



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.

June 11, 2009

8:30 A.M. ROLL CALL

Invocation by Superintendent A.C. Oliver of the Greater Macedonia Church of God in Christ

Pledge of Allegiance to the Flag

Ceremonial Presentations:

Proclamation of "THE 85th ANNIVERSARY OF UNITED WAY OF FRESNO COUNTY DAY" – Mayor's Office and All Councilmembers – **Read and presented**

Presentation of Commendation Honoring the Fresno Police Department By The Fresno County Employment and Temporary Assistance Department - Council President Sterling – **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 [June 2](#), and June 4, 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. [Approve application for and acceptance of grant award for \\$51,800 from the State Homeland Security Grant Program, through the County of Fresno, and authorize the Fire Chief to complete all required documents – Fire Department](#)

Action Taken: Approved

1. **RESOLUTION** - Authorizing the application for and acceptance of Fiscal Year 2008 Cycle U.S. Department of Homeland Security/Office of Domestic Preparedness “State Homeland Security Grant Program” funding, through the County of Fresno, and authorizing completion of related documents

Action Taken: Resolution No. 2009-130 adopted

2. * **RESOLUTION** - 87th amendment to AAR No. 2008-162 appropriating \$51,800 from the State Homeland Security Grant Program grant to the Fire Department to provide hazardous materials technician training (*Requires 5 affirmative votes*)

Action Taken: Resolution No. 2009-131 adopted

B. [Approve the third amendment to agreement with URS Corporation Americas, for construction management services for the organic upgrade project at the Fresno-Clovis Regional Wastewater Reclamation Facility for a net increase of \\$528,128 \(*Property located in District 3*\) – Dept. of Public Utilities](#)

Action Taken: Approved

C. [Approve the appointments of Cam Maloy and Paul Caprioglio to the Planning Commission – Mayor’s Office](#)

Action Taken: Approved

D. [Adopt resolutions pertaining to the Parks, After School, Recreation and Community Services Department Senior Hot Meals Program - PARCS](#)

1. * **RESOLUTION** - 85th amendment to AAR No. 2008-162 appropriating \$37,000 of prior year CDBG Funds to the Parks, After School, Recreation and Community Services Department Senior Hot Meals Program (*Requires 5 affirmative votes*)

Action Taken: Resolution No. 2009-132 adopted

2. * **RESOLUTION** – 86th amendment to AAR No. 2008-162 appropriating \$7,300 of American Recovery and Reinvestment Act (ARRA) Grant Funds from the Fresno-Madera Area Agency on Aging to the Parks, After School, Recreation and Community Services Department Senior Hot Meals Program (*Requires 5 affirmative votes*)

Action Taken: Resolution No. 2009-133 adopted

1. **CONSENT CALENDAR CONTINUED**

- E. Request approval of the application for the 2009 Edward Byrne Memorial Annual Justice Assistance Grant (JAG) Program from the U.S. Department of Justice, Bureau of Justice, for grant funding of \$551,306 to be allocated as identified in the Bureau of Justice Administration Disparate Jurisdiction Listing – Police Department
Action Taken: **Approved**
- F. Approve the substantial amendment to the 2006-2011 Consolidated Plan incorporating the newly entitled Housing Opportunities for Persons With AIDS (HOPWA) grant program from the U.S. Department of Housing and Urban Development (HUD); and transferring the City's Housing Opportunities for Persons with AIDS (HOPWA) grantee status to the State of California for program year 2009-2010; and authorize the City Manager to sign all required, implementing, and contractual documents as approved to form by the City Attorney – Finance Dept./Budget Mgmt Division
Action Taken: **Approved**
- G. Award a contract in the amount of \$144,451.81 to Kuckenbecker Tractor of Fresno, California for 3 turf tractors - General Services Department/Fleet Management
Action Taken: **Removed from the agenda**
- H. Award a contract in the amount of \$127,271.06 to Altech Industries of Dixon, California for four (4) truck-mounted aerial lifts - General Services Department/Fleet Management
Action Taken: **Awarded**

CONTESTED CONSENT CALENDAR

SCHEDULED COUNCIL HEARINGS AND MATTERS

- 9:00 A.M. A. **SCHEDULED COMMUNICATION –**
1. Presentation by Patricia Clary, Executive Director of United Way – **Presentation made**
 2. Appearance by George Aguilar to request temporarily suspending a taxicab regulation for one year pertaining to the removal of service of all 2000, 2001 and 2002 vehicles effective June 23, 2009 – **Appearance made**
- 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. Recommendation to form Ad-hoc Boards and Commissions Committee - Councilmembers Xiong and Westerlund and Council President Sterling
Action Taken: **Approved**

9:30 A.M. **HEARING** to consider ordering the vacation of a portion of "C" Street between San Benito Street and E. California Avenue and the Freeway 99 - "C" Street alley between E. California Avenue and the Santa Clara Street - San Benito Alley (**Property located in District 3**) – Public Works Department
Action Taken: **Held**

- a. * **RESOLUTION** - Ordering the vacation of a portion of "C" Street between San Benito Street and E. California Avenue and the Freeway 99 - "C" Street alley between E. California Avenue and the Santa Clara Street - San Benito Alley
Action Taken: **Resolution No. 2009-134 adopted**

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

10:00 A.M.

