



# City Council Agenda

Council President  
**Larry Westerlund**

Councilmembers

**Andreas Borgeas**  
**Lee Brand – Acting President**  
**Mike Dages**

**Henry T. Perea**  
**Cynthia A. Sterling**  
**Blong Xiong**

Interim City Manager  
**Bruce A. Rudd**

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, 2<sup>nd</sup> Floor, 2600 Fresno Street, Fresno CA 93721.

## January 28, 2010

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

Invocation by Pastor Arthur W. Higgins with Gospel Light House Pentecostal Church of God

Pledge of Allegiance to the Flag

### Ceremonial Presentations:

Proclamation to "THE NATIONAL CHAMPION FRESNO PACIFIC SUNBIRDS WOMEN'S VOLLEYBALL TEAM" - Mayor's Office – **Read and presented**

Presentation of P.R.I.D.E. Team Certificates for the Winter Quarter - Reception immediately following – 2<sup>nd</sup> floor foyer - **Presented**

Presentation of "Prime Time for Business" – Monsters Hockey – Councilmember Xiong and Downtown & Community Revitalization Department – **Presentation made**

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, 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 minutes of [January 14, 2010](#)

**Action Taken:** Approved, as amended, which amended the 12/17/2009 minutes

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 2:00 p.m.

- A. [Approve appointments of Vonnie Franks to the Fresno-Madera Area Agency on Aging; Brian Calhoun to the Transit Rate and Services Committee and Andy Hansen-Smith to the Planning Commission – Mayor’s Office](#)  
**Action Taken:** Approved
- B. \* [RESOLUTION – 48<sup>th</sup> amendment to AAR No 2009-149 appropriating \\$124,500 of Fresno County Employment and temporary assistance Federal funds and \\$11,000 of matching funds from the General City Obligation Fund to the Police Department to provide subsidized employment to eligible participants \(\*\*Requires 5 affirmative votes\*\*\) – Police Department](#)  
**Action Taken:** Resolution No. 2010-14 adopted
- C. \* [RESOLUTION – 40<sup>th</sup> amendment to AAR No. 2009-149 appropriating \\$1,750,000 for the defeasance of Fresno Redevelopment Agency certificates of Participation Series 1996 A \(Conference Center Improvement Project\) \(\*\*Requires 5 affirmative votes\*\*\) – Finance Department](#)  
**Action Taken:** Resolution No. 2010-15 adopted
- D. [Adopt CEQA Categorical Exemption pursuant to Guidelines Sections 15301 \(existing facilities\) and 15302 \(replacement or reconstruction\) related to Hangar P-3 Ramp at Fresno Yosemite International Airport – Airports Department](#)  
**Action Taken:** Adopted
  - 1. [Authorize Director of Aviation to enter Amendment No. 7 to Skywest Airlines, Inc. lease regarding Hangar P-3 Ramp at Fresno Yosemite International Airport](#)  
**Action Taken:** Authorized
  - 2. \* [RESOLUTION - 21<sup>st</sup> amendment to AAR No. 2009-149 appropriating \\$250,000 to cover the first year of reimbursement payments to Skywest for rebuilding Hanger P-3 Ramp \(\*\*Requires 5 affirmative votes\*\*\)](#)  
**Action Taken:** Resolution No. 2010-16 adopted

