

City Council Agenda

Council President
Larry Westerlund

Councilmembers

Andreas Borgeas
Lee Brand – Acting President
Mike Dages

Henry T. Perea
Cynthia A. Sterling
Blong Xiong

City Manager
Mark Scott

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, sign language interpreters, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650. Please keep the doorways, aisles and wheelchair seating areas open and accessible. If you need assistance with seating because of a disability, please see Security.

The City Council welcomes you to the Council Chambers, located in City Hall, 2nd Floor, 2600 Fresno Street, Fresno CA 93721.

July 22, 2010

8:30 A.M. ROLL CALL

Invocation by Jon Parker, President of the Fresno North Stake Church of Jesus Christ of Latter-Day Saints

Pledge of Allegiance to the Flag

Ceremonial Presentations:

Presentation of a Resolution of Commendation congratulating Adriana Ignacio for saving herself and her family from a burning structure – Mayor's Office and Fire Dept. – **Read and presented**

Proclamation of "THE 20TH ANNIVERSARY OF AMERICANS WITH DISABILITIES ACT" (ADA)" – Mayor's Office - **Read and presented**

Recognize Firshman, Larsen, Goldring & Zietler for donation benefitting the Citizens Academy – Mayor's Office - **Recognized**

Presentation of a check in the amount of \$21,000 from PG&E to the City of Fresno for the 2010 Cooling Center operations - Mayor's Office, City Manager's Office and PARCS - **Presented**

Presentation of the P.R.I.D.E. Team Certificates for the Summer Quarter – *(Reception immediately following - 2nd floor foyer)*- **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, or viewed live on Cable Channel 96 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 City Council minutes of [June 17, 21, 24](#) and [25](#), 2010

Action Taken: Approved, with 6/17/2010 correction

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 10:45 A.M.

- A. [Approve the re-appointment of Jaime Holt and Rama Kant Dawar to the Planning Commission and the appointment of Aric Olson to the Fresno Regional Workforce Investment Board – Mayor's Office](#)
Action Taken: Approved
- B. [Authorize the Director of Transportation to enter into a lease extension on the current Handy Ride facility – Department of Transportation](#)
Action Taken: Authorized
- C. * [RESOLUTION – 4th amendment to the Annual Appropriation Resolution \(AAR\) No. 2010-138 appropriating \\$339,400 from the 2009 Byrne Justice Assistance Grant Program \(**Requires 5 affirmative votes**\) – Police Dept.](#)
Action Taken: Resolution No. 2010-145 adopted
- D. * [RESOLUTION - 3rd amendment to the Annual Appropriation Resolution \(AAR\) No. 2010-138 appropriating \\$215,600 from the California Emergency Management Agency \(CALEMA\), Gang Reduction, Intervention and Prevention \(CALGRIP\) Program \(**Requires 5 affirmative votes**\) – Police Dept.](#)
Action Taken: Resolution No. 2010-146 adopted

