



# 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.

## May 14, 2009

### 8:30 A.M. ROLL CALL

Invocation by Ari Ghazvini of the Islamic Cultural Center

Pledge of Allegiance to the Flag

### **Ceremonial Presentations:**

"District 7 Student Recognition Awards"- Councilmember Perea - **Presented**

Proclamation of "Be Kind to Animals Week"- Councilmember Dages and Council President Sterling – **Read and presented**

Proclamation of "Drive Healthy Day"-Councilmembers Brand and Perea – **Read and presented**

Proclamation of "Bill Smilie Aviation"- Councilmember Borgeas – **Read and presented**

Proclamation of "Americorps Week"- Councilmember Xiong – **Read and presented**

Proclamation of "National Public Works Week"- Mayor and Councilmembers – **Read and presented**

Proclamation of "National Municipal Clerk's Week"- Council President Sterling – **Read and presented**

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 May 7, 2009

**Action Taken** Approved

Councilmember Reports and Comments

**Action Taken** Made

Approve Agenda

**Action Taken:** Approved, as presented

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. Adopt resolution of Intention No. 1074-D to vacate a portion of "C" Street between San Benito Street and East California Avenue and the Freeway 99 – "C" Street Alley between East California Avenue and the Santa Clara Street – San Benito Street Alley and setting the public hearing for 6-11-09 at 9:30 A.M.  
***(Property located in District 3)*** - Public Works Department  
**Action Taken:** Adopted
- B. Adopt Finding of a Categorical Exemption, pursuant to CEQA Guidelines Section 15301(f) - Public Works Department  
**Action Taken:** Adopted
1. Award a contract in the amount of \$1,050,104.50 to Floyd Johnston Construction Company, Inc., for construction of the Sugar Pine Trail Pedestrian Undercrossing ***(Property located in District 6)***  
**Action Taken:** Awarded
- C. \* **RESOLUTION** - Rescinding Resolution No. 2009-24 and ordering the vacation of the California-Atchison Alley, the Atchison-Lorena Alley, and East Atchison Avenue, all between South Walnut and South Plumas Avenues ***(Property located in District 3)*** - Public Works Department  
**Action Taken:** Resolution No. 2009-108 adopted

1. **CONSENT CALENDAR - CONTINUED**

D. Adopt CEQA Notice of Exemption No. E200810000210 - Public Works Department

**Action Taken:** Adopted

1. Award a contract in the amount of \$612,597.40 to Bush Engineering, Inc., of Hanford, for the Kings Canyon Road asphalt overlay between Cedar Avenue and Chestnut Avenue (***Property located in District 5***)

**Action Taken:** Awarded

E. Award a contract in the amount of \$1,623,974.50 to Tiechert Construction of Fresno, for California Avenue widening from West Avenue to Fruit Avenue (***Property located in District 3***) - Public Works Department

**Action Taken:** Awarded

F.\* **RESOLUTION** - 79<sup>th</sup> Amendment to the AAR No. 2008-162 appropriating \$320,600 for maintenance of landscaping and features associated with the Copper River Ranch Subdivision (***Property located in District 6***) (***Requires 5 Affirmative Votes***) - Public Works Department

**Action Taken:** Resolution No. 2009-109 adopted

G. Adopt Finding of a Categorical Exemption, Pursuant To CEQA Guidelines Section 15301(f) - Public Works Department

**Action Taken:** Adopted

1. Award a contract in the amount of \$726,995.54 to Dave Christian Construction Co., Inc. for construction of intersection improvements at Chestnut Avenue and Kings Canyon Road (***Property located in District 5***)

**Action Taken:** Awarded

H. Authorize a joint agreement between the City of Fresno, the County of Fresno, and the cities of Clovis, Coalinga, Huron, Kerman, Parlier, Reedley, Sanger and Selma for the Byrne Justice Assistance Grant Program, for \$2,333,675 from the U.S. Department of Justice, Bureau of Justice, and for consideration of the proposed spending plan for the 2009 Recovery Act Edward Byrne Memorial Justice Assistance Grant (JAG) Formula Program Federal Funding-Police Department

