

The City Council met in regular session at the hour of 8:30 a.m. in the Council Chamber, City Hall, on the day above written.

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

Andy Souza, City Manager
 James Sanchez, City Attorney
 Becky Klisch, City Clerk
 Cindy Bruer, Deputy City Clerk

Reverent Dr. Danny Jack Lee of the First Chinese Baptist Church gave the invocation, and President Xiong led the Pledge of Allegiance.

PRESENTATION OF THE SPCA PET OF THE MONTH - COUNCILMEMBER DAGES

The pet of the month available for adoption, a 2-3 year old female Chihuahua, was presented.

RESOLUTION OF COMMENDATION TO THE CENTRAL PRINTING DIVISION FOR THEIR SILVER AWARD IN THE IN-PRINT 2008 NATIONAL PRINTING CONTEST

Read and presented.

PROCLAMATION OF "LEO POLITI MONTHS" - MAYOR AND CITY COUNCIL

Read and presented.

PRESENTATION OF A PLAQUE BY THE SPCA TO THE PARCS DEPARTMENT FOR ASSISTING IN THE ANNUAL K-9 CLASSIC EVENT

Presented.

APPROVE MINUTES OF AUGUST 26, SEPTEMBER 5, AND SEPTEMBER 9, 2008

On motion of Councilmember Duncan, seconded by Councilmember Caprioglio, duly carried, RESOLVED, the minutes of August 26, September 5, and September 9, 2008, approved as submitted.

COUNCIL MEMBER REPORTS AND COMMENTS:

COUNCILMEMBER CALHOUN: (1) Comments on outstanding job being performed by Interim Controller Bradley but need for a full-time Controller and request for update on the position search; (2) request for status on the planning & development director position search, with City Manager Souza advising Assistant P&D Director Bergthold was acting as interim director and the recruitment process had begun; and (3) excessive energy use in City buildings and request for information on building air conditioning and heating policy, with Mr. Souza stating there was no policy and he would check with departments on energy settings and maintenance.

COUNCILMEMBER STERLING: (1) Thank you to Council for attending last week's special meeting on the 10-Year Plan to End Chronic

Homelessness; and (2) excitement expressed about the Mayor's Career and Education Expo scheduled for September 18th at the Convention Center with a brief overview given on the program.

COUNCILMEMBER DAGES: (1) Request for update on the Legacy Project; (2) announcement of the upcoming Big Fresno Fair October 1st, the new entrance on Kings Canyon, and city employees being able to attend free from 11:00 a.m. - 2:00 p.m. weekdays for lunch and encouragement to all to attend, and (3) request City Clerk add the election of Chair and Vice Chair to the next Redevelopment Agency meeting agenda.

COUNCILMEMBER CAPRIOGLIO: (1) Request for information on plans for adding more green space in District 4 due to DeWitt and Palm Lakes no longer being parks, and suggestion that a portion of the funds from the sale of land be re-invested into a 2-3 acre park in the eastern area of the district.

COUNCILMEMBER PEREA: Request for update on the meeting between American Ambulance and the Morales family.

PRESIDENT XIONG: (1) Thank you to Principal Reyes and Fresno High for the Walk for Pennies for Peace; (2) thank you to staff who attended the Key to the City presentation to Kopi Sotiropoulos on his 60th birthday; (3) report on annual fund raiser at the Islamic Cultural Center where the Spirit of Abraham Award was bestowed to Dr. Kasheed Ali and Dr. Kapoor; (4) report on the State Route 180 West ribbon cutting ceremony and the importance of the City participating in the Measure C project; and (5) report on the recent Operation Stand Down event for veterans with other city staff.

APPROVE AGENDA:

(3:00 P.M. "A") JOINT MEETING WITH THE REDEVELOPMENT AGENCY TO CONSIDER AGENCY RESOLUTION CERTIFYING THE SEIR FOR THE OLD ARMENIAN TOWN PROJECT-RELOCATION OF HISTORICAL RESOURCES (Continue to October 28, 2008, at 3:00 p.m.)

Continued as noted.

(1-O) AUTHORIZE THE CHIEF OF POLICE TO ENTER INTO AND EXECUTE A 10-YEAR LEASE AGREEMENT FOR JOINT CITY/COUNTY OFFICE FACILITIES AT 2510 S. EAST AVENUE (PROPERTY LOCATED IN DISTRICT 1)

City Clerk Klisch advised the property was located in District 3 and not 1 as listed. So noted.

(1-P) AUTHORIZE THE PUBLIC WORKS DIRECTOR TO ENTER INTO AN AGREEMENT WITH HARRIS CONSTRUCTION COMPANY, INC., TO PROVIDE CONSTRUCTION MANAGEMENT SERVICES FOR THE FRESNO POLICE DEPARTMENT REGIONAL LAW ENFORCEMENT TRAINING FACILITY

Removed from the agenda by staff.

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

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

ADOPT CONSENT CALENDAR:

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

(1-A) RESOLUTION NO. 2008-226 - AUTHORIZING (1) SUBMITTAL OF A GRANT APPLICATION TO THE STATE PARKS AND RECREATION DEPARTMENT, HABITAT CONSERVATION FUND PROGRAM, FOR THE LIFE AND ENVIRONMENTAL SCIENCE PROGRAM, AND (2) ACCEPTANCE OF UP TO \$90,000 IN STATE HABITAT CONSERVATION FUNDS, AND

AUTHORIZE THE PARCS DIRECTOR OF DESIGNEE TO EXECUTE AND SUBMIT ALL NECESSARY DOCUMENTS

(1-B) APPROVE A STATE CENTER COMMUNITY COLLEGE DISTRICT OFF-CAMPUS WORK STUDY AGREEMENT BETWEEN THE STATE CENTER COMMUNITY COLLEGE DISTRICT AND THE PARCS DEPARTMENT, AND AUTHORIZE THE PARCS DEPARTMENT TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY

(1-C) APPROVE A ONE-YEAR CONTRACT WITH THE FRESNO UNIFIED SCHOOL DISTRICT TO PROVIDE FUNDS FOR THE PARCS DEPARTMENT TO CONDUCT A COLLABORATIVE AFTER SCHOOL HIGH SCHOOL PROGRAM (FRESNO BEST) RUNNING THROUGH JUNE 30, 2009, AND AUTHORIZE THE PARCS DIRECTOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY

(1-D) APPROVE A NINE MONTH AGREEMENT WITH THE WEST FRESNO ELEMENTARY UNIFIED SCHOOL DISTRICT TO PROVIDE JR. BEST AND ACADEMIC GAME PLAN PROGRAMMING THROUGH JUNE 12, 2009, AND AUTHORIZE THE PARCS DIRECTOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY

(1-E) APPROVE EXTENSION NO. 6 TO THE TEMPORARY USE PERMIT WITH FLIGHT SERVICES AND SYSTEMS, INC., COVERING PREMISES AT THE FRESNO YOSEMITE INTERNATIONAL AIRPORT

