 25. Plaintiff incorporates by reference, as though fully set forth all the allegations
26 contained in the previous paragraphs of this Complaint.

27 26. Based on the history of what occurred in 1993, and the sheer magnitude of what the
28 City was about to do with its Resolution at the February 2022 meeting, the City knew that such a

1 proposed Resolution would be extremely controversial and not routine, the City knew that those
2 who had businesses, property and resided on (at that time) Kings Canyon Rd., and Ventura Ave.,
3 would be severely impacted by said Resolution, and set aside monies for the anticipated impact
4 but made no effort to notify the residents, property and business owners of what the City
5 proposed to do.
6

7 27. The City's own regulation requires that if a matter was not routine and was
8 controversial, it could not be placed on the "consent calendar". But putting the item on the
9 "consent calendar" meant in this case that most of the City Council members already knew what
10 their decision was going to be, used a "consent calendar" item so they could limit the debate,
11 provide less notice to those affected, and not discuss their decision-making process in the public
12 hearing. Section 54950 of the California Government Code, The Brown Act, requires that the
13 City's action be taken openly and that their deliberations be conducted openly so that the people
14 have confidence that the City Council members are acting only for good and altruistic reasons
15 and have no hidden agendas. The City Code also required that when there was going to be a
16 street name change the City Council was to act according to its own policy on the subject but
17 there was no policy ever written.
18

19 28. The City Resolution number 2022-053 states that its policy and process for renaming
20 a city street "includes a deliberative process that provides guidance when considering the
21 renaming of city streets and includes steps to ensure the process protects the historical
22 significance of the current street names" and that "community and neighborhood involvement in
23 the proposed process of the street renaming is of the *utmost importance to the Council*". Instead,
24 the City showed that the community and their opinion was of no importance to it as it hid the
25 matter on a consent agenda item; the City Council knew it was a very controversial item and that
26 there would be an enormous impact for all those who resided or had property and businesses on
27 the streets in question and that those streets had a historic significance to the City of Fresno. The
28 City Council also knew that changing the names of those three historical streets destroys—not

1 “protects” --the “historical significance of the current street names.”

2
3 29. The City violated its statutory Due Process requirement, and the Plaintiff is entitled to
4 declaratory relief, a declaration by the Court that the City’s Resolution number 2022-053 of
5 February 17, 2023, is null and void and thus its 2023 Resolution of March 9, 2023, is likewise
6 null and void. Plaintiff is also entitled injunctive relief, a preliminary and permanent injunction
7 enjoining the City from taking any action to change the names of the three subject streets.

8 **THIRD CAUSE OF ACTION**
9 **(VIOLATION OF CONSTITUTIONAL DUE PROCESS REQUIREMENTS;**
10 **DECLARATORY AND INJUNCTIVE RELIEF)**

11 30. Plaintiff incorporates by reference, as though fully set forth all the allegations
12 contained in the previous paragraphs of this Complaint.

13 31. Article I Section 7 of the California Constitution provides that no person can be
14 deprived of property without Due Process of law. The Due Process Clause of the U.S.
15 Constitution is made applicable to the States pursuant to the 14th Amendment and provides for
16 the same Due Process protection. Part of that constitutional Due Process protection provides that
17 no substantial property rights be taken or destroyed without sufficient notice and an opportunity
18 to be heard by those who would be impacted by The City’s action. The City knew residents and
19 property business owners on those three historic streets would be substantially impacted by a
20 resolution to change the name of those streets and would insist on being heard. The Constitution,
21 common sense and wise public policy required an opportunity for property owners to be heard
22 before ordinances which substantially affect their property rights are adopted. Those respective
23 Constitutions, and the Courts’ construction of them state that the greater the property rights at
24 issue, and the greater or onerous the city action would be then the more exacting and broader the
25 notice must be. The City cannot claim that posting the agenda on its website just a few days
26 before the City Council meeting provided adequate notice to those directly impacted by what the
27 Resolution was. The City also knew that by placing the Resolution on the “consent calendar”,
28

1 it could limit notice and debate and make decision without public debate or City Council
2 member debate, and thus violate Due Process. By placing the matter on the “consent calendar”,
3 the City knew they had a sufficient majority to pass the Resolution with no debate, which would
4 also be a violation of the Brown Act.
5

6 32. The only way to provide adequate notice was to mail to each address on those three
7 streets, and those in the immediate vicinity of those three streets, that the matter was up for
8 debate and public comment at that City Council meeting. No effort was made by the City
9 Council to apprise the property owners it would be up for debate and Resolution at the meeting,
10 to give said property owners’ meaningful opportunity to participate, lodge comments and
11 organize other members of the public who would be impacted. That denied Plaintiff and the
12 public the right to meaningfully petition their local government.

