



# City Council Agenda

Council President  
**Cynthia A. Sterling**

Councilmembers

**Andreas Borgeas**  
**Lee Brand**  
**Paul E. Caprioglio** – Acting President

**Mike Dages**  
**Henry T. Perea**  
**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, 2<sup>nd</sup> Floor, 2600 Fresno Street, Fresno CA 93721.

## March 17, 2009

### 8:30 A.M. ROLL CALL

Invocation by Pastor Abraham Rababy of the Fresno Worship Center

Pledge of Allegiance to the Flag

### **Ceremonial Presentations:**

Presentation of the SPCA Pet of the Month – Acting President Caprioglio - **Presented**

Proclamation of "NOROUZ DAY" – Council President Sterling – **Read and presented**

Proclamation of "MEDIATION WEEK" – Acting President Caprioglio – **Read and presented**

Proclamation of "READING AND BEYOND DAY" – Mayor Swearingin and All Councilmembers – **Laid over**

Proclamation of "NATIONAL AGRICULTURAL WEEK" – Mayor Swearingin and All Councilmembers **Read and presented**

Proclamation of "FIX A LEAK WEEK" – Mayor Swearingin and All Councilmembers – **Read and presented**

The agenda and related staff reports are available on ([www.fresno.gov](http://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 Special meeting minutes of March 1, 2009](#)

**Action Taken:** Approved

[Approve minutes of March 3, 2009](#)

**Action Taken:** Approved

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. [Approve Amendment No. 4 to Lease and Agreement between Clubcorp Airways Golf, Inc. and the City of Fresno – Airports Department](#)

**Action Taken:** Approved

B. \* [Award a contract in the amount of \\$143,497.30 to Braun Northwest, Inc. of Chehalis, WA for one \(1\) explosive ordinance disposal \(EOD\) truck body – General Services Dept./Fleet Management Division](#)

**Action Taken:** Awarded

C. \* [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

D. \* [Approve an agreement with Cornerstone Structural Engineering Group for the preliminary design phase of the Jensen Avenue separation and overhead rehabilitation \(\*Property located in Districts 3 and 5\*\) – Public Works Dept.](#)

**Action Taken:** Approved

1. **CONSENT CALENDAR CONTINUED**

- E. **RESOLUTION** - Consideration to change 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, and setting the public hearing for April 21, 2009, at 10:00 a.m. (**Property located in District 3**) - Public Works Dept.  
**Action Taken:** Resolution No. 2009-55 adopted
- F. \* Authorize Director of Public Utilities to negotiate and enter into an agreement with HF&H Consultants for facilitation of a new tipping fee agreement with Fresno County – Dept. of Public Utilities  
**Action Taken:** Authorized
- G. \* Approve Amendment No. 1 with HDR Engineering, Inc. in the amount of \$89,579.00 for additional work necessary for the development of technical plans and specifications for the procurement and installation of residential water meters and an Automated Meter Reading (AMR) System – Dept. of Public Utilities  
**Action Taken:** Approved
- H. \* Award a contract in the amount of \$855,097.00 to West Valley Construction Company, Inc. for the Requirements Contract No. 2 to install water meter boxes within the City of Fresno (**Property located in various districts**) – Dept. of Public Utilities  
**Action Taken:** Awarded
- I. \* Approve the Memorandum of Understanding (MOU) between the Long-Term Water Contractors and Cross Valley Canal Contractors regarding mediation services to develop water allocations for restoring a self-sustaining salmon fishery in the San Joaquin River and authorize reimbursement costs for mediation services not to exceed \$4,730.00 – Dept. of Public Utilities  
**Action Taken:** Approved
- J. Award two (2) contracts to PBC SolutionOne, Inc. dba Pacific Building Care (PBC) of Fresno, CA for custodial services at City Hall and various City facilities for a total amount of \$832,218.72 – General Services Dept./Facilities Management Division
1. \* Custodial services at City Hall in the amount of \$283,146.72  
**Action Taken:** Awarded
  2. \* Custodial services at various City facilities in the amount of \$549,072.00  
**Action Taken:** Awarded
- K. Approve appointments of Michelle Bronson to the Fresno Disability Advisory Commission and Beatrice Johnson to the Fresno-Madera Area Agency on Aging – Mayor's Office  
**Action Taken:** Approved
- L. \* **BILL NO. B-10 – (Intro. 3/3/2009) (For adoption)** - Approving the 2009 Weed Abatement Program  
**Action Taken:** Ordinance No. 2009-9 adopted
- M. **BILL – (For introduction)** - Repealing Section 11-618 of the Fresno Municipal Code and adding Section 11-618 to the Fresno Municipal Code relating to the flood plain building regulations – Planning and Development Dept.  
**Action Taken:** Bill No. B-11 introduced/laid over
- N. **BILL – (For introduction)** - Amending the Fresno Municipal Code relating to Card Room Permit Regulations Sections 9-2126 and 9-2115, and subsections (i) and (j) of Section 9-2122, subsections (b), (g) and (m) of Section 9-2135, and subsections (a) and (c) of Section 9-2115 – Police Department  
**Action Taken:** Bill No. B-12 introduced/laid over

**CONTESTED CONSENT CALENDAR**

**CLOSED SESSION**

**SCHEDULED COUNCIL HEARINGS AND MATTERS**

9:00 A.M. #1 A. **WORKSHOP** regarding the Independent Police Auditor – City Manager's Office - **Held**

