

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	Council President
	Cynthia Sterling	Acting Council President
	Larry Westerlund	Councilmember
	Blong Xiong	Council President

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

Pastor Michael Eanes of Christ Temple Church gave the invocation, and President Xiong led the Pledge of Allegiance.

President Xiong acknowledged dignitaries from Thailand in the audience and welcomed them to City Hall.

PROCLAMATION OF "GO RED FOR WOMEN, AMERICAN HEART MONTH" - ACTING PRESIDENT STERLING

Not presented/no one present to accept.

PRESENTATION OF "BIG CHECK" AWARDS TO CITY STAFF FOR IDEA\$ PAY

1. Steve Crandall, GSD Facilities Management - Lighting retrofit at the Convention Center Plaza
2. Robert Ascencio, John Steinhauer, George Hobbs, Arnolfo Ray Flores, Felipe Martinez and Richard Jufiar, GSD Fleet Management Division, and Al Shepherd, ISD Communications Services Division - Recycling equipment from retired patrol cars
3. Roberta Cope and Joseph Oldham, GSD Fleet Management Division - Excise Tax Rebate
4. Ken Wade and Kim LeBlanc, PUD Wastewater Management - Engineer and fabricate steel stand to ship raw sewage lift pumps
5. James Horg, Parks Division - Replace incandescent light bulbs with CFL bulbs in shelters and restrooms in regional and pocket parks

Awards presented.

FOURTH QUARTER "MAKE A PROMOTION A COMMOTION" CEREMONY

Held.

RECESS - 9:01 A.M. - 9:18 A.M.

APPROVE MINUTES OF JANUARY 15, 2008:

On motion of Acting President Sterling, seconded by Councilmember Perea, duly carried, RESOLVED, the minutes of January 15, 2008, approved as submitted.

COUNCIL MEMBER REPORTS AND COMMENTS:

COUNCILMEMBER DUNCAN: Thank you to city manager and city attorney staff for the building demolition over the weekend.

COUNCILMEMBER CALHOUN: Information shared on the writings and contributions of Robert Burns, Poet Laureate of Scotland, and comments on the contributions of the Scottish people and the other diverse, rich cultures of the city.

ACTING PRESIDENT STERLING: Thank you to the Martin Luther King Jr. Committee and everyone else involved in the various MLK activities and events in Fresno and Clovis.

APPROVE AGENDA:

(3:00 P.M.) JOINT CITY/REDEVELOPMENT AGENCY MEETING - CONSIDER ADOPTION OF AGENCY RESOLUTION CERTIFYING THE SEIR FOR THE OLD ARMENIAN TOWN PROJECT - RELOCATION OF HISTORICAL RESOURCES **(Continue to February 5, 2008, at 3:00 p.m.)**

Continued as noted.

(3:15 P.M.) HEARING ON REZONE APPLICATION NO. R-07-45 AND ENVIRONMENTAL FINDINGS FILED BY SHENG SIMON VANG ON BEHALF OF BINGO TRADING COMPANY **(Continue to 3:50 p.m. this date)**

Continued as noted.

(3:20 P.M. / 3:55 P.M.) CONTINUED HEARING ON REZONE APPLICATION NO. R-07-70 AND ENVIRONMENTAL FINDINGS FILED BY ENVISION HOMES ON BEHALF OF FCF-BUILT LLC, EAST SIDE OF N. MARKS BETWEEN W. FLORADORA AND W. MCKINLEY AVENUES **(Continue to February 5, 2008, at 10:30 a.m.)**

Continued as noted.

(1-C) AWARD A ONE YEAR REQUIREMENTS CONTRACT, WITH PROVISIONS FOR FOUR ONE-YEAR EXTENSIONS, TO FRESNO TRUCK CENTER IN THE AMOUNT OF \$4,719,497.80 FOR SIDE LOADING REFUSE TRUCKS

Removed from the agenda by staff.

(1-F) APPROVE ACQUISITION OF A SITE FOR FIRE STATION 18 ON THE SOUTH SIDE OF W. SHAW BETWEEN N. BRYAN AND N. GRANTLAND AVENUES FROM RONALD AND PAULETTE LORENZETTI FOR THE APPRAISED VALUE OF \$220,000

Removed from the agenda by staff.

(9:30 A.M. 'D') REPORT ON STATUS OF THE CREATION OF THE "10 YEAR PLAN TO END HOMELESSNESS"

Moved to the end of the meeting after the 4:10 p.m. item.

