

The City Council met in regular session at the hour of 8:30 a.m. in the Council Chamber, City Hall, on the day above written.

Present:	Andreas Borgeas	Councilmember
	Lee Brand	Acting Council President
	Mike Dages	Councilmember
	Henry Perea	Councilmember
	Cynthia Sterling	Council President
	Blong Xiong	Councilmember
	Larry Westerlund	Council President

Bruce Rudd, Interim City Manager
 Jim Sanchez, City Attorney
 Becky Klisch, City Clerk
 Yolanda Salazar, Assistant City Clerk

Pastor Roy Lee of the Calvary Worship Center gave the invocation, and Councilmember Xiong led the Pledge of Allegiance.

RESOLUTION OF COMMENDATION TO POST 884 OF THE VETERANS OF FOREIGN WARS AND TO THE AUXILIARY - COUNCILMEMBER STERLING

Read and presented.

PROCLAMATION FOR THE UTILITIES, BILLING AND COLLECTIONS DIVISION OF THE CITY OF FRESNO FINANCE DEPARTMENT - MAYOR'S OFFICE

Read and presented.

PRESENTATION OF "PRIME TIME FOR BUSINESS: VISION ONE" - COUNCILMEMBER BORGEAS AND D&CR DEPARTMENT

Councilmember Borgeas advised Vision One was a local company that is an international e-business solutions provider with satellite offices world-wide, and introduced Director of Sales Joe Wettstead and presented a Certificate commending Vision One as a Prime Time for Business honoree. Mr. Wettstead gave a PowerPoint presentation on the company and ShoWare, their primary product, which consisted of Quick Facts, Vision One Worldwide, Market Niche/Custom Brand Ticketing Websites, Customers/Selected Ticketing References, ShoWare Comparison Model and How Can the City Help?

APPROVE MINUTES OF FEBRUARY 4, 2010:

On motion of Councilmember Xiong, seconded by Acting President Brand, duly carried, RESOLVED, the minutes of February 4, 2010, approved as submitted.

COUNCIL MEMBER REPORTS AND COMMENTS:

Councilmember Xiong (1) advised his planned trip to Washington was cancelled due to the storm and it would be rescheduled; and (2) thanked Member Arambula's office for hosting a workshop which brought Feed the Hunger Foundation to work with many local non-profits.

Councilmember Borgeas (1) on behalf of the Council welcomed new City Manager Scott; (2) thanked Interim City Manager Rudd for his diligence in providing the matrix to keep track of council requests for information, and also the Mayor and her Chief of Staff for their assistance; (3) requested staff research a program called Google Fiber for Communities Program stating they were looking for trial locations, he felt the city would benefit from the program, and he would provide information to the city manager; and (4) advised he would be leaving the council meeting early today to represent Fresno at the League of California Cities annual conference in Sacramento on behalf of the Mayor.

Acting President Brand advised the long-needed Todd Beamer Park would be opening on February 26th and invited Council to the grand opening.

President Westerlund (1) stated the San Joaquin Valley Gubernatorial Forum was moving forward with the statewide debate at Fresno State in April; (2) spoke to the hard economic times and noted San Francisco's mayor was proposing to layoff 10,000 employees and rehire them at a 6% reduction in salary, and stated the city of Turlock with a population of 80,000 had to lay off four of their sworn officers stating the pain was widespread; and (3) invited all to attend the press conference today at 1:30 p.m. in City Hall on the Census kickoff and spoke to the importance of the census count to the city and county.

APPROVE AGENDA:

(9:15 A.M. "C") AUTHORIZE THE CITY MANAGER TO AMEND THE EXISTING PARKING AGREEMENT FOR THE DOWNTOWN HOLIDAY INN HOTEL FOR A PERIOD NOT TO EXCEED SIX (6) MONTHS

City Clerk Klisch requested Council disregard the agreement attached to the original staff report stating it should not have been attached, and noted a corrected staff report was submitted.

