

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
	Blong Xiong	Council President
Absent:	Henry Perea	Councilmember
	Cynthia Sterling	Acting Council President

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

Deacon Jesse Avila of the Catholic Diocese of Fresno gave the invocation, and President Xiong led the Pledge of Allegiance.

RESOLUTION OF COMMENDATION TO WESTCARE FOUNDATION ON THEIR 35TH ANNIVERSARY - COUNCILMEMBER DUNCAN

Read and presented.

APPROVE MINUTES OF AUGUST 19, 2008:

On motion of Councilmember Dages, seconded by Councilmember Caprioglio, duly carried, RESOLVED, the minutes of August 19, 2008, approved as submitted.

APPROVE JOINT POWERS FINANCING AUTHORITY MINUTES OF JULY 29, 2008:

On motion of JPFA Member Calhoun, seconded by JPFA Chair Xiong, duly carried, RESOLVED, the JPFA minutes of July 29, 2008, approved as submitted.

COUNCIL MEMBER REPORTS AND COMMENTS:

COUNCILMEMBER CALHOUN: (1) Thank you to parking and streets staff for working with BNSF to address the problem of trucks parking on BNSF-owned property at Golden State and Herndon blocking the line of site and thank you to the Central Unified school bus driver for advising of the problem; and (2) request for status report on the property owners at Running Horse including what the city has done and/or what it can do.

COUNCILMEMBER DAGES: (1) Request for update on water meter installation; and (2) maintenance concerns at the Mosqueda Community Center and request staff look into/address the dying ground cover where dead trees were removed, BMX park graffiti, and the badly painted doors covering graffiti.

COUNCILMEMBER DUNCAN: Concern with potential loss of redevelopment funds due to talks in Sacramento about shifting those funds to try and solve the state's over-spending problem, appreciation for letters sent to assembly members on the issue, request Acting RDA Chair Calhoun provide a report to the Agency Board on what the impact will be on existing obligations and future opportunities, and suggestion that a resolution be adopted involving the mayor to send a stronger statement. Chair Calhoun responded and stated he would schedule the matter for Council discussion/action.

PRESIDENT XIONG: Request city manager provide a tray memo explaining the status of county application of city impact fees within the city's sphere of influence.

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 September 16, 2008, at 3:00 p.m.)

Continued as noted.

(9:15 A.M. "A") DIRECT STAFF TO RETURN WITH ENABLING DOCUMENTS TO ALLOW THE CONTRACTING OF POLICE OFFICERS TO BE LIMITED TO SPECIAL EVENTS OR OCCURRENCES ON AN OCCASIONAL BASIS ONLY - COUNCILMEMBER DUNCAN

Councilmember Duncan advised he had been meeting with Chief Dyer on the issue, the concern had always been making sure there was distance between businesses and the police department/officers, and a solution was arrived at without having to eliminate the program, and stated Chief Dyer would be bringing the alternative plan to Council at the next meeting and removed the item from the agenda.

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

Removed from the agenda by President Xiong.

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

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

ADOPT CONSENT CALENDAR:

Alex Correa with FCEA spoke in opposition to Item **1-O** stating an increase was inappropriate at this time, it would send a harmful message to other employee groups, and all belts should be tightened in these tough economic times.

Councilmember Calhoun pulled Item **1-P** and Councilmember Duncan pulled Item **1-Q** from the Consent Calendar for separate discussion/action at 2:00 p.m.

Councilmember Dages registered "No" votes on Items **1-O** and **1-V**.

(1-A) RESOLUTION NO. 2008-211 - 7TH AMENDMENT TO AAR 2008-162 APPROPRIATING \$186,600 FOR MAINTENANCE OF CFD NO. 11 AND ELIGIBLE DEVELOPER DEPOSIT REFUNDS FOR ACCEPTED TRACTS

(1-B) RESOLUTION NO. 2008-212 - 8TH AMENDMENT TO AAR 2008-162 APPROPRIATING \$205,000 FOR MAINTENANCE OF CFD NO. 2 AND ELIGIBLE DEVELOPER DEPOSIT REFUNDS FOR ACCEPTED TRACTS

(1-C) ADOPT A FINDING OF CONFORMITY TO MEIR NO. 10130 FOR THE WIDENING AND INSTALLATION OF STREETLIGHTS, CURBS, GUTTERS, SIDEWALKS AND DRIVEWAY APPROACHES ALONG W. CALIFORNIA AVENUE BETWEEN S. WEST AND S. FRUIT AVENUES; APPROVE ACQUISITION OF TWO STREET EASEMENTS FROM RHONDA AND WALEED ABDULQAWI, ONE STREET EASEMENT FROM SANG A. GIP AND SUI KUI WANG, AND ONE STREET EASEMENT FROM BALWINDER S. DHALIWAL; AND AUTHORIZE THE PUBLIC WORKS DIRECTOR OR DESIGNEE TO ACCEPT THE STREET EASEMENT DEEDS FROM THE PROPERTY OWNERS FOR THE COMBINED APPRAISED VALUE OF \$5,892.00

