



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.

August 26, 2008

8:30 A.M. ROLL CALL

Invocation by Deacon Jesse Avila of the Catholic Diocese of Fresno

Pledge of Allegiance to the Flag

Ceremonial Presentation

[Presentation of a Resolution of Commendation to WestCare Foundation On Their 35th Anniversary](#) – Councilmember Duncan – 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 August 19, 2008

Action Taken: Approved

Approve the Fresno Joint Powers Authority minutes of July 29, 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 at 2:00 P.M.

A. * **RESOLUTION** - 7th amendment to AAR No. 2008-162 appropriating \$186,600 for maintenance of Community Facility District No. 11 and eligible developer deposit refunds (**Requires 5 affirmative votes**) – Public Works Dept.
Action Taken: Resolution No. 2008-211 adopted

B. * **RESOLUTION** - 8th amendment to AAR No. 2008-162 appropriating \$205,000 for maintenance of Community Facilities District No. 2 and eligible developer deposit refunds (**Requires 5 affirmative votes**) – Public Works Dept.
Action Taken: Resolution No. 2008-212 adopted

C. * Adopt a Finding of Conformity to Master Environmental Impact Report No. 10130, and approve the acquisition of four (4) street easements for the placement of curb and gutter along California between West Avenue and Fruit Avenues from property owners: Rhonda and Waleed Abdulqawi, Balwinder S. Dhaliwal and Sang A. Gip and Sui Kui Wang (**Property located in District 3**) – Public Works Dept.
Action Taken: Adopted

D. * Adopt a Finding of Conformity to Master Environmental Impact Report No. 10130, and approve the acquisition of four (4) street easements for the placement of curb, gutter and sidewalk along W. California Avenue between S. West Avenue and S. Fruit from property owners: Cecilia Estrada, Rick and Armando Cadaoas, Rodolfo and Ester Alejo, and Jovencia Alejo (**Property located in District 3**) – Public Works Dept.
Action Taken: Adopted

E. Authorize renewal of Senior Hot Meals Site Management Contract with Fresno-Madera Agency on Aging (FMAAA) - PARCS
Action Taken: Authorized

1. **RESOLUTION** - Approving the Fiscal Year 2008-2009 Senior Hot Meals Site Management (Service Provider) contract with FMAAA and authorizing execution of documents
Action Taken: Resolution No. 2008-213 adopted

1. **CONSENT CALENDAR CONTINUED**
- F. * Authorize acceptance of a \$200,000 grant from the Stewardship Council for the construction of park amenities at the Universally Accessible Park - PARCS
Action Taken: Authorized
- G. * **RESOLUTION** - 11th amendment to the AAR No. 2008-162 re-budgeting \$14,600 from the San Joaquin Valley Air Pollution Control District grant to fund the purchase of a new web-based software application system **(Requires 5 affirmative votes)** - PARCS
Action Taken: Resolution No. 2008-214 adopted
- H. * **RESOLUTION** - 10th amendment to AAR No. 2008-162 appropriating \$128,300 into the Fiscal Year 2009 budget for the Justice Assistance Grant (JAG) program from the U.S. Department of Justice, Bureau of Justice **(Requires 5 affirmative votes)** – Police Dept.
Action Taken: Resolution No. 2008-215 adopted
- I. Authorize the Chief of Police to enter into an agreement with the Fresno Unified School District to provide School Resource Officers – Police Dept.
Action Taken: Authorized
- J. Authorizing the Chief of Police to enter into and execute the agreement and required program documents with the Office of Traffic Safety for the DUI Enforcement and Awareness Program (DEAP) grant – Police Dept.
Action Taken: Authorized
1. * **RESOLUTION** - 5th amendment to AAR No. 2008-162 appropriating \$285,000 for the DUI Enforcement and Awareness Program (DEAP) **(Requires 5 affirmative votes)**
Action Taken: Resolution No. 2008-216 adopted
- K. Reject all bids for the installation of street infrastructure in “No Neighborhood Left Behind Area 19” **(Property located in District 2)** – Dept. of Public Utilities
Action Taken: Rejected
- L. * Adopt the Memorandum of Understanding (MOU) between the City of Fresno (City) and the International Association of Firefighters, Local 753 (IAFF), Management Unit, covering the period July 1, 2007, through June 30, 2010 - Personnel Services Department
Action Taken: Adopted
1. * **RESOLUTION** – 2nd amendment to Salary Resolution No. 2008-165 amending Exhibit 2, Section 2.2, Fire Management Unit (IAFF - Unit 10)
Action Taken: Resolution No. 2008-217 adopted
- M. * Adopt the Memorandum of Understanding (MOU) between the City of Fresno (City) and the Operating Engineers, Local Union No. 3 (Airport Public Safety Supervisors - Unit 15), covering the period July 1, 2008, through June 30, 2009 - Personnel Services Department
Action Taken: Adopted
1. * **RESOLUTION** – 4th amendment to Salary Resolution No. 2008-165 amending Exhibit 8, Airport Public Safety Supervisors (FAPSS - Unit 15)
Action Taken: Resolution No. 2008-218 adopted
2. * Approve an amendment to the City of Fresno Retiree Health Reimbursement Arrangement
Action Taken: Approved
- N. * Approve agreement between the City of Fresno and ACI Enterprises, Inc. to provide an Employees’ Assistance Program to City of Fresno employees and authorize the Personnel Services Director to execute agreement on behalf of the City – Personnel Services Dept.
Action Taken: Approved

