



# 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, 2<sup>nd</sup> Floor, 2600 Fresno Street, Fresno CA 93721.

## March 24, 2009

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

Invocation by Pastor Roy Mitchell of the Open Door Ministries

Pledge of Allegiance to the Flag

### **Ceremonial Presentations:**

Proclamation of "COVER THE UNINSURED WEEK" – All Councilmembers - **Read and presented**

Presentation to Edison High School Basketball Team –Council President Sterling – **Presentation made**

Proclamation of "PINEDALE DAY" – Councilmember Borgeas - **Read and presented**

Proclamation of "READING AND BEYOND DAY" – Mayor Swearengin and All Councilmembers - **Read and presented**

Proclamation of "LADY RIDERS BASKETBALL DAY" – Councilmembers Dages and Perea - **Read and presented**

Proclamation of "GREEK INDEPENDENCE DAY" - Councilmember Borgeas - **Read and presented**

Proclamation of "FRESNO CITY COLLEGE WOMEN'S BASKETBALL DAY" – Mayor Swearengin and All Councilmembers - **Read and presented**

Proclamation of "FRESNO CITY COLLEGE MEN'S BASKETBALL DAY" – Mayor Swearengin and All Councilmembers - **Read and presented**

Presentation of the 2009 Jay Hollingsworth Speas Award to Russell C. Widmar, AAE, Fresno Yosemite International Airport – **Presentation made**

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**\*SUBJECT TO MAYOR'S VETO OR RECONSIDERATION  
AND MAY BE AMENDED AT ANYTIME**

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Presentation of Resolution Congratulating the Fleet Management Division of the General Services Department for Earning the ASE Blue Seal of Excellence Recognition for the Ninth Consecutive Year – Mayor's Office and All Councilmembers - **Read and presented**

Presentation of Resolution Congratulating the Repair and Maintenance Section of the Fire Department for Earning the ASE Blue Seal of Excellence Recognition – Mayor's Office and All Councilmembers - **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, 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 March 17, 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 11:00 a.m.

A. **RESOLUTION** – Dedicating certain City-owned property for public street purposes at Pump Station No. 132 located at the southwest corner of Serena and Hayston Avenues (**Property located in District 6**) – Public Works Department

**Action Taken:** Resolution No. 2009-59 adopted

B. Approve the sale of two (2) City remnant parcels containing 7,511 square feet near Olive and Blythe Avenues located in the County of Fresno – Public Works Department

**Action Taken:** Approved

C. \* Approve a construction contract in the amount of \$1,188,600.00 to Durham Construction Co., Inc., for the Phase I renovations of existing Fire Stations No. 3 and 4 within the City of Fresno (**Fire Station No. 3 is located in District 3 and Fire Station No. 4 is located in District 7**) – Public Works Dept.

**Action Taken:** Removed from the agenda

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1. **CONSENT CALENDAR CONTINUED**

- D. Approve a substitution of a listed subcontractor for the traffic signal modification at the intersection of Blackstone and Dayton Avenues (**Property located in District 7**) – Public Works Dept.  
**Action Taken:** Approved
- E. **RESOLUTION** - Authorizing the submission of applications for and acceptance of grant funds from the Caltrans Transportation Planning Grants Fiscal Year 2009-2010 - Environmental Justice: Context-Sensitive Planning Grant and authorizing the execution of documents by the Public Works Director (**Property located in Districts 3, 4, 5 & 7**) – Public Works Dept.  
**Action Taken:** Resolution No. 2009-60 adopted
- F. \* Approve an amended agreement with Smith Iwanaga Milhous Architects for a total fee of \$5,000.00 for additional architectural services for re-design of the concrete walls in the range to tilt-up in Phase I Regional Public Safety Training Village (**Property located in District 3**) - Public Works Department  
**Action Taken:** Approved
- G. **RESOLUTION** - Authorizing the participation as a co-applicant with the County of Fresno and the Fig Garden Homeowners' Association for the submittal of a Community-Based Transportation Planning Grant application of up to \$300,000.00 under the California Department of Transportation (Caltrans) Fiscal Year 2009-10 and for the acceptance of funding as a sub-recipient – Planning and Development Dept.  
**Action Taken:** Resolution No. 2009-61 adopted
- H. \* Award a contract in the amount of \$59,516.00 to Tri-Signal Integration Inc, of Fresno, CA to design, furnish and install addressable fire alarm detection system at Ted C. Wills Community Center – General Services Dept./Facilities Mgmt. Division  
**Action Taken:** Awarded
- I. \* Approve and authorize the Chief Information Officer to enter into an Application Service Provider (ASP) Agreement with Sungard Public Sector (PS) Inc. for Sungard HTE Software applications with monthly access fees in the amount of \$16,425.00 - Information Services Dept.  
**Action Taken:** Approved
- J. \* Award a requirements contract in the amount of \$456,145.41 to General Petroleum Corp. of Fresno, CA for motor oils and lubricants – General Services Dept./Fleet Management Division  
**Action Taken:** Awarded
- K. \* **RESOLUTION** - 72nd amendment to AAR No. 2008-162 appropriating \$4,900.00 in the Parks, After School, Recreation and Community Services Department from a donation from Chukchansi Gold Resort and Casino for the 3rd Annual Mayor's Cup Coed Softball Tournament (**Requires 5 affirmative votes**) - PARCS  
**Action Taken:** Resolution No. 2009-62 adopted
- L. Approve the reappointment of Rodney Ashley to the Fresno-Madera Area Agency on Aging – Mayor's Office  
**Action Taken:** Approved
- M. **RESOLUTION** – Approving the reallocation of \$50,000 in the General City Purpose Department for the Public Safety Joint Powers Authority (JPA) – City Manager's Office  
**Action Taken:** Resolution No. 2009-63 adopted
- N. **RESOLUTION** – Selecting method to determine GANN appropriation limit relating to the Fiscal Year 2008-2009 City budget – Finance Dept./Budget and Mgmt. Studies Division  
**Action Taken:** Resolution No. 2009-64 adopted
- O. **RESOLUTION** - Authorizing the submittal of a Proposition 1C Infill Infrastructure Grant Program Joint Application to the State of California Department of Housing and Community Development for the Transit Village Project and authorize the Planning and Development Interim Director to execute all necessary grant documents – Planning and Development Department  
**Action Taken:** Resolution No. 2009-65 adopted

