



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, 2nd Floor, 2600 Fresno Street, Fresno CA 93721.

December 9, 2008

8:30 A.M. ROLL CALL

Invocation by Vickie Healy of the Wesley United Methodist Church

Pledge of Allegiance to the Flag

Ceremonial Presentation

Presentation of the SPCA Pet of the Month – Council President Xiong - **Presented**

Presentation of Recognition Awards to Students in District 7 – Councilmember Perea - **Presented**

Presentation of the Mayor's Recycling Business Awards – Mayor's Office - **Presented**

Introduction of the Members of the Disability Advisory Committee – Public Works Department - **Removed**

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 [December 2, 2008](#)

Action Taken: Approved

Approve Fresno Joint Powers Financing Authority minutes of December 2, 2008

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 - 50th** amendment to AAR No. 2008-162 appropriating \$500 in the Parks, After School, Recreation and Community Services Department from a National Alliance for the development of an archery grant to purchase supplies to operate an archery program (**Requires 5 affirmative votes**) - PARCS
Action Taken: Resolution No. 2008-335 adopted
- B. * Approval of a contract with Fresno County Office of Education to provide up to \$7,113 for the Parks, After School, Recreation and Community Services Department to conduct a collaborative informal science program at King Elementary School running through June 30, 2009 – PARCS
Action Taken: Approved
- C. * Approval of a contract for \$10,000 with Fresno Office of Education to provide funds for the Parks, After School, Recreation and Community Services Department to conduct the Fresno BEST Program at Roosevelt High School running through June 30, 2009 - PARCS
Action Taken: Approved
1. * **RESOLUTION** – 51st amendment to AAR No. 2008-162 appropriating \$10,000 in the Parks, After School, Recreation and Community Services Department to conduct the Fresno BEST Program at Roosevelt High School running through June 30, 2009 (**Requires 5 affirmative votes**)
Action Taken: Resolution No. 2008-336 adopted
- D. * **RESOLUTION - 49th** amendment to AAR No. 2008-162 appropriating \$11,000 in the Parks, After School, Recreation and Community Services Department for the Second Annual Christmas in the Park event (**Requires 5 affirmative votes**) - PARCS
Action Taken: Resolution No. 2008-338 adopted
- E. * Approve renewal of Fresno County Interagency Council agreement - PARCS
Action Taken: Approved

1. **CONSENT CALENDAR CONTINUED**

- F. * Approve First Amendment to the Memorandum of Understanding (MOU) between the City of Fresno, Roeding Park Playland, Fresno Storyland and Fresno's Chaffee Zoo Corporation regarding Preliminary Roeding Park Master Use, Environmental and Development Planning – PARCS
Action Taken: Approved
- G. * Approve lease agreement with Coffee Break Service for space under the Tuolumne Street overpass at "H" Street (**Property located in District 3**) – Public Works Dept.
Action Taken: Approved
- H. * Approve the acquisition of an easement for the installation of a traffic detection loop on the west side of S. Chestnut Avenue at E. Balch Avenue from property owner: Silvia Gutierrez (**Property located in District 5**) – Public Works Dept.
Action Taken: Approved
- I. * Approve the acquisition of the former Densmore property at 665 Fulton Street from property owner: Tavie Development (**Property located in District 3**) – Public Works Dept.
Action Taken: Approved
- J. Authorize staff to request an extension of unspent encumbered budget for Clovis Avenue from McKinley to Kings Canyon as well as a traffic signal project at Marks and Weber Avenue – Public Works Dept.
Action Taken: Authorized
- K. Recommend approval of an extension of the Townsend Public Affairs, Inc. contract for lobbyist services to June 30, 2009 – City Manager's Office
Action Taken: Approved
- L. * **RESOLUTION - 52nd** amendment to AAR No. 2008-162 appropriating \$800,000 in the General Services Department to replace the roofs at the Fresno Art Museum and Romain Neighborhood Center (**Requires 5 affirmative votes**) - PARCS_
Action Taken: Resolution No. 2008-337 adopted
- M. Approve the agreement between the City of Fresno and CenCal Business Finance Group for the administration of the City of Fresno Revolving Loan Fund for a period of ten (10) years – Economic Development Department
Action Taken: Approved
- N. * **BILL NO. B- 71 – (Intro. 12/2/2008) (For adoption)** - Repealing Section 10-53302 of Article 5, Chapter 10 of the Fresno Municipal Code and adding Section 10-53302 of Article 5, Chapter 10 relating to fireworks - Fire Department
Action Taken: Ordinance No. 2008-70 adopted

