



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.

July 16, 2009

8:30 A.M. ROLL CALL

Invocation by James Bergen of the North Fresno Mennonite Brethren Church

Pledge of Allegiance to the Flag

Ceremonial Presentations:

Presentation of the SPCA Pet of the Month – Councilmember Xiong - **Presented**

Proclamation of “**CENTRAL VALLEY VETERANS’ STAND DOWN 2009 DAYS**” – Council President Sterling - **Presented**

Presentation of **P.R.I.D.E. Team Certificates** – Summer Quarter (**Reception immediately following – 2nd floor foyer**) - **Presented**

Presentation of “Prime Time for Business” – Janz Dry Cleaning – 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 [June 23](#), and June 25, 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 immediately following.

- A. [Approve appointment of Sandy Brown to the Council District 6 Plan Implementation Committee – Councilmember Brand; and Lisa Casarez to the Commission on the Status of Women -Council President Sterling](#)
Action Taken: Approved
- B. [Authorize Director of Aviation to execute Amendment No. 1 to a professional consulting agreement with Jacobs Engineering Group, Inc., for construction administration services related to Taxiways B10/C10 and demolition of Taxiway B9 at Fresno Yosemite International \(FYI\) Airport in an amount not to exceed \\$40,000 \(American Recovery and Reinvestment Act of 2009 project \(ARRA\) – Airports Department](#)
Action Taken: Authorized
- C. [Authorize the Chief of Police to enter into an agreement with the Fresno County Office of Education to provide a School Resource Officer – Police Department](#)
Action Taken: Authorized
- D. [Approve Side Letter of Agreement with Fresno City Employees Association \(FCEA\), Unit 3, regarding transition of Recreation Leaders – Personnel Services Department](#)
Action Taken: Approved
- E. [Adopt the Memorandum of Understanding \(MOU\) between the City of Fresno \(City\) and the City of Fresno Professional Employees Association \(Non-Confidential Management and Confidential Non-Management, Unit 13\) – Personnel Services Department](#)
Action Taken: Adopted
 - 1. [Adopt a Side Letter of Agreement between the City of Fresno \(City\) and the International Brotherhood of Electrical Workers, Local 100 \(Non-Supervisory Groups and Crafts, Unit 7\), delaying a scheduled wage increase and other considerations – Personnel Services Dept.](#)
Action Taken: Adopted

1. **CONSENT CALENDAR CONTINUED**

- F. Reject all bids received for the switchgear replacement and new building at the Fresno/Clovis Regional Wastewater Reclamation Facility (**Property located in District 3**) – Dept. of Public Utilities
Action Taken: Rejected
- G. **RESOLUTION** - Authorizing the Department of Public Utilities to apply for \$700,000 Safe Drinking Water State Revolving Fund American Recovery and Reinvestment Act (ARRA) funding from the California Department of Public Health for the construction of Public Utilities water facilities in the Herndon Town area and authorize the Director of Public Utilities or his designee to execute all necessary documents – Dept. of Public Utilities
Action Taken: Resolution No. 2009-156 adopted
- H. Approve Memorandum of Understanding (MOU) between the City of Fresno, a Municipal Corporation and SMG to provide management services at Grizzly Stadium for a concert on August 14, 2009 featuring entertainers Bob Dylan, John Mellancamp and Willie Nelson – City Manager's Office
Action Taken: Approved
- I. Approve a contract time extension to Zim Industries, Inc. for Phase II groundwater remediation at Fresno sanitary landfill (**Property located in District 3**) - Public Works Department
Action Taken: Approved
- J. Adopt Resolution of Intention No. 1068-D to vacate the south half of W. Browning Avenue between N. Milburn and N. Salinas Avenues and setting the public hearing for August 20, 2009, @ 9:30 a.m. (**Property located in District 2**) - Public Works Department
Action Taken: Adopted
- K. **RESOLUTION** - Dedicating certain City-owned property for public street purposes at the southwest corner of S. Willow Avenue and E. Byrd Avenue (**Property located in District 5**) - Public Works Department
Action Taken: Resolution No. 2009-157 adopted
- L. Action pertaining to Fresno Irrigation District pedestrian bridges – Public Works Department
1. Adopt CEQA Notice of Exemption, pursuant to Section 15302(B)/Class 2 of the CEQA Guidelines, for the Ninth Street pedestrian bridge
Action Taken: Adopted
 2. Adopt CEQA Notice of Exemption, pursuant to Sections 15301(C)/Class 1 and 15304(H)/Class 4 of the CEQA Guidelines, for the Del Mar pedestrian bridge
Action Taken: Adopted
 3. Approve encroachment agreements with Fresno Irrigation District (FID) to construct two (2) pedestrian bridges across Fresno Irrigation District's canals (**Property located in Districts 2 & 7**) - Public Works Department
Action Taken: Approved
- M. Approve a contract time extension to Dave Christian Construction, Inc., for the construction of improvements to Clovis Avenue from Kings Canyon Road to McKinley Avenue (**Property located in Districts 4 & 5**) - Public Works Department
Action Taken: Approved
- N. Approve a contract for \$28,192 with Fresno Unified School District to provide funds for the Parks, After School Recreation and Community Services Department to conduct a collaborative Informal Science program running through June 30, 2010 - PARCS Department
Action Taken: Approved
- O. Approve a contract with \$56,000 with Fresno Unified School District to provide funds for the Parks, After School, Recreation and Community Services Department to conduct the Fresno BEST Program running through June 30, 2010 - PARCS Department
Action Taken: Approved