(1-F) BILL NO. B-2 - AMENDING THE FRESNO MUNICIPAL CODE RELATING TO MEDIAN ISLAND SAFETY - PRESIDENT WESTERLUND

-AND-

(1-G) APPROVE THE THIRD AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING 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

Due to a request last week and the number of individuals wishing to speak to the above matters President Westerlund moved Items 1-F and 1-G to the Contested Consent Calendar for discussion.

On motion of Acting President Brand, seconded by Councilmember Xiong, duly carried, RESOLVED, the **AGENDA** hereby approved, *as amended*, by the following vote:

Ayes	:	Borgeas, Brand, Dages, Perea, Sterling, Xiong, Westerlund
Noes	:	None
Absent	:	None

ADOPT CONSENT CALENDAR:

Arthur Servin, 10519 N. Doheny, spoke in support of Item 1-E stating the program was a great opportunity for the city of Fresno and elaborated.

(1-A) AUTHORIZE THE CHIEF OF POLICE TO AMEND THE EXISTING AGREEMENT WITH THE CENTRAL UNIFIED SCHOOL DISTRICT TO ALLOW THE SCHOOL RESOURCE OFFICER TO PERFORM LAW ENFORCEMENT SERVICES AT PATHWAY COMMUNITY DAY SCHOOL.

(1-B) APPROVE A MILITARY CONSTRUCTION COOPERATIVE AGREEMENT WITH THE NATIONAL GUARD BUREAU TO PROVIDE FUNDS IN THE AMOUNT OF \$560,000 TO ASSIST WITH THE CONSTRUCTION OF THE FRESNO POLICE DEPARTMENT TRAINING CENTER TO INCLUDE THE UPGRADE OF ONE PISTOL RANGE TO MEET NATIONAL GUARD BUREAU SPECIFICATIONS

1. RESOLUTION NO. 2010-23 - 51ST AMENDMENT TO AAR 2009-149 APPROPRIATING \$560,000 FROM THE NATIONAL GUARD TO ASSIST WITH THE UPGRADE OF THE POLICE DEPARTMENT TRAINING CENTER

(1-C) ADOPT A CEQA CATEGORICAL EXEMPTION (EXISTING FACILITIES), AND AUTHORIZE LEASE AMENDMENT NO. 2 TO THE EXISTING LEASE WITH JOHN TAMAINO, D.B.A. AMERICAN HELICOPTERS, FROM 3/1/10 TO 2/28/13, FOR OFFICE SPACE IN, AND RAMP SPACE FOR, PARKING FOUR (4) AIRCRAFT AT THE CHANDLER EXECUTIVE AIRPORT TERMINAL BUILDING WITH A MONTHLY RENT OF \$420 SUBJECT TO ANNUAL UPWARD ADJUSTMENT BASED ON A COST-OF-LIVING FORMULA, AND WITH MUTUAL 30-DAY TERMINATION RIGHTS

(1-D) APPROVE THE APPOINTMENTS OF BRYAN HARLEY (COUNCILMEMBER BORGEAS), JOHN McCUBBIN (COUNCILMEMBER XIONG), SUSAN GOOD (COUNCILMEMBER PEREA), AND RUDY PLACENCIA (PRESIDENT WESTERLUND) TO THE CITY OF FRESNO TRANSIT RATE AND SERVICES COMMISSION

(1-E) RESOLUTION NO. 2010-24 - AUTHORIZING THE DEPARTMENT OF DOWNTOWN & COMMUNITY REVITALIZATION TO APPLY FOR AND RECEIVE FUNDS FROM THE CATALYST PROJECTS FOR THE CALIFORNIA SUSTAINABLE STRATEGIES PILOT PROGRAM TO SUPPORT THE PREPARATION OF THE FULTON CORRIDOR SPECIFIC PLAN AND THE DOWNTOWN NEIGHBORHOODS COMMUNITY PLAN

On motion of Councilmember Dages, seconded by Councilmember Sterling, duly carried, **RESOLVED**, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes :	Borgeas, Brand, Dages, Perea, Sterling, Xiong, Westerlund
Noes :	None
Absent :	None

CONTESTED CONSENT CALENDAR:

(1-F) BILL NO. B-2 - ORDINANCE NO. 2010-5 - AMENDING THE FRESNO MUNICIPAL CODE RELATING TO MEDIAN ISLAND SAFETY - PRESIDENT WESTERLUND

President Westerlund opened public comment.

