



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.

May 13, 2008

8:30 A.M. ROLL CALL

Invocation by Minister Doug Baker of College Church of Christ

Pledge of Allegiance to the Flag

Ceremonial Presentation:

Proclamation of "DR. TROY FORD DAY" – Council President Xiong – Read and presented

Proclamation of "BIKE WEEK" – Councilmember Perea – Read and presented

Proclamation of "SALVATION ARMY WEEK" – Acting President Sterling – Read and presented

Presentation of Resolution Congratulating the Fleet Management Division of the General Services Department for Earning the ASE Blue Seal of Excellence Recognition for the Eighth Consecutive Year – Mayor's Office and City Council Offices -
Read and presented

Proclamation of "NATIONAL AMERICORPS WEEK" - Mayor's Office – 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 May 6, 2008

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. * Award three (3) non-exclusive contracts to Valley Staffing Services, Denham Resources and Act-1 Personnel Services for temporary employment services – Personnel Services Department

Action Taken: Awarded

B. * Award a contract in the amount of \$296,000 to Madco Electric Inc. of Selma for the McKinley and West traffic signal modification (*Property located in Districts 1 and 3*) – Public Works Department

Action Taken: Awarded

C. ITEM REMOVED FROM THE AGENDA

D. * Approve the first amendment to an existing agreement with the City of Clovis for the Willow Avenue and Shepherd Avenue intersection improvement project – Public Works Dept.

Action Taken: Approved

E. * Award a contract in the amount of \$301,067.77 to Sport Resources Group, Inc. AKA SRG - Riley of Minneapolis, MN, to furnish and install ice hockey/arena football dasher system in Selland Arena – General Services Department

Action Taken: Awarded

F. **BILL- (For introduction)** - Repealing Sections 6-302 and 6-323, amending Subsection (b) of Section 6-322, Subsection (d) of Section 6-327, Subsections (a), (c), (d), (f), (l), and (p) of Section 6-336 and adding Sections 6-302 and 6-321.1, and 6-323, Subsection (h) to Section 6-327, and Subsection (r) to Section 6-336 of the Fresno Municipal Code, relating to a fats, oil and grease ordinance, and other clean up changes of the sewage and water disposal provisions – Dept. of Public Utilities

Action Taken: Bill No. B-30 introduced/laid over

CONTESTED CONSENT ITEMS (IF ANY)
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

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

A. RESOLUTION - In opposition to Proposition 98 California Property Owners and Farmland Protection Action – Council President Xiong

Action Taken: Resolution No. 2008-102 adopted

B. Request for detailed update from staff in 30 days on the status of the Hotel Fresno – Councilmember Calhoun

Action Taken: Removed and rescheduled for 6/24/2008 at 10:00 a.m.

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

A. * BILL NO. B- 28 – (Intro. 5/6/2008) (For adoption) - Adopting implementation procedures for collecting the Copper River Ranch impact fees – Public Works Dept.

Action Taken: Ordinance No. 2008-28 adopted

B. Resolution of Commendation - Congratulating the Fresno Green Team for their 2008 Environmental Award for Outstanding Achievement

Action Taken: Read and presented

1. Fresno Green presentation – City Manager’s Office

Action Taken: Presentation made

9:45 A.M. Presentation of the Draft 2008-2013 City of Fresno Housing Element of the General Plan and opening public comment period on the Draft until June 1, 2008 - Planning and Development Dept.

Action Taken: Presentation made/public comment opened

10:00 A.M. HEARING to consider Community Facilities District No. 11 (Final Tract No. 5626) Annexation No. 29 (Property located in District 5) – Public Works Dept.

Action Taken: Held

a. RESOLUTION – Annexing territory to Community Facilities District No. 11, Annexation No. 29 and authorizing the levy of taxes

Action Taken: Resolution No. 2008-103 adopted

b. RESOLUTION - Calling special mailed-ballot election

Action Taken: Resolution No. 2008-104 adopted

c. RESOLUTION - Declaring election results

Action Taken: Resolution No. 2008-105 adopted

d. * BILL – Levying a special tax for the property tax year 2008-2009 and future tax years within and relating to Community Facilities District No. 11, Annexation No. 29

