



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.

August 20, 2009

8:30 A.M. ROLL CALL

Invocation by Councilmember Dages

Pledge of Allegiance to the Flag

Ceremonial Presentations:

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

Presentation of Certificates to Good Samaritans - Councilmember Xiong - **Presented**

Presentation of "Prime Time for Business" – Watchdoit.com – 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 July 30, 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. * **RESOLUTION** - 3rd amendment to AAR No. 2009-149 appropriating \$850,000 into the Federal Equitable Sharing Agreement and State Asset Forfeiture Program in the fiscal year 2010 budget (**Requires 5 affirmative votes**) – Police Department
Action Taken: Resolution No. 2009-176 adopted
- B. Authorize acceptance of fiscal year 2008 Cycle Interoperable Emergency Communications Grant Program (IECGP) funds sub-granted from the State of California, Emergency Management Agency, as a part of the U.S. Department of Homeland Security
Action Taken: Authorized
 - 1. * **RESOLUTION** - 6th amendment to AAR No. 2009-149 appropriating \$300,000 for the Fresno Police Department's Homeland Security Grant Program (**Requires 5 affirmative votes**) – Police Department
Action Taken: Resolution No. 2009-177 adopted
- C. * Authorize approval of the Memorandum of Understanding (MOU) with the Fresno County Economic Opportunities Commission for the Fresno Safe and Proud Neighborhoods (FSPN) AmeriCorps grant program – Police Department
Action Taken: Approved
- D. Documents pertaining to Fresno-Madera Agency on Aging - PARCS
 - 1. Authorize renewal of senior hot meals site management contract with Fresno-Madera Agency on Aging (FMAAA)
Action Taken: Authorized
 - 2. **RESOLUTION** - Approving the fiscal year 2009-2010 senior meals site management (service provider) contract with Fresno-Madera Area Agency on Aging and authorizing execution of documents
Action Taken: Resolution No. 2009-178 adopted

1. **CONSENT CALENDAR CONTINUED**

- E. * **RESOLUTION** - 9th amendment to AAR No. 2009-149 appropriating \$46,300 in the Parks, After School, Recreation and Community Services Department from multiple grants for the Healthy Lifestyles Fitness Program (*Requires 5 affirmative votes*) - PARCS
Action Taken: Resolution No. 2009-179 adopted
- F. * **RESOLUTION** – 7th amendment to AAR No. 2009-149 appropriating \$10,000 in the Parks, After School, recreation and Community Services Department from Pacific Gas & Electric (PG&E) for the operation of summer cooling centers (*Requires 5 affirmative votes*) - PARCS
Action Taken: Resolution No. 2009-180 adopted
- G. * **RESOLUTION** - 8th amendment to AAR No. 2009-149 appropriating \$25,200 in the Parks, After School, Recreation and Community Services Department from community donations and registration fees for the fiscal year 2010 PARCS youth sports program (*Requires 5 affirmative votes*) - PARCS
Action Taken: Resolution No. 2009-181 adopted
- H. Approval of a contract for \$1,615.28 with Fresno County Office of Education for the Parks, After School, Recreation and Community Services Department to conduct a family science night at King Elementary School on May 20, 2010 - PARCS
Action Taken: Approved
- I. Approve parking agreement between the City of Fresno and Club One Casino for parking in underground parking garage No. 8 (*Property located in District 3*) – Public Works Department/Parking Services Division
Action Taken: Approved
- J. Documents pertaining to Citywide sign replacement project (*Property located in Districts 1, 2, 3, 4, 5, 6 and 7*) – Public Works Dept.
1. Adopt Finding of a Categorical Exemption, the project has no potential to adversely impact air quality or any other environmental area, therefore, it is exempt from CEQA pursuant to CEQA Guidelines 15301(c) 2
Action Taken: Adopted
2. Award a construction contract in the amount of \$390,796, including the base bid plus add Alternates A, B, C, D and E, to Chrisp Company, for construction of the Citywide sign replacement project
Action Taken: Awarded
- K. Approve Amendment No. 1 with Shibumi Consulting Services in the amount of \$33,900.00 for additional programming services to update the City of Fresno billing system to accommodate automated water meter reading - Department of Public Utilities
Action Taken: Approved

1. **CONSENT CALENDAR CONTINUED**

- L. **RESOLUTION** – Approve the Final Map of Tract No. 5462 and accepting dedicated public uses therein – Planning and Development Dept.

Action Taken: Resolution No. 2009-182 adopted

1. Authorize the Planning and Development Director to execute the following:
 - a. Statement of Covenants Affecting Land Development to Create Mutual Easements and Reciprocal Uses for Lots 2 and 3
 - b. Statement of Covenants Affecting Land Development to Create Mutual Easements and Reciprocal Uses for Lots 4 and 5
 - c. Statement of Covenants Affecting Land Development to Create Mutual Easements and Reciprocal Uses for Lots 6 and 7
 - d. Statement of Covenants Affecting Land Development to Create Mutual Easements and Reciprocal Uses for Lots 8 and 9
 - e. Statement of Covenants Affecting Land Development to Create Mutual Easements and Reciprocal Uses for Cross Drainage
 - f. Statement of Covenants Affecting Land Development for the Maintenance of Certain Improvements

Action Taken: Authorized

- M. Authorize the Interim Planning and Development Director to accept \$15,000 from Pacific Gas and Electric (PG&E) Company to promote the official launch of the “Sustainable Fresno” Program – Planning and Development Dept.

