



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.

December 2, 2008

8:30 A.M. ROLL CALL

Invocation by Father Carlos Raines, Dean of the St. James Anglican Cathedral

Pledge of Allegiance to the Flag

Ceremonial Presentation

Proclamation of "JOYCE AIKEN DAY" – Acting President Sterling – **Read and 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 [November 4](#) and [18](#), 2008

Action Taken: Approved

Councilmember Reports and Comments

Action Taken: Made

Approve Agenda

Action Taken: Approved, as modified

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 11:00 a.m.

A. **RESOLUTION** - Dedicating certain City-owned property for public street purposes at the Fresno Police Department's Regional Training Facility located on the southeast corner of W. Central Avenue and the S. Bryan Avenue alignment (***Property located in District 3***) – Public Works Dept.

Action Taken: Resolution No. 2008-323 adopted

B. **RESOLUTION** - Authorizing application to the Corrections Standards Authority of the California Department of Corrections and Rehabilitation for the Juvenile Accountability Block Grant Program and completion of related documents – Police Dept.

Action Taken: Resolution No. 2008-324 adopted

1. Authorize the Chief of Police to execute all grant related program documents

Action Taken: Authorized

C. * Authorize the Chief of Police to enter into a Lease Agreement between the City of Fresno and Stone Soup Fresno, a California not-for-profit corporation, for the premises located at 1343 E. Bulldog Lane, in Fresno, California, for the Police Department Traffic Enforcement Bureau – Police Department

Action Taken: Authorized

D. **RESOLUTION** - Approving the Final Map of Tract No. 5730, 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 2***) – Planning and Development Department

Action Taken: Resolution No. 2008-325 adopted

E. * **RESOLUTION** - 41st amendment to AAR No. 2008-162 appropriating \$2,980,900 for the design and construction of new water cooled chiller and HVAC control systems at City Hall (***Requires 5 affirmative votes***) (***Property located in District 3***) – Public Works Department

Action Taken: Resolution No. 2008-326 adopted

1. * Approve 1st amendment to agreement with Lawrence, Nye, Andersen Associates (LNA) in the amount of \$70,000 to design a new water cooled chiller system for the Information Services Division (ISD), and a new heating, ventilation, air conditioning (HVAC) control system for City Hall

Action Taken: Approved

F. Adopt Resolution of Intention No. 1067-D to vacate a portion of the east side of N. State Street north of W. Fairmont Avenue (***Property located in District 2***) – Public Works Dept.

Action Taken: Adopted

1. **CONSENT CALENDAR CONTINUED**

G. Adopt Finding of a Categorical Exemption, pursuant to CEQA Guidelines Section 15301(d), Class 1 – Public Works Department

Action Taken: Adopted

1. * Award a contract in the amount of \$1,176,000 to TNT Industrial Contractors, Inc. of Sacramento, CA to install a new boiler system in the Fresno Convention and Entertainment Center (**Property located in District 3**)

Action Taken: Awarded

H. * Approve a Parking Agreement with the County of Fresno to provide County employee parking in City of Fresno parking facilities at a discounted rate – Public Works Department

Action Taken: Approved

I. * Approve and authorize a Successor AB 939 Memorandum of Understanding (MOU) between the County of Fresno and the City, Successor to County Agreement No. 04-245 (June 2004), for the coordination and Countywide management of Household Hazardous Wastes (HHW) and related education and public information – Department of Public Utilities

Action Taken: Approved

J. * Approve a professional services agreement with Carollo Engineers PC, for \$105,256 for consultant services for the digester gas conditioning design-build project at the Fresno/Clovis Regional Wastewater Reclamation Facility (**Property located in District 3**) – Department of Public Utilities

Action Taken: Approved

K. * **RESOLUTION** – 8th amendment to Salary Resolution No. 2008-165 amending Exhibit 2, Section 2.1, Police Management Unit (FPOA – Unit 9) - Personnel Services Department

Action Taken: Resolution No. 2008-327 adopted

L. * **BILL No. B- 70 – (Intro. 11/18/2008) (For adoption)** – Adding Section 10-620 to the Fresno Municipal Code relating to registration of vacant foreclosed properties – Planning and Development Department

Action Taken: Ordinance No. 2008-67 adopted

M. **BILL – (For introduction)** - Repealing Section 10-53302 of Article 5, Chapter 10 of the Fresno Municipal Code and adding Section 10-53302 of Article 5, Chapter 10 relating to fireworks - Fire Department

