

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 (arrived later)
	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

Councilmember Dages gave the invocation and President Xiong led the Pledge of Allegiance.

**APPROVE MINUTES OF MAY 20 AND 27, 2008:**

On motion of Councilmember Dages, seconded by Councilmember Caprioglio, duly carried, RESOLVED, the minutes of May 20 and 27, 2008, approved as submitted.

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**COUNCIL MEMBER REPORTS AND COMMENTS:**

PRESIDENT XIONG: Happy Birthday wishes extended to Acting President Sterling; and reports on attendance at the 10<sup>th</sup> Annual Babies First Conference and Birthday Celebration, speech at the McLane High Asian Club's 10<sup>th</sup> Annual Banquet, and City representation at the 5<sup>th</sup> Annual National Parks and Family Day with Congressman Costa.

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**APPROVE AGENDA:**

(10:30 A.M.) HEARING ON REZONE APPLICATION NO. R-07-06 AND ENVIRONMENTAL FINDINGS FILED BY PROVOST & PRITCHARD ENGINEERING GROUP, INC., ON BEHALF OF FRESNO SKATING CENTER, INC., NORTH SIDE OF W. CLINTON BETWEEN N. MARKS AND N. VALENTINE AVENUES

1. CONSIDER AND ADOPT E.A. NO. R-07-06, DETERMINATION OF INITIAL STUDY TO FILE A FINDING OF CONFORMITY WITH THE GENERAL PLAN MEIR
2. BILL - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM AE-5/UGM AND C-6/UGM/cz TO R-1/UGM

Acting President Sterling advised this matter had not been heard by her district planning committee and upon her request and with Council consensus the hearing was continued to June 24, 2008, at 11:00 a.m.

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

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

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**ADOPT CONSENT CALENDAR:**

Councilmembers Calhoun and Sterling pulled Item **1-D** from the Consent Calendar for separate discussion/action.

**(1-A) RESOLUTION NO. 2008-120** - INTENT TO ANNEX FINAL TRACT NO. 5728 AS ANNEXATION NO. 25 TO CFD NO. 11, AND SETTING THE PUBLIC HEARING FOR JUNE 17, 2008

**(1-B)** REJECT ALL BIDS TO FURNISH AND INSTALL AN ICE FLOOR COVER FOR SELLAND ARENA

**(1-C)** AWARD A CONTRACT IN THE AMOUNT OF \$1,349,167 TO DAKTRONICS, INC., TO DESIGN, BUILD AND INSTALL A SCOREBOARD SYSTEM FOR THE SELLAND ARENA

**(1-E) RESOLUTION NO. 2008-121** - 92<sup>ND</sup> AMENDMENT TO THE AAR APPROPRIATING \$135,700 TO PROVIDE ADDITIONAL FUNDING FOR THE CONSTRUCTION OF A BICYCLE LANE AND PEDESTRIAN TRAIL PREVIOUSLY APPROVED BY COUNCIL

**(1-F)** APPROVE AN AMENDMENT TO THE AGREEMENT WITH MOORE, IACOFANO AND GOLTSMAN, INC. (MIG) IN THE AMOUNT OF \$54,010 TO SURVEY KEY CITY FACILITIES FOR ACCESSIBILITY FOR PERSONS WITH DISABILITIES AND STAFF TRAINING

**(1-G) RESOLUTION NO. 2008-122** - AUTHORIZING SUPPORT FOR AND PARTICIPATION IN THE COUNCIL OF FRESNO COUNTY GOVERNMENTS (COG) WEST AREA TRANSPORTATION AND CIRCULATION PLANNING STUDY, AND AUTHORIZE EXECUTION OF DOCUMENTS BY THE PUBLIC WORKS DIRECTOR OR HIS DESIGNEE

**(1-H)** AWARD A CONTRACT IN THE AMOUNT OF \$796,800 TO STEVE DOVALI CONSTRUCTION TO CONSTRUCT A SOUND MITIGATION PROJECT AT THE FRESNO SURFACE WATER TREATMENT FACILITY

**(1-I)** AWARD A CONTRACT IN THE AMOUNT OF \$123,250 TO CLOVIS WELL DRILLING FOR WELL REHABILITATION AND DEEPENING AT PUMP STATION #298

