



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 23, 2007

8:30 A.M. ROLL CALL

Invocation by Pastor Ed Graveline from the Valley Christian Center

Pledge of Allegiance to the Flag

Ceremonial Presentation:

Proclamation of "50TH ANNIVERSARY OF CALIFORNIA CHRISTIAN COLLEGE" – Councilmember Westerlund – **Read and presented**

Presentation of P.R.I.D.E. Team Certificates for the Fall Quarter – Reception immediately following – 2nd floor foyer - **Presented**

The agenda is available on (www.fresno.gov). 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 16, 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.

- A. * **RESOLUTION** - 23rd amendment to AAR 2007-214 appropriating \$275,000 for overtime costs associated with County, State, and Federal partnerships that will conduct complex street gang, narcotics, and anti-terrorist investigations (**Requires 5 affirmative votes**) – Police Dept.
Action Taken: Resolution No. 2007-339 adopted
- B. Approve the agreement between the City of Fresno and the State Center Community College District to temporarily assign Police Sergeant Bill Dooley to the Fresno City College Police Academy as a long-term substitute for a term not to exceed June 30, 2008 – Police Department
Action Taken: Approved
1. * **RESOLUTION** - 25th amendment to AAR 2007-214 appropriating \$78,400 of additional funds for Fiscal Year 2008 (**Requires 5 affirmative votes**)
Action Taken: Resolution No. 2007-340 adopted
2. * **RESOLUTION** - 5th amendment to PAR 2007-215 adding one position – Police Dept.
Action Taken: Resolution No. 2007-341 adopted
- C. Approve agreement with Zetron, Inc., to provide a one-year maintenance service plan to support interoperable communications dispatching consoles purchased through the Urban Area Securities Initiative (UASI) grant – Police Department
Action Taken: Approved
- D. * Approve the Memorandum of Understanding (MOU) with the Fresno County Economic Opportunities Commission (EOC) for the Fresno Safe and Proud Neighborhoods (FSPN) AmeriCorps Grant Program – Police Department
Action Taken: Approved
- E. * 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 Division
Action Taken: Removed from the agenda
- F. * 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 Division
Action Taken: Removed from the agenda

1. **CONSENT CALENDAR CONTINUED**

- G. * **RESOLUTION** - 32nd amendment to AAR No. 2007-214 appropriating \$93,300 from a San Joaquin Valley Air Pollution Control District grant to fund the purchase of a new web-based software application system **(Requires 5 affirmative votes)** – PR&CS
Action Taken: Resolution No. 2007-342
- H. Item removed from the agenda
- I. Approve two (2) consultant services agreements between the City of Fresno and Liebert Cassidy Whitmore:
1. * Approve consultant services agreement between the City of Fresno and Liebert Cassidy Whitmore for employment law training and authorize the Personnel Services Director to execute agreement on behalf of the City – Personnel Services Dept.
Action Taken: Approved
2. * Approve consultant services agreement between the City of Fresno and Liebert Cassidy Whitmore for all-employee anti-harassment and discrimination refresher training and authorize the Personnel Services Director to execute agreement on behalf of the City – Personnel Services Dept.
Action Taken: Approved
- J. Reject bid for traffic signal modification at the intersection of Blackstone and Dayton Avenues **(Property located in District 7)** – Public Works Department
Action Taken: Rejected
- K. **RESOLUTION** - Of intention to annex Final Tract 5527, as Annexation No. 20 to City of Fresno Community Facilities District No. 1 and authorize the levy of special taxes, and setting the public hearing for November 27, 2007, at 10:10 a.m. **(Property located in District 2)** – Public Works Department
Action Taken: Resolution No. 2007-343 adopted
- L. **RESOLUTION** - Of intention to annex Final Tract 5549, as Annexation No. 21 to City of Fresno Community Facilities District No. 11 and authorize the levy of special taxes, and setting the public hearing for November 27, 2007, at 10:15 a.m. **(Property located in District 3)** – Public Works Department
Action Taken: Resolution No. 2007-344 adopted
- M. * Conditional consent to third party catering and concession agreements for the Fresno Convention and Entertainment facilities between SMG and Pardini's Catering, Inc. – City Manager's Office__
Action Taken:
- N. Approve revisions to the City of Fresno Deferred Compensation Plan document to correct clerical mistakes – Deferred Compensation Board
Action Taken: Approved
- O. **RESOLUTION** - Approving the Final Map of Tract No. 5511 accepting dedicated public uses therein; authorize the Public Works Director, Public Utilities Director, Planning and Development Director and the Fire Chief to execute the necessary documents **(Property located in District 5)** – Planning and Development Dept.
Action Taken: Resolution No. 2007-345 adopted
- P. Approve Letter of Intent to develop a Local Hazard Mitigation Plan (LHMP) – Fire Department
Action Taken: Approved
- Q. * **RESOLUTION** - 35th amendment to AAR No. 2007-214 appropriating \$383,500 of Community Development Block Grant (CDBG) funds for the rebudget of various community center rehabilitation projects previously adopted by Council in fiscal year 2007 **(Requires 5 affirmative votes)** – Finance Department
Action Taken: Resolution No. 2007-346 adopted

