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Fresno, California

March 11, 2008

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
	Mike Dages	Councilmember
	Jerry Duncan	Councilmember
	Henry Perea	Councilmember
	Cynthia Sterling	Acting Council President
	Larry Westerlund	Councilmember
	Blong Xiong	Council President

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

Pastor Shane Hamm of Northpoint Church gave the invocation, and President Xiong led the Pledge of Allegiance.

PROCLAMATION OF EFREN "CHICO" LOPEZ DAY

Read and presented.

COMMENDATIONS TO THE EDISON HIGH SCHOOL ACADEMIC DECATHLON TEAM - MAYOR AUTRY AND COUNCILMEMBER STERLING

Commendations made.

PROCLAMATION OF "NOROUZ DAY" - COUNCILMEMBER STERLING

Read and presented.

PROCLAMATION OF "MEDIATION WEEK" - COUNCILMEMBER PEREA

To be rescheduled.

APPROVE MINUTES OF MARCH 4, 2008:

On motion of Councilmember Dages, seconded by Acting President Sterling, duly carried, RESOLVED, the minutes of March 4, 2008, approved as submitted.

COUNCIL MEMBER REPORTS AND COMMENTS:

COUNCILMEMBER CALHOUN: Request Councilmember Westerlund speak to event attended in his place on the proposed new downtown library and needed parking, with Councilmember Westerlund later reporting on the meeting.

COUNCILMEMBER DUNCAN: Thank you to Carol Doran and public works staff for street clean-up around Lincoln Elementary School for event attended by Sacramento VIPs.

COUNCILMEMBER WESTERLUND: (1) Announcement of, and invitation to, the second charrette on the El Dorado Park Specific Plan on Saturday, March 15th at 9 a.m. at Wesley United Methodist Church; and (2) report on meeting attended last Friday with Fresno County officials on the proposed downtown library and the county's desire for the city to construct a parking structure for the facility.

ACTING PRESIDENT STERLING: (1) Request staff clean up landscape buffer along Marks Avenue and Kearney Boulevard; (2) request for tray memo on details/plan for the Monterey Street bridge; and (3) announcement of her appointment by COG to the San Joaquin Housing Trust Long Range Strategic Committee to deal with affordable and low-income housing.

COUNCILMEMBER PEREA: Fresno County's proposed downtown library and parking needs and request the Redevelopment Agency, as a way to pay for a parking structure, look at the city of Denver's concept of a parking structure with lofts that was built for their downtown museum.

PRESIDENT XIONG: Congratulations extended to the Tower District marketing committee and businesses on the Central Valley Classic Bike Race and commendation to the police department bike unit on their crowd control and work with the Tower community.

ACTING PRESIDENT STERLING: Recognition of the Fresno High School Government Team observing the Council meeting.

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APPROVE AGENDA:

(3:00 P.M.) JOINT MEETING WITH THE REDEVELOPMENT AGENCY - AGENCY RESOLUTION CERTIFYING THE SEIR FOR THE OLD ARMENIAN TOWN PROJECT/RELOCATION OF HISTORICAL RESOURCES (**Continue to March 25, 2008, at 11:00 a.m.**)

Continued as noted.

(“D”) RESOLUTION - SUPPORTING THE NATIONAL PARKS CENTENNIAL INITIATIVE AND MAINTAINING AND PRESERVING AMERICA'S NATIONAL PARKS - COUNCILMEMBER PEREA

Rescheduled for March 25th at the direction of Councilmember Perea.

On motion of Councilmember Perea, seconded by Councilmember Westerlund, duly carried, RESOLVED, the **AGENDA** hereby approved, *as amended*, by the following vote:

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

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ADOPT CONSENT CALENDAR:

Councilmember Westerlund pulled Item **1-H** from the Consent Calendar for separate discussion/action.

(1-A) RESOLUTION NO. 2008-43 - 7TH AMENDMENT TO THE SALARY RESOLUTION MODIFYING THE STATUS AND PROBATIONARY PERIODS FOR THE CLASSIFICATIONS OF EXECUTIVE ASSISTANT TO DEPARTMENT DIRECTOR AND COMMUNICATIONS TECHNICIAN

(1-B) APPROVE INTERIM EXTENSIONS OF CONTRACTS WITH VALLEY STAFFING AND ACT-1 PERSONNEL SERVICES FOR A PERIOD OF SIXTY DAYS TO CONTINUE TO PROVIDE TEMPORARY EMPLOYMENT SERVICES