**(1-J)** AWARD A CONTRACT TO WEST VALLEY CONSTRUCTION CO. IN THE AMOUNT OF \$102,150 FOR UNDERGROUND BORING AND PLACEMENT OF WATER SERVICE TUBING

**(1-K)** APPROVE THE SECOND AMENDMENT TO THE AGREEMENT WITH URS CORPORATION AMERICAS FOR CONSTRUCTION MANAGEMENT SERVICES FOR THE ORGANIC UPGRADE PROJECT AT THE FRESNO-CLOVIS REGIONAL WASTEWATER RECLAMATION FACILITY

**(1-L)** CONSIDERATION OF THE MCKINLEY-HAYES NO. 3 REORGANIZATION INCLUDING APPROVAL TO FILE WITH LAFCO FOR DETACHMENT OF TERRITORY FROM THE NORTH CENTRAL FIRE PROTECTION DISTRICT AND KINGS RIVER CONSERVATION DISTRICT AND ANNEXATION OF THE PROPERTY TO THE CITY

1. CONSIDER AND ADOPT THE ENVIRONMENTAL FINDING FOR E.A. NO. R-07-76, NO. T-5632/R-05-96 AND NO. T-5633/R-05-104, THAT THE PROJECT CONFORMS TO THE PROVISIONS OF THE GENERAL PLAN MEIR

2. **RESOLUTION NO. 2008-123** - APPLYING TO LAFCO IN THE MATTER OF THE PROPOSED MCKINLEY-HAYES NO. 3 REORGANIZATION

**(1-M)** APPROVE RENEWAL OF A LEASE AGREEMENT WITH THE BOYS AND GIRLS CLUBS OF FRESNO COUNTY FOR PROPERTY AT 1621 S. CEDAR TO PROVIDE YOUTH GUIDANCE AND DEVELOPMENT PROGRAMS AND ACTIVITIES

**(1-N)** AUTHORIZE STAFF TO NEGOTIATE, ENTER INTO, AND EXECUTE CONTRACT DOCUMENTS WITH PROGRESSIVE SOLUTIONS, INC., FOR THE ACQUISITION OF NEW BUSINESS LICENSE SOFTWARE, AND WITH DELL, INC., FOR A SERVER (TO HOUSE THE NEW SOFTWARE) THROUGH THE ISD REQUIREMENTS CONTRACT, TO REPLACE THE CITY'S EXISTING CASHIERING, PERMIT, BUSINESS AND PET LICENSING MANAGEMENT SYSTEM, AT A COST NTE \$335,000

**(1-O) BILL NO. B-35** - AMENDING THE FRESNO MUNICIPAL CODE RELATING TO LOCAL SALES AND USE TAXES, PURSUANT TO A MOU WITH THE COUNTY OF FRESNO

**(1-P) BILL NO. B-36** - ADDING TO THE FRESNO MUNICIPAL CODE RELATING TO CONDUCT ON OR ABOUT TRANSIT

PROPERTY

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

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

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**CONTESTED CONSENT CALENDAR:**

**(1-D)** AUTHORIZE THE DEPARTMENT OF TRANSPORTATION/FAX TO TAKE AN AMENDMENT EXTENDING THE CONTRACT AND ADDING TO THE SCOPE OF SERVICES FOR THE DOWNTOWN TRANSPORTATION AND INFRASTRUCTURE STUDY (DTIS) TO COMPLETE A DOWNTOWN WAYFINDING AND SIGNAGE MASTER PLAN AND A RAILROAD QUIET ZONE ANALYSIS

Councilmember Calhoun stated although he preferred the rail road quiet zone over the wayside horn he was unclear on why a quiet zone analysis was being added as he understood the city was not eligible for that due to the number of injuries and deaths in the city and questioned why an analysis was being proposed. City Engineer/Assistant PW Director Mozier stated there was going to be either a true quiet zone or a quiet zone with wayside horns and explained. Councilmember Calhoun noted he has pushed for a quiet zone/wayside horn, especially downtown near the hospital and in other areas, expressed concern with studies being proposed with no results/time delays, and spoke to the need to get something done and his concern that there has been no indication from anyone that a quiet zone will be approved.

