

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
	Larry Westerlund	Councilmember
	Henry Perea	Councilmember
	Cynthia Sterling	Acting President

Absent:	Blong Xiong	Council President
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Jon Ruiz, Assistant City Manager
 Bruce Rudd, Assistant City Manager
 James Sanchez, City Attorney
 Becky Klisch, City Clerk
 Cindy Bruer, Deputy City Clerk

Reverend Danny Lee Jack of the First Chinese Baptist Church gave the invocation, and Acting President Sterling led the Pledge of Allegiance.

CEREMONIAL PRESENTATIONS:

PRESENTATION OF AN AWARD FOR 45 YEARS OF CITY SERVICE TO THE FAMILY OF DARWYN SOMMERS – CITY MANAGER’S OFFICE

Presented.

SPECIAL PRESENTATION TO PASTOR G.L. JOHNSON OF PEOPLE’S CHURCH – MAYOR AUTRY AND ALL COUNCILMEMBERS

Read and presented.

APPROVE MINUTES OF FEBRUARY 5, 2008

On motion of Councilmember Dages, seconded by Councilmember Westerlund, duly carried, **RESOLVED**, the minutes of February 5, 2008, approved as submitted.

COUNCIL MEMBER REPORTS AND COMMENTS:

COUNCILMEMBER DUNCAN: (1) Expressed concern regarding the reallocation of funds to assist in canal safety projects, stating efforts had been made to schedule meetings with Fresno Irrigation District, adding it was getting close to the time of year when the canals would begin to fill up and requested staff schedule a meeting with City Manager Ruiz stating he would discuss the matter with Fresno Irrigation District.

COUNCILMEMBER PEREA: (1) Commented on past reports from Channel 30 and the Fresno Bee, regarding the code issues the City was facing related to home foreclosures and requested a status report with an update on the internal code challenges the City was facing in case more funding needed to be reallocated, adding he would like the report to include a bigger picture of the foreclosure and economic issues.

ACTING PRESIDENT STERLING: (1) Thanked Public Works Manager Cisneros, Staff Assistant Doran and BNSF Railroad for working together to repair the railroad crossing at Fresno Street, north of City Hall. (2) Stated Council of Governments (COG) appointed her to the San Joaquin Housing Trust Fund, adding she participated in her first meeting this past Thursday. (3) Stated she had received notice last night that General Ed Munger passed away and expressed her condolences.

COUNCILMEMBER WESTERLUND: (1) Expressed his condolences on the passing of General Munger. (2) Stated President Xiong was absent from today's Council meeting due to attending the One Voice trip to Washington where he was lobbying for funding for appropriate projects in the Central Valley and expressed his sincerity on the trip being very productive.

COUNCILMEMBER DUNCAN: Provided a report on his recent trip to Afganistan and as part of the Brotherhood of the Badge they met with the military and government officials to set up distribution networks to ship surplus police equipment collected from various places all over the country to Afganistan, adding discussions took place regarding the significant need for fire equipment, adding the Brotherhood of the Badge was very committed, noting the shipments were in the process of being shipped and received.

ACTING PRESIDENT STERLING: Requested a report from City Clerk Klisch regarding inclusion of agreements and contracts in the City Council agenda packets, with Ms. Klisch stating she had proposed that rather than printing out the contracts and agreements for the agenda packets they would be available for review on the City's website. Councilmember Duncan stated he had concerns at first but after further discussion he felt it was a reasonable request and would rather have the entire agenda packet on the website, adding he looked forward to a paperless agenda in the future. Councilmember Westerlund expressed his concern with not receiving hard copies of the agreements and contracts, adding he made notes on the pages and emphasized it was Council's duty to see the contracts as part of the check and balance process, stating he would like the process to remain the same.

APPROVE AGENDA:

(9:15 A.M. A) BILL – (FOR INTRODUCTION) – AMENDING SECTION 4-108 OF THE FRESNO MUNICIPAL CODE RELATING TO LOCAL PREFERENCE IN THE PURCHASE OF MATERIALS, SUPPLIES AND EQUIPMENT – COUNCILMEMBER DAGES (CONTINUE TO FEBRUARY 26, 2008)

Continued as noted.

(10:45 A.M. #1) CONSIDER APPROVAL OF STAND-ALONE TAX SHARING AGREEMENT BETWEEN THE COUNTY OF FRESNO AND THE CITY OF FRESNO FOR ANNEXATION OF CERTAIN TERRITORY KNOWN AS THE MCKINLEY-HAYES NO. 3 REORGANIZATION (NEW URBAN STRATEGIES PROPERTY AND ADJACENT PARCELS) – PLANNING AND DEVELOPMENT DEPARTMENT

Continued to 2/26/2008 at 2:30 p.m.

