



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.

March 25, 2008

8:30 A.M. ROLL CALL

Invocation by Father Gosdanian of the Holy Trinity Armenian Apostolic Church

Pledge of Allegiance to the Flag

Ceremonial Presentation:

Proclamation of "MEDIATION WEEK" – Councilmember Perea – **Read and presented**

Proclamation of "PINEDALE DAY" – Councilmember Calhoun – **Read and presented**

Proclamation of "UNIVER/CITY SUSTAINABILITY INTITATIVE" – City Manager's Office – **Read and presented**

Proclamation of "SUZANNE BERTZ-ROSA DAY" – Councilmember Westerlund – **Read and presented**

Presentation of Certificate of Commendation to Philip Goolkasian - Mayor Autry and Council President Xiong – **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 March 11, 2008

Action Taken: Approved, as submitted

Approve Joint Powers Financing Authority minutes of March 11, 2008 (Chair Xiong and Vice Chair Westerlund)

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 at 2:00 P.M.

A. Authorize the Chief of Police to enter into and execute the agreement with the Regents of the University of California to accept Fiscal Year 2007 grant funds – Police Department

Action Taken: Authorized

1. * **RESOLUTION** - 76th amendment to AAR No. 2007-214 appropriating \$25,000 for the Fresno Police Department's California Click It or Ticket Program (COIT) (*Requires 5 affirmative votes*)

Action Taken: Resolution No. 2008-55 adopted

B. **RESOLUTION** – Adopting amended rules and regulations to the Civil Service Board – Personnel Services Department

Action Taken: Resolution No. 2008-56 adopted

C. **RESOLUTION** - Approving the summary vacation of a portion of a pedestrian and bikeway easement in parcel "D" of Parcel Map No. 2003-07 situated on the north side of Herndon Avenue approximately 1000 feet east of Cedar Avenue (*Property Located in District 6*) - Public Works Department

Action Taken: Resolution No. 2008-57 adopted

D. * Approve the acquisition of three (3) easements from Bascom Shields Avenue Apartments, LLC, for a water pump station, water pipelines and access at the Sycamore Heights Apartments on E. Shields Avenue (*Property located in District 4*) – Public Works Department

Action Taken: Approved

E. Approve a consent to Common Use Agreement between Pacific Gas and Electric and the City of Fresno as it relates to property owned by Paul and Susan Lucich (*Property located in District 5*) – Public Works Dept.

Action Taken: Approved

1. **CONSENT CALENDAR CONTINUED**

- F. * **RESOLUTION** - Authorizing the submission of applications for and acceptance of the California Proposition 1B Traffic Light Synchronization Program (TLSP) and authorizing the execution of documents by the Public Works Director or his designee – Public Works Department
Action Taken: Resolution No. 2008-58 adopted
- G. **RESOLUTION** - Authorizing the submission of applications for and acceptance of grant funds from the California Department of Forestry and Fire Protection Urban Forestry Program Innovative Urban Forestry Projects Grant and authorizing the execution of documents by the Public Works Director or his designee – Public Works Department
Action Taken: Resolution No. 2008-59 adopted
- H. * Award a contract in the amount of \$754,632 to American Paving Co. of Fresno, for the Whitesbridge Road reconstruction project (**Property located in District 3**) – Public Works Department
Action Taken: Awarded
- I. * Award a contract in the amount of \$245,941.50 to JWT General Engineering for installation of street infrastructure in No Neighborhood Left Behind Area 38 (**Property located in District 3**) – Dept. of Public Utilities
Action Taken: Awarded
- J. **RESOLUTION** - Authorizing the submittal of an (Proposition 1C) Infill Infrastructure Grant Program application to the State of California Department of Housing and Community Development for the Transit Village Project and authorize the Planning and Development Director to execute all necessary grant documents – Planning and Development Dept.
Action Taken: Removed from the agenda
- K. Approval of a HOME Investment Partnerships (HOME) Program Community Development Housing Organization (CHDO) Agreement in the amount of \$2,000,000 with PARC Grove Commons II LP and Better Opportunities Builders, Inc. for the PARC Grove Commons II Affordable Multi-Family Development – Planning and Development Dept.
Action Taken: Approved
- L. **RESOLUTION**- Initiating rezoning (prezoning) on seven (7) parcels totaling 18.8 acres within the City of Fresno's Sphere of Influence, property located on the northeast corner of N. Hayes and W. Olive Avenues (Olive-Hayes No. 1 Reorganization) – Planning and Development Department
Action Taken: Resolution No. 2008-60 adopted
- M. Consideration of proposed Central-Orange No. 4 Reorganization: Resolution for approval to file with the Fresno Local Agency Formation Commission (LAFCO) for the detachment of certain territory consisting of approximately 176.5 acres from the Fresno County Fire Protection District and the Kings River Conservation District and annexation of the same territory to the City of Fresno (**Property located in District 3**) – Planning and Development Dept.
 1. Affirm the action of the City Council of July 31, 2007 in adopting the environmental finding of Environmental Assessment No. R-07-34 dated May 31, 2007 that the project proposal conforms to the provisions of the 2025 Fresno General Plan Master Environmental Impact Report (MEIR No. 10130)
Action Taken: Affirmed
 2. **RESOLUTION** – Applying to the Fresno Local Agency Formation Commission (LAFCO) in the matter of the proposed Central-Orange No. 4 Reorganization
Action Taken: Resolution No. 2008-61 adopted
- N. Approve additional HOME/HOME CHDO Program funds in the amount of \$650,000 for the Arbor Court Development of affordable rental housing for the disabled – Planning and Development Department
Action Taken: Approved

