

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:	Brian Calhoun	Councilmember
	Paul Caprioglio	Councilmember
	Mike Dages	Councilmember
	Jerry Duncan	Councilmember
	Henry Perea	Councilmember
	Cynthia Sterling	Acting Council President
	Blong Xiong	Council President

Andy Souza, City Manager  
 James Sanchez, City Attorney  
 Becky Klisch, City Clerk  
 Yolanda Salazar, Assistant City Clerk

Reverend James McDonald of the Holy Family Episcopal Church gave the invocation, and President Xiong led the Pledge of Allegiance.

**PROCLAMATION OF "JOSH MCDONALD DAY" - COUNCILMEMBER CALHOUN**

Read and presented.

**PRESENTATION OF THE SPCA PET OF THE MONTH - COUNCILMEMBER CAPRIOGLIO**

The pet of the month available for adoption, a male Chihuahua mix, was presented.

**PROCLAMATION OF "MIKE MALVESTUTO DAY" - COUNCILMEMBER DAGES**

Read and presented.

**PROCLAMATION OF "MARISA ORDUNO APPRECIATION DAY" - COUNCILMEMBER PEREA**

Read and presented.

**RESOLUTION TO THE BRIDGES FAMILY HONORING POLICE OFFICER RON BRIDGES - ACTING PRESIDENT STERLING**

Read and presented.

**RECOGNITION TO THE PUBLIC UTILITIES WASTEWATER MANAGEMENT DIVISION FOR RECEIVING THE PUBLIC EDUCATION AWARD BY THE NATIONAL ASSOCIATION FOR CLEAN WATER AGENCIES FOR THE SALINITY EDUCATION PROGRAM**

Recognition made **(2 - 0)**.

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**APPROVE MINUTES OF JULY 29, 30 AND AUGUST 6, 2008:**

On motion of Councilmember Perea, seconded by Councilmember Caprioglio, duly carried, RESOLVED, the minutes of July 29 & 30, and August 6, 2008, approved as submitted.

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**APPROVE JOINT POWERS FINANCING AUTHORITY MINUTES OF JULY 29, 2008:**

Laid over one week.

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**COUNCIL MEMBER REPORTS AND COMMENTS:**

COUNCILMEMBER DUNCAN: Request for staff report on how to retain the two positions that are successfully addressing the city's copper wire theft problem.

COUNCILMEMBER CALHOUN: Request staff look into (1) numerous dead trees on the Mariposa Mall, and (2) placing the existing Sports Town Fresno State baseball team national championship banners throughout the city.

COUNCILMEMBER DAGES: (1) Request for updates/status on removal of the Peach/Butler traffic diverter, the Peach Avenue improvement project between Belmont and Kings Canyon, and a prior request made for a bus stop at the southeast corner of Florence and Chestnut Avenues; and (2) the policy being developed by staff for recycling centers and request staff return with a proposal addressing one condition dealing with the possible revocation of a proprietor's permit due to illegal activities on or near the business, with City Manager Souza responding.

ACTING PRESIDENT STERLING: (1) Request staff look into (a) status of rehabilitating the burned Helen Smades building at 700 E. Shaw, and (b) waiving the \$1.75 surcharge for a performance at the Saroyan Theater for Fresno Unified students; and (2) the annual concrete damage report being prepared and request staff give special attention to the area around City Hall ("P", Tulare, Fresno & "R" Streets).

PRESIDENT XIONG: (1) Request for follow-up on previous request for a report on bus sizes; (2) request for status on the Quigley and Lions Parks improvement projects; (3) request for update on the street calming pilot program; (4) thank you to Sheriff Mims and officers for the jail tour provided as part of the Joint Powers Authority meeting; and (5) report on attendance at the Hunter Place apartment complex opening and commendation to their staff and Neighborhood Watch for their participation.

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**APPROVE AGENDA:**

**(10:00 A.M.)** CONTINUED HEARING ON 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, PROPERTY LOCATED ON THE NORTHEAST AND SOUTHEAST CORNERS OF S. CLOVIS AND E. CALIFORNIA AVENUES (Refer back to staff)

Referred back to staff as noted.

**(3:00 P.M.)** JOINT MEETING WITH THE REDEVELOPMENT ON AGENCY TO CONSIDER RESOLUTION CERTIFYING THE SEIR FOR THE OLD ARMENIAN TOWN PROJECT-RELOCATION OF HISTORICAL RESOURCES (Continue to August 26, 2008, at 3:00 p.m.)

Continued as noted.

**(1-D)** ADOPT FINDING OF A CATEGORICAL EXEMPTION UNDER CEQA AND AWARD A CONTRACT TO AMERICAN PAVING CO., IN THE AMOUNT OF \$285,118.50 FOR INSTALLATION OF STREET INFRASTRUCTURE IN NO NEIGHBORHOOD LEFT BEHIND AREA 12

City Clerk Klisch clarified the project was located in District 2 and not District 1 as indicated on the agenda and staff report.

**(9:15 a.m. 'E')** DIRECT STAFF TO RETURN WITH ENABLING DOCUMENTS LIMITING THE CONTRACTING OF FRESNO POLICE OFFICERS TO SPECIAL EVENTS OR OCCURRENCES THAT HAPPEN ON AN OCCASIONAL BASIS ONLY - COUNCILMEMBER DUNCAN

Councilmember Duncan advised Chief Dyer wanted to discuss the issue with him and laid the item over one week.

**(‘C’) REQUEST FOR COUNCIL RECONSIDERATION OF BILL NO. B-49 AMENDING THE FMC RELATING TO SOLID WASTE, RECYCLABLE AND GREEN WASTE COLLECTION AND DISPOSAL, INTRODUCED ON JULY 22, 2008, AND FAILED ADOPTION ON JULY 29, 2008 - MAYOR AUTRY**

Councilmember Duncan advised he received a request from some industry members for a delay to address concerns and laid the item over one week.

On motion of Councilmember Caprioglio, seconded by Councilmember Dages, duly carried, RESOLVED, the AGENDA hereby approved, as amended, by the following vote:

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

### ADOPT CONSENT CALENDAR:

Barbara Hunt, 2475 S. Walnut, spoke in support of the police and fire departments and their items, and in support of Item 1-I.

Councilmember Perea pulled Item 1-C, Councilmember Duncan pulled Items 1-B and 1-M, and Councilmember Calhoun pulled Item 1-R from the Consent Calendar for separate discussion/action at 2:00 p.m.

