



City Council Agenda

Council President
Cynthia A. Sterling

Councilmembers

Andreas Borgeas
Lee Brand
Paul E. Caprioglio – Acting President

Mike Dages
Henry T. Perea
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.

January 27, 2009

8:30 A.M. ROLL CALL

Invocation by Councilmember Dages

Pledge of Allegiance to the Flag

Ceremonial Presentation

Proclamation of the "NATIONAL MENTORING MONTH" – City Manager's Office and the Police Department – **Read and presented**

Presentation of "Make a Promotion a Commotion" (*Reception immediately following – 2nd floor foyer*) – Personnel Services Department - **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 January 13, 2009

Action Taken: Approved

Councilmember Reports and Comments

Action Taken: Made

Approve Agenda

Action Taken: Approved

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 and execute the agreement and required program documents with the Office of Emergency Services and the Memorandum of Understanding (MOU) with the Marjaree Mason Center and the County of Fresno for the Children Exposed to Domestic Violence (CEDV) Specialized Response Program – Police Dept.

Action Taken: Authorized

1. * **RESOLUTION** - 64th amendment to AAR No. 2008-162 appropriating \$95,000 for the Children Exposed to Domestic Violence Specialized Response Program (**Requires 5 affirmative votes**)

Action Taken: Resolution No. 2009-16 adopted

- B. * Approve agreement with Aquatic Design Group in the amount of \$61,500.00 with a contingency amount not to exceed \$6,800.00 to prepare plans and general construction contract documents for the design of an interactive water feature and decorative fountain design within the City of Fresno's Eaton Plaza (**Property located in District 3**) – Public Works Department

Action Taken: Approved

- C. Annual review and acceptance of the Fiscal Year 2008 Impact Fee Annual Report as required by California Government Code – Public Works Department

Action Taken: Accepted

- D. Bypass low bid and reject all bids for downtown actuated traffic signals (**Property located in District 3**) – Public Works Department

Action Taken: Recommendation approved, all bids rejected

- E. * **RESOLUTION** – 65th amendment to AAR No. 2008-162 appropriating \$1,308,000 for reimbursement of developer fees in the Copper River Ranch Subdivision (**Requires 5 affirmative votes**) – Public Works Department

Action Taken: Resolution No. 2009-17 adopted

1. **CONSENT CALENDAR CONTINUED**

F. * Approve and authorize the acquisition of the Reilly property located on Chestnut Avenue and south of Freeway 180 (**Property located in District 7**) – PARCS

Action Taken: Approved

1. Accept the Reilly land donation of .44 acres

Action Taken: Accepted

2. **RESOLUTION** - Naming the Chestnut and 180 property "Martin Ray Reilly Park"

Action Taken: Resolution No. 2009-18 adopted

CONTESTED CONSENT ITEMS (IF ANY)

SCHEDULED COUNCIL HEARINGS AND MATTERS

9:00 A.M. A. **SCHEDULED COMMUNICATION**

1. Appearance by Kenneth Fick to discuss an incident with the Police Department – **Appearance made**

2. Appearance by Rory Ekern to discuss the City of Fresno S.M.A.R.T Program at the Fresno Yosemite International Airport – **Not present when called**

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. **CITY COUNCIL**

A. Provide a letter from the Fresno City Council in support of the Fresno Area Hispanic Foundation's application to the Economic Development Administration of U.S. Department of Commerce for funding for Business Incubator located at 1444 Fulton Street (**Property located in District 3**) – Council President Sterling

Action Taken: City Clerk will prepare a Minute Resolution

B. Consideration of the Measure C Tier 1 Urban Regional Program – Councilmember Xiong

1. **RESOLUTION** – Supporting the short term Regional Transportation Program listing of projects and the Short Term Regional Transportation Program Handbook

Action Taken: Resolution No. 2009-19 adopted

2. **RESOLUTION** – Formally requesting the Council of Fresno County Governments (COG) and the Fresno County Transportation Authority (FCTA) to evaluate and consider alternatives to "Pay-As-You-Go" financing including the use of bonding to accelerate the delivery of the Measure C Mid-Term and Long-Term Regional Transportation Program

Action Taken: Resolution No. 2009-20 adopted

3. **RESOLUTION** – Formally requesting that the Veterans Boulevard/SR-99 Interchange Project be delivered in advance of or concurrently with SR-180/SR-168/SR-41 Braided Ramps Project"

Action Taken: Resolution No. 2009-21 adopted

C. Approve appointment to the Fresno County Transportation Authority – Councilmember Xiong

Action Taken: Councilmember Borgeas appointed

9:30 A.M.

GENERAL ADMINISTRATION

- A. Presentation of climate impact report – How climate change will impact Fresno – General Services Dept./Fleet Mgmt. – **Presentation made**

- B. Direct staff to return on 2/3/2009 with enabling documents to rename the City Hall Copy Center (Room 1087) to the “Jim Lennon Copy Center” – General Services Dept.
Action Taken: Direction made

- C. Approve the renaming Economic Development Department to Downtown and Community Revitalization Department – Economic Development Dept.
Action Taken: Approved

- D. Authorize the purchase of a neighborhood center/gymnasium from the Fresno County Economic Opportunities Commission and execution of documents – PARCS
Action Taken: Authorized

10:00 A.M.

