



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.

November 18, 2008

8:30 A.M. ROLL CALL

Invocation by Pastor Lee Pointer

Pledge of Allegiance to the Flag

Ceremonial Presentation

Presentation of Fresno Area Express Driver Appreciation Certificates – Transportation Dept. - **Presented**

Presentation of Idea\$Pay Check to 4 Solid Waste Division Employees - City Manager's Office - **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 November 4, 2008

Action Taken: Laid over to 12/2/2008

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. * Award a requirements contract in the amount of \$326,230.27 to Scelzi Enterprises, Inc. of Fresno, CA for truck mounted service and utility bodies – General Services Dept./Fleet Management

Action Taken: Awarded

B. Adopt the 23rd and 24th amendments to AAR No. 2008-162 appropriating \$569,100 and \$447,100 of Federal dollars for Economic Development and Neighborhood Initiative Grants awarded by the U.S. Department of Housing and Urban Development (HUD) – Budget and Mgmt Studies Division

1. * **RESOLUTION** - 23rd amendment to AAR No. 2008-162 appropriating \$447,100 in Federal grant funds from the U.S. Department of Housing and Urban Development (HUD) (**Requires 5 affirmative votes**)

Action Taken: Resolution No. 2008-305 adopted

2. * **RESOLUTION** - 24th amendment to AAR No. 2008-162 appropriating \$569,100 of previously approved Federal grant funds from the U.S. Department of Housing and Urban Development (HUD) (**Requires 5 affirmative votes**)

Action Taken: Resolution No. 2008-306 adopted

C. * Approve a two (2) year agreement with The Rub Club at Fresno Yosemite International Airport (FYI), with one (1) one-year option to extend – Airports Dept.

Action Taken: Approved

D. Approve a supplemental service contract with Air Transport-Services IT, Inc., to provide common user airline interface for terminal check-in dynamic LCD screens at Fresno Yosemite International Airport (FYI) in the amount of \$100,411 – Airports Dept.

Action Taken: Approved

E. Consideration of granting authority to the City Manager to prepare and enter into an extension of the interim agreement for the identification of measures to mitigate impacts to the State highway system resulting from City approved projects ("Interim Agreement") that the City previously entered into with the California Department of Transportation ("CalTrans") – City Manager's Office

Action Taken: Approved

1. **CONSENT CALENDAR CONTINUED**

- F. * Authorize the Chief of Police to enter into and execute the agreement and required program documents with the Regents of the University of California for the Sobriety Checkpoint Program for local law enforcement agencies – Police Department
Action Taken: Authorized
1. * **RESOLUTION** - 45th amendment to AAR 2008-162 appropriating \$285,500 for the Sobriety Checkpoint Program (**Requires 5 affirmative votes**)
Action Taken: Resolution No. 2008-307 adopted
- G. * **RESOLUTION** - 43rd amendment to AAR No. 2008-162 appropriating \$121,700 in Council District Two infrastructure funds to the Parks, After School, Recreation and Community Services Department for construction of the Northwest Splash Zone located at Figarden Loop Park (**Property located in District 2**) (**Requires 5 affirmative votes**) - Budget and Management Studies Division
Action Taken: Resolution No. 2008-317 adopted
- H. Approve and authorize the City Manager to sign a Grant Deed and Certificate of Parcel Merger on behalf of the City of Fresno, property located at the southwest corner of E. Hamilton Avenue and S. Sarah Street (**Property located in District 3**) – Public Works Dept.
Action Taken: Approved
- I. * Award a construction contract in the amount of \$368,700.00 to American Paving Company for traffic signal modification at the intersection of Blackstone and Dayton Avenues (**Property located in District 7**) – Public Works Dept.
Action Taken: Awarded
- J. * Award a construction contract to Victory Engineers, Inc., in the amount of \$186,460 for the construction of the Woodward Park Rotary Amphitheater seating addition located within the City of Fresno's Woodward Park (**Property located in District 6**) – Public Works Dept.
Action Taken: Awarded
1. * **RESOLUTION** – 40th amendment to AAR No. 2008-162 appropriating \$240,000 in the Parks, After School, Recreation and Community Services Department for the construction of the Woodward Park Rotary Amphitheater seating addition (**Requires 5 affirmative votes**)
Action Taken: Resolution No. 2008-308 adopted
- K. * **RESOLUTION** – 47th amendment to AAR No. 2008-162 appropriating \$203,000 for the replacement of stolen copper wire (**Requires 5 affirmative votes**) – Public Works Dept.
Action Taken: Resolution No. 2008-309 adopted
- L. * Award a contract to Mattos Underground Construction, Inc. in the amount of \$73,554.22 for the installation of 12" water main in "O" Street, and Mariposa Street (**Property located in District 3**) – Public Works Dept.
Action Taken: Awarded
- M. **RESOLUTION** - Of intention to establish a special tax district (Community Facilities District No. 9) and to authorize levy of a special tax for the maintenance of certain public improvements associated with Final Tract Map No. 5717, and setting the public hearing for December 9, 2008, at 10:00 a.m. (**Final Tract Map No. 5717 is located in District 4. New district will be Citywide**) – Public Works Dept.
Action Taken: Discussed and tabled two weeks for additional information and presentation
- N. Documents pertaining to the City of Fresno Bicycle Transportation Plan – Public Works Dept.
1. **RESOLUTION** - Adopting findings and determinations and adopting the amended City of Fresno Bicycle Transportation Plan
Action Taken: Resolution No. 2008-318 adopted
2. **RESOLUTION** - Authorizing the submission of applications for and acceptance of grant funds from the CalTrans Local Assistance Program - Bicycle Transportation Account and authorizing the execution of documents by the Public Works Director or his designee
Action Taken: Resolution No. 2008-319 adopted

