

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.

June 24, 2010

8:30 A.M. ROLL CALL

Invocation by Dr. Veena Kapoor of the Brahma Kumaris Meditation Center

Pledge of Allegiance to the Flag

Ceremonial Presentations:

Proclamation of "CELEBRATING INDEPENDENTS WEEK" – Downtown and Community Revitalization Department and the Independent Restaurants and Retailers Affinity Group – **Read and presented**

Proclamation of "OUTSTANDING AIRPORTS DEPARTMENT APPRECIATION DAY" – Mayor's Office and All Councilmembers – **Read and presented**

Proclamation of "**COACH BOB FRIES DAY**" – Councilmember Sterling – **Read and presented**

Presentation of the 4th Annual Catch the FUN Charity golf tournament proceeds to PARCS to benefit Fresno youth summer camps – Mayor's Office and City Manager's Office – **Presentation made**

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 June 17, 2010

Action Taken: Laid over th next meeting

Approve Budget Hearing minutes of June 14, 15,and 16 2010

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 1:30 P.M.

- A. Authorize the Chief of Police to enter into a two-year lease agreement in the amount of \$100,800, between the City of Fresno and the Mark and Tami Graham Family Trust – Police Dept.
Action Taken: Authorized

- B. Authorize the renewal of an agreement between the City of Fresno Housing Authority and the Police Department to provide funds in the amount of \$179,211 in Fiscal Year 2011 for personnel costs and supplies for one (1) sworn officer and one (1) Senior Community Service Officer for the HUD Capital Funding Grant Program and additional security and protection services for public housing; authorize the Chief of Police to execute the agreement and required program documents for the HUD Capital Funding Grant Program – Police Dept.
Action Taken: Authorized

- C. Authorize acceptance of the grant award of \$500,000 from the California Emergency Management Agency (CalEMA), through the Federal Edward Byrne Memorial Justice Assistance Grant funds from the American Recovery Act of FY 2009, for the Anti-Human Trafficking Task Force Project; authorize the Chief of Police to enter into and execute the agreement and all required program documents, subject to City Attorney approval - Police Dept.
Action Taken: Authorized

- D. Authorize a joint agreement to accept the Byrne Justice Assistance Grant Program from the U.S. Department of Justice, Bureau of Justice, for \$407,769 for the City, and the County of Fresno and the execution of all related documents, subject to City Attorney approval – Police Dept.
Action Taken: Authorized

- E. Approve the reappointment of Bob Hand and Mary Beth Randall to the Disability Advisory Commission – Mayor Swearengin
Action Taken: Approved

1. **CONSENT CALENDAR CONTINUED**

- F. Reject all bids for automatic passenger counters – Dept. of Transportation
Action Taken: Rejected
- G. Approve an agreement in the amount of \$139,920 with a contingency amount of \$10,000 with Bartle Wells Associates to prepare a sewer fund rate model for Fiscal Years 2012 through 2016 for the Department of Public Utilities Wastewater Division – Dept. of Public Utilities
Action Taken: Approved
- H. Approve software integration services agreement with Partners In Control, Inc. to provide groundwater system CitectSCADA software integration for the Department of Public Utilities Water Division in an amount not to exceed \$554,857 and authorize the Director of Public Utilities to execute the agreement on behalf of the City– Dept. of Public Utilities
Action Taken: Approved
- I. Documents pertaining to headworks odor control project located at the Fresno-Clovis Regional Wastewater Reclamation Facility – Dept. of Public Utilities
1. * **RESOLUTION** - 89th amendment to Annual Appropriation Resolution (AAR) No. 2009-149 appropriating \$511,500 for the headworks odor control project at the Fresno Clovis Regional Wastewater Reclamation Facility (***Requires 5 affirmative votes***)
Action Taken: Resolution No. 2010-129 adopted
 2. Award a \$611,500 contract to West Yost Associates, of Davis, California, for professional engineering design services for the headworks odor control project located at the Fresno-Clovis Regional Wastewater Reclamation Facility (***Property located in District 3***)
Action Taken: Awarded
- J. Adopt a Finding of Class 1 and 3 Categorical Exemptions, pursuant to Section 15301 (Existing Facilities) and 15303 (New Construction or Conversion of Small Structures) of the California Environmental Quality Act Guidelines and approve a lease agreement with the County of Fresno in the amount of \$235 a month for the purpose of establishing, operating, and maintaining a data radio antenna, receiver, and transmitter atop the Fresno County Plaza Building, 2220 Tulare Street, Fresno, California 93721 (***Property located in District 3***) – Dept. of Public Utilities
Action Taken: Adopted
- K. Approve a partial acquisition of one (1) parcel from property owned by S&S Enterprises & CF Investments for the widening of Peach to a four-lane divided arterial from Belmont Avenue to Kings Canyon Road (***Property located in District 5***) – Public Works Dept.
Action Taken: Approved
- L. * **RESOLUTION** – 88th amendment to the Annual Appropriation Resolution (AAR) No. 2009-149 appropriating \$171,200 for administrative and legal costs associated with the Urban Growth Management (UGM) and Development Impact Fee Programs (***Requires 5 affirmative votes***) – Public Works Dept.
Action Taken: Resolution No. 2010-134 adopted
- M. Approve the acquisition of a street easement from property owned by Jerry Moua, Zoua Yang Moua and Yia Moua for the Peach Avenue widening project between Belmont and Kings Canyon (***Property located in District 5***) – Public Works Dept.
Action Taken: Approved
- N. Approve the relocation plan for the Peach Avenue widening project between Belmont Avenue and Kings Canyon Road (***Property located in Districts 5 and 7 and the County of Fresno***) – Public Works Dept.
Action Taken: Approved

