



# 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.

## August 21, 2007

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

Invocation by Dr. Colleen Torgerson, Associate Dean of the Kremen School of Education & Human Development at CSU, Fresno

Pledge of Allegiance to the Flag

### **Ceremonial Presentation:**

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

The agenda is available on ([www.fresno.gov](http://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 July 31, 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. \* Award a three-year contract for Citywide copier lease program to Ray Morgan Company of Fresno – General Services Dept./Purchasing Division

**Action Taken: Awarded**

B. \* Approve agreement and Memorandum of Understanding with the Housing Authority of the City of Fresno for the HUD capital funding grant program, additional protection services for public housing grant, and outline of responsibilities for release of criminal history information - Police Department

**Action Taken: Approved**

1. \* **RESOLUTION** – 4<sup>th</sup> amendment to AAR No. 2007-214 appropriating \$25,100 to fund two (2) Community Service Officers at various housing complexes (**Requires 5 affirmative votes**)

**Action Taken: Resolution No. 2007-268 adopted**

C. \* Approve second amendment to consultant services agreement between the City of Fresno and Paul Pierce for supervisor training and authorize the Personnel Services Director to execute agreement on behalf of the City – Personnel Services Department\_

**Action Taken: Approved**

D. Authorize the Chief of Police to enter into an agreement with the Fresno Unified School District to provide School Resource Officers – Police Department \_

**Action Taken: Authorized**

1. \* **RESOLUTION** - 10th amendment to AAR No. 2007-214 appropriating \$246,900 to recognize additional funding from the Fresno Unified School District regarding School Resource Officer services – Police Department (**Requires 5 affirmative votes**)

**Action Taken: Resolution No. 2007-279 adopted**

2. \* **RESOLUTION** - 4<sup>th</sup> amendment to PAR No. 2007-215 adding one (1) Police Sergeant and one (1) Police Officer for the School Resource Officers at Fresno Unified School District

**Action Taken: Resolution No. 2007-280 adopted**

1. **CONSENT CALENDAR CONTINUED**

- E. Documents pertaining to modification of the City of Fresno Enterprise Zone boundaries
1. **RESOLUTION** - Approving expansion modification of Enterprise Zone application area boundaries and authorizing execution and submittal to the State Department of Housing and Community Development of documents and instruments - Economic Development Department  
**Action Taken: Resolution No. 2007-281 adopted**
  2. **RESOLUTION** - Approving parcel removal modification of Enterprise Zone application area boundaries and authorizing execution and submittal to the State Department of Housing and Community Development of documents and instruments - Economic Development Department  
**Action Taken: Resolution No. 2007-282 adopted**
- F. **RESOLUTION** - Approving the summary vacation of the 60 foot restricted access strip "A" offered for dedication for future road purposes" as shown on the map of Parcel Map No. 3894 located in the East Powers Avenue alignment, west of N. Maple Avenue (***Located in Council District No. 6***) – Public Works Dept.  
**Action Taken: Resolution No. 2007-269 adopted**
- G. Adopt Resolution of Intention No. 1062-D to vacate a portion of the Fowler Avenue frontage road at Illinois Avenue and setting the public hearing for September 18, 2007 at 10:00 a.m. (***Located in Council District No. 5***) – Public Works Dept.  
**Action Taken: Adopted**
- H. Approve revised Three-Year Underground Utility District Plan – Public Works Dept.  
**Action Taken: Approved**
- I. \* Approve the acquisition of a sewer easement from Fresno Metropolitan Flood Control District for the construction of a sewer main along the Dakota Avenue alignment between Hayes and Grantland Avenues (***Property located in District 1***) – Public Works Dept.  
**Action Taken: Removed from the agenda**
- J. Item removed from the agenda
- K. Reject all bids for requirements contract for paper hand towel & toiletry supplies – General Services Dept./Purchasing Division  
**Action Taken: Rejected**
- L. \* **RESOLUTION** - Amending and superseding Resolution No. 2006-455 and authorizing the Director of Public Utilities/designee(s) thereof to negotiate and sign funding agreements and amendments for funding under the Safe Drinking Water State Revolving Fund and to approve claims for reimbursement and to execute budget expenditure summaries and to sign contractor's release form and to sign the certification of project completion; and dedicating Department of Public Utilities revenues from user water rates, fees or charges as the dedicated source of revenue to repay said loan – Dept. of Public Utilities  
**Action Taken: Resolution No. 2007-270 adopted**
- M. \* Approve 1st Amendment to Development Agreement with Lennar Fresno, Incorporated authorizing the Director of Public Utilities to grant time extensions for performance obligations under the agreement for construction of a water treatment and storage tank facility in Southeast Fresno – Dept. of Public Utilities  
**Action Taken: Approved**
- N. \* **RESOLUTION** - 1st amendment to the PAR No. 2007-215 converting two vacant permanent-intermittent Recreation Leader positions to one full-time Recreation Specialist in the Parks, Recreation and Community Services Department – PR&CS  
**Action Taken: Resolution No. 2007-271 adopted**