13 33. Regarding the February 2022 City Council meeting, Plaintiffs allege that their federal
14 and state constitution Due Process rights for notice and an opportunity to be heard were violated
15 by the City, and the Plaintiff is entitled to declaratory relief, a declaration that the City
16 Resolution adopted in February 2022, which then led to the Resolution adopted on March 9,
17 2023, violated Plaintiffs constitutionally protected Due Process rights. Plaintiff is also entitled to
18 injunctive relief, a preliminary and permanent injunction enjoining the City in renaming those
19 three streets.
20

21 **FOURTH CAUSE OF ACTION**
22 **(DENIAL OF CITY COUNCIL’S DUE PROCESS NOTICE AND PARTICIPATION**
23 **REQUIREMENTS OF ITS OWN FEBRUARY 17, 2022, RESOLUTION;**
24 **DECLARATORY AND INJUNCTIVE RELIEF)**

25 34. Plaintiff incorporates by reference, as though fully set forth all the allegations
26 contained in the previous paragraphs of this Complaint.

27 35. Resolution number 2022-053 of February 17, 2022 (see Exhibit “A”) states that there
28 would be a committee of business and property owners and residents affected by the proposed

1 name change who would be providing guidance to the City Council when considering the
2 renaming of City streets, and the Resolution further “directs the formation of the Avenida Cesar
3 Chavez Citizen’s Advisory Committee consisting of business owners and residents who would
4 be affected by the Resolution. The resolution further states that the Chairperson shall be
5 appointed by Council Member Chavez and that “the Committee shall meet as needed and shall
6 be subject to the Brown Act.” However, no such committee was ever formed. No meetings ever
7 occurred between affected business or property owners and residents. Plaintiff alleges that the
8 committee was never formed nor met because the city Council members knew that those affected
9 would adamantly oppose the change. When the Plaintiff’s counsel made a Public Records Act
10 Request for any documents relating to said meeting and minutes of said meeting, the City
11 provided none, and no members and supporters of Plaintiff ever heard of such a meeting.
12

13 36. That committee was supposed to be formed to provide guidance and input to the City
14 Council when they would meet to decide whether the name change should be made. In that
15 Fresno 2022 meeting Resolution, the City claimed that renaming a street “includes a deliberative
16 process that provides guidance when reconsidering the renaming of City streets that includes
17 steps to ensure the process protects the historical significance of current street names.” (See
18 Exhibit “A”) In addition to the fact that no committee was ever formed and that no meetings ever
19 occurred, the City Council never revoked that process that was supposed to occur prior to its
20 meeting to consider the matter of renaming the streets. Since the City Council had commanded
21 that specific Due Process procedure to occur, it violated Plaintiff’s Due Process rights when that
22 process was ignored.
23

24 37. Plaintiff alleges that the City violated its own procedures of Due Process notice and
25 participation and therefore Plaintiff is entitled to declaratory relief, a declaration by the Court
26 that the Resolution passed in March of 2023 renaming those streets violated Due Process.
27 Plaintiff is also entitled to injunctive relief, a preliminary and permanent injunction enjoining the
28 City from renaming those three streets.

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FIFTH CAUSE OF ACTION
(VIOLATION OF STATUTORY DUE PROCESS NOTICE AND AN OPPORTUNITY
TO PARTICIPATE RE: MARCH 2023 RESOLUTION; DECLARATORY AND
INJUNCTIVE RELIEF)

38. Plaintiff incorporates by reference, as though fully set forth all the allegations contained in the previous paragraphs of this Complaint.

39. Following the February 2022 City Council meeting and the passage of Resolution 2022-053 the City Council held a meeting on July 21, 2022, where the City Public Works Department conducted a workshop regarding street name procedures. On the public agenda under “General Administration” that agenda item description from what is pertinent to this Complaint is ID number 22-1135 which stated in full: “WORKSHOP-Procedures for Streets Name Changes”. That agenda item lacked Due Process notice of what the City Council was going to be considering, especially since it never even listed the street names in question, it was just a general topic. Had sufficient notice to the property owners occurred it could have secured their Due Process rights to notice of what would be discussed and an opportunity to participate in that agenda and provoke City Council participation via comments and objections from the affected property owners. That “workshop” was a precursor to the March 9, 2023, meeting where on the “consent agenda”, City Council Members had already made up their mind and did not debate the issue, Resolution 2023-056: “A Resolution of the Council of the City of Fresno, California to begin the process to change the Kings Canyon Ventura Boulevard Alignment to Cesar Chavez Boulevard”. There was nothing in the title of the Resolution that ever-mentioned California Avenue. California Avenue was not part of the discussion when the City passed its Resolution on February 17, 2022. Insufficient statutory notice was provided to the impacted business owners and property owners and residents on those three streets. The Resolution gave lip service about the need to “ensure the process protects the historical significance of current street names”, and then in the body of the Resolution it lists E. Kings Canyon Rd., E. Ventura