1. **CONSENT CALENDAR CONTINUED**

- O. * **RESOLUTION** - 77th amendment to AAR No. 2007-214 to appropriate \$1,496,000 for the purpose of supplemental UGM reimbursements from available funds to approved developers (**Requires 5 affirmative votes**) – Public Works Department
Action Taken: Resolution No. 2008-62 adopted
- P. * Recommend approval of Amendment No. 1 to Lease Agreement for new Fire Department headquarters building – Fire Department
Action Taken: Approved
- Q. Approve addition of storage space to Skywest's Fresno Yosemite International Airport operations agreement – Airports Department
Action Taken: Approved

SCHEDULED COUNCIL HEARINGS AND MATTERS

9:00 A.M. A. **SCHEDULED COMMUNICATION:**
1. Appearance by Virginia Morales to discuss the American Ambulance sirens effecting her neighborhood - **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

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

- A. Direct staff to research an addendum to the existing solicitation ordinance to prohibit the dangerous practice of solicitation on median islands within the City of Fresno - Councilmember Calhoun
Action Taken: Direction made
- B. **RESOLUTION** - In support of the National Parks Centennial Initiative and maintaining and preserving America's National Parks – Councilmember Perea
Action Taken: Resolution No. 2008-64 adopted
- C. **BILL – (For introduction)** - Adding Section 4-116 to the Fresno Municipal Code relating to installation of solar energy systems in construction of new City-owned buildings – Councilmember Dages
Action Taken: Bill No. B-19 introduced/laid over

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

- A. Accept City of Fresno Comprehensive Annual Financial Report (CAFR) for Fiscal Year 2007 – Finance Department
Action Taken: Accepted
- B. * Approve an agreement with S&B Investments, a general partnership, for City's lease/purchase of an existing warehouse for development as a joint law enforcement property and evidence storage building and make related environmental findings – Police Department
Action Taken: Approved

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

- 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 – R.I. No. 1063D – *(Property located in District 3)* Public Works Dept.
Action Taken: Held
- a. * **RESOLUTION** - Ordering the vacation of Fulton Lane between Broadway and Fulton Streets and the Broadway-Fulton/Broadway-Divisadero alley between Fulton Lane and Yosemite Avenue
Action Taken: Resolution No. 2008-63 adopted
- 10:30 A.M.#1 Request update from staff regarding the status of the Eaton Plaza Master Plan - Councilmember Calhoun
Action Taken: Update given
- 10:30 A.M.#2 **HEARING** to consider Rezone Application No. R-07-12, and environmental findings, filed by The McCaffrey Group on behalf of Harry and Jill Pascuzzi, pertaining to approximately 18.58 acres of property located on the east side of N. Grantland Avenue between W. Shaw and W. Ashlan Avenues. *(Property located in District 1)* – Planning and Development Dept.
Action Taken: Held
- a. Consider and adopt a Mitigated Negative Declaration for Environmental Assessment No. R-07-12/T-5864/C-07-252.
Action Taken: Adopted
- b. **BILL** – Amending the Official Zone Map to rezone the subject property from the AE-20 (*Exclusive Twenty Acre Agricultural, Fresno County*) zone district to the R-2/UGM (*Low Density Multiple Family Residential/Urban Growth Management*) zone district.
Action Taken: Bill No. B-20/Ordinance No. 2008-19 adopted
- 10:45 A.M. **HEARING** to consider Rezone Application No. R-04-26, and environmental findings, filed by Thurston L. Hadley, Jr., pertaining to approximately 0.23 acre of property located on the north side of W. Elgin Avenue between N. Everest and N. Josephine Avenues within the Herndon Townsite area (7145 W. Elgin Avenue) *(Property located in District 2)* – Planning and Development Department
Action Taken: Held
- a. Consider and adopt a Mitigated Negative Declaration for Environmental Assessment No. R-04-26/S-04-116
Action Taken: Adopted
- b. **BILL** – Amending the Official Zone Map to rezone the subject property from the R-A/UGM (*Single Family Residential Agricultural/Urban Growth Management*) zone district to the R-2-A/UGM (*Low Density Multiple Family Residential, one story/Urban Growth Management*) zone district
Action Taken: Bill No. B-21/Ordinance No. 2008-20 adopted
- 11:00 A.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 April 8, 2008 @ 3:00 P.M)* .
Action Taken: Continued as noted

