



# 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.

## October 28, 2008

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

Invocation by Pastor Darrell Regensberg of Lifeway Baptist

Pledge of Allegiance to the Flag

### Ceremonial Presentation

Presentation of the 2008 Orchid Award Winners – Councilmember Calhoun - **Presented**

Proclamation of "UNDERAGE DRINKING PREVENTION DAY" – Councilmembers Perea and Dages **Presented**

"**Make a Promotion a Commotion**" Ceremony (*Reception immediately following – 2<sup>nd</sup> floor foyer*) - **Held**

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 October 21, 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 immediately following.

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 2008 grant funds – Police Department

**Action Taken:** Authorized

1. \* **RESOLUTION** - 33rd amendment to AAR No. 2008-162 appropriating \$122,200 for the Fresno Police Department's California Click It or Ticket Program (CIOT) (*Requires 5 affirmative votes*)

**Action Taken:** Resolution No. 2008-299 adopted

B. \* Award contract to Tron Construction, Inc. of Fresno in the amount of \$989,000 to acoustically treat 49 homes under the Fresno Yosemite International Airport Sound Mitigation Acoustical Remedy Treatment (SMART) Program, Phase XI, BID Group #19 Federal Aviation Administration (FAA) Airport Improvement Program (AIP) Grant Number 52 – Airports Department

**Action Taken:** Awarded

C. Adopt Resolution of Intention No. 1066-D to vacate the Sarah-Mary alley between E. California Avenue and E. Woodward Avenue, and setting the public hearing at 10:00 a.m. on December 2, 2008 (*Property located in District 3*) – Public Works Dept.

**Action Taken:** Adopted

D. \* Approve a reimbursement agreement with the Fresno Metropolitan Flood Control District in the amount of \$94,895 for construction of street improvements in Florence Avenue: Cedar to Jackson Avenue (*Property located in District 5*) – Public Works Dept.

1. Authorize the Public Works Director or his designee to sign the agreement on behalf of the City of Fresno

**Action Taken:** Removed from the agenda

1. **CONSENT CALENDAR CONTINUED**

E. \* Approve an amended agreement with Taylor Teter Partnership for a total fee of \$28,745 for additional architectural services for mechanical and H.V.C. systems for climate control for the warehouse, for the new property and evidence storage building, located at 2481 Foundry Park Avenue – Police Dept.

**Action Taken:** Approved

F. \* Award a requirements contract in the amount of \$161,762.30 for measurement control systems for 4", 6", 8", 10", 12", 14" and 16", magnetic flow meters - Dept. of Public Utilities

**Action Taken:** Awarded

G. **RESOLUTION** – Authorizing submittal of grant application and acceptance of up to \$150,000 in tire-derived product grant funds from the California Integrated Waste Management Board (CIWMB) – PARCS

**Action Taken:** Resolution No. 2008-300 adopted

**CONTESTED CONSENT ITEMS (IF ANY)**

**CLOSED SESSION**

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

**Significant Exposure to Litigation:**

1. Lance Kashian, including certain Kashian Entities v. City of Fresno

**Action Taken:** Held

**CLOSED SESSION WITH THE REDEVELOPMENT AGENCY**

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

1. **Case Name:** Heritage Fresno v. Redevelopment Agency of the City of Fresno, et al. (Heritage II) (Armenian Town); Fresno Superior Court #05CECG00012

**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

9:15 A.M. #1 **CITY COUNCIL**

9:15 A.M. #2 **GENERAL ADMINISTRATION**

A. \* Authorize the Public Works Director to enter into an agreement with Harris Construction Company, Inc. to provide construction management services for the Fresno Police Department Regional Law Enforcement Training Facility – Police Department

**Action Taken:** Authorized

1. \* **RESOLUTION** – 37<sup>th</sup> amendment to AAR No. 2008-162 appropriating \$14,970,000 for the construction of the Fresno Police Department Regional Law Enforcement Training Facility (**Requires 5 affirmative votes**)

