



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.

August 19, 2008

8:30 A.M. ROLL CALL

Invocation by Reverend James McDonald of the Holy Family Episcopal Church

Pledge of Allegiance to the Flag

Ceremonial Presentation

Proclamation of "**JOSH MCDONALD DAY**" – Councilmember Calhoun – **Read and presented**

Presentation of SPCA Pet of the Month – Councilmember Caprioglio - **Presented**

Proclamation of "**MIKE MALVESTUTO DAY**" – Councilmember Dages – **Read and presented**

Proclamation of "MARISA ORDUNO APPRECIATION DAY" – Councilmember Perea – **Read and presented**

Presentation of a Resolution to the Bridges Family Honoring Police Officer Ron Bridges – Acting President Sterling - **Presented**

Recognition to the Wastewater Management Division of the Department of Public Utilities for Receiving the Public Education Award by the National Association for Clean Water Agencies (NACWA) for Their Salinity Education Program - **Recognized**

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.

August 19, 2008

***SUBJECT TO MAYOR'S VETO OR RECONSIDERATION**

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AND MAY BE AMENDED AT ANYTIME

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 29, July 30 \(A.M. Session\), July 30, \(P.M. Session\)](#) and [August 6, 2008](#)

Action Taken: Approved, as submitted

Approve the Fresno Joint Powers Authority minutes of July 29, 2008

Action Taken: Laid over one week

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 at 2:00 P.M.

A. **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

Action Taken: Resolution No. 2008-195 adopted

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: Resolution No. 2008-196 adopted

B. Approve an agreement with HMC Architects for a total fee of \$912,945 for architectural services for design of a new Central and Southeast District Policing Stations along with a secure storage building at the Southeast District Station – Police Department

Action Taken: Approved

1. **CONSENT CALENDAR CONTINUED**
- C. **RESOLUTION** – Adopt an update to the 2008 Urban Water Management Plan – Dept. of Public Utilities/Water Division
Action Taken: Resolution No. 2008-207 adopted
- D. * Award a contract in the amount of \$285,118.50 to American Paving Co. for installation of street infrastructure in No Neighborhood Left Behind Area 12 (Property located in District 2) – Dept. of Public Utilities
Action Taken: Awarded
- E. * Authorize the Director of Aviation to execute a Military Construction Cooperative Agreement for the construction of a BAK-14 on Runway 11L at Fresno Yosemite International Airport – Airports Department
Action Taken: Authorized
- F. * Approve Consulting Agreement with Reinard W. Brandley, Consulting Airport Engineer, to provide professional civil engineering consulting services on demand for the Department of Airports in an amount not to exceed \$200,000 – Airports Department
Action Taken: Approved
- G. * Approve Side Letter of Agreement with International Brotherhood of Electrical Workers (IBEW), Local 100, providing vacation days in resolution of an MOU reopener - Personnel Services Department
Action Taken: Approved
- H. * Adopt the Memorandum of Understanding (MOU) between the City of Fresno (City) and the International Association of Firefighters, Local 753 (IAFF), Basic Unit, covering the period July 1, 2008, through June 30, 2009 - Personnel Services Department
Action Taken: Adopted
1. * **RESOLUTION** – 1st amendment to Salary Resolution No. 2008-165 amending Exhibit 5, Non-Management (IAFF)
Action Taken: Resolution No. 2008-197 adopted
- I. Approve Amendment No. 4 to HOME Program Agreement between City of Fresno and Self-Help Enterprises approving a time extension of 60 days for completion of the Little Long Cheng single family home subdivision – Planning and Development Dept.
Action Taken: Approved
- J. **RESOLUTION** - Approving the Final Map of Tract No. 5231, accepting dedicated public uses therein (**Property located in District 6**) – Planning and Development Dept.
Action Taken: Resolution No. 2008-198 adopted
- K. Adopt Resolution of Intention No. 1065-D to vacate a portion of the west side of N. Clovis Avenue between E. Grant Avenue and E. Madison Avenue and setting the public hearing for September 16, 2008 at 10:00 a.m. (**Property located in District 5**) – Public Works Dept.
Action Taken: Adopted
- L. * Approve the terms of the agreement between Fresno Metropolitan Flood Control and City of Fresno for land acquisition and joint development and operation of 1.37 acres of land for completion of the Figarden Loop Park (**Property located in District 2**) – Public Works Department
Action Taken: Approved
- M. * **RESOLUTION** - 3rd amendment to PAR No. 2008-163 deleting twelve (12) Fire EMS Radio Operator positions from the Fire Department – Fire Department
Action Taken: Resolution No. 2008-208 adopted