(1-C) APPROVE AGREEMENT WITH THE NATIONAL ASSOCIATION OF COUNTY AND CITY HEALTH OFFICIALS (NACCHO) FOR ACCEPTANCE OF A \$5,000 GRANT AWARD TO SUPPORT PROGRAM ENHANCEMENTS TO THE POLICE DEPARTMENT'S MEDICAL RESERVE CORPS PROGRAM

(1-D) AUTHORIZE THE CHIEF OF POLICE TO RENEW A LEASE AGREEMENT WITH RUSH PROPERTIES FOR OFFICE SPACE AT 3030 N. MAROA AVENUE FOR THE POLICE DEPARTMENT'S PATROL SUPPORT DIVISION

(1-E) RESOLUTION NO. 2008-44 - DEDICATING CERTAIN CITY-OWNED PROPERTY EAST OF S. FOWLER AND SOUTH OF E. HAMILTON AVENUES FOR PUBLIC STREET PURPOSES

(1-F) RESOLUTION NO. 2008-45 - DEDICATING CERTAIN CITY-OWNED PROPERTY ON FRUIT AVENUE BETWEEN W. WHITESBRIDGE AND W. AMADOR AVENUES FOR PUBLIC STREET PURPOSES

(1-G) AWARD A CONTRACT IN THE AMOUNT OF \$107,999 TO V & G BUILDERS, INC., FOR SAFE ROUTES TO SCHOOL, HILDALGO ELEMENTARY SCHOOL, CONSTRUCTION OF CONCRETE SIDEWALKS IN HARVEY AVENUE AND FIFTH STREET

(1-I) APPROVE AN AGREEMENT WITH THE SAN JOAQUIN RIVER CONSERVANCY IN THE AMOUNT OF \$160,000 FOR PROJECT MANAGEMENT AND CONSULTING SERVICES FOR THE PREPARATION OF AN ENVIRONMENTAL ASSESSMENT AND PUBLIC PARTICIPATION FOR THE FUTURE EXTENSION OF THE LEWIS S. EATON TRAIL

(1-J) BILL NO. B-14 - ORDINANCE NO. 2008-17 - APPROVING THE 2008 WEED ABATEMENT PROGRAM

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

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

CONTESTED CONSENT CALENDAR ITEMS:

(1-H) RECEIVE ANNUAL UPDATE OF THE CITY-WIDE PRIORITY RANKING LISTS FOR NEW TRAFFIC SIGNAL INSTALLATIONS, TRAFFIC SIGNAL LEFT TURN PHASING, AND INTERSECTION TRAFFIC FLOW IMPROVEMENTS

Councilmember Westerlund highlighted some of District 4's projects and upon his request Traffic Engineering Manager Jones expanded further on the progress made since the program was adopted in 2004, corrected the McKinley off-ramp project from *southbound* to *northbound*, explained how the projects are funded by developer impact fees, **(2-0)** and confirmed and spoke further to how the fund dropped from \$259,000 a month in FY 2006 to \$81,000 a month in FY 2007 due to the downturn in the housing market.

On motion of Councilmmber Westerlund, seconded by Acting President Sterling, duly carried, RESOLVED, receipt hereby acknowledged of the updated city-wide priority ranking lists for new traffic signal installations, traffic signal left turn phasing, and intersection traffic flow improvements, by the following vote:

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

(9:00 A.M.) PUBLIC COMMENT PERIOD - UNSCHEDULED ORAL COMMUNICATIONS:

James Henry, 5187 E. Ball, expressed concern with how the city is pursuing code violations, spoke to a demand letter he received relative to a carport awning he installed on his property stating it was intimidating, and stated the awning was not a public nuisance and the letter was extortion and requested Council repeal the code section.

Sherry Smith, 4724 W. Swift, spoke to fire and the materials used to build cluster and tract homes in the Ashlan/Cornelia corridor, and to the Department of Homeland Security's 'Assistance to Firefighters' grants stating those grant funds could provide the resources and equipment needed to save Fire Station 16.

Paula Savino spoke to the issue of homelessness and the city's efforts.

CLOSED SESSION:

("A") CONFERENCE WITH LEGAL COUNSEL/EXISTING LITIGATION/ CASE NAME: KAREN BOQUIST V. COF, ET AL.

The City Council met in closed session in Room 2125 at the hour of 9:33 a.m. to consider the above matter and reconvened in regular open session at 10:03 a.m.

