



# 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.

## JUNE 9, 2008

**8:30 A.M. – ROLL CALL**

**CONTINUED Consideration of Fiscal Year 2008-2009 Annual Budget**

**Departments scheduled to be considered are: Fire, Police, and Planning and Development**

**ADJOURN to June 10, 2008, at 8:30 A.M. with budget consideration to resume at 3:00 P.M.**

## June 10, 2008

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

Invocation by Councilmember Dages

Pledge of Allegiance to the Flag

Administer Oath of Office to Council President Xiong for the Office of Member of the Commission on Asian and Pacific Islander American Affairs - **Administered**

**Ceremonial Presentation:**

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

Presentation of a Check From the Department of Public Utilities Golf Tournament Committee to the Fresno Community Food Bank - Department of Public Utilities - **Presented**

- 1. Presentation by the Department of Public Utilities Golf Tournament Committee to Community Sanitation for Placing #1 in the Same-Division Employees Teams - **Presented**

Presentation of a Check From the Fresno United Neighborhoods to PARCS – Council President Xiong - **Presented**

Proclamation of “[JUNETEENTH DAY](#)” – Acting President Sterling – **Read and presented**

Proclamation of “[UNITED STATES ARMY WEEK](#)” – Mayor’s Office – **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 [May 30](#), [June 3](#) and [June 5, 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. [Approve an agreement with Taylor Teter Partnership for a total fee of \\$117,338 for architectural services on the improvements for the new Property and Evidence warehouse storage building located at 2481 Foundry Park Avenue – Police Department](#)

**Action Taken:** **Approved**

1. **CONSENT CALENDAR CONTINUED**
- B. **RESOLUTION** - Dedicating certain City-owned property as an easement for public utility purposes in the "N" Street alignment between Ventura and Inyo Streets (**Property located in District No. 3**) – Public Works Department  
**Action Taken:** Resolution No. 2008-131 adopted
- C. **RESOLUTION** - Dedicating certain City-owned property for public street purposes along the west side of N. Willow Avenue between E. Behymer Avenue and E. Copper Avenue (**Property located in District No. 6**) – Public Works Department  
**Action Taken:** Resolution No. 2008-132 adopted
- D. \* Approve the acquisition of two (2) street easements for the placement of traffic signals at the intersection of Marks and Dakota Avenues from owners: Silva Godoy and John and Marsha Frankian (**Properties located in District 1**) – Public Works Department  
**Action Taken:** Approved
- E. \* **RESOLUTION** –97th amendment to AAR No. 2007-214 to appropriate \$410,000 for the re-budget of capital projects in the Public Works Department previously approved by Council and for additional administrative fees in the Impact Fee Program (**Requires 5 affirmative votes**) – Public Works Department  
**Action Taken:** Resolution No. 2008-133 adopted
- F. **RESOLUTION** - Of intention to annex Final Tract 5901, Annexation No. 32 to City of Fresno Community Facilities District No. 11, and setting the public hearing for June 24, 2008 at 10:40 a.m. (**Property located in District 4**) – Public Works Department  
**Action Taken:** Laid over one week
- G. \* Approve an agreement with the City of Clovis for construction and maintenance of median island landscaping on Willow Avenue between Alluvial Avenue and Teague Avenue (**Property located in District 6**) - Public Works Department  
**Action Taken:** Approved
- H. \* **RESOLUTION** - 96th amendment to AAR No. 2007-214 for the re-appropriation of certain capital projects previously approved by Council in the Parks, After School, Recreation and Community Services Department (**Requires 5 affirmative votes**) - PARCS  
**Action Taken:** Resolution No. 2008-134 adopted
- I. \* **RESOLUTION** - 93rd amendment to AAR No. 2007-214 re-budgeting \$19,300 of grant funding for the Department of Conservation Beverage Container Grant Program (**Requires 5 affirmative votes**) – Dept. of Public Utilities  
**Action Taken:** Resolution No. 2008-135 adopted
- J. \* **RESOLUTION** - 94th amendment to AAR No. 2007-214 appropriating \$394,800 in State grant funding for the expansion of multi-family recycling services (**Requires 5 affirmative votes**) – Dept. of Public Utilities  
**Action Taken:** Resolution No. 2008-136 adopted
- K. \* Approve agreement to reimburse City of Clovis \$1,152,600 for Phase II of the southern water main interconnection – Dept. of Public Utilities  
**Action Taken:** Approved
- L. \* Award contract in the amount of \$629,366.84 to Prominent Systems Incorporated for fabrication of granular activated carbon vessel units for well site improvements at Pump Station 2B – Dept. of Public Utilities  
**Action Taken:** Awarded
- M. \* Award contract to Vulcan Construction & Maintenance Inc. in the amount of \$199,915.00 for water service transfers – Dept. of Public Utilities  
**Action Taken:** Awarded