Speaking in opposition to the ordinance bill were: Bill Simon, 4902 N. 9th Street; Reyes Garza, 412 "F" Street **(2 - 0)**; Joseph Sheridan, 1041 E. Shields; Attorney Robert Navarro, 5409 E. Lane; Josh Cranston, 933 "F" Street; "Russell", homeless; Pastor Ed Sanders, 1542 Kern Street; Alphonso Williams, 3044 N. Fruit (currently homeless); Jim Comegys, 1566 W. Browning, Green Hope Veterans; Brandon Morse, formerly of 564 "F" Street/now homeless; J.D. McCubbin, 617 E. Cambridge; and Rick Morse, formerly of 564 "F" Street.

Continued speakers were Hester Hensley, 1122 Martin, who noted there was gridlock on both sides of this issue and stated jobs was the answer, there was harvest work year-round, and suggested the city provide transportation for the homeless to jobs as one way to address soliciting. Alan Simon, formerly of 564 "F" Street, spoke in support of veterans; Steve Reyes, 372 N. Pacific, spoke to the need for all to work together; and Willie Heager, homeless, stated if you cheat God you cheat yourself and sang "Your Cheating Heart".

Upon the request of President Westerlund City Attorney Sanchez addressed legal issues raised by Mr. Navarro stating staff felt there were strong arguments to further this ordinance as a reasonable time, place and manner restriction, there were alternatives available if Council wanted to have a complete prohibition on median islands, and relative to this ordinance stated there was an attempt to strike a balance with a permit process that allows for limited operation on median islands and hardship waivers.

President Westerlund concurred with Mr. Sanchez and stated he respectfully disagreed with the legal conclusion of Mr. Navarro, relative to speaker comments about Ray Appleton stated that issue would have to be addressed with Mr. Appleton and he had no discussion with Mr. Appleton, and made a motion to adopt the ordinance bill, which motion was seconded by Acting President Brand.

Upon questions of Councilmember Borgeas Mr. Sanchez stated other cities have outlawed access to median islands altogether and from a legal standpoint there were no constitutional or protected rights for individuals conducting activity on medians. As noted last week Councilmember Borgeas reiterated this ordinance was not perfect and it would have to stand the test of time which was one reasons why he requested the ordinance be reviewed in one year, and stated this was a step in the right direction, enforcement would be a challenge, and an absolute prohibition may be the direction to go. Acting President Brand pointed out not all people on medians are homeless stating he saw a group of students raising money for Haiti and last evening saw sororities and fraternities soliciting money for some cause, reiterated comments made last week that he felt the city needed to place an outright ban for everyone due to the real safety issues out there adding most of the safety issues pertain to Kids Day and the many young enthusiastic people out there, agreed there would be enforcement problems but he felt that as a city, and our image as a city, this needed to be moved forward, and acknowledging homelessness needed to be dealt with stated he saw that and median island activity as two separate issues.

On motion of President Westerlund, seconded by Acting President Brand, duly carried, RESOLVED, the above entitled Bill No. B-2 adopted as Ordinance No. 2010-5, by the following vote:

Ayes : Borgeas, Brand, Dages, Perea, Xiong, Westerlund
Noes : Sterling
Absent : None

(1-G) APPROVE THE THIRD AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING 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

Attorney Richard Harriman submitted written information into the record, stated he represented the Roeding Family, Friends of Roeding Park, and Taxpayers of the City and County of Fresno, and elaborated on the objections to the amendment as an improper expenditure and gift of public funds to a private project developer, all as contained in his material as submitted **(3 - 0)**.

