



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.

March 3, 2009

8:30 A.M. ROLL CALL

Invocation by Pastor Steve Carter of the Westminster Presbyterian Church

Pledge of Allegiance to the Flag

Ceremonial Presentations:

Proclamation of "MULTIPLE SCLEROSIS AWARENESS WEEK" – Councilmember Brand – **Read and presented**

Proclamation of "CONSUMER PROTECTION WEEK" – Councilmember Xiong – **Read and presented**

(Add-on) – PROCLAMATION FOR THE EDISON HIGH SCHOOL ACADEMIC DECATHALON TEAM – Council President Sterling – **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 24, 2009

Action Taken: Approved

Approve Special meeting minutes of February 24, 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 immediately following.

- A. * **RESOLUTION** - Approve and authorize the Public Works Director to execute an easement agreement related to acquiring public pedestrian easements at the PG&E Fresno Service Center on behalf of the City of Fresno (***Property located in District 5***) – Public Works Department
Action Taken: Resolution No. 2009-52 adopted
- B. Approve appointments of Philip Decker, David M. Moll, Joseph Guagliardo and Catherin M. Wolzmut to the City of Fresno Bicycle and Pedestrian Advisory Committee – Public Works Dept.
Action Taken: Approved
- C. * Approve lease agreement between the City of Fresno and Matt Hobe for City-owned property located at 665 Fulton Street for recreational and entertainment - PARCS
Action Taken: Approved
- D. * Approval of a contract with the Fresno Unified School District to provide up to \$5,000 for the Parks, After School, Recreation and Community Services Department to conduct the academic game plan Program at Ahwahnee Middle School running through June 30, 2009 - PARCS
Action Taken: Approved
- E. * Approval of a contract for \$5,000 with the Fresno Unified School District to provide funds for the Parks, After School, Recreation and Community Services Department to conduct the Fresno Best Program at Fresno High School running through June 30, 2009 – PARCS
Action Taken: Approved
- F. * Approval of a contract with the Fresno County Office of Education to provide \$11,340 for the Parks, After School, Recreation and Community Services Department to conduct Life and Environmental Science presentations at Lowell Elementary School through June 30, 2009 – PARCS
Action Taken: Approved

1. **CONSENT CALENDAR CONTINUED**

- G. * Approval of a contract with the Fresno County Office of Education to provide up to \$5,000 for the Parks, After School, Recreation and Community Services Department to conduct the Academic Game Plan Program at Yosemite Middle School running through June 30, 2009– PARCS

Action Taken: Approved

1. * **RESOLUTION** – 70th amendment to AAR No. 2008-162 appropriating \$26,300 in the Parks, After School, Recreation and Community Services Department to conduct collaborative after school programs at four (4) Fresno Unified School District sites through June 30, 2009 **(Requires 5 affirmative votes)**

Action Taken: Resolution No. 2009-53 adopted

- H. Approve Consulting Agreement with The HLA Group to provide professional landscape architect services for the Department of Public Utilities-Water Division in an amount not to exceed \$69,405.00 and authorize the Director of Public Utilities to execute the Consulting Agreement on behalf of the City – Dept. of Public Utilities

Action Taken: Approved

- I. Approve the re-appointments of Adrian Jones, Rodney Ashley and John Paul Youel to the Fresno Housing Authority – Mayor Swearingin

Action Taken: Approved

CONTESTED CONSENT CALENDAR

CLOSED SESSION

- A. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION** - Government Code Section 54956.9, Subdivision (b)

Significant Exposure to Litigation:

1. Glen Beaty v. City of Fresno

Action Taken: Held

- B. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION** – Government Code Section 54957 (Council President Sterling)

Title:

1. City Attorney
2. City Clerk

Action Taken: Held

SCHEDULED COUNCIL HEARINGS AND MATTERS

8:45 A.M. **GENERAL ADMINISTRATION**

- A. Consider the 2009 Weed Abatement Program and adopt an ordinance approving the 2009 Weed Abatement Program – Planning and Development Department

Action Taken: Held

1. **BILL – (For introduction)** - Approving the 2009 Weed Abatement Program

Action Taken: Bill No. B-10 introduced/laid over

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

9:00 A.M. #1 A. **SCHEDULED COMMUNICATION –**
1. Appearance by Walt Ferrari to discuss the City of Fresno solid waste service –
Rescheduled for 4/7/2009

9:00 A.M. #2 A. * [Approve the third amendment to the Rotary Amphitheater agreement between City of Fresno and the Rotary Club of Fresno – PARCS](#)
Action Taken: **Approved**
1. * **RESOLUTION - 477th amendment to MFS Resolution No. 80-420 revising reservation fees for the Woodward Rotary Amphitheater**
Action Taken: **Resolution No. 2009-54 adopted**

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

9:30 A.M. [Documents pertaining to Downtown PBID/Assessment District -Dept. of Downtown & Community Revitalization](#)
a. Progress update on the Downtown PBID / Assessment District
Action Taken: **Report made**
b. Approve Amendment No. 1 to Downtown PBID Grant Funding Agreement to increase City funding assistance by \$56,264 to a total of \$96,264, of which the currently unexpended amount of \$84,309 shall be a no-interest, no-match loan repayable from PBID assessments, to finance consulting services and other costs incurred in the formation of the Downtown Property Based Improvement District, and authorize the execution of documents
Action Taken: **Discussed and continued to 3/17/2009**

10:00 A.M. [HEARING to consider Community Facility District No. 11, Annexation No. 37, Tract No. 5498 \(Property located in District 5\) - Public Works Department](#)
Action Taken: **Removed from the agenda/to be rescheduled**
a. **RESOLUTION –** Annexing territory to Community Facilities District No. 11, Annexation No. 37 and authorizing the levy of a special tax
b. **RESOLUTION -** Calling special mailed-ballot election Community Facilities District No. 11, Annexation No. 37
c. **RESOLUTION -** Declaring election results Community Facilities District No. 11, Annexation No. 37
d. * **BILL –** Levying a special tax for the property tax year 2008-2009 and future tax years within and relating to Community Facilities District No. 11, Annexation No. 37

10:05 A.M. **JOINT SESSION WITH THE REDEVELOPMENT AGENCY**

[Approve minutes of February 10, 2009](#)

Action Taken: **Approved**

A. Documents pertaining to City Council and the Fresno Redevelopment Agency meeting date change – Chair Xiong - **Discussed and continued to 4/7/2009**
1. * [BILL NO. B-7 \(Intro. 2/24/2009\) \(For adoption\) - Amending Section 2-303 of the Fresno Municipal Code relating to deadlines for delivery of agenda materials \(Council action\)](#)
2. [RESOLUTION – Rescinding present Redevelopment Agency bylaws and adopting new bylaws \(Agency action\)](#)

ADJOURN AGENCY

SCHEDULED COUNCIL HEARINGS AND MATTERS

Mar. 10 - NO MEETING – COUNCIL RECESS

Mar. 11 (Weds.) 2:00 P.M. Presentation of Employee Service Awards (Council Chambers) - ***Reception immediately following – 2nd floor foyer***

Mar. 17 - SCHEDULED MEETING

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. 21 - 10:00 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

Apr. 28 - 8:30 A.M. “Make a Promotion a Commotion” Ceremony – ***Reception immediately following – 2nd floor foyer*** - Personnel Services Dept.