(1-D) ADOPT A FINDING OF CONFORMITY TO MEIR NO. 10130 FOR THE WIDENING AND INSTALLATION OF STREETLIGHTS, CURBS, GUTTERS, SIDEWALKS AND DRIVEWAY APPROACHES ALONG W. CALIFORNIA AVENUE BETWEEN S. WEST AND S. FRUIT AVENUES; APPROVE THE ACQUISITION OF FOUR PUBLIC STREET EASEMENTS NECESSARY FOR THE WIDENING OF W. CALIFORNIA AVENUE FROM PROPERTY OWNERS CECILIA ESTRADA, RICK & ARMANDO CADAOS, RODOLFO & ESTER ALEJO, AND JOVENCIA ALEJO, PROPERTY LOCATED ON THE NORTH SIDE OF W. CALIFORNIA BETWEEN S. EAST AND S. FRUIT FOR THE APPRAISED VALUE OF \$2,410.00; AND AUTHORIZE THE ASSISTANT PUBLIC WORKS DIRECTOR TO SIGN ALL DOCUMENTS NECESSARY TO COMPLETE THE TRANSACTION

(1-E) RESOLUTION NO. 2008-213 - APPROVING THE FY 2008-2009 SENIOR HOT MEALS SITE MANAGEMENT (SERVICE PROVIDER) CONTRACT WITH THE FRESNO-MADERA AREA AGENCY ON AGING (FMAAA) AND AUTHORIZING THE PARCS DIRECTOR TO EXECUTE THE RENEWAL AGREEMENT

(1-F) APPROVE ACCEPTANCE OF A \$200,000 GRANT FROM THE PACIFIC FOREST AND WATERSHED LANDS STEWARDSHIP COUNCIL FOR THE CONSTRUCTION OF PARK AMENITIES AT THE UNIVERSALLY ACCESSIBLE PARK; AND AUTHORIZE THE PARCS DIRECTOR OR DESIGNEE TO EXECUTE AND SUBMIT ALL NECESSARY DOCUMENTS, AGREEMENTS AND AMENDMENTS, SUBJECT TO PRIOR APPROVAL AS TO FORM BY THE CITY ATTORNEY'S OFFICE

(1-G) RESOLUTION NO. 2008-214 - 11TH AMENDMENT TO AAR 2008-162 REBUDGETING \$14,600 IN THE PARCS DEPARTMENT FROM A SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT REMOVE II PROGRAM GRANT TO FUND THE PURCHASE OF A NEW WEB-BASED SOFTWARE APPLICATION SYSTEM THAT WILL PROVIDE FOR ACTIVITY REGISTRATION, FACILITY RESERVATION AND SPORTS SCHEDULING FOR THE DEPARTMENT

(1-H) RESOLUTION NO. 2008-215 - 10TH AMENDMENT TO AAR 2008-162 APPROPRIATING \$128,300 FROM THE U.S. DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE, INTO THE FY 2009 BUDGET

(1-I) AUTHORIZE THE POLICE DEPARTMENT TO ENTER INTO AN AGREEMENT WITH THE FRESNO UNIFIED SCHOOL DISTRICT (FUSD) TO PROVIDE SCHOOL RESOURCE OFFICER SERVICES TO THE EDUCATIONAL ENTITY

(1-J) AUTHORIZE THE POLICE CHIEF TO ENTER INTO AND EXECUTE AN AGREEMENT AND REQUIRED PROGRAM DOCUMENTS WITH THE OFFICE OF TRAFFIC SAFETY FOR THE DUI ENFORCEMENT AND AWARENESS PROGRAM (DEAP) GRANT

1. RESOLUTION NO. 2008-216 - 5TH AMENDMENT TO AAR 2008-162 APPROPRIATING \$285,000 INTO THE POLICE DEPARTMENT FOR THE DEAP GRANT PROGRAM

(1-K) REJECT ALL BIDS FOR THE INSTALLATION OF STREET INFRASTRUCTURE IN NO NEIGHBORHOOD LEFT BEHIND AREA 19

(1-L) ADOPT AN MOU WITH THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS, LOCAL 753 (IAFF), MANAGEMENT UNIT, COVERING THE PERIOD JULY 1, 2007, THROUGH JUNE 30, 2010

