



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 22, 2009

8:30 A.M. ROLL CALL

Invocation by Pastor Natalie Chamberlain of the United Christian Church

Pledge of Allegiance to the Flag

Ceremonial Presentations:

Proclamation of "**BREAST CANCER AWARENESS MONTH**" – Council President Sterling – **Read and presented**

Presentation of "**Make a Promotion a Commotion**" Ceremony) (*Reception immediately following – 2nd floor foyer*) - Held

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 15, 2009

Action Taken: Approved

Councilmember Reports and Comments

Action Taken Made

Approve Agenda

Action Taken: Approved, with correction to title 1E

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. Approve an amendment to the non-exclusive tow franchise agreement between the City of Fresno Police Department and Multani's Towing – Police Department

Action Taken: Approved

B. * Approve Memorandum of Understanding (MOU) with Salvation Army for the U.S. Department of Justice, Office of Community Oriented Policing (COPS) Methamphetamine Initiative 2007 grant project; authorize the Chief of Police to enter into and execute the agreement and required program documents – Police Department

Action Taken: Approved

C. Adopt Finding of a Class 1 Categorical Exemption, pursuant to CEQA Guidelines Section 15301 (Existing Facilities) – Airports Department

Action Taken: Adopted

1. Approve a two (2) year lease of hangar at Fresno Chandler Executive Airport to Alan Buchner dba Buchner Specialties

Action Taken: Approved

D. **ITEM REMOVED FROM THE AGENDA**

E. Authorize the City Manager or designee to execute a quitclaim deed for a portion of the golf cart easement at the former Palm Lakes Golf Course (**Property located in District 4**) – Public Works Department

Action Taken: Approved, with corrected title

F. Adopt CEQA Notice of Exemption No. E200810000451 (**Property located in District 3**) – Public Works Department

Action Taken: Adopted

1. Award a contract in the amount of \$530,347 to Bill Nelson, G. E. C., Inc. of Fresno, for the Veterans Home sewer and water main (In California, Marks and Hughes)

Action Taken: Awarded

1. **CONSENT CALENDAR CONTINUED**

- G. Authorize the execution of documents relating to work experience employment opportunities for youth aged 14-24 operated by Arbor E&T, LLC, as funded by the Fresno County Workforce Investment Board – Personnel Services Department
Action Taken: Authorized
- H. Approval of a contract for \$7,824.56 with Fresno County Office of Education for PARCS Department to conduct a collaborative informal science program running through June 30, 2010 - PARCS
Action Taken: Approved
- I. Approval of a contract for \$22,000 with Fresno County Office of Education for the PARCS Department to conduct the Fresno BEST program at Orange Center Middle School running through June 30, 2010 - PARCS
Action Taken: Approved
- J. Approve an addendum to a consultant service agreement with Fresno Metro Ministry authorizing the collection of Community Garden User fees - PARCS
Action Taken: Approved
 - 1. * **RESOLUTION** - 484th amendment to the MFS No. 80-420 establishing Community Garden User fees
Action Taken: Resolution No. 2009-215 adopted
- K. Authorize the Planning and Development Department Director to enter into a new Professional Services Agreement with Matrix Consulting Group for the completion of the Planning and Development Department Fee Study and related services - Planning and Development Department
Action Taken: Authorized
- L. **BILL – (For introduction)** - Amending Section 10-53302.5 relating to safe and sane fireworks exceptions, and Section 10-53302.7 relating to sale of safe and sane fireworks – Fire Department
Action Taken: Discussed and continued to later date to address Council concerns
- M. * **BILL NO. B-36 - (Intro 10/15/09) (For adoption)** Amending the Hoover Community Plan and the 2025 Fresno General Plan by incorporation of the El Dorado Park Neighborhood Plan into the Hoover Community Plan and amending Table 4 of the 2025 Fresno General Plan – Planning and Development Dept.
Action Taken: Ordinance No. 2009-37 adopted

SCHEDULED COUNCIL HEARINGS AND MATTERS

- 9:00 A.M. Budget Status and Update – Mayor's Office – Report made
- 9:30 A.M. A. **SCHEDULED COMMUNICATION –**
 - 1. Appearance by Kenneth Fick to discuss various issues – 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

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

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

9:40 A.M.

GENERAL ADMINISTRATION

- A. Approve term and conditions from US Bank Community Development Corporation and Clearinghouse CDFI for New Markets Tax Credit Equity Investment financing mechanism for the Fresno Metropolitan Museum of Arts and Science – City Manager’s Office
Action Taken: Approved

10:00 A.M.

