

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

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

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

NOTE - Due to a tape malfunction, the beginning of the meeting was not tape recorded.

City Manager Souza gave the invocation and President Xiong led the Pledge of Allegiance.

City Manager Souza invited everyone to attend the Susan G. Komen "Lighting City Hall Pink" event this date at 5:30 p.m. to raise awareness of breast cancer.

RESOLUTIONS OF COMMENDATION TO FAX BUS OPERATORS DARRYL SMITH AND MICHAEL RAMOS FOR THEIR ASSISTANCE TO AN ASSAULT VICTIM

Read and presented.

PRESENTATION OF P.R.I.D.E. TEAM CERTIFICATES FOR THE WINTER QUARTER

Certificates were presented to Annie Rini, Mayor/Council/City Manager/Call Center/City Clerk Offices; Vikkie Calderon, Airports Department; Shannon Chaffin, City Attorney's Office; Angela Vasquez, Economic Development Department; Steve Shubin, Finance Department; Heather Abate, Cody Philbin and Carolyn Sadoian, Fire Department; Thelma Sanchez, Craig Patrick and Jose Refugio Perez Cruz, Fresno Area Express; Patrick Hallmark, General Services Department; Shawn Born, Information Services Department; Danny Hernandez and Rodney Murrill, PARCS Department; Jennifer Misner, Personnel Services Department; Janice Bier and John Outfleet, Planning & Development Department; Dee Barnes, Mark Keeney, Brenda Liston, Peggy Roberts and Linda Sigler, Police Department; Lee Alcala, Gonzalo Chavez, George Murillo, Rudy Ramirez and Rosa Staggs, Public Utilities Department; and Rudy Cabanela and Jose Rodriguez, Public Works Department. A reception for the employees was held immediately following the presentation.

RECESS - 9:03 A.M. - 9:14 A.M.

APPROVE MINUTES OF JANUARY 8, 2008

On motion of Acting President Sterling, seconded by Councilmember Westerlund, duly carried, RESOLVED, the minutes of January 8, 2008, approved as submitted.

REPORTS AND COMMENTS

COUNCILMEMBER DUNCAN: Request City Manager provide any information/direction that was given to staff for proposed budget reductions for this fiscal year and the next budget.

TAPE RECORDING BEGINS HERE: COUNCILMEMBER PEREA: Pursuant to AB 1234 report on trip to San Diego as the new President of the League of Cities Latino Caucus to develop a work plan for the upcoming year.

COUNCILMEMBER STERLING: (1) Announcement of the numerous Martin Luther King, Jr. events to be held Friday through Monday; (2) thank you to all who participated in the San Joaquin Valley Housing Symposium and commendation to staff on a great job; and (3) announcement of the passing of ADA Committee Vice Chair Mary Kasson.

COUNCILMEMBER WESTERLUND: Commendation/congratulations extended to Acting President Sterling for her leadership in the housing symposium, the Chamber of Commerce on their William Saroyan celebration kick-off, and District 4's Light of the World Church on their successful regional meeting at the new Exhibit Hall.

CITY MANAGER SOUZA : (1) Thank you to public works staff for their work to minimize any damage during the recent storm; (2) commendation to finance and ISD staff on the PeopleSoft payroll conversion upgrade; (3) LNG truck stuck on Donner Pass last week and commendation to fleet and solid waste staff for finding an alternative fueling station and completing all pick-ups; and (4) flights diverted to Fresno during the recent storm and commendation to Airports employee Vikkie Calderon for going above and beyond in assisting a family in locating their family member.

APPROVE AGENDA:

(10:10 A.M.) CONTINUED HEARING ON REZONE APPLICATION NO. R-06-39 AND ENVIRONMENTAL FINDINGS FILED BY HARBOUR AND ASSOCIATES ON BEHALF OF RIVERFRONT VENTURES, LLC, NORTHWEST CORNER OF THE W. HERNDON AND N. BRYAN AVENUES INTERSECTION **(Continue to January 29, 2008, at 11:00 a.m.)**

Continued as noted.

(1-D) APPROVE BASIN "XX" AGREEMENT WITH THE FRESNO METROPOLITAN FLOOD CONTROL DISTRICT FOR JOINT MAINTENANCE AND OPERATION OF DRAINAGE BASIN PARKS, AND AUTHORIZE THE PARCS DIRECTOR OR DESIGNEE TO EXECUTE THE DOCUMENTS ON BEHALF OF THE CITY

Removed from the agenda by staff.

