

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

Deacon Larry Hodges gave the invocation and President Xiong led the Pledge of Allegiance.

PROCLAMATION OF PUBLIC SAFETY TELECOMMUNICATIONS WEEK - COUNCILMEMBER PEREA

Read and presented.

PROCLAMATION FOR THE 40<sup>TH</sup> ANNIVERSARY OF THE CALIFORNIA ADVOCATE NEWSPAPER - MAYOR AND CITY COUNCIL

Read and presented.

PROCLAMATION OF CRIME VICTIMS' RIGHTS WEEK - COUNCILMEMBER DUNCAN

Read and presented.

RESOLUTION OF COMMENDATION TO REVEREND WALT PARRY FOR HIS SERVICE TO THE COMMUNITY

Read and presented.

PROCLAMATION OF CENTRAL VALLEY FINANCIAL LITERACY DAY - PRESIDENT XIONG

Read and presented.

PROCLAMATION OF UNIVERSITY HIGH GOLD MEDAL DAY - COUNCILMEMBER WESTERLUND

Read and presented.

PRESENTATION OF PRIDE TEAM CERTIFICATES FOR THE SPRING QUARTER

Presented **(2 - 0)**.

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**RECESS - 9:35 A.M. - 9:45 A.M.**

A reception was held to honor the PRIDE Team.

**APPROVE MINUTES OF APRIL 8, 2008:**

On motion of Councilmember Perea, seconded by Councilmember Duncan, duly carried, RESOLVED, the minutes of April 8, 2008, approved as submitted.

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**COUNCIL MEMBER REPORTS AND COMMENTS:**

COUNCILMEMBER CALHOUN: (1) Commendation to staff on the Kern Street Sports Town VIBE event last Friday; (2) recent Giants/Grizzlies baseball game at Chukchansi Park and concern with the stadium concessionaire being unable to handle the crowds, with City Manager Souza stating staff shared the concern and advised the owners would be presenting a game plan to him and he would be reporting to Council; (3) commendation to Mayor Autry and staff on their financial management of the city and upon request Mr. Souza expanded further on the memo sent to Council on cash reserves, pension bonds and improved bond rating; and (4) concern with the problem of illegally placed signs (on poles), with Mr. Souza stating staff was having sporadic success but the problem was on-going and code enforcement would continue to work on the problem.

COUNCILMEMBER DAGES: Concern with blight/junk and request staff ask Centex Homes and KB Homes to comply with their agreements and install exterior landscaping around their subdivisions at Kings Canyon & Sunnyside and Peach & Church Avenues.

COUNCILMEMBER STERLING: Report on attendance at the Interagency Council on Homelessness conference in Washington D.C. along with Chief of Staff Barfield and intent to provide a written report to Council in a couple of weeks.

PRESIDENT XIONG: (1) Report on attendance at the Cambodian and Laotian New Year events; (2) commendation to Capt. Hall and Sgt. Dewalf for their handling of a noise issue in northwest Fresno; and (3) the homeless issue and thank you to Mayor Autry and his team for getting the leadership and planning council to meet.

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**APPROVE AGENDA:**

**(1-C) BYPASS TRI-COUNTY GRADING & PAVING AS NON-RESPONSIVE TO THE SPECIFICATIONS AND AWARD A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$328,248.90 TO JWT GENERAL ENGINEERING CO. FOR STREET IMPROVEMENTS ON BRAWLEY AVENUE BETWEEN HERNDON AND PALO ALTO STREET, AND AUTHORIZE THE PUBLIC WORKS DIRECTOR OR DESIGNEE TO SIGN THE CONTRACT ON BEHALF OF THE CITY**  
1. RESOLUTION - 82<sup>ND</sup> AMENDMENT TO THE AAR APPROPRIATING \$60,900 IN FEDERAL GRANT FUNDS FOR THE BRAWLEY, HERNDON TO PALO ALTO AVENUES IMPROVEMENT PROJECT

Removed from the agenda by staff.

**(9:30 A.M. "B") RESOLUTION - SUPPORTING AB 2063 (PARRA) - THE BIENNIAL SMOG INSPECTION PROGRAM - FRESNO GREEN TEAM**

Removed from the agenda by staff.

On motion of Councilmember Westerlund, seconded by Councilmember Dages, 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

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**ADOPT CONSENT CALENDAR:**

Barbara Hunt, 2475 S. Walnut, spoke in general to Items **1-A** and **1-C**.