ADJOURN AGENCY

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

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

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

A. PUBLIC EMPLOYEE PERFORMANCE EVALUATION – Government Code Section 54957

Title: City Attorney

Title: City Clerk

Action Taken: Held

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

1. **Case Name:** City of Fresno v. Moshe Shatzki/1715 N. Fulton

Action Taken: Held

2:30 P.M. **HEARING** to consider Rezone Application No. R-07-010, and environmental findings, filed by Harbor & Associates, on behalf of the Roz Group. This application pertains to approximately 19.17 acres of property located on the south side of W. Ashlan Avenue between N. Polk and N. Hayes Avenues (***Property located in District 1***) – Planning and Development Dept.

Action Taken: Held

a. Consider and adopt Environmental Assessment No. R-07-010/T-5756 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-5/UGM (*Exclusive Five Acre Agricultural/Urban Growth Management*) and the R-R (*Rural Residential, Fresno County*) zone districts to the R-1/UGM (*Single Family Residential/Urban Growth Management*) zone district.

Action Taken: Bill No. B-22/Ordinance No. 2008-21 adopted

2:35 P.M. **HEARING** to consider Rezone Application No. R-07-73, and environmental findings, filed by Provost & Pritchard Engineering Group, Inc., on behalf of The McCaffrey Group, pertaining to approximately 9.49 acres of property located on the north side of W. Herndon Avenue between N. Hayes and W. Spruce Avenues (***Property located in District 2***) - Planning and Development Dept.

Action Taken: Held

a. Consider and adopt Environmental Assessment No. R-07-73/T-5914/C-07-349, 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 approximately 5.11 acres of the subject property from the R-1/EA/UGM/CZ (*Single Family Residential District/Expressway Area Overlay District/Urban Growth Management/Conditions of Zoning*) and the C-1/EA/UGM (*Neighborhood Shopping Center District/Expressway Area Overlay District/Urban Growth Management*) zone districts to the R-2/EA/UGM (*Low Density Multiple Family Residential/Expressway Area Overlay District/Urban Growth Management*) zone district and reclassify the remaining 4.38 acres of the subject property from the AE-5/EA/UGM (*Exclusive Five Acre Agricultural District/Expressway Area Overlay District/Urban Growth Management*) zone district to the C-P/EA/UGM (*Administrative and Professional Office District/Expressway Area Overlay District/Urban Growth Management*) zone district.

Action Taken: Bill No. B-23/Ordinance No. 2008-22 adopted

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

5:30 P.M. **CONTINUED HEARING - (*Public testimony has been closed*)** - Upon request of the Mayor pursuant to Fresno Municipal Code Section 12-405-J, to consider Conditional Use Permit Application No. C-07-256 and EA No. C-07-256, recommending adoption of a Mitigated Negative Declaration as a subsequent project under MEIR No. 10130, related to the conversion of the former Hacienda Motel site (2550 W. Clinton Avenue) from a senior housing and licensed Alzheimer Care Facility to a Group Home Facility to provide housing, treatment, counseling and support services for women in the Female Rehabilitative Community Correctional Center, the Fresno First Program, and Transitional Supportive Housing Facility Program – Planning and Development Dept.
Action Taken: **Held; Alternative to approve**

SCHEDULED COUNCIL HEARINGS AND MATTERS

Apr.	1 -	10:00 A.M.	HEARING re: UUD No. FRE-91 (Willow Avenue south of Nees Avenue across APN 404-481-18)
Apr.	1 -	10:15 A.M.	HEARING re: Rezone Application No. R-08-04, filed by the City of Fresno
Apr.	8 -	8:30 A.M.	1st Quarter "Make a Promotion a Commotion" Ceremony (<i>Reception immediately following – 2nd floor foyer</i>)
Apr.	8 -	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
Apr.	15 -	8:30 A.M.	Presentation of P.R.I.D.E. Team Certificates for the Spring Quarter (<i>Reception immediately following – 2nd floor foyer</i>)
Apr.	15 -	10:00 A.M.	HEARING re: General Plan Amendment No. A-08-02, Rezone Application No. R-08-02, CUP No. C-08-02, filed by LREG, Inc. on behalf of the City of Fresno (Legacy Project)
Apr.	15 -	10:15 A.M.	Consider and provide direction on proposed Blueprint scenarios – Barbara Goodwin, Executive Director of COG
Apr.	15 -	10:45 A.M.	HEARING re: Tract No. 5358, Annexation No. 31
Apr.	15 -	10:50 A.M.	HEARING re: Tract No. 5436, Annexation No. 28
Apr.	22 -	NO MEETING – COUNCIL RECESS	
Apr.	30 -	2:00 P.M.	(WEDNESDAY) Presentation of Employee Service Awards (Council Chambers) – (<i>Reception immediately following – 2nd floor foyer</i>)