



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 16, 2008

8:30 A.M. ROLL CALL

Invocation by Robert Hays of Friends Community Church

Pledge of Allegiance to the Flag

Ceremonial Presentation

Introduction of the Delegation from the Peoples' Republic of China – Councilmember Perea - **Introduced**

Presentation of Certificates of Appreciation to Tim Rios, Wells Fargo, Eric Johnson, AT&T and Al Galvez, PG&E – Mayor Autry and Council President Xiong - **Presented**

Proclamation of "FresYes Day" – Mayor Autry and Council – **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 December 9, 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** – Declaring the results of the general election held within the City of Fresno on November 4, 2008 – City Clerk’s Office
Action Taken: Resolution No. 2008-341 adopted
- B. * Approve and authorize the Chief of Police to enter into an interoperable communications assessment service contract with BearingPoint, Inc., for a regional interoperable communications assessment plan in the amount of \$359,703 – Police Department
Action Taken: Removed from the agenda
- C. Adopt Resolution of Intention No. 1069-D to vacate W. California Court and the south five (5) feet of W. California Avenue east of W. Atchison Street (**Property located in District 3**) – Public Works Department
Action Taken: Adopted
- D. Adopt Resolution of Intention No. 1070-D to vacate two (2) parcels of public street right-of-way along the south side of Ashlan Avenue east of Cornelia Avenue (**Property located in District 1**) – Public Works Department
Action Taken: Adopted
- E. **RESOLUTION** - Authorizing the submission of applications for and acceptance of grant funds from the Resources Agency Environmental Enhancement and Mitigation Program under Section 164.56 of the Streets and Highways Code and authorizing the execution of documents by the Public Works Director or his designee – Public Works Department
Action Taken: Resolution No. 2008-342 adopted
- F. * Approve a contract time extension to Dave Christian Construction for the construction of improvements to Clovis Avenue from Kings Canyon Road to McKinley Avenue (**Property located in Districts 4 and 5**) – Public Works Department
Action Taken: Approved

1. **CONSENT CALENDAR CONTINUED**

- G. * Approve an agreement with RRM Design Group in the amount of \$349,000.00 with a contingency amount not to exceed \$43,000.00 for the design of plans and general construction contract documents for the new Fresno Fire Department Training Center and vehicle maintenance facilities within the County of Fresno – Public Works Department
Action Taken: Approved
- H. Approve First Amendment to Agreement for extension of time to January 1, 2010, on the agreement with SIM Architects to design the station renovations and additions for existing Fire Stations No.2, 10 and 14 within the City of Fresno (**Fire Stations No. 2 & 14 in District 2, Fire Station No. 10 in District 4**) – Public Works Department
Action Taken: Approved
- I. Approve First Amendment to Agreement for extension of time to January 1, 2010, on the agreement with Taylor Teter Partnership for the design of station renovations and additions for Existing Fire Stations No. 3 and 4 within the City of Fresno (**Fire Station No. 3 in District 3, Fire Station No. 4 in District 7**) – Public Works Department
Action Taken: Approved
- J. **RESOLUTION** - Approving the Final Map of Tract No. 5710, 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. 2008-343 adopted
- K. * **RESOLUTION** - Authorizing the purchase of Tiburon Firerecords Software and Subsystems to upgrade an existing system without advertised competitive bidding in an amount not to exceed \$181,455.00 – Fire Department
Action Taken: Resolution No. 2008-344 adopted
- L. * Award a requirements contract in the amount of \$2,089,174 to Fare Logistics of Victoria, BC for an Automated Fare Collection System (AFC) – Transportation Dept.
Action Taken: Awarded
1. * Award a consultant contract to Auriga Corporation in the amount of \$50,000 for project management of the AFC System
Action Taken: Awarded
2. * **RESOLUTION** – 54th amendment to AAR No. 2008-162 appropriating \$2,300,000 for the procurement and installation of the Automated Fare Collection (AFC) System (**Requires 5 affirmative votes**)
Action Taken: Resolution No. 2008-345 adopted
- M. * **BILL NO. B-73 – (Intro. 12/9/2008 (For adoption))** – Amending Section 5-504 of the Fresno Municipal Code relating to skateboard and bicycle park regulations - PARCS
Action Taken: Ordinance No. 2008-74 adopted

