



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.

September 17, 2009

8:30 A.M. ROLL CALL

Invocation by Dr. Rick Bartlett of Bethany Church

Pledge of Allegiance to the Flag

Ceremonial Presentations:

Presentation of SPCA Pet of the Month - Council President Sterling - **Presented**

Proclamation for "**CHIEF RANDY BRUEGMAN DAY**" –Mayor's Office and All Councilmembers – **Read and presented**

Proclamation of "**DEAF AWARENESS WEEK**"– Mayor's Office and All Councilmembers – **Read and presented**

Proclamation of "**REEL PRIDE DAY**"–Councilmember Perea – **Read and presented**

Proclamation of "**ENTREPRENEUR AND INNOVATION WEEK**" – Councilmember Xiong – **Read and presented**

Presentation of A Certificate to Austin Ewell and the Saint Agnes Mens' Club 27th Annual Cross City Race – Council President Sterling – **Presentation made**

ADD-ON – Proclamation of 'MITOCHONDRIAL DISEASE AWARENESS WEEK RECOGNIZING BRITTANY WILKINSON – Mayor's Office and Council President Sterling – **Read and presented**

Presentation of "Prime Time for Business" – Harley Davidson Store – Council President Sterling and Downtown & Community Revitalization Department - **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 [August 27, 2009](#) and [September 10, 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 1:30 p.m.

A. [Approve purchase from Caltrans of surplus vacant 31,826 square foot parcel near Fresno Chandler Executive Airport for \\$2,000, adopt categorical exemption from CEQA \(Guideline 15312 "Surplus Government Property Sale"\) – Airports Department](#)

Action Taken: Approved

1. **RESOLUTION** - Certifying public uses upon acceptance of surplus California Department of Transportation properties

Action Taken: Resolution No. 2009-196 adopted

B. [Approve an agreement authorizing the City of Fresno to enter into a contract with the 21st District Agricultural Association to provide police services at the 2009 Fresno District Fair – Police Department](#)

Action Taken: Approved

C. **RESOLUTION** - [Authorizing application and acceptance of the U.S. Department of Homeland Security Fiscal Year 2009 Interoperable Emergency Communication Grant Program \(IECGP\), sub-granted through the State of California, Emergency Management Agency, and completion of related documents – Police Department](#)

Action Taken: Resolution No. 2009-197 adopted

1. **CONSENT CALENDAR CONTINUED**

- D. Approve application for and acceptance of grant award for \$351,300 from the U.S. Department of Homeland Security Assistance to Firefighters Grant Program and authorize the Fire Chief to complete all required documents – Fire Department
Action Taken: Approved
1. **RESOLUTION** - Authorizing the application for and acceptance of Fiscal Year 2008 Cycle of U.S. Department of Homeland Security Assistance to Firefighters Grant Program funding and authorize completion of documents
Action Taken: Resolution No. 2009-198 adopted
 2. * **RESOLUTION** - 15th amendment to AAR No. 2009-149 appropriating \$351,300 from the U.S. Department of Homeland Security Assistance to Firefighters Grant Program to the Fire Department to provide fire prevention and education public service announcements and arson investigation equipment and training (**Requires 5 affirmative votes**)
Action Taken: Resolution No. 2009-199 adopted
- E. Approve contract for \$14,490.12 with Fresno County Office of Education (FCOE) to provide funds for the PARCS Department to conduct a collaborative informal science program running through June 30, 2010 - PARCS
Action Taken: Approved
- F. Approve a ten-year extension of a lease and management agreement with EbitGolf, Inc. to operate the Riverside Municipal Golf Course - PARCS
Action Taken: Approved
- G. **RESOLUTION** - Approving the summary vacation of the 10 foot wide public utility easement located along the west side of N. Valentine Avenue south of W. Locust Avenue (**Property located in District 2**) - Public Works Department
Action Taken: Resolution No. 2009-200 adopted
- H. **RESOLUTION** - Approving the summary vacation of portions of an existing public pedestrian easement at the southwest corner of Shaw Avenue and Fresno Street (**Property located in District 7**) - Public Works Department
Action Taken: Resolution No. 2009-201 adopted
- I. Approve first amendment to agreement with Omni-Means, Inc., in the amount of \$40,899 for additional design services necessary to complete the intersection design of Cedar and North Avenues, and authorize the Public Works Director or his designee to sign on behalf of the City Council (**Property located in District 3**) - Public Works Department
Action Taken: Approved
- J. Adopt CEQA Notice of Exemption No. E200810000419 - Public Works Department
Action Taken: Adopted
1. Award a contract in the amount of \$1,585,519 to Bush Engineering, Inc., of Hanford, for the base bid plus add Alternate 1, for the Shaw Avenue intersection repair (from Blackstone Avenue to Chestnut Avenue) (**Property located in Districts 4 and 7**)
Action Taken: Awarded
- K. Approve a contract time extension to Kaweah Construction Company for headworks new raw sewage pump at the Fresno/Clovis Regional Wastewater Reclamation Facilities (**Property located in District 3**) - Public Works Department
Action Taken: Approved
- L. Approve a substitution of a listed subcontractor (fencing) for well site improvements at Pump Station 226-3 (**Property located in District 7**) - Public Works Department
Action Taken: Approved

