



# 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 30, 2007

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

Invocation by Reverend Rachel Smith of the Trinity Church of the Nazarene

Pledge of Allegiance to the Flag

### **Ceremonial Presentation:**

Presentation of a Resolution of Commendation to Frank Balekian, Accountant/Auditor for the Finance Department – Councilmember Dages – **Read and presented**

Presentation of ASE Award Premium Pay Checks to Fleet Management Technicians – General Service Department - **Presented**

Presentation of the 2007 Orchid Awards – Councilmember Calhoun - **Presented**

The agenda and related staff reports are available on ([www.fresno.gov](http://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 October 23, 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 immediately following.

- A. \* Award an interim requirements contract in the amount of \$600,000.00 to Clean Energy of Seal Beach, CA for liquid natural gas (LNG) fuel – General Services Dept./Fleet Management  
**Action Taken:** Awarded
- B. \* **RESOLUTION** - 33rd amendment to AAR No. 2007- 214 appropriating \$794,700 in property/liability self-insurance fund to pay the Airport Enterprise Fund for the first installment of the settlement agreement between the City of Fresno and the Federal Aviation Administration (FAA) (**Requires 5 affirmative votes**) – City Manager's Office  
**Action Taken:** Resolution No. 2007-353 adopted
- C. \* Award a requirements contract in the amount of \$730,245.69 to Reynolds Buick/Pontiac/GMC of Covina, CA for medium duty cab and chassis trucks – General Services Dept./Fleet Management  
**Action Taken:** Awarded
- D. \* Award a requirements contract in the amount of \$110,420.45 to Freedom Ford of Fresno, CA for compact trucks – General Services Dept./Fleet Management  
**Action Taken:** Awarded
- E. **RESOLUTION** - Denying the Conditional Use Permit (CUP) Application No. C-06-229 (**Property located in District 4**) – Planning and Development Dept.  
**Action Taken:** Resolution No. 2007-354 adopted
- F. \* Award a multi-prime bid package, related to the Dickey Youth Development Center, in the amount of \$380,000 for Bid Package 11 to Strategic Mechanical Inc. for heating, ventilation, and air conditioning (HVAC) (**Property located in District 3**) – Public Works Dept.  
**Action Taken:** Awarded
- G. \* Approve agreement between the City of Fresno and the Economic Development Corporation serving Fresno County for an amount not to exceed \$198,000 – Economic Development Department  
**Action Taken:** Approved

**CONSENT ITEM CONTINUED**

- H. \* **RESOLUTION** - Authorizing a contract for HD Series modular skate ramps and installation from Spohn Ranch, Inc. of the City of Industry, CA without advertised competitive bidding – PR&CS  
**Action Taken:** Resolution No. 2007-356 adopted
  
- I. **RESOLUTION** – Initiating rezoning (pre-zoning) on 7 parcels totaling approximately 51 acres within the City of Fresno’s Sphere of Influence, property located on the north side of E. Copper Avenue between N. Willow and N. Maple Avenues (**Property located in District 6**) – Planning and Development Dept.  
**Action Taken:** Resolution No. 2007-355 adopted
  
- J. Approve first amendment to agreement with HDR Engineering, Inc. for evaluation of the City’s customer information system’s ability to integrate with automated meter reading technologies and to reassign contract administration from the Director of Public Works to the Director of Public Utilities – Dept. of Public Utilities  
**Action Taken:** Approved
  
- K. \* Award contract to Hobbs Construction in the amount of \$148,720.00 for well site improvements at Pump Station 26B – Dept. of Public Utilities  
**Action Taken:** Awarded

**CONTESTED CONSENT ITEMS (IF ANY)**

**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 - Held

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

- A. Direct City Attorney to return with modification to the Fresno Municipal Code Section 9-1107 (g) that currently does not allow mobile vendors to operate within a thousand feet of an elementary or high schools – Councilmember Duncan  
**Action Taken:** Directed to return with 150’ radius modification and hours of operation
  
- B. Request staff to include a supplement section to the Adaptive Building Reuse Ordinance currently in the final adoption process, or the Vacant Building Ordinance as needed that will modify current ordinances to provide enforcement for needed improvements in vacant buildings. - Councilmember Calhoun  
**Action Taken:** Motion to approve died due to lack of a second
  
- C. Discussion of and Council Appointment to the Major Street Fees Appeals Board – Council President Perea  
**Action Taken:** Discussed and reset for 11/6/2007

**SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED**

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

- A. \* Approve first amendment agreement to the Memorandum of Understanding (MOU) between SMG and the Convention Center and Visitors Bureau (FCVB) for changes to organizational structure and improvements in service – City Manager’s Office  
**Action Taken:** Approved; staff to report back in December on decreasing member of CVB Board members
- B. Renaming Parks, Recreation and Community Services (PRCS) Department to Parks, After School, Recreation and Community Services (PARC) Department – PR&CS  
**Action Taken:** Approved
- C. Approve the Solar Energy System Rebate and Loan Program- Planning and Development Dept. and Council President Perea  
**Action Taken:** Approved
  - 1. Consider and accept EA No. 014-07194 Determination of Exemption for administration of the Program  
**Action Taken:** Accepted
  - 2. \* **RESOLUTION** - Approving a residential solar energy system rebate and program loan  
**Action Taken:** Resolution No. 2007-357 adopted with policy amended capping rebate fund at \$100,000

- 10:00 A.M.** Documents pertaining to the new Municipal Water District – Department of Public Utilities
- A. Consideration of 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;  
*(Continue to November 6, 2007 at 2:45 p.m.)*  
**Action Taken:** Continued as noted

- 10:30 A.M. WORKSHOP** regarding: (Held)
- 1. Public Safety Capital projects; Police Department; Fire Department and Convention Center Phase II
  - 2. Park impact fee projects and Riverside Golf Course – PR&CS; and Finance Dept.

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

Approve Agency minutes of October 16, 2007  
**Action Taken:** Approved

- A. Recommend that City Council adopt an Affordable Housing Policy requiring all future new construction affordable housing developments that receive City or Redevelopment Agency funding to include basic universal design features **(Council and Agency action)** - Planning and Development Dept. and Councilmember Sterling  
**Action Taken:** Approved with staff to return with enabling documents as recommended

**ADJOURN AGENCY**

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

- A. **CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION** - Government Code Section 54956.9, subdivision (a)
  - 1. **Case Name:** City of Fresno v. Mark Topoozian, et al.  
**Action Taken:** Held

**SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED**

2:15 P.M. Approve Paratransit (Handy Ride) Program improvements by approving an addendum to the Paratransit Services Contract between the City of Fresno and MV Transportation – Fresno Area Express

**Action Taken:** Approved

A. \* **RESOLUTION** - 40th amendment to AAR No. 2007-214 in the amount of \$896,300 for the purpose of funding the Handy Ride Program **(Requires 5 affirmative votes)**

**Action Taken:** Failed due to need for 5 affirmative votes

**SCHEDULED COUNCIL HEARINGS AND MATTERS**

- Nov. 6 - 10:00 A.M. **HEARING** to consider Rezone Application No. R-07-48, and environmental findings, filed by the City of Fresno
- Nov. 6 - 10:05 A.M. **HEARING** to consider Rezone Application No. R-07-49, and environmental findings, filed by the City of Fresno
- Nov. 6 - 10:10 A.M. ICC adoption – Fire Department
- Nov. 6 - 10:30 A.M. Discussion and direction regarding the Strategic Plan/SOC Document – Fire Department
- Nov. 6 - 2:30 P.M. **HEARING** to consider Rezone Application No. R-07-51, filed by T.J. Cox, on behalf of Don and Deborah Christiansen
- Nov. 6 - 2:35 P.M. **HEARING** to consider Rezone Application No. R-07-33, filed by Richard and Marian Holm
- Nov. 6 - 2:45 P.M. Consideration of 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
- Nov. 6 - 3:00 P.M.#1 Adopt a resolution declaring its official intent to reimburse certain expenditures from proceeds of indebtedness for expenses incurred related to fire department capital projects and equipment
- Nov. 6 - 3:00 P.M.#2 Approve Construction Contract with Davis Moreno Construction, Inc., in the amount of \$6,550,890.00 for construction of new Fire Stations No. 16 within the City of Fresno and No. 19 within the County of Fresno
- Nov. 13- **NO MEETING – VETERAN'S DAY**
- Nov. 20 - **NO MEETING – THANKSGIVING WEEK**
- Nov. 27 - 10:00 A.M. **HEARING** re: UUD No. FRE-86 (Shepherd Avenue between Willow Avenue) **(Property located in District 6)**
- Nov. 27 - 10:10 A.M. **HEARING** re: CFD No. 11, Annexation No. 20, Tract No. 5527
- Nov. 27 - 10:15 A.M. **HEARING** re: CFD No. 11, Annexation No. 21, Tract No. 5549
- Nov. 27 - 10:20 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.
- Nov. 27 - 10:30 A.M. Adopt an amendment to the MFS Resolution re: to the major street impact fee Appeal Board
- Dec. 4 - **NO MEETING**
- Dec. 11 - 10:00 A.M. **HEARING** re: CFD No. 11, Annexation No. 24, Tract No. 5603
- Dec. 11 - 10:10 A.M. **HEARING** re: CFD No. 11, Annexation No. 26, Tract No. 5471
- Dec. 11 - 10:30 A.M. **WORKSHOP** re: Green Team
- 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. 25 - **NO MEETING – CHRISTMAS WEEK**