CONTESTED CONSENT ITEMS (IF ANY)

SCHEDULED COUNCIL HEARINGS AND MATTERS

9 00 A.M. A. SCHEDULED COMMUNICATION

1. Appearance by Kenneth Fick to discuss an incident with the Police Department –
Continued to January 13, 2009

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. Council action on the elements of the economic stimulus package for residential development to assist the building industry to provide housing and to survive the current economic downturn as requested by the Building Industry Association – Councilmember Dages
1. * **RESOLUTION** - Adopting a policy to restore the exemption from payment of certain impact fees when said fees have been paid prior to the expiration of protection for the final map
Action Taken: Resolution No. 2008-346 adopted
 2. * **RESOLUTION** – Adopting a policy to freeze all development impact fees at the current level until January 1, 2011
Action Taken: Resolution No. 2008-347 adopted
 3. * **RESOLUTION** – Adopting a policy to defer collection of all development impact fees to Certificate of Occupancy
Action Taken: Resolution No. 2008-348 adopted
 4. * **RESOLUTION** – Amending the implementing policies for the Citywide regional street and new growth area major street impact fees as previously adopted by Resolution No. 2007-291 and as amended by Resolution No. 2008-278
Action Taken: Resolution No. 2008-349 adopted
- B. Report to Council outlining issues for consideration by the incoming Mayor, Council and Administration – Councilmember Calhoun
Action Taken: Report made

9:30 A.M.

GENERAL ADMINISTRATION

- A. Approve a resolution increasing rates at Camp Fresno and establishing reservation priority for Fresno residents - PARCS
1. * **RESOLUTION** - 478th amendment to MFS No. 80-420 to establish the various fees at Camp Fresno Family Camp in the Parks Section
Action Taken: Resolution No. 2008-350 adopted

10:00 A.M. #1 Presentation by the Historic Preservation Commission of fiscal year 2008 “State of Historic Preservation Annual Report” – Planning and Development Dept.

Action Taken: Presentation made

10:00 A.M. #2 Presentation of the 2008 City Historic Preservation Awards – Planning and Development Dept.

Action Taken: Presentation made

10:15 A.M. **HEARING** to consider Rezone Application No. R-08-30, and environmental findings, filed by the City of Fresno, pertaining to 190 properties totaling approximately 93 acres generally located at the southwest corner of E. Belmont and N. Sunnyside Avenues (**Property located in District 5**) – Planning and Development Dept.

Action Taken: Held

- a. Consider and adopt Environmental Assessment No. R-08-30, 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 190 properties from the R-1 (*Single Family Residential, 6,000 square-foot minimum lot size, Fresno County*), R-1-AH (*Single Family Residential, 20,000 square-foot minimum lot size, Fresno County*), R-2 (*Low Density Multiple Family Residential, Fresno County*), and R-3 (*Medium Density Multiple Family Residential, Fresno County*) zone districts to the R-1 (*Single Family Residential, 6,000 square-foot minimum lot size*), R-1-B (*Single Family Residential, 12,500 square-foot minimum lot size*) and R-2 (*Low Density Multiple Family Residential*) zone districts
Action Taken: Bill No. B-77/Ordinance No. 2008-75 adopted

