



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.

May 21, 2009

8:30 A.M. ROLL CALL

Invocation by Ara Guekguezian of the Pilgrim Armenian Church

Pledge of Allegiance to the Flag

Ceremonial Presentations:

Presentations of Idea\$Pay Award to Steve Herman and Mike Banuelos of General Services Dept/Fleet Management for Adaptor Kits on Brake Lathes in Fleet/Police Dept. Shop – General Services Dept./City Manager's Office - **Presented**

Presentation of Resolution Congratulating the Police Department West Fresno Tactical Team for Earning the Distinguished 2009 Robert Presley Institute of Criminal Investigation "Investigative Excellence Award" – Mayor's Office – **Read and presented**

Presentation of Resolution Congratulating Detective Neal Cooney for Earning the Distinguished 2009 Robert Presley Institute of Criminal Investigation "Investigative Excellence Award" – Mayor's Office – **Read and presented**

Presentation of "Prime Time for Business" – Keiser Sports Health Equipment – Council President Sterling and Downtown & Community Revitalization Dept. – **Presentation made**

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 May 14, 2009

Action Taken **Approved**

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. **RESOLUTION** - Approving the summary vacation of a portion of the east side of S. Orange Avenue between North and Central Avenues (**Property located in District 3**) – Public Works Department

Action Taken: **Resolution No. 2009-115 adopted**

B. Consideration of approval of Measure "C" Cooperative Agreements for the Herndon/Golden State Boulevard improvement project, the Willow Avenue project from Teague Avenue to Shepherd Avenue, the Willow Avenue widening project from Shepherd Avenue to Behymer Avenue, the Herndon Avenue widening from Valentine Avenue to Marks Avenue, the SR-180 West Frontage Road project and the Peach Avenue widening project from Butler Avenue to Jensen Avenue (**Property located in Districts 2, 3, 5, and 6**) – Public Works Department

Action Taken: **Approved**

C. Adopt Resolution of Intention No. 1075-D to vacate N. Millbrook Avenue north of Copper Avenue and setting the public hearing for June 18, 2009, at 9:30 a.m. (**Property located in District 6**) – Public Works Department

Action Taken: **Adopted**

D. Adopt CEQA Notice of Exemption No. E200810000419 (**Property located in District 3**) – Public Works Department

Action Taken: **Adopted**

1. Award a contract in the amount of \$758,606 to Jim Crawford Construction, Co., Inc. of Fresno, for the South Fresno RJI Area overlay of Cherry, Jensen and Maple

Action Taken: **Awarded**

1. **CONSENT CALENDAR CONTINUED**

- E. Adopt CEQA Notice of Exemption No. E200810000420 (*Property located in District 1*) – Public Works Department
Action Taken: Adopted
1. Award a contract in the amount of \$357,035.50 to Dawson-Mauldin Construction, Inc. of Selma, for the Teague Elementary School improvements Polk Avenue from Acacia Avenue to Gettysburg Avenue
Action Taken: Awarded
- F. Approve the acquisition of a street and utility easement on the northwest corner of E. Richert and N. Sierra Vista Avenues from property owner Mary Ann Woods (*Property located in District 4*) – Public Works Department
Action Taken: Approved
- G. Adopt Findings of a Categorical Exemption, Fresno County Document No. E200610000149, pursuant to CEQA Guidelines Section 15301(f) (*Property located in District 3*) – Public Works Department
Action Taken: Adopted
1. Award a contract in the amount of \$558,294 to Roadway Electrical Works, Inc., of Modesto for downtown actuated traffic signals
Action Taken: Awarded
- H. Adopt Finding of a Categorical Exemption, Fresno County Document No. E200810000256, pursuant to CEQA Guidelines Section 15301(f) (*Property located in District 3*) – Public Works Department
Action Taken: Adopted
1. Award a contract in the amount of \$155,845 to Lee Wilson Electric Co., Inc., for installation of new traffic signal facilities at the intersection of Belmont and Mariposa Avenues
Action Taken: Awarded
- I. Adopt Findings of a Categorical Exemption, Fresno County Document No. E200610000354, pursuant to CEQA Guidelines Section 15301(f) (*Property located in District 6*) – Public Works Department
Action Taken: Adopted
1. Award a contract in the amount of \$332,087.37 to B & B Construction Services of Clovis, CA for the Fresno and Sierra intersection widening improvements
Action Taken: Awarded
- J. Approve agreement with the Economic Development Corporation (EDC) serving Fresno County in the amount of \$281,000 through June 30, 2009, and authorize staff to execute documents - Downtown and Community Revitalization Dept.
Action Taken: Approved
- K. Authorize the Chief of Police to enter into a Memorandum of Understanding (MOU) with the Fresno County Economic Opportunities Commission for the removal of tattoos from gang-affiliated individuals choosing to abandon the gang lifestyle – Police Department
Action Taken: Authorized
- L. * **RESOLUTION** – 10th amendment to Salary Resolution 2008-165 amending the Voluntary Time Off (VTO) Program for Fiscal Year 2010 – Personnel Services Dept.
Action Taken: Resolution No. 2009-116 adopted
- M. **RESOLUTION** - Claiming funds for uncashed checks dating from May 31, 1987 to December 31, 2005 – Finance Department
Action Taken: Resolution No. 2009-117 adopted