1. **CONSENT CALENDAR CONTINUED**

- O. **RESOLUTION** - Approving the Final Map of Tract No. 5549, accepting dedicated public uses therein; authorize the Public Works Director and the Planning and Development Director to execute the necessary documents (**Property located in District 3**) – Planning and Development Dept.
Action Taken: Resolution No. 2008-310 adopted
- P. * Adopt the Memorandum of Understanding (MOU) between the City of Fresno (City) and the Fresno City Employees Association (FCEA) (Unit 03), covering the period July 1, 2008, through June 30, 2009 – Personnel Services Dept.
Action Taken: Adopted
1. * **RESOLUTION** – 7th amendment to Salary Resolution No. 2008-165 adjusting the salary range of Chief Surveyor in Exhibit 2 Section 2.4, and amending Exhibit 3, Unit 03, non-supervisory white collar (FCEA)
Action Taken: Resolution No. 2008-311 adopted
2. Approve an amendment to the City of Fresno retiree health reimbursement arrangement to include an appendix for non-supervisory white collar unit
Action Taken: Approved
3. **RESOLUTION** - Approve an application to the State Employment Development for State Disability Insurance coverage for employees in Unit 03
Action Taken: Resolution No. 2008-312 adopted
- Q. * **RESOLUTION** - 44th amendment to AAR No. 2008-162 appropriating \$216,600 for water transmission grid main reimbursements from available funds for developer constructed facilities (**Requires 5 affirmative votes**) – Dept. of Public Utilities
Action Taken: Resolution No. 2008-313 adopted
- R. * **RESOLUTION** – 34th amendment to AAR No. 2008-162 re-appropriating \$329,800 in State grant funding for the expansion of multi-family recycling services as previously approved by Council (**Requires 5 affirmative votes**) – Department of Public Utilities
Action Taken: Resolution No. 2008-314 adopted
- S. * Award a \$2,725,396.00 contract to Floyd Johnston Construction, Inc. of Clovis, California, for North/Polk Avenue trunk sewer improvements at the Fresno/Clovis Regional Wastewater Reclamation Facility (**Property located in District No. 3**) – Dept. of Public Utilities
Action Taken: Awarded
- T. * **RESOLUTION** - 36th amendment to AAR No. 2008-162 appropriating \$1,000,100 in the property/liability self-insurance fund to complete Council's action to settle the Kincaid case (**Requires 5 affirmative votes**) – Budget and Mgmt. Studies Division
Action Taken: Resolution No. 2008-315 adopted
- U. * **RESOLUTION** - 39th amendment to AAR No. 2008-162 appropriating \$100,000 in the Parks, After School, Recreation and Community Services Department for the development of City-wide community gardens (**Requires 5 affirmative votes**) - PARCS
Action Taken: Tabled two weeks for staff meetings with neighborhoods

