



Rebecca E. Klisch  
City Clerk

RECEIVED 9:15am A  
2007 NOV 20 AM 7:57 11/27/07  
CITY CLERK, FRESNO CA

November 5, 2007

TO: COUNCIL  
FROM: REBECCA E. KLISCH, City Clerk *RE Klisch*  
SUBJECT: TRANSMITTAL OF MAYOR'S VETO

The Mayor has vetoed the legislative action entitled RESOLUTION 2007-349 – adopting a policy against the development of a downtown streetcar and directing the City Manager to cease all use of city resources to further the development of a downtown streetcar. Under the Charter, if a vetoed ordinance, resolution or other legislative action is not overridden within 30 days of the veto, the action is deemed disapproved. In accordance with the Fresno Municipal Code, any Councilmember may request the City Clerk to place the resolution, ordinance or other legislative action on the agenda for an override vote.

Any Councilmember who wishes this matter be placed on the agenda for an override vote must sign below and file this request with the City Clerk before the agenda for the meeting of November 27, 2007 is posted.

\*\*\*\*\*

To: CLERK

Please place this item on the agenda for override consideration.

*Mike Dags*  
\_\_\_\_\_  
COUNCILMEMBER SIGNATURE

Date: 11-20-07



Rebecca E. Klisch  
City Clerk

November 5, 2007

TO: COUNCIL  
FROM: REBECCA E. KLISCH, City Clerk *RE Klisch*  
SUBJECT: TRANSMITTAL OF MAYOR'S VETO

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To: CLERK

Please place this item on the agenda for override consideration.

\_\_\_\_\_  
COUNCILMEMBER SIGNATURE

Date: \_\_\_\_\_

October 24, 2007

RECEIVED

Council Adoption: 10/23/07  
Mayor Approval:  
Mayor Veto:  
Override Request:

TO: MAYOR ALAN AUTRY

REC 2007 NOV -5 PM 3: 19

FROM: REBECCA E. KLISCH, CMC  
City Clerk

CITY CLERK, FRESNO CA

SUBJECT: TRANSMITTAL OF COUNCIL ACTION FOR APPROVAL OR VETO

At the Council meeting of 10/23/07, Council adopted the attached Resolution No. 2007-349 entitled **Adopting Cncl policy against downtown streetcar concept – cease all use of City resources to further the concept**, Item No. 9:30 a.m. - B, by the following vote:

Ayes	:	Calhoun, Dages, Duncan, Westerlund
Noes	:	Sterling, Xiong, Perea
Absent	:	None
Abstain	:	None

Please indicate either your formal approval or veto by completing the following sections and executing and dating your action. Please file the completed memo with the Clerk's office on or before November 5, 2007. In computing the ten day period required by Charter, the first day has been excluded and the tenth day has been included unless the 10<sup>th</sup> day is a Saturday, Sunday, or holiday, in which case it has also been excluded. Failure to file this memo with the Clerk's office within the required time limit shall constitute approval of the ordinance, resolution or action, and it shall take effect without the Mayor's signed approval.

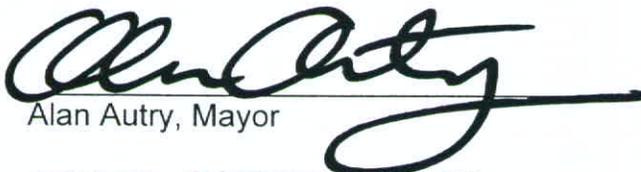
Thank you.

\*\*\*\*\*

APPROVED:

**VETOED** for the following reasons: (Written objections are required by Charter; attach additional sheets if necessary.)

See attached.

  
Alan Autry, Mayor

Date: 11/5/07

COUNCIL OVERRIDE ACTION:

Date: \_\_\_\_\_

Ayes	:
Noes	:
Absent	:
Abstain	:





MAYOR ALAN AUTRY

MEMORANDUM

**TO:** Henry T. Perea, Council President  
Blong Xiong, Councilmember  
Brian Calhoun, Councilmember  
Cynthia Sterling, Councilmember  
Larry Westerlund, Councilmember  
Mike Dages, Councilmember  
Jerry Duncan, Councilmember

**FROM:** Mayor Alan Autry *aa*

**DATE:** November 5, 2007

**SUBJECT:** Resolution No. 2007-349 Entitled Adopting Council Policy Against a Downtown Streetcar Concept

I am respectfully vetoing Council Resolution 2007-349 that essentially prevents staff from partnering with the County of Fresno Council of Governments on a study that would be used to determine the viability of establishing a Downtown Streetcar system. As has been demonstrated in other communities throughout the country, a Downtown Streetcar system, financed through a joint public/private partnership would serve as a catalyst to further stimulate future mixed use development in our Downtown, reduce congestion and improve regional air quality and create a corridor of economic development.