1. **CONSENT CALENDAR CONTINUED**

- N. * Approve Amendment No. 3 to Service Agreement for fire protection and emergency services to North Central Fire Protection District – Fire Department
Action Taken: Approved
1. * **RESOLUTION** – 4th amendment to PAR No. 2008-163 adding one (1) Senior Fire Prevention Inspector position to the Fire Department beginning August 19, 2008, through June 30, 2009
Action Taken: Resolution No. 2008-199 adopted
2. * **RESOLUTION** - 9th amendment to AAR No. 2008-162 appropriating \$55,100 in the Fire Department for the addition of one (1) Senior Fire Inspector position in the North Central Fire Protection District Agreement (*Requires 5 affirmative votes*)
Action Taken: Resolution No. 2008-200 adopted
- O. * Approve the Memorandum of Understanding (MOU) with the Fresno County Economic Opportunities Commission (EOC) for the Fresno Safe and Proud Neighborhoods (FSPN) AmeriCorps Grant Program - Police Department
Action Taken: Approved
- P. ITEM REMOVED FROM THE AGENDA
- Q. Approve City Manager appointment of Steven Shubin as a Boardmember of the City of Fresno Deferred Compensation Board – City Manager’s Office
Action Taken: Approved
- R. **BILL – (For introduction)** - Amending the City of Fresno Municipal Code adding Article 32 to Chapter 9 of the Fresno Municipal Code, related to digital video surveillance security systems for off-sale liquor license establishments – Police Department
Action Taken: Failed introduction

SCHEDULED COUNCIL HEARINGS AND MATTERS

- 9:00 A.M. A. **SCHEDULED COMMUNICATION:**
1. Appearance by Edward A. West to discuss the existing zoning codes – Not present when called
- 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. Consider approval for a Council override vote of Resolution No. 2008-173 vetoed by Mayor Autry on July 28, 2008 (*Council action to override Mayoral veto requires 5 affirmative votes*) – Councilmember Duncan
Action Taken: Considered/override failed
1. **RESOLUTION NO. 2008-173** – 470th amendment to MFS Resolution No. 80-420 repealing the extra \$2.00 charge for non-residents” to enter Roeding Park, Woodward, and the Regional Sports Complex
Action Taken: Veto stands/not adopted

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

9:15 A.M. CITY COUNCIL CONTINUED

- B. Discussion and direction to allocate the \$355,306.00 from the sale of property located at the northwest corner of Herndon Avenue and Golden State Boulevard to the Parks & Recreation Department for After-School Programs – Councilmember Dages
Action Taken: Staff to return with resolution appropriating net proceeds to PARCS
- C. Direct staff to report back to Council by the September 16, 2008, Council meeting with an update on reauthorized Measure C funding priorities – Councilmember Calhoun
Action Taken: Approved
- D. Request staff to return to Council in 30 days with options for additional or strengthened policies regarding abandoned and foreclosed properties in the City of Fresno - Councilmember Calhoun
Action Taken: Approved
- E. Direct staff to return with enabling documents to allow the contracting of Fresno Police Officers to be limited to special events or occurrences that happen on an occasional basis only - Councilman Duncan
Action Taken: Laid over one week