Tom Richards, 855 M Street, Vice Chair and a director of the Chaffee Zoo stated the Zoo Board voted unanimously to support the city's request to advance funds for the balance of the EIR currently underway, clarified the funds that will be used are not Measure Z funds but funds from the Chaffee Zoo general fund, and stated they were supportive of the repayment proposal and recommended approval.

Upon questions of Councilmember Borgeas Mr. Harriman confirmed he was retained by the Roeding Family and Friends of Roeding Park, he was on a legal retainer in writing for money, and he was here in his official capacity, and in terms of the Taxpayers of the City and County of Fresno stated no impacted group retained him and he was doing this in the public interest under the Code of Civil Procedures on behalf of the general public and the clients of Friends of Roeding Park who are also taxpayers.

PARCS Director Cooper, Interim City Manager Rudd and City Attorney Sanchez clarified issues and/or responded to questions of President Westerlund relative to point #5 of the staff report and whether there was a top dollar limit on future shared development costs, if a mechanism was in place to allow for some level of Council approval on reimbursement of capital improvements, concern with an open agreement and if Council would have final approval on projects, and point #3 on the City's legal expenses to defend EIR challenges and if there was now a separate agreement. Upon the request for the city attorney's opinion on the argument of a gift of public funds Mr. Sanchez stated there was a clear record here on the public benefit (operation of the Zoo for the public benefit) and explained, and from a legal standpoint stated staff felt approval of this amendment was defensible against any challenge related to a public benefit. A motion and second was made to approve staff's recommendation.

Upon question of Mr. Harriman President Westerlund confirmed the agreement entered into on Friday by the Fresno Chaffee Zoo was not before the public this date.

On motion of President Westerlund, seconded by Acting President Brand, duly carried, RESOLVED, the subject Third Amendment to the MOU between the City of Fresno, Roeding Park Playland, Fresno Storyland and Fresno's Chaffee Zoo Corporation hereby approved, by the following vote:

Ayes : Borgeas, Brand, Dages, Perea, Sterling, Xiong, Westerlund
Noes : None
Absent : None

(9:00 A.M. #1) SCHEDULED COMMUNICATIONS: APPEARANCE BY KENNETH FICK TO DISCUSS VARIOUS ISSUES WITH THE POLICE DEPARTMENT

Not present when called.

(9:00 A.M. #2) UNSCHEDULED COMMUNICATIONS:

Paula Savino, 7409 N. Mansionette, spoke to the homeless and the need for housing.

Brunette Harris, POB 12571, stated she was opposed to the use of CDBG money on any project and funds could not be used without community input, and spoke to the arrogance of the City Council and the lack of District 3 representation.

Brandon Morse, formerly of 564 F Street, stated decisions Tom Richards makes with his money seem to affect Council's decisions, and spoke to Council's perceived disregard of speaker concerns and stated council representatives should represent the voice of the people.

Alan Simon, 564 F Street, spoke to the need for everyone to work together.

James Grant, 412 "F" Street, spoke to the arrest of medical marijuana advocate Rick Morse of Med-Mar and stated the city's ordinance was contrary to the will of the people of the State of California and if the federal government wanted to enforce their rules Council should request they send in U.S. marshals.

Rick Morse, 564 F Street, spoke to the city of Fresno wanting him jailed for dispensing medical marijuana to qualified patients, to his incarceration, and to his civil rights and the right to protect his home and his family.

Robert Williams, 146 Dennis Drive, Clovis, spoke to cannabis, to his having a liver transplant, to him starting to die due to his difficulty in obtaining the drug, and to the daily pain he goes through, and also spoke to the issues of chemtrails and the planet Nibiru.

Robin Morse, 204 E. Olive, spoke to how Council's decisions affected her family (and the community).

Willie Heager, homeless, sang "Me and Bobby McGee".

Jim Comegys, 1566 W. Browning, spoke to the hope, vision and possibilities for housing.

