



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.

July 30, 2009

8:30 A.M. ROLL CALL

Invocation by Pastor Greg Roper of the Trinity Southern Baptist Church

Pledge of Allegiance to the Flag

Ceremonial Presentations:

Proclamation of "AMBASSADOR PHILLIP V. SANCHEZ DAY" - Councilmember Borgeas –**Read and presented**

Recognition of 1st Class of Fresno Citizens Academy-**Recognized**

Recognition of Budget Director Smith and Budget Staff-**Recognized**

"[Make a Promotion a Commotion](#)" Ceremony – (**Reception immediately following – 2nd floor foyer**) – Personnel Services Dept.-**Held**

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 July 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. [Reject all proposals for installation of solar photovoltaic generating systems at varied City facilities – General Services Dept.](#)
Action Taken: Rejected
- B. [RESOLUTION - Authorizing the submission of applications for and acceptance of grant funds to the Council of Fresno County Governments Transportation Enhancements Grant Program and authorizing the execution of documents by the Public Works Director or designee \(*Property located in District 6*\) – Public Works Dept.](#)
Action Taken: Resolution No. 2009-166 adopted
- C. * [Adopt a procedure for establishing a priority ranking of intersections for Accessible Pedestrian Signals \(APS\) \(*Citywide*\) – Public Works Department](#)
Action Taken: Adopted
- D. [Approve a Freeway Agreement with the California Department of Transportation for Freeway 180 from Chestnut Avenue to 0.4 mile west of Temperance Avenue \(*Property located in Districts 4, 5 and 7*\) – Public Works Department](#)
Action Taken: Approved
 - 1. [RESOLUTION – Approving a Freeway Agreement with the California Department of Transportation for Freeway 180 from Chestnut Avenue to 0.4 mile west of Temperance Avenue and authorizing the Public Works Director or his designee to sign the agreement on behalf of the City of Fresno](#)
Action Taken: Resolution No. 2009-167 adopted
- E. [Consideration of approval of Measure “C” Cooperative Agreements for the Willow Avenue widening project from Shepherd Avenue to Behymer Avenue and the Herndon Avenue widening from Valentine Avenue to Marks Avenue \(*Property located in Districts 2 and 6*\) – Public Works Department](#)
Action Taken: Approved

1. **CONSENT CALENDAR CONTINUED**

- F. **RESOLUTION** - Authorize the Chief of Police to enter into and execute the agreement and required documents with the Office of Traffic Safety for the State of California for the DUI Enforcement and Awareness Program (DEAP) grant – Police Department
Action Taken: **Resolution No. 2009-168 adopted**
1. * **RESOLUTION** - 4th amendment to AAR 2009-149 appropriating \$368,600 for the DUI Enforcement and Awareness Program (DEAP) grant (**Requires 5 affirmative votes**)
Action Taken: **Resolution No. 2009-169 adopted**
- G. Award a consultant contract for community garden liaison to Fresno Metro Ministry and the total not to exceed \$35,000 for the first three (3) garden sites - PARCS
Action Taken: **Approved as amended, adding entitlement language and making third site not exclusive to Melody Park**
- H. Approve the first amendment to agreement with the HLA Group to provide professional landscape architect services for the Department of Public Utilities/Water Division increasing the contract amount by \$28,290 – Dept. of Public Utilities
Action Taken: **Approved**
- I. Award a contract in the amount of \$1,910,000 to Lawson Mechanical Contractors of Fresno, CA to install a new chiller system at City Hall – General Services Department
Action Taken: **Awarded**
- J. Authorize the defunding of \$84,600 in appropriations under the General Fund's fiscal year 2009-2010 budget in order to resolve the current budgetary imbalance – Finance Department
1. * **RESOLUTION** - 5th amendment to AAR 2009-149 defunding \$84,600 in appropriations under the General Fund's fiscal year 2009-2010 budget in order to resolve the current budgetary imbalance (**Requires 5 affirmative votes**)
Action Taken: **Resolution No. 2009-171 adopted**
- K. Approve appointment of Virginia Rondero Hernandez to the Commission on the Status of Women – Mayor's Office
Action Taken: **Approved**
- L. * **RESOLUTION** - 483rd amendment to MFS Resolution No. 80-420 adjusting the solid waste residential fees in the Department of Public Utilities – Dept. of Public Utilities
Action Taken: **Resolution No. 2009-170 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 - **Held**

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

9:15 A.M.

