



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.

December 3, 2009

2:00 P.M. ROLL CALL

Invocation by Captain Dwaine Breazeale of the Salvation Army

Pledge of Allegiance to the Flag

Ceremonial Presentations:

Presentation of the SPCA Pet of the Month – Councilmember Brand – **Not held**

Proclamation of "THE FRESNO BREAKFAST LIONS CLUB DAY" – Mayor's Office – **Read and presented**

Presentation of a Check in the Amount of \$3,250 to Calwa Community Outreach Services "Southeast Toy Drive" - Councilmember Dages - **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 minutes of November 19, 2009

Action Taken: Approved

Councilmember Reports and Comments

Action Taken: Removed from the agenda

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. Approve appointments of Nick Yovino to the Utility Advisory Commission and Luisa Medina to the Planning Commission– Mayor’s Office
Action Taken: Approved
- B. Approve a second amendment to agreement with Design Lab 252 in the amount of \$22,410 to provide alternatives design for Eaton Plaza Park (***Property located in District 3***) – Public Works Department
Action Taken: Removed from the agenda
- C. **RESOLUTION** - Authorizing the submission of applications for and acceptance of grant funds from the Urban Forestry Grant Program entitled, “An Urban Forest for Every City,” as provided through Propositions 40 and 84 and authorizing the execution of documents by the Public Works Director or designee – Public Works Department
Action Taken: Resolution No. 2009-247 adopted
- D. Award a construction contract with George Dakovich & Son in the amount of \$564,996 for the construction of irrigation canal piping on Bullard Canal No. 124 (***Property located in District 2***) – Public Works Dept.
Action Taken: Awarded
- E. **RESOLUTION** - In support of new signage along State freeways announcing exits for downtown Fresno – Downtown and Community Revitalization Department
Action Taken: Removed from the agenda
- F. Approve agreement between the City of Fresno, the Economic Development Corporation serving Fresno County, and California State University Foundation in the amount of \$366,000 and authorize staff to execute documents – Downtown and Community Revitalization Dept.
Action Taken: Approved
- G. **RESOLUTION** - Approving the reallocation of \$485,000 in the Parks, After School, Recreation and Community Services Department of previously approved grant funding from the Children and Families Commission of Fresno County for the construction of play structures at three (3) park sites - PARCS
Action Taken: Removed from the agenda

1. **CONSENT CALENDAR CONTINUED**

- H. Adoption of Finding of a Mitigated Negative Declaration (State Clearinghouse No. 2009101089) for the construction of a three-million gallon water storage tank and interim surface water treatment plant – Dept. of Public Utilities
Action Taken: Adopted
- I. * Approve the acceptance of \$999,468 from the American Recovery and Reinvestment Act of 2009 (ARRA) Funding – Dept. of Public Utilities
Action Taken: Approved
1. * **RESOLUTION** - 25th amendment to AAR No. 2009-149 appropriating \$999,500 of American Recovery and Reinvestment Act Funds from the Clean Water State Revolving Fund Program for the construction of the Herndon Town and Cortland/Fountain Way sewer projects (**Requires 5 affirmative votes**)
Action Taken: Resolution No. 2009-248 adopted
- J. **RESOLUTION** - Authorizing actions by the Housing Authority of Fresno County regarding Parc Grove Commons in the City of Fresno – Planning and Development Dept.
Action Taken: Removed from the agenda

CONTESTED CONSENT CALENDAR

SCHEDULED COUNCIL HEARINGS AND MATTERS

- 2:15 P.M. A. **SCHEDULED COMMUNICATION –**
- 2:15 P.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. - Held

2:30 P.M. **CITY COUNCIL**

- A. Consider approval of policy titled Taxpayer Protection Act to institute formal debt financing management policies – Councilmember Brand
Action Taken: Approved
1. * **RESOLUTION** – Establishing Taxpayer Protection Act to institute formal debt financing management policies
Action Taken: Resolution No. 2009-249 adopted
- B. **RESOLUTION** – In support of the Local Taxpayer, Public Safety and Transportation Protection Act of 2010 – Councilmember Perea
Action Taken: Resolution No. 2009-250 adopted
- C. Presentation regarding a request for the renaming of the New Exhibit Hall to Lloyd E. Kennedy Event Center – Council President Sterling
Action Taken: Presentation made; staff directed to initiate the renaming process

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

3:00 P.M.

CLOSED SESSION

- A. **A. CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION** - Government Code Section 54956.9, Subdivision (a)
1. **Case Name:** City of Fresno v. Raps Fresno, LLC, et al. (Also known as Hotel Fresno) Fresno County Superior Court Case No. 05 CE CG 01744
Action Taken: Continued to 12/17/2009
- B. **CONFERENCE WITH REAL PROPERTY NEGOTIATOR** - Government Code Section 54956.8
Property: Chukchansi 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

4:00 P.M.

Presentation regarding Roundabouts in Fresno – Public Works Dept. - **Presentation made**

5:30 P.M.

Presentation of Term Sheet Related to Proposed Amendment to Fresno Baseball Club, LLC Stadium Sublease
Action Taken: Presentation made

SCHEDULED COUNCIL HEARINGS AND MATTERS

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| Dec. | 10- | 10:00 A.M. | Presentation by DPU and Finance in regards to Water Meters in planned unit developments |
| Dec. | 17- | 10:00 A.M. | HEARING to consider a resolution of public use and necessity for acquisition of permanent easements and right of way for public street purposes from the following parcel of real property located near the intersection of Herndon Avenue and Golden State Blvd in the City of Fresno: Assessor's Parcel 504-091-01 owned by Millennium, LLC |
| Dec. | 17 - | 10:15 A.M. | WORKSHOP - Proposed scope of work for the Fresno Green Development Code, General Plan update, and MEIR Update |
| Dec. | 24 - | NO MEETING – CHRISTMAS WEEK | |
| Dec. | 31 - | NO MEETING – NEW YEARS WEEK | |
| Jan. | 7 - | 9:00 A.M. | CEREMONIAL APPOINTMENT ONLY |
| Jan. | 14 - | 9:30 A.M.#1 | HEARING ordering the vacation of N. Harrison Avenue north of W. Bedford Avenue |
| Jan. | 14 - | 9:30 A.M.#1 | HEARING ordering the vacation of a portion of the easterly 26 ft. of Amador St. betw. Fulton St. and the Fulton-Broadway alley |
| Jan. | 14 - | 10:00 A.M. | HEARING re: Rezone Application No. R-09-10, filed by Robert Sepulveda, |
| Jan. | 21 - | NO MEETING – MARTIN LUTHER KING DAY | |