



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.

July 29, 2008

8:30 A.M. ROLL CALL

Invocation by Rabbi Zirkind of the Chabad of Fresno

Pledge of Allegiance to the Flag

Ceremonial Presentation

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 July 22, 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. * Approve contract with CB Richard Ellis for maintenance of the common areas of the consolidated rental car service facility at the Fresno Yosemite International Airport, with the cost to be shared among the rental car lessees – Airports Dept.
Action Taken:
- B. * Approve engagement of Arthur Gimmy International to appraise two (2) parcels of vacant land at Fresno Yosemite International (FYI) Airport totaling approximately 28.5 acres at a cost of \$10,450 – Airports Dept.
Action Taken: Approved
- C. * Approve a ten (10) year lease of building site at the Fresno Yosemite International (FYI) Airport with United Parcel Service - Airports Dept.
Action Taken: Approved
- D. **RESOLUTION** - Dedicating certain City-owned property for public street purposes and public utility purposes on the west side of Willow Avenue south and north of W. Shepherd Avenue (**Property located in District 6 and in the County of Fresno**) – Public Works Dept.
Action Taken: Resolution No. 2008-184 adopted
- E. * Approve the sale of 1.75 +/- acres of City-owned land at the northwest corner of Herndon Avenue and Golden State Blvd. to Sam and Lisa Monaco (**Property Located in District 2**) – Public Works Dept.
Action Taken: Approved
- F. **RESOLUTION** - Of intention to annex Final Tract 5935, Annexation No. 34 to City of Fresno Community Facilities District No. 11 and to authorize the levy of special taxes (**Property located in District 4**) – Public Works Dept.
Action Taken: Resolution No. 2008-184 adopted
- G. * Approve the acquisition of four (4) easements for additional right-of-way on the south side of Shepherd Avenue just west of Maple Avenue as per the UGM Agreement for Conditional Use Permit 2001-117 from property owners: John M. Shamshoian, Trustee, Cyrus J. Setoodeh and Dianna R. Setoodeh, Co-Trustees, Napaville Homes Incorporated and Kevin Thomas Duffy (**Property located in District 6**) – Public Works Dept.
Action Taken: Approved
- H. **RESOLUTION** - Approving the Water Supply Assessment Report prepared for the El Paseo Project generally located on the southwest corner of W. Herndon and N. Bryan Avenues in northwest Fresno proposed by O & S Holdings, LLC (**Property located in District 2**) – Planning and Development Dept.
Action Taken: Resolution No. 2008-185 adopted

1. **CONSENT CALENDAR CONTINUED**

- I. **RESOLUTION** – Approval of street alignments and widths of two (2) proposed public streets for property located within the boundaries of Site Plan Review Application No. S-08-038, property located on the southeast corner of N. Fowler and E. Shields Avenue – Planning and Development Dept.
Action Taken: Resolution No. 2008-186 adopted

- J. Approve second amendment to Rotary Amphitheater agreement between the City of Fresno and the Rotary Club of Fresno – PARCS
Action Taken: Approved
 - 1. * **RESOLUTION** - 472nd amendment to MFS No. 80-420 revising the improvement fee for the Woodward Rotary Amphitheater
Action Taken: Resolution No. 2008-188 adopted

- K. * **RESOLUTION** - Amending and superseding Resolution No. 2006-454 and authorizing the Director of Public Utilities/designee(s) thereof to negotiate and sign funding agreement and amendments for funding under the Safe Drinking Water State Revolving Fund; to approve claims for reimbursement and to execute budget expenditure summaries; to sign contractor's release form; to sign the certification of project completion; and dedicating the Department of Public utilities revenues from user water rates, fees or charges as the dedicated source of revenue to repay said loan - Dept. of Public Utilities
Action Taken: Resolution No. 2008-187 adopted