1 Ave., and W. California Alignment between Marks Ave., and Temperance Ave., and rename
2 them to “Cesar Chavez Boulevard”. Only after the Resolution passed would the business owners,
3 property owners and tenants within 1,000 feet of the affected area be notified by U.S. mail, or by
4 the insufficient publication in the Fresno Bee. By that time, the Resolution had already passed,
5 regardless of what subsequent notice was provided. The City only provided a cap of \$1 million
6 dollars to effectuate the change and to “reimburse businesses whose addresses are impacted by
7 the street name change for actual and reasonable costs associated with the Renaming Project, and
8 only then was the County of Fresno to be notified. The lack of sufficient notice and clarity of the
9 February 2022 Resolution, the lack of notice and lack of Due Process regarding the July 21,
10 2022, Workshop, and the lack of notice for the March 9, 2023, agenda item hidden in the
11 “consent agenda” violated the City’s statutory Due Process requirements. The City knew that the
12 renaming was not routine and was extremely controversial. Being on the “consent calendar,”
13 City Council Members were not to debate the issue, and public comment was to be limited. After
14 calling a few select members from the public to discuss the matter, the City took up the rest of
15 the its agenda items and resumed public participation well after 5:00 p.m., with several City
16 Council Members absent by that time. The deck had already been stacked against those who
17 opposed the Resolution, the decision by the City Council had already been made and violated
18 Due Process.
19

20
21 40. The Resolution was subject to the Mayor’s veto. A Transmittal was sent to Mayor
22 Jerry Dyer to approve the Resolution or not return it which meant that it would be approved, or
23 the mayor was to mark a block under “vetoed” for the Mayor to state any written objections.
24 Mayor Dyer filed written objections (See Exhibit “B”) requesting the City Council to reconsider
25 the matter and at least remove California Ave., in the name change. He stated that a more
26 responsible approach would have entailed hosting a series of community meetings to gain input.
27 But the Mayor lamented that because there was super majority vote a “veto would simply
28 prolong the agony of enduring another public discussion with the same outcome.” However, the

1 Mayor also requested the sponsors of the Resolution to reconsider the matter. For some reason,
2 the City Clerk determined that the Mayor did not veto the Resolution. Based on the Mayor's veto
3 the City Council was mandated to reconsider the Resolution.
4

5 41. On several instances following the March 9, 2023, meeting, Plaintiff members
6 attended several additional City Council meetings where the matter was not on the agenda but
7 they publicly spoke out against the Resolution and requested the City to reconsider the
8 Resolution. Letters were also sent to City Council Members, and Plaintiff's attorney wrote e-
9 mail correspondence to: City Council Members, City Attorney, City Manager and Mayor's
10 Office demanding a reconsideration of the Resolution or a lawsuit would be filed to enjoin its
11 implementation. The City Council ignored the Plaintiff's overtures to reconsider the matter.

12 42. The City violated the statutory Due Process notice requirements with the March 9,
13 2023, Resolution and therefore Plaintiff is entitled to declaratory relief, a declaration by the
14 Court that said 2023 Resolution is null and void. Plaintiff is also entitled to injunctive relief, a
15 preliminary and permanent injunction enjoining the City from changing the streets' name.
16

17 **SIXTH CAUSE OF ACTION**
18 **(VIOLATION OF CONSTITUTIONAL DUE PROCESS NOTICE; DECLARATORY**
19 **AND INJUNCTIVE RELIEF)**

20 43. Plaintiff incorporates by reference, as though fully set forth all the allegations
21 contained in the previous paragraphs of this Complaint.

22 44. For the same reasons stated above, the City violated the California Constitution's Due
23 Process requirements regarding notice, as well as the Federal Constitution's Due Process notice
24 requirements. Regarding the March 9, 2023, Resolution, Plaintiff is entitled to declaratory relief,
25 a declaration by the Court that the March 9, 2023, Resolution, is null and void. Plaintiff is also
26 entitled to injunctive relief, a preliminary and permanent injunction enjoining the City from
27 changing those three street names.
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SEVENTH CAUSE OF ACTION
(VIOLATION OF CITY CODE SECTIONS REGARDING CEQA AND THE HISTORIC
PRESERVATION COMISSION CODE SECTIONS)

45. Plaintiff incorporates by reference, as though fully set forth all the allegations contained in the previous paragraphs of this Complaint.

46. CEQA requires that the City Council engage in fact finding to determine whether its proposed resolution would have an impact on the environment, which includes an impact on historical sites and objects. The City Code sections relative to the Historical Preservation Commission (12-1601 et seq) likewise requires that meetings occur before that Commission to determine whether a proposed resolution would have an impact on historical sites. Changing the name of three historic streets and communities surrounding those streets falls within the purview of the Commission and required meetings before the Commission before the City could consider said Resolutions.

47. The City ignored CEQA requirements as well as their own regulations regarding historic preservation and therefore the Resolution is null and void.

48. Plaintiff is entitled to declaratory relief, a declaration by the Court that the City's Resolution to change the name of those three historic streets is null and void, is violative of CEQA and/or the City Code requirements regarding the Historic Preservation Commission. Plaintiff is also entitled to injunctive relief, a preliminary and permanent injunction enjoining the City from renaming those three historical streets.