(1-F) APPROVE A REIMBURSEMENT AGREEMENT WITH THE FRESNO METROPOLITAN FLOOD CONTROL DISTRICT IN THE AMOUNT OF \$10,100 FOR THE DESIGN AND CONSTRUCTION OF MASTER PLAN DRAINAGE FACILITIES AT THE INTERSECTION OF CALIFORNIA AND FRUIT AVENUES, AND AUTHORIZE THE PUBLIC WORKS DIRECTOR OR DESIGNEE TO SIGN THE AGREEMENT ON BEHALF OF THE CITY

(1-G) APPROVE THE ACQUISITION OF A PUBLIC PEDESTRIAN EASEMENT FOR A DRIVEWAY APPROACH FROM BEN G. SHERFY, SURVIVING TRUSTEE OF THE BEN G. AND MARGARET L. SHERFY FAMILY TRUST, ON PROPERTY AT THE SOUTHEAST CORNER OF E. HARVEY AND N. FOURTH STREET (732 N. FOURTH STREET) FOR \$200, AND AUTHORIZE THE ASSISTANT PUBLIC WORKS DIRECTOR TO SIGN ALL DOCUMENTS NECESSARY TO COMPLETE THE TRANSACTION

(1-H) RESOLUTION NO. 2008-227 - INTENT TO ANNEX FINAL TRACT NO. 5549 AS ANNEXATION NO. 21 TO CFD NO. 11, AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES, AND SETTING THE REQUIRED PUBLIC HEARING FOR OCTOBER 7, 2008

(1-I) RESOLUTION NO. 2008-228 - INTENT TO ANNEX FINAL TRACT NO. 5710 AS ANNEXATION NO. 35 TO CFD NO. 11, AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES, AND SETTING THE REQUIRED PUBLIC HEARING FOR OCTOBER 7, 2008

(1-J) RESOLUTION NO. 2008-229 - RESCINDING RESOLUTION NO. 2007-414 ANNEXING TERRITORY TO CFD NO. 11 AND CANCELING SPECIAL TAX LIEN #08003120 LEVIED UNDER ORDINANCE NO. 2007-100 RELATING TO TRACT NO. 5471

1. RESOLUTION NO. 2008-230 - INTENT TO ANNEX FINAL TRACT NO. 5471 TO CFD NO. 11 AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES, AND SETTING THE REQUIRED PUBLIC HEARING FOR OCTOBER 7, 2008

(1-K) ADOPT FINDING OF A CATEGORICAL EXEMPTION PURSUANT TO CEQA GUIDELINES, AND AWARD A CONTRACT TO KELLY C. BROYLES CONSTRUCTION IN THE AMOUNT OF \$219,500 FOR THE CHANNING WAY 12-INCH WATER MAIN REPLACEMENT PROJECT FROM GETTYSBURG TO SHAW AVENUES

(1-L) APPROVE AN AGREEMENT WITH THE FRESNO METROPOLITAN FLOOD CONTROL DISTRICT FOR REIMBURSEMENT AND CONSTRUCTION OF MASTER PLANNED STORM DRAIN FACILITIES ON CLOVIS AVENUE, AND AUTHORIZE THE PUBLIC WORKS DIRECTOR OR DESIGNEE TO SIGN THE AGREEMENT ON BEHALF OF THE CITY

(1-M) APPROVE AN AGREEMENT WITH URS CORPORATION IN THE AMOUNT OF \$76,200 FOR PREPARATION OF ENVIRONMENTAL STUDIES TO SATISFY CEQA FOR THE LEWIS S. EATON TRAIL - RIVER WEST PROJECT, AND AUTHORIZE THE PUBLIC WORKS DIRECTOR OR DESIGNEE TO SIGN THE AGREEMENT ON BEHALF OF THE CITY

(1-N) RESOLUTION NO. 2008-231 - APPROVING PARTICIPATION IN THE FEDERAL EQUITABLE SHARING AGREEMENT PROGRAM FOR DISPOSITION OF FUNDS FORFEITED IN CONNECTION WITH A CRIME, AND AUTHORIZE EXECUTION

OF RELATED DOCUMENTS

(1-O) AUTHORIZE THE CHIEF OF POLICE TO ENTER INTO AND EXECUTE A 10-YEAR LEASE AGREEMENT FOR JOINT CITY/COUNTY OFFICE FACILITIES AT 2510 S. EAST AVENUE (PROPERTY LOCATED IN DISTRICT 3)

(1-Q) AUTHORIZE ACCEPTANCE OF FY 2007 PUBLIC SAFETY INTEROPERABLE COMMUNICATIONS (PSIC) GRANT PROGRAM FUNDS IN THE AMOUNT OF \$5,431,433 SUB-GRANTED FROM THE GOVERNOR'S OFFICE OF HOMELAND SECURITY (APPROPRIATE \$2,051,900 INTO THE POLICE DEPARTMENT FY 2009 BUDGET WITH THE REMAINING FUNDS TO BE INCORPORATED INTO THE FY 2010 BUDGET)

1. RESOLUTION NO. 2008-232 - 6TH AMENDMENT TO AAR 2008-162 APPROPRIATING \$2,051,900 FOR THE POLICE DEPARTMENT HOMELAND SECURITY GRANT PROGRAM

(1-R) APPROVE THE ADDITION OF TWENTY-ONE ONE HUNDREDTHS OF AN ACRES (.21) AND AN UNDERGROUND EASEMENT TO THE AIR NATIONAL GUARD BASE AT THE FRESNO YOSEMITE INTERNATIONAL AIRPORT

(1-S) APPROVE RENTAL CREDIT OF \$7,840 TO INTERSPACE SERVICES, INC., d.b.a. INTERSPACE AIRPORT ADVERTISING FOR REMOVING SCROLLING SIGNS AT FYI AND REPLACING THEM WITH FLAT SCREEN LCD DISPLAYS

(1-T) RESOLUTION NO. 2008-233 - CONSENTING AND AUTHORIZING INVESTMENT OF MONIES IN THE LOCAL AGENCY INVESTMENT (LAIF) FUND IN THE CUSTODY OF THE STATE TREASURER FOR PURPOSES OF INVESTMENT, AND AUTHORIZING CERTAIN FINANCE OFFICERS TO DEPOSIT AND WITHDRAW CITY MONIES INTO AND OUT OF THE LAIF

(1-U) APPROVE A SERVICE AGREEMENT WITH ADS ENVIRONMENTAL SERVICES IN THE AMOUNT OF \$116,759.76 FOR SEWER FLOW MONITORING EQUIPMENT MAINTENANCE/REPAIR SERVICES, AND AUTHORIZE THE PUBLIC UTILITIES DIRECTOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY

(1-V) RESOLUTION NO. 2008-234 - 12TH AMENDMENT TO AAR 2008-162 RE-BUDGETING CAPITAL MONIES FROM VARIOUS COUNCIL DISTRICT INFRASTRUCTURE FUNDS BASED ON CARRYOVER BALANCES FROM FY 2008

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

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

(9:00 A.M.) UNSCHEDULED ORAL COMMUNICATIONS:

Paul Hurlbut, 4701 W. Swift, spoke to the fire dispatch contract with American Ambulance and their performance level and requested Council require American Ambulance to meet the fire department's benchmark of one minute 90% of the time for fire dispatch prior to renewal of the contract.