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

**(1-A) APPROVE EXTENSION OF EXPRESSJET AIRLINE, INC.'S AIRPORT OPERATIONS AGREEMENT BY ONE YEAR FROM 3/31/08 TO 3/31/09**

**(1-B) APPROVE ACQUISITION OF A PUBLIC STREET EASEMENT AT THE NORTHEAST CORNER OF W. ASHLAN AND N. BLYTHE AVENUES FROM PAINTBRUSH, LLC FOR THE APPRAISED VALUE OF \$101,423, FOR THE WIDENING OF ASHLAN AVENUE, AND AUTHORIZE THE ASSISTANT PUBLIC WORKS DIRECTOR TO SIGN ALL DOCUMENTS NECESSARY TO COMPLETE THE TRANSACTION**

On motion of Councilmember Westerlund, seconded by Councilmember Dages, 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

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

Paula Savino spoke to the issue of animal abuse/cruelty and the homeless.

Brunette Harris, Heat of Southwest Fresno, spoke in opposition to using any federal dollars for any city project and expressed concern with not being heard and advised they would be submitting Council's names to federal officials.

Bobbie Parks, HEAT of Southwest Fresno, spoke in opposition to using any CDBG or federal funds for city projects.

Sherry Smith, 4724 W. Swift, spoke to a neighbor's husband needing medical assistance, to the length of time it took for an ambulance to arrive, and questioned why fire personnel from Fire Station 16 could not respond as they had in the past since the station was only 500 feet away.

Margie Haymon, HEAT of Southwest Fresno, spoke in opposition to using any federal block grant funds for any city project and to a conflict of interest issue with Councilmember Sterling, and submitted her card with an address, 2339 Kern Street, for a response.

Alan and Mary Taliaferro, representing businesses at Fresno and Shaw, spoke to the problem of panhandlers and recommended a permit program be established for legitimate groups seeking donations.

Diane Bennett Smith, HEAT of Southwest Fresno, expressed concern with the lack of attention given to speakers and spoke in opposition to using any block grant funds anywhere in the city of Fresno.

Lillian (last name inaudible), 1905 E. Pontiac Way, spoke to the concerns expressed by prior speakers and recommended the Human Relations Commission be revived to deal with those issues.

Barbara Hunt, 2475 S. Walnut, questioned where southwest Fresno's CDBG funds go and spoke to the need for a list of projects utilizing CDBG funds **(3 - 0)**.

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**(9:30 A.M. "A") RESOLUTION NO. 2008-82 - 464<sup>TH</sup> AMENDMENT TO THE MFS RES. 80-420 ADDRESSING FEE CHANGES AND ANNUAL ROUTINE DEPARTMENT REVISIONS, as amended, approving AIRPORT fees only\*\***

**(\*\*NOTE: Matter reconsidered later in the meeting and Resolution re-adopted as amended, approving all fees, excluding the dog license/permit fees)**

Budget Manager Smith noted an in-depth PowerPoint presentation was provided two weeks ago and gave an overview of the issue, all as contained in the staff report as submitted.

Speaking to the issue were: Norm Minson, SPCA Executive Director, who clarified issues relative to the addendum on increased dog license procedures; Beth Caffrey, SPCA, who spoke in support of the dog license fees as tools to do their work; Barbara Hunt, who spoke to the dog license fees and questioned where that money goes; and Al Smith, CEO of the Chamber of Commerce, who spoke in support of all the fees as presented and urged Council's support.

Councilmember Duncan stated the airport department did their job and their fees were justified, stressed now was not the time to reach into the pockets of citizens and businesses for \$2.3 million in tax and fee increases and spoke to how businesses and people are struggling and suffering, upon his question Mr. Minson further clarified the dog license fee whereupon Councilmember Duncan expressed concern with raising the late license penalty fee from \$10 to \$100, and made a motion to approve only the airport department fees. Councilmember Dages seconded the motion and also expressed his concern with the dog license fee, questioned if staff has thought about contracting all the services out to the SPCA, and spoke in opposition to the fire inspection fee and the burden placed on businesses.