9:30 A.M. GENERAL ADMINISTRATION

- A. **BILL – (For introduction)** – Adding a policy to allow deferral for payment of impact fees for affordable housing projects – Planning and Development Dept.
Action Taken: Bill No. B-51 introduced/laid over
- B. Consideration of Resolution for approval to file with the Fresno Local Agency Formation Commission for an amendment to the Sphere of Influence (SOI) boundary of the City of Fresno and Resolution initiating a general plan amendment for 89 acres of property on the north side of W. Herndon Avenue, west of Freeway 99 (Aquarius Aquarium Institute) – Planning and Development Dept.
 - 1. **RESOLUTION-** Applying to the Fresno Local Agency Formation Commission for an amendment to the Sphere of Influence (SOI) boundary of the City of Fresno
Action Taken: Resolution No. 2008-201 adopted
 - 2. **RESOLUTION-** Initiating a plan amendment to the 2025 Fresno General Plan and West Area Community Plan for 89 acres of property located on the north side of W. Herndon Avenue, west of Freeway 41
Action Taken: Resolution No. 2008-202 adopted
- C. Council reconsideration on the vote adopting Bill No. B-49 introduced on July 22, 2008 and failed adoption on July 29, 2008 – Mayor Autry
 - 1. **BILL NO. B-49 – (Intro. 7/22/2008) (For adoption)** - Amending Section 6-202, Subsections C, F, G and I of Section 6-205, Section 6-206, and Section 6-209 of the Fresno Municipal Code relating to the solid waste, recyclable and green waste collection and disposal
Action Taken: Laid over one week

10:00 A.M. CONTINUED HEARING to consider Plan Amendment Application No. A-08-01, Rezone Application No. R-08-01, and environmental findings, filed by BKM Partners and SKN Properties, on behalf of Cris and Don Pilegard, pertaining to approximately 16 acres of property located on the northeast and southeast corners of S. Clovis and E. California Avenues (**Property located in District 5**) – Planning and Development Dept. (**Refer back to staff**)
Action Taken: Referred back to staff

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

- 10:15 A.M. **HEARING** to consider Community Facilities District No. 11, Annexation No. 34 (Final Tract Map No. 5935) Following passage of Annexation 34, request approval of Final Tract Map No. 5935 (**Property located in District 4**) - Public Works Dept/Development Dept.
Action Taken: Held
- a. **RESOLUTION** – Annexing territory to Community Facilities District No. 11, Annexation No. 34 and authorizing the levy of taxes
Action Taken: Resolution No. 2008-203 adopted
 - b. **RESOLUTION** - Calling special mailed-ballot election
Action Taken: Resolution No. 2008-204 adopted
 - c. **RESOLUTION** - Declaring election results
Action Taken: Resolution No. 2008-205 adopted
 - d. * **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. 34
Action Taken: Bill No. B-52/Ordinance No. 2008-49 adopted
 - e. **RESOLUTION** - Approving the Final Map of Tract No. 5935, Phase 2 of Vesting Tentative Map No. 5901, 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 4**) – Planning and Development Dept.
Action Taken: Resolution No. 2008-206 adopted

- 10:30 A.M. Direction/action regarding Work Force Investment Board structure - Council President Xiong
Action Taken: Staff directed to work with joint governance model
- A. Presentation by Work Force Investment Board
Action Taken: Presentation made

- 10:45 A.M. **CONTINUED 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
Action Taken: Held
- a. Consider and adopt addendum to Environmental Impact Report No. 10131 previously certified by the City Council on February 11, 2003
Action Taken: Adopted
 - b. **BILL** – Amending the Official Zone Map to rezone the subject property from the C-2/EA/UGM/cz (*Community Shopping Center/Expressway Area Overlay/Urban Growth Management/conditions of zoning*) zone district to the C-2/EA/UGM/cz (*Community Shopping Center/Expressway Area Overlay/Urban Growth Management/conditions of zoning*) zone district by amending the conditions of zoning previously approved under Rezone Application No. R-00-13
Action Taken: Bill No. B-53/Ordinance No. 2008-50 adopted

- 11:00 A.M. Presentation regarding Darling International's current operation located at 795 W. Belgravia Avenue in southwest Fresno – Acting President Sterling
- a. Appearance by Concerned Citizens of West Fresno
 - b. Appearance by Darling International
Action Taken: Appearances/presentations made

