

# City Council Agenda

Council President  
Larry Westerlund

Councilmembers

Andreas Borgeas  
Lee Brand – Acting President  
Mike Dages

Henry T. Perea  
Cynthia A. Sterling  
Blong Xiong

City Manager  
Mark Scott

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, sign language interpreters, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650. Please keep the doorways, aisles and wheelchair seating areas open and accessible. If you need assistance with seating because of a disability, please see Security.

The City Council welcomes you to the Council Chambers, located in City Hall, 2<sup>nd</sup> Floor, 2600 Fresno Street, Fresno CA 93721.

## July 29, 2010

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

Invocation by Pattie Lacefield of the Fresno Bahai Center

Pledge of Allegiance to the Flag

### **Ceremonial Presentations:**

Presentation of the SPCA Pet of the Month – Acting President Brand - **Presented**

Proclamation of “[DESIREE VINES DAY](#)” – Mayor's Office – **Read and presented**

Proclamation of “[BREAST FEEDING AWARENESS WEEK](#)” – Council President Westerlund **Read and presented**

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, 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 City Council minutes of July 22, 2010

**Action Taken:** Approved

Councilmember Reports and Comments

**Action Taken:** No reports made

Approve Agenda

**Action Taken:** Approved

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 documents pertaining to a hangar and site lease at Fresno Yosemite International Airport – Airports Department
  - 1. Adopt CEQA Categorical Exemption pursuant to Guidelines Section 15301 (Existing Facilities)  
**Action Taken:** Adopted
  - 2. Authorize negotiation and entry of agreement with fixed base operator, Signature Flight Support Services Corporation, allowing default cure and assumption of the McDonald Aviation LLC hangar and site lease at Fresno Yosemite International Airport and execution of documents  
**Action Taken:** Authorized
  
- B. Adopt Resolution of Intention No. 1084-D to vacate a portion of the southwest side of S. Railroad Avenue at the north side of E. Jensen Avenue and setting the public hearing for September 16, 2010 at 10:00 a.m. (***Property Located in District 3***) – Public Works Dept.  
**Action Taken:** Adopted
  
- C. **RESOLUTION** - Of intention to annex Final Tract 5966, Annexation No. 40, to City of Fresno Community Facilities District No. 11, authorize the levy of special taxes and setting the public hearing for August 19, 2010 at 10:30 a.m. (***Property located in District 6***) – Public Works Dept.  
**Action Taken:** Resolution No. 2010-159 adopted
  
- D. Consider approval of a services agreement to VisionOne, Inc. for ticket sales management for events held at Chukchansi Stadium, Rotary Amphitheater and Memorial Auditorium - PARCS  
**Action Taken:** Approved

1. **CONSENT CALENDAR CONTINUED**

E. [Approve documents pertaining to the Clovis Campus Club - PARCS](#)

1. Approval of an agreement with Clovis Unified School District in the amount of \$4,224 for the Parks, After School, Recreation and Community Services Department to conduct the informal science program with the Clovis Campus Club running through June 30, 2011  
**Action Taken: Approved**
2. \* **RESOLUTION** – 9th amendment to the Annual Appropriation Resolution (AAR) No. 2010-138 appropriating \$3,800 in the Parks, After School, Recreation and Community Services Department to conduct the informal science program with the Clovis Campus Club running through June 30, 2011 **(Requires 5 affirmative votes)**  
**Action Taken: Resolution No. 2010-165 adopted**

F. [Approve documents pertaining to an after school program with the Fresno Unified School District - PARCS](#)

1. Approval of a one-year contract with the Fresno Unified School District for \$327,679 for the Parks, After School, Recreation and Community Services Department to conduct a collaborative after school recreation program running through June 30, 2011  
**Action Taken: Approved**
2. \* **RESOLUTION** – 8th amendment to the Annual Appropriation Resolution (AAR) No. 2010-138 appropriating \$285,300 in the Parks, After School, Recreation and Community Services Department to conduct a collaborative after school program running through June 30, 2011 **(Requires 5 affirmative votes)**  
**Action Taken: Resolution No. 2010-160 adopted**

G. [Approve documents pertaining to Summer Fresno BEST Program at Fresno elementary schools – PARCS](#)

1. Approval of a contract for \$12,562.50 with Fresno Unified School District to provide funds for the Parks, After School, Recreation and Community Services Department to conduct a summer community science program at Burroughs, Martin Luther King and Greenberg Elementary Schools  
**Action Taken: Approved**
2. \* **RESOLUTION** - 10<sup>th</sup> amendment to the Annual Appropriation Resolution (AAR) No. 2010-138 appropriating \$11,300 in the Parks, After school, Recreation and Community Services Department to conduct a summer community science program at Burroughs, Martin Luther King and Greenberg Elementary Schools **(Requires 5 affirmative votes)**  
**Action Taken: Resolution No. 2010-161 adopted**