Sherry Smith, 4724 W. Swift, spoke to public services provided to citizens and expressed concern with some necessary public services being removed from District 1 and lowering the quality of life for residents.

Paula Savino, 7449 N. Mansionette Drive, spoke to need to provide animal care centers and to the need to protect animals and the homeless.

152-73

9/16/08

(9:15 A.M. "A") ESTABLISH A CITY OF FRESNO "LITTLE HOOVER COMMISSION" ON EFFICIENCY AND BEST PRACTICES IN LOCAL GOVERNMENT - COUNCILMEMBER CALHOUN

(2 - 0) Councilmember Calhoun gave an in-depth overview of the issue, all as contained in his report to Council as submitted, and made a motion to direct staff to return with enabling legislation by October 7, 2008, to establish a Little Hoover Commission on Efficiency and Best Practices in Local Government that would provide recommendations to the Mayor, City Council and the community by May 2009, which motion was seconded by Acting President Sterling.

Councilmember Duncan expressed concern with the City speaking alone stating the same situation existed today as it did years ago, stated he would feel more comfortable supporting this if there was support from other cities as this had to be a team effort, and stated he appreciated Councilmember Calhoun's effort but he could not support the motion. President Xiong questioned whether staff could discuss the commission issue with surrounding cities to see if there was any interest with Councilmember Calhoun responding. City Attorney Sanchez advised a resolution would come back for Council approval to establish the commission. Councilmember Calhoun responded to questions of Acting President Sterling relative to what would happen to the JPA and other committees if the commission is established.

Speaking to the issue were: Al Smith, CEO of the Chamber of Commerce, who stated the Chamber was supportive of finding better ways to provide services, they worked hard on the JPA and would support a commission, and they would participate in the commission but were not willing to lead the project; and Reverend Robin Williams, 1240 W. Kearney Blvd., who stated she was interested in participating in the commission and could provide certificates of her accomplishments in the Bay area.

A motion of Councilmember Calhoun, seconded by Acting President Sterling, to direct staff to return with enabling legislation by October 7th to establish a Little Hoover Commission on Efficiency and Best Practices in Local Government that would provide recommendations to the Mayor, City Council and the community by May 2009 failed, by the following vote:

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

(9:15 "B") REQUEST POLICY DISCUSSION AND DIRECTION TO STAFF TO RETURN WITH A RECOMMENDATION ON THE FREQUENCY AND TYPE OF USE ALLOWED AT CITY OF FRESNO PARKS - COUNCILMEMBER CALHOUN

Councilmember Calhoun gave an in-depth overview of the issue, all as contained in his report to Council as submitted, stated activities at parks had been dramatically expanded to include activities such as cage fighting and it was important to create a policy relating to the types of uses allowed in parks and having a public discussion on the original intent, and made a motion to direct staff to return within 30 days with a clear policy on what activities are permissible in city parks.

Speaking to the issue were: Rick Mirigian, 2426 N. Rowell, who thanked PARCS for an incident-free Rumble in the Park, and advised another cage fight was scheduled for November 1st and he would address any concerns; Steven Graham, P.O. Box 692, Kingsburg, who advised he co-authored a Valley Voices piece on the event at Woodward Park and heard disturbing comments which prejudiced people and stated he supported a policy to make it fair for everyone; Jervis Cole, 4460 W. Shaw, who spoke in support of mixed martial arts; **(3 - 0)** Christine Arbuckle, 10098 N. Goose Run, who spoke in opposition to cage fighting stating a moratorium was needed and added the activity did not belong in city parks; Jon Rooker, 643 W. Sunset, support for mixed martial arts; Brett Riley, 1505 Peach, support for the BMX track as it would generate revenue for the city and added cage fighting was another good variety of activities for people; Gail Hurlbut, W. Swift, opposed to cage fighting; Chris Campbell, 5260 N. Palm, technical director of the Woodward Shakespeare Festival, who stated the organization used the amphitheater and there was no opposition to the cage fighting event other than the helicopter noise; Jason Laton, park sound and lighting employee, support for cage fighting/opposed to restrictions; Derek Veenstra, 3648 N. Howard, support for cage fighting; Karen Franz, broadcasting company employee, concern with any restrictions; Paul Hurlbut, W. Swift, support for policy including everyone and not excluding no one; and Peter Retta, 4943 W. Minarets, support for mixed martial arts.

152-74

9/16/08

Extensive Council discussion ensued. Councilmember Duncan stated the mixed martial arts event went very well, presented questions relative to signed agreements in place for upcoming events (with City Manager Souza and City Attorney Sanchez responding and clarifying issues), emphasized parks belonged to all citizens of Fresno and the city provided entertainment for everyone and martial arts fit that bill, and stated although people may not like cage fighting it was an appropriate and legal activity and he would not support the motion stressing a policy was unnecessary. Councilmember Dages agreed and stated this matter was brought forth due to one event—cage fighting—and he would not support the motion, commended PARCS staff stating they were doing a great job, and along with Councilmember Perea presented questions and/or comments relative to whether all parks would be affected by a policy, PAL's boxing and karate activities that the city funds, how other cities have handled this type of issue/conflict, intent/specifics of the motion, if the motion dealt with excluding any events, the different events/diversity/conflicts, and support for the motion to allow for compromise and get discussions started, with PARCS Director Cooper and Councilmember Calhoun responding throughout. Acting President Sterling commented on the issue and stated her support for a policy discussion and **(4 - 0)** added a specific event was not being singled out and

she would not support the motion if it was directed only at cage fighting, with Mr. Sanchez and Councilmember Calhoun responding. Councilmember Calhoun stated he wanted to be clear that he brought this forth because of his concern about the growth in city parks which could or could not be good, stated Council reacts after the fact and was the policy making body adding staff did not run the city, and stated taxpayers subsidize the parks and he wanted a fair return to the taxpayer on their investment.

Mr. Souza expressed concern with the motion stating he was hearing this was not about the use yet staff was expected to come back with appropriate types of uses adding this was “all over the place”, and stated when the amphitheater was built it immediately became an entertainment venue and what staff will come back with is legal uses of the facility and further elaborated.

Councilmember Duncan concurred with the city manager and stated the current general guidelines have worked well and added Council should not be the ones to make decisions on appropriate/inappropriate uses. Councilmember Caprioglio stated Mr. Cooper had the staff, ability and skills to take care of the situation without a policy statement from Council, advised a concern of his was the budget and fees and he wanted to see some fee adjustments and some revenue coming in for all the hard work of staff, and thanked everyone for their participation stating this had been the best session he has been involved with. Mr. Cooper responded to questions of Councilmember Perea relative to how profanity rap music is dealt with, whereupon Councilmember Perea stated that was another reason for Council to have a policy brought forth to see what is/what is not on paper and what is/what is not formal so everyone will understand. Mr. Souza advised staff was looking at fees and stated parks fees were unique and staff wanted a fee structure that balanced the needs of non-profits versus a commercial activity.

On motion of Councilmember Calhoun, seconded by President Xiong, duly carried, RESOLVED, staff directed to return within 30 days with a clear policy on what activities are permissible in city parks, by the following vote:

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

UNSCHEDULED ORAL COMMUNICATIONS (Continued from earlier)

President Xiong advised he had a speaker card with an unreadable name relating to “involvement in Little Hoover”.

