



# City Council Agenda

Council President  
**Henry T. Perea**

Councilmembers

**Brian Calhoun, Ph.D.**  
**Mike Dages**  
**Jerry Duncan**

**Cynthia Sterling**  
**Larry Westerlund**  
**Blong Xiong – 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 this meeting.

**October 16, 2007**

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

Invocation by Pastor Jeff Lee of The Rock

Pledge of Allegiance to the Flag

**Ceremonial Presentation:**

Proclamation of "ALLAN TATARIAN DAY" – Councilmember Calhoun – **Read and presented**

Presentation of Driver Appreciation Certificates to Fresno Area Express and Handyride – Fresno Area Express and the City Manager's Office - **Presented**

3<sup>rd</sup> Quarter Make a Promotion a Commotion Ceremony (Reception immediately following – 2<sup>nd</sup> floor foyer) – Personnel Services Dept. - **Held**

The agenda is available on ([www.fresno.gov](http://www.fresno.gov)). 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 2, 2007

**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. **RESOLUTION** - Authorizing the submission of the application to the California Housing and Community Development Department for an Enterprise Zone Targeted Employment Area designation - Economic Development Department

**Action Taken:** Resolution No. 2007-329 adopted

B. Approve addition of available paved ramp space to Skywest Airlines' lease of Hangar P-3 at Fresno Yosemite International Airport (FYI) – Airports Department

**Action Taken:** Approved

C. \* Award contract to Tron Construction of Fresno in the amount of \$692,000 to acoustically treat 30 homes under the FAR PART 150 Fresno Yosemite International Airport Sound Mitigation Acoustical Remedy Treatment (SMART) Program, Phase 10, Bid Group #18, FAA Grant AIP 49 – Airports Department

**Action Taken:** Awarded

D. \* Adopt the Memorandum of Understanding (MOU) between the City of Fresno (City) and International Union of Operating Engineers, Stationary Engineers, (Local 39 – Unit 1), covering the period July 1, 2007 through June 30, 2011 – Personnel Services Dept.

**Action Taken:** Adopted

1. \* **RESOLUTION** – 4<sup>th</sup> amendment to Salary Resolution No. 2007-217 amending Exhibit 1, Non-supervisory Blue Collar (Local 39)

**Action Taken:** Resolution No. 2007-330 adopted

E. \* Award a contract in the amount of \$103,855.97 to M&M Lifts, Inc. of Buena Park, CA for three (3) truck mounted aerial lift devices – General Services Dept./Fleet Management

**Action Taken:** Awarded

F. Authorize the General Services Director to enter into an agreement to receive grant funding from San Joaquin Valley Air Pollution Control District Emission Reduction Incentive Program – General Services Dept./Fleet Management

**Action Taken:** Authorized

1. **CONSENT CALENDAR CONTINUED**

- G. \* Award a construction contract in the amount of \$489,648.00 to Elite Landscaping for the Eaton Trail improvements re-bid, Woodward Park segment (**Property located in District 6**) – Public Works Dept.  
**Action Taken:** Awarded
- H. Documents pertaining to Santa Fe Depot: (Public Works Department) (**Property located in District 3**)
1. \* **RESOLUTION** - 34th amendment to AAR No. 2007-214 appropriating \$100,000 for the construction of tenant improvements at the Santa Fe Depot (**Requires 5 affirmative votes**)  
**Action Taken:** Resolution No. 2007-331 adopted
  2. \* Award a contract in the amount of \$571,540.08 to Applegate Johnston, Inc. for construction of tenant improvements at the Santa Fe Depot  
**Action Taken:** Awarded
- I. Rejection of all bids for traffic signal modification at the intersection of McKinley and West Avenues (**Property located in District 1 and 3**) – Public Works Dept.  
**Action Taken:** Rejected
- J. \* Approve contract with All Commercial Landscape Services in the amount of \$96,933.62 to provide landscape maintenance – Grantland & Bullard Avenues, Tract Nos. 5247, 5396, 5457 and 5395 within the City of Fresno (**Property located in District 2**) – Public Works Dept.  
**Action Taken:** Approved
- K. \* Approve agreement with Taylor Teter Partnership in the amount of \$322,350.00 with a contingency of \$15,000.00 to design the station renovations and additions for existing Fire Station Nos. 3 and 4 and future Fire Station at Broadway & Elizabeth within the City of Fresno (**Fire Station No. 3 & Broadway/Elizabeth Station in District 3, Fire Station No. 4 in District 7**) – Public Works Dept.  
**Action Taken:** Approved
- L. **RESOLUTION** - Approving the Final Map of Tract No. 5649 accepting dedicated public uses therein; authorize the Public Works Director, Public Utilities Director, and Planning and Development Director to execute the necessary documents – Planning and Development Department  
**Action Taken:** Resolution No. 2007-332 Adopted
- M. Approve re-appointment of Reuben Scott to the Housing Authority Board of Commissioners – Mayor Autry  
**Action Taken:** Approved