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

(9:15 a.m. "A") DIRECT STAFF TO RESEARCH AN ADDENDUM TO THE EXISTING SOLICITATION ORDINANCE TO PROHIBIT THE DANGEROUS PRACTICE OF SOLICITATION ON MEDIAN ISLANDS - COUNCILMEMBER CALHOUN

Reviewed by Councilmember Calhoun who stated this was a serious problem by persons down on their luck and a real safety issue and gave examples, noted other cities have passed ordinances and he felt Fresno needed to move in that direction, clarified staff would come back with pros and cons and an ordinance would provide needed policing powers to deal with this problem, noted his report also included a list of agencies that could help the individuals causing this problem to deal with their challenges, and made a motion to direct staff to return within 60 days with an amendment to the existing solicitation ordinance seeking to prohibit the dangerous practice of solicitation on median islands within the city, including specific elements of options outlined in his report or staff recommendations on the most effective alternative, which motion was seconded by Acting President Sterling.

Councilmember Calhoun and City Attorney Sanchez responded to questions and/or comments of Councilmembers Perea and Duncan relative to whether this would apply to 'Kids Day' and 'fill the firefighter hat' volunteers, what staff's perspective was on the current law, if people who contribute to the solicitors would also be cited, if police currently have legal authority to ask someone to cease soliciting, concern with the issues of selective enforcement and First Amendment rights, this being unnecessary as people will move when asked to do so by the police, and the inability to protect everyone from everything and it being unclear whether a true problem exists.

Councilmember Calhoun stated it was unfortunate the police department was not present to respond to concerns adding legitimate issues were raised, and made a motion to table the matter two weeks for the presence of police staff.

On motion of Councilmember Calhoun, seconded by Acting President Sterling, duly carried, RESOLVED, the above entitled Item 9:15 a.m. "A" tabled two weeks for the police department's presence and input, by the following vote:

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

(9:15 a.m. "B") RESOLUTION NO. 2008-46 - SUPPORTING AB 2342 (PARRA) - CALIFORNIA PARTNERSHIP FOR THE SAN JOAQUIN VALLEY - PRESIDENT XIONG

President Xiong requested Council's support stating AB 2342 would make the Partnership permanent by statute, he felt the Partnership played a critical role in improving the valley and explained, and made a motion to adopt the resolution.

Councilmember Westerlund questioned how enrolling the Partnership in the state code would give it more importance stating what really counted was the Governor committing to have all state departments spend some time and focus their energy on the central valley and explained, with President Xiong responding.

On motion of President Xiong, seconded by Councilmember Dages, duly carried, RESOLVED, the above entitled Resolution No. 2008-46 hereby adopted, by the following vote:

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

(10:00 A.M.) HEARING ON (1) REZONE APPLICATION NO. R-07-74A AND ENVIRONMENTAL FINDINGS FILED BY MICHAEL THOMASON, PROPERTY LOCATED ON THE SOUTHEAST CORNER OF W. HERNDON AND N. BLYTHE AVENUE, AND (2) APPEAL FILED ON THE DIRECTOR'S DECISION REGARDING THE ADDRESSING OF THE CENTRAL CALIFORNIA BLOOD CENTER

- 1. CONSIDER AND ADOPT E.A. NO. R-07-74/S-08-03, DETERMINATION OF INITIAL STUDY TO FILE A FINDING OF CONFORMITY TO THE GENERAL PLAN MEIR
2. BILL NO. B-18 - ORDINANCE NO. 2008-18 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM AE-5/UGM TO C-P/EA/UGM/cz
3. CONSIDER APPEAL OF THE DIRECTOR'S DECISION REGARDING THE ADDRESSING OF THE CENTRAL CALIFORNIA BLOOD CENTER, REQUESTING A HERNDON AVENUE ADDRESS

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

Planner Salinas gave a PowerPoint presentation on the rezone and appeal filed on the Director's decision to assign a North Blythe Avenue address, and recommended approval of the rezone and denial of the appeal, all as contained in the staff report as submitted.

Applicant Mike Thomason, 7090 N. Marks (3 - 0), and Dean Eller, Central California Blood Center, 3445 N. First, spoke in support of staff's recommendations with the exception of the address, and spoke in support and elaborated on reasons for a Herndon Avenue address.

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

Councilmember Calhoun thanked the Blood Center for returning to Fresno, noted the rezone application was non-controversial and requested it and the address issue be bifurcated and voted on separately, and made a motion to approve staff recommendations #1 and #2 as outlined above, which motion was seconded by Councilmember Westerlund.

Planner Salinas responded briefly to questions of Councilmember Dages relative to whether the Sierra Sky Park Homeowners Association provided input on this, the site map, and locations of the Thomason and Blosser properties.

