



# 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, 2<sup>nd</sup> Floor, 2600 Fresno Street, Fresno CA 93721.

## October 1, 2009

### 8:30 A.M. ROLL CALL

Invocation by Marta Rios Escarcega, Director of the Fresno House of Prayer

Pledge of Allegiance to the Flag

### **Ceremonial Presentations:**

Presentation of SPCA Pet of the Month – Councilmember Borgeas - **Presented**

Proclamation of "FIRST CHINESE BAPTIST CHURCH 125TH ANNIVERSARY" – Councilmember Xiong – **Read and presented**

Proclamation of "**DISABILITY AWARENESS MONTH**" – Mayor's Office – **Read and presented**

1. Presentation of the 1<sup>st</sup> Annual DAC Achievement Award - **Presented**

Proclamation of "**LIVESTRONG DAY**" – Mayor's Office – **Read and presented**

Proclamation of "FRESNO'S LEADING YOUNG PROFESSIONALS" – Councilmember Borgeas – **Read and presented**

Proclamation of "**CULTURAL ARTS MONTH**" – Council President Sterling **Read and presented**

Presentation of "Prime Time for Business" – Me-N- Ed's Pizzeria – Council President Sterling and Downtown & Community Revitalization Department - **Presentation made**

The agenda and related staff reports are available on ([www.fresno.gov](http://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 September 24, 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. **RESOLUTION** - Authorizing the Director of Aviation or other authorized representative to execute all related documentation for pre-application and application to the Federal Aviation Administration (FAA) for Airport Improvement Program (AIP) grants for Federal Fiscal Years 2010 and 2011 for both Fresno Yosemite International Airport (FYI) and Fresno Chandler Executive Airport (FCH) as shown in the City's Fiscal Year 2010 budget capital improvement plan; acceptance of FAA AIP grant(s) for Fiscal Year 2010 and Fiscal Year 2011 projects at both Airports including all subsequent amendments thereto offered by the FAA; and application for and acceptance of grants and all subsequent amendments thereto offered by the California Department of Transportation Aeronautics Division for matching funds should they be made available on Fiscal Years 2010 and 2011 FAA-approved projects at the Fresno Chandler Executive Airport – Airports Department

**Action Taken:** Resolution No. 2009-207 adopted

B. Approve agreement for professional consulting services with Dale Rutherford, AIA, of Fresno to design, monitor and provide project administration for acoustic treatment of approximately 250 homes for the Fresno Yosemite International Airport PART 150 Noise Compatibility Residential Acoustic Treatment Program locally known as the SMART Program under FAA Airport Improvement Program in the amount of \$775,000 – Airports Department

**Action Taken:** Approved

1. **CONSENT CALENDAR CONTINUED**

- C. Approve the Side Letter of Agreement with Fresno City Employees Association (FCEA), Unit 3, regarding incentive for Police Data Transcriptionists in the Police Department Records Division – Personnel Services Department  
**Action Taken:** Approved
- D. Authorize and approve an extension of the Non-Exclusive Franchise Agreement between the City of Fresno Police Department and current rotational tow operators – Police Department  
**Action Taken:** Authorized
- E. Reject all bids to re-roof Fresno Art Museum – General Services Dept./Purchasing Division  
**Action Taken:** Rejected as recommended
- F. **RESOLUTION** - Authorizing the submission of applications for and acceptance of the Caltrans Local Assistance Program - Highway Safety Improvement Program Grant Funds and authorizing the execution of documents by the Public Works Director or designee (**Property located in Districts 6 and 7**) – Public Works Department  
**Action Taken:** Resolution No. 2009-208 adopted
- G. Approve an agreement with Cornerstone Structural Engineering Group for the final design and construction document phases of the Jensen Avenue separation and overhead rehabilitation (**Property located in Districts 3 and 5**) – Public Works Department  
**Action Taken:** Removed from the agenda
- H. Approve an agreement with Fresno Irrigation District for a Quitclaim Deed and Reservation of Easement (**Property located in District 2**) – Public Works Dept.  
**Action Taken:** Approved, with amended attachments
- I. **RESOLUTION** - Authorizing the submission of applications for and acceptance of funds through the Council of Fresno County Governments 2010 "One Voice" call for projects and authorizing the execution of documents by the Public Works Director, the Transportation Director and General Services Director or their designees (**Property located in Districts 1, 2 3, 5, 6 and 7**) – Public Works Dept.  
**Action Taken:** Resolution No. 2009-209 adopted
- J. \* **RESOLUTION** - 20th amendment to AAR No. 2009-149 appropriating \$18,800 of American Recovery and Reinvestment Act grant funds from the Fresno County Workforce Investment Board for the coordination of the Summer Youth Employment Program activities across City departments (**Requires 5 affirmative votes**) – Personnel Services Department  
**Action Taken:** Resolution No. 2009-210 adopted
- K. Approval of a contract for \$28,000 with Fresno County Office of Education for the Parks, After School, Recreation and Community Services Department to conduct the Fresno BEST program at Cooper Middle School running through June 30, 2010 - PARCS  
**Action Taken:** Approved
- L. Approve appointment of Paul J. Bauer to the Fresno Regional Workforce Investment Board – Mayor's Office  
**Action Taken:** Approved

**CONTESTED CONSENT CALENDAR**

## **SCHEDULED COUNCIL HEARINGS AND MATTERS**

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

1. **Appearance by Kenneth Fick to discuss various issues – 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.

