



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 25, 2009

8:30 A.M. ROLL CALL

Invocation by Pastor Doug Erickson- Embassy Church

Pledge of Allegiance to the Flag

Ceremonial Presentations:

Presentation of a Check in the Amount of \$25,000 by Kaiser to the PARCS Department to Assist in the Continuation of the Healthy Lifestyle Fitness Camp – Council President Sterling – **Presentation made**

Proclamation of “**AMATEUR RADIO WEEK**” – Mayor's Office - **Read and presented**

Proclamation of “**NAT DIBUDUO DAY**” – Councilmember Brand – **Read and presented**

Special Recognition of the South Central and South East Fresno Ministers for their contribution to the Mosqueda Little League – Mayor's Office and Councilmember Dages - **Recognized**

Presentation of a Check from the Department of Public Utilities Golf Tournament Committee to the Fresno Community Food Bank - Department of Public Utilities

1. Presentation by the Department of Public Utilities Golf Tournament Committee to Wastewater Division Golf Team for Placing #1 in the Same-Division Employee Teams – **Presentations 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, 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 16](#), and June 18, 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 cost share agreement with Fresno Irrigation District in the amount of \\$86,901 for construction of improvements to Enterprise Canal at Big Dry Creek crossing and authorize the Directors of Public Utilities and Public Works to execute the agreement on behalf of the City – Department of Public Utilities](#)
Action Taken: Approved
- B. [Approve interagency construction agreement amendment with Fresno Irrigation District for construction of an all-weather drivable levee and critical facilities improvements along the Enterprise Canal utilizing \\$1,537,106 of a 20-Year Safe Drinking Water State Revolving Fund Low Interest Loan and authorize the Director of Public Utilities to sign on behalf of the City – Department of Public Utilities](#)
Action Taken: Approved
- C. [Approve a \\$74,300 Contract Change Order to Myers Brothers Well Drilling, Inc. of Hanford, California, for the drilling of new reclamation wells at the Fresno/Clovis Regional Wastewater Reclamation Facility \(**Property located in District 3**\) – Department of Public Utilities](#)
Action Taken: Approved
- D. [Award a \\$1,328,000 contract to MWH Americas., Inc., a California Corporation, for the dewatering facility upgrade design at the Fresno/Clovis Regional Wastewater Reclamation Facility \(**Property located in District 3**\) – Department of Public Utilities](#)
Action Taken: Awarded

1. **CONSENT CALENDAR CONTINUED**

- E. Award of construction contract to Grizzly Construction in the amount of \$130,370 for installation of permanent disinfection facilities at City Well Site Pump Station 197 under State Revolving Fund Low Interest Loan No. 1010007-004 – Department of Public Utilities
Action Taken: Awarded
- F. Award of construction contract to Grizzly Construction in the amount of \$136,000 for installation of permanent disinfection facilities at City Well Site Pump Stations 76, 104, and 105 under State Revolving Fund Low Interest Loan No. 1010007-004 – Department of Public Utilities
Action Taken: Awarded
- G. Award of construction contract to Grizzly Construction in the amount of \$180,400 for installation of permanent disinfection facilities at City Well Site Pump Stations 57, 209, and 211 under State Revolving Fund Low Interest Loan No. 1010007-004 – Department of Public Utilities
Action Taken: Awarded
- H. **RESOLUTION** - Authorizing the acceptance of the 2009 American Recovery and Reinvestment Act Transportation Enhancement (ARRA-TE) funds amended by the Council of Fresno County Governments to replace the 2006 Competitive State Transportation Improvement Program Transportation Enhancement (STIP-TE) grant funds to accelerate the Clovis Avenue median island landscaping project and authorizing the execution of documents by the Public Works Director or designee – Public Works Department
Action Taken: Resolution No. 2009-140 adopted
- I. Adopt the Mitigated Negative Declaration No. E200910000168 – Public Works Department
Action Taken: Adopted
1. Award a contract to Floyd Johnston Construction, for the base bid and the add Alternate 1, in the amount of \$2,803,452.90 for the S. Cherry Avenue and E. Central Avenue installation of 18"-36" sewer mains, a lift station, and a 14" water main, (**Located in County of Fresno in the New Growth Area**)
Action Taken: Awarded
- J. Adopt a CEQA Notice of Exemption Fresno County Document No. E20091000017070, pursuant to Section 15061(B) (3) of the CEQA Guidelines – Public Works Department
Action Taken: Adopted
1. Award a contract in the amount of \$208,829 to Haydon Construction, Inc., for the installation of a 12" water main in N. Palm Avenue between E. Ashlan Avenue and W. Lansing Avenue (**Property located in the County of Fresno**)
Action Taken: Awarded
- K. * **RESOLUTION** - Approving a Memorandum of Understanding (MOU) with the Fresno Metropolitan Flood Control District and Clovis Community Foundation and authorize the Public Works Director or his designee to sign the MOU on behalf of the City of Fresno – Public Works Department
Action Taken: Resolution No. 2009-141 adopted
- L. Approving Amendment No. 1 to District Cooperative Agreement No. 06-1268 with Caltrans for Freeway 180 from Marks Avenue to the Hughes/West Diagonal (**Property located in District 3**) – Public Works Department
Action Taken: Approved
- M. Authorize the Public Works Director, or designee, to transfer a portion of City street right-of-way to the California Department of Transportation on Herndon Avenue, adjacent to the Freeway 41 northbound off-ramp (**Property located in District 6**) – Public Works Department
Action Taken: Authorized