Action Taken: Bill No. B-71 introduced/laid over

SCHEDULED COUNCIL HEARINGS AND MATTERS

9:00 A.M. A. **SCHEDULED COMMUNICATION**

1. Appearance by Kenneth Wayne Fick to discuss repairing the streets and sidewalks within the City of Fresno – **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

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

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

- A. **RESOLUTION** – Requesting California State Legislature adopt an interest cap of no more than 36% for loans made by payday loan companies – City Attorney’s Office
Action Taken: Not adopted
1. **BILL - (For introduction)** – Establishing a 45 day moratorium on new payday loan businesses within the City of Fresno and declaring the ordinance to be an emergency measure that will take effect immediately upon adoption (**Requires 6 affirmative votes**)
Action Taken: Failed adoption; staff and payday lenders directed to analyze local impacts and industry and report back with resolutions/options/viable alternatives

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

- A. **RESOLUTION** - Of intention to establish a special tax district (Community Facilities District No. 9) and to authorize levy of a special tax for the maintenance of certain public improvements associated with Final Tract Map No. 5717, and setting the public hearing for December 16, 2008, at 10:30 a.m. (**Final Tract Map No. 5717 is located in District 4. New district will be Citywide**) – Public Works Department
Action Taken: Resolution No. 2008-328 adopted
- B. Authorize the Department of Public Utilities to develop an Interagency Cooperative Agreement for the treatment and delivery of potable water to Fresno County Service Area 51 and return to Council for final approval – Department of Public Utilities
Action Taken: Authorized
- C. * **BILL No. B-69 – (Intro. 11/18/2008) (For adoption)** – 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: Ordinance No. 2008-68 adopted

10:00 A.M. **HEARING** to consider the vacation of the Sarah-Mary Alley between E. California Avenue and E. Woodward Avenue (**Property located in District 3**) – Public Works Department
Action Taken: Held

- a. * **RESOLUTION** - Ordering the vacation of the Sarah-Mary Alley between E. California Avenue and E. Woodward Avenue
Action Taken: Resolution No. 2008-329 adopted

10:15 A.M. **CONTINUED HEARING** regarding Environmental Assessment for Peach Avenue widening between Belmont and Butler Avenues (**Property located in District 5**) – Public Works Department (**Continue to December 16, 2008 @ 10:45 A.M.**)
Action Taken: Continued as noted

10:30 A.M. **HEARING** to consider a resolution of public use and necessity for acquisition of a well site on property located at the northeast corner of E. Butler and S. Armstrong Avenues (**Property located in District 5**) – Public Works Dept.

- Action Taken:** Held
- a. * **RESOLUTION** – Determining that the public interest and necessity require the acquisition of fee interest in a portion of Fresno County Assessor’s Parcel 313-040-15, for improvement as a public well site and related purposes and authorizing eminent domain proceedings for public use and purpose (**Requires 5 affirmative votes**)
Action Taken: Resolution No. 2008-330 adopted

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

10:45 A.M. Consideration of Plan Amendment Application No. A-06-06, Rezone Application No. R-06-32, and environmental findings, filed by JDMS Investments on behalf of Derrel's Mini Storage, pertaining to 5.16 acres of a larger 26.0-acre property located west of the corner of the N. Harrison Avenue and E. Bedford Avenue alignments (**Property located in District 2**) – Planning and Development Dept.

Action Taken: Held

a. Consider and adopt a Mitigated Negative Declaration for Environmental Assessment Environmental Assessment No. A-06-06/R-06-32/C-06-94

Action Taken: Adopted

b. **RESOLUTION** - Amending the 2025 Fresno General Plan and the Bullard Community Plan from the medium-low density residential planned land use designation to the office commercial land use designation for the subject property

Action Taken: Resolution No. 2008-331 adopted

c. **BILL** – Amending the Official Zone Map to rezone the property from the AE-20/UGM (*Exclusive Twenty Acre Agricultural/Urban Growth Management*) zone district to the S-L/UGM (*Storage Limited/Urban Growth Management*) zone district

Action Taken: Bill No. B-72/Ordinance No. 2008-69 adopted

11:00 A.M. **CONTESTED CONSENT ITEMS (IF ANY)**

2:00 P.M. #1 **JOINT MEETING WITH THE FRESNO JOINT POWERS FINANCING AUTHORITY**

A. **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: Resolution No. 28 adopted

B. **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: Resolution No. 29 adopted

C. **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: Resolution No. 2008-334

ADJOURN AUTHORITY

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

2:00 P.M. #2 Council reconsideration of the following agenda items submitted by Mayor Autry on November 2008:
(Council action)

