



City Council Agenda

Council President
Cynthia A. Sterling

Councilmembers

Andreas Borgeas
Lee Brand
Paul E. Caprioglio – Acting President

Mike Dages
Henry T. Perea
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.

February 24, 2009

8:30 A.M. ROLL CALL

Invocation by Pastor Jimmy Farrell of the New Covenant Community Church

Pledge of Allegiance to the Flag

Ceremonial Presentation

Proclamation of "COLLEGE MAKING IT HAPPEN WEEK" – Council President Sterling – Read and presented

Presentation of Carl Hernandez Award to Officer Mickey Smith – Councilmember Perea – 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 February 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 2:00 p.m.

- A. Adopt Resolution of Intention No. 1072-D to vacate a portion of the "M" – "N" alley southeast of Los Angeles Street and setting the public hearing for March 24, 2009, at 10:00 a.m. (*Property located in District 3*) – Public Works Dept.
Action Taken: Adopted
- B. **RESOLUTION** - Granting authority to the Public Works Director or his designee to sign minor and routine agreements with the Fresno Metropolitan Flood Control District – Public Works Dept.
Action Taken: Resolution No. 2009-45 adopted
- C. Approve the transfer of title of four (4) vacant parcels located on Mono Street between "F" and "G" Streets from the City to the Redevelopment Agency and find that the attached Notice of Exemption (EA-09-01) applies to this conveyance (*Property located in District 3*) – Public Works Dept.
Action Taken: Approved
- D. * Approve the acquisition of a Water Well Site on property located at the northeast corner of E. Butler and S. Armstrong Avenues (*Property located in District 5*) – Public Works Dept.
Action Taken: Approved
- E. Reject all bids for Fruit Avenue bike lane project (*Property located in Districts No. 1 and 7*) – Public Works Dept.
Action Taken: Rejected
- F. * Approve the acquisition of a street easement and use of a construction easement at the corner of Marks Avenue and Weber Avenue from property owned by Derald J. Henkel (*Property located in District 1*) – Public Works Dept.
Action Taken: Approved

1. **CONSENT CALENDAR CONTINUED**

G. Approve a lease agreement between the City of Fresno and Matt Hobe for City-owned property located at 665 Fulton Street to be used for a haunted house (*Property located in District 3*) - PARCS
Action Taken: Approved

H. **RESOLUTION** - Authorizing the Director of Public Utilities or his designee to execute all necessary grant application documents for a California Energy Commission, Renewable-Based Energy Secure Communities (RESCO) grant through the Public Interest Energy Research (PIER) Program in the amount of \$3,000,000 for a renewable energy research and implementation project – Dept. of Public Utilities
Action Taken: Resolution No. 2009-46 adopted

I. **RESOLUTION** - Approving reallocation of \$70,000 out of contingency for expenses related to the resumption of an agreement with CalTrans for highway litter abatement – Police Department
Action Taken: Resolution No. 2009-47 adopted

J. Authorize the agreement between the City of Fresno and CalTrans to provide a freeway litter clean-up program with the use of inmate labor – Police Department
Action Taken: Authorized

SCHEDULED COUNCIL HEARINGS AND MATTERS

9:00 A.M. #1 Presentation regarding the Fresno Police Department's Internal Affairs Bureau – Councilmembers Borgeas and Brand – **Presentation made**

9:00 A.M. #2 A. **SCHEDULED COMMUNICATION**
1. Appearance by Reverend Don Lockhart of the Central Community Development Center (CCDC) to discuss the project "Laurel II Housing for the Homeless" which includes the construction of 9 houses for the homeless – **Appearance made**
2. Appearance by Gerard Lozano and Don Scordino to present a letter of appreciation for the City's assistance in creating a workable Vacant Building Ordinance and Registration of Foreclosed Property Ordinance – **Appearance made**

9:00 A.M. #3 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.

9:15 A.M. **CITY COUNCIL**

A. Presentation by the SPCA regarding ongoing operations and expansion of the Adoption Center – Council President Sterling – **Presentation made**

B. **RESOLUTION** – Supporting Assembly Bill 241, the Responsible Breeder Act of 2009, Assembly Bill 242, the Dog Fighting Prevention Act of 2009 and Assembly Bill 243, the Animal Abuse Prevention Act of 2009 – Councilmember Perea
Action Taken: Resolution No. 2009-48 adopted

9:15 A.M.

CITY COUNCIL CONTINUED

- C. Documents pertaining to Fresno City Council meeting day change – Acting President Caprioglio, Council President Sterling and Councilmember Borgeas
1. **RESOLUTION** – Amending Resolution No. 2003-137 as amended by Resolution No. 2005-4 and 2005-116 relating to the regular Council meeting date and deadline for submission of agenda materials
Action Taken: **Resolution No. 2009-49 adopted**
 2. **BILL – (For introduction)** - Amending Section 2-303 of the Fresno Municipal Code relating to deadlines for delivery of agenda materials
Action Taken: **Bill No. B-7 introduced/laid over**
- D. Status report on recent incidents involving the Police Department pertaining to the narcotics arrest and the incident of February 9, 2009, involving the homeless man – Councilmember Xiong and Council President Sterling
Action Taken: **Report made**

9:30 A.M.

GENERAL ADMINISTRATION

- A. **RESOLUTION** – Denying Conditional Use Permit Application No. C-08-076, filed by Gurmeet Singh (El Campasino Meat Market) (**Property located in District 3**) – Planning and Development Dept.
Action Taken: **Resolution No. 2009-50 adopted**
- B. * Approve Side Letters of Agreement with various bargaining unit representatives regarding the reserve for the Fresno City Employees Health and Welfare Trust – Personnel Services Dept.
Action Taken: **Approved**
- C. Update on enterprise fund budgets – City Manager's Office – **Report made**

10:50 A.M.