- L. * Authorize the Chief of Police to enter into a one-year lease agreement between the City of Fresno and the Mark and Tami Graham Family Trust for indoor vehicle storage and classroom space at 5280 and 5282 E. Pine Street in Fresno, California, for the Police Department Bomb Squad, SWAT, and Training Units – Police Department
Action Taken: Authorized

- M. * **BILL NO. B-48 – (Intro 7/15/2008) (For adoption)** – Amending the official list of designated special speed zones designating speed limits for various streets within the City of Fresno pursuant to Section 14-1501 of the Fresno Municipal Code – Public Works Department
Action Taken: Ordinance No. 2008-48 adopted

- N. * **BILL NO. B-49 – (Intro 7/15/2008) (For adoption)** – Amending Section 6-202, Subsections (c), (f), (g) and (i) of Section 6-205, Section 6-208 and Section 6-209 of the Fresno Municipal Code, relating to the solid waste, recyclable and green waste collection and disposal – Department of Public Utilities
Action Taken: Failed adoption

CONTESTED CONSENT ITEMS (IF ANY)

SCHEDULED COUNCIL HEARINGS AND MATTERS

- 9:00 A.M. A. **SCHEDULED COMMUNICATION:**
 - 1. Appearance by Robert DeFrees to invite the City Council to a Neighborhood Watch block party – 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

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

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

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

- A. **BILL – (For introduction)** – Adding Article 32 to Chapter 9 of the Fresno Municipal Code relating to regulation of film production – Economic Development Dept.
Action Taken: Introduction failed

- B. Consideration of programs to encourage and provide incentives for affordable housing projects
 - 1. **BILL – (For introduction)** – Adding a policy to allow deferral for payment of impact fees for affordable housing projects – Planning and Development Dept.
Action Taken:
 - 2. * Approval of Fiscal Year 2009 Program Plan for the Affordable Housing Special Revenue Fund
Action Taken: Laid over to 7/30/2008 special meeting

- C. Request Council consideration of repeal of non-resident entrance fee at Roeding Park
 - 1. * **RESOLUTION** - 473rd amendment to MFS No. 80-420 deleting the non-resident entrance fee at Roeding Park – City Manager’s Office
Action Taken: Resolution No. 2008-189 adopted

10:00 A.M.#1 **HEARING** to consider Rezone Application No. R-08-07, and environmental findings, filed by Save Mart Supermarkets Inc., pertaining to approximately 8.5 acres of property located on the southeast corner of W. Herndon and N. Brawley Avenues (6710 and 6820 N. Brawley Avenue) (**Property located in District 2**) – Planning and Development Department (**Continue to August 19, 2008, at 10:45 a.m.**)
Action Taken: Continued as noted

10:00 A.M.#2 **HEARING** - to consider the proposed Annual Assessments for Landscaping and Lighting Maintenance District No. 1 (City wide) – Public Works Dept.
Action Taken: Held

- a. **RESOLUTION** - Confirming diagram and assessment and levy of annual assessment, 2008-2009, for Landscaping and Lighting Maintenance District No. 1
Action Taken: Resolution No. 2008-190 adopted

10:15 A.M. **SPECIAL MEETING/JOINT MEETING OF THE FRESNO JOINT POWERS FINANCING AUTHORITY AND THE CITY OF FRESNO** – Finance Dept.

- A. Review appointment of Board member to the Fresno Joint Powers Financing Authority by City Manager (**Authority action**)
Action Taken: No action/unnecessary

- B. Election of Fresno Joint Powers Financing Authority Vice-Chairperson (**Authority action**)
Action Taken: No action/unnecessary

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

10:15 A.M. **SPECIAL MEETING/JOINT MEETING OF THE FRESNO JOINT POWERS FINANCING AUTHORITY AND THE CITY OF FRESNO (CONTINUED)** – Finance Dept.