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EIGHTH CAUSE OF ACTION
(VIOLATION OF FREE SPEECH AND FREE ASSOCIATION RIGHTS UNDER THE
CALIFORNIA AND U.S. CONSTITUTIONS; VIOLATION OF CIVIL RIGHTS
PURSUTANT TO 42 USC §1983)

49. Plaintiff incorporates by reference, as though fully set forth all the allegations contained in the previous paragraphs of this Complaint.

1 50. Plaintiff members and others voluntarily chose to reside or open businesses on
2 California Ave., Kings Canyon Rd., and Ventura Ave., several of Plaintiff's members-built
3 businesses specifically on Kings Canyon Rd. and Ventura Ave. Several others expanded them
4 on Kings Canyon, Ventura and California Avenues. Many of the businesses have been operating
5 on those 3 streets for multiple decades. All of Plaintiff's members and associates identify with
6 the street names and communities of one or more of those three streets. Some Plaintiff business
7 names include the street name on which it is located. The value of the business and street name
8 are inseparably entwined with its location and identity. By changing the street names the City has
9 stolen from Plaintiff the value of its business, its identity, and its right to control its affiliation
10 with its location in a manner that has been denied Plaintiff the right to speak or object. The
11 City's Street renaming was done solely for political and ideological reasons, and, as a result,
12 Plaintiff members are being compelled to identify and associate with the City's ideological and
13 political speech in and on numerous writings and in their speech.

14
15 51. The City Council Resolutions are compelling Plaintiff members to associate with a
16 name and location to which they adamantly object. The City Council Resolution also compels
17 Plaintiff Members to speak and write with a particular message by identifying themselves and
18 the businesses with a street name they did not choose and a name to which they adamantly
19 object, or with whom they do not wish to be affiliated or have a negative attachment The City's
20 Resolution is compelled ideological and political speech to which Plaintiff members firmly
21 disagree and requires Plaintiff's members and those associated with Plaintiff to associate their
22 identity with a name politically and ideologically chosen by City Council Members.

23
24 52. The First Amendment of the U.S. Constitution and Article I Section 2 of the
25 California Constitution prevent the government from compelling others to speak a message or
26 associate with others with whom they disagree. The City Council is compelling Plaintiff's
27 members to carry the City's ideological and political message honoring Cesar Chavez by
28

1 requiring them to associate all their identifications and business and personal papers with the
2 ideological name of the City Council's mandate. Plaintiff's members have suffered and will
3 suffer damages if the City is not enjoined.
4

5 53. This compels speech and association and violates Plaintiff members free speech and
6 free association rights under the U.S. and California Constitutions. This compelled speech and
7 association, also violates Plaintiff members civil rights pursuant to 42 USC §1983.

8 54. Plaintiff is entitled to declaratory and injunctive relief; a declaration that said
9 Resolution renaming California Ave., Ventura Ave., and Kings Canyon Rd., to 'Cesar Chavez
10 Blvd.'" violates Plaintiffs free speech and free association rights and is therefore null and void.
11 Plaintiff is also entitled to injunctive relief, a preliminary and permanent injunction enjoining the
12 City from renaming any of those three streets.

13 55. If the City is permitted to rename those three streets, then Plaintiff is entitled to
14 monetary damages, in the amount according to proof for the City's violation of Plaintiff
15 members free speech and association rights. A civil rights violation under 42 USC §1983,
16 entitles Plaintiff to attorney's fees pursuant to 42 USC §1988.

17 **NINTH CAUSE OF ACTION**
18 **(ACTION TO RESTRAIN AND PREVENT A WASTE OF PUBLIC FUNDS PURSUANT**
19 **TO C.C.P. §526a)**
20

21 56. Plaintiff incorporates by reference, as though fully set forth all the allegations
22 contained in the previous paragraphs of this Complaint.

23 57. Almost all the Plaintiffs members resided in or have businesses, property or tenants
24 in the City of Fresno and are taxpayers to the City of Fresno. The City's resolutions to spend
25 substantial amounts of public money to rename three historic streets to honor one of their icons is
26 a waste of public funds. The name changes of those 3 streets stretching approximately 10 miles
27 are not for any legitimate municipal purpose. Further changing the name of E. Kings Canyon
28 Road impairs and harms local tourism and lodging business along this corridor as it disengages

1 the identity of the business address from the road leading to the Park. It does not advance the
2 City's authority to provide for safety, health, welfare, social services, utilities, roads, highways,
3 or any other municipal function and is detrimental to the City's own tourism efforts.
4

5 58. Therefore Plaintiff is entitled to declaratory and injunctive relief for said expenditure
6 of funds to rename those three streets, or any of them, and is a waste of public funds, and
7 therefore, Plaintiffs are entitled to declaratory and injunctive relief, a declaration that said
8 expenditures are a waste of public funds, and a preliminary and permanent injunction enjoining
9 the City from spending any funds to change the names of those streets or taking any steps to do
10 so.