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

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

ADOPT CONSENT CALENDAR:

(1-A) APPROVE AMENDMENT NO. 1 TO THE SERVICE AGREEMENT WITH THE NORTH CENTRAL FIRE PROTECTION DISTRICT (NCFPD) FOR FIRE PROTECTION AND EMERGENCY SERVICES
1. RESOLUTION NO. 2008-7 - 48TH AMENDMENT TO THE AAR APPROPRIATING \$370,100 TO THE FIRE DEPARTMENT FOR THE ADDITION OF TRUCK COMPANY STAFF AND EQUIPMENT FOR THE INCREASED SERVICE LEVEL

2. RESOLUTION NO. 2008-8 - 7TH AMENDMENT TO THE PAR ADDING EIGHT FIREFIGHTER POSITIONS IN THE FIRE DEPARTMENT TO STAFF THE TRUCK COMPANY IN THE NCFPD

(1-B) APPROVE RIDER NO. 2 TO THE FIRE SERVICE AGREEMENT BETWEEN THE FIG GARDEN FIRE PROTECTION DISTRICT AND THE FIRE DEPARTMENT

(1-D) APPROVE A SIDE LETTER OF AGREEMENT WITH THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS (IAFF), LOCAL 753, FIRE BASIC UNIT (UNIT 05), REGARDING HIRE OF FIRE DEPARTMENT RECRUITS, ACCRUAL OF COMPENSATORY TIME, AND VACATION LEAVE ACCRUAL CAP

(1-E) AUTHORIZE ACCEPTANCE OF FY 2007 CYCLE STATE HOMELAND SECURITY GRANT PROGRAM FUNDS FOR A TOTAL OF \$298,617 SUB-GRANTED FROM THE STATE OF CALIFORNIA GOVERNOR'S OFFICE OF HOMELAND SECURITY, AS PART OF THE U.S. DEPARTMENT OF HOMELAND SECURITY'S STATE HOMELAND SECURITY GRANT PROGRAM

1. RESOLUTION NO. 2008-9 - 65TH AMENDMENT TO THE AAR APPROPRIATING \$255,000 FOR THE POLICE DEPARTMENT'S HOMELAND SECURITY GRANT PROGRAM

(1-G) REJECT ALL BIDS FOR INSTALLATION OF STREET INFRASTRUCTURE IN NO NEIGHBORHOOD LEFT BEHIND (NNLB) AREA 66

(1-H) RESOLUTION NO. 2008-10 - 6TH AMENDMENT TO THE SALARY RESOLUTION REINSTATING THE CLASSIFICATION OF AIRPORTS PROPERTY SUPERVISOR IN EXHIBIT 2.4, MANAGEMENT NON-CONFIDENTIAL EMPLOYEES

(1-I) APPROVE REAPPOINTMENT OF AL GRACE TO THE FRESNO-MADERA AREA AGENCY ON AGING BOARD - MAYOR AUTRY

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

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

Sherry Smith spoke to the need for public safety services in the Ashlan/Cornelia corridor and to other traffic safety issues in the area **(2 - 0)**.

Rachel Irwin, Margie Haymon with HEAT of Southwest Fresno, Rita McPeters, and Brunette Harris with HEAT of Southwest Fresno, all spoke in opposition to using consolidated block grant funds for any projects in the city's Master Plan, with Ms. Harris also speaking to issues relative to Acting President Sterling and conflicts of interest. Councilmember Calhoun expressed concern with using this forum for unwarranted personal attacks on a council member and clarifications from the city attorney. City Attorney Sanchez clarified issues relative to First Amendment Rights and spoke to the authority of the Council President to temporarily stop the meeting if attacks occur and reconvene later when the matter can more properly be addressed, and relative to the conflict clarified his office advised Acting President Sterling to recuse herself from Hope VI proceedings due to her family having property ownership in the Hope VI project area, and stated she followed that advice, she never had a conflict with the Running Horse project, and she no longer had a conflict with Hope VI due to the subsequent sale of that property.

Nina Jones spoke to the need for any block grant funds intended for the west Fresno community to stay there.

Paula Savino spoke to issues relative to the homeless.

Sheila Krebs spoke to how Fire Station 16 benefits the Ashlan/Cornelia neighborhood and also to an incident wherein Sherry Smith was denied medical help at the fire station and questioned what the public policy was to help the injured, which matter was discussed further at the conclusion of Unscheduled Communications.

Nona Harris spoke to the need for west Fresno's block grant funds to be taken out of the Master Plan and used in west Fresno.

Jose Luis Barraza, representing El Concilio de Fresno, spoke in support of a Recreation Division employee at Dickey Playground who works with youth stating any attempt to demote him or place him elsewhere would greatly impact the youth and the community.

Councilmember Dages presented questions and comments relative to whether Sherry Smith was refused help at a fire station, need for/request that staff look into that allegation, and the petitions in support of keeping Fire Station 16 at its current location and if they were part of the information presented to Council when the decision was made to construct the new fire station, with Ms. Krebs and Assistant City Manager Ruiz responding throughout and Mr. Ruiz stating staff would look into those issues.

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

(‘A’) BILL - AMENDING THE FRESNO MUNICIPAL CODE RELATING TO LOCAL PREFERENCE IN THE PURCHASE OF MATERIALS, SUPPLIES AND EQUIPMENT - COUNCILMEMBER DAGES

Councilmember Dages stated this was the result of a bid contract a few weeks ago for trucks that was awarded to a Chowchilla firm because it was \$340 lower than a Fresno company's bid, and along with Purchasing Manager Smith elaborated further on the issue, the existing local preference ordinance, and the proposed ordinance. A motion and second was made to introduce the ordinance bill.