1. **CONSENT CALENDAR CONTINUED**

- O. * **RESOLUTION** – 3rd amendment to Salary Resolution 2008-165 adjusting ranges for pay in Exhibit 2 Sections 2.0 and 2.3 – Personnel Services Department
Action Taken: Resolution No. 2008-219 adopted
- P. * Approve Side Letter of Agreement between the City of Fresno (City) and the Fresno Police Officers Association (Non-Supervisory Police, Unit 4), providing compensation and benefits resulting from an MOU Reopener – Personnel Services Dept.
Action Taken: Failed
 - 1. Approve an amendment to the City of Fresno Retiree Health Reimbursement Arrangement to include a revision to Appendix for Police Non-Supervisory Unit.
Action Taken: Failed
 - 2. * **RESOLUTION** – 5th amendment to Salary Resolution No. 2008-165 amending Exhibit 4, Non-Supervisory Police (FPOA)
Action Taken: Failed
- Q. * Approve Side Letter of Agreement between the City of Fresno (City) and the Fresno Police Officers Association (Police Management, Unit 9), providing compensation and benefits resulting from an MOU Reopener – Personnel Services Dept.
Action Taken: Approved
 - 1. Approve an amendment to the City of Fresno Retiree Health Reimbursement Arrangement to include a revision to Appendix for Police Management Unit
Action Taken: Approved
- R. Approve reappointments of Kendall J. Groom and Jennette Williams to the Fresno Metropolitan Flood Control District Board of Directors – Mayor’s Office
Action Taken: Approved
- S. * Approve the Agreement between the City of Fresno and Local 753, Fresno Firefighters Association, for the loan of artifacts to the Fresno Fire Museum – Fire Department
Action Taken: Approved
- T. * **RESOLUTION** - Establishing rates of fare to be charged by taxi cabs in the City of Fresno – Finance Department
Action Taken: Resolution No. 2008-220 adopted
- U. Designation of Mayor Alan Autry as a voting delegate and Chief of Staff Georgeanne White as voting an alternate for League of California Cities Annual Business Meeting to be held on September 27, 2008 – City Manager’s Office
Action Taken: Approved
- V. * **BILL NO. B- 51 – (Intro. 8/19/2008) (For adoption)** – Adding a policy to allow deferral for payment of impact fees for affordable housing projects – Planning and Development Dept.
Action Taken: Ordinance No. 2008-51 adopted

