

# City Council Agenda

Council President  
Larry Westerlund

Councilmembers

Andreas Borgeas  
Lee Brand – Acting President  
Mike Dages

Henry T. Perea  
Cynthia A. Sterling  
Blong Xiong

City Manager  
Mark Scott

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, sign language interpreters, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650. Please keep the doorways, aisles and wheelchair seating areas open and accessible. If you need assistance with seating because of a disability, please see Security.

The City Council welcomes you to the Council Chambers, located in City Hall, 2<sup>nd</sup> Floor, 2600 Fresno Street, Fresno CA 93721.

## August 26, 2010

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

Invocation by Reverend. Dr. Janice Q. Saleem of the Church of Rehoboth International

Pledge of Allegiance to the Flag

### **Ceremonial Presentations:**

Proclamation of "THYROID CANCER AWARENESS MONTH" – Councilmember Sterling – **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, or viewed live on Cable Channel 96 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 City Council minutes of August 19, 2010

**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 immediately following.

- A. \* **RESOLUTION** - 16<sup>th</sup> amendment to the Annual Appropriation Resolution (AAR) No. 2010-138 appropriating \$403,000 for the fiscal year 2009-2010 Supplemental Law Enforcement Services Fund (SLESF) grant program into the fiscal year 2011 budget, and approval of the spending plan (**Requires 5 affirmative votes**) – Police Dept.  
**Action Taken: Resolution No. 2010-183 adopted**
  
- B. **RESOLUTION** – Repealing Resolution No. 2010-12 and reapproving a Resolution authorizing the Chief of the Fresno Police Department or designee to execute agreements related to the operation of the Fresno Police Training Center, to include agreements with private parties – Police Dept.  
**Action Taken: Resolution No. 2010-184 adopted**
  
- C. Authorize the Chief of Police to enter into and execute the agreement and required program documents for the DUI Enforcement and Awareness Program (DEAP) with the Office of Traffic Safety – Police Dept.  
**Action Taken: Authorized**
  - 1. \* **RESOLUTION** - 22<sup>nd</sup> amendment to Annual Appropriation Resolution (AAR) No. 2010-138 appropriating \$709,600 for the DUI Enforcement and Awareness Program (DEAP) grant (**Requires 5 affirmative votes**)  
**Action Taken: Resolution No. 2010-185 adopted**
  
- D. Adopt a Finding of Categorical Exemption pursuant to Article 19, Section 15301 (a) (d)/Class 1 (Existing Facility) of the California Environmental Quality Act Guidelines for a five year lease of improved property at 520 W. Kearny Blvd. located at Fresno Chandler Downtown Airport- Airports Dept.  
**Action Taken: Adopted**
  - 1. Authorize a five year lease between the City of Fresno and Joyce Andrews dba Fresno Airparts Company and covering a warehouse building at 520 W. Kearny Blvd. located at Fresno Chandler Executive Airport  
**Action Taken: Authorized**
  
- E. Authorize and direct the City Engineer to execute a quitclaim deed on behalf of the City of Fresno for the airspace that was reserved by the City of Fresno above parcels “B” and “C” of Lot Line Adjustment No. 18-88 located at the east corner of Broadway and San Joaquin Streets (**Property located in District 3**) – Public Works Dept.  
**Action Taken: Authorized**

