



# 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.

## November 6, 2007

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

Invocation (*District 5*)

Pledge of Allegiance to the Flag

### **Ceremonial Presentation:**

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

Proclamation of LAW ENFORCEMENT RECORDS AND SUPPORT PERSONNEL WEEK” – Councilmember Sterling and Council President Perea – **Read and presented**

Commendation to City Staff for Their Efforts in Dealing with the Recent Storm – Public Works Department – **Commendation made**

Proclamation of “NATIONAL HUNGER AND HOMELESSNESS AWARENESS WEEK” – Mayor Autry and Councilmember Sterling – **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 30, 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 at 2:00 P.M.

- A. Authorize the Assistant Controller to negotiate and enter an amendment to Government banking services contract with Bank of America NA extending and modifying the contract – Finance Department  
**Action Taken:** Authorized
- B. Approve City Manager appointment of Terry Bond as a Board Member of the City of Fresno Deferred Compensation Board – City Manager's Office  
**Action Taken:** Approved
- C. \* **RESOLUTION** – Establishing Methicillin-Resistant Staphylococcus Aureus (MRSA) as presumptive workers' compensation illness for active employees in the Fire and Police Retirement System – Personnel Services Dept./Risk Management Division  
**Action Taken:** Resolution No. 2007-378 adopted
- D. \* Approve 1st amendment to Consultant Services Agreement between the City of Fresno and Jane Yow for aspire to supervise training and authorize the Personnel Services Director to execute agreement on behalf of City – Personnel Services Department  
**Action Taken:** Removed from the agenda
- E. \* Approve the purchase of a 12,143 square foot portion of a property at the southeast corner of S. Orange and E. Church Avenues for development to a groundwater treatment facility (***Property located in District 5***) – Public Works Dept.  
**Action Taken:** Approved
- F. **RESOLUTION** - Of intention to annex Final Tract No. 5603, as Annexation No. 24 to City of Fresno Community Facilities District No. 11, and setting the public hearing for December 11, 2007, at 10:00 a.m. (***Property located in District 3***) – Public Works Dept.  
**Action Taken:** Resolution No. 2007-358 adopted

1. **CONSENT CALENDAR CONTINUED**

- G. **RESOLUTION** - Of intention to annex Final Tract No. 5471, as Annexation No. 26 to City of Fresno Community Facilities District No. 11 and setting the public hearing for December 11, 2007, at 10:10 a.m. **(Property located in District 6)** – Public Works Dept.  
**Action Taken:** Resolution No. 2007-359 adopted
- H. \* **RESOLUTION** – 37th amendment to AAR No. 2007-214 appropriating \$320,900 in Highway Safety Improvement Program Grant Funds to upgrade a traffic signal at Clinton and West and remove a valley gutter at Cedar and Barstow, as well as reallocating \$5,700 within a previously approved project as grant matching funds **(Requires 5 affirmative votes)** – Public Works Dept.  
**Action Taken:** Resolution No. 2007-360 adopted
- I. \* **RESOLUTION** - Approving the application for and acceptance of Safe Routes to School Grants in the amount of \$388,100 for the installation of a traffic signal at the intersection of Belmont Avenue and Mariposa Avenue and \$23,500 to implement Bicycle and Pedestrian Safety Education Day for the improved safety of students walking and bicycling to Tehipite Middle School with a total project cost of \$411,600 **(Property located in District 3)** – Public Works Dept.  
**Action Taken:** Resolution No. 2007-361 adopted
1. \* **RESOLUTION** - 38<sup>th</sup> amendment to AAR No. 2007-214 appropriating \$411,600 in Safe Routes to School Program Grant Funds to install traffic signal and educate students on bicycle and pedestrian safety near Tehipite Middle School **(Requires 5 affirmative votes)**  
**Action Taken:** Resolution No. 2007-362 adopted
- J. **RESOLUTION** - Authorizing staff to submit applications for grant funds to the California Department of Transportation Safe Routes to School Programs and authorizing the execution of documents by the Public Works Director or his designee – Public Works Dept.  
**Action Taken:** Resolution No. 2007-363 adopted
- K. \* Award a requirements contract to Builders Concrete, Inc. of Fresno for Portland cement – Public Works Dept.  
**Action Taken:** Awarded
- L. \* Award a contract in the amount of \$168,370.00 to American Paving Company for the installation of street infrastructure in No Neighborhood Left Behind Area 53 **(Property located in District 5)** – Dept. of Public Utilities  
**Action Taken:** Awarded
- M. \* Approve Memorandum of Understanding (MOU) with Salvation Army and acceptance of the grant award of \$435,000 from the U.S. Department of Justice, Office of Community Oriented Policing (COPS), from the Methamphetamine Initiative 2007 Grant Project – Police Department  
**Action Taken:** Approved
1. Authorize the Chief of Police to enter into and execute the agreement and required program documents  
**Action Taken:** Authorized
2. \* **RESOLUTION** - 27th amendment to AAR 2007-214 appropriating \$335,000 for training and equipment that will assist Police Officers in the recognition and referral of methamphetamine addicts for rehabilitation services through the Mayor's Gang Prevention Initiative Program and the Salvation Army **(Requires 5 affirmative votes)**  
**Action Taken:** Resolution No. 2007-364 adopted
- N. Authorizing application to the U.S. Department of Commerce and the U.S. Department of Homeland Security, through the State of California governor's Office of Homeland Security, for the Public Safety Interoperable Communications (PSIC) Grant Program and completion of related documents – Police Dept.  
**Action Taken:** Authorized