George Beberian, Checker Taxi Company owner, stated he has been tortured and threatened in his job and has been treated unfairly by airport police.

(9:30 A.M. “A”) ACTIONS RELATING TO THE WOODWARD PARK BMX TRACK

- 1. AWARD SERVICE AGREEMENT WITH FRESNO BICYCLE CROSS (FBX) FOR MAINTENANCE AND OPERATIONAL SERVICES**
- 2. APPROVE AFFILIATION AND SANCTIONING AGREEMENT WITH THE NATIONAL BICYCLE LEAGUE (NBL) AND ADDENDUM**
- 3. RESOLUTION NO. 2008-235 - 468TH TO MFS RES. 80-420 ESTABLISHING WOODWARD PARK BMX FACILITY FEES IN THE PARKS SECTION**

PARCS Director Cooper reviewed the issue, all as contained in the staff report as submitted. Relative to a comment made Councilmember Duncan clarified an earlier concern of his had been with the process but stated it was followed and worked very well, and stated his support for the sports track and made a motion to approve, which motion was seconded by Councilmember Dages.

Speaking in support were: Rusty Holland; Derek Veenstra; Brett Riley, FBX track director; and J.P. Serkler.

Councilmembers Perea and Dages expressed their support and commended PARCS staff and the city manager.

On motion of Councilmember Duncan, seconded by Councilmember Dages, duly carried, RESOLVED, a Service Agreement in an amount not to exceed \$10,000 awarded to FBX; an Affiliation and Sanctioning Agreement with NBL and Addendum approved; and the above entitled Resolution No. 2008-235 hereby adopted, by the following vote:

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

(9:30 A.M. "B") ACTIONS RELATING TO THE REGIONAL SPORTS COMPLEX PAINT BALL FACILITY

- 1. AWARD A CONCESSION CONTRACT TO MAXIMUM PAINTBALL FOR THE OPERATION AND MAINTENANCE OF A PAINTBALL FACILITY**
- 2. RESOLUTION NO. 2008-236 - 474TH AMENDMENT TO THE MFS RES. 80-420 ESTABLISHING REGIONAL SPORTS COMPLEX PAINTBALL FACILITY FEES IN THE PARKS SECTION**

PARCS Director Cooper reviewed the issue, all as contained in the staff report as submitted. Acting President Sterling spoke in support stating this was going to be good for the community and made a motion to approve staff's recommendation.

Mr. Cooper responded to questions and comments of Councilmember Calhoun relative to whether there were other for-profit paintball facilities in the valley, competition and if the private sector was aware of this issue, why the city would be involved with anything dealing with shooting or guns, and it being inappropriate for the city to encourage anything involving people shooting each other even for fun. Councilmember Duncan issued a public challenge for a one-on-one shootout with Councilmember Calhoun with the loser to give \$100 to the "FUN" group (**5 - 0**), and Councilmember Perea spoke briefly and expressed his support.

On motion of Acting President Sterling, seconded by Councilmember Dages, duly carried, RESOLVED, a concession contract awarded to Maximum Paintball, and the above entitled Resolution No. 2008-236 hereby adopted, by the following vote:

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

(9:30 A.M. "C") BILL NO. B-56 - AMENDING THE FRESNO MUNICIPAL CODE RELATING TO ALLOWING THE USE OF BICYCLES ON PEDESTRIAN MALLS

PARCS Director Cooper reviewed the issue, all as contained in the staff report as submitted.

Elliot Balch, President of the Downtown Association, stated stakeholders were not consulted on this and there were some concerns, and advised he, personally, was supportive and suggested limiting bike traffic to the middle of the mall and establishing and posting speed limits.

Acting President Sterling spoke to the issue of funding for bike racks, requested Mr. Cooper meet with the Downtown Association to try to address their concerns, and questioned if riders would be able to use alleys, with Mr. Cooper responding throughout. A motion and second was made to introduce the ordinance. Councilmember Calhoun spoke in support of the issue and to his bike riding experiences and speeds. ACM Rudd spoke to the importance of alternative transportation and advised this was one of many steps staff would be bringing forth.

152-76

9/16/08

On motion of Acting President Sterling, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled Bill No. B-56 introduced before the City Council and laid over, by the following vote:

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

(9:30 A.M. "D") APPROVE THE FY 2009 PROGRAM PLAN FOR THE AFFORDABLE HOUSING SPECIAL REVENUE FUND

Interim HCD Manager Casares reviewed the issue, all as contained in the staff report as submitted, and responded to questions of Acting President Sterling relative to ability to add to the consultant criteria, why the completion period was two years, and selection of projects. A motion and second was made to approve staff's recommendation.

Citing the problem with concentrated poverty Councilmember Calhoun stated he had a concern with this targeted to only one area of the city and elaborated, and made an amended motion to eliminate the restriction to the downtown and southwest areas and open this up citywide. Upon call, the amended motion died for lack of a second. Councilmember Calhoun advised he would have to leave soon and requested, if more discussion was anticipated, that the matter be laid over to 2:00 p.m. Councilmember Duncan stated there was a concern with overspending and upon his request City Manager Souza stated staff would provide a financial report on the status of the different housing money. Councilmember Perea expressed concern with the \$150,000 for the consultant and questioned if there was anyone in-house who could put this plan together, with Mr. Souza stating \$150,000 was a placeholder, Council would have to approve any contract, and the best and brightest consultant was wanted and further explained. Councilmember Perea stated he wanted to talk to staff more about the \$150,000 as he did not want that money to go to a consultant when it could possibly go towards affordable housing. Acting President Sterling stated the 10x10 committee did consider and discuss other areas and clarified if there was a developer who wanted to develop affordable housing with the set criteria these funds would be applicable to them, and spoke briefly to the consultant funds.

Proceedings were continued to 2:00 p.m.

LUNCH RECESS - 12:00 Noon - 2:00 P.M.

Ms. Casares responded to questions of President Xiong relative to time frames, whereupon President Xiong stated his concern was the lack of a process/policy for this fund and spoke to the need to first develop a strategy on the appropriate use of the funds. Acting President Sterling responded to President Xiong’s concerns stating there were safeguards in place, and upon her request Ms. Casares reviewed the information staff submitted to Councilmember Perea during the lunch recess.

On motion of Acting President Sterling, seconded by Councilmember Caprioglio, duly carried, RESOLVED, the FY 2009 Program Plan for the Affordable Housing Special Revenue Fund hereby approved, by the following vote:

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

(9:30 A.M. “E”) RESOLUTION NO. 2008-237 - INITIATION OF REZONING AND AUTHORIZATION TO FILE WITH LAFCO IN THE MATTER OF THE PROPOSED BELMONT-SUNNYSIDE NO. 3 REORGANIZATION AND THE DETACHMENT OF CERTAIN TERRITORY FROM THE FRESNO COUNTY FIRE PROTECTION DISTRICT, COUNTY SERVICE AREA NO. 7, AND THE KINGS RIVER CONSERVATION DISTRICT, AND ANNEXATION OF SAME TERRITORY TO THE CITY OF FRESNO

Planner Braun reviewed the issue, all as contained in the staff report as submitted.