**(1-A) RESOLUTION NO. 2008-195 - AUTHORIZING ACCEPTANCE OF \$100,000 IN GRANT FUNDING FROM THE STATE ALCOHOLIC BEVERAGE CONTROL FOR THE POLICE DEPARTMENT'S 2008-09 GRANT ASSISTANCE PROGRAM (GAP), AND AUTHORIZE THE CHIEF OF POLICE TO ENTER INTO AND EXECUTE THE AGREEMENT AND REQUIRED PROGRAM DOCUMENTS**

**1. RESOLUTION NO. 2008-196 - 1<sup>ST</sup> AMENDMENT TO THE AAR APPROPRIATING THE GRANT FUNDS TO THE POLICE DEPARTMENT FOR THE GAP**

**(1-D) ADOPT FINDING OF A CATEGORICAL EXEMPTION UNDER CEQA, AND AWARD A CONTRACT TO AMERICAN PAVING CO. IN THE AMOUNT OF \$285,118.50 FOR INSTALLATION OF STREET INFRASTRUCTURE IN NO NEIGHBORHOOD LEFT BEHIND AREA 12**

**(1-E) AUTHORIZE THE DIRECTOR OF AVIATION TO SIGN A MILITARY CONSTRUCTION COOPERATIVE AGREEMENT WITH THE NATIONAL GUARD BUREAU FOR CONSTRUCTION OF A BAK-14 AIRCRAFT ARRESTING SYSTEM ON RUNWAY 11L AT THE FYI AIRPORT**

**(1-F) AUTHORIZE THE DIRECTOR OF AVIATION TO EXECUTE AN AGREEMENT WITH REINARD W. BRANDLEY, CONSULTING AIRPORT ENGINEER, FOR ON-DEMAND PROFESSIONAL AND CIVIL ENGINEERING CONSULTING SERVICES FOR THE AIRPORTS DEPARTMENT IN AN AMOUNT NOT TO EXCEED \$200,000 DURING FY 2009**

**(1-G) APPROVE A SIDE LETTER OF AGREEMENT WITH THE INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS (IBEW) LOCAL 100, PROVIDING VACATION DAYS IN RESOLUTION OF AN MOU REOPENER (PROVIDING A ONE TIME ADDITION OF THREE DAYS (24 HOURS) VACATION LEAVE TO UNIT EMPLOYEES)**

**(1-H) ADOPT A MOU WITH THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS (IAFF), NON-MANAGEMENT UNIT 5, COVERING THE PERIOD JULY 1, 2008 - JUNE 30, 2009**

**1. RESOLUTION NO. 2008-197 - 1<sup>ST</sup> AMENDMENT TO SALARY RES. 2008-165 AMENDING EXHIBIT 5, NON-MANAGEMENT IAFF**

**(1-I) APPROVE AMENDMENT NO. 4 TO THE HOME INVESTMENT PARTNERSHIPS PROGRAM AGREEMENT WITH SELF-HELP ENTERPRISES APPROVING A 60-DAY TIME EXTENSION FOR COMPLETION OF THE TEN REMAINING HOMES IN THE 30-HOME LITTLE LONG CHENG SINGLE FAMILY HOME SUBDIVISION, SUBJECT TO PRIOR APPROVAL BY THE CITY ATTORNEY**

**(1-J) RESOLUTION NO. 2008-198** - APPROVING THE FINAL MAP OF TRACT NO. 5231 AND ACCEPTING DEDICATED PUBLIC USES THEREIN, N. MAPLE BETWEEN E. PERRIN AND E. SHEPHERD AVENUES

**(1-K)** ADOPT RESOLUTION OF INTENTION NO. 1065-D FOR THE VACATION OF A PORTION OF THE WEST SIDE OF N. CLOVIS AVENUE BETWEEN E. GRANT AND E. MADISON AVENUES, AND SETTING THE REQUIRED PUBIC HEARING FOR SEPTEMBER 16, 2008

**(1-L)** APPROVE TERMS OF AN AGREEMENT WITH THE FRESNO METROPOLITAN FLOOD CONTROL DISTRICT FOR LAND ACQUISITION AND JOINT DEVELOPMENT & OPERATION OF LAND FOR COMPLETION OF THE FIGARDEN LOOP PARK

**(1-N)** APPROVE AMENDMENT NO. 3 TO THE SERVICE AGREEMENT FOR FIRE PROTECTION AND EMERGENCY SERVICES TO THE NORTH CENTRAL FIRE PROTECTION DISTRICT

**1. RESOLUTION NO. 2008-199** - 4<sup>TH</sup> AMENDMENT TO THE PAR ADDING ONE SENIOR FIRE PREVENTION INSPECTOR POSITION TO THE FIRE DEPARTMENT BEGINNING 8/19/08, THROUGH 6/30/09

**2. RESOLUTION NO. 2008-200** - 9<sup>TH</sup> AMENDMENT TO THE AAR APPROPRIATING \$55,100 IN THE FIRE DEPARTMENT FOR THE SENIOR FIRE INSPECTOR POSITION IN THE AGREEMENT

**(1-O)** APPROVE AN MOU WITH THE FRESNO COUNTY ECONOMIC OPPORTUNITIES COMMISSION (EOC) FOR THE FRESNO SAFE AND PROUD NEIGHBORHOODS AMERICORPS GRANT PROGRAM

**(1-P** - REMOVED FROM THE AGENDA)

**(1-Q)** APPROVE CITY MANAGER APPOINTMENT OF STEVEN SHUBIN AS BOARD MEMBER OF THE CITY OF FRESNO DEFERRED COMPENSATION BOARD

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

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

**(9:00 A.M.) PUBLIC COMMENT PERIOD:**

**(A) SCHEDULED COMMUNICATION** - APPEARANCE BY EDWARD WEST TO DISCUSS EXISTING ZONING CODES

Not present when called.

**(B) UNSCHEDULED COMMUNICATIONS:**

Warren Zimmerly spoke to the police department's expansion plans and stress levels of law enforcement.

Sherry Smith, 4724 W. Swift, spoke to the Ashlan Cornelia corridor and the need for infrastructure improvements in the entire area west of Freeway 99.

Barbara Hunt spoke to the recall effort of Acting President Sterling, to her support for Ms. Sterling, and to the lack of involvement of the west Fresno community in issues.

Paul Hurlbut spoke to and made suggestions on the renovation of Fire Station 16.

Venancio Gaona, 5209 E. Hamilton, spoke to an incident that occurred on June 24<sup>th</sup> on a FAX bus involving two Latina students and to the process he followed and city official he spoke to, and appealed to Council for resolution.

Richard Smith, 4724 W. Swift, advised his household has not received correspondence that his neighbors receive on neighborhood issues/meetings and expressed his concern and questioned if games were being played.