HEARING to consider ordering the vacation of W. California Court and the south five feet of W. California Avenue east of W. Atchison Street (***Property located in District 3***) – Public Works Department

Action Taken: Held

- a. * **RESOLUTION** - Ordering the vacation of W. California Court and the south five feet of W. California Avenue east of W. Atchison Street

Action Taken: Resolution No. 2009-22 adopted

10:15 A.M.

HEARING to consider ordering the vacation of two (2) parcels of public street right-of-way along the south side of Ashlan Avenue east of Cornelia Avenue (***Property located in District 1***) – Public Works Department

Action Taken: Held

- a. * **RESOLUTION** - Ordering the vacation of two (2) parcels of public street right-of-way along the south side of Ashlan Avenue east of Cornelia Avenue

Action Taken: Resolution No. 2009-23 adopted

10:20 A.M.

HEARING to consider ordering the vacation of the California Atchison alley between Walnut and Plumas Avenues (***Property located in District 3***) – Public Works Dept.

Action Taken: Held

- a. * **RESOLUTION** – Ordering the vacation of the California - Atchison alley between Walnut and Plumas Avenues, the Atchison-Lorena alley between Walnut and Plumas Avenues, east Atchison between Walnut and Plumas Avenues, and a portion of Lorena Avenue between Walnut and Plumas Avenues

Action Taken: Resolution No. 2009-24 adopted

10:30 A.M.

TEFRA HEARING as required by Section 147(f) of the Internal Revenue Code of 1986 to hear and to consider information concerning the proposed issuance for tax-exempt revenue bonds by the Housing Authority of the City of Fresno to finance the acquisition and construction of Phase II (215 units) of a 464-unit multi-family residential rental project commonly known as PARC Grove Commons II - Finance Department

Action Taken: Held

- A. * **RESOLUTION** – Approving the issuance by the Housing Authority of the City of Fresno of revenue bonds in the aggregate principal amount not to exceed \$28 million

Action Taken: Resolution No. 2009-25 adopted

SCHEDULED COUNCIL HEARINGS AND MATTERS SCHEDULED

10:45 A.M. **RESOLUTION** – Consideration of Plan Amendment for 2008-2013 City of Fresno Housing Element Amendment I of the 2025 Fresno General Plan and related Environmental Assessment No. EA-08-12A - Planning and Development Department
Action Taken: Resolution No. 2009-26 adopted

2:00 P.M. **CLOSED SESSION**

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

1. **Case Name:** Joanne Thorne v. City of Fresno, et al., Fresno County Superior Court Case No. 07CECG03318 DSB
2. **Case Name:** Phillip Sanders v. Ignacio Ruiz, et al. United States District Court Case No.: 06-CV-01264-OWW-GSA
3. **Case Name:** Phillip Sanders v. Mark Bishop, et al. United States District Court Case No.: 06-CV-01264-OWW-GSA
Action Taken: Held

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

Significant Exposure to Litigation:

1. Woodside 05N, LP, et al. v. City of Fresno
2. City of Fresno v. Soua Mai Xiong
3. City of Fresno v. Spencer Enterprises, Inc., et al.
Action Taken: Held

2:15 P.M. **RESOLUTION** – Approving the third and final extension of the terms of the existing loan guaranty and related documents between the City of Fresno, United Security Bank and the Met Museum, and authorizing the execution and delivery of the agreements, and related documents, and taking all necessary action related to the transactions, consistent with the resolution – City Manager’s Office
Action Taken: Resolution No. 2009-27 adopted

2:30 P.M. **HEARING** to consider an appeal of the Planning and Development Department Director’s conditional approval of Conditional Use Permit Application No. C-08-76, filed by Gurmeet Singh, on behalf of Campasino’s Meat Market, pertaining to approximately 8,000 square feet of commercial tenant space on property located on the northwest corner of S. Trinity and E. Whites Bridge Avenues (245 E. Whites Bridge Avenue). The applicant requests authorization to upgrade the current State of California Alcoholic Beverage Control license from a Type 20 (sale of beer and wine for off-premises consumption where sold) to Type 21 (sale of beer, wine, and distilled spirits for off-premises consumption where sold). The Fresno City Planning Commission considered the application at a notice public hearing on November 19, 2008, and recommended to uphold the Director’s approval and deny the appeal (***Property located in District 3***) – Planning and Development Department
Action Taken: Held – Appeal upheld

- a. Consider and adopt Categorical Exemption for Environmental Assessment No. C-08-76
Action Taken: Adoption failed
- b. **RESOLUTION** – denying the appeal and approving Conditional Use Permit Application No. C-08-76 and Environmental Assessment No. C-08-076
Action Taken: Failed adoption