1. **CONSENT CALENDAR CONTINUED**

- E. Approve the lease of 2,263 square feet of space in the passenger terminal at Fresno Yosemite International Airport (FYI) to the U.S. Transportation Security Administration for two (2) years, with three (3) one-year options to extend at the rate established in the City's Master Fee Schedule – Airports Department  
**Action Taken:** Removed from the agenda
- F. Authorize conditional mutual ground leases of land at Fresno Chandler Executive Airport to enhance runway safety (*Property located near Whitesbridge/West Amador and Whitesbridge/Roeding Drive*) (*Property located in District 3*) – Airports Dept.  
**Action Taken:** Removed from the agenda
- G. Adopt a Finding of Class 3 Categorical Exemption from CEQA under Section 15303(D) for installation of water main extension at San Benito Street between "O" and "P" Streets (*Property located in District 3*) – Public Works Department  
**Action Taken:** Adopted
1. Approve the acquisition of two (2) public water main easements for a water main extension at San Benito Street between "O" and "P" Streets from property owners: BW Holdings Group, Inc. and Stephen and Ruth McGill  
**Action Taken:** Approved
- H. Adopt Finding of a Mitigated Negative Declaration as filed on May 14, 2007, with the State Clearinghouse for the construction of the Herndon Avenue reconstruction, State Route 99 to Weber Avenue (*Property located in District 2*) – Public Works Department  
**Action Taken:** Adopted
1. Award a construction contract with Emmett's Excavation, Inc. for the base bid plus add Alternative #1 in the total amount of \$1,855,445 for the construction of the Herndon Avenue reconstruction, State Route 99 to Weber Avenue  
**Action Taken:** Awarded
- I. Adopt Finding of a Categorical Exemption pursuant to CEQA Guidelines Section 15301(C) for the traffic signal and intersection improvements at Chestnut Avenue and Nees Avenue (*Property located in District 6*) – Public Works Department  
**Action Taken:** Adopted
1. Award a contract in the amount of \$379,586 to American Paving Company of Fresno, for the traffic signal and intersection improvements at Chestnut Avenue and Nees Avenue  
**Action Taken:** Awarded
- J. Adopt Notice of Exemption pursuant to CEQA Guidelines Classes 1 (Section 15301 existing facilities), 6 (Section 15306 information collection), 7 (Section 15307 actions by regulatory agencies for protection of natural resources) and 8 (Section 15308 actions by regulatory agencies for protection of the environment) related to the Northeast Surface Water Treatment Plant – Dept. of Public Utilities  
**Action Taken:** Adopted
1. Award construction contract to Granite Construction in the amount of \$346,800 for installation of a drying bed containment system at the City of Fresno's Northeast Surface Water Treatment Facility  
**Action Taken:** Awarded
- K. Approve an agricultural lease agreement with James Cook in the amount of \$76,822.92 for lease of 125-acres of City-owned land at the Fresno-Clovis Regional Wastewater Reclamation Facility (*Property located in District 3*) – Dept. of Public Utilities  
**Action Taken:** Approved
- L. \* Approve a Memorandum Of Understanding (MOU) between the City of Fresno and Shinzen Friendship Garden, Inc. regarding construction of a new docent structure in the Japanese Garden - PARCS  
**Action Taken:** Approved

1. **CONSENT CALENDAR CONTINUED**

- M. Submission for informational purposes the Comprehensive Annual Financial Report ("CAFR") regarding the financial activities of the City of Fresno retirement systems for the fiscal year ending June 30, 2009 – Retirement Office

**Action Taken:** Received/accepted

**SCHEDULED COUNCIL HEARINGS AND MATTERS**

- 9:00 A.M. A. **SCHEDULED COMMUNICATION –**  
1. Appearance by Rogelio J. Fonseca to discuss Police Officer conduct – 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.

- 9:15 A.M. Approve agreement with Elizabeth Moule & Stefanos Polyzoides, Architects and Urbanists for the Fulton Corridor Specific Plan and the Downtown Neighborhoods Community Plan – Downtown and Community Revitalization Dept.  
**Action Taken:** Approved

9:30 A.M. #1 **CLOSED SESSION**

- A. **CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION -** Government Code Section 54956.9, Subdivision (a)  
1. **Case Name:** Jennie Arreola v. City of Fresno, et al. Superior Court No. 08CECG04015  
**Action Taken:** Held
- B. **CONFERENCE WITH LABOR NEGOTIATOR –** Government Code Section 54957.6  
**City Negotiator(s):** Kenneth Phillips, Terry Bond  
**Employee Organization(s):**  
1. International Association of Firefighters, Local 753 (Fire Non-Management - Unit 5)  
2. International Association of Firefighters, Local 753 (Fire Management - Unit 10)  
**Action Taken:** Held
- C. **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  
2. City of Fresno v. RBC Real Estate Finance Inc., RBC Bank USA, Travelers Casualty and Surety Company of America, Dunmore Montecito, LLC, Dunmore Homes, Inc. and Dunmore Homes Liquidation Trustee and cross-claims  
**Action Taken:** Held

9:45 A.M. #1 **CITY COUNCIL**

- A. \* **RESOLUTION -** Objecting to increases in the permitted discharge limits of the Sacramento Regional Wastewater Treatment Plant until and unless, (1) there is a conclusive scientific finding that such discharges will have no significant negative impact on endangered and threatened Delta fish species or, (2) effective ammonia removal equipment is installed at the Sacramento Regional Wastewater Treatment Facility - Council President Westerlund  
**Action Taken:** Resolution No. 2010-17 adopted

**SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED**

9:45 A.M. #1

**CITY COUNCIL CONTINUED**

- B. \* **RESOLUTION** - In support of the Aquarius Aquarium Institute's application for an Economic Development Administration (EDA) Public Works and Economic Development Grant - Councilmember Borgeas  
**Action Taken:** Resolution No. 2010-18 adopted
- C. Status request regarding the Fresno Art Museum Roof – Councilmember Perea  
**Action Taken:** Report made

9:45 A.M. #2

**COUNCIL COMMUNICATIONS & ASSIGNMENTS**

- A. Review City Council appointments to Boards and Commissions  
**Action Taken:** Laid over one week

10:00 A.M.