CONTESTED CONSENT CALENDAR

SCHEDULED COUNCIL HEARINGS AND MATTERS

9:00 A.M. A. **SCHEDULED COMMUNICATION –**
1. Appearance by Kenneth Fick to discuss a Police Department issue - **Not present when called**

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.#1 [Approve design revisions to Eaton Plaza Master Plan – City Manager's Office/PARCS](#)
Action Taken: Approved

9:15 A.M.#2 **CITY COUNCIL**

A. [Consideration of Better Business Act to ensure uniform due diligence procedures and oversight for private sector applicants seeking City financing assistance: \(Councilmember Brand\)](#)

1. **BILL (*For Introduction*)** - Amending the Fresno Municipal Code Section 7-912 relating to qualifications of applicants for City financing

Action Taken: Bill No. B-22 introduced/laid over

2. * **RESOLUTION** - Establishing Better Business Act to ensure uniform due diligence and oversight on private projects seeking public financial assistance

Action Taken: Resolution No. 2009-118 adopted

B. **WORKSHOP** regarding Boards and Commissions – Councilmember Xiong - **Held**

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

A. [Authorize the Interim Planning and Development Director to enter into a Professional Services Agreement with VRPA Technologies, Inc. for \\$55,000 to provide additional transportation planning services for the Metro Rural Loop Corridor Preservation Feasibility Study as part of the Seed Grant from the California Partnership for the San Joaquin Valley and related Metro Rural Loop Incorporation into the Fresno COG and Regional Blueprint Studies – Planning and Development Dept.](#)

Action Taken: Authorized

B. [Authorize amendment to the City of Fresno/EOC purchase and sale agreement/joint escrow for the purchase of a neighborhood youth center previously approved by Council - PARCS](#)

Action Taken: Authorized

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

9:30 A.M.

GENERAL ADMINISTRATION CONTINUED

- C. Authorizing the Interim Planning and Development Director to apply for and receive \$4,603,600 in Energy Efficiency and Conservation Block Grant Funding from the Department of Energy authorized through the American Recovery and Reinvestment Act for the Sustainable Fresno Environmental and Renewable Resource Center Program - Planning and Development Department
Action Taken: Authorized
1. **RESOLUTION** – Authorizing the Interim Planning and Development Director to apply for and receive \$4,603,600 in Energy Efficiency and Conservation Block Grant Funding from the Department of Energy for the Sustainable Fresno Environmental and Renewable Resource Center Program
Action Taken: Resolution No. 2009-119 adopted
- D. Approve Amendment II to Home Investment Partnerships Community Housing Development Organization Program Agreement with EAH, Inc. and Arbor Court Inc., to reduce the number of HOME CHDO-assisted units from 19 to 9 for the Arbor Court Development at 4830 E. Laurel Avenue in order to comply with requirements of proposed state funding source and to reduce authorized HOME CHDO funding from \$1,400,000 to \$1,278,199 in order to comply with HOME CHDO Program per unit subsidy limits – Planning and Development Dept.
Action Taken: Failed approval
- E. Approve the consideration of a Right-of-Entry (ROE) permit related to the Fresno Veterans' Home Project and execution of related documents – City Manager's Office
Action Taken: Approved
- F. Authorize the City Manager or his designee to execute all documents required to create a Joint Exercise of Powers Agreement (JPA) between the City of Fresno and the County of Fresno for purposes of providing Federal Workforce Investment Act services within Fresno County – City Manager's Office
Action Taken: Authorized; as amended

9:45 A.M.