(10:45 A.M. #2) HEARING TO CONSIDER REZONE APPLICATION NO. R-07-76, AND ENVIRONMENTAL FINDINGS, FILED BY THE CITY OF FRESNO, PERTAINING TO 48 PROPERTIES TOTALING APPROXIMATELY 169.13 ACRES GENERALLY LOCATED NORTH OF W. OLIVE AVENUE BETWEEN N. GRANTLAND AND N. POLK AVENUES (PROPERTY LOCATED IN DISTRICT 3) – PLANNING AND DEVELOPMENT DEPARTMENT

A. CONSIDER AND ADOPT ENVIRONMENTAL ASSESSMENT NO. R-07-76, DETERMINATION OF INITIAL STUDY TO FILE A FINDING OF CONFORMITY TO MEIR 10130 FOR THE 2025 FRESNO GENERAL PLAN

B. BILL – AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT 48 PARCELS FROM THE RR (RURAL RESIDENTIAL, FRESNO COUNTY) AND C-6 (GENERAL COMMERCIAL, FRESNO COUNTY) ZONE DISTRICTS TO THE R-A/UGM (SINGLE FAMILY RESIDENTIAL-AGRICULTURAL/URBAN GROWTH MANAGEMENT), 10 PARCELS (21.81 ACRES); R-P/UGM (RESIDENTIAL AND PROFESSIONAL OFFICE/URBAN GROWTH MANAGEMENT) 3 PARCELS (4.28 ACRES); C-P/UGM (ADMINISTRATIVE AND PROFESSIONAL OFFICE/URBAN GROWTH MANAGEMENT), 1 PARCEL (4.28 ACRES); R-1/UGM (SINGLE FAMILY RESIDENTIAL/URBAN GROWTH MANAGEMENT), 33 PARCELS (126.5 ACRES), AND O/UGM (OPEN SPACE/URBAN GROWTH MANAGEMENT) 2 PARCELS (15.65 ACRES) ZONE DISTRICTS

Continued to 2/26/2008 at 2:30 p.m.

(11:00 A.M.) CONTINUED HEARING TO CONSIDER REZONE APPLICATION NO. R-06-39, AND ENVIRONMENTAL FINDINGS, FILED BY HARBOUR AND ASSOCIATES ON BEHALF OF RIVERFRONT VENTURES, LLC. PERTAINING TO APPROXIMATELY 9.40 NET ACRES OF PROPERTY LOCATED ON THE NORTHWEST CORNER OF THE INTERSECTION OF W. HERNDON AND N. BRYAN AVENUES (PROPERTY LOCATED IN DISTRICT 2) – PLANNING AND DEVELOPMENT DEPARTMENT

A. CONSIDER AND ADOPT ENVIRONMENTAL ASSESSMENT NO. R-06-39/T-5558/C-06-143, DETERMINATION OF INITIAL STUDY TO FILE A FINDING OF CONFORMITY TO MEIR 10130 FOR THE 2025 FRESNO GENERAL PLAN

B. BILL – AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT PROPERTY FROM THE AE-5/UGM (EXCLUSIVE FIVE ACRE AGRICULTURAL/EXPRESSWAY AREA OVERLAY/URBAN GROWTH MANAGEMENT)ZONE DISTRICT TO THE R-1/EA/UGM (SINGLE FAMILY RESIDENTIAL/EXPRESSWAY AREA OVERLAY/URBAN GROWTH MANAGEMENT) ZONE DISTRICT

Councilmember Calhoun stated the City Attorney’s Office had issued an opinion on the above listed item and requested additional time to review the matter. City Attorney Sanchez stated the applicant’s attorney made a public records request to receive additional details on the code enforcement issues associated with the project and also indicated there were issues still outstanding and concurred with the request to continue.

Continued to 2/26/2008 at 4:00 p.m.

(10:00 A.M.#3) DISCUSSION AND DIRECTION REGARDING THE OPERATIONAL HOURS OF DOWNTOWN PARKING METERS – COUNCILMEMBER DAGES

Councilmember Calhoun requested the above listed item be tabled to February 26, 2008, due to the absent of President Xiong, noting President Xiong was interested in participating in the discussion.

