



City Council Agenda

Council President
Blong Xiong

Councilmembers

Brian Calhoun, Ph.D.
Mike Dages
Jerry Duncan

Henry T. Perea
Cynthia A. Sterling – Acting President
Larry Westerlund

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.

February 26, 2008

8:30 A.M. ROLL CALL

Invocation by Pastor W. Tra Xiong from Hmong Fresno Community Church

Pledge of Allegiance to the Flag

Ceremonial Presentation:

StormReady Recognition for the City of Fresno by James Brotherton of the National Weather Service - **Recognized**
Proclamation to Central Unified School District for "FFA WEEK" – Acting President Sterling – **Read and presented**
Resolution of Commendation to the Purchasing Division of the General Services Department for Receiving the Achievement of Excellence in Procurement Award for 2007 – Councilmember Dages and City Manager's Office – **Read and presented**

Presentation of Awards to the National Veterans Golden Age Games – Council President Xiong - **Presented**
Proclamation to the "FRESNO FIRE DEPARTMENT FOR THEIR "FIREFIGHTER'S BALL." – All Councilmembers – **Read and 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, 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 February 12, 2008

Action Taken: Approved, as submitted

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 at 2:00 P.M.

A. * Award a contract in the amount of \$120,694.74 to Sequoia Equipment Co., Inc. of Fresno, CA for two (2) 4 x 4 construction loader tractors – General Services Dept./Fleet Management

Action Taken: Awarded

B. Approve the 1st amendment to Agreement with Camp, Dresser & McKee (CDM) in the amount of \$275,000 for groundwater testing at the Fresno sanitary landfill – Department of Public Utilities

Action Taken: Approved

C. * Award contract to All Commercial Landscaping in the amount of \$65,833.44 for requirements contract for landscape maintenance at various water wells and water division properties – Dept. of Public Utilities

Action Taken: Awarded

D. **RESOLUTION** - Authorizing the submission of applications for and acceptance of grant funds from the Caltrans Local Assistance Program—Highway Safety Improvement Program and authorizing the execution of documents by the Public Works Director or his designee – Public Works Dept.

Action Taken: Resolution No. 2008-29 adopted

E. * **RESOLUTION** - 71st amendment to AAR No. 2007-214 appropriating \$266,900 for maintenance of Community Facilities District No. 2 and eligible developer deposit refunds (**Requires 5 affirmatives votes**) – Public Works Dept.

Action Taken: Resolution No. 2008-30 adopted

F. Approve the sale of a portion of a small abandoned water well site west of 1328 E. Revere to the adjacent property owner (**Property located in District 6**) – Public Works Dept.

Action Taken: Approved

1. **CONSENT CALENDAR CONTINUED**

G. Approve the parking agreement between the City of Fresno and Club One Casino – parking in underground Parking Garage No. 8 – Public Works Dept.

Action Taken: Approved

H. * Approve an agreement with the Community Housing Council in the amount of \$53,000 for the “No Homeowner Left Behind” foreclosure prevention and intervention program and authorize the Planning Director to sign the agreement – Planning and Development Dept.

Action Taken: Approved

I. **RESOLUTION** - Authorizing the Director of the Planning and Development Department to prepare, execute and process the release of certain covenants without specific release clauses – Planning and Development Department

Action Taken: Resolution No. 2008-31 adopted

J. * **RESOLUTION** - 72nd amendment to AAR No. 2007-214 appropriating \$25,200 for maintenance of Community Facilities District No. 11 and eligible developer deposit refunds (**Requires 5 affirmatives votes**) - Public Works Department

Action Taken: Resolution No. 2008-32 adopted

K. **RESOLUTION** - Authorizing submittal of a grant application and acceptance of up to \$150,000 in Land and Water Conservation Fund Woodward Park Pavilion from the State of California Department of Parks and Recreation - PARCS

Action Taken: Resolution No. 2008-33 adopted

L. Approval of an interim extension of requirements contract for leasing of vanpool vehicles – Fresno Area Express

Action Taken: Approved

1. * **RESOLUTION** - 73rd amendment to AAR No. 2007-214 in the amount of \$120,000 for the purpose of funding the downtown commuter vanpool program (**Requires 5 affirmatives votes**)

Action Taken: Resolution No. 2008-34 adopted

M. * Approve Memorandum Of Understanding between the City of Fresno, the National League of Cities Institute and National Council on Crime and Delinquency by which the City will be one of 13 municipalities in the State of California that are members of the California Gang Prevention Network, authorizing the City Manager to sign the agreement, and authorizing the execution and delivery of the MOU, and related documents, and taking all necessary action related to the transaction – Mayor’s Office

Action Taken: Approved

N. **BILL – (For introduction)** - Amend City of Fresno Municipal Code Section 14-308 to delete the provision allowing certain government vehicles to park free at downtown parking meters or timed zones – Public Works Dept.

