



# 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.

## April 30, 2009

### 2:00 P.M. ROLL CALL

Invocation by Pastor Joshua M. Irmiler of the Ambassador Church and Academy in West Fresno

Pledge of Allegiance to the Flag

### **Ceremonial Presentations:**

Proclamation of "PEACE OFFICERS' MEMORIAL DAY" – Councilmember Perea-**Read and presented**

Proclamation of "ST. BALDRICK'S DAY" (Volunteer Organization That Funds Childhood Cancer Research) – Councilmember Brand- **Read and presented**

Presentation of Resolution Congratulating the Personnel Services Department for Earning the Western Region IPMA-HR Large Agency Award for Excellence – City Manager's Office-**Read and presented**

**Make a Promotion a Commotion Ceremony** - Personnel Services Department - **Reception immediately following – 2<sup>nd</sup> floor foyer-Held**

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 April 23, 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** - 82nd amendment to AAR No. 2008-162 appropriating a \$2,000 grant from the Fresno Metropolitan Flood Control District in the Parks, After School, Recreation and Community Services Department for the Life and Environmental Science program (**Requires 5 affirmative votes**) – PARCS  
**Action Taken:** Resolution No. 2009-95 adopted
- B. \* **RESOLUTION** - Approving a Red Flag Program-policy and procedures regarding an anti-identity theft program for the City of Fresno – Finance Dept.  
**Action Taken:** Resolution No. 2009-96 adopted
- C. \* **RESOLUTION** – 78<sup>th</sup> amendment to AAR No. 2008-162 appropriating \$1,891,800 for supplemental reimbursements from available funds to developers (**Requires 5 affirmative votes**) – Public Works Department  
**Action Taken:** Resolution No. 2009-97 adopted
- D. Approve a Professional Services Agreement in the amount of \$544,000 with Carollo Engineers, PC, for professional engineering design services of the digester dome rehabilitation and gas storage system project located at the Fresno-Clovis Regional Wastewater Reclamation Facility (**Property located in District 3**) – Dept. of Public Utilities  
**Action Taken:** Approved
- E. Approve a Professional Services Agreement with Carollo Engineers, PC, in the amount of \$703,599 for professional consultant services for the development of a Recycled Water Master Plan (RWMP) – Dept. of Public Utilities  
**Action Taken:** Removed from the agenda

1. **CONSENT CALENDAR CONTINUED**

- F. Authorize and direct the Interim Controller to negotiate and execute non-exclusive contracts, subject to final approval as to form by the City Attorney's Office with Data Central Collection Bureau, RSI Enterprises, Inc, and Transworld Systems – Finance Department  
**Action Taken: Authorized**
- G. Adopt CEQA Notice of Exemption Document No. E200910000111 – Public Works Department  
**Action Taken: Adopted**  
1. Award a contract in the amount of \$91,404 to Mass X Inc. of Fresno for the Whitesbridge Road Reconstruction Project Phase II (***Property located in District 3***)  
**Action Taken: Awarded**
- H. Approve a \$177,000 Disposition and Development and Home Agreement with Habitat for Humanity Fresno, Inc., for construction of two affordable single-family houses located at 172 and 182 N. Echo Avenue – Planning and Development Dept.  
**Action Taken: Approved**

**CONTESTED CONSENT CALENDAR**

**SCHEDULED COUNCIL HEARINGS AND MATTERS**

2:00 P.M.#1 A. SCHEDULED COMMUNICATION –

2:00 P.M.#1 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

2:15 P.M. **CITY COUNCIL**

- A. Discussion and direction to bring Fresno's National League of Cities dues current and participation in the NLC Prescription Discount Card Program - Councilmember Perea  
**Action Taken: Discussed**  
1. Direct staff to bring Fresno's National League of Cities dues current  
**Action Taken: To be considered during budget**  
2. RESOLUTION - To participate in the National League of Cities Prescription Discount Card Program  
**Action Taken: Resolution No. 2009-98 adopted**
- B. Update on Storyland at Roeding Park – Council President Sterling  
**Action Taken: Report made**
- C. Direct staff to prepare a request for proposal relative to the Fresno Metropolitan Museum block - Councilmember Perea  
**Action Taken: Failed on tie vote**

**SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED**

**2:30 P.M. HEARING** to consider Plan Amendment Application No. A-08-28, Rezone Application No. R-08-38, and environmental findings, filed by Bill Robinson of Sol Development Associates on behalf of Derrel's Mini Storage, pertaining to 1.04+ acres of property abutting the southern boundary of the existing 5.78-acre Derrel's Mini Storage facility, which is located on the south side of E. Ashlan Avenue between N. Barton Avenue and the southbound on-ramp of State Route 168 and a portion of area from the proposed street vacation of N. Barton Avenue between E. Hampton and E. Dakota Avenues (4546 E. Dakota Avenue) **(Property located in District 4)** – Planning and Development Dept.

