



City Council Agenda

Council President
Cynthia A. Sterling

Councilmembers

Andreas Borgeas
Lee Brand
Mike Dages

Henry T. Perea
Larry Westerlund- Acting President
Blong Xiong

City Manager
Andrew T. Souza

City Clerk
Rebecca E. Klisch, CMC

City Attorney
James C. Sanchez

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650.

The City Council welcomes you to the Council Chambers, located in City Hall, 2nd Floor, 2600 Fresno Street, Fresno CA 93721.

August 27, 2009

8:30 A.M. ROLL CALL

Invocation by Councilmember Dages

Pledge of Allegiance to the Flag

Ceremonial Presentations:

Presentation of a Certificate of Recognition to Granite Construction for Backpack Donations to Students in West Fresno School District – Council President Sterling - **Presented**

Presentation of a Resolution of Commendation to Nick Palomares – Acting President Westerlund - **Presented**

Proclamation of "ADULT EDUCATION TASK FORCE DAY" – Mayor's Office – **Read and presented**

Recognition for Summer Youth Intern – Councilmember Xiong - **Recognized**

Presentation of Certificates of Completion & Official Certifications for Effective Supervisory Management – APTREX Institute – Transportation Department/Council President Sterling- **Presented**

Special Recognition of City Attorney Sanchez' 50th Birthday – **Read and presented**

The agenda and related staff reports are available on (www.fresno.gov) as well as in the office of the City Clerk. The Council meeting can also be heard live at the same web site address, and viewed live on Cable Channel 96 from 8:30 a.m. and re-played beginning at 8:00 p.m.

PROCESS: For each matter considered by the Council there will first be a staff presentation followed by a presentation from the involved individuals, if present. Testimony from those in attendance will then be taken. All testimony will be limited to three minutes per person. If you would like to speak fill out a Speaker Request Form available from the City Clerk's Office and in the Council Chambers. The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker.

The green light on the podium will be turned on when the speaker begins. The yellow light will come on with one minute remaining. The speaker should be completing the testimony by the time the red light comes on and tones sound, indicating that time has expired. A countdown of time remaining to speak is also displayed on the large screen behind the Council dais.

Following is a general schedule of items for Council consideration and action. The City Council may consider and act on an agenda item in any order it deems appropriate. Actual timed items may be heard later but not before the time set on agenda. Persons interested in an item listed on the agenda are advised to be present throughout the meeting to ensure their presence when the item is called.

Approve minutes of August 20, 2009

Action Taken: Approved

Councilmember Reports and Comments

Action Taken Made

Approve Agenda

Action Taken: Approved, as amended

Adopt Consent Calendar

Action Taken: Adopted

1. **CONSENT CALENDAR**

All Consent Calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered at 1:30 p.m.

A. Authorize the renewal of an agreement between the City of Fresno Housing Authority and the Police Department for the Housing and Urban Development (HUD) Capital Funding Grant Program and additional security and protection services for public housing grant; authorize the Chief of Police to execute the agreement and required program documents – Police Department

Action Taken: Authorized

1. * **RESOLUTION** - 12th amendment to AAR 2009-149 appropriating \$130,000 for the Housing and Urban Development (HUD) capital funding grant program (**Requires 5 affirmative votes**)

Action Taken: Resolution No. 2009-186 adopted

B. Authorize the Chief of Police to enter into an agreement with the Fresno Unified School District to accept \$150,000 for the LifeSkills Program – Police Department

Action Taken: Authorized

C. **RESOLUTION** - Approving participation in the Federal Equitable Sharing Agreement Program and authorizing the execution of related documents – Police Department

Action Taken: Resolution No. 2009-187 adopted

D. Award a contract to Teichert Construction Company, Inc. of Fresno, California for construction of a new taxiway at Fresno Chandler Executive Airport in the amount of \$1,677,331 – Airports Department

