



# 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.

## September 30, 2008

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

Invocation by Pastor Natalie Chamberlain of the United Christian Church

Pledge of Allegiance to the Flag

### **Ceremonial Presentation**

Proclamation of "THE FRESNO CULTURAL ARTS MONTH" – Mayor Autry and All Councilmembers – Read and Presented

Proclamation of "THE FRESNO EMBLEM CLUB NO. 125 DAY" – Councilmember Perea – Read and 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 [September 16](#) and [23, 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. [Adopt the proposed spending plan of \\$777,000 for the Fiscal Year 2008-2009 State of California Supplemental Law Enforcement Services Funds \(SLESF\) – Police Department](#)

**Action Taken:** Adopted

1. \* **RESOLUTION** - 16th amendment to AAR No. 2008-162 appropriating \$242,000 into the FY 09 budget (*Requires 5 affirmative votes*) – Police Dept.

**Action Taken:** Resolution No. 2008-249 adopted

B. \* [RESOLUTION - 471st amendment to MFS Resolution No. 80-420 increasing green fees at Airways Municipal Golf Course – Airports Department](#)

**Action Taken:** Resolution No. 2008-250 adopted

C. [Accept surrender of lease of property at Fresno Chandler Executive Airport from Diana K. Draper and Carole L. Salas – Airports Department](#)

**Action Taken:** Accepted

D. [Amend Domestic Airlines Incentive Program to encourage upgauging of aircraft – Airports Department](#)

**Action Taken:** Amended

E. [Authorize the increase in spending for the Consolidated Rental Car Project at Fresno Yosemite International Airport:](#)

1. \* **RESOLUTION** - Authorizing the City Manager to approve Contract Change Orders not to exceed the aggregate \$350,000 and 120 working days for the consolidated rental car project at the Fresno Yosemite International Airport

**Action Taken:** Resolution No. 2008-251 adopted

2. \* Approve Amendment No. 1 to Harris and Associates Agreement for inspection services in the amount of \$150,000

**Action Taken:** Approved

1. **CONSENT CALENDAR CONTINUED**

- F. \* [Award a contract for construction to Cal Valley General Engineering of Fresno for the Fresno Yosemite International Airport – Airports Department](#)  
**Action Taken:** Awarded  
1. \* Approve Airport reconstruction of the perimeter service road project in the amount of \$279,184  
**Action Taken:** Approved
- G. [RESOLUTION - Of intention to annex Final Tract 5358, Annexation No. 31 to City of Fresno Community Facilities District No. 11 \(\*Property located in District 2\*\) – Public Works Department](#)  
**Action Taken:** Resolution No. 2008-252 adopted
- H. \* [RESOLUTION - 475th amendment to the MFS Resolution No. 80-420 increasing green fees at Riverside Municipal Golf Course - PARCS](#)  
**Action Taken:** Resolution No. 2008-253 adopted
- I. \* [Approve a contract with Fresno County Office of Education to provide up to \\$11,500 for the Parks, After School, Recreation and Community Services Department to conduct a collaborative after school recreation program at Wilson Elementary running through June 3, 2009 \(\*Property located in District 1\*\) - PARCS](#)  
**Action Taken:** Approved
- J. [Reject all bids to remove and replace domestic hot water and water softener systems at Fresno Convention and Entertainment Center – General Services Department](#)  
**Action Taken:** All bids rejected
- K. [RESOLUTION - Authorizing signature of a funding agreement and related documents for a Proposition 50 grant in the amount of \\$655,115 for a Membrane Biofilm Reactor Demonstration Project through the Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002 at City of Fresno Well Site 180-2 and authorize the Director of Public Utilities or his designee to execute all necessary documents – Dept. Of Public Utilities](#)  
**Action Taken:** Resolution No. 2008-254 adopted
- L. \* [Approve consulting agreement with Paragon Partners to provide professional real estate services for the Department of Public Utilities-Water Division in an amount not to exceed \\$168,638 and authorize the Director of Public Utilities to execute the consulting agreement on behalf of the City – Department Of Public Utilities](#)  
**Action Taken:** Approved
- M. \* [RESOLUTION – 22<sup>nd</sup> amendment to AAR No. 2008-162 appropriating \\$292,200 of Community Development Block Grant \(CDBG\) funds for the re-budget of various rehabilitation projects previously adopted by Council \(\*Requires 5 affirmative votes\*\) – Budget Division](#)  
**Action Taken:** Resolution No. 2008-255 adopted
- N. [Authorize the Fire Chief to negotiate a Joint Response Operational Plan agreement with Fresno County Fire Protection District and direct staff to expedite annexation/detachment of FCFPD service islands – Fire Department](#)  
**Action Taken:** Authorized

**CONTESTED CONSENT ITEMS (IF ANY)**

**SCHEDULED COUNCIL HEARINGS AND MATTERS**

9:00 A.M. A. **SCHEDULED COMMUNICATION:**  
1. [Appearance by Michael Bumgarner to express his concern with the parking and storage of autos, RV's, commercial vehicles, and boats in City neighborhoods](#) – **Appearance not made; To be rescheduled**