On motion of Councilmember Calhoun, seconded by Councilmember Duncan, duly carried, **RESOLVED**, the discussion and direction regarding the operational hours of downtown parking meters hereby tabled to February 26, 2008, by the following vote:

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

APPROVE AGENDA:

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

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

ADOPT CONSENT CALENDAR:

(1B) * AWARD REQUIREMENTS CONTRACT TO BSK ANALYTICAL LABORATORIES IN THE ESTIMATED AMOUNT OF \$130,540.00 FOR UNREGULATED CONTAMINANT MONITORING RULE 2 (UCMR II) TESTING – DEPT. OF PUBLIC UTILITIES

(1D) * AWARD A REQUIREMENTS CONTRACT IN THE AMOUNT OF \$4,719,497.80 TO FRESNO TRUCK CENTER OF FRESNO, CA FOR SIDE LOADING REFUSE TRUCKS – GENERAL SERVICES DEPT./FLEET MANAGEMENT DIVISION

(1E) ADOPT RESOLUTION OF INTENTION NO. 1063-D TO VACATE FULTON LANE BETWEEN BROADWAY AND FULTON STREETS AND THE BROADWAY-FULTON/BROADWAY-DIVISADERO ALLEY BETWEEN FULTON LANE AND YOSEMITE AVENUE AND SETTING THE PUBLIC HEARING FOR MARCH 25, 2008, AT 10:00 A.M. (PROPERTY LOCATED IN DISTRICT 3) - PUBLIC WORKS DEPT.

(1F) APPROVAL OF UGM AGREEMENT FOR CONDITIONAL USE PERMIT 2001-117 AND AUTHORIZE THE PUBLIC WORKS DIRECTOR TO EXECUTE THE AGREEMENT– PUBLIC WORKS DEPT.

1. * RESOLUTION NO. 2008-26 - 47TH AMENDMENT TO AAR NO. 2007-214 APPROPRIATING \$306,400 IN DEVELOPER CONTRIBUTIONS FOR THE ACQUISITION OF RIGHT-OF-WAY FOR CONDITIONAL USE PERMIT NO. 2001-117 (REQUIRES 5 AFFIRMATIVE VOTES) (PROPERTY LOCATED IN DISTRICT 6)

(1G) * AWARD A REQUIREMENTS CONTRACT TO CENTRAL SANITARY SUPPLY OF FRESNO, CA, IN THE AMOUNT OF \$37,042.23 FOR PARK AND RECREATION FACILITY PAPER HAND TOWELS AND TOILETRY SUPPLIES – PARCS

(1H) AUTHORIZE THE DIRECTOR OF AVIATION TO NEGOTIATE A LEASE OF COMMON USER PASSENGER PROCESSING HARDWARE AND SOFTWARE FOR THE FRESNO YOSEMITE INTERNATIONAL AIRPORT WITH AIR-TRANSPORT IT SERVICES, INC. TO OBTAIN A LEASE UNDER WHICH AIR IT, IN COOPERATION WITH DEPARTMENT OF AIRPORT'S STAFF, AIRLINE TECHNICAL STAFF, AND THE AIRPORTS DEPARTMENT'S ARCHITECTS, WOULD DESIGN, MANUFACTURE, SOURCE, PROVIDE, INSTALL AND MAINTAIN COMMERCIAL OFF-THE-SHELF COMMON USE AIRLINE PASSENGER PROCESSING HARDWARE AND SOFTWARE APPLICATIONS AT FRESNO YOSEMITE INTERNATIONAL AIRPORT WITH THE EVENTUAL LEASD TO BE SUBMITTED TO THE COUNCIL FOR APPROVAL – AIRPORTS DEPARTMENT

At the hour of 9:07 a.m. Councilmember Dages left the meeting briefly.

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

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

CONTESTED CONSENT CALENDAR:

(1A) RESOLUTION NO. 2008-27 - DECLARING ITS OFFICIAL INTENT TO REIMBURSE CERTAIN EXPENDITURES FROM PROCEEDS OF INDEBTEDNESS FOR EXPENSES INCURRED RELATED TO SEWER ENTERPRISE CAPITAL PROJECTS – DEPT. OF PUBLIC UTILITIES

Councilmember Westerlund questioned the timeframe to return to Council as a bond package, with Assistant Wastewater Director Hogg responding. At the hour of 9:11 a.m. Councilmember Dages returned to the meeting. Extensive discussion ensued regarding the various projects to be captured in the reimbursement resolution and the revenue to pay back the bonds, the amount to be paid by user rates compared to impact fees with Senior Accountant Auditor Hardcastle stating the entire amount will be paid back by user fees, adding the Sewer Division was an Enterprise which was self-supporting. Councilmember Westerlund expressed concern with the resolution of intent to reimburse taking up to 14 months to return to Council with Mr. Hardcastle responding.