CITY COUNCIL

- A. Appearance by Linda Motschieder, President of the Sister Cities International, to request the City Council's approval of new Sister City relationships with: Nimes, France, Taishan, China and Echmiadzin, Armenia. Also, review of the relationships with current and former Sister Cities and discussion of the new "Ambassador Program" - Councilmembers Borgeas and Perea
Disposition: Appearance made and request approved
- B. **RESOLUTION** – Requesting the State of California pass legislation authorizing the City of Fresno to create a neighborhood electric vehicles (NEV) Plan to provide for and encourage the use of zero emission vehicles – Councilmembers Brand and Perea
Action Taken: Resolution No. 2009-172 adopted
- C. Direct staff to implement a twitter application to work with the City of Fresno 621-CITY Call-In Hotline" – Councilmember Perea
Action Taken: Approved
- D. Presentation by Jon Morris from The Big Picture High School – Council President Sterling
Disposition: Removed from the agenda

10:00 A.M.#1

GENERAL ADMINISTRATION

- A. * **RESOLUTION** - Adopting a policy to provide certain fee waivers from Citywide impact fees for final maps pursuant to the recommendations of the Economic Stimulus Committee – Public Works Department
Action Taken: Resolution No. 2009-173 adopted
- B. Authorize negotiation and entry of Amendment No. I to the Disposition and Development Agreement and HOME Program Agreement with ROEM Development Corporation regarding development of Palm View Gardens, a 133-unit affordable senior housing development - Planning and Development Dept.
Action Taken: Approved
- C. Direct staff to initiate the Proposition 218 hearing process to enact a water meter fee – Dept. of Public Utilities
Action Taken: Removed from the agenda

10:00 A.M.#2

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 8/20/2009 @ 10:30 a.m.)
Action Taken: Continued as noted

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

10:10A.M.

CONTINUED 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

- 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

Action Taken: Adopted

- 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

Action Taken: Bill B-32/Ordinance No. 2009-32 adopted

10:15 A.M.

HEARING to consider Rezone Application No. R-09-07, and environmental finding, filed by the City of Fresno, pertaining to three parcels totaling 4.64 acres located on the east side of N. Bryan Avenue and the west side of N. Hayes Avenue between W. Ashlan and W. Gettysburg Avenues **(Property located in District 1)** – Planning and Development Department

Action Taken: Held

- a. Consider and adopt an environmental finding for Environmental Assessment No. R-09-07 that the project proposal conforms to the provisions of the 2025 Fresno General Plan Master Environmental Impact Report (MEIR No. 10130)

Action Taken: Adopted

- b. **BILL** - Amending the Official Zone Map to rezone the subject property from the RR *(County)* zone district to the R-1/UGM/ANX *(Single Family Residential/Urban Growth Management/Annexed Rural Residential Transitional Overlay)* and the R-2/UGM/ANX *(Low Density Multiple Family Residential/Urban Growth Management/Annexed Rural Residential Transitional Overlay)* zone district

Action Taken: Bill B-31/Ordinance No. 2009-31 adopted

10:20 A.M.

HEARING to consider Plan Amendment Application No. A-08-16, Rezone Application No. R-08-26, and environmental findings, filed by Riverfront Ventures, LLC, pertaining to 10.78± acres of property located on the northwest corner of N. Bryan and W. Herndon Avenues **(Property located in District 2)** – Planning and Development Department

Action Taken: Continued to August 20, 2009 @ 10:45 A.M.

- a. Consider and adopt a Mitigated Negative Declaration for Environmental Assessment No. A-08-16/R-08-26
- b. **RESOLUTION** - Amending the 2025 Fresno General Plan and Bullard Community Plan from the medium density residential planned land use designation to the medium high density residential planned land use designation
- c. **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-2/EA/UGM/cz *(Low Density Multiple Family Residential/Expressway Area/Urban Growth Management /conditions of zoning)* zone district

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

10:30 A.M.#1

JOINT MEETING WITH THE REDEVELOPMENT AGENCY

Approve Agency minutes of June 23 and 25, 2009-Approved

AGENCY GENERAL ADMINISTRATION

- A. Award a contract in the amount of \$963,685 to Bush Engineering, Inc. for the construction for the California and Walnut Avenue Reconstruction Project, generally located at California and Plumas Avenues in Southwest Fresno General Neighborhood Renewal Area Redevelopment Project Area (**Council and Agency action**)