**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

**SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED**

9:15 A.M.

**CITY COUNCIL**

- A. **RESOLUTION** – Urging Blue Cross of California and Childrens’ Hospital of Central California to continue their negotiations and to exert all efforts to reach an agreement without further delay – Acting President Xiong  
**Action Taken:** Resolution No. 2007-333 adopted
  
- B. Council discussion and direction regarding the use of Measure “C” reauthorization funds for projects not specified during the planning and approval of the ballot measure - Councilmember Calhoun  
**Action Taken:** Staff to return with policy resolution in one week to cease spending funds on downtown street car proposal
  
- C. Direction and consideration of adopting a policy requiring prior Council approval of single expenditures in excess of \$50,000 for (1) a purpose other than that originally budgeted or (2) those fund accounts that are not designated for specific projects – Councilmember Dages  
**Action Taken:** Motion for staff to return with policy failed

9:30 A.M.

**GENERAL ADMINISTRATION**

- A. Approve Exclusive Negotiation Agreement with Roem Development Corporation to provide for a 120-day negotiation period for the development of a Disposition and Development Agreement (DD&A) for the City sponsored Transit Village Project on Kings Canyon Road – Planning and Development and Transportation Departments  
**Action Taken:** Approved
  
- B. \* Authorize the Planning and Development Director to enter into a \$175,000 professional services agreement with VRPA Technologies, Inc. to provide transportation planning services for the Metro Rural Loop Corridor Preservation Feasibility Study - Planning and Development Dept.  
**Action Taken:** Authorized

10:00 A.M.

**HEARING** regarding Community Facility District No. 11, Annexation No. 22, Tract No. 5511 (*Property located in District 2*) - Public Works Dept.

**Action Taken:** Held

- a. **RESOLUTION** – Annexing territory to Community Facilities District No. 11, Annexation No. 22 and authorizing the levy of taxes  
**Action Taken:** Resolution No. 2007-334 adopted
- b. **RESOLUTION** - Calling special mailed-ballot election  
**Action Taken:** Resolution No. 2007-335 adopted
- c. **RESOLUTION** - Declaring election results  
**Action Taken:** Resolution No. 2007-336 adopted
- d. \* **BILL** – Levying a special tax for the property tax year 2007-2008 and future tax years within and relating to Community Facilities District No. 11, Annexation No. 22  
**Action Taken:** Bill No. B-78/Ordinance No. 2007-76 adopted

**SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED**

**10:15 A.M.** **CONTINUED HEARING** of an appeal of the Director's action regarding Conditional Use Permit Application No. C-06-229 and Environmental Finding for Environmental Assessment No. C-06-229, filed by Omnipoint Communications, Inc., pertaining to an approximate 0.23 acre parcel of land located on the northeast corner of N. Cedar and E. Shields Avenues (4205 E. Shields Avenues), and requests the construction and operation of a wireless communications facility (**Property located in District 4**) – Planning and Development Dept.