1. **CONSENT CALENDAR CONTINUED**

- O. Authorize renewal of Senior Hot Meals Site Management Contract with Fresno-Madera Agency on Aging (FMAAA) – PR&CS  
**Action Taken: Authorized**  
1. \* **RESOLUTION** - Approving the Fiscal Year 2007-2008 Senior Hot Meals Site Management (service provider) contract with Fresno-Madera Area Agency on Aging and authorizing execution of documents  
**Action Taken: Resolution No. 2007-272 adopted**
- P. \* Approval of a one-year contract with Fresno Unified School District (FUSD) to provide funds for the Parks, Recreation and Community Services Department to conduct a collaborative After School Recreation Program running through June 30, 2010 – PR&CS  
**Action Taken: Approved**  
1. \* **RESOLUTION** - 5th amendment to AAR No. 2007-214 appropriating \$657,700 from the Fresno Unified School District to conduct a collaborative After School Recreation Program running through June 30, 2008 **(Requires 5 affirmative votes)**  
**Action Taken: Resolution No. 2007-283 adopted**  
2. \* **RESOLUTION** - 2nd amendment to PAR No. 2007-215 adding five (5) permanent full-time positions in the Parks, Recreation and Community Services Department  
**Action Taken: Resolution No. 2007-284 adopted**
- Q. \* **RESOLUTION** – 2<sup>nd</sup> amendment to Salary Resolution No. 2007-217 authorizing salary corrections for non-represented classifications – Personnel Services Dept.  
**Action Taken: Resolution No. 2007-273 adopted**
- R. \* Approve application for Fiscal Year 2007 assistance to firefighters - staffing for adequate fire and emergency response grant program issued through the U.S. Department of Homeland Security and authorize the Fire Chief to complete all required documents – Fire Department  
**Action Taken: Approved**  
1. \* **RESOLUTION** - Authorizing the application for Fiscal Year 2007 Cycle U.S. Department of Homeland Security/Office of Domestic Preparedness “assistance to firefighters” staffing for adequate fire and emergency response grant funding and authorizing completion of documents  
**Action Taken: Resolution No. 2007-285 adopted**
- S. **RESOLUTION** - Initiating rezoning (prezoning) on 8 parcels totaling approximately 20.75 acres within the City of Fresno’s Sphere of Influence – Planning and Development Dept.  
**Action Taken: Resolution No. 2007-274 adopted**
- T. **RESOLUTION** - Of intention to annex Final Tract No. 5512 as Annexation No. 19 to City of Fresno Community Facilities District No. 11 and to authorize the levy of special taxes and setting a public hearing for September 25, 2007 at 10:15 A.M. **(Property located in District 1)** – Public Works Dept.  
**Action Taken: Resolution No. 2007-275 adopted**

**SCHEDULED COUNCIL HEARINGS AND MATTERS**

- 8:45 A.M.      A.      **SCHEDULED COMMUNICATION –**
1.      Appearance by Louis Marquez to discuss a beautification project on the corner of “U” and Tulare Streets – **Appearance made**
  2.      Appearance by Charlie Waters to discuss several Veteran’s issues – **Appearance made**

8:45 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**

- A.      Consider approval for a Council override vote of Ordinance No. 2007-57 vetoed by Mayor Autry on July 30, 2007 (**Council action to override Mayoral veto requires 5 affirmative votes**) - Councilmember Dages  
**Action Taken:**    Veto overridden
1.      **ORDINANCE NO. 2007-57** – Amending Subsection (1) of Section 7-546 of the Fresno Municipal Code relating to card room permit rules and regulations  
**Action Taken:**    Adoption stands
- B.      Council discussion and direction to staff to return to Council with the enabling documents to re-appropriate \$1,085,000 towards the construction of the Eaton Plaza Master Plan project using the downtown river contingency of \$1,085,000 - Councilmember Calhoun\_  
**Action Taken:**    Discussed/motions made and failed

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

- A.      \*      Authorize the release of \$8.3 million appropriated from Fiscal Year 2008 spending condition for the downtown water storage tank and booster pump station and direct staff to proceed with preliminary site investigation and necessary environmental work for the proposed property at Santa Clara and “H” Streets – Dept. of Public Utilities  
**Action Taken:**    Authorized

10:30 A.M.      \*      **RESOLUTION** - Approval of policy and procedures, Issue No. 35 for outdoor dining areas within the City of Fresno – Planning and Development Dept.  
**Action Taken:**    Resolution No. 2007-276 adopted

