



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 17, 2009

8:30 A.M. ROLL CALL

Invocation by Father Gosdanian of the Holy Trinity Armenian Church

Pledge of Allegiance to the Flag

Ceremonial Presentations:

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

Presentation of a Certificate of Recognition to Connie Provencio from the Lowell Neighborhood Revitalization Committee for the work she has done in the Lowell Neighborhood – Council President Sterling - **Presented**

Proclamation of “FRESNO CITY COLLEGE’S 100 ANNIVERSARY” – Councilmember Xiong - **Read and presented**

Add-on: Proclamation to Grace Solis for work at Arte Americas – **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, 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 December 10, 2009

Action Taken: Approved

Approve the Joint Powers Financing Authority minutes of December 10, 2009 (Council President Sterling and Councilmember Xiong)

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 at 11:00 a.m.

A. Approve an agreement in an amount not to exceed \$300,000 with the Gordian Group, Inc., DBA the Mellon Group, for the implementation of a job order contracting program – General Services Dept.

Action Taken: Approved

B. Approve the selection of F.I.R.M. Associates, Inc., to provide medical examinations and related services to the City of Fresno and authorize the Personnel Services Director to execute an agreement on behalf of the City – Personnel Services Dept.

Action Taken: Approved

C. Approve an agreement with Blair, Church, and Flynn Consulting Engineers (Clovis, CA) in the amount of \$153,700 for design engineering services, construction management, and inspection for the FAX Bus Stop Infrastructure Improvement Project – General Services Dept.

Action Taken: Approved

D. Approve renewal of consultant services agreement with David Rosen and Associates to complete housing trust fund scope of services for the City's Affordable Housing Special Revenue Fund Program – Planning and Development Dept.

Action Taken: Approved

E. Adopt Finding of a Categorical Exemption, pursuant to CEQA Guidelines Section 15301(f) – Public Works Department

Action Taken: Adopted

1. Award a contract in the amount of \$239,828 to Prestige Electric Corporation for construction of the First and Clinton traffic signal modifications (*Property located in District 7*)

Action Taken: Awarded

1. **CONSENT CALENDAR CONTINUED**

- F. [Adopt a CEQA Categorical Exemption pursuant to Section 15302\(2\)\(c\) – Public Works Department](#)
Action Taken: Adopted, as amended
1. Award a contract in the amount of \$208,485 to Bill Nelson, G.E.C. Inc., of Fresno, for the Cortland, Dayton, and Gentry Avenues water main installations (***Property located in District 1***)
Action Taken: Awarded
- G. [Adopt Findings of a Categorical Exemption pursuant to CEQA Guidelines 15301 \(c\) and 15304 \(f\)](#)
Action Taken: Adopted
1. Award a construction contract to Rock Bottom, Inc. located in Bakersfield, CA for the installation of landscaping improvements along the McKenzie Trail between Willow and Clovis Avenues, in the amount of \$537,332.27 for the base bid plus add alternates 1, 2 and 3 (***Property located in Districts 5 and 7***) – Public Works Department
Action Taken: Awarded
- H. [Adopt Finding of a Categorical Exemption, pursuant to CEQA Guidelines Section 15303 \(*Property located in District 3*\) – Public Works Department](#)
Action Taken: Adopted
1. Award a construction contract in the amount of \$149,000 to Santana Construction & Management, of Madera, CA for the relocation of a modular building
Action Taken: Awarded
- I. [Annual review and acceptance of the Fiscal Year 2009 Impact Fee Annual Report as required by California Government Code – Public Works Department](#)
Action Taken: Accepted
- J. * [RESOLUTION - 37th amendment to AAR No. 2009-149 appropriating \\$842,000 in available funds for supplemental refunds and reimbursements to approved developers \(***Requires 5 affirmative votes***\) - Public Works Department](#)
Action Taken: Resolution No. 2009-257 adopted
- K. [Authorize staff to request an extension of unspent grant funds from the N. First Street bicycle lane improvement project \(***Property located in Districts 4 and 6***\) – Public Works Department](#)
Action Taken: Authorized
- L. [Approve a professional services agreement with URS Corporation Americas, for construction management services for the organic upgrade project at the Fresno-Clovis Regional Wastewater Reclamation Facility in the net amount of \\$80,000 \(***Property located in District 3***\) – Department of Public Utilities](#)
Action Taken: Approved
- M. [Award a requirements contract to Duke's Root Control, Inc. of Syracuse, New York, in the amount of \\$105,100 to furnish and apply sewer pipe root control agent – Dept. of Public Utilities](#)
Action Taken: Awarded
- N. [Award a \\$2,900,000 contract to Kaweah Construction, Inc. of Fresno, California, for construction of a fats, oils and grease receiving facility at the Fresno/Clovis Regional Wastewater Reclamation Facility \(***Property located in District 3***\) – Dept. of Public Utilities](#)
Action Taken: Awarded
1. * [RESOLUTION - 38th amendment to AAR No. 2009-149 appropriating \\$3,034,000 for the construction of a fats, oil, and grease receiving facility at the Fresno-Clovis Regional Wastewater Reclamation facility \(***Requires 5 affirmative votes***\)](#)
Action Taken: Resolution No. 2009-258 adopted
- O. [Award requirements contract to HD Supply Waterworks, LTD of Fresno, California in the amount of \\$144,040.98 for butterfly valves, gate valves and check valves and authorize the Director of Public Utilities to execute a one-year contract with provisions for two one-year extensions – Dept. of Public Utilities](#)
Action Taken: Awarded