A motion to adopt the above entitled resolution was acted upon after brief discussion.

Councilmember Calhoun questioned the rates for the bond insurance and stressed the importance of Council receiving updates on any impacts the City may have on any bond issue.

On motion of Councilmember Westerlund, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled Resolution No. 2008-27 hereby adopted, by the following vote:

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

(1C) AUTHORIZE THE DEPARTMENT OF TRANSPORTATION/FRESNO AREA EXPRESS TO APPLY FOR LOCAL TRANSPORTATION FUND (LTF) AND STATE TRANSIT ASSISTANCE (STA) FOR FISCAL YEAR 2008 – DEPARTMENT OF TRANSPORTATION/FRESNO AREA EXPRESS

(2-0) Councilmember Westerlund questioned the increased amount of \$163,200 was budgeted that the City had anticipated receiving from the State and questioned where the difference derived from with Transportation Director Hamm stating revenues had come in much higher than the original estimates and was then incorporated into the budget, adding the State had redirected the funds beyond the excess revenues being received to other State priorities. Assistant City Manager Rudd stated an appropriation resolution would return to Council at the end of the fiscal year adding unanticipated revenue to the General Fund. Brief discussion ensued relating to operating reserves with Councilmember Westerlund requesting an e-mail with information pertaining to the exact amount of operating reserve.

On motion of Councilmember Westerlund, seconded by Councilmember Duncan, duly carried, RESOLVED, the submission of the annual transportation funding claim for Fresno's Local Transportation Fund (LTF) and State Transit Assistance (STA) entitlement in the amount of \$21,614, 294, plus any additional funds made available during fiscal year 2008 hereby authorized, the Director of Transportation hereby authorized to execute all claim documents on behalf of the City, by the following vote:

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

(11) APPROVE AMENDMENT TO PARKING FACILITIES MANAGEMENT SERVICES AGREEMENT BETWEEN THE CITY OF FRESNO AND ACE PARKING MANAGEMENT, INC. - PARCS

Councilmember Calhoun expressed concern with Ace Parking saving the City money instead of having City employees serving City parks, with Parks, Recreation and Community Services Department Cooper stating more people would be coming into the parks to cover the cost, noting Ace Parking was bonded and the hope was to reduce the losses and proceed with the audit recommendations adding the Department had a year-to-date increase of \$107,000 due to increased gate revenues. Councilmember Calhoun stated the report should have included the rationale of how the \$95,000 was going to be made up, adding he would not want to see a deficit relating to parking. Mr. Cooper emphasized with an increase in amenities, security and less theft taking place the numbers would increase. Brief discussion ensued regarding Ace Parking hiring some of the City employees, with Mr. Cooper stating Ace Parking would make the parks run more professionally. Mr. Calhoun emphasized he would not have pulled the item for discussion if more information had been included in the staff report and requested more information be provided in the future.

On motion of Councilmember Calhoun, seconded by Councilmember Dages, duly carried, RESOLVED, the amendment to Ace Parking Service, Inc. (Ace) contract to provide professional parking facilities management services at City owned regional parks, i.e. Roeding Park, Woodward Park and the Regional Sports complex hereby approved, by the following vote:

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

(9:00 A.M."B") UNSCHEDULED COMMUNICATION:

Charlie Waters, 5888 N Palm Avenue, informed Council General Ed Munger, an active member of the community, passed away last evening, stating the funeral will take place Friday morning at 10:00 a.m. at the Fresno Memorial, adding this would be a closed family funeral with the military. Mr Waters advised a memorial service would take place at 12:00 noon on Friday, at the First Presbyterian Church and would be open to the community. Mr. Waters requested Council present a proclamation to the family, with Councilmember Westerlund expressing his condolences, stating a proclamation was presented to General Munger at his Fresno High School reunion last summer, adding Council would look into the protocol of providing another proclamation. Acting President Sterling stated a resolution would be the correct protocol and would work with Councilmember Westerlund's office.

Sherrie Smith, 4724 West Swift, spoke of fire services, reviewed the dangers of flashovers, and the diversions for the fire trucks and requested Council reconsider a fire station on the Ashlan and Cornelia corridor.

Paul Savino, 7449 N. Mansionette Drive spoke about suitable housing for the homeless.

