



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, 2nd Floor, 2600 Fresno Street, Fresno CA 93721.

October 21, 2008

8:30 A.M. ROLL CALL

Invocation by Captain Dwayne Brasil of the Fresno Salvation Army

Pledge of Allegiance to the Flag

Ceremonial Presentation

Proclamation of "KERRI DONIS DAY" – Mayor Autry and All Councilmembers - **Read and presented**

Presentation of P.R.I.D.E Team Certificates for the Fall Quarter (*Reception immediately following – 2nd floor foyer*) - **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 October 7, 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 acceptance of the grant award of \$266,600 from the U.S. Department of Justice, Office of Community Oriented Policing (COPS), for the Technology 2008 Grant Program – Police Department

Action Taken: Authorized

1. Authorize the Chief of Police to enter into and execute the agreement and required program documents

Action Taken: Authorized

2. * **RESOLUTION** - 31st amendment to AAR 2008-162 appropriating \$266,600 from the U.S. Department of Justice, Office of Community Oriented Policing (CPOS) for the technology 2008 Grant Program budget (*Requires 5 affirmative votes*)

Action Taken: Resolution No. 2008-289 adopted

B. * Approve and authorize the Chief of Police to enter into a gang prevention service contract with Crossover Ministries, DBA Aesthetic View Institute (AVI), for anger management services in an amount not to exceed \$105,000 – Police Department

Action Taken: Approved

C. * Approve a contract with the Honorable Brett Dorian for video policing project auditing services – Police Dept.

Action Taken: Approved

D. * **RESOLUTION** – 15th amendment to AAR No. 2008-162 appropriating \$40,000 for staff costs to complete Phase 2 groundwater remediation at the Fresno sanitary landfill (*Requires 5 affirmative votes*) (*Property located in District 3*) – Department of Public Utilities

Action Taken: Resolution No. 2008-290 adopted

E. * Award a contract in the amount of \$1,387,025.00 to Dave Christian Construction inc. for installation of asphalt concrete overlay in No Neighborhood Left Behind Area 63 (*Property located in District 5*) – Department of Public Utilities

Action Taken: Awarded

1. **CONSENT CALENDAR CONTINUED**

- F. * Award a contract in the amount of \$1,058,670.00 to JWT General Engineering, Inc. for installation of asphalt concrete overlay in No Neighborhood Left Behind Areas 46, 48 and 49 (*Property located in District 5*) – Department of Public Utilities
Action Taken: Awarded
- G. * Award a contract to Smith Construction Company, Inc. in the amount of \$130,669.00 for well site improvements at Pump Station 179 - Dept. of Public Utilities
Action Taken: Awarded
- H. Authorize the Department of Transportation/Fresno Area Express to apply for Bus Rapid Transit Very Small Start Funds through the Federal Transit Administration for fiscal year 2009 – Fresno Area Express
Action Taken: Authorized
- I. Authorize the Director of Department of Transportation/Fresno Area Express to reject the bid for automated farebox collection system and direct staff to revise the specifications and rebid the project – Fresno Area Express
Action Taken: Authorized
- J. **RESOLUTION** - Dedicating certain City-owned property for public street purposes and for public pedestrian walkway purposes at Pump Station 40A located on the south side of E. Annadale Avenue, west of S. East Avenue – Public Works Department (*Property located in District 3*)
Action Taken: Resolution No. 2008-291 adopted
- K. * Award a construction contract in the amount of \$122,431.10, including the base bid plus add Alternates 1, to Witbro, Inc., DBA Seal Rite, for construction of bicycle facilities along First Street from Dakota Avenue to Herndon Avenue – Public Works Department (*Property located in Districts 4, 6, and 7*)
Action Taken: Awarded
- L. * Adopt a Finding of Conformity to Master Environmental Impact Report No. 10130, and approve the acquisition of one (1) street easement for the placement of curb, gutter and sidewalk along W. California Avenue between S. West Avenue and S. Fruit from property owner: Robert Jayne (*Property located in District 3*) – Public Works Department
Action Taken: Adopted
- M. **RESOLUTION** - Granting authority to the Public Works Director or designee to execute agreements of a routine nature with the Union Pacific Railroad, Burlington Northern Santa Fe Railway and San Joaquin Valley Railroad – Public Works Department
Action Taken: Resolution No. 2008-292 adopted
- N. * Recommend approval of a consultant services agreement with David Paul Rosen and Associates in the amount of \$70,250 for housing trust fund consultant services – Planning and Development Dept.
Action Taken: Approved
- O. * 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.
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: Motion made to deny and approve/both failed due to tie votes