Action Taken: Awarded

1. **CONSENT CALENDAR CONTINUED**

- E. Approve agreement for professional consulting services with URS Corporation of San Francisco, CA to complete NEPA and CEQA environmental documents for future projects at Fresno Yosemite International Airport (FYI) in the amount of \$146,393 – Airports Department
Action Taken: **Approved**
- F. Approve a ten-year extension of a lease and agreement with EbitGOLF, Inc. to operate the Riverside Municipal Golf Course - PARCS
Action Taken: **Removed from the agenda**
- G. Adopt a finding that pursuant to CEQA Guideline Section 15164 the addendum prepared to EIR No. 10133 is appropriate and that pursuant to CEQA Guideline Section 15162, the construction of the water main as a condition on Vesting Tentative Tract Map No. T-5232 has no new or additional significant impacts from those identified in EIR No. 10133 and no new environmental document is required; and approve an agreement to reimburse Centex Homes an amount not to exceed \$1,055,704 for the design and construction of a transmission grid water main in Clovis Avenue – Public Utilities
Action Taken: **Approved**
- H. Adopt a Finding of Conformity to Master Environmental Impact Report No. 10130, and approve the acquisition of three (3) street easements for protected left turn phasing signalization and the widening from two (2) lanes to four (4) lanes along W. Shaw Avenue near the intersection of Polk Avenue from property owners: Kuldip Singh and Hardip Kaur, Ald Management Corporation and Glen R. Blue and Helene M. Blue (**Property located in Districts 1 and 2**) – Public Works Department
Action Taken: **Approved**
- I. Adopt Finding of a Categorical Exemption, the project has no potential to adversely impact air quality or any other environmental area, therefore, it is exempt from CEQA pursuant to CEQA Guidelines 15301(c) and 15304(h) – Public Works Department
Action Taken: **Adopted**
1. Award a construction contract in the amount of \$278,283 to Witbro, Inc., for construction of bicycle facilities along Fruit Avenue from McKinley Avenue to Ashlan Avenue (**Property located in Districts and 7**)
Action Taken: **Awarded**
- J. **RESOLUTION** - Approve the material terms of an agreement between City of Fresno and Fresno Unified School District for use of Chukchansi Park for five (5) high school football games in 2009 (“Stadium Rental Agreement”); authorize City Manager to negotiate and execute an agreement with Fresno Baseball Club, LLC, for operation of the stadium for the football games (“Operation Agreement”); authorize the City Manager to negotiate and execute an agreement with Ovations Food Services, L.P., for concessions services at the football games (“Concessions Agreement”); and taking all necessary action related to the transaction - Dept. of Downtown and Community Revitalization
Action Taken: **Resolution No. 2009-188 adopted**
- K. **RESOLUTION** - Adopting the Fresno County Multi-Jurisdictional Hazard Mitigation Plan (MJHMP) and City of Fresno Local Hazard Mitigation Plan (LHMP) Annex – Fire Department
Action Taken: **Resolution No. 2009-189 adopted**
- L. * Approve the Side Letter of Agreement between the City of Fresno (City) and the International Association of Firefighters, Local 753 (Fire Management, Unit 10) regarding compensation and benefits resulting from an agreement to open and extend the Memorandum of Understanding (MOU) – Department of Personnel Services
Action Taken: **Approved**

SCHEDULED COUNCIL HEARINGS AND MATTERS

9:00 A.M. A. SCHEDULED COMMUNICATION –

1. Appearance by Bob Brewer, President of Central Valley RV Outlet, LLC to discuss the Marks Avenue extension sale and its terms and conditions of sale - **Appearance made**

9:00 A.M. B. UNSCHEDULED COMMUNICATION – Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk Department at least ten (10) days prior to the desired date. Council action on unscheduled items, if any, shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda.

9:30 A.M. HEARING to consider ordering the vacation of Blythe Avenue between Herndon and Spaatz Avenues - Public Works Department

Action Taken: Held

1. * **RESOLUTION** - Ordering the vacation of Blythe Avenue between Herndon and Spaatz Avenues and a portion of Spaatz Avenue east of Blythe Avenue

Action Taken: Resolution No. 2009-189 adopted

10:00 A.M. HEARING to consider Rezone Application No. R-09-09, and environmental finding, filed by the City of Fresno, pertaining to thirteen parcels totaling 17.26 acres located on the east and west sides of N. Polk Avenue between W. Ashlan and W. Dakota Avenues (*Property located in District 1*) - Planning and Development Department

Action Taken: Held and continued to 9/17/2009 @ 5:30 p.m.

- a. Consider and adopt the environmental finding for Environmental Assessment No. R-09-09 that the project proposal conforms to the provisions of the 2025 Fresno General Plan Master Environmental Impact Report (MEIR No. 10130)
- b. **BILL** - Amending the Official Zone Map to rezone the subject property from the RR (*County*) zone district to the R-1/UGM/ANX (*Single Family Residential/Urban Growth Management/Annexed Rural Residential Transitional Overlay*) and the R-A/UGM/ANX (*Single Family Residential-Agricultural/Urban Growth Management/Annexed Rural Residential Transitional Overlay*) zone district

10:15 A.M. CITY COUNCIL

A. Policy recommendations for water conservation, planning and technology - Councilmember Borgeas in coordination with the Water Task Force

1. Direct staff to implement a Central Area ("Downtown") Water Fixture Conservation Program.
2. Incorporate and implement a High Efficiency Commercial Water Fixture Rebate Program into the existing Residential Rebate Program.
3. Direct staff to return to Council with a plan to implement new graywater reuse standards in accordance with revised State codes as directed by Senate Bill 1258

Action Taken: Recommendations approved

B. Request an update and clarification regarding the following approved June 10, 2008, agenda item - Approve contract with the Fresno Unified School District providing for joint use of district high school athletic facilities running through December 31, 2025 – Councilmember Perea

Action Taken: Continued to 9/17/2009

C. Appoint a Councilmember to serve as alternate to the Special City Selection Committee, San Joaquin Valley Air Pollution District - Council President Sterling

Action Taken: Councilmember Westerlund appointed

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

11:00 A.M.