(2-B) RESOLUTION - 52ND AMENDMENT TO THE AAR APPROPRIATING \$2,000,000 IN PARK IMPACT FEES FOR THE PURCHASE OF A NEIGHBORHOOD CENTER/GYMNASIUM FROM THE FRESNO COUNTY ECONOMIC OPPORTUNITIES COMMISSION (EOC)

Removed from the agenda by staff.

(1-H) AUTHORIZE THE PLANNING & DEVELOPMENT DIRECTOR TO ENTER INTO AGREEMENTS RELATED TO THE ISSUANCE OF CITY BUILDING PERMITS FOR MODEL HOMES ON PROPERTY SUBJECT TO ANNEXATION PROCEEDINGS

(1. EXECUTE THE COUNTY/CITY PRE-ANNEXATION BUILDING PERMIT AGREEMENT RELATED TO TENTATIVE TRACT NO. 5600; 2. EXECUTE THE MODEL HOME AGREEMENT WITH LENNAR RELATED TO T.T. 5600; AND 3. EXECUTE IN THE FUTURE AGREEMENTS FOR THE PURPOSE OF ISSUING BUILDING PERMITS FOR MODEL HOMES FOR DEVELOPMENTS SUBJECT TO ANNEXATION PROCEEDINGS FOR ANY PROPERTY THAT MEETS COUNTY ORDINANCE STANDARDS)

City Attorney Sanchez clarified only Agreements #1 and #2 were for approval this date, the resolution included in the staff report for future developments (#3) would not be adopted as it was not listed on the agenda, and the resolution would come back at the next meeting.

(2-E) APPROVE A STAND-ALONE TAX SHARING AGREEMENT WITH THE COUNTY OF FRESNO FOR ANNEXATION OF THE MCKINLEY-HAYES NO. 3 REORGANIZATION (NEW URBAN STRATEGIES PROPERTY AND ADJACENT PARCELS)

Councilmember Sterling requested the item be continued to February 12th and upon her request New Urban Strategies Developer DiMaggio spoke to the project including the background, staff's negotiations with the County, and size/scope/benefits; stated due to the amount of time this has taken the financing had become tenuous and the project needed to be moved forward if it was to come to fruition; and stated he hoped agreement could be reached between the City and County.

(10:00 A.M. #2) HEARING TO CONSIDER THE “EL CAZADOR” CONDOMINIUM CONVERSION APPLICATION AND VESTING TENTATIVE TRACT MAP NO. 5793, FILED BY UNITED DEVELOPMENT GROUP, WEST SIDE OF N. CEDAR BETWEEN E. SHAW AND E. GETTYSBURG AVENUES

(1) CONSIDER AND ADOPT CATEGORICAL EXEMPTION FOR E.A. NO. T-5793; AND **(2)** RESOLUTION APPROVING VESTING T.T. MAP NO. 5793 AND CONVERSION OF THE “EL CAZADOR” APARTMENT COMPLEX INTO A CONDOMINIUM COMPLEX

Councilmember Westerlund requested the hearing be continued to February 12th as the item did not go through the District 4 Implementation Committee, whereupon the date and the date/time was set for February 12th at 10:00 a.m.

On motion of Acting President Sterling, seconded by Councilmember Westerlund, 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:

(1-B) APPROVE CONTRACT WITH FRESNO COMMUNITY HOSPITAL AND MEDICAL CENTER, d.b.a. COMMUNITY REGIONAL MEDICAL CENTER, FOR SEXUAL ASSAULT FORENSIC EXAMINATIONS OF VICTIMS AND SUSPECTS

Councilmember Calhoun advised his wife worked at Community Medical Center and he would be taking no position on the matter and would recuse himself from the vote.

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

(1-A) REVIEW AND ACCEPT THE FISCAL YEAR 2007 IMPACT FEE ANNUAL REPORT AS REQUIRED BY THE CALIFORNIA GOVERNMENT CODE

(1-C) RECEIVE AND ACCEPT FOR INFORMATIONAL PURPOSES THE COMPREHENSIVE ANNUAL FINANCIAL REPORTS (“CAFR”) REGARDING THE FINANCIAL ACTIVITIES OF THE CITY OF FRESNO RETIREMENT SYSTEMS FOR THE FISCAL YEAR ENDED JUNE 30, 2007