1. **CONSENT CALENDAR CONTINUED**

- O. Documents pertaining to the Blackstone Avenue Overlay (*Property located in District 3*) – Public Works Dept.
Action Taken: Removed from the agenda
1. Adopt Finding of a Categorical Exemption per staff determination, pursuant to Section 15301 Class I (c) of the CEQA Guidelines, for Blackstone Avenue overlay, from Olive Avenue to Belmont Avenue
 2. Award a contract in the amount of \$281,544.61 to Dave Christian Construction Company of Fresno, for Blackstone Avenue overlay from Olive Avenue to Belmont Avenue
- P. Approve the appointment of Catherine Huerta to the Fresno Regional Workforce Investment Board as a mandated partner for an indefinite term. Fresno Regional Workforce Investment Board, Mandatory Partners to be concurrently appointed by BOTH the City of Fresno, City Council and the County of Fresno, Board of Supervisors – Council President Westerlund
Action Taken: Approved
- Q. Request to amend the 2010 City Council meeting schedule to add July 1, 2010 as a regular meeting – City Clerk’s Office
Action Taken: Discussed/no action taken/schedule stands
- R. * **BILL NO. B- 16 - (Intro. 6/17/2010) (For adoption)** - Amending the Fresno Municipal Code adding Article 26 to Chapter 14, regarding parking of “semi” trucks and trailers – Councilmember Borgeas
Action Taken: Ordinance No. 2010-21 adopted

SCHEDULED COUNCIL HEARINGS AND MATTERS

- 9:00 A.M. **HEARING** regarding Proposition 218 protest hearing regarding Downtown Property and Business Improvement District (PBID) - Downtown and Community Revitalization Dept.
Action Taken: Held/action set for 2:00 p.m.
- a. (*No Council action*) Special mailed ballots will be tallied by the City Clerk after the public input portion of the hearing and results will be announced during the 2:00 p.m. General Administration portion of the City Council meeting.
- 10:00 A.M. **HEARING** regarding City of Fresno Community Facilities District No. 11, Annexation No. 39 (Final Parcel Map No. 2009-02) located south of Shields and West of Cornelia (*Property located in District 1*) – Public Works Dept.
Action Taken: Held
- a. **RESOLUTION** – Annexing territory to Community Facilities District No. 11, Annexation No. 39 and authorizing the levy of a special tax
Action Taken: Resolution No. 2010-130 adopted
 - b. **RESOLUTION** - Calling special mailed-ballot election
Action Taken: Resolution No. 2010-131 adopted
 - c. **RESOLUTION** – Declaring election results
Action Taken: Resolution No. 2010-132 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. 39
Action Taken: Bill No. B-20/Ordinance No. 2010-22 adopted

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

10:15 A.M.

HEARING to consider Rezone Application No. R-09-019 and environmental findings, filed by Don Bremseth on behalf of Frank Hendrix pertaining to 0.30 acres of property located on the west side of N. Sugar Pine Avenue between W. Herndon frontage road and W. Beechwood Avenue in the Pinedale neighborhood (*Property located in District 2*) – Planning and Development Department

Action Taken: Held

- a. Consider and adopt a Finding of Conformity with the 2025 Fresno General Plan MEIR and Air Quality MND for Environmental Assessment No. R-09-019, S-09-135

Action Taken: Adopted

- b. **BILL** - Amending the Official Zone Map to rezone the subject property from the P/EA (*Off-Street Parking/Expressway Area Overlay*) zone district to the C-6/EA/cz (*Heavy Commercial/Expressway Area Overlay/conditions of zoning*)

Action Taken: Bill No. 21/Ordinance No. 2010-23 adopted

10:30 A.M.#1

TEFRA HEARING as required by Section 147(f) of the Internal Code of 1986 to hear and to consider information concerning the proposed issuance of revenue bonds by the California Statewide Communities Development Authority to finance the acquisition and construction of a 137-unit multifamily senior residential rental project, commonly known as La Vida at Campus Pointe – Finance Department

