



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.

October 29, 2009

8:30 A.M. ROLL CALL

Invocation by Father Bill Paiz of St. Lucy's Catholic Church

Pledge of Allegiance to the Flag

Ceremonial Presentations:

Presentation of Certificate of Recognition to Police Captain Andrew Hall – Traffic Bureau Department – Councilmember Xiong - **Presented**

Recognition to the Hillblom Foundation for Their Significant Contribution to Camp Fresno at Dinkey Creek – Council President Sterling - **Recognized**

Presentation of Certificates of Recognition to "Make a Difference Day" Sponsors – Councilmember Xiong - **Presented**

Add-on: Welcome to Nation's First Afghan Public Safety Team and Presentation of Certificates - **Welcomed**

Presentation of "Prime Time for Business" – Valley Decorating – Council President Sterling and Downtown & Community Revitalization Department - **Presentation**

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.

Approve minutes of October 22, 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 at 10:30 a.m.

A. [Adopt Finding of a Class 1 Categorical Exemption, pursuant to CEQA Guidelines Section 15301 \(Existing Facilities\) – Airports Department](#)

Action Taken: Adopted

1. Approve amendment No. 1 to the lease with John Tomaino, an individual dba American Helicopter, to add 212 square feet of office space in the old passenger terminal at Fresno Chandler Executive Airport – Airports Dept.

Action Taken: Approved

B. [Adopt a Finding of Class 1 Categorical Exemption from CEQA under Section 15301\(F\) – Public Works Department](#)

Action Taken: Adopted

1. Approve the acquisition of three (3) street easements for protected left turn phasing signalization and the widening of the intersection of Cedar and North Avenues from property owners: Howard Realty Company, Fresno Irrigation District and Peter and Hilda Tapia (***Property located in District 3***)

Action Taken: Approved

C. [Adopt Finding of a Categorical Exemption, pursuant to CEQA Guidelines, Section 15301\(d\), Class 1 – Public Works Department](#)

Action Taken: Adopted

1. Award a contract in the amount of \$510,816, including the base bid plus add Alternative 1, to Bedard Controls Inc., of Fresno, CA, to install a new HVAC control system for the Fresno Convention and Entertainment Center (***Property located in District 3***)

Action Taken: Awarded

1. **CONSENT CALENDAR CONTINUED**

- D. Award a construction contract in the amount of \$197,450 to American Paving, Co. of Fresno, CA for the Al Radka Tot Lot (*Property located in District 5*) – Public Works Department
Action Taken: Awarded
1. * **RESOLUTION** - 16th amendment to AAR No. 2009-149 re-appropriating \$27,900 from a Federal Land and Water Conservation Fund (LWCF) grant for the construction of a playground at Al Radka Community Park (*Requires 5 affirmative votes*)
Action Taken: Resolution No. 2009-218 adopted
- E. **RESOLUTION** – Approving the form and authorizing the execution and delivery of a Purchase and Sale Agreement and related documents with respect to the sale of the City of Fresno’s Proposition 1A receivable from the State; and directing and authorizing certain other actions in connection therewith – Finance Dept.
Action Taken: Resolution No. 2009-228 adopted
1. Consider approving request for Conflict of Interest Waiver of John Knox with Orrick, Herrington & Sutcliffe regarding their involvement with representing the California Statewide Communities Development Authority (CSCDA)
Action Taken: Approved
- F. Approve a five-year concession agreement for the operation and maintenance of Camp Fresno and Camp Fresno Jr. at Dinkey Creek, California with Dennis and Kimberly Beard - PARCS
Action Taken: Approved
1. * **RESOLUTION** - 485th amendment to MFS Resolution No. 80-420 creating a reservation fee for the Camp Fresno Recreation Hall
Action Taken: Resolution No. 2009-219 adopted
- G. Award a services agreement to Field Mouse Productions for the operation of skateboard and bicycle instruction in City park facilities - PARCS
Action Taken: Awarded
1. * **RESOLUTION** - 486th amendment to MFS Resolution No. 80-420 revising skateboard and bicycle instruction fees in the Parks, After School, Recreation and Community Services Department
Action Taken: Resolution No. 2009-220 adopted
2. * **RESOLUTION** - 23rd amendment to AAR No. 2009-149 appropriating \$64,800 in the Parks, After School, Recreation and Community Services Department for contracted skateboard and bicycle instruction sessions in the Recreation Sports Programs fund (*Requires 5 affirmative votes*)
Action Taken: Resolution No. 2009-221 adopted
- H. * **RESOLUTION** - 24th amendment to AAR No. 2009-149 appropriating \$58,500 of American Recovery and Reinvestment Act Grant funds from the Fresno-Madera Area Agency on Aging to the Parks, After School, Recreation and Community Services Department Senior Hot Meals program (*Requires 5 affirmative votes*) - PARCS
Action Taken: Resolution No. 2009-222 adopted
- I. Approve the renewal of Addendum No. 8 to amended and restated agreement between the City of Fresno and the Central California Society for the Prevention of Cruelty to Animals - PARCS
Action Taken: Approved
- J. Approval of a State Center Community College District off-campus Federal work study agreement with the Parks, After School, Recreation and Community Services Department - PARCS
Action Taken: Approved
- K. Adopt CEQA Notice of Exemption No. E20090000159 (*Property located in District 2*) – Public Utilities Dept.
Action Taken: Adopted
1. Award a contract in the amount of \$321,806 to Kelly C. Broyles Construction, Inc. for installation of water mains in Herndon Town
Action Taken: Awarded

1. **CONSENT CALENDAR CONTINUED**

- L. Approve appointment of Florida Cheung to the Tower Design Review Committee – Councilmember Xiong
Action Taken: Approved
- M. Approve United States Environmental Protection Agency Grant Assistance Amendment for Friant-Kern canal pipeline project and authorize the Director of Public Utilities to sign on behalf of the City of Fresno – Department of Public Utilities
Action Taken: Approved