1. RESOLUTION NO. 2008-217 - 2ND AMENDMENT TO THE SALARY RES. 2008-165 AMENDING EXHIBIT 2, SECTION 2.2, FIRE MANAGEMENT UNIT (IAFF - UNIT 10)

(1-M) ADOPT AN MOU WITH OPERATING ENGINEERS, LOCAL UNION NO. 3 (AIRPORT PUBLIC SAFETY SUPERVISORS - UNIT 15), COVERING THE PERIOD JULY 1, 2008, THROUGH JUNE 30, 2009

1. **RESOLUTION NO. 2008-218** - 4TH AMENDMENT TO SALARY RES. 2008-165 AMENDING EXHIBIT 8, AIRPORT PUBLIC SAFETY SUPERVISORS (FAPSS - UNIT 15)

2. APPROVE AN AMENDMENT TO THE CITY OF FRESNO RETIREE HEALTH REIMBURSEMENT ARRANGEMENT

(1-N) APPROVE AGREEMENT WITH ACI ENTERPRISES, INC., TO PROVIDE AN EMPLOYEE ASSISTANCE PROGRAM TO CITY EMPLOYEES, AND AUTHORIZE THE PERSONNEL SERVICES DIRECTOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY

(1-R) APPROVE THE REAPPOINTMENTS OF KENDALL GROOM AND JENNETTE WILLIAMS TO THE FRESNO METROPOLITAN FLOOD CONTROL DISTRICT BOARD OF DIRECTORS - MAYOR AUTRY

(1-S) APPROVE AGREEMENT WITH THE FRESNO FIREFIGHTERS ASSOCIATION, LOCAL 753, FOR THE LOAN OF ARTIFACTS TO BE HOUSED IN THE FRESNO FIRE MUSEUM AT THE FIRE DEPARTMENT HEADQUARTERS

(1-T) **RESOLUTION NO. 2008-220** - ESTABLISHING RATES OF FARE TO BE CHARGED BY TAXI CABS IN THE CITY (CPI RATE INCREASE)

(1-U) DESIGNATION OF MAYOR AUTRY AS A VOTING DELEGATE AND MAYOR CHIEF OF STAFF GEORGEANNE WHITE AS A VOTING ALTERNATE FOR THE LEAGUE OF CALIFORNIA CITIES ANNUAL BUSINESS MEETING ON SEPTEMBER 27, 2008

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

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

(1-O) **RESOLUTION NO. 2008-219** - 3RD AMENDMENT TO SALARY RES. 208-165 ADJUSTING RANGES FOR PAY IN EXHIBIT 2, SECTIONS 2.0 AND 2.3 BY 5% (E1, E2 AND E3 RANGES)

On motion of Councilmember Duncan, seconded by Councilmember Caprioglio, duly carried, RESOLVED, the above entitled Resolution No. 2008-219 hereby adopted, by the following vote:

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

(1-V) **BILL NO. B-51 - ORDINANCE NO. 2008-51** - ADDING A POLICY TO ALLOW DEFERRAL FOR PAYMENT OF IMPACT FEES FOR AFFORDABLE HOUSING PROJECTS

On motion of Councilmember Duncan, seconded by Councilmember Caprioglio, duly carried, RESOLVED, the above entitled Bill No. B-51 adopted as Ordinance No. 2008-51, by the following vote:

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

RECESS - 8:56 A.M. - 9:01 A.M.

(9:00 A.M. #1) SPECIAL PRESENTATION BY MAYOR AUTRY AND THE CITY COUNCIL TO PLANNING & DEVELOPMENT DIRECTOR NICK YOVINO ON HIS RETIREMENT

Mayor Autry and the City Council commended and thanked P&D Director Yovino for his 37 years of city service, a proclamation proclaiming "Nick Yovino Week" was read and presented along with a Key to the City, a plaque and "Elvis" gifts, and Mr. Yovino expressed his appreciation and thanked the Mayor, Council, his staff, fellow employees, and his family and friends for all their support throughout his career and life **(2 - 0)**.

RECESS - 9:25 A.M. - 9:37 A.M.

(9:00 A.M. #2) PUBLIC COMMENT PERIOD:

(‘A’) SCHEDULED COMMUNICATIONS:

APPEARANCE BY ROBERT DEFREES TO ADDRESS THE ISSUE OF MENTAL ILLNESS

Appearance made.

APPEARANCE BY LEONARDO THOMAS OF THE CENTRAL CALIFORNIA BLACK CHAMBER OF COMMERE, TO DISCUSS WORKING WITH THE CITY TO DEVELOP ECONOMIC PROGRAMS FOR THE 93706 ZIP CODE AREA

Appearance made.

