



City Council Agenda

Council President
Cynthia A. Sterling

Councilmembers

Andreas Borgeas
Lee Brand
Paul E. Caprioglio – Acting President

Mike Dages
Henry T. Perea
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.

February 3, 2009

8:30 A.M. ROLL CALL

Invocation by Superintendent Larry Powell of the Fresno County Office of Education

Pledge of Allegiance to the Flag

Ceremonial Presentation

Presentation of the SPCA Pet of the Month – Council President Sterling - **Presented**

Presentation of Commendations to Edison High School Students for National Signing Day – Council President Sterling – **Removed from the Agenda**

[Adoption of Resolution No. 2009-31 renaming the City Hall Copy Center to the "Jim Lennon Copy Center" – City Manager and General Services Department](#)

Action Taken: Adopted

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 January 27, 2009](#)

Action Taken: Approved, as amended

Councilmember Reports and Comments

Action Taken: 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 changes to airline agreements to reflect new and/or revised space assignments resulting from Fresno Yosemite International Airport's Current Passenger Terminal Improvements Project – Airports](#)

Action Taken: Approved

B. * [Authorize acceptance of the Bulletproof Vest Partnership grant award of \\$14,416 and execution of program documents – Police Department](#)

Action Taken: Authorized

1. * **RESOLUTION** – 69th amendment to AAR 2008-162 appropriating \$14,400 in the FY 09 budget (*Requires 5 affirmative votes*) – Police Department

Action Taken: Resolution No. 2009-32 adopted

C. [Receive annual update of Priority Ranking Lists for new traffic signal installations, traffic signal left turn phasing and intersection traffic flow improvements – Public Works Department](#)

Action Taken: Received

D. * [Approve a reimbursement agreement with the Fresno Metropolitan Flood Control District in the amount of \\$94,895 for construction of street improvements in Florence Avenue: Cedar to Jackson Avenue; authorize the Public Works Director or his designee to sign on behalf of the City \(*Property located in District 5*\) – Public Works Department](#)

Action Taken: Approved

E. * [Approve third amendment to agreement with Camp, Dresser & McKee \(CDM\) in the amount of \\$260,000 for groundwater remedial action services at the Fresno Sanitary Landfill \(*Property located in District 3*\) – Department of Public Utilities](#)

Action Taken: Approved

1. **CONSENT CALENDAR CONTINUED**

- F. * [Award a contract in the amount of \\$781,330.00 to Vulcan Construction & Maintenance, Inc. for the requirements contract to install water meter boxes within the City of Fresno \(*Various Council Districts*\) – Department of Public Utilities](#)
Action Taken: Awarded
- G. * [RESOLUTION - 68th amendment to AAR No. 2008-162 re-appropriating \\$71,300 of Community Development Block Grant \(CDBG\) funds for the Fresno EOC Youth Transitional Living Center Rehabilitation Project as previously approved by Council \(*Requires 5 affirmative votes*\) – Finance Department](#)
Action Taken: Resolution No. 2009-33 adopted
- H. * [Award a contract in the amount of \\$131,478.00 to Fresno Plumbing and Heating of Fresno, CA to remove and replace the Domestic Hot Water and Water Softener System at the Fresno Convention and Entertainment Center – General Services Department](#)
Action Taken: Awarded

CONTESTED CONSENT ITEMS (IF ANY)

SCHEDULED COUNCIL HEARINGS AND MATTERS

9:00 A.M. A. SCHEDULED COMMUNICATION

1. [Appearance by Kenneth Fick to discuss the use of bike lanes in Fresno](#)
- Not present when called

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. **CITY COUNCIL**

- A. [Workshop on bonding issues by the Finance Department - Councilmember Brand](#) - Held

9:30 A.M. **GENERAL ADMINISTRATION**

- A. [Status updates on FY 09 and FY 10 Budgets – City Manager’s Office](#) – Report made
- B. [Presentation on Regional Transportation Mitigation Fees – Executive Director of Fresno Council of County Governments, Tony Boren – City Manager’s Office](#) – Presentation made
- C. [Proposed amendment to the Master Fee Schedule to increase parking violation penalties in accordance with California Senate Bill 1407 – Public Works Department](#)
Action Taken: Considered
1. * RESOLUTION - 479th Amendment to MFS Resolution No. 80-420
Action Taken: Resolution No. 2009-34 adopted