SCHEDULED COUNCIL HEARINGS AND MATTERS

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

- 1. Appearance by Kenneth Fick to discuss various issues - **Appearance made**

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. - **Held**

9:30 A.M. #1 **CITY COUNCIL**

9:40 A.M. **GENERAL ADMINISTRATION**

- A. **RESOLUTION -** Supporting the collaborative efforts of the City of Fresno Planning and Development Department and the County of Fresno in their efforts to incorporate public health strategies into local land use, transportation and community design planning (**Property located Citywide**) – Planning and Development Dept.
Action Taken: Resolution No. 2009-223 adopted
- B. **WORKSHOP** on the Mayor/Council form of Government – City Attorney's Office -
Removed from the agenda by staff
- C. **RESOLUTION -** To re-establish the Utility Advisory Committee – Department of Public Utilities
Action Taken: Resolution No. 2009-224 adopted
 - 1. Approve an amendment to the agreement in the amount of an additional \$23,010 per year with California State University, Sacramento Center for collaborative policy to expand their role in conducting facilitation services for the Utility Advisory Committee
Action Taken: Approved

10:15 A.M. **HEARING -** To consider adoption of resolutions related to the designation of properties to the Local Register of Historic Resources - Planning and Development Department

- Action Taken:** Held
- 1. * **RESOLUTION -** Designating the Deacon-Eilert Home located at 641 E. Carmen Avenue to the Local Register of Historic Resources (**Property located in District 1**)
Action Taken: Resolution No. 2009-225 adopted
 - 2. * **RESOLUTION -** Designating the John B. Marshall Homes located at 164 N. Echo Avenue to the Local Register of Historic Resources (**Property located in District 3**)
Action Taken: Resolution No. 2009-226 adopted
 - 3. * **RESOLUTION -** Designating the Wilson Island Historic District to the Local Register of Historic Resources (**Properties located in District 1**)
Action Taken: Resolution No. 2009-227 adopted

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

10:30 A.M. **CONTESTED CONSENT CALENDAR**

10:45 A.M.#1 **CONTINUED HEARING** 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 **(Continue to November 19, 2009 at 10:00 a.m.)**
Action Taken: Continued as noted

10:45 A.M.#2 **REGULAR MEETING OF THE REDEVELOPMENT AGENCY**

Approve Agency minutes of October 22, 2009

Action Taken: Approved

- A. Approve a Professional Services Agreement with California Associates, Inc. for the preparation of all necessary construction and design documents for the relocation of historic structures to 450 "M" Street, Fresno CA and exterior restoration of structures; and authorize the Executive Director to execute the agreement **(Agency action)**
Action Taken: Approved

- B. Approve the First Amendment to an Exclusive Negotiation Agreement ("Amendment") between the Redevelopment Agency of the City of Fresno and EAH Housing Inc., a California Non-Profit 501 (c)(3) Corporation ("Developer") to provide for the creation and environmental analysis of a "Sequoia Village Expanded Footprint" including an additional six months on the initial term, as well as providing for the acquisition of a single family residential property by Developer, adjacent to the Agency-owned property, in the Southwest GNRA **(Agency action)**
Action Taken: Approved

- C. Approve a Development Agreement ("Agreement") between the Redevelopment Agency of the City of Fresno ("Agency") and Parc Grove Commons Phase II, a California Limited Partnership ("Developer") to provide \$500,000 in Low- and Moderate Income Funds for the development of a 215-unit multi-family housing project located near the southeast corner of Clinton Avenue and First Street in Central Fresno **(Agency action)**
Action Taken: Removed from the agenda

ADJOURN AGENCY

11:00 A.M. **CLOSED SESSION**

- A. **CONFERENCE WITH LEGAL COUNSEL- EXISTING LITIGATION** - Government Code Section 54956.9, Subdivision (a)
 - 1. **Case Name:** Sypher Lee, et al. v. Craig James Howard, et al. Fresno County Superior Court Case No.: 08CECG02028
Action Taken: Held

11:00 A.M.

CLOSED SESSION CONTINUED

B. CONFERENCE WITH LABOR NEGOTIATOR – Government Code Section 54957.6

City Negotiators: Ken Phillips, Terry Bond

Employee Organizations:

1. International Union of Operating Engineers, Stationary Engineers (Local 39)
2. International Brotherhood of Electrical Workers, Local 100 (IBEW)
3. Fresno Police Officers Association (FPOA Management Unit)
4. Fresno Police Officers Association (FPOA Non-Supervisory Unit)
5. International Association of Firefighters, Local 753 (IAFF Management Unit)
6. International Association of Firefighters, Local 753 (IAFF Non-Management Unit)
7. Amalgamated Transit Union – Local 1027 (ATU)
8. Fresno City Employees Association (FCEA)
9. City of Fresno Professional Employees Association (CFPEA)
10. City of Fresno Management Employees Association (CFMEA)
11. Fresno Airport Public Safety Supervisors (FAPSS)

Action Taken: Removed from the agenda

SCHEDULED COUNCIL HEARINGS AND MATTERS

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| Nov. | 5 - | 5:00 P.M. | HEARING to consider residential metered water rates pursuant to Proposition 218 |
| Nov. | 5 - | 11:00 A.M. | Presentation by Copper River Ranch Partners on the 5 year update – Planning and Development Dept. |
| Nov. | 12 - | NO MEETING - VETERANS' DAY | |
| Nov. | 19 - | 10:00 A.M. | CONTINUED HEARING 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 |
| Nov. | 26 - | NO MEETING – THANKSGIVING WEEK | |