



# 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, 2<sup>nd</sup> Floor, 2600 Fresno Street, Fresno CA 93721.

## June 17, 2008

### 8:30 A.M. ROLL CALL

Invocation by Councilmember Dages

Pledge of Allegiance to the Flag

### **Ceremonial Presentation:**

Proclamation of "[NATIONAL DUMP THE PUMP DAY](#)" – Council President Xiong – **Read and presented**

The agenda and related staff reports are available on ([www.fresno.gov](http://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 [June 9](#), [June 10](#) and June 12, 2008

**Action Taken:** **Approved**

Councilmember Reports and Comments

**Action Taken:** **No reports**

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 Side Letter of Agreement with International Association of Firefighters \(IAFF\), Local 753, Fire Basic, Unit 05, regarding a trial schedule change – Personnel Services Department](#)  
**Action Taken:** **Approved**
- B. **RESOLUTION** - [Of intention to annex Final Tract 5901, Annexation No. 32 to City of Fresno Community Facilities District No. 11, and setting the public hearing for July 15, 2008 at 10:00 a.m. \(\*Property located in District 4\*\) – Public Works Department](#)  
**Action Taken:** **Laid over to 6/24/2008**
- C. \* [Approve the acquisition of two \(2\) street easements for the placement of curb, gutter and sidewalk along N. Polk Avenue from owners: Tommy R. and Olga G. Martinez and Mario Rolando and Jacqueline Isela Campos \(\*Properties located in District 2\*\) – Public Works Dept.](#)  
**Action Taken:** **Approved**
- D. [Approve appointments of the following to the City of Fresno Disability Advisory Commission – Public Works Department](#)  
  1. Lillian J. Fillpot
  2. Danielle A. Thompson
  3. Mary Beth Randall
  4. Darby Greer
  5. Russell Hoeltzer
  6. Ronald A. Sheppard
  7. Robert J. Hand**Action Taken:** **Approved**
- E. \* [Award a requirements contract to Safeway Sign Company of Adelanto, California, for reflective sheeting, traffic and street name signs – Public Works Department](#)  
**Action Taken:** **Awarded**
- F. \* [Approve agreement with Brooks-Ransom Associates in the amount of \\$72,981.00 with a contingency amount not to exceed \\$28,600.00 to update the new analytical laboratory building design at the Regional Wastewater Reclamation Facility to comply with new City Building Code within the City of Fresno \(\*Property located in District 3\*\) – Public Works Department](#)  
**Action Taken:** **Approved**

1. **CONSENT CALENDAR CONTINUED**

- G. Approve fire dispatch contract between the City of Fresno and the County of Fresno – Fire Department  
**Action Taken: Approved**
- H. \* Award a contract in the amount of \$728,203.00 to Witbro Inc., D.B.A. Seal Rite for installation of street infrastructure in No Neighborhood Left Behind Area 50 (***Property located in District 4***) – Dept. of Public Utilities  
**Action Taken: Awarded**
- I. \* Award a contract in the amount of \$246,432.00 to BDS Construction Inc. for installation of street infrastructure in No Neighborhood Left Behind Area 77 (***Property located in District 7***) – Dept. of Public Utilities  
**Action Taken: Awarded**
- J. \* Award a contract in the amount of \$263,691.00 to Yarbs Enterprise for installation of street infrastructure in No Neighborhood Left Behind Area 88 (***Property located in District 7***) – Dept. of Public Utilities  
**Action Taken: Awarded**
- K. \* Award a contract in the amount of \$154,455.00 to Victory Engineers for installation of street infrastructure in No Neighborhood Left Behind Area 91 (***Property located in District 7***) – Dept. of Public Utilities  
**Action Taken: Awarded**
- L. \* Award contract in the amount of \$275,430 to Steve Dovali Construction for installation of granulated activated carbon wellhead treatment site improvements at Pump Station 2B– Dept. of Public Utilities  
**Action Taken: Awarded**
- M. Approve appointment of Rogenia Cox to the Housing and Community Development Commission – Mayor’s Office  
**Action Taken: Approved**
- N. **RESOLUTION** - Initiating rezoning (pre-zoning) on 26 parcels totaling 70 acres within the City of Fresno’s Sphere of Influence to apply the ANX (Annexed Rural Residential Transitional) Overlay district; properties are located throughout the City of Fresno – Planning and Development Dept.  
**Action Taken: Resolution No. 2008-141 adopted**
- O. **RESOLUTION** - Initiating rezoning (pre-zoning) on 10 parcels totaling 179 acres within the City of Fresno’s Sphere of Influence; properties are located along the South Freeway 99 industrial corridor – Planning and Development Dept.  
**Action Taken: Resolution No. 2008-142 adopted**
- P. **RESOLUTION** - Concerning Measure C Extension Local Transportation purposes pass-through projects and program funds annual allocation for fiscal year 2008-2009 – Budget Division  
**Action Taken: Resolution No. 2008-143 adopted**
- Q. **ITEM REMOVED FROM THE AGENDA**
- R. \* **BILL NO. B-39 – (Intro. 6/10/2008) (For adoption)** - Amending Section 9-2514 and 10-603 (c) of the Fresno Municipal Code (“FMC”) regarding graffiti abatement – Police Department  
**Action Taken: Ordinance No. 2008-37 adopted**