1. **CONSENT CALENDAR CONTINUED**

- F. Approve a partial acquisition of two (2) parcels from property owner John R. and Marsha M. Frankian for the widening of Peach Avenue to a four-lane divided arterial from Belmont Avenue to Kings Canyon Road (*Property located in Fresno County*) – Public Works Dept.  
**Action Taken: Approved**
- G. Adopt CEQA Categorical Exemption pursuant to Guidelines Sections 15332/Class 32 (In-fill Development) and 15303 (Small New Facilities), and approve the first amendment to License Agreement with Golden State Towers, LLC for minor alterations to an existing cellular tower in Woodward Park (*Property located in District 6*) - PARCS  
**Action Taken: Approved**
- H. Award a professional services agreement in the amount of \$1,657,015 and a \$50,000 contingency with Parsons Water and Infrastructure, Inc., of Pasadena, California, for professional engineering services for the design of tertiary treatment and disinfection facility at the Fresno/Clovis Regional Wastewater Reclamation Facility (*Property located in District 3*) – Dept. of Public Utilities  
**Action Taken: Awarded**  
1. \* **RESOLUTION** – 15<sup>th</sup> amendment to AAR No. 201-138 appropriating \$1,771,100 for the design of a tertiary treatment and disinfection facility at the Fresno/Clovis Regional Wastewater Reclamation Facility (***Requires 5 affirmative votes***)  
**Action Taken: Resolution No. 2010-186 adopted**
- I. Adopt the Findings of a Statutory Exemption pursuant to Section 15269 (C) (Emergency Projects); and, Categorical Exemption pursuant to Section 15301 (Class 1/Existing Facilities) of the CEQA Guidelines for the installation of emergency generators at Pump Stations 3A (Santa Clara & F Streets) and 33A (Hazelwood Blvd. & California Avenue) (*Property located in Districts 3 and 5*) – Dept. of Public Utilities  
**Action Taken: Removed from the agenda**  
1. Award contract to Cummins West, Inc. of Fresno, California in the amount of \$176,048.02 for the purchase of emergency generators and automatic transfer switches to be installed at Pump Stations 3A and 33A
- J. Adopt Findings of a Mitigated Negative Declaration and approve acquisition of 11,220 square foot parcel for the amount of \$95,000 from property owner: Ohn Viengsay to construct a new water supply well on 3420 E. Clay Avenue (*Property located in District 7*) – Dept. of Public Utilities  
**Action Taken: Adopted**
- K. Adopt a Finding of Categorical Exemption pursuant to Article 19, Section 15304 (minor alterations to land) of the California Environmental Quality Act Guidelines regarding fill-in of unused temporary ponding basin at the Fresno Chandler Downtown Airport – Airports Department  
**Action Taken: Adopted**  
1. Authorize the Director of Aviation to execute Contract Change Order (CCO) No. 5 in the amount of \$33,659.67 to fill in an unused temporary ponding basin associated with the taxiway hotel project at Fresno Chandler Executive Airport (FCH)  
**Action Taken: Authorized**
- L. \* **RESOLUTION** - 25th amendment to the Annual Appropriation Resolution (AAR) No. 2010-138 to re-appropriate \$114,800 in the Parks, After School, Recreation and Community Services Department from the San Joaquin River Conservancy for the preparation of an environmental assessment and public participation for the future extension of the Lewis S. Eaton Trail (***Requires 5 affirmative votes***) (*Property located in Districts 2 and 6*) - PARCS  
**Action Taken: Removed from the agenda**
- M. Approve the re-appointments of Patrick Boyd and Molly Smith to the Historic Preservation Commission; the appointment of Craig Scharton to the Housing Authority; and the re-appointments of Izzy Einsidler and Sandy Cha to the Housing and Community Development Commission – Mayor’s Office  
**Action Taken: Approved**

1. **CONSENT CALENDAR CONTINUED**

- N. Bill for adoption relating to Text Amendment Application No. TA-10-001 (*Property located in District 3*) – Development and Resource Mgmt. Dept.
1. \* **BILL NO. B-34 - (Intro. 8/19/2010) (For adoption)** - Repealing Sections 12-220.1, 12-220.3, 12-220.5, 12-231.1, 12-231.3 and 12-231.5; adding Sections 12-220.1, 12-220.3, 12-220.5, 12-231.1, 12-231.3, and 12-231.5, and amending Sections 12-304-B-24, 12-326-A, 12-326-E-3 of the Fresno Municipal Code, relating to permitted land uses and property development standards in the C-4 and CC zone districts  
**Action Taken:** Ordinance No. 2010-37 adopted

**CONTESTED CONSENT CALENDAR**

9:00 A.M. #1

**CITY COUNCIL**

- A. Recommend that the Fresno City Council approve the introduction of the Ordinance and adopt the Resolution allowing establishment of the “Transparency in City Government Act” to improve transparency in City government operations through disclosure of compensation of elected officials and all City employees and consultants – Acting President Brand and Councilmember Perea
1. **BILL - (For introduction)** – Adding Section 3-124 of the Fresno Municipal Code relating to transparency in City government  
**Action Taken:** Bill No. B-36 introduced/laid over
2. \* **RESOLUTION** - Approving establishing a policy entitled “Transparency in City Government Act”  
**Action Taken:** Resolution No. 2010-187 adopted

9:00 A.M.#2

**GENERAL ADMINISTRATION**

- A. Approval of the first amendment to agreement in the amount of \$30,000 with a contingency amount of \$17,500 with HF&H Consultants for a commercial solid waste franchise Request for Proposal (RFP) process– Dept. of Public Utilities  
**Action Taken:** Approved
- B. Update on international air service at Fresno Yosemite International Airport– Airports Department - Report made
- C. \* **RESOLUTION** – 24th amendment to the Annual Appropriation Resolution (AAR) No. 2010-138 appropriating \$3,078,300 for City Hall/Garage 7 bond refinancing and for costs of bond issuance for Granite Park and capitalized interest debt service on the Bee Building and Granite Park (**Requires 5 affirmative votes**) - General Services Dept./Facilities Mgmt. Division  
**Action Taken:** Resolution No. 2010-188 adopted
- D. Adopt a Finding of Class 1 Categorical Exemption, pursuant to Section 15301 (b) of the California Environmental Quality Act Guidelines for the design-build of a digester gas conditioning system for the power generation facility at the Fresno/Clovis Wastewater Reclamation Facility (*Property located in District 3*) – Dept. of Public Utilities  
**Action Taken:** Removed from the agenda
1. \* **RESOLUTION** - 23rd amendment to the Annual Appropriation Resolution (AAR) No. 2010-138 appropriating \$9,490,000 for a digester gas conditioning system for the power generation facility at the Fresno/Clovis Wastewater Reclamation Facility (**Requires 5 affirmative votes**)

**SCHEDULED COUNCIL HEARINGS AND MATTERS CONTUNUED**

9:00 A.M.#2

**GENERAL ADMINISTRATION CONTINUED**

- E. \* Adopt a successor Memorandum of Understanding (MOU) between the City of Fresno (City) and the Operating Engineers, Local Union No. 3 (Airport Public Safety Supervisors – Unit 15) – Personnel Services Department  
**Action Taken: Adopted**
1. \* **RESOLUTION** – 2<sup>nd</sup> amendment to Salary Resolution No. 2010-141 amending Exhibit 8, Unit 15 (FAPSS)  
**Action Taken: Resolution No. 2010-189 adopted**
- F. Fiscal Year 2011 Budget update – Mayor/City Manager/ Budget Office  
**Action Taken: Update given**

10:00 A.M.