City Manager Souza responded to questions and comments, clarified the dog license increase was primarily driven by the fact that Fresno County would no longer be providing certain services related to dog bites and explained, stated there was too much confusion and recommended the dog license fee be stricken/eliminated from the resolution, and further clarified (1) fee increases were at issue and not taxes, (2) \$1.7 of the of the \$2.3 million was all around the parking fund which was discussed at length with Council previously, (3) the balance of the fees were fees specific to a service the city provides that people have the right to choose to use or not and further elaborated, and (4) the fire inspection fee was part of the 5-year step-in to fee recovery discussed last year.

Councilmember Calhoun stated he was amazed at this discussion, stated approval of the airport fees was no big deal as they were an enterprise fund, and added the dog license fee would be brought in line with the county's fee and disagreed with Mr. Souza about striking that fee, and expressed his concern stressing this was the cost to do business, citizens would subsidize these fees if they are not approved, this had to be election season, and urged Council to vote the motion down. Ms. Smith and Mr. Minson responded to comments and questions of Councilmember Westerlund relative to the fire inspection fee, if that fee was only being raised on specialized care facilities, and the dog license late fee and the fine for willingly not licensing a dog. In response to Mr. Souza's comments Councilmember Duncan spoke further to the issue and in opposition to the increase in parking tickets, parks and city facility use fees, and relative to businesses being subsidized by the general fund pointed out businesses already pay extra taxes on their sales and do not get any additional services in return.

An amended motion of Councilmember Calhoun, seconded by Councilmember Westerlund, to approve all the fees with the exception of the dog license fee failed, by the following vote:

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

On motion of Councilmember Duncan, seconded by Councilmember Dages, duly carried, RESOLVED, the above entitled Resolution No. 2008-82 hereby adopted, as amended, approving only the airport department fees, by the following vote:

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

A motion of Councilmember Westerlund, seconded by President Xiong, to approve the remaining fees, excluding the dog license fee failed, by the following vote:

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

(\*NOTE - Matter reconsidered later in the meeting.)

**(9:45 A.M. "A") PRESENTATION BY BURROUGHS ELEMENTARY SCHOOL PARENTS ON WALKABLE COMMUNITIES - COUNCILMEMBER PEREA**

Councilmember Perea introduced the item and an in-depth PowerPoint presentation was given by Dr. Ed Moreno, Director of the Health Department and Fresno County Health Officer, along with Adrianna Figuerora, parent of a Burroughs student, which consisted of Link Between Community Design and Public Health, Health & Fitness at Burroughs Elementary School, Facts on the Burroughs Neighborhood Committee (BNC), the "Creating a More Walkable Community" Workshop and Workshop Participants, Presentation and Walk Survey, Design Activity, the BNC Problem Statement **(4 - 0)** the 6 Design Table Findings and Recommendations, Design Change Achieved, and Summary and Acknowledgments.

Councilmembers Perea, Westerlund and President Xiong thanked Dr. Moreno and Ms. Figuerora on their presentation and spoke to the importance of health, safe neighborhood places to walk, and design of communities. Councilmember Perea stated he would submit the BNC recommendations to the city manager and also thanked Traffic Engineer Jones for his assistance stating he is a great city representative. There was no further discussion.

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**(10:00 A.M.) HEARING ON PLAN AMENDMENT APPLICATION NO. A-08-02, REZONE APPLICATION NO. R-08-02 AND ENVIRONMENTAL FINDINGS, FILED BY LREG PARTNERS LLC ON BEHALF OF THE CITY OF FRESNO, PERTAINING TO A PROPOSED VERTICALLY INTEGRATED MIXED-USE DEVELOPMENT ON PROPERTY AT THE NORTHWESTERLY CORNER OF VENTURA AND "O" STREETS - 2401 VENTURA STREET**

- 1. CONSIDER AND ADOPT A MITIGATED NEGATIVE DECLARATION FOR E.A. NO. A-08-02/R-08-02/C-08-02
- 2. **RESOLUTION NO. 2008-83** - AMENDING THE CIVIC CENTER MASTER DEVELOPMENT PLAN FROM THE "P" LAND USE DESIGNATION TO DUAL "CC" AND "P" PLANNED USED DESIGNATIONS
- 3. **BILL NO. B-25 - ORDINANCE NO. 2008-25** - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM "P" TO "CC"

President Xiong announced the time had arrived to consider the issue and opened the hearing.