H. [Approve documents pertaining to a Fresno BEST Program, Jr. BEST and community science programs – PARCS](#)

1. Approval of a contract with Fresno County Office of Education for \$165,100 from Fresno County Office of Education for the Parks, After School, Recreation and Community Services Department to conduct the Fresno BEST program, Jr. BEST and community science programs at Orange Center Elementary School District running through June 30, 2011  
**Action Taken: Approved**
2. \* **RESOLUTION** – 11th amendment to the Annual Appropriation Resolution (AAR) No. 2010-138 appropriating \$145,800 in the Parks, After School, Recreation and Community Services Department to conduct the Fresno BEST program, Jr. BEST and community science programs at Orange Center Elementary School District running through June 30, 2011 **(Requires 5 affirmative votes)**  
**Action Taken: Resolution No. 2010-162 adopted**

1. **CONSENT CALENDAR CONTINUED**

- I. [Approve documents pertaining to a Fresno BEST program at Cooper Middle School - PARCS](#)
1. Approval of an agreement with Fresno County Office of Education for \$88,000 for the Parks, After School, Recreation and Community Services Department to conduct the Fresno BEST program at Cooper Middle School running through June 30, 2011  
**Action Taken: Approved**
  2. \* **RESOLUTION** – 12th amendment to the Annual Appropriation Resolution (AAR) No. 2010-138 appropriating \$72,000 in the Parks, After School, Recreation and Community Services Department to conduct the Fresno BEST program at Cooper Middle School running through June 30, 2011 **(Requires 5 affirmative votes)**  
**Action Taken: Resolution No. 2010-163 adopted**
- J. [Approve documents pertaining to a Fresno BEST program at Fresno High Schools - PARCS](#)
1. Approval of a contract for \$128,000 with Fresno Unified School District for the Parks, After School, Recreation and Community Services Department to conduct the Fresno BEST program at Edison, Fresno, McLane, and Sunnyside High Schools and Awahnee and Edison Computech Middle Schools running through June 30, 2011  
**Action Taken: Approved**
  2. \* **RESOLUTION** – 13th amendment to the Annual Appropriation Resolution (AAR) No. 2010-138 appropriating \$108,500 in the Parks, After School, Recreation and Community Services Department to conduct the Fresno BEST program at Edison, Fresno, McLane, and Sunnyside High Schools and Awahnee and Edison Computech Middle Schools running through June 30, 2011 **(Requires 5 affirmative votes)**  
**Action Taken: Resolution No. 2010-164 adopted**
- K. [Adopt a Finding of Categorical Exemption pursuant to Section 15303 of the California Environmental Quality Act Guidelines and approve a license agreement with Woodward Shakespeare Festival for space within Woodward Regional Park for staging and performing live theater, dance, art, music and other cultural productions - PARCS](#)  
**Action Taken: Adopted**

**CONTESTED CONSENT CALENDAR**

**SCHEDULED COUNCIL HEARINGS AND MATTERS**

- 10:15 A.M. [HEARING](#) to consider Plan Amendment Application No. A-10-04 filed by Blair, Church & Flynn Consulting Engineers, on behalf of Longs Drug Stores California, LLC., property owner, pertaining to approximately 4.58 acres of property located on the southwest corner of the intersection of W. Shields and N. West Avenues; and, the summary vacation of a public utility easement located on the subject property **(Property located in District 1)** – Development and Resource Management Dept.  
**Action Taken: Held**
- a. Consider and adopt the environmental finding of a Mitigated Negative Declaration prepared for Environmental Assessment No. A-10-04/TPM-2009-12  
**Action Taken: Adopted**
  - b. **RESOLUTION** – Amending the 2025 Fresno General Plan and Fresno High-Roeding Community Plan to change the planned land use designation for the subject property from Neighborhood Commercial to Community Commercial  
**Action Taken: Resolution No. 2010-167 adopted**
  - c. **RESOLUTION** – Ordering the summary vacation of a public utility easement west of N. West Avenue and south of W. Shields Avenue as originally dedicated by a deed recorded September 26, 1955, as Document No. 65433 in Book 3662 at Page 48, Official Records of Fresno County  
**Action Taken: Resolution No. 2010-164 adopted**

**SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED**

**10:30 A.M.**     **HEARING** to consider Rezone Application No. R-10-004 filed by PARCS on behalf of the City of Fresno and pertains to approximately 1.4 acres located on the northeast corner of W. Gettysburg and N. Vista Avenues (**Property located in District 1**) - Development and Resource Management Department

**Action Taken:**   **Held**

a.            Consider and adopt a Finding of Conformity to the 2025 Fresno General Plan MEIR and Air Quality MND prepared for Environmental Assessment No. R-10-004/C-08-235 dated May 14, 2010

**Action Taken:**   **Adopted**

b.            **BILL** - Amending the Official Zone Map to rezone approximately 1.4 acres of property from the AE-5 (*Exclusive Five Acre Agricultural District*) zone district to the R-1 (*Single Family Residential*) zone district

**Action Taken:**   **Bill No. B-32/Ordinance No. 2010-34 adopted**

**10:45 A.M.**     **HEARING** to consider request to rescind the Historic Resource designation of the Newman home (HP #117) located at 1743 "L" Street due to loss of integrity (**Property located in District 3**) – Development and Resource Management Department

**Action Taken:**   **Held**

a.     \*   **RESOLUTION** – Rescinding the historic designation of the (HP#117) located at 1743 "L" Street from the Local Register of Historic Resources due to a loss of integrity

**Action Taken:**   **Resolution No. 2010-169 adopted**

**10:50 A.M.**     **HEARING** to consider Plan Amendment Application A-09-06, Rezone Application No. R-09-014 and Environmental Assessment No. A-09-06/R-09-014, filed by Dirk Poeschel Land Development Services on behalf of the Wathen Group pertaining to approximately 37 acres of property located on the south side of W. Ashlan Avenue between N. Blythe Avenue and N. Parkway Drive (APNs: 511-240-03, 33, 35, 37, 38) (**Property located in District 1**) – Development and Resource Management Department

**Action Taken:**   **Held**

a.            Consider and approve the substituted project specific mitigation measures for Environmental Assessment No. A-09-06/R-09-014 dated November 13, 2009

**Action Taken:**   **Approved**

b.            Consider and approve the environmental finding of a Mitigated Negative Declaration for Environmental Assessment No. A-09-06/R-09-014 dated November 13, 2009

**Action Taken:**   **Approved**

c.            **RESOLUTION** - Approving Plan Amendment Application No. A-09-06 to re-designate approximately 0.55 acres of property planned general heavy commercial and approximately 8.57 acres of property planned for medium high density residential to the community commercial planned land use designation

**Action Taken:**   **Resolution No. 2010-170 adopted, as amended**

d.            **BILL** - Approving Rezone Application No. R-09-014 to re-designate approximately 8.51 acres of property zoned C-6/UGM/cz (*Heavy Commercial/Urban Growth Management/conditions of zoning*), 0.55 acres of property zoned C-6/UGM (*Heavy Commercial/Urban Growth Management*) and approximately 7.07 acres of property zoned R-3/UGM/cz (*Medium Density Multiple Family Residential/Urban Growth Management/conditions of zoning*) to the C-2/UGM/cz (*Community Shopping Center/Urban Growth Management/conditions of zoning*) zone district; and to re-designate approximately 3.12 acres of property zoned R-3/UGM/cz (*Medium Density Multiple Family Residential/Urban Growth Management/ conditions of zoning*) zone district to the R-2/UGM/cz (*Low Density Multiple Family Residential/Urban Growth Management/conditions of zoning*) zone district subject to the conditions of zoning

**Action Taken:**   **Bill No. B-33/Ordinance No. 2010-35 adopted, as amended**

**CITY COUNCIL**

A.            **RESOLUTION** - In support of the California Classic Weekend in downtown Fresno – Acting President Brand

**Action Taken:**   **Resolution No. 2010-166 adopted**

**COUNCIL COMMUNICATIONS & ASSIGNMENTS**

- A. Council of Governments (COG) ..... Swarengin, Ex-Officio/Alternate-Xiong
  - Council Sub-Committee Task Force for Water (Water Task Force) ..... Borgeas, Brand, Sterling
  - Financial Audit Committee ..... Borgeas, Brand, Xiong
  - Fresno Area Workforce Investment Corporation ..... Westerlund
  - Fresno County Council of Government’s Rail Consolidation Committee ..... Xiong
  - Fresno County Transportation Authority (FCTA) ..... Swarengin, Borgeas
  - Fresno Regional Workforce Investment Board ..... Westerlund
  - Fresno County Zoo Authority ..... Swarengin, Alternate – Westerlund
  - Fresno Madera Agency on Aging Board ..... Sterling
  - Joint Powers Financing Authority ..... Westerlund
  - Leadership Council on Ending Homelessness ..... Swarengin, Sterling, Xiong
  - Public Safety Joint Powers Authority ..... Swarengin, Westerlund
  - San Joaquin River Conservancy Board ..... Swarengin, Alternate – Brand
  - The Association for the Beautification of Highway 99 ..... Sterling
  - Upper Kings Basin Integrated Regional Water Management Joint Powers Authority ..... Borgeas
  - Pension Reform Task Force ..... Borgeas, Brand, Xiong
  