SCHEDULED COUNCIL HEARINGS AND MATTERS

- 9:00 A.M. A. **SCHEDULED COMMUNICATION**
1. Appearance by Rob DeFrees to discuss feeding of the homeless - **Withdrawn**
 2. Appearance by Leslie Hobdy to discuss the Westside assessment and the Monterey Bridge - **Appearance made**

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

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

9:15 A.M. #2 GENERAL ADMINISTRATION

- A. Approve appointments of Linda Calandra, Ray Arthur and Gene Mayer by Mayor Alan Autry to the Joint Powers Authority of the Community Media Access Collaborative (CMAC) – City Manager's Office
Action Taken: Approved
- B. Adopt the Fiscal Year 2008-2009 Annual Action Plan substantial amendment for the Neighborhood Stabilization Program – Budget and Mgmt. Studies Division
Action Taken: Adopted
- C. Agreements for the transfer of reclamation facility and disposal of effluent and adoption of amendment to AAR No. 2008-162 (**Property located in District 6**) – Dept. Of Public Utilities
 1. * Authorize the Director of the Department of Public Utilities to negotiate and enter into agreement with Copper River Development Company, Inc. (“developer”) for the transfer to the City of Fresno (“City”) of the North Fresno Wastewater Reclamation Facility (“NFWRF”), including reimbursement of developer in the amount of \$3,628,221.00 for payment of excess impact fees and for the construction of expansion capacity in the NFWRF
Action Taken: Authorized
 2. * Authorize the Director of the Department of Public Utilities to negotiate and enter into agreement with Consolidated Land Company, Copper River Country Club and Consolidated Industries, Inc., for the disposal of treated wastewater effluent on the Copper River Country Club Golf Course (“golf course”), including reimbursement in the amount of \$252,000.00 for previously incurred operating expenses in preparation for receiving disposal of effluent
Action Taken: Authorized
 3. * **RESOLUTION** - 48th amendment to AAR No. 2008-162 appropriating \$3,880,200.00 for reimbursement of construction costs of the North Fresno Wastewater Reclamation Facility and operating costs of disposal of treated wastewater effluent (**Requires 5 affirmative votes**)
Action Taken: Resolution No. 2008-316 adopted
- D. **BILL – (For introduction)** – Adopt blighted building standard ordinance amending Subsection (e) and (g) of Section 10-617 and adding Subsection (i) and (j) to Section 10-617 of the Fresno Municipal Code – Planning and Development Dept.
Action Taken: Bill No. B-69 introduced, as amended, deleting the \$500 plan fee
- E. **BILL – (For introduction)** – Adding Section 10-620 to the Fresno Municipal Code relating to registration of vacant foreclosed properties – Planning and Development Dept.
Action Taken: Bill No. B-70 introduced/laid over
- F. * Approve a Construction Contract in the amount of \$3,904,456.00 to Granite Construction Company for the Figarden Baseball Complex (**Property located in District 2**) - Public Works Dept.
Action Taken: Approved

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

9:15 A.M. #2 **GENERAL ADMINISTRATION**

- G. Presentation of Employee Survey Report – City Manager's Office
Action Taken: Presented

- H. * Approve the Event Guidelines and Code of Conduct for City park facilities – PARCS
Action Taken: Approved

10:30 A.M. Council reconsideration of the following agenda items submitted by Mayor Autry on November 6, 2008: **(Requires 5 affirmative votes) (Continue to 12/2/2008)**

- a. **RESOLUTION** – 37th amendment to AAR No. 2008-162 appropriating \$14,970,000 for the construction of the Fresno Police Department Regional Law Enforcement Training Facility– Police Department
- b. **RESOLUTION** - 38th amendment to AAR No. 2008-162 appropriating \$2,185,000 to exercise the lease purchase option for the northeast substation – Police Department
- c. Authorize the Chief of Police to exercise lease purchase option/execute documents for northeast District Policing Station from Roger Petersen Investments, in the amount of \$2,184,150 – Police Department
Action Taken: Continued to 12/2/2008 as noted