1. **CONSENT CALENDAR CONTINUED**

- P. * **RESOLUTION** - 22nd amendment to AAR No. 2009-149 appropriating \$330,500 in UGM 301s water supply funds for a water supply well in northwest Fresno (**Requires 5 affirmative votes**) – Dept. of Public Utilities
Action Taken: Resolution No. 2009-259 adopted
- Q. **ITEM REMOVED FROM THE AGENDA**
- R. * **RESOLUTION** – 2nd amendment to PAR No. 2009-150 adding eight (8) positions to the Wastewater Management and Water Divisions of the Department of Public Utilities – Dept. of Public Utilities
Action Taken: Resolution No. 2009-260 adopted
- S. Approval of contract with Ontira Communications of Toronto, Canada for trip planning software for Fresno Area Express in the amount of \$482,300 - Fresno Area Express
Action Taken: Approved
- T. **ITEM REMOVED FROM THE AGENDA**
- U. Approval of Heald College (Heald) internship program agreement with the Parks, After School, Recreation and Community Services Department - PARCS
Action Taken: Approved
- V. Approval of a contract for \$10,000 with Fresno County Office of Education for the Parks, After School, Recreation and Community Services Department to conduct the Fresno BEST Program at Roosevelt High School through June 30, 2010 - PARCS
Action Taken: Approved
- W. Approval of the agreement between Fresno County Superintendent of Schools and the Parks, After School, Recreation and Community Services Department in the amount of \$23,800 to conduct the Community Science program at Cooper Middle School running through June 30, 2010 - PARCS
Action Taken: Approved
- X. * Approve the Side Letter of Agreement with Fresno City Employees Association (FCEA), Unit 3, regarding impact of furloughs and layoffs – Personnel Services Department – Personnel Services Department
Action Taken: Approved
- Y. **RESOLUTION** - Authorizing restoration of leave accruals for permanent City employees which were lost during active military deployment of more than thirty one (31) days; and compensation for lost leave of former permanent City employees who served in active military deployments of more than thirty one (31) days called into active duty as a result of the ongoing Middle Eastern conflict; and restoration of employee payments to the City Health and Welfare Trust for employees who did not utilize health and welfare trust benefits during the deployment – Personnel Services Dept.
Action Taken: resolution No. 2009-266 adopted
- Z. * **RESOLUTION** – 2nd amendment to Salary Resolution 2009-152 modifying salaries in Exhibit 1, Unit 1, Non-Supervisory Blue Collar, and salaries in Exhibit 9, Unit 7, Non-Supervisory Groups and Crafts – Personnel Services Dept.
Action Taken: Resolution No. 2009-261 adopted
- AA. Approve the re-appointment of Sarah Velasquez to the Utility Advisory Committee; the appointment of Fely Guzman and the re-appointment of Steve Geil to the Fresno Regional Workforce Investment Board as a Public Sector Member (Public Sector Members to be concurrently appointed by BOTH the City of Fresno and the County of Fresno) – Mayor's Office
Action Taken: Approved

1. **CONSENT CALENDAR CONTINUED**

- BB. * **RESOLUTION** – 3rd amendment to PAR No. 2009-150 transferring one (1) Supervising Engineering Technician position from the Public Works Department Capital Management Division to the General Services Department Facilities and Major Projects Division – General Services Dept.
Action Taken: Resolution No. 2009-262 adopted
- CC. Approve a second amendment to agreement with Design Lab 252 in the amount of \$22,410 to provide alternative design for the Camphor Grove within Eaton Plaza Park (*Property located in District 3*) – Public Works Dept.
Action Taken: Approved
- DD. **BILL - (For introduction)** – Amending Section 10-53302 of the Fresno Municipal Code relating to fireworks - Fire Dept.
Action Taken: Bill No. B-42 introduced/laid over
- EE. * **BILL NO. B- 40 – (Intro. 12/10/2009) (For adoption)** – 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: Ordinance No. 2009-40 adopted

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**

AA. **Special Notice item: Agreement approved; Resolution No. 2009-263 adopted**

A. Approve agreement with Elizabeth Moule & Stefanos Polyzoides, Architects and Urbanists for the Fulton Corridor Specific Plan and the Downtown Neighborhoods Community Plan – Downtown and Community Revitalization Dept.
Action Taken: Tabled to 1/28/2010

B. * **RESOLUTION** - Adopting a policy to defer payment of Citywide development impact fees for Fire, Police, Parks, major streets and traffic signals in the downtown priority areas - Public Works Dept.
Action Taken: Resolution No. 2009-265 adopted

C. **RESOLUTION** - Supporting the siting and financial strategies needed to establish a high-speed rail heavy maintenance facility in Fresno County - General Services Dept.
Action Taken: Resolution No. 2009-264 adopted

D. Presentation by City-Wide Blue Team - Update on 2009 Activities Various City Departments – Planning and Development Department
Disposition: Presentation made

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

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

- A. **BILL - (For Introduction)** - Amending the Fresno Municipal Code relating to the Card Room Ordinance - Councilmember Dages
Action Taken: Bill No. B-41 introduced/laid over
- B. * Set policy to continue full time operation of all 18 neighborhood centers in the City of Fresno PARCS system and the maintenance of 1 Community Service Officer to work with PAL and the Neighborhood Watch programs - Councilmember Xiong
Action Taken: Withdrawn by Councilmember Xiong

10:00 A.M.

