



City Council Agenda

Council President
Blong Xiong

Councilmembers

Brian Calhoun, Ph.D.
Paul Caprioglio
Mike Dages

Jerry Duncan
Henry T. Perea
Cynthia A. Sterling – Acting President

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.

January 6, 2009

8:30 A.M. ROLL CALL

Invocation by Councilmember Dages

Pledge of Allegiance to the Flag

[Approve City Council minutes of December 16, 2008](#)

Action Taken: Approved

[Approve Redevelopment Agency minutes of December 16, 2008](#)

Action Taken: Approved

Statements by Outgoing Councilmembers Brian Calhoun and Jerry Duncan - **Made**

Presentations to Outgoing Councilmembers - **Presented**

Installation and Administration of Oaths of Office to Councilmembers-elect Andreas Borgeas and Lee Brand – **Oaths administered**

Incoming Statements by the Newly Elected Councilmembers - **Made**

Approve Appointment of Paul Caprioglio as Councilmember for District 4 - **Appointed**

Election of Council President and Acting Council President – **Councilmembers Sterling and Caprioglio elected**

Statement by Outgoing Mayor Alan Autry - **Made**

Installation and Administration of the Oath of Office to Mayor-elect Ashley Swearingin – **Oath administered**

Comments by Mayor Ashley Swearingin - **Made**

Presentation by Dr. Tom Newton, Pastor of the River Bluffs Church – **Presentation made**

RECESS FOR RECEPTION – RECONVENE AT 2:00 P.M.

Kipp Academy Musical Ensemble will perform during the reception

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.

10:00 AM **HEARING** to consider ordering the vacation of a portion of the east side of N. State Street north of W. Fairmont Avenue (*Property located in District 2*) - Public Works Dept. (*Continue to 2:30 p.m.*)
Action Taken: Continued as noted

2:00 P.M. **Ceremonial Presentation:**

Election of Redevelopment Agency Chair and Vice Chair

Action Taken: Councilmember Xiong elected Chair and Councilmember Brand elected Vice Chair

Councilmember Reports and Comments

Action Taken: Made

Approve Agenda

Action Taken: Approved

Adopt Consent Calendar

Action Taken: Adopted

2:00 P.M.

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** – 61st amendment to AAR No. 2008-162 appropriating \$2,231,800 for street improvement reconstruction on the Willow-Shepherd intersection (*Requires 5 affirmative votes*) (*Property located in District 6*) – Public Works Department
Action Taken: Resolution No. 2009-01 adopted
1. * Award a construction contract in the amount of \$1,504,517.70, including add Alternates “B” and “C”, to JWT General Engineering, for the Willow-Shepherd intersection reconstruction– Public Works Department
Action Taken: Awarded
- B. **RESOLUTION** - Dedicating certain City-owned property for public street purposes at Pump Station No. 76 located at the northeast corner of Sierra and Millbrook Avenues (*Property located in District 6*) – Public Works Department
Action Taken: Resolution No. 2009-02 adopted
- C. * Approve the acquisition of a public pedestrian easement from Janice Talanoa and Paul Talanoa, on property located at the southwest corner of E. Harvey Avenue and N. Fifth Street (*Property located in District 7*) – Public Works Department
Action Taken: Approved
- D. Adopt Resolution of Intention No. 1071-D to vacate the California-Atchison alley between Walnut and Plumas Avenues, the Atchison-Lorena alley between Walnut and Plumas Avenues, E. Atchison between Walnut and Plumas Avenues, and a portion of Lorena Avenue between Walnut and Plumas Avenues and setting the public hearing for January 27, 2009 at 10:20 a.m. (*Property located in District 3*) – Public Works Dept.
Action Taken: Adopted
- E. * Award a \$694,550.00 contract to Myers Brothers Well Drilling, Inc. of Hanford, California, for a requirements contract to drill new reclamation wells at the Fresno/Clovis Regional Wastewater Reclamation Facility (*Property located in District 3*) – Dept. of Public Utilities
Action Taken: Awarded
- F. **RESOLUTION** - Conditionally accepting urban streams restoration grant - PARCS
Action Taken: Resolution No. 2009-03 adopted
- G. Approval of a contract with Fresno Unified School District to provide \$2,188.75 for the Parks, After School, Recreation and Community Services Department to conduct life and environmental science presentations at Awahnee Middle School through June 30, 2009 - PARCS
Action Taken: Approved
- H. Approve the City Council meeting schedule for the calendar year 2009 – City Clerk’s Office
Action Taken: Approved