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

- 10:30 A.M.** **HEARING** to consider the formation of a special tax district (Community Facilities District No. 9) and to authorize levy of a special tax (*Property located in District 4, City-wide*)
Action Taken: **Held**
- a. **RESOLUTION** – Authorizing the levy of a special tax therein and preliminarily establishing an appropriation limit for Community Facilities District No. 9
Action Taken: **Resolution No. 2008-351 adopted**
 - b. **RESOLUTION** - Calling special mailed-ballot election
Action Taken: **Resolution No. 2008-352 adopted**
 - c. **RESOLUTION** -Declaring election results
Action Taken: **Resolution No. 2008-353 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. 9
Action Taken: **Bill No. B-78/Ordinance No. 2008-76 adopted**
 - e. * **RESOLUTION** – 53rd amendment to AAR No. 2008-162 appropriating \$5,000 for the formation of the Community Facilities District No. 9 (*Requires 5 affirmative votes*)
Action Taken: **Resolution No. 2008-354 adopted**

- 10:45 A.M.** **CONTINUED HEARING** to consider and adopt a Mitigated Negative Declaration for Environmental Assessment No. EA-01-052, for the widening of Peach Avenue to four (4) lanes between Kings Canyon Road and Belmont Avenue (*Property located in Districts 5 and 7*) – Public Works Dept.
Action Taken: **Adopted**

- 11:00 A.M.** **RESOLUTION** - Amending Resolution 2007-373 and authorize negotiation and entry into an Affordable Housing Special Revenue Fund Program Grant Agreement with Pyramid A-One, LLC in the amount of \$180,000 for the mixed use Fulton Plaza Project in the Cultural Arts District of Downtown Fresno – Planning and Development Department
Action Taken: **Resolution No. 2008-355 adopted**

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

- A. **CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION** - Government Code Section 54956.9, Subdivision (a)
 - 1. **Case Name:** Donald Gerhardt v. City of Fresno, Fresno County Superior Court Case No.: 06CECG02744
Action Taken: **Held**

2:00 P.M. #2 **JOINT CLOSED SESSION WITH THE REDEVELOPMENT AGENCY**

- B. **CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION** - Government Code Section 54956.9, Subdivision (a)
 - 1. **Case Name:** Heritage Fresno et al. v. Redevelopment Agency of the City of Fresno et al.; Fresno County Superior Court Case No. 05CECG0012 (Heritage II)
Action Taken: **Held**

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

3:00 P.M.

HEARING to consider Plan Amendment Application No. A-08-10, Rezone Application No. R-08-14, Conditional Use Permit Application No. C-08-157, and Environmental Impact Report (EIR) No. 10142, filed by Dewayne Zinkin, pertaining to approximately 40 acres of property located between N. Friant Road, E. Audubon Drive, E. Cole Avenue, and N. Fresno Street (Fresno 40 Project) - **(Property located in District 6)** – Planning and Development Dept.

Action Taken: Held

- a. **RESOLUTION** – Adopting and certifying Final Environmental Impact Report (EIR) No. 10142 prepared for the project
Action Taken: Resolution No. 2008-357 adopted
- b. **RESOLUTION** - Amending the 2025 Fresno General Plan and the Woodward Park Community Plan for approximately 16 acres of the subject property from the office commercial planned land use designation to the community commercial land use designation
Action Taken: Resolution No. 2008-358 adopted
- c. **BILL** – Amending the Official Zone Map to rezone approximately 16 acres of the subject property from the C-P/UGM/cz (*Administrative and Professional Office/Urban Growth Management/conditions of zoning*) and R-P/UGM/cz (*Residential and Professional Office/Urban Growth Management/conditions of zoning*) zone districts to the C-2/UGM/cz (*Community Shopping Center/Urban Growth Management/conditions of zoning*) zone district. The rezone application also proposes to change an existing condition of zoning to allow for two vehicular access points from the subject property to N. Friant Road
Action Taken: Bill No. B-81/Ordinance No. 2008-79
- d. **RESOLUTION** – Approving Conditional Use Permit Application No. C-08-157 to allow for the commercial office and retail development, and 24 multiple family residential dwelling units
Action Taken: Resolution No. 2008-359

3:15 P.M.