Councilmember Calhoun expressed concern with the 25-mile radius from City Hall for "local business" stating Madera would be included but not Chowchilla which was right next door, stated the radius should be the county boundary and elaborated, and upon his question Councilmember Dages stated he had not thought about changing the boundary as the 25-mile radius had been in the books for many years and added eh would leave his motion as is and see if it passes and if it does not he would then talk with the city attorney about a county radius. Councilmember Calhoun made an amended motion to eliminate the 25-mile radius and make the county boundary the radius, and upon call the motion died for lack of a second.

Ms. Smith and Chamber of Commerce CEO Al Smith responded to questions and comments of Councilmember Duncan relative to the staff report on fiscal impact, how it was possible there would be no fiscal impact, there being a fiscal impact but it being unknown, need for a complete analysis to obtain a projection of the impact, if the business community's input was sought on this, and if the Chamber saw any value in the business community reviewing this issue before Council moves forward. Upon question of Councilmember Duncan Councilmember Dages stated he would support tabling the matter two weeks to obtain community input and allow staff to conduct more fiscal analysis and review a county radius.

On motion of Councilmember Duncan, seconded by Councilmember Dages, duly carried, RESOLVED, the above entitled Item 9:15 a.m. "A" tabled two weeks to present the matter to the business community for their input and allow staff to conduct additional fiscal analysis and review a county boundary radius, by the following vote:

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

(‘B’) REQUEST STAFF PREPARE A PROPOSAL TO CONDUCT A PILOT PROJECT TO DETERMINE THE EFFECTIVENESS OF FAX BUS-ENABLED WI-FI AS AN AMENITY TO THE CITY FAX SYSTEM - COUNCILMEMBER DUNCAN

Councilmember Duncan reviewed the issue as contained in his report to Council as submitted, and stated this would be a great amenity and incentive, it would increase ridership, it would make riding the bus more convenient, the cost to try it out on a few buses would be minimal, the concept of a pilot project was to see how it works **(3 - 0)**, and this was a chance to make our buses a little more special.

Speaking to the issue were: Patrick Spangler with ExecuTech Communications, who spoke in support, to the technology, and offered to be part of the pilot program; Adam Raimer, ATU Secretary/Treasurer, who stated the ATU was supportive of efforts to increase ridership/improve air quality but was concerned with the cost as there were other priority needs such as expanding service; and Suzette (last name inaudible) with AT&T Wireless, support and offered to be part of the pilot project.

Councilmember Duncan stated all concerns would be looked at, one of the elements of the pilot project was to look for resources and the intent was not to negatively impact bus service, and made a motion as outlined above and added this had the support of the administration. Upon question of ACM Ruiz Councilmember Duncan stated he would leave it up to staff on when to return and whether to return with a proposal or an actual pilot program and clarified the purpose was to be very transparent and have a staff presentation and Council discussion before implementing it.

On motion of Councilmember Duncan, seconded by Councilmember Calhoun, duly carried, RESOLVED, staff requested to prepare and return with a proposal for conducting a pilot FAX bus-enabled WiFi project, by the following vote:

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

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

(‘A’) APPOINT OF JOE LEVY AS URBAN MEMBER TO THE FRESNO COUNTY TRANSPORTATION AUTHORITY EXECUTIVE BOARD

On motion of Councilmember Duncan, seconded by Councilmember Dages, duly carried, RESOLVED, Joe Levy appointed Urban Member to the Fresno County Transportation Authority Executive Board, by the following vote:

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

(‘B’) HEARING ON REQUEST FROM AMERICAN PAVING COMPANY FOR SUBSTITUTION OF A SUBCONTRACTOR FOR THE SANTA FE DEPOT PROJECT

1. AWARD A CONTRACT IN THE AMOUNT OF \$1,316,199 TO AMERICAN PAVING COMPANY FOR THE BASE BID PLUS ADD-ALTERNATE BID ITEMS 6, 7 AND 8 FOR CONSTRUCTION OF SITE IMPROVEMENTS AT THE SANTA FE DEPOT

President Xiong announced the time had arrived to consider the issue and opened the hearing. Public Works Director Weimiller reviewed the issue, all as contained in the staff report as submitted.

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

Acting President Sterling thanked staff for bringing this project forth stating the depot was jewel for the community and made a motion to approve staff’s recommendation, which motion was seconded by Councilmember Westerlund. Councilmember Calhoun presented questions relative to the project’s time line and also expressed his support and spoke to the need to inform Sacramento of the City’s appreciation for funding and for businesses to locate in the depot to provide services for customers.

On motion of Acting President Sterling, seconded by Councilmember Westerlund, duly carried, RESOLVED, the request from American Paving Company for substitution of a subcontractor hereby approved, the above entitled contract awarded as recommended, and the Public Works Director or designee authorized to execute the agreements on behalf of the City, by the following vote:

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

(‘C’) BILL - AMENDING THE FRESNO MUNICIPAL CODE RELATING TO EXEMPTION OF PRIVATE SECTOR PROFESSIONAL EMPLOYEES FROM BUSINESS LICENSE AND LICENSE FEE REQUIREMENTS

Councilmember Duncan stated he wanted to lay the matter over to obtain public input as was done for the 9:15 ‘A’ item.