(9:00 A.M. #3) RESOLUTION NO. 2010-25 - SUBMITTING TO CITY ELECTORS A PROPOSAL TO REPEAL CHARTER SECTION 1504 RELATING TO THE ADDITION OF TWO (2) COUNCIL OFFICES - COUNCILMEMBERS BRAND, BERGEAS AND XIONG, *as amended, to AMEND Charter Section 1504*

Acting President Brand explained Charter Section 1504, the history of it, and his research and findings, stated based on outreach and discussions with the mayor he and Councilmembers Borgeas and Xiong were proposing an amendment versus an outright repeal of the section, and stated the amendment would raise the population threshold from 540,000 to 650,000 and it would not allow an automatic addition of two seats but would require a comprehensive review/hearing/vote on the addition with ultimately a vote of the voters, and further explained.

Councilmember Borgeas added this issue was one that was not taken lightly and there was a thorough vetting and consultations with a large number of groups, stated one motivator was the automatic trigger and they felt the decision to enlarge council should be decided in the proper context and explained, spoke to the cost perspective (4 - 0) stating it was their opinion this was an appropriate time to make certain that taxpayer dollars are not expended needlessly, and stated of the top ten cities in California, of which Fresno is ranked fifth, the average representation for a council member to resident was approximately 98,000 residents and stated currently each member represents 70,000-72,000 residents and with two more members that number would drop to 60,000 and Fresno would then be leading the way in local government growth in California which was a dubious distinction he did not feel Fresno should have. Councilmember Xiong spoke to the community outreach effort and advised of groups in support of the amendment, emphasized this was not about representation, pointed out the existing Charter section eliminated any discussion about representation and without this amendment there would be no community policy discussion, and stated the policy put in place twenty years ago had good intentions but it does not address the needs and it takes the right to make a decision away from Council.

Mayor Swearingin spoke to the agreement that was reached and expressed her support for this approach stating it honored the fact that increased participation in local government will be needed at some point in the future and establishes a reasonable way to assess what that appropriate level is.

Speaking to the issue were: Mary Savala, League of Women Voters, who stated the League has held positions on the Charter since its adoption and explained, but did not reach consensus on this measure and stated they would hold a special meeting of their membership to revisit this issue and come to a position if possible, and added they would like to participate in the public outreach effort if this is approved; and Chuck Kruegman, 1237 "P" Street, who stated his opposition to the amendment noting the voters spoke twice and there currently was not adequate representation and explained.

Upon questions of Councilmember Dages Acting President Brand stated the estimated cost to put this on the ballot was between \$95,000 and \$125,000 which was a good investment compared to the cost of two additional seats, and stated there has been a 21% increase in the total City Council budget over the past three years and explained. Interim City Manager Rudd added the funding source for the ballot measure would be from funds budgeted for elections. Councilmember Dages spoke to the city's budgetary problems and recent layoffs, stated he supported the concept but he could not support this measure as it was not the right time, added the June 2010 ballot was pushing it and 2012 would work out fine, and spoke additionally to the funding source, with Mr. Rudd clarifying issues. Acting President Brand stated in looking at the detailed the cost for two seats would cost quite a bit more and to put this in context stated \$1 million would be an open fire station or 10-20 police officers or 20 support personnel and based on research Fresno would not be out of any statistical average or any kind of representation model and urged Council's support.

Councilmember Perea thanked the authors and the administration for finding a compromise and stated although this was a little better than the original measure his concern was City Hall insiders telling the public when they will or will not have additional representation, stated the voters made their voice known twice, advised he supported the matter when former council member Duncan brought it forth as he was curious to see how the voters would react to the idea and their position was heard loud and clear, stated there was some merit in raising the threshold and he would support looking at that but the process that would follow that and City Hall insiders trying to keep the status quo really bothered him, spoke to comments about better communication with Email, Facebook, Twitter and stated while that may be true for some the southern part of his district did not have access to that technology and elaborated further, and stated Council should listen to the voters who spoke twice and stop trying to manage and keep the status quo from within City Hall and reject this measure.

