



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.

December 4, 2007

8:30 A.M. ROLL CALL

Invocation by Sr. Pastor David Rutherford, Northside Christian Church
Pledge of Allegiance to the Flag

Ceremonial Presentation:

Presentation of S.P.C.A. Pet of the Month – Councilmember Duncan - **Presented**
Proclamation of "Sam Hines Day" – Councilmember Dages – **Read and presented**

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 November 19, 2007
Action Taken: Approved as submitted

Councilmember Reports and Comments
Action Taken: Made

Approve Agenda
Action Taken: Approved

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 approval of the Consent Calendar

- A. **RESOLUTION** - Of Intention to annex Final Tract No. 5728, as Annexation No. 25 to City of Fresno Community Facilities District No. 11(**Council District 1**)- Public Works Department
Action Taken: Resolution 2007-401 Adopted
- B. * **RESOLUTION** - 39th amendment to AAR Resolution No. 2007-214 appropriate \$6,529,500 for the re-budget and \$291,500 for the reallocation of various operating and capital projects in the Public Works Department to provide for the completion of projects that were previously approved by Council (**Requires 5 affirmative votes**) – Public Works Dept.
Action Taken: Resolution 2007-402 Adopted
- C. * Award a requirements contract to Econolite of Anaheim, CA in the amount of \$169,948.87 for traffic signal cabinets and ancillary devices – Public Works Department
Action Taken: Awarded
- D. * Award a contract in the amount of \$328,650.96 to Cummins West, Inc. of Fresno, CA for re-power of three (3) Cat 623 Scrapers – General Services Dept./Fleet Management
Action Taken: Awarded
- E. Affirm appointments of Cecelia McLoughlin and Dennis M. Johnson to the District Six Plan and Implementation Committee- Councilmember Duncan
Action Taken: Appointments affirmed
- F. * **BILL NO. B-88 (Intro.11/27/2007)(For adoption)** - Repealing Divisions 1, 2, 3, 4, 5 and 6 of Article 1 of Chapter 11 and Adding Article 1 and 6 to Chapter 11 of the Fresno Municipal Code related to adoption of California Building, Plumbing, Mechanical, Electric and Energy Code with modifications and to renumber the Flood Plain Ordinance – Planning and Development Department
Action Taken: Ordinance 2007-92 Adopted
- G. * **BILL NO. B-95(Intro. 11/27/2007)(For adoption)** – 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: Ordinance 2007-93 Adopted

2. GENERAL ADMINISTRATION

A. Consider Phase 4 of the code streamlining project to repeal and re-adopt Chapters 4, 5 and 8 of the Fresno Municipal Code and to adopt uncodified Ordinance related to Assessment Procedures – City Attorney’s Office

Action Taken: Considered

1. **BILL – (For introduction)** - To repeal Chapters 4 and 5 and add Chapters 4 and 5 of the Fresno Municipal Code

Action Taken: BILL No. B-100 introduced/laid over

2. **BILL - (For introduction)** - To repeal Chapter 8 and add Chapter 8 of the Fresno Municipal Code

Action Taken: BILL No. B-101 introduced/laid over

3. **BILL – (For introduction)** - To adopt uncodified ordinance for certain assessment procedures

Action Taken: BILL No. B-102 introduced/laid over

B. * Authorization to negotiate and enter into contract with Diamond Technologies, Inc. for Microsoft training for an amount not to exceed \$269,050 - Information Services Department _

Action Taken: Recommendation approved

C. * **BILL NO. B-79 (Intro. 10/16/2007) (For adoption)** - Amending the Fresno Municipal Code relating to alternative building standards adding in its entirety Division 5 to Chapter 11, Article 1, and amending the table of contents of Chapter 11 relating to joint living and work quarters and Environmental Finding for Environmental Assessment – Alternative Building Standards

Action Taken: Laid over to 12/18/07

3. CLOSED SESSION

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

1. **Case Name:** City of Fresno v. Fresno Certified Development Corporation

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 - **Held**

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

- A. **BILL – (For introduction)** Amending Sections 3-540, 3-541, 3-542, 3-566 and 3-568 to the Fresno Municipal Code, relating to an early retirement option or entry into the drop program under the employees retirement system program - Councilmember Calhoun
Action Taken: **BILL No. B-97 introduced/laid over**
- B. Discussion and direction to initiate a study to include an economic analysis of action to limit enforcement of downtown parking meters Monday through Friday between the hours of 6:00 a.m. and 6:00 p.m. excluding holidays and parking garages – Councilmember Dages
Action Taken: **Discussed and directed to return in 30 days with a workshop, economic analysis, and enabling documents**
- C. Direct the Department of Public Utilities to research, review and evaluate the potential implementation of a City Hot Water Recirculation System Rebate Program and return to Council by June 1, 2008 with recommendations – Councilmember Westerlund
Action Taken: **Direction made**
- D. Request update on status of building plans for the property at the northeast corner Van Ness and Inyo - Councilmember Calhoun and Councilmember Sterling
Action Taken: **Update given**

