



# 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.

## July 15, 2008

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

Invocation by Pastor Loren Pankratz of the New Covenant Community Church

Pledge of Allegiance to the Flag

### **Ceremonial Presentation**

Proclamation of "FRESNO STATE BULLDOG BASEBALL TEAM DAY" – Mayor Autry and All Councilmembers - **Read and presented**

Presentation of the SPCA Pet of the Month – Acting President Sterling - **Presented**

Presentation of Resolutions of Commendation to Jack Poulter and Benny Huert – Mayor Autry and All Councilmembers - **Presented**

Presentation of P.R.I.D.E. Team Certificates to Employees for the Summer Quarter - *(Reception immediately following – 2nd floor foyer)* - **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 24](#) and [July 1, 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 at 2:00 p.m.

A. \* [Approve Amendment No. 1 to extend Kearney Hangar Inc.'s lease of sixteen \(16\) "T" hangars at Fresno Chandler Executive Airport – Airports Department](#)

**Action Taken:** Approved

B. \* [Approve Amendment No. 1 to Agreement with Dale Rutherford, AIA, of Fresno to design, monitor and provide project administration for acoustic treatment of approximately 75 homes for the Fresno Yosemite International Airport FAR PART 150 Noise Compatibility Residential Acoustic Treatment Program locally known as the SMART Program under Airport Improvement Program \(Phase 12 bid group 20\) in the amount of \\$ 251,511.00 – Airports Department](#)

**Action Taken:** Approved

C. \* [Award a contract for construction to Roebbelen Contracting, Inc. of El Dorado Hills for the Fresno Yosemite International Airport terminal crane rail project in the amount of \\$227,000 – Airports Department](#)

**Action Taken:** Awarded

D. \* [Award a contract for construction to Collins Electric Company, Inc. of Fresno for the Fresno Yosemite International Airport concourse switchgear replacement project in the amount of \\$203,108 – Airports Dept.](#)

**Action Taken:** Awarded

E. \* [Award a contract to Lee Crippen Demolition of Fresno, California for the demolition of FYI warehouse building T-296 at 5576 E. Airways Avenue for Fresno Yosemite International Airport in the amount of \\$82,470 – Airports Department](#)

**Action Taken:** Awarded

1. **CONSENT CALENDAR CONTINUED**

- F. \* Award a contract to Concepts Plus, LLC of Traverse City, Michigan to procure, deliver and set in place sixteen (16) airline ticket counter inserts at Fresno Yosemite International Airport in the amount of \$48,380 – Airports Dept.  
**Action Taken:** Awarded
- G. Approve appointment of Jeffrey Harrington to the Housing and Community Development Commission – Mayor’s Office  
**Action Taken:** Approved
- H. \* Approve Side Letter of Agreement with International Association of Firefighters (IAFF), Local 753, Fire Basic, Unit 05, regarding meal subsidies during fire station renovations – Personnel Services Department  
**Action Taken:** Approved
- I. \* Approve and authorize the Police Chief to enter into gang prevention service contracts with 1) Assessment, Training & Research Associates for clinical assessments for an amount not to exceed \$93,600; 2) Comprehensive Youth Services of Fresno, Inc., for clinical assessments for an amount not to exceed \$46,800; and 3) Clinical Consultants for clinical assessments for an amount not to exceed \$46,800 – Police Department  
**Action Taken:** Removed from the agenda
- J. \* Award a contract in the amount of \$127,616.28 to Kayco Composites, LLC of Grande Prairie TX to furnish and install an ice floor cover at Selland Arena – General Services Department/Purchasing Division  
**Action Taken:** Removed from the agenda
- K. \* Award a contract in the amount of \$337,786.77 to Pro Media of Hercules CA to install a new sound system in Selland Arena – General Services Department/Purchasing Division  
**Action Taken:** Awarded
- L. **RESOLUTION** - Approving the summary vacation of a portion of N. Garden Avenue south of E. Tyler Avenue (*Property located in District 7*) – Public Works Department  
**Action Taken:** Resolution No. 2008-168 adopted
- M. \* Approve agreement with Taylor Teter Partnership in the amount of \$294,250.00 with a contingency amount not to exceed \$10,000.00 for the design of plans and general construction contract documents for the new Fresno Fire Station No. 18 within the City of Fresno (*Property located in District 2*) – Public Works Dept.  
**Action Taken:** Approved
- N. \* Approve the acquisition of an easement for the replacement of curb, gutter and sidewalk and wheelchair ramp on the northwest corner of E. Clinton Avenue and N. First Street from property owners: Sam and Angela Marziliano (*Property located in District 7*) – Public Works Department  
**Action Taken:** Approved
- O. **RESOLUTION** - Claiming funds for uncashed checks dating from 1992-2003 - Finance Department  
**Action Taken:** Resolution No. 2008-169 adopted
- P. \* Approve and authorize entry into restating and superseding Amendment II to exclusive negotiation agreement with ROEM Development Corporation to provide for additional time to complete a Disposition and Development Agreement for the City-sponsored Transit Village Project on Kings Canyon Road - Fresno Area Express and Planning and Development Dept.  
**Action Taken:** Approved
- Q. \* Authorize Negotiation and Entry of Amendment No. 2 to HOME Program Agreement between City of Fresno and Fresno West Coalition for Economic Development regarding South Clara Estates an affordable single family home subdivision, subject to City Attorney approval to form - Planning and Development Dept  
**Action Taken:** Authorized