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

- 10:00 A.M.** [HEARING re: Text Amendment No. TA-08-02, and environmental finding, initiated by the Planning and Development Director, amending the text of the Zoning Ordinance \(Section 12-105.C-6 of the Fresno Municipal Code\) related to the definition of a Drive-Through Car Wash – Planning & Development Department](#)
Action Taken: Held
a. **BILL – (For introduction)** Adopting TA-08-02 and environmental finding as recommended by the Fresno City Planning Commission, amending the text of the Zoning Ordinance (Section 12-105.C-6 of the Fresno Municipal Code) related to the definition of a Drive Through Car Wash
Action Taken: Bill B-4 introduced
- 10:15 A.M.** [HEARING to consider Plan Amendment Application No. A-08-29, and environmental findings, filed by Mehmet Noyan, pertaining to the modification of the Fresno County Official Plan Line for Clinton Avenue/West to Freeway 99 and Yale/West of Weber Avenue by repealing a portion of the OPL beginning at the current westerly terminus of West Yale Avenue and extending in a northwesterly direction for 300 feet – Planning & Development Department](#)
Action Taken: Held
a. Consider and adopt the finding of a Mitigated Negative Declaration for Environmental Assessment No. A-08-29 dated January 6, 2009
Action Taken: Adopted
b. **BILL – (For introduction)** Amending the 2025 Fresno General Plan and modifying the Fresno County Official Plan Line (OPL) for Clinton Avenue/West to Freeway 99 and Yale/West of Weber Avenue by repealing a portion of the OPL beginning at the current westerly terminus of West Yale Avenue and extending in a northwesterly direction for 300 feet
Action Taken: Bill B-5 introduced
- 10:30 A.M.** [TEFRA HEARING as required by Section 147\(f\) of the Internal Revenue Code of 1986 as amended, to hear and consider information concerning the proposed issuance of tax-exempt revenue obligations by the California Municipal Finance Authority for the benefit of Community Hospitals of Central California and related entities – Finance Department](#)
Action Taken: Held
A. * **RESOLUTION** – Approving the issuance of tax-exempt obligations by the California Municipal Finance Authority in an aggregate principal amount not to exceed \$25,000,000 for the benefit of Community Hospital of Central California and related entities
Action Taken: Resolution No. 2009-35 adopted
- 10:45 A.M.** [CONTINUED HEARING to consider the “Maroa Village” Condominium Conversion Application and Vesting Tentative Tract Map No. 5938, filed by Finamore and Battaglia, pertaining to 2.0 acres of property zoned R-1 \(Single Family Residential\) located on the east side of N. Maroa Avenue, north of the northeast corner of N. Maroa and W. Barstow Avenues \(Property located in District 7\) – Planning and Development Department](#)
Action Taken: Held
a. Consider and adopt Categorical Exemption for Environmental Assessment No. T-5938
Action Taken: Adopted
b. **RESOLUTION** – Approving Vesting Tentative Tract Map No. 5938 proposing the creation of a one common lot condominium map that will allow for the sale of 13 units for individual airspace ownership; and the conversion of the “Maroa Village” multiple family residential development into a condominium owner-occupied complex
Action Taken: Resolution No. 2009-36 adopted

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

- 10:50 A.M.** [HEARING to consider a Resolution of public use and necessity for the partial acquisition for an easement on property located at the Southwest corner of North Palm and East Dakota Avenues – Public Works Department](#)
Action Taken: **Continued to February 24, 2009 at 10:50 a.m.**
a. * **RESOLUTION** – That the public interest and necessity require the partial acquisition for an easement on Fresno County Assessor’s Parcel 435-062-19, owned by Armando M. Correa as Agricolor Development Corporation (***Property located in District 1***) – Public Works Department
- 11:00 A.M.** [HEARING to consider Rezone Application No. R-05-107, and environmental findings, filed by Richard and Donna Stoeckel, pertaining approximately 2.5 acres of property located on the north side of East Austin Way terminus, west of North Chestnut Avenue \(4701 East Austin Way\) \(Property located in District 4\) – Planning & Development Department \(Continue to February 10, 2009 at 10:15 A.M.\)](#)
Action Taken: **Continued as noted**

SCHEDULED COUNCIL HEARINGS AND MATTERS

- Feb. 10 - 10:15 A.M.** **CONTINUED HEARING** re: Rezone Application No. R-05-107, filed by Richard and Donna Stoeckel
- Feb. 17 - NO MEETING – PRESIDENT’S DAY**
- Feb. 24 - 10:50 A.M.** **CONTINUED HEARING** to consider a Resolution of public use and necessity for the partial acquisition for an easement on property located at the Southwest corner of N. Palm and E. Dakota Avenues
- Mar. 3 - 10:00 A.M.** **HEARING** re: CFD No. 11; Annexation No. 37, Tract No. 5498
- Mar. 10 - 10:00 A.M.** **HEARING** re: Plan Amendment No. A-08-027/Conditional Use Permit C-08-260 (South Stadium Project)
- Mar. 10 - 10:15 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
- Mar. 17 - NO MEETING – COUNCIL RECESS**
- Mar. 24 - 10:00 A.M.** **HEARING** re: resolution ordering the vacation of a portion of the “M” – “N” alley southeast of Los Angeles Street (Property located in District 3)