On motion of Councilmember Calhoun, seconded by Councilmember Westerlund, duly carried, RESOLVED, the environmental finding for the subject E.A. hereby approved, and the above entitled Bill No. B-18 adopted as Ordinance No. 2008-18, subject to the condition of zoning stipulated in the staff report, by the following vote:

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

Councilmember Calhoun stated the address issue was well covered by staff, the applicant, and the blood center; stated this was a unique situation that did not fall into the hotel procedure followed in the past; stated when businesses are built there it will be Herndon Avenue and not Blythe as you cannot access buildings from the south and further explained; added because you cannot go south on Blythe from Herndon he was sure the fire department will know it is Herndon; and stated he strongly disagreed with staff, this should properly be a Herndon address not only for the Blood Center but also for future development, and made a motion to uphold the appeal and grant the Herndon Avenue address, which motion was seconded by Councilmember Duncan.

Ms. Salinas and Planning Manager Haro responded to questions/comments of Councilmember Dages relative to whether the Sierra Sky Park Homeowners Association provided input, other buildings with Herndon and Fresno Street addresses and confusing access points, and why Blythe Avenue was terminated and made into a cul-de-sac. Councilmember Duncan stated the 2001 hotel situation was significantly different from this situation and explained, noted City Hall had a Fresno Street address but faced "P" Street, and expressed his support for the motion stating the current policy was written a little too literal and he saw no reason why this could not be a Herndon address.

Upon the request of City Manager Souza, Deputy Fire Chief Donis stated her department would respect whatever decision Council makes, spoke to the addressing policy, explained reasons for staff's recommendation, and clarified their concern was not just with this building but also with what will follow.

Applicant Thomason, Mr. Haro and Chief Donis responded to questions/comments of Councilmembers Sterling and Westerlund relative to the prior hotel situation and addresses, the proposed frontage road and road alignment, address of the Univision building, the confusion with Brawley addresses on one side and Blythe on another, need for frontage roads or a re-visiting of the policy in general, support for the appeal, need to re-look at the expressway policy, and confusion with the two hotels facing Herndon with Fresno Street addresses.

Chief Donis stated with this type of sprawl occurring every developer will want to take advantage of this, if passed, and requested Council consider specifying something specific to emergency services outlining the parameter for addressing in this fashion. Upon question of President Xiong, Councilmember Calhoun stated he would not include Chief Donis' request in his motion as the readdressing of the 1999 policy was a separate issue and staff needed to bring that to Council in the appropriate fashion, clarified this address issue stood on its own and support for the motion would provide for any development on the stretch between Blythe and Brawley to have a Herndon Avenue address, and spoke additionally to the fire department knowing it is Herndon and to his amazement that American Ambulance does not have a GPS system.

On motion of Councilmember Calhoun, seconded by Councilmember Duncan, duly carried, RESOLVED, the appeal of the Central California Blood Center upheld and the Herndon Avenue address hereby granted, by the following vote:

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

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

(9:30 a.m. "D") UPDATE REGARDING THE SOUTHEAST GROWTH AREA (SEGA) SPECIFIC PLAN ALTERNATIVE SCENARIOS SUBSEQUENT TO REVIEW WITH THE MAYOR, CITY MANAGER AND SEGA ADVISORY COMMITTEE

Assistant Planning & Development Director Bergthold gave a PowerPoint presentation on the Advisory Committee Update by Calthorpe Associates which included the Process Timeline, Draft Design Alternatives, SEGA in Context, Alternatives 1, 2 and 3, Alternative 2 Transit-Supportive Land Use, Measuring Up to the Challenge, and Measuring up to Sustainability. Committee Chair Richard Simonian and Planning & Development Director Yovino spoke briefly to meetings of the committee, issues raised, and goals of the new SEGA plan.

Michael Prandini, representing the Building Industry Association, **(4 - 0)** stated 6,000 square foot lots would be virtually eliminated and requested flexibility for mixed use in rural residential and low-density areas.

Councilmember Calhoun stated he shared Mr. Prandini's concerns and he wanted to see at the next update more detail on how the housing unit numbers will be achieved, number of units planned for the area, a matrix showing zone types, density numbers, lot sizes, and number of units planned per acre, and stated he was asking for this information now as he did not want to find out at the end of the process that 30 or 40% of the plan is for 1-2 units per acre causing an imbalance. Mr. Bergthold responded to questions of Councilmember Westerlund relative to alternative 2, rural cluster residential, how staff envisions increased densities and land use transitions, and if the committee had considered density transfers.