CLOSED SESSION

- A. **CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION** - Government Code Section 54956.9, Subdivision (a)
1. **Case Name:** Employee: Ronald Bridges, Deceased - Workers' Compensation Case No.: 01138539
Action Taken: Held

1:30 P.M. #1

CONTESTED CONSENT CALENDAR

1:30 P.M. #2

GENERAL ADMINISTRATION

- A. Approve Joint Powers Authority Agreement that may include other incorporated cities in the County of Fresno and the County of Fresno to create an agency to adopt, impose and administer the Regional Transportation Mitigation Fee in all areas of the County of Fresno consistent with Measure "C" – Public Works Department
Action Taken: Approved
- B. **RESOLUTION** – Consider initiation of a General Plan Amendment and Rezone Application relating to 14.5 acres of property located on the southeast corner of W. Whitesbridge Avenue and S. Hughes Avenue - **(Property located in District 3)** – Planning and Development Dept.
Action Taken: Reset
- C. **RESOLUTION** – Approving the Upper Kings Basin Integrated Regional Water Management Joint Powers Agreement (JPA); appoint City Council Member to JPA Board of Directors; and authorize the Director of Public Utilities to sign on behalf of the City of Fresno - Department of Public Utilities
Action Taken: Resolution No. 2009-191 adopted; Councilmember Borgeas appointed to Board with DPU Director as alternate
- D. **RESOLUTION** - Authorizing a locally preferred alternative for Bus Rapid Transit (BRT) – Transportation Department
Action Taken: Resolution No. 2009-192 adopted, as amended, adding second (entire) Blackstone corridor to River Park
- E. Approve the acceptance of American Recovery and Reinvestment Act of 2009 (ARRA) funding for \$825,000 – Department of Public Utilities
1. **RESOLUTION** - Authorizing the Director of Public Utilities or his designee to sign the funding agreement and amendments for funding under the California Safe Drinking Water State Revolving Fund and the AARA for the Herndon Town Water System Project; authorizing the Director of Public Utilities or his designee to sign all certifications and reports required for such funding; to execute budget and expenditure summary; to sign the contractor's release form and to sign the certification of project completion
Action Taken: Resolution No. 2009-193 adopted
2. * **RESOLUTION** – 14th amendment to AAR No. 2009-149 appropriating \$825,000 of Funding under the California Safe Drinking Water State Revolving Fund American Recovery and Reinvestment Act for the Herndon Town Water System Project **(Requires 5 affirmative votes)**
Action Taken: Resolution No. 2009-194 adopted
- F. Designation of Mayor Ashley Swearengin as a voting delegate and City Manager Andrew T. Souza as a voting alternate for League of California Cities annual business meeting on September 18, 2009 - Office of the City Manager
Action Taken: Approved

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

1:30 P.M. #2

GENERAL ADMINISTRATION CONTINUED

- G. [Approve the consultant services agreement to provide State lobbying and advocacy services for the City of Fresno in Sacramento - Office of the City Manager](#)
Action Taken: Approved

SCHEDULED COUNCIL HEARINGS AND MATTERS

Sept.	3 -	COUNCIL RECESS	
Sept.	10 -	COUNCIL RECESS	
Sept.	17 -	10:15 A.M.	HEARING re: Rezone Application No. R-09-002 filed by Ali Moghaddam
Sept.	17 -	10:20 A.M.	HEARING re: Notice of Intent to adopt a Finding of Conformity for the City of Fresno 3-million gallon water storage tank
Sept.	17 -	2:30 P.M.	CONTINUED HEARING to consider the Fancher Creek Development Agreement
Sept.	17 -	5:30 P.M.	CONTINUED HEARING to consider Rezone Application No. R-09-09, filed by the City of Fresno
Sept.	23	(WEDS) 2:00 P.M.	Presentation of Employee Service Awards in the Council Chambers ((<i>Reception immediately following – 2nd floor foyer</i>)
Sept.	24 -	10:30 A.M.	CONTINUED HEARING to consider an appeal, filed by Gary McDonald on the Tract Map and former Councilmember Duncan on the Conditional Use Permit Application, appealing the Fresno City Planning Commission's denial of Vesting Tentative Tract Map No. 5933, CUP No. C-08-59
Sept.	24 -	10:45 A.M.	CONTINUED HEARING to consider Plan Amendment Application No. A-08-16, Rezone Application No. R-08-26, and environmental findings, filed by Riverfront Ventures, LLC
Oct.	1 -	MEETING	
Oct.	8 -	NO MEETING – COLUMBUS DAY	
Oct.	15 -	8:30 A.M.	Presentation of P.R.I.D.E. Team Certificates for the Fall Quarter (<i>Reception immediately following – 2nd floor foyer</i>)
Oct..	15 -	10:00 A.M.	HEARING re: (Plan Amendment A-09-001) El Dorado Park Neighborhood Plan
Oct.	22 -	8:30 A.M.	Presentation of "Make a Promotion a Commotion" (<i>Reception immediately following – 2nd floor foyer</i>)