(‘B’) UNSCHEDULED COMMUNICATIONS:

Paula Savino spoke to animal abuse and to the need to expand and enhance animal shelters.

Sherry Smith, 4724 W. Swift, spoke to the geographic isolation of the Ashlan Cornelia corridor and the need for development in the corridor.

Paul Hurlbut spoke to the American Ambulance agreement and dispatch response times.

(9:30 A.M. “A”) PRESENTATION ON THE STATUS OF THE ‘TEN YEAR PLAN TO END CHRONIC HOMELESSNESS’

City Manager Souza introduced the item, and Senior Project Manager Stephen Sotomayor of the Ramsey Group, who served as consultant to the Planning and Leadership Councils, gave a PowerPoint presentation on the issue which included the Vision, Mission of the Planning Council, Focus: The Chronic Homeless, Enumerating the Homeless, and Next Steps.

Speaking to the issue were: Kiel Famellos Schmidt, member of the planning council, who stated he was a little disappointed with the plan at this point in time and it needed more work to meet its mission and explained; and Ashley Swearingen, who applauded the work of the city and county in initiating the plan, stated she was encouraged the problem of chronic homelessness was at this point and being seriously looked at, and concurred more work was needed and pledged her support to work with the bodies no matter the outcome in November.

Councilmember Calhoun stated the plan was not perfect but great progress had been made, acknowledged involved individuals and the planning and leadership councils, and upon his question Mr. Souza advised because of timing for applications to HUD a special Council meeting will have to be scheduled for approval of the plan.

Mr. Sotomayor responded at length to questions and/or comments of Councilmembers Dages, Duncan and President Xiong relative to whether specific solutions -- not generalities -- will be included in the final draft, the challenges of drugs, alcohol and those who do not want to move, if distinctions have been made with veterans, need to take a special interest in veterans, request Mr. Sotomayor attend the upcoming veteran standown event, the lack of collaboration by the county and if presenting the final draft to the Board will be just another academic process, if the \$40,000 and \$16,000 were local, state or federal funds, if a matrix will be included in the final draft, it being critical to get to solutions, concern with the lack of commitment from the county to change things, appreciation of Ms. Swearingen's interest and input, commendation on the presentation and to Mr. Sotomayor for his work, what the county's level of interest/collaboration was, if a lead homeless agency/person will be defined by September 9th, need to address cost benefit analysis challenges to an applicable level by the 9th, how jurisdictional partnerships will work, and the need to have clear financial commitments up front. There was no further discussion.

(9:30 A.M. "B") APPROVE RESPONSES TO THE 2007-008 GRAND JURY REPORT #7

City Manager Souza gave a brief overview of the issue, stated this was a unique report as this was the first time the Grand Jury (GJ) requested a specific response from a department and noted the police department prepared a separate response, and recommended the responses be approved. A motion and second was made to approve staff's recommendation.

City Attorney Sanchez responded to questions/comments/concerns of Councilmember Calhoun relative to how citizens get involved in the city's aircraft, where/how inquiries originate, who brings issues to the GJ's attention, at what point the GJ gets involved in the city's business, if it would be appropriate for the city to query the GJ in a positive way on why they chose to look at the police department, why the GJ is getting into city business at this specific level, if there was anything the city could/should do to meet the GJ's needs, need to tell the GJ the city is a transparent public agency with nothing to hide, concern with the public perception that the city is doing something wrong (**3 - 0**), and request the response include a statement that the city feels the GJ is going beyond its bounds.

On motion of Councilmember Dages, seconded by Councilmember Duncan, duly carried, RESOLVED, the responses to the Fresno County Grand Jury hereby approved, by the following vote:

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

(9:30 A.M. "C") REQUEST FOR COUNCIL RECONSIDERATION OF BILL NO. B-49 AMENDING THE FMC RELATING TO SOLID WASTE, RECYCLABLE AND GREEN WASTE COLLECTION AND DISPOSAL, INTRODUCED ON JULY 22, 2008, AND FAILED ADOPTION ON JULY 29, 2008 - MAYOR AUTRY

Public Utilities Director Ramirez stated the city took the State's recycling mandate seriously, things change/evolve over time, and after years with AB 939 the proposed changes were needed to (1) help provide a level of service to the community that staff feels is necessary, (2) allow for continued relationships with private contractors to provide service within the city, and (3) prepare for the next level of recycling explaining throughout.

Richard Caglia, Industrial Waste & Salvage, 3280 S. Orange, stated he had concerns with specific language in the ordinance and added there had been problems in the past with the ordinance in terms of how to do business in the city.