Action Taken: Bill No. B-31/Ordinance No. 2008-29 adopted

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

- 10:05 A.M.** **HEARING** to consider Community Facilities District No. 11 (Parcel No. 2006-34) Annexation No. 27 (*Property located in District 3*) – Public Works Dept.
Action Taken: **Held**
- a. **RESOLUTION** – Annexing territory to Community Facilities District No. 11, Annexation No. 27 and authorizing the levy of taxes
Action Taken: **Resolution No. 2008-106 adopted**
 - b. **RESOLUTION** - Calling special mailed-ballot election
Action Taken: **Resolution No. 2008-107 adopted**
 - c. **RESOLUTION** - Declaring election results
Action Taken: **Resolution No. 2008-108 adopted**
 - d. * **BILL** – Levying a special tax for the property tax year 2008-2009 and future tax years within and relating to Community Facilities District No. 11, Annexation No. 27
Action Taken: **Bill No. B-32/Ordinance No. 2008-30 adopted**
- 10:10 A.M.** **HEARING** to consider Community Facilities District No. 11 (Final Tract No. 5358) Annexation No. 31 (*Property located in District 2*) – Public Works Dept. _
Action Taken: **Held**
- a. **RESOLUTION** – Annexing territory to Community Facilities District No. 11, Annexation No. 31 and authorizing the levy of taxes
Action Taken: **Resolution No. 2008-109 adopted**
 - b. **RESOLUTION** - Calling special mailed-ballot election
Action Taken: **Resolution No. 2008-110 adopted**
 - c. **RESOLUTION** - Declaring election results
Action Taken: **Resolution No. 2008-111 adopted**
 - d. * **BILL** – Levying a special tax for the property tax year 2008-2009 and future tax years within and relating to Community Facilities District No. 11, Annexation No. 31
Action Taken: **Bill No. B-33/Ordinance No. 2008-31 adopted**
- 10:15 A.M.** **HEARING** to consider Plan Amendment Application No. A-07-08 and Rezone Application No. R-07-29, and the cancellation of two (2) Agricultural Land Conservation contracts (ALCC), or “Williamson Act” contracts in accordance with Government Code Sections 51280-51287 and the City of Fresno Rules of Procedure to Implement the California Land Conservation Act of 1965 (“Williamson Act”) adopted by the Council of the City of Fresno on April 4, 2006, by Resolution No. 2006-130. Agricultural contract cancellation is a prerequisite to facilitate an alternative use of the subject property (i.e., development of the subject property with single family residential and commercial uses pursuant to related Vesting Tentative Tract Map No. 5891/UGM and Conditional Use Permit Application No. C-07-308). The applications, which have been filed by Dirk Poeschel Land Development Services, Inc., on behalf of the McCaffrey Group, pertain to approximately 126.89 gross acres (122.93 net acres) of property located between W. Ashlan Avenue and the W. Gettysburg Avenue alignment; and, between N. Bryan and N. Hayes Avenues – (*Property located in District 1*) – Planning and Development Dept.
Action Taken: **Held and closed/2parcels deleted/staff to return with amendments**
- a. Consider and adopt Environmental Assessment No. A-07-08/R-07-29/C-07-308/T-5891, determination of initial study to file a Mitigated Negative Declaration
 - b. **RESOLUTION** – Certifying to the County of Fresno Auditor the amount of the “Cancellation Valuation Fee” as noted in the Memoranda from the Fresno County Assessor’s Office dated February 25 and February 28, 2008 [as required by Government Code Section 51283(b)]
 - c. **RESOLUTION** – Cancelling Agricultural Land Conservation Contract Nos. AP-1250 and AP-1251 subject to payment of the “Cancellation Valuation Fee”

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

- 10:15 A.M. HEARING to consider Plan Amendment Application No. A-07-08 and Rezone Application No. R-07-29
- d. **RESOLUTION** – Amending the 2025 Fresno General Plan and the West Area Community Plan by relocating a neighborhood commercial planned portion of the subject property from the southwest corner of the intersection of the West Gettysburg Avenue Alignment and North Hayes Avenue to the north side of W. Ashlan Avenue between N. Bryan and N. Hayes Avenues. This relocation will involve re-designating the respective portions of the subject property from the neighborhood commercial planned land use designation to the medium density residential planned land use designation (approximately 10 acres); and, from the medium and medium-high density residential planned land use designations to the neighborhood commercial planned land use designation (approximately five (5) acres) and amending the 2025 Fresno General Plan Multi-Purpose Trail Plan to relocate the bicycle/pedestrian trail alignment from the northwest area of the site to the W. Gettysburg Avenue and N. Bryan Avenue alignments
 - e. **BILL** – Amending the Official Zone Map to rezone the subject property from the RR (*Rural Residential, Fresno County*) zone district to the R-1/UGM/cz (*Single Family Residential/Urban Growth Management/conditions of zoning*), R-2/UGM/cz (*Low Density Multiple Family Residential/Urban Growth Management/conditions of zoning*), and C-1/UGM/cz (*Neighborhood Shopping Center/Urban Growth Management/conditions of zoning*) zone districts