Planning Manager Fabino gave an in-depth PowerPoint presentation on The Legacy Project which included the Background, How the Project Got Here, Guiding Architectural Principles, the Plan Amendment, Rezone Application and CUP, Parking & Public Utilities, Site and 1<sup>st</sup> Floor Plans, Building Elevation, Vicinity Map, Entitlement Applications, Surrounding Planned Land Uses and Zoning, District 3 Plan Implementation Committee Approval, Planning Commission Approval and Comments, Surrounding Green Space and Educational Facilities, CEQA, and staff recommendations.

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

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

Acting President Sterling thanked staff for the presentation and The Legacy Group for being consistent and moving forward and getting this done stating this was a great, mixed-use project and explained, and made a motion to approve staff's recommendation. Councilmember Duncan seconded the motion and presented questions and comments relative to open space opportunities, when this process began, commendation to all involved, total public and private sector investment/contribution, and the benefits of the project and this being a good return on the city's investment, with Mr. Fabino and City Manager Souza responding throughout. **(5 - 0)** Councilmember Dages thanked the developers for believing in downtown and stated he was very encouraged by this adding this was what Fresno needed, and expressed his appreciation for all the hard work. Upon question of President Xiong, Mr. Fabino stated the building was set in terms of footprints and a lot of the features but the color had not been determined as a lot of factors would be involved and explained.

On motion of Acting President Sterling, seconded by Councilmember Duncan, duly carried, RESOLVED, the environmental finding for the subject E.A. hereby approved, the above entitled Resolution No. 2008-83 hereby adopted, and the above entitled Bill No. B-25 adopted as Ordinance No. 2008-25, by the following vote:

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

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**LUNCH RECESS - 12:00 NOON - 2:00 P.M.****(10:15 A.M.) PRESENTATION BY COUNCIL OF GOVERNMENTS ( COG) EXECUTIVE DIRECTOR BARBARA GOODWIN ON PROPOSED BLUEPRINT SCENARIOS**

Tony Boren, COG Deputy Director, gave an in-depth PowerPoint presentation which consisted of What is the Blueprint?, Why the Blueprint?, Existing and Projected Population Growth, Blueprint Process So Far, Fresno's Values, Future Development/Choice, Diversity of Housing Types, Mixed Uses, Transportation Choices, Phase 3/Scenario Modeling: Transportation Assumptions, Scenario A: Current Trends, Scenario B: Countywide Growth, Scenario C: Metro-Focused, Scenario D: Maintaining Boundaries, Smart Growth Principles, and Need for Input on the Scenarios.

Council discussion ensued with Mr. Boren responding to questions and comments of Councilmembers Westerlund, Dages, Calhoun and President Xiong relative to legal authority/force once the Blueprint is adopted, obtaining commitments from communities, need to work more closely with neighbors to the north, the southeast growth area and densities, water considerations, the Fancher Creek project, apartments versus home ownership, consideration of row houses, the various meanings of "multi-family", concern with row upon row of apartments, need to work further on multi-family and educate people, incorporating the Blueprint in the general plan 5-year review, funding issues, and force/meaning of the Blueprint. Mr. Boren was thanked for his presentation and there was no further discussion.

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**RECONSIDERATION ISSUE (continued from earlier):**

**(9:30 A.M. "A") RESOLUTION NO. 2008-82 - 464<sup>TH</sup> AMENDMENT TO THE MFS RES. 80-420 ADDRESSING FEE CHANGES AND ANNUAL ROUTINE DEPARTMENT REVISIONS, adopted as amended, approving all fees, excluding dog license/permit fees (Resolution adopted in the morning session approving only the Airport Department fees)**

Acting President Sterling advised she had a chance to speak with Fire Chief Bruegman on the fees and made a motion to reconsider the matter and adopt the Resolution approving all the fees, excluding the dog license fees.

On motion of Acting President Sterling, seconded by Councilmember Calhoun, duly carried, RESOLVED, reconsideration of Item 9:30 a.m. "A", excluding the dog license fees, hereby approved, by the following vote:

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

Acting President Sterling stated her concern had been with the fire department fees and after speaking with Chief Bruegman she was now ready to move them forward, and upon her request Chief Bruegman explained the fire inspection fees were part of a phased-in plan to get full cost recovery in five years, confirmed meetings were held with stakeholders and they were on board with the plan, and upon further question stated \$622 was the true cost for the multiple inspections made on fireworks stands and staff was proposing \$418. A motion and second was made to adopt the resolution, excluding the dog permit fees.