(1-F) RESOLUTION NO. 2008-3 - AUTHORIZING SUBMISSION OF AN APPLICATION TO THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD FOR WASTE TIRE ENFORCEMENT GRANT FUNDS, AND AUTHORIZE THE ASSISTANT PLANNING & DEVELOPMENT DIRECTOR TO SIGN ON BEHALF OF THE CITY

(1-G) RESOLUTION NO. 2008-4 - AUTHORIZING SUBMISSION OF AN APPLICATION TO THE STATE DEPARTMENT OF PUBLIC HEALTH FOR CHILDHOOD POISONING PREVENTION FUNDING, AND AUTHORIZE THE ASSISTANT PLANNING & DEVELOPMENT DIRECTOR TO SIGN ON BEHALF OF THE CITY

(1-H) AUTHORIZE THE PLANNING & DEVELOPMENT DIRECTOR TO EXECUTE (1) THE COUNTY/CITY PRE-ANNEXATION BUILDING PERMIT AGREEMENT RELATED TO TENTATIVE TRACT NO. 5600, AND (2) THE MODEL HOME AGREEMENT WITH LENNAR RELATED TO TENTATIVE TRACT NO. 5600

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

(1-B) APPROVE CONTRACT WITH FRESNO COMMUNITY HOSPITAL AND MEDICAL CENTER, d.b.a. COMMUNITY REGIONAL MEDICAL CENTER, FOR SEXUAL ASSAULT FORENSIC EXAMINATIONS OF VICTIMS AND SUSPECTS

As noted earlier Councilmember Calhoun took no position on the issue and recused himself from the vote.

On motion of Councilmember Dages, seconded by Councilmember Perea, duly carried, RESOLVED, the above entitled Item **1-B** hereby approved, by the following vote:

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

CONTESTED CONSENT CALENDAR:

(1-E) APPROVE ASSIGNMENT OF CITY HOME PROGRAM CHDO PRE-DEVELOPMENT AGREEMENT AND HOME PROGRAM CHDO CONSTRUCTION AGREEMENT FROM CENTRAL COMMUNITY DEVELOPMENT CENTER TO EAH, INC., AND LOCKHART FAMILY CENTER, INC., FOR DEVELOPMENT OF AFFORDABLE RENTAL HOUSING FOR THE DISABLED

Councilmember Westerlund presented comments/questions/requests relative to this being another project having a tough time getting launched, why the project has taken so long to move forward, if HUD was the agency responsible for shepherding the project through the system, if HUD was going to make up the \$1.6 million gap, request staff provide Council with a listing of projects that have been assigned funds along with the status of those projects, and how the developer sees this project moving forth once the assignment takes place, with HCD Manager Sigala and EAH representative Lamar Turner responding throughout. A motion and second was made to approve staff's recommendation. Councilmember Calhoun requested staff also provide Council with the status of the three other projects that got caught up in the system.

Speaking to the issue were Rev. Don Lockhart, who spoke to the funding and second phase and requested project fees be waived or postponed; and Brunette Harris, HEAT of Southwest Fresno, who spoke in opposition to using any federal funds for the project.

On motion of Councilmember Westerlund, seconded by Acting President Sterling, duly carried, RESOLVED, (1) the assignment of the HOME Investment Partnerships Program Community Housing Development Organization (CHDO) Agreement for pre-development of affordable rental housing and corresponding promissory note in the amount of \$37,000 from Central Community Development Center to EAH, Inc., and Lockhart Family Center, Inc., hereby approved, subject to prior approval by the City Attorney; and (2) the assignment of HOME Investment Partnerships Program CHDO agreement for construction of affordable multi-family disabled (HUD 811) rental housing and corresponding promissory note in the amount f \$750,000 from Central Community Development Center to EAH, Inc., for the development of the Laurel Homes Project hereby approved, subject to prior approval by the City Attorney, by the following vote:

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

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

(A) SCHEDULED COMMUNICATION:

APPEARANCE BY WILLIAM MILTON, SR. TO DISCUS LACK OF CURB/SIDEWALK ON HOME AVENUE AT BLACKSTONE

Appearance made.

(B) UNSCHEDULED COMMUNICATION:

Paula Savino, Mansionette Avenue, expressed concerns relative to the homeless sheds and treatment of the homeless.

Brunette Harris, HEAT of Southwest Fresno, spoke in opposition to using any federal consolidated block grant funds for projects.

Sherry Smith, W. Swift Avenue, spoke to the need for fire and EMS services in the Ashlan/Cornelia corridor.