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

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

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

- A. **CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION** - Government Code Section 54956.9, Subdivision (a)
1. **Case Name:** City of Fresno v. Wat Phouthapathane Lao, et al. Fresno Superior Court Case No. 07CECG02285 AMC
Action Taken: Held
- B. **CONFERENCE WITH LABOR NEGOTIATOR** – Government Code Section 54957.6
City Negotiators: Ken Phillips, Terry Bond
Employee Organization(s):
1. Employee Organization: Fresno Airport Public Safety Officers (FAPSS)
 2. International Association of Firefighters, Local 753, (IAFF, Management Unit)
- Action Taken:** Held
- C. **CONFERENCE WITH LEGAL COUNSEL - DECIDING WHETHER TO INITIATE LITIGATION** - Government Code Section 54956.9, Subdivision (c)
1. **Case Name:** City of Fresno v. County of Fresno
 2. **Case Name:** Darling International, Inc.
Action Taken: Held

2:30 P.M.

Presentation regarding alternative program enabling developers to pay impact fees that qualify under the 1913/1915 Act (excluding school fees) via tax-exempt bond issuance proceeds (Community Infrastructure Financing Programs) Finance and California Statewide Communities Development– Finance Department/Public Works Department

Action Taken: Presentation made

- a. **RESOLUTION** - Approving developer submission of preliminary development project applications and directing City staff to work with the staff of the California Statewide Communities Development Authority (The “Authority”) and Authority’s consultants to develop Joint Community Facilities Agreement(s) and thereupon return to City Council to consider authorizing the Authority to form Community Facilities District(s) within the territorial limits of the City to Finance project public improvements and/or development impact fees

Action Taken: Resolution No. 2008-209 adopted

3:00 P.M.

JOINT MEETING WITH THE REDEVELOPMENT AGENCY

Approve the Agency minutes of July 29, 2008

Action Taken: Approved

- 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 26, 2008 at 3:00 p.m.*)
Action Taken: Continued as noted
- B. **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 Redevelopment Agency funded new residential building projects – **Redevelopment Agency and Planning and Development Dept.**
Action Taken: Bill No. B-54 introduced/laid over
1. Appearance by the Housing Partnership for the Disabled to request the status on the Universal Design Ordinance
Action Taken: Appearance made

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

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

- C. **RESOLUTION** - Making certain findings pursuant to Section 33445 of the Community Redevelopment Law, authorizing the Agency’s installation of public improvements in Florence Avenue between East Avenue and “G” Street within of the South Van Ness Fresno Industrial Redevelopment Project Area **(Council and Agency action)**
Action Taken: Joint Resolution Nos. 2008-210/1727 adopted
 - 1. Award a contract in the amount of \$ 648,158.00 to Dave Christian Construction Company, Inc. for the reconstruction of Florence Avenue between East Avenue between East and Railroad Avenues and the installation of a storm drain line between East Avenue and “G” Street within the South Van Ness Industrial Redevelopment Area **(Agency action)**
Action Taken: Awarded

- D. Authorize the Executive Director to enter into a Purchase and Sale Agreement for the property located at 2518-2522 Ventura Street (APN 468-192-14) owned by Maureen Kilcoyne, Catherine P. Culleton, administrator of the Estate of Patrick G. Culleton, Theresa Dierix, and Frances C. Silveira. The property is within the Convention Center Redevelopment Project Area **(Agency action)**
Action Taken: Authorized

- E. Approve and authorize the Executive Director to enter into a Professional Services Agreement with Precision Civil Engineering in the amount of \$79,980 for the preparation of all necessary construction plans for the reconstruction of McKinley Avenue between Freeway 99 and Marks Avenue **(Agency action)**
Action Taken: Approved

ADJOURN AGENCY

SCHEDULED COUNCIL HEARINGS AND MATTERS

Aug.	26 -	10:00 A.M.	Fresno Area Express item (BRT Presentation)
Aug.	26 -	10:15 A.M.	WORKSHOP regarding the Fulton Mall Historic Designation
Aug.	26 -	10:30 A.M.	HEARING re: Rezone Application No. R-08-08, filed by City of Fresno, property located on the northeast corner of Olive and Hayes
Aug.	26 -	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
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
Sept.	23 -	10:00 A.M.	HEARING re: CFD for Tract No. 5549, Annexation 21
Oct.	14 -	NO MEETING	COLUMBUS DAY
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)
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