**Action Taken:** Failed on 4 – 3 vote

**SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED**

9:15 A.M.#2

**GENERAL ADMINISTRATION CONTINUED**

- B. \* Authorize the Chief of Police to exercise the lease purchase option and execute related documents for the Northeast District Policing Station from Roger Petersen Investments in the amount not to exceed \$2,184,150 – Police Dept.  
**Action Taken: Failed**
1. \* **RESOLUTION** – 38th amendment to AAR No. 2008-162 appropriating \$2,185,000 to exercise the lease purchase option for the Northeast Substation (**Requires 5 affirmative votes**)  
**Action Taken: Failed**
- C. \* Approve Side Letters of Agreement between the City of Fresno (City) and the Fresno Police Officers Associations (Non-Management Police, Unit 4; Police Management, Unit 9), providing benefits resulting from an MOU reopener – Personnel Services Dept.  
**Action Taken: Approved**
1. Approve amendments to the City of Fresno Retiree Health Reimbursement arrangement to include a revision to appendix for Police non-management and management units  
**Action Taken: Approved**
- D. **BILL – (For introduction)** - Amend the Fresno Municipal Code Section 14-308, regarding free parking for certain low emission vehicles and various City-owned parking facilities and parking meters – Public Works Department/Parking Services Division  
**Action Taken: Bill No. B-67 introduced as amended, deleting the ZEV Program**
- E. \* **RESOLUTION** – Approving an interim enforcement policy relating to city issued restaurant/bar conditional use permits limiting the consumption of food and/or beverages to midnight – City Attorney’s Office  
**Action Taken: Resolution No. 2008-301 adopted**
- F. \* Approve Amendment No. 1 to Contingent Debt Purchase Agreement between the City of Fresno and the Bank of the West regarding Granite Park Sports Field loan and authorize execution of related documents – Finance Department  
**Action Taken: Approved**
- G. **BILL – (For introduction)** – Adopt blighted building standard ordinance amending Subsection (e) and (g) of Section 10-617 and adding Subsection (i) and (j) to Section 10-617 of the Fresno Municipal Code – Planning and Development Dept.  
**Action Taken: Discussed and continued to 11/18/2008**
- H. **BILL – (For introduction)** – Adding Section 10-620 to the Fresno Municipal Code relating to registration of vacant foreclosed properties – Planning and Development Dept.  
**Action Taken: Discussed and continued to 11/18/2008**

10:00 A.M.

**CONTINUED HEARING** to consideration of Plan Amendment Application No. A-08-08, and environmental findings, filed by Jeffrey T. Roberts on behalf of Granville Homes, pertaining to approximately 60 acres of property located on the northeast corner of W. Bullard Avenue and N. Grantland Avenue (**Property located in District 2**) – Planning and Development Dept. (**Application withdrawn**)  
**Action Taken: Application withdrawn**

**SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED**

11:00 A.M. **WORKSHOP** CDBG- Neighborhood Stabilization Program – Acting President Sterling - **Held**

2:00 P.M. **FRESNO JOINT POWERS FINANCING AUTHORITY**

- A. **RESOLUTION** – Authorizing the issuance and sale of lease revenue bonds (Police and Fire Master Lease Projects), Series 2008A (tax exempt) in a principal amount not to exceed an aggregate \$45 million; authorizing the execution and delivery of a Trust Agreement, a Master Facilities Lease, a Master Facilities Sublease, Bond Purchase Contract and an Official Statement; and authorizing the taking of all necessary actions relating to the issuance of the bonds (**Authority action**)  
**Action Taken:** Continued to 11/18/2008
- B. **RESOLUTION** – Approving the issuance by the Fresno Joint Powers Financing Authority of Lease Revenue Bonds in a principal amount not to exceed an aggregate \$45 million; authorizing the execution and delivery of a Master Facilities Lease, a Master Facilities Sublease, a Bond Purchase Contract, an Official Statement and a continuing disclosure certificate; and authorizing execution of documents and the taking of all necessary actions relating to the issuance of the bonds (**Council action**)  
**Action Taken:** Continued to 11/18/2008
- C. **RESOLUTION** - Authorizing certain Finance Officers of the City of Fresno to sign various investment and commercial banking documents and to provide verbal instruction required for the prudent financial administration and safekeeping of Fresno Joint Powers Financing Authority funds (**Authority action**)  
**Action Taken:** Continued to 11/18/2008

**ADJOURN AUTHORITY**

3:15 P.M. Presentation of "The California High Speed Rail Proposal: A Due Diligence Report" by Adrian T. Moore, Ph.D., Vice President of Research, Reason Foundation - Councilmember Duncan - **Cancelled**

4:00 P.M. \* Reconsideration of decision to locate the Police Substation at Belmont and Dewitt (Hmong Garden location) - Councilmember Dages  
**Action Taken:** Motion to reconsider Fancher Creek location failed

**SCHEDULED COUNCIL HEARINGS AND MATTERS**

- Nov. 4 - **ELECTION DAY (Morning meeting)**
- Nov. 4 - 10:00 A.M. **HEARING** re: Rezoning Application No. R-07-32, filed by Sunridge Development
- Nov. 11 - **NO MEETING VETERANS DAY**
- Nov. 18 - 10:00 A.M. **HEARING** re: the formation of CFD No. 9
- Nov. 18 - 8:30 A.M. Presentation of Fresno Area Express Driver Appreciation Certificates
- Nov. 18 - 3:00 P.M. **HEARING** re: Environmental Assessment for Peach Avenue widening betw. Belmont and Butler Avenues
- Nov. 25 - **NO MEETING – THANKSGIVING WEEK**
- Dec. 2 - 10:00 A.M. **HEARING** re: vacation of the Sarah-Mary Alley between E. California Avenue and E. Woodward Avenue
- Dec. 9 - 10:00 A.M. **HEARING** re: the formation of CFD No. 9
- Dec. 9 - 4:00 P.M. **JOINT RDA MEETING** re: proposed Merger I Redevelopment Plan Amendments
- Dec. 16 - **SCHEDULED MEETING**
- Dec. 23 - **NO MEETING – CHRISTMAS WEEK**
- Dec. 30 - **NO MEETING – NEW YEAR WEEK**
- Jan. 6 - 10:00 AM **HEARING** re: Ordering the vacation of a portion of the east side of N. State St. north of W. Fairmont Avenue (**Property located in District 2**)