



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.

April 23, 2009

8:30 A.M. ROLL CALL

Invocation by Pastor William Nolte of the Fresno First Baptist Church

Pledge of Allegiance to the Flag

Ceremonial Presentations:

Proclamation of "FAIRMONT PRIVATE SCHOOL DAY" – Mayor's Office – **Read and presented**

Proclamation of "ARBOR DAY" – Mayor's Office and All Councilmembers – **Read and presented**

a. Presentation of the Tree City USA Award by the California Department of Forestry and Fire Protection –
Presentation made

Presentation by CalEPA to the City of Fresno Relating to Distribution of Green Street Scene to City Residents – City Manager's Office – **Presentation made**

Proclamation of "CITY OF FRESNO AS A 2010 CENSUS PARTNER" – Mayor's Office and Councilmember Xiong –
Read and presented

Earth Day Recognition – Councilmember Xiong – **Recognition made**

Presentation of "Prime Time for Business" – Band of Neighbors – Downtown & Community Revitalization Dept. and Council President Sterling – **Presentation made**

ADD-ON: Proclamation of "CRIME VICTIMS' RIGHTS WEEK" – Acting President Westerlund – **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 April 7, 2009](#)

Action Taken: Approved, as corrected

Councilmember Reports and Comments

Action Taken Made

Approve Agenda

Action Taken: Approved

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 immediately following.

- A. [Award a requirements contract in the amount of \\$1,029,247.24 to Municipal Maintenance Equipment, Inc. of Sacramento, CA for street sweepers – General Services Department/Fleet Management](#)
Action Taken: Awarded
- B. [Award a contract in the amount of \\$928,971 to Teichert Construction for the Requirements Contract No. 3 to install water meter boxes within the City of Fresno \(*Located in various Council districts*\) – Department of Public Utilities](#)
Action Taken: Awarded
- C. [Approve consulting agreement with Provost & Pritchard, Inc. for the design of wellhead treatment at Pump Station 36 in the amount of \\$98,850, with \\$20,000 in contingency, and authorize the Director of Public Utilities to execute the consulting agreement on behalf of the City - Department of Public Utilities](#)
Action Taken: Approved

1. **CONSENT CALENDAR CONTINUED**

- D. Documents pertaining to two (2) sewer projects – Department of Public Utilities
1. **RESOLUTION** - Authorizing the signature of financial assistance applications and related documents for financing agreement from the State Water Resources Control Board in the amount of \$897,167 for the construction of the Herndon Town Sewer Project
Action Taken: Resolution No. 2009-83 adopted
 2. **RESOLUTION** – Authorizing the application and submission of related documents to the State Water Resources Control Board for the acceptance of funding in the amount of \$400,000 for the Cortland/Fountain Way Sewer system Project and authorizing the Public Utilities Director or his designee to execute all necessary documents – Department of Public Utilities
Action Taken: Resolution No. 2009-84 adopted
- E. Approve the appointment of Sally Caglia to the Historic Preservation Commission; new appointment of Christopher Johnson to the Historic Preservation Commission; new appointment of Vonnie Franks to the Fresno-Madera Area Agency on Aging Board; the re-appointments of Roy Vasquez, Jaime Holt, Hal Kissler and Serop Torossian, and new appointment of Rama Kant Dawar to the Planning Commission; the new appointments of Sandy Cha and Izzy Einsidler to the Housing and Community Development Commission; and the reappointment of Fay Baney to the Mobile Home Rent Review and Stabilization Commission– Mayor’s Office
Action Taken: Approved
- F. **RESOLUTION** - Approving the summary vacation of a portion of Verba Avenue northeast of Figarden Drive (***Property located in District 2***) – Public Works Department
Action Taken: Resolution No. 2009-85 adopted
- G. * **RESOLUTION** – 77th amendment to AAR No. 2008-162 appropriating \$200,000 for the replacement of stolen copper wire (***Requires 5 affirmative votes***) – Public Works Department
Action Taken: Resolution No. 2009-89 adopted
- H. Adopt finding of a Categorical Exemption, pursuant to CEQA Guidelines Section 15301(C), Class 1 -- Public Works Department
Action Taken: Adopted
1. Award a construction contract in the amount of \$464,853.45 to Teichert Construction Company of Fresno, CA to construct roadway improvements and new traffic signal at the intersection of Marks and Weber Avenues (***Property located in District 1***)
Action Taken: Awarded
- I. **RESOLUTION** - Adopt a Mitigated Negative Declaration and affirm the approval of a Programmatic Categorical Exclusion and approve the acquisition of one fee simple acquisition at the corner of Herndon Avenue and Weber Avenue from property owned by David T. and Rita F. Hinojosa and Nicanor F. Hinojosa (***Property located in District 2***) – Public Works Department
Action Taken: Resolution No. 2009-86 adopted
- J. Request approval for submittal of the application for submittal for the 2009 Recovery Act, Edward Byrne Memorial Justice Assistance Grant (JAG) Formula Program, from the U.S. Department of Justice, Bureau of Justice, for grant funding of \$2,333,675 to be allocated as identified in the Bureau of Justice Administration Disparate Jurisdiction Listing – Police Department
Action Taken: Approved
- K. * Authorize the Chief of Police to enter into an agreement with the Fresno Unified School District to provide a LifeSkills Instructor and structured youth activities - Police Department
Action Taken: Authorized
1. * **RESOLUTION** - 74th amendment to AAR 2008-162 appropriating \$73,800 for a Lifeskills instructor and structured youth activities for the Fresno Unified School District (***Requires 5 affirmative votes***)
Action Taken: Resolution No. 2009-87 adopted

