



# 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, 2<sup>nd</sup> Floor, 2600 Fresno Street, Fresno CA 93721.

## July 23, 2009

### 8:30 A.M. ROLL CALL

Invocation by Senior Pastor Dr. Scott Hansen of the Bridge Evangelical Free Church

Pledge of Allegiance to the Flag

### **Ceremonial Presentations:**

**Add-on:** Proclamation of "PAUL SCRAMM DAY" – Read and presented

**Add-on:** Proclamation of "JACOB HAMBALEK DAY" – Read and presented

The agenda and related staff reports are available on ([www.fresno.gov](http://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 7, 14 and 16, 2009

**Action Taken:** Approved, with 7/14/2009 as amended

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. Adopt Resolution of Intention No. 1076-D to vacate Blythe Avenue between Herndon and Spaatz Avenues and a portion of Spaatz Avenue east of Blythe Avenue and setting the public hearing for August 27, 2009, at 9:30 a.m. (*Property located in District 2*) – Public Works Dept.  
**Action Taken:** Adopted
- B. **RESOLUTION** - Authorizing the submission of applications for and acceptance of grant funds to the U.S. Department of Transportation TIGER Discretionary Grant Program and authorizing the execution of documents by the Public Works Director or designee (*Property located in Districts 1, 2, 3 and 5*) – Public Works Dept.  
**Action Taken:** Resolution No. 2009-161 adopted
- C. **RESOLUTION** - Dedicating certain City-owned property for public street purposes and public utility purposes on the west side of Willow Avenue south and north of E. Shepherd Avenue (*Property located in the County of Fresno*) – Public Works Dept.  
**Action Taken:** Resolution No. 2009-162 adopted
- D. Approve 2nd amendment to agreement with URS Corporation Americas for a total amount of \$327,675 to complete construction plans and specifications for Peach Avenue from Belmont Avenue to Butler Avenue (*Property located in Districts 5 and 7*) – Public Works Dept.  
**Action Taken:** Approved
- E. Approve contract amendment for utility relocation on Freeway 180 west between City of Fresno and California Department of Transportation (*Property located in District 3*) – Public Works Dept.  
**Action Taken:** Approved
- F. Ratify and approve a contract with Fresno Unified School District (FUSD) for \$4,172.65 for the PARCS Department to conduct life and environmental science presentations through July 31, 2009 - PARCS  
**Action Taken:** Approved
- G. Approve Memorandum of Understanding (MOU) between the City of Fresno and the Downtown Association regarding maintenance of Fulton Mall artwork - PARCS  
**Action Taken:** Approved

1. **CONSENT CALENDAR CONTINUED**

- H. Award a requirements contract to General Chemical Performance Products, LLC of Parsippany, New Jersey in the amount of \$281,591.40 for 1,900,000 pounds of bulk aluminum sulfate products and authorize the Director of Public Utilities to execute a one-year contract with provisions for two one-year extensions – Department of Public Utilities  
**Action Taken:** Awarded
- I. \* **RESOLUTION** – 482nd amendment to MFS Resolution No. 80-420 increasing parking violation penalties in accordance with California Senate Bill 1407 – Public Works Department  
**Action Taken:** Resolution No. 2009-163 adopted
- J. Approve modification to the City of Fresno deferred compensation plan document to add non-spouse beneficiary distribution rollover provisions – Retirement Offices  
**Action Taken:** Approved
- K. Approve the appointment of Judy Hardinge to the Commission on the Status of Women - Councilmember Borgeas  
**Action Taken:** Approved
- L. Approval of the extension of Agreement with Townsend Public Affairs, Inc. through August, 2009 – City Manager's Office  
**Action Taken:** Approved
- M. \* **BILL NO. B-27– (Intro. 7/16/2009) (For adoption)** – Amending the Fresno Municipal Code relating to the Historic Preservation Commission Subsection (a) of Section 12-1605 – Mayor's Office  
**Action Taken:** Ordinance No. 2009-29 adopted

**CONTESTED CONSENT CALENDAR**

**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

9:15 A.M. Presentation of 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  
**Action Taken:** Presentation made

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

A. **CONFERENCE WITH REAL PROPERTY NEGOTIATOR** - Government Code Section 54956.8  
**Property:** Chuckchansi Park (Multipurpose Stadium)  
**Negotiating Parties:** Andrew T. Souza, City Manager for City of Fresno, Chris Cummings, Fresno Baseball Club, LLC and Fresno Baseball Club, LLP  
**Under Negotiation:** Proposed Amendment to Lease Agreement between City of Fresno and Fresno Baseball Club, LLC and Fresno Baseball Club, LLP  
**Action Taken:** Held

**SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED**

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

- A. \* **RESOLUTION** - Adopting the City of Fresno investment policy for Fiscal Year 2009-2010 – Finance Department  
**Action Taken:** Resolution No. 2009-164 adopted
- B. 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:** Authorized
1. \* **RESOLUTION** - 2<sup>nd</sup> amendment to AAR No. 2009-149 appropriating \$787,800 for water supply engineering services, traffic analysis, and plan modification evaluation services to support the preparation of the environmental impact report and community specific plan of the Southeast Growth Area (*Requires 5 affirmative votes*)  
**Action Taken:** Resolution No. 2009-165 adopted
- C. **WORKSHOP** regarding pavement management – Public Works Department - **Held**
- D. **WORKSHOP** regarding the Proposition 218 hearing process to enact a water meter fee and flat rate drought surcharge – Dept. of Public Utilities - **Held**
- E. **WORKSHOP** regarding the upper Kings Basin Integrated Regional Water Management Joint Powers Agreement – Dept. of Public Utilities - **Held**

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 30, 2009, at 10:00 a.m.*)  
**Action Taken:** Continued as noted

10:15 A.M. **HEARING** to consider Rezone Application No. R-09-001 and environmental findings, filed by Minh The Tran and Nuong H. Vu, property owners, pertaining to approximately 1.06 net acres of property located on the west side of S. Cedar Avenue between E. Butler and E. Hamilton Avenues – (*Property located in District 5*) – Planning and Development Dept.  
**Action Taken:** Held and continued to 7/30/2009 at 10:10 a.m.

a. Consider and adopt the Finding of Conformity to the 2025 Fresno General Plan Master Environmental Impact Report (MEIR) No. 10130 prepared for Environmental Assessment No. R-09-001/S-07-152/T-5912

b. **BILL** – Amending the Official Zone Map to rezone the subject property from the R-3 (*Multiple Family Residential*) zone district to the R-2 (*Low Density Multiple Family*) zone district

**SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED**

- 10:20 A.M.**      **HEARING** to consider Rezone Application No. R-08-031 and environmental findings, filed by Sukhminder S. and Mansukhjit Malhi, property owners, pertaining to approximately 4.82 net acres of property located on the west side of N. Blythe Avenue between W. Ashlan and W. Dakota Avenues – **(Property located in District 1)** – Planning and Development Dept.
- Action Taken:**    **Held**
- a.      Consider and adopt the Finding of Conformity to the 2025 Fresno General Plan Master Environmental Impact Report (MEIR) No. 10130 prepared for Environmental Assessment No. R-08-031/TPM-2008-23
- Action Taken:**    **Adopted**
- b.      **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-1/UGM (*Single Family Residential/Urban Growth Management*) zone district
- Action Taken:**    **Bill No. B-30/Ordinance No. 2009-30 adopted**

**SCHEDULED COUNCIL HEARINGS AND MATTERS**

- |       |      |              |  |
|-------|------|--------------|--|
| July  | 30 - | 8:30 A.M.    | “Make a Promotion a Commotion” Ceremony – <b>(Reception immediately following – 2<sup>nd</sup> floor foyer)</b> – Personnel Services Dept.   |
| July  | 30 - | 10:00 A.M.   | <b>CONTINUED HEARING</b> 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 - | 10:10 A.M.   | <b>CONTINUED HEARING</b> to consider Rezone Application No. R-09-001 and environmental findings, filed by Minh The Tran and Nuong H. Vu, property owners, pertaining to approximately 1.06 net acres of property located on the west side of S. Cedar Avenue between E. Butler and E. Hamilton Avenues – <b>(Property located in District 5)</b> |
| July  | 30 - | 10:15 A.M.   | <b>HEARING</b> re: Rezone Application No. R-09-07, filed by the City of Fresno   |
| July  | 30 - | 10:20 A.M.   | <b>HEARING</b> re: Plan Amendment Application No. 08-16, Rezone Application No. R-08-26, filed by Riverfront Ventures, LLC   |
| July  | 30 - | 10:30 A.M.   | <b>JOINT MEETING WITH RDA</b> relating to a DD&A/resolution for Chinatown lofts  |
| July  | 30 - | 10:35 A.M.   | <b>JOINT MEETING WITH RDA</b> relating to a DD&A/resolution for AMCAL  |
| Aug.  | 6 -  |              | <b>COUNCIL RECESS</b>  |
| Aug.  | 13 - |              | <b>COUNCIL RECESS</b>  |
| Aug.  | 20 - | 9:30 A.M. #1 | <b>HEARING</b> 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 | <b>HEARING</b> re: ordering the vacation of Blythe Avenue between Herndon and Spaatz Avenues   |
| Sept. | 3 -  |              | <b>COUNCIL RECESS</b>  |
| Sept. | 10 - |              | <b>COUNCIL RECESS</b>  |