C. * **RESOLUTION** - Approving the issuance by the Fresno Joint Powers Financing Authority of Lease Revenue Bonds in a principal amount not to exceed an aggregate \$27 million; authorizing the execution and delivery of a Second Amendment to the Master Facilities Lease, a Second Amendment to the Master Facilities Sublease, a Bond Purchase Contract, an Official Statement and a Continuing Disclosure Certificate; and authorizing execution of documents and the taking of all necessary actions relating to the issuance of the bonds **(Council action)**

Action Taken: Resolution No. 2008-191

D. **RESOLUTION** - Authorizing the issuance and sale of Lease Revenue Bonds Series 2008E (tax exempt) and Series 2008F (Federally taxable) (under the Master Lease Projects) in a principal amount not to exceed an aggregate \$27 million; authorizing the execution and delivery of a Second Supplemental Trust Agreement, a Second Amendment to the Master Facilities Lease, a Second Amendment to the Master Facilities Sublease, and an Escrow Agreement, a Bond Purchase Contract and an Official Statement; and authorizing the taking of all necessary actions relating to the issuance of the additional bonds **(Authority action)**

Action Taken: JPFA Resolution No. 27 adopted

ADJOURN SPECIAL/JOINT MEETING OF AUTHORITY AND CITY

11:00 A.M. **CLOSED SESSION**

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

1. **Case Name:** City of Fresno v. Shell Oil Company Superior Court Case No.: CGC 07-461557 – **Removed from the agenda**
2. **Case Name:** City of Fresno v. Chevron USA, et al. United States District Court Case No.: MDL 1358: CV-04973 (SAS) – **Removed from the agenda**
3. **Case Name:** Richard Allen Wisler v. City of Fresno, et al. U.S.D.C. Case No.: 1:06-CV-01694-AWI-SMS - **Held**
4. **Case Name:** Jeannette Howell v. City of Fresno, Fresno Superior Court Case No.: 06CECG03874 DRF - **Held**
5. **Case Name:** City of Fresno v. Mulholland Land Co., et al. (Chestnut & Kings Canyon Street Project); Superior Court Case No.: SC 07 CE CG 00969 AMC
6. **Case Name:** City of Fresno v. United States of America, United States Army Corps of Engineers; National Guard Bureau; The Boeing Company; USDC Case No. 1:06-CV-01559-OWW-LJO - **Held**

B. **CONFERENCE WITH LABOR NEGOTIATOR** – Government Code Section 54957.6

City Negotiators: Ken Phillips, Terry Bond

Employee Organization(s): Fresno Police Officers Association (FPOA) Basic Unit and Management Unit, International Brotherhood of Electrical Workers, Local 100 (IBEW)

Action Taken: Held

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

[Approve the Agency minutes of July 22, 2008](#)

Action Taken: Approved, as submitted

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

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

- 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 August 19, 2008, at 3:00 p.m.)**
Action Taken: Continued as noted
- B. Consider matters necessary to proceed with processing of proposed amendments to 10 redevelopment plans in the Merger No. 1 Project (comprised of the Central Business District, Chinatown Expanded, Convention Center, Fulton, Jefferson, Mariposa, South Van Ness Industrial, West Fresno I, West Fresno II, and West Fresno III):
1. **RESOLUTION** – Authorizing the initiation of procedures for amendments to ten (1) existing Redevelopment Plans in the Merger No. 1 Project **(Council action)**
Action Taken: Resolution No. 2008-192 adopted
 2. **RESOLUTION** - Approving the Preliminary Report for the proposed amendments to the Redevelopment Plan for Merger No. 1 Projects and authorizing the transmittal of the Preliminary Report for public review **(Agency action)**
Action Taken: Resolution No. 1723 adopted
 3. **RESOLUTION** - Referring the proposed plan amendments for Merger No. 1 Projects to the Planning Commission of the City of Fresno for its report and recommendation and authorizing the transmittal of the proposed plan amendments to the affected taxing entities, and other interested persons and organizations **(Agency action)**
Action Taken: Resolution No. 1724 adopted
 4. **RESOLUTION** - Accepting the Initial Study/Mitigated Negative Declaration prepared for the proposed plan amendments to the redevelopment plans for Merger No. 1 projects and authorizing transmittal of the Initial Study/Negative Declaration to the affected taxing entities and other interested persons and organizations **(Agency action)**
Action Taken: Resolution No. 1725 adopted
 5. **RESOLUTION** - Consenting to a joint public hearing on the proposed plan amendments to ten (10) existing redevelopment plans in the Merger No. 1 **(Council and Agency action)**
Action Taken: Joint Resolution Nos. 2008-193/1726 adopted

ADJOURN AGENCY

RECESS COUNCIL MEETING TO JULY 30, 2008, AT 9:00 A.M.