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

**(‘A’) CONSIDER APPROVAL FOR A COUNCIL OVERRIDE VOTE OF RESOLUTION NO. 2008-173 ADOPTING THE 470<sup>TH</sup> AMENDMENT TO THE MFS REPEALING THE EXTRA \$2 CHARGE FOR “NON-RESIDENTS” TO ENTER ROEDING PARK, WOODWARD PARK AND THE REGIONAL SPORTS COMPLEX, VETOED BY MAYOR AUTRY ON JULY 28, 2008 - COUNCILMEMBER DUNCAN**

Councilmember Duncan stated points and facts had been thoroughly discussed, advised he would approach this in a different manner and stated when revenues are flat either fees can be raised or business can be increased and elaborated on the need for staff to think about ways to increase attendance at parks and better utilize parks facilities to get extra income, stressed the fees did not have to be increased and urged Council to override the veto and work with PARCS to get more events, then wait and look at the issue next budget year and if needed raise fees equally to \$4.00, added he still had not received a solution to the problems of county island residents and those who live in the city but have Clovis addresses on their license, and made a motion to override the Mayor’s veto, which motion was seconded by Councilmember Perea.

Speaking in support of the motion/override were: Barbara Hunt **(3 - 0)** and Paul Hurlbut.

Councilmember Calhoun stated this was a fairness issue for city residents who pay taxes for parks and added it was not fair to subsidize those who do not pay taxes and further elaborated, and urged Council to support the mayor’s veto. Acting President Sterling stated dealing with non-city residents and determining at the gate who is a non-resident needed to be explored further and elaborated. Councilmember Dages stated he disagreed with staff, stated staff was doing a great job but attracting new people/more people to our parks was a responsibility of staff and the city needed to take advantage of the economy and inform people of the entertainment and activities at our parks, and reiterated attracting new customers was the answer -- not raising fees. City Manager Souza stated the basis for this was straightforward, the city significantly subsidizes the regional parks, the city was bringing the regional park fee to the same rate people will pay when they go to county parks, and added the goal was to provide the safest and cleanest parks, a tremendous investment had been made in these parks with general fund dollars which come from taxes, and this would provide a fairness to that deep subsidy. President Xiong stated some concerns had been addressed and he was willing to evaluate this in one year to see if issues were being addressed appropriately.

A motion of Councilmember Duncan, seconded by Councilmember Perea, to override the Mayoral veto of Resolution No. 2008-173 failed, due to the need for five affirmative votes, by the following vote:

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

**(‘B’) DISCUSSION AND DIRECTION TO ALLOCATE THE \$355,306 FROM THE SALE OF PROPERTY AT W. HERNDON AVENUE AND GOLDEN STATE BOULEVARD TO THE PARCS DEPARTMENT FOR AFTER-SCHOOL PROGRAMS - COUNCILMEMBER DAGES**

Councilmember Dages reviewed the issue, all as contained in his memo to Council as submitted, upon his question City Attorney Sanchez confirmed Council would have to give direction to staff to return with an appropriation resolution which would require five votes for adoption, and made a motion to direct staff to return with a resolution appropriating the funds to the PARCS department.

Speaking to the issue were: Barbara Hunt, and Mike Berg, Assistant Superintendent of Central Unified School District, support, who also requested Central Unified schools be included.

Upon question of Councilmember Calhoun, City Manager Souza advised this property was originally leased for \$10,000 a year and those funds were directed to weed abatement activities on an annual basis. Councilmember Calhoun stated he was not supportive of the motion as Council already went through the budgeting process, funds had been allocated for the after-school programs, and now a plan would have to be developed on how to use these additional funds; stated he loved kids but the city was not in the business of running school districts adding the first priority was to the citizens of Fresno; stated these unanticipated funds should not just be thrown at something and he wanted them to be saved for an unanticipated problem noting tough financial times and challenges were ahead; and made an amended motion to place the funds in a contingency account, which motion was seconded by Councilmember Caprioglio. Mr. Souza requested \$10,000 be established for weed abatement this year for closure with the remaining funds going into contingency, which was accepted by the motion-makers.

Upon questions of Councilmember Duncan, Councilmember Dages clarified his intent was to use the funds for all school districts city-wide, and PARCS Director Cooper stated he would put the funds aside for long-term neighborhood park commuter lab programs, whereupon Councilmember Duncan expressed his support for the original motion and making an investment in our kids. Mr. Souza cautioned against earmarking this one-time money for on-going programs and recommended it go to capital projects and one-time related expenditures.

Mr. Cooper responded to questions of Acting President Sterling relative to whether staff felt it was unfair to start programs/hire staff and then have to eliminate them next year, if staff felt they could leverage funds to retain programs, and if the funds would be used fairly across the board. Acting President Sterling stated funds tend to get lost when placed in contingency and advised she would support the original motion and cautioned staff to proceed cautiously.

Councilmember Dages reiterated his motion included programs at all districts, advised he would not support Councilmember Calhoun's motion stating nothing gets done that way, agreed with Mr. Souza on establishing \$10,000 for weed abatement this current year, and restated his motion to direct staff to return with a resolution allocating \$345,306 to the PARCS department to be used for after-school programs throughout the city at the discretion of the PARCS director, and allocating \$10,000 for weed abatement activities. Councilmember Perea stated he supported the original motion, requested the amended motion be rejected, stated the main thing was the money would be used for after-school programs where there was a great need, and added he was a product of after-school programs and spent critical hours doing constructive things.

President Xiong concurred there were going to be a lot of needs, stated he wished staff had provided a recommendation on the use of these funds, and noted the funds were being derived from property in District 2 and Councilmember Calhoun's motion should be considered in terms of policy direction and to allow staff to do their work and provide a recommendation. Councilmember Calhoun stated the Herndon Town water system problem was a direct city concern and went to the heart of what Council does and he could have requested the funds go towards that.

**(4 - 0)** An amended motion of Councilmember Calhoun, seconded by Councilmember Caprioglio, to place the subject funds into a contingency account failed, by the following vote:

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

On motion of Councilmember Dages, seconded by Councilmember Duncan, duly carried, RESOLVED, staff directed to return with a resolution appropriating the net proceeds of the \$355,306 from the sale of the Herndon/Golden State Boulevard property to the PARCS department for capital related after-school programs, after funding \$10,000 for current year weed abatement activities and \$10,000 to \$12,000 for closing costs, by the following vote:

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

**(C\*) DIRECT STAFF TO REPORT BACK BY 9/16/08, WITH AN UPDATE ON RE-AUTHORIZED MEASURE C FUNDING PRIORITIES - COUNCILMEMBER CALHOUN**

Councilmember Calhoun spoke to the background of Measure C and stated he had not seen much since the initiative passed, spoke to roads and other funding sources but stated without Measure C there would not be much movement, stated he was very concerned that Measure C was in limbo and clarified this was not just about the west area or Veterans's Boulevard and he felt it was time to send the Measure C expenditure advisory committee a message on where the city stands and to ask city staff to bring forth recommendations on where the city should spend its' money, stated he and Councilmember Duncan who would be gone next year had a right to weigh in on this matter and he wanted the process started, and made a motion to direct staff to return in 30 days with recommendations on the city's expenditure of Measure C funds, which motion was seconded by Acting President Sterling.