1. **CONSENT CALENDAR CONTINUED**

- L. * **RESOLUTION** - 75th amendment to AAR 2008-162 to reclassify \$19,326,800 of appropriations for police capital projects in order to facilitate better project tracking (*Requires 5 affirmative votes*) – Police Department
Action Taken Resolution No. 2009-88 adopted
- M. Reject low bid as non-responsive and award a requirements contract in the amount of \$150,659.68 to Metron Farnier LLC for single jet water meters, and authorize the Director of Public Utilities to execute a one-year contract with provisions for two one-year extensions – Dept. of Public Utilities
Action Taken Rejected/Awarded/Authorized

CONTESTED CONSENT CALENDAR

SCHEDULED COUNCIL HEARINGS AND MATTERS

- 9:00 A.M.#1 A. **SCHEDULED COMMUNICATION** –
1. Appearance by Reverend Russell Grant Appling to discuss the City of Fresno’s budget crisis – **Appearance made**
 2. Appearance by Warren Zimmerly to discuss various issues relating to law enforcement – **Appearance made**

- 9:00 A.M.#1 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

9:15 A.M. **CITY COUNCIL**

- A. * Establish a policy wherein the Acting Council President will serve as the alternate in the absence of the Council President on all Joint Powers Authorities, including similar boards, commissions and standing committees – Council President Sterling
Action Taken: Discussed and tabled

9:30 A.M. **GENERAL ADMINISTRATION**

- A. Presentation of the 93706 Community Asset Map by Fresno West Coalition for Economic Development and the Ramsay Group – Downtown & Community Revitalization Department
Action Taken: Presentation made/report accepted
- B. Accept City of Fresno Comprehensive Annual Financial Report (CAFR) for Fiscal Year 2008 – Finance Department
Action Taken: Accepted
- C. **RESOLUTION** - Declaring its official intent to reimburse certain expenditures from proceeds of indebtedness for expenses incurred related to water enterprise capital projects – Dept. of Public Utilities
Action Taken: Discussed and continued one week
- D. Reaffirm the award of contract in the amount of \$1,347,200 to Protech Services, LLC of Houston, Texas for the repair and overhaul of two (2) 3.37 megawatt gas turbine engines used for the generation of electricity and steam located at the Fresno-Clovis Regional Wastewater Reclamation Facility (*Property located in District 3*) – Department of Public Utilities
Action Taken: Award reaffirmed