Acting President Sterling and Downtown Association officials Elliot Balch and Jan Minami stated their concerns dealt with the downtown wayfinding/signage plan, the consultant, the Downtown Association not being involved, need for a qualified/professional vendor, adequacy of funds for a comprehensive study, and whether staff was being aggressive enough on both issues and elaborated. Upon question, City Manager Souza agreed the Downtown Association needed to be engaged in the process but clarified the city did not normally go outside the organization when selecting consultants, and added staff was recommending an amendment to this contract to extend the work because the firm was already doing the downtown study. ACM Rudd further clarified the contract would look to set policies/standards for development of the signage which would include a public outreach/input process and further explained. Upon further question of Acting President Sterling Mr. Rudd confirmed \$12,000 was proposed for the quiet zone but if Council desired this proposal could be amended to focus exclusively on the signage and eliminate the quiet zone as public works had indicated the quiet zone was moving along. Public Works Director Weimiller confirmed good progress was being made on the quiet zone, the design and planning was complete and ready to move forward, and staff was currently waiting on some funding and further explained. Upon question of President Xiong, Mr. Rudd clarified the original proposal was for wayfinding/signage and the quiet zone but staff was now recommending the scope of work be limited to wayfinding/signage since public works was moving forward on the quiet zone and funding.

Councilmember Calhoun stated there were good intentions here but he felt more clarity was needed and the matter needed to go back to staff to address all the issues/concerns expressed this date.

On motion of Councilmember Calhoun, seconded by Acting President Sterling, duly carried, RESOLVED, above entitled Item 1-D referred back to staff to address issues/concerns expressed and return with a final proposal and recommendation within 30 days, by the following vote:

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

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Sherry Smith, 4724 W. Swift, spoke to how she and her husband attacked a neighbor's out of control kitchen fire, thanked Fire Station 16 staff for their response, and spoke to the need to save the Ashlan Cornelia Corridor fire station. Councilmember Dages stated he visited the home and commended Mr. Smith for his actions, bravery, and helping the residents out of their home.

Steve Updike, retiree, spoke to how his house and he and his wife have been terrorized and attacked for no reason and how the police have not helped them, and requested Council ask the police to do their job. Acting President Sterling stated she would speak with the area's police substation, and upon the request of Councilmember Duncan City Manager Souza committed to speaking to the police department and addressing Mr. Updike's issues.

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**CITY COUNCIL:**

**(8:45 A.M. "A") STATUS REPORT REGARDING CLEAN-UP AND REHABILITATION OF THE J C PENNEY AND BANK OF ITALY BUILDINGS ON THE FULTON MALL - ACTING PRESIDENT STERLING (*\*Discussed again later*)**

Acting President Sterling thanked staff for the written report, advised she has received a lot of complaints and expressed her strong concern with the conditions and lack of movement on the buildings, questioned if the buildings were vacant and if there were any plans for them, and stressed some kind of aggressive action was needed to get the owners' attention and make them responsible. Planning & Development Director Yovino spoke to what has transpired with the buildings and stated staff shared the concerns and was also very frustrated, and spoke to the revised Vacant Building Ordinance that would be coming forth within 30 to 45 days that would make negligent vacant building owners more responsible and accountable, all as contained in the staff report as submitted.

Councilmember Calhoun stated he shared the frustration and added his biggest disappointment when he leaves Council next year will be the buildings being in same condition as when he came on board, encouraged litigation, and presented questions and comments relative to how the Adaptive Reuse Ordinance fit in here **(2 - 0)**, why the Vacant Building Ordinance was not revised years ago, what triggered a revision now, and desire to have the owner of the buildings come before Council and defend his actions, with Assistant P&D Director Bishop and City Attorney Sanchez responding throughout.

Upon the request of Councilmember Duncan, City Manager Souza stated before the revised ordinance comes to Council it would be provided to the Fresno Real Estate Association.

Mr. Sanchez and Acting President Sterling responded to questions and comments of Councilmember Dages relative to the lien and foreclosure processes, why foreclosure procedures could not be filed since there were liens against the properties already, support for proceeding with foreclosure as it would eliminate blight, and lack of movement on the Tutelian building. Councilmember Perea arrived at 9:26 a.m.