Upon question of Councilmember Westerlund Chief Bruegman confirmed after an evaluation the cost for a general business inspection did decrease. Upon questions of Councilmember Duncan City Manager Souza confirmed the cost for a parking ticket would increase from \$18 to \$25 and there would be a new fee for non-city residents entering Roeding, Woodward and the Regional Sports Center parks, whereupon Councilmember Duncan stated those were very good reasons not to support the motion. Councilmember Dages also expressed his concern and opposition to the fire inspection fees and the idea of "generating revenues on the backs of businesses" and also with the new non-resident park fee during these tough economic times and elaborated **(6 - 0)**. Councilmember Calhoun stated if businesses are not charged fees for services the cost will have to be borne by someone which would be everyone else in the community, the fees were reasonable and people wanted professionals to provide inspections, charging non-residents to enter parks was logical as the citizens of Fresno who pay taxes should be the priority users, and staff had been very prudent and sensitive and this was a good proposal. Relative to the non-resident park fee Councilmember Duncan questioned what was going to happen with people who live in county islands or Fresno residents with a Clovis address stating he did not understand how staff was going to make this work and added maybe this was not well thought out, with Mr. Souza stating there would be some nuances and some things would slip through the crack but this was thought through.

On motion of Acting President Sterling, seconded by Councilmember Calhoun, duly carried, RESOLVED, the above entitled Resolution No. 2008-82 hereby adopted, as amended, excluding dog license/permit fees, by the following vote:

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

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

**(1-D)** AUTHORIZE THE GENERAL SERVICES DIRECTOR TO NEGOTIATE AND EXECUTE THE FIRST AMENDMENT TO THE AGREEMENT WITH PMK CONSULTANTS IN AN AMOUNT NOT TO EXCEED \$54,500 FOR PREPARATION OF SPECIFICATIONS FOR THE PURCHASE AND INSTALLATION OF THE SOUND SYSTEM ASSOCIATED WITH THE SELLAND ARENA'S JUMBOTRON/SCOREBOARD

Upon questions of Councilmember Calhoun, General Services Director Nerland spoke briefly to the background of the issue and explained how this consultant was selected and how the \$54,500 was determined, and confirmed staff did compare this with similar projects and was satisfied the city was getting the best firm at a reasonable price.

On motion of Councilmember Calhoun, seconded by Acting President Sterling, duly carried, RESOLVED, the General Services Director authorized to negotiate and execute the first amendment to the agreement with PMK Consultants as outlined above, by the following vote:

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

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**(10:45 A.M.)** AUTHORIZE FORMATION OF A JOINT POWERS AUTHORITY (JPA) TO ACT AS DESIGNATED PEG PROVIDER AND EXECUTION OF NECESSARY DOCUMENTS, AND DIRECT STAFF TO PROVIDE ADMINISTRATIVE AND LEGAL SUPPORT TO THE JPA BOARD INCLUDING WITH REGARD TO RETAINING THE COMMUNITY MEDIA ACCESS COLLABORATIVE (CMAC) AS THIRD PARTY PROVIDER, SUBJECT TO ANNUALLY ALLOCATED FUNDING AND CITY ATTORNEY APPROVAL AS TO FORM

Assistant City Manager Rudd reviewed the issue, all as contained in the staff report as submitted, and recommended approval.

Councilmember Calhoun thanked staff and the public participants for all their work and presented questions and comments relative to whether the Buske Group was still involved in this, surprise that Fresno County was not involved, if the County had a multi-year contract, hope that the County would see the value of becoming part of the JPA at some time, operational costs, hope that there will be no cost surprises in the future, if the programming facility will be at Fresno State, and what exactly Council was being asked to approve this date, with Mr. Rudd and City Attorney Sanchez responding throughout. Councilmember Calhoun stated he liked what he was seeing, he appreciated Clovis' participation, and he hoped someday the County would be involved, and made a motion to approve staff's recommendation, which motion was seconded by Acting President Sterling.

Councilmember Duncan stated he hoped it would be made clear to the people that will be running the program that the dollars collected for the PEG can only be used for capital and not on operations, and presented questions relative to what business model others have used relative to their sources of revenue, if there was any expectation a request would be made for tax dollars by city residents to pay for this, if money collection could stop and the money returned to the people who paid if the business model struggles at some point, if a request has been made for a business model by a certain time, when a business plan was expected, and encouragement to staff to consider requesting a "drop dead" date for a plan, with Mr. Rudd responding throughout.

