



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, 2nd Floor, 2600 Fresno Street, Fresno CA 93721.

February 10, 2009

8:30 A.M. ROLL CALL

Invocation by Larry Arce of the Fresno Rescue Mission

Pledge of Allegiance to the Flag

Ceremonial Presentation

Resolution of Commendation to the Purchasing Division of the General Services Department for Receiving the Achievement of Excellence in Procurement Award for 2008 – Mayor's Office and City Manager's Office – **Read and presented**

Proclamation of "LEWIS GREEN DAY" – President Sterling and Acting President Caprioglio – **Read and presented**

Proclamation of "CELEBRATE MARRIAGE WEEK" – Mayor's Office – **Read and presented**

Proclamation of "NATIONAL ENGINEERS WEEK" – Mayor's Office – **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 February 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. * Award parking lot management contract for Fresno Yosemite International Airport to Standard Parking Corporation – Airports Department

Action Taken: Discussed and continued to 2/24/2009

B. * Approve a Professional Consulting Agreement with Cline, Smull, Hamill, Quintieri, Associates (CSHQA) for terminal improvements at Fresno Yosemite International Airport (FYI) in an amount not to exceed \$160,000 – Airports Dept.

Action Taken: Approved

C. **RESOLUTION** – Approve and authorize the Public Works Director to sign a quitclaim deed related to Resolution No. 2009-14 on behalf of the City of Fresno (**Property located in District 2**) – Public Works Dept.

Action Taken: Resolution No. 2009-37 adopted

D. * **RESOLUTION** - 67th amendment to AAR No. 2008-162 appropriating \$352,400 for maintenance of Community Facilities District No. 2 and eligible developer deposit refunds (**Requires 5 affirmative votes**) – Public Works Dept.

Action Taken: Resolution No. 2009-38 adopted

E. **RESOLUTION** - Authorizing the submission of applications for and acceptance of grant funds from The California Department of Forestry and Fire Protection – 2008/2009 Urban Forestry Inventory Grant Program and authorizing the execution of documents by the Public Works Director or his designee – Public Works Department

Action Taken: Resolution No. 2009-39 adopted

F. **RESOLUTION** - Of Intention to annex Final Tract 5498 Annexation No. 37, to City of Fresno Community Facilities District No. 11 and to authorize the levy of special taxes and setting the public hearing for March 3, 2009, at 10:00 a.m. (**Property located in District 5**) – Public Works Dept.

Action Taken: Resolution No. 2009-40 adopted

1. **CONSENT CALENDAR CONTINUED**

G. **RESOLUTION** - Authorizing the submission of applications for and acceptance of grant funds from the California Transportation Commission adopted State-Local Partnership Program (SLPP) and authorizing the execution of documents by the Public Works Director or his designee – Public Works Department

Action Taken: Resolution No. 2009-41 adopted

H. Downtown Property Based Improvement District (PBID) - Approve consent to assignment and assumption of grant funding agreement as amended, from One by One Leadership to the Fresno Revitalization Corporation, and authorize execution of related documents – Downtown and Community Revitalization Department _

Action Taken: Approved

I. * **BILL NO. B-4 – (Intro 2/3/2009) (For adoption)** - Adopting TA-08-02 and environmental finding as recommended by the Fresno City Planning Commission, amending the text of the Zoning Ordinance (Section 12-105.C-6 of the Fresno Municipal Code) related to the definition of a drive through car wash – Planning and Development Department

Action Taken: Ordinance No. 2009-4 adopted

J. * **BILL NO. B- 5 – (Intro 2/3/2009) (For adoption)** - Amending the 2025 Fresno General Plan and modifying the Fresno County Official Plan Line (OPL) for Clinton Avenue/west to Freeway 99 and Yale/west of Weber Avenue by repealing a portion of the OPL beginning at the current westerly terminus of W. Yale Avenue and extending in a northwesterly direction for 300 feet – Planning and Development Department

Action Taken: Ordinance No. 2009-5 adopted

CONTESTED CONSENT ITEMS (IF ANY)

SCHEDULED COUNCIL HEARINGS AND MATTERS

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

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.

