

City Council Agenda

Council President
Larry Westerlund

Councilmembers

Andreas Borgeas
Lee Brand – Acting President
Mike Dages

Henry T. Perea
Cynthia A. Sterling
Blong Xiong

City Manager
Mark Scott

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, sign language interpreters, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650. Please keep the doorways, aisles and wheelchair seating areas open and accessible. If you need assistance with seating because of a disability, please see Security.

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

August 19, 2010

8:30 A.M. ROLL CALL

Invocation by Reverend B. T. Lewis of the Rising Star Baptist Church

Pledge of Allegiance to the Flag

Ceremonial Presentations:

Presentation of Prime Time for Business "Pridestaff" – Downtown and Community Revitalization Dept. – Local Business Initiatives – **Presentation made**

Add-on: Recognition of Central CA Rib Cook-off event and introduction of Champion Pit Masters

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, or viewed live on Cable Channel 96 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 City Council minutes of [July 29, 2010](#)

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 immediately following.

- A. [Authorize the Chief of Police to enter into an agreement with Central Unified School District to provide one \(1\) School Resource Officer at 100% of the actual cost of the officer and the operation and maintenance costs of one \(1\) patrol vehicle for a total of \\$115,993 – Police Dept.](#)
Action Taken: Authorized
- B. [Authorize the City of Fresno to enter into an agreement with the 21st District Agricultural Association for \\$256,855.88 to provide police services at the 2010 Fresno District Fair – Police Dept.](#)
Action Taken: Authorized
- C. * [RESOLUTION - 17th amendment to the Annual Appropriation Resolution \(AAR\) No. 2010-138 appropriating \\$530,200 of program income generated from the Neighborhood Stabilization Program \(NSP\) and increase an NSP subrecipient contract to reimburse for eligible acquisitions, and authorize the City Manager to sign all implementing documents \(**Requires 5 affirmative votes**\) – Budget Mgmt. Studies Division](#)
Action Taken: Resolution No. 2010-176 adopted
- D. [Approve new appointment of Joe Gray to the Fire and Police Retirement Board – Mayor Office](#)
Action Taken: Approved
- E. * [RESOLUTION - 492nd amendment to the Master Fee Schedule \(MFS\) Resolution No. 80-420 adding fees associated with the enforcement of Ordinance 2010-21, regulating the parking and storage of “semi” trucks and trailers – City Manager’s Office](#)
Action Taken: Resolution No. 2010-171 adopted
- F. * [RESOLUTION – 21st amendment to the Annual Appropriation Resolution \(AAR\) No. 2010-138 appropriating \\$86,700 for the replacement of stolen copper wire \(**Requires 5 affirmative votes**\) – Public Works Dept.](#)
Action Taken: Resolution No. 2010-172 adopted
- G. [Award a requirements contract to provide uniforms and laundry services for three \(3\) years with one possible three-year extension to G & K Services, Inc. of Fresno, CA in the amount of \\$157,033.35 – General Services Department](#)
Action Taken: Awarded