**HEARING** to consider Rezone Application No. R-09-010 and environmental findings filed by Robert Sepulveda, and pertains to approximately 0.26 acres of property located on the north side of E. Ventura Avenue between S. Third and S. Fourth Streets (3319 E. Ventura Avenue) **(Property located in District 5)** – Planning and Development Dept. \_  
**Action Taken:** Held

- a. Consider and adopt Environmental Assessment No. R-09-010 dated August 14, 2009, a Finding of Conformity to the 2025 Fresno General Plan Master Environmental Impact Report (MEIR No.10130) be adopted with the proposed rezone request  
**Action Taken:** Adopted
- b. **BILL** – Approving Rezone Application No. R-09-010 to rezone approximately 0.26 acres of property from the R-1 (*Single Family Residential*) zone district to the C-P (*Administrative & Professional Office*) zone district  
**Action Taken:** Bill No. B-1/Ordinance No. 2010-3 adopted

10:15 A.M.

**HEARING** to consider Plan Amendment Application No. A-09-08 and Rezone Application No. R-09-16, filed by Clifford Tutelian of Park Place Holdings, LP, property located on the southwesterly corner of W. Nees and N. Palm Avenues – Planning and Development Dept. **(Continue to February 4, 2010 at 10:00 a.m.)**  
**Action Taken:** Continued as noted

11:00 A.M.

**GENERAL ADMINISTRATION**

- A. Consideration and approval of Memoranda of Understanding (MOU) between the City of Fresno and the City of Fresno Firefighters - Personnel Services Department
1. \* Adopt the Memorandum of Understanding (MOU) between the City of Fresno (City) and the International Association of Firefighters (Fire Non-Management – Unit 5), covering the period July 1, 2009 - June 30, 2012  
**Action Taken:** Adopted
2. \* Approve the amended 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 MOU  
**Action Taken:** Approved
- B. Approve restated and amended Subdivision Agreement Final Map of Tract No. 5461 with UCP Montecito, LLC **(Property Located in District 4)** – Public Works Department  
**Action Taken:** Approved, as amended

**SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED**

11:00 A.M.

**GENERAL ADMINISTRATION CONTINUED**

- C. Authorize the City Manager to execute an agreement for Holiday Inn Hotel parking in the underground parking garage (1077 Van Ness) for a period of 20 years and defer parking fees for a period of 6 months – Public Works Department **(Amended title)**  
**Action Taken:** Removed from the agenda
- D. Consider and approve a cooperative agreement with the State of California for the Veterans Boulevard interchange at State Route 99 **(Property located in District 2)** – Public Works Dept.  
**Action Taken:** Approved
- E. Adopt a CEQA Categorical Exemption pursuant to Section 15301 (b) related to sewer main installation in Cortland Avenue, Gentry Avenue and W. Fountain Way areas **(Property located in District 1)** – Dept. of Public Utilities  
**Action Taken:** Adopted
  - 1. Award a contract in the amount of \$293,700 to Granite Construction Company of Watsonville, CA, for the Cortland Avenue, Gentry Avenue, and Fountain Way sewer main installations **(Property located in District 1)**  
**Action Taken:** Awarded
- F. \* **RESOLUTION** - Adopting a policy to expand the fee deferral incentive for downtown priority areas to include development projects obtaining Certificates of Occupancy – Public Works Department  
**Action Taken:** Resolution No. 2010-19 adopted
- G. Annual update of priority ranking lists for new traffic signal installations, traffic signal left turn phasing and intersection traffic flow improvements – Public Works Department  
**Action Taken:** Received/accepted

2:00 P.M. #1

**CONTESTED CONSENT CALENDAR**

2:00 P.M. #2

**WORKSHOP** on implementation of the SB 1561 Transit Security Law – Transportation Dept.- Laid over one week

2:15 P.M.

**JOINT MEETING WITH THE REDEVELOPMENT AGENCY**

Approve Agency minutes of December 17, 2009 and January 7, 2010

**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:** Resolution Nos. 2010-20/1750 adopted

ADJOURN AGENCY

**SCHEDULED COUNCIL HEARINGS AND MATTERS**

- Feb. 4 10:00 A.M. **CONTINUED HEARING** to consider Plan Amendment Application No. A-09-08 and Rezone Application No. R-09-16, filed by Clifford Tutelian of Park Place Holdings, LP, property located on the southwesterly corner of W. Nees and N. Palm Avenues – Planning and Development Dept.