HEARING to consider Plan Amendment Application No. A-08-15, Rezone Application No. R-08-25, and environmental findings, filed by Jeffrey T. Roberts on behalf of Granville Homes, Inc., pertaining to approximately 20.31 acres of property located on the northwest corner of N. Willow and E. Copper Avenues **(Property located in District 6)** – Planning and Development Dept.

Action Taken: Held

- a. Consider and adopt Environmental Assessment No. A-08-15/R-08-25, determination of initial study to file a Mitigated Negative Declaration
Action Taken: Adopted
- b. **RESOLUTION** - Amending the 2025 Fresno General Plan and the Woodward Park Community Plan for approximately 20.31 acres of the subject property from the medium-high density residential (10.77 acres) and neighborhood commercial (9.54 acres) planned land use designations to the community commercial land use designation for 20.31 acres
Action Taken: Resolution No. 2008-356 adopted
- c. **BILL** – Amending the Official Zone Map to rezone approximately 20.31 acres of the subject property from the PV (*Planned Village, Fresno County*) zone district to the C-2/UGM (*Community Shopping Center/Urban Growth Management*) zone district
Action Taken: Bill No. B-79/Ordinance No. 2008-77 adopted

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

3:20 P.M.

HEARING to consider Development Agreement by and between the City of Fresno and Ashlan/Hayes No. 1 LP as authorized by the provisions of Government Code Section 65864 et seq relating to the approximately 122.93 net acre residential and commercial development authorized by Tentative Tract Map No. 5891/UGM and Conditional Use Permit Application No. C-07-308. – Planning and Development Department

Action Taken: Held

a. Consider and adopt addendum to Environmental Assessment Mitigated Negative Declaration No. A-07-08/R-07-29/C-07-308/T-5891, determination of initial study to file a Mitigated Negative Declaration.

Action Taken: Adopted

b. **BILL – (For introduction and adoption)** - Approving the Development Agreement by and between the City of Fresno and Ashlan/Hayes No. 1 LP

Action Taken: Bill No. B-80/Ordinance No. 2008-78 adopted

3:30 P.M.

JOINT MEETING WITH THE REDEVELOPMENT AGENCY

Approve Agency minutes of December 9, 2008

Action Taken: Approved

A. Approve amending the Fresno Redevelopment Agency bylaws to be consistent with City policy regarding first year Councilmembers. Change would allow first year Councilmember to be Vice Chair of the Redevelopment Agency - Councilmember Duncan

Action Taken: Approved

1. **RESOLUTION** – Rescinding present by-laws and adopting new by-laws

Action Taken: Resolution No. 1734 adopted

B. Approve an Owner Participation Agreement (OPA) between the Redevelopment Agency of the City of Fresno and Granville Homes for the development of a residential project at 1735 and 1759 Fulton Street in the Fulton Redevelopment Project Area (**Agency action**)

Action Taken: Approved

C. Recommending that the City Council and the Agency Board award a contract to Pantano Excavation, Inc. for the demolition of buildings at 740 W. Olive Avenue, Fresno (**Council and Agency action**)

Action Taken: Awarded

D. Authorize a one-year extended exclusive negotiation agreement between the Redevelopment Agency and Forest City Development, Inc., for the South Stadium Project located within the Convention Center, Central Business District, Chinatown Expanded, and South Van Ness Redevelopment Project Areas (**Agency action**)

Action Taken: Authorized; **as amended**, for a 6-month extension

ADJOURN AGENCY

SCHEDULED COUNCIL HEARINGS AND MATTERS

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>Continue 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
Feb.	3 -	10:00 A.M.	HEARING re: bill for introduction amending TA-08-02 regarding car washes
Feb.	10 -	10:00 A.M.	CONTINUED HEARING to consider an appeal, filed by Gary McDonald on the Tract Map and Councilmember Duncan on the Conditional Use Permit Application, appealing the Fresno City Planning Commission’s denial of Vesting Tentative Tract Map No. 5933, CUP C-08-59