1. **CONSENT CALENDAR CONTINUED**

- N. Approve second amendment to agreement with Blair, Church & Flynn Consulting Engineers in the amount of \$2,500 to perform additional Intelligent Transportation Systems (ITS) design services for the Herndon Avenue widening project between State Route 99 and Weber Avenue and Golden State Boulevard **(Property located in District 2)** – Public Works Department
Action Taken: Approved
- O. * **RESOLUTION** - 62nd amendment to AAR No. 2008-162 appropriating \$545,800 for the re-budget of capital projects in the Public Works Department to provide for the completion of projects that were previously approved by Council **(Requires 5 affirmative votes)** – Public Works Department
Action Taken: Resolution No. 2009-142 adopted
- P. Approve first amendment to consultant services agreement between the City of Fresno and Jane Yow for "Aspire to Supervise Training" and authorize the Personnel Services Director to execute agreement on behalf of City – Personnel Services Department
Action Taken: Approved
- Q. Authorize a joint agreement between the City of Fresno, the County of Fresno, and the cities of Clovis, Parlier, Reedley, Sanger and Selma for Justice Assistance Grant Program, for \$551,306, from the U.S. Department of Justice, Bureau of Justice; and for consideration of the proposed spending plan for the 2009 Edward Byrne Memorial Justice Assistance Grant (JAG) program Federal funding – Police Department
Action Taken: Authorized
- R. Approval for a two-year contract extension of the current Master Agreement between Fresno City College and the City of Fresno for contract instruction, assessment, and counseling services to meet the needs of the Fresno Police Department – Police Department
Action Taken: Approved
- S. Approval of a one-year contract renewal with the Fresno Unified School District to provide \$374,670 for the Parks, After School, Recreation and Community Services Department to conduct a collaborative after school recreation program running through June 10, 2010 - PARCS
Action Taken: Approved
- T. Award a contract in the amount of \$144,451.81 to Kuckenbecker Tractor of Fresno, CA for three (3) turf tractors – General Services Dept/Fleet Mgmt. Division
Action Taken: Awarded
- U. **RESOLUTION** – Concerning Measure "C" Extension Local Transportation purposes pass-through projects and program funds annual allocation for fiscal year 2009-2010 – Finance Dept./Budget Management Division
Action Taken: Resolution No. 2009-143 adopted
- V. Approve the nomination of Bryn Forhan, Lee Ayres and James Woodward to be recommended to the Governor's appointments unit as the City of Fresno's citizen representatives to the San Joaquin Conservancy Board; the appointment of Rachelle Taylor and reappointment of Ronald Sheppard to the Disability Advisory Commission; and the reappointment of Michael T. McDonald to the Civil Service Board – Mayor's Office
Action Taken: Approved
- W. Authorize the Interim Planning and Development Director to negotiate and enter into a service provider agreement with the Fresno County Workforce Investment Board to receive \$50,000 to fund green jobs training and / or summer youth employment coordination – Planning and Development Department
Action Taken: Authorized

1. **CONSENT CALENDAR CONTINUED**

- X. Authorize the execution of documents relating to the placement of worksite participants of the Summer Youth Employment Program operated by the City of Clovis, a California municipal organization, as funded by the Fresno County Workforce Investment Board, to offer short-term employment opportunities to youth aged 14-24 – City Manager’s Office
Action Taken: Removed from the agenda