Action Taken: Bill No. B-6 introduced/laid over

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

9:15 A.M. **CITY COUNCIL**

A. Reducing the operational hours of parking meters and eliminate the specific areas designated as the stadium and Convention Center environs – Councilmember Dages

Action Taken: Request failed

B. **BILL – (For introduction)** – Amending Section 4-108 of the Fresno Municipal Code relating to local preference in the purchase of materials, supplies and equipment – Councilmember Dages

Action Taken: Bill No. B-7 introduced/laid over

C. Request staff to investigate the impacts of local warming, to include a report on adaptation planning - Councilmember Calhoun

Action Taken: Staff to report back in 6 months

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

A. * Award a contract to Naturemaker Inc. of Carlsbad, California for the commissioning of Sequoia treescape art imagery at Fresno Yosemite International Airport in the amount \$1,025,000.00 – Airports Department

Action Taken: Awarded

B. Present progress update to Council on the Downtown PBID /Assessment District – Department of Economic Development

Action Taken: Report made

1. * **RESOLUTION** - Approving the reallocation of \$15,000 out of contingency to fund consulting services for the Downtown Property Based Investment District

Action Taken: Resolution No. 2008-35 adopted

C. **BILL – (For introduction)** – Adding Article 31 of Chapter 9 of the Fresno Municipal Code relating to regulation of film production – Economic Development Department

Action Taken: Discussed/not introduced

D. **BILL - (For introduction)** - Amending Section 7-1002, Section 7-1202 Subsection (a), Section 7-1207 Subsection (a) and adding Subsection (e) to Section 7-1207 of the Fresno Municipal Code relating to exemption of private sector professional employees from business license and license fee requirements – City Attorney's Office

Action Taken: Bill No. B-9 introduced/laid over

E. * **RESOLUTION** – 74th amendment to AAR N. 2007-214 appropriating \$505,000 for Fresno Convention and Entertainment Center (FCEC) reimbursements, improvements and consulting services associated with the replacement of the City Hall chiller plant (**Requires 5 affirmatives votes**) – General Services Department

Action Taken: Resolution No. 2008-36 adopted

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

- 10:00 A.M. Presentation by TreeTOPS Group – (Trees, Trails and open space) – City Manager's Office –
Presentation made
- 10:15 A.M. **HEARING** to consider Rezone Application No. R-07-72, and environmental findings, filed by the City of Fresno, pertaining to seven properties totaling approximately 51.29 acres of property located on the north side of E. Copper Avenue between N. Willow and N. Maple Avenues (**Property located in District 6**) – Planning and Development Dept.
Action Taken: **Held**
- a. Consider and adopt Environmental Assessment No. R-07-72, determination of 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 AE-20 (*Exclusive Twenty Acre Agricultural, Fresno County*) and PV (*Planned Village, Fresno County*) zone districts to the R-1/UGM (*Single Family Residential/Urban Growth Management*) zone district
Action Taken: **Bill No. B-9/Ordinance No. 2008-6 adopted**
- 10:30 A.M. **HEARING** to consider Text Amendment Application No. TA-07-02, and environmental findings, initiated by the Planning and Development Department Director, related to the creation of the “ANX” Annexed Rural Residential Transitional Overlay District – Planning and Development Dept.
Action Taken: **Held**
- a. **BILL - (For Introduction)** – Adopting TA-07-02 and environmental findings as recommended by the Planning Commission amending the text of the Fresno Municipal Code Zoning Ordinance related to the creation of the “ANX” Annexed Rural Residential Transitional Overlay District for maintaining the rural residential lifestyle for annexed properties
Action Taken: **Bill No. B-10 introduced/laid over**
- 10:45 A.M. Approve actions required to carry out the Economic Development Action Plan including the Social Compact Economic Analysis and the Community Asset Map - Economic Development Department
- a. * **RESOLUTION** - Approving the reallocation of \$100,000 out of contingency for the Economic Development Action Plan including the Social Compact Economic Analysis and the Community Asset Map
Action Taken: **Resolution No. 2008-37 adopted**
 - b. * Approve a contract for the Drill Down Economic Analysis with Social Compact, Inc. of Washington, D.C. for an amount not to exceed \$48,000
Action Taken: **Approved**
 - c. * Approve a contract for the Asset Map project with West Fresno Coalition for Economic Development dba Fresno West Coalition for Economic Development for an amount not to exceed \$46,000
Action Taken: **Approved**
- 11:00 A.M. **HEARING** to consider Rezone Application No. R-07-52, and environmental findings, filed by Yamabe & Horn Engineering, on behalf of SK Valley Homes LLC, pertaining to approximately 2.1 net acres of property located on the north side of W. Shields Avenue between N. Brawley and N. Valentine Avenues (**Property located in District 1**) – Planning and Development Dept.
Action Taken: **Held**
- a. Consider and adopt Environmental Assessment No. R-07-52/T-5782, determination of 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 R-1-C (*Single Family Residential, 9,000 square-foot minimum lot size*) zone district to the R-1 (*Single Family Residential*) zone district
Action Taken: **Bill No. B-11/Ordinance No. 2008-7 adopted**
- 2:00 P.M. #1 **CONTESTED CONSENT ITEMS (IF ANY)**

