



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.

October 7, 2008

8:30 A.M. ROLL CALL

Invocation by Imam Ali Ghazvini of the Islamic Cultural Center of Fresno

Pledge of Allegiance to the Flag

Ceremonial Presentation

Presentation of the SPCA Pet of the Month – Councilmember Duncan – **Presented**

Proclamation of "BINATIONAL OBESITY AND DIABETES PREVENTION DAY" – Mayor's Office and Councilmembers – **Read and presented**

Proclamation of "COLONEL ALLEN ALLENSWORTH DAY" - Mayor's Office and Acting President Sterling – **Not presented**

Proclamation of "WHITE CANE SAFETY DAY" – 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 [September 30, 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. [RESOLUTION - Dedicating certain city-owned property for public street purposes at the proposed intersection of North Bryan and West Alluvial Avenues located along the west side of the Riverside Golf Course – Public Works Department \(*Property located in District 2*\)](#)

Action Taken: Resolution No. 2008-268 adopted

B. * [RESOLUTION – 26th amendment to AAR No. 2008-162 appropriating \\$54,000 for maintenance of Community Facilities District No. 2 and eligible developer deposit refunds \(*Requires 5 affirmative votes*\) – Public Works Department](#)

Action Taken: Resolution No. 2008-269 adopted

C. * [RESOLUTION – 27th amendment to AAR No. 2008-162 appropriating \\$123,000 for maintenance of Community Facility District No. 11 and eligible developer deposit refunds \(*Requires 5 affirmative votes*\) – Public Works Department](#)

Action Taken: Resolution No. 2008-270 adopted

D. [RESOLUTION – Authorizing application to the U.S. Department of Homeland Security, through the State of California, Governor's Office of Homeland Security, for the Interoperable Emergency Communication Grant Program \(IECGP\) and completion of related documents – Police Department](#)

Action Taken: Resolution No. 2008-271 adopted

1. **CONSENT CALENDAR CONTINUED**

E. * [Award a contract in the amount of \\$685,851.00 to JWT General Engineering, Inc. for installation of asphalt concrete overlay in No Neighborhood Left Behind Areas 59 and 60 – Department of Public Utilities \(*Property located in District 5*\)](#)

Action Taken: Awarded

F. * [RESOLUTION – 19th amendment to AAR No. 2008-162 appropriating by re-budgeting \\$16,000 in grant funds from the Department of Conservation Beverage Container Grant Program \(*Requires 5 affirmative votes*\) – Department of Public Utilities](#)

Action Taken: Resolution No. 2008-272 adopted

G. * [RESOLUTION – 18th amendment to AAR No. 2008-162 appropriating \\$162,100 in Calfire Urban Forestry Grant Program funds \(*Requires 5 affirmative votes*\) – Department of Public Utilities](#)

Action Taken: Resolution No. 2008-273 adopted

H. * [Award a requirements contract in the amount of \\$348,128.68 to Neptune Technology Group Inc. of Tallassee, AL for 3/4" -2" water meters – Department of Public Utilities](#)

Action Taken: Awarded

I. * [Approval of a Memorandum of Understanding \(MOU\) with the Fresno Metropolitan Museum \("MET"\) for a collaborative partnership with the Parks, After School, Recreation and Community Services Department to conduct mobile art and science projects – PARCS](#)

Action Taken: Approved

1. * **RESOLUTION** - 29th amendment to AAR No. 2008-162 appropriating \$38,200 in the Parks, After School, Recreation and Community Services Department for operation of the new Mobile MET vehicle (*Requires 5 affirmative votes*) – PARCS

Action Taken: Resolution No. 2008-274 adopted

J. [Approve the renewal of Addendum No. 7 to the amended and restated agreement between the City of Fresno and the Central California Society for the Prevention of Cruelty to Animals \(CCSPCA\) – PARCS](#)

Action Taken: Approved

1. * **RESOLUTION** - 28th amendment to AAR No. 2008-162 appropriating \$80,800 in the Parks, After School, Recreation and Community Services Department to fully fund the fiscal year 2009 agreement with the CCSPCA (*Requires 5 affirmative votes*) – PARCS

Action Taken: Resolution No. 2008-276 adopted

K. [RESOLUTION – Initiating rezoning on 63 parcels totaling approximately 139 acres within the City of Fresno's Sphere of Influence \(Olive-Polk No. 2 Reorganization\), property located on the west side of North Cornelia Avenue between West Belmont and West McKinley Avenues and on the northwest corner of West McKinley and North Cornelia Avenues – Planning & Development Department](#)

Action Taken: Resolution No. 2008-275 adopted

L. * [BILL NO. B-61 - \(*Intro. 9/30/2008*\) \(*For adoption*\) – Adopting Text Amendment Application No. TA-08-01 and environmental findings as recommended by the Planning Commission amending the text of the Fresno Municipal Code Zoning Ordinance, Section 12-207.5-K and Section 12-1710\(n\), related to the use of decorative flags as signs for residential subdivisions – Planning & Development Department](#)

Action Taken: Bill No. B-61/Ordinance No. 2008-59 adopted

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. #1 **CITY COUNCIL**

A. [Request City Attorney and staff to address any legal and planning concerns with approving development in the vicinity of the proposed Veterans' Blvd. so long as the estimated completion date and funding of Veterans' Blvd. remain uncertain - Councilmember Calhoun](#)
Action Taken: Discussed

9:15 A.M. #2 A. [RESOLUTION - Approval of a 40-day suspension of the enforcement of Fresno Municipal Code Section 12-405-G – City Manager's Office](#)
Action Taken: Resolution No. 2008-277 adopted
1. Approve agreement for the early issuance of permits with Electronic Recyclers International for a project located at 3243 S. East Avenue – City Manager's Office
Action Taken: Approved

