



City Council Agenda

Council President
Blong Xiong

Councilmembers

Brian Calhoun, Ph.D.
Paul Caprioglio
Mike Dages

Jerry Duncan
Henry T. Perea
Cynthia A. Sterling – Acting President

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.

September 23, 2008

8:30 A.M. ROLL CALL

Invocation by Pastor Jay Yang of the Fresno Interdenominational Refugee Ministries

Pledge of Allegiance to the Flag

Ceremonial Presentation

Presentation of Idea\$ Pay to Maya O'Neal & Felice Fernandez – FAX/Support Division and Jesse Morrison – Planning & Development / Code Enforcement Division – City Manager's Office - **Presented**

Proclamation of "HEALTHY AIR WALK WEEK" – Councilmember Perea – **Read and presented**

Presentation to the Community Food Bank for "NATIONAL HUNGER AWARENESS MONTH" – Acting Council President Sterling – **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 September 16, 2008

Action Taken: Laid over one week

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 at 2:00 P.M.

- A. **RESOLUTION** – Adding the "Fancher Creek Industrial Site" to the Fresno Empowerment Zone as a third developable site – Economic Development Department
Action Taken: Resolution No. 2008-241 adopted
- B. * **RESOLUTION** – Authorizing the execution and delivery of a Master Lease Purchase Agreement and certain separate lease schedules with respect to the acquisition, purchase, financing and leasing of equipment for the public benefit; and authorizing the execution and delivery of documents required in connection therewith – Finance Department
Action Taken: resolution No. 2008-242 adopted
- C. Approve appointments of Lori Cherry, David Lighthall, Nancy Ellis, Nicholas Don Paladino and Stephen Lewis to the City of Fresno Bicycle and Pedestrian Advisory Committee – Public Works Department
Action Taken: Approved
- D. * Adopt a Finding of Conformity to Master Environmental Impact Report No. 10130, and approve the acquisition of two (2) street easements for the placement of curb, gutter, and sidewalk along S. Villa Avenue south of E. Inyo Street from property owners: Armand A. Cabraloff, Jr., and Jackie Cabraloff, Refugio Escobar, Jr., and Rosemary Escobar (**Property located in District 5**) – Public Works Department
Action Taken: Adopted
- E. * Approve an agreement to authorize the City of Fresno to enter into a contract with the 21st District Agricultural Association to provide police services at the 2008 Fresno District Fair – Police Department
Action Taken: Approved

1. **CONSENT CALENDAR CONTINUED**

- F. Adopting a Finding of Categorical Exemption Pursuant to CEQA Guidelines 15301(b) – Public Works Department
Action Taken: Adopted
1. * Award a contract to Dave Christian Construction Co. for the Airport RJI overlay project on Peach Avenue from Ashlan Avenue to Dakota Avenue, and on Olive Avenue from Minnewawa Avenue to Clovis Avenue, in the amount \$344,798.88 (***Property located in District 4***)
Action Taken: Awarded
- G. Adopting a Finding of Categorical Exemption Pursuant to CEQA Guidelines 15301(b) – Public Works Dept.
Action Taken: Adopted
1. * Award a contract to Dave Christian Construction Co. for the Blackstone Avenue overlay project from Shields Avenue to Olive and Belmont to Divisadero, in the amount \$1,151,172.70 (***Property located in District 3***)
Action Taken: Awarded
- H. **RESOLUTION** – Adopting a Citywide Records Retention Schedule for the City of Fresno and superseding Resolution No. 93-139 - City Clerk's Office
Action Taken: Resolution No. 2008-243 adopted
- I. * Approval of a contract with Fresno Unified School District to provide up to \$158,396.86 for the Parks, After School, Recreation and Community Services Department to conduct a collaborative informal science program running through June 30, 2009 – PARCS
Action Taken: Approved
- J. * Authorize the lease purchase of 70 mobile data terminals through the City's Master Lease Agreement – Fire Dept.
Action Taken: Authorized
- K. * Approve second amendment to agreement with Camp, Dresser & McKee (CDM) in the amount of \$32,200 for evaluation of settlement on the Fresno sanitary landfill cover and \$21,500 for the preparation of an analysis of risk on City-owned properties adjacent to the Fresno sanitary landfill – Dept. of Public Utilities
Action Taken: Approved
- L. Adoption of the Emergency Operations Plan for 2008– Fire Dept.
Action Taken: Adopted
- M. * Approve Side Letter of Agreement between the City of Fresno (City) and the City of Fresno Professional Employees Association (Management Non-Confidential and Non-Management Confidential, Unit 13), providing compensation resulting from a Memorandum of Understanding (MOU) reopener – Personnel Services Dept.
Action Taken: Approved
1. * **RESOLUTION** - 6th amendment to Salary Resolution No. 2008-165 amending Exhibit 2, Section 2.4 – Management Non-Confidential classes and Section 2.5 – Non-Management Confidential classes (CFPEA), Unit 13
Action Taken: Resolution No. 2008-244 adopted
- N. * Award a requirements contract in the amount of \$1,278,137.87 to Central Valley Truck Center of Fresno, CA for front loading refuse trucks – General Services Dept.
Action Taken: Awarded