1. **CONSENT CALENDAR CONTINUED**

- M. Approve a substitution of a listed subcontractor (landscaping) for well site improvements at Pump Station 226-3 (*Property located in District 7*) - Public Works Department
Action Taken: Approved

- N. Approve third amendment to agreement with HDR Engineering, Inc. for review and evaluation of the Water Financial Plan as part of the 2009 water revenue bond issuance - Department of Public Utilities
Action Taken: Approved

- O. Award a contract in the amount of \$398,564 to Witbro Inc. for installation of street improvements overlay in "No Neighborhood Left Behind Area 52" (*Property located in District 5*) -Department of Public Utilities
Action Taken: Awarded

- P. Approve a substitution of a listed subcontractor for construction of new analytical laboratory building at the Fresno/Clovis Regional Wastewater Reclamation Facility (*Property located in District 3*) - Department of Public Utilities
Action Taken: Approved

- Q. Approve appointments of Pawan Jot to the Commission on the Status of Women and Gurdeep Singh Shergill to the District 1 Implementation Committee - Councilmember Xiong
Action Taken: Approved

- R. Reject low bid and award a contract in the amount of \$287,900 to Fresno Roofing Company, Inc. of Fresno, CA to re-roof The Fresno Art Museum – General Services Department
Action Taken: Removed from the agenda

SCHEDULED COUNCIL HEARINGS AND MATTERS

- 9:00 A.M. A. **SCHEDULED COMMUNICATION –**
 - 1. Appearance by Kenneth Fick to discuss loss of his residence – **Not present when called**

- 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.

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

- A. Presentation by Pete Mehas on the Central California School of Pharmacy - Council President Sterling – **Presentation made**

- B. Presentation by Tony Boren, Executive Director, Fresno County Council of Governments (COG) regarding Fresno COG Policy on Board Representation - Council President Cynthia Sterling, Councilmembers Westerlund and Xiong **Presentation made**

- C. **RESOLUTION –** For Healthy Air Living Partner – Acting President Westerlund and Mayor's Office/City Manager's Office
Action Taken: Resolution No. 2009-202 adopted

- D. Presentation by Encourage Tomorrow – Council President Sterling – **Presentation made**

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

9:30 A.M. #1

CITY COUNCIL CONTINUED

- E. Establish a policy of the City of Fresno for the following: (Acting President Westerlund)
 - 1. * All internal audits with Management responses conducted by the City’s Internal Audit Office and any follow-up audits will be posted to the City of Fresno website on an internal audit web page
Action Taken: Approved
 - 2. * All annual independent financial audits with management responses will be posted to the City of Fresno website on an annual audit webpage
Action Taken: Approved