**Action Taken:** Held; appeal upheld/CUP denied

a. **RESOLUTION** - Approving the Conditional Use Permit Application No. C-06-229 with conditions and Environmental Assessment C-06-229 (**Planning Commission recommendation**)

**Action Taken:** Not adopted

b. Consider and adopt the finding of Categorical Exemption under Section 15332 of the California Environmental Quality Act (CEQA) Guidelines as infill development

**Action Taken:** Not adopted

**10:30 A.M.** **CONTINUED HEARING** to consider adoption of EA-07-31, filed by the Dept. of Public Utilities – Department of Public Utilities (**Continue to 10/23/2007 @ 2:30 p.m.**)

**Action Taken:** Continued as noted

**10:45 A.M.** **HEARING** regarding consideration of alternative building standards and Environmental Finding for Environmental Assessment – Alternative Building Standards to change CEQA findings – Planning and Development Dept.

**Action Taken:** Held

a. **BILL – (For introduction)** - Amending the Fresno Municipal Code relating to alternative building standards adding in its entirety Division 5 to Chapter 11, Article 1, and amending the table of contents of Chapter 11 relating to joint living and work quarters and Environmental Finding for Environmental Assessment – Alternative Building Standards

**Action Taken:** Bill No. B-79 introduced and laid over up to 30 days

**11:00 A.M.** **JOINT MEETING WITH THE REDEVELOPMENT AGENCY**

Approve Agency minutes of October 2, 2007

**Action Taken:** Approved

A. **RESOLUTION** - Approving the material terms of a Disposition and Development Agreement (DDA) with Lreg Partners, L.P. (Developer) to develop a mixed use project (the Project), authorizing the City Manager, Executive Director of Agency, and City Attorney's Office to complete an agreement, and authorizing the execution and delivery of the agreement, and related documents, and taking all necessary action related to the transaction, consistent with this resolution (**Council and Agency action**) - City Manager's Office

**Action Taken:** Joint Resolution Nos. 2007-337/1710 adopted

B. \* **RESOLUTION** - Approving the material terms of a ground lease between the City of Fresno and Lreg Partners, L.P. (Developer) to develop a mixed use project (the Project), as further described in a Disposition and Development Agreement, authorizing the City Manager, and City Attorney's Office to complete the lease, and authorizing the execution and delivery of the lease, and related documents, and taking all necessary action related to the transaction, consistent with this resolution (**Council action**) - City Manager's Office

**Action Taken:** Resolution No. 2007-338 adopted

**ADJOURN AGENCY**

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

**SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED**

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

- A. CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION** - Government Code Section 54956.9, Subdivision (a)
- Case Name:** Running Horse, LLC United States Bankruptcy Court Case No.: 07-11185-B-11  
**Action Taken:** Held
- B. CONFERENCE WITH LEGAL COUNSEL – DECIDING WHETHER TO INITIATE LITIGATION** - Government Code Section 54956.9, Subdivision(c)
- Case Name:** Running Horse, LLC Several Lien Claimants  
**Action Taken:** Held
- C. CONFERENCE WITH REAL PROPERTY NEGOTIATOR** - Government Code Section 54956.8
- Property:**
- State of California, 2855 W. Whites Bridge, Assessor's No. 464-020-01T
  - Comp. Alcohol Program, 2445 W. Whites Bridge, Assessor's No. 464-020-22
  - Fresno Irrigation District, Assessor's Nos. 464-060-02T, 464-060-07T
  - Haig Atamian, 2343 W. Kearney, Assessor's No. 464-060-04
  - Anthony Mello, 2820 W. California, Assessor's No. 464-060-09
  - Ray Scott, 2105 W. California, Assessor's No. 477-021-10
  - Henh Ho, 2394 S. Hughes, Assessor's No. 477-021-14
  - Shigeo Hayashi, 1348 S. Marks, Assessor's No. 477-021-21
- Negotiating Parties:** Andrew T. Souza  
**Under Negotiation:** Purchase of Subject Property  
**Action Taken:** Held

**2:30 P.M.**      Council determination of consistency with the Fresno Yosemite International Airport and Environs Plan as related to residential development located within the adopted 65 dbA (decibels) Community Noise Equivalent Level (CNEL) pertaining to approximately 2.5 acres of property located on the south side of E. Holland Avenue between N. Chestnut and the N. Sierra Vista Avenue alignment – Planning and Development Dept.  
**Action Taken:** Continued to 11/27/2007 @ 10:15 a.m.

