



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 5, 2009

2:00 P.M. ROLL CALL

Invocation by Pastor Joshua Irmeler, Ambassador of the Baptist Church & Academy

Pledge of Allegiance to the Flag

Ceremonial Presentations:

Presentation of the SPCA Pet of the Month – Councilmember Brand – **Not held**

Proclamation of "[NATIONAL RUNAWAY PREVENTION MONTH](#)" – Council President Sterling - **Read and presented**

Proclamation for "[GOTTSCHALKS ALUMNI DAY](#)" – Mayor's Office – **Read and presented**

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 29, 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 immediately following.

- A. **RESOLUTION** - Authorizing the submittal of grants application to the Department of Housing and Urban Development (HUD) and for the acceptance of funding for up to \$875,000 for the Healthy Homes Demonstration Program – Downtown & Community Revitalization Dept.
Action Taken: Resolution No. 2009-229 adopted
- B. **RESOLUTION** - Dedicating certain City-owned property for public pedestrian walkway purposes at the Fresno Police Department's Southeast Substation located on the northwest corner of E. Belmont and N. DeWitt Avenues (**Property located in District 4**) – Public Works Department
Action Taken: Resolution No. 2009-230 adopted
- C. Approve an agreement with Cornerstone Structural Engineering Group for the final design and construction document phases of the Jensen Avenue separation and overhead rehabilitation (**Property located in Districts 3 and 5**) – Public Works Dept.
Action Taken: Approved
- D. Approval of a community service agreement with the American Association of Retired Persons (AARP) Foundation Senior Community Service Agency to provide staffing a Fresno Connect Computer Labs and Senior Hot Meal Site with Park, After School, Recreation and Community Services - PARCS
Action Taken: Approved
- E. Award a requirements contract in the estimated amount of \$1,392,918.45 to Kemira Water Solutions, Inc., a Delaware Corporation, for ferric chloride (bulk delivery) – Dept. of Public Utilities
Action Taken: Awarded
- F. Award a \$468,514.50 contract to Instituform Technologies, Inc., of Chesterfield, MO, for Vassar, Glenn, Weldon, and Washington Avenues Trunk Sewer Rehabilitation – Dept. of Public Utilities
Action Taken: Awarded

CONTESTED CONSENT CALENDAR

SCHEDULED COUNCIL HEARINGS AND MATTERS

- 2:30 P.M. A. **SCHEDULED COMMUNICATION –**
 - 1. Appearance by Kenneth Fick to discuss various issues – **Not present when called**
 - 2. Appearances by David Borchardt, Lawrence Galemba and Manuel Diaz to discuss enforcement of 4-foot fences in the Lowell-Jefferson area – **Appearance made**

2:30 P.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.

2:45 P.M. #1 **CITY COUNCIL**

- A. Presentation by Robert Takacs and Councilmember Steve Rapada of the City of Reedley regarding Mining Operations on Jesse Morrow Mountain - Councilmember Xiong – **Presentation made**

2:45 P.M. #2 **COUNCIL COMMUNICATIONS & ASSIGNMENTS**

- A. Council of Governments (COG) Swearengin, 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)..... Swearengin, Borgeas
 Fresno County Workforce Investment Board Sterling
 Fresno County Zoo Authority..... Swearengin, Alternate – Westerlund
 Fresno Madera Agency on Aging Board Sterling
 Joint Powers Financing Authority Sterling
 Leadership Council on Ending Homelessness..... Swearengin, Sterling, Xiong
 Public Safety Joint Powers Authority..... Sterling
 San Joaquin River Conservancy Board..... Swearengin, 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) Swearengin, Sterling
 League of California Cities (Annual Meeting)..... Swearengin, 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
Disposition: **Laid over to 11/19/2009**

3:00 P.M. **GENERAL ADMINISTRATION**

- A. Approve the first amendment to the agreement between the City and Barrett Sports Group, LLC for services related to the stadium lease agreement negotiations - City Manager’s Office
Action Taken: **Approved**

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

3:00 P.M.

GENERAL ADMINISTRATION CONTINUED

- B. [Adopt Finding of a Class 1 Categorical Exemption, pursuant to CEQA Guidelines Section 15301 \(Existing Facilities\) – Planning and Development Department](#)

Action Taken: Adopted

1. Approve FY 2008-2009 Annual Action Plan amendment to incorporate Fresno Urban Neighborhood Development Corporation (FUND) Inc. as a subrecipient and award the agency a grant of \$225,000 of Community Development Block Grant Recovery Act (CDBG-R) funds to carry out rehabilitation activities in the Lowell community

Action Taken: Approved

3:30 P.M.

[Presentation by Copper River Ranch Partners on the five \(5\) year update – Planning and Development Dept.](#)

Disposition: Laid over to 11/19/2009

3:45 P.M.

CLOSED SESSION

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

City Negotiators: Ken Phillips, Terry Bond

Employee Organizations:

1. Fresno Airport Public Safety Supervisors (FAPSS)

Action Taken: Held

4:00 P.M.

REGULAR MEETING OF THE REDEVELOPMENT AGENCY

Approve Agency minutes of October 29, 2009

Action Taken: Approved

- A. [Approve a Development Agreement \(“Agreement”\) between the Redevelopment Agency of the City of Fresno \(“Agency”\) and Parc Grove Commons Phase II, a California Limited Partnership \(“Developer”\) to provide \\$500,000 in Low- and Moderate Income Funds for the development of a 215-unit multi-family housing project located near the southeast corner of Clinton Avenue and First Street in Central Fresno \(**Agency action**\)](#)

Action Taken: Approved

ADJOURN AGENCY

Councilmember Borgeas will be present via teleconference for the following hearing from: Club Quarters hotel lobby, 839 17th Street, NW, Washington, D.C

5:00 P.M.

PUBLIC HEARING to consider proposed residential metered water rates pursuant to Proposition 218 - Dept. of Public Utilities

Action Taken: Held; direction made to staff to return with certain information on 12/10/2009

- A. Protest hearing regarding residential water rates

Action Taken: Held

- B. **RESOLUTION** – Ratifying the Proposition 218 process according to California Constitution Article XIID and adopting a residential metered water rate

Action Taken: Resolution No. 2009-231 adopted

- C. * **RESOLUTION**- 487th amendment to MFS Resolution No. 80-240 to adopt residential metered water rates in the water fee section under the Department of Public Utilities.

Action Taken: Resolution No. 2009-232 adopted

SCHEDULED COUNCIL HEARINGS AND MATTERS

- Nov. 12 - NO MEETING - VETERANS' DAY**
- Nov. 19 - 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
- Nov. 26 - NO MEETING – THANKSGIVING WEEK**
- 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