1. **CONSENT CALENDAR CONTINUED**

- O. **RESOLUTION** - Declaring its official intent to reimburse certain expenditures from proceeds of indebtedness for expenses incurred related to Police Department capital projects – Police Department  
**Action Taken:** Resolution No. 2007-365 adopted
1. \* **RESOLUTION** - 41st amendment to AAR 2007-214 appropriating \$17,300,000 for construction of the Southeast and Central Policing District Stations (**Requires 5 affirmative votes**)  
**Action Taken:** Resolution No. 2007-366 adopted
- P. **RESOLUTION** - Declaring its official intent to reimburse certain expenditures from proceeds of indebtedness for renovations at the Fresno Convention and Entertainment Center  
**Action Taken:** Resolution No. 2007-367 adopted
1. \* **RESOLUTION** – 43rd amendment to AAR No. 2007-214 appropriating \$2,000,000 to provide the additional funds needed for Phase II renovations at the Fresno Convention and Entertainment Center (**Requires 5 affirmative votes**) – General Services Department  
**Action Taken:** Resolution No. 2007-368 adopted
- Q. **RESOLUTION** - Approval to reimburse certain expenditures from a proposed revenue bond for the replacement of the irrigation system and cart path construction at the Riverside Municipal Golf Course - PARCS  
**Action Taken:** Resolution No. 2007-369 adopted
1. \* **RESOLUTION** - 42nd amendment to AAR No. 2007-214 appropriating \$2,500,000 for the replacement of the irrigation system and cart path construction at the Riverside Municipal Golf course (**Requires 5 affirmative votes**)  
**Action Taken:** Resolution No. 2007-370 adopted
- R. **RESOLUTION** - Declaring its official intent to reimburse certain expenditures from proceeds of indebtedness for expenses incurred related to Fire Department capital projects and equipment – Fire Department  
**Action Taken:** Resolution No. 2007-371 adopted
- S. \* Approve a 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 – Public Works Dept.  
**Action Taken:** Awarded

**SCHEDULED COUNCIL HEARINGS AND MATTERS**

- 9:00 A.M. A. **SCHEDULED COMMUNICATION –**
1. Appearance by Patricia A. Dickson to discuss alleged violation of her constitutional rights – **Request to appear withdrawn**
2. Appearance by Randy Reed to advise members of Council of the opportunity and the need to secure Public, Educational and Governmental (PEG) access channels and to support through the City’s cable franchise agreement with Comcast and future video providers - **Appearance made**
- 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. Discussion of and Council appointment to the Major Street Fees Appeals Board – Council President Perea  
**Action Taken: Removed from the agenda**
- B. Direct staff to by-pass the County of Fresno and proceed to LAFCO on the McKinley / Hayes #3 Annexation - Councilmember Sterling  
**Action Taken: Negotiations with County to continue/status report set for 11/27/2007**
- C. \* **RESOLUTION** – Adopting a policy against the development of a riverwalk or downtown river and directing the City Manager to cease all use of city resources to further the development of a riverwalk or downtown river – Councilmember Westerllund  
**Action Taken: Resolution No. 2007-372 adopted, as amended**

9:30 A.M.