Action Taken: Held

- a. * **RESOLUTION** - Approving the issuance of revenue bonds by the California Statewide Communities Development Authority in the aggregate principal amount not to exceed \$27 million

Action Taken: Resolution No. 2010-133 adopted

10:30 A.M. #2

CITY COUNCIL

A. Consider approval of Labor Management Act policy regarding City labor relations process – Councilmember Brand

1. * **RESOLUTION** – Establishing a policy entitled Labor Management Act preserving management rights on employee layoffs and improving labor practices

Action Taken: Removed/rescheduled for 7/22/2010

1:30 P.M.#1

CONTESTED CONSENT CALENDAR

1:30 P.M.#2

JOINT MEETING WITH THE FRESNO REDEVELOPMENT AGENCY

Approve Agency minutes of June 17, 2010

Action Taken: Laid over to next meeting

A. **HEARING** to consider actions relating to the approval and adoption of proposed amendments to Merger No. 1 Redevelopment Plans comprised of the Central Business District, Chinatown Expanded, Convention Center, Fulton, Jefferson, Mariposa, South Van Ness Industrial, West Fresno I, and West Fresno II Project Areas (constituent project areas):

Action Taken: Held/public hearing closed/action set for 7/22/2010

1. **RESOLUTION** - Certifying Final Subsequent Environmental Impact Report prepared for the Fresno Merger No. 1 Redevelopment Plan Amendments Project (“Merger 1 Project”) (**Council and Agency action**)

- a. Making findings regarding the Proposed Fresno Merger No. 1 Redevelopment Plan Amendments Project;
- b. Adopting a Mitigation Monitoring Program;
- c. Adopting the statement of overriding considerations;
- d. Directing the Filing of a Notice of Determination following approval of project
(**Council and Agency action**)

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

1:30 P.M.#2

JOINT MEETING WITH THE FRESNO REDEVELOPMENT AGENCY CONTINUED

- A. **HEARING** to consider actions relating to the approval and adoption of proposed amendments to Merger No. 1 Redevelopment Plans comprised of the Central Business District, Chinatown Expanded, Convention Center, Fulton, Jefferson, Mariposa, South Van Ness Industrial, West Fresno I, and West Fresno II Project Areas (constituent project areas): **(Continued) – Held/action set for 7/22/2010**
2. **RESOLUTION** - Findings pursuant to CRL Section 33333.10(h) regarding conformance of City Housing Element, financial auditing requirements, and low and moderate income housing fund expenditure requirements for the constituent project areas **(Agency action)**
 3. **BILL – (For introduction and adoption)** - Adopting an amendment to the Central Business District Project One Urban Renewal Plan **(Council action)**
 4. **BILL – (For introduction and adoption)** - Adopting an amendment to the Chinatown Expanded Community Redevelopment Project **(Council action)**
 5. **BILL – (For introduction and adoption)** - Adopting an amendment to the Convention Center Redevelopment Plan **(Council action)**
 6. **BILL – (For introduction and adoption)** - Adopting an amendment to the Fulton Redevelopment Project **(Council action)**
 7. **BILL – (For introduction and adoption)** - Adopting an amendment to the Jefferson Area Project **(Council action)**
 8. **BILL – (For introduction and adoption)** - Adopting an amendment to the Mariposa Redevelopment Plan **(Council action)**
 9. **BILL – (For introduction and adoption)** - Adopting an amendment to the South Van Ness Redevelopment Project **(Council action)**
 10. **BILL – (For introduction and adoption)** - Adopting an amendment to the West Fresno One Redevelopment Plan **(Council action)**
 11. **BILL – (For introduction and adoption)** - Adopting an amendment to the West Fresno Two Redevelopment Plan **(Council action)**

ADJOURN AGENCY

2:00 P.M. #3

GENERAL ADMINISTRATION

- A. Recommend approval of HOME Investment Partnerships, Community Housing Development Organization agreement with King of Kings Development Corporation for development of the bridges at Florence Apartments, a 35-unit affordable housing complex for seniors to be located in Southwest Fresno – Planning and Development Dept.
Action Taken: Approved
- B. Recommend approval to increase the HOME program funding for the Palm View Gardens affordable senior housing project from \$2,000,000 to a maximum of \$3,000,000 for the construction of a 74-unit senior housing project in Southeast Fresno – Planning and Development Dept.
Action Taken: Approved

