

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

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

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

Acting President Sterling gave the invocation and President Xiong led the Pledge of Allegiance.

1st QUARTER "MAKE A PROMOTION A COMMOTION" CEREMONY

Held.

RECESS - 8:52 A.M. - 9:06 A.M.

APPROVE MINUTES OF APRIL 1, 2008:

On motion of Councilmember Duncan, seconded by Acting President Sterling, duly carried, RESOLVED, the minutes of April 1, 2008, approved as submitted.

COUNCIL MEMBER REPORTS AND COMMENTS:

COUNCILMEMBER DUNCAN: Significant vandalism occurring on the 2600 block of E. Cole Avenue and submission of letter to the city manager from a constituent requesting increased police presence in the area.

COUNCILMEMBER DAGES: (1) Comments on burglaries occurring on Woodward and Waldby Avenues south of Butler/east of Peach and request a video policing camera be installed; and (2) report on the success/participants/money raised for charities at the 5th annual Texas Hold 'Em Flop Till You Drop poker tournament last Saturday and thank you to President Xiong and budget staff for their assistance.

COUNCILMEMBER WESTERLUND: Comments on string of burglaries occurring in the Melody Park area; and (2) August 2007 memo received on jail booking delays and request for update.

PRESIDENT XIONG: (1) Report on attendance at Valley Harvest Elementary School opening; (2) notice of his intent to set dates for the upcoming budget deliberations; (3) request City Council think about whether or not to meet on election day, June 3rd; and (4) update given on appointment process for Councilmember Westerlund's replacement.

APPROVE AGENDA:

(10:00 A.M.) PRESENTATION BY QUAD KNOPF CONSULTING ON THE DRAFT 2008-2013 CITY OF FRESNO HOUSING ELEMENT OF THE GENERAL PLAN AND OPENING OF THE PUBLIC COMMENT PERIOD ON THE DRAFT UNTIL JUNE 1, 2008

Rescheduled for May 6, 2008, by staff.

(10:45 A.M. "B") JOINT MEETING WITH THE REDEVELOPMENT AGENCY - CONSIDER ADOPTION OF AGENCY RESOLUTION CERTIFYING THE SEIR FOR THE OLD ARMENIAN TOWN PROJECT - RELOCATION OF HISTORICAL RESOURCES **(Continue to May 13, 2008, at 3:00 p.m.)**

Continued as noted.

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

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

ADOPT CONSENT CALENDAR:

Barbara Hunt, 2475 S. Walnut, spoke in general to city funds, resources and needs.

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

Councilmember Calhoun noted Items **1-B** and **1-J** did not have the bid evaluations attached and requested staff pay more attention to those attachments in the future and include them so he does not have to ask staff for them on Monday.

(1-C) APPROVE A NEW SERVICE AGREEMENT WITH GLORYBOUND WORLD OUTREACH/MSS TO PROVIDE WEEKLY GRAFFITI ABATEMENT UNDER THE MAYOR'S NEIGHBORHOOD QUALITY OF LIFE INITIATIVE

-and-

(1-E) APPROVE A NEW SERVICE AGREEMENT, AND RATIFY THE 2007 SERVICE AGREEMENT, WITH BRIDGE THE BARRIERS TO PROVIDE GRAFFITI ABATEMENT UNDER THE MAYOR'S NEIGHBORHOOD QUALITY OF LIFE INITIATIVE

Councilmember Westerlund stated he wanted to continue the above two items for two weeks so he could go out in the field and look at the operations and made a motion to that effect, which motion was seconded by Councilmember Duncan.

Councilmembers Dages stated Bridge the Barriers was doing one of the best jobs he had ever seen and stated although he understood what Councilmember Westerlund was requesting he would not support a delay out of respect for the groups, because of the superb job they are doing, and because they had a right to continue their work without interruption. Acting President Sterling concurred with Councilmember Dages and commended Glorybound and the young people for their work and for trying to improve the environment. Upon question of President Xiong Deputy Chief Enmark stated a delay would impact the work of the groups. Councilmember Westerlund stated although Council did not get the contracts earlier and they expired he still wanted to observe the work and clarified he was not saying the groups were not doing a good job but this was the first time he had seen the contracts and what is expected of the groups. President Xiong stated he would not support the motion because of the impact of the delay and spoke to how the groups play an important role in the community. Councilmember Calhoun stated he would support the motion and thought as a courtesy to a member Council would also support the request, added it was important for Council as policy-makers to be hands-on at times, stated the graffiti program would get by and could be covered by staff in the interim if necessary, and encouraged Council to grant the delay and added he was pleased to see that Councilmember Westerlund was going to take the time to see how the program was working.