- F. Request City staff to provide a document tracking the changes in all Memorandums of Understanding (“MOU”) and side letter agreements – Councilmember Brand
Action Taken: Discussed; continued to allow staff to meet

SPECIAL NOTICE/ADD-ON: G. RESOLUTION – Supporting the AAR Tract 2 Grant application for high speed rail Authority staff recommendations
Action Taken: Resolution No. 2009-203 adopted

9:30 A.M. #2

CITY COUNCIL REPORT ON BOARDS AND COMMITTEE ACTIVITIES

- A. Council of Governments (COG) Swearingin, 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)..... Swearingin, Borgeas
 Fresno County Workforce Investment Board Sterling
 Fresno County Zoo Authority..... Swearingin, Alternate – Westerlund
 Fresno Madera Agency on Aging Board Sterling
 Joint Powers Financing Authority Sterling
 Leadership Council on Ending Homelessness..... Swearingin, Sterling, Xiong
 Public Safety Joint Powers Authority..... Sterling
 Redevelopment Agency All Council Members
 San Joaquin River Conservancy Board..... Swearingin, Alternate – Brand
 The Association for the Beautification of Highway 99 Sterling
 Upper Kings Basin Integrated Regional Water Management Joint Powers Authority Borgeas

Action Taken: Reports made

- B. Economic Development Corporation Serving Fresno County Ex-Officio – Borgeas
 Fresno City & County Convention & Visitors Bureau (FCVB) Swearingin, Sterling
 League of California Cities (Annual Meeting) Swearingin
 Special City Selection Committee, San Joaquin Valley Air Pollution District (Ad Hoc) Sterling, Alternate – Westerlund

Action Taken: Reports made

- C. ***RESOLUTION** – Amending Resolution No. 2003-137 to add Rule No. 29 to rules of procedure to provide oversight of Council appointments of Councilmembers to committees – City Attorney’s Office

Action Taken: Resolution No. 2009-204 adopted

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

- 10:15 A.M.** **HEARING** to consider Rezone Application No. R-09-002 and environmental findings, filed by Ali Moghaddam of Concord Construction, pertaining to ± 2.4 acres of property located at the southwest corner of N. Baird Avenue and E. Nees Avenue (*Property located in District 6*) – Planning and Development Dept.
Action Taken: **Held**
- a. Consider and adopt a Finding of Conformity to the 2025 Fresno General Plan Master Environment Impact Report (MEIR) No. 101030 prepared for Environmental Assessment No. R-09-002/C-09-048
Action Taken: **Adopted**
- b. **BILL** - Amending the Official Zone Map to rezone the subject property from the AE-20/UGM (*Exclusive Twenty Acre Agricultural District/Urban Growth Management*) zone district to the R-1/UGM (*Low Density Multiple Family Residential/Urban Growth Management*) zone district
Action Taken: **Bill No. B-33/Ordinance No. 2009-33 adopted**
- 10:20 A.M.** **HEARING** to adopt findings for the City of Fresno downtown three (3) million gallon water storage tank, initial study and Finding of Conformity to the Master Environmental Impact Report (MEIR) No. 10130 prepared for the 2025 Fresno General Plan, State Clearing House No. 2009081064 – Department of Public Utilities
Action Taken: **Findings adopted**
- 11:00 A.M.** **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. Rancho Huevo Crema, LP, United Security Bank and Bowie Enterprises
Action Taken: **Held**
- 1:30 P.M. #1** **CONTESTED CONSENT CALENDAR**
- 1:30 P.M. #2** **GENERAL ADMINISTRATION**
- A. **RESOLUTION** – Consider initiation of a General Plan Amendment and Rezone Application relating to 14.5 acres of property located on the southeast corner of W. Whitesbridge Avenue and S. Hughes Avenue - (*Property located in District 3*) – Planning and Development Dept.
Action Taken: **Removed from the agenda**
- B. Recommend approval of amended promissory notes given by Habitat for Humanity Fresno, Inc., and assumable by low-income home buyers for home program assisted construction of two affordable single-family homes on N. Echo Avenue – Planning and Development Dept.
Action Taken: **Approved**
- C. Accept the American Recovery and Reinvestment Act, COPS Hiring Recovery Grant Program (CHRP), from the U.S. Department of Justice, Office of Community Oriented Policing Services for \$10,235,445; and authorize the execution of all related documents – Police Department
Action Taken: **Accepted**
- 2:30 P.M.** **CONTINUED HEARING** to consider the Fancher Creek Development Agreement – Planning and Development Department (*Continue to 10/1/2009 @ 2:30 P.M.*)
Action Taken: **Continued as noted**