CONTESTED CONSENT CALENDAR

SCHEDULED COUNCIL HEARINGS AND MATTERS

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

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**

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

- A. Consider ordinances amending the Fresno Municipal Code relating to the calculation of cost of living adjustments under the City’s Retirement Systems – Council President Sterling
1. **BILL – (For introduction)** – Amending Section 3-411 of the Fresno Municipal Code relating to the calculation of the cost of living adjustments under the second tier of the Fire and Police Retirement System
Action Taken: Bill No. B-24 introduced, as amended, with 6/30/2010 sunset clause
 2. **BILL - (For introduction)** – Amending Section 3-553 of the Fresno Municipal Code relating to the calculation of the cost of living adjustments under the Employees Retirement System
Action Taken: Bill No. B-25 introduced, as amended, with 6/30/2010 sunset clause
- B. Request Council support to reduce duration of lunch break at Council meetings from two (2) hours to ninety (90) minutes - Councilmember Brand
Action Taken: Approved
- C. **RESOLUTION** - Of the Mayor and Council of the City of Fresno California, requesting relief from drought and regulatory decisions severely reducing the amount of federal water supply deliveries to Fresno County agriculture – Acting President Westerlund
Action Taken: Resolution No. 2009-144 adopted

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

- A. * **RESOLUTION** - Extending payment of salary differential benefits and the City’s portion of the employee’s health and welfare contribution; and providing for certain continuing leave accruals for permanent City employees while employees are serving in active military duty on deployments of more than thirty one (31) days; and continued payment of the employee portion of the health and welfare premium for dependents when no military health coverage is available while employees are serving in active military deployments of more than thirty one (31) days for permanent City employees called into active duty as a result of the ongoing Middle Eastern conflict – Personnel Services Department
Action Taken: Resolution No. 2009-145 adopted

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

9:30 A.M.

GENERAL ADMINISTRATION CONTINUED

- B. Documents pertaining to the Memorandum of Understanding (MOU) between the City of Fresno and the Fresno Police Officers' Association (Non-Supervisory Police, Unit 4 and Police Management, Unit 9) – City Manager's Office
1. * Adopt the Memorandum of Understanding (MOU) between the City of Fresno (City) and the Fresno Police Officers' Association (Non-Supervisory Police, Unit 4), providing compensation and benefits resulting from an agreement to open and extend the existing MOU
Action Taken: Adopted
 2. * Adopt the Memorandum of Understanding (MOU) between the City of Fresno (City) and the Fresno Police Officers' Association Police Management, Unit 9), providing compensation and benefits resulting from an agreement to open and extend the existing MOU
Action Taken: Adopted
 3. * Approve an amendment to the City of Fresno retiree health reimbursement arrangement to include a revision to appendix for Police Non-Supervisory Unit and the appendix for Police Management Unit
Action Taken: Approved
 4. * **RESOLUTION** – 11th amendment to Salary Resolution No. 2008-165 amending Exhibit 2, Section 2.1, Police Management (FPOA)
Action Taken: Resolution No. 2009-154 adopted

10:00 A.M.

CONTINUED 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

- 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
Action Taken: Adopted
- b. **RESOLUTION** – Approving Plan Amendment Application No. A-09-02
Action Taken: Resolution No. 2009-146 adopted

10:30 A.M.

JOINT MEETING WITH THE REDEVELOPMENT AGENCY

Approve minutes of June 4, 2009

Action Taken: Approved

- A. The City Council and the Redevelopment Agency consider the following:
1. **RESOLUTION** - Making certain findings pursuant to Section 33445 of the Community Redevelopment Law, authorizing the Agency's installation of a traffic signal at Jensen and Willow Avenues within the Southeast Fresno Revitalization Project Area (**Council and Agency action**)
Action Taken: Resolution Nos. 2009-147/1743 adopted
 2. Award the contract in the amount of \$337,974 to Madco Electric, Inc. for the construction and installation of the traffic signal at Jensen and Willow Avenues within the Southeast Fresno Revitalization Project Area (**Agency action**)
Action Taken: Awarded

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

10:30 A.M.