1. **CONSENT CALENDAR CONTINUED**

- E. Authorize acceptance of grant funding from the State of California Department of Alcoholic Beverage Control – Police Dept.
Action Taken: Authorized
1. * **RESOLUTION** - 2nd amendment to the Annual Appropriation Resolution (AAR) No. 2010-138 appropriating \$75,000 for operations related to alcohol use (**Requires 5 affirmative votes**)
Action Taken: Resolution No. 2010-147 adopted
- F. * **RESOLUTION** - 1st amendment to the Annual Appropriation Resolution (AAR) No. 2010-138 appropriating \$246,900 for the Fresno Police Department's Anti-Human Trafficking Grant Program (**Requires 5 affirmative votes**) – Police Dept.
Action Taken: Resolution No. 2010-148 adopted
- G. * **RESOLUTION** – 1st amendment to Fiscal Year 2011 Salary Resolution No. 2010-141 reinstating the classification of PAR Program Specialist In Exhibit 3, Unit 3 – Non-Supervisory White Collar (FCEA) – Personnel Services Dept.
Action Taken: Resolution No. 2010-149 adopted
- H. Approve a license agreement with Woodward Shakespeare Festival for space within Woodward Regional Park for staging and performing live theater, dance, art, music and other cultural productions - PARCS
Action Taken: Continue to 7/29/2010
- I. * **RESOLUTION** - 5th amendment to the Annual Appropriation Resolution (AAR) No. 2010-138 appropriating \$21,000 in the General Fund from Pacific Gas & Electric Company for the operation of summer cooling centers – PARCS (**Requires 5 affirmative votes**)
Action Taken: Resolution No. 2010-150 adopted
- J. * **RESOLUTION** - 6th amendment to the Annual Appropriation Resolution (AAR) No. 2010-138 appropriating \$100,000 in the Parks, After School, Recreation and Community Services Department from the Children and Families Commission of Fresno County for the construction of a play structure at Quigley Park (**Requires 5 affirmative votes**) (**Property located in District 1**) - PARCS
Action Taken: Resolution No. 2010-151 adopted
- K. Adopt Resolution of Intention No. 1083-D to vacate a portion of E. Divisadero Street northeast of “G” Street and setting the public hearing for August 26, 2010, at 10:00 a.m. (**Property located in District 3**) – Public Works Dept.
Action Taken: Adopted
- L. Reject all bids for “O” Street off-ramp widening from southbound Route 41 (**Property located in District 3**) – Public Works Dept.
Action Taken: Rejected
- M. Documents pertaining to the Blackstone Avenue Overlay (**Property located in District 3**) – Public Works Dept.
1. Adopt Finding of Categorical Exemption per staff determination, pursuant to Section 15301 Class I c of the CEQA Guidelines, for Blackstone Avenue overlay, from Olive Avenue to Belmont Avenue
Action Taken: Adopted
2. Award a contract in the amount of \$281,544.61 to Dave Christian Construction Company of Fresno, for Blackstone Avenue overlay from Olive Avenue to Belmont Avenue
Action Taken: Awarded
- N. * **RESOLUTION** – 7th amendment to the Annual Appropriation Resolution (AAR) No 2010-138 appropriating \$3,600 donated by Fishman, Larsen, Goldring & Zeitler for costs associated with the Citizens Academy (**Requires 5 affirmative votes**) – Mayor's Office
Action Taken: Resolution No. 2010-152 adopted

1. **CONSENT CALENDAR CONTINUED**

- O. **RESOLUTION** – Declaring the results of the consolidated direct primary election held within the City of Fresno on June 8, 2010 – City Clerk’s Office
Action Taken: Resolution No. 2010-153 adopted

SCHEDULED COUNCIL HEARINGS AND MATTERS

- 10:00 A.M. **HEARING** to consider the proposed annual assessments for Landscaping and Lighting Maintenance District No. 1 (**Citywide**) – Public Works Dept.
Action Taken: Held
a. * **RESOLUTION** - Confirming diagram and assessment and levy of annual assessment, 2010 - 2011, for Landscaping and Lighting Maintenance District No. 1
Action Taken: Resolution No. 2010-154 adopted

- 10:15 A.M. **HEARING** to consider a resolution of public use and necessity for the partial acquisition for a public street easement to construct the Peach Avenue widening project between Belmont Avenue and Kings Canyon Road including an ADA compliant curb ramp on property located at the southeast corner of E. Tulare and S. Peach Avenues (**Property located in District 5**) – Public Works Dept.
Action Taken: Held
a. * **RESOLUTION** - That the public interest and necessity require the partial acquisition for a public street easement on Fresno County Assessor’s Parcel 463-100-41, owned by Get-N-Go, a California General Partnership, for the construction of improvements and widening and related purposes of Peach Avenue between Belmont Avenue and Kings Canyon Road and authorizing eminent domain proceedings for public use and purpose (**Requires 5 affirmative votes**)
Action Taken: Resolution No. 2010-155 adopted

10:30 A.M. #1 **CITY COUNCIL**

- A. Consider approval of Labor Management Act policy regarding City labor relations process – Acting President Brand
1. * **RESOLUTION** – Establishing a policy entitled Labor Management Act preserving management rights on employee layoffs and improving labor practices
Action Taken: Resolution No. 2010-156 adopted, as amended
- B. Direction from the City Council to the City Attorney’s Office to develop an ordinance requiring the licensing of tobacco retailers – Councilmember Dages
Action Taken: Approved