CONTESTED CONSENT ITEMS (IF ANY)

SCHEDULED COUNCIL HEARINGS AND MATTERS

2 15 P.M. #1 A. SCHEDULED COMMUNICATION

2:15 P.M. #2 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.

2:15 P.M. #3 **CITY COUNCIL**

2:20 P.M. **GENERAL ADMINISTRATION**

2:25 P.M. **CLOSED SESSION**

2:30 P.M. **CONTINUED HEARING** ordering the vacation of a portion of the east side of N. State Street north of W. Fairmont Avenue (*Property located in District 2*) – Public Works Dept.
Action Taken: Held/continued to January 13, 2009 at 9:55 a.m.
a. * **RESOLUTION** - Ordering the vacation of a portion of the east side of N. State Street north of W. Fairmont Avenue

SCHEDULED COUNCIL HEARINGS AND MATTERS

Jan.	13 -	8:30 A.M.	Presentation of P.R.I.D.E. Team Certificates - (<i>Reception immediately following – 2nd floor foyer</i>)
Jan.	13 -	9:55 A.M.	CONTINUED HEARING ordering the vacation of a portion of the east side of N. State Street north of W. Fairmont Avenue (<i>Property located in District 2</i>)
Jan.	13 -	10:00 A.M.#1	HEARING Consideration of 2008 Cycle III Plan Amendment No. A-08-17
Jan.	13 -	10:00 A.M.#2	HEARING Consideration of 2008 Cycle III Plan Amendment No. A-08-18
Jan.	13 -	10:00 A.M.#3	HEARING Consideration of 2008 Cycle III Plan Amendment No. A-08-13 and Sphere of Influence amendment re: Aquarius Aquarium
Jan.	20 -		NO MEETING – MARTIN LUTHER KING DAY
Jan.	27 -	8:30 A.M.	Presentation of Make a Promotion a Commotion (<i>Reception immediately following – 2nd floor foyer</i>)
Jan.	27 -	10:00 A.M.	HEARING re: ordering the vacation of W. California Court and the south five feet of W. California Avenue east of W. Atchison Street
Jan.	27 -	10:15 A.M.	HEARING re: ordering the vacation of two parcels of public street right-of-way along the south side of Ashlan Avenue east of Cornelia Avenue
Jan.	27 -	10:20 A.M.	HEARING re: Resolution of Intention No. 1071-D for the vacation of the California Atchison alley between Walnut and Plumas Avenues
Jan.	27 -	10:30 A.M.	TEFRA HEARING to finance the acquisition and construction of Phase II (215 units) of a 464-unit Multi-family residential rental project, commonly known as Parc Grove Commons II
Jan.	27 -	10:45 A.M.	HEARING the Housing Element
Jan.	27 -	11:00 A.M.	HEARING re: Resolution of Necessity regarding eminent domain Derald Henkel, 3320 N. Weber (Property located in District 1)
Feb.	3 -	10:00 A.M.	HEARING re: bill for introduction amending TA-08-02 regarding car washes
Feb.	10 -	10:00 A.M.	CONTINUED HEARING to consider an appeal, filed by Gary McDonald on the Tract Map and Councilmember Duncan on the Conditional Use Permit Application, appealing the Fresno City Planning Commission's denial of Vesting Tentative Tract Map No. 5933, CUP C-08-59

January 6, 2009

***SUBJECT TO MAYOR'S VETO OR RECONSIDERATION**

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AND MAY BE AMENDED AT ANYTIME