**GENERAL ADMINISTRATION**

- A. **BILL – (For introduction)** - Approving a Development Agreement including incentives between the City of Fresno and Betts Spring Company, a California Corporation, for commercial, industrial, and business development in the Southeast Fresno Revitalization Redevelopment Area, authorize execution of documents and adopt related environmental findings - Economic Development Department  
**Action Taken: Bill No. B-83 introduced/laid over**
- B. Appointment of Karen M. Bradley as Interim Controller – City Manager’s Office  
**Action Taken: Approved**
- C. \* **RESOLUTION** - To establish and implement an Affordable Housing Special Revenue Fund Program (Housing Fund) – Planning and Development Dept.  
**Action Taken: Resolution No. 2007-373 adopted**
- D. \* Authorize execution of and approve Interim Consultant Services Agreement for publicity services between Panagraph (Astone) and the City of Fresno – City Manager’s Office  
**Action Taken: Authorized**
- E. **RESOLUTION** - To approve the material terms of a License Agreement (“Agreement”) between the City of Fresno, SMG, a Pennsylvania General Partnership (“SMG”), and Fresno Hockey Club, LLC, dba Fresno Falcons Professional Hockey Club (“Falcons”) by which the Falcons will operate at Selland Arena, authorizing the City Manager and City Attorney’s Office to complete the agreement, and authorizing the execution and delivery of the agreement, and related documents, and taking all necessary action related to the transaction, consistent with this resolution– City Manager’s Office  
**Action Taken: Resolution No. 2007-374 adopted**
  - 1. **RESOLUTION** - Declaring its official intent to reimburse certain expenditures from proceeds of indebtedness for Phase III improvements at the Fresno Convention and Entertainment Center  
**Action Taken: Resolution No. 2007-375 adopted**
  - 2. \* **RESOLUTION** – 44th amendment to AAR No. 2007-214 appropriating \$4,200,000 to provide the funds needed for Phase III improvements (Falcons) at the Fresno Convention and Entertainment Center (**Requires 5 affirmative votes**) – General Services Department  
**Action Taken: Resolution No. 2007-376 adopted**

**SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED**

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

- F. \* Authorize the City Manager or his designee to enter into an agreement between the City of Fresno and Calthorpe Associates for an amount not to exceed \$50,000 to perform a conceptual study for a downtown linear water feature – City Manager’s Office

**Action Taken: Authorized**

- 1. **RESOLUTION** - Approving the reallocation of \$50,000 out of contingency within the Parks Impact Fee Bond fund for consulting services

**Action Taken: Resolution No. 2007-377 adopted**

**10:00 A.M. HEARING** to consider Rezone Application No. R-07-48, and environmental findings, filed by the City of Fresno, pertaining to 9 parcels totaling 15.12 acres of property generally located on the northwest corner of E. Dakota and N. Temperance Avenues. The project also includes the detachment of the subject properties from the Kings River Conservation District and the Fresno County Fire Protection District and annexation to the City of Fresno for which the Fresno County Local Agency Formation Commission (LAFCO) is the responsible agency (***Property located at District 4***) – Planning and Development Dept.

**Action Taken: Held**

- a. Consider and adopt Environmental Assessment No. R-07-48, 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 R-A (*Single Family Residential-Agricultural, Fresno County*) zone district to the R-A/UGM (*Single Family Residential-Agricultural/Urban Growth Management*) zone district

**Action Taken: Bill No. B-84/Ordinance No. 2007-80 adopted**

**10:05 A.M. HEARING** to consider Rezone Application No. R-07-49, and environmental findings, filed by the City of Fresno, pertaining to 14 parcels totaling 23.74 acres of property generally located on the northwest corner of W. McKinley and N. Brawley Avenues. The project also includes the detachment of the subject properties from the Kings River Conservation District and the North Central Fire Protection District and annexation to the City of Fresno for which the Fresno County Local Agency Formation Commission (LAFCO) is the responsible agency (***Property located in District 3***) – Planning and Development Dept.

**Action Taken: Held**

- a. Consider and adopt Environmental Assessment No. R-07-49, 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 R-R (*Rural Residential, Fresno County*) zone district to the R-1/UGM and R-A/UGM (*Single Family Residential-Agricultural/Urban Growth Management*) zone district

**Action Taken: Bill No. B-85/Ordinance No. 2007-81 adopted**

**10:10 A.M. BILL – (For introduction)** – Repealing Article 10 of Chapter 5, and adding Article 10 to Chapter 5 to the Fresno Municipal Code relating to fire and life safety regulations– Fire Department

**Action Taken: Discussed and tabled to 11/27/2007**

- 1. Consider and adopt Environmental Assessment dated November 1, 2007, which is a determination of categorical exemption
- 2. **RESOLUTION** - Adopting findings related to local climactic, geological and topographical conditions that support amending the California Fire Code and California Building Code