1. **CONSENT CALENDAR CONTINUED**

- R. **RESOLUTION** - Initiating rezoning (pre-zoning) on twelve (12) parcels totaling 129.86 acres within the City of Fresno's Sphere of Influence, property located on the north and south sides of E. Copper Avenue, west of N. Willow Avenue (Copper-Willow No. 4 Reorganization) (*Property located in District 6*) – Planning and Development Dept.  
**Action Taken:** Resolution No. 2008-170 adopted
- S. Documents pertaining to Street Improvements on Brawley Avenue (*Property located in District 2*) – Public Works Department
1. Adopt Finding of a Mitigated Negative Declaration, pursuant to Section 15065 of the State CEQA Guidelines, and Environmental Assessment No. EA-00-61  
**Action Taken:** Adopted
  2. \* Award a construction contract for the base bid in the amount of \$321,735.50 to Tri-County Grading & Paving for street improvements on Brawley Avenue between Herndon Avenue and Palo Alto Street  
**Action Taken:** Awarded
- T. **RESOLUTION** - Declaring the results of the primary election held within the City of Fresno on June 3, 2008 – City Clerk's Office  
**Action Taken:** Resolution No. 2008-171 adopted
- U. \* Approval of a one-year contract renewal with the Fresno Unified School District to provide \$662,769 for the Parks, After School, Recreation and Community Services Department to conduct a collaborative After School Recreation Program running through June 30, 2009 - PARCS  
**Action Taken:** Approved
- V. \* Approve Basin "XX" agreement between the Fresno Metropolitan Flood Control District and the City of Fresno for joint maintenance and operation of drainage basin parks - PARCS  
**Action Taken:** Approved
- W. \* Award a contract in the amount of \$399,906.00 to Yarbs Enterprise for installation of street infrastructure in No Neighborhood Left Behind Area 92 (*Property located in District 7*) – Dept. of Public Utilities  
**Action Taken:** Awarded
- X. \* **RESOLUTION** - 469<sup>th</sup> amendment to MFS Resolution no. 80-420 adjusting various fees in the solid waste fee section under the Department of Public Utilities beginning with the September 2008 billing cycle – Dept. of Public Utilities  
**Action Taken:** Resolution No. 2008-172 adopted

**SCHEDULED COUNCIL HEARINGS AND MATTERS**

- 9:00 A.M. A. **SCHEDULED COMMUNICATION:**
1. Appearance by Leslie Hobdy to discuss West Fresno – **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**

- A. Appearance by Clifford H. Tutelian to explain the delays in the building renovation project at Inyo and Van Ness Avenues – Acting President Sterling  
**Action Taken:** Appearance made
- B. Direction to staff regarding outreach to retirees and veterans who have not yet filed for the Federal government' 2008 economic stimulus payments – Acting President Sterling  
**Action Taken:** Direction made to work with IRS
- C. \* **RESOLUTION** – 470<sup>th</sup> amendment to MFS Resolution No. 80-420 repealing the extra \$2.00 charge for “non-residents” to enter Roeding Park, Woodward Park, and the Regional Sports Complex - Councilmember Duncan  
**Action Taken:** Resolution No. 2008-173 adopted