Margie Haymon, HEAT of Southwest Fresno, spoke in opposition to using any federal consolidated block grant funds for projects and to the Master Plan as written and amended.

Sheila Krebs, N. Cornelia Avenue, spoke to the need for Fire Station 16 to remain in the Ashlan/Cornelia area.

(9:15 A.M.) JOINT MEETING WITH THE REDEVELOPMENT AGENCY

(2 - 0) The City Council recessed at 10:04 a.m. and convened in joint session with the Redevelopment Agency.

APPROVE AGENCY MINUTES OF DECEMBER 18, 2007

On motion of Councilmember Duncan, seconded by President Xiong, duly carried, RESOLVED, the Agency minutes of December 18, 2007, approved as submitted.

Chair Westerlund, Executive Director Murphey and Agency staff members thanked ex-Chair Sterling and Vice Chair Dages for their leadership this past year and presented them with plaques. Self introductions were made by Agency staff members and Acting President Sterling, Councilmember Dages, and Councilmember Calhoun thanked staff for their great work and for the changes taking place.

(“A”) REQUEST FOR UPDATE ON HIRING AN ASSISTANT TO THE EXECUTIVE DIRECTOR - COUNCILMEMBER DAGES

Director Murphey gave an oral update report on the process engaged in stating steps were well underway and an appointment was expected to be made in March, and responded to questions of Acting President Sterling relative to the job description including how candidates could get access to it, if it was published/posted on the City’s web site, and need for it be on the web. There was no further discussion.

(“B”) REQUEST FOR UPDATE ON THE 1,000 ACRES OF SHOVEL-READY LAND FOR USE AS AN INDUSTRIAL PARK SITE - COUNCILMEMBER DAGES

Councilmember Dages introduced the item and spoke to the importance of, and elaborated on the need for, having shovel-ready property available to attract and get badly needed industry to come to Fresno quickly.

Director Murphey gave an in-depth overview of the issue, all as contained in the Agency Briefing Report as submitted, along with a PowerPoint presentation on projects totaling approximately 715,000 square feet that were triggered by strategic investment of infrastructure, and 486 acres of industrial land at various locations that have been advanced along the path to shovel-ready status.

Councilmember Dages thanked Ms. Murphey for her report and stated the Agency needed to continue going in its’ positive direction to have shovel-ready land ready. Chair Westerlund spoke briefly to the good work of the industrial development committee and to the need for the RDA’s orientation to be towards areas that have RDA project areas and explained. Ms. Murphey acknowledged staff and industrial brokers and industrial committee members for all their work and team effort. There was no further discussion.

The joint bodies adjourned their meeting at 10:38 a.m. and the City Council reconvened in regular session.

(10:00 A.M. #1) CLOSED SESSION

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

1. VIRGINIA PEREIDA V. COF, ET AL.

2. COF. V. ROBERT SCHOETTLER

151-11

1/15/08

("B") CONFERENCE WITH LABOR NEGOTIATOR - COUNCILMEMBER PEREA
CITY NEGOTIATORS: KENNETH PHILLIPS, TERRY BOND
EMPLOYEE ORGANIZATION: INTERNATIONAL ASSOCIATION OF FIREFIGHTERS (IAFF)

The City Council met in closed session in Room 2125 at the hour of 10:40 a.m. to consider the above matters and reconvened in regular open session at 11:01 a.m. No announcements were made.

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(2-A) APPROVE AGREEMENT WITH TOWNSEND PUBLIC AFFAIRS (TPA), INC., TO PROVIDE STATE LOBBYING AND ADVOCACY SERVICES IN SACRAMENTO

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

Christopher Townsend, President of TPA, and Jennifer Thompson, Director of their Sacramento office, spoke further to the issue and gave a PowerPoint presentation which included accomplishments, what is going on in Sacramento, the 2007 State Advocacy Report, and State Advocacy Plan for 2008 **(3 - 0)**, and at the conclusion of the PowerPoint spoke to funding opportunities for homeless housing as contained in the staff report. Mr. Rudd spoke additionally to funding, competition for funds/grants, and the City's ability to be at the table for funding.

