



AGENDA ITEM NO. 20  
COUNCIL MEETING 1/30/07

APPROVED BY

DEPARTMENT DIRECTOR

December 12, 2006

FROM: JERRY DUNCAN, Council President 

SUBJECT: COUNCIL DISTRICT PLAN IMPLEMENTATION COMMITTEES

**RECOMMENDATION**

Adopt Proposed Ordinance to establish Council District Plan Implementation Committees and Proposed Resolution adopting by-laws for committees.

**EXECUTIVE SUMMARY**

On October 17, 2006, Council directed staff to return with enabling documents to consolidate Plan and Implementation Committees into seven committees, one for each Council District. Pursuant to this direction, the City Attorney's Office, with consultation of the Planning and Development Department, prepared the attached Proposed Ordinance. The Proposed Ordinance establishes a plan implementation committee for each council district and dissolves all existing plan implementation committees with the exception of those expressly provided for in the ordinance. Additionally, a set of by-laws has been prepared for adoption by resolution to control all Council District Plan Implementation Committees.

**BACKGROUND**

**A. Adopted Plans**

Currently, the City has one general plan, eight community plans and eleven specific plans. These are as follows:

General Plan

2025 Fresno General Plan

Community Plans

- Woodward Park
- Bullard
- West Area
- Fresno-High Roeding
- Hoover
- McLane
- Roosevelt
- Edison

Presented to City Council

Date 12/12/06

Disposition *Adopted*  
*12/12/06*  
*12/12/06*

Presented to City Council

Date 1/9/07

Disposition *Adopted*  
*1/30/07*

### Specific Plans

- Butler-Willow
- Dakota-First
- Fresno Downtown-Chandler Airport
- Fresno Yosemite International and Environs
- Fulton-Lowell
- Highway City Neighborhood
- North Avenue Industrial Triangle
- Sierra Sky Park Primary Review Area
- Sun Garden Acres
- Tower District
- Yosemite

### **B. Plan Implementation Committees**

Currently, there are ten citizen plan implementation committees that review development entitlements, including rezones, plan amendments, conditional use permits, site plans, maps and variances and provide recommendations to the Planning Commission and Council. These committees are as follows:

- Bullard Advisory Plan Committee
- Fulton/Lowell Specific Plan Implementation Committee
- Highway City Specific Plan Citizen Advisory Committee
- Northeast Area Plan and Implementation Committee
- Pinedale Specific Plan Committee
- Roosevelt Implementation Advisory Committee
- West Area Implementation Advisory Committee
- Central Eastern Implementation Committee
- Tower District Design Review Committee
- Edison/Merger II Plan Committee

The boundary of these committees is the boundary areas of the adopted plans. Because of this, some of these committees cross multiple council district and other committees are wholly within one council district. Some council districts have multiple committees and some council districts only have one committee. Council found at the October 17, 2006 meeting, that not all areas of the City are covered by committee boundaries and therefore, some entitlements in the City do not obtain citizen review at all. Council also found that the current committee system provides confusion which affects the ability, in some cases, for a proper review of a development proposal.

Some of the above committees were established through adoption of the plan (Fulton/Lowell Specific Plan Implementation Committee), while others were established by separate Council or Councilmember action (Central Eastern Implementation Committee).

### **C. Proposed Ordinance**

The Proposed Ordinance does the following things: (1) dissolves the existing committees, with the exception of the Tower District Design Review Committee and the Fulton/Lowell Specific Plan Implementation Committee and (2) establishes Council District Plan Implementation Committees for each council district. The Proposed Ordinance provides the following:

- The Councilmembers shall establish the structure of the committee for their districts, including determining the number and qualifications of committee members and the number and frequency of meetings by filing an organizational form with the City Clerk and the Planning and Development Department.
- The Mayor shall select at least one committee member for each committee.
- The committee members serve at the pleasure of the appointing authority.
- Membership on the committees automatically terminates at the end of the councilmember's tenure for the committee's district.
- Council shall adopt one set of by-laws for all committees by resolution.
- The Planning and Development Department will provide at least one staff person to assist the committees.
- The Planning and Development Department will serve as the recordkeeper for the committees.
- The Planning and Development Department staff will provide reports and take recommendations on all development entitlements.
- While existing plan implementation committees are dissolved (with the exception of the Tower District Design Review Committee), Council may establish other plan implementation committees in the future in addition to the proposed Council District Plan Implementation Committees.
- The committees shall be subject to the Brown Act and the Fair Political Practices Commission rules.
- Any committee established to help adopt a new plan as provided in FMC section 12-609-B-2 shall not be affected by the Proposed Ordinance.

