



# 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.

## June 24, 2008

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

Invocation by Councilmember Dages

Pledge of Allegiance to the Flag

### **Ceremonial Presentation:**

Proclamation of "ROBERT OVERTON DAY" – Mayor Autry and All Councilmembers - **Read and presented**

Proclamation of "JANET C. SMITH DAY" – Mayor Autry and All Councilmembers - **Read and presented**

Proclamation of "HEALTHY AIR LIVING WEEK" – Mayor Autry and All Councilmembers - **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 [June 17](#) and 19, 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. **RESOLUTION** - Of intention to annex Final Tract 5901, Annexation No. 32 to City of Fresno Community Facilities District No. 11, and setting the public hearing for July 15, 2008, at 10:00 a.m. (*Property located in District 4*) – Public Works Department  
**Action Taken:** Resolution No. 2008-147 adopted
- B. \* Approve Amendment No. 2 to On-Demand Agreement for Professional Consulting Services with Kleinfelder West to provide quality assurance testing and inspection services for the Department of Airports in the amount of \$150,001 – Airports Department  
**Action Taken:** Removed from the agenda
- C. \* Approve Amendment No. 2 to On-Demand Agreement for Professional Consulting Services with BSK Associates to provide quality assurance testing and inspection services for the Department of Airports in the amount of \$150,001 – Airports Department  
**Action Taken:** Removed from the agenda
- D. \* Approve Amendment No. 2 to On-Demand Agreement for Professional Consulting Services with Blair, Church, and Flynn to provide professional civil engineering consulting services for the Department of Airports in the amount of \$150,001 – Airports Department  
**Action Taken:** Removed from the agenda
- E. \* Approve consultant agreement with Burke Construction Services Inc., for inspection and evaluation of properties listed on the City's Local Register of Historic Resources – Planning and Development Department  
**Action Taken:** Approved
- F. Authorize the renewal of an agreement between the City of Fresno Housing Authority and the Police Department for the HUD Capital Funding Grant Program and additional security and protection services for public housing grant, and authorize the Chief of Police to execute the agreement and required program documents – Police Department  
**Action Taken:** Authorized

1. **CONSENT CALENDAR CONTINUED**
- G. Approval of additional administrative leave for City Attorney and City Clerk - Council President Xiong  
**Action Taken:** **Approved**
- H. \* Approve the purchase of three (3) acres of land from Noyan/Frazier Properties, LLC, on the southwest corner of E. Clinton and N. Weber for the construction of a new Central District Policing Station – Police Department  
**Action Taken:** **Approved**
- I. \* Award a contract in the amount of \$295,309.00 to LVH Entertainment Systems of Oxnard, CA to renovate the stage rigging in the Saroyan Theater – General Services Dept.  
**Action Taken:** **Awarded**
- J. \* Approve amendment to extend the agreement with eVerge Group of Texas, LTD. to October 31, 2008 - Information Services Department  
**Action Taken:** **Approved**
- K. **RESOLUTION** - Dedicating certain City-owned property for public pedestrian walkway purposes located on the west side of N. Park Avenue, north of E. Belmont Avenue (**Located in Council District No. 3**) – Public Works Dept.  
**Action Taken:** **Resolution No. 2008-148 adopted**
- L. **RESOLUTION** - Dedicating certain City-owned property for public street purposes on the west side of Willow Avenue south and north of W. Shepherd Avenue and accepting an irrevocable offer to dedicate a public street easement along the south side of Shepherd Avenue west of Willow Avenue (**Located in District No. 6 and in The County of Fresno**) – Public Works Department  
**Action Taken:** **Resolution No. 2008-149 adopted**
- M. Approve the sale of a portion of a small abandoned water well site east of 9851 N. Mohawk to the adjacent owner (**Property located in District 6**) – Public Works Dept.  
**Action Taken:** **Approved**
- N. 1. Adopt Finding of a Categorical Exemption pursuant to CEQA Guidelines 15301 (B) – Public Works Department  
**Action Taken:** **Adopted**
2. \* Award a contract to Bill Nelson General Engineering Construction, Inc., in the amount of \$1,118,270 for the installation of 8" water mains in the vicinity of N. Palm, E. Ashlan, and N. Maroa Avenues (**Property located in the County of Fresno**)  
**Action Taken:** **Awarded**
- O. 1. Approve Mutual License Agreement between the City of Fresno and Horizon Enterprises - Public Works Department  
**Action Taken:** **Approved**
2. Approve the acceptance of a donation of property located near the southwest corner of E. Hamilton Avenue and S. Sarah Street for development to a skate park (**Property Located in District 3**)  
**Action Taken:** **Approved**
- P. \* Approve an agreement with Blair, Church, and Flynn Consulting Engineers in the amount \$72,200.00 for the preparation of plans, specifications, and cost estimates for the Sugar Pine Trail completion project (**Property located in District 6**) - Public Works Department  
**Action Taken:** **Approved**

