



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.

December 11, 2007

8:30 A.M. ROLL CALL

Invocation by Sr. Pastor G.L. Johnson, Peoples Church

Pledge of Allegiance to the Flag

Ceremonial Presentation:

Presentation of "District 7 Student Recognition Awards"- Councilmember Perea - **Presented**

Presentation of Proclamation and Certificates of Recognition for Fresno Pacific University Women's Volleyball Team- Councilmember Dages - **Presented**

Presentation by the Central California SPCA of a Christmas End of the Year Thank You – **Laid over one week**

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 27 and December 4, 2007

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 approval of the Consent Calendar

- A. * Rescind previous contract award and award a requirements contract in the amount of \$780,011.40 to Bob Silva Ford of Chowchilla for Medium Duty Cab and Chassis Trucks (Bid File No. 8926) – General Services Department/Purchasing Division
Action Taken: Staff recommendation approved
- B. * Authorize the Chief of Police to enter into and execute the agreement and required program documents with the Regents of the University of California for the Sobriety Checkpoint Program for local law enforcement agencies– Police Department
Action Taken: Authorized
- * 1. **RESOLUTION** - 55th amendment to Annual Appropriation Resolution No. 2007-214 appropriating \$176,500 for the Sobriety Checkpoint Program for local law enforcement agencies (**Requires 5 affirmative votes**)
Action Taken: Resolution No. 2007-405 adopted
- C. * Authorize the Public Works Director to negotiate and enter into an agreement with S.I.M. Architects for \$706,583 to produce construction documents for the development of the Fresno Police Department Regional Law Enforcement Training Facility – Police Department
Action Taken: Authorized
- D. * Adopt the Side Letter of Agreement between the City of Fresno (City) and the City of Fresno Management Employees Association - Unit 14- Personnel Services Department
Action Taken: Adopted
- E. * **RESOLUTION** - 459th amendment to MFS Resolution No. 80-420 increasing green fees and establishing non-resident rates at Riverside Municipal Golf Course- PARCS
Action Taken: Resolution No. 2007-406 adopted
- F. * **RESOLUTION** - 56th amendment to the AAR No. 2007-214 appropriating \$1,997,300 for the purpose of supplemental Urban Growth Management (UGM) and impact fee reimbursements from available funds to approved developers and appropriating \$100,000 to the Willow Avenue widening project (Teague to Behymer) (**Property located in District 6**) (**Requires 5 affirmative votes**) - Public Works Department
Action Taken: Resolution No. 2007-407 adopted