1. **CONSENT CALENDAR CONTINUED**

- O. **RESOLUTION** – Authorizing certain Finance Officers of the City of Fresno to sign City checks and various investment and commercial banking documents, and to provide verbal instructions requires for the prudent financial administration and safekeeping of City funds – Finance Dept.
Action Taken: Resolution No. 2008-245 adopted

- P. * **BILL NO. B-56 – (Intro. 9/16/2008) (For adoption)** – Amending Section 14-801 of the Fresno Municipal Code, related to allowing the use of bicycles on pedestrian malls – PARCS
Action Taken: Ordinance No. 2008-58 adopted

JOINT MEETING WITH THE REDEVELOPMENT AGENCY

Approve Agency minutes of September 16, 2008

Action Taken: Laid over one week

- A. Approve selection of Redevelopment Agency Chair and Co-Chair
Action Taken: Councilmember Duncan selected as Chair and Councilmember Dages selected as Vice Chair

ADJOURN AGENCY

SCHEDULED COUNCIL HEARINGS AND MATTERS

- 9:00 A.M. A. **SCHEDULED COMMUNICATION:**
 - 1. Appearance by Rory Ekern to address the Airports Department S.M.A.R.T. Program – Appearance made

- 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 support of Senate Bill 1561 addressing concerns with safety on public transportation – Councilmembers Perea and Dages
Action Taken: Resolution No. 2008-246 adopted

 - B. Direct staff to schedule the Fulton Street District redesign alternatives (ELS Report) originally accepted by the Redevelopment Agency to be re-evaluated for consideration of implementation by the Joint City/Redevelopment Agency Cooperation Task Force – Councilmember Calhoun
Action Taken: Approved

- 9:30 A.M.#1 Presentation by High Speed Rail Authority – City Manager's Office – Presentation made

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

9:30 A.M.#2 GENERAL ADMINISTRATION

- A. Consideration of proposed Olive-Hayes No. 1 Reorganization: Resolution for approval to file with the Fresno Local Agency Formation Commission (LAFCO) for the detachment of certain territory consisting of approximately 35.1 acres from the North Central Fire Protection District and the Kings River Conservation District and annexation of the same territory to the City of Fresno - Planning & Development Dept.
1. Affirm the action of the City Council of August 26, 2008, adopting the environmental finding for Environmental Assessment No. R-08-08 dated May 28, 2008, and the action of the City Council of August 15, 2006, adopting the environmental finding for Environmental Assessment No. R-05-90/T-5591 dated June 1, 2006, that the project proposals conform to the provisions of the 2025 Fresno General Plan Master Environmental Impact Report (MEIR) No. 10130
Action Taken: Affirmed
 2. **RESOLUTION** - Applying to the Fresno Local Agency Formation Commission (LAFCO) in the matter of the proposed Olive-Hayes No. 1 Reorganization
Action Taken: resolution No. 2008-247 adopted
- B. * **RESOLUTION** – 20th amendment to AAR No. 2008-162 appropriating \$247,400 in the Parks, After School, Recreation and Community Services Department for emergency repairs at the Ted C. Wills Community Center (**Requires 5 affirmative votes**) - PARCS
Action Taken: Resolution No. 2008-248 adopted