As mentioned above, some plans have language that mandates the establishment of an implementation committee for that plan. The Proposed Ordinance amends the Local Planning and Procedure Ordinance (FMC Ch. 12, Art. 6), which provides the procedures to adopt and amend land use plans, to provide that any language in any adopted plan that is inconsistent with this ordinance will be superseded and/or amended by the ordinance.

#### **D. Proposed By-laws**

The Proposed By-laws are prepared to be consistent with existing by-laws for the various existing committees. Generally, they provide for rules of membership, election of officers, meeting times, and quorums.

#### **FISCAL IMPACT**

None identified.

#### **Attachments:**

Exhibit "A", Proposed Ordinance

Exhibit "B", Proposed Resolution Adopting By-Laws

Exhibit "1", Proposed Council Plan Implementation Committees By-laws

KCP:sz [39477sz/kcp] 12/07/06



ORDINANCE OF THE COUNCIL OF THE CITY OF FRESNO

BILL NO. \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA,  
ADDING SECTION 12-611 OF THE FRESNO MUNICIPAL CODE,  
RELATING TO COUNCIL DISTRICT PLAN IMPLEMENTATION  
COMMITTEES.

THE COUNCIL OF THE CITY OF FRESNO DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 12-611 of the Fresno Municipal Code is added to read:

SECTION 12-611 COUNCIL DISTRICT PLAN IMPLEMENTATION  
COMMITTEES.

A. **Findings and Purpose.**

1. Council finds the following:

a. Allowing a process for the review of various entitlement requests and obtaining the input and recommendations from citizens in implementing plans is a valuable tool.

b. The current plan implementation committee structure has inconsistencies that may result in Council and Planning Commission not obtaining this valuable citizen input from all areas of the city.

2. The purpose of this section is to:

a. Provide the opportunity for citizen review on every entitlement request to insure the voices of the community are being heard.

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b. To reorganize the current process to ensure that all parts of the city are heard from in regards to the implementation of the city's plans.

c. Allow for adjustments in each council district to meet the unique needs that may exist in the different districts.

d. Ensure that each committee is staffed and functional.

**B. Establishment of Council District Plan Implementation**

**Committees.** There shall be established plan implementation committees to act as advisors to the Planning Commission and Council on the adopted plans in each council district. The number of committees shall be equal to the number of the city's council districts and the boundaries of each committee shall be coterminous with the council district boundaries. The committees shall be referred to collectively as the "Council District Plan Implementation Committees" and individually by reference to the council district number. For example, the committee for Council District 1 would be referred to as "Council District 1 Plan Implementation Committee."

**C. Committee Structure and Members.** Each councilmember shall determine the number of committee members and their qualifications for his or her district's committee. At minimum, one member on each committee shall be appointed by the Mayor. Committee members shall serve at the pleasure of the appointing authority. The councilmember shall complete the Organizational Form for City of Fresno Boards, Commission, Committees, and Similar Bodies attached to Resolution No. 2004-185, as it may be amended from time to time, to establish the

structure of the committee, the qualifications of the members, the number and frequency of meetings, and any other provisions as the councilmember deems appropriate. The Organizational Form shall be filed with the City Clerk and the Director of the Planning and Development Department before any appointments may be made. Any changes to the Organizational Form shall be made in writing and filed with the City Clerk and the Director of the Planning and Development Department prior to implementation of the changes. A new councilmember assuming office may adopt a different structure for his or her district's committee and different qualifications for committee members by filing a new Organizational Form with the City Clerk and the Director of the Planning and Development Department.

Committee members, upon appointment, shall make themselves familiar with every adopted city plan that falls within the boundaries of their committee's area.

D. **Committee Duties.** Committees shall have the following duties.

1. Committees shall review and provide recommendations to the Planning Commission and Council on every application for a plan amendment, rezone, tentative or parcel map, conditional use permit, site plan or variance to develop property within the committees' boundaries. Development applications may be reviewed by multiple committees if a development project crosses committee boundaries. In providing its review and recommendations, the committee shall consider every plan to which the development is subject.