1. **CONSENT CALENDAR CONTINUED**

- G. **RESOLUTION**- Setting the time and place, **January 29, 2008 at 10:00 a.m.** in Council Chambers of City Hall, for the public hearing to consider amending Underground Utility District No. FRE-86 to include Willow Ave between approximately 1320 feet south of Shepherd Ave and Behymer Ave (**Located in District 6**) – Public Works Department
Action Taken: Resolution No. 2007-408 adopted
- H. Approve amendment No. 3 to lease and concession agreement between the City of Fresno and Nicholas J. Palomares (FYI Airport Barbershop) to extend the term for three (3) years – Airport Department
Action Taken: Approved
- I. * Award a contract in the amount of \$692,828.00 to Witbro Inc. dba Seal Rite Paving and Grading for installation of street infrastructure in No Neighborhood Left Behind area 59 (**Property located in District 5**) – Department of Public Utilities
Action Taken: Awarded
- J. * Award a contract in the amount of \$162,005.75 to V& G Builders Inc. for installation of street infrastructure in No Neighborhood Left Behind area 66 (**Property located in District 6**) – Department of Public Utilities
Action Taken: Laid over one week
- K. **RESOLUTION** – Approving the reallocation of \$60,000 out of contingency within the City Landfill Closure Fund for lab testing and staff overhead costs associated with construction of Phase Two (2) Groundwater Remediation at the Fresno Sanitary Landfill (**Property located in District 3**) – Department of Public Utilities
Action Taken: Resolution No. 2007-409 adopted
- L. Consideration of proposed Barstow-Grantland No. 3 Reorganization: Resolution for approval to file with the Fresno Local Agency Formation Commission (LAFCO) for the detachment of certain territory consisting of approximately 72.5 acres from the North Central Fire Protection District and the Kings River Conservation District and annexation of the same territory to the City of Fresno (**Property located in District 2**) – Planning and Development Department
Action Taken: Considered
1. Affirm the action of the City Council of January 23, 2007 in adopting the environmental finding of Environmental Assessment No. R-06-01/T-5600, dated September 11, 2006, that the project proposal conforms to the provisions of the 2025 Fresno General Plan Master Environmental Impact Report (MEIR) No. 10130
Action Taken: Affirmed
2. **RESOLUTION** - Applying to the Fresno Local Agency Formation Commission (LAFCO) in the matter of the proposed Barstow-Grantland No. 3 Reorganization
Action Taken: Resolution No. 2007-417 adopted
- M. Consideration of proposed Dakota-Maple No. 2 Reorganization: Resolution for approval to file with the Local Agency Formation Commission (LAFCO) for detachment of certain territory consisting of approximately 82 acres from the Fresno County Fire Protection District and the Kings River Conservation District and annexation and rezoning of the same territory to the City of Fresno (**Property located in District 4**)- Planning and Development Department
Action Taken: Considered
1. **RESOLUTION** – Authorizing the Planning Director to initiate the rezoning and annexation of the Dakota-Maple No. 2 Reorganization with the Fresno Local Agency Formation Commission (LAFCO)
Action Taken: Resolution No. 2007-418 adopted

1. **CONSENT CALENDAR CONTINUED**

N. * **BILL B-98–(For adoption) (Introduced 12/4/07)**- Amending Subsection (g) of Section 9-1107 of the Fresno Municipal Code, relating to mobile vendors within 1000 feet of property line of public or private schools – City Attorney’s Office

Action Taken: Ordinance No. 2007-95 adopted

O. Consider Phase 4 of the code streamlining project to repeal and re-adopt Chapters 4, 5 and 8 of the Fresno Municipal Code and to adopt uncodified Ordinance related to Assessment Procedures – City Attorney’s Office

Action Taken: Considered

1. * **BILL B-100– (For adoption) (Introduced 12/4/07)** - To repeal Chapters 4 and 5 and add Chapters 4 and 5 of the Fresno Municipal Code relating to the code streamlining project – City Attorney’s Office

Action Taken: Ordinance No. 2007-96 adopted

2. * **BILL B-101 - (For adoption) (Introduced 12/4/07)** - To repeal Chapter 8 and add Chapter 8 of the Fresno Municipal Code relating to the code streamlining project - City Attorney’s Office

Action Taken: Ordinance No. 2007-97 adopted

3. * **BILL B-102– (For adoption) (Introduced 12/4/07)** - To adopt uncodified ordinance for certain assessment procedures relating to the code streamlining project - City Attorney’s Office

Action Taken: Ordinance No. 2007-98 adopted

2. **GENERAL ADMINISTRATION**

A. Approval of the City Council meeting schedule for calendar year 2008- City Clerk’s Office

Action Taken: Approved

B. Direction to staff to proceed with developing the concept of restoring the Fulton Mall, including: preparation of the Section 108 application to finance the Fulton Mall projects; formation of a Fulton Mall Assessment District to create a revenue stream for repayment of the loan; and reallocation of \$60,000 within the Section 108 Downtown Economic Development-Land Acquisition Fund for costs associated with the Fulton Mall Project – City Manager’s Office

Action Taken: Laid over one week

1. **RESOLUTION** – Approving the reallocation of \$60,000 within the Section 108 Downtown Economic Development- Land Acquisition Fund for costs associated with the Fulton Mall project

C. Approve and authorize the Police Chief to enter into the following two Gang Prevention service contracts- Police Department

Action Taken: Approved and authorized

1. * Primer Paso Institute, Inc. for clinical assessment consulting services for amount of \$9,900