Councilmember Dages commended Mr. Simonian and the committee on a great job, stated Fancher Creek fell into the category of live/work/shop/play and that was what he liked about the project, and spoke to the issues of higher densities, building up, lot sizes, mass transit, mass transit not working with 1-2 units per acre, air quality, the need for high density, and not ignoring the 6,000 square foot lot. Mr. Berghold and Mr. Yovino responded briefly to questions of Councilmember Calhoun relative to why Option 1 was there, why the SEGA has to be expanded, what would happen if Council said "no" to Option 1, and if staff wanted any direction from Council at this point. There was no further discussion.

(9:30 a.m. "A") CONSIDER PROPOSED HUNTINGTON BOULEVARD MONUMENT MODIFICATION

City Attorney Sanchez gave a brief overview of the issue, all as contained in the staff report as submitted, and Councilmember Dages added two families' names were left off the monument, advised the options were to eliminate all the names or add the two names, and made a motion to add the two names and stated the cost to do so would come from his Council budget.

Attorney Mitch Taylor, representing Mr. And Mrs. Mackey, spoke further to the issue and in support of the motion.

On motion of Councilmember Dages, seconded by Councilmember Perea, duly carried, RESOLVED, modification of the monument on city property to add two family names hereby authorized, by the following vote:

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

LUNCH RECESS - 11:46 A.M. - 2:00 P.M.

(9:15 a.m. "C") DIRECT CITY MANAGER TO RETURN WITH AN AMENDMENT TO THE ANNUAL APPROPRIATION RESOLUTION (AAR) FREEZING FUNDING RELATED TO EXPENDITURES FOR CONTRACTS NOT YET SPECIFICALLY AWARDED FOR PARKS PROJECTS FUNDED BY APPROPRIATIONS ALREADY APPROVED BY COUNCIL AND ANTICIPATED TO BE PAID FOR FROM FUTURE BOND PROCEEDS IN ACCORDANCE WITH RESOLUTION NO. 2006-541 - COUNCILMEMBERS DUNCAN AND WESTERLUND

1. DIRECT THE CITY ATTORNEY TO DRAFT AN ORDINANCE PROHIBITING EXPENDITURES ON ANYTHING THAT IS EXPECTED TO BE REIMBURSED IN ACCORDANCE WITH A REIMBURSEMENT RESOLUTION AND A FUTURE BOND TRANSACTION OTHER THAN THE ADMINISTRATIVE COST OF BOND PREPARATION, WITH THE EXCEPTION OF A STATE OF EMERGENCY DECLARATION

Councilmember Duncan stated these were two separate items, an ordinance was needed to keep this from happening in the future, this had nothing to do with the quality of the projects, and this was brought forth due to possible challenges to pay for the parks projects; spoke to the "perfect storm" which included background of the issue, the delays and concerns, and the serious municipal bond problems and current market; and stated he was asking Council to be prudent and hold off on any future projects until the bonds are brought forth and made two motions directing the city manager and city attorney as outlined above. The two motions were seconded by Councilmember Westerlund.

Upon question of City Manager Souza Councilmember Duncan stated the freeze would be lifted when bonds are issued. Relative to the first motion Mr. Souza stated after last week's discussion on Shane's Inspiration park it was clear the consensus was no additional contracts would be approved until such time as the bonds are issued, assured Council no further projects would come forth from this issuance, and clarified staff did not have administrative authority to enter into any contract, any action covered by the motion would have to be approved by Council, and the checks and balances being sought here were already in place. Mr. Souza continued stating he disagreed somewhat with the "perfect storm" analogy, stated he was not happy with the process either and clarified issues relative to the process, collateralization, and the bond market, and expressed his concern with the second motion stating Council already had three opportunities to do what the ordinance would address and explained and stated to layer another level of restrictions would be overly bureaucratic and cumbersome when there was already ample opportunity to address these issues.

Councilmember Calhoun stated he was prepared to support the first motion but the second motion caught him by surprise, advised he would not support it as he felt it was unnecessary and added the original intent was to say "stop the spending until bonds are issued", and stated upon hearing the city manager's commitment to not bring any more projects forth until bonds are issued he would take him at his word and would now not support either motion. Upon question of Councilmember Dages Mr. Souza and City Attorney Sanchez clarified projects currently underway would not be affected by this motion, portions of some projects underway that have not yet been awarded would be affected, and all the other projects on the list would not be brought forth until the bonds are issued, whereupon Councilmember Dages stated that made the motion moot, with Mr. Souza responding.

Councilmember Duncan stated his goal was to accomplish what the city manager stated, his concerns were addressed, and withdrew his two motions.