On motion of Councilmember Duncan, seconded by Councilmember Dages, duly carried, RESOLVED, the above entitled Item 9:30 'C' laid over two weeks, by the following vote:

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

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(10:00 A.M. #1) DISCUSSION AND DIRECTION REGARDING AN ORDINANCE FOR INSTALLATION OF SOLAR PANELS FOR ALL NEW CITY-OWNED PROPERTY, AND CREATION OF A GREEN SOLAR PANEL COMMITTEE TO STUDY AND ADVISE COUNCIL ON INSTRUCTION FOR DEVELOPERS TO INCLUDE SOLAR PANELS AS A STANDARD FEATURE FOR INDUSTRIAL, COMMERCIAL AND RESIDENTIAL DEVELOPMENT - COUNCILMEMBER DAGES

Councilmember Dages spoke to the various solar projects in the city and stated he wanted to set a standard and include solar on anything the City builds and made a motion to direct the city attorney to draft an ordinance requiring the City to include solar panels on all new City-owned public projects; stated it was his vision to have this as a standard feature on all new industrial, commercial and residential projects but the problem there was with the residential end and keeping houses affordable adding some type of incentive would need to be worked out either with the buyer or developer; and stated he also wanted to establish a committee/commission consisting of council members, city staff, the BIA, and solar companies or people well versed in solar to work on having solar as a standard feature on all new construction within the city of Fresno and made a second motion to form a solar commission to return to Council within 45-60 days with a recommendation to have solar as a standard feature on all new construction in the city of Fresno. Motion #1 was seconded by Councilmember Perea and Motion #2 was seconded by Acting President Sterling.

Speaking to the issue were: Tommie Nellon, Limited Energy, support and request to be part of the committee; Bill Milam, Regional Sales Manager for Akena Solar for Central California, support and request to be part of the committee; Mike Prandini, BIA, opposed to making solar mandatory on all construction/offer to participate and discuss incentives/not opposed to mandating solar for city-owned buildings; and Gene Johnson, 5105 E. Belmont, Editor/Director of a renewable energy and alternatives fuels magazine, former board member of the California Hydrogen Business Council, and member of the Governor's "California Leads the World" panel, support.

Extensive discussion ensued. Relative to the ordinance Councilmember Duncan stated the key should be to look at a mandatory analysis/option to determine whether or not solar panels make sense and explained; spoke to the issue of tax benefits/credits; stated an ordinance requiring solar was risky and cautioned Council about going in that direction until costs are known; stated he would support staff coming back with alternatives; relative to a new commission noted the Green Team was already in place looking at projects; expressed concern with anything mandating to the private sector; and stated a lot of factors were involved and he felt this was not ready to move forward. Councilmember Perea spoke to the existing ordinance to bid green and stated if there was an opportunity to expand on that he was supportive; stated the City needed to go beyond just public facilities and look at city retrofits and explained; relative to the commission concurred with Councilmember Duncan on the Green Team and suggested it be expanded to include those in the community/private sector that want to be a part of drafting a policy; **(4 - 0)** and spoke to the numerous models and opportunities out there that the City can look at to move this agenda forward and added he would support both motions as they were a first step.

At Councilmember Dages' request Mr. Johnson spoke to the issue of incentives, the Community Choice Program (CCP), and PUC Chair Michael Pevey's new plan in regards to community choice and suggested the City reconsider joining the CCP.

AMC Ruiz stated staff was committed to the concept of sustainability but he did not believe mandating solar for all city-owned facilities was the best way to achieve the objective of green buildings and explained, and stated he would support an analysis and recommended making solar an option.

Councilmember Westerlund stated Councilmember Duncan expressed some of his concerns very well and at this point he could not support a mandatory ordinance but would support an analysis on the feasibility of that; stated if the law changes and solar power is allowed to be put on the grid and sold back to PG&E that would change the equation in a big way; and presented questions relative to whether Councilmember Dages would chair the committee and if the outcome of the study was pre-determined, with Councilmember Dages responding.

President Xiong presented various questions relative to the proposed ordinance, if findings/nexus study would be required for projects, what the current bid green ordinance does and how successful it has been, what the challenges and costs would be to the city to mandate solar, the Green Team including community involvement and meeting schedule, how a council member can become more actively involved in Green Team meetings, if the current ordinance provided staff with the guidance to continue to move forward on the city's commitment to solar/renewable energy, and if Councilmember Perea felt the requested ordinance would strengthen the existing ordinance, with City Attorney Sanchez, Councilmember Perea, Mr. Ruiz, and a Green Team staff member responding throughout.