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

10:30 A.M.#2 COUNCIL COMMUNICATIONS & ASSIGNMENTS

- A. Council of Governments (COG) Swarengin, Ex-Officio/Alternate-Xiong
 Council Sub-Committee Task Force for Water (Water Task Force) Borgeas, Brand, Sterling
 Financial Audit Committee Borgeas, Brand, Xiong
 Fresno Area Workforce Investment Corporation Westerlund
 Fresno County Council of Government's Rail Consolidation Committee Xiong
 Fresno County Transportation Authority (FCTA) Swarengin, Borgeas
 Fresno Regional Workforce Investment Board Westerlund
 Fresno County Zoo Authority Swarengin, Alternate – Westerlund
 Fresno Madera Agency on Aging Board Sterling
 Joint Powers Financing Authority Westerlund
 Leadership Council on Ending Homelessness Swarengin, Sterling, Xiong
 Public Safety Joint Powers Authority Swarengin, Westerlund
 San Joaquin River Conservancy Board Swarengin, Alternate – Brand
 The Association for the Beautification of Highway 99 Sterling
 Upper Kings Basin Integrated Regional Water Management Joint Powers Authority Borgeas
 Pension Reform Task Force Borgeas, Brand, Xiong
- B. Economic Development Corporation Serving Fresno County Ex-Officio – Borgeas
 Fresno City & County Convention & Visitors Bureau (FCVB) Swarengin, Sterling
 League of California Cities (Annual Meeting) Swarengin, Alternate – Borgeas
- C. Council Appointments, Reappointments, Removals To/From City and Non-City Boards and Commissions
Action Taken: Laid over to July 29, 2010

10:45 A.M. CONTESTED CONSENT CALENDAR

- 2:00 P.M. **HEARING** to consider Plan Amendment Application No. A-09-009 and environmental findings, filed by John M. Dugan, Director of the Development and Resource Management Department, a request to amend Policy E-1-o of the 2025 Fresno General Plan as it relates to sidewalk requirements on private residential streets (**Citywide**) – Development and Resource Management Department
Action Taken: Continued to 8/26/2010 @ 2:00 p.m.
 - a. Consider and adopt a Finding of a Mitigated Negative Declaration for Environmental Assessment No. A-09-009 dated April 30, 2010
 - b. **RESOLUTION** - Amending Policy E-1-o of the 2025 Fresno General Plan as it relates to sidewalk requirements on private residential streets

2:30 P.M. GENERAL ADMINISTRATION

- A. Documents pertaining to recreational programming - PARCS
 - 1. Approval of a three year agreement with Reading and Beyond for lead agency responsibility for recreational programming at Einstein Park Neighborhood Center
Action Taken: Approved
 - 2. Approval of a three year agreement with First Baptist Church for lead agency responsibility for recreational programming at Lafayette Park Neighborhood Center
Action Taken: Approved
 - 3. Approval of a three year agreement with United One Productions for lead agency responsibility for recreational programming at Mary Ella Brown Neighborhood Center
Action Taken: Approved

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

2:35 P.M. **JOINT MEETING WITH THE FRESNO REDEVELOPMENT AGENCY**

Approve Agency minutes of June 17, 21 and 24, 2010

Action Taken: Approved

- A. **CONTINUED JOINT MEETING** to consider actions relating to the approval and adoption of proposed amendments to Merger No. 1 Redevelopment Plans comprised of the Central Business District, Chinatown Expanded, Convention Center, Fulton, Jefferson, Mariposa, South Van Ness Industrial, West Fresno I, and West Fresno II Project Areas (constituent project areas) (*Note: Hearing on this matter was conducted and closed during the Joint Meeting held on June 24, 2010*):
- Action Taken:** Held
1. **RESOLUTION-** Adopting findings in response to written objections to the Proposed 2010 Merger No. 1 Plan Amendments (**Council Action**)
Action Taken: Resolution No. 2010-157 adopted
 2. **RESOLUTION** - Certifying Final Subsequent Environmental Impact Report prepared for the Fresno Merger No. 1 Redevelopment Plan Amendments Project ("Merger 1 Project")
 - a. Making findings regarding the Proposed Fresno Merger No. 1 Redevelopment Plan Amendments Project;
 - b. Adopting a Mitigation Monitoring Program;
 - c. Adopting the statement of overriding considerations;
 - d. Directing the Filing of a Notice of Determination following approval of project (**Council and Agency action**)
Action Taken: Joint Resolution Nos. 2010-158/1758 adopted
 3. **RESOLUTION** - Findings pursuant to CRL Section 33333.10(h) regarding conformance of City Housing Element, financial auditing requirements, and low and moderate income housing fund expenditure requirements for the constituent project areas (**Agency action**)
Action Taken: RDA Resolution No. 1759 adopted
 4. **BILL – (For introduction and adoption)** - Adopting an amendment to the Central Business District Project One Urban Renewal Plan (**Council action**)
Action Taken: Bill No. B-23/Ordinance No. 2010-25 adopted
 5. **BILL – (For introduction and adoption)** - Adopting an amendment to the Chinatown Expanded Community Redevelopment Project (**Council action**)
Action Taken: Bill No. B-24/Ordinance No. 2010-26 adopted
 6. **BILL – (For introduction and adoption)** - Adopting an amendment to the Convention Center Redevelopment Plan (**Council action**)
Action Taken: Bill No. B-25/Ordinance No. 2010-27 adopted
 7. **BILL – (For introduction and adoption)** - Adopting an amendment to the Fulton Redevelopment Project (**Council action**)
Action Taken: Bill No. B-26/Ordinance No. 2010-28 adopted
 8. **BILL – (For introduction and adoption)** - Adopting an amendment to the Jefferson Area Project (**Council action**)
Action Taken: Bill No. B-27/Ordinance No. 2010-29 adopted
 9. **BILL – (For introduction and adoption)** - Adopting an amendment to the Mariposa Redevelopment Plan (**Council action**)
Action Taken: Bill No. B-28/Ordinance No. 2010-30 adopted
 10. **BILL – (For introduction and adoption)** - Adopting an amendment to the South Van Ness Redevelopment Project (**Council action**)
Action Taken: Bill No. B-29/Ordinance No. 2010-31 adopted
 11. **BILL – (For introduction and adoption)** - Adopting an amendment to the West Fresno One Redevelopment Plan (**Council action**)
Action Taken: Bill No. B-30/Ordinance No. 2010-32 adopted
 12. **BILL – (For introduction and adoption)** - Adopting an amendment to the West Fresno Two Redevelopment Plan (**Council action**)
Action Taken: Bill No. B-31/Ordinance No. 2010-33 adopted