1. **CONSENT CALENDAR CONTINUED**

- P. \* **BILL NO. B-11– (Intro. 3/17/2009) (For adoption)** - Repealing Section 11-618 of the Fresno Municipal Code and adding Section 11-618 to the Fresno Municipal Code relating to the flood plain building regulations – Planning and Development Dept.  
**Action Taken:** Ordinance No. 2009-11 adopted
- Q. \* **BILL NO. B-12– (Intro. 3/17/2009) (For adoption)** - Amending the Fresno Municipal Code relating to Card Room Permit Regulations Sections 9-2126 and 9-2115, and subsections (i) and (j) of Section 9-2122, subsections (b), (g) and (m) of Section 9-2135, and subsections (a) and (c) of Section 9-2115 – Police Department  
**Action Taken:** Ordinance No. 2009-12 adopted

**SCHEDULED COUNCIL HEARINGS AND MATTERS**

9:00 A.M.#1 A. **SCHEDULED COMMUNICATION –**

9:00 A.M.#1 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**

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

- A. Direct staff to return to Council with a proposal to establish special districts for a homeowner energy efficiency upgrade loan program repaid through property tax bills – Councilmember Perea  
**Action Taken:** Approved
- B. \* **RESOLUTION** - Establishing a policy regarding Council requests for information – Councilmember Borgeas  
**Action Taken:** Resolution No. 2009-69 adopted as amended, to review process in 6 months

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

- A. Actions pertaining to the creation of an Office of Independent Review – Mayor's Office/City Manager's Office
1. \* **RESOLUTION** - Establishing an Office of Independent Review  
**Action Taken:** Resolution No. 2009-66 adopted
  2. \* **RESOLUTION** – 9<sup>th</sup> amendment to Salary Resolution No. 2008-165 establishing the positions of Independent Reviewer and Community Outreach Specialist  
**Action Taken:** Resolution No. 2009-67 adopted
  3. \* **RESOLUTION** – 5<sup>th</sup> amendment to PAR No. 2008-163 establishing the number of positions authorized in the various departments and offices of the City for Fiscal Year 2009  
**Action Taken:** Resolution No. 2009-68 adopted

**SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED**

**10:00 A.M. HEARING** ordering the vacation of a portion of the "M" – "N" alley southeast of Los Angeles Street **(Property located in District 3)** – Public Works Department

**Action Taken:** Held

a. \* **RESOLUTION** - Ordering the vacation of a portion of the "M" – "N" alley southeast of Los Angeles Street

**Action Taken:** Resolution No. 2009-70 adopted

**10:15 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/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 **(Continued to May 7, 2009, at 10:00 a.m.) (Property located in District 6)** – Planning and Development Dept.

**Action Taken:** Continued as noted

**10:45 A.M. HEARING** to consider Rezone Application No. R-08-29, and environmental findings, filed by R.J. Hill Company, pertaining to approximately 20 (net) acres located on the northeast corner of S. Armstrong Avenue and the E. California Avenue alignment **(Property located in District 5)** – Planning and Development Dept.