Councilmember Westerlund stated he seconded both motions and felt both should still go forward; stated he has voted against these projects for some time because they were being placed on a credit card and added money was pulled out of the investment pool to pay for projects when everyone knew the money was not there; continued stating he felt Council has been misled for some time to a certain degree and he took the administration at their word when they stated bonds would back in 120 days; added the first time he heard of the collateralization problem was just last week; stated he appreciated the commitment made this date but he had a commitment in writing that the bonds would come back but they have not; stated Council needed to consider a policy that projects expected to bonded for can be budgeted but nothing can be spent until the bonds are actually in place; and stated he felt this kind of activity needed to be controlled in the future and made a motion to direct the city attorney to draft an ordinance as outlined above. Councilmember Duncan seconded the motion stating the ordinance was a good discipline, the worst thing to have was an unexpected consequence, and the ordinance needed to be written for Council debate, and requested a report from the Controller on the public safety projects outlining the status, what has been expended, and bond issuance projections. Upon question of President Xiong Mr. Sanchez confirmed staff would return with a draft ordinance and nothing final was being decided this date **(5 - 0)**.

Councilmember Calhoun stated he saw no purpose for this motion, acknowledged mistakes were made and stated this would send a message to staff that Council did not trust them and that was inappropriate, and stated the market is always in turmoil, this was micro-managing, and Council's role was policy-makers and not micro-managers. Councilmember Westerlund stated this would be an appropriate city policy as the city did not have a bonding policy and added this was not micro-managing. Mr. Souza stated he disagreed with Councilmember Westerlund and reiterated Council had three opportunities to do what the ordinance addressed and explained.

A motion of Councilmember Westerlund, seconded by Councilmember Duncan, to direct the city attorney to draft an ordinance prohibiting expenditures on anything that is expected to be reimbursed in accordance with a reimbursement resolution and a future bond transaction other than the administrative cost of bond preparation, with the exception of a State of Emergency declaration failed, by the following vote:

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

- (9:30 a.m. "B") ACTIONS PERTAINING TO THE COUNCIL OF FRESNO COUNTY GOVERNMENTS (COG) "CALL FOR PROJECTS" FOR THE 2008 CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM (CMAQ) AND REGIONAL SURFACE TRANSPORTATION PROGRAM (RSTP)**
1. RESOLUTION NO. 2008-47 - AUTHORIZING THE SUBMISSION OF APPLICATIONS FOR AND ACCEPTANCE OF THE COG CMAQ "CALL FOR PROJECTS", AND AUTHORIZING THE EXECUTION OF DOCUMENTS
2. RESOLUTION NO. 2008-48 - AUTHORIZING THE SUBMISSION OF APPLICATIONS FOR AND ACCEPTANCE OF THE COG RSTP "CALL FOR PROJECTS", AND AUTHORIZING THE EXECUTION OF DOCUMENTS

City Engineer/Assistant Director Mozier reviewed the issue, all as contained in the staff report as submitted, and along with Assistant Director Krauter responded to comments and questions of Councilmember Westerlund relative to the condition of residential streets and need for resurfacing, if these dollars could be used for street resurfacing, and status of the pavement management system. Relative to the upcoming budget Councilmember Westerlund requested there be no new spending on any project that has not begun other than street resurfacing. Councilmember Calhoun commended staff for their work on this and for being very professional and responsive.

On motion of Councilmember Calhoun, seconded by Councilmember Westerlund, duly carried, RESOLVED, the above entitled Resolution Nos. 2008-47 and 2008-48 hereby adopted, by the following vote:

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

(9:30 a.m. "C") RESOLUTION NO. 2008-49 - 66TH AMENDMENT TO THE AAR APPROPRIATING \$7,731,100 IN PROPOSITION 1B FUNDS FOR THE COMPLETION OF NEW AND PREVIOUSLY APPROVED CAPITAL PROJECTS IN THE PUBLIC WORKS DEPARTMENT

City Engineer/Assistant Director Mozier reviewed the issue, all as contained in the staff report as submitted.

Lowell Enns of the Housing Authority spoke to the Hope VI and other projects planned for the area, and to the importance of funding for the California Avenue widening project.

On motion of Acting President Sterling, seconded by Councilmember Westerlund, duly carried, RESOLVED, the above entitled Resolution No. 2008-49 hereby adopted, by the following vote:

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

(9:30 a.m. "E") BILL - AMENDING THE FRESNO MUNICIPAL CODE RELATING TO PORTABLE SIGNS

Planner Stiglich reviewed the issue, all as contained in the staff report as submitted, addressed a couple of issues/concerns presented by Councilmember Calhoun's office, and advised of some typographical errors on the last two pages of the ordinance and recommended the bill be introduced as corrected. City Attorney Sanchez confirmed the corrections were deemed typographical and as long as Council was comfortable with the amendments staff would present the corrected version when it comes back for adoption.