Councilmember Perea stated he wanted to see more of the public buildings built green as that would have a huge impact and explained, and requested the Central Valley Chapter of the U.S. Green Building Council be included in the new commission if the motion passes. Upon further questions of President Xiong Councilmember Dages clarified his motions and stated he would include the Green Building Council, and Mr. Sanchez stated staff would report back with legal impacts of the mandate and Council would have another chance to review the mandating ordinance. President Xiong stated staff was supportive of expanding the Green Team to bring in other partners and he would not feel comfortable establishing a new commission. Councilmember Duncan requested President Xiong encourage our legislators to include the tax credit proposal in the new energy bill when he goes to Washington with "One Voice". Councilmember Calhoun commented on the issue stating he did not see why Fresno could not dream the big dream, stated he was comfortable with the motions even though there were some squeaks and groans and a little duplication, and stated this would challenge staff and he looked forward to seeing what staff brings back.

On motion of Councilmember Dages, seconded by Councilmember Perea, duly carried, RESOLVED, the City Attorney directed to draft and return with an ordinance requiring the City to include solar panels on all new City-owned public projects, by the following vote:

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

On motion of Councilmember Dages, seconded by Acting President Sterling, duly carried, RESOLVED, the creation of a Solar Commission hereby approved with the Commission to return to Council within 45-60 days with a recommendation to have solar as a standard feature on all new construction in the city of Fresno, by the following vote:

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

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(10:00 A.M. #2) HEARING TO CONSIDER AMENDING UUD NO. FRE-86, SHEPHERD AVENUE BETWEEN WILLOW AND WEST OF WILLOW

1. RESOLUTION NO. 2008-11 - AMENDING UUD NO. FRE-86

President Xiong announced the time had arrived to consider the issue, opened the hearing, and upon his question Senior Engineering Technician Polsgrove advised the staff report as submitted was complete and there was no new information to add..

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

On motion of Councilmember Duncan, seconded by Councilmember Westerlund, duly carried, RESOLVED, the above entitled Resolution No. 2008-11 hereby adopted, by the following vote:

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

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(10:45 A.M.) TEFRA HEARING AS REQUIRED BY THE INTERNAL REVENUE CODE OF 1986 TO CONSIDER ISSUANCE OF REVENUE BONDS BY THE HOUSING AUTHORITY OF THE CITY OF FRESNO TO FINANCE THE ACQUISITION AND CONSTRUCTION OF PHASE II OF PARC GROVE COMMONS II, A MULTI-FAMILY RESIDENTIAL RENTAL PROJECT

1. RESOLUTION NO. 2008-12 - APPROVING THE HOUSING AUTHORITY'S ISSUANCE OF REVENUE BONDS IN THE AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$20 MILLION FOR THE PROJECT

President Xiong announced the time had arrived to consider the issue, opened the hearing, and upon his question Interim City Controller Bradley advised the staff report as submitted was complete and there was no new information to add.

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

On motion of Councilmember Dages, seconded by President Xiong, duly carried, RESOLVED, the above entitled Resolution No. 2008-12 hereby adopted, by the following vote:

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

LUNCH RECESS - 11:41 A.M. - 2:00 P.M.

(2:00 P.M.) PRESENTATION OF CERTIFICATES OF APPRECIATION TO AIRPORT DEPARTMENT EMPLOYEES

Airports Director Widmar spoke to the severe weather storm on January 4th wherein 25 flights were diverted to FYI and to the professionalism of airport employees who went above and beyond the call of duty, thanked and acknowledged his management staff, and along with City Manager Souza and ACM Ruiz presented Certificates of Excellence to Edward Ballesteros, Charles Bruan, Ken Britten, Glendell Bynum, Vikkie Calderon, Larry Henderson, Herschel Jones, Michael Lacky, Mindi Lang, Rudy Martinez, Roxanne Ochoa, Ron Riley, David Schoenauer, Alicia Vance and Candace Wirth **(5 - 0)**. Council members commended Mr. Widmar and the employees.

(11:00 A.M.) CONTINUED HEARING ON REZONE APPLICATION NO. R-06-39 AND ENVIRONMENTAL FINDINGS FILED BY HARBOUR & ASSOCIATES ON BEHALF OF RIVERFRONT VENTURES, LLC, NORTHWEST CORNER OF THE W. HERNDON AND N. BRYAN AVENUES INTERSECTION

1. CONSIDER AND ADOPT E.A. NO. R-06-39/T-5558/C-06-143, DETERMINATION OF INITIAL STUDY TO FILE A FINDING OF CONFORMITY TO THE GENERAL PLAN MEIR
2. BILL - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM AE-5/UGM TO R-1/EA/UGM

President Xiong announced the time had arrived to consider the issue and opened the hearing. Planner Tackett advised the staff report as submitted was complete and there was no new information to add and added staff was prepared to make a presentation if Council desired.

Fran Doss, Project Coordinator for DS Development, spoke to the incomplete improvements that Councilmember Calhoun was concerned about stating although they did not pertain to this project they were scheduled to be completed on Friday, and added DS was picking up where another developer left off and was working diligently to finish the improvements.