2. * Crossover Ministries dba Aesthetic View Institute for anger management services for an amount not to exceed \$56,614

D. * **BILL NO. B-79 (Intro. 10/16/2007) (For adoption)** - 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: Ordinance No. 2007-102 adopted

3. **CLOSED SESSION**

A. **CONFERENCE WITH LEGAL COUNSEL-DECIDING WHETHER TO INITIATE LITIGATION -**

Government Code Section 54956.9, subdivision (c)

1. **Case Name:** *City of Fresno v. Hotels.com; Hotels.com GP, LLC; Hotwire, Inc.; Cheap Tickets, Inc.; Cendant Travel Distribution Service Group, Inc.; Expedia, Inc.; Internetwork Publishing Corp. d/b/a Lodging.com; Lowest Fare.com, Inc.; Maupintour Holding, LLC; Orbitz, Inc.; Orbitz, LLC; Priceline.com, Inc.; Site59.com, LLC; Travelocity.com, Inc.; Travelocity.com, LP; Travelweb, LLC; and Travelnow.com, Inc.*

Action Taken: Held

B. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION -**

Government Code Section 54956.9, subdivision (b)

Significant Exposure to Litigation:

1. **Case Name:** *City of Fresno v. M.J. Menefee Construction, Inc. and Great American Insurance Company (Herndon Avenue Improvements)*

Action Taken: Held

SCHEDULED COUNCIL HEARINGS AND MATTERS

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

1. Appearance by Cal Fire Chief Larkin to provide update on the fires in Southern California - **Appearance made**
2. Appearance by Roselyn Clark, Fresno Police & Neighborhood Watch Association, to present an update on the replacement of damaged NW signs and present a calendar to Council and City Manager - **Appearance made**
3. Appearance by Darryl Hefke, regarding homeless issues, FAX bus repairs and water issues at Herndon Town - **Not present when called**

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 - **Held**

9:10 A.M. Appearance by Mehran “Romi” Baghgegia, to request the security requirement be removed as a condition for a stay of execution of the Judgment, and to present the status of construction of the Hotel Fresno – Economic Development Department - - **Appearance made**

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

A. Consider recommendations of the Council Budget Surplus Committee- Council President Perea

Action Taken: Considered

1. * **RESOLUTION** - 24th amendment to the AAR No. 2007-214 to appropriate \$1,535,000 to fund: 1) \$600,000 for FY 2008 Police Department overtime costs and; 2) \$935,200 in the FY 2009 budget protection plan reserve (**Requires 5 affirmative votes**)

Action Taken: Resolution No. 2007-410 adopted

B. Direct staff to return by January 28, 2008 with a deficit elimination plan that will provide recommendations to the City Council on how we can ensure a balanced City budget in 2011 based on current projected revenues with the priority being placed on maintaining and expanding Public Safety services – Councilmember Duncan