1. **CONSENT CALENDAR CONTINUED**

- N. \* Award a contract to Bradley & Sons, Inc. in an amount not to exceed \$240,000.00 for water well test hole drilling – Dept. of Public Utilities  
**Action Taken:** Awarded
- O. \* Award a requirements contract in the amount of \$3,546,039.00 to Meyers Brothers Well Drilling Inc. to drill new production wells – Dept. of Public Utilities  
**Action Taken:** Awarded
- P. Approve amendment to the service agreement for Fire Protection Emergency Services between the North Central Fire Protection District and the City of Fresno to address a Memorandum of Understanding (MOU) for response to disasters within the City of Kerman – Fire Department  
**Action Taken:** Approved
- Q. \* **RESOLUTION** - 95th amendment to AAR No. 2007-214, appropriating \$186,000 from the FY 2006 Homeland Security Grant to the Fire Department to reimburse the department for various training program expenditures (**Requires 5 affirmative votes**) – Fire Department  
**Action Taken:** Resolution No. 2008-137 adopted
- R. **RESOLUTION** - Authorizing the submittal of an Owner-Occupied Rehabilitation Program/First-Time Homebuyer Mortgage Assistance Program application to the California Department of Housing and Community Development for (Proposition 1c) Calhome Grant Funds – Planning and Development Dept.  
**Action Taken:** Resolution No. 2008-138 adopted
- S. **RESOLUTION** - Amending and superseding Resolutions No. 2005-432 and 2007-113 authorizing the Planning and Development Department Director or designees thereof to sign all necessary documents and agreements to implement the Calhome Owner-Occupied Rehabilitation Program Funding from the California Department of Housing and Community Development – Planning and Development Dept.  
**Action Taken:** Resolution No. 2008-139 adopted
- T. **BILL – (For introduction)** - Amending Section 9-2514 and 10-603 (c) of the Fresno Municipal Code (“FMC”) regarding graffiti abatement – Police Department  
**Action Taken:** Bill No. B-39 introduced/laid over
- U. \* **BILL NO. B-35 – (Intro. 6/3/2008) (For adoption)** - Amending Subsection (a) of Sections 7-504 and 7-505 of the Fresno Municipal Code relating to local sales and use taxes, pursuant to a Memorandum of Understanding (MOU) with the County of Fresno – Finance Department  
**Action Taken:** Ordinance No. 2008-35 adopted
- V. \* **BILL NO. B-36 – (Intro. 6/3/2008) (For adoption)** - Adding Section 5-308 to the Fresno Municipal Code regarding conduct on or about transit property – City Attorney’s Office  
**Action Taken:** Ordinance No. 2008-36 adopted
- W. \* **BILL NO. B-38 – (Intro. 6/3/2008) (For adoption)** - Amending the text of the Zoning Ordinance (Fresno Municipal Code), Text Amendment Application No. TA-07-03, and environmental findings, initiated by the Planning and Development Department Director, related to a variety of issues intended to simplify and streamline the Zoning Ordinance and proposed changes and additions to best promote the implementation of the goals of the 2025 Fresno General Plan - Planning and Development Dept. (**Continue to 6/17/2008**)  
**Action Taken:** Ordinance No. 2008-37 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. Approval of contract with Fresno Unified School District providing joint use of district high school athletic facilities running through December 31, 2025 – Mayor’s Office  
**Action Taken:** Approved

10:00 A.M.#1 Adoption of the 2008-2013 City of Fresno Housing Element of the General Plan (*Continue to June 17, 2008 at 10:15 a.m.*)  
**Action Taken:** Continued as noted

10:00 A.M.#2 **WORKSHOP** regarding residential meter implementation plan – Department of Public Utilities - Held

