



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.

November 19, 2009

8:30 A.M. ROLL CALL

Invocation by Pastor William C. Nolte of the Fresno First Baptist Church

Pledge of Allegiance to the Flag

Ceremonial Presentations:

Presentation of Awards for the Mayor's Business Recycling & Zero Waste Program – Mayor's Office - **Presented**

Presentation of a Certificate of Recognition to Lawanda Davis with HandyRide – Mayor's Office and Council President Sterling – **Read and presented**

Proclamation of "ED EAMES DAY" – Councilmember Perea – **Read and presented**

Proclamation of "[NATIONAL HUNGER & HOMELESSNESS WEEK](#)" – Council President Sterling – **Read and presented**

Presentation of "Prime Time for Business" – Electronic Recyclers International – Council President Sterling and Downtown & Community Revitalization Department – **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 November 5, 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 at 1:30 p.m.

- A. * **RESOLUTION** - 18th amendment to AAR No. 2009-149 appropriating \$600,000 for the re-budget of activities and projects addressing homelessness in the City of Fresno (**Requires 5 affirmative votes**) -City Manager's Office
Action Taken: Resolution No. 2009-239 adopted
- B. Approve appointment of Tommy Nellon to the Fresno Regional Workforce Investment Board – Mayor's Office
Action Taken: Approved
- C. Authorize the Chief of Police to enter into an agreement with the Fresno Unified School District to provide a LifeSkills Officer and structured youth activities – Police Dept.
Action Taken: Authorized
 - 1. * **RESOLUTION** - 26th amendment to AAR 2009-149 appropriating \$43,500 for fiscal year 2010 (**Requires 5 affirmative votes**)
Action Taken: Resolution No. 2009-233 adopted
- D. Authorize the Chief of Police to enter into and execute the agreement with the Regents of the University of California to accept fiscal year 2007 grant funds – Police Dept.
Action Taken: Authorized
 - 1. * **RESOLUTION** - 30th amendment to AAR 2009-149 appropriating \$40,000 for the Fresno Police Department's California Click It Or Ticket Program (CIOT) (**Requires 5 affirmative votes**)
Action Taken: Resolution No. 2009-234 adopted

1. **CONSENT CALENDAR CONTINUED**

- E. Authorizing the Chief of Police to enter into and execute the agreement and required program documents with the Regents of the University of California for the Sobriety Checkpoint mini-grant program for 2009-2010 – Police Dept.
Action Taken: Authorized
1. * **RESOLUTION** - 31st amendment to AAR 2009-149 appropriating \$378,100 Sobriety Checkpoint mini-grant program (**Requires 5 affirmative votes**)
Action Taken: Resolution No. 2009-240 adopted
- F. **RESOLUTION** - Dedicating certain City-owned property for public street purposes at Pump Station No. 37 located on the south side of E. McKinley Avenue, west of N. Millbrook Avenue (**Property located in District 7**) – Public Works Department
Action Taken: Resolution No. 2009-235 adopted
- G. Adopt a Finding of Mitigated Negative Declaration Under CEQA Section 15065 – Public Works Dept.
Action Taken: Adopted
1. Approve the full acquisition of one (1) parcel to construct new water well located on the northwest corner of E. Ventura Avenue and S. Second Street from property owner: Ella M. Ross (**Property located in District 3**)
Action Taken: Approved
- H. * Adopt a Side Letter of Agreement between the City of Fresno (City) and the Operating Engineers, Local Union No. 3 (Airport Public Safety Supervisors, Unit 15), regarding compensation and benefits and term of Memorandum of Understanding (MOU) – Personnel Services Department
Action Taken: Adopted
- I. * **RESOLUTION** - 28th amendment to AAR No. 2009-149 re-appropriating \$94,600 for capital projects funded by the American Recovery and Reinvestment Act (ARRA) and reallocating capital funding for the completion of capital projects in the Public Works Department (**Requires 5 affirmative votes**) – Public Works Dept.
Action Taken: Resolution No. 2009-236 adopted
1. * **RESOLUTION** - 33rd amendment to AAR No. 2009-149 appropriating \$509,100 for a capital Project funded by the American Recovery and Reinvestment Act (ARRA) and the Fresno Redevelopment Agency (**Requires 5 affirmative votes**)
Action Taken: Resolution No. 2009-237 adopted
2. Authorize the Public Works Director or his designee to execute all documents required to receive \$434,400 in highway infrastructure funds provided through the ARRA Program
Action Taken: Authorized
- J. Award a contract in the amount of \$144,451.81 to Kuckenbecker Tractor of Fresno, California for three (3) turf tractors – General Services Dept./Fleet Mgmt.
Action Taken: Awarded
- K. Award a contract in the amount of \$ 392,958.30 to Cummins West, Inc. San Leandro, CA to furnish and install twenty eight (28) active diesel particulate filters - General Services Dept./Fleet Mgmt.
Action Taken: Awarded
- L. Approve agreement between the City of Fresno and JP Marketing for the production and syndication of Fire Department public service announcements – Fire Department
Action Taken: Approved
- M. Approval of a contract for \$20,985.50 with West Fresno Elementary School District for the Parks, After School, Recreation and Community Services Department to conduct a comprehensive Saturday program running through June 30, 2010 - PARCS
Action Taken: Approved