**2:00 P.M. #1 CONTESTED CONSENT ITEMS (IF ANY)**

**SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED**

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

A. **CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION** - Government Code Section 54956.9, subdivision (a)

1. **Case Name:** RNL Interplan v. City of Fresno
2. **Case Name:** City of Fresno v. Raps Fresno, LLC, et al.  
**Action Taken:** Held

2:30 P.M. **HEARING** to consider Rezone Application No. R-07-51, and environmental findings, filed by T. J. Cox on behalf of Don and Deborah Christiansen, pertaining to approximately 5.47 acres of property generally located on the west side of N. Maple Avenue between E. Shepherd and E. Perrin Avenues (9143 and 9111 N. Maple Avenue) (**Property located in District 6**) – Planning and Development Dept.

**Action Taken:** Held

- a. Consider and adopt Environmental Assessment No. R-07-51, 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 S-L/UGM (*Storage Limited/Urban Growth Management*) zone district to the C-P/UGM (*Administrative and Professional Office/Urban Growth Management*) zone district  
**Action Taken:** Bill No. B-86/Ordinance No. 2007-82 adopted

2:35 P.M. **HEARING** to consider Rezone Application No. R-07-33, and environmental findings, filed by The Vernal Group on behalf of Richard and Marian Holm, pertaining to approximately 2.01 acres of property generally located on the southeast corner of E. Ashlan and N. Barton Avenues (**Property located in District 4**) – Planning and Development Dept.

**Action Taken:** Held

- a. Consider and adopt Environmental Assessment No. R-07-33/S-07-92/TPM-2007-12, determination of initial study to file a Mitigated Negative Declaration.  
**Action Taken:** Adopted
- b. **BILL** – Amending the Official Zone Map to rezone the subject property from the M-1/cz (*Light Manufacturing/conditions of zoning*) zone district to the M-1/cz (*Light Manufacturing/with modified conditions of zoning*) zone district.  
**Action Taken:** Bill No. B-87/Ordinance No. 2007-83 adopted

2:45 P.M. Documents pertaining to the new Municipal Water District – Department of Public Utilities

**Action Taken:** Discussed/no action taken

- A. 1. 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 – Dept. of Public Utilities
2. Approval for plan for providing services within the Municipal Water District;
3. **RESOLUTION** - Of application initiating proceedings for the formation of the Municipal Water District to provide water, wastewater and solid waste services;
4. Direct City Manager or his designee to submit the resolution of application, the plan for service, and district formation application to the Local Agency Formation Commission of Fresno County (LAFCO); and
5. Direct staff to initiate the process with the Health and Welfare Trust (Trust) so that employees of a new Municipal Water District can participate in the Trust

**SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED**

2:45 P.M. (Continued) Documents pertaining to the new Municipal Water District – Department of Public Utilities

- B. \* Authorization for payment to the Local Area Formation Commission of Fresno County in the amount of an additional \$5,000 for the review of the proposed Municipal Water District Plan for service

3:00 P.M. **REGULAR MEETING OF THE REDEVELOPMENT AGENCY**

Approve Agency minutes of October 30, 2007  
**Action Taken:** Approved

- A. Report and recommendation on pay increase for Redevelopment Agency Executive Director (Agency action) - Councilmember Sterling.  
**Action Taken:** Recommendation approved
- B. Authorize the Executive Director of the Agency to negotiate and execute a Consulting Agreement with Keyser Marston and Associates to update the (ten) 10 Redevelopment plans for the Merger No. 1 Project and the two (2) Redevelopment plans for the Merger No. 2 Project (Agency action)  
**Action Taken:** Authorized

**ADJOURN AGENCY**

**SCHEDULED COUNCIL HEARINGS AND MATTERS**

- Nov. 13- NO MEETING – VETERAN’S DAY
- Nov. 20 - NO MEETING – THANKSGIVING WEEK
- 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
- Nov. 27 - 10:45 A.M. HEARING re: Rezone Application No. R-07-55, filed by the City of Fresno
- Nov. 27 - 10:50 A.M. HEARING re: Rezone Application Nos. R-07-19, R-07-20, R-07-21 and R-07-22, filed by the City of Fresno
- Nov. 27 - 2:30 P.M. Discussion and acceptance regarding the Fire Department Five-Year Strategic Plan and standards of cover – Fire Department
- 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. 18 - 10:45 A.M. HEARING re: UUD No. FRE-86 (Shepherd Avenue between Willow Avenue) (Property located in District 6)
- Dec. 25 - NO MEETING – CHRISTMAS WEEK