



City Council Agenda

Council President
Blong Xiong

Councilmembers

Brian Calhoun, Ph.D.
Mike Dages
Jerry Duncan

Henry T. Perea
Cynthia A. Sterling – Acting President
Larry Westerlund

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.

February 12, 2008

8:30 A.M. ROLL CALL

Invocation by Reverend Danny Lee Jack of the First Chinese Baptist Church

Pledge of Allegiance to the Flag

Ceremonial Presentation:

Presentation of an Award for 45 Years of City Service to the Family of Darwyn Sommers - **Presented**

Special Presentation to Pastor G.L. Johnson of People's Church – Mayor Autry and All Councilmembers – **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 February 5, 2008

Action Taken: Approved, as submitted

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** - Declaring its official intent to reimburse certain expenditures from proceeds of indebtedness for expenses incurred related to sewer enterprise capital projects – Dept. of Public Utilities
Action Taken: Resolution No. 2008-27 adopted
- B. * Award requirements contract to BSK Analytical Laboratories in the estimated amount of \$130,540.00 for requirements contract for Unregulated Contaminant Monitoring Rule 2 (UCMR II) testing - – Dept. of Public Utilities
Action Taken: Awarded
- C. Authorize the Department of Transportation/Fresno Area Express to apply for Local Transportation Fund (LTF) and State Transit Assistance (STA) for fiscal year 2008 – Department of Transportation/Fresno Area Express
Action Taken: Authorized
- D. * Award a requirements contract in the amount of \$4,719,497.80 to Fresno Truck Center of Fresno, CA for side loading refuse trucks – General Services Dept./Fleet Management Division
Action Taken: Awarded
- E. Adopt Resolution of Intention No. 1063-D to vacate Fulton Lane between Broadway and Fulton Streets and the Broadway-Fulton/Broadway-Divisadero alley between Fulton Lane and Yosemite Avenue and setting the public hearing for March 25, 2008 at 10:00 a.m. (**Property located in District 3**) - Public Works Dept.
Action Taken: Resolution No. 1063-D adopted
- F. Approval of UGM Agreement for Conditional Use Permit 2001-117– Public Works Dept.
Action Taken: Approved
 - 1. * **RESOLUTION** - 47th amendment to AAR No. 2007-214 appropriating \$306,400 in developer contributions for the acquisition of right-of-way for Conditional Use Permit No. 2001-117 (**Requires 5 affirmative votes**) (**Property located in District 6**)
Action Taken: Resolution No. 2008-26 adopted

1. **CONSENT CALENDAR CONTINUED**

- G. * Award a requirements contract to Central Sanitary Supply of Fresno, CA, for park and recreation facility paper hand towels and toiletry supplies – PARCS
Action Taken: Awarded/\$37,042.23
- H. Authorize the Director of Aviation to negotiate a lease of common user passenger processing hardware and software for the Fresno Yosemite International Airport with Air-Transport IT Services, Inc. – Airports Department
Action Taken: Authorized
- I. Approve amendment to Parking Facilities Management Services Agreement between the City of Fresno and Ace Parking Management, Inc. - PARCS
Action Taken: Approved

CONTESTED CONSENT ITEMS (IF ANY)

CLOSED SESSION

- A. **CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION** - Government Code Section 54956.9, Subdivision (a)
 - 1. **Case Name:** Kerry Brown v. City of Fresno; Fresno County Superior Court Case No. 06CECG03683
Action Taken: Held

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 - **Made**

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

- A. **BILL – (For introduction)** – Amending Section 4-108 of the Fresno Municipal Code relating to local preference in the purchase of materials, supplies and equipment – Councilmember Dages **(Continue to February 26, 2008)**
Action Taken: Continued as noted above
- B. Direct staff to develop and implement a comprehensive public awareness campaign in the next 30 days to curb copper wire theft in the City of Fresno - Councilmember Calhoun
Action Taken: Direction made