1. **CONSENT CALENDAR CONTINUED**

- Q. Initiate proceedings and declare intention to levy the annual assessment for the City of Fresno Landscaping and Lighting Maintenance District No.1 (Citywide) - Public Works Dept.
1. **RESOLUTION** - Initiate proceedings for the annual levy of assessment for the City of Fresno Landscaping and Lighting Maintenance District No.1  
**Action Taken:** Resolution No. 2008-150 adopted
  2. **RESOLUTION** - Intention to levy and collect the annual assessment for Landscaping and Lighting Maintenance District No. 1  
**Action Taken:** Resolution No. 2008-151 adopted
- R. \* Award a contract for trail maintenance services to Jon Robert Alsdorf Landscape of Fresno, CA - PARCS  
**Action Taken:** Awarded
- S. \* Award Parks and Recreation Software Conversation Application (Rebid) to Vermont Systems, Inc. - PARCS  
**Action Taken:** Awarded
- T. \* Award a three-year contract for the estimated amount of \$2,557,500 per year for the removal, processing and beneficial reuse or other environmental friendly alternative disposal of biosolids to Liberty Composting, Inc. – Dept. of Public Utilities  
**Action Taken:** Awarded
- U. \* Award contract to Olin Corporation in the amount of \$488,047.00 for bulk sodium hydroxide (caustic soda) – Dept. of Public Utilities  
**Action Taken:** Awarded
- V. \* Award contract to T&T Valve and Instrument, Inc. in the amount of \$213,103.78 for the acquisition of automatic valve actuators at the Surface Water Treatment Facility (SWTF) – Dept. of Public Utilities  
**Action Taken:** Awarded
- W. \* Approve an amendment to the Tract 5717 Subdivision Agreement to reimburse Locans Investments LLC., an amount not to exceed \$1,270,063 for the design and construction of Phase III of the southern water main interconnection and approve an Amendment to the Mitigated Negative Declaration for the southern water main interconnection – Dept. of Public Utilities  
**Action Taken:** Approved
- X. Authorize the Director of Transportation to enter into a lease extension on the current Handy Ride Facility – Fresno Area Express  
**Action Taken:** Approved
- Y. **RESOLUTION** - Authorizing the submittal of two (2) grant applications to the Department of Housing and Urban Development (HUD) and for the acceptance of funding for up to \$3,000,000 for the Lead-Based Paint Hazard Control Grant Program and up to \$300,000 for the Lead-Based Outreach Program – Planning and Development Dept.  
**Action Taken:** Resolution No. 2008-152 adopted
- Z. **RESOLUTION** - Approving the Final Map of Tract No. 5901, Phase 1 of Vesting Tentative Map No. 5901, accepting dedicated public uses therein; authorize the Public Works Director and the Public Utilities Director to execute the necessary documents (**Property located in District 4**) – Planning and Development Dept.  
**Action Taken:** Resolution No. 2008-153 adopted
- AA. **RESOLUTION** - Authorizing extending salary differential and City-paid portion of health and welfare contribution benefits and continuing leave accrual and payment of employee paid portion of health and welfare contribution for military deployed employees – Personnel Services Department  
**Action Taken:** Resolution No. 2008-154 adopted

**CONTESTED CONSENT ITEMS (IF ANY)**

**CLOSED SESSION**

- A. **CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION** - Government Code Section 54956.9, Subdivision (a)
1. **Case Name:** The City of Fresno v. The Discovery Center - Court Case No.: 07CECG01491
  2. **Case Name:** Heritage Fresno v. Redevelopment Agency of the City of Fresno, et al. (Heritage II) (Armenian Town); Fresno Superior Court #05CECG00012; Third District Court of Appeal #C055298  
**Action Taken:** Held