1. **CONSENT CALENDAR CONTINUED**

P. Approve the modification and extension of Hearing Officer contract for Alan Yengoyan – City Manager's Office

Action Taken: Approved

Q. Consider ordinances amending the Fresno Municipal Code relating to the calculation of cost of living adjustments under the City's Retirement Systems – Council President Sterling

1. * **BILL NO. B-24- (Intro. 6/25/2009) (For adoption, as amended)** – Amending Section 3-411 of the Fresno Municipal Code relating to the calculation of the cost of living adjustments under the second tier of the Fire and Police Retirement System

Action Taken: Ordinance No. 2009-25 adopted

2. * **BILL NO. B-25 – (Intro. 6/25/2009) (For adoption, as amended)** - Amending Section 3-553 of the Fresno Municipal Code relating to the calculation of the cost of living adjustments under the Employees Retirement System

Action Taken: Ordinance No. 2009-26 adopted

CONTESTED CONSENT CALENDAR

SCHEDULED COUNCIL HEARINGS AND MATTERS

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

1. Appearance by Norman L. Pimentel to discuss an incident that occurred with Fresno Area Express – **Not present when called**
2. Appearance by John Worona to discuss the handicapped, vehicles speeding on residential streets and the responsibilities of Councilmembers – **Appearance made**

9:00 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**

9:15 A.M. Authorize submittal of a Neighborhood Stabilization Program 2 grant application to the U.S. Department of Housing and Urban Development for \$10 million in program funds – Planning and Development Dept.

Action Taken: Authorized

9:30 A.M. **CLOSED SESSION**

A. **CONFERENCE WITH LABOR NEGOTIATOR –** Government Code Section 54957.6

City Negotiator(s): Kenneth Phillips, Terry Bond

Employee Organization(s):

1. City of Fresno Management Employees' Association (Confidential Management, Unit 14) (CFMEA)
2. International Union of Operating Engineers, Stationary Engineers, Local 39 (Non-Supervisory Blue Collar, Unit 1)
3. International Brotherhood of Electrical Workers (IBEW)
4. City of Fresno Professional Employees' Association (CFPEA)

Action Taken: Held

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

9:30 A.M. **CLOSED SESSION CONTINUED**

B. CONFERENCE WITH LEGAL COUNSEL – DECIDING WHETHER TO INITIATE LITIGATION

Government Code Section 54956.9, Subdivision(c)

1. **Case Name:** Potential Litigation against Fresno Local Agency Formation Commission (LAFCO) regarding Belmont Sunnyside No. 3 island annexation

Action Taken: Held

9:45 A.M. **GENERAL ADMINISTRATION**

A. Documents pertaining to Side Letters of Agreement between the City of Fresno and the City of Fresno Management Employees Association (Confidential Management, Unit 14 and International Union of Operating Engineers, Stationary Engineers, Local 39 (Non-Supervisory Blue Collar, Unit 1) – Personnel Services Department

1. * Adopt a Side Letter of Agreement between the City of Fresno (City) and the City of Fresno Management Employees' Association (Confidential Management, Unit 14) freezing merit increases, cash out of administrative leave and other considerations

Action Taken: Adopted

2. * Adopt a Side Letter of Agreement between the City of Fresno (City) and the International Union of Operating Engineers, Stationary Engineers, Local 39 (Non-Supervisory Blue Collar, Unit 1), delaying a scheduled wage increase, holiday leave cash out and other considerations

Action Taken: Adopted

- a. * **RESOLUTION – 1st amendment to Salary Resolution No. 2009-152 amending Exhibit 1, Unit 1, Non-Supervisory Blue Collar (Local 39)**

Action Taken: Resolution No. 2009-158 adopted

B. Approve the formation of a Transit Security Advisory Committee – Transportation Dept.

1. **RESOLUTION** - Establishing the Transit Security Advisory Committee

Action Taken: Resolution No. 2009-159 adopted

2. Approve appointments of Mitch Collins, Enrique Reade, Rick Steitz, Ken Hamm, and Greg Barfield to the Transit Security Advisory Committee

Action Taken: Approved

C. BILL – (For introduction) – Amending the Fresno Municipal Code relating to the Historic Preservation Commission Subsection (a) of Section 12-1605 – Mayor's Office

Action Taken: Bill No. B-27 introduced/laid over

D. Authorize the Public Utilities and Planning Department Directors to enter into Amendment No.1 totaling \$888,701 for the professional services agreement with EDAW, Inc. for water supply and wastewater engineering services, the traffic analysis component, and plan modification evaluation services to support the preparation of the environmental impact report and community/specific plan of the Southeast Growth Area- Planning and Development Department

Action Taken: Item removed from the agenda

1. * **RESOLUTION** - 2nd amendment to the AAR No. 2009-149 appropriating \$649,000 for water demand and supply analysis to support preparation of the Environmental Impact Report and Community Specific Plan of the Southeast Growth Area (**Requires 5 affirmative votes**)

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

9:45 A.M. GENERAL ADMINISTRATION CONTINUED

- E. 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 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 Department
Action Taken: Discussed and withdrawn, as recommended

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 No. C-08-59 (*Continue to July 23, 2009, at 10:00 a.m.*)
Action Taken: Continue to July 30, 2009, at 10:00 a.m.