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

- A. * Approve an agreement with RRM Design Group in the amount \$179,995 for the preparation of plans, specifications, and cost estimates for the Vagabond Skate Park **(Property located in District 3)** – Public Works Dept.
Action Taken: Approved

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

- 10:00 A.M.#1** **CONTINUED HEARING** to consider the “El Cazador” Condominium Conversion Application and Vesting Tentative Tract Map No. 5793, filed by United Development Group, pertaining to 4.64 acres of property zoned R-3 (*Medium Density Multiple Family Residential*) located on the west side of N. Cedar Avenue between E. Shaw and E. Gettysburg (**Property located in District 4**) - Planning and Development Dept.
Action Taken: **Held**
- a. Consider and adopt Categorical Exemption for Environmental Assessment No. T-5793
Action Taken: **Adopted**
 - b. **RESOLUTION** – Approving Vesting Tentative Tract Map No. 5793 proposing the creation of a one common lot condominium map that will allow for the sale of 100 units for individual airspace ownership; and the conversion of the “El Cazador” multiple family apartment complex into a condominium owner-occupied complex
Action Taken: **Resolution No. 2008-28 adopted**
- 10:00 A.M.#2** **WORKSHOP** regarding parking – Public Works Dept. - **Held**
- 10:00 A.M.#3** Discussion and direction regarding the operational hours of downtown parking meters – Councilmember Dages
Action Taken: **Tabled to February 26, 2008**
- 10:45 A.M.#1** Consider approval of Stand-Alone Tax Sharing Agreement between the County of Fresno and the City of Fresno for annexation of certain territory known as the McKinley-Hayes No. 3 Reorganization (New Urban Strategies property and adjacent parcels) – Planning and Development Department
Action Taken: **Continued to 2/26/2008 at 2:30 p.m.**
- 10:45 A.M.#2** **HEARING** to consider Rezone Application No. R-07-76, and environmental findings, filed by the City of Fresno, pertaining to 48 properties totaling approximately 169.13 acres generally located north of W. Olive Avenue between N. Grantland and N. Polk Avenues (**Property located in District 3**) – Planning and Development Department
Action Taken: **Continued to 2/26/2008 at 2:30 p.m.**
- a. Consider and adopt Environmental Assessment No. R-07-76, determination of initial study to file a Finding of Conformity to MEIR 10130 for the 2025 Fresno General Plan
 - b. **BILL** – Amending the Official Zone Map to rezone the subject 48 parcels from the RR (*Rural Residential, Fresno County*) and C-6 (*General Commercial, Fresno County*) zone districts to the R-A/UGM (*Single Family Residential-Agricultural/Urban Growth Management*), 10 parcels (21.81 acres); R-P/UGM (*Residential and Professional Office/Urban Growth Management*) 3 parcels (4.28 acres); C-P/UGM (*Administrative and Professional Office/Urban Growth Management*), 1 parcel (4.28 acres); R-1/UGM (*Single Family Residential/Urban Growth Management*), 33 parcels (126.5 acres), and O/UGM (*Open Space/Urban Growth Management*) 2 parcels (15.65 acres) zone districts
- 11:00 A.M.** **CONTINUED HEARING** to consider Rezone Application No. R-06-39, and environmental findings, filed by Harbour and Associates on behalf of Riverfront Ventures, LLC. pertaining to approximately 9.40 net acres of property located on the northwest corner of the intersection of W. Herndon and N. Bryan Avenues (**Property located in District 2**) – Planning and Development Department
Action Taken: **Continued to 2/26/2008 at 4:00 p.m.**
- a. Consider and adopt Environmental Assessment No. R-06-39/T-5558/C-06-143, determination of initial study to file a Finding of Conformity to MEIR 10130 for the 2025 Fresno General Plan
 - b. **BILL** – Amending the Official Zone Map to rezone the subject property from the AE-5/UGM (*Exclusive Five Acre Agricultural/Expressway Area Overlay/Urban Growth Management*) zone district to the R-1/EA/UGM (*Single Family Residential/Expressway Area Overlay/Urban Growth Management*) zone district

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

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

Approve Agency minutes of January 29, 2008
Action Taken: Approved as submitted

- A. **BILL – (For introduction)** - Adding Section 11 -109 to Article 1 of Chapter 11 of the Fresno Municipal Code relating to universal design building requirements for City and the Redevelopment Agency funded new residential building projects – Councilmember Sterling
Action Taken: Introduction failed

RECESS TO 3:30 P.M.