A motion of Councilmember Westerlund, seconded by Councilmember Duncan, to continue Items **1-C** and **1-E** for two weeks failed, by the following vote:

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

Councilmember Westerlund pulled Items **1-C** and **1E** from the Consent Calendar for separate discussion/action.

(1-A) AWARD A REQUIREMENTS CONTRACT IN THE AMOUNT OF \$2,331,180.25 TO CLEAN ENERGY FOR LIQUID NATURAL GAS (LNG) FUEL

(1-D) APPROVE A NEW SERVICE AGREEMENT WITH THE FRESNO COUNTY ECONOMIC OPPORTUNITIES COMMISSION (FCEOC) FOR A ONE-YEAR PERIOD TO PROVIDE GRAFFITI ABATEMENT UNDER THE MAYOR'S NEIGHBORHOOD QUALITY OF LIFE INITIATIVE

(1-F) ADOPT RESOLUTION OF INTENTION NO. 1064-D FOR THE VACATION OF THE "N" - "O" ALLEY AND THE NORTHEASTERLY HALF OF "N" STREET BETWEEN VENTURA AND INYO STREETS, AND MONO STREET BETWEEN "N" AND "O" STREETS, AND SETTING THE PUBLIC HEARING FOR APRIL 29, 2008

(1-G) RESOLUTION NO. 2008-76 - INTENT TO ANNEX FINAL TRACT NO. 5358 AS ANNEXATION NO. 31 TO CFD NO. 11, AND SETTING THE PUBLIC HEARING FOR APRIL 29, 2008

(1-H) RESOLUTION NO. 2008-77 - INTENT TO ANNEX FINAL TRACT NO. 5436 AS ANNEXATION NO. 28 TO CFD NO. 11, AND SETTING THE PUBLIC HEARING FOR APRIL 29, 2008

(1-I) RESOLUTION NO. 2008-78 - APPROVING THE FINAL MAP OF TRACT NO. 5717, PHASE 1 OF VESTING TENTATIVE MAP NO. 5717, SOUTHEAST CORNER OF E. SHIELDS AND N. FOWLER AVENUES; ACCEPTING DEDICATED PUBLIC USES THEREIN; AND AUTHORIZING THE PUBLIC WORKS, PUBLIC UTILITIES, AND PLANNING & DEVELOPMENT DIRECTORS TO EXECUTE THE NECESSARY DOCUMENTS

(1-J) AWARD A REQUIREMENTS CONTRACT TO JOHN DEERE LANDSCAPES IN THE AMOUNT OF \$158,605.98 FOR IRRIGATION EQUIPMENT AND SUPPLIES

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

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

CONTESTED CONSENT CALENDAR:

(1-B) AWARD A REQUIREMENTS CONTRACT IN THE AMOUNT OF \$96,756.72 TO PITTSBURGH PAINTS TO PROVIDE PAINT FOR GRAFFITI ABATEMENT

Police Lt. Laband responded to comments/questions of Councilmember Perea relative to the air district soon regulating the kind of paints local governments can purchase, if the city was considering purchasing low-emitting paints, if low-emitting paints were already part of contract requirements, and suggestion to staff to get ahead of the curve and think about instituting a policy before the mandate is issued by the air district. A motion and second was made to approve staff's recommendation.

Speaking in support of the issue were: Barbara Hunt, 2475 S. Walnut, and Roselyn Clark, President of Police and Neighborhood Watch Association.

On motion of Councilmember Perea, seconded by Councilmember Dages, duly carried, RESOLVED, the above entitled contract awarded as recommended, by the following vote:

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

(1-C) APPROVE A NEW SERVICE AGREEMENT WITH GLORYBOUND WORLD OUTREACH/MSS TO PROVIDE WEEKLY GRAFFITI ABATEMENT UNDER THE MAYOR'S NEIGHBORHOOD QUALITY OF LIFE INITIATIVE

(2 - 0) Police Lt. Laband and Community Coordinator McAllister responded to questions of Councilmember Westerlund relative to the number of hours/days/weeks worked and number of people that work on weekends. Councilmember Westerlund stated he wanted to go out and meet with Glorybound and see their program requested Mr. Allister contact his office.

