



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.

May 6, 2008

8:30 A.M. ROLL CALL

Invocation by Father Farrow from the St. Paul Newman Center

Pledge of Allegiance to the Flag

Ceremonial Presentation:

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

Proclamation of "OLDER AMERICANS' MONTH" – Council President Xiong and Acting President Sterling – **Read and presented**

Proclamation of "TEEN PREGNANCY PREVENTION MONTH" – Acting President Sterling – **Read and presented**

Proclamation of "WOMEN'S BUILD WEEK" – Acting President Sterling and Councilmember Perea – **Read and presented**

Proclamation of "PEACE OFFICERS' MEMORIAL DAY" – Councilmember Perea – **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 April 29, 2008

Action Taken: Approved

Approve Fresno Joint Powers Financing Authority minutes of April 29, 2008 – (Council President Xiong and Councilmember Westerlund)

Action Taken: Approved

Councilmember Reports and Comments

Action Taken: Made

Approve Agenda

Action Taken: Approved

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. * Award a contract for construction to Granite Construction Company of Watsonville, California for the Fresno Yosemite International Airport reconstruction of Taxiways B6-2 and B6-3 in the amount of \$1,878,991 – Airports Department

Action Taken: Awarded

1. * **RESOLUTION** - 86th amendment to AAR No. 2007-214 appropriating \$1,632,800 for the purpose of reconstructing Fresno Yosemite International Airport's Taxiways B6-2 and B6-3 Hall (**Requires 5 affirmative votes**)

Action Taken: Resolution No. 2008-93 adopted

- B. * **RESOLUTION** - 87th amendment to AAR Resolution No. 2007-214 appropriating \$737,500 in the Fire Department for unbudgeted expenditures (**Requires 5 affirmative votes**) – Fire Department

Action Taken: Resolution No. 2008-94 adopted

- C. * Approve an agreement with Bartle Wells Associates in the amount of \$27,500.00 for updating water connection and Urban Growth Management (UGM) fees in the water service area 101S and the adjacent Copper River Ranch area – Dept. of Public Utilities

Action Taken: Approved

- D. **RESOLUTION** - Approving the summary vacation of a portion of public street easement on the east side of N. Polk Avenue, north of W. Ashlan Avenue (**Located in Council District No. 1**) – Public Works Department

Action Taken: Resolution No. 2008-95 adopted

1. **CONSENT CALENDAR CONTINUED**
- E. * **RESOLUTION** - 85th amendment to AAR No. 2007-214 appropriating \$68,900 in developer contributions for the acquisition of right of way at the intersection of Shields and Blythe Avenues for Tract No. 5406 (*Property located in the County of Fresno adjacent to District 1*) (*Requires 5 affirmative votes*) – Public Works Department
Action Taken: Resolution No. 2008-96 adopted
- F. **RESOLUTION** - Approving the Final Map of Tract No. 5512 and accepting the dedicated public uses therein; authorize the Public Works Director, the Public Utilities Director and the Planning and Development Director to execute the necessary documents – Planning and Development Dept.
Action Taken: Resolution No. 2008-97 adopted
- G. * Award a contract in the amount of \$114,535.00 to West Star Environmental, Inc. of Fresno, CA for Phase II Enhanced Vapor Recovery (EVR) upgrade of City fuel sites – General Services Dept./Fleet Management
Action Taken: Awarded
- H. Documents pertaining to a Life and Environmental Science Pilot Program - PARCS
 1. * Approval of a contract with Fresno Unified School District to provide \$4,000 for the Parks, After School, Recreation and Community Services (PARCS) Department to conduct a life and environmental science pilot program running through June 12, 2008
Action Taken: Approved
 2. * **RESOLUTION** - 91st amendment to AAR No. 2007-214 appropriating \$4,000 in the Parks, After School, Recreation and Community Services Department to conduct a life and environmental science pilot program running through June 12, 2008 (*Requires 5 affirmative votes*)
Action Taken: Resolution No. 2008-98 adopted
- I. * **RESOLUTION** - 90th amendment to AAR No. 2007-214 appropriating \$120,000 in the Parks, After School, Recreation and Community Services (PARCS) Department for costs related to operation of Regional Park toll booths (*Requires 5 affirmative votes*) - PARCS
Action Taken: Resolution No. 2008-99 adopted

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. Approve hearing schedule for Fiscal Year 2008-2009 annual budget - Council President Xiong
Action Taken: Approved as amended, with Redevelopment Agency changed to 6/17/2008
- B. Approve letter in support of Assembly Bill 3034 – The Safe, Reliable High Speed Passenger Train Bond Act – Council President Xiong
Action Taken: Approved
- C. Approval and direction of a joint coordination between Public Works (Parking Services) and Department of Public Utilities (Community Sanitation) for a Street Sweeping Pilot Program - Councilmember Westerlund
Action Taken: Failed

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

9:30 A.M.