CONTESTED CONSENT ITEMS (IF ANY)

CLOSED SESSION

- A. **CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION** - Government Code Section 54956.9, Subdivision (a)
1. **Case Name:** Greg Occhionero v. City of Fresno, et al., U.S.D.C., Eastern District Court
No. 1:05-CV-01184-AWI-SMS
Action Taken: Held

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. #1 **JOINT MEETING WITH THE REDEVELOPMENT AGENCY**

Approve Agency minutes of December 2, 2008

Action Taken: Approved

A. Authorize a one-year extended Exclusive Negotiation Agreement (ENA) amendment between the Redevelopment Agency, City of Fresno and Fresno Convention Center Hotel Properties, LP, a California Limited Partnership, for the property located at 800 – 808 “M” Street, Fresno, CA (**Property located in District 3**) – Economic Development Dept.

Action Taken: Authorized

RECESS AGENCY TO 11:00 A.M.

9:15 A.M. #2 **CITY COUNCIL**

A. Direct staff to work with PG&E to determine the feasibility of establishing a pilot plan in the City of Fresno similar to Duke Energy's Solar Distributed Generation Program - Councilmember Calhoun

Action Taken: Approved

B. Direction to the City Attorney to prepare an ordinance relating to local hiring for City Public Works projects that do not include State or Federal funding – Councilmember Dages

Action Taken: Approved

C. **BILL – (For introduction)** – Repealing Section 4-111 relating to the prohibition of any requirements for project labor agreements - Council President Xiong

Action Taken: Tabled

D. Direct staff from the City and RDA to initiate a Request for Qualifications for the purpose of contracting with outside experts in preparing a downtown infrastructure evaluation that will determine the needed infrastructure and cost to support the goals of the 2025 General Plan. RFQ is to be issued no later than 60 days - Councilmember Duncan

Action Taken: Approved

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

A. Approve Disposition and Development and HOME Agreement with ROEM Development Corporation for development of a 133-unit affordable senior housing complex on Kings Canyon Road between Willow Avenue and Peach Avenue in Southeast Fresno (**Property located in District 5**) – Planning and Development Dept.

Action Taken: Approved

B. * **RESOLUTION** - 39th amendment to AAR No. 2008-162 appropriating \$100,000 in the Parks, After School, Recreation and Community Services Department for the development of community gardens (**Requires 5 affirmative votes**) – PARCS

Action Taken: Resolution No. 2008-339 adopted

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

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

- C. **BILL – (For introduction)** – Amending Section 5-504 of the Fresno Municipal Code relating to skateboard and bicycle park regulations - PARCS
Action Taken: Bill B-73 introduced/laid over

10:15 A.M. **HEARING** to consider an appeal, filed by Gary McDonald on the Tract Map and Councilmember Duncan on the Conditional Use Permit Application, appealing the Fresno City Planning Commission's denial of Vesting Tentative Tract Map No. 5933/UGM, Conditional Use Permit Application No. C-08-59, and environmental findings, filed by Gary G. Giannetta on behalf of Gary McDonald Homes, pertaining to approximately 16.85 acres of property zoned R-1/UGM (*Single Family Residential/Urban Growth Management*) located between N. Friant Road and E. Copper Avenue within the Copper River Ranch Master Planned Community (**Property located in District 6**) – Planning and Development Department
Action Taken: Held/Discussed and Continued to February 10, 2009 at 10:00 a.m.

- a. Consider and adopt the addendum to Mitigated Negative Declaration for Environmental Assessment No. T-5205/C-04-153 dated September 29, 2004
b. **RESOLUTION** – Approving Vesting Tentative Tract Map No. 5933/UGM to subdivide the subject property into a 78-lot single family residential planned development subdivision
c. **RESOLUTION** – Approving Conditional Use Permit Application No. C-08-59, a residential planned development with 78 lots with modified lot area, dimensions, and setbacks

10:30 A.M. **HEARING** to consider Rezone Application Nos. R-08-16, R-08-17, R-07-19 and environmental findings, filed by the City of Fresno, pertaining to seven (7) parcels totaling approximately 171 acres of property generally located between Freeway 41 and Freeway 99, south of downtown Fresno (**Property located in District 3**) – Planning and Development Dept.