**SCHEDULED COUNCIL HEARINGS AND MATTERS**

- 9:00 A.M. A. **SCHEDULED COMMUNICATION:**
1. Appearance by Susan and Joshua Reams to discuss an issue that occurred on the Fresno Area Express bus – 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. **RESOLUTION** - Supporting the "Safe Neighborhoods Act: Stop Gang, Gun, and Street Crime" - Councilmember Duncan  
**Action Taken:** Resolution No. 2008-155 adopted
- 9:30 A.M. **GENERAL ADMINISTRATION**
- A. **ITEM REMOVED FROM THE AGENDA** \_
- B. **RESOLUTION** - Approving the extension of the terms of the existing Loan Guaranty and related documents between the City of Fresno and the Met Museum, 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. 2008-156 adopted
- C. Consider and adopt a Negative Declaration for Environmental Assessment dated April 28, 2008, and adopt HDR Engineering Inc.'s residential meter implementation plan – Dept. of Public Utilities  
**Action Taken:** Adopted

**SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED**

**10:30 A.M.** **HEARING** to consider an ordinance to repeal Official Plan Line No. OPL 111 for W. Gettysburg Avenue, a local street, between N. Grantland and N. Garfield Avenues - *(Property located in District 1)* – Planning and Development Dept.

**Action Taken: Considered**

a. Consider and affirm the finding of the Mitigated Negative Declaration for Environmental Assessment No. R-07-12/T-5864/C-07-252, dated January 30, 2008, adopted by the Fresno City Council on March 25, 2008

**Action Taken: Affirmed**

b. **BILL – (For introduction and adoption)** - Repealing Official Plan Line No. OPL-111 for W. Gettysburg Avenue, a local street, between N. Grantland and N. Garfield Avenues. The adopted circulation element of the 2025 Fresno General Plan relocated the W. Gettysburg Avenue collector street between N. Grantland and N. Garfield Avenues to the south of the existing alignment

**Action Taken: Bill No. B-41/Ordinance No. 2008-40 adopted**

**10:40 A.M. “A”** **HEARING** to consider Community Facilities District No. 11 (Final Tract Map No. 5728) Annexation No. 25 *(Property located in District 1)* – Public Works Dept.

**Action Taken: Held**

a. **RESOLUTION** – Annexing territory to Community Facilities District No. 11, Annexation No. 25 and authorizing the levy of taxes

**Action Taken: Resolution No. 2008-157 adopted**

b. **RESOLUTION** - Calling special mailed-ballot election

**Action Taken: Resolution No. 2008-158 adopted**

c. **RESOLUTION** - Declaring election results

**Action Taken: Resolution No. 2008-159 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. 25

**Action Taken: Bill No. B-42/Ordinance No. 2008-41 adopted**

**10:40 A.M. “B”** **RESOLUTION** Approving the Final Map of Tract No. 5728, Phase 2 of Vesting Tentative Map No. 5316, Accepting Dedicated Public Uses Therein; Authorize the Public Works Director and the Planning and Development Director to Execute the Necessary Documents *(Property located in District 1)* – Planning and Development Dept.

**Action Taken: Resolution No. 2008-160 adopted**

**11:00 A.M. #1** **CONTINUED HEARING** to consider Rezone Application No. R-07-06, and environmental findings, filed by Provost & Pritchard Engineering Group Inc, on behalf of Fresno Skating Center Inc, pertaining to approximately 3.21 acres of property located on the north side of W. Clinton Avenue between N. Marks and N. Valentine Avenues *(Property located in District 3)* – Planning and Development Department

**Action Taken: Held**

a. Consider and adopt Environmental Assessment No. R-07-06, 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 property from the AE-5/UGM *(Exclusive Five Acre Agricultural/Urban Growth Management)* and the C-6/UGM/cz *(Heavy Commercial/Urban Growth Management/conditions of zoning)* zone districts to the R-1/UGM *(Single Family Residential/Urban Growth Management)* zone district – Planning and Development Department

**Action Taken: Bill No. B-43/Ordinance No. 2008-42 adopted**

**SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED**

11:00 A.M. #2 CONTINUED HEARING regarding the 2008 Cycle I Trimester Plan Amendment

- A. Consideration of Plan Amendment Application No. A-07-23, Rezone Application No. R-07-81, and environmental findings, filed by Willard and Bettye Eisner, on behalf of the Eisner Family Trust of 1982, pertaining to approximately 2.2 acres of property located on the southeast corner of E. Shaw and N. Chestnut Avenues adjacent to the westbound on-ramp of State Route 168 (**Property located in District 4**) – Planning and Development Department
1. Consider and adopt a Mitigated Negative Declaration for Environmental Assessment No. A-07-23/R-07-81  
**Action Taken: Adopted**
  2. **RESOLUTION** – Amending the 2025 Fresno General Plan and the Hoover Community Plan from the neighborhood commercial planned land use designation to the general heavy commercial land use designation  
**Action Taken: Resolution No. 2008-161 adopted**
  3. **BILL** – Amending the Official Zone Map to rezone the subject property from the C-1 (*Neighborhood Shopping Center*) zone district to the C-6/cz (*General Heavy Commercial/conditions of zoning*) zone district  
**Action Taken: Bill No. B-44/Ordinance No. 2008-43 adopted**