11 **TENTH CAUSE OF ACTION**
12 **(INVERSE CONDEMNATION)**

13 59. Plaintiff incorporates by reference, as though fully set forth all the allegations
14 contained in the previous paragraphs of this Complaint.

15 60. In the various Causes of Action above, Plaintiffs have sought to enjoin the City from
16 renaming any of the three streets at issue here. If the City does not voluntarily cease renaming
17 said streets or is not enjoined from renaming any of those three streets, Plaintiff members allege
18 that the City actions amount to inverse condemnation to Plaintiff members and associates
19 entitling them to money damages in an amount according to proof. Inverse Condemnation is a
20 Constitutional remedy required under the Takings Clause of the California Constitution and the
21 Fifth amendment of the U.S. Constitution made applicable to the States through the Fourteenth
22 Amendment, allowing citizens to sue the government when the government effects a taking by
23 damaging their private property. Plaintiff's members who own or have established businesses on
24 California Ave., Ventura Ave., and or Kings Canyon Rd., being compelled to change their
25 address name and other business-related documents to "Cesar Chavez Blvd." damages the
26 Plaintiff members private property by compelling them to spend exorbitant time and expense
27 changing the name on all of their documents, signage, and other forms of identification, and
28

1 reducing the value of their businesses because of that compelled name change. The City is
2 determined that the street names should be changed for an alleged public benefit, the City
3 acknowledges that said change would result in expenditure of monies by residents' property and
4 business owners, and the City alone will determine what if any compensation will be paid for
5 those expenses. It is not for the City to decide what that compensation or reimbursement should
6 be, nor that it should be limited to only business owners. Also, it is not for the City to determine
7 whether Plaintiff members businesses will suffer a loss of value and should be compensated. It is
8 for the Court or jury to decide. The measure of damages is "just compensation," not some
9 amount based upon the City's determination.
10

11 61. If the city does not voluntarily cease to rename said streets, or the Court does not
12 enjoin the City in renaming those streets, then Plaintiff's members are entitled to "just
13 compensation" in the amount to be determined by the Court or jury. Plaintiff is also entitled to
14 attorney's fees pursuant to C.C.P. §1021.5.

15 **ELEVENTH CAUSE OF ACTION**
16 **(VIOLATION OF EQUAL PROTECTION)**

17 62. Plaintiff incorporates by reference, as though fully set forth, all the allegations
18 contained in the previous paragraphs of this Complaint.

19 63. When the City acted to honor Cesar Chavez, it chose to do so by renaming 3
20 historical streets, consisting of approximately 10 miles. The City was not renaming any of the
21 other hundreds of streets in Fresno. Therefore, only the residents and business owners on those 3
22 historic streets will be burdened with the cost and expenditure of time and trouble to comply with
23 the address change. The impact of the residents, property or business owners on these streets is
24 not isolated. The impact of the streets' name change will ripple beyond these 10 plus miles
25 streets to relatives, service providers, medical, life-safety, fire, law enforcement, and emergency
26 service providers—all located throughout the City and beyond, in their attempts to locate a
27 victim business or resident stuck within the newly named street, which used to be three streets
28

1 that have been erased. The City's action was taken for political and ideological reasons, and not
2 to address anything the 3-street residents or business owners did. But the City action has singled
3 out for disparate and unequal protection the 3-street residents and business owners which is a
4 violation of the Equal Protection clauses of the U.S. and California Constitutions and caused
5 damages to plaintiff's members who reside or have businesses on those three streets.
6

7 64. Plaintiff is entitled to declaratory relief, a declaration that the City action violates
8 Plaintiff's Equal Protection rights, and therefore its civil rights under 42 U.S.C section 1983.
9 And if the city action is not enjoined by the Court then plaintiff members are entitled to money
10 damages in an amount according to proof.

11 **TWELVTH CAUSE OF ACTION**

12 **(ATTORNEYS FEES PURSUANT TO C.C.P. §1021.5 AND/OR 42 USC §1988)**

13 65. Plaintiff incorporates by reference, as though fully set forth, all the allegations
14 contained in the previous paragraphs of this Complaint.

15 66. California Code of Civil Procedure Section 1021.5 permits an award of attorney's
16 fees to a successful party in any action which resulted in the enforcement of an important right
17 affecting the public's interest. Plaintiff has conferred an important right affecting the public
18 interest because it has obtained a significant nonpecuniary benefit which is conferred on the
19 general public and because there was a necessity of and financial burden on private enforcement
20 by the Plaintiff against the City to vindicate the important rights established in the above Causes
21 of Action. The members of the Plaintiffs voluntary association did everything in their power to
22 stop the City from passing a Resolution to change the name of three historic streets which the
23 business owners and residents of said streets objected to changing. The Plaintiff vindicated the
24 rights of Due Process and Proper Notice for the City's rulemaking in its Resolutions and sought
25 to stop the waste of expending public money to change three street names which were not
26 required or desired to be changed. The vindication of Due Process rights, and vindicating Brown
27 Act Violations benefited the City and its residents at large, not only because it stopped the City
28

1 from needlessly changing the names of three historic streets but would prevent the City from
2 changing street names in the future without full compliance with the Brown Act, Due Process
3 Notice, and the Protection of Free Speech and Free Association Rights.
4

5 67. It was only through Plaintiff's organizational efforts and this lawsuit that caused the
6 vindication of such important public rights and the members of said association should not bare
7 the burden of spending their own money to enforce said rights through retention of an attorney to
8 vindicate those rights, expenditure of monies, neighborhood meetings, and communication
9 efforts to the public and City Council. In addition, once Plaintiff proves that its Civil rights were
10 violated pursuant to 42 USC section 1983, Plaintiff is also entitled to attorneys' fees pursuant to
11 section 1988.