Barbara Hunt spoke in support.

On motion of Councilmember Westerlund, seconded by Acting President Sterling, duly carried, RESOLVED, the above entitled service agreement approved as recommended, by the following vote:

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

(1-E) APPROVE A NEW 2008 SERVICE AGREEMENT, AND RATIFY THE 2007 SERVICE AGREEMENT WITH BRIDGE THE BARRIERS FOR GRAFFITI ABATEMENT UNDER THE MAYOR'S NEIGHBORHOOD QUALITY OF LIFE INITIATIVE

Lt. Laband responded to questions of Councilmember Westerlund relative to whether taggers/criminals are used in the clean up work, training of known taggers, and if controls are in place. A motion and second was made to approve staff's recommendation.

Roger Hanke, President of Bridge the Barriers, elaborated further on their work; Barbara Hunt spoke in support of the issue; and Tom (last name inaudible) with the Fresno County Economic Opportunities Commission and present for Item **1-D**, spoke to their work and how they supplement their funds.

On motion of Councilmember Westerlund, seconded by Councilmember Dages, duly carried, RESOLVED, a one-year Service Agreement with Bridge the Barriers dated February 8, 2007, hereby ratified, and a new 2008 Service Agreement hereby approved, by the following vote:

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

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

Sherry Smith, 4724 W. Swift, spoke to the deterioration of the Ashlan/Cornelia corridor, to the need for an "Adopt a Fire Station Program", and to the need to budget funds for a fire station in the Ashlan/Cornelia area.

Paula Savino spoke to ruthless puppy mill breeders and to the need for laws to deal with the abuse.

Barbara Hunt spoke to city needs and resources to address the needs and people issues such as homelessness.

Public Works Director Weimiller followed up on Councilmember Dages' comments on the Texas Hold 'Em poker tournament and stated Mrs. Dages and his son, police officer Brian Weimiller, were the best players in their families.

(9:15 A.M. "B") DISCUSSION AND DIRECTION REGARDING ENFORCEMENT ISSUES INVOLVING SIGNS AND BANNERS/FLAGS - COUNCILMEMBER DAGES

- 1. RESOLUTION NO. 2008-79 - APPROVING A TEMPORARY SUSPENSION OF THE ENFORCEMENT OF FRESNO MUNICIPAL CODE SECTION 12-207-5-K-3-c RELATING TO DECORATIVE FLAGS AT MODEL HOMES AND NEW HOUSING SUBDIVISIONS
- 2. RED TAG ALTERNATIVE RESOLUTION RELATING TO FLAGS AND BANNERS (NOT ADOPTED)

Councilmember Dages introduced the item and stated he wanted a temporary suspension of the code relative to the display of advertising flags/banners used on model homes for new housing developments, stated a 120-day suspension would enable staff to meet with the building industry to come up with a solution, and added staff was recommending the code be amended

Mike Prandini of the Building Industry Association spoke to the background and further to the issue, to their support for a suspension to work with staff to come up with a solution, and to the need for builders to be able use flags to attract/advertise/sell their homes.

Councilmember Dages added when model homes are completed the flags do come down and the building industry wanted to be in compliance but also wanted the opportunity to address this issue, and made a motion to adopt the red tag resolution, which motion was seconded by President Xiong and subsequently revised.

Roselyn Clark, 3860 E. Rialto, stated her concern was illegally placed signs and elaborated; and Barbara Hunt spoke in support of businesses having a right to advertise with flags/signs.

Councilmember Calhoun stated it needed to be made clear exactly what was at issue -- flags at development sites or the broader area of signage and elaborated, and upon his question City Attorney Sanchez clarified the resolution would temporarily suspend enforcement of two code sections dealing with (1) decorative flags at model homes and (2) banners, and clarified other matters related to signs would be allowed to go forward and be addressed by code enforcement. Councilmember Calhoun questioned the definition of banners, expressed his concern with banners and the ability to hang anything, anywhere over the next 120 days and explained, and stated he was supportive of the flags as that was the original issue but he wanted this narrowed down and the question of flags and banners split, with City Manager Souza and Mr. Sanchez responding throughout. Upon question Mr. Prandini stated their issue was flags around model homes and new subdivisions and added city staff brought the issue of banners forth due to enforcement problems. Upon further question Councilmember Dages stated he had no problem restricting the motion to flags as that was his intent and revised his motion to suspend FMC Section 12-207.5-K-3-c relative to decorative flags for 120 days, which was again seconded by President Xiong.