**Action Taken:** Authorized

I. Authorize the Department of Transportation/Fresno Area Express to apply for Local Transportation Fund (LTF) and State Transit Assistance (STA) for fiscal year 2009-Department of Transportation/FAX

**Action Taken:** Authorized

J. **RESOLUTION** – Initiating rezoning (Prezoning) on three parcels totaling 4.64 acres within the City of Fresno's Sphere of Influence, properties located on the east side of North Bryan Avenue and the west side of North Hayes Avenue between West Ashlan and West Gettysburg Avenues (Ashlan-Bryan No. 1 Reorganization)(***Property located in District 1***) -Planning and Development Department

**Action Taken:** Resolution No. 2009-110 adopted

K. Adopt Finding of a Class 1 Categorical Exemption, pursuant to CEQA Guidelines Section 15301(a) & (d)

**Action Taken:** Adopted

1. Award a construction contract in the amount of \$1,188,600.00 to Durham Construction Co., Inc. for the Phase I renovations of existing Fire Stations No. 3 and 4 within the City of Fresno (***Fire Station No. 3 located in District 3***) (***Fire Station No. 4 located in District 7***) - Public Works Department

**Action Taken:** Awarded

**CONTESTED CONSENT CALENDAR**

**SCHEDULED COUNCIL HEARINGS AND MATTERS**

- 9:00 A.M.      A.      **SCHEDULED COMMUNICATION –**
- 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**

9:15 A.M.      **CITY COUNCIL**

- A.      Workshop on the Recycled Water Master Plan (RWMP), Fresno City Council Water Task Force - Councilmembers Borgeas, Sterling and Brand - **Held**
- B.      \*      **RESOLUTION** - Amending Resolution No. 2009-106 establishing a policy regarding voluntary charitable donation of a portion of annual City-paid salary by elective officers to City – Councilmember Perea  
**Action Taken:**      **Resolution No. 2009-113 adopted**

9:30 A.M.      **GENERAL ADMINISTRATION**

- A.      **RESOLUTION-** Approving a loan agreement in the amount of \$600,000 with Fresno Community Regional Medical Center for accelerated creation and completion of a railroad quiet zone on the Burlington Northern Santa Fe Railroad Corridor from Olive to Ventura Avenues and authorize the Public Works Director, or his designee to sign the agreement on behalf of the City of Fresno (**Property located in District 3**) - Public Works Department  
**Action Taken:**      **Resolution No. 2009-114 adopted**
- B.      Authorize Application to the U.S. Department of Housing and Urban Development (HUD) for \$3.13 million of Homeless Prevention and Rapid Re-Housing Program (HPRP) funding under the 2009 American Recovery and Reinvestment Act (ARRA) - Planning and Development Department/Housing and Community Development Division  
**Action Taken:**      **Authorized**

**SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED**

- 10:00 A.M.      **HEARING** to consider Rezone Application No. R-08-023 filed by Bob Van Wyk, on behalf of the Fresno Metropolitan Flood Control District, and environmental findings, pertaining to property totaling approximately 13.08 acres generally located approximately 300 feet south of the southeast corner of Santa Fe Avenue and Figarden Drive. The applicant, in conjunction with the City Parks Department, plans to develop a passive park within the existing basin site which will include a trail system and a small section of a new baseball facility to be built on an adjacent parcel (**Property located in District 2**) – Planning and Development Department  
**Action Taken:**      **Held**
1.      Consider and adopt Environmental Assessment No.R-08-23 determination of initial study to file a Finding of Conformity to the 2025 Fresno General Plan Master Environmental Impact Report (MEIR No. 10130)  
**Action Taken:**      **Adopted**
  2.      **BILL** – Amending the Official Zone Map to rezone approximately 13.08 acres of property from the AE-5/UGM (Five Acre Agriculture Exclusive/Urban Growth Management) zone district to the O/UGM/cz (Open Space/Urban Growth Management/conditions of zoning) zone district  
**Action Taken:**      **Bill No. B-20/Ordinance 2009-20 adopted**

**SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED**

**10:15 A.M.**     **HEARING** - to consider adoption of resolutions related to the designation of properties to the Local Register of Historic Resources- Planning and Development Department

**Action Taken: Held**

1.\* **RESOLUTION** – Designating the Frank Chance Field Site located at the southwest corner of Ventura St. and Cedar Ave. to the Local Register of Historic Resources (***Property located in District 5***)

**Action Taken: Resolution No. 2009-111 adopted**

2. \* **RESOLUTION** – Designating the William F. Jones Home located at 1112 E. Franklin Ave. to the Local Register of Historic Resources (***Property located in District 3***)

**Action Taken: Resolution No. 2009-112 adopted**

**2:30 P.M.**     **HEARING-** to consider Rezone Application No. R-07-75, and environmental findings, filed by Marwan Youssef, pertaining to approximately 1.18 acres of property located on the south side of East Jensen Avenue between South Martin Luther King Jr. Boulevard and South Walnut Avenues (***Property located in District 3***) – Planning and Development Department

**Action Taken: Held**

1. Consider and adopt Environmental Assessment No.R-07-75/S-07-194/T-5833, determination of initial study to file a Finding of Conformity to the 2025 Fresno General Plan Master Environmental Impact Report (MEIR No. 10130)

**Action Taken: Adopted**

2. **BILL** – Amending the Official Zone Map to rezone approximately 1.18 acres of property from the R-A (Single Family Residential-agricultural District) zone district to the R-1 (Single Family Residential District) zone district

**Action Taken: Bill No. B-21/Ordinance No. 2009-21 adopted**

**CLOSED SESSION**

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

1. Case Name: *Stephanie Stribling v. City of Fresno, et al.*  
Fresno County Superior Court Case No.: 02 CE CG 02240

**Action Taken: Held**

**SCHEDULED COUNCIL HEARINGS AND MATTERS**

May	21 -	MEETING	
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	4 -	10:00 A.M.	<b>HEARING</b> re: Council Review Pursuant to Fresno Municipal Code 12-406-J of Planning Commission Approval of CUP No. C-09-028 related to a Group Housing Use at 1620 E. White Avenue and adoption of Categorical Exemption pursuant to Environmental Assessment No. EA-C-09-028
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	18 -	10:00 A.M.	<b>HEARING</b> re: General Plan Amendment Application No. A-09-02 Air Quality Objectives and Policies
June	25 -	MEETING	
July	2 -	COUNCIL RECESS	
July	9 -	COUNCIL RECESS	
July	16 -	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
July	23 -	MEETING	
July	30 -	MEETING	

**HEARING SCHEDULE FOR FISCAL YEAR 2009-2010 ANNUAL BUDGET (SUBJECT TO CHANGE)**

May	28 -	2:30 P.M.	Airports Dept. and General Services
June	2 -	8:30 A.M.	DPU, Downtown & Community Revitalization Dept., FAX and Convention Center
June	4 -	2:00 P.M.	City Clerk’s Office and Personnel Services Dept.
June	9 -	8:30 A.M.	Finance Dept., Fire Dept. City Attorney’s Office and Police Department
June	11 -	2:00 P.M.	Planning and Development Dept., ISD and General City Purpose
June	16 -	8:30 A.M.	Public Works Department, CDBG (10:30a.m.), and PARCS Dept.
June	18 -	2:00 P.M.	Redevelopment Agency (2:00p.m.), and Council/Mayor’s Office (4:00 p.m. – 5:00 p.m.)
June	23 -	8:30 A.M.	Overflow and Final Motions
June	25 -	2:00 P.M.	Adopt Budget
June	30 -	8:30 A.M.	Must Adopt Budget