10:45 A.M.      **CONTINUED HEARING** to consider acceptance and adoption of the Copper River Ranch Impact Fee Study Report; and adoption of the Finding of Conformity with the Master Environmental Impact Report No. 10130 for the City’s General Plan and Project EIR No. 10126 – Public Works Dept.\_  
**Action Taken:**    Held

A.      \*      **RESOLUTION** - 461st amendment to MFS Resolution No. 80-420 to establish the Copper River Ranch Development impact fees for improvements within the development that are not already identified in the Planning and Development section of the Fresno Municipal Code – Finance Department/Budget Division  
**Action Taken:**    Resolution No. 2007-277 adopted

**SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED**

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

Approve Agency minutes of July 31, 2007

**Action Taken: Laid over to the next meeting**

- A. **RESOLUTION** - Approving a summary of the deal points of a Letter of Intent (LOI) between the City and Fresno Hockey Club, LLC dba Fresno Falcons Professional Hockey Club (The Falcons) license to use Selland Arena for the purpose of hockey games; Authorizing the City Manager to negotiate with Developer to reach a final agreement, and authorizing the execution a delivery of the agreement, and related documents, and taking all necessary action related to the transaction, consistent with this resolution **(Council action)** – City Manager's Office  
**Action Taken: Laid over one week**
- B. **RESOLUTION** - Approving a summary of the deal points of a Disposition and Development Agreement (DDA) between the City and the Legacy Real Estate Group, LLC (Developer) to develop a mixed use project, authorizing the City Manager to negotiate with Developer to reach a final agreement, and authorizing the execution a delivery of the agreement, and related documents, and taking all necessary action related to the resolution **(Council action)** – City Manager's Office  
**Action Taken: Laid over one week**
- C. **RESOLUTION** - Declaring an urgent necessity for the preservation of life, health or property, waiving the formal advertised competitive bidding requirements for the replacement of the ice floor, ice making machinery, and associated equipment at the Fresno Convention and Entertainment Center (FCEC) **(Requires 5 affirmative votes) (Council action)** – City Manager's Office  
**Action Taken: Resolution No. 2007-278 adopted**

**ADJOURN AGENCY**

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

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

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

**2:00 P.M. #3 CLOSED SESSION WITH THE REDEVELOPMENT AGENCY**

- B. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION** – Government Code Section 54957 (Councilmember Sterling)  
**Title:** Executive Director of the Redevelopment Agency  
**Action Taken: Laid over one week**

**SCHEDULED COUNCIL HEARINGS AND MATTERS**

|       |           |            |   |
|-------|-----------|------------|---|
| Aug.  | 28 -      | 10:00 A.M. | <b>WORKSHOP</b> – regarding Navigant Consulting on the change of governance structure in the Department of Public Utilities               |
| Aug.  | 28 -      | 10:30 A.M. | <b>HEARING</b> re: Rezone Application No. R-07-38, filed by Don Eskes, on behalf of One-By-One Leadership Foundation                      |
| Aug.  | 28 -      | 3:00 P.M.  | ISD Network Migration Project - Professional Services   |
| Aug.  | 28 -      | 4:00 P.M.  | <b>HEARING</b> re: 2007 Cycle 1 Plan Amendments   |
| Sept. | 4 -       |            | <b>NO MEETING - LABOR DAY HOLIDAY</b>   |
| Sept. | 11 -      |            | <b>NO MEETING - COUNCIL RECESS</b>  |
| Sept. | 18 -      | 10:00 A.M. | <b>HEARING</b> re: the vacation of a portion of Fowler Avenue at Illinois Avenue - R.I. No. 1062-D  |
| Sept. | 18 -      | 10:15 A.M. | <b>HEARING</b> re: adoption of EA-07-31, filed by the Dept. of Public Utilities   |
| Sept. | 18 -      | 10:20 A.M. | <b>HEARING</b> re: Text Amendment TA-07-01 re: residential density bonus pursuant to state law  |
| Sept. | 19 (Wed.) | 2:00 P.M.  | Presentation of Employee Service Awards (Council Chambers) ( <b><i>Reception immediately following – 2<sup>nd</sup> floor foyer</i></b> ) |
| Sept. | 25 -      | 10:00 A.M. | <b>HEARING</b> to consider formation of UUD No. FRE-84 (Blackstone Avenue between Shields and Belmont Avenues – Public Works Dept.        |
| Sept. | 25 -      | 10:15 A.M. | <b>HEARING</b> re: CFD No. 11, Annexation No. 19 Tract No. 5512   |
| Oct.  | 23-       | 10:00 A.M. | Ballot results for change of tax rate for CFD No. 2, Annexations Nos. 81 and 82   |
| Oct.  | 23-       | 10:15 A.M. | Discussion and direction regarding the Strategic Plan/SOC Document – Fire Department  |