



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 18, 2009

8:30 A.M. ROLL CALL

Invocation by Pastor Harry Miller of the Fresno Temple Church of God in Christ

Pledge of Allegiance to the Flag

Ceremonial Presentations:

Proclamation of "DUMP THE PUMP DAY" – Councilmember Xiong – **Read and presented**

Proclamation Supporting the Continued Planning of a School of Medicine at the University of California, Merced - Mayor Swearingin and Councilmember Borgeas – **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 9](#), and June 11, 2009

Action Taken: June 9, 2009 minutes approved; June 11, 2009 minutes approved, as amended

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. [Award a contract to Granite Construction Company, Inc. of Fresno, California for reconstruction of Taxiway B10/C10 and demolition of Taxiway B9 at Fresno Yosemite International Airport \(FYI\) in the amount of \\$2,242,617 \(American Recovery and Reinvestment Act \(ARRA\) of 2009 project\) – Airports Department](#)
Action Taken: Awarded
- B. [Award a contract for the base bid and add Alternate 2 in the amount of \\$1,153,004 to Wyoming Northstar Inc. of Evanston, Wyoming, for installation and integration of an additional 15,000 gallon liquid natural gas \(LNG\) storage tank into the existing LNG fuel station infrastructure – General Services Department](#)
Action Taken: Awarded
- C. [Adopt CEQA Notice of Exemption Fresno County Document No. 200910000169, pursuant to 1506\(B\) \(3\) of the CEQA Guidelines – Public Works Department](#)
Action Taken: Adopted
1. [Award a contract in the amount of \\$1,339,867 for base bid plus add Alternate 1 to Kelly C. Broyles Construction, Inc., for the installation of 8" and 12" water mains in San Madele, San Ramon, San Bruno, San Jose, Scott, Keats, Twain, Teilman, Barstow, Fruit, and Vagedes Avenues \(**Property located in District 2**\) – Public Works Department](#)
Action Taken: Awarded
- D. [Approve an amendment to agreement with Blair, Church, and Flynn Consulting Engineers in the amount of \\$2,450 to complete the landscaping and irrigation design at the under-crossings at Clovis North High School and the State Center Community College on Willow Avenue as part of the Sugar Pine Trail completion project \(**Property located in District 6**\) – Public Works Department](#)
Action Taken: Approved

1. **CONSENT CALENDAR CONTINUED**

- E. Approve a cooperative agreement with the California Department of Transportation (Caltrans) for the widening of "O" Street off-ramp of southbound State Route 41 (*Property located in District 3*) – Public Works Dept.
Action Taken: Approved
- F. Award contract to Cummins West, Inc. in the amount of \$168,303.17 for the purchase of emergency generators and automatic transfer switches to be installed at Pump Stations 132 and 318 – Dept. of Public Utilities
Action Taken: Awarded
- G. Award a requirements contract to Basic Chemical Solutions, LLC of Redwood City, CA in the amount of \$424,588.40 for 475,000 gallons of 12.5% sodium hypochlorite – Dept. of Public Utilities
Action Taken: Awarded
- H. Award a \$475,602 contract to Pipenology, Inc., of Rocklin, CA, for California and East Avenues trunk sewer rehabilitation (*Property located in Districts 3 and 5*) – Dept. of Public Utilities
Action Taken: Awarded
- I. Award a \$253,995 contract to Pipenology, Inc., of Rocklin, CA, for Maple Avenue trunk sewer rehabilitation (*Property located in Fresno County, near District 5*) – Dept. of Public Utilities
Action Taken: Awarded
- J. Award a \$1,935,672 contract to Insituform Technologies, Inc., of Chesterfield, Montana, for Marks Avenue trunk sewer rehabilitation (*Property located in District 1*) – Dept. of Public Utilities
Action Taken: Awarded
- K. **RESOLUTION** – Initiating rezoning (pre-zoning) on thirteen (13) parcels totaling 17.26 acres within the City of Fresno's Sphere of Influence, properties located on the east and west sides of N. Polk Avenue between W. Ashlan and W. Dakota Avenues (Dakota-Polk No. 4 Reorganization) (*Property located in District 3*) – Planning and Development Dept.
Action Taken: Resolution No. 2009-137 adopted
- L. * Approve Memorandum of Understanding (MOU) between the City of Fresno and the Fresno County Economic Opportunities Commission (EOC) for a youth nutritional assistance program - PARCS
Action Taken: Approved, with minor language (word) change in contract
- M. Approve appointment of Jennifer Marie Blair to the Commission on the Status of Women – Councilmember Brand
Action Taken: Approved