10:30 A.M.#1 **JOINT MEETING WITH THE REDEVELOPMENT AGENCY**

Approve Agency minutes of May 6, 2008

Action Taken: Approved

- A. Resolution of Appreciation to Local Conservation Corp for Outstanding Service
Resolution of Appreciation to Harvest of Harmony Church for Outstanding Service
Resolution of Appreciation to City of Fresno Code Enforcement & Graffiti Bureau for Outstanding Service
Action Taken: Read and presented
- B. Presentation by County Librarian – Presentation made
- C. Consider awarding contract to the lowest responsible bidder for property maintenance and weed control for Redevelopment Agency properties throughout the City of Fresno (**Agency action**)
Action Taken: Awarded
- D. Recommend approval of the material terms of a Purchase and Sales Agreement for the properties located at 4007 and 4017 E. Ventura Avenue know as Assessor Parcel Number 461-272-16, and 17; owned by Rachel Adams, and located within the Southeast Fresno Revitalization Redevelopment Project Area; and authorizing the Executive Director to negotiate and execute the agreement. (**Agency and Council action**)
Action Taken: Approved
- E. **BILL – (For introduction)** – Adding Section 11-109 to Article 1 of Chapter 11 of the Fresno Municipal Code relating to Universal Design building requirements for City and Redevelopment Agency funded new residential building projects – Acting President Sterling (**Council action**)
Action Taken: Removed from the agenda/to be rescheduled

RECESS AGENCY TO 3:00 P.M.

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

10:30 A.M.#2 Consider approval of resolution adopting the 466th amendment to the Master Fee Schedule Resolution No. 80-420 to adjust the Citywide regional street impact fee and the new growth area major street impact fee - Public Works Department

- a. * **RESOLUTION** – 466th amendment to MFS Resolution No. 80-420 adjusting the Citywide regionally significant street impact fee and the new growth area street impact fee
Action Taken: Resolution No. 2008-112 adopted

11:00 A.M. **CONTINUED HEARING** to consider “The Lexington” Condominium Conversion Application and Vesting Tentative Tract Map No. 5919, filed by WGA N. Glenn Avenue LP, pertaining to 5.4 acres of property zoned R-2/UGM/cz (Low Density Multiple Family Residential/Urban Growth Management/conditions of zoning) located on the east side of N. Glenn Avenue, north of the northwest corner of N. Blackstone and W. Nees Avenues (**Property located in District 2**) – Planning and Development Dept.

Action Taken: Held

- a. Consider and adopt Categorical Exemption for Environmental Assessment No. T-5919
Action Taken: Adopted
- b. **RESOLUTION** – Approving Vesting Tentative Tract Map No. 5919 proposing the creation of a one common lot condominium map that will allow for the sale of 84 units for individual airspace ownership; and the conversion of “The Lexington” multiple family residential development into a condominium owner-occupied complex
Action Taken: Resolution No. 2008-113 adopted

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

- 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 June 10, 2008 at 3:00 p.m.**)
Action Taken: Continued as noted

ADJOURN AGENCY

SCHEDULED COUNCIL HEARINGS AND MATTERS

May	20 -	10:10 A.M.	HEARING re: Conditional Use Permit Application No. C-07-368, filed by Scott Vincent
May	27 -	NO MEETING	MEMORIAL DAY HOLIDAY
June	3 -	8:30 A.M.	A.M. Council Session Only
June	3 -	10:00 A.M.	HEARING re: Tract No. 5600, Annexation No. 30
June	10 -	10:00 A.M.	RESCHEDULED HEARING - To consider adoption of the 465th amendment to the MFS increasing the Citywide traffic signal mitigation impact fee and adopting a Finding of Conformity with the City of Fresno 2025 General Plan Master EIR No. 10130 – Public Works Dept.
June	10 -	10:00 A.M.	WORKSHOP re: water meter installation program
June	10 -	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
June	10 -	4:00 P.M.	HEARING re: Trimester Plan Amendment Cycle
June	17 -	10:00 A.M.	HEARING re: Tract No. 5728, Annexation No. 25

HEARING SCHEDULE FOR FISCAL YEAR 2008-2009 ANNUAL BUDGET

May	30 -	8:30 A.M.	City Attorney, City Clerk, Personnel, Transportation, Finance, Public Utilities
June	3 -	8:30 A.M.	A.M. Council Session Only
June	5 -	8:30 A.M.	General Services, Convention Center, Airports, Public Works Dept.
June	9 -	8:30 A.M.	Fire Dept., Police Dept., Planning and Development Dept.
June	10 -	2:00 P.M.	PARCS, Economic Development, Information Services Dept.
June	12 -	8:30 A.M.	General City Purpose, CDBG, Council, Mayor, City Manager’s Office
June	17 -	2:00 P.M.	Redevelopment Agency; Vote on Motions
June	19 -	8:30 A.M.	Final Adoption of Budget