Councilmember Duncan stated there were some good things in the ordinance but he still could not support it as some issues that were addressed led to vague question marks and would create a lot of problems for citizens; stated he was concerned with language that established the city as a monopoly which he felt could make it very difficult to allow others to compete and also with the provision asking private companies to provide their pricing information; stated the trash can hours needed to be modified and he was also concerned with the impact of this on small recyclers; recommended the ordinance be rejected, started over, and offered to help and provide input/specific detail; stated people in the industry were willing to help as well and emphasized it was important to get feedback from those whose livelihoods are affected; and made a motion to reject the ordinance and added if approved he was willing to be part of the solution to bring back a strong ordinance that also protected the rights of the business community and would give citizens more rule flexibility. The motion was seconded by Councilmember Caprioglio.

Mr. Ramirez, City Manager Souza and Mr. Caglia responded to questions and/or comments of Councilmember Dages relative to who has to subscribe to this service, if the “director discretion” language was new, why the city wants pricing information and accurate records from companies, why the city wants to get into the business of private haulers, if staff met with anyone from the industry on these changes, it being inappropriate to inform businesses after the fact, and need for the city to be business friendly and meet with all the haulers to hash out details.

Councilmember Calhoun stated if private haulers had their choice they would not have the city in the refuse business, there was competition and people were making a good living, the argument for meetings with every vendor in town did not hold because the city’s business is publicly noticed and this was the second time this matter was before Council, he had not received any complaints/objections to what was being proposed, he was hearing vague things and not hearing any specifics in terms of why this was not a good ordinance adding “I don’t like it” was not good enough, and stated this would advance and improve the city’s services to the public, regulations were necessary, he was supportive of the ordinance because he was not hearing anything to convince him otherwise, and updates were needed periodically and staff was just bringing things into line.

Upon question of President Xiong, Councilmember Duncan stated work could start tomorrow on the ordinance and it could easily be brought back to Council within 30 days. President Xiong stated he received some calls since this ordinance was first presented and he also felt further fine-tuning and discussions with involved parties were needed.

On motion of Councilmember Duncan, seconded by Councilmember Caprioglio, duly carried, RESOLVED, the above entitled Ordinance Bill No. B-49 hereby rejected, by the following vote:

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

(9:30 .M. “D”) ACTIONS RELATING TO THE CHILLERS AT THE POLICE HEADQUARTERS AND CITY HALL ANNEX BUILDINGS

- 1. ADOPT FINDING OF A CATEGORICAL EXEMPTION, PURSUANT TO CEQA**
- 2. RESOLUTION NO. 2008-221 - DECLARING AN URGENT NECESSITY FOR THE PRESERVATION OF LIFE, HEALTH OR PROPERTY, WAIVING COMPETITIVE PROCUREMENT REQUIREMENTS, AND AUTHORIZING THE PUBLIC WORKS DIRECTOR TO CONTRACT FOR THE DESIGN AND INSTALLATION OF A NEW WATER COOLED CHILLER SYSTEM AT THE POLICE DEPARTMENT HEADQUARTERS AND CITY HALL ANNEX BUILDINGS IN AN AMOUNT NOT TO EXCEED \$1,610,000**
- 3. RESOLUTION NO. 2008-222 - 13TH AMENDMENT TO AAR 2008-162 APPROPRIATING \$1,610,000 TO REPLACE THE CHILLERS AND ASSOCIATED MACHINERY AND EQUIPMENT SERVING THE POLICE DEPARTMENT HEADQUARTERS AND CITY HALL ANNEX**

General Services Director Nerland reviewed the issue in-depth, all as contained in the staff report as submitted and requested approval, and along with ACM Rudd responded to questions of Councilmember Calhoun relative to why staff waited until the chiller failed to bring forth an emergency request, why unmet needs were being dealt with that are almost 30 and 50 years old, if the significant need was ever shared with Council, need for staff to have paid more attention to preventive maintenance, and need to include a preventive maintenance line item with a priority list of projects in next year’s budget A motion and second was made to approve staff’s recommendation. Upon question of Councilmember Duncan, Mr. Nerland confirmed the air conditioning at police headquarters was not working and needed to be fixed.