11:00 A.M. **WORKSHOP** on Senate Bill SB 375– Planning and Development Dept. - Held

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

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

- A. **CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION** - Government Code Section 54956.9, Subdivision (a)
 - 1. **Case Name:** Antonia Espinosa v. City of Fresno, et al. Superior Court Case No. 07CECG01574
Action Taken: Held

2:30 P.M. **JOINT MEETING WITH THE REDEVELOPMENT AGENCY**

Approve Agency minutes of November 4, 2008

Action Taken: Laid over to 12/2/2008

- A. **JOINT RESOLUTION** - Approval of a 90-day extension of the Disposition and Development Agreement (DDA) to the Legacy Real Estate Group (LREG) to allow for Dudley Ventures to complete due diligence work for possible assignment of contract **(Council action)** – City Manager's Office
Action Taken: Resolution Nos. 2008-320/1731 adopted

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

2:30 P.M.

JOINT MEETING WITH THE REDEVELOPMENT AGENCY CONTINUED

- B. JOINT **RESOLUTION – (1)** Approve an amendment to Stadium Sublease between the City of Fresno and Fresno Baseball Club (FBC) **(2)** approve an amendment to Disposition and Development Agreement (DDA) between the City and Agency **(3)** Approve an amendment to Concessions Agreement between FBC, Ovations Food Services and City, and authorizing the City Manager, Executive Director of the Redevelopment Agency and City Attorney’s Office to negotiate to reach final agreements, and authorizing the execution and delivery of the agreements and related documents and taking all necessary action related to the transaction, consistent with this resolution **(Council and Agency action)** - City Manager’s Office_
- Action Taken:** Resolution Nos. 2008-321/1732 adopted
1. * **RESOLUTION** - 476th amendment to MFS Resolution No. 80-420 adding Arts, Parks Entertainment and Sports (APES) fees at Chukchansi Stadium **(Council action)**
- Action Taken:** Resolution No. 2008-322 adopted

ADJOURN AGENCY

3:00 P.M.

HEARING regarding Environmental Assessment for Peach Avenue widening between Belmont and Butler Avenues **(Continue to December 2, 2008 @ 10:15 A.M.)**

Action Taken: Continued as noted

SCHEDULED COUNCIL HEARINGS AND MATTERS

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.	2 -	10:10 A.M.	Measure C Regional Transportation fee – City Manager’s Office
Dec.	2 -	10:15 A.M.	CONTINUED HEARING regarding Environmental Assessment for Peach Avenue widening between Belmont and Butler Avenues
Dec.	2 -	10:30 A.M.	HEARING re: public use and necessity for acquisition of a Well Site on property located at the northeast corner of E. Butler and S. Armstrong Avenues
Dec.	2 -	2:00 P.M.	Public Safety Bonds
Dec.	9 -	10:00 A.M.	HEARING re: the formation of CFD No. 9
Dec.	9 -	4:00 P.M.	JOINT RDA MEETING re: proposed Merger I Redevelopment Plan Amendments
Dec.	16 -	10:00 A.M. (1)	2008 Annual Report of the Historic Preservation Commission
Dec.	16 -	10:00 A.M. (2)	2008 City Historic Preservation Awards
Dec.	16 -	3:00 P.M.	HEARING re: the proposed “Fresno 40” Development Project and Draft Environmental Impact Report No. 10142
Dec.	23 -	NO MEETING – CHRISTMAS WEEK	
Dec.	30 -	NO MEETING – NEW YEAR WEEK	
Jan.	6 -	10:00 AM	HEARING re: Ordering the vacation of a portion of the east side of N. State St. north of W. Fairmont Avenue (Property located in District 2) (May be continued)
Jan.	6 -	2:30 P.M.	HEARING re: Aquarius Aquarium – Sphere of Influence, expansion and Plan Amendment (May be continued)
Jan.	27 -	10:00 A.M.	HEARING re: ordering the vacation of W. California Court and the South five feet of W. California Avenue east of W. Atchison Street
Jan.	27 -	10:15 A.M.	HEARING re: ordering the vacation of two parcels of public street right-of-way along the south side of Ashlan Avenue east of Cornelia Avenue