



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 31, 2009

8:30 A.M. ROLL CALL

Invocation by Pastor Allen Schoonover of the Hope Lutheran Church

Pledge of Allegiance to the Flag

Ceremonial Presentations:

Presentation of Saved by the Belt Award to Carissa Evans – Councilmember Borgeas and Police Chief Jerry Dyer –
Presentation made

Special Presentation to Outgoing Councilmember Caprioglio – **Presentation made**

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 March 24, 2009

Action Taken: Approved

Councilmember Reports and Comments

Action Taken Made

Approve Agenda

Action Taken: Approved

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 a construction contract in the amount of \$3,946,000.00 to Durham Construction Co., Inc., for construction of the new analytical laboratory building at the Regional Wastewater Reclamation Facility (RWRf), within the City of Fresno (**Property located in District 3**) – Public Works Department
Action Taken: - Approved

B. Approve appointment of Louise Bauer Davoli to the Housing and Community Development Commission – Mayor's Office
Action Taken: Approved

CONTESTED CONSENT CALENDAR

SCHEDULED COUNCIL HEARINGS AND MATTERS

9:00 A.M.#1 A. **SCHEDULED COMMUNICATION –**
1. Appearance by Warren Zimmerly to discuss various Police Department issues –
Appearance made

9:00 A.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 - **Held**

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

9:15 A.M.

CITY COUNCIL

- A. * Approval of compensation recommendations – Council President Sterling
 - 1. City Attorney
 - 2. City Clerk

Action Taken: Discussed; raises forgone by City Attorney and City Clerk

- B. **RESOLUTION** - Supporting Senate Bill 250, the Pet Responsibility Act – Councilmember Perea
Action Taken: Resolution No. 2009-74 adopted

- C. Direct staff to return to Council with a proposal to establish a High Efficiency Commercial Water Fixture Rebate Program – Councilmember Borgeas
Action Taken: Approved

9:30 A.M.

GENERAL ADMINISTRATION

- A. * **RESOLUTION** - Authorizing and approving the borrowing of funds for Fiscal Year 2009-2010; the issuance and sale of a 2009 Tax Revenue Anticipation Note therefor and participation in the California Communities Cash Flow Financing Program – Finance Dept.
Action Taken: Resolution No. 2009-75 adopted

- B. **BILL (For introduction)** – Amending the Fresno Municipal Code Section 4-108 relating to local small business preference in City procurement – Mayor’s Office and General Services Dept.
Action Taken: Bill No. B-14 introduced/laid over

- C. Consideration of approval of Measure "C" Cooperative Agreements for the Willow/Shepherd intersection improvement project, the Monterey Street bridge project, the Peach Avenue widening project from Butler to SR-180, the California Avenue widening project from West Avenue to Fruit Avenue and the Veterans Boulevard/SR-99 Interchange project – Public Works Department
Action Taken: Approved

- D. Documents pertaining to encampments south of Ventura Avenue
 - 1. **RESOLUTION** – Approving the reallocation of \$700,000 in the Planning and Development Department for activities and projects addressing homelessness in the City of Fresno – City Manager’s Office
Action Taken: Resolution No. 2009-77 adopted
 - a. Discussion regarding outreach services to provide assessments to the encampments south of Ventura
Action Taken: Discussed
 - 2. * **RESOLUTION** - To provide policies and procedures for tenant relocation assistance – Planning and Development Department
Action Taken: Resolution No. 2009-78 adopted

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

10:00 A.M. **HEARING** to consider Rezone Application No. R-08-05, and environmental findings, filed by the City of Fresno, pertaining to 33.12 acres located on the northeast and southeast corners of S. Fowler and E. Church Avenues (*Property located in District 5*) – Planning and Development Dept.

Action Taken: **Held**

a. Consider and adopt Environmental Assessment No. R-08-05 a determination of the initial study to file a Finding of Conformity to MEIR 10130 for the 2025 Fresno General Plan

Action Taken: **Adopted**

b. **BILL** – Amending the Official Zone Map to rezone the subject property from the AL-20 (*Limited Twenty Acre Agricultural-County*) zone district to the R-1/UGM/ANX (*Single Family Residential/Urban Growth Management/Annexed Rural Residential Transitional Overlay*) zone district

Action Taken: **Bill No. B-15/Ordinance No. 2009-14 adopted**

10:30 A.M. **CONTINUED SPECIAL MEETING/JOINT MEETING OF THE FRESNO JOINT POWERS FINANCING AUTHORITY AND THE CITY OF FRESNO** – Finance Dept.