1. **RESOLUTION** – 37th 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)** – Police Department
Action Taken: Resolution No. 2008-332 adopted
2. **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)** – Police Department
Action Taken: Resolution No. 2008-333 adopted
3. Authorize the Chief of Police to exercise lease purchase option and execute documents for Northeast District Policing Station from Roger Petersen Investments, in the amount not to exceed \$2,184,150 **(Requires 4 affirmative votes)** – Police Department
Action Taken: Authorized

2:00 P.M. #3 **CLOSED SESSION**

- A. **CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION** - Government Code Section 54956.9, Subdivision (a)
 1. **Case Name:** Michael Brooks, et al. v. City of Fresno - Fresno County Superior Court
Case No.: 06CECG01899
Action Taken: Held

3:30 P.M. **REGULAR MEETING OF THE REDEVELOPMENT AGENCY**

Approve Agency minutes of November 18, 2008

Action Taken: Approved

- A. Recommend that the Agency take the following action:
 1. Approve a twelve (12) month Exclusive Negotiation Agreement between the Redevelopment Agency of the City of Fresno and Kings Canyon Development, LLC, concerning a proposed mixed-use redevelopment project on properties within the Southeast Fresno Revitalization Project Area **(Agency action)**
Action Taken: Approved
 2. Authorize the Executive Director and designated staff to initiate the Owner Participation process on properties within the Southeast Fresno Revitalization Project Area, and prepare any documents and take other actions necessary to carry out the Agency's obligations under the agreement **(Agency action)**
Action Taken: Authorized
- B. Consider accepting a gift of approximately 5,000 cubic yards of clean, certified, fill material from Foster and Sons for Agency property located at 360 West Avenue (southwest corner of West and Dan Ronquillo Drive) within the Roeding Business Park **(Agency action)**
Action Taken: Accepted

ADJOURN AGENCY

SCHEDULED COUNCIL HEARINGS AND MATTERS

Dec.	9 -	10:15 A.M.	HEARING re: Appeal by Gary McDonald relating to Tract No. 5933, CUP No. C-08-59
Dec.	9 -	10:30 A.M.	HEARING re: Rezone Application No. R-08-16, R-08-17 and R-08-19, filed by the City of Fresno
Dec.	9 -	4:00 P.M.	JOINT RDA MEETING re: proposed Merger I Redevelopment Plan Amendments
Dec.	16 -	10:00 A.M. (1)	2008 Annual Report of the Historic Preservation Commission
Dec.	16 -	10:00 A.M. (2)	2008 City Historic Preservation Awards
Dec.	16 -	10:15 A.M.	HEARING re: Rezone Application No. R-08-30, filed by City of Fresno
Dec.	16 -	10:30 A.M.	HEARING re: the formation of CFD No. 9
Dec.	16 -	10:45 A.M.	CONTINUED HEARING regarding Environmental Assessment for Peach Avenue widening between Belmont and Butler Avenues
Dec.	16 -	3:00 P.M.	HEARING re: the proposed "Fresno 40" Development Project and Draft Environmental Impact Report No. 10142
Dec.	16 -	3:15 P.M.	HEARING re: Rezone Application No. R-08-025, Plan Amendment No. A-08-15, filed by Jeffrey Roberts on behalf of Granville Homes, Inc.
Dec.	16 -	3:20 P.M.	HEARING re: Development Agreement betw the City of Fresno and Ashland/Hayes No. 1 L.P.
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 (<i>Property located in District 2</i>) (<i>Continued to 3:00 p.m.</i>)
Jan.	6 -	3:00 P.M	CONTINUED HEARING re: Ordering the vacation of a portion of the east side of N. State St. north of W. Fairmont Avenue (<i>Property located in District 2</i>)
Jan.	13 -	8:30 A.M.	Presentation of P.R.I.D.E. Team Certificates - (<i>Reception immediately following – 2nd floor foyer</i>)
Jan.	13-	10:00 A.M.	HEARING re: Aquarius Aquarium – Sphere of Influence, expansion and Plan Amendment
Jan.	20 -	NO MEETING – MARTIN LUTHER KING DAY	
Jan.	27 -	8:30 A.M.	Presentation of Make a Promotion a Commotion (<i>Reception immediately following – 2nd floor foyer</i>)
Jan.	27 -	10:00 A.M.	HEARING re: ordering the vacation of W. California Court and the South five feet of W. California Avenue east of W. Atchison Street
Jan.	27 -	10:15 A.M.	HEARING re: ordering the vacation of two parcels of public street right-of-way along the south side of Ashlan Avenue east of Cornelia Avenue