Action Taken: Awarded

1. **RESOLUTION** – Making certain findings pursuant to Section 33445 of the Community Redevelopment Law, and authorizing the Agency's expenditure of tax increment to install public improvements with the Southwest Fresno General Neighborhood Renewal Area Project for street reconstruction improvements at California Avenue between Plumas and Walnut Avenues and at Plumas between California and Geary Avenues (**Council and Agency action**)

Action Taken: Joint Resolution No. 2009-174/1745 adopted

- B. Consider awarding contract to the lowest responsible bidder for the demolition and clearance of all structures located at 4007 & 4015/4017 E. Ventura Street (**Agency action**)

Action Taken: Awarded to H.D. Matthews Demolition and Excavation in the amount of \$14,900

10:30 A.M.#2

HEARING to consider approval of a Disposition and Development Agreement (DDA) between the Redevelopment Agency of the City of Fresno (the "Agency") and AMCAL Summer Hill Fund, L.P. a California limited partnership (the "Developer"), for a 1.39 acre parcel at 430 and 436 B Street (467-173-12T and 467-173-15T), and a 1.52 acre parcel at 2150 S. Elm Avenue (478-074-26T) to convey the property and facilitate the development of 49 low-income apartments and one manager's unit on the combined sites, in the Southwest GNRA (**Council and Agency action**)

Action Taken: Held

1. **RESOLUTION** – Approving a Development and Disposition Agreement Redevelopment Agency of the City of Fresno and AMCAL Summer Hill Fund, L.P., a California limited partnership execution of related documents and making certain findings (**Council and Agency action**)

Action Taken: Joint Resolution No. 2009-175/1746 adopted

10:35 A.M.

HEARING to consider approval of a Disposition and Development Agreement (DDA) between the Redevelopment Agency of the City of Fresno (the "Agency") and Fresno Historic Chinatown, LLC, a California Limited Liability Corporation (the "Developer"), for a .60 acre parcel at 718 F Street (467-073-16) to convey the property and facilitate the development of 67 low-income apartments and one (1) manager's unit in a mixed use project, and three future development parcels on F Street, G Street, and Mono Street (467-081-16, 467-073-06 and 467-073-07), in the Expanded Chinatown Redevelopment Project Area (**Council and Agency action**)

Action Taken: Continued to Monday, August 17, 2009 @ 10:30 A.M.

1. **RESOLUTION** – Approving a Development and Disposition Agreement Redevelopment Agency of the City of Fresno and Fresno Historic Chinatown, LLC, a California limited liability company, execution of related documents and making certain findings (**Council and Agency action**)

ADJOURN AGENCY

11:00 A.M.

CLOSED SESSION

- A. **CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION** - Government Code Section 54956.9, Subdivision (a)
1. **Case Name:** Orlando Javier Gonzalez v. City of Fresno, et al. USDC Case No.: CIV-F-04-6371 OWW/SMS
 2. **Case Name:** Orlando Javier Gonzalez v. City of Fresno, et al. USDC Case No.: 1:07-CV-01623-AWI
Action Taken: Held

- SPECIAL NOTICE B. **CONFERENCE WITH LABOR NEGOTIATOR** - Government Code Section 54957.6
- City Negotiator(s):** Kenneth Phillips, Terry Bond
- Employee Organization(s):**
1. Amalgamated Transit Union (ATU)
Action Taken: Held

SCHEDULED COUNCIL HEARINGS AND MATTERS

- Aug. 6 - **COUNCIL RECESS**
- Aug. 13 - **COUNCIL RECESS**
- Aug. 17 - 10:30 A.M. **SPECIAL MEETING- CONTINUED HEARING** to consider approval of a Disposition and Development Agreement (DDA) between the Redevelopment Agency of the City of Fresno and Fresno Historic Chinatown, LLC for a .60 acre parcel at 718 F Street
- Aug. 20 - 9:30 A.M. #1 **HEARING** re: ordering the vacation of the south half of W. Browning Avenue betw. N. Milburn and N. Salinas Avenues
- Aug. 20 - 10:30 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
- Aug. 20 - 10:45 A.M. **CONTINUED HEARING** to consider Plan Amendment Application No. A-08-16 and Rezone Application No. R-08-26 filed by Riverfront Ventures, LLC
- Aug. 27 - 9:30 A.M. #1 **HEARING** re: ordering the vacation of Blythe Avenue between Herndon and Spaatz Avenues
- Sept. 3 - **COUNCIL RECESS**
- Sept. 10 - **COUNCIL RECESS**