Councilmember Calhoun clarified his concerns with this request were not with the applicant "Harbour & Associates" nor with the local contractors that have worked on these projects but were with the developer, Riverfront Ventures, formerly Patriot Homes, located on Wilshire Boulevard in Los Angeles; stated in his seven years on Council he had experienced a long history of problems and a variety of issues with this builder that he had not had with other homes builders; advised complaints his office received from constituents consisted of sloppy construction sites throughout a slow building process, half-built homes staying vacant for years with resulting vandalism/blight/etc., deposits being taken with construction not starting a year later, and the failure or slow pace of the developer to complete off-site improvements; noted a majority of these issues occurred when the housing market was booming and profitable and stated since it was so hard to get them to perform then he was concerned about how they would perform if more land is approved now that the housing market is in serious distress; and made a motion to deny the rezone application, which motion was seconded by Acting President Sterling. Ms. Doss stated she could not respond to past problems and could only respond to the incomplete improvements in Herndon Town, and spoke further to the improvements and requirements.

Councilmember Duncan stated this was somewhat unprecedented in his seven years and presented questions relative to whether the City was on solid legal ground to deny because a developer was using a homebuilder a council member did not care for, what DS Development's relationship was to the homebuilder, who Councilmember Calhoun was concerned with in terms of their performance, if the rezone could be denied *without prejudice* so the developer could refile within one year, and if Councilmember Calhoun would amend his motion to deny *without prejudice*, with City Attorney Sanchez, Ms. Doss and Councilmember Calhoun responding throughout. Councilmember Calhoun stated since Council was getting into specifics he wanted staff to make their presentation including who all the players are.

Mr. Tackett began his PowerPoint presentation on the rezone application, all as contained in the staff report, whereupon President Xiong respectfully interrupted the proceedings and questioned if Councilmember Duncan was looking for something in staff's presentation or linkages. Councilmember Duncan stated Councilmember Calhoun wanted the presentation so Council could get all the information and clarified his goal was to respect the concerns raised but not freeze any opportunity on the development for over a year adding if issues/concerns are worked out and the application is denied without prejudice the applicant could come back within a year. Councilmember Calhoun stated it was important for staff to clarify who Riverfront Ventures was with Mr. Tackett stating staff's presentation would not do that. Councilmember Calhoun reiterated the need to know all parties involved in this venture and clarified DS Development stated it had no connection to the homebuilder and he had no problem with them. Planning Manager Unruh stated staff could not provide irrefutable confirmation this date on the connection and advised the deeds staff had were listed to Riverfront Properties LLC, and added it was staff's understanding there was a connection between them and Patriot Homes and maybe other companies affiliated with that development group. An unidentified staff member further advised that Assistant Public Works Director Banuelos, who has overseen construction management and the process with Patriot Homes, stated he was dealing with similar, if the not the same people involved with Patriot Homes. City Manager Souza stated staff's statements about "their understanding" were on dangerous ground and suggested the matter be tabled to the next meeting so staff could work with the city attorney's office and conduct a definitive search and return with information on whether Riverfront LLC is a related entity to Patriot Homes. A motion and second was made to continue the hearing to February 5th at 3:30 p.m.

Councilmember Dages stated he was surprised the principals of Riverfront Ventures were unknown and questioned if it was normal that principals of an LLC are unknown, with Mr. Souza stating staff does not conduct full background checks on LLCs as they were not necessary for what staff does and further explained, and added this was a unique situation that warranted a search/review so Council could have the information to make a decision. Councilmember Westerlund requested, along with the facts, that staff also provide prior incidents of failures in following through with conditions of development *aside* from those experienced by Councilmember Calhoun. Mr. Sanchez clarified staff would conduct the research to determine the entity and principals involved stating Council needed that as a minimum if it is to draw conclusions in terms of a potential denial, and also suggested providing a chronology of instances of where this entity did not carry through on the infrastructure, associated timelines, and potential traffic or safety issues associated with those deficiencies stating that chronology would be the basis on record to justify denial.

On motion of Councilmember Calhoun, seconded by Acting President Sterling, duly carried, RESOLVED, the above entitled hearing on R-06-39 filed by Harbour & Associates on behalf of Riverfront Ventures continued to February 5, 2008, at 3:30 p.m. for additional information, by the following vote:

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

Councilmember Duncan advised the Chamber of Commerce was requesting that the two items continued during the morning session to February 12th to obtain community input be continued to February 26th since the Council President and a number of staff would be in Washington on the 12th, and after brief discussion it was determined to leave the items as scheduled for February 12th and note the continuation to the 26th on the agenda.

(2:00 P.M. #3) CLOSED SESSION

(A.) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - CASE NAME: CITY OF FRESNO V. ANDREW TURNER, ET AL.

The City Council met in closed session in Room 2125 at the hour of 2:50 p.m. to consider the above matter and reconvened in regular open session at 2:55 p.m.

RECESS - 2:55 P.M. - 3:31 P.M.