Speaking to the issue were Barbara Hunt and Ignacio Garibay.

Acting President Sterling stated there were concerns on how the money should be spent but no directive had been given, agreed Veteran's Boulevard was an integral part of connecting the city and for future expansion but noted California Avenue has been ready to go for the past 30 years and was part of Tier 1 recommendations, advised the Monterey Street Bridge was also shelf-ready and stated clear priorities needed to be determined, stated bonding opportunities will have to be looked at, Caltrans needed to be helped along as they were not doing their job, and suggestions needed to be provided to the Transportation Authority, and stressed shelf-ready Tier 1 projects should not be moved aside and added Veterans' Boulevard should move along but in a right and orderly fashion.

Upon question of City Manager Souza, Councilmember Calhoun clarified his motion related to the city's regional transportation projects; and upon questions of Councilmember Duncan Mr. Souza stated discussions occurred in the past, he believed a list of priorities was submitted but was unsure if it was approved by Council, and he had no problem bringing the list back on September 16<sup>th</sup>. Mr. Souza continued and clarified issues stating staff was working "well over 100 miles an hour" with stakeholders on Veteran's Boulevard, fundamental issues such as bonding or pay-as-you go will need to be addressed, and balancing Tier 1 projects and conflicting issues will need to be resolved and elaborated on each.

On motion of Councilmember Calhoun, seconded by Acting President Sterling, duly carried, RESOLVED, staff directed to report back by September 16, 2008, with an update on re-authorized Measure C funding priorities, by the following vote:

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

**(D) REQUEST STAFF RETURN IN 30 DAYS WITH OPTIONS FOR ADDITIONAL OR STRENGTHENED POLICIES REGARDING ABANDONED AND FORECLOSED PROPERTIES IN THE CITY - COUNCILMEMBER CALHOUN**

Councilmember Calhoun stated this Council had been very good with its concern about foreclosures and vacant homes, reviewed the issue, all as contained in his report to Council as submitted, stated he wanted staff to look into additional tools that will allow the city to work more closely with institutions who have direct control over vacant homes to get homes back into the hands of people who want to own them, and made a motion to direct staff as outlined above, which motion was seconded by Acting President Sterling.

Barbara Hunt spoke to the issue.

On motion of Councilmember Calhoun, seconded by Acting President Sterling, duly carried, RESOLVED, staff requested to return in 30 days with options for additional or strengthened policies regarding abandoned and foreclosed properties in the city, by the following vote:

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

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

**(A) BILL NO. B-51 - BILL FOR INTRODUCTION ADDING A POLICY TO ALLOW A DEFERRAL FOR PAYMENT OF IMPACT FEES FOR AFFORDABLE HOUSING PROJECTS**

Interim HCD Manager Casares reviewed the issue, all as contained in the staff report as submitted.

Jeff Roberts with Granville Homes, spoke in support and requested Council consider looking at deferral of all fees for qualified projects.

Acting President Sterling expressed her support but stated the deferral should be city-wide and elaborated, with Planning & Development Yovino responding and clarifying issues. Ms. Casares and Mr. Yovino responded at length to questions/comments/concerns of Councilmembers Calhoun, Duncan, Dages and President Xiong relative to how the three \$100,000 grants fit into this, concern with supporting concentrated poverty in the central area through the housing process, how a deferral will save developers money, why this is not being done for everyone if it will save developers money and bring home prices down, this not making sense as developers will pay the same amount at the time of occupancy, need to apply this city-wide, how the 15% to 20% number was determined, if that number is consistent with other cities, how the triangle/central area was decided upon (5 - 0), how the central area boundary was determined, and if this would apply to market rate homes outside the central area.

On motion of Acting President Sterling, seconded by Councilmember Perea, duly carried, RESOLVED, the above entitled Bill No. B-51 introduced before the City Council and laid over, by the following vote:

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

**(‘B’) ACTIONS RELATING TO THE AQUARIUS AQUARIUM INSTITUTE**

**1. RESOLUTION NO. 2008-201 - APPLYING TO LAFCO FOR AN AMENDMENT TO THE CITY OF FRESNO SPHERE OF INFLUENCE BOUNDARY TO INCLUDE 89 ACRES LOCATED ON THE NORTH SIDE OF W. HERNDON AVENUE WEST OF FREEWAY 99 (PROPOSED SITE OF THE AQUARIUM)**

**2. RESOLUTION NO. 2008-202 - INITIATING A PLAN AMENDMENT TO THE 2025 FRESNO GENERAL PLAN AND WEST AREA COMMUNITY PLAN FOR THE AQUARIUM PROPERTY**

Councilmember Duncan made a motion to approve, which was seconded by Acting President Sterling.

Planner Braun gave an in-depth PowerPoint presentation on the issue, all as contained in the staff report as submitted, and corrected Resolution #2 noting it indicated the property was located west of *Freeway 41* and corrected it to *Freeway 99*.

Speaking to the issue were Barbara Hunt, who expressed concerns; and Tom Long, Executive Director of Aquarius Aquarium Institute, who requested support, spoke further to the issue, and thanked staff.

Mr. Braun and Mr. Lang responded to numerous questions of President Xiong relative to what the County’s position was, how this can go to LAFCO without the County’s support for the entire 89 acres, what staff’s expectation was knowing the County sits on LAFCO, if the Aquarius Aquarium preferred inclusion of 10 acres or 89 acres, need to continue to work with the County for the entire west area, what the history was of proceeding without County support, concern with the perception that the City is going ahead and not caring what the County thinks, and there being a larger policy issue in terms of future development west of Freeway 99 and need to continue to work with the County. Councilmember Calhoun left at 12:01 p.m. during questioning for a prior commitment.

On motion of Councilmember Duncan, seconded by Acting President Sterling, duly carried, RESOLVED, the above entitled Resolution Nos. 2008-201 and 2008-202 hereby adopted, by the following vote:

Ayes : Dages, Duncan, Perea, Sterling  
Noes : Caprioglio, Xiong  
Absent : Calhoun

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**(10:15 A.M.) HEARING ON CFD NO. 11, ANNEXATION NO. 34 (FINAL TRACT MAP NO. 5935), AND REQUEST APPROVAL OF FINAL TRACT MAP NO. 5935**

1. **RESOLUTION NO. 2008-203** - ANNEXING TERRITORY AND AUTHORIZING THE LEVY OF TAXES
2. **RESOLUTION NO. 2008-204** - CALLING A SPECIAL MAILED BALLOT ELECTION
3. **RESOLUTION NO. 2008-205** - DECLARING ELECTION RESULTS
4. **BILL NO. B-52 - ORDINANCE NO. 2008-49** - LEVYING A SPECIAL TAX FOR PROPERTY TAX YEAR 2008-09 AND FUTURE TAX YEARS
5. **RESOLUTION NO. 2008-206** - APPROVING THE FINAL MAP OF TRACT NO. 5935, PHASE 2 OF VESTING TENTATIVE TRACT MAP NO. 5901, ACCEPTING DEDICATED PUBLIC USES THEREIN, AND AUTHORIZING THE PUBLIC WORKS, PUBLIC UTILITIES AND PLANNING & DEVELOPMENT DIRECTORS TO EXECUTE THE NECESSARY DOCUMENTS

President Xiong announced the time had arrived to consider the issue, opened the hearing, and upon his question City Engineer Mozier 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 Xiong closed the hearing.