Councilmember Dages stated two weeks ago he had requested staff provide a report to Sherrie Smith and questioned if anyone had discussed her issues regarding Fire Station No. 16 with Assistant City Manager Ruiz stating an investigation was almost completed and would be provided to Council in a few days. Councilmember Dages questioned whether staff had contacted Ms. Smith to discuss Fire Station No. 16 in detail with Mr. Ruiz stating his office would be in contact with Ms. Smith.

(9:15 A.M. "B") DIRECT STAFF TO DEVELOP AND IMPLEMENT A COMPREHENSIVE PUBLIC AWARENESS CAMPAIGN IN THE NEXT 30 DAYS TO CURB COPPER WIRE THEFT IN THE CITY OF FRESNO - COUNCILMEMBER CALHOUN

Councilmember Calhoun commended the Fresno Bee for an article informing the public of the copper wire theft problem, and reviewed his staff report in detail, discussed the theft statistics and the costs involved and recommended the City provide the same funding for prevention of copper wire theft as what it took to repair the loss, adding staff needed to involve the public. Councilmember Calhoun stated Public Affairs could get involved and place advertisements on City buses, billboards, inserts into utility bills, public service announcements on radio, television and in moving theaters and possibly engage the County of Fresno to assist in resolving the issue. Councilmember Calhoun stated when some of the wire was stolen, the landscaping was also destroyed, resulting in dead landscaping throughout the City.

A motion to approve the above listed item was acted upon after extensive discussion.

Speaking to the issue were: Deputy Police Chief Foster, who stated the copper wire theft was creating a disturbance in numerous services and operations within the Police Department and was in the process of approaching the problem in a three-prong approach – 1) prevention; hardening the targets, adding a tray memo was being prepared to outline several of the strategies discussed, 2) Public awareness to inform the community what to look for, noting a hotline was being developed to get the information back to the Police Department and 3) Suppression, by making arrests and continued investigations along with focusing on metal recyclers. Parks, Recreation and Community Services Department Cooper recommended placing a monetary value to assist in solving the problem and involve Crime Stoppers, and Al Galvez, PG&E, 705 “P” Street, stated the theft had delayed services PG&E provide as well as it had become a safety issue, adding the theft had created of magnitude of expenses.

Councilmember Perea spoke in support of involving Crime Stoppers and the importance of being proactive and the idea of providing monies for rewards during the campaign. Councilmember Perea stated he had seen on television how easy it was to lift up the lids of the copper wire containers and questioned whether there was a product to use to lock the containers with Public Works Director Wiemiller stating the locking devices that were tested showed they were not a full deterrent of theft, adding an alternative solution was what was behind the cover to make it a harder target. Mr. Wiemiller advised the City would be receiving a theft loss reimbursement from the insurance pool to be used to hire temporary labor and assist providing recovery of the losses. Brief discussion ensued regarding the cost for recovery of the loss of the copper wire.

Councilmember Duncan concurred with involving Crime Stoppers and recommended producing a re-enactment video and placing it on the City’s website showing the public how people steal the copper wire, adding he was in support of staff returning to Council with funds for a reward supplement program. Councilmember Duncan commended the Public Works Department for receiving the information on the prioritized areas of theft that advising it assisted with the District telephone calls being received and recommended placing the information on the City’s website.

Councilmember Dages concurred with the reward program, adding Acetone could possibly assist in the marketing process. **(3-0)** Assistant City Manager Ruiz commended all the involved departments for their hard work on trying to resolve the issue. Acting President Sterling stated putting all the resources and efforts together was how a partnership was formed, stressing the importance of involving Crime Stoppers and concurred with getting the various schools involved and recommended staff involve PG&E in the entire process.

On motion of Councilmember Calhoun, seconded by Councilmember Duncan, duly carried, **RESOLVED**, staff directed to develop and implement a comprehensive public awareness campaign in the next 30 days to curb copper wire theft in the City of Fresno, by the following vote:

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

(9:30 A.M. “A”) * APPROVE AN AGREEMENT WITH RRM DESIGN GROUP IN THE AMOUNT \$179,995 FOR THE PREPARATION OF PLANS, SPECIFICATIONS, AND COST ESTIMATES FOR THE VAGABOND SKATE PARK (PROPERTY LOCATED IN DISTRICT 3) – PUBLIC WORKS DEPT.

Parks, Recreation and Community Services Department Cooper reviewed the staff report, stating the design process would start shortly and reviewed other projects underway.