It is important to note that the Downtown Streetcar feasibility study, and the subsequent funding needed to support this effort, has already been approved by County of Fresno Council of Governments (CFCOG) as well as the Measure C Citizen's Oversight Committee. While both of these bodies act independently of each other, both have determined that a Downtown Streetcar feasibility study is consistent with other alternative transportation studies, including the Public Transportation Infrastructure Study (PTIS) contained in the new Measure C expenditure plan. The need to evaluate the feasibility of a Downtown Streetcar is also consistent with the recently completed Downtown Infrastructure Study that has concluded that even with the implementation of aggressive transportation demand policies that vehicle traffic in the Downtown area will increase by 44 percent by 2030 and 75 percent by 2050. In addition, our own strategic plan calls for having "*a downtown transportation system that provides affordable and equal access which reduces reliance on the automobile by 2010*".

In conclusion, we have collectively been working to create a Downtown that reflects a shared vision of flourishing businesses, entertainment, and housing opportunities supported through an investment in high density mixed use developments. Projects such as the new Federal Courthouse and Fifth District Court of Appeals, as well as the recently approved Legacy Project and Forest City project all exemplify this shared commitment to our Downtown. But with this shared vision comes the reality that we must evaluate other transportation alternatives that make this vision a reality and improve the quality of life for our community. An environmentally friendly and convenient Streetcar System can and will be designed that encourages economic development while creating an urban setting where people want to live, work, and play. Therefore, I am vetoing Council Resolution 2007-349 and would ask that you support staff's efforts to fund a Streetcar feasibility study.

RESOLUTION NO. 2007-349

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
FRESNO, CALIFORNIA, ADOPTING A POLICY  
AGAINST THE DEVELOPMENT OF A DOWNTOWN  
STREET CAR AND DIRECTING THE CITY  
MANAGER TO CEASE ALL USE OF CITY  
RESOURCES TO FURTHER THE DEVELOPMENT OF  
A DOWNTOWN STREET CAR

WHEREAS, Section 500 of the Fresno City Charter recognizes the Council as the governing body for the City of Fresno and subject to the express Charter limitations, delegates all authority necessary to legislate on behalf of the residents of Fresno; and

WHEREAS, Section 400 of the Fresno City Charter recognizes the Mayor as the Chief Executive Officer of the City and delegates executive power along with specific related powers including veto power to the Mayor; and

WHEREAS, Section 705 of the Fresno City Charter delegates the day-to-day operational control over City departments, budget administration and implementation of legislative policies to the Chief Administrative Officer (City Manager), and

WHEREAS, Section 706 of the Fresno City Charter prohibits the Council from interfering with the City Manager's execution of his powers and duties except by official action in policy matters; and

WHEREAS, the City Manager has invested City resources in exploring and retaining funds, including Measure "C" funding to further the concept of a Fulton (Downtown) Street Car on a fast track basis with the first rail leg under construction within five years; and

WHEREAS, the Council and the public have not had the benefit of a public consideration of the Downtown Streetcar concept and the concept appears to be a deviation from the Measure "C" goal of advancing a Master Transportation Plan; and



2. City Manager is directed to cease all use of City resources to further the development of a Downtown Streetcar concept.

\* \* \* \* \*

STATE OF CALIFORNIA )  
COUNTY OF FRESNO ) ss.  
CITY OF FRESNO )

I, REBECCA E. KLISCH, City Clerk of the City of Fresno, certify that the foregoing resolution was adopted by the Council of the City of Fresno, at a regular meeting held on the 23rd day of October, 2007.