On motion of Councilmember Caprioglio, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled Resolution Nos. 2008-203, 2008-204, 2008-205 and 2008-206 hereby adopted, and the above entitled Bill No. B-52 adopted as Ordinance No. 2008-49, by the following vote:

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

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**(11:00 A.M.) PRESENTATION REGARDING DARLING INTERNATIONAL'S CURRENT OPERATION AT 795 W. BELGRAVIA AVENUE IN SOUTHWEST FRESNO - ACTING PRESIDENT STERLING**

1. APPEARANCE BY CONCERNED CITIZENS OF WEST FRESNO
2. APPEARANCE BY DARLING INTERNATIONAL

Acting President Sterling thanked staff, Darling officials, and the Concerned Citizens for working on this special appearance noting work has been ongoing since May of this year, advised the two presentations and testimony will be beneficial to Council, and noted Council was going to hear this matter in closed session later this afternoon and there would be no discussion or public input.

Mary Curry and Robert Mitchell of Concerned Citizens of West Fresno thanked planning staff for their assistance and Darling for the information provided to them; gave a PowerPoint presentation which included the Mission of Concerned Citizens, History of Darling Rendering Plant, Darling's Economic Benefit to Fresno County, Health Disparities, and Darling Operating Outside of the LAW; requested Council help Darling relocate due to the odor, negative impact, and them operating illegally; and added Darling would not lose jobs by relocating, the Redevelopment Agency was opposed to the operation continuing at that location, and their mitigation measures were appreciated but were not sufficient as the "foul" odor was still there.

Randy Stuewe, Chairman and CEO of Darling, stated he appreciated the opportunity to speak this date; spoke to the history of their plant and to their work force, to the background of this "surprising" situation that arose last year when they applied for a permit to replace an old boiler, to their operating at the site uninterrupted for over 50 years, to their work with residents and establishing a liaison to work with the neighborhood, to the \$10 million spent over the last three years working with the city/obtaining permits to improve their site, to how closing the plant would result in huge economic ramifications to the company, employees, and the community, to the company being in compliance and operating for over 50 years with all the necessary permits and now being faced with the claim that they are out of compliance, and to his concern with staff's position that the company does not have a CUP and their not having a right to new building and operating permits and explained; and requested Council resolve the dispute in a fashion that recognizes their legal right to receive new building permits.

Acting President Sterling thanked everyone for their presence and/or input and staff for all their work, and there was no further discussion.

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**LUNCH RECESS - 12:31 P.M. - 2:02 P.M.** All members were present.

**(10:30 A.M.) DIRECTION/ACTION REGARDING THE STRUCTURE OF THE FRESNO COUNTY WORKFORCE INVESTMENT BOARD (WIB) - PRESIDENT XIONG**

**1. PRESENTATION BY BLAKE KONCZAL, EXECUTIVE DIRECTOR OF THE FCWIB**

As a member of the WIB executive team, President Xiong stated the structure will impact the city **(6 - 0)** when it reaches a population of 500,000 in the next year or two and as the WIB goes through their structural change he felt it was important for Council to be engaged early in the process to see what the city's interests were and what structure it felt would be beneficial.

Blake Konczal, Executive Director of the FCWIB, provided an update and gave an overview of the recommended model developed by the County and the WIB that would give the City appointment authority for half the members, all as contained in the report to Council as submitted.

Kirk Vogt, representing the Central Labor Council of Fresno/Madera/Kings/Tulare Counties, spoke in support of the proposal.

Mr. Konczal, City Manager Souza and President Xiong responded to questions/comments/concerns of Councilmember Duncan and/or clarified issues relative to why this matter was before Council, why the 50% appointment authority was being offered, why one WIB within Fresno County was desired versus two, concern that Council is being asked to support this model with no options being presented, this matter being premature as a new mayor and council will be in office next year and the population will not hit 500,000 overnight, need to present alternatives before changing the structure, if staff felt the city administration should look into establishing its own WIB, concern with making a decision this date without adequate information, and the new mayor possibly having a different opinion and a decision needing to wait until next year.

Acting President Sterling presented questions/comments relative to the current structure, the change that will add additional members to be appointed by the city, the policy on expenditure of funds, if direction was being sought this date to move this forward and explore the recommended model, if a process or policy change will be requested before the new administration comes on board, and support for moving forward on this as the city is a big player in what goes on in the county and needs to have a significant voice. Mr. Konczal responded/clarified issues throughout.

Councilmember Calhoun also stated his support for moving forward adding it was about time the city got more involved, disagreed that the new mayor needed to "chew on this" stating Council was elected to make decisions and he was ready to do so, stated the city needed more say in the WIB and this needed to move forward so staff could wrestle with a proposal and provide a recommendation, and stated two separate entities made no sense and was a recipe for disaster and made a motion to direct staff to work with the necessary parties to review/work on a joint governance model and report back, which motion was seconded by Acting President Sterling.

Mr. Souza clarified the mayor did not believe it was appropriate at this time to weigh in on whether the city should attempt to take over its own WIB, stated it was appropriate to move in this direction as the administration favored expanding the city's input and representation on the WIB as the city was a significant player, and upon his question Mr. Konczal confirmed the Governor rejected the city of San Jose's application to have just a city WIB and explained, and added two years ago in discussions with the County it was the opinion of WIB staff that the city starting its own WIB would not be possible and explained.

Upon question of President Xiong, Councilmember Calhoun clarified the intent of his motion was to have staff to look at the WIB proposal and other opportunities/options and return to Council with the best plan and what is in the best interest of the city.