Councilmember Westerlund questioned where the funding was coming from with Assistant City Manager Ruiz stating the funding came from the treasury pool, and when the money was disbursed it would be reimbursed with an appropriation resolution. Mr. Cooper stated approximately \$12 million had been allocated on the reimbursement resolution with Councilmember Westerlund expressing concern with interdepartmental transfers from the treasury pool covered a 60 to 90 day gap, adding this project had been going on for 14 months with City Attorney Sanchez stating due to the this funding going beyond the normal time period, a resolution

identifying a timeline for reimbursement after 18 months should be adopted. Councilmember Westerlund questioned the internal City policies regarding borrowing from the treasury pool without Council approving, adding after discussions with the external auditor, as a general rule, municipalities should require if there was an interdepartmental loan out of the investment pool extended longer than 30, 60 or 90 days, it should come back to the Council with Mr. Ruiz responding. Councilmember Westerlund requested a memorandum from the City Attorney's Office and the Budget Division on what the City's policy was on taking the money out of the investment pool, stressing the importance of have a policy in place, adding he would not support the above item at this time.

Councilmember Duncan stated the parks investments were very importance and expressed concern with it taking 18 months for the issuance of bonds, adding this would affect the General Fund with Mr. Ruiz reviewing the timeframe, stating the General Fund would not be affected, adding the reimbursement involved the park impact fees. Extensive discussion ensued on the length of the project, with Councilmember Duncan expressing concern with the length of time it had taken to get a bond issuance.

Councilmember Perea stated he would support the above listed item and emphasized the importance of seeing the big picture on how the General Fund could be impacted, with Councilmember Calhoun concurring. Acting President Sterling stated she was also concerned with the length of time to issue the bonds, adding she was in support and felt staff was taking an aggressive steps toward helping children.

On motion of Councilmember Sterling, seconded by Councilmember Dages, duly carried, RESOLVED, the agreement with RRM Design Group in the amount of \$179,995.00 for the preparation of plans, specifications and cost estimates for the Vagabond Skate Park, hereby approved, by the following vote:

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

10:00 A.M.#1 CONTINUED HEARING TO CONSIDER THE "EL CAZADOR" CONDOMINIUM CONVERSION APPLICATION AND VESTING TENTATIVE TRACT MAP NO. 5793, FILED BY UNITED DEVELOPMENT GROUP, PERTAINING TO 4.64 ACRES OF PROPERTY ZONED R-3 (MEDIUM DENSITY MULTIPLE FAMILY RESIDENTIAL) LOCATED ON THE WEST SIDE OF N. CEDAR AVENUE BETWEEN E. SHAW AND E. GETTYSBURG (PROPERTY LOCATED IN DISTRICT 4) – PLANNING AND DEVELOPMENT DEPT.

A. CONSIDER AND ADOPT CATEGORICAL EXEMPTION FOR ENVIRONMENTAL ASSESSMENT NO. T-5793

B. RESOLUTION NO. 2008-28 – APPROVING VESTING TENTATIVE TRACT MAP NO. 5793 PROPOSING THE CREATION OF A ONE COMMON LOT CONDOMINIUM MAP THAT WILL ALLOW FOR THE SALE OF 100 UNITS FOR INDIVIDUAL AIRSPACE OWNERSHIP; AND THE CONVERSION OF THE "EL CAZADOR" MULTIPLE FAMILY APARTMENT COMPLEX INTO A CONDOMINIUM OWNER-OCCUPIED COMPLEX

At the hour of 10:27 a.m. Councilmember Duncan briefly left the meeting. Planning and Development Planner Braun gave an overview of the staff report, stating the item was presented to the District 4 Implementation Committee, Planning Commission, both recommended approval.

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

Councilmember Westerlund thanked staff for meeting with the Implementation Committee and stressed the importance of the Committee coming together and discussing the matter as a group.

On motion of Councilmember Westerlund, seconded by Councilmember Dages, duly carried, RESOLVED, the finding for the above entitled E.A. hereby approved, and the above entitled Resolution No. 2008-28 hereby adopted, by the following vote:

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

(10:00 A.M.#2) WORKSHOP REGARDING PARKING – PUBLIC WORKS DEPT.