9:30 A.M. Approve documents relating to mobile vendors:

- a. **BILL – (Alternate #1)(For introduction)** - Amending Subsection (g) of Section 9-1107 of the Fresno Municipal Code, relating to mobile vendors within 150 feet of property line of public or private schools – City Attorney's Office
Action Taken: **Not introduced**
- b. **BILL - (Alternate #2) (For introduction)** - Amending Subsection (g) of Section 9-1107 of the Fresno Municipal Code, relating to mobile vendors within 750 feet of property line of public or private schools – City Attorney's Office
Action Taken: **Not introduced- New Bill No. B-98 introduced and laid over to define property line designation; leave at 1,000 feet and change hours of enforcement**

9:45 A.M. **WORKSHOP** regarding the Downtown Transportation Infrastructure study – Transportation, Public Works Department and Planning and Development Department
Action Taken: **Held; no action taken**

10:30 A.M. * **RESOLUTION – 463rd** amendment to MFS Resolution No. 80-420 adding the Major Street Impact Fee Appeal Board fee – Public Works Dept. /Traffic Engineering
Action Taken: **Resolution 2007-403 Adopted**

10:45 A.M. Discussion and acceptance regarding the Fire Department Five-Year Strategic Plan and standards of cover – Fire Department
Action Taken: **Discussed**

11:00 A.M. **URGENCY BILL – (For introduction and adoption)** – Adding Section 9-235 of the Fresno Municipal Code relating to implementation of the Digital Infrastructure and Video Competition Act of 2006 for State Franchise Holders providing video service through the City – City Manager's Office
Action Taken: **BILL No. B-99/Ordinance 2007-94 Adopted**

December 4, 2007

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

Page 4

AND MAY BE AMENDED AT ANYTIME

RECESS – NOON - 3:30 P.M.

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

3:30 P.M. **WORKSHOP** to report the results of the 2006 Fulton Mall Study and present proposed Section 108 Projects – City Manager’s Office

Action Taken: Held; no action taken

a. Approve list of eligible projects under various State Grant Programs

Action Taken: No action taken

4:00 P.M. - A. * **RESOLUTION-** 57th amendment to the AAR No. 2007-214 appropriating \$2,000,000 in Park Impact Fee Bond proceeds for capital improvement projects in cooperation with Fresno Unified School District (**Requires 5 affirmative votes**) - PARCS

Action Taken: Resolution 2007-404 Adopted

4:00 P.M. – B.* **RESOLUTION** - 54th amendment to the AAR No. 2007-214 rebudgeting capital funds for multiple Park Impact Fee Projects and establishing two new projects in the Parks, After School, Recreation and Community Services Capital Improvement Plan (**Requires 5 affirmative votes**) - PARCS

Action Taken: Laid over to 12/18/07

SCHEDULED COUNCIL HEARINGS AND MATTERS

- 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. 11 - 10:45 A.M. **TEFRA HEARING** to hear and to consider information concerning the proposed issuance of tax-exempt multifamily housing revenue bonds by the California Statewide Communities Development Authority for the purpose of financing the acquisition and construction of a 34-unit senior living, rental housing facility commonly known as Bridges at Florence Avenue
- Dec. 11 11:00 A.M. **CONT. HEARING** to consider Rezone Application No. R-06-55, and environmental findings, filed by Sol Development Associates, LLC, on behalf of Horizon Enterprises, Inc.
- Dec. 11 2:30 P.M. **HEARING** re: Rezone Application No. R-06-70, filed by Elias Saliba on behalf of A-1 Investments
- Dec. 11 2:35 P.M. **HEARING** re: Rezone Application No. R-07-47, filed by the City of Fresno
- 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: CFD No. ____, Annexation No. ____, Tract 5728
- Dec. 18 - 2:30 P.M. Award independent audit contract to Moreland & Assoc- Finance Dept
- Dec. 18 - 3:00 P.M. Old Armenian Town-SEIR- RDA
- Dec. 25 - **NO MEETING – CHRISTMAS WEEK**
- Jan. 29 - 10:00 A.M. **HEARING** re: Underground Utility District No. FRE-86