CONTESTED CONSENT ITEMS (IF ANY)

CLOSED SESSION

A. CONFERENCE WITH LABOR NEGOTIATOR – Government Code Section 54957.6

City Negotiators: Ken Phillips, Terry Bond

Employee Organization(s):

1. Employee Organization: Fresno City Employees Association (FCEA)

Action Taken: Held

SCHEDULED COUNCIL HEARINGS AND MATTERS

9:00 A.M. A. SCHEDULED COMMUNICATION

1. Appearance by Camille Russell to discuss the City of Fresno's plan for the Hmong community garden – **Appearance made**
2. Appearance by Joshua Cranston to request the Hmong Community garden on Belmont and Dewitt not be demolished – **Appearance made**
3. Appearance by Michael Bumgarner to express his concern with the parking and storage of autos, RV's commercial vehicles, and boats in City neighborhoods – **Request withdrawn**

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 City Attorney's Office to return to Council with a policy or resolution directing all City of Fresno enforcement agencies to withhold enforcement until 12:30 a.m. of any condition in City-issued CUP's limiting the consumption of food and beverages to midnight - Councilmember Duncan

Action Taken: Approved

9:30 A.M. GENERAL ADMINISTRATION

10:00 A.M. HEARING - Regarding City of Fresno Community Facilities District No. 11, Annexation No. 31 (Final Tract Map No. 5358) (**Property located in District 2**) – Public Works Department

Action Taken: Held

1. **RESOLUTION** – Annexing territory to Community Facilities District No. 11 and authorizing the levy of a special tax
Action Taken: Resolution No. 2008-293 adopted
2. **RESOLUTION** – Calling a special mailed-ballot election
Action Taken: Resolution No. 2008-294 adopted
3. **RESOLUTION** – Declaring election results
Action Taken: Resolution No. 2008-295 adopted
4. * **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. 31
Action Taken: Bill No. B-65/Ordinance No. 2008-63 adopted

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

10:10 A.M. **HEARING** to consider adopting a resolution increasing the Citywide Traffic Signal Mitigation Impact Fee and to adopt a Finding of Conformity with the Master EIR 10130 for the City of Fresno 2025 General Plan – Public Works Department

Action Taken: **Held; staff to return with information to possibly fund Blackstone intersections in the future**

a. * **RESOLUTION** – 465th amendment to MFS Resolution No. 80-420 Increasing the Citywide Traffic Signal Mitigation Impact Fee and to adopt a Finding of Conformity with the Master EIR 10130 for the City of Fresno 2025 General Plan

Action Taken: **Resolution No. 2008-296 adopted**

4:00 P.M. **HEARINGS - 2008 CYCLE II TRIMESTER PLAN AMENDMENT** – Planning and Development Dept.

The following plan amendment applications have been submitted for consideration during the 2008 Cycle II filing period in accordance with the Trimester Plan Amendment Program of the Planning Guidelines established by the Fresno City Council to implement the City's Local Planning and Procedures Ordinance, Article 6, Chapter 12, of the Fresno Municipal Code. In addition to the plan amendment applications, the projects described below may include rezone applications to change the subject properties' zone district boundaries and associated special permit and tentative tract map applications providing for development of the subject properties

A. Consideration of Plan Amendment Application No. A-08-03, Rezone Application No. R-08-10, and environmental findings, filed by Dirk Poeschel on behalf of Golden Key Real Estate, pertaining to 4 parcels of land consisting of approximately 1.18 acres of property located on the west side of N. First Street between E. Normal Avenue and E. Peralta Way (1839 N. First Street, 3087 and 3092 E. University Avenue, and 3095 E. Peralta Way) (***Property located in District 7***)