Councilmember Duncan returned to the meeting at 10:32 a.m. Parking Manager Estabrooke introduced involved staff members and gave an extensive review of the staff report to include: Proposed key components of the Parking Program; Secondary components of the Parking Program; an aggressive campaign; a recovery plan; meter operation ordinance; proposal to amend the exempt plate (E plate)

exclusion; a hybrid vehicle amendment; proposed parking of County employees; validation program; town hall meetings to listen to the public; time zones and meters provide turnover public parking and concluded with a review of parking technology. Public Work Director Weimiller reviewed the funding sources for parking and the parking services 10-year workout plan, and reviewing the parking services fund balance with the current fees.

Councilmember Dages commended staff on the report, stressing the importance of having meters enforced between 6:00 a.m. and 6:00 p.m. Monday through Friday, with the other times free and leaving the parking garages alone would encourage people to come downtown. Councilmember Dages expressed concern with exempt plates parking illegally in the red zone, adding enforcement should take place. Councilmember Dages requested staff return in two weeks to address the parking all at one time instead of piece-mealing with brief discussion ensuing, adding the City had spend a billion dollars on downtown and providing such parking would encourage more people to come downtown.

Councilmember Duncan questioned how much money would be involved with the proposed free meters after 6:00 p.m., with Mr. Estebrooke stating the revenue reduction would be approximately \$160,000 per year. **(4-0)** Extensive discussion ensued regarding installation of parking meters in high density areas of downtown, a deficit of \$6 million and the parking meters around the stadium with Councilmember Duncan expressing concern with free parking after 6:00 p.m., adding it would not be conducive for building businesses downtown and expressed the importance of keeping the business owners informed.

Councilmember Calhoun concurred with Councilmember Duncan, stating this kind of debt was unacceptable, adding he would not support anything in favoritism for hybrid vehicles, noting he would like to see additional information in two weeks relating to what other communities do relating to parking. Mr. Estebrooke stated that under the business plan the City operated under, the revenues were larger than the expenses, adding other cities were very aggressive in getting funds into the program. Councilmember Calhoun reiterated his request for Council to receive different proposals, adding Council had not been provided those options.

Assistant City Manager Ruiz stated all the information would be provided to Council in two week, adding he was not in agreement with Council not being provided with all the information available, adding the parking fund did have a fiscal responsibility to operate as an enterprise fund.

Councilmember Perea stated he was in support of the Hybrid Vehicle Program, adding the program must be working with 175 customers and expressed concern with a cap of 250 customers. Brief discussion ensued regarding moving hybrid vehicles from parking meters to parking garages.

Councilmember Westerlund questioned the workout plan and the growing deficit of \$6.35 million and a projected deficit of \$7.8 million by the end of the fiscal year, adding he would like to have future discussions on the definition of the line-by-line items, reviewed the need for a discussion on where and how the City would do capital improvements, capital parking programs, the infrastructure on the south stadium project and the funding for parking. Councilmember Westerlund stated there was a need to continue to look at the private parking in Fresno. Councilmember Duncan requested any proposed parking structure changes needed to be discussed with the private parking structures to ensure they understand what the City was doing. Mr. Estebrook stated in the last couple of years there had been approximately three thousand new private parking structures built in the downtown area, adding their market rate was approximately \$80-\$85.00/month for permit parking with brief discussion ensuing. No action taken.

CLOSED SESSION

A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - GOVERNMENT CODE SECTION 54956.9, SUBDIVISION (A) 1. CASE NAME: KERRY BROWN V. CITY OF FRESNO; FRESNO COUNTY SUPERIOR COURT CASE NO. 06CECG03683

The City Council met in closed session in Room 2125 at the hour of 11:22 a.m. to consider the above matter and recessed thereafter.

LUNCH – 11:30 A.M. – 2:05 P.M.

The City Council reconvened at 2:05 p.m. in joint session with the Redevelopment Agency.

(2:00 P.M.) JOINT MEETING WITH THE REDEVELOPMENT AGENCY – Councilmember Westerlund arrived shortly thereafter.

APPROVE AGENCY MINUTES OF JANUARY 29, 2008

On motion of Councilmember Dages, seconded by Councilmember Duncan, duly carried, RESOLVED, the Agency minutes of January 29, 2008, approved as submitted.

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(2:00 P.M. “A”) BILL – (FOR INTRODUCTION) - ADDING SECTION 11 -109 TO ARTICLE 1 OF CHAPTER 11 OF THE FRESNO MUNICIPAL CODE RELATING TO UNIVERSAL DESIGN BUILDING REQUIREMENTS FOR CITY AND THE REDEVELOPMENT AGENCY FUNDED NEW RESIDENTIAL BUILDING PROJECTS – COUNCILMEMBER STERLING

Chief of Staff Barfield gave a brief overview of the staff report , adding an item that was not made clear in the staff report, but was duly noted in the ordinance was there was discussion regarding the door opening, stating the clarification was: the door must be a 34” or have a minimum net clear opening of 32”.