**2:35 P.M.**      **HEARING** to consider Rezone Application No. R-06-57, and environmental findings, filed by Yamabe and Horn Engineering, Inc., on behalf of McKinley Venture IV, pertaining to approximately 63.44 net acres of property located on the north side of W. Olive Avenue between N. Brawley and N. Blythe Avenues (**Property located in District 3**) – Planning and Development Dept.  
**Action Taken:** Held

- Consider and adopt Environmental Assessment No. R-06-57/T-5768/C-06-208, determination of initial study to file a Finding of Conformity to MEIR 10130 for the 2025 Fresno General Plan  
**Action Taken:** Adopted
- BILL** – Amending the Official Zone Map to rezone the subject property from the R-R (*Rural Residential, Fresno County*) zone district to the R-1/UGM (*Single Family Residential/Urban Growth Management*) zone district  
**Action Taken:** Bill No. B-80/Ordinance No. 2007-77 adopted

**SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED**

**2:40 P.M.** **HEARING** to consider Rezone Application No. R-07-44, and environmental findings, filed by the City of Fresno, pertaining to approximately 10 acres of property located on the southwest corner of S. Willow and E. Byrd Avenues (**Property located in District 5**) – Planning and Development Dept.

**Action Taken: Held**

a. Consider and adopt Environmental Assessment No. R-07-44, 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*) zone district to the R-1/UGM (*Single Family Residential/Urban Growth Management*) zone district.

**Action Taken: Bill No. B-81/Ordinance No. 2007-78 adopted**

**2:45 P.M.** Discussion of Council appointment for the Major Street Fees Appeals Board - Public Works Department and Planning and Development Department

**Action Taken: Introduced and discussed**

**SCHEDULED COUNCIL HEARINGS AND MATTERS**

Oct.	23-	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.	23-	10:00 A.M.	Ballot results for change of tax rate for CFD No. 2, Annexation Nos. 81 and 82
Oct.	23-	10:15 A.M.	Presentation and Discussion regarding Bonding plan for Park Impact Fee projects and Riverside Golf Course
Oct.	23 -	10:30 A.M.	<b>TEFRA HEARING</b> for the acquisition and construction of a 144-unit multifamily residential rental project, commonly known as Campus Pointe Apartments
Oct.	23 -	10:45 A.M.	<b>WORKSHOP</b> re: Public Safety Capital Projects presentation – Police Dept., PR&CS and Fire Department ( <b>1 hour</b> )
Oct.	23 -	2:30 P.M.	<b>CONTINUED HEARING</b> to consider adoption of EA-07-31-an Initial Study and Negative Declaration relating to the proposed transfer of the provision of existing water, wastewater and solid waste services from the Department of Public Utilities to a new municipal water district
Oct.	30 -	10:15 A.M.	Discussion and direction regarding the Strategic Plan/SOC Document – Fire Department
Nov.	6 -	10:00 A.M.	<b>HEARING</b> to consider Rezone Application No. R-07-48, and environmental findings, filed by the City of Fresno
Nov.	6 -	10:05 A.M.	<b>HEARING</b> to consider Rezone Application No. R-07-49, and environmental findings, filed by the City of Fresno
Nov.	13-	<b>NO MEETING – VETERAN'S DAY</b>	
Nov.	20 -	<b>NO MEETING – THANKSGIVING WEEK</b>	
Nov.	27 -	10:00 A.M.	<b>HEARING</b> re: UUD No. FRE-86 (Shepherd Avenue between Willow Avenue) ( <b>Property located in District 6</b> )
Nov.	27 -	10:15 A.M.	Council determination of consistency with the Fresno Yosemite International Airport and Environs Plan as related to residential development located within the adopted 65 dbA (decibels) Community Noise Equivalent Level (CNEL) pertaining to approximately 2.5 acres of property located on the south side of E. Holland Avenue between N. Chestnut and the N. Sierra Vista Avenue alignment – Planning and Development Dept.
Dec.	4 -	<b>NO MEETING</b>	
Dec.	18-	10:00 A.M.	Presentation by Council of Governments (COG) regarding the Blueprint Outreach
Dec.	18-	10:10 A.M.	Metro Loop Presentation ( <b>30 minutes</b> )
Dec.	25 -	<b>NO MEETING – CHRISTMAS WEEK</b>	