On motion of Councilmember Calhoun, seconded by Acting President Sterling, duly carried, RESOLVED, staff directed to work with necessary parties/staff on a Joint Governance model of the FCWIB and report back to Council, by the following vote:

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

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(10:45 A.M.) CONTINUED HEARING ON REZONE APPLICATION NO. R-08-07 AND ENVIRONMENTAL FINDINGS FILED BY SAVE MART SUPERMARKETS, INC., PROPERTY LOCATED ON THE SOUTHEAST CORNER OF W. HERNDON AND N. BRAWLEY AVENUES (6710 AND 6820 N. BRAWLEY AVENUE)

1. CONSIDER AND ADOPT ADDENDUM TO EIR NO. 10131 PREVIOUSLY VERIFIED BY COUNCIL ON 2/11/03

2. **BILL NO. B-53 - ORDINANCE NO. 2008-50** - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM C-2/EA/UGM/cz TO C-2/EA/UGM/cz BY AMENDING THE CONDITIONS OF ZONING PREVIOUSLY APPROVED UNDER REZONE APPLICATION NO. R-00-13

President Xiong announced the time had arrived to consider the issue and opened the hearing.

Jeff Sorenson with Planning Resource Associates, on behalf of the planning & development department, submitted into the record a letter received from an adjacent property owner expressing some concern with the project, gave an in-depth PowerPoint presentation on the issue, all as contained in the staff report as submitted, recommended approval, and advised Condition #10 was being removed as it was already included in the CUP.

Speaking in support of the project were: Joni Johnson, 3422 W. Los Altos; and Kevin Tweed with Pavilion Properties, representing the developers.

Upon call, no one else wished to be heard and President Xiong closed the hearing.

Councilmember Calhoun stated this had been a long road and spoke to the background of the issue and to the project, thanked everyone involved for their work stating the center was going to be a good neighbor, stated if this project/process was just now starting he would oppose it because Veteran's Boulevard was not in place and cautioned anyone thinking about bringing forth a new project in his district, and made a motion to approve staff's recommendation.

On motion of Councilmember Calhoun, seconded by Councilmember Caprioglio, duly carried, RESOLVED, the subject Addendum to EIR No. 10131 hereby approved, and the above entitled Bill No. B-53 adopted as Ordinance No. 2008-50, eliminating Condition #10 recognizing that it is redundant, by the following vote:

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

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**(2:00 P.M. #1) CONTESTED CONSENTED CALENDAR ITEMS:**

**(1-B) APPROVE AN AGREEMENT WITH HMC ARCHITECTS FOR A TOTAL FEE OF \$912,4945 TO PREPARE DESIGN PLANS AND GENERAL CONSTRUCTION CONTRACT DOCUMENTS FOR THE NEW CENTRAL AND SOUTHEAST DISTRICT POLICING STATIONS ALONG WITH A SECURE STORAGE BUILDING AT THE SOUTHEAST STATION**

Councilmember Duncan stated he strongly opposed the purchase of land for the southeast station originally as he felt it was an unethical use of developer fees which are intended to build police and fire stations, stated it turned out to be a "slight of hand" to transfer those desperately needed developer fees into the general fund by having the city buy the property from itself, and stated he still was not pleased and still felt it was wrong and unethical and he would not support this for that reason.

Councilmember Dages stated he would also oppose this and pointed out the Fancher Creek developers would have built the southeast station for the \$1.5 million of police impact fees and without taxpayer money and explained, upon his question City Manager Souza advised the annual debt service on \$8.5million for the Belmont/DeWitt station would be \$550,000, and Councilmember Dages continued stating \$1.00 versus \$550,000 a year was a good deal, he could not believe this was happening, and further elaborated and expressed his concern. Mr. Souza stated when this was discussed during budget staff advised Council that there had been no written assurance from anyone from Fancher Creek, LLC, or any other body that they would build a police station estimated to cost \$4 to \$4.5 million for \$1.5 million and then charge the city \$1.00 a year, stated to imply that no one in the organization cared about a perceived deal that was never more than general discussion was very inappropriate, and stated he would hold this item over one week and if

Councilmember Dages could provide a written commitment from Fancher Creek that they will build the station for only \$1.5 million and lease it to the city for \$1.00 a year he would consider that. Councilmember Dages stated the transaction was that \$1.5 million in police impact fees would go towards the purchase and the remaining balance of the purchase would be footed by Ed Kashian/Tom Richards/LLC, whereupon Mr. Souza stated he was not sure there was any difference and reiterated if Fancher Creek offered to construct the station at \$1.5 million in police impact fees only that meets the needs of the police chief and then lease it to the city for \$1.00 a year with the city taking ownership at the end of that period of time he would have an obligation to bring that offer before Council, and acknowledged there had been general discussion but an offer had never been made. Councilmember Dages stated he would take the challenge as the bottom line was saving the taxpayers money and location was not the point. Chief Dyer requested if it would be possible to include a time line (7 - 0) and clarified the issues he pointed out during budget deliberations were the need for immediate access onto a major thoroughfare without having to drive through the site and an involved time frame. Chief Dyer also pointed out the secured storage facility would have to be looked at again as it was not part of the Tulare/Argyle site. Councilmember Dages stated he would mention the time frame and brief discussion ensued on the delays with the Maple/Kings Canyon site. Mr. Souza clarified the offer would be \$1.5 million for a completed police substation, not a shell, with Fancher Creek absorbing the difference between the cost of construction and the \$1.5 million, and leasing the facility to the city for \$1.00 a year over a 30-year period, with Councilmember Dages stating that was his understanding and added if the offer is different from that he will be the first to say so and make a motion to approve this item. A motion and second was made to continue the matter one week.

Barbara Hunt, 2475 S. Walnut, expressed concern with negotiating and spoke to the need to give the police what they need.

President Xiong questioned how/if the Clinton/Weber station would be impacted, with Chief Dyer responding and stating discussions/negotiations will have to take place with the architect on various issues. Councilmember Calhoun stated this discussion should have taken place way before today, stressed a decision was made during budget and Council/staff was now playing poker and expressed his concern, and stated he would not support a continuance. Discussion continued on impact to the Clinton/Weber project with Acting President Sterling questioning if the project will be compromised with a delay and why that project should be held up, with Chief Dyer and Councilmembers Dages and Duncan responding.

Upon the request of Mr. Souza, City Engineer Mozier clarified the \$1.5 million figure would be police impact fees from the Town Center, and in his subsequent conversation with Mr. Kashian he learned the impact fees proposed to be used for all of Fancher Creek would be in excess of \$3 million and the city would end up with a shell building for that \$3 million and not a fully-stocked substation with all the amenities the department would need to start operating on day one. Councilmember Dages stated he still wanted to verify issues with both Fancher Creek developers and postpone action a week without jeopardizing the central station, and retracted his original motion and made a new motion to table the matter one week.