JOINT MEETING WITH THE REDEVELOPMENT AGENCY CONTINUED

- B. [The City Council and the Redevelopment Agency consider the following:](#)
1. **RESOLUTION** - Making certain findings pursuant to Section 33445 of the Community Redevelopment Law and authorizing the Agency to install public improvements including proposed street light installation on Belmont Avenue between Cedar and Chestnut Avenues within the Central City Commercial Revitalization Project Area (**Council and Agency action**)
Action Taken: Resolution Nos. 2009-148/1744 adopted
 2. Award a contract in the amount of \$396,300.00 to Browning Contractors, Inc for the installation of said public improvements (**Agency action**)
Action Taken: Awarded
- C. [Consider awarding contract to the lowest responsible bidder for the demolition and clearance of all structures located at 4007 & 4015/4017 E. Ventura Street \(Agency action\)](#)
Action Taken: Removed from the agenda

ADJOURN AGENCY

CLOSED SESSION

- A. **CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION** - Government Code Section 54956.9, Subdivision (a)
1. **Case Name:** Eya Dean v. City of Fresno, et al. Fresno County Superior Court Case No.: 04CECG00182
Action Taken: Held
- B. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION** - Government Code Section 54956.9, Subdivision (b)
Significant Exposure to Litigation:
1. Las Casitas de SER Retirement Village v. City of Fresno
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., Does 1 – 500, Fresno Superior Court Case No. 09 CE CG 00634
Action Taken: Held
- D. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION** - Government Code Section 54956.9, Subdivision (b)
Significant Exposure to Litigation:
1. City of Fresno v. Fresno Metropolitan Museum of Art and Science, et al., Does 1-100
Action Taken: Held
- E. **CONFERENCE WITH LABOR NEGOTIATOR – Government Code Section 54957.6**
City Negotiator(s): Kenneth Phillips, Terry Bond
Employee Organization(s):
1. Fresno Police Officers' Association (FPOA) (Non-Supervisory, Unit 4 and Police Management, Unit 9)
 2. International Brotherhood of Electrical Workers (IBEW)
 3. City of Fresno Professional Employees' Association (CFPEA)
- Action Taken:** Held

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

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

Action on the Fiscal Year 2010 Budget and related items

Council adoption of the Fiscal Year 2009 -2010 City of Fresno Budget and the Community Development Block Grant (CDBG) Budget, including the Annual Appropriation Resolution (AAR)

1. * **RESOLUTION** – Adopting the budget for Fiscal Year 2010 and appropriating to the various departments amounts set forth for the purposes named herein
Action Taken: Resolution No. 2009-149 adopted

2. * Adopting the Fiscal Year 2010 Position Authorization Resolution (PAR)
RESOLUTION – Establishing the number of positions authorized in the various departments and offices of the City for Fiscal Year 2010
Action Taken: Resolution No. 2009-150 adopted

3. * Adoption of the FY 2010 GANN Appropriation Limit Resolution
RESOLUTION – Selecting method to determine GANN appropriation limit, relating to the Fiscal Year 2009-2010 City budget
Action Taken: Resolution No. 2009-151 adopted

4. * Adoption of Property Tax Override Ordinance
BILL - (For introduction and adoption) – Authorizing the levy and collection of a property tax on taxable property in the City of Fresno for partial funding of the Fresno Fire and Police Retirement System and the Fresno City Employees’ Retirement System for the Fiscal Year beginning July 1, 2009
Action Taken: Bill No. B-26/Ordinance No. 2009-24 adopted

5. * [Adopt the Fiscal Year 2010 Salary Resolution](#)
RESOLUTION – Establishing rules for the application of City employee compensation rates and schedules and related requirements, and establishing compensation rates and schedules for Fiscal Year 2010
Action Taken: Resolution No. 2009-152 adopted

6. **RESOLUTION** - Establishing comparisons for purposes of establishing retirement benefits for deleted classes – Personnel Services Dept.
Action Taken: Removed from the agenda

7. **RESOLUTION** – Approving submission of the Fiscal Year 2009 - 2010 Annual Action Plan to the U.S. Department of Housing and Urban Development (HUD) for the CDBG, HOME, ESG, and the Housing Opportunities for Persons With AIDS (HOPWA) Program funds and authorizing the City Manager to sign all implementing documents required by HUD
Action Taken: Resolution No. 2009-153 adopted

CONTINUE budget consideration to June 30, 2009, at 8:30 a.m. for adoption of budget motions (If necessary)

SCHEDULED COUNCIL HEARINGS AND MATTERS

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 (<i>Reception immediately following – 2nd floor foyer</i>)
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	16 -	10:45 A.M.	HEARING re: Rezone Application No. R-09-005, filed by AMCAL Housing
July	16 -	10:50 A.M.	HEARING re: Rezone Application No. R-09-006, filed by AMCAL Housing
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: *Members of the public will be allowed to address the Council regarding the budget.*

June	30 -	8:30 A.M.	Must Adopt Budget
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