Chuck Krugman, 1237 'P' Street, spoke in opposition to the ordinance stating the signs were a nuisance and liability and would affect people with disabilities and visual impairments.

Upon question of Councilmember Duncan Mr. Stiglich confirmed the scope of the ordinance was limited and the signs could only be placed on private sidewalks with adequate clearance for the disabled and those in wheelchairs. Councilmember Duncan spoke in support of the ordinance stating the signs will help small businesses and they would not block access and made a motion to introduce, which motion was seconded by President Xiong.

Councilmember Calhoun stated he had some real issues with this matter, questioned why this amendment was being brought forth, spoke to the comprehensive review conducted a few years ago on the sign ordinance and stated he thought that issue had been settled, and stated this was major and again questioned if this was coming from staff or because of one person. Councilmember Duncan advised one of his constituents ran into problems with code enforcement and after staff worked with him and looked into standardizing the ordinance they felt clarifications were warranted. Councilmember Calhoun continued and expressed his concerns which included the process, going to staff without first bringing this issue to Council to debate whether or not it was a good idea, the result being a line of signs in front of numerous businesses, "where does the city draw the line?", the signs being allowed in certain zone districts and not others, and the policy taking the city down a dangerous path and being a reaction to one person, with Councilmember Duncan, Planning & Development Director Yovino and Mr. Stiglich responding throughout.

Councilmember Westerlund stated he thought this had to do with a church request for an exemption to the sign ordinance on weekends for the religious community, questioned what the status was of that request and when it would be coming back (with Mr. Sanchez responding), stated it looked like a lot of different things were going on with the sign ordinance at the same time and questioned if it might be better to look at all the issues in a comprehensive manner and if Councilmember Duncan would mind having all the issues brought back at the same time (with Councilmember Duncan responding), and made a motion to table this matter and look at it in the broader context of what will be coming back.

On motion of Councilmember Westerlund, seconded by Acting President Sterling, duly carried, RESOLVED, the above entitled Bill tabled 30 days to come back with the church sign issue, by the following vote:

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

- (10:15 A.M.) HEARING TO CONSIDER DESIGNATIONS TO THE LOCAL REGISTER OF HISTORIC RESOURCES
1. RESOLUTION NO. 2008-50 - DESIGNATING THE (FORMER) SANTA FE LAND IMPROVEMENT COMPANY BOARDING HOUSE LOCATED AT 209 N. DIANA STREET TO THE LOCAL REGISTER
2. RESOLUTION NO. 2008-51 - DESIGNATING THE GUSTAV AND EDITH MANHEIM HOME LOCATED AT 617 E. PINE AVENUE TO THE LOCAL REGISTER
3. RESOLUTION NO. 2008-52 - DESIGNATING THE FLOYD W. COWAN HOME LOCATED AT 632 E. WELDON AVENUE TO THE LOCAL REGISTER
4. RESOLUTION NO. 2008-53 - DESIGNATING THE W. P. STANTON HOME LOCATED AT 650 E. WELDON AVENUE TO THE LOCAL REGISTER

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

Historic Preservation Manager Hattersley-Drayton gave a PowerPoint presentation which included the Historic Preservation Program, Criteris for Listing on the Local Register, Requests for Designations, Benefits of Listing, Properties on the Local Register, the Four Nominations this date, and staff's recommendation for approval. Acting President Sterling commended staff on the presentation and made a motion to approve.

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

On motion of Acting President Sterling, seconded by President Xiong, duly carried, RESOLVED, the above entitled Resolution Nos. 2008-50, 2008-51, 2008-52 and 2008-53 hereby adopted, by the following vote:

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

(10:30 A.M.) SPECIAL JOINT MEETING WITH THE JOINT POWERS FINANCING AUTHORITY:

The City Council recessed at 3:16 p.m. and convened in joint session with the Joint Powers Financing Authority (JPFA).

(A) JPFA REVIEW OF APPOINTMENTS OF BOARD MEMBERS BY THE CITY MANAGER

City Attorney Sanchez and City Manager Souza advised the appropriate members were the Mayor, the Council President, and the Redevelopment Agency Chair.