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

- A. \* **RESOLUTION** – Adopting the City of Fresno Investment Policy for public funds for fiscal year 2008-2009 – Finance Dept.  
**Action Taken:** Resolution No. 2008-174 adopted
- B. **BILL – (For introduction)** – Adding Article 25 to Chapter 14, prohibiting solicitation on median island – City Attorney's Office  
**Action Taken:** Denied
- C. Approval of HOME Investment Partnerships (HOME) Program loan funds in the amount of \$2,100,000 to Bastian Court LP for the 61-unit Bastian Court Affordable Multi-Family Development Project (**Property located in District 3**) – Planning and Development Dept.  
**Action Taken:** Removed from the agenda

10:00 A.M. **HEARING** to consider Community Facilities District No. 11 (Final Tract Map No. 5901) Annexation No. 32 (**Property located in District 4**) – Public Works Dept.

**Action Taken:** Held

- a. **RESOLUTION** – Annexing territory to Community Facilities District No. 11, Annexation No. 32 and authorizing the levy of taxes  
**Action Taken:** Resolution No. 2008-175 adopted
- b. **RESOLUTION** - Calling special mailed-ballot election  
**Action Taken:** Resolution No. 2008-176 adopted
- c. **RESOLUTION** - Declaring election results  
**Action Taken:** Resolution No. 2008-177 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. 32  
**Action Taken:** Bill No. B-46/Ordinance No. 2008-45 adopted

**SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED**

**10:15 A.M.**     **HEARING** to consider Rezone Application No. R-08-06, and environmental findings, filed by the City of Fresno, pertaining to 186 properties totaling approximately 83 acres generally located between E. Dakota Avenue, E. Shields Avenue, State Route 168, and N. Chestnut Avenue (*Property located in District 4*) – Planning and Development Dept.

**Action Taken:**     **Held**

a.     Consider and adopt Environmental Assessment No. R-08-06, 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 properties from the AL-20 (*Limited Twenty Acre Agricultural, Fresno County*), R-A (*Single Family Residential, 12,500 square-foot minimum lot size, Fresno County*), and R-1 (*Single Family Residential, 6,000 square-foot minimum lot size, Fresno County*) zone districts to the R-A (*Single Family Residential, 36,000 square-foot lot size*) zone district. In addition, the Annexed Rural Residential Transitional Overlay District (ANX) shall apply to Assessor's Parcel Nos. 438-070-20, 21, and 22 (parcels owned by the ARF "No Kill" dog shelter)

**Action Taken:**     **Bill No. B-47/Ordinance No. 2008-46 adopted**

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

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

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

**City Negotiators:**     Ken Phillips, Terry Bond

**Employee Organization(s):**     International Union of Operating Engineers, Stationary Engineers (Local 39) International Association of Firefighters, Local 753 (IAFF Basic Unit) International Brotherhood of Electrical Workers, Local 100 (IBEW)

**Action Taken:**     **Held**

**B.**     **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION** - Government Code Section 54956.9, Subdivision (b)

**Significant Exposure to Litigation:**

1.     City of Fresno v. AIG Financial Products Corp., et al.

**Action Taken:**     **Held**

**2:00 P.M. #3**     **Action regarding Fiscal Year 2009 budget consideration requests and line item veto:**

**A.**     **REQUEST FOR OVERRIDE OF MAYOR VETO** – Councilmember Duncan  
(Requires Five (5) Affirmative Votes)

1.     **RESOLUTION NO. 2008-162 – (Annual Appropriation Resolution) (AAR)** –  
Adopting fiscal year 2008-2009 budget, and appropriating amounts to various departments for purposes named herein

a.     Reallocation of \$400,000 of General Fund to contingency for the Sportstown project

**Action Taken:**     **Failed/veto stands**

**SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED**

2:00 P.M.#3 Action regarding Fiscal Year 2009 budget consideration requests and line item veto continued:

**B. REQUEST FOR RECONSIDERATION – CHARTER MANDATED  
(Requires Simple Majority Vote)**

1. - **RESOLUTION NO. 2008-163 – (Position Allocation Resolution) (PAR)** - Establishing the number of positions authorized in the various departments and offices of the City of Fresno for fiscal year 2008 – 2009; and  
- **RESOLUTION NO. 2008-165 – (Salary Resolution)** - Establishing rules of the application of City employee compensation rates and schedules and related requirements, and establishing compensation rates and schedules for FY 2009
  - a. Reconsider adding back the Independent Police Auditor to the PAR as originally proposed in the City Manager's Office's fiscal year 2008-2009 budget  
**Action Taken: Failed**
  - b. Reconsider adding back the Independent Police Auditor to the Salary Resolution as originally proposed in the City Manager's Office's fiscal year 2008-2009 budget  
**Action Taken: Failed**
  