9:00 A.M.#2 A. **SCHEDULED COMMUNICATION –**

9:00 A.M.#2 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. **WORKSHOP –** Update on high speed rail for California – Council President Sterling - **Held**

B. Consideration of appointment of Council representative to the Convention and Visitors' Bureau – Council President Sterling  
**Action Taken:** Discussed/no action taken

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

A. Approve Amendment No. 1 to Downtown Fresno Property and Business Improvement District (PBID) Grant Funding Agreement to increase City funding assistance by \$56,139 to a total of \$96,139, of which the currently unexpended amount of \$84,309 shall be a no-interest, no-match loan repayable from PBID assessments, to finance consulting services and other costs incurred in the formation of the Downtown Property and Business Improvement District, and authorize the execution of documents - Dept. of Downtown & Community Revitalization  
**Action Taken:** Approved

B. \* Approve a Professional Services Agreement with Fehr & Peers, in the amount of \$475,000 to prepare a Bicycle, Pedestrian and Trails Master Plan for the City of Fresno – Public Works Dept.

**Action Taken:** Approved

1. **RESOLUTION –** Approving the reallocation of \$392,000 in the Measure C Fund capital projects for preparation of the Master Trails & Bike Plan

**Action Taken:** Resolution No. 2009-56 adopted

2. **RESOLUTION –** Establishing the Bicycle, Pedestrian and Trails Master Plan Advisory Committee of the City of Fresno

**Action Taken:** Resolution No. 2009-57 adopted

**SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED**

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

- C. Report to Council on local economic stimulus initiatives – Economic Stimulus Committee  
**Action Taken: Report made**
  
- D. \* Award parking lot management contract for Fresno Yosemite International Airport to Standard Parking Corporation – Airports Department  
**Action Taken: Awarded**

**10:00 A.M. HEARING to consider and adopt an addendum to the Final Environmental Impact Report for the Metropolitan Water Resources Management Plan that changes the location for the proposed Southeast Surface Water Treatment Facility - Department of Public Utilities**

**Action Taken: Held**

- a. Find that none of the changes and additions to the Final Environmental Impact Report set forth in the proposed addendum give rise to any of the conditions set forth in CEQA Guidelines, Section 15162 that would call for the preparation of a subsequent Environmental Impact Report  
**Action Taken: Finding made**
- b. Adopt the addendum to the 1996 Final Environmental Impact Report, State Clearinghouse No. 95022029, for the Fresno Metropolitan Water Resources Management Plan that changes the location for the proposed Southeast Surface Water Treatment Facility  
**Action Taken: Adopted**

**10:15 A.M. JOINT MEETING WITH THE REDEVELOPMENT AGENCY**

Approve minutes of March 3, 2009

**Action Taken: Approved**

- A. Documents pertaining to City Council and the Fresno Redevelopment Agency meeting date change
  - 1. \* **BILL NO. B-7 (Intro. 2/24/2009) (For adoption)** - Amending Section 2-303 of the Fresno Municipal Code relating to deadlines for delivery of agenda materials **(Council action)**  
**Action Taken: Ordinance No. 2009-10 adopted**
  - 2. **RESOLUTION** – Rescinding present Redevelopment Agency bylaws and adopting new bylaws **(Agency action)**  
**Action Taken: Resolution No. 1736 adopted**
  - 3. Approve proposed amended City Council meeting schedule changing the meetings days to Thursday beginning April 23, 2009 – Acting President Caprioglio **(Council action)**  
**Action Taken: Approved**
  
- B. **RESOLUTION** - Approving a one-year extension of the Chinatown Expanded Community Redevelopment Plan Project Area Committee **(Council action)**  
**Action Taken: Resolution No. 2009-58 adopted**
  
- C. Consider approval of a Memorandum of Understanding (MOU) for the development of real property in the Chinatown Expanded Project Area **(Agency action)**  
**Action Taken: Approved**

**ADJOURN AGENCY**

**SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED**

11:00 A.M.      **WORKSHOP** on American Recovery and Reinvestment Act (Federal Economic Stimulus Package) –  
City Manager's Office      - Held

**SCHEDULED COUNCIL HEARINGS AND MATTERS**

Mar.      24 -      10:00 A.M.      **HEARING** re: resolution ordering the vacation of a portion of the “M” – “N” alley southeast of  
Los Angeles Street (*Property located in District 3*)

Mar      24 -      10:15 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 (*Continued to 5/7/2009 at 10:00 a.m.*)

Mar.      24 -      10:45 A.M.      **HEARING** re: Rezone Application No. 08-29, filed by RJ Hill Company

Mar.      24 -      11:00 A.M.      **JPFA MEETING** re: approval of bond issuance – Finance Dept.

Mar.      24 -      4:00 P.M.      **HEARING** re: CUP No. C-08-133, for the proposed household hazardous waste facility

Mar.      31 -      10:00 A.M.      **HEARING** re: Rezone Application No. -08-05, filed by the City of Fresno  
Apr.      7 -      8:30 A.M.      Presentation of P.R.I.D.E Team Certificates – Spring Quarter - **Reception immediately  
following – 2<sup>nd</sup> floor foyer**

Apr.      14 -      **NO MEETING – EASTER WEEK**

Apr.      21 -      10:00 A.M.      **HEARING** re: the consideration to alter services to be financed by Annexation No. 24 of  
City of Fresno Community Facilities District No. 11

Apr.      28 -      8:30 A.M.      “Make a Promotion a Commotion” Ceremony – **Reception immediately following – 2<sup>nd</sup> floor  
foyer** - Personnel Services Dept.

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