A motion of Councilmember Dages, seconded by Councilmember Duncan, to table the matter one week failed, by the following vote:

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

On motion of President Xiong, seconded by Acting President Sterling, duly carried, RESOLVED, an agreement with HMC Architects to prepare plans for the Central and Southeast Policing Stations as outlined above hereby approved, by the following vote:

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

#### **(1-C) RESOLUTION NO. 2008-207 - ADOPTING THE 2008 URBAN WATER MANAGEMENT PLAN**

Assistant PUD Director Martin responded to questions/comments of Councilmember Perea relative to whether this was follow-up action to the earlier workshop, the ideas discussed to make the urban conservation side stronger, what changed in this document that wasn't there before that gets the city closer to meeting some urban conservation goals, explanation of "ensuring success", changing the 5-year benchmark to make the plan stronger, and the document not being strong enough on the urban conservation side. Councilmember

Calhoun stated he understood what Councilmember Perea was saying, advised he also asked that the date be pushed up which was taken seriously and advised it could be done but with some pain, stated this was a good plan but the question being asked was could it be made more aggressive, and stated he was supportive of approving this to start the race and have staff report back in one year. Councilmember Duncan stated he concurred with Councilmember Perea and also felt there was not enough in the plan for water conservation stating the city needed to take the lead, take aggressive actions, and place aggressive conservation elements in the plan. Acting President Sterling agreed more aggressive steps could be taken, spoke to the importance of education, stated maybe the plan was not as strong as desired but steps had to be taken, and stated staff was fair about how this was presented, a delay could possibly eliminate the potential to obtain grant monies to deal with challenges, and made a motion to adopt the resolution.

Speaking to the issue were: Barbara Hunt; Cynthia Good, 2531 N. Marks; Paul Hurlbut, 4701 W. Swift; and Jose Luis Barraza.

On motion of Acting President Sterling, seconded by Councilmember Calhoun, duly carried, RESOLVED, the above entitled Resolution No. 2008-207 hereby adopted, by the following vote:

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

**(1-M) RESOLUTION NO. 2008-208 - 3<sup>RD</sup> AMENDMENT TO THE PAR DELETING TWELVE (12) FIRE EMS RADIO OPERATOR POSITIONS FROM THE FIRE DEPARTMENT**

City Manager Souza and Chief Bruegman responded to questions of Councilmember Duncan and/or clarified issues relative what will happen to the funds for these positions, the contract with the county, and the funding source, **(8 - 0)** with Chief Bruegman clarifying the positions were allocated in the budget but not funded. A motion and second was made to approve staff's recommendation.

Barbara Hunt and Paul Hurlbut spoke to the issue.

On motion of Councilmember Duncan, seconded by Councilmember Caprioglio, duly carried, RESOLVED, the above entitled Resolution No. 2008-208 hereby adopted, by the following vote:

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

**(1-R) BILL FOR INTRODUCTION AMENDING THE FMC RELATED TO DIGITAL VIDEO SURVEILLANCE SECURITY SYSTEMS FOR OFF-SALE LIQUOR LICENSE ESTABLISHMENTS *(Not introduced)***

Councilmember Calhoun stated his position on video cameras was clear and he felt it was fine if a business wanted to install video cameras on its own, and presented questions/comments/concerns relative to whether an ordinance was currently in place requiring video cameras, existing CUP requirements, what type of establishments would be affected by this ordinance/if grocery stores such as Von's would be affected, when the CUP was designed and if that matter came before Council, concern that a major policy change does not have to be brought to Council, how the policy change came about, at what point the police department has the authority to demand businesses install video cameras, the appeal process, concern for business owners as the police chief would be the last person a business owner will object to, and concern with how the city is being covered by cameras and the police department dictating who gets a camera, with City Attorney Sanchez, Chief Dyer and City Manager Souza responding throughout and/or clarifying issues.

Councilmember Dages stated he was bothered that this item was placed on the consent calendar and presented questions and comments relative to the current number of Type 20/21 licenses in the city, how many of the 523 businesses were notified of this change, concern with government dictating to small businesses what to spend their hard-earned revenue on, concern with government imposing on businesses without knowing the cost to the business, if someone who can not afford the camera system could be put out of business for non-compliance, it being unfair to impose this on businesses who were not informed of it, it being inappropriate to notify businesses after the fact, and the need for the city to be a good steward and notify businesses in advance, with Chief Dyer and Lt. Farrah responding throughout.

Harry Gill, representing the mini-mart and insurance industries, and Chief Dyer responded to questions and comments of Councilmember Duncan relative to how many of the 523 businesses do not have video cameras, why the 40% without cameras do not see the value of cameras and invest in them if they are so valuable, what education/outreach efforts were made, if the video cameras could be connected to the police surveillance cameras, and concern that not enough outreach was made or input received from businesses and suggestion to delay action and notify affected businesses of this proposal.

A motion and second was made to introduce the ordinance bill.

Speaking to the issue were: Barbara Hunt, support; Harry Gill, support; Amy Huerta, Chamber of Commerce, support; and Cynthia Good, who stated stopping the illegal purchase of guns and drugs was the first step to preventing robberies.

Chief Dyer responded to questions and comments of President Xiong relative to the appeal process, number of businesses that were contacted/reached, if written notification on the proposal was sent out, support for the intent but there being a need for more collaboration and outreach, request staff send out written notices, and concurrence that the city needs to take aggressive steps for public safety. Chief Dyer stated should Council choose not to introduce the ordinance staff would do a mailer to all businesses informing them of the department's intent in terms of creating the ordinance and why, and stated the main goal was to send a strong message to people that Fresno is not a place to do armed robberies at businesses just like it is not a place to be involved in gangs adding he felt this ordinance was a positive step towards that.

**(9 - 0)** A motion of Acting President Sterling, seconded by President Xiong, to introduced the above entitled Ordinance Bill failed, by the following vote:

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

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**(2:30 P.M.) PRESENTATION ON ALTERNATIVE PROGRAM ENABLING DEVELOPERS TO PAY IMPACT FEES THAT QUALIFY UNDER THE 1913/1915 ACT (EXCLUDING SCHOOL FEES) VIA TAX-EXEMPT BOND ISSUANCE PROCEEDS (COMMUNITY INFRASTRUCTURE FINANCING PROGRAMS) - FINANCE AND CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT**

**1. RESOLUTION NO. 2008-209 - APPROVING DEVELOPER SUBMISSION OF PRELIMINARY DEVELOPMENT PROJECT APPLICATIONS AND DIRECTING CITY STAFF TO WORK WITH STAFF OF THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY (AUTHORITY) AND THE AUTHORITY'S CONSULTANTS TO DEVELOP JOINT COMMUNITY FACILITIES AGREEMENT(S), AND THEREUPON RETURN TO COUNCIL TO CONSIDER AUTHORIZING THE AUTHORITY TO FORM CFDs WITHIN THE TERRITORIAL LIMITS OF THE CITY TO FINANCE PROJECT PUBLIC IMPROVEMENTS AND/OR DEVELOPMENT IMPACT FEES**

Interim City Controller Bradley reviewed the issue, all as contained in the staff report as submitted, and Program Manager James Hamill gave an in-depth PowerPoint presentation which included Public Agency Programs, TRANS, Water/Wastewater Pool, CaLease, Statewide Communities Infrastructure Program (SCIP) and Community Facilities Districts, and Pre-Funding and Reimbursement Programs, and advised of the Board's make-up and meeting schedule.

