



# 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, 2<sup>nd</sup> Floor, 2600 Fresno Street, Fresno CA 93721.

## November 4, 2008

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

Invocation

Pledge of Allegiance to the Flag

### Ceremonial Presentation

Presentation of SPCA Pet of the Month – Councilmember Dages - **Presented**

Presentation of a Resolution of Commendation to William E. Dietzel – Councilmember Duncan – **Read and 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 28, 2008

**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. \* Approve consulting agreement with Kimley-Horn and Associates, Inc., Consulting Airport Engineers, to provide professional civil engineering consulting services for the Department of Airports in an amount not to exceed \$850,000 – Airports Department

**Action Taken:** Approved

B. \* Approve a landscape improvement agreement with owners Sam and Lisa Monaco that will reserve the right-of-way to build the future railroad grade separation near the intersection of Herndon Avenue and Golden State Boulevard (*Property located in District 2*) – Public Works Dept.

**Action Taken:** Approved

C. \* **RESOLUTION** - 35th amendment to AAR No. 2008-162 appropriating \$1,352,400 for supplemental UGM reimbursements from available funds to approved developers (*Requires 5 affirmative votes*) – Public Works Dept.

**Action Taken:** Resolution No. 2008-302 adopted

D. \* Approval of the contracts with Fresno County Office of Education to provide up to \$127,537 for the Parks, After School, Recreation and Community Services Department to conduct collaborative after school middle school programs (Fresno Jr. BEST) at five (5) Fresno Unified School District middle school sites running through June 30, 2009 – PARCS

**Action Taken:** Approved

1. \* **RESOLUTION** - 42nd amendment to AAR No. 2008-162 appropriating \$25,900 in the Parks, After School, Recreation and Community Services Department to conduct collaborative after school middle school programs (Fresno Jr. BEST) at five (5) Fresno Unified School District middle school sites running through June 30, 2009 (*Requires 5 affirmative votes*)

**Action Taken:** Resolution No. 2008-303 adopted

E. Approve the agreement with the United Way of Fresno County for the Weed & Seed Central Grant Program – Police Dept.

**Action Taken:** Approved

1. \* **RESOLUTION** - 32nd amendment to AAR No. 2008-162 appropriating \$51,400 for the Weed and Seed Central Grant Program (*Requires 5 affirmative votes*)

**Action Taken:** Resolution No. 2008-304 adopted

1. **CONSENT CALENDAR CONTINUED**

F. \* Approve Side Letter of Agreement with Fresno City Employees Association (FCEA), Unit 03, regarding uniform allowances for Police and Fire Department staff – Personnel Services Dept.

**Action Taken:** Approved

G. \* **BILL NO. B- 67 - (Intro. 10/28/2008) (For adoption)** - Amend the Fresno Municipal Code Section 14-308, regarding free parking for certain low emission vehicles and various City-owned parking facilities and parking meters – Public Works Department/Parking Services Division

**Action Taken:** Ordinance No. 2008-65 adopted

**CONTESTED CONSENT ITEMS (IF ANY)**

**CLOSED SESSION**

**SCHEDULED COUNCIL HEARINGS AND MATTERS**

9:00 A.M. #1 \* Award a contract to SMG for the operation and marketing of the Fresno Convention and Entertainment Center – City Manager's Office

**Action Taken:** Awarded

9:00 A.M. #2 A. **SCHEDULED COMMUNICATION**

9:00 A.M. #3 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. #1 **CITY COUNCIL**

A. Request staff to return to Council in 30 days with a resolution to the State of California Legislature requesting the capping of interest rates at 36% for all California check cashing and payday loan companies. Additionally, request staff to return to Council on November 18, 2008, with a six-month moratorium prohibiting new payday lenders in the City of Fresno – Councilmember Calhoun

**Action Taken:** Approved as amended for 45 day moratorium

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

10:00 A.M. **HEARING** to consider Rezone Application No. R-07-32, and environmental findings, filed by Sunridge Development, pertaining to approximately 10 acres located on the northeast corner of S. Minnewawa and E. Jensen Avenues (**Property located in District 5**) – Planning and Development Dept.

**Action Taken:** Held

a. Consider and adopt Environmental Assessment No. R-07-32/T-5844 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/EA/UGM (*Single Family Residential/Expressway Area/Urban Growth Management*) zone district

**Action Taken:** Bill No. B-68/Ordinance No. 2008-66 adopted

**SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED**

**10:15 A.M. JOINT MEETING WITH THE REDEVELOPMENT AGENCY**

Approve Agency minutes of September 30, 2008

**Action Taken: Approved**

- A. City Council and Redevelopment Agency consider taking the following actions regarding the Assignment/Assumption of City HOME Program Agreement for an affordable homes project
  - 1. Approve the Assignment/Assumption of City Home Program CHDO agreement from Fresno West Coalition for Economic Development to Habitat for Humanity Fresno, Inc. for an affordable single-family homes project (**Council action**) – Planning & Development Department  
**Action Taken: Approved**
  - 2. Consider authorization of the assignment and amendment of the Owner Participation Agreement between the Redevelopment Agency of the City of Fresno and Fresno West Economic Development Coalition (FWEDC) to Habitat for Humanity Fresno for the construction of a residential housing project at the southeast corner of Clara and North Avenue (Tract No. 5603) (**Agency action**)  
**Action Taken: Approved**

**ADJOURN AGENCY**

**SCHEDULED COUNCIL HEARINGS AND MATTERS**

Nov.	11 -	NO MEETING	VETERANS DAY
Nov.	18 -	8:30 A.M.	Presentation of Fresno Area Express Driver Appreciation Certificates
Nov.	18 -	3:00 P.M.	HEARING re: Environmental Assessment for Peach Avenue widening betw. Belmont and Butler Avenues
Nov.	25 -	NO MEETING	– THANKSGIVING WEEK
Dec.	2 -	10:00 A.M.	HEARING re: vacation of the Sarah-Mary Alley between E. California Avenue and E. Woodward Avenue
Dec.	9 -	10:00 A.M.	HEARING re: the formation of CFD No. 9
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.	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 ( <b>Property located in District 2</b> )