Acting President Sterling added vandalism, homeless inhabitants and fires were other issues related to vacant buildings that the city also had to address and reiterated a solution was needed quickly as the situation was becoming serious and urged staff to do what needed to be done. There was no further discussion.

*(\*Note - After the following matter Councilmember Calhoun spoke to an item he brought forth on October 30, 2007, requesting inclusion of a supplement to either the Adaptive Building Reuse Ordinance or the Vacant Building Ordinance for enforcement.)*

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**(8:45 A.M. "B") RESOLUTION NO. 2008-124 - SUPPORTING THE FREEDOM WALL MEMORIAL AT WOODWARD PARK AND THE REQUEST TO THE CLOVIS MEMORIAL DISTRICT FOR FUNDING TO CONSTRUCT THE MEMORIAL - COUNCILMEMBER DUNCAN**

Councilmember Duncan reviewed the issue, all as contained in his report to Council as submitted, stated he was honored to have some Blue Star Moms in attendance and thanked them, along with PARCS Director Cooper, for all their hard work and persistence,

advised the memorial would be maintained by PARCS and an independent fund would be created to provide for the maintenance which he stated would be very low, and made a motion to adopt the resolution supporting the Freedom Wall and the funding request, which motion was seconded by Councilmember Dages.

Charlotte Novak Brown, 1413 W. Mesa, and Barbara (last name inaudible), 6427 N. Teilman, on behalf of the Executive Board and general membership of the Central Valley Blue Star Moms, spoke in support of the wall.

Councilmembers Perea, Sterling and Dages all spoke briefly to the issue and expressed their support and commended Councilmember Duncan and the Moms for their efforts and the sacrifices of their sons and daughters.

On motion of Councilmember Duncan, seconded by Councilmember Dages, duly carried, RESOLVED, the above entitled Resolution No. 2008-124 hereby adopted, by the following vote:

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

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**(8:45 A.M. "A") STATUS REPORT REGARDING CLEAN-UP AND REHABILITATION OF THE J C PENNEY AND BANK OF ITALY BUILDINGS ON THE FULTON MALL - ACTING PRESIDENT STERLING (\*Continued from earlier)**

Councilmember Calhoun stated he was mystified as on October 30, 2007, he brought to Council for action a request to staff to include a supplemental section to the Adaptive Building Reuse Ordinance (ABRO) that would modify current ordinances to provide enforcement for needed improvements in vacant buildings, advised at that time he spoke at length to buildings downtown that needed "a hammer" and something stronger than the ABRO or the Vacant Building Ordinance, read from the minutes comments made by members that this was not necessary, there were legal issues involved, and there was concern for property rights, and also noted the minutes indicated a draft Owner Responsibility Ordinance (ORO) would be coming forth within two weeks and questioned what happened to that ordinance, with City Attorney Sanchez responding and advising that draft ORO was ready to be brought forth if that was Council's desire.

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**GENERAL ADMINISTRATION:**

**(9:00 A.M. "A") APPROVE INCLUSION OF A FIREFIGHTER MEMORIAL INTO THE TRAINING CENTER SITE MASTER PLAN**

Chief Bruegman reviewed the issue, all as contained in the staff report as submitted, displayed site plan and memorial renderings on the overhead to illustrate, and requested approval.

\* Visiting students from Liddell Elementary School were recognized and welcomed.

Jacky Parks of FPOA spoke in support and committed to also help in the fund raising efforts.

Councilmember Perea made a motion to approve and offered to help send out fundraising letters.

On motion of Councilmember Perea, seconded by Councilmember Dages, duly carried, RESOLVED, placement of a firefighter memorial as part of the Training Center Site Master Plan and the providing of necessary infrastructure to place the memorial on the site hereby approved, by the following vote:

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

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Assistant P&D Director Bergthold distributed a brochure entitled "Building Neighborhoods That Thrive" to Council, gave an update report and advised of staff's outreach efforts, and invited Council to the June 10<sup>th</sup> meeting with consultant Peter Calthorpe.