AYES : Calhoun, Dages, Duncan, Westerlund  
NOES : Sterling, Xiong, Perea  
ABSENT : None  
ABSTAIN : None

Mayor Approval: N/A, 2007

Mayor Approval/No Return: N/A, 2007

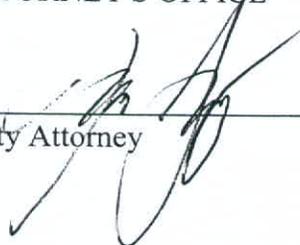
Mayor Veto: November 5, 2007

Council Override Vote: \_\_\_\_\_, 2007

REBECCA E. KLISCH  
City Clerk

BY: \_\_\_\_\_  
Deputy

APPROVED AS TO FORM:  
CITY ATTORNEY'S OFFICE

BY:  \_\_\_\_\_  
City Attorney

JCS:skl [42732skl-jcs RESO Against Streetcar;10/18/07]



November 5, 2007

TO: COUNCIL  
FROM: REBECCA E. KLISCH, City Clerk  
SUBJECT: TRANSMITTAL OF MAYOR'S VETO

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Any Councilmember who wishes this matter be placed on the agenda for an override vote must sign below and file this request with the City Clerk before the agenda for the meeting of November 27, 2007 is posted.

\*\*\*\*\*

To: CLERK

Please place this item on the agenda for override consideration.

\_\_\_\_\_  
COUNCILMEMBER SIGNATURE

Date: \_\_\_\_\_

October 24, 2007

Council Adoption: 10/23/07

Mayor Approval:

Mayor Veto:

Override Request:

TO: MAYOR ALAN AUTRY  
FROM: REBECCA E. KLISCH, CMC  
City Clerk

SUBJECT: TRANSMITTAL OF COUNCIL ACTION FOR APPROVAL OR VETO

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Ayes : Calhoun, Dages, Duncan, Westerlund  
Noes : Sterling, Xiong, Perea  
Absent : None  
Abstain : None

Please indicate either your formal approval or veto by completing the following sections and executing and dating your action. Please file the completed memo with the Clerk's office on or before November 5, 2007. In computing the ten day period required by Charter, the first day has been excluded and the tenth day has been included unless the 10<sup>th</sup> day is a Saturday, Sunday, or holiday, in which case it has also been excluded. Failure to file this memo with the Clerk's office within the required time limit shall constitute approval of the ordinance, resolution or action, and it shall take effect without the Mayor's signed approval.

Thank you.

\*\*\*\*\*

**APPROVED:**

**VETOED** for the following reasons: (Written objections are required by Charter; attach additional sheets if necessary.)

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Alan Autry, Mayor

Date: \_\_\_\_\_

**COUNCIL OVERRIDE ACTION:**

Date: \_\_\_\_\_

Ayes :  
Noes :  
Absent :  
Abstain :



REPORT TO THE CITY COUNCIL

AGENDA ITEM NO. 9:30am B  
COUNCIL MEETING 10/23/07  
APPROVED BY

October 23, 2007

DEPARTMENT DIRECTOR

CITY MANAGER

FROM: JAMES C. SANCHEZ, City Attorney

SUBJECT: ADOPTION OF A RESOLUTION DECLARING COUNCIL POLICY AGAINST THE DEVELOPMENT OF A DOWNTOWN STREETCAR CONCEPT AND DIRECTING CITY MANAGER TO CEASE ALL USE OF CITY RESOURCES TO FURTHER THE DEVELOPMENT OF A DOWNTOWN STREETCAR

EXECUTIVE SUMMARY

The attached resolution was prepared as a result of Council direction at the October 16, 2007, meeting. The resolution adopts a Council policy against the development of a Downtown Streetcar and directs the City Manager to cease the use of all City resources to further the concept. If Council is inclined to adopt the resolution it is a legislative action subject to Mayoral veto.

Attachment: Resolution

JCS:skl [42731skl-jcs;10/18/07]

Presented to City Council

Date 10/23/07

Disposition Res 2007-349

adopted

(Calhoun alternative failed adoption)



RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
FRESNO, CALIFORNIA, ADOPTING A POLICY  
AGAINST THE USE OF MEASURE "C" FUNDING  
FOR THE DEVELOPMENT OF A DOWNTOWN  
STREET CAR AS AN ISOLATED PROJECT.

WHEREAS, Section 500 of the Fresno City Charter recognizes the Council as the governing body for the City of Fresno and subject to the express Charter limitations, delegates all authority necessary to legislate on behalf of the residents of Fresno; and

WHEREAS, Section 400 of the Fresno City Charter recognizes the Mayor as the Chief Executive Officer of the City and delegates executive power along with specific related powers including veto power to the Mayor; and

WHEREAS, Section 705 of the Fresno City Charter delegates the day-to-day operational control over City departments, budget administration and implementation of legislative policies to the Chief Administrative Officer (City Manager), and

WHEREAS, Section 706 of the Fresno City Charter prohibits the Council from interfering with the City Manager's execution of his powers and duties except by official action in policy matters; and