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

2:00 P.M. #2 **CLOSED SESSION**

A. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION** - Government Code Section 54956.9, Subdivision (b)

Significant Exposure to Litigation:

1. **Case Name:** P G & E v. City of Fresno
Action Taken: Held

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

1. **Case Name:** Lisa Ramirez and Michael Campos v. City of Fresno, et al. Court Case No.: 06CECG03151
Action Taken: Held

2:30 P.M.#1 Consider approval of Stand-Alone Tax Sharing Agreement between the County of Fresno and the City of Fresno for annexation of certain territory known as the McKinley-Hayes No. 3 Reorganization (New Urban Strategies property and adjacent parcels) – Planning and Development Department
Action Taken: Approved

2:30 P.M.#2 **CONTINUED HEARING** to consider Rezone Application No. R-07-76, and environmental findings, filed by the City of Fresno, pertaining to 48 parcels+ totaling approximately 169.13 acres generally located north of W. Olive Avenue between N. Grantland and N. Polk Avenues (**Property located in District 3**) – Planning and Development Department

Action Taken: Held

- a. Consider and adopt Environmental Assessment No. R-07-76, determination of 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 48 parcels from the RR (*Rural Residential, Fresno County*) and C-6 (*General Commercial, Fresno County*) zone districts to the R-A/UGM (*Single Family Residential-Agricultural/Urban Growth Management*), 10 parcels (21.81 acres); R-P/UGM (*Residential and Professional Office/Urban Growth Management*) 3 parcels (4.28 acres); C-P/UGM (*Administrative and Professional Office/Urban Growth Management*), 1 parcel (4.28 acres); R-1/UGM (*Single Family Residential/Urban Growth Management*), 33 parcels (126.5 acres), and O/UGM (*Open Space/Urban Growth Management*) 2 parcels (15.65 acres) zone districts
Action Taken: Bill No. B-12/Ordinance No. 2008-8 adopted

3:00 P.M. **JOINT MEETING WITH THE REDEVELOPMENT AGENCY**

Approve Agency minutes of February 12, 2008

Action Taken: Approved, as submitted

- A. Consider adoption of Agency resolution certifying Subsequent Environmental Impact Report (SEIR) SCH # 2003051046 for the Old Armenian Town Project-relocation of historical resources (**Continue to March 4, 2008 at 3:00 P.M.**)
Action Taken: Continued as noted

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

3:00 P.M.

JOINT MEETING WITH THE REDEVELOPMENT AGENCY CONTINUED

- B.** Receive status report on South Stadium Project and to consider taking the following actions:
1. Establish the South Stadium Project as a priority for appropriate City and Agency funding sources such as CDBG, Section 108 funds, Capital Improvement Program funds, and tax-increment revenues **(Council and Agency action)**
Action Taken: Approved, as amended
 2. Authorize Executive Director, in cooperation with the City, to establish a financing team to develop financing options for Merger 1 Redevelopment Area's Tax Increment, current Conference Center COP funding commitments, and other Agency and City funding sources that may be appropriate for bridging the project's financial feasibility **(Agency action)**
Action Taken: Approved
 3. Direct Executive Director to apply for grants and other third-party funding sources that may be appropriate for bridging the project's financial feasibility **(Agency action)**
Action Taken: Approved
 4. Authorize Executive Director to consider acquisition of key opportunity sites **(Agency action)**
Action Taken: Approved
 5. Direct Agency to continue working with Forest City relative to project costs and financial feasibility **(Agency action)**
Action Taken: Approved
- C.** **HEARING** to consider Council adopting an Ordinance extending certain time limitations for 18 of the adopted Redevelopment Project Areas:
1. Under Senate Bill 1045, extend the Plan effectiveness date, the debt repayment, and the receipt of tax increment date by one year for the following project areas: Airport Area Revitalization, Central Business District, Central City Commercial Revitalization, Chinatown Expanded (including West Fresno Business District), Convention Center, Fresno Air Terminal, Fruit/Church, Fulton, Freeway 99 Golden State Corridor, Jefferson, Mariposa, Roeding Business Park, South Van Ness Industrial, Southeast Fresno Revitalization, South Fresno Industrial Revitalization, Southwest Fresno G.N.R.A., West Fresno I, and West Fresno II **(Council and Agency action)**
 2. Under Senate Bill 1096, extend the Plan effectiveness date, the debt repayment, and the receipt of tax increment date by up to two years for the following project areas: Convention Center, Fruit/Church, Chinatown Expanded (including West Fresno Business District), Jefferson, Mariposa, Southwest Fresno G.N.R.A., West Fresno I, West Fresno II, and Central Business District **(Council and Agency action)**
Action Taken: Bill No. B-13/Ordinance No. 2008-9 adopted