12 68. Prior to instituting this lawsuit, Plaintiff's members and through its attorney,
13 requested and demanded that the City Counsel reverse its Resolution to rename those streets,
14 advised the City Council and the City Attorney that if they did not reverse said Resolution that a
15 lawsuit would be filed, but the City ignored Plaintiff's requests and demands and proceeded with
16 manufacturing, fabricating the signs and renaming the three historic streets.
17

18 **PRAYER FOR RELIEF**

19 WHEREFORE, Plaintiff demands judgment against Defendant as follows:

20 1. Temporary, preliminary and permanent injunctive relief enjoining the City from
21 renaming Kings Canyon, Ventura and California Ave;

22 2. Declaratory relief; a declaration by the Court that the City action to rename those 3
23 streets violated the law under one or more causes of action in the complaint:

24 3.If the City is not restrained, voluntarily, or by Court Order, then general, special, and
25 restitution damages in an amount to be determined at trial for Due Process, Free
26 Speech/Association, Inverse Condemnation, and/or Equal Protection violations;

27 4. For declaratory relief, a declaration by the Court that the City renaming those 3 streets
28 is a waste of public funds pursuant to CCP section 526a;

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- 5. Attorney's fees pursuant to C.C.P. §1021.5;
- 6. Attorney's fees pursuant to 42 U.S.C. section 1988
- 7. For costs of suit;
- 8. For all other relief deemed just and proper by the court.

Dated: July 8, 2023

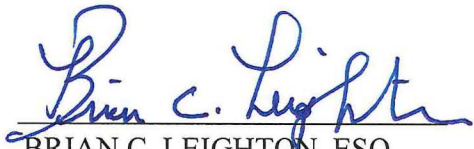

BRIAN C. LEIGHTON, ESQ.
ATTORNEY FOR PLAINTIFF,
1 COMMUNITY COMPACT

EXHIBIT A



RESOLUTION NO. 2022-053

A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA, DIRECTING THE ADMINISTRATION TO PURSUE THE PROCESS TO CHANGE KINGS CANYON/VENTURA BOULEVARD TO "AVENIDA CESAR CHAVEZ" AND DIRECTING FORMATION OF AN ADVISORY CITIZEN'S COMMITTEE

WHEREAS, Cesar Chavez was a Mexican American labor leader and civil rights activist who dedicated his life's work to improving the living and working conditions of farm workers in the United States; and

WHEREAS, Cesar Chavez's life and work had a profound impact on the people of Fresno; and

WHEREAS, the Council of the City of Fresno from time to time may determine that the renaming of a City Street after individuals, events, or businesses will provide a source of pride and community recognition; and

WHEREAS, the policy and process for renaming a City Street includes a deliberative process that provides guidance when reconsidering the renaming of City streets and includes steps to ensure the process protects the historical significance of current street names; and

WHEREAS, community and neighborhood involvement in the proposed process of a street renaming is an utmost importance to the Council; and

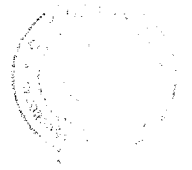
WHEREAS, appointing a Committee of effected business owners and residents affected by the proposed name change will provide guidance when considering the renaming of the City street.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Fresno as

Date Adopted: 02/17/2022
Date Approved: 02/28/2022
Effective Date: 02/28/2022

Resolution No. 2022-053

EXHIBIT "A"



follows:

1. The Council hereby directs the Administration to pursue the process to change the name of Kings Canyon and Ventura Boulevard to Avenida Cesar Chavez. Staff shall return to the Council in 30 days with information about the process and steps to affect the name change; and

2. The Council further directs the formation of the Avenida Cesar Chavez Citizen's Advisory Committee, comprised of business owners and residents who will be affected by this Resolution. The Chairperson shall be appointed by Councilmember Chavez. The committee shall meet as needed, and shall be subject to the Brown Act.

3. This resolution shall be effective upon final approval.

STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, TODD STERMER, 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 17th Day of February, 2022.