Councilmember Sterling also thanked the authors, stated she concurred with Councilmembers Perea and Dages, spoke to the homeless and their realization of the importance of having a stable address so they can vote and be a part of the American way and also to their lack of access to higher technologies adding the situation was not equal, stated the voters spoke twice already and noting the census process was occurring stated she would support waiting until after the count and putting this on the 2012 ballot, and stated the timing, the cost and upcoming layoffs concerned her and added if this is approved major dollars will be needed for the media public outreach campaign.

Councilmember Xiong stated the cost for this ballot measure was a policy decision Council will have to weigh in on and make; relative to comments on a budget crisis emphasized there will be a real budget crisis when two seats are automatically added; relative to voters already making their voice known stated he did not even know about the 2006 initiative although he was campaigning for office at that time which meant there was really no effort in terms of education, outreach, and having broad-based support in getting the message out; noted the last effort to repeal the Charter section failed 47% to 53% which was real close for an effort brought forth by a single council member and he felt with this effort and the broad community support this measure would pass if efforts are made with partnerships to get the message out; stated if \$140,000 was going to be a deciding factor to this process then that would be a serious policy discussion; and relative to comments about engaging the community stressed two additional seats will be automatic and there will be no opportunity for discussion on representation or population threshold and upon his question Mr. Sanchez confirmed the current ordinance had a mandate that Council *must* add two council offices when the 540,000 population is met and the community would only be able to weigh in on how the two new districts would be aligned. Councilmember Borgeas concurred 100% and stressed this was a mandate decided twenty years ago, the trigger was automatic, and there would be no debate and he felt that in and of itself should be scrutinized; stated decisions should be made in the context in which circumstances allow the best decisions to be made adding officials did not have information in 1992 that Council now has; spoke to the lackluster approach the last initiative was put forward with and lack of community outreach and spoke to the major organizations that were consulted and who have given their endorsements; added this was an opportunity to match Fresno's peer cities in terms of representation and allow that discussion to take place rather than an automatic trigger; and stressed the voters should be deciding this issue, this was an opportunity to save money while spending a little, and this was a decision that will impact Fresno's ahead and this Council as a body.

Relative to comments on the need for voters to have a chance to update their opinion because this was a decision made in the 1990s Councilmember Perea pointed out the decision was reaffirmed two years ago so the voters did hear this item, did have a chance to debate, and did determine what was best for them; and stated now hearing there will be a campaign funded where special interest money has been committed to keep the status quo set by City Hall insiders concerned him even more. Councilmember Dages stated he was surprised to hear the Chamber of Commerce and Lincoln Club were involved, stated he supported this before because that was back when it was affordable, reemphasized the reason the City was in economic problems was because it was spending money it did not have and Council was doing that now, stated this could be done in 2012 or 2014 and reiterated he supported the concept of increasing the population threshold, stated he resented the comment that the voters should decide and emphasized they decided it twice already and questioned what part of that was not understood, and stated he did not like the idea of three members getting together to begin with to place something on the ballot although that was legal, and noted Acting President Brand spoke to him stating that made four and upon his question Mr. Sanchez stated if a council member has communication with a majority of the council that is a Brown Act violation.

Acting President Brand stated for the record Councilmember Dages asked him if he was behind this measure as Councilmember Sterling had posed that question and he responded he was, and added this has been a spirited debate and respected all views, clarified there has been no effort to solicit donations or develop a campaign and in this point in time it was three members outreaching to the community, and stated there were no plans at all to ask anyone to raise money to form a campaign committee.

President Westerlund clarified this matter was before the voters four years ago and that effort was to repeal any additional members and what was before council was significantly different, stated former council member Duncan did not actively pursue the issue and an active campaign would be needed to support this, noted the measure in 2006 was on the back page of the ballot and he felt people were not aware of it, and presented questions relative to the estimated cost to place this on the ballot and if there would be a cost savings due to council primaries also being on the ballot, with Acting President Brand and Mr. Sanchez responding. President Westerlund noted labor unions who are most affected by our budget crisis were supportive of this and he gave that some credence and would be supportive, and stated he felt the language "Amendment of Charter 1.504 to require City Council and voter approval prior to government expansion" was overly broad and suggested it be changed to "...prior to City Council expansion", with Mr. Sanchez responding and (5 - 0) stating that could be done.