Barbara Hunt spoke to the issue.

Councilmember Calhoun spoke briefly in support stating this was going to help the development community and made a motion to approve staff's recommendation.

On motion of Councilmember Calhoun, seconded by President Xiong, duly carried, RESOLVED, the above entitled resolution No. 2008-209 hereby adopted, by the following vote:

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

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**(3:00 P.M.) JOINT MEETING WITH THE REDEVELOPMENT AGENCY**

The City Council recessed at 4:43 p.m. and convened in joint session with the Redevelopment Agency.

**APPROVE AGENCY MINUTES OF JULY 29, 2008**

On motion of Member Sterling, seconded by Member Perea, duly carried, RESOLVED, the Agency Minutes of July 29, 2008, approved as submitted.

**(‘B’) BILL NO. B-54 - ADDING SECTION TO THE FRESNO MUNICIPAL CODE RELATING TO UNIVERSAL DESIGN BUILDING REQUIREMENTS FOR CITY AND AGENCY-FUNDED NEW RESIDENTIAL BUILDING PROJECTS (*Council action*)**  
**I. APPEARANCE BY THE HOUSING PARTNERSHIP FOR THE DISABLED TO REQUEST THE STATUS OF THE UNIVERSAL DESIGN ORDINANCE**

Interim HCD Manager Casares advised of a correction to Page 4 of the Ordinance, #14, deleting “impact funds” as a source of funding that would trigger universal design, and reviewed the issue, all as contained in the staff report as submitted.

Speaking in support of the ordinance were: Jose Luis Barraza, Chairperson of the Housing Partnership for the Disabled, 4243 E. Thomas; Tony Miranda, Executive Director for Habitat for Humanity, and Chair of the Fresno Housing Alliance; Bonnie Rusko, Chair of the Center for Independent Living, Vice Commander of Disabled American Veterans, and member of the Housing Alliance and the Housing Partnership for the Disabled; and Carol Jean Casey Zaun, 1917 S. Chestnut.

Councilmember Perea stated this was a no-brainer, thanked staff and everyone else involved for their work, and commended the advocates for their perseverance and made a motion to introduce the ordinance. Acting Chair Calhoun also expressed his support and complimented Acting President Sterling for her special care and involvement.

On motion of Councilmember Perea, seconded by Councilmember Dages, duly carried, RESOLVED, the above entitled Bill No. B-54 introduced before the City Council and laid over, by the following vote:

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

**(‘C’) JOINT COUNCIL/AGENCY RESOLUTION NO. 2008-210/1727 - MAKING CERTAIN FINDINGS PURSUANT TO COMMUNITY REDEVELOPMENT LAW, AND AUTHORIZING THE AGENCY’S INSTALLATION OF PUBLIC IMPROVEMENTS IN FLORENCE AVENUE BETWEEN EAST AVENUE AND “G” STREET (*Joint action*)**

**I. AWARD A CONTRACT TO DAVE CHRISTIAN CONSTRUCTION COMPANY IN THE AMOUNT OF \$648,158 FOR RECONSTRUCTION OF FLORENCE AVENUE AND INSTALLATION OF A STORM DRAIN LINE BETWEEN EAST AVENUE AND “G” STREET (*Agency action*)**

Executive Director Murphey reviewed the issue, all as contained in the staff report as submitted, and recommended approval.

On motion of Acting President/Member Sterling, seconded by Councilmember/Member Caprioglio, duly carried, RESOLVED, the above entitled Joint Council/Agency Resolution No. 2008-210/1727 hereby adopted, and the subject contract awarded to Dave Christian Construction as outlined above, by the following vote:

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

(\*D\*) AUTHORIZE THE EXECUTIVE DIRECTOR TO ENTER INTO A PURCHASE AND SALE AGREEMENT FOR PROPERTY LOCATED AT 2518-2522 VENTURA STREET OWNED BY MAUREEN KILCOYNE, CATHERINE CULLETON, ADMINISTRATOR OF THE ESTATE OF PATRICK G. CULLETON, THERESA DIERIEX, AND FRANCES C. SILVIERA (Agency action)

Executive Director Murphey reviewed the issue, all as contained in the staff report as submitted, and recommended approval.

On motion of Member Duncan, seconded by Member Sterling, duly carried, RESOLVED, the Executive Director authorized to enter into a Purchase and Sale Agreement as outlined above, by the following vote:

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

(\*E\*) APPROVE AND AUTHORIZE THE EXECUTIVE DIRECTOR TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH PRECISION CIVIL ENGINEERING IN THE AMOUNT OF \$79,980 FOR PREPARATION OF PLANS FOR THE RECONSTRUCTION OF MCKINLEY AVENUE BETWEEN FREEWAY 99 AND MARKS AVENUE (Agency action)

Executive Director Murphey reviewed the issue, all as contained in the staff report as submitted and recommended approval, and along with City Manager Souza responded to questions of Member Sterling and Acting Chair Calhoun relative to the time line, the funding shortfall, and if city staff had any concerns.

On motion of Member Sterling, seconded by Member Xiong, duly carried, RESOLVED, the Executive Director authorized to enter into a Professional Services Agreement with Precision Civil Engineering as outlined above, by the following vote:

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

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The joint bodies adjourned their meeting at 5:10 p.m. and the City Council reconvened in regular session.

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

(\*A\*) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION: COF V. WAT PHOUTHAPATHANE LAO, ET AL.

(\*B\*) CONFERENCE WITH LABOR NEGOTIATOR - EMPLOYEE ORGANIZATIONS: FRESNO AIRPORT PUBLIC SAFETY OFFICERS, INTERNATIONAL ASSOCIATION OF FIREFIGHTERS, LOCAL 743 (IAFF MANAGEMENT UNIT)

(\*C\*) CONFERENCE WITH LEGAL COUNSEL - DECIDING WHETHER TO INITIATE LITIGATION - CASE NAMES:

1. COF V. COUNTY OF FRESNO
2. DARLING INTERNATIONAL, INC.

The City Council met in closed session in Room 2125 at the hour of 5:10 p.m. to consider the above matters and adjourned after an announcement.

**ANNOUNCEMENT:**

City Attorney Sanchez announced in the matter of C-1, COF v. County of Fresno, Council voted 7-0 to pursue legal action against the County.

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**ADJOURNMENT**

There being no further business to bring before the City Council, the hour of 6:00 p.m. having arrived and hearing no objection, President Xiong declared the meeting adjourned.

*Approved* on the \_\_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
Blong Xiong, Council President

ATTEST

\_\_\_\_\_  
Yolanda Salazar, Assistant City Clerk