JOINT MEETING WITH THE REDEVELOPMENT AGENCY

Approve minutes of April 7, 2009

Action Taken: Approved

- A. Approve acquisition of an easement on the west side of Cedar Avenue, south of Shields Avenue (***Property located in District 7 (Council and Agency action)***) – Public Works Dept.
Action Taken: Approved
- B. Consider authorizing the Executive Director to enter into a Purchase and Sale Agreement for the property located at 2314 Ventura Street (APN 468-222-12) owned by Jack R. Kojigian, Trustee of the Jack Kojigian survivor's trust; Jack R. Kojigian, as Trustee of the Tamera Kojigian by-pass trust; John Kojigian, Jr.; Marvin Ray Garabedian and Leanna Mae Garabedian, trustees of the Marvin Ray and Leanna Mae Garabedian living trust; and to take all other actions as necessary and consistent with Agency Board approval. The property is located within the Convention Center Redevelopment Project Area (***Council and Agency action***)
Action Taken: Authorized

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

9:45 A.M. JOINT MEETING WITH THE REDEVELOPMENT AGENCY CONTINUED

C. Consider approval of an Owner Participation Agreement (OPA) between the Redevelopment Agency of the City of Fresno and Reza Assemi (or other affiliate) for the development of a mixed use residential project at 1625 Broadway in the Fulton Redevelopment Project Area; and adopt a finding of a Class 32 categorical exemption pursuant to CEQA guideline section 15332
(Agency action)
Action Taken: Approved

D. Consider Redevelopment Agency Board procedure **(Agency action)**
Action Taken: Approved

ADJOURN AGENCY

10:00 A.M. CLOSED SESSION

A. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION** - Government Code Section 54956.9, Subdivision (b)
Significant Exposure to Litigation:
1. City of Fresno v. Fresno Metropolitan Museum of Art and Science, et al.
Action Taken: Held

B. **CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION** - Government Code Section 54956.9, Subdivision (a)
1. **Case Name:** Harris Construction Company, Inc. et al., v. Fresno Metropolitan Museum, et al., Fresno Superior Court Case No 09 CE CG 99634
Action Taken: Held

10:30 A.M. WORKSHOP relating to Fresno Metropolitan Museum – Council President Sterling - Held

SCHEDULED COUNCIL HEARINGS AND MATTERS

May	28 -	2:30 P.M.	Budget discussions – Mayor’s budget presentation (2:30 p.m. – 3:00 p.m.)
June	4 -	9:30 A.M.#1	HEARING re: ordering the vacation of a portion of W. Alluvial Avenue west of N. Lafayette Avenue (Property located in District 2)
June	4 -	10:00 A.M.	HEARING re: Council Review Pursuant to Fresno Municipal Code 12-406-J of Planning Commission Approval of CUP No. C-09-028 related to a Group Housing Use at 1620 E. White Avenue and adoption of Categorical Exemption pursuant to Environmental Assessment No. EA-C-09-028
June	4 -	10:15 A.M.	HEARING RE: Rezone Application No. R-09-01, filed by Minh The Tran, property located at 1622 S. Cedar Ave.
June	11 -	9:30 A.M. #1	HEARING re: ordering the vacation of a portion of “C” Street between San Benito Street and E. California Avenue and the Freeway 99 - “C” Street alley
June	11 -	9:30 A.M. #1	HEARING
June	18 -	9:30 A.M. #1	HEARING re: ordering the vacation of N. Millbrook Avenue north of Copper Avenue (Property located in District 6)
June	18 -	10:00 A.M.	HEARING re: General Plan Amendment Application No. A-09-02 Air Quality Objectives and Policies
June	25 -	MEETING	

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

July	2 -	COUNCIL RECESS	
July	9 -	COUNCIL RECESS	
July	16 -	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 C-08-59
July	16 -	10:15 A.M.	HEARING re: Landscape and Lighting Maintenance District (LLMD) No. 1 – Public Works Dept.
July	23 -	MEETING	
July	30 -	MEETING	

HEARING SCHEDULE FOR FISCAL YEAR 2009-2010 ANNUAL BUDGET (SUBJECT TO CHANGE)

Please Note: Department budgets will generally be considered as listed below. Members of the public will be allowed to address the Council regarding the budget. Please be advised consideration of some departments may be continued to the next scheduled hearing date if discussions run long, and other departments may be considered in advance of the date listed.

May	28 -	2:30 P.M.	Mayor's budget presentation; Airports Dept. and General Services
June	2 -	8:30 A.M.	DPU, FAX and Convention Center., ISD and General City Purpose
June	4 -	2:00 P.M.	City Clerk's Office and Personnel Services Dept.
June	9 -	8:30 A.M.	Finance Dept., Fire Dept. City Attorney's Office and Police Department
June	11 -	2:00 P.M.	Downtown & Community Revitalization Dept. and Planning and Development Dept.
June	16 -	8:30 A.M.	Public Works Department, CDBG (10:30a.m.), and PARCS Dept.
June	18 -	2:00 P.M.	Redevelopment Agency (2:00p.m.), and Council/Mayor's Office (4:00 p.m. – 5:00 p.m.)
June	23 -	8:30 A.M.	Overflow and Final Motions
June	25 -	2:00 P.M.	Adopt Budget
June	30 -	8:30 A.M.	Must Adopt Budget