Speaking to the issue were: Jose Barraraza, 4243 E Thomas, Chairman for the Housing Partnership for the Disabled, stated the 34” door would be the best avenue, adding there was a manufacturer in Visalia that provided such sized door at no additional cost and it would make it more accessible for wheelchairs; Christine Lingenfelter, 1396 W. Herndon, #101, speaking on behalf of Granville Homes, requested the item be continued so as to address the confusion of the size of the door, adding a 34” door would result in a substantial cost increase, stating approximately \$800.00 per home; Cynthia Ordegon, 429 South “K” Street, Madera, stating the hope was to bring the universal design concept to Madera, adding a wheelchair was 32” wide, stressing the importance of a 34” door; Carol Casey, 1917 S. Chestnut, Apt. 10G, spoke in support of the ordinance to include a 34” door and lower counter area; Reverend Sophia DeWitt, 3862 N. Wilson Avenue, representing Fresno Housing Alliance, spoke in support, adding the larger door would not cost additional money; and Sharon Stanley, Member of the 10 X 10 Housing Team, 4879 E. Butler Avenue #102 also spoke in support, stating the cost for a newly constructed buildings was approximately \$381.00 per unit advising if universal design was incorporated into the already existing unit it would cost approximately in the range of \$2,000 to \$3,000.00.

Mr. Barfield stated staff would be happy to meet with everyone with concerns to work out issues prior to adoption. Councilmember Calhoun expressed concern with all the issues not being resolved, adding this was a very important issue and would not support until all issues were resolved.

Councilmember Dages spoke in support, adding the need to modify the ordinance to state 34” net clearance doors rather than to continue the item. City Attorney Sanchez stated today was only for introduction and the item would come back for adoption on February 26, 2008, with brief discussion ensuing.

(5-0) A motion to introduce the above listed item to include a net 34” clearance subject to discussions and to be included in the final report back to Council for adoption was acted upon after extensive discussion.

Ms. Lingenfelter responded to questions by Councilmember Duncan, explaining the differences of installing a 32” versus 34” door, adding Granville was not opposed to the 34” door, stating the way it was written in the ordinance it could possibly create problems to make the homes unaffordable, noting Granville Homes would like to work with everyone concerned regarding the size of the doors without driving up the cost. Councilmember Duncan expressed concern that the ordinance was not written correctly in its entirety and requested the issue be continued two weeks for the ordinance to return to Council with complete clarity.

A motion to table the above entitled item to February 26, 2008, was acted upon after brief discussion.

Acting President Sterling emphasized the ordinance was only related to housing using Redevelopment Agency funding, stating the ordinance dealt only with certain developers that would be building affordable housing, adding her concern with continuing the item.

Councilmember Westerlund stated his appreciation for all the hard work that had taken place, adding it was important to discuss the 32” door versus the 34” door, and expressing concern with having no definition of “no step entry.” Mr. Sanchez responded to questions pertaining to the level of clarification of the scope and application of the affordable housing using City and Redevelopment Agency funding. Councilmember Westerlund stated he was in support of the concept, and expressed concern with all the issues needing to be addressed prior to the adoption of the ordinance. Councilmember Duncan cautioned by moving forward today it could possibly make affordable housing unaffordable.

A motion by Councilmember Calhoun, seconded by Councilmember Duncan, to continue the above list item to February 26, 2008, failed approval, by the following vote:

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

A motion by Councilmember Sterling, seconded by Councilmember Dages, to introduce the above entitled item failed approval, by the following vote:

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

(3:30 P.M. "B") CONSIDER ADOPTION OF AGENCY RESOLUTION CERTIFYING SUBSEQUENT ENVIRONMENTAL IMPACT REPORT (SEIR) SCH # 2003051046 FOR THE OLD ARMENIAN TOWN PROJECT-RELOCATION OF HISTORICAL RESOURCES (CONTINUE TO FEBRUARY 26, 2008 AT 3:00 P.M.)

Continued as noted above.

ADJOURNMENT

There being no further business to bring before the Redevelopment Agency, the hour of 2:47 p.m. having arrived and hearing no objections, Acting President Sterling declared the meeting adjourned.

Approved on the _____ day of _____, 2008.

Cynthia Sterling, Acting President

ATTEST: _____
Cindy Bruer, Deputy City Clerk