Action Taken: Authorized

1. * **RESOLUTION** – 11th amendment to AAR No. 2009-149 appropriating \$15,000 to the Planning and Development Department from Pacific Gas and Electric (PG&E) Company to promote the official launch of the “Sustainable Fresno” Program (**Requires 5 affirmative votes**)

Action Taken: Resolution No. 2009-183 adopted

SCHEDULED COUNCIL HEARINGS AND MATTERS

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

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 **HEARING** to consider ordering the vacation of the south half of W. Browning Avenue between N. Milburn and N. Salinas Avenues (**Property located in District 2**) – Public Works Department

Action Taken: Held

- A. * **RESOLUTION** – Ordering the vacation of the south half of W. Browning Avenue between N. Milburn and N. Salinas Avenues

Action Taken: Resolution No. 2009-184 adopted

10:00 A.M. **CITY COUNCIL**

- A. **RESOLUTION** - Supporting a California Constitutional Convention – Councilmembers Perea and Brand

Action Taken: Resolution No. 2009-185 adopted, as amended

- B. Boards and Commissions committee’s recommendations to Council - Councilmembers Xiong, Westerlund and Council President Sterling

Action Taken: Direction made on Recommendations 1 - 4

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

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 (*Continue to 9/24/2009 at 10:30 a.m.*)
Action Taken: Continued as noted

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, pertaining to 10.78± acres of property located on the northwest corner of N. Bryan and W. Herndon Avenues (*Property located in District 2*) – Planning and Development Department (*Continue to 9/24/2009 at 10:45 a.m.*)

Action Taken: Continued to 9/24/2009 @ 10:45 a.m.

- a. Consider and adopt a Mitigated Negative Declaration for Environmental Assessment No. A-08-16/R-08-26
- b. **RESOLUTION** - Amending the 2025 Fresno General Plan and Bullard Community Plan from the medium density residential planned land use designation to the medium high density residential planned land use designation
- c. **BILL** - Amending the Official Zone Map to rezone the subject property from the AE-5/UGM (*Exclusive Five Acre Agricultural/Urban Growth Management*) zone district to the R-2/EA/UGM/cz (*Low Density Multiple Family Residential/Expressway Area/Urban Growth Management /conditions of zoning*) zone district

11:00 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. International Association of Firefighters, Local 753, Management Unit
- 2. Fresno City Employees' Association (FCEA)

Action Taken: Held

1:30 P.M. #1 **CONTESTED CONSENT CALENDAR**

1:30 P.M. #2 **GENERAL ADMINISTRATION**

A. Direct staff to initiate the Proposition 218 hearing process to enact a water meter fee – Dept. of Public Utilities

Action Taken: Direction made

B. * Adopt a Side Letter of Agreement between the City of Fresno (City) and the Fresno City Employees Association (FCEA), (Non-supervisory White Collar, Unit 3)

Action Taken: Adopted

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

2:00 P.M.

REGULAR MEETING OF THE REDEVELOPMENT AGENCY

Approve Agency minutes of July 30, 2009

Action Taken: Approved

- A. Consider approval of an Owner Participation Agreement (OPA) between the Redevelopment Agency of the City of Fresno and TFS Investments, LLC for the redevelopment of a mixed use residential project at 532-614 North Fulton Street in the Freeway-99 Golden State Corridor Redevelopment Project Area (**Agency action**)
Action Taken: Approved

- B. Consider approval of an Owner Participation Agreement (OPA) between the Redevelopment Agency of the City of Fresno and Mayflower Lofts, LLC for the development of a mixed income residential project at 1417 Broadway in the Fulton Redevelopment Project Area (**Agency action**)
Action Taken: Approved

- C. Consider approval of administrative policy titled Redevelopment Improvement Act for Redevelopment Agency project assistance, development agreements and professional consultant solicitation processes (**Agency action**) – Vice Chair Brand
Action Taken: Considered
 - 1. **RESOLUTION** - Establishing administrative policy titled Redevelopment Improvement Act for Redevelopment Agency project assistance, development agreements and professional consultant solicitation processes (**Agency action**)
Action Taken: Resolution No. 1747 adopted, as amended, deleting the super-majority vote requirement for ENA's

ADJOURN AGENCY

2:30 P.M.

HEARING to consider Development Agreement by and between the City of Fresno and Fancher Creek Properties, LLC as authorized by the provisions of Government Code Section 65864 et seq relating to the approximately 95-acre mixed retail and residential development that will allow up to 1.2 million square feet of commercial and up to 724 residential units as assessed in EIR NO. 10133 as certified by the City Council through Resolution No. 2005-183 - Planning and Development Department (**Continue to September 17, 2009 at 2:30pm**)

Action Taken: Continued as noted

SCHEDULED COUNCIL HEARINGS AND MATTERS

Aug. 27 - 9:30 A.M. #1 HEARING re: ordering the vacation of Blythe Avenue between Herndon and Spaatz Avenues

Aug. 27 - 10:00 A.M. HEARING re: Rezone Application No. R-09-09, filed by the City of Fresno

Sept. 3 - COUNCIL RECESS
Sept. 10 - COUNCIL RECESS

Sept. 17 - 10:15 A.M. HEARING re: Rezone Application No. R-09-002 filed by Ali Moghaddam
Sept. 17 - 10:20 A.M. HEARING re: Notice of Intent to adopt a Finding of Conformity for the City of Fresno 3-million gallon water storage tank

Sept. 17 - 2:30 P.M. CONTINUED HEARING to consider the Fancher Creek Development Agreement

Sept. 23 (WEDS) 2:00 P.M. Presentation of Employee Service Awards in the Council Chambers ((*Reception immediately following – 2nd floor foyer*)

Sept. 24 - 10:00 A.M. HEARING re: (Plan Amendment A-09-001) El Dorado Park Neighborhood Plan

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 - 10:45 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 - MEETING
Oct. 8 - MEETING

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. 22 - 8:30 A.M. Presentation of “Make a Promotion a Commotion” (*Reception immediately following – 2nd floor foyer*)