1. **CONSENT CALENDAR CONTINUED**

- S. \* **BILL NO. B-38 – (Intro. 6/3/2008) (For adoption)** - Amending the text of the Zoning Ordinance (Fresno Municipal Code), Text Amendment Application No. TA-07-03, and environmental findings, initiated by the Planning and Development Department Director, related to a variety of issues intended to simplify and streamline the Zoning Ordinance and proposed changes and additions to best promote the implementation of the goals of the 2025 Fresno General Plan - Planning and Development Dept. \_  
**Action Taken:** Ordinance No. 2008-38 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. **CITY COUNCIL**

A. **RESOLUTION** – In opposition to California State Assembly Bill 2687 unless amended and in support of enabling legislation that will create equitable opportunities for Proposition 84 applicants – Councilmember Calhoun

**Action Taken:** Resolution No. 2008-144 adopted

B. Appearance by Romi Bagh of the Hotel Fresno LLC. – Acting President Sterling – Appearance made

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

10:15 A.M. **RESOLUTION** - Consideration of Plan Amendment for the adoption of Updated 2008-2013 City of Fresno Housing Element of the 2025 Fresno General Plan and related Environmental Assessment No. EA-08-12 – Planning and Development Department

**Action Taken:** Resolution No. 2008-145 adopted

10:30 A.M. **HEARING** to consider Rezone Application No. R-06-40, and environmental findings, filed by Michael Sutherland and Associates on behalf of Spradling Construction, Inc., pertaining to approximately 3.2 acres of property located on the southeast corner of E. Shepherd and N. Chance Avenues (**Property located in District 6**) – Planning and Development Dept.

**Action Taken:** Held

a. Consider and adopt Environmental Assessment No. R-06-40/T-5408, determination of initial study to file a Finding of Conformity to MEIR 10130 for the 2025 Fresno General Plan

**Action Taken:** Adopted

b. **BILL** – Amending the Official Zone Map to rezone the subject property from the AE-20/UGM (*Exclusive Twenty Acre Agricultural/Urban Growth Management*) zone district to the R-1/UGM (*Single Family Residential/Urban Growth Management*) zone district

**Action Taken:** Bill No. B-40/Ordinance No. 2008-39 adopted

**SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED**

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. Raps Fresno, LLC, et al. (Also known as Hotel Fresno)
  2. **Case Name:** Robert Hendricks v. City of Fresno, Fresno County Superior Court Case No.: 07CECG01130  
**Action Taken:** Held
- B. **CONFERENCE WITH LABOR NEGOTIATOR** – Government Code Section 54957.6  
**City Negotiator(s):** Kenneth Phillips, Terry Bond  
**Employee Organization(s):**
1. Fresno Police Officers' Association (FPOA) – Basic and Management  
**Action Taken:** Held

2:00 P.M. #1 **JOINT MEETING WITH THE REDEVELOPMENT AGENCY**

[Approve Agency minutes of June 10, 2008](#)