On motion of Councilmember Calhoun, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled Resolution No. 2008-221 and 2008-222 hereby adopted, by the following vote:

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

(“9:30 A.M. G”) RESOLUTION NO. 2008-223 - ACCEPTING A \$245,000 CONTRIBUTION BY FRESNO COMMUNITY REGIONAL MEDICAL CENTER FOR THE CREATION OF A “RAILROAD QUIET ZONE” ON THE BNSF RAILROAD CORRIDOR FROM OLIVE AVENUE TO VENTURA STREET, AND AUTHORIZE THE PUBLIC WORKS DIRECTOR TO PROCEED WITH ALL STEPS NECESSARY FOR ITS ESTABLISHMENT

City Engineer/Assistant Director Mozier thanked Community Medical Center and gave a brief overview of the issue, all as contained in the staff report as submitted, and Mark Matheson of CMC spoke further to the issue, to their customer satisfaction program, and to the need for this quiet zone for their patients.

Councilmember Calhoun thanked Community and staff, spoke in support of the issue stating quality of life was important, and spoke to the need to expand the zone further up the tracks.

On motion of Councilmember Calhoun, seconded by Councilmember Dages, duly carried, RESOLVED, the above entitled Resolution No. 2008-223 hereby adopted, by the following vote:

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

(10:15 A.M.) WORKSHOP REGARDING THE FULTON MALL HISTORIC DESIGNATION

Economic Development Coordinator Riddle reviewed the issue, all as contained in the staff report as submitted **(4 - 0)**.

Councilmember Duncan stated the whole Fulton Mall issue was very emotional and requested, as this goes through the process, that the people who will be responsible for the review are truly objective stating he has seen a little too much activism going on within staff and not enough objectivity.

Ms. Riddle, City Manager Souza and City Attorney Sanchez responded to questions/comments of Councilmembers Calhoun and Dages, and/or clarified issues relative to what, if any, Council’s role was in this process, if Council would just have to “watch this go by and twiddle their thumbs” while a critical historic designation decision is made, the constituents Council represents and desire for a say somewhere in the process, request President Xiong take this under advisement and advise how Council might get involved in the process/speak to the issue at some point, the legal process and what options Council had to set forth their concerns, what other remedies were available to deal with concerns besides a resolution, if State approval of the designation would tie Council’s hands to do anything with the mall, and how something 44 years old could be called “historical”. President Xiong stated it was obvious Council was concerned about this and wanted to be part of the process and provide input if possible and there was no further discussion.

(10:30 A.M.) HEARING ON REZONE APPLICATION NO. R-08-08 AND ENVIRONMENTAL FINDINGS, FILED BY THE CITY OF FRESNO, PROPERTY LOCATED ON THE NORTHEAST CORNER OF W. OLIVE AND N. HAYES AVENUES

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

2. BILL NO. B-55 - ORDINANCE NO. 2008-52 - AMENDING THE OFFICIAL ZONE MAP TO REZONE SEVEN PROPERTIES FROM RR TO R-1/UGM/ANX

President Xiong announced the time had arrived to consider the issue, opened the hearing, and 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 President Xiong, seconded by Councilmember Duncan, duly carried, RESOLVED, the environmental finding for the subject E.A. hereby approved, and the above entitled Bill No. B-55 adopted as Ordinance No. 2008-52, by the following vote

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

(11:00 A.M.) UPDATE REPORT BY STEVE GEIL OF THE ECONOMIC DEVELOPMENT CORPORATION (EDC) ON THE EDC'S EFFORTS AND PROGRESS

Councilmember Duncan thanked Mr. Geil for the great communication provided to Council stating he has never been more informed on the EDC's efforts.

CEO Steve Geil introduced and acknowledged his staff, distributed to Council three of the EDC's publications from the past year, acknowledged Agency Director Murphey and Economic Development Director Johnson stating the EDC had a very good working relationship with them, and along with Director of Business Expansion & Retention Emerson Estrada, Site Location Manager Esther Cuevas, and Marketing Director Catherine Curry gave an in-depth PowerPoint presentation which included the Mission/Vision/Strategy, the Business Expansion and Retention (BEAR) Action Network, the Outreach Team, How it Works, Service Providers, Targeted Business Outreach, Strategic Outreach, Success Stories, Active Projects, RJI Care Industry Focus, Tradeshows, The New Frontier Tour, How EDC is Doing, Attraction Comparisons, Strategic Initiatives, Marketing, EDC Website/Countyscape, Jobs Created (**5 - 0**), and the Summary.

Councilmember Duncan commended Mr. Geil on the presentation and stated things were very different from a few years ago, and along with Councilmember Dages presented questions and/or comments relative to how a business located near the city who wants to expand and is running into barriers with county rules can be helped, the great RDA/EDD/EDC working relationship and if Fresno County was involved at all, the great opportunities at city/county common boundary areas, who was involved in creating the 6,800 jobs, and commendation to EDC staff on their website and for the drastic changes that have been made.

LUNCH RECESS - 12:10 P.M. - 2:00 P.M.