Councilmember Borgeas stated the decision in 2006 was not on an amendment but an outright repeal and this was different, and relative to comments that special interests have been reached out to and solicited for financial support in terms of a campaign stated that was not true, and proposed, so that voters will not be confused as to who is behind this initiative, that no private sector/special interest support will be accepted, which was agreed to Councilmember Xiong and Acting President Westerlund. Councilmember Borgeas added President Westerlund's language suggestion had been discussed.

Mr. Sanchez clarified (1) under State law City resources can not be used to advance a measure; and (2) relative to the Resolution corrected a typo in Section 4, changing Fiscal Year 2009-1020 to FY 2009-2010.

On motion of Councilmember Borgeas, seconded by Acting President Brand, duly carried, RESOLVED, the above entitled Resolution No. 2010-25 hereby adopted, as corrected, by the following vote:

Ayes : Borgeas, Brand, Xiong, Westerlund
Noes : Dages, Perea, Sterling
Absent : None

(9:15 A.M. "A") BUDGET UPDATE REPORT COVERING DEPARTMENTAL MID YEAR STATUS OF REALIZED FINANCIAL POSITION AND PROJECTIONS THROUGH YEAR END

Budget Director Smith gave an in-depth PowerPoint presentation entitled Budget Update Mid Year FY 2010 which consisted of a Budget Update Summary, General Fund Status, Enterprise Fund Update, and Planning for FY 2011, all as contained in the written information submitted to Council.

Rick Morse, formerly 564 "F" Street, questioned where the City's priorities were and how much money was spent trying to put him out of business; and Brandon Morse, formerly of 564 "F" Street, spoke to he and his family being terrorized, to representation and to constitutional rights.

Upon questions of Acting President Brand Ms. Smith stated only \$2.2 million would be carried into next year versus \$10 million, progress was being made on an early retirement option and it was anticipated to come forth on the 25th, there was no change from the mid year actuarial report, the sale of the Blosser and Palm Lakes properties were still out there to be sold and they were timing issues for now, and the debt services for the Met had been factored in and if the New Market Tax Credits were not successful that number would increase from \$200,000 to \$300,000. Acting President Brand thanked Ms. Smith for her diligence stating for the most part projections were very accurate. Upon question and request of President Westerlund Ms. Smith stated Granite Park debt service was factored in and expanded on the Community Care Doctrine, and City Attorney Sanchez stated he could provide a summary on that legislation. President Westerlund thanked Ms. Smith for the information and there was no further discussion.

LUNCH RECESS - 12:18 P.M. - 2:02 P.M. Councilmembers Borgeas and Perea were absent for the remainder of the meeting.

(9:15 A.M. "B") APPROVE A \$160,000 DISPOSITION & DEVELOPMENT AGREEMENT AND HOME AGREEMENT WITH HABITAT FOR HUMANITY FRESNO, INC., FOR CONSTRUCTION OF TWO AFFORDABLE SINGLE-FAMILY HOMES ON E. GARRETT AVENUE (APNs 481-390-46T and 481-390-47T)

HCD Manager Cazares reviewed the issue and recommended approval, all as contained in the staff report as submitted.

Tony Miranda with Habitat for Humanity stated Habitat acquired seven additional lots in this subdivision and they were excited to be in the subdivision and already had a commitment to that area, and stated they were excited and looking forward to the project.

Ms. Cazares acknowledged Project Manager Nunez for her diligence in bringing this project forth. A motion and second was made to approve staff's recommendation. Councilmember Sterling thanked staff for their efforts and Habitat for all the great work they have done, and continue to do, in the community.