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

- A. * [RESOLUTION – Amending the implementing policies relating to the Citywide regional street and new growth area major street impact fees as previously adopted by Resolution No. 2007-291 – Public Works Department](#)
Action Taken: Resolution No. 2008-278 adopted
- B. [Approve the assignment/assumption of City Home Program CHDO Agreement from Fresno West Coalition for Economic Development to Habitat for Humanity Fresno, Inc. for an affordable single-family homes project – Planning & Development Department](#)
Action Taken: Removed from the agenda
- C. * [RESOLUTION - 30th amendment to AAR No. 2008-162 appropriating \\$4,070,400 of excess carryover for various Citywide programs \(Requires 5 affirmative votes\) – Finance Department](#)
Action Taken: Failed adoption

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

- 10:00 A.M. [HEARING – Regarding City of Fresno Community Facilities District No. 11, Annexation No. 21 \(Final Tract Map No. 5549\) \(Property located in District 3\) – Public Works Department](#)
Action Taken: Held
1. **RESOLUTION** – Annexing territory to Community Facilities District No. 11 and authorizing the levy of a special tax
Action Taken: Resolution No. 2008-279 adopted
 2. **RESOLUTION** – Calling a special mailed-ballot election
Action Taken: Resolution No. 2008-280 adopted
 3. **RESOLUTION** – Declaring election results
Action Taken: Resolution No. 2008-281 adopted
 4. * **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. 21
Action Taken: Bill No. B-62/Ordinance No. 2008-60 adopted
- 10:05 A.M. [HEARING – Regarding City of Fresno Community Facilities District No. 11, Annexation No. 35 \(Final Tract Map No. 5710\) \(Property located in District 1\) – Public Works Department](#)
Action Taken: Held
1. **RESOLUTION** - Annexing territory to Community Facilities District No. 11 and authorizing the levy of a special tax
Action Taken: Resolution No. 2008-282 adopted
 2. **RESOLUTION** – Calling a special mailed-ballot election
Action Taken: Resolution No. 2008-283 adopted
 3. **RESOLUTION** – Declaring election results
Action Taken: Resolution No. 2008-284 adopted
 4. * **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. 35
Action Taken: Bill No. B-63/Ordinance No. 2008-61 adopted
- 10:15 A.M. #1 [HEARING – Regarding City of Fresno Community Facilities District No. 11, Annexation No. 26 \(Final Tract Map No. 5471\) \(Property located in District 6\) – Public Works Department](#)
Action Taken: Held
1. **RESOLUTION** – Annexing territory to Community Facilities District No. 11 and authorizing the levy of a special tax
Action Taken: Resolution No. 2008-285 adopted
 2. **RESOLUTION** – Calling a special mailed-ballot election
Action Taken: Resolution No. 2008-286 adopted
 3. **RESOLUTION** – Declaring election results
Action Taken: Resolution No. 2008-287 adopted
 4. * **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. 26
Action Taken: Bill No. B-64/Ordinance No. 2008-62 adopted
- 10:15 A.M. #2 [RESOLUTION – Approving the Final Map of Tract No. 5471, accepting dedicated public uses therein; authorize the Public Works Director, the Public Utilities Director, and the Planning and Development Director to execute the necessary documents \(Property located in District 6\) – Planning & Development Department](#)
Action Taken: Resolution No. 2008-288 adopted

11:00 A.M.

CLOSED SESSION

- A. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION – FRIEND-OF-THE-COURT-PARTICIPATION** - Government Code Sections 54954.5 (c) and 54956.9
 - 1. **Case Name:** *Qualified Patients Association et al., v. City of Anaheim*
Action Taken: Held

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

Significant Exposure to Litigation:

 - 1. *City of Fresno v. The Zone Sports Center LLC; Granite Park Kids Foundation, et al.*
Action Taken: Held

- C. **CONFERENCE WITH LABOR NEGOTIATOR** – Government Code Section 54957.6

City Negotiators: Ken Phillips, Terry Bond

Employee Organization(s):

 - 1. Fresno Police Officers Association (FPOA) Management Unit 9
 - 2. Fresno Police Officers Association (FPOA) Non-Supervisory Unit 4

Action Taken: Held

SCHEDULED COUNCIL HEARINGS AND MATTERS

- Oct. 14 - NO MEETING

- 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 - 10:10 A.M. **HEARING** to adopt resolution increasing the Citywide Traffic Signal Mitigation Impact Fee and to adopt a Finding of Conformity with the Master EIR 10130 for the City of Fresno 2025 General Plan

- 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. **JOINT MEETING WITH RDA** to consider adoption of Agency resolution certifying Subsequent Environmental Impact Report (SEIR) SCH #2003051046 for the Old Armenian Town Project-relocation of historical resources

- Oct. 28 - 3:15 P.M. Presentation of "The California High Speed Rail Proposal: A Due Diligence Report" by Adrian T. Moore, Ph.D., Vice President of Research, Reason Foundation - Councilmember Duncan

- Nov. 4 - **ELECTION DAY (Meeting tentative)**

- Nov. 11 - **NO MEETING VETERANS DAY**

- Nov. 18 - 3:00 P.M. **HEARING** re: Environmental Assessment for Peach Avenue widening betw. Belmont and Butler Avenues

- Nov. 25 - **NO MEETING – THANKSGIVING WEEK**

- Dec. 2 - 10:00 A.M. **HEARING** re: vacation of the Sarah-Mary Alley between E. California Avenue and E. Woodward Avenue

- 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**