### **9:30 A.M. #1 GENERAL ADMINISTRATION**

- A. **Approve the appointment of Joe Gray as City Controller – City Manager's Office**  
**Action Taken: Approved**
- B. **WORKSHOP on the Mayor/Council form of Government – City Attorney's Office – Rescheduled for 10/22/2009**

### **9:30 A.M. #2 CITY COUNCIL**

- A. **Presentation by Fresno's Leading Young Professionals (FLYP) on FLYP's organization and programs -Councilmember Borgeas**  
**Action Taken: Presentation made**

**10:00 A.M. #1 CONTINUED HEARING** to consider Plan Amendment Application No. A-08-16, Rezone Application No. R-08-26, and environmental findings, filed by Riverfront Ventures, LLC, pertaining to 10.78± acres of property located on the northwest corner of N. Bryan and W. Herndon Avenues (**Property located in District 2**) – Planning and Development Department (**Referred back to staff**)  
**Action Taken: Referred back to staff as noted**

### **10:00 A.M.#2 JOINT MEETING WITH THE REDEVELOPMENT AGENCY**

Approve Agency minutes of September 17, 2009  
**Action Taken: Approved**

- A. **Approval by the Agency Board of an amendment to the Ground Lease Agreement and an Agreement for Purchase and Sale and Escrow Instructions between the Redevelopment Agency of the City of Fresno (the "Agency") and Uniwell Fresno Hotel, LLC (the "Lessee"), for the sale of the underlying fee interest of the land under the Radisson Hotel, 2223 Ventura Street, in the amount of \$2,900,000; approval by the City Council of an Amendment to a Sublease between Uniwell Fresno Hotel, LLC and the City of Fresno providing for the simultaneous exercise of four (4) five (5) year options, and extending a purchase option on the Conference Center and Parking Structure; and, joint approval of a 2009 Reimbursement Agreement and Promissory Note between the Redevelopment Agency and the City of Fresno for debt in the Convention Center Project Area, Merged Area #1 Redevelopment Project Area; adopt categorical exemptions from CEQA (15301 "existing facilities", 15378 "financing only") ( **Council and Agency action**)**  
**Action Taken: Approved**

**ADJOURN AGENCY**

**CLOSED SESSION**

**A. CONFERENCE WITH LEGAL COUNSEL – DECIDING WHETHER TO INITIATE LITIGATION - Government Code Section 54956.9, Subdivision(c)**

1. **Case Name:** Darling International, Inc.  
**Action Taken:** Held

2:30 P.M. **CONTINUED HEARING** to consider the Fancher Creek Development Agreement (**Continue to October 15, 2009 at 10:30 a.m.**)  
**Action Taken:** Continued as noted

**SCHEDULED COUNCIL HEARINGS AND MATTERS**

|       |      |                                  |   |
|-------|------|----------------------------------|---|
| Oct.  | 8 -  | <b>NO MEETING – COLUMBUS DAY</b> |   |
| Oct.  | 15 - | <b>8:30 A.M.</b>                 | Presentation of P.R.I.D.E. Team Certificates for the Fall Quarter ( <b>Reception immediately following – 2<sup>nd</sup> floor foyer</b> )   |
| Oct.. | 15 - | <b>10:00 A.M.</b>                | <b>HEARING</b> re: (Plan Amendment A-09-001) El Dorado Park Neighborhood Plan   |
| Oct.  | 15 - | <b>10:15 A.M.</b>                | <b>CONTINUED HEARING</b> 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 – Planning and Development Dept. |
| Oct.. | 15 - | <b>10:20 A.M.</b>                | <b>HEARING</b> re: Text Amendment No. TA-09-03 re: restaurant with alcohol sales, taverns and night clubs   |
| Oct.  | 15 - | <b>10:30 A.M.</b>                | <b>CONTINUED HEARING</b> to consider the Fancher Creek Development Agreement  |
| Oct.  | 22 - | <b>8:30 A.M.</b>                 | Presentation of "Make a Promotion a Commotion" ( <b>Reception immediately following – 2<sup>nd</sup> floor foyer</b> )  |
| Oct.  | 22 - | <b>5:00 P.M.</b>                 | <b>HEARING</b> re: Plan Amendment A-08-09, Rezone Application No. R-08-013, filed by Sol Development Associates   |
| Oct.  | 29 - | <b>10:00 A.M.</b>                | <b>HEARING</b> re: Rezone Application No. R-09-008, Plan Amendment No. A-09-004, filed by Dirk Poeschel   |
| Nov.  | 5 -  | <b>5:00 P.M.</b>                 | <b>HEARING</b> to consider residential metered water rates pursuant to Proposition 218  |