GENERAL ADMINISTRATION

- A. Consider adoption of a resolution and a policy pertaining to partial acceptance of subdivisions, bond reductions and reimbursement of Urban Growth Management (UGM) or impact fees for developer-constructed infrastructure – Public Works Department
1. * **RESOLUTION** - Authorizing the Public Works Director or City Engineer to enter into amendments to existing subdivision agreements to allow for acceptance of the major streets, trails, bridges, traffic signals, water well sites, sewer lift stations, water mains and sewer mains; and a corresponding one-time performance security reduction, prior to completion of the entire subdivision – Public Works Department
Action Taken: Resolution No. 2008-100 adopted
 2. * Approve the attached Urban Growth Management (UGM) and impact fee reimbursement policy for eligible improvements constructed prior to final acceptance of the tract or parcel map and for eligible improvements constructed by developers under a Conditional Use Permit or Site Plan Conditions of Approval – Public Works Dept.
Action Taken: Approved
- B. **RESOLUTION** - Authorizing the submittal of an application for Smart Growth Implementation Technical Assistance from the Environmental Protection Agency (EPA) – Planning and Development Dept.
Action Taken: Resolution No. 2008-101 adopted
- C. * **BILL NO. B-26– (Intro. 4/29/2008) (For adoption)** - Amending Sections 12-1710 and 12-1711 of the Fresno Municipal Code related to prohibited signs – Planning and Development _
Action Taken: Denied/not adopted
- D. **BILL – (For introduction)** - Adopting implementation procedures for collecting the Copper River Ranch impact fees – Public Works Dept.
Action Taken: Bill No. B-28 introduced/laid over

10:00 A.M.#1

HEARING – To consider approval of Resolution Master Fee Schedule (MFS) Resolution 80-420 increasing the Citywide locally regionally significant street impact fee and the new growth area street impact fee - Public Works Department (*Continue to May 13, 2008 @ 10:30 a.m.*)
Action Taken: Continued as noted

10:00 A.M. #2

HEARING - To consider approval of a Resolution increasing the Citywide impact fees for Fire, Police and Parks Facilities- Public Works Department (*Continue to May 13, 2008 @ 10:30 a.m.*)
Action Taken: Continued as noted

10:30 A.M.

HEARING to consider “The Lexington” Condominium Conversion Application and Vesting Tentative Tract Map No. 5919, filed by WGA N. Glenn Avenue LP, pertaining to 5.4 acres of property zoned R-2/UGM/cz (*Low Density Multiple Family Residential/Urban Growth Management/conditions of zoning*) located on the east side of N. Glenn Avenue, north of the northwest corner of N. Blackstone and W. Nees Avenues (**Property located in District 2**) – Planning and Development Dept.
Action Taken: Continued to 5/13/2008 at 11:00 a.m.

- a. Consider and adopt Categorical Exemption for Environmental Assessment No. T-5919
- b. **RESOLUTION** – Approving Vesting Tentative Tract Map No. 5919 proposing the creation of a one common lot condominium map that will allow for the sale of 84 units for individual airspace ownership; and the conversion of “The Lexington” multiple family residential development into a condominium owner-occupied complex

11:00 A.M.

WORKSHOP regarding Citywide Classification and Compensation Study – Personnel Services Department - Held

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

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

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

- A. **CONFERENCE WITH LEGAL COUNSEL – DECIDING WHETHER TO INITIATE LITIGATION**
- Government Code Section 54956.9, Subdivision (c)
1. **Case Name:** City of Fresno v. Pinedale County Water District
Action Taken: Held
- B. **CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION** - Government Code Section 54956.9, Subdivision (a)
1. **Case Name:** Shields West, LLC v. City of Fresno, et al.
2. **Case Name:** Pamela Kincaid, et al. v. City of Fresno United States District Court
Case No.: 06-CV-1445 OWW
Action Taken: Held