Barbara Hunt, 2475 S. Walnut, spoke to the issue.

Councilmember Dages spoke in support and made a motion to approve staff’s recommendation. Councilmember Calhoun stated he supported the concept of annexation but not with a “gun to the head” stating residents should be annexed willingly.

152-77

9/16/08

On motion of Councilmember Dages, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled Resolution No. 2008-237 hereby adopted by the following vote:

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

(9:30 A.M. “F”) RESOLUTION - 14TH AMENDMENT TO AAR 2008-162 APPROPRIATING \$331,300 IN THE PARCS DEPARTMENT FROM THE SALE OF PROPERTY FOR RECREATION FACILITY RENOVATIONS

PARCS Director Cooper reviewed the issue, all as contained in the staff report as submitted.

Barbara Hunt, 2475 S. Walnut, spoke in support.

Councilmember Dages stated the funds were originally desired for the youth but the bottom line was facilities were needed first

and made a motion to approve. Councilmember Calhoun stated this was a very convoluted way to spend money coming from the sale of property that was first going to go to after school programs but was now going to fix a roof, and stated this money should go into a contingency fund so staff can return at an appropriate time with funding recommendations, and added a lot of money had already been put into the Ted C. Wills Center and further explained and made an amended motion to place the money into contingency and have staff return with funding recommendation(s), which was seconded by President Xiong.

Councilmember Perea stated he supported staff's request and would support the original motion as the projects were worthy, and requested staff keep the Fresno Art Museum re-roofing project on the radar screen as art was being ruined because the roof is leaking. **(6 - 0)** with Mr. Cooper responding. Acting President Sterling requested staff provide information on after-school programs and the city's involvement and also a list of all completed repairs of parks facilities, questioned how other facilities in need of repairs were being dealt with and funding options (with Mr. Cooper and ACM Rudd responding), and elaborated on the need to make these repairs as winter would soon be here and stated she would also be supporting the original motion.

Councilmember Caprioglio stated this was a difficult choice but felt the bigger picture of building up the contingency fund needed to be looked at so as the city moves forward priority projects could be chosen from a master list rather than come forth item-by-item, and added another concern of his was the budget stating the city needed to save every dime and prioritize and adjust. Mr. Rudd stated a priority list was being worked on and spoke further to the work needed and requested approval. Councilmember Calhoun expressed concern stating staff was not giving Council a choice, was not presenting alternatives, and was not providing all the facts but was asking Council to go spend the money here and elaborated. Mr. Rudd responded and further clarified issues relative to the present safety hazard at the center and the work needed. Councilmember Duncan stated unfortunately some things cannot be planned and there was an opportunity here to use these one-time funds to make the needed repairs so the recreational center does not have to be closed.

City Manager Souza stated staff did not initiate this and clarified Council gave direction to staff on July 29th to return with a spending plan and stressed this was staff's recommended priority and specific response to a specific direction and added Council members could either agree or disagree with the recommendation. City Attorney Sanchez clarified the amended motion would require 4 votes as it would transfer money and the original motion required 5 to appropriate the funds.

President Xiong stated he would oppose the original motion stating if the facility has to close he would be the first to take the needed funds out of contingency and added it also was not fair to put Council in a position by saying the facility will have to close if Council does not do this and further elaborated.

An amended motion of Councilmember Calhoun, seconded by President Xiong, to place the subject funds into contingency and have staff return with funding recommendation(s) failed, by the following vote:

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

152-78

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Mr. Rudd and Mr. Souza responded to questions of Councilmembers Duncan and Calhoun relative to options if the resolution does not pass, how soon the Ted C. Wills Center would have to be closed, if other funding sources would be looked at to make the repairs, if programs/services would be cut, when staff first became aware of the roof situation, and why the health and safety aspect was only shared with Council this date. Councilmember Calhoun expressed his concern stating staff was telling Council there was an emergency and was painting Council into a corner that if Council did not appropriate the money the facility would have to be shut down stressing that was not fair, and spoke to how the chiller issue was brought in appropriately as an emergency measure and stated he would oppose the motion as it would be a vote against the process. **Mr. Rudd advised a tray memo was sent to Council about a month ago informing of the situation at Ted C. Wills and how staff was struggling to find revenues and stated he would provide another copy. Mr. Souza added staff was going to bring forth a funding request for this project irregardless of this item but brought this forth this way as it happened to tie in with the previous Council direction and reiterated this was such a priority that staff would bring it forth back next week if it does not pass. President Xiong stated if this motion does not pass he hoped staff would bring back more than this one item as a priority or he did not see the vote changing.

A motion of Councilmember Dages, seconded by Councilmember Duncan, to adopt the above entitled Resolution failed due to the need for five affirmative votes, by the following vote:

Ayes : Dages, Duncan, Perea, Sterling

Noes : Calhoun, Caprioglio, Xiong
Absent : None

(**Note - later in the meeting Mr. Souza clarified the memo had been drafted but had not been distributed and apologized to Council for the oversight and assumption that it had been sent/read.)

(9:30 A.M. "G") APPROVE A PROFESSIONAL SERVICES AGREEMENT IN THE AMOUNT OF \$211,139 WITH HDR ENGINEERING, INC., FOR DEVELOPMENT OF TECHNICAL PLANS AND SPECIFICATIONS FOR THE PROCUREMENT AND INSTALLATION OF RESIDENTIAL WATER METERS AND AN AUTOMATED METER READING (AMR) SYSTEM, AND AUTHORIZE THE PUBLIC UTILITIES DIRECTOR TO SIGN THE AGREEMENT ON BEHALF OF THE CITY

Assistant Public Utilities Director Gaddy gave an overview of the issue, all as contained in the staff report as submitted.

Barbara Hunt, 2475 S. Walnut, spoke in opposition.

On motion of President Xiong, seconded by Councilmember Caprioglio, duly carried, RESOLVED, the subject Professional Services Agreement with HDR Engineering, Inc., hereby approved and the Public Utilities Director authorized to sign on behalf of the City, by the following vote:

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

(9:30 A.M. "H") APPROVE A PROFESSIONAL CONSTRUCTION MANAGEMENT SERVICES AGREEMENT IN THE AMOUNT OF \$7,211,535 WITH VALI COOPER & ASSOCIATES, INC., FOR THE RESIDENTIAL METER IMPLEMENTATION PROJECT, AND AUTHORIZE THE PUBLIC UTILITIES DIRECTOR TO SIGN ON BEHALF OF THE CITY

Assistant Public Utilities Director Gaddy gave an overview of the issue, all as contained in the staff report as submitted.

Barbara Hunt, 2475 S. Walnut, spoke to the issue.

152-79

9/16/08

Mr. Gaddy and Assistant Public Utilities Director Anderson responded to questions and/or comments of Councilmembers Calhoun, Dages and Perea relative to the consultant cost, total cost of the meter project, concern that the consultant fee is 10% of the total cost, how this amount was arrived at, if this was the only firm with the experience to do this, what the consultant's scope of work will be, amount of time it takes to install one meter, number of meters that will be installed per day, if prevailing wage would be paid, the large contingency amount, **(7 - 0)** if any of the other firms interviewed were from Fresno, need to put an emphasis on hiring local people for the actual installation of meters and if staff considered that, and time line for meter installation.