(2:30 P.M.) JOINT MEETING WITH THE REDEVELOPMENT AGENCY

The City Council recessed at 3:31 p.m. and convened in joint session with the Redevelopment Agency.

APPROVE AGENCY MINUTES OF JANUARY 15, 2008

On motion of President Xiong, seconded by Councilmember Duncan, duly carried, RESOLVED, the Agency minutes of January 15, 2008, approved as submitted.

(‘A’) JOINT RESOLUTION NO. 2008-13/1712 - DESIGNATING POSITIONS WHICH SHALL BE SUBJECT TO THE CONFLICT OF INTEREST CODE AND DEFINING CATEGORIES OF DISCLOSURE FOR SUCH POSITIONS, WITH REVISED EXHIBIT “V”

City Clerk Klisch gave a brief overview of the issue, all as contained in the staff report as submitted, along with an explanation of the Red Tag revision.

On motion of Councilmember Duncan, seconded by Councilmember Perea, duly carried, RESOLVED, the above entitled Joint Resolution No. 2008-13/1712 hereby adopted, as amended, by the following vote:

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

(‘B’) AWARD CONTRACT FOR THE DEMOLITION AND CLEARANCE OF LAS PALOMAS RESTAURANT & NIGHT CLUB/ C-TOWN MARKET LOCATED AT 3702-3706 E. VENTURA STREET (AGENCY ACTION)

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

On motion of Councilmember Duncan, seconded by Councilmember Perea, duly carried, RESOLVED, a contract in the amount of \$23,716 hereby awarded to Bowen Engineering for the demolition and clearance of Las Palomas Restaurant & Night Club / C-Town Market, by the following vote:

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

(‘C’) AUTHORIZE THE EXECUTIVE DIRECTOR TO ENTER INTO PURCHASE AND SALES AGREEMENTS FOR PROPERTY AT 2304 S. WALNUT OWNED BY JIMMIE L. SMITH AND LAURA M. BURNLEY, AND PROPERTY AT 29 E. FLORENCE AVENUE OWNED BY JIMMIE L. SMITH (AGENCY ACTION)

1. AGENCY RESOLUTION NO. 1713 - ADOPTING A REPLACEMENT HOUSING PLAN RELATING TO THE ACQUISITION OF 2304 S. WALNUT AVENUE (AGENCY ACTION)

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

On motion of Acting President Sterling, seconded by President Xiong, duly carried, RESOLVED, the Executive Director authorized to enter into Purchase and Sales Agreements for property at 2304 S. Walnut and 29 E. Florence Avenue, and the above entitled Agency Resolution No. 1713 hereby adopted, by the following vote:

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

The joint bodies adjourned their meeting at 3:37 p.m. and the City Council reconvened in regular session.

RECESS - 3:37 P.M. - 3:50 P.M.

(3:50 P.M.) HEARING ON REZONE APPLICATION NO. R-07-45 AND ENVIRONMENTAL FINDINGS FILED BY SHENG SIMON VANG ON BEHALF OF BINGO TRADING COMPANY, NORTHEAST CORNER OF N. CLARK AND E. BELMONT AVENUES

- 1. CONSIDER AND ADOPT E.A. NO. R-07-45/S-07-119, DETERMINATION OF INITIAL STUDY TO FILE A FINDING OF CONFORMITY TO THE GENERAL PLAN MEIR
- 2. **BILL NO. B-1 - ORDINANCE NO. 2008-1** - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM C-6 TO C-1

President Xiong announced the time had arrived to consider the issue, opened the hearing, and upon his question staff advised the report as submitted was complete and there was no new information to add.

Applicant representative Chang Daniel Vang spoke further to the project.

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

Acting President Sterling stated this was a good project and requested the applicant keep in contact with her office, and made a motion to approve staff's recommendation.

On motion of Acting President Sterling, seconded by Councilmember Dages, duly carried, RESOLVED, the environmental finding for the subject E.A. hereby approved, and the above entitled Bill No. B-1 adopted as Ordinance No. 2008-1, by the following vote:

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

RECESS - 3:54 P.M. - 4:00 P.M.

(4:00 P.M.) HEARING ON REZONE APPLICATION NO. R-07-16 AND ENVIRONMENTAL FINDINGS FILED BY THE CITY OF FRESNO, SOUTHWEST CORNER OF E. KINGS CANYON ROAD AND S. MINNEWAWA AVENUE

- 1. CONSIDER AND ADOPT E.A. NO. R-07-16, DETERMINATION OF INITIAL STUDY TO FILE A FINDING OF CONFORMITY TO THE GENERAL PLAN MEIR
- 2. **BILL NO. B-2 - ORDINANCE NO. 2008-2** - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM AL-20 AND R-1-B TO R-1

President Xiong announced the time had arrived to consider the issue, opened the hearing, and upon his question Planner Braun advised the staff report as submitted was complete and there was no new information to add.

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

On motion of Councilmember Dages, seconded by Councilmember Duncan, duly carried, RESOLVED, the environmental finding for the subject E.A. hereby approved, and the above entitled Bill No. B-2 adopted as Ordinance No. 2008-2, by the following vote:

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

RECESS - 4:01 P.M. - 4:10 P.M. Councilmember Duncan arrived later.