Action Taken: Failed

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

- 10:00 A.M.** **HEARING** - Regarding Community Facilities District No. 11, Annexation No. 24, Tract No. 5603
(Property located in District 3)- Public Works Department
Action Taken: Held
- a. **RESOLUTION** – Annexing territory to Community Facilities District No. 11, Annexation No. 24 and authorizing the levy of taxes
Action Taken: Resolution No. 2007-411 adopted
 - b. **RESOLUTION** - Calling special mailed-ballot election
Action Taken: Resolution No. 2007-412 adopted
 - c. **RESOLUTION** - Declaring election results
Action Taken: Resolution No. 2007-413 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. 24
Action Taken: Bill B-103/Ordinance No. 2007-102 adopted
- 10:10 A.M.** * **HEARING** - Regarding Community Facilities District No. 11, Annexation No. 26, Tract No. 5471
(Property located in District 6) -Public Works Department
Action Taken: Held
- a. **RESOLUTION** – Annexing territory to Community Facilities District No. 11, Annexation No. 26 and authorizing the levy of taxes
Action Taken: Resolution No. 2007-414 adopted
 - b. **RESOLUTION** - Calling special mailed-ballot election
Action Taken: Resolution No. 2007-415 adopted
 - c. **RESOLUTION** - Declaring election results
Action Taken: Resolution No. 2007-416 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. 26
Action Taken: Bill B-104/Ordinance No. 2007-100 adopted
- 10:15 A.M.** Development Partner Center Workshop – Planning and Development Department - Held
- 10:45 A.M.** **TEFRA HEARING** concerning the proposed issuance of tax-exempt multifamily housing revenue bonds by the California Statewide Communities Development Authority for the purpose of financing the acquisition and construction of a 34-unit senior living, rental housing facility commonly known as Bridges at Florence Avenue *(to be rescheduled and noticed)*
Action Taken: To be rescheduled
- 11:00 A.M.** **CONTINUED HEARING** to consider Rezone Application No. R-06-55, and environmental findings, filed by Sol Development Associates, LLC, on behalf of Horizon Enterprises, Inc., pertaining to approximately 42.89 acres of property located on the south side of W. Barstow Avenue between N. Grantland Avenue and Veteran’s Boulevard (APN 505-060-08) *(Property located in District 2)* – Planning and Development Department
Action Taken: Held
- a. Consider and adopt Environmental Assessment No.R-06-55, 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-2/UGM *(Low Density Multiple Family Residential/Urban Growth Management)* zone district
Action Taken: Bill B-105/Ordinance No. 2007-101 adopted

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

2:30 P.M. **HEARING** to consider Rezone Application No. R-06-70, and environmental findings, filed by Elias Saliba on behalf of A-1 Investments LLC, pertaining to approximately 4.01 net acres of property located on the northwest corner of North Blythe and West Dakota Avenues

Action Taken: Held

- a. Consider and adopt Environmental Assessment No. R-06-70/T-5766, 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.
(Property located in District 1)
Action Taken: Bill B-106/Ordinance No. 2007-103 adopted

2:35 P.M. **HEARING** to consider Rezone Application No. R-07-47, and environmental findings, filed by the City of Fresno, pertaining to 12 properties totaling approximately 18.65 acres of property located on the northeast corner of North Blythe and West McKinley Avenues

Action Taken: Held

- a. Consider and adopt Environmental Assessment No. R-07-47, 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 properties from the R-R (*Rural Residential, Fresno County*) zone district to the R-A/UGM (*Single Family Residential Agricultural/Urban Growth Management*) zone district
Action Taken: Bill B-107/Ordinance No. 2007-104 adopted

2:50 P.M. **WORKSHOP** – Regarding “Fresno Green” project – Green Team - **Held**

3:30 P.M. Accept report from community task force on youth issues – Councilmember Perea

Action Taken: Accepted

SCHEDULED COUNCIL HEARINGS AND MATTERS

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 (30 minutes)
Dec.	18 -	10:45 A.M.	HEARING re: CFD No. 11, Annexation No. 25, Tract 5728
Dec.	18 -	10:50 A.M.	HEARING re: Vesting Tentative Tract Map 5829, Condo Conversion, Davidon Homes
Dec.	18 -	10:55 A.M.	HEARING re: R-07-63, filed by Mario Rolando Campos
Dec.	18 -	11:00 A.M. #1	HEARING re: Rezone R-07-65, filed by Bonadelle Homes
Dec.	18 -	11:00 A.M. #2	Presentation by the Visitor and Convention Center
Dec.	18 -	2:30 P.M.	Award independent audit contract to Moreland & Assoc- Finance Dept
Dec.	18 -	3:00 P.M.	Old Armenian Town-SEIR- RDA
Dec.	18 -	4:00 P.M.	HEARING re: Plan Amendment Trimester for 2007

Dec. 25 - **NO MEETING – CHRISTMAS WEEK**

Jan. 1 - **NO MEETING – NEW YEAR’S**

Jan. 29 - 10:00 A.M. **HEARING** re: Underground Utility District No. FRE-86