On motion of Councilmember Calhoun, seconded by Acting President Sterling, duly carried, RESOLVED, a JPA to act as designated PEG provider and execution of necessary documents hereby authorized, and staff directed to provide administrative and legal support to the JPA Board as outlined above, by the following vote:

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

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**(11:00 A.M.) REGULAR MEETING OF THE REDEVELOPMENT AGENCY**

The City Council recessed at 3:11 p.m. and convened in regular session as the Redevelopment Agency.

**APPROVE AGENCY MINUTES OF APRIL 8, 2008**

On motion of Member Dages, seconded by Member Sterling, duly carried, RESOLVED, the Agency minutes of April 8, 2008, approved as submitted.

**(“A”) AGENCY RESOLUTION NO. 1716 - ADOPTING THE CALIFORNIA PUBLIC EMPLOYEES’ DEFERRED COMPENSATION PLAN FOR EMPLOYEES OF THE REDEVELOPMENT AGENCY**

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

On motion of Member Dages, seconded by Member Xiong, duly carried, RESOLVED, the above entitled Resolution No. 1716 hereby adopted, by the following vote:

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

**(“B”) APPROVE A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE REDEVELOPMENT AGENCY AND UTILITY TRAILER SALES OF CENTRAL CALIFORNIA, INC.**

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

On motion of Member Sterling, seconded by Member Dages, duly carried, RESOLVED, the MOU between the Redevelopment Agency and Utility Trailer Sales of Central California, Inc., hereby approved, and the Executive Director authorized to execute the MOU, by the following vote:

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

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The Redevelopment Agency adjourned their meeting at 3:16 p.m. and the City Council reconvened in regular session.

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

**(“A”) CONFERENCE WITH LEGAL COUNSEL/EXISTING LITIGATION - CASE NAMES:**

- 1. RICHARD AARON JONES V. COF
- 2. ROBERT HENDRICKS V. COF

The City Council met in closed session in Room 2125 at the hour of 3:17 p.m. to consider the above matters and reconvened in regular open session at 3:37 p.m.

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**(2:15 P.M.) RESOLUTION NO. 2008-84** - AUTHORIZING THE ISSUANCE OF CITY OF FRESNO SEWER SYSTEM REVENUE BONDS, 2008 SERIES A, IN AN AMOUNT NOT TO EXCEED \$190 MILLION, TO FINANCE THE DESIGN, CONSTRUCTION AND INSTALLATION OF IMPROVEMENTS TO THE CITY'S WASTEWATER RECLAMATION FACILITY AND SEWER SYSTEM; APPROVING THE FORM AND AUTHORIZING EXECUTION AND DELIVERY OF AN INDENTURE AGREEMENT, ESCROW AGREEMENT, A CONTINUING DISCLOSURE CERTIFICATE, A BOND PURCHASE AGREEMENT, AND AN OFFICIAL STATEMENT; AND AUTHORIZING OTHER MATTERS RELATED THERETO

Interim Finance Director Bradley reviewed the issue, all as contained in the staff report as submitted, and responded to general questions of Councilmember Westerlund relative to the city's credit rating, bond term, interest rate, debt service and ability to pay back.

On motion of Councilmember Westerlund, seconded by President Xiong, duly carried, RESOLVED, the above entitled Resolution No. 2008-84 hereby adopted, by the following vote:

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

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**RECESS - 3:47 P.M. - 4:00 P.M.**

**(4:00 P.M.) SELECTION OF TEMPORARY REPLACEMENT FOR COUNCIL DISTRICT 4 - PRESIDENT XIONG**

President Xiong introduced the item and explained the framework/process that would be followed this date; City Attorney Sanchez spoke to the background of the issue and to the process that was developed; and President Xiong and City Clerk Klisch concluded by explaining the process, Brown Act requirements, and noticing the committee followed and read a letter into the record from absent committee member John Hutson who expressed his appreciation for the opportunity to serve on the committee and stated the process was fair and open. Committee member Ruth Evans also spoke to her service on the committee, stated the committee was fortunate to have five good candidates apply and they enjoyed interviewing them, and also emphasized the process was very transparent and fair and she was appreciative of the opportunity to serve.

Three of the five applicants, Don Larson (**7 - 0**), Roselyn Clark and Paul Caprioglio, all spoke to their desire to serve on Council and to their background, qualifications, experience and community service.