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. [Presentation by the Downtown Association on the International Downtown Association's June 7-10, 2008, visit to Fresno regarding the development of a Downtown Fresno Property-based Business Improvement District \(PBID\) - Acting President Sterling](#)  
**Action Taken:** Presentation made

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

A. [RESOLUTION - Opposing the passage of Proposition 5, also known as the Nonviolent Offender Rehabilitation Act \(NORA\) – Police Department](#)  
**Action Taken:** Resolution No. 2008-256 adopted

B. \* [RESOLUTION – Amending the implementing policies relating to the Citywide regional street and new growth area major street impact fees as previously adopted by Resolution No. 2007-291 – Public Works Department](#)  
**Action Taken:** Removed from agenda

C. [BILL – \(For introduction\) – Adopt blighted building standards ordinance amendment Sub-Section \(e\) and \(g\) of Section 10-617 and adding Subsection \(i\) and \(j\) to Section 10-617 of the Fresno Municipal Code – Planning and Development Department](#)  
**Action Taken:** Removed from agenda

D. [BILL – \(For introduction\) - Adding Section 10-620 to the Fresno Municipal Code relating to registration of vacant foreclosed properties – Planning and Development Department](#)  
**Action Taken:** Removed from agenda

10:00 A.M. **HEARING** – [Regarding Text Amendment Application No. TA-08-01, and environmental findings, initiated by the Planning and Development Department Director, amending the text of the Fresno Municipal Code Zoning Ordinance, Section 12-207.5-K and Section 12-1710\(n\), related to the use of decorative flags as signs for residential subdivisions – Planning and Development Department](#)  
**Action Taken:** Held

1. **BILL - (For introduction)** – Adopting Text Amendment Application No. TA-08-01 and environmental findings as recommended by the Planning Commission amending the text of the Fresno Municipal Code Zoning Ordinance, Section 12-207.5-K and Section 12-1710(n), related to the use of decorative flags as signs for residential subdivisions  
**Action Taken:** Bill No. B-61 introduced/laid over

**SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED**

10:15 A.M. #1 **CONTINUED TEFRA HEARING** as required by Section 147(f) of the Internal Revenue Code of 1986, as amended, to hear and consider information concerning the proposed issuance of tax-exempt revenue bonds by the California Statewide Communities Development Authority to finance Phase II renovations to the Fresno Metropolitan Museum of Art and Science located at 1555 Van Ness Avenue, commonly referred to as the Fresno Bee building – Finance Dept. **(Removed. To be re-noticed.)**  
**Action Taken:** Removed from agenda

10:15 A.M. #2 \* **RESOLUTION** – Approving the second extension of the terms of the existing loan guaranty and related documents between the City of Fresno and the Metropolitan Museum of Art and Science, and authorizing the execution and delivery of the agreements, and related documents, and taking all necessary action related to the transactions, consistent with the resolution – City Manager’s Office  
**Action Taken:** Resolution No. 2008-257 adopted, as amended

2:00 P.M. #1 **CLOSED SESSION**

2:00 P.M. #2 **JOINT MEETING WITH THE REDEVELOPMENT AGENCY**

Approve the Agency minutes of September 16 and 23, 2008

**Action Taken:** Approved

A. **JOINT RESOLUTION** – 5th Amendment to the Redevelopment Agency Contract with the City and County Housing Authority to extend the base year of the contract from July 1, 2008 through June 30, 2011 with the option to extend the agreement on a annual basis for up to two (2) additional years for the major/minor rehabilitation and infill/boarded up Housing Program **(Council and Agency action)**  
**Action Taken:** Resolution No. 2008-258/1730 adopted

B. Request information regarding potential loss of Redevelopment Funds of the City of Fresno due to the \$250 million re-budget due to the State budget – Councilmember Sterling  
**Action Taken:** Received

**ADJOURN AGENCY**

2:30 P.M. **TEFRA HEARING** as required by Section 147(f) of the Internal Revenue Code of 1986 to hear and to consider information concerning the proposed seven State plan of finance and related issuance of Health Facility Revenue Bonds (“The Bonds”) by the Michigan State Hospital Finance Authority and/or the Indiana Finance Authority in one or more series of Hospital Revenue Bonds in an amount not to exceed \$2,100,000,000; pursuant to a plan of finance for various capital facilities, including an amount not to exceed \$130,000,000 with respect to capital facilities in the City of Fresno. Proceeds will be used locally to (i) finance or reimburse the costs of acquisition, construction, furnishing and equipping of certain Saint Agnes Health Facilities in an approximate amount of \$50,000,000 (collectively the “Facilities”), (ii) refund certain bonds in the amount of approximately \$80,000,000 issued by California Statewide Communities Development Authority and/or the City of Fresno (Health Facility Conduit Revenue Bonds – Holy Cross Health System Corporation). The bonds relate to health care facilities owned and operated by Trinity Health, DBA, Saint Agnes Medical Center – Finance Department  
**Action Taken:** Held

a. \* **RESOLUTION** – Approving the issuance of the Michigan State Hospital Finance Authority and the Indiana Finance Authority revenue and refunding bonds (Trinity Health Credit Group), in one or more series in an aggregate principal amount not to exceed \$130,000,000 for the purpose of financing and the acquisition, construction, improvement and equipping of health care facilities owned and operated by Saint Agnes Medical Center and certain other matters relating thereto  
**Action Taken:** Resolution No. 2008-259 adopted

**SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED**

[CONTINUED HEARING to consider adoption of resolutions related to the designation or non-designation of Properties to the Local Register of Historic Resources - Planning & Development Department \(Properties located in District 3\)](#)

**Action Taken: Held**

- a. **RESOLUTION** – Designating the Fresno Photo Engraving building located at 748-752 Fulton Street to the Local Register of Historic Resources  
**Action Taken: Resolution No. 2008-260 adopted**
- b. **RESOLUTION** – Designating the Liberty Laundry building located at 1830 Inyo Street to the Local Register of Historic Resources  
**Action Taken: Resolution No. 2008-261 adopted**
- c. **RESOLUTION** – Designating the Emerald Thrift Store located at 717 Van Ness Avenue to the Local Register of Historic Resources  
**Action Taken: Failed**
  - 1. **(ALTERNATIVE) RESOLUTION** - Not designating the above  
**Action Taken: Resolution No. 2008-262 adopted**
- d. **RESOLUTION** – Designating the American Vintage Thrift Store located at 727 Van Ness Avenue to the Local Register of Historic Resources  
**Action Taken: Failed**
  - 1. **(ALTERNATIVE) RESOLUTION** - Not designating the above  
**Action Taken: Resolution No. 2008-263 adopted**
- e. **RESOLUTION** – Designating the (former) W.J. O'Neill and Company building located at 740 "H" Street to the Local Register of Historic Resources  
**Action Taken: Failed**
  - 1. **(ALTERNATIVE) RESOLUTION** - Not designating the above  
**Action Taken: Failed**
- f. **RESOLUTION** – Designating the Baskin's Auto Supply Sign located at 729 Broadway to the Local Register of Historic Resources  
**Action Taken: Resolution No. 2008-264 adopted**
- g. **RESOLUTION** – Not designating the (former) Ehrman Brothers Garage located at 712 Fulton Street to the Local Register of Historic Resources  
**Action Taken: Resolution No. 2008-265 adopted**
- h. **RESOLUTION** – Not designating Zapp's Transportation Company located at 752 "H" Street to the Local Register of Historic Resources  
**Action Taken: Resolution No. 2008-266 adopted**
  - 1. **(ALTERNATIVE) RESOLUTION** - Designating the above  
**Action Taken: Failed**
- i. **RESOLUTION** – Not designating Edward T. Johnson Used Car and Auto Repair facility located at 727 Fulton Street to the Local Register of Historic Resources  
**Action Taken: Resolution No. 2008-267**

**SCHEDULED COUNCIL HEARINGS AND MATTERS**

- Oct. 7 - 10:00 A.M. HEARING re: Community Facilities District No. 11, Annexation No. 21, Tract No. 5549  
Oct. 7 - 10:05 A.M. HEARING re: Community Facilities District No. 11, Annexation No. 35, Tract No. 5710  
Oct. 7 - 10:15 A.M. HEARING re: Community Facilities District No. 11, Annexation No. 26, Tract No. 5471
- Oct. 14 - NO MEETING COLUMBUS DAY
- Oct. 15 - (Weds.) 2:00 P.M. Presentation of the Employee Service Awards – Council Chambers (*Reception immediately following – 2<sup>nd</sup> floor foyer*)
- Oct. 21 - 8:30 A.M. Presentation of P.R.I.D.E Team Certificates for the Fall Quarter (*Reception immediately following – 2<sup>nd</sup> floor foyer*)
- Oct. 21 - 10:00 A.M. HEARING to adopt resolution of intention to annex a portion of Final Tract 5358 Annexation  
Oct. 21 - 3:00 P.M. HEARING re: public safety bonds – Finance Dept.  
No. 31 to City of Fresno Community Facilities District No. 11
- Oct. 21 - 4:00 P.M. HEARING re: 2008 Cycle Two Plan Amendments
- Oct 28 - 8:30 A.M. Make a “Promotion a Commotion” Ceremony (*Reception immediately following – 2<sup>nd</sup> floor foyer*)
- Oct 28 - 3:00 P.M. JOINT MEETING WITH RDA to consider adoption of Agency resolution certifying Subsequent Environmental Impact Report (SEIR) SCH #2003051046 for the Old Armenian Town Project-relocation of historical resources
- Nov. 4 - ELECTION DAY (Meeting tentative)
- Nov. 11 - NO MEETING VETERANS DAY
- Nov. 18 - SCHEDULED MEETING
- Nov. 25 - NO MEETING – THANKSGIVING WEEK
- Dec. 2 - SCHEDULED MEETING
- 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