Councilmember Duncan stated he would not be supporting this due to the huge cost of the program and the paying of prevailing wage which he stated would add millions more in unnecessary costs. Councilmember Calhoun stated he felt like he did not have enough information to support this and added information on the other two firms should have been provided with a contract this big and this important, and stated he was not convinced the city would get \$7 million worth of oversight, with Mr. Anderson responding. Acting President Sterling made a motion to approve stating this was a mandatory project and the funding had already been appropriated and presented additional questions on the time line and funding.

On motion of Acting President Sterling, seconded by Councilmember Dages, duly carried, RESOLVED, the subject Agreement with Vali Cooper & Associates, Inc., hereby approved and the Public Utilities Director authorized to sign on behalf of the City, by the following vote:

Ayes : Caprioglio, Dages, Perea, Sterling, Xiong

Noes : Calhoun, Duncan.
Absent : None

(9:30 A.M. "T") APPROVE RENEWAL OF A LEASE AGREEMENT WITH TRABAJADORES DE LA RAZA d.b.a. CHICANO YOUTH CENTER (CYC) FOR THE PURPOSE OF PROVIDING YOUTH GUIDANCE AND DEVELOPMENT PROGRAMS AND ACTIVITIES TO THE CHILDREN OF FRESNO

PARCS Director Cooper reviewed the issue, all as contained in the staff report as submitted.

Speaking to the issue were: Rob DeFrees, 119 N. Calaveras, who spoke to his public records request and expressed concern with the CYC stating they have not been forthright in their purpose; Javier Guzman who spoke to the history of the center and in support of this issue; Barbara Hunt, support; and Enrique Reade, member of the CYC Board of Directors, support.

Councilmember Perea stated the CYC he knew growing up provided him and his friends a lot of hope and opportunity and added this center saved a lot of kids from being out in the streets and added to deny that kind of opportunity to future generations would be a crime, and stated this was a great partnership and thanked everyone involved for all their work and made a motion to approve. Acting President Sterling seconded the motion, stated Mr. DeFrees would get a response to his public records request, and spoke to the history of the center and to the new project and presented numerous questions and comments at length relative to the state grant received for the project, responsibilities of the City, responsibilities of the CYC, number of rooms, lease amount and term, if the 501(c)(3) was in place, services the CYC will provide, if other leases have been fulfilled, who will oversee the master calendar, what will happen with the previously leased space, who will be responsible for operational costs, if staff was comfortable moving forward with the CYC organization in the new center, request that Mr. Guzman work with Mr. DeFrees on his request, commendation to former Councilmember Ronquillo for carrying this project during his term, and status of the pyramid/fountain project, with Mr. Cooper, ACM Rudd and Mr. Guzman responding throughout

Mr. Cooper, City Attorney Sanchez and Mr. Guzman responded to questions/comments/concerns of Councilmember Calhoun relative to the \$1.00 per year lease, if the city was contracting with the CYC, if "Chicano Youth Center" was a legal entity, concern with singling out one ethnic group in this multi-cultural world, "Chicano" sending the message that the center is for one group, why the name cannot be changed, and concern that a wrong message is being sent with the name. **(8 - 0)** Acting President Sterling explained issues relative to the name and past conversations and how the project got started by the services of the CYC organization and how it got to this point. Councilmember Dages clarified Councilmember Calhoun's remarks did not reflect the opinions of the rest of the council.

152-80

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On motion of Councilmember Perea, seconded by Acting President Sterling, duly carried, RESOLVED, the renewal of a lease agreement with Trabajadores De La Raza d.b.a. Chicano Youth Center hereby approved, by the following vote:

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

RECESS - 4:03 P.M. - 4:08 P.M.

CLOSED SESSION (Joint with the RDA and regular City Council):

(‘A’) JOINT CLOSED SESSION WITH THE REDEVELOPMENT AGENCY - CONFERENCE WITH LEGAL COUNSEL/EXISTING LITIGATION - CASE NAME: REDEVELOPMENT AGENCY V. N STREET PROPERTY

(‘B’) REGULAR CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL/EXISTING LITIGATION - CASE NAME: BUILDING INDUSTRY ASSOCIATION (BIA) V. COF

(‘C’) REGULAR CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL/DECIDING WHETHER TO INITIATE LITIGATION - CASE NAME: COF. V. COUNTY OF FRESNO REGARDING PRISONER RELEASES

The City Council met in regular and joint closed session with the RDA in Room 2125 at the hour of 4:08 p.m. to consider the

above matters and reconvened in regular open session at 4:33 p.m.

CLOSED SESSION ANNOUNCEMENT:

City Attorney Sanchez announced in the matter of Item 'B', Council voted 7-0 not to appeal that matter, and in the matter of Item 'C', Council directed the filing of a lawsuit regarding prisoner releases on a vote of 7-0.

(10:00 A.M.) HEARING ON THE VACATION OF A PORTION OF N. CLOVIS AVENUE BETWEEN E. GRANT AND E. MADISON AVENUES

1. RESOLUTION NO. 2008-238 - ORDERING THE VACATION OF THE ABOVE

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

Barbara Hunt spoke to the issue.

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

On motion of Councilmember Dages, seconded by Councilmember Perea, duly carried, RESOLVED, the above entitled Resolution No. 2008-238 hereby adopted, by the following vote:

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

(10:30 A.M.) HEARING ON REZONE APPLICATION NO. R-07-67 AND ENVIRONMENTAL FINDINGS, FILED BY GARY GIANNETTA ON BEHALF OF GENERATION HOMES, INC., NORTH SIDE OF W. CLINTON BETWEEN N. POLK AND N. HAYES AVENUES

1. CONSIDER AND ADOPT E.A. NO. R-07-67/T-5881, DETERMINATION OF INITIAL STUDY TO FILE A FINDING OF CONFORMITY TO THE GENERAL PLAN MEIR

152-81

9/16/08

2. BILL NO. B-57 - ORDINANCE NO. 2008-54 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM R-R TO R-1/UGM

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

Barbara Hunt spoke to the issue.

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

On motion of President Xiong, seconded by Councilmember Dages, duly carried, RESOLVED, the environmental finding for the subject E.A. hereby approved, and the above entitled Bill No. B-57 reclassifying the property adopted as Ordinance No. 2008-54, by the following vote:

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

(10:40 A.M.) HEARING ON REZONE APPLICATION NO. R-08-09 AND ENVIRONMENTAL FINDINGS, FILED BY YAMABE AND HORN ENGINEERING ON BEHALF OF NORTHEAST ASSEMBLY OF GOD, NORTH SIDE OF E. HOLLAND EAST OF N. CHESTNUT BETWEEN E. GETTYSBURG AND E. ASHLAN AVENUES (4827 E. HOLLAND AVENUE)

1. CONSIDER AND ADOPT E.A. NO. R-08-09, DETERMINATION OF INITIAL STUDY TO FILE A FINDING OF CONFORMITY TO THE GENERAL PLAN MEIR

2. BILL NO. B-58 - ORDINANCE NO. 2008-55 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM R-A TO R-1/cz

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

Barbara Hunt spoke to the issue.