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

2:00 P.M. #3

GENERAL ADMINISTRATION CONTINUED

- C. **CONTINUED HEARING** (from 9:00 am): announce results of majority protest (special mailed ballot) proceedings for the formation of a Downtown Property and Business Improvement District (PBID) – Downtown and Community Revitalization Dept.
Action Taken: Held
1. **RESOLUTION** - Declaring the results of the majority protest proceedings and establishing the Downtown Property and Business Improvement District and authorizing the levy of district assessments
Action Taken: Resolution No. 2010-135 adopted
- D. **RESOLUTION** – Authorizing and approving the refinancing of two (2) U.S. Department of Housing and Urban Development Section 108 loans for the sole purpose of achieving interest savings; and authorizing execution and delivery of the promissory notes, the contracts for loan guarantee assistance, and the taking of all necessary action relating to the refinancings – Finance Dept.
Action Taken: Resolution No. 2010-136 adopted
- E. Approve all necessary action to sublease space in the Historic Bee Building to the Community Media Access Collaborative (CMAC), and enter into an agreement for services between the City and CMAC – City Manager’s Office
1. Adopt a Finding of Categorical Exemption under CEQA Guidelines, Sections 15301 (Lease of Existing Facilities)
Action Taken: Adopted
2. Approve Sub Lease Agreement between the City of Fresno and CMAC in substantial form, and authorize the City Manager to execute upon approval as to form by the City Attorney
Action Taken: Approved
3. Approve Agreement for services between the City of Fresno and CMAC in substantial form, and authorize the City Manager to execute upon approval as to form by the City Attorney
Action Taken: Approved
- F. **RESOLUTION** – Authorizing submittal of grant application and acceptance of up to \$7,000,000 in Nature Education Facilities Program funds from the State of California Department of Parks and Recreation - PARCS
Action Taken: Resolution No. 2010-137 adopted
- G. Approve responses to Grand Jury Reports #4 and #5 – City Manager’s Office
Action Taken: Approved with Mayor’s explanatory letter
- H. Approve an agreement with Camp, Dresser & McKee (CDM) in the amount of \$271,000 for groundwater remedial action services and construction oversight at the Fresno sanitary landfill (**Property located in District 3**) – Dept. of Public Utilities
Action Taken: Approved
- I. Approve the professional architectural and engineering services agreement with Broussard Associates Inc. of Clovis California in the amount of \$547,155 for the universally accessible park located at Gettysburg and Vista Avenues – General Services Dept./PARCS
Action Taken: Approved
- J. Approve the professional architectural and engineering services agreement with LARS Andersen & Associates Inc. of Fresno, California, in the amount of \$304,416 for the Martin Ray Reilly Park located at Chestnut Avenue and Highway 180 - General Services Department/PARCS
Action Taken: Approved

CLOSED SESSION

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

- 1. **Case Name:** The City of Fresno v. The Discovery Center; Fresno County Superior Court Case No.: 07CECG01491
- 2. **Case Name:** Richard Aaron Jones v. City of Fresno; Court Case No.: 04CECG02776
- 3. **Case Name:** James Lusk v. City of Fresno; Jerry Dyer, Police Chief, City of Fresno, Fresno City Police Department; Fresno Superior Court Case No. 07CECG02427
- 4. **Case Name:** City of Fresno v. United States Army Corps of Engineers, National Guard Bureau ("U.S.") and The Boeing Company ("Boeing") – Old Hammer Field/Fresno Air Terminal ("OHF") Environmental Site.
Action Taken: Held

SCHEDULED COMMUNICATION –

- 1. Appearance by Rosalba Lopez-Ramirez to request Council approve a resolution requesting the clean-up of the Olive/Fisher Area (*Property located in District 7*) - **Appearance made**

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

July	1 -		COUNCIL RECESS
July	8 -		COUNCIL RECESS
July	15 -		COUNCIL RECESS
July	22 -	8:30 A.M.	P.R.I.D.E. Team Presentation for the Summer Quarter – (<i>Reception immediately following - 2nd floor foyer</i>)
July	22 -	10:00 A.M.	HEARING re: annual assessment for LLMD #1
July	22 -	10:15 A.M.	HEARING re: consideration of a resolution of public use and necessity for the construction of the Peach Avenue Widening project; APN 463-100-41, owned by Get-N-Go
July	29 -	10:00 A.M.	HEARING – Regarding appeal of the Planning Commission’s action on Categorical Exemption related to CUP No. C-09-58
July	29 -	10:15 A.M.	HEARING re: Plan Amendment Application No. A-10-004
Aug.	5 -		COUNCIL RECESS
Aug.	12-		COUNCIL RECESS
Aug.	19-	10:00 A.M.	HEARING re: Text Amendment No. TA-10-01 related to downtown development standards
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.

FISCAL YEAR 2010-2011 BUDGET HEARINGS – TO BE HELD IN THE COUNCIL CHAMBERS

June	25 -	8:30 A.M.	Vote on enabling documents
June	28 -	TBD	Spillover Day – if necessary