SCHEDULED COUNCIL HEARINGS AND MATTERS

- 9:00 A.M.#1 Special presentation by Mayor Autry and the City Council to Planning and Development Director Nick Yovino
- 9:00 A.M. #2 A. **SCHEDULED COMMUNICATION:**
 - 1. Appearance by Robert Defrees to address to issue of mental illness in Fresno – Appearance made
 - 2. Appearance by Leonard Thomas of the Central California Black Chamber of Commerce, to discuss working with the City of Fresno to develop economic programs for the 93706 zip code area – Appearance made

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

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 staff to return with enabling documents to allow the contracting of Fresno Police Officers to be limited to special events or occurrences that happen on an occasional basis only - Councilman Duncan
Action Taken: Removed from the agenda

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

A. Presentation on the status of the ten-year plan to end chronic homelessness – Mayor's Office
Action Taken: Presentation made

B. Approve response to the 2007-2008 Grand Jury Report #7 – City Manager's Office
Action Taken: Approved

C. Council reconsideration on the vote adopting Bill No. B-49 introduced on July 22, 2008 and failed adoption on July 29, 2008 – Mayor's Office

1. **BILL NO. B-49 – (Intro. 7/22/2008) (For adoption)** - Amending Section 6-202, Subsections C, F, G and I of Section 6-205, Section 6-206, and Section 6-209 of the Fresno Municipal Code relating to the solid waste, recyclable and green waste collection and disposal
Action Taken: Rejected

D. Adopt Finding of a Categorical Exemption, pursuant to CEQA Guidelines Section 15301(d), Class 1 – Public Works Dept./General Services Department
Action Taken: Adopted

1. **RESOLUTION** - Declaring an urgent necessity for the preservation of life, health or property, waiving competitive procurement requirements, and authorizing the Public Works Director to contract for the design and installation of a new water cooled chiller system at the Police Department headquarters and City Hall Annex buildings in an amount not to exceed \$1,610,000
Action Taken: Resolution No. 2008-221 adopted

2. * **RESOLUTION** – 13th amendment to AAR No. 2008-214 appropriating \$1,610,000 to provide the funds needed for the replacement of the chillers, and associated machinery and equipment serving the Police Department headquarters and City Hall Annex
(Requires 5 affirmative votes)
Action Taken: Resolution No. 2008-222 adopted

E. * Approval of Fiscal Year 2009 Program Plan for the Affordable Housing Special Revenue Fund – Planning and Development Dept.
Action Taken: Removed from the agenda

F. ITEM REMOVED FROM THE AGENDA

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

9:30 A.M. GENERAL ADMINISTRATION CONTINUED

- G. * **RESOLUTION** – Accepting a \$245,000 contribution by Fresno Community Regional Medical Center for the creation of a “Railroad Quiet Zone” on the Burlington Northern Santa Fe Railroad Corridor from Olive to Ventura Avenues and authorize the Public Works Director to proceed with all steps necessary for its establishment – Public Works Dept.
Action Taken: Resolution No. 2008-223 adopted

10:15 A.M. WORKSHOP regarding the Fulton Mall Historic Designation – Planning and Development Dept and Economic Development Dept. - Held

- 10:30 A.M. HEARING** to consider Rezone Application No. R-08-08, and environmental findings, filed by the City of Fresno, pertaining to 7 properties totaling approximately 18.8 acres of property generally located on the northeast corner of W. Olive and N. Hayes Avenues (*Property located in District 3*) – Planning and Development Dept.
Action Taken: Held
1. Consider and adopt Environmental Assessment No. R-08-08 determination of initial study to file a Finding of Conformity to MEIR 10130 for the 2025 Fresno General Plan
Action Taken: Adopted
 2. **BILL** – Amending the Official Zone Map to rezone the subject 7 properties from the RR (*Rural Residential, Fresno County*) zone district to the R-1/UGM/ANX (*Single Family Residential/Urban Growth Management/Annexed Rural Residential Transitional Overlay*) zone district
Action Taken: Bill No. B-55/Ordinance No. 2008-52 adopted

11:00 A.M. Presentation by Steve Geil of the Economic Development Corporation to provide an update of the Corporation’s efforts and progress – City Manager’s Office – **Presentation made**