10:00 A.M. HEARING to consider adoption of resolutions related to the designation or non-designation of Properties to the Local Register of Historic Resources - Planning & Development Dept.
(Properties located in District 3)

- Action Taken: Held/discussed and tabled to 9/30/2008 at 2:40 p.m.**
- a. * **RESOLUTION** – Designating the Fresno Photo Engraving building located at 748-752 Fulton Street to the Local Register of Historic Resources
 1. **(ALTERNATIVE) RESOLUTION** - Not designating the above
 - b. * **RESOLUTION** – Designating the Liberty Laundry building located at 1830 Inyo Street to the Local Register of Historic Resources
 1. **(ALTERNATIVE) RESOLUTION** - Not designating the above
 - c. * **RESOLUTION** – Designating the Emerald Thrift Store located at 717 Van Ness Avenue to the Local Register of Historic Resources
 1. **(ALTERNATIVE) RESOLUTION** - Not designating the above
 - d. * **RESOLUTION** – Designating the American Vintage Thrift Store located at 727 Van Ness Avenue to the Local Register of Historic Resources
 1. **(ALTERNATIVE) RESOLUTION** - Not designating the above
 - e. * **RESOLUTION** – Designating the (former) W.J. O’Neill and Company building located at 740 “H” Street to the Local Register of Historic Resources
 1. **(ALTERNATIVE) RESOLUTION** - Not designating the above

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

- 10:00 A.M. HEARING** to consider adoption of resolutions related to the designation or non-designation of properties to the Local Register of Historic Resources - Planning & Development Dept. **(Continued)**
- f. * **RESOLUTION** – Designating Zapp’s Transportation Company located at 752 “H” Street to the Local Register of Historic Resources
 - 1. **(ALTERNATIVE) RESOLUTION** - Not designating the above
 - g. * **RESOLUTION** – Designating the Baskin’s Auto Supply Sign located at 729 Broadway to the Local Register of Historic Resources **(Property located in District 3)**
 - 1. **(ALTERNATIVE) RESOLUTION** - Not designating the above
 - h. * **RESOLUTION** – Designating the (former) Ehrman Brothers Garage located at 712 Fulton Street to the Local Register of Historic Resources **(Property located in District 3)**
 - 1. **(ALTERNATIVE) RESOLUTION** - Not designating the above
 - i. * **RESOLUTION** – Designating Edward T. Johnson Used Car and Auto Repair facility located at 727 Fulton Street to the Local Register of Historic Resources **(Property located in District 3)**
 - 1. **(ALTERNATIVE) RESOLUTION** - Not designating the above

- 10:30 A.M. TEFRA HEARING** as required by Section 147(f) of the Internal Revenue Code of 1986, as amended, to hear and consider information concerning the proposed issuance of tax-exempt revenue bonds by the California Statewide Communities Development Authority to finance Phase II renovations to the Fresno Metropolitan Museum of Art and Science located at 1555 Van Ness Avenue, commonly referred to as the Fresno Bee building – Finance Dept. **(Continue to 9/30/2008 @ 10:15 A.M.)**
- Action Taken:** Continued as noted
- 1. **RESOLUTION** – Approving the issuance of tax-exempt, 30 Year, variable rate demand revenue bonds by the California Statewide Communities Development Authority for the benefit of the Fresno Metropolitan Museum of Art and Science in the aggregate principal amount not to exceed \$25,000,000.00 – Finance Department