Action Taken: Held

- a. Consider and adopt Environmental Assessment No. R-08-16/R-08-17/R-08-18/R-08-19, 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 M-3/UGM (Heavy Industrial/Urban Growth Management) zone district
Action Taken: Ordinance 2008-71 adopted
c. **BILL** – Amending the Official Zone Map to rezone the subject property **from** the R-A/UGM (*Single Family Residential-Agricultural/Urban Growth Management*) zone district **to** the M-3/UGM (Heavy Industrial/Urban Growth Management) zone district
Action Taken: Ordinance 2008-72 adopted
d. **BILL** – Amending the Official Zone Map to rezone the subject property **from** the AE-20/UGM (*Exclusive Twenty Acre Agricultural/Urban Growth Management*) zone district **to** the M-3/UGM (Heavy Industrial/Urban Growth Management) zone district
Action Taken: Ordinance 2008-73 adopted

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

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

- A. **RESOLUTION** - Making certain findings pursuant to Section 33445 of the Community Redevelopment Law, authorizing the Agency’s purchase of public street easements along the south side of Florence Avenue between East and Railroad Avenues within of the South Van Ness Fresno Industrial Redevelopment Project Area (*Property located in District 3*) - (**Council and Agency action**)
Action Taken: Joint Resolution No. 2008-340/1733 adopted
 - 1. Adopt Finding of Conformity to Phase I Environmental Site Assessment City Of Fresno RDA Report No. 17-084
Action Taken: Adopted
 - 2. Approve the acquisition of four (4) street easements and five (5) grant deeds for the placement of curbs, gutters and sidewalks along E. Florence Avenue between S. East Avenue and S. Railroad Avenue from five (5) property owners: Zacky Farms, LLC; Villarreal Properties; Mahlon A. Williams; Chilingerian Investments, LP; Tony and Trini Bisuano, Trustees, for street purposes within the South Van Ness Redevelopment Project Area
Action Taken: Approved

- B. Change the Fresno Redevelopment Agency bylaws to be consistent with City policy regarding first year Councilmembers. Change would allow first year Councilmember to be Vice Chair of the Redevelopment Agency - Councilmember Duncan
Action Taken: Approved

ADJOURN AGENCY

SCHEDULED COUNCIL HEARINGS AND MATTERS

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.	16 -	10:15 A.M.	HEARING re: Rezone Application No. R-08-30, filed by City of Fresno
Dec.	16 -	10:30 A.M.	HEARING re: the formation of CFD No. 9
Dec.	16 -	10:45 A.M.	CONTINUED HEARING regarding Environmental Assessment for Peach Avenue widening between Belmont and Butler Avenues
Dec.	16 -	3:00 P.M.	HEARING re: the proposed “Fresno 40” Development Project and Draft Environmental Impact Report No. 10142
Dec.	16 -	3:15 P.M.	HEARING re: Rezone Application No. R-08-025, Plan Amendment No. A-08-15, filed by Jeffrey Roberts on behalf of Granville Homes, Inc.
Dec.	16 -	3:20 P.M.	HEARING re: Development Agreement betw. the City of Fresno and Ashland/Hayes No. 1 L.P.
Dec.	16 -	3:25 P.M.	HEARING Consideration of two appeals filed by property owners located at 3250 and 3320 N. Weber Avenue
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 (<i>Property located in District 2</i>) (Continue to 3:00 p.m.)
Jan.	6 -	3:00 P.M.	CONTINUED HEARING re: Ordering the vacation of a portion of the east side of N. State St. north of W. Fairmont Avenue (<i>Property located in District 2</i>)
Jan.	13 -	8:30 A.M.	Presentation of P.R.I.D.E. Team Certificates - (Reception immediately following – 2nd floor foyer)
Jan.	13-	10:00 A.M.	HEARING re: Aquarius Aquarium – Sphere of Influence, expansion and Plan Amendment
Jan.	20 -	NO MEETING – MARTIN LUTHER KING DAY	
Jan.	27 -	8:30 A.M.	Presentation of Make a Promotion a Commotion (Reception immediately following – 2nd floor foyer)
Jan.	27 -	10:00 A.M.	HEARING re: ordering the vacation of W. California Court and the south five feet of W. California Avenue east of W. Atchison Street
Jan.	27 -	10:15 A.M.	HEARING re: ordering the vacation of two parcels of public street right-of-way along the south side of Ashlan Avenue east of Cornelia Avenue
Feb.	3 -	MEETING	
Feb.	10-	10:00 A.M.	CONTINUED HEARING to consider an appeal, filed by Gary McDonald on the Tract Map and Councilmember Duncan on Condition Use Permit application, appealing the Fresno City Planning Commission’s denial of Vesting Tentative Tract Map No. 5933, CUP C-08-59