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

2:00 P.M. #2 CLOSED SESSION

- A. **CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION** - Government Code Section 54956.9, Subdivision (a)
1. **Case Name:** City of Fresno v. Shell Oil Company Superior Court Case No.: CGC 07-461557
 2. **Case Name:** City of Fresno v. Chevron USA, et al. United States District Court Case No.: MDL 1358: CV-04973 (SAS)
Action Taken: Held

2:30 P.M. * Approve contract with the Fresno Convention and Visitor’s Bureau (FCVB) to promote conventions and tourism for the City of Fresno – City Manager’s Office
Action Taken: Approved

2:45 P.M. Bus Rapid Transit (BRT) Presentation - Fresno Area Express
Action Taken: Presentation made

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

3:00 P.M. JOINT MEETING WITH THE REDEVELOPMENT AGENCY

Approve the Agency minutes of August 19, 2008

Action Taken: Approved

- A. Consider adoption of Agency resolution certifying Subsequent Environmental Impact Report (SEIR) SCH #2003051046 for the Old Armenian Town Project-relocation of historical resources *(Continue to 9/16/2008 @ 3:00 P.M.)*
Action Taken: Continued as noted above

- B. * **BILL NO. B- 54 – (Intro. 8/19/2008) (For adoption)** – Adding Section 11-109 to Article 1 of Chapter 11 of the Fresno Municipal Code relating to universal design building requirements for City and Redevelopment Agency funded new residential building projects – **Redevelopment Agency and Planning and Development Dept.**
Action Taken: Ordinance No. 2008-53 adopted

- C. Recommend approval of the material terms of a Purchase and Sale Agreement for the property located at 721 Broadway Street, known as Assessor Parcel Number 468-286-05; owned by Getz Properties No. 1, a partnership, and located within the Convention Center Redevelopment Project Area *(Agency action)*
Action Taken: Approved

ADJOURN AGENCY

SCHEDULED COUNCIL HEARINGS AND MATTERS

Sept.	2 -	NO MEETING	COUNCIL RECESS
Sept.	9 -	9:00 A.M.	SPECIAL JOINT MEETING WITH THE RDA - Approve a Development and Disposition Agreement between the RDA and Edison Plaza Partners, LP.
Sept.	16 -	10:00 A.M.	HEARING re: vacation of a portion of the west side of N. Clovis Avenue between E. Grant and E. Madison Avenues
Sept.	16 -	3:00 P.M.#1	JOINT MEETING WITH THE RDA - Consider adoption of Agency resolution certifying Subsequent Environmental Impact Report (SEIR) SCH #2003051046 for the Old Armenian Town Project-relocation of historical resources
Sept.	16 -	4:00 P.M.	Adopt resolution establishing the Fresno Youth Advisory Board – Mayor’s Office
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 -	10:10 A.M.	HEARING re: Community Facilities District No. 11, Annexation No. 35, Tract No. 5710
Oct.	14 -	NO MEETING	COLUMBUS DAY
Oct.	15 -	(Weds.) 2:00 P.M.	Presentation of the Employee Service Awards – Council Chambers <i>(Reception immediately following – 2nd floor foyer)</i>
Oct.	21 -	8:30 A.M.	Presentation of P.R.I.D.E Team Certificates for the Fall Quarter <i>(Reception immediately following – 2nd floor foyer)</i>
Oct.	28 -	8:30 A.M.	Make a “Promotion a Commotion” Ceremony <i>(Reception immediately following – 2nd floor foyer)</i>
Nov.	4 -	ELECTION DAY	<i>(Meeting tentative)</i>
Nov.	11 -	NO MEETING	VETERANS DAY
Nov.	25 -	NO MEETING	– THANKSGIVING WEEK
Dec.	2 -	3:30 P.M.	JOINT RDA MEETING re: proposed Merger I Redevelopment Plan Amendments
Dec.	23 -	NO MEETING	– CHRISTMAS WEEK
Dec.	30 -	NO MEETING	– NEW YEAR WEEK