10:15 A.M. HEARING to consider the proposed annual assessments, 2009-2010, for Landscaping and Lighting Maintenance District (LLMD) No. 1 (Citywide) – Public Works Dept.
Action Taken: Held
a. **RESOLUTION** - Confirming diagram and assessment and levying the annual assessments, 2009-2010, for Landscaping and Lighting Maintenance District No. 1
Action Taken: Resolution No. 2009-160 adopted

10:30 A.M. Presentation by the Utility Advisory Committee – Dept. of Public Utilities
A. Accept the Utility Advisory Committee Report for 2009 and the recommendation of the Committee
Action Taken: Accepted

10:45 A.M. HEARING to consider Rezone Application No. R-09-005, and environmental findings, filed by Craig Smith of AMCAL Multi-Housing Inc, pertaining to ±1.39 acres of property located on the north side of San Benito Avenue between B and C Streets. If approved, this application will facilitate the development of a 26-unit low-income apartment complex – Planning and Development Department
Action Taken: Held
a. Consider and adopt a Finding of Conformity to the 2025 Fresno General Plan Master Environmental Impact Report (MEIR) No. 10130
Action Taken: Adopted
b. **BILL** – Amending the Official Zone Map to rezone a portion of the subject property from the R-2(*Low Density Multiple Family Residential*) and R-P/BA (*Residential and Professional Office/Boulevard Area Overlay*) zone districts to the R-2/BA (*Low Density Multiple Family Residential/Boulevard Area Overlay*) zone district (***Property located in District No. 3***) – Planning and Development Department
Action Taken: Bill No. B-28/Ordinance No. 2009-27 adopted, as amended, adding a condition for the Site Plan to go before the Planning Commission

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

10:50 A.M.

HEARING to consider Rezone Application No. R-09-006, and environmental findings, filed by Craig Smith of AMCAL Multi-Housing Inc, pertaining to ±1.52 acres of property located at the intersection of S. Elm, E. California and S. Geneva Avenues. If approved, this application will facilitate the development of a 24-unit low-income apartment complex

Action Taken: Held

a. Consider and adopt a Finding of Conformity to the 2025 Fresno General Plan Master Environmental Impact Report (MEIR) No. 10130

Action Taken: Adopted

b. **BILL** – Amending the Official Zone Map to rezone the subject property from the R-2A/BA (*Low Density Multiple Family Residential, one story height limitation/Boulevard Area Overlay*) zone district to the R-2/BA (*Low Density Multiple Family Residential/Boulevard Area Overlay*) zone district (**Property located in District No. 3**) – Planning and Development Department

Action Taken: Bill No. B-29 /Ordinance No. 2008-28 adopted, adding a condition for Site Plan to go before the Planning Commission

SCHEDULED COUNCIL HEARINGS AND MATTERS

July	23 -	9:15 A.M. #1	Measure C Regional Transportation Mitigation Fee Joint Powers Agency Agreement - by Tony Boren, Executive Director of Fresno Council of County Governments - City Manager's Office
July	23	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, Conditional Use Permit Application C-08-59 (Continue to July 30, 2009 at 10:00 a.m.)
July	23	10:15 A.M.	HEARING to consider Rezone Application No. R-09-001, filed by Minh The Tran and Nuong H. Vu, property owners
July	23	10:20 A.M.	HEARING to consider Rezone Application No. R-08-031, filed by Sukhminder S. and Mansukhjot Malhi, property owners
July	30 -	8:30 A.M.	"Make a Promotion a Commotion" Ceremony – (Reception immediately following – 2nd floor foyer) – Personnel Services Dept.
July	30 -	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, Conditional Use Permit Application C-08-59
July	30 -	10:30 A.M.	JOINT MEETING WITH RDA relating to a DD&A/resolution for Chinatown lofts
July	30 -	10:35 A.M.	JOINT MEETING WITH RDA relating to a DD&A/resolution for AMCAL
Aug.	6 -	COUNCIL RECESS	
Aug.	13 -	COUNCIL RECESS	
Aug.	20 -	9:30 A.M. #1	HEARING re: ordering the vacation of the south half of W. Browning Avenue betw. N. Milburn and N. Salinas Avenues
Aug.	27 -	9:30 A.M. #1	HEARING re: ordering the vacation of Blythe Avenue between Herndon and Spatz Avenues
Sept.	3 -	COUNCIL RECESS	
Sept.	10 -	COUNCIL RECESS	