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

On motion of Councilmember Caprioglio, seconded by Acting President Sterling, duly carried, RESOLVED, the environmental finding for the subject E.A. hereby approved, and the above entitled Bill No. B-58 rezoning the property adopted as Ordinance No. 2008-55, subject to the conditions of zoning of the Airport Land Use Commission and Planning Commission, by the following vote:

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

(10:45 A.M.) HEARING ON REZONE APPLICATION NO. R-07-79 AND ENVIRONMENTAL FINDINGS, FILED BY DIRK POESCHEL LAND DEVELOPMENT SERVICES, INC., SOUTH OF E. BUTLER BETWEEN S. CHESTNUT AND S. WILLOW AVENUES

1. CONSIDER AND ADOPT E.A. NO. R-07-79/C-08-47, DETERMINATION OF INITIAL STUDY TO FILE A FINDING OF CONFORMITY TO THE GENERAL PLAN MEIR

2. BILL NO. B-59 - ORDINANCE NO. 2008-56 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM R-1, R-1-B, AND R-1-C TO C-P/cz

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

Barbara Hunt spoke to the issue.

152-82

9/16/08

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

On motion of Councilmember Dages, seconded by Councilmember Caprioglio, duly carried, RESOLVED, the environmental finding for the subject E.A. hereby approved, and the above entitled Bill No. B-59 rezoning the property adopted as Ordinance No. 2008-56, subject to the two (2) conditions of zoning outlined in the staff report, by the following vote:

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

(10:55 A.M.) HEARING ON REZONE APPLICATION NO. R-06-63 AND ENVIRONMENTAL FINDINGS FILED BY MIDSTATE INVESTORS, LLC AND WEM PROPERTIES, INC, NORTH SIDE OF W. SANTA ANA BETWEEN N. HAYES AND N. POLK AVENUES

1. CONSIDER AND ADOPT E.A. NO. R-06-63/C-06-252/T-5608, DETERMINATION OF INITIAL STUDY TO FILE A FINDING OF CONFORMITY TO THE GENERAL PLAN MEIR

2. BILL NO. B-60 - ORDINANCE NO. 2008-57 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM AE-5/UGM TO R-2/UGM

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.

Barbara Hunt spoke to the issue.

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

On motion of President Xiong, seconded by Councilmember Caprioglio, duly carried, RESOLVED, the environmental finding for the subject E.A. hereby approved, and the above entitled Bill No. B-60 rezoning the property adopted as Ordinance No. 2008-57, by

the following vote:

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

(4:00 P.M.) RESOLUTION NO. 2008-239 - ESTABLISHING THE CITY OF FRESNO YOUTH ADVISORY BOARD - COUNCILMEMBER PEREA

Councilmember Perea introduced the item stating this matter was a recommendation from the youth group that dealt with the River Park curfew issue and made a motion to adopt the resolution, which was seconded by Acting President Sterling. Education Liaison Arambula reviewed the issue, all as contained in the staff report as submitted.

Speaking in support were Barbara Hunt, Roberto Perez, and Tate Hill.

President Xiong spoke briefly in support and thanked the young adults for their commitment, participation and service.

On motion of Councilmember Perea, seconded by Acting President Sterling, duly carried, RESOLVED, the above entitled Resolution No. 2008-239 hereby adopted, by the following vote:

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

152-83

9/16/08

(2:00 P.M. #2) CONTESTED CONSENT CALENDAR ITEMS:

(1-W) APPROVE REAPPOINTMENTS OF JAMES COTTON AND JOHN TEIXEIRA TO THE HOUSING AUTHORITY BOARD OF COMMISSIONERS - MAYOR AUTRY

Councilmember Calhoun clarified he did not know these individuals, noted one member was appointed in 1961 and the other in 1992 and stated although he commended and appreciated their service he felt new blood was needed on the board and questioned if any attempt was made to solicit other people, with staff advising the mayor took the recommendation of the executive director and trusted the decision that these individuals were doing a fair job. Councilmember Calhoun stated the executive director does not tell a board what to do, clarified this was not personal, and made a motion to send this matter back to the mayor and ask that additional nominations be solicited and return again with a recommendation. Upon call, the motion died for lack of a second.

A motion and second was made to approve the reappointments as presented.

Barbara Hunt spoke in support.

On motion of Councilmember Duncan, seconded by Councilmember Dages, duly carried, RESOLVED, the reappointments of James Cotton and John Teixeira to the Housing Authority Board hereby approved, by the following vote:

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

(9:30 A.M. "F" - from earlier in the meeting) City Manager Souza apologized to Council stating it came to his attention that the tray memo on the Ted C. Wills Center was drafted but never distributed to Council and apologized for the oversight and the assumption that Council had read it.

(2:00 P.M. #1) JOINT MEETING WITH THE JOINT POWERS FINANCING AUTHORITY (JPFA)

(‘A’) JPFA RESOLUTION - AUTHORIZING CERTAIN FINANCE OFFICERS TO SIGN VARIOUS INVESTMENT AND COMMERCIAL BANKING DOCUMENTS AND PROVIDE VERBAL INSTRUCTION REQUIRED FOR THE PRUDENT FINANCIAL ADMINISTRATION AND SAFEKEEPING JPFA FUNDS (JPFA action)

1. COUNCIL RESOLUTION - AUTHORIZING CERTAIN FINANCE OFFICES OF THE CITY TO SIGN CITY CHECKS AND VARIOUS INVESTMENT AND COMMERCIAL BANKING DOCUMENTS AND PROVIDE VERBAL INSTRUCTION REQUIRED FOR THE PRUDENT FINANCIAL ADMINISTRATION AND SAFEKEEPING OF CITY FUNDS (Council action)

-and-

DISCUSSION ON REDEVELOPMENT AGENCY CHAIRMANSHIP

-and-

RESIGNATION OF COUNCILMEMBER CALHOUN AS VICE CHAIR/ACTING CHAIR

Relative to the joint Council/JPFA meeting, City Manager Souza requested the JPFA item be laid over one week due to the lack of a quorum and also because no official action had been taken to replace JPFA Member Westerlund, and further requested Council proceed with City action.

Discussion ensued on the chairmanship of the Redevelopment Agency.

152-84

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Upon question of President Xiong, Mr. Souza and City Clerk Klisch confirmed no official action had been taken to appoint Vice Chair Calhoun as Acting Chair. Councilmember Calhoun stated if he, in fact, was not the Acting RDA Chair there would be no meeting this date, whereupon City Attorney Sanchez clarified his office had already opined that the RDA Vice Chair could act as Chair in the absence of the Chair which had been the case to date. Councilmember Calhoun stated Councilmember Dages scheduled the election of RDA chair and vice chair for the next meeting and there was no objection so he therefore felt he was not the RDA Chair and stated he would not chair something where he did not officially belong. Mr. Sanchez stated that was Councilmember Calhoun's prerogative to not chair and further clarified the two options of an election or the vice chair continuing to serve in the capacity of chair. Councilmember Calhoun stated he has been acting as chair and if that was not going to continue and there was going to be a vote next week he would resign as RDA vice chair and so resigned/quit. Upon question Mr. Sanchez stated the Agency meeting could still continue with the Council President or Acting President serving as RDA chair. President Xiong stated he had a concern with what just took place adding it could have been handled differently and stated an election would be held next week and the Agency items this date would be held over due to the lack of a chair. Councilmember Duncan stated there was Agency business to deal with and pointed out if Councilmember Calhoun had not been here Council would have dealt with running the meeting and recommended President Xiong as the Council President run the meeting. President Xiong stated Councilmember Calhoun was here and he was not happy with what happened and he would not lead the RDA because of how this got to this point. Brief discussion continued and upon the advice of Mr. Sanchez Acting President Sterling was asked, and agreed, to chair the Agency meeting.