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

9:30 A.M. GENERAL ADMINISTRATION CONTINUED

- E. Authorize the Department of Public Utilities to shift from the current Stage I voluntary 10% water use reduction to a modified Stage I voluntary 20% water use reduction as requested by the Governor in the California Drought State of Emergency – Department of Public Utilities
Action Taken: Authorized
- F. * **RESOLUTION** - 80th amendment to AAR No. 2008-162 appropriating \$3,769,200 in Measure C Tier 1 Funds and reallocate \$1,196,900 in Proposition 1B capital funding for the completion of operating and capital projects (**Requires 5 affirmative votes**) – Public Works Department
Action Taken: Resolution No. 2009-90 adopted
- G. Item removed from the agenda
- H. Authorize the City Manager or his designee to execute a contract not to exceed \$550,000 with the City and County of Fresno Housing Authority to provide temporary housing services -City Manager's Office
Action Taken: Authorized
- I. Conditionally authorize purchase of the property located on the west side of "H" Street, north of Monterey Street (APN 405-050-16U and 467-020-28U and a portion of 467-020-40U) owned by Union Pacific Railroad, with a return to Council for final approval to acquire and close escrow by not later than August 17, 2009, and the execution of documents subject to City Attorney approval to form – Department of Public Utilities
Action Taken: Authorized
- J. Report on City of Fresno communications plan relating to City utilization of American Recovery and Reinvestment Act (ARRA) and Neighborhood Stabilization Program (NSP) funding - City Manager
Action Taken: Plan accepted

- 10:00 A.M. HEARING** to adopt a resolution to consider changing the and method of apportioning the special tax and establishing a new maximum special tax for Annexation No. 24, Final Tract No. 5603 of the City of Fresno Community Facilities District No. 11 (**Property Located in District 3**) – Public Works Department
Action Taken: Held
- a. **RESOLUTION** – Changing the rate and method of apportioning the special tax and establishing a new maximum special tax for Annexation No. 24, Final Tract No. 5603 of the City of Fresno Community Facilities District No. 11 – Public Works Dept.
Action Taken: Resolution No. 2009-91 adopted
- b. **RESOLUTION** – Calling a special mailed-ballot election
Action Taken: Resolution No. 2009-92 adopted
- c. **RESOLUTION** – Declaring election results
Action Taken: Resolution No. 2009-93 adopted
- d. * **BILL** – Levying a changed maximum special tax for the property tax year 2008-2009 and future tax years within and relating to Community Facilities District No. 11, Annexation No. 24
Action Taken: Bill No. B-17/Ordinance No. 2009-17 adopted
- e. **RESOLUTION** - Approving the Final Map of Tract No. 5603, accepting dedicated public uses therein; authorize the Public Works Director, the Public Utilities Director and the Planning and Development Director to execute the necessary documents - Planning and Development Dept.
Action Taken: Resolution No. 2009-94 adopted

CLOSED SESSION

- A. CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION** - Government Code Section 54956.9, Subdivision (a)
 - 1. Stribling, Stephanie v. City of Fresno, et al. Superior Court Case No. 02 CE CG 02240 MWS
 - 2. Case Name: Harris Construction Company, Inc. et al., v. Fresno Metropolitan Museum, et al., Does 1 – 500, Fresno Superior Court Case No 09 CE CG 99634
Action Taken: Held

- B. CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION** - Government Code Section 54956.9, Subdivision (b)
Significant Exposure to Litigation:
 - 1. City of Fresno v. Fresno Metropolitan Museum of Art and Science, et al., Does 1- 100
 - 2. City of Fresno v. The Zone Sports Center LLC, Granite Park Kids Foundation, et al., Does 1 - 100
Action Taken: Held

SCHEDULED COUNCIL HEARINGS AND MATTERS

Apr.	30 -	2:00 P.M.	ROLL CALL
Apr.	30 -	2:00 P.M.	"Make a Promotion a Commotion" Ceremony - <i>Reception immediately following – 2nd floor foyer</i>
Apr.	30 -	2:30 P.M.	HEARING re: Consideration of Plan Amendment Application No. A-08-28, Rezone Application No. R-08-38, filed by Bill Robinson of Sol Development Associates on behalf of Derrel's Mini Storage
May	7 -	10:00 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 C-08-59
May	7 -	10:30 A.M.	Social Compact, Inc. of Washington D.C. to present the Fresno Drilldown Report – Dept. of Community Revitalization
May	14 -	MEETING	
May	21 -	MEETING	
May	28 -	NO MEETING – MEMORIAL DAY	
June	4 -	9:30 A.M.#1	HEARING re: ordering the vacation of a portion of W. Alluvial Avenue west of N. Lafayette Avenue (<i>Property located in District 2</i>)
June	11 -	9:30 A.M. #1	HEARING re: Ordering the vacation of a portion of "C" Street between San Benito Street and E. California Avenue and the Freeway 99 - "C" Street alley
June	18 -	9:30 A.M. #1	HEARING re: ordering the vacation of N. Millbrook Avenue north of Copper Avenue (<i>Property located in District 6</i>)
June	25 -	MEETING	