1. **CONSENT CALENDAR CONTINUED**

- H. **RESOLUTION** - Authorizing the submission of applications for and acceptance of grant funds from the U.S. Department of Transportation TIGER II Planning Grant Program and authorizing the execution of documents by the Public Works Director, General Services Director, or Downtown and Community Revitalization Director, or their respective designees (*Property located in District 3*) – Public Works Dept.
Action Taken: Resolution No. 2010-177 adopted
- I. Approve a partial acquisition of one (1) parcel from property owner Prime Properties for the widening of Peach Avenue to a four-lane divided arterial from Belmont Avenue to Kings Canyon Road (*Property located in District 5*) – Public Works Dept.
Action Taken: Approved
- J. Approve one (1) full acquisition from property owned by Ismael and Norma Ortiz for the Peach Avenue widening project between Belmont and Kings Canyon Road (*Property located in the County of Fresno*) – Public Works Dept.
Action Taken: Approved
- K. Adopt CEQA Categorical Exemption pursuant to Guidelines Section 15301 (Existing Facilities) and authorize first amendment to fixed rate patron parking agreement between City of Fresno and Club One Casino, Inc. (*Property located in District 3*) – Public Works Dept.
Action Taken: Approved
- L. Award requirements contract to Zim Industries of Fresno, California in the amount of \$39,492.54 to provide column pipe in 6 inch, 8 inch, and 10 inch diameters and line shaft in 10 foot lengths in 1-¼ inch, 1-½ inch, and 1-11/16 inch diameters, for the maintenance and repair of City production wells 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: Approved
- M. Rescind award of a \$659,240 contract with Elkins Electric Company, of Oakdale, California and award a \$700,000 contract to Fortune Ratliff General Contractors, Inc. for the switchgear replacement and new building at the Fresno/Clovis Regional Wastewater Reclamation Facility (*Property located in District 3*) – Dept. of Public Utilities
Action Taken: Rescinded and awarded
- N. **RESOLUTION** - Approving the Final Map of Tract No. 5956 and accepting the dedicated public uses offered therein and to authorize the Public Works Director and the Development and Resource Management Director to execute the Subdivision Agreement and Covenant on behalf of the City (*Property located in District 3*) - Development and Resource Mgmt. Dept.
Action Taken: Resolution No. 2010-173 adopted
- O. Authorize renewal of senior hot meals site management contract with Fresno-Madera Area Agency on Aging (FMAAA) - PARCS
Action Taken: Authorized
- P. Approval of a League Registration Agreement with the National Football League to provide a flag football program at several neighborhood parks – PARCS
Action Taken: Approved
1. * **RESOLUTION** – 19th amendment to the Annual Appropriation Resolution (AAR) No. 2010-138 appropriating \$7,500 in the Parks, After School, Recreation and Community Services Department to operate a National Football League Sanctioned Flag Football Program (*Requires 5 affirmative votes*)
Action Taken: Resolution No. 2010-174 adopted

1. **CONSENT CALENDAR CONTINUED**

- Q. * **RESOLUTION** – 20th amendment to the Annual Appropriation Resolution (AAR) No. 2010-138 appropriating \$14,700 in the Parks, After School, Recreation and Community Services Department for the Central Valley rib cook-off event (**Requires 5 affirmative votes**) - PARCS
Action Taken: Resolution No. 2010-175 adopted

CONTESTED CONSENT CALENDAR

SCHEDULED COUNCIL HEARINGS AND MATTERS

- 10:00 A.M. **HEARING** to consider Text Amendment Application No. TA-10-001, amending those Sections of the City of Fresno's Zoning Ordinance (Chapter 12, Articles 1 through 4.5) related to the permitted land uses and property development standards for the C-4 (*Central Trading District*) zone district and CC (*Civic Center*) zone district. All of the property affected by this Text Amendment is located within the boundaries of the Central Area Community Plan - Development and Resource Mgmt. Dept. (**Property located in District 3**)
Action Taken: Held
1. Approve the environmental finding of a Finding of Conformity with the 2025 Fresno General Plan MEIR and Air Quality MND for Environmental Assessment No. EA-10-001, dated June 18, 2010
Action Taken: Approved
 2. **BILL - (For Introduction)** Repealing Sections 12-220.1, 12-220.3, 12-220.5, 12-231.1, 12-231.3 and 12-231.5; Adding Sections 12-220.1, 12-220.3, 12-220.5, 12-231.1, 12-231.3, And 12-231.5, And Amending Sections 12-304-B-24, 12-326-A, 12-326-E-3 of the Fresno Municipal Code, relating to permitted land uses and property development standards in the C-4 and CC Zone Districts
Action Taken: Bill No. B-34 introduced/laid over.
- 10:30 A.M. **HEARING** regarding Community Facilities District No. 11, Annexation No. 40, Tract No. 5966 Located at the Northwest Corner of International and Chestnut (**Property located in District 6**) – Public Works Dept.
Action Taken: Held
- a. **RESOLUTION** – Annexing territory to Community Facilities District No. 11, Annexation No. 40 and authorizing the levy of a special tax
Action Taken: Resolution No. 2010-178 adopted
 - b. **RESOLUTION** - Calling special mailed-ballot election
Action Taken: Resolution No. 2010-179 adopted
 - c. **RESOLUTION** – Declaring election results
Action Taken: Resolution No. 2010-180 adopted
 - d. * **BILL** – Levying a special tax for the property tax year 2010-2011 and future tax years with and relating to Community Facilities District No. 11, Annexation No. 40
Action Taken: Bill No. B-35/Ordinance No. 2010-36 adopted
- 10:45 A.M. **HEARING** to consider a resolution of public use and necessity for acquisition of a permanent easement and rights of way for public street purposes from the following parcel of real property located along Peach Avenue between Belmont Avenue and Kings Canyon Road (**Property located in the County of Fresno**): APN 462-084-05 owned by Doris Ohannesian, as sole successor trustee of the Ohannesian family living trust under Declaration of Trust dated August 11, 1999 – Public Works Dept.
Action Taken: Removed from the agenda
- a. * **RESOLUTION** - That the public interest and necessity require and authorize eminent domain for acquisitions of permanent easement and rights of way for public street purposes from real property located along Peach Avenue between Belmont Avenue and Kings Canyon Road: APN 462-084-05 (**Property located in the County of Fresno**) (**Requires 5 affirmative votes**)