Councilmember Calhoun made a motion to approve the agreement with two (2) modifications to Exhibit A, Scope of Services, reading the modifications into the record. Councilmember Duncan seconded the motion, requested TPA provide information/updates to Council directly via e-mail on a weekly or bi-weekly basis, and expressed his support stating TPA was doing a great job for the city. Councilmember Westerlund thanked TPA for their advocacy the past year and spoke in support of the additional dollars for the forceful advocacy of the central valley, to the need for Fresno to be heard in Sacramento, to the South Stadium Project financing concerns, and to funding for the homeless and the SRO Housing Corporation.

On motion of Councilmember Calhoun, seconded by Councilmember Duncan, duly carried, RESOLVED, the contract with Townsend Public Affairs, Inc., hereby approved with the following modifications to Exhibit A, Scope of Services: (1) Page 1, 5th paragraph, adding the underlined italicized wording: "CONSULTANT shall meet with CITY officials, to include the Council President and RDA Chair, on a quarterly basis...etc.", and (2) Page 2, adding an additional "CONSULTANT" paragraph at the end to read: "CONSULTANT shall work with the City and Redevelopment Agency to secure funding for the South Stadium Project", by the following vote:

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

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(2-C) RESOLUTION NO. 2008-5 - ESTABLISHING THE CITY OF FRESNO DISABILITY ADVISORY COMMISSION

ADA Coordinator Kunz reviewed the issue, all as contained in the staff report as submitted. Acting President Sterling spoke briefly in support and made a motion to approve staff's recommendation. Councilmember Calhoun also expressed his support stating this was a good move and thanked all involved. Councilmember Westerlund presented questions relative to whether the other two advisory committees were aware of this, if they had time to review it, the chain of authority (recommendation-makers/decision-makers), and member selection and vacancy processes, with Ms. Kunz responding throughout.

On motion of Acting President Sterling, seconded by Councilmember Dages, duly carried, RESOLVED, the above entitled Resolution No. 2008-5 and accompanying by-laws hereby adopted, by the following vote:

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

151-12

1/15/08

(2-D) RESOLUTION NO. 2008-6 - APPROVING TRANSFER OF 83% INTEREST OF POINTHOLDERS IN CARD ROOM FROM ELAINE LONG AND GEORGE SARANTOS TO KYLE KIRKLAND, DANA MESSINA AND HAIG KALEGIAN, as corrected

City Manager Souza reviewed the issue, all as contained in the staff report as submitted, and recommended approval. Councilmember Dages introduced owner applicant Kyle Kirkland in the audience, commended Club One for staying downtown and providing employment, and stated his support for the transfer and made a motion to approve staff's recommendation. Acting President Sterling seconded the motion stating she echoed Councilmember Dages' comments. Officer Danisi responded to questions of Councilmember Westerlund relative to the background investigations including what is looked at and mandates/requirements. City Attorney Sanchez noted Page 2 of the Resolution would be corrected, if adopted, *to change the controlling code provision from FMC Section 7-525 to 9-2125, as correctly noted on Page 1.

On motion of Councilmember Dages, seconded by Acting President Sterling, duly carried, RESOLVED, the above entitled Resolution No. 2008-6 hereby adopted, as corrected, by the following vote:

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

(2-F) APPROVE CONTRACT CHANGE ORDERS FOR PHASE 1 RENOVATIONS TO THE FRESNO CONVENTION AND ENTERTAINMENT CENTER (FCEC)

General Services Director Nerland reviewed the issue, all as contained in the staff report as submitted, and recommended approval. Acting President Sterling thanked staff for discussing this matter with her and explaining issues, and stated her support and made a motion to approve staff's recommendation, which motion was seconded by Councilmember Dages. Councilmember Westerlund acknowledged the work and improvements were great but stated his issue was with the process and expressed concern that the work was done before the change orders were approved by Council, with Mr. Nerland and City Manager Souza responding and clarifying issues and advising staff was looking into streamlining the resolution process.

On motion of Acting President Sterling, seconded by Councilmember Dages, duly carried, RESOLVED, the four (4) contract change orders totaling \$544,466.51 which provided for additional unanticipated renovation work required to successfully complete Phase I renovations to the FCEC hereby approved, and the Public Works Director authorized to sign the change order on behalf of the City, by the following vote:

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

ADJOURNMENT

There being no further business to bring before the City Council, the hour of 11:57 a.m. having arrived and hearing no objections, President Xiong declared the meeting adjourned.

Approved on the _____ 29th _____ day of _____ January _____, 2008.

_____/s/_____/ ATTEST: _____/s/_____

Blong Xiong, Council President

Yolanda Salazar, Assistant City Clerk

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1/15/08