



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.

December 10, 2009

8:30 A.M. ROLL CALL

Invocation by Terry Townsend of Peoples' Church

Pledge of Allegiance to the Flag

Ceremonial Presentations:

Presentation of Student Recognition Certificates to Students in District 7 – Councilmember Perea - **Presented**

Recognition of 2nd Graduating Class of Fresno Citizens' Academy – Mayor's Office - **Recognized**

Presentation of A Commendation to Kevin Eaker for Lifesaving Efforts – City Manager's Office - **Commended**

Presentation of "Prime Time for Business" – Ohanyan's Bastirma & Soujoukco. – Council President Sterling and Downtown & Community Revitalization Department – **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 minutes of [November 30](#), and December 3, 2009

Action Taken: Approved, as submitted

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** - Consenting and authorizing investment of monies in the Local Agency Investment Fund ("LAIF") in the custody of the State Treasurer for purposes of investment, and authorizing certain Finance Officers in connection therewith – Finance Dept.
Action Taken: Resolution No. 2009-251 adopted
- B. Approve an agricultural lease agreement with Quist Dairy in the amount of \$740,760 for lease of 445.2 acres of City-owned land at the Fresno-Clovis Regional Wastewater Reclamation Facility (RWRF) (**Property located in District 3**) – Dept. of Public Utilities
Action Taken: Approved
- C. Approve appointment of Mee Cha to the Fresno Regional Workforce Investment Board – Mayor's Office
Action Taken: Approved
- D. Approve second amendment to agreement with Carollo Engineers, P.C., for design and construction services for the organic upgrade project at the Fresno-Clovis Regional Wastewater Reclamation Facility (**Property located in District 3**) for a net increase of \$350,000 – Dept. of Public Utilities
Action Taken: Approved
 - 1. * **RESOLUTION** - 36th amendment to AAR No. 2009-149 appropriating \$350,000 for professional engineering services associated with the organic upgrade project at the Fresno-Clovis Regional Wastewater Reclamation Facility (**Requires 5 affirmative votes**)
Action Taken: Resolution No. 2009-252 adopted
- E. Adopt Resolution No. 1078-D to vacate N. Harrison Avenue north of W. Bedford Avenue (**Property located in District 2**) – Public Works Dept.
Action Taken: Adopted
- F. Adopt Resolution No. 1081-D to vacate a portion of the easterly 26-feet of Amador Street between Fulton Street and the Fulton-Broadway alley (**Property located in District 3**) – Public Works Dept.
Action Taken: Adopted

1. **CONSENT CALENDAR CONTINUED**

- G. Authorize staff to request an extension of unspent grant funds for the Willow and Shepherd connection trail project, Clovis Avenue center median landscaping and Blackstone and Bullard intersection improvement project (*Property located in Districts 4 and 6*) - Public Works Dept.
Action Taken: Authorized
- H. Consideration of approval of Measure "C" Cooperative Agreement for the Willow Avenue improvement project from Barstow Avenue to Escalon Avenue (*Property located in District 4*) – Public Works Department
Action Taken: Approved
- I. Approve agreement with National Cinemedia for \$219,000 for public service announcement advertising in local theaters to be funded through the 2008 Assistance to Firefighters Grant Program – Fire Department
Action Taken: Approved
- J. Approve the active member appointment confirmations of Nicholas O. Webber, (*appointed by Councilmember Borgeas*), Gladys Deniz (*appointed by Council President Sterling*), Laura L. Whitehouse (*appointed by Councilmember Brand*), and Sharon Schilling (*appointed by Councilmember Dages*) to the Utility Advisory Committee – Dept. of Public Utilities
Action Taken: Approved
- K. Approve the agreement between the Pop Laval Foundation, Valley Public Television Inc., and the City of Fresno to create a documentary of the history of the Fire Department – Fire Department
Action Taken: Approved
- L. * **RESOLUTION** - 35th amendment to AAR No. 2009-149 appropriating \$11,000 in donations in the PARCS Department for the Third Annual Christmas in the Park event (*Requires 5 affirmative votes*) – PARCS
Action Taken: Removed from the agenda
- M. **RESOLUTION** - Consenting to actions regarding PARC Grove Commons in the City of Fresno by the Housing Authority of Fresno County - Planning and Development Dept.
Action Taken: Resolution No. 2009-253 adopted
- N. Award a requirements contract in the amount of \$2,701,728.09 to Silvas Oil Company of Fresno, CA for carb ultra low sulfur diesel fuel – General Services Department
Action Taken: Approved
- O. Approve the 2010 City Council meeting schedule – City Clerk’s Office
Action Taken: Approved
- P. **BILL – (For introduction)** – Amending Subsection (e) of Section 7-611 of the Fresno Municipal Code relating to redetermination and appeals of tax liability – City Attorney’s Office
Action Taken: Bill No. B-40 introduced/laid over

CONTESTED CONSENT CALENDAR

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

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.

9:15 A.M. **GENERAL ADMINISTRATION**

- A. Adopt Finding of Exemption, pursuant to CEQA Guidelines Section 15378 (*Financing only*) – Finance Department
Action Taken: Adopted
 - 1. * **RESOLUTION** – Authorizing the issuance of City of Fresno Water System Revenue Bonds, 2010 Series A; approving the form of and authorizing the execution and delivery of an Indenture, a First Supplemental Indenture, Escrow Agreement, a Continuing Disclosure Certificate, a Bond Purchase Contract and an Official Statement, an Amendment to the 1993 Indenture, and authorizing other matters related thereto
Action Taken: Resolution No. 2009-254 adopted
- B. **RESOLUTION** - Supporting the deployment and adoption of broadband by joining the California Emerging Technology Funds *Get Connected!* public awareness program dedicated to closing the Digital Divide – Mayor’s Office
Action Taken: Resolution No. 2009-255 adopted
- C. Authorize the General Services Director or his designee to execute an agreement with the Housing Authority City and County of Fresno, to manage the maintenance and repair of Housing Authority vehicles – General Services Department
Action Taken: Authorized
- D. Approve an agricultural lease agreement with Big De Farms, a limited partnership, in the amount of \$220,000 for lease of 158-acres of City-owned land at the Fresno-Clovis Regional Wastewater Reclamation Facility (RWRF) (*Property located in District 3*) – Dept. of Public Utilities
Action Taken: Approved

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

- A. Presentation by the High Speed Rail Committee – Council President Sterling – Presentation made
- B. Consider Council override vote of the following items vetoed by Mayor Swearingin on December 3, 2009 (Councilmember Brand)
 - 1. Legislative action entitled: Determine that the closure of 4 neighborhood centers and reduction in hours of seven (7) centers is a material decision
Action Taken: Override failed/veto stands
 - 2. Legislative action entitled: Determine the defunding of 145 civilian positions in the Police Department with 41 of those positions currently vacant is a material decision
Action Taken: Override failed/veto stands
 - 3. Legislative action entitled: Determine that designating 84 hours annual furlough for sworn Fire Department personnel and closure of 2 stations is a material decision
Action Taken: Override failed/veto stands

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

MEETING OF THE FRESNO JOINT POWERS FINANCING AUTHORITY

10:00 A.M.#1 **RESOLUTION** - Authorizing certain Finance Officers of the City of Fresno to sign various investment and commercial banking documents, and to provide verbal instruction required for the prudent financial administration and safekeeping of Fresno Joint Powers Financing Authority ("JPFA") funds – Finance Department
Action Taken: **JPFA Resolution No. 31 adopted**

ADJOURN AUTHORITY

10:00 A.M.#2 **RESOLUTION** - Authorizing certain Finance Officers of the City of Fresno to sign city checks and various investment and commercial banking documents, and to provide verbal instruction required for the prudent financial administration and safekeeping of City funds – Finance Dept.
Action Taken: **Resolution No. 2009-256 adopted**

10:00 A.M.#3 Presentation by Public Utilities Department and Finance Department in regards to water meters in planned unit developments - **Presentation made**

10:30 A.M. **CLOSED SESSION**

- A. CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION** - Government Code Section 54956.9, Subdivision (a)
1. **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.
United States District Court Case No. 1:06-CV-01559-OWW-LJO
 2. **Case Name:** Michelle Maher v. City of Fresno et al. U.S. District Court, Case No. 1-08-CV-00050-OWW-SMS
Action Taken: **Held**

SCHEDULED COUNCIL HEARINGS AND MATTERS

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|-------------|-------------|--------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Dec. | 17- | 10:00 A.M | HEARING to consider a resolution of public use and necessity for acquisition of permanent easements and right of way for public street purposes from the following parcel of real property located near the intersection of Herndon Avenue and Golden State Blvd in the City of Fresno: Assessor's Parcel 504-091-01 owned by Millennium, LLC |
| Dec. | 17 - | 10:15 A.M. | WORKSHOP - Proposed scope of work for the Fresno Green Development Code, General Plan update, and MEIR Update |
| Dec. | 24 - | NO MEETING – CHRISTMAS WEEK | |
| Dec. | 31 - | NO MEETING – NEW YEARS WEEK | |
| Jan. | 7 - | 9:00 A.M. | Ceremonial appointments only: Appointment of Incoming Council President, Acting Council President, and RDA Chair and Vice Chair |
| Jan. | 14 - | 9:30 A.M.#1 | HEARING ordering the vacation of N. Harrison Avenue north of W. Bedford Avenue |
| Jan. | 14 - | 9:30 A.M.#1 | HEARING ordering the vacation of a portion of the easterly 26 ft. of Amador St. betw. Fulton St. and the Fulton-Broadway alley |
| Jan. | 14 - | 10:00 A.M. | HEARING re: Rezone Application No. R-09-10, filed by Robert Sepulveda |
| Jan. | 14 - | 10:15 A.M. | HEARING to consider Plan Amendment Application No. A-09-08 and Rezone Application No. R-09-16 filed by Clifford Tutelian of Park Place Holdings, LP |
| Jan. | 14 - | 10:30 A.M. | TEFRA HEARING for American Baptist Homes of the West (San Joaquin Gardens) |
| Jan. | 21 - | NO MEETING – MARTIN LUTHER KING DAY | |