Councilmember Duncan noted apartment complexes also use flags and questioned if they would be cited and if it was fair to allow model homes to fly flags but not other businesses that are opening up and want to advertise, with Mr. Sanchez stating other businesses would be cited as the motion pertained specifically to model homes and subdivisions, and Councilmember Dages stating (1) the code allowed new businesses to have flags/banners out for the first 30 days of their grand opening with a permit and (2) they were not model homes. Councilmember Duncan stated he could not support the motion as it did not go far enough, selective enforcement was occurring, the sign ordinance was obsolete, and he was not comfortable isolating one business, and added this was a fairness issue, it went beyond the building industry, and every other type of business needed to be respected and allowed to promote their business.

Mr. Souza, a McCaffrey representative and Mr. Sanchez responded to questions of Councilmember Westerlund relative to whether code enforcement was continuing to go after illegal signs, (3 - 0) what enforcement was going on at the McCaffrey subdivision and what the issue was, and where the flags were located/placed on the sites. Councilmember Westerlund stated it made sense for staff and the industry have a discussion to try to address the issue and report back to Council and spoke to the current code on residential subdivisions and whether or not Council needed to address the issue of subdivision lots.

On motion of Councilmember Dages, seconded by President Xiong, duly carried, RESOLVED, the above entitled Resolution No. 2008-79 hereby adopted, by the following vote:

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

(9:15 A.M. "C") RESOLUTION NO. 2008-80 - OPPOSING AB 2716 MANDATING PAID SICK LEAVE ON SMALL BUSINESS - COUNCILMEMBER DUNCAN

Councilmember Duncan stated he was bringing this important issue forth so Council could make a statement to the State legislature that this bill is bad business and will have a very undesirable effect on the business community; clarified he borrowed Paragraphs 3, 4 and 5 from the San Jose Mercury and that was not his writing; and spoke to the bill, to the impacts and burdens that would be placed on small business owners, and to how it would minimize the ability of people to open up a business and made a motion to adopt the resolution, which motion was seconded by Councilmember Westerlund.

Speaking to the issue were: Al Smith, Chamber of Commerce, 2331 Fresno Street, who spoke in support of the resolution, and Barbara Hunt who stated sick leave should either be provided to everyone or none at all.

Councilmember Duncan and City Attorney Sanchez responded to questions of Councilmember Dages relative to whether this bill would stop the Wellness Program and definition of "small business". Acting President Sterling stated the bill was in the introductory stage and she felt this action was premature, stated as the bill goes through the process a lot of concerns and questions will be addressed and answered, and requested Council let the bill develop and then make a decision on whether to oppose it or not.

On motion of Councilmember Duncan, seconded by Councilmember Westerlund, duly carried, RESOLVED, the above entitled Resolution No. 2008-80 hereby adopted, by the following vote:

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

**(9:30 A.M. "A") CONSIDER REQUEST FROM THE CONVENTION AND VISITOR'S BUREAU (CVB)
1. RESOLUTION NO. 2008-81 - 83RD AMENDMENT TO THE AAR APPROPRIATING \$100,000 FOR AN ADVANCE TO THE CVB FOR A SPRING MARKETING CAMPAIGN**

City Manager Souza reviewed the issue, all as contained in the staff report as submitted, and stated the CVB was committed to marketing to move the CVB forward and recommended approval.

Speaking to the issue were: Barbara Hunt, support; and Laura Whitehouse and Stan Oaken of the CVB, who spoke to the marketing plan and financial issues and their situation.