REGULAR MEETING OF THE REDEVELOPMENT AGENCY

Approve Agency minutes of October 1, 2009

Action Taken: Approved

- A. **RESOLUTION** - Recommend approval authorizing \$75,000 for the installation of public improvements, including the proposed median island improvements on Clovis Avenue between McKinley Avenue and the Highway 180 entrance, and make findings under Redevelopment Law section 33445 that the Agency may pay for the cost to install and construct publically owned improvements within the Airport Area Revitalization Project area
(Council and Agency action)

Action Taken: Resolution Nos. 2009-216/1748 adopted, as amended

- B. **RESOLUTION** - Consider (1) approving the Neighborhood Stabilization Program (“NSP”) Agreement, and related documents, between the City of Fresno and the Redevelopment Agency of the City of Fresno; and, (2) authorizing the Executive Director to execute said agreement and prepare any documents and take other actions necessary to carry out the Agency’s obligations under the Agreement, including the authority to execute contracts
(Agency action)

Action Taken: Resolution No. 1749 adopted, as amended

ADJOURN AGENCY

11:00 A.M.

CONTESTED CONSENT CALENDAR

CLOSED SESSION

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

Significant Exposure to Litigation:

1. City of Fresno vs. RBC Real Estate Finance Inc., Travelers Casualty and Surety Company of America, Dunmore Montecito, LLC

Action Taken: Held

1:30 P.M.

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BILL NO. B-37 - (Intro. 10/15/2009) (For adoption) - Adopting TA-09-03 and environmental findings as recommended by the Planning Commission, with several minor modifications, amending the text of the Fresno Municipal Code Zoning Ordinance related to restaurants with alcohol sales, taverns and nightclubs – Planning and Development Department **(Continue to 5:00 P.M.)**

Action Taken: Continued as noted

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

5:00 P.M. #1 * **(Continued from 1:30 P.M.) BILL NO. B-37 - (Intro. 10/15/2009) (For adoption)** - Adopting TA-09-03 and environmental findings as recommended by the Planning Commission, with several minor modifications, amending the text of the Fresno Municipal Code Zoning Ordinance related to restaurants with alcohol sales, taverns and nightclubs – Planning and Development Department
Action Taken: Ordinance No. 2009-38 adopted, adding a provision to review the ordinance in one year

5:00 P.M. #2 **HEARING** to consider Plan Amendment Application A-08-09, Rezone Application No. R-08-013 and Environmental Assessment No. A-08-09/R-08-013, filed by Sol Development Associates, LLC on behalf of owners John and Shelly Shamshoian and Cyrus and Dianna Setoodeh, pertaining to 23.2 acres of property located at 2551 S. Minnewawa Avenue, located on the northwest corner of E. Jensen and S. Minnewawa Avenues (APN 481-050-03) **(Property located in District 5)** – Planning and Development Department
Action Taken: Held

- a. Consider and approve the environmental finding of a Mitigated Negative Declaration for Environmental Assessment No. A-08-09/R-08-13 dated September 4, 2009
Action Taken: Approved
- b. **RESOLUTION** - Approving Plan Amendment Application No. A-08-09 to re-designate 11.4 acres of the planned medium-low density residential portion of this property to the medium-high density residential planned land use, and to re-designate the 3.8 acres of the site’s medium density residential property to the medium-high density residential land use
Action Taken: Resolution No. 2009-217 adopted
- c. **BILL** - Approving Rezone Application No. R-08-13 to re-designate the subject site from the AE-5/UGM (*Exclusive Five Acre Agricultural/Urban Growth Management*) zone district to the R-2/EA/UGM/cz (*Low Density Multiple Family Residential/Expressway Area Overlay/Urban Growth Management/conditions of zoning*) zone district
Action Taken: Bill No. B-39/Ordinance No. 2009-39 adopted, as amended, adding additional conditions

SCHEDULED COUNCIL HEARINGS AND MATTERS

Oct.	29 -	10:15 A.M.	HEARING regarding historic preservation (30 minutes)
Oct.	29 -	10:45 A.M.	CONTINUED HEARING to consider an appeal, filed by Gary McDonald on the Tract Map 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
Oct.	29 -	10:50 A.M.	CONTINUED HEARING to consider proposed Development Agreement by and between the City of Fresno and Fancher Creek Properties, LLC and the repeal of the Tulare Street Official Plan Line between Clovis Avenue easterly within the Project Area
Nov.	5 -	11:00 A.M.	Presentation by Copper River Ranch Partners on the 5 year update – Planning and Development Dept.
Nov.	5 -	5:00 P.M.	HEARING to consider residential metered water rates pursuant to Proposition 218