HEARING to consider Plan Amendment Application No. A-08-06, Rezone Application No. R-08-012 and environmental findings, filed by Sol Development Associates, LLC, on behalf of Horizon Enterprises, pertaining to 0.77± acres of property located on the northwest corner of E. Braly Avenue and S. Sarah Street (*Property located in District 3*) – Planning and Development Department

Action Taken: Held

a. Consider and adopt a Mitigated Negative Declaration for Environmental Assessment No. A-08-006/R-08-012/S-08-036/C-08-179

Action Taken: Adopted

b. **RESOLUTION** - Amending the 2025 Fresno General Plan and Roosevelt Community Plan from the heavy industrial planned land use designation to the light industrial planned land use designation

Action Taken: Resolution No. 2009-135 adopted

c. **BILL** - Amending the Official Zone Map to rezone the subject property from the M-2 (General Industrial) zone district to the C-M/cz (Commercial and Light Manufacturing/conditions of zoning) zone district

Action Taken: Bill No. B-23/Ordinance No. 2009-23 adopted

CLOSED SESSION

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

1. **Case Name:** Robert Harris vs. City of Fresno USDC Case No.: 1:07-CV-01210-OWW-SMS

2. **Case Name:** City of Fresno v. County of Fresno, Margaret Mims, et al. (Fresno Superior Court Case No. 08CECG 03298)

Action Taken: Held

SPECIAL CLOSED SESSION OF THE COUNCIL OF THE CITY OF FRESNO

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

1. **Case Name:** Pacific Coast Federation of Fisherman Association et al. v. Gutierrez, et al. (cv 245-OWW-GSA (E.D.Cal. 2008)

Action Taken: Held

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

1. **Case Name:** City of Fresno v. National Marine Fisheries Service, et al.

Action Taken: Held

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

1. **Case Name:** Harris Construction Company, Inc. et al., v. Fresno Metropolitan Museum, et al. (Fresno Superior Court Case No. 09CECG99634)

Action Taken: Held

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

Significant Exposure to Litigation Case Name:

1. City of Fresno v. Metropolitan Museum of Art and Science, et al.

Action Taken: Held

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

2:00 P.M. CONTINUED CONSIDERATION OF FISCAL YEAR 2009-2010 ANNUAL BUDGET

- A. [Downtown & Community Revitalization Department](#)
- B. Planning and Development Department
Action Taken: Held; Planning and Development Dept. discussion continued to 6/16/2009

CONTINUE budget consideration to June 16, 2009, at 8:30 a.m. for continued budget discussions

SCHEDULED COUNCIL HEARINGS AND MATTERS

- June 18 - 9:30 A.M. #1 HEARING re: ordering the vacation of N. Millbrook Avenue north of Copper Avenue (*Property located in District 6*)
- June 18 - 10:00 A.M. HEARING re: General Plan Amendment Application No. A-09-02 Air Quality Objectives and Policies
- June 18 - 11:00 A.M. CONTINUED HEARING regarding Council review pursuant to Fresno Municipal Code 12-406-J of Planning Commission approval of CUP No. C-09-028 related to a group housing use at 1620 E. White Avenue
- June 25 - MEETING
- July 2 - COUNCIL RECESS
- July 9 - COUNCIL RECESS
- July 16 - 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
- July 16 - 10:15 A.M. HEARING re: Landscape and Lighting Maintenance District (LLMD) No. 1 – Public Works Dept.
- July 23 - MEETING
- July 30 - MEETING
- Aug. 20 - 9:30 A.M. #1 HEARING re: ordering the vacation of the south half of W. Browning Avenue betw. N. Milburn and N. Salinas Avenues

HEARING SCHEDULE FOR FISCAL YEAR 2009-2010 ANNUAL BUDGET (SUBJECT TO CHANGE)

Please Note: Department budgets will generally be considered as listed below. Members of the public will be allowed to address the Council regarding the budget. Please be advised consideration of some departments may be continued to the next scheduled hearing date if discussions run long, and other departments may be considered in advance of the date listed.

- June 16 - 8:30 A.M. Planning and Development Dept., Public Works Department, (Community Development Block Grant (CDBG), and PARCS Dept.
- June 18 - 2:00 P.M. Redevelopment Agency, and Council/Mayor's Office
- June 23 - 8:30 A.M. Overflow and Final Motions
- June 25 - 2:00 P.M. Adopt Budget
- June 30 - 8:30 A.M. Must Adopt Budget