Councilmember Duncan stated technically this was not an advance on next years budget but an allocation of \$100,000, the Mayor would be proposing a funding amount for next year for the CVB that Council could support or increase, and the CVB was now an organization poised to drive economic development and they needed resources to get the job done, and reiterated this had nothing to do with an advance, advised he would be fighting for an increased allocation for the CVB next year, and made a motion to adopt the resolution. Councilmember Dages seconded the motion and expressed his support and thanked Mr. Oaken for his work and expertise and commended the CVB on its plan. Councilmember Calhoun stated he would support the motion and relative to marketing expressed his concern with the vacant lot stating a nice fence was needed around that "big hole" which would hopefully be a hotel some day and added the message being sent was downtown was very incomplete. Mr. Souza advised the metal fence was down, staff shared the concern, and staff was looking at options which would be discussed next in the joint meeting with the Agency; relative to the term "advance" stated maybe "loan" should have been used and advised staff would be presenting a different funding mechanism from what Council has seen in the past for the CVB and explained; and upon question of President Xiong confirmed this loan/advance would be part of the overall budget funding mechanism. President Xiong stated a lot of activities that promote the city's diversity and attract people from all over were not being promoted or given proper attention and he would be looking at the marketing plan closely.

On motion of Councilmember Duncan, seconded by Councilmember Dages, duly carried, RESOLVED, the above entitled Resolution No. 2008-81 hereby adopted, by the following vote:

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

(10:45 A.M.) JOINT MEETING WITH THE REDEVELOPMENT AGENCY

The City Council recessed at 10:52 a.m. and convened in joint session with the Redevelopment Agency.

APPROVE AGENCY MINUTES OF APRIL 1, 2008

On motion of Acting President Sterling, seconded by President Xiong, duly carried, RESOLVED, the Agency minutes of April 1, 2008, approved as submitted.

(“A”) AUTHORIZE THE EXECUTIVE DIRECTOR AND CITY MANAGER TO ENTER INTO AN EXCLUSIVE NEGOTIATION AGREEMENT (ENA) BETWEEN THE REDEVELOPMENT AGENCY, THE CITY OF FRESNO, AND FRESNO CONVENTION CENTER HOTEL PROPERTIES, LP, TO STUDY THE FEASIBILITY FOR A HOTEL ON PROPERTY AT 800-808 “M” STREET

City Manager Souza gave an overview of the issue, all as contained in the staff report as submitted, and stated the goal was to bring an ENA back in this calendar year to begin construction in early 2009 of a high quality/high amenity hotel that is needed as a community. Director Murphey added this project was located in the Mariposa Project Area and corrected the first recital in the ENA by substituting the Mariposa Project Area for the Convention Center Project Area.

Developer Tom Richards with The Penstar Group advised he was available to answer any questions; and Barbara Hunt spoke in support of the project and to the need for revenues to come back to the city.

Councilmember Duncan stated he was fully supportive and thanked Mr. Richards for his willingness to get involved, and spoke to the danger of overbuilding this hotel citing the cost of amenities and maintenance and upon his question Mr. Richards stated everyone shared that concern and the market would probably drive the cost and quality level of the hotel. Councilmember Duncan stated ultimately economics needed to drive this and he was very pleased Mr. Richards was willing to step up and made a motion to approve staff’s recommendation. Councilmember Dages seconded the motion and commended Mr. Richards for building downtown and along with Councilmember Calhoun presented questions and/or comments relative to the timeline, if the timeline was reasonable, the New Market Tax Credit (NMTC) financing tool, when the NMTC became available, and when the numbers will be known. Councilmember Calhoun also spoke to the need for the public to know there are some risks and a number of steps to be taken before a hotel is built (4 - 0), and stated he was glad to see the City and Agency working as a team and commended staff and Mr. Richards. Upon question of President Xiong, Ms. Murphey clarified this project and Chinatown were separate projects in separate project areas and neither project would affect the other except positively. Mr. Souza responded to questions and comments of Chair Westerlund relative to the NMTC and how they work, projected gap, repayment obligation, internal costs, funding source, consultant cost, CEQA entitlement cost, the ENA including exclusive talks and raising undue expectations, the many hurdles to cross, and artificial deadlines and need to do this right.

On motion of Councilmember Duncan, seconded by Councilmember Dages, duly carried, RESOLVED, the City Manager and Executive Director authorized to enter into an ENA to study the feasibility for the development of a 3 - 4 star hotel on the subject property, by the following vote:

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

ADJOURNMENT

There being no further business to bring before the joint bodies, the hour of 11:21 a.m. having arrived and hearing no objections, Chair Westerlund declared the joint meeting and the City Council meeting adjourned.

Approved on the 15th day of April, 2008.

_____/s/_____/ ATTEST: _____/s/_____
Larry Westerlund, Agency Chair Yolanda Salazar, Assistant City Clerk

151-112

4/8/08