



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.

October 15, 2009

8:30 A.M. ROLL CALL

Invocation by Pastor Tom Sims of the Baptist Temple Church

Pledge of Allegiance to the Flag

Ceremonial Presentations:

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

Presentation of P.R.I.D.E. Team Certificates for the Fall Quarter (*Reception immediately following – 2nd floor foyer*)
- **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 October 1, 2009

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. Affirm the appointment of Dr. A.P. Sidhu to the Council District Six Plan Implementation Committee - Councilmember Brand; the re-appointment of Molly Smith to the Historic Preservation Commission, through 06/30/2012 and the appointment of Aric Olson to the Fresno Regional Workforce Investment Board through 11/1/2011 – Mayor's Office
Action Taken: Approved, with Aric Olson removed
- B. Authorize the Chief of Police to negotiate and enter into a contract with RCC Consultants, Inc., for the Central Planning Area Regional Interoperability Program in the amount of \$399,845 – Police Department
Action Taken: Authorized
- C. * **RESOLUTION** - 10th amendment to AAR 2009-149 appropriating \$266,600 into the fiscal year 2010 budget for the U.S. Department of Justice, Office of Community Oriented Policing (COPS), for the Technology 2008 Grant Program (**Requires 5 affirmative votes**) – Police Department
Action Taken: Resolution No. 2009-211 adopted
- D. Award contract to West Valley Construction Company, Inc., in the amount of \$559,820 for water service transfers #2 – Dept. Of Public Utilities
Action Taken: Awarded
- E. **BILL – (For introduction)** - Amending Section 10-51006.5 of the Fresno Municipal Code relating to photo luminescent stairwell markings, Subdivision (a) of Section 10-53302.5 relating to safe and sane fireworks exceptions, and Section 10-53302.7 relating to sale of safe and sane fireworks – Fire Department
Action Taken: Removed from the agenda

CONTESTED CONSENT CALENDAR

SCHEDULED COUNCIL HEARINGS AND MATTERS

9:00 A.M. A. **SCHEDULED COMMUNICATION –**
1. [Appearance by Kenneth Fick to discuss various issues](#) - **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.

9:30 A.M. #1 **CITY COUNCIL**

A. **RESOLUTION –** Amending Resolution No. 2008-243 regarding the retention of audio and video tapes of meetings of Council and Council subcommittees set forth in the records retention schedule for the City of Fresno – Acting President Westerlund
Action Taken: Resolution No. 2009-212 adopted, as amended

B. Request staff to work with the Fresno City Council Water Task Force on the Model Water Efficient Landscape Ordinance (Model Ordinance) enabled by Assembly Bills 325, 2717 and 1881 and prepare a workshop on the Model Ordinance for a later date - Councilmember Borgeas
Action Taken: Approved

9:30 A.M. #2 **CITY COUNCIL REPORT ON BOARDS AND COMMITTEE ACTIVITIES**
Disposition: Oral reports made

9:40 A.M. **GENERAL ADMINISTRATION**

A. [Adopt resolutions pertaining to Council of Fresno County Governments 2009 CMAQ and RSTP "Call for Projects" – Public Works Dept.](#)
1. **RESOLUTION -** Authorizing the submission of applications for and acceptance of funds from the Council of Fresno County Governments 2009 Congestion Mitigation and Air Quality Improvement Program (CMAQ) "Call for Projects" and authorizing the execution of documents by the Public Works Director, the Transportation Director, and the General Services Director or designees
Action Taken: Resolution No. 2009-213 adopted
2. **RESOLUTION –** Authorizing the submission of applications for and acceptance of funds from the Council of Fresno County Governments 2009 Regional Surface Transportation Program (RSTP) "Call for Projects" and authorizing the execution of documents by the Public Works Director, the Transportation Director, and the General Services Director or designees
Action Taken: Resolution No. 2009-214 adopted, adding Shaw/41 off-ramp widening to the project list

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

10:00 A.M.

HEARING to consider Plan Amendment A-09-001 and environmental findings, filed by the City of Fresno Planning & Development Director, pertaining to 29.4 acres of property located in the area generally bounded by E. Barstow Avenue, N. Fourth Street, rear property lines of properties along the east side of N. Sixth Street and rear property lines of the properties along the south side of E. Bulldog Lane (**Property located in District 4**) – Planning and Development Department

Action Taken: Held

a. Consider and adopt Finding of Mitigated Negative Declaration prepared for Environmental Assessment No. A-09-001

Action Taken: Adopted

b. **BILL - (For introduction)** - Amending the Hoover Community Plan and the 2025 Fresno General Plan by incorporation of the El Dorado Park Neighborhood Plan into the Hoover Community Plan and amending Table 4 of the 2025 Fresno General Plan

Action Taken: Bill No. B-36 introduced, as amended, adding an additional text change (d)

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 No. C-08-59 – Planning and Development Dept. (**Continue to October 29, 2009, at 10:45 a.m.**)

Action Taken: Continued as noted

10:20 A.M.