Councilmember Dages commended staff for their work and outreach, and stated Peter Calthorpe was well worth the money and with Mr. Calthorpe and staff the city got the best and elaborated. Mr. Bergthold and Councilmember Dages responded to questions and comments of Councilmember Calhoun relative to whether this was tied into the Regional Blueprint and Metro Loop, which one had precedence, if the process was late, and the money the city was paying Mr. Calthorpe and if he himself would be present at the June 10<sup>th</sup> meeting and not one of his representatives. Councilmember Caprioglio left the meeting briefly at 9:59 a.m. President Xiong gave an update from the last COG meeting on the Regional Blueprint including process and time line, and Mr. Berthold spoke briefly to the grant for the Metro Loop. There was no further discussion.

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- (10:00 A.M. #1) HEARING ON CFD NO. 11 (FINAL TRACT MAP NO. 5600), ANNEXATION NO. 30**
- 1. RESOLUTION NO. 2008-125 - ANNEXING TERRITORY AND AUTHORIZING THE LEVY OF TAXES**
  - 2. RESOLUTION NO. 2008-126 - CALLING A SPECIAL MAILED-BALLOT ELECTION**
  - 3. RESOLUTION NO. 2008-127 - DECLARING ELECTION RESULTS**
  - 4. BILL NO. B-37 - ORDINANCE NO. 2008-34 - LEVYING A SPECIAL TAX FOR PROPERTY TAX YEAR 2008-2009 AND FUTURE TAX YEARS**

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

City Engineer/Assistant PW Director Mozier advised the staff report as submitted was complete and staff was available for questions.

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

On motion of Councilmember Calhoun, seconded by Councilmember Dages, duly carried, RESOLVED, the above entitled Resolution Nos. 2008-125, 2008-126 and 2008-127 hereby adopted, and the above entitled Bill No. B-37 adopted as Ordinance No. 2008-34, by the following vote:

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

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Councilmember Caprioglio returned to the meeting at 10:01 a.m.

- (10:00 A.M. #2) RESOLUTION NO. 2008-128 - APPROVING THE FINAL MAP OF TRACT NO. 5600, PHASE I OF VESTING TENTATIVE MAP NO. 5600, ACCEPTING DEDICATED PUBLIC USES THEREIN, AND AUTHORIZING THE PUBLIC WORKS DIRECTOR, PUBLIC UTILITIES DIRECTOR, AND THE PLANNING & DEVELOPMENT DIRECTOR TO EXECUTE THE NECESSARY DOCUMENTS**

Supervising Engineering Technician Bartel advised the staff report as submitted was complete, there was no new information to add, and recommended approval.

On motion of Councilmember Calhoun, seconded by Councilmember Caprioglio, duly carried, RESOLVED, the above entitled Resolution No. 2008-128 hereby adopted, by the following vote:

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

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**RECESS - 10:02 A.M. - 10:11 A.M.**

**(10:10 A.M.)** CONTINUED HEARING ON CONDITIONAL USE PERMIT (CUP) APPLICATION NO. C-07-368 FILED BY SCOTT VINCENT AIA ON BEHALF OF ESTES INVESTMENT LLC, NORTHEAST CORNER OF N. POLK AND W. PALO ALTO AVENUES - 5430 W. PALO ALTO AVENUE

**1. CONSIDER AND ADOPT E.A. NO. C-07-368, DETERMINATION OF INITIAL STUDY TO FILE A FINDING OF CONFORMITY TO THE GENERAL PLAN MEIR**

**2. RESOLUTION NO. 2008-129 - ADOPTING THE FINDING OF CONFORMITY AND APPROVING CUP APPLICATION NO. C-07-368**

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

Planner Thiesen gave an in-depth PowerPoint presentation on the project **(3 - 0)** and recommended approval.

Architect Scott Vincent, representing the owner, stated he agreed with staff's recommendation and expanded further on the project stating it would be an asset to the neighborhood.

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

Councilmember Calhoun thanked staff and the developer for delaying action stating a number of good changes were made, and stated this was a good project and made a motion to approve staff's recommendation, which motion was seconded by Acting President Sterling.

Upon question of Councilmember Dages, Councilmember Calhoun stated the two-story apartments bordering the homes were not an issue as the single-family homes would have plenty of privacy. Councilmember Dages spoke briefly to his concern with the number of apartment complexes being constructed in the city and the vacancy rate and stated although he would support this project he did not know how many more he would be supporting in the future.