2:45 P.M. **HEARING** to consider the “Maroa Village” Condominium Conversion Application and Vesting Tentative Tract Map No. 5938, filed by Finamore and Battaglia, pertaining to 2.0 acres of property zoned R-1 (*Single Family Residential*) located on the east side of N. Maroa Avenue, north of the northeast corner of N. Maroa and W. Barstow Avenues (***Property located in District 7***) – Planning and Development Department (***Continue to February 3, 2009 at 10:45 A.M.***)
Action Taken: Continued as noted

SCHEDULED COUNCIL HEARINGS AND MATTERS SCHEDULED

3:00 P.M. CONTINUED HEARING to consider Plan Amendment Application No. A-08-18, Rezone Application No. R-08-28, Site Plan Review Application No. S-08-103, and environmental findings, filed by Marlette Associates on behalf of the Schindler Lawrence LLC, pertaining approximately 5.31 acres of property located on the southeast corner of E. Copper and N. Chestnut Avenues (2445 E. Copper Avenue) – **(Property located n District 6)** – Planning and Development Dept.

Action Taken: Held

a. Consider and adopt a Mitigated Negative Declaration for Environmental Assessment No. A-08-18/R-08-28/S-08-103

Action Taken: Adopted

b. **RESOLUTION** - Amending the 2025 Fresno General Plan and the Woodward Park Community Plan from the medium-low density residential planned land use designation to the office commercial land use designation

Action Taken: Resolution No. 2009-28 adopted

c. **BILL** – Amending the Official Zone Map to rezone the subject property from the R-1/UGM (*Single Family Residential/Urban Growth Management*) zone district to the C-P/UGM (*Administrative and Professional Office/Urban Growth Management*) zone district

Action Taken: Bill No. B-3/Ordinance No. 2009-3 adopted

3:15 P.M. CONTINUED HEARING to consider Plan Amendment Application No. A-08-13, Sphere of Influence Amendment Application No. SOI-08-01, and environmental findings, filed by Tom Lang on behalf of Aquarius Aquarium Institute, pertaining to approximately 89 acres bounded by W. Herndon Avenue on the south, Freeway 99 on the east, and the San Joaquin River on the north **(Property located in District 2)** – Planning and Development Department

Action Taken: Held

1. Consider and adopt a Mitigated Negative Declaration for Environmental Assessment No. A-08-13/SOI-08-01

Action Taken: Adopted

2. **RESOLUTION** - Amending the 2025 Fresno General Plan and the West Area Community Plan from the agricultural planned land use (Fresno County) to the public facility land use designation for the 10-acre aquarium site and from the agricultural planned land use (Fresno County) to agriculture/urban reserve for the balance of the area (79 acres)

Action Taken: Resolution No. 2009-29 adopted, as amended

3. **RESOLUTION** – Amending the City of Fresno’s sphere of influence boundary to add the subject property to the city in order to allow for city sewer and water services to be extended to the public aquarium facility, which was previously approved on a portion of the subject property by Fresno County

Action Taken: Resolution No. 2009-30 adopted, as amended

SCHEDULED COUNCIL HEARINGS AND MATTERS

- Feb. 3 - 10:00 A.M. HEARING** re: bill for introduction amending TA-08-02 regarding car washes
- Feb. 3 - 10:15 A.M. HEARING** re: Plan Amendment A-08-029: Deletion of a Portion of West Yale Avenue Official Plan Line
- Feb. 3 - 10:30 A.M. TEFRA HEARING** as required by Section 147(f) of the Internal Revenue Code of 1986 as amended, to hear and consider information concerning the proposed issuance of tax-exempt revenue obligations for the benefit of Community Hospitals of Central California and related entities
- Feb. 3 - 10:45 A.M. CONTINUED HEARING** to consider the "Maroa Village" Condominium Conversion Application and Vesting Tentative Tract Map No. 5938, filed by Finamore and Battaglia,
- Feb. 3 - 10:50 A.M. HEARING** to consider a resolution of necessity for the partial acquisition for an easement on property located at the southwest corner of N. Palm and E. Dakota Avenues
- Feb. 3 - 11:00 A.M. HEARING** re: Rezone Application No. R-05-107, filed by Richard and Donna Stoeckel
- Feb. 10 - 10:00 A.M. CONTINUED HEARING** to consider an appeal, filed by Gary McDonald on the Tract Map and 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
- Feb. 17 - NO MEETING – PRESIDENT'S DAY**
- Mar. 3 - 10:00 A.M. HEARING** re: CFD No. 11; Annexation No. 37, Tract No. 5498
- Mar. 10 - 10:00 A.M. HEARING** re: Plan Amendment No. A-08-027/Conditional Use Permit C-08-260 (South Stadium Project)
- Mar. 17 - NO MEETING – COUNCIL RECESS**
- Mar. 24 - 10:00 A.M. HEARING** re: resolution ordering the vacation of a portion of the "M" – "N" alley southeast of Los Angeles Street (Property located in District 3)