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

11:00 A.M. #1 **CITY COUNCIL**

11:00 A.M. #2 **COUNCIL COMMUNICATIONS & ASSIGNMENTS**

- A. Council of Governments (COG) Swearingin, Ex-Officio/Alternate-Xiong
Council Sub-Committee Task Force for Water (Water Task Force) Borgeas, Brand, Sterling
Financial Audit Committee Borgeas, Brand, Xiong
Fresno Area Workforce Investment CorporationWesterlund
Fresno County Council of Government’s Rail Consolidation CommitteeXiong
Fresno County Transportation Authority (FCTA) Swearingin, Borgeas
Fresno Regional Workforce Investment BoardWesterlund
Fresno County Zoo Authority Swearingin, Alternate – Westerlund
Fresno Madera Agency on Aging BoardSterling
Joint Powers Financing AuthorityWesterlund
Leadership Council on Ending HomelessnessBrand, Sterling, Westerlund
Public Safety Joint Powers Authority Swearingin, Westerlund
San Joaquin River Conservancy BoardSwearingin, Alternate – Brand
The Association for the Beautification of Highway 99..... Sterling
Upper Kings Basin Integrated Regional Water Management Joint Powers Authority Borgeas
Pension Reform Task Force Borgeas, Brand, Xiong
- B. Economic Development Corporation Serving Fresno CountyEx-Officio – Borgeas
Fresno City & County Convention & Visitors Bureau (FCVB).....Swearingin, Sterling
League of California Cities (Annual Meeting) Swearingin, Alternate – Borgeas
- C. Council Appointments, Reappointments, Removals To/From City and Non-City Boards and Commissions
Action Taken: Reports made

1:30 P.M. **HEARING** to consider an appeal filed by the Sunnyside Property Owners Association of the Development and Resource Management Director and the Fresno Planning Commission action approving of the environmental Finding of a Categorical Exemption for Environmental Assessment No. C-09-058 related to Conditional Use Permit Application C-09-058 to approve the construction and operation of an 80-foot cell tower and related equipment on the site of City of Fresno Pump Station No. 153, at property located at 5339 E. Butler Avenue (**Property located in District 5**) – Development and Resource Mgmt. Department
Action Taken: Appeal denied/final action set for 8/26/2010

- 1. Approve the environmental determination resulting in the issuance of a categorical exemption to the provisions of the California Environmental Quality Act (CEQA) in accordance with CEQA Guidelines Sections 15303/Class 3 and Section 15332/Class 32
Action Taken: Approved/resolution of findings back in one week for adoption

1:45 P.M. **WORKSHOP** on status of a proposed General Plan amendment to the Airport and Environs Plan for Fresno Yosemite International Airport (FYI) – Airports Department - **Held**

2:30 P.M. **GENERAL ADMINISTRATION**

- A. Designation of Mark Scott as voting delegate for the League of California Cities annual business meeting on September 17, 2010 – City Manager’s Office
Action Taken: Approved
- B. **RESOLUTION** - Supporting the City of Fresno’s participation in the Smart Valley Places Program and the submittal of an application by the California Partnership for the San Joaquin Valley as lead agency, and the California State University Fresno Foundation as the fiscal agent, for \$5,000,000 in Sustainable Communities Initiative grant funds administered by the United States Department of Housing and Urban Development (HUD) – Development and Resource Management Department
Action Taken: Resolution No. 2010-181 adopted

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

2:30 P.M.