CONTESTED CONSENT CALENDAR

SCHEDULED COUNCIL HEARINGS AND MATTERS

- 9:00 A.M. A. **SCHEDULED COMMUNICATION –**
 - 1. Appearance by Linda Motschieder, President of the Sister Cities International, to request the City Council's approval of new Sister City relationships with: Nimes, France, Taishan, China and a City in Armenia. Also to review the relationships with the current and former Sister Cities and discuss the new "Ambassador Program" – **Request to appear withdrawn/to be rescheduled**
- 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 - **Held**

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

9:15 A.M. **CITY COUNCIL**

9:30 A.M. #1 **HEARING** to consider ordering the vacation of N. Millbrook Avenue north of Copper Avenue *(Property located in District 6)* – Public Works Department

Action Taken: Held

- a. * **RESOLUTION** - Ordering the vacation of N. Millbrook Avenue north of Copper Avenue
Action Taken: Resolution No. 2009-138 adopted

9:30 A.M.#2 **GENERAL ADMINISTRATION**

A. Approve a professional services agreement with Mark Thomas & Company, Inc., in the amount of \$1,818,084 to complete the Caltrans Project Approval/Environmental Document (PA/ED) Phase for the Veterans Boulevard interchange and grade separation project *(Project located in District 2)* – Public Works Department

Action Taken: Approved

1. * **RESOLUTION** - 90th amendment to AAR No. 2008-162 appropriating \$110,000 for engineering consulting services on the Veterans Boulevard capital project
(Requires 5 affirmative votes)
Action Taken: Resolution No. 2009-139 adopted

B. Approve 2008-2009 Annual Action Plan Amendment for utilization of \$7,100,000 of Federal Neighborhood Stabilization Program Funds, and authorize the City Manager to sign all required implementing documents as approved to form by the City Attorney – Planning and Development Dept.

Action Taken: Approved

10:00 A.M. **HEARING** to consider adoption of Plan Amendment Application No. A-09-02, the Air Quality Update for the 2025 Fresno General Plan, initiated by the Interim Planning and Development Department Director pursuant to the provisions of Assembly Bill 170. The Fresno City Planning Commission considered this project and its environmental assessment at a noticed public hearing on June 3, 2009, and recommended approval of the proposed Mitigated Negative Declaration and the plan amendment – Planning and Development Dept.

Action Taken: Held/public comment taken/action continued to June 25, 2009 at 10:00 a.m.

- a. Consider and adopt Mitigated Negative Declaration and amendments to the 2025 Fresno General Plan Master Environmental Impact Report mitigation measure checklist for Environmental Assessment No. A-09-02
- b. **RESOLUTION** – Approving Plan Amendment Application No. A-09-02

11:00 A.M. **CONTINUED HEARING** to consider Planning Commission's approval of Conditional Use Permit No. C-09-028 related to a group housing use located on the south side of E. White Avenue between Belmont and Freeway 180, west of Blackstone Avenue (1620 E. White Avenue) (Fresno Municipal Code 12-406-J) *(Property located in District 3) (WITHDRAWN)* – Planning and Development Dept.

Action Taken: Withdrawn as noted

CLOSED SESSION

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

Significant Exposure to Litigation:

1. Pinedale County Water District v. City of Fresno, et al.

Action Taken: Held

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

- A. Redevelopment Agency
 - 1. **RESOLUTION** - Appropriating the Fiscal Year 2009-2010 budget to the Redevelopment Agency of the City of Fresno in the amounts set forth herein for approved projects, activities, and other such purposes and expenditures as may be budgeted by the Redevelopment Agency of the City of Fresno (**Agency action**)
Action Taken: Presentation made/public comment taken/action continued to 6/23/2009 at 8:30 a.m.
- B. Council/Mayor's Office
Action Taken: Held

CONTINUE budget consideration to June 23, 2009, at 8:30 a.m. for continued budget discussions and adoption of budget motions

SCHEDULED COUNCIL HEARINGS AND MATTERS

June	25 -	MEETING	
July	2 -	COUNCIL RECESS	
July	9 -	COUNCIL RECESS	
July	16 -	8:30 A.M.	Presentation of P.R.I.D.E. Team Certificates – Summer Quarter (Reception immediately following – 2nd floor foyer)
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 No. C-08-59
July	16 -	10:15 A.M.	HEARING re: Landscape and Lighting Maintenance District (LLMD) No. 1 – Public Works Dept.
July	16 -	10:30 A.M.	Presentation by the Utility Advisory Committee requesting Council's approval of Committee's recommendations
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
Aug.	27 -	9:30 A.M. #1	HEARING re: ordering the vacation of Blythe Avenue between Herndon and Spatz 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.*

June	23 -	8:30 A.M.	Adopt Budget Motions
June	25 -	2:00 P.M.	Adopt Budget
June	30 -	8:30 A.M.	Must Adopt Budget