On motion of Councilmember Calhoun, seconded by Acting President Sterling, duly carried, RESOLVED, the environmental finding the subject E.A. approved and the above entitled Resolution No. 2008-129 hereby adopted, by the following vote:

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

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**(10:15 A.M.)** HEARING ON TEXT AMENDMENT APPLICATION NO. TA-07-03 - VARIETY PAK #4 - AND ENVIRONMENTAL FINDINGS INITIATED BY THE PLANNING & DEVELOPMENT DIRECTOR, RELATED TO VARIOUS ISSUES INTENDED TO SIMPLIFY AND STREAMLINE THE ZONING ORDINANCE AND PROPOSING CHANGES AND ADDITIONS TO BEST PROMOTE THE IMPLEMENTATION OF THE 2025 GENERAL PLAN GOALS

**1. BILL NO. B-38 - ADOPTING TEXT AMENDMENT APPLICATION NO. TA-07-03 AND ENVIRONMENTAL FINDINGS**

Project Manager Stiglich gave an in-depth overview of the issue and proposed changes and recommended the ordinance be approved, *except* for Section 126 which would amend the standards of front yard fencing, all as contained in the staff report as submitted.

Speaking to the issue were: Jerry Prieto, Jr., support for the farmers market piece; Jeff Christensen, 5295 N. Colonial, concerns; Janice Owens, 1244 W. San Madele, concerns, who also submitted written material into the record, on file in the office of the City Clerk; Waymon Kissler, concerns; John Easterly, 540 W. San Jose, concerns; Dr. Ed Moreno, County Health Officer and Health Department Director, support; Chris Johnson, Johnson Architecture, support for staff's recommendation on fencing; and Jeff Reid, support.

Councilmember Calhoun commended staff for all their work on this matter and Mr. Prieto and Dr. Moreno for their support and input on the farmers market, and upon his request Planning & Development Director Yovino and City Attorney Sanchez clarified matters relative to the Gunner Andros project (building height/density issues) stating that project was not at issue this date, what was before Council was a text amendment that would allow in an existing shopping center a strictly residential tower as part of a mixed-use development, explained the steps the Gunner Andros project still needed to take, and clarified this text amendment by itself would not approve any

specific project entitlements. Councilmember Calhoun continued stating he was in complete agreement with staff's recommendation to not approve the amended front yard fence standards, spoke to the need to enforce what was currently on the books and noted communities that are admired do not even allow 3-foot fences in front yards much less 4-foot, and made a motion to approve the ordinance *without* Section 126 as recommended by staff, which motion was seconded by Councilmember Duncan.

Mr. Stiglich and Agency Director Murphey responded to questions of Acting President Sterling relative to building yard setback standards **(4 - 0)**, and Acting President Sterling commented further on the issue stating her original concerns with this variety pak had been addressed and thanked Mr. Prieto and Dr. Moreno for their input stating making produce available/accessible to communities was important. Councilmember Dages stated he disagreed with comments made about chain link fences stating to tie chain link fences to crime was absurd, and upon his question Mr. Yovino stated these changes were not being made for one developer. Councilmember Perea thanked Councilmember Calhoun for clarifying issues related to the Gunner Andros project and how there would still be a long process with thorough airing by various planning committees and Council; thanked Mr. Prieto and Dr. Moreno for their input and spoke to the importance of eating healthy foods and exercising; and stated although he would support this ordinance he was disappointed the motion did not include approving Section 126 to allow for 4-foot fences stating he, too, disagreed with many of the comments made and added he represented neighborhoods that lived in a very imperfect world and front yard fences gave them a level of protection from gang and drug activity.

\* Another class of visiting students from Liddell Elementary School were recognized and welcomed.

President Xiong commended the collaboration of staff and the Health Department and expressed his support for getting the farmers market piece included; relative to front yard fencing stated he also lived in homes with a chain link fences and they did provide security for families and added the challenge was working with residents to have the nice-looking wooden fences that everyone wanted; spoke to the mixed use project and the group that is out early and actively engaged in the process and his hope that the develop is taking notice; and stated his support for this ordinance.