3:30 P.M. CONTINUED JOINT MEETING WITH THE REDEVELOPMENT AGENCY

- B. 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 February 26, 2008 at 3:00 P.M.)**
Action Taken: Continued as noted above

ADJOURN AGENCY

SCHEDULED COUNCIL HEARINGS AND MATTERS

Feb.	19 -		NO MEETING – PRESIDENT’S DAY
Feb.	26 -	10:00 A.M.	Presentation by TreeTOPS Group – (Trails and open space)
Feb.	26 -	10:15 A.M.	HEARING re: Rezone Application No. R-07-72, filed by the City of Fresno
Feb.	26 -	10:30 A.M.	HEARING to consider of Zoning Ordinance Text Amendment No. TA-07-02 and Environmental Finding related to the “ANX” Annexed Rural Residential Transitional Overlay District
Feb.	26 -	10:45 A.M.	Asset Map/Drill Down Analysis project for the Economic Development Dept.
Feb.	26 -	11:00 A.M.	HEARING re: Rezone Application No. R-07-52, filed by Yamabe & Horn
Feb.	26 -	2:30 P.M.#1	Consider approval of Stand-Alone Tax Sharing Agreement between the County of Fresno and the City of Fresno for annexation of certain territory known as the McKinley-Hayes No. 3 Reorganization (New Urban Strategies property and adjacent parcels) – Planning and Development Department
Feb.	26	2:30 P.M.#2	HEARING to consider Rezone Application No. R-07-76, filed by the City of Fresno, pertaining to 48 properties totaling approximately 169.13 acres generally located north of W. Olive Avenue between N. Grantland and N. Polk Avenues
Feb.	26 -	3:00 P.M.#1	JOINT MEETING WITH THE 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
Feb.	26 -	3:00 P.M.#2	JOINT MEETING WITH THE RDA to receive status report on South Stadium Project
Feb.	26 -	3:00 P.M.#3	JOINT MEETING WITH THE RDA re: Educational Revenue Augmentation Fund (ERAF
Feb.	26 -	4:00 P.M.	CONTINUED HEARING to consider Rezone Application No. R-06-39, filed by Harbour and Associates on behalf of Riverfront Ventures, LLC. pertaining to approximately 9.40 net acres of property located on the northwest corner of the intersection of W. Herndon and N. Bryan Aves.
Mar.	4 -	10:00 A.M.	HEARING re: the annual weed abatement ordinance – Code Enforcement Division
Mar.	4 -	10:15 A.M.	WORKSHOP re: Downtown Water Feature - Calthorpe Design
Mar.	18 -		NO MEETING – EASTER BREAK
Mar.	25 -	10:00 A.M.	HEARING for the vacation of Fulton Lane between Broadway and Fulton Streets and the Broadway-Fulton/Broadway-Divisadero Alley between Fulton Lane and Yosemite Avenue - RI No. 1063D
Apr.	1 -	10:00 A.M.	HEARING re: UUD No. FRE-91 (Willow Avenue south of Nees Avenue across APN 404-481-18)
Apr.	15 -	8:30 A.M.	Presentation of P.R.I.D.E. Team Certificates for the Spring Quarter (Reception immediately following – 2nd floor foyer)
Apr.	22 -		NO MEETING – COUNCIL RECESS
Apr.	30 - (Weds.)	2:00 P.M.	Presentation of Employee Service Awards (Council Chambers) – Reception immediately following – 2 nd floor foyer)