ADJOURN AGENCY

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

- 4:00 P.M.** **CONTINUED HEARING** to consider Rezone Application No. R-06-39, and environmental findings, filed by Harbour and Associates on behalf of Riverfront Ventures, LLC. pertaining to approximately 9.40 net acres of property located on the northwest corner of the intersection of W. Herndon and N. Bryan Avenues (*Property located in District 2*) – Planning and Development Department
Action Taken: **Continued to 3/4/2008 at 11:00 a.m.**
- a. Consider and adopt Environmental Assessment No. R-06-39/T-5558/C-06-143, determination of initial study to file a Finding of Conformity to MEIR 10130 for the 2025 Fresno General Plan
 - b. **BILL** – Amending the Official Zone Map to rezone the subject property from the AE-5/UGM (Exclusive Five Acre Agricultural/Expressway Area Overlay/Urban Growth Management)zone district to the R-1/EA/UGM (Single Family Residential/Expressway Area Overlay/Urban Growth Management) zone district
- 5:30 P.M.** **HEARING** - Upon request of the Mayor pursuant to Fresno Municipal Code Section 12-405-J, to consider Conditional Use Permit Application No. C-07-256 and EA No. C-07-256, recommending adoption of a Mitigated Negative Declaration as a subsequent project under MEIR No. 10130, related to the conversion of the former Hacienda Motel site (2550 W. Clinton Ave.) from a senior housing and licensed Alzheimer Care Facility to a Group Home Facility to provide housing, treatment, counseling and support services for women in the Female Rehabilitative Community Correctional Center, the Fresno First Program, and Transitional Supportive Housing Facility Program – Planning and Development Dept.
Action Taken: **Continued 30 days for neighborhood meeting(s) to address concerns**

SCHEDULED COUNCIL HEARINGS AND MATTERS

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|------|------|------------------------------------|---|
| Mar. | 4 - | 10:00 A.M. | HEARING re: the annual weed abatement ordinance – Code Enforcement Division |
| Mar. | 4 - | 10:15 A.M. | WORKSHOP re: Downtown Water Feature - Calthorpe Design |
| Mar. | 4 - | 10:30 A.M. | HEARING re: Rezone Application No. R-07-50, filed by Gayle Sherrill, on behalf of Harmony Freewill Baptist Church |
| Mar. | 4 - | 10:35 A.M. | HEARING re: Rezone Application No. R-07-78, filed by Tammie Ego |
| Mar. | 4 - | 10:35 A.M. | CONTINUED HEARING to consider Rezone Application No. R-06-39, filed by Harbour and Associates on behalf of Riverfront Ventures, LLC. |
| Mar. | 4 - | 3:00 P.M. | Consider adoption of Agency resolution certifying Subsequent Environmental Impact Report (SEIR) SCH # 2003051046 for the Old Armenian Town Project-relocation of historical resources |
| Mar. | 11 - | 10:00 A.M. | HEARING re: Rezone Application No. R-07-74, filed by Michael Tomason and Jon C. Tomason |
| Mar. | 18 - | NO MEETING – EASTER BREAK | |
| Mar. | 25 - | 10:00 A.M. | HEARING for the vacation of Fulton Lane between Broadway and Fulton Streets and the Broadway-Fulton/Broadway-Divisadero Alley between Fulton Lane and Yosemite Avenue - RI No. 1063D |
| Apr. | 1 - | 10:00 A.M. | HEARING re: UUD No. FRE-91 (Willow Avenue south of Nees Avenue across APN 404-481-18) |
| Apr. | 15 - | 8:30 A.M. | Presentation of P.R.I.D.E. Team Certificates for the Spring Quarter (Reception immediately following – 2nd floor foyer) |
| Apr. | 15 - | 10:00 A.M. | HEARING re: General Plan Amendment No. A-08-02, Rezone Application No. R-08-02, CUP No. C-08-02, filed by LREG, Inc. on behalf of the City of Fresno (Legacy Project) |
| Apr. | 22 - | NO MEETING – COUNCIL RECESS | |
| Apr. | 30 - | 2:00 P.M. | (WEDNESDAY) Presentation of Employee Service Awards (Council Chambers) – Reception immediately following – 2 nd floor foyer) |