AYES :Soria, Karbassi, Arias, Chavez, Bredefeld, Esparza
NOES :None
ABSENT :Maxwell
ABSTAIN :None

Mayor Approval: _____ N/A _____, 2022
Mayor Approval/No Return: _____ February 28th _____, 2022
Mayor Veto: _____ N/A _____, 2022
Council Override Veto: _____ N/A _____, 2022

TODD STERMER, CMC
City Clerk

BY: Bruce Pan 3/2/2022
Deputy Date

APPROVED AS TO FORM:
DOUGLAS T. SLOAN
City Attorney

BY: [Signature] 03/02/22
Angela M. Karst Date
Deputy City Attorney



February 18, 2022

Council Adoption: 02/17/2022
Mayor Approval:
Mayor Veto:
Override Request:

TO: MAYOR JERRY DYER
FROM: TODD STERMER, CMC
City Council

SUBJECT: TRANSMITTAL OF COUNCIL ACTION FOR APPROVAL OR VETO

At the City Council meeting of February 17, 2022, Council adopted the attached Resolution No. 2022-053, *****RESOLUTION - Directing the administration to present the processes to change Kings Canyon/Ventura Blvd to "Cesar Chavez Boulevard" and directing the formation of an resident, business owner and stakeholder committee to engage the public and receive input, recommendations (Subject to Mayor's Veto).** Item 1-AA, File ID 22-307, by the following vote:

Ayes : Soria, Karbassi, Arias, Chavez, Bredefeld, Esparza
Noes : None
Absent : Maxwell
Abstain : None

Please indicate either your formal approval or veto by completing the following sections and executing and dating your action. Please file the completed memo with the Clerk's office on or before February 28, 2022. In computing the ten day period required by Charter, the first day has been excluded and the tenth day has been included unless the 10th day is a Saturday, Sunday, or holiday, in which case it has also been excluded. Failure to file this memo with the Clerk's office within the required time limit shall constitute approval of the ordinance, resolution or action, and it shall take effect without the Mayor's signed approval.

APPROVED /NO RETURN: _____

VETOED for the following reasons: (Written objections are required by Charter; attach additional sheets if necessary.)

Date: _____

Jerry Dyer, Mayor
COUNCIL OVERRIDE ACTION: _____
Date: _____

Ayes :
Noes :
Absent :
Abstain :

CITY CLERK COPY

EXHIBIT B



RESOLUTION NO. 2023-056

A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA, TO BEGIN THE PROCESS TO CHANGE THE KINGS CANYON/VENTURA BOULEVARD ALIGNMENT TO "CESAR CHAVEZ BOULEVARD"

WHEREAS, Cesar Chavez was a Mexican American labor leader and civil rights leader and military veteran who dedicated his life's work to improving the living and working conditions of farm workers in the United States; and

WHEREAS, Cesar Chavez's life and work had a profound impact on the people of Fresno; and

WHEREAS, the Council of the City of Fresno from time to time may determine that the renaming of a City Street after individuals, events, or businesses will provide a source of pride and community recognition; and

WHEREAS, the policy and process for renaming a City Street includes a deliberative process that provides guidance when reconsidering the renaming of City streets and includes steps to ensure the process protects the historical significance of current street names; and

WHEREAS, on February 17, 2022, the Council passed Resolution No. 2022-053 directing the Administration to pursue a name change for the Kings Canyon/Ventura Boulevard alignment to "Avenida Cesar Chavez"; and

WHEREAS, the Council now desires to begin the process to change the name of East Kings Canyon Road, East Ventura Avenue, and West California Avenue alignment, which runs east to west between Marks Avenue and Temperance Avenue to "Cesar Chavez Boulevard" (the Renaming Project); and

1 of 3

Date Adopted: 03/09/2023
Date Approved: 03/20/2023
Effective Date: 03/20/2023

Resolution No. 2023-056

EXHIBIT "B"



WHEREAS, the City Council identified and allocated \$1 million dollars in the Fiscal Year 2022-23 budget in conjunction with the Renaming Project to cover the application fee, labor and materials, replacement of existing City street signs, replacement of Caltrans freeway signage; and

WHEREAS, the Council now wish to begin the Renaming Project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Fresno as follows:

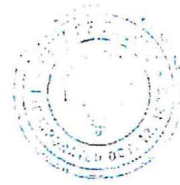
1. The Council hereby directs and authorizes the Administration to proceed with the renaming of East Kings Canyon Road, East Ventura Avenue, and West California Avenue alignment, which runs east to west between Marks Avenue and Temperance Avenue, to "Cesar Chavez Boulevard."

2. Notices shall be sent to all property owners and tenants within 1,000 feet of the affected areas via US Mail and/or by publication in the Fresno Bee.

3. The Fresno County Board of Supervisors shall be notified of the Renaming Project and requested and encouraged to effectuate the change within County jurisdiction along the alignment of the Renaming Project.

4. The City shall utilize its specifically allotted funds to: (1) reimburse businesses whose addresses are impacted by the street name change for actual and reasonable costs associated with the Renaming Project, and (2) reimburse the County for actual costs associated with the renaming of any County portion of the alignment consistent with the above.

5. This resolution shall be effective upon final approval.



* * * * *

STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, TODD STERMER, 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 9th day of March 2023.