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

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

A. * Award a \$1,347,200 contract to Protech Turbine 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**) – Dept. of Public Utilities

Action Taken: Awarded

a. **RESOLUTION** - Approving the reallocation of \$1,377,200 from previously approved capital projects for the repair and overhaul of two (2) 3.37 megawatt gas turbine engines, located at the Fresno-Clovis Regional Wastewater Reclamation Facility – Dept. of Public Utilities

Action Taken: Resolution No. 2009-42 adopted

B. Update on the City of Fresno fiscal year 2009-2010 Budget – City Manager's Office – Report made

C. * Approve Second Amendment to Memorandum of Understanding (MOU) between the City of Fresno, Roeding Park Playland, Fresno Storyland and Fresno's Chaffee Zoo Corporation regarding the Roeding Park Master Plans Environmental Impact Report - PARCS

Action Taken: Approved

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

9:45 A.M. JOINT MEETING WITH THE REDEVELOPMENT AGENCY

Approve Agency minutes of January 6, 2009

Action Taken: Approved

- A. **RESOLUTION** – Designating positions which shall be subject to the Conflict of Interest Code and defining categories of disclosure for such positions (**Council and Agency action**) – City Clerk’s Office

Action Taken: Joint Resolution Nos. 2009-43/1735 adopted

ADJOURN AGENCY

10:00 A.M. CONTINUED HEARING to consider an appeal, filed by Gary McDonald on the Tract Map and Councilmember Duncan on the Conditional Use Permit Application, appealing the Fresno City Planning Commission’s denial of Vesting Tentative Tract Map No. 5933/UGM, Conditional Use Permit Application No. C-08-59, and environmental findings, filed by Gary G. Giannetta on behalf of Gary McDonald Homes, pertaining to approximately 16.85 acres of property zoned R-1/UGM (Single Family Residential/Urban Growth Management) located between N. Friant Road and E. Copper Avenue within the Copper River Ranch Master Planned Community – Planning and Development Dept. (**Continue to March 24, 2009, at 10:15 A.M.**)

Action Taken: Continued as noted

10:15 A.M. CONTINUED HEARING to consider Rezone Application No. R-05-107, and environmental findings, filed by Richard and Donna Stoeckel, pertaining approximately 2.5 acres of property located on the north side of E. Austin Way terminus, west of N. Chestnut Avenue (4701 E. Austin Way) (**Property located in District 4**) – Planning & Development Department

Action Taken: Held

- a. Consider and adopt Environmental Assessment No. R-05-107/TPM-2008-06, determination of initial study to file a Finding of Conformity to MEIR 10130 for the 2025 Fresno General Plan

Action Taken: Adopted

- b. **RESOLUTION** – Overriding the Airport Land use Commission’s (ALUC) determination of inconsistency with the Fresno County Air Terminal Land Use Policy Plan

Action Taken: Resolution No. 2009-44 adopted

- c. **BILL** – Amending the Official Zone Map to rezone the subject property from the R-A (*Single Family Residential Agricultural*) zone district to the R-1-B (*Single Family Residential*) zone district

Action Taken: Bill No. B-6/Ordinance No. 2009-6 adopted

CLOSED SESSION

- A. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION** - Government Code Section 54956.9, Subdivision (b)

Significant Exposure to Litigation:

1. Pacific Gas and Electric Company v. City of Fresno

Action Taken: Held

- B. **CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION** - Government Code Section 54956.9, Subdivision (a)

1. **Case Name:** City of Fresno v. Michael Dean Coons, Fresno Superior Court, Case No. 08CECG00283 DRF

2. **Case Name:** Woodward Park Homeowners Association, Inc. v. City of Fresno, DeWayne Zinkin, et al. Fresno Superior Court Case No. 09 CE CG 00180

Action Taken: Held

SCHEDULED COUNCIL HEARINGS AND MATTERS

- Feb. 17 - **NO MEETING – PRESIDENT’S DAY**
- Feb. 24 - 10:00 A.M. Presentation of the Strategic Plan and Standard of Cover documents - Fire Department
Feb. 24 - 10:50 A.M. **CONTINUED HEARING** to consider a Resolution of public use and necessity for the partial acquisition for an easement on property located at the Southwest corner of N. Palm and E. Dakota Avenues
- Mar. 3 - 10:00 A.M. **HEARING** re: CFD No. 11; Annexation No. 37, Tract No. 5498
- Mar. 10 - 10:00 A.M. **HEARING** re: Plan Amendment No. A-08-027/Conditional Use Permit C-08-260 (South Stadium Project)
- Mar. 11 (Weds.) 2:00 P.M. Presentation of Employee Service Awards (Council Chambers) - **Reception immediately following – 2nd floor foyer**
- Mar. 17 - **NO MEETING – COUNCIL RECESS**
- 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 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
- Mar. 24 - 4:00 P.M. **HEARING** re: CUP No. C-08-133, for the proposed household hazardous waste facility
- Apr. 7 - 8:30 A.M. Presentation of P.R.I.D.E Team Certificates – Spring Quarter **Reception immediately following – 2nd floor foyer**
- Apr. 14 - **NO MEETING – COUNCIL RECESS – EASTER WEEK**
- Apr. 28 - 8:30 A.M. “Make a Promotion a Commotion” Ceremony – **Reception immediately following – 2nd floor foyer** - Personnel Services Dept.