2. - **RESOLUTION NO. 2008-163 – (Position Allocation Resolution) (PAR)** and Establishing the number of positions authorized in the various departments and offices of the City of Fresno for fiscal year 2008 – 2009; and  
- **RESOLUTION NO. 2008-162 - (Annual Appropriation Resolution) (AAR) –** Adopting fiscal year 2008-2009 budget, and appropriating amounts to various departments for purposes named herein
  - a. Reconsider \$34,000 of resources to fund the full year of the Education Liaison and authorize the Education Liaison position in the Salary Resolution for a full year as originally proposed in the City Manager's Office's fiscal year 2008-2009 budget  
**Action Taken: Approved**
  
3. **RESOLUTION NO. 2008-162 - (Annual Appropriation Resolution) (AAR) –** Adopting fiscal year 2008-2009 budget, and appropriating amounts to various departments for purposes named herein
  - a. Reconsider including \$200,000 of resources to continue funding the Solar Rebate Program in the Planning and Development Department  
**Action Taken: Failed**
  - b. Reconsider \$49,000 of CDBG resources to fund the Fresno West Coalition for Leadership  
**Action Taken: Failed**
  - c. Reconsider adding \$400,000 of funding for the Sportstown Project from Van Ness to the Fulton Mall as originally proposed in the Planning and Development Department's fiscal year 2008-2009 budget  
**Action Taken: Failed**

**C. REQUEST FOR RECONSIDERATION – TRADITIONAL  
(Requires Simple Majority Vote)**

1. **RESOLUTION NO. 2008-162 - (Annual Appropriation Resolution) (AAR)**
  - a. Consider modification #2 to Solar Rebate Program to modify the loan program to retain the income limit of up to 120% of median, but raise the loan amount to up to \$20,000 fully amortized to a long time (20 years)  
**Action Taken: Program eliminated/no action required**
  - b. Consider modification to Solar Rebate Program to limit rebate portion of program to \$75,000 of total program  
**Action Taken: Program eliminated/no action required**

**SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED**

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

- 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 July 22, 2008 at 3:30 p.m.)*  
**Action Taken:** Continued as noted

**ADJOURN AGENCY**

**SCHEDULED COUNCIL HEARINGS AND MATTERS**

- |      |              |              |  |
|------|--------------|--------------|--|
| 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.   | <b>HEARING</b> re: Urban Water Management Plan – Water Division <i>(30 minutes)</i>  |
| July | 22 -         | 2:30 P.M.    | Foreclosure Crises; Status report on local response by HUD, Housing Authority, Redevelopment Agency, By Design, Community Housing Council, Code Enforcement and Housing Division – Planning and Development Department |
| July | 22 -         | 3:00 P.M.    | Presentation of the SEGA Specific Plan Preferred Alternative by the Southeast Growth Area Advisory Committee Meeting <i>(30-minutes)</i>   |
| July | 22 -         | 3:30 P.M.#1  | 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 -         | 3:30 P.M.#2  | <b>JOINT MEETING WITH THE RDA</b> – Ordinance in regards to Merger I deleting debt incurrence limits   |
| July | 29 -         | 10:00 A.M.#1 | <b>HEARING</b> re: Rezone Application No. R-08-07, filed by Tom Anderson on behalf of the Save Mart Supermarket  |
| July | 29 -         | 10:00 A.M.#2 | <b>HEARING</b> re: to consider the proposed annual assessments for Landscaping and Lighting Maintenance District No. 1   |
| July | 29 -         | 10:15 A.M.   | <b>JPFA MEETING</b> re: Convention Center Bonds – Finance Dept.  |
| July | 30 - (Weds.) | 9:00 A.M.    | <b>JOINT MEETING</b> with Fresno Unified School District at Yokomi Elementary School   |
| Aug. | 5 -          | NO MEETING   | <b>COUNCIL RECESS</b>  |
| Aug. | 12 -         | NO MEETING   | <b>COUNCIL RECESS</b>  |
| 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.   | <b>HEARING</b> re: CFD No. 11, Annexation No. 34, Final Tract No. 5935   |
| Aug. | 26 -         | 10:00 A.M.   | Fresno Area Express item (BRT Presentation)  |