On motion of Councilmember Dages, seconded by Councilmember Sterling, duly carried, RESOLVED, the subject \$160,000 Disposition and Development Agreement and HOME Agreement with Habitat for Humanity Fresno, Inc., hereby approved, by the following vote:

Ayes : Brand, Dages, Sterling, Xiong, Westerlund
Noes : None
Absent : Borgeas, Perea

(9:15 A.M. "C") AUTHORIZE THE CITY MANAGER TO AMEND THE EXISTING PARKING AGREEMENT FOR THE DOWNTOWN HOLIDAY INN HOTEL FOR A PERIOD NOT TO EXCEED SIX (6) MONTHS

Public Works Director Weimiller reviewed the issue, all as contained in the staff report as submitted.

Joe Subramanian, General Manager of the Holiday Inn, stated the economy was not getting any better and urged support to attract clients (6 - 0).

Councilmember Sterling thanked staff for working with the hotel, upon her question Mr. Subramanian stated he was going to speak with hotel management about this agreement and would inform the City if there are any concerns, and upon her further question Interim City Manager Rudd clarified the parking fees would be deferred for six months and repayment would occur when occupancy reaches 60%, and added the 1965 development agreement had been amended nine times and staff would be working with the hotel in the next six months on a more current model, long-term agreement.

On motion of Councilmember Sterling, seconded by Councilmember Dages, duly carried, RESOLVED, the City Manager authorized to execute an amendment to the parking agreement with Brisam Fresno LLC to defer parking fees associated with the downtown Holiday Inn for a period not to exceed six months, beginning February 2, 2010, by the following vote:

Ayes : Brand, Dages, Sterling, Xiong, Westerlund
Noes : None
Absent : Borgeas, Perea

(10:00 A.M.) HEARING ON REZONE APPLICATION NO. R-08-032 AND ENVIRONMENTAL FINDINGS FILED BY ABDUL BAKER ON BEHALF OF PROPERTY OWNER AFTAB NAZ, PROPERTY LOCATED ON THE SOUTHEAST CORNER OF THE W. MCKINLEY AND N. MARKS AVENUES INTERSECTION

1. CONSIDER AND ADOPT A FINDING OF CONFORMITY TO THE GENERAL PLAN MEIR PREPARED FOR E.A. NO. TPM-2007-17/R-08-32/C-08-253

2. **BILL NO. B-4 - ORDINANCE NO. 2010-6 - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT PROPERTY FROM T-P TO R-2**

President Westerlund announced the time had arrived to consider the issue and opened the hearing. Planner Tackett advised the staff report as submitted was complete and there was no new information to add.

Upon call, no one wished to be heard and President Westerlund closed the public hearing.

Mr. Tackett and Planning Manager Sanchez responded to questions of President Westerlund and/or clarified issues relative to the zoning, densities, and classification term and plans to make terms consistent with the general plan.

On motion of Councilmember Sterling, seconded by Acting President Brand, duly carried, RESOLVED, the environmental finding for the subject E.A. hereby approved, and the above entitled Bill No B-4 rezoning the subject property adopted as Ordinance No. 2010-6, by the following vote:

Ayes : Brand, Dages, Sterling, Xiong, Westerlund
Noes : None
Absent : Borgeas, Perea

(10:30 A.M.) CLOSED SESSION - CONFERENCE WITH LABOR NEGOTIATOR:
CITY NEGOTIATORS: KENNETH PHILLIPS, TERRY BOND
EMPLOYEE ORGANIZATION: AMALGAMATED TRANSIT UNION, LOCAL 1027 (ATU)

The City Council met in closed session in Room 2125 at the hour of 2:24 p.m. to consider the above matter and the meeting was adjourned thereafter.

ADJOURNMENT

There being no further business to bring before the City Council, the hour of 2:39 p.m. having arrived and hearing no objection, President Westerlund declared the meeting adjourned.

Approved on the _____ day of _____, 2010.

Larry Westerlund, Council President

ATTEST

Yolanda Salazar, Assistant City Clerk