2:30 P.M. **JOINT MEETING WITH THE REDEVELOPMENT AGENCY**

Approve Agency minutes of April 29, 2008

Action Taken: Approved

- A. * **BILL NO. B-27– (Intro. 4/29/2008) (For adoption)** – To delete the Debt Incurrence Time Limit pursuant to SB 211, from the Fresno Air Terminal Redevelopment Plan **(Council action)**
Action Taken: Ordinance No. 2008-26 adopted
- B. Redevelopment Agency Board consider approval of the Memorandum of Understanding (MOU) between the Redevelopment Agency and Cedar Avenue Recycling and Transfer Station, LP and authorize the Executive Director to execute the MOU **(Agency action)**
Action Taken: Approved
- C. Approval of compensation recommendation for the Redevelopment Agency Executive Director **(Agency action)** – Agency Chair Westerlund
Action Taken: Approved
- D. **RESOLUTION** - Establishing Rules of Procedure for Redevelopment Agency agenda **(Agency action)**
Action Taken: Resolution No. 1718 adopted

ADJOURN AGENCY

3:00 P.M. **CONTINUED HEARING** to consider Rezone Application No. R-07-41, and environmental findings, filed by Mike DeAlba and Associates, pertaining to approximately 1.53 acres of a 1.88-acre site located on the north side of W. North Avenue between S. Elm and S. Clara Avenues **(Property located in District 3)** – Planning and Development Dept.

Action Taken: Held

- a. Consider and adopt Environmental Assessment No. R-07-41/S-07-110/ TPM-2007-27, 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 R-1 (*Single Family Residential*) zone district to the R-2/cz (*Low Density Multiple Family Residential/conditions of zoning*) zone district
Action Taken: Bill No. B-29/Ordinance No. 2008-27 adopted

SCHEDULED COUNCIL HEARINGS AND MATTERS

May	13 -	10:00 A.M.	HEARING re: Tract No. 5626, Annexation No. 29
May	13 -	10:05 A.M.	HEARING re: Parcel Map No. 2006-34, Annexation No. 27
May	13 -	10:10 A.M.	HEARING re: Tract No. 5358, Annexation No. 31
May	13 -	10:15 A.M.	HEARING re: Plan Amendment No. A-07-08, Rezone Application No. R-07-29, filed by Dirk Poeschel on behalf of the McCaffrey Group
May	13 -	10:30 A.M.#1	JOINT RDA Meeting re: Universal design – Acting President Sterling
May	13 -	10:30 A.M.#2	CONTINUED HEARING – To consider approval of Master Fee Schedule (MFS) Resolution 80-420 increasing the Citywide locally regionally significant street impact fee and the new growth area street impact fee
May	13 -	10:30 A.M.#3	CONTINUED HEARING - To consider approval of a resolution increasing the Citywide impact fees for Fire, Police and Parks Facilities
May	13 -	11:00 A.M.	CONTINUED HEARING to consider “The Lexington” Condominium Conversion Application and Vesting Tentative Tract Map No. 5919, filed by WGA N. Glenn Avenue LP
May	13 -	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
May	20 -	10:00 A.M.	HEARING re: Tract No. 5600, Annexation No. 30
May	27 -	NO MEETING	MEMORIAL DAY HOLIDAY
June	3 -	10:00 A.M.	RESCHEDULED HEARING - To consider adoption of an amendment to the MFS increasing the Citywide traffic signal mitigation impact fee and adopt findings that the fee increases are statutorily exempt from the California Environmental Quality Act (CEQA) in accordance with CEQA Guidelines Section 15273 – Public Works Dept.
June	10 -	10:00 A.M.	WORKSHOP re: water meter installation program
June	10 -	4:00 P.M.	HEARING re: trimester plan amendment cycle

HEARING SCHEDULE FOR FISCAL YEAR 2008-2009 ANNUAL BUDGET

May	30 -	8:30 A.M.	City Attorney, City Clerk, Personnel, Transportation, Finance, Public Utilities
June	3 -	8:30 A.M.	A.M. Council Session Only
June	5 -	8:30 A.M.	General Services, Convention Center, Airports and Public Works Dept.
June	9 -	8:30 A.M.	Fire Dept., Police Dept. and Planning and Development Dept.
June	10 -	2:00 P.M.	PARCS, Economic Development and Information Services Dept.
June	12 -	8:30 A.M.	General City Purpose, CDBG, Council Offices, Mayor’s Office and City Manager’s Office
June	17 -	2:00 P.M.	Redevelopment Agency; Vote on motions
June	19 -	8:30 A.M.	Final Adoption of Budget