(2:00 P.M. #1) CONTESTED CONSENT CALENDAR ITEMS:

(1-P) APPROVE SIDE LETTER OF AGREEMENT WITH THE FRESNO POLICE OFFICERS ASSOCIATION (FPOA), NON-SUPERVISORY POLICE, UNIT 4, PROVIDING COMPENSATION AND BENEFITS RESULTING FROM AN MOU REOPENER

- 1. APPROVE AMENDMENT TO THE CITY OF FRESNO RETIREE HEALTH REIMBURSEMENT ARRANGEMENT TO INCLUDE A REVISION TO THE APPENDIX FOR THE POLICE NON-SUPERVISORY UNIT**
- 2. RESOLUTION - 5TH AMENDMENT TO SALARY RES. 2008-165 AMENDING EXHIBIT 4, NON-SUPERVISORY POLICE (FPOA)**

Councilmember Calhoun noted he was not present in closed session when this matter was discussed and presented questions relative to what the funding source was for the estimated new costs for FY09 and FY10, if service will be impacted, if the department was at full staffing, if any vacancies were deliberately being kept open to help pay for the increased costs, and if absorbing costs within the department budget will again be an option in FY10, with Chief Dyer and City Manager Souza responding and clarifying issues.

Councilmember Duncan concurred a lot of creative accounting was going on but stated at the end of the day there were going to be fewer officers on the street to protect citizens as the budget will be balanced by keeping vacancies and officer counts lower, clarified his biggest concern with this item, and the next, was the term "binding arbitration" stating although it appeared to be minor for just disciplinary actions he felt it would open the door for ongoing efforts by this unit and other units to push for binding arbitration and added each step taken in that direction diminished Council's power/authority to represent city residents, and stated binding arbitration had no business being in any of the city's union agreements at any level or circumstance and he would strongly oppose both items. Mr. Souza noted (1) Chief Dyer just stated he would not be holding vacancies for this year's raise, (2) binding arbitration would not erode Council's authority as disciplinary actions were an administrative function, and (3) the administration was supporting this because this was not binding arbitration for fiscal matters and further explained.

Councilmember Calhoun stated he was still concerned and somewhat unclear about the funding sources and he wanted to see the details in black and white, and added he wanted to see this work out and there was no rush to judgment and made a motion to table this matter to September 16th to allow staff to meet with council members in the interim if desired and provide information in writing.

A motion of Councilmember Calhoun, seconded by Councilmember Caprioglio, to table the matter to September 16, 2008, failed, by the following vote:

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

Councilmember Dages made a motion to approve staff's recommendation and stated this matter was explained by staff and the city manager in closed session, Councilmember Duncan's position was the same, and he felt this was routine and there was no reason to not approve it.

A motion of Councilmember Dages, seconded by President Xiong, to approve staff's recommendation failed, by the following vote:

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

(*Note - towards the end of the meeting Councilmember Calhoun asked Mr. Souza to bring the matter back on September 16th with funding information.)

(1-Q) APPROVE SIDE LETTER OF AGREEMENT WITH THE FRESNO POLICE OFFICERS ASSOCIATION (FPOA), POLICE MANAGEMENT, UNIT 9, PROVIDING COMPENSATION AND BENEFITS RESULTING FROM AN MOU REOPENER
1. APPROVE AN AMENDMENT TO THE CITY OF FRESNO RETIREE HEALTH REIMBURSEMENT ARRANGEMENT TO INCLUDE A REVISION TO APPENDIX FOR POLICE MANAGEMENT UNIT

As with the preceding item Councilmember Duncan stated he would oppose this due to the inclusion of binding arbitration.

On motion of Councilmember Dages, seconded by President Xiong, duly carried, RESOLVED, the subject Side Letter of Agreement hereby approved, and the Amendment to the City of Fresno Retiree Health Reimbursement Arrangement approved, by the following vote:

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

(2:00 P.M. #2) CLOSED SESSION: CONFERENCE WITH LEGAL COUNSEL/EXISTING LITIGATION - CASE NAMES:

- 1. COF V. SHELL OIL COMPANY**
- 2. COF V. CHEVRON USA, ET AL**

The City Council met in closed session in Room 2125 at the hour of 2:24 p.m. to consider the above matters and reconvened in regular open session at 2:41 p.m. There were no announcements.

(2:30 P.M.) APPROVE CONTRACT WITH THE FRESNO CONVENTION AND VISITOR'S BUREAU (CVB) TO PROMOTE CONVENTIONS AND TOURISM FOR THE CITY

City Manager Souza gave a brief overview of the issue, all as contained in the staff report as submitted.