- 10:45 A.M. Adopt an agreement for Fire Protection Services between the City of Fresno and the City of Clovis – Fire Department**
- Action Taken:** Adopted

- 11:00 A.M. Presentation by Fire Chief Larken, Fresno County Fire Protection District – Council President Xiong - Presentation made**

2:00 P.M. #1 **CONTESTED CONSENT ITEMS (IF ANY)**

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

- A. **CONFERENCE WITH LEGAL COUNSEL - DECIDING WHETHER TO INITIATE LITIGATION -** Government Code Section 54956.9, Subdivision(c)
 - 1. **Case Name:** *Darling International, Inc.*
Action Taken: Held

SCHEDULED COUNCIL HEARINGS AND MATTERS

- Sept. 30 - 10:00 A.M. **HEARING** re: Text Amendment No. TA-08-01, amending the text of the Fresno Municipal Code Zoning Ordinance, related to the use of decorative flags as signs for residential subdivisions
- Sept. 30 - 10:15 P.M. **CONTINUEDTERFA HEARING** related to Phase II renovations to the Fresno Metropolitan Museum of Art and Science located at 1555 Van Ness Avenue, commonly referred to as the Fresno Bee Building
- Sept. 30 - 2:30 P.M. **TEFRA HEARING** related to Trinity Health, i.e. Saint Agnes Hospital – Finance Dept.
Sept. 30 - 2:40 P.M. **CONTINUED HEARING** to consider adoption of resolutions related to the designation or non-designation of Properties to the Local Register of Historic Resources - Planning & Development Dept. (*Properties located in District 3*)
- Oct. 7 - 10:00 A.M. **HEARING** re: Community Facilities District No. 11, Annexation No. 21, Tract No. 5549
Oct. 7 - 10:05 A.M. **HEARING** re: Community Facilities District No. 11, Annexation No. 35, Tract No. 5710
Oct. 7 - 10:15 A.M. **HEARING** re: Community Facilities District No. 11, Annexation No. 26, Tract No. 5471
Oct. 7 - 2:30 P.M. **HEARING** re: public safety bonds – Finance Dept.
- Oct. 14 - **NO MEETING COLUMBUS DAY**
- Oct. 15 - (Weds.) 2:00 P.M. Presentation of the Employee Service Awards – Council Chambers (*Reception immediately following – 2nd floor foyer*)
- Oct. 21 - 8:30 A.M. Presentation of P.R.I.D.E Team Certificates for the Fall Quarter (*Reception immediately following – 2nd floor foyer*)
- Oct. 21 - 10:00 A.M. **HEARING** to adopt resolution of intention to annex a portion of Final Tract 5358 Annexation
Oct. 21 - 3:00 P.M. **HEARING** re: public safety bonds – Finance Dept.
No. 31 to City of Fresno Community Facilities District No. 11
- Oct. 21 - 4:00 P.M. **HEARING** re: 2008 Cycle Two Plan Amendments
Oct. 28 - 8:30 A.M. Make a “Promotion a Commotion” Ceremony (*Reception immediately following – 2nd floor foyer*)
- Oct. 28 - 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
- Nov. 4 - **ELECTION DAY (Meeting tentative)**
- Nov. 11 - **NO MEETING VETERANS DAY**
- Nov. 18 - **SCHEDULED MEETING**
- Nov. 25 - **NO MEETING – THANKSGIVING WEEK**
- Dec. 2 - **SCHEDULED MEETING**
- Dec. 9 - 4:00 P.M. **JOINT RDA MEETING** re: proposed Merger I Redevelopment Plan Amendments
- Dec. 16 - **SCHEDULED MEETING**
- Dec. 23 - **NO MEETING – CHRISTMAS WEEK**
- Dec. 30 - **NO MEETING – NEW YEAR WEEK**