- B. Economic Development Corporation Serving Fresno County ..... Ex-Officio – Borgeas
  - Fresno City & County Convention & Visitors Bureau (FCVB) ..... Swarengin, Sterling
  - League of California Cities (Annual Meeting) ..... Swarengin, Alternate – Borgeas
  
- C. Council Appointments, Reappointments, Removals To/From City and Non-City Boards and Commissions  
Action Taken: Reports made

**CLOSED SESSION**

- A. CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION - Government Code Section 54956.9, Subdivision (a)
  - 1. Case Name: Glen Beaty v. City of Fresno United States District Court Case No.: 1:09-CV-01684  
Action Taken: Held

1:30 P.M. **GENERAL ADMINISTRATION**

- A. **ITEM REMOVED FROM THE AGENDA**
  
- B. Authorize the Parks, After School, Recreation and Community Services (PARCS) Director to enter into a twenty-year lease with the Meux Home Corporation for the purpose of operating and maintaining the Meux Home Museum located at 1007 “R” Street - PARCS  
Action Taken: 6 month lease authorized pending forthcoming report policy for non-profits
  
- C. Ratify and approve a consultant contract with Roem Development Corporation in the amount of \$225,262.46 for preliminary schematic design work and securing funding related to the Fresno Transit Village Transit Facility and Pocket Park – Dept. of Transportation/FAX  
Action Taken: Approved, with minor corrections to contract

**SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED**

1:35 P.M.

**JOINT MEETING WITH THE FRESNO REDEVELOPMENT AGENCY**

Approve Agency minutes of July 22, 2010

**Action Taken:** Approved

- A. Approve a reimbursement agreement between Redevelopment Agency of the City of Fresno and Triple "A" Burger for the construction of public improvements at 1014 Fresno Street **(Council and Agency action)**  
**Action Taken:** Approved
- B. Award a contract to the lowest responsible bidder for the demolition and clearance of the residential home located at 2304 S. Walnut Avenue **(Agency action)**  
**Action Taken:** Awarded to Nick's Trucking as recommended

**ADJOURN AGENCY**

**SCHEDULED COMMUNICATION –**

**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.

**SCHEDULED COUNCIL HEARINGS AND MATTERS**

Aug. 5 -		<b>COUNCIL RECESS</b>
Aug. 12 -		<b>COUNCIL RECESS</b>
Aug. 19-	10:00 A.M.	<b>HEARING</b> re: Text Amendment No. TA-10-001 related to downtown development standards
Aug. 19-	10:15 A.M.	<b>HEARING</b> to consider a resolution of public use and necessity for acquisition from the following parcels of real property located along Peach Avenue Between Belmont Avenue and Kings Canyon Road owned by John R. Frankian And Marsha M. Frankian
Aug. 19-	10:30 A.M.	<b>HEARING</b> re: CFD No. 11, Annexation No. 40, Tract No. 5966
Aug. 19-	10:45 A.M.	<b>HEARING</b> to consider a resolution of public use and necessity for acquisition of permanent easements and rights of way for public street purposes from the following parcel of real property located along Peach Avenue Between Belmont Avenue and Kings Canyon Road in the County of Fresno owned by Doris Ohannesian
Aug. 19 -	1:30 P.M.	<b>HEARING</b> – Regarding appeal of the Planning Commission’s action on Categorical Exemption related to CUP No. C-09-58
Aug. 26 -	10:00 A.M.	<b>HEARING</b> ordering the vacation of a portion of E. Divisadero Street northeast of “G” Street <i>(Property located in District 3)</i> – Public Works Dept.
Aug. 26 -	2:00 P.M.	<b>CONTINUED HEARING</b> re: Plan Amendment Application No. A-09-009 filed by John M. Dugan, Director of the Development and Resource Management Department
Sept. 2 -		<b>COUNCIL RECESS</b>
Sept. 9 -		<b>COUNCIL RECESS</b>
Sept. 16 -	10:00 A.M.	<b>HEARING</b> ordering the vacation of a portion of the southwest side of S. Railroad Avenue at the north side of E. Jensen Avenue <i>(Property located in District 3)</i> – Public Works Dept.