HEARING – Consider Text Amendment No. TA-09-03 and environmental findings initiated by the Planning and Development Department Interim Director, relating to restaurants with alcohol sales, taverns and nightclub ordinance citywide. The proposed text amendment proposes new definitions and consolidates and proposes new regulations related to dancing, hours of operation, setbacks, and the granting authority for all three types of uses. In addition, the amendment would permit taverns (i.e., bars, pubs, lounges) in zone districts that have historically prohibited such uses while the hours of dancing would be modified Citywide as part of this proposal as would the dance permit application process (**Property is located Citywide**) - Planning and Development Department

Action Taken: Held

a. Consider and adopt a Finding of Conformity to the 2025 Fresno General Plan Master Environmental Impact Report (MEIR) No. 10130 prepared for Environmental Assessment No. TA-09-03

Action Taken: Adopted

b. **BILL - (For Introduction)** - Adopting TA-09-03 and environmental findings as recommended by the Planning Commission, with several minor modifications, amending the text of the Fresno Municipal Code Zoning Ordinance related to restaurants with alcohol sales, taverns and nightclubs

Action Taken: Bill No. B-37 introduced/laid over

10:30A.M.

CONTINUED HEARING to consider proposed Development Agreement by and between the City of Fresno and Fancher Creek Properties, LLC and the repeal of the Tulare Street Official Plan Line between Clovis Avenue easterly within the Project Area. The project area is generally 95 acres and located on the northeast and southeast corners of Clovis Avenue and the Tulare Street alignment. The proposed Development Agreement is intended to allow the development of project area with 1.2 million square feet of mixed retail space and 724 residential units (**Property located in District 5**) - Planning and Development Department – (**Continue to October 29, 2009, at 10:50 a.m.**)

Action Taken: Continued as noted

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

10:45 A.M.

HEARING to consider Rezone Application No. R-09-004 filed by Sol Development Associates, LLC, on behalf of WG Enterprises. This application pertains to approximately 4.47 acres of property located on the west side of N. Milburn Avenue between W. Palo Alto and W. Herndon Avenues. The rezone application proposes to reclassify the site from the M-1/EA/BA-15/UGM (*Light Manufacturing/Expressway Area Overlay/ Boulevard Area Overlay, 15-foot setback/Urban Growth Management*) zone district to the C-M/BA-15/UGM (*Commercial and Light Manufacturing/Boulevard Area Overlay, 15-foot setback/Urban Growth Management*) zone district (**Property located in District 2**) - Planning and Development Dept.

Action Taken: Held

- a. Consider and adopt a Finding of Conformity to the 2025 Fresno General Plan Master Environmental Impact Report (MEIR) No. 10130 for Rezone Application No. R-09-004

Action Taken: Adopted

- b. **BILL** - Amending the Official Zone Map to rezone the subject property from the M-1/EA/BA-15/UGM (*Light Manufacturing/Expressway Area Overlay/Boulevard Area Overlay, 15-foot setback/Urban Growth Management*) zone district to the C-M/BA-15/UGM (*Commercial and Light Manufacturing/Boulevard Area Overlay, 15-foot setback/Urban Growth Management*) zone district

Action Taken: Bill No. B-38/Ordinance No. 2009-36 adopted

CLOSED SESSION

A. **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, Basic Unit

Action Taken: Held

SCHEDULED COUNCIL HEARINGS AND MATTERS

Oct.	22 -	8:30 A.M.	Presentation of "Make a Promotion a Commotion" (Reception immediately following – 2nd floor foyer)
Oct.	22 -	5:00 P.M.	HEARING re: Plan Amendment A-08-09, Rezone Application No. R-08-013, filed by Sol Development Associates
Oct.	29 -	10:15 A.M.	HEARING re: historic preservation (30 minutes)
Oct.	29 -	10:45 A.M.	CONTINUED HEARING to consider an appeal, filed by Gary McDonald on the Tract Map 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 No. C-08-59
Oct.	29 -	10:50 A.M.	CONTINUED HEARING to consider proposed Development Agreement by and between the City of Fresno and Fancher Creek Properties, LLC and the repeal of the Tulare Street Official Plan Line between Clovis Avenue easterly within the Project Area
Nov.	5 -	5:00 P.M.	HEARING to consider residential metered water rates pursuant to Proposition 218