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

2:45 P.M. JOINT MEETING WITH THE REDEVELOPMENT AGENCY

Approve Agency minutes of August 20, 2009

Action Taken: Approved

- A. * Direct the Redevelopment Agency and City staff to draft a joint Request For Proposal (RFP) consistent with the broad objective and deal points set forth below in this report to solicit development proposals for the Fresno Metropolitan Museum block and the parcel across street and return to Council no later than November 1, 2009, for final approval prior to going out with the RFP – Councilmember Westerlund (**Council and Agency action**)

Action Taken: Direction approved

ADJOURN AGENCY

3:00 P.M. WORKSHOP on California Constitutional Convention/State Government Reform - Councilmembers Brand and Perea - **Held**

5:30 P.M. CONTINUED HEARING to consider Rezone Application No. R-09-09, and environmental finding, filed by the City of Fresno, pertaining to thirteen parcels totaling 17.26 acres located on the east and west sides of N. Polk Avenue between W. Ashlan and W. Dakota Avenues (**Property located in District 1**) - Planning and Development Department

Action Taken: Held

- a. Consider and adopt the environmental finding for Environmental Assessment No. R-09-09 that the project proposal conforms to the provisions of 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 RR (County) zone district to the R-1/UGM/ANX (Single Family Residential/Urban Growth Management/Annexed Rural Residential Transitional Overlay) and the R-A/UGM/ANX (Single Family Residential-Agricultural/Urban Growth Management/Annexed Rural Residential Transitional Overlay) zone district

Action Taken: Bill No. B-34/Ordinance No. 2009-34 adopted, with condition to install water line

SCHEDULED COUNCIL HEARINGS AND MATTERS

Sept.	23	(WEDS) 2:00 P.M.	Presentation of Employee Service Awards in the Council Chambers ((Reception immediately following – 2nd floor foyer)
Sept.	24 -	10:30 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
Sept.	24 -	10:35 A.M.	HEARING re: Rezone Application No. R-07-002, filed by Don Pickett & Associates, Inc.
Sept.	24 -	10:45 A.M.	CONTINUED HEARING to consider Plan Amendment Application No. A-08-16, Rezone Application No. R-08-26, and environmental findings, filed by Riverfront Ventures, LLC
Oct.	1 -	2:30 P.M.	CONTINUED HEARING to consider the Fancher Creek Development Agreement
Oct.	8 -	NO MEETING – COLUMBUS DAY	
Oct.	15 -	8:30 A.M.	Presentation of P.R.I.D.E. Team Certificates for the Fall Quarter (Reception immediately following – 2nd floor foyer)
Oct..	15 -	10:00 A.M.	HEARING re: (Plan Amendment A-09-001) El Dorado Park Neighborhood Plan
Oct.	22 -	8:30 A.M.	Presentation of “Make a Promotion a Commotion” (Reception immediately following – 2nd floor foyer)
Nov.	5 -	5:00 P.M.	HEARING to consider Residential Metered Water Rates pursuant to Proposition 218