11:00 A.M. #1 **JOINT MEETING WITH THE REDEVELOPMENT AGENCY**

Approve Agency minutes of June 3, 2008

**Action Taken:** Approved

A. **RESOLUTION** - Making certain findings pursuant to Section 33445 of the Community Redevelopment Law, authorizing the Agency’s installation of public improvements in Cedar Avenue generally between Muscat and Malaga Avenues within and outside of the South Fresno Industrial Revitalization Redevelopment Project Area (**Council and Agency action**)

**Action Taken:** Joint Resolution Nos. 2008-140/1720 adopted

1. Award contract in the amount of \$332,190 to Kelly C. Broyles Construction, Inc, for the extension of the 14-inch transmission grid water main in Cedar Avenue generally between Muscat and Malaga Avenues within and outside the South Fresno Industrial Revitalization Redevelopment Area (**Agency action**)

**Action Taken:** Awarded

RECESS AGENCY TO 3:00 P.M.

11:00 A.M. #2 **CLOSED SESSION**

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

1. **Case Name:** Liliana Torres, et al. v. City of Fresno, et al.; Fresno County Superior Court No. 07CECG01973

**Action Taken:** Held

3:00 P.M. #1 Continued discussion and consideration of the 2008-2009 fiscal year budget for the following Departments:

A. PARCS - Held

B. Economic Development – Held; continued to June 12, 2008

**Action Taken:**

**SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED**

**3:00 P.M. #2 CONTINUED JOINT MEETING WITH THE REDEVELOPMENT AGENCY**

- B. Consider adoption of Agency resolution certifying Subsequent Environmental Impact Report (SEIR) SCH #2003051046 for the Old Armenian Town Project-relocation of historical resources  
*(Continue to 7/15/2008 at 3:00 p.m.)*  
**Action Taken:** Continued as noted

**ADJOURN AGENCY**

**4:00 P.M. 2008 CYCLE I TRIMESTER PLAN AMENDMENT HEARINGS**

The following plan amendment applications have been submitted for consideration during the 2008 Cycle I filing period in accordance with the Trimester Plan Amendment Program of the Planning Guidelines established by the Fresno City Council to implement the City's Local Planning and Procedures Ordinance, Article 6, Chapter 12, of the Fresno Municipal Code. In addition to the plan amendment applications, the projects described below may include rezone applications to change the subject properties' zone district boundaries and associated special permit and tentative tract map applications providing for development of the subject properties.

- A. Consideration of Plan Amendment Application No. A-07-23, Rezone Application No. R-07-81, and environmental findings, filed by Willard and Bettye Eisner, on behalf of the Eisner Family Trust of 1982, pertaining to approximately 2.2 acres of property located on the southeast corner of E. Shaw and N. Chestnut Avenues adjacent to the westbound on-ramp of State Route 168 **(Property located in District 4)** – Planning and Development Department
1. Consider and adopt a Mitigated Negative Declaration for Environmental Assessment No. A-07-23/R-07-81
  2. **RESOLUTION** – Amending the 2025 Fresno General Plan and the Hoover Community Plan from the neighborhood commercial planned land use designation to the general heavy commercial land use designation
  3. **BILL** – Amending the Official Zone Map to rezone the subject property from the C-1 *(Neighborhood Shopping Center)* zone district to the C-6/cz *(General Heavy Commercial/conditions of zoning)* zone district  
**Action Taken:** Continued to 6/24/2008 at 11:00 a.m.
- B. Consideration of Plan Amendment Application No. A-08-01, Rezone Application No. R-08-01, and environmental findings, filed by BKM Partners and SKN Properties, on behalf of Cris and Don Pilegard, pertaining to approximately 16 acres of property located on the northeast and southeast corners of S. Clovis and E. California Avenues – **(Property located in District 5)** – Planning and Development Dept.
1. Consider and adopt a Mitigated Negative Declaration for Environmental Assessment No. A-08-01/R-08-01, determination of initial study to file a Mitigated Negative Declaration
  2. **RESOLUTION** – Amending the 2025 Fresno General Plan and the Roosevelt Community Plan for the northwest approximately 6-acre portion of the property from the medium-low density residential planned land use designation to the neighborhood commercial land use designation, and the southwest approximately 2-acre portion of the subject property from the medium-low density residential planned land use designation to the office commercial land use designation

**SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED**

**4:00 P.M. 2008 CYCLE I TRIMESTER PLAN AMENDMENT HEARINGS CONTINUED**

**B. Continued** consideration of Plan Amendment Application No. A-08-01, Rezone Application No. R-08-01, and environmental findings, filed by BKM Partners and SKN Properties, on behalf of Cris and Don Pilegard, pertaining to approximately 16 acres of property located on the northeast and southeast corners of S. Clovis and E. California Avenues – **(Property located in District 5)**

**3. 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 C-1/UGM (*Neighborhood Shopping Center/Urban Growth Management*) zone district for the northwest approximately 6-acre portion of the property, the C-P/UGM (*Administrative and Professional Office/Urban Growth Management*) zone district for the southwest approximately 2-acre portion of the property, and the R-1/UGM (*Single Family Residential/ Urban Growth Management*) zone district for approximately 8 acres located on the east side of the subject property on both sides of East California Avenue

**Action Taken:** Continued to June 24, 2008 at 11:00 a.m.

**\*\* The June 10, 2008, City Council meeting hereby continued to June 12, 2008, at 8:30 a.m. or soon thereafter as is practicable for continued consideration of the 2008-2009 Budget. Note: the order listed below is subject to change.**

June	12 -	8:30 A.M.	Convention Center, Mayor, City Manager's Office
June	12 -	4:00 P.M.	CDBG
June	17 -	2:00 P.M.	Redevelopment Agency; Vote on Motions
June	19 -	8:30 A.M.	Final Adoption of Budget

**SCHEDULED COUNCIL HEARINGS AND MATTERS**

June	17 -	10:00 A.M.	<b>HEARING</b> re: Tract No. 5728, Annexation No. 25
June	17 -	10:15 A.M.	Adoption of the 2008-2013 City of Fresno Housing Element of the General Plan
June	17 -	10:30 A.M.	<b>HEARING</b> re: Rezone Application No. R-06-40, filed by Michael Sutherland & Associates, on behalf of Spradling Construction, Inc.
June	24 -	10:00 A.M.	Update on the status of the Hotel Fresno – Councilmember Calhoun
June	24 -	10:30 A.M.	<b>HEARING</b> re: repeal of the Official Plan Line for W. Gettysburg Avenue betw. N. Grantland Avenue and N. Garfield Avenue
June	24 -	10:40 A.M.	<b>HEARING</b> re: Tract No. 5901, Annexation No. 32
June	24 -	11:00 A.M. #1	<b>CONTINUED HEARING</b> to consider Rezone Application No. R-07-06, filed by Provost & Pritchard Engineering Group Inc, on behalf of Fresno Skating Center Inc.
June	24 -	11:00 A.M.#2	<b>CONTINUED HEARING</b> re: 2008 Cycle I Trimester Plan Amendent 1. Consideration of Plan Amendment Application No. A-07-23, Rezone Application No. R-07-81, and environmental findings, filed by Willard and Bettye Eisner, on behalf of the Eisner Family Trust of 1982, pertaining to approximately 2.2 acres of property located on the southeast corner of E. Shaw and N. Chestnut Avenues adjacent to the westbound on-ramp of State Route 168 <b>(Property located in District 4)</b> – Planning and Development Department
July	15 -	8:30 A.M.	Presentation of P.R.I.D.E. Team Certificates to Employees for the Summer Quarter - <b>(Reception immediately following – 2nd floor foyer)</b>
July	15 -	3:00 P.M.	<b>JOINT MEETING WITH THE RDA</b> - Consider adoption of Agency resolution certifying Subsequent Environmental Impact Report (SEIR) SCH #2003051046 for the Old Armenian Town Project-relocation of historical resources
July	22 -	8:30 A.M.	2nd Quarter Make a Promotion a Commotion Ceremony <b>(Reception immediately following – 2nd floor foyer)</b>
July	30 -	9:00 A.M.	<b>JOINT MEETING</b> with Fresno Unified School District at Yokomi Elementary School

**HEARING SCHEDULE FOR FISCAL YEAR 2008-2009 ANNUAL BUDGET**

June	12 -	8:30 A.M.	Convention Center, Mayor, City Manager's Office
June	12 -	4:00 P.M.	CDBG
June	17 -	2:00 P.M.	Redevelopment Agency; Vote on Motions
June	19 -	8:30 A.M.	Final Adoption of Budget

June 10, 2008

**\*SUBJECT TO MAYOR'S VETO OR RECONSIDERATION**

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**AND MAY BE AMENDED AT ANYTIME**