**HEARING** ordering the vacation of a portion of E. Divisadero Street northeast of “G” Street (*Property located in District 3*) – Public Works Dept.

**Action Taken: Held**

- a. \* **RESOLUTION** – Adopting a finding of Categorical Exemption per staff determination pursuant to Section 15332/Class 32 (Infill Development) of the CEQA Guidelines, for Site Plan Review No. S-09-087, and ordering the vacation of a portion of E. Divisadero Street northeast of “G” Street  
**Action Taken: Resolution No. 2010-190 adopted**

10:30 A.M.

**HEARING** to adopt the Environmental Finding of a Mitigated Negative Declaration for Environmental Assessment No. EA-10-14, Clovis Hills Community Church - Dept. of Public Utilities

**Action Taken: Held**

- a. Approve an extra-territorial water service agreement between the City of Fresno and Clovis Hills Community Church contingent upon final approval of Clovis Hills Community Church’s application with LAFCO  
**Action Taken: Approved**

1:30 P.M.

**CONTINUED HEARING** to consider memorializing findings by written **RESOLUTION** of the City Council decision of August 19, 2010, to deny the appeal of the Sunnyside Property Owners related to Environmental Assessment No. C-09-58 and adopting findings to approve Environmental Assessment No. C-09-58 of a Categorical Exemption pursuant CEQA Guidelines Sections 15303 and 15332 (*Property located in District 5*) – Development and Resource Mgmt. Department

**Action Taken: Resolution No. 2010-191 adopted**

2:00 P.M.

**CONTINUED HEARING** to consider Plan Amendment Application No. A-09-009 and environmental findings, filed by John M. Dugan, Director of the Development and Resource Management Department, a request to amend Policy E-1-o of the 2025 Fresno General Plan as it relates to sidewalk requirements on private residential streets (*Citywide*) – Development and Resource Management Department

**Action Taken: Continued to 9/16/2010 at 2:00 p.m.**

- a. Consider and adopt a Finding of a Mitigated Negative Declaration for Environmental Assessment No. A-09-009 dated April 30, 2010
- b. **RESOLUTION** - Amending Policy E-1-o of the 2025 Fresno General Plan as it relates to sidewalk requirements on private residential streets

**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. County of Fresno, Margaret Mims, et al.

**Action Taken: Removed from the agenda**

**SCHEDULED COMMUNICATION**

- A. Appearance by Mary A. Curry to discuss the proposed abatement agreement with Darling International Inc. located at 795 W. Belgravia (*Property located in District 3*) – Appearance made**

**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.

**SCHEDULED COUNCIL HEARINGS AND MATTERS**

Sept. 2 -		<b>COUNCIL RECESS</b>
Sept. 9 -		<b>COUNCIL RECESS</b>
Sept. 16 -	<b>10:00 A.M.</b>	<b>HEARING</b> ordering the vacation of a portion of the southwest side of S. Railroad Avenue at the north side of E. Jensen Avenue ( <i>Property located in District 3</i> ) – Public Works Dept
Sept. 16 -	<b>10:15 A.M.</b>	Workshop with Moule & Polyzoides regarding the status of the Downtown Neighborhoods Community Plan and the Fulton Corridor Specific Plan
Sept. 16 -	<b>10:30 A.M.</b>	<b>HEARING</b> re: resolution of necessity for the partial acquisition for two public street easements, property located north Blythe between Ashland and Dakota
Sept. 16 -	<b>10:45 A.M.</b>	<b>HEARING</b> to consider approval an amendment to the MFS Resolution 80-420 decreasing the Citywide traffic signal mitigation impact fee and to adopt a Finding of Conformity with the Master Environmental Impact Report 10130 for the City of Fresno 2025 General Plan
Sept. 16 -	<b>1:30 P.M.</b>	<b>JOINT RDA HEARING</b> re: Airport Area 5-Year Implementation Plan
Sept. 16 -	<b>2:00 P.M.</b>	<b>CONTINUED HEARING</b> re: Plan Amendment Application No. A-09-009, filed by John M. Dugan, Director of the Development and Resource Management Dept.
Sept. 23 -	<b>10:00 A.M.</b>	<b>ROLL CALL</b>
Oct. 28 -	<b>10:00 A.M.</b>	<b>HEARING</b> ordering the vacation of a portion of N. Feland Avenue between W. Dakota and N. Weber Avenues ( <i>Property located in District 1</i> )