(4:05 P.M.) HEARING ON PLAN AMENDMENT APPLICATION NO. A-07-09, REZONE APPLICATION NO. R-07-28, AND ENVIRONMENTAL FINDINGS FILED BY HARBOUR ASSOCIATES, ON BEHALF OF MID-STATE INVESTORS, SOUTHWEST CORNER OF N. BLYTHE AND W. CLINTON AVENUES

1. CONSIDER AND ADOPT A MITIGATED NEGATIVE DECLARATION FOR E.A. NO. A-07-09/R-07-28/C-06-65/V-TPM 2007-15
2. **RESOLUTION NO. 2008-14** - AMENDING THE GENERAL PLAN AND WEST AREA COMMUNITY PLAN
3. **BILL NO. B-3 - ORDINANCE NO. 2008-3** - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM C-OP/UGM TO C-1/UGM

President Xiong announced the time had arrived to consider the issue, opened the hearing, and upon his question Jeff Sorensen with Planning Resource Associates stated the staff report as submitted was complete and there was no new information to add.

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

On motion of Acting President Sterling, seconded by Councilmember Perea, duly carried, **RESOLVED**, the finding of a Mitigated Negative Declaration for the subject E.A. hereby approved, the above entitled Resolution No. 2008-14 hereby adopted, and the above entitled Bill No. B-3 adopted as Ordinance No. 2008-3, by the following vote:

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

(4:10 P.M.) HEARING ON PLAN AMENDMENT APPLICATION NO. A-07-11, REZONE APPLICATION NO. R-07-31, AND ENVIRONMENTAL FINDINGS FILED BY SOL DEVELOPMENT ON BEHALF OF DERREL'S MINI STORAGE, SOUTH SIDE OF E. KINGS CANYON ROAD BETWEEN S. TEMPERANCE AND S. ARMSTRONG AVENUES

1. CONSIDER AND ADOPT A MITIGATED NEGATIVE DECLARATION FOR E.A. NO. A-07-11/R-07-31/C-07-362
2. **RESOLUTION NO. 2008-15** - AMENDING THE GENERAL PLAN AND ROOSEVELT COMMUNITY PLAN
3. **BILL NO. B-4 - ORDINANCE NO. 2008-4** - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM R-1/UGM TO S-L/EA/UGM

President Xiong announced the time had arrived to consider the issue and opened the hearing. Councilmember Duncan returned to the meeting at 4:11 p.m.

Jeff Sorensen with Planning Resource Associates advised one letter of support was received from Mr. Chris Mathys and entered it into the record, and advised the staff report as submitted was complete and there was no new information to add.

James Marshall, 270 S. Temperance, expressed concern relative to hazardous waste and a fire occurring at the facility **(6 - 0)**.

Applicant representative Bill Robinson of Sol Development spoke to the agreement between Mr. Mathys and the FID and added the trees that will be removed would be replaced; and Paul Ridenour, Derrel's Mini Storage, 3265 W. Ashlan, spoke to Mr. Marshall's concerns stating they do not store hazardous waste at their facilities and added there were rules about hazardous materials that can and can not be stored and further explained.

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

Councilmember Dages stated Derrel's Mini Storage was a good neighbor and made a motion to approve staff's recommendation. Mr. Sorensen responded briefly to questions of Councilmember Westerlund relative to zoning for the triangular piece of property, parcel size, and if the property was in the city.

On motion of Councilmember Dages, seconded by Councilmember Duncan, duly carried, RESOLVED, the finding of a Mitigated Negative Declaration for the subject E.A. hereby approved, the above entitled Resolution No. 2008-15 hereby adopted, and the above entitled Bill No. B-4 adopted as Ordinance No. 2008-4, by the following vote:

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

(9:30 A.M. "D") REPORT ON STATUS OF THE CREATION OF THE "10 YEAR PLAN TO END HOMELESSNESS"

City Manager Souza gave a status report, all as contained in the staff report as submitted.

Speaking in support of the efforts were Kevin Hamilton, who also requested someone from the Central Valley Health Network, such as the Sequoia CEO, be included in the Leadership Council; and Jose Luis Barraza, member of the Fresno Coalition on Homeless.

Acting President Sterling thanked the administration stating she was proud to serve on the Leadership Committee, assured everyone that this would be a comprehensive group that would explore all areas and address all concerns, and stated the community will be proud of this project. Upon question of Councilmember Westerlund Mr. Souza stated the M.A. position had not yet been filled and Councilmember Westerlund stated he had a person in mind and would submit the name. There was no further discussion.

ADJOURNMENT

There being no further business to bring before the City Council, the hour of 4:28 p.m. having arrived and hearing no objections, President Xiong declared the meeting adjourned.

Approved on the ____5th____ day of ____February____, 2008.

_____/s/_____
Blong Xiong, Council President

ATTEST: _____/s/_____
Yolanda Salazar, Assistant City Clerk