July 30, 2008, at 9:00 A.M. - Special Joint Meeting with Fresno Unified School District to be held at Yokomi Elementary School – All Purpose Room, 2323 E. McKenzie, Fresno CA 93701 **(See Special Joint Meeting agenda - included); - Held**

2:00 P.M. for a Regular Continued Meeting of the City Council to be held in the City Hall Council Chambers, 2600 Fresno Street, Fresno CA 93721 – **Held/no action taken due to lack of a quorum**

2:00 P.M. #1 **RESOLUTION** – Submitting a proposed Charter amendment to City electors relating to the Office of the Independent Police Auditor - City Manager's Office
Action Taken: – Held/no action taken due to lack of a quorum

2:00 P.M. #2 **RESOLUTION** - Authorizing acceptance of \$100,000 in grant funding from the State of California, Alcoholic Beverage Control, for the Fresno Police Department's 2008-2009 Grant Assistance Program (GAP); authorize the Chief of Police to enter into and execute the agreement and required program documents – Police Department

1. * **RESOLUTION** - 1st amendment to AAR 2008-162 appropriating \$100,000 in grant funding from the State of California of Alcoholic Beverage control for the Fresno Police Department's 2008-2009 Grant Assistance Program **(Requires 5 affirmative votes)**
Action Taken: – Held/no action taken due to lack of a quorum

SCHEDULED COUNCIL HEARINGS AND MATTERS

July	30 - (Weds.)	9:00 A.M.	SPECIAL JOINT MEETING with Fresno Unified School District at Yokomi Elementary School
July	30 - (Weds.)	2:00 P.M.	SPECIAL MEETING of the City Council re: Independent Police Auditor – Mayor’s Office
Aug.	5 -		NO MEETING COUNCIL RECESS
Aug.	12 -		NO MEETING COUNCIL RECESS
Aug.	19 -	10:00 A.M.	Consideration of Plan Amendment Application No. A-08-01, Rezone Application No. R-08-01, filed by BKM Partners and SKN Properties, on behalf of Cris and Don Pilegard
Aug.	19 -	10:15 A.M.	HEARING re: CFD No. 11, Annexation No. 34, Final Tract No. 5935
Aug.	19 -	10:30 A.M.	WORKSHOP re: Work Force Investment Board structure
Aug.	19 -	10:45 A.M.	CONTINUED HEARING to consider Rezone Application No. R-08-07, filed by Save Mart Supermarkets Inc.,
Aug.	19 -	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
Aug.	26 -	10:00 A.M.	Fresno Area Express item (BRT Presentation)
Sept.	2 -		NO MEETING COUNCIL RECESS
Sept.	9 -		NO MEETING COUNCIL RECESS
Sept.	16 -	10:00 A.M.	HEARING re: vacation of a portion of the west side of N. Clovis Avenue between E. Grant and E. Madison Avenues
Oct.	14 -		NO MEETING COLUMBUS DAY
Nov.	4 -		ELECTION DAY (Meeting tentative)
Nov.	11 -		NO MEETING VETERANS DAY
Nov.	25 -		NO MEETING – THANKSGIVING WEEK
Dec.	2 -	3:30 P.M.	JOINT RDA MEETING re: proposed Merger I Redevelopment Plan Amendments
Dec.	23 -		NO MEETING – CHRISTMAS WEEK
Dec.	30 -		NO MEETING – NEW YEAR WEEK