1. **CONSENT CALENDAR CONTINUED**

N. * **RESOLUTION** – 32nd amendment to AAR No. 2009-149 appropriating \$31,300 of American Recovery and Reinvestment Act Grant Funds from the Fresno County Workforce Investment Board for the coordination of the “Green Jobs” Adult Worker Employment Program activities across City departments (**Requires 5 affirmative votes**) – Planning and Development Dept.
Action Taken: Resolution No. 2009-238 adopted

O. Approve agreement between the City of Fresno, the Economic Development Corporation serving Fresno County, and California State University Foundation in the amount of \$366,000 and authorize staff to execute documents – Downtown and Community Revitalization Dept.
Action Taken: Rescheduled for 12/3/2009

SCHEDULED COUNCIL HEARINGS AND MATTERS

9:00 A.M. **Mayor’s Budget Presentation – Presentation made**

9:30 A.M. A. **SCHEDULED COMMUNICATION –**

1. Appearance by William Milton, Sr. to discuss Police Officers using taser guns – **Appearance made**
2. Appearance by Kenneth W. Fick to discuss a Workers’ Compensation case – **Not present when called**
3. Appearance by Paul Saito to discuss violation of the local preference ordinance adopted by the City Council in 1994 – **Appearance made**

9:30 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**

10:00 A.M.#1 **CITY COUNCIL**

10:00 A.M. #2 **COUNCIL COMMUNICATIONS & ASSIGNMENTS**

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

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

10:00 A.M.#3 **CONTINUED HEARING** to consider Vesting Tentative Tract Map No. 5933/UGM, Conditional Use Permit Application No. C-08-59, and environmental findings, filed by Gary G. Giannetta on behalf of Gary McDonald Homes, pertaining to approximately 16.85 acres of property zoned R-1/UGM (Single Family Residential/Urban Growth Management) located between N. Friant Road and E. Copper Avenue within the Copper River Ranch Master Planned Community (*Property located in District 6*) – Planning and Development Dept. *(Referred back to staff. To be rescheduled)*
Action Taken: Referred back to staff

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

A. CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Government Code Section 54956.8
Property: Chukchansi Park (Multipurpose Stadium)
Negotiating Parties: Andrew T. Souza, City Manager for City of Fresno, Chris Cummings, Fresno Baseball Club, LLC and Fresno Baseball Club, LLP
Under Negotiation: Proposed Amendment to Lease Agreement between City of Fresno and Fresno Baseball Club, LLC and Fresno Baseball Club, LLP
Action Taken: Held

1:00 P.M. **B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION** – Government Code Section 54956.9, Subdivision (a)
Case Name: Harris Construction Company, Inc., et al., v. Fresno Metropolitan Museum, et al., Does 1 – 500, Fresno Superior Court Case No. 09 CE CG 00634
Under Negotiation: Proposed Amendment to Lease Agreement between City of Fresno and Fresno Metropolitan Museum of Science and Art.
Negotiator: Andrew T. Souza, City Manager
Action Taken: Held

1:30 P.M.#1 **CONTESTED CONSENT CALENDAR**

1:30 P.M.#2 **GENERAL ADMINISTRATION**

A. Presentation regarding homeowner funding options for sewer connections – Dept. of Public Utilities
Action Taken: Presentation made/discussion held

B. **RESOLUTION** - Authorizing and approving the defeasance of Fresno Joint Powers Financing Authority 1991 Certificates of Participation (street improvement projects), and authorizing other matters relating thereto – Finance Dept.
Action Taken: Resolution No. 2009-241 adopted

1. * **RESOLUTION** – 29th amendment to AAR No. 2009-149 appropriating \$825,000 for the defeasance of Fresno Joint Powers Financing Authority 1991 Certificates of Participation (*Requires 5 affirmative votes*)
Action Taken: Resolution No. 2009-242 adopted

2:00 P.M. Presentation by Copper River Ranch Partners on the five (5) year update – Granville Homes – Planning and Development Dept. – Presentation made

SCHEDULED COUNCIL HEARINGS AND MATTERS

Nov. 26 - **NO MEETING – THANKSGIVING WEEK**
Dec. 3 - 10:00 A.M. **JOINT FRESNO POWERS FINANCING AUTHORITY MEETING**
Dec. 3 - 4:00 P.M. Presentation regarding Roundabouts in Fresno (*Tentative time*)
Dec. 10 - **MEETING**
Dec. 17- 10:00 A.M **HEARING** to consider a resolution of public use and necessity for acquisition of permanent easements and right of way for public street purposes from the following parcel of real property located near the intersection of Herndon Avenue and Golden State Blvd in the City of Fresno: Assessor's Parcel 504-091-01 owned by Millennium, LLC

Dec. 24 - **NO MEETING – CHRISTMAS WEEK**
Dec. 31 - **NO MEETING – NEW YEARS WEEK**
Jan. 7 - **MEETING**
Jan. 14 - 9:30 A.M.#1 **HEARING** ordering the vacation of N. Harrison Avenue north of W. Bedford Avenue
Jan. 14 - 9:30 A.M.#1 **HEARING** ordering the vacation of a portion of the easterly 26 ft. of Amador St. betw. Fulton St. and the Fulton-Broadway alley