On motion of Councilmember Calhou, seconded by Councilmember Duncan, duly carried, RESOLVED, the project's environmental document hereby approved, and the above entitled Bill No. B-38 introduced before the City Council, *excluding Section 126 amending the standards of fencing in the front yard as recommended by staff*, and laid over, by the following vote:

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

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**(10:45 A.M.) JOINT MEETING WITH THE REDEVELOPMENT AGENCY**

The City Council recessed at 11:15 a.m. and convened in joint session with the Redevelopment Agency.

Councilmember Caprioglio advised he owned property at 1327 "N" Street and City Attorney Sanchez noted his office advised Councilmember Caprioglio that the property ownership did not impact any decisions being made this date but all cases with a potential conflict would continued to be looked at on a case-by-case basis.

**PRESENTATION OF THE U.S. ENVIRONMENTAL PROTECTION AGENCY BROWNFIELDS CLEANUP GRANT**

Wallace Woo of the EPA presented a \$200,00 grant award for clean up of a contaminated former auto dismantling site at California and Fruit Avenues to the Agency which was accepted by Acting President and Executive Director Murphey.

**APPROVE MINUTES OF MAY 13, 2008**

On motion of Acting President Sterling, seconded by Councilmember Caprioglio, duly carried, RESOLVED, the Agency minutes of May 13, 2008, approved as submitted.

**151-172**

**6/3/08**

**(‘A’) AWARD A CONTRACT TO NICK’S TRUCKING, INC., FOR DEMOLITION AND CLEARANCE OF A VACANT HOME AT 206 E. GEARY FOR THE HOPE VI PROJECT (AGENCY ACTION)**

Executive Director Murphey reviewed the issue, all as contained in the staff report as submitted, and upon question of Member Sterling confirmed the homeowners were in agreement.

On motion of Member Sterling seconded by Member Dages, duly carried, RESOLVED, a contract in the amount of \$11,636 hereby awarded to Nick's Trucking, Inc., for demolition and clearance of the vacant home at 206 E. Geary, by the following vote:

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

**(‘B’) JOINT RESOLUTION NO. 2008-130/1719 - MAKING CERTAIN FINDINGS PURSUANT TO COMMUNITY REDEVELOPMENT LAW AND AUTHORIZING AGENCY INSTALLATION OF PUBLIC IMPROVEMENTS IN GOLDEN STATE BOULEVARD WITHIN THE FREEWAY 99-GOLDEN STATE BOULEVARD CORRIDOR REDEVELOPMENT PROJECT AREA 1. AWARD A CONTRACT TO GRANITE CONSTRUCTION, INC., IN THE AMOUNT OF \$631,499 FOR THE RECONSTRUCTION OF GOLDEN STATE BOULEVARD BETWEEN ASHLAN AND THE EXTENSION OF W. GETTYSBURG AVENUE JOINT ACTION**

Executive Director Murphey reviewed the issue, all as contained in the staff report as submitted, and a motion and second was made to approve staff's recommendation.

Vice Chair Calhoun stated this had been an on-going process and was a good project, and Ms. Murphey spoke additionally to how it would enhance the area and benefit other projects.

On motion of President Xiong, seconded by Councilmember Caprioglio, duly carried, RESOLVED, the above entitled Joint Council/Agency Resolution No. 2008-130/1719 hereby adopted, and the above entitled contract awarded as recommended, by the following vote:

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

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The joint meeting adjourned at 11:30 a.m. and the City Council reconvened.

President Xiong wished all the candidates good luck and continued the meeting to Thursday, June 5, 2008, at 8:30 a.m. for continued consideration of the FY 2008-2009 Budget.

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**ADJOURNMENT**

There being no further business to bring before the City Council, the hour of 11:31 a.m. having arrived and hearing no objection, President Xiong declared the meeting adjourned.

**Approved** on the \_\_\_\_ 10th \_\_\_\_ day of \_\_\_\_ June \_\_\_\_\_, 2008.

\_\_\_\_\_/s/\_\_\_\_\_  
Blong Xiong, Council President

ATTEST: \_\_\_\_\_/s/\_\_\_\_\_  
Yolanda Salazar, Assistant City Clerk