GENERAL ADMINISTRATION

- C. Approve the no cost extension of contract expiration dates for AECOM-(formerly EDAW), and AECOM Amendment 1 professional services contracts – Development and Resource Management Department
Action Taken: Discussed and tabled pending workshop on SEGA
- D. Approve the no cost extension of contract expiration date for VRPA Technologies professional services contract to September 30, 2011 – Development and Resource Management Department
Action Taken: Approved
- E. Authorize the Director of Development and Resources Management Department to enter into a professional services agreement with the firm of Dyett & Bhatia Urban and Regional Planners in an amount not to exceed \$450,000 utilizing AAR funding from the U.S. Dept. of Energy, Energy Efficiency and Conservation Block Grant (EECBG) to assist the preparation of the Fresno Comprehensive Development Code and General Plan Update – Development and Resource Management Department
Action Taken: Authorized
- F. Approve project budget allocation increase of \$13,527,590 to the original budget allocation of \$6,190,000 for a total revised budget allocation of \$19,717,590 as required through the existing reimbursement agreement between Lennar Fresno Incorporated and the City of Fresno for the construction of a 3-million gallon water storage tank and package surface water treatment facility (*Property located in District 4*) – Dept. of Public Utilities
Action Taken: Approved
 - 1. * **RESOLUTION** - 14th amendment to the Annual Appropriation Resolution (AAR) No. 2010-138 appropriating \$11,904,500 in the 2010 Water Bonds A-1 Fund allocated for the construction of a 3-million gallon water storage tank and water treatment facility in southeast Fresno
Action Taken: Resolution No. 2010-182 adopted

CLOSED SESSION

- A. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION** - Government Code Section 54956.9, Subdivision (a)
 - 1. **Case Name:** Richard Gonzalez v. City of Fresno – Fresno County Superior Court Case No. 09CECG01410 AMS
Action Taken: Held
- B. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION** - Government Code Section 54956.9, Subdivision (b)
 - 1. **Case Name:** Terry Tuell v. City of Fresno
Action Taken: Held
- C. **CONFERENCE WITH LABOR NEGOTIATOR –** Government Code Section 54957.6
City Negotiators: Ken Phillips, Terry Bond
Employee Organization(s):
 - 1. Fresno Airport Public Safety Supervisors (FAPSS)
Action Taken: Held

SCHEDULED COMMUNICATION

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.

SCHEDULED COUNCIL HEARINGS AND MATTERS

- | | | |
|--------------------------------------|-------------------|--|
| Aug. 26 - | 10:00 A.M. | HEARING ordering the vacation of a portion of E. Divisadero Street northeast of “G” Street (<i>Property located in District 3</i>) – Public Works Dept. |
| Aug. 26 - | 10:15 A.M. | HEARING to consider approval of an amendment to the MFS resolution decreasing the Citywide traffic signal mitigation impact fee and to adopt a Finding of Conformity with the Master EIR 10130 for the City of Fresno 2025 General Plan |
| Aug. 26 - | 10:30 A.M. | HEARING re: consideration of territorial water service agreement between the City of Fresno and Clovis Hills Community Church; and, related environmental finding for Environmental Assessment No. EA -10-14 |
| Aug. 26 - | 2:00 P.M. | CONTINUED HEARING re: Plan Amendment Application No. A-09-009 filed by John M. Dugan, Director of the Development and Resource Management Department |
| Sept. 2 -
Sept. 9 - | | COUNCIL RECESS
COUNCIL RECESS |
| Sept. 16 - | 10:00 A.M. | HEARING ordering the vacation of a portion of the southwest side of S. Railroad Avenue at the north side of E. Jensen Avenue (<i>Property located in District 3</i>) – Public Works Dept |
| Sept. 16 - | 10:15 A.M. | Workshop with Moule & Polyzoides regarding the status of the Downtown Neighborhoods Community Plan and the Fulton Corridor Specific Plan |
| Sept. 16 - | 10:30 A.M. | HEARING re: resolution of necessity for the partial acquisition for two public street easements, property located north Blythe between Ashland and Dakota |