WHEREAS, the City Manager has invested City resources in exploring and retaining funds, including Measure "C" funding to further the concept of a Fulton (Downtown) Street Car on a fast track basis with the first rail leg under construction within five years; and

WHEREAS, the Council and the public have not had the benefit of a public consideration of the Downtown Streetcar concept and the concept appears to be a deviation from the Measure "C" goal of advancing a Master Transportation Plan; and

WHEREAS, downtown development is at a critical stage requiring public resources and staff time to be focused on projects that provide the greatest public return on public investment; and



CITY OF FRESNO )

I, REBECCA E. KLISCH, City Clerk of the City of Fresno, certify that the foregoing resolution was adopted by the Council of the City of Fresno, at a regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2007.

AYES :  
NOES :  
ABSENT :  
ABSTAIN :

Mayor Approval: \_\_\_\_\_, 2007

Mayor Approval/No Return: \_\_\_\_\_, 2007

Mayor Veto: \_\_\_\_\_, 2007

Council Override Vote: \_\_\_\_\_, 2007

REBECCA E. KLISCH  
City Clerk

BY: \_\_\_\_\_  
Deputy

APPROVED AS TO FORM:  
CITY ATTORNEY'S OFFICE

BY: \_\_\_\_\_  
City Attorney



City of



Brian Calhoun, Ph.D.  
Councilmember, District 2

## COUNCIL AGENDA ITEM

**DATE:** October 16, 2007

**TO:** Fresno City Council

**FROM:** Councilmember Brian Calhoun

**BY:** Ann D. Kloose, Council Assistant

**AGENDA ITEM:** Council discussion and direction regarding the use of Measure "C" reauthorization funds for projects not specified during the planning and approval of the ballot measure. – Councilmember Calhoun

### BACKGROUND

In November of 2006, the voters of Fresno County authorized an extension of the Measure "C" half-cent sales tax dedicated to transportation purposes, providing \$1.7 billion over the next 20 years. Many have credited the success of the passage of Measure "C" to the process which included the preparation of detailed expenditure plans. The expenditure plans were determined by conducting two surveys which defined the transportation priorities of Fresno County residents. A defined list of projects were recommended and approved by the Reauthorization Steering Committee, a 24-member community-based group who shaped the transportation plan before it went to the City Council and Board of Supervisors for consideration of sending the initiative to the voters. The Measure "C" spending plan is heavily focused on mass transportation improvements which include street, highways, alternative transportation and expanding the current mass transit systems throughout the County.

The "discretionary" funds in Measure "C" are small in comparison to the total package and there is considerable oversight as to how these funds will be appropriated. A new concept making its way through the process seeks to use Measure "C" funding is the "Fulton Street Car" proposal which received a 8-5 Citizen Oversight Committee approval on September 13<sup>th</sup> for \$500,000. The motion was to approve the submittal of a Request for Proposal (RFP) to the COG Board. The appropriation comes from a \$3 million fund which is earmarked for a County-wide Public Transportation Infrastructure Study (PTIS). Attached are the minutes from that meeting. Although there were several legitimate concerns raised by the oversight committee, I would like to bring to your attention the second paragraph of

the minutes which states, "The City of Fresno wishes to fast track the project and be in construction on the first rail leg within five years".

Following this Committee action on September 13<sup>th</sup> the COG Board considered the funding request at their September 27<sup>th</sup> meeting. The funding was granted but reduced by half to \$250,000 using the County-Wide PTIS fund. Although the minutes from the COG Board meeting are not yet available, it has been reported that the Board was given the impression that the Council was supportive of the trolley proposal. Currently, COG is making a decision on whether further action and approval is required by the Fresno County Transportation Authority (FCTA) prior to the RFP being issued on the project.

### **ISSUE**

Since there has never been a specific Council agenda item regarding the Fulton Street Car concept or the use of Measure "C" funding to implement it, I believe it necessary to have a Council discussion on these issues. The funds being used for this specific proposal were voted on and approved for a County-wide Public Transportation Infrastructure Study (PTIS) and to deviate from this warrants a discussion. This is also brought forward so the Mayor and Councilmembers who represent the City on the COG and FCTA know the collective opinion of the Council. Finally, the Council will have an opportunity to discuss the issue of using Measure "C" or other transportation dollars for an isolated project as opposed to part of a Master Transportation Plan.

**ATTACHMENT:** September 11, 2007 Measure "C" Oversight Committee Minutes.