President Xiong commended Councilmember Westerlund for his service, thanked Council for their support of the process and the committee members for their willingness to serve, stated five great candidates came forth and this was not an easy task, thanked staff for their assistance and hard work, and stated the 2-tier recommendation was not taken lightly and the committee discussed and deliberated openly in public.

Councilmember Westerlund thanked President Xiong, involved staff and committee members for all their work and service, stated this was a unique situation for him as he served in an elective position, thanked all the applicants for their interest in serving their community and added it made his decision difficult, and advised he wanted to nominate Don Larson whom he has known for a long time and spoke to his history and involvement in District 4 and being highly recommended by the committee, and made a motion to appoint Don Larson, which motion was seconded by Councilmember Dages.

Upon question of Councilmember Duncan, Mr. Caprioglio stated the property he owned downtown was located at 1327 N Street. Councilmember Duncan spoke to conflicts of interest and upon his question Mr. Sanchez clarified at this point there were no current city/redevelopment projects within a 500 foot boundary from that area.

Councilmember Dages commended President Xiong on the process, stated each candidate was great and this was a hard decision for him, and spoke in support of Mr. Larson stating he has been fair in his many, many interviews and never got personal with any politician and added he wanted to see Mr. Larson's position from this side and a bow tie back on Council.

Acting President Sterling thanked Councilmember Westerlund for his service to the city and country, thanked the committee and all the candidates for their work and interest in serving, and noted Paul Caprioglio came to speak with her and due to his background stated she would support Mr. Caprioglio if the motion on the floor fails and also because of his vested interest in the downtown area which she stated was significant at this time due to the resurgence in the area of redevelopment.

Councilmember Perea stated he was comfortable with all three candidates that spoke this date and urged whomever is appointed to quickly connect with the residents of District 4 noting 65,000 people did not get a chance to meet their representative or gain his/her trust and respect. Councilmember Westerlund stated that was a good point and requested whomever prevails schedule a community meeting before he leaves for duty.

Councilmember Calhoun stated he echoed Acting President Sterling's statements, advised he did not know Mr. Caprioglio and he was the only candidate who initiated a meeting and took the time to come in and talk with him on what he was about and that tipped the scale for him, and clarified any candidate would be fine but he was very impressed with Mr. Caprioglio and would support him.

A motion of Councilmember Westerlund, seconded by Councilmember Dages, to appoint Don Larson as the temporary replacement for Council District 4 failed, by the following vote:

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

President Xiong stated the top two candidates did very well in the interview process, they answered questions more than adequately and their passion and commitment was phenomenal, but stated what also did it for him was Mr. Caprioglio taking the initiative and meeting with Council members and department directors which was not a requirement or a request, and made a motion to appoint Paul Caprioglio, which motion was seconded by Acting President Sterling.

Councilmember Westerlund stated he was very disappointed, no one here besides him represented District 4 or knew the people like he did, he would not settle for second and would not support the motion, and he had known Mr. Caprioglio for less than two hours, and stated everyone puts their best foot forward when seeking a job, Mr. Caprioglio was the only one out of the five that he did not get a chance to know before this, and the best person for the job was Mr. Larson.

Councilmember Duncan complimented all the candidates and the process the committee engaged in, stated he was pleased to support the motion adding Mr. Caprioglio's willingness to admit what he did not know told him he had an open mind and he was very impressed with that, stated it was not easy to oppose Councilmember Westerlund and this was a tough choice but he had to look at what he felt was best for the city of Fresno, and stated he felt Mr. Caprioglio would bring the right perspective of humility, a willingness to learn, and no set agenda. Councilmember Perea reiterated he felt comfortable with both candidates and would support the motion.

On motion of President Xiong, seconded by Acting President Sterling, duly carried, RESOLVED, Paul Caprioglio selected as temporary replacement for Council District 4, by the following vote:

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

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## ADJOURNMENT

There being no further business to bring before the joint bodies, the hour of 4:49 p.m. having arrived and hearing no objections, President Xiong declared the meeting adjourned.

**Approved** on the 29th day of April, 2008.

\_\_\_\_\_  
 /s/

ATTEST: \_\_\_\_\_

\_\_\_\_\_  
 /s/

Blong Xiong, Council President

Yolanda Salazar, Assistant City Clerk

**151-122**

**4/15/08**