1. Consider and adopt a Mitigated Negative Declaration for Environmental Assessment Environmental Assessment No. A-08-03/R-08-10

Action Taken: **Adopted**

2. **RESOLUTION** - Amending the 2025 Fresno General Plan and the McLane Community Plan from the medium density residential planned land use designation to the office commercial land use designation for the subject four (4) parcels

Action Taken: **Resolution No. 2008-297 adopted**

3. **BILL** – Amending the Official Zone Map to rezone the subject 4 parcels from the R-1 (*Single Family Residential*) zone district to the R-P (*Residential and Professional Offices*) zone district

Action Taken: **Bill No. B-66/Ordinance No. 2008-64 adopted**

B. Consideration of Plan Amendment Application No. A-08-04, and environmental findings, filed by Copper River Ranch, LLC, on behalf of Norman and Pamela Kizirian, pertaining to 12.13 acres of property located north of Copper Avenue between the N. Chestnut Avenue alignment and N. Maple Avenue (11261 N. Chestnut Avenue) (***Property located in District 6***)

1. Consider and adopt a Mitigated Negative Declaration for Environmental Assessment No. A-08-04

Action Taken: **Adopted**

2. **RESOLUTION** – Amending the 2025 Fresno General Plan and the Woodward Park Community Plan from the medium-low density residential planned land use designation to the low density residential land use designation

Action Taken: **Resolution No. 2008-298 adopted**

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

4:00 P.M. **HEARINGS - 2008 CYCLE II TRIMESTER PLAN AMENDMENT (Continued)** – Planning and Development Dept.

- C. Consideration of Plan Amendment Application No. A-08-06, Rezone Application No. R-08-12, and environmental findings, filed by Sol Development Associates, LLC, on behalf of Horizon Enterprises, pertaining to approximately 0.77 acre of property located on the northwest corner of E. Braly Avenue and S. Sarah Street ***(Property located in District 3) (Matter referred back to staff)***

Action Taken: Referred back to staff as noted

1. Consider and adopt a Mitigated Negative Declaration for Environmental Assessment Environmental Assessment No. A-08-06/R-08-12/S-08-36/C-08-179
2. **RESOLUTION** - amending the 2025 Fresno General Plan and the Roosevelt Community Plan from the heavy industrial planned land use designation to the light industrial land use designation
3. **BILL** – Amending the Official Zone Map to rezone the subject property from the M-2 (General Industrial) zone district to the C-M (Commercial and Light Manufacturing) zone district

- D. 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) (Continue to October 28, 2008 at 10:00 a.m.)***

1. Consider and adopt a Mitigated Negative Declaration for Environmental Assessment No. A-08-08
2. **RESOLUTION** – Uphold the current noise mitigation level of 60 DB LDN applicable to the outside activity areas of proposed new residential developments (modification to sound requirements pertaining to Tract Map No. 5357 and adjoining Tract Map No. 5584, which provide for residential development of the subject property) - ***Planning and Development Department recommendation to approve***
3. **RESOLUTION** – Amending the noise mitigation level from 60 DB LDN to 65 DB LDN applicable to the outside activity areas of proposed new residential developments (modification to sound requirements pertaining to Tract Map No. 5357 and adjoining Tract Map No. 5584, which provide for residential development of the subject property) – ***Planning Commission recommendation to deny***

Action Taken: Continued as noted

SCHEDULED COUNCIL HEARINGS AND MATTERS

- Oct 28 - 8:30 A.M. Make a "Promotion a Commotion" Ceremony (*Reception immediately following – 2nd floor foyer*)
- Oct. 28 - 10:00 A.M. **CONTINUED HEARING** re: Plan Amendment Application No. A-08-08, and environmental findings, filed by Jeffrey T. Roberts on behalf of Granville Homes, property located on the northeast corner of W. Bullard Avenue and N. Grantland Avenue
- 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
- Oct. 28 - 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
- Oct. 28 - 2:00 P.M. **JPPA HEARING** regarding public safety bonds – Finance Dept.
- Nov. 4 - **ELECTION DAY (Morning meeting)**
- Nov. 11 - **NO MEETING VETERANS DAY**
- 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. 2 - 10:10 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**