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

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

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

- A. Documents pertaining to Major Street Fees Appeals Board:
 - 1. **RESOLUTION** – Amend the major street impact fees implementing policy related to changing the appeal Board meeting dates from the first Thursday of every month to the second Wednesday of every month – Planning and Development Dept.
Action Taken: Resolution No. 2007-347 adopted, as amended
 - 2. **RESOLUTION** – Adopt rules and regulations for the street impact fee board creation by Resolution No. 2007-291
Action Taken: Resolution No. 2007-348 adopted
 - 3. Discussion of Council appointment for the Major Street Fees Appeals Board - Public Works Department and Planning and Development Department
Action Taken: Discussed/nominations required

- B. * **RESOLUTION** - Adopting Council policy against a Downtown Streetcar concept and direction to City Manager to cease all use of City resources to further the Downtown Streetcar concept – City Attorney's Office
Action Taken: Resolution No. 2007-349 adopted; Councilmember Calhoun alternative failed

- C. Authorize entry of HOME Program Agreement in the amount of \$2.1 million to SADI, LLC/Nominee for construction of Tanager Springs Apartments Phase I, and approve HOME Program Agreement in the amount of \$2.6 million to Tanager Springs II, LP by SADI, LLC for construction of Tanager Springs Apartments Phase II; a multi-family affordable housing development located on the southeast corner of California and Maple Avenues (**Property located in District 5**) - Planning and Development Dept.
Action Taken: Authorized

10:00 A.M. Ballot results for change of tax rate for Community Facilities District No. 2, Annexation Nos. 81 (Final Tract Map No. 5258) and Annexation No. 82 (Final Tract Map No. 5295) – Public Works Dept.

- a. **RESOLUTION** - Declaring election results
Action Taken: Resolution No. 2007-350 adopted
- b. **RESOLUTION** - Changing the maximum special tax for Annexation No. 81 (Final Tract Map No. 5258) and Annexation No. 82 (Final Tract Map No. 5295)
Action Taken: Resolution No. 2007-351 adopted
- c. * **BILL** - Amending and modifying Ordinances 2005-70, 2004-124, 2005-71 and 2004-125 and levying amended special tax for property tax year 2007-2008
Action Taken: Bill No. B-82/Ordinance No. 2007-79 adopted

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

10:30 A.M. **TEFRA HEARING** as required by Section 147(f) of the Internal Revenue Code of 1986 to hear and to consider information concerning the proposed issuance of revenue bonds by the California Statewide Communities Development Authority to finance the acquisition and construction of a 144-unit multifamily residential rental project, commonly known as Campus Pointe Apartments – Finance Dept.

Action Taken: **Held**

a. * **RESOLUTION** - Approving the issuance by the California Statewide Communities Development Authority revenue bonds in the aggregate principal amount not to exceed \$20 million

Action Taken: **Resolution No. 2007-352 adopted**

2:00 P.M.

CLOSED SESSION

A. CONFERENCE WITH LEGAL COUNSEL ANTICIPATED LITIGATION - Government Code Section 54956.9, Subdivision (b)

Significant Exposure to Litigation:

1. Lance Kashian, including certain Kashian Entities v. City of Fresno

Action Taken: **Held**

B. CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION - Government Code Section 54956.9, Subdivision (a)

1. **Case Name:** Karen Boquist v. City of Fresno, et al. Superior Court Case No.: 07CECG03280

2. **Case Name:** Roger Montero v. City of Fresno (Governmental Tort Claim)

3. **Case Name:** Running Horse, LLC United States Bankruptcy Court Case No.: 07-11185-B-11

Action Taken: **Held**

C. CONFERENCE WITH LEGAL COUNSEL – DECIDING WHETHER TO INITIATE LITIGATION - Government Code Section 54956.9, Subdivision(c)

1. **Case Name:** Running Horse, LLC Several Lien Claimants

Action Taken: **Held**

D. CONFERENCE WITH REAL PROPERTY NEGOTIATOR - Government Code Section 54956.8

Property:

1. State of California, 2855 W. Whites Bridge, Assessor's No. 464-020-01T

2. Comp. Alcohol Program, 2445 W. Whites Bridge, Assessor's No. 464-020-22

3. Fresno Irrigation District, Assessor's Nos. 464-060-02T, 464-060-07T

4. Haig Atamian, 2343 W. Kearney, Assessor's No. 464-060-04

5. Anthony Mello, 2820 W. California, Assessor's No. 464-060-09

6. Ray Scott, 2105 W. California, Assessor's No. 477-021-10

7. Henh Ho, 2394 S. Hughes, Assessor's No. 477-021-14

8. Shigeo Hayashi, 1348 S. Marks, Assessor's No. 477-021-21

Negotiating Parties: Andrew T. Souza

Under Negotiation: Purchase of Subject Property

Action Taken: **Held**

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

2:30 P.M. CONTINUED HEARING to consider 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 – Dept. of Public Utilities **(Continue to October 30, 2007 at 10:30 A.M.)**
Action Taken: Continued as noted

SCHEDULED COUNCIL HEARINGS AND MATTERS

Oct. 30 - 10:00 A.M. Presentation and discussion regarding bonding plan for park impact fee projects and Riverside Golf Course – PR&CS

Oct. 30 - 10:30 A.M. **CONTINUED HEARING** to consider 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 – Dept. of Public Utilities

Oct. 30 - 2:30 P.M. **WORKSHOP** regarding Public Safety Capital projects – Police Dept., PR&CS and Fire Department

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. 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 - 10:15 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.

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. 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**