A. Election of Fresno Joint Powers Financing Authority Chairperson and Vice-Chairperson (**Authority action**)

Action Taken: **Council President elected Chair and Mayor Swearengin elected Vice Chair**

B. **RESOLUTION** - Authorizing the issuance and sale of lease revenue bonds (Police and Fire Master Lease projects), Series 2009B (tax exempt) in a principal amount not to exceed an aggregate \$22 million; authorizing the execution and delivery of a First Supplemental Trust Agreement, a First Amendment to Master Facilities Lease, a First Amendment to Master Facilities Sublease, a Bond Purchase Contract and an Official Statement; and authorizing the taking of all necessary actions relating to the issuance of the bonds (**Authority action**)

Action Taken: **Resolution No. 30 adopted**

C. **RESOLUTION** - Approving the issuance by the Fresno Joint Powers Financing Authority of lease revenue bonds in a principal amount not to exceed an aggregate \$22 million; authorizing the execution and delivery of a First Amendment to Master Facilities Lease, a First Amendment to Master Facilities Sublease, a Bond Purchase Contract, an Official Statement and a Continuing Disclosure Certificate; and authorizing execution of documents and the taking of all necessary actions relating to the financing (**Council action**)

Action Taken: **Resolution No. 2009-76 adopted**

ADJOURN AUTHORITY

10:45 A.M. **JOINT MEETING WITH THE REDEVELOPMENT AGENCY**

Approve minutes of March 24, 2009

Action Taken: **Approved**

A. Consider adopting a Second Amendment to the Exclusive Negotiation Agreement between the Redevelopment Agency of the City of Fresno and Fresno Historic Chinatown, LLC, a California Limited Liability Company, for the Historic Chinatown Project Area located within the Chinatown Expanded Redevelopment Project Area (**Agency action**)

Action Taken: **Adopted**

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

10:45 A.M. JOINT MEETING WITH THE REDEVELOPMENT AGENCY CONTINUED

- B. Documents pertaining to the Merger Number Two Redevelopment Project:
 - 1. **BILL - (For introduction)** – Adopting amendments to two (2) redevelopment projects, including the Southwest Fresno General Neighborhood Renewal Area Project and the Redevelopment Plan for the Fruit/Church Project, pursuant to Health and Safety Code Section 33333.6(e)(2) deleting the debt incurrence time limit **(Council action)**
Action Taken: Bill No. B-16 introduced/laid over
 - 2. **RESOLUTION** – Authorizing the initiation of procedures for amendment to two (2) existing redevelopment plans in the Merger Number Two Project **(Agency action)**
Action Taken: Resolution No. 1740 adopted
- C. Conditionally authorize the Executive Director to enter into a Purchase and Sale Agreement for the property located at 4035 E. Ventura Street (APN 461-272-11) owned by Ara Adanalian. The property is within the Southeast Fresno Revitalization Project Area **(Agency action)**
Action Taken: Authorized

ADJOURN AGENCY

CLOSED SESSION

- A. **CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION** - Government Code Section 54956.9, Subdivision (a)
 - 1. **Case Name:** Andrew Francis Hebert v. City of Fresno Case No. 07CECG03465 AMC
Action Taken: Held
- B. **CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION** - Government Code Section 54956.9, Subdivision (b)
 - Significant Exposure to Litigation:**
 - 1. River Park Properties III, LP v. City of Fresno (1 case)
Action Taken: Held

SCHEDULED COUNCIL HEARINGS AND MATTERS

- 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. 23 - 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. 30 - 2:00 P.M. **ROLL CALL**
- Apr. 30 - 2:00 P.M. “Make a Promotion a Commotion” Ceremony - **Reception immediately following – 2nd floor foyer**
- May 7 - 10:00 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 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