CONTINUED HEARING to consider a resolution of public use and necessity for the partial acquisition for an easement to construct an ADA compliant curb ramp on property located at the southwest corner of N. Palm and E. Dakota Avenues – Public Works Department

Action Taken: **Held**

- a. * **RESOLUTION** - That the public interest and necessity require the partial acquisition for an easement on Fresno County Assessor's Parcel 435-062-19, owned by Armando M. Correa as Agricolor Development Corporation (**Requires 5 affirmative votes**) (**Property located in District 1**)
Action Taken: **Resolution No. 2009-51 adopted**

11:00 A.M.

HEARING to consider Rezone Application No. R-08-21, and environmental findings, filed by the City of Fresno, pertaining approximately 12 properties totaling approximately 130 acres generally located on the north and south sides of E. Copper Avenue, west of N. Willow Avenue (**Property located in District 6**) – Planning and Development Dept.

Action Taken: **Held**

- a. Consider and adopt Environmental Assessment No. R-05-21, determination of initial study to file a Finding of Conformity to MEIR 10130 for the 2025 Fresno General Plan
Action Taken: **Adopted**
- b. **BILL** – Amending the Official Zone Map to rezone the 12 properties from the AE-20/UGM (*Exclusive Twenty Acre Agricultural, Fresno County*) and AL-20 (*Limited Twenty Acre Agricultural, Fresno County*) zone districts to the R-1/UGM (Single Family Residential/Urban Growth Management), R-1/UGM/ANX (Single Family Residential/Urban Growth Management/Annexed Rural Residential Transitional Overlay), and C-P/UGM/ANX (Administrative and Professional Office/Urban Growth Management/Annexed Rural Residential Transitional Overlay) zone districts
Action Taken: **Bill No. B-8/Ordinance No. 2009-7 adopted**

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

2:00 P.M. #1 **CONTESTED CONSENT ITEMS (IF ANY)**

2:00 P.M. #2 **CLOSED SESSION**

2:30 P.M. **HEARING** to consider Rezone Application No. R-08-37, and environmental findings, filed by Dirk Poeschel Land development Services and David Bowie, on behalf of RKME Investments, LLC, pertaining to approximately 1.59 acres of property located on the eastside of N. Figarden Drive between W. Bullard Avenue and the Burlington Northern and Santa Fe (BNSF) Railroad crossing (6240 N. Figarden Drive) (**Property located in District 2**) – Planning and Development Dept.

Action Taken: Held

a. Consider and adopt Environmental Assessment No.R-08-37/C-08-284, determination of initial study to file a Finding of Conformity to the 2025 Fresno General Plan Master Environmental Impact Report (MEIR No. 10130 be adopted for Rezone Application No. R-08-37 and Conditional Use Permit Application No. C-08-284

Action Taken: Adopted

b. **BILL** – Amending the Official Zone Map to rezone the subject property from the C-1/BA-20/UGM/cz (Neighborhood Shopping Center/Boulevard Area Overlay/Urban Growth Management/conditions of zoning) and M-1/BA-20/UGM/cz (Light Manufacturing/Boulevard Area Overlay/Urban Growth Management/conditions of zoning) zone districts to the C-1/BA-20/UGM/cz (Neighborhood Shopping Center/Boulevard Area Overlay/Urban Growth Management/conditions of zoning) zone district. Rezone Application No. R-08-37 is requesting to rezone the subject property to allow car washes as permitted use and to remove conditions of zoning on the subject property that prohibit car washes

Action Taken: Bill No. B-9/Ordinance No. 2009-8 adopted

SCHEDULED COUNCIL HEARINGS AND MATTERS

Mar.	3 -	10:00 A.M.	HEARING re: CFD No. 11; Annexation No. 37, Tract No. 5498
Mar.	10 -	10:00 A.M.	HEARING re: Plan Amendment No. A-08-027/Conditional Use Permit C-08-260 (South Stadium Project)
Mar.	10 -	10:15 A.M.	HEARING re: the consideration to alter services to be financed by Annexation No. 24 of City of Fresno Community Facilities District No. 11
Mar.	11 (Weds.)	2:00 P.M.	Presentation of Employee Service Awards (Council Chambers) - Reception immediately following – 2nd floor foyer
Mar.	17 -	NO MEETING – COUNCIL RECESS	
Mar.	24 -	10:00 A.M.	HEARING re: resolution ordering the vacation of a portion of the “M” – “N” alley southeast of Los Angeles Street (Property located in District 3)
Mar.	24 -	10:15 A.M.	CONTINUED HEARING to consider an appeal, filed by Gary McDonald on the Tract Map and Councilmember Duncan on the Conditional Use Permit Application, appealing the Fresno City Planning Commission’s denial of Vesting Tentative Tract Map No. 5933, CUP C-08-59
Mar.	24 -	10:30 A.M.	Presentation of the Strategic Plan and Standard of Cover documents - Fire Department
Mar.	24 -	4:00 P.M.	HEARING re: CUP No. C-08-133, for the proposed household hazardous waste facility
Apr.	7 -	8:30 A.M.	Presentation of P.R.I.D.E Team Certificates – Spring Quarter - Reception immediately following – 2nd floor foyer
Apr.	14 -	NO MEETING – EASTER WEEK	
Apr.	28 -	8:30 A.M.	“Make a Promotion a Commotion” Ceremony – Reception immediately following – 2nd floor foyer - Personnel Services Dept.