**Action Taken:** Held

a. Consider and adopt Environmental Assessment No. R-08-29/T-5913, a determination of the initial study to file a Finding of Conformity to MEIR 10130 for the 2025 Fresno General Plan

**Action Taken:** Adopted

b. **BILL** - Amending the Official Zone Map to rezone the property from the AE-20/UGM (*Exclusive Twenty Acre Agricultural/Urban Growth Management*) zone district to the R-1/UGM (*Single Family Residential/Urban Growth Management*) zone district

**Action Taken:** Bill No. B-13/Ordinance No. 2009-13 adopted

**11:00 A.M. #1 SPECIAL MEETING/JOINT MEETING OF THE FRESNO JOINT POWERS FINANCING AUTHORITY AND THE CITY OF FRESNO** regarding the issuance and sale of lease revenue bonds Police and Fire Master Lease projects – Finance Dept. **(Continue to March 31, 2009, at 10:30 a.m.)**

**Action Taken:** Continued as noted

**11:00 A.M. #2** **CONTESTED CONSENT CALENDAR**

**11:00 A.M. #3** **CLOSED SESSION**

**A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION** - Government Code Section 54956.9, Subdivision (b)

**Significant Exposure to Litigation:**

1. Glen Beaty v. City of Fresno
2. City of Fresno v. Fresno Hockey Club, LLC (potential litigation); City of Fresno v. Fresno Baseball Club, LLC

**Action Taken:** Held

**11:00 A.M. #3** **JOINT CLOSED SESSION WITH THE REDEVELOPMENT AGENCY**

**A. CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION** - Government Code Section 54956.9, Subdivision (a)

1. **Case Name:** Heritage Fresno, et al. v. City of Fresno et al.; Fresno County Superior Court Case No.: 06 CECG00162

**Action Taken:** Held

**SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED**

**2:00 P.M. JOINT MEETING WITH THE REDEVELOPMENT AGENCY**

Approve minutes of March 17, 2009

**Action Taken:** Approved

**A. Actions pertaining to Proposition 1C Infill Infrastructure Grant Program:**

1. **RESOLUTION** – Authorizing application for and acceptance of Proposition 1C) Infill Infrastructure Grant Program funding from the State of California Department of Housing and Community Development for the Sequoia Village Project, and execution of documents - **(Agency Action)**  
**Action Taken:** Resolution No. 1737 adopted
2. **RESOLUTION** – Authorizing application for and acceptance of Proposition 1C) Infill Infrastructure Grant Program funding from the State of California Department of Housing and Community Development for the Chinatown Lofts Project, and execution of documents - **(Agency Action)**  
**Action Taken:** Resolution No. 1738 adopted
3. **RESOLUTION** - In support of Proposition 1C Infill Infrastructure Grant Program application to the State of California Department of Housing and Community Development for Sequoia Village Project - **(Council Action)**  
**Action Taken:** Resolution No. 2009-71 adopted
4. **RESOLUTION** - In support of Proposition 1C Infill Infrastructure Grant Program application to the State of California Department of Housing and Community Development for Chinatown Lofts Project - **(Council Action)**  
**Action Taken:** Resolution No. 2009-72 adopted

- B. RESOLUTION** - In support of Proposition 1C Infill Infrastructure Grant Program application to the State of California Department of Housing and Community Development for the Terry's House Project - **(Agency and Council Action)**  
**Action Taken:** Joint Resolution Nos. 2009-73/1739 adopted

**ADJOURN AGENCY**

**SCHEDULED COUNCIL HEARINGS AND MATTERS**

Mar.	31 -	10:00 A.M.	<b>HEARING</b> re: Rezone Application No. R-08-05, filed by the City of Fresno
Mar.	31 -	10:30 A.M.	<b>CONTINUED JPFA MEETING</b> re: approval of bond issuance for Police and Fire Master Lease Projects – Finance Department
Apr.	7 -	8:30 A.M.	Presentation of P.R.I.D.E Team Certificates – Spring Quarter - <b>Reception immediately following – 2<sup>nd</sup> floor foyer</b>
Apr.	14 -	<b>NO MEETING – EASTER WEEK</b>	
Apr.	23 -	10:00 A.M.	<b>HEARING</b> re: the consideration to alter services to be financed by Annexation No. 24 of City of Fresno Community Facilities District No. 11
Apr.	30 -	8:30 A.M.	“Make a Promotion a Commotion” Ceremony – <b>Reception immediately following – 2<sup>nd</sup> floor foyer</b> - Personnel Services Dept.
May	7 -	10:00 A.M.	<b>CONTINUED HEARING</b> 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