(6 - 0) On motion of President Xiong, seconded by Councilmember Westerlund, duly carried, RESOLVED, Mayor Autry, Council President Xiong, and Redevelopment Agency Chair Westerlund hereby approved as JPFA Board Members, by the following vote:

Ayes : Westerlund, Xiong
Noes : None
Absent : Autry

(B) ELECTION OF JPFA CHAIR AND VICE-CHAIR

On motion of Member Westerlund, seconded by Membert Xiong, duly carried, RESOLVED, Member Xiong elected JPFA Chair, by the following vote:

Ayes : Westerlund, Xiong
Noes : None
Absent : Autry

On motion of Chair Xiong, seconded by Member Westerlund, duly carried, RESOLVED, Member Westerlund elected JPFA Vice Chair, by the following vote:

Ayes : Westerlund, Xiong
Noes : None
Absent : Autry

(“C”) JPFA RESOLUTION NO. 25 - AUTHORIZING THE ISSUANCE AND SALE OF LEASE REVENUE REFUNDING BONDS (MASTER LEASE PROJECTS), SERIES 2008A (TAX EXEMPT) AND SERIES 2008B (FEDERALLY TAXABLE), IN A PRINCIPAL AMOUNT NOT TO EXCEED AN AGGREGATE \$45 MILLION; AUTHORIZING THE EXECUTION AND DELIVERY OF A MASTER TRUST AGREEMENT, A MASTER FACILITIES LEASE, A MASTER FACILITIES SUBLEASE, AN ESCROW AGREEMENT, A BOND PURCHASE CONTRACT, AND AN OFFICIAL STATEMENT; AND AUTHORIZING THE TAKING OF ALL NECESSARY ACTIONS RELATING TO THE ISSUANCE OF THE BONDS

Interim Controller/Finance Director Bradley reviewed the issue, all as contained in the staff report as submitted, and along with City Manager Souza and Jeff Bauer responded to numerous questions and comments of Councilmember Duncan and Vice Chair Westerlund relative to the bonds including expiration, maturity extension, interest rates, if increased costs have been budgeted, time line for going to market, the current market and flexibility, the bonds being expensive but the city having no choice, the general fund funding source, current debt service, when the rate will be locked in, and “lease revenue” bonds and if a lease was associated.

On motion of Chair Xiong, seconded by Vice Chair Westerlund, duly carried, RESOLVED, the above entitled JPFA Res. No. 25 hereby adopted, by the following vote:

Ayes : Westerlund, Xiong
Noes : None
Absent : Autry

(“D”) RESOLUTION NO. 2008-54 - APPROVING THE ISSUANCE BY THE JPFA OF LEASE REVENUE REFUNDING BONDS IN A PRINCIPAL AMOUNT NOT TO EXCEED AN AGGREGATE \$45 MILLION; AUTHORIZING THE EXECUTION AND DELIVERY OF A MASTER FACILITIES LEASE, A MASTER FACILITIES SUBLEASE, A BOND PURCHASE CONTRACT, AN OFFICIAL STATEMENT, AND A CONTINUING DISCLOSURE CERTIFICATE; AND AUTHORIZING THE EXECUTION OF DOCUMENTS AND THE TAKING OF ALL NECESSARY ACTIONS RELATING TO THE FINANCING

On motion of President Xiong, seconded by Councilmember Dages, duly carried, RESOLVED, the above entitled Resolution No. 2008-54 hereby adopted, by the following vote:

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

The joint bodies adjourned their meeting at 3:38 p.m. and the City Council reconvened in regular session. Councilmember Duncan left and was absent for the remainder of the meeting

(11:00 A.M.) JOINT MEETING WITH THE REDEVELOPMENT AGENCY:

The City Council recessed at 3:39 p.m. and convened in joint session with the Redevelopment Agency.

APPROVE AGENCY MINUTES OF FEBRUARY 5 & 26, 2008, AND MARCH 4, 2008

On motion of Councilmember Perea, seconded by President Xiong, duly carried, RESOLVED, the Agency minutes of February 5 and 26, 2008, and March 4, 2008, approved as submitted.

("A") AWARD A CONTRACT TO BRUNNA ENTERPRISES IN THE AMOUNT OF \$56,681 FOR THE REMOVAL AND DISPOSAL OF ALL LEAD-CONTAINING PAINT AND ASBESTOS AT 450 "M" STREET

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

On motion of President Xiong, seconded by Acting President Sterling, duly carried, RESOLVED, the above entitled contract awarded as recommended, by the following vote:

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

The joint bodies adjourned their meeting, at 3:41 p.m. and the City Council reconvened in regular session.

ADJOURNMENT

There being no further business to bring before the City Council, the hour of 3:42 p.m. having arrived and hearing no objections, President Xiong declared the meeting adjourned.

Approved on the 25th day of March, 2008.

_____/s/
Blong Xiong, Council President

ATTEST:

_____/s/
Yolanda Salazar, Assistant City Clerk

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03/11/08