**Action Taken: Held**

1. Consider and adopt a Mitigated Negative Declaration for Environmental Assessment No. A-08-28/R-08-38/S-08-120

**Action Taken: Adopted**

2. **RESOLUTION** - Amending the 2025 Fresno General Plan, the McLane Community Plan, and the Fresno Yosemite International Airport and Environs Plan from the open space/commercial recreational planned land use designation to the light industrial land use designation

**Action Taken: Resolution No. 2009-99 adopted**

3. **BILL** – Amending the Official Zone Map to rezone the subject property from the R-A (Single Family Residential Agricultural) zone district to the M-1/cz (Light Manufacturing/conditions of zoning) zone district

**Action Taken: Bill No. B-18/Ordinance No. 2009-18 adopted**

4. **BILL** - Amending the Fresno Yosemite International Airport and Environs Specific Plan to change the planned land use designation of property located therein from the open space/commercial recreational planned land use designation to the light industrial land use designation (Plan Amendment Application No. A-08-28)

**Action Taken: Bill No. B-19/Ordinance No. 2009-19 adopted**

**2:45 P.M. GENERAL ADMINISTRATION**

**A.** Adopt Finding of a Mitigated Negative Declaration, pursuant to CEQA Guidelines and award the following multi-prime contracts totaling \$12,759,508.00 related to the Phase 1 Regional Public Safety Training Village **(Property located in District 3)** – Public Works Department

**Action Taken: Adopted**

1. Award a construction contract in the amount of \$42,330 to MVE, Inc., DBA MVE Civil Solutions for the base bid package RPTF-01, including Add Alternate 1 through 4; and

**Action Taken: Awarded**

2. Award a construction contract in the amount of \$15,640 to Lee Crippen Demolition for the base bid package RPTF-02, including Add Alternate 1 through 4; and

**Action Taken: Awarded**

3. Award a construction contract in the amount of \$1,778,402 to Emmett's Excavation, Inc., for the base bid package RPTF-03, including and Add Alternate 1 through 4; and

**Action Taken: Awarded**

4. Award a construction contract in the amount of \$534,572 to Odyssey Landscaping Company, Inc., for the base bid package RPTF-04, including Add Alternate 1 through 4; and

**Action Taken: Awarded**

5. Award a construction contract in the amount of \$1,605,000 to Emmett's Excavation, Inc., for the base bid package RPTF-05, including Add Alternate 1 through 4; and

**Action Taken: Awarded**

6. Award a construction contract in the amount of \$1,174,000 to Granite Construction Company for the base bid package RPTF-06, including Add Alternate 1 through 4; and

**Action Taken: Awarded**

7. Award a construction contract in the amount of \$1,128,000 to CVC Construction Corporation for the base bid package RPTF-07, including Add Alternate 1 through 4; and

**Action Taken: Awarded**

8. Award a construction contract in the amount of \$780,604 to Stoney Masonry, Inc., for the base bid package RPTF-08, including Add Alternate 1 through 4; and

**Action Taken: Awarded**

**SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED**

2:45 P.M.

**GENERAL ADMINISTRATION CONTINUED**

- A. Adopt Finding of a Mitigated Negative Declaration, pursuant to CEQA Guidelines and award the following multi-prime contracts totaling \$12,759,508.00 related to the Phase 1 Regional Public Safety Training Village **(Property located in District 3)** – Public Works Department **(CONTINUED)**
9. Award a construction contract in the amount of \$234,900 to Roof Systems, Inc., DBA Nations Roof West, LLC for the base bid package RPTF-09, including Add Alternate 1 through 4; and  
**Action Taken: Awarded**
  10. Award a construction contract in the amount of \$249,747 to Tarlton and Son, Inc., for the base bid package RPTF-10, including Add Alternate 1 through 4; and  
**Action Taken: Awarded**
  11. Award a construction contract in the amount of \$65,850 to Nelson's Painting, Inc., for the base bid package RPTF-11, including Add Alternate 1 through 4; and  
**Action Taken: Awarded**
  12. Award a construction contract in the amount of \$2,777,300 to Fortune-Ratliff General Contractors, Inc., for the base bid package RPTF-12, including Add Alternate 1 through 4;  
**Action Taken: Awarded**
  13. Award a construction contract in the amount of \$83,500 to CMA Fire Protection, DBA RLH Fire Protection for the base bid package RPTF-13, including Add Alternate 1 through 4; and  
**Action Taken: Awarded**
  14. Award a construction contract in the amount of \$199,890 to Max Hayes Plumbing and Company, Inc., for the base bid package RPTF-14, including Add Alternate 1 through 4; and  
**Action Taken: Awarded**
  15. Award a construction contract in the amount of \$314,500 to Nolte Sheet Metal, Inc., for the base bid package RPTF-15, including Add Alternate 1 through 4; and  
**Action Taken: Awarded**
  16. Award a construction contract in the amount of \$1,775,273 to Valley Unique Electric, Inc., for the base bid package RPTF-16, including Add Alternate 1 through 4  
**Action Taken: Awarded**
- B. Approve Amendment II to Home Investment Partnerships Community Housing Development Organization Program Agreement with EAH, Inc. and Arbor Court Inc., to reduce the number of HOME CHDO-assisted units from 19 to 9 for the Arbor Court Development at 4830 E. Laurel Avenue in order to comply with requirements of proposed state funding source and to reduce authorized HOME CHDO funding from \$1,400,000 to \$1,278,199 in order to comply with HOME CHDO Program per unit subsidy limits – Planning and Development Dept.  
**Action Taken: Removed from the agenda**
- C. Approve the acquisition of 57.81 acres in the amount of \$4,047,000 for the future Southeast Surface Water Treatment Facility at 6395 E. Floradora (APN 310-080-71 & 310-080-74) located at the northwest corner of Armstrong and Olive Avenues **(Property located in the County of Fresno)** – Dept. of Public Utilities  
**Action Taken: Approved**
- D. \* **RESOLUTION** – 81<sup>st</sup> amendment to AAR No. 2008-162 appropriating \$12,062,700 in American Recovery and Reinvestment Act (ARRA) transit funds for the purpose of funding capital improvements for Fresno Area Express **(Requires 5 affirmative votes)** – City Manager's Office/Fresno Area Express  
**Action Taken: Resolution No. 2009-100 adopted**
1. Authorize the City Manager or his designee to execute all documents required to receive \$12,062,700 in transportation capital assistance funds provided through the enactment of the American Recovery and Revitalization Act (ARRA)  
**Action Taken: Authorized**

**SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED**

2:45 P.M. **GENERAL ADMINISTRATION CONTINUED**

E. \* **RESOLUTION - 76<sup>th</sup>** amendment to AAR No. 2008-162 appropriating \$9,063,900 for street improvements funded by the Federal Stimulus Act (ARRA) (*Requires 5 affirmative votes*) – City Manager’s Office/Public Works Department

**Action Taken:** Resolution No. 2009-101 adopted

1. Authorize the City Manager or his designee to execute all documents required to receive \$9,063,900 in highway infrastructure funds provided through the enactment of the American Recovery and Revitalization Act (ARRA)

**Action Taken:** Authorized

F. \* **RESOLUTION- 480<sup>th</sup>** amendment to MFS Resolution No. 80-420 addressing fee changes and annual routine department revisions – Budget and Management Studies Division

**Action Taken:** Resolution No. 2009-102 adopted

**CLOSED SESSION**

A. **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION -** Government Code Section 54956.9, Subdivision (a)

1. **Case Name:** Rodriguez-Banales v. Clayton Douglas Smith, City of Fresno; Fresno Superior Court Case Number 07CECG04208DSB

2. **Case Name:** Michael Brooks, et al. v. City of Fresno County Superior Court Case No.: 06CECG01899

**Action Taken:** Held

**SCHEDULED COUNCIL HEARINGS AND MATTERS**

May	7 -	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 CUP C-08-59
May	7 -	10:30 A.M.	Social Compact, Inc. of Washington D.C. to present the Fresno Drilldown Report – Dept. of Community Revitalization
May	14 -	<b>MEETING</b>	
May	21 -	<b>MEETING</b>	
May	28 -	2:00 P.M.	Budget discussions – Mayor’s budget presentation (2:00 p.m. – 2:30 p.m.)
June	4 -	9:30 A.M.#1	<b>HEARING</b> re: ordering the vacation of a portion of W. Alluvial Avenue west of N. Lafayette Avenue ( <i>Property located in District 2</i> )
June	11 -	9:30 A.M. #1	<b>HEARING</b> re: ordering the vacation of a portion of “C” Street between San Benito Street and E. California Avenue and the Freeway 99 - “C” Street alley
June	18 -	9:30 A.M. #1	<b>HEARING</b> re: ordering the vacation of N. Millbrook Avenue north of Copper Avenue ( <i>Property located in District 6</i> )
June	25 -	<b>MEETING</b>	

**SCHEDULED COUNCIL HEARINGS AND MATTERS**

**2009-2010 BUDGET DELIBERATIONS CALENDAR:**

<b>May</b>	<b>28 -</b>	<b>2:30 P.M.</b>	Airports Dept. and General Services
<b>June</b>	<b>2 -</b>	<b>8:30 A.M.</b>	DPU, Downtown & Community Revitalization Dept., Finance and Convention Center
<b>June</b>	<b>4 -</b>	<b>2:00 P.M.</b>	City Clerk and Personnel Services Dept.
<b>June</b>	<b>9 -</b>	<b>8:30 A.M.</b>	FAX, Fire Dept. City Attorney's Office and Police Department
<b>June</b>	<b>11 -</b>	<b>2:00 P.M.</b>	Planning and Development Dept., ISD and General City Purpose
<b>June</b>	<b>16 -</b>	<b>8:30 A.M.</b>	Public Works Department, RDA and PARCS Dept.
<b>June</b>	<b>18 -</b>	<b>2:00 P.M.</b>	CDBG (2:00 p.m. – 4:00 p.m.) and Council/Mayor's Office (4:00 p.m. – 5:00 p.m.)
<b>June</b>	<b>23 -</b>	<b>8:30 A.M.</b>	Overflow and Final Motions
<b>June</b>	<b>25 -</b>	<b>2:00 P.M.</b>	Adopt Budget
<b>June</b>	<b>30 -</b>	<b>8:30 A.M.</b>	Must Adopt Budget