11:00 A.M. #3 Consideration of Plan Amendment Application No. A-08-01, Rezone Application No. R-08-01, and environmental findings, filed by BKM Partners and SKN Properties, on behalf of Cris and Don Pilegard, pertaining to approximately 16 acres of property located on the northeast and southeast corners of S. Clovis and E. California Avenues – (**Property located in District 5**) – Planning and Development Dept. (**Continue to August 19, 2008 at 10:00 A.M.**)  
**Action Taken: Continued as noted**

2:00 P.M. **ADOPTION OF FISCAL YEAR 2008-2009 BUDGET**

- A. **Action on the Fiscal Year 2009 Budget and related items**  
Council Adoption of the Fiscal Year 2008-2009 City of Fresno Budget and the Community Development Block Grant Budget including the Annual Appropriations Resolution (AAR)
1. \* **RESOLUTION** - Adopting the budget for Fiscal Year 2009 and appropriating to the various departments amounts set forth for the purposes named herein  
**Action Taken: Resolution No. 2008-162 adopted**
  2. \* Adopting the Fiscal Year 2009 Position Authorization Resolution (PAR):  
**RESOLUTION** - Establishing the number of positions authorized in the various departments and offices of the City for Fiscal Year 2009  
**Action Taken: Resolution No. 2008-163 adopted**
  3. \* Adoption of the Fiscal Year 2009 GANN Appropriation Limit Resolution:  
**RESOLUTION** - Selecting method to determine GANN appropriation limit, relating to the Fiscal Year 2008-2009 City budget  
**Action Taken: Resolution No. 2008-164 adopted**
  4. \* Adoption of Property Tax Override Ordinance:  
**BILL - (For Introduction and Adoption)** - Authorizing the levy and collection of a property tax on taxable property in the City of Fresno for partial funding of the Fresno Fire and Police Retirement System and the Fresno City Employees' Retirement System for the Fiscal Year beginning July 1, 2008  
**Action Taken: Bill No. B-45/Ordinance No. 2008-44 adopted**

**SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED**

2:00 P.M.

**ADOPTION OF FISCAL YEAR 2008-2009 BUDGET CONTINUED**

**A. Action on the Fiscal Year 2009 Budget and related items continued**

5. \* Adoption of the Fiscal Year 2009 Salary Resolution:  
**RESOLUTION** – Establishing rules for the application of City employee compensation rates and schedules and related requirements, and establishing compensation rates and schedules for Fiscal Year 2009 – Personnel Services Dept.  
**Action Taken:** **Resolution No. 2008-165 adopted**
  
6. **RESOLUTION** - Establishing comparisons for purposes of establishing retirement benefits for deleted classes – Personnel Services Department  
**Action Taken:** **Resolution No. 2008-166 adopted**
  
7. **RESOLUTION** - Approving submission of the FY 2008-2009 Annual Action Plan to the U.S. Department of Housing and Urban Development (HUD) for the CDBG, HOME, ESG, and ADDI Program Funds and authorizing the City Manager to sign all implementing documents required by HUD  
**Action Taken:** **Resolution No. 2008-167 adopted**

**SCHEDULED COUNCIL HEARINGS AND MATTERS**

July	1 -	NO MEETING	COUNCIL RECESS
July	8 -	NO MEETING	COUNCIL RECESS
July	15 -	8:30 A.M.	Presentation of P.R.I.D.E. Team Certificates to Employees for the Summer Quarter - <b><i>(Reception immediately following – 2nd floor foyer)</i></b>
July	15 -	10:00 A.M.	<b>HEARING</b> re: Tract No. 5901, Annexation No. 32
July	15 -	3:00 P.M.	<b>JOINT MEETING WITH THE RDA</b> - 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 -	8:30 A.M.	2nd Quarter Make a Promotion a Commotion Ceremony <b><i>(Reception immediately following – 2nd floor foyer)</i></b>
July	22 -	3:00 P.M.	Presentation of the SEGA Specific Plan Preferred Alternative by the Southeast Growth Area Advisory Committee Meeting <b><i>(30-minutes)</i></b>
July	30 -	9:00 A.M.	<b>JOINT MEETING</b> with Fresno Unified School District at Yokomi Elementary School
Aug.	5 -	NO MEETING	COUNCIL RECESS
Aug.	12 -	NO MEETING	COUNCIL RECESS
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