ADJOURN AGENCY

CLOSED SESSION

SCHEDULED COMMUNICATION –

1. Appearance by Matthew Ford to request Council adopt a resolution condemning the illegal occupying of Palestinian land – **Request to appear withdrawn**
2. Appearance by Charlotte Kaminski to discuss the Dept. of Transportation/Fresno Area Express – **Appearance made**

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.

SCHEDULED COUNCIL HEARINGS AND MATTERS

July	29 -	10:00 A.M.	HEARING – Regarding appeal of the Planning Commission’s action on Categorical Exemption related to CUP No. C-09-58
July	29 -	10:15 A.M.	HEARING re: Plan Amendment Application No. A-10-004, filed by Blair, Church & Flynn Consulting Engineers on behalf of Longs Drug Stores California, LLC.
July	29 -	10:30 A.M.	HEARING re: Rezone Application No. R-10-004, filed by the City of Fresno
July	29 -	10:45 A.M.	HEARING rescind the designation of the Newman Home from the Local Register
July	29 -	10:50A.M.	HEARING re: Plan Amendment No. A-09-06, Rezone Application No. 09-14, filed by Dirk Poeschel Land Development Services
Aug.	5 -		COUNCIL RECESS
Aug.	12 -		COUNCIL RECESS
Aug.	19-	10:00 A.M.	HEARING re: Text Amendment No. TA-10-01 related to downtown development standards
Aug.	19-	10:15 A.M.	HEARING to consider a resolution of public use and necessity for acquisition from the following parcels of real property located along Peach Avenue Between Belmont Avenue and Kings Canyon Road owned by John R. Frankian And Marsha M. Frankian
Aug.	19-	10:30 A.M.	HEARING re: CFD No. 11, Annexation No. 40, Tract No. 5966
Aug.	19-	10:45 A.M.	HEARING to consider a resolution of public use and necessity for acquisition of permanent easements and rights of way for public street purposes from the following parcel of real property located along Peach Avenue Between Belmont Avenue and Kings Canyon Road in the County of Fresno owned by Doris Ohannesian
Aug.	26 -	10:00 A.M.	HEARING ordering the vacation of a portion of E. Divisadero Street northeast of “G” Street (<i>Property located in District 3</i>) – Public Works Dept.
Aug.	26 -	2:00 P.M.	CONTINUED HEARING re: Plan Amendment Application No. A-09-009 filed by John M. Dugan, Director of the Development and Resource Management Department
Sept.	2 -		COUNCIL RECESS
Sept.	9 -		COUNCIL RECESS
Sept.	16 -	10:00 A.M.	HEARING ordering the vacation of a portion of the southwest side of S. Railroad Avenue at the north side of E. Jensen Avenue (<i>Property located in District 3</i>) – Public Works Dept.