**Action Taken:** Approved

- A. [City Council and Redevelopment Agency consider taking the following actions relating to award of contract for the installation of public improvements within the Freeway 99-Golden State Boulevard Redevelopment Area:](#)
1. **RESOLUTION** - Making certain findings pursuant to section 33445 of the Community Redevelopment Law (CRL), authorizing the Agency's installation of public improvements (traffic signals) at the intersection of Dakota and Marks Avenues within the Freeway 99-Golden State Boulevard Redevelopment Project Area (**Council and Agency action**)  
**Action Taken:** Joint Resolution Nos. 2008-146/1721 adopted
  2. Award the contract in the amount of \$266,772 to Bill Marvin Electric for the installation of traffic signals at the intersection of Dakota and Marks Avenues within the Freeway 99-Golden State Boulevard Project Area (**Agency action**)  
**Action Taken:** Awarded
- B. [Continued discussion and consideration of the 2008-2009 fiscal year budget for the following Department:](#)
1. **RESOLUTION** - Appropriating the Fiscal Year 2008-2009 budget to the Redevelopment Agency of the City of Fresno in the amounts set forth herein for approved projects, activities, and other such purposes and expenditures as may be budgeted by the Redevelopment Agency of the City of Fresno (**Agency action**)  
**Action Taken:** Resolution No. 1722 adopted

**ADJOURN AGENCY**

- 2:00 P.M. #2 A. [Continued discussion and consideration of the 2008-2009 fiscal year budget](#)
1. Vote on motions  
**Action Taken:** Action taken on some/remainder continued to 6/19/2008

**\*\* The June 17, 2008, City Council meeting hereby continued to June 19, 2008, at 8:30 a.m. or soon thereafter as is practicable for continued consideration of the 2008-2009 Budget and final adoption of the fiscal year 2008-2009 budget.**

June 19 - 8:30 A.M. Final Adoption of Budget

**SCHEDULED COUNCIL HEARINGS AND MATTERS**

June	24 -	10:00 A.M.	Update on the status of the Hotel Fresno – Councilmember Calhoun
June	24 -	10:30 A.M.	<b>HEARING</b> re: repeal of the Official Plan Line for W. Gettysburg Avenue betw. N. Grantland Avenue and N. Garfield Avenue
June	24 -	10:40 A.M.	<b>HEARING</b> to consider Community Facilities District No. 11 (Final Tract Map No. 5728) Annexation No. 25 ( <i>Property located in District 1</i> ) – Public Works Dept.
June	24 -	11:00 A.M.#1	<b>CONTINUED HEARING</b> to consider Rezone Application No. R-07-06, filed by Provost & Pritchard Engineering Group Inc, on behalf of Fresno Skating Center Inc.
June	24 -	11:00 A.M.#2	<b>CONTINUED HEARING</b> re: 2008 Cycle I Trimester Plan Amendment 1. Consideration of Plan Amendment Application No. A-07-23, Rezone Application No. R-07-81, and environmental findings, filed by Willard and Bettye Eisner, on behalf of the Eisner Family Trust of 1982, pertaining to approximately 2.2 acres of property located on the southeast corner of E. Shaw and N. Chestnut Avenues adjacent to the westbound on-ramp of State Route 168 ( <i>Property located in District 4</i> ) – Planning and Development Department
July	15 -	8:30 A.M.	Presentation of P.R.I.D.E. Team Certificates to Employees for the Summer Quarter - ( <i>Reception immediately following – 2nd floor foyer</i> )
July	15 -	10:00 A.M.	<b>HEARING</b> re: Tract No. 5901, Annexation No. 32
July	15 -	3:00 P.M.	<b>JOINT MEETING WITH THE RDA</b> - Consider adoption of Agency resolution certifying Subsequent Environmental Impact Report (SEIR) SCH #2003051046 for the Old Armenian Town Project-relocation of historical resources
July	22 -	8:30 A.M.	2nd Quarter Make a Promotion a Commotion Ceremony ( <i>Reception immediately following – 2nd floor foyer</i> )
July	22 -	10:00 A.M.	Presentation of the SEGA Specific Plan Preferred Alternative by the Southeast Growth Area Advisory Committee Meeting
July	30 -	9:00 A.M.	<b>JOINT MEETING</b> with Fresno Unified School District at Yokomi Elementary School

**HEARING SCHEDULE FOR FISCAL YEAR 2008-2009 ANNUAL BUDGET**

June	17 -	8:30 A.M.	Continued consideration of motions for Fiscal Year 2008-2009 budget
June	17 -	2:00 P.M.	2008Final Adoption of Budget