Stan Oaken with the CVB spoke further to the issue and in support.

Councilmember Dages commended the CVB and its' members and SMG Manager Overfelt for doing a great job and made a motion to approve the contract. Mr. Oaken responded briefly to questions of Councilmembers Duncan and Calhoun relative to whether the additional dollars allocated during budget were included in this contract and if the CVB felt they will be able to attract people during these challenging economic times.

On motion of Councilmember Dages, seconded by Councilmember Duncan, duly carried, RESOLVED, the subject contract with the Fresno Convention and Visitor's Bureau hereby approved, by the following vote:

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

(2:45 P.M.) PRESENTATION BY FRESNO AREA EXPRESS ON BUS RAPID TRANSIT (BRT)

Director of Transportation Hamm gave a brief overview of the issue, and Consultants Anoush Nejad and Jim Daisa with Kimley Horn and Associates gave an in-depth PowerPoint presentation on (1) the Fresno BRT Master Plan Project which included Project Background and Approach, What is Bus Rapid Transit (BRT)? **(6 - 0)**, Proposed BRT Network, BRT Implementation Plan, Funding Mechanisms for BRT and Transit Enhancements, and Next Steps, and (2) the Regional Public Transportation Infrastructure Study (PTIS) which included the Objectives, Outcomes of the Study, Approach, Timeframe, and Streetcar Study.

Councilmember Calhoun commented at length on various issues including his bus riding, the numerous studies that have been conducted, need for improvements beyond 15-minute routes, speed of buses, those passengers that are "transit captive", need to get the transit system out of the middle ages and attract a choice market, need for limited-stop express buses, need to take incremental steps, the BRT corridors and support for Blackstone along with Ventura, concern with funding sources/match requirements, and need to make decisions now and get to the next level. Councilmember Dages also commented on various issues and/or presented questions relative to southeast growth and timing being ideal for Ventura/Kings Canyon BRT, support for moderate investment and far right designated lanes, there being areas and opportunities for a BRT system with housing following, if Measure C dollars could be used as match funds, time line, and the southeast growth area and projects and need to design Ventura/Kings Canyon stops as soon as possible to incorporate into the revitalization of the southeast area. There was no further discussion.

(1-P) FPOA SIDE LETTER OF AGREEMENT (*From earlier*)

Councilmember Calhoun asked City Manager Souza to bring the FPOA contract back on September 16th before a hopefully more receptive Council, with Mr. Souza stating he appreciated the request and would speak with the mayor on whether or not he wanted to bring the matter back for reconsideration.

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

The City Council recessed at 3:43 p.m. and met in joint session with the Redevelopment Agency.

APPROVE AGENCY MINUTES OF AUGUST 19, 2008

On motion of Councilmember Dages, seconded by Councilmember Caprioglio, duly carried, RESOLVED, the Agency minutes of August 19, 2008, approved as submitted.

(“B”) BILL NO. B-54 - ORDINANCE NO. 2008-53 - ADDING SECTION TO THE FRESNO MUNICIPAL CODE RELATING TO UNIVERSAL DESIGN BUILDING REQUIREMENTS FOR CITY AND AGENCY-FUNDED NEW RESIDENTIAL BUILDING PROJECTS (Council action)

Interim HCD Manager Casares noted the Bill was introduced last week and staff had no additional information to add. A motion and second was made to adopt the ordinance.

Jose Luis Barraza, Housing Partnership for the Disabled, thanked Council for their support.

Agency Executive Director Murphey added her department worked closely with planning & development staff on this ordinance and was very supportive.

Acting Chair Calhoun thanked Mr. Barraza for his efforts and support.

On motion of Councilmember Dages, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled Bill No. B-54 adopted as Ordinance No. 2008-53, by the following vote:

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

(“C”) APPROVE MATERIAL TERMS OF A PURCHASE AND SALE AGREEMENT FOR PROPERTY AT 721 BROADWAY STREET OWNED BY GETZ PROPERTIES NO. 1 (Agency action)

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

On motion of Member Duncan, seconded by Member Dages, duly carried, RESOLVED, the material terms of a Purchase and Sale Agreement for property at 721 Broadway hereby approved, by the following vote:

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

Acting Chair Calhoun adjourned the joint meeting at 3:50 p.m.

ADJOURNMENT

There being no further business to bring before the City Council, the hour of 3:50 p.m. having arrived and hearing no objection, President Xiong declared the City Council meeting adjourned.

Approved on the ____ 16th _____ day of _____ September _____, 2008.

_____/s/_____
Blong Xiong, Council President

ATTEST

_____/s/_____
Yolanda Salazar, Assistant City Clerk