AYES : Perea, Karbassi, Arias, Maxwell, Chavez, Esparza
NOES : Bredefeld
ABSENT : None
ABSTAIN : None

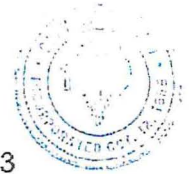
Mayor Approval: March 20, 2023
Mayor Approval/No Return: N/A, 2023
Mayor Veto: N/A, 2023
Council Override Vote: N/A, 2023

TODD STERMER, CMC
City Clerk

By: [Signature] 3-21-2023
Deputy Date

APPROVED AS TO FORM:
ANDREW JANZ
City Attorney

By: [Signature] 3/21/23
Angela M. Karst Date
Deputy City Attorney



March 10, 2023

Council Adoption: 03/09/2023
Mayor Approval:
Mayor Veto:
Override Request:

TO: MAYOR JERRY DYER

FROM: TODD STERMER, CMC
City Clerk

SUBJECT: TRANSMITTAL OF COUNCIL ACTION FOR APPROVAL OR VETO

At the City Council meeting of March 9, 2023, Council adopted the attached Resolution No. 2023-056 *****RESOLUTION - To Begin the Process to Change Kings Canyon/Ventura Boulevard to "Cesar Chavez Boulevard" (Subject to Mayor's veto).** Item 1-S, File ID 23-403, by the following vote:

Ayes : Perea, Karbassi, Arias, Maxwell, Chavez, Esparza
Noes : Bredefeld
Absent : None
Abstain : None

Please indicate either your formal approval or veto by completing the following sections and executing and dating your action. Please file the completed memo with the Clerk's office on or before March 20, 2023. In computing the ten day period required by Charter, the first day has been excluded and the tenth day has been included unless the 10th day is a Saturday, Sunday, or holiday, in which case it has also been excluded. Failure to file this memo with the Clerk's office within the required time limit shall constitute approval of the ordinance, resolution or action, and it shall take effect without the Mayor's signed approval.

APPROVED /NO RETURN: _____

VETOED for the following reasons: (Written objections are required by Charter; attach additional sheets if necessary.)

SEE ATTACHED MESSAGE

Date: 3/20/23

Jerry Dyer, Mayor

COUNCIL OVERRIDE ACTION:

Date: _____

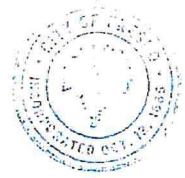
Ayes :
Noes :
Absent :
Abstain :

CITY CLERK'S OFFICE
CITY OF FRESNO
2023 MAR 20 P 4:58

Approved by Mayor
JERRY DYER
CMC: 2-14-15

3-20-2023

RECEIVED



JERRY P. DYER
MAYOR

March 20, 2023

Whenever a building, park or street is renamed it is generally accompanied by considerable public debate as evidenced during the March 9, 2023, City Council meeting. Unfortunately, many felt blindsided and left out of the process which does not bode well for building community trust.

I am supportive of naming a street in Fresno after Cesar Chavez, especially in light of Fresno's large Hispanic population and our location in the heart of California's agriculture region where Mr. Chavez helped so many farm workers and their families. While I am supportive of the renaming, and honoring Cesar Chavez, the process has many residents in Southwest Fresno feeling forgotten and disheartened. Frankly, in the eyes of some, the process undertaken to pursue the street renaming has felt counter to the spirit of the great man in which we are aiming to honor.

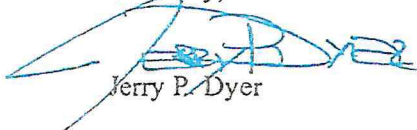
While not as significant, it is also important to note that renaming the nearly 11 mile stretch along Kings Canyon, Ventura, and California will be costly. This is a cost that is yet to be fully determined, but would need to consider all the businesses and residences that will require address changes, modifications to web sites, advertisement, signage, licensure, business cards, brochures, etc.

A more responsible approach could have entailed the hosting of a series of community meetings to gain input similar to what was done to develop the PARCS Master Plan, Cultural Arts Plan, and the more recent community engagement being sought prior to developing the 49-acre regional park located at Church and California.

Because the City Council passed this resolution on March 9th with more than a super majority vote, a veto would simply prolong the agony of enduring another public discussion with the same outcome. However, I am asking for those council members who sponsored the resolution consider reducing the amount of roadway being renamed, to lessen the impact on businesses and residences. Specifically, I am requesting the co-sponsors bring the item back for reconsideration with a different outcome. With an outcome that honors the pleas of the Southwest Fresno community for California Avenue to remain as is. An outcome that honors the spirit of community engagement without marginalizing another historically underserved population. I am proud to support moving forward with renaming both Kings Canyon and Ventura Boulevard to Cesar Chavez Boulevard, and respectfully request the Council co-sponsors reconsider this item so that our neighborhoods are not divided on this matter.

Thank you for your consideration.

Sincerely,



Jerry P. Dyer