2. Committees shall act as liaisons between property owners, residents, business people and the community at large, and the Council and staff, providing a forum for public participation.

3. Committees may make recommendations to the Planning Commission and Council on any matters related to planning and zoning and the plans in the councilmember's district, including adoption of guidelines to implement the goals and policies of adopted city plans.

4. Committees shall have any additional duties to the above that the councilmember provides in the Organization Form for his or her district's committee.

E. **By-laws.** Council shall adopt written by-laws by resolution to be applicable to all of the committees. The by-laws may only be altered by Council. These by-laws may be made applicable to committees that advise on city plans other than the Council Plan Implementation Committees.

F. **Staff; Meeting Places and Times.** Each committee shall be staffed by the Planning and Development Department with at least one person. The Planning and Development Department is the record keeper for the committees, responsible for keeping the records of the agendas and any recommendations of the committees. Planning and Development Department shall provide a copy (in written or electronic form) of all plans to the committees, the committee by-laws, and the Organizational Form for the committee. Planning and Development Department staff shall also provide reports to the committees as the committees may request on matters within the scope of planning and land use. To the extent that a

councilmember assigns tasks to a committee pursuant to sub-section 12-611-D-4 that are outside the scope of land use planning, the councilmember's office shall provide staff to the committee to assist the committee with those non-land use planning tasks and otherwise perform those responsibilities that would be the duties of the staff person from the Planning and Development Department.

G. **Brown Act and State Conflict Laws.** The committees and the committee members are subject to the Brown Act (Cal. Gov't Code §§ 54950 et seq.) and the state laws on conflicts regarding public officials (including Cal. Gov't Code §§ 87100 et seq.).

H. **Existing Plan Committees Dissolve.** As of the effective date of the ordinance adopting this section, any plan implementation committees within the city established under the city's authority, including by plan adoption, are hereby dissolved with the exception of the following: Tower District Design Review Committee, and the Fulton/Lowell Specific Plan Implementation Committee. Any matters pending before committees to be dissolved by this subsection, shall be referred to the appropriate Council Plan Implementation Committee for review and recommendation. Nothing provided in this subsection is intended to affect any citizens' committee created to help draft a new plan as described in sub-section 12-609-B-2. This section shall supersede any contrary provisions in any adopted plan. To the extent that this section may be construed as amending an adopted plan, the ordinance adopting this section shall be exempt from the procedures for amending plans under this Article and shall be effective pursuant to Charter Section 610.

I. **Additional Committees May be Created.** Nothing in this section is intended to limit the ability of Council or the Mayor after the effective date of this Ordinance from establishing committees in addition to the Council District Plan Implementation Committees to advise on plans or guidelines adopted under the city's plans; including committees created to help draft a new plan as described in Section 12-609-B-2.

J. **Compensation.** Council may provide a stipend to committee members by amending the Master Fee Schedule.

K. **Severance.** If any subsection, subdivision, sentence, clause or phrase of this section is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of this section. The Council hereby declares that it would have adopted this section and each subsection, subdivision, sentence, clause or phrase thereof, irrespective of the fact that any one or more subsections, subdivisions, sentences, clauses or phrases be declared invalid or unconstitutional.

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SECTION 2. This ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty-first day after its final passage.

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

I, REBECCA E. KLISCH, City Clerk of the City of Fresno, certify that the foregoing ordinance was adopted by the Council of the City of Fresno, at a regular meeting held on the \_\_\_ day of \_\_\_\_\_, 2006.

AYES :  
NOES :  
ABSENT :  
ABSTAIN

Mayor Approval: \_\_\_\_\_, 2006

Mayor Approval/No Return: \_\_\_\_\_, 2006

Mayor Veto: \_\_\_\_\_, 2006

Council Override Vote: \_\_\_\_\_, 2006

REBECCA E. KLISCH  
City Clerk

BY: \_\_\_\_\_  
Deputy

APPROVED AS TO FORM:  
CITY ATTORNEY'S OFFICE

BY:   
Deputy City Attorney

KCP:sz[39455sz/kcp/ord] 12/07/06