Mr. Souza recommended, in light of discussion on JPFA membership, that both JPFA items be laid over one week, upon question clarified the RDA and JPFA were different entities and appointments to the JPFA were at the discretion of the city manager, clarified Council previously expressed concern with the city manager making appointments so he scheduled an item for the appointment of a third member at the last meeting but no action was taken as the JPFA ended up having a quorum, and again recommended the two JPFA items be laid over one week and advised he would also schedule an item replacing JPFA member Westerlund.

President Xiong and Councilmember Calhoun recused themselves from the joint Council/Agency meeting and left at 5:09 p.m.

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

APPROVE AGENCY MINUTES OF AUGUST 26, 2008

On motion of Councilmember Dages, seconded by Councilmember Duncan, duly carried, RESOLVED, Agency minutes of August 26, 2008, approved as submitted.

- (‘B’) ACTIONS RELATING TO THE EDISON PLAZA PARTNERS, LP, A CALIFORNIA-WALNUT MIXED USE PROJECT
1. APPROVE AND AUTHORIZE THE EXECUTIVE DIRECTOR TO ENTER INTO A D&DA BETWEEN THE REDEVELOPMENT AGENCY AND EDISON PLAZA PARTNERS FOR A MIXED USE PROJECT IN THE VICINITY OF CALIFORNIA AND WALNUT AVENUES (JOINT ACTION)
 2. **JOINT COUNCIL/AGENCY RESOLUTION NO. 2008-240/1729** - APPROVING A D&DA BETWEEN THE RDA AND EDISON PLAZA PARTNERS, AND AUTHORIZING EXECUTION OF RELATED DOCUMENTS AND MAKING CERTAIN FINDINGS (JOINT ACTION)
 3. AGENCY APPROVAL AND AUTHORIZATION FOR THE EXECUTIVE DIRECTOR TO ENTER INTO AN EXCLUSIVE NEGOTIATING AGREEMENT (ENA) BETWEEN THE RDA AND EDISON PLAZA PARTNERS FOR A MIXED USE PROJECT (AGENCY ACTION)

Project Manager Cox reviewed the issue, all as contained in the staff report as submitted (**9 - 0**).

Speaking further to the issue and/or in support were: Developer Jim Hendricks, and Barbara Hunt.

A motion and second was made to approve staff’s recommendation. Acting Chair Sterling thanked Edison Plaza Partners and Mr. Hendricks responded to questions relative to the DDA and hiring.

On motion of Councilmember/Member Dages, seconded by Councilmember/Member Duncan, duly carried, RESOLVED, the Executive Director authorized to enter into a D&DA between the Redevelopment Agency and Edison Plaza Partners for the mixed use project, the above entitled Joint Council/Agency Resolution No. 2008-240/1729 hereby adopted, and the Executive Director authorized to enter into an ENA between the RDA and Edison Plaza Partners for the mixed use project, by the following vote:

152-85

9/16/08

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

(‘C’) AWARD A CONTRACT TO THE LOWEST BIDDER FOR THE DEMOTION AND REMOVAL AT 450 “M” STREET (AGENCY ACTION)

Executive Director Murphey gave an overview of the issue, all as contained in the staff report as submitted.

Barbara Hunt spoke to the issue.

On motion of Member Dages, seconded by Member Caprioglio , duly carried, RESOLVED, a contract in the amount of \$12,835 hereby awarded to Kroeker, Inc., for the demolition and removal at 450 “M” Street, by the following vote:

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

(‘D’) APPROVE MATERIAL TERMS OF A PURCHASE AND SALE AGREEMENT FOR PROPERTY AT 835 FULTON MALL, OWNED BY M. BILL BOHIGIAN AND BARBARA BOHIGIAN (AGENCY ACTION)

Executive Director Murphey gave an overview of the issue, all as contained in the staff report as submitted.

Barbara Hunt spoke to the issue.

On motion of Member Duncan, seconded by Member Dages , duly carried, RESOLVED, the material terms of a Purchase and Sale Agreement for property at 835 Fulton Mall hereby approved, by the following vote:

Ayes : Caprioglio, Dages, Duncan, Perea, Sterling

Noes : None
Absent : None
Recused : Calhoun, Xiong

(‘E’) APPROVE SELECTION OF AMCAL MULTI-HOUSING AS THE DEVELOPMENT TEAM FOR THE ELM CROSSING AFFORDABLE HOUSING PROJECT, AND DIRECT STAFF TO NEGOTIATE AND ENTER INTO AN EXCLUSIVE NEGOTIATING AGREEMENT (ENA) WITH THE DEVELOPER (AGENCY ACTION)

Project Manager Wakefield reviewed the issue, all as contained in the staff report as submitted.

Speaking to the issue were Barbara Hunt, and Craig Smith with AMCAL, who stated he welcomed this opportunity to work again with the city and build upon the success of their recently completed project.

A motion and second was made to approve staff’s recommendation and Acting Chair Sterling spoke briefly in support of the project and thanked AMCAL.

On motion of Member Duncan, seconded by Member Perea, duly carried, RESOLVED, AMCAL Mufti-Housing selected as the development team for the Elm Crossing Project, and staff directed to negotiate and enter into an ENA with the developer, by the following vote:

152-86

9/16/08

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

(‘F’) APPROVE SELECTION OF EAH HOUSING AS THE DEVELOPMENT TEAM FOR THE ANNADALE AFFORDABLE HOUSING PROJECT, AND DIRECT STAFF TO NEGOTIATE AND ENTER INTO AN EXCLUSIVE NEGOTIATING AGREEMENT (ENA) WITH THE DEVELOPER (AGENCY ACTION)

Project Manager Wakefield reviewed the issue, all as contained in the staff report as submitted.

Speaking to the issue were Barbara Hunt, and Reverend Derek Isaacson with EAH Housing, 4949 E. Kings Canyon, who stated they were real excited about this project.

A motion and second was made to approve staff’s recommendation and Acting Chair Sterling spoke briefly in support and thanked EAH stating this project was going to be a great asset to the west area.

On motion of Member Dages, seconded by Member Duncan, duly carried, RESOLVED, EAH Housing selected as the development team for the Annadale Affordable Hosing project, and staff directed to enter into an ENA with the developer, by the following vote:

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

ADJOURNMENT

There being no further business to bring before the joint bodies, the hour of 5:32 p.m. having arrived and hearing no objection, Acting RDA Chair Sterling declared the meeting adjourned.

Approved on the 30th day of Septmber, 2008.

ATTEST

Cynthia Sterling, Acting Council President

Cindy Bruer, Deputy City Clerk

152-87

9/16/08