HEARING to consider a resolution of public use and necessity for acquisition of permanent easement 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 Boulevard in the City of Fresno: Assessor's Parcel 504-091-01 owned by Millennium Acquisitions, LLC (**Property located in District 2**) – Public Works Dept.

Action Taken: Held/discussed/Continued to 1/14/10 @ 2:00 p.m.

- a. * **RESOLUTION** - Determining that public interest and necessity require acquisition of easement and rights-of-way for public street purposes over, under, through and across a portion of APN 504-091-01, owned by Millennium Acquisitions, LLC, for the construction of improvements and widening and related purposes of Herndon Avenue and Golden State Boulevard intersection and authorizing eminent domain proceedings for public use and purpose (**Requires 5 affirmative votes**)

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. Raps Fresno, LLC, et al. (Also known as Hotel Fresno) Fresno County Superior Court Case No. 05 CE CG 01744
Action Taken: Held

11:00 A.M. #1

CONTESTED CONSENT CALENDAR

11:00 A.M. #2

JOINT MEETING WITH THE REDEVELOPMENT AGENCY

Approve Agency minutes of November 5, 2009

Action Taken: Approved

- A. Authorize the Executive Director to enter into a Purchase and Sale Agreement, and related documents, for the property located at 237 N. Park Avenue, Fresno, CA 93701 (APN 459-232-04) owned by Valley Capital Investment, Inc. (**Agency action**)
Action Taken: Authorized
 - 1. Authorize the Executive Director to take all other actions necessary and consistent with Agency Board approval. The subject property is located in the Lowell Neighborhood within the Freeway 99 Golden State Corridor Redevelopment Project Area (**Agency action**)
Action Taken: Authorized

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

11:00 A.M. #2

JOINT MEETING WITH THE REDEVELOPMENT AGENCY CONTINUED

- B. Consider issuance of a Request for Qualifications and Conceptual Proposals (“RFQ”) by the Agency and the City of Fresno for the development, redevelopment and/or re-use of seven (7) downtown parcels totaling 2.52 acres in the Uptown Cultural Arts District in Downtown Fresno for the purpose of developing a lively, mixed use entertainment center development, Merged Project Area #1 **(Council and Agency action)**
Action Taken: Approved
- C. Consider that the Redevelopment Agency Board authorize the Executive Director to execute the Purchase and Sales Agreement for the purchase of 1.17 acres located at the southwest corner of Shields and Winery Avenue within the Airport Area Revitalization Redevelopment Project Area and to take the necessary actions to close escrow **(Agency action)**
Action Taken: Authorized
- D. Approve request to transfer title of five (5) vacant parcels located on Florence Avenue between East Avenue and Railroad Avenue from the City to the Redevelopment Agency **(Property located in District 3) (Council and Agency action)**
Action Taken: Approved

ADJOURN AGENCY TO 5:30 P.M.

5:30 P.M.

- A. Approve term sheet amending the Fresno Baseball Club Stadium Lease Agreement, and authorize the City Manager and City Attorney to complete and execute all necessary documentation in substantial compliance with the approved term sheet – City Manager’s Office **(Council and Agency action)**
Action Taken: Approved/authorized
- B. Approve the second amendment to the agreement between the City and Barrett Sports Group, LLC for services related to the stadium lease agreement negotiations - City Manager’s Office **(Council action)**
Action Taken: Approved

SCHEDULED COUNCIL HEARINGS AND MATTERS

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 -	9:45 A.M.	Presentation of the 2009 FY Annual Report of the Historic Preservation Commission
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.	14 -	10:45 A.M.	WORKSHOP on the Proposed Scope of Work for the Fresno Green Development Code and General Plan Update
Jan.	14 -	2:00 P.M.	CONTINUED HEARING to consider a resolution of public use and necessity for acquisition of permanent easement 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 Boulevard in the City of Fresno: Assessor's Parcel 504-091-01 owned by Millennium Acquisitions, LLC (Property located in District 2) – Public Works Dept.
Jan.	21 -	NO MEETING – MARTIN LUTHER KING DAY	
Jan.	28 -	8:30 A.M.	Presentation of P.R.I.D.E. Team Certificates for the Winter Quarter
Jan.	28 -	10:00 A.M.	HEARING re: Rezone Application